

THE VALE OF GLAMORGAN COUNCIL

ENVIRONMENT AND REGENERATION SCRUTINY COMMITTEE: 19<sup>TH</sup> JANUARY, 2021

REFERENCE FROM CABINET: 21<sup>ST</sup> DECEMBER, 2020

**“C422 CORPORATE JOINT COMMITTEES – RESPONSE TO WELSH GOVERNMENT CONSULTATION (L/PR) (SCRUTINY – CORPORATE PERFORMANCE AND RESOURCES) –**

The report set out the various elements of proposals by Welsh Government to introduce four Corporate Joint Committees (CJCs) and set out a response to the current consultation on the same.

The response form was attached at Appendix A to the report and this had been completed for the consideration of Cabinet so that the Council could respond to the consultation by the deadline date of 4th January, 2021.

CJCs were described as a new statutory mechanism for regional collaboration by local government. The consultation was seeking views on draft regulations which would create four regional CJCs to exercise functions relating to strategic development planning, regional transport planning and the economic well-being of their areas.

The consultation documents included an overarching document on CJCs as well as specific regulations for the four separate CJCs. Given that the Vale of Glamorgan fell within the proposed South East Wales CJC, the report and the consultation response focused on this particular set of regulations.

The Leader noted the use of the urgency procedure in order to meet Welsh Government response deadline of 4th January, 2021, and that the report would be referred to Scrutiny Committee and any further comments would be sent as an addendum to Welsh Government even though the response deadline would have passed.

The Welsh Local Government Association (WLGA) had taken reports from all Councils on this issue and there would be a full response from WLGA to Welsh Government also.

The Managing Director advised that comments back to Welsh Government related to the need to resource the undertaking the CJC requirements and could not be at the expense of the existing Local Government structure if they are to function efficiently. The Leader added that would have to consider both the set-up costs as well as ongoing costs.

Cabinet thanked Officers for the work undertaken on a complicated matter.

This was a matter for Executive decision.

Cabinet, having considered the report and all the issues and implications contained therein

RESOLVED –

(1) T H A T the contents of the report and the draft response to the consultation be noted and the same agreed for submission to Welsh Government.

(2) T H A T the report and appended consultation response be referred to the Corporate Performance and Resources and Environment and Regeneration Scrutiny Committees for consideration, with any additional recommendations reported to Cabinet for further consideration in advance of submission to Welsh Government as an addendum, if necessary and appropriate.

(3) T H A T the urgency procedure set out in section 14:14 of the Council's Constitution in respect of Recommendation (1) above be approved.

Reasons for decisions

(1) To enable the Council to respond to the Consultation on CJsCs.

(2) To enable the matter to be considered by the Corporate Performance and Resources and Environment and Regeneration Scrutiny Committees.

(3) The reporting of the use of the Urgent Decision Procedure is a requirement of the Council's Constitution.”

Attached as Appendix – Report to Cabinet: 21<sup>st</sup> December, 2020

Meeting of:	<b>Cabinet</b>
Date of Meeting:	<b>Monday, 21 December 2020</b>
Relevant Scrutiny Committee:	Corporate Performance and Resources
Report Title:	Corporate Joint Committees - Response to Welsh Government Consultation
Purpose of Report:	To outline the provisions of Corporate Joint Committees, as set out in the Welsh Government Consultation and to set out a response to the consultation for submission to Welsh Government by 4 January 2021.
Report Owner:	Executive Leader and Cabinet Member for Performance and Resources
Responsible Officer:	Rob Thomas, Managing Director
Elected Member and Officer Consultation:	As this is a matter of relating to the business of the organisation, no specific ward member consultation is necessary.
Policy Framework:	This is a matter for Executive decision by Cabinet.
<p>Executive Summary:</p> <ul style="list-style-type: none"> <li>• This report sets out the various elements of proposals by Welsh Government to introduce 4 (four) Corporate Joint Committees (CJC's) and sets out a response to the current consultation on the same. The consultation document can be found by following the link: <a href="https://gov.wales/regulations-establish-corporate-joint-committees">https://gov.wales/regulations-establish-corporate-joint-committees</a></li> <li>• The response form is attached at Appendix A of this report and this has been completed for the consideration of Cabinet so that the Council can respond to the consultation by the deadline date of 4 January 2021.</li> <li>• CJC's are described as a new statutory mechanism for regional collaboration by local government. The consultation is seeking views on draft regulations which will create 4 regional CJC's to exercise functions relating to strategic development planning, regional transport planning and the economic well-being of their areas</li> <li>• The consultation documents include an overarching document on CJC's as well as specific regulations for the 4 separate CJC's. Given that the Vale of Glamorgan falls within the proposed South East Wales CJC, this report and the consultation response focusses on this particular set of regulations.</li> </ul>	

## **Recommendations**

1. That Cabinet considers the contents of the report and the draft response to the consultation and agrees the same for submission to Welsh Government.
2. That the report and appended consultation response be referred to Scrutiny Committees (Corporate Performance and Resources & Environment and Regeneration) for consideration with any additional recommendations reported to Cabinet for further consideration in advance of submission to Welsh Government as an addendum, if necessary and appropriate.
3. That the urgency procedure set out in section 14:14 of the Council's Constitution be exercised in respect of Recommendation 1.

