



WEST MIDLANDS COMBINED AUTHORITY

Board Meeting

Date: Friday 30 September 2016

Time: 11:00 am **Public Meeting** Yes

Venue: Council Chamber, Town Hall, Evreux Way, Rugby, CV21 2RR

Membership

Constituent Members

Birmingham City Council
City of Wolverhampton Council
Coventry City Council
Dudley Metropolitan Borough Council
Sandwell Metropolitan Borough Council
Solihull Metropolitan Borough Council
Walsall Metropolitan Borough Council

Non-Constituent Members

Black Country LEP
Coventry and Warwickshire LEP
Greater Birmingham and Solihull LEP
Telford and Wrekin Council
Cannock Chase District Council
Nuneaton and Bedworth Borough Council
Redditch Borough Council
Tamworth Borough Council

Observers Awaiting Non-Constituent Membership

North Warwickshire Borough Council
Rugby Borough Council
Shropshire Council
Stratford on Avon District Council
Warwickshire County Council
The Marches LEP
Herefordshire Council

Observers

West Midlands Police and Crime
Commissioner
West Midlands Fire and Rescue Authority

Quorum for this meeting shall be at least one member from five separate Constituent Councils.

If you have any queries about this meeting, please contact:

Contact Jaswinder Kaur
Telephone 01902 550320
Email jaswinder.kaur@wolverhampton.gov.uk

AGENDA

Part 1 – Matters Open to the Public and Press

No.	Item	Presenting/ Cabinet Member or officer	Papers
1.	Meeting Business Items		
1.1	Apologies for absence	Councillor Bob Sleigh	None
1.2	Declarations of Interest (if any)	Councillor Bob Sleigh	None
1.3	Minutes of the WMCA Meeting held on 19 August 2016	Jaswinder Kaur	Attached
1.4	Forward Plan	Councillor Bob Sleigh	Attached
2.	Combined Authority Governance		
2.1	Progress Update Mayoral WMCA Order	Clerk to the Combined Authority	Attached
3.	Chair of West Midlands Combined Authority		
3.1	Mayoral WMCA Consultation Summary Report	Councillor Bob Sleigh	Attached
3.2	Devolution Deal (1) – Implementation	Councillor Bob Sleigh	Verbal Update
3.3	Devolution Deal (2) Negotiations Update	Councillor Bob Sleigh	Verbal Update
4.	Housing and Land		
4.1	Land Commission Update	Councillor Sean Coughlan	Attached
5.	Economic Growth		
5.1	Strategic Economic Plan Board	Councillor John Clancy	Verbal Update
5.2	Strategic Economic Plan Engagement Update and Plan	Councillor John Clancy	To Be Tabled
6.	Skills and Productivity		
6.1	Productivity and Skills Commission Update	Councillor George Duggins	Attached

7.	Transport		
7.1	Midland Metro Update	Councillor Roger Lawrence	Attached
7.2	Midland Metro Birmingham Eastside Extension	Councillor Roger Lawrence	Attached
8.	Finance and Investment		
8.1	Finance and Budget Update	Councillor Izzi Seccombe	Attached
8.2	Investment Proposition and Process	Councillor Izzi Seccombe	Attached
9.	Any Other Business		
9.1	None Notified		
10.	Date of Next Meeting		
10.1	Friday 14 October, 11:00 – 14:00		
11.	<p>Exclusion of the Press and Public [To pass the following resolution: That in accordance with Section 100A(4) of the Local Government Act 1972 the press and public be excluded from the meeting for the following items of business as they involve the likely disclosure of exempt information relating to any individual, information which is likely to reveal the identity of an individual and/or information relating to the business affairs of any particular person (including the authority holding that information)]</p> <p>Part 2 – Matters Not Open to the Public and Press</p>		
11.1	Work and Health Programme	Councillor George Duggins	Attached

[NOT PROTECTIVELY MARKED]



WEST MIDLANDS COMBINED AUTHORITY

Board Meeting

Friday 19 August 2016

Minutes

Members

Birmingham City Council	Councillor John Clancy
City of Wolverhampton Council	Councillor Roger Lawrence
Coventry City Council	Councillor George Duggins
Coventry City Council	Councillor Abdul Khan
Dudley Metropolitan Borough Council	Councillor Pete Lowe – Vice Chair
Sandwell Metropolitan Borough Council	Councillor Steve Eling
Solihull Metropolitan Borough Council	Councillor Bob Sleigh – Chair
Solihull Metropolitan Borough Council	Councillor Ian Courts
Walsall Metropolitan Borough Council	Councillor Sean Coughlan
Coventry and Warwickshire LEP	Jonathan Browning
Greater Birmingham and Solihull LEP	Steve Hollis
Nuneaton and Bedworth Council	Councillor Julie Jackson
Redditch Borough Council	Councillor Pat Witherspoon
North Warwickshire Borough Council	Councillor David Humphreys
Rugby Borough Council	Councillor Michael Stokes
Stratford-on-Avon District Council	Councillor Chris Saint
Warwickshire County Council	Councillor Heather Timms

Observers

Police & Crime Commissioner	David Jamieson
West Midlands Fire & Rescue Service	Councillor Mohammed Idrees

Officers In Attendance

Birmingham City Council	Mark Rogers
City of Wolverhampton Council	Keith Ireland
Coventry City Council	Martin Reeves
Dudley Metropolitan Borough Council	Alan Lunt
Sandwell Metropolitan Borough Council	Melanie Dudley
Solihull Metropolitan Borough Council	Paul Johnson
Walsall Metropolitan Borough Council	Paul Sheehan
Coventry and Warwickshire LEP	Paula Deas
Greater Birmingham and Solihull LEP	Katie Trout
Cannock Chase District Council	Bob Kean
Nuneaton and Bedworth Council	Alan Franks
Redditch Bromsgrove Council	Kevin Dicks
North Warwickshire Borough Council	Jerry Hutchinson
Rugby Borough Council	Adam Norburn
Stratford-on-Avon District Council	Dave Buckland

Agenda Item No. 1.3

Police & Crime Commissioner Office
 West Midlands Fire Service
 Transport for West Midlands
 West Midlands Combined Authority
 West Midlands Combined Authority
 City of Wolverhampton Council

Jonathan Jardine
 Phil Loach
 Laura Shoaf
 James Aspinall
 Jan Jennings
 Jaswinder Kaur

Item No.	Title
1.	Meeting Business Items
1.1	<p>Apologies for absence</p> <p>Apologies for absence were received from Andy Street (substituted by Steve Hollis), Stewart Towe, Councillor Shaun Davies, Councillor George Adamson, Councillor Dennis Harvey (substituted by Julie Jackson), Councillor Bill Hartnett (substituted by Councillor Pat Witherspoon), Councillor Malcolm Pate, Councillor Izzie Seccombe (substituted by Councillor Heather Timms), Graham Wynn and Councillor John Edwards (substituted by Councillor Mohammed Idrees).</p>
1.2	<p>Declaration of Interest (if any)</p> <p>There were no declarations of interest.</p>
1.3	<p>Minutes of the WMCA Meeting held on 22 July 2016</p> <p>The minutes of the meeting held on the 22 July to be amended to state:</p> <p>Item 1.1 to state substituted by Councillor Stewart Stacey.</p> <p>Item 3.3. to state Keith Ireland presented a report to consider and resolve the application for Non-Constituent membership by the Marches Local Enterprise Partnership (LEP). Andy Street commented that whilst broader engagement, such as that with the Marches LEP, was positive, it was important that the WMCA is based on functioning economic geography, with the key links being between the Black Country, Greater Birmingham & Solihull and Coventry & Warwickshire LEPS. He added that there had been a discussion at the SEP Board that morning where it was noted that there should be a distinction between core and wider involvement. Councillor Sleigh advised a set of protocols would be drawn up for new members.</p> <p>Item 4.2 – Jonathan Browning requested that the proposals for the WMCA Growth Company are reviewed and supported by the SEP Board before submission to the WMCA Board for approval.</p>
1.4	Forward Plan

Agenda Item No. 1.3

	<p>Keith Ireland advised that officers would work closely with Cabinet Members in order to put forward items for the consideration of the WMCA Board. If Members had relevant items for the WMCA Board to consider they were requested to inform the Governance Officer.</p> <p>Resolved:</p> <p>That the forward plan be approved.</p>
2.	Combined Authority Governance
2.1	<p>Progress Update – Mayoral WMCA Order</p> <p>Keith Ireland provided an update of the Mayoral WMCA Order. The programme team continued to discuss the preparation of the Order, based on the Scheme, with DCLG. Good progress was being made though there are four outstanding issues which Constituent Leaders considered this morning. A paper would be provided at a future meeting for consideration. Based on the current timeline Councils will consider the Order in October 2016.</p>
2.2	<p>New Application for Membership: Herefordshire Council – Non-Constituent Membership</p> <p>Keith Ireland presented a report to consider and resolve the application for Non-Constituent membership by Herefordshire Council.</p> <p>Resolved:</p> <ol style="list-style-type: none"> 1. That the application for Non-Constituent Membership for Herefordshire Council be approved at the fee of £25,000 for 2016-2017.
2.3	<p>Appointment of The Marches Local Enterprise Partnership Member to the WMCA Board</p> <p>Resolved:</p> <ol style="list-style-type: none"> 1. That the members nominated by The Marches Local Enterprise Partnership to the Combined Authority Board be appointed, as detailed in Appendix A.
2.4	<p>Minutes of the Audit and Standards Committee held on 8 July 2016 – to note</p> <p>Resolved:</p> <ol style="list-style-type: none"> 1. That the minutes of the Audit and Standards Committee held on 8 July 2016 be noted.
2.5	<p>Minutes of the Transport Delivery Committee held on 4 July 2016 – to note</p>

	<p>Resolved:</p> <ol style="list-style-type: none"> 1. That the minutes of the Transport Delivery Committee held on 4 July 2016 be noted.
2.6	<p>Minutes of the Overview and Scrutiny Committee held on 15 July 2016 – to note</p> <p>Resolved:</p> <ol style="list-style-type: none"> 1. That the minutes of the Overview and Scrutiny Committee held on 15 July 2016 be noted.
3.	<p>Chair of West Midlands Combined Authority</p>
3.1	<p>Mayoral West Midlands Combined Authority Scheme Consultation Update</p> <p>Councillor Bob Sleigh presented a report with an update of the West Midlands Combined Authority (WMCA) consultation regarding the Mayoral WMCA Scheme. Jan Jennings added that to date 1200 responses had been received and letters of support had been received from various stakeholders. An event was held in partnership with the region's Chambers of Commerce on 16 August, targeted at businesses which was attended by Councillor Bob Sleigh, Councillor Pete Lowe and Martin Reeves. The Police & Crime Commissioner highlighted the profile of respondents did not reflect the population of the West Midlands and offered assistance for future consultations if required. Jan Jennings advised different media outlets had been pursued to encourage respondents of different demographics to respond to the survey; however there had not been much change in the profiling.</p> <p>Resolved:</p> <ol style="list-style-type: none"> 1. That the progress of the consultation to date be noted.
3.2	<p>HS2 Growth Strategy Implementation Plans</p> <p>Councillor Bob Sleigh presented a report with an update on the HS2 Growth Strategy and implementation plans. In May 2016 the HS2 Growth Strategy and Implementation plans had been submitted to Government. They were endorsed by the HS2 Growth Delivery Board on the 23rd June 2016. Individual schemes within the HS2 programme would be mapped against both the current and proposed governance structures for the WMCA and to ensure that both engagement and consultation was undertaken in line with both current and proposed policy and procedures. Nick Brown had been appointed as Chairman to 'UKC Hub Urban Growth Company' (UGC).</p> <p>Resolved:</p>

	<ol style="list-style-type: none"> 1. That the submission of the HS2 Growth Implementation Plan(s) to Government be noted. 2. That the appointment of the Chair for the 'UK C Hub Urban Growth Company' be noted.
3.3	<p>Devolution Deal 1 – Implementation</p> <p>Martin Reeves provided an update on the implementation of devolution deal one. Work was progressing to transfer into implementation phase; a strong Assurance Framework was in place which had been signed off by government as an excellent Assurance Framework. The gain share of £36.6 million was to be handed over to the WMCA on the 23 August 2016.</p>
3.4	<p>Devolution Deal (2) Negotiations Update</p> <p>Mark Rogers outlined that there was now the opportunity to resume devolution negotiations on behalf of the WMCA and sought agreement from the Board to recommence negotiations drawing, as previously, on the expertise of the wider Devolution Strategy Group. Additionally, a paper would be brought to a future Board meeting on the possible architecture for a small set of policy sub-groups which would allow the WMCA to continuously engage with government on both policy issue and specific devolution requirements.</p> <p>Resolved:</p> <ol style="list-style-type: none"> 1. That Mark Rogers resume devolution negotiations with government and bring a policy paper forward.
4.	<p>Health and Wellbeing</p>
4.1	<p>Mental Health Commission Progress Report</p> <p>Councillor Pete Lowe presented a report on the progress made by West Midlands Mental Health Commission and plans for future work and actions. Members were requested to draw their attention to the emerging key lines of enquiries. The Board were requested to support the proposal for a Mental Health Director for two years to lead and coordinate the implementation of the Commission's recommendations. The WMCA were requested to fund a third of the Mental Health Director post. The Police and Crime Commissioner sought assurance that the post would be mutually beneficial to policing before the secondment and funding was agreed by the Police and Crime Commissioner and Chief Constable.</p> <p>Resolved:</p> <ol style="list-style-type: none"> 1. That the progress made by West Midlands Mental Health Commission and plans for future work and actions be noted.

	<ol style="list-style-type: none"> 2. That the proposal for a Mental Health Director for two years to lead and coordinate the implementation of the Commission's recommendations be supported. 3. That the Combined Authority contribute a third to the post of Mental Health Director at the cost of £50,659 for 2 years be approved. 4. That Keith Ireland receives delegated authority from the Board to liaise with the Police and Crime Commissioner to resolve concerns in relation to the secondment.
<p>4.2</p>	<p>Health & Wellbeing Board</p> <p>Councillor Pete Lowe presented a report on the plans being made by the Portfolio Lead to establish the Health & Wellbeing Board. In response to a question it was clarified Non-Constituent members would also be appointed to the Wellbeing Board.</p> <p>Resolved:</p> <ol style="list-style-type: none"> 1. That the plans to establish the Health & Wellbeing Board be noted. 2. That the name be changed to the Wellbeing Board to avoid any confusion with statutory Health & Wellbeing Boards. 3. That areas of focus for collaboration between the Combined Authority & the STPs proposed by the Health Devolution Sub Group be endorsed.
<p>5.</p>	<p>Economic Growth</p>
<p>5.1</p>	<p>Strategic Economic Plan (SEP) Engagement Update and Plan</p> <p>Councillor John Clancy presented a report on the progress of the development of stakeholder engagement on the Strategic Economic Plan (SEP) by the SEP Board. A Stakeholder Identification Plan and Peer Support programme had been submitted for the Board's comments and approval. The report was considered by the SEP Board at its meeting on 22nd July when the proposals were supported. The SEP Board emphasised the need for this work to be properly resourced and co-ordinated and to reach sections of the community (in both the Constituent and Non-Constituent member areas) that have not so far been engaged.</p> <p>Councillor Pat Witherspoon's request for further engagement with HM Prison Service was noted. Councillor Julie Jackson highlighted that in relation to the power vs. interest model a flexible approach was required. Councillor Clancy advised it was an academic model to guide engagement and noted the comments made.</p>

	<p>Resolved:</p> <ol style="list-style-type: none"> 1. That the progress of the development of the Engagement Plan for the CA SEP be noted. 2. That the Stakeholder Identification Plan (attached as Appendix 1 to the report) and the proposals for a Peer Support programme (as set out in the briefing note attached as Appendix 2 to the report) be approved.
5.2	<p>Local Enterprise Partnership / Local Growth Fund 3</p> <p>Councillor John Clancy advised the Black Country, Greater Birmingham and Solihull and Coventry and Warwickshire Local Enterprise Partnerships (LEP) had submitted bids as part of the Strategic Economic Plan for the local growth fund 3.</p> <p>Jonathan Browning made a presentation on the Growth Deal 3 (GD3). The presentation covered GD3 guidance, that three separate but aligned LEP bids had been developed in partnership, how the bids aligned to WMCA SEP objectives and individual SEP priorities, Devo Deal and Growth Deal funding streams and LGF3 Bids and bid status. The presentation was noted.</p>
6.	<p>Public Service Reform</p>
6.1	<p>Public Service Reform Update</p> <p>Councillor Steve Eling provided an update on Public Service Reform (PSR). Councillor Steve Eling would be meeting with officers to conduct a baseline review. The PSR work needed to be reconciled against the Strategic Economic Plan and the portfolio. A set of priorities were required against the strategic actions and whilst it was acknowledged there was not capacity to deliver on all aspects of PSR; mechanisms needed to put into place to ensure approved programmes delivered outcomes. It was envisaged a paper detailing the high level priorities would be presented to the Board in October 2016.</p>
7.	<p>Transport</p>
7.1	<p>Access Fund Revenue Competition</p> <p>Councillor Roger Lawrence presented a paper which sets out the process for bidding into the Access Fund revenue competition. It was noted that Warwickshire County Council have agreed to join the WMCA bid given the linkages to Coventry and the focus on cycling provision on the Coventry to Nuneaton corridor.</p>

	<p>Resolved:</p> <ol style="list-style-type: none"> 1. That the development of a West Midlands Combined Authority (WMCA) bid, led by Transport for West Midlands (TfWM), in partnership with the Metropolitan Local Authorities be endorsed which is required by the published guidance. 2. That this would be the sole West Midlands bid and that there are to be no further partner or consortium bids supported by TfWM or individual Metropolitan Local Authorities be agreed. 3. That the WMCA Transport Portfolio Lead will have delegated responsibility for approving the final bid be agreed.
<p>7.2</p>	<p>West Midlands Rail Limited – Collaboration Agreement with Department for Transport</p> <p>Councillor Roger Lawrence presented a report to seek authorisation for the West Midlands Combined Authority (WMCA) to cast its vote in favour of the special resolution that is necessary under Article 8.3 of West Midlands Rail Limited (WMR Ltd) Articles of Association to authorise the signing of the Collaboration Agreement, whether that resolution is passed in writing or at a general meeting of the Company. The Collaboration Agreement sets out the relationship between WMR Ltd and the Department for Transport (DfT) in relation to the management of the West Midlands Rail franchise and further rail devolution in West Midlands.</p> <p>In response to a question raised by Councillor Chris Saint, Councillor Roger Lawrence advised that the West Midlands Rail Limited consisted of 14 providers and this report sought authorisation for the seven Constituent Members. If districts had any issues in relation to the collaboration agreement it would need to be escalated via the Counties.</p> <p>Jonathan Browning highlighted that the FEMA analysis was undertaken on a Black Country, Greater Birmingham & Solihull and Coventry & Warwickshire LEP geography, which recognised that travel, the movement of people was critical for services and businesses and requested for alignment across the three LEP geography. Councillor Roger Lawrence advised that it was unfortunate that some items would be restricted to the Constituent members but where possible the WMCA would bid for infrastructure outside the Constituent area and suggested a broader seminar take place to discuss transport in a broader context.</p> <p>Resolved:</p> <ol style="list-style-type: none"> 1. That the progress being made by WMR Ltd towards meeting the objectives of the company be noted; 2. Cast its votes in favour of the special resolution that is necessary under Article 8.3 of West Midlands Rail Limited (WMR Ltd) Articles of Association to authorise the signing of the Collaboration

	<p>Agreement (as detailed within appendix A of the report), whether that resolution is passed in writing or at a general meeting of the Company.</p>
7.3	<p>Trial of D Train Prototype on Coventry-Nuneaton Rail Line</p> <p>Councillor Roger Lawrence presented a report on the results of further analysis of feasibility of the Vivarail “D Train” concept and highlight its potential application for some services on the West Midlands rail network.</p> <p>To seek WMCA endorsement for a proposed WMCA/TfWM funding contribution of £90,000 (spread over two financial years) to enable the prototype D train to be hired and tested in service on the Coventry-Nuneaton line for a period of 12 months until October 2017 in order to:</p> <ul style="list-style-type: none"> • Provide an interim solution to capacity problems on London Midland’s hourly train service on this route as a result of the opening of new stations (part-funded by the former Centro) at Coventry (Ricoh) Arena and Bermuda Park (by replacing the current 75 seat single car train with a 3 car D Train capable of carrying up to 300 people); • Test the suitability of the D Train as a lower cost alternative to traditional railway trains on this and other West Midlands rail lines; and • Demonstrate the potential of the D Train concept to the shortlisted bidders for the next (partially devolved) West Midlands rail franchise and inform their bid submissions in relation to provision of additional rolling stock capacity on such routes. <p>This WMCA/TfWM contribution will be matched by £90,000 being made available by Coventry City Council/CWLEP and a similar contribution (towards the trial implementation costs) from train operator London Midland.</p> <p>Resolved:</p> <ol style="list-style-type: none"> 1. That a (WMCA)/Transport for West Midlands (TfWM) match-funding contribution (£90,000 over two financial years) towards a joint project with London Midland and Coventry City Council be endorsed, which will enable the prototype D Train to be used in passenger service on the Coventry-Nuneaton line for a 12 month trial period, providing additional capacity on that line until the end of the current London Midland franchise in October 2017. 2. That a further decision will need to be taken before the end of the trial having assessed the costs and benefits of the pilot, and consider further opportunities for roll out, if appropriate be noted.

7.4	<p>Smart Ticketing</p> <p>Councillor Roger Lawrence presented a report on the progress made towards achieving its objectives around smart and contractless ticketing, setting out the successes achieved to date and to also highlight known challenges that will need to be overcome for further delivery.</p> <p>Resolved:</p> <ol style="list-style-type: none"> 1. That the Swift Programme Board is disbanded and a new Board is set up with a wider remit to include maximising opportunities available through the smart data and payment for; access to the broader mobility options be approved. This Board will be chaired by Keith Ireland who is the regional lead Chief Executive for Transport in the West Midlands area covered by TfWM. 2. That the remaining products and functions within the Swift Programme are delivered through a Task and Finish Group under the direction of the new Board be approved. 3. That the new Board commissions a detailed review of the available and emerging contactless back office opportunities including the development of a costed option to work with Transport for London be approved.
7.5	<p>Transport Delivery Committee (TDC) Report</p> <p>Councillor Roger Lawrence presented a report to advise and update the WMCA Board in relation to TDC's Management Arrangements for 2016-17; draft Schedule of Lead Responsibilities (Appendix 1); the TDC's draft Forward Plan for the current year and that monthly TDC briefing sessions take place. Councillor Richard Worrall Chair of the TDC had nothing further to add.</p> <p>Resolved:</p> <ol style="list-style-type: none"> 1. That the report on the TDC's 2016-17 Management Arrangements, draft Lead Responsibilities and Forward Plan be noted. 2. That the Clerk of the Combined Authority be delegated the responsibility to work with the TDC to ensure the work programme, responsibilities for the member and lead member roles are the most efficient to deliver the Terms of Reference agreed at the Annual Board Meeting of the Combined Authority Board.
7.6	<p>Annual Report of the Pension Report</p> <p>James Aspinall presented a report on the governance and administration work undertaken by the West Midlands Pension Fund (the Fund) during the period 1 April 2015 to 31 March 2016 for the WMITA Pension Fund.</p>

	1. That the pension fund activity for the West Midlands Integrated Transport Authority (the WMITA) be noted.
8.	Finance and Investment
8.1	<p>WMCA – Investments and Resources Update</p> <p>Councillor Sleight presented the report on WMCA – Investments and Resources update on behalf of Councillor Izzie Seccombe.</p> <p>Resolved:</p> <p>1. That the contents of the report regarding the update of WMCA investment and resources be noted.</p>
9.	Any Other Business
9.1	<p>Resolved:</p> <p>1. That Councillor John Edwards be appointed as the Member and Councillor Mohammed Idrees be appointed as the substitute to the West Midlands Combined Authority Board for West Midlands Fire & Rescue Service.</p> <p>2. That Sean Farnell be appointed to the West Midlands Combined Authority Audit and Standards Committee for Coventry and Warwickshire LEP.</p>
10.	Date of Next Meeting
10.1	<p>Friday 30 September, 11:00 – 14:00</p> <p>Keith Ireland invited Members to host future Board meetings and were requested to inform the Governance Officer.</p>
11.	Exclusion of the Press and Public
	<p>That in accordance with Section 100A(4) of the Local Government Act 1972 the press and public be excluded from the meeting for the following items of business as they involve the likely disclosure of exempt information relating to any individual, information which is likely to reveal the identity of an individual and/or information relating to the business affairs of any particular person (including the authority holding that information).</p>
11.1	<p>Collective Investment Fund Loan Approval</p> <p>James Aspinall presented a report to seek approval of the first loan from the Combined Authority's Collective Investment Fund in order to partially fund a development of two industrial units. It was emphasised the approval of the loan was subject to the satisfactory completion of all due</p>

Agenda Item No. 1.3

	<p>diligence, and further remediation funding being identified.</p> <p>Jonathan Browning raised a concern that if the CIF was to be approved without the assessment of an Investment Committee that further information was required on why commercial funding was not available. James Aspinall clarified that the Investment Committee had not been set up and members identified but that the proposal had been considered by an officer and LEP investment panel. Katie Trout added the CIF proposal was supportive of the SEP and supported by the GBS LEP.</p> <p>Resolved:</p> <ol style="list-style-type: none">1. Approve a loan from the Collective Investment Fund of £7.0 million.<ol style="list-style-type: none">1.1 To fund a speculative development of two large industrial units.1.2 Conditional upon Finance Birmingham completing the final elements of the required due diligence. <p>The Combined Authority Board is recommended to note:</p> <ol style="list-style-type: none">1. That this CIF loan levers in Equity funding of £4.45m and will deliver 425 jobs which represents a very strong alignment to the Combined Authority's Strategic Economic Plan.
11.2	<p>Procurement of Strategic Advice</p> <p>Keith Ireland advised the item on Procurement of Strategic Advice had been deferred to a future meeting.</p>

Forward Plan of the West Midlands Combined Authority Board

Date	Title	Lead Member	Lead Officer	Aim
14 October	Governance			
	Membership update	Cllr B Sleigh	Keith Ireland	Update
	Devolution			
	Devolution Deal 1 – Implementation	Cllr B Sleigh	Martin Reeves / Jan Britton	Update
	Devolution Deal (2) Negotiations Update	Cllr B Sleigh	Mark Rogers	Update
	Commissions			
	Land Commission Update	Cllr S Coughlan	Jan Britton	Update
	Productivity and Skills Commission	Cllr G Duggins	Nick Page	Update
	Mental Health Commission Update	Cllr P Lowe	Sarah Norman	Update
	Strategic Framework			
	Strategic Economic Plan Board	Cllr J Clancy	Martin Reeves	Approval
	Health and Wellbeing Board	Cllr P Lowe	Sarah Norman	Approval
	Public Service Reform Board	Cllr S Eling	TBA	Approval
Delivery				
Investment Board	Cllr I Seccombe	Paul Dransfield	Approval	
Transport Delivery	Cllr R Lawrence	Keith Ireland	Approval	
28 October	Governance			
	Mayoral WMCA Order	Cllr B Sleigh	Keith Ireland	Approval
	Delivery			
	WMCA Growth Company	Cllr J Clancy	Martin Reeves	Approval
	Devolution			
	Devolution Deal 1 – Implementation	Cllr B Sleigh	Martin Reeves / Jan Britton	Update
	Devolution Deal (2) Negotiations Update	Cllr B Sleigh	Mark Rogers	Update
	Commissions			
	Land Commission Update	Cllr S Coughlan	Jan Britton	Update
	Productivity and Skills Commission	Cllr G Duggins	Nick Page	Update
	Mental Health Commission Update	Cllr P Lowe	Sarah Norman	Update
	Strategic Framework			
Strategic Economic Plan Board	Cllr J Clancy	Martin Reeves	Approval	
Health and Wellbeing Board	Cllr P Lowe	Sarah Norman	Approval	
Public Service Reform Board	Cllr S Eling	TBA	Approval	
Delivery				
Investment Board	Cllr I	Paul Dransfield	Approval	

Date	Title	Lead Member	Lead Officer	Aim
		Seccombe		
	Transport Delivery	Cllr R Lawrence	Keith Ireland	Approval
11 November	Devolution			
	Devolution Deal 1 – Implementation Update	Cllr B Sleigh	Martin Reeves / Jan Britton	Update
	Devolution Deal (2) Negotiations Update	Cllr B Sleigh	Mark Rogers	Update
	Commissions			
	Land Commission Terms of Reference	Cllr S Coughlan	Jan Britton	Approval
	Productivity and Skills Commission	Cllr G Duggins	Nick Page	Update
	Mental Health Commission Update	Cllr P Lowe	Sarah Norman	Update
	Strategic Framework			
	Strategic Economic Plan Board	Cllr J Clancy	Martin Reeves	Approval
	Health and Wellbeing Board	Cllr P Lowe	Sarah Norman	Approval
	Public Service Reform Board	Cllr S Eling	TBA	Approval
	Delivery			
Investment Board	Cllr I Seccombe	Paul Dransfield	Approval	
Transport Delivery	Cllr R Lawrence	Keith Ireland	Approval	
City-REDI Offer	Cllr J Clancy	Martin Reeves	Approval	
2 December	To be confirmed			
16 December	Devolution			
	Devolution Deal 1 – Implementation Update	Cllr B Sleigh	Martin Reeves / Jan Britton	Update
	Devolution Deal (2) Negotiations Update	Cllr B Sleigh	Mark Rogers	Update
	Commissions			
	Land Commission Terms of Reference	Cllr S Coughlan	Jan Britton	Approval
	Productivity and Skills Commission	Cllr G Duggins	Nick Page	Update
	Mental Health Commission Update	Cllr P Lowe	Sarah Norman	Update
	Strategic Framework			
	Strategic Economic Plan Board	Cllr J Clancy	Martin Reeves	Approval
	Health and Wellbeing Board	Cllr P Lowe	Sarah Norman	Approval
	Public Service Reform Board	Cllr S Eling	TBA	Approval
	Delivery			
Investment Board	Cllr I Seccombe	Paul Dransfield	Approval	
Transport Delivery	Cllr R	Keith Ireland	Approval	

Date	Title	Lead Member	Lead Officer	Aim
		Lawrence		
20 January	Devolution			
	Devolution Deal 1 – Implementation Update	Cllr B Sleigh	Martin Reeves / Jan Britton	Update
	Devolution Deal (2) Negotiations Update	Cllr B Sleigh	Mark Rogers	Update
	Commissions			
	Land Commission Terms of Reference	Cllr S Coughlan	Jan Britton	Approval
	Productivity and Skills Commission	Cllr G Duggins	Nick Page	Update
	Mental Health Commission Update	Cllr P Lowe	Sarah Norman	Update
	Strategic Framework			
	Strategic Economic Plan Board	Cllr J Clancy	Martin Reeves	Approval
	Health and Wellbeing Board	Cllr P Lowe	Sarah Norman	Approval
	Public Service Reform Board	Cllr S Eling	TBA	Approval
	Delivery			
	Investment Board	Cllr I Seccombe	Paul Dransfield	Approval
	Transport Delivery	Cllr R Lawrence	Keith Ireland	Approval

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WEST MIDLANDS
COMBINED AUTHORITY

WMCA Board

Date	30 September 2016
Report title	Progress update – Mayoral WMCA Order
Cabinet Member Portfolio Lead Accountable Chief Executive	Councillor Bob Sleight – Chair of the WMCA Keith Ireland, Monitoring Officer – WMCA Tel: 01902 55 4500 Email: Keith.Ireland@wolverhampton.gov.uk
Accountable Employee	Rachel Ratcliffe, Policy Officer, City of Wolverhampton Tel: 01902 55 1969 Email: rachel.ratcliffe@wolverhampton.gov.uk
Report to be/has been considered by	WMCA Programme Board

Recommendation(s) for action or decision:

The Combined Authority Board is recommended to:

1. Note the progress of developing the Mayoral WMCA Order.
2. Note the timeline for agreement of the Order by the Constituent Councils to enable the Order to be laid in Parliament – requiring the December Combined Authority Board to be rearranged.

Agenda Item No. 2.1

1.0 Purpose

1.1 To provide the Board with an update on the progress of the Mayoral WMCA Order and detail associated approvals.

2.0 Draft Mayoral WMCA Order

2.1 The Consultation on the Mayoral WMCA Scheme is complete and the summary of consultation responses have been sent to the Secretary of State for Communities for Local Government as required. Details of the consultation response is reported elsewhere on this WMCA Board Agenda.

2.2 The CA Order Implementation Group, comprising of the CA programme team, legal, finance and policy colleagues, have been working through the detail of the Scheme with DCLG to ensure the policy intent of the devolution deal and governance arrangements are reflected in the developing Order.

2.3 Progress has been positive, with few areas outstanding - examples of areas still to be resolved are regarding unanimous voting items and the ability of the CA of non-transport borrowing.

2.4 To discuss key finance issues, such as the non-transport borrowing issue, DCLG have put in place a Combined Authority Finance Working Group, comprising of all devolution areas finance leads and DCLG finance leads. James Aspinall (WMCA) and Martin Easton (Birmingham on behalf of the CA Finance Directors) attend.

2.5 The DCLG devolution governance group meeting, chaired by Paul Rowsell, continues to meet on a monthly basis in Manchester. Rachel Ratcliffe and Chris Tunstall (CA Programme Team) and Andrew Kinsey (Solihull - CA Legal Advisor) attend.

3.0 Timetable to lay the Mayoral WMCA Order

3.1 The draft Order is expected from DCLG in the first week of October for consideration by WMCA members. This will be presented to Constituent Councils for approval from 1st November to the 6th December 2016.

3.2 If approved by all Constituent Councils the Combined Authority will then consider the draft Order. It is proposed that the currently scheduled 16th December 2016 WMCA Board meeting is re-scheduled for the 9th December 2016 to ensure that DCLG receive all consents to lay the Order in Parliament as soon as possible,

4.0 Financial implications

4.1 The Financial issues being taken forward are as set out within this report.

5.0 Legal implications

5.1 Consent will be sought from the Constituent Members and the WMCA prior to the Order being laid in Parliament. All consents are required for the Order to be laid.

Agenda Item No. 2.1

6.0 Equalities implications

6.1 An initial equalities analysis has been carried out on the Mayoral WMCA Scheme and was agreed by the seven Metropolitan and the WMCA equalities officers that no further action is required at this stage

7.0 Schedule of background papers

7.1 West Midlands Devolution Agreement
West Midlands Combined Authority Scheme
Summary of consultation responses
(available on the [WMCA website](#))

Appendix A - WMCA Mayoral Draft Order Consents (Current Working Timetable)**Timetable**

Authority	Meeting	Upload	Comment
Met Leaders	30 th September/ 7 th October 2016	Not Applicable – private meeting	Options - 30 th September would run after CA Board. 7 th October would require date change as current meeting is 14 th October. Would need Draft Order a few days before, ie 27 th or 4 th October*
Dudley	10 th October	30 th September	
Coventry	11 th October	3 rd October	
Solihull	11 th October	3 rd October	
Sandwell	18 th October	10 th October	
Birmingham	1 st November	24 th October	
Wolverhampton	9 th November	1 st November	
Walsall	14 th November	4 th November	
CA Board	18 th November	10 th November	All consents by 18 th November

*This assumes iterations of the draft Order are received in advance, to review and agree beforehand.

Appendix B - WMCA Mayoral Draft Order Consents (Alternative Timetable)**Alternative Timetable**

Authority	Meeting	Upload	Comment
Met Leaders	14 th October 2016		Would need Draft Order a few days before - 11 th October*
Sandwell	18 th October	10 th October	Delay upload?
Birmingham	1 st November	24 th October	
Wolverhampton	9 th November	1 st November	
Walsall	14 th November	4 th November	
Dudley	5 th December	25 th November	
Coventry	6 th December	28 th November	
Solihull	6 th December	2 nd December	
CA Board	9 th December		Would need 16 th re arranging for the 9 th
Parliament Recess	20 th December		All Consents by 9 th December

*This assumes we start receiving iterations of the Draft Order in advance, to review and agree beforehand.

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Board Meeting

Date	30 September 2016
Report title	Consultation Summary Report
Cabinet Member Portfolio Lead	Councillor Bob Sleigh – Chair of the WMCA
Accountable Chief Executive	Martin Reeves, Chief Executive, WMCA Martin.reeves@coventry.gov.uk Tel: 024 7683 1100
Accountable Employee	Jan Jennings, Head of Communications, WMCA janjennings@centro.org.uk Tel: 07799 202904
Report to be/has been considered by	WMCA Programme Board – 16 September 2016

Recommendation(s) for action or decision:

The Combined Authority Board is recommended to:

1. Note the results of the consultation and summary report provided to the Secretary of State for Communities and Local Government.

1.0 Purpose

- 1.1 To provide the Board with the results of the consultation regarding the Mayoral WMCA Scheme.

2.0 Background

- 2.1 In order to implement the devolution deal, a consultation must be carried out on a 'Scheme' document. The Scheme details the functions required by the Mayoral WMCA to deliver the devolution deal, and the mechanism by which this will be carried out.

3.0 The Mayoral WMCA Scheme Consultation

- 3.1 The consultation went live on Monday 4th July 2016 and ran until midnight on the 21st August 2016.
- 3.2 As required the summary of consultation responses have been collated, summarised and sent to the Secretary of State for Communities and Local Government. The Secretary of State will then consider whether sufficient consultation has been carried out and whether preparing an Order satisfies the statutory tests.
- 3.3 It is the Secretary of State and not the WMCA/Councils that consider the responses to the Consultation. However, it is anticipated that responses will be reflected on with regards to WMCA engagement/communication/policy/strategy going forwards.
- 3.4 The summary of consultation responses and supporting documents that will be uploaded to the WMCA website are appended to this report.

4.0 Financial implications

- 4.1 The development of the consultation documents and associated process and arrangements have been managed internally at minimal cost.

5.0 Legal implications

- 5.1 There are no additional legal issues flowing from the contents of this report. The consultation criteria meets the minimal period required to provide compliance with public law.

6.0 Equalities implications

- 6.1 No implications arising from this report.

7.0 Schedule of background papers

- 7.1 The WMCA Devolution Deal and Mayoral WMCA Scheme are found at:
<https://westmidlandscombinedauthority.org.uk/about/documents>



WEST MIDLANDS
COMBINED AUTHORITY

Summary of Consultation Responses

Functions required to deliver the devolution
agreement in the West Midlands

September 2016

Contents

1. Executive Summary	2
2. Development of the devolution agreement in the West Midlands	3
3. Consultation across the West Midlands	4
4. Consultation Statistics summary	15
5. Response breakdown by question	18
6. Open text feedback by theme	38
7. Stakeholder representations	41
8. Appendix A – consultation documents	See separate document

1. Executive Summary

The Seven Metropolitan Constituent Councils, led by the West Midlands Combined Authority, carried out the public consultation on the 'Scheme' document from 4th July 2016 – 21st August 2106.

