

WLGA CONSULTATION RESPONSE

Consultation Response Form	Welsh Local Government Association Daniel Hurford Head of Policy daniel.hurford@wlga.gov.uk
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Summary of consultation questions

Consultation Question One:

- a) What are your views on CJsCs being subject to broadly the same powers and duties as principal councils?***
- b) Do you agree that CJsCs should have broadly the same governance and administrative framework as a principal council provided that this is proportionate? Please give your reasons.***

Local authorities are generally content that CJsCs should be subject to the same powers and duties as principal councils. As CJsCs will be a 'member of the local government family', some commonality, consistency and familiarity will support the transition of functions to CJsCs and members and officers' engagement and involvement between principal councils and CJsCs.

Such powers and duties should be proportionate to CJsCs' anticipated functions and scale and it is important that CJsCs are not over-regulated and overburdened with significant duties more applicable to larger much more complex bodies such as principal councils.

Where possible, existing principal council arrangements which work effectively should not be duplicated and some could be incorporated by the CJsCs. For example, it is not clear whether a new separate code of conduct or standards committee for the CJC and its members would be required, given CJC members (leaders or other elected members if co-opted) are already governed by the statutory code of conduct and any alleged breaches could be considered by a local (or a joint) standards committee.

- c) Do you agree that members of CJsCs should have appropriate discretion on the detail of constitutional and operational arrangements? Please give your reasons.***

Yes. The WLGA believes that CJsCs and constituent authorities should have maximum discretion and flexibility to determine governance or operational

arrangements to ensure they are appropriate and build on what already works well locally or regionally. This discretion should ensure that collaborative governance and operational arrangements are compatible with constituent local arrangements and also allow scope for the transition or transfer of existing regional constitutional and governance arrangements (such as those underpinning the current city and growth deals) into the proposed CJs.

The draft regulations however provide an appropriate high-level framework, which could be further developed in statutory guidance, to enable regional adaptation of constitutional and operational arrangements as required and as approved by the CJs and principal councils concerned.

Consultation Question Two:

These CJC areas have been agreed by local government Leaders as the most appropriate to reflect the functions being given to CJs by these Establishment Regulations. Do you have any comments or observations on these CJC areas in relation to these functions or the future development of CJs?

The WLGA Group Leaders wrote to the Minister for Housing and Local Government on 10th March 2020 confirming that, should CJs be introduced, 'the majority of authorities propose that any new CJs should be based on existing city/growth deal footprints...Several authorities noted the need to continue working with other authority partners outside of a CJC footprint on related matters.'

Although education improvement does not feature as a priority function within the Establishment Regulations or the consultation, if this function is commenced at a later date, local authorities should determine the most appropriate footprints as the alignment of different geographical footprints and governance and organisational arrangements for education improvement in South East Wales in particular will require careful consideration.

The Brecon Beacons National Park will be included in three CJC areas; this inevitably brings challenges of capacity for the Brecon Beacons National Park Authority but also potential difficulties when seeking to reflect three separate Strategic Development Plans in the Authority's own Local Development Plan.

Consultation Question Three:

a) Do you agree with the approach to the development of the regulations for CJs as outlined in this consultation? Please give your reasons.

The importance and value of local government has been clearly demonstrated during the pandemic. Councils have demonstrated flexibility, innovation,

resilience and responsiveness. The crisis has demonstrated councils' ability to respond irrespective of scale and reaffirmed the WLGA's stance on the importance of subsidiarity and localism, with elected members and officers rooted in their local communities.

The CJC concept has divided opinion within local government since it was first proposed in 2019.

The WLGA and authorities have been supportive of the introduction of voluntary CJs as an additional and optional collaborative model for authorities to choose where they themselves deem them to be appropriate.

Several leaders have expressed concerns however about the 'mandation' of regional structures or services, while other leaders have regarded CJs as part of an evolution from existing regional arrangements, such as City and Growth Deals, school improvement consortia and regional planning and transport arrangements.

The WLGA Council (in November 2019) therefore resolved that it: '...has 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.' In accordance with this Council resolution, leaders, officials and the WLGA have sought to work constructively with the Welsh Government to seek to ensure the draft regulations were flexible, proportionate and built on what works well already.

