

<b>ISLE OF ANGLESEY COUNTY COUNCIL</b>	
<b>MEETING:</b>	County Council
<b>DATE:</b>	06/03/2025
<b>TITLE OF REPORT:</b>	Scrutiny arrangements for the Corporate Joint Committee
<b>REPORT BY:</b>	Lynn Ball, Director of Function (Council Business) / Monitoring Officer <a href="mailto:lynnball@ynysmon.llyw.cymru">lynnball@ynysmon.llyw.cymru</a>
<b>PURPOSE OF REPORT:</b>	To seek Council approval for additional scrutiny arrangements in relation to the Corporate Joint Committee
<b>CONTACT OFFICER:</b>	Lynn Ball, Director of Function (Council Business) / Monitoring Officer <a href="mailto:lynnball@ynysmon.llyw.cymru">lynnball@ynysmon.llyw.cymru</a>

## 1. INTRODUCTION

- 1.1 The Corporate Joint Committee (CJC”) was established on 01/04/2021 and subsequently gained its functions in 06/2022. Currently these functions are to:
- Prepare, monitor and review a Regional Strategic Development Plan
  - Develop a Regional Transport Plan
  - Promote economic wellbeing
- 1.2 The CJC is a separate local authority body with its own functions and membership primarily drawn from the six North Wales Councils (“the Constituent Councils”) and the Eryri National Park Authority. It has statutory requirements to effectively adopt most of the generic governance arrangements of a Principal Authority including a Constitution, Governance and Audit Sub- Committee, Standards Sub-Committee and other legal requirements including Performance Reviews, Equalities and Biodiversity Policies and compliance with the Welsh Language Standards
- 1.3 The requirement for scrutiny of the CJC is contained in both the Regulations and the Statutory Guidance.

## 2. RECOMMENDATIONS

### Council agrees:

- 2.1 to the establishment of the North Wales Corporate Joint Committee Joint Overview and Scrutiny Committee with the Terms of Reference as set out in **Appendix 1**
- 2.2 that the powers of local scrutiny committees provided for under The Corporate Joint Committees (General) (No. 2) (Wales) Regulations 2022 shall be retained
- 2.3 the political balance of Isle of Anglesey County Council's nominees to the Joint Overview and Scrutiny Committee (JOSC) will reflect the membership of Isle of Anglesey County Council rather than the membership of the Constituent Councils in aggregate
- 2.4 that the secretariat for the JOSC will be provided by the CJC in accordance with the Terms of Reference

## REASONS FOR RECOMMENDATIONS

- (i) To provide additional scrutiny arrangements for the CJC across all of its three functions
- (ii) Statutory Guidance and existing practice points towards the Constituent Councils establishing a joint scrutiny model so that there is a single dedicated body, developing focused expertise in the work of the CJC. This body will not displace local scrutiny of the CJC.

## 3. BACKGROUND INFORMATION

- 3.1 The requirement to establish scrutiny committees is a statutory requirement of the executive system of local government. However, there is no corresponding statutory requirement for a CJC to establish its own scrutiny sub-committees to exercise similar functions. Indeed, the current Statutory Guidance ("the Guidance") on the CJC envisages that this will be based on scrutiny by the Constituent Councils. **The Guidance states:**

### ***"34. Overview and scrutiny arrangements***

*34.1 Regulations on overview and scrutiny are proposed for spring 2022. It is envisioned that this will be based around scrutiny by the constituent councils of the CJC and not scrutiny by the CJC of its own work. This will be an important part of the democratic accountability of the CJC. As part of the councils general approach to scrutiny any scrutiny arrangements should be undertaken in line with any published scrutiny guidance and the Democracy Handbook (when published).*

34.2 *In considering the most effective and efficient approach to scrutiny, constituent councils and CJsCs should give thought to the benefits of a joint overview and scrutiny committee made up of the constituent councils. The clear aim and ambition however must be to create, facilitate and encourage a clear democratic link back to the constituent councils.*

34.3 *As part of the regulations discussed in 34.1 it is proposed that CJC members and staff will have a duty to provide information to the scrutiny committee; attend committee meetings if requested to do so; and consider any report or recommendations made by a committee within the agreed arrangements and which relate to the CJC”*

**(Corporate Joint Committees: Statutory Guidance-WG 2022)**

3.2 This is further supported by the **“Statutory and Non-Statutory Guidance for Principal Councils in Wales – supporting provisions within the Local Government Act 2000, the Local Government (Wales) Measure 2011 and the Local Government and Elections (Wales) Act 2021” June 2023** which identifies scrutiny of CJC as being one of the possible functions of a JOSJC:

*“12.10 Some instances where a joint committee might be appropriate include:*

- *On-going monitoring of a joint service delivery mechanism;*
- *On-going review of a joint statutory partnership or other collaborative arrangement such as a corporate joint committee;*
- *Investigating a topic that may require a regional response (for example, waste management or sustainable development);*
- *Sharing scrutiny resources to investigate a similar topic of high interest or high importance to more than one authority (although not necessarily requiring a joint / multi-authority response).”*

**3.3 Criteria for establishing a JOSJC**

*12.11 In deciding whether or not to establish a JOSJC, the following questions should be considered:*

1. *Does the topic involve the work of a strategic partner or partnership body whose services cover more than one local authority area? For example, a JOSJC may wish to focus upon the work of a transport provider, third sector organisation or a relevant social enterprise whose services cross authority boundaries;*
2. *Does the issue or service affect residents across more than one county area or concern a particular population’s needs? A JOSJC may wish to consider thematic topics such as climate change, fuel poverty, grass-fires or road safety; or it may wish to consider services connected to particular groups of interest such as young adults with physical disabilities, teenage mothers or vulnerable older people;*

3. *What form of JOSOC could reasonably be resourced? Undertaking effective joint scrutiny is dependent on participating councils engaging in the building of relationships, and putting in place systems of working and administration. In order that JOSOCs can provide significant added value, care must be taken to ensure that its objectives are proportionate to its resources.”*

3.4 **The Corporate Joint Committees (General) (No. 2) (Wales) Regulations 2022** impose a duty on the CJC to co-operate with a “relevant” scrutiny committee and respond to any reports or recommendations prepared by the scrutiny committee. A “relevant scrutiny committee” may be a committee of those authorities which are members of the CJC, or a joint scrutiny committee appointed by those authorities. This means that where a scrutiny committee exercises its powers to make a report to the authority, or its executive, on matters which relate to the functions of the CJC, certain requirements must be met.

