

SOUTH WEST WALES CORPORATE JOINT COMMITTEE

5 December 2023

REPORT OF THE MONITORING OFFICER

Report Title: Update to the Terms of Reference of the Sub-Committees of the South West Wales Corporate Joint Committee

Purpose of Report	To update the terms of reference for the CJC Sub-Committees
Recommendation(s)	That the terms of reference for the CJC Sub-Committees be amended as set out in paragraph 5 of the circulated report
Report Author	Craig Griffiths
Finance Officer	N/A
Legal Officer	Craig Griffiths

Introduction / Background:

1. In order to implement the legislative requirements, it was agreed that the CJC will have four Sub Committees, with the chair of each Sub-Committee being drawn from the Leaders of the Constituent Councils (or their nominated deputies) and shared between the four authorities. It was agreed that the following sub-committees be established:

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

2. It was also agreed that the additional representatives to each Sub Committee be comprised of the relevant Cabinet members of the four Constituent Councils (and the Chairpersons of the relevant National Parks authorities in respect of Strategic Development Planning).

3. It was also agreed that that the Sub-Committee was then chaired by the Leader from the Constituent Council identified and supported by a chief executive from the authorities mentioned above.
4. However, it would be proposed that an amendment be made to this requirement that would allow the requisite cabinet member from the same political lead authority to chair the Sub-Committee meeting either in the absence of the Leader or at the request of that said Leader.
5. Accordingly an amendment is required to the terms of reference of each sub-committee in respect of the following:

Delete

*The meeting shall be chaired by the Executive Leader of the Constituent Council identified as the political lead for Regional Transport Planning.
In their absence, the meeting shall be chaired by an alternative Leader from a Constituent Council as agreed by the collective Constituent Council leaders.*

Replace with

The meeting shall be chaired by the Executive Leader of the Constituent Council identified as the political lead or where so determined by that Executive Leader, they may delegate that chairing function to the Executive Member in attendance from that same Constituent Council or an alternative Leader from a Constituent Council as agreed by the collective Constituent Council leaders.

Financial Impacts:

6. There are no financial impacts associated with this report.

Integrated Impact Assessment:

7. 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.
8. In recognition of the above duties, the CJC has adopted an Integrated Impact Assessment (IIA) Tool which allows for a 2 stage approach to be undertaken to measure any potential impact of its decisions. It is not considered that an Integrated Impact Assessment (IIA) is required for this report as it does not seek a substantive policy decision from Members.

Workforce Impacts:

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

Legal Impacts:

10. 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:

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

Consultation:

12. No formal consultation required for the purpose of this report.

Reasons for Proposed Decision:

13. 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:

14. This decision is proposed for implementation following the conclusion of the three day call in period.

Appendices:

15. None

List of Background Papers:

16. None.