## **Reasons for Recommendations**

1. To enable the Council to respond to the Consultation on CJC's
2. To enable the matter to be considered by Scrutiny Committees (Corporate Performance and Resources and Environment and Regeneration)
3. To enable the response to be issued by 4 January 2021.

### **1. Background**

- 1.1** The consultation document issued by Welsh Government makes it clear that CJC's are a new statutory mechanism for regional collaboration by local government. The consultation is seeking views on draft regulations which will create 4 regional CJC's to exercise functions relating to:

- Strategic development planning
- Regional transport planning, and,
- Economic well-being of their areas

- 1.2** The Local Government and Elections (Wales) Bill (which is the subject of a separate report to this Cabinet meeting), includes provisions to introduce regional collaboration on set footprints via CJC's. The constitutional and governance arrangements in relation to CJC's are not matters that are included in the Bill, but rather in the draft regulations that are subject to this consultation.

- 1.3** Part 5 of the Bill sets out two ways for instigating CJC's, these being either through the instigation of two or more principal Councils by making a request to the Welsh Ministers or, alternatively at the instigation of Welsh Ministers who can establish CJC's for certain functions and functional areas, as specified in the Bill. The consultation focusses on this issue and the issue of putting in place the Establishment regulations for CJC's.

**1.4** The Minister for Housing and Local Government has indicated her intention to establish a CJC for each of the 4 functional areas - South East Wales, South West Wales, North Wales and Mid Wales by April 2021. The CJC areas have been subject to much debate, in advance of the issuing of this current consultation on the Establishment Regulations and are set out on page 12 of the consultation document. The CJC footprints follow the existing City Deal and Growth Deal geography that already exists across Wales.

**1.5** The Consultation document and the Establishment Regulations are substantial and cover a range of topics from the proposed geography of each CJC, governance and constitutional arrangements, financial and budgeting matters, staffing and workforce issues, proposed functions as well as duties of CJC's as public bodies.

The Minister has confirmed that CJs would have to be established via regulations, laid in the Senedd via the affirmative procedure. It is intended that CJs hold their first meetings by the end of September 2021 but that functions could be transferred over a transitional period before September.

## **2. Key Issues for Consideration**

**2.1** The Consultation and Draft Regulations were published on Monday 12th October 2020 with a closing date of 4th January. The consultation document can be accessed via the following Link:

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

**2.2** The consultation includes an overarching consultation document and draft regulations for each of the four proposed CJs for North Wales, Mid Wales, South East Wales and South West Wales.

**2.3** An additional set of 'Regulations of General Application' will be issued for consultation in the New Year. It is envisaged these regulations will deal with the issue of what legislation and wider statutory duties might apply to CJs, such as the sustainable development duty and Welsh Language Standards. CJs have been the subject of debate and consideration during the past 12 months. A key issue that has focussed discussions is the need to continue to promote collaboration albeit there have been concerns expressed over the principle of mandation. The Minister has described CJs as a "single consistent vehicle for...collaboration, rather than separate arrangements for different functions...rationalise provision that already existed in legislation in relation to single-purpose collaborations...into a single regional arrangement".

**2.4** Although called 'Committees', CJC's will be corporate bodies, described by the Minister as 'part of the local government family'. They are separate legal entities from their 'constituent' councils, similar to Combined Authorities or Fire and Rescue Authorities.

