

ENVIRONMENT & ECONOMY OVERVIEW AND SCRUTINY COMMITTEE

Date of Meeting	Tuesday 8 th December, 2020
Report Subject	Welsh Government Consultation on Combined Joint Committees (CJCs)
Cabinet Member	Deputy Leader of the Council and Cabinet Member for Streetscene and Countryside; Cabinet Member for Planning and Public Protection; and Cabinet Member for Economic Development
Report Author	Chief Officer (Streetscene and Transportation); and Chief Officer (Planning, Environment and Economy)
Type of Report	Strategic

EXECUTIVE SUMMARY

Welsh Government (WG) has issued a consultation paper on its proposals to create a new legal vehicle for regional working called Corporate Joint Committees (CJCs). The power to pass regulations creating CJCs was included in the Local Government and Elections (Wales) Bill that was recently passed in the Senedd. WG is consulting on the draft regulations for CJCs.

There will be four CJCs corresponding to the growth deal areas within Wales, with the initial membership comprising of all the Leaders of Councils within the area covered. They will exercise functions which WG believe are best exercised regionally. At present the proposal is for them to undertake functions within economic development, transport and strategic planning. The CJCs will share a core of common rules but can be tailored to take account of existing regional arrangements to suit the needs of each region.

North Wales as a whole, and this Council in particular, has a well-established and effective record of co-operation and regional working and as an extension of this, the Council would support the proposal as an alternative to the reorganisation of local government in Wales and the consequential cost and disruption this would inevitably bring. The region has established the North Wales Economic Ambition Board (NWEAB) and is currently part way through the process of approving the final Growth Deal with the UK and Wales Government and it is essential therefore that the North Wales CJC should add value to the work of the NWEAB.

From the consultation document it appears that CJsCs will have powers that overlap with the functions of the principal councils in North Wales. Greater clarity is required on the precise scope of the functions which will initially be assigned to CJsCs, any future plans to grant them further powers and how they will be operated concurrently with the councils in North Wales.

CJsCs will be able to appoint their own officers and will be required to appoint key statutory officers such as a Head of Paid Service, Monitoring Officer and a Section 151 officer. They will be funded via contributions from local government. More detail is needed on how the new CJsCs would be funded in a way that is transparent and which does not increase bureaucracy or duplication.

The outline of the Council's response is included within the report.

WG has published a consultation proposing that the CJsCs will take on responsibility for preparing Strategic Development Plans, which also sets out the process to be followed. These regulations were considered in detail by the Planning Strategy Group which has prepared a detailed response to the consultation questions.

WG are also proposing that CJsCs take on the role of preparing the Regional Transport Plan and developing policies for transport in the region and the Environment and Economy Overview Scrutiny Committee are invited to comment on the response to the consultation in this respect.

RECOMMENDATIONS

1.	That Scrutiny supports the response to the Welsh Government's proposals for CJsCs in respect of the strategic transport function, the economic development function and the proposals for the production of a Strategic Development Plan.
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REPORT DETAILS

1.00	EXPLAINING THE CONSULTATION PROPOSALS
1.01	What is Proposed?
1.02	The Local Government and Elections (Wales) Bill ("the Bill"), which was recently approved by the Senedd, includes a power for Ministers to make regulations creating Corporate Joint Committees (CJsCs). It is proposed that there will be 4 such regional bodies, corresponding to geographical areas covered by the 4 growth deals in Wales. A link to the consultation is:- https://gov.wales/regulations-establish-corporate-joint-committees
1.03	Although sharing some similarities to joint committees, CJsCs will be separate legal entities capable of entering into contracts, owning land, employing staff etc. In the first instance they will consist of the Leaders of Council within the area covered plus a representative from any National Park within the area.

1.04	CJCs will exercise functions which WG believe are best exercised regionally. At present the proposal is for them to undertake economic development, transport and strategic land use planning. The Bill permits CJCs to be granted other powers/functions (such as improving education) which can either be at the request of the constituent councils or determined by ministers.
1.05	WG envisage that CJCs will bring greater consistency openness and accountability to regional working arrangements. As such they will share a core of common rules such as initial membership, how they are funded and the existing provisions of governance legislation that will apply to them (for example specific powers/duties such as the power to consult the public and the duty to take into account the views of the public, or whole acts such as the Freedom of Information Act). However, WG is also keen for each CJC to take account of existing regional arrangements and to suit the needs of each region and be bespoke to the region that it serves and so is allowing flexibility in the regulations. The North Wales CJC will therefore have its own set of regulations that could differ in key respects from those for the other regions.
1.06	CJCs will be funded via contributions from local government, and will need to notify the constituent councils of their funding requirements no later than 14 February, though in practice this will need to be much earlier in order to be built into budgets.
1.07	CJCs will be able to appoint their own officers and will be required to appoint key statutory officers such as a Head of Paid Service, Monitoring Officer and a Section 151 officer. They will be able to rely on a host authority or authorities to provide these officers or could employ their own directly.
1.08	The bill is expected to receive Royal Assent in the early part of 2021 with the CJC regulations being laid before the Senedd from February to April. It is expected that they would be approved in the summer and the CJCs would be required to meet before the end of September 2021
1.09	The Proposed Response
1.10	North Wales as a whole, and this Council in particular, has a well-established and effective pattern of co-operation and regional working and the Council can therefore support the creation of CJCs as a means of furthering regional collaboration. Of particular note is the fact that the regulations will allow a CJC to co-opt non local government bodies as voting members, which was a request made by the North Wales Economic Ambition Board (NWEAB) to achieve equality of participation between key partners.
1.11	Moreover, CJCs are an alternative to the reorganisation of local government in Wales which has been discussed over recent years. Such re-organisation would entail cost and disruption and local authorities have been involved to date in shaping ideas for CJCs and have had opportunity for further input into their formulation in order that the proposals are more acceptable.

