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Dydd Mercher 11 Tachwedd 2020

Notice of meeting

Pwyllgor Dethol Bwrdd Gwasanaethau Cyhoeddus

Dydd Iau, 19eg Tachwedd, 2020 at 2.00 pm,
Remote Meeting

AGENDA

Item No	Item	Pages
1.	I ethol Cadeirydd.	
2.	Ymddiheuriadau am absenoldeb	
3.	Datganiadau o Fuddiant	
4.	Fforwm Agored i'r Cyhoedd	
5.	Gweithio Rhanbarthol: Ymgynghoriad y Cyd-bwyllgor Corfforaethol.	1 - 44
6.	Mynd i'r Afael â Thlodi drwy Bartneriaethau.	45 - 50
7.	Cofnodion y cyfarfod blaenorol a gynhaliwyd ar 27ain Gorffennaf 2020.	51 - 58
8.	Dyddiad ac amser y cyfarfod nesaf: I'w gadarnhau.	

Paul Matthews

Prif Weithredwr

MONMOUTHSHIRE COUNTY COUNCIL
CYNGOR SIR FYNWY

THE CONSTITUTION OF THE COMMITTEE IS AS FOLLOWS:

County Councillors:

D. Batrouni
L.Dymock
S. Howarth
P.Pavia
R.Roden
J.Treharne
T.Thomas
P.A. Fox

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Aims and Values of Monmouthshire County Council

Our purpose

Building Sustainable and Resilient Communities

Objectives we are working towards

- Giving people the best possible start in life
- A thriving and connected county
- Maximise the Potential of the natural and built environment
- Lifelong well-being
- A future focused council

Our Values

Openness. We are open and honest. People have the chance to get involved in decisions that affect them, tell us what matters and do things for themselves/their communities. If we cannot do something to help, we'll say so; if it will take a while to get the answer we'll explain why; if we can't answer immediately we'll try to connect you to the people who can help – building trust and engagement is a key foundation.

Fairness. We provide fair chances, to help people and communities thrive. If something does not seem fair, we will listen and help explain why. We will always try to treat everyone fairly and consistently. We cannot always make everyone happy, but will commit to listening and explaining why we did what we did.

Flexibility. We will continue to change and be flexible to enable delivery of the most effective and efficient services. This means a genuine commitment to working with everyone to embrace new ways of working.

Teamwork. We will work with you and our partners to support and inspire everyone to get involved so we can achieve great things together. We don't see ourselves as the 'fixers' or problem-solvers, but we will make the best of the ideas, assets and resources available to make sure we do the things that most positively impact our people and places.

Role of the Pre-meeting

1. Why is the Committee scrutinising this? (background, key issues)
2. What is the Committee's role and what outcome do Members want to achieve?
3. Is there sufficient information to achieve this? If not, who could provide this?
 - Agree the order of questioning and which Members will lead
 - Agree questions for officers and questions for the Cabinet Member

Questions for the Meeting

Scrutinising Performance

1. How does performance compare with previous years? Is it better/worse? Why?
2. How does performance compare with other councils/other service providers? Is it better/worse? Why?
3. How does performance compare with set targets? Is it better/worse? Why?
4. How were performance targets set? Are they challenging enough/realistic?
5. How do service users/the public/partners view the performance of the service?
6. Have there been any recent audit and inspections? What were the findings?
7. How does the service contribute to the achievement of corporate objectives?
8. Is improvement/decline in performance linked to an increase/reduction in resource? What capacity is there to improve?

Scrutinising Policy

1. Who does the policy affect ~ directly and indirectly? Who will benefit most/least?
2. What is the view of service users/stakeholders? Do they believe it will achieve the desired outcome?
3. What is the view of the community as a whole - the 'taxpayer' perspective?
4. What methods were used to consult with stakeholders? Did the process enable all those with a stake to have their say?
5. What practice and options have been considered in developing/reviewing this policy? What evidence is there to inform what works?
6. Does this policy align to our corporate objectives, as defined in our corporate plan?
7. Have all relevant sustainable development, equalities and safeguarding implications been taken into consideration? For example, what are *the procedures that need to be in place to protect children?*
8. How much will this cost to implement and what funding source has been identified?
9. How will performance of the policy be measured and the impact evaluated.

Questions for the Committee to conclude...

Do we have the necessary information to form conclusions/make recommendations to the executive, council, other partners? If not, do we need to:

- (i) Investigate the issue in more detail?
- (ii) Obtain further information from other witnesses – Executive Member, independent expert, members of the local community, service users, regulatory bodies...
- (iii) Agree further actions to be undertaken within a timescale/future monitoring report...

General Questions....

Empowering Communities

- How are we involving local communities and empowering them to design and deliver services to suit local need?
- Do we have regular discussions with communities about service priorities and what level of service the council can afford to provide in the future?

Service Demands

- How will policy and legislative change affect how the council operates?
- Have we considered the demographics of our council and how this will impact on service delivery and funding in the future?

Financial Planning

- Do we have robust medium and long-term financial plans in place?
- Are we linking budgets to plans and outcomes and reporting effectively on these?

Making savings and generating income

- Do we have the right structures in place to ensure that our efficiency, improvement and transformational approaches are working together to maximise savings?
- How are we maximising income? Have we compared other council's policies to maximise income and fully considered the implications on service users?
- Do we have a workforce plan that takes into account capacity, costs, and skills of the actual versus desired workforce?

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SUBJECT:	CORPORATE JOINT COMMITTEES
MEETING:	PUBLIC SERVICES SELECT COMMITTEE
DATE:	19th November 2020
DIVISION/WARDS AFFECTED:	ALL

1. PURPOSE:

To provide an overview of the draft Corporate Joint Committee Regulations and inform the development of a response to the Welsh Government consultation.

2. RECOMMENDATIONS:

- 2.1 The Committee is invited to discuss the proposals to inform its understanding of the implications and contribute to the development of a consultation response, which will then be subject to approval, by full Council.

3. KEY ISSUES:

- 3.1 The concept of Corporate Joint Committees was introduced within the Local Government and Elections (Wales) Bill. These will be new corporate bodies which can employ staff, hold assets and budgets and undertake functions. Discussions on the concept began in 2019, however there has been only limited engagement on the matter throughout 2020 as local government has been occupied with the response to the Coronavirus pandemic.
- 3.2 The specific functions of a CJC and how it will be governed are set out in Corporate Joint Committee Regulations which are currently being consulted on by Welsh Government with a closing date of 4th January. This committee paper will be supplemented by a presentation and the subsequent input from members used to develop a consultation response that will be presented at full council on December 3rd. The consultation questions are shown at appendix 1 and the full consultation documents as appendix 2.
- 3.3 The Minister intends to bring forward the final regulations by April 2021. This includes draft regulations for each of proposed CJs for North Wales, Mid Wales, South East Wales and South West Wales. The South East Wales Committee covers the same footprint as the Cardiff Capital Region. The draft regulations set out what each CJC can do and some of the key aspects of their governance, finance and staffing.
- 3.4 The regulations propose that CJs will exercise the following functions:
- Preparing, monitoring, reviewing and revising of a Strategic Development Plan;

- Developing a Regional Transport Plan;
- The economic well-being function encompassing the current regional approaches to the City and Growth deals into the CJC structures.

Education was initially considered as an function for inclusion within a CJC but is not included within the regulations.

- 3.5 Our region has a head start as it is able to build upon what already exists within the Cardiff Capital Region. For this approach to work it must preserve democratic legitimacy and harness the local knowledge and expertise that exists within communities.
- 3.6 The CJC is expected to be play a key role in ensuring that the region is able to access and make effective use of successor EU funds, known as the Shared Prosperity Fund. It will do this within the context of the Regional Investment Wales Framework created by Welsh Government to invest replacement funding from the UK Government.
- 3.7 Two key principles underpin the development of the Regulations:
- CJCs should be treated as a member of the local government family and subject to the same powers and duties as principal councils;
 - How they operate in practice should be left to the members of the CJC itself to determine which should enable the CJCs to differ between geographical areas to meet the needs and ambitions of region.
- 3.8 The draft regulations provide that CJCs:
- will be made up of leaders, though they could co-opt other members;
 - will be established on a 'one member one vote' basis, however, once established, a CJC could adopt alternative voting procedures;
 - will have powers delegated to it and will make timely decisions without the need for ratification by its constituent principal councils;
 - will be accountable to its constituent principal councils and members will report back to those principal councils and must respond to questions and scrutiny;
 - can set-up sub-committees to lead on specific functions and can agree other members such as cabinet members or co-optees;
 - must 'appoint' a Chief Executive, Chief Finance Officer, Monitoring Officer and Chief Governance Officer. However these could be provided by a constituent authority, or via secondment;
 - must set up an overview and scrutiny committee;
 - are likely to be bound by legislation such as the Equality Act, Welsh Language and Well-being of Future Generations Act.
- 3.9 It will be for each CJC to decide if it wishes to have sub-committees, and who sits on them. A CJC could choose to have sub-committees for each of its main functions and that these subcommittees might engage broadly and involve a range of relevant stakeholders. For example sub-committees could be introduced for planning and regional transport. It will be possible for CJCs' sub-committees to consist of members of the constituent local authorities other than those members on the CJC itself – for example a relevant member or portfolio holder.

- 3.10 There have been some concerns within the local government family that opportunities to engage with, and shape these proposals have been overshadowed by the Coronavirus pandemic. In some areas the concept of CJsCs would be welcomed as an additional and optional collaborative model for authorities to choose where they themselves deem them appropriate. However, the WLGA Council has expressed concern over the principle of mandating the committees which it has argued, undermines local democracy. The WLGA has nonetheless signalled a commitment to continue to engage in shaping the proposals.
- 3.11 The consultation questions are included in appendix 1 to this report along with a starting point for discussion. These will be used, alongside the input from the committee, to draft a response to the consultation.

4. WELLBEING OF FUTURE GENERATIONS IMPLICATIONS (INCORPORATING EQUALITIES, SUSTAINABILITY, SAFEGUARDING AND CORPORATE PARENTING)

A full evaluation has not been carried out at this stage. The committee's attention is drawn to the integrated impact assessment produced by Welsh Government which is available at <https://gov.wales/sites/default/files/consultations/2020-10/integrated-impact-assessment.pdf>

5. OPTIONS APPRAISAL

At this point no specific options have been put forward for consideration.

6. EVALUATION CRITERIA

CJsCs will operate as part of the performance and governance regime in the Local Government and Elections (Wales) Bill. The Strategic Development Plan and transport functions will also have separate performance measures and monitoring requirements either within the establishing regulations or within / part of the relevant legislation being transferred.

7. REASONS:

To ensure that the views of elected members in Monmouthshire are able to shape the development of the Corporate Joint Committee Regulations.

8. RESOURCE IMPLICATIONS:

Further work will be required to fully understand the resourcing of Corporate Joint Committees. This will include the production of a regulatory impact assessment by Welsh Government. Since the South East Wales CJC will occupy the City Region footprint many of the structures are already in place. If implemented effectively CJsCs should be able to pull capacity from within Welsh Government rather than absorbing capacity from local government.

9. CONSULTEES:

None

10. BACKGROUND PAPERS:

Welsh Government Consultation Document: Consultation on Regulations to Establish CJsCs

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Consultation Questions

Consultation Question One:

a) What are your views on CJsCs being subject to broadly the same powers and duties as principal councils? b) Do you agree that CJsCs should have broadly the same governance and administrative framework as a principal council provided that this is proportionate? Please give your reasons. c) Do you agree that members of CJsCs should have appropriate discretion on the detail of constitutional and operational arrangements? Please give your reasons.

Consultation Question Two: These CJC areas have been agreed by local government Leaders as the most appropriate to reflect the functions being given to CJsCs by these Establishment Regulations. Do you have any comments or observations on these CJC areas in relation to these functions or the future development of CJsCs?

Consultation Question Three: a) Do you agree with the approach to the development of the regulations for CJsCs as outlined in this consultation? Please give your reasons. b) We have indicated throughout this document what may be included in the Regulations of General Application, subject to the outcome of this consultation. Whilst the Regulations of General Application are not the subject of this consultation, in order to inform their development we would welcome your views on anything else which should be covered?

