



BLACK COUNTRY EXECUTIVE JOINT COMMITTEE

CONSTITUTION

26 March 2014

1. Dudley MBC, Sandwell MBC, Walsall MBC and Wolverhampton City Council established an Executive Joint Committee known as the Black Country Joint Committee ("the Committee") for the purpose of discharging the functions mentioned in **Annex A**. The Committee is a joint committee of the Executive for the purposes of Part VI of the Local Government Act 1972 and Part I Chapter 2 of the Local Government Act 2000 and the provisions of thereof that are applicable to Joint Committees of the Executive shall apply to the Committee.
2.
 - (i) The Committee shall comprise four members, each Council being entitled to appoint one voting member who shall be a member of the Councils Cabinet making the appointment. In the event of a voting member of the Committee ceasing to be a member of the Council which appointed him/her, the Council shall forthwith appoint another voting member in his/her place. Only a voting member is entitled to be elected as Chair or Vice-Chair of the Committee.
 - (ii) Each Council may appoint members of its Executive as substitute for the voting members appointed under (i) above to attend meetings of the Committee and its sub-committees in the absence for any reason of the voting members or observer members appointed under (i) above and in attended meetings of the Committee and its sub-committees the substitute voting members or observer members shall be treated in all respects if they were appointed under (i) above as the case may be. The Secretary for the Committee shall be informed prior to the commencement of the meeting of the names of the substitute members.
 - (iii) The Chairman of the Black Country Local Enterprise Partnership shall be an ex officio member of the Committee on matters relating to City Deal and Growth Deal. Ex officio members may speak at meetings of the committee but not vote. The Chairman of the Black Country Local Enterprise Partnership shall present reports to the Joint Committee from the City Deal and Growth Deal Advisory Board.



- (iv) The Black Country Consortium Ltd will be responsible for writing reports to the Joint Committee from the City Deal and Growth Deal Advisory Board in the format provided for at **Annex B**. All other reports from any subcommittee and or Council will also take the form as set out in **Annex B**. A representative of the Black Country Consortium Ltd can be in attendance at meetings of the Joint Committee on matters relating to City Deal and Growth Deal in an advisory role as the Joint Committee see fit.
- (v) The Committee shall at its Annual Meeting, elect a Chair and Vice-Chair from among its voting members or chose to adopt for that year to have a rolling Chair and Vice Chair being upon rotation. In the event of both being absent from the meeting, the Chair and Vice-Chair for whatever reason, the Committee shall elect a chair from amongst the voting members present for that meeting but shall not count for purposes of rotation.
- (vi) Three voting members of the Committee shall constitute a quorum. Except as otherwise provided by statute, all questions shall be decided by a majority of the votes of the voting members present, the Chair having the casting vote in addition to his/her vote as a member of the Committee.
- (vii) The Committee shall meet as agreed at its AGM. However a meeting of the Committee may be convened at any time by the Secretary in consultation with the Chair for the meeting that would be convened. A meeting of the Committee must also be convened by the Chair within 28 days of the receipt of a requisition of any two voting members of the Committee addressed to the Secretary of the Committee. All requisitions shall be in writing and no business other than that specified in the requisition shall be transacted at such a meeting.
- (viii) The Committee shall from time to time make such standing orders for the carrying on of the business of the Committee as the Committee shall deem necessary and or desirable.
- (ix) For the avoidance of doubt and subject to there being no changes to the law on this issue, where a Council is operating executive arrangements pursuant to the Local Government Act 2000 (and any regulations made under it), it will be a matter for the Executive of the Council to appoint any voting member, or substitute member of the Committee as long as that member is a member of the appointing Councils Cabinet.

3. The Committee (as could a Cabinet) can delegate authority, but the law restricts that delegation only to officers of the four Local Authorities not any other persons. **Annex C** lists delegations to officers.
4. The Committee shall from time to time appoint such sub-committees and Advisory Boards to consider and deal with any of the functions of the Committee as may be thought desirable.
5. The Committee Secretary and such other officers as may be deemed necessary for the due conduct of the business of the Committee shall be Walsall Metropolitan Borough Council.
6. Meetings of the Joint Committee shall be held at Walsall Metropolitan Borough Council unless otherwise directed by the Joint Committee.
7. The Secretary shall:
 - (i) Be responsible for preparing the agenda and submitting reports prepared by either of the Councils or other bodies to the Joint Committee and minutes of the Joint Committee.
 - (ii) Be responsible for making arrangements for the publishing in accordance with Access to Information requirements the Forward Plan and all meetings, agenda, agenda items, decisions and minutes as appropriate.
8. That the relevant Standing Orders for Black Country Joint Committee are those of Walsall Metropolitan Borough Council.