The Scheme outlines the functions required for the West Midlands to deliver the devolution agreement. Further details of the ambition to deliver the devolution agreement are contained within the recently published [WMCA Strategic Economic Plan \(SEP\)](#).

The consultation survey was hosted on the front page of the Constituent Councils' websites and the West Midlands Combined Authority website. The survey consisted of 9 key questions, two profile-based questions and a free text option to provide any further feedback. 1309 responses were received through this medium (excluding 45 duplicates and 4 tests).

Paper copies of the consultation were available in public buildings, such as libraries, in the seven Metropolitan Council areas. 19 responses were received through this medium (excluding 2 spoilt paper copies).

High Level Summary	Strongly Agree/ Agree		Strongly Disagree / Disagree		Don't Know			
	Responses	%	Responses	%	Responses	%		
1. Transport	1025	79	233	18	47	4		
2. Low Emissions	931	71	316	24	86	7		
3. (HS2) Growth	836	65	357	27	99	8		
4. More and Better Homes	893	69	302	23	95	7		
5. Skills and Employment	994	77	239	19	61	5		
6. Finance	703	54	454	35	145	11		
7. Efficient and effective governance	777	60	291	22	232	18		
	Positive Impact		No Impact		Negative Impact		Don't Know	
8. Local Community Interests	654	51	200	16	247	19	189	15
	Strongly Agree/ Agree		Strongly Disagree / Disagree		Don't know			
	Responses	%	Responses	%	Responses	%		
9. Equality	1086	84	123	9	84	6		

2. Development of the devolution agreement in the West Midlands

In 2015 the seven metropolitan Councils of the West Midlands: Birmingham, City of Wolverhampton, Coventry, Dudley, Sandwell, Solihull and Walsall committed to the establishment of the West Midlands Combined Authority (WMCA). During the process of formalising this commitment, partnership working across the West Midlands three LEP geography of the Black Country LEP, Coventry & Warwickshire LEP and the Greater Birmingham & Solihull LEP was agreed, including non-constituent areas within the three LEPs and key economically linked authorities across the West Midlands.

The development of the government's devolution agenda created the opportunity for the West Midlands Combined Authority to negotiate and subsequently agree a devolution agreement. The agreement has since been ratified by the seven constituent councils and, in line with the legislative requirements of the [Cities and Local Government Devolution Bill 2016](#), a consultation has been carried out in relation to the proposals in the [Mayoral WMCA 'Scheme'](#), and associated documents such as the [governance review](#).

The Scheme outlines the functions required for the West Midlands to deliver the devolution agreement. Further details of the ambition to deliver the devolution agreement are contained within the recently published [WMCA Strategic Economic Plan \(SEP\)](#).

West Midlands Consultation

The Seven Metropolitan Constituent Councils, led by the West Midlands Combined Authority, carried out the public consultation from 4th July 2016 – 21st August 2106.

The consultation was carried out in connection with the proposals in the [Mayoral WMCA 'Scheme'](#), to inform the Secretary of State for Communities and Local Government's decision regarding the transfer of functions to the West Midlands Combined Authority required to deliver the devolution agreement. This report provides the Secretary of State with a summary of consultation responses.

3. Consultation across the West Midlands

Consultation Survey

The consultation survey was hosted on the front page of the Constituent Councils' websites and the West Midlands Combined Authority website.

The survey consisted of 9 key questions, two profile-based questions and a free text option to provide any further feedback on the Scheme. 1309 responses were received through this medium (excluding 45 duplicates and 4 tests).

Paper copies of the consultation were available in public buildings, such as libraries, in the seven Metropolitan Council areas. The consultation poster, attached with the supporting documentation at appendix A, was displayed prominently in these public buildings. 19 responses were received through this medium (excluding 2 spoilt paper copies).

There was also supporting PR across the seven metropolitan Councils and the West Midlands Combined Authority to signpost people to the website to take part in the consultation. Usual Council channels for Councillor engagement were also available for the public.

Stakeholder engagement building up to the consultation

- **The WMCA Strategic Economic Plan launch was held at the ICC in Birmingham** on 10th June 2016 – this included a press launch, an update on transport, the Mental Health Commission chaired by Norman Lamb MP, and the Collective Investment Fund. Following the launch of the SEP, the Shadow West Midlands Combined Authority Board (WMCA) hosted its AGM in shadow form which highlighted the progress made by the emerging West Midlands Combined Authority in the past year.
- **West Midlands forum for growth held in Solihull, 28th June 2016**
This was a developers' conference demonstrating how the UK can drive economic growth through the West Midlands (over 400 attendees).



Stakeholder engagement during the consultation, 4th July – 21st August 2016

- **Mayoral WMCA consultation event, 16th August 2016, (over 70 attendees).**



The WMCA: Making Our Mark *Mayoral WMCA Consultation Event*

When: Tuesday 16th August.

Where: iCentrum, Innovation Birmingham Campus, Holt Street, Birmingham Science Park, B7 4BB.

Time: 7:30am for 8am to 9:30am.

Cost: Free to attend

This was an opportunity to engage with businesses across the West Midlands to discuss the role of the Mayoral West Midlands Combined Authority and the purpose and functions that an elected mayor working with the West Midlands Combined Authority can deliver. This discussion was set against the context of the Combined Authority's Strategic Economic Plan (SEP). Chaired by Greg Lawson (President of GB Chamber) with key note addresses from Martin Reeves, Chief Executive of the West Midlands Combined Authority and Councillor Pete Lowe, Vice-Chair. The morning included workshops for delegates, to reflect and discuss in groups and provided an opportunity to feedback and ask questions.



- **Parliamentary Black Country event, 12 July 2016**

A showcase exhibition of Black Country Manufactured Goods at the House of Commons, the West Midlands Combined Authority held a stand at the event.

- **The first 100 days – what should be at the top of the West Midlands mayor’s in-tray? 21 July 2016**

A debate/ policy discussion about plans for a regional mayor held at Birmingham Library and organised by Centre for Cities.

- **Business delegation from India’s tour of the West Midlands, 9 August 2016**

Meet and greet from the West Midlands Combined Authority Head of Communications to introduce and discuss West Midlands Combined Authority business and future ambition.

- **Cllr Sleigh on BBC West Midlands, 18 August 2016.**

Discussions around the Mayor’s priorities, such as smart ticketing.

- **The Transport for West Midlands ‘Exhibition Bus’**

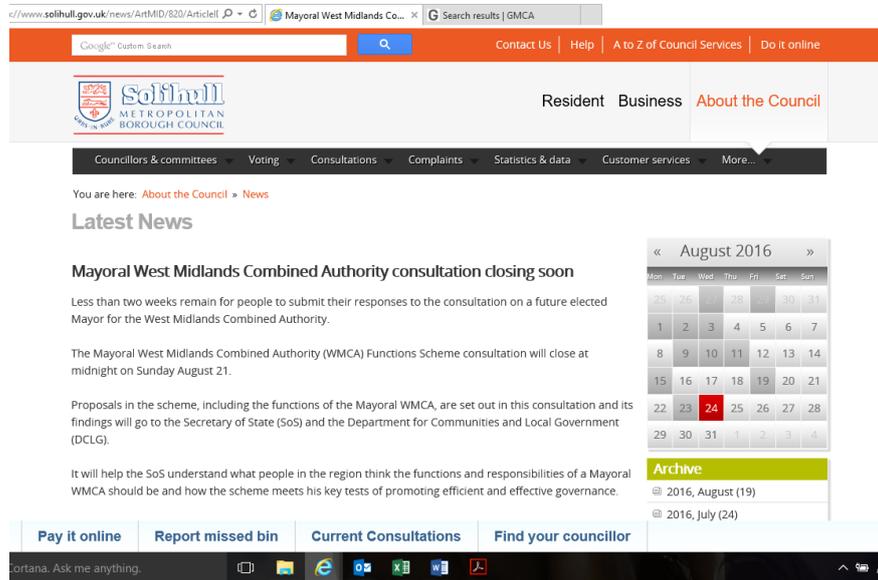
As part of ongoing Transport for West Midlands summer public engagement across the region, the exhibition bus was used for promotion of the West Midlands Combined Authority consultation.



Press releases

- Press releases were issued from each of the seven Metropolitan Councils advising residents that the consultation was live, ongoing and coming to an end.

E.g. Solihull Metropolitan Borough Council:

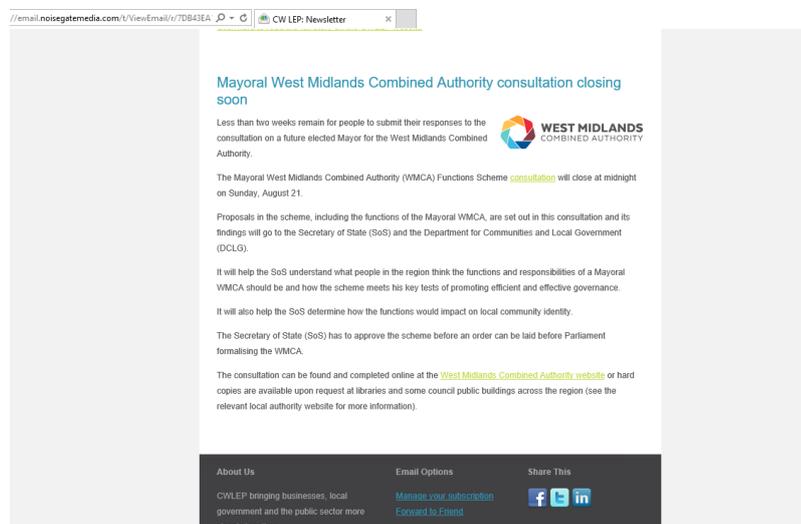


The screenshot shows the Solihull Metropolitan Borough Council website. The main navigation bar includes 'Resident', 'Business', and 'About the Council'. A secondary navigation bar lists 'Councillors & committees', 'Voting', 'Consultations', 'Complaints', 'Statistics & data', 'Customer services', and 'More...'. The 'You are here' path is 'About the Council > News'. The 'Latest News' section features a headline: 'Mayoral West Midlands Combined Authority consultation closing soon'. The article text states: 'Less than two weeks remain for people to submit their responses to the consultation on a future elected Mayor for the West Midlands Combined Authority. The Mayoral West Midlands Combined Authority (WMCA) Functions Scheme consultation will close at midnight on Sunday August 21. Proposals in the scheme, including the functions of the Mayoral WMCA, are set out in this consultation and its findings will go to the Secretary of State (SoS) and the Department for Communities and Local Government (DCLG). It will help the SoS understand what people in the region think the functions and responsibilities of a Mayoral WMCA should be and how the scheme meets his key tests of promoting efficient and effective governance.' To the right of the article is a calendar for August 2016, with the 24th highlighted in red. Below the article are links for 'Pay it online', 'Report missed bin', 'Current Consultations', and 'Find your councillor'. The Windows taskbar is visible at the bottom.

- The West Midlands Combined Authority put out the following release, available on the WMCA website:

<https://westmidlandscombinedauthority.org.uk/news/mayoral-west-midlands-combined-authority-consultation-begins/>

- The Coventry & Warwickshire LEP featured the consultation in their monthly newsletter, alerting members to the closing date.



The screenshot shows an email newsletter from CW LEP. The subject line is 'Mayoral West Midlands Combined Authority consultation closing soon'. The main text reads: 'Less than two weeks remain for people to submit their responses to the consultation on a future elected Mayor for the West Midlands Combined Authority. The Mayoral West Midlands Combined Authority (WMCA) Functions Scheme consultation will close at midnight on Sunday, August 21. Proposals in the scheme, including the functions of the Mayoral WMCA, are set out in this consultation and its findings will go to the Secretary of State (SoS) and the Department for Communities and Local Government (DCLG). It will help the SoS understand what people in the region think the functions and responsibilities of a Mayoral WMCA should be and how the scheme meets his key tests of promoting efficient and effective governance. It will also help the SoS determine how the functions would impact on local community identity. The Secretary of State (SoS) has to approve the scheme before an order can be laid before Parliament formalising the WMCA. The consultation can be found and completed online at the West Midlands Combined Authority website or hard copies are available upon request at libraries and some council public buildings across the region (see the relevant local authority website for more information).' The newsletter includes the West Midlands Combined Authority logo and a footer with 'About Us', 'Email Options', and 'Share This' (with social media icons for Facebook, Twitter, and LinkedIn).

A cross-section of regional media coverage during the consultation period

The Birmingham News Room

Consultation starts for West Midlands Combined Authority

As you may know we have been working with neighbouring councils over the last year to develop plans for closer co-operation between us on our shared goals. The government will shortly be formally considering whether it is appropriate and in the region's best interests to establish a West Midlands Combined Authority (WMCA). Parliament will be asked to approve it so that it can be set up in the summer.

Ahead of this we are consulting on the 'Scheme' document which describes the role and functions of the proposed Combined Authority. This consultation will run from 18 January 2016 to 8 February 2016.

There is a short survey and further information on the West Midlands Combined Authority website and we would welcome your feedback and any additional comments that you would like to make.

The Coventry Observer

Consultation opened into plans for an elected mayor to head up the new WMCA

WEST MIDLANDS COMBINED AUTHORITY

Popular Stories

- 1 Tributes paid to Coventry firefighter who died on holiday with family
- 2 Woodlands Academy site 'in negotiations to be sold'
- 3 Josh O'Grady bags a brace as Coventry United leave it late progress in the FA Cup
- 4 Fire crews called out to blaze at West Midlands Shopping Centre

The Halesowen News

Sandwell residents urged to learn more about new West Midlands mayor

Cllr Steve Eling

Most popular

- 1 Traffic News: Building fire closes road
- 2 Kindhearted friends and custs raise over £1,500 for Halesowen family after double farm fire
- 3 Weather: Thundery showers in

The Tyburn Mail

including Birches Green, Castle Vale, Erdington Hall and Pype Hayes

Last chance to have your say on powers of West Midlands Mayor

Posted on August 20, 2016 by Tyburn Mail | 7 Comments

Tomorrow (midnight, Sunday 21st) is the final day of local consultation for the Powers of the West Midlands Mayor. [Click here](#) to go to the consultation page. There are nine questions about the proposed power of the directly elected mayor.



home news blog comment interviews public sector focus

national and devolved politics



04.07.16

WMCA opens consultation on mayoral powers

The newly formed West Midlands Combined Authority (WMCA) is seeking submissions for a consultation to define the scope of its powers.

The devolved body, which combines Sandwell, Birmingham, Coventry, Dudley, Solihull, Walsall and Wolverhampton councils under the leadership of an elected mayor, was

chamberlainfiles.com/west-midlands-metr



About Authors GE2015 News Opinion Specials



West Midlands metro mayor consultation – how to have your say

by Paul Dale 30 Jun 2016

Members of the public will get the chance to have their say on the West Midlands metro mayor.

A seven week consultation on the powers and responsibilities to be handed to the mayor is being organised by the West Midlands Combined Authority and begins on Monday 4th July.

B31 Voices, Connecting Communities, Birmingham

Thursday, August 25, 2016 Sign in / Join



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Rednal | Rubery | Weoley Castle | West Heath

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Home > Politics > Have Your Say on West Midlands Combined Authority legislation

Have Your Say on West Midlands Combined Authority legislation

By Sas Taylor - July 5, 2016

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BIRMINGHAM • COVENTRY • DUDLEY • SANDWELL • SOLIHULL • WALSALL • WOLVERHAMPTON

A consultation is underway on legislation which will dictate how a new West Midlands Mayor and Combined Authority will work.

Seven local authorities in the West Midlands (Birmingham, Coventry, Dudley, Sandwell, Solihull, Walsall, Wolverhampton) have already negotiated a devolution deal with the government which will see the creation of West Midlands Combined Authority (WMCA) and

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Recent Jobs

The Birmingham Mail

The screenshot shows the Birmingham Mail website. At the top, there's a navigation bar with categories like 'Most read', 'Live feeds', 'What's on', 'News', 'Sport', 'Nostalgia', 'Celebs & TV', 'Quizzes', and 'In Your Area'. Below this is a trending section with topics like 'AUGUST BANK HOLIDAY', 'FESTIVAL', 'THINGS TO DO', 'STUDENT GUIDE', and 'THE BRUINIES'. The main headline is 'West Midlands mayor to be elected on May 4 2017', dated 15.07.19 JUL 2016, updated 17.40, 19 JUL 2016, by Jonathan Walker. The article text states: 'A date has been set for the election of the first West Midlands mayor, but the job will only last three years.' There are social media share buttons for Facebook, Twitter, Google+, and LinkedIn, with 36 shares and 0 comments. A 'Subscribe' button is also present. To the right, there's a 'Utility Bill Discount' offer: 'You Could Be Entitled To £379 Off Your Gas & Electricity Bills'. Below the main article is a 'Recommended in Midlands News' section with three items: 'Burger Bar Boys: How gang "execution" began countdown to Aston shootings', 'Burger Bar Boys: How gang who brought terror and murder to Birmingham began', and 'Land Rover smashes into CANAL BOAT - on River Avon'. There's also a 'WEST MIDLANDS POLICE' link for 'Drum dealing dad took'.

Councillor Andrew James' blog, Tamworth Councillor

Andrew James

working in the community



Home Andrew James Mercian Ward

← Where Will Your Children Be?

Council asks Lichfield to Refuse Arkall Farm Development →

Still Time to Have Say on 'Metro Mayor' Plans

Posted on 10/08/2016



Members of the public in Tamworth are being reminded that they now have less than two weeks to respond to a consultation on the functions and responsibilities of an elected Mayor for the West Midlands Combined

Authority (WMCA).

The Mayoral WMCA Functions Scheme consultation will close at midnight on Sunday August 21.

Proposals in the scheme, including the functions of the Mayoral WMCA, are set out in this consultation and its findings will go to the Secretary of State and the Department for Communities and Local Government.



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Recent Posts

- [Become a Dementia Friend in Tamworth this Week](#)

A cross-section of Twitter activity during the consultation period

July & August 2016 summaries

JUL 2016 SUMMARY

Tweets
48

Tweet impressions
104K

Profile visits
4,401

Mentions
392

New followers
167

AUG 2016 SUMMARY

Tweets
46

Tweet impressions
62.7K

Profile visits
3,134

Mentions
310

New followers
116



West Mids CA @WestMids_CA

4 Jul

Consultation in to Mayoral functions @WestMids_CA starts today. Visit bit.ly/29aWqLX and have your say #wmcaconsultation

↳ 13 ♡ 4

↳ West Mids CA Retweeted



GBSLEP @GBSLEP

16 Jul

Mayoral WMCA to generate additional investment for WMids? Have your say: ow.ly/qWFO301TVEe #wmcaconsultation

↳ 7 ♡ 1

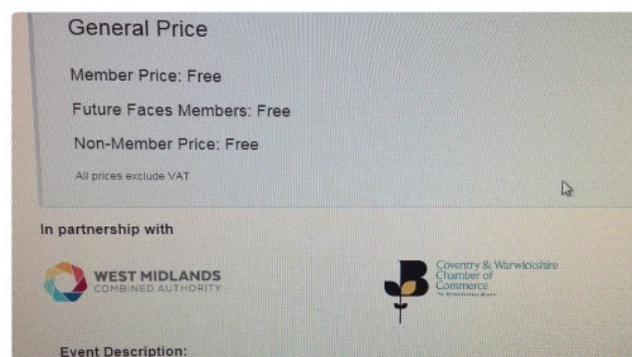
↳ West Mids CA Retweeted



Paul Faulkner @GBChamberBoss

27 Jul

16/8/16 -Chamber event on the @WestMids_CA Mayor with @martinreeves. Key for the region. Free-register on GBCC site



👤 You and 7 others

↳ 26 ♡ 8

West Mids CA @WestMids_CA 10 Aug
 Mayoral WMCA to make HS2 work for the region in WMids? Have your say: bit.ly/29aWqLX #wmcaconsultation

WEST MIDLANDS COMBINED AUTHORITY

3

West Mids CA @WestMids_CA 13 Aug
 Mayoral WMCA – impact on identity/interests of local communities in WMids? Have your say: bit.ly/29aWqLX

WEST MIDLANDS COMBINED AUTHORITY

2

West Mids CA Retweeted **Business Birmingham** @business_bham 4 Aug
 Mayoral WMCA to generate additional investment for WMids? Have your say: socs1.in/bvNP2 #wmcaconsultation

WEST MIDLANDS COMBINED AUTHORITY

3

West Mids CA @WestMids_CA 4 Aug
 Mayoral WMCA to deal with air quality in WMids? Have your say: bit.ly/29aWqLX #wmcaconsultation

WEST MIDLANDS COMBINED AUTHORITY

3

West Mids CA @WestMids_CA 16 Aug
 Mayoral WMCA to improve productivity & skills in WMids? Have your say: bit.ly/29aWqLX #wmcaconsultation

WEST MIDLANDS COMBINED AUTHORITY

6

West Mids CA @WestMids_CA 6 Aug
 Mayoral WMCA – more efficient & effective governance in WMids? Have your say: bit.ly/29aWqLX

WEST MIDLANDS COMBINED AUTHORITY

2

West Mids CA @WestMids_CA 1 Aug
 Mayoral WMCA to help deliver more & better homes in WMids? Have your say: bit.ly/29aWqLX #wmcaconsultation

WEST MIDLANDS COMBINED AUTHORITY

7

West Mids CA @WestMids_CA 1 Aug
 Sign up here greaterbirminghamchambers.com/networking-evening @GrBhamChambers @GBChamberBoss Mayoral consultation event in p/ship with @WestMids_CA on 16 August.

West Mids CA Retweeted **Solihull Council** @SolihullCouncil 1 Aug
 Mayoral WMCA to tackle WMids transport issues? Have your say: bit.ly/29aWqLX #wmcaconsultation @WestMids_CA

WEST MIDLANDS COMBINED AUTHORITY

8

West Mids CA @WestMids_CA 15 Aug
 Just a week left to have your say in the Mayoral WMCA consultation
bit.ly/29aWqLX #wmcaconsultation

WEST MIDLANDS COMBINED AUTHORITY

12 2

West Mids CA @WestMids_CA 3 Aug
 Have you had your say in the Mayoral WMCA Consultation yet? Find out more here: bit.ly/29aWqLX

WEST MIDLANDS COMBINED AUTHORITY

7 5

West Mids CA @WestMids_CA 5 Jul
 Public sector reform key priority @WestMids_CA. Important for communities we serve & the vision we aim to achieve.

Rebecca Elliot @RebeccaMCox
 The @WestMids_CA has strong business / growth focus, but public service reform important too -need to catch up with @greatermcr! #LGAConf16

5 6

West Mids CA Retweeted

Bham City Council @BhamCityCouncil 5 Jul
 Mayoral @WestMids_CA to tackle transport issues in WMids? Have your say: lsh.re/148SR #wmcaconsultation

WEST MIDLANDS COMBINED AUTHORITY

Mark Rogers and 8 others

10 2

West Mids CA Retweeted

LGA Localism @LGALocalism 15 Aug
 Resident in the West Midlands? Don't miss this opportunity to have your say #devolution

West Mids CA @WestMids_CA
 Just a week left to have your say in the Mayoral WMCA consultation
bit.ly/29aWqLX #wmcaconsultation

7 1

West Mids CA @WestMids_CA 16 Aug
At iCentrum with @GrBhamChambers talking about @WestMids_CA mayoral consultation

4 5

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We're with @WestMids_CA this morning at their Making our Mark consultation.

Paul Faulkner and 2 others

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.@SolihullCouncil leader & chair of @WestMids_CA in the hot seat from 10 on @bbcwm answering your q's on Metro Mayor

3 1

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Last weekend to have a say in the Mayoral @WestMids_CA consultation lsh.re/148SR #wmcaconsultation

Mark Rogers and 8 others

12 5

West Mids CA @WestMids_CA 21 Aug
Last chance to have your say on the Mayoral WMCA Functions Scheme, for more details see here: bit.ly/29aWqLX #wmcaconsultation

5 3

Website analytics for the consultation period

4,015 – Sessions: 2692 New | 1323 Returning
3,348 – Users
9,028 – Page views

*N.B. Sessions – a session is the period of time a user is actively engaged with the website
Users – users that have had at least once session within the date range
Page views – total number of pages viewed*

4. Consultation statistics summary

Overview of consultation format

The consultation was completed by 1309 respondents, this includes 19 paper copies and excludes 4 test responses, 45 duplicated responses and 2 spoilt hard copies.

The survey and supporting documents are appended to this report, at appendix A.

Questions 1 – 9 of the consultation gave background to the devolution deal and Scheme detail on each function area section, posing a question in relation to this function area, with the following options:

- Strongly agree
- Agree
- Disagree
- Strongly disagree
- Don't know

These options were proceeded by an open text feedback for each question:

“please tell us why below”.

A summary of the key themes from this free text feedback is contained within the ‘responses by question’ section below. Percentages may exceed 100% in sum total due to multiple responses.

A separate open text feedback was available at the end of the consultation:

“Please share any further comments you have about any element of the proposals in the Mayoral WMCA Functions Scheme”

For the purpose of this summary this free text feedback has been grouped into common themes in pages 37 – 38 of this report.

Top line consultation results

Consultation Questions	Strongly Agree/ Agree		Strongly Disagree / Disagree		Don't know	
	Responses	%	Responses	%	Responses	%
10. Transport - The Mayoral WMCA should get functions from Westminster to deliver: an efficient integrated West Midlands Transport Network, more funding and more effective and co-ordinated improvements of road networks between constituent councils and partners.	1025	79	233	18	47	4
11. Low Emissions - The Mayoral WMCA should get functions from Westminster to deliver low emissions and clean air zones, thus improving public health.	931	71	316	24	86	7
12. High Speed 2 (HS2) Growth - The Mayoral WMCA should get functions from Westminster to ensure HS2 benefits the whole region, including the Metro extensions from Curzon to Solihull HS2 Interchange Station and from Wednesbury to Brierley Hill.	836	65	357	27	99	8
13. More and Better Homes - The Mayoral WMCA should get functions from Westminster to deliver housing and economic growth strategies.	893	69	302	23	95	7
14. Skills and Employment - The Mayoral WMCA should get functions from Westminster to deliver better skills and training for jobs now and in the future and deliver a high-wage, high-skill workforce.	994	77	239	19	61	5

<p>15. Finance - The Mayoral WMCA should get functions from Westminster to deliver key ambitions. The region will have access to a number of funding streams. The Mayor will have the ability to raise a precept in order to deliver investment into the regional economy. The Mayor would also be able to raise a business rate supplement to create funds to invest into specific schemes within the regional economy.</p>	703	54	454	35	145	11		
<p>16. Secretary of State Statutory Tests Efficient and effective governance - A Mayoral WMCA will promote more efficient and effective governance in the West Midlands region.</p>	777	60	291	22	232	18		
	Positive Impact		No Impact		Negative Impact	Don't Know		
<p>17. Secretary of State Tests Local Community Interests - What impact will a Mayoral WMCA have on the identity or interests of local communities?</p>	654	51	200	16	247	19	189	15
	Strongly Agree/ Agree		Strongly Disagree / Disagree		Don't know			
<p>18. Equality - The Combined Authority should have the same duty to consider equality as other local authorities do.</p>	1086	84	123	9	84	6		
	Responses	%	Responses	%	Responses	%		

Respondents may not have answered all questions and % are rounded and so may not add up to 100%.



5. Response breakdown by question

Question 1

Transport - Networks

“Getting around the West Midlands by car or public transport is not as easy as we would like it to be. For instance, congestion is costing the regional economy around £2 billion per year. Ensuring our residents and businesses can reach job opportunities across the region is key to economic growth and success.

By devolving functions to a Mayoral WMCA, the region will be able to create a more efficient, integrated West Midlands transport network, specifically a Key Route Network of local roads.

Local councils currently receive funding from central government for managing and maintaining their roads on a year by year basis. As part of the devolution agreement the West Midlands will receive more funding and this will be guaranteed on a five yearly basis.

This together with the functions identified in the Mayoral WMCA Functions Scheme will allow the Constituent Councils and partners to collaborate to deliver more effective and coordinated improvements and maintenance of the West Midland’s region road network.”

To what extent do you agree or disagree that the Mayoral WMCA should get the functions highlighted above, and detailed in the ‘transport’ section of the Mayoral WMCA Functions Scheme, to deliver these ambitions?

- Strongly agree
- Agree
- Disagree
- Strongly disagree
- Don’t know

[please tell us why below]

Question 1 Response Summary

79% of respondents strongly agree/agree that the Mayoral WMCA should get the transport functions detailed in the Scheme. Of all functions consulted on, transport was the area receiving the greatest proportion of respondents agreeing functions and funding should be transferred.

The employee and business groups had the greatest proportion of respondents agreeing with the transfer of transport functions (89% and 87% respectively). The group with the lowest proportion of respondents agreeing was the Councillor group, though still comparatively high at 70% strongly agreeing/agreeing.

Birmingham and Wolverhampton had the greatest proportions of respondents agreeing with the transport functions (with 86% of respondents in each City agreeing). 55% of respondents from Coventry agreed.

Free Text Response by Key Themes

27% of responses (183 comments) cited the need to work collaboratively/centrally planning policy/ensuring strategic overview.

More of a focus on public transport/cycle/sustainable modes of transport etc. was cited by 12% of responses (79 comments).

10% of responses (69 comments) supported local control and devolution/local areas understanding regional issues better.

10% of responses (68 comments) also cited that the transport network/transport links is a priority for the region and important for the economy.

The potential for Birmingham to take priority/funding not shared evenly/larger Councils overtaking smaller Councils was cited in 6% of responses (42 comments)

The need to access more/better/longer term funding for this issue was cited in 42 responses (6%)

Focus on fixing roads/improvements to roads/roadworks/traffic light improvement etc. was cited in 5% of responses (35 comments)

21 responses (3%) believed that pooling resources would lead to efficiencies/more cost effective.

3% of responses (20 comments) believed congestion is a priority and 10 comments were generally positive without further detail.

10 comments related to regional versus national issues/clash with highways agencies.

5 respondents were unsure if the West Midlands Combined Authority will get the funding promised from central government.

Further comments were received regarding the need to use expert advice/plan schemes together, concerns about fighting within areas for funding, the need for better country-wide planning/not just regional, supportive of powers being reviewed at set intervals and querying how the existing transport arrangements/contracts will work.

Question 2

Low emissions

In some areas of the West Midlands region, air quality is very poor. Air quality however, is not limited by council boundaries which makes tackling it on an individual council basis difficult.

By devolving functions to a Mayoral WMCA, the region and partners will be able to create and deliver low emissions and clean air zones, thus improving public health.

2. To what extent do you agree or disagree that the Mayoral WMCA should get the functions highlighted above, and detailed in the 'low emissions' paragraph of the Mayoral WMCA Functions Scheme, to deliver these ambitions?

- Strongly agree
- Agree
- Disagree
- Strongly disagree
- Don't know

[Please tell us why below]

Question 2 Response Summary

71% of respondents agreed that the Mayoral West Midlands Combined Authority should get functions proposed in the Scheme to deliver low emissions. This was the third highest ranking question where respondents agree functions relating to low emissions should be granted.

The group with the greatest proportion of respondents agreeing to the functions was employees (84%). The group with the greatest proportion of respondents disagreeing was residents (33%), though the majority of the residents overall (66%) agreed that the Mayoral West Midlands Combined Authority should receive the functions detailed in the low emissions section of the Scheme.

Birmingham, Wolverhampton and Sandwell had the greatest proportions of respondents agreeing with the low emissions functions (with 78% of respondents in each area agreeing). Coventry received the smallest proportion of agreement to the proposals (50%).

Free Text Response by Key Themes

19% of responses (106 comments) were received regarding support of this function area for consistency and efficiency/ supportive at a West Midlands level/regional decisions needed.

10% of responses (54 comments) cited that air quality is not fixed at borders/there are no boundaries and 8% (44 comments) believing air quality/tackling pollution is important.

Action needed to improve health / help NHS was cited in 40 comments (7%), and general agreement/supportive comments were 5% (29 comments) of responses, with 20 comments (4%) believe low emissions need to be controlled.

6% of respondents (34 comments) believe that it is Councils that should have the responsibility regarding low emissions, and 5% (27 comments) believe it should be handled nationally.

Integration with low carbon public transport was cited in 5% of responses (26 comments) and the suggestion of incentives for electric cars or green transport cited in 13 comments (2%).

4% of respondents (24 comments) believed that low emissions are not important or that there are better ways to spend money.

17 respondents (3%) have concerns about emissions/pollution. 17 responses (3%) also contained concerns that some areas will unfairly take priority.

2% of respondents (12 comments) were worried about congestion charging and an increase in parking fees.

Question 3

High Speed 2 (HS2) growth

The HS2 Growth Strategy is about maximising the benefits of HS2 for the West Midlands. However, there is a concern that this huge investment will only benefit a small portion of the West Midlands region.

By devolving functions to a Mayoral WMCA, the region and partners will be able to make sure HS2 benefits the whole West Midlands region through the creation of a combined authority-led development corporation. This will include the Metro extensions from Curzon in central Birmingham to Solihull HS2 Interchange Station and from Wednesbury to Brierley Hill.

3. To what extent do you agree or disagree that the Mayoral WMCA should get the functions highlighted above, and detailed in the HS2 growth section of the Mayoral WMCA Functions Scheme, to deliver these ambitions?

- Strongly agree
- Agree
- Disagree
- Strongly disagree
- Don't know

[please tell us why below]

Question 3 Response Summary

65% of respondents agreed that the Mayoral WMCA should get functions to ensure HS2 benefits the whole region.

The group with the greatest proportion of respondents agreeing to the functions was businesses (84%), followed by councillors (77%). The group with the lowest proportion of respondents agreeing was the resident group (58% in agreement).

Birmingham had the greatest proportion of respondents agreeing with the functions to ensure HS2 benefits the whole region (with 77% agreeing). 37% of respondents from Coventry agreed with the proposals.

Free Text Response by Key Themes

30% of free text responses (177 comments) to question 3 were not supportive of HS2/ believed it to be a waste of money/better spent elsewhere/believe the West Midlands Combined Authority should oppose it.

25% of respondents (149 comments) believe the WMCA and the Mayor need to ensure a co-ordinated/ collaborative approach to ensure HS2 benefits the whole region/ has a joined up approach and/or protects the West Midlands' needs.

10% of responses (59 comments) cite that HS2 won't benefit all areas or will benefit Birmingham only.

9% (54 comments) of respondents were supportive of HS2, comments include HS2 bringing vital connection / better integration / improving the economy / health and easing congestion. A further 7 comments were supportive without further information and 3 respondents believe the HS2 functions in the Scheme will give economies of scale.

5% of respondents (30 comments) believe that more Metro/rapid transport routes are needed, 4% (22 comments) would like to see improved rail/rail links/rail services and 3% (17 comments) believe good connections/better links are needed.

4% of responses (21 comments) believe they have/there is a lack of information, or they were unsure regarding HS2 and 2% of respondents questioned whether HS2 will go ahead/raised doubts about funding for HS2.

7 responses cited the belief that HS2 should not be a local government issue, 4 responses were not supportive of metro extensions, and 3 believe that the issue under discussion is already done via other roles.

7 respondents believe more investment is needed in transport in general, 2 that new technology such as driverless cars should be used and 1 that the West Midlands needs to compete with other counties/areas.

Further responses cited transparencies regarding Small Medium Enterprise (SME) supply and regarding the ability to review powers at a set time.

Question 4

More and Better Homes

There is a large amount of brownfield land in the West Midlands, which through remediation, could be brought back into productive use. The West Midlands also needs more homes and better homes.

Through the Mayoral Functions Scheme, the West Midlands will receive the Homes and Communities Agency's (HCA's) objectives and functions, and exercise these alongside the HCA to deliver our housing and economic growth strategies. Specifically, the Mayor will receive the HCA compulsory purchase order powers, although to exercise these powers, the Mayor would require the consent of the appropriate council(s).

4. To what extent do you agree or disagree that the Mayoral WMCA should get the functions highlighted above, and detailed in the 'More and Better Homes' section of the Mayoral WMCA Functions Scheme, from Westminster to deliver these ambitions?

- Strongly agree
- Agree
- Disagree
- Strongly disagree
- Don't know

[please tell us why below]

Question 4 Response Summary

69% of respondents agreed that the Mayoral West Midlands Combined Authority should get functions to deliver housing and economic growth strategies. Of all functions consulted on, housing was the fourth highest ranking area where respondents agree functions should be granted.

The group with the greatest proportion of respondents agreeing to the functions was businesses (85%), followed by employees (76%), residents (65%) and councillors (60%).

Birmingham had the greatest proportion of respondents agreeing with the functions to deliver housing (with 80% agreeing), followed by Wolverhampton and Sandwell (with 75% of respondents agreeing). 49% of respondents from Coventry agreed with the proposals.

Free Text Response by Key Themes

Building on brown field sites / regenerated brown field space / this area being key to the economy was cited in 17% (92 comments) of responses.

16% of responses (88 comments) cite West Midlands Combined Authority coordination/leadership/regional overview needed/less red tape.

Housing/more affordable quality housing/social housing being essential/area essential to economic growth was cited in 86 comments (16%), further housing stock specific comments included:

- The re-use/renovate of unused housing/ensuring empty homes are used/old housing regenerated (20 comments).
- Housing stock needs to be fit for purpose/good quality (5 comments)
- Adequate funding needed for housing (3 comments)
- Issues over social housing benefit (1 comment)

67 comments are regarding the belief that this area is the local councils remit/ the West Midlands Combined Authority should not over power local councils/that councils should have the final say.

9% of responses (48 comments) did not want the mayor/WMCA to have this power, with a further 15 comments negative about housing numbers increasing/the HCA.

39 comments were expressly against building on greenfield sites, or commented in support of protecting green sites (7%)

7% of responses (38 comments) support local input/local decision makers/ensure local residents have a say

25 comments (5%) were regarding concerns/uncertainty/concerns around compulsory purchase power abuse.

4% of responses (22 comments) questioned the effectiveness if Councils/the government could overturn West Midlands Combined Authority's decisions/more red tape.

21 comments (4%) were supportive of local infrastructure to back up housing / e.g. transport / schools/ health.

4% of responses (20 comments) believe the proposals will favour one area over another and 2% (9 comments) would like to see assurance that Scheme is evenly balanced/all areas are providing housing.

14 comments (3%) highlighted concern about the cost of cleaning up brownfields sites/ that it must be done properly, 2 comments cited the use of brownfield sites/believed them to be a burden on the environment.

2% of responses (11 comments) cited issues with developers/power of developers/developer led housing.

5 responses cited the need to build on green fields as well / find ways to build on green field, 4 responses suggested building on current unused Council / property owners land.

There were 4 positive comments with no further information. Further comments were regarding this issue as a national not local issue and regarding stopping 'Right to Buy'.

Question 5

Skills and Employment

The West Midlands has above average low-wage jobs and a low-skilled workforce, which is hampering productivity and economic growth in many businesses. In order to provide better jobs and opportunities for existing workers and future generations, the area needs to move to a higher-wage, higher-skilled economy.

