

Meeting of:	<b>Council</b>
Date of Meeting:	<b>Monday, 25 September 2023</b>
Relevant Scrutiny Committee:	All Scrutiny Committees
Report Title:	Joint Overview and Scrutiny Committee of The South East Wales Corporate Joint Committee
Purpose of Report:	This report seeks Council approval to appoint the Cardiff Capital Region City Deal Joint Overview and Scrutiny Committee (the "JOSC") as the Joint Overview and Scrutiny Committee for the South East Wales Corporate Joint Committee (CJC) and agree the draft Terms of Reference for their functions.
Report Owner:	Executive Leader and Cabinet Member for Performance and Resources
Responsible Officer:	Rob Thomas, Chief Executive
Elected Member and Officer Consultation:	Debbie Marles, Monitoring Officer / Head of Legal and Democratic Services Tom Bowring, Director of Corporate Resources Marcus Goldsworthy, Director of Place
Policy Framework:	This is a matter for consideration by Council. There are no effects upon the Council's policy framework.
Executive Summary:	<ul style="list-style-type: none"> <li>To seek approval to appoint the Cardiff Capital Region City Deal Joint Overview and Scrutiny Committee (the "JOSC") as the Joint Overview and Scrutiny Committee for the South East Wales Corporate Joint Committee (CJC) and agree the draft Terms of Reference for their functions.</li> </ul>

## **Recommendations**

- 1.** It is recommended that the Council appoints the Joint Overview and Scrutiny Committee (JOSC) as the Joint Overview and Scrutiny Committee for the South East Wales Corporate Joint Committee (CJC).
- 2.** It is recommended that the Council approves the Draft Terms of Reference for its functions in respect of the CJC, as attached at Appendix 1.
- 3.** It is recommended that the Council notes that the cost of administering the JOSC for the CJC will be dealt with by a Service Level Agreement between the Rhondda Cynon Taf County Borough Council and the CJC, to be concluded in due course.
- 4.** THAT it be recommended that the CJC JOSC review its Terms of Reference at its first formal meeting and that any amendments be reported to the relevant constituent Local Authorities.
- 5.** THAT the Council's representation on the JOSC for the South East Wales CJC be the Chair of the Environment and Regeneration Scrutiny Committee, (Councillor S.D. Perks) and Councillor I.A.N. Perry, a member of the Environment and Regeneration Scrutiny Committee (Substitute).

## **Reasons for Recommendations**

- 1-4** To ensure that appropriate overview and scrutiny functions are implemented in respect of the CJC.
- 5.** The Chair and Councillor Perry [Substitute] are the Council's appointed non-Executive representation on the existing Cardiff Capital Region City Deal Joint Overview and Scrutiny Committee.

## **1. Background**

- 1.1** The South East Wales Corporate Joint Committee (the CJC) is required to have appropriate scrutiny arrangements in place. This report sets out the requirements in relation to that statutory duty and seeks the authority to implement suitable arrangements.
- 1.2** The Statutory Guidance issued by Welsh Government that accompanies the CJC Regulations states that the CJs will be subject to the same performance, governance and scrutiny requirements as Local Authorities. However, it also states that it is expected that these arrangements should be proportionate to the scale of functions the CJC undertakes.
- 1.3** The Statutory Guidance further states that *'in considering the most effective and efficient approach to scrutiny, constituent councils and CJs should give thought to the benefits of a joint overview and scrutiny committee made up of the constituent councils'*.

- 1.4** The Council at its meeting held in January 2022 (Minute No. 773 refers) considered interim governance arrangements and delivery model sufficient to implement the statutory requirements for establishment of the South East Wales Corporate Joint Committee (CJC) including details of a ‘twin-track’ approach to operating the Cardiff Capital Region (CCR) City Deal alongside the initial ‘bare minimum’ phase of CJC mobilisation ahead of the South East Wales CJC setting its first statutory budget on 31<sup>st</sup> January, 2022.
- 1.5** The report also apprised Council at that time of the next phases of progress in line with resolving the current barriers to full implementation of an integrated ‘lift and shift’ approach which seeks to eventually, bring together the CCR City Deal and the CJC into one coherent model of regional economic governance.

