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# REPORT TO THE NORTH WALES CORPORATE JOINT COMMITTEE

## 24 March, 2023

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**TITLE:** Resourcing of statutory functions  
**AUTHOR:** Alwen Williams, Interim CJC Chief Executive

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### 1. PURPOSE OF THE REPORT

- 1.1. The report sets out and seeks endorsement for the Corporate Joint Committee (CJC) delivery model of statutory functions, 'immediate duties' prescribed in the legislation, proposed to be delivered through the CJC, and commencing in 2023.

### 2. DECISION SOUGHT

- 2.1. That the Corporate Joint Committee approves the initial staff structure set out in **Appendix 2**.
- 2.2. That the Committee delegate authority to the Interim CJC Chief Executive in consultation with Gwynedd Council Human Resources Service and in accordance with the Corporate Joint Committees Pay Policy Statement and in relation to the Planning and Transport posts:
- Complete the necessary Job Descriptions and Personal Specification for the posts
  - Confirm the evaluated salary scale
  - Advertise and recruit the posts.
- 2.3. That the Committee endorses a virement of the remained transport staffing budget equivalent to 1 x FTE Transport Officer approved in January to costs associated with the consultative requirements of the Regional Transport Planning process.
- 2.4. That the Corporate Joint Committee receives a future paper to recommend a preferred option for the delivery of an 'Economic Wellbeing' function, which will include the option for the transitioning of staff associated with the current Ambition North Wales Portfolio Office.

### 3. REASONS FOR THE DECISION

- 3.1. Welsh Government have already commenced an initial consultation on Statutory Guidance for the statutory plans which will lead to an implementation timetable. The Corporate Joint Committee now requires professional staff capacity to respond appropriately and lead in respect of statutory Transport and Planning duties.
- 3.2. The Corporate Joint Committee needs to establish the model for providing staff capacity in order to carry out its statutory functions.

## 4. BACKGROUND AND RELEVANT CONSIDERATIONS

- 4.1. In accordance with Welsh Government regulations, the four Corporate Joint Committees in Wales have three initial functions to be discharged by the CJC, two of which are mandatory. This report focusses only on the two mandatory functions which are now in force:
- the CJC must prepare, monitor, review and revise a regional Strategic Development Plan.
  - the CJC must develop a Regional Transport Plan with policies for regional transport and keep it under review.
- 4.2. Unlike traditional joint committee arrangements, the CJC is a separate statutory body which is directly subject to a range of local government legislative requirements and has the legal status to employ staff, enter contracts and hold assets.
- 4.3. The timetable to discharge these 'immediate duties' remains challenging. Welsh Government have already commenced unofficial consultation on Regional Transport Plan guidance with professional officers.
- 4.4. The democratic governance model has been established in the form of two subject area sub-committees. This paper relates to the provision of professional support for each function.

## 5. CONSIDERATIONS

- 5.1. The options paper in **Appendix 1** outlines feasible options available to the CJC in order to properly support and discharge its legal functions.

### a) Do Nothing

- Given that the CJC is established and has statutory duties to deliver a Strategic Development Plan and a Regional Transport Plan, there is no 'Do Nothing' option for these two functions, and 'do nothing' has not been reviewed further.

### b) Service level agreement with 'Lead Authority'

- Governance, management and support structures coupled with expertise in transport and planning already exists within local authorities. However, we have a real challenge of resource capacity across all local government functions, with local authorities reporting difficulty in recruiting and retaining the skills required, particularly in Transport and Planning.
- This option could lead to (or deem to have) a county bias and/or political pressures from the politicians in the local authority area if all staff developing regional plans are based and managed solely within one Council.
- Likewise, 'other' local priorities may distract officers from CJC duties.
- Lead Authority officers would be serving the CJC and its requirements, therefore the CJC would still require Lead Officer ("intelligent client") roles to be appointed and other staff assigned / recruited to the CJC.
- With weaknesses outweighing the strengths, the results of the options appraisal did not favour the option to engage in service level agreements with a lead authority.

