



**9 OCTOBER 2023**

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**THE SOUTH EAST WALES CORPORATE JOINT COMMITTEE  
INTERIM CONSTITUTION**

**REPORT OF THE INTERIM CHIEF EXECUTIVE**

**AGENDA ITEM: 7**

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**Reasons for Report**

1. To seek approval of the Interim Constitution of the CJC.

**Background**

2. At its meeting on 31 January 2022 the CJC approved Interim Standing Orders, to cover the period during which the CJC's activity would be kept to the bare minimum and until such time as outstanding technical matters had been resolved.
3. Those technical matters have now been resolved and the CJC is working towards the preferred governance and delivery model of 'lift and shift'.
4. This Interim Constitution will support the Building the Foundations phase of CJC development during 2023/2024. It will be in place until UK Government, Welsh Government, and the CJC are ready to 'lift and shift' into the new CJC. It replaces the Interim Standing Orders agreed on 31 January 2022.
5. A final Constitution, to support the 'lift and shift' to the South East Wales Corporate Joint Committee, will be brought to CJC for approval in advance of the CJC becoming fully operational on 1 April 2024.

**Issues**

6. The Interim Constitution is at Appendix A to this report and comprises 17 Sections together with 16 Appendices that contain more detailed procedure rules.
7. In addition to some re – ordering of the text, the main changes that have been made to the Standing Orders that were approved in January 2022 are:

## **Interim Constitution**

### Section 1 Introduction

8. This has been added to explain the purpose of the Interim Constitution.

### Section 2 Members

9. This section has been expanded to provide more detail about who may be appointed as the Brecon Beacon member and how member vacancies may be dealt with.

### Section 3 Meetings

10. This section lists the different types of CJC meeting. Text in the earlier Standing Orders relating to the calling and conduct of meetings has been moved to the Meeting Procedure Rules at Appendix 2 and text relating to access to agendas and minutes has been moved to the Access to Information Procedure Rules at Appendix 8.

### Section 4 Statutory Sub – Committees

11. This section includes details of:
  - the Governance and Audit Sub – Committee. Its terms of reference, which were agreed by the CJC on 27 March 2023 are at Appendix 3 to the Interim Constitution;
  - the arrangements made with Cardiff Council, in accordance with the CJC's decision dated 27 March 2023, for its Standards and Ethics Committee to be the CJC's Standards Sub-Committee. The arrangements have been approved by Cardiff Council on an interim basis, subject to the terms of the arrangements being set out in a Service Level Agreement (SLA). The CJC has authorised the Interim Chief Executive to conclude the Service Level Agreement with Cardiff Council (CJC decision 31/07/2023) The terms of reference of the standards sub – committee, subject to the conclusion of the SLA, are at Appendix 4 to the Interim Constitution – paragraph (l) refers to standards functions for the CJC.

### Section 5 Other Sub – Committees

12. This is a new section indicating that the CJC will establish Sub–Committees whose composition, delegated functions and terms of reference are set out in Appendix 5, and that Sub-committee meetings will be held in accordance with the Sub- Committee Meeting Procedure Rules at Appendix 6.
13. The only Sub - Committee currently included in Appendix 5 is the Appointments Sub - Committee that will be responsible for the appointment and dismissal of Chief Officers when the CJC begins to employ staff.

14. A more detailed governance structure will be required when the Economic Well – being, Regional Transport and Strategic Planning functions transfer to the CJC and details of these will be brought to a future meeting of the CJC for approval.

#### Section 6 Overview and Scrutiny

15. This section sets out the proposed scrutiny arrangements for the CJC, as endorsed by the CJC on 11 September 2023, namely the use of the existing Joint Overview and Scrutiny Committee established by the CJC’s constituent councils in relation to the City Deal. This section of the Interim Constitution is subject to each of the 10 constituent councils agreeing an addition to the JOSCS terms of reference to encompass scrutiny of the CJC.

#### Section 7 Citizens’ Rights

16. This section has been added to set out how the public can get involved in the work of the CJC.
17. Section 39 of the Local Government and Elections (Wales) Act 2021 requires the CJC to encourage local people to participate in the making of decisions by the CJC and the statutory guidance on CJsCs states “Making it easier for members of the public to understand how a CJC functions; how it makes decisions; and how local people can follow proceedings, input their views and have them taken into account is vital”

#### Section 8 Petitions Scheme

18. Section 42 of the Local Government and Elections Act 2021 requires the CJC to make and publish a petitions scheme setting out:
  - (a) how a petition may be submitted to the CJC;
  - (b) how and by when the CJC will acknowledge receipt of a petition;
  - (c) the steps the CJC may take in response to a petition received by it;
  - (d) the circumstances (if any) in which the CJC may take no further action in response to a petition;
  - (e) how and by when the CJC will make available its response to a petition to the person who submitted the petition and to the public.

The proposed Petitions Scheme is at Appendix 9 to the Interim Constitution.

#### Section 11 Budget

19. This section has been expanded to include the elements that must be included in the budget.

#### Section 13 Financial Administration

20. The Audit and Accounts (Wales) Regulations 2014 require the CJC’s Chief Financial Officer to determine its accounting control system which must include:

- (a) measures to ensure that the financial transactions of the CJC are recorded as soon as reasonably practicable and as accurately as reasonably possible, measures to enable the prevention and detection of inaccuracies and fraud, and the ability to reconstitute any lost records;
  - (b) identification of the duties of officers dealing with financial transactions and division of responsibilities of those officers in relation to significant transactions;
  - (c) procedures to ensure that uncollectable amounts, including bad debts, are not written off except with the approval of the responsible financial officer, or such member of that person's staff as is nominated for this purpose, and that the approval is shown in the accounting records; and
  - (d) measures to ensure that risk is appropriately managed.
21. This section has been amended to refer to the Financial Procedure Rules at Appendix 11 to the Interim Constitution. Draft Financial Procedure Rules will be brought to a future meeting of the CJC for approval. Meanwhile Section 17 of the Interim Constitution has provision for the CJC to refer to the policies and procedures of one of its Constituent Councils or the Authority, should there be an operational need for a policy or procedure.

#### Section 14 Contracts and Procurement

22. Regulation 16 of the Corporate Joint Committees (General) (No. 2) (Wales) Regulations 2022 requires the CJC to make standing orders regarding the making of contracts for the supply of goods and materials and for the execution of works. Such standing orders must include provision for securing competition for such contracts and for regulating the manner in which tenders are invited.
23. This section refers to the Contract Procedure Rules at Appendix 12 to the Interim Constitution. Draft Contract Procedure Rules will be brought to a future meeting of the CJC for approval.

#### Section 15 Staffing

24. This section has been expanded to include more detail of the roles of the statutory officers, namely the Chief Executive, Monitoring Officer and Chief Financial Officer. It also refers to the Employment Procedure Rules, the Employees Code of Conduct and the Protocol on Member/Officer relations at Appendices 13 - 15 to the Interim Constitution.

#### Section 16 The Common Seal

25. This is a new section setting out the arrangements for the execution of deeds (primarily large contracts and certain property transaction documents) that will need to be sealed on behalf of the CJC.

## Records Scheme

26. Text in the Standing Orders approved in January 2022 that relates to the records scheme has been removed. Whilst the CJC is required to produce a Records Scheme this does not need to be included in the Interim Constitution. A draft Records Scheme will be brought to a future meeting of the CJC for approval.

## **Reason for Recommendations**

27. To seek approval of the South East Wales Corporate Joint Committee Interim Constitution.

## **Financial Implications**

28. There are no direct financial implications arising from this report. Whilst the Financial Procedure Rules and Procurement Procedure Rules will be brought to a future meeting for approval, the CJC has the ability to utilise the policies, procedures, systems, processes and documentation of any of its Constituent Councils.

## **Legal Implications**

29. Section s37 Local Government Act 2000 requires the CJC to prepare a constitution and keep it up to date. The constitution should include the CJC's standing orders, a copy of its code of conduct, any other information the CJC deems appropriate and any other information that the Welsh Ministers may direct.
30. The South East Wales Corporate Joint Committee Regulations 2021 (the "Establishing Regulations") make provision about the CJC's constitution and what should be included in such constitution, and require the CJC to make standing orders for any proceedings or business not covered in the Establishing Regulations or other legislation. Further secondary legislation passed since 2021 has provided further detail on the CJC's constitutional requirements and has applied various powers and duties from existing law relating to local authorities in Wales.
31. The proposed constitution appended to this Report has been developed by the CCR in-house legal team, under arrangements with Cardiff Council's in-house legal services, in this context.
32. Statutory guidance issued for CJsCs encourages a proportionate approach to constitutional and operational arrangements. In accordance with that proportionate approach, this revised Constitution provides significant development from the previous minimal approach. A further report on additional governance structures will be brought back when the full operational elements of the CCR City Deal are transferred to the CJC.

## **Well-being of Future Generations (Wales) Act 2015**

33. In considering this matter regard should 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 respective duties under the Act, each public body listed in the Act (which includes the CJC) must set and published 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 the wellbeing 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 CJC must take account of the impact of their decisions on people living their lives in Wales in the future. In doing so, 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.

34. CJC must be satisfied that the proposed decision accords with the principles above. To assist 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

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

- (1) considers and approves the Interim Constitution and its Appendices at Appendix A to this report, to replace the Standing Orders approved on 31 January 2022;
- (2) notes that Section 6 and Appendix 7 of the Interim Constitution are subject to the 10 constituent councils of the CJC approving the terms of reference of the Joint Overview and Scrutiny Committee that will scrutinise the CJC;
- (3) notes that the standards sub-committee arrangements set out within Section 4 and Appendix 4 of the Interim Constitution are subject to the conclusion of a Service Level Agreement between the CJC and Cardiff Council (to be concluded under officer delegated authority); and
- (4) notes that it will receive further updates and revisions to the Interim Constitution during 2023-24 in order to allow for implementation of the preferred governance and delivery model.

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

### Appendices

Appendix A: Draft Interim Constitution and Appendices  
Appendix B: Well-Being of Future Generations Assessment

Appendices to the Interim Constitution:

- Appendix 1: Members Code of Conduct  
*This is the revised Code of Conduct approved by the CJC on 11 September 2023*
- Appendix 2: Meeting Procedure Rules  
*This is a new Appendix setting out how CJC meetings are arranged and conducted*
- Appendix 3: Governance and Audit Sub-Committee Terms of Reference  
*This contains the terms of reference agreed by the CJC on 27 March 2023*
- Appendix 4: Standards & Ethics Committee Terms of Reference  
*This contains the terms of reference of Cardiff Council's Standards and Ethics Committee which is also the CJC's Standards Sub – Committee*
- Appendix 5: Non – Statutory Sub Committees  
*This contains the terms of reference of Cardiff Council's Standards and Ethics Committee which is also to be the CJC's Standards Sub – Committee on an interim basis, subject to the*

*agreement of a Service Level Agreement – paragraph (l) of the terms of reference sets out the committee’s functions in relation to the CJC.*

- Appendix 6: Sub – Committee Meeting Procedure Rules  
*This is a new Appendix setting out how sub – committee meetings are to be conducted*
- Appendix 7: Joint Overview and Scrutiny Committee Terms of Reference  
*This contains the terms of reference agreed by the 10 constituent councils of the CJC in relation to scrutiny of the CJC.*
- Appendix 8: Access to Information Procedure Rules  
*This is a new Appendix setting out how the public may access documents and meetings of the CJC and its sub – committees.*
- Appendix 9: Petitions Scheme  
*This Appendix contains the proposed Petitions Scheme.*
- Appendix 10: Scheme of Delegations  
*The Scheme of Delegations approved by the CJC in January 2022 has been expanded to add powers delegated to the Chief Financial Officer and the Monitoring Officer and to add delegations relating to staffing to the Chief Executive’s powers.*
- Appendix 11: Financial Procedure Rules  
*To follow at a future meeting*
- Appendix 12: Contract Procedure Rules  
*To follow at a future meeting*
- Appendix 13: Employment Procedure Rules  
*The Employment Procedure Rules set out how employees of the CJC will be recruited and appointed and the statutory disciplinary processes applying to the statutory officers.*
- Appendix 14: Employees Code of Conduct  
*The Employees Code of Conduct is in the form prescribed by the Code of Conduct (Qualifying Local Government Employees) (Wales) Order 2001*
- Appendix 15: Protocol on Officer/Member Relations  
*This sets out the different roles and responsibilities of Officers and Members of the CJC and their working relationships*
- Appendix 16: Webcasting Protocol  
*To follow at a future meeting*



## **SOUTH EAST WALES CORPORATE JOINT COMMITTEE INTERIM CONSTITUTION**

### **1. INTRODUCTION**

- 1.1 This Interim Constitution supports the Building the Foundations phase of CJC development during 2023/2024. This Interim Constitution will be in place until UK Government, Welsh Government, and the CJC are ready to 'lift and shift' into the new CJC. It replaces the Interim Standing Orders for the initial minimalistic period of operation of the South East Wales Corporate Joint Committee (CJC) which were agreed on 31 January 2022.
- 1.2 The CJC has adopted this Interim Constitution and all of its appendices as set out in the list appended to this document which are hereby incorporated into this Interim Constitution.
- 1.3 This Interim Constitution sets out how the CJC operates, how decisions are made and the procedures which are followed to ensure that these are efficient, transparent and accountable to local people. Some of these processes are required by the law, while others are a matter for the CJC to choose.
- 1.4 This Interim Constitution sets out the basic rules governing the CJC's business. More detailed procedures and codes of practice are included in the appendices to this document.
- 1.5 A final Constitution, to support the 'lift and shift' to the South East Wales Corporate Joint Committee, will be brought to CJC for approval in advance of the CJC becoming fully operational on 1 April 2024.

### **2 MEMBERS**

- 2.1 The members of the CJC are the executive leaders of the 10 Constituent Councils:

Cardiff County Council

Monmouthshire County Council

Blaenau Gwent County Borough Council

Bridgend County Borough Council

Caerphilly County Borough Council

Merthyr Tydfil County Borough Council

Newport County Borough Council

Rhondda Cynon Taff County Borough Council

Torfaen County Borough Council

The Vale of Glamorgan Council  
("the **Council Members**") and  
the Brecon Beacons Member; and  
any Co-opted Member  
(together, the "**CJC**").

- 2.2 The Brecon Beacons Member will be appointed by the Brecon Beacons National Park Authority (the "**Authority**") and must be one of the following office-holders:
  - 2.2.1 The Chair of the Authority;
  - 2.2.2 The Deputy Chair of the Authority; or
  - 2.2.3 The Chair of a committee with responsibility for planning matters as may be established by the Authority.
- 2.3 Each Council Member will act as a member of the CJC in relation to all of the CJC's functions.
- 2.4 The Brecon Beacons Member will act as a member of the CJC only in relation to the Strategic Development Plan Function.
- 2.5 The Brecon Beacons member will be invited to attend meetings and participate only where the Strategic Development Plan Function is being discussed, other than where agreed by the Council Members on an individual meeting basis.
- 2.6 Where a Council Member is suspended or is unable to act as a Council Member for any period, the Constituent Council of which they are a member may appoint a member of its executive as a substitute member of the CJC for that period.
- 2.7 Where a Constituent Council has a vacancy in the office of executive leader it must appoint another member of its executive as its Council Member of the CJC until such time as the vacancy is filled.
- 2.8 Where the Brecon Beacons Member is suspended or is unable to act as the Brecon Beacons Member for any period, the Authority may appoint another of the office-holders mentioned in paragraph 2.2 as a substitute member of the CJC for that period.
- 2.9 The CJC can co-opt one or more individuals as members of the CJC ("**Co-opted Members**") and each a "**Co-opted Member**").
- 2.10 Council Members, the Brecon Beacons Member and any Co-opted Member of the CJC (together the "**Members**" and each a "**Member**") shall have a duty to comply with the Members Code of Conduct adopted by the CJC, a copy of which is at Appendix 1 and the Protocol on Officer/Member Relations at Appendix 15.

