

MID WALES CORPORATE JOINT COMMITTEE

25th JANUARY 2022

REPORT OF THE MONITORING OFFICER

Report Title: Adoption of Standing Orders for the Mid Wales Corporate Joint Committee

Purpose of Report	To formerly constitute the Mid Wales Corporate Joint Committee
Decision Sought: It is recommended that Members: (a) Adopt the Standing Orders for the Corporate Joint Committee and accept the proposed direction for the Constitution in appendix 1 of the report (b) Delegate the power to the Monitoring Officer to make editorial changes to the Standing Orders for their Publication (c) Approve the creation of the sub-committees identified at paragraph 18 of this report.	
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Legal Officer	Clive Pinney (proposed Monitoring Officer)

Background:

1. The Local Government and Elections (Wales) Act 2021 (“the LGE Act”) created the framework for a consistent mechanism for regional collaboration between local authorities through Corporate Joint Committees (CJCs). The LGE Act provides for the establishment of CJCs through Regulations (CJC Establishment Regulations).
2. The CJC will exercise functions in three areas namely strategic development planning, regional transport planning and the promotion of the economic well-being of their areas. In contrast to other joint committee arrangements, CJCs are separate corporate bodies which can employ staff, hold assets and budgets, and undertake functions.
3. The Mid Wales CJC will comprise of the Leaders of Powys County Council and Ceredigion County Council (“the Constituent Councils”) and in the preparation of the Strategic Development Plan, the CJC will include a representative of the Brecon Beacons National Park.

Remit of the CJC

4. The CJC has prescribed functions related to the preparation of the Regional Transport Plan, Strategic Development Plan, and the exercise of Economic Wellbeing powers. These are set out specifically as follows:
 - (a) Economic well-being (section 76 of the Local Government and Elections (Wales) Act 2021)
 - (b) Transport policies (section 108(1)(a) and (2)(a) of Part 2 of the Transport Act 2000)
 - (c) Strategic development plan

5. It should be noted that the underlying policy intent in the development of the legislation which underpins the CJC is that 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 local authorities in the way that they operate. Work continues to co-develop the legislative framework including through the recent consultation on the draft Corporate Joint Committees (General) (Wales) Regulations 2022. CJsCs, as public bodies undertaking public functions, are subject to the necessary public body duties that already exist in legislation. This includes the Sustainable Development and Well-being Duty under the Well-being of Future Generations (Wales) Act 2015 ("the WFG Act"), the Environment Act 1995 and the duty to prepare and publish a strategy for contributing to the eradication of child poverty in Wales under the Children and Families (Wales) Measure 2010 ("the 2010 Measure").

CJC Operational Responsibilities

6. CJsCs will also be required to appoint a number of statutory "executive officers" similar to the roles within principal councils (e.g., Chief Executive, Chief Finance Officer and Monitoring Officer). CJsCs can directly employ such officers but it is also possible for staff to be loaned from a Constituent Council to fulfil these roles as the CJC may determine. It is also intended that all executive roles within a CJC will be afforded the same statutory protection and indemnity as statutory officers within principal councils.

7. An agreement will be entered into between the CJC and the authorities for staff to be made available to the CJC and will be acting as CJC staff when carrying out functions for the CJC. The members of staff that are affected will be consulted to ensure to seek their agreement to these additional obligations.

8. The support services provided will be on an ad-hoc basis as and when support is required and will be carried out by staff within their normal contracted hours with their Constituent Councils, and Chief Executives of each Authority will keep such matters under review to address workload pressures.

The Governance of the CJC

9. The Mid Wales Corporate Joint Committee Regulations 2021 requires the Corporate Joint Committee (“CJC”) to make Standing Orders to regulate its proceedings and business.
10. There is an intention in the draft Corporate Joint Committees (Wales) Regulations 2022 that there will be a requirement on the CJC to prepare and publish a Constitution.
11. The aim of this report is to establish initial Standing Orders in a template set out in Appendix 1 which can be extended to create a constitution which meets the requirements, but which is proportionate to the nature and size of the CJC.
12. There are already 3 sets of governance Regulations in force. In addition to the establishing regulations, there are 2 sets of General Regulations with a third anticipated to come into force in the Spring. It is likely that there will be a further set.
13. It can be appreciated therefore that establishing the governance arrangements for the CJC has to respond and develop against a legal situation which is still evolving. Some aspects such as Overview and Scrutiny has just been the subject of consultation. By the same token the arrangements for the Code of Conduct and Standards Committee are to be confirmed. These are in italics in the Standing Orders on the assumption that the arrangements will reflect the consultation, but this has not been confirmed.
14. The aim of the recommendations in this report is to create an initial set of Standing Orders which will allow the CJC to sustain its activities in a way which meets the core statutory requirements and creates a practical and flexible platform which can develop as the establishment moves forwards.

