

Natural Resources Wales response to:

Consultation: Establishment Regulations – Corporate Joint Committees

Contact:

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Link to consultation WG 41255: <https://gov.wales/regulations-establish-corporate-joint-committees>

Questions:

SECTION TWO – Approach to developing the regulations

Consultation Question One:

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

Response:

NRW have considered this consultation and are making comment with respect to how these proposals relate to sustainable natural resource management and the opportunities and potential risks to delivering on the Environment Act and Well-being of Future Generations Act. We have a particular interest in Strategic planning and delivery around Economic Well-being, Transport and Development and their relationship to sustainable development.

In December 2020 NRW published the first Stage of our flagship State of Natural Resources Report 2020 (SoNaRR 2020), it provides the evidence base for Welsh Government to understand Wales' progress towards the sustainable management of natural resources. It builds upon the evidence base in the first SoNaRR with an

ambition to bridge the gap between where we are now and where we need to be to achieve sustainable development. It identifies opportunities for sustainable change through an integrated approach across social, economic and environmental spheres in line with the WFG Well-being Goals and proposes a transformational approach to the redesign of our society and economy focussed on food, energy and transport systems. We draw this to your attention because there is no one body that can be responsible for this transformational change, but needs a strategic and coordinated effort across public, private and community sectors.

If CJs are being established as bodies corporate and part of the local government family, then yes it appears sensible that a) they are constituted similarly, and b) that they have enough flexibility within that to be established in a way that works in that place. This flexibility needs to allow others to be co-opted on to advise and we would wish to be able to provide appropriate advice and leadership within these bodies in support of our statutory purpose to embed sustainable natural resource management within the CJC decision making process.

For example, we consider that CJs need to set a strategic relationship between natural resources and economic and social outcomes, helping to tackle nature and climate emergencies and thereby contributing to the Shared Vision for Wales as set through the 7 Goals of the Well-being of Future Generations Act (WFGA). We understand that the Minister for Environment, Energy and Rural Affairs is considering applying the SMNR duty under the Environment Act (Wales) 2016 to Welsh public bodies and would expect to see those duties and responsibilities mirrored in the CJs.

We would ask however, if for strategic planning purposes and a collaborative approach in a WFGA context, CJC's just being a local government family is what's required?

Would we be more likely to achieve transformational change, WFG outcomes and contribute across all 7 goals within each CJC, if these were established as public sector family strategic planning bodies for those places? We accept this may have wider implications for other bodies and will require innovative solutions for sharing decision making and resources (including sharing of funds).

In line with our comments above, we do agree with the flexibility in constitutional and operational arrangements to enable other bodies to be appropriately involved in the decision making/scrutiny for these places.

We feel that it is important that any planning, governance or structural revisions across Wales provide an opportunity to ensure they support the integrated approach required of the WFGA to deliver a sustainable Wales. In establishing placemaking in Wales there needs to be a clear connection between the evidence about our social and economic development and our evidence about our natural resources, their state and how they are needed and managed to bring benefits to Wales. This requires connections across public bodies and sectors and between key delivery systems such as the Framework for Regional Investment in Wales, the Sustainable Land Management Framework, the National Development Framework the Wales

National Marine Plan and the Public Services Boards (PSBs). The PSBs may offer learning in terms of governance and structure since these have multi-sector statutory membership that drives action.

The footprint for the CJs within these Establishment Regulations should be based on the existing city and growth deals geography.