Consultation Question Four: a) Do you agree with the proposed approach to membership of CJsCs including co-opting of additional members? Please give your reasons. b) What are your views on the role proposed for National Park Authorities on CJsCs, as described above?

Consultation Question Five: a) What are your views on the proposed approach of 'one member one vote' and the flexibility for CJsCs to adopt alternative voting procedures? b) What are your views on the proposed quorum for CJsCs? c) What are your views on the proposed approach to voting rights for co-opted members to a CJC?

Consultation Question Six: a) What are your views on CJsCs being able to co-opt other members and/or appoint people to sit on sub-committees?

Consultation Question Seven: a) Do you agree that the approach to co-option of members would enable wider engagement of stakeholders in the work of a CJC? b) What might be needed to support CJC members in the involvement and engagement of appropriate stakeholders in their work?

Consultation Question Eight: a) Do you agree that members and staff of a CJC should be subject to a Code of Conduct and that the code should be similar to that of Principal Councils? Please give your reasons. b) What are your views on the adoption of a Code of Conduct for co-opted members? c) Should all co-opted members be covered by a code i.e. those with and without voting rights?

Consultation Question Nine a) What are your views on the proposed approach for determining the budget requirements of a CJC? b) What are your views on the timescales proposed (including for the first year) for determining budget requirements payable by the constituent principal councils?

Consultation Question Ten a) Do you agree that CJs should be subject to the same requirements as principal councils in terms of accounting practices? Please give your reasons. b) Do you agree that the detail of how a CJC is to manage its accounting practices should be included in the Regulations of General Application? If not what more would be needed in the Establishment Regulations?

Consultation Question Eleven: What are your views on the proposed approach to staffing and workforce matters?

Consultation Question Twelve: What are your views in relation to CJs being required to have or have access to statutory “executive officers”?

Consultation Question Thirteen: Do you have any other views on provision for staffing or workforce matters within the establishment regulations?

Consultation Question Fourteen: a) Is it clear what functions the CJs will exercise as a result of these establishment regulations? If not, why? b) Do the establishment regulations need to say more on concurrence, if so what else is needed, or should that be left to local determination? c) In your view are there any functions which might be appropriate to add to these CJs in the future? If yes, what?

Consultation Question Fifteen: Do you think the regulations should provide for anything to be a decision reserved to the CJC rather than delegated to a sub-committee? If so what?

Consultation Question Sixteen: What are your views on the approach to transfer of the exercise of functions to these CJs?

Consultation Question Seventeen: What are your views on CJs being subject to wider public body duties as described above?

Consultation Question Eighteen: a) The Welsh Government is keen to continue working closely with local government and others on the establishment and implementation of CJs. Do you have any views on how best we can achieve this? b) In your view, what core requirements / components need to be in place to ensure a CJC is operational, and exercising its functions effectively? c) In particular, what do you think needs to be in place prior to a CJC meeting for the first time, on the day of its first meeting and thereafter?

Consultation Question Nineteen: a) Do you think it would be helpful for the Welsh Government to provide guidance on the establishment and operation of CJs? b) Are there any particular areas which should be covered by the guidance?

Consultation Question Twenty: a) How can the Welsh Government best support principal councils to establish CJs? b) Are there areas the Welsh Government should prioritise for support? c) Is there anything that CJs should/should not be doing that these Establishment Regulations do not currently provide for?

Number: WG41255



Llywodraeth Cymru
Welsh Government

Welsh Government
Consultation Document

Regulations to establish Corporate Joint Committees (CJCs)

Date of issue: 12 October 2020
Action required: Responses by 4 January 2021

Mae'r ddogfen yma hefyd ar gael yn Gymraeg.
This document is also available in Welsh.

Overview	Corporate Joint Committees (CJCs) are being proposed to be established by regulation to exercise a number of principal council functions. We would like your views on the detail of the regulations to establish the CJCs.
How to respond	This is a written, electronic consultation. Questions can be found at appropriate points within each section and also at the end of this consultation document. You are welcome to choose how you respond, you can: complete the online form; download the form and complete manually and post to us at the address provided; or send via email.
Further information and related documents	Large print, Braille and alternative language versions of this document are available on request.
Contact details	For further information, please contact: Local Government Transformation & Partnerships Division Local Government Directorate Welsh Government Cathays Park Cardiff CF10 3NQ e-mail: LGPartnerships@gov.wales
Also available in Welsh at:	This consultation document can be accessed from the Welsh Government's website

General Data Protection Regulation (GDPR)

The Welsh Government will be data controller for any personal data you provide as part of your response to the consultation. The Welsh Ministers have statutory powers they will rely on to process this personal data which will enable them to make informed decisions about how they exercise their public functions. Any response you send us will be seen in full by Welsh Government staff dealing with the issues which this consultation is about or planning future consultations. Where the Welsh Government undertakes further analysis of consultation responses then this work may be commissioned to be carried out by an accredited third party (e.g. a research organisation or a consultancy company). Any such work will only be undertaken under contract. The Welsh Government's standard terms and conditions for such contracts set out strict requirements for the processing and safekeeping of personal data.

In order to show that the consultation was carried out properly, the Welsh Government intends to publish a summary of the responses to this document. We may also publish responses in full. Normally, the name and address (or part of the address) of the person or organisation who sent the response are published with the response. If you do not want your name or address published, please tell us this in writing when you send your response. We will then redact them before publishing.

You should also be aware of our responsibilities under Freedom of Information legislation.

If your details are published as part of the consultation response then these published reports will be retained indefinitely. Any of your data held otherwise by the Welsh Government will be kept for no more than three years.

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- for (in certain circumstances) your data to be 'erased'
- to (in certain circumstances) data portability
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Cathays Park
CARDIFF
CF10 3NQ
Data.ProtectionOfficer@gov.wales

The contact details for the Information Commissioner's Office are:

Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF

Tel: 01625 545 745 or
0303 123 1113
[ICO Website](https://ico.org.uk/)

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Foreword by the Minister for Housing and Local Government

Our world, post Covid-19, will be different. The pandemic has compelled public services and all levels of government in Wales to do things differently. Although the Covid-19 pandemic has been devastating and harmful in so many ways, there has been a tremendous amount of innovation, creativity and flexibility shown by the public sector, including local authorities and volunteers throughout Wales which we would like to build upon.

Collaboration has been a key feature of the Covid-19 response and it will also be key to our recovery.

As part of this approach I wish to bring more coherence to, and strip out some of the complexity of, regional governance arrangements - strengthening local democratic accountability by ensuring that it is local elected members making decisions together about local government services, for the benefit of their citizens and communities.

These regulations will establish Corporate Joint Committees, as provided for in the Local Government and Elections (Wales) Bill currently before the Senedd.

The model of Corporate Joint Committees builds on the best that has already been achieved in the development of regional arrangements in different parts of Wales. It learns from experience elsewhere in the UK and in the wider world. I am determined to protect and develop the ability of local authorities to engage with local communities and work as locally as possible. We have learned from experience that our ability to act locally is best defended when local action can be complemented by regional action where the nature of the service demands this and where scarce resources need to be shared.

We need to ensure that we have consistent, resilient and accountable regional arrangements for the delivery of strategic land use planning, strategic transport planning and economic development. We were working with our partners in local government to enable this approach before the Covid-19 pandemic struck, but it is now all the more important as we seek ways to help Wales recover.

Collaboration is not new to local government, principal councils have been collaborating effectively in a range of areas for a long time. Several of these collaborations will be easily accommodated by the Corporate Joint Committees. Others require a less consistent approach across Wales and will continue to use existing governance arrangements.

Establishing Corporate Joint Committees through these regulations will provide more coherence and less complexity in the approach to regional governance arrangements in exercising the three functions proposed. Corporate Joint Committees offer opportunities to streamline existing collaboration arrangements, and provide the clarity and consistency I know principal councils have been seeking. The aim is to reduce complexity and duplication of effort and resource. I hope the establishment of these four Corporate Joint Committees will also provide the catalyst to the development and implementation of collaborative arrangements across local government, where regional planning and delivery makes sense, using them as a means of maximising outcomes for the people of Wales by maintaining local

democratic accountability, reducing complexity and making the best use of resources.

Local government Leaders and officers have been engaged throughout the development of the Corporate Joint Committee proposals and these regulations and I have welcomed and valued their input. I would like to take this opportunity to express my thanks for the constructive engagement which has shaped both the Bill and these regulations. I am committed to continuing to work with local government on implementing and further developing CJs and look forward to receiving thoughts and views through this consultation process so we can make sure we get this right.

Julie James MS
Minister for Housing and Local Government

SECTION ONE – Introduction

What are Corporate Joint Committees?

In contrast to other joint committee structures which exist in statute, Corporate Joint Committees (CJCs) will be separate corporate bodies which can employ staff, hold assets and budgets, and undertake functions. A CJC when established will have specific functions vested in them.

CJCs will provide a more consistent approach by local government for strategic regional governance, planning and service delivery; offering a mechanism in which principal councils can work collaboratively and at scale to plan and deliver the key strategic functions that will be needed to respond to and recover from the recent Covid 19 pandemic. CJCs will build on the new behaviours, commitments and collaboration that has occurred during this time helping further develop and lock in the transformation of organisational working. CJCs will help to align the individual front line community based service delivery with the collaborative and strategic actions required at a regional scale to drive recovery, to re-build and to re-invest in modern local economies.

Background

The Minister for Housing and Local Government began discussing the concept of CJCs with local government Leaders through the Working Group on Local Government¹ (the Working Group) in early 2019. This Working Group had been established following the consultation on the Green Paper Strengthening Local Government: Delivering for People² in 2018. The objective of the Working Group was to develop a sustainable future for local government and local services without recourse to the comprehensive mergers of principal councils which had been indicated in the Green Paper and opposed by local government.

As part of this, the Working Group reviewed existing regional working arrangements in local government and the appetite and priorities for increased future collaboration.

In June 2019, the Minister for Housing and Local Government published the recommendations of the Working Group³. The recommendations covered a number of areas including shared services, voluntary mergers, powers and flexibilities, diversity in local government, and the mutual respect agenda.

One of the key recommendations was related to the joint desire to create a consistent mechanism for regional working which would retain local democratic accountability; consistency of delivery; and simplification of collaborative arrangements:

Working Group on Local Government - Recommendation 3: That Welsh Ministers should include provisions within the Local Government and Elections (Wales) Bill for a consistent mechanism for regional working.

¹ The Working Group on Local Government was created to develop a shared agenda for reform to ensure the sustainability of local service provision through appropriate structures and processes within the framework of democratic accountability

² [Consultation Outcome - Strengthening Local Government: Delivering for People](#)

³ [Working Group on Local Government Recommendations](#)

In order to ensure the delivery of this recommendation, a Local Government Sub Group of the Partnership Council for Wales⁴ was established to provide the necessary leadership and oversight for this work.

Local Government and Elections (Wales) Bill

The Local Government and Elections (Wales) Bill (the Bill) introduced into the Senedd in November 2019 included (in Part 5), as a response to the recommendations of the Working Group, provisions to create via regulations a vehicle for consistent regional collaboration between principal councils - CJsCs. The provisions also enable the constituent principal councils to invite participation by partners from other sectors in the work of CJsCs through a process of co-opted membership.

The constitutional and governance arrangements as well as the functions of the CJC will be set out in the regulations establishing them. The Bill sets out what the regulations will provide for to enable the effective establishment of CJsCs. However, the Bill does not detail the specific functions of a CJC or how it will be governed. This is all done via the regulations.

Part 5 of the Bill provides for the establishment, through regulations, of CJsCs by two routes:

- at the instigation of two or more principal councils. Two or more principal councils can request that the Welsh Ministers make regulations establishing a CJC for their areas in relation to any of the functions they exercise. The Bill sets out how this to be done and any conditions necessary.
- at the instigation of Welsh Ministers. The Welsh Ministers can establish a CJC to exercise functions without a request from principal councils, but only in relation to certain functions or functional areas which are specified on the face of the Bill.

This consultation is in relation to the establishment of CJsCs through the second route, that is, at the instigation of Welsh Ministers, in relation to the functions set out in Section 6. The consultation seeks views on the draft regulations – hereafter referred to as the Establishment Regulations.

