

**Welsh Government
Consultation
Regulations to establish Corporate Joint Committees (CJCs)**

**Consultation
Response
Form**

ROBERT ANDREW ROBINSON MBE FRICS

**NORTH & MID WALES ASSOCIATION OF LOCAL
COUNCILS**

Telephone – 07767 267830

Email – supercommuter@mail.com

**Address – Crown House High Street
Llanfair Caereinion SY21 0QY**

Summary of consultation questions

Consultation Question One:

- a) **What are your views on CJCs being subject to broadly the same powers and duties as principal councils?**
Whilst this appears sensible it is a concern that the body will operate as an additional level of government rather than a delivery vehicle for the delivery of services on behalf of some County Councils jointly.
- b) **Do you agree that CJCs should have broadly the same governance and administrative framework as a principal council provided that this is proportionate? Please give your reasons.**
Whilst this appears sensible doubling up of staff could be an issue. This should not be an additional authority but a delivery vehicle.
- c) **Do you agree that members of CJCs should have appropriate discretion on the detail of constitutional and operational arrangements? Please give your reasons.**
Whilst this appears sensible final arrangements should be approved by each member Council.

Consultation Question Two:

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

The areas are noted, the Mid Wales, North Wales and South West Wales areas are logical, however the South Wales areas cover too many authorities and could therefore lead to 'red tape' issues. It is suggested that Cardiff and Newport should form two areas.

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Consultation Question Three:

- a) **Do you agree with the approach to the development of the regulations for CJCs as outlined in this consultation? Please give your reasons.**
In principle yes, however any regulations should recognise that the CJC is not an additional level of local government but a delivery vehicle. It should always be recognised that the member Councils are the 'Client'.
- 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? Please see answer to (a) above.**

Consultation Question Four:

- a) **Do you agree with the proposed approach to membership of CJCs including co-opting of additional members? Please give your reasons.**
No. Any co-options should be made by the member authorities on the recommendation of the CJC. The principle should be that the member authorities are in charges and the CJC is a joint delivery vehicle.
- b) **What are your views on the role proposed for National Park Authorities on CJCs, as described above?**
The National Park Authorities should be treated no differently to the member County Councils.

Consultation Question Five:

- a) **What are your views on the proposed approach of 'one member one vote' and the flexibility for CJCs to adopt alternative voting procedures?**
The principle of one member for one vote should be retained with no other options. The idea of voting options indicates that the CJC could be more like another level of government which is not sustainable with the Welsh population.
- b) **What are your views on the proposed quorum for CJCs?**
Nothing to add, 70% is realistic in this case.
- c) **What are your views on the proposed approach to voting rights for co-opted members to a CJC?**
Once a member is elected or co-opted voting rights should be the same. Officers should never have any voting rights.

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Consultation Question Six:

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

Appointment of co-options to sub-committees should still be approved by the member Councils on the recommendation of the 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?**

No. All those who are to be co-opted should be approved in advance by the member councils on recommendation from the CJC. Responsibility for delivery of services and appointment of co-options should remain with the accountable elected representatives.

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

There should be enough experience within the existing county councils to deliver this work.

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, the Association supports this well proven governance approach.

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

Yes, the Association supports the use of the usual Principle Authority recognised Code of Conduct and that this should apply to co-opted members.

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

Yes. There should be no difference between the conduct of all members.

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Consultation Question Nine

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

The budget for any CJC should come from the existing County Council budgets (with any Welsh Government Grant Aid or financial support) and not as an extra over and above.

The impact on Council Tax and Business Rates to help pay for these new arrangements should be recognised and any impact kept to a minimum.

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

The timescales appear realistic, however budgets are an issue. There is a deep concern that CJC's could cost member Councils extensively and this in turn would be passed onto the tax payer. Any CJC's should only exist if they deliver a better service for at least no more money.

Consultation Question Ten

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

Yes, the current practises are well proven.

- 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?

This proposal is supported.

Consultation Question Eleven:

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

The overall staffing levels should not be an increase overall. There should not be staff employed by the CJC and then another level of staff doing the same job in the County Councils. Wales is over governed already – we do not need even more administration and management levels (for 3m people we have a Welsh Government, 22 County Councils and 8 area Health Authorities).

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Consultation Question Twelve:

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

The cost of separate executive officers is expensive (particularly with all the ‘bolt ons’ (i.e. benefit packages that come with it). However, there is a need for an executive officer to lead a CJC – this could be existing employers from member county councils. You will not need an executive officer to manage a service in both the CJC and the County Council.

It is suggested that any executive officers should be those already in place within the authorities.

It might be better for one of the Authorities to lead each element.

Consultation Question Thirteen:

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

The views have been expressed in question 7.

Consultation Question Fourteen:

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

The list given is that of strategic plans, this appears to be a doubling up of what Welsh Government should be doing. Although the functions are clearly laid out it comes at a price – hence the need to not employ more staff than are already doing this work in other authority areas.

- 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?**

Nothing more to add.

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

Nothing to add

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?

All decisions on any strategic plan should be reserved for the CJC and not a sub-committee. Final ratification of any strategic plans should be done by the member councils.

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Consultation Question Sixteen:

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

Transfer of the functions set out are clear. An agreed plan for such transfer should be prepared by the secretariat of the member authorities and then taken forward.

Consultation Question Seventeen:

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

It is assumed that a CJC could deliver a range of joint working (much is happening now) but subject to the issues around creating another level of government.

Consultation Question Eighteen:

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

If the Welsh Government does not feel that the CJC can deliver without involvement from others you have to query why they are being put in place. Working relationships between parties is to be encouraged as long as such dialogue is useful and productive.

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

We do not know enough about it to make a considered response.

- 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 appointment of the executive officer and some secretariat support is needed for the first meeting. The CJC should then be involved in taking forward everything from there.

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. The reason is to have consistency over the various regions (particularly as CJC's will deliver more strategic based services).

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

Specially relating to decision making and any delegation matters.

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Consultation Question Twenty:

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

County Councils should be allowed to lead the process of setting up any required CJC with the Welsh Government there for advice when asked.

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

No particularly. However help with set up costs centrally would be welcome.

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

We do not know enough about it to make a considered response. However, it is still important to note that the taxpayer cannot afford to pay even more for service delivery than at present.

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.**

We do not know enough about it to make a considered 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.**

No. However our comments about double counting costs (i.e. County Council and CJC covering similar ground) should be noted.

Welsh Language Questions

Consultation Question Twenty Two:

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

The Association support the Welsh Language but does not see the relevance of this in the context of this consultation.

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

The Association suggests that the cost of printing material in both languages is not 'climate change friendly' and does not support the environment. It is suggested that there should be two separate productions with numbers printed in line with demand, thus reducing paper usage.

It is, however, recognised that the use of Social Media, Web Sites etc. does overcome this issue to some extent.

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Consultation Question Twenty Three:

Please also explain how you believe the proposed policy for the establishment of CJCs 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 favorably 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 favorably than the English language.

The usual regulations with regard to the Welsh Language would apply as they do to County Councils at present. Not sure that this question has any real relevance to the consultation theme.

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:

There is some concern that the Corporate Joint Committees (CJCs) will form another layer of Government. Wales has a population of 3m people and already have a Welsh Government, 22 County Councils and 8 Area Health Boards.

NOTE: The Association is willing to give oral evidence to any specific Committee if that were felt to be of value to the consultation.

Dated: 20th December 2020

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: