



Corporate Joint Committees

May 2021

Introduction

Corporate joint committees (CJCs) are new public bodies that will make decisions on regional transport, land use and economic well-being. (NB: In the early stages of their inception, CJCs were referred to as Statutory Joint Committees.)

In December 2020, Welsh Government consulted on draft regulations to create four regional CJCs, as provided for in the Local Government and Elections (Wales) Act 2021. The Act sets out two ways for instigating CJCs: either through the instigation of two or more principal Councils by making a request to the Welsh Ministers or, alternatively, at the instigation of Welsh Ministers who can establish CJCs for certain functions and functional areas.

CJCs will be legal entities which employ staff, co-opt members and have their own budget, and are described as a new statutory mechanism for regional collaboration by local government. This collaboration is therefore mandated rather than voluntary.

Purpose

The intention for the CJCs is to provide more consistency on matters which supporters say need a regional approach, as well as better use of expertise and specialist resources.

Welsh Government have stated that:

...the CJC model is designed to bring more coherence to regional governance arrangements, how it can help reduce complexity and duplication of effort, and can focus resources regionally in situations where the planning and delivery of functions at that scale makes sense. This focused application of specialisms and collaborative use of resources is designed to help maximise the outcomes for the people of Wales, with greater alignment of regional decision making around a number of crucial service areas.

In their summary of responses to the consultation, Welsh Government acknowledged that there were concerns about the establishment of CJsCs, but reiterated their view that the CJsCs offer ‘a consistent approach to strategic planning and delivery at scale, where it makes sense to do so’.

Challenges

Scope creep

The CJsCs will exercise functions relating to strategic development planning, regional transport planning and promoting the economic well-being of their areas (see Appendix B for more detail).

Some stakeholders have expressed concern that, once the CJsCs are established, there could be a move to transfer additional functions into their remits. While the Act specifies that CJsCs will include only the listed functions (which are existing statutory or voluntary regional functions), individual CJsCs can voluntarily make a request to Ministers to add specific functions to a particular CJC.

A future Welsh Government could also add other functions to a CJC through further legislation. The Welsh Government has established regional bodies with statutory functions outside of the CJC framework, such as the Regional Partnership Boards, and it has been suggested that they might establish statutory Regional Transport Authorities or Regional Strategic Planning Panels.

There is a risk of duplication between the functions transferred to CJsCs and retained locally. In the case of transport, regional transport policy and provision will be taken forward by CJsCs but community-based transport policy and provision will be a local responsibility. Similarly, statutory planning policy will move to a regional level in the case of Strategic Development Planning, but the responsibility for local planning policy and Local Development Plans will remain at a local level. There is a concern that such an arrangement may limit transparency and accountability, make inefficient use of already stretched resources and dilute the influence of individual LAs.

Local government reaction

The CJsCs have been the subject of extensive dialogue between the Minister for Housing & Local Government and local government leaders, and has been considered at several WLGA meetings.

In a letter to the Minister for Housing & Local Government (accompanying their consultation response), the WLGA outlined its position and leaders’ key concerns:

Whilst several leaders have regarded CJsCs as an evolution from existing City and Growth Deal arrangements, there has been disagreement with the ‘mandation’ of CJsCs and there remain concerns about the additional burdens, bureaucracy and costs of CJsCs

and the diminution of local democracy and accountability with a new tier of regional government.

You will be aware that the CJsCs concept is therefore not universally supported across the 22 local authorities and we have had several challenging debates with you and within the WLGA about the proposed reforms. The WLGA Council resolved in November 2019 that it had ‘...fundamental concerns over the principle of mandation which is seen as undermining local democracy but will continue to engage and seek to co-produce the Corporate Joint Committee proposals.’

LAs have expressed their apprehension around the CJsCs in their own consultation responses, such as Cardiff Council’s assertion that the democratic arrangements are ‘sub-optimal’ in terms of proportionality, diminished democratic accountability and diminished representation. Similarly, Conwy Council issued a press release highlighting their call on Welsh Government to delay the progression of CJsCs ‘until all consultation responses have been thoroughly considered’, fearing that they will ‘disenfranchise local elected members’.