- 2.5** The membership of CJs will be Leaders of each of the constituent authorities. CJs can co-opt other members if they choose, whether these be Cabinet members or other partners. These could be voting or non-voting members. It is proposed that National Parks must also be members when dealing with Strategic Development Plan functions. Cabinet will note that there is a separate report on this agenda dealing with a Welsh Government Strategic Development Plan consultation.
- 2.6** It is proposed that all CJs will be established on a 'one member one vote' basis, however, once established, a CJ could adopt alternative voting procedures should they so wish. It is fair to say that there are differing views on this issue with many authorities of the view that one member one vote is equitable, whilst others have concern given the different sizes of authorities.
- 2.7** It is proposed that the functions of CJs will extend to cover economic well-being, strategic planning (Local Development Plans will remain with Local Authorities) and transport.
- 2.8** The economic wellbeing power is potentially wide-ranging and significant, but how far it is used will be determined by a CJ. That said, the Minister has indicated that the current city and growth deal strategic functions would be transferred to CJs. For South East Wales, the CJ footprint follows the footprint of the Cardiff Capital Region City Deal.
- 2.9** Concurrency of functions has been a concern to some councils, as they want to ensure a local economic development function as well as a regional one. The regulations make clear that this is a '...matter for each CJ in response to local and regional needs'.
- 2.10** It should also be noted that the responsibility for 'school improvement' is included in the Bill albeit this does not appear to feature as an early priority for inclusion in the CJs consultation document. Members will be aware that the school improvement consortia, do follow a different footprint in terms of South East Wales.
- 2.11** There has been a suggestion and concern that once established, there could be a move to transfer additional functions into the remit of CJs. In this regard, the Bill specifies that CJs will include only the listed functions (which are existing statutory or voluntary regional functions)
- 2.12** That said, individual CJs can voluntarily make a request to Ministers to add specific functions to a particular CJ and this would be a matter for that CJ once established.
- 2.13** A future Welsh Government could however add other functions to a CJ via future legislation which would amend Section 74 of the Bill (the section specifying the CJ functions). The Welsh Government can already and has

established regional bodies with statutory functions outside of the CJC framework e.g. Regional Partnership Boards and may establish statutory Regional Transport Authorities or Regional Strategic Planning Panels.

- 2.14** Similarly, although the current draft regulations allow a degree of regional flexibility, the Welsh Government could constrain or prescribe CJs through funding or policy instruments. By way of example, the Welsh Government could provide funding in support of a function via CJs but specify that the funding must be spent in a certain way or in line with Welsh Government priorities. These financial and policy levers of control and influence already exist and the Welsh Government can and do already 'ring fence' certain grants towards certain activity.
- 2.15** In relation to governance, CJs can set-up sub-committees to lead on specific functions and could co-opt other members (cabinet members or co-optees) to lead on specific functions or initiatives.
- 2.16** In relation to funding, CJs must set a budget each financial year to include the amounts required to exercise its functions, its reserves as well as any liabilities. The draft regulations provide outline arrangements and timescales for the determination of budgets. The proposed deadlines in the draft regulations will require further exploration to ensure that they align with council budget setting processes and timescales.
- 2.17** The draft regulations state the CJC members (Leaders) must unanimously agree a budget and that 'constituent' councils must pay a proportionate amount. If there is a disagreement on the proportionality of funding, Ministers have powers of direction.
- 2.18** In relation to staffing, CJs must 'appoint' a Chief Executive, Chief Finance Officer, Monitoring Officer and Chief Governance Officer. However, the regulations do clarify that these key posts could be provided by a constituent Local Authority or seconded from another organisation. This does however raise the issue of capacity and resilience, both in terms of the CJC and any constituent authority. During early discussions on this matter, there have been differing views whether a CJC should appoint its own statutory officers (which may be comparatively limited roles given the scale of budgets and functions) or be provided by 'constituent authorities' given potential risks of conflict of interest, responsibility and workload as well as capacity and resilience. In this regard, the accompanying Regulatory Impact Assessment estimates a range between 1 day per week to 5 days per week for senior staff undertaking CJC duties.
- 2.19** CJs will be accountable to their 'constituent' Councils via their Leaders, however, other than the Leader being a member of the CJC, there is no other link through to 'constituent' Councils as they are separate rather than subsidiary bodies.

