
**REPORT OF THE DIRECTOR OF GOVERNANCE AND LEGAL
SERVICES AND MONITORING OFFICER**

**SOUTH EAST WALES CORPORATE JOINT COMMITTEE –
STANDARDS SUB-COMMITTEE**

Reason for this Report

1. To consider the request for Cardiff's Standards and Ethics Committee to be utilised as the Standards Sub-Committee for the South East Wales Corporate Joint Committee on an initial basis, until such time as the Corporate Joint Committee is fully operational and ready to establish its own Standards Sub-Committee.

Background

2. Part 5 of the Local Government and Elections (Wales) Act 2021 establishes a new framework to support and encourage greater collaboration between local authorities. The new framework aims to enable a "more coherent, consistent, simplified and democratically controlled mechanism" for regional working, which is to be achieved, in the main, by new Corporate Joint Committees.
3. Corporate Joint Committees ('CJCs') are regional corporate bodies, with broadly similar powers and duties to local authorities. They also have similar governance and administrative structures, with a level of discretion on constitutional and operational arrangements.
4. CJCs can employ staff directly, hold assets and manage finances in the same way as a local authority. They are required by law to appoint a Chief Executive, a Finance Officer and a Monitoring Officer.
5. CJCs are made up of the local authorities named in the Regulations that establish them ('the constituent authorities'), and membership is made up of the executive leaders (the elected Council leaders) of the local authorities and representatives of any National Park Authority within that region. However, in order to fulfil their responsibilities and duties effectively, CJCs will need to, and be expected to, actively involve others in their work, for example by appointing Co-Opted Members, who may be suitable representatives or individuals either from within the constituent authorities or outside of them.

6. In April 2021, the South East Wales Corporate Joint Committee (“SEWCJC”) was formally constituted, comprised of the leaders of Cardiff County Council, Monmouthshire County Council, Blaenau Gwent County Borough Council, Bridgend County Borough Council, Caerphilly County Borough Council, Merthyr Tydfil County Borough Council, Newport County Borough Council, Rhondda Cynon Taff County Borough Council, Torfaen County Borough Council, the Vale of Glamorgan County Borough Council, and a representative of the Brecon Beacons National Park Authority.
7. The SEWCJC is the successor body to the City Deal Joint Committee and is responsible for strategic development planning, regional transport planning and promoting the economic well-being of their area:
 - (a) Strategic Development Plans - Welsh planning law establishes a framework for local planning authorities to bring forward Strategic Development Plans (SDPs). The aim being to deal more effectively with regional cross-boundary issues such as housing and transport, and provide a strategic approach to planning at a greater scale than individual local development plans (LDPs). CJsCs are responsible for preparing the SDPs. Local planning authorities will still prepare LDPs, but these will be more focused in nature.
 - (b) Transport functions - CJsCs are also responsible for developing Regional Transport Plans. These plans will replace local transport plans previously prepared by individual authorities.
 - (c) The economic well-being function - CJsCs have the power to promote and improve the economic well-being of their areas. The power may be exercised for the benefit of the whole or part of the CJsCs area, or all or any persons resident in the area. It is anticipated that City or Regional Growth Deals will be subsumed by CJsCs, although some aspects of this are still to be worked out.
8. Since January 2022 the SEWCJC has operated on what it has referred to as a ‘bare minimum’ basis. In practice this has meant that the focus has primarily been on achieving legislative compliance, whilst waiting for changes in legislation in relation to VAT status and access to the Local Government Pension Scheme. The SEWCJC is currently in what it refers to as its ‘Transition Phase’, where it is building upon its established governance structures in preparation to becoming fully active from April 2024, when it also plans to assume the functions of the Cardiff Capital Region City Deal Joint Committee.

