

PROTOCOLS

For the management of the
Black Country Executive Joint Committee

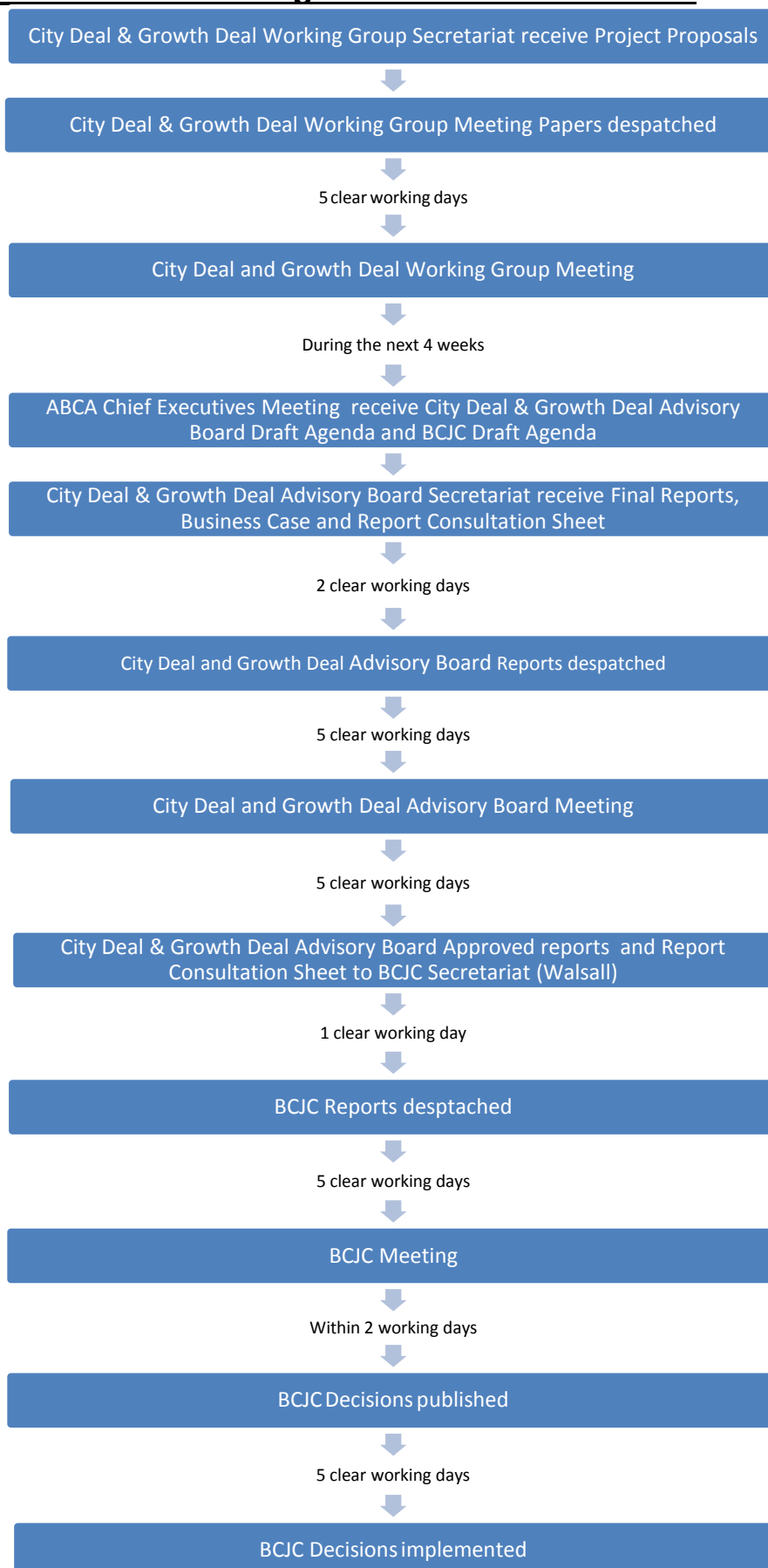
Updated June 2016

Protocol 1: For the management of Black Country Executive Joint Committee (BCJC) business

