

# PROTOCOLS

# For the management of the Black Country Executive Joint Committee

# Updated June 2023

# **CONTENTS**

## <u>Page</u>

For the management of Black Country Executive Joint Committee (BCJC) business		<u>3</u>
<u>Protocol 2</u>	For the notification of decisions for inclusion in the Black Country Executive Joint Committee (BCJC) Forward Plan	<u>5</u>
<u>Protocol 3</u>	For when Decisions have not been included in the BCJC Forward Plan	<u>7</u>
<u>Protocol 4</u>	For the practical operation of call-in procedure of Key Decisions	<u>9</u>
Appendix A	For the management of BCJC business	<u>11</u>
Appendix B	Report Template	<u>12</u>
Appendix C	Report Consultation Sheet	<u>16</u>
Appendix D	Forward Plan	<u>19</u>
Appendix E	Access to Information Notice	<u>20</u>
Appendix F	Notice for Information (General Exception)	<u>21</u>
Appendix G	Notice for Agreement (Special Urgency)	<u>22</u>

# 1. <u>Protocol 1</u>: 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 **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 Decision (Key or Non-Key) cannot be added to the BCJC Agenda for publication unless it has been included in the Forward Plan that has been published for the forthcoming 4 month period. All Decisions should therefore appear on the Forward Plan for at least 28 days prior to the decision being taken. If the Decision has not been included in the Forward Plan but needs to be taken at the next available BCJC, then the General Exception Procedure (Protocol 3) must be applied and completed with at least 5 clear working days prior to publication of the agenda of the meeting for which the Decision is required. If the timescale for the General Exception Procedure has passed, then the Special Urgency Procedure (Protocol 3) should be followed.
- 8. Notwithstanding that an item has been included in the Forward Plan, written reports for consideration by the BCJC must have been endorsed by the Heads of Regeneration Working Group.
- 9. The Protocols for the management of business for the Heads of Regeneration Working Group 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 (**Appendix C**) should be fully completed prior to any report being presented to the Heads of Regeneration Working Group.
- 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 regarding funding are to be verbally presented at the BCJC by the Senior Project Officer supported by the relevant Head of Regeneration/Senior Responsible Officer from the relevant Local Authority.
- 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. The matter can then be referred to the Private pre-BCJC meeting.
- 15. 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 Heads of Regeneration Working Group has Delegated Authority to Deploy a Change Control process (in-year change control, year-end change control and immaterial changes) 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 Heads of Regeneration Working Group.
- 17. Should Delegated Authority be used, the Chair of the Working Group must advise the BCJC Secretariat and provide a report 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.

#### 2. <u>Protocol 2</u> : For the notification of decisions for inclusion in the Black Country Executive Joint Committee (BCJC) Forward Plan

- 1. The BCJC Secretariat 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 and Non-Key Decisions" should appear on the published Forward Plan for at least 28 days prior to the decision being taken. The Forward Plan should include Public and Private Reports with the appropriate Exemption used.
- 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 on Walsall Council's website and a link to this page will also be available on Dudley MBC, Sandwell MBC and City of Wolverhampton 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 Heads of Regeneration will email items to be included in the Forward Plan to the BCJC Programme Manager (Walsall) (or nominated officer) in line with the timetable agreed (**Appendix D**).
  - b. The BCJC Programme Manager (Walsall) (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. If it is decided that an item appearing on the Forward Plan should be taken in Private Session, the relevant Head of Regeneration (Director) should immediately notify the BCJC secretariat (Walsall) identifying the report on the published Forward Plan and giving the reason why it needs to be taken in Private Session.
- 8. The BCJC Secretariat (Walsall) will then publish an Access to Information Notice on the BCJC website to inform the public (**Appendix E**).

- 9. A Key Decision:
  - a. A "key decision" means an executive decision, which is likely:
    - i. to result in the BCJC making a decision or a 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 (i) above, savings or expenditure are significant if they exceed £100,000.

# 3. <u>Protocol 3</u> : For when Decisions have not been included in the BCJC Forward Plan

#### **General Exception**

If a 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 Head of Regeneration sponsoring the Decision must produce a **Notice for information (Appendix F)** giving details of :
  - i. the matter to which the decision is to be made
  - ii. why is 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 BCJC Secretariat (Walsall) for distribution to all (4) Chief Executives, Heads of Regeneration (Directors) and Democratic Services Team 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) Once the BCJC Secretariat has received confirmation of receipt of the Notice for information from the Chair of the Overview and/or Scrutiny and Performance Committee/Panel (all 4) the item will be included in the "Decisions notified after publication" document published on the BCJC webpage. The item will then be added to the BCJC 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.