The Minister for Housing and Local Government has confirmed her intention to bring forward regulations to establish the first CJsCs – that is one for each of the four regions described in Section Two below – by April 2021. The Bill provides that there must be consultation before Establishment Regulations can be made and that consultation can take place before commencement of the Bill. This formal consultation process therefore is taking place alongside the passage of the Bill through the Senedd and will be subject to that process.

⁴ The Local Government Sub Group of the Partnership Council was created to take forward a programme of work based on recommendations of the Working Group on Local Government and other issues related to local government reform

This consultation

This consultation is seeking your views on the draft Establishment Regulations which will create four regional CJsCs across Wales to exercise functions relating to strategic development planning and regional transport planning; they will also be able to do things to promote the economic well-being of their areas.

The aim is to ensure these Establishment Regulations provide for the core aspects of the establishment and operation of the four CJsCs, and are flexible enough to respond to the specific circumstances in each area. It is, therefore, important to recognise that the detail of implementation could differ between CJsCs.

Once established, and where the constituent principal councils wishes them to, these CJsCs would be able to exercise other functions in the future. It is important therefore that these Establishment Regulations provide the appropriate foundations to support this. Any future transfer of functions would be subject to further consultation and any necessary legislation at that time.

It is important to note for the purpose of this consultation that while there are four separate sets of Establishment Regulations, one for each CJC, the content of each separate set of regulations are substantially the same and we are therefore consulting on those regulations as one. Any reference to the Establishment Regulations, unless expressed otherwise, is a reference to all four draft sets of regulations. Similarly the Regulatory Impact Assessment (RIA) and the Integrated Impact Assessment (IIA) in Section 9 which accompany the regulations have been drafted as single documents relating to all four sets of Establishment Regulations.

Alongside the Establishment Regulations for each CJC there will be a set of regulations that will apply generally to all the CJsCs, setting out the detail of their governance and administrative arrangements and the legislative framework within which they will operate. Such regulations will be necessary to support the implementation of the Establishment Regulations. In this consultation paper where necessary these will be referred to as 'Regulations of General Application'. It is our intention to continue to work with local government on the content of the Regulations of General Application.

While these Regulations of General Application are not subject to this consultation, in order to put the Establishment Regulations in context, we have sought to indicate throughout what we think might be provided for within those Regulations of General Application, subject to the outcome of this consultation. This is not however intended to be a definitive or exhaustive description of the Regulations of General Application.

SECTION TWO – Approach to developing the regulations

Principles applied

Two key principles underpin the development of the Establishment Regulations for CJs:

- A CJC should be treated as a member of the ‘local government family’ and, where appropriate, should largely be subject to the same powers and duties as principal councils in the way that they operate. The intent is to avoid as far as possible making CJs do things in a manner that those in local government would be unfamiliar with or to create new and unfamiliar procedures, obligations, powers etc. which might increase administrative burdens
- The detail on how a CJC operates in practice should be left to the determination of the members of the CJC itself. This flexibility will enable the CJs to differ between geographical areas to meet the different needs and ambitions of their region.

Consultation Question One:

a) What are your views on CJs being subject to broadly the same powers and duties as principal councils?

b) Do you agree that CJs should have broadly the same governance and administrative framework as a principal council provided that this is proportionate? Please give your reasons.

c) Do you agree that members of CJs should have appropriate discretion on the detail of constitutional and operational arrangements? Please give your reasons.

Stakeholder engagement and co-production

The Minister for Housing and Local Government has held extensive discussions on the CJC proposals with local government Leaders, the Welsh Local Government Association (WLGA) and with wider public service stakeholders who will be impacted by the development of CJs. This co-development of the Establishment Regulations, and any accompanying Regulations of General Application, is aimed at ensuring they are fit for purpose and deliver on the intended outcomes of simplification and consistency of governance structures.

The mechanisms used for political engagement have included:

- The Working Group on Local Government
- The Partnership Council for Wales
- Local Government Sub Group of Partnership Council
- WLGA events including WLGA Executive Board, WLGA Council meetings, regular scheduled Ministerial meetings with the WLGA and meetings with a number of the WLGA political group Leaders
- Individual meetings with principal council Leaders
- Principal council Leaders in regional groupings

The Minister and officials have also engaged with Chief Executives via the Society of Local Authority Chief Executives (SOLACE).

In addition to political and Chief Executive engagement, there has also been joint working between officials to co-develop the detail which has informed these regulations. Such engagement has been forthcoming and welcomed by both Welsh Government and local government to ensure that the regulations meet the needs of principal councils, add value and do not unintentionally cut across other arrangements.

The Lawyers in Local Government Group (LLG) has been actively engaged on co-development of regulations relating to governance, audit, standards and scrutiny issues of CJs.

The Society of Welsh Treasurers (SWT) has been equally involved in considering detail of finance and funding regimes for CJs.

Local government and WLGA officers have also worked alongside Welsh Government officials in the functions to be transferred to a CJC. The opportunities and implications of the CJC model have been discussed in detail in order to help co-develop the Establishment Regulations and any Regulations of General Application.

From March 2020 the Covid-19 pandemic slowed this engagement because of more urgent priorities to support local government in its planning and delivery of essential services, especially for the most vulnerable in society.

Engagement with local government on CJs was resumed in July with Leaders, with the Society of Local Authority Chief Executives (SOLACE), the WLGA and local government officers, including LLG and SWT leads and also function-specific experts in areas such as transport and planning.

The Local Government Sub Group of the Partnership Council for Wales has provided oversight throughout the process, providing joint Ministerial and local government ownership.

Approach to determining the area of each CJC

The Bill allows for flexibility in relation to the area a CJC covers, and the Minister for Housing and Local Government has worked with local government Leaders to understand their desired footprint for the regional CJs being put in place under these first four sets of Establishment Regulations. It is important that this footprint was agreed with local government in order to provide an agreed baseline position for regional working that we can collectively build on for the future.

The WLGA political group Leaders wrote to the Minister in March 2020 to set out the local government view that the footprint for the CJs within these Establishment Regulations should be based on the existing city and growth deals geography.

Therefore, in line with the local government expressed preference, the Establishment Regulations have been prepared to reflect this request as follows:

CJC Area	Constituent Principal Councils	National Park Authorities*
Mid Wales	Ceredigion County Council Powys County Council	Brecon Beacons
South West Wales	Carmarthenshire County Council Neath Port Talbot County Borough Council Pembrokeshire County Council Swansea County Council	Brecon Beacons and Pembrokeshire Coast
North Wales	Conwy County Borough Council Denbighshire County Council Flintshire County Council Gwynedd Council Isle of Anglesey County Council Wrexham County Borough Council	Snowdonia
South East Wales	Blaenau Gwent County Borough Council Bridgend County Borough Council Caerphilly County Borough Council Cardiff Council Merthyr Tydfil County Borough Council Monmouthshire County Council Newport County Borough Council (more commonly known as Newport City Council) Rhondda, Cynon, Taff County Borough Council Torfaen County Borough Council The Vale of Glamorgan County Borough Council	Brecon Beacons

* As the Establishment Regulations include functions relating to strategic planning the regulations make provision about the membership of the committee by the National Park authority for that National Park. The National Parks have been included here to illustrate this membership.

Consultation Question Two:

These CJC areas have been agreed by local government Leaders as the most appropriate to reflect the functions being given to CJC's by these Establishment Regulations. Do you have any comments or observations on these CJC areas in relation to these functions or the future development of CJC's?

The content of the Establishment Regulations

The Establishment Regulations cover:

- The main governance and constitutional arrangements
- Finance, funding and budgetary matters
- Provisions for staffing and workforce
- The functions which will be exercised by the CJs

It is noted however that as these areas might overlap to a certain degree the regulations will not directly reflect these headings. However for the purpose of the consultation on the Establishment Regulations, the consultation has been set out against these four broad headings.

Regulations of General Application

As was indicated in the introduction, it is proposed that there will be Regulations of General Application to accompany and support the Establishment Regulations. The content of those regulations remains subject to the outcome of this consultation and ongoing discussions with local government. The Regulations of General Application, as with the Establishment Regulations, will be underpinned by the key principles in Section two, particularly the ambition for CJs to be treated as part of the 'local government family'.

The Establishment Regulations set out what each CJC can do and some of the key aspects of their governance, finance and staffing. The Regulations of General Application will deal with the detail of how they will work, and where and how existing local government legislation will apply to them.

Consultation Question Three:

- a) Do you agree with the approach to the development of the regulations for CJs as outlined in this consultation? Please give your reasons.**
- b) We have indicated throughout this document what may be included in the Regulations of General Application, subject to the outcome of this consultation. Whilst the Regulations of General Application are not the subject of this consultation, in order to inform their development we would welcome your views on anything else which should be covered?**

SECTION THREE – Governance and constitutional arrangements for CJs

The Establishment Regulations provide the core constitutional structure to enable the CJC to establish itself. This structure will need to be underpinned by further detail in the Regulations of General Application, for example in any proposed application (with or without modification) of relevant local government legislation.

Composition

The Establishment Regulations set out that each CJC will be comprised of a number of principal councils and the principal council areas combined will form the area of the CJC (the CJC areas set out in Section Two). The Establishment Regulations provide that a CJC will be run by a committee of its members and it will be the CJC which will be responsible for delivering the functions exercised by it and taking the necessary decisions required to deliver those functions. A CJC will be accountable to its constituent principal councils. Its members will report back to those principal councils and will respond to questions and scrutiny. However the CJC will have powers delegated to it and will make timely decisions without the need for ratification by its constituent principal councils.

Membership

In line with the requirements of Part 5 of the Bill, and previous discussions and consultation with local government, the Establishment Regulations provide that the CJs will comprise of the Leaders (defined in the regulations as the senior executive member) of the constituent councils. Each member will be a member of the CJC until they cease to be the Leader of the constituent council.

The Leaders will decide whether additional representatives from within its constituent councils or other organisations will be invited to be members of the CJC. The Establishment Regulations therefore provide the CJC with the flexibility to co-opt such members to the CJC as it may determine necessary and appropriate to exercise its functions effectively. A CJC will be able to determine / agree the terms of membership of any co-opted member – e.g. voting rights, role, contribution towards funding etc.

Where the function of preparing a Strategic Development Plan is to be a function of a CJC, and any part of a National Park is in the area of the CJC, the regulations must make provision about the membership of the committee by the National Park authority for that National Park. The Establishment Regulations include providing the CJs being established with the Strategic Development Plan functions. The Establishment Regulations therefore provide for membership of the relevant National Park authority on each of the four CJs.

It will be for the relevant National Park authority (or authorities in the case of the South West Wales CJC) to nominate the appropriate representative from either the Chair, Vice Chair of the National Park authority or Chair of the National Park authority Planning Committee. The membership of the National Park authority, as specified in the Establishment Regulations, is prescribed (and therefore limited) to the exercise of the Strategic Development Plan functions of the CJC only. However a CJC may decide to co-opt the National Park authority, under such terms as they see appropriate, to support the delivery of other functions should they wish.

Consultation Question Four:

- a) **Do you agree with the proposed approach to membership of CJsCs including co-opting of additional members? Please give your reasons.**
- b) **What are your views on the role proposed for National Park Authorities on CJsCs, as described above?**

It is proposed that the Regulations of General Application will expressly prohibit staff of a CJC being members of a CJC, one of its constituent principal councils or a member of the National Park Authority. This approach to disqualification is consistent with those relating to the disqualification of principal council staff in relation to the membership of principal councils.

Voting arrangements

A CJC will be established on a 'one member one vote' basis. However, the Establishment Regulations also provide for a CJC once established to be able to adopt alternative voting procedures should they wish to do so.

In developing the Establishment Regulations it was considered whether there should be a minimum or maximum number of members (including co-opted members) of a CJC. In order to maintain the maximum flexibility for CJsCs it was not considered that this would be appropriate. However the Establishment Regulations do provide that a CJC is limited in the number of co-opted members with votes, but only in so far as that the number of votes which may be cast by co-opted members may not exceed the number of votes cast by council members, or in relation to strategic planning functions, council members and the National Park member(s).