**c) Recruit to posts directly employed through the CJC**

- This option allows for a true regional approach, creating a focussed and impartial regional team for the delivery of the CJC functions. It enables the team to be solely focussed on the regional delivery of its functions, and not distracted by day-to-day local authority administration.
- It creates real impartiality for the region, by not being 'hosted' within a local authority and working without political distraction at a local level, whilst providing a framework for collaboration at a regional level.
- Opens out access for a wider recruitment pool and might respond to staff reductions at a local level.
- Avoids additional burdens for local authority staff, allowing them to continue to concentrate on the local delivery element of their roles.
- However, this option does not come without its challenges, mostly centred around the need to start a new team, and as a "new" team, they may not have local knowledge of transport/planning across the region, this may take time and effort to develop (with support from the LAs).
- The options appraisal also highlighted the threat of recruitment delays due to the need to create structures, and indeed the recruitment process itself, highlights that this option is not a 'quick fix', thus further amplifying that should this be the preferred way forward action to progress needs to happen quickly.
- Although strengths and weaknesses for this option are equal in number, the opportunities created in terms of an impartial regional approach and longer-term opportunities put stronger weighting in favour of recruiting directly to the CJC.

**d) Engage Consultants**

- Both the Regional Transport Plan and the Strategic Development plan will have a requirement to commission consultative support during their development. This option was reviewing whether it is an option that the task in its 'entirety' could warrant the use of consultants.
- This option would provide impartiality and would reduce the likelihood of losing key local authority staff to the CJC and the work of the CJC.
- It gives us the opportunity to (pending procurement) quickly bring in the specialisms and expertise required to deliver the function output and doesn't require the need for new management structures (other than the client role).
- However quick start-up could be at a cost of any subsequent work being at additional cost to the CJC, while Welsh Government continue to refine the brief; and there remains the requirement to address who coordinates the work of any consultants. It would still need a professional intelligent client within the CJC or for a local authority to commission and contract.
- Notwithstanding this is a very high-cost option, across Transport and Planning in particular. If the 'brief' is defined, then any add-ons would mean additional cost, with external consultants having a fee/profit motive.

- Over reliance on consultants can lose expertise, sustainability, and succession within the region, the economic benefits of employing professional staff within the region will be lost. Reliance on Officers to check the work and steer the consultant would still be needed.
- With a lack of 'buy-in' on a long-term basis and the threat of the successful tender being from a firm with no real local knowledge and no real buy-in to the vision for the region, or indeed nationally for Wales.
- The results of the options appraisal did not put the option of consultants undertaking the work of the function in its entirety as the preferred option, however, it did raise that there may be an opportunity for a hybrid model of recruit minimum core team and consultancy support. It is in fact this preferred approach that has been highlighted for the Transport function. Consultants can address the need for specialism and expertise, whilst coordination, local knowledge. Intelligent client and sustainability can be maintained through the core team.

- 5.2. Aside from the immediate requirements to begin delivering both the Planning and Transport functions, there is a need to manage those statutory functions and it's staffing; the expectations of the CJC and the Welsh Government. The Interim Chief Executive for the CJC is currently only a part time basis agreement, The Statutory Functions Manager will manage these functions as well as support the CEO in continuing to develop and shape the CJC for the region. The role has been identified in parity with the Head of Operation's role which sits within Ambition North Wales, this will support the longer-term overall future CJC staffing structure and ease the transition of the Ambition Board functions at a future date.
- 5.3. Initial scoping of the Regional Transport Planning (RTP) Guidance indicates the original assumption of 2 x FTE Transport Officers should be revised. It is believed that key parts of this process can be undertaken through the appointment of consultants to carry out this work. In summary this is because the work of preparing a Regional Transport Plan is very prescribed and in timescale terms a relatively compact process. Once the Plan is adopted the level of work required to keep it under review would not justify retaining a full team to support this function. Notwithstanding there will remain the need for immediate recruitment of a Senior Transport Officer to act as the CJC RTP Lead for the region; providing technical advice, managing and monitoring the consultants work, supporting the sub-committee, acting as the single point of contact for regional transport across partners, monitoring and reviewing the final Regional Transport Plan and supporting the region in obtaining transport funding and projects in order to deliver against the approved plan.
- 5.4. Strategic Development Planning (SDP) is a five-year process, it is anticipated Wales Corporate Joint Committees will need to approve their Strategic Development Plans between 2028 and 2030. Across the region we currently have Local Development Plans at differing points in their lifecycle. It is anticipated that the first iteration of the Strategic Development Plan will be the bringing together of those Local Development Plans. Work will need to begin in period 23/24 to recruit the Senior Planning Officer to post to act as the CJC SDP Lead for the region, consulting on guidance from Welsh Government and mapping out the work programme required to meet the needs of the Strategic Development Plan.
- 5.5. Historically recruiting to post in both Planning and Transport has been challenging across the region. There is a need to begin recruitment processes with immediate effect particularly given the 12-month deadline to develop a Regional Transport Plan.

