

# **SOUTH EAST WALES CORPORATE JOINT COMMITTEE**

**31 JANUARY 2021**

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## **INTERIM EXECUTIVE STAFFING ARRANGEMENTS**

### **TO RECEIVE THE REPORT OF PAUL ORDERS AND PAUL MATTHEWS**

#### **AGENDA ITEM 7**

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##### **Reason for this Report**

1. To set out the legislative requirements for the appointment of senior executive staff to the South East Wales Corporate Joint Committee (“the CJC”).
2. To seek members’ approval for interim mandatory executive appointments whilst the CJC is in its initial ‘bare minimum’ stage.

##### **Background**

3. The South East Wales CJC Regulations came into force on 1 April 2021 and requires the establishment of a corporate legal entity, the CJC, by the 10 Local Authorities constituting the Cardiff Capital Region and for the purposes of the creation of the Strategic Development Plan (SDP) the Brecon Beacons National Park Authority (BBNPA).
4. It is envisaged that the functions of the Cardiff Capital Region City Deal (CCR) will be integrated into the CJC in accordance with the ‘Lift and Shift’ model as approved by the CCR Regional Cabinet. There are a number of technical issues (which are outside the scope of this report) that need to be resolved before this can take place. Until those issues are resolved, in the interests of efficiency and to avoid unnecessary expenditure, the CJC will operate on a bare minimum basis, meaning that it will only carry out the functions and responsibilities that it is obliged to under the Regulations.
5. One such mandatory function required by the Regulations is for the CJC to make a number of senior executive appointments, namely a Chief Executive Officer, Chief Finance Officer, and a Monitoring Officer.

##### **Proposed Arrangements for Senior Executive Staff**

6. The Regulations provide that the CJC may make such arrangements for staffing as it considers appropriate. The CJC can employ staff in its own right or enter into arrangements to have any staff of the 10 constituent councils placed at the CJC’s disposal.

7. Before the functions of the CCR are transferred to the CJC, it is proposed that the CJC operates in accordance with the 'Bare Minimum' model. As such, in these circumstances it is suggested that it would be disproportionate for the CJC to employ any staff, including the executive staff that it is required to appoint under the Regulations, at this time.
8. Instead, it is proposed that the CJC enters into arrangements with constituent authorities for the provision of those executive staff functions on an interim basis.
9. CCR currently has arrangements in place with Monmouthshire County Council for the provision of the Regional Director role, and with Cardiff Council for the provision of the Chief Finance Officer and Monitoring Officer roles. It is proposed, for simplicity, that the CJC enters into similar arrangements with those constituent Councils for the provision of the senior executive staff functions. The relevant constituent Councils have been approached and have confirmed that they are prepared to enter into such arrangements.
10. A further report will be brought to members prior to the functions of the CCR being transferred into the CJC, outlining the employment implications of this, including the application of the Transfer of Undertakings (Protection of Employment) Regulations 2006.

### **Reasons for Recommendations**

11. To seek members' approval of the proposed interim executive staffing appointments, whilst the CJC is in its initial 'bare minimum' stage and in-line with the requirements of the CJC Regulations.

### **Financial Implications**

12. The proposed interim executive staffing appointments outlined in this report have been costed and included within the CJC's proposed budgets for 2021/22 and 2022/23 based on the 'Bare Minimum' approach and anticipated CJC activity levels for each year. Services which are deemed to be a 'supply' will attract VAT at the prevailing rate and the sums include the necessary provisions in this regard.
13. The CJC regulations include provisions for budgets to be revisited during the year where this is deemed necessary. Therefore, as further information becomes available, the adequacy of the proposed budgets can be reviewed and amended if required.
14. The report outlines the intention to reinstate the Transition Plan once the outstanding technical issues are resolved and an effective date for implementing the preferred CJC 'Lift & Shift' model can be established. Future CJC budget reports will need to consider how the interim executive staffing arrangements will need to evolve to more permanent arrangements under the preferred Lift & Shift model, along with the associated resources required to support those arrangements.

## Legal Implications

15. The Corporate Joint Committees (General) (No. 2) (Wales) Regulations 2021 require the CJC to appoint certain executive staff; namely a Chief Executive (regulation 3), a Chief Finance Officer (regulation 5) and a Monitoring Officer (regulation 7).
16. The Regulations provide that the CJC may make such arrangements for staffing as it considers appropriate. CJC's are able to employ and recruit staff in their own right, make agreements to have staff from other bodies (including constituent councils) placed at the CJC's disposal, and well as commission services/staff resource from other bodies.

## Well-being of Future Generations (Wales) Act 2015 and Equalities Act 2010

17. In developing the Plan and in considering its endorsement regard should be had, amongst other matters, to:
  - (a) 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. Protected characteristics are a. Age; b. Gender reassignment; c. Sex; d. Race – including ethnic or national origin, colour or nationality; e. Disability; f. Pregnancy and maternity; g. Marriage and civil partnership; h. Sexual orientation; i. Religion or belief – including lack of belief.
  - (b) the Well Being of Future Generations (Wales) Act 2015. 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. In discharging their respective duties under the Act, each public body listed in the Act (which includes the Councils comprising the CCRCD) must set and published well-being objectives. These objectives will show how each public body will work to achieve the vision for Wales set out in the national well-being goals. When exercising its functions, the SEW CJC should consider how the proposed decision will contribute towards meeting the well-being objectives set by each Council and in so doing achieve the national wellbeing goals. The wellbeing duty also requires the Councils to act in accordance with a 'sustainable development principle'. This principle requires the Councils to act in a way which seeks to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs. Put simply, this means that SEW CJC must take account of the impact of their decisions on people living their lives in Wales in the future. In doing so, SEW CJC must:
    - look to the long term.
    - focus on prevention by understanding the root causes of problems.

- deliver an integrated approach to achieving the 7 national well-being goals.
- work in collaboration with others to find shared sustainable solutions.
- involve people from all sections of the community in the decisions which affect them.

## **Equality Act 2010**

18. In considering this matter, regard should be had, amongst other matters, to the Councils' duties under the Equality Act 2010. Pursuant to these legal duties the SEW CJC 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. Protected characteristics are:

- age;
- gender reassignment;
- sex;
- race – including ethnic or national origin, colour or nationality;
- disability;
- pregnancy and maternity;
- marriage and civil partnership;
- sexual orientation;
- religion or belief – including lack of belief.

## **RECOMMENDATIONS**

19. It is recommended that the CJC:

- (1) approves the appointment of Kellie Beirne as the Interim Chief Executive Officer;
- (2) approves the appointment of Chris Lee as the Interim Chief Finance Officer;
- (3) approves the appointment of James Williams as the Interim Monitoring Officer;
- (4) authorises Cardiff Council to make any necessary arrangements on behalf of the CJC in relation to these appointments, including entering into any agreements, including any service level agreements with the constituent authorities.

**Paul Orders and Paul Matthews**  
**31 January 2022**