The Minister for Housing and Local Government has sought to engage with leaders individually and collectively through the WLGA and via Partnership Council to develop the CJC concept. There was regular political dialogue around the Bill and CJs until early 2020, however, the COVID pandemic interrupted the planned engagement which impacted on the opportunity and timescales for political and official-level discussion on CJC proposals as well as the legislative timetable for the Bill and subsequent regulations. There has however been increased discussion during October and November with engagement events with members and officers and a dedicated meeting with all leaders.

The proposed CJC timescales remain challenging, particularly as local authorities continue to focus their resources in responding to the ongoing pandemic. It is important that the draft Regulations of General Application and subsequent draft statutory guidance are made available to local government as soon as possible given the timescales to introduce legislation and subsequently establish CJs are challenging, particularly given the ongoing COVID pandemic.

b) We have indicated throughout this document what may be included in the Regulations of General Application, subject to the outcome of this consultation. Whilst the Regulations of General Application are not the subject of this consultation, in order to inform their

development we would welcome your views on anything else which should be covered?

See Question 17.

Consultation Question Four:

a) Do you agree with the proposed approach to membership of CJs including co-opting of additional members? Please give your reasons.

The WLGA promotes local democracy and local accountability and it is therefore important that CJs strengthen local leadership and reflect and respect local democratic accountability. It is therefore appropriate that the Local Government and Elections (Wales) Bill and the subsequent draft Establishment Regulations stipulates that the membership of CJs will be council leaders.

The flexibility in the draft Regulations allowing CJs to determine whether or how to co-opt other members is appropriate. CJs may decide to co-opt relevant cabinet members onto the CJ or sub-committees and some CJs may choose to co-opt voting or non-voting partners, however, this must remain a matter for local determination.

It may be necessary to clarify in the Regulations that a nominated substitute may attend on behalf of the leader if he/she is unable to attend a CJ meeting.

b) What are your views on the role proposed for National Park Authorities on CJs, as described above?

The WLGA agrees that National Park Authority members should be members of CJs for Strategic Development Planning functions.

As noted above, there is a potentially disproportionate burden on the Brecon Beacons National Park Authority having to fund and service 3 CJs. It will be essential that any guidance or regulations refer to the existing environmental protections covering Wales' Designated Landscapes and that National Park Authorities should be the lead body in advising CJs in relation to matters affecting National Parks in their areas.

The National Parks Wales' combined consultation response provides detailed commentary on specific planning implications of the CJ proposals as they relate to National Parks areas and authority functions. The combined response notes that when acting in a strategic planning capacity within National Parks, that Corporate Joint Committees should be subject to the same National Park purposes as National Park Authorities.

Consultation Question Five:

a) What are your views on the proposed approach of 'one member one vote' and the flexibility for CJsCs to adopt alternative voting procedures?

One member one vote is the current approach for existing collaborative and regional governance arrangements and therefore is supported by the majority of authorities. Cardiff Council has raised concerns however that this is not proportionate and therefore diminishes democratic accountability. It is appropriate therefore that the CJC has flexibility to introduce alternative voting arrangements if appropriate and if supported by the CJC membership.

b) What are your views on the proposed quorum for CJsCs?

The general view is that 70% quorum is appropriate.

The Mid Wales CJC has only 2 full members, at least initially (as well as National Park Members for SDP matters), which in effect requires a 100% quorum for decisions to be made until and unless other local authority or other voting members are co-opted.

c) What are your views on the proposed approach to voting rights for co-opted members to a CJC?

The membership of CJsCs will be leaders and they will exercise full voting rights on all matters.

It is a matter for the leaders on CJsCs to determine whether to invite co-opted members, taking into account capacity and desire or need for additional expertise or experience and need to engage with wider members or partners. The WLGA therefore supports this flexibility which provides CJsCs with discretion.

It is possible that CJsCs may co-opt other executive members from principal councils to become members of either the CJC or sub-groups on specific functions and providing such members with voting rights is consistent with local democratic accountability.