## Special Urgency

If the General Exception (1) cannot be followed due to short timescales or the Agenda has been published 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 Head of Regeneration (Director) sponsoring the Decision request must produce a Notice for Agreement (Appendix G) giving details of :
  - i. the matter to which the decision is to be made
  - ii. why is 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 BCJC Secretariat (Walsall) for distribution to all (4) Chief Executives, Heads of Regeneration (Director) and Democratic Services Team 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.
- (c) Once emailed confirmation of the <u>agreement</u> 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 (Walsall).
- (d) The BCJC Secretariat (Walsall) will ensure the **Notice for Agreement** is uploaded onto the BCJC website.
- (e) An Amended Agenda with the additional paper will then be circulated to the BCJC members and uploaded onto the BCJC website.

It should be noted that utilising the General Exception or Special Urgency procedures still requires that the Heads of Regeneration Working Group should receive the report in line with their Protocols and then recommend it for approval by the BCJC.

# 4. <u>Protocol 4</u> : For the practical operation of call-in procedure of Key Decisions

- 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 clear working days after publication.
- 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 Key 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 Head of 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 Head of Regeneration (Director) to enable him/her to present at the Overview and/or Scrutiny Committee/Panel. For the avoidance of doubt, Heads of 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/Panel's 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.

#### APPENDIX A

#### For the management of BCJC business



- Project Proposals for the Heads of Regeneration Working Group should be included in the BCJC Forward Plan as soon a 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 <u>Website : www.walsall.gov.uk</u> or by following this link <u>Black Country Executive Joint Committee Forward Plan</u>

# REPORT OF THE HEADS OF REGENERATION WORKING GROUP (OR COUNCIL) <u>TO</u> BLACK COUNTRY EXECUTIVE JOINT COMMITTEE <u>ON</u> (DAY, MONTH, YEAR)

# (INSERT TITLE OF REPORT)

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#### 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 Heads of Regeneration Working Group. with approval requested by the BCJC.
- 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.

#### 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 BCJC.
- 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. BENEFIT COST RATIO (VALUE FOR MONEY)

Benefit-cost ratios (BCRs) are utilised in capital budgeting to analyse the overall value for money of undertaking a new project. It is an indicator showing the relationship between the relative costs and benefits of a proposed project, expressed in monetary or qualitative terms.

#### 5. FINANCIAL IMPLICATIONS

All relevant financial implications. You must consult the appropriate Finance Officer at the outset of the project. You must give sufficient time for the appropriate Finance Officer to comment on your report. Your report will not be considered if the Finance Officer has not commented.

#### 6. LEGAL IMPLICATIONS

You must consult the appropriate 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.

#### 7. RISK MANAGEMENT

Key risks should be identified and explanations given as to how they will be managed.

#### 8. EQUALITY IMPLICATIONS

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

#### 9. CONSULTATION

- 9.1 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".
- 9.2 There is an expectation that wherever possible, Ward Councillors should be consulted and involved in matters affecting their Ward.
- 9.3 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.

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

#### Note:

- It is the responsibility of the Senior Responsible Officer/Sponsoring Senior Responsible Officer to identify and consult with relevant officers and external parties about the proposals and the contents of the draft reports. Should any material 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 **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.

#### Attachments

List any attachments that will accompany the report, if no attachments are required, state 'None'

#### Report Author - (insert name and contact details)

#### Senior Responsible Officer (SRO) - (insert name and contact details)

Sponsoring Senior Responsible Office (SSRO) - (insert name and contact details)

#### Report Consultation Sheet for reports to the Heads of Regeneration Working Group and the Black Country Executive Joint Committee

Report title	
Author Name and contact details	
SRO Name and contact details	
SSRO Name and contact details	
Responsible Director Name	
Designation and Local Authority	

Meeting Date Meeting Date		CJC eeting Date
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Key Decision	YES/NO*	Included in the Forward Plan	YES/NO*

DELETE AS APPROPRIATE

#### Consultation

Officers	Consulted – Who (name/designation)	Date(s) consulted	Comments of Consultees
Legal			
Finance			
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.

If the report contains sensitive/confidential information, please, highlight relevant parts of the report and state the reason why this report must be considered in the private Joint Committee session (please select the category under the Description of exempt information from the list provided\*).

#### Approval

Responsible Director Name	Signature	Date
-		
Comments		

SRO / SSRO Name	Signature	Date
Comments		

#### PLEASE NOTE

- It is the responsibility of the SRO/SSRO 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 Heads of Regeneration Working Group 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 BCJC Programme Manager (Walsall) via email at <u>icst@walsall.gov.uk</u> 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.
- The Report Consultation Sheet must be returned fully completed to the Programme Manager, Walsall Council via email at <u>jcst@walsall.gov.uk</u>
- with your final report. Any material consultation responses or issues will be reported at the Heads of Regeneration meeting if not incorporated into the 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 Heads of Regeneration Working Group, the decision will be removed from the Joint Committee agenda.

