

WEST MIDLANDS REGIONAL ASSEMBLY
Board of Directors – 26th September 2007

Report of the Chief Executive and Company Secretary

1. Preparing for the Half Year Review & Progress Report
2. Coventry Airport
3. Member Allowances Scheme
4. Corporate Issues – General
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6. Membership of Outside Bodies

1. Preparing for the Half Year Review & Progress Report

1.1 **Purpose**

To advise the Board of work in progress, to produce the Half Year Review and Progress Report to Government Office.

1.2 **Recommendation**

1.2.1 The Board is asked to **note** the details of this report and **approve** new RSS funding priorities.

1.2.2 Furthermore the Board is asked to **delegate authority** to the Chief Executive, in consultation with the Chairman and Vice Chairs, to agree a revised budget for submission to GOWM with the Half Year Report.

Background

1.3 The Assembly is due to submit a Half Year Progress Report to Government Office on 19 October. As with previous years this will include a full review within the Secretariat on progress against the business plan culminating in an 'Exception Report'.

1.4 The report will also include any proposed variations to the Business Plan and/or budget virements. At its meeting held on 8 June the Board already agreed some establishment changes and a need to carry out a Centres Study Update.

1.5 RSS Priorities

The Board is now also asked to approve the additional emerging priorities in respect of RSS to be incorporated in the half year review/report.

- Risk Assessment of Phase 2; estimated at £15,000
- Redditch Study; estimated at up to £10,000

1.6 All of the costs identified as new priorities will need to be met from existing budget provisions and a revised Budget will be drafted as part of the half year review. The Board is asked to delegate authority to the Chief Executive, in consultation with the Chairman and Vice Chairs, to agree a revised budget in order to meet the GOWM reporting deadlines. The Revised Budget will be shared with the Board electronically.

Submission Half Year Report to GO
Review Meeting with GOWM

Friday 19 October
Friday 2 November

1.7 Sub National Review

Clearly we will need to understand and give consideration to the broader implications of SNR as we review and develop our future work programmes and priorities and discussions will be taking place throughout the Autumn. We will also need to be mindful of the CSR07 which is due to be published in the Autumn and which is likely to have a significant impact on our local authorities, who are a key delivery mechanism on RSS and who, through West Midlands LGA, provide significant support to the Assembly.

2.0 Coventry Airport Public Inquiry

2.1 **Purpose**

To provide the Board with an update on Coventry Airport.

2.2 **Recommendations**

It is recommended that the Board **endorses** a proposal that the Chief Executive writes to CLG to seek their approval for the Assembly to now utilise the contingency sums of £21,234 (legal and general) carried forward from 2006-07 to meet other priorities.

Background

2.3 On 14th June 2007, the Secretary of State published the decision to refuse planning permission for Coventry Airport. They also refused Coventry Airport's application for costs against the Assembly. There is no statutory provision for challenging the decision on an application for an award of costs. However, CLG has confirmed that there is a procedure to make an application for Judicial Review; to date the Assembly has not been notified of such an application

2.4 CLG have informed us that:

- applications for Judicial Reviews are expected to be made promptly, arguably within three months of the decision i.e. mid-September 2007;
- they are unaware of any applications for Judicial Reviews on the basis of an application for costs being refused – that does not mean this could never happen, but it appears unlikely;
- they are unaware of Coventry Airport pursuing a Judicial Review; but
- the Assembly may wish to seek further legal advice.

2.5 Coventry Airport has made a High Court claim against the decision regarding planning permission. While the outcome of the High Court claim is bound to affect Coventry Airport's future course of action this is likely to take some time to resolve.

3.0 Members Allowances Scheme

3.1 Purpose

To propose a postponement of the consideration of a Members Allowances Scheme for the Assembly.

3.2 Recommendations

A separate report from the Finance & Audit Committee is to follow including a proposal from the Independent Remuneration Panel on a Members Allowances Scheme.

3.3 In view of the potential implications of the Sub National Review and the expectations that Assemblies will be asked to reduce operating budgets next year, it would be advisable for Board Members to have an opportunity to give due consideration to the proposal at a time when they will also have access to the Half Year Review and other emerging SNR cost implications / priorities.

3.4 Therefore the CEO respectfully proposes that the Board **notes** the detail of the report and **postpones a decision on a Members Allowances Scheme until 5 December Board Meeting.**

4.0 Corporate Issues - General

4.1 Purpose

To provide the Board with an update on general corporate issues.

4.2 Recommendation

That the board **notes** the detail of the report and agrees to the proposal for adopting the new model code of conduct.

4.3 Annual Returns

The 2006-07 Financial Statements have been submitted to Companies House and the Annual Return was filed on 31 August. The Corporate Tax Return has also been filed with Inland Revenue.

