

SOUTH WEST WALES CORPORATE JOINT COMMITTEE

REPORT OF THE CHIEF EXECUTIVE

REPORT TITLE: GOVERNANCE AND ADMINISTRATIVE MATTERS – UPDATE

Purpose of Report	<p>To apprise members of the South West Wales Corporate Joint Committee (CJC) of a range of 'other' requirements placed on the CJC following the issue of statutory guidance by Welsh Government.</p> <p>To seek members' approval to progress a corporate identity for the CJC and to approve an initial media protocol to govern CJC activities.</p>
Recommendations	<ol style="list-style-type: none">1. That members of the South West Wales Corporate Joint Committee (CJC) note the 'other statutory duties' set out in the 'Corporate Joint Committees: Statutory Guidance' issued by Welsh Government.2. That members of the CJC note and endorse the Chief Executive's proposal to build the work required to meet these other statutory requirements into the Committee's Forward Work Programme.3. That members of the CJC authorise the Chief Executive to progress the development of a corporate identity for the CJC to a conclusion in consultation with the members of the CJC.4. That members of the CJC approve the media protocol at Appendix 1 as an initial basis for governing media activities related to the activities of the CJC
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Background and Introduction

The Welsh Government has been clear that corporate joint committees will be public bodies and an important part of the local government family.

The Welsh Government has now issued statutory guidance that, alongside the CJC's Constitution, creates a framework for ensuring corporate joint committees demonstrate good governance. The guidance is not intended to be prescriptive about the form governance arrangements should take and provides for a proportionate approach to be taken which reflect local circumstances.

CJC's are subject to broadly the same powers and duties as constituent councils and the statutory guidance confirms what these requirements will be. The guidance relates to constitutional and operational arrangements; separate guidance will be issued by the Welsh Government for the statutory functions of CJs.

At this early point in the life of the CJC, it is also relevant to consider how media activity will be handled initially between the partners. Accordingly, a draft media protocol has been prepared for the consideration of the Committee – Appendix 1. The media protocol will be further refined as the Committee matures to reflect the role of the national parks authorities and any co-optees. Work is also underway to create a corporate identity for the Committee and a website landing page.

Summary of Statutory Guidance

There are six main sections within the statutory guidance:

1. Membership and constitutional arrangements
2. Staffing and workforce
3. Meetings and proceedings
4. Governance and Scrutiny
5. Funding, finance and budgetary matters
6. Other statutory duties

The Monitoring Officer is considering sections 1-4 and the Chief Finance Officer is considering section 5. Reports concerning any additional areas of work required to implement the guidance will be brought forward by the statutory officers, as necessary.

This report seeks to highlight the 'other statutory duties' set out in section 6 of the Guidance. Members of the CJC will need to consider how to promote and facilitate the underpinning principles and standards of the following duties in everything that it does:

Promote and carry out sustainable development – in practice this will mean applying provisions within the Wellbeing of Future Generations (Wales) Act 2015 and associated statutory guidance. The CJC will need to demonstrate how it is maximising its contribution to the wellbeing goals and embracing the five ways of working. It will also need to have due regard to the Act when carrying out corporate governance: corporate planning; financial planning; workforce planning;

procurement; assets; risk management; and performance management. Audit Wales has confirmed that the Auditor General will be required to audit compliance with these duties – a letter is expected in due course setting out how the audit arrangements will work in practice and associated fees.

Create and foster an atmosphere in which the Welsh Language can grow within the CJC and in the communities we serve – in practice this will mean contributing to the national aim to increase the number of Welsh speakers; increase the use of Welsh; and creating favourable conditions through infrastructure and context. The CJC is also subject to the Welsh Language Standards (No.1) Regulations 2015. A meeting has already been held with representatives of the Welsh Language Commissioner's Office where it was confirmed that the full process for determining which standards will be applied to the South West Wales CJC. As the process may take up to a year, the CJC is expected to take appropriate steps to embed the use of the Welsh language within the CJC and in the services the CJC provides from the outset. It is proposed to work with the Welsh Language Officers from the constituent authorities to develop the initial approach and then to put this before the Committee for consideration.

