

Cabinet

Report Title	Delegation of powers to approve major transport schemes to the Black Country Joint Executive Committee
Date of Meeting	Wednesday, 4 February 2026
Report Author	Executive Director for Place Service Director of Governance (Monitoring Officer)
Lead Officer	Executive Director for Place
Lead Cabinet Member(s)	Cabinet Member for Regeneration and Infrastructure
Why is this a key decision?	1. Expenditure over £1 Million+ No. 2. Significant impact on 2 or more wards Yes.
Wards Affected	All (All Wards);
Identify exempt information and exemption category	No.
Is the report urgent?	No.
Reasons for urgency (only where applicable)	N/A
Appendices (if any)	1. Amendments to Constitution and Terms of Reference – Black Country Joint Executive Committee (BCJC)

1. Executive Summary

- 1.1 The report seeks approval to delegate decision making powers in relation to major transport schemes, to the Black Country Joint Executive Committee (the Joint Committee) This will allow the Joint Committee to oversee and approve transport and highways infrastructure schemes across the four Black Country authorities of Sandwell, Dudley, Walsall, and Wolverhampton, enable collective decision-making and coordination on major infrastructure investment, support regional connectivity, growth, and efficient governance across the Black Country.

2. Recommendations

The Cabinet is recommended to:-

- 2.1 Delegate to the Black Country Joint Executive Committee decision-making powers relating to the approval and delivery of transport and highways infrastructure schemes that fall within the Council's executive functions and are identified as strategic Black Country infrastructure priorities.
- 2.2 Agree the amended Terms of Reference for the Black Country Joint Executive Committee set out at Appendix 1 to this report.
- 2.3 Delegate authority to the Monitoring Officer & Service Director of Governance to make any necessary and consequential changes to Part 2.3: Responsibilities for Functions in the Constitution and to finalise these in consultation with the other Black Country authorities for inclusion within the Constitutions of each authority.
- 2.4 Agree that existing scrutiny arrangements for decisions of the Black Country Joint Executive Committee be retained and be undertaken by each Council's relevant Scrutiny Committee/Board.
- 2.5 Delegate authority to the Monitoring Officer & Service Director of Governance to make any consequential constitutional or procedural amendments required to give effect to these arrangements.

3. Proposals – Reasons for the recommendations

- 3.1 The four Black Country councils collaborate extensively on regional transport and infrastructure matters through the Black Country Transport Officers Group and the West Midlands Combined Authority (WMCA) frameworks.
- 3.2 There is currently no single governance body with delegated authority to take joint executive decisions on transport infrastructure projects of shared significance.
- 3.3 The lack of regional delegation arrangements for transport projects requires decisions to be taken by each Executive whose Local Authority is involved in the transport project concerned. Major transport projects by their nature, often cover two or more local authority areas. If a scheme required approval at each key stage by each of the four Black Country Authorities, this would require sixteen separate approvals across four key project stages. Furthermore, the calendars for meetings of the Executive rarely align, meaning a potential delay of more than 2 months while awaiting all Executives to make the necessary resolutions.
- 3.4 The Joint Committee formerly made decisions relating to funding flowing from the Black Country Local Enterprise Partnership (BCLEP), one of three LEPs across the West Midlands Combined Authority geography. The functions of the three LEP's were subsequently consolidated into the functions of the Combined Authority. As a result, the Joint Committee now makes decisions in relation to 'Legacy' LEP funds allocated by the BCLEP. There are, therefore, already well-established joint decision-making arrangements across the Black

Country that can be utilised for decisions on all major Transport Schemes funded via the City Regional Sustainable Transport Schemes (CRSTS) or 'Transport for City Regions' (TCR) fund.

- 3.5 Delegating decision making to the formal Joint Committee will streamline approvals, enhance accountability, and ensure consistent decision-making while retaining local democratic oversight. A maximum of four decisions would be required.

Governance Arrangements

- 3.6 The intention is for the Joint Committee to have delegated authority to make decisions in relation to Transport initiatives up to a value of £100million, reflecting the scale of interventions that will take place during the next funding period. Projects of a value over £100million will require the approval of relevant Cabinets, as is currently the case.
- 3.7 This governance model aligns with established practice across the region and facilitates efficient funding, procurement, and programme delivery for shared transport priorities.

