

MID WALES CORPORATE JOINT COMMITTEE

Report Title: Appointment of CJC's Statutory Officers

Date: 25th January 2022

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| Purpose of Report | <p>To appoint the following Statutory Officers to the Mid Wales Corporate Joint Committee;</p> <p>Chief Executive</p> <p>Chief Finance Officer ('Section 151 Officer')</p> <p>Monitoring Officer</p> |
| Recommendation | <p>The Mid Wales Corporate Joint Committee is asked to appoint:</p> <ul style="list-style-type: none">a) Rotating annually between the Chief Executives of Powys County Council and Ceredigion County Council with the first being Dr Caroline Turner (Chief Executive of Powys County Council)b) The Section 151 Officer of Ceredigion (Stephen Johnson) as the CJC's Chief Finance Officerc) The Monitoring Officer of Powys (Clive Pinney) as the Monitoring and Proper Officer |
| Report Author | Nicola Williams |
| Finance Officer | N/A |
| Legal Officer's | Clive Pinney / Elin Prysor |

Background:

1. Further to Welsh Government legislation establishing the Mid Wales Corporate Joint Committee, the Joint Committee must make appropriate arrangements at its first meeting, then approve its 2022/23 budget by 31 January 2022, before initial CJC functions 'go live' on 30 June 2022.
2. Amongst the first appropriate arrangements, the Mid Wales Corporate Joint Committee must appoint its Statutory Officers.
3. The Corporate Joint Committees (General) (No. 2) (Wales) Regulations 2021 require the Corporate Joint Committee (CJC) to appoint three statutory officers, comprising a Chief Executive, a Chief Finance Officer ('Section 151 Officer'), and a Monitoring Officer.
4. The Establishment Regulations allow flexibility how the CJC may employ staff, including statutory officers. The CJC may employ them directly, or it may enter into arrangements with constituent authorities for their staff to be placed at the disposal of the CJC. Hence, these key statutory officer posts could be provided by a constituent authorities.
5. There is also a requirement to designate a 'Proper Officer' for the CJC under the Local Government Act 1972 and the Local Government and Housing Act 1989. This is a procedural but essential designation under local government legislation. The most obvious example is designating a matter as an exempt matter for meeting agendas. It is recommended that the Monitoring Officer is designated the Proper Officer in order to ensure that there is no ambiguity about the role.
6. There may be potential risks regarding capacity and resilience, where statutory officers provided by constituent authorities must carry the additional responsibility and workload. There is substantial ongoing workload in establishing the Mid Wales Corporate Joint Committee.
7. Establishing the Mid Wales Corporate Joint Committee is a legal requirement, and the timetable is challenging, particularly the need to set the budget and levy charges in January 2022.
8. In order to enable the Mid Wales Corporate Joint Committee to proceed, it is recommended that the statutory officers should be provided as per the above recommendation.

Financial Impacts:

9. There are no financial impacts associated with this report

Integrated Impact Assessment:

10. The CJC is subject to the Equality Act (Public Sector Equality Duty and the socio-economic duty), the Well-being of Future Generations (Wales) Act 2015 and the Welsh Language (Wales) Measure, and must in the exercise of their functions, have due regard to the need to:
 - Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Acts.
 - Advance equality of opportunity between people who share a protected characteristic and those who do not.
 - Foster good relations between people who share a protected characteristic and those who do not.
 - Deliver better outcomes for those people who experience socio-economic disadvantage
 - Consider opportunities for people to use the Welsh language
 - Treat the Welsh language no less favourably than English.
 - Ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs.
11. The Well-being of Future Generations (Wales) Act 2015 mandates that public bodies in Wales must carry out sustainable development. Sustainable development means the process of improving the economic, social, environmental and cultural well-being of Wales by taking action, in accordance with the sustainable development principle, aimed at achieving the 'well-being goals'.
12. There is no requirement for an Integrated Impact Assessment for this report as the setting up of the CJC is underpinned by legislation and that this report is to establish governance arrangements in accordance with legislation. This will be kept under review with any future reports considering whether impacts require consideration.

Workforce Impacts:

13. There are no workforce impacts associated with this report.

Legal Impacts:

14. Part 5 of the LGE Act provides for the establishment, through regulations, of CJsCs and compliance will be had with this and other legislative obligations in the establishment of CJsCs. In particular the Mid Wales Corporate Joint Committee Regulations came into force on 1st April 2021 and set out an initial framework for example, that the CJC should be established and the timeframes for the discharging of specific functions. However, a series of further Regulations are being drafted and consulted on by Welsh Government. The Welsh Government has concluded its consultation on the Corporate Joint Committees (General) (No.2) (Wales) Regulations 2021. The Welsh Government is also currently consulting on draft statutory guidance. A third stage of Regulations will put in place further legislation for the operation of the CJsCs and its functions, which Welsh Government are currently consulting on. A fourth stage will put in place any remaining provisions that a CJC might need.

Risk Management Impacts:

15. Without appointing appropriate statutory officers, the CJC would not be able to function in accordance with the regulations.

Consultation:

16. There is no requirement for public consultation in respect of this report.

Reasons for Proposed Decision:

17. To ensure appropriate governance arrangements are in place for the CJC

Implementation of Decision:

18. This decision is proposed for immediate implementation

Appendices:

19. None

List of Background Papers:

20. None