

## TERMS OF REFERENCE: CWM TAF MORGANNWG PUBLIC SERVICE BOARD JOINT OVERVIEW & SCRUTINY COMMITTEE

### Introduction

#### 1. Statutory Provisions.

- a) The joint overview and scrutiny committee (JOSC) has been established in accordance with the following legislation:-
- The Local Government (Wales) Measure 2011 (Sec 58 – Joint Overview and Scrutiny Committees);
  - The Local Authorities (Joint Overview and Scrutiny Committees) (Wales) Regulations 2013; and,
  - Well-being of Future Generations (Wales) Act 2015 (Part 4, Chapter 1, Sec 35 - Overview and scrutiny committee of local authority)
- b) The conduct of the JOSC and the arrangements for joint scrutiny shall be subject to the legislative provisions in a) above, and any regulations or guidance made in accordance with the legislation; and in the event of any conflict between the Act and/or Regulations and any joint arrangements, the requirements of the legislation will prevail.

#### 2. Name of Overview and Scrutiny Committee

- a) The appointing Authorities are Rhondda Cynon Taf County Borough Council, Bridgend County Borough Council and Merthyr Tydfil County Borough Council.
- b) The title of the JOSC between the three Authorities shall be the “Cwm Taf Morgannwg Public Services Board Joint Overview and Scrutiny Committee” (*The JOSC for the purpose of this document*).

#### 3. Purpose of the Joint Scrutiny Committee (JOSC)

- a) The overall aim of the JOSC is to scrutinise the overall effectiveness of the Cwm Taf Morgannwg Public Services Board (the Board).
- b) The core statutory functions of the JOSC are:-
- To carry out functions in relation to the Board that are imposed on it by the Well-Being of Future Generations (Wales) Act 2015, including in particular as a statutory consultee upon the:
    - PSB Well-being Assessment;
    - PSB Well-being Plan, and;
    - To receive an Annual Report detailing the progress made towards meeting local Well-being objectives in the Well-being Plan
  - To review or scrutinise the decisions made or actions taken by Board;
  - To review or scrutinise the Board’s governance arrangements;
  - To make reports or recommendations to the Board regarding its functions or governance arrangements;
  - To consider matters relating to the Board as the Welsh Ministers may refer to it and report to the Welsh Ministers accordingly; and

- c) In addition to these functions the JOSC's Lines of Inquiry can include (but not be limited to), the following:
- The effectiveness of the Wellbeing Assessment;
  - The effectiveness of the Wellbeing Plan;
  - The effectiveness of performance measurement arrangements;
  - The level of commitment from individual partners to the work of the Public Services Board;
  - The effectiveness of the Public Services Board in communicating its work, objectives and outcomes to its stakeholders; and,
  - The effectiveness of the Public Services Board in addressing the issue of pooled funding to tackle priorities
- d) The remit of the JOSC includes only the activities of the Cwm Taf Morgannwg Public Services Board as a partnership and excludes scrutiny of individual partner organisations (see also para 5).
- e) Existing legislation excludes any matter which could be considered by an Authority's Crime and Disorder Committee (sections 19 and 20 of the Police and Justice Act 2006) from the work programmes of all other scrutiny committees, sub-committees and JOSCs.

#### **4. Intended outcome(s) of the joint overview and scrutiny committee**

- a) Ensuring that the JOSC achieves the following benefits:-
- **Effective challenge** is provided to the Cwm Taf Morgannwg Public Service Board and that it is achieving the desired aims.
  - **the focus is on outcomes for people not organisations:** shifting the perspective from inputs to delivering results;
  - **the JOSC acting as a unifying force:** helping partners address the complex needs of citizens across different political, organisational and geographical boundaries;
  - **Accountability:** clarifying different organisations' contributions to delivery;
  - **Efficiency:** maximise resources;
  - **Innovation:** identifying new insights and solutions.

#### **5. Accountability Framework**

- a) The parameters for the JOSC as defined within the Future Generations Act are as follows:
- The act allows for scrutiny of the PSB as a 'corporate body', not the individual partners comprising the PSB. Paragraph 180 of the Future Generations guidance states that; "**The committee can require any member of the board to give evidence, but only in respect of the exercise of joint functions conferred on them as a member of the board under this Act.**" This includes any person that has accepted an invitation to participate in the

activity of the PSB. The JOSC will therefore scrutinise the work of the PSB and not the individual activities of PSB partners.

- Whilst the joint actions of the PSB will demonstrate the impact and outcomes achieved, the JOSC may choose to probe individual partners as to how they intend to exercise their well-being duty in line with the PSB's wellbeing plan. Section 36 (1) (c) of the Act (in defining the PSB's well-being duty) refers to; **"The taking of all reasonable steps by members of the board (in exercising their functions) to meet those objectives."**
- Furthermore, the JOSC can exercise its existing power under S21 (2) (e) of the Local Government Act 2000 to; **"Make reports or recommendations to the authority or the executive on matters which affect the authority's area or the inhabitants of that area."**

## **6. Elected Member Membership (Councillors)**

- a) There will be an equal number of Elected Members from each appointing authority and no executive members may be on the committee.
- b) The JOSC will comprise fifteen Elected Members; that is five non-executive Elected Members from Rhondda Cynon Taf County Borough Council, five non-executive Elected Members from Bridgend County Borough Council and five non-executive Elected Members from Merthyr Tydfil County Borough Council.
- c) Each local authority will determine and nominate its Elected committee Members in accordance with its own arrangements from within each Council's Overview and Scrutiny Committee. The term of office of the nominated Elected Members shall be a matter for each nominating local authority.
- d) The Membership will allow for **one** substitute Member to be made available to attend the JOSC when one of the core Members are not available. This nomination for a substitute member will be made in accordance with each Authorities own arrangements.