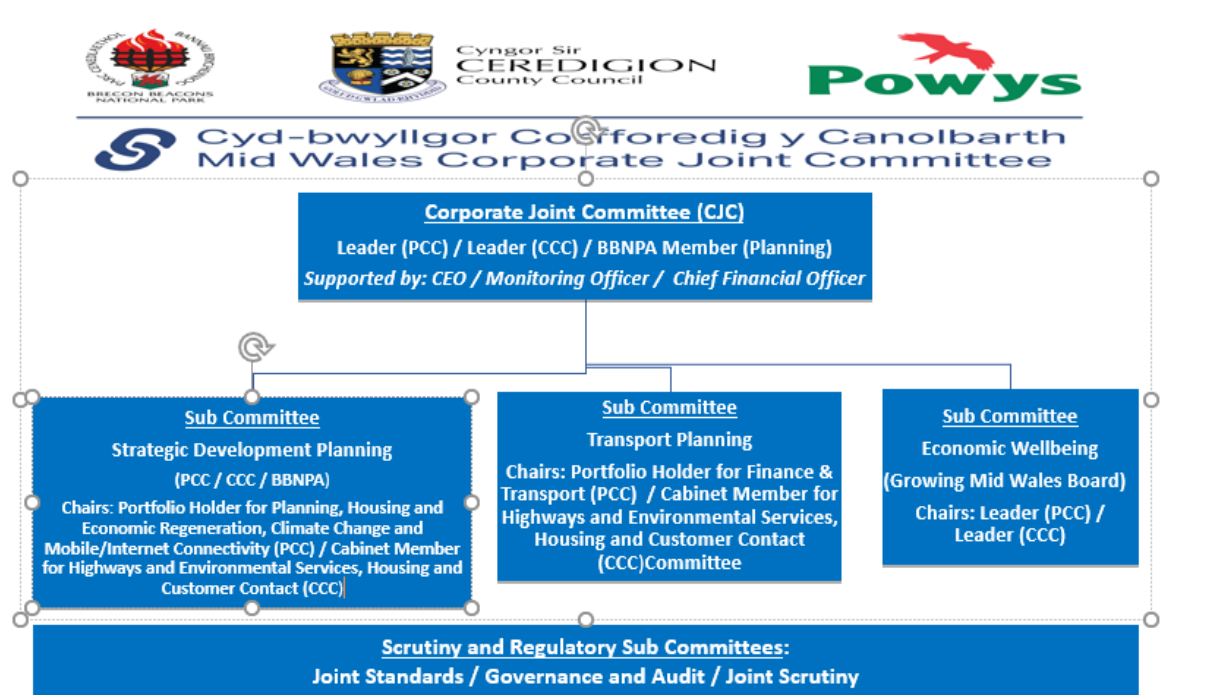
Summary of the Main Items of the Proposed Standing Orders

15. The members of the CJC are:
 - (a) the executive leaders of
 - a. Powys County Council
 - b. Ceredigion County Council
 - (b) A member of the Brecon Beacons National Park Authority
16. The CJC members are entitled to vote in relation to any matter to be decided by the CJC, except that the Brecon Beacons member may only vote where the matter to be decided is about strategic planning functions (and associated issues), unless the Council members to extend the NPA to include other functions.
17. Where a Council member is, for any period, unable to discharge their functions, a Constituent Council must appoint another member of its executive/cabinet to

discharge those functions on behalf of the Council member for that period. Where the Brecon Beacons member is, for any period, unable to discharge his/her functions, the Authority must appoint another a relevant office holder to act on his or her behalf for that period.

18. In order to implement the legislative requirements, it is proposed that the CJC will have three Sub Committees, with the chair and vice chair of each Sub-Committee being drawn from the respective Cabinets of the Constituent Councils (or their nominated deputies) and shared between the two authorities for a 12-month period. It is proposed that the following sub-committees be established,

Sub Committee	Chair	Vice Chair
Regional Transport Planning	To be confirmed	To be confirmed
Economic Well Being – regional economic development (Mid Wales Growth Deal Sub Committee)	To be confirmed	To be confirmed
Strategic Development Planning	To be confirmed	To be confirmed



19. It should be noted that no member of a CJC shall be entitled to any additional remuneration as a result of membership of the CJC.

