

Appendix 1 – Amended Terms of Reference – Black Country Joint Committee
Amendments highlighted in **purple/bold** for reference.



Black Country Executive Joint Committee
Dudley, Sandwell, Walsall and Wolverhampton

BLACK COUNTRY EXECUTIVE JOINT COMMITTEE

CONSTITUTION

Adopted on 26 March 2014
And updated in June 2023
And updated in June 2024
And updated in January 2026

1. Establishment

Dudley MBC, Sandwell MBC, Walsall MBC and Wolverhampton City Council established an Executive Joint Committee known as the Black Country Executive Joint Committee (BCJC) for the purpose of discharging the functions mentioned in Annex A. The BCJC is a joint committee of the Executive for the purposes of Part VI of the Local Government Act 1972 and Part I Chapter 2 of the Local Government Act 2000 and the provisions of thereof that are applicable to Joint Committees of the Executive shall apply to the BCJC.

2. Membership, voting and quorum

- 2.1 The BCJC shall comprise four members, each Council being entitled to appoint one voting member who shall be a member of the Councils Cabinet making the appointment. In the event of a voting member of the BCJC ceasing to be a member of the Council which appointed him/her, the Council shall forthwith appoint another voting member in his/her place. Only a voting member is entitled to be elected as Chair or Vice-Chair of the BCJC.
- 2.2 Each Council may appoint members of its Executive as substitute for the voting members appointed under (i) above to attend meetings of the BCJC and its sub-committees in the absence for any reason of the voting members or observer members. The substitute voting members or observer members shall be treated in all respects if they were appointed under (i) above as the case may be. The Secretary for the Committee shall be informed prior to the commencement of the meeting of the names of the substitute members.
- 2.3 Three voting members of the BCJC shall constitute a quorum. Except for **matters relating to strategic transport infrastructure schemes impacting two or more authorities** or as otherwise provided by statute, all questions shall

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be decided by a majority of the votes of the voting members present, the Chair having the casting vote in addition to his/her vote as a member of the BCJC.

- 2.4 For strategic transport infrastructure schemes impacting two or more authorities, all affected host authorities must approve. If one or more vote against a scheme is cast by voting members of an affected authority, the scheme shall be not approved.**
- 2.5 For the avoidance of doubt and subject to there being no changes to the law on this issue, where a Council is operating Executive arrangements pursuant to the Local Government Act 2000 (and any regulations made under it), it will be a matter for the Executive of the Council to appoint any voting member, or substitute member of the Committee as long as that member is a member of the appointing Councils Cabinet.
- 2.6 That the relevant Standing Orders for BCJC are those of Walsall Metropolitan Borough Council.

3. Chairperson

The BCJC shall at its Annual Meeting, elect a Chair and Vice-Chair from among its voting members or chose to adopt for that year to have a rolling Chair and Vice Chair being upon rotation. In the event of both being absent from the meeting, the Chair and Vice-Chair for whatever reason, the BCJC shall elect a Chair from amongst the voting members present for that meeting but shall not count for purposes of rotation.

4. Secretariat

- 4.1 The BCJC Secretary and such other officers as may be deemed necessary for the due conduct of the business of the BCJC shall be Walsall Metropolitan Borough Council.
- 4.2 The Secretary shall be responsible for collating, preparing and publishing (in accordance with Access to Information requirements) the Forward Plan, the Agenda, reports, decision notices and minutes as appropriate.

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5. Frequency of the Committee meetings

- 5.1 Meetings of the BCJC shall be held at the date, time and place agreed at the AGM and published by the Secretary of the BCJC following the AGM unless otherwise directed by the BCJC.
- 5.2 The BCJC shall meet as agreed at its AGM.
- 5.3 However a meeting of the BCJC may be convened at any time by the Secretary in consultation with the Chair for the meeting.
- 5.4 A meeting of the BCJC must also be convened by the Chair within 28 days of the receipt of a requisition of any two voting members of the BCJC addressed to the Secretary of the Committee. All requisitions shall be in writing and no business other than that specified in the requisition shall be transacted at such a meeting.
- 5.5 The BCJC shall from time to time make such standing orders for the carrying on of the business of the BCJC as the BCJC shall deem necessary and or desirable.