#### <u>\* Schedule 12A to the Local Government Act, 1972 (as amended)</u> <u>Access to information: Exempt information Part 1</u> <u>Description of exempt information: England</u>

Exempt information means information falling within the following 8 categories (subject to any condition):

# Category

- 1. Information relating to any individual.
- 2. Information which is likely to reveal the identity of an individual.
- 3. Information relating to the financial or business affairs of any particular person (including the authority holding that information).
- 4. Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter arising between the authority or a Minister of the Crown and employees of, or office holders under, the authority.
- 5. Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.
- 6. Information which reveals that the authority proposes:
  - (a) to give any enactment a notice under or by virtue of which requirements are imposed on a person; or
  - (b) to make an order or direction under any enactment.
- 7. Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.
- 8. Information being disclosed during a meeting of a Scrutiny and Performance Panel when considering flood risk management functions which:
  - (a) Constitutes a trades secret;
  - (b) Its disclosure would, or would be likely to, prejudice the commercial interests of any person (including the risk management authority);
  - (c) It was obtained by a risk management authority from any other person and its disclosure to the public by the risk management authority would constitute a breach of confidence actionable by that other person.

#### APPENDIX D

## Black Country Executive Joint Committee Forward Plan of Key Decisions

# Published up to October 2023

Date Created	Key Decision	Contact Officer	Main consultee	Date of meeting

#### Access to Information Notice Local Authorities (Executive Arrangements) Meetings and Access to Information (England) Regulation 2012

# Black Country Executive Joint Committeee (BCJC) – (insert date)

Notice is hereby given that in accordance with the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulation 2012, the undermentioned report to be considered by BCJC on (insert date) will be considered in private session for the reason stated:

# (Report name)

Reason : (details)

Enquiries regarding this notice should be directed to the Black Country Executive Joint Committee Secretariat, Chief Executives Office, Walsall Council, Email : chiefexecutive@walsall.gov.uk or Telephone : 01922 652089.

# Chief Executive of Walsall Council And Secretary to the Black Country Executive Joint Committee

Date:

When completed, this Notice should be emailed to BCJC Secretariat ChiefExecutive@walsall.gov.uk for distribution.

Dear all,

#### Notice for Information (General Exception) – (Insert Project Name)

I am writing to Black Country Chief Executives and Heads of Regeneration (Directors) to request that in accordance with the Black Country Executive Joint Committee's protocols the General Exception Protocol can be used to allow the **(Insert Project Name)** Decision to be added to the BCJC Agenda before it is published for the meeting to be held on **(Insert Meeting date)**.

This is Protocol 3 of the management of Black Country Executive Joint Committee Business (For when Decisions have not been included in the BCJC Forward Plan).

This Decision:

- has not been on the Forward Plan for the required 28 days, due to (Insert reason)
- cannot be deferred until the next publication of the Forward Plan because (insert reason).
- Is a Key Decision (delete as appropriate)

The Decision to be taken in relation to the above project is as follows:

#### • (Insert Decision)

This **Notice for Information** must now be forwarded by each of you to the Chair of your Overview and/or Scrutiny and Performance Committee/Panel or each member of that Committee/Panel if there is no Chair, via email and advised by telephone.

The Chair of your Overview and/or Scrutiny and Performance Committee/Panel **must then** confirm via email to me that they have received the request by (insert date before the Agenda is published).

Once this confirmation has been received from all 4 Chairs, the Decision will be uploaded onto the BCJC Forward Plan and included on the forthcoming BCJC agenda for (Insert date).

Thank you for your assistance.

Kind regards

Chief Executive of Walsall Council And Secretary to the Black Country Executive Joint Committee ChiefExecutive@walsall.gov.uk

#### When completed, this Notice should be emailed to BCJC Secretariat ChiefExecutive@walsall.gov.uk for distribution

Dear all,

### Notice for Agreement (Special Urgency) – (Insert Project Name)

I am writing to Black Country Chief Executives and Heads of Regeneration (Director) to request that in accordance with the Black Country Executive Joint Committee's protocols, the Special Urgency Protocol can be used to allow the (Insert Project Name) Decision to be added to the Agenda for the meeting on (Insert Meeting date).

This is Protocol 3 of the management of Black Country Executive Joint Committee Business (For when Decisions have not been included in the BCJC Forward Plan).

This Decision:

- has not been on the Forward Plan for the required 28 days, due to (Insert reason)
- cannot be deferred until the next publication of the Forward Plan because (insert reason).
- Is a Key Decision (delete as appropriate)

The Decision to be taken in relation to the above project is as follows:

#### • (Insert Decision)

This **Notice for Agreement** must now be forwarded by each of you to the Chair of your Overview and/or Scrutiny and Performance Committee/Panel or each member of that Committee/Panel if there is no Chair, via email and advised by telephone.

The Chair of your Overview and/or Scrutiny and Performance Committee/Panel **must then** confirm via email to me if they agree with the request.

Once this confirmation has been received from all 4 Chairs, the decision will be included on the forthcoming BCJC agenda for (Insert date).

Please ensure you send an email confirming that your Chair of Overview and/or Scrutiny and Performance Committee/Panel has given agreement by **no later than (day before the meeting)**.

Thank you for your assistance.

Kind regards

Chief Executive of Walsall Council And Secretary to the Black Country Executive Joint Committee ChiefExecutive@walsall.gov.uk