3.5 So, the CJC must co-operate with the relevant scrutiny committee and give it such reasonable assistance as it requests, including:

- arranging for a member of the CJC to attend to answer questions
- arranging for a member of staff of the CJC to attend to answer questions
- providing information
- providing documents (with provision for exempt information)
- consider the report or recommendation, and
- where the scrutiny committee formally publishes a report, the CJC must publish a statement setting out the steps it intends to take in light of the report or recommendation in exercising its functions within two months

Another point to note is that decisions of the CJC are not subject to call in by scrutiny, either regionally or locally. Regionally, because there are no legislative provisions to allow for this and locally because the CJC is a separate legal entity from the constituent councils. Call in of decisions relating to the Growth Deal were capable of being called in, but no call in has ever been made. This right ceases on dissolution of the Joint Committee of the Economic Ambition Board.

### 3.6 **Current Corporate Joint Committee Scrutiny - Wales**

Currently, in relation to the other three corporate joint committees in Wales, joint scrutiny arrangements have been put in place. These are either JOSOCs created and agreed with the Constituent Councils or established by CJC as part of their governance arrangements.

### 3.7 **Regional and Local Scrutiny**

The CJC is a regional body which needs to be subject to scrutiny as a whole and it does not make sense for that work to be undertaken six times. Equally, it has responsibility to work across the whole of the North Wales region in

relation to its three statutory functions so, it makes sense to scrutinise the impact and effect of such plans on a regional basis.

Some of the work of the CJC is geographically localised within the area of each Constituent Council and so will still be open to local scrutiny. So, within the Growth Deal there are specific projects which are only relevant to, or most relevant to, an individual Council area where the outcomes will largely be localised. It is necessary that those local outcomes be scrutinised on a local basis. Councils may also wish to examine the impact of broader regional strategies on their own locality. The JOSOC will therefore not displace the right of local scrutiny committees to look at the work of the CJC as it effects their council's area

### **3.8 Outline of proposed JOSOC CJC scrutiny roles**

- (a) To review or scrutinise decisions made, or other action taken, in connection with the discharge of any functions which are the responsibility of the CJC (not "call in")
- (b) To make reports or recommendations to the CJC in respect of the discharge of any functions which are the responsibility of the CJC
- (c) To make reports or recommendations to the CJC on matters which affect the CJC

The cycle of meetings would need to be agreed as would the support requirement and work programmes etc.

### **3.9 Membership of the JOSOC**

It is proposed that the JOSOC would have 12 members who would not be executive members of the six regional councils. This results from an underlying requirement that there is an equal number of members from each of the Constituent Councils. In addition, members are appointed by each council as far as practicable on the basis of their respective political balance, as opposed to the overall North Wales political make-up of the membership. So appointments from Ynys Môn for example would be based on the political balance of Ynys Môn and appointments from Conwy would be based on their political balance.

### **3.10 Support Arrangements**

Officer time and capacity will be required to support the JOSOC, although this would also be required to support "in depth" local scrutiny of the CJC. It can be anticipated that the JOSOC would meet about three times per annum. There would have to be liaison between the CJC staff and local scrutiny support officers. This would be essential regionally or locally to avoid a "general update" approach to the scrutiny of the CJC. It is anticipated that the JOSOC will be held by remote means.

### 3.11 Growth Deal

The six Constituent Councils, together with the four education partners, entered into a joint working agreement (“GA2”) which established the Joint Committee responsible for overseeing and coordinating the discharge of the North Wales Growth Deal.

3.12 However, it was anticipated in the GA2 that the Growth Deal might potentially be transferred to the CJC and the Constituent Councils resolved “in principle” in 21/22 to transfer the Growth Deal to the CJC. Isle of Anglesey County Council made this decision on 13/12/2021. The relevant report is attached at **Appendix 2** and provides the background to that decision. The impetus for the transfer was the common membership of the Economic Ambition Board (“EAB”) with the CJC, the wish to avoid duplication of regional bodies with similar functions, and the CJC’s status as a statutory entity.

3.13 As part of GA2 a Scrutiny Protocol was adopted which provided a framework for scrutinising the work of the EAB. This provided for provision of regular reports and attendance by EAB officers at local scrutiny committees. This was because, unlike the CJC, the EAB was subject to “call in” of its decisions and there was also an agreed mechanism to manage potential multiple call ins. In fact, there has been no call in of the EAB’s decisions. This arrangement was possible because of the narrow scope of the EAB’s functions, which was limited to economic wellbeing and development, with its functions being relevant to one scrutiny committee from each council. Scrutiny of the CJC, with its full range of functions should now be considered in a different context. The proposed model of a JOSOC enables a far more active and rigorous approach and a closer relationship between the scrutiny function and the CJC. It should also be emphasised that the proposed model does not take away the statutory powers of the individual scrutiny committees of the Constituent Councils, where appropriate, to require the CJC to contribute and respond to a formal report or recommendations. This is reflected in the Standing Orders.

### 3.14 Standing Orders

A proposed set of Standing Orders have been prepared for the JOSOC.

### 3.15 Conclusion

The creation of the CJC involves a change in terms of regional partnering from the current Joint Committee arrangements. It can also be surmised that its role will see increased prominence and possible expansion of functions or tasks. It will also continue to develop its own separate governance and management arrangements. There are therefore risks attached to assuming the current arrangements around the EAB can be rolled forward into this new environment whilst also achieving an appropriate level of challenge and scrutiny. Scrutiny

is there to provide assurance for the Constituent Councils, and the CJC itself, that it is properly exercising its functions. If this is to be done regionally and locally, or just locally, then those members involved will need to develop a level of understanding and information about this relatively new organisation that they are scrutinising, how it works, its risk and its inter-relationship with their own councils.

- 3.16 The Statutory Guidance also needs to be considered, and this recommends a JOSC model. The other three CJs in Wales have also adopted regional scrutiny models.
- 3.17 A JOSC would need to maintain a relationship with its constituent councils. It would be acting as their representative body and should not be acting as a wholly stand-alone entity. It would be seen as part of its terms of reference as having a regional gatekeeping role in the future development of the CJC and its functions. This would be incorporated into its terms of reference. On specific local issues “home” scrutiny committees would still maintain the ability to scrutinise the CJC as it is a key area, as the Guidance suggests, for maintaining the democratic relationship with the home authorities. There is a risk nevertheless that this also overlooks the point that unlike traditional joint committees which are effectively regional executives (within their terms of reference) the CJC is a separate corporation which needs to develop and maintain a relationship with its partner councils and organisations in a different way. Scrutiny is a key component of that arrangement and the CJC will be working closely with its Constituent Councils. This in itself highlights the need for scrutiny to be being undertaken by those having the opportunity to develop expertise on the functioning of the CJC in order to provide the level of detailed scrutiny challenge which is now required.

