

MEETING: **North Wales Corporate Joint Committee**
DATE: **17 June 2022**
SUBJECT: **Constitutional Matters:
Establishing a Sub-Committee Structure, etc.**
CONTACT OFFICERS: **Dafydd L Edwards, CJC Project Lead Officer, and
Iwan Evans, the CJC’s Monitoring Officer**

DECISIONS SOUGHT:

1. To establish a Strategic Planning Sub-Committee and a Strategic Transport Sub-Committee, and to approve the recommended membership and voting rights as outlined in section 2 below.
 2. To request a further report on the Terms of Reference and Standing Orders of the Sub-Committees to the next meeting of the Joint Committee, together with details of the formalities for co-option.
 3. To defer establishment of the Standards Sub-Committee and the Governance and Audit Sub-Committee, pending confirmation of the statutory requirements.
 4. To confirm 22 July as the next CJC meeting date, and to confirm that all CJC meetings shall be held as virtually in 2022/23.
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1. Establishing a Sub-Committee Structure

In the standard report to all 6 Councils’ Cabinets, and in a similar report to Snowdonia National Park Authority (SNPA) in December 2021, the proposed CJC committee structure was shown in the chart below.



2. Arrangements for a Strategic Planning Sub-Committee and a Strategic Transport Sub-Committee

RECOMMENDATION

The North Wales Corporate Joint Committee is asked to **establish a Strategic Planning Sub-Committee and a Strategic Transport Sub-Committee** to carry out the initial duties prescribed to be discharged by the CJC, i.e. producing a Strategic Development Plan (SDP) and a Regional Transport Plan (RTP).

3. Constitution of the CJC's Sub-Committees

The CJC must decide upon the number of Sub-Committee members, procedures to appoint members from constituent local authorities and SNPA, potential co-option, and voting rights.

The CJC determines the composition and membership of its Sub-Committees and this will involve the co-option of members other than the core Council and SNPA members into the CJC.

The CJC can determine the membership of sub-committees by reference to specific office holders or members of an authority, who shall be "co-opted members". Co-option can also include non-local government members, or officers other than where membership is prescribed by the Regulations, such as in relation to the Governance and Audit sub-committee. Co-option of non-local government members is not being recommended at this point, but may be reviewed as the CJC develops. The two Sub-Committees will be asked to consider potential co-option of non-voting members (e.g. TfW and/or SNPA representation on the Strategic Transport Sub-Committee), and to make appropriate recommendations to the CJC.

The co-option may be on such terms as the CJC determines. However, the CJC must determine:

- The functions in relation to which the co-opted member may act as a member of the CJC,
- Any function which is ancillary or incidental to that function (the scope of the terms of delegated powers of the sub-committee).

These must be agreed by the co-opted member and the CJC in a co-option agreement. Although there is provision for deputies for the Leaders and SNP members, the nature of co-option means that there is no apparent scope for such arrangements in relation to co-opted members. However, where Cabinet members are participating in a job-sharing arrangement under Section 57 of the 2021 Act, then they are treated as one member for the purpose of these arrangements.

RECOMMENDATIONS regarding the Constitution of Sub-Committees

The North Wales Corporate Joint Committee is asked to determine that -

- i. **The Strategic Planning Sub-Committee should have 7 voting members, one from each of the constituent authorities** (6 Councils and SNPA).
- ii. **The Strategic Transport Sub-Committee should have 6 voting members, one from each of the 6 Councils.**
- iii. Membership of the Strategic Planning Sub-Committee should be comprised of the relevant Cabinet member from each constituent Council who holds the portfolio for Planning Policy, and the SNPA representative.
- iv. That the membership of the Strategic Transport Sub-Committee should be comprised of the relevant Cabinet member from each constituent Council who holds the portfolio for Transport Policy.

4. Arrangements for an 'Ambition North Wales' (NWEAB) Sub-Committee

The proposed CJC committee structure in the chart above included establishment in principle of a delivery vehicle (sub-committee) for Ambition North Wales (the North Wales Economic Ambition Board, or 'EAB', which is the existing joint-committee and decision-making body responsible for the Growth Deal). The intent is to limit the extent of change and satisfy the 'immediate duties' and statutory requirements in a consensual way.

The decision whether to transfer the functions of Ambition North Wales to the CJC is a matter which is reserved to Councils in 'GA2'. There are issues regarding VAT and borrowing, as well as establishing the governance model for such a transfer which need to be worked through in order to take matters forward. Consequently, arrangements for transferring functions to an Ambition North Wales Sub-Committee are de facto deferred, with the existing joint-committee continuing to be the decision-making body for the Growth Deal.

There is no reliable timetable for ensuring that CJs may recover VAT in the same way as a local authority, or for ensuring that CJs may secure preferential rate borrowing from the Public Works Loan Board (PWLB). It is not within the powers of the Welsh Government to unilaterally resolve these matters, which are exercised by agencies accountable to the UK (Westminster) Government - HMRC for VAT, and the UK Debt Management Office (DMO) regarding borrowing from the PWLB. For now, it seems reasonable to presume that this will take several months, but is likely to allow us to plan to transfer Ambition North Wales and establish an operational EAB Sub-Committee from 01/04/2023.

5. Arrangements for a Standards Committee

The North Wales Corporate Joint Committee is asked to **defer** deciding on arrangements for a Standards Committee until subsequent CJC meetings, when the Welsh Government have clarified relevant requirements and guidance, following their recent consultation on CJC regulations. There are key regulations in relation to the constitution of Standards Committees which need to be in place to provide certainty for the establishment process.

6. Arrangements for a Governance & Audit Sub-Committee

The North Wales Corporate Joint Committee is asked to **defer** deciding on arrangements for a Governance & Audit Sub-Committee until subsequent CJC meetings, when the Welsh Government have clarified relevant requirements and guidance, following their recent consultation on CJC regulations. This relates in particular to the number and arrangements for recruiting lay members to the Committee and the consequent impact on the number of elected members who may be appointed.

7. Arrangements for a Scrutiny Framework

The draft 2nd set of 2022 Regulations provide a framework for scrutiny which means that the Corporate Joint Committee will be subject to local authority scrutiny. It will be under a statutory duty to co-operate in the preparation for scrutiny reports and recommendations, and to formally respond. Its decisions will not be subject to 'call-in'. Arrangements for how scrutiny is undertaken is a matter for the Councils, and this could include the creation e.g. of a Joint Scrutiny Committee. However, as with the Ambition North Wales arrangements, there is merit in creating a Protocol for communication about the CJC's activities into the respective scrutiny arrangements, in order to foster understanding of the work and activities. This will need to be developed and will be the subject of a further report.

8. Arrangements for Future Meetings

RECOMMENDATIONS

The North Wales Corporate Joint Committee is asked to **confirm 22 July as a CJC meeting date**, and to agree a calendar of meetings thereafter at the 22 July Meeting.

The North Wales Corporate Joint Committee is asked to confirm that **CJC meetings shall be held as virtual meetings** (i.e. on Zoom, or equivalent) for the 2022/23 civic year. After extending the virtual arrangements for now, these may be reviewed in future, and hybrid meetings and a location may then be considered, if necessary.

VIEWS OF THE STATUTORY OFFICERS

Monitoring Officer

I have worked with the author to prepare this report and confirm the contents.

Statutory Finance Officer

I have worked with the author to prepare this report and confirm the contents.