ADDENDUM TO ITEM 4

DRAFT CONSTITUTION OF THE SOUTH EAST WALES CORPORATE JOINT COMMITTEE

Ahead of the Meeting of the CJC on Monday 18 March 2024, the Brecon Beacons Member, together with the Authority's Director of Planning and Place, met with the CJC's Monitoring Officer and made the following comments on the CJC's Draft Constitution:

1. Legal Name

Comment: Whilst the National Park Authority is moving towards using only the Welsh 'Bannau Brycheiniog', its legal name remains 'Brecon Beacons National Park Authority'.

Legal Implications: The Monitoring Officer recommends that 'Bannau Brycheiniog' be used in the Welsh language version of the Constitution and 'Brecon Beacons' in the English version.

2. Membership and Voting Rights

Comment: The BBNPA request that references to their membership of the CJC be amended to more accurately reflect the provisions of reg. 6 of the South East Wales Corporate Joint Committee Regulations 2021, which provides that the Brecon Beacons Member is a member of the CJC for all purposes, unless express provision is made to the contrary or the context requires otherwise, albeit only entitled to vote to the extent that the matter to be decided is about strategic planning functions.

Legal Implications: The Monitoring Officer agrees with this comment and recommends that the draft Constitution be amended accordingly prior to adoption by the CJC.

3. Nominated Substitutes

Comment: Where the nominated Brecon Beacons Member is unable to act for any period, the BBNPA would wish to have the option to nominate a substitute from its broader membership.

Legal Implications: Reg. 8 of the South East Wales Corporate Joint Committee Regulations 2021 limits the pool of BBNPA officeholders eligible for substitution to the CJC to: (1) the Chair of the Authority; (2) the Deputy Chair of the Authority; or (3) the Chair of the Planning Committee (or equivalent).

4. Sub-Committees and Other Bodies

Comment: When considering matters related to strategic planning functions, the BBNPA would wish to be represented on:

(1) the Joint Overview and Scrutiny Committee;
(2) the Governance and Audit Sub-Committee;
(3) the Regional Transport Sub-Committee; and
(4) the Regional Chief Executive's Group.

Legal Implications: Reg. 11 of the Local Authorities (Joint Overview and Scrutiny Committees) (Wales) Regulations 2013 permits the co-option of additional members, providing that the appointment is approved by a majority of the members of the committee. A person co-opted to serve on a joint overview and scrutiny committee is not entitled to vote at any meeting of the committee on any question which falls to be decided at that meeting.

Reg. 16 of the South East Wales Corporate Joint Committee Regulations 2021 provides that one third of the members of the CJC's Governance & Audit Sub-Committee must be members who are not also members of a county council or county borough council in Wales. There is no prohibition against being a member of the BBNPA, providing that the other eligibility criteria are met, namely that none of the members are to be members of the CJC or any of its other sub-committees, or to otherwise participate in the activities of the CJC.

The Regional Transport Sub-Committee's terms of reference provide for co-option of persons having an interest in the business of the sub-committee, but such co-opted person(s) may not vote on any matter.

The Regional Chief Executives' Group is a non-statutory group originally established pursuant to the Cardiff Capital Region City Deal Wider Investment Fund Assurance Framework. However, the terms of reference of that group have now been expanded to embrace the CJC's wider functions. Provided that the Group continues to discharge its functions under the Assurance Framework (a condition of the award of funding), there is no legal obstacle to the Chief Executive of the BBPNA (or their nominated deputy) participating in the Group in relation to matters within the remit of the BBNPA.

5. It has also been brought to the Monitoring Officer's attention that paragraph 10 of the Model Code of Conduct adopted by the CJC at its meeting in October 2023 is incomplete.

6. Table of Suggested Amendments

Provision	Suggested Amendment
Various	Amend ‘Bannau Brycheiniog’ to ‘Brecon Beacons’.
Part 1: Summary and Explanation	Amend para. 1.1 to clarify that the Brecon Beacons Member is a member of the CJC for all purposes.
Part 2: Article 2 – Members of the CJC	Amend paras. 2.3 and 2.4 to clarify that the Brecon Beacons Member is a member of the CJC for all purposes but only entitled to vote when the CJC is exercising strategic planning functions. Delete para. 2.5.to clarify that the Brecon Beacons Member is entitled to attend all meetings of the CJC even if not entitled to vote on a matter.
Part 2: Article 5 – Overview and Scrutiny Arrangements	Amend para. 5.7 to clarify that JOSC is entitled to co-opt non-local authority members. Make a consequential amendment to para. 5.8 (quorum).
Part 2: Article 6 – Membership of Governance and Audit	No change. Eligibility for membership of the G&A sub-committee is prescribed by the SEWCJC Regulations.
Part 3B: Committee Terms of Reference	Amend para. 1.4 to include the BBNPA Chief Executive (or their nominated deputy) in the membership of the Regional Chief Executives’ Group.
Part 5: Member Code of Conduct	Amend to insert missing text.
Part 6: City Deal Standing Orders	Amend para. 1.6 to clarify that the Brecon Beacons Member is a member of the CJC for all purposes but only entitled to vote when the CJC is exercising strategic planning functions.

