

Meeting: West Midlands Rail Board of Directors

Subject: Minutes

Date: Tuesday 15 June 2021 at 10.00am

Present:

Andy Street (Chair)	Mayor of the West Midlands
Councillor Pervez Akhtar	Coventry City Council
Councillor Alan Amos	Worcestershire County Council
Councillor Peter Butlin	Warwickshire County Council
Councillor Ian Courts	Solihull Metropolitan Borough Council
Councillor Richard Marshall	Shropshire Council
Councillor Simon Phipps	Dudley Metropolitan Borough Council
Councillor Stephen Simkins	City of Wolverhampton Council
Hon. Alderman Stewart Stacey	Birmingham City Council
Councillor Jackie Taylor	Sandwell Metropolitan Borough Council
Councillor Philip White	Staffordshire County Council
Councillor David Wright	Telford & Wrekin Council

In Attendance:

David Balme	Solihull Metropolitan Borough Council
Neil Benison	Coventry City Council
Heather Bolton	Telford & Wrekin Council
Liam Brooker	West Midlands Rail Executive
Matt Crowton	Walsall Metropolitan Borough Council
Councillor Kath Hartley	Transport Delivery Committee
Councillor Ken Hawkins	Solihull Metropolitan Borough Council
Malcolm Holmes	West Midlands Rail Executive
Claire Horton	Staffordshire County Council
Andy Miller	Sandwell Metropolitan Borough Council
Satish Mistry	West Midlands Combined Authority
Tim Mitchell	Birmingham City Council
Victoria Mumford	Warwickshire County Council
Eddie Muraszko	Department for Transport
Marianne Page	City of Wolverhampton Council
Tom Painter	West Midlands Rail Executive
Caroline Parmenter	West Midlands Combined Authority
Alison Peckmore	West Midlands Rail Executive
Toby Rackliff	West Midlands Rail Executive
Peter Sargent	West Midlands Rail Executive
Chris Spencer	Department for Transport
Councillor Richard Worrall	Transport Delivery Committee

14/21 Introductions

Malcolm Holmes reported that the recent changes made to the governance of West Midlands Rail Board of Directors had now come into effect, meaning that the Mayor of the West Midlands was now the non-voting chair of this meeting. He also reported that following the abolition of Northamptonshire County Council in April, the two successor authorities, North Northamptonshire Council and West Northamptonshire Council, had both become members of West Midlands Rail. However, as rail services covered by the West Midlands franchise did not significantly operate in the North Northamptonshire area, it had subsequently resigned its membership of West Midlands Rail.

15/21 Apologies

An apology for absence was received from Councillor John Harrington (Herefordshire).

16/21 Election of Vice-Chairs

AGREED:

That Councillor Jackie Taylor be elected vice-chair from the metropolitan authorities and Councillor Peter Butlin be elected vice-chair from the shire/unitary authorities.

17/21 Declaration of Interest

Hon. Alderman Stewart Stacey declared a personal interest in respect of a pension he received from British Rail.

18/21 Minutes

The minutes of the meeting held on 9 March 2021 were agreed as a correct record.

19/21 Outgoing Chairman's Report

Councillor Peter Butlin submitted a report updating the board on the progress made towards gaining greater influence over the West Midlands local rail network during his nine-month term as the chair of the West Midlands Rail Board of Directors.

AGREED:

That the report be noted.

20/21 Director Responsibilities

Satish Mistry submitted a report that provided a brief overview of directors' responsibilities and duties as members of this board. These required directors to act in good faith and in accordance with the aims of the company, and if role as company director conflicted with the role of a councillor, the law indicated that priority should be given to role of director. He advised directors to talk to Malcolm Holmes or himself if they were ever unsure of their responsibilities.

AGREED:

That the report be noted.

21/21 Forward Plan

The board considered a plan of items to be reported to its future meetings. Councillor David Wright requested a report on the electrification of the Shrewsbury line, and Councillor Philip White requested a meeting of the fares sub-group be held prior to the submission of a report to this board. Malcolm Holmes indicated that he would schedule a report on the overarching rail infrastructure priorities for the region, and would also circulate a briefing note to board members on the withdrawal of services between Hereford and Shrewsbury.

22/21 Direct Award Contract Progress Update

Tom Painter and Chris Spencer submitted a report updating the board on the status of the procurement of the National Rail Contract that would succeed the existing franchise agreement.

Unlike the franchise agreement it would replace, the National Rail Contract with West Midlands Trains was not being let on the basis of a competitive tender process, but rather a collaborative dialogue that was assessed for value for money. Instead of an invitation to tender, West Midlands Trains and Abellio had been issued with a Request for a Business Plan, and were sharing their response as it emerged with the Department for Transport and West Midlands Rail Executive to a defined timetable leading up to 19 September 2021.

The Chair enquired as to the specific role that the West Midlands Rail Executive would have in managing the operation of the contract once it was let. It was clear that there was a public expectation that members of this board were to hold the successful operator to account for the delivery of services, but he suggested that it was not at all clear that this responsibility formally existed, potentially resulting in board members being held publicly accountable for services they had no actual responsibility for. He requested further clarification on this to be provided to the next meeting.

