

Meeting of:	Environment and Regeneration Scrutiny Committee
Date of Meeting:	Tuesday, 13 December 2022
Relevant Scrutiny Committee:	Environment and Regeneration
Report Title:	Cardiff Capital Region City Deal - Joint Scrutiny Committee Nominated Deputy.
Purpose of Report:	To seek nominations to the position of deputy to the Vale of Glamorgan representative to the Cardiff Capital Region City Deal - Joint Scrutiny Committee
Report Owner:	Rob Thomas, Chief Executive
Responsible Officer:	Mr Gareth Davies, Democratic and Scrutiny Services Officer
Elected Member and Officer Consultation:	As the report is Council wide, no Elected Members were consulted. Democratic Services
Policy Framework:	This is a matter outside of the Policy Framework and Budget and is a matter for Council.
<p>Executive Summary:</p> <ul style="list-style-type: none"> • The report seeks the Committee to nominate a named deputy representative on the Cardiff Capital Region City Deal - Joint Overview and Scrutiny Committee (JOSC). • The nomination will be approved by Full Council. 	

Recommendations

1. Recommends to Council a nominated deputy to represent the Council in the absence of the Chair of the Scrutiny Committee Environment and Regeneration.

Reasons for Recommendations

1. To nominate a deputy representative.

1. Background

- 1.1 Arrangements for the Cardiff Capital Region City Deal - Joint Overview and Scrutiny Committee (JOSC) were agreed by Council on the 18th July 2018 (minute no. 194), with the Chairman of the Environment and Regeneration Scrutiny Committee being appointed as the representative for the Vale of Glamorgan.
- 1.2 Terms of the Joint Working Agreement for the JOSC allows constituent Local Authorities to name a deputy representative in the absence of the Scrutiny Chair.

2. Key Issues for Consideration

- 2.1 Following the Council's Annual General Meeting held on 23rd May 2022, Councillor Sandra Perkes Brooks was appointed Chair of the Environment and Regeneration Scrutiny Committee, and so, has become the Vale of Glamorgan's JOSC representative.
- 2.2 In line with the Joint Working Agreement for the JOSC, the Vale of Glamorgan Council is allowed to name a deputy representative in the absence of the Scrutiny Chair.
- 2.3 The report therefore seeks the Scrutiny Committee to recommend a nominated deputy in the absence of the Scrutiny Chair.
- 2.4 The Committee's recommendation will be formally decided by Council on 6th March 2023.
- 2.5 The JOSC Terms of Reference is attached at Appendix A

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

- 3.1 Appointments of Members to Joint Scrutiny Committees allows for planned involvement and collaboration opportunities and transparency.

4. Climate Change and Nature Implications

4.1 There are no climate change or nature implications as a result of this report.

5. Resources and Legal Considerations

Financial

5.1 None

Employment

5.2 None

Legal (Including Equalities)

- 5.3** The statutory power to establish a JOSC is set out in Section 58 of the Local Government (Wales) Measure 2011 and Regulations made thereunder.
- 5.4** Statutory Guidance from the Local Government (Wales) Measure 2011 Section 58 Joint Overview and Scrutiny Committees paragraph 3.5 advises " In order to ensure JOSC's represent fairly the interests of each appointing local authority, it is recommended that an equal number of committee seats be allocated to each of the participating councils. Although that would mean larger authorities agreeing to have the same membership as smaller ones, this would appear to be in the best interests of effective partnership." Paragraph 3.6 states " that Councils will need to make attempts to ensure that member representation on JOSCs reflects the political balance represented in the relevant Scrutiny Committee so far as practicable."

6. Background Papers

Report to the Environment and Regeneration Scrutiny Committee – 25th June 2019

Reference to Full Council - 29th July 2019 (minute no. 213)

TERMS OF REFERENCE: CARDIFF CAPITAL REGION CITY DEAL JOINT SCRUTINY COMMITTEE

Revised December 2020

Introduction

1. Cardiff Capital Region (CCR) City Deal is a Joint Committee of all ten local Authorities of South East Wales. Paragraph 10.1 of the Joint Working Agreement states that 'The Councils shall form the joint committee ("Joint Committee") for the purpose of overseeing and co-ordinating the discharge of the Councils' obligations in relation to the City Deal and to carry out the functions set out in Schedule 2 (Joint Committee Terms of Reference) and the Joint Committee shall be known as the "Cardiff Capital Region Joint Cabinet", "Joint Cabinet" or "Regional Cabinet" (as the context requires)'.

For the purposes of these terms of reference;

The Joint Working Agreement means the agreement (as may be amended from time to time) concluded on 1.3.17 between; Blaenau Gwent CBC, Bridgend CBC, Cardiff Council, Caerphilly CBC, Merthyr Tydfil CBC, Monmouthshire CC, Newport CC, Rhondda Cynon Taff CBC, Torfaen CBC and the Vale of Glamorgan Council. The 'Appointing Authorities' are the parties to the Joint Working Agreement the 'Host Authority' means *** or such other authority as the Appointing Authorities may agree from time to time.