Through devolution, the Mayoral WMCA will bring together partners from across education, industry and the third sector to deliver better skills and training for jobs now and in the future. This will involve looking at further education provision, apprenticeships, working closer with the Department for Work and Pensions and connecting local employers with local schools.

The strategy will be focused on the needs and perspective of an individual, whether they are in education, in work, or out of work in order to deliver the higher-wage, higher-skilled workforce.

5. To what extent do you agree or disagree that the Mayoral WMCA should get the functions highlighted above, and detailed in the ‘skills and employment section’ of the Mayoral WMCA Functions Scheme, to deliver these ambitions?

- Strongly agree
- Agree
- Disagree
- Strongly disagree
- Don't know

[please tell us why below]

Question 5 Response Summary

77% of respondents agreed that the Mayoral West Midlands Combined Authority should get functions to deliver better skills and training for jobs now and in the future. Of all functions consulted on, this was the second highest ranking area where respondents agree functions should be granted.

The group with the greatest proportion of respondents agreeing to the functions was employees (87%), followed by businesses (83%), councillors (82%) and residents (72%).

Birmingham and Wolverhampton had the greatest proportion of respondents agreeing with the functions to deliver better skills and training (with 83% agreeing in each area).

Free Text Response by Key Themes

The most common free text comment (93 comments, 18%) was regarding the Mayor/WMCA working together/ in collaboration with business/education and Local Councils. Linked to this theme, 61 comments (12%) believing better education is key/working closely with education/business to have closer links with schools and to involve all groups/partners/third sector/universities (15 comments, 3%)

62 comments (12%) were supportive/ believe this area is a good idea/citing skills and employment's importance as a focus/vital/improving lives for all.

8% of responses (43 comments) cite skills in all sectors/more diverse skills/right skills for work available and 20 comments (4%) cited maintaining/rebuilding traditional industry/manufacturing as not everyone can be highly skilled.

Concerns on the skills and employment topic were regarding:

- That the area does not need mayor/outside mayoral remit/does not need wider regional overview (38 comments, 7%)
- This area is being done already/better done by LEP/Councils (34 comments, 7%)
- Negative view of the proposals/belief that it will not work (24 comments, 4%)
- Similar schemes have failed in the past (16 comments, 3%)
- This area is a national not local issue (10 comments, 2%)

28 comments (5%) were regarding the need for apprenticeships/vocational training and 19 comments (4%) suggested the need to include all equally – young/elderly/disabled/deprived areas etc.

17 responses (3%) cited more investment needed/government funding/the area being outside of local control

17 responses (3%) cited the need to create more employment/attractive employment in the area, with 12 comments (2%) believing local understanding/knowledge is needed.

Further comments included addressing zero-hours contracts and low wages, not enough information, retaining skilled workers in the West Midlands, the importance of measurable targets, the need for more trade unions and the need to help small businesses.

Question 6

Finance

The West Midlands economy needs more investment in order to compete at a global level. By devolving functions to a Mayoral WMCA, the West Midlands will have access to a number of funding streams including a Mayoral precept (an additional charge to council tax payers), business rate supplement and the ability to borrow.

The legislation gives the Mayor the ability to raise a precept in order to deliver investment into the regional economy. As part of the checks and balances of the Mayoral WMCA Functions Scheme, this precept forms part of the Mayoral annual budget and is therefore subject to agreement by the West Midlands Combined Authority board and would be subject to the existing local council capping arrangements.

Through the Scheme, the Mayor would also be able to raise a business rate supplement to create funds to invest into specific schemes within the regional economy. This would require agreement with the relevant Local Enterprise Partnership board(s) and the West Midlands Combined Authority board.

6. To what extent do you agree or disagree that the Mayoral WMCA should get the functions highlighted above, and detailed in the ‘finance section’ of the Mayoral WMCA Functions Scheme, to deliver these ambitions?

- Strongly agree
- Agree
- Disagree
- Strongly disagree
- Don't know

[Please tell us why below]

Question 6 Response Summary

54% of respondents agreed that the Mayoral West Midlands Combined Authority should get functions related to finance. Of all functions consulted on, this was the area where fewest respondents agreed the function should be granted.

The group with the greatest proportion of respondents agreeing to the functions was businesses (68%), followed by employees (66%).

Birmingham had the greatest proportion of respondents agreeing with the finance functions (66%), followed by Wolverhampton (58%). 37% of respondents from Coventry agreed with the proposals.

Free Text Response by Key Themes

The most common theme in the free text response to this question (22%, 119 comments) was regarding respondents not wanting increases to taxation/for funds to come from existing budgets.

18% of responses (97 comments) were supportive/ citing that the region needs this funding and investment/ the region needs control over own funding/willing to pay more/ Mayor needs precept to function 97, 18%

Concerns in addition to increased taxation/fund source are regarding:

- Business rate increases/business go elsewhere/ to not interfere too much with business/protect smaller business (10%, 55 comments)
- Additional taxation adding to austerity/can people afford it/taxation needs to be fair to poorer people (29 comments, 5%)
- Financial mismanagement/accountability/transparency (16 comments, 3%)
- Local council funding/local council funding to remain (7 comments, 1%)
- Too much regulation/nothing will be done/the function is too restrictive (2 comments)
- Funding shared equally/not just beneficial to Birmingham/bigger areas (34 comments, 6%)
- The need for spending to have visibility/regulation/scrutiny/controls/transparency/limits (29 comments, 5%)

6% of responses (33 comments) were regarding disagreement that the Mayor should have the power to precept/query over the democracy.

6% of responses (31 comments) believe the Mayoral West Midlands Combined Authority needs to show benefit gained from precept raising/for public good/ show what the public is getting in return.

29 comments (5%) suggest the use of other funding sources/central government/external funding and 9 comments (2%) believe more investment from business/corporations is needed. 6 comments are regarding local business input/involvement/the support of business and 1 comment regarding delivery by other sector.

5% of responses (29 comments) cite the need for more detail, 5 comments were regarding transfer of services, 2 responses believe the West Midlands Combined Authority should have the power to borrow only, and not a Mayoral precept, 1 comment was regarding local council tax capping.

Question 7

Secretary of State Statutory Tests

In deciding whether to proceed with a Statutory Order in Parliament that reflects the functions being requested in the Mayoral WMCA Functions Scheme, the Secretary of State must consider that making the Order:

- is likely to improve the exercise of statutory functions in the Combined Authority 'area' (i.e. the Constituent Councils),
- reflects the identities and interests of local communities
- secures effective and convenient local government

7. To what extent do you agree or disagree that the functions proposed in the Mayoral WMCA Functions Scheme will secure effective and convenient local government in the West Midlands region?

- Strongly agree
- Agree
- Disagree
- Strongly disagree
- Don't know

[Please tell us why below]

Question 7 Response Summary

60% of respondents agreed that a Mayoral WMCA will promote more efficient and effective governance in the West Midlands region.

The group with the greatest proportion of respondents agreeing that the Mayoral West Midlands Combined Authority will promote more efficient and effective governance was employees (71%), followed by businesses (70%), councillors (61%) and residents (54%).

Birmingham and Wolverhampton had the greatest proportion of respondents agreeing that the Mayoral West Midlands Combined Authority will promote more efficient and effective governance (68% each), followed by Sandwell (64%). 36% of respondents from Coventry agreed with the proposals.

Free Text Response by Key Themes

20% of responses (82 comments) were unsure/concerned of the effects/believe there might be issues.

20% of responses (81 comments) believe the regional scope will be beneficial / is sensible.

11% of responses (59 comments) thought that the functions proposed in the Scheme may disadvantage smaller/better performing Councils.

11% of responses (45 comments) believe there will need to be close ties and cooperation between the mayor and Councils.

3% of responses (13 comments) cited that the 'one size fits all' approach won't work on the local issues that the individual Councils need to address.

3% queried how the proposals in the Scheme will be funded.

6 comments were regarding the belief that the ability for the functions proposed to secure effective and convenient local government depends on the Mayor.

7 responses cited the support for the Mayor to be elected every so many years.

Question 8

Impact on identity and interests of local communities

8. What impact, if any, do you think that the functions proposed in the Mayoral WMCA Functions Scheme will have on the identity and interests of local communities?

- Positive impact
- No impact
- Negative impact
- Don't know

[please tell us why below]

Question 8 Response summary

The majority of respondents (51%) felt the impact would be positive. 19% felt there would be a negative impact, 16% thought there would be no impact and 15% were unsure of the impact.

The group with the greatest proportion of respondents expecting a positive impact was businesses (67%), followed by employees (59%). The group with the lowest proportion of respondents considering the Mayoral WMCA to be positive was residents (46%).

Birmingham had the greatest proportion of respondents considering a Mayoral West Midlands Combined Authority to have a positive impact (62%), followed by Wolverhampton (58%). Coventry had the greatest proportion of respondents claiming it to have a negative impact (36%).

Free Text Response by Key Themes

The most common comments (96, 20%) in the free text response was regarding the need to protect local identity/concern that the proposals could dilute the local voice/moving powers away from people/ unable to represent all/ the West Midlands Combined Authority being too big.

Other areas of concern were:

- The risk that some areas will benefit over others/ the Mayor will be Birmingham centred. (52 comments)
- Environmental issues (3 comments)
- Lack of accountability/ corruption (4 comments)
- Potential for proposals to lead to confusion (1 comment)

12% cited the impact of the proposals on local identity/interests would be positive, examples include:

- Investment in local area/more investment/will attract investment (13 comments)
- More jobs/improved economy/growth (8 comments)

- Will lead to more housing (6 comments)
- Greater accountability/one person in control/less infighting (7 comments)
- Will lead to better transport (5 comments)
- Will make long term planning easier/strategic view (3 comments)
- Will lead to improved skills/education (2 comments)
- Will lead to better air quality (1 comment)

9% of responses (45 comments) supported devolution and more powers to the regions and local people, better representation of local needs

8% of comments (40) were supportive of all areas working together/ a regional overview /shared interests/shared best practice.

8% of comments (38 comments) received believed that the functions proposed will have limited effect on the identity and interests of local communities/ won't change how people see themselves.

6% of respondents (30 comments) felt that they needed more information/were unsure/believed that it was too early to say.

28 comments (6%) were regarding the proposals/West Midlands Combined Authority raising the profile/pride in the area/regional identity/West Midlands brand.

4% of Q8 free text respondents (20 comments) believed that the impact on local identity and interests is dependent on the right powers/person/funding.

4% of Q8 free text respondents (18 comments) believe that the proposals need better communication/public consultation/getting the public on board.

3% had a mixed view and believed it was positive in some ways and negative in others (13 comments)

2% of responses cite not wanting to pay more tax/believe it will be too costly.

5 comments were negative with no further detail.



Question 9

Public Sector Equality Duty

9. To what extent do you agree or disagree that the West Midlands Combined Authority should have the same duty to consider equality as councils do?

- Strongly agree
- Agree
- Disagree
- Strongly disagree
- Don't know

[please tell us why below]

Question 9 Response summary

84% of respondents agreed that the Combined Authority should have the same duty to consider equality as other local authorities do. Businesses and employees were most in support of this with 91% of respondents from each group agreeing. Proportions in agreement were high in other groups too (councillors 82% and residents 80%).

Wolverhampton and Sandwell had the greatest proportion of respondents agreeing that the West Midlands Combined Authority should have the same duty to consider equality as other local authorities do (89% each). Although Coventry had fewer responses agreeing with this, they were still relatively high at 76%.

Free Text Response by Key Themes

49% (177 comments) of free text responses cited the importance of equality/respecting all.

12% of respondents (42 comments) believe that this is a common sense/obvious area that the West Midlands Combined Authority should cover and 9% (34 comments) that it should be a legal obligation/duty.

7% of respondents (26 comments) were against positive discrimination/cited a dislike of political correctness, or supported if not too extreme. 5 comments cited that there is no such thing as equality.

5% (18 comments) of responses were unclear of the meaning of equality/ the question being asked.

Further responses were that equality is not the prime purpose of CA/irrelevant/local councils job, responses were unsure, comments for things to go further and protect the more vulnerable

15% of comments (54) were not related to the public sector equality duty.

Repeated Feedback

Throughout questions 1-9 free text feedback, there were often comments submitted that were not relevant to the question and/or those answers were repeated throughout the free text feedback, these have been grouped below.

- General disagreement with a Mayoral WMCA/benefit of a Mayor/co-operation doesn't need a Mayor/WMCA
- General support for a Mayor
- Feeling ill-informed
- Viewed as an extra layer of bureaucracy
- Disagreement with the Scheme will not make a difference
- The WMCA needs to cover wider area than just the Metropolitan area
- Concern that Birmingham will dominate the agenda
- The view that an elected assembly is needed
- A general mistrust of Government

Questions 1 – 9: 'Don't know' responses received

The highest area of 'don't know' responses received were in relation to the Secretary of State's tests regarding securing effective and convenient local government and impact of the proposed functions on the identity and interests of local communities (question 7 and 8).

Question 7 received the highest 'don't know' responses at 18%. This is in the context of 60% of question 7 respondents selecting that they agreed or strongly agreed that the functions in the Scheme will secure effective and convenient local government in the West Midlands region and 22% disagreeing.

Question 8 received the second highest 'don't know' responses, at 15%. This is in the context of 51% of question 8 respondents selecting that the functions proposed in the Scheme will have a positive impact on the identity and interests of local communities, with 16% of respondents selecting that there would be no impact.

Questions 1 (transport), 5 (skills and employment) and 9 (public sector equality duty) received the least 'don't know' responses, with 4%, 5% and 6% respectively. They were also the questions which received the most 'strongly agree' responses across the consultation.

Responding to feedback

Both positive and negative feedback received will be addressed in various ways, including sharing information/feedback with the appropriate subject area lead/s, adapting frequently asked questions and incorporating feedback into communications plans to ensure continuous development, improvement and engagement.

Respondent Type

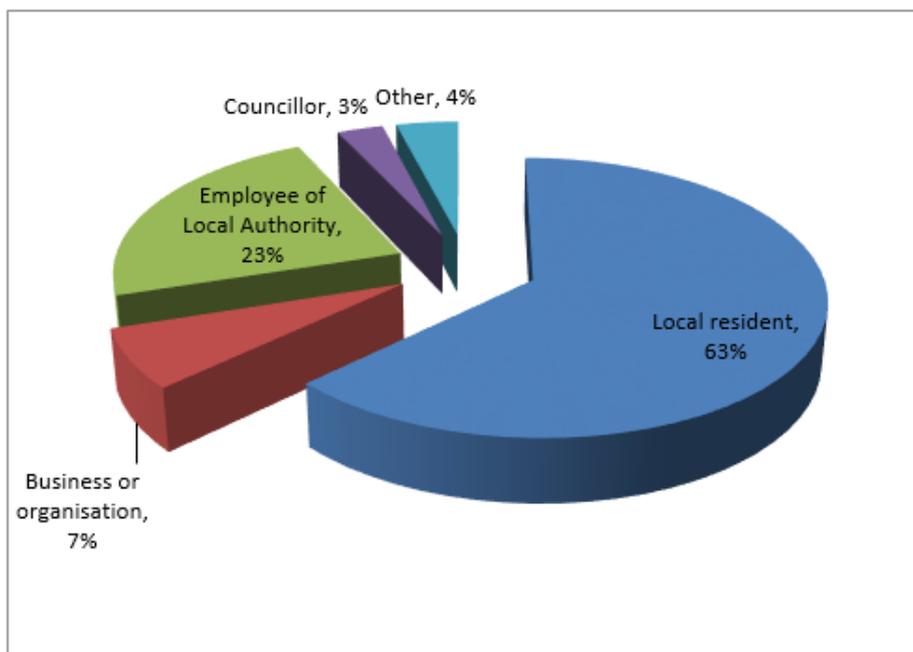
Question 10

Respondents were asked:

Are you responding to this survey as...?

- A local resident
- A business or organisation
- An employee of a local authority within the West Midlands
- A councillor within the West Midlands
- Other

Responses are illustrated below:



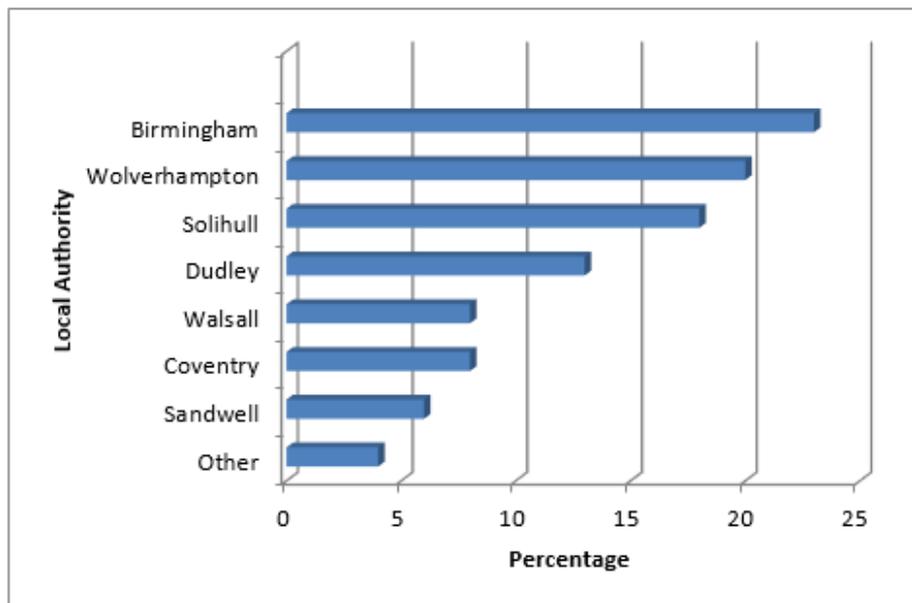
Local Authority Affiliation

Question 11

Respondents were asked:

Which local authority are you and your organisation most closely associated with?

Responses are illustrated below:



Responses outside of the Combined Authority area

As required the Consultation was carried out by the Constituent Councils across the seven metropolitan Council area of the West Midlands Combined Authority.

Additionally, several respondents from other areas of the West Midlands have provided feedback in relation to proposals in the Scheme, including Lichfield, Nuneaton & Bedworth, Redditch, Rugby, Shropshire, South Staffordshire, Staffordshire, Stratford, Tamworth, Telford & Wrekin and Warwickshire.

6. Open text feedback by theme

The Consultation contained an open text feedback option at the end, as below:

“Please share any further comments you have about any element of the proposals in the Mayoral WMCA Functions Scheme”

446 comments were submitted under this free text option. The comments varied in tone, theme and relevance. Some of the responses may not be directly on the proposals in the Scheme itself, but are still relevant to the consideration of the respondent’s views when summarising the consultation in relation to proposals in the Scheme.

Some themes are similar to the question 1-9 ‘repeated feedback’ section above due to repeat entries in the final open text feedback option. The free text responses by theme are summarised below:

103 comments (23% of final open text feedback) cited the proposals (or associated proposals such as a Mayor) being forced/that they are not needed/calling for a referendum.

66 comments (15% of final open text feedback) were regarding the West Midlands Combined Authority being a good idea for strategic planning/a collaborative overview/positive for the West Midlands/the way forward.

42 comments (9% of final open text feedback) were regarding the West Midlands Combined Authority being another layer of bureaucracy/wasteful/a waste of money.

37 comments (8% of final open text feedback) cited concern that Birmingham will dominate the agenda.

35 comments (8% of final open text feedback) were negative towards the consultation itself/the view it is not for the lay person/difficult to understand.

29 comments (7% of final open text feedback) suggested a need for focus on improvements to transport / HS2.

26 comments (6% of final open text feedback) were regarding the need to have suitable powers to conduct role/more powers/accountability.

25 comments (6% of final open text feedback) cited supporting the West Midlands Combined Authority/devolution/more power to regions/working for local area/give local area a voice.

22 comments (5% of final open text feedback) cite the need to ensure suitable candidate/non-political candidate/democratically elected.

19 comments (4% of final open text feedback) were regarding individual local authority powers/local interests needing protection.

19 comments (4% of final open text feedback) referenced not using the West Midlands Combined Authority/Mayoral position to increase taxes/opposed to precept.

18 comments (4% of final open text feedback) were regarding the need for more information/respondents being unsure.

18 comments (4% of final open text feedback) cite the need for good communication/need to convince public/need to take public along.

16 comments (4% of final open text feedback) disagreed with the West Midlands Combined Authority name.

10 comments (2% of final open text feedback) cite a need for focus on health care/integrated health care/social care.

10 comments (2% of final open text feedback) were regarding the need for a focus on green issues/the environment.

10 comments (2% of final open text feedback) cited concerns that the West Midlands Combined Authority/Mayor is/could be too powerful/not accountable/transparency is needed.

9 comments (2% of final open text feedback) would like to see a focus on the West Midlands needs for better jobs/training/skills.

7 comments (2% of final open text feedback) cite concerns the Mayoral West Midlands Combined Authority will be underfunded/more investment is needed.

7 comments (2% of final open text feedback) cite a need to focus on housing/planning permission/land use.

Further comments were received on each of the following: The need to help the wider 'travel to work area', the Mayor for the Metropolitan area only, need a focus on the Arts, opposition to HS2, concerns about policing being part of the West Midlands Combined Authority, the need for a focus on communities, that the Combined Authority needs to cover emergency services, that more innovation is needed, for more diversity, that one council is more cost effective, and for the West Midlands Combined Authority to consider immigration.

Additional feedback themes received

Through the stakeholder representations and media interest there have been various topics raised, summarised below:

The Mayor's powers

Concerns have been raised regarding the Mayor's powers being limited. It is important to note that Schemes put in place governance arrangements required to deliver devolution deals, therefore the current mayoral powers match this particular deal. Discussions on further devolution for the West Midlands continue and it is anticipated that Government would want to negotiate further powers as that process continues.

HCA/CPO powers

A collaborative approach with the HCA has been adopted and is key to success going forwards in the development of the 'more and better homes' ambitions of the West Midlands Combined Authority.

The West Midlands Combined Authority geography

The geography of the West Midlands Combined Authority and the collaboration across borders and sectors has developed significantly throughout the development of the West Midlands Combined Authority. The development of the Strategic Economic Plan highlights the importance of the three LEP geography but recognises the crucial role economically linked authorities provide within the West Midlands Combined Authority.

Continued engagement and consultation

A key theme of the representations and support given is the importance of continued and on-going engagement across all sectors and with the public to successfully deliver the ambition of the West Midlands Combined Authority.

7. Stakeholder Representations

As well as formal consultation responses via online or paper methods, stakeholder representations were made via letter to the Constituent Councils/West Midlands Combined Authority regarding the proposals in connection with the Mayoral West Midlands Combined Authority Scheme from the following:

- Joint three Chambers of Commerce: Greater Birmingham, Coventry & Warwickshire and the Black Country Chambers
- The Homes and Community Agency
- Business Professional Services (BPS) Birmingham
- The Police and Crime Commissioner (public representation made in the following link: <http://www.westmidlands-pcc.gov.uk/media/428160/pcc-consultation-response-to-mayoral-wmca-proposals.pdf>)
- West Midlands Civic Society Forum
- Chair of CWLEP Finance & Governance Board
- The University of Warwick (including the 2012 Warwick Commission report on Elected Mayors and City Leadership, for reference.)
- Sandwell Council of Voluntary Organisations
- Wolverhampton University
- Sustainability West Midlands

Representations were also made from the following stakeholder representatives via email:

- Solihull Tourism Forum
- Touchwood Shopping Centre
- Solihull College & University Centre
- LEP and Government Partnerships, Aston University
- Birmingham Office, for Pinsent Masons LLP
- Birmingham City University
- Birmingham Metropolitan College, Matthew Boulton Campus
- Birmingham City Council Conservative Group
- NHS Birmingham South Central CCG
- West Bromwich African Caribbean Resource Centre
- Sutton Coldfield MP
- Partnerships Care and Communities, Longhurst Group

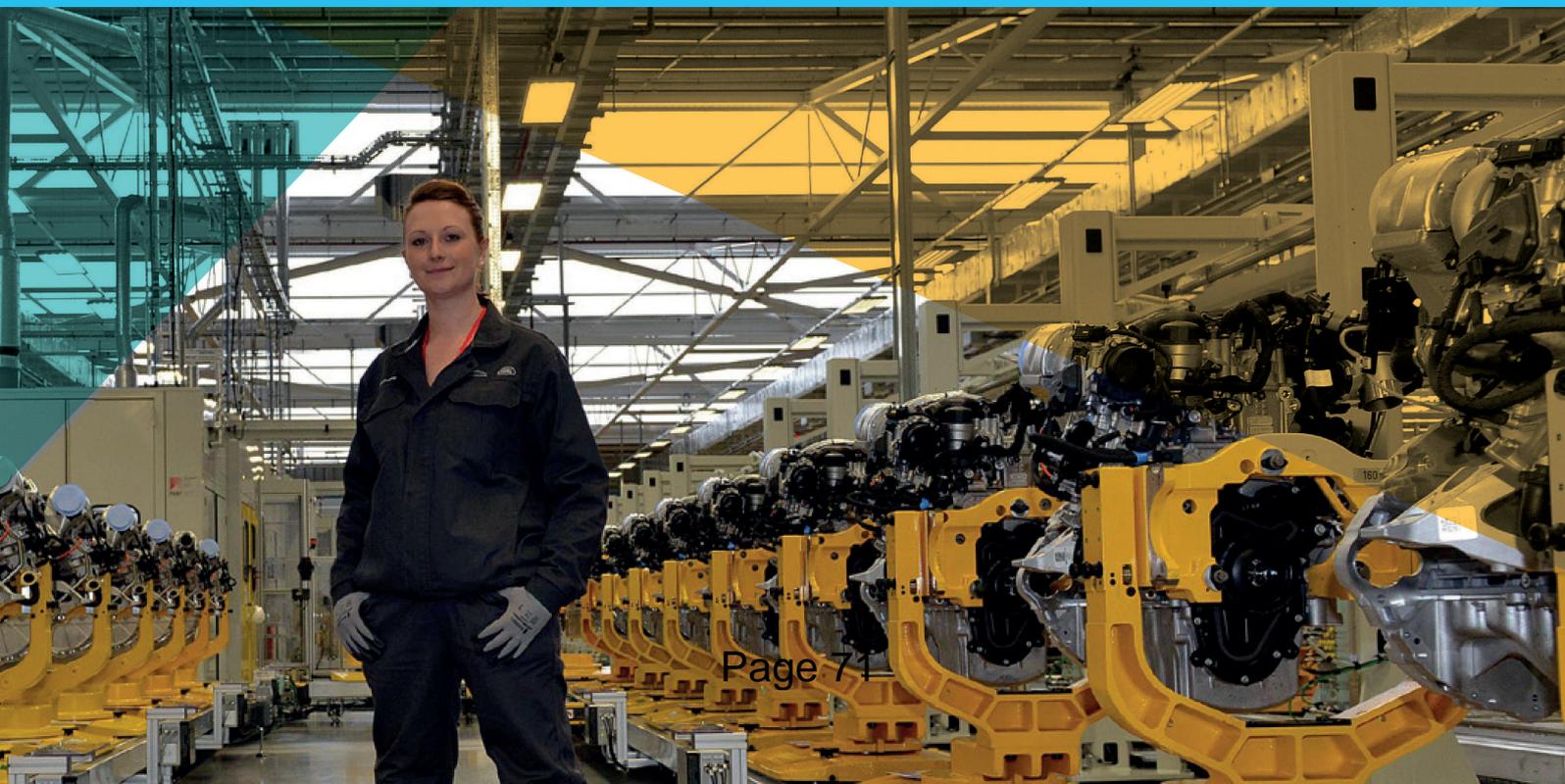
All stakeholder representations have been included in the summary of consultation responses sent to the Secretary for Communities and Local Government as supporting information.

West Midlands Combined Authority Consultation – Mayoral WMCA Functions Scheme

Have your say here!

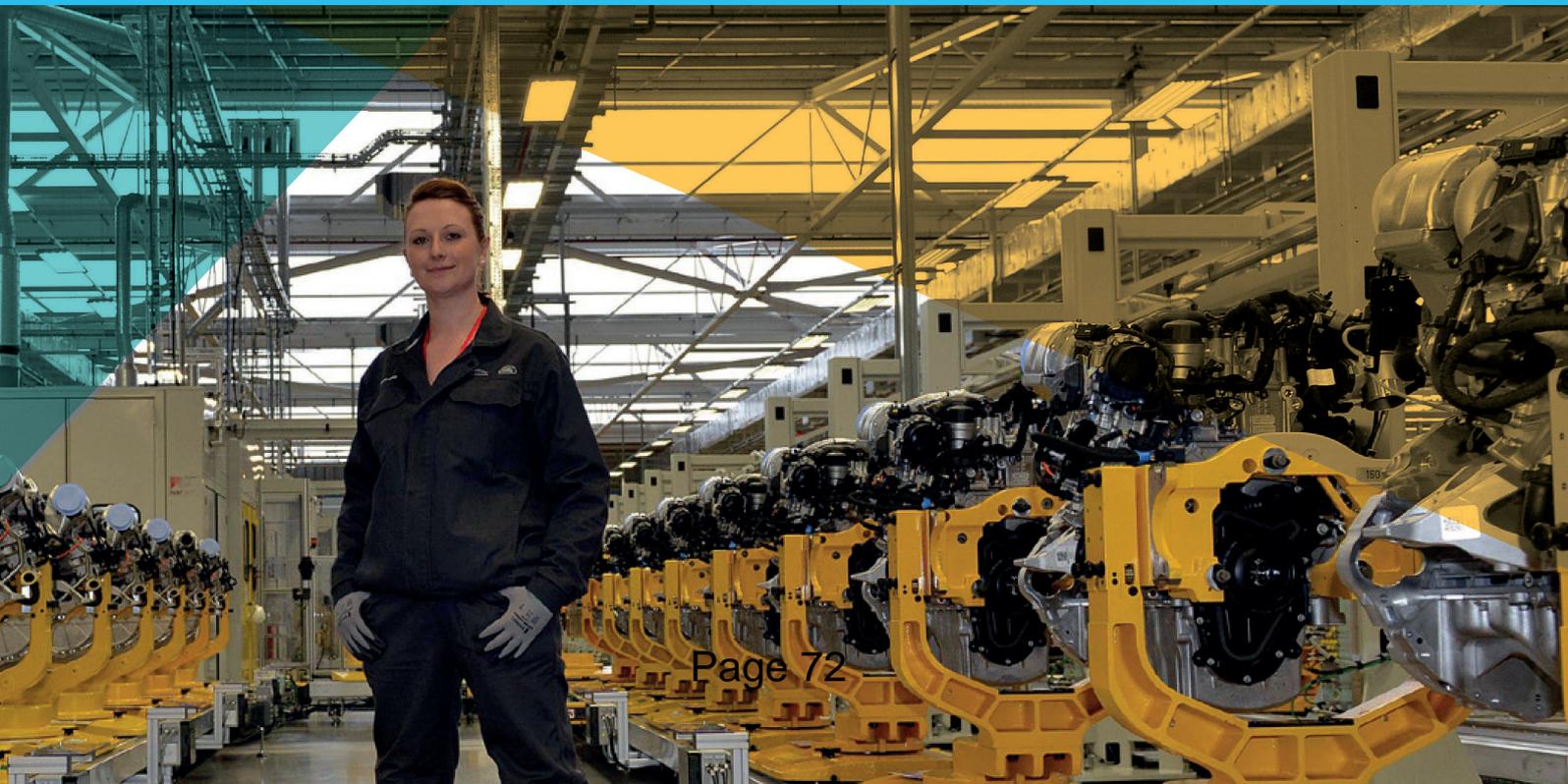
**Please ask a member of staff for
more information**

www.westmidlandscombinedauthority.org.uk



West Midlands Combined Authority Mayoral WMCA Functions Scheme

Consultation Summer 2016



Thank you for taking part in this survey.

Background

In November 2014 the seven West Midlands Metropolitan Borough Councils (Birmingham City Council, City of Wolverhampton Council, Coventry Council, Dudley Council, Solihull Council, Sandwell Council and Walsall Council) began discussing the benefits of creating a Combined Authority for the West Midlands region.

After much negotiation, and further discussions with government, the seven Metropolitan Councils agreed to form a West Midlands Combined Authority (WMCA), which formally came into being on 17 June 2016. The seven Metropolitan Borough Councils are now Constituent Councils of the WMCA.

As these negotiations progressed the government began discussing the potential of a devolution agreement with the newly forming Combined Authority. This first devolution agreement, agreed in principle in November 2015, is based on government promising long term secure investment and on powers moving from Westminster to the West Midlands region.

An elected Mayor for the WMCA geographical area (the Constituent Councils) is a government condition of the devolution agreement. Pending the Parliamentary process to create the Mayoral Combined Authority, the election for the Mayor will take place across the seven Constituent Councils on 4 May 2017.

Where are we now?

This first devolution agreement will see £36.5 million per year over the next 30 years of new investment funding. This guaranteed income stream, along with other financial measures, will enable the WMCA to fund an £8 billion investment programme.

Having negotiated and accepted the devolution agreement, the seven Constituent Councils and the WMCA have approved the creation of a Mayoral Combined Authority including the election of a Mayor and the associated Mayoral WMCA Functions Scheme for consultation.

It is the proposals in the Scheme which form the basis of this consultation.

These arrangements will allow the West Midlands region to deliver the devolution agreement. Further details of how the aspirations of the devolution agreement will be delivered are contained in the recently published Strategic Economic Plan, which is available on the WMCA website.

The full details of the Mayoral WMCA Functions Scheme are available in the supporting documents, along with 'Frequently Asked Questions', the devolution agreement, Governance Review and Strategic Economic Plan.

A Public Sector Equality Assessment of the Mayoral WMCA Functions Scheme has been undertaken, and can also be found in the supporting documents. All documents can be found on the WMCA website, the address can be found at the bottom of each page of this consultation.

The proposals in the Scheme, including the functions of the Mayoral WMCA, are the subject of this consultation.

This consultation asks for your views on the different functions it is proposed that the Mayoral WMCA could have.

Prior to any decisions being made, findings from the consultation will be sent as part of the Mayoral WMCA Functions Scheme to inform the decision making of the Secretary of State for Communities and Local Government, before an Order could be laid before Parliament.

It will give the Secretary of State an understanding of what the public, partners, stakeholders, businesses and voluntary sector think of the functions and responsibilities of a Mayoral WMCA and how the Scheme meets the Secretary of State's key tests. The key tests and considerations are:

- whether the Secretary of State considers that making the Order [based on the Scheme] is likely to improve the exercise of statutory functions in the Combined Authority 'area' (i.e. the Constituent Councils),
- To reflect the identities and interests of local communities; and
- To secure effective and convenient local government.

There are nine questions on the proposals in the Mayoral WMCA Scheme plus boxes to provide any additional feedback.

Transport

Transport networks

Getting around the West Midlands by car or public transport is not as easy as we would like it to be. For instance, congestion is costing the regional economy around £2 billion per year. Ensuring our residents and businesses can reach job opportunities across the region is key to economic growth and success.

By devolving functions to a Mayoral WMCA, the region will be able to create a more efficient, integrated West Midlands transport network, specifically a Key Route Network of local roads.

Local councils currently receive funding from central government for managing and maintaining their roads on a year by year basis. As part of the devolution agreement the West Midlands will receive more funding and this will be guaranteed on a five yearly basis.

This together with the functions identified in the Mayoral WMCA Functions Scheme will allow the Constituent Councils and partners to collaborate to deliver more effective and coordinated improvements and maintenance of the West Midland's region road network.

1. To what extent do you agree or disagree that the Mayoral WMCA should get the functions highlighted above, and detailed in the 'transport' section of the Mayoral WMCA Functions Scheme, to deliver these ambitions?

- Strongly agree
- Agree
- Disagree
- Strongly disagree
- Don't know

Please tell us why below

Low emissions

In some areas of the West Midlands region, air quality is very poor. Air quality however is not limited by council boundaries which makes tackling it on an individual council basis difficult.

By devolving functions to a Mayoral WMCA, the region and partners will be able to create and deliver low emissions and clean air zones, thus improving public health.

2. To what extent do you agree or disagree that the Mayoral WMCA should get the functions highlighted above, and detailed in the 'low emissions' paragraph of the Mayoral WMCA Functions Scheme, to deliver these ambitions?

- Strongly agree
- Agree
- Disagree
- Strongly disagree
- Don't know

Please tell us why below

High Speed 2 (HS2) growth

The HS2 Growth Strategy is about maximising the benefits of HS2 for the West Midlands. However, there is a concern that this huge investment will only benefit a small portion of the West Midlands region.

By devolving functions to a Mayoral WMCA, the region and partners will be able to make sure HS2 benefits the whole West Midlands region through the creation of a combined authority-led development corporation. This will include the Metro extensions from Curzon in central Birmingham to Solihull HS2 Interchange Station and from Wednesbury to Brierley Hill.

3. To what extent do you agree or disagree that the Mayoral WMCA should get the functions highlighted above, and detailed in the HS2 growth section of the Mayoral WMCA Functions Scheme, to deliver these ambitions?

- Strongly agree
- Agree
- Disagree
- Strongly disagree
- Don't know

Please tell us why below

More and Better Homes

There is a large amount of brownfield land in the West Midlands, which through remediation, could be brought back into productive use. The West Midlands also needs more homes and better homes.

Through the Mayoral Functions Scheme, the West Midlands will receive the Homes and Communities Agency's (HCA) objectives and functions, and exercise these alongside the HCA to deliver our housing and economic growth strategies. Specifically the Mayor will receive the HCA compulsory purchase order powers, although to exercise these powers, the Mayor would require the consent of the appropriate council(s).

4. To what extent do you agree or disagree that the Mayoral WMCA should get the functions highlighted above, and detailed in the 'More and Better Homes' section of the Mayoral WMCA Functions Scheme, from Westminster to deliver these ambitions?

- Strongly agree
- Agree
- Disagree
- Strongly disagree
- Don't know

Please tell us why below

Skills and employment

The West Midlands has above average low-wage jobs and a low-skilled workforce, which is hampering productivity and economic growth in many businesses.

In order to provide better jobs and opportunities for existing workers and future generations, the area needs to move to a higher-wage, higher-skilled economy.

Through devolution, the Mayoral WMCA will bring together partners from across education, industry and the third sector to deliver better skills and training for jobs now and in the future. This will involve looking at further education provision, apprenticeships, working closer with the Department for Work and Pensions and connecting local employers with local schools.

The strategy will be focused on the needs and perspective of an individual, whether they are in education, in work, or out of work in order to deliver the higher-wage, higher-skilled workforce.

5. To what extent do you agree or disagree that the Mayoral WMCA should get the functions highlighted above, and detailed in the 'skills and employment section' of the Mayoral WMCA Functions Scheme, to deliver these ambitions?

- Strongly agree
- Agree
- Disagree
- Strongly disagree
- Don't know

Please tell us why below

Finance

The West Midlands economy needs more investment in order to compete at a global level.

