

CYDBWYLLGOR CORFFORAETHOL DE ORLLEWIN CYMRU

2.00 pm DYDD IAU, 13 IONAWR 2022,

VIA MICROSOFT TEAMS

1. Croeso a galw'r rhestr
2. Datganiadau o fuddiannau
3. Penodi Cadeirydd (*Tudalennau 3 - 6*)
4. Mabwysiadu Cyfansoddiad a Rheolau Gweithdrefnol ar gyfer Cydbwyllgor Corfforaethol De Orllewin Cymru (*Tudalennau 7 - 134*)
5. Cydbwyllgor Corfforaethol De Orllewin Cymru - Rhaglen Gwaith i'r Dyfodol y Prif Weithredwr (*Tudalennau 135 - 144*)
6. Cyllidebau Blynyddol Drafft ar gyfer Blynyddoedd Ariannol 2021/22 a 2022/23 (*Tudalennau 145 - 156*)
7. Eitemau brys

K.Jones
Chief Executive

Civic Centre
Port Talbot

7th January 2022

SOUTH WEST WALES CORPORATE JOINT COMMITTEE

Report Title: Appointment of Chair and Vice Chair for South West Wales Corporate Joint Committee

Purpose of Report	To appoint a Chair and Vice Chair of the South West Wales Corporate Joint Committee
Recommendation	That members of the South West Wales Corporate Joint Committee appoint a Chair and Vice Chair of the South West Wales Corporate Joint Committee to be in office until the date of the next annual meeting.
Report Author	Craig Griffiths
Finance Officer	N/A
Legal Officer	Craig Griffiths

Background:

1. The meetings of the South West Wales Corporate Joint Committee (“CJC”) must be chaired by the chair appointed by the members of the CJC, or if the chair is absent, the vice-chair.
2. At the first meeting of the CJC the appointment of a chairperson and vice-chairperson is to be the first business transacted, and the council member for Carmarthenshire County Council must chair the meeting until the chairperson is appointed (and the chairperson is to chair the remainder of the meeting).
3. At each annual general meeting of the CJC the continuing appointment of the chair and vice-chair must be confirmed, or a new chair, vice-chair, or both must be appointed.
4. The chair and vice-chair must be appointed from among the members of the CJC from the constituent councils – for the avoidance of doubt the National Park Authorities shall not be entitled to be voted in as chair or vice-chair.

5. The chair and vice-chair must be appointed or confirmed by the CJC members and any other members entitled to vote on the matter.
6. A person appointed as chair or vice-chair may at any time resign that office by notice in writing given to the other members.
7. If a vacancy arises in the office of chair or vice-chair, an appointment to fill the vacancy must be made at the first meeting of the CJC held after the vacancy has arisen.
8. If the office of chair is vacant, the vice-chair may carry out the functions of chair until the vacancy is filled.
9. Where the offices of both chair and vice-chair are simultaneously vacant, a meeting of the CJC must be chaired, until one of the vacancies is filled, by the council member for Carmarthenshire County Council.
10. Members should note that the Chair does not have a casting vote other than in respect of strategic planning.

Financial Impacts:

11. There are no financial impacts associated with this report

Integrated Impact Assessment:

12. 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.

13. 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'.
14. 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:

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

Legal Impacts:

16. Part 5 of the LGE Act provides for the establishment, through regulations, of CJCs and compliance will be had with this and other legislative obligations in the establishment of CJCs. In particular the South West 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 CJCs and its functions, which Welsh Government are currently consulting on. A fourth stage will put in place any remaining provisions that a CJC might need.

Risk Management Impacts:

17. Without appointing an appropriate chairperson, meetings of the CJC would not be able to be held.

Consultation:

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

Reasons for Proposed Decision:

19. To ensure appropriate governance arrangements are in place for the CJC

Implementation of Decision:

20. This decision is proposed for immediate implementation

Appendices:

21. None

List of Background Papers:

22. None

SOUTH WEST WALES CORPORATE JOINT COMMITTEE

13TH JANUARY 2022

REPORT OF THE MONITORING OFFICER

Report Title: Adoption of Constitution and Procedural Rules for the South West Wales Corporate Joint Committee

Purpose of Report	To formerly constitute the South West Wales Corporate Joint Committee
Recommendation	<p>It is recommended that:</p> <p>Members approve the allocation of operational responsibilities of the South West Wales Corporate Joint Committee as set out in paragraph 7 and authorise the entering into of agreements between the South West Wales Corporate Joint Committee and the Constituent Councils identified to provide these services;</p> <p>Members approve the creation of the sub-committees identified at paragraph 14 of this report and the proposed representatives appointed to the sub-committee set out at paragraph 15;</p> <p>Members approve the establishment of Governance and Audit Sub-Committee Committee for the South West Wales Corporate Joint Committee as set out in paragraphs 18-22 of this report;</p> <p>Members approve the designation of the Neath Port Talbot County Borough Council Standards Committee as the Standards Committee of the South West Wales Corporate Joint Committee;</p> <p>Members approve the establishment of an Overview and Scrutiny Sub-Committee Committee for the South West Wales</p>

	<p>Corporate Joint Committee as set out in paragraphs 27-31 of this report;</p> <p>Members approve the Constitution of the South West Wales Corporate Joint Committee set out in Appendix 1;</p> <p>Members approve the Rules of Procedure for South West Wales Corporate Joint Committee meetings set out at Appendix 2;</p> <p>Members approve the Access to Information Procedure Rules for South West Wales Corporate Joint Committee meetings set out at Appendix 3;</p> <p>Members approve the Members Code of Conduct for South West Wales Corporate Joint Committee meetings set out at Appendix 4; and</p> <p>Delegated authority be granted to the Chief Executive, in consultation with the Chair of the South West Wales Corporate Joint Committee to agree any documents necessary to implement the requirements of this report and the recommendations set out above.</p>
Report Author	Craig Griffiths
Finance Officer	N/A
Legal Officer	Craig Griffiths

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 government, namely Corporate Joint Committees (CJCs). The LGE Act provides for the establishment of CJCs through Regulations (CJC Establishment Regulations).
2. The CJC will 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. 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 South West Wales CJC will comprise Carmarthenshire County Council, the City and County of Swansea Council, Pembrokeshire County Council and Neath Port Talbot County Borough Council (“the Constituent Councils”). In respect of some

functions, both Pembrokeshire National Park and Brecon Beacons National Park will also be members (as set out below).

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 (2A)(a) of Part 2 of the Transport Act 2000)
 - (c) Strategic development plan (Part 6 of the Planning and Compulsory Purchase Act 2004)
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) (No. 2) (Wales) Regulations 2021. CJCs, 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") 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. CJCs 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. The intention is for CJCs 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. 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. The provisions in law relating to staffing which apply to principal councils will also apply to CJCs. These include TUPE and staff transfers and Trade Union relations. The CJC Establishment regulation require the CJC to have standing orders relating to employment (e.g. procedures to be determined by the CJC relating to the appointment/dismissal of officers and disciplinary action). Staff employed by the CJC are to be appointed on the same or similar terms and conditions (including remuneration) as officers appointed to one of the Constituent Councils undertaking substantially similar or the same responsibilities.
7. In light of the CJC's duty to appoint a number of statutory officers and to perform certain functions set out in regulations, the following allocation of roles is proposed:

Function of the CJC	Constituent Authority
Chief Executive	Rotating Annually between Neath Port Talbot, Pembrokeshire, Carmarthenshire and Swansea. The first being Neath Port Talbot
S151 (Chief Finance Officer)	Carmarthenshire
Monitoring Officer	Neath Port Talbot

8. An agreement will be entered into between the CJC and the authorities for the Constituent Council staff to be made available to the CJC and will be acting as if 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.
9. 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 respective authorities will keep such matters under review to address workload pressures.

The Governance of the CJC

10. In order to meet its legislative obligations identified above, the CJC will have a decision making process. These are prescribed in the legislation.
11. The members of the CJC are:
 - (a) the executive leaders of
 - a. Carmarthenshire County Council
 - b. Neath Port Talbot County Borough Council
 - c. Pembrokeshire County Council
 - d. The City and County of Swansea
 - (b) A member of the Brecon Beacons National Park Authority , and
 - (c) A member of the Pembrokeshire Coast National Park Authority
12. The CJC members are entitled to vote in relation to any matter to be decided by the CJC, except that the Brecon Beacons National Park and Pembrokeshire Coast National Park Authority (together the “NPAs”) members may only vote where the matter to be decided is about strategic planning functions (and associated issues), unless the Constituent Council members of the CJC choose, with the agreement of both the NPAs, to extend the NPA membership of the CJC to include other functions.
13. Where a leader 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 Constituent Council member for that period.
14. In order to implement the legislative requirements, it will be proposed that the CJC will have four Sub Committees, with the chair of each Sub-Committee being drawn from the Leaders of the Constituent Councils (or their nominated deputies) and shared between the four authorities. It is proposed that the following sub-committees be established,

Sub Committee	Lead Chief Executive	Political Lead
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Regional Transport Planning	Swansea	Neath Port Talbot
Economic Well Being – regional economic development	Carmarthenshire	Swansea
Strategic Development Planning	Pembrokeshire	Carmarthen
Economic Well Being- regional energy strategy	Neath Port Talbot	Pembrokeshire

15. It is proposed that the additional representatives to each Sub Committee be comprised of the relevant Cabinet members of the four Constituent Councils (and the Chairpersons of the relevant National Parks authorities in respect of Strategic Development Planning).
16. It is proposed that the Sub-Committee is then chaired by the Leader from the Constituent Council identified and supported by a chief executive from the authorities mentioned above.
17. 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

18. The CJC is required to establish a sub-committee to be known as the Governance and Audit Sub-Committee.
19. The terms of reference of the sub-committee are stated in the CJC Establishment Regulations as:
 - (a) review and scrutinise the CJC's financial affairs;
 - (b) make reports and recommendations in relation to the CJC's financial affairs;
 - (c) review and assess the risk management, internal control and corporate governance arrangements of the CJC;
 - (d) make reports and recommendations to the CJC on the adequacy and effectiveness of those arrangements;
 - (e) oversee the CJC's internal and external audit arrangements;
 - (f) review any financial statements prepared by the CJC;
 - (g) exercise such other functions as the CJC may specify.
20. The CJC Establishment Regulations state that membership of the Governance and Audit Sub-Committee is at least one lay member and at least 2/3rds membership from the Constituent Councils. However this may be subject to change under the LGE Act. The Governance and Audit Sub-Committee may not exercise its functions if the membership of the sub-committee contravenes the membership as set out above and therefore the lay member(s) will need to be in place in order to meet as a sub-committee. The draft Guidance provides that it is anticipated that the sub-committee will be required to meet once in every calendar year as a minimum.
21. The chair of the Governance and Audit Sub-Committee must be a lay member.

22. Accordingly, it is proposed that a Governance and Audit Sub-Committee is established by the CJC comprising of Lay Member(s) to be drawn from Constituent Councils Governance and Audit Committees (or externally advertised if this is not possible) and members from each Constituent Council. This will ensure that the Governance and Audit Committee complies with proposed changes to the Local Government (Wales) Measure 2011 to have at least one third lay members. The appointment(s) will be made by the CJC. It should be noted that lay members will be remunerated in line with standard lay member payments set by the Independent Remuneration Panel for Wales.
23. Future reports will be brought back to the CJC to appoint representatives to this Governance and Audit Sub Committee.

Standards / Ethical Framework

24. 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. On application of the ethical framework a CJC will be able to 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.
25. It would be proposed that rather than establish a separate Standards Committee to oversee functions of the CJC, one Constituent Council's Standards Committee assumes the responsibility of overseeing standards for the CJC.
26. It is proposed that the Standards Committee of the authority that provides the Monitoring Officer for the CJC (in the first instance Neath Port Talbot County Borough Council) be the designated Standards Committee for the CJC. Members are asked to note that discussions are taking place with Welsh Government on this issue in light of some recent draft guidance and in the event of any change to this; this will be reported back to members.

Scrutiny

27. Working with its Constituent Councils the South West 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.
28. 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. The clear aim and ambition however must be to create, facilitate and encourage a clear democratic link back to the constituent councils.

29. Accordingly, it is proposed that a CJC Overview and Scrutiny Sub-Committee comprising three elected members from each constituent council be established to fulfil the Overview and Scrutiny Functions associated with the CJC. The functions of the Overview and Scrutiny Sub-Committee (to be enshrined in the CJC Constitution) are:
- (a) To review or scrutinise decisions made, or other action taken, in connection with the discharge of any functions which are the responsibility of the CJC;
 - (b) To make reports or recommendations to CJC respect to the discharge of any functions which are the responsibility of the CJC;
 - (c) To make reports or recommendations to the CJC on matters which affect the CJC (insofar as the CJC is not, or CJC is not, under a duty to do those things by virtue of Section 22A of the Local Government Act 2000;
30. CJC members and staff (including those working under the terms of a secondment or service level agreement) will have a duty to provide information to the scrutiny committee; attend committee meetings if requested to do so; and consider or respond to any report or recommendations made by a committee within the agreed arrangements and which relate to the CJC.
31. It will be important that there is no overlap in scrutiny but ultimately members of constituent authorities will still be able to scrutinise the impact of the CJC on their locality. In essence, although not directly scrutinising the decisions of the CJC, the constituent councils will be looking at the impact of the CJC on their locality and how the decisions of the CJC are impacting the constituent council. Recent Welsh Government guidance failed to refer to the role of constituent council overview and scrutiny arrangements and representations have been made that guidance should be clearer in terms of expectations of both joint scrutiny as well as Constituent Councils' member scrutiny, it being considered that the establishment of joint scrutiny arrangements should be addressed from the outset when governance issues are addressed to avoid potential drift. This would reflect the importance attached to Overview and Scrutiny rather than it appearing as a governance add-on.
32. Future reports will be brought back to the CJC to appoint representatives to this Overview and Scrutiny Sub-Committee

Constitution

33. The CJC is required to meet by the end of January 2022 in order to establish its budget for the 2022/2023 financial year.
34. The Constitution for the CJC will require approval, which in essence sets out the overarching structure of the CJC and its various sub-committees so that key decisions can be made.
35. The purpose of the Constitution is to:

- (a) enable the CJC to provide clear leadership to the community in partnership with citizens, businesses and other organisations, including its Constituent Councils and public bodies;
 - (b) support the active involvement of citizens in the process of CJC decision-making;
 - (c) provide a framework for good governance;
 - (d) enable decisions to be taken efficiently and effectively;
 - (e) create a powerful and effective means of holding decision-makers to public account;
 - (f) ensure that no one will review or scrutinise a decision in which they were directly involved;
 - (g) ensure that those responsible for decision making are clearly identifiable to local people and that they explain the reasons for decisions; and
 - (h) provide a means of improving the delivery of service to the community.
36. Members will note that the Constitution is similar in nature to what Constituent Councils operated under as the CJC is required to follow similar processes.
37. Attached at **Appendix 1** is the proposed constitution of the CJC for members to consider and adopt and is based on the elements identified in this report.

Ancillary Documents

38. The following documents will also require approval by members of the CJC:
- (a) **Appendix 2** - Rules of Procedure for CJC Meetings – These rules will ensure that appropriate rules are in place for meetings of the CJC and are based on models used by Constituent Councils
 - (b) **Appendix 3** - Access to Information Procedure Rules – These rules ensure the adoption of rules in respect of the publication of CJC meetings and provide the information that the public shall be entitled to gain access to. Again, these are based on models used by Constituent Councils and derive from legislative requirements.
 - (c) **Appendix 4** - Members Code of Conduct – It will be a requirement of the CJC to have a code of conduct for its elected members and any co-opted members and accordingly the nationally recognised model code of conduct should be adopted as the CJC Code of Conduct for Members

Financial Impacts:

39. 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:

40. 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.
41. 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'.
42. 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:

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

Legal Impacts:

44. Part 5 of the LGE Act provides for the establishment, through regulations, of CJsCs and compliance will be had with this and other legislative obligations in the establishment of CJsCs. In particular the South West 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 CJsCs 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:

45. 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:

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

Reasons for Proposed Decision:

47. 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:

48. This decision is proposed for immediate implementation

Appendices:

49. Appendix 1 - Draft Constitution for the South West Wales CJC
Appendix 2 - CJC Rules of Procedure
Appendix 3 - Access to Information Procedure Rules
Appendix 4 - Members Code of Conduct

List of Background Papers:

50. None

ARTICLE 1

The Constitution

1.1 Powers of the CJC

The CJC will exercise all its powers and duties in accordance with the law and this Constitution.

1.2 The Constitution

This Constitution, and all its appendices, is the Constitution of the South West Wales Corporate Joint Committee.

1.3 Purpose of the Constitution

The purpose of the Constitution is to:

- (a) enable the CJC to provide clear leadership to the community in partnership with citizens, businesses and other organisations, including its constituent councils, national park authorities and public bodies;
- (b) support the active involvement of citizens in the process of local authority decision-making;
- (c) provide a framework for good governance;
- (d) help members represent their constituents more effectively;
- (e) enable decisions to be taken efficiently and effectively;
- (f) create a powerful and effective means of holding decision-makers to public account;
- (g) ensure that no one will review or scrutinise a decision in which they were directly involved;

- (h) ensure that those responsible for decision making are clearly identifiable to local people and that they explain the reasons for decisions; and
- (i) provide a means of improving the delivery of service to the community.

1.4 Interpretation and Review of the Constitution

Where the Constitution permits the CJC to choose between different courses of action, the CJC will always choose that option which it thinks is closest to the purposes stated above.

The CJC will monitor and evaluate the operation of the Constitution as set out herein

ARTICLE 2

2.1 CJC Functions

The CJC has the following functions:

- (a) Economic well-being (section 76 of the Local Government and Elections (Wales) Act 2021)
- (b) Regional Transportation Policies (section 108(1)(a) and (2A)(a) of Part 2 of the Transport Act 2000 and PART 2 of the Transport Act 2000)
- (c) Strategic Land Use Planning (Part 6 of the Planning and Compulsory Purchase Act 2004)

2.2 Legal Powers

Subject to compliance with all legislative obligations, the CJC may do anything to facilitate, or which is incidental to, the exercise of its functions.

2.3 Composition

The members of the CJC are:

- (a) the 4 executive leaders of
 - a. Carmarthenshire County Council
 - b. Neath Port Talbot County Borough Council
 - c. Pembrokeshire County Council
 - d. The City and County of Swansea
- (b) A member of the Brecon Beacons National Park Authority , and
- (c) A member of the Pembrokeshire Coast National Park Authority

The members are entitled to vote in relation to any matter to be decided by the CJC, except that the representatives of the Brecon Beacons National Park Authority and Pembrokeshire Coast National Park Authority (together the “NPAs”) member may only vote where the matter to be decided is about strategic planning functions (including governance and budget issues associated with the strategic planning functions), unless the council members of

the CJC choose, with the agreement of both the NPAs, to extend the NPA membership of the CJC to include other functions.

2.4 Executive Leaders

Where an executive leader is, for any period, unable to discharge their functions, the constituent council of which they are a member must appoint another member of its executive to discharge those functions on behalf of the council member for that period.

Where a constituent council has a vacancy in a relevant office, the constituent council must appoint another member of its executive as the council member of the CJC until such time as the vacancy is filled.

Where a CJC member is, for any period, unable to discharge their functions, the constituent council of which they are a member must appoint another member of its executive to discharge those functions on behalf of the CJC member for that period.

Where a constituent council has a vacancy in a relevant office, the constituent council must appoint another member of its executive as the council member of the CJC until such time as the vacancy is filled.

2.5 NPA Members

The office holders who are eligible (the “Office Holders”) to be the Brecon Beacons NPA member or the Pembrokeshire Coast NPA member are:

- (a) the chairman,
- (b) the deputy chairman, or
- (c) the chairperson of a committee with responsibility for planning matters as may be established by either authority.

Where the Brecon Beacons NPA member or the Pembrokeshire Coast NPA member is, for any period, unable to discharge their functions, the authority must appoint one of the other eligible office holders to discharge those functions for that period.

The Brecon Beacons NPA member or the Pembrokeshire Coast NPA member, as the case may be, may act as a member only in relation to the strategic planning functions or any function of the CJC that is ancillary or incidental to those functions.

The Brecon Beacons NPA member or the Pembrokeshire Coast NPA member, as the case may be, may also act as a member in relation to any other function of the CJC if— (a) the constituent councils and the Brecon Beacons NPA member or the Pembrokeshire Coast NPA member (as the case may be) agree, or (b) the Brecon Beacons NPA member or the Pembrokeshire Coast NPA member (as the case may be) is permitted, or required, to act in relation to that function by virtue of express legal provision.

Any such agreement must specify the terms on which the Brecon Beacons NPA member or the Pembrokeshire Coast NPA member (as the case may be) may act in relation to the function concerned, including specifying the period for which the Brecon Beacons NPA member or the Pembrokeshire Coast NPA member are to act, and whether the Brecon Beacons NPA member or Pembrokeshire Coast NPA member are entitled to vote in relation to the function.

2.6 Co-option

The CJC may co-opt one or more individuals as members of the CJC (a “Co-opted Member”) on such terms as it determines and annexed to this Article 2 at Appendix 1.

Those terms must (a) specify the functions of the CJC in relation to which the Co-opted Member may act as a member of the CJC, (b) be agreed by the Co-opted Member and the other members, and (c) be set out in a co-option agreement.

Where a Co-opted Member is entitled to act in relation to— (a) the functions conferred on the CJC in relation to strategic planning; (b) any function of the CJC that is ancillary or incidental to those functions, the Brecon Beacons NPA member and the Pembrokeshire Coast NPA member may each act as a co-opted member for the purposes of such functions.

A Co-opted Member is co-opted for a period specified in the co-option agreement, or until the Co-opted Member resigns from the CJC.

