

BLAENAU GWENT COUNTY BOROUGH COUNCIL

CORPORATE JOINT COMMITTEE CONSULTATION RESPONSE – Appendix to report to Council 17th December 2020.

Responses:

Consultation Question One:

a) What are your views on CJs being subject to broadly the same powers and duties as principal councils? b) Do you agree that CJs should have broadly the same governance and administrative framework as a principal council provided that this is proportionate? Please give your reasons. c) Do you agree that members of CJs should have appropriate discretion on the detail of constitutional and operational arrangements? Please give your reasons.

This Council agrees that CJs should be subject to the same powers and duties as local authorities. However, there are concerns about meeting the ongoing revenue costs associated with the governance and administrative frameworks, for example the requirement for a CJC to have its own senior staff.

It is agreed that the CJC should have discretion on the detail of constitutional and operational arrangements following their creation; however, oversight from principal councils should occur at the inception of the new bodies to ensure that the governance arrangements afford sufficient oversight to locally elected councillors.

Consultation Question Two:

These CJC areas have been agreed by local government Leaders as the most appropriate to reflect the functions being given to CJs 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 CJs?

It is recognised that, if the concept for CJs is accepted, then these functions are the most appropriate ones to sit at a regional level since there are clear and unequivocal benefits of operating at scale providing these can retain clear alignment with local democratic accountability.

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. 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?

It is recognised that the Establishment Regulations require CJs to put in place appropriate scrutiny arrangements but the precise nature of these will be at the

discretion of the CJC itself. It will be important for the future Regulations of General Application to include provision to ensure that any scrutiny committee does not include a member of the CJC, is politically balanced, and has access to appropriate independent advice to be able to effectively scrutinise the new body.

Consultation Question Four:

a) Do you agree with the proposed approach to membership of CJsCs including co-opting of additional members? Please give your reasons. b) What are your views on the role proposed for National Park Authorities on CJsCs, as described above?

This Council is of the view that the CJC should be comprised of political leaders (or their nominated representatives as substitutes) of the constituent councils. This establishes the necessary level of seniority and representation and enables timely decision making at the necessary pace.

The proposal to make provision for the National Park Authorities to become members of the CJC is supported providing this is limited to, and does not go beyond, the exercise of the Strategic Development Plan functions of the CJC.

Consultation Question Five:

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

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

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

The proposal of "one member, one vote" is supported and any decision to move away from this in future should require a unanimous vote (as opposed to a majority vote) from the constituent councils.

It is agreed that a quorum for the CJC should be higher than the 25% which applies in principal councils and that a level of 70% is appropriate providing that members may nominate a substitute who may attend and vote in their absence.

It is appropriate that the CJC regulations should limit the number of co-opted members with voting rights to preserve the democratic accountability and legitimacy of the committee. The CJC will be able to appoint sub-committees and advisory boards to broaden its expertise and it is not necessary for the vote to be extended to the point where un-elected co-optees would be able to influence outcomes.

Consultation Question Six:

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

Elected members have a broad range of expertise, as do many other stakeholders and it is appropriate that CJsCs are able to co-opt participants to sit on sub-committees in order to promote a diversity of views and increase scope for experts in different fields to become involved in shaping delivery.

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

Involvement may be broadened in many ways, for example, the use of advisory boards and project teams which does not necessarily require a formal co-option process to be adopted.

The Cardiff Capital Region currently has a range of advisory boards and sub-committees with membership drawn from all sectors who advise and make recommendations to the regional Cabinet, and this model could be applied to CJs.

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.
- b) What are your views on the adoption of a Code of Conduct for co-opted members?
- c) Should all co-opted members be covered by a code i.e. those with and without voting rights?

Members of the CJC, both elected or co-opted, should be subject to a code of conduct similar to that already adopted by all Councils (based upon the Nolan Principles) and which codifies the values and behaviours expected of those who are leading the CJC. This will provide assurance to the public about the standards which are to be observed. This is particularly important for the CJC as it will be seen as one-step removed from the governance and decision-making arrangements of local authorities.

One option would be for members of the CJC to abide by the code of conduct within their own organisation. However, as the CJC is a corporate body in its own right, the code should reflect its values and the particular circumstances of its operations.

Staff should also be subject to a contractual code of conduct, this will normally form part of the terms and conditions of employment.

Consultation Question Nine

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

There are some concerns that the CJC is able to set its own budget without a requirement for this to be ratified by the constituent councils, and that it may give rise to disproportionate budget pressures for smaller councils. In addition, there are real

concerns as to how Councils will fund future revenue costs as the efficiencies referred to are not immediately identifiable.

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.

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?

It is accepted that the CJC should be subject to similar accounting practices as constituent councils. The Establishment Regulations could cross refer to existing practices and need not set out the relevant detail.

