

CABINET

Date of Meeting	Tuesday, 15 th December 2020
Report Subject	Welsh Government Consultation on Combined Joint Committees (CJCs)
Cabinet Member	Cabinet Member for Corporate Management and Assets Cabinet Member for Planning and Public Protection, Deputy Leader of the Council and Cabinet Member for Streetscene and Countryside
Report Author	Chief Executive Chief Officer (Governance) Chief Officer (Planning, Environment and Economy) Chief Officer (Streetscene and Transportation)
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 call Corporate Joint Committees (CJC's). 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 CJC's corresponding to the growth deal areas within Wales, with an initial membership of all the Leaders of Council within the area covered. They will exercise functions which WG believe are best exercised regionally. At present the proposal is for them to undertake 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 and to suit the needs of each region.

North Wales as a whole, and the Council in particular, has a well-established and effective pattern of co-operation and regional working. The Council therefore can support the creation of CJCs as a means of furthering regional collaboration. As an alternative to the reorganisation of local government in Wales and the consequential cost and disruption, the proposals for CJCs are more acceptable.

The region has an 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. 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 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 without coming into conflict with the constituent councils.

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 S.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 a response is included within the report.

In addition 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 considered in detail by the Planning Strategy Group which has prepared a detailed response to the consultation questions.

Finally WG are also proposing that CJsCs take on the role of preparing the Regional Transport Plan and developing policies for transport in the region. The proposal are to be discussed at the Environment and Economy Overview Scrutiny Committee in December.

RECOMMENDATIONS

1	That Cabinet approves the outline of a proposed response to the consultation on CJsCs and grants delegated authority to the Chief Executive to finalise a detailed response in consultation with the Leader and the respective Cabinet members.
2	That Cabinet endorses the response prepared by the Planning Strategy Group on the preparation of Strategic Development Plans
3	That Cabinet endorses the response to the proposals in respect of Transport as recommended by the Environment and Economy Overview and Scrutiny Committee.

REPORT DETAILS

1.00	EXPLAINING THE CONSULTATION PROPOSALS
	What is Proposed?
1.01	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 (“CJCs”). 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 here .
1.02	Although sharing some similarities to joint committees, CJCs 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.
1.03	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.
1.04	WG envision CJCs bringing 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 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.
1.05	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.
1.06	CJCs will be able to appoint their own officers and will be required to appoint key statutory officer such as a Head of Paid Service, Monitoring Officer and S.151 officer. They will be able to rely on a host authority or authorities to provide these officers or could employ their own directly.
1.07	The bill is expected to receive Royal Assent in the early part of 2020 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 CJsCs would be required to meet before the end of September 2021.
	The Proposed Response
1.08	North Wales as a whole, and the Council in particular, has a well-established and effective pattern of co-operation and regional working. The Council therefore can support the creation of CJsCs 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.
1.09	Moreover, CJsCs 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. Local authorities have also been involved to date in shaping ideas for CJsCs and have opportunity for further input into their formulation, and so the proposals are more acceptable.
1.10	<p>In supporting 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 6 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> <ol 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>
1.11	CJsCs 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 CJsCs and any future plans to imbue them with further powers.
1.12	The transfer of existing local government powers to CJsCs could lead to diminishing local autonomy and thus accountability. It is proposed that CJsCs 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 CJsCs 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 CJsCs on how to balance regional decision making against local accountability.
1.13	The initial membership of CJsCs will be the Leaders of the constituent councils. In order to avoid to an increase in cost and duplication of