A co-option agreement may be varied at any time and must be published electronically by the CJC.

2.7 Allowances

No member of a CJC shall be entitled to any additional remuneration as a result of membership of the CJC but any expenses incurred in attendance or participation shall be met by the CJC.

2.8 Meetings

The CJC must hold an annual general meeting in each financial year on a date to be determined by the CJC.

The CJC and any of its sub-committees may hold other meetings on a quarterly basis or at a frequency of their choosing.

An extraordinary meeting of the CJC may be called at any time by any person entitled to vote on a matter to be decided at that meeting.

The Chair may put on the agenda of a CJC meeting any matter which he/she wishes, whether or not authority has been delegate to a Sub-Committee of it or any member of officer in respect of that matter.

Any member of the CJC may request inclusion of an item on the agenda of the next available meeting of the executive for consideration. Officers of the CJC will also identify and report on items for meetings of the CJC

Meetings shall be conducted in accordance with the Procedural Rules

2.9 Quorum

No decision shall be made in relation to the funding of the budget requirement or the adoption of an alternative voting procedure unless all of the persons entitled to vote are present. In all other

business matters, the quorum shall be no fewer than 70% of the persons entitled to vote being present.

2.10 Voting

Each CJC Member shall be entitled to one vote per Constituent Council or National Park Authority. The Chair shall NOT have a casting vote (save for strategic planning matters) and in the event of a tie the matter is deemed to have not been passed.

2.11 Attendance

The Chief Executives (or any so officers nominated by them) of Constituent Councils and National Park Authorities shall be entitled to attend meetings of the CJC in an advisory capacity, irrespective of whether the meeting is to be considered in public or private.

Any member of a Constituent Council or National Park Authority may also as of right (subject to any relevant Code provisions) attend in respect of a particular item (or items) of interest/concern with prior notification to the Chief Executive and Chair. The Member may speak, but not move second or amend a motion. The attendance in the latter context is not meant to relate to attendance and participation for all or most of the items on the agenda, and if such a request is made, the decision on attendance shall rest with the CJC

Appendix A

Co Option Agreement

In accordance with the South West Wales Corporate Joint Committee Regulations 2021 (as amended), the Corporate Joint Committee has agreed to appoint

[] as a Co-Opted Member on the following terms:

Committee/Sub-Committee:

The Co-Opted Member is appointed to the Corporate Joint Committee(s)/[following Sub-Committee(s):

[]

Term

The Co-Opted Member is appointed for a period of [] calendar years, commencing on the [] and ending on the []

Functions:

The Co-Opted Member may act only in relation to the following function(s):

- (a) Economic well-being (section 76 of the Local Government and Elections (Wales) Act 2021)
- (b) Regional Transportation Policies (section 108(1)(a) and (2A)(a) of Part 2 of the Transport Act 2000 and PART 2 of the Transport Act 2000)
- (c) Strategic Land Use Planning (Part 6 of the Planning and Compulsory Purchase Act 2004)

Purpose

The Co-Opted Member is appointed for the following purpose(s):

Voting Rights

[The Co-Opted Member is not entitled to vote]

[The Co-Opted Member is entitled to vote in relation to the following functions and/or governance and administrative arrangements:]

[In respect of the above functions, the Co-Opted Member is entitled to vote on the following matters:]

Declaration of Interests

ARTICLE 3

Citizens Involvement

3.1 Citizens' Rights

Citizens have the following rights. Their rights to information and to participate are explained in more detail in the Access to Information Procedure Rules:

Citizens have the right to:

- obtain a copy of the Constitution, on payment of a reasonable fee if a hard copy is required;
- attend meetings of the CJC and its Sub-Committees except where personal or confidential matters are being discussed;
- attend meetings and ask questions direct to the CJC and its Sub-Committees;
- petition a CJC;
- find out, from the forward work programme, what business is to be considered by the CJC;
- see reports and background papers considered by the CJC and any of its Sub-Committees and the record of any decisions made by the CJC or its Sub-Committees, except where they contain personal or confidential information;
- make comments, compliments and complaints to the CJC about any matters that are the responsibility of the CJC. A complaint is one where someone feels that the CJC has failed to do something or done something badly or if they feel they have been unfairly treated by the CJC;
- complain to the Ombudsman if they think they have suffered injustice because the CJC has not followed its procedures properly. However, they are encouraged only to do this after using the CJC's own complaints process;

- complain to the Ombudsman if they have evidence which they think shows that a member or co-opted member of the CJC has not followed the Members' Code of Conduct; and
- inspect the CJC's accounts and make their views known to the external auditor.

3.2 Citizens' Responsibilities

Citizens must not be violent, abusive or threatening to members or officers (which shall include inappropriate use of social media) and must not wilfully harm things owned by the CJC or its officers

Citizens should note that in the event that they are violent, abusive or threatening steps maybe taken in line with the CJC's policies in respect of unreasonable behaviour policies.

ARTICLE 4

CJC Remit

- 4.1 The following functions shall be reserved to the CJC
- (a) Co-opting members;
 - (b) The development of transport policies under sections 108(1)(a) and (2A)(a) of Part 2 of the Transport Act 2000;
 - (c) Preparing a strategic development plan;
 - (d) taking steps to promote the economic wellbeing of the South West Wales area;
 - (e) The calculation of its budget requirements;
 - (f) The calculation of the funding of its budget requirements;
 - (g) The appointment and confirmation of chair and vice-chair;
 - (h) Determining an alternative voting procedure;
 - (i) Making, varying and revoking its standing orders and this constitution;
 - (j) Establishing Sub-Committees;
 - (k) Establishing a Governance and Audit Sub-Committee;
 - (l) Establishing an Overview and Scrutiny Sub-Committee;
 - (m) Establishing a Standards Sub-Committee.
- 4.2 Subject to the above, the CJC may arrange for the discharge of any of its functions by: a sub-committee (as established in Article 6); a member of staff; any other corporate joint committee; any county or county borough council in Wales.

ARTICLE 5

Role of the Chair

- 5.1 The meetings of the CJC must be chaired by
 - (a) the chair appointed under the provisions set out below, or
 - (b) if the chair is absent, the vice-chair appointed under the provisions set out below.
- 5.2 At the first meeting of the CJC the appointment of a chairperson and vice-chairperson is to be the first business transacted, and the council member for Carmarthenshire County Council must chair the meeting until the chairperson is appointed (and the chairperson is to chair the remainder of the meeting).
- 5.3 At each annual general meeting of the CJC the continuing appointment of the chair and vice-chair must be confirmed, or a new chair, vice-chair, or both must be appointed.
- 5.4 The chair and vice-chair must be appointed from among the members of the CJC from the constituent councils – for the avoidance of doubt the NPA shall not be entitled to be voted in as chair or vice-chair
- 5.5 The chair and vice-chair must be appointed, or confirmed by the CJC members and any other members entitled to vote on the matter.
- 5.6 A person appointed as chair or vice-chair may at any time resign that office by notice in writing given to the other members.
- 5.7 If a vacancy arises in the office of chair or vice-chair, an appointment to fill the vacancy must be made at the first meeting of the CJC held after the vacancy has arisen.
- 5.8 If the office of chair is vacant, the vice-chair may carry out the functions of chair until the vacancy is filled.
- 5.9 Where the offices of both chair and vice-chair are simultaneously vacant, a meeting of the CJC must be chaired, until one of the vacancies is filled, by the council member for Carmarthenshire County Council.

5.10 For the avoidance of doubt and as set out in the Rules of Procedure, the Chair does not have a casting vote other than in respect of strategic planning.

ARTICLE 6

Sub Committee Remit

- 6.1 The CJC may—
- (a) establish sub-committees for the purpose of discharging any of its functions (subject to Article 4) and/or to advise the CJC on any matter relating to the discharge of its functions;
 - (b) appoint as members of a sub-committee
- 6.2 A sub-committee may exercise only those functions as are delegated to it by the CJC.
- 6.3 The functions of a sub-committee, the number of members of a sub-committee and the term of office of each member must be fixed by the CJC.
- 6.4 The procedures of a sub-committee shall be set out in the Rules of Procedure.
- 6.5 The CJC shall establish the subcommittees identified in Appendix A of this Article 6.

Appendix A

The CJC shall create the following sub-committees

- Regional Transport Planning
- Economic Wellbeing
- Strategic Development Planning
- Energy

Each of the Sub Committees shall be constituted in the following manner:

Sub Committee	Lead Chief Executive	Chair of Sub Committee (Leaders of Respective Constituent Councils)	Members of Sub Committee	Term of Office
Regional Transport Planning	City and County of Swansea	Neath Port Talbot County Borough Council	Cabinet/Executive Member with portfolio for this matter from each of the Constituent Council (or a nominated representative from the Constituent Council)	In respect of the Cabinet/Executive Member of a Constituent Council for the duration of their appointment as a Cabinet/Executive Member.
Strategic Development Planning	Pembrokeshire County Council	Carmarthenshire County Council	Cabinet/Executive Member with portfolio for this matter from each of the Constituent Council (or a nominated representative from	In respect of the Cabinet/Executive Member of a Constituent Council for the duration of their appointment as a Cabinet/Executive

			the Constituent Council) A representative of both NPAs	Member and NPA Representative
Economic Wellbeing	Carmarthen shire County Council	City and County of Swansea	Cabinet/Executive Member with portfolio for this matter from each of the Constituent Council (or a nominated representative from the Constituent Council)	In respect of the Cabinet/Executive Member of a Constituent Council for the duration of their appointment as a Cabinet/Executive Member.
Energy	Neath Port Talbot County Borough Council	Pembrokeshire County Council	Cabinet/Executive Member with portfolio for this matter from each of the Constituent Council (or a nominated representative from the Constituent Council)	In respect of the Cabinet/Executive Member of a Constituent Council for the duration of their appointment as a Cabinet/Executive Member.

Each of the Sub-Committees such be entitled to act in an advisory capacity only in respect of their respective area and shall have no decision making powers. Although no decision making power, where a vote is required to be taken, the Chair of the Sub-Committee shall not be entitled to vote unless they are the only representative from their constituent council nor is the Chair entitled to a casting vote and in the event of a tie the matter shall be deemed to have not passed. Only one vote from a constituent council may count if there is more than one representative present.

ARTICLE 7

Overview and Scrutiny Sub-Committees

7.1 General Roles

The CJC will appoint an Overview and Scrutiny Sub-Committee to discharge the following functions:-

- (a) To review or scrutinise decisions made, or other action taken, in connection with the discharge of any functions which are the responsibility of the CJC;
- (b) To make reports or recommendations to the CJC with respect to the discharge of any functions which are the responsibility of the CJC;

The power of a Overview and Scrutiny Sub Committee under (a) above, to review or scrutinise a decision made but not implemented, includes power to recommend that the decision be reconsidered by the person who made it, or to arrange for its function under (a) above so far as it relates to the decision, to be exercised by the authority. This is known as the “call-in” power, the details of which are covered in the Scrutiny Procedure Rules.

7.2 The Sub-Committees and Specific Roles

In discharging the functions conferred by Section 21 of the Local Government Act 2000 and Section 35 of the Well-being of Future Generations (Wales) Act 2015, the CJC will appoint an Overview and Scrutiny Sub-Committee with the specific roles and terms of reference as set out herein.

- a) Assist the CJC in reviewing service delivery and performance through in-depth analysis;
- b) Review and scrutinise the decisions made by and the performance of the CJC and/or any Chief Officers both in relation to individual decisions and over time;
- c) Review and scrutinise the performance of the CJC in relation to its policy objectives, performance targets and/or particular service areas;

- d) Conduct research, community and other consultation in the analysis of service or policy issues and possible options;
- e) Consider and implement mechanisms to encourage and enhance community participation in the development of policy or the improvement of services;
- f) Question Members of the CJC or any Sub-Committee about their proposed policies, decisions and performance;
- g) Make recommendations to the CJC and/or appropriate Sub-Committee and/or other constitutional bodies arising from the outcome of the overview & scrutiny process;
- h) Review and scrutinise the performance of other public bodies in the area and invite reports from them about their activities and performance;
- i) Question and gather evidence from any person outside of the Authority (with their consent);
- j) Assist the CJC in the review of its budget and policies by in-depth analysis of policy issues;
- k) Liaise with other external organisations operating in the area, whether national, regional or local, to ensure that collaborative working enhances the interests of local people.

7.3 Proceedings of Overview and Scrutiny Sub-Committee

The Overview and Scrutiny Sub-Committee will conduct their proceedings in accordance with the Scrutiny Procedure Rules set out at Appendix A to this Article and the CJC Procedure Rules

7.4 Membership and Quorum

The Overview and Scrutiny Sub-Committee shall comprise 12 elected members, with three from each constituent council comprising the CJC.

The quorum for the Overview and Scrutiny Sub-Committee shall be at least 4 members of which there must be one from each constituent Council.

Appendix A

Scrutiny Procedure Rules

1. The number and arrangements for Scrutiny Committees

- 1.1 The CJC will have the Overview and Scrutiny Sub Committee set out in this Constitution with the roles and terms of reference as set out therein and will appoint to them as it considers appropriate from time to time. Such a Committee may appoint sub-committees.
- 1.2 References in these procedure rules to an Overview and Scrutiny Sub Committee and include any sub-committees or working groups of such Committees.

2. Members of Scrutiny Committees

- 2.1 The CJC shall appoint all Members of Scrutiny Committees in accordance with the wishes of the Constituent Council
- 2.2 No members of the CJC may be members of a Scrutiny Committee.
- 2.3 The quorum for the Overview and Scrutiny Sub-Committee shall be at least 4 members of which there must be one from each constituent Council.

3. Co-opted members

Each Overview and Scrutiny Sub Committee shall be entitled to recommend to CJC the appointment of a number of people as non-voting co-optees.

4. Meetings of the Scrutiny Committees

- 4.1 Unless otherwise agreed by the Chair and Vice Chair there shall be at least 4 ordinary meetings of each Overview and Scrutiny Sub Committee in each year. In addition, extraordinary meetings may be called from time to time by the Chief Executive in consultation with the Chair.
- 4.2 An extraordinary meeting of the Overview and Scrutiny Sub Committee may be called by the Chair of the Committee, by any 5

members of the Committee giving written notice of a requisition to the Chief Executive or by the Chief Executive if he considers it necessary or appropriate.

5. Appointment of Chairs of Scrutiny Committees

5.1 The Chair of an Overview and Scrutiny Sub Committee shall be appointed to that Committee by the members of that Scrutiny Committee. The chair shall not be from the authority that hosts the Joint Scrutiny function or from the Chair of the CJC.

5.2 Where the Chair is appointed by the Chairman and Overview and Scrutiny Sub Committee itself the appointment shall be made by simple resolution of the Committee.

5.3 Where there has been a failure to make appointment of Committee Chairs under Section 70 of the Local Government (Wales) Measure 2011 the appointment falls to be made by the Overview and Scrutiny Sub Committee under Section 71(5) and (6) of the Measure.

6. Functions of Scrutiny Committees

6.1 The functions of an Overview and Scrutiny Committees are:-

- (a) To review or scrutinise decisions made, or other action taken, in connection with the discharge of any functions which are the responsibility of the CJC;
- (b) To make reports or recommendations to the authority or the executive with respect to the discharge of any functions which are the responsibility of the CJC;
- (c) To make reports or recommendations to the CJC on matters which affect the CJC or the inhabitants of that CJC area (insofar as the CJC is not, or CJC is not, under a duty to do those things by virtue of Section 22A of the Local Government Act 2000;

7. Forward Plan and Other Information

7.1 The Overview and Scrutiny Sub-Committee will be responsible for setting its own work programme and in doing so it shall take into

account the wishes of members on that Committee.

- 7.2 The Scrutiny Committees shall comply with regulations made by the Welsh Ministers in relation to the provision of prescribed information about the exercise of Scrutiny functions.

8. Agenda Items

- 8.1 Any member of an Overview and Scrutiny Sub Committee shall be entitled to give 8 clear working days written notice before the date of the next meeting to the Chief Executive that he/she wishes an item relevant to the functions of the Committee or Sub-Committee to be included on the agenda for, and be discussed at, a meeting of the Committee or Sub-Committee.
- 8.2 On receipt of such a request, the Chief Executive shall ensure that it is included on the agenda for the next or subsequent meeting (the determination as to which meeting to rest with the Committee chair).
- 8.3 Any elected member of the CJC constituent councils who is not a member of a Overview and Scrutiny Sub Committee may give 8 working days written notice before the date of the next meeting to the Chief Executive that he/she wishes a matter which is relevant to the functions of the Overview and Scrutiny Sub-Committee to be included on the agenda of the Overview and Scrutiny Sub-Committee. If the Chief Executive receives such a notification, then it will be included on the agenda for the next or a subsequent meeting (the determination as to which meeting to rest with the Overview and Scrutiny Sub-Committee Chair). Such member may then attend the Committee to speak, but not vote, nor move, second or amend any motion on that item.
- 8.4 In exercising his or her power to give notice requiring an item to be placed on an agenda under paragraph 8.3 the member must have regard to any guidance issued by the Welsh Ministers.
- 8.5 A “local government” matter means a matter:-
- (a) Which relates to the discharge of any function of the CJC; or
 - (b) Affects all or part of the electoral area for which the Member is elected or any person who lives or works in that area.

(c) and in either case is not an “excluded matter”.

- 8.6 An “excluded matter” is a matter which comes under Section 19 of the Police and Justice Act 2006 or a matter of a description specified by order of the Welsh Ministers.
- 8.7 When a Overview and Scrutiny Sub Committee has considered a requisition to place an item on the agenda of a Committee under paragraph 8.3 above, the Member(s) concerned shall be advised of the outcome of the Sub-Committee’s deliberations.
- 8.8 Any non-Sub-Committee Member may also as of right (subject to any relevant Code provisions) attend in respect of a particular item (or items) of interest/concern with prior notification to the Chief Executive and Chair. The Member may speak, but not move second or amend a motion. The attendance in the latter context is not meant to relate to attendance and participation for all or most of the items on the agenda, and if such a request is made, the decision on attendance shall rest with the Sub-Committee.
- 8.9 The agenda of the Overview and Scrutiny Sub Committee may include a schedule of forthcoming or other CJC issues, and any member of the Committee is entitled to raise any of those issues at the meeting.
- 8.10 The Overview and Scrutiny Sub-Committees shall also respond, as their work programme permits, to requests from the CJC and if it considers it appropriate the executive, to review particular areas of CJC activity. Where they do so, the Overview and Scrutiny Sub Committee shall report their findings and any recommendations back to the CJC and/or executive.

9. Policy Review and Development

- 9.1 The CJC has the responsibility for proposing the annual budget, and the policies under the policy framework to the CJC.
- 9.2 In relation to the development of other matters not forming part of its policy and budget framework, Overview and Scrutiny Sub Committee or Sub-Committees may make proposals to the executive for developments in so far as they relate to matters within

their terms of reference, but there shall be consultation with the executive to avoid any duplication of work.

- 9.3 Scrutiny Committees may hold enquiries and investigate the available options for future direction in policy development and may appoint advisers and assessors to assist them in this process. They may go on site visits, conduct public surveys, hold public meetings, commission research and do all other things that they reasonably consider necessary to inform their deliberations. They may ask witnesses to attend to address them on any matter under consideration and may pay to any advisers, assessors and witnesses a reasonable fee and expenses for doing so.
- 9.4 Once it has formed proposals for development, the Overview and Scrutiny Sub Committee shall submit these for consideration by the CJC (if the proposals are consistent with the existing budgetary and policy framework), or to the CJC as appropriate (e.g. if the recommendation would require a departure from or a change to the agreed budget and policy framework). These recommendations shall be considered at the next available meeting of the executive or the CJC, or at such later meeting with the agreement of the Chairman and Vice Chairman of the Committee, or CJC, as the case may be.
- 9.5 If a Overview and Scrutiny Sub Committee cannot agree on one single proposal to the CJC as appropriate, then up to one minority proposal may be prepared and submitted for consideration by the CJC or executive with the majority proposal.
- 9.6 Scrutiny Committees will have access to the CJC's forward work programme for decisions and intentions for consultation. Even where an item is not the subject of detailed proposals from a Overview and Scrutiny Sub Committee following a consideration of possible policy/service developments, the committee will be able to respond in the course of the executive's consultation process.
- 9.7 Both the CJC and Overview and Scrutiny Sub Committee shall draw up co-ordinated work programmes where:-
 - (a) A Overview and Scrutiny Sub Committee will consider appropriate draft policies or plans being drawn up by the CJC under the policy framework.

- (b) A Overview and Scrutiny Sub Committee will have a direct involvement in a review of existing policies/procedures and make recommendations to the executive.
- (c) A Overview and Scrutiny Sub Committee may be asked by the CJC to join with it in a policy development task, which may not form part of the policy and budget framework.

10. Rights of Overview and Scrutiny Sub Committee Members to Gain Access to Documents

- 10.1 In addition to their rights as Councillors, elected members from constituency councils of the Overview and Scrutiny Sub Committee have the additional right to documents, and to notice of meetings as set out in the Access to Information Procedure Rules.
- 10.2 Nothing in this paragraph prevents more detailed liaison between the CJC and Overview and Scrutiny Sub Committee as appropriate depending on the particular matter under consideration.

11. Members and Officers Giving Account

- 11.1 The Overview and Scrutiny Sub Committee may scrutinise and review decisions made or actions taken in connection with the discharge of any CJC functions. As well as reviewing documentation in fulfilling the scrutiny role, it may require any other member of the CJC or Officers of the CJC to attend before it to explain in relation to matters within their remit:

- (a) Any particular decisions or proposed decisions or series of decisions; and/or
- (b) The extent to which the actions taken implement CJC policy; and/or
- (c) Their performance

and it is the duty of those persons to attend if so required.