Therefore, in line with the local government expressed preference, the Establishment Regulations have been prepared to reflect this request as follows:

CJC Area Constituent Principal Councils National Park Authorities*

Mid Wales:

Ceredigion County Council; Powys County Council; Brecon Beacons NP

South West Wales:

Carmarthenshire County Council; Neath Port Talbot County Borough Council; Pembrokeshire County Council; Swansea County Council; Brecon Beacons and Pembrokeshire Coast NP

North Wales:

Conwy County Borough Council; Denbighshire County Council; Flintshire County Council; Gwynedd Council; Isle of Anglesey County Council; Wrexham County Borough Council; Snowdonia NP

South East Wales:

Blaenau Gwent County Borough Council; Bridgend County Borough Council; Caerphilly County Borough Council; Cardiff Council; Merthyr Tydfil County Borough Council; Monmouthshire County Council; Newport County Borough Council (more commonly known as Newport City Council); Rhondda, Cynon, Taff County Borough Council; Torfaen County Borough Council; The Vale of Glamorgan County Borough Council; Brecon Beacons NP

* As the Establishment Regulations include functions relating to strategic planning the regulations make provision about the membership of the committee by the National Park authority for that National Park. The National Parks have been included here to illustrate this membership.

Consultation Question Two:

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

Response:

There is a recognition that the pace and scale of transformation needed to address the challenge of climate and nature emergencies and the socio- economic well-being

of our communities is significant. The configuration of CJC`s need to provide the optimum footprint to tackle systems transformation around such issues. These key strategic planning activities are key systems transition issues, along with Decarbonisation, Energy and Food. It will therefore be important that CJCs are established at the appropriate scale to deliver their purpose around Strategic planning and maximise their contribution to the Shared outcomes (Goals) of the Well-being of Future Generations Act, to move us to a more sustainable nation.

NRW as the environment body for Wales have an interest, and role, as we need to understand and ensure where and how we need to play into the governance and planning structures in Wales, to ensure delivery of the Environment Act and thereby its contribution to the WFG informed by the evidence base provided by SoNaRR 2020.

How the CJCs will develop the strategies and who and how decisions are taken to approve those, will have a bearing on where we need to be involved. We may have data and information to offer into those processes, for example from the State of Natural Resources Report 2020 and its narrative around the relationship between social and economic systems and the environment, as well as more local information from our work on Area Statements and our other plans and strategies including River Basin Management Plans (RBMP) and Forest Resource plans. We may also have a role at the strategic decision making or scrutiny role, potentially as a co-opted member of the CJC and potentially in seconding staff with relevant skills and experience to inform the establishment and work of CJC`s. This would be to advise/ensure that the environment is, or has been, appropriately considered with equal weight alongside social, economic and cultural aspects in all plans and programmes, in line with the WFGA.

This needs to be done in an integrated and involved way to have meaning. The consultation mentions conversations were had with other key public bodies; however, we are not aware of any conversations with NRW in any formal capacity. We also note that the cost/resource implications for bodies outside of Local Authorities does not appear to have been costed in the RIA, although it is recognised that there may be some. (See response to Q21).

We also understand CJC`s are being proposed as the mechanism for the Regional Investment fund and this is to support moving funding to more place-based decision making. Again, clarity on role and governance would be helpful to other public bodies who may need to play a role advising around this. It would also be useful to understand how CJC`s would relate to the Sustainable Land Management framework and Sustainable Farming Scheme proposed in the Agriculture (Wales) Bill White Paper consultation, the National Development Framework and the Wales National Marine Plan.

Understanding how CJC`s relate to local place-based planning, such as Public Services Boards (PSBs), and other regional partnerships such as the Regional Partnership Boards will also be needed. (See response to Q`s 14 and 19). It will be important to clarify the role of CJC`s in relation to Marine and Coastal Planning to ensure integration between marine and terrestrial systems and processes.

PSBs as statutory multi-sector partnership may provide some useful learning. The statutory nature for multi-sector partners is key to their success. Formally setting out the links and any hierarchy between groups will help ensure they are all effective.

Consultation Question Three:

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

b) We have indicated throughout this document what may be included in the Regulations of General Application, subject to the outcome of this consultation. Whilst the Regulations of General Application are not the subject of this consultation, in order to inform their development, we would welcome your views on anything else which should be covered?