Governance and Audit Functions

20. The CJC is required to establish a sub-committee to be known as the Governance and Audit Sub-Committee with the terms of reference being approved by the CJC before 1st June 2022
21. Future reports will be brought back to the CJC to appoint representatives to this Governance and Audit Sub Committee.

Standards / Ethical Framework

22. It will be important that members and co-opted members within a CJC are subject to the same standards of conduct as members of Constituent Councils. The CJC will adopt its own code of conduct for members. Until this point its members (including co-opted participants from Constituent Councils) will be subject to the relevant code of conduct of their local authorities. During this time members and co-opted participants from local authorities will be required to register any personal interests they have in the business of the CJC in their relevant principal council's register of interest by providing written notification to their council's Monitoring Officer.
23. The CJC will appoint a Standards Committee in accordance with the terms of reference adopted by the CJC before 1st Jun 2022

Overview and Scrutiny

24. Working with its Constituent Councils and the Brecon Beacons National Park Authority the Mid Wales Corporate Joint Committee ("CJC") will be required to put in place appropriate overview and scrutiny arrangements. Scrutiny will be an important part of the democratic accountability of the CJC. It will be important for CJCs to consult on and agree the arrangements with its constituent councils.
25. In considering the most effective and efficient approach to scrutiny, Welsh Government require Constituent Councils and CJCs to give thought to the benefits of a joint overview and scrutiny committee made up of the constituent councils together with the Brecon Beacons National Park Authority in respect of Strategic Development Planning matters. The clear aim and ambition however must be to create, facilitate and encourage a clear democratic link back to the constituent councils.
26. Future reports will be brought back to the CJC to appoint representatives to this Overview and Scrutiny Sub-Committee

Budget

27. The CJC is required to meet by the end of January 2022 in order to establish its budget for the 2022/2023 financial year.

Financial Impacts:

28. The financial impacts of adopting this Constitution and associated documents will be incorporated into the budget for 2022/2023 and future reports to the CJC.

Integrated Impact Assessment:

29. The CJC is subject to the Equality Act (Public Sector Equality Duty and the socio-economic duty), the Well-being of Future Generations (Wales) Act 2015 and the Welsh Language (Wales) Measure, and must in the exercise of their functions, have due regard to the need to:
- Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Acts.
 - Advance equality of opportunity between people who share a protected characteristic and those who do not.
 - Foster good relations between people who share a protected characteristic and those who do not.
 - Deliver better outcomes for those people who experience socio-economic disadvantage
 - Consider opportunities for people to use the Welsh language
 - Treat the Welsh language no less favourably than English.
 - Ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs.
30. The Well-being of Future Generations (Wales) Act 2015 mandates that public bodies in Wales must carry out sustainable development. Sustainable development means the process of improving the economic, social, environmental and cultural well-being of Wales by taking action, in accordance with the sustainable development principle, aimed at achieving the 'well-being goals.
31. There is no requirement for an Integrated Impact Assessment for this report as the setting up of the CJC is underpinned by legislation and that this report is to establish governance arrangements in accordance with legislation. This will be kept under review with any future reports considering whether impacts require consideration.

Workforce Impacts:

32. There are no workforce impacts associated with this report.

Legal Impacts:

33. Part 5 of the LGE Act provides for the establishment, through regulations, of CJC's and compliance will be had with this and other legislative obligations in the establishment of CJC's. In particular, the Mid Wales Corporate Joint Committee Regulations came into force on 1st April 2021 and set out an initial framework for example, that the CJC should be established and the timeframes for the discharging of specific functions. However, a series of further Regulations are being drafted and consulted on by Welsh Government. The Welsh Government has concluded its consultation on the Corporate Joint Committees (General) (No.2) (Wales) Regulations 2021. The Welsh Government is also currently consulting on draft statutory guidance. A third stage of Regulations will put in place further legislation for the operation of the CJC's and its functions, which

Welsh Government are currently being consulted on. A fourth stage will put in place any remaining provisions that a CJC might need.

Risk Management Impacts:

34. Failure to constitute the CJC means the CJC will be unable to take any decisions, including setting a budget for the 2022/2023 financial year and accordingly would be in breach of the legal requirements imposed under the Local Government and Elections (Wales) Act 2021 (exposing each constituent council and national park authority to challenge) along with the reputational risks that such non-compliance will bring.

Consultation:

35. There is no requirement for consultation in respect of this report.

Reasons for Proposed Decision:

36. To ensure appropriate governance arrangements are in place for the CJC to make decisions and compliance is had to the legislative requirements that are applicable to the CJC.

Implementation of Decision:

37. This decision is proposed for immediate implementation

Appendices:

38. Appendix 1 - Draft Constitution (standing orders) for the Mid Wales CJC