The Establishment Regulations also provide for a quorum of no fewer than 70% of the voting members. The quorum for principal councils is currently 25%. However in considering the issue of quorum for a CJC it was felt that it should be set at sufficiently high a level to balance the need for the CJC to be able to exercise its functions effectively and the need to ensure that decisions of the CJC are representative of the majority of the voting members. This ensures the democratic accountability of all voting members.

Consultation Question Five:

- a) **What are your views on the proposed approach of 'one member one vote' and the flexibility for CJsCs to adopt alternative voting procedures?**
- b) **What are your views on the proposed quorum for CJsCs?**
- c) **What are your views on the proposed approach to voting rights for co-opted members to a CJC?**

Sub committees

The Establishment Regulations provide that a CJC will be able to establish sub committees to support it to exercise its functions should it wish to do so.

It will be for each CJC to decide if it wishes to have sub-committees, and who sits on them. However it might be reasonable to expect (although it is not required) for a CJC to have sub-committees for each of its main functions and that these sub-committees might engage broadly and involve a range of relevant stakeholders.

With this in mind it will be possible for CJs' sub-committees to consist of members of the constituent principal councils other than those members on the CJC itself - for example a relevant member or relevant portfolio holder of the principal council's executive – though it should be possible for this to be the case, particularly for example where the Leader is also the relevant member.

Other partner organisations may also be invited/co-opted to be sub-committee members should a CJC wish to do so. Again the terms of such membership will be for the CJC to decide and agree with the partners being co-opted.

Consultation Question Six:

- a) What are your views on CJs being able to co-opt other members and/or appoint people to sit on sub-committees?**

Statutory guidance (issued under part 5 of the Bill) will provide further advice for CJs on consideration of wider involvement of partners in their work. The intention, as outlined in section seven, is for the requirements of the Well-being of Future Generations (Wales) Act 2015 to apply to CJs as they do to its constituent councils and so the ways of working around collaboration, involvement and taking an integrated approach will be particularly important to consider.

Consultation Question Seven:

- a) Do you agree that the approach to co-option of members would enable wider engagement of stakeholders in the work of a CJC?**
- b) What might be needed to support CJC members in the involvement and engagement of appropriate stakeholders in their work?**

Standing orders

It is proposed that the Establishment Regulations require that a CJC must make standing orders for the regulation of its proceedings and business. The Establishment Regulations include some core requirements for standing orders, for example regulation of the CJs procedures. Subject to the outcome of this consultation we would expect any further detail on what the standing orders must provide for could be set out in the Regulations of General Application, for example approaches to appointing staff or dealing with issues of misconduct.

Code of conduct

The Establishment Regulations require all CJs to adopt a code of conduct for its members and staff. Subject to the outcome of this consultation the detail of the content of such a code may be provided for in the Regulations of General Application. For example this might include ensuring CJs are relevant authorities for the purposes of Part 3 of the Local Government Act 2000, which will bring them within the ethical framework for local government which that Act establishes. This would also bring them into the scope of the Public Service Ombudsman for Wales.

Consultation Question Eight:

- a) Do you agree that members and staff of a CJC should be subject to a Code of Conduct and that the code should be similar to that of Principal Councils? Please give your reasons.**
- b) What are your views on the adoption of a Code of Conduct for co-opted members?**
- c) Should all co-opted members be covered by a code i.e. those with and without voting rights?**

Liability of members

A CJC is a corporate body in its own right and the members will be taking decisions on functions which are theirs and theirs alone. In light of this, in the event of a claim or legal action we believe it would be inappropriate for liability to be allocated / apportioned to each constituent council. A CJC should therefore be required to indemnify its members (have its own indemnity) for the decisions they take. The CJC should hold the liability, rather than individual members, employees or others discharging functions on their behalf. Subject to the outcome of this consultation, such matters are likely to be included in the Regulations of General Application.

Scrutiny and governance

In presenting the proposals for CJCs it is considered important that the structure and approach to a CJC seeks to maintain and support the democratic accountability of local government.

The Establishment Regulations provide that each CJC is required to put in place appropriate scrutiny arrangements. Such arrangements should be at the discretion of the CJC. The Establishment Regulations also require that a CJC has an Audit and Governance Committee. Through the Regulations of General Application, and subject to the outcome of this consultation, it will be necessary to ensure that any scrutiny committee has the appropriate powers and safeguards, for example as is provided for in section 21 of the Local Government Act 2000; and also the relevant requirements to take in to account the views of the public and a duty on the CJC to respond, for example section 21B of the Local Government Act 2000 and section 62 of the Local Government (Wales) Measure 2011. We also believe that the Regulations of General Application should include provision so that any scrutiny committee does not include a member of the CJC (or one of its sub-committees), that it could include members (including non-executive members) of the constituent principal councils, that scrutiny committees will be able to source independent advice from experts and that membership should seek to take account of political balance in the constituent principal councils.

As well as having scrutiny arrangements we consider it appropriate that a CJC should be subject to more general oversight of their work. Section Four below for example includes matters relating to CJCs and the Auditor General.

In addition it might be considered appropriate for CJC to be subject to the same performance and governance regime as principal councils, as is included in Part 6 of

the Local Government and Elections (Wales) Bill, for example to undertake annual self-assessments on their performance and to seek external views through a panel of peers on their performance. This would be addressed in the Regulations of General Application.

Ancillary Powers

To complement the specific functions transferred to the CJC the Establishment Regulations, also provide the CJC with the power to do anything to facilitate or which is incidental or conducive to the exercise of its functions.

SECTION FOUR – Finance, funding and budgetary matters

The approach to finance, funding and budgetary matters in the regulations has been developed to reflect discussions with the Partnership Council Finance Sub Group (FSG) and Distribution Sub Group (DSG), with the Society of Welsh Treasurers and representatives of the Chartered Institute for Public Finance and Accounting (CIPFA).

The development of these regulations has been undertaken in line with the Good Practice Guide on Hypothecated Funding for Local Government and the guidance in the Legislation Handbook on assessing (and making provision for) the financial implications of primary legislation.

The Establishment Regulations make provisions relating to the funding of a corporate joint committee. Broadly speaking the Establishment Regulations make provision requiring a CJC to calculate its budget requirement, sets out how that requirement is to be met and requiring the CJC to keep proper accounts.

The Establishment Regulations require that a CJC calculates its budget requirements for each financial year to include the amounts required to exercise its functions; as well as for contingencies, for reserves, and outstanding liabilities. The intention is that a CJC must be sufficiently funded to deliver its specified functions/activities, including expenditure associated with administrative costs and overheads.

In calculating its budget requirements the Establishment Regulations require a CJC to take into account any amounts it estimates it will receive from sources other than its constituent councils and National Park members. Where the estimated expenditure for each annual year exceeds the funding received from other sources this will form the budget requirement of the CJC.

The Establishment Regulations require the CJC to calculate its budget requirement annually by 14 February preceding the relevant financial period. This is to align with the principal council budget setting process.

In practice the constituent principal councils will require the CJC to provide an indicative or provisional budget requirement to facilitate their own budget preparations. Although not provided for in regulations, the constituent principal councils may request this by 30 November preceding the relevant financial period (in line with current practices) and a CJC should be prepared for this.

In terms of the first year of operation however it will not be possible for a CJC to set its budget in this way. It may also be difficult for a CJC to ascertain what its initial budget may be as it will depend on its ambition in exercising its functions in its first year. It is proposed therefore for the Establishment Regulations to provide a reasonable timescale to set the first year's budget requirement, that is, within two months following the first meeting.

The Establishment Regulations do not prescribe any formula basis for funding of a CJC. The Establishment Regulations provide that the CJC will decide how the budget requirement will be met by the constituent principal councils (or in the case of the strategic planning functions by the National Park authority and the constituent principal councils.)

In the absence of unanimous agreement by the constituent councils and National Park member(s) on the amount payable), the establishment regulations provide for the amounts payable by the constituent principal councils (and National Park authority) to be directed by Welsh Ministers.

Consultation Question Nine

- a) **What are your views on the proposed approach for determining the budget requirements of a CJC?**
- b) **What are your views on the timescales proposed (including for the first year) for determining budget requirements payable by the constituent principal councils?**

The CJC will be the accountable body for the funding provided from constituent principal councils and or directly received from any other funding streams

The Establishment Regulations enable CJCs to pay towards expenditure incurred or to be incurred in relation to carrying out its functions as it may determine. A CJC is also enabled to charge fees relating its specified functions. The regulations also enable CJCs to provide assistance by way of grant or contributions, to include repayable assistance, to support functions exercisable by them.

The Establishment Regulations require CJCs to keep proper accounting records and to prepare annual accounts in accordance with Welsh Ministers directions. It is proposed that these directions and the Regulations of General Application will ensure that CJCs are subject to the usual principal council checks and balances – including the financial duties and rules which require councils to act prudently in spending, which are overseen and checked by a Responsible Chief Finance Officer, and to ensure transparency, that annual accounts are published. For example the Regulations of General Application might require a CJC to follow proper (accounting) practices such as those specified by the Chartered Institute for Public Finance and Accountancy (CIPFA) Code of Practice on Local Authority Accounting in the United Kingdom, as amended or reissued from time to time.

The funding from constituent principal councils will be held and managed by the CJC. It is proposed that the Regulations of General Application will require the CJC to manage the funds under the same financial management arrangements as local government bodies in Wales. This might include for example, being subject to appropriate accounting and audit arrangements, as set out in the Accounts and Audit (Wales) Regulations 2014, and in compliance with the mandatory Public Sector Internal Audit Standards. Such an approach will provide independent and objective assurance regarding the effectiveness of the CJC's risk management, control and governance processes.

The intention is that through the Regulations of General Application all funding decisions taken by the CJC will be subject to review through annual external audit, which will undertake cost benefit analysis and assess the extent to which resources have been used economically, efficiently and effectively in delivering its services and activities. This will be in addition to the requirements on performance and governance set out in part 6 of the Local Government and Elections (Wales) Bill which are also intended to apply.

Consultation Question Ten

- a) Do you agree that CJs should be subject to the same requirements as principal councils in terms of accounting practices? Please give your reasons.**

- b) Do you agree that the detail of how a CJC is to manage its accounting practices should be included in the Regulations of General Application? If not what more would be needed in the Establishment Regulations?**

SECTION FIVE – Staffing and workforce matters for CJs

The approach to staffing and workforce matters has been developed to reflect the discussions at Partnership Council's Local Government Sub-Group and with principal council HR Directors and reflects the key principles set out in Section Two.

The Establishment Regulations provide for CJs to be able to employ and recruit staff in their own right; make agreements to place staff at the disposal of other devolved Welsh Authorities and have staff placed at the CJC's disposal; and undertake secondments (in and out) to enable CJs to discharge their functions. The intention is that there is flexibility for each CJC to determine the approach it takes to staffing, and for that approach to evolve over time as CJs potentially take on further operational as well as strategic functions.

As part of the approach to treating CJs as part of the 'local government family' the Regulations of General Application will seek to ensure that the provisions in law relating to staffing which apply to principal councils will also apply to CJs. It is important in this regard that any legislation which is applied to CJs provides any necessary rights for, and obligations on, the individual (or does not impose lesser rights or obligations) how-so-ever employed by the CJC (direct employment, secondment, loan, contract etc.).

It is intended that the detail which underpins the employment or loan of staff will sit within the Regulations of General Application with a view to ensuring that as publicly employed individuals officers of a CJC are:

- subject to the same / similar requirements of transparency / accountability etc. as employees of principal councils or any other public appointments.
- afforded similar or the same benefits as officers of principal councils
- subject to the same / similar restrictions on political activities (CJC will be required to have a code of conduct for employees).
- indemnified in the discharge of their duties on behalf of the CJC.

Terms and conditions

It is not intended that the terms and conditions for staff employed by the CJC be left entirely to the discretion of the CJC as they are to a principal council. The Establishment Regulations therefore provide that staff employed by the CJC are to be appointed on the same or similar terms and condition (including conditions as to remuneration) as officers appointed to one of the constituent councils undertaking substantially similar or the same responsibilities. Such matters will be determined by the CJC.

