



WEST MIDLANDS COMBINED AUTHORITY

Overview and Scrutiny Committee

Date 27 January 2017

Minutes

Members

Councillor Peter Hughes
Councillor David Sparks
Councillor Ian Shires
Councillor Tersaim Singh
Councillor Claire Spencer
Councillor Jenny Wheeler
Paul Brown
Sarah Windrum

Sandwell Metropolitan Borough Council (Chair)
Dudley Metropolitan Borough Council (Vice Chair)
Walsall Metropolitan Borough Council
City of Wolverhampton Council
Birmingham City Council
Redditch Borough Council
Black Country Local Enterprise Partnership
Coventry and Warwickshire Local Enterprise Partnership

In Attendance

Jess Bayley
Jan Britton
André Bromfield
Rachel Ratcliffe
Sarah Sprung

Bromsgrove District and Redditch Borough Councils
Sandwell Metropolitan Borough Council
West Midlands Combined Authority
City of Wolverhampton Council
Sandwell Metropolitan Borough Council / West Midlands Combined Authority
City of Wolverhampton Council
Birmingham City Council
West Midlands Combined Authority

By Invitation

John Cade
Sean Russell

Institute of Local Government Studies (INLOGOV)
West Midlands Police and Mental Health Commission Implementation Director

Observer

Councillor Stephen Simkins

City of Wolverhampton Council

17/16 Apologies for Absence

Apologies for absence had been received from Councillor Stuart Davis (Solihull Metropolitan Borough Council), Councillor Nathan England (Telford and Wrekin Council) and Councillor John Mutton (Coventry City Council).

18/16 Chair's Announcement

The Chair, Councillor Peter Hughes, welcomed Sarah Windrum, the representative from the Coventry and Warwickshire Local Enterprise Partnership, to her first meeting of the Committee. At his request and for her benefit, introductions were duly made. He also welcomed Councillor Stephen Simkins, Chair of the Scrutiny Board at the City of Wolverhampton Council and Fiona Botterill, the former Scrutiny Manager at Telford and Wrekin Council who were observers at the meeting.

20/16 Declarations of Interest

No declarations of interest were made in relation to matters under consideration at the meeting.

21/16 Minutes

That the minutes of the meeting held on 16 December 2016 be confirmed as a correct record and be signed by the Chair subject to the deletion of 'Clare Spencer' and the substitution of 'Claire Spencer' throughout the minutes.

22/16 Matters Arising

With reference to Minute No. 15/16 (issues to be considered and taken forward from the Workshop held on 25 November 2016), the Chair advised that he would be liaising during week commencing 30 January 2017 with the Chair of the WMCA Board with regard to the timing for consideration of the Land Commission report by this Committee. He reported that the Chair of the WMCA Board would not be available to address the Audit, Assurance and Risk Committee that afternoon on an overview of the work of the Combined Authority but that members of this Committee were still welcome to attend the meeting, the lunch and the finance training session which was being held immediately prior to the meeting.

With reference to Minute No. 15/16(3) Sarah Sprung reported that only three responses had been received in relation to the establishment of a formal link between the Constituent and Non-Constituent Scrutiny Panels with regard to Work Programmes.

With regard to the West Midlands Regional Scrutiny Network event held on 13 January 2017, the Chair reported that this had been well attended by Constituent and Non-Constituent Authorities together with other Council representatives from the wider West Midlands area. It had been agreed that the Network could assist this Committee in the scrutiny of the WMCA going forward. Councillor Ian Shires commented that he had been disappointed that the Scrutiny Chair from Walsall MBC had not attended the event and that he had raised this with members at Walsall. He advised that the scrutiny function was currently being reviewed at Walsall. The Chair reported that Sandwell MBC was undertaking a governance review (including scrutiny) and that he understood a similar review was to be conducted at the City of Wolverhampton Council. He suggested that this offered an opportunity for a common approach to be adopted on scrutiny matters.

Councillor Claire Spencer reported on a conversation with a member from the Teesside Combined Authority and on a suggested approach being made to the Centre for Public Scrutiny to establish a network to support the scrutiny of Combined Authorities. The Chair suggested that a report on this matter and on ways that the

Committee would hold the Mayor to account be submitted to the next meeting. He suggested also that the forthcoming visit to the London Assembly would assist in identifying the ways in which scrutiny of Mayoral decisions was undertaken.

Following the agreement of members, Councillor Stephen Simkins commented that the manner in which individual authorities scrutinised the work of the Combined Authority and/or the Mayor required clarification. Councillor Ian Shires advised that at Walsall MBC the Leader of the Council was held to account for decisions made by the Combined Authority – similarly he (as the Council's representative on this Committee) was also expected to report back on its work.