Should leaders, through a CJC, decide to invite wider partners to become members, it is a matter for leaders to determine whether these members are voting or non-voting co-optees.

Consultation Question Six:

What are your views on CJsCs being able to co-opt other members and/or appoint people to sit on sub-committees?

As noted above, the WLGA supports the flexibility in the Regulations to allow CJsCs to co-opt wider members as appropriate according to local discretion.

Given the significant commitments and demands placed on leaders, it may be appropriate that CJsCs decide to co-opt further executive members onto a CJC or to subject sub-committees.

The draft Regulations stipulate that CJsCs must put in place 'appropriate scrutiny arrangements' and an Audit and Governance Committee. It is unlikely that such arrangements should be a 'sub-committee' of the CJC as there needs to be sufficient independence and separation from the executive functions of the CJC. The membership of both is therefore likely to be non-executive members and the Audit and Governance Committee may include independent 'lay' members (given the revised criteria for membership of such committees in the Local Government and Elections (Wales) Bill).

Oversight and scrutiny of the CJC is essential not only to ensure good governance but also to ensure local accountability; one of the general concerns raised about the mandation of a new regional layer of local government is that decision-making will become more distant from communities and the constituent local authorities' wider membership. It is therefore essential that appropriate scrutiny arrangements are introduced to ensure adequate local democratic oversight of the regional work of CJsCs.

It is therefore proposed that the Regulations or Guidance should stipulate that oversight and scrutiny arrangements should be introduced alongside the creation of CJsCs, but there should be flexibility for the adoption of the most appropriate scrutiny model to suit local needs. CJsCs and local authorities may determine that Joint Overview and Scrutiny Committees (as per S58 of the Local Government (Wales) Measure 2011) may be appropriate or that local scrutiny committees should scrutinise the CJC (or their authorities' members of the CJC) via existing local scrutiny arrangements.

Consultation Question Seven:

a) Do you agree that the approach to co-option of members would enable wider engagement of stakeholders in the work of a CJC?

b) What might be needed to support CJC members in the involvement and engagement of appropriate stakeholders in their work?

Co-option of wider stakeholders as members of CJsCs would have significant implications in terms of accountability and governance and should be a matter for CJsCs to determine.

Partners and stakeholders can be engaged, involved or inform the development of policies, strategies and the decisions of CJsCs without being co-opted as members.

As noted in the consultation document, CJsCs will be subject to the duties of consultation and involvement through the Wellbeing of Future Generations (Wales) Act 2015. CJsCs will be responsible for significant strategic

developments relating to economic development, planning and transport and they will seek to consult and engage with communities and a range of key partners.

Stakeholders could be further involved in an advisory capacity or through expert witness evidence-sessions, task and finish groups or via standing advisory or stakeholder partnerships.

Consultation Question Eight:

- a) Do you agree that members and staff of a CJC should be subject to a Code of Conduct and that the code should be similar to that of Principal Councils? Please give your reasons.***
- b) What are your views on the adoption of a Code of Conduct for co-opted members?***
- c) Should all co-opted members be covered by a code i.e. those with and without voting rights?***

Members of CJsCs, including any co-opted members, should be subject to a code of conduct to ensure the highest standards of public life.

It is not clear whether a new separate code of conduct or standards committee for the CJC and its members would be required, given CJC members (leaders or other elected members if co-opted) will be governed by the statutory code of conduct, and any alleged breaches could be considered by a local (or a joint) standards committee. This matter is being further considered by Monitoring Officers in discussions with civil servants.

Consultation Question Nine:

- a) What are your views on the proposed approach for determining the budget requirements of a CJC?***

The Establishment Regulations indicate that a CJC will calculate its Budget Requirement in a manner to enable it to discharge its functions; allow for contingencies; reserves and outstanding liabilities. This is in line with the approach adopted by local authorities. However, the determination of the funding will require a level of communication and coordination to make it effective.

The Local Government Act 1972 established the joint working arrangements familiar to all councils. However, the proposed approach sets out the funding method through Statutory Instrument; this differs from the 1972 Act's requirement to agree the funding method between councils based on agreed spending commitment.

