



NORTH WALES CORPORATE JOINT COMMITTEE

22 March, 2024

TITLE: Update on the progress and transfer of functions to the Corporate Joint Committee, and arrangements for the initial extension of current secondment and subsequent appointment of the Chief Executive

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1. PURPOSE OF THE REPORT

- 1.1. The purpose of the report is to present an update on progress to establish the Corporate Joint Committee (CJC) and to implement its statutory duties and functions.
- 1.2. The report also sets out a proposed plan in relation to the CJC's Chief Executive's current secondment arrangement which concludes on 31 March, 2024 and proposal for appointment as of 1 July, 2024.

2. DECISION SOUGHT

PART A:

- 2.1. To note the update on work to establish the North Wales CJC including progressing the Regional Transport Plan (RTP) and the Strategic Development Plan (SDP) implementing the statutory duties and functions of the CJC; and establishing a North Wales CJC Implementation Project.

PART B:

- 2.2. To agree an extension of the current arrangement, for Alwen Williams' part-time secondment to the CJC Chief Executive role, up to the end of June 2024.
- 2.3. Subject to the formal completion of the current TUPE consultation with North Wales Economic Ambition Board staff, to confirm the proposed transfer and appointment of Alwen Williams as the Corporate Joint Committee's Chief Executive as from the 1 July, 2024.

3. REASON FOR THE DECISION

3.1. In December 2021/January 2022, the Cabinet and Executives in each of the six Local Authorities agreed, in principle, that the functions of the North Wales Economic Ambition Board should be transferred by way of a delegation agreement to the CJC. Decisions in Part A and B will enable this transfer to be initiated and completed. The statutory framework and the establishment of the CJC mean that the proposed transfer needs to be progressed.

4. BACKGROUND AND RELEVANT CONSIDERATIONS

4.1. Establishment of the CJC is a legal requirement and timetables to discharge the statutory duties prescribed in the legislation - to produce a Regional Transport Plan and a regional Strategic Development Plan are pressing. **Appendix 1** provides an update on these items. The Case for Change for the Regional Transport Plan is a separate item for discussion at this meeting.

4.2. Progress to date has been achieved by means of an interim part-time Chief Executive Officer, a secondment from Welsh Government with legal and financial service provided by Cyngor Gwynedd to fulfil the statutory officer responsibilities for the CJC. The recommendation in this report seeks to extend these arrangements to allow the proposed plan and timetable for the transfer of the North Wales Growth Deal to the North Wales CJC to be completed.

4.3. Under the Welsh Government's Regulations, while developing proposals and discharging its duties, the CJC will be subject to the Equalities Act, Future Generations Act, language standards under the Welsh Language Measure 2011, and other legislation, in the same way as local authorities.

5. PART A - PROPOSED PLAN AND TIMETABLE

5.1. To transfer the functions of the Economic Ambition Board, including the Growth Deal and the Portfolio Management Office into the CJC, four independent workstreams will be established under the auspices of a North Wales CJC Implementation Project Board.

5.2. The following provides an overview of the workstream and their purpose:

Workstream	Purpose	Key Milestones
Agreement on Transfer Legal / Governance	To ensure that the necessary agreements and consents needed to achieve the transfer are secured and agreed. To ensure the necessary governance arrangements and agreements are put in place within the CJC for the delivery of	<ul style="list-style-type: none">• Securing agreement of the 6 Constituent Authority Executives and GA2 parties to transfer.• Agreement of both governments to novation of the Growth Deal to the CJC that the Growth Deal delivery and draw down of the funding

	the Growth Deal, including the role of advisors within the Economic Ambition Board.	<p>can be transferred to the CJC.</p> <ul style="list-style-type: none"> • Agreement on the continuation of the current funding model for the Growth Deal. • Agreement on the post transfer inter-relationship between the CJC and the Constituent Councils. • Agreement on the role of existing EAB advisors within the CJC. • Agreement on how the CJC's regional wider economic development role will be shaped and co-exist with the concurrent functions of the Local Authorities in this area.
People and HR	Take forward TUPE process including consultation with staff, ensure that staff policies and protocols are in place to ensure a successful transition to the CJC.	<ul style="list-style-type: none"> • Relevant policies and processes adopted by CJC. • TUPE consultation undertaken. • Staff successfully transferred into the CJC.
Finance, Processes and Systems	To enable the transfer of Growth Deal funding and project funding arrangements as well as ensuring that all operational processes and systems are in place for the transfer of the PMO to the CJC.	<ul style="list-style-type: none"> • Approval from government for transfer of Growth Deal funding. • Necessary processes and systems in place prior to transfer of Growth Deal funding and PMO staff.
Communications and Engagement	Ensure staff and key stakeholders are communicated with and engaged throughout the process.	<ul style="list-style-type: none"> • Communications and Engagement Plan agreed. • Regular communications pre and post transfer. • TUPE consultation completed.