- 2.11 In addition to complying with the provisions relating to the registration of personal interests in the CJC's Members Code of Conduct, Council Members and the Brecon Beacons Member must register any personal interests they have in the business of the CJC by giving written notice to the monitoring officer of the Constituent Council of which they are also a member (in the case of the Council Members) or the Authority (in the case of the Brecon Beacons Member).

### **3 MEETINGS**

3.1 There are three types of CJC meeting:

- (a) the annual meeting;
- (b) ordinary meetings;
- (c) extraordinary meetings

and they will be conducted in accordance with the Meeting Procedure Rules, as set out in Appendix 2.

### **4 STATUTORY SUB-COMMITTEES**

#### **Governance & Audit Sub-Committee**

- 4.1 The CJC will establish a Governance and Audit Sub-Committee to review and scrutinise the CJC's financial, risk management, governance and performance management arrangements, along with any such other functions as the CJC may specify.
- 4.2 The terms of reference of the Governance and Audit Sub-Committee have been adopted by the CJC as set out in Appendix 3.

#### **Standards Sub-Committee**

- 4.3 The CJC has established a standards sub-committee with Cardiff Council, known as the Standards & Ethics Committee.
- 4.4 The terms of reference of the Standards & Ethics Committee have been adopted by the CJC as set out in Appendix 4.

### **5. OTHER SUB-COMMITTEES**

- 5.1 The CJC will establish Sub-Committees whose composition, delegated functions and terms of reference are set out in Appendix 5.

Sub-committee meetings will be held in accordance with the Sub-Committee Meeting Procedure Rules at Appendix 6.

## **6. OVERVIEW AND SCRUTINY**

6.1 The Constituent Councils have established a Joint Overview and Scrutiny Committee to provide the necessary oversight and scrutiny of the CJC's activities. Its terms of reference are set out in Appendix 7

## **7. CITIZENS' RIGHTS**

7.1 Citizens have the rights listed below. Their rights to information and to participate are explained in more detail in the Access to Information Procedure Rules at Appendix 8.

- To raise a matter with the CJC by submitting a petition in accordance with the CJC's Petitions Scheme.
- To attend meetings of the CJC and its Sub-Committees except those parts of meetings where confidential information or exempt information is likely to be disclosed, and that business is conducted in private
- To see reports and background papers of meetings held in public, and any records of decisions made by the CJC
- To inspect the CJC's accounts and make their views known to the external auditor
- To contribute to investigations by the Joint Overview and Scrutiny Committee
- To complain to the CJC under its Complaints Policy;
- To complain to the Ombudsman about any injustice they have suffered as a result of maladministration, but they are encouraged to use the CJC's own Complaints Policy first;
- To complain to the Ombudsman where they believe a Councillor or co-opted member of the CJC has breached the Member's Code of Conduct

## **8. PETITIONS**

8.1 The CJC has adopted the Petitions Scheme at Appendix 9 which sets out how the CJC will handle and respond to petitions.

## **9. DELEGATIONS**

- 9.1 Subject to Standing Order 10 below, the CJC may arrange for the discharge of its functions by-
- 9.1.1 A sub-committee;
  - 9.1.2 A member of staff;
  - 9.1.3 Any other corporate joint committee;
  - 9.1.4 Any county or county borough council in Wales.
- 9.2 Subject always to Standing Order 9 below, the CJC delegates operational decisions on the discharge of its functions and anything that is required to facilitate or is conducive or incidental to the discharge of its functions as set out in the Scheme of Delegations at Appendix 10.

## 10. RESTRICTIONS ON DELEGATION

- 10.1 The CJC may not delegate any of the following to any other person or sub-committee:
- 10.1.1 Its function in relation to developing policies under the relevant provisions of the Transport Act 2000 ("**Transport Policy Function**");
  - 10.1.2 Its function in relation to preparing a Strategic Development Plan under the relevant provisions of the Planning and Compulsory Purchase Act 2004 (the "**Strategic Development Plan Function**");
  - 10.1.3 The decision to agree the CJC budgets and contributions of the Constituent Councils and the Authority.

## 11. BUDGET

- 11.1 For each financial year, the CJC must calculate its budget for its functions:
- a) Strategic Development Plan Function (the "**Strategic Development Plan Budget**")
  - b) Other functions (the "**General Budget**")
- 11.2 The budget shall be agreed at a meeting of the CJC no later than 31<sup>st</sup> January each year and must include:
- 11.2.1 The amount the CJC estimates it will spend in the exercise of its functions;
  - 11.2.2 The amount raised for contingencies;
  - 11.2.3 The amount held in reserve for expenditure in future financial years;

11.2.4 Any amount necessary to meet liabilities outstanding in respect of previous financial years; and

11.2.5 Any amounts the CJC estimates it will receive from sources other than the Constituent Councils and the Authority

11.3 Revisions may be made to the budget during the financial year to which that budget relates. Any revisions must be approved by the CJC, at a meeting of the CJC.

11.4 The Strategic Development Plan Budget requirement must be paid by the Constituent Councils and the Authority, the proportion to be paid by each to be decided by the unanimous agreement of the Council Members and the Brecon Beacons Member.

11.5 The General Budget requirement must be paid by the Constituent Councils, the proportion to be paid by each to be decided by unanimous agreement of the Council Members.

## **12. GENERAL FUND**

12.1 The CJC must establish and maintain a fund to be known as the CJC's General Fund.

12.2 Any sums received or paid by the CJC, other than for specific external funds set out in relevant legislation, must be made through the CJC's General Fund.

12.3 The CJC must keep an account of receipts into and payments out of its General Fund.

## **13. FINANCIAL ADMINISTRATION**

13.1 The management of the CJC's financial affairs will be conducted in accordance with the Financial Procedure Rules at Appendix 11.

## **14. CONTRACTS AND PROCUREMENT**

14.1 The CJC will carry out all contracting and procurement in accordance with the Contract Procedure Rules at Appendix 12.

## **15. STAFFING**

15.1 The appointment and management of staff must be carried out in accordance with the CJC's Employment Procedure Rules at Appendix 13.

15.2 All CJC Officers must comply with the Employees' Code of Conduct and the Protocol on Officer/Member Relations set out in Appendices 14 and 15.

### **Statutory Officers**

- 15.3 The CJC will designate officers for the statutory posts of Chief Executive, Chief Finance Officer and Monitoring Officer.
- 15.4 The CJC must provide the Chief Executive, the Monitoring Officer and the Chief Finance Officer with the officers, accommodation, and other resources they require to perform their statutory duties.

### **Chief Executive Officer**

- 15.5 The Chief Executive must keep the following matters under review:
- (a) the manner in which the exercise by the CJC of its different functions is coordinated,
  - (b) the CJC's arrangements in relation to—
    - (i) financial planning,
    - (ii) asset management, and
    - (iii) risk management,
  - (c) the appointment, organisation and management of the staff required by the CJC for the exercise of its functions.
- 15.6 Where the Chief Executive considers it appropriate to do so, he/she must make a report to the CJC setting out his/her proposals in respect of any of the above matters, which must be considered by a meeting of the CJC held within 3 months from receipt of the report

### **Chief Finance Officer**

- 15.7 The Chief Finance Officer is responsible for the administration of the financial affairs of the CJC.
- 15.8 After consulting with the Chief Executive and the Monitoring Officer, the Chief Finance Officer will report to the CJC and the CJC's external auditor if he or she considers that any proposal, decision or course of action will involve incurring unlawful expenditure, or is unlawful and is likely to cause a loss or deficiency or if the CJC is about to enter an item of account unlawfully.

### **Monitoring Officer**

- 15.10 The Monitoring Officer may not be the Chief Executive or the Chief Finance Officer.
- 15.11 After consulting with the Chief Executive and Chief Finance Officer, the Monitoring Officer will report to the CJC if he or she considers that any proposal, decision or omission would give rise to unlawfulness or if any decision or omission has given rise to maladministration. The report must be considered by a meeting of the CJC held within 21 days from receipt of the report. Provided that the decision has not already been implemented such a report will have the effect of stopping the proposal or decision being implemented until the report has been considered

- 15.12 The Monitoring Officer is responsible for receiving and where necessary co-ordinating action on reports made by the Public Services Ombudsman for Wales and decisions of the case tribunals. Any CJC Member or Officer to whom such reports may be addressed must forward them to the Monitoring Officer.
- 15.13 The Monitoring Officer will conduct investigations into matters referred by the Ombudsman and make reports or recommendations in respect of them to the Standards & Ethics Sub-Committee. The Monitoring Officer shall also conduct an investigation into any allegation of misconduct by a Member where he/she has reason to believe that it may be appropriate for the CJC to exercise its powers of self regulation, and report to the Standards and Ethics Sub-Committee as appropriate.
- 15.14 The Monitoring Officer will monitor and review the operation of the Interim Constitution to ensure that the aims and principles of the Interim Constitution are given full effect, and will advise the CJC accordingly.

## **16 The Common Seal of the CJC**

- 16.1 The Common Seal of the CJC will be kept securely in the custody of the Monitoring Officer and may be applied through the use of a secure electronic sealing system. A decision of the CJC, or of any part of it, will be sufficient authority for sealing any document necessary to give effect to the decision. The Common Seal will be affixed to those documents which in the opinion of the Monitoring Officer should be sealed. The affixing of the Common Seal will be attested by the Monitoring Officer or some other employee authorised by him/her.

## **17 Policies and Procedures**

- 17.1 Where there is an operational need for a policy or procedure other than as set out in this Interim Constitution or in legislation, the CJC will refer to the policies and procedures of one of its Constituent Councils or the Authority as determined by the Chief Executive Officer, Chief Financial Officer, and Monitoring Officer as appropriate (the "Executive Team") and with such amendments necessary for and applicable to the circumstances of the CJC.



**SCHEDULE 1****LIST OF APPENDICES TO THE INTERIM CONSTITUTION**

1.	Members Code of Conduct	
2.	Meeting Procedure Rules	
3.	Governance and Audit Sub-Committee Terms of Reference	
4.	Standards & Ethics Committee Terms of Reference	
5.	Non – statutory Sub – Committees' Terms of Reference	
6.	Sub – Committee Meeting Procedure Rules	
7.	Joint Overview and Scrutiny Committee Terms of Reference	
8.	Access to Information Procedure Rules	
9.	Petitions Scheme	
10.	Scheme of Delegations	
11.	Financial Procedure Rules	To follow
12.	Contract Procedure Rules	To follow
13.	Employment Procedure Rules	
14.	Employee Code of Conduct	
15.	Protocol on Officer/Member Relations	
16.	Webcasting Protocol	To follow

**SOUTH EAST WALES CORPORATE JOINT COMMITTEE INTERIM  
CONSTITUTION  
APPENDIX 1 - MEMBERS CODE OF CONDUCT**

**PART 1**

**INTERPRETATION**

**1**

(1) In this code—

“CJC” means the South East Wales Corporate Joint Committee

“independent member” (“*aelod annibynnol*”), in relation to a relevant authority, means a person who is not a member of the authority but who—

- (a) is a co-opted member of any committee or sub-committee of the authority, or
- (b) is a co-opted member of, and represents the authority on, any joint committee or joint sub-committee of the authority, and who is entitled to vote on any question which falls to be decided at any meeting of that committee or sub-committee. (An independent member may also be referred to as a co-opted member but is not a full member of the relevant authority);

“meeting” (“*cyfarfod*”) means any meeting—

- (a) of the relevant authority,
- (b) of any executive or board of the relevant authority,
- (c) of any committee, sub-committee, joint committee or joint sub-committee of the relevant authority or of any such committee, sub-committee, joint committee or joint sub-committee of any executive or board of the authority, or
- (d) where members or officers of the relevant authority are present other than a meeting of a political group constituted in accordance with regulation 8 of the Local Government (Committees and Political Groups) Regulations 1990, and includes circumstances in which a member of an executive or board or an officer acting alone exercises a function of an authority;

“member” (“*aelod*”) includes, unless the context requires otherwise, an independent member;

“register of members' interests” (“*cofrestr o fuddiannau'r aelodau*”) means the register established and maintained under [section 81](#) of the Local Government Act 2000;

“registered society” means a society, other than a society registered as a credit union, which is—

- (a) a registered society within the meaning given by section 1(1) of the Co-operative and Community Benefit Societies Act 2014; or
- (b) a society registered or deemed to be registered under the Industrial and Provident Societies Act (Northern Ireland) 1969;

“relevant authority” (“*awdurdod perthnasol*”) means—

- (a) a county council,

- (b) a county borough council,
- (c) a community council,
- (d) a fire and rescue authority constituted by a scheme under [section 2](#) of the Fire and Rescue Services Act 2004 or a scheme to which section 4 of that Act applies,
- (e) a National Park authority established under [section 63](#) of the Environment Act 1995;
- (f) a Corporate Joint Committee

“you” (“*chi*”) means you as a member or independent member of the CJC

## **PART 2**

### **GENERAL PROVISIONS**

#### **2**

- (1) Save where paragraph 3(a) applies, you must observe this code of conduct—
- (a) whenever you conduct the business, or are present at a meeting, of the CJC;
  - (b) whenever you act, claim to act or give the impression you are acting in the role of member of the CJC ;
  - (c) whenever you act, claim to act or give the impression you are acting as a representative of the CJC ; or
  - (d) at all times and in any capacity, in respect of conduct identified in paragraphs 6(1)(a) and 7.
- (2) You should read this code together with the general principles prescribed under [section 49\(2\)](#) of the Local Government Act 2000 in relation to Wales.

#### **3**

Where you are elected, appointed or nominated by the CJC to serve—

- (a) on another relevant authority, or any other body, which includes a Local Health Board you must, when acting for that other authority or body, comply with the code of conduct of that other authority or body; or
- (b) on any other body which does not have a code relating to the conduct of its members, you must, when acting for that other body, comply with this code of conduct, except and insofar as it conflicts with any other lawful obligations to which that other body may be subject.

#### **4**

You must—

- (a) carry out your duties and responsibilities with due regard to the principle that there should be equality of opportunity for all people, regardless of their gender, race, disability, sexual orientation, age or religion;
- (b) show respect and consideration for others;
- (c) not use bullying behaviour or harass any person; and
- (d) not do anything which compromises, or which is likely to compromise, the impartiality of those who work for, or on behalf of, the CJC.

#### **5**

You must not—

- (a) disclose confidential information or information which should reasonably be regarded as being of a confidential nature, without the express consent of a person authorised to give such consent, or unless required by law to do so;

- (b) prevent any person from gaining access to information to which that person is entitled by law.

## **6**

- (1) You must—
- (a) not conduct yourself in a manner which could reasonably be regarded as bringing your office or the CJC into disrepute;
  - (b) report, whether through the CJC's confidential reporting procedure or direct to the proper authority, any conduct by another member or anyone who works for, or on behalf of, the CJC which you reasonably believe involves or is likely to involve criminal behaviour (which for the purposes of this paragraph does not include offences or behaviour capable of punishment by way of a fixed penalty);
  - (c) report to the CJC's monitoring officer any conduct by another member which you reasonably believe breaches this code of conduct;
  - (d) not make vexatious, malicious or frivolous complaints against other members or anyone who works for, or on behalf of, the CJC.
- (2) You must comply with any request of the CJC's monitoring officer, or the Public Services Ombudsman for Wales, in connection with an investigation conducted in accordance with their respective statutory powers.

## **7**

You must not—

- (a) in your official capacity or otherwise, use or attempt to use your position improperly to confer on or secure for yourself, or any other person, an advantage or create or avoid for yourself, or any other person, a disadvantage;
- (b) use, or authorise others to use, the resources of the CJC—
  - (i) imprudently;
  - (ii) in breach of the CJC's requirements;
  - (iii) unlawfully;
  - (iv) other than in a manner which is calculated to facilitate, or to be conducive to, the discharge of the functions of the CJC or of the office to which you have been elected or appointed;
  - (v) improperly for political purposes; or
  - (vi) improperly for private purposes.