The proposed approach means that whilst CJs are not precepting bodies they are in effect levying bodies like Fire and Rescue Services. The mandated requirement for membership of CJs to include Council Leaders should ensure that when determining the Budget Requirement the sharing of financial plans and likely funding requirements should be at an early stage with contributing authorities.

Whilst CJs must appoint their own key officers including a Chief Finance Officer (possibly from a constituent authority) it would be helpful if they are mandated to consult with local authorities about the Budget Requirement and seek the views of constituent authorities S151 Officers. It is also important that the Chief Finance Officer has the same level of authority and status in line with section 151 of the Local Government Act 1972 that makes clear (in the case of a council) an officer is responsible for the overall financial administration.

A CJ's Budget Requirement will be a balance of ambition, local and external funding. In determining the amount this must be reached by consensus with constituent authorities.

b) What are your views on the timescales proposed (including for the first year) for determining budget requirements payable by the constituent principal councils?

The timing of the consultation means local authorities' 2021-22 budget preparations will be at an advanced stage by the time it closes. The draft regulations indicate that only a part year of CJ costs is likely to be incurred. Rather than the potential uncertainty of funding a part year it is suggested that Welsh Government consider meeting all 2021-22 costs to simplify this process and remove budgetary uncertainty at a time of significant pressure. This will allow financial planning to commence for 2022-23 based on discussions between an established CJ and its constituent authorities.

It is essential that a clear agreed annual timetable is in place to allow contributing authorities to include sums in their budgets. CJ's must operate on a 'no surprises' basis. The costs associated with a CJ will be mainly administrative and the five-year term should be supported by a five-year financial plan. This will assist CJs but contributing authorities. Currently multi-year funding agreements are problematic given the current single year settlement process but there should be a commitment to stability supported by Welsh Government.

The timing of the Budget Requirement must be within the framework of the Local Government Act 1992 that sets out key dates that can only be met if there is clarity about the amount to be funded in the budget. The consultation states 'The Establishment Regulations require the CJ to calculate the budget requirement annually by 14 February preceding the relevant financial period'. This is potentially problematic because the Local Government Act 1992

requires the councils that billing authorities complete and approve their budgets and set a council tax before 11 March immediately prior to the start of the financial year on 1 April.

The budget needs to be settled as early as possible for a legal and balanced position to be presented for agreement at each constituent council. Agreement is the culmination of a detailed budget setting process that progresses throughout the year and it is reasonable to require CJs to give formal notification of their 'levy' at an earlier date than that in the consultation. This should be mandated to be required by 30 November rather than constituent authorities being able to 'request' it by 30 November as outlined in the consultation.

Consultation Question Ten:

a) Do you agree that CJs should be subject to the same requirements as principal councils in terms of accounting practices? Please give your reasons.

CJs should be required to meet the same accounting practices as principal authorities. This is important in terms of accountability and transparency. By ensuring consistency it will also allow the public to assess the value for money of the new structures at a time when public services are under unprecedented pressure.

A consistent approach means CJs finances and funding can be measured against their priorities and objectives as well as driving their budget process. As funding will flow from constituent authorities to CJs all elected members will want to ensure these new bodies are making effective and efficient use of public funding that could have been spent on other priorities.

Consistent practices ensure that members and officers operating across the CJC and local authorities will be able to work within the same accounting framework. It also supports the work of external regulators, audit, and scrutiny processes if there is a direct comparison of the use of financial resources within a consistent framework.

It would also be unacceptable if a lack of accounting consistency affected the external audit process and drove up costs. In the short term it is anticipated that consistent accounting requirements but on a lesser scale may be appropriate if CJs remain relatively small. This would remain under review depending on whether CJs evolve into bodies with greater funding.

b) Do you agree that the detail of how a CJC is to manage its accounting practices should be included in the Regulations of General Application? If not what more would be needed in the Establishment Regulations?

Yes. It is appropriate that this is in the Regulations of General Application.

Consultation Question Eleven:

What are your views on the proposed approach to staffing and workforce matters?

CJCs will have the flexibility to agree the staffing and resourcing required and to determine the approach it takes to such matters.