- 11.2 Where any member or officer is required to attend a Overview and Scrutiny Sub Committee under this provision, the chair of that Committee will inform the Chief Executive who shall inform the member or officer in writing giving at least 8 clear working days'

notice of the meeting at which he/she is required to attend. The notice will state the nature of the item on which he/she is required to attend to give account and whether any papers are required to be produced for the committee. Where the account to be given to the committee will require the production of a report, then the member or officer concerned will be given sufficient notice to allow for preparation of that documentation.

11.3 Where, in exceptional circumstances, the member or officer is unable to attend on the required date then the Overview and Scrutiny Sub Committee shall in consultation with the member or officer arrange an alternative date for attendance.

11.4 It is ultimately the CJC members which will be required to answer questions about its policies and decisions. Officers contributions should as far as possible be confined to questions of fact and explanation relating to policies and decisions, though they can be asked to explain and give reasons for decisions they themselves have taken under delegated authority.

12. Attendance by CJC Members

12.1 There would also be attendance by the relevant CJC members as a standing arrangement on policy, budget or other forthcoming issues, in order to provide evidence and information for the Scrutiny Committee, and to ensure the “executive” and “scrutiny” works constructively and inclusively together in the best interests of the CJC and its communities.

12.2 In particular CJC Members may attend any meeting of a Overview and Scrutiny Sub Committee which is undertaking pre-scrutiny of any proposed executive decision.

13. Attendance by Others

13.1 A Overview and Scrutiny Sub Committee may invite people other than those people referred to in paragraph 12 above to address it, discuss issues of local concern and/or answer questions. It may for example wish to hear from residents, stakeholders and members and officers in other parts of the public sector and shall invite such people to attend. Attendance is entirely voluntary.

13.2 A Overview and Scrutiny Sub Committee shall make arrangements

to enable all persons who live or work in the area of the CJC to bring to the attention of the Committee their views on any matter under consideration by the Committee.

13.3 These arrangements shall include the publication on the CJC's website of the forward work programme of the Committee and any agenda for a meeting of the Committee and or the publication of the agenda in accordance with the statutory rules contained in the Local Government Act 1972 and Local Government and Elections (Wales) Act 2021.

13.4 Persons who live or work in the CJC's area may submit written representations on any matter under consideration by the Committee by submission to the Chief Executive up until one working day before any relevant meeting of the Committee and these representations shall be reported to the Committee either in full or in summary at the discretion of the Chair.

13.5 In making any report or recommendations the Committee shall comply with Section 21F of the Local Government Act 2000.

13.6 The Chief Executives (or any so officers nominated by them) of Constituent Councils and National Park Authorities shall be entitled to attend meetings of the Overview and Scrutiny Sub-Committee in an advisory capacity, irrespective of whether the meeting is to be considered in public or private.

14. Call-in

14.1 When a decision is made by the CJC, a committee of the CJC or an individual member of the CJC, a summary of the decision shall be circulated by the Chief Executive (normally within 2 days of the decision being made and where possible by electronic means) to all members of the relevant Overview and Scrutiny Sub Committee (with copies to all other members of CJC).

14.2 That notice containing the decision summary will bear the date on which it is published and will specify that the decision will come into force, and may then be implemented, on the expiry of 3 calendar days after the publication of the decision, unless the Overview and Scrutiny Sub-Committee, or the requisite number of members thereof (referred to in paragraph 14.3 below) objects to it and calls it in.

14.3 Except as provided in Paragraph 14.11 if the Chief Executive shall receive during the call in period a request:-

- (a) by virtue of a decision of a relevant Scrutiny Committee, or
- (b) by three or more members of a relevant Overview and Scrutiny Sub Committee together with the Chair (or in the absence of the Chair the Vice Chair), or
- (c) by one third or more of the Members of a relevant Scrutiny Committee

The Chief Executive shall convene a meeting of the relevant Overview and Scrutiny Sub Committee on such date as it agreed with the Chair (or Vice Chair in the absence of the chair) (but in any case not later than seven working days of the decision or request for call in

14.4 Where it is not possible in the time available for the requisite number of members to call-in the decision, the Chair (or in absence the Vice Chair) may allow the call-in if it is considered that the circumstances so warrant a call-in.

14.5 For the purposes of Paragraph 14.3 a member for the above purposes shall be a voting member of the Overview and Scrutiny Sub Committee

14.6 Having considered the decision, the Overview and Scrutiny Sub Committee may refer it back to the decision making body or person for reconsideration, setting out in writing the nature of its concerns or refer the matter to full CJC. If referred to the decision maker, that body or person shall then reconsider within a further 10 working days (or such other time as may be agreed the decision maker with the Chair – or in absence Vice Chair – of the Scrutiny Committee) amending the decision or not, before adopting a final decision.

14.7 If following the call-in, the Overview and Scrutiny Sub Committee decides not to refer the matter back to the decision making body or person; the decision shall take effect on the date of the Scrutiny Meeting.

14.8 If the matter was referred to full CJC and the CJC does not object

to a decision which has been made, then no further action is necessary and the decision will be effective in accordance with the provision below. However, if the CJC does object, the CJC will refer any decision to which it objects back to the decision making person or body, together with the CJC's views on the decision. That decision making body or person shall choose whether to amend the decision or not before reaching a final decision and implementing it. Where the decision was taken by the executive as a whole or a committee of it, a meeting will be convened to reconsider within 10 working days of the CJC request. Ultimately, a decision which is within the definition of executive functions, and which is in accordance with the policy and financial framework agreed by the CJC, will be one for the executive to take.

14.9 If the CJC does not refer the decision back to the decision making body or person, the decision will become effective on the date of the CJC meeting.

14.10 There can only be one call-in of the particular executive decision. If the decision is reconsidered by the decision maker under the procedures above, the decision then made after reconsideration shall be final and may be implemented immediately.

14.11 **Exceptions to call-in**

The call in procedures above shall not apply in the following cases:-

- (a) Where the decision being taken by the CJC is urgent. A decision will be urgent if any delay likely to be caused by the call-in process would prejudice the interests of the CJC or the public interest. The formal record of the decision, and the summary sent to Scrutiny members shall state the opinion of the decision making body that the decision is an urgent one, and therefore not subject to call-in. The other provisions in the Access to Information Rules shall apply to the decision record. However, the decision may only be taken if the chair of the relevant Overview and Scrutiny Sub Committee (or in absence the Vice Chair) decides to allow the decision to proceed for implementation as a matter of urgency. Decisions taken as a matter of urgency must be reported to the next available meeting of the relevant Scrutiny Committee.

- (b) In respect of Officers executive decisions under their delegated urgency powers. A decision will be urgent if any delay likely to be caused by the call-in process would prejudice the interests of the CJC or the public interest. The formal record of the decision shall state the opinion of the officer that the decision is an urgent one, and therefore not subject to call-in. The other provisions of the Access to Information Rules shall apply to the decision record. However, the decision may only be taken if the chair of the relevant Overview and Scrutiny Sub Committee (or in the absence the Vice Chair) decides to allow the decision to proceed for implementation as a matter of urgency. Where an Officer takes a decision under his delegated urgency powers there shall be consultation and in respect of the decision with the CJC Chair. Decisions taken as a matter of urgency must be reported to the next available meeting of the CJC and the Overview and Scrutiny Sub Committee. The urgency action shall include the standard compliance statement.
- (c) In respect of other (non-urgency) Officer decisions under delegated powers.
- (d) Where the CJC take a decision, implementation of which is deferred pending consultation with the relevant Overview and Scrutiny Sub Committee and whereby subsequently there are no objections or alternative proposals raised at the Committee under that consultation process by a majority of the Committee members present. On this basis, the call-in procedure will not apply to the executive decision which can be implemented immediately following the Scrutiny meeting. However, if there are any objections or alternative proposals by a majority of the Committee members present, the matter will be referred back to CJC to consider those views.
- (e) Where the CJC, a Committee of the CJC or an officer take an decision which is contrary to the CJC's policy framework or contrary to or not wholly in accordance with the budget approved by full CJC if the decision is a matter of urgency. A decision will be urgent if any delay likely to be caused by the call-in process would prejudice the CJC's or the public's interests. However, the decision may only be taken if it is not

practical to convene a quorate meeting of the full CJC; and if the chair of the relevant Overview and Scrutiny Sub Committee decides to allow the decision to proceed for implementation as a matter of urgency. Where an Officer takes a decision here under his delegated urgency powers, there shall be consultation in respect of the decision with the CJC Chair (or in the absence of either or both, any two CJC members). The reasons why it is not practical to convene a quorate meeting of full CJC and the agreement to allow the decision to proceed for implementation as a matter of urgency must be noted on the record of the decision. Following the decision, the decision taker will provide a full report to the next available CJC meeting explaining the decision, the reasons for it and why the decision was treated as a matter of urgency.

14.12 Members who have requested that a decision be called in shall be advised of the outcome of that call-in.

14.13 The operation of the provisions relating to call-in and urgency shall be monitored, and a report submitted to CJC with proposals for review if necessary.

15. The Party Whip

15.1 Section 78(1) of the Local Government (Wales) Measure 2011 provides that a Member of a Overview and Scrutiny Sub Committee must not vote on a question at a meeting of that Committee if before the meeting the Member has been given a party whip relating to the question (known as prohibited party whip).

15.2 The statutory definition of a party whip is reproduced at paragraph 15.6.

15.3 Any vote is given in breach of the rule declared in paragraph 15.1 must be disregarded.

15.4 It is for the person chairing the meeting of the Overview and Scrutiny Sub Committee to determine whether a member of the Committee has been given a prohibited party whip in relation to the meeting.

15.5 At each meeting of a Overview and Scrutiny Sub Committee each Member must declare any prohibited party whip which the Member has been given in relation to the meeting and the minutes of the meeting shall record all such declarations.

15.6 The definition of party whip in Section 81(10) of the Local Government (Wales) Measure 2011 is:

“party whip means an instruction (however expressed) which:-

- (a) is given on behalf of a political group on a local authority;
- (b) is given to a person (P) who is:-
 - (i) a member of the political group, and
 - (ii) a member of a Overview and Scrutiny Sub Committee of the Local Authority;
- (c) is an instruction as to how P should vote on a question falling to be decided by the committee; and
- (d) if not complied with by P, would be likely to make P liable to disciplinary action by the political group which gives the instruction;

“political group” means a group of members of a local authority that is a political group for the purposes of Part 1 of the Local Government and Housing Act 1989.”

16. Procedure at Overview and Scrutiny Sub Committee Meetings

16.1 Scrutiny Committees and sub-committees shall consider the following business:-

- (a) Minutes of the last meeting;
- (b) Consideration of any matter referred to the committee for a decision in relation to call-in of a decision;
- (c) Responses of the executive to proposals of the Scrutiny Committee; and, in the case of the committee designated with the powers contained in Section 35 of the Well-being of

Future Generations (Wales) Act 2015, and

- (d) the business otherwise set out on the agenda for the meeting.

16.2 Where the Overview and Scrutiny Sub Committee conducts investigations (e.g. with a view to policy development), the committee may also ask people to attend to give evidence at committee meetings which are to be conducted in accordance with the following principles:

- (a) That the investigation is conducted fairly and all members of the committee be given the opportunity to ask questions of attendees, and to contribute and speak;
- (b) That those assisting the committee by giving evidence be treated with respect and courtesy; and
- (c) That the investigation be conducted so as to maximise the efficiency of the investigation or analysis.

16.3 Following an investigation or review, the committee/sub-committee shall prepare a proposal for submission to the executive and/or CJC as appropriate, and shall make its proposal and findings public.

16.4 No member may be involved in scrutinising a decision in which he/she has been directly involved and the Members Code of Conduct rules will be applicable here.

17. Publication of Reports Recommendations and Responses Confidential and Exempt Information

In publishing any report recommendation or responses a Overview and Scrutiny Sub Committee shall comply with the provisions of Section 21D of the Local Government Act 2000.

ARTICLE 8

Governance and Audit Sub-Committee

8.1 Governance and Audit

The CJC will appoint a Governance and Audit Sub-Committee to discharge the functions set out herein.

- (1) review and scrutinise the CJC's financial affairs, including approval of the Annual Statement of Accounts;
- (2) make reports and recommendations in relation to the CJC's financial affairs;
- (3) review and assess the risk management, internal control and corporate governance arrangements of the CJC;
- (4) make reports and recommendations to the CJC on the adequacy and effectiveness of those arrangements;
- (5) oversee the CJC's internal and external audit arrangements, including internal and external audit work plans, receive, review and make reports on audit work and performance;
- (6) review the financial statements prepared by the CJC.

8.2 Procedural Rules

The Governance and Audit Sub-Committee's Procedural Rules are set out in Appendix A of this Article.

Appendix A

Governance and Audit Sub-Committee Procedure Rules

1. The Governance and Audit Sub-Committee

- 1.1 The CJC is required to have a Governance and Audit Sub-Committee with its roles and terms of reference as set out herein.
- 1.2 There is no provision in the Local Government (Wales) Measure 2011 to allow the Governance and Audit Sub-Committee to form a sub-committee.

2. Membership of the Governance and Audit Sub-Committee

- 2.1 The membership of the Governance and Audit Sub-Committee shall be appointed by the CJC subject to the following rules:-
 - (a) There shall be 12 members of the Governance and Audit Sub-Committee (comprising 2 members from each constituent council);
 - (b) At least four members of the Governance and Audit Sub-Committee shall be a voting lay member who is not a member of a county council, or county borough council in Wales.
 - (c) No members of the Governance and Audit Sub-Committee shall be a member of the CJC, a co-opted member or member of another sub-committee of the CJC;
 - (d) Members of the executive of constituent councils are not to be a member of the Governance and Audit Sub-Committee.

- 2.2 The Governance and Audit Sub-Committee is entitled to recommend to CJC the appointment of a number of people as voting members.

3. Appointment of Chair and Vice Chair

- 3.1 A Governance and Audit Sub-Committee is to appoint a member of the Governance and Audit Sub-Committee as its Chair and Vice

Chair. The member appointed as the Chair must be a lay person but in the event of the Chair being unable to attend another lay member shall be voted in as the Chair for the purposes of that meeting alone.

4. Meetings of the Governance and Audit Sub-Committee

4.1 Unless otherwise agreed by the Chair and Vice Chair there shall be at least four ordinary meetings of the Governance and Audit Sub-Committee in each year. In addition, extraordinary meetings may be called from time to time as and when appropriate.

4.2 An Extraordinary Meeting of the Governance and Audit Sub-Committee shall be convened in the following circumstances:-

- (a) The Chair of the Governance and Audit Sub-Committee so requires it, or
- (b) The full CJC resolves that the Governance and Audit Sub-Committee shall meet; or
- (c) At least one third of the Members of the Governance and Audit Sub-Committee requisition a meeting by giving one or more notices in writing to the Chair, or
- (d) If the Chief Executive or the Chief Finance Officer consider it necessary and appropriate.

5. Quorum

The quorum for the Governance and Audit Sub-Committee shall be 4 members with at least one member present from each Constituent council and at least one lay member.

6. Forward Plan and Other Information

6.1 The Governance and Audit Sub-Committee will be responsible for setting its own work programme and in doing so it shall take into account the wishes of members on that Sub-Committee who are not members of the largest political group on the CJC.

7. Agenda items

- 7.1 Any member of the Governance and Audit Sub-Committee shall be entitled to give written notice to the Chief Executive at least 8 clear working days before the date of the next meeting that he/she wishes an item relevant to the functions of the Committee to be included on the agenda for, and be discussed at, a meeting of the Committee;
- 7.2 On receipt of such a request, the Chief Executive shall ensure that it is included on the agenda for the next or subsequent meeting (the determination as to which meeting to rest with the Committee Chair);
- 7.3 Any Member of the CJC may give written notice to the Chief Executive at least 8 working days before the date of the next meeting that he/she wishes a matter which is relevant to the functions of the Sub-Committee to be included on the agenda of the Governance and Audit Sub-Committee;
- 7.4 If the Chief Executive receives such a notification, then he/she shall include the item on the agenda for the next or a subsequent meeting (the determination as to which meeting to rest with the Sub-Committee Chair). Such member may then attend the Sub-Committee to speak, but not vote, nor move, second or amend any motion on that item;
- 7.5 Any Member of the CJC may request to and by agreement of the Sub-Committee Chair (subject to any relevant Code provisions) attend in respect of a particular item (or items) of interest. The Member may speak, but not move, second or amend a motion. The attendance shall relate to the particular item (or items) on the agenda;
- 7.6 When the Governance and Audit Sub-Committee has considered a requisition to place an item on the agenda of the Sub-Committee under paragraph 7.3 above, the Member(s) concerned shall be advised of the outcome of the Sub-Committee's deliberations;
- 7.7 The Governance and Audit Sub-Committee shall also respond, as their work programme permits, to requests from the CJC, to review particular areas of CJC activity relevant to the function of the Sub-Committee. Where they do so, the Governance and Audit Sub-Committee shall report their findings and any recommendations back to the CJC.

8. Policy Review and Development

- 8.1 In relation to the development of other matters not forming part of its policy and budget framework, the Governance and Audit Sub-Committee may make proposals to the executive for developments in so far as they relate to matters within their terms of reference, but there shall be consultation with the CJC to avoid any duplication of work.
- 8.2 If the Governance and Audit Sub-Committee cannot agree on one single proposal to the CJC as appropriate, then one minority proposal may be prepared and submitted for consideration by the CJC together with the majority proposal.

9. Access to Documents

- 9.1 The Governance and Audit Sub-Committee is subject to Part 5A of the Local Government Act 1972 (access to meetings and documents).
- 9.2 In addition to their rights as Councillors, members of the Governance and Audit Sub-Committee have the additional right to documents, and to notice of meetings as set out in the Access to Information Procedure Rules

10. Members and Officers Giving Account

- 10.1 The Governance and Audit Sub-Committee:-
- (a) may require members and officers of the CJC to attend before it to answer questions, and
 - (b) may invite other persons to attend meetings of the Sub-Committee.
- 10.2 It is the duty of any member or officer of the CJC to comply with any requirement imposed under paragraph 10.1(a).
- 10.3 A person is not obliged by paragraph 10.2 to answer any question which the person would be entitled to refuse to answer in, or for the purposes of, proceedings in a court in England and Wales.

- 10.4 Where any member or officer is required to attend a Governance and Audit Sub-Committee under this provision, the Sub-Committee Chair will inform the Chief Executive who shall inform the member or officer in writing giving at least 8 clear working days' notice of the meeting at which he/she is required to attend. The notice will state the nature of the item on which he/she is required to attend to give account and whether any papers are required to be produced for the Sub-Committee. Where the account to be given to the Sub-Committee will require the production of a report, then the member or officer concerned will be given sufficient notice to allow the preparation of that documentation.
- 10.5 Where, in exceptional circumstances, the member or officer is unable to attend on the required date then the Sub-Committee Chair shall in consultation with the member or officer arrange an alternative date for attendance.
- 10.6 It is ultimately the CJC members which will be required to answer questions about policies and decisions. Officer contributions should as far as possible be confirmed to questions of fact and explanation relating to policies and decisions, though they can be asked to explain and give reasons for decisions they themselves have taken under delegated authority.
- 10.7 The Chief Executives (or any so officers nominated by them) of Constituent Councils and National Park Authorities shall be entitled to attend meetings of the Governance and Audit Sub-Committee in an advisory capacity, irrespective of whether the meeting is to be considered in public or private.

11. Procedure at Governance and Audit Sub-Committee Meetings

- 11.1 The Governance and Audit Sub-Committee shall consider the following business:-
- (a) Minutes of the last meeting.
 - (b) Consideration of any matter referred to the Sub-Committee.
 - (c) Responses of the executive to proposals of the Governance and Audit Sub-Committee; and
 - (d) The business otherwise set out on the agenda for the

meeting.

11.2 Where the Governance and Audit Sub-Committee conducts investigations (e.g. with a view to policy development), the Sub-Committee may also ask people to attend to give evidence at Sub-Committee meetings which are to be conducted in accordance with the following principles:

- (a) That the investigation is conducted fairly and all members of the Sub-Committee be given the opportunity to ask questions of attendees, and to contribute and speak
- (b) That those assisting the Sub-Committee by giving evidence be treated with respect and courtesy; and
- (c) That the investigation be conducted so as to maximise the efficiency of the investigation or analysis.

11.3 Following any investigation or review the Governance and Audit Sub-Committee shall prepare a proposal for submission to the executive and/or CJC as appropriate, and shall make its proposals and findings public.

11.4 All members of the Governance and Audit Sub-Committee are entitled to vote on any question which follows to be decided by the Sub-Committee.

12. Guidance of the Welsh Ministers

The Governance and Audit Sub-Committee must have regard to any guidance given by the Welsh Ministers under Section 85(1) Local Government (Wales) Measure 2011.

ARTICLE 9

The Standards Sub-Committee

9.1 Standards Sub-Committee

The CJC will establish a Standards Sub-Committee to discharge the following functions:

1. To promote and maintain high standards of conduct by the Members and co-opted Members of the CJC.
2. To assist members and co-opted Members of the CJC to observe the Members Code of Conduct.
3. To advise the CJC on the adoption or revision of the Members Code of Conduct (and relevant protocols relating to Member/Officer relationships).
4. To monitor the operation of the CJC's adopted Members Code of Conduct throughout the CJC.
5. To advise, train, or arrange to train Members and co-opted Members on matters relating to the Members Code of Conduct.
6. Where statutes so permit, to permit and arrange dispensation to speak and/or vote where a Member or co-opted Member has an interest in any matters.
7. To receive Public Service Ombudsman for Wales reports following investigations, or part investigations, in relation to allegations of breach of the Members Code of Conduct and/or
 - (a) To receive and consider reports and recommendations made with regard to same, from the Monitoring Officer (when such matters are referred to that Officer) including provision with respect to the procedure to be followed by the Standards Sub-Committee; and
 - (b) Following its consideration of any such reports or recommendations, to take any action prescribed by statute or regulations made thereunder (including action against any Member or co-opted Member (or former Member or co-opted Member) of the CJC who is the subject of any such report or

recommendation) and to give publicity to such report, recommendation or action.