## **7. Quorum**

- a) A quorum of one third of Elected Members of the JOSC will be required to enable a meeting to proceed.

## **8. Duration of the JOSC and procedures for withdrawal**

- a) The duration of the JOSC will be until such time as there is written notification from the Chief Executive and the Leader of either of the three participating local authorities to the Chief Executive and the Leader of the other, advising of the decision to withdraw that Authority from the JOSC arrangements.

## **9. Co-opted Members**

- a) The JOSC may invite additional members to serve on the JOSC as co-opted members subject to:-
  - the appointment being approved by a majority of the members of the JOSC;

- the person co-opted to serve on the JOSC is not entitled to vote at any meeting of the JOSC on any question which falls to be decided at that meeting;
  - the person not being an elected member of a local authority, whether that authority is one of the appointing authorities or otherwise;
  - the membership of a person co-opted to serve on the JOSC being withdrawn by a majority vote at any time by the JOSC or sub-committee; and,
  - the number of co-opted members on the JOSC not exceeding the number of elected members that sit on the JOSC.
- b) The JOSC may invite the PSB Statutory Members (non-executive) from the following organisations to serve as co-opted members on the JOSC :-
- Cwm Taf Morgannwg University Health Board
  - South Wales Fire and Rescue Service
  - Natural Resources Wales
- and
- c) The JOSC may invite `invited participants` as defined in the Act<sup>1</sup> to serve as co-opted members on the JOSC. These “invited participants” will be invited to participate as and when required.
- d) The JOSC may appoint three “Independent Co-opted Members” by public advertisement to serve as co-opted members on the JOSC i.e. a resident from each of the three local authority areas.

## **10. Termination / suspension of membership of the JOSC**

- a) If an Elected Member appointed to the JOSC ceases to be a member of the appointing authority, then that person also immediately ceases to be a member of the JOSC.
- b) If a person appointed as a member of a JOSC is suspended from being a member or a co-opted member of one of the appointing authorities, that person may not serve as a member of the JOSC for the duration of the suspension.
- c) If a co-opted member appointed to the JOSC ceases to be an employee of the organisation he/she was appointed from, then that person immediately ceases to be a member of the JOSC.
- d) Each Statutory Co-opted Member term of office will be for a period of four years from date of appointment. The Statutory Co-opted Member may serve for two terms.

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<sup>1</sup> Well-being of Future Generations (Wales) Act 2015 - Part 4, Chapter 1, Para 30.

- e) Each Independent Co-opted Member term of office will be for a period of four years from date of appointment. The Independent Co-opted Member may serve for two terms.
- f) If an Independent Co-opted Member moves away from the local authority area he/she was appointed from, then that person immediately ceases to be a member of the JOSC.

### **11. Voting rights**

- a) All Elected members may vote on any question that falls to be decided at that meeting
- b) Where there is an equality of votes at a meeting of a JOSC, the chair has a second or casting vote.
- c) A person co-opted to serve on the JOSC is not entitled to vote at any meeting of the JOSC on any question which falls to be decided at that meeting (also see Co-opted Members above).

### **12. Sub Committees of the JOSC**

- a) The JOSC can establish sub-committees in order to operate in a more streamlined and flexible manner to undertake its statutory functions.
- b) Any sub-committees appointed by the JOSC will comprise at least six Elected Members, together with any co-opted members as agreed when establishing the sub-committee.
- c) A sub-committee is to comprise an equal number of Elected Members of each of the appointing authorities.
- d) Any report or recommendations made by a sub-committee of the JOSC is subject to approval by a resolution of the JOSC.
- e) Any sub-committee can only exercise the functions conferred upon it by the JOSC.

### **13. Political Balance**

- a) Each appointing authority must ensure that, as far as practicable, the members of the JOSC reflect the political balance of each of the appointing authority.

### **14. Appointment of Chair and Vice Chair**

- a) A JOSC must appoint a chair of the committee from within its Elected Member membership.
- b) A JOSC may appoint a vice-chair and this must be from within its Elected Member membership.
- c) The appointment of the Chair and Vice Chair is taken forward on an annual basis, although for greater consistency of the leadership of the JOSC, it is

proposed that there is no requirement for an annual rotation of appointment between Authorities and a current Chair and Vice Chair could be re-appointed.

- d) The appointment of the Chair and Vice Chair cannot be from the same Authority. Due to legal requirements, a co-opted Member could not be considered for the role of Chair or Vice Chair.