Views of other political parties in local government across Wales have also appeared in the press. For example, Conservative councillors were vocal in their objections during a Swansea Council meeting:

Speaking at the meeting, Swansea Conservative leader, Cllr Lyndon Jones, said: "I've got serious reservations about mandating CJsCs because it will lead to another layer of bureaucracy, and that is deeply concerning."

His Tory colleague, Cllr Paxton Hood-Williams, felt CJsCs were the latest Welsh Government attempt to reduce the influence of the country's 22 councils.

He predicted that education and social services in Wales would eventually be run by Welsh ministers, with councils just dealing with refuse, parks and other local environment matters.

Similar opposition to ‘forced’ regional working was raised by members of Gwynedd Council’s Plaid Cymru-led cabinet:

The economic development portfolio holder, Cllr Gareth Thomas, added: “As an authority we have always had a firm grasp on our finances but this body will be able to place financial demands on us without necessarily providing the time to adapt.

“We have seen massive cuts in our budget and now this is being imposed on us, I can’t believe it.”

Cllr Craig ab Iago added, “We know the problems facing Gwynedd but it is often frustrating that we don’t always have the powers.

“What we need is the government to devolve the powers to us and let us do it, but instead of that they’re creating a new structure that the public don’t want and will be seen as just another carriage on the gravy train, taking the power even further away from the people.

Capacity & funding

Many consultation respondents stressed the need for the CJsCs to be sufficiently resourced and have sufficient capacity to deliver their strategic functions. It is vital that this addition of a new layer of local government adds value whilst not affecting the ability of constituent councils to function effectively at a local level.

There is a fear that CJsCs will not be ‘set up for success’ if they are not given enough funding and time to establish themselves and make a difference - or that, conversely, CJsCs may be funded sufficiently but at the expense of LAs.

City & Growth Deals

The CJC footprints will follow Wales’ existing City Deal and Growth Deal geography (see Appendix A for more detail). The Minister for Housing & Local Government has indicated that the current city and growth deal strategic functions would be transferred to the CJsCs, but the consultation stated that it will be at the discretion of each CJC and principle councils to consider if existing structures and arrangements which exist at regional level and promote economic well-being should be brought under the remit of the CJC.

There appears to be some confusion among stakeholders on this point, with several consultation respondents (e.g. WCVA, RTPi) seeking clarity on whether City and Growth Deals will indeed evolve into the new CJC structure. If the Deals remain separate, there is a real risk of complexity and fragmentation of decision-making, as well as diverging or even conflicting strategies.

A wider question remains regarding other regional structures. The Minister has described CJsCs as a ‘single consistent vehicle for...collaboration, rather than separate arrangements for different functions...rationalise provision that already existed in legislation in relation to single-purpose collaborations...into a *single regional arrangement*’ (our italics), although Welsh Government have also stated that a CJC ‘will not be the only vehicle for local government collaboration, but will provide local authorities with a powerful new tool where appropriate.’ It is currently unclear how the CJsCs will interact with Regional Partnership Boards and Regional Skills Partnerships, and how they will ensure that the responsibilities of each forum are clearly understood.

Membership & voting

The membership of CJs will be Leaders of each of the constituent LAs. CJs can co-opt other members if they choose, whether these be Cabinet members or other partners. These could be voting or non-voting members.

It is proposed that all CJs will be established on a 'one member one vote' basis, although the draft regulations allow a CJC, once established, to adopt alternative voting procedures. Crucially, the number of votes from co-opted members must not exceed those from council members – potentially leaving some co-opted members without a vote or an invalid vote.

It seems that there are differing views on this issue within local government, with many authorities of the view that one member one vote is equitable, whilst others have concern given the different sizes of authorities. Stakeholders have expressed the view that all representatives, including those co-opted, should be given equal voting rights; they state that those without voting rights are essentially observers with no control over decisions made and actions taken.

Implications for housing associations

The detail on how a CJC chooses to operate in practice is at the discretion of its members. The Leaders of constituent LAs are under no obligation to co-opt additional members or engage with other stakeholders. Even if the decision is taken to do this, there is no requirement for the Leaders to co-opt or consult with individuals from across the third, private or wider public sectors. It is therefore unclear what role HAs can expect to play in their respective CJs.