8. To receive, consider and implement general advice from the Public Service Ombudsman for Wales and the CJC's Monitoring Officer.
9. To receive from the Adjudication Panel, Interim Case Tribunals or Case Tribunals:-
 - (a) Notices issued by them to CJC;
 - (b) Recommendations about matters relating to the exercise of the CJC's function, the Code of Conduct and the Standards Sub-Committee and make such recommendations as it thinks fit to the CJC relating thereto.
10. To be responsible for liaison between the CJC and external agencies, in particular the Senedd, Audit Wales and the Public Services Ombudsman in connection with any matter within the Sub-Committee's terms of reference, under the provisions of the 2000 Act and Regulations made thereafter.
11. To make representations to the Welsh Government and the Welsh Local Government Association about any matter relating to the General Principles of Conduct for Members of the CJC
12. To consider and recommend procedures for complaints to be dealt with by the Standards Sub-Committee and to propose amendments as may be appropriate from time to time in accordance with statute etc.
13. To oversee the whistle-blowing regime in particular in this respect to consider and recommend procedures in respect of the following:
 - Whistle-blowing arrangements;
 - Anti-Fraud/Corruption or malpractice strategy.
14. To examine any Code(s) of Conduct for Employees of the CJC and to make recommendations as may be considered appropriate.
15. To receive progress reports from the Monitoring Officer from time to time on such matters within the purview of the Standards Sub-

Committee, and to make such recommendations to CJC as may be deemed appropriate.

16. To exercise such powers or duties as may be given to or imposed on Standards Sub- Committees from time to time by legislation.
19. To produce an annual report to the CJC as to how the Standards Sub-Committee has operated, including:
 - (a) what has been done to discharge the general and specific powers conferred on it by statute and these requirements;
 - (b) reports and recommendations made or referred to it by the Public Services Ombudsman for Wales
 - (c) action taken by the Standards Sub-Committee following its consideration of reports and recommendations
 - (d) notices given to the Standards Sub-Committee

9.2 Membership

The Standards Sub-Committee appointed to fulfil the functions in this Article 9 is the standards committee of Neath Port Talbot County Borough Council.

The Chief Executives (or any so officers nominated by them) of Constituent Councils and National Park Authorities shall be entitled to attend meetings of the Standards Committee in an advisory capacity, irrespective of whether the meeting is to be considered in public or private.

9.3 Role of the Standards Sub-Committee

For the avoidance of doubt the remit of the Standards Sub-Committee shall only apply to those matters which relate to the CJC. Where a matter relates to a member's conduct in general and not specifically relating to CJC activities then the Standards Committee of that member's constituent council will have primacy.

ARTICLE 10

Joint Arrangements

10.1 Arrangements to Promote Well Being

The CJC in order to promote the economic, social or environmental well-being of its area, may:

- (a) Enter into arrangements or agreements with any person or body;
- (b) Co-operate with, or facilitate or co-ordinate the activities of, any person or body; and
- (c) Exercise on behalf of that person or body any functions of that person or body.

10.2 Access to Information

- (a) The Access to Information Procedure Rules in this Constitution apply;
- (b) If all the members of a joint committee are members of the CJC in each of the participating authorities then its access to information regime is the same as that applied to the CJC;
- (c) If the joint committee contains members who are not on the CJC of any participating authority then the access to information rules in Part VA of the Local Government Act 1972 will apply.

10.3 Delegation to and from Other Local Authorities

- (a) The CJC may delegate functions to another local authority or, in certain circumstances where able to do so in law.
- (b) The decision whether or not to accept such a delegation from another local authority shall be reserved to the CJC meeting.

10.4 Contracting Out

The CJC may contract out to another body or organisation functions which may be exercised by an officer and which are subject to an order under Section 70 of the Deregulation and Contracting Out Act 1994, or under contracting arrangements where the contractor acts as the CJC's agent under usual contracting principles, provided there is no delegation of the CJC's discretionary decision making.

ARTICLE 11

Officers

11.1 Management Structure

General

The CJC may engage such staff (referred to as officers) as it considers necessary to carry out its functions. The use of the word “officers” in this Constitution means all employees and staff engaged by the CJC to carry out its functions, including where appropriate, those engaged under agency or other non-employed situations

Chief Executive, Chief Finance Officer and Monitoring Officer

The CJC will designate the following posts as shown on an annual basis and any appointments to the statutory roles will be for the duration of the Service Level Agreement between the CJC and the relevant constituent council.

Post	Designate
Chief Executive	The function shall be undertaken by the Chief Executives of the Constituent Councils to be rotated on an annual basis, pursuant to a Service Level Agreement between the CJC and that Constituent Council the first Chief Executive being the Chief Executive of Neath Port Talbot County Borough Council.
Chief Finance Officer (S151 Officer)	The S151 Officer of Carmarthenshire County Council pursuant to a Service Level Agreement between the CJC and that Council
Monitoring Officer	The Monitoring Officer of Neath Port Talbot County Borough Council pursuant to a Service Level Agreement between the CJC and that Council

11.2 Functions of the Chief Executive

Discharge of Functions by the CJC

The Chief Executive will report to the CJC on the manner in which the discharge of the CJC's functions is co-ordinated, the number and grade of officers required for the discharge of functions and the organisation of officers.

Restrictions on Functions

The Chief Executive may not be the Monitoring Officer but may hold the post of Chief Finance Officer if a qualified accountant.

11.3 Functions of the Chief Finance Officer

Ensuring Lawfulness and Financial Prudence of Decision Making

After consulting with the Chief Executive and the Monitoring Officer, the Chief Finance Officer will report to the full CJC or to the executive in relation to an executive function and the CJC's external auditor, if he or she considers that any proposal, decision or course of action will involve incurring unlawful expenditure, or is unlawful and is likely to cause a loss or deficiency or if the CJC is about to enter an item of account unlawfully.

Administration of Financial Affairs

The Chief Finance Officer will have responsibility for the proper financial administration and stewardship of the CJC. The statutory duties arise from:-

- Section 151 Local Government Act 1972
- Local Government and Finance Act 1988
- Local Government and Housing Act 1989
- Accounts and Audit Regulations 2005

Contributing to Corporate Management

The Chief Finance Officer will contribute to the corporate management of the CJC, in particular through the provision of professional financial advice.

Providing Advice

The Chief Finance Officer will provide advice on the scope of powers and authority to take decisions, maladministration, financial impropriety, probity and budget and policy framework issues to all members and will support and advise members and officers in their respective roles.

Advising whether Decisions of the Executive are within the Budget and Policy Framework

The Chief Finance Officer will advise whether decisions of the executive are in accordance with the budget and policy framework.

Give Financial Information

The Chief Finance Officer will provide financial information to the media, members of the public and the community.

11.4 Functions of the Monitoring Officer

Ensuring Lawfulness and Fairness of Decision Making

After consulting with the Chief Executive and Chief Finance Officer, the Monitoring Officer will report to the full CJC or to the executive in relation to an executive function if he or she considers that any proposal, decision or omission would give rise to unlawfulness or if any decision or omission has given rise to maladministration. Such a report will have the effect of stopping the proposal or decision being implemented until the report has been considered.

Supporting the Standards Sub-Committee

The Monitoring Officer will contribute to the promotion and maintenance of high standards of conduct through provision of support to the Standards Sub-Committee.

Receiving Reports

The Monitoring Officer will receive and act on reports made by the Ombudsman and decisions of the case tribunals.

Conducting Investigations

The Monitoring Officer will conduct investigations into matters referred by the Ombudsman and make reports or recommendations in respect of them to the Standards Sub-Committee.

Advising whether Decisions of the Executive are within the Budget and Policy Framework

The Monitoring Officer will advise whether decisions of the executive are in accordance with the budget and policy framework.

Providing Advice

The Monitoring Officer will provide advice on the scope of powers and authority to take decisions, maladministration, financial impropriety, probity and budget and policy framework issues to all members.

Restrictions on Posts

The Monitoring Officer cannot be the Chief Finance Officer or the Chief Executive.

Appoint a Deputy Monitoring Officer

The Monitoring Officer may appoint a Deputy Monitoring Officer in accordance with Section 5(7) of the Local Government & Housing Act that shall be capable of exercising the powers of Monitoring Officer, where the Monitoring Officer is unable to act due to his/her absence or illness in respect of Section 5 of the Local Government & Housing Act 1989 and in respect of all other related functions.

Democratic Services

The Monitoring Officer shall undertake the following functions:

- (a) to provide support and advice to the authority in relation to its meetings
- (b) to provide support and advice to the CJC (and any sub committees)
- (c) to provide support and advice to any joint committee which a local authority is responsible for organising and the members of that committee;
- (d) to promote the role of the CJC's Overview and Scrutiny Sub-Committee or committees;
- (e) to provide support and advice to the CJC's Overview and Scrutiny Sub-Committee or committees and the members of that committee or those committees, an
- (f) to provide support and advice in relation to the functions of the CJC Overview and Scrutiny Sub-Committee or committees to each of the following—
 - (i) members of the CJC;
 - (ii) officers of the CJC;
- (g) to provide support and advice to each member of the CJC in carrying out the role of member of the CJC
- (h) to make reports and recommendations in respect of any of the following—
 - (i) the number and grades of staff required to discharge democratic services functions;
 - (ii) the appointment of staff to discharge democratic services functions;
 - (iii) the organisation and proper management of staff discharging democratic services functions;
- (i) such other functions as may be prescribed by legislation.

11.5 Duty to Provide Sufficient Resources to the Chief Executive, Chief Finance Officer and the Monitoring Officer

The CJC will provide the Chief Executive, Chief Finance Officer and the Monitoring Officer with such officers, accommodation and

other resources as are in their opinion sufficient to allow their duties to be performed.

11.6 Conduct

The Code of Conduct (Qualifying Local Government) (Employees) (Wales) Order 2011 shall apply to any employee of the CJC

Officers will comply with the Officers' Code of Conduct and the Protocol on Officer/Member Relations

11.7 Employment

The recruitment, selection and dismissal of officers will comply with the Officer Employment Procedure Rules

11.8 Terms and conditions

Where the CJC appoints staff they are to be appointed on terms and conditions (including terms and conditions as to remuneration) substantially similar to those of officers within a Constituent Council undertaking responsibilities which the CJC considers to be reasonably comparable. This does not prevent the CJC from modifying such terms and conditions if required by virtue of any enactment or other rule of law.

11.9 Staff from other authorities

A devolved Welsh authority (within the meaning given by the Government of Wales Act 2006([7](#))) may enter into an agreement with the CJC for the placing of staff of the authority at the disposal of the CJC for the purposes of exercising its functions, on such terms as may be provided by the agreement.

Where a member of staff of a devolved Welsh authority is placed at the disposal of the CJC by virtue of such an agreement, the member of staff is to be treated as a member of staff of the CJC for the purposes of any enactment relating to the administration of the CJC or the exercise of its functions.

11.10 Placing staff at the disposal of other authorities

The CJC may enter into an agreement with another corporate joint committee (within the meaning given by Part 5 of the Local Government and Elections (Wales) Act 2021); OR another devolved Welsh authority (within the meaning given by the Government of Wales Act 2006), for the placing of staff of the CJC at the disposal of the other committee or the authority for the purposes of that committee or authority's functions, on such terms as may be provided by the agreement.

Where a member of staff of the CJC is placed at the disposal of another body by virtue of such an agreement for superannuation purposes, service rendered by the member of staff is service rendered to the CJC, and for the purposes of any enactment relating to the administration of the other devolved Welsh authority or the exercise of its functions, the member of staff is to be treated as a member of staff of that authority.

11.11 Consultation with staff about agreements under paragraph 11.9 or 11.10

No agreement may be entered into under paragraph 11.9 or 11.10 unless every member of staff to whom it relates has been consulted.

11.12 Transfer of staff

Where a member of staff appointed by the CJC has been transferred to the CJC from a constituent council, the provisions of the Transfer of Undertaking (Protection of Employment) Regulations 2006 other than regulations 4(6) and 10 apply to the transfer, whether or not it is a relevant transfer for the purposes of those regulations.

11.13 Programme Board

A programme board shall be established comprising representatives of Constituent Councils and National Park Authorities to oversee the strategic coordination and direction of the CJC, the authorisation and approval of programmes, projects and initiatives and to have monitor implementation of the programme of the CJC

ARTICLE 12

Decision Making

12.1 Responsibility for Decision Making

The CJC will issue and keep up to date a record of what part of the CJC or individual has responsibility for particular types of decisions or decisions relating to particular areas or functions.

12.2 Principles of Decision Making

All decisions of the CJC will be made in accordance with the following principles:

- (a) To have regard to all relevant considerations and ignore all irrelevant factors set out in *Associated Picture Palaces v Wednesbury Corporation* [1948] 1KB223;
- (b) Realistic evaluation of alternatives and due consultation through effective access for the public to decision making and decision makers;
- (c) Proportionality (i.e. the action must be proportionate to the desired outcome);
- (d) The taking of professional advice from officers;
- (e) Respect for human rights;
- (f) A presumption in favour of openness;
- (g) Clarity of aims and desired outcomes; and
- (h) Explaining the reasons for decisions, providing a record of any personal interest declared and any dispensation to speak granted by the CJC's Standards Sub-Committee.

The CJC will ensure that decision making of any kind and by any person has the aim of carrying out sustainable development in accordance with the Wellbeing of Future Generations (Wales) Act

2015 and will ensure that all decision making has the effect of improving the economic, social, environmental and cultural wellbeing of the south west Wales area

All decision making and reports shall conform with any guidance issued by the Chief Executive or their nominated representative

12.3 Decisions Reserved to the CJC

Decisions relating to the functions listed in Article 4 will be made by the CJC and not delegated, unless the CJC determines otherwise in accordance with any statutory provisions in force and the CJC Procedure Rules

12.5 Decision Making by Sub Committees

Decisions relating to the functions listed in Article 6 will be made by the sub-committees identified there in and not delegated, unless the CJC determines otherwise in accordance with any statutory provisions in force and the CJC Procedure Rules

12.6 Decision Making by Joint Scrutiny Committees

Scrutiny Committees will follow the Scrutiny Procedures Rules

12.7 Decision Making by Other Committees and Sub-Committees of the CJC

Decision making by other committees and sub-committees of the CJC shall be in accordance with the Procedure Rules identified

12.8 Decision Making by CJC Bodies Acting as Tribunals

The CJC, a member or an Officer acting as a tribunal or in a quasi-judicial manner or determining/considering (other than for the purposes of giving advice) the civil rights and obligations or the criminal responsibility of any person will follow a proper procedure which accords with the requirements of natural justice and the right to a fair trial contained in Article 6 of the European Convention on Human Rights.

12.9 Decision by Officers

This Constitution sets out where decisions are able to be made by officers of the CJC. Provided always that the decision is:

- a) within budget;
 - b) in accordance with this Constitution
 - c) not a matter specifically reserved for the CJC, a committee or subcommittee of the CJC or any body so nominated by it
- the Chief Executive, S151 Officer, Monitoring Officer shall be authorised to make any decisions relating to any matter within their area of responsibility including, for the avoidance of doubt, any matter specifically delegated and to take appropriate action, which is necessary, to ensure the efficient, equitable and effective delivery of services.

ARTICLE 13

Finance, Contracts and Legal Matters

13.1 Financial Management

The management of the CJC's financial affairs will be conducted in accordance with the Financial Procedure Rules

13.2 Contracts

Every contract made by the CJC will comply with the Contracts Procedure Rules.

13.3 Legal and Other Proceedings

The Monitoring Officer is authorised to institute, defend or participate in any legal proceedings: including court actions; those of Tribunals, Arbitrations and/or Forums involving dispute resolutions; he/she is also authorised to instruct Counsel, engage expert witnesses and to do all other things to facilitate the conduct of cases in the CJC's name; including, as deemed appropriate, to settle and otherwise compromise actions (whether during the conduct of court proceedings, prior to issue of court proceedings or to resolve any Ombudsman complaint).

The Monitoring Officer is Solicitor to the CJC, or any part of it, hence all proceedings and court actions are entered in his or her name and all representation organised through him/her.

The Monitoring Officer is also authorised to instruct Counsel to provide advice to the CJC on any matters relating to the carrying out of its functions and to represent the CJC at Inquiries (of whatever nature) where he/she deems it necessary in the CJC's interests to do so.

13.4 Authentication or Signature of Documents

Where it is necessary and proper that any document be authenticated or signed in respect of any matter on behalf of the CJC, or any part of it, the Chief Executive, S151 Officer or Monitoring Officer shall so authenticate or sign as the "Proper Officer", unless any enactment otherwise authorises or requires, or

the CJC has given requisite authority to some other person, to also authenticate or sign any document.

ARTICLE 14

Review and Revision of the Constitution

14.1 Duty to Monitor and Review the Constitution

The Chief Executive, with the Monitoring Officer will monitor and review the operation of the Constitution to ensure that the aims and principles of the Constitution are given full effect. They will also maintain an up-to-date version of the Constitution and will ensure that it is available for members, staff and the public.

14.2 Changes to the Constitution

Approval

Unless specifically referenced in this Constitution, changes to the Constitution will only be approved by the CJC, which may be at any time, after consideration of the proposal by the Chief Executive and the Monitoring Officer

ARTICLE 15

Suspension, Interpretation and Publication of the Constitution

15.1 Suspension of the Constitution

Limit to Suspension

The Articles of this Constitution may not be suspended. The Rules of Procedure may be suspended to the extent permitted within those Rules and the law.

Procedure to Suspend

The requirement of all members from constituent councils for the relevant meeting are to be present to demonstrate that the Constitution should only be suspended in limited circumstances. The extent and duration of suspension will be proportionate to the result to be achieved, taking account of the purposes of the Constitution

15.2 Interpretation

The ruling of the Chair as to the construction or application of this Constitution or as to any proceedings of the CJC shall not be challenged at any meeting of the CJC. Such interpretation will have regard to the purpose of this Constitution

15.3 Publication

- (a) The Chief Executive will provide a summary of this Constitution to each member of the CJC. A full copy will also be made available electronically along with a summary pursuant to the Local Government and Elections (Wales) Act 2021.
- (b) The Chief Executive will ensure that hard copies are available for inspection and can be purchased by members of the local press and the public on payment of a reasonable fee.

ARTICLE 16

Future Generations and General Power of Competence

16.2 Future Generations

The CJC is committed to fulfilling its obligations under the Wellbeing of Future Generations (Wales) Act 2015 and will ensure that all of its decisions meets the requirement of this legislative enactment.

The CJC is committed to ensuring that all its decisions aims to contribute towards:

- a prosperous Wales
- a resilient Wales
- a healthier Wales
- a more equal Wales
- a Wales of cohesive communities
- a Wales of vibrant culture and thriving Welsh Language
- a globally responsible Wales

16.1 Power of Competence

The CJC (in accordance with the requirements of this Constitution and all legislative provisions, case law and statutory guidance shall be entitled to do anything that individuals generally may do, even if that thing is, in nature or extent or otherwise unlike anything an authority similar to this one or another public body may do.

The CJC shall be entitled (subject to the limitations identified in Part II of the Local Government and Elections (Wales) Act 2021 to use this power in respect of its functions alone

- throughout Wales or elsewhere
- to do anything for a commercial purpose or otherwise for a charge or without a charge
- for the benefit of the CJC, its area or persons resident in its locality

The CJC shall not be entitled to use the power to do anything that the CJC is unable to do by virtue of a specific legislative limitation.¹

¹ To be implemented on a date to be confirmed.

APPENDIX 2

1. Annual Meeting of the CJC

1.1 Timing and Business

In a year when there is an ordinary election of Members, the annual meeting will take place within 21 days of the retirement of the outgoing Members, on a date which the CJC may fix. In any other year, the annual meeting will take place in March, April or May as the CJC may fix.

The annual meeting will:

- (a) elect a person to preside if the Chair of CJC is not present;
- (b) elect the Chair of the CJC
- (c) appoint the Vice Chair of the CJC
- (d) receive any announcements from the Chair and/or Chief Executive;
- (g) appoint any sub-committees as the CJC considers appropriate to deal with matters
- (h) agree such delegations it is for the CJC to agree
- (i) approve a programme of ordinary meetings of the CJC and its Committees for the year, and
- (j) consider any business set out in the notice convening the meeting.

1.2 Selection of Members on Committees and Outside Bodies

At the annual meeting, the CJC meeting shall:

- (a) decide which committees to establish for the civic year (being the period from one Annual Meeting to the next, except in the year when there are ordinary elections to the CJC, in which case the Committees – and postholders and outside body appointees (in (e) below) – will run from the Annual Meeting

to the date of the election);

- (b) decide the size of, and terms of reference for, those committees
- (d) receive nominations of Members to serve on each committee and outside body, and
- (e) appoint to those committees and also to appoint to outside bodies as appropriate.

2. Ordinary Meetings

Ordinary meetings of the CJC will take place in accordance with a programme decided at the CJC's annual meeting. Ordinary meetings will:

- (a) be chaired by the representative of Carmarthenshire County Council in the absence of the nominated Chair or Vice Chair.
- (b) approve the minutes of the last meeting;
- (c) receive any declarations of interest from members;
- (d) receive any announcements from Chair, members or the Chief Executive;
- (e) deal with any business from the last CJC meeting;
- (f) receive reports/proposals from the CJC's committees and receive questions and answers on any of those reports/proposals;
- (g) consider motions; and
- (h) consider any other business specified in the summons to the meeting.