For example, a CJC will be able to employ and recruit staff in its own right; make agreements to have staff placed at the CJC's disposal; and undertake secondments (in and out) to enable CJCs to discharge their functions.

Given the proposed concurrency of some functions, it is likely that there will need to be a mixed pattern of employment within the CJC with some direct appointments and some secondments, along with some officers supporting the CJC as part of their substantive duties with the principal councils. Service level agreements (SLAs) or similar arrangements are likely to feature as one of the methods required to provide some elements of staffing support / capacity to the CJCs.

The consultation outlines a high-level, indicative workforce capacity and organisational structure for CJCs, but recognises that it will be a matter for each CJC to determine the workforce required to discharge functions and how such roles should be appointed. This discretion and flexibility will be essential for CJCs to optimise staffing capacity and capability requirements so that the right skills and experience are in place when needed by CJCs.

The terms and conditions of employment of the constituent principal councils, while broadly similar, are not identical. Pay structures and potential equal pay issues will need to be considered by CJCs at an early stage. This will present a number of challenges, which the CJCs will need to ensure do not become disproportionate. In some instances, TUPE considerations may also arise.

Consultation Question Twelve:

What are your views in relation to CJCs being required to have or have access to statutory "executive officers"?

Given their budgets, their specific functions and a range of wider statutory duties, CJCs will require the advice and expertise of several statutory officer roles, including a chief executive, S151 and Monitoring Officer. The proposed statutory Governance Officer is presumably a Head of Democratic Services, however, this role is unnecessary as it could be fulfilled by the

Monitoring Officer and there is likely to be limited democratic services functions required within a CJC.

There remain mixed views among respective professional groups as to whether dedicated statutory officers should be recruited and appointed specifically to serve a CJC, or whether relevant officers from constituent principal councils could be appointed to discharge these functions, as is the case with current regional collaborations. It is therefore appropriate that CJsCs retain discretion to determine how to appoint and/or employ officers to statutory roles within the context that capacity and capability challenges apply equally to this category of senior officers.

The creation of new corporate bodies will mean new complex relationships for leaders and any professional officers employed by or appointed to CJsCs, managing their 'dual' roles between their CJC and their own local authority. The deployment or employment of staff with similar statutory roles or specific professional responsibilities (in economic wellbeing, planning and transport) in CJsCs, particularly where relevant statutory duties or concurrent functions remain within local authorities, will need to be carefully managed to ensure constructive relations and clarity of respective remits and roles.

Consultation Question Thirteen:

Do you have any other views on provision for staffing or workforce matters within the establishment regulations?

No other views.

Consultation Question Fourteen:

a) Is it clear what functions the CJsCs will exercise as a result of these establishment regulations? If not, why?

Yes, but it is necessary to refer to the complementary 'Establishing The Town and Country Planning (Strategic Development Plan) (Wales) Regulations 2021'. The WLGA will submit a separate response to this consultation. In summary, CJsCs will have duties to prepare, monitor, review and revise a Strategic Development Plan (SDP) and to develop a Regional Transport Plan (RTP) and will have a wide-ranging economic well-being power which will enable principal councils, should they wish, to evolve the current regional approaches to City/Growth Deals into the CJC structures.

Although the consultation is clear that CJsCs should meet for the first time by the end of September 2021, it is not clear when CJsCs will be expected to begin discharging their statutory functions nor the timetables for delivering specific outputs, such as publication of plans, unless this will be a discretionary matter for CJsCs to determine.

The Regulations outline an overarching set of duties or expectations in the three functions above however, how CJs actually discharge these functions will be shaped by relevant national policy in these areas and will be impacted by the inter-relationship with Welsh Government and other agencies in these areas, for example Llwybr Newydd: A new Wales Transport Strategy Transport for Wales and Transport for Wales and the Regional Investment Framework in Wales and the Welsh Government's Regional Regeneration Teams and Regional Skills Teams.

The proposed CJC arrangements or subsequent Welsh Government policy approach therefore should not constrain the ambition or innovation already demonstrated by local government through the city and growth deals. As CJs will be part of the local government family and will be led by council leaders, it is important that they should be given freedom to reflect the needs and priorities of the constituent authorities and should not be directed by Welsh Government.