## **6. FINANCIAL IMPLICATIONS**

- 6.1. The 13<sup>th</sup> January CJC meeting approved budgetary provision for the recruitment of 3 x FTE Planning staff and 2 x FTE Transport staff, and their associated costs. No additional budget is sought at this juncture.

## **7. LEGAL IMPLICATIONS**

- 7.1. The North Wales Corporate Joint Committees (Wales) Regulations 2021 brought the Statutory functions referenced in the agreement into force. In relation to the Strategic Development Plan and Regional Transport Plan this places the statutory duty to prepare and adopt these plans in the hands of the CJC. The actual implementation and the timetabling will be ultimately mandated by Welsh Government and that process and discussion has now commenced. The CJC therefore needs to start addressing how it will resource the delivery on these functions and the related procedures and timetables which will need to be complied with in relation to these matters which are of significant public interest.

## **8. IMPACT ASSESSMENTS**

### **8.1. Equality Act 2010**

In accordance with the legal duties under the Equality Act 2010, when making decisions, the Corporate Joint Committee must pay due attention of the need to:

- (1) abolish unlawful discrimination
- (2) promote equality of opportunity, and
- (3) foster good relationships based on the protected characteristics.

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

The Well-being of Future Generations (Wales) Act 2015 is about improving the social, economic, environmental and cultural well-being of Wales. The act places a well-being duty on public bodies that is aimed at achieving 7 well-being goals, namely a prosperous, resilient, healthier, more equal Wales with cohesive communities, vibrant culture and thriving Welsh language, and that's globally responsible. By paying attention to the context, the recommendations are compatible with these duties.

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## **APPENDICES:**

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| <b>Appendix 1</b> | Options Appraisal       |
| <b>Appendix 2</b> | Interim Staff Structure |
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## STATUTORY OFFICERS RESPONSE:

**i. Monitoring Officer – Host Authority:**

“The statutory context for delivering the functions is set out in the report. By virtue of its Legal status the CJC has the means to employ it’s own stand. In addition it has also established the frameworks such as a Pay Policy to achieve this. The recommendations in the report provide for the establishment of the staff structure and appropriate delegation to move forward with appointments. The report references the proposed transfer of the North Wales Economic Ambition Board that will involve a joint project with the Constituent Authorities and other partners to establish the nature and form any transfer . Any report to the CBC will be a product of this work.”

**ii. Statutory Finance Officer (the Host Authority’s Section 151 Officer):**

“I can confirm that the proposed structure is consistent with the 2023/24 Budget that was set on 13 January 2023. As the posts have not yet been evaluated, there is a risk that the pay scales may differ from what has been budgeted for and if that happens, appropriate action will need to be taken including consideration of the structure or virements between budget headings. That is normal procedure in budget management and is not a barrier to progressing, and I support the decision sought as it is necessary to move forward promptly in accordance with statutory requirements.”

## APPENDIX 1. OPTIONS APPRAISAL

### 1. Do Nothing

**Overview:** Given that the CJC is established and has statutory duties to deliver a Strategic Development Plan and a Regional Transport Plan, there is no 'Do Nothing' option for these two functions, and 'do nothing' has not been reviewed further.