1. This protocol relates to the procedure and processes to be used in determining business to be submitted to and considered by the BCJC in accordance with the timeline set out in the **Appendix A** to this protocol and the detailed yearly timetable agreed at the BCJC Annual Meeting in June of each year.
2. The BCJC will meet in accordance with the schedule of meetings approved by the BCJC at its Annual Meeting in June of each year.
3. A meeting of the BCJC may be convened at any time by the Secretary in consultation with the Chair subject to the Access to Information rules or General Exception and Special Urgency (Protocol 3).
4. A meeting of the BCJC must also be convened within 28 days of the Chair receiving a requisition of any two voting members addressed to the Secretary of the BCJC. All requisitions shall be in writing and no business other than that specified in the requisition shall be transacted at such a meeting.
5. The agenda for the BCJC will be prepared by Walsall MBC as the secretariat based on the current published version of the Forward Plan.
6. The Forward Plan will be prepared to cover a period of 4 months, beginning with the first day of any month. It will be prepared on a monthly basis and published in line with the dates agreed at the BCJC AGM (at least 14 days before the start of the period) by Walsall Council as Secretariat to BCJC.
7. A Key Decision cannot be added to the BCJC Agenda for publication unless included in a Forward Plan that has been published and/or the General Exception Procedure (Protocol 3) has been applied (including the need for at least 5 clear working days to have elapsed since its publication - except in matters of Special Urgency).
8. Notwithstanding that an item has been included in the Forward Plan, written reports for consideration by the BCJC must have been approved by the City Deal & Growth Deal Advisory Board.
9. The **Protocols for the management of business for the City Deal and Growth Deal Working Group and the City Deal and Growth Deal Advisory Board** must be followed.
10. All reports to the BCJC must take the format using the report template at **Appendix B**.
11. The report Consultation Sheet (see **Appendix C**) referred to in the City Deal and Growth Deal Working Group and Advisory Board protocols should be fully completed by Directors prior to any report being presented to the City Deal and Growth Deal Advisory Board otherwise the report will not be considered by the Advisory Board.
12. The report Consultation Sheet must accompany the report when submitted to the BCJC Secretariat otherwise the report will not be considered by the BCJC.

13. All reports are to be verbally presented at the BCJC by the relevant Director/Author of the report.
14. In exceptional circumstances where, following the despatch of BCJC papers it is found necessary to submit additional information to the BCJC or amend a report recommendation, the Secretariat should be notified as soon as possible in order that the matter can be referred to the ABCA Leaders Meeting/pre-BCJC meeting for notification in advance of the BCJC receiving the additional information formally at the meeting.
15. The purpose of the pre-BCJC meeting is for the BCJC to consider any last minute issues relating to items on the published Agenda of the BCJC.
16. The Chair of the City Deal and Growth Deal Working Group has Delegated Authority to **Deploy a Change Control process, introduce Over Programming and approve New Small Projects.** Details of these delegations are contained within the **BCJC Constitution Annex C** and the process procedures are contained within the **Protocols for the management of business for the City Deal and Growth Deal Working Group and the City Deal and Growth Deal Advisory Board.**
17. Should Delegated Authority be used, the Programme Management Officer must advise the BCJC Secretariat and provide a report from the Chair of the Working Group for the next BCJC meeting. The report should provide details of the purpose for which Delegated Authority was used and the reason for which it was sought and ask the BCJC to note its contents.
18. This protocol will apply without exception to all meetings of the BCJC.

Protocol 1 : For the management of BCJC business



- Project Proposals for the City Deal & Growth Deal Working Group should be included in the BCJC Forward Plan as soon as practically possible.
- The BCJC Forward Plan will be published monthly in line with the timetable that is agreed at the BCJC AGM and will be available on the website at : http://cms.walsall.gov.uk/index/council_and_democracy/black_country_joint_committee.htm



Black Country Executive Joint Committee
Dudley, Sandwell, Walsall and Wolverhampton

**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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Report Consultation Sheet for reports to the City Deal & Growth Deal Advisory Board and the Black Country Executive Joint Committee

Report title	
Author and contact details	
Responsible Director and Title (inc Local Authority)	
City Deal & Growth Deal Advisory Board meeting date	
BCJC meeting date	
Key decision	YES/NO
Report included in the BCJC Forward Plan	YES/NO (and if not why)

Consultation

Officers	Consulted - Who	Date(s) consulted	Date approval received by Consultees
(a) Legal services			
(b) Finance			
(c) Other (please state)			

Comments:

Please include any further comments that support the Joint Committee report, include any explanations as to why the report is incomplete e.g. information not available until closer to the meeting, etc.

Approvals

Director's Name, Title and LA	Comments	Signature	Date

- 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 to the Advisory Board 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.
- The consultation sheet must make it clear that consultees have responded (putting “no comments” is misinterpreted). If you have not received comments say “not received”.
- This 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 be 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.
- The Report Consultation Sheet must be returned fully completed to the Programme Manager, Walsall Council with your final report.
- Please note that if a completed consultation sheet confirming that appropriate consultation has taken place is not received ahead of the publication of papers and prior to the Advisory Board meeting, the decision will be removed from the Joint Committee agenda.