## **8**

You must—

- (a) when participating in meetings or reaching decisions regarding the business of the CJC, do so on the basis of the merits of the circumstances involved and in the public interest having regard to any relevant advice provided by the CJC's officers, in particular by—
  - (i) the CJC's Chief Executive;
  - (ii) the CJC's chief finance officer;
  - (iii) the CJC's monitoring officer;
  - (iv) the CJC's chief legal officer (monitoring officer) (who should be consulted when there is any doubt as to the CJC's power to act, as to whether the action proposed lies within the policy framework agreed by the CJC or where the legal consequences of action or failure to act by the CJC might have important repercussions);

- (b) give reasons for all decisions in accordance with any statutory requirements and any reasonable additional requirements imposed by the CJC.

**9**

You must—

- (a) observe the law and the CJC's rules governing the claiming of expenses and allowances in connection with your duties as a member;
- (b) avoid accepting from anyone gifts, hospitality (other than official hospitality, such as a civic reception or a working lunch duly authorised by the CJC), material benefits or services for yourself or any person which might place you, or reasonably appear to place you, under an improper obligation.

**PART 3**

**INTERESTS**

**10 Personal Interests**

- (1) You must in all matters consider whether you have a personal interest, and whether this code of conduct requires you to disclose that interest.
- (2) You must regard yourself as having a personal interest in any business of the CJC if—
- (a) it relates to, or is likely to affect—
- (i) any employment or business carried on by you;
  - (ii) any person who employs or has appointed you, any firm in which you are a partner or any company for which you are a remunerated director;
  - (iii) any person, other than the CJC, who has made a payment to you in respect of your election or any expenses incurred by you in carrying out your duties as a member;
  - (iv) any corporate body which has a place of business or land in the CJC's area, and in which you have a beneficial interest in a class of securities of that body that exceeds the nominal value of £25,000 or one hundredth of the total issued share capital of that body;
  - (v) any contract for goods, services or works made between the CJC and you or a firm in which you are a partner, a company of which you are a remunerated director, or a body of the description specified in sub-paragraph (iv) above;
  - (vi) any land in which you have a beneficial interest and which is in the area of the CJC;
  - (vii) any land where the landlord is the CJC and the tenant is a firm in which you are a partner, a company of which you are a remunerated director, or a body of the description specified in sub-paragraph (iv) above;
  - (viii) any body to which you have been elected, appointed or nominated by the CJC;
  - (ix) any—
    - (aa) public authority or body exercising functions of a public nature;
    - (bb) company, registered society, charity, or body directed to charitable purposes;
    - (cc) body whose principal purposes include the influence of public opinion or policy;
    - (dd) trade union or professional association; or
    - (ee) private club, society or association operating within the CJC's area,

- in which you have membership or hold a position of general control or management;
- (x) any land in the CJC's area in which you have a licence (alone or jointly with others) to occupy for 28 days or longer;
- (b) a decision upon it might reasonably be regarded as affecting—
  - (i) your well-being or financial position, or that of a person with whom you live, or any person with whom you have a close personal association;
  - (ii) any employment or business carried on by persons as described in 10(2)(b)(i);
  - (iii) any person who employs or has appointed such persons described in 10(2)(b)(i), any firm in which they are a partner, or any company of which they are directors; or to a greater extent than the majority of other council tax payers, ratepayers or inhabitants of the CJC's area

**11 Disclosure of Personal Interests**

- (1) Where you have a personal interest in any business of the CJC and you attend a meeting at which that business is considered, you must disclose orally to that meeting the existence and nature of that interest before or at the commencement of that consideration, or when the interest becomes apparent.
- (2) Where you have a personal interest in any business of the CJC and you make—
  - (a) written representations (whether by letter, facsimile or some other form of electronic communication) to a member or officer of the CJC regarding that business, you should include details of that interest in the written communication; or
  - (b) oral representations (whether in person or some form of electronic communication) to a member or officer of the CJC you should disclose the interest at the commencement of such representations, or when it becomes apparent to you that you have such an interest, and confirm the representation and interest in writing within 14 days of the representation.
- (3) Subject to paragraph 14(1)(b) below, where you have a personal interest in any business of the CJC and you have made a decision in exercising a function of an executive or board, you must in relation to that business ensure that any written statement of that decision records the existence and nature of your interest.
- (4) You must, in respect of a personal interest not previously disclosed, before or immediately after the close of a meeting where the disclosure is made pursuant to sub-paragraph 11(1), give written notification to the CJC in accordance with any requirements identified by the CJC's monitoring officer but, as a minimum containing—
  - (a) details of the personal interest;
  - (b) details of the business to which the personal interest relates; and
  - (c) your signature.
- (5) Where you have agreement from the CJC's monitoring officer that the information relating to your personal interest is sensitive information, pursuant to paragraph 16(1), your obligations under this paragraph 11 to disclose such information, whether orally or in writing, are to be replaced with an obligation to disclose the existence of a personal interest and to confirm that the CJC's monitoring officer has agreed that the nature of such personal interest is sensitive information.

- (6) For the purposes of sub-paragraph (4), a personal interest will only be deemed to have been previously disclosed if written notification has been provided in accordance with this code since the last date on which you were elected, appointed or nominated as a member of the CJC.
- (7) For the purposes of sub-paragraph (3), where no written notice is provided in accordance with that paragraph you will be deemed as not to have declared a personal interest in accordance with this code.

## **12 Prejudicial Interests**

- (1) Subject to sub-paragraph (2) below, where you have a personal interest in any business of the CJC you also have a prejudicial interest in that business if the interest is one which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice your judgement of the public interest.
- (2) Subject to sub-paragraph (3), you will not be regarded as having a prejudicial interest in any business where that business—
- (a) relates to—
    - (i) another relevant authority of which you are also a member;
    - (ii) another public authority or body exercising functions of a public nature in which you hold a position of general control or management;
    - (iii) a body to which you have been elected, appointed or nominated by the CJC;
    - (iv) your role as a school governor unless it relates particularly to the school of which you are a governor;
    - (v) your role as a member of a Local Health Board where you have not been appointed or nominated by the CJC;
  - (b) relates to—
    - (i) the functions of the CJC in respect of statutory sick pay under [Part XI](#) of the Social Security Contributions and Benefits Act 1992, where you are in receipt of, or are entitled to the receipt of such pay from your authority;
    - (ii) the functions of the CJC in respect of an allowance or payment made in accordance with the provisions of Part 8 of the [Local Government \(Wales\) Measure 2011](#), or an allowance or pension provided under [section 18](#) of the Local Government and Housing Act 1989;
- (3) The exemptions in subparagraph (2)(a) do not apply where the business relates to the determination of any approval, consent, licence, permission or registration.

## **13 Overview and Scrutiny Committees**

- (1) You also have a prejudicial interest in any business before an overview and scrutiny committee of the CJC (or of a sub-committee of such a committee) where—
- (a) that business relates to a decision made (whether implemented or not) or action taken by the CJC's executive, board or another of the CJC's committees, sub-committees, joint committees or joint sub-committees; and
  - (b) at the time the decision was made or action was taken, you were a member of the executive, board, committee, sub-committee, joint-committee or joint sub-committee mentioned in sub-paragraph (a) and you were present when that decision was made or action was taken.

## **14 Participation in Relation to Disclosed Interests**

- (1) Subject to sub-paragraphs (2), (2A), (3) and (4), where you have a prejudicial interest in any business of the CJC you must, unless you have obtained a dispensation from the CJC's standards committee—
  - (a) withdraw from the room, chamber or place where a meeting considering the business is being held—
    - (i) where sub-paragraph (2) applies, immediately after the period for making representations, answering questions or giving evidence relating to the business has ended and in any event before further consideration of the business begins, whether or not the public are allowed to remain in attendance for such consideration; or
    - (ii) in any other case, whenever it becomes apparent that that business is being considered at that meeting;
  - (b) not exercise executive or board functions in relation to that business;
  - (c) not seek to influence a decision about that business;
  - (d) not make any written representations (whether by letter, facsimile or some other form of electronic communication) in relation to that business; and
  - (e) not make any oral representations (whether in person or some form of electronic communication) in respect of that business or immediately cease to make such oral representations when the prejudicial interest becomes apparent.
- (2) Where you have a prejudicial interest in any business of the CJC you may attend a meeting but only for the purpose of making representations, answering questions or giving evidence relating to the business, provided that the public are also allowed to attend the meeting for the same purpose, whether under a statutory right or otherwise.
- (2A) Where you have a prejudicial interest in any business of the CJC you may submit written representations to a meeting relating to that business, provided that the public are allowed to attend the meeting for the purpose of making representations, answering questions or giving evidence relating to the business, whether under a statutory right or otherwise.
- (2B) When submitting written representations under sub-paragraph (2A) you must comply with any procedure that the CJC may adopt for the submission of such representations.
- (3) Sub-paragraph (1) does not prevent you attending and participating in a meeting if—
  - (a) you are required to attend a meeting of an overview or scrutiny committee, by such committee exercising its statutory powers; or
  - (b) you have the benefit of a dispensation provided that you—
    - (i) state at the meeting that you are relying on the dispensation; and
    - (ii) before or immediately after the close of the meeting give written notification to the CJC containing—
      - (aa) details of the prejudicial interest;
      - (bb) details of the business to which the prejudicial interest relates;
      - (cc) details of, and the date on which, the dispensation was granted; and
      - (dd) your signature.
- (4) Where you have a prejudicial interest and are making written or oral representations to the CJC in reliance upon a dispensation, you must provide details of the



dispensation within any such written or oral representation and, in the latter case, provide written notification to the CJC within 14 days of making the representation.

#### **PART 4**

#### **THE REGISTER OF MEMBERS' INTERESTS**

##### **15 Registration of Personal Interests**

- (1) Subject to sub-paragraph (4), you must, within 28 days of—
  - (a) the CJC's code of conduct being adopted or the mandatory provisions of this model code being applied to the CJC; or
  - (b) your election or appointment to office (if that is later), register your personal interests, where they fall within a category mentioned in paragraph 10(2)(a), in the CJC's register of members' interests by providing written notification to the CJC's monitoring officer.
- (2) Subject to sub-paragraph (4), you must, within 28 days of becoming aware of any new personal interest falling within a category mentioned in paragraph 10(2)(a), register that new personal interest in the CJC's register of members' interests by providing written notification to the CJC's monitoring officer.
- (3) Subject to sub-paragraph (4), you must, within 28 days of becoming aware of any change to a registered personal interest falling within a category mentioned in paragraph 10(2)(a), register that change in the CJC's register of members' interests by providing written notification to the CJC's monitoring officer.
- (4) Sub-paragraphs (1), (2) and (3) do not apply to sensitive information determined in accordance with paragraph 16(1).
- (5) You must, when disclosing a personal interest in accordance with paragraph 11 for the first time, register that personal interest in the CJC's register of members' interests by providing written notification to the CJC's monitoring officer.

##### **16 Sensitive Information**

- (1) Where you consider that the information relating to any of your personal interests is sensitive information, and the CJC's monitoring officer agrees, you need not include that information when registering that interest, or, as the case may be, a change to the interest under paragraph 15.
- (2) You must, within 28 days of becoming aware of any change of circumstances which means that information excluded under sub-paragraph (1) is no longer sensitive information, notify the CJC's monitoring officer asking that the information be included in the CJC's register of members' interests.
- (3) In this code, "sensitive information" (*"gwybodaeth sensitif"*) means information whose availability for inspection by the public creates, or is likely to create, a serious risk that you or a person who lives with you may be subjected to violence or intimidation.

##### **17 Registration of Gifts and Hospitality**

- (1) You must, within 28 days of receiving any gift, hospitality, material benefit or advantage above a value specified in a resolution of the CJC, provide written notification to the CJC's monitoring officer of the existence and nature of that gift, hospitality, material benefit or advantage.

# **SOUTH EAST WALES CORPORATE JOINT COMMITTEE INTERIM CONSTITUTION**

## **APPENDIX 2 - MEETING PROCEDURE RULES**

### **1. BUSINESS OF CJC MEETINGS**

1.1 The agenda for any CJC Meeting shall be agreed in accordance with these Rules by the chairperson at least 6 Working Days prior to the date of the CJC meeting.

1.2 The chairperson may make any amendments to the draft agenda as he/she sees fit.

### **2. ANNUAL GENERAL MEETING**

2.1 The CJC must hold an annual general meeting in each financial year on a date determined by the CJC.

2.2 The Annual Meeting will:

- (a) elect a person to preside at the meeting if the existing chairperson or the vice-chairperson is not present;
- (b) elect the new chairperson;
- (c) appoint the new vice-chairperson;
- (d) approve the minutes of the last meeting;
- (e) receive declarations of interests from Members
- (f) receive announcements from the chairperson (if any);
- (g) decide on any amendment to sub-committees of the CJC, including amendments to their size and terms of reference;
- (h) receive nominations of members to serve on each of the sub-committees and make such appointments
- (i) elect a chairperson and a vice-chairperson for each of the sub-committees
- (j) approve a programme of ordinary meetings of the CJC for the year
- (k) approve a provisional programme of ordinary meetings of sub-committees for the year;
- (l) consider other matters which the chairperson has certified urgent or appropriate

### **3. ORDINARY MEETINGS**

3.1 The CJC may hold other meetings as agreed from time to time (“Ordinary Meetings”).

Ordinary Meetings will:

- (a) approve the minutes of the last meeting;
- (b) receive any declarations of interest (in accordance with the Members Code of Conduct)
- (c) receive any petitions in accordance with the CJC’s Petitions Scheme;
- (d) receive any announcements from the chairperson
- (e) receive any reports from the CJC’s Sub-Committees introduced by the relevant Sub-Committee chairperson, and deal with questions and answers on any of those reports;
- (f) receive reports from any of the CJC’s statutory officers;
- (g) consider any other business in the summons to the meeting; and
- (h) consider such other matters as the chairperson certifies as urgent or appropriate.

### **4. EXTRAORDINARY MEETINGS**

4.1 An extraordinary CJC meeting may be called at any time by any person entitled to vote on a matter to be decided at that meeting.

4.2 Any request to call an extraordinary meeting must specify the business to be transacted at the meeting and be accompanied by a copy of any report for the meeting.

### **5. TIME AND PLACE OF MEETINGS**

5.1 The time and place of meetings will normally be determined by the CJC or in the case of an Extraordinary Meeting by the chairperson. The place of a meeting shall include provision enabling meetings to be attended remotely by persons who are not in the same physical place

5.2 The date, time and place of meetings may be varied in case of urgency or at the request of the chairperson, subject to reasonable notice of the change having been given

5.3 CJC meetings must be open to the public unless the public are excluded in accordance with the Access to Information Procedure Rules.

## **6. NOTICE OF AND SUMMONS TO MEETINGS**

- 6.1 The CJC will give notice to the public of the time and place of any meeting
  - 6.1.1 at least three clear days before the meeting, or
  - 6.1.2 if the meeting is convened at shorter notice, at the time the meeting is convened.
- 6.2 At least 3 clear days before a meeting, a summons (notice of meeting) will be sent by email to every Member. The summons will give the date, time and place of each meeting, including details of how the meeting may be accessed remotely by persons who are not in the same physical place, will enclose the agenda and be accompanied by connected reports.
- 6.3 The CJC must give public notice of a CJC meeting:
- 6.4 The notice must be published electronically.

