

## SOUTH WEST WALES CORPORATE JOINT COMMITTEE

15<sup>th</sup> March 2022

### REPORT OF THE MONITORING OFFICER

**Report Title: Adoption of additional documents to be included within the Constitution of the South West Wales Corporate Joint Committee**

<b>Purpose of Report</b>	To adopt additional protocols and policies that will be included within the Constitution of the South West Wales Corporate Joint Committee
<b>Recommendation</b>	<p>(1) It is recommended that the CJC adopt:</p> <p>Appendix 1-Protocol regarding correspondence from MP and MS.</p> <p>Appendix 2- Local Resolution Procedure.</p> <p>Appendix 3– Members Gifts and Hospitality.</p> <p>Appendix 4– Nonattendance at meetings policy</p> <p>Appendix 5– Petition Scheme</p> <p>Appendix 6– Public Speaking Protocol.</p> <p>Appendix 7– Protocol on Member and Officer Relationships.</p> <p>and that the Constitution of the CJC be updated to reflect these additional documents.</p> <p>(2) Members note the future documentation that will be brought forward to the CJC for approval as set out in paragraphs 5 and 6 of this report.</p>

<b>Report Author</b>	Craig Griffiths
<b>Finance Officer</b>	N/A
<b>Legal Officer</b>	Craig Griffiths

**Background:**

1. At its meeting on the 13<sup>th</sup> January 2022, the Corporate Joint Committee adopted its constitution.
2. The purpose of the Constitution is to:
  - (a) enable the CJC to provide clear leadership to the community in partnership with citizens, businesses and other organisations, including its Constituent Councils and public bodies;
  - (b) support the active involvement of citizens in the process of CJC decision-making;
  - (c) provide a framework for good governance;
  - (d) enable decisions to be taken efficiently and effectively;
  - (e) create a powerful and effective means of holding decision-makers to public account;
  - (f) ensure that no one will review or scrutinise a decision in which they were directly involved;
  - (g) ensure that those responsible for decision making are clearly identifiable to local people and that they explain the reasons for decisions; and
  - (h) provide a means of improving the delivery of service to the community.
3. Members will note that the Constitution is similar in nature to what Constituent Councils operated under as the CJC is required to follow similar processes.

Ancillary Documents

4. Members are now required to adopt some additional constitutional documents which when taken together with the Constitution represent the suite of information that members must comply with as part of their role with the CJC.
  - (a) **Appendix 1** -Protocol regarding correspondence from MP and MS. The purpose of the document is to establish a protocol for when correspondence is received from Members of Parliament and Senedd Members and how any responses will be communicated to all members.
  - (b) **Appendix 2** - Local Resolution Procedure. Members have to date adopted a Model Code of Conduct. As part of this the Public Service Ombudsman for

Wales recommends that members have a local resolution procedure to allow any low level disputes between members to be dealt with without recourse to more formal action by the Public Service Ombudsman.

- (c) **Appendix 3** – Members Gifts and Hospitality. It will be important for the Monitoring Officer to log any gifts or hospitality that members may receive as part of their involvement with the CJC. It should be noted that this policy only applies in respect of gifts, material benefits and hospitality provided to Members in respect of their role with the CJC. Any gifts, material benefits and hospitality provided to Members in accordance with their role within their constituent authority shall be dealt with in accordance with that authority's policy.
- (d) **Appendix 4** – Nonattendance at meetings policy. CJC Members are expected to attend meetings that they have been assigned as part of their role. However, there will be occasions when they are unable to attend for a variety of reasons. The Modern.Gov Committee Management System allows the attendance to be recorded. To ensure that the record is accurate this policy sets out what Members should do to record their absence.
- (e) **Appendix 5** – Petition Scheme. The CJC is required by the Local Government and Elections (Wales) Act 2021 to make and publish a scheme setting out how the CJC intends to handle and respond to petitions (including electronic petitions). The petition scheme must set out how a petition may be submitted to the CJC, how and by and when the CJC will acknowledge receipt of a petition, the steps the CJC may take in response to a petition received by it, the circumstances (if any) in which the CJC may take no further action in response to a petition, how and by when the CJC will make available its response to a petition to the person who submitted the petition and to the public.
- (f) **Appendix 6** – Public Speaking Protocol. Any person (other than elected Members or employees of the of the constituent authorities that make up the CJC who resides or works in the locality of the authorities that comprise the CJC shall be entitled to ask a question at a meeting of the CJC or any of its sub-committees. The purpose of this protocol is to document the system of operation to allow for this.
- (g) **Appendix 7** – Protocol on Member and Officer Relationships. The purpose of this Protocol is to guide Members and Officers of the CJC in their relations with one another. Mutual respect between Members and Officers is essential to good local government. However, close personal familiarity between individual Members and Officers can damage this relationship and prove embarrassing to other Members and Officers. The relationship has to function without compromising the ultimate responsibilities of Officers to the CJC as a whole, and with due regard to such technical, financial, professional and legal advice that Officers can legitimately provide to Members. The Protocol seeks to set a framework that assists the working relationships between Members and Officers.

Next Steps

5. In order to meet other legislative objectives, members should note that reports and policies will be brought forward to the CJC at future meetings in respect of meeting obligations pursuant to the Freedom of Information Act 2000 and Data Protection Act 2018. These are the standard policies that the CJC will be required to have and are based very much on local authority policies and protocols.
6. Future reports will also confirm arrangements for the CJC to meet its obligations pursuant to the Equality Act 2020 (development of a strategic equality plan), the Wellbeing of Future Generations (Wales) Act 2015 (creation of wellbeing objectives/strategies), Welsh Language Wales Measure 2011 (creation of Welsh Language Standards) and the need to produce a Child Poverty Strategy.

#### **Financial Impacts:**

7. The financial impacts of adopting this Constitution and associated documents are incorporated into the budget for 2022/2023

#### **Integrated Impact Assessment:**

8. 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.
9. 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'.

10. There is no requirement for an Integrated Impact Assessment for this report as the setting up of the CJC is underpinned by legislation and that this report is to establish governance arrangements in accordance with legislation. This will be kept under review with any future reports considering whether impacts require consideration.

**Workforce Impacts:**

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

**Legal Impacts:**

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

**Risk Management Impacts:**

13. Failure to adopt these additional documents could expose each constituent council and national park authority to challenge) along with the reputational risks that such non-compliance will bring.

**Consultation:**

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

**Reasons for Proposed Decision:**

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

**Implementation of Decision:**

16. This decision is proposed for immediate implementation

**Appendices:**

Appendix 1-Protocol regarding correspondence from MP and MS.

Appendix 2- Local Resolution Procedure.

Appendix 3– Members Gifts and Hospitality.

Appendix 4– Nonattendance at meetings policy

Appendix 5– Petition Scheme

Appendix 6– Public Speaking Protocol.

Appendix 7– Protocol on Member and Officer Relationships.

**List of Background Papers:**

None