

### 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 may be 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:

<b>Sub Committee</b>	<b>Lead Chief Executive</b>	<b>Chair of Sub Committee (Leaders of Respective Constituent Councils)</b>	<b>Members of Sub Committee</b>	<b>Term of Office</b>
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 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.
- 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.

<b>Post</b>	<b>Designate</b>
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.<sup>1</sup>

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<sup>1</sup> To be implemented on a date to be confirmed.