## Joint Overview and Scrutiny Committee

### DRAFT Terms of Reference

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# Terms of Reference

## **1. Statutory Provisions.**

- a) The joint overview and scrutiny committee (“JOSC”) has been established in accordance with the following legislation:-
- The Local Government (Wales) Measure 2011 (Sec 58 – Joint Overview and Scrutiny Committees)
  - The Local Authorities (Joint Overview and Scrutiny Committees) (Wales) Regulations 2013.
  - The Corporate Joint Committees (General) (No. 2) (Wales) Regulations 2022
- b) The conduct of the JOSC and the arrangements for joint scrutiny shall be subject to the legislative provisions in a) above, and any regulations or guidance made in accordance with the legislation; and in the event of any conflict between the Act and/or Regulations and any joint arrangements, the requirements of the legislation will prevail.

## **2. Name of Overview and Scrutiny Committee**

(a) The appointing Authorities (“Appointing Authorities”) are –

- Conwy County Borough Council;  
Denbighshire County Council;
- Flintshire County Borough Council;
- Cyngor Gwynedd ;  
Isle of Anglesey County Council;  
Wrexham County Borough Council;

(b) The title of the JOSC between the six Appointing Authorities shall be the “North Wales Corporate Joint Committee Joint Overview and Scrutiny Committee” (*The JOSC for the purpose of this document*).

## **3. Purpose of the Joint Scrutiny Committee (JOSC)**

- The overall aim of the JOSC is to scrutinise the overall effectiveness of the North Wales Corporate Joint Committee (the CJC).
- The core functions of the JOSC are:-
  - To review or scrutinise decisions made, or other action taken, in connection with the discharge of any functions which are the responsibility of the CJC (not “call in”);
  - To make reports or recommendations to CJC respect to the discharge or proposed discharge of any functions which are the responsibility of the CJC,
  - To make reports or recommendations to the CJC on matters which affect the CJC.
  - It’s cycle of meetings would need to be agreed as would the support requirement and work programmes etc.

- d) The remit of the JOSC includes only the activities of the CJC as a partnership and excludes scrutiny of individual partner organisations (see also para 5).

#### **4. Intended outcome(s) of the joint overview and scrutiny committee**

- a) Ensuring that the JOSC achieves the following benefits:-
- **Effective challenge** is provided to the CJC and that it is achieving the desired aims.
  - **the focus is on outcomes for people not organisations:** shifting the perspective from inputs to delivering results;
  - **the JOSC acting as a unifying force:** helping the appointing authorities address regional decision-making across different political, organisational and geographical boundaries;
  - **Accountability:** providing timely review in relation to the CJC's functions.
  - **Efficiency:** maximise resources;
  - **Innovation:** identifying new insights and solutions.
- (b) The Joint Scrutiny Committee will prepare an annual report on achieving on it's work and outputs which will be sent to the Appointing Authorities Head of Democratic Services by no later than 31 July in any given year.

#### **6. Elected Member Membership (Councillors)**

- a) There will be an equal number of Elected Members from each appointing authority and no executive members may be on the committee.
- b) The JOSC will comprise twelve Elected Members; that is two non-executive Elected Members from each of the Constituent Councils.
- c) Each local authority will determine and nominate its Elected committee Members in accordance with its own arrangements. The term of office of the nominated Elected Members shall be a matter for each nominating local authority, subject to a minimum planned term of one municipal year.
- d) Each Elected Member will have a key role in reporting back to their Appointing Authority on the scrutiny undertaken and the outputs.

#### **7. Quorum**

- a) A quorum of one third of Elected Members of the JOSC will be required to enable a meeting to proceed.
- b) (b) For the avoidance of doubt presence will include presence through electronic means which allow the member to hear and speak at the meeting.
- (c)The failure of any technological provision whether that leads to a partial or complete loss of contact shall not invalidate any part of the deliberations or any vote taken. The Chairman may postpone the meeting if they deem that appropriate.

#### **9. Co-opted Members**

- a) The JOSC may invite additional members to serve on the JOSC or sub-committee as co-opted members subject to:-<sup>2</sup>
- the appointment being approved by a majority of all the members of the JOSC

- the person co-opted to serve on the JOSC, or on a sub-committee, not being entitled to vote at any meeting of the JOSC or sub-committee on any question which falls to be decided at that meeting.
- the person not being an elected member of a local authority, whether that authority is one of the appointing authorities or otherwise.
- the membership of a person co-opted to serve on the JOSC, or on a subcommittee of such a committee, being withdrawn by a majority vote at any time by the JOSC or sub-committee.
- the number of co-opted members on the JOSC not exceeding the number of elected members that sit on the JOSC.

#### **10. Termination / suspension of membership**

- a) If an Elected Member appointed to the JOSC ceases to be a member of the Appointing Authority, then that person also immediately ceases to be a member of the JOSC.
- b) If a person appointed as a member of a JOSC is suspended from being a member or a co-opted member of one of the Appointing Authorities, that person may not serve as a member of the JOSC for the duration of the suspension.
- c) If a co-opted member appointed to the JOSC ceases to be an employee/member of the organisation he/she was appointed from, then that person immediately ceases to be a member of the JOSC.

#### **11. Voting rights**

- a) All Elected Members may vote on any question that falls to be decided at that meeting
- b) Where there is an equality of votes at a meeting of a JOSC or sub-committee, the chair has a second or casting vote.
- c) A person co-opted to serve on the JOSC or on a sub-committee is not entitled to vote at any meeting of the JOSC or sub-committee on any question which falls to be decided at that meeting (also see Co-opted Members above).

#### **12. Sub Committees of the JOSC**

- a) The JOSC can establish sub-committees in order to operate in a more streamlined and flexible manner to undertake its statutory functions.
- b) Any sub-committees appointed by the JOSC will comprise at least four Elected Members, together with any co-opted members as agreed when establishing the sub-committee. The number of co-opted members on the sub-committee must not exceed the number of Elected Members that sit.
- c) A sub-committee is to comprise an equal number of Elected Members of each of the appointing authorities.
- d) Any report or recommendations made by a sub-committee of the JOSC is subject to approval by a resolution of the JOSC.
- e) Any sub-committee can only exercise the functions conferred upon it by the JOSC.

#### **13. Political Balance**

- a) Each Appointing Authority must ensure that, as far as practicable, the members of the JOSC reflect the balance of political groups for the time being prevailing among the members of the Appointing Authority.

