

9 OCTOBER 2023

APPOINTMENT OF INTERIM MONITORING OFFICER

REPORT OF THE INTERIM CHIEF EXECUTIVE

AGENDA ITEM: 10

Reasons for report

1. To seek approval of the appointment of a new Interim Monitoring Officer for the CJC.

Background

2. The CJC currently has arrangements in place with Cardiff Council for the provision of its Monitoring Officer and James Williams was appointed Interim Monitoring Officer of the CJC on 31 January 2022. Under separate arrangements, he is also the Monitoring Officer to the Cardiff Capital Region City Deal Joint Committee. A separate report has been taken to regional Cabinet.
3. James Williams has now resigned and will be leaving Cardiff Council at the end of October.
4. Until the CJC becomes fully operational it is expedient to continue to designate a Monitoring Officer on an interim basis.
5. Cardiff Council has sourced a suitably qualified Interim Monitoring Officer for City Deal and Corporate Joint Committee functions, namely Jayne La Grua, who is to be appointed by Cardiff Council as a locum and is due to start work on 11th October 2023.
6. Jayne is a barrister, who has specialised in criminal prosecutions, but has latterly focused her career on local government. Having suitable experience at a number of local authorities, Jayne has demonstrated that she has the knowledge and expertise to act as interim Monitoring Officer for this period.
7. There is to be a handover period of approximately 3 weeks and it is therefore proposed that Jayne La Grua be appointed Interim Deputy Monitoring Officer from 11th October 2023 and as Interim Monitoring Officer from 1 November 2023 (when the current Interim Monitoring Officer will have left the position).

8. Service Level Agreements have been entered into with Cardiff Council previously and/or continued to operate in practice and it is proposed that either the current Agreement will be amended or a new Service Level Agreement entered into to reflect the proposal set out in this report

Reason for Recommendations

9. To comply with the statutory requirement to designate a Monitoring Officer.

Financial implications

10. The cost of the replacement interim Monitoring Officer can be met from within existing resources approved in respect of the CJC's 2023/24 revenue budget. The relates to the Service Level Agreement between the CJC and Cardiff Council for the provision of Monitoring Officer services and amounts £20,000 in 2023/24.

Legal implications

11. Section 5 Local Government and Housing Act 1989 (as amended by the Corporate Joint Committees (General) (No. 2) (Wales) Regulations 2021, regulation 7) requires the CJC to designate one of its officers, to be known as the monitoring officer, as the officer responsible for performing the duties imposed by that section. Caselaw confirms that 'an officer' may or may not be an employee of the authority and may be engaged under interim consultancy arrangements. There is also statutory provision for placing the staff of local authorities at the disposal of other local authorities (section 113 of the Local Government Act 1972).
12. The statutory guidance for Corporate Joint Committees [WG44355 \(gov.wales\)](#) includes the following relevant guidance:

'22. Statutory officers

22.1 In the same way as currently applies to local authorities, CJsCs will have a requirement to put in place a number of statutory officers (see for example Monitoring Officer - para 12.15, and Chief Financial Officer – Chapter 5). This is not necessarily a requirement to directly employ an individual, or individuals, to fulfil these roles. It will be possible for a CJC to satisfy any statutory requirements in this regard in the same flexible way as is outlined for general staffing above. This might include via sharing of resources from within its constituent councils (or any other council), sometimes referred to as 'twin hatting'; commissioning the role from another body; or recruiting on a full time or part time basis as appropriate. It will be for the CJC to determine the approach to filling its statutory officer roles, where appropriate in consultation with its constituent councils.'

Well-being of Future Generations (Wales) Act 2015

13. In considering this matter, regard should also be had, amongst other matters, to:

- a) the Welsh Language (Wales) Measure 2011 and the Welsh Language Standards;
- b) public sector duties under the Equalities Act 2010 (including specific Welsh public sector duties). Pursuant to these legal duties, authorities 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 religion or belief, and;
- c) 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 duties under the Act, each public body listed in the Act (which includes the CJC) must set and publish wellbeing objectives. These objectives will show how each public body will work to achieve the vision for Wales set out in the national wellbeing goals. When exercising its functions, the CJC should consider how the proposed decision will contribute towards meeting its wellbeing objectives and in so doing achieve the national wellbeing goals. The wellbeing duty also requires the CJC to act in accordance with a 'sustainable development principle'. This principle requires the CJC 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 the CJC must take account of the impact of its decisions on people living their lives in Wales in the future. In doing so, the 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.

14. The CJC must be satisfied that the proposed decision accords with the principles above. To assist the CJC to consider the duties under the Act in respect of the decision sought, an assessment has been undertaken, which is attached as an appendix to this report.

RECOMMENDATIONS

15. It is recommended that the South East Wales Corporate Joint Committee:

- (1) subject to recommendations 2 and 3 below and the conclusion of the relevant legal agreements, approves the designation of Jayne La Grua as Interim Deputy Monitoring Officer of the CJC from 11th October 2023 and as Interim Monitoring Officer of the CJC from 1st November 2023;
- (2) notes that Cardiff Council will make the necessary arrangements to engage Ms La Grua on behalf of the CJC; and
- (3) authorises the Interim Chief Executive, on behalf of the CJC, to conclude or amend the service level agreement with Cardiff Council in relation to this matter.