John Cade advised that it was for this Committee rather than the individual authorities to scrutinise the work of the Combined Authority albeit that the individual authorities could hold their representatives on the Combined Authority to account. The Chair suggested that a report be submitted to the next meeting outlining a proposed protocol/concordat in relation to this matter.

Councillor Tersaim Singh referred to the final paragraph of Minute No. 16/16 and sought clarification as to whether this was suggesting pre-decision scrutiny of the Combined Authority budget being undertaken. Sarah Sprung confirmed this to be the case. The Chair advised that pre-decision scrutiny was preferential to post decision scrutiny and reduced the necessity of exercising the right of the Committee to 'Call-In' a decision. Sarah Sprung advised that the calendar of meetings for 2017/18 would take into account the timing of 'Key Decisions' and would facilitate pre-decision scrutiny.

Resolved:

- (1) That a report be submitted to the next meeting on the manner in which scrutiny of the Mayor would be undertaken;
- (2) That the Centre for Public Scrutiny be approached with a view to establishing a network to support scrutiny of Combined Authorities;
- (3) That a report be submitted to the next meeting outlining a protocol/concordat on the scrutiny by individual authorities on the work of the Combined Authority and that the Chair and Vice Chair be consulted during the preparation of the report.

23/16 Combined Authorities (Overview and Scrutiny Committees, Access to Information and Audit Committees) Order 2016

Sarah Sprung presented a report which informed the Committee of the implications for the function contained in the Combined Authorities (Overview and Scrutiny Committees, Access to Information and Audit Committees) Order 2016. She advised that the Order would come into effect on 8 May 2017 and that a report on this matter would be considered on 20 February 2017 by the WMCA Board in order that consideration could be given to certain amendments to the Constitution which would be necessary.

A key issue was the requirement for the majority of members of the Scrutiny Committee to be members of the Constituent Authorities. The Committee considered various options which could be implemented to address this requirement including

increasing the number of representatives from the Constituent Authorities or capping the number of representatives from Non-Constituent Authorities.

Councillor David Sparks commented that similar problems had been encountered in the West Midlands Metropolitan area since 1973 and that the Leaders of the respective Councils had always arrived at a mutually acceptable solution. The Chair was of the view that, regardless of custom and practice, this Committee should be afforded the opportunity to express its' views on this and suggest a preferred solution to the WMCA Board.

Sarah Windrum commented that the best interests of the West Midlands area needed to be paramount rather than the individual preferences of particular authorities. Councillor Ian Shires counselled caution with regard to increasing the number of members serving on the Committee. He also expressed concern at the prescriptive nature of the Order which, in his opinion, was contrary to the principles of devolution.

Councillor Claire Spencer referred to Section 10 of the Order with regard to access to confidential information, and how in certain circumstances, such information would not be made available to the Overview and Scrutiny Committee. There was also a lack of an opportunity to challenge such a decision. John Cade reminded the Committee of the role of the Monitoring Officer in determining whether such a decision was reasonable or not.

Resolved:

- (1) That the report be noted;
- (2) That the WMCA Board be requested to note the report and allow additional time for this Committee to consider a further report on options to address issues of proportionality and the requirement for Constituent Authorities to have a majority of members on the Overview and Scrutiny Committee;
- (3) That access to confidential information be included within the protocol/concordat referred to in Minute No. 22/16 (3) above.

24/16 Overview and Scrutiny Committee - Working Arrangements

Sarah Sprung presented a report which outlined the working arrangements of the Committee and which detailed the suggested Terms of Reference for the three Select Committees.

Resolved:

- (1) That the proposed Terms of Reference (as detailed at Appendix 1 of the report for the three Select Committees (Mental Health, Land and Productivity be approved;
- (2) That the following members be appointed to the Select Committees:

Mental Health Select Committee;

[NOT PROTECTIVELY MARKED]

Councillor Peter Hughes (Chair)
Councillor Jenny Wheeler (Vice Chair)
Councillor Tersaim Singh
Councillor Paul Witton
Sarah Windrum

Land Select Committee

Councillor David Sparks (Chair)
Councillor Peter Hughes (Vice Chair)
Councillor Stuart Davis
Councillor John Mutton
Councillor Ian Shires

Productivity Select Committee

Councillor Claire Spencer (Chair)
Paul Brown (Vice Chair)
Councillor Nathan England
Councillor John Glass
Councillor Dr Simon Peuple

25/16 Mental Health Commission

The Chair welcomed to the meeting Sean Russell, Mental Health Commission Implementation Director. Sean Russell explained that he was employed by West Midlands Police as a Superintendent and Lead Officer Mental Health but had been seconded to the Mental Health Commission for a two year period.