Issues

9. The Ethical Framework established under Part III of the Local Government Act 2000 has been extended to apply to CJsCs and their members and co-opted members in the same way as it applies to local authorities.
10. Statutory guidance on Corporate Joint Committees (**Appendix A: [WG44355 \(gov.wales\)](https://www.gov.wales/gov/wales)**), specifically on the constitutional and operational arrangements to be adopted, includes guidance on the application of the Ethical Standards Framework to CJsCs in section 12 of the guidance.

11. The Committee will note that a CJC is required to:

- (i) adopt its own code of conduct for its members and co-opted members, based on the statutory model Code of Conduct set out in the Local Authorities (Model Code of Conduct) (Wales) Order 2008. Accordingly, it is proposed that the SEWCJC will adopt the model Code of Conduct at its next meeting, scheduled for 22nd May 2022.
- (ii) appoint a Monitoring Officer. The Deputy Monitoring Officer of Cardiff Council has been appointed as the Interim Monitoring Officer for the SEWCJC;
- (iii) maintain a register of interests, to be established by the Monitoring Officer, for its members and co-opted members. As the SEWCJC covers a different geographical area to its individual constituent councils, it is necessary for a separate register of interests to be maintained to cover the functions and geographic area of the CJC (and in relation to relevant matters outside the areas to which CJsCs may influence and to which members may benefit); and
- (iv) appoint a standards sub-committee (as a CJC is a committee, this is referred to as a standards sub-committee), with the statutory functions set out in section 54 of the Local Government Act 2000 in relation to the promotion and maintenance of high standards of conduct within the CJC and providing advice and training in relation to the CJC's code of conduct.

Standards Sub-Committee for the CJC

12. The statutory guidance indicates that the way in which the requirement to appoint a standards sub-committee is satisfied is for the CJC to determine, and that the options in this regard include:

- (i) utilising an existing standards committee of one of its constituent councils;
- (ii) establishing its own standards sub-committee, populated in line with the principles set out in the Standards Committee (Wales) Regulations 2001 but by members of the standards committees of the constituent councils; or
- (iii) establishing a standards sub-committee in line with the Standards Committee (Wales) Regulations 2001.

13. The CJC has indicated that it is not minded to establish its own separate standards sub-committee at this early stage in its development and it is therefore looking to utilise an existing standards committee of one of its constituent authorities.

14. As the Monitoring Officer for the CJC is Cardiff Council's Deputy Monitoring Officer, Cardiff has been approached to ask whether Cardiff's Standards and Ethics Committee would be willing to take on the role of standards sub-committee for the SEWCJC.

15. The political group leaders and members of this Committee have been informally consulted about this request from the SEWCJC. The group leaders have indicated that they have no objection to Cardiff's Standards and Ethics Committee acting as the standards sub-committee for the SEWCJC on an interim basis, provided that there is no cost to Cardiff Council and the arrangement is reviewed after 12 months. The members of this Committee have agreed to receive this report to consider this matter.
16. If agreed, Cardiff's Standards and Ethics Committee would take on responsibility for the standards functions of the CJC and its members, in so far as they relate to the CJC. Where a matter relates to a member's conduct in general, and not specifically to CJC activities, then the Standards Committee of that member's own council would have responsibility.
17. It is recommended that any such arrangement, if agreed, should be subject to a Service Level Agreement, making clear that any additional costs or liabilities incurred by Cardiff Council in relation to taking on this function, are to be paid for by the SEWCJC and including provision for review after 12 months and termination of the arrangements.

