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## NORTH WALES ECONOMIC AMBITION BOARD

8 NOVEMBER, 2024

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**TITLE:** Update: Functions of the North Wales Economic Ambition Board – Transfer to the Corporate Joint Committee

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### 1. PURPOSE OF THE REPORT

- 1.1. The purpose of the report is to present a further update on progress to establish the Corporate Joint Committee (CJC), with particular focus on undertaking the proposed transfer of the North Wales Economic Ambition Board's functions into the CJC.
- 1.2. To seek approval from the Board to extend the arrangement to release the Portfolio Director's time for two days per week to undertake the Interim Chief Executive role until 31st of March, 2025 or the transfer date, depending on which comes first. All employment and associated costs for this arrangement will continue to be met by the North Wales CJC.

### 2. DECISION SOUGHT

- 2.1. To accept the progress update on work to establish the North Wales CJC, including the transfer of the Growth Deal and progress on tasks required to achieve the CJC's statutory functions.
- 2.2. To authorise the Portfolio Director to agree a revised transfer programme and date with the Local Authorities and Higher and Further Education partners within the overall target date of 31<sup>st</sup> March, 2025.
- 2.3. To approve that the interim arrangements to release the Portfolio Director's time for two days per week to undertake the Interim Chief Executive role is extended until 31 March, 2025 or the transfer date, depending on which comes first.

### 3. REASON FOR THE DECISION

- 3.1. In December 2021/January 2022, the Cabinet and Executives in each of the six Local Authorities and wider Economic Ambition Board partnership 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. The statutory framework and the establishment of the CJC requires the focus and resources required to progress the transfer work. Approvals from all partner organisations and Governments are required before the transfer can complete.

- 3.2. The functions and partnership arrangement of the Economic Ambition Board are currently set out in GA2. This also includes the governance arrangement and long-term arrangements for financially supporting the Growth Deal and Portfolio Management Office to deliver the deal. Under the proposed delegation agreement, the Growth Deal and associated financial arrangements would transfer to the CJC and would respond in part to the power given to the CJC to promote regional economic well-being. This Economic Well-being function co-exists with the economic development powers of each of the North Wales Councils. How, as part of the CJC establishment, these functions work regionally will need to be co-developed and agreed by regional partners. It also needs to be recognised that the original in-principle decisions to transfer the Growth Deal were made when the CJC concept was still being developed. So, the precise model for the transfer arrangements will be agreed with partners as part of the next steps.
- 3.3. To affect the transfer, there are key legal matters which are being progressed:
- i. Agreement with the Governments on the transfer (novation) of the Growth Deal across to the CJC and the model for achieving this. The principle of the transfer has government support.
  - ii. Formal decisions by the parties to Governance Agreement 2 (GA2) and the CJC to agree to the transfer of the Growth Deal functions and its Accountable Body function to the CJC.
  - iii. Creation of Joint Working Agreement between the parties to GA2 and the Corporate Joint Committee. The agreement will be a successor to GA2 and in many respects will reflect the current arrangements. However, the different corporate status of the CJC will mean that aspects of the agreement will need to be approached differently. These reflect the fact that GA2 created a Joint Committee of the Constituent Councils with delegated powers, whereas the CJC (notwithstanding its name) is a statutory corporation. The aim however is to reflect and seek to replicate the partnership arrangements within the transfer model and provide a contractual framework to ensure delivery of the Growth Deal and continue with the financial commitments of the partners to the project.
- 3.4. The 1<sup>st</sup> of November was set as a provisional target date for the transfer of functions from the Economic Ambition Board into the North Wales Corporate Joint Committee. This date was dependent on receiving the required approvals for transfer and several key actions and decisions remain outstanding. These include:
- agreement on the governance model for decision making.
  - circulation and agreement of the draft GA3 (successor to GA2) to codify arrangements.
  - reaching a novation agreement for the Growth Deal with Welsh Government.
  - completion of the GA3 partnership agreement.
- 3.5. A transfer date of 1<sup>st</sup> November 2024 is therefore unachievable.

