

**SOUTH WEST WALES CORPORATE JOINT COMMITTEE
OVERVIEW AND SCRUTINY**

23RD SEPTEMBER 2022

REPORT OF THE MONITORING OFFICER

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

Purpose of Report	To provide an overview to members of the Overview and Scrutiny Committee on the structure of the South West Wales Corporate Joint Committee
Recommendation	It is recommended that members note the structure of the South West Wales Corporate Joint Committee
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Background:

1. The Local Government and Elections (Wales) Act 2021 (“the LGE Act”) created the framework for a consistent mechanism for regional collaboration between local government, namely Corporate Joint Committees (CJCs). The LGE Act provides for the establishment of CJCs through Regulations (CJC Establishment Regulations).
2. The CJC will exercise functions relating to strategic development planning and regional transport planning. They will also be able to do things to promote the economic well-being of their areas. In contrast to other joint committee arrangements, CJCs are separate corporate bodies which can employ staff, hold assets and budgets, and undertake functions.
3. The South West Wales CJC will comprise Carmarthenshire County Council, the City and County of Swansea Council, Pembrokeshire County Council and Neath Port Talbot County Borough Council (“the Constituent Councils”). In respect of some functions, both Pembrokeshire National Park and Brecon Beacons National Park will also be members (as set out below).

The Governance of the CJC

4. In order to meet its legislative obligations identified above, the CJC will have a decision making process. These are prescribed in the legislation.
5. The members of the CJC are:
 - a. 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

6. The CJC members are entitled to vote in relation to any matter to be decided by the CJC, except that the Brecon Beacons National Park and Pembrokeshire Coast National Park Authority (together the “NPAs”) members may only vote where the matter to be decided is about strategic planning functions (and associated issues), unless the Constituent Council members of the CJC choose, with the agreement of both the NPAs, to extend the NPA membership of the CJC to include other functions.
7. Where a leader is, for any period, unable to discharge their functions, a Constituent Council must appoint another member of its executive/cabinet to discharge those functions on behalf of the Constituent Council member for that period.
8. In order to implement the legislative requirements, the CJC will have four Sub Committees, with the chair of each Sub-Committee being drawn from the Leaders of the Constituent Councils (or their nominated deputies) and shared between the four authorities. It is proposed that the following sub-committees be established,

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

9. The additional representatives to each Sub Committee be comprised of the relevant Cabinet members of the four Constituent Councils (and the Chairpersons of the relevant National Parks authorities in respect of Strategic Development Planning).
10. The Sub-Committee is then chaired by the Leader from the Constituent Council identified and supported by a chief executive from the authorities mentioned above.
11. It should be noted that no member of a CJC shall be entitled to any additional remuneration as a result of membership of the CJC.
12. CJCs have the flexibility for them to engage and involve others in their work through co-option. Who is co-opted and how they are co-opted (the terms of the co-option) will be for the CJC to decide. The benefits of co-opting to the CJC are:
 - (a) to strengthen the breadth of experience and skills available to the CJC
 - (b) to enable local input or to provide for local representation
 - (c) to provide specialist expertise on specific issues.

13. There are no restrictions on who can be co-opted, how long they are co-opted for, the purpose for which they are co-opted or if they are co-opted with or without voting rights (but see voting arrangements) – this is left entirely to the CJC to decide. A CJC will however be required to set out such matters in written notice to the co-opted member (see Regulation 9(2) of the CJC Establishment Regulations). When co-opting members a CJC might wish to consider (amongst other things):
 - (a) the purpose for which co-opted members are co-opted, for example which function or functions;
 - (b) the ‘term of co-option’, (how long they are co-opted for) for example a fixed period, renewed annually or indefinitely until the co-option is terminated;
 - (c) whether co-opted members are to be co-opted with or without voting rights
 - (d) If co-opted members are to have voting rights if those rights are for one, some or all functions, and / or on the governance and administrative arrangements of a CJC
 - (e) whether co-opted members are co-opted onto the CJC itself or onto one of its sub-committees, or both.

14. Accordingly, following receipt of a signed co-option agreement, the following representatives have been appointed to the CJC
 - (a) Mr Steven Wilks, Provost of Swansea University
 - (b) Mr Medwin Hughes, Vice Chancellor of University of Wales, Trinity St David
 - (c) Ms Maria Battle, Chair of Hywel Dda University Health Board
 - (d) Ms Emma Woollett, Chair of Swansea Bay University Health Board

15. The terms of reference for the appointment are:
 - (a) Appointment for all functions of the CJC
 - (b) Appointment on a non-voting basis
 - (c) Renewed annually
 - (d) Co-option to the CJC only
 - (e) Compliance with the Member Code of Conduct for CJC Members.

Governance and Audit Functions

16. The CJC is required to establish a sub-committee to be known as the Governance and Audit Sub-Committee.

17. The terms of reference of the sub-committee are stated in the CJC Establishment Regulations as:
 - (a) review and scrutinise the CJC’s financial affairs;
 - (b) make reports and recommendations in relation to the CJC’s financial affairs;
 - (c) review and assess the risk management, internal control and corporate governance arrangements of the CJC;
 - (d) make reports and recommendations to the CJC on the adequacy and effectiveness of those arrangements;
 - (e) oversee the CJC’s internal and external audit arrangements;
 - (f) review any financial statements prepared by the CJC;
 - (g) exercise such other functions as the CJC may specify.