The aim is to ensure that CJs do not adopt significantly different arrangements to the majority of their constituent principal councils, supporting the interchange of staff and collaborative working where possible. This approach will also ensure that a CJC is not used as a vehicle to erode (or indeed inflate) pay structures through the transfer of staff / functions to a CJC and where there is deviation / difference such deviation / difference is clear and transparent.

Where not otherwise provided for within the adopted terms and conditions it is the policy intent that the Regulations of General Application will require a CJC to prepare, annually, a statement setting out the authority's policies on the remuneration of its chief officers, the remuneration of its lowest paid employees and the relationship between the remuneration of its chief officers and the remuneration of its employees who are not chief officers.

Transfer of Undertakings Protection of Employment (TUPE) and Staff transfers

The draft Establishment Regulations provide that where a member of staff appointed by a CJC has been transferred to a CJC from a constituent council, TUPE principles will apply.

This is not intended to predetermine if a CJC should directly employ the staff required to undertake a function – the nature of the staffing (employed, loaned or contracted) should remain a matter for the CJC to decide.

This approach is in line with The Code of Practice on Workforce Matters⁵ (also known as the 'two tier code'). It is intended that the two tier code will be applied to a CJC itself, via the Regulations of General Application, and to any relationship between a principal council and a CJC in the delivery of its functions (save where otherwise covered by regulations).

Consultation Question Eleven:

What are your views on the proposed approach to staffing and workforce matters?

Executive Officers

The Establishment Regulations require a CJC to appoint a number of statutory "executive officers" namely a Chief Executive, Chief Finance Officer, Monitoring Officer and Chief Governance Officer. The intention in this case is for a CJC to be able to directly employ, commission services or have relevant staff loaned from a constituent council to fulfil these roles as the CJC may determine.

The detail around the roles and responsibilities of these Executive Officers would be similar to the roles within principal councils, and subject to the outcome of this consultation the detail would be contained within the Regulations of General Application. For example:

- **Chief Executive** – The Regulations of General Application are likely to provide that the Chief Executive of a CJC will be subject to the same rules, procedures and proceedings as a Chief Executive of a principal council. The Remuneration of a Chief Executive of a CJC will be subject to the same arrangements as for a Chief Executive of a principal council i.e. be subject to the Independent Remuneration Panel for Wales.

⁵ <https://gov.wales/sites/default/files/publications/2019-02/circular-code-of-practice-on-workforce-matters.pdf>

- **Monitoring Officer** - The Regulations of General Application are likely to provide that the Monitoring Officer of a CJC operate in the same or similar way to that outlined for 'relevant authorities' in s5 of the Local Government and Housing Act 1989. Depending on the arrangements for the ethical framework relating to members of the CJC who are members of principal councils or national park authorities and co-opted members this officer may also play an equivalent role to that set out in Part 3 of the Local Government Act 2000.
- **Chief Financial Officer** - The Regulations of General Application are likely to require a CJC to ensure the effective use of public money and have responsibility for the proper administration of its financial affairs. The Responsible Chief Finance Officer will be responsible for reporting on the financial management and assurance of the CJC.
- **Chief Governance Officer** (interim title) - The Regulations of General Application are likely to provide for the role of the Chief Governance Officer - a role equivalent to a Head of Democratic Services for principal councils. It is not intended however for a CJC to be required to have a Democratic Services Committee, and therefore the regulations will not apply / extend any of the related functions / roles within the Local Government Measure 2011 to the Chief Governance Officer of a CJC.

It is intended that all executive roles within a CJC will be afforded the same statutory protection and indemnity as principal council statutory officers.

Consultation Question Twelve:

What are your views in relation to CJCs being required to have or have access to statutory "executive officers"?

Standing Orders

The Establishment Regulations require CJCs to adopt standing orders to govern its proceedings and business (so far as not regulated by the Establishment Regulations). Such standing orders might include the procedures for the appointment and dismissal of, and taking disciplinary action against, a member of staff of the CJC (how-so-ever appointed). The detail of what is required within the standing orders however, subject to the outcome of this consultation, will be included in the Regulations of General Application.

Trade Unions

Trade Union recognition by public bodies in Wales is a Ministerial priority. We would therefore expect that CJCs would work under the same Social Partnership approach that exists between Trade Unions and principal councils. We would welcome views on how this might be achieved, for example through guidance or the adoption of a constituent councils Terms and Conditions.

Consultation Question Thirteen:

Do you have any other views on provision for staffing or workforce matters within the establishment regulations?

SECTION SIX – The functions to be exercised by the CJs

The Establishment Regulations set out which functions the CJs being established will exercise.

In the first instance all four of the CJs established in these regulations will be exercising the following functions:

- The function of preparing, monitoring, reviewing and revising of a Strategic Development Plan (SDP). These functions are set out in Part 6 of the Planning and Compulsory Purchase Act 2004 (as amended by the Bill).
- The function of developing a Regional Transport Plan – that is the functions of developing policies for transport in, to and from the CJC area and developing policies for implementing the Wales Transport Strategy. These functions are set out in the Transport Act 2000.
- The economic well-being function as provided for in Part 5 the Local Government and Elections (Wales) Bill. That is the power to do anything which the CJC considers is likely to promote or improve the economic wellbeing of its area. This will enable the principal councils, should they wish, to evolve the current regional approaches to the City and Growth deals into the CJC structures.

While the Bill provides for improving education to be one of the functions that Welsh Ministers can specify a CJC exercises this function is not provided for in these Establishment Regulations. Welsh Ministers have been clear that consideration of the role of CJs in the area of improving education is something that would evolve over time and further discussion was required with principal councils about the desired approach.

However, as previously stated, the constituent councils of these CJs may apply to Welsh Ministers to have the function of improving education (or any of their other functions) conferred on their CJC once the relevant provisions in the Bill enabling an application by principal councils to be made have commenced. In future, therefore, there may be divergence in what each of these CJC does. Any future proposals to add (including to omit or modify) principal council functions to a CJC would be subject to formal consultation as set out in the Bill.

In the case of the economic well-being power, and in relation to future functions that a CJC may exercise, it may be necessary for a CJC and its constituent councils to operate the powers concurrently. The CJC will need to agree a process with its constituent principal councils for agreeing how this might operate in practice including but not limited to the specific activities within the scope of the agreement, how agreement will be achieved, reviewed and how disputes may be resolved.

Arrangements for managing concurrent functions are not provided for in regulations. This is a matter for each CJC in response to local and regional needs and is in line with the approach to enable flexibility and local determination where possible. The Welsh Government intends to provide guidance to CJs and its constituent principal councils on this matter.

In relation to the strategic planning function, the details of the procedures for making and revising strategic development plans will be set out in the Town and Country Planning (Strategic Development Plan) (Wales) Regulations 2021, a consultation on which is being undertaken in parallel with this consultation. Should you wish to make any representations about those procedures, please do so via that consultation.

Consultation Question Fourteen:

- a) Is it clear what functions the CJsCs will exercise as a result of these establishment regulations? If not, why?**
- b) Do the establishment regulations need to say more on concurrence, if so what else is needed, or should that be left to local determination?**
- c) In your view are there any functions which might be appropriate to add to these CJsCs in the future? If yes, what?**

Discharge of functions

We intend to ensure that a CJC can arrange for the discharge of its functions as it sees fit except where decisions cannot be delegated from a CJC (see below). This could be through sub-committees, officers, other CJsCs, other principal councils and joint committees.

The Establishment Regulations explicitly address some of this, for example providing for the establishment of sub committees and enabling delegation of functions to them. However it is likely that much of the detail will be included in the Regulations of General Application. We would want to ensure a CJC has a scheme of delegation similar to that required of principal councils under section 101 of the Local Government Act 1972. The content of the scheme of delegation will be for the CJC to determine and it might include delegation to sub-committees, CJC members and / or staff appointed to deliver the functions of a CJC (howsoever appointed).

We have already discussed that the Establishment Regulations enable CJsCs to adopt a sub-committee model should it wish to do so including to delegate some of its functions. It would be for the CJC to determine the arrangements, including membership and voting rights, of its sub-committees as it sees fit.

While there is broad discretion on what a CJC can chose to delegate to a sub-committee we believe there are a small number of decisions which need to be made by the CJC itself. For example: agreement of budgets; the adoption or approval of plans or strategies (including the Regional Transport Plan and Strategic Development Plan); and consideration of any reports required by statute. It might be appropriate for the Establishment Regulations therefore to prevent the delegation of such matters and we would welcome your view on this as part of this consultation.

Consultation Question Fifteen:

Do you think the regulations should provide for anything to be a decision reserved to the CJC rather than delegated to a sub-committee? If so what?

Approach to transfer of the exercise of these functions

The Establishment Regulations provide that a number of functions currently being exercised by individual principal councils will now be exercised by these CJs.

It will be important to understand the implications of the transfer of the exercise of these functions in terms of staff and resources and to consider how the transfer of the functions can proceed in an efficient and effective way. In line with the co-development approach which we have adopted to date, the Welsh Government will wish to work with principal councils, and the CJs once established, to support this transition process.

As an example, principal councils are currently responsible for developing local transport plans, and the function of preparing a transport plan will be transferred to each of the CJs to undertake on a regional basis – a Regional Transport Plan. Arrangements will need to be put in place to ensure an effective transition from local to regional arrangements.

It may be that in certain circumstances the transfer of the exercise of a function, and therefore the point at which the CJC is required to undertake that function, may be later than the point at which the CJs are established. This would also allow for a period of implementation and for the CJC to establish itself, as discussed later in this document.

For strategic planning there are no existing arrangements in place at a regional level so they do not give rise to the same need for transition arrangements. A CJC will be expected to commence delivery of these functions as soon as is reasonably practicable and as soon as the procedural regulations are made. It is important to note that principal councils will retain their existing function of preparing local development plans.

CJs will also have the economic well-being function from the point at which they are established. It is recognised that there are existing structures and arrangements at a regional level which promote and encourage economic well-being and it will be for the CJC and its constituent councils to consider the transition of existing regional arrangements such as the City / growth deals should they chose to bring these activities within the remit of their CJC. However, we would be interested to consider how the Welsh Government might be able to facilitate or support any transfer in this regard. We would welcome views as part of this consultation, particularly what issues might require resolving in moving from the current Joint Committee approach to a CJC

Consultation Question Sixteen:

What are your views on the approach to transfer of the exercise of functions to these CJs?

SECTION SEVEN – CJs and duties as a Public Body

As has been discussed previously one of the underlying principles in the development of the regulations establishing CJs is that CJs should be treated as part of the ‘local government family’ in determining how they should operate.

The intention is that CJs should also be treated more generally as a ‘public body’ and would therefore be captured by, or required to meet duties under, a number of existing pieces of legislation.

This might include for example:

- **The Well-being of Future Generations (Wales) Act 2015** – which provides for a single principle (‘the sustainable development principle’) to guide the exercise of functions of specified public bodies to consider how they are meeting the needs of current generations without compromising future generations, to better address long term challenges such as inequalities of outcome.
- **The Equality Act 2010** - which makes it unlawful to discriminate against those persons with a protected characteristic under the 2010 Act. The Act places a ‘due regard’ duty (Public Sector Equality Duty) on public bodies to ensure that advancement of equality of opportunity is a key consideration when carrying out their functions. The Act also provides for a Socio-Economic Duty (proposed for commencement in Wales in 2021) which requires specified public bodies, to consider how their decisions might help reduce the inequalities associated with socio-economic disadvantage.
- **The Welsh Language Standards** – which gives Welsh-speakers improved, enforceable rights in relation to the Welsh language. They do this by imposing standards on organisations in relation to service provision, policy making, operations, promotion and record keeping.
- **The Environment Act 1995** - which places a duty on certain public bodies to have regard to the purposes for which National Parks were designated.
- **The Environment (Wales) Act 2016 (Section 6)** – which requires a public authority to seek to maintain and enhance biodiversity in the exercise of functions in relation to Wales, and in so doing promote the resilience of ecosystems,
- **Children and Families (Wales) Measure 2010** – which makes provision about contributing to the eradication of child poverty, and about arrangements for the participation of children in decisions that might affect them.