### 2. Service Level Agreement with a 'Lead authority'

**Overview:** One option may be to identify a 'lead authority' from the region to provide officer support for each of the required functions. 'Lead authorities' with commitment, resources, expertise, and enthusiasm could be chosen to deliver on:

- Strategic Planning
- Regional Transport

Consideration will be needed on what additional resources (if any) a lead authority will require to provide that service commissioned from them.

Strengths and Opportunities	Weaknesses and Threats
<ul style="list-style-type: none"> <li>• Expertise for transport and planning exist already within local authorities. Pertaining to planning and transport, experience of developing transport plans and development plans is already present.</li> <li>• Governance, Managerial and support structures are already developed and operational e.g. finance/procurement/transport/planning. Less need for structural reorganisation.</li> <li>• An opportunity for two of the local authorities to take the lead on key CJC functions.</li> </ul>	<ul style="list-style-type: none"> <li>• Resource capacity is scarce across all local government functions, with local authorities reporting real difficulty in retaining/recruiting the skills required, particularly in Transport and Planning. This is largely due to the difference in salary/pay with private industry and recent losses of key staff to other LA's and Transport for Wales.</li> <li>• There could be deemed a county bias (lack of impartiality) and/or political pressures from the politicians in the local authority area if all staff developing regional plans are based and managed solely within one Council.</li> </ul>

<ul style="list-style-type: none"> <li>• It is not a secret that adopting the concept of a CJC has not been an exciting concept for many of the local authorities. Having a lead responsibility for a function may go a long way to building buy-in for the CJC. (Notwithstanding that this may also be a threat in that it will be deemed by some as creating more work for their respective authorities and departments).</li> <li>• The 'lead authority' would provide office space and ICT equipment for officers to carry out their duties at a competitive rate.</li> </ul>	<ul style="list-style-type: none"> <li>• Officers would be serving the CJC and its requirements, the CJC would still require Lead Officer ("intelligent client") roles to be appointed and other staff assigned / recruited to the CJC.</li> <li>• 'Other' local priorities distracting officers from CJC duties.</li> <li>• There is a very real threat of being unable to effectively source the additional required resource to deliver - leaving lead authority staff to work way above reasonable capacity in order to deliver. This can lead to an increase in sickness levels, stress and ultimately the loss of valued staff to our organisations, while the lead authority would still be contracted to deliver.</li> <li>• Local Authorities not leading on a function may be left feeling sidelined, which can lead to barrier building and a difficult regional working environment.</li> <li>• The client / contractor relationship would need to be resourced in this model. Recruitment risk would be held by service provider under service contract arrangements. Equally the redundancy liability would lie with the host authority should the arrangement come to an end.</li> <li>• The CJC would need relationship management capacity to support its governance which might duplicate manager level roles.</li> </ul>
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### 3. Recruit staff directly to the CJC

**Overview:** The CJC has been set up in such a way that it is able to recruit its own staff in order to deliver its functions. Should this be chosen as the preferred way forward, due consideration will be needed to options around both supporting applications for secondment from staff from any of the 6 authorities and recruiting new staff. This option will also mean direct costs for office space and ICT equipment for staff to carry out their duties, as well as consideration for pensions/redundancies/annual leave etc.



Early work on scoping the staffing needs in late 2021 indicated the following requirements:

- **Strategic Development:** FTE Planning Lead Officer + 2 x FTE Senior Planning Officers
- **Regional Transport:** FTE Transport Lead Officer + FTE Senior Transport Officer

