
Meeting of the Cabinet – 6th January 2020

Joint Report of the Chief Executive and the Deputy Chief Executive

Approval to Widen the Scope of the Black Country Joint Committee

Purpose

1. To update Cabinet on the changes that require implementation following the launch of the Government's National Growth Assurance Framework and the recent appointment of Walsall Council as the Black Country Local Enterprise Partnership's Single Accountable Body. The recommendations will allow the proposed changes to be implemented. This is to ensure that the four Black Country Councils and the Black Country Local Enterprise Partnership (LEP) will meet the implementation timeframes imposed by the Government.

Recommendations

2. That the Cabinet:
 - Note the roles and responsibilities set out in the Ministry of Housing, Communities and Local Government National Local Growth Assurance Framework.
 - Approve amendments to the Collaboration Agreement covering the widening of the scope of the Black Country Executive Joint Committee's roles and responsibilities, Constitution and Terms of Reference.
 - Approve the delegation of authority to the Black Country Executive Joint Committee to make decisions on its behalf in relation to the approval of all Black Country LEP funding applications, together with submissions for all external funding on behalf of the Black Country Local Enterprise Partnership and Collaboration Agreement partners.
 - Authorise officers to draft and enter into the appropriate Black Country Executive Joint Committee Collaboration Agreements Deed of Variation.
 - Delegate authority to the Deputy Chief Executive, following consultation with the Cabinet Member for Regeneration and Enterprise, to take part in any

negotiations and to make any minor amendments prior to its sealing as a Deed.

- Note that Cabinet will receive a further report in due course in relation to the governance of the Enterprise Zones as set out in paragraph 14.

Background

3. Black Country Councils were asked during 2013 to consider and approve the formation of the Black Country Executive Joint Committee, subsequently granting it the functions and powers to administer the City Deal and Growth Deal programmes. Dudley's Cabinet approved these arrangements on the 20th March 2013.
4. These roles, functions and powers, together with how the four Black Country Councils and the Black Country Consortium (the five partners) will work together were captured in the City Deal and Growth Deal Collaboration Agreement, signed and sealed on the 7 May 2014. This included an acceptance of delegated authority from each of the Council's Cabinets for the Black Country Executive Joint Committee to act as the decision making body for these identified programmes.
5. Further amendments to the Collaboration Agreement were approved by the Black Country Council Cabinets and the Black Country Executive Joint Committee on the 7th September 2016. This effectively widened the scope of the Black Country Executive Joint Committee to include decisions in relation to funding applications into and funding received from the West Midlands Combined Authority (WMCA), for example the Land and Property Investment Fund (LPIF).
6. The Ministry of Housing, Communities and Local Government (MHCLG) released its National Local Growth Assurance Framework in January 2019. This document is available on the [Committee Management Information System](#). This sets out the key roles and responsibilities expected from all Local Enterprise Partnerships (LEPs), including the introduction of a requirement that all Local Enterprise Partnerships must have a single Accountable Body in place by the 28th February 2020.
7. In response to these requirements, the Black Country Local Enterprise Partnerships (22 October 2018) and the Black Country Executive Joint Committee (23 January 2019) both confirmed acceptance of Walsall Council as the 'single Accountable Body for all funds secured by the Local Enterprise Partnership'. With the Black Country Executive Joint Committee also tasking the Single Accountable Body to co-ordinate the work required to put into place the appropriate Collaboration Agreements.

