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

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

Reason for this Report

1. To provide the Committee with an update on arrangements being made for Cardiff's Standards and Ethics Committee to be utilised as the Standards Sub-Committee for the South East Wales Corporate Joint Committee, on a temporary basis, until such time as the Corporate Joint Committee is fully operational and ready to establish its own Standards Sub-Committee.

Background

2. The South East Wales Corporate Joint Committee ('SEWCJC' or 'the CJC') was formally constituted (pursuant to the South East Wales Corporate Joint Committee Regulations 2021) with effect from April 2021, 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 ('the Constituent Authorities'). 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 the South East Wales region (the combined administrative areas of all of the Constituent Authorities).
3. Corporate Joint Committees ('CJCs') have 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. 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. They are also required to appoint various statutory sub-committees, including 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 Member conduct within the CJC and providing advice and training in relation to the CJC's Members' code of conduct.

4. 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. 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 (which is recognised as a permission option within the statutory guidance on Corporate Joint Committees: [WG44355 \(gov.wales\)](#)).
5. The Standards & Ethics Committee received a report at its May 2023 meeting to consider a request for this Committee to act as the Standards Sub-Committee for the CJC on a temporary initial basis, until such time as the CJC establishes its own Standards Sub-Committee. The Committee agreed, in principle, to accede to the request, subject to the approval of full Council, formal delegation by the CJC and a Service Level Agreement to set out the agreed terms for the arrangements, such terms to include provision for any additional costs and liabilities incurred by Cardiff Council to be paid for by the SEWCJC and for the arrangements to be reviewed after 12 months, with suitable provision for termination of the arrangements.
6. This report provides the Committee with an update on the arrangements being made.

Issues

7. The proposal for Cardiff's Standards and Ethics Committee to be appointed as the Standards Sub-Committee for the SEWCJC, on a temporary initial basis, has now been formally approved by the CJC (CJC resolution dated 31st July 2023) and Cardiff Council (Council resolution dated 21st September 2023).
8. The approval by both Cardiff Council and the CJC is subject to the conclusion of a Service Level Agreement (SLA) between Cardiff Council and the CJC to set out the agreed terms. The terms are to include provision for any additional costs and liabilities incurred by Cardiff Council to be paid for by the SEWCJC and for the arrangements to be reviewed after 12 months, with suitable provision for termination of the arrangements. Officers are currently considering the operational details for the arrangements, which will be reflected in the SLA.
9. Once terms are agreed, the SLA will be signed off by each party under the approved officer delegated authority; and the Committee's terms of reference will be amended (in accordance with the Council's September decision) to cover the statutory functions in relation to the CJC 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.'
10. Until the CJC becomes fully operational, it has decided to designate a Monitoring Officer on an interim basis. The current Interim Monitoring Officer for the CJC (the Deputy Monitoring Officer for Cardiff Council, James Williams) will be leaving the Council at the end of October. The Council has therefore appointed, as a locum, another suitably qualified Interim Monitoring Officer for the CJC (and City Deal) functions, namely Jayne La Grua, who has been formally designated by the CJC as its Interim Monitoring Officer (CJC resolution dated 9th October 2023) with effect from 1st November 2023 (and as Interim Deputy Monitoring Officer for the CJC and City Deal with effect from 11th October 2023.)
11. As the Interim Monitoring Officer for the CJC, Mrs La Grua will be responsible for advising and supporting the Standards & Ethics Committee in relation to discharge of standards functions for the CJC. All other arrangements for the Committee and its work for Cardiff Council, including appointment of Committee members, Committee procedure rules, support provided by Cardiff's Monitoring Officer and Democratic Services staff and arrangements for Members to claim remuneration and expenses, will remain unchanged.
12. It should be noted that, under the new arrangements, Cardiff's Standards and Ethics Committee will take on responsibility for the standards functions of the CJC and its members, only in so far as they relate to the CJC. However, 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.
13. It is anticipated that the additional workload for the Committee will be relatively minimal as the CJC is not yet fully operational, but may include, for example:
- (a) an introductory report on the application of the statutory standards framework to the CJC, including reviewing its Code of Conduct and arrangements for Members' registers of interests and training on the Code;
 - (b) a report in around April / May 2024 to consider the Standards Committee's statutory annual report in relation to standards functions for the CJC; and
 - (c) any other report/s the Monitoring Officer for the CJC may wish to submit.
14. A further report will be submitted to the Committee on this matter in due course.

Legal Implications

15. The Ethical Framework established under Part III of the Local Government Act 2000 has been extended to apply to CJCs and their members and co-opted members in the same way as it applies to local authorities.

16. Statutory guidance on Corporate Joint Committees ([WG44355 \(gov.wales\)](#)), specifically on the constitutional and operational arrangements to be adopted, includes guidance on the application of the Ethical Standards Framework to CJs in section 12 of the guidance. In particular, 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. The CJC adopted a revised Code of Conduct at its meeting in July 2023;
 - (ii) appoint a Monitoring Officer. The CJC's current and new Interim Monitoring Officer appointments are set out in paragraph 10 of the report;
 - (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 CJs 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.
17. Other relevant legal provisions are set out in the body of the report.

Financial Implications

18. The report outlines that the approval for Cardiff's Standards and Ethics Committee to be appointed as the Standards Sub-Committee for the SEWCJC, on a temporary initial basis, is subject to the conclusion of a Service Level Agreement (SLA) between Cardiff Council and the CJC to set out the agreed terms. The terms are to include provision for any additional costs and liabilities incurred by Cardiff Council to be paid for by the SEWCJC and for the arrangements to be reviewed after 12 months, with suitable provision for termination of the arrangements. Officers are currently considering the operational details for the arrangements, which will be reflected in the SLA.

RECOMMENDATION

To note the information set out in the report and receive a further report at the next suitable Committee meeting.

Davina Fiore
Director of Governance and Legal Services and Monitoring Officer
24 October 2023

Background Papers

Standards & Ethics Committee report, 'South East Wales Corporate Joint Committee – Standards Sub-Committee', 9th May 2023: [CITY AND COUNTY OF CARDIFF \(moderngov.co.uk\)](https://www.moderngov.co.uk/city-and-county-of-cardiff)

Cardiff Council report, South East Wales Corporate Joint Committee – Standards and Scrutiny Arrangements', 21 September 2023: [CITY AND COUNTY OF CARDIFF \(moderngov.co.uk\)](https://www.moderngov.co.uk/city-and-county-of-cardiff)

CJC report, SEWCJC, 'Statutory Sub-Committees Update', 31 July 2023 [item-5-statutory-subcommittees.pdf \(cardiffcapitalregion.wales\)](https://www.cardiffcapitalregion.wales/item-5-statutory-subcommittees.pdf)

Statutory guidance on Corporate Joint Committees ([WG44355 \(gov.wales\)](https://www.gov.wales/WG44355)),