Response:

The CJC development has involved discussion within the local government family, but it is less clear how much conversation has been held with other bodies that have an interest in advising on and supporting these functions that CJsCs will deliver. The RIA does not cost implications for other bodies who may need to be involved in the CJC or any sub-committees. It is important that whatever regional structure is decided that it is constituted to ensure delivery of the WFGA. In this context, should these partnerships be local government family, or the wider public service in Wales?

SECTION THREE – Governance and constitutional arrangements for CJsCs

Consultation Question Four:

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

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

Response:

We think ensuring that there is ability to involve any appropriate parties is important. See comment to Question 1& 2. Having the ability to co-opt would be important in case that expertise is required for the development and decision making around the three areas of strategic planning/economic well-being delivery, and particularly if those parties are going to be key to delivery including, Health Boards, the Fire service, the voluntary sector and NRW. Again, there may be useful learning from PSBs or other statutory partnership groups, on clarity of role and governance.

We think consideration should be made as to how the final decision is made in terms of ensuring that all strategies are considered from a WFGA perspective and whether the body itself has the relevant expertise from the LA's/NPA's or would need additional expertise. If so, these members may also need voting rights.

Whilst we welcome the recognition of the role National Park Authorities' (NPA) need to play in CJC's and strategic planning, we believe it would be beneficial if there were further detail on the role proposed for National Park Authorities in order to provide greater clarity and to address potential concerns regarding capacity and resourcing to fund and support the CJC's. For example, Brecon Beacons National Park would sit on 3 of the 4 CJC's as listed above and therefore may need to contribute finance and support to 3 of the CJC's.

National Parks have a statutory purpose to conserve and enhance natural beauty, wildlife and culture. It is important therefore that NPA's role in CJC's does not compromise but enhances their ability to achieve their statutory purpose. It will be important to be ensure that this does not compromise the ability of National Park Authorities to deliver their purpose and that any plan or strategy ,covering a National Park, developed and agreed by the CJC has regard to and reflects the statutory purposes of National Parks, thereby avoiding conflict at the Local Plan and development control stage .

Consultation Question Five:

- a) What are your views on the proposed approach of 'one member one vote' and the flexibility for CJC's to adopt alternative voting procedures?
- b) What are your views on the proposed quorum for CJC's?
- c) What are your views on the proposed approach to voting rights for co-opted members to a CJC?

Response:

We recognise that there is the ability for CJC's to agree their own rules around voting/weighting etc, but there needs to be clear steer around the 4 core components of the WFGA, to ensure the intent of the WFGA is met. The CJC would need to have enough and appropriate membership and scrutiny to show that the strategy/plans developed have considered equally in their development and decisions (i.e. no weighting on any of), the social, economic, cultural and environmental issues and opportunities. This is what will maximise contribution across all 7 Well-being goals for each of the 3 areas the CJC are responsible for, as is required by the WFGA.

If the membership is skewed in terms of the knowledge and experience across the 4 elements of sustainable development, and it's one vote one member, decisions taken may not lead to sustainable outcomes. There need to be clear public principles established for their operation and decision making. Also, any process that sits beneath the CJC producing the strategies would need to satisfy the CJC that all appropriate involvement and integration and non-weighted decisions had been taken. There is also a role here for the wider public service in Wales to second staff with relevant skills and knowledge and for tools to be established which make

assessment of decisions in line with the principles established under the Well-being of Future Generations and Environment Wales Acts.

As discussed in Q4 above with respect to National Parks Authorities, recent reviews by Welsh Government have demonstrated the critical importance of the planning function in the delivery of National Park Authority purposes. Given the Welsh Governments¹ ambitions for the National Park Authorities to be exemplars in responding to the Climate and Nature Emergencies, it will be important to ensure that their role at CJC's enhances this function for these internationally important designations.

The Brecon Beacons National Park Authority is already acting within the spirit of a CJC approach in developing the Local Development Plan for the National Park area to ensure consistent planning, decision-making and delivery of certain services on a Park-wide basis.