Equality – Amongst other things, the CJC will need to observe the 'due regard' duty on public bodies to: eliminate discrimination, harassment and victimisation; advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and to foster good relations between people who share a relevant protected characteristic and persons who do not share it. CJCs must also consider how its decisions might help to reduce the inequalities associated with socio-economic disadvantage. The CJC is subject to the requirements of the Equality Act 2010 (Statutory Duties) (Wales) Regulations 2011. This means the CJC will need to set equality objectives every four years and publish information to demonstrate compliance with the duty on an annual basis.

Biodiversity and the resilience of ecosystems – CJCs will be required to seek to maintain and enhance biodiversity so far as is reasonably consistent with the proper exercise of their functions and in doing so promote the resilience of ecosystems. The duties under section 6 of the Environment (Wales) Act 2016 will apply and the CJC will need to prepare and publish a plan by 31st December 2022 setting out what has been done to comply with the section 6 duty and then every three years after.

Freedom of Information - the CJC is a body corporate and so will not automatically be covered by the Freedom of Information Act 2000. The Welsh Government has however made an application to the UK Government to add CJCs to the schedule of public authorities under Schedule 1 of the Act. In the interim, the Welsh Government expects the CJC to conduct itself as if it was subject to the Act although the Information Commissioner's Office will not have jurisdiction over a CJC or complaint until such time that the CJC is subject to the Act's provisions.

Child Poverty – the CJC will be required to make and demonstrate its commitment towards the eradication of child poverty in Wales. The CJC will need to prepare and publish a strategy setting out the actions it intends to take and the objectives it seeks to achieve.

National Parks – when performing any function in relation to or affecting land in a National Park the CJC must have regard to the purposes specified in section 5(1) of the National Parks and Access to the Countryside Act 1949. These purposes being conserving and enhancing their natural beauty, wildlife and cultural heritage and promoting opportunities for the understanding and enjoyment of the special qualities of National Parks by the public. The CJC must also comply with section 85 of the Countryside and Rights of Way Act 2000 - have regard in the exercise or performance of any function in relation to, or affecting, land in an area of outstanding natural beauty, for the purposes of conserving and enhancing the natural beauty of the area.

Consideration is being given to how these other statutory duties are best met. At the next meeting of the CJC a Forward Work Programme will be presented for consideration setting out the work activities that are considered necessary to comply with the various requirements.

Media Management and Corporate Identity

The CJC is a body corporate and consequently needs to be able to distinguish itself as an entity. The City and County of Swansea have been commissioned to develop a suitable 'corporate identity' and associated branding. The development costs for the branding are estimated to be modest – in the order of £1,000 and can be met from the grant provided by Welsh Government to support the constitution of the CJC if completed before the end of March 2022. Members are asked to consider authorising the Chief Executive to progress this work to conclusion, in consultation with the members of the CJC.

It is also important to agree the basis on which the CJC will manage the communication of its work. Given the number of partners involved, it is proposed that the arrangements be captured in a media protocol. An initial protocol is attached for consideration at Appendix 1. It will be refined as the CJC matures.

Financial Impacts

It is expected that the CJC will incur costs in complying with the various other statutory duties. The costs of complying with the requirements will be estimated and included in the next report to the CJC.

The development of the corporate identity can be met from the grant provided by Welsh Government if completed by 31st March 2022. The corporate identity development work is estimated to cost £1,000.

Integrated Impact Assessment

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.

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'.

There is no requirement for an Integrated Impact Assessment for the governance elements of this report as the setting up of the CJC is underpinned by legislation and this report is formally drawing the Committee's attention to statutory guidance issued by Welsh Government which has a consequential impact on the Forward Work Programme of the Committee whilst also formalising an initial basis for managing communications between the bodies that have formed the CJC.

Workforce Impacts

There are no direct impacts arising from this report. Provision was made in the CJC budget to appoint an officer to support the business of the CJC. It is planned that the work described above can be accommodated within that role. A job description and person specification has been prepared and the post will be advertised as an internal secondment to constituent authorities within the near future.

Legal Impacts

The report identifies a range of statutory duties that the CJC will now need to have regard to in the conduct of its business.

Risk Management Impacts

The main risks associated with this report are considered to be as follows:

Failure to comply with the various statutory duties - will be mitigated by including specific work activities within the Forward Work Programme and the role of the Business and Portfolio Manager.

Costs of complying with the duties exceeds the approved budgets – a proportionate approach will be taken with cost estimates established and discussed with the Chief Finance Officer before work commences.