- 2.20** Statutory decision-making powers over the specified functions will be vested in the CJs and as a consequence the Leaders who make up the CJC (and potentially any other members who may be co-opted). Leaders will, as a result need to ensure their Councils have considered and endorsed any proposed regional plans prior to agreeing them at a CJC, as is the case currently with growth and city deals. Although the Bill will strengthen Leaders' powers and transfer these decision-making powers from constituent Councils, it will be important that constituent Councils have the opportunity to consider the implications of and content of any regional plans and initiatives that are generated from and agreed by the CJC.
- 2.21** The proposed governance arrangements for CJC's bring with them collective responsibility for all members of that CJC. This is not new and already exists through the City Deal arrangements and has previously existed through collaborative arrangements relating to a range of activities. All Leaders would be bound by collective responsibility and any regional proposals would be delivered for each authority area with or without support and possibly without the support of the wider authority. The authority could not withdraw from the arrangements in such circumstances, as is the case currently.
- 2.22** Although collaborative arrangements are currently effective and regional relationships constructive, the regulations and CJC constitutions will need to consider dispute resolution arrangements and should plan to respond to a 'worst case scenario' where there is disagreement or disengagement from one or more constituent leaders/councils. This mandation of CJC's therefore potentially introduces a new dynamic and also potentially a new bureaucracy through the statutory nature of CJC's.
- 2.23** The regulations state that CJs must set up an overview and scrutiny committee. Scrutiny will be essential to ensure accountability back to authorities and wider councillors. This could be via a 'sub-committee' arrangement or via a Joint Overview and Scrutiny Committee or potentially through individual councils scrutinising the CJC directly. Irrespective of any joint scrutiny arrangement, individual council scrutiny committees would also be able to seek to scrutinise regional bodies as they currently do. A balance will however need to be struck in managing multiple scrutiny demands on senior CJC staff, individual Council support staff and Members across several constituent authorities' scrutiny arrangements.
- 2.24** As stated above, it is indicated that CJs must meet for the first time by the end of September 2021.
- 2.25** The draft regulations are however less clear about expectations for when implementation of functions such as planning and economic wellbeing, and in this regard the consultation notes that some transition period will be required and that it will be for the CJC and its constituent Councils to consider the



transition of existing regional arrangements such as the City / growth deals should they chose to bring these activities within the remit of their CJC.

- 2.26 The consultation document notes that the Minister would be prepared to provide set-up costs to support CJsCs and the accompanying Regulatory Impact Assessment outlines the financial implications of 'Doing Nothing' and 'Establishing CJsCs'. This is covered briefly in the section on Resource Implications later within this report.
- 2.27 Appendix A includes a suggested response to the Welsh Government consultation paper and many of the issues summarised above are reflected in that response.

### **3. How do proposals evidence the Five Ways of Working and contribute to our Well-being Objectives?**

- 3.1 There are clear synergies between this consultation and many of the Five ways of Working, with particular relevance to collaboration. Local Authorities have well established collaboration arrangements across various footprints and functions. Up until now, this Council has very much focussed its approach around collaborating where it makes sense to do so and where it adds value. This consultation and a move to CJC's brings with it another dimension in that CJC's are mandated. Although there are effective arrangements in place within current City Deal arrangements, the move towards CJC's will undoubtedly bring with it new challenges alongside opportunities.
- 3.2 In relation to CJC's one challenge will be to build resilience and capacity in the CJC to make a difference across those relevant functions in the medium and long term. If CJC's are to be valuable and allow meaningful impact at a regional level, particularly in the case of transport and economic well-being, then there needs to be sufficient investment in building capacity and resilience to get 'things done' in the long term.
- 3.3 It is also clear from the consultation that there will be significant governance and accountability issues in setting up CJC's which will result in engagement and involvement at a regional as well as local level.

### **4. Resources and Legal Considerations**

#### **Financial**

- 4.1 The Regulatory Impact Assessment indicates that accurately estimating the costs of CJC's is difficult as it depends on how ambitious CJsCs may wish to be and whether they would have limited core staff/overheads due to secondment arrangements or whether it is intended to recruit their own senior staff. The Regulatory Impact Assessment uses a range of sources to estimate costs, including previous assessments for strategic planning panels, the existing

programme office costs for current city and growth deals and other benchmarks for senior staff.

The Regulatory Impact Assessment summarises the annual minimum and maximum costs for each CJC region of both No Change and setting up CJs, these being the annual costs from Year 3 onwards, where it is anticipated that costs will have stabilised. The costs of establishing and running CJs over a 6 year period have been calculated as estimating between £10.8 million and £16.2 million. The Assessment (page 23), outlines the cost to local authorities as being staff costs, building costs, audit costs, governance costs, the costs of specific functions and other costs, including ICT and support costs. The Assessment also goes into some detail around potential structures for staffing and other costs, much of which will be dependent on whether new staff will be appointed or seconded.

### **Employment**

- 4.2** The employment and workforce implications are as detailed in the covering report, with particular reference to those areas around staffing (section 5, page 22 of the consultation document). As referenced above, each CJC will be able to determine whether it employs new staff to key posts or relies on secondments and shared posts or a blend of both options.

### **Legal (Including Equalities)**

- 4.3** CJC regulations will be introduced in the Senedd during February-April 2021, for commencement in the summer (and first meeting of CJs planned by end of September 2021).
- 4.4** In addition to this current consultation, the Welsh Government will soon consult on Regulations of General Application and statutory CJC guidance. The Welsh Government is currently also consulting on draft statutory guidance on the 'performance and governance of principal councils and Strategic Development Plans. These two matters are subject to separate reports to this Cabinet.