Protocol 2 : For the notification of “key decisions” for inclusion in the Black Country Executive Joint Committee (BCJC) Forward Plan

1. The 4 Chief Executives will publish once a year a notice in at least one newspaper circulating in their area giving details of the Forward Plan and where and when it will be available.
2. The Forward Plan is published at least 14 days before the start of the period. All “Key Decisions” must appear on the published Forward Plan 5 clear working days before the Agenda is published for the BCJC.
3. The exception to (2) above will be in urgent circumstances where a matter arises that has not been included in the Forward Plan but a decision needs to be taken at the next BCJC meeting. For this process, please see Protocol 3 General Exception and Special Urgency.
4. The Forward Plan will be updated and published monthly (at least 14 days before the start of the period) by Walsall Council as the Secretariat in line with the schedule of dates agreed at the BCJC AGM.
5. The Plan will be available in hard copy on deposit in Walsall Council’s First Stop Shop, on Walsall Council’s website and a link to this page will also be available on Dudley MBC, Sandwell MBC and Wolverhampton City Council’s websites.
6. The responsibility for updating the Forward Plan will rest with Walsall Council as Secretariat. The process will be as follows:
 - a. Black Country Directors for Regeneration and the Chief Executive of the Black Country Consortium Ltd will email (using the form at **Appendix A**) items to be included in the Forward Plan to the BCJC Programme Manager (or nominated officer) in line with the timetable agreed.
 - b. The BCJC Programme Manager (or nominated officer) will update the draft BCJC Forward Plan and email this to BCJC Secretariat who is responsible for updating and publishing the Forward Plan each month in line with the timetable published.
7. A Key Decision:
 - a. In these regulations a “key decision” means an executive decision, which is likely:
 - i. to result in the relevant local authority incurring expenditure which is, or the making of savings which are, significant having regard to the local authority’s budget for the service or function to which the decisions relates; or

- ii. to be significant in terms of its effects on communities living or working in an area comprising two or more wards or electoral divisions in the area of the relevant local authority.
- b. In determining the meaning of “significant” for the purpose of paragraph (1) this will be if it results in incurring expenditure which either exceeds that included in any approved revenue or capital budget, or results in the Council incurring expenditure, or the making of savings which are equivalent to or more than 5% of any approved revenue budget or 10% of a capital budget, subject to a de minimus level of £100,000.

BLACK COUNTRY EXECUTIVE JOINT COMMITTEE
FORWARD PLAN OF KEY DECISIONS

(insert the current 4 month period) (insert date of publication)

Date first entered into the plan	Project Name	Key Decision to be considered (to provide adequate details for those both in and outside of the Council)	Background papers (if any) and Contact Officer	Main consultees	Date Item to be considered

Protocol 3 : For when “Key Decisions” have not been included in the BCJC Forward Plan

1. General Exception

If a matter which is likely to be a Key Decision has not been included in the Forward Plan, then the decision may still be taken at the forthcoming BCJC if the agenda and papers for the meeting have not been published in line with the required timescales and :

- (a) The decision must be taken by such a date that it is impracticable to defer the decision until it has been included in the next Forward Plan – ie you cannot wait for the decision to be included on the next published Forward Plan.
- (b) The relevant Chief Executive in consultation with the Director for Regeneration sponsoring the Key Decision, must produce a **Notice for information** giving details of :
 - i. the matter to which the decision is to be made
 - ii. why it has not been included in the Forward Plan
 - iii. why it cannot wait to be included in the next Forward Plan;
- (c) This **Notice for information** must be emailed to the other Chief Executives (all 3) and their Directors for Regeneration who will **Notify for information** the Chair of their relevant Overview and/or Scrutiny and Performance Committee/Panel, or each member of that Committee/Panel if there is no Chair, via email and advise by telephone.
- (d) A copy of the **Notice for information** must also be emailed to the BCJC Secretariat who will ensure it is uploaded onto the BCJC website and available to the public at Walsall Council's First Stop Shop.
- (e) Once confirmation of receipt of the **Notice for information** from the Chair of the Overview and/or Scrutiny and Performance Committee/Panel (all 4) has been received, a copy must be emailed to the BCJC Secretariat.
- (f) At least 5 clear working days must have elapsed since paragraph (a), (b), (c), (d) and (e) have been complied with before the item will be included on the Agenda which must be published 5 clear working days before the BCJC meeting takes place.

Where such a decision is taken collectively, it must be taken in public.

