



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

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## **BLACK COUNTRY EXECUTIVE JOINT COMMITTEE**

### **CONSTITUTION**

**Adopted on 26 March 2014**  
**And updated in June 2023**

#### **1. Establishment**

Dudley MBC, Sandwell MBC, Walsall MBC and Wolverhampton City Council established an Executive Joint Committee known as the Black Country Executive Joint Committee (BCJC) for the purpose of discharging the functions mentioned in Annex A. The BCJC 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 BCJC.

#### **2. Membership, voting and quorum**

- 2.1 The BCJC 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 BCJC 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 BCJC.
- 2.2 Each Council may appoint members of its Executive as substitute for the voting members appointed under (i) above to attend meetings of the BCJC and its sub-committees in the absence for any reason of the voting members or observer members. 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.
- 2.3 Three voting members of the BCJC 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 BCJC.

- 2.4 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.
- 2.5 That the relevant Standing Orders for BCJC are those of Walsall Metropolitan Borough Council.

### **3. Chairperson**

The BCJC 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 BCJC shall elect a Chair from amongst the voting members present for that meeting but shall not count for purposes of rotation.

### **4. Secretariat**

- 4.1 The BCJC Secretary and such other officers as may be deemed necessary for the due conduct of the business of the BCJC shall be Walsall Metropolitan Borough Council.
- 4.2 The Secretary shall be responsible for collating, preparing and publishing (in accordance with Access to Information requirements) the Forward Plan, the Agenda, reports, decision notices and minutes as appropriate.

### **5. Frequency of the Committee meetings**

- 5.1 Meetings of the BCJC shall be held at the date, time and place agreed at the AGM and published by the Secretary of the BCJC following the AGM unless otherwise directed by the BCJC.
- 5.2 The BCJC shall meet as agreed at its AGM.
- 5.3 However a meeting of the BCJC may be convened at any time by the Secretary in consultation with the Chair for the meeting.
- 5.4 A meeting of the BCJC must also be convened by the Chair within 28 days of the receipt of a requisition of any two voting members of the BCJC 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.

- 5.5 The BCJC shall from time to time make such standing orders for the carrying on of the business of the BCJC as the BCJC shall deem necessary and or desirable.

## **6. Bringing reports to the Committee meetings**

- 6.1 The Single Accountable Body will be responsible for transferring the Heads of Regeneration Working Group reports to the Joint Committee report templates once they are approved in the format provided for in the BCJC Protocols document.
- 6.2 All other reports from any subcommittee and or Council will also take the form as set out in BCJC Protocols document.
- 6.3 The Senior Project Officer supported by the relevant Senior Responsible Officer/Head of Regeneration from the Local Authority, will present reports regarding funding at meetings of the BCJC on matters relating to BC LEP Legacy Funds.

## **7. Delegations**

- 7.1 The BCJC (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 B** lists delegations to officers.
- 7.2 The BCJC shall from time to time appoint such sub-committees and Advisory Boards to consider and deal with any of the functions of the BCJC as may be thought desirable.

**Functions of the Black Country Executive Joint Committee**

1. To receive reports from the Heads of Regeneration Working Group and any Sub Committee of the Black Country Executive Joint Committee (BCJC) or Advisory Board of the BCJC.
2. At any time review and agree proposed changes to the Functions of the BCJC, 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 BCJC sees fit.
4. In relation to the Black Country Local Enterprise Partnership Legacy Funds
- 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 matters in relation to the Black Country Local Enterprise Partnership Legacy funds.
  - b. Agreeing allocation of spending;
  - c. Agreeing major priorities;
  - d. Consider and agree recommendations made by the Heads of Regeneration Working Group and any Sub Committee or Advisory Board of the BCJC;
  - e. Refer recommendations received back from the Heads of Regeneration Working Group and any Sub Committee or Advisory Board of the BCJC 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 (Single) Accountable Body status for a body or organisation;
- 4.3 Agree, review and amend options at any time for any Sub Committee or Advisory Board of the BCJC governance which is fit for purpose;