Legal Implications

18. Under section 53 of the Local Government Act 2000 (the LGA 2000'), a CJC must establish a standards committee or a joint standards committee with the statutory functions conferred under section 54 of the LGA 2000 (set out in paragraph 22 below). A CJC must establish its first standards sub-committee within 90 days from the day on which Regulations under section 53(11) which apply to CJsCs come into force. However, no regulations applying to CJsCs have yet been issued under section 53(11). This means the duty to establish a standards committee is in effect, but there is no statutory deadline as yet.
19. Under Regulations made under Part 5 of the Local Government and Elections (Wales) Act 2021, specifically, the Corporate Joint Committees (General) (No.2) (Wales) Regulations, Regulation 13, a CJC may arrange for the discharge of any of its functions by any county or county borough council in Wales (amongst other options); and a county or county borough council authorised to discharge functions under Regulation 13 may arrange for those functions to be discharged by a committee of that council (amongst other options).
20. In addition to the statutory functions of a standards committee conferred under section 54 of the LGA 2000 (please see paragraph 22 below), a local authority may arrange for its standards committee to exercise such other functions as it considers appropriate.
21. If the Standards and Ethics Committee is willing to undertake the role of standards sub-committee for the SEWCJC, further decisions will be required as follows:
 - (i) the SEWCJC to designate Cardiff's Standards and Ethics Committee as its standards sub-committee (pursuant to section 53(1) of the Local Government Act 2000), and to delegate the SEWCJC standards sub-

committee functions (under Part 3 of the Local Government Act 2000) to Cardiff Council, subject to agreement by Cardiff Council; and

- (ii) Cardiff Council to resolve, subject to the SEWCJC decision referred to in point (i) above, to accept the delegation of functions from the SEWCJC; delegate those functions to its Standards and Ethics Committee; and amend the Committee's terms of reference to cover the statutory functions of the standards sub-committee in relation to the SEWCJC and its members.

22. Subject to approval of the decisions set out in paragraph 21 above, the Standards and Ethics Committee's revised terms of reference would incorporate the statutory functions in relation to the SEWCJC (pursuant to sections 54 and 56B of the Local Government Act 2000), by inserting an additional paragraph as follows:

'(l) In relation to the South East Wales Corporate Joint Committee ('the CJC'), to:

- (i) Promote and maintain high standards of conduct by its members and co-opted members;
- (ii) Assist its members and co-opted members to observe the CJC's code of conduct;
- (iii) Advise the CJC on the adoption and revision of a code of conduct;
- (iv) Monitor the operation of the CJC's code of conduct;
- (v) Advise, train or arrange to train its members and co-opted members on matters relating to the CJC's code of conduct; and
- (vi) Make an annual report to the CJC describing how its functions have been discharged during the financial year.'

23. Other relevant legal provisions are set out in the body of the report.

Financial Implications

24. The report recommends that the proposal, if agreed, should be subject to a Service Level Agreement, making clear that any additional costs or liabilities incurred by Cardiff Council are to be covered by the SEWCJC and including provision for review and termination of the arrangements.

RECOMMENDATION

1. To agree, in principle, to the request for Cardiff's Standards and Ethics Committee to assume responsibility for the statutory functions of the standards sub-committee of the South East Wales Corporate Joint Committee ('SEWCJC'), subject to:
 - (a) Confirmation of its designation and delegation of functions by SEWCJC;
 - (b) Acceptance and delegation by Cardiff Council, including approval of the necessary amendments to the Standards and Ethics Committee's terms of reference; and
 - (c) A Service Level Agreement to be concluded between Cardiff Council and SEWCJC to provide that any additional costs and liabilities incurred are to

be paid for by SEWCJC and including provision for review after 12 months and termination of the arrangements,

As set out in the report; and

2. Note that an update report on this matter will be brought back to the next Committee meeting.

Davina Fiore

Director of Governance and Legal Services and Monitoring Officer

27 April 2023

Appendices

Appendix A – Welsh Government’s Statutory Guidance on Corporate Joint Committees: [WG44355 \(gov.wales\)](#)

Background Papers

South East Wales Corporate Joint Committee report, ‘Transition Plan – South East Wales CJC Statutory Sub-Committees’, 27th March 2023: [item-4-sub-committees.pdf \(cardiffcapitalregion.wales\)](#)

Email correspondence with Standards and Ethics Committee Chair and Committee members and Political Group Leaders regarding ‘Request for Cardiff Standards Committee to act as the Standards Committee for the CJC’, February 2023