By devolving functions to a Mayoral WMCA, the West Midlands will have access to a number of funding streams including a Mayoral precept (an additional charge to council tax payers), business rate supplement and the ability to borrow.

The legislation gives the Mayor the ability to raise a precept in order to deliver investment into the regional economy. As part of the checks and balances of the Mayoral WMCA Functions Scheme, this precept forms part of the Mayoral annual budget and is therefore subject to agreement by the West Midlands Combined Authority board and would be subject to the existing local council capping arrangements.

Through the Scheme, the Mayor would also be able to raise a business rate supplement to create funds to invest into specific schemes within the regional economy. This would require agreement with the relevant Local Enterprise Partnership board(s) and the West Midlands Combined Authority board.

6. To what extent do you agree or disagree that the Mayoral WMCA should get the functions highlighted above, and detailed in the 'finance section' of the Mayoral WMCA Functions Scheme, to deliver these ambitions?

- Strongly agree
- Agree
- Disagree
- Strongly disagree
- Don't know

Please tell us why below

Secretary of State Statutory Tests

In deciding whether to proceed with a Statutory Order in Parliament that reflects the functions being requested in the Mayoral WMCA Functions Scheme, the Secretary of State must consider that making the Order:

- is likely to improve the exercise of statutory functions in the Combined Authority 'area' (i.e. the Constituent Councils),
- reflects the identities and interests of local communities
- secures effective and convenient local government

7. To what extent do you agree or disagree that the functions proposed in the Mayoral WMCA Functions Scheme will secure effective and convenient local government in the West Midlands region?

- Strongly agree
- Agree
- Disagree
- Strongly disagree
- Don't know

Please tell us why below

8. What impact, if any, do you think that the functions proposed in the Mayoral WMCA Functions Scheme will have on the identity and interests of local communities?

- Positive impact
- No impact
- Negative impact
- Don't know

Please tell us why below

9. To what extent do you agree or disagree that the West Midlands Combined Authority should have the same duty to consider equality as councils do?

- Strongly agree
- Agree
- Disagree
- Strongly disagree
- Don't know

In order for us to better understand the responses received, please also answer the following questions:

Which council area are you or your organisation most closely associated with?

- Birmingham
- City of Wolverhampton
- Coventry
- Dudley
- Sandwell
- Solihull
- Walsall
- Other (please specify)_____

Are you responding to this survey as

- A resident
- A business or organisation
- A councillor within the West Midlands
- An employee of a council within the West Midlands
- Other (please specify)_____

What is your age?

- 17 years and under
 - 18–24 years
 - 25–34 years
 - 35–44 years
 - 45–54 years
 - 55–64 years
 - 65–74 years
 - 75–84 years
 - 84+
 - Prefer not to say
-

Marital Status?

- Married/In a civil partnership
 - Co-habiting/Divorced/Widowed/Single/Other
 - Prefer not to say
-

What is your race or ethnic group?

White

- English / Welsh / Scottish / Northern Irish / British
 - Irish
 - Gypsy or Irish Traveller
 - Other White Background (specify below if you wish)
-

Asian/Asian British

- Bangladeshi
 - Chinese
 - Indian
 - Pakistani
 - Any other Asian Background (specify below if you wish)
-

Black/African/Caribbean/Black British

- African
 - Caribbean
 - Any other Black/African/Caribbean Background (specify below if you wish)
-

Mixed/Multiple Ethnic Groups

- White and Black Caribbean
 - White and Black African
 - White and Asian
 - Pakistani
 - Any other Mixed/Multiple Ethnic Background (specify below if you wish)
-

Gender Identity

- Female
 - Male
 - Gender Neutral/No Gender
 - Prefer not to say
-

Is your gender identity the same as the gender you were assigned at birth?

- Yes
 - No
 - Prefer not to say
-

Do you consider yourself to have a disability?

- No
- Yes
- Prefer not to say

If yes, do you have a disability which affects your day to day activities, which has lasted, or you expect to last, at least a year?

- Yes
 - No
 - Not sure
 - Prefer not to say
-

Sexual Orientation

- Lesbian/gay woman
 - Gay man
 - Bisexual
 - Heterosexual/straight
 - Unsure
 - Prefer not to say
-

Religion

- Buddhist
- Christian
- Hindu
- Jewish
- Muslim
- Sikh
- No Religion
- Any other religion
- Prefer not to say

Please hand back your completed consultation to staff where you picked it up, or return it to the following address by Friday 19 August:

PO Box 9421
Birmingham
B19 3YZ



WEST MIDLANDS
COMBINED AUTHORITY

www.westmidlandscombinedauthority.org.uk

Glossary of terms

1. West Midlands Combined Authority (WMCA)

The West Midlands Combined Authority is made up of the seven West Midlands Metropolitan Councils which have come together to tackle the 'big ticket' items that each council by themselves couldn't deal with. Many of the 'big ticket' strategic items concern improving how people and goods get around the region, creating new jobs and opportunities, making sure people have the necessary skills to make the most of these new jobs and looking to build new homes and communities.

2. West Midlands Combined Authority Mayoral Functions Scheme

The 'Scheme' is the document produced by the West Midlands Combined Authority, proposing how the Devolution Agreement will be implemented, who will be responsible for what functions and how the Mayor will work with the West Midlands Combined Authority Board. The Scheme, by its nature, is a complex document as it will create the legal basis for the functions of the Mayoral West Midlands Combined Authority. In this context 'Functions' means powers, and refers to what a Mayoral West Midlands Combined Authority can do.

3. Brownfield land

This is land which has previously been used, often contaminated/polluted land. It can be more expensive to build new factories, offices or homes on this type of land as it sometimes need to be 'cleaned up' first either by demolishing existing buildings or removing pollution.

4. Remediation

This is the process for cleaning up previously polluted land ready for someone to be able to build a school, factory or homes on the site. It can be expensive to deal with past uses of land.

5. Constituent Councils and Non-Constituent Councils and Local Enterprise Partnerships

A Constituent Council is one of the seven West Midlands Metropolitan Councils which has signed up to be a full member of the West Midlands Combined Authority and create the body by collaborating to tackle 'big ticket' strategic issues across the West Midlands region. A combined authority is not a merging of councils. Services carried out by the councils will continue to be carried out as they have always been. The Combined Authority is about working together on strategic issues for better outcomes for the region.

A Non-Constituent refers to other local councils or Local Enterprise Partnerships (LEPs) which want to play a part in the West Midlands Combined Authority as it could benefit their area, but are not part of the formal West Midlands Combined Authority area. Further partnership working is reflected in 'observer status', for authorities or organisations that want to engage with the West Midlands Combined Authority, for example the Fire Authority.

6. Devolution Agreement

This is an agreement between the West Midlands Combined Authority and the Government. It outlines what funding the Government is prepared to offer on a long term basis, what powers government is willing to give to the West Midlands Combined Authority and what government expects in return. The first Devolution Agreement will see £36.5 million per year coming to the region over the next 30 years. In total this secure funding stream will be used to generate an extra £8 billion of investment into the region's economy. The West Midlands Combined Authority is already beginning to discuss a second devolution agreement with government.

7. Devolving powers

This means central government and government bodies giving some of its powers to the West Midlands region, so that decisions affecting local communities can be taken locally.

8. Governance

This is the word to describe how the Mayor and the West Midlands Combined Authority Board will make decisions, how the Mayor and the West Midlands Combined Authority Board can vote – what is the required majority etc. Governance ensures any decisions are agreed in a legally binding and transparent way.

9. HS2 Growth Strategy

High Speed 2 is the second high speed railway to be built in the UK. The first high speed railway links London with the Eurostar rail service taking passengers through the Channel Tunnel. This second route will initially run from London Euston to Birmingham Curzon Street. Later phases will run up to Manchester and Leeds.

The HS2 Growth Strategy is a plan that explains how all the local councils next to the HS2 route can get the most economic benefit out of this transport link. Two stations will be sited in the West Midlands, the interchange in Solihull and Curzon Street in Birmingham. The Growth Strategy looks at how linking the interchange in Solihull to the airport, Birmingham International Rail Station and likewise linking Curzon Street to the wider area can bring about increased jobs, economic growth and opportunities.

10. Laying a Statutory Order before Parliament

This is a parliamentary expression for seeking parliamentary approval for the Mayoral West Midlands Combined Authority arrangements. Once the Secretary of State for the Department of Communities and Local Government has considered the consultation, and if satisfactory, a Parliamentary 'Order' is created, reflecting the Scheme. The Constituent Councils are required to approve the 'Order' and if approved the Secretary of State will subsequently seek parliamentary approval to provide the necessary statutory powers to enable the West Midlands Combined Authority to undertake the functions outlined in that Order.

11. Public Sector Equality Assessment

This assessment checks that the suggested West Midlands Combined Authority Mayoral Functions Scheme does not discriminate against any particular group, that it deals with all people in the region fairly and provides for equality of opportunity.

12. Strategic Economic Plan (SEP)

This sets out our economic priorities and how the West Midlands Combined Authority will use the Devolution Agreement funds to improve the regional economy, invest in transport infrastructure, facilitate the building of homes and improve the life chances of the people in the region.

13. Statutory Tests

This is mandatory 'test' that the Secretary of State will use to consider whether the West Midlands Combined Authority Mayoral Functions Scheme (and subsequent Order) is likely to improve the exercise of statutory functions in the Combined Authority 'area' (i.e. the Constituent Councils), to reflect the identities and interests of local communities and to secure effective and convenient local government.

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WEST MIDLANDS
COMBINED AUTHORITY

Board Meeting

Date	30 September 2016
Report title	The West Midlands Land Commission
Portfolio Lead	Councillor Sean Coughlan – Housing & Land
Accountable Chief Executive	Jan Britton, Chief Operating Officer, WMCA Tel: 0121 569 3501 Email: jan_britton@sandwell.gov.uk
Accountable Employee	Peter Yeomans, Group Manager, Sandwell MBC Tel: 0121 569 3501 Email: peter_yeomans@sandwell.gov.uk
Report to be/has been considered by	WMCA Programme Board – 16 September 2016

Recommendation(s) for action or decision:

The Combined Authority Board is recommended to:

1. Note the progress to date of the West Midlands Land Commission, the appointment of the Commissioners and the draft timetable for the delivery of the final report of the Commission.

Agenda Item No. 4.1

1.0 Purpose

1.1 The purpose of this report is to advise the Programme Board of the progress made in the establishment of the West Midlands Land Commission and steps that have been taken since the matter was previously considered by the Programme Board on the 10th June 2016.

2.0 Background

2.1 The Land Commission is one of the three commissions established by the Combined Authority, the other two being Productivity and Mental Health. All the Commissions will investigate specific topics considered of strategic importance in delivering the planned economic growth across the region. Since the last update to the Board in June 2016 the Chair of the Commission Paul Marcuse has appointed four other Commissioners. The Commissioners have been drawn from different specialisms across the development industry to reflect the varied development issues across the conurbation. Clearly the issues surrounding development on brownfield land and viability are not the same as development pressures around the need to identify new strategic opportunities on green field land to deliver the growth agenda. You will recall that the Chairman, Paul Marcuse has presented his progress with regards to the Commission to the CA Board on two occasions in the past.

3.0 Progress to date

3.1 Over the summer the Chairman has made a number of visits to local authorities and LEP's to meet leaders, chairs and chief executives to ascertain their views upon development and potential constraints that currently impede the pace of delivery and scale of development across the region. This sound grounding has assisted in the refining of the terms of reference and the choice of commissioners, together with the scope of additional evidence that will be needed to be gathered.

3.2 The Commission has been very fortunate in securing the services of nationally acknowledged experts in their own fields to serve as Land Commissions alongside Paul Marcuse. Four Commissioners have been appointed and a brief synopsis of the individual's cv's are below:

- **Bill Oliver** is the retiring Chief Executive of the leading regeneration company St. Modwen's This Company is the lead developer for the former Longbridge car plant in south Birmingham and has a very strong track record in regeneration across the Region and Nationally.
- **Bridget Rosewell** is a prominent UK economist and a non-executive director at Network Rail; she has been working on the Infrastructure Commission alongside Lord Andrew Adonis.

Agenda Item No. 4.1

- **Bruce Mann** is the Executive Director of the Cabinet Office's Government Property Unit; he is driving a new commercially driven approach to land and property asset management across the Central Government estate. He is also leading the Government's Open Public Estate initiative where the CA is fully involved.
 - **Jerome Frost** is Ove Arup's Global Planning Director prior to that he was Head of Design and Regeneration for the Olympic Delivery Authority (London 2012). Jerome works out of Ove Arup's Solihull office on Blyth Valley.
- 3.3 The call for evidence from the public and private sectors with an interest in commercial and residential development was issued in early September and has been very widely circulated within the development community. Through the tracking of emails we know that the call for evidence has been seen by over one thousand interested individuals this is significantly higher than would have been anticipated when compared to similar consultation exercises.
- 3.4 There are proposed to be three 'Hearings of Evidence' spread across the region to reflect the differing circumstance that impact upon development matters within the three LEP geographical areas. One session is proposed to be at the Wolverhampton Science Park, the second session will be within the National Exhibition Centre and the third session will be held at the Coventry Science Park. These sessions will be chaired by Paul Marcuse assisted by the Commissioners with support provided by the Commission's secretariat. Due to the Commissioners very busy pre-existing diary commitments not all the Commissioners will be at all the proposed meetings. However, this is not thought to present an issue since the Chairman will be at all the meetings of the Commission.
- 3.5 Once all the evidence has been collected it will be collated and assimilated Metro Dynamics who have been commissioned by the West Midlands Combined Authority to draft the final report. The interim report is anticipated to be available in late December 2016 with the final report being produced by spring 2017.
- 3.6 It needs to be stressed that the Land Commission will not make any site specific recommendations with regards to any development site in the region. This is specifically not the role of the Commission. It will produce a number of policy recommendations, some of which may be better ways of working to speed up the pace of delivery but some of the recommendations may well require changes in primary legislation and accordingly central government will need to be convinced of the merits of the final report's arguments.
- 4.0 Financial implications**
- 4.1 The work on the Land Commission is being progressed within the approved Combined Authority Governance Budget.

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5.0 Legal implications

5.1 There are no legal implications directly arising from this report. It is providing an update to the Board on the progress made and the anticipated time table for the Final Report.

6.0 Equalities implications

6.1 There are no equalities implications directly arising from the consideration of this report.



WEST MIDLANDS
COMBINED AUTHORITY

Board Meeting

Date	30 th September 2016
Report title	Productivity & Skills Commission Update
Cabinet Member Portfolio Lead	Cllr George Duggins – Skills and Productivity
Accountable Chief Executive	Nick Page Email: npage@solihull.gov.uk Tel: 0121 704 6018
Accountable Employee	Rachel Egan Email: regan@solihull.gov.uk Tel: 0121 704 8219
Report has been considered by	WMCA SEP Board WMCA Programme Board – 16 September 2016

Recommendation(s) for action or decision:

The Combined Authority Board is recommended to agree:

- 1.1 That the Commission develops activity under four strands:
- Full analysis of the productivity challenge for each of the priority and enabling sectors identified within the SEP. This will include the skills challenge as one of the five drivers of productivity.
 - Development of products and tools to drive productivity at the firm level, to be guided by the analysis detailed under a) as well as building on, directly linking with and developing the work of the national Productivity Leadership Group and sector specific groups such as the Automotive Council UK.
 - Produce a clear set of actions to roll out and embed the use of the tools developed under b). An initial suggestion, aligning with the output from the skills workshop, is to consider how WMCA could facilitate the creation of a new Apprenticeship Standard to develop the leadership and management skills required to drive productivity and utilise the tools developed.

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- d) Research, policy analysis and policy development leading to recommendations on how WMCA can drive productivity through each of its strategic priorities, ensure that the local labour market is shaped to match our vision of a more productive region and to be clear on how these recommendations may affect social mobility.

1.2 That the following Governance arrangements are put in place:

- a) Clear mechanisms are mapped to engage with employers based on existing groups and the engagement of LEP Sector Champions
- b) A champion for each of the priority and enabling sectors is nominated to sit on a West Midlands Productivity Leadership Group with Dr Andy Palmer as Chair. These champions could effectively act as commissioners for the work carried out relating to their sector.
- c) A technical reference group is set up to support and advise on the work of the commission. This should be Chaired by a senior economist who would also act as Co-Vice Chair for the West Midlands Productivity Leadership Group. The technical reference group would be made up of experts that could act as commissioners for specific pieces of work primarily under 1.1 d)
- d) WMCA Cabinet Member for Productivity & Skills acts as Co-Vice Chair for the West Midlands Productivity Leadership Group.

1.3 That the agreed budget of £150,000 is deployed as follows:

- a) To commission the work described under 1.1 a)
- b) To commission overall programme management to include oversight of the commission as well as organisation of the West Midlands Productivity Leadership Group, business engagement activity and the technical reference group.
- c) To provide a fund to commission studies under 1.1 d).

1.0 Purpose

- 1.1 For the Board to consider the detailed proposal for the initial activity of the Commission.

2.0 Background

- 2.1 Further to the initial scoping of the Commission and the skills workshop held on 4th July there have been a number of conversations with technical experts and those with first-hand experience of running similar Commissions. This has supported the development of our thinking and refined the suggested approach.

- 2.2 Whilst skills are a key factor in determining productivity they are not the only factor and the approaches required to develop policy and activity in this space are different to those that would be applied to driving productivity at the firm level. There is also a marked difference in the interest that business leaders tend to have in these two different areas. Skills is a highly complex, technical policy area within which it can be difficult to deliver straight forward practical solutions within a short period of time. As such, the advice of those engaged in discussions on refining the approach to the Commission has been to separate those aspects relating to skills from engagement with business leaders until they reach a point where we can test and develop practical solutions. The suggested approach to the Commission allows for this through the separation of the 'think' piece (1.1 a and d) from the 'do' piece (1.1 b and c).

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- 2.3 The new government has maintained its focus on productivity but also has a new focus on social mobility. Treating skills and productivity as related but separate work strands will allow for the Commission to consider both aspects in relation to social mobility and economic growth.
- 2.4 The approach described picks up the output from the skills workshop as follows:
- a) Management and leadership will be examined under 1.1 c) particularly in terms of exploring the potential to create a new apprenticeship standard. This would provide an opportunity to harness local levy spend to drive productivity as well as making a contribution to the strategic objective to increase the number of people qualified to level 4+.
 - b) Collaboration between the public and private sector across FE and HE will also be explored under 1.1d) and would be integral to 1.1c)
 - c) Work readiness will be examined under 1.1 d)
- 2.5 The development of the 'Skills Engine' as referenced in the July report to SEP Board is currently being explored as part of WMCA's devolution agenda. This may become part of the activity of the Commission at a later date when the viability of various aspects have been tested with government.
- 2.6 The potential to look at a specific area relating to the skills challenges within the construction sector is currently being progressed by a group led by the GBS LEP Construction Sector Champion. The potential to bring this piece of work into the Commission will be kept under review.

3.0 Financial implications

- 3.1 As outlined in the report the current £150,000 Combined Authority Budget for the Productivity & Skills Commission will be utilised on commissioning the proposed initial workstreams and managing the work and administration of proposed Commission groups. Any Action Plans and recommendations arising from this initial commission work will require fully costing and suitable funding identified before any onward progression.

4.0 Legal implications

- 4.1 None directly arising from this report.

5.0 Equalities implications

- 5.1 None directly arising from this report.

6.0 Other implications

- 6.1 None.

7.0 Schedule of background papers

- 7.1 N/A

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WEST MIDLANDS
COMBINED AUTHORITY

Board Meeting

Date:	30 September 2016
Report Title:	Midland Metro Update
Cabinet Member Portfolio Lead	Cllr Roger Lawrence - Transport
Accountable Chief Executive:	Laura Shoaf, Managing Director TfWM laurashaof@wmita.org.uk Tel No: 0121 214 7444
Accountable Employee:	Phil Hewitt, Metro Programme Director philhewitt@centro.org.uk Tel No: 0121 214 7254
Report to be/ has been considered by:	Strategic Transport Officers' Group, WMCA Programme Board, Cllr Worrall, Chair. Transport Delivery Committee Cllr Horton, Lead Member Rail & Metro

Recommendation(s) for action or decision:

The Combined Authority Board is recommended to:

- i. Note the progress being made on delivering the Metro extensions programme and note the schedule of upcoming approval submissions as set out in this report; including
 - a. The Wednesbury to Brierley Hill extension will be the first 'Devolution Deal' scheme to be completed, as a Transport and Works Act Order (TWAo) which was initially obtained in 2005.
- ii. Delegate authority to TfWM to negotiate commercial settlements for land acquisition to facilitate the earliest completion of the Wednesbury to Brierley Hill Scheme. This would negate the need for a supplementary TWAo.

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- iii. Task officers to ensure the initial outline business case information is submitted to Government, for both extensions (Wednesbury to Brierley Hill and East Birmingham to Solihull), to bid for project development contributions in the upcoming Autumn Statement.
- iv. Note the timetable for business case development and submission to Government for all schemes as set out in Appendix 1, specifically as there are interdependencies between the Metro and other key priorities such as the Black Country Enterprise Zone application for Brierley Hill.

1.0 Purpose

- 1.1 To provide an update on the Midland Metro network expansion programme and, within the ongoing programme of business case submissions to Government, to seek approval to submit an Initial Outline Business Case for the East Birmingham to Solihull Tramway to Government.

2.0 Impact on the Strategic Transport Plan

- 2.1 Expansion of Midland Metro, as set out in this report, is an important element in the development of the Strategic Transport Plan's Metropolitan Rail and Rapid Transit Network.

3.0 Wider WMCA Transport Implications

- 3.1 The report sets out the Midland Metro extensions programme. This expansion of Midland Metro, as part of an integrated Rail and Rapid Transit Network, will enable better connectivity of key centres and corridors in Birmingham/Solihull and the Black Country with the wider Combined Authority area through effective interchange with suburban and regional rail services.

4.0 Background

- 4.1 The creation of the WMCA has significantly enhanced the momentum towards an expanded Midland Metro network, which lies at the heart of the Strategic Transport Plan "Movement for Growth". On the network the early results following the opening of the extension to Grand Central on 30 May 2016 are showing an increase in patronage of 30% which is in line with business case forecasts.
- 4.2 This report seeks to update the WMCA on progress across the programme, beginning with those projects where Transport and Works Act Order (TWAO) powers are in place, through those with powers obtained this year, where construction is the next stage, and to those where TWAO powers need to be obtained. A schematic plan illustrating the extensions programme is shown in Figure 1 on page 4 of this report.
- 4.3 This report indicates to WMCA when further approval submissions are planned to be made. The submissions will enable the momentum towards delivery to be maintained, supporting the submission of business cases to Government appropriate to the stage of delivery.

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4.4 The application for powers to construct an extension is a significant milestone for the Birmingham Eastside Extension project, and a separate report to this meeting seeks approval to submit a TWAO application for that project. This submission is a key deliverable to Government in the WMCA's HS2 Growth Strategy Implementation Plan.

4.5 This report therefore covers the following:

Scheme Progress updates

Section 4 Wednesbury to Brierley Hill Extension

Section 5 Centenary Square/Edgbaston Extensions

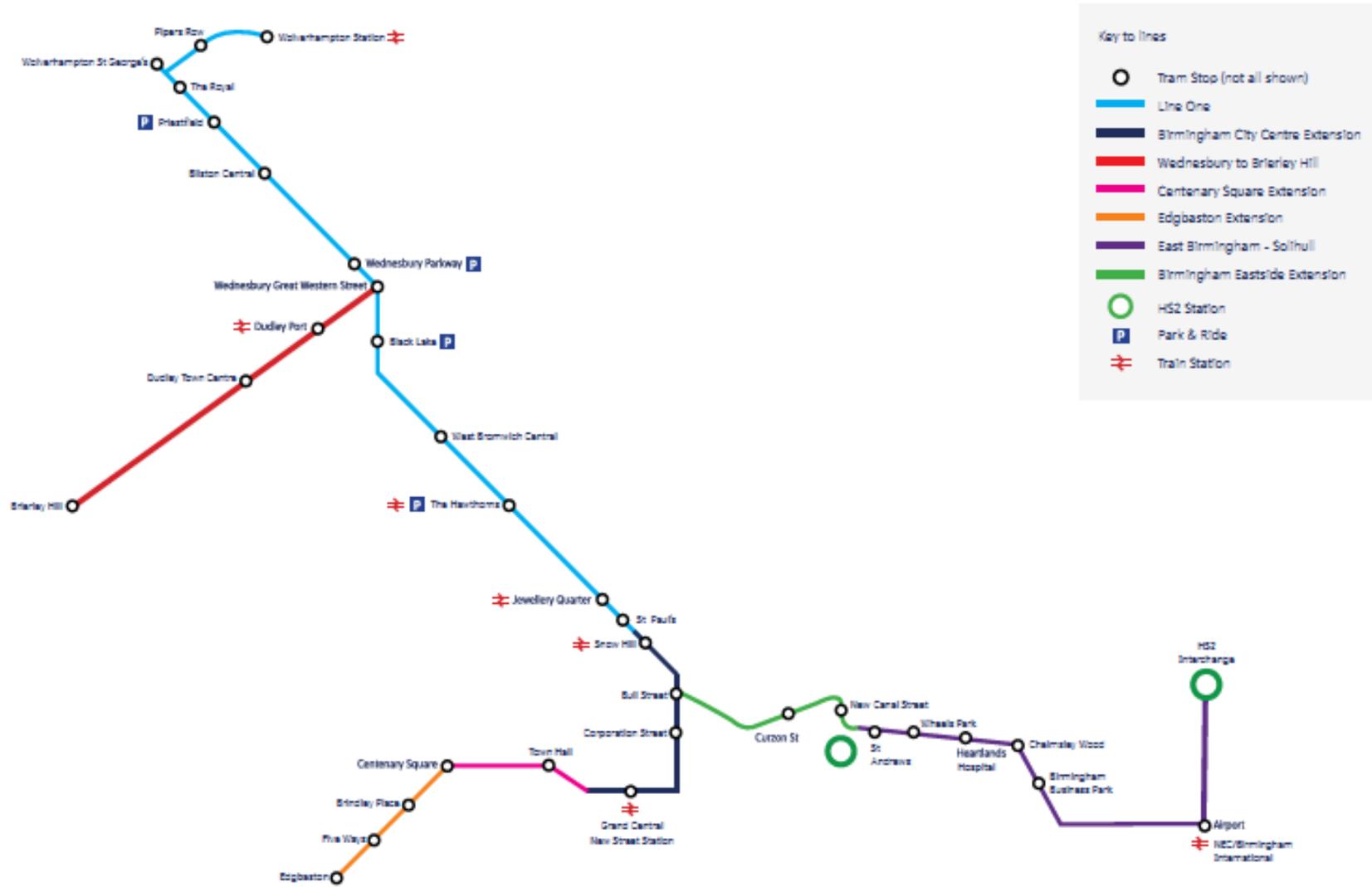
Section 6 Wolverhampton City Centre Extensions

Potential Permissions and Approvals to enable development

Section 7 East Birmingham to Solihull Tramway (approval to submit for Initial Outline Business Case to Government)

4.6 For ease of reference a "plan on a page" showing the timescales for delivery of the programme is attached at Appendix 1. The Midland Metro Alliance is currently reviewing the delivery dates and these will be updated in subsequent reports.

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Figure 1 Metro Delivery Programme



5.0 Wednesbury to Brierley Hill Extension

- 5.1 The Midland Metro (Wednesbury to Brierley Hill and Miscellaneous Amendments) Order (SI2005/927) was made in 2005. However, a further TWAO may be required to provide fresh compulsory powers over the proposed route (including statutory authorisation for any part of the line outside the original 2005 Order limits, supported by environmental assessment) in the event that commercial settlement for the acquisition of the necessary land cannot reasonably be achieved. The existing planning permission remains extant, due to the undertaking of works in Dudley Town centre in 2009, subject to any variation needed to reflect any change in alignment.
- 4.2 The 11km extension will run from Line 1 at Wednesbury via Dudley town centre and Waterfront/Merry Hill to Brierley Hill; 7km of the route utilises the abandoned South Staffs Railway corridor. A plan of the route is shown overleaf at Figure 2.
- 4.3 In November 2015 the Government announced the West Midlands Combined Authority Devolution Deal which confirmed its support for the work of the West Midlands Combined Authority Shadow Board to develop a delivery plan, encompassing the Metro extensions from Curzon to Interchange and from Brierley Hill, in order to realise the full benefits of HS2.
- 4.4 Work is now underway to refresh the previous engineering work on this project to take into account changes since the 2005 Order was made, to prepare an updated cost estimate taking account of these changes and opportunities to value engineer the project, and to prepare a Business Case to support the case for the investment.
- 4.5 This scheme obtained Programme Entry from the then DETR prior to the submission of the TWAO. The then good business case is expected to be enhanced by the impact of HS2, the Brierley Hill Enterprise Zone and the potential for significant additional growth in the corridor under WMCA.
- 4.6 The disused rail corridor requires very extensive site clearance and remediation, which must be sensitively carried out at the right time of year to avoid environmental constraints. Development work is currently being undertaken to develop a plan for delivery of the scheme, including options for seeking early land acquisition, advanced structural remedial work, early site clearance where appropriate and early utility diversions to enable delivery as soon as possible.
- 4.7 Transport planning work is under way using the West Midlands' strategic transport model PRISM to quantify the benefits to support the business case.

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- 4.8 DCLG are keen to ensure that Central Government includes the project funding contribution set out in the Devolution Deal within its firm future spending plans, to be drawn down subject to obtaining the necessary TWAO powers and demonstrating value for money in a Final Business Case. DCLG have indicated that they would welcome such a submission to put before Treasury, and officers are working to ensure the appropriate information is made available.
- 4.9 The development work above will be carried out using the approved WMCA budget of £1.2m allocated for the current financial year, plus £0.4m allocated by the Association of Black Country Authorities (“ABCA”), and a report is planned to be brought before the WMCA in March 2017 seeking approval to progress the early delivery works in 2017/18 and submit an Outline Business Case to Government, if possible seeking Full Approval for the project, releasing the Government funding allocated for delivery. As may be seen from Appendix 1, this would mean the WBHE project would be the first “Devo Deal” scheme to be completed.

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Figure 2 Wednesbury to Brierley Hill Route Plan



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6.0 Centenary Square/Edgbaston Extensions

- 6.1 The Midland Metro (Birmingham City Centre, etc.) Order (SI2005/1794) was made in 2005 and implemented in 2010. The first section of route authorised by the 2005 Order, between St Paul's and Stephenson Street was opened to passengers in May 2016.
- 6.2 The remaining two extensions to complete delivery of the TWAO powers are planned to be combined to secure efficiencies in delivery, subject to funding approvals for the Edgbaston Extension.
- 6.3 For the section to Centenary Square £23.5m of Local Transport Board and Enterprise Zone funding is in place from GBSLEP to deliver the next stage of the works authorised by the 2005 Order, from Stephenson Street to Centenary Square. This will provide stops at the Paradise Circus and Arena Central developments.
- 6.4 In order to vary the route from that which had powers under the 2005 Order and to better integrate the tramway within the highway layout for the Paradise Circus development an additional Order was sought. This was the subject of a local Public Inquiry between November 2014 and January 2015 and the Order (SI2016/545) has been obtained and has come into force. Advance utilities diversions, undertaken utilising the 2005 Order powers commenced in January 2015 and are planned to be completed shortly.



Figure 3 Photomontage of tram at Edgbaston terminus

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- 6.5 In the Growth Deal announcement on 7 July 2014 the Government allocated provisional funding of £59.8m to GBSLEP to extend Metro from Centenary Square along Broad Street to Hagley Road, Edgbaston, just to the west of Five Ways. This will enable the use of the full extent of the powers granted in the works authorised by the 2005 BCCE Order, by 2020/21.
- 6.6 The Midland Metro Alliance is currently developing a Target Price for the combined Centenary Square and Edgbaston schemes, with a view to starting work on the Centenary Square elements commencing in 2017.
- 6.7 Although funding allocated via the 2014 Growth Deal was devolved to GBSLEP, major projects costing more than £20m have been held by DfT as part of a national portfolio of major local schemes. DfT holds the final approval on funding release once DfT officials, Treasury officials and Ministers are satisfied with the relevant Business Cases, albeit the strategic choice to invest should remain with the local LEPS.
- 6.8 The Outline Business Case has been completed in draft and demonstrates high value for money with a Benefit to Cost Ratio of over 2:1. However DfT is unlikely to give approval to the projects until both a firm cost is confirmed through the Midland Metro Alliance contract and the necessary land at the Edgbaston terminus has been acquired.
- 6.9 It is proposed to submit a report to WMCA by the end of the year seeking endorsement of the Final Business Case prior to submission to Government and approval of the commencement of works on the Centenary Square elements in 2017 (and Edgbaston subject to final DfT approval). TfWM has been working with DfT on the draft business case and in particular the transport modelling elements of the case. It is therefore hoped that the Government approval process can be kept to the minimum possible to obtain DfT, Treasury and Ministerial sign off of the funding.

7.0 Wolverhampton City Centre Extension

- 7.1 This extension will run from Midland Metro Line 1 on Bilston Street along Piper's Row and Railway Drive with new stops at the Bus and Railway stations.
- 7.2 As part of the Wolverhampton Interchange Project funding is in place from the BCLEP and the WMITA approved the principles of the remainder of the funding package at its meeting of 18 November 2015.
- 7.3 A local public inquiry into the required TWAO was held on 9 June 2015; no objections remained outstanding on the day of the Inquiry, consequently the Midland Metro (Wolverhampton City Centre Extension) Order (SI2016/684) was granted in June 2016 and has now come into force. This has enabled advance utility diversion works to

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start on site in Piper's Row in August, with the opening of the tramway planned for 2019

- 7.4 The Midland Metro Alliance is currently reviewing the TWAO design for any value engineering opportunities and will then develop a firm Target Price for the main works construction. This is planned to be reported to WMCA for approval and authority to commence the main site works in March 2017.

8.0 East Birmingham to Solihull Tramway

- 8.1 In November 2015 the Government announced the West Midlands Combined Authority Devolution Deal which confirmed its support for the work of the West Midlands Combined Authority Shadow Board to develop a delivery plan, encompassing this Metro extensions from Curzon to Interchange and from Brierley Hill, in order to realise the full benefits of HS2.

- 8.2 The extension of the Midland Metro from Digbeth to east Birmingham-Solihull will play a key role in delivering the full potential for growth and jobs of HS2 and provide transformational benefits to areas with a persistent and high incidence of multiple deprivation by giving people access to jobs and services, linked to the Greater Birmingham and Solihull Local Enterprise Partnership (GBSLEP) training and skills agenda.

- 8.3 The 16km extension will link growing residential areas and key community destinations such as Heartlands Hospital with existing and new growth areas including Curzon HS2, Birmingham City Centre office and retail districts, Paradise Circus/Arena Central developments and Brindleyplace/Five Ways/Edgbaston to the west, and the NEC/Airport UK Central and HS2 Interchange Station to the east.

- 8.4 Initial work on this project has focussed on high-level engineering studies to develop an indicative route with which to test the viability of the project through development of an Initial Outline Business Case (IOBC). This work has been carried out in partnership with Birmingham City and Solihull Councils and the IOBC demonstrates a good value for money case exists for the project.

Strategic Case

- 8.5 There is a strong strategic case for this extension. It links East Birmingham and North Solihull to Central Birmingham and the UK Central Hub, and passes through some of the most deprived communities in the country. Challenges such as high unemployment, poor workforce skills and poor connectivity to emerging economic opportunities have hampered recent regeneration efforts, and contribute towards social isolation and limited life chances.

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- 8.6 East Birmingham and North Solihull, however, have a unique opportunity in the coming years to transform their prospects, and become truly integrated into the success of the wider West Midlands economy. Both East Birmingham and North Solihull are especially well-placed to take advantage of this growth, located between the two key economic hubs of Birmingham City Centre and UK Central Hub, which are expected to gain hundreds of thousands of new jobs over the coming decades. Two new High Speed 2 stations are expected to open in 2026 at Curzon Street and Birmingham Interchange, acting as key catalysts for further growth and new development at the fringes of East Birmingham and North Solihull.
- 8.7 Capitalising on this potential, however, requires a sustained effort to address the factors that are limiting growth, as highlighted within the East Birmingham Prospectus for Growth. Poor transport accessibility is identified as a key challenge, constraining growth and regeneration efforts. Improved transport accessibility will tackle the isolation of workers from opportunities at the economic hubs of Birmingham City Centre and UK Central Hub, which currently contribute to the high unemployment levels along the scheme corridor. Chelmsley Wood will benefit from an additional 22,000 jobs within a 30-minute public transport journey time, maximising the ability for local people to find work and enter the labour market.

Economic Case

- 8.8 A proportionate approach has been taken for the assessment reflecting the scheme's current early stage of development. An economic appraisal has been undertaken, where the monetised costs and benefits of the scheme have been compared and the benefit-cost ratio calculated. The social, environmental and distributional impacts have been assessed qualitatively, with each categorised as to whether the impacts are beneficial, neutral or adverse.
- 8.9 DfT's modelling and appraisal guidance, as set out in WebTAG, has been applied for the approach, though given the nature of the scheme and the objectives developed for it assumptions have sought to capture the intended transformative nature and implications for change from HS2 related investment.
- 8.10 The overall scheme benefits have been assessed and a DfT Webtag compliant analysis has been undertaken, showing the following economic benefits:-
- Present Value of Benefits £455.7m (PV, 2010)
 - Present Value of Costs £281.7m (PV, 2010)
 - Net Present Value £174.1m (PV, 2010)
 - Benefit:Cost Ratio 1.6:1

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- 8.11 As well as the normal Webtag analysis it is important to consider the wider economic benefits. Closer proximity between businesses also boosts productivity, since firms benefit from being nearer to one another, sharing ideas and knowledge, and having a greater pool of potential workers from which to recruit. Within key high-value, high-skill sectors, employer skill requirements are often highly specific, and hence improvements to accessibility maximise the ability for firms to find workers that best suit their requirements. Thanks to the connectivity delivered by the scheme, more than 298,000 extra people will be within a 45-minute commute of the rapidly emerging business cluster at UK Central Hub.
- 8.12 Agglomeration benefits associated with the Solihull Extension could also generate an additional 15% - 20% of transport user benefits, equivalent to between £85 and £110 million of productivity benefits. Adding the £85m & £110m to the PVB (£455.7m) would increase the Benefit:Cost ratio to around 1.9:1 to 2.0:1. Not only does the Solihull Extension contribute towards bringing firms together, the productivity benefits this generates improves the attractiveness of the area as a whole to invest in. Businesses gain a competitive advantage, attracting investment and jobs, and further supporting the ambitious development plans for Birmingham Eastside and UK Central Hub.
- 8.13 Businesses will also benefit from the unrivalled strategic connectivity the East Birmingham to Solihull Tramway will deliver, linking the UK Central Hub site together for the first time, and offering exemplary connectivity onto the HS2 network. Combined with High Speed 2, this scheme will place central London within 55 minutes of the Birmingham Business Park by public transport.
- 8.14 These benefits will be enhanced by the earlier delivery of the Wednesbury to Brierley Hill Extension, providing prior links to Black Country housing and employment sites.