## **2. Key Issues for Consideration**

- 2.1** The Corporate Joint Committees (General) (No. 2) (Wales) Regulations 2022 (“the Regulations”) set out the CJC’s duties in relation to overview and scrutiny. The Regulations require the CJC to provide information to, attend meetings of and consider any report or recommendations made by a ‘relevant overview and scrutiny committee.’ A ‘relevant overview and scrutiny committee’ is defined in Regulation 8 (7)) as:
- (a) an overview and scrutiny committee appointed by a constituent Council under section 21(2) of the Local Government Act 2000;
  - (b) a joint overview and scrutiny committee appointed under the Local Authorities (Joint Overview and Scrutiny Committees) (Wales) Regulations 2013 where the appointing Authorities are constituent Councils of the Corporate Joint Committee;
  - (c) a sub-committee of a committee described in paragraph (a) or (b).”
- 2.2** The Cardiff Capital Region City Deal Joint Overview and Scrutiny Committee (the “JOSC”) was appointed by the constituent Councils of the Cardiff Capital Region City Deal Joint Committee (the “CCRCD”) to provide the scrutiny function for the Joint Committee of that body. It meets up to 4 times per year and is administered by Rhondda Cynon Taf County Borough Council (“RCTCBC”).
- 2.3** The JOSC comprises one non-executive Member from each constituent Council of the CCRCD, which are also the constituent Authorities of the CJC.
- 2.4** It is proposed that appointing the JOSC as the Overview and Scrutiny Committee for the CJC under separate Terms of Reference would best satisfy Welsh Government’s intention, as set out in the Statutory Guidance, because:
- (a) the Statutory Guidance provides for consideration to be given to scrutiny being carried out by a joint committee of the constituent Authorities;
  - (b) the Statutory Guidance expressly states that scrutiny arrangements should be proportionate to the scale and functions of the CJC; and
  - (c) JOSC already provides the scrutiny function of the CCR, the functions of which will be transferred to the CJC in due course.

- 2.5** The JOSC met on 27<sup>th</sup> July, 2023 to consider the proposed scrutiny arrangements for the CJC. Members were supportive of the proposed arrangements for the JOSC to be appointed as the Joint Overview and Scrutiny Committee for the CJC and highlighted the importance of ensuring that an effective model of governance and scrutiny arrangements for the CJC are put in place. This included ensuring that the arrangement is adequately resourced to include funding for Members to receive sufficient training and support to take forward future scrutiny for the CJC.
- 2.6** On 31<sup>st</sup> July, 2023, the CJC, subject to the agreement of the ten constituent Councils of the CJC endorsed the proposal that the JOSC should be appointed as the Joint Overview and Scrutiny Committee of the CJC and authorised the Interim Monitoring Officer at RCTCBC to make arrangements with the constituent Authorities to progress the proposal and to approach RCTCBC to formally request that the JOSC be appointed as the Joint Overview and Scrutiny Committee of the CJC: <https://www.cardiffcapitalregion.wales/wp-content/uploads/2023/07/sew-cjc-31.07.23-full-pack.pdf>.
- 2.7** The CJC cannot designate the scrutiny function to the JOSC itself, instead the Local Authorities (Joint Overview and Scrutiny Committees) (Wales) Regulations 2013 require the ten constituent Councils to appoint the JOSC as the Joint Overview and Scrutiny Committee for the CJC, and when doing so, to enter into an agreement setting out the terms of reference, rules and procedures and other ancillary matters as set out in the Regulations. Accordingly, the draft Terms of Reference attached as **Appendix 1** will need to be agreed by all constituent Councils to ensure they are fit for purpose and provide a clear and defined purpose on the committee's future objectives and responsibilities. In approving the draft Terms of Reference, the Council is entering into an agreement pursuant to regulation 4 as set out above.
- 2.8** Once these Terms of Reference are approved by the 10 Constituent Councils the CJC JOSC will come into existence immediately. The JOSC for the CCRCDC will continue until the Joint Working Agreement is brought to an end, and both Terms of Reference will be in existence up until that point.
- 2.9** These proposals will not have an effect on the membership of the JOSC for the CCRCDC or CJC.

