



Board Meeting

Please note: The finalised report, containing the proposed Transport Delivery Committee Allowance Scheme (Appendix A) will be issued week commencing 6th June 2016.

Date	Friday 10 June 2016
Report title	Approval and adoption of the Constitution, including appointment of statutory officers and Member allowances
Accountable Chief Executive	Keith Ireland, Clerk to the Combined Authority Tel 01902 55 4500 Email Keith.Ireland@wolverhampton.gov.uk
Accountable Employee	Keith Ireland, Clerk to the Combined Authority Tel 01902 55 4500 Email Keith.Ireland@wolverhampton.gov.uk
Report to be/has been considered by	None
Recommendation(s) for action or decision:	
The Combined Authority Board is recommended to:	
<ol style="list-style-type: none">1. Approve and adopt the Constitution of the Combined Authority.2. Delegate amendments to the Constitution to the Monitoring Officer, in consultation with the Chair.3. Confirm the previous decisions of the Combined Authority Shadow Board regarding Statutory and other officer appointments, as set out in section 4.0 of the report.4. Confirm the Transport Delivery Committee (a sub-committee of the Combined Authority Board) Allowance Scheme, proposals set out in Appendix A of the report.5. Approve the payment of Travel and Subsistence Allowances for the Overview and Scrutiny and Audit and Standards Committees, as set out in paragraph 5.3 of the report.6. Authorise the Clerk to the Combined Authority to arrange for Independent Reviews of Allowances to be undertaken as necessary, for consideration by the Combined Authority Board.	

1.0 Purpose

- 1.1 This report recommends the Constitution for the West Midlands Combined Authority for approval and adoption. The full document is available online at:
<https://westmidlandscombinedauthority.org.uk/media/1171/ca-draft-constitution-24-5-16.pdf>
- 1.2 The report also sets out the associated decisions required regarding appointments of officers and members allowances.

2.0 Background

- 2.1 The draft Order to establish a Combined Authority in the West Midlands was laid before Parliament in May 2016, for establishment on 10th June 2016.
- 2.2 The remit of the Combined Authority is the strategic economic development, regeneration and transport functions that can be better delivered collaboratively across the West Midlands Metropolitan Area. The Combined Authority will be a focused, strategic decision making body, with responsibility over those strategic issues where it is mutually beneficial for Constituent and Non-Constituent local authorities and the Local Enterprise Partnerships of the Black Country, Greater Birmingham & Solihull and Coventry, to work together.
- 2.3 The provision for a Mayoral Combined Authority is subject to separate consideration on this agenda.

3.0 The Combined Authority Constitution

- 3.1 As a statutory organisation, the Combined Authority requires a Constitution to be in place to describe how it will operate its functions. This has been developed by Legal officers from all authorities. The Constitution has been endorsed by all Constituent Councils at meetings in February/March 2016.
- 3.2 The full document is available online at:
<https://westmidlandscombinedauthority.org.uk/media/1171/ca-draft-constitution-24-5-16.pdf>
- 3.2 The Monitoring Officer will keep the Constitution under review as there will be a requirement to make amendments as required, in consultation with the Chair, in the light of experience, operational requirements and policy development. It is recommended that the Monitoring Officer is delegated the ability to make amendments to the Constitution, in consultation with the Chair.
- 3.3 The Board is asked to approve and adopt the Constitution.
- 3.4 Governance arrangements for the Combined Authority are subject to separate consideration on this agenda and it is to be noted that those governance arrangements will supersede the Constitution; therefore the Constitution will be updated as appropriate by the Monitoring Officer, in consultation with the Chair, as delegated in paragraph 3.2 of this report.

4.0 Appointment of Statutory Officers

- 4.1 The Constitution of the Combined Authority provides for the appointment of Officers to the Combined Authority. At a previous meeting of the Combined Authority Shadow Board, recommendations were approved for the appointment of officers in anticipation of the Combined Authority Annual General Meeting.
- 4.2 The Combined Authority is asked to re-confirm the following Combined Authority officer appointments:

Statutory

Head of Paid Service – Martin Reeves (based on Officer Sharing arrangements under section 113 of the Local Government Act 1972, 2-3 days a week, to be reviewed May 2017).

S151 Officer – James Aspinall (permanent appointment with the Combined Authority).

Monitoring Officer – Keith Ireland (based on Officer Sharing arrangements under section 113 of the Local Government Act 1972, based on time required, to be reviewed May 2017).

Other

Chief Operating Officer – Jan Britton (based on Officer Sharing arrangements under section 113 of the Local Government Act 1972, 2 days a week, to be reviewed May 2017).

Clerk to the Combined Authority – Keith Ireland (based on Officer Sharing arrangements under section 113 of the Local Government Act 1972, based on time required, to be reviewed May 2017).

5.0 Member Allowances

- 5.1 The West Midlands Combined Authority (Establishment) Order 2016 specifies that no remuneration is payable to its members, other than allowances for travel and subsistence paid in accordance with a scheme drawn up by the Combined Authority. This however does not restrict payments to members of its committees/ sub-committees who are classed as co-opted members to the Combined Authority.

5.2 Transport Delivery Committee

Member Allowances were previously paid to the Transport Delivery Committee Members by the former West Midlands Integrated Transport Authority, now incorporated into the Combined Authority. The Allowances were determined as a result of an Independent Review of Allowances carried out in early in 2015. At its meeting of 18 March 2015 the West Midlands Integrated Transport Authority agreed the Allowances (Basic Allowance and Special Responsibility Allowance) for its Transport Delivery Committee. In May 2015 the Transport Delivery Committee Allowances were £227,000, it is proposed that for 2016 – 2017 the allowances are as detailed in Appendix A of this report, which reduces the allowances to £128,000.

Overview & Scrutiny Committee and Audit & Standards Committee

- 5.3 There are currently no comparable allowances for the Overview and Scrutiny and Audit and Standards Committee. Pending an Independent Review of Allowances it is recommended that only travel and subsistence allowances be paid in accordance with the scheme previously drawn up and agreed by the West Midlands Integrated Transport Authority.
- 5.4 With regards to any future Mayoral allowances, subject to approval of the Mayoral (elections) Order by each Constituent Council, payment of an allowance to the Mayor may be made, subject to an Independent Review. It is recommended for approval that a full Independent Review of any future Mayoral Allowances be carried out and reported back to a future meeting.

6.0 Financial implications

- 6.1 The allowances for the Transport Delivery Committee have been included within the Transport budget and levy. The outcome of the independent review will be incorporated into future budget requirements.

7.0 Legal implications

- 7.1 In relation to the Chief Operating Officer, the Constitution will require a future amendment to include an effective description for the role. There are no further legal implications flowing from the contents of this report.

8.0 Equalities implications

- 8.1 An initial equalities analysis has been carried out on the related documents to the establishment of the Combined Authority, having due regard to the equalities implications and there are no specific implications linked to the recommendations in this report. Any project/programmes to result from the establishment of the Combined Authority are subject to an individual equalities analysis. Following establishment on 10th June 2016 the Combined Authority is expected to meet the requirements of the Equality Act as a public sector body.

9.0 Schedule of background papers

Local Democracy, Economic Development and Construction Act 2009:
<http://www.legislation.gov.uk/ukpga/2009/20/contents>

Draft Order to establish the West Midlands Combined Authority 2016:
http://www.legislation.gov.uk/ukdsi/2016/9780111146576/pdfs/ukdsi_9780111146576_en.pdf

Appendix A – Transport Delivery Committee Allowance Scheme

[The finalised report, containing the Transport Delivery Committee Allowance Scheme will be available week commencing 6th June 2016.]

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