Costs

- 8.15 This project is at a very early stage of development and therefore only a high-level cost estimate has been prepared to support the economic appraisal. At this stage it is appropriate to consider the highest levels of "Optimism Bias" in appraisal and for definition of the funding envelope. The current estimated costs are:-

Estimated Outturn Cost	£508m
Optimism Bias (50%)	£227m
Maximum Outturn Cost	£735m

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Funding

- 8.16 The Devolution Deal and HS2 Growth Strategy Implementation Plan identified this scheme as a high priority and earmarked £675m for it within the £8bn package of investment. Whilst the maximum cost outlined above exceeds this figure, further work to refine the scheme and the efficiencies to be developed within the Midland Metro Alliance give a good level of confidence that the project can be delivered within the originally identified funding envelope.
- 8.17 DCLG has requested that information be provided to support their discussions with Treasury over formally reserving funding for the two “Devo Deal” Metro projects, with a view to a potential announcement in the Autumn Statement.

Programme

- 8.18 The scheme is at a very early stage in its development and is expected to take a minimum of 9 years to deliver, subject to the necessary statutory processes. However this means that it could be delivered just prior to the opening of HS2, although there is no room for delay if this is to be achieved. Whether or not funding for the project can be “earmarked” by Treasury, it is imperative that development work on the route is continued if the programme is to be maintained.

Next Steps

- 8.19 The next steps will be to:-
- Work with DCLG to ensure that Central Government includes the project funding contribution set out in the Devolution Deal within its firm future spending plans, to be drawn down subject to obtaining the necessary TWAO powers and demonstrating value for money in a Final Business Case. DCLG have indicated that they would welcome such a submission to put before Treasury.
 - Proceed with project development with the aim of submission of a TWAO application in 2018, working with local communities and partners to clarify and optimise the route through appropriate engagement and consultation, supported by appropriate engineering design and environmental work procured through the Midland Metro Alliance. This work will initially be carried out using the approved WMCA budget of £1.5m allocated for the current financial year.
- 8.20 WMCA is recommended to approve the submission of the Initial Outline Business Case to Government to enable HM Treasury to “earmark” the necessary future Government funding already agreed for this project within the HS2 Growth Strategy Implementation Plan and West Midlands Devolution Deal.

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9.0 Legal Comments

9.1 Any legal issues are covered within the main body of this report.

10.0 Equalities Implications

10.1 The extensions of Midland Metro will facilitate fully accessible journeys and access to employment, leisure and education, and link to other transport modes.

11.0 Schedule of background papers

11.1 Report to WMITA 27 January 2016 Metro Programme



WEST MIDLANDS
COMBINED AUTHORITY

Board Meeting

Date	30 September 2016
Report title	Midland Metro - Birmingham Eastside Extension
Cabinet Member Portfolio Lead	Councillor Roger Lawrence – Transport
Accountable Chief Executive	Laura Shoaf, Managing Director Transport for West Midlands Email: laurashaof@wmita.org.uk Tel: 0121 214 7444
Accountable Employee	Phil Hewitt, Metro Programme Director Email: philhewitt@centro.org.uk Tel: 0121 214 7254
Report to be/has been considered by	Strategic Transport Officers Group WMCA Programme Board Cllr Worrall – Chair, Transport Delivery Committee Cllr Horton – Lead Member Rail & Metro

Recommendation(s) for action or decision:

The Combined Authority Board is recommended to:

- I. approve the submission by the WMCA to the Secretary of State for Transport of an application for The Midland Metro (Birmingham Eastside Extension) Order. (“the Order”) and;
- II. approve the delegation of powers from the WMCA to the Metro Programme Director to:-
 - a. finalise the various application documents for the Order;

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- b. progress negotiations with any affected parties or objectors to the Order with the aim of avoiding, or securing the withdrawal of, any objections to the Order;
- c. Comply and deal with any public local inquiry processes and procedures arising or resulting from the submission of the application for the Order;
- d. Progress negotiations with any landowners and leaseholders and make necessary arrangements to acquire the land within the proposed Order, conditional on the basis the Order will be made; and
- e. Place orders to appoint the Midland Metro Alliance, other consultants, legal advisors and others as necessary to undertake further design development work on the scheme and support the ongoing statutory process, in line with any existing agreements and in compliance with internal governance requirements and procurement best practice and in consultation with Head of Governance where appropriate.

- III. Approve the delegation of powers from the WMCA to the Head of Governance or her nominated representative to negotiate, agree, enter into, execute and serve (where appropriate) all relevant legal agreements, notices and other documentation necessary to facilitate and underpin the Order.

1.0 Purpose

- 1.1. To seek approval under the provisions of section 239 of the Local Government Act 1972 (which applies in this case by virtue of section 20 of the Transport and Works Act 1992) for WMCA to submit an application for The Midland Metro (Birmingham Eastside Extension) Order to the Secretary of State for Transport under the Transport and Works Act 1992 and to approve delegations from WMCA to the TfWM Leadership Team to progress the Birmingham Eastside Extension project through the statutory process within the overall budget envelope set out in this report.

2.0 Impact on the Delivery of the Strategic Transport Plan

- 2.1 Expansion of Midland Metro, as set out in this report, is an important element in the development of the Strategic Transport Plan's Metropolitan Rail and Rapid Transit Network.

3.0 Wider WMCA Transport Implications

- 3.1 This Midland Metro extension, as part of an integrated Rail and Rapid Transit Network, will enable better connectivity of central Birmingham, HS2 and key centres and corridors in Birmingham and the Black Country with the wider Combined Authority area. This is through effective interchange with suburban and regional rail services in

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Birmingham city centre. There are currently no proposals in the wider Combined Authority geography beyond the area covered by Transport for West Midlands for Metro schemes.

4.0 Background

- 4.1 The application for powers to construct the extension represents a significant milestone for the Birmingham Eastside Extension project, and this report seeks approval to submit a TWAO application for that project. This submission is a key deliverable to Government in the region's HS2 Growth Strategy Implementation Plan.
- 4.2 The 2014 GBS LEP Growth Deal and the WMCA Devolution Deal included funding of £137.2m for a Metro extension from BCCE to Eastside, the Birmingham Eastside Extension (BEE), serving the proposed HS2 Curzon Station and onwards to Digbeth. The extension will provide direct access to a number of significant development opportunities in this part of Birmingham City Centre. A plan showing the proposed alignment and new stops in their relationship to the BCCE powers is shown in Appendix 1.
- 4.3 Formal application is now proposed to be made to the Secretary of State for Transport for an Order [the "Midland Metro (Birmingham Eastside Extension) Order"] under the Transport and Works Act 1992 to construct and operate the Birmingham Eastside Extension to the Metro system. This will also provide for powers of compulsory acquisition for the purposes of the scheme and include protective provisions for specified bodies.

Aims of the project

- 4.4 The aims of the BEE support both national and local policies for growth and investment and are enumerated below; each is followed by information on how the BEE will achieve them:
- 4.5 The BEE will connect HS2 Curzon Street Station with the wider Birmingham City Centre area and the Black Country, linking to the expanding Midland Metro network. It will maximise interchange opportunities with the existing railway stations at New Street and Snow Hill, whilst minimising impacts to other road users and in particular local bus services. It will also provide for future Midland Metro connections to East Birmingham, linking to Birmingham Airport/Birmingham International/HS2 Birmingham Interchange.
- 4.6 The BEE will provide significant economic benefits, helping to improve business efficiency in the area and to unlock Birmingham's growth potential by increasing jobs and deepening labour pools. It will avoid impact on freight movements in the West Midlands.
- 4.7 The BEE will link key developments in Eastside and Digbeth with the Birmingham City Centre Core and the wider region, facilitating the

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growth proposed in Birmingham's Development Plan, Big City Plan and Birmingham Curzon HS2 Masterplan. It will encourage interaction between Birmingham businesses and stimulate growth, providing new and improved public transport links for Eastside and Digbeth enabling businesses to access important national and international markets, supporting growth within the Enterprise Zone and reinforcing the economic momentum of the area. It will reduce journey times between Eastside and central Birmingham and the Black Country and will provide opportunities for modal shift to Midland Metro from private cars helping to reduce congestion and bringing opportunities for improving walking and cycling.

- 4.8 The BEE will provide high quality public transport links with key population, education and employment centres in the city and wider region in order to open up access to the jobs created in the City Centre Enterprise Zone.

Description of the route

- 4.9 The route commences at the junction of Bull Street and Corporation Street and runs along Lower Bull Street past the southern edge of the proposed Martineau Galleries re-development to Albert Street. It then crosses Moor Street Queensway towards Curzon Street and continues southwards along New Canal Street before running onto Meriden Street and turning left onto High Street Digbeth.



Figure 1 Photomontage of tram on Eastside promenade

- 4.10 There will be four stops on the route. A stop in Albert Street will serve the proposed Martineau Galleries Phase 2 development and the HS2 Curzon Street Station West Entrance. A stop on New Canal Street is proposed underneath the HS2 Curzon Street station serving Eastside and the HS2 East Entrance. The third, on Meriden Street, will serve the heart of the Digbeth area and the proposed development at Typhoo

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Wharf. The terminus stop on High Street Digbeth, close to the junction with Milk Street, will serve Birmingham Coach Station, South and City College and the Custard Factory.

Operational Issues

- 4.11 The extension to Eastside will take Metro forward into a network operating mode, rather than the current single line operation. Termini at Wolverhampton, Edgbaston and Eastside will all need to be served and interconnected via appropriate connecting services, with easy interchange between them.
- 4.12 The current proposal is to retain a 6-minute frequency of service, with departures from each terminus alternating between destinations, e.g. the first tram from Edgbaston will leave for Wolverhampton, the second for Eastside, and so on. Interchange between services will be provided by timetabling interconnecting services at Bull Street, Albert Street and Corporation Street to minimise waiting times for connecting services. This will be coupled with clear customer information about destinations and interchange options.
- 4.13 The infrastructure proposed within the extension in terms of turnbacks, and platform locations has been agreed as appropriate with the current Midland Metro operator National Express.

Programme

- 4.14 The programme for delivery will be subject to the timescales and outcome of the statutory process associated with the TWAO and to securing funding approval from the DfT.
- 4.15 The TWAO application is ready to submit to the DfT, subject to WMCA approval. Assuming that objections to the Order are received it is likely that a local public inquiry will be held in spring 2017 (timing subject to the statutory process) and, subject to a satisfactory outcome, the Order would be expected to come into force in spring 2018 (depending on DfT timescales and resources). This would enable submission of a Final Business Case to Government in summer 2018. Advanced utility diversions would then be able to commence following funding approval in early 2019, with opening to public service in 2023.

Future Extensions

- 4.16 This extension would facilitate later extensions eastward through East Birmingham to Birmingham Interchange as anticipated in the West Midlands Devolution Deal and southwards from Birmingham City Centre as indicated in the City Council's Smithfield Masterplan document. Other connections could be made at Moor Street Queensway in future if other routes to the north or south come forward.

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Dialogue with Stakeholders

4.17 There has been considerable and continuing dialogue with stakeholders along the route, including both statutory (the relevant groups as stated in Schedules 5 and 6 of the Transport and Works (Applications and Objections procedure)(England and Wales) Rules 2006) and non-statutory groups. This has resulted in reasonable modification to the proposals to meet concerns raised where possible without compromising the benefits of the project.

4.18 In summary this has involved the following:-

- Considerable detailed work with HS2 Ltd and Birmingham City Council (BCC) on the arrangements for the stop on New Canal Street underneath the HS2 Curzon Street Station, resulting in an agreed alignment design enhancing the interchange opportunities and pedestrian experience in this important link between Eastside and Digbeth;
- Similar detailed work has been undertaken with the owners of the Martineau Galleries site and the City Council over the design of the Albert Street stop.
- Discussion with BCC and landowners regarding the stop and the location of a substation at Meriden Street.
- Meetings with Hotel LaTour in relation to the design of the route adjacent to the hotel and the proposed bus interchange and public realm in this location.
- Dialogue with other significant landowners, including the owners of land at Meriden Street/Digbeth High Street and the owners of Kings Parade regarding the acquisition and/or use of their land.
- Consultation with National Express in relation to bus services.

Consultation

4.19 There have been three formal public consultation exercises on the BEE scheme; these built on a previous lengthy history of development of a Metro route from the centre of Birmingham eastwards towards the Airport.

4.20 In February/March 2014 a consultation was held into options for the route between Bull Street and New Canal Street. Over 90% of respondents supported the scheme and the majority supported the route option as proposed in the TWAO application through Albert Street, over the alternative route along Carr's Lane.

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- 4.21 In October 2014 a further consultation was held into options for the remainder of the route between New Canal Street and Adderley Street. 94% of respondents stated their support for BEE in general, and the route option now within the TWAO application running to Digbeth High Street was strongly favoured over the alternative along Fazeley Street.
- 4.22 A pre-TWAO submission consultation was undertaken in April/May 2016 in which again over 90% of respondents supported the scheme.

Impacts and Benefits

- 4.23 An assessment of the likely impacts of the scheme both during construction and operation has been undertaken and mitigation measures identified as part of the Environmental Statement (ES) which forms part of the TWAO application. The ES submitted with the application will include a full assessment of the scheme impacts both during construction and when in operation, and show how any negative impacts will be mitigated. The major likely impacts with an adverse effect currently identified are as follows:-
- Land Use – the scheme will demolish properties at Kings Parade and on the junction of Meriden Street and High Street Digbeth, and take land near the Meriden Street stop and for the substation on Meriden Street. This is mitigated through the delivery of an enhanced developed environment through comprehensive redevelopment of the surrounding area, including the land which these plots form part of, stimulated by the project as part of the HS2 Curzon Masterplan proposals.
 - Traffic and Transport – there will be adverse short term impacts on a limited number of local junctions due to the cumulative impact of the developments proposed in the area. However there are beneficial impacts on other streets in the area where traffic flows will be reduced.
 - Noise and Vibration - During construction, without the implementation of mitigation, there are likely to be some temporary significant adverse effects along the BEE route in some locations. These significant effects would be associated with the excavation of the roadway, track installation and road surface works. It is anticipated that with the commitment to the Code of Construction Practice (CoCP), which will contain measures to reduce noise such as limiting normal working hours and optimum use of construction equipment, the number of significantly affected receptors can be reduced.
 - Air quality - some construction activities are likely to generate dust which has the potential to cause annoyance (e.g. discolouration of surfaces) at nearby locations if

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uncontrolled. However, with the incorporation of good construction practices as outlined within the CoCP, no significant temporary air quality effects are expected to occur during construction of the BEE.

- Greenhouse Gases - The potential impact of the BEE on greenhouse gases (GHG) emissions will occur through the use of construction materials building the BEE, through energy use when the BEE is operational and through subsequent changes to other methods of transport when the BEE is operational. There are six main GHG: carbon dioxide (CO₂), methane, nitrous oxide, perfluorocarbons, hydrofluorocarbons and sulphur hexafluoride. Any GHG emissions from the BEE will primarily relate to CO₂. The construction activities will lead to emissions of GHG, however, the CoCP will include a number of measures that will minimise the emissions from construction plant and construction traffic as far as possible. Some of the measures included will also take into account possible reuse of construction materials, thereby further reducing potential emissions.
- Townscape - During the construction phase there will be temporary moderate adverse significant effects on the City Core Townscape Character Area (TCA) and the Digbeth TCA but these effects will affect a relatively small proportion of the overall TCA. The construction activities associated with the HS2 Curzon Street Station development will temporarily reduce the sensitivity of the Eastside TCA and consequently the BEE will result in a temporary minor adverse non-significant effect. In the operation phase of the BEE, the introduction of a high quality and consistent approach to paving and street furniture and a reduction in street clutter will enhance townscape character and therefore result in a permanent minor beneficial effect on the City Core TCA and Digbeth TCA. The loss of some trees, the introduction of trams and the increased presence of buses in the Eastside TCA will result in a permanent minor adverse effect on the Eastside TCA. Neither of these impacts is considered to be significant.
- Visual Amenity - It is predicted that the BEE will result in temporary significant adverse effects on some visual receptors during construction: pedestrians and users of Bull Street shops and restaurants, guests at Hotel LaTour and residents along New Canal Street. There will also be significant adverse temporary visual effects from New Canal Street (within Warwick Bar (Bordesley) Conservation Area) and looking east and west from Digbeth, Deritend and Bordesley High Streets Conservation Area.

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- Historic Environment - It is anticipated that temporary construction activities close to the fronts of the listed and the locally listed buildings within both the Warwick Bar and the Digbeth/Deritend Conservation Areas will have a likely significant adverse effect upon their late Victorian/Edwardian industrial setting. During the course of construction it is anticipated that there could be significant adverse effects on the buried archaeology in the area. Specifically, in the burial ground at Park Street Gardens and St John's Chapel on High Street Deritend. However, the exact impact will not be known until additional archaeological surveys are carried out prior to construction. The draft TWAO makes provision for controls on the excavations of buried remains.
- Land Drainage and Water Resources - The potential land drainage construction impacts include localised flooding due to over discharge of construction surface water runoff; accidental spillage or leakage of pollution substances into the sewers or drains. The potential operational impacts include increased surface water flood risk around Park Street Gardens due to an increase in paved area associated with the BEE route crossing the parkland. Appropriate mitigation measures include implementing good site practices during construction and scheduled monitoring and cleaning of sewers and drains to avoid the build-up of silt during the operational stage. Subject to these mitigation measures, the significance of the impacts to land drainage in the vicinity of the BEE will be reduced to be not significant. The potential construction impacts on the River Rea are localised flooding due to siltation and accidental spillage or leakage of polluting substances. The Digbeth Branch Canal is located a sufficient enough distance that it is not expected that the BEE would cause any significant effect on this watercourse. The potential construction impacts on ground water include potential discharge of contaminated surface water directly to the ground with polluting substances or surface water containing increased loads of suspended solids. During the construction stage, mitigation measures including a sedimentation tank used to remove sediments from the construction works runoff, will reduce likely significant effects to surface watercourses and ground water to not significant.
- Open space – the route of the BEE passes over land owned by Birmingham City Council at Eastside City Park which is classified as 'open space'. The TWAO application seeks powers of compulsory acquisition over part of this land. The land is due to be redeveloped as part of the HS2 Curzon Street Station proposals and is not expected to remain as open space. Discussions are currently taking place with Birmingham City Council and HS2 Limited to secure the grant of the necessary interests or rights over this land

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which, if granted, will mean that compulsory acquisition powers do not need to be pursued.

- 4.24 The primary benefits of the BEE route are:
- 4.25 *Transport* - provision of a direct high quality link serving the significant areas of commercial and leisure activity to the east of the city centre. Enhanced rail interchange with easy efficient access to Snow Hill, Moor Street and New Street stations, as well as access to the proposed HS2 Curzon Street station and Birmingham Coach Station and to bus routes to the south east of the city centre. There will also be a direct east to west Metro route across the city centre to Edgbaston via the planned extensions to the west.
- 4.26 *Economic* - provision of public transport to and within the Birmingham City Centre Enterprise Zone, attracting employees from a wider radius and opening this area up to more people. The impacts will also be spread to a much wider catchment bringing improved connectivity between Eastside/Digbeth and the City Core, the Jewellery Quarter and the Black Country not only improving access for existing business travellers and commuters but also provide easier access to jobs for unemployed people as well as further encouraging tourism and leisure travel. In addition, it would support spreading economic benefits from HS2 and local developments, as well as increase economic opportunities across the metropolitan area.
- 4.27 *Social* - Whilst all users of Midland Metro will benefit from the extension, the scheme will also benefit specific social groups - young, elderly as well as providing a link to the area from areas along Line 1 which are some of the most deprived in the country. Encouraging modal switch away from car, which coupled with an increase in active modes such as walking or cycling to access bus, tram or train will result in public health benefits.
- 4.28 *Environmental* - The Midland Metro extension will create an environmentally sustainable route between the city centre and Eastside/Digbeth, since the Metro is powered by electricity, meaning that there are no direct emissions from vehicles. With respect to the urban environment Midland Metro provides the opportunity for an integrated approach to improve the streetscape and will complement the Curzon Masterplan proposals for the redevelopment of Digbeth
- 4.29 The overall scheme benefits have been assessed and a DfT Webtag compliant analysis has been undertaken, showing the following economic benefits:-
- Present Value of Benefits £136.8m (PV, 2010)
 - Present Value of Costs £74.5m (PV, 2010)
 - Net Present Value £62.2m (PV, 2010)

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- Benefit:Cost Ratio 1.8:1

4.30 The above takes no account of the wider economic benefits associated with the project, which include the regeneration impacts and resulting business and economic growth arising from the scheme. New guidance is in preparation by DfT and DCLG on the methodology for capturing such benefits, which should enhance the economic case set out above.

4.31 The benefits of the scheme have been sufficient to enable DCLG and DfT to commit £137.2m of funding for its development and construction.

Scheme Revenues

4.32 The business case work has reviewed the forecast increases in operational costs and revenues. The scheme is forecast to generate a net annual revenue surplus rising from £1m in year one to £5m in year five after opening.

Procurement

4.33 The design and construction of the project going forward will be via the Midland Metro Alliance. Advance utility diversions will be ordered via the relevant utility company but will be managed and co-ordinated by Midland Metro Alliance.

4.34 Seven new trams will be required to operate the extension; these can be accommodated at Wednesbury Depot. These will be procured as part of a network wide “3rd Generation” New Tram Fleet procurement that will be designed to procure trams meeting the current specification in option batches to match the planned network expansion programme serving all the planned metro extensions, with flexibility for potential future expansion.

Costs

4.35 A number of changes have occurred in the scheme development since the original funding envelope was determined. These include increases in the costs of trams due to recent exchange rate fluctuations (a euro rate of 1.10 has been assumed), decrease in land acquisition requirements and costs, and a change to the terminus from Adderley Street to Digbeth High Street, the former now being included within the later East Birmingham to Solihull extension.

4.36 The changes outlined in 3.34 above balance each other out and the current estimated outturn cost remains at £137.2m. This is further detailed in Table 1 below.

Table 1 Current Estimated Scheme Cost

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Scheme element	Preparatory/ Advanced Works Costs	Base Scheme Costs	QRA	Total
Metro	8.4	89.5	9.7	107.7
Trams	0.0	29.5	0.0	29.5
Total	8.4	119.1	9.7	137.2

- 4.37 This may be affected by agreement on construction programming still to be reached with HS2. Clearly the outcome of the statutory process may also impact on the costs, and the design development, construction planning/streamlining and value engineering process within the Midland Metro Alliance to develop a target price needs to take place before final cost figures can be determined.
- 4.38 At this stage of scheme development where many detailed matters remain to be finalised it is appropriate to take a prudent view of cost and risk exposure for the WMCA to develop a costs envelope suitable for funding in the WMCA programme context. This is done through adding an “Optimism Bias” (OB) to cost and risk estimates to arrive at a Quantified Cost Estimate (QCE). At this stage of scheme development an OB level of 20% is adopted, with 6% applied to trams (being an “off-the shelf” market supplied standard product).
- 4.39 Application of these levels of Optimism Bias would indicate a maximum cost exposure of £158.8m. These figures have been taken into account in the economic assessment reported in paragraph 4.29 above.

Funding

- 4.40 As stated earlier in the report Government, funding of £137.2m has been allocated through Growth Deal 2014 and the Devolution Deal. Of this £5.5m has been already been provided to WMCA in advance to enable progress through the TWAO stage. Should any further costs emerge they must be found locally in accordance with normal Government funding principles, although it should be noted that even if the full £21.6m needed to be found locally the Government funding would still form some 86% of the total scheme cost.
- 4.41 There are several viable options/potential routes to providing such a local contribution if required, including; the use of funding from other WMCA programme projects that might not be able to go ahead; programme float; value engineering, developer or Enterprise Zone contributions and prudential borrowing. Where the WMCA prudentially borrows it is important to set out the implications of that borrowing on the Authority through increased debt charges. Under the funding

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scenario in 4.39 above, the impact of the borrowing on the Authority of £21.6m would result in an £1.1m annuity loan payment over 40 years, 0.9% impact on the annual levy.

- 4.42 The above borrowing can be sustained by the net revenues forecast in the business case as set out in paragraph 4.32.

Worst Case Impact on the Levy

- 4.43 Net revenues of £5m from the extension are expected to underpin the borrowing requirements, which can be used to offset the impact on the levy. Should the net revenues not cover this then the Authority will need to consider how it will meet that cost through its budget. The annual impact of the financing costs on the Levy would be £1.1m as detailed in section 4.41.

The Order

- 4.44 The Midland Metro (Birmingham Eastside Extension) Order, if made, would confer powers on the Authority for the construction and operation of a new tramway in the City of Birmingham as an extension to the existing Midland Metro tramway system as described in this report. It would also authorise the compulsory acquisition of areas of land required to facilitate the construction of the route, and provide outline planning consent.
- 4.45 The Midland Metro Alliance has reviewed the land requirements within the draft Order application and is content that sufficient land is included to construct and operate the project.
- 4.46 Members are recommended to approve the submission by WMCA of the application to the Secretary of State for Transport for the Order to be made under the Transport and Works Act 1992. The powers in the Order will be substantially based on the Works and Land Plans and the TWA Order, drafts are presented in Appendices 2 and 3.

Delegations to Officers

- 4.47 In order to manage business effectively and efficiently WMCA is recommended to delegate its powers in respect of this project to

4.47.1 the Metro Programme Director to:-

- i. finalise the various application documents for the Order
- ii. progress negotiations with any affected parties or objectors to the Order with the aim of avoiding, or securing the withdrawal of, any objections to the Order,
- iii. Comply and deal with any public local inquiry processes and procedures arising or resulting from the submission of the application for the Order.

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- iv. Progress negotiations with any landowners and leaseholders and make necessary arrangements to acquire the land within the proposed Order, conditional on the basis the Order will be made, and
- v. Place orders to appoint the Midland Metro Alliance, other consultants, legal advisors and others as necessary to undertake further design development work on the scheme and support the ongoing statutory process, in line with any existing agreements and in compliance with internal governance requirements and procurement best practice and in consultation with Head of Governance where appropriate.

4.47.2 the Head of Governance or her nominated representative to negotiate, agree, enter into , execute and serve (where appropriate) all relevant legal agreements, notices and other documentation necessary to facilitate and underpin The Order and any other existing Order referred to in this report.

4.48 The next steps in development of the project are funded from the £5.5m of advance funding provided for the project as set out in paragraph 4.40. Following this approval by WMCA to proceed to the next stage this project will be managed by Transport Delivery Committee under its approved delegated powers.

5.0 Legal Comments

5.1 The WMCA has power to apply for a TWA Order by virtue of section 20 of the Transport and Works Act 1992. Subsection (2) of section 20 provides that the power to make a TWA application is subject to the same conditions (if any) that apply to the applicant when promoting a Bill in Parliament.

5.2 The WMCA has powers to promote Bills in Parliament under section 10 of the Transport Act 1968 (as amended) and section 239 of the Local Government Act 1972 (as amended).

5.3 In order to comply with the conditions that apply to the exercise of the power in the LGA 1972, special notice of this meeting and its purpose has been given in accordance with section 239 . If the WMCA approves the submission of the TWA application, it will also be required by the LGA 1972 to decide, at a subsequent meeting whether to confirm this.

6.0 Equalities Implications

6.1 The extensions of Midland Metro will facilitate fully accessible journeys and access to employment, leisure, education and link to other transport modes.

7.0 Schedule of background papers

7.1 Report to WMITA 27 January 2016 Metro Programme.

Division/Activity	2016	2017	2018	2019	2020	2021	2022	2023	2024	2025	2026
Stentenary Square		Advance Utilities	Construction, testing & commissioning 2017 - 2019								
Silverhampton		Advance Works & Utilities	Construction, testing & commissioning 2018 - 2019								
Wingboston	Business Case	DfT Approval £	Advance Utilities	Construction, testing & commissioning 2019 - 2021							
Ednesbury to Merry Hill (Devo Deal)	Business Case	DfT Approval £	Site Remedial ,Advanced Works & Depot Construction			Construction, testing and commissioning 2021 – 2023 Subject to Merry Hill masterplan					
Birmingham Westside		TWAO Process	Business Case	DfT Approval £	Advance Utilities	Construction, testing and commissioning 2020 – 2023 Subject to HS2 Works Interface					
West Birmingham to Edgbaston (Devo Deal)		Design Development Consultation & Business Case	TWAO Process		Business Case	DfT Approval £	Phased Advance Works & Utilities		Phased construction, testing and commissioning 2022 - 2026		
Edgbaston to Edgbaston			Procurement		Manufacture		Options as required				

Notes
 1. Do not scale from this drawing.
 2. All dimensions are in metres unless otherwise stated.

Midland Metro - Birmingham City Centre Extension Schematic (Not to Scale)



Key to symbols

	Birmingham Eastside Extension
	Birmingham City Centre Extension
	Centenary Square Extension
	Edgbaston Extension
	Existing Line One
	Midland Metro Tram Stop
	HS2 Curzon Street Station (indicative)

Reference drawings

Rev	Date	Drawn	Description	Ch'k'd	App'd
P5	25.08.16	JK	Airport Route and Sprint Removed	CS	GJL
P4	25.01.16	MWD	Airport Route added	NH	GJL
P3	20.11.15	JK	HS2 Station Added and routes updated	CS	GJL
P2	16.10.15	MWD	BEE schematic updated	NH	GJL
P1	15.10.15	MWD	Preliminary Issue	NH	GJL



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Title
 Midland Metro
 Birmingham City Centre Extension
 Existing and Proposed
 Metro Routes

Designed	-	-	Eng check	N.Huntley	NRH
Drawn	M. Donovan	MWD	Coordination	N.Huntley	NRH
Dwg check	A. Griffiths	AG	Approved	G.Last	GJL

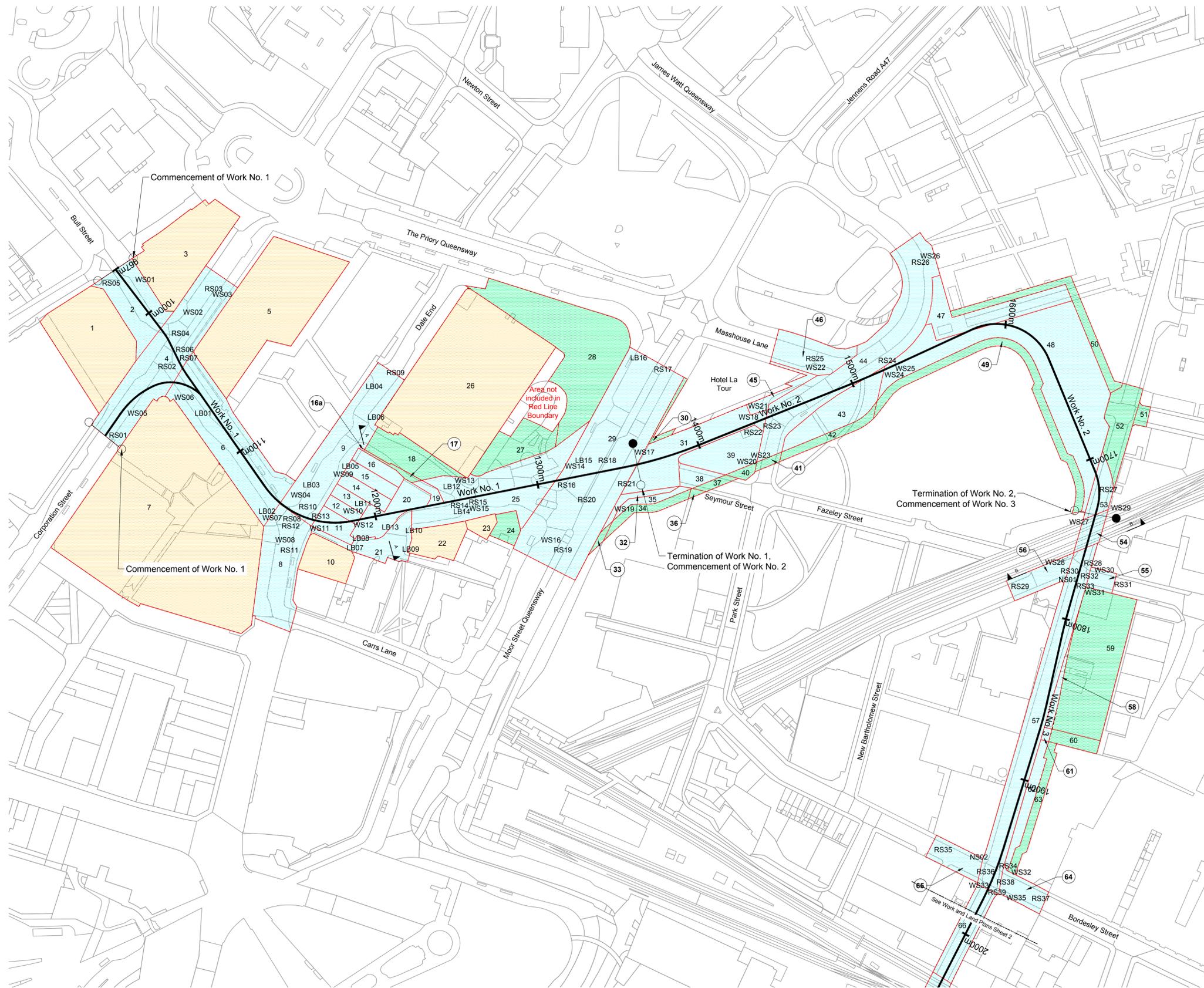
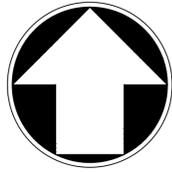
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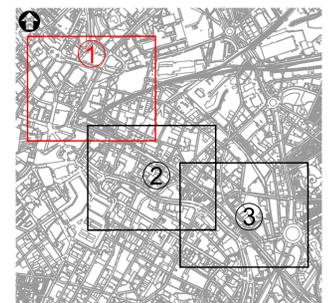
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Transport and Works Act 1992 Midland Metro (Birmingham Eastside Extension) Order



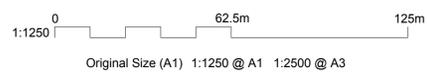
Plan Key

- Work No. Centre Line of Scheduled Work
- Limit of Deviation and of Land to be Acquired or Used
- Limit of Land to be Used Temporarily
- Limit of Land with Rights to Attach Equipment to Buildings
- Commencement of Scheduled Work
- Termination and Commencement of Scheduled Work
- Termination of Scheduled Work
- Land Parcel Boundary
- Typical Land Parcel Reference Number (shown within land parcel)
- Typical Land Parcel Reference Number (shown outside of land parcel)



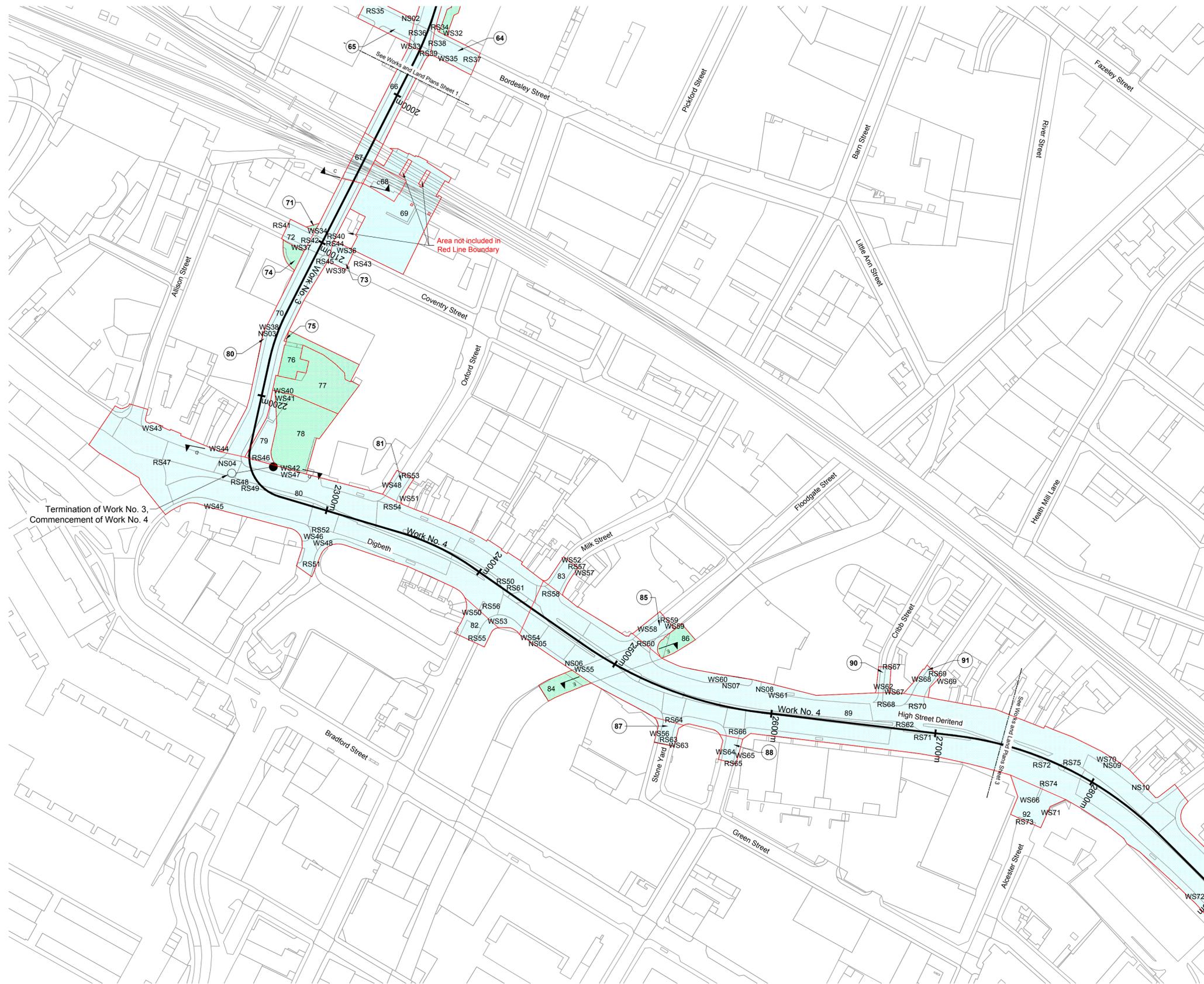
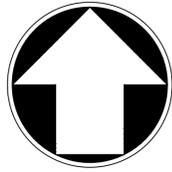
Sheet Layout

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- ① Sheet Number



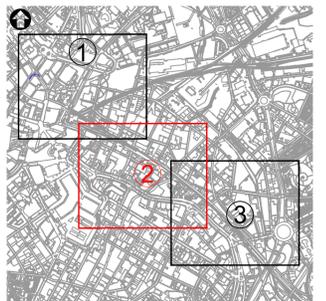
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Transport and Works Act 1992 Midland Metro (Birmingham Eastside Extension) Order



Plan Key

- Work No. Centre Line of Scheduled Work
- Limit of Deviation and of Land to be Acquired or Used
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- Typical Land Parcel Reference Number (shown within land parcel)
- Typical Land Parcel Reference Number (shown outside of land parcel)



Sheet Layout

- Layout Key
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TRANSPORT AND WORKS, ENGLAND

TRANSPORT, ENGLAND

The Midland Metro (Birmingham Eastside Extension) Order
201[●]

Made - - - - - ***
Coming into force - - - - - ***

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56. For protection of [XXX]

SCHEDULES

- SCHEDULE 1 — SCHEDULED WORKS
SCHEDULE 2 — STREETS SUBJECT TO ALTERATION OF LAYOUT
SCHEDULE 3 — STREETS TO BE PERMANENTLY STOPPED UP
SCHEDULE 4 — STREETS TO BE TEMPORARILY STOPPED UP
SCHEDULE 5 — ACQUISITION OF NEW RIGHTS ONLY
SCHEDULE 6 — MODIFICATION OF COMPENSATION AND
COMPULSORY PURCHASE ENACTMENTS FOR
CREATION OF NEW RIGHTS
SCHEDULE 7 — LAND OF WHICH TEMPORARY POSSESSION MAY BE
TAKEN
SCHEDULE 8 — TRAFFIC REGULATION
SCHEDULE 9 — PROVISIONS RELATING TO STATUTORY
UNDERTAKERS ETC.
SCHEDULE 10 — FOR THE PROTECTION OF [XXX]

An application has been made to the Secretary of State in accordance with the Transport and Works (Applications and Objections Procedure) (England and Wales) Rules 2006(a) for an Order under sections 1 and 5 of the Transport and Works Act 1992(b) (“the 1992 Act”).