## **7. CHAIRING MEETINGS**

- 7.1 The appointment of the chairperson and vice-chairperson must be confirmed, or a new chairperson and vice-chairperson must be appointed at each Annual General meeting.
- 7.2 The chairperson and vice-chairperson must each be a CJC Member and must be appointed, or confirmed by the CJC Members, and any other Member entitled to vote on the matter.
- 7.3 All meetings of the CJC must be chaired by the chairperson or, if the chairperson is absent, by the vice – chairperson.
- 7.4 The chairperson shall have discretion to conduct meetings to secure proper, full and effective debate of business items. This discretion shall operate in precedence to any other Rule in the Meeting Procedure Rules.
- 7.5 If there is a general disturbance making orderly business impossible, the chairperson may adjourn the meeting for as long as he/she thinks necessary. If a member of the public interrupts or disrupts proceedings, the chairperson will warn the person concerned. If they continue to interrupt or cause disruption, the chairperson may order their removal from the meeting.
- 7.6 A person appointed as chairperson or vice-chairperson may at any time resign that office by notice in writing given to the other Members.
- 7.7 If a vacancy arises in the office of chairperson or vice-chairperson, a new chairperson or vice-chairperson (as applicable) must be appointed at the first meeting of the CJC held after the vacancy has arisen.

7.8 If the office of chairperson is vacant, the vice-chairperson may carry out the functions of chairperson until the vacancy is filled.

7.9 Where the offices of both chairperson and vice-chairperson are simultaneously vacant, the next meeting of the CJC must be chaired by the Member for Blaenau Gwent County Borough Council until one of the vacancies is filled.

## **8. QUORUM**

8.1 All persons entitled to vote must be present for:

8.1.1 a meeting to decide the amounts payable by the relevant CJC Members for the Strategic Development Plan Budget and for the General Budget; and

8.1.2 for decisions to change voting procedures.

8.2 For any other matters, no fewer than 70% of the persons entitled to vote must be present.

8.3 If fewer than the quorum attend the meeting or if during any meeting the chairperson counts the number of Members present and declares there is not a quorum present, then the meeting will adjourn immediately. Remaining business will be considered at the next meeting or a time and date fixed by the chairperson.

## **9. DECLARATIONS OF INTEREST**

9.1 A Member may at any time declare a personal interest under the Members' Code of Conduct and when a Member indicates to the chairperson that he/she wishes to make a declaration he/she shall be heard immediately and shall be allowed to make the declaration without interruption.

## **10. OFFICER ADVICE**

10.1 Any report placed for decision before the CJC should contain all necessary advice to enable Members to take a decision. Reports will be circulated in advance of the meeting and if a Member requires clarification on an issue related to the report, this should be sought prior to the meeting.

10.2 Further officer advice will only be available at the meeting of CJC with the consent of the chairperson, in consultation with the Chief Executive. If there is a need for further detailed legal or financial advice to be provided, the meeting should be adjourned.

## **11. VOTING**

- 11.1 The number of Co-opted Members entitled to vote may not exceed the number of other Members entitled to vote.
- 11.2 Each person entitled to vote has one vote.
- 11.3 Other than the matters listed in 12.4 and 12.5 below, any vote is to be decided by simple majority and if a vote is tied the matter is not carried.
- 11.4 The funding of budget decisions shall be determined by the unanimous agreement of the Members entitled to vote. If the Members cannot reach agreement, the proportions are to be determined by the Welsh Government.
- 11.5 Any change to voting arrangements requires the unanimous agreement of all Members entitled to vote on the matter.
- 11.6 Where the matter relates to the Strategic Development Plan Function and a vote is tied, the chairperson has the casting vote.
- 11.7 The CJC may adopt an alternative voting procedure for any decision other than a decision on the budget or a decision to change the voting procedure itself.

## **12. MINUTES**

- 12.1 The names of the Members present at a CJC meeting must be recorded.
- 12.2 Minutes of the proceedings of a CJC meeting must be drawn up and recorded. The minutes must be approved by the person chairing the CJC meeting or the person chairing the next suitable such meeting by signing the minutes, or by electronically signifying approval.

## **13. ATTENDANCE**

- 13.1 Members will be regarded as present at a meeting where they attend that meeting either physically at the place specified on the meeting summons or remotely, by means of video conferencing software which enables persons who are not in the same place to speak to and be heard by each other and to see and be seen by each other.
- 13.2 All Members present during the whole or part of a physical meeting must accurately record their attendance on the record of attendance provided for that purpose.
- 13.3 Any Members attending the meeting remotely will have their attendance recorded electronically via the meeting software, and must leave the meeting if they will not be present for any extended period of time during the meeting.

## **14. ELECTRONIC BROADCAST AND RECORDING OF MEETINGS**

- 14.1** CJC meetings shall be webcast as they take place, in accordance with the Webcasting Protocol at Appendix 16 of the Interim Constitution, so that members of the public not in attendance at the meeting can see and hear the proceedings. The webcast shall be available electronically on the CJC's website for a period of 12 months after the meeting.
- 14.2** Other filming, recording and use of social media is permitted during CJC meetings, provided that
- (i) The recording or transmission must create no disturbance, disruption or distraction to the good order and conduct of the meeting
  - (ii) Notice has been given (on the meeting agenda and signage outside the meeting) so that everyone attending the meeting is made aware that they may be recorded and that by attending the meeting they are deemed to consent to this;
  - (iii) Any recording must be overt, not covert;
  - (iv) There is to be no recording or transmission of proceedings dealing with any exempt or confidential information;
  - (v) The chairperson shall have discretion, subject to proper consideration of any relevant representations and legal advice, to prohibit a recording or exclude anyone reasonably considered to be in breach of these rules; and
  - (vi) The person making the recording or transmission shall be solely responsible for complying with all applicable legal obligations arising from their actions.

# **SOUTH EAST WALES CORPORATE JOINT COMMITTEE INTERIM CONSTITUTION**

## **APPENDIX 3 – GOVERNANCE AND AUDIT SUB – COMMITTEE TERMS OF REFERENCE**

### **1. PURPOSE OF SUB-COMMITTEE**

- 1.1 The Governance & Audit Sub-Committee is a key component of the CJC's corporate governance. It is important that political decision-making within the CJC is transparent and the CJC is able to be held to account and is able to be challenged for the decisions that it takes. The purpose of the Governance & Audit Sub-Committee is to review and scrutinise the CJC's financial affairs and to provide an independent focus on the audit, assurance, performance and reporting arrangements that underpin good governance and financial standards.

### **2. SPECIFIC RESPONSIBILITIES**

The Governance & Audit Sub-Committee will:

- 2.1 Review and scrutinise the CJC's financial affairs;
- 2.2 Make reports and recommendations in relation to the CJC's financial affairs;
- 2.3 Review and assess the risk management, internal control, performance management and corporate governance arrangements of the CJC;
- 2.4 Make reports and recommendations to the CJC on the adequacy and effectiveness of those arrangements;
- 2.5 Review and assess the CJC's ability to handle complaints effectively;
- 2.6 Make reports and recommendations in relation to the ability of the CJC to handle complaints effectively;
- 2.7 Oversee the CJC's internal and external audit arrangements;
- 2.8 Review any financial statements prepared by the CJC; 2.9 Exercise such other functions as the CJC may specify;
- 2.10 Review any draft self-assessment report prepared by the CJC setting out its consultations as to the extent to which it met the performance requirements during that financial year, and make any recommendations it sees fit;
- 2.11 Review any draft response to a report prepared by any panel appointed by the CJC to assess the extent to which the CJC is meeting its performance requirements;
- 2.12 Review any report from the Auditor General produced following a special inspection of the CJC, and review any response from the CJC to such report;



- 2.13 Have regard to any guidance issued by the Welsh Government in relation to any functions relating to the assessment of the CJC's performance requirements;

## **MEMBERSHIP OF THE SUB-COMMITTEE**

Membership of the Governance & Audit Sub-Committee will be constituted in the following way:

- 4.1 The Governance & Audit Sub-Committee will have 12 members.
- 4.2 None of the members of the Governance & Audit Sub-Committee can also be a Member of the CJC.
- 4.3 None of the members of the Governance & Audit Sub-Committee can also be a member of any other sub-committee of the CJC.
- 4.4 A minimum of one third of the total membership must be persons who are not also members of a county council or county borough council in Wales.
- 4.5 A minimum of two thirds of the total membership must be members of the 10 Constituent Councils but cannot be either a Member of the CJC or a member of the executive of a Constituent Council.
- 4.6 Where a member of the Governance & Audit Sub-Committee is also a member of one of the 10 Constituent Councils, they will cease to be a member of the Governance & Audit Sub-Committee if they cease to be a member of a Constituent Council.

## **MEETING PROCEDURE RULES**

- 5.1 **Chairperson / Deputy Chairperson:** A Chairperson and Deputy Chairperson will be nominated and appointed from amongst the members of the Governance & Audit Sub-Committee during the first meeting.
- 5.2 The Chairperson must be an independent member who is not a member of a county council or county borough council in Wales.
- 5.3 If the Chairperson is absent, the Deputy Chairperson can chair the meeting. In the absence of both the Chairperson and the Deputy Chairperson, the Governance & Audit Sub-Committee can appoint any of its members present to chair the meeting.
- 5.4 **Quorum:** No business is to be transacted in relation to a matter to be decided at a meeting of the Governance & Audit Sub-Committee with fewer than 70% of the persons entitled to vote being present.
- 5.5 **Voting:** Each member of the Governance & Audit Sub-Committee will carry one vote. Matters will be decided by a majority vote. Members can only abstain from voting where a conflict of interest exists. In the event of a tie, the

Chairperson, or Deputy Chairperson in the absence of the Chairperson, will have the casting vote.

## **MEETING ARRANGEMENTS**

- 6.1 The Governance & Audit Sub-Committee is required by law to meet once in every calendar year as a minimum. More meetings can be scheduled as and when the need arises.
- 6.2 In addition to the requirements in 6.1, the Governance & Audit Sub-Committee will be required to meet if the CJC determines that it will meet or if at least one third of the Governance & Audit Sub-Committee members send a request for a meeting in writing to the Chairperson.
- 6.3 Meetings will normally take place remotely, but arrangements may be made for in person meetings, provided hybrid arrangements are in place to facilitate remote attendance by members who wish to do so.
- 6.4 Support officers, representatives of Audit Wales and advisory team members can attend and participate as required. Members and staff of CJC may be required by the Governance & Audit Sub-Committee to attend meetings and answer questions and will have a duty to comply with this requirement within limits.
- 6.5 Meetings will be held in public and arrangements for the publication of and access to documents will be the same as for meetings of the CJC as set out in the CJC's Standing Orders and the relevant legislation.

## **REPORTING**

- 7.1 The Governance & Audit Sub-Committee will report to a meeting of the CJC at least annually on matters within the remit of the Terms of Reference.
- 7.2 The Governance & Audit Sub-Committee will issue reports to external bodies as required but will need to notify the CJC of any such reports and to whom and for what reason they are being issued

**SOUTH EAST WALES CORPORATE JOINT COMMITTEE INTERIM  
CONSTITUTION  
APPENDIX 4 - TERMS OF REFERENCE STANDARDS & ETHICS COMMITTEE**

Standards & Ethics (Cardiff Council)	<ul style="list-style-type: none"> <li>(a) To monitor and scrutinise the ethical standards of the Authority, its Members, employees and any associated providers of the Authority’s services, and to report to the Council on any matters of concern.</li> <li>(b) To advise the Council on the content of its Ethical Code and to update the Code as appropriate.</li> <li>(c) To advise the Council on the effective implementation of the Code including such matters as the training of Members and employees on the Code’s application.</li> <li>(d) To consider and determine the outcome of complaints that Councillors and co-opted members have acted in breach of the Code in accordance with procedures agreed by the Standards Committee, including the imposition of any penalties available to the Committee.</li> <li>(e) To oversee and monitor the Council’s whistleblowing procedures and to consider ethical issues arising from complaints under the procedure and other complaints.</li> <li>(f) To grant or refuse requests for dispensations in respect of Members’ interests under the Members Code of Conduct in accordance with the relevant statutory provisions.</li> <li>(g) To undertake those functions in relation to community councils situated in the area of the Council and members of those community councils which are required by law</li> <li>(h) To recommend to Council and the Cabinet any additional guidance on issues of probity.</li> <li>(i) To hear and determine any complaints of misconduct by Members or a report of the Monitoring Officer, whether on reference from the Ombudsman or otherwise.</li> <li>(j) To recommend the provision to the Monitoring Officer of such resources as he/she may require for the performance of his/her duties.</li> <li>(k) To monitor compliance by political group leaders with their duties in relation to Member conduct (under section 52A(1) of the Local Government Act 2000), and to advise, train or</li> </ul>
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	<p>arrange training for political group leaders in relation to those duties.</p> <p>(l) In relation to the South East Wales Corporate Joint Committee ('the SEWCJC'), to:</p> <ul style="list-style-type: none"><li>(i) Promote and maintain high standards of conduct by its members and co-opted members;</li><li>(ii) Assist its members and co-opted members to observe the SEWCJC's code of conduct;</li><li>(iii) Advise the SEWCJC on the adoption and revision of a code of conduct;</li><li>(iv) Monitor the operation of the SEWCJC's code of conduct;</li><li>(v) Advise, train or arrange to train its members and co-opted members on matters relating to the SEWCJC's code of conduct; and</li><li>(vi) Make an annual report to the SEWCJC describing how its functions have been discharged during the financial year.</li></ul> <p>All Members of the Committee will be required to undertake relevant training to enable them to properly discharge their duties.</p>
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# **SOUTH EAST WALES CORPORATE JOINT COMMITTEE INTERIM CONSTITUTION**

## **APPENDIX 6 - SUB-COMMITTEE MEETING PROCEDURE RULES**

### **1 ESTABLISHMENT OF SUB - COMMITTEES AND ALLOCATION OF SEATS**

#### **1.1 Establishment**

The establishment, terms of reference and allocation of seats of Sub - Committees will be determined by the CJC in accordance with the CJC Meeting Procedure Rules.

#### **1.2 Chair and Deputy Chair**

The chair and where the terms of reference allow, the deputy chair, of each sub-committee shall be elected by the CJC in accordance with the CJC Meeting Procedure Rules.

#### **1.3 Period of Office**

The period of office of the chair, deputy chair and members of sub-committees will continue until the first meeting following the Annual Meeting of the CJC.

#### **1.4 Substitute Members**

Substitute members may be appointed, in accordance with the Appointment of Substitute Members Procedure Rule at Annex A, to take the place of a Sub-Committee Member who is unable to attend a meeting. A substitute member must speak and vote in his or her own capacity, and is under the same obligations as any other Member in respect of declaring personal interests and complying with the Members' Code of Conduct and all relevant procedure rules.

### **2 ORDINARY MEETINGS**

Ordinary meetings of each Sub-Committee will take place in accordance with a programme decided at the CJC's Annual Meeting.

Ordinary meetings of Sub-Committees will (as appropriate):-

- (a) elect a person to preside if the chair and deputy chair are not present;
- (b) approve the minutes of the last meeting;
- (c) receive any announcements from the chair;
- (e) deal with any business from the last meeting of the sub- committee;
- (f) receive reports from the CJC and from any of the other sub-committees and advice reports from employees of the CJC;

- (g) put questions to the chair or relevant employees of the CJC where appropriate on items of business before the sub-committee and receive responses;
- (h) consider requests from members of the sub-committee for items of business to be considered;
- (i) consider any other business specified in the agenda of the meeting; and
- (j) such other matter or matters which the chair has certified as being urgent.

### **3. EXTRAORDINARY MEETINGS**

#### **3.1 Calling extraordinary meetings**

(a) Those listed below may request the proper officer to call a meeting of the sub-committee in addition to ordinary meetings:-

- (i) the CJC by resolution;
- (ii) the chair of the sub-committee;
- (iii) the Chief Executive;
- (iv) the Monitoring Officer;
- (v) one half of the membership of the sub-committee if they have signed a requisition and presented it to the proper officer.

(b) Any request presented in accordance with this Rule must be in writing, specify the business to be transacted at the meeting and be accompanied by a copy of any report to the meeting.

#### **3.2 Business**

Any extraordinary meeting called pursuant to Rule 3.1 will:-

- (a) elect any person to preside if the chair and deputy chair are not present;
- (b) consider the item or items of business specified in the request; and
- (c) consider any other matter or matters which the chair has certified as being urgent.