Councillor Jackie Taylor sought clarification on the availability of a contractual break clause in the franchise agreement. Chris Spencer indicated that the contract would be flexible enough to mean that a break clause was not likely to be required, except through an unexpected outside trigger. The Department for Transport was working with Transport Focus to ensure that the voice of passengers would be able to provide an independent perspective to the running of the contract.

Councillor Stephen Simkins enquired whether trade union representation could be included on this board. Malcolm Holmes undertook to look into this request further and set out the options the board may wish to consider.

AGREED:

- (1) That the report be noted.
- (2) That further clarification be provided by the Department for Transport to the next meeting of the board on West Midlands Rail Executive's formal responsibilities in respect of the delivery of the West Midlands National Rail Contract.

- (3) Malcolm Holmes to report back on potential arrangements for the involvement of trade union representatives at future meetings of the board.

23/21 West Midlands Rail/Department of Transport Collaboration Agreement

Malcolm Holmes submitted a report seeking approval for the board to enter into a new Collaboration Agreement with the Department for Transport.

The report set out the changes that were being introduced in this new Collaboration Agreement. In accordance with the West Midlands Rail Articles of Association, any change to its relationship with the Department for Transport or substantial changes to that agreement must gain the prior approval of West Midlands Rail member authorities by special resolution.

AGREED:

- (1) The revised Collaboration Agreement be approved in principle.
- (2) It be agreed that the governance proposals outlined in the report be distributed for approval by each of the fourteen partner authorities and the WMCA.

24/21 Rail Timetable Service Optimisation Workstreams

Peter Sargent submitted a report on the work that was underway reviewing timetables in the West Midlands by both the Grand Railway Collaboration and Industry Planning Groups.

There were a number of industry workstreams underway looking at timetable changes. These were either co-ordinated by the Grand Rail Collaboration, supported by consultants Steer, or are being co-ordinated by Network Rail through an Industry Planning Group process. The main workstreams involved the Coventry and Wolverhampton lines, West Coast Main Line South, Snow Hill line, and West Coast Main Line North/Manchester South. Governance for these workstreams was complex, and the work needed to be carefully co-ordinated as there were direct linkages between the areas. The workstreams were largely focusing on delivering a new timetable for December 2022, and the extended industry planning processes meant that timescales were tight for delivering this.

The Chair enquired as to how the board might be able to influence these considerations. Peter Sargent indicated that he represented West Midlands Rail Executive in discussions with the Department for Transport, and he was briefing councils affected by any changes so that he could ensure their views were being taken into account. Councillor Stephen Simkins stressed the importance of these timetable changes being aware of their impact on Birmingham's Clean Air Zone. Councillor Pervez Akhtar noted the poor service between Nuneaton - Leamington Spa, and Malcolm Holmes reported that was due to a shortage of drivers and the impact of COVID-19. He did not expect a full service to resume on this line until Autumn 2022.

AGREED:

That the report be noted.

25/21 Williams-Shapps Plan for Rail

Malcolm Holmes submitted a report on the Williams-Shapps Plan for Rail, which represented the biggest shake-up of rail governance and rail industry structures for 25 years.

The Williams-Shapps Plan for Rail identified ten key outcomes, including addressing the weaknesses, complexities and conflicts within current rail industry structure, providing clearer accountability and reduced overall industry costs, improving the passenger experience and retail offer in the post-COVID-19 world, and aligning a new 30-year Rail Industry Strategy more closely with wider government priorities such as decarbonisation and housing provision. The implementation of the Plan for Rail over the next two to three years would be managed under a Rail Transformation Programme led by the Department for Transport.

In its response to the Secretary of State, it was agreed that the region would be supportive of being a pilot area for the introduction of any structural changes arising out of the review. It was also agreed that the Chair and both Vice-Chairs sign the letter of response.

AGREED:

- (1) The report, and the related exchange of letters between the Mayor and the Secretary of State for Transport, be noted.
- (2) The specific issues of concern expressed by board members be noted.
- (3) The Chair and Vice-Chairs and West Midlands Rail Executive officers engage at the appropriate levels with the Department for Transport's new Rail Transformation Programme team in order to progress West Midland Rail Executive's objectives, including the further devolution of control over regional rail services.
- (4) The direction set out for this engagement, the issues to be prioritised and the proposed letter from West Midlands Rail Executive to the Secretary of State for Transport be approved.

26/21 West Midlands Rail Business Plan 2021/22

Malcolm Holmes reported that the approval of the West Midlands Rail Business Plan 2021/22 would now take place electronically rather than at this meeting.

27/21 West Midlands Rail Executive Business Update Report

Malcolm Holmes presented a general update on the progress against West Midlands Rail Executive objectives since the last meeting of the board in March.

The report presented key highlights of recent activity, the evolution of the governance supporting this board, the impact of COVID-19 and subsequent recovery, the performance of the West Midlands franchise, and West Midlands Train's annual business plan.

AGREED:

That the report be noted.

[Meeting ended at 12.00pm.]

CHAIR