The Regulations of General Application will also clarify wider statutory duties or functions that will apply to CJs which are included in wider local government or public law.

b) *Do the establishment regulations need to say more on concurrence, if so what else is needed, or should that be left to local determination?*

Some authorities have requested clarification and reassurance on the discharging of concurrent functions. The regulations therefore should provide maximum discretion to CJs regarding concurrency of functions, particularly the economic wellbeing power, as principal councils will wish to maintain a local economic development function.

c) *In your view are there any functions which might be appropriate to add to these CJs in the future? If yes, what?*

No further comment

Consultation Question Fifteen:

Do you think the regulations should provide for anything to be a decision reserved to the CJC rather than delegated to a sub-committee? If so what?

The WLGA agrees with the proposals in the consultation document i.e. agreement of budgets; the adoption or approval of plans or strategies (including the Regional Transport Plan and Strategic Development Plan); and consideration of any reports required by statute. Furthermore, proposals for a

CJC to take on additional functions should require unanimous agreement of the CJC and principal councils.

Consultation Question Sixteen:

What are your views on the approach to transfer of the exercise of functions to these CJsCs?

The draft Regulations and consultant document provide little detail on the transfer of functions to CJsCs. As noted above, the documents set out that CJsCs must meet for the first time by the end of September 2021, there is no detail about timescales for when the functions will be transferred or discharged by CJsCs.

The consultation document notes that there are no existing arrangements in place for regional strategic planning and this is also the case for regional transport plans. Technically these functions will therefore not be transferred to CJsCs but introduced via CJsCs. The CJC is likely to be in existence for a period of time as a 'committee' in order to agree governance and financial arrangements ahead of the establishment of any corporate body or organisational capacity into which functions can be transferred (economic wellbeing functions, for example the city and growth deal functions and funding) or introduced (strategic planning and transport).

Some authority responses note caution that the establishment of and transition to CJsCs could affect and undermine the progress of recently agreed growth deals which have taken several years to develop and agree.

Consultation Question Seventeen:

What are your views on CJsCs being subject to wider public body duties as described above?

As noted earlier, the WLGA is generally content that CJsCs should be broadly subject to the same powers and duties as principal councils. As a member of the local government family, some commonality, consistency and familiarity will support the transition of functions to CJsCs and local authority members and officers' engagement and involvement with CJsCs.

Such powers and duties should be proportionate to CJsCs' anticipated functions and scale and it is important that CJsCs are not over-regulated and overburdened with significant duties more applicable to larger much more complex bodies such as a principal council. The value of applying the entirety of the new performance and governance requirements of the Bill onto CJsCs is not clear, for example, the panel assessment requirements may be disproportionate and of limited value given the narrow scope of CJsCs' functions compared to principal authorities.

The WLGA agrees that the Regulations of General Application would be a suitable legislative tool to incorporate these wider statutory requirements.

Consultation Question Eighteen:

a) The Welsh Government is keen to continue working closely with local government and others on the establishment and implementation of CJsCs. Do you have any views on how best we can achieve this?

The Minister for Housing and Local Government approach to engagement has been welcomed by the WLGA. As guidance and subsequent regulations are developed, it is important that engagement with local government continues at a political level with local leaders, individually, regionally through existing governance arrangements and via the WLGA. Ongoing engagement with professional groups such as SOLACE, Lawyers in Local Government, Society of Welsh Treasurers, Heads of Human Resources and professional groups representing economic development, planning and transport remains vital to ensure the Regulations and guidance is fit for purpose and provides appropriate flexibility.

b) In your view, what core requirements / components need to be in place to ensure a CJC is operational, and exercising its functions effectively?

There will be extensive preparatory work required ahead of the first meeting of the CJC by the end of September 2021. There will need to be prior engagement, coordination and planning between members and officers of the constituent principal councils to consider of the initial meetings as well as designated staff to provide initial governance support.