	<p>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 CJs 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>
	<p>Consultation on Strategic Development Plans</p>
1.14	<p>WG has also launched a related consultation (link) that focusses on the Strategic Planning duty that CJs will have, which is to produce a Strategic Development Plan (“SDP”) for their area. The consultation again very specifically focusses on the subordinate legislation (the Regulations) required to define the procedure to be followed for preparing SDPs across Wales, by the CJs. The intention was (and still is) to create a hierarchy of Development Plans in Wales with the National Development Framework at the highest level, and with SDPs sitting between that and LDPs, and where all needed to be in general conformity with each other.</p>
1.15	<p>The requirement to prepare Strategic Development Plans is already contained in the Planning (Wales) Act 2015, allowing the option to produce SDPs either on a voluntary basis (by two or more Local Planning Authorities (LPAs) or by Ministerial Direction. Initially, SDPs were to be prepared by governance bodies called Strategic Planning Panels (SPPs), though none have yet been established in Wales.</p>
1.16	<p>With the advent of CJs, WG has signalled a clear intention to drive forward the need to plan for certain matters at a ‘greater than local’ scale and to establish the governance infrastructure to support this. The intention in respect of SDPs is to plan at a greater scale than any one LDP, and to address the need to plan for issues that are ‘cross boundary’, examples of which the consultation document provides that includes “housing numbers, strategic housing allocations, strategic employment sites, strategic green infrastructure routes, and supporting transport infrastructure”. Whilst an LDP will still need to be prepared this can only be done under an adopted SDP. In this context it is also proposed that an LDP will be “shorter and more focussed in nature and will be prepared and adopted in around two years” – an LDP ‘Lite’. Clearly to redefine how this could be achieved, a new set of LDP Regulations will also be required at some point in the future.</p>
1.17	<p>These new regulations will make SDPs the responsibility of the CJs, in place of SPPs. This consultation is very specifically concerned with the proposed approach for the drafting of SDP regulations. That process will mirror in most respects the present process used for preparing LDPs and WG considers that the “current statutory process works effectively and is generally well understood by all users of the system”. It also considers that “the key difference between an LDP and an SDP is one of scale and this principle will be reflected in the SDP Regulations”.</p>
1.18	<p>Planning Strategy Group considered the SDP regulations (report attached at Appendix 1) and produced a response to the consultation which is attached at Appendix 2.</p>

	Considering the Implications for Transport
1.19	It would be difficult not to agree with a regional approach to strategic transport planning, particularly given the critical importance of good 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. WG is proposing that the plan is replaced by a Regional Transport Plan (RTP), which will be developed by the proposed CJC.
1.20	The revised RTP will reflect the overarching Welsh Government Transport Strategy which is also being reviewed and is currently at the consultation stage. Llwybr Newydd – the Wales Transport Strategy sets out the long term vision for transport in Wales and will shape both the RTP and our own integrated transport plans.
1.21	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 transport function in North Wales.
1.22	<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 officers who are experienced in the transport planning function in 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.
1.23	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.
1.24	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 transport is also delivered through the regional body.
1.25	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.
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2.00	RESOURCE IMPLICATIONS
2.01	As mentioned the proposed CJsCs 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.
2.02	The timescale for preparing an SDP is challenging and will require resource to support the process. This will be an additional burden on the constituent council's.
2.03	See paragraph 1.22 for the resource implications arising from the proposals for regional transport planning.

3.00	IMPACT ASSESSMENT AND RISK MANAGEMENT																		
3.01	<p>The primary risk is that the proposed CJC might prescribe structures or ways of working that undermine or hamper the established mechanisms and relationships already in place for effective regional working. There is also a risk that the de facto creation of an additional tier of local government, albeit one drawn from within the principal councils, will cause duplication and additional cost.</p> <p>Ways of Working (Sustainable Development) Principles Impact</p> <table border="1"> <tr> <td>Long-term</td> <td>No impact</td> </tr> <tr> <td>Prevention</td> <td>No impact</td> </tr> <tr> <td>Integration</td> <td>Regional strategic planning will have a positive effect on integration</td> </tr> <tr> <td>Collaboration</td> <td>Greater regional working will have a positive effect on collaboration</td> </tr> <tr> <td>Involvement</td> <td>Regional working could be more remote and thus have a negative effect on involvement</td> </tr> </table> <p>Well-being Goals Impact</p> <table border="1"> <tr> <td>Prosperous Wales</td> <td>Regional strategic plans should positively benefit prosperity</td> </tr> <tr> <td>Resilient Wales</td> <td>Regional strategic plans should positively benefit resilience</td> </tr> <tr> <td>Healthier Wales</td> <td>No impact</td> </tr> <tr> <td>More equal Wales</td> <td>Improved regional transport should positively impact socio economic equality</td> </tr> </table>	Long-term	No impact	Prevention	No impact	Integration	Regional strategic planning will have a positive effect on integration	Collaboration	Greater regional working will have a positive effect on collaboration	Involvement	Regional working could be more remote and thus have a negative effect on involvement	Prosperous Wales	Regional strategic plans should positively benefit prosperity	Resilient Wales	Regional strategic plans should positively benefit resilience	Healthier Wales	No impact	More equal Wales	Improved regional transport should positively impact socio economic equality
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	Cohesive Wales	No impact
	Vibrant Wales	No impact
	Globally responsible Wales	No impact

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	As mentioned within the report the SDP proposals have been discussed by Planning Strategy Group
4.03	The regional transport plan proposals will be taken to Scrutiny in December

5.00	APPENDICES
5.01	Appendix 1 – Report to Planning Strategy Group Appendix 2 – Proposed response to SDP consultation by Planning Strategy

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

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

8.00	GLOSSARY OF TERMS
8.01	None.