## **5. Background Papers**

Local Government and Elections (Wales) Bill

WG Consultation Document and associated papers - Regulations to establish Corporate Joint Committees (October 2020)

Welsh Government consultation - Reforming Local Government: Resilient and Renewed White Paper - January 2017

Welsh Government Consultation on Powers and Flexibilities – January 2018

Strengthening Local Government: Delivering for People - Welsh Government Green Paper -  
June 2018

## Consultation Response Form

Your name: Rob Thomas

Organisation (if applicable): Vale of Glamorgan Council

email / telephone number:  
drthomas@valeofglamorgan.gov.uk

Your address: Civic offices, Holton Road, Barry.

## Summary of consultation questions

### *Consultation Question One:*

- a) What are your views on CJsCs being subject to broadly the same powers and duties as principal councils?**

Agree, as a general principle.

- b) Do you agree that CJsCs should have broadly the same governance and administrative framework as a principal council provided that this is proportionate? Please give your reasons.**

Agree, but the key is that this should be proportionate. If CJC's are to deal with the setting of policy on a regional basis for statutory functions, such as strategic planning and are to make key decisions on transport and economic investment, then the governance and administrative framework needs to be robust and transparent.

- c) Do you agree that members of CJsCs should have appropriate discretion on the detail of constitutional and operational arrangements? Please give your reasons.**

Agree, in the same way as principal councils now have discretion to formulate their own constitutional arrangements within broad parameters. CJC's will be no different and this discretion is essential.

### *Consultation Question Two:*

***These CJC areas have been agreed by local government Leaders as the most appropriate to reflect the functions being given to CJsCs by these Establishment Regulations. Do you have any comments or observations on these CJC areas in relation to these functions or the future development of CJsCs?***

The geographical footprints of the 4 CJC's make sense and are aligned to the current City and Growth Deals. This makes sense, especially given the functional responsibilities of CJC's in economic well-being, strategic planning and transport, all of which are aligned and should align with City region/ city deals. This is the case for

South East Wales where there has already been debate and discussion of strategic planning and progress made in the transport arena.

However, it should be noted that the previous work on the SDP for the Cardiff Capital Region concluded that the boundary for the SDP should not include the Brecon Beacons National Park area. The Cardiff Capital Region covers 10 unitary authorities, but 11 local planning authorities. Areas of the Brecon Beacons National Park, which is its own local planning authority, overlap with areas of Monmouthshire and the Valleys. At the CCR SDP workshops held in July 2018, discussions mainly considered whether the Brecon Beacons National Park area should be within the area, partially within it, or wholly outside it. Considering the advantages and disadvantages of each option, consensus was reached that the strategic planning area should consist of the 10 local planning authority areas within the Cardiff Capital Region which excludes those parts of the Brecon Beacons National Park that overlap with areas of Monmouthshire and the Valleys. The Brecon Beacons National Park Authority indicated that it agreed with this approach and did not wish to be part of the Strategic Planning Area or covered by the SDP.

### **Consultation Question Three:**

- a) Do you agree with the approach to the development of the regulations for CJs as outlined in this consultation? Please give your reasons.**

Generally, yes – especially given the remit of CJC's as corporate bodies.

- b) We have indicated throughout this document what may be included in the Regulations of General Application, subject to the outcome of this consultation. Whilst the Regulations of General Application are not the subject of this consultation, in order to inform their development we would welcome your views on anything else which should be covered?**

We will respond to this question at the appropriate time, but in general there does need to be discretion for CJC's to act within the spirit of regulations set out by WG

### **Consultation Question Four:**

- a) Do you agree with the proposed approach to membership of CJs including co-opting of additional members? Please give your reasons.**

Agree, and membership consisting of Leaders reflects the current arrangements for South East Wales. The ability to co-opt members is welcomed and allows discretion to do so, if necessary and appropriate. Key to this will be building capacity and resilience within CJC's to 'get things done' whilst not reducing that capacity and resilience back 'at the ranch' - within individual local authorities – both at a member and officer level.

**b) What are your views on the role proposed for National Park Authorities on CJs, as described above?**

The Vale of Glamorgan Council has no objection to BBNP's involvement on strategic planning matters – they are local planning authorities. However, as noted above, previous work indicated that the SDP should exclude the BBNP area.

**Consultation Question Five:**

**a) What are your views on the proposed approach of 'one member one vote' and the flexibility for CJs to adopt alternative voting procedures?**

Establishing CJC's on the basis of one member one vote is consistent with the way the Cardiff Capital region City Deal was established and set up. It is appropriate that each CJC has the ability to elect whether one member one vote is appropriate for the varying functions and this can be determined through agreement within each CJC. However, this could result in protracted negotiations and discussions and could potentially get in the way of progress in key areas. That said, it is only right that CJC's have the ability to resolve these matters. When one considers the geography of South East Wales and the significant variation between the ten local authorities in terms of population and geography, one can understand why there will be differing views and opinions on whether one member one vote is fair and reasonable and if not, what should be the alternative way of calculating voting rights.