Consultation Question Six:

- a) What are your views on CJC's being able to co-opt other members and/or appoint people to sit on sub-committees?

Response:

This would be welcomed, particularly to ensure compliance with WFG – see comments in 1 & 4 and 5 above

We note and support the intention, as outlined in section seven, for the requirements of the Well-being of Future Generations (Wales) Act 2015 to apply to CJC's as they do to its constituent councils and other public bodies, and so the ways of working around collaboration, involvement and taking an integrated approach will be particularly important to consider in how CJC's are constituted and operate, to ensure they can deliver the WFGA duty.

Consultation Question Seven:

- a) Do you agree that the approach to co-option of members would enable wider engagement of stakeholders in the work of a CJC?
- b) What might be needed to support CJC members in the involvement and engagement of appropriate stakeholders in their work?

Response:

- a) Yes (see comments in questions above)

¹ Valued and Resilient – Welsh Governments Priorities for AONBs and National Parks, 2018

- b) *Training to ensure CJC fully understands requirements of the WFG Act and can thereby ensure appropriate membership and voting rules to 'maximise its contribution' through its activities, across the Shared outcomes for Wales (7 Goals)*
- c) *Provision of support in terms of models, methods and tools that support good practice in engagement and involvement. This may require specialist engagement provider services*
- d) *Support in terms of systems thinking and transformational change methods, tools and services.*

Consultation Question Eight:

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

No comment

SECTION FOUR – Finance, funding and budgetary matters

In calculating its budget requirements, the Establishment Regulations require a CJC to take into account any amounts it estimates it will receive from sources other than its constituent councils and National Park members. Where the estimated expenditure for each annual year exceeds the funding received from other sources this will form the budget requirement of the CJC.

Consultation Question Nine

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

Response

Consideration would need to be given to National Park Authorities ability to contribute, to mitigate against adverse impacts on their ability to deliver their statutory functions. This is particularly pertinent given the additional burden that responding to the C-19 pandemic has placed on the NPAs in terms of being on the

front line of managing public safety, communications, congestion and anti-social behaviour, whilst operating in a situation of reduced commercial income generation. This point is especially relevant to the Brecon Beacons NPA requirement to support the 3 proposed CJC's which cover that Park area.

Consideration should also be given to the potential resource requirements of the wider public service in Wales, including Natural Resources Wales, in terms of being co-opted, or providing advice or support. (See Q3 and 21).

Critically we can see the need for the work of CJC to drive strategic collaboration between public and private sectors to integrate outcomes for people and the environment. This will require financial collaboration, including mechanisms to support this approach.

Consultation Question Ten

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

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

No comment

SECTION FIVE – Staffing and workforce matters for CJCs

Consultation Question Eleven:

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

Consultation Question Twelve:

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

Response:

We believe this may be an opportunity for cross public sector leadership to come together, this could be through an executive level function. This will be critical if we are to get approaches to strategic development dealing systemically with challenges and opportunities.

Consultation Question Thirteen:

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

No comment

SECTION SIX – The functions to be exercised by the CJs

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

The function of preparing, monitoring, reviewing and revising of a Strategic Development Plan (SDP). These functions are set out in Part 6 of the Planning and Compulsory Purchase Act 2004 (as amended by the Bill).

The function of developing a Regional Transport Plan – that is the functions of developing policies for transport in, to and from the CJC area and developing policies for implementing the Wales Transport Strategy. These functions are set out in the Transport Act 2000.

The economic well-being function as provided for in Part 5 the Local Government and Elections (Wales) Bill. That is the power to do anything which the CJC considers is likely to promote or improve the economic wellbeing of its area. This will enable the principal councils, should they wish, to evolve the current regional approaches to the City and Growth deals into the CJC structures.

While the Bill provides for improving education to be one of the functions that Welsh Ministers can specify a CJC exercises this function is not provided for in these Establishment Regulations.”