#### **14. Appointment of Chair and Vice Chair**

- a) A JOSC must appoint a chair of the committee from within its Elected Member membership.
- b) A JOSC may appoint a vice-chair and this must be from within its Elected Member membership.
- c) The Chair will be appointed from within its Elected Member membership on a rotational annual basis and the allocation of the vice-chair (if appointed) will be given to the member of the Authority which is next scheduled to hold the position of Chair.
- d) Any sub-committee must appoint a chair, and may appoint a vice chair, from amongst its Elected Member membership.

#### **15. Access to meetings and documentation etc.**

- a) The JOSC, or a sub-committee, is to be treated as a committee or sub-committee of a principal council for the purposes of Part VA of the Local Government Act 1972 (access to meetings and documents of certain authorities, committees and subcommittees).

#### **16. Meetings of the JOSC**

- a) Meetings will initially be held on a quarterly basis with a schedule of meeting dates circulated and agreed at the start of each financial year. Extra meetings may be called where 50% of the Elected Members identify the need.

#### **17. Work programme (Forward Plan)**

- a) In consultation with the CJC The JOSC should agree a forward plan to identify what issues the JOSC intends to focus upon during the course of the year.
- b) The forward plan should provide a clear rationale as to the purpose of considering a particular topic, and to the methods by which it will be investigated.
- c) The JOSC must have regard to The Local Government (Wales) Measure 2011 and guidance, which places a requirement to engage with the public.
- d) The JOSC must consult the CJC and the Appointing Authorities on the proposed Forward Plan

#### **18. Access to information rules**

- a) Meetings of the JOSC will be subject to the same access to information rules as other public meetings of the councils.
- b) The Chair will adhere to the access to information rules of his/her respective Authority.

#### **19. Rules of Procedure**

- a) Members of the JOSC and the public must have regard for the Chair who will have the authority to determine on any rules of procedure during meetings of the JOSC.
- b) The Chair will adhere to the rules of procedure of his/her respective Authority.

## **20. Declarations of Interest**

- a) All Elected Members shall observe the Code of Conduct in force for their respective Authorities, whilst co-opted members shall observe the Code of Conduct of the Authority of the Chair of the JOSC at the time the co-opted member was appointed.
- b) Members of the JOSC must declare any interest during meetings of the JOSC (and withdraw from the meeting if necessary) in accordance with the paragraph above.

## **21. Confidentiality of Information**

- a) In accordance with Members' respective Authority's Code of Conduct, members (Elected Members and Co-opted Members) of the JOSC must not disclose any information considered 'exempt' in accordance with Section 100A (4) of the Local Government Act 1972.
- b) The Proper Officer for the JOSC shall be??

## **22. Administrative arrangements**

- a) The secretariat function will be provided by the CJC . The function includes:
  - Arranging regular meetings of the JOSC - meetings are held within appropriate timescales following meetings of the CJC and its Sub Committees
  - Preparing agendas and commissioning papers for meetings - Agendas and commissioning papers are prepared and distributed in a timely manner.
  - Inviting participants
  - Managing attendance
  - Provision of meeting venues
  - Minute taking
- b) Professional Scrutiny support for the JOSC will be arranged and provided by the Appointing Authorities,

## **23. JOSC meeting procedures (including sub-committees)**

- a) Main agenda items will be identified at the previous meeting in line with the agreed work programme. At this point potential witnesses and broad themes should be considered.
- b) Prior to the meeting all JOSC Members should be engaged in raising and discussing possible questions by email. The JOSC Chair will facilitate this process.
- c) A pre-meeting for all JOSC Members will be held for 30 minutes immediately before each JOSC meeting. The purpose is to ensure that members are fully prepared for the JOSC meeting and that the questioning strategy is clear.
- d) During the meeting, the JOSC Chair will be responsible for ensuring that questioning is effective and that the JOSC achieves its objective.
- e) Those invited to attend for a particular agenda item shall not be expected to remain at the meeting.

- f) At the close of the meeting, witnesses will be asked to leave to enable JOSC Members to discuss their conclusions and any recommendations arising from the meeting. These conclusions and recommendations will be reported to the PSB and relevant Cabinet Member(s) in the form of a Chairs' Letter. The meetings should keep under review the effectiveness of the meeting and identify ways that future meetings could be improved

#### **24. Responding to the JOSC recommendations**

- a) The JOSC will agree outcomes of its meetings and record the conclusions and any recommendations arising from a JOSC meeting.
- b) Where recommendations have been made to the CJC a written response would be expected within two months, indicating whether the recommendation is to be accepted and what action (if any) will be taken in response.

#### **25. Evidence Gathering**

- a) The JOSC is entitled to gather evidence in connection with any review or inquiry it undertakes as part of their agreed work plan.
- b) The JOSC shall adopt methods of gathering evidence to inform its deliberations. These include, but are not limited to, task and finish groups, holding enquiries, undertaking site visits, conducting public surveys, holding public meetings, commissioning research, hearing from witnesses and appointing advisors and assessors. The knowledge of Members is also a valuable source of evidence and should be considered as part of each inquiry.

#### **26. Corporate Joint Committees (General) (No. 2) (Wales) Regulations - Regulation 8 and 9**

- a) Without prejudice to the right of any relevant Overview and Scrutiny Committee of an Appointing Authority under Regulation 8 the JOSC when it intends to make a report or recommendations to an Appointing Authority/ies or the executive of an Appointing Authority/ies on matters which affect the authority's area or the inhabitants of that area and the report or recommendations relate to the exercise of a function of the CJC :
- The CJC must co-operate with the JOSC and give it such reasonable assistance as it requests in connection with the exercise of its functions.
  - Assistance provided under paragraph (2) may include—
    - arranging for a member of the CJC to attend and answer questions at a meeting of the committee;
    - arranging for a member of the staff of the CJC to attend and answer questions at a meeting of the committee;
    - providing information.
    - providing copies of documents in the possession or under the control of the CJC
- b) Where the JOSC formally publishes a report or recommendation in accordance with Section 21B(2) of the Local Government Act 2000 or regulation 13(2) of the Local Authorities (Joint Overview and Scrutiny Committees) (Wales) Regulations 2013 the CJC must:
- consider the report or recommendation, and

- before the end of the period of 2 months beginning with the day the report by the committee is published publish a statement setting out the steps it intends to take in light of the report or recommendation in exercising its functions.