6. Bringing reports to the Committee meetings

- 6.1 **Walsall Metropolitan Borough Council as the Black Country Local Enterprise Partnership (LEP) and acting as the** Single Accountable Body will be responsible for transferring **all** the Heads of Regeneration Working Group reports to the Joint Committee report templates once they are approved in the format provided for in the BCJC Protocols document.
- 6.2 **All reports submitted to the Heads of Regeneration Working Group regarding any non-Black Country Local Enterprise Partnership (LEP) legacy fund must use a standard pro-forma template, jointly approved by Sandwell Metropolitan Borough Council and Wolverhampton City Council. Once these reports are approved, the Lead Authority is responsible for transferring them into the Joint Committee report templates as specified in the BCJC Protocols document. For example, the Black Country Transport team would be the Lead Authority for Black Country Transport reports.**
- 6.3 All other reports from any sub-committee and or Council will also take the form as set out in BCJC Protocols document.
- 6.4 The Senior Project Officer supported by the relevant Senior Responsible Officer/Head of Regeneration from the Local Authority, will present reports regarding funding at meetings of the BCJC on matters relating to BC LEP Legacy Funds.

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7. Delegations

- 7.1 The BCJC (as could a Cabinet) can delegate authority, but the law restricts that delegation only to officers of the four Local Authorities not any other persons. **Annex B** lists delegations to officers.
- 7.2 The BCJC shall from time to time appoint such sub-committees and Advisory Boards to consider and deal with any of the functions of the BCJC as may be thought desirable.

Functions of the Black Country Executive Joint Committee

1. To receive reports from the Heads of Regeneration Working Group and any Sub Committee of the Black Country Executive Joint Committee (BCJC) or Advisory Board of the BCJC.
2. At any time review and agree proposed changes to the Functions of the BCJC, and seek approval of the same from the four Council Executives of the Black Country authorities.
3. To agree and approve any proposed governance and or reporting structure that the BCJC sees fit.
4. In relation to the Black Country Local Enterprise Partnership Legacy Funds
 - 4.1 To act as a strategic body; setting and reviewing objectives for strategic investment across the Black Country, including:
 - a. Providing a coherent single position on the major strategic matters in relation to the Black Country Local Enterprise Partnership Legacy funds.
 - b. Agreeing allocation of spending;
 - c. Agreeing major priorities;
 - d. Consider and agree recommendations made by the Heads of Regeneration Working Group and any Sub Committee or Advisory Board of the BCJC;
 - e. Refer recommendations received back from the Heads of Regeneration Working Group and any Sub Committee or Advisory Board of the BCJC for further consideration as and when minded in the first instance to not follow recommendations at all or to materially change the substance of the decision except in the case of genuine urgency requiring a decision to be made at that time;
 - 4.2 Agreeing Lead and or (Single) Accountable Body status for a body or organisation;
 - 4.3 Agree, review and amend options at any time for any Sub Committee or Advisory Board of the BCJC governance which is fit for purpose;

Annex A
Terms of Reference

- 4.4 Influence and align government investment in order to boost economic growth;
- 4.5 Have regard to the duty to cooperate and BCJC's overall function as set out above;
- 4.6 To ensure alignment between decision making on all BC LEP Legacy Funds and decisions on other areas of policy such as land use, transportation, economic development and wider regeneration;
- 4.7 Co-ordinate and align decision making on transport with the Black Country ensuring that business views are taken on board and that growth plans are reflected in strategic priorities;
- 4.8 Deciding on capital expenditure programmes and ensuring policy and programmes are delivered effectively through partners;