“In relation to the strategic planning function, the details of the procedures for making and revising strategic development plans will be set out in the Town and Country Planning (Strategic Development Plan) (Wales) Regulations 2021, a consultation on which is being undertaken in parallel with this consultation. Should you wish to make any representations about those procedures, please do so via that consultation.”

Consultation Question Fourteen:

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

Response:

It is clear on what functions the CJs will exercise but the how (ways of working) is less clear, as is the relationship to other partnerships, for example other regional partnerships such as the Regional Partnership Boards under the Health, Social Care and Well-Being Act, and the local Public Services Boards (PSB's) (see earlier comments). It does refer to supporting local service delivery but doesn't clearly articulate where and how the relationship occurs to these other partnerships. This will be particularly important for PSB's, as these are able to and more are, working at a regional collaboration.

In respect of the how, our understanding from looking at the Strategic Development Plan consultation (as an Advisor into the Planning system), is that the work to develop the strategies and programmes would occur beneath the CJC and be where the integration and involvement and long term thinking occur, as required by WFGA. For the planning system this would allow us to feed in the environmental advice, but we are less clear (as discussed in responses above) how this would work on transport and economic well-being and on how the environment is scrutinised equally at decision making on these functions). NRW is now involved on some of the economic development fora established across Wales, a relatively recent development, but greater clarity is required on the potential role of NRW in providing evidence ,advice and support, should the work of City deals and Regional Economic Frameworks move under the CJC as suggested.

We would welcome an opportunity to meet to discuss our potential role together with any resource/cost implications to NRW from the establishment of CJC`s. For example it may be that it is more resource efficient for us to operate at a CJC footprint across the 3 functions, but it is currently difficult to understand the reality of this from the consultation, as it is unclear where an organisation outside of the local government family would play its part. It would also be influenced by the relationship to PSBs where NRW already provides senior leadership (deputising for the CEO) to 19.

It will also be important that the plans and strategies produced should consider plans of those local partnerships, for example Well-being plans and National Park and Areas of Outstanding Natural Beauty Management Plans.

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

No Response

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

Response:

The State of Natural Resources Report 2020 (NRW published the first Stage Dec 2020) highlights the need for urgent system transitions, particularly around food, transport and energy if we are to shift to a regenerative economy, one that doesn`t make worse the current situation for natural resources but positively improves it. The CJC`s have a clear role in relation to considering the transport system, but their role in driving transformational change to energy and food systems and decarbonisation is unclear, unless it features under their Economic Well Being function. It may be that the CJC is key to making or driving system transitions at this scale and their role in relation to energy and food systems for example, should be formally acknowledged in their functions.

“We have already discussed that the Establishment Regulations enable CJs to adopt a sub-committee model should it wish to do so including to delegate some of its functions. It would be for the CJC to determine the arrangements, including membership and voting rights, of its sub-committees as it sees fit.

While there is broad discretion on what a CJC can choose to delegate to a subcommittee we believe there are a small number of decisions which need to be made by the CJC itself. For example: agreement of budgets; the adoption or approval of plans or strategies (including the Regional Transport Plan and Strategic Development Plan); and consideration of any reports required by statute. It might be appropriate for the Establishment Regulations therefore to prevent the delegation of such matters and we would welcome your view on this as part of this consultation.”

Consultation Question Fifteen:

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

Response:

We welcome in the regulations the flexibility described above, as this would allow for many of the questions we've raised above about wider body involvement and input to decision making, as well as planning and scrutiny, to be addressed. We think it is important however, that wherever the decision is taken on the functions being delivered by the CJC, that this is constituted to be compliant with the WFG Act (whether that's the CJC or a sub-committee). However, the issues for the running of the CJC as you describe in terms of budgets, and others you have mentioned elsewhere, such as codes of conduct, staff policies etc, would appear to be something for the CJC itself.

