


REPORT TO CABINET

22 January 2020

Subject:	National Local Growth Assurance Framework and changes to the Black Country Collaboration Agreement
Presenting Cabinet Member:	Councillor Wasim Ali - Cabinet Member for Resources and Core Services Councillor Bob Lloyd - Cabinet Member for Inclusive Economic Growth
Director:	Alison Knight – Executive Director - Neighbourhoods Darren Carter - Executive Director of Resources
Contribution towards Vision 2030:	
Key Decision:	Yes
Cabinet Member Approval and Date:	Yes
Director Approval:	Yes
Reason for Urgency:	Urgency provisions do not apply
Exempt Information Ref:	Exemption provisions do not apply
Ward Councillor (s) Consulted (if applicable):	This is boroughwide
Scrutiny Consultation Considered?	Scrutiny have not been consulted
Contact Officer(s):	Jenna Langford/Matthew Driver

DECISION RECOMMENDATIONS

That Cabinet:

1. Note the roles and responsibilities as captured within the Ministry of Housing, Communities and Local Government National Local Growth Assurance Framework, included as **Appendix A**.
2. Approve all proposed amendments, as highlighted, to the draft Collaboration Agreement covering the widening of the scope of the Black Country Executive Joint Committee roles and responsibilities, Constitution and Terms of Reference, included as **Appendix B**.
3. Authorise the Black Country Executive Joint Committee to make decisions on its behalf in relation to the approval of all Black Country Local Enterprise Partnership (BCLEP) funding applications, together with submissions for all external funding on behalf of the Black Country Local Enterprise Partnership and Collaboration Agreement partners.
4. Authorise officers to draft and enter into the appropriate Black Country Executive Joint Committee Collaboration Agreement Deed of Variation. Delegating authority to 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.
5. Authorise the Executive Director – Resources (Section 151 Officer) to agree in writing the underwriting of third party funding agreements by Sandwell MBC as set out in Section 7a of Appendix B.

1 PURPOSE OF THE REPORT

This report is seeking Cabinet approval to make changes to the Black Country Collaboration Agreement 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. This together with a set of recommendations for consideration and approval by Cabinet will allow the proposed changes as set out within this report to be implemented.

This is essential to ensure that the four Black Country Councils and the Black Country Local Enterprise Partnership will meet the implementation timeframes imposed by Government.

2 IMPLICATION FOR VISION 2030

Ambition 3

The key priority for extending the remit of the Black Country Executive Joint Committee is to ensure economic growth and prosperity for the Black Country by accessing funding opportunities via the Single Accountable Body.

Ambition 9

The role of Single Accountable Body for the BCLEP, Sandwell Council will continue to benefit by accessing external funding in support of our strategic Vision 2030 priorities.

Ambition 10

To build a more resilient and successful Sandwell, to work together under this agreement and focus on addressing the things that really matter in people's lives.

3 BACKGROUND AND MAIN CONSIDERATIONS

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. Sandwell's Cabinet approved these arrangements on the 13th November 2013.

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 Councils Cabinets for the Black Country Executive Joint Committee to act as the decision making body for these identified programmes.

Further amendments to the Collaboration Agreement were approved by the Black Country Councils Cabinet's and the Black Country Executive Joint Committee on the 7 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 & Property Investment Fund (LPIF).

The Ministry of Housing, Communities and Local Government (MHCLG) released its National Local Growth Assurance Framework in January 2019. Attached as **Appendix A**, this document sets out the key roles and responsibilities expected from all Local Enterprise Partnerships (LEPs), including the introduction of a requirement that all LEP's must have a single Accountable Body in place by the 28 February 2020.

In response to these requirements, the BCLEP (22 October 2018) and the Black Country Executive Joint Committee (BCJC) (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 BCJC also tasking the Single Accountable Body to co-ordinate the work required to put into place the appropriate Collaboration Agreements.

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 Sandwell's Cabinet to accept all proposed amendments (tracked and illustrated in yellow but yet to be finalised) as set out within **Appendix B**. 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.

If approved these changes will widen the scope of its work beyond its current remit to include all Black Country Local Enterprise Partnership funding either secured or awarded by Government.

Should there be any minor amendments to **Appendix B** required in addition to those highlighted (in yellow) because 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.

4 THE CURRENT POSITION

- 4.1 Sandwell MBC has worked under the Black Country Collaboration agreement since 2014.

5 CONSULTATION (CUSTOMERS AND OTHER STAKEHOLDERS)

- 5.1 Legal and finance officers from all signatory organisations of the original agreement being; Dudley Council, Sandwell Council, Wolverhampton City Council and the Black Country Consortium have been consulted with.

6 ALTERNATIVE OPTIONS

- 6.1 There is no alternative as this is a directive from Ministry of Housing, Communities and Local Government.

7 STRATEGIC RESOURCE IMPLICATIONS

- 7.1 There are no financial implications associated with this report at the time of drafting. All costs associated with the delivery of the Single Accountable Body functions by Walsall Council will be covered from resources top sliced from the grants managed, or from the interest generated from funding held, or a mixture of both as agreed by the Black Country LEP Board and the Black Country Joint Committee.

8 LEGAL AND GOVERNANCE CONSIDERATIONS

- 8.1 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.

8.2 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 for a specific matter or item or in its entirety.

8.3 By Cabinet approving the draft 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.

9 EQUALITY IMPACT ASSESSMENT

9.1 There are currently no direct equality implications arising from this report.

10 DATA PROTECTION IMPACT ASSESSMENT

10.1 Data Sharing agreement has been signed by all partners.

11 CRIME AND DISORDER AND RISK ASSESSMENT

11.1 A crime and disorder risk assessment is not required for this proposal.

12 SUSTAINABILITY OF PROPOSALS

12.1 Any future changes to the Black Country Collaboration Agreement will need to be approved by the cabinets of the Black Country Local Authorities.

13 HEALTH AND WELLBEING IMPLICATIONS (INCLUDING SOCIAL VALUE)

13.1 There are currently no Health and Wellbeing implications arising directly from this report.

14 IMPACT ON ANY COUNCIL MANAGED PROPERTY OR LAND

14.1 There are currently no managed property or land implications arising directly from this report.

15 CONCLUSIONS AND SUMMARY OF REASONS FOR THE RECOMMENDATIONS

15.1 Consider and approve all proposed amendments to the draft Black Country Collaboration Agreement including the widening of the scope of the Black Country Executive Joint Committees roles and responsibilities. Reaffirming its delegation of authority to this committee to make decisions on its behalf in approving Black Country Local Enterprise Partnership funding applications.

16 BACKGROUND PAPERS

16.1 See Appendix B Black Country Executive Joint Committee Collaboration Agreement.

17 APPENDICES:

17.1 Appendix A The Ministry of Housing, Communities and Local Government (MHCLG) National Local Growth Assurance Framework.

17.2 Appendix B Black Country Executive Joint Committee Collaboration Agreement.

Alison Knight – Executive Director - Neighbourhoods
Darren Carter - Executive Director of Resources