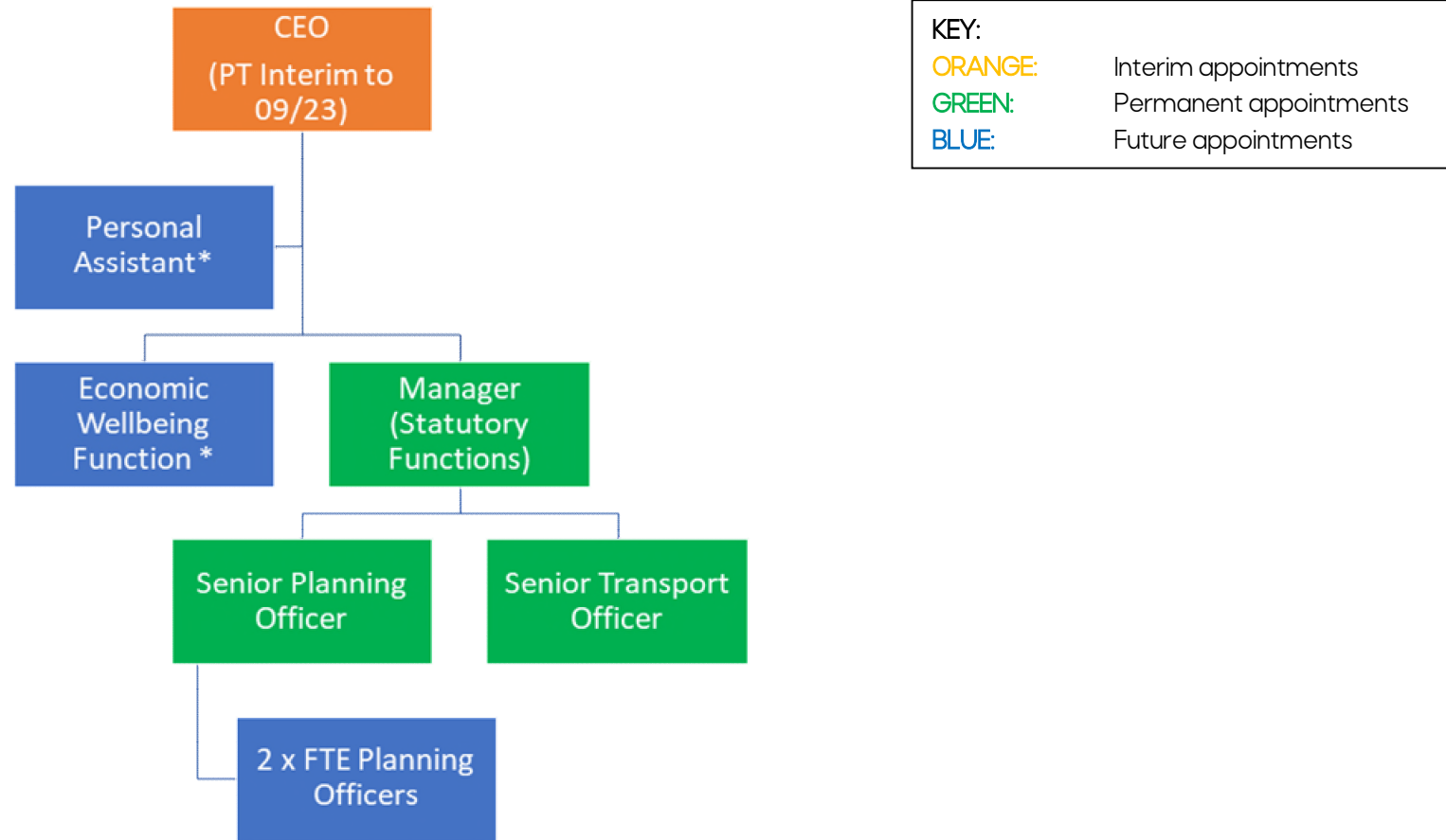
Strengths and Opportunities	Weaknesses and Threats
<ul style="list-style-type: none"> <li>• Allows a true regional approach, creating a focussed and impartial regional team for the delivery of the CJC functions. <ul style="list-style-type: none"> <li>– Enables the team to be solely focussed on the regional delivery of its functions, and not distracted by day-to-day local authority administration.</li> <li>– Creates real impartiality, by not being 'hosted' within a local authority and working without political distraction at a local level.</li> <li>– Draws together the best people for the job.</li> <li>– Provides a framework for collaboration at a regional level</li> </ul> </li> <li>• Allows for wider recruitment pool and might respond to staff reductions at local level.</li> <li>• Avoids additional burdens for local authority staff, allowing them to continue to concentrate on the local delivery element of their roles.</li> <li>• Provides certainty over delivery and reduces risks to the CJC and Local Planning Authorities (LPA).</li> <li>• Implements the WG policy vision and opens opportunities to secure further WG funding opportunities.</li> <li>• Takes the opportunity to build a regional hub of expertise and a central team which can be built upon in the future, to support cost saving plans across the region. This could even be worked on a commercial basis.</li> </ul>	<ul style="list-style-type: none"> <li>• This option means starting a new team from scratch. All elements from job evaluation, recruitment, pensions, office location, ICT equipment, governance and reporting structures will need to be developed before we can progress with this option.</li> <li>• Equally, if it is a completely "new" team, they may not have any local knowledge of transport across the region, and this will take a lot of time and effort to develop (with support from the LAs).</li> <li>• This option may mean a high-cost implication unless allied to scale economies e.g., transfer of Portfolio Management Office.</li> <li>• Recruitment delays - the need to create structures, job description, job evaluation, advertising, interviewing, potentially re-advertising on multiple occasions. This option will not be a quick fix.</li> <li>• There are different risks with roles being fixed-term or permanent to consider. <ul style="list-style-type: none"> <li>– Permanent posts will raise questions about what we do with the posts once for example the RTP has been delivered? Who is liable for the costs subsequently?</li> <li>– Likewise Fixed-term posts may not attract the kind of candidates we'd wish for or indeed any at all.</li> </ul> </li> </ul>