#### **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.

- Work to develop the Regional Transport Plan and associated Regional Transport Delivery Plan is progressing well and targeted to be presented to Government in summer 2025.
  - The Strategic Transport Sub-Committee has been established and held their inaugural meeting on 1<sup>st</sup> October, 2024. Work to develop the Strategic Development Plan is not so advanced due to capacity constraints. The first step is to produce a Delivery Agreement and resource is currently being identified to support this.
  - Progress on transfer of the Growth Deal into the CJC was reported to the CJC at their meeting on 6<sup>th</sup> September and 11<sup>th</sup> October – with key risks on timescales highlighted during the later. The CJC requested a comprehensive plan and timeline to be presented for their consideration at their meeting on 22<sup>nd</sup> November (see 4.6).
- 4.2. The CJC is also subject to the more general duties of local authorities, such as the Equalities Act, Future Generations Act, language standards under the Welsh Language Measure 2011, and other legislation, in the same way as local authorities. Whilst this is necessary for a new Local Government entity, it significantly adds to the CJC establishment workload.
- 4.3. It was noted in March that substantial work is still needed to complete the establishment of the CJC. Close attention and diligence while undertaking the transfer is required to ensure that delivery of the North Wales Growth Deal, the work of the Economic Ambition Board and its supporting officers are unaffected by the transfer.
- 4.4. In June 2024, the Board approved the arrangement to release the Portfolio Director, Alwen Williams, to undertake the CJC's Interim Chief Executive role for two days per week until 31<sup>st</sup> October, 2024. This extended arrangement was on the basis that a formal TUPE consultation with the Ambition North Wales Portfolio Management Office employees would be completed and the transfer and appointment of Alwen Williams as the CJC Chief Executive would commence from 1<sup>st</sup> November, 2024.
- 4.5. Progress to date has been achieved by means of an interim part-time Chief Executive, with the Chief Financial Officer and Monitoring Officer of Cyngor Gwynedd appointed to undertake their respective statutory roles on behalf of the CJC. Legal and financial services as well as wider support functions such as HR, IT and Democratic Services are also being provided by Cyngor Gwynedd. It is intended for these arrangements to continue to support the transfer process.

#### **Revised timetable for the transfer of the Growth Deal**

- 4.6. Revised transfer options are being considered and will aim to achieve the required approvals to transfer the Growth Deal, its funding and the Portfolio Management Office into the CJC by the 31<sup>st</sup> March, 2025 at the latest.
- 4.7. To transfer the functions of the Economic Ambition Board, including the Growth Deal and the Portfolio Management Office into the CJC, several focused and interconnected workstreams have been established and each has contributed and committed to a programme of work to achieve the transfer of Economic Ambition Board functions to the CJC. A CJC Implementation Project Board meets weekly to oversee the workstreams and ensure key milestones are achieved with key risks identified and managed. Officers from the Portfolio Management Office and Cyngor Gwynedd are represented on the project board.
- 4.8. CJC implementation programme management resource has been in place since January 2024. Initially this was provided by means of a seconded from Welsh Government – an arrangement that concluded in May 2024. In July 2024, contractor David Hole joined the PMO team to

provide the Programme Management capacity. This support is essential to support the Interim Chief Executive meet operational and statutory expectations and work alongside the CJs Section 151 Officer and Monitoring Officer and the wider Legal, Finance, HR and IT and Democratic Services colleagues from Cyngor Gwynedd who are members of the CJs project board.

## **5. FINANCIAL IMPLICATIONS**

- 5.1. 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.

## **6. LEGAL IMPLICATIONS**

- 6.1. The report sets out at a high level what is proposed.
- 6.2. 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 ten GA2 partners. 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. The transfer of the Growth Deal functions to the CJC is a matter reserved to the Local Authorities and will require agreement between all the parties to GA2. A revised transfer date will be established in agreement with these partners, but the Board will receive reports and be consulted on the key decisions.
- 6.3. There are several governance and legal matters that need to be managed as part of the transition. These are highlighted in paragraph 3.3 and 3.4.

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### **APPENDICES:**

None

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### **STATUTORY OFFICERS RESPONSE:**

- i. **Monitoring Officer:**

"I have contributed to this programme and can confirm the matters which are set out in the report and the summary of the Legal Matters. Although completing this transfer as soon as possible is a priority it is equally important that the process is completed effectively as to ensure a seamless process which enables continued efficient delivery of the Growth Deal with the partners."

ii. **Statutory Finance Officer:**

“Officers from the Finance Service continue to provide support to facilitate the further development of the CJC. The budgets and expenditure of both the CJC and the Growth Deal are the subject of regular review, and I am confident that the financial arrangements are robust, whatever the new date that is determined for the transfer of the Growth Deal into the CJC.”