## **27. Setting the agenda**

- a) Individual agenda items, other than standing items, are to be determined in the first instance by the Work Programme which is to be established and agreed by the JOSC. The decision to consider additional items or defer planned items will be a matter for the discretion of the Chair.
- b) Any matter that is referred to the JOSC or a sub-committee by any member of the JOSC or a sub-committee will be included on the agenda for, and discussed at, a meeting of the JOSC or the relevant sub-committee. See “Reference of matters to joint overview and scrutiny committee, etc” below

## **28. Reference of matters to joint overview and scrutiny committee, etc**

- a) Any member of the JOSC can refer to the committee any matter which is relevant to its functions.
- b) Any member of a sub-committee of the JOSC can refer to the committee any matter which is relevant to its functions.
- c) Any member of any of the Appointing Authorities can refer to the JOSC any local government matter which is relevant to the functions of the JOSC.
- d) Any referral as per a) to c) above will be included on the agenda for, and discussed at, a meeting of that committee or sub-committee.
- e) Where the JOSC makes a report or recommendations in relation to a matter referred to it by that member, it must provide the member with a copy of the report or recommendations.

## **29. Training and Development**

- a) Training will be provided to members of the JOSC as and when required / appropriate.

## **30. Expenses, Allowances and Salaries**

- a) The JOSC will not be responsible for or pay any expenses or allowances.
- b) The remuneration of Chair of the JOSC (or a Sub-Committee of the JOSC) is prescribed by the Independent Remuneration Panel for Wales and is a matter for the constituent local authorities to decide whether such a post will be paid.
- c) All Elected Members and Co-opted Members will need to apply to their respective Authority or Organisation for any payment of expenses etc.

## **31 Meeting Venue / time**

- a) The Joint Overview and Scrutiny Committee (JOSC) shall conduct all meetings virtually. The committee will utilise secure and reliable digital platforms that enables participation in line with the 2021 Act,

- b) Meeting dates and times will be communicated in advance as part of the Corporate Joint Committees annual calendar of meetings..
- c) Appropriate technical support and guidance will be provided to committee members to support their use of virtual meeting platforms, including pre-meeting technical briefings and on-call assistance during meetings, if required.
- d)



<b>Isle of Anglesey County Council</b>	
Report to:	The Executive
Date:	13 December 2021
Subject:	<p><b>Establishing the North Wales Region's Corporate Joint Committee (CJC)</b></p> <p>Further to Welsh Government legislation establishing the North Wales region's CJC, the 6 local authorities must make appropriate arrangements before holding the CJC's first meeting, and agree the CJC's 2022/23 budget by 31 January 2022, before initial CJC functions 'go live' on 30 June 2022.</p>
Portfolio Holder(s):	Council Leader
Head of Service / Director:	The Chief Executive
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Local Members:	Applies equally to all Members

#### A – Recommendation/s and reason/s

##### **RECOMMENDATION/S**

Agree in principle that the functions of the North Wales Economic Ambition Board be transferred by way of a delegation agreement to the North Wales Corporate Joint Committee on condition:

- a) that the statutory framework that the Welsh Government are developing allows for the delegation of the relevant executive functions to a Corporate Joint Committee,
- b) that the North Wales Corporate Joint Committee agrees to establishment of a Sub-Committee, with membership to be agreed with the Councils, to undertake the functions of the Economic Ambition Board.

##### **REASON/S**

This transition is proposed in order to achieve a streamlined governance model, avoiding duplication. A further detailed report on the framework for implementation will be presented to a subsequent meeting of the Executive.

## **BACKGROUND**

1. Regulations were made by the Welsh Government on 17 March 2021 creating four Corporate Joint Committees in Wales, and the North Wales Corporate Joint Committee (CJC) was established on 1 April 2021.
2. The four CJCs will exercise functions relating to strategic development planning and regional transport planning. They will also be able to do things to promote the economic well-being. In contrast to other joint committee arrangements, the CJC is a separate corporate body which can employ staff and hold assets.
3. Our region's CJC is already in existence as an independent corporate body, and its initial functions will come into force on 30 June 2022 ('go live' date for the North Wales CJC). In the past, reservations were expressed because CJCs might lead to "another layer of bureaucracy", but now we have no choice other than to make it work.
4. Further regulations will follow. The Welsh Government are consulting on draft statutory guidance. Pinsent Masons LLP, who are advising several Welsh regions, are liaising with Welsh Government in the development of this detail. This report's focus is on regional implementation and transition - the establishment of the North Wales CJC.
5. Welsh Government grant funding of £250,000 has been approved, to enhance project management capacity and commission professional assistance (including legal advice) to support implementation of, and transition to the region's CJC during 2021/22.
6. Establishing the CJC is a legal requirement, but the timetable remains challenging, including the 'immediate duties' prescribed in the legislation (viz. regional Strategic Development Plan, Regional Transport Plan, and the economic well-being function), the need to balance legacy issues with new statutory requirements, the scheduling of initial meetings, and budget-setting in January 2022.
7. This report is submitted simultaneously to Executive or Cabinet meetings at the 6 Councils: Anglesey, Conwy, Denbighshire, Flintshire, Gwynedd and Wrexham.

## **PRINCIPLES**

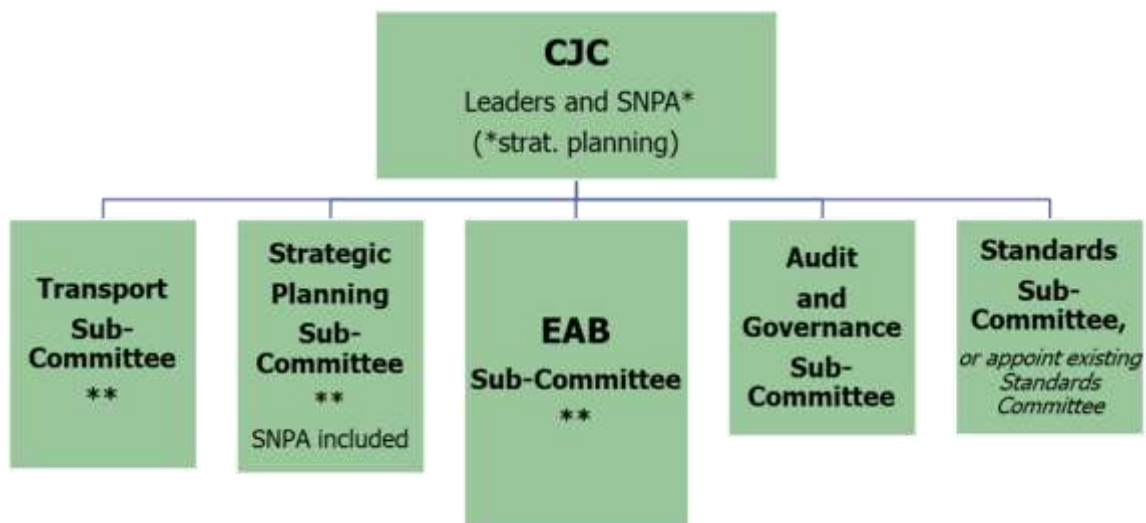
8. There is a consensus that the CJC should continue in the direction established by the North Wales Economic Ambition Board (EAB), albeit possibly better supported in due course by the structures, powers and levers provided by the CJC legislation. Further, the 6 Council Leaders and Chief Executives are agreed that our CJC should be 'built' on the following aims and principles:
- i. Clarity / simplicity
  - ii. Avoiding new bureaucracy and excessive cost
  - iii. Adding value to, not disrupting, existing regional governance
  - iv. Major Growth Deal decisions being protected by the 'reserved matters' rule
  - v. Subsidiarity (individual LAs make decisions on issues that affect them)
  - vi. Allowing new powers and opportunities to be devolved to the region
  - vii. Being 'future proof'
9. Faced with the challenging timescale, there is cross-border agreement that we should initially aim to establish a streamlined governance model, avoiding duplication while having due regard to subsidiarity. The first priority is to move the EAB to an empowered sub-committee of the CJC, noting that our local authority Leaders will be in control of this corporate body. Given approval to establish this governance model, we would ensure that we keep our options open with a high degree of flexibility to subsequently consider transition details (e.g. staff issues) on a 'case by case' basis.