4.4 Members Declarations of Interest

Despite several requests over many months for Members to provide an updated Declaration of Interest form, there are still a number of outstanding returns;

Local Government	57 Outstanding of which 31 are Full Members and 26 are Alternate Members
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Business	10 Outstanding of which 5 are Full Members and 7 are Alternate Members
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Other Stakeholders	11 Outstanding of which 4 are Full Members and 7 are Alternate Members
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This includes 3 Board Members who have still to submit their forms.

4.5 Members are respectfully reminded that it is a personal responsibility to provide this information and this issue was raised during the 2006-07 audit by Clement Keys. Members are therefore now advised to provide this information as a matter of urgency so that the Assembly can complete its register of interests and upload data to the website.

4.6 Complaints, Comments and Compliments

Members are advised that a 'Complaints, Comments and Compliments' procedure has now been approved by the Chairman and Vice Chairs (as delegated by the Board at its June meeting) and is published on the WMRA website.

<http://www.wmra.gov.uk/page.asp?id=363>

4.7 Code of Conduct

A new model code of conduct for Local Government, England and Wales came into force in May 2007. This is considerably less onerous than the present code of conduct. It is proposed that the West Midlands Regional Assembly adopt the principles of the code of conduct for all representatives on the Assembly governance structures and that the sectoral Vice-Chairs sign a commitment on behalf of their sectors to these principles (See Appendix A)

5.0 Membership of Governance Structures

5.1 Purpose

For the Board to receive the memberships of WMRA, its Board and Regional Partnerships post the AGM held in July and for sectors to be encouraged to ensure all outstanding vacancies to Partnerships and their Executives are filled promptly.

5.2 Recommendation

That the Board

- (i) **Notes** and **receives** the memberships of the Assembly Company and Board of Directors
- (ii) **Notes** and **agrees** the memberships of the West Midlands Regional Assembly's Planning and Housing Partnerships and their Executives as set out in Appendix B
- (iii) **Notes** the membership of the Partnerships (other than Planning and Housing) as set out in Appendix C.
- (iv) Encourages the sectors to ensure that outstanding vacancies are filled and authorises the Chairman and Vice-Chairs to approve nominations once they have been received.

5.3 Details

Attached as Appendix D are the most up to date membership lists for WMRA, its Board and the various Partnerships as detailed in B and C.

5.4 Whilst the determination of memberships is generally a matter for the Assembly's acknowledged nominating bodies, it is necessary for the Board to formally approve the memberships of those bodies to which are delegated executive functions and which are therefore formally constituted as committees or sub-committees of the Board. Currently this includes the Regional Planning Partnership, Regional Planning Executive and the Regional Housing Executive and Partnership.

5.5 The full Membership for the other stakeholders and business sectors on the Regional Planning Partnership and the Regional Housing Partnership are still awaited and there is one vacancy on the Assembly Board for a business member.

5.6 The Board is asked to approve the memberships so far submitted and authorise the Chairman and Vice-Chairs to approve outstanding memberships as and when resolved.

6.0 Membership on other Regional Bodies

6.1 Purpose

The West Midlands Regional Assembly has a nominating body status to various regional bodies. Below is noted those bodies to which the WMRA directly provides representatives.

6.2 Recommendation

That the Board:

- i) notes the representation on other regional bodies as noted below
- ii) reconfirms the representation (if appropriate) or request nominations to known vacancies

6.3 Sustainability West Midlands Board - vacancy

The Assembly is represented on the SWM Board by a full member of the Regional Planning Partnership. This role was previously undertaken by Cllr Nigel Knowles (Worcestershire CC), however as Cllr Knowles has subsequently advised the Assembly of his resignation, this role is currently vacant and a nomination will be sought at the next Regional Planning Partnership.

6.4 West Midlands Regional Observatory

The West Midlands Regional Assembly has been represented on the WMRO Board since September 2005 by Roger McKenzie.

6.5 MLA – West Midlands : the Regional Council for Museums, Libraries and Archives

Elizabeth Newman was appointed to represent the West Midlands Regional Assembly on MLA West Midlands at the Board meeting in September 2005.

6.6 Regional Energy Advisory Board - vacancy

The West Midlands Regional Assembly has been represented on this body by Cllr Claude Bodenham since December 2005. This currently is a vacant post

6.7 Regional Rural Affairs Forum - vacancy

West Midlands Regional Assembly currently has an unfilled position on the Regional Rural Affairs Forum. It is proposed that this position is filled by a member of the West Midlands Business Council or the Other Stakeholder Group as agreed by the Board at their meeting on 8 December 2006.

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