**Annex A**  
**Terms of Reference**

- 4.4 Influence and align government investment in order to boost economic growth;
- 4.5 Have regard to the duty to cooperate and BCJC's overall function as set out above;
- 4.6 To ensure alignment between decision making on all BC LEP Legacy Funds 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 Black Country ensuring that business views are taken on board and that growth plans are reflected in strategic priorities;
- 4.8 Deciding on capital expenditure programmes and ensuring policy and programmes are delivered effectively through partners;

**Delegation of Authority to the**  
**Chair of the Heads of Regeneration Working Group**

Pursuant to Item 3 in the Constitution, on 17 June 2015 the Black Country Executive Joint Committee (BCJC) approved the Delegation of Authority to the Executive Director for Economy, Environment and Communities within Walsall Council in his role as Chair of the Heads of Regeneration Working Group. On 21 June 2023 the Delegation was amended and simplified to the Chair of the Heads of Regeneration Working Group removing the reference to Walsall Council's Executive Director for Economy, Environment and Communities.

The Chair of the Heads of Regeneration Working Group has delegation to:

**1. Deploy a Change Control process to "in-flight" projects previously approved by the Black Country Local Enterprise Partnership Board and the BCJC within a clearly stated range of Project Tolerances, allowing:**

- 1.1 the approval of changes up to a maximum of 10% of individual grant value or up to £300,000 whichever is lower (all grant changes excluding year-end);
- 1.2 that changes of between 0 and 5% are to be considered as re-forecasting and do not need to be reported to the BCJC until the final report on changes to the programme is presented to the BCJC in June each year;

It is however understood that :

- 1.4 "in-flight" Change Control decisions taken under Delegated Authority by the Chair of the Working Group must be made in consultation with the Single Accountable Body Section 151 Officer;
- 1.5 the Chair of the Working Group must report the decision at the next available Black Country Executive Joint Committee meeting, which is then recorded in the minutes of that meeting [published on the BCJC website](#)

**2. Deploy a Change Control process to projects at Year-End for projects previously approved by the Black Country Local Enterprise Partnership Board and the BCJC within a clearly stated range of Project Tolerances, allowing;**

- 2.1 the approval of changes up to a maximum of 15% of individual grant value or up to £500,000 whichever is lower (e.g. if a project grant allocation is £2m up to

£300,000 of changes can be agreed in the current financial year under delegated authority).

It is however understood that:

- 2.2 the cumulative maximum of projects approved via delegated authority being no more than 10% of the total value of the in year
- 2.3 Year-End Change Control decisions taken under Delegated Authority by the Chair of the Working Group must be made in consultation with the Single Accountable Body Section 151 Officer, Sponsoring Heads of Regeneration Working Group member and the Chair of the BCJC.
- 2.4 the Chair of the Working Group must report the decision at the next available Black Country Executive Joint Committee meeting, which is then recorded in the minutes of that meeting [published on the BCJC website](#)
3. **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 funds, ensuring:**
  - 3.1 the total combined value of these projects must not exceed 10% of the annual approved grant value.
  - 3.2 each individual New Small Project cannot exceed 10% of the value above which is 10% of the annual approved grant value.

It is however understood that:

- 3.3 Approval of New Small Projects taken under Delegated Authority by the Chair of the Working Group must be made in consultation with the Single Accountable Body Section 151 Officer, Sponsoring Heads of Regeneration Working Group member and the Chair of the BCJC.
- 3.4 The Chair of the Working Group must report the decision at the next available Black Country Executive Joint Committee meeting, which is then recorded in the minutes of that meeting [published on the BCJC website](#)
4. **Approve an immaterial change to the grantee or an administrative error within a report recommendation under delegated authority.**
  - 4.1 Immaterial changes (i.e. Name Change, or name correction of the Grantee) can be approved or an administrative error (i.e. a typo or transposition to grant value of less than 5% up to and not greater than £10,000), within the recommendation of the report can be rectified under Delegated Authority

5. **Delegated Authority should only be used when :**
  - 5.1 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
  - 5.2 the existing provisions of Special Urgency and General Exception within the Black Country Executive Joint Committee Protocols are not available.
6. Procedures will be implemented by the Chair of the Heads of Regeneration 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.