



## GWYNEDD COUNCIL CABINET

<b>Date of Meeting:</b>	<b>15th December 2020</b>
<b>Relevant Cabinet Member:</b>	<b>Councillor Dyfrig Siencyn – Leader</b>
<b>Contact Officer :</b>	<b>Iwan Evans – Head of Legal Services</b>
<b>Title of Item</b>	<b>North Wales Corporate Joint Committee Consultation</b>

### 1. Decision Sought

The Cabinet is asked to:

- a) Approve the draft response to the Consultation in Appendix 1
- b) Delegate the completion and submission of the response to the Leader in consultation with THE Chief ESECUTIVE AND Head of Legal SERVICES.

### 2. North Wales Corporate Joint Committee Consultation

The Welsh Government is currently undertaking a consultation on proposals to establish Corporate Joint Committees in four areas of Wales.

The Local Government and Elections (Wales) Bill 2019 contains provisions which give powers to create Corporate Joint Committees via a Statutory Instrument. The current consultation on establishing Corporate Joint Committees is based on the footprints of; North Wales, Mid Wales, South-West Wales and South-East Wales. The consultation closes on the 4<sup>th</sup> of January 2021

The current consultation is in relation to the Statutory Instruments for establishing the four specific Corporate Joint Committees. However, the Government also intends to publish a General Statutory Instrument which is referred to and described in the consultation with the intention of including details regarding governance in these regulations. This means that elements of the response is subject to their contents. **The following summary reflects the proposed model which is being consulted on and reference to the regulations means the draft regulations.**

<https://gov.wales/sites/default/files/consultations/2020-10/consultation.pdf>

A draft response is at Appendix 1

## 2. What are Corporate Joint Committees?

"In contrast to other joint committee structures which exist in statute, Corporate Joint Committees (CJCs) will be separate corporate bodies which can employ staff, hold assets and budgets, and undertake functions. A CJC when established will have specific functions vested in them."

The model of collaborating via a Joint Committee is familiar to local government and there are several examples operating in North Wales on a regional and sub-regional basis. Although described as a Joint Committee, the new model represents a new type of body for local government and not only an alternative arrangement for undertaking functions.

### Comparison Table

<b>Corporate Joint Committee (CJC)</b>	<b>Local Government Act 1972 Joint Committee (JC)</b>
Established via a statutory instrument either mandated by the Government or at the request of two or more Councils to the Government.	Established through decision and agreement between Councils.
Statutory instrument which sets out the remit and decision-making rights	Remit and decision-making rights established and delegated by agreement of the Councils establishing it
Its powers are defined by the Statutory Instrument which will fully establish its decision-making and operating rights.	Its powers are delegated by the councils by agreement.
Within the Statutory Order it can establish its own membership and co-optees as well as attributing voting rights to the wider membership	Membership, including co-opting scope, is set out by the Councils which create the JC as well as voting rights within statutory restrictions
Statutory instrument mandates that the membership of the CJCs must include Council Leaders as well as other representatives.	It is a matter for the Councils to agree who will represent them on the Joint Committee
Funding method set out through the Statutory Instrument	Funding method agreed between the Councils and sets out spending or resource commitment boundaries.

A legal entity which can enter into agreements, employ staff and hold property and assets.	Not a legal entity and therefore reliant on entering into agreements with a Council or Authority to operate the legal entity role on its behalf in order to hold assets or employ staff.
Elements of the Staffing Structure mandated by a Statutory Instrument	It is a matter for Councils to establish the staffing structure and requirements either by deciding in their collaboration agreement or by delegating the structure for the Joint Committee to decide.
Establish its own specific Scrutiny and Audit arrangements	Subject to the Councils' Scrutiny and Audit arrangements. The Councils may establish joint arrangements

### 3. What would its responsibilities be?

According to the Local Government and Elections (Wales) Bill 2019, there are two categories of CJC:

#### A. CJs through regulation

CJC's that the Minister can instigate without a request from Councils. The areas where Welsh Ministers can instigate the establishment of a CJC are limited to four, namely:

" (a) the function of the principal councils for the relevant areas involving-

- (i) improving education;
- (ii) transport;

the function of preparing a strategic development plan .....  
the economic well-being function."

