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## Meeting of the Cabinet - 28<sup>th</sup> October 2021

### Joint report of the Chief Executive and Deputy Chief Executive

### Approving amendments to the Black Country Executive Joint Committee Collaboration Agreement

#### Purpose

1. To obtain authorisation to enter into the Deed of Variation to the Black Country Executive Joint Committee Collaboration Agreement, and in line with the amended and current Black Country Executive Joint Committee governance to note the removal of the Joint Committee Advisory Board, with Black Country Heads of Regeneration Working Group taking responsibility for briefing respective Cabinet Portfolio Holders.

#### Recommendations

2. It is recommended:-
  - That Cabinet approve all proposed amendments to the Collaboration Agreement covering the Joint Committee Advisory Board removal, provided as **Appendix A** (additions highlighted in light blue) to this report.
  - That Cabinet authorise officers to draft and enter into the appropriate Black Country Executive Joint Committee Collaboration Agreement Deed of Variation and that authority be delegated to the Chief Executive, following consultation with the Leader of the Council, to take part in any negotiations and to make any minor amendments prior to its sealing as a Deed.

#### Background

3. Black Country Local Authorities 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 20 March 2013.
4. These roles, functions and powers, together with how the four Black Country Local Authorities and the Black Country Consortium (the five partners) will work together were captured in the City Deal and Growth Deal Collaboration Agreement, entered into on the

7 May 2014. This included an acceptance of delegated authority from each of the Local Authorities' Cabinets for the Black Country Executive Joint Committee to act as the decision making body for the identified programmes.

5. Since then, further amendments to the Collaboration Agreement were approved by the Black Country Local Authorities and the Black Country Executive Joint Committee (BCJC) as follows;
  - (i) 7 September 2016 (BCJC) to incorporate all funding opportunities administered by or resulting from the West Midlands Combined Authority.
  - (ii) 12 February 2020 (BCJC) to incorporate all current and future funding opportunities secured or operated by or through the Black Country Local Enterprise Partnership (BC LEP).
  - (iii) 9 December 2020 (BCJC) via a Supplemental Deed of Variation to add the governance and processes in relation to the Black Country Enterprise Zones.
6. These arrangements have successfully administered a number of complex government programmes over the past five years, these include but not limited to the annual Growth Deal spend profiles set by Government being met in full, with all funding claimed, audit requirements fulfilled and government evaluations met.
7. At its meeting on 5 November 2020, ABCA Chief Executives considered proposals for streamlining the BCJC governance arrangements and processes, and the option of removing Joint Committee Advisory Board approval stage and increasing the number of BCJC meetings was endorsed. It was followed by ABCA Leaders (9 December 2020) and Joint Committee Advisory Board (1 February 2021) endorsements.
8. The removal of the Joint Committee Advisory Board resulted in Heads of Regeneration Working Group holding the responsibility for consultation on all reports requiring recommendation to BCJC, including with the Cabinet Portfolio Holders. To ensure continuous visibility and transparency Heads of Regeneration now brief their Regeneration Cabinet Portfolio Holder on all of the reports, from across the Black Country, which require Heads of Regeneration Working Group endorsement.
9. The increase of BCJC meeting frequency ensures that key time-bound projects can receive approvals as required, reducing any delays. However, if there are no items on the BCJC Forward Plan, meetings will be cancelled.
10. The revised process is still compliant with requirements set out within the National and Local Assurance Frameworks, following individual project assessments and spend



recommendations by the Black Country Local Enterprise Partnership.

11. BCJC approved and adopted the current governance arrangements at its meeting on 17 February 2021. The BCJC Constitution and Protocols, and the BCLEP Local Assurance Framework have been updated to reflect these changes, and were approved by the BCJC at its Annual General Meeting on 23 June 2021.
12. The parties have and continue to use the governance and operational arrangements as set out within the Collaboration Agreement to successfully deliver the programmes.
13. Should there be any minor amendments required in addition to those highlighted (in yellow) as a result of negotiations following approval by Cabinet, delegation is requested for the Chief Executive in consultation with the Leader of the Council to take part in any negotiations and to make any minor amendments prior to its sealing as a Deed.

### **Finance**

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

### **Law**

15. Under the Local Government Act 1972 and Local Government Act 2000 as amended by the Localism Act 2011 and regulations issued by the Secretary of State the Council's Executive has the power to setup a Joint Executive Committee.
16. 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.
17. By Cabinet approving the Deed of Variation it will be capturing current Black Country Executive Joint Committee Governance arrangements, with the original signatories to the Collaboration Agreement being the four Black Country Local Authorities and the Black Country Consortium Limited required to enter into the Deed of Variation.

### **Risk Management**

18. There is a risk that the amendments to the Black Country Assurance Framework and the Black Country Executive Joint Committee Governance do not comply with National Government requirements. However, these changes have been reviewed by BCC Ltd and the Accountable Body team, and the Council's Legal Services to ensure that the governance is still robust and consistent with the requirements of the National Growth Assurance Framework, published by the Ministry of Housing, Communities and Local Government in January 2019.
19. There is a risk that removal of the Joint Committee Advisory Board results in reduced engagement with Portfolio Holders. However, the new process requires the Heads of

Regeneration Working Group voting member at the relevant Local Authority to brief Cabinet Portfolio Holders on all reports. This will ensure Cabinet Portfolio Holders are properly consulted and have oversight of all project and programme funding recommendations.

### **Equality Impact**

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

### **Human Resources/Organisational Development**

21. There are no Human Resource or Organisational Development matters arising from the report

### **Commercial/Procurement**

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

### **Council Priorities**

23. The role of the Black Country Joint Committee in overseeing and approving expenditure devolved to the Black Country Local Enterprise 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.



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### **Appendices**

Appendix A – Black Country Executive Joint Committee Collaboration Agreement

### **List of Background Documents**

Black Country Executive Joint Committee Collaboration Agreement