Consultation

There is no requirement for external consultation on this item.

Reasons for Proposed Decisions

To ensure that members of the CJC understand the range of other statutory duties placed on the CJC by the Welsh Government and the way it is proposed that these duties be approached.

To ensure that the CJC has its own corporate identity and that there is an appropriate working protocol agreed between the constituent councils to govern media management activities and foster collaboration between the members of the CJC.

Implementation of Decision

Immediate.

Appendices

Appendix 1 – Proposed Media Protocol

Background Papers

Welsh Government, Corporate Joint Committees: Statutory Guidance, 2022

South West Wales Corporate Joint Committee- Draft communications protocol

The South West Wales Corporate Joint Committee is made up of the four regional local authorities of the area (Carmarthenshire, Neath Port Talbot, Pembrokeshire and Swansea), as well as the national park authorities of the Brecon Beacons and Pembrokeshire.

Given the number of partners represented on the Committee, a communications protocol is needed to ensure that content including pro-active press releases, reactive statements & interview opportunities can be appropriately managed.

At the Corporate Joint Committee's first meeting in January 2022, it was agreed that Swansea Council would lead on communications for the Committee.

A communications officer at Swansea Council has been designated to lead on this activity, working under Swansea Council's head of communications and marketing.

Pro-active press releases, social media and reactive statements

- The designated lead communications officer will attend all meetings of the Committee – both forward planning and live – to determine opportune activities that maximise positive media/public exposure for the Committee
- Press releases and any other pro-active content drafted by the lead communications officer will require approval from the lead Leader & lead officer of the relevant CJC theme, as well as the Committee's lead Chief Executive Officer (Neath Port Talbot Council) and the Committee's chair (Swansea Council's Leader). The lead Leaders and officers for the CJC themes are:
 - Energy: Cllr David Simpson (Pembrokeshire Council) and Karen Jones (Neath Port Talbot Council)
 - Economic development: Cllr Rob Stewart (Swansea Council) and Wendy Walters (Carmarthenshire Council)
 - Strategic land use planning: Cllr Emlyn Dole (Carmarthenshire Council) and Will Bramble (Pembrokeshire Council)
 - Transport: Cllr Ted Latham (Neath Port Talbot Council) and Phil Roberts (Swansea Council)
- Press releases or any other pro-active content about the Committee's work as an entity will only require approval from the Committee Chairman and lead Chief Executive Officer
- Once approved, all press releases and other pro-active content will be sent, for information, to all Committee members. Bilingual, approved press releases will also be sent to communications officers at all partner organisations for potential upload to their websites

- All partners will be encouraged to post/share these positive press releases via their social media platforms. Social media posts relating to the Committee will also tag partner organisations for ease of sharing
- Any print/online media queries relating to the Committee shall be referred to the lead communications officer, who will draft responses for the approval of relevant Leaders/officers according to CJC theme, as well as the lead CJC Chief Executive and the Committee Chairman

Interview opportunities

- English language interview opportunities generated by positive news stories will be offered to the relevant Leader according to CJC theme. Welsh language interview requests will be offered to the Committee's vice-chairman
- The lead communications officer for the Committee will prepare briefing notes and key messages for these interviewees in advance of interview for approval from the relevant lead Leader & officer according to CJC theme, as well as the lead CJC chief executive and the Committee Chairman
- The above will also be the case for reactive interview requests from the media

Bilingual guidance

All media releases and information, either printed or online, for the CJC should be in Welsh and English to comply with the principles that accompany the Welsh Language Standards, with the Welsh language positioned so that it may be read first.

Boiler paragraph & key messages

To ensure consistency across communications, the following 'boiler' paragraph and key messages will be included in all pro-active communications content:

Boiler paragraph: The South West Wales Corporate Joint Committee is aimed at further driving economic prosperity across the region. The Committee is made up of the Leaders of Carmarthenshire Council, Neath Port Talbot Council, Pembrokeshire Council and Swansea Council, as well as senior representatives of the Brecon Beacons and Pembrokeshire National Park Authorities.

Key messages

The committee:

- Builds on strong regional working foundations already in place in South West Wales
- Will further boost economic prosperity in South West Wales, while enabling a unified, regional approach to key sectors like transport, energy and economic development to benefit local people, businesses and visitors