8. This work has now started with a review led by Walsall Council of the existing Collaboration Agreement with the engagement and support of all signatory partners. This report asks Dudley's Cabinet to accept proposed amendments. Effectively widening the remit of the authority as delegated to the Black Country Executive Joint Committee by the four Cabinets of the Black Country Councils and if agreed, implemented as before through an appropriate Deed of Variation.
9. The Black Country Collaboration Agreement, including all proposed amendments and changes is available on the [Committee Management Information System](#). New amendments include that where the Single Accountable Body considers appropriate, it may require from the lead authority, letter signed by the Section 151 Officer and the Chief Executive confirming their understanding of the situation.
10. These changes will widen the scope of the Black Country Executive Joint Committee's work beyond its current remit to include all Black Country Local Enterprise Partnership funding either secured or awarded by Government. This includes for example: Growing Places and Enterprise Zone funding, together with any future funding or funding programmes approved, such as the Shared Prosperity Fund.
11. Should there be any further minor amendments required as a result of negotiations following approval by Cabinet, delegation is requested for the Deputy Chief Executive following consultation with the Cabinet Member for Regeneration and Enterprise, to take part in any negotiations and to make any minor amendments prior to its sealing as a Deed.
12. Approving the widening of the scope of the Joint Committee's role will assist Walsall Council in delivering its role as Single Accountable Body. This approach will allow the current governance arrangements administered by and through the Joint Committee to accept/receive funding directly allocated or approved by Government, and then for it to be administered through the appropriate appointed arrangements.
13. The National Assurance Framework requires that: 'The Local Assurance Framework should outline the agreement between the Accountable Body and the LEP, setting out agreed timescales and operating practices. It should detail the checks and balances that exist between the LEP, as the decision maker, and the Accountable Body.' Officers from the BCLEP and the single Accountable Body will now work together to draft and include these details within the Black Country Local Assurance Framework, with these and any future amendments requiring all partners Section 151 Officers approval, prior to consideration by the LEP Board and the Black Country Executive Joint Committee (BCJC) for their approval.

14. It is intended that the governance of the Black Country Enterprise Zone (BCEZ) will fall under the scope of the Black Country Assurance Framework. However, BCEZ funding is unique due to the nature of the funding mechanism and the Memoranda of Understanding already agreed in relation to existing Enterprise Zones, so further consideration is required. A paper setting out these additional governance principles is being prepared. Once approved by the BCLEP and supported by each of the Local Authorities, the principles will be included as an addendum to the Collaboration Agreement, with the intention being that individual funding agreements on a site by site basis will not be required. A further report will be brought to Cabinet in order to seek approval to this addendum.
15. The Black Country Executive Joint Committee will be the body responsible for approving all expenditure associated with the Black Country Growth Deal and City Deal Programmes, West Midland Combined Authority and the funds directly allocated by Government and/or secured by the Black Country Local Enterprise Partnership. This will follow the governance arrangements as set out within the National and Local Assurance Frameworks, following individual project assessments and spend recommendations by the Black Country Local Enterprise Partnership.
16. The parties to this agreement have and continue to use the governance and operational arrangements as set out within the Collaboration Agreement to successfully deliver these programmes.

Council Plan and Borough Vision

17. The role of the Black Country Joint Committee in overseeing and approving expenditure devolved to the Black Country Local Partnerships will support the delivery of the Council's 2030 Vision through the awarding of funding for new residential, commercial, leisure, transport and education facilities, creating vibrant towns and communities to live and work for all our residents.

Finance

18. There are no direct financial implications associated with this report.

Law

19. Under the Local Government Act 1972 and Local Government Act 2000 as amended by the Localism Act 2012 and regulations issued by the Secretary of State the Council's Executive has the power to setup a Joint Executive Committee.
20. An Executive Joint Committee is effectively an extension of Cabinet, making decisions on behalf of Cabinet where it has delegated Authority to do so. Delegation does not prevent Cabinet from choosing to excise the powers instead of the Joint Committee nor withdrawing at any time the delegation per a specific matter or item or in its entirety.

21. By Cabinet approving the Deed of Variation it will be extending the remit of the Black Country Joint Executive Committee to include funding to the Black Country area directly allocated to the Black Country LEP by Government. In order to bring these changes into effect, the original signatories to the Collaboration Agreement being the four Black Country Councils and the Black Country Consortium Limited will need to enter into the Deed of Variation.

Equality Impact

22. There are no direct implications relating to the Council's commitment to equality and diversity.

Organisational Development/Transformation

23. There are no organisational development / transformation implications arising from this report.

Commercial/Procurement

24. There are no commercial / procurement matters arising from the report

Health, Wellbeing and Safety

25. The report is seeking to revise the existing Black Country Joint Committee Collaboration Agreement. Projects seeking funding from the Black Country LEP will need to consider their impact on Health, Wellbeing and Safety as part of the application and appraisal process.



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Background Documents

The following documents are available on the [Committee Management Information System](#). Printed copies can be sent to any Members on request:

- The Ministry of Housing, Communities and Local Government (MHCLG) - National Local Growth Assurance Framework.
- Black Country Collaboration Agreement, including all proposed amendments and changes.