### **4. TIME AND PLACE OF MEETINGS**

The time and place of meetings will be determined by the proper officer and notified in the agenda. The place of a meeting shall include provision enabling meetings to be attended remotely by persons who are not in the same physical place.

## **5. NOTICE OF AND AGENDA FOR MEETINGS**

The proper officer will give notice to the public of the time and place of any meeting in accordance with the Access to Information Procedure Rules. At least three clear days before a meeting, the proper officer will send a summons (notice of meeting) signed by him or her by post to every member of the sub- committee or leave it at their usual place of residence or at a place nominated by the member. The agenda will give the date, time and place of each meeting, including details of how the meeting may be accessed remotely by persons who are not in the same physical place, and specify the business to be transacted, and will be accompanied by such reports as are available.

## **6. CHAIR OF MEETINGS**

### **6.1 Chair of the meeting**

The chair of the sub-committee will chair a meeting of the sub-committee and in his or her absence the meeting will be chaired by the deputy chair of the sub- committee (if any). In the absence of the chair and the deputy chair of the sub- committee, the sub-committee will choose a chair to chair the meeting. The person presiding at the meeting may exercise any power or duty of the chair.

### **6.2 Conduct of the meeting by the chair**

The chair shall conduct the meeting to secure a proper, full and effective debate of business items particularly where a decision is required.

## **7. QUORUM**

The quorum of a meeting will be one quarter of the whole number of members (rounded up to the nearest whole number). If fewer than the quorum attend the meeting or if during any meeting the chair counts the number of members present and declares there is not a quorum present, then the meeting will adjourn immediately. Remaining business will be considered at a time and date fixed by the chair. If he/she does not fix a date, the remaining business will be considered at the next ordinary meeting.

## **8. DECLARATIONS OF INTEREST**

A member may at any time declare a personal interest under the Code of Conduct and when a member indicates to the Chair that he/she wishes to make a declaration he/she shall be heard immediately and shall be allowed to make the declaration without interruption.



## **9. VOTING**

### **9.1 Majority**

Unless this Interim Constitution or the law provides otherwise, any matter will be decided by a simple majority of those members voting and present at the time the question was put.

### **9.2 Show of hands/Electronic Voting**

The chair will take the vote by show of hands or by use of an electronic voting system if available, whichever the chair decides, or if there is no dissent, by the affirmation of the meeting.

### **9.3 Voting on employee appointments**

(a) In the event of there being more than two candidates for an appointment and no candidate receives the required majority on the first vote, the candidate with the least number of votes will be eliminated and a further vote will be taken. This procedure will be repeated until a candidate receives the required majority. If more than one candidate has the same number of votes and that is the lowest number of votes cast, a vote will be taken to decide the candidate to be eliminated from future votes.

### **9.4 Right to require individual vote to be recorded**

Where any member requests it immediately after the vote is taken, their vote will be so recorded in the minutes to show whether they voted for or against the motion or abstained from voting.

## **10. MINUTES**

The chair will sign the minutes of the proceedings of the sub-committee at the next suitable meeting. The chair will move that the minutes of the previous meeting be signed as a correct record. The only part of the minutes that can be discussed is their accuracy.

## **11. ATTENDANCE**

11.1 Members will be regarded as present at a meeting where they attend that meeting either physically at the place specified on the meeting agenda or by remote means, which enables persons who are not in the same place to speak to and be heard by each other.

11.2 All Councillors present during the whole or part of a physical meeting must accurately record their attendance on the record of attendance provided for that purpose.

- 11,3 Any Members attending the meeting remotely will have their attendance recorded electronically via the meeting software, and must leave the meeting if they will not be present for any extended period of time during the meeting.

## **12. MEMBERS OF THE PUBLIC**

### **12.1 Exclusion of members of the public**

Members of the public and press may only be excluded either in accordance with the Access to Information Procedure Rules or under Rule 12.2.

### **12.2 Disturbance by public**

(a) If a member of the public interrupts or disrupts proceedings of a sub-committee, the chair will warn the person concerned. If they continue to interrupt or causes disruption, the chair will order their removal from the meeting.

(b) If there is a general disturbance in any part of the meeting open to the public, the chair may call for that part to be cleared.

## **13. ELECTRONIC BROADCAST AND RECORDING OF PROCEEDINGS OF SUB-COMMITTEES**

- 13.1 Sub-Committee meetings shall be webcast by the CJC, in accordance with the Webcasting Protocol at Appendix 16 to the Interim Constitution, so that members of the public not in attendance at the meeting can see and hear the proceedings. Webcasts shall be available electronically on the CJC's website for a period of 12 months after the meeting.

- 13.2 Other filming, recording and use of social media is permitted during Sub-Committee meetings, provided that:

(i) The recording or transmission must create no disturbance, disruption or distraction to the good order and conduct of the meeting;

(ii) Notice has been given (on the meeting agenda and signage outside the meeting) so that everyone attending the meeting is made aware that they may be recorded and that by attending the meeting they are deemed to consent to this;

(iii) Any recording must be overt, not covert;

(iv) There is to be no recording or transmission of proceedings dealing with any exempt or confidential information;

(v) The Chair shall have discretion, subject to proper consideration of any relevant representations and legal advice, to prohibit a recording or exclude anyone reasonably considered to be in breach of these rules; and

(vi) The person making the recording or transmission shall be solely responsible for complying with all applicable legal obligations arising from their actions.

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## **Annex A**

### **Appointment of Substitute Members Procedure Rules**

1. A member of a sub-committee who is unable to attend a sub-committee meeting may submit a request to the Monitoring Officer to appoint a substitute Member, provided that the substitute Member is from the same authority.
2. A request to appoint a substitute Member must:
  - (i) State the name of the Member making the request and the name of the proposed substitute Member;
  - (ii) Specify the sub-committee meetings (including the dates of the meetings) which the substitute Member is to attend;
  - (iii) Explain the reasons why the substitution is required (having regard to paragraph (e) below);
  - (iv) Confirm the agreement of the proposed substitute Member to attend the specified sub-committee meetings as a substitute; and
  - (v) Be received by the Monitoring Officer by no later than 9am on the fourth working day before the day of the meeting.
3. A substitute Member must be eligible for appointment to the sub-committee under any other rules of the interim constitution or by law
4. Subject to compliance with this rule and provided he/she is satisfied that substitution is appropriate, the Monitoring Officer shall exercise his/her delegated authority to appoint a substitute in accordance with the request and arrange to notify the Leader of the substitute member's authority and the Chair of the sub - committee of the substitution.
5. For the purposes of this procedure rule, substitution will only be appropriate when an appointed Member is unable to attend specified sub-committee meetings over an extended period of time (a period covering more than one sub-committee meeting) due to one (or more) of the following:
  - (i) Unavoidable family or work commitments;
  - (ii) Serious illness;
  - (iii) Maternity, paternity or adoption leave;
  - (iv) Other Family Absence, approved under the Family Absence Procedure Rules;
  - (v) Caring responsibilities; or
  - (vi) Some other good reason.

6. A substitute Member may attend a sub-committee meeting in that capacity only:
  - (i) To take the place of the ordinary Member for whom they are the designated substitute; and
  - (ii) Where the ordinary Member will be absent for the whole of the meeting.
7. The substitution shall last for the duration of the specified meeting/s, unless otherwise expressly requested and agreed by the Monitoring Officer.
8. A substitute Member attending a meeting must speak and vote in his or her own capacity, and is under the same obligations as any other Member in respect of declaring personal interests and complying with the Members' Code of Conduct and relevant procedure rules
9. A substitute appointed under this procedure rule by the Monitoring Officer upon the request of a Sub-Committee Chair (or Deputy Chair) is to fulfil the role of Sub - Committee member only, and not to discharge the role of Chair (or Deputy Chair), unless they are elected or appointed to that role by the CJC or the Sub-Committee.

# SOUTH EAST WALES CORPORATE JOINT COMMITTEE INTERIM CONSTITUTION

## APPENDIX 7 - TERMS OF REFERENCE OF THE JOINT OVERVIEW AND SCRUTINY COMMITTEE

### Definitions

1. For the purposes of these Terms of Reference:

‘**CJC**’ – The South East Wales Corporate Joint Committee

‘**Appointing Authorities**’ are the constituent councils of the CJC

‘**Host Authority**’ means Rhondda Cynon Taff CBC, or such other authority as the Appointing Authorities may agree from time to time;

### Introduction

2. The Joint Overview and Scrutiny Committee of the South East Wales Corporate Joint Committee (“the JOSC”) was established by the agreement of the Appointing Authorities pursuant to the Local Authorities (Joint Overview and Scrutiny Committees) (Wales) Regulations 2013.

### Members

3. The JOSC shall consist of one non-executive member from each Appointing Authority.
4. It is a matter for each Appointing Authority, from time to time, to nominate, or terminate the appointment of its nominated member serving on the JOSC. Each Appointing Authority shall be entitled, from time to time, to appoint a deputy for its member representative to the JOSC but such deputy shall only be entitled to vote at meetings of the JOSC in the absence of their corresponding principal.
5. The length of appointment is a matter for each Appointing Authority.

### Quorum

6. The quorum necessary for a meeting of the JOSC is at least 5 out of the 10 JOSC members, present at the relevant time. Election of a Chair
7. The JOSC shall elect a Chair and Vice Chair annually.

### Rules of Procedure

8. The procedure rules will be those of the Host Authority for its Scrutiny Committees.

## **Members' Conduct**

9. Members of the JOSC will be bound by their respective Council's Code of Conduct. Declarations of Interest
10. Members of the JOSC must declare any interest either before or during the meetings of the JOSC (and withdraw from that meeting if necessary) in accordance with their Council's Code of Conduct or as required by law.

## **Confidential and Exempt Information / Access to Information**

11. The Host Authority's Access to Information Procedure rules shall apply subject to the provisions of the Local Government Act 1972.

## **Openness and Transparency**

12. All meetings of the JOSC will be open to the public unless it is necessary to exclude the public in accordance with Section 100A (4) of the Local Government Act 1972.
13. All agendas, reports and minutes of the JOSC will be made publicly available, unless deemed exempt or confidential in accordance with the above Act.

## **Functions to be exercised by the Joint Overview and Scrutiny Committee**

14. The JOSC shall be responsible for exercising the functions of a Joint Overview and Scrutiny Committee<sup>1</sup> pursuant to the Local Authorities (Joint Overview and Scrutiny Committees) (Wales) Regulations 2013.
15. Any member of the JOSC may refer to the JOSC any matter which is relevant to its functions provided it is not a local crime and disorder matter as defined in section 19 of the Police and Justice Act 2006.
16. Any member of any of the Appointing Authorities may refer to the JOSC any local Government matter which is relevant to the functions of the JOSC, subject to the following conditions:
  - a. The matter relates to one of the functions of the Appointing Authority and is relevant to the functions of the JOSC,
  - b. It affects the electoral area of the member or it affects any person who lives or works there; and
  - c. It is not a local crime and disorder matter as defined in section 19 of the Police and Justice Act 2006.
17. When considering whether to refer a matter to the JOSC a member should first consider if it falls within the remit of a single overview and scrutiny committee within the member's local authority, and if that is the case the member should raise the matter there. Members should only refer a matter to the JOSC if it falls clearly within the responsibilities and terms of reference of the JOSC and if there is no scrutiny of the issue in the local authority to which the member belongs.

## **Administrative Arrangements**

18. It shall be the responsibility of the Head of Democratic Services of the Host Authority to ensure that an appropriate level of officer support and other resources to the joint overview and scrutiny committee are in place at all times. The cost of providing these resources will be met by the CJC. 1. 1 For the avoidance of doubt, these functions relate to all matters which are the responsibility of the CJC.

1 For the avoidance of doubt, these functions relate to all matters which are the responsibility of the CJC



# **SOUTH EAST WALES CORPORATE JOINT COMMITTEE INTERIM CONSTITUTION**

## **APPENDIX 8 - ACCESS TO INFORMATION PROCEDURE RULES**

### **1. Summary of Rights**

- 1.1 These rules are a written summary of the rights of the public to attend meetings and the rights of the public and Members of the CJC to inspect and copy documents.

### **2. Scope**

- 2.1 These rules apply to all meetings of the CJC and its sub – committees, all of which may be attended remotely by persons who are not all in the same physical place, using an online meeting platform.
- 2.2 Each responsible or contributing author shall be the Proper Officer for the purposes of all statutory and regulatory provisions relating to the identification, listing and availability of background papers for any report within the scope of these Rules.

### **3. Openness Policy**

- 3.1 The CJC wishes to be as open as possible in terms of sharing access to information both with Members and with the public, as permitted within the law and with respect to the rights of others. These rules seek to complement and supplement and not detract from any statutory rights to information (for example within the Data Protection Act 2018 and the Freedom of Information Act 2000) which members and the public are afforded from time to time.
- 3.2 These rules do not affect any more specific rights to information contained elsewhere in this Interim Constitution. In the case of any omission or conflict between these rules or the Interim Constitution and statutory rights, statutory rights will always prevail.

### **4. Rights of the Public to attend Meetings**

- 4.1 Members of the public may attend all meetings subject only to the exceptions in these rules. Where meetings are open to the public and held either wholly or partly through remote means, members of the public will be given details of how to access the meeting remotely.
- 4.2 The right to attend meetings is subject to the CJC's right to exclude persons if their conduct is disorderly or if they misbehave at the meeting. The Press may attend that part of any meeting open to the public.

## **5. Broadcast Filming, Recording and Social Media**

- 5.1 Meetings which are open to the public under these rules may be webcast by the CJC. The Webcasting Protocol at Appendix 16 shall apply to all meetings which are webcast.
- 5.2 Other filming, recording and use of social media is permitted during meetings which are open to the public under these rules, provided that:
- (i) The recording or transmission must create no disturbance, disruption or distraction to the good order and conduct of the meeting;
  - (ii) Notice has been given (on the meeting agenda and signage outside the meeting) so that everyone attending the meeting is made aware that they may be recorded and that by attending the meeting they are deemed to consent to this;
  - (iii) Any recording must be overt, not covert;
  - (iv) There is to be no recording or transmission of proceedings dealing with any exempt or confidential information;
  - (v) The Chair shall have discretion, subject to proper consideration of any relevant representations and legal advice, to prohibit a recording or exclude anyone reasonably considered to be in breach of these rules; and
  - (vi) The person making the recording or transmission shall be solely responsible for complying with all applicable legal obligations arising from their actions.

## **6. Notice of Meetings**

- 6.1 The CJC will give at least three clear days' notice of any meeting by posting details of the meeting on the CJC's website.
- 6.2 Where the meeting or part of the meeting is open to the public and;
- (i) If the meeting is held through remote means only, the notice will give details of the time of the meeting and how to access it;
  - (ii) If the meeting is held partly through remote means or is not held through remote means, the notice will give details of the time and place of the meeting and how to access it.
- 6.3 Where the meeting is not open to the public and;
- (i) If the meeting is held through remote means only, the notice will give details of the time of the meeting, and the fact that it is being held through remote means only and is not open to the public.

(ii) If the meeting is held partly through remote means or is not held through remote means, the notice will give details of the time and place of the meeting and the fact that it is not open to the public.

- 6.4 Special Urgency: If a matter is considered by the Monitoring Officer to be so significantly urgent and unexpected that a decision must be taken and that it is not possible to provide 3 clear days' notice of the date of the meeting at which the decision must be taken, then with the agreement of the Chair, the Monitoring Officer is authorised to call such a meeting, subject to the agenda and reports being available to the public at the time at which the meeting is convened.

## **7. Access to Agenda and Reports before a Meeting**

- 7.1 The CJC will make copies of the agenda and reports open to the public available for inspection on the CJC's website at least three clear days before a meeting. If an item is added to the agenda later, the designated officer shall make each such report available to the public as soon as the report is completed and sent to members.
- 7.2 Where a meeting is open to the public and is not held through remote means only, the CJC will make available for use by members of the public present at the meeting a reasonable number of copies of the agenda and reports for the meeting.