7. Draft amendments are appended to this document for the CJC’s consideration.

Jayne La Grua
Monitoring Officer
18 March 2024

Part 1 - Summary and Explanation

1.1 The South East Wales Corporate Joint Committee

The South East Wales Corporate Joint Committee ("the CJC") is a public body established under the following legislation:

- the Local Government and Elections (Wales) Act 2021, Part 5 of which provided the Welsh Ministers with the ability to establish a Corporate Joint Committee; and
- the South East Wales Corporate Joint Committee Regulations 2021, Part 1 of which established a body corporate for the region to be known as the South East Wales Corporate Joint Committee.

The CJC's area comprises the administrative areas of:

(1) Blaenau Gwent County Borough Council;

(2) Bridgend County Borough Council;

(3) Caerphilly County Borough Council;

(4) Cardiff Council;

(5) Merthyr Tydfil County Borough Council;

(6) Monmouthshire County Council;

(7) Newport City Council;

(8) Rhondda Cynon Taf County Borough Council;

(9) Torfaen County Borough Council; and

(10) Vale of Glamorgan Council.

~~The CJC's membership is made up of the Leaders of the 10 Councils and a member of the Brecon Beacons National Park Authority. The Bannau Brycheiniog National Park Authority is also a member of the CJC when it is exercising the function of preparing a Strategic Development Plan.~~

The CJC's membership is comprised of 10 council members, one for each local authority in the south east of Wales, and a member from Brecon Beacons National Park Authority who is only permitted to vote on matters relating to the preparation of strategic development plans.

Article 2 – Members of the South East Wales CJC

Introduction

2.1 This Article sets out how members of the CJC are appointed. It also includes a statement on the roles and functions of Members of the CJC and sets out the rights and duties of Members.

Composition and Eligibility

2.2 The South East Wales Corporate Joint Committee (the "CJC") will consist of:

(a) the Executive Leaders of the 10 Constituent Councils:

(i) Blaenau Gwent County Borough Council
(ii) Bridgend County Borough Council
(iii) Caerphilly County Borough Council
(iv) Cardiff Council
(v) Merthyr Tydfil County Borough Council
(vi) Monmouthshire County Council
(vii) Newport County Borough Council
(viii) Rhondda Cynon Taf County Borough Council
(ix) Torfaen County Borough Council
(x) Vale of Glamorgan Council

(the "Council Members");

(b) A member appointed by the ~~Bannau Brycheiniog~~ Brecon Beacons National Park Authority, who must be one of the following officeholders:

(i) the Chair of the Authority;
(ii) the Deputy Chair of the Authority; or
(iii) the Chair of a committee established by the Authority with responsibility for planning matters,

(the "~~Bannau Brycheiniog~~ Brecon Beacons Member").

2.3 Each Council Member will be entitled to vote in relation to any matter to be decided by the the CJC ~~act as a member of the CJC in relation to all of the CJC's functions~~.

2.4 The Beacons Member will only be entitled to vote to the extent that the matter to be decided is about strategic planning functions. ~~The Bannau Brycheiniog Member will only~~ act as a member of the CJC only in relation to the Strategic Development Plan Function.

~~2.5 The Bannau Brycheiniog member will be invited to attend meetings and participate only where the Strategic Development Planning Function is being discussed, other than where agreed by the Council Members on an individual meeting basis.~~

Vacancies or Inability to Act

2.6 Where a Council Member is, for any period, unable to discharge their functions, the Constituent Council of which they are a member must appoint another member of its executive to discharge those functions on behalf of the Council Member for that period.

2.7 Where a Constituent Council has a vacancy in the office of Executive Leader, it must appoint another member of its executive as its Council Member of the CJC until such time as the vacancy is filled.

2.8 Where the ~~Bannau Brycheiniog~~ Brecon Beacons Member is, for any period, unable to discharge their functions, the Authority must appoint one of the officeholders mentioned in paragraph 2.2 to discharge those functions on behalf of the ~~Bannau Brycheiniog~~ Brecon Beacons Member for that period.