Approach to transfer of the exercise of these functions

CJs will also have the economic well-being function from the point at which they are established. It is recognised that there are existing structures and arrangements at a regional level which promote and encourage economic well-being and it will be for the CJC and its constituent councils to consider the transition of existing regional arrangements such as the City / growth deals should they choose to bring these activities within the remit of their CJC. However, we would be interested to consider how the Welsh Government might be able to facilitate or support any transfer in this regard. We would welcome views as part of this consultation, particularly what issues might require resolving in moving from the current Joint Committee approach to a CJC

Consultation Question Sixteen:

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

Response:

As discussed above; NRW sit on some of the regional economic fora – understanding the transfer arrangements and future role and commitments would be important. This may apply to other organisations too.

SECTION SEVEN – CJs and duties as a Public Body

The intention is that CJs should also be treated more generally as a ‘public body’ and would therefore be captured by, or required to meet duties under, a number of existing pieces of legislation.

This might include for example:

- **The Well-being of Future Generations (Wales) Act 2015** – which provides for a single principle (‘the sustainable development principle’) to guide the exercise of functions of specified public bodies to consider how they are meeting the needs of current generations without compromising future generations, to better address long term challenges such as inequalities of outcome.

- **The Equality Act 2010** - which makes it unlawful to discriminate against those persons with a protected characteristic under the 2010 Act. The Act places a ‘due regard’ duty (Public Sector Equality Duty) on public bodies to ensure that advancement of equality of opportunity is a key consideration when carrying out their functions. The Act also provides for a Socio-Economic Duty (proposed for commencement in Wales in 2021) which requires specified public bodies, to consider how their decisions might help reduce the inequalities associated with socio-economic disadvantage.

- **The Welsh Language Standards** – which gives Welsh-speakers improved, enforceable rights in relation to the Welsh language. They do this by imposing standards on organisations in relation to service provision, policy making, operations, promotion and record keeping.

- **The Environment Act 1995** - which places a duty on certain public bodies to have regard to the purposes for which National Parks were designated.

- **The Environment (Wales) Act 2016 (Section 6)** – which requires a public authority to seek to maintain and enhance biodiversity in the exercise of functions in relation to Wales, and in so doing promote the resilience of ecosystems

- **Children and Families (Wales) Measure 2010** – which makes provision about contributing to the eradication of child poverty, and about arrangements for the participation of children in decisions that might affect them.

Where possible, and subject to the requirements of the relevant legislation, the application of relevant legislation in this case will be done through the Regulations of

General Application rather than the Establishment Regulations. However, we would welcome your views on the intended approach.

Consultation Question Seventeen:

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

Response:

Being subject to the WFGA will be essential if we are to realise a sustainable Wales. As part of the Public body landscape in Wales they need to meet the duties of the WFG, and the other legislation and duties listed are all part of contributing to doing that. We welcome recognition of their need to contribute to the Biodiversity Duty under the Environment Act 2016. They should also be required to have regard to the latest SoNaRR 2020 and Area Statements. It would also be helpful to understand as mentioned elsewhere in our response, the relationship with PSBs and their local well-being assessments and well-being plans. Again, it would seem relevant for these to inform, and be informed by, the Strategic functions of CJs.

Whilst currently NRW has the duty under the Environment Act to deliver SMNR, this actually requires integrated action from all sectors. We understand that WG may be exploring widening this SMNR duty to other public bodies. This is something that in carrying out the functions as identified, CJs should be considering, as well as the biodiversity duty. This is why NRW's involvement, advice and evidence such as SoNaRR 2020 and Area Statements to inform the work of CJs is so important.

Other relevant policy or strategy to be considered could include:

<https://gov.wales/sites/default/files/publications/2019-06/natural-resources-policy.pdf>
https://gov.wales/sites/default/files/publications/2018-06/woodlands-for-wales-strategy_0.pdf
https://gov.wales/sites/default/files/publications/2019-06/low-carbon-delivery-plan_1.pdf
https://gov.wales/sites/default/files/publications/2019-11/welsh-national-marine-plan-document_0.pdf
<https://gov.wales/sites/default/files/publications/2019-05/towards-zero-waste-our-waste-strategy.pdf>

and the Green Recovery proposals.