18. The CJC Establishment Regulations state that membership of the Governance and Audit Sub-Committee is at least one lay member and at least 2/3rds membership from the Constituent Councils. However this may be subject to change under the LGE Act. The Governance and Audit Sub-Committee may not exercise its functions if the membership of the sub-committee contravenes the membership as set out above and therefore the lay member(s) will need to be in place in order to meet as a sub-committee. The draft Guidance provides that it is anticipated that the sub-committee will be required to meet once in every calendar year as a minimum.
19. The chair of the Governance and Audit Sub-Committee must be a lay member.
20. A Governance and Audit Sub-Committee has been established by the CJC comprising of Lay Member(s) to be drawn from Constituent Councils Governance and Audit Committees (or externally advertised if this is not possible) and members from each Constituent Council. This will ensure that the Governance and Audit Committee complies with proposed changes to the Local Government (Wales) Measure 2011 to have at least one third lay members. The appointment(s) will be made by the CJC. It should be noted that lay members will be remunerated in line with standard lay member payments set by the Independent Remuneration Panel for Wales.
21. The following representatives have been appointed by the CJC:

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

Standards / Ethical Framework

22. It will be important that members and co-opted members within a CJC are subject to the same standards of conduct as members of Constituent Councils. On application of the ethical framework a CJC will be able to adopt its own code of conduct for members. Until this point its members (including co-opted participants from Constituent Councils) will be subject to the relevant code of conduct of their local authorities. During this time members and co-opted participants from local authorities will be required to register any personal interests they have in the business of the CJC in their relevant principal council's register of interest by providing written notification to their council's Monitoring Officer.

23. Rather than establish a separate Standards Committee to oversee functions of the CJC, one Constituent Council's Standards Committee assumes the responsibility of overseeing standards for the CJC.
24. The CJC have agreed that the Standards Committee of the authority that provides the Monitoring Officer for the CJC (in the first instance Neath Port Talbot County Borough Council) be the designated Standards Committee for the CJC.

Scrutiny

25. Working with its Constituent Councils the South West Wales Corporate Joint Committee ("CJC") will be required to put in place appropriate overview and scrutiny arrangements. Scrutiny will be an important part of the democratic accountability of the CJC. It will be important for CJCs to consult on and agree the arrangements with its constituent councils.
26. In considering the most effective and efficient approach to scrutiny, Welsh Government require Constituent Councils and CJCs to give thought to the benefits of a joint overview and scrutiny committee made up of the constituent councils. The clear aim and ambition however must be to create, facilitate and encourage a clear democratic link back to the constituent councils.
27. A CJC Overview and Scrutiny Committee has been established comprising three elected members from each constituent council be established to fulfil the Overview and Scrutiny Functions associated with the CJC. The functions of the Overview and Scrutiny Sub-Committee (to be enshrined in the CJC Constitution) are:
 - (a) To review or scrutinise decisions made, or other action taken, in connection with the discharge of any functions which are the responsibility of the CJC;
 - (b) To make reports or recommendations to CJC respect to the discharge of any functions which are the responsibility of the CJC;
 - (c) To make reports or recommendations to the CJC on matters which affect the CJC (insofar as the CJC is not, or CJC is not, under a duty to do those things by virtue of Section 22A of the Local Government Act 2000;
28. CJC members and staff (including those working under the terms of a secondment or service level agreement) will have a duty to provide information to the scrutiny committee; attend committee meetings if requested to do so; and consider or respond to any report or recommendations made by a committee within the agreed arrangements and which relate to the CJC.
29. It will be important that there is no overlap in scrutiny but ultimately members of constituent authorities will still be able to scrutinise the impact of the CJC on their locality. In essence, although not directly scrutinising the decisions of the CJC, the constituent councils will be looking at the impact of the CJC on their locality and how the decisions of the CJC are impacting the constituent council. Recent Welsh Government guidance failed to refer to the role of constituent council overview and

scrutiny arrangements and representations have been made that guidance should be clearer in terms of expectations of both joint scrutiny as well as Constituent Councils' member scrutiny, it being considered that the establishment of joint scrutiny arrangements should be addressed from the outset when governance issues are addressed to avoid potential drift. This would reflect the importance attached to Overview and Scrutiny rather than it appearing as a governance add-on.

30. The following representatives have been appointed to the CJC:

Chairperson	To be determined by the Committee
Vice Chairperson	To be determined by the Committee
City and County of Swansea	Cllr P Black Cllr W Lewis Cllr M White
Carmarthenshire County Council	Cllr R James Cllr E Schiavone Cllr R Sparks
Neath Port Talbot County Borough Council	Cllr S. Pursey Cllr T Bowen Cllr R Davies
Pembrokeshire County Council	Cllr M John Cllr D Howlett Cllr M Tierney

Financial Impacts:

31. No impacts

Integrated Impact Assessment:

32. 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.

33. 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'.
34. 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:

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

Legal Impacts:

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

Risk Management Impacts:

37. Failure to have constituted the CJC means the CJC would be unable to take any decisions, and accordingly would be in breach of the legal requirements imposed under the Local Government and Elections (Wales) Act 2021 (exposing each constituent council and national park authority to challenge) along with the reputational risks that such non compliance will bring.

Consultation:

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

Reasons for Proposed Decision:

39. 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:

40. Not applicable

Appendices:

41. None

List of Background Papers:

42. None