[The Secretary of State caused an inquiry to be held for the purposes of the application under section 11 of the 1992 Act.]

The Secretary of State[, having considered the objections made and not withdrawn and the report of the person who held the inquiry,] has determined to make an Order giving effect to the proposals comprised in the application with modifications which in the opinion of the Secretary of State do not make any substantial change in the proposals.

Notice of the Secretary of State’s determination was published in the London Gazette on [] 201[●].

The Secretary of State, in exercise of the powers conferred by sections 1 and 5 of, and paragraphs 1 to 13 and 15 to 17 of Schedule 1 to the 1992 Act, makes the following Order—

(a) S.I. 2006/1466. amended by S.I. 2010/439, S.I. 2011/556, S.I. 2011/2085, S.I. 2012/147, S.I. 2012/1658, S.I. 2012/2590 and S.I. 2013/755.
(b) 1992 c.42; section 1 was amended by the Planning Act 2008 (c.29), Schedule 2, paragraphs 51 and 52; section 5 was amended by S.I. 2012/1659.

PART 1

PRELIMINARY

Citation and commencement

1. This Order may be cited as the Midland Metro (Birmingham Eastside Extension) Order 201[●] and comes into force on [] 201[●].

Interpretation

2.—(1) In this Order—

- “the 1961 Act” means the Land Compensation Act 1961(a);
- “the 1965 Act” means the Compulsory Purchase Act 1965(b);
- “the 1980 Act” means the Highways Act 1980(c);
- “the 1984 Act” means the Road Traffic Regulation Act 1984(d);
- “the 1989 Act” means the Midland Metro Act 1989(e);
- “the 1990 Act” means the Town and Country Planning Act 1990(f);
- “the 1991 Act” means the New Roads and Street Works Act 1991(g);
- “address” includes any number or address used for the purposes of electronic transmission;
- “the authorised street tramway” means any street tramway authorised by this Order;
- “the authorised tramroad” means any tramroad authorised by this Order;
- “the authorised tramway” means the tramway (consisting of the authorised street tramway and the authorised tramroad) authorised by this Order;
- “the authorised works” means the scheduled works and any other works authorised by this Order, or any part of them;
- “the Authority” means the West Midlands Combined Authority established under article 3 of the West Midlands Combined Authority Order 2016(h)
- “the book of reference” means the book of reference certified by the Secretary of State as the book of reference for the purposes of this Order;
- “building” includes any structure or erection, or any part of a building, structure or erection;
- “carriageway” has the same meaning as in the 1980 Act;
- “cycle track” has the same meaning as in the 1980 Act;
- “electric line” has the meaning given by section 64(1) of the Electricity Act 1989(i);
- “electronic transmission” means a communication transmitted—
 - (a) by means of an electronic communications network; or
 - (b) by other means but while in electronic form;
- “footway” has the same meaning as in the 1980 Act;
- “highway” and “highway authority” have the same meaning as in the 1980 Act;
- “the limits of deviation” means the limits of lateral deviation for the scheduled works mentioned in article 7.(1)(a) and (2) (power to deviate);

(a) 1961 c.33.
(b) 1965 c.56.
(c) 1980 c.66.
(d) 1984 c.27.
(e) 1989 c.xv.
(f) 1990 c.8.
(g) 1991 c.22. As amended by the Traffic Management Act 2004 c.18.
(h) S.I. 2016/653.
(i) 1989 c.29.

“maintain” includes inspect, repair, adjust, alter, remove, reconstruct and replace and “maintenance” is to be construed accordingly;

“the Order limits” means the permanent limits and the temporary limits;

“owner”, in relation to land, has the same meaning as in the Acquisition of Land Act 1981(a);

“parking place” has the same meaning as in section 32 (powers of local authorities to provide parking places) of the 1984 Act;

“the permanent limits” means the limits of deviation and of land to be acquired or used, and the limits of land with rights to attach equipment to buildings, as shown on the works and land plans and described in the book of reference;

“the scheduled works” means the works specified in Schedule 1 (scheduled works), or any part of them;

“the sections” means the sections included in the works and land plans;

“street” includes part of a street;

“street authority”, in relation to a street, has the same meaning as in Part 3 (street works in England and Wales) of the 1991 Act;

“street tramway” means any part of a tramway which is laid along a street whether or not the section of the street in which its rails are laid may be used by other traffic;

“the temporary limits” means the limits of land to be used temporarily as shown on the works and land plans, described in the book of reference and specified in columns (1) and (2) of Schedule 7 (land of which temporary possession may be taken);

“the traffic regulation plan” means the plan certified by the Secretary of State as the traffic regulation plan for the purposes of this Order;

“tramcar” means any vehicle (whether or not used for the carriage of passengers) carried on flanged wheels along the rails of a tramway;

“tramroad” means any part of a tramway which is not a street tramway;

“tramway” means a system of transport used wholly or mainly for the carriage of passengers and employing parallel rails which—

- (a) provide support and guidance for vehicles carried on flanged wheels; and
- (b) are laid wholly or mainly along a street or in any other place to which the public has access (including a place to which the public has access only on making a payment);

“the tribunal” means the Lands Chamber of the Upper Tribunal;

“watercourse” includes all docks, rivers, streams, ditches, drains, canals, cuts, culverts, dykes, sluices, sewers and passages through which water flows (whether or not the flow is intermittent) except a public sewer or drain; and

“the works and land plans” means the plans and sections certified by the Secretary of State as the works and land plans for the purposes of this Order.

(2) References in this Order to rights over land include references to rights to do, or to place and maintain, anything in or under or on land or in the air space over its surface.

(3) Any reference in this Order to a work identified by the number of the work is to be construed as a reference to the work of that number authorised by this Order.

(4) References in this Order to points identified by letters, with or without numbers, or by numbers, are to be construed as references to the points so marked on the works and land plans or, in the case of Schedule 8 (traffic regulation), to the points so marked on the traffic regulation plan.

(5) All areas, distances, directions, lengths and points stated in the description of the scheduled works or in any description of powers or lands are approximate and distances between points on a scheduled work are taken to be measured along the scheduled work.

(a) 1981 c.67.

Incorporation of the Railways Clauses Consolidation Act 1845

3.—(1) The following provisions of the Railways Clauses Consolidation Act 1845(a) are incorporated into this Order as follows—

- sections 68 and 69 (accommodation works by company);
- section 71 (additional accommodation works by owners);
- sections 72 and 73 (supplementary provisions relating to accommodation works);
- section 75 (omission to fasten gates);
- sections 87 and 88 (contracts with other companies);
- section 97 (default in payment of tolls);
- section 103 (refusal to quit carriage at destination);
- section 105 (carriage of dangerous goods on railway);
- section 144 (defacing of boards); and
- section 145 (recovery of penalties).

(2) In those provisions as incorporated in this Order—

- “goods” includes any thing conveyed on the authorised tramway;
- “lease” includes an agreement for a lease;
- “prescribed”, in relation to any such provision, means prescribed by this Order for the purposes of that provision;
- “the railway” means the authorised tramroads and the authorised street tramways, together with any authorised works ancillary to those street tramways;
- “the special Act” means this Order; and
- “toll” includes any rate or charge or other payment payable under this Order or any other enactment for any passenger or goods conveyed on any authorised tramway to be constructed under this Order.

(3) In section 69 of the 1845 Act, as incorporated in this Order, for the words “determined by two justices” to the end, substitute the words “referred to arbitration”.

(4) In section 71 of the 1845 Act, as incorporated in this Order, omit the words “, or directed by such justices to be made by the Company,” and for the words “authorised by two justices” substitute the words “determined by arbitration”.

(5) Any difference arising under section 72 of the 1845 Act, as incorporated in this Order, must be referred to arbitration.

(6) Sections 68, 69, 71 to 73 and 75 of the 1845 Act, as incorporated in this Order, only apply to the railways comprised in the authorised tramroads and any authorised works ancillary to those tramroads.

Application of the Midland Metro Acts

4.—(1) The authorised tramway is to be treated as part of the Metro (as defined in the Midland Metro Acts) for—

- (a) the purposes of the following provisions of the 1989 Act—
 - section 3(3) (incorporation and application of enactments relating to railway);
 - section 16 (agreements with British Railways Board);
 - section 17 (transport consultative committee);
 - section 25 (provisions as to use of electrical energy);
 - section 46 (power to lop trees overhanging railway);

(a) 1845 c.20.

section 47 (removal of obstructions);
section 48 (for better prevention of trespass on railways);
section 49 (byelaws relating to metro);
section 50 (modification of railway regulation enactments);
section 51 (carriages on metro deemed public services vehicles);
section 52 (power to contract for police); and
section 54 (powers of disposal, agreements for operation, etc.); and

(b) the purposes of section 18 (application of landlord and tenant law to metro leases) of the (No. 2) 1992 Act,

but it is not to be so treated for—

(i) the purposes of the following provisions of the 1989 Act—

section 5(4) and (5) (application of provisions of Public Utilities Street Works Act 1950 and Road Traffic Regulation Act 1984);

section 15 (gauges of railways and restrictions on working);

section 24 (attachment of brackets, etc., to buildings for purposes of works);

section 44 (insulation against noise); and

section 45 (orders for insulating new buildings); and

(ii) section 24 (authorisation of new level crossings) of the 1992 Act.

(2) The authorised tramway is to be treated as part of the Metro (as defined in the Midland Metro Acts) for the purposes of sections 4 to 7 (provisions relating to penalty fares) of the Midland Metro (Penalty Fares) Act 1991(a) and of any order made from time to time under sections 3(2) (operations of Act) or 5(2) (penalty fares) of that Act (whether made before or after this Order comes into force), and expressions defined in section 2 (interpretation) of that Act have effect accordingly.

(3) In the application of the Midland Metro Acts to this Order—

(a) references to the railways board in section 16 (agreements with British Railways Board) and section 17 (transport consultative committee) of the 1989 Act are to be treated as references to a person holding a licence under section 8 (licences) of the 1993 Act or a person exempt, by virtue of section 7 (exemptions from section 6) of the 1993 Act, from the requirement to be authorised by such a licence;

(b) the reference to section 56 (the Transport Consultative Committee) of the Transport Act 1962(b) in section 17(1) (Transport consultative committee) of the 1989 Act is to be treated as a reference to section 25 (proposal to discontinue excluded services) of the Railways Act 2005(c) and for the words “as if” until the end of that subsection substitute the words “these services were special procedure excluded services for the purposes of that section”;

(c) references to the railway in section 46(1) (power to lop trees overhanging railway) of the 1989 Act are to be treated as including the authorised tramway;

(d) the reference in section 47 (removal of obstructions) of the 1989 Act to any tramway is to be treated as reference to the authorised street tramway; and

(e) references to railway premises in section 49 (byelaws relating to the Metro) and section 52 (power to contract for police) of the 1989 Act are to be treated as including any premises of the Authority used in connection with the operation or maintenance of the authorised tramway.

(4) Section 8(4) (further works and powers) of the 1989 Act has effect for the purposes of the authorised street tramways as it has effect for the purposes of the tramways authorised by that Act.

(a) 1991 c.ii.
(b) 1962 c.46.
(c) 2005 c.14.

(5) In this article—

“the 1992 Act” means the Midland Metro Act 1992(a);

“the 1993 Act” means the Railways Act 1993(b);

“the (No. 2) 1992 Act” means the Midland Metro (No. 2) Act 1992(c); and

“the Midland Metro Acts” means the 1989 Act, the Midland Metro (Penalty Fares) Act 1991, the 1992 Act and the (No. 2) 1992 Act.

Application of the 1991 Act

5.—(1) Works executed under this Order in relation to a highway which consists of or includes a carriageway are to be treated for the purposes of Part 3 (street works in England and Wales) of the 1991 Act as major transport works if—

- (a) they are of a description mentioned in any of paragraphs (a), (c) to (e), (g) and (h) of section 86(3) (which defines what highway authority works are major highway works) of that Act; or
- (b) they are works which, had they been executed by the highway authority, might have been carried out in exercise of the powers conferred by section 64 of the 1980 Act (dual carriageways and roundabouts) of the 1980 Act or section 184 of that Act (vehicle crossings) of that Act.

(2) In Part 3 of the 1991 Act, references, in relation to major highway works to the highway authority concerned are, in relation to works which are major highway works by virtue of paragraph (1), to be construed as references to the Authority.

(3) The provisions of the 1991 Act mentioned in paragraph (4) (which, together with other provisions of that Act, apply in relation to the execution of street works) and any regulations made, or code of practice issued or approved under those provisions, apply (with the necessary modifications) in relation to any stopping up, alteration or diversion of a street of a temporary nature by the Authority under the powers conferred by article 13.(1) (temporary stopping up of streets) whether or not the stopping up, alteration or diversion constitutes street works within the meaning of that Act.

(4) The provisions of the 1991 Act referred to in paragraph (3) are—

section 54 (advance notice of certain works), subject to paragraph (5);

section 55 (notice of starting date of works), subject to paragraph (5);

section 57 (notice of emergency works);

section 59 (general duty of street authority to co-ordinate works);

section 60 (general duty of undertakers to co-operate);

section 68 (facilities to be afforded to street authority);

section 69 (works likely to affect other apparatus in the street);

section 76 (liability for cost of temporary traffic regulation); and

section 77 (liability for cost of use of alternative route),

and all such other provisions as apply for the purposes of the provisions mentioned above.

(5) Sections 54 and 55 of the 1991 Act as applied by paragraph (3) have effect as if references in section 57 of that Act to emergency works were a reference to a stopping up, alteration or diversion (as the case may be) required in a case of emergency.

(6) Nothing in article 15.(1) (construction and maintenance of new, altered or diverted highways)—

- (a) affects the operation of section 87 (prospectively maintainable highways) of the 1991 Act, and the Authority is not by reason of any duty under that article to maintain a street

(a) 1992 c.vii.
(b) 1993 c.34.
(c) 1992 c.viii.

to be taken to be the street authority in relation to that street for the purposes of Part 3 of that Act; or

- (b) has effect in relation to street works as respects which the provisions of Part 3 of the 1991 Act apply.

PART 2 WORKS PROVISIONS

Principal powers

Power to construct and maintain works

6.—(1) The Authority may construct and maintain the scheduled works.

(2) Subject to article 7.(1) (power to deviate), the scheduled works may only be constructed in the lines or situations shown on the works and land plans and in accordance with the levels shown on the sections.

(3) Subject to paragraph (7), the Authority may carry out and maintain such of the following works as may be necessary or expedient for the purposes of, or for purposes ancillary to, the construction of the scheduled works, namely—

- (a) stations, platforms and tram stops;
- (b) works required for, or in connection with, the control of any vehicular and pedestrian traffic on the authorised tramway;
- (c) works required for the strengthening, improvement, maintenance or reconstruction of any street;
- (d) works for the strengthening, alteration or demolition of any building;
- (e) works to any street furniture or apparatus, including mains, sewers, drains, pipes, cables and lights;
- (f) works to alter the course of, or otherwise interfere with, watercourses;
- (g) landscaping, ecological and other works to mitigate any adverse effects of the construction, maintenance or operation of the other authorised works; and
- (h) facilities and works for the benefit or protection of land or premises affected by the other authorised works.

(4) Subject to paragraph (7), the Authority may carry out and maintain such other works (of whatever nature) as may be necessary or expedient for the purposes of, or for purposes ancillary to, the construction of the scheduled works.

(5) The Authority may remove any works constructed by it under this Order which have been constructed as temporary works or which it no longer requires.

(6) Where the Authority lays down conduits for the accommodation of cables or other apparatus for the purposes of or associated with the authorised works it may provide in, or in connection with, such conduits, accommodation for the apparatus of any other person, and manholes and other facilities for access to such accommodation, and may permit the use of such conduits and facilities on such terms and conditions as may be agreed between it and such other person.

(7) Paragraphs (3) and (4) only authorise the carrying out or maintenance of works—

- (a) within the Order limits; or
- (b) within the boundaries of any street.

(8) The powers conferred by this article must not be exercised within the boundaries of a street outside of the Order limits without the consent of the street authority but such consent must not be unreasonably withheld.

(9) Regulation 12(1)(a) (requirement for environmental permit) of the Environmental Permitting (England and Wales) Regulations 2010^(a) in relation to the carrying on of a relevant flood risk activity, section 23 (prohibition on obstructions etc in watercourses) of the Land Drainage Act 1991^(b) and any byelaws made under that Act or the Water Resources Act 1991^(c) do not apply to anything done under or in pursuance of this Order.

(10) In paragraph (9) “relevant flood risk activity” means anything done under or in pursuance of this Order within paragraph 3(1)(a), (b) or (c) of Schedule 23ZA (flood risk activities and excluded flood risk activities) to the Environmental Permitting (England and Wales) Regulations 2010.

(11) Regardless of the powers conferred by paragraph (3)(e) the Authority and a person responsible for any street furniture or apparatus may enter into agreements for that person to undertake under the powers conferred by this article or under its own powers any works to the apparatus which may be required by the Authority for the purposes of, or for purposes ancillary to, the construction of the scheduled works.

Power to deviate

7.—(1) In constructing or maintaining any of the scheduled works, the Authority may—

- (a) deviate laterally from the lines or situations shown on the works and land plans within the limits of deviation relating to that work shown on those plans; and
- (b) deviate vertically from the levels shown on the sections—
 - (i) to any extent not exceeding 3 metres upwards; and
 - (ii) to any extent downwards as may be necessary or expedient.

(2) In constructing or maintaining any work or part of a work shown on the works and land plans as being situated in a street and for which no limits of deviation are shown on those plans, the Authority may deviate laterally within the boundaries of that street.

(3) The Authority may, in constructing or maintaining the scheduled works, lay down—

- (a) double lines of rails in place of single lines;
- (b) single lines of rails in place of double lines;
- (c) interlacing lines of rails in place of double or single lines; or
- (d) double or single lines of rails in place of interlacing lines.

(4) The powers conferred by paragraph (3) must not be exercised in the case of any part of the authorised street tramway without the consent of the street authority, but such consent must not be unreasonably withheld.

Designation of works

8.—(1) Regardless of anything in the description of the scheduled works the whole or any part of the scheduled works may be constructed within the limits of deviation for that work either along a street as a street tramway or off-street as a tramroad and so far as it is so constructed it is to be treated for the purposes of this Order as if it were so designated.

(2) Where, by means of the creation or extinction of rights of way—

- (a) any part of the authorised tramway which has been constructed as a tramroad becomes a street tramway, it is to be treated for the purposes of this Order as if it were designated as a street tramway; and
- (b) any part of the authorised tramway which has been constructed as a street tramway becomes a tramroad, it is to be treated for the purposes of this Order as if it were designated as a tramroad.

(a) S.I. 2010/675 as amended by the Environmental Permitting (England and Wales) Amendment) (No. 2) Regulations 2016 (S.I. 2016/475).

(b) 1991 c.59.

(c) 1991 c.57.

Power to alter layout, etc., of streets

9.—(1) The Authority may alter the layout of, and carry out other ancillary works in, any street specified in column (1) of Schedule 2 (streets subject to alteration of layout) in the manner specified in relation to that street in column (2) of that Schedule.

(2) Without limitation on the scope of the specific powers conferred by article 6.(1) (power to construct and maintain works) or paragraph (1) but subject to paragraph (3) the Authority may, for the purpose of constructing, maintaining or using the authorised street tramway, alter the layout of any street along which the tramway is or is to be laid and the layout of any street having a junction with such a street; and, without limitation on the scope of that power, the Authority may—

- (a) increase or reduce the width of the whole or part of any carriageway, kerb, footway, cycle track or verge within the street;
- (b) alter the level of the whole or part of any such carriageway, kerb, footway, cycle track or verge;
- (c) replace or alter the surface or surface treatment of the street;
- (d) reduce the width of the carriageway of the street by forming a reserved area in the street as a stopping place for tramcars or by carrying out other works for that purpose;
- (e) carry out works for the provision or alteration of parking places, loading bays, bus stop clearways, cycle tracks and bus laybys;
- (f) carry out traffic calming works which are of a description prescribed in the Highways (Traffic Calming) Regulations 1999^(a) and which are carried out in compliance with those Regulations;
- (g) carry out works to the street for the purpose of deterring or preventing vehicles other than tramcars from passing along the authorised tramway; and
- (h) make and maintain crossovers, sidings or passing places.

(3) The powers conferred by paragraph (2) must not be exercised without the consent of the street authority, but such consent must not be unreasonably withheld.

Power to keep apparatus in streets

10.—(1) The Authority may, for the purposes of or in connection with the construction, maintenance and use of the authorised street tramway, place and maintain in any street in which the tramway is or is to be laid or in any other street any work, equipment or apparatus including, without limitation on the scope of that power, foundations, platforms, road islands, substations, electric lines and any electrical or other apparatus.

(2) The powers conferred by this article must not be exercised within the boundaries of a street outside of the Order limits without the consent of the street authority, but such consent must not be unreasonably withheld.

(3) In this article—

- (a) “apparatus” has the same meaning as in Part 3 (street works in England and Wales) of the 1991 Act; and
- (b) the reference to any work, equipment, apparatus or other thing in a street includes a reference to any work, equipment, apparatus or other thing under, over, along or upon the street.

Power to execute street works

11.—(1) The Authority may, for the purpose of exercising the powers conferred by article 10.(1) (power to keep apparatus in streets) or any other provision of this Order, enter upon any street and

(a) S.I. 1999/1026.

may execute any works required for or incidental to the exercise of those powers including, without limitation on the scope of that power, breaking up or opening the street, or any sewer, drain or tunnel under it, or tunnelling or boring under the street.

(2) The powers conferred by this article must not be exercised within the boundaries of a street outside of the Order limits without the consent of the street authority, but such consent must not be unreasonably withheld.

Permanent stopping up of streets

12.—(1) Subject to the provisions of this article, the Authority may, in connection with the construction of the authorised works, stop up each of the streets mentioned in columns (1) and (2) of Parts 1 and 2 of Schedule 3 to this Order to the extent specified, by reference to the letters shown on the works plans, in column (3) of Parts 1 and 2 of that Schedule.

(2) No street specified in columns (1) to (3) of Part 1 of Schedule 3 (being a street to be stopped up for which a substitute is to be provided) can be wholly or partly stopped up under this article until the date of practical completion of the new street to be substituted for it (as specified in relation to it in column (4) of that Part of that Schedule) and the new street is open for use.

(3) The date of practical completion of a new street for the purposes of paragraph (2) will be determined by the street authority or in the event of dispute will be determined by arbitration.

(4) No part of a street specified in columns (1) to (3) of Part 2 of Schedule 3 to this Order (being a street to be stopped up for which no substitute is to be provided) can be stopped up under this article unless all the land which abuts it falls within one or more of the following categories, namely—

- (a) land to which there is no right of access directly from the street or part to be stopped up;
- (b) land to which there is reasonably convenient access otherwise than directly from the street or part to be stopped up;
- (c) land the owners and occupiers of which have agreed to the stopping up of the street or part; and
- (d) land which is in the possession of the Authority.

(5) Where a street has been permanently stopped up under this article—

- (a) all rights of way over or along the street so stopped up are extinguished; and
- (b) the Authority may, without making any payment, appropriate and use for the purposes of its tramway undertaking so much of the site of the street as is bounded on both sides by land owned by the Authority.

(6) Any person who suffers loss by the extinguishment of any private right of way under this article is entitled to compensation to be determined, in case of dispute, under Part I of the Land Compensation Act 1961.

(7) This article is subject to paragraph 2.(1) of Schedule 9 to this Order.

Temporary stopping up of streets

13.—(1) The Authority may, during and for the purposes of the execution of the authorised works, temporarily stop up, alter or divert any street and may for any reasonable time—

- (a) divert the traffic from the street; and
- (b) subject to paragraph (3), prevent all persons from passing along the street.

(2) Without limitation on the scope of paragraph (1), the Authority may use any street stopped up under the powers conferred by this article as a temporary working site.

(3) The Authority must provide at all times reasonable access for pedestrians going to or from premises abutting on a street affected by the exercise of the powers conferred by this article if there would otherwise be no such access.

(4) Without limitation on the scope of paragraph (1), the Authority may exercise the powers conferred by this article in relation to the streets specified in Schedule 4 (streets to be temporarily stopped up).

(5) The Authority must not exercise the powers conferred by this article—

- (a) in relation to any street specified as mentioned in paragraph (4), without first consulting the street authority; and
- (b) in relation to any other street, without the consent of the street authority which may attach reasonable conditions to any consent, but such consent must not be unreasonably withheld.

(6) Any person who suffers loss by the suspension of any private right of way under this article is entitled to compensation to be determined, in case of dispute, under Part 1 of the 1961 Act.

Access to works

14. The Authority may, for the purposes of the construction, operation or maintenance of the authorised works, form and lay out such means of access, or improve such existing means of access, at such locations within the Order limits as the Authority reasonably requires for the purposes of the authorised works, as may be approved by the highway authority, but such approval must not be unreasonably withheld.

Construction and maintenance of new, altered or diverted highways

15.—(1) Any highway to be constructed under this Order must be completed to the reasonable satisfaction of the highway authority and must, unless otherwise agreed by the highway authority and the Authority, be maintained by and at the expense of the Authority for a period of 12 months from its completion and at the expiry of that period by and at the expense of the highway authority.

(2) Where a highway is altered or diverted under this Order, the altered or diverted part of the highway must, when completed to the reasonable satisfaction of the highway authority, unless otherwise agreed, be maintained by and at the expense of the Authority for a period of 12 months from its completion and after the expiry of that period by and at the expense of the highway authority.

(3) Paragraphs (1) and (2) do not apply in relation to the structure of any bridge carrying a highway over a tramroad of the Authority or carrying a tramroad of the Authority over a highway and except as provided in those paragraphs the Authority is not liable to maintain the surface of any highway in, on or over which the scheduled works are constructed, or the immediate approaches to any such highway, unless otherwise agreed with the highway authority.

(4) In any action against the Authority in respect of loss or damage resulting from any failure by it to maintain a highway under this article, it is a defence (without affecting any other defence or the application of the law relating to contributory negligence) to prove that the Authority had taken such care as in all the circumstances was reasonably required to secure that the part of the highway to which the action relates was not dangerous to traffic.

(5) For the purposes of a defence under paragraph (4), the court must in particular have regard to the following matters—

- (a) the character of the highway including its use for a tramway, and the traffic which was reasonably to be expected to use it;
- (b) the standard of maintenance appropriate for a highway of that character and used by such traffic;
- (c) the state of repair in which a reasonable person would have expected to find the highway;
- (d) whether the Authority knew, or could reasonably have been expected to know, that the condition of the part of the highway to which the action relates was likely to cause danger to users of the highway; and

- (e) where the Authority could not reasonably have been expected to repair that part of the highway before the cause of action arose, what warning notices of its condition had been displayed,

but for the purposes of such a defence it is not relevant that the Authority had arranged for a competent person to carry out or supervise the maintenance of that part of the highway to which the action relates unless it is also proved that the Authority had given the competent person proper instructions with regard to the maintenance of the highway and that the competent person had carried out those instructions.

Restoration of streets if street tramway discontinued

16. If the Authority abandons the construction of, or permanently ceases to operate any of, the authorised street tramway (“the discontinued tramway”), it must as soon as reasonably practicable and unless otherwise agreed with the street authority—

- (a) remove from any street in which the discontinued tramway is laid the rails and any other works, equipment and apparatus which have become redundant; and
- (b) restore, to the reasonable satisfaction of the street authority, the portion of the street along which the discontinued tramway was laid, or redundant works, equipment and apparatus were laid, regard being had to—
 - (i) the condition of the street before the tramway was laid; and
 - (ii) the nature of the traffic using the street at the time of the discontinuance.

Agreements with street authorities

17.—(1) A street authority and the Authority may enter into agreements with respect to—

- (a) the construction of any new street (including any structure carrying the street over or under a tramroad) under the powers conferred by this Order;
- (b) the strengthening, improvement, repair or reconstruction of any street under the powers conferred by this Order;
- (c) the maintenance of any street along or across which the authorised tramway is laid, or of the structure of any bridge or tunnel carrying a street over or under the authorised tramway;
- (d) any stopping up, alteration or diversion of a street under the powers conferred by this Order; or
- (e) the execution in the street of any of the works referred to in article 11.(1) (power to execute street works).

(2) Such an agreement may, without limitation on the scope of paragraph (1)—

- (a) provide for the street authority to carry out any function under this Order which relates to the street in question; and
- (b) contain such terms as to payment and otherwise as the parties consider appropriate.

Level crossings

18.—(1) The Authority may construct and maintain the authorised tramway so as to enable tramcars upon it to cross on the level any highway or other road for the time being crossing the route of the system.

(2) The Authority may provide, maintain and operate at or near any level crossing such protective equipment as it may determine.

(3) Any traffic sign placed under this article on or near a highway or other road to which the public has access is to be treated for the purposes of section 64(4) of the 1984 Act as having been placed as provided by that Act.

(4) Without limitation on the scope of article 9.(1) (power to alter layout, etc., of streets), the Authority may in the exercise of the powers conferred by this article alter the level of any highway or road referred to in paragraph (1).

(5) The highway authority may enter into agreements with the Authority with respect to the construction and maintenance of any level crossing; and such an agreement may contain such terms as to payment or otherwise as the parties consider appropriate.

(6) In this article—

“level crossing” means the place at which the authorised tramroad crosses a highway or other road on the level under the powers conferred by this article; and

“protective equipment” includes lights, traffic signs (within the meaning of section 64(1) of the 1984 Act), manual, mechanical, automatic, electrical or telephonic equipment or other devices.

Supplemental powers

Attachment of equipment to buildings

19.—(1) The Authority may affix to any building constructed at any time within the permanent limits—

- (a) any brackets, cables, wires, insulators and other apparatus required in connection with the construction, operation or maintenance of the authorised tramway; and
- (b) any lamps, cameras, brackets, pipes, electric lines and other apparatus required for the provision of additional or substitute street lighting or closed circuit television in consequence of the construction, operation or maintenance of the authorised tramway.

Discharge of water

20.—(1) The Authority may use any watercourse or any public sewer or drain for the drainage of water in connection with the construction, operation or maintenance of the authorised works and for that purpose may lay down, take up and alter pipes and may, on any land within the Order limits, or in any street along which the authorised tramway is authorised to be laid, make openings into, and connections with, the watercourse, sewer or drain.

(2) Any dispute arising from the exercise of the power conferred by paragraph (1) to connect to or use a public sewer or drain is to be determined as if it were a dispute under section 106 of the Water Industry Act 1991(a).

(3) The Authority must not discharge any water into any watercourse, public sewer or drain except with the consent of the person to whom it belongs; and such consent may be given subject to such terms and conditions as that person may reasonably impose but must not be unreasonably withheld.

(4) The Authority must not make any opening into any public sewer or drain except—

- (a) in accordance with plans approved by the person to whom the sewer or drain belongs, but such approval must not be unreasonably withheld; and
- (b) where that person has been given the opportunity to supervise the making of the opening.

(5) The Authority must not, in the exercise of the powers conferred by this article, damage or interfere with the bed or banks of any watercourse forming part of a main river.

(6) The Authority must take such steps as are reasonably practicable to secure that any water discharged into a watercourse or public sewer or drain under the powers conferred by this article is as free as may be practicable from gravel, soil or other solid substance, oil or matter in suspension.

(7) Nothing in this article overrides the requirement for an environmental permit under regulation 12(1)(b) of the Environmental Permitting (England and Wales) Regulations 2010(b).

(a) 1991 c.56.

(b) S.I. 2010/675.

(8) In this article—

“public sewer or drain” means a sewer or drain which belongs to a sewerage undertaker, the Environment Agency, an internal drainage board, or a local authority; and

other expressions, excluding watercourses, used both in this article and in the Water Resources Act 1991(a) have the same meaning as in that Act.

Works to safeguard buildings and the operation of the authorised tramway

21.—(1) Subject to the following provisions of this article, the Authority may at its own expense and from time to time carry out such safeguarding works to any building lying within the Order limits as the Authority considers to be necessary or expedient.

(2) Safeguarding works may be carried out—

- (a) at any time before or during the construction, in the vicinity of the building, of any part of the authorised works (other than works authorised by this article); or
- (b) after the completion of the construction of that part of the authorised works (other than works authorised by this article), at any time up to the end of the period of 5 years beginning with the day on which that part of the authorised works is first opened for use.

(3) For the purpose of determining how the functions under this article are to be exercised the Authority may, subject to paragraph (5), enter and survey any building falling within paragraph (1) and any land within its curtilage.

(4) For the purpose of carrying out safeguarding works under this article to a building the Authority may (subject to paragraphs (5) and (6))—

- (a) enter the building and any land within its curtilage; and
- (b) where the works cannot be carried out reasonably conveniently without entering land which is adjacent to the building but outside its curtilage, enter the adjacent land (but not any building erected on it).

(5) Before exercising—

- (a) a right under paragraph (1) to carry out safeguarding works to a building;
- (b) a right under paragraph (3) to enter a building and any land within its curtilage;
- (c) a right under paragraph (4)(a) to enter a building and land within its curtilage; or
- (d) a right under paragraph (4)(b) to enter land,

the Authority must, except in the case of emergency, serve on the owners and occupiers of the building or land not less than 14 days’ notice of its intention to exercise that right and, in a case falling within sub-paragraph (a) or (c), specifying the safeguarding works proposed to be carried out.

(6) Where notice is served under paragraph (5)(a), (5)(c) or (5)(d), the owner or occupier of the building or land concerned may, by serving a counter-notice within the period of 10 days beginning with the day on which the notice was served, require the question of whether it is necessary or expedient to carry out the safeguarding works or to enter the building or land to be referred to arbitration under article 54 (arbitration).

(7) The Authority must compensate the owners and occupiers of any building or land in relation to which the powers conferred by this article have been exercised for any loss or damage arising to them by reason of the exercise of those powers.

(8) Where—

- (a) safeguarding works are carried out under this article to a building; and
- (b) within the period of 5 years beginning with the day on which the part of the authorised works constructed within the vicinity of the building is first opened for use, it appears that the safeguarding works are inadequate to protect the building against damage caused by the construction or operation of that part of the works,

(a) 1991 c.57.

the Authority must compensate the owners and occupiers of the building for any damage sustained by them.

(9) Without affecting article 38 (no double recovery), nothing in this article relieves the Authority from any liability to pay compensation under section 10(2) of the 1965 Act.

(10) Any compensation payable under paragraph (7) or (8) is to be determined, in case of dispute, under Part 1 (determination of questions of disputed compensation) of the 1961 Act.

(11) In this article “safeguarding works”, in relation to a building, means—

- (a) underpinning, strengthening and any other works the purpose of which is to prevent damage which may be caused to the building by the construction, maintenance or operation of the authorised works;
- (b) any works the purpose of which is to remedy any damage which has been caused to the building by the construction, maintenance or operation of the authorised works; and
- (c) any works the purpose of which is to secure the safe operation of the authorised tramway or to prevent or minimise the risk of such operation being disrupted.

Power to survey and investigate land, etc.

22.—(1) The Authority may for the purposes of this Order—

- (a) survey or investigate any land within the Order limits, any street along which the authorised street tramway is authorised to be laid and any street having a junction with such a street;
- (b) without limitation on the scope of sub-paragraph (a), make trial holes in such positions as the Authority thinks fit on the land to investigate the nature of the surface layer and subsoil and remove soil samples;
- (c) without limitation on the scope of sub-paragraph (a), carry out archaeological investigations on any such land;
- (d) take steps to protect or remove any flora or fauna on the land where the flora or fauna may be affected by the carrying out of the authorised works;
- (e) place on, leave on and remove from the land apparatus for use in connection with the exercise of any of the powers conferred by sub-paragraphs (a) to (d); and
- (f) enter on the land for the purpose of exercising the powers conferred by sub-paragraphs (a) to (e).

(2) No land may be entered, or equipment placed or left on or removed from the land, under paragraph (1), unless at least 7 days’ notice has been served on every owner and occupier of the land.

(3) Any person entering land under this article on behalf of the Authority—

- (a) must, if so required, before or after entering the land produce written evidence of that person’s authority to do so; and
- (b) may take onto the land such vehicles and equipment as are necessary to carry out the survey or investigation or to make the trial holes.

(4) No trial holes are to be made under this article—

- (a) in a carriageway or footway without the consent of the highway authority; or
- (b) in a private street without the consent of the street authority,
- (c) but such consent must not be unreasonably withheld.

(5) The Authority must pay compensation for any damage occasioned, by the exercise of the powers conferred by this article, to the owners and occupiers of the land, such compensation to be determined, in case of dispute, under Part 1 (determination of questions of disputed compensation) of the 1961 Act.

(6) Nothing in this article overrides the requirement to obtain scheduled monument consent under the Ancient Monuments and Archaeological Areas Act 1979(a).

Mode of construction and operation of tramway

23.—(1) The authorised tramway must be operated by electricity or, in an emergency or for the purposes of maintenance, by diesel power or other means.

(2) The tramway must be constructed on a nominal gauge of 1,435 millimetres.

(3) Where the authorised tramway is constructed along a street or in any place to which the public has access (including any place to which the public has access only on making a payment), the Authority must take such care as in all the circumstances is reasonable to ensure that the authorised tramway is constructed and maintained so that the street or other place is safe for other users.

