

SOUTH WEST WALES CORPORATE JOINT COMMITTEE

23rd May 2024

REPORT OF THE MONITORING OFFICER

Report Title: Reconstitution of the South West Wales Corporate Joint Committee

Purpose of Report	To formerly constitute the South West Wales Corporate Joint Committee for the civic year 2024/2025
Recommendation	<p>It is recommended that:</p> <p>Members note the appointment of the members of the CJC identified at paragraph 5</p> <p>Members approve the co-option of the members of the National Park Authorities to the CJC for all matters (save for strategic planning given their voting status) in a non voting capacity for the civic year 2024/2025.</p> <p>Members approve the creation of the sub-committees identified at paragraph 9 of this report and the proposed representatives appointed to the sub-committee set out at paragraphs 9 and 10;</p> <p>Members approve the co-option of the members of the National Park Authorities to the CJC sub-committees for all matters (save for strategic planning given their voting status) in a non voting capacity for the civic year 2024/2025.</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 14-19 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 Corporate Joint Committee as set out in paragraphs 23-29 of this report;</p> <p>Members approve the timetable for future meetings for the South West Wales Corporate Joint Committee and its associated committees as set out in paragraph 30 of this report.</p> <p>Members approve the renewal of the appointment of co-optees identified at paragraph 32 for the civic year 2024/2025.</p> <p>Members approve the renewal of the appointment of the advisors identified at paragraph 34 for the civic year 2024/2025.</p>
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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 Authority and Bannau Brycheiniog National Park Authority will also be members (as set out below).

The Governance of the CJC

4. In order to meet its legislative obligations identified above, the CJC will have a decision making process. These are prescribed in the legislation.
5. 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 Bannau Brycheiniog National Park Authority, and
 - (c) A member of the Pembrokeshire Coast National Park Authority
6. The CJC members are entitled to vote in relation to any matter to be decided by the CJC, except that the Bannau Brycheiniog National Park Authority 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.
7. Pursuant to the decision of the CJC of the 7th December 2022, representatives of the NPA are co-opted to the CJC for all other matters in a non-voting capacity and it would be proposed that such co-option be renewed for 2024/2025.
8. 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.
9. 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
Regional Transport Planning	Swansea	Carmarthenshire
Economic Well Being – regional economic development	Carmarthenshire	Swansea
Strategic Development Planning	Pembrokeshire	Neath Port Talbot
Economic Well Being- regional energy strategy	Neath Port Talbot	Pembrokeshire

10. 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).

11. Pursuant to the decision of the CJC of the 7th December 2022, representatives of the NPA are co-opted to the other three sub-committees in a non-voting capacity and it would be proposed that such co-option be renewed for 2024/2025.
12. The meeting shall be chaired by the Executive Leader of the Constituent Council identified as the political lead or where so determined by that Executive Leader, they may delegate that chairing function to the Executive Member in attendance from that same Constituent Council or an alternative Leader from a Constituent Council as agreed by the collective Constituent Council leaders.
13. 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

14. The CJC is required to establish a sub-committee to be known as the Governance and Audit Sub-Committee.
15. 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.
16. 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.
17. The chair of the Governance and Audit Sub-Committee must be a lay member.
18. 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.

19. It is proposed that the following representatives be appointed to the CJC for the civic year 2024/2025:

Chairperson	To be determined by the Committee
Vice Chairperson	To be determined by the Committee
City and County of Swansea	Councillor Jeff Jones Councillor Lesley Walton Paula O' Connor (Lay Member)
Carmarthenshire County Council	Councillor Rob James Councillor Dai Thomas David MacGregor (Lay Member)
Neath Port Talbot County Borough Council	Councillor Mike Harvey Councillor Alan Lockyer Joanna Jenkins (Lay Member)
Pembrokeshire County Council	Councillor Michael James Councillor Aled Thomas John Evans (Lay Member)

Standards / Ethical Framework

20. 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.
21. 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.
22. 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 for the Civic Year 2024/2025.

Scrutiny

23. 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 CJsCs to consult on and agree the arrangements with its constituent councils.