The Chair may vary the order of business.

3. Extraordinary Meetings

3.1 Calling Extraordinary Meetings

Those listed below may request the Chief Executive to call CJC meetings in addition to ordinary meetings:

- (a) the CJC by resolution;
- (b) the Chair of the CJC;
- (c) the Chief Executive, the S151 Officer or Monitoring Officer; and
- (d) any voting member of the CJC if they have signed a requisition presented to the Chair of the CJC and he/she has refused to call a meeting or has failed to call a meeting within seven days of the presentation of the requisition.

4. Appointment of Substitute Members of Committees

4.1 Allocation

As well as allocating seats on committees, the CJC may allocate seats in the same manner for substitute members.

4.2 Powers and Duties

Substitute members will have all the powers and duties of any ordinary member of the committee but will not be able to exercise any special powers or duties exercisable by the person they are substituting.

4.4 Substitution

Substitute members may attend meetings in that capacity only:

- (a) to take the place of the ordinary member for whom they substitute;
- (b) where the ordinary member will be absent for the whole of the meeting; and
- (c) after notifying the Chief Executive before the start of the meeting of the intended substitution.

5. Time, Place of Meetings and Conduct

5.1 The time and place of meetings will be determined by the Chief Executive and notified in the summons.

6. Notice of and Summons to Meetings

The Chief Executive will give notice to the public of the time and place of any meeting in accordance with the Access to Information Procedure Rules. At least three clear days before a meeting, the Chief Executive will send a summons signed by him or her by email or via the Mod Gov. System. The summons will give the date, time and place of each meeting and specify the business to be transacted, and will be accompanied by such reports as are available.

7. Chair of Meeting

The person presiding at the meeting may exercise any power or duty of the Chair. Where these rules apply to committee and sub-committee meetings, references to the Chair also include the Chair of committees and sub-committees.

8. Quorum

8.1 Subject to the provision set out in paragraph 8.3 below the quorum of a meeting will be a representative from each constituent council and at least 70% of all members who are entitled to vote at such meetings. During any meeting if the Chair counts the number of members present and declares there is not a quorum present, then the meeting will adjourn immediately. Remaining business will be considered at a time and date fixed by the Chair. If he/she does not fix a date, the remaining business will be considered at the next ordinary meeting.

9. Questions by Members

9.1 On reports of the CJC

A member of the CJC may ask any question without notice upon an item of the report when that item is being received or under consideration by the CJC.

9.2 Questions on Notice at Full CJC

Subject to Rule 9.4, a member of the CJC may ask:

- The Chair of the CJC
- A Member of the CJC
- The Chair of any Committee
- A question on any matter in relation to which the CJC has powers or duties or which affects the area.

9.3 Questions on Notice at Committees

Subject to Rule 9.4, a member of a committee may ask it a question on any matter in relation to which the CJC has powers or duties or which affect the area and which falls within the terms of reference of that committee.

9.4 Notice of Questions

A member may only ask a question under Rule 9.2 or 9.3 if either:

- (a) they have given at least 1 working day notice in writing of the questions to the Chief Executive; or
- (b) the question relates to urgent matters, they have the consent of the Chair to whom the question is to be put and the content of the question is given to the Chief Executive not later than 2 hours before the start of the meeting.

9.5 Response

An answer may take the form of:

- (a) a direct oral answer;
- (b) where the desired information is in a publication of the CJC or other published work, a reference to that publication; or
- (c) where the reply cannot conveniently be given orally, a written answer circulated later to the questioner.

9.6 Supplementary Question

A member asking a question under Rule 9.2 or 9.3 may ask one supplementary question without notice of the member to whom the

first question was asked. The supplemental question must arise directly out of the original question or the reply.

10. Motions on Notice

10.1 Notice

Except for motions which can be moved without notice under Rule 11, written notice of every motion, signed or confirmed by at least 2 members, must be delivered or sent to the Chief Executive not later than eight clear days before the date of the meeting. These will be entered in a book open to public inspection.

10.2 Motion set out in Agenda

Motions for which notice has been given will be listed on the agenda in the order in which notice was received, unless the member giving notices states, in writing, that they propose to move it to a later meeting or withdraw it.

10.3 Scope

Motions must be about matters for which the CJC has a responsibility.

11. Motions without Notice

The following motions may be moved without notice:

- (a) to appoint a Chair of the meeting at which the motion is moved;
- (b) in relation to the accuracy of the minutes;
- (c) to change the order of business in the agenda;
- (d) to refer something to an appropriate body or individual;
- (e) to appoint a committee or member arising from an item on the summons for the meeting;
- (f) to receive reports or adoption of recommendations of committees or officers and any resolutions following from them;

- (g) to withdraw a motion;
- (h) to amend a motion;
- (i) to proceed to the next business;
- (j) that the question be now put;
- (k) to adjourn a debate;
- (l) to adjourn a meeting;
- (m) to suspend a particular CJC procedure rule, or other rule where so permitted
- (n) to exclude the public and press in accordance with the Access to Information Procedure Rules;
- (o) to not hear further a member named under Rule 18.2 or to exclude them from the meeting under Rule 18.3; and
- (p) to give consent of the CJC where its consent is required by this Constitution.

12. Rules of Debate

12.1 No Speeches after motion proposed

No speeches may be made after the mover has moved a proposal and explained the purpose of it

12.2 Right to Require Motion in Writing

Unless notice of the motion has already been given, the Chair may require it to be written down and handed to him/her before it is discussed.

12.3 Content and Length of Speeches

Speeches must be directed to the question under discussion or to a personal explanation or point of order. No speech may exceed 5 minutes without the consent of the chairman save for non-

executive CJC Committees and Sub-Committees (including the Audit, Standards and Overview and Scrutiny Committees) where the time allowed for speeches and/or questions shall be at the discretion of the Chairperson (as a guide around 10 minutes per member)

12.5 When a Member may Speak Again

A member who has spoken on a motion may not speak again whilst it is the subject of debate, except:

- (a) to speak once on an amendment moved by another member;
- (b) to move a further amendment if the motion has been amended since he/she last spoke;
- (c) if his/her first speech was on an amendment moved by another member, to speak on the main issue (whether or not the amendment on which he/she spoke was carried);
- (d) in exercise of a right of reply;
- (e) on a point of order; and/or
- (f) by way of personal explanation
- (g) with the consent of the Chair, whose decision shall be final.

12.6 Amendments to Motions

- (a) An amendment to a motion must be relevant to the motion and will either be:
 - (i) to refer the matter to an appropriate body or individual for consideration or reconsideration;
 - (ii) to leave out words;
 - (iii) to leave out words and insert or add others; or
 - (iv) to insert or add wordsas long as the effect of (ii) to (iv) is not to negate the motion.

- (b) Only one amendment may be moved and discussed at any one time. No further amendment may be moved until the amendment under discussion has been disposed of.
- (c) If an amendment is not carried, other amendments to the original motion may be moved.
- (d) If an amendment is carried, the motion as amended takes the place of the original motion. This becomes the substantive motion to which any further amendments are moved.
- (e) After an amendment has been carried, the Chair will read out the amended motion before accepting any further amendments, or if there are none, put it to the vote.
- (f) No amendments may be made to a motion submitted under Rule 10.4 the purpose of which is to admit any person as an honorary freeman or honorary freewoman other than the person named in a Motion on Notice submitted under that rule.

12.7 Alteration of Motion

- (a) A member may alter a motion of which he/she has given notice with the consent of the meeting. The meeting's consent will be signified without discussion.
- (b) A member may alter a motion which he/she has moved without notice with the consent of both the meeting and the seconder. The meeting's consent will be signified without discussion.
- (c) Only alterations which could be made as an amendment may be made.

12.8 Withdrawal of Motion

A member may withdraw a motion which he/she has moved with the consent of both the meeting and the seconder. The meeting's consent will be signified without discussion. No member may speak on the motion after the mover has asked permission to withdraw it unless permission is refused.

12.9 Right of Reply

- (a) The mover of a motion has a right to reply at the end of the debate on the motion, immediately before it is put to the vote.
- (b) If an amendment is moved, the mover of the original motion has the right of reply at the close of the debate on the amendment, but may not otherwise speak on it.
- (c) The mover of the amendment has no right to reply to the debate on his or her amendment.

12.10 Motions which may be Moved during Debate

When a motion is under debate, no other motion may be moved except the following procedural motions:

- (a) to withdraw a motion;
- (b) to amend a motion;
- (c) to proceed to the next business;
- (d) that the question be now put;
- (e) to adjourn a debate;
- (f) to adjourn a meeting;
- (g) to exclude the public and press in accordance with the Access to Information Procedure Rules; and
- (h) to not hear further a member named under Rule 18.2 or to exclude them from the meeting under Rule 18.3

12.11 Closure Motions

- (a) A member may move, without comment, the following motions at the end of a speech of another member:
 - (i) to proceed to the next business;

- (ii) that the question be now put;
 - (iii) to adjourn a debate; or
 - (iv) to adjourn a meeting.
- (b) If a motion to proceed to next business is approved and the Chair thinks the item has been sufficiently discussed, he or she will give the mover of the original motion a right of reply and then put the procedural motion to the vote.
- (c) If a motion that the question be now put is approved and the Chair thinks the item has been sufficiently discussed, he/she will put the procedural motion to the vote. If it is passed he/she will give the mover of the original motion a right of reply before putting his/her motion to the vote.
- (d) If a motion to adjourn the debate or to adjourn the meeting is passed and the Chair thinks the item has not been sufficiently discussed and cannot reasonably be so discussed on that occasion, he/she will put the procedural motion to the vote without giving the mover of the original motion the right of reply.

12.12 Point of Order

A member may raise a point of order at any time. The Chair will hear them immediately. A point of order may only relate to an alleged breach of these CJC Rules of Procedure or the law. It is not concerned with the arguments or principles or correctness or incorrectness of statements made in the course of debate. The member must indicate the rule of law and the way in which he/she considers it has been broken. The ruling of the Chair on the matter will be final. If the member fails to specify the rule or procedural rule that is breached, the Chair shall refuse to consider the point of order.

12.13 Personal Explanation

A member may make a personal explanation at any time. A personal explanation may only relate to some material part of an earlier speech by the member which may appear to have been misunderstood in the present debate. The ruling of the Chair on

the admissibility of a personal explanation will be final.

13. Previous Decisions and Motions

13.1 Motion to Rescind a Previous Decision

A motion or amendment to rescind a decision made at a meeting of CJC within the past six months cannot be moved unless the notice of motion is signed by at least 2 members.

13.2 Motion Similar to one Previously Rejected

A motion or amendment in similar terms to one that has been rejected at a meeting of CJC in the past six months cannot be moved unless the notice of motion or amendment is signed by at least 2 members. Once the motion or amendment is dealt with, no one can propose a similar motion or amendment for six months.

14. Voting

14.1 Voting Procedure

In relation to any matter to be decided at a meeting of the CJC—

- (a) the number of co-opted members entitled to vote may not exceed the number of other members entitled to vote,
- (b) each person entitled to vote has one vote,
- (c) the matter, is to be decided by simple majority, and
- (d) if a vote is tied the matter is not carried save for matters relating to strategic planning where the Chair or Vice Chair has a casting vote..

14.2 Other Voting Issues

In the case of a matter to be decided in relation to the calculation of the CJC's budget funding requirement or the adoption of an alternative voting procedure, paragraphs 14.1(c) and (d) do not apply.

Where the matter to be decided relates to strategic planning functions, paragraph 14.1(d) does not apply and the chair (or if presiding, the vice-chair) has the casting vote.

14.3 Show of Hands

Unless a ballot or recorded vote is demanded under Rules 14.4 and 14.5, the Chair will take vote by show of hands, or if there is no dissent, by the affirmation of the meeting.

14.4 Ballots

The vote will take place by ballot if a simple majority of members present at the meeting demand it. The Chair will announce the numerical result of the ballot immediately the result is known.

14.5 Recorded Vote

If one sixth of the members present at the meeting demand it, the names for and against the motion or amendment or abstaining from voting will be taken down in writing and entered into the minutes. A demand for a recorded vote will override a demand for a ballot.

14.6 Right to Require Individual Vote to be Recorded

Where, immediately after a vote is taken at a meeting, any member so requires, there must be recorded in the minutes of the proceedings of that meeting whether that person cast a vote for the question or against the question or whether that person abstained from voting. In this paragraph, a meeting means of the CJC, a committee or sub-committee of the CJC or a relevant joint committee or sub-committee of such a committee.

14.7 Voting on Appointments

If there are more than two people nominated for any position to be filled and there is not a clear majority of votes in favour of one person, then the name of the person with the least number of votes will be taken off the list and a new vote taken. The process will continue until there is a majority of votes for one person.

14.8 Promote or Oppose Private Bills in Parliament

Any decision to promote or oppose a private bill in Parliament or in the National Assembly for Wales must be made in accordance with Sections 52 and 53 of the Local Government (Democracy) (Wales) Act 2013.

14.9 Adoption of alternative voting procedure

Subject to the requirements of this paragraph 14.9, the CJC may adopt an alternative voting procedure in relation to any matter to be decided by it but the CJC may not adopt an alternative procedure in relation to any matter to be decided in relation to the calculation of the CJC's budget funding requirement or the adoption of an alternative voting procedure.

A procedure adopted under this paragraph 14 must specify which of the matters to be decided by the CJC it applies to and may not modify paragraph 14.2.2.

A procedure adopted under this paragraph 14 must be adopted by the unanimous agreement of the members entitled to vote on adopting the procedure.

Any alternative voting procedure adopted under this paragraph 14 must be set out in these standing orders.

15. Minutes

15.1 General Rules

The names of the members of present at a CJC meeting must be recorded.

Minutes of the proceedings of a CJC meeting must, subject to paragraph be drawn up and recorded.

15.2 Signing Minutes

The minutes must be approved by the person chairing the CJC meeting or the person chairing the next suitable such meeting by—

- (a) signing the minutes, or
- (b) by electronically signifying approval.

Minutes purporting to be so signed or approved may be received in evidence without further proof.

Until the contrary is proved, a CJC meeting the minute of whose proceedings has been recorded and signed or approved in accordance with this regulation is to be deemed to have been duly convened and held, and all those present at the meeting are to be deemed to have been duly qualified. (

The next suitable CJC meeting is the next following meeting or, where standing orders provide for another meeting to be regarded as suitable, either the next following meeting or that other meeting.

15.3 Minute Discussion

The only part of the minutes that can be discussed is their accuracy.

16. Record of Attendance

All members present during the whole or part of a meeting must confirm their presence before the conclusion of every meeting to assist with the record of attendance.

17. Exclusion of Public

Members of the public and press may only be excluded either in accordance with the Access to Information Procedure Rules in Part 4 of this Constitution or Rule 19 (Disturbance by Public).

18. Members' Conduct

18.1 Chair Standing

When the Chair stands during a debate, any member speaking at the time must stop. The meeting must be silent.

18.2 Member Not to be Heard Further

If a member persistently disregards the ruling of the Chair by behaving improperly or offensively or deliberately obstructs business, the Chair may direct that the member be not heard further.

18.3 Member to Leave the Meeting

If the Member continues to behave improperly after such a motion is carried, the Chair may direct either the member leaves the meeting or that the meeting is adjourned for a specified period.

18.4 General Disturbance

If there is a general disturbance making orderly business impossible, the Chair may adjourn the meeting for as long as he/she thinks necessary.

19. Disturbance by Public

19.1 Removal of Member of the Public

If a member of the public interrupts proceedings, the Chair will warn the person concerned. If they continue to interrupt, the Chair will order their removal from the meeting room.

19.2 Clearance of Part of Meeting Room

If there is a general disturbance in any part of the meeting room open to the public, the Chair may call for that part to be cleared.

20. Other Rules

20.1 Welsh Language

In all proceedings of the CJC, the Welsh Language and English language shall have the same status and validity, with appropriate advance notification being required for simultaneous translation facility requirements.

20.2 Recording of Proceedings

- (a) The recording and webcasting of CJC meetings shall be made by the CJC (via placement on the CJC's Website), in accordance with the Webcasting/Recording Protocol (set out at Appendix 1 of these CJC Procedure Rules).
- (b) Other filming, recording and use of social media is permitted during CJC meetings, provided that:
 - (i) The recording or transmission must create no disturbance, disruption or distraction to the good order

- and conduct of the meeting;
- (ii) Notice has been given (on the meeting agenda) so that everyone attending the meeting is made aware that they may be recorded and that by attending the meeting they are deemed to consent to this;
 - (iii) Any recording must be overt, not covert;
 - (iv) There is to be no recording or transmission of proceedings dealing with any exempt or confidential information;
 - (v) The Chair shall have discretion, subject to proper consideration of any relevant representations and legal advice, to prohibit a recording or exclude anyone reasonably considered to be in breach of these rules;
 - (vi) The person making the recording or transmission shall be solely responsible for complying with all applicable legal obligations arising from their actions.

20.3 Petitions

Any public petitions must be delivered by the organisers, or any members, to the relevant Directorate; delivery of same must not take place during the actual meeting of the CJC, or a Committee.

20.4 Interpretation of CJC Rules

The ruling of the Chair as to the construction or application of any of the CJC rules, or as to any proceedings of the CJC, shall not be challenged at any meeting of the CJC.

20.5 Register of Attendance

An attendance sheet, register or roll call shall be provided or undertaken at every meeting on which each Member present at the meeting shall enter her/his name. A Member's Interests sheet or register shall be provided at every meeting on which each Member present at the meeting shall enter all declarable interests relevant to the business to be conducted at that meeting.

Where a member is to leave a meeting any point before the last item is considered, they shall notify the relevant officer who will ensure that it is then recorded in any register of attendance or minutes.

20.6 Use of Mobile Phones

Members should refrain from using mobile phones in any meeting of CJC but where mobile phones are being utilised member should consider stepping out from any meeting whilst such phones are being used.

20.7 No Smoking

Members should refrain from smoking or using E-Cigarettes during CJC meetings.

21. Suspension and Amendment of CJC Procedure Rules

21.1 Suspension

All of these CJC Rules of Procedure except Rule 14.6 and 15.2 may be suspended by motion on notice or without notice if at least one half of the whole number of members of the CJC are present. Suspension can only be for the duration of the meeting.

21.2 Amendment

Any motion to add to vary or revoke these CJC Rules of Procedure will, when proposed stand adjourned without discussion to the next ordinary meeting of the CJC.

22. Public Speaking at Planning Committee Meetings

Members of the public attending Planning Committee meetings shall be entitled to address the Committee in accordance with the CJC's Protocol for speaking at meetings of its Planning Committee.

23. Application to Committees and Sub-committees

Rules 4 to 21 inclusive apply to the Sub-Committees (including the Audit, Standards and Overview and Scrutiny Committees).

24. Remote Attendance

When so determined by the CJC the Remote Attendance annexed at Appendix 1 to these Rules may be implemented and subsequently cancelled by the agreement of the Chief Executive and Monitoring Officer

and any conflict between these Rules and the Remote Provisions shall see the Remote Rules take priority.

25. Validity of Proceedings

The proceedings of the CJC are not invalidated by any vacancy in the membership of the CJC or by any defect in the appointment, co-option or qualifications of the members. This is subject to requirements of quorum.

Appendix 1

1. The Chair will first introduce them self and their Vice Chair and will confirm the meeting, the date and time and the business to be considered
2. The Chair will ask all persons participating in the meeting to mute their microphones while other people are speaking, and only turn on their microphones when they need or wish to speak. Members and the Chair will be expected to use the 'Chat" facility available to indicate whether they wish to speak or raise any particular issue and the Chair will monitor this throughout the meeting.
3. From the list prepared by Democratic Services, the Chair will conduct an alphabetical roll call of those present, in the following order:
 - (i) The Committee
 - (ii) Other Members
 - (iii) CJC officers present
 - (iv) Any statutory bodies present
 - (v) All other interested parties
4. The Chair will also confirm that there is a quorum and that the meeting can therefore proceed.
5. The Chair will remind those Members present of the Procedural Rules and this protocol and of the guidance note issued to Members regarding remote attendance.
6. The Chair will ask Members for declarations of interest (alphabetically) and Members shall indicate verbally whether they have any interests to declare. Where Members do have a personal/prejudicial interest, the Democratic Services Officer will send the Member the appropriate form following the meeting for the Member to complete and then return to Democratic Services. **Members should ensure they take advice on any possibility of a personal/prejudicial interest from the Monitoring Officer prior to the meeting.**

7. The Chair will proceed to work through the business in the Agenda in the order listed in the papers.
8. Where applicable, the Chair will then ask any interested party/parties to address the Committee with any representations they wish to make. After they have made their representations the Chair will confirm whether they have anything else they wish to add.
9. The Chair will confirm that Committee Members have read the item of business being considered
10. The Chair will ask the presenting officer whether there is anything they wish to add to the report.
11. The Chair will then go to the questions that Members wish to raise.
12. Once all Committee Members have addressed the meeting, any other Members will be invited to ask any questions they may have.
13. The Chair will then ask Committee Members, other Members, and officers present (including statutory body representatives) whether they have any questions.
14. The Chair will read the recommendation that Members will be asked to vote on.
15. The Chair will ask for a member to propose the motion.
16. A member will then propose the motion and the motion will be seconded.
17. The Chair will ask members whether there are any members who wish to object to the recommendation, providing a suitable delay to allow members to respond accordingly – they may do so either by relaying the objection verbally, using the hand raise functions on or utilising the chat facility
18. The Chair will ask members whether there are any members who wish to abstain on the recommendation, providing a suitable delay

to allow members to respond accordingly – they may do so either by relaying the objection verbally, using the hand raise functions on or utilising the chat facility.