FUNCTIONS OF BLACK COUNTRY EXECUTIVE JOINT COMMITTEE

1. To receive reports from any Sub Committee of the Joint Committee or Advisory Board of the Joint Committee.
2. At any time review and agree proposed changes to the Functions of the Committee, and seek approval of the same from the four Council Executives of the Black Country authorities.
3. To agree and approve any proposed governance and or reporting structure that the committee sees fit.
4. In relation to the City Deal and Growth Deal:
 - 4.1 To act as a strategic body; setting and reviewing objectives for strategic investment across the Black Country, including;
 - a. Providing a coherent single position on the major strategic City Deal and Growth Deal issues;
 - b. Agreeing allocation of spending;
 - c. Agreeing major priorities;
 - d. Consider and agree recommendations made by any Sub Committee of the Joint Committee or Advisory Board of the Joint Committee;
 - e. Refer recommendations received back to any Sub Committee of the Joint Committee or Advisory Board of the Joint Committee for further consideration as and when minded in the first instance to not follow recommendations at all or to materially change the substance of the decision except in the case of genuine urgency requiring a decision to be made at that time;
 - 4.2 Agreeing Lead and or Accountable Body status for a body or organisation;
 - 4.3 Agree, review and amend options at any time for City Deal and Growth Deal governance which is fit for purpose;
 - 4.4 influence and align government investment in order to boost economic growth;



Annex A

Terms of Reference

- 4.5 have regard to the duty to cooperate and Joint Committee's overall function as set out above;
- 4.6 to ensure alignment between decision making on City Deal and Growth Deal and decisions on other areas of policy such as land use, transportation, economic development and wider regeneration;
- 4.7 Co-ordinate and align decision making on transport with the LEPs ensuring that business views are taken on board and that LEP growth plans are reflected in strategic priorities;
- 4.8 Deciding on capital expenditure programmes and ensuring policy and programmes are delivered effectively through partners;



REPORT OF THE CITY DEAL AND GROWTH DEAL ADVISORY BOARD
(OR COUNCIL)
TO
BLACK COUNTRY EXECUTIVE JOINT COMMITTEE
ON
(DAY, MONTH, YEAR)
(INSERT TITLE OF REPORT)

Key Decision:	Yes/No
Forward Plan:	Yes/No

1. PURPOSE OF REPORT

- 1.1 Set out the main points of the report and details of what is being sought in summary.

2. RECOMMENDATIONS

- 2.1 Specific recommendation from the City Deal and Growth Deal Advisory Board with approval requested by the Joint Committee.
- 2.2 The recommendation(s) should be clear, concise and include all relevant information. No abbreviations or acronyms are to be used. No statements are to be used.
- 2.3 It is not acceptable to recommend "That the course of action set out in the report be approved" as this does not give sufficient clarity.
- 2.4 There must be a separate recommendation for each decision you wish the BCJC to make.
- 2.5 Do not set out any recommendations elsewhere in the report.
- 2.6 If you only have one recommendation there is no need to number it. It looks like there should be others.

3. REPORT DETAIL

- 3.1 Write clearly, concisely and focus on relevant material information. Do not use acronyms.
- 3.2 All relevant and pertinent information should be included so as to enable a fully informed decision to be made by the Joint Committee.
- 3.3 Sufficient weight and emphasis should be made on key points.
- 3.4 Sufficient information to enable an informed decision must be contained within the report.

4. FINANCIAL IMPLICATIONS

- 4.1 All relevant financial implications. You must consult the appropriate finance officer at the outset of the project. Your report will not be considered if the Finance Officer has not commented.

5. LEGAL IMPLICATIONS

- 5.1 You must consult legal services at the outset of the project. Set out any legal obligations on and consequences for the BCJC arising from the proposals. You must give sufficient time for legal services to comment on your report. Your report will not be considered if legal services have not commented.