24. In considering the most effective and efficient approach to scrutiny, Welsh Government require Constituent Councils and CJsCs 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.
25. 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;
26. 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.
27. 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.
28. It is proposed that the following representatives be appointed to the CJC Overview and Scrutiny Committee for the Civic Year 2024/2025

Chairperson	To be determined by the Committee
Vice Chairperson	To be determined by the Committee
City and County of Swansea	Councillor P Black

	Councillor W Lewis Councillor M White 3 substitutes to be identified by the City and County of Swansea
Carmarthenshire County Council	Councillor R James Councillor E Schiavone Councillor R Sparks 3 substitutes to be identified by Carmarthenshire County Council
Neath Port Talbot County Borough Council	Councillor S. Pursey Councillor T Bowen Councillor R Davies 3 substitute members from Neath Port Talbot Council
Pembrokeshire County Council	Councillor M John Councillor D Howlett Councillor M Tierney 3 substitute members from Pembrokeshire County Council

29. Pursuant to the decision of the CJC of the 7th December 2022, one representative of each NPA is co-opted to the CJC Overview and Scrutiny Sub Committee in a non-voting capacity and it would be proposed that such co-option be renewed for 2024/2025.

Meeting Timetable

30. The CJC is required to approve the below provisional Committee Cycle and Timetable of Meetings for the Civic Year 2024/2025

Corporate Joint Committee	<ul style="list-style-type: none"> • 23 May 2024 • 30 July 2024 • 12 September 2024 • 22 October 2024 • 3 December 2024 • 21 January 2025 • 18 March 2025
Governance and Audit Committee	<ul style="list-style-type: none"> • 9 July 2024 • 26 November 2024 • 30 January 2025 • 1 April 2025
Overview and Scrutiny Committee	<ul style="list-style-type: none"> • 16th May 2024 • 12th September 2024 • 14th October 2024 • 21st November 2024

	<ul style="list-style-type: none"> • 9th January 2025 • 11th March 2025
Regional Transport Planning Sub Committee	<ul style="list-style-type: none"> • 2 July 2024 • 8 October 2024 • 4 March 2025
Economic Well Being – regional economic development Sub Committee	<ul style="list-style-type: none"> • 22 July 2024 • 23 September 2024 • 20 January 2025 • 6 May 2025
Strategic Development Planning Sub Committee	<ul style="list-style-type: none"> • 24 June 2024 • 7 October 2024 • 3 March 2025 • 12 May 2025
Economic Well Being- regional energy strategy Sub-Committee	<ul style="list-style-type: none"> • 29 July 2024 • 30 September 2024 • 27 January 2025 • 28 April 2025
Standards Committee	At the frequency determined by Neath Port Talbot Council

Co-Optees

31. At its meeting of the 13th January 2023, the CJC agreed that Members agree the appointment of co-optees to the CJC. The Co-Opted Members are appointed to strengthen the breadth of experience and skills available to the CJC, to enable local input or to provide for local representation and to provide specialist expertise on specific issues. They are co-opted on the basis they are non voting members.
32. Accordingly it would be proposed that the individuals co-opted be re-confirmed as co-optees for the civic year 2024/2025.:

Name	Organisation
Professor Elwen Evans	University of Wales, Trinity St David
Professor Paul Boyle	Swansea University
Samantha Toombs	Regional Learning and Skills Partnership
Emma Woolett	Swansea Bay University Health Board
Dr Neil Wooding	Hywel Dda University Health Board

Advisors

33. At its meeting of the 11th October 2022, the CJC agreed that Members agree the appointment of private sector representatives to an Advisory Board of the CJC subject to completion of an advisor agreement and delegated authority was granted to the Chief Executive to undertake a recruitment exercise to appoint additional members of the Advisory Board in respect of the statutory functions of the CJC.
34. At the meeting of the 11th October 2022, the CJC approved the appointment of the following individuals:

Name	Organisation	Specialism
Chris Foxall	River Simple	Manufacturing – Hydrogen Powered Fuel Cell Electric Vehicles
Ed Tomp	Valero	Manufacturing – Energy Sector
James Davies	Industry Wales	Car Manufacturing
Nigel Short	Penderyn Distillery / Scarlets	Alcohol Manufacturing, housing development
Simon Holt	Retired Health Specialist	Health
Lucy Cohen	Mazuma	Finance and Small Business Support

35. Accordingly it would be proposed that the individuals co-opted be re-confirmed as co-optees for the civic year 2024/2025.

Financial Impacts:

36. No impacts

Integrated Impact Assessment:

37. 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.

38. 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'.
39. 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:

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

Legal Impacts:

41. 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.

Risk Management Impacts:

42. Failure to constitute the CJC means the CJC will be unable to take any decisions, 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:

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

Reasons for Proposed Decision:

44. 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:

45. This decision is proposed for immediate implementation

Appendices:

46. None

List of Background Papers:

47. None