### **STRUCTURE FOR THE EAB IN THE CJC**

10. Pinsent Masons have considered operational structures available to the EAB going forward, in light of the establishment of the CJC, Welsh Government policy direction and the regionally agreed principles noted under paragraph 5 above.
11. Doing nothing, or 'co-existence' is insufficient, contrary to Welsh Government policy, and doesn't address how the Economic Ambition Board's functions are to be discharged by the CJC.
12. At first glance, a partial transfer to a 'hybrid' model retaining a host authority as accountable body, co-existing with the CJC, may appear to be attractive

in terms of avoiding change from the current Economic Ambition Board model (despite the benefits of a CJC). However, this would require convoluted back-to-back agreements in respect of transactions entered into by project sponsors on behalf of the EAB. It lacks clarity, and provides no real advantage. Further, our region would still require a functioning CJC to undertake the Transport and Planning roles, which are vested directly in the CJC.

13. The most efficient and viable operational structure, which satisfies the requirement to transition to a CJC, is to transfer the Economic Ambition Board functions to an empowered sub-committee of the CJC. Consequently, transferring the functions to a sub-committee will retain core elements of the EAB, but provide a more robust and efficient delivery model directly via the CJC corporate vehicle. Crucially, the framework should allow a sub-committee governance model agreed with the CJC to confirm / continue the role of the Councils and Partners in relation to the “Reserved Matters”.
14. Pinsent Masons have advised officers in detail on the advantages and some key issues, before we concluded that the transferring the EAB functions to a sub-committee provides the optimal structure for the CJC. As a separate corporate body, the CJC may naturally evolve over time and deliver wider initiatives, while building upon recent years of regional public investment under the EAB and continuing the trajectory established by Growth Deal.
15. The proposed CJC committee structure is shown in the following chart, including establishment of a subsidiary EAB delivery vehicle (sub-committee). This limits the extent of change and satisfies the ‘immediate duties’ in a consensual way –



\*\* Delegation to statutory sub-committees, which are also subject to the transparency requirements which apply to executive function bodies.

### **DECISION-MAKING**

16. Pinsent Masons advise that decision-making, after transferring functions under the CJC, could operate to a large degree how decision-making currently occurs within the Economic Ambition Board, with local authorities retaining overall control over Growth Deal decision-making through robust delegation or novation arrangements. This will require amending legislation to allow for executive or Cabinet functions to be delegated to the CJC, as they are currently delegated to the EAB. It is understood from Pinsent Masons, further to their discussions with the Welsh Government, that this will be addressed in the forthcoming set of regulations.
17. The scheme of delegation from the local authorities to the CJC will clarify which matters remain decisions that are reserved for the local authorities as is currently set out in 'GA2'.
18. Snowdonia National Park Authority is an additional voting member of the CJC, but only on matters relating to the strategic planning function and its budget.
19. The 'Advisors' (college principals) are not original CJC members, but can be co-opted to the subcommittee and may be given voting rights if CJC so determines (and, if so, the current EAB model would continue).

### **MERITS OF TRANSFERRING THE ECONOMIC AMBITION BOARD FUNCTIONS INTO THE CJC FORMING A SINGLE CORPORATE ENTITY**

20. Having considered the approach to and implications of transferring the north Wales region's EAB and current Growth Deal arrangements (and where applicable, Growth Vision delivery) into the CJC, legal advice received from Pinsent Masons shows that simplicity and avoiding bureaucracy (two key principles identified under paragraph 5 above) may be achieved by fully utilising the potential of the CJC via direct contractual arrangements.
21. This view is strongly supported by the Cardiff Capital Region's experience, analysis and decision to 'lift and shift' their city deal (growth deal) operations to their CJC, forming a single corporate entity. Cardiff's 'go live' date for commencement of functions is 28 February 2022, four months before our CJC's 'go live' date, allowing us to be informed by precedents there.
22. Transferring the Economic Ambition Board functions to a single corporate entity will mean not using a host authority as the accountable body.

However, individual local authorities could continue to provide officers and support services to the CJC / EAB by agreement, or individual local authorities could agree to 'lead' on one of the specific 'immediate duties'. Also, individual partners could continue to lead on individual projects, of course.

23. The north Wales region's CJC must appoint statutory officers, i.e. a Chief Executive, a Monitoring Officer, and a Chief Finance Officer (CJCs have the same financial reporting and disclosure requirements as local authorities). However, the CJC could choose either to employ these directly, or enter into arrangements with constituent authorities for their officers to be placed at the disposal of the CJC.
24. Staff directly employed by the CJC may be minimised. Before the 30 June 2022 'go live' date, we will need to carefully consider transfer of Economic Ambition Board staff to be employed by the CJC, rather than the host authority. At the outset, any other employment shift could be limited by use of service level agreements with local authorities for services, or secondment of staff from local authorities. Subsequently, the CJC may make 'delivery' decisions with each individual function.