Scrutiny Arrangements

- 3.8 Scrutiny for the Committee is currently primarily undertaken through the individual Black Country local authorities. A separate, joint Health Overview and Scrutiny Committee (JHOSC) operates for health-related matters.
- 3.9 Constituent local authorities within the Black Country can scrutinise the Joint Committee's performance, including funds like the Land and Property Investment Fund, while the JHOSC formally handles the scrutiny of NHS service reconfigurations and other health-related decisions across the four local authorities.
- 3.10 It is proposed that existing arrangements be mirrored in relation to strategic transport infrastructure matters with scrutiny of proposals undertaken through relevant scrutiny committees and boards and with the outcomes from each then reported to the Joint Committee.

Servicing of Committee

- 3.11 The existing Constitution of the Joint Committee specifies that secretarial support is provided by Walsall Metropolitan Borough Council with all meetings of the Joint Committee held in the offices of the Council unless otherwise directed by the Joint Committee.
- 3.12 These secretarial and support arrangements extend to include the publishing of agendas, reports and minutes in accordance with Access to Information requirements appropriate. Relevant Standing Orders for Black Country Joint Committee are those of Walsall Metropolitan Borough Council. No changes are proposed to any of these arrangements as a result of the proposals set out in this report.

4. Alternative Options Considered

4.1 The following alternative options have been considered:-

4.1.1 Option 1: Maintain existing arrangements. This option would not deliver efficient strategic transport decision-making and would limit the effective co-ordination of the delivery of key strategic highways and transport infrastructure schemes within the Black Country. This option was dismissed.

4.1.2 Option 2: Create a non-decision-making joint committee. This option would not deliver efficiencies in strategic transport decision-making and limit the effective co-ordination of the delivery of key strategic highways and transport infrastructure schemes within the Black Country. This option was dismissed.

5. Consultation

5.1 Consultation has been undertaken political and strategic leaders across the four Black Country authorities and the West Midlands Combined Authority, together with legal, finance and transport service areas for each authority. Comments and representations made are reflected in the proposals set out in this report.

6. Financial Implications

6.1 Administrative and secretariat functions will be shared between the participating authorities. Any scheme-specific expenditure will continue to be met from existing approved budgets, capital programmes, or external grant funding streams as agreed by each council.

7. Legal and Governance Implications

7.1 The Committee is constituted under ss101(5), 102, and 103 of the Local Government Act 1972. Executive functions may be discharged jointly in accordance with s.9EB of the Local Government Act 2000 and all relevant provisions that are applicable to Joint Committees of the Executive shall apply to the Committee.

7.2 Each participating authority will be required to agree to delegate additional relevant executive powers to the existing Joint Committee through their respective Cabinets. Consequential updates will be required to be made to the Constitutions of each of the four council's and amendment to the terms of reference for the Committee.

8. Risks

8.1 Without a joint governance structure, decision-making on shared transport infrastructure may remain fragmented, causing project delays and funding inefficiencies. Risks are mitigated by clear terms of reference, agreed voting rules, and scrutiny safeguards (including cross-authority call-in).

9. Equality and Diversity Implications (including the public sector equality duty)

- 9.1 All individual infrastructure schemes will be subject to their own equality impact assessments. The proposed joint arrangements do not, in themselves, create any adverse equality or diversity implications.

10. Other Relevant Implications

- 10.1 The proposal supports regional economic growth, housing delivery, and environmental sustainability objectives through improved transport connectivity.

11. Background Documents

- 11.1 Local Government Act 1972 (ss.101–103)
- 11.2 Local Government Act 2000 (as amended)
- 11.3 Black Country Transport Strategy
- 11.4 West Midlands Combined Authority governance framework
- 11.5 Constitution and Terms of Reference Black Country Joint Executive Committee

12. How does this deliver the objectives of the Strategic Themes?

- 12.1 The proposals set out in this report will help support delivery against the following strategic objectives:
- **Growing up in Sandwell.** The proposal will support the delivery of improved highways and transport access to education and training opportunities.
 - **Living in Sandwell.** The proposal supports enhanced connectivity and quality of place.
 - **Healthy in Sandwell.** The proposal promotes sustainable travel and air quality improvements through improved co-ordination between the authorities.
 - **Thriving Economy in Sandwell.** The proposal will contribute towards wider efforts to unlock strategic sites and facilitate inward investment.
 - **One Council, One Team.** The proposal demonstrates strategic partnership working, vision and shared leadership across the Black Country.

Relevance Check

Service Area:

Service Lead

Date:

In what ways does this change have an impact on an outward facing service? How will the service feel different to your customers or potential customers?

N/A

If not, how does it impact on staff e.g. redundancies, pay grades, working conditions? Why are you confident that these staff changes will not affect the service that you provide?

N/A

Is a Customer Impact Assessment needed? No