What is perhaps more relevant is what exists to resolve the issue should it be difficult to get agreement to move forward with appropriate governance arrangements for all or the majority of constituent councils as it is always vastly preferred to move forward on the basis of consensus.

**b) What are your views on the proposed quorum for CJs?**

70% feels appropriate as CJC's will require a high level of attendance to function and to take decisions that impact across the constituent councils. CJC's may wish to consider replacement or substitute members when leaders or other co-opted members are unavailable.

**c) What are your views on the proposed approach to voting rights for co-opted members to a CJC?**

The arrangements as set out on page 15 of the consultation document appear appropriate and reasonable.

**Consultation Question Six:**

**What are your views on CJs being able to co-opt other members and/or appoint people to sit on sub-committees?**

This is quite rightly a matter for each CJC.

### **Consultation Question Seven:**

- a) Do you agree that the approach to co-option of members would enable wider engagement of stakeholders in the work of a CJC?**

Yes. Agreed and agree with the wider thrust of the link between CJC's and key policy initiatives around the Five ways of Working and engagement. This is particularly relevant given the functional remit of CJC's on transport, economic well-being and strategic planning.

- b) What might be needed to support CJC members in the involvement and engagement of appropriate stakeholders in their work?**

Constituent councils will be well versed in initiatives around engagement and involvement when taking decisions and formulating policy. This is something that is embedded within individual organisations. That said CJC's will represent a move to undertaking further engagement and involvement on initiatives at a regional level. This comes at a price and if CJC's are going to engage (which they must), then they must invest in doing so properly. The costs of setting up CJC's must therefore be factored in, especially as responsibility for local planning, local transport initiatives and community based economic well-being will be retained at an individual local authority level. This additional cost must therefore be met – particularly relevant given the depletion of budgets within individual local authorities as a consequence of the pandemic.

### **Consultation Question Eight:**

- a) Do you agree that members and staff of a CJC should be subject to a Code of Conduct and that the code should be similar to that of Principal Councils? Please give your reasons.**

Yes agree. It is clear that corporate bodies engaged in investment decisions, policy formulation and statutory planning should be subject to similar codes of conduct.

- b) What are your views on the adoption of a Code of Conduct for co-opted members?**

Same as above.

- c) Should all co-opted members be covered by a code i.e. those with and without voting rights?**

Yes, albeit there may be different elements of a code that could apply.

### **Consultation Question Nine**

- a) What are your views on the proposed approach for determining the budget requirements of a CJC?**

This is one area which needs a thorough evaluation. If CJC's are to be meaningful and are to take work forward with efficiency and add value, then they must be adequately resourced and must have sufficient capacity. The budget requirement will be a matter for the CJC but WG will need to consider in detail the value to be attributed to CJC's. If they are to deliver on a strategic scale and be successful in transforming regions, they must have capacity and funding. All this, at a time when local authorities are going to be struggling financially, post Covid to make a difference locally. There is a paradox therefore that needs addressing – the need to invest and scale up locally, post Covid and the need to adequately invest and resource CJC's. This must be recognised in budget settlements at all tiers and WG must recognise this when seeking to contribute and fund the set up costs of CJC's. To put it succinctly and bluntly – there will be no value in CJC's if they are not sufficiently resourced alongside (not in place of) individual constituent councils.

**b) What are your views on the timescales proposed (including for the first year) for determining budget requirements payable by the constituent principal councils?**

Aligning the budget setting process with the local government budget setting process is sensible. However, our view is that for the first year, the timescale of 2 months from the first meeting is insufficient for the reasons set out above. The priority should be to focus on objectives of the CJC before aligning budgets to those priorities. In addition, it should be noted that a move towards CJC's is having to take place as communities are likely to either remain in the grip of the pandemic or at best, start to emerge from that pandemic. The initial timescales are unrealistic.

**Consultation Question Ten**

**a) Do you agree that CJsCs should be subject to the same requirements as principal councils in terms of accounting practices? Please give your reasons.**

Yes, as they are corporate entities and use public money.

**b) Do you agree that the detail of how a CJC is to manage its accounting practices should be included in the Regulations of General Application? If not what more would be needed in the Establishment Regulations?**

Potentially, yes.

