

# Report

## Council

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### Part 1

Date: 26 September 2023

**Subject** **South-East Wales Corporate Joint Committee Scrutiny Arrangements**

**Purpose** The South-East Wales Corporate Joint Committee (SEWCJC) 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.

**Author** Head of Law and Standards

**Ward** All

**Summary** The Statutory Guidance issued by Welsh Government that accompanies the Corporate Joint Committee Regulations states that the CJC's 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.

The Statutory Guidance further states that *'in considering the most effective and efficient approach to scrutiny, constituent councils and CJC's should give thought to the benefits of a joint overview and scrutiny committee made up of the constituent councils'*.

**Proposal** **To appoint the Cardiff Capital Region Joint Overview and Scrutiny Committee as the Joint Overview and Scrutiny Committee for SEWCJC.**

**Action by** Council

**Timetable** Immediate

This report was prepared after consultation with:

- The Head of People, Policy and Transformation
- The Head of Finance
- The Head of Law and Standards
- The Leader of the Council

**Signed**

## Background

Regulations 8 – 10 of the Corporate Joint Committees (General) (No. 2) (Wales) Regulations 2022 (“the Regulations”) set out the SEWCJC’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).

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 “CCR”) to provide the scrutiny function for the Joint Committee of that body. It meets up to four times per year and is administered by Rhondda Cynon Taf County Borough Council (“RCTCBC”).

The JOSC comprises one non-executive member from each constituent council of the CCRCD, which are also the constituent authorities of the SEWCJC.

It is proposed that appointing the JOSC as the overview and scrutiny committee for the SEWCJC under a separate terms of reference would best satisfy Welsh Government’s intention, as set out in the Statutory Guidance, because:

- (1) the Statutory Guidance provides for consideration to be given to scrutiny being carried out by a joint committee of the constituent authorities;
- (2) the Statutory Guidance expressly states that scrutiny arrangements should be proportionate to the scale and functions of the CJC; and
- (3) JOSC already provides the scrutiny function of the CCR, the functions of which will be transferred to the CJC in due course.

Informal discussions have taken place between the Interim Monitoring Officer of the CJC and officers of the RCT to discuss the viability of the proposal. The JOSC met on 27th July 2023 and have indicated their agreement in principle to the proposal. A letter from the Chair of the JOSC to the Interim Monitoring Officer of the CJC dated 27<sup>th</sup> July 2023 is attached to this report at Appendix 1.

The Local Authorities (Joint Overview and Scrutiny Committees) (Wales) Regulations 2013 requires all ten constituent Councils to agree to appoint a JOSC as a relevant scrutiny committee for the SEWCJC, 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 regulation 4 of those Regulations. A draft terms of reference dealing with these matters is attached to this report as Appendix 2. In approving the draft terms of reference, the Council is entering into an agreement pursuant to regulation four as set out above.

## Financial Summary (Capital and Revenue)

- There are no cost implications. The additional costs of providing the scrutiny function will be met by the SEWCJC under existing budgets.

## **Risks**

All ten authorities must endorse this report for the JOSC to proceed. The principle of using the JOSC to exercise overview and scrutiny functions in relation to the SEWCJC has been approved by the SEWCJC on 11<sup>th</sup> September 2023. All the other nine authorities are in the process of seeking agreement to these proposals from their respective Councils. If this Council does not agree the report, this would essentially block the establishment of the JOSC, and therefore delay the implementation of overview and scrutiny functions for the SEWCJC.

## **Links to Council Policies and Priorities**

The Council's Corporate Plan commits to deliver a number of key objectives in relation to regeneration, investment, environmental and digital objectives. Working with the SEWCJC supports these objectives and the partnership arrangement requires a suitable scrutiny function to ensure that the CJC is delivering the objectives of the partner organisations.

## **Options Available and considered:**

(1) That the Council:

- (i) Appoints the JOSC as the Joint Overview and Scrutiny Committee for the SEWCJC;
- (ii) Approves the Draft Terms of Reference for its functions in respect of the SEWCJC, as attached at Appendix 2;
- (iii) Notes that the cost of administering the JOSC for the SEWCJC will be dealt with by a service level agreement between RCTCBC and the SEWCJC, to be concluded in due course.
- (iv) It is proposed that the SEWCJC JOSC review the terms of reference at its first proper meeting and that any proposed amendments are reported to constituent authorities.

(2) Council does not agree the appointment of the JOSC as the Joint Overview and Scrutiny Committee for the SEWCJC and requests that alternative arrangements are proposed.

## **Preferred Option and Why**

The Local Authorities (Joint Overview and Scrutiny Committees) (Wales) Regulations 2013 requires all ten constituent Councils to agree to appoint a JOSC as a relevant scrutiny committee for the SEWCJC. This recommendation enables all 10 authorities to meet the requirements of the Regulations by utilising an already agreed arrangement.

## **Comments of Chief Financial Officer**

The report states that the cost of administering the scrutiny function for the SEWCJC will be met from within the existing resources available to the SEWCJC, which is comprised of annual contributions from the ten constituent authorities. The Council currently has a revenue budget to meet its annual share of the running costs of the CJC and, therefore, it is not anticipated that this decision will lead to the Council incurring any additional costs over and above its existing budget.

## **Comments of Monitoring Officer**

Legal implications are contained within the body of this report.

## **Comments of Head of People, Policy and Transformation**

There are no HR implications arising from this report.

As set out in the report, the SEWCJC must take account of the impact of their decisions on the people living their lives in Wales in the future.

## **Scrutiny Committees**

Newport City Council is represented on the JOSC by the Chair of the Overview and Scrutiny Management Committee (OSMC). Approval of the proposal set out in this report would mean that the OSMC Chair would also become the Council's representative for the SEWJC JOSC.

## **Fairness and Equality Impact Assessment:**

- **Wellbeing of Future Generation (Wales) Act**

The SEWCJC must be satisfied that proposed decision accords with the principles of the Act. In doing so a Future Generations impact assessment was undertaken on behalf the SEWCJC.

The SEWCJC must take account of the impact of their decisions on the people living their lives in Wales in the future. The five ways of working required under the Act are met in the following ways:

Long-term - The approval of this report will assist in the establishment of a JOSC to monitor the delivery of functions of the SEWCJC.

Prevention - The JOSC Panel will monitor the SEWCJC's delivery of its functions, objectives and priorities.

Integration - The report supports all the wellbeing objectives.

Collaboration - Consultation on the establishment of the Joint Overview and Scrutiny Committee has taken place with the 10 local authorities in the SEWCJC programme.

Involvement - The Joint Overview and Scrutiny Committee will maintain a relationship with other local authorities involved in the SEWJC through effective partnership working and act as a critical friend to the SEWCJC Cabinet.

- **Equality Act 2010**

There are no equality impacts arising from the report.

- **Socio-economic Duty**

There are no socio-economic impacts arising from the report.

- **Welsh Language (Wales) Measure 2011**

There are no Welsh Language impacts arising from the report.

## **Consultation**

Consultation has been conducted with members of the SEWCJC, including Newport City Council's representative.

## **Background Papers**

Appendix 1 - Letter from the Chair of the JOSC dated 27<sup>th</sup> July 2023

Appendix 2 - Draft Terms of Reference of the JOSC for the CJC

**Dated: 20 September 2023**