(4) When considering what measures are required under paragraph (3) the Authority must have particular regard to the character and usage of the street or other place and to those who could reasonably be expected to use it.

(5) Where the authorised street tramway has been constructed in a street, works by any person which affect or are likely to affect the Authority's obligations under paragraph (3), including works to any street surfaces and works affecting any equipment or apparatus placed in the street under article 10.(1) (power to keep apparatus in streets) must not be carried out without the consent of the Authority, which may be given subject to such reasonable terms and conditions as the Authority may require but must not be unreasonably withheld.

Obstruction of construction of authorised works

24. Any person who, without reasonable excuse—

- (a) obstructs another person acting under the authority of the Authority in setting out the lines of the scheduled works, or in constructing any of the authorised works; or
- (b) interferes with, moves or removes any apparatus belonging to any person acting under the authority of the Authority,

is guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.

Power to construct temporary tramways

25.—(1) The Authority may, if it considers it necessary or expedient in consequence of any street works executed or proposed to be executed in a street along which an authorised street tramway is constructed—

- (a) remove or discontinue the operation of the authorised street tramway; and
- (b) lay, maintain and operate in that street or in a street near to that street a temporary tramway in place of the authorised street tramway.

(2) The powers conferred by this article may only be exercised with the consent of the street authority but such consent may not be unreasonably withheld.

(3) The provisions of articles 9.(2) (power to alter layout, etc., of streets), 10.(1) (power to keep apparatus in streets), 11.(1) (power to execute street works) and 44.(1) (traffic signs) apply in relation to temporary tramways laid under the powers conferred by this article as they apply in relation to authorised street tramways.

Removal of human remains

26.—(1) In this article, “specified land” means the land within the limits of deviation.

(a) 1979 c.46.

(2) Before the Authority carries out any development or works that will or may disturb any human remains in the specified land, it must remove those human remains from the specified land, or cause them to be removed, in accordance with the following provisions of this article.

(3) Before any such remains are removed from the specified land, the Authority must give notice of the intended removal, describing the specified land and stating the general effect of the following provisions of this article, by—

- (a) publishing a notice once in each of 2 successive weeks in a newspaper circulating in the area of the authorised works; and
- (b) displaying a notice in a conspicuous place on or near to the specified land.

(4) As soon as reasonably practicable after the first publication of a notice under paragraph (3), the Authority must send a copy of the notice to Birmingham City Council.

(5) At any time within 56 days after the first publication of a notice under paragraph (3), any person who is a personal representative or relative of any deceased person whose remains are interred in the specified land may give notice in writing to the Authority of that person's intention to undertake the removal of the remains.

(6) Where a person has given notice under paragraph (5), and the remains in question can be identified, that person may cause such remains to be—

- (a) removed and re-interred in any burial ground or cemetery in which burials may legally take place; or
- (b) removed to, and cremated in, any crematorium,

and that person must, as soon as reasonably practicable after such re-interment or cremation, provide to the Authority a certificate for the purpose of enabling compliance with paragraph (11).

(7) If the Authority is not satisfied that any person giving notice under paragraph (5) is the personal representative or relative as that person claims to be, or that the remains in question can be identified, the question must be determined on the application of either party in a summary manner by the county court, and the court may make an order specifying who must remove the remains and as to the payment of the costs of the application.

(8) The Authority must pay the reasonable expenses of removing and re-interring or cremating the remains of any deceased person under this article.

(9) If—

- (a) within the period of 56 days referred to in paragraph (5) no notice under that paragraph is given to the Authority in respect of any remains in the specified land;
- (b) notice under paragraph (5) is given within the period of 56 days and no application is made under paragraph (7) within 56 days after the giving of the notice, but the person who gave the notice fails to remove the remains within a further period of 56 days;
- (c) within 56 days after any order is made by the county court under paragraph (7) any person, other than the Authority, specified in the order fails to remove the remains; or
- (d) it is determined that the remains to which a notice under paragraph (5) relates cannot be identified,

subject to paragraph (10), the Authority must remove the remains and cause them to be reinterred in such burial ground or cemetery in which burials may legally take place as the Authority thinks suitable for the purpose; and, so far as possible, remains from individual graves must be re-interred in individual containers which must be identifiable by a record prepared with reference to the original position of burial of the remains that they contain.

(10) If the Authority is satisfied that any person giving notice under paragraph (5) is the personal representative or relative as that person claims to be and that the remains in question can be identified, but that person does not remove the remains, the Authority must comply with any reasonable request that person may make in relation to the removal and re-interment or cremation of the remains.

(11) On the re-interment or cremation of any remains under this article—

- (a) a certificate of re-interment or cremation must be sent by the Authority to the Registrar-General giving the date of re-interment or cremation and identifying the place from which the remains were removed and the place in which they were re-interred or cremated; and
- (b) a copy of the certificate of re-interment or cremation and the record mentioned in paragraph (9) must be sent by the Authority to Birmingham City Council.

(12) The removal of the remains of any deceased person under this article must be carried out in accordance with any directions that may be given by the Secretary of State.

(13) Any jurisdiction or function conferred on the county court by this article may be exercised by the district judge of the court.

(14) Section 25 of the Burial Act 1857(a) (offence of removal of body from burial ground) does not apply to a removal carried out in accordance with this article.

(15) The Town and Country Planning (Churches, Places of Religious Worship and Burial Ground) Regulations 1950(b) does not apply to the authorised works.

PART 3

ACQUISITION AND POSSESSION OF LAND

Powers of acquisition

Power to acquire land

27.—(1) The Authority may acquire compulsorily so much of the land shown on the works and land plans as lying within the permanent limits as may be required for or in connection with the authorised works and may use any land so acquired for those purposes or for any other purposes that are ancillary to its tramway undertaking.

(2) This article is subject to article 31 (new rights only to be acquired in certain lands).

Application of Part 1 of the 1965 Act

28.—(1) Part 1 (compulsory purchase under the Acquisition of Land Act 1946) of the 1965 Act, in so far as not modified by or inconsistent with the provisions of this Order, applies to the acquisition of land under this Order—

- (a) as it applies to a compulsory purchase to which the Acquisition of Land Act 1981(c) applies; and
- (b) as if this Order were a compulsory purchase order under that Act.

(2) Part 1 of the 1965 Act, as applied by paragraph (1), has effect as if section 4 (which provides a time limit for compulsory purchase of land) was omitted.

Application of the Compulsory Purchase (Vesting Declarations) Act 1981

29.—(1) The Compulsory Purchase (Vesting Declarations) Act 1981(d) applies as if this Order were a compulsory purchase order.

(2) The Compulsory Purchase (Vesting Declarations) Act 1981, as applied by paragraph (1), has effect with the following modifications.

(3) In section 3 (preliminary notices), for subsection (1) substitute—

(a) 1857 c.81. Section 25 was substituted by section 2 of Church of England (Miscellaneous Provisions) Measure 2014 (2014 No. 1).
(b) S.I. 1950/792.
(c) 1981 c.67.
(d) 1981 c.66.

“(1) Before making a declaration under section 4 with respect to any land which is subject to a compulsory purchase order the acquiring authority must include the particulars specified in subsection (3) in a notice which is—

- (a) given to every person with a relevant interest in the land with respect to which the declaration is to be made (other than a mortgagee who is not in possession); and
- (b) published in a local newspaper circulating in the area in which the land is situated.”.

(4) In that section, in subsection (2), for “(1)(b)” substitute “(1)” and after “given” insert “and published”.

(5) In that section, for subsections (5) and (6) substitute —

“(5) For the purposes of this section, a person has a relevant interest in land if—

- (a) that person is for the time being entitled to dispose of the fee simple of the land, whether in possession or reversion; or
- (a) that person holds, or is entitled to the rents and profits of, the land under a lease or agreement, the unexpired term of which exceeds one month.”

(6) In section 5 (earliest date for execution of declaration)—

- (a) in subsection (1), after “publication” insert “in a local newspaper circulating in the area in which the land is situated”; and
- (b) omit subsection (2).

(7) Omit section 5A (time limit for general vesting declaration).

(8) In section 7 (constructive notice to treat), in subsection (1)(a), omit “(as modified by section 4 of the Acquisition of Land Act 1981)”.

(9) References to the 1965 Act are to be construed as references to that Act as applied to the acquisition of land by article 28.(1) (application of Part 1 of the 1965 Act).

Powers to acquire new rights

30.—(1) The Authority may compulsorily acquire such easements or other rights over any land within the permanent limits as may be required for any purpose for which that land may be acquired, by creating them as well as by acquiring easements or other rights already in existence.

(2) Subject to section 8 (other provisions as to divided land) of the 1965 Act (as substituted by paragraph 5 of Schedule 6 (modification of compensation and compulsory purchase enactments for creation of new rights)), where the Authority acquires a right under paragraph (1) the Authority is not required to acquire a greater interest in that land.

(3) Schedule 6 has effect for the purpose of modifying the enactments relating to compensation and the provisions of the 1965 Act in their application to the compulsory acquisition under this article of a right over land by the creation of a new right.

New rights only to be acquired in certain lands

31. In the case of land specified in Schedule 5 (acquisition of new rights only) the Authority’s powers of compulsory acquisition under article 27.(1) (power to acquire land) and article 30.(1) (power to acquire new rights) are limited to the acquisition of such easements or other new rights in the land as it may require for the purposes of—

- (a) exercising the powers conferred by article 19.(1) (attachment of equipment to buildings) and using and maintaining any apparatus affixed in the exercise of those powers; or
- (b) creating rights of way over any land within the permanent limits.

Rights under or over streets

32.—(1) The Authority may enter upon and appropriate so much of the surface, subsoil of, or air space over, any street shown on the works and land plans and described in the book of reference as

may be required for the purposes of the authorised works and may use the surface, subsoil and air space for those purposes or any other purpose ancillary to its tramway undertaking.

(2) Subject to paragraph (4), the power under paragraph (1) may be exercised in relation to a street without the Authority being required to acquire any part of the street or any easement or right in the street.

(3) Subject to paragraph (5) any person who is an owner or occupier of land in respect of which the power of appropriation conferred by paragraph (1) is exercised without the Authority acquiring any part of that person's interest in the land, and who suffers loss by the exercise of that power, is entitled to compensation, the amount of such compensation to be determined, in case of dispute, under Part 1 of the 1961 Act.

(4) Paragraph (2) does not apply in relation to—

- (a) any subway or underground building; or
- (b) any cellar, vault, arch or other construction in, on or under a street which forms part of a building fronting on to the street.

(5) Compensation is not payable under paragraph (3) to any person who is an undertaker, to whom section 85 (sharing of cost of necessary measures) of the 1991 Act applies, in respect of measures of which the allowable costs are to be borne in accordance with that section.

Special category land

33.—(1) Upon entry by the Authority onto the special category land under article (1) (power to acquire land) or article (1) (powers to acquire new rights), so much of the special category land as is required for the purposes of the exercise by the Authority of the order rights is discharged from all rights, trusts and incidents to which it was previously subject.

(2) In this article—

“the order rights” means rights exercisable over the special category land by the Authority under article (1) (power to acquire land) or article (1) (powers to acquire new rights) but being subject to article 31 (new rights only to be acquired in certain lands); and

“the special category land” means the land identified as forming open space and numbered [XX] in the book of reference and on [the works and land plans].

Temporary possession of land

Temporary use of land for construction of works

34.—(1) The Authority may, in connection with the carrying out of the authorised works—

(a) enter upon and take temporary possession of—

(i) so much of the land shown on the works and land plans as lying within the temporary limits for the purpose specified in relation to that land in column (3) of Schedule 7 (land of which temporary possession may be taken) relating to the scheduled works specified in column (4) of that Schedule; and

(ii) any of the land within the permanent limits in respect of which no notice of entry has been served under section 11 (powers of entry) of the 1965 Act or no declaration has been made under section 4 (execution of declaration) of the Compulsory Purchase (Vesting Declarations) Act 1981;

(b) remove any buildings and vegetation from that land; and

(c) construct temporary works (including the provision of means of access) and buildings on the land.

(2) Not less than 14 days before exercising the powers of paragraph (1) the Authority must serve notice of the intended entry on the owners and occupiers of the land.

(3) The Authority may not, without the agreement of the owners of the land, remain in possession of any land of which temporary possession has been taken under this article—

- (a) in the case of land lying within the temporary limits, after the end of the period of 2 years beginning with the date of completion of the work specified in relation to that land in column (4) of Schedule 7; or
- (b) in the case of land within the permanent limits, after the end of the period of 2 years beginning with the date of completion of the work for which temporary possession of the land was taken unless the Authority has, by the end of that period, served a notice of entry under section 11 of the 1965 Act or made a declaration under section 4 of the Compulsory Purchase (Vesting Declarations) Act 1981 in relation to that land.

(4) Before giving up possession of land of which temporary possession has been taken under this article, the Authority must remove all temporary works and restore the land to the reasonable satisfaction of the owners of the land; but the Authority is not required to replace a building removed under this article.

(5) The Authority must pay compensation to the owners and occupiers of land of which temporary possession is taken under this article for any loss or damage arising from the exercise in relation to the land of the powers conferred by this article.

(6) Any dispute as to a person's entitlement to compensation under paragraph (5), or as to the amount of the compensation, is to be determined under Part 1 (determination of questions of disputed compensation) of the 1961 Act.

(7) Without affecting article 38 (no double recovery), nothing in this article affects any liability to pay compensation under section 10(2) (further provision as to compensation for injurious affection) of the 1965 Act or under any other enactment in respect of loss or damage arising from the execution of any works, other than loss or damage for which compensation is payable under paragraph (5).

(8) Where the Authority takes possession of land under this article, the Authority is not required to acquire the land or any interest in it.

(9) Section 13 (refusal to give possession to acquiring authority) of the 1965 Act applies to the temporary use of land under this article to the same extent as it applies to the acquisition of land under this Order by virtue of article 28.(1) (application of Part 1 of the 1965 Act).

Temporary use of land for maintenance of works

35.—(1) Subject to paragraph (2), at any time during the maintenance period relating to the scheduled works, the Authority may—

- (a) enter upon and take temporary possession of any land within the Order limits reasonably required for the purpose of maintaining the work or any ancillary works connected with it or securing the safe operation of any such work; and
- (b) construct such temporary works (including the provision of means of access) and buildings on the land as may be reasonably necessary for that purpose.

(2) Paragraph (1) does not authorise the Authority to take temporary possession of—

- (a) any house or garden belonging to a house; or
- (b) any building (other than a house) if it is for the time being occupied.

(3) Not less than 28 days before entering upon and taking temporary possession of land under this article the Authority must serve notice of the intended entry on the owners and occupiers of the land.

(4) The Authority may only remain in possession of land under this article for so long as may be reasonably necessary to carry out the maintenance works for which possession of the land was taken.

(5) Before giving up possession of land of which temporary possession has been taken under this article, the Authority must remove all temporary works and restore the land to the reasonable satisfaction of the owners of the land.

(6) The Authority must pay compensation to the owners and occupiers of land of which temporary possession is taken under this article for any loss or damage arising from the exercise in relation to the land of the powers conferred by this article.

(7) Any dispute as to a person's entitlement to compensation under paragraph (6), or as to the amount of the compensation, is to be determined under Part 1 (determination of questions of disputed compensation) of the 1961 Act.

(8) Without affecting article 38 (no double recovery), nothing in this article affects any liability to pay compensation under section 10(2) (further provision as to compensation for injurious affection) of the 1965 Act or under any other enactment in respect of loss or damage arising from the execution of any works, other than loss or damage for which compensation is payable under paragraph (6).

(9) Where the Authority takes possession of land under this article, the Authority is not required to acquire the land or any interest in it.

(10) The powers conferred by this article must not be exercised in relation to any street without the consent of the street authority, which must not be unreasonably withheld.

(11) Section 13 (refusal to give possession to acquiring authority) of the 1965 Act applies to the temporary use of land under this article to the same extent as it applies to the acquisition of land under this Order by virtue of article 28.(1) (application of Part 1 of the 1965 Act).

(12) In this article, "the maintenance period", in relation to a scheduled work, means the period of 5 years beginning with the date on which the work is opened for public use.

Compensation

Disregard of certain interests and improvements

36.—(1) In assessing the compensation (if any) payable to any person on the acquisition from that person of any land or interest in land under this Order, the tribunal must not take into account—

- (a) any interest in land; or
- (b) any enhancement of the value of any interest in land by reason of any building erected, works executed or improvement or alteration made on relevant land,

if the tribunal is satisfied that the creation of the interest, the erection of the building, the execution of the works or the making of the improvement or alteration was not reasonably necessary and was undertaken with a view to obtaining compensation or increased compensation.

(2) In paragraph (1) "relevant land" means the land acquired from the person concerned or any other land with which that person is, or was at the time when the building was erected, the works executed or the improvement or alteration made, directly or indirectly concerned.

Set-off for enhancement in value of retained land

37.—(1) In assessing the compensation payable to any person in respect of the acquisition from that person under this Order of any land (including the subsoil) the tribunal must set off against the value of the land so acquired any increase in value of any contiguous or adjacent land belonging to that person in the same capacity, which will accrue to that person by reason of the construction of the authorised works.

(2) In assessing the compensation payable to any person in respect of the acquisition from that person of any new rights over land (including the subsoil) under article 30.(1) (powers to acquire new rights), the tribunal must set off against the value of the rights so acquired—

- (a) any increase in the value of the land over which the new rights are acquired; and
- (b) any increase in value of any contiguous or adjacent land belonging to that person in the same capacity,

which will accrue to that person by reason of the construction of the authorised works.

(3) The 1961 Act has effect, subject to paragraphs (1) and (2), as if this Order were a local enactment for the purposes of that Act.

No double recovery

38. Compensation is not payable in respect of the same matter both under this Order and under any other enactment, any contract or any rule of law, or under two or more different provisions of this Order.

Supplementary

Acquisition of part of certain properties

39.—(1) This article applies instead of section 8(1) (other provisions as to divided land) of the 1965 Act (as applied to this Order by article 28.(1) (application of Part 1 of the 1965 Act)) in any case where—

- (a) a notice to treat is served on a person (“the owner”) under the 1965 Act (as so applied) in respect of land forming part only of a house, building or manufactory or part only of land consisting of a house with a park or garden (“the land subject to the notice to treat”); and
- (b) a copy of this article is served on the owner with the notice to treat.

(2) In such a case, the owner may, within the period of 21 days beginning with the day on which the notice was served, serve on the Authority a counter-notice objecting to the sale of the land subject to the notice to treat and stating that the owner is willing and able to sell the whole (“the land subject to the counter-notice”).

(3) If no such counter-notice is served within that period, the owner must sell the land subject to the notice to treat.

(4) If such a counter-notice is served within that period, the question of whether the owner must sell only the land subject to the notice to treat is, unless the Authority agrees to take the land subject to the counter-notice, to be referred to the tribunal.

(5) If on such a reference the tribunal determines that the land subject to the notice to treat can be taken—

- (a) without material detriment to the remainder of the land subject to the counter-notice; or
- (b) where the land subject to the notice to treat forms part of land consisting of a house with a park or garden, without material detriment to the remainder of the land subject to the counter-notice and without seriously affecting the amenity and convenience of the house,
- (c) the owner must sell the land subject to the notice to treat.

(6) If on such a reference the tribunal determines that only part of the land subject to the notice to treat can be taken—

- (a) without material detriment to the remainder of the land subject to the counter-notice; or
- (b) where the land subject to the notice to treat forms part of land consisting of a house with a park or garden, without material detriment to the remainder of the land subject to the counter-notice and without seriously affecting the amenity and convenience of the house,
- (c) the notice to treat is deemed to be a notice to treat for that part.

(7) If on such a reference the tribunal determines that—

- (a) the land subject to the notice to treat cannot be taken without material detriment to the remainder of the land subject to the counter-notice; but
- (b) the material detriment is confined to a part of the land subject to the counter-notice,

the notice to treat is deemed to be a notice to treat for the land to which the material detriment is confined in addition to the land already subject to the notice, whether or not the additional land is land which the Authority is authorised to acquire compulsorily under this Order.

(8) If the Authority agrees to take the land subject to the counter-notice, or if the tribunal determines that—

(a) none of the land subject to the notice to treat can be taken without material detriment to the remainder of the land subject to the counter-notice or, as the case may be, without material detriment to the remainder of the land subject to the counter-notice and without seriously affecting the amenity and convenience of the house; and

(b) the material detriment is not confined to a part of the land subject to the counter-notice, the notice to treat is deemed to be a notice to treat for the land subject to the counter-notice whether or not the whole of that land is land which the Authority is authorised to acquire compulsorily under this Order.

(9) In any case where by virtue of a determination by the tribunal under this article a notice to treat is deemed to be a notice to treat for less land or more land than that specified in the notice, the Authority may, within the period of 6 weeks beginning with the day on which the determination is made, withdraw the notice to treat; and, if it does so, must pay to the owner compensation for any loss or expense occasioned to the owner by the giving and withdrawal of the notice, to be determined in case of dispute by the tribunal.

(10) Where the owner is required under this article to sell only part of a house, building or manufactory or of land consisting of a house with a park or garden, the Authority must pay the owner compensation for any loss sustained by the owner due to the severance of that part in addition to the value of the interest acquired.

Extinction or suspension of private rights of way

40.—(1) Subject to the provisions of this article, all private rights of way over land subject to compulsory acquisition under this Order are extinguished—

- (a) as from the date of acquisition of the land by the Authority, whether compulsorily or by agreement; or
- (b) on the date of entry on the land by the Authority under section 11(1) (powers of entry) of the 1965 Act,

whichever is sooner.

(2) Subject to the provisions of this article, all private rights of way over land owned by the Authority which is within the permanent limits and is required for the purposes of this Order, are extinguished on the appropriation of the land for any of those purposes by the Authority.

(3) Subject to the provisions of this article, all private rights of way over land of which the Authority takes temporary possession under this Order are suspended and unenforceable for as long as the Authority remains in lawful possession of the land.

(4) Any person who suffers loss by the extinguishment or suspension of any private right of way under this article is entitled to compensation to be determined, in case of dispute, under Part 1 of the 1961 Act.

(5) Paragraphs (1), (2) and (3) have effect subject to—

- (a) any notice given by the Authority before the completion of the acquisition of the land, the Authority's appropriation of it, the Authority's entry onto it or the Authority's taking temporary possession of it, as the case may be, that any or all of those paragraphs do not apply to any right of way specified in the notice; and
- (b) any agreement made (whether before or after any of the events mentioned in subparagraph (a) and before or after the coming into force of this Order) between the Authority and the person in or to whom the right of way in question is vested or belongs.

(6) If any such agreement as is referred to in paragraph (5)(b) which is made with a person in or to whom the right of way is vested or belongs is expressed to have effect also for the benefit of those deriving title from or under that person, it is effective in respect of the persons so deriving title, whether the title was derived before or after the making of the agreement.

Time limit for exercise of powers of acquisition

41.—(1) After the end of the period of 5 years beginning with the day on which this Order comes into force—

- (a) no notice to treat is to be served under Part 1 of the 1965 Act, as applied to the acquisition of land by article 28.(1) (application of Part 1 of the 1965 Act); and
- (b) no declaration is to be executed under section 4 (execution of declaration) of the Compulsory Purchase (Vesting Declarations) Act 1981, as applied to this Order by article 29.(1) (application of Compulsory Purchase (Vesting Declarations) Act 1981).

(2) The power conferred by article 34.(1) (temporary use of land for construction of works) to enter upon and take temporary possession of land ceases at the end of the period mentioned in paragraph (1); but this paragraph does not prevent the Authority from remaining in possession of land in accordance with article 34.(1) after the end of that period, if the land was entered and possession of it was taken before the end of that period.

PART 4

OPERATION OF TRAMWAY SYSTEM

Power to operate and use tramway system

42.—(1) The Authority may operate and use the authorised tramway and other authorised works as a system, or part of a system, of transport for the carriage of passengers and goods.

(2) Subject to paragraph (4) and section 54 of the 1989 Act (as applied by article 4.(1) (application of the Midland Metro Acts)), the Authority, for the purpose of operating the authorised tramway, has the exclusive right—

- (a) to use the rails, foundations, cables, masts overhead wires and other apparatus used for the operation of the authorised tramway; and
- (b) to occupy that part of the street in which that apparatus is situated.

(3) Any person who, without the consent of the Authority or other reasonable excuse, uses the apparatus mentioned in paragraph (2) is guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.

(4) Nothing in this article restricts the exercise of any public right of way over any part of a street in which the apparatus mentioned in paragraph (2) is situated, except to the extent that the exercise of the right is constrained by the presence of the apparatus.

Power to charge fares

43. The Authority may demand, take and recover or waive such charges for carrying passengers or goods on trams using the authorised tramway or for any other services or facilities provided in connection with the operation of the authorised tramway, as it thinks fit.

Traffic signs

44.—(1) The Authority may, for the purposes of, or in connection with the construction or operation of the authorised street tramway, place or maintain traffic signs on any street in which the authorised street tramway is laid or which gives access to such a street, or on any street in connection with any instrument made under article 45.(1) (traffic regulation) or any other street as reasonably required for conveying information to traffic.

(2) The Authority—

- (a) must consult with the traffic authority as to the placing of signs; and
- (b) unless the traffic authority is unwilling to do so and subject to any directions given under section 65 (powers and duties of highway authorities as to placing of traffic signs) of the

1984 Act, must enter into arrangements with the traffic authority for any such signs other than traffic light signals to be placed and maintained by the traffic authority.

(3) Any power conferred by section 65 of the 1984 Act to give directions to a traffic authority or local traffic authority as to traffic signs includes a power to give directions to the Authority as to traffic signs under this article; and, accordingly, the powers conferred by paragraph (1) are exercisable subject to and in conformity with any directions given under that section.

(4) A traffic authority or other authority having power under or by virtue of the 1984 Act to place and maintain, or cause to be placed and maintained, traffic signs on any street in which the authorised street tramway is laid or which gives access to such a street must consult with the Authority as to the placing of any traffic sign which would affect the operation of the authorised street tramway.

(5) Tramcars are taken to be public service vehicles for the purposes of section 122(2)(c) (exercise of functions by local authorities) of the 1984 Act.

(6) Expressions used in this article and in the 1984 Act have the same meaning in this article as in that Act.

Traffic regulation

45.—(1) Subject to the provisions of this article, and the consent of the traffic authority in whose area the road concerned is situated, which consent must not be unreasonably withheld, the Authority may, in connection with the construction or operation of the authorised tramway, at any time prior to the expiry of 12 months from the opening of the authorised tramway, and in accordance with the traffic regulation plan—

- (a) permit, prohibit or restrict the stopping, waiting, loading or unloading of vehicles in the manner specified in Part 1 of Schedule 8 (traffic regulation) on those roads specified in column (2) and along the lengths and between the points specified in column (3) of that Part of that Schedule;
- (b) make provision as to the direction of vehicular traffic in the manner specified in Part 2 of Schedule 8 on the roads specified in column (2) and along the lengths, between the points and as respects direction to the extent specified in column (3) of that Part of that Schedule;
- (c) permit or prohibit vehicular access in the manner specified in Part 3 of Schedule 8 to those roads specified in column (2) and along the lengths, between the points and as respects direction to the extent specified in column (3) of that Part of that Schedule; and
- (d) revoke, amend or suspend in whole or in part any order made, or having effect as if made, under the 1984 Act in so far as it is inconsistent with any prohibition, restriction or other provision made by the Authority under this paragraph.

(2) Without limitation on the scope of the specific powers conferred by paragraph (1) but subject to the provisions of this article and the consent of the traffic authority in whose area the road is situated, which consent must not be unreasonably withheld, the Authority may, in so far as necessary or expedient for the purposes of, in connection with, or in consequence of the construction, maintenance and operation of the authorised tramway—

- (a) revoke, amend or suspend in whole or in part any order made, or having effect as if made, under the 1984 Act;
- (b) permit, prohibit or restrict the stopping, waiting, loading or unloading of vehicles on any road;
- (c) authorise the use as a parking place of any road;
- (d) make provision as to the direction or priority of vehicular traffic on any road; and
- (e) permit or prohibit vehicular access to any road,

either at all times or at times, on days or during such periods as may be specified by the Authority.

(3) The Authority must consult the chief officer of police and the traffic authority in whose area the road is situated before complying with the provision of paragraph (4).

(4) The Authority must not exercise the powers conferred by paragraphs (1) and (2) unless it has given not less than 12 weeks' notice in writing of its intention to do so to the chief officer of the police in whose area the road is situated.

(5) Any prohibition, restriction or other provision made by the Authority under this article has effect as if duly made by the traffic authority in whose area the road is situated, as a traffic regulation order under the 1984 Act and the instrument by which it is effected may specify savings and exemptions (in addition to those mentioned in Schedule 8) to which the prohibition, restriction or other provision is subject.

(6) Expressions used in this article and in the 1984 Act have the same meaning in this article as in that Act.

(7) Any prohibition, restriction or other provision made under this article may be varied or revoked from time to time by subsequent exercise of the powers conferred by this article by the Authority.

PART 5

MISCELLANEOUS AND GENERAL

Planning permission

46. Planning permission which is deemed by a direction under section 90(2A) (development with government authorisation) of the 1990 Act to be granted in relation to the authorised works is to be treated as specific planning permission for the purposes of section 264(3)(a) (cases in which land is to be treated as operational land for the purposes of that Act) of that Act.

Statutory undertakers, etc.

47. The provisions of Schedule [X] (provisions relating to statutory undertakers, etc.) have effect.

Minerals

48. Nothing in this Order affects the right of any person entitled to any mine or minerals of any description whatsoever under a street along which the authorised street tramway is laid to work the mine or get the minerals; but this does not affect any liability (whether civil or criminal) of the person so entitled in respect of damage to the authorised street tramway resulting from the exercise of any such right.

Saving for highway authorities

49. Nothing in this Order affects any power of a highway authority to widen, alter, divert or improve any highway along which the authorised street tramway is constructed.

Disclosure of confidential information

50. A person who—

- (a) enters a factory, workshop or workplace under article 21.(1) (works to safeguard buildings and the operation of the authorised tramway) or article 22.(1) (power to survey and investigate land, etc.); and
- (b) discloses to any person any information obtained under sub-paragraph (a) and relating to any manufacturing process or trade secret,

is guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale unless the disclosure is made in the course of that person's performance of a duty in connection with the purposes for which the person was authorised to enter the land.

Defence to proceedings in respect of statutory nuisance

51.—(1) Where proceedings are brought under section 82(1) (summary proceedings by person aggrieved by statutory nuisance) of the Environmental Protection Act 1990(a) in relation to a nuisance falling within paragraph (g) of section 79(1) (noise emitted from premises so as to be prejudicial to health or a nuisance) of that Act no order may be made, and no fine imposed, under section 82(2) of that Act if the defendant shows—

- (a) that the nuisance relates to premises used by the Authority for the purposes of or in connection with the exercise of the powers conferred by this Order with respect to works and that the nuisance is attributable to the carrying out of works which are being carried out in accordance with a notice served under section 60 (control of noise on construction sites), or a consent given under section 61 (prior consent for work on construction sites) of the Control of Pollution Act 1974(b); or
- (b) that the nuisance is a consequence of the operation or maintenance of the authorised tramway and that it cannot reasonably be avoided.

(2) Section 61(9) (consent for work on construction site to include statement that it does not of itself constitute a defence to proceedings under section 82 of the Environmental Protection Act 1990) do not apply where the consent relates to the use of premises by the Authority for the purposes of or in connection with the exercise of the powers conferred by this Order with respect to works.

(3) The provisions of this article do not affect any rule of common law having similar effect.

Certification of plans. etc.

52. The Authority must, as soon as practicable after the making of this Order, submit copies of the book of reference, the works and land plans and the traffic regulation plan to the Secretary of State for certification that they are true copies of, respectively, the book of reference, the works and land plans and the traffic regulation plan referred to in this Order; and a document so certified is admissible in any proceedings as evidence of the contents of the document of which it is a copy.

Service of notices

53.—(1) A notice or other document required or authorised to be served for the purposes of this Order may be served—

- (a) by post; or
- (b) with the consent of the recipient and subject to paragraphs (6) to (8), by electronic transmission.

(2) Where the person on whom a notice or other document to be served for the purposes of this Order is a body corporate, the notice or document is duly served if it is served on the secretary or clerk of that body.

(3) For the purposes of section 7 of the Interpretation Act 1978(c) as it applies for the purposes of this article, the proper address of any person in relation to the service on that person of a notice or document under paragraph (1) is, if that person has given an address for service, that address, and otherwise—

- (a) in the case of the secretary or clerk of a body corporate, the registered or principal office of that body; and
- (b) in any other case, the last known address of that person at the time of service.

(4) Where for the purposes of this Order a notice or other document is required or authorised to be served on a person as having any interest in, or as the occupier of, land and the name or address of that person cannot be ascertained after reasonable enquiry, the notice may be served by—

(a) 1990 c.43.
(b) 1974 c.40.
(c) 1978 c.30.

- (a) addressing it to that person by name or by the description of “owner”, or as the case may be “occupier”, of the land (describing it); and
- (b) either leaving it in the hands of a person who is or appears to be resident or employed on the land or leaving it conspicuously affixed to some building or object on or near the land.

(5) Where a notice or other document required to be served or sent for the purposes of this Order is served or sent by electronic transmission, the requirement is taken to be fulfilled only where the recipient of the notice or other document to be transmitted has given consent to the use of electronic transmission in writing or by electronic transmission.

(6) Where the recipient of a notice or other document served or sent by electronic transmission notifies the sender within 7 days of receipt that the recipient requires a paper copy of all or any part of that notice or other document, the sender must provide such a copy as soon as reasonably practicable.

(7) Any consent to the use of electronic transmission given by a person may be revoked by that person in accordance with paragraph (8).

(8) Where a person is no longer willing to accept the use of electronic transmission for any of the purposes of this Order—

- (a) that person must give notice in writing or by electronic transmission revoking any consent given by that person for that purpose; and
- (b) such revocation is final and takes effect on a date specified by the person in the notice but that date must not be less than 7 days after the date on which the notice is given.

(9) This article does not exclude the employment of any method of service not expressly provided for by it.

Arbitration

54. Except where otherwise expressly provided for in this Order and unless otherwise agreed between the parties, any difference under any provision of this Order (other than a difference which falls to be determined by the tribunal) must be referred to and settled by a single arbitrator to be agreed between the parties or, failing agreement, to be appointed on the application of either party (after giving notice in writing to the other) by the President of the Institution of Civil Engineers.

Repeals of the 1989 Act

55. Section 15(5) of the 1989 Act is repealed.

For protection of [XXX]

56. The provisions of Schedule [XX] (for the protection of [XXX]) have effect.

Signed by authority of the Secretary of State

Address
Date

Name
Title
Department for Transport

SCHEDULES

SCHEDULE 1

Article 2(1)

SCHEDULED WORKS

In the City of Birmingham—

<i>(1)</i> <i>Number of Work</i>	<i>(2)</i> <i>Description of Work</i>
Work No. 1	A tramway 320 metres in length (double line) commencing at the existing Midland Metro lines at the junction of Upper Bull Street and Corporation Street and running south east along Lower Bull Street, before turning west at the junction with Dale End to run through land currently occupied by buildings at 1 to 7 Kings Parade, continuing along New Meeting Street and Albert Street before terminating at a point [***] on the south-west bound carriageway of Moor Street Queensway. This work includes construction of an underground chamber for the purposes of creating a track paralleling hut on the corner of Corporation Street and Lower Bull Street and the regrading of Moor Street Queensway.
Work No. 2	A tramway 397 metres in length (double line) commencing at the termination of Work No. 1 and running in a north-easterly direction across land forming part of Eastside City Park before turning south to join New Canal Street, terminating at the northern side of the railway viaduct over New Canal Street [*] metres north of the junction with Fazeley Street. The work includes the creation of a new highway access between Hotel La Tour and Masshouse Lane and a new footway approximately [*] metres in length on land adjacent to the hotel.
Work No. 3	A tramway 512 metres in length (double line) commencing at the termination of Work No. 2 passing beneath the railway viaduct and running along New Canal Street, continuing along Meriden Street to terminate at a point [*] metres south of the junction of Meriden Street and Digbeth High Street. This work includes the partial demolition of the South and City College building to enable the creation of a new section of highway at the corner of Meriden Street and Digbeth High Street.
Work No. 3A	Installation of an electricity sub-station and electricity cabinets on land off Meriden Street.
Work No. 4	A tramway 428 metres in length (double line) commencing at the termination of Work No. 3 and running south-east along Digbeth High Street to terminate at a point on High Street Deritend at the junction with Gibb Street. The work includes alterations to the junction at Alcester Street and High Street Deritend involving accommodation works for the realignment of the highway.

SCHEDULE 2

Article [X]

STREETS SUBJECT TO ALTERATION OF LAYOUT

SCHEDULE 3

Article [X]

STREETS TO BE PERMANENTLY STOPPED UP

SCHEDULE 4

Article [X]

STREETS TO BE TEMPORARILY STOPPED UP

SCHEDULE 5
ACQUISITION OF NEW RIGHTS ONLY

Article [X]

MODIFICATION OF COMPENSATION AND COMPULSORY PURCHASE ENACTMENTS FOR CREATION OF NEW RIGHTS

Compensation enactments

1. The enactments for the time being in force with respect to compensation for the compulsory purchase of land apply with the necessary modifications as respects compensation in the case of a compulsory acquisition under this Order of a right by the creation of a new right as they apply as respects compensation on the compulsory purchase of land and interests in land.

2.—(1) Without limitation on the scope of paragraph 1, the Land Compensation Act 1973((a)) has effect subject to the modifications set out in sub-paragraphs (2) and (3).

(2) In section 44(1) (compensation for injurious affection), as it applies to compensation for injurious affection under section 7 (measure of compensation in case of severance) of the 1965 Act as substituted by paragraph 4—

- (a) for the words “land is acquired or taken” substitute “a right over land is purchased”; and
- (b) for the words “acquired or taken from him” substitute “over which the right is exercisable”.

(3) For section 58(1) (determination of material detriment where part of house etc. proposed for compulsory acquisition), as it applies to determinations under section 8 (other provisions as to divided land) of the 1965 Act as substituted by paragraph 5, substitute—

“(1) In determining under section 8(1) or 34(2) of the Compulsory Purchase Act 1965, or section 166(2) of the Town and Country Planning Act 1990 whether—

- (a) a right over land consisting of a house, building, building or manufactory can be taken without material detriment or damage to the house, building or manufactory; or
- (b) a right over land consisting of a park or garden belonging to a house can be taken without seriously affecting the amenity or convenience of the house,

the Upper Tribunal must take into account not only the effect of the acquisition of the right but also the use to be made of the right proposed to be acquired, and, in a case where the right is proposed to be acquired for works or other purposes extending to other land, the effect of the whole of the works and the use to be made of the other land.”