5.3. Each workstream will provide an agreed programme of work supported by a timeline of activities to achieve the transfer of the Economic Ambition Board staff and functions into the North Wales CJC on the 1 of July, 2024. Reporting directly to the North Wales CJC, the board will provide regular updates on progress towards implementation. Chaired by Alwen Williams, key officers from the Portfolio Management Office and Cyngor Gwynedd will sit on the project board to plan and implement the transition process. The inaugural meeting of the board will take place in mid-March.

- 5.4. Resources to meet the volume of activity required to implement a comprehensive set of transition arrangements, to maintain business as usual and to meet the CJC's statutory duties is currently being managed through a secondee from Welsh Government and apportioned time from the interim CJC Chief Executive. Support is also being provided through Cyngor Gwynedd's 151 Officer and Monitoring Officer, the Legal and Finance Teams.
- 5.5. As referred to above, the 1st of July has been identified as the provisional target date for the transfer of functions from the Economic Ambition Board into the North Wales Corporate Joint Committee. However, this date may be impacted by a number of factors including partner and government decision making requirements/timescales, internal capacity constraints and TUPE considerations that may result in some areas of transfer being completed in the Autumn period 2024.

6. PART B - EXTENSION OF THE SECONDMENT AND ARRANGEMENTS FOR APPOINTMENT OF THE CHIEF EXECUTIVE

6.1. Background

- 6.11 At its meeting on 22 July, 2022 the North Wales Corporate Joint Committee reviewed the role of its Chief Executive and, after considering the options, resolved to submit a request to the North Wales Economic Ambition Board to release part of their Portfolio Director's time to fulfil the role of the Corporate Joint Committee's Chief Executive.
- 6.12 The option to submit this request to the Ambition Board was selected as it was likely that the Ambition Board will be incorporated into the CJC, that there would be a substantially higher cost if a stand-alone Chief Executive post was created, and as there was insufficient availability of time required for one of the 6 local authority Chief Executives to oversee the CJC's development.
- 6.13 It was reported at the time that the decision in principle, to transfer the Ambition Board to the CJC, had already been taken by the Councils and that following the legislative changes, it would be possible to undertake this process over the following months. As part of any transfer, the status of all Portfolio Staff would be addressed.
- 6.14 You will recall that the North Wales Economic Ambition Board was required to approve the release of the Portfolio Director prior to the CJC making the decision to appoint an Interim Chief Executive.
- 6.15 This was done at the Ambition Board's meeting on the 30 September, 2022 when it was agreed to release part of the Portfolio Director's time to fulfil the role of the CJC's Chief Executive on a secondment basis.

- 6.16 Consequently, the CJC, at its meeting on the 7 October, 2022 approved the appointment of Alwen Williams, the Economic Ambition Board's Portfolio Director, as part-time Chief Executive, on secondment, until the post would be reviewed by the CJC prior to the end of the 2022/23 financial year.
- 6.17 This temporary arrangement, whereby Alwen Williams fulfilled the role of the CJC's Chief Executive for two days per week became effective as from the 10 October, 2022.
- 6.18 In light of the fact that a number of critical matters still required further attention before the CJC was able to appoint a permanent Chief Executive e.g., the likely transfer of staff to the CJC's employment, the decision taken at the meeting on the 7 October, 2022 was re-visited at the Joint Committee's meeting on the 24 March and the 27 October, 2023 since the secondment period needed to be reviewed.
- 6.19 At both meetings, and with the agreement of the Ambition Board to extend the secondment, an extension to Alwen Williams' appointment as Interim Chief Executive was approved. The decision taken at the meeting on the 27 October, 2023 extended the agreement to the 31 March, 2024.

6.2. Interim Situation

- 6.2.1 Part A of this report has indicated that work remains to be completed before it will be possible to formally establish the North Wales Corporate Joint Committee and appoint a Chief Executive on a permanent basis. On that basis, the CJC needs to ensure an Interim Chief Executive for a further period until the 30 June, 2024.
- 6.2.2 A report was submitted to a meeting of the Ambition Board on the 15 March, 2024 requesting its agreement to extend the period for which it is prepared to release its Portfolio Director. The Ambition Board's response to that request can be reported verbally at the CJC's meeting prior to considering this item.
- 6.2.3 You are reminded that the Ambition Board, via Cyngor Gwynedd as the Host Authority, remains as Alwen Williams' contractual employer whilst the CJC recompenses the Ambition Board for both direct and indirect costs associated with the secondment. Cyngor Gwynedd's Chief Executive was given authority to make the necessary arrangements within the flexibility of the CJC's budget.