## **8. Supply of Copies**

- 8.1 The CJC will supply to any person, on payment of a charge for postage and other justified costs, copies of:
- (a) any agenda and reports that are open to public inspection;
  - (b) any further statements or particulars necessary to indicate the nature of the items in the agenda; and
  - (c) if the Monitoring Officer thinks fit, copies of any other documents supplied to members in connection with an item.

## **9. Access to Minutes and Other Documents after a Meeting**

- 9.1 Within 7 working days after a meeting, the CJC will publish on its website a note setting out:
- (a) the names of the members who attended the meeting, and any apologies for absence;
  - (b) any declarations of interest;

(c) any decision taken at the meeting, including the outcomes of any votes, but excluding any exempt information.

9.2 The CJC will publish on its website copies of the following documents for a period of 6 years after a meeting:

(a) the minutes of the meeting excluding any part of the minutes or proceedings which disclose exempt or confidential information;

(b) a summary of any proceedings not open to the public where the minutes open to inspection would not provide a reasonably fair and coherent record;

(c) the agenda for the meeting; and

(d) reports relating to items when the meeting was open to the public.

## **10. Background Papers**

### **10.1 List of background papers**

The Proper Officer will set out in every report, or part of a report, which is open to public inspection under Rule 7 or 9 above a list of those documents (called “background papers”) relating to the subject matter of the report, or that part of the report, which in his/her opinion:

(a) disclose any facts or matters on which the report or an important part of the report is based; and

(b) that have been relied on to a material extent in preparing the report. but not including published works or those that disclose exempt or confidential information (as defined in Rule 11)

### **10.2 Public Inspection of Background papers**

The CJC will publish background papers on its website, unless it is not reasonably practicable to do so. Background papers shall remain accessible for public inspection for 6 years after the date of the meeting.

## **11. Confidential and Exempt Information**

### **11.1 Confidential Information – Requirement to Exclude Public**

The public must be excluded from meetings whenever it is likely in view of the nature of the business to be transacted or the nature of the proceedings that confidential information would be disclosed. Confidential information means information given to the CJC by a Government Department (including the Welsh Assembly Government) on terms which forbid its public disclosure or information which cannot be publicly disclosed by virtue of any enactment or Court Order.

## 11.2 Exempt Information – Discretion to Exclude Public

The public may be excluded from a meeting whenever it is likely in view of the nature of the business to be transacted or the nature of the proceedings that exempt information would be disclosed. Where the meeting will determine any person's civil rights or obligations, or adversely affect their possessions, Article 6 of the Human Rights Act 1998 establishes a presumption that the meeting will be held in public unless a private hearing is necessary for one of the reasons specified in Article 6. Due regard will be had to the wishes of the individual should they elect that the hearing be held in private where the law permits.

## 11.3 Meaning of Exempt Information

Exempt information is defined in Schedule 12A, Part 4, of the Local Government Act 1972 as information falling within the following 7 categories (subject to any qualification):

	<b>CATEGORY</b>	<b>QUALIFICATION</b>	<b>LEGISLATIVE REFERENCE</b>
1.	Information relating to a particular individual	Exempt information if and so long, as in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information	Paragraph 12 of Schedule 12A, Local Government Act 1972
2.	Information which is likely to reveal the identity of an individual	Exempt information if and so long, as in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information	Paragraph 13 of Schedule 12A, Local Government Act 1972
3.	Information relating to the financial or business affairs of any particular person (including the CJC)  Note: 'financial or business affairs' includes contemplated, as well as past or current, activities	Exempt information if and so long, as in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information. Information falling within paragraph 3 is not exempt information by virtue of that paragraph if it is required to be registered under:	Paragraph 14 of Schedule 12A Local Government Act 1972

		(a) the Companies Acts (as defined in Section 2 of the Companies Act 2006) (b) the Friendly Societies Act 1974 (c) the Friendly Societies Act 1992 (d) the Industrial and Provident Societies Acts 1965 to 1978 (e) the Building Societies Act 1986 (f) the Charities Act 2011	
4.	Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter arising between the authority or a Minister of the Crown and employees of, or office holders under, the authority Note: 'Labour relations matters' are as specified in paragraphs (a) to (g) of Section 218(1) of the Trade Union and Labour Relations (Consolidation) Act 1992 i.e. matters which may be the subject of a trade dispute	Exempt information if and so long, as in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information	Paragraph 15 of Schedule 12A, Local Government Act 1972
5.	Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings		Paragraph 16 of Schedule 12A, Local Government Act 1972
6.	Information which reveals that the authority proposes – (a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or (b) to make an order or direction under any enactment	Exempt information if and so long, as in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information	Paragraph 17 of Schedule 12A, Local Government Act 1972
7.	Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime	Exempt information if and so long, as in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public	Paragraph 18 of Schedule 12A, Local Government Act 1972

		interest in disclosing the information	
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#### 11.4 **Public Interest**

Information within Categories 1 to 4, 6 and 7 set out in Rule 11.3 may only be treated as exempt if an assessment of the public interest has been made.

11.5 The public interest will be assessed on a case by case basis having regard to all relevant factors including but not limited to the following: to ensure a proper balance is achieved between the right to know, the right to personal privacy and the delivery of effective government.

11.6 In making such an assessment the Monitoring Officer shall have regard to any relevant prejudice which may be caused to the CJC or any other party if the information were disclosed, having regard to the full context of any disclosure. Account may be taken of whether disclosure would breach any obligation of confidence not within Rule 11.3, or the rights of any individual under the Data Protection Act 2018 or the Human Rights Act 1998.

11.7 Account will be taken of the fact that the public interest test may be served by allowing access to information which would:

(a) further the understanding of and participation in debating issues of the day;

(b) facilitate transparency and accountability in and enhance scrutiny of decisions taken by the CJC;

(c) facilitate transparency and accountability in the spending of public money;

(d) help individuals understand the decisions made by the CJC affecting their lives

11.8 In making such an assessment the following factors shall be regarded as irrelevant:

(a) possible embarrassment to the CJC or its Officers;

(b) possible loss of confidence in the CJC or another public body;

(c) the seniority of persons involved in the subject matter

(d) the risk of the public misinterpreting the information.

11.9 **Exclusion of the Public:** any decision to exclude the public from a meeting under this Rule shall be made in accordance with the CJC Meeting Procedure Rules or the Sub - Committee Meeting Procedure Rules as appropriate.

### **11.10 Disclosure by Members**

Members will not make public Confidential or Exempt Information without the consent of the CJC or divulge information given in confidence to anyone other than a Member or Officer entitled to know it unless otherwise authorised by law.

### **12. Exclusion of Access by the Public to Reports**

- 12.1 Prior to a meeting, if the Monitoring Officer thinks fit, the CJC may exclude access by the public to the whole or any part of a report which in his or her opinion relate to items of business during which, in accordance with Rule 11, the meeting is likely not to be open to the public.
- 12.2 Such reports or parts of reports will be marked "Not for Publication" together with the category of information likely to be disclosed. After the meeting access to the Report is subject to Rule 9. Where the decision to exclude access has required a determination of the public interest the Monitoring Officer shall keep a note of his or her reasons for the decision

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# **SOUTH EAST WALES CORPORATE JOINT COMMITTEE INTERIM CONSTITUTION APPENDIX 9 - PETITION SCHEME**

## **OVERVIEW**

Petitioning is one way that individuals, community groups and organisations can participate in the democratic process, by raising issues of public concern with the CJC and allowing Members to consider the need for change. It is acknowledged that petitions can have positive outcomes that lead to change or inform debate.

### **1. WHO CAN RAISE A PETITION?**

- 1.1 Anyone who lives, works, owns a business or studies in the CJC area can sign or submit a petition, including those under the age of 18. Anyone who lives in the area of a neighbouring Council may also sign or submit a petition IF they could reasonably be expected to be affected by the subject matter of the petition. Petitions may be submitted on paper or electronically using an online petition system which meets the requirements of a valid petition, or a combination of the two.

### **2. CONSIDERATION OF A PETITION**

- 2.1 A petition may be considered at a meeting of the CJC or by a sub-committee if the topic of the petition relates to the specific role of that sub-committee.
- 2.2 The CJC's Chief Executive, in consultation with the Monitoring Officer, will consider the petitions submitted and determine if the petition is admissible based on the following criteria for a valid petition.

### **3. REQUIREMENTS OF A VALID PETITION**

#### **LEAD PETITIONER**

- 3.1 All petitions require a lead petitioner to be identified who will act as the contact point for the petition. The following are the requirements necessary for a lead petitioner:
- 3.1.1 The lead petitioner must be an individual who lives, works or studies within the CJC's area or an organisation based in the CJC area.
- 3.1.2 The lead petitioner's full home, work, study postal address or the organisation's postal address, must be included and a personal email address or contact information to which any communications concerning the petition can be sent.

#### **THE PETITION**

- 3.2 The CJC will consider all petitions with more than 10 signatories that fall within the scope of this Scheme. Petitions can be submitted to the CJC either on paper or electronically, with the general requirements of the Scheme applying to both paper and e-petitions. The petition must:

- 3.2.1 contain a clear, short statement covering the subject of the petition. The petition will be returned if it is unclear;
  - 3.2.2 call for CJC to take some specific action, for example: "We call on CJC to..." This must be repeated on every page of a paper petition;
  - 3.2.3 provide the names and postal addresses of those signing the petition, including postcodes;
- 3.3 A suggested petition template is shown at Annex A to this Petitions Scheme.
- 3.4 Petitions must not contain:
- 3.4.1 Language which is offensive, intemperate or provocative. This not only includes obvious profanities, swear words and insults, but any language which a reasonable person would regard as offensive;
  - 3.4.2 Potentially false or potentially defamatory statements;
  - 3.4.3 Information which is prohibited from being published by an order of a court or a body or person with similar power;
  - 3.4.4 Material which is potentially confidential, commercially sensitive, or which may cause personal distress or loss;
  - 3.4.5 Any commercial endorsement, promotion of any product, service or publication or statements that amount to advertisements;
  - 3.4.6 The names of officials of public bodies, unless they are part of the senior management of those organisations;
  - 3.4.7 The names of family members of elected representatives or officials of public bodies;
  - 3.4.8 The names of individuals, or information where they may be identified, in relation to criminal charges; or
  - 3.4.9 Issues for which a petition is not the appropriate channel (for example, correspondence about a personal issue or an issue subject to court proceedings).

#### **PETITIONS THAT ARE NOT ADMISSIBLE UNDER THIS SCHEME**

- 3.5 The following are not admissible:
- 3.5.1 Petitions relating to anything the CJC is not responsible for;
  - 3.5.2 Statutory petitions, or petitions relating to Local Authority Referendums which fall under the Local Authorities (Referendums) (Petitions and Directions) (Wales) Regulations 2001, for which separate arrangements apply within relevant local authorities;

- 3.5.3 Petitions asking the CJC to adjudicate, arbitrate or mediate personal or staffing issues or commercial interests where this is the role of a court or tribunal;
  - 3.5.4 Petitions on matters that are subject to legal proceedings in the courts;
  - 3.5.5 Petitions on matters that are already subject to determination by an Ombudsman (or person with similar powers);
  - 3.5.6 Petitions that are essentially freedom of information (FOI) requests, comments, compliments or complaints, which will be passed to the appropriate officer for a suitable response; or
  - 3.5.7 Petitions which raise issues of possible CJC Member or employee misconduct. These will be taken as complaints arising under the Local Government Act 2000 and will be reported to the Monitoring Officer rather than considered under this petition scheme.
- 3.6 When a petition has been presented to the CJC, no further petition on a similar topic and seeking a similar outcome, shall be considered within six months of the date on which the petition was first considered or the petitioner heard.

#### **PETITION SIGNATORIES**

- 3.7 An appropriate signatory is an individual who lives, works, owns a business or studies in the CJC area, or who lives in the area of a neighbouring Council and could reasonably be expected to be affected by the subject matter of the petition.
- 3.8 An individual can only sign a petition once. People must not sign both an online and a paper petition, and duplications may be removed if it is found that a petitioner has signed twice.

#### **4. SUBMITTING A PETITION**

- 4.1 Paper or electronic petitions which are to be considered by the CJC are to be submitted to the CJC's Monitoring Officer

#### **5. HOW AND BY WHEN THE CJC WILL ACKNOWLEDGE RECEIPT OF A PETITION**

- 5.1 Receipt of a paper petition or submission of an electronic petition will be acknowledged within 5 working days provided that the contact details of the lead petitioner are provided at the same time.

#### **6. CONFIRMING A VALID PETITION**

- 6.1 The Monitoring Officer or a person authorised by him/her will undertake initial checks to confirm that a submitted petition meets the requirements of the Scheme.
- 6.2 If a number of petitions are received on a similar topic with similar desired outcomes, only one lead petitioner will be able to present their petition to the CJC. The lead petitioner for each petition will be notified by the Monitoring Officer and requested

to liaise with each other to consider options to amalgamate petitions and determine which lead petitioner will present the petition to the CJC. If agreement is not reached the petitioner with the largest number of signatures will have the right to present the petition to the CJC.

6.3 Any concerns regarding the validity of the petition will be raised with the Monitoring Officer.

6.4 If a petition is invalid the lead petitioner will be informed within 10 working days of receipt of the petition, why it cannot be progressed.

## **7. THE STEPS THE CJC MAY TAKE IN RESPONSE TO A PETITION RECEIVED BY IT**

7.1 A petition with 10 – 100 signatures will be referred to the Chief Executive to respond to. A response will be provided to the lead petitioner within 20 working days of receipt.

7.2 A petition with 101 – 500 signatures will be referred to the Chair of the CJC to respond to. A response will be provided to the lead petitioner within 20 working days of receipt.

7.3 A petition with more than 500 signatures will be referred to a meeting of the CJC.

7.3 Where a petition is considered at a meeting the petition presenter may outline the request of the petitioners, the reason for the request and the number of the signatories. In any event the lead petitioner may not speak under this rule for more than one minute.

7.4 The meeting may decide to:

- Take the action the petition requests
- Take no further action
- Refer the matter to the Joint Overview and Scrutiny committee, a working group or an officer
- Request an officer to take any other step in relation to the matter

7.5 The decision of the meeting will be recorded in the minutes and provided in writing to the lead petitioner.

## **8. EXCEPTIONS**

8.1 In the period immediately before an election or referendum we may need to deal with petitions differently. If this is the case we will explain the reasons and discuss any revised timescale which may apply.

## **9. ALTERNATIVES TO PETITIONS**

9.1 After reading the Petition Scheme an individual or organisation may consider that a petition is not the most appropriate avenue to achieve the desired outcome. Alternative options to enable members of the public to have their say include:

9.1.1 Writing to the appropriate CJC Member or the CJC's Chief Executive Officer

9.1.2 Responding to a Consultation

9.1.3 Making a suggestion through the CJC's website

## **10. DATA PROTECTION AND GDPR**

10.1 All personal data will be handled in compliance with data protection laws and the CJC's our Privacy Notice. Hard copy and electronic petition information will be kept for 12 months and after that time it will be safely and securely destroyed.