A number of consultation respondents emphasised the importance of wider partnership working and stakeholder engagement within CJs. Some requested further clarity on the role of wider stakeholders on the CJC, referencing the approach within the Well-being of Future Generations (Wales) Act 2015 as a guiding principle to involvement.

Next steps

Welsh Government have delayed their original timescales for implementation, which aimed for CJs to be established by April 2021. In a letter to the Chair of the Equality, Local Government & Communities Committee in February 2021, the Minister for Housing & Local Government confirmed that:

The Regulations provide that the functions to be exercised are to come into force on the 28 February 2022 for the South East Wales CJC or 30th June 2022 for the remaining three CJs. This delay will allow each CJC to undertake preparatory work before they discharge those functions.

This postponement beyond the Senedd election means that it will be for a new administration to oversee the implementation of the CJsCs. We will continue to monitor developments over the course of the next government term.

This briefing has been circulated to housing association staff in the following areas: Chief Executives, Regional Partnership Board HA representatives, HA Chairs & Vice Chairs, HA board members, Future Homes Strategic Delivery Group, Finance Strategic Delivery Group.

For more information or to discuss this area of work, please contact Rhea Stevens, Head of Policy & External Affairs: Rhea-Stevens@chcymru.org.uk

Appendix A: CJs & constituent LAs

South East Wales CJC

- Blaenau Gwent
- Caerphilly
- Monmouthshire
- Newport
- Torfaen
- Cardiff
- Vale of Glamorgan
- Bridgend
- Merthyr Tydfil
- Rhondda Cynon Taf

South West Wales CJC

- Swansea
- Neath Port Talbot
- Carmarthenshire
- Pembrokeshire

Mid Wales CJC

- Ceredigion
- Powys

North Wales CJC

- Flintshire
- Gwynedd
- Anglesey
- Conwy
- Denbighshire
- Wrexham

Appendix B: Functions to be exercised by CJsCs

The Establishment Regulations set out which functions the CJsCs will exercise.

In the first instance all four of the CJsCs established in these regulations will be exercising the following functions:

- The function of preparing, monitoring, reviewing and revising of a Strategic Development Plan (SDP). These functions are set out in Part 6 of the Planning and Compulsory Purchase Act 2004 (as amended by the Bill).
- The function of developing a Regional Transport Plan – that is the functions of developing policies for transport in, to and from the CJC area and developing policies for implementing the Wales Transport Strategy. These functions are set out in the Transport Act 2000.
- The economic well-being function as provided for in Part 5 the Local Government and Elections (Wales) Bill. That is the power to do anything which the CJC considers is likely to promote or improve the economic wellbeing of its area. This will enable the principal councils, should they wish, to evolve the current regional approaches to the City and Growth deals into the CJC structures.

Sources

[Consultation summary of responses: Regulations to establish Corporate Joint Committees \(CJCs\), Feb 2021](#)

[Explanatory Memorandum to the Corporate Joint Committees \(General\) \(Wales\) Regulations 2021, Feb 2021](#)

[Written Statement: Laying Statutory Instruments to establish Corporate Joint Committees, Feb 2021](#)

[Letter from the Minister for Housing & Local Government to the Chair of the Equality, Local Government & Communities Committee, Feb 2021](#)

[WLGA letter to Minister for Housing & Local Government \(accompanying their consultation response\), Jan 2021](#)

[Consultation response: RTPI, Jan 2021](#)

[Conwy Council: Call to delay Corporate Joint Committees, Jan 2021](#)

[Wales Online: 'If you want to be a turkey, vote for these new committees' says councillor, Dec 2020](#)

[North.Wales: Opposition to 'forced' regional working via proposed 'undemocratic' Corporate Joint Committees, Dec 2020](#)

[Vale of Glamorgan council cabinet meeting, Dec 2020](#)

[Cardiff Council cabinet meeting, Dec 2020](#)

[Consultation response: WCVA, Dec 2020](#)

[Consultation document: Regulations to establish Corporate Joint Committees \(CJCs\), Oct 2020](#)

[Q&A doc for WLGA](#)

[Local Government and Elections \(Wales\) Act 2021](#)