Key Roles

2.9 Members of the CJC and its Sub-Committees will:

(a) collectively be the ultimate policy and decision makers;
(b) contribute to the good governance of the CJC;
(c) represent their communities and bring their views into the CJC's decision-making process;
(d) balance and effectively represent the interests of the region and of their council or national park authority area;
(e) be available to represent the CJC on other bodies;
(f) promote equality and diversity in the CJC's policies and practices; and
(g) maintain the highest standard of conduct and ethics.

Article 5 – Overview and Scrutiny Arrangements

Introduction

5.1 This Article sets out the overview and scrutiny arrangements the CJC has put in place.

Definitions

5.2 For the purposes of this Article:

- **'CJC'** means the South East Wales Corporate Joint Committee;
- **'Appointing Authorities'** are the constituent councils of the CJC;
- **'Host Authority'** means Rhondda Cynon Taf County Borough Council, or such other authority as the Appointing Authorities may agree from time to time.

5.3 The Joint Overview and Scrutiny Committee of the South East Wales Corporate Joint Committee ("the JOSC") was established by the agreement of the Appointing Authorities pursuant to the Local Authorities (Joint Overview and Scrutiny Committees) (Wales) Regulations 2013.

Members

5.4 The JOSC shall consist of one non-executive member from each Appointing Authority.

5.5 It is a matter for each Appointing Authority, from time to time, to nominate, or terminate the appointment of its nominated member serving on the JOSC. Each Appointing Authority shall be entitled, from time to time, to appoint a deputy for its member representative to the JOSC but such deputy shall only be entitled to vote at meetings of the JOSC in the absence of their corresponding principal.

5.6 The length of appointment is a matter for each Appointing Authority.

5.7 The JOSC may resolve to co-opt, or withdraw the co-option of, additional members, except that the JOSC may not co-opt a person who is a member of a local authority. A co-opted member shall not be entitled to vote at any meeting of the JOSC on any question which falls to be decided at that meeting.

Quorum

5.8 The quorum necessary for a meeting of the JOSC is at least 6 out of the 10 JOSC members entitled to vote at the meeting, present at the relevant time.

Election of a Chair

5.9 The JOSC shall elect a Chair and Vice Chair annually.

Rules of Procedure

5.10 The procedure rules will be those of the Host Authority for its Scrutiny Committees.

Members' Conduct

5.11 Members of the JOSC will be bound by their respective Council's Code of Conduct.

Declarations of Interest

5.12 Members of the JOSC must declare any interest either before or during the meetings of the JOSC (and withdraw from that meeting if necessary) in accordance with their Council's Code of Conduct or as required by law.

Confidential and Exempt Information / Access to Information

5.13 The Host Authority's Access to Information Procedure rules shall apply subject to the provisions of the Local Government Act 1972.

Openness and Transparency

5.14 All meetings of the JOSC will be open to the public unless it is necessary to exclude the public in accordance with Section 100A (4) of the Local Government Act 1972.

5.15 All agendas, reports and minutes of the JOSC will be made publicly available, unless deemed exempt or confidential in accordance with the above Act.

2.3 Shareholders' Group

2.3.1 The Shareholders' Group is comprised of the Chair of the CJC, the Directors of CSC Foundry Ltd, CCR Energy Ltd and Innovation Investment Capital Limited Partnership, together with the CJC-nominated Non-Executive Directors of companies in which the CJC has made equity investments.

2.3.2 The Group will be attended by the Chief Executives of once of the Constituent Councils, nominated by the Regional Chief Executives' Group, who may be invited to speak but may not vote on any matter.

2.3.3 The Group is responsible for:

(1) considering issues relating to CJC wholly-owned companies and companies in which the CJC has made equity investments; and

(2) making reports and recommendations to the Governance & Audit Committee and/or CJC, as appropriate

2.4 Regional Chief Executives' Group

2.4.1 The Regional Chief Executives' Group is comprised of the Chief Executive Officer of each of the 10 Constituent Councils, the Chief Executive Officer of the Brecon Beacons National Park Authority and the Chief Executive Officer of the CJC (or their nominated deputies).