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### **ANNEX A**

#### **SUGGESTED PAPER PETITION TEMPLATE**

##### **LEAD PETITIONER DETAILS**

<b>Name</b>	
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# SOUTH EAST WALES CORPORATE JOINT COMMITTEE INTERIM CONSTITUTION

## APPENDIX 10 - SCHEME OF DELEGATION

### **1 General Principles**

- 1.1 This scheme delegates certain functions of the CJC to officers and should be interpreted widely.
- 1.2 In this scheme “officer” means the holder of any post named in this scheme as having delegated powers and duties, and for the avoidance of doubt, includes any individual who is not an employee of the CJC (for example, a locum, agency worker, specialist consultant, joint manager appointed with another organisation) who is engaged by the CJC to take responsibility for discharging the delegated powers and duties concerned, unless legislation provides that the relevant power or duty can only be carried out by an employee of the CJC.
- 1.3 Officers must keep Members properly informed of activity arising within the scope of these delegations. Officers should also inform Members of any significant delays to agreed schemes or projects.
- 1.4 When taking, or considering taking, delegated decisions all officers must have regard to the following questions:
  - (i) Does the decision involve significant expenditure to the CJC’s budget?
  - (ii) Does the decision affect the CJC’s reputation?
  - (iii) Does the decision carry a significant risk to the CJC?
  - (iv) Does the decision impact reputationally or financially on service users, partner organisations or committees outside the CJC
- 1.5 For highly significant or sensitive matters, officers must consider whether a report should be taken to the CJC.
- 1.6 In addition to functions delegated to officers under this scheme, the CJC may also decide to delegate certain functions and decisions to officers. Any such delegations to officers shall:
  - (i) be notified to the Monitoring Officer who maintains a record of all delegations; and
  - (ii) for the avoidance of doubt, any such officer delegations shall not be further delegated, unless expressly provided for in the resolution.

### **2 Limitations**

- 2.1 Any exercise of delegated powers shall be subject to:-
  - (a) Any statutory restrictions



(b) The CJC's Interim Constitution, including Financial Procedure Rules and Contract Procedure Rules

(c) The CJC's approved budget framework

(d) Any other CJC policies

(e) The Code of Conduct for Employees

2.2 Where an officer exercises delegated powers to award a contract or make a decision which incurs significant expenditure they shall as soon as practicable after making the decision produce a written record including all relevant details, in accordance with any corporate guidance given by the Monitoring Officer.

### **3. Further Provisions**

3.1 In all cases delegated authority includes management of the human and material resources made available for their functions within the limitations of this scheme and subject to any specific delegations to another officer.

3.2 In all cases delegated authority includes the power to recommend the institution of legal proceedings before courts or tribunals, and to authorise officers to appear on behalf of the CJC, provided always that this is in accordance with the functional responsibilities of the officer concerned.

3.3 It shall always be open to an officer not to exercise delegated powers but to refer the matter to the CJC.

3.4 In exercising delegated powers, officers shall consult with such other relevant officers as may be appropriate and shall have regard to any advice given.

3.5 Unless expressly provided to the contrary, this scheme includes the power for officers further to delegate in writing all or any of the delegated functions to other officers (described by name or post) either fully or under the general supervision and control of the delegating officer. Sub-delegations shall be recorded in a register kept by the Monitoring Officer.

### **4. Delegations to Officers**

#### **(1) Chief Executive**

1. To discharge the functions of appointment and dismissal of, and taking disciplinary action against, any member of staff, in accordance with the CJC's HR and financial procedures, except where such functions have been reserved to the Appointments Committee.

2. To engage any individual, person, firm, partnership or company (and determine the terms of the contract), where the estimated value of appointments for any one project proposal does not exceed £100,000 and costs can be met from within approved budgets.
3. To make decisions on:
  - (i) employee Terms and Conditions, (including procedures for dismissal), except those relating to the Chief Executive, Chief Officers and other JNC for Chief Officer posts;
  - (ii) Changes to the CJC's corporate pay grade structure;
  - (iii) Changes to employee Terms and Conditions which are the subject of contention with the trade unions
  - (iv) applications for re-grading
4. All matters previously delegated to the Director of Cardiff Capital Region City Deal by the Cardiff Capital Region Cabinet.
5. Authority to consider and approve, as appropriate, in consultation with the s151 Officer and in accordance with the provisions of the Local Government Pension Scheme and the CJC's approved policy and criteria, the early retirement of staff (aged 55 or over) in the following circumstances:
  - (1) in the interests of the efficiency of the service
  - (2) who request voluntary retirement
6. To approve new operational HR employment policies and changes to existing policies as required.
7. To settle complaints made under the CJC's Complaints Policy where appropriate, which may include an apology, rectification, or in exceptional circumstances a monetary payment up to a maximum of £100; and to settle Ombudsman's recommendations under Section 21 of the Public Services Ombudsman (Wales) Act 2005, up to a maximum of £1,000.
8. In cases of urgency, in consultation with the Monitoring Officer and the Chief Financial Officer, to determine any matter which is not specifically reserved to the CJC.

### **Monitoring Officer**

1. All proper officer functions not allocated to other officers and to act as Solicitor to the CJC

2. To appoint proper officers or authorise an officer of the CJC for any purpose where statute requires that the officer should be appointed or authorised for that specific purpose.
3. To institute, defend, settle or participate in any legal proceedings in any case where such action is necessary to give effect to decisions of the CJC or in any case where he or she considers that such action is necessary to protect the CJC's interests.
4. To engage Counsel to represent the CJC in any proceedings.
5. To appear personally or authorise others to appear on the CJC's behalf in court or tribunal proceedings.
6. To sign any document that is necessary for any legal agreement, procedure or proceedings on behalf of the CJC.
7. To affix the Common Seal of the CJC
8. To make amendments to the Interim Constitution in order to:
  - (a) enhance clarity and remove minor anomalies
  - (b) reflect legislative changes and matters of record.
9. To discharge the functions of the CJC in respect of cancellation of family absence pursuant to Regulation 34 of the Family Absence for Members of Local Authorities (Wales) Regulations 2013

### **Chief Financial Officer**

1. To be the Officer with responsibility for the proper administration of the CJC's financial affairs under Section 151 of the Local Government Act 1972.
2. To facilitate and manage the co-ordination of medium term financial planning, annual budget planning, budget monitoring and the preparation of statutory and other accounts, associated grant claims and supporting records.
3. To manage the CJC's financial affairs and services, including all matters relating to the General Budget, Strategic Development Plan Budget, Treasury Management, Reserves and Provisions, Subsidiary Accounts, and all other funds established under statutory requirements.
4. To operate the CJC's bank accounts for the prudent management of financial affairs and to nominate authorised signatories
5. To approve deductions from pay in suitable cases when requested by staff.

**SOUTH EAST WALES CORPORATE JOINT COMMITTEE INTERIM  
CONSTITUTION**

**APPENDIX 11 – FINANCIAL PROCEDURE RULES**

To follow at future meeting.

**SOUTH EAST WALES CORPORATE JOINT COMMITTEE INTERIM  
CONSTITUTION**

**APPENDIX 12 - CONTRACT PROCEDURE RULES**

To follow at future meeting.

# SOUTH EAST WALES CORPORATE JOINT COMMITTEE INTERIM CONSTITUTION

## APPENDIX 13 - EMPLOYMENT PROCEDURE RULES

### Interpretation

For the purposes of these Rules:

“Chief Officer” has the same meaning as in the Local Authorities (Standing Orders) (Wales) Regulations 2006, namely, the Chief Executive; the Monitoring Officer; a statutory chief officer mentioned in paragraph (a), (c) or (d) of section 2(6) of the Local Government and Housing Act 1989 (which includes the Chief Finance Officer); or a non-statutory chief officer within the meaning of section 2(7) of the same 1989 Act.

“Deputy Chief Officer” has the same meaning as in Section 2(8) of the Local Government and Housing Act 1989, being a person who, as respects all or most of the duties of his post, is required to report directly or is directly accountable to one or more of the statutory or non-statutory chief officers (except for secretarial, clerical and support staff).

### 1 Recruitment and appointment

#### (a) Declarations

(i) With the intention of ensuring that employment processes are fully informed and transparent, the South East Wales Corporate Joint Committee (“CJC”) requires any candidate for appointment as an officer to state in writing whether they are related to or have any close personal association with any member or senior employee of the CJC.

(ii) Deliberate omission to make such a disclosure would disqualify the candidate, and if the omission is discovered after appointment, the candidate will be liable to dismissal.

#### (b) Seeking support for appointment

(i) the CJC will disqualify any applicant who directly or indirectly seeks the support of any member or employee for any appointment with the CJC. The content of this paragraph will be included in any recruitment information.

(ii) no member will seek support for any person for any appointment with the CJC. A member or an employee will not try to improperly influence the choice of a candidate for any appointment.

(iii) The impartiality of employees must be preserved. Accordingly members must not give written references to support a candidate seeking employment with the CJC.

## **2. Recruitment of Chief Officers**

(a) A vacancy for the post of Chief Officer must be reported to the CJC or a body delegated by it which will consider whether the post should be filled, and if so, subject to Rule 3, the terms and conditions of employment and method of appointment.

(b) Where the proposed remuneration of the Chief Officer post is £100,000 or more per annum, the CJC will arrange for the following to be prepared:-

- (i) A statement of the duties of the officer concerned and the required qualifications or qualities to be sought in the person appointed, which is sent to any person on request; and
- (ii) Public advertisement of the post to bring it to the attention of people who are qualified to apply, unless the proposed appointment is for a period of 12 months or less.

(c) Following advertisement, arrangements will be made either for all qualified candidates to be interviewed; or a shortlist to be prepared of qualified applicants and those candidates interviewed. If no suitably qualified person has applied, or if the CJC decides to re-advertise the appointment, the post will be re-advertised in accordance with paragraph (b) above.

## **3. Remuneration of Chief Officers**

Any decision to determine or vary the remuneration of Chief Officers (or those to be appointed as Chief Officers) must be made by the CJC.

## **4. Appointment or Dismissal of Chief Officers, Deputy Chief Officers and the Monitoring Officer**

(a) The appointment or dismissal of a Chief Officer, a Deputy Chief Officer or the Monitoring Officer will be made by the CJC or by a Committee of Members delegated by the CJC to make the appointment or dismissal.

(b) Where a committee is considering on behalf of the CJC the appointment or dismissal of the Chief Executive, the CJC shall approve that appointment before an offer of appointment is made, or as the case may be, must approve that dismissal before notice of dismissal is given.

## **5. Appointment of Officers below Deputy Chief Officer.**

The appointment of officers below Deputy Chief Officer must be discharged by the Chief Executive or by an officer nominated by the Chief Executive. All CJC employees shall be appointed in accordance with the CJC's Recruitment and Selection Policy.

## **6. Disciplinary Action - Chief Executive, Monitoring Officer and Chief Finance Officer**

(1) No disciplinary action in respect of the Chief Executive, the Monitoring Officer or the Chief Finance Officer (a "relevant officer"), except action described in (2) below, may be taken by the CJC or on its behalf, other than in accordance with a recommendation in a report made by a designated independent person under Regulation 9 of the Local Authorities (Standing Orders)(Wales) Regulations 2006.

(2) The action mentioned in the above paragraph is suspension of the relevant officer for the purpose of investigating the alleged misconduct occasioning the action; and any such suspension will be on full pay and will terminate no later than the expiry of two months beginning on the day on which the suspension takes effect.

(3) Where it appears that an allegation of misconduct which may lead to disciplinary action has been made against a relevant officer, the CJC shall appoint a committee ("an investigation committee") to consider the alleged misconduct.

(4) The investigation committee must consist of a minimum of 3 members of the CJC and must, within 1 month of its appointment, consider the allegation of misconduct and decide whether it should be further investigated.

(5) For the purpose of considering the allegation of misconduct, the investigation committee may make such enquiries of the relevant officer or any other person it considers appropriate; may request the relevant officer or any other person it considers appropriate to provide it with such information, explanation or documents as it considers necessary within a specified time limit; and may receive written or oral representations from the relevant officer or any other person it considers appropriate.

(6) Where it appears to the investigation committee that an allegation of misconduct by the relevant officer should be further investigated, it shall appoint a person ("the designated independent person") for the purposes of these Rules.

(7) The designated independent person who is appointed shall be such person as may be agreed between the CJC and the relevant officer within 1 month of the date on which the requirement to appoint the designated independent person arose; or where there is no such agreement, shall be such person as is nominated for the purpose by the Welsh Ministers.

(8) The designated independent person—

(a) may direct:

- (i) that the CJC terminate any suspension of the relevant officer;
- (ii) that any such suspension is to continue after the expiry of the period referred to in paragraph (2) above;
- (iii) that the terms on which any such suspension has taken place are to be varied in accordance with the direction; or



- (iv) that no steps by the CJC or on its behalf by way of disciplinary action or further disciplinary action against the relevant officer, other than steps taken in the presence, or with the agreement, of the designated independent person, are to be taken before a report is made under sub-paragraph (d);

(b) may inspect any documents relating to the conduct of the relevant officer which are in possession of the CJC, or which the CJC has power to authorise the designated independent person to inspect;

(c) may require any member or member of staff of the CJC to answer questions concerning the conduct of the relevant officer;

(d) shall make a report to the CJC –

- (i) stating an opinion as to whether (and, if so, the extent to which) the evidence obtained supports any allegation of misconduct against the relevant officer; and
- (ii) recommending any disciplinary action which appears appropriate for the CJC to take against the relevant officer; and

(e) shall no later than the time at which the report is made under sub-paragraph (d), send a copy of the report to the relevant officer.

(9) Subject to paragraph (10), the relevant officer and the CJC shall, after consulting the designated independent person, attempt to agree a timetable within which the designated independent person is to undertake the investigation.

(10) Where there is no agreement under paragraph (9), the designated independent person shall set a timetable as that person considers appropriate within which the investigation is to be undertaken.

(11) The CJC shall consider the report prepared under paragraph (8)(d) within 1 month of receipt of that report.

(12) The CJC shall pay reasonable remuneration to a designated independent person appointed by the investigation committee and any costs incurred by, or in connection with, the discharge of functions under this Rule.

(13) For the purpose of this rule, any officer who was a relevant officer at the time of the alleged misconduct or when the reason for the proposed dismissal occurred (but is no longer so), shall be regarded as a relevant officer.

## **7. Dismissal and or Disciplinary Action - Other Employees**

(a) Subject to Rules 4 and 6, the Chief Executive, or an officer nominated by the Chief Executive, is responsible for the dismissal of, and taking disciplinary action

against, employees below Deputy Chief Officer in accordance with any relevant CJC policy and procedure.

(b) Members will not be involved in any disciplinary action of any officer other than the Chief Executive, the Monitoring Officer or the Chief Finance Officer, as set out above, except where such involvement is necessary for any investigation or inquiry into alleged misconduct, or where a right of appeal to members is allowed in respect of dismissal or demotion.

## **8. Right of Appeal**

Any employee who has been dismissed with or without notice or relegated must be informed immediately of the right of appeal, in line with the CJC's agreed Disciplinary Policy and Procedures, which may confirm the action taken, withdraw it or substitute another disciplinary penalty.

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# **SOUTH EAST WALES CORPORATE JOINT COMMITTEE INTERIM CONSTITUTION**

## **APPENDIX 14 - EMPLOYEES' CODE OF CONDUCT**

### **General Principles**

1. The public is entitled to expect the highest standards of conduct from all employees of the CJC. The role of employees is to serve the CJC in providing advice, implementing its policies, and delivering services in its area. In performing their duties, they must act with integrity, honesty, impartiality and objectivity.

### **Accountability**

2. Employees of the CJC work for the CJC and serve the whole of its area. They are accountable to and owe a duty to the CJC. They must act in accordance with the principles set out in this Code, recognising the duty of all public sector employees to discharge public functions reasonably and according to the law.

### **Political Neutrality**

3. Employees of the CJC, whether or not politically restricted, must follow every lawfully expressed policy of the CJC and must not allow their own personal or political opinions to interfere with their work. Where employees are politically restricted (by reason of the post they hold, the nature of the work they do, or the salary they are paid), they must comply with any statutory restrictions on their political activities.

### **Relations with members, the public and other employees**

4. Mutual respect between employees and members is essential to good local government, and working relationships should be kept on a professional basis.
5. Employees of the CJC should deal with the public, members and other employees sympathetically, efficiently, and without bias.

### **Equality**

6. Employees of the CJC must comply with policies relating to equality issues, as agreed by the CJC, in addition to the requirements of the law.

### **Stewardship**

7. Employees of the CJC must ensure that they use public funds entrusted to them in a responsible and lawful manner, and must not utilise property, vehicles or other facilities of the CJC for personal use unless authorised to do so.

