

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 CJCs 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 CJCs 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 CJs

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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?