#### **ADDED VALUE FOR THE EAB WITHIN THE CJC AS A SINGLE CORPORATE ENTITY**

25. Using a host authority as the accountable body has been successful in establishing the EAB. However, continuing with this contractual agency / services agreement approach ("co-existing" with the CJC henceforth) would eventually mean both the EAB and the host authority being mired in "back to back agreements" which will be required on individual projects.
26. Over circa 6 years, this has put increasing strain on Cardiff Council as the accountable body for their region's city deal. As we have grant funding to support such transition now, Gwynedd and north Wales should take cognizance of our opportunity to take the benefit of Cardiff's experiences now, in order to avoid the time and cost of changing later. We have a timely opportunity now to learn from the Capital Region's experience. Many more loan and contract agreements would need to be novated or retained by the accountable body (depending on the nature and complexity of the individual projects) if north Wales switched our EAB model to a corporate entity further on down the road.

#### **SUB-COMMITTEES FOR STRATEGIC PLANNING AND STRATEGIC TRANSPORT**

27. There is clear consensus (from recent discussions between the 6 Council Leaders and Chief Executives) that we need a governance structure with

sub-committees for Strategic Planning and Strategic Transport, both being sub-committees of the CJC alongside, and not underneath, the EAB as a sub-committee in its own right.

28. These sub-committees could be inclusive of relevant portfolio holders from the constituent authorities, alongside their leaders on the CJC. The CJC could appoint other members with voting rights from partner organisations, as required. This delegated governance model could enable us to have a lighter CJC meeting agenda, with sub-committees doing the heavy lifting. There are certain matters which cannot be delegated by the CJC in this context, particularly around governance structure, budget decisions, and certain key decisions in relation to the adoption of the statutory plans.
29. It has been suggested that there should be 'host authority' for strategic planning and a 'host authority' for strategic transport. There could be seconding-in of some existing capacity to do the strategic work on the 'immediate duties' which must be delivered for the CJC. While individual local authorities could be prepared to lead on planning or transport functions, they would not be an 'accountable body' as Gwynedd are for the EAB. The CJC, as a corporate entity, would make agreements with third parties as required. However, in principle, it may be practical for individual authorities to lead and deliver the planning and transport functions, with the CJC funding these authorities' increased capacity / regional responsibility.

### **TRANSITION FROM GROWTH DEAL ARRANGEMENTS**

30. Several regulatory issues remain to be resolved with regards transition from current arrangements to the CJC – some of these need to be addressed through expected CJC regulations, etc. Clarification required includes possible novation of the Growth Deal funding agreement to the CJC (alternatively, subject to legislative changes to reflect Welsh Government's direction of travel, local authorities could delegate or novate to the CJC). Clarification is also required regarding the scope of the CJC's ability to borrow, invest and act commercially, tax and VAT status. The Welsh Government have stated that their policy intention is that CJsCs should be subject to the same powers and duties as principal LAs in the way that they operate (including essentially the ability to borrow and reclaim VAT like unitary local authorities). Solutions to some issues are still a 'work in progress'.
31. Legal advice is being received from Pinsent Masons on the approach to and implications of transferring the north Wales region's EAB and current Growth Deal arrangements into the CJC. Initial legal advice and the challenging timescales means that the Welsh Government's aim to transfer these arrangements into the CJC is more challenging and complex than anticipated. We will also need to consider the governance of our region's

CJC and potential sub-committees, which will require specialist input from the local authorities' lawyers.

32. The Welsh Government's stated policy direction is that the CJC should be afforded the requisite powers to be able to deliver the Growth Deal for the local authorities. Accordingly, following review of the current legislation and discussion with the Welsh Government, Pinsent Masons' specialist lawyers conclude that there is not intended to be a material disparity in the manner in which the NWEAB currently operates and how the CJC could operate in respect of the Growth Deal / Growth Vision. It is anticipated that complexities regarding delegation to the CJC may be solved by further Regulations, allowing us to tailor operations to reflect the needs of the region, in line with the Economic Ambition Board and 'GA2'.

### **GOVERNANCE AND FINANCE**

33. Transition of the Economic Ambition Board (with no material change to how it currently operates) to the CJC would require a formal decision by each of the local authorities, and in practice the consent of the other partners to GA2. The Welsh Government's Corporate Joint Committees General Regulations have not yet addressed the issue of the role of scrutiny committees. The current scrutiny arrangements for the Economic Ambition Board are within the statutory framework for scrutinising executive decision making. GA2 includes a protocol for managing the relationship. Thus far, there is no statutory arrangement for scrutiny of the Corporate Joint Committees. However, the draft statutory guidance on CJsCs emphasises the role of local authorities' overview and scrutiny arrangements, as part of the governance and democratic accountability framework which needs to be established. There are further regulations to follow and we will need to develop a scrutiny framework and understand the basis for the arrangements.
34. In respect of the 'initial functions' (see below), the CJC will need to agree the budget and allocate contributions across the local authorities. Each local authority's representative on the CJC will be mindful of the guiding principles under the NWEAB's GA2 but, as the budget setting relates to the 'initial functions', the budget contributions will be determined and levied by the CJC itself.
35. There will be significant ongoing resource requirements on local authorities' capacity in administering and delivering CJC functions. These administrative burdens and professional resource requirements for the establishment of and servicing of the CJC are yet to be fully identified.
36. As part of the scheme of delegation to the CJC, the local authorities will be passporting the Growth Deal funding, which will be allocated and invested in strict accordance with the terms of the 'Outline Business Plan' (which was



adopted when 'GA2' was signed). Any change impacting on the financial position of a local authority may be reserved for the local authorities to determine (rather than the CJC), thus ensuring this aspect operates as per the EAB.

37. Some additional statutory obligations are broadly in keeping with how the EAB functions, including:

- the CJC to prepare a 12-month business plan setting out activities to be undertaken and the CJC's budget requirements;
- the CJC to agree the CJC's budget requirements for its first financial year at a meeting of the CJC by 31 January 2022, and how this will be met (levied);
- the CJC to appoint the chairperson and vice-chairperson at its first meeting; and
- the CJC to establish a Governance and Audit Sub-Committee.

#### **THE 'INITIAL FUNCTIONS'**

38. There are three initial functions prescribed to be discharged by the CJC, two are which are not currently carried out by the NWEAB:

- preparing, monitoring, reviewing and revising of a Strategic Development Plan;
- developing a Regional Transport Plan – policies for transport; and
- economic well-being function – anything likely to promote economic wellbeing.

39. Planning policy managers in north Wales have looked at delivery options and cost implications for producing the north Wales region's Strategic Development Plan (SDP) (in addition to Local Development Plans).

40. Transport professionals are currently considering how a compliant and suitably robust Regional Transport Plan (RTP) could be developed.

41. Both the Councils and the CJC have concurrent powers in relation to promoting economic wellbeing - this one of the powers, amongst many, that the parties currently rely upon to deliver the Growth Deal. In due course additionally the co delivery of this function may be considered based on the currently envisaged Growth Vision role of the Economic Ambition Board.