2.4.2 The Regional Chief Executives' Group is responsible for:

(1) bringing collective public sector Chief Executive expertise and experience to advise on regional strategy, policies and investment proposals;

(2) providing Local Authority specific input into development of policies;

(3) reviewing City Deal investment proposals, monitoring reports and providing feedback and advice to the Investment Board through nominated representatives;

(4) attending other forums and meetings to present public sector Chief Executive feedback and advice;

(5) responding to UK and Welsh Government requests for regional feedback on schemes, policy proposals and initiatives;

(aa) public authority or body exercising functions of a public nature;

(bb) company, registered society, charity, or body directed to charitable purposes;

(cc) body whose principal purposes include the influence of public opinion or policy;

(dd) trade union or professional association; or

(ee) private club, society or association operating within the CJC's area,

in which you have membership or hold a position of general control or management;

(x) any land in the CJC's area in which you have a licence (alone or jointly with others) to occupy for 28 days or longer;

(b) a decision upon it might reasonably be regarded as affecting —

(i) your well-being or financial position, or that of a person with whom you live, or any person with whom you have a close personal association;

(ii) any employment or business carried on by persons as described in 10(2)(b)(i);

(iii) any person who employs or has appointed such persons described in 10(2)(b)(i), any firm in which they are a partner, or any company of which they are directors;

(iv) any corporate body in which persons as described in 10(2)(b)(i) have a beneficial interest in a class of securities exceeding the nominal value of £5,000; or

(v) any body listed in paragraphs 10(2)(a)(ix)(aa) to (ee) in which persons described in 10(2)(b)(i) hold a position of general control or management, to a greater extent than the majority of other council tax payers, ratepayers or inhabitants of the CJC's area.

Disclosure of Personal Interests

11. (1) Where you have a personal interest in any business of the CJC and you attend a meeting at which that business is considered, you must disclose orally to that meeting the existence and nature of that interest before or at the commencement of that consideration, or when the interest becomes apparent.

1.4.2 appointed Cardiff Council to act as the Accountable Body and to implement investments / projects approved by the Joint Committee, as the CCR is not a separate legal entity.

1.5 In 2021, the Senedd Cymru passed legislation establishing the South East Wales Corporate Joint Committee the ("CJC"). The CJC is a public body with powers and responsibilities determined by Parliament. The CJC has three key areas of responsibility:

- preparing a Strategic Development Plan;
- preparing a Regional Transport Plan; and
- doing whatever is deemed necessary to enhance or promote the economic well-being of the area (the "Economic Well-being Function").

1.6 Membership of the CJC is made up of the elected council leaders of the 10 Councils in the CCR and a member appointed by the ~~Bannau Brycheiniog~~ Brecon Beacons National Park Authority. ~~When discharging the function of preparing a Strategic Development Plan, a representative of the Bannau Brycheiniog National Park Authority is also a member.~~ The Council Members are entitled to vote in relation to any matter to be decided by the CJC, and the Brecon Beacons Member is only entitled to vote to the extent that the matter to be decided is about strategic planning functions.

2. Transfer of CCR City Deal to the CJC

2.1 The CJC is a corporate body able to employ staff, hold assets and manage funding in its own right, without the requirement to act via an Accountable Body.

2.2 With effect from 1 April 2024, the CJC will be the stewardship and decision-making entity for the CCR City Deal, superseding and replacing the contractual Joint Committee under the JWA.

2.3 All of the rights and obligations of Cardiff Council as the Accountable Body for CCR City Deal are transferred to the CJC.

2.4 The CJC will deliver the City Deal as part of its Economic Wellbeing Function, allowing the existing regional collaboration to make use of the additional tools that the structure of a corporate body allows.

2.5 The CJC shall be responsible for receiving and spending funds on behalf of the Councils in relation to the City Deal in accordance with the funding conditions.

2.6 The CJC shall agree the number and scope of projects to be developed in order to provide an overall regional benefit to the Cardiff Capital Region.

2.7 When the CJC is exercising functions relating to the CCR City Deal, only the Council Members will be entitled to vote on the matter. The ~~Bannau Brycheiniog~~ Brecon Beacons Member shall not have decision-making powers in relation to CCR City Deal.

3. Key Objectives

3.1 When exercising functions in relation to CCR City Deal, the CJC will act in accordance with the following objectives:

3.1.1 **Connecting the Cardiff Capital Region,** its communities, businesses, jobs, facilities and services;

3.1.2 **Investing in innovation and the digital network,** creating and nurturing new high growth businesses, increasing investment in research and development, and providing the skills that businesses need now and in the future;

3.1.3 **Developing a skilled workforce and tackling unemployment,** improving the co-ordination of skills and employment support, increasing the number of people moving into work, increasing the number of people undertaking an apprenticeship or other relevant skills provision, and giving people the skills they need;

3.1.4 **Supporting enterprise and business growth,** improving the co-ordination of local and national business support arrangements, identifying barriers to growth, supporting spatial and sectoral priorities and targeting emerging opportunities for driving economic performance; and

3.1.5 **Housing development and regeneration,** delivering a strategic approach to housing, regeneration, and economic growth to create an