**Consultation Question Eleven:**

**What are your views on the proposed approach to staffing and workforce matters?**

These should be matters for the CJC but should be undertaken in dialogue with Ministers and WG, particularly in relation to the value added desired from CJC's. As



stated above, if the move to CJC's is to make a real difference regionally, they need to be adequately budgeted – both in terms of establishment costs and running costs, but also in terms of resources to implement policy and make a difference in relation to economic well-being of an area. Without this acknowledgement and acceptance, their value would rightly be called into question.

### **Consultation Question Twelve:**

**What are your views in relation to CJCs being required to have or have access to statutory “executive officers”?**

Access to statutory officers will be required, but WG needs to factor this into the set up costs – statutory offices have a primary duty to fulfil that role locally first and foremost. Most are stretched and working at capacity. The need for an additional officer base will impact on set up and running costs.

### **Consultation Question Thirteen:**

**Do you have any other views on provision for staffing or workforce matters within the establishment regulations?**

It will not be for WG to prescribe the set up in relation to staffing. It will however be for WG to acknowledge the staff capacity required to bring value to the work of the CJC and to reflect that in settlements, given that this is now mandated.

### **Consultation Question Fourteen:**

**a) Is it clear what functions the CJCs will exercise as a result of these establishment regulations? If not, why?**

Yes, what is not clear is the likely success or otherwise and what service provision will need to be retained locally. Clearly, all partners will be working towards a successful transition to CJC's, but capacity will need to be built into the system, both regionally and locally if CJC's are to make a recognisable difference.

**b) Do the establishment regulations need to say more on concurrence, if so what else is needed, or should that be left to local determination?**

No, as this should be a matter for constituent councils.

**c) In your view are there any functions which might be appropriate to add to these CJCs in the future? If yes, what?**

This should be a matter for future discussion within CJC's and with constituent councils.

### **Consultation Question Fifteen:**

**Do you think the regulations should provide for anything to be a decision reserved to the CJC rather than delegated to a sub-committee? If so what?**

The scenario as set out in the consultation document (page 26) seems sensible and proportionate. Key strategic decisions around budgets (for example) will need to be taken by the CJC but the CJC will also be entitled to consider how to devise and exercise a scheme of delegation to sub-committees. This is a similar principle to that which exists in constituent councils.

### **Consultation Question Sixteen:**

***What are your views on the approach to transfer of the exercise of functions to these CJs?***

The issues are as set out in the consultation document. However, a key issue will relate to avoiding duplication between the functions transferred to CJC's and retained locally. A case in point is transport, where regional transport provision and setting of policy on a regional level will be taken forward by CJC's but local transport provision and more local and community based policies and provision will be a local responsibility. In reality, the same staff cohort currently do both, and there is a danger that there will be a potential duplication of provision on the one hand but also an increase in staffing costs to simply facilitate the move towards CJC's. The same could apply to statutory planning policy which will move to a regional level in the case of Strategic Development Planning but with the responsibility for local planning policy and Local development plans remaining at a local level. This has implications for staffing and capacity both within the CJC's but also within local authorities. Finally, economic development and regeneration functions can be considered in the same way. Much economic development and regeneration work takes place at a community level – there are excellent examples of such work in Barry, which is at risk of being lost or scaled back if a local regeneration focus is not retained within local authorities.

In summary, great care needs to be taken to ensure that:

- Local initiatives and interventions which add value locally are not diluted or lost as a consequence of a transfer of functions.
- There is no duplication of functions across the regions
- That in order to make a difference and add value functions need to be adequately resourced, both locally and regionally.

### **Consultation Question Seventeen:**

***What are your views on CJs being subject to wider public body duties as described above?***

Would agree that CJC's should be the subject of public body duties, and this should be factored in when considering their set up costs.

### **Consultation Question Eighteen:**

- a) ***The Welsh Government is keen to continue working closely with local government and others on the establishment and implementation of CJs. Do you have any views on how best we can achieve this?***

Continuous dialogue would be welcomed along with a recognition, that establishing CJC's at a time when Wales is in the grip of a pandemic is far from ideal. As a result, constituent Council's will need adequate time and resourcing to establish a CJC, work up an operating model and implement that model. Recognition that this will only be effective when capacity is built into the arrangements would be useful.

***b) In your view, what core requirements / components need to be in place to ensure a CJC is operational, and exercising its functions effectively?***

The primary ask is that a CJC is sufficiently resourced and has sufficient capacity to add value and make a significant difference whilst not diluting the ability of local constituent councils to function effectively at a local level. Anything that falls short of this would bring into question the rationale for introducing what is a new tier into the local government family.

***c) In particular, what do you think needs to be in place prior to a CJC meeting for the first time, on the day of its first meeting and thereafter?***

The CJC will need an operating model outlining its core functions, it's priorities and key objectives and how they will be delivered. Only then can decisions be taken as to how it should be funded and resourced. It will also need firm governance arrangements in place, given that it will be a public body.