#### 4. Contract Consultants

**Overview:** It may be possible that a great deal of the work/resource for delivery of some of the functions can be achieved through contracting with consultants. However, this option will still require a level of coordination internally, be that through a lead authority or directly through the CJC.

Strengths and Opportunities	Weaknesses and Threats
<ul style="list-style-type: none"> <li>• Reduces the likelihood of losing key local authority staff to the CJC and the work of the CJC.</li> <li>• A clear scope and focus, if the 'brief' is defined.</li> <li>• Creates impartiality, by not being 'hosted' within a local authority.</li> <li>• An opportunity to bring in the specialisms and expertise required to deliver the function output.</li> <li>• No need for new management structures (other than the client role).</li> <li>• Quick start-up pending procurement processes.</li> <li>• Opportunity to utilise the specialism and knowledge to upskill the region.</li> <li>• It is inevitable that both the planning and transport functions of the CJC will require an element of consultancy work during the development of the plans.               <ul style="list-style-type: none"> <li>– There may be an opportunity for a hybrid model of recruit minimum core team + consultancy support.</li> <li>– Consultants do address the need for specialism and expertise, whilst coordination, local knowledge and sustainability could be maintained through the core team.</li> </ul> </li> <li>• Partial use of consultants may address recruitment gaps or delays.</li> </ul>	<ul style="list-style-type: none"> <li>• A very high-cost option, across Transport and Planning in particular.</li> <li>• If the 'brief' is defined, then any add-ons would mean additional cost, with external consultants having a fee/profit motive.</li> <li>• Over reliance on consultants can lose expertise, sustainability, and succession within the region.</li> <li>• There remains the requirement to address who coordinates the work of any consultants. Would need a professional intelligent client within the CJC or in a local authority to commission and contract.</li> <li>• Reliance on LPA officers to check work and steer consultants' input.</li> <li>• Quick start-up could be at a cost of any subsequent work being at additional cost to the CJC, while WG continue to refine the brief.</li> <li>• Lack of 'buy-in' on a long-term basis.</li> <li>• Delays in set-up / procurement which would still require LA support.</li> <li>• Less experience with Member liaison and issues of trust.</li> <li>• The threat of the successful tender being from a firm with no real local knowledge and no real buy-in to the vision for the region, or indeed nationally for Wales.</li> <li>• Economic benefits of employing professional staff within the region may be lost.</li> </ul>

## APPENDIX 2. INTERIM STAFF STRUCTURE



\* Denotes staffing associated with the current Ambition North Wales Portfolio Office which may form the 'Economic Wellbeing' function of the CJC in the future. A paper on this transition will be presented to the Committee during Quarter 1: 2023/24.