The following additional text to be inserted -

5. **In relation to strategic transport infrastructure schemes affecting two or more Black Country councils:-**
 - 5.1 **Approve strategic transport and highways infrastructure projects.**
 - 5.2 **Approve joint bids for funding to regional, national, or other external bodies.**
 - 5.3 **Oversee shared delivery programmes and joint procurement where appropriate.**
 - 5.4 **Monitor progress on Black Country-wide transport strategies and infrastructure delivery.**

Delegation of Authority to the
Walsall Council's Single Accountable Body Section 151 Officer

1. At its meeting on 24th January 2024, the Black Country Executive Joint Committee (BCJC) agreed to cease the existing Delegated Authority in place to the Chair of the Heads of Regeneration Working Group and to replace with simpler new Delegated Authorities to Walsall Council's Section 151 officer in his role as the Single Accountable Body Section 151 Officer (SAB s151 officer).

2. Below are the delegated authority thresholds to the SAB s151 officer;
 - 2.1 Re-profiling of finances and outputs within funding end dates/programme lifetime
Consultation - SAB s151 officer only
(except for the Black Country Enterprise Zone (BCEZ) £250k Pipeline Development Grant spend re-profiles which would be in consultation with all Black Country Section 151 officers (BC s151s) due to the potential impact of permitting carry forwards on BCEZ surpluses returned to each Local Authority (LA) on 31 March 2025)

 - 2.2 Reallocation of funds between existing projects/funding sources (up to the original grant allocation)
Consultation - SAB s151 officer in consultation with other BC s151 officers*
(except for projects within the BCEZ £250k Pipeline Development Grant revenue grant for which the delegation is to the SAB s151 only, given the LEP Funding Sub-Group (LEP FSG) agreed to more flexibility for LA to spend on priority projects as they see fit at its last meeting)

 - 2.3 Reduction of outputs:
 - 2.3a If no material impact on programme outputs, and impact on Benefit Cost Ratio (BCR) doesn't take it below 1: 1.5 points
Consultation - SAB s151 officer

 - 2.3b If material impact on programme outputs or impact on BCR brings it lower than 1:1.5 points
Consultation - SAB s151 officer in consultation with other BC s151 officers*
If all agree - report to Association of Black Country Authorities (ABCA), otherwise, requires BCJC approval.

 - 2.4 Reduction of funding and release back into a competitive pot:
 - 2.4a If due to underspend, and project supports decision in writing
Consultation - SAB s151 officer only

 - 2.4b If project does not support the decision
Consultation - SAB s151 officer in consultation with other BC s151 officers*

 - 2.5 Increase on intervention rate in relation to match funding:
 - 2.5a <5%
Consultation - SAB s151 officer
 - 2.5b >5%
Consultation - SAB s151 officer in consultation with other BC s151 officers*

2.6 Immaterial changes
Consultation - SAB s151 officer

* Denotes that all s151 officers must unanimously agree with a decision, otherwise decisions would need to go to BCJC for approval.

3. When delegations are to be used, an email will be sent to all Leaders (cc Chief Executives) advising that the delegation is to be used and giving a summary of the matter for awareness. The delegations will be reviewed annually, as part of and in line with the Assurance Framework review undertaken by the SAB.

4. BCJC approval will still be required in the following instances:

- 4.1** Project(s) withdrawal due to identified due diligence issue meaning SAB cannot contract.
- 4.2** New funding decisions or where underspend on programmes need allocating to new project(s).

Note that:

- a) in the delegations, s151s make the decision to reduce/release the funding for redistribution, but BCJC will make the decision on the award to a new project;
- b) exception is the new projects funded by the BCEZ £250k Pipeline Development Grant revenue grant, which is delegated to SAB s151 only.

- 4.3** If BC s151 delegated decisions are not unanimous.
- 4.4** For any governance changes to BCJC, including to widen the scope of BCJC decisions to new funding awards/ programmes, to agree accountable/ lead authorities or delegations, etc.