Application of the 1965 Act

3.—(1) The 1965 Act has effect with the modifications necessary to make it apply to the compulsory acquisition under this Order of a right by the creation of a new right as it applies to the compulsory acquisition under this Order of land, so that, in appropriate contexts, references in that Act to land are to be read (according to the requirements of the particular context) as referring to, or as including references to—

- (a) the right acquired or to be acquired, or
- (b) the land over which the right is or is to be exercisable.

(2) Without limitation on the scope of sub-paragraph (1), Part 1 (compulsory purchase under Acquisition of Land Act of 1946) of the 1965 Act applies in relation to the compulsory acquisition under this Order of a right by the creation of a new right with the modifications specified in the following provisions of this Schedule.

4. For section 7 (measure of compensation in case of severance) of the 1965 Act substitute—

(a) 1973 c.26.

“7. In assessing the compensation to be paid by the acquiring authority under this Act regard must be had not only to the extent (if any) to which the value of the land over which the right is to be acquired is depreciated by the acquisition of the right but also to the damage (if any) to be sustained by the owner of the land by reason of its severance from other land of the owner, or injuriously affecting that other land by the exercise of the powers conferred by this or the special Act.”

5. For section 8 of the 1965 Act (other provisions as to divided land) there is substituted the following—

“8.—(1) Where in consequence of the service on a person under section 5 of this Act of a notice to treat in respect of a right over land consisting of a house, building or manufactory or of a park or garden belonging to a house (“the relevant land”)—

- (a) a question of disputed compensation in respect of the purchase of the right would apart from this section fall to be determined by the Lands Chamber of the Upper Tribunal (“the tribunal”); and
- (b) before the tribunal has determined that question, the tribunal is satisfied that the person has an interest in the whole of the relevant land and is able and willing to sell that interest, and—
 - (i) where that land consists of a house, building or manufactory, that the right cannot be purchased without material detriment to that land; or
 - (ii) where that land consists of such a park or garden, that the right cannot be purchased without seriously affecting the amenity or convenience of the house to which that land belongs,

the Midland Metro (Birmingham Eastside Extension) Order 201[*](a)(“the Order”), in relation to that person, ceases to authorise the purchase of the right and is deemed to authorise the purchase of that person’s interest in the whole of the relevant land including, where the land consists of such a park or garden, the house to which it belongs, and the notice is deemed to have been served in respect of that interest on such date as the tribunal directs.

(2) Any question as to the extent of the land in which the Order is deemed to authorise the purchase of an interest by virtue of subsection (1) of this section is to be determined by the tribunal.

(3) Where in consequence of a determination of the tribunal that it is satisfied as mentioned in subsection (1) of this section the Order is deemed by virtue of that subsection to authorise the purchase of an interest in land, the acquiring authority may, at any time within the period of 6 weeks beginning with the date of the determination, withdraw the notice to treat in consequence of which the determination was made; but nothing in this subsection affects any other power of the authority to withdraw the notice.”

6. The following provisions of the 1965 Act (which state the effect of a deed poll executed in various circumstances where there is no conveyance by persons with interests in the land), that is to say—

- (a) section 9(4) (failure by owners to convey);
- (b) paragraph 10(3) of Schedule 1 (owners under incapacity);
- (c) paragraph 2(3) of Schedule 2 (absent and untraced owners); and
- (d) paragraphs 2(3) and 7(2) of Schedule 4 (common land),

are modified so as to secure that, as against persons with interests in the land which are expressed to be overridden by the deed, the right which is to be compulsorily acquired is vested absolutely in the acquiring authority.

(a) S.I. [*]/[*].

7. Section 11 (powers of entry) of the 1965 Act is modified so as to secure that, as from the date on which the acquiring authority has served notice to treat in respect of any right, it has power, exercisable in the equivalent circumstances and subject to the equivalent conditions, to enter for the purpose of exercising that right (which is deemed for this purpose to have been created on the date of service of the notice); and sections 12 (penalty for unauthorised entry) and 13 (entry on warrant in the event of obstruction) of the 1965 Act are modified correspondingly.

8. Section 20 (protection for interests of tenants at will, etc.) of the 1965 Act applies with the modifications necessary to secure that persons with such interests in land as are mentioned in that section are compensated in a manner corresponding to that in which they would be compensated on a compulsory acquisition under this Order of that land, but taking into account only the extent (if any) of such interference with such an interest as is actually caused, or likely to be caused, by the exercise of the right in question.

9. Section 22 (interests omitted from purchase) of the 1965 Act is modified so as to enable the acquiring authority, in circumstances corresponding to those referred to in that section, to continue to be entitled to exercise the right acquired, subject to compliance with that section as respects compensation.

SCHEDULE 7

Article [X]

LAND OF WHICH TEMPORARY POSSESSION MAY BE TAKEN

SCHEDULE 8
TRAFFIC REGULATION

Article [X]

PROVISIONS RELATING TO STATUTORY UNDERTAKERS ETC.

Apparatus of statutory undertakers, etc. on land acquired

1.—(1) Subject to the following provisions of this paragraph, sections 271 to 274 (power to extinguish rights of statutory undertakers etc. and power of statutory undertakers etc. to remove or re-site apparatus) of the 1990 Act apply in relation to any land which has been acquired under this Order, or which is held by the Authority and is appropriated or used (or about to be used) by it for the purposes of this Order or for purposes connected with those provisions; and all such other provisions of that Act as apply for the purposes of those provisions (including sections 275 to 278, which contain provisions consequential on the extinguishment of any rights under section 271 and 272, and sections 279(2) to (4), 280 and 282 which provide for the payment of compensation) have effect accordingly.

(2) In the provisions of the 1990 Act, as applied by sub-paragraph (1)—

- (a) references to the appropriate Minister are references to the Secretary of State;
- (b) references to the purpose of carrying out any development with a view to which land was acquired or appropriated are references to the purpose of carrying out the authorised works; and
- (c) references to land acquired or appropriated as mentioned in section 271(1) of the 1990 Act are references to land acquired, appropriated or used as mentioned in sub-paragraph (1).

(3) Where any apparatus of public utility undertakers or of an operator of an electronic communications code network is removed in pursuance of a notice or order given or made under section 271, 272 or 273 of the 1990 Act, as applied by sub-paragraph (1), any person who is the owner or occupier of premises to which a supply was given from that apparatus is entitled to recover from the Authority compensation in respect of expenditure reasonably incurred by that person, in consequence of the removal, for the purpose of effecting a connection between the premises and any other apparatus from which a supply is given.

(4) Sub-paragraph (3) does not apply in the case of the removal of a public sewer, but where such a sewer is removed in pursuance of such a notice or order as is mentioned in that paragraph, any person who is—

- (a) the owner or occupier of premises the drains of which communicated with that sewer, or
- (b) the owner of a private sewer which communicated with that sewer,
- (c) is entitled to recover from the Authority compensation in respect of expenditure reasonably incurred by that person, in consequence of the removal, for the purpose of making that person's drain or sewer communicate with any other public sewer or with a private sewage disposal plant.

(5) The provisions of the 1990 Act mentioned in sub-paragraph (1), as applied by that sub-paragraph, do not have effect in relation to apparatus as respects which paragraph 2, or Part 3 of the 1991 Act applies (including that Part as applied by article 5.(1) (application of the 1991 Act)).

(6) In this paragraph—

- (a) “electronic communications code” means the code set out in Schedule 2 to the Telecommunications Act 1984(a);

(a) 1984 c.12; Schedule 2 was amended by the New Roads and Street Works Act 1991, Schedule 8 paragraphs 113 and 115, and the Communications Act 2003, Schedule 3.

- (b) “electronic communications code network” means an electronic communications network within the meaning of the Communications Act 2003(a) to which the electronic communications code applies; and
- (c) “public utility undertakers” has the same meaning as the Highways Act 1980(b).

Apparatus of statutory undertakers, etc, in stopped up streets

2.—(1) Where a street is stopped up under this Order any statutory utility whose apparatus is under, in, upon, over, along or across the street has the same powers and rights in respect of that apparatus, subject to the provision of this paragraph, as if this Order had not been made.

(2) Where a street is stopped up under this Order any statutory utility whose apparatus is under, in, upon, over, along or across the street may where reasonably necessary for the efficient operation of the undertaking of the statutory utility and, if reasonably requested so to do by the Authority, must—

- (a) remove the apparatus and place it or other apparatus provided in substitution for it in such other position as the utility may reasonably determine and have power to place it; or
- (b) provide other apparatus in substitution for the existing apparatus and place it in that other position.

(3) Subject to the following provisions of this paragraph, the Authority must pay to any statutory utility an amount equal to the cost reasonably incurred by the statutory utility in or in connection with—

- (a) the execution of relocation works required in consequence of the stopping up of the street; and
- (b) the doing of any other work or thing rendered necessary by the execution of relocation works.

(4) If in the course of the execution of relocation works under sub-paragraph (2)—

- (a) apparatus of better type, of greater capacity or of greater dimension is placed in substitution for existing apparatus of worse type, of smaller capacity or of smaller dimensions; or
- (b) apparatus (whether existing apparatus or apparatus substituted for existing apparatus) is placed at a depth greater than the depth at which the existing apparatus was,
- (c) and the placing of apparatus of that type or capacity or of those dimensions or the placing of apparatus at that depth, as the case may be, is not agreed by the Authority, or, in default of agreement, is not determined by arbitration to be necessary, then, if it involves cost in the execution of the relocation works exceeding that which would have been involved if the apparatus placed had been of the existing type, capacity or dimensions, or at the existing depth, as the case may be, the amount which apart from this paragraph would be payable to the statutory utility by virtue of sub-paragraph (3) will be reduced by the amount of that excess.

(5) For the purposes of sub-paragraph (4)—

- (a) an extension of apparatus to a length greater than the length of existing apparatus is not to be treated as a placing of apparatus of greater dimensions than those of the existing apparatus; and
- (b) where the provision of a joint in a cable is agreed, or is determined to be necessary, the consequential provision of a jointing chamber or of a manhole is to be treated as if it also had been agreed or had been so determined.

(6) An amount which apart from this sub-paragraph would be payable to a statutory utility in respect of works by virtue of sub-paragraph (3) (and having regard, where relevant, to sub-paragraph (4)) must, if the works include the placing of apparatus provided in substitution for apparatus placed more than 7 years and 6 months earlier so as to confer on the statutory utility any

(a) 2003 c.21.
(b) 1980 c.66.

financial benefit by deferment of the time for renewal of the apparatus in the ordinary course, be reduced by the amount which represents that benefit.

(7) Sub-paragraphs (3) to (6) do not apply where the authorised works constitute major transport works or major highway works for the purposes of Part 3 (street works in England and Wales) of the 1991 Act (including that Part as applied by article (1) (application of the 1991 Act)), but instead—

- (a) the allowable costs of the relocation works are to be determined in accordance with section 85 (sharing of costs of necessary measures) of that Act and any regulations for the time being having effect under that section; and
- (b) the allowable costs are to be borne by the Authority and the statutory utility in such proportions as may be prescribed by any such regulations.

(8) In this paragraph—

- (a) “apparatus” has the same meaning as in Part 3 of the 1991 Act;
- (b) “relocation works” means works executed, or apparatus provided, under sub-paragraph (2); and
- (c) “statutory utility” means a statutory undertaker for the purposes of the Highways Act 1980 or an operator of an electronic communications code network as defined in paragraph 1.(6).

Application of telecommunications code

3.—(1) Paragraph 21 of the electronic communications code does not apply for the purposes of the authorised works to the extent that such works are regulated by Part 11 of the 1990 Act, sections 84 and 85 of the 1991 Act (or regulations made under section 85 of that Act), paragraph 2 or sub-paragraph (3).

(2) Paragraph 23 of the electronic communications code applies for the purposes of the authorised works, except—

- (a) in so far as such works are regulated by the 1991 Act or any regulation made under that Act; or
- (b) where the Authority exercises a right under subsection (4)(b) of section 272 of the 1990 Act or under an order made under that section to remove apparatus.

(3) The temporary stopping up, alteration or diversion of any highway under article 13.(1) (temporary stopping up of streets) does not affect any right of an operator of an electronic communications code network under paragraph 9 of the electronic communications code in respect of any apparatus which at the time of the stopping up or diversion is in the highway.

(4) In this paragraph—

- (a) “apparatus” has the same meaning as in Part 3 of the 1991 Act; and
- (b) “electronic communications code” and “electronic communications code network” have the same meaning as in paragraph 1.(6).

SCHEDULE 10
FOR THE PROTECTION OF [XXX]

Article [X]

EXPLANATORY NOTE

(This note is not part of the Order)

This Order authorises West Midlands Combined Authority to construct, operate and maintain an extension to the Midland Metro tramway system in Birmingham city centre from the junction of Bull Street and Corporation Street, running east along Lower Bull Street and into Albert Street, across Moor Street Queensway, continuing south under the proposed new High Speed 2 station at Curzon Street and along New Canal Street and Meridien Street, before continuing east along High Street Deritend where the system terminates west of Heath Mill Lane.

The Order authorises the compulsory acquisition and the temporary use of land for the purposes of the works and confers other powers in connection with the construction, operation and maintenance of the works.

A copy of the works and land plans, the traffic regulation plan and the book of reference mentioned in the Order and certified in accordance with article 52 (certification of plans, etc.) may be inspected free of charge during normal working hours at the offices of West Midlands Combined Authority at 16 Summer Lane, Birmingham, B19 3SD.

201[●] No.

TRANSPORT AND WORKS, ENGLAND

TRANSPORT, ENGLAND

The Midland Metro (Birmingham Eastside Extension) Order
201[●]

PINSENT MASONS LLP

30 Crown Place

Earl Street

London EC2A 4ES

Solicitors and Parliamentary Agents

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Board Meeting

Date	30 September 2016
Report title	Finance and Budget Update
Portfolio Lead	Cllr Izzi Seccombe – Finance and Investment (Cllr Lawrence for the transport Levy)
Accountable Chief Executive	Jan Britton Email jan_britton@sandwell.gov.uk Tel 0121 569 3501
Accountable Employee	James Aspinall Email jamesaspinall@centro.org.uk Tel 0121 214 7600
Report to be/has been considered by	WMCA Programme Board – 16 September 2016

Recommendation(s) for action or decision:

The Combined Authority Board is recommended to:

Note the current financial position to the end of August, and the future financial implications that will be incorporated into the 17/18 budget and medium term plan.

Agenda Item No. 8.1

1.0 Purpose

- 1.1 To provide members with an update of the WMCA finances as at the end of August.
- 1.2 To inform members of the three year TfWM proposals as agreed when settling the 2016/17 Transport levy.
- 1.3 To highlight the key issues for setting the 2017/18 WMCA and Mayoral budgets.
- 1.4 As the Combined Authority moves forward the finance report will be expanded to include a delivery scorecard on the investment programme and other CA work streams.

2.0 Finance Update 2016/17

- 2.1 Summary of the revenue and capital budgets to the end of August are attached, as appendices 1 and 2.
- 2.2 The revenue statement shows an overall forecast of an overspend of £136,000 being 0.1% of the levy, which at this stage of the year is not a concern.
- 2.3 The key movements relate to a reduction in concessionary expenditure offset by a reduction in advertising income. The reduction in advertising revenue reflects a move away from six sheet bus stop panel advertising to digital media, and whilst digital media panels are being installed in key locations, this could have significant longer term implications
- 2.4 The major schemes under development are 24% behind budget which is mainly as a result of delays to works on the centenary square and Edgbaston metro extensions, this is relating to utility and ground works which need to be co-ordinated with the paradise development.
- 2.5 The works are now scheduled for Autumn the full year forecast shows these projects to be within 1% of the budget. Within the other major projects there is an in year overspend on the City Centre scheme relating to final safety works and the final account with Balfour Beatty.

3.0 Devolution Investment Programme

- 3.1 As members are aware an £8bn investment programme was one of the key benefits of the Devolution Agenda and this included a number of Strategic projects funded from various sources.
- 3.2 Of the £8bn programme approximately £2.2bn was to be funded by WMCA debt with the repayment of that debt coming from four sources
 1. Use of the £36.5m p.a grant
 2. Granting to the WMCA the central share of business rate increases above the current base position, arising as a result of the investment.
 3. A Mayoral precept
 4. Implementation of a Business rate supplement

Agenda Item No. 8.1

- 3.3 The annual £36.5m grant has been agreed by DCLG for the next 5 years and the first payment has now been received.
- 3.4 The mechanism for retaining the central share of business rate increase from government has yet to be agreed.
- 3.5 The mayoral precept and business rate supplement are included as mayoral powers and these will need to be explored with the mayor once elected.
- 3.6 If the funding sources identified above do not materialise then the Authority will need to consider how it recovers the debt charge obligations from its members, and the level of existing or new funding commitments that it can make.
- 3.7 The projects that require this debt funding are:

COMBINED AUTHORITY INVESTMENT REQUIREMENT	WMCA Investment Requirement (Total Programme) £m	Financial year ending 31 March:					Total Yr 1 - 5 £m
		2017	2018	2019	2020	2021	
		£m	£m	£m	£m	£m	
HS2 - UK Central Interchange	315.5	0.0	5.8	5.4	2.2	2.2	15.6
UK Central Infrastructure Package	317.3	0.0	16.0	33.0	37.5	49.5	136.0
HS2 Wider Connectivity Package excluding Metro Birmingham Interchange	569.9	0.0	12.6	17.1	27.9	34.0	91.7
Brierley Hill Metro Extension	102.6	0.0	0.0	0.0	0.0	0.0	0.0
Coventry UK Central Plus - Connectivity	243.6	0.0	10.2	32.9	49.0	49.0	141.1
Coventry City Centre Regeneration	148.4	0.0	52.9	42.5	22.5	30.5	148.4
Land Reclamation	200.0	40.0	40.0	40.0	40.0	40.0	200.0
Business Innovation	15.0	0.0	5.0	5.0	5.0	0.0	15.0
Programme Governance & Delivery	4.5	0.7	0.6	0.4	0.4	0.4	2.5
Headroom / (Efficiencies to be identified)	8.2	1.4	1.4	1.4	1.4	1.4	6.8
Collective Investment Fund investments made	250.0	0.0	70.0	35.0	35.0	35.0	175.0
TOTAL COMBINED AUTHORITY INVESTMENT REQUIREMENT	2,174.9	42.1	214.4	212.7	220.9	242.0	932.1

COMBINED AUTHORITY CASH FLOW	WMCA Cash Flow (Total Programme) £m	Financial year ending 31 March:					Total Yr 1 - 5 £m
		2017	2018	2019	2020	2021	
		£m	£m	£m	£m	£m	
Opening Net Debt	-	0.0	6.2	197.8	351.4	446.0	-
Total Combined Authority Investment Requirement (See Above)	2,174.9	42.1	214.4	212.7	220.9	242.0	932.1
INFLOWS:							
Government Devolution Deal Grant	(1,095.0)	(36.5)	(36.5)	(36.5)	(36.5)	(36.5)	(182.5)
Supplementary Business Rates	(955.2)	0.0	0.0	(34.1)	(34.1)	(34.1)	(102.3)
Business Rates growth	(697.5)	(1.5)	(3.0)	(4.5)	(6.0)	(7.5)	(22.5)
Call on Mayoral Precept for Borrowing Costs	(222.3)	0.0	0.0	(6.0)	(6.1)	(6.2)	(18.4)
Investment Fund earnings	(22.5)	0.0	(1.6)	(3.9)	(3.9)	(3.2)	(12.6)
Capital Receipts From Investment Maturities / Sales	(250.0)	0.0	0.0	0.0	(70.0)	(35.0)	(105.0)
OUTFLOWS							
Revenue Costs of Project and Programme Delivery	61.1	1.9	1.8	1.8	1.8	1.8	9.1
Revenue costs of project delivery - Skills Supply Chain	0.9	0.1	0.2	0.2	0.2	0.2	0.9
Other Revenue Costs (Business Innovation Reassigned to Revenue)	35.0	0.0	12.0	12.0	11.0	0.0	35.0
Interest Paid	970.6	0.1	4.3	11.9	17.4	22.9	56.5
INCREMENTAL DEBT REQUIREMENT	0.0	6.2	191.6	153.5	94.6	144.3	590.3
CUMULATIVE DEBT REQUIREMENT	0.0	6.2	197.8	351.4	446.0	590.3	

Agenda Item No. 8.1

- 3.8 The projected cashflow over the next five years indicates that approximately £600m of net debt will be required, assuming that £250m of revenue is also raised. This is after taking account of the annual £36.5M grant.
- 3.9 The annual grant must not therefore be seen as a means of funding revenue activities during the next few years as this will significantly impact the overall funding plan.

4.0 Budget 2017/18

- 4.1 The WMCA Revenue budget for 2017/18 will comprise of three key elements:
1. TfWM requirements
 2. WMCA requirements
 3. Mayoral requirements

These are looked at separately below.

TfWM

- 4.2 The TfWM requirements represent the previous Integrated Transport levy and are funded solely by the seven Metropolitan District Councils by way of a levy based upon population statistics.
- 4.3 As part of the 2016/17 levy setting process a three year plan was proposed which required a 7.5% reduction in the levy over that period, with an initial 5% reduction delivered in 2016/17. This is summarised in the table below:

Agenda Item No. 8.1

Expenditure Category	2016/17 Revenue Forecast		2017/18 Revenue Forecast		2018/19 Revenue Forecast	
	£'000	%				
National Policy						
English National Concessions Travel Scheme	55,188	44.21%	54,606	44.38%	54,364	44.70%
Finance Related						
Debt Interest Repayments	10,345	8.29%	10,160	8.26%	9,444	7.77%
Capital Debt Charge (MRP)	5,257	4.21%	5,257	4.27%	5,407	4.45%
Deregulation Pension Deficit	6,910	5.54%	5,410	4.40%	5,410	4.45%
		18.03%		16.93%		16.66%
ITA Policies						
Child Concessions	11,965	9.59%	11,499	9.35%	11,135	9.16%
Subsidised Services	8,515	6.82%	8,477	6.89%	8,490	6.98%
Accessible Transport	7,620	6.10%	7,420	6.03%	7,220	5.94%
Passenger Information	4,327	3.47%	4,271	3.47%	4,262	3.50%
Rail and Metro Concession	4,342	3.48%	4,460	3.63%	4,476	3.68%
Bus Services	3,401	2.72%	3,342	2.72%	3,336	2.74%
Rail Services	1,971	1.58%	1,914	1.56%	1,915	1.57%
Safety and Security	1,016	0.81%	1,008	0.82%	984	0.81%
		34.57%		34.45%		34.38%
Other						
Centro Support	3,395	2.72%	3,555	2.89%	3,501	2.88%
ITA Support	1,254	1.00%	1,247	1.01%	1,260	1.04%
West Midlands Rail	277	0.22%	150	0.12%	150	0.12%
		3.95%		4.24%		4.26%
Total	125,783	100.8%	123,042	100.0%	121,619	100.0%
Further Savings Required	(953)	-0.76%				
Proposed Levy	124,830	100.0%	123,042	100.0%	121,619	100.0%

The additional £4.2m of savings required to take the total savings to £9.8m were as follows

	2017/18	2018/19	Total
	£'000	£'000	£'000
National Concessions	(573)	(250)	(822)
Finance			
Capital Financing	(185)	(567)	(752)
Deregulation Pension Deficit	(1,500)	0	(1,500)
Child Reimbursements	(467)	(365)	(831)
Bus Tenders	(44)	8	(37)
Rail and Metro Concession	118	155	273
Accessible Transport	(200)	(200)	(400)
Operational and Support Costs	(280)	(328)	(608)
Upward Pressures			
Reduction in Income from West Midlands Police	268	0	268
Pay Award 1%	121	124	245
Net Savings	(2,741)	(1,424)	(4,164)

Agenda Item No. 8.1

- 4.4 It was acknowledged that any further reductions could only be achieved by policy changes to any of the Child concessions, Rail and Metro Concession, the subsidised network, or the provision of Ring & Ride; and at that time there was no appetite to change any of these.
- 4.5 The initial budget proposals will therefore look to deliver on the final two years of this three year plan.

WMCA

- 4.6 The WMCA has 8 overall portfolio accountabilities, each with differing needs and expectations. The proposed membership fees (being £250,000 for constituent and £25,000 for non-constituent / Observer Members). Provide a total fund of £2m which including the corporate costs of the CA leaves a maximum of £200,000 per portfolio.
- 4.7 If the budget requirements are greater than this then the WMCA will need to consider and agree a method for raising the additional funds.
- 4.8 The options are
1. Increase the annual membership fee for all organisations
 2. Agree a supplementary charge on constituent members only
 - (i) based on an equal 1/7 change
 - (ii) based upon population data as per the Transport Levy
 - (iii) based upon council tax values under a precept mechanism
 - (iv) based upon business rates values
 3. Any other basis
- 4.9 Clearly the different options all have potentially very different impacts on the various members.
- 4.10 Over the next two months the Finance Team will meet with the relevant portfolio teams to understand their financial aspirations in order to bring back a further paper at the end of November outlining these expectations in order to agree what is considered to be reasonable and affordable and to be included within the 2017/18 budget.

Mayoral Budget

- 4.11 The Mayoral elections take place in May 2017 and so budget provision will need to be made for the first year of the Mayor's office. For future years, and under the devolution proposals, the Mayor will be able to raise a precept on the Constituent members in order to fund their office.
- 4.12 There are a number of options for setting this initial budget:
1. Agree a fixed sum for a new Mayor to have at their disposal
 2. Discuss with any known Mayoral candidates during the Autumn what their needs might be and then either provide for the maximum amount or an average
 3. Provide no budget but assume that the first Mayoral precept will be set to recover the first year expenditure and provide for the next year
 4. A combination of any of the above

Agenda Item No. 8.1

- 4.13 However the most significant Mayoral cost will be the cost of the May elections, which could be as high as £4m (based upon the cost of the PCC election in May 2014), for which there is no provision in any of the Metropolitan District Medium Term financial plans.

5.0 Legal implications

- 5.1 There are no direct legal implications arising from the report recommendations, however future options on budget and financing proposals may have specific legal obligations.

6.0 Equalities implications

- 6.1 There are no direct equalities implications arising from the paper.

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WEST MIDLANDS
COMBINED AUTHORITY

Board Meeting

Date	30 September 2016
Report title	Investment Proposition and Process
Portfolio Lead	Cllr Izzi Seccombe – Finance and Investments
Accountable Chief Executive	Jan Britton Email jan_britton@sandwell.gov.uk Tel 0121 569 3501
Accountable Employee	James Aspinall Email jamesaspinall@centro.org.uk Tel 0121 214 7600
Report to be/has been considered by	Programme Board – 16 September 2016

Recommendation(s) for action or decision:

The Combined Authority Board is recommended to:

1. Approve that the remit for the Investment Board is extended to include assessment of major funding projects, as detailed in para 3.4
2. Agree the nominations to the board.
3. Approve the board delegations as outlined in para 3.10, and to agree that the assurance framework be changed to reflect the practical experiences of implementation as long as these changes are agreed by DCLG.
4. To delegate responsibility for agreeing these and any other changes with DCLG to the S151 officer (James Aspinall) and Chief Executive of the Black Country Consortium (Sarah Middleton)

Agenda Item No. 8.2

1.0 Purpose

- 1.1 To inform members of a Strategic Business case application from Coventry City Council for funding for their City centre regeneration project, and the expectation of a full business case submission for ultimate consideration by the board.
- 1.2 To extend the remit of the Investment board and ask for nominations.

2.0 Background

- 2.1 As part of the devolution requirements the WMCA submitted an Assurance Framework to DCLG to outline the process that would be undertaken when assessing and approving funding applications.
- 2.2 This framework was approved by DCLG in July and was the final requirement to enable payment of the £36.5M grant, which was received on 23rd August 2016.
- 2.3 The Assurance framework outlines that projects should first submit a Strategic Business case, followed by an Outline Business case and then a Final Business case. Where projects are already in progress it has been agreed that not all three business cases will be required, but that a project may move straight to the Full Business case application.

3.0 Investment Board

- 3.1 At the WMCA AGM the board approved the setting up of an investment board to make investment decisions for the collective Investment fund and land remediation funds. The full governance arrangements are set out in Appendix one.
- 3.2 The Assurance Framework outlined a process that included the creation of an Investment Committee to assess investment applications submitted to the WMCA.
- 3.3 Rather than create a new committee the proposal is to extend the remit of the Investment board to make decisions in relation to any funding submissions to the WMCA and not just the Collective Investment Vehicle and Land Remediation Fund and any other funds that the Combined Authority appoints Finance Birmingham to Fund Manage in the future.
- 3.4 The proposal is to extend the committee purpose as follows;

Make investment decisions for the Combined Authority relating to applications made in accordance with the investment program that underpinned the devolution agreement, and any other investment proposals; including the Collective Investment fund, and Land Remediation Fund and any other funds that the Combined Authority appoints Finance Birmingham to Fund Manage in the future.

Recommend these decisions to the Combined Authority Board for approval.

Agenda Item No. 8.2

- 3.5 The Assurance framework identified an approvals process that proposed that all three Business case stages (I.E. strategic business case, Outline business case and Full business case) are all approved by the Investment board and WMCA board.
- 3.6 It is proposed to change this such that the initial strategic business case is presented to the SEP board for approval, and only once approved by the SEP board, would the outline business case then go to the Investment board and if approved only the full business case be presented to the WMCA board.
- 3.7 The Assurance framework also identified that appraisal and evaluation of projects is done in a way that is proportional to the relative size of the investment. This is crucial so that project sponsors are not put off by an overly burdensome and costly application process when applying for a small amount of investment for a low value project. Similarly, it is crucial so that large investments are scrutinised and tested appropriately.
- 3.8 The Assurance framework had a working assumption of thresholds as follows:
- Small < £5m
 - Medium £5m to £20m; and
 - Large > £20m
- 3.9 All projects are however still expected to go through the same fundamental process of producing the three stage business cases.
- 3.10 The proposal is to adopt the Assurance framework assumption levels with delegation being given as follows:
- Small < £5m : Delegated to WMCA Management Board
 - Medium £5m to £20m; Delegated to WMCA Investment Board, and
 - Large > £20m retained by the WMCA board
- 3.11 The delegation to the management board relates only to projects that have already been included within an agreed Capital program E.G. The integrated transport block capital program.
- 3.12 The flowchart attached as Appendix 2 outlines this process and delegations
- 3.13 These proposed changes are supported by DCLG and they have agreed that any further changes that arise out of practical application of the framework can be made with their agreement.

4.0 Coventry Submission

- 4.1 In order to inform the WMCA of their project Coventry City Council have submitted a Strategic Business case and will then move straight to the Full Business case application.
- 4.2 They are currently midway through a detailed procurement process which should culminate in December with the appointment of a developer for the project. The WMCA needs to be aware of this ongoing process as, Coventry City Council have requested that if possible they would like to have a WMCA decision before the end of November/early December.

Agenda Item No. 8.2

4.3 The review and approval process as set out in the Assurance framework requires a four phase assessment process in advance of presentation to the WMCA for final decision.

- Technical Approval Panel Review
- Investment Advisory Group Review
- WMCA Management Board recommendations
- WMCA Investment Board Appraisal and recommendation
- WMCA Board final decision

4.4 The Technical Approval Panel and Investment Advisory group have been established and will therefore advise the WMCA Management board and the Investment Board.

4.5 In order to assess the Coventry Submission the Investment Board needs to be established and meet in both October and November in order to be able to meet the December timetable that Coventry City Council have requested.

4.6 The provisional dates and timetable are as follows:

14 September	Technical Appraisal Panel (SBC review)
3 October	Investment Advisory Group (SBC review)
29 September	WMCA Management Board (SBC review)
Week commencing 10 October	Investment Board (SBC review)
Week commencing 3 October	Technical Appraisal Panel (FBC)
Week commencing 17 October	Investment Advisory Group (FBC)
10 November	WMCA Management Board (FBL)
Week commencing 14 November	Investment Board review and recommendation
2 December	WMCA Board

4.7 This timetable assumes the Coventry City Council will have a first draft of the Full Business case available by the end of September. It is acknowledged by all parties that this is likely to be an iterative process and therefore we shall all be as flexible as possible. Recent discussions with Coventry City council have indicated that they are unlikely to have the full business case available until the end of October and we are working with them to establish a revised timetable and what commitment they need for the end of November.

4.8 This will enable the Investment Board to bring a report and recommendation to the 2nd December WMCA Board which will be in time for the 6th December Coventry City Council Meeting.

5.0 Financial implications

5.1 The SBC indicates a contribution from the WMCA of £100m. The Investment Programme outlined within the devolution agreement included a total contribution for Coventry City Centre regeneration of up to £150m which would come from WMCA borrowing.

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5.2 The WMCA borrowing is to be funded by the annual £36.5m grant, Business rate supplements, Business rate growth and a Mayoral precept.

5.3 Negotiations are still to be had with DCLG regarding the Business rate growth assumptions; and the Mayoral precept, and Business rate supplements are dependent upon the future Mayor.

6.0 Legal implications

6.1 If the request is ultimately approved there will need to be a formal funding agreement drawn up between Coventry City Council and the WMCA incorporating any conditions that the board may wish to be included.

7.0 Equalities implications

7.1 There are no direct equalities implications arising from the paper.

8.0 Schedule of background papers

7.1 None

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Appendix 1

Investment Board	
Governance Type	Policy Development & Delivery
Purpose	Make investment decisions for the Collective Investment Fund and Land Remediation Fund and any other funds that the Combined Authority appoints Finance Birmingham to Fund Manage in the future.
Membership	<p>Members</p> <ul style="list-style-type: none"> • 1 Independent Chair of the Investment Board • 3 Councillors • 3 Local Enterprise Partnership (LEP) Chair • 1 Finance Birmingham representative (non-voting) <p>Advisers</p> <ul style="list-style-type: none"> • Finance Birmingham • Officers of the Combined Authority • Constituent Councils and Non-Constituent Councils.
Chair	An independent chair shall be appointed by the Combined Authority Board. A Vice Chair will be appointed by the Investment Board.
Voting	All Members of the Investment Board have one vote. The Combined Authority Board or funding organisation will have the power of veto.
Quorum	The quorum for the Investment Board shall be three members.
Frequency	The Investment Board will meet monthly.
Allowances	No allowances to be paid. Expenses to be paid by the Combined Authority. The Independent Chair will be remunerated if approved by the Combined Authority Board.
Servicing	Finance Birmingham will organise appropriate servicing for the Investment Board

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Functions

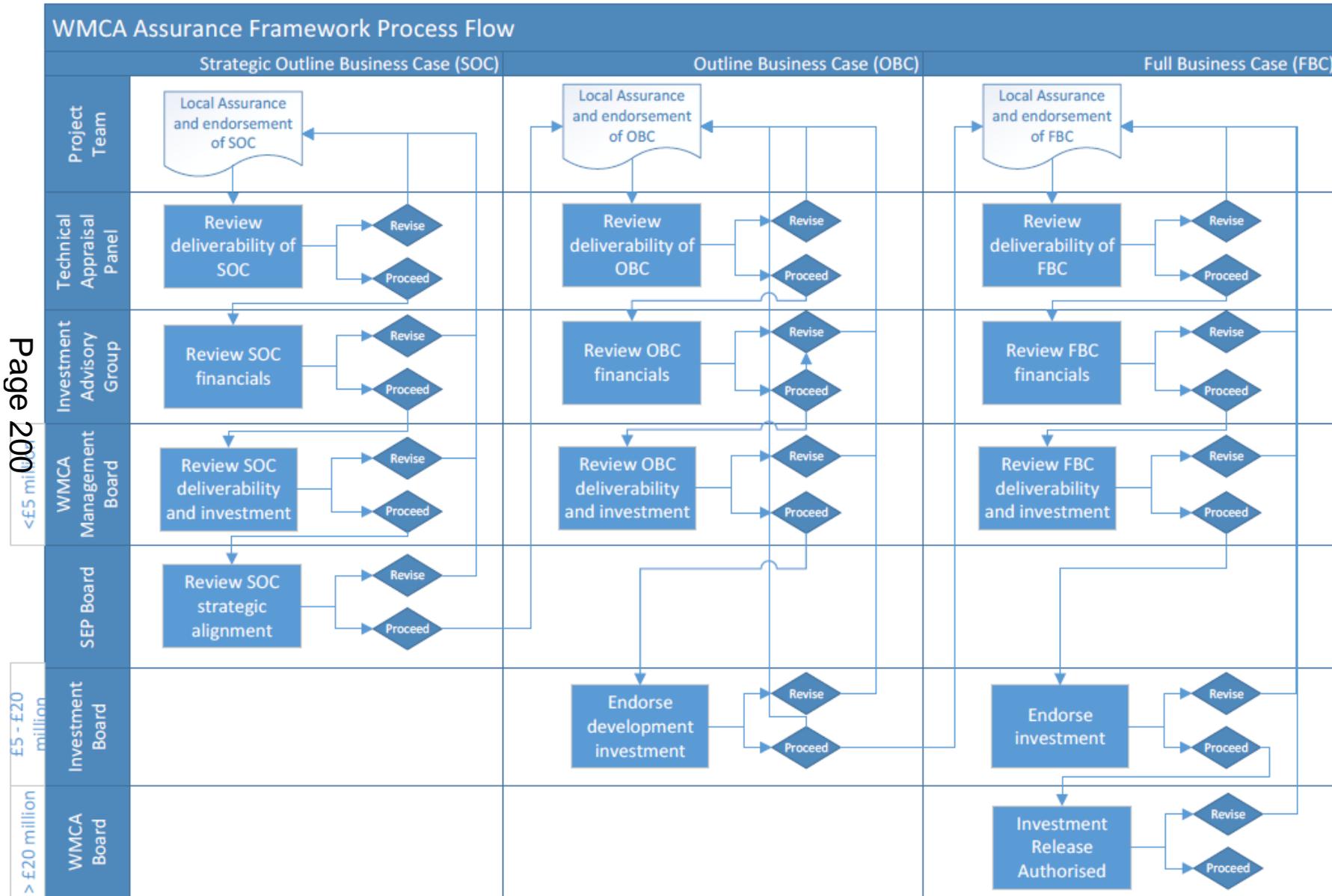
- I. Finance Birmingham (FB) will manage the Collective Investment Fund and Land Remediation Fund within its existing permissions and consistent with its existing fund management models
- II. Finance Birmingham will advise the Investment Board on investments and then drawdown from the respective councils via an accountable body
- III. The decision to proceed with an investment will be taken by the investment board
- IV. Finance Birmingham will report quarterly to the Combined Authority Board of its performance against the objectives in the Investment Strategy.

The Investment Board will:

- I. Discuss investment proposals
- II. Provide appropriate challenge to investment proposals
- III. Make investment decisions for the Collective Investment Fund (CIF) and Land Remediation Fund (LRF) and any other funds that the Combined Authority appoints Finance Birmingham to Fund Manage in the future
- IV. Approve sponsored applications to be awarded funding
- V. Approve and oversee investments made via the Collective Investment Fund (CIF) and the Land Remediation Fund (LRF)
- VI. Make appropriate decisions and share responsibility for and uphold all decisions made by the Board
- VII. Report to the Combined Authority as described above.

Review

To be reviewed June 2017



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