19. Following this, it will be assumed that any members who have not indicated to the contrary will be deemed to be in favour of the recommendation.
20. The Chair will then confirm whether the recommendation has been approved or not.
21. In the event that the Chair is unable to confirm that all members were capable of being heard or they deem a roll call to be necessary to ensure the democratic process is complied with, the Chair shall be entitled to undertake a roll call of all members to confirm their vote.
22. Where the Chief Executive or Monitoring Officer are of the opinion that members have not had the ability to be heard, they will advise the Chair that a roll call of all members to confirm their vote should be held, the final discretion as to whether to hold such a roll call will remain at the discretion of the Chair.
23. It should be noted that Members will also be able to call for a recorded vote as per the requirements of the CJC's Constitution.
24. The Democratic Services Officer will confirm the outcome of the vote.
25. The Chair will then move on to the next item.

Where matters are private/exempt the Chair will confirm the reason for considering the matter in private and ask for a proposer and seconder to go into private session. The Chair will ask if there are any objections to this by any member, who shall state what their objection is. If no objection is raised the Chair will indicate, unless there is any further objection, that the motion to go into private session is carried.

26. The Chair will confirm once all matters have been considered and will confirm the close of the meeting.

28. Following the meeting a copy of the recording of the meeting (excluding any exempt or confidential items) will be uploaded to the website of Neath Port Talbot County Borough Council and Youtube Channel for public access. Participating in a meeting is deemed consent to such recordings being taken and uploaded. Where so required by legislation, such meetings will also be live streamed and the principles of this paragraph 28 shall apply to such arrangements.

Mae'r dudalen hon yn fwriadol wag

APPENDIX 3

Access to Information Procedure Rules

1. Scope

These rules apply to all meetings of the South West Wales Corporate Joint Committee (including Sub-Committees) (“the CJC”)

Although the Freedom of Information Act 2000 presumes openness it recognises the need to protect sensitive information in certain circumstances and provides for exemptions. Some exemptions are absolute, where there is no right to the information; some exemptions are qualified, where even though information falls within the exemptions it may still have to be disclosed if it is in the public interest to do so.

Examples of exemptions include information that is commercially sensitive, confidential information, certain personal information, protection of national security, information where disclosure is prevented by other legislation, information intended for future publication, law enforcement matters and information that is accessible by other means.

In addition to the Freedom of Information Act, there are two other access to information regimes:

- (a) The Data Protection Act 2018, which enables individuals to access certain information on themselves; and
- (b) The Environmental Information Regulations 2004, which enables people to access environmental information.
- (c) The Data Protection Act and the Environmental Information Regulations are also subject to exemptions.

2. Additional Rights to Information

These rules do not affect any more specific rights to information contained elsewhere in their Constitution or the law.

3. Rights to Attend Meetings

Members of the public may attend all meetings above, subject only to the exceptions in these rules.

4. Notices of Meeting

The CJC will give at least three clear days' notice of any meeting by posting details of the meeting on the website of Neath Port Talbot County Borough Council and other constituent councils and national park authorities.

5. Access to the Agenda and Reports before the Meeting

The CJC will make copies of the agenda and reports (except reports which are determined to be private "not for publication/exempt" reports) open to public during normal office hours and online at least three clear days before the meeting (or if a committee meeting is called at shorter notice, for urgent special reasons, that at the time it is convened). If an item is added to the agenda of any meeting, for urgent special reasons, copies of the item (or of the revised agenda) and copies of any public (not private) reports relating to the item will be open to inspection from the time the item was added to the agenda (where public reports are prepared after the summons has been sent out, the Chief Executive shall make each such report available to the public as soon as the report is completed and sent to CJC members).

6. Supply of Copies

The CJC will supply copies of:

- (a) any agenda and reports which are open to public inspection;
- (b) any further statements or particulars necessary to indicate the nature of the items in the agenda; and
- (c) if the Chief Executive thinks fit, copies of any other documents supplied to members of the CJC in connection with an item

to any person on payment of a charge for postage and any other costs.

7. Access to Minutes etc. after the Meeting

The CJC will make available copies of the following for six years after a meeting:

- (a) the minutes of the meeting, or record of decisions taken by the CJC, excluding any part of the minutes, or record, of proceedings when the meeting was not open to the public because exempt or confidential information was being considered;
- (b) a summary of any proceedings not open to the public where the minutes, or record, open to inspection would not provide a reasonably fair and coherent record;
- (c) the agenda for the meeting; and
- (d) reports relating to items when the meeting was open to the public.

8. Background Papers

8.1 List of Background Papers

The CJC will set out in every public report a list of those documents (called background papers) relating to the subject matter of the report which in their/her opinion:

- (a) disclose any facts or matters on which the report or an important part of the report is based; and
- (b) which have been relied on to a material extent in preparing the report

but does not include published works or those which disclose exempt or confidential information (as defined in Rule 10)

8.2 Public Inspection of Background Papers

The CJC will make available for public inspection for four years after the date of the meeting one copy of each of the documents on the list of background papers.

9. Publication of Additional Information

- (a) The CJC will maintain a register stating the name and address of every member of the CJC. The register is open to inspection by the public during normal office hours.
- (b) A copy of the details of any co-opted members and their co-option agreements
- (b) The CJC will maintain a list specifying powers delegated to its officers, and stating the title of the officer by whom each of those powers is exercisable. The list excludes short term delegations of less than six months duration.
- (c) Any local government elector for the area may inspect an Order for the payment of money made by the CJC during normal office hours.
- (d) Documents may be required to be deposited with an appointed officer either by an Act of Parliament or statutory instrument, or pursuant to the Standing Orders of either House of Parliament. A person interested in any such document may inspect it during normal office hours
- (e) A summary of other Rights of Inspection of Documents pursuant to the Local Government (Inspection of Documents) (Summary of Rights) Order 1986 – Statutory Instrument 1986 No. 854, is also open to inspection during normal office hours.

10. Exclusion of Access by the Public to Meetings

10.1 Public and Private Meetings of the CJC

The CJC may only make decisions in relation to its functions and conduct formal business in a properly constituted meeting. This does not prevent the CJC from holding informal deliberations in private, with or without officers present, but these deliberations shall not take decisions, and neither do the provisions of these rules apply to such deliberations.

10.2 Confidential Information – Requirement to Exclude Public

The public must be excluded from meetings whenever it is likely in view of the nature of the business to be transacted or the nature of the proceedings that confidential information would be disclosed.

10.3 Exempt Information – Direction to Exclude Public

The public may be excluded from meetings whenever it is likely in view of the nature of the business to be transacted or the nature of the proceedings that exempt information would be disclosed.

Where the meeting will determine any person’s civil rights or obligations, or adversely affect their possessions, Article 6 of the Human Rights Act 1998 establishes a presumption that the meeting will be held in public unless a private hearing is necessary for one of the reasons specified in Article 6.

10.4 Meaning of Confidential Information

Confidential information means information given to the CJC by a Government Department on terms which forbid its public disclosure or information which cannot be publicly disclosed by Court Order.

10.5 Meaning of Exempt Information

10.5.1 Exempt information means those categories of exempt information which are contained in paragraphs 12 to 18 of Part 4 of Schedule 12A to the Local Government Act 1972 (as amended) set out in the left hand column below subject to the qualifications in respect thereof set out in the right hand column below:-

Exempt Information	Qualification
12. Information relating to a particular individual.	Public interest test applies (see below)
13. Information which is likely to reveal the identity of an individual.	Public interest test applies (see below)
14. Information relating to the financial or business affairs of any particular person (including	Information falling within paragraph 14 is not exempt information by virtue of that paragraph if it is required to be registered

<p>the authority holding that information)</p>	<p>under – The Companies Act 1985; The Friendly Societies Act 1974; The Friendly Societies Act 1992; The Industrial and Provident Societies Act 1965 to 1978; The Building Societies Act 1986; or The Charities Act 1993. Public interest test applies (see below)</p>
<p>15. Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter arising between the Authority or a Minister of the Crown and employees of, or office holders under, the Authority</p>	<p>Public interest test applies (see below)</p>
<p>16. Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.</p>	<p>Public Interest test does not apply</p>
<p>17. Information which reveals that the authority proposes: (a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or (b) to make an order or direction under any enactment.</p>	<p>Public Interest test applies (see below)</p>
<p>18. Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.</p>	<p>Public interest test applies (see below)</p>

NOTE: Information is not exempt information if it relates to proposed development for which the local planning authority may grant itself

planning permission pursuant to Regulation 3 of the Town and Country Planning General Regulations 1992.

10.5.2 In relation to a meeting of a Standards Committee, or a sub-committee of Standards Committee, which is convened to consider a matter referred under the provisions of Section 70(4), 70(5) or 71(2) of the Local Government Act 2000, “Exempt Information” will also include those categories of exempt information which are contained in paragraphs 18A to 18C of Part 4 of Schedule 12A to the Local Government Act 1972 (as amended) set out in the left hand column below subject to the qualifications in respect thereof set out in the right hand column below:-

Exempt Information	Qualification
18A. Information which is subject to any obligations of confidentiality.	Public interest test applies (see below)
18B. Information which relates in any way to matters concerning national security.	Public interest test applies (see below)
18C. The deliberations of a standards committee or of a sub-committee of a standards committee established under the provisions of Part 3 of the Local Government Act 2000 in reaching any finding on a matter referred to it”.	Public interest test applies (see below)

10.5.3 **Public Interest Test**

Information which –

- (a) falls within any of paragraphs 12 to 15, 17 and 18 above; and
- (b) is not prevented from being exempt by virtue of the ‘qualifications’ above,

is exempt information if and so long, as in all the

circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

10.5.4 **Interpretation**

For the purposes of the interpretation of the categories of exempt information and qualifications set out in items 10.5.1 and 10.5.2 above the following applies:-

(1) in the left hand and right hand columns –

“employee” means a person employed under a contract of service;

“financial or business affairs” includes contemplated, as well as past or current, activities;

“labour relations matters” means:-

(a) any of the matters specified in paragraphs (a) to (g) of sections 218(1) of the Trade Union and Labour Relations (Consolidation) Act 1992 (matters which may be the subject of trade dispute, within the meaning of that Act); or

(b) any dispute about a matter falling within paragraph (a) above;

and for the purposes of this definition the enactments mentioned in paragraph (a) above, with the necessary modifications shall apply in relation to office-holders under the authority as they apply in relation to employees of the authority;

“office holder”, in relation to the authority, means the holder of any paid office appointments to which are or may be made or confirmed by the authority or by any joint board on which the authority is represented or by any person who holds any such office or is an employee of the authority;

“registered” in relation to information required to be

registered under the Building Societies Act 1986, means recorded in the public file of any building society (within the meaning of that Act).

- (2) Any reference to “the authority” is a reference to the CJC or, as the case may be, the committee or sub-committee in relation to whose proceedings or documents the question whether information is exempt or not falls to be determined and includes a reference:-
- (a) in the case of a principal CJC, to any committee or sub-committee of the CJC; and
 - (b) in the case of a committee to:-
 - (i) any constituent principal CJC;
 - (ii) any other principal CJC by which appointments are made to the committee or whose functions the committee discharges; and
 - (iii) any other committee or sub-committee of a principal CJC falling within sub-paragraph (i) or (ii) above; and
 - (c) in the case of a sub-committee, to:-
 - (i) the committee, or any of the committees, of which it is a sub-committee; and
 - (ii) any principal CJC which falls within paragraph (b) above in relation to that committee.

11. Exclusion of Access by the Public to Reports

If the proper officer thinks fit, the CJC may exclude access by the public to reports which in their opinion relate to items during which, in accordance with Rule 10, the meeting is likely not to be open to the public. Such reports will be marked “Not for publication” together with the category of information likely to be disclosed.

12. Consultation under the Forward Work Programme

12.1 Period of Forward Work Programme

A forward work programme will be published before the start of the period covered. The programme will cover a period of four months and will be updated at least quarterly.

12.2 Contents of Forward Work Programme

The CJC forward work programme will contain matters which the CJC is likely to consider. It will contain information on:

(i) Policy and Budget Framework

The timetable for considering the budget and any plans forming part of the policy and budget framework which will require CJC approval, and which body within the CJC is to consider them.

(ii) Other Plans/Matters

The timetable for considering any plans which are the responsibility of the CJC and any other individual matters, on which the CJC intends to consult in advance of taking a decision.

The following are other requirements associated with the forward work programme under the constitution:-

- (a) the level of consultation will be appropriate to the matter under consideration; matters not required to be included under the constitution may however be included in the programme;
- (b) specific consultees may or may not be identified in the programme, but if there are any principal consultees these should be included;
- (c) anyone – besides any named consultees – who wishes to make representations to the CJC on any issues in the programme may do so by writing to the named contact;
- (d) notwithstanding the inclusion of matters in the forward work programme, no information which is confidential or exempt

need be disclosed as a result of the publication of that programme. A matter which is confidential or exempt need not automatically be included in the programme, notwithstanding the requirements above, this being at the discretion of the Chief Executive

- (e) the CJC forward work programme should also be provided to the members of Scrutiny Committees and other Members of CJC, to facilitate forthcoming pre-decision scrutiny/consultation where appropriate (Article 6 refers).
 - (f) where a matter may ordinarily be one for inclusion in a forward work programme, but was not included, whether unforeseen or otherwise, yet needs to be considered and determined by the CJC in the interests of the CJC and the public, the matter may be dealt with by the CJC without inclusion in a forward work programme – but in this respect, advance notice of the proposal will be given to the public and the relevant Scrutiny Committee members by way of the public notice and agenda for the relevant CJC meeting, (unless the item is deemed necessary to be dealt with outside of a meeting under the urgency and other Rules in the Constitution). The report to any CJC meeting will need to state, in cases where there is ordinarily a requirement for consultation, but where this has not been able to take place, the reasons why not. The aim, where practicable, in such cases would also be to ensure consultation with a Scrutiny Committee before implementation of any CJC decisions. The Scrutiny call-in powers may also be invoked in relation to the above if deemed appropriate (except for those cases not subject to call-in under the urgency and other Rules in this Constitution). A matter may not also have been included in the forward work programme because it has been the subject of a separate and specific consultation exercise, the outcome of which will be reported to the CJC, and hence there will have been no requirement under this Constitution for such a matter to have been included in the programme.
- (iii)** Forward work programmes should also be prepared for matters which the CJC and Scrutiny Committees are likely to consider.

Any non-compliance with paragraph 12 provisions shall not

invalidate any decisions otherwise properly taken under statutory provisions.

13. Record of Decisions of the CJC

13.1 The Decisions Record

- (a) A written statement (or decision record) will be made by the Chief Executive or their representative of every CJC decision made by the CJC and its committees, and any individual members (if authorised), and of joint committees and joint sub-committees whose members are all members of a local authority CJC.
- (b) This statement will include:-
- A record of the decision, including the date it was made;
 - A record of the reasons for the decision;
 - A record of any personal interest declared;
 - A note of any dispensation to speak granted by the Authority's Standards Committee;
 - Details of any consultation undertaken in accordance with the Constitution and where such consultation is required but has not taken place, the reason why that is the case.

The statement will also specify if a decision has been taken as an urgent one which is not subject to the call-in procedure.

13.2 Preparing the Decision Record

- (a) The Chief Executive or their representative shall attend any meeting of the CJC, a committee of the CJC or a joint committee or joint sub-committee and shall as soon as reasonably practicable after the meeting produce a decision record.

- (b) Where an individual member has made any CJC decision (where the CJC has delegated functions):-
 - (i) that member shall as soon as reasonably practicable instruct the Chief Executive to produce a decision record; and
 - (ii) the decision shall not be implemented until that decision record has been produced, subject to (c) below.
- (c) where the date by which an CJC decision made by an individual member must be implemented makes compliance with (b)(ii) above impracticable, the decision may be implemented if the decision maker has the agreement of:
 - (i) the chairperson of the relevant Scrutiny Committee, or
 - (ii) if there is no such person or that person is unable to act, the chairperson of the local authority, or
 - (iii) if there is no chairperson of the relevant scrutiny committee or the local authority, the vice-chairperson of the local authority

that the making of the decision is urgent and cannot reasonably be deferred.
- (d) The Chief Executive will ensure that CJC decisions, together with the reasons for those decisions and relevant officer reports are made publicly available as soon as is reasonably practicable.

14. Decisions by an Individual Member of the CJC (where the CJC has Delegated Functions)

14.1 Reports Intended to be Taken into Account

Where an individual member of the CJC receives a report which he/she intends to take into account in making any decision, then he/she will not make the decision until at least 3 clear days after receipt of that report.

14.2 Provision of Copies of Reports to the Overview and Scrutiny

Committee

On giving of such a report to an individual decision maker, the person who prepared the report will give a copy of it to the Chair of the Overview and Scrutiny Committee as soon as reasonably practicable, and make it publicly available at the same time (other than if it contains confidential or exempt information).

14.3 Record of Individual Decision

The decision recording rules in paragraph 13 will apply.

15. Scrutiny Committee Members' Access to Documents

15.1 Rights of Access

Subject to Rule 15.2 below, and the provisions of the Local Authorities (CJC Arrangements) (Decisions, Documents and Meetings) (Wales) Regulations 2001 No. 2290, a Scrutiny Committee (including its sub-committees) will be entitled to access any document which is in the possession or control of the CJC or its committees and which contains material relating to:-

- (a) any business transacted at a formal meeting of the CJC or its committees; or
- (b) any decision taken by an individual member of the CJC

15.2 Limit on Rights

A Scrutiny Committee or Sub-Committee will not be entitled to any part of a document that contains:

- Confidential or exempt information, or
- Advice provided by a political adviser or assistant

unless that information is relevant to an action or decision that is being reviewed or scrutinised or any review contained in a programme of work of that committee or sub-committee.

16. Additional Rights of Access for Members

16.1 Rights of Access

All elected members within constituent councils of the CJC will be entitled to inspect any document which is in the possession or under the control of the CJC or its committees and contains material relating to any business transacted at a formal meeting of a decision making body of that authority or by an individual member of the CJC.

16.2 **Limitation on Rights**

A member will not be entitled to any part of a document where it appears to the Chief Executive that:-

- (a) it would disclose exempt information of a description falling within Part 4 of Schedule 12A to the Local Government Act 1972 (Description of Exempt Information: Wales) – except that the document is to be available for inspection if the information is information of a description for the time being falling within:
 - (i) paragraph 14 of Schedule 12A to the 1972 Act (except to the extent that the information relates to any terms proposed or to be proposed by or to the authority in the course of negotiations for a contract), or
 - (ii) paragraph 17 of Schedule 12A to the 1972 Act.
- (b) it would disclose advice of a political adviser or assistant.

16.3 **Nature of Rights**

These rights of a member are additional to any other right he/she may have (including under Section 100F (1) of the Local Government Act 1972 with regard to CJC and Committees/Sub Committee meetings, but subject to the provisions of sub section (2) thereof).

Mae'r dudalen hon yn fwriadol wag

South West Wales Corporate Joint Committee Members' Code of Conduct

THE MODEL CODE OF CONDUCT PART 1

1. Interpretation

1.1 In this code –

“co-opted members” (aelod cyfetholedig”), in relation to the CJC, means a person who is not an elected member of the CJC but who –

- (a) is a member of the CJC, any committee or sub-committee of the CJC, or
- (b) is a member of, and represents the CJC on, any joint committee or joint sub-committee of the CJC, and who is entitled to vote on any question which falls to be decided at any meeting of the CJC or sub-committee;

“meeting” (“cyfarfod”) means any meeting -

- (a) of the CJC;
- (b) of any committee, sub-committee, joint committee or joint sub-committee of the CJC or of any such committee, sub-committee, joint committee or joint sub-committee of the CJC, or
- (d) where members or officers of the CJC are present other than a meeting of a political group constituted in accordance with Regulation 8 of the Local Government (Committees and Political Groups) Regulations 1990, and includes circumstances in which a member of an executive or board or an officer acting alone exercises a function of an authority;

“member” (“aelod”) includes, unless the context requires otherwise, a co-opted member;

“registered society” (“cymdeithas cofrestredig”) means a society, other than a society registered as a credit unit, which is –

- (a) a registered society within the meaning given by Section 1(1) of the Co-operative and Community Benefit Societies Act 2014; or
- (b) a society registered or deemed to be registered under the Industrial and Provident Societies Act (Northern Ireland) 1969;

“register of members’ interests” (“confrestr o fuddiannau’r aelodau”) means the register established and maintained under Section 81 of the Local Government Act 2000;

“CJC” (“awdurdod perthnasol”) means the South West Wales Corporate Joint Committee

“you” (“chi”) means you as a member or co-opted member of the CJC; and

1.2 In relation to a Community Council –

- (a) “proper officer” (“swyddog priodol”) means an officer of that Council within the meaning of Section 270(3) of the Local Government Act 1972; and
- (b) “standards committee” (“pwyllgor safonau”) means the standards committee of the County or County Borough Council which has functions in relation to the Community Council for which it is responsible under Section 56(1) and (2) of the Local Government Act 2000.

PART 2

2. General Provisions

- 2.1 Save where paragraph 3(a) applies, you must observe this code of conduct –

- (a) whenever you conduct the business, or are present at a meeting, of the CJC;
- (b) whenever your act, claim to act or give the impression you are acting in the role of member to which you were elected or appointed;
- (c) whenever you act, claim to act or give the impression you are acting as a representative of the CJC; or
- (d) at all times and in any capacity, in respect of conduct identified in paragraphs 6(1)(a) and 7.

2.2 You should read this code together with the general principles prescribed under Section 49(2) of the Local Government Act 2000 in relation to Wales.