2. Special Urgency

If the General Exception (1) cannot be followed due to timescales but the decision must be taken by such a date that it is impracticable to defer, then:

- (a) The relevant Chief Executive in consultation with the Director for Regeneration sponsoring the Key Decision request must produce a **Notice for agreement** giving details of :
 - i. the matter to which the decision is to be made
 - ii. why it has not been included in the Forward Plan
 - iii. why it cannot wait to be included in the next Forward Plan;
- (b) This **Notice for agreement** must be emailed to the other Chief Executives (all 3) and their Directors for Regeneration who will **Notify for agreement** the Chair of their relevant Overview and/or Scrutiny and Performance Committee/Panel, or each member of that Committee/Panel if there is no Chair, via email and advise by telephone **requesting the agreement of the Chairs (all 4)** that the taking of the decision cannot be reasonably deferred.
- (g) A copy of the **Notice for agreement** must also be emailed to the BCJC Secretariat who will ensure it is uploaded onto the BCJC website and available to the public at Walsall Council's First Stop Shop.
- (c) Once emailed confirmation of the **agreement** of this Notice has been received from the Chair of the Overview and/or Scrutiny and Performance Committee/Panel (all 4) a copy must be emailed to the BCJC Secretariat.
- (d) An Amended Agenda with the additional paper will then be circulated to the BCJC members, uploaded onto the BCJC website and available to the public at Walsall Council's First Stop Shop.

It should be noted that utilising the General Exception or Special Urgency procedures still requires that the City Deal and Growth Deal Advisory Board should receive the report in line with their Protocols and then recommend it for approval by the BCJC.

Protocol 4 : For the practical operation of call-in procedure

1. When a decision is made by the Black Country Executive Joint Committee (BCJC) that decision will be published within two working days by the Secretariat (Walsall).
2. All Members of BCJC will receive decisions electronically via email and copies will also be placed on the website.
3. The decision notice will bear the date on which it is published and the date on which the decision (s) may be implemented on the expiry of five working days after publication unless the decision is called in.
4. For the avoidance of doubt and the practical operation of the Scrutiny process, it was agreed by the BCJC at its meeting on 26 March 2014, that each Council will continue as it currently does, with its own Scrutiny process.
5. Where an Overview and/or Scrutiny Committee/Panel chooses to call-in a decision, it can do and report under the normal procedures of its particular Council.
6. However, in addition and for transparency, when a Call-in Notice is received and accepted, the BCJC Secretariat should be notified immediately by the Chief Executive and/or Democratic Services and supplied with a copy of the Call-in Notice that gives details of the Call-in.
7. The BCJC Secretariat will then at this point advise (for information only) BCJC members and Chief Executives and/or Democratic Services who should advise (for information only) their Overview and/or Scrutiny and Performance Committee/Panels of the Call-in.
8. If the Author of the report and/or the Regeneration Director with responsibility for the matter called-in is from a different local authority due to the matter being a joint project affecting more than one local authority, then this authority should provide a full briefing to the hosting authority's Regeneration Director to enable him/her to present at the Overview and/or Scrutiny Committee/Panel. **For the avoidance of doubt, Regeneration Directors will only present and be questioned by their own local authority Overview and/or Scrutiny and Performance Committee/Panel.**
9. The findings of the Overview and/or Scrutiny Committee/Panel should then be forwarded via email by the Chief Executive and/or Democratic Services to BCJC Secretariat as soon as they are received.
10. If the Overview and/or Scrutiny and Performance Committee/Panel (s) are in agreement with the BCJC decision then the response will be reported to the next available meeting of the BCJC. The BCJC Secretariat will then at this point advise (for information only) BCJC members and Chief Executives and/or Democratic Services who should advise (for information only) their Overview and/or Scrutiny and Performance Committee/Panels.
11. Otherwise the BCJC will receive and consider the Overview and/or Scrutiny and Performance Committee's/Panel's recommendation(s) at a special meeting to be called

within a further 10 working days from receipt of all of the Overview and/or Scrutiny and Performance Committee/Panels recommendation(s).

12. Once the BCJC has met and reached a decision on the recommendations, the BCJC Secretariat will at this point advise (for information only) Chief Executives and/or Democratic Services who should advise (for information only) their Overview and/or Scrutiny and Performance Committee/Panels.

Note: The Call-in procedure set out above will not apply where the decision taken by the Executive is deemed urgent and in need of immediate implementation. A decision will be deemed urgent only if it can be demonstrated to the Chair of the BCJC that any delay would seriously prejudice the interest of the Councils or the public generally.