He also reported that the Action Plan produced by the Mental Health Commission was to be launched publically on 31 January 2017 and contained 19 plans/workstreams covering five areas namely:

- Supporting people into work and whilst in work;
- Providing safe and stable places to live;
- Mental health and criminal justice;
- Developing approaches to health and care; and
- Getting the community involved.

A Concordat had been produced and signed by a large number of public and private sector bodies. He reported that a bid for funding was being made to the Department of Work and Pensions for an initiative which would assist employers in looking after the mental health of employees which, in turn, should help to increase productivity.

With regard to the criminal justice system he advised that some 90% of the current prison cohort had either substance misuse or mental health problems. The Action Plan would also examine how mental health issues were addressed in General Practitioners surgeries. A further initiative would seek to build capacity in the system through the use of Citizens Juries.

It was intended that issues would be addressed on a locality basis and would include engagement with local authority scrutiny panels. He reported that he had attended the Dudley MBC Health Scrutiny Panel on Wednesday 25 January 2017.

He informed the Committee that the Combined Authority had established a Wellbeing Board which would be chaired by Councillor Peter Lowe, Leader of Dudley MBC and Vice Chair of the WMCA Board. The inaugural meeting was scheduled for 24 February 2017 when the Terms of Reference would be considered. As with all Committees and Boards of the Combined Authority its decisions and plans for delivery were available for scrutiny by this Committee.

Councillor Claire Spencer commented that mental health was a complex policy area which was influenced largely by Central Government. She referred to the sanctions regime which was applied if claimants were late for appointments, which, in turn, created further problems to the individuals concerned. She enquired if there was any possibility of the Commission or the Combined Authority being able to influence Government policy. Sean Russell advised that the Commission had made strong links with the Government and national Policy Leads. Further devolution to a local level was being sought and he gave the example of proposals for 'Individual Placement Support' which would include fiscal support.

In response to further comments from the Chair and Councillor Claire Spencer on this matter, Sean Russell reported that a Green Paper was to be published shortly by the Government. The Combined Authority would give a robust response to the Green Paper and was considered to be an innovative partner by the Government. Following a request from the Chair he undertook to circulate the response to the Green Paper as soon as possible.

Councillor Ian Shires sought clarification on the composition of the Wellbeing Board and this was explained by Sean Russell. He advised that the membership would be considered further at the inaugural meeting. Sarah Sprung commented that it would be inappropriate for any members of this Committee to serve on the Wellbeing Board given the Committee's role in scrutiny.

The Chair enquired whether there were any particular areas of the work of the Commission where this Committee could add value or where scrutiny would be helpful. Sean Russell advised that the Implementation Plan was currently being prepared as were a number of sub plans and offered to share these with the Committee once they were available. John Cade reminded the Committee that its role was to hold the Commission to account but to also to help and develop the work. Sean Russell offered to give this matter further consideration.

Paul Brown enquired when the relevant papers from the Mental Health Commission would be made available to this Committee for consideration. Sean Russell advised that currently the report and Action Plan were subject to an embargo until the public launch on 31 January 2017. The Chair requested that these papers and the Implementation Plan be made available at the earliest opportunity together with an indication of where this Committee could assist in developing and delivering the recommendations.

Sarah Windrum commented that the Local Enterprise Partnerships would be keen to assist in developing and delivering that part of the Action Plan relating to 'Supporting people into work and whilst in work' as she was of the view that they could add value to this particular element.

Councillor Ian Shires reminded the Committee that the public launch of the Mental Health Commission report was the commencement of the process and not the completion of its role. The Chair emphasised the ability of the Committee to assist and on the need to build relationships with the Commission.

Resolved:

- (1) That the thanks of the Committee be extended to Sean Russell for his attendance and presentation;
- (2) That a copy of the report of the Commission, the Action Plan, Implementation Plan and sub plans be provided to members of the Overview and Scrutiny Committee as soon as possible;
- (3) That further discussions take place on how this Committee or the Mental Health Select Committee can assist or add value to the work of the Mental Health Commission.

26/16 Visit to London Assembly

Sarah Sprung reported that to date she had received confirmation from four members and two officers who wanted to visit the London Assembly on 20 February 2017 together with a representative from the Centre for Public Scrutiny.

John Cade outlined the timetable for the visit and in response to a comment from Councillor Tersaim Singh he advised that a further attendee could be accommodated. He also reported that if any member was not able to attend the scrutiny session the remainder of the visit, including meeting with members and officers from the Assembly would still be worthwhile. The Chair invited Sean Russell to consider accompanying the Committee on the visit.

Resolved:

That the report be received and noted.

27/16 Date of Next Meeting

Resolved:

That the next meeting of the Committee be held on Friday 3 March 2017 at 10:00 hours and not 10 March 2017 as originally scheduled.