***Consultation Question Nineteen:***

***a) Do you think it would be helpful for the Welsh Government to provide guidance on the establishment and operation of CJCs?***

Yes, guidance is always useful, albeit in the context that many decisions will and should be within the gift of the constituent councils.

***b) Are there any particular areas which should be covered by the guidance?***

General guidance would be useful with possibly case studies and examples from elsewhere. Guidance on Scrutiny of CJC decisions and the role of constituent Council's in the CJC decision making process will be necessary especially for strategic planning functions to ensure consensus is reached and a regional SDP is not imposed upon Local Planning Authorities who will be responsible for its implementation.

***Consultation Question Twenty:***

***a) How can the Welsh Government best support principal councils to establish CJCs?***

Funding and time.

Funding so that CJC's can add value and so that constituent Councils can, alongside CJC's continue to deliver essential local services that make a real difference within communities.

Time, in recognition that now is not the ideal time to mandate a regional model. Furthermore, there must be a recognition that doing things at a regional level, such as preparing a Strategic Development Plan will take time to reach consensus, and it is not realistic to assume it can be done in a 4 year period, that being the time expected (but often exceeded) to prepare a Local Development Plan.

**b) *Are there areas the Welsh Government should prioritise for support?***

As stated above, there must be a priority for the principle that CJC's have to add value to have merit. Otherwise there is little to be gained from their mandation. Sufficient additional financial support to establish these CJC's is essential, which support should not be deflected or diverted from existing local authority budgets.

**c) *Is there anything that CJC's should/should not be doing that these Establishment Regulations do not currently provide for?***

This is a question that can only be answered in time as CJC's are established and are working as intended.

**Consultation Question Twenty One:**

**a) *Do you agree with our approach to, and assessment of, the likely impacts of the regulations? Please explain your response.***

The assessment around funding is useful but the range of costs is extremely wide. Focussing on set up costs is one issue, as there also needs to be a fuller consideration as to how local authorities can continue to meaningfully operate at a local level across those local elements of the functions that are to be progressed regionally (e.g. local development planning, supplementary planning guidance, local and community regeneration schemes, local transport initiatives – road safety, active travel, local public transport and community transport interventions). If any of this vital work is diluted and/or funding diverted that will be regrettable.

**b) *Do you have any additional/alternative data to help inform the final assessment of costs and benefits contained within the Regulatory Impact Assessment? If yes, please provide details.***

Please see above. There must be a focus not only on set up costs for CJC's but the added value CJC's could bring with an appropriate budget, as well as the budget that remains necessary at a local level for local interventions.

## Welsh Language Questions

### *Consultation Question Twenty Two:*

- a) **We would like to know your views on the effects that establishment of CJsCs would have on the Welsh language, specifically on opportunities for people to use Welsh and on treating the Welsh language no less favourably than English.**

CJC's need to be bound by the same regulations and standards as other public bodies when it comes to the use and promotion of Welsh.

- b) **What effects do you think there would be? How could positive effects be increased, or negative effects be mitigated?**

See above.

### *Consultation Question Twenty Three:*

***Please also explain how you believe the proposed policy for the establishment of CJsCs could be formulated or changed so as to have positive effects or increased positive effects on opportunities for people to use the Welsh language and on treating the Welsh language no less favourably than the English language, and no adverse effects on opportunities for people to use the Welsh language and on treating the Welsh language no less favourably than the English language.***

The use of Welsh should be adopted across the CJC in the same way as currently exists for other public bodies and constituent councils and this needs to be recognized by Welsh Government when considering set up costs and funding arrangements.

### *Consultation Question Twenty Four:*

***We have asked a number of specific questions. If you have any related issues which we have not specifically addressed, please use this space to report them:***

In summary, the following applies:

- The move to CJC's is recognized and is acknowledged as having been on the agenda for some time.
- The geography makes sense, as do the functions, but:
- There needs to be an acceptance that at a local level there remains a necessity for local economic well-being initiatives and regeneration – this cannot and must not be forgotten. Much of the effective regeneration initiatives undertaken in towns like Barry are at a community level, adding value to the local economy. That regeneration is sustainable and this activity cannot be forgotten or go unfunded.
- In the same way, there is a need to secure local service provision across

active travel and public transport.

- For CJC's to make a difference, they must be truly strategic and must be funded accordingly and there must be a recognition that they must add value but not at the expense of already cash strapped local authorities.
- CJC's and constituent councils must be given time to get this right, especially in the context of covid-19.

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**Responses to consultations are likely to be made public, on the internet or in a report. If you would prefer your response to remain anonymous, please tick here:**