#### B. CJs By Application

CJC that two or more Councils can request that the Minister makes an order to establish a CJC for their areas and any of their functions or their economic well-being function.

The consultation regarding establishing a CJC for North Wales stipulates 3 functions to the CJC:

(a) "The function of developing policies under section 108(1)(a) and (2A)(a) of Part 2 of the Transport Act 2000 ("the 2000 Act"), in relation to the area of every constituent council, is to be exercised by the North Wales CJC, not by the constituent councils. " - This means that that the CJC will have responsibility for preparing **Regional Transport Plans**.

(b) the function of creating a **Strategic Development Plan** for North Wales.

(c) the **economic well-being** function ."

The draft Order gives a power to act in relation to the economic well-being of the region in the hands of the CJC but it does not remove similar functions from the Councils. However, for example the Consultations on the Regional Investment Framework presumes a central role for the CJC. Therefore, although it is a power which is given to the CJC there could be an expectation that it is active in the area.

#### **4. Powers**

Within their remit, the CJsCs have associated rights to do what facilitates the delivery of their functions including specifically; incurring expenditure, charging fees, procurement or disposing of property or rights. CJsCs are not permitted to borrow money.

According to the consultation, the intention would be to deal with a CJC as a "public body" that would be subject to general duties under e.g.; The Well-being of Future Generations (Wales) Act 2015, Equality Act 2010, Language Standards.

#### **5. Membership**

- 6 Leaders of the North Wales Councils
- A member appointed by the Snowdonia National Park Authority but only for Strategic Development Plan matters.
- Co-opted members appointed by the Leaders. They may have a vote however the number of votes cast by Co-opted Members may not exceed the Leaders' votes (together with the SNPA member on Strategic Development Plan matters). They may be appointed for a specific term or appointed for a non-specific term subject to the right to cancel the appointment.

#### **6. Budget and Funding**

The CJC is required to calculate an aggregate total which estimates its expenditure needs for the financial year together with providing reserve funds for the year and coming years. The funds received from non-Council and SNPA sources must also be calculated. This must be done within two months of the first annual general meeting (the first meeting) and by 14 February in subsequent years. In calculating the sum total of these requirements the strategic planning functions must be separated from the rest of its functions.

The councils (and in the case of strategic planning functions, the councils and SNPA) must pay this amount to the CJC.

The distribution of the contributions between the councils is to be agreed by a unanimous decision of the Leaders. In the case of the strategic planning contribution, this agreement is to be reached between the council members and the SNPA member. If an agreement cannot be reached, Welsh Ministers are empowered to give directions to determine the distribution.

## **7. Governance**

Some specific aspects of the constitution that are in the Regulations are highlighted, but it must be emphasised that the General Regulations will provide details which will be crucial to understanding how these provisions will be implemented.

### **Meetings**

A Chair and Vice-chair must be appointed from amongst the Leaders.

Quorum of 70% of voting members together with the Chair (and should include the Vice-chair also)

No casting vote other than in strategic planning matters. Other than for some specific matters, a simple majority vote. An alternative voting system may be adopted with the agreement of all voting members.

### **Sub-Committees**

The CJC is permitted to establish Sub-Committees and delegate any of its functions to them. It may appoint any person to the Sub-Committee (other than in the case of strategic planning functions where a member from SNPA must be appointed)

### **Standing Orders and Code of Conduct**

The CJC must adopt standing orders and a Code of Conduct for members and staff.

### **Scrutiny and Audit**

The CJC is required to establish its Scrutiny, Governance and Audit Sub-Committees. Their functions reflect and are similar to the functions of Councils' Scrutiny and Audit Committees.

## **8. Staffing**

The CJC may employ staff and arrange secondments of staff with other CJs and the public sector in Wales. Under the regulations, the CJC is required to appoint officers to the following roles:

- (a) Chief Executive,
- (b) Monitoring Officer,
- (c) Chief Finance Officer,
- (d) Chief Governance Officer.

**STATUTORY OFFICERS RESPONSE:**

**i. Monitoring Officer :**

Author of the report.

**ii. Finance Officer :**

I have collaborated with the author to prepare the financial aspects of the draft response to the Consultation which is at Appendix 1. As the response to question 9(b) notes the timetable which Welsh Government proposes for setting the financial demands I totally impracticable particularly in relation to the first year.