6.3. TUPE Transfer Arrangements

- 6.3.1 As indicated in paragraph 5.3 (Part A) of this report, the 1 July, 2024 has been identified as the provisional date for the transfer of functions from the Economic Ambition Board into the North Wales Corporate Joint Committee.

- 6.3.2 In this respect, the required consultation with staff employed by the North Wales Economic Ambition Board, as laid down by the Transfer of Undertakings (Protection of Employment) Regulations 2006 (as amended 2014), is currently being conducted.
- 6.3.3 In light of the fact that North Wales Economic Ambition Board staff will be transferring on current terms and conditions, it is not foreseen that this intended transfer of staff from one public body to another will experience the complexities associated with many other TUPE transfers and is therefore not considered as a potential barrier to the transfer of functions on the 1 July, 2024.
- 6.3.4 Furthermore, a job description for the post of the Corporate Joint Committee's Chief Executive has been drafted (see **Appendix 2**) - the content of which is based on the job description for the equivalent role in the South East Wales region.
- 6.3.5 A copy of the North Wales Economic Ambition Board's Portfolio Director's current job description is also appended (see **Appendix 3**) and Members will note that there is significant alignment between the two job descriptions.
- 6.3.6 On this basis and in accordance with TUPE guidance and practice, it is advised that Alwen Williams, as the current post holder within the Economic Ambition Board, should be appointed to the CJC Chief Executive post on a permanent basis as of 1 July, 2024 (subject to completion of the TUPE consultation with all staff).

7. FINANCIAL IMPLICATIONS

- 7.1 Costs associated with the transfer of functions to the CJC will be primarily related to officer time, legal and financial expenditure. Funding will be drawn from existing CJC and Economic Ambition Board budgets. Legal, HR, Finance, IT and Democratic Services support will be provided through Cyngor Gwynedd resources.

8. LEGAL IMPLICATIONS

- 8.1 The report sets out at a high level what is proposed.
- 8.2 The Growth Deal is a formal partnership between the UK and Welsh Governments and the 6 constituent authorities. It is portfolio based and funding is drawn down by a formal annual funding letter which is a grant agreement made by the host authority on behalf of the 10 GA2 partners but primarily the 6 Constituent Councils. The release of funding for any period is subject to the performance of the implementation of the Growth Deal and may be held back by the Governments.

8.3. There are a number of governance and legal matters at the core of this project. These are highlighted in the table above. There are also risks which will need to be managed and resolved as well as key consents in order to active both transfer and timetable. There are dependencies built into the programme which mean that whilst an element of concurrency can be achieved to facilitate progress there will be key decisions or approvals which will be needed to allow for progress.

9. RECOMMENDATIONS

9.1. That the North Wales Corporate Joint Committee:

- i. note the update in relation to progress and a timetable for the transfer of functions to the CJC.
- ii. agree the extension of Alwen Williams' part-time secondment to the CJC Chief Executive role up to the end of June 2024.
- iii. appoint Alwen Williams to the post of CJC Chief Executive as from 1 July, 2024 (subject to the completion of the TUPE consultation with all North Wales Economic Ambition Board staff).

APPENDICES:

Appendix 1	Progress update on establishment and the implementation of the statutory duties of the North Wales CJC
Appendix 2	Draft Job Description for the North Wales Corporate Joint Committee Chief Executive role
Appendix 3	Current Job Description for the Economic Ambition Board's Portfolio Director

STATUTORY OFFICERS RESPONSE:

i. **Monitoring Officer:**

"The transfer of the Growth Deal to the CJC is a matter which is reserved to the Councils for decision. As the report outlines there are key decisions which are needed to enable this process to go forward. These will involve both the Council, Education partners and both Governments. Although there is agreement in principle this will require a lot of detailed work across a number of areas. In terms of the CJC it, in parallel will need to contribute to this process and set up the necessary internal governance and administrative arrangements to facilitate the transfer in. The discussion on the proposed scrutiny model will also need to be brought to maturity as part of this element.

I welcome the intention to create a multidisciplinary project to team to lead on this matter. It will require close legal support, drawing on both internal and external resources. Given that Ambition North Wales is based on a partnership structure the work will involve close liaison with all partners to reach agreement on key aspects of the proposed model. The initial work around this process is already in train and the key elements identified in this report are based on this input and advice.”

ii. Statutory Finance Officer:

“I support the decision sought, and I will assist with the work of implementing this project as required. I have no further comment to add from the perspective of financial propriety.”