Where possible, and subject to the requirements of the relevant legislation, the application of relevant legislation in this case will be done through the Regulations of General Application rather than the Establishment Regulations. However we would welcome your views on the intended approach.

Consultation Question Seventeen:

What are your views on CJs being subject to wider public body duties as described above?

SECTION EIGHT – Implementation

The Establishment Regulations require that each of the CJs established must hold its first meeting by the end of September 2021.

Although it will be possible for a CJC to meet as soon as these Establishment Regulations come into force, it is accepted that a CJC will not be fully operational on day one and that it will take a short period of time for a CJC to take the necessary decisions, to make the necessary arrangements, and to develop its capacity to be able to exercise its functions effectively.

For example it is likely that the early meetings will focus on matters such as the election of the chair and deputy chair, appointing statutory officers, adopting codes of conduct and standing orders, agreeing wider membership and any committee structures and putting in place appropriate financial systems.

The frequency of meetings will be left to each CJC to consider as is appropriate to their own requirements and it may be that the frequency of meetings change as the CJC evolves and becomes more established.

The Minister for Housing and Local Government has previously committed in discussion with the Partnership Council, Local Government sub group to support local government in establishing these CJs. Subject to agreement this might include supporting CJs in meeting their set up costs in the short term as was recommended in independent research commissioned to support the development of the RIA which accompanies this consultation⁶. It might also be appropriate to provide some support in advance of any CJC being established to support the transition process.

Consultation Question Eighteen:

- a) The Welsh Government is keen to continue working closely with local government and others on the establishment and implementation of CJs. Do you have any views on how best we can achieve this?**
- b) In your view, what core requirements / components need to be in place to ensure a CJC is operational, and exercising its functions effectively?**
- c) In particular, what do you think needs to be in place prior to a CJC meeting for the first time, on the day of its first meeting and thereafter?**

Guidance

It is recognised that whilst regional working is not new for local government the CJC model is. It may be helpful therefore to provide guidance to support the establishment of CJs. Initially the intention would be to focus on guidance around the constitutional, governance, finance and staffing arrangements with function specific guidance provided at a later date as and when required.

⁶ [Collaboration between local authorities in Wales Report](#)

The approach to the development of the CJC model to date has been one of co-development and collaboration with local government. The intention is to continue with this approach in the implementation of the Establishment regulations and in the development of any guidance to CJsCs.

Consultation Question Nineteen:

- a) Do you think it would be helpful for the Welsh Government to provide guidance on the establishment and operation of CJsCs?**
- b) Are there any particular areas which should be covered by the guidance?**

General

Consultation Question Twenty:

- a) How can the Welsh Government best support principal councils to establish CJsCs?**
- b) Are there areas the Welsh Government should prioritise for support?**
- c) Is there anything that CJsCs should/should not be doing that these Establishment Regulations do not currently provide for?**

SECTION NINE – Supporting Documents

To help assess the potential impact of establishing the CJsCs outlined above we have published the following draft documents in support of the regulations:

- A Regulatory Impact Assessment (RIA)
- An Integrated Impact Assessment (IIA)

Regulatory Impact Assessment

The Regulatory Impact Assessment assesses the potential costs and savings, and the benefits and dis-benefits associated with establishing, through regulations, these CJsCs.

The options that have been considered in preparing the RIA are:

- Option 1 – Do nothing. That is that the policy is not implemented, regulations are not made and CJsCs are not established.
- Option 2 – Implement the policy and establish CJsCs by regulations.

The RIA focusses on the core administrative costs of establishing and operating a CJC and the delivery of the functions specified in the regulations. The RIA has been presented to reflect the scope for local discretion that the regulations provide. Much of the costs within the RIA will depend on the decisions made by each CJC in the way that it operates and governs itself within the flexibilities the regulations allow.

The RIA therefore presents a range of estimated costs set around a possible minimum and maximum which seek to reflect the flexibilities and that give a sense of the potential costs associated with the range of administrative arrangements which CJsCs could put in place. It has not been possible to assess definitively all potential costs, particularly on all stakeholders, but we would expect CJsCs to consider the costs and benefits and impacts on different stakeholders prior to taking action.

A breakdown of the assumptions which underpin the RIA can be found in paragraphs 12-32 of the RIA, and a breakdown of the costs and benefits can be found in paragraph 43-145 of the RIA.

Integrated Impact Assessment

An Integrated Impact Assessment Summary has been undertaken to assess the most significant impacts, positive and negative of establishing these CJsCs via regulations. A summary of the conclusions of this assessment has been published as part of this consultation along with details on the monitoring and evaluation of the proposal.

We would welcome your views on the context of these document, especially the Regulatory Impact Assessment as to determine if the costs and benefits provided are fair and reasonable.

Consultation Question Twenty One:

- a) Do you agree with our approach to, and assessment of, the likely impacts of the regulations? Please explain your response.**
- b) Do you have any additional/alternative data to help inform the final assessment of costs and benefits contained within the Regulatory Impact Assessment? If yes, please provide details.**

**Consultation
Response Form**

Your name:

Organisation (if applicable):

Email / telephone number:

Your address:

Summary of consultation questions

Consultation Question One:

- a) **What are your views on CJsCs being subject to broadly the same powers and duties as principal councils?**
- b) **Do you agree that CJsCs should have broadly the same governance and administrative framework as a principal council provided that this is proportionate? Please give your reasons.**
- c) **Do you agree that members of CJsCs should have appropriate discretion on the detail of constitutional and operational arrangements? Please give your reasons.**

Consultation Question Two:

These CJC areas have been agreed by local government Leaders as the most appropriate to reflect the functions being given to CJsCs by these Establishment Regulations. Do you have any comments or observations on these CJC areas in relation to these functions or the future development of CJsCs?

Consultation Question Three:

- a) **Do you agree with the approach to the development of the regulations for CJsCs as outlined in this consultation? Please give your reasons.**
- b) **We have indicated throughout this document what may be included in the Regulations of General Application, subject to the outcome of this consultation. Whilst the Regulations of General Application are not the subject of this consultation, in order to inform their development we would welcome your views on anything else which should be covered?**

Consultation Question Four:

- a) **Do you agree with the proposed approach to membership of CJsCs including co-opting of additional members? Please give your reasons.**
- b) **What are your views on the role proposed for National Park Authorities on CJsCs, as described above?**

Consultation Question Five:

- a) **What are your views on the proposed approach of 'one member one vote' and the flexibility for CJsCs to adopt alternative voting procedures?**
- b) **What are your views on the proposed quorum for CJsCs?**
- c) **What are your views on the proposed approach to voting rights for co-opted members to a CJC?**

Consultation Question Six:

What are your views on CJsCs being able to co-opt other members and/or appoint people to sit on sub-committees?

Consultation Question Seven:

- a) **Do you agree that the approach to co-option of members would enable wider engagement of stakeholders in the work of a CJC?**
- b) **What might be needed to support CJC members in the involvement and engagement of appropriate stakeholders in their work?**

Consultation Question Eight:

- a) **Do you agree that members and staff of a CJC should be subject to a Code of Conduct and that the code should be similar to that of Principal Councils? Please give your reasons.**
- b) **What are your views on the adoption of a Code of Conduct for co-opted members?**
- c) **Should all co-opted members be covered by a code i.e. those with and without voting rights?**

Consultation Question Nine

- a) **What are your views on the proposed approach for determining the budget requirements of a CJC?**
- b) **What are your views on the timescales proposed (including for the first year) for determining budget requirements payable by the constituent principal councils?**

Consultation Question Ten

- a) **Do you agree that CJsCs should be subject to the same requirements as principal councils in terms of accounting practices? Please give your reasons.**
- b) **Do you agree that the detail of how a CJC is to manage its accounting practices should be included in the Regulations of General Application? If not what more would be needed in the Establishment Regulations?**

Consultation Question Eleven:

What are your views on the proposed approach to staffing and workforce matters?

Consultation Question Twelve:

What are your views in relation to CJsCs being required to have or have access to statutory “executive officers”?

Consultation Question Thirteen:

Do you have any other views on provision for staffing or workforce matters within the establishment regulations?

Consultation Question Fourteen:

- a) Is it clear what functions the CJsCs will exercise as a result of these establishment regulations? If not, why?**
- b) Do the establishment regulations need to say more on concurrence, if so what else is needed, or should that be left to local determination?**
- c) In your view are there any functions which might be appropriate to add to these CJsCs in the future? If yes, what?**

Consultation Question Fifteen:

Do you think the regulations should provide for anything to be a decision reserved to the CJC rather than delegated to a sub-committee? If so what?

Consultation Question Sixteen:

What are your views on the approach to transfer of the exercise of functions to these CJsCs?

Consultation Question Seventeen:

What are your views on CJsCs being subject to wider public body duties as described above?

Consultation Question Eighteen:

- a) The Welsh Government is keen to continue working closely with local government and others on the establishment and implementation of CJsCs. Do you have any views on how best we can achieve this?**
- b) In your view, what core requirements / components need to be in place to ensure a CJC is operational, and exercising its functions effectively?**
- c) In particular, what do you think needs to be in place prior to a CJC meeting for the first time, on the day of its first meeting and thereafter?**

Consultation Question Nineteen:

- a) Do you think it would be helpful for the Welsh Government to provide guidance on the establishment and operation of CJsCs?
- b) Are there any particular areas which should be covered by the guidance?

Consultation Question Twenty:

- a) How can the Welsh Government best support principal councils to establish CJsCs?
- b) Are there areas the Welsh Government should prioritise for support?
- c) Is there anything that CJsCs should/should not be doing that these Establishment Regulations do not currently provide for?

Consultation Question Twenty One:

- a) Do you agree with our approach to, and assessment of, the likely impacts of the regulations? Please explain your response.
- b) Do you have any additional/alternative data to help inform the final assessment of costs and benefits contained within the Regulatory Impact Assessment? If yes, please provide details.

Welsh Language Questions

Consultation Question Twenty Two:

- a) We would like to know your views on the effects that establishment of CJsCs would have on the Welsh language, specifically on opportunities for people to use Welsh and on treating the Welsh language no less favourably than English.
- b) What effects do you think there would be? How could positive effects be increased, or negative effects be mitigated?

Consultation Question Twenty Three:

Please also explain how you believe the proposed policy for the establishment of CJsCs could be formulated or changed so as to have positive effects or increased positive effects on opportunities for people to use the Welsh language and on treating the Welsh language no less favourably than the English language, and no adverse effects on opportunities for people to use the Welsh language and on treating the Welsh language no less favourably than the English language.

Consultation Question Twenty Four:

We have asked a number of specific questions. If you have any related issues

which we have not specifically addressed, please use this space to report them:

Responses to consultations are likely to be made public, on the internet or in a report. If you would prefer your response to remain anonymous, please tick here:

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SUBJECT: TACKLING POVERTY THROUGH PARTNERSHIPS

MEETING: Public Services Select Committee

DATE: 19th November 2020

DIVISION/WARDS AFFECTED: All

1. PURPOSE:

To seek elected member endorsement for a broad coalition of public service partners to work in partnership to deliver the aims of Monmouthshire's Tackling Poverty and Inequality Plan.

To provide members with an overview of our approach to tackling poverty and inequality and to emphasise the importance of adopting a multi-agency approach.

2. RECOMMENDATIONS:

That members communicate to Monmouthshire's Public Services Board their support for a joined-up, multi-agency approach to tackling poverty and inequality across the county.

That members consider the Public Service Board's aspirations to reduce inequalities between communities and within communities and to support and protect vulnerable people.

That members consider and comment on the emerging approach to involving partners (including private and community sector) in our collective efforts to address poverty and inequality.

3. KEY ISSUES:

It has long been recognised that within Monmouthshire poverty is often regarded as a 'hidden' issue. Whilst using aggregate measures, the county is generally regarded as more economically advantaged than many other local authority areas in Wales, this aggregation of data can serve to obscure the lived experience of many individuals families and households who experience very real financial hardship. These issues are not new for our county, but the effects of the pandemic-related economic downturn have thrown them into very sharp relief.