SECTION EIGHT – Implementation

The Establishment Regulations require that each of the CJs established must hold its first meeting by the end of September 2021.

There is an offer of WG support regarding the setting up and transition, “this might include supporting CJs in meeting their set up costs in the short term.”

“It might also be appropriate to provide some support in advance of any CJC being established to support the transition process”.

Consultation Question Eighteen:

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

Response:

*Any transition arrangement or support needs to reflect the need to support **all bodies** engaged in the current, and therefore future, partnerships to make this transition.*

NRW would welcome an opportunity to meet to discuss how best to support development and transition together with understanding the level of resource (staff and financial) required to ensure an appropriate level of input and seniority of representation.

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

Response:

Structure and training that ensures they can meet the requirements constitutionally and functionally with respect to the WFG Act. Awareness on SoNaRR 2020 and SMNR.

We encourage the Welsh Government to consider what additional guidance or training should be provided to the CJsCs to enable them to make decisions for strategic planning that ensures the National Park purposes.

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

Response:

Clear understanding of their duties with respect to WFG and other duties, including those under the Environment Act, clarity on structure, membership supporting processes for assessment and compliance and responsibilities in their decision making and voting. Clear structure and process for shared funding. We also believe the CJC need a clear understanding of the role of others and how they can engage and collaborate more widely to discharge their duties and accountabilities.

Guidance

“It is recognised that whilst regional working is not new for local government the CJC model is. It may be helpful therefore to provide guidance to support the establishment of CJCs. Initially the intention would be to focus on guidance around the constitutional, governance, finance and staffing arrangements with function specific guidance provided at a later date as and when required.

The approach to the development of the CJC model to date has been one of co-development and collaboration with local government. The intention is to continue with this approach in the implementation of the Establishment regulations and in the development of any guidance to CJCs.”

Consultation Question Nineteen:

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

Response:

Yes, particularly for and where bodies outside of local government are to be involved and for all in Wales to be clear on their role/purpose and governance.

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

Response:

As above, we think guidance, informed by evidence such as SoNaRR 2020, should provide advice in relation to WFGA requirements, the Sustainable Management of Natural Resources, and how to embed decarbonisation and biodiversity across the functions of CJC`s. The Future Generations Commissioners five-year report and recent WAO reports identify that the WFG is not necessarily fully understood by all, including interpretation of the goals. From our perspective the critical ones highlighted that relate to these functions and role of CJC`s are the Resilient Wales goal and the Prosperous and Global goals. Therefore, we think awareness of and understanding around the sustainable management of natural resources (SMNR) and the latest SoNaRR 2020 would be beneficial. We would be happy to provide support around this.

Also, guidance on how the local and other regional partnerships relate to the strategic planning and vice versa. What information or local/needs assessments should inform the strategic plans, e.g. from PSBs and RPB`s etc. How marine and terrestrial planning interrelate.

Guidance on what impact assessments may be required for any plans/programmes or strategies, e.g. EIA, SEA, HRA, EqIA, HIA, etc. Having this upfront in guidance would be helpful as there is often debate, which can delay work happening.

General

Consultation Question Twenty:

- a) How can the Welsh Government best support principal councils to establish CJs?
- b) Are there areas the Welsh Government should prioritise for support?
- c) Is there anything that CJs should/should not be doing that these Establishment Regulations do not currently provide for?

Response:

In addition to integrating WFGA, SMNR, decarbonisation and biodiversity with the functions of CJC's, guidance should ensure that the statutory purposes of National Park Authorities are supported and enhanced. Any weakening could risk the IUCN Category V international status of Welsh National Parks and potentially Wales' ability to meet 30x30 UK target and Convention on Biodiversity (CBD) Aichi targets.