Ahead of the CJsCs becoming fully operational and exercising their statutory functions, a range of preparatory work is likely to be needed, including:

- political agreement on governance (voting procedures, frequency of meetings, scrutiny arrangements, agreement on a range of required CJC policies – e.g. equalities; HR; procurement). This will also need to include preparatory work within councils to ensure wider decision-making arrangements relating to functions of the CJC are aligned, so cabinets and councils are appropriately engaged in the work of the CJsCs;
- a transition period to agree 'standing orders' and an agreement of a forward work programme at one of the early meetings;
- appointment of appropriate staff (whether directly appointed or seconded) to provide professional, legal, HR and financial/audit advice; and
- budgets to cover staffing, costs/expenses.

Establishing and transitioning existing arrangements and functions to new corporate bodies will be a considerable and complex exercise which will require significant authority resources. The propose timelines, with a first

meeting expected by the end of September, therefore remain challenging, particularly as local authorities continue to focus their resources in responding to the ongoing pandemic.

c) In particular, what do you think needs to be in place prior to a CJC meeting for the first time, on the day of its first meeting and thereafter?

See above.

Consultation Question Nineteen:

a) Do you think it would be helpful for the Welsh Government to provide guidance on the establishment and operation of CJs?

Yes.

b) Are there any particular areas which should be covered by the guidance?

The proposals included in the consultation document are appropriate, namely constitution, governance, finance and staffing matters.

Consultation Question Twenty:

a) How can the Welsh Government best support principal councils to establish CJs?

b) Are there areas the Welsh Government should prioritise for support?

The Minister's commitment to supporting the set-up costs of CJs is welcomed.

c) Is there anything that CJs should/should not be doing that these Establishment Regulations do not currently provide for?

No.

Consultation Question Twenty-One:

a) Do you agree with our approach to, and assessment of, the likely impacts of the regulations? Please explain your response.

As noted elsewhere, whilst it is recognised that the CJs should be subject to relevant public duties as they apply to constituent authorities, it is important that these requirements and the resultant regulatory burden are proportionate to the functions and scale of the organisations.

The draft regulations and consultation document provide a significant degree of discretion and flexibility for CJs to determine how they should operate their administrative arrangements and discharge their statutory functions. The

Regulatory Impact Assessment's cost-benefit analysis is therefore inevitably indicative and imprecise, not least as CJs will vary considerably in scale. The WLGA recognises therefore that the cost-benefit analysis is a difficult exercise, however, it does not agree that the CJC approach will cost less than the 'do nothing' option. The Welsh Government's calculations are based on the assumption that the costs of joint transport planning and strategic development planning will or are already being incurred, which is not the case.

- b) *Do you have any additional/alternative data to help inform the final assessment of costs and benefits contained within the Regulatory Impact Assessment? If yes, please provide details.***

No.

Welsh Language Questions

Consultation Question Twenty-Two:

- a) *We would like to know your views on the effects that establishment of CJs would have on the Welsh language, specifically on opportunities for people to use Welsh and on treating the Welsh language no less favourably than English.***

The consultation document and Regulatory Impact Assessment indicates that CJs are likely to be subject to Welsh Language Standards. This is important, not only as these bodies will be statutory local government bodies but to ensure that CJs would make a positive contribution to opportunities for people to use Welsh and on treating the Welsh language no less favourably than English. The specific functions CJs will discharge, notably economic wellbeing and strategic development planning, are likely to have significant impacts on the Welsh language and it is therefore important that CJs should be subject to relevant Standards to promote and support the language.

- b) *What effects do you think there would be? How could positive effects be increased, or negative effects be mitigated?***

See above - No further comments.

Consultation Question Twenty-Three:

Please also explain how you believe the proposed policy for the establishment of CJs could be formulated or changed so as to have positive effects or increased positive effects on opportunities for people to use the Welsh language and on treating the Welsh language no less favourably than the English language, and no adverse effects on opportunities for people to use the Welsh language and on treating the Welsh language no less favourably than the English language.

See above - No further comments.

Consultation Question Twenty-Four:

We have asked a number of specific questions. If you have any related issues which we have not specifically addressed, please use this space to report them:

No further comments.