### **3. How do proposals evidence the Five Ways of Working and contribute to our Well-being Objectives?**

- 3.1** The well-being goals identified in the Act were considered in the preparation of this report. It is considered that there will be no significant or unacceptable impacts upon the achievement of well-being goals/objectives as a result of this report.
- 3.2** In developing the Plan and in considering its endorsement regard should be had, amongst other matters, to:

(a) the Welsh Language (Wales) Measure 2011 and the Welsh Language Standards

(b) Public sector duties under the Equalities Act 2010 (including specific Welsh public sector duties). Pursuant to these legal duties Councils must in making decisions have due regard to the need to (1) eliminate unlawful discrimination, (2) advance equality of opportunity and (3) foster good relations on the basis of protected characteristics. Protected characteristics are a. Age; b. Gender reassignment; c. Sex; d. Race – including ethnic or national origin, colour or nationality; e. Disability; f. Pregnancy and maternity; e.g. Marriage and civil partnership; h. Sexual orientation; i. Religion or belief – including lack of belief, and

- 3.3** The Well-being of Future Generations (Wales) Act 2015. The Act is about improving the social, economic, environmental and cultural well-being of Wales and places a ‘well-being duty’ on public bodies aimed at achieving 7 national well-being goals for Wales - a Wales that is prosperous, resilient, healthier, more equal, has cohesive communities, a vibrant culture and thriving Welsh language and is globally responsible.
- 3.4** In discharging their respective duties under the Act, each public body listed in the Act (which includes the councils comprising the CJC) must set and publish wellbeing objectives. These objectives will show how each public body will work to achieve the vision for Wales set out in the national wellbeing goals. When exercising its functions, the CJC should consider how the proposed decision will contribute towards meeting the wellbeing objectives set by each council and in so doing achieve the national wellbeing goals. The wellbeing duty also requires the councils to act in accordance with a ‘sustainable development principle’. This principle requires the councils to act in a way which seeks to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs. Put simply, this means that CJC must take account of the impact of their decisions on people living their lives in Wales in the future. In doing so, they must:
- look to the long term;
  - focus on prevention by understanding the root causes of problems;
  - deliver an integrated approach to achieving the 7 national well-being goals;
  - work in collaboration with others to find shared sustainable solutions;
  - involve people from all sections of the community in the decisions which affect them.
- 3.5** A Future Generations Assessment Evaluation (including equalities and sustainability impact assessments) has been completed and was reported to the CJC on 31<sup>st</sup> July, 2023: <https://www.cardiffcapitalregion.wales/wp-content/uploads/2023/07/sew-cjc-31.07.23-full-pack.pdf>.

## **4. Climate Change and Nature Implications**

- 4.1** There are no direct Climate Change implications arising out of this report however the work of the CJC could potentially have an impact and these will have to be considered by the JOSc as appropriate.

## **5. Resources and Legal Considerations**

### **Financial**

- 5.1** The additional costs of providing the scrutiny function will be met by the CJC under existing budgets.

### **Employment**

- 5.2** None as a consequence of this report.

### **Legal (Including Equalities)**

- 5.3** The legal implications are set out in the body of the report.
- 5.4** There are no Equality and Diversity implications arising from this report and no Equality Impact Assessment is deemed necessary for the purposes of this report.