Since the Council resolution in the summer of 2020 to create two dedicated roles to lead and coordinate the tackling poverty and inequality agenda for Monmouthshire, a revised action plan has been developed, under the umbrella of the Social Justice Strategy. The council recognises, however, that its ability to make substantial progress on this agenda when acting in isolation is limited. Like other aspects of the county's Wellbeing Plan, poverty and inequality are complex problems which cut right across the remit of the public services – and beyond.

The draft plan will be taken to Monmouthshire's Public Service Board in early December 2020, to provide information and assurance to our public service partners, as well as to seek their active support and commitment to delivery against specific objectives.

Key aspects of the Draft Tackling Poverty and Inequality Plan

Definition of poverty.

Poverty is an undeniably complex concept which is rooted in the lived experience of the individual. It can prove difficult to define more difficult still to measure; all definitions are unsatisfactory in some respects, but on balance it is felt that it is helpful to seek to encapsulate a collective understanding of the term 'poverty'. Following discussion with partners, it is proposed that we adopt the widely-used Joseph Rowntree Foundation definition of poverty which is:

"When a person's resources (mainly their material resources) are not sufficient to meet their minimum needs (including social participation)."

In order to provide some quantitative measure, we will also monitor the number of households where household income is below 60% of the median income for the UK (but recognise that measures of low income, whilst useful, are not the same as measures of poverty, because they take no account of a household's essential expenditure).

Shared Purpose

The proposed shared purpose set out in the draft action plan is:

"We will work together to promote equitable prosperity in Monmouthshire and wherever possible to prevent our citizens experiencing poverty.

We recognise that, despite our efforts, there will be points in people's lives at which they experience financial hardship. When this does occur we will come together to provide support to make that experience as brief, as infrequent and as manageable as possible. We will help people to emerge from that experience with greater levels of resilience."

Our Approach

Poverty is a result of both individual circumstances (e.g. life events/transition points) and circumstances over which individuals and households have limited control (such as the availability of local employment). We will take a multi-layered approach, supporting individuals and households who need specific help, whilst also striving to create neighbourhoods, communities and systems within which everybody has the opportunity to flourish.

Priority Areas

In light of the Covid 19 crisis the emerging priorities for this Action Plan will focus initially upon the following, whilst recognising that the challenge will be to build sufficient humanity into the system to recognise that when people are under financial stress they are not at their most rational:

- Employability skills and employment support;
- Children and young people disadvantaged by poverty;
- Mental health / emotional support / coping skills;
- Inequality - the particular character of poverty within a relatively affluent county; and
- Crisis prevention: helping people to access support at earliest opportunity, and support to navigate available offer.

In addition, there are two aspects which will weave throughout these priorities. These are:

- 1) Housing, because a secure, high quality home underpins every other aspect of a person's wellbeing; and
- 2) Community development and co-production, because lasting solutions can only be developed if the 'subjects' of interventions are empowered, involved and are able to exercise real agency in their own lives.

These priorities have been developed with partners in response to intelligence that has been gathered on the ground in a rapidly changing environment. They will be kept under constant review and may be subject to change over the life of this action plan. Any such changes will be reviewed by the Tackling Poverty and Inequality Action Group and Partnership on the basis of evidence and a clear rationale.

Partnership Structure

As discussed, poverty and inequality are complex problems which no single organisation has the ability to solve working in isolation. The catalyst for driving and delivering the actions set out in the plan will be the Tackling Poverty and Inequality Steering Group, which will report directly to the Public Service Board. This multi-agency steering group will also link appropriately with other key partnerships which come under the auspices of the PSB.

Membership of the steering group will be sufficiently flexible to adjust as necessary to the plan's priorities, but will not be confined to representation from Public Service Board partners. In particular there is currently a substantial third sector representation (all of whom are represented at PSB level by GAVO) which we would wish to see nurtured and potentially expanded a time goes on.

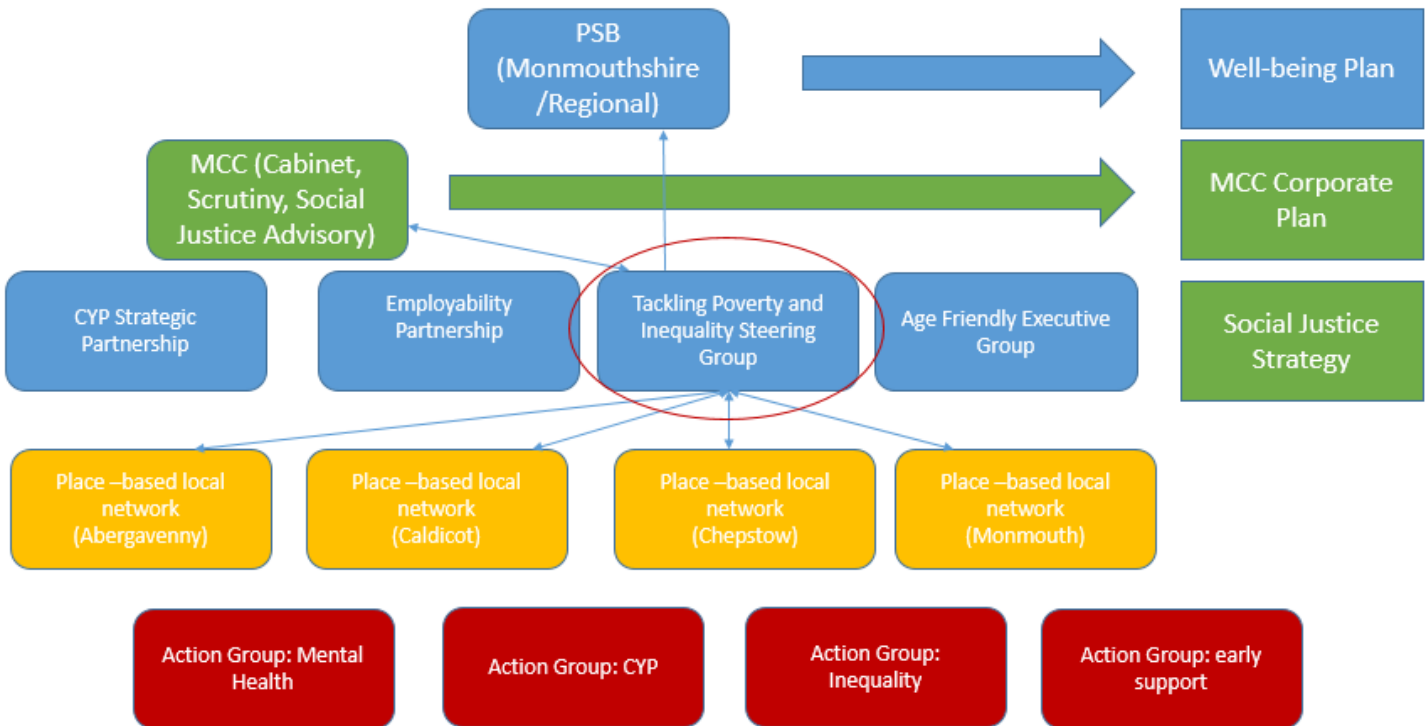
Through the various MCC service areas that are represented on the Steering Group, its work will also be reported to MCC's Social Justice Advisory Group, Strong Communities Select Committee and Cabinet.

In keeping with the principles of the Social Justice Strategy, co-production will be at the heart of our approach to tackling poverty and inequality; as such we will work with our communities as equal partners, working in a local, place-based way, using the local neighbourhood partnerships to bring the skills, knowledge and passions of local communities to the fore.

Finally, we have recently established a Monmouthshire Tackling Poverty and Inequality Network which notionally sits under the Steering Group and which aims to connect a wide coalition of individuals, groups and organisations across different sectors and geographical footprints in order to bring about meaningful action.

Public Service Board partners' commitment to all these groups will be essential to secure their long term success.

Housing and co-production



4. EQUALITY AND FUTURE GENERATIONS EVALUATION (INCLUDES SOCIAL JUSTICE, SAFEGUARDING AND CORPORATE PARENTING):

Evaluations are being completed as these steps are developed and will be available for scrutiny when the work identifies key decisions that need to be taken. Delivery of this agenda is explicit within the county’s Wellbeing Plan, which is a key vehicle for our delivery of our commitments under the Wellbeing of Future Generations Act.

5. REASONS:

Monmouthshire County Council has made a commitment to tackling poverty and inequality in the county. In order to do this effectively it is essential that the council works effectively in partnership with public service and other partners.

6. RESOURCE IMPLICATIONS:

There are no resource implications attached to this report.

7. CONSULTEES:

The Social Justice Advisory Group have been consulted on the broad principles of the proposed plan and delivery structure and will review a detailed draft before final approval is sought at Cabinet.

The Public Service Board's Tackling Poverty and Inequality Steering Group have been consulted regarding the proposed delivery structure for the action plan and the proposal has been developed in accordance with their feedback

8. AUTHOR:

Judith Langdon, Tackling Poverty and Inequality Manager
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Monmouthshire Select Committee Minutes

Meeting of Public Services Select Committee held at Remote Microsoft Teams Meeting on Monday, 27th July, 2020 at 10.30 am

Councillors Present

County Councillor T. Thomas (Chairman)
County Councillors: D. Batrouni, L.Dymock,
S. Howarth and J.Treharne

Officers in Attendance

Matthew Gatehouse, Head of Policy and Governance
Sharran Lloyd, LSB Development Manager
Hazel Clatworthy, Sustainability Policy Officer
Richard Jones, Performance Manager
Hazel Ilett, Scrutiny Manager

APOLOGIES: County Councillors P.Pavia and R.Roden

1. Election of Chair

Councillor Tudor Thomas was elected the chair for the meeting.

2. Declarations of Interest

No declarations of interest were received.

3. Public Open Forum

There were no members of the public present and no notice of any requests to speak at the Select Committee meeting.

4. Confirmation of Minutes

The minutes of the Select Committee meeting held on 11th March 2020 were approved as a true and accurate record of the meeting.

5. Pre-decision Scrutiny of the Draft Public Service Board Annual Report

The Head of Performance and Improvement presented the PSB's second draft Annual Report which provided an overview of the performance of the board during April 2019-March 2020 on the objectives set in its wellbeing plan, in line with the requirements of the WFG Act legislation and statutory guidance. He explained that the report covered the steps the PSB had chosen to deliver its objectives and the reasons why those were set and also how the board had applied the 5 ways of working outlined in the WFG act in its working throughout the year. The officer explained that the report also provided an overview of progress on all 19 steps against the four wellbeing objectives the board had chosen and it included an in-depth case study of work undertaken by the Children and Young People's Strategic Partnership to provide young people with the best possible start in life. It also summarised the scrutiny that has been undertaken throughout the

year and provided an overview of the regional working that has taken place and also the evidence and information that is used to measure progress such as national indicators outlined in the act.

The officer commented that public services have been at the forefront of efforts in responding to the covid 19 pandemic and some mention of the emerging evidence is provided in this report, however, more detailed evidence on well-being impacts will be provided in further reports. Members were advised that the report had been contributed to by all partners and would be approved by the Public Service Board at their next meeting prior to publication on their website.

The Partnerships Manager joined in the presentation of the report and explained that whilst the report is a light touch document, given how involved all partners are in responding to the covid 19 pandemic, hopefully it has still captured the headline information on behalf of the PSB and efforts can now be focussed on how the board can respond to the challenges collectively.

Key points to highlight are:

- The report only provides a snapshot of the work undertaken by town council partners and there is much more work which sits behind it, if members are interested in a more in depth understanding.
- One area of good practice is that over the last 12 months, the town councils that fall under the duties of the legislation have been included into the PSB structure, so representatives now sit on the programme board and are involved in early discussions on developing activities to responding to the challenges collectively.
- There has been extensive work being undertaken in town councils over a number of years which has come to the forefront and this is their financial contribution and recognition of the work of the open access and fully inclusive play provision in the county. This is something that the PSB has invested in over a number of years, through grant monies and also officer time and town councils have contributed towards that work, recognising that value of the free open access play provision for some of the young people would not have the financial means to access summer play provision. We have grown the model and have 500-600 children attending included those with disabilities. During this year, we have also been able to provide free food during the summer to children who may not have had a meal if they weren't able to afford the summer play provision, so we are also addressing food poverty.
- Another area of practice is evidenced in the case study provided by the Children and Young People's Strategic Partnership. This work has reduced silo thinking by agencies and there is greater correlation between the strands of work. For example, the work on Adverse Childhood Effects which underpins the need for every child to have a trusted adult needs to also take into account the importance of mental health and emotional well-being for young people as they grow older. This involves thinking about what models of care need to look like and how schools can become more outward looking to the heart of the community. The case study demonstrates the complexity involved, recognising that all partners

have a role to play. Through The case study, we have tried to work though the systems in public sector agencies to see how well the systems work in terms of preventing children falling between the gaps.