SECTION NINE – Supporting Documents

To help assess the potential impact of establishing the CJs outlined above we have published the following draft documents in support of the regulations:

- A Regulatory Impact Assessment (RIA)
- An Integrated Impact Assessment (IIA)

Consultation Question Twenty One:

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

Response:

Whilst 140. Of the RIA says: As with Option 1, costs may be incurred by other bodies and organisations under Option 2 as a result of setting up new regional bodies such as a CJC.

We couldn't see any consideration in the RIA for the costs to those other bodies or organisations. It will be essential to have some indication for those bodies, i.e. if this would be an increase in work, the same, or a reduction (more efficient), so that those organisations could also better understand the implications of the regulations and the proposals could be more accurately costed and therefore impact assessed.

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

Response:

Whilst we don't have actual costs to provide at this time, we have senior manager representation at some existing economic and transport fora, all 19 PSBs and we provide a statutory advisor role into the planning process, so there would be implications for us from a resourcing and funding perspective.. But to understand and calculate this better we would need to be clearer on our role in supporting CJC's at officer and member level. We would welcome an opportunity to discuss this further.

Welsh Language Questions**Consultation Question Twenty Two:**

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

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

No response

Consultation Question Twenty Three:

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

No response

Anything else?**Consultation Question Twenty Four:**

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

Response:

We understand from a recent Written Statement on the Regional Investment Framework that CJC's are intended as the mechanism for distribution of this funding.

“The Cabinet has therefore agreed to transfer as much decision-making and prioritisation to local areas and regions as possible. This will enable them to continue to develop their own distinctive strengths and opportunities and play a significantly greater role in allocating funding and managing portfolios of distinct regional projects. To do this we will work with the regions to build on their existing and emerging governance arrangements and provide them with the adequate legal framework and enough support so that they are empowered to deliver these wider large-scale investments. Our intended mechanism is the proposed Corporate Joint Committees (CJCs) under the [Local Government and Elections \(Wales\) Bill currently before the Senedd](#) and the [regulations that are out to consultation](#). The CJCs will enable regions to prioritise funding allocations and portfolios of integrated interventions, in a way that is aligned both with this Framework and with the Regional Economic Frameworks currently being co-designed with stakeholders in partnership with the Welsh Government’s Chief Regional Officer teams. “

It is therefore vitally important that the membership of the decision-making processes sufficiently reflect the four WFGA elements and are governed to ensure maximising contribution to the Well-being goals, as required by the WFG Act.

Funding across Wales needs to align to delivery of the shared outcomes under the WFGA through these integrated interventions. We are unclear from these regulations, how well the make-up of CJC’s and its voting arrangements will ensure this. The guidance proposed could therefore also usefully include explanation of the role around this fund and the opportunity for integration with and distribution of other funds, for example the funding mechanisms proposed in the Agriculture (Wales) Bill White Paper Consultation to support delivery of integrated outcomes.

As per our comments in Q1, we would ask if a ‘local government family’ partnership is the most appropriate regional configuration for delivery of the activities identified. Strategic planning for transformational systems change to meet the needs of the Climate and environment emergencies (both impacting society and economies), requires social and economic system change and this requires the public sector family in Wales and others to be part of this. Where and how would Health Boards, NRW, the Fire and Rescue Service, RPBs, etc. all fit into and inform and decide on these strategic plans being produced by the CJC’s? How will these mechanisms ensure we are maximising the contribution across all 7 goals in the WFGA?

The regulations and guidance would need to make clear how the mechanisms proposed would deliver this. And the support packages required to support that transition.

We also wonder if there is proposed any arrangements for National overview of the CJC’s, in terms of delivering cumulatively the national outcomes sought, and again if there would be any role for NRW in such an overview process?

Given the role proposed for CJCs in relation to the delivery of regional investment in Wales it would be useful to clarify the potential role of current organisations such as WEFO, in any future overview arrangements.