2. CCR City Deal is resourced by the ten Appointing Authorities and is supported by a Programme Management Office (PMO), full time officers, a Programme Board made up of senior Officers representing each of the partner Councils and a Joint Cabinet of the Leader (or Deputy) from each Authority. In addition. Legal, technical and financial external advisers have been appointed to provide expert technical advice.

3. Each Council agreed to work together to create a Joint Scrutiny Committee as stated in Paragraph 10.19.2 of the Joint Working Agreement; 'The Councils shall work together to create and agree terms of reference for, to the extent permissible by law, a Joint Audit Committee and a Joint Scrutiny Committee and how the same will be resourced and funded'.

Membership of the Joint Scrutiny Committee

4. The Joint Scrutiny Committee shall consist of one non-executive Member from each Appointing Authority.

5. 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 Joint Scrutiny Committee. Each Appointing Authority shall be entitled, from time to time, to appoint a deputy for its Member representative to the Joint Scrutiny Committee but such deputy shall only be entitled to vote at meetings of the Joint Scrutiny Committee in the absence of his or her corresponding principal

6. The length of appointment is a matter for each Appointing Authority.

Quorum

7. The quorum necessary for a meeting of the joint scrutiny committee is at least 6 out of the 10 Joint Scrutiny Committee Members, present at the relevant time.

Election of a Chair

8. The Joint Scrutiny Committee shall elect a Chair and Vice Chair, annually between the Appointing Authorities

Rules of Procedure

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

Members' Conduct

10. Members of the Joint Scrutiny Committee will be bound by their Council's Code of Conduct.

Declarations of Interest

11. Members of the Joint Scrutiny Committee must declare any interest either before or during the meetings of the Joint Scrutiny Committee (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

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

Openness and Transparency

13. All meetings of the Joint Scrutiny Committee 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.

14. All agendas, reports and minutes of the Joint Scrutiny Committee will be made publically available, unless deemed exempt or confidential in accordance with the above Act.

Functions to be exercised by the Joint Scrutiny Committee

15. The Joint Scrutiny Committee shall be responsible for exercising the following functions:

- a. To perform the Overview and Scrutiny function for CCR City Deal (which City Deal is more particularly specified in the Joint Working Agreement) on behalf of the ten local Authorities.
- b. To develop a forward work programme reflecting its functions under paragraph (a) above.
- c. To seek reassurance and consider if the CCR City Deal is operating in accordance with the Joint Working Agreement, its Annual Business Plan, timetable and / or is being managed effectively.
- d. To monitor any CCRCD project's progress against its Programme plan.
- e. To make any reports and recommendations to the Regional Cabinet and or to any of the Appointing Authorities and to any of their executives in respect of any function that has been delegated to the Regional Cabinet pursuant to the Joint Working Agreement.

Any member of a Joint Overview and Scrutiny Committee may refer to the committee 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

Any member of any of the Appointing Authorities may refer to the Joint Overview and Scrutiny Committee any local Government matter which is relevant to the functions of the Joint Scrutiny Committee, subject to the following conditions and provisos.

The conditions for a reference by a member of an Appointing Authority to the Joint Scrutiny Committee are that:

- (i) The matter relates to one of the functions of the authority and is relevant to the functions of the Joint scrutiny committee,
- (ii) It effects the electoral area of the member or it effects any person who lives or works there; and
- (iii) It is not a local crime and disorder matter as defined in section 19 of the Police and Justice Act 2006.

Provisos

When considering whether to refer a matter to the Joint Scrutiny Committee 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 a Joint scrutiny committee if it falls clearly within the responsibilities and terms of reference of the Joint Scrutiny Committee and if there is no scrutiny of the issue in the local authority to which the member belongs.

It is acknowledged that the establishment of the CCRCDC Joint Scrutiny Committee shall not serve to exclude a local authority's right to carry out its own individual Scrutiny of any decision of the Regional Cabinet or City Deal matter

Duration of Joint Scrutiny

16. To be co-terminus with the duration of Joint Cabinet or if earlier the decision of the ten authorities to end the Joint Scrutiny arrangements.

Withdrawal

17. Any of the ten local Authorities may withdraw from participating in the Joint Scrutiny arrangements upon three months' notice to each of the other Authorities.

18. The Joint Scrutiny Committee in carrying out its functions must have regard to guidance relating to section 62 of the Measure, which places a requirement on local authorities to engage with the public

Foot notes

1. No provision has been made for sub committees given the scrutiny committee comprises only 10 members and that Regulations (SI 2013/1051) require a Sub- Committee to comprise an equal number of members of the Appointing Authorities.