1.12	<p>Whilst supporting the principles of the proposals, it is nevertheless important to understand the full extent of what is proposed and how the new CJC will relate to existing regional structures. For example, the region has established the NWEAB which is working effectively, and the six councils are currently part way through the process of approving final Growth Deal with the UK and Wales Government. It is essential therefore that the North Wales CJC should:</p> <ul style="list-style-type: none"> i. complement those existing structures and be capable of being adopted without wholesale revision to governance arrangements; ii. add value to the work of the NWEAB; iii. be able to be serviced by the existing NWEAB Programme Office and Host Authority without the need for the creation of a new regional staffing resource which would be both a cost burden and create duplication; iv. lead to the conferment of new powers and resources to the region. <p>The above is the outline for our response.</p>
1.12	<p>CJCs will have powers that overlap with the functions of the principal councils in North Wales. Greater clarity is however required at this stage on the precise scope of the functions which will initially be assigned to CJCs and any future plans to imbue them with further powers.</p>
1.13	<p>The transfer of existing local government powers to CJCs could lead to diminishing local autonomy and thus accountability. It is proposed that CJCs should decide for themselves how they will exercise such functions concurrently with the constituent councils without coming into conflict with them. WG will issue guidance to the CJCs on how they are to undertake this task. Again it would be helpful to understand more about the nature of the guidance that will be issued to CJCs on how to balance regional decision making against local accountability.</p>
1.14	<p>The initial membership of CJCs will be the Leaders of the constituent councils. In order to avoid to an increase in cost and duplication of resource it also likely that they will be supported by existing employees within the constituent councils, especially for the statutory posts such as Head of Paid Service, Monitoring Officer and S.151 Officer. It is important therefore that CJCs function in such a way as to avoid or limit the potential strain this could impose on both councillors and officers, and to ensure that the capacity of the CJC is not limited as a result.</p>
1.15	<p>Considering the Implications for Transport</p>
1.16	<p>It would be difficult not to agree with a regional approach to strategic transport planning, particularly given the critical importance of good cross border and cross county transport links in sustaining regional economic growth. The current Joint Local Transport Plan, which was produced in 2014 in partnership with all 6 North Wales Councils, is due to be renewed in 2021 and WG is proposing that the plan is replaced by a Regional Transport Plan (RTP) and that the plan should be developed by the proposed CJC.</p>

1.17	The revised RTP will reflect the overarching Welsh Government Transport Strategy which is also being reviewed and is currently at the consultation stage. <i>Llwybr Newydd – the Wales Transport Strategy</i> sets out the long term vision for transport in Wales and will shape both the RTP and our own integrated transport plans.
1.18	Flintshire has successfully developed its own Countywide Integrated Transport Plan over the past 5 years which has provided a sound base for the many successful funding bids into WG. It is essential therefore that local transport demands and knowledge drive strategic decisions on regional transport investment and the link from local Council officers to regional CJC transport teams will be key to the future development of the strategic transport function in North Wales.
1.19	<p>The recent period of austerity has impacted on many Councils ability to deliver the transport planning function and there is a clear shortage of experienced officers in this specialist area across North Wales. There is view in WG that officers from local authorities will transfer to the new CJC and that ‘economies of scale’ will then naturally reduce the numbers required and deliver savings in the longer term. This is not the case for two reasons:</p> <ul style="list-style-type: none"> • The low number of dedicated transport officers available in North Wales Councils. • Most of the transport roles undertaken in local authorities are now generic in nature, with officers undertaking a wider range of other non-transport related functions.
1.20	The role of Transport for Wales in the strategic transport planning function remains unclear however given the growing capacity of the organisation it is should be brought under the governance arrangement of the regional CJC.
1.21	Whilst there is an understandable move towards sustainable public transport within the new Welsh Transport Strategy, the role of the Trunk Road Network will always remain a critical element of the transport infrastructure in North Wales. It is important therefore that the management and development of this key element of the overall transport network is also delivered through the regional body.
1.22	A regional approach to the development and management of the Core Bus Network would also benefit from a regional approach. This would allow local authorities to concentrate on local transport services including community transport, school and social care transport which would then link into the Core Network.
1.23	Considering the Implications for the economy
1.24	Similarly to the initial response to the strategic transport function being led by the CJC as outlined in paragraph 1.16 above, there is logic in the economic development duty for North Wales being led by the CJC. This would build on the existing governance infrastructure for the now, well-established, North Wales Economic Ambition Board (NWEAB).