### **Personal Interests**

8. Whilst employees' private lives are their own concern, they must not allow their private interests to conflict with their public duty. They must not misuse their official position or information acquired in the course of their employment to further their private interests, or the interests of others. In particular, they must

comply with:

(1) any rules of the CJC on the registration and declaration by employees of financial and non - financial interests,

(2) any rules of the CJC on the declaration by employees of hospitality or gifts offered to or received by them, from any person or organisation doing or seeking to do business, or otherwise benefiting or seeking to benefit from a relationship with the CJC. Employees must not accept benefits from a third party unless authorised to do so by the CJC.

### **Whistleblowing**

9. In the event that an employee becomes aware of activities which that employee believes to be illegal, improper, unethical or otherwise inconsistent with this Code, the employee should report the matter, acting in accordance with the employee's rights under the Public Interest Disclosure Act 1998, and with the CJC's confidential reporting procedure, or any other procedure designed for this purpose.

### **Treatment of Information**

10. Openness in the dissemination of information and decision making should be the norm in the CJC. However, certain information may be confidential or sensitive and therefore not appropriate for a wide audience. Where confidentiality is necessary to protect the privacy or other rights of individuals or bodies, information should not be released to anyone other than a CJC member, CJC employee or other person who is entitled to receive it or needs to have access to it for the proper discharge of their functions. Nothing in this Code can be taken as overriding existing statutory or common law obligations to keep certain information confidential, or to divulge certain information.

### **Appointment of Staff**

11. Employees of the CJC involved in the recruitment and appointment of staff must ensure that appointments are made on the basis of merit. In order to avoid any possible accusation of bias, employees must not be involved in any appointment, or any other decisions relating to discipline, promotion or pay and conditions for any other employee, or prospective employee, to whom they are related, or with whom they have a close personal relationship outside work.

### **Investigations by Monitoring Officers**

12. Where a monitoring officer is undertaking an investigation in accordance with regulations made under section 73(1) of the Local Government Act 2000 an employee must comply with any requirement made by that monitoring officer in connection with such an investigation.

## **SOUTH EAST WALES CORPORATE JOINT COMMITTEE INTERIM CONSTITUTION APPENDIX 15 - PROTOCOL ON MEMBER/OFFICER RELATIONS**

### **Basic Principles**

- 1 The basic principle of good Member/officer relations in local government is trust, mutual respect and a common understanding of respective roles. CJC Members represent the whole of the CJC area and officers are appointed by the CJC to give creative, robust and impartial advice, which will assist Members in reaching the best decisions for that area.
- 2 The CJC's Code of Conduct for Members says that they should "show respect and consideration for others" and "must not do anything which compromises, or which is likely to compromise, the impartiality of the CJC's employees".
- 3 The CJC's Code of Conduct for Employees says that "Mutual respect between employees and Members is essential to good local government, and working relationships should be kept on a professional basis. Employees of the CJC should deal with the public, Members and other employees sympathetically, efficiently and without bias."

### **Councillors' Roles**

- 4 All councillors who are members of the CJC undertake the CJC's functions and take the most important decisions the CJC can make, including approval of the budget and many will be involved in taking other more detailed CJC decisions.
- 5 Some councillors and lay members from local authorities in the CJC area, who are not members of the CJC have responsibility for maintaining an overview and scrutiny of CJC decisions and the efficient performance of CJC functions.
- 6 These roles will relate in slightly different ways to the officers of the CJC. These are set out in more detail below.

### **Officer Roles and Advice**

- 7 CJC officers are employees of the whole CJC and have an obligation to give impartial advice and to carry out the CJC's lawful decisions. They have operational responsibilities which are generally set out in the CJC's scheme of delegations, or in their job descriptions. These will generally be of a managerial, technical or administrative nature, and are part of the normal day-to-day work of all CJC employees.
- 8 The CJC's Member Code of Conduct describes how Members should act when taking decisions and in particular in relation to advice from officers:-  
  
"A member ... must reach decisions having regard to any relevant advice by the CJC's officers..."
- 9 In advising, officers are free to give their professional advice wherever appropriate. Councillors may wish to test this advice by questioning and challenging something they do not agree with, but they should not, by their

conduct or actions, make employees feel intimidated or threatened. They should ensure that any challenge of advice given is made to an employee of suitable seniority, generally the Chief Executive, Monitoring Officer or s151 Officer. Employees should remember that councillors are democratically elected to secure their objectives and fully entitled to question advice given, and to receive a full and complete explanation. Employees should always seek to meet the CJC's objectives when advising, providing that this can be done legally and within financial resources.

- 10 If Members remain dissatisfied with the advice given, then they may refer the matter to the Chair or the relevant Sub - Committee Chair. Where necessary and appropriate, either by agreement with the Chief Executive, Monitoring Officer or s151 Officer, or following a decision of the CJC, professional advice can be commissioned by relevant officers (in consultation with relevant Members) from a reputable and suitably qualified source outside the CJC. Any subsequent report to the CJC will contain the professional advice of the Chief Executive or officer named as author, but will also contain any external professional view, clearly identified as such.
- 11 The CJC operates a system which requires advice on the legality and achievability (including financial matters) of the decision in advance of its consideration, and for that advice to be captured in reports to Members, Panels, Sub - Committees or the CJC. Officers should be permitted to give their complete advice, including a description of any relevant options and advice as to legal and financial probity. When oral advice is given, it should be recorded in writing by the officer concerned.
- 12 The CJC has three main statutory officers; the Chief Executive, the Monitoring Officer and the s151 Officer, who have duties to advise the CJC as a corporate body and have a statutory right to advise as they believe appropriate within their statutory duties.

### **Relationships between Officers and Members**

- 13 As indicated above, although officers have a duty to serve the CJC as a corporate body, their working relationships will be different with different groups of Members. The following paragraphs identify and give guidance on key issues in this area.
- 14 **All Councillors** – all councillors and employees will demonstrate mutual respect and will deal with each other sympathetically, efficiently and without bias. Officers are responsible for advising the whole CJC but may occasionally be called upon by individual Members to advise or give information on particular issues. This is entirely proper and within available resources, advice will be given. Officers should not advise councillors on their individual positions or to assist them in personal capacities, but only in relation to CJC matters. The Monitoring Officer or his/her nominee may advise individual councillors on the Member Code of Conduct and their responsibilities in relation to the declaration of interests.

Individual Members may request that advice given to them is treated in confidence. They should make this clear at the start of any discussion or

correspondence with the officer concerned. The officer will then advise the Member as to whether the discussion or correspondence can be treated as confidential within the law and within CJC procedures, so that both parties have a clear understanding of the position. Information which indicates that the CJC may be in breach of a duty, involves the protection of vulnerable people or alleges misconduct, for example, may not be kept confidential, and may be reported to the proper person or authority.

- 15 **Chair and Officers** – the chair of the CJC and/or chairs of sub-committees have particular roles in relation to the business of the CJC or sub-committees, and officers will support them in those roles. Generally, and subject to the CJC's rules of procedure set out in Appendix 1 to the Interim Constitution, the Chair of any CJC body will finalise relevant agendas and the officer with responsibility for issuing the agenda will comply with the Chair's wishes in this respect. However, in certain instances, statutory officers have a right to have items included on relevant agendas, and these and any instructions issued by statutory officers in this respect will be followed.
- 16 **Co-opted Members and Members of the Standards & Ethics, Governance & Audit and Joint Overview and Scrutiny Committees and Officers** - Officers will deal with these members in the same way as they deal with all councillors and will be available to advise them as set out in paragraph 15 above, in respect of their particular statutory functions only.

### **Conduct and Effectiveness**

- 17 If councillors have any concerns about the effectiveness or conduct of particular officers, they will take this up directly and confidentially with the Chief Executive, Monitoring Officer or s151 Officer, or the Chair if the issue relates to the Chief Executive. The issue will then be handled in accordance with the CJC's procedures and the Member and officer concerned will be advised of the outcome, unless there are legal reasons why they may not. Personal criticism (except in pursuance of a legal obligation) by Members of individual officers or identifiable groups of officers will not take place in public forums (including the media) as this could seriously affect the ability of the CJC to effectively defend its position as an employer and may in some circumstances render it liable to payment of compensation.
- 18 If any officer has concerns about the conduct of a particular Member, he/she will raise it in the first instance with the CJC's Monitoring Officer, who will then advise on whether it is appropriate for the issue to be referred to the Standards Commissioner for Wales under the Member Code of Conduct. No CJC officer will publicly criticise any councillor (except in pursuance of a legal obligation) as this would be a departure from the proper statutory process and may prejudice that process.

### **Access to Information and Documents**

- 19 The CJC promotes openness and access to information by all its councillors. However, the law prevents the release of confidential or exempt information in certain circumstances, and both officers and members will abide by the CJC's

Access to Information Procedure Rules set out in Appendix 8 of this Interim Constitution. Confidential information or exempt information provided to Councillors must be used properly, and only for the purposes for which it has been released.



**SOUTH EAST WALES CORPORATE JOINT COMMITTEE INTERIM  
CONSTITUTION**

**APPENDIX 16 – WEBCASTING PROTOCOL**

To follow at future meeting.

# Future Generations Assessment Evaluation

## (includes Equalities and Sustainability Impact Assessments)




<p><b>Name of the Officer completing the evaluation:</b></p> <p>Kellie Beirne</p> <p><b>Phone no:</b> 07826 919286  <b>E-mail:</b> Kellie.Beirne@cardiff.gov.uk</p>	<p><b>Please give a brief description of the aims of the proposal</b></p> <p>The report provides an Interim Constitution for the CJC to support it during the Building Foundations stage of its development. The Interim Constitution will be in place until UK Government, Welsh Government, and the CJC are ready to 'lift and shift' into the new CJC. It replaces the Interim Standing Orders agreed on 31 January 2022.</p>
<p><b>Proposal:</b> To seek approval of the Interim Constitution of the CJC.</p>	<p><b>Date Future Generations Evaluation form completed:</b> 9 October 2023</p>



**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?
<p><b>A prosperous Wales</b> Efficient use of resources, skilled, educated people, generates wealth, provides jobs</p>	<p>The Interim Constitution details the mechanisms which will enable the well-being goals of the SEW CJC to be met throughout the building foundations period. The SEW CJC will bring together the CCR City Deal and the CJC into one coherent model of regional economic governance.</p>	<p>The Interim Constitution highlights the responsibilities of the CJC going forward and how the organisation is setting itself up to be able to manage those duties appropriately and proportionally. A final Constitution, to support this 'lift and shift' into the new CJC, will be brought to CJC for approval in advance of the CJC becoming fully operational on 1 April 2024.</p>
<p><b>A resilient Wales</b> Maintain and enhance biodiversity and ecosystems that support resilience and can adapt to change (e.g. climate change)</p>	<p>As above.</p>	<p>As above.</p>
<p><b>A healthier Wales</b></p>	<p>As above.</p>	

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?
People's physical and mental wellbeing is maximized and health impacts are understood		
<b>A Wales of cohesive communities</b> Communities are attractive, viable, safe and well connected	As above.	As above.
<b>A globally responsible Wales</b> Taking account of impact on global well-being when considering local social, economic and environmental wellbeing	As above.	As above.
<b>A Wales of vibrant culture and thriving Welsh language</b> Culture, heritage and Welsh language are promoted and protected. People are encouraged to do sport, art and recreation	As above.	As above.
<b>A more equal Wales</b> People can fulfil their potential no matter what their background or circumstances	As above.	As above.

## 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>Balancing short term need with long term and planning for the future</p> <p>Long Term</p>	<p>The Interim Constitution will support the CJC through the Building Foundations Period until UK Government, Welsh Government, and the CJC are ready to ‘lift and shift’ into the new CJC in 2024, at which point a final Constitution will be brought to CJC for approval. By its nature the report provides assurance of the balancing of short-term and long-term planning and goals. The Interim Constitution supports the three main duties of the SEW CJC: strategic development planning, the Regional Transport Plan and the empowerment of the SEW CJC to take direct action around economic well-being.</p>	<p>As above.</p>
 <p>Working together with other partners to deliver objectives</p> <p>Collaboration</p>	<p>Partnership working has been at the heart of the Cardiff Capital Region’s work, working with UK and Welsh Governments, local authorities and private and public sector organisations and communities. The Interim Constitution reflects the formal connection with the Brecon Beacons National Park Authority (BBNPA), who have voting rights, alongside the CCR Regional Cabinet, on matters pertaining to the SEW CJC’s Strategic Development Plan.</p>	<p>The details of the future governance model are being developed and will further embed the strong Partnership working already in place. These will be brought to CJC for approval as part of the final Constitution in advance of the ‘lift and shift’ into the new organisation.</p>
 <p>Involving those with an interest and seeking their views</p> <p>Involvement</p>	<p>The SEW CJC’s commitment to transparent partnership working will be strengthened by the SEW CJC.</p>	<p>The CJC will be developing a public participation strategy to ensure that there are opportunities for everyone in the region to contribute their views to the Committee.</p>

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>Putting resources into preventing problems occurring or getting worse</p> <p>Prevention</p>	<p>The CJC annual budget currently includes the necessary resources required during this building foundations period to support the transition to the CJC and the to meet regulatory duties in terms of initial activities to prepare for the Strategic Development Plan and Regional Transport Plan.</p> <p>Separately, the CCR annual budget includes resources to support the CJC Transition Plan.</p>	
 <p>Considering impact on all wellbeing goals together and on other bodies</p> <p>Integration</p>	<p>The SEW CJC will provide formal powers for the region to act on matters relating to economic well-being and to have a direct impact on well-being goals long-term.</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	<p>No specific impact in this context as the CJC is largely focused on building foundations with delivery due to lift and shift to the new organisation from 1 April 2024. All proposals brought to the CJC Board relating to set up and transition are subject to Equality Impact Assessment.</p>	<p>None at this stage.</p>	<p>Considering diversity and inclusion as the governance model is developed will help ensure the protected characteristics agenda is embedded in ways of working and the culture of the CJC. We are in active discussion with the Equality &amp; Human Rights Commissioner Wales to agree a timetable for developing our Corporate Strategic Equality Plan and Objectives.</p>

<b>Protected Characteristics</b>	<b>Describe any positive impacts your proposal has on the protected characteristic</b>	<b>Describe any negative impacts your proposal has on the protected characteristic</b>	<b>What has been/will be done to mitigate any negative impacts or better contribute to positive impacts?</b>
Disability	As above.	As above.	As above.
Gender reassignment	As above.	As above.	As above.
Marriage or civil partnership	As above.	As above.	As above.
Pregnancy or maternity	As above.	As above.	As above.
Race	As above.	As above.	As above.
Religion or Belief	As above.	As above.	As above.
Sex	As above.	As above.	As above.
Sexual Orientation	As above.		As above.
Welsh Language	As above.		As above.

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

	<b>Describe any positive impacts your proposal has on safeguarding and corporate parenting</b>	<b>Describe any negative impacts your proposal has on safeguarding and corporate parenting</b>	<b>What will you do/ have you done to mitigate any negative impacts or better contribute to positive impacts?</b>
Safeguarding	Not directly relevant; however, building the future economy should have a profoundly positive impact on ability to safeguard the future of our residents.		
Corporate Parenting	Not directly relevant; however, building strength in the economy should create opportunities for all of the young people entrusted in our care and make a direct contribution to well-being.		

**5. What evidence and data has informed the development of your proposal?**

As above.

**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?**

As above, we will be developing a Strategic Equality Plan and Objectives ready for publication by 1 April 2024 to support the lift and shift to the CJC. Specific implications will be seen in the future delivery of schemes and interventions, and these will be assessed at that time.

**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.**

<b>The impacts of this proposal will be evaluated on:</b>	The Interim Constitution will be updated and a final version brought to CJC in advance of 1 April 2024. It is anticipated the Constitution will then be reviewed Annually at the Annual General Meeting of the CJC.
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