2.3 Where you are elected, appointed or nominated by the CJC to serve:-

- (a) on another CJC, or any other body, which includes a Local Health Board you must, when acting for that other authority or body, comply with the code of conduct of that other authority or body; or
- (b) on any other body which does not have a code relating to the conduct of its members, you must, when acting for that other body, comply with this conduct, except and insofar as it conflicts with any other lawful obligations for which that other body may be subject.

2.4 You must:-

- (a) carry out your duties and responsibilities with due regard to the principle that there should be equality of opportunity for all people, regardless of their gender, race, disability, sexual orientation, age or religion;
- (b) show respect and consideration for others;
- (c) not use bullying behaviour or harass any person; and

- (d) not do anything which compromises, or which is likely to compromise, the impartiality of those who work for, or on behalf of, the CJC

2.5 You must not:-

- (a) disclose confidential information or information which should reasonably be regarded as being of a confidential nature, without the express consent of a person authorised to give such consent, or unless required is entitled by law to do so;
- (b) prevent any person from gaining access to information to which that person is entitled by law.

2.6. You must:-

- (a) not conduct yourself in a manner which could reasonably be regarded as bringing your office or authority into disrepute;
- (b) report, whether through the CJC's confidential reporting procedure or direct to the proper authority, any conduct by another member or anyone who works for, or on behalf of, the CJC which you reasonably believe involves or is likely to involve criminal behaviour (which for the purposes of this paragraph does not include offences or behaviour capable of punishment by way of a fixed penalty);
- (c) report to the CJC's monitoring officer any conduct by another member which you reasonably believe breaches this code of conduct;
- (d) not make vexatious, malicious or frivolous complaints against other members or anyone who works for, or on behalf of, the CJC.

2.7 You must comply with any request of the CJC's Monitoring Officer, or the Public Services Ombudsman for Wales, in connection with an investigation conducted in accordance with their respective statutory powers.

2.8 You must not:-

- (a) in your official capacity, or otherwise, use or attempt to use your position improperly to confer on or secure for yourself, or any other person, an advantage or create or avoid for yourself, or any other person, a disadvantage;
- (b) use, or authorise others to use, the resources of the CJC:-
 - (i) imprudently;
 - (ii) in breach of the CJC's requirements;
 - (iii) unlawfully;
 - (iv) other than in a manner which is calculated to facilitate, or to be conducive to, the discharge of the functions of the authority or of the office to which you have been elected or appointed;
 - (v) improperly for political purposes; or
 - (vi) improperly for private purposes.

2.9 You must:-

- (a) when participating in meetings or reaching decisions regarding the business of the CJC, do so on the basis of the merits of the circumstances involved and in the public interest having regard to any relevant advice provided by the CJC's officers, in particular by:-
 - (i) the CJC's Chief Executive;
 - (ii) the CJC's Chief Finance Officer;
 - (iii) the CJC's Monitoring Officer (who should be consulted when there is any doubt as to the CJC's power to act, as to whether the action proposed lies within the policy framework agreed by the authority or where the legal consequences of action or failure to act by the CJC might have important repercussions)
- (b) give reasons for all decisions in accordance with any statutory requirements and any reasonable additional requirements imposed by the CJC.

2.10 You must:-

- (a) observe the law and the CJC's rules governing the claiming of expenses and allowances in connection with your duties as a member;
- (b) avoid accepting from anyone gifts, hospitality (other than official hospitality, such as a civic reception or a working lunch duly authorised by the CJC), material benefits or services for yourself or any person which might place you, or reasonably appear to place you, under an improper obligation.

PART 3

3. Interests

Personal Interests

- 3.1 You must in all matters consider whether you have a personal interest, and whether this code of conduct requires you to disclose that interest.
- 3.2 You must regard yourself as having a personal interest in any business of the CJC if:-
 - (a) it relates to, or is likely to affect:-
 - (i) any employment or business carried on by you;
 - (ii) any person who employs or has appointed you, any firm in which you are a partner or any company for which you are a remunerated director;
 - (iii) any person, other than the CJC, who has made a payment to you in respect of your election or any expenses incurred by you in carrying out your duties as a member;
 - (iv) any corporate body which has a place of business or land in the CJC's area, and in which you have a beneficial interest in a class of securities of that

body that exceeds the nominal value of £25,000 or one hundredth of the total issued share capital of that body;

- (v) any contract for goods, services or works made between the CJC and you or a firm in which you are a partner, a company of which you are a remunerated director, or a body of the description specified in sub-paragraph (iv) above;
- (vi) any land in which you have a beneficial interest and which is in the area of the CJC;
- (vii) any land where the landlord is the CJC and the tenant is a firm in which you are a partner, a company of which you are a remunerated director, or a body of the description specified in subparagraph (iv) above;
- (viii) any body to which you have been elected, appointed or nominated by the CJC;
- (ix) any:-
 - (aa) public authority or body exercising functions of a public nature;
 - (bb) company, registered society, charity, or body directed to charitable purposes;
 - (cc) body whose principal purposes include the influence of public opinion or policy;
 - (dd) trade union or professional association; or
 - (ee) private club, society or association operating within the CJC's area,in which you have membership or hold a position of general control or management

- (x) any land in the CJC's area in which you have a licence (alone or jointly with others) to occupy for 28 days or longer;

[Note: subparagraph (b) is omitted.]

- (b) a decision upon it might reasonably be regarded as affecting:-
 - (i) your well-being or financial position, or that of a person with whom you live, or any person with whom you have a close personal association;
 - (ii) any employment or business carried on by persons as described in 10(2)(c)(i);
 - (iii) any person who employs or has appointed such persons described in 10(2)(c)(i), any firm in which they are partner, or any company of which they are directors;
 - (iv) any corporate body in which persons as described in 10(2)(c)(i) have a beneficial interest in a class of securities exceeding the nominal value of £5,000; or
 - (v) any body listed in paragraphs 10(2)(a)(ix)(aa) to (ee) in which persons described in 10(2)(c)(i) hold a position of general control or management to a greater extent than the majority of:-
 - (aa) in the case of an authority with electoral divisions or wards, other council tax payers, rate payers or inhabitants of the electoral division or ward, as the case may be, affected by the decision; or
 - (bb) in all other cases, other council tax payers, ratepayers or inhabitants of the authority's area.

Disclosure of Personal Interests

- 3.3 Where you have a personal interest in any business of the CJC and you attend a meeting at which that business is

considered, you must disclose orally to that meeting the existence and nature of that interest before or at the commencement of that consideration, or when the interest becomes apparent.

- 3.4 Where you have a personal interest in any business of the CJC and you make:-
- (a) written representations (whether by letter, facsimile or some other form of electronic communication) to a member or officer of the CJC regarding that business, you should include details of that interest in the written communication; or
 - (b) oral representations (whether in person or some form of electronic communication) to a member or officer of the CJC you should disclose the interest at the commencement of such representations, or when it becomes apparent to you that you have such an interest, and confirm the representation and interest in writing within 14 days of the representation.
- 3.5 Subject to paragraph 14.1(b), where you have a personal interest in any business of the CJC, and you have made a decision in exercising a function of an executive or board, you must in relation to that business ensure that any written statement of that decision records the existence and nature of your interest.
- 3.6 You must, in respect of a personal interest not previously disclosed, before or immediately after the close of a meeting where the disclosure is made pursuant to sub-paragraph 11.1, give written notification to the CJC in accordance with any requirements identified by the CJC's monitoring officer, or in relation to a community council, the CJC's proper officer from time to time but, as a minimum containing:-
- (a) details of the personal interest;
 - (b) details of the business to which the personal interest relates; and
 - (c) your signature

- 3.7 Where you have agreement from your monitoring officer that the information relating to your personal interest is sensitive information pursuant to paragraph 16.1, your obligations under this paragraph 11 to disclose such information, whether orally or in writing, are to be replaced with an obligation to disclose the existence of a personal interest and to confirm that your monitoring officer has agreed that the nature of such personal interest is sensitive information.
- 3.8 For the purposes of sub-paragraph (4), a personal interest will only be deemed to have been previously disclosed if written notification has been provided in accordance with this code since the last day on which you were elected, appointed or nominated as a member of the CJC.
- 3.9 For the purposes of sub-paragraph (3), where no written notice is provided in accordance with that paragraph you will be deemed as not to have declared a personal interest in accordance with this code.

Prejudicial Interests

- 3.10 Subject to sub-paragraph (2) below, where you have a personal interest in any business of the CJC you also have a prejudicial interest in that business if the interest is one which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice your judgement of the public interest.
- 3.11 Subject to sub-paragraph (3), you will not be regarded as having a prejudicial interest in any business where that business:-
- (a) relates to:-
 - (i) another CJC or authority of which you are also a member;
 - (ii) another public authority or body exercising functions of a public nature in which you hold a position of general control or management;
 - (iii) a body to which you have been elected, appointed or nominated by the CJC;

- (iv) your role as a school governor (where not appointed or nominated by the CJC) unless it relates particularly to the school of which you are a governor;
 - (v) your role as a member of a Local Health Board where you have not been appointed or nominated by the CJC;
- (b) relates to:-
- (i) the housing functions of the CJC where you hold a tenancy or lease with the CJC, provided that you do not have arrears of rent with the CJC of more than two months, and provided that those functions do not relate particularly to your tenancy or lease;
 - (ii) the functions of the CJC in respect of school meals, transport and travelling expenses, where you are a guardian, parent, grandparent or have parental responsibility (as defined in section 3 of the Children Act 1989) of a child in full time education, unless it relates particularly to the school which that child attends.
 - (iii) the functions of the CJC in respect of statutory sick pay under Part XI of the Social Security Contributions and Benefits Act 1992, where you are in receipt of, or are entitled to the receipt of such pay from the CJC;
 - (iv) the functions of the CJC in respect of an allowance or payment made in accordance with the provisions of Part 8 of the Local Government (Wales) Measure 2011, or an allowance or pension provided under Section 18 of the Local Government and Housing Act 1989;
- (c) Your role as a community councillor in relation to a grant, loan or other form of financial assistance made by your community council to community or voluntary organisations up to a maximum of £500.

3.12 The exemptions in sub-paragraph (2)(a) do not apply where the business relates to the determination of any approval, consent, licence, permission or registration.

Scrutiny Committees

3.13 You also have a prejudicial interest in any business before a scrutiny committee of the CJC (or of a sub-committee of such a committee) where:-

- (a) that business relates to a decision made (whether implemented or not) or action taken by the CJC's or another of the CJC's committees, sub-committees, joint committees or joint sub-committees; and
- (b) at the time the decision was made or action was taken, you were a member of the executive, board, committee, sub-committee, joint committee or joint sub-committee mentioned in sub-paragraph (a) and you were present when that decision was made or action was taken.

Participation in Relation to Disclosed Interests

3.14 Subject to sub-paragraphs (2), (2A), (3) and (4), where you have a prejudicial interests in any business of the CJC you must, unless you have obtained a dispensation from the CJC's standards committee:-

- (a) withdraw from the room, chamber or place where a meeting considering the business is being held:-
 - (i) where sub-paragraph (2) applies, immediately after the period for making representations, answering questions or giving evidence relating to the business has ended and in any event before further consideration of the business begins, whether or not the public are allowed to remain in attendance for such consideration; or
 - (ii) in any other case, whenever it becomes apparent that that business is being considered at that meeting;

- (b) not exercise executive or board functions in relation to that business;
- (c) not seek to influence a decision about that business;
- (d) not make any written representations (whether by letter, facsimile or some other form of electronic communication) in relation to that business; and
- (e) not make any oral representations (whether in person or some form of electronic communication) in respect of that business or immediately cease to make such oral representations when the prejudicial interest becomes apparent.

3.15 Where you have a prejudicial interest in any business of the CJC you may attend a meeting but only for the purpose of making representations, answering questions or giving evidence relating to the business, provided that the public are also allowed to attend the meeting for the same purpose, whether under a statutory right or otherwise.

- (a) where you have a prejudicial interest in any business of the CJC you may submit written representations to a meeting relating to that business, provided that the public are allowed to attend the meeting for the purpose of making representations, answering questions or giving evidence relating to the business, whether under statutory right or otherwise.
- (b) When submitting written representations under sub-paragraph (a) you must comply with any procedure that the CJC may adopt for the submission of such representations.

3.16 Sub-paragraph (1) does not prevent you attending and participating in a meeting if:-

- (a) you are required to attend a meeting of a scrutiny committee, by such committee exercising its statutory powers; or

- (b) you have the benefit of a dispensation provided that you:-
 - (i) state at the meeting that you are relying on the dispensation; and
 - (ii) before or immediately after the close of the meeting give written notification to the CJC containing:-
 - (aa) details of the prejudicial interest;
 - (bb) details of the business to which the prejudicial interest relates;
 - (cc) details of, and the date on which, the dispensation was granted; and
 - (dd) your signature.

3.17 Where you have a prejudicial interest and are making written or oral representations to the CJC in reliance upon a dispensation, you must provide details of the dispensation within any such written or oral representation and, in the latter case, provide written notification to the CJC within 14 days of making the representation.

PART 4

4. THE REGISTER OF MEMBERS' INTERESTS

Registration of Personal Interests

- 4.1 Subject to paragraph (4), you must, within 28 days of:-
- (a) the CJC's code of conduct being adopted or the mandatory provisions of this model code being applied to the CJC; or
 - (b) your election or appointment to office (if that is later), register your personal interests, where they fall within a category mentioned in paragraph 10(2)(a), in the CJC's register of members' interests by providing written notification to the CJC's monitoring officer.
- 4.2 Subject to sub-paragraph (4), you must, within 28 days of becoming aware of any new personal interest falling within a

category mentioned in paragraph 10(2)(a), register that new personal interest in the CJC's register of members' interests by providing written notification to the CJC's monitoring officer.

- 4.3 Subject to sub-paragraph (4), you must, within 28 days of becoming aware of any change to a registered personal interest falling within a category mentioned in paragraph 10(2)(a), register that change in the CJC's register of members' interests by providing written notification to the CJC's monitoring officer, or in the case of a community council to the CJC's proper officer.
- 4.4 Sub-paragraphs (1), (2) and (3) do not apply to sensitive information determined in accordance with paragraph 16(1).
- 4.5 Sub-paragraphs (1) and (2) do not apply if you are a member of a CJC which is a community council when you act in your capacity as a member of such an authority.
- 4.6 You must, when disclosing a personal interest in accordance with paragraph 11 for the first time, register that personal interest in the CJC's register of members' interests by providing written notification to the CJC's monitoring officer, or in the case of a community council to the CJC's proper officer.

Sensitive Information

- 4.7 Where you consider that the information relating to any of your personal interests is sensitive information, and the CJC's monitoring officer agrees, you need not include that information when registering that interest, or, as the case may be, a change to the interest under paragraph 15.
- 4.8 You must, within 28 days of becoming aware of any change of circumstances which means that information excluded under sub-paragraph (1) is no longer sensitive information, notify the CJC's monitoring officer, or in relation to a community council, the CJC's proper officer asking that the information be included in the CJC's register of members' interests.

4.9 In this code, “sensitive information” (“gwybodaeth sensitif”) means information whose availability for inspection by the public creates, or is likely to create, a serious risk that you or a person who lives with you may be subjected to violence or intimidation.

Registration of Gifts and Hospitality

4.10. You must within 28 days of receiving any gift, hospitality, material benefit or advantage above a value specified in a resolution of the CJC, provide written notification to the CJC’s monitoring officer, or in relation to the community council, to the CJC’s proper officer of the existence and nature of that gift, hospitality, material benefit or advantage.

SOUTH WEST WALES CORPORATE JOINT COMMITTEE

13TH JANUARY 2022

REPORT OF THE CHIEF EXECUTIVE

Report Title: South West Wales Corporate Joint Committee – Forward Work Programme of the Chief Executive

Purpose of Report	To update members of the CJC on the current forward work programme of the CJC and to highlight the role of the Chief Executive of the CJC and arrangements that are to be in place for the discharge of services
Recommendation	<p>It is recommended that:</p> <p>Members note the current work programmes of the South West Wales Corporate Joint Committee to implement the requirements of the Local Government and Elections (Wales) Act 2021</p> <p>Members note the statutory responsibility of the Chief Executive of the South West Wales Corporate Joint Committee</p> <p>Members grant delegated authority to the Chief Executive to negotiate and enter into Service Level Agreements with the local authorities mentioned in paragraph 33 of this report for the services necessary for the Corporate Joint Committee to execute its statutory functions</p>
Report Author	Karen Jones
Finance Officer	N/A
Legal Officer	Craig Griffiths

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 government, namely Corporate Joint Committees (CJCs). The LGE Act provides for the establishment of CJCs through Regulations (CJC Establishment Regulations).

2. The South West Wales CJC will comprise Carmarthenshire County Council, the City and County of Swansea Council, Pembrokeshire County Council and Neath Port Talbot County Borough Council (“the Constituent Councils”). In respect of some functions, both Pembrokeshire National Park and Brecon Beacons National Park will also be members (as set out below).

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 (2A)(a) of Part 2 of the Transport Act 2000)
 - (c) Strategic development plan (Part 6 of the Planning and Compulsory Purchase Act 2004)
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) (No. 2) (Wales) Regulations 2021. CJCs, 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 requirement to produce a Strategic Equality Plan 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”).
6. It is proposed, at this stage, that only the statutory duties in respect of CJC and the legislative obligations will be implemented, save that the CJC will consider a regional energy strategy as part of its Economic Wellbeing function.

Current Work Streams

Economic Delivery

7. Consideration will be given to how the relationship between the CJC and the Swansea Bay City Deal arrangements will evolve over time. In the first instance steps will be taken to align the arrangements to ensure programmes of work are complementary. A paper setting out the issues that would need to be addressed to achieve full integration of the arrangements will be developed during 2022/23.
8. In the interim, constituent councils will be taking to their respective decision makers a draft Regional Economic Delivery Plan in early 2022 which will require adoption by the CJC in Spring 2022.

9. Following this, it would be proposed that steps be undertaken to programme the Regional Economic Delivery Plan, scoping potential funding bids for future capital investment.

Strategic Planning

10. The CJC will have a statutory duty to prepare a Strategic Development Plan (SDP). The production of an SDP is a mandatory function and will require substantive resources to be committed over a period to be defined in accordance with clearly deliverables and itemised in a 'Delivery Agreement'. The CJC is required to agree and submit the Delivery Agreement to Welsh Government as soon as possible after the Committee is formed. National Park Authorities are members of the CJC but are entitled to vote in relation to strategic development planning purposes only.
11. The SDP will be the first ever regional scale Development Plan for the South West Wales area (note that SDPs will also need to be produced for the three other planning regions of Wales), under which Local Development Plans (LDPs) and/or 'LDP lites' will still need to be produced at Local Planning Authority level. Planning decisions in future will be made having regard to the SDP, as well as adopted LDPs/LDP Lites and Future Wales: the National Plan 2040. The SDP will focus on those issues, topics or places that are considered key to delivering wider than local issues and responding to the key drivers of change for the region. It will cover issues such as major centres for economic growth, major housing allocations (including new settlements) and strategic areas for protection including Green Belts.
12. Regulations setting out the specific procedures for preparing an SDP are being produced by the Welsh Government, which are scheduled to come into force in February/March 2022. Advisory Notes have already been published by Government in the interim, which alongside Future Wales, Planning Policy Wales and the Development Plans Manual, highlight various statutory key stages and requirements for producing the SDP. This includes production of the Delivery Agreement, a 'Preferred Strategy' and 'Deposit Plan', which will need to be underpinned by a substantive evidence base to be amassed. The SDP will need to be tested through an Examination in Public.
13. WG has indicated that it expects technical work on aspects of the SDP, including the evidence base, to be undertaken within the period leading up to the CJC Regulations coming into force in June/July 2022. Having regard to the latest Guidance and Advisory Notes, and accounting for the dates associated with Local Elections and formalisation of the CJC, it is estimated that the SDP could be achieved in 2029.
14. It is proposed that from February 2022 (after SDP Regulations come into force), all opportunities for collaborative working on cross boundary issues (such as financial viability, housing markets, strategic green infrastructure, etc.) be explored by Local Planning Authorities, having regard to priority issues for replacement LDPs and other policy matters. From April 2022 work will begin on scoping SDP Delivery Agreement.

Transport

15. There is some urgency with Wales Government for the CJC to develop and approve a regional transport plan by December 2022. There is also an ambition within Wales Government for the region to consult with the public on a plan by June 2022. The regional transport plan is a statutory document and the process will follow Wales Government guidance. The guidance has not been issued to date, but it is expected shortly. The previous regional plan took eighteen months to develop. It was developed within an environment where there were formally constituted governance arrangements in place through the South West Wales Integrated Transport Consortia (SWWITCH). The Governance arrangement included a support structure and staffing resource funded by the Wales Government along with specialist consultancy support. This was additional to the local authorities' own transport planning staffing resource.
16. The RTP is a major body of work that will require specialist studies, impact assessments and a strategic environmental assessment. There is no regional resource in place to support the work currently and whilst the local authorities collaborate, officers do not have the capacity to keep up with the pace and scale of work demanded by the Wales Government. The work to date and ongoing includes:
 - Bus reform
 - 20 mph default speed limit
 - Active Travel
 - Roads Review
 - Metro development
17. It is therefore important that the CJC and region is sufficiently resourced to undertake the work required for the RTP in year one and in subsequent years be able to cope with wider strategic change driven by the Wales Government.
18. Given the wider agenda of reform and ongoing reviews commissioned by the Wales Government, there will be a need to review of the structure during year one. Cabinet Members with responsibility for Transport across Wales have already advised the Minister that they wish to see a hybrid arrangement for the planning, management and administration of bus services which depending on the ongoing work will require some form of regional support to deliver change at the pace determined by the Wales Government. Further developments will depend on the outcome of the Wales Government reviews. There will also be a requirement to move from RTP development and adoption to delivery which will necessitate a shift to programme management delivery and risk.