6. RISK MANAGEMENT

- 6.1 Key risk identified and explanations as to how they will be managed are to be inserted.

7. EQUALITY IMPLICATIONS

- 7.1 An equality impact assessment to be done and equality implications set out in the report as well as how they will be managed.

8. CONSULTATION

- 8.1 Identify who has been consulted and why, the outcome of the consultation and if there is any planned future consultation. For example, do not use "the report is prepared in consultation with relevant managers and executive directors".
- 8.2 There is an expectation that wherever possible, Ward Councillors should be consulted and involved in matters affecting their Ward.
- 8.3 Consultees mentioned in this part of the report should match with those referred to in the Forward Plan entry, if it is a key decision. Include other consultees if they have been identified since.

8.4 If scrutiny panels have considered this issue, provide feedback on their recommendations/views.

Note:

- It is the responsibility of the author of the report to identify and consult with relevant officers and external parties about the proposals and the contents of the draft reports. Should any changes be made before the report appears in final form then you must consult relevant people again. If the revised circumstances could impact on the legal and financial position, you must consult afresh with legal and finance colleagues.
- A report consultation sheet is available from the Programme Manager and **must be completed and accompany your report at all times**. The consultation sheet template should not be amended. If any amendments are made to your report at any stage which requires the re-consultation of colleagues, this must be reflected in the form when submitted at the final stage.

Back Ground papers

- List any background documents that you have used or which are associated with the report being produced. (This is to satisfy the legal requirements that govern public access to local authority papers and the Freedom of Information Act.) You should not list acts of Parliament or any documents that give confidential information. Do not quote file references. Such files will be open to public scrutiny if asked.

“DELETE AS APPROPRIATE”

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**DELEGATION OF AUTHORITY TO
THE EXECUTIVE DIRECTOR FOR ECONOMY AND ENVIRONMENT
AT WALSALL COUNCIL IN HIS ROLE AS
CHAIR OF THE CITY DEAL AND GROWTH DEAL WORKING GROUP**

1. Pursuant to Item 3 in the Constitution, on 17 June 2015 the Black Country Executive Joint Committee approved the Delegation of Authority to the Executive Director for Economy and Environment within Walsall Council in his role as Chair of the City Deal and Growth Deal Working Group to :
 - 1.1 Deploy a **Change Control process**, within a clearly stated range of Project Tolerances, set at 10% maximum (plus or minus) of their individual projects total value, to be applied to “in-flight” projects previously approved by the LEP Board and the BCJC.
The overall combined effect of the above changes must not exceed 10% of the annual approved LGF grant value
 - 1.2 Introduce **Over Programming** and approve **New Small Projects** that top up the pipeline as flexibility to respond to opportunities for challenges in maximising value from the LGF grant.
 - 1.2.1 The total combined value of these projects must not exceed 10% of the annual approved LGF grant value.
 - 1.2.2 Each individual **New Small Project** cannot exceed 10% of the value above which is 10% of the annual approved LGF grant value.
2. The above decisions should be undertaken in consultation with:
 - 2.1 the Chief Executive of the Black Country Consortium Ltd,
 - 2.2 the Section 151 Officer from the Accountable Body (Walsall Council),
 - 2.3 the Head of Regeneration for the appropriate geographical area/s
 - 2.4 the Chair of the Black Country Executive Joint Committee.

3. Delegated Authority should only be used when :
 - 3.1 the existing approval process is not possible due to impact on delivery times and the need to get spend underway prior to the next available Black Country Executive Joint Committee
 - 3.2 the existing provisions of Special Urgency and General Exception within the Black Country Executive Joint Committee Protocols are not available.
4. Procedures will be implemented by the Chair of the City Deal and Growth Deal Working Group for the proper management of achieving the delegated authority decisions which will include, recording, control, and effective monitoring of the decisions and ensuring the appropriate financial records detailing spend against profile are established and maintained.
5. All decisions approved through these delegations will be reported back to the next available Black Country Executive Joint Committee meeting and the Black Country LEP Board by the Executive Director for the Economy and Environment within Walsall Council in his role as Chair of the City Deal and Growth Deal Working Group.