Consultation Question Eleven:

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

It is necessary for CJsCs to have the power to employ, recruit and manage staff in their own right. It is also desirable that CJsCs do not adopt significantly different staffing arrangements (in terms of conditions of service, political restrictions, accountability etc.) than principal councils. However, some flexibility may be needed eg. with reference to remuneration if these bodies are to be capable of attracting the necessary calibre of staff to operate at a strategic level within a UK and global marketplace.

Consultation Question Twelve:

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

There are concerns about the financial impact of requiring CJsCs to have four executive officers. The dedicated post of chief executive is thought to be necessary, and whilst it is recognised that the roles of Chief Financial Officer and Monitoring Officer must be undertaken, it is debatable whether these posts are required full-time within a CJC. In terms of utilising existing staff from principal councils, there are possible conflicts of interest which may arise if senior officers are requested to undertake “dual” roles for their own principal council and a CJC.

Consultation Question Thirteen:

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

No further comments are made in relation to staffing / workforce matters.

Consultation Question Fourteen:

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

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?

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

The establishment regulations provide sufficient clarity on the functions that will sit within a CJC. Any issues concerning the concurrent discharge of functions can be determined by the CJC itself with principal councils as and when matters arise.

It is appropriate to establish and evaluate the effectiveness of CJC arrangements before taking a view on any additional functions which may be added within its remit. It is possible that CJs could be established on different footprints in future if local authorities decide these to be the most appropriate vehicle.

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?

It seems appropriate that certain key decisions should be reserved to the CJC itself. These should cover, for example, any reports required by statute, the approval of the annual budget and decisions relating to changes in governance/the Constitution.

Consultation Question Sixteen:

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

There will need to be regional discussions on the transfer of functions as it will be an ongoing process. It is agreed that CJs will hold an economic well-being function from the point at which they are established, however there may be some specific teams or activities sitting with a local authority which cannot transfer immediately and where concurrent operations may be preferable. This should be a matter for local resolution between the principal councils and the CJC.

Consultation Question Seventeen:

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

It is appropriate for CJs to be subject to duties which are placed on other public bodies, in order to achieve consistency and to reflect the fact that the CJC is part of the local government "family".

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?

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

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?

This Council welcomes ongoing dialogue and collaboration between Welsh Ministers and local government. The discussions should take place at a regional level to reflect local context and the scale and maturity of existing regional relationships. It will be necessary to have a constitution in place from the outset along with terms of reference for any sub-committees which will operate under delegated powers.

Consultation Question Nineteen:

- a) Do you think it would be helpful for the Welsh Government to provide guidance on the establishment and operation of CJsCs?
- b) Are there any particular areas which should be covered by the guidance?

Additional guidance would be welcome providing it is co-produced with the local government family and subject to discussion with/agreement of the WLGA.

Consultation Question Twenty:

- a) How can the Welsh Government best support principal councils to establish CJsCs?
- b) Are there areas the Welsh Government should prioritise for support?
- c) Is there anything that CJsCs should/should not be doing that these Establishment Regulations do not currently provide for?

Flexibility and listening to the views & concerns of principal councils will be important, and also respecting the importance of local democracy when balancing the needs of regional delivery.

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.
- 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.

We do not have any additional data which would enhance the Regulatory Impact Assessment.

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

It is anticipated that the operation of CJsCs would be in line with Welsh Language Act requirements.

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.

It is not thought that the establishment of CJsCs will have either a positive or negative impact on the language providing they remain obliged to comply with the Welsh Language Standards which apply to principal councils.

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.

It is acknowledged that certain functions can be delivered more effectively at scale. This Council is committed to regional working and has realised real benefit from collaborative arrangements. This Council, along with others in the Region, are already identifying and operating major strategic projects in this way through City and Growth Deals. It has been indicated in previous consultations on local government reform that the decision to set up vehicles for collaboration should be a matter for local democratic discretion rather than mandated in accordance with a pre-determined model, and this this Council remains of that view.

Members of this Council have raised concerns of a real possibility that, in terms of decision making, detriment may arise for smaller Councils particularly in areas where decisions may be imposed without a power of veto and consequently the best interests of its communities may not be served, with a concentration of power being held by a larger Councils, with insufficient checks and balances inherent in the arrangements.

It is recognised that the regulations covering scrutiny have yet to be drafted. It will be vital for effective scrutiny arrangements to be put in place to ensure democratic accountability and ensure public trust in the new corporate bodies, which will have responsibility for major areas of public policy and delivery.

The comments to the consultation questions above are made on the basis of ensuring that the proposed arrangements are as fair and effective as possible, and that local democracy is not compromised to an unacceptable degree.