

# Report to Cabinet

**3 November 2021**

<b>Subject:</b>	Approving Amendments to the Black Country Executive Joint Committee Collaboration Agreement
<b>Cabinet Member:</b>	Councillor Iqbal Padda - Cabinet Member for Regeneration and Growth
<b>Director:</b>	Tony McGovern – Director of Regeneration and Growth Simone Hines – Director of Finance
<b>Key Decision:</b>	No
<b>Contact Officer:</b>	Matthew Driver, Senior Accountant <a href="mailto:Matthew.Driver@sandwell.gov.uk">Matthew.Driver@sandwell.gov.uk</a> Jenna Langford, Regeneration Manager <a href="mailto:Jenna.Langford@sandwell.gov.uk">Jenna.Langford@sandwell.gov.uk</a>

## 1 Recommendations

- 1.1 That approval be given to amendments to the Black Country Executive Joint Committee Collaboration Agreement covering the Joint Committee Advisory Board removal, as set out at Appendix A.
- 1.2 That the Director of Regeneration and Growth and the Director of Finance be authorised to draft and enter into the appropriate Black Country Executive Joint Committee Collaboration Agreement Deed of Variation.
- 1.3 That the Chief Executive, in consultation with the Leader of the Council, be authorised to take part in any negotiations and to make any minor amendments in connection with 1.1 and 1.2 above, prior to its sealing as a Deed.



## 2 Reasons for Recommendations

- 2.1 The Collaboration Agreement sets out the role of the Black Country Executive Joint Committee (BCJC) and how the Black Country Councils and the Black Country Consortium will work together. The Collaboration Agreement includes an acceptance of delegated authority from each of the Councils Cabinets for the BCJC to act as the decision making body for identified programmes.
- 2.2 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).
- 2.3 The removal of the Joint Committee Advisory Board resulted in the 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 respective Regeneration Cabinet Portfolio Holder on all of the reports, from across the Black Country, which require Heads of Regeneration Working Group endorsement.
- 2.4 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.
- 2.5 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.
- 2.6 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.



- 2.7 The parties have and continue to use the governance and operational arrangements as set out within the Collaboration Agreement to successfully deliver the programmes.

### 3 How does this deliver objectives of the Corporate Plan?

	<p><b>A strong and inclusive economy</b></p> <p>The recommendations in this report will allow the council to continue to work with the Black Country Local Enterprise Partnership and our neighbouring local authorities to make the best use of funding opportunities available for the Black Country.</p>
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### 4 Context and Key Issues

- 4.1 Black Country Councils were asked during 2013 to consider and approve the formation of the Black Country Executive Joint Committee (BCJC), subsequently granting it the functions and powers to administer the City Deal and Growth Deal programmes. Sandwell's Cabinet approved these arrangements on the 13<sup>th</sup> November 2013.
- 4.2 These roles functions and powers, together with how the four Black Country Councils and the Black Country Consortium (the five partners) would 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 BCJC to act as the decision making body for these identified programmes.
- 4.3 Amendments to the Collaboration Agreement were approved by the Black Country Local Authorities and the Black Country Executive Joint Committee (BCJC) as follows:
- 7 September 2016 (BCJC) to incorporate all funding opportunities administered by or resulting from the West Midlands Combined Authority.



- 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).
- 9 December 2020 (BCJC) via a Supplemental Deed of Variation to add the governance and processes in relation to the Black Country Enterprise Zones.

4.4 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.

## 5 Alternative Options

5.1 Failure to approve the proposed amendment to the Collaboration Agreement may impact on the operation of the BCJC which has successfully administered a number of complex government programmes including Growth Deal over the past five years. It is unlikely that Sandwell MBC would be able to access this funding without being part of the Collaboration agreement.

## 6 Implications

<b>Resources:</b>	<b>Financial implications:</b>  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 (SAB) 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 (BCJC).
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<p><b>Legal and Governance:</b></p>	<p>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.</p> <p>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.</p> <p>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.</p>
<p><b>Risk:</b></p>	<p>There are currently no direct risk implications arising from this report.</p>
<p><b>Equality:</b></p>	<p>There are currently no direct equality implications arising from this report.</p>
<p><b>Health and Wellbeing:</b></p>	<p>There are currently no Health and Wellbeing implications arising directly from this report.</p>
<p><b>Social Value</b></p>	<p>There are currently no Social Value implications arising directly from this report.</p>

## 7. Appendices

### 7.1 Appendix A: BCLEP Collaboration Agreement 2021.



## 8. Background Papers

None