## **6. Background Papers**

Council Report – 24<sup>th</sup> January, 2022 - [Implementing the South East Wales Corporate Joint Committee](#)

## **TERMS OF REFERENCE OF THE JOINT OVERVIEW AND SCRUTINY COMMITTEE OF THE SOUTH EAST WALES CORPORATE JOINT COMMITTEE**

### **Definitions**

1. For the purposes of these Terms of Reference:

**‘CJC’** – The South East Wales Corporate Joint Committee

**‘Appointing Authorities’** are the constituent councils of the CJC

**‘Host Authority’** means Rhondda Cynon Taff CBC, or such other authority as the Appointing Authorities may agree from time to time

### **Introduction**

2. The Joint Overview and Scrutiny Committee of the South East Wales Corporate Joint Committee (“the JOSC”) was established by the agreement of the Appointing Authorities pursuant to the Local Authorities (Joint Overview and Scrutiny Committees) (Wales) Regulations 2013.

### **Members**

3. The JOSC shall consist of one non-executive member from each Appointing Authority.
4. It is a matter for each Appointing Authority, from time to time, to nominate, or terminate the appointment of its nominated member serving on the JOSC. Each Appointing Authority shall be entitled, from time to time, to appoint a deputy for its member representative to the JOSC but such deputy shall only be entitled to vote at meetings of the JOSC in the absence of their corresponding principal.
5. The length of appointment is a matter for each Appointing Authority.

### **Quorum**

6. The quorum necessary for a meeting of the JOSC is at least 5 out of the 10 JOSC members, present at the relevant time.

## **Election of a Chair**

7. The JOSC shall elect a Chair and Vice Chair annually.

## **Rules of Procedure**

8. The procedure rules will be those of the Host Authority for its Scrutiny Committees.

## **Members' Conduct**

9. Members of the JOSC will be bound by their respective Council's Code of Conduct.

## **Declarations of Interest**

10. Members of the JOSC must declare any interest either before or during the meetings of the JOSC (and withdraw from that meeting if necessary) in accordance with their Council's Code of Conduct or as required by law.

## **Confidential and Exempt Information / Access to Information**

11. The Host Authority's Access to Information Procedure rules shall apply subject to the provisions of the Local Government Act 1972.

## **Openness and Transparency**

12. All meetings of the JOSC will be open to the public unless it is necessary to exclude the public in accordance with Section 100A (4) of the Local Government Act 1972.
13. All agendas, reports and minutes of the JOSC will be made publicly available, unless deemed exempt or confidential in accordance with the above Act.

## **Functions to be exercised by the Joint Overview and Scrutiny Committee**

14. The JOSC shall be responsible for exercising the functions of a Joint Overview and Scrutiny Committee pursuant to the Local Authorities (Joint Overview and Scrutiny Committees) (Wales) Regulations 2013.
15. Any member of the JOSC may refer to the JOSC any matter which is relevant to its functions provided it is not a local crime and disorder matter as defined in section 19 of the Police and Justice Act 2006.



16. Any member of any of the Appointing Authorities may refer to the JOSC any local Government matter which is relevant to the functions of the JOSC, subject to the following conditions:
- a. The matter relates to one of the functions of the Appointing Authority and is relevant to the functions of the JOSC,
  - b. It affects the electoral area of the member or it affects any person who lives or works there; and
  - c. It is not a local crime and disorder matter as defined in section 19 of the Police and Justice Act 2006.
17. When considering whether to refer a matter to the JOSC a member should first consider if it falls within the remit of a single overview and scrutiny committee within the member's local authority, and if that is the case the member should raise the matter there. Members should only refer a matter to the JOSC if it falls clearly within the responsibilities and terms of reference of the JOSC and if there is no scrutiny of the issue in the local authority to which the member belongs.

### **Administrative Arrangements**

18. It shall be the responsibility of the Head of Democratic Services of the Host Authority to ensure that an appropriate level of officer support and other resources to the joint overview and scrutiny committee are in place at all times. The cost of providing these resources will be met by the CJC.