Kellie Beirne
Interim Chief executive
South East Wales Corporate Joint Committee
9 October 2023

Appendices

Appendix 1: Well-being of Future Generations Assessment

Background papers

- (1) SEWCJC report, 'Interim Executive Staffing Arrangements', 31 January 2022
[CARDIFF COUNCIL \(cardiffcapitalregion.wales\)](https://www.cardiffcapitalregion.wales)
- (2) Welsh Government, Corporate Joint Committees: Statutory Guidance
[WG44355 \(gov.wales\)](https://www.gov.wales)

Future Generations Assessment Evaluation

(includes Equalities and Sustainability Impact Assessments)






Name of the Officer completing the evaluation: Kellie Beirne E-mail: kellie.beirne@cardiff.gov.uk	Please give a brief description of the aims of the proposal To appoint a new Monitoring Offer for the SEWCJC
Proposal: To seek approval of the appointment of a new Interim Monitoring Officer for the CJC.	Date Future Generations Evaluation form completed: 9 October 2023

1. Does your proposal deliver any of the well-being goals below? Please explain the impact (positive and negative) you expect, together with suggestions of how to mitigate negative impacts or better contribute to the goal.

Well Being Goal	Does the proposal contribute to this goal? Describe the positive and negative impacts.	What actions have been/will be taken to mitigate any negative impacts or better contribute to positive impacts?
A prosperous Wales Efficient use of resources, skilled, educated people, generates wealth, provides jobs	The report sets the recruitment of specialist staff resources into the CJC to create the capacity, capability and resource to deliver against the core objectives of the CJC.	To develop cross-sectoral and multi-disciplinary teams that bring new knowledge and perspectives to add value.
A resilient Wales Maintain and enhance biodiversity and ecosystems that support resilience and can adapt to change (e.g. climate change)	The resource in the CJC will support the delivery projects which emphasise sustainable and inclusive growth to meet the well-being objectives	
A healthier Wales People's physical and mental wellbeing is maximized and health impacts are understood	As above	

Well Being Goal	Does the proposal contribute to this goal? Describe the positive and negative impacts.	What actions have been/will be taken to mitigate any negative impacts or better contribute to positive impacts?
A Wales of cohesive communities Communities are attractive, viable, safe and well connected	As above.	
A globally responsible Wales Taking account of impact on global well-being when considering local social, economic and environmental wellbeing	As above	
A Wales of vibrant culture and thriving Welsh language Culture, heritage and Welsh language are promoted and protected. People are encouraged to do sport, art and recreation		
A more equal Wales People can fulfil their potential no matter what their background or circumstances	The resource within the CJC will seek to ensure that training and employment opportunities are provided for all regardless of their background and circumstances	Opportunities will be taken to advance the skills and talent within all communities, with an emphasis being placed in areas of most need.

2. How has your proposal embedded and prioritized the sustainable governance principles in its development?

Sustainable Development Principle	Does your proposal demonstrate you have met this principle? If yes, describe how. If not explain why.	Are there any additional actions to be taken to mitigate any negative impacts or better contribute to positive impacts?
 <p>Long Term</p> <p>Balancing short term need with long term and planning for the future</p>	<p>The report identifies the immediate needs as well as longer term proposals for the specialist function of the Monitoring Officer</p>	
 <p>Collaboration</p> <p>Working together with other partners to deliver objectives</p>	<p>The change in personnel with a suitable handover period means that the relationships with partners remain intact to allow for the delivery of objectives.</p>	
 <p>Involvement</p> <p>Involving those with an interest and seeking their views</p>		<p>Over the longer term, wider views on how this service may be provided may consider a different approach.</p>
 <p>Prevention</p> <p>Putting resources into preventing problems occurring or getting worse</p>	<p>The transfer of staff as identified in the report provides continuity of resource which will mitigate challenges, issues and risks around continuity of delivery.</p>	
 <p>Integration</p> <p>Considering impact on all wellbeing goals together and on other bodies</p>	<p>The approach proposed will mean a continuation of the current service and therefore minimizes the impacts on the organisation and other partners and stakeholders.</p>	

3. Are your proposals going to affect any people or groups of people with protected characteristics? Please explain the impact, the evidence you have used and any action you are taking below.

Protected Characteristics	Describe any positive impacts your proposal has on the protected characteristic	Describe any negative impacts your proposal has on the protected characteristic	What has been/will be done to mitigate any negative impacts or better contribute to positive impacts?
Age	The proposals are neutral in their direct affect, however future plans around policies and procedures will support the recruitment and advancement of people with protected characteristics		
Disability	As above		
Gender reassignment	As above		
Marriage or civil partnership	As above		
Pregnancy or maternity	As above		
Race	As above		
Religion or Belief	As above		
Sex	As above		
Sexual Orientation	As above		
Welsh Language	As above		

4. Safeguarding & Corporate Parenting. Are your proposals going to affect either of these responsibilities?

	Describe any positive impacts your proposal has on safeguarding and corporate parenting	Describe any negative impacts your proposal has on safeguarding and corporate parenting	What will you do/ have you done to mitigate any negative impacts or better contribute to positive impacts?
Safeguarding	Not directly relevant –however, all staff employed have a safeguarding duty in their job description		

Corporate Parenting	Not directly relevant – however future policies introduced into the CJC will demonstrate the commitment to the corporate parenting responsibilities across the region.		
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5. What evidence and data has informed the development of your proposal?

Legal and benchmarking advice.

6. SUMMARY: As a result of completing this form, what are the main positive and negative impacts of your proposal, how have they informed/changed the development of the proposal so far and what will you be doing in future?

The proposal will ensure continuity of delivery of projects which support the economic development and well-being of the region

7. MONITORING: The impacts of this proposal will need to be monitored and reviewed. Please specify the date at which you will evaluate the impact, and where you will report the results of the review.

The impacts of this proposal will be evaluated on:	As per annual business plan objective
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