42. The regionally agreed principles noted under paragraph 5 above are consistent with a shared view that the proposals here are made on a 'no threat' basis to the local authorities. Thus, the CJC will set the direction and priorities, and is likely to need some concurrent functions, while its SDP and

RTP will set a policy framework which the local authorities must have regard to. However, the individual local authorities will remain best placed to undertake local activity around economic development, planning, transport and other functions, with the CJC empowering and supporting local, regional and national delivery.

### **RECOMMENDATION**

43. The Executive are asked, subject to the Welsh Government putting the appropriate statutory framework in place, to adopt a streamlined governance model, avoiding duplication, by approving in principle the transition of the North Wales Economic Ambition Board to be established as a sub-committee of the north Wales region's Corporate Joint Committee (CJC).

### **NEXT STEPS**

44. The following key tasks (this is not an exhaustive list) will require attention during late 2021, or during first quarter of 2022:
- i. Regarding CJC membership, Snowdonia National Park Authority to nominate their representative.
  - ii. Set the date of the first CJC meeting.
  - iii. Agree the CJC's budget requirements for its first financial year at a meeting of the CJC by 31 January 2022
  - iv. Agree how the CJC's budget requirements will be met, i.e. authorities' contributions to be levied.
  - v. The CJC to adopt a sub-committee structure, and form a view on co-option, who, where, scope of participation, and whether voting or non-voting.
  - vi. Establish meeting governance and support arrangements for the CJC.
  - vii. Develop and establish a Scrutiny framework, when the Welsh Government's regulations on CJCs provides the relevant basis for the arrangements.
  - viii. Establish the Governance and Audit Committee and Standards Committee, and appoint members.

- ix. Formal decision by the local authorities, together with the consent of the other partners in GA2, to transition the NWEAB to the CJC.
- x. Establish the Governance Agreement with the CJC in relation to the Economic Ambition Board functions, and any other “host authority” agreements, with the CJC required to implement the proposed arrangement.
- xi. Appoint statutory officers.
- xii. Prepare a 12-month business plan.
- xiii. Agree how the CJC’s business transactions are established / hosted.
- xiv. Prepare and adopt CJC Standing Orders and basic governance documentation.

### **FINANCIAL IMPLICATIONS**

45. Approving the decision sought here regarding the governance model would not add any financial implication for the Council. However, there will be an unavoidable ongoing cost (administrative burdens servicing the CJC and professional resource requirements) for local authorities to be able to administer and deliver the CJC’s statutory functions. These costs are yet to be fully identified, but the direction set by this report is to make the CJC work effectively while minimising the financial burden on the Council.

### **WIDER DUTIES**

46. In developing the proposals regard should be had, amongst other matters, to:
  - the Welsh Language (Wales) Measure 2011 and the Welsh Language Standards,
  - Public sector duties under the Equalities Act 2010 (including specific Welsh public sector duties). Pursuant to these legal duties Councils must in making decisions have due regard to the need to (1) eliminate unlawful discrimination, (2) advance equality of opportunity and (3) foster good relations on the basis of protected characteristics and the Socio-Economic Duty.
  - The Well-Being of Future Generations (Wales) Act 2015 (‘the Act’) is about improving the social, economic, environmental and cultural well-being of Wales. The Act places a ‘well-being duty’ on public bodies aimed at achieving 7 national well-being goals for Wales - a Wales that

is prosperous, resilient, healthier, more equal, has cohesive communities, a vibrant culture and thriving Welsh language and is globally responsible .

47. Under the Welsh Government’s Regulations, the CJC is subject to the Equalities Act, Future Generations Act, and other legislation, in the same way as local authorities.

**B – What other options did you consider and why did you reject them and/or opt for this option?**

The options and their merits are discussed in detail in the body of this report.

**C – Why is this a decision for the Executive?**

Not a reserved matter for full Council in the Constitution nor under the GA2 (the agreement amongst the parties)

**Ch – Is this decision consistent with policy approved by the full Council?**

Yes.

**D – Is this decision within the budget approved by the Council?**

Yes.

**Dd – Assessing the potential impact (if relevant):**

1	How does this decision impact on our long term needs as an Island?	This is part of development of the EAB and CJC
2	Is this a decision which it is envisaged will prevent future costs / dependencies on the Authority? If so, how?	At the moment this decision does not change the financial contribution to the Economic Ambition Board
3	Have we been working collaboratively with other organisations to come to this decision? If so, please advise whom.	With the other Local Authorities in North Wales
4	Have Anglesey citizens played a part in drafting this way forward,	Not relevant to this decision

Dd – Assessing the potential impact (if relevant):		
	including those directly affected by the decision? Please explain how.	
5	Note any potential impact that this decision would have on the groups protected under the Equality Act 2010.	As the recommendation relates to agreeing in principle to the transfer of functions to the North Wales CJC no new potential impact is anticipated.
6	If this is a strategic decision, note any potential impact that the decision would have on those experiencing socio-economic disadvantage.	As the recommendation relates to agreeing in principle to the transfer of functions to the North Wales CJC no new potential impact is anticipated.
7	Note any potential impact that this decision would have on opportunities for people to use the Welsh language and on treating the Welsh language no less favourably than the English language.	<p>Amendments to the relevant legislation laid out in <a href="#">The Welsh Language Standards (No. 1) Regulations 2015</a> (<a href="#">Amendment</a>) <a href="#">Regulations 2021</a> subject CJs to the same Welsh language standards as local authorities, national parks and Welsh Ministers. Thus ensuring that Welsh language users can expect the same standard of service from CJs.</p> <p>However, it remains unclear precisely which standards will be imposed upon the North Wales CJC.</p> <p>We have already called for clarity on this point from the Welsh Government in order to better assess the potential impact of transferring responsibilities from the authority to the North Wales CJC on the Welsh language.</p>

E – Who did you consult?		What did they say?
1	Chief Executive / Senior Leadership Team (SLT) (mandatory)	The SLT supports the recommendations
2	Finance / Section 151 (mandatory)	The current financial contribution to the Ambition Board is sufficient
3	Legal / Monitoring Officer (mandatory)	The Monitoring Officer is joint author of the report.
4	Human Resources (HR)	Irrelevant
5	Property	Irrelevant
6	Information Communication Technology (ICT)	Irrelevant
7	Procurement	Irrelevant
8	Scrutiny	

E – Who did you consult?		What did they say?
9	Local Members	

F - Appendices:

Ff - Background papers (please contact the author of the Report for any further information):