1.25	The NWEAB has successfully strived to gain regional consensus to the range of programmes which will seek to virtually double the value of the region's economy by 2035. The Council unanimously supported the Growth Deal at its Council meeting on 17 th November 2020. The NWEAB Programme Office is now well established and resourced with Programme and Project managers as well as support staff and is therefore well placed to lead on this duty. At a political level, the Leader of the Council sits on the Board and the Board is supported by an Executive Group attended by our Chief Executive and the Chief Officer (Planning, Environment and Economy). As a result, we are confident that Flintshire will have appropriate influence over the delivery of the economic duty by the CJC.
1.26	Production of a Strategic Development Plan
1.27	A parallel consultation has been launched by Welsh Government in relation to the third proposed function of the CJC, the production of a Strategic Development Plan (SDP). The link to the consultation (which ends at the same time as the CJC one on 4 th January) is here : https://gov.wales/sites/default/files/consultations/2020-10/consultation-document-town-and-country-planning-strategic-development-plan-wales-regulations-2021.pdf
1.28	The SDP consultation has been subject to consideration by Planning Strategy Group at its meeting on 12 th November. The report is attached at Appendix 1 and the proposed draft response as endorsed by PSG with respect to the SDP consultation is attached at Appendix 2.

2.00	RESOURCE IMPLICATIONS
2.01	As mentioned the proposed CJCs will be composed of council leaders and may well be supported by existing council employees. This will impact upon those people. The NWEAB is already supported in this fashion by the constituent councils and so the extent to which the new CJC will create extra demands on time or add extra bureaucracy will be a key factor.

3.00	IMPACT ASSESSMENT AND RISK MANAGEMENT						
3.01	Ways of Working (Sustainable Development) Principles Impact						
	<table border="1"> <tr> <td>Long-term</td> <td>These could be positive, negative or neutral. If neutral, there is no need to put any explanation other than 'no change'. If positive or negative impacts, then provide a brief statement indicating what this is.</td> </tr> <tr> <td>Prevention</td> <td>Positive – if additional resources can be concentrated on the transport function</td> </tr> <tr> <td>Integration</td> <td>Neutral</td> </tr> </table>	Long-term	These could be positive, negative or neutral. If neutral, there is no need to put any explanation other than 'no change'. If positive or negative impacts, then provide a brief statement indicating what this is.	Prevention	Positive – if additional resources can be concentrated on the transport function	Integration	Neutral
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Prevention	Positive – if additional resources can be concentrated on the transport function						
Integration	Neutral						

	Collaboration	Positive – clearly the proposal will bring a consistent approach to transport planning across the region.
	Involvement	Negative – potential to reduce the level of connectivity with a specific area by a regional approach
Well-being Goals Impact		
	Prosperous Wales	Again these could be positive, negative or neutral. If neutral, there is no need to put any explanation other than 'no impact'. If positive or negative impacts, then provide a brief statement indicating what this is.
	Resilient Wales	Positive – the proposals will provide greater resilience to the staff level ensuring support is available across the region.
	Healthier Wales	Neutral
	More equal Wales	Positive – The proposal would ensure a consistent approach to transport for everyone regardless of where you lived in Wales.
	Cohesive Wales	Neutral
	Vibrant Wales	Positive – An efficient and well managed transport infrastructure would benefit local communities
	Globally responsible Wales	Positive – Ensuring any transport solution was sustainable and low carbon would have a positive impact on the environment

4.00	CONSULTATIONS REQUIRED/CARRIED OUT
4.01	WG has already consulted widely on the proposals and further engagement events are planned. WG officials have also worked closely with local government in the design of the new bodies.
4.02	The strategic planning element of the proposals have been discussed by Planning Strategy Group on 12 th November. The PSG report and proposed response are attached at appendices 1 and 2 respectively.

5.00	APPENDICES
5.01	Appendix 1 – Planning Strategy report on SDPs from 12 th November Appendix 2- Draft PSG response to SDP consultation.

6.00	LIST OF ACCESSIBLE BACKGROUND DOCUMENTS
6.01	Local Government and Elections (Wales) Bill

7.00	CONTACT OFFICER DETAILS
7.01	<p>Contact Officer: Colin Everett, Chief Executive; Gareth Owens, Chief Officer (Governance); Andrew Farrow, Chief Officer (Planning Environment and Economy) and Stephen Jones Chief Officer (Streetscene and Transportation)</p> <p>Telephone: 01352 702344</p> <p>E-mail: chief.executive@flintshire.gov.uk</p>

8.00	GLOSSARY OF TERMS
	<p>CJC – Corporate Joint Committee</p> <p>RTP - Regional Transport Plan</p> <p>NWEAB - North Wales Economic Ambition Board</p> <p>SDP – Strategic Development Plan</p>