



NORTH WALES CORPORATE JOINT COMMITTEE

6 September, 2024

TITLE: Constitutional Updates

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1. PURPOSE OF THE REPORT

1.1. To provide an update on the Constitution for the North Wales Corporate Joint Committee.

2. DECISION SOUGHT

2.1. To adopt:

- i. Sections 1 – 3
- ii. the scheme of delegation
- iii. financial procedure rules

2.2. To delegate to the Monitoring Officer the power to make the following minor variations to the Constitution:

- (a) legal or technical amendments that do not materially affect the Constitution;
- (b) changes required to be made to remove any inconsistency, ambiguity or typographical error;
- (c) wording so as to put into effect any decision of the CJC or its sub-committees or officer exercising delegated powers;
- (d) changes required to reflect any changes to job or role titles.

3. REASON FOR THE DECISION

3.1. The CJC must have a comprehensive and operational constitution in place in order that it can carry out its functions.

3.2. The CJC has a duty to prepare and publish a Constitution further to the Corporate Joint Committees (General)(Wales) Regulations 2022. This report sets out those further provisions of the Constitution that require adoption (see **Appendices**).

4. BACKGROUND AND RELEVANT CONSIDERATIONS

4.1. It is a statutory requirement for the CJC to have a Constitution, and the statutory guidance provides that that it “must contain a copy of the CJC’s standing orders, a copy of the CJC’s code of conduct and such information as the CJC considers appropriate. The Constitution will also wish to consider such matters as are set out in the CJC Regulations including for example the Schedule to the Establishment Regulations”.

4.2. With work progressing on embedding the functions of the CJC through the development of the governance around the delivery of its strategic planning and transportation functions, and with the imminent transfer of the structures and funding to support regional economic delivery it is important that the CJC has in place the necessary powers to support its decision making. A key aspect of this will be the powers around funding, procurement and expenditure and the need to ensure these decisions are taken at the right level within the staffing structure with the right control retained by the CJC to approve and monitor spend as set out in the scheme of delegation.

4.3. The table below was shared previously and is now updated to show progress:

Title	Progress made
1.PURPOSE,DEFINITIONS, MAINTAINING	In the report
2. ACCESS TO INFORMATION AND CONTRIBUTING TO THE WORK OF THE CJC	In the report
3. STANDING ORDERS	Adopted
4. SUB COMMITTEE STANDING ORDERS	Adopted
5. SUB COMMITTEES	Adopted
6. OFFICERS	In the report
7. CONTRACTS AND LEGAL MATTERS	Adopted
8. SCHEME OF DELEGATION	In the report
9. FINANCIAL ORDERS	In the report
10. PROCUREMENT STANDING ORDERS	Adopted
11. MEMBERS CODE OF CONDUCT	Adopted
12. MEMBER OFFICER PROTOCOL	To be prepared in consultation with the Standards Sub-Committee
13. WHISTLEBLOWING	To be prepared in consultation with the Standards Sub-Committee

4.4. The recommendation is to adopt:

i. **Parts 1 – 3 of the Constitution** (outlined in 1 & 2 in the table above). These are standard provisions for any Constitution and set the scene in regard to the purpose and powers available to the CJC:

Section 1 - provides a general introduction to the Constitution, the role and functions of the CJC.

Section 2 - outlines the definitions and interpretation of terms used within the Constitution.

Section 3 - provides information of how Members and the public can get involved in the work of the CJC.

There is a separate Section outlining the **roles and powers of Chief officers** (referenced at 6 in the above table).

- ii. **The scheme of delegation.** Members will want assurance that decisions are taken at the right level and in exercising delegation powers under the scheme those matters that are considered complex or significant in terms of risk will be reported to the CJC for approval.

The scheme of delegation proposes that the CJC retain responsibility for approval of any capital program spend over £50k, with decisions under this figure a responsibility of the Chief Executive where budget provision is provided.

Where the CJC is in receipt of an award of funding such as capital funding or a loan following approval by the CJC it is proposed that this funding is delegated to the Chief Executive to process as a direct award of grant through individual project business cases. A quarterly report will be provided to the CJC setting out the projects, business case evaluation and spend.

The scheme of delegation sets out that when taking, or considering taking, delegated decisions all members of staff must have regard to whether they are making a decision involving significant expenditure to the CJC's budget. Significant expenditure has been defined as expenditure in excess of £50,000. If this is the case or if the decision has potential to affect the CJC's reputation, create significant risk to the CJC or impact reputationally or financially on service users, partner organisations or committees outside the CJC consideration is to be given as to whether these matters be determined by the CJC. All matters that involve an individual spend of £250,000 and above are decisions that are retained by the CJC.

For contractual matters the scheme of delegation reflects the current principles as set out in the Contract Procedure Rules and the financial thresholds of £5,000 and £50,000 are retained for officer delegated decisions. This ensures parity with existing Rules and provides for officers to authorise purchases up to £5,000 and those officers with delegated authority may purchase on the basis of three quotations subject to the Contract Procedure Rules works, goods and services between £5,000 and £50,000.

The Chief Executive retains decision making power on contracts over £50,000 to the proposed limit of £250,000 to enable decision making at an acceptable level in line with delegated levels seen in the local government family. The Contract Procedure Rules are currently being reviewed to accommodate the requirements of the Procurement Act 2023 and The Procurement (Wales) Regulations 2024 and any changes will need to be reported in due course to updated accordingly to reflect these changes. Similarly, as the CJC moves through the transitional stages and becomes more established Members may in due course wish to revisit the levels of delegation to ensure that decision making is not hindering timely delivery of its functions.

- iii. **Financial Procedure Rules** – these are CIPFA compliant and provide for a process for ensuring that transactional decisions follow a clear and comprehensive process, that is open to scrutiny and audit. The Rules are aligned to the adopted Contract Procedure Rules and reflect those adopted by Cyngor Gwynedd.

5. FINANCIAL IMPLICATIONS

- 5.1. None.

6. LEGAL IMPLICATIONS

6.1. Set out within the report.

APPENDICES:

- Appendix 1:** Sections 1 – 3
 - Appendix 2:** The Scheme of Delegation
 - Appendix 3:** Financial Procedure Rules
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STATUTORY OFFICERS RESPONSE:

i. **Monitoring Officer:**

Report author.

ii. **Statutory Finance Officer:**

“I have had an opportunity to provide input into the preparation of this Constitution. I am satisfied that it is robust and fulfils its purpose, and I support the decision sought.”