Energy

19. The policy landscape around energy & decarbonisation is constantly evolving, but relevant recent Welsh policy is includes:
 - a target for a carbon-neutral public sector by 2030.
 - a target for 'at least' 100% reduction in all-Wales net emissions by 2050 against a 1990 baseline. 63% reduction by 2030, 89% reduction by 2040. A

target for 70% of electricity used in Wales to be from renewable sources by 2030.

- a target for 1 gigawatt (GW) of renewable electricity capacity in Wales to be locally owned by 2030 and for all new projects to have an element of local ownership from 2020.
20. In May 2019, following the lead set by both Welsh and Scottish governments, the House of Commons declared a climate emergency.
21. The SW Wales Local Authorities are currently developing the South West Wales Regional Energy Strategy. This regional energy strategy for the South West Wales Region was commissioned by the Welsh Government and supported by the Welsh Government Energy Service. It has been developed by the South West Wales Energy Core Group, a sub-group of the Regional Directors' forum from the four local authorities in South West Wales.
22. *To that extent, our proposed vision is that the authorities comprising the CJC Harnessing the region's low carbon energy potential across its on and offshore locations, to deliver a prosperous and equitable net zero carbon economy which enhances the well-being of future generations and the region's ecosystems, at a pace which delivers against regional and national emissions reduction targets by 2035 and 2050.*
23. As part of this core principles include:
- Optimise the wide range of regional natural resources.
 - The transition to a low carbon economy needs to improve lives for all and for benefits to be shared in an equitable way.
 - Led by a proactive and effective regional delivery vehicle to ensure the vision translates into effective action.
24. Our strategic priorities are proposed to be:
- Energy efficiency: a key priority for the region is to drive down energy demand.
 - Electricity generation: encourage a mix of low carbon energy technologies to increase the reliability and stability of electricity generation.
 - Smart and flexible systems.
 - Decarbonise Heat: a 'whole system' and 'one heating problem to one heating solution' approach.
 - Decarbonise Transport: lead the decarbonisation of transport and promote active travel behaviour.
 - Regional coordination: Build a regional coordinated approach to infrastructure planning and delivery.
25. Sitting one layer beneath the Regional Energy Strategy at a greater level of granular detail is the Local Area Energy Planning ("LAEP") process. This is a process

considering the whole energy system in a local area, which has the potential to inform, shape and enable key aspects of the transition to a net zero carbon energy system. There is a two year programme for the development of LAEPs in the region (April 22- March 24) recognising that authorities have differing levels of capacity to support this work.

26. In 2017, the WG set the ambition of achieving a carbon neutral public sector by 2030. In doing so, WG recognised the public sector is uniquely placed to influence emissions far more widely than its own, relatively small direct emissions in areas such as transport, energy and land use. As well as tackling the issues of air pollution, WG deem that this approach can have a positive impact on the local economy by reducing energy costs and by creating investment opportunities for the low carbon economy. All the LA's in the SW Wales region are working towards the net zero carbon by 2030 goal.
27. Harnessing the region's low carbon energy potential across its on and offshore locations, to deliver a prosperous and equitable net zero carbon economy which enhances the well-being of future generations and the region's ecosystems, at a pace which delivers against regional and national emissions reduction targets by 2035 and 2050 is a transformative body of work that will require significant resource.

Role of the Chief Executive

28. CJs are required to appoint a number of statutory "executive officers" similar to the roles within principal councils (i.e. Chief Executive, Chief Finance Officer and Monitoring Officer).
29. It is proposed that the role specifically of the Chief Executive will be rotated annually amongst the Chief Executives of the Constituent Councils, changing on an annual basis (Neath Port Talbot being first, followed by Pembrokeshire, Carmarthenshire and Swansea)
30. Members of the CJC will (by the time this report is considered) have designated Karen Jones (Neath Port Talbot County Borough Council) as the first Chief Executive of the CJC and accordingly that officer is required to perform the following role:
 - (a) Oversee the manner in which the exercise by the CHC of its different functions are co-ordinated;
 - (b) Oversee the CJC's arrangements in relation to—(i) financial planning, (ii) asset management, and (iii) risk management;
 - (c) the number and grades of staff required by the CJC for the exercise of its functions
 - (d) the organisation of the CJC's staff;
 - (e) the appointment of the CJC's staff;
 - (f) the arrangements for the management of the CJC's staff (including arrangements for training and development).
31. The CJC must provide its chief executive with such staff, accommodation and other resources as are, in the chief executive's opinion, sufficient to allow the chief executive's duties under this section to be carried out.

32. Over the coming months, the Chief Executive will ensure suitable arrangements are in place to discharge the obligations that the CJC have agreed in respect of executive officers and support services, with suitable service level agreements to be entered into and delegated authority is sought from the CJC to negotiate and agree these documents. It is not proposed, in the first instance, that the CJC will employ staff directly but will as an alternative have such support provided by way of secondment arrangements and services provided via service level agreements with the relevant authorities.
33. To discharge the responsibility on the Chief Executive that suitable arrangements are in place to support the work of the CJC, it is proposed that support services be agreed with the following local authorities:

Function of the CJC	Constituent Authority
Chief Executive	Rotating Annually between Neath Port Talbot, Pembrokeshire, Carmarthenshire and Swansea The first being Neath Port Talbot
S151 (Chief Finance Officer)	Carmarthenshire
Monitoring Officer	Neath Port Talbot
Democratic Services function	Neath Port Talbot
Scrutiny Services function	Neath Port Talbot
Governance and Audit function	Pembrokeshire
Human Resources function	Neath Port Talbot
ICT and Data Protection function	Neath Port Talbot
Communications function	Swansea

34. An agreement will be entered into between the CJC and the authorities for the constituent council staff to be made available to the CJC and will be acting as if CJC staff when carrying out functions for the CJC. 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. Chief Executives of respective authorities will make a charge for the services provided on the terms of the agreed Service Level Agreements and provision has been made within the proposed budget for the CJC in 2022/23 to meet these costs. Delegated authority is accordingly sought for the Chief Executive to put suitable service level agreements in place for the provision of services that are identified in this report.

Financial Impacts:

35. To be considered in reports of the Chief Finance Officer and as part of budget setting for the CJC.

Integrated Impact Assessment:

36. 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.

37. 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'.

38. There is no requirement for an Integrated Impact Assessment for this report as the setting up of the CJC is underpinned by legislation and this report is to establish governance arrangements in accordance with legislation.

Workforce Impacts:

39. At this stage, it is not intended that the CJC will employ staff directly. Work will be undertaken in 2022/23 to establish a suitable employment policy framework for the CJC that could support the employment of staff if required at a future date.

Legal Impacts:

40. Part 5 of the LGE Act provides for the establishment, through regulations, of CJsCs and compliance will be had with this and other legislative obligations in the establishment of CJsCs. In particular the South West 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 CJsCs 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:

41. Failure to constitute the CJC at this meeting would mean that the CJC would not be able to make any decisions, including setting a budget for the 2022/2023 financial year. In addition, suitable arrangements must be put in place to ensure that the constituent councils and national park authorities are able to fulfil their legal obligations in establishing the CJC.

Consultation:

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

Reasons for Proposed Decision:

43. To ensure appropriate governance arrangements are in place for the CJC to be established in line with the policy intent and related legislative provisions enacted by the Welsh Government.

Implementation of Decision:

44. This decision is proposed for implementation following a three day call in period.

Appendices:

45. None

List of Background Papers:

46. None

Mae'r dudalen hon yn fwriadol wag

SOUTH WEST WALES CORPORATE JOINT COMMITTEE

Report of the Chief Finance Officer

Report Title: Draft Annual Budgets for Financial Years 2021/22 and 2022/23

Purpose of Report	To inform the Joint Committee of the draft budgets for financial years 2021/22 and 2022/23 and funding options in respect of the administration and support functions for the South West Wales Corporate Joint Committee ("SWWCJC").
Recommendation	<p>It is recommended that:</p> <p>(a) Carmarthenshire County Council act as the Accountable Body for discharging the financial obligations in respect of the SWWCJC;</p> <p>(b) SWWCJC set a zero budget for the financial year 2021/2022, concluding in no Levy being raised against constituent authorities participating in the SWWCJC in respect to this year;</p> <p>(c) To ensure fairness and equity across the region the Regional funding of the SWWCJC is through a levy apportionment by population size;</p> <p>(d) the budget set out in appendix A is noted as the Draft Budget which will be finalised and presented to the SWWCJC on the 25th January 2022; and</p> <p>(e) members note that currently no firm conclusion has been presented in respect of the National Park Authorities financial contributions and therefore it is recommended the position of the National Park Authorities is informed further at the SWWCJC meeting on the 25th January 2022.</p>
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1. **Introduction:**

- 1.1 This report details the South West Wales Corporate Joint Committee (SWWCJC) annual budget for the financial year 2021/22 and financial year 2022/23 with funding options to be agreed.
- 1.2 The SWWCJC operational budgets including the strategic planning functions must be compiled and agreed by the SWWCJC no later than 31st January 2022.
- 1.3 Funding of the budget requirement including the proportions contributed by constituent authorities is reserved to that of the SWWCJC members. Funding apportionment options are included within this report for consideration and agreement by the SWWCJC

2. **Background:**

- 2.1 It is recommended to members that that Carmarthenshire County Council act as the Accountable Body responsible for discharging the financial obligations in relation to the SWWCJC.
- 2.2 Carmarthenshire County Council will be required to provide an annual costs budget for approval for the financial years 2021/22 and 2022/23.
- 2.3 Regulation 16 and 17 of the South West Wales Corporate Joint Committee Regulations 2021 details the process for agreeing and funding costs:-

Calculation of budget requirements

16. (1) For each financial year the South West Wales CJC must calculate the amounts described in paragraph (2) attributable to-

(a) its strategic planning functions [including an impropriate proportion of administration costs and other overhead], and

(b) is other functions.

(2) The amounts that the CJC must calculate are-

a) the amount which the CJC estimates it will spend in respect of the financial year in the exercise of its functions [including spending on administration and other overheads];

b) the amount which the CJC considers appropriate to raise for contingencies arising in respect of the financial year;

- c) **the amount which the CJC considers appropriate to be held as a reserve to meet expenditure it considers will be incurred in respect of future financial years;**
- d) **any amount which the CJC considers is necessary to meet liabilities outstanding in respect of any earlier financial year.**

(3) For each financial year, the South West Wales CJC must also calculate the aggregate of any amount it estimates it will receive from sources other than the constituent councils, the Brecon Beacons National Park Authority and the Pembrokeshire Coast National Park Authority attributable to-

(a) **its strategic planning function, and**

(b) **it's at the functions**

(4) Where the sum of the amounts calculated for a financial year and the paragraph (1)(a) exceeds the amount calculated for that year under paragraph (3)(a), the amount of excess is the South West Wales CJC's strategic planning budget requirement for the financial year.

(5) Where the sum of the amounts calculated for a financial year under paragraph (1)(b) exceeds the amount calculated for that year under paragraph (3)(b), the amount of excess is the South West Wales CJC's general budget requirement for the financial year.

(6) The South West Wales CJC must

(a) **carry out the calculations under paragraph (1) and (3), and**

(b) **agree those calculations at a meeting,**

no later than 31 January in each preceding financial year.

(7) In relation to the first financial year, paragraph (6) applies as if, 4 31 January in each preceding financial year they were substituted "31 January 2022".

(8) The South West Wales CJC may revise the calculations carried out under paragraphs (1) and (3) at any time before the end of the financial year to which they relate and the South West Wales CJC's general budget requirement, or strategic planning budget requirement, may consequently be revised.

(9) Any revised calculations must be agreed at a meeting of the South West Wales CJC.

Funding of budget requirement

17. (1) The South West Wales CJC's general budget requirement must be paid to the South West Wales CJC by the constituent councils, and the proportion of that amount payable by each constituent council is to be determined by the unanimous agreement of the council members.

(2) The South West Wales CJC's strategic planning budget requirement must be paid to the South West Wales CJC by the constituent councils, the Brecon Beacons National Park Authority, and the Pembrokeshire Coast National Park Authority, and the proportion of that amount payable by each constituent council and by the Authority is to be determined by the unanimous agreement of the members.

(3) where agreement cannot be reached as to the proportions payable under paragraph (1) or (2), the Welsh Ministers may by direction specify the proportion payable by each constituent council or each constituent council, the Brecon Beacons National Park Authority and the Pembrokeshire Coast National Park Authority.

(4) This regulation applies to a general budget requirement, or strategic planning budget requirement, revised under paragraph (8) of regulation 16 as it applies to a budget requirement initially determined under that regulation.

3. Annual Costs Budget:

3.1 Draft annual operational budgets and funding options are presented below in sections 4 and 5 of this report.

4. Draft Operational Budget 2021/22:

4.1 There is a requirement to agree a budget for the current financial year 2021/22 by 31st January 2022.

4.2 With the formal establishment of the SWWCJC being within January 2022 no budget has been pre-approved for the financial year. Preliminary costs incurred to date have not been recorded and expenditure forecasted to year-end in respect of the operation of the formal committees is of very minimal value as the committee establishes itself.

- 4.3 Any budget and funding requirement for the current financial year (2021/22) will be distorted from an equitable and fair principle-based approach, due to functions operating on a minimal scale if at all and preliminary work undertaken in the formalisation of the SWWCJC being challenging to quantify.
- 4.4 With the current year budget being of minimal value and difficult to fund equitably, Regional Section 151 Officers recommend any costs incurred in the preliminary work carried out to formalise the SWWCJC and costs incurred to the end of the financial year be absorbed as incurred by the regional local authorities. Therefore, it is proposed that the SWWCJC set a zero budget, concluding in no Levy being raised in respect to this year.

5. Draft Operational Budget 2022/23:

- 5.1 A detailed budget for the forthcoming financial year 2022/23 is included within Appendix A. The current draft budget is estimated at £716k. This budget will be finalised later this month and will be presented to the SWWCJC on 25th January 2022. Assumptions used within this budget and recommended options in respect of the various funding streams to be considered in funding the SWWCJC are detailed below:

Assumptions Used in Remodelled Calculations

Joint Committee

Democratic Services (including Joint Scrutiny Committee) – Provided by NPT.

Legal and Governance – Monitoring Officer recharge provided by NPT.

Accountable Body – Section 151 Officer recharge and estimated Audit Wales costs provided by CCC.

Governance and Audit (including Sub Committee) – internal audit recharge and Governance and audit committee support provided by Pembrokeshire.

Support Services - IT and HR services provided by NPT, Financial services including Finance manager provided by CCC.

Sub-Committee

Project manager £60k (for each Sub-Committee)

Dem services £15k (for each Sub-Committee)

Central Services

Business Manager £72k

On costs – Estimated based on one Business Manager position.

Income

Levied Based on population size.

- 5.2 The budget requirement is to be supported by the four constituent authorities on an agreed basis ensuring fairness and equity across the region. Several apportionment options to support the budget requirement for financial year 2022/23 are demonstrated below:

Equal split

Levi Apportionment (by equal split)	
<u>Local Authority</u>	
City and County of Swansea	178,954
Carmarthenshire County Council	178,954
Neath Port Talbot CBC	178,954
Pembrokeshire County Council	178,954
Total	715,816

Apportionment by population

Levi Apportionment (by 2020 mid-year population size)	
<u>Local Authority</u>	<u>Levi (£)</u>
City and County of Swansea	249,365
Carmarthenshire County Council	192,233
Neath Port Talbot CBC	146,027
Pembrokeshire County Council	128,191
Total	715,816

Apportionment by area size

Levi Apportionment (by Area size)	
<u>Local Authority</u>	
City and County of Swansea	57,001
Carmarthenshire County Council	355,508
Neath Port Talbot CBC	66,302
Pembrokeshire County Council	237,005
Total	715,816

- 5.3 It is recommended that to ensure fairness and equity across the region the Regional funding the SWWCJC through a levy apportionment by population size.

5.4 It is accordingly recommended that the budget set out in appendix A is noted as the Draft Budget, which will be finalised and presented to the Joint Committee on the 25th January 2022.

6. Transitional Grant:

6.1 Members will note a revenue grant has been awarded by Welsh Government and has been received by The City and County of Swansea Council to the value of £250k. This grant award is to support the formation and development of the SWWCJC and is administered by City and County of Swansea.

7. Financial contribution in respect of National Park Authorities:

7.1 There is ongoing dialogue with Welsh Government and the other regional Corporate Joint Committees representatives as to the role and funding contributions of the National Park Authorities. Currently no firm conclusion has been presented in respect of the financial contributions and therefore it is recommended the position of the NPA's is informed further at the Joint Committee Meeting on 25th January 2022.

8. Financial Impacts:

8.1 The current financial year costs are challenging to quantify and, in any case, would be minimal as the SWWCJC establishes itself. As such, it is recommended that costs in respect of the current financial year are absorbed by regional Local Authorities.

8.2 The total operational budget for 2022/23 is £715k. It is recommended to ensure fairness and equality across the region that funding will be provided by local authority contributions through the form of a levy, based on population size.

8.3 Surpluses that accrue in any year will be contained and ring-fenced within the SWWCJC reserve account and will be utilised for future expenditure.

8.4 The budget will be reviewed later in the financial year and revised as appropriate for the subsequent financial year and future years.

9. Integrated Impact Assessment:

9.1 The SWWCJC 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.

9.2 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'.

9.3 There is no requirement for an Integrated Impact Assessment for this report as the setting up of the CJC is underpinned by legislation and this report is to establish financial arrangements in accordance with legislation.

10. Workforce Impacts:

10.1 Currently any employment within the SWWCJC will be undertaken by constituent authorities and the financial arrangements relating to such are considered in this report.

11. Legal Impacts:

11.1 Part 5 of the Local Government and Elections (Wales) Act 2021 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 South West 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.

11.2 The legislative requirements in respect of setting a budget for the SWWCJC are set out in paragraph 2.3 of this report

12. Risk Management Impacts:

12.1 Failure to set a balanced budget would render the SWWCJC in breach of its obligations exposing itself to legal challenge. In addition, suitable arrangements must

be put in place to ensure that the constituent authorities and national park authorities are able to fulfil their legal obligations in establishing the SWWCJC.

13. Consultation:

- 13.1 There is no requirement for formal consultation however constituent authorities have been consulted.

14. Reasons for Proposed Decision:

- 14.1 To ensure the financial budget is set for the SWWCJC in line with relevant legislative requirement's applicable to CJC's.

15. Implementation of Decision:

- 15.1 This decision is proposed for the immediate implementation.

16. Appendices: SWWCJC Draft Budget 2022/23

- 16.1 Appendix A – Draft Budget for 2022/2023

17. List of Background Papers

- 17.1 None

Appendix A

Description	Budget (£)	Notes
Expenditure		
Joint Committee		
Democratic Services		
Democratic, Scrutiny and Legal Support Costs	67,000	Provided by NPT
Democratic Services Total	67,000	
Legal and Governance		
Monitoring Officer and Service Support	17,000	Provided by NPT
Legal and Governance Total	17,000	
Accountable Body		
Wales Audit Office Financial Audit	20,000	Based on audit costs of SBCD (independent audit of financial statements)
Section 151 Officer Recharge	28,218	Provided by CCC
Accountable Body Total	48,218	
Governance & Internal Audit		
Internal Audit	20,000	Provided by Pembs
Sub-Committee Support Costs & Expenses	15,000	Provided by Pembs
Governance & Internal Audit Total	35,000	
Support Services		
ICT & Data Protection Services	20,000	Provided by NPT
Financial Services	54,374	Included a Senior Accountant (CCC Grade J)
Standards Services	-	Included within Democratic Service costs.
HR Services	10,000	Provided by NPT
Support Services Total	84,374	
Joint Committee Total	251,591	
Joint Scrutiny Committee		
Room Hire	-	Included within Democratic Service costs.
Subsistence & Meeting Expenses	-	Included within Democratic Service costs.
Travel	-	Included within Democratic Service costs.
Democratic, Scrutiny and Legal Support Costs	-	Included within Democratic Service costs.
Joint Scrutiny Committee Total	-	
SWWCJC - Sub Committees		
Economic Development SC	-	
Planning SC	-	
Transport SC	342,000	
Energy SC	20,000	
Governance & Audit SC	-	Included in Governance and Audit
SWWCJC - Sub Committees Total	362,000	
SWWCJC - Regional Management Office		
Salary (Inc. On-costs)	59,915	Business Manager (CCC Grade K)
Training of Staff	1,000	Estimated budget
Public Transport - Staff	250	Estimated budget
Staff Travelling Expenses	810	Estimated budget
Admin, Office & Operational Consumables	1,000	Estimated budget
Consultancy and Specialist Adviser Fees	25,000	Estimated budget
ICTs & Computer Hardware	1,250	Estimated budget
Subsistence & Meetings Expenses	500	Estimated budget
Translation/Interpret Services	10,000	Estimated budget
Printing & Copying	2,500	Estimated budget
Regional Management Office Total	102,225	
Total SWWCJC Expenditure	715,816	
Funding Contributions		
Partner & Other Contribution		
Brecon Beacons NPA	-	
Pembrokeshire Coast NPA	-	
Co-Opt Partners	-	
Welsh Government Revenue Grant	-	
ERF Grant	-	
	-	
Local Authority Levi		
City and County of Swansea Council (Levi)	249,365	Based on Population Size
Carmarthenshire County Council (Levi)	192,233	Based on Population Size
Neath Port Talbot CBC (Levi)	146,027	Based on Population Size
Pembrokeshire County Council (Levi)	128,191	Based on Population Size
	715,816	
Total SWWCJC Income	715,816	
Provision of Service - Surplus / (Deficit)	0	

Mae'r dudalen hon yn fwriadol wag