- The Active Citizenship work referred to in the report has involved trying to bring communities closer to the work of the PSB, embracing them in the challenges we have faced and during the pandemic, they have demonstrated their strength and resilience, so we want to respect them by involving them and working together rather than 'doing to them'.

Challenge:

- Accepting that the PSB's 6 key priorities were drafted pre-pandemic, do you think that Post-covid, these will need to change?
I think the priorities will still be relevant, but what the pandemic has done is to amplify some of the things we knew we needed to address. Covid has negatively impacted on many people and for many people who needed to access support prior to covid, their need is now greater. The challenges previously identified are still there, but there will be further challenges in addressing poverty, loneliness and mental health.
- Recognising there are likely to be new challenges, will previous commitments to carbon emission reduction by moving to electric vehicles still be priorities? Have we delivered on this so far?
One of the discussions taking place with communities is how we transition from the pandemic to longer term priorities. So whilst we've reopened town centres and provided enhanced pedestrianisation and we have had a positive response from our communities, this also aligns to longer term priorities to achieve a carbon neutral future by 2030. The money has been secured and 11 out of the 15 electric vehicle charge points are in now in situ, but there have been additional benefits, such as Gwent Energy using some of their resources to install a defibrillator next to the charge points, so yes, the 'sustainable futures' work remains a priority.
- The report reads a little disjointed. Recognising there are different inputs and it is difficult to write a report of many partners, it needs some editing to ensure flow.
It's a collaborative effort and has many contributions, so there was no sole author Ordinarily and in future, an editorial board would collate the report into its final draft, but the circumstances have been difficult and time did not allow for this.
- I'm unclear what actions the regional board have taken that have made a discernible impact. I'm unsure whether we are simply recording things we were doing previously. If so, what is the added value of the board? What are the key differences made by having the board? For example, how would we account for the impact by the board in reducing carbon emissions as opposed to the actions people as a result of environmental changes as a result of lockdown?
The point you make is fair. We will be able to measure the Monmouthshire contribution on carbon emission reduction by comparing the Monmouthshire data with UK trends, but I recognise that it's difficult to unravel the impact. The kind of

issues that the board has prioritised are complex societal issue that need multi-agency approaches to resolve them, but I accept your point. Coronavirus may mean that the priorities need to change.

- Some areas of this report need updating. For example, the Business Network and the GovTech positions, because we are nearly 1 year on from the implementation and there is no sense of whether it's delivering as there are no key indicators. Has there been a delay?
The work on GovTech was funded by UK Cabinet Office and a decision was taken in March to pause that work during the pandemic, so whilst officially paused, some of the research around transport and loneliness has continued, but it is a fair point and could be referred to in the report.
- The 'Thriving Places' data is for 2020, but there is no comparator for 2018 or 2019. Also the data headings themselves have changed, for example, measuring 'well-being equality' data in 2018/19 but in 2020 that has changed to 'employment equality' data, so I'm unsure what these mean and can't draw comparisons. I appreciate this is work in progress, but I can't see any consistency.
The 'Thriving Places' data derived from a piece of work undertaken by the 5 Gwent authorities on 'Happy Places' between 2018 to 2019/20. Each of the headline scores are based on a Local Authority indicator that sits beneath it, so it is important in understanding these scores, what the indicator is and to recognise that the issues are complex and there is far more evidence and data needed to fully understand the picture. We will need to understand how wellbeing will be impacted upon going forward as a result of covid, so the report only starts to address it and this will be something the PSB will need to continue to measure. In term of measuring the economic well-being, there's some remodelling required on these and this will need updating.
- Members need to be kept abreast of updates on matters such as GovTech, as many weren't aware the work had been paused and would have been expecting further progress.
This point is accepted and we will do this from hereon.
- In terms of measuring progress, if there is no data for the previous year and also this year, when we have data next year, will the data be meaningful?
Some of our conventional performance measuring will no longer apply. We will need to look at this in a new way, which provides many challenges, but also opportunities. So for example, sports activities will be difficult to measure but the Active Citizenship work has shown how many people have volunteered and contributed to help others during the pandemic, so the growth in people wanting to make a difference is activity we can capture. We wouldn't have had such data in the past to draw comparisons on, but you are right, we need a conversation as to how we move forward when we can't measure in the same way. We will need to reflect and think differently.

Chair's Conclusion:

We have discussed issues about the flow of the report and the disparity of the various inputs, also the need for elements to be updated. We highlighted issues around updating members on matters such as GovTech. We have raised concerns around performance measurement post-covid and we recognise some of the measures will need to change. Members of this committee have concern for those who may have been on the brink of managing until now and the pandemic may have pushed them over the edge. We cannot underestimate the enormous pressure on families in poverty, on households with reduced income, who have had to cope with the burden of home-schooling and on the other end of the spectrum, on those who live on their own and suffer loneliness and isolation exacerbated by the pandemic. We recognise the work being undertaken and we appreciate the drafting of this report was not an easy task and thank you for your efforts and ask that our feedback be noted.

6. Scrutiny of a Performance Report on COVID-19 Risks and Public Service Emergency Response Structure

The Committee were presented with a report detailing the risks relating to the coronavirus pandemic in the county, outlining those that may require a public service response in addition to a response to by the Council together with an overview of the regional multi-agency structure for emergency response and recovery. Members were asked to consider whether they felt that the key risks have been identified, that risk levels were proportionate and whether the right mitigating actions were in place, making any relevant recommendations to Cabinet or the Public Service Board.

Just to set the context for why the committee is receiving the multi-agency response today. Members will recall that we changed the terms of reference of this committee last year to enable this committee to look at broader multi-agency responses to matters faced by our residents. It is not the role of this committee to scrutinise the structure per se, as these are set up as part of national civil contingency legislation, however, it is important that the committee understand those structures. In terms of the risk assessment itself, given the range of partners involved, it felt pertinent to involve you in this prior to Cabinet considering it.

The report provided an overview of the emergency response arrangements in place and Appendix 1 provided a diagram of the reporting structures. Prior to May, it was explained that there was an Emergency Response Team in place, however, these usually deal with short term emergencies, so it felt appropriate to stand this group down and establish the Covid 19 Coordination group which comprises the Chief Officer for Resources, the Emergency Planning Lead Officer and the Head of Resources who report to the Senior Leadership Team and feed into the Gwent Strategic Coordinating Group. There are further appendices on the risks and the two plans on a page, which have been widely shared in the organisation by the Chief Executive and the letter from the minister Julie James who has asked the PSB to reconsider their objectives in light of the covid pandemic. These will be considered by the PSB at their meeting, but we are bringing this to you in advance to ask you whether this feels right and whether you have any feedback to pass on to the PSB.

Members attention was drawn to Appendix 4 where risk 3 was highlighted in terms of the risk to the economic well-being of the county, risk 6 in terms of harm to vulnerable children and adults, risk 8 in relation to the risks in failing to meet the needs of learners including vulnerable learners. Attention was also drawn to the four specific risks numbered 15-18 as being specifically related to the pandemic, risk 17 having an economic impact resulting in job losses and risk which referred to the risk of the virus increasing poverty in communities.

Challenge:

- In terms of risk 8 and learning, something that has arisen through discussions I've had with constituents and family and friends is the disparity between the support provided by Monmouthshire schools for children. Is there some way if we were to experience a second wave of the virus, that we could ensure the same level of support is provided to all? Another issue highlighted to me through a meeting with the Welsh Amateur Boxing Association community meeting in relation to a discussion on street games, was that no messages were given to the 16-25's. It was felt that messages were aimed at adults or at parents for primary school age children.
In terms of schools' support, this has proved a huge challenge to the education department and schools and this has provided us with a lot of lessons learnt through the first wave. If we were to experience a second wave, a phenomenal amount of learning and reflection will ensure we are better placed. The second question you raised is really important and I recognise the comments. This age group are socially active and how we communicate with them is something that's really important and is something we need to reflect on.
- It's important to ensure we communicate with the young age groups because the emerging data is suggesting that whilst they are least impacted personally, they are contributors to driving the spikes. The US data particularly shows long term effects.
You are right, it's important we continue to look globally and consider the evidence.
- I don't feel that risk 8 reflects the gravity of the situation, which I consider to be patchy. Online teaching is going to be really vital if we experience a second wave and I don't feel this risk is adequately captured. I have asked the question of the cabinet member as to whether we know which schools were doing well at this and which weren't but I haven't had a satisfactory answer. We rapidly need to roll out good practice.
- I also feel that risk 1, rated low, which refers to not having a sustainable delivery model is at odds with risk 15 which relates to service delivery and post mitigation is rated high and then medium. This seems to be a disconnect to me and number 1 needs to be reassessed in my view or integrated into risk 15.
The logic as to why the scores are assessed as they are, particularly in terms of risk 1, we feel the risk that the authority could not continue is low, but in terms of risk 15, we know some services are stretched and we have had to step down

some services such as the household waste and recycling centres and introduce booking systems. So this is the reasoning and logic behind the scores. This is a live document to reflect a dynamic changing environment. If the committee feels that risk level attached to risk 1 is too low, similarly with risk 15, they can recommend that it is reassessed and this can be fed through to Cabinet.

- *The risk level pre-mitigation for risk 1 is fine, but I recommend that the post-mitigation 2020 and 2021 level is raised from low to medium, as I feel there are too many uncertainties.*

- Would it be possible for officers to provide the detail as to how they arrived at the risk levels?

The full version of the risk assessment has greater detail and is generally taken to the Audit Committee but I appreciate the point that it's hard for members to gauge without a full understanding of how the risk has been arrived at. Officers are happy to take forward any recommendations on the risk level to cabinet, similarly whether the committee feels the risks are adequately captured.

Chair's Conclusion:

Issues have been raised about the consistency of online teaching and learning by schools and this is something that was raised in the Children and Young Peoples Select Committee, who raised this with the Education Achievement Service, who are preparing with schools for a blended learning approach from September onwards. Members also had concerns for children who will return to the exam system next year for children whose parents are not that adept at home schooling or are working long hours and are not able to provide that level of support to their child's education. The committee was reassured that every child was being provided with an I pad. Finally, this committee has reached consensus that the risk level for risk 1 post-mitigation should be raised from low to medium, as discussed.

7. Discussion on early thinking on a Regional Public Service Board

This report was brought to the committee to inform them that discussions have been taking place on the feasibility and desirability of moving to a Gwent-wide Public Service Board. The Public Services Select Committee had in previous meetings supported the idea of a regional PSB to reduce duplication of efforts, to improve governance and to ensure a consistent approach for services operating under a regional footprint.

Members heard that there are clear advantages in terms of economies of scale for partners who would only need to attend 1 PSB, as well advantages for the delivery of shared projects such as the Gwent Green Grid and other projects such as those around obesity. There would also be advantages in terms of shared regional priorities on issues such as violence and domestic abuse, however, there would be a need to see tangible outcomes locally. A key thing to consider would be how to retain sight of the things that matter most to Monmouthshire and how to champion the local agenda. We would also need to consider how officers would be deployed across a regional structure and at programme board level. There isn't a significant amount of detail on this proposal at present, however, the report had been brought to the committee to ensure members

were kept abreast of discussions taking place on a collaborative arrangement and to offer the opportunity to offer any feedback if the committee wished to do so.

Chair's Conclusion:

There was support from the committee for the move towards a regional PSB for the reasons explained in the report's introduction. Members requested a list of collaborative projects that are overseen by the Public Service Board, accepting that there are many other services delivered collaboratively and recognising that these are likely to be overseen by the other select committees.