#### **15. Access to meetings and documentation etc.**

- a) The JOSC is to be treated as a committee of a principal council for the purposes of Part VA of the Local Government Act 1972(1) (access to meetings and documents of certain authorities, committees and sub-committees).

#### **16. Resolving disagreements**

- a) All members of the JOSC have a duty to act assertively and proactively to resolve disagreements.
- b) Initially, the JOSC will utilise a collaborative-style methodology to resolve any conflict(s) or disagreements. The collaboration style involves parties working together to resolve issues, with a 'win-win' attitude clearly focused on making a positive difference to the lives of people who live in the County Boroughs of Bridgend County Borough Council, Merthyr Tydfil and Rhondda Cynon Taf. If necessary other ways of resolving disputes, such as mediation, will be used. Where mediation is used the parties must agree on the final, binding resolution.

#### **17. Meetings of the JOSC**

- a) Meetings will initially be held on a quarterly basis with a schedule of meeting dates circulated and agreed at the start of each Municipal year. Extra meetings may be called following the agreement of the Chair.

#### **18. Work programme (Forward Plan)**

- a) The JOSC should formulate a forward plan to identify what issues the JOSC intends to focus upon during the course of the year.
- b) The terms of reference of the JOSC are to be reviewed on an annual basis and to be incorporated into the Committee's Work Programme.
- c) The forward plan should provide a clear rationale as to the purpose of considering a particular topic, and to the methods by which it will be investigated.
- d) The JOSC must have regard to The Local Government (Wales) Measure 2011 and guidance, which places a requirement to engage with the public.
- e) The forward plan will be published on all three Authorities' websites to allow interested groups and individuals to provide comment and offer their views.

#### **19. Invitations to the Cwm Taf Morgannwg Public Service Board**

- a) The JOSC shall review and scrutinise the performance of the PSB, and in exercising its powers, may require members of the PSB to attend a meeting of

the JOSC. This includes any person that has accepted an invitation to participate in the activity of the PSB.

- b) The JOSC shall review and scrutinise the performance of the PSB, and in exercising its powers, may invite Officers and Cabinet Members to attend its meetings when appropriate.
- c) The JOSC may request invitees to give account for their activities and their performance on matters within the JOSC's remit, particularly relating to:-
  - Any particular decision
  - The performance of partners in delivering shared objectives
- d) When the JOSC wishes to invite members of the PSB, officers, Cabinet Members or another individual to a meeting, it will:-
  - Offer a minimum notice of 6 weeks' notice;
  - Clearly outline the reason and the likely areas for questioning;
  - Identify whether any paperwork is to be produced.
- e) Where individuals attend before the JOSC, the Chair shall ensure that they are treated with courtesy and respect. Following the meeting, attendees will be provided with feedback and clarification as to whether further information is required as part of the Scrutiny process.

## **20. Access to information rules**

- a) Meetings of the JOSC will be subject to the same access to information rules as other public meetings of the councils.
- b) The Chair will adhere to the access to information rules of his/her respective Authority.

## **21. Rules of Procedure**

- a) Members of the JOSC and the public must have regard for the Chair who will have the authority to determine on any rules of procedure during meetings of the JOSC.
- b) The Chair will adhere to the rules of procedure of his/her respective Authority.

## **22. Declarations of Interest**

- a) All Elected Members shall observe the Code of Conduct in force for their respective Authorities, whilst co-opted members shall observe the Code of Conduct of the Authority of the Chair of the JOSC at the time the co-opted member was appointed.
- b) Members of the JOSC must declare any interest during meetings of the JOSC (and withdraw from the meeting if necessary) in accordance with the paragraph above.

## **23. Confidentiality of Information**

- a) In accordance with Members' respective Authority's Code of Conduct, members (Elected Members and Co-opted Members) of the JOSC must not disclose any information considered 'exempt' in accordance with Section 100A (4) of the Local Government Act 1972.

#### **24. Administrative arrangements**

- a) Rhondda Cynon Taf Council take forward the support arrangements for the newly merged Joint Overview and Scrutiny Committee and this arrangement will be taken forward for a 2 year period, commencing from the beginning of the 2023/24 Municipal Year before a review of the arrangements is undertaken. The function includes:
- Arranging regular meetings of the JOSC - meetings are held within appropriate timescales following meetings of the Cwm Taf Morgannwg Public Services Board.
  - Preparing agendas and commissioning papers for meetings - Agendas and commissioning papers are prepared and distributed in a timely manner.
  - Inviting participants
  - Managing attendance
  - Provision of meeting venues
  - Minute taking
  - Preparing evidence for Scrutiny
- b) The terms of reference of the JOSC are to be reviewed on an annual basis and to be incorporated into the Committee's Work Programme.

#### **25. JOSC meeting procedures (including sub-committees)**

- a) Main agenda items will be identified at the previous meeting in line with the agreed work programme. At this point potential witnesses and broad themes should be considered.
- b) Prior to the meeting all JOSC Members should be engaged in raising and discussing possible questions by email. The JOSC Chair will facilitate this process.
- c) A pre-meeting for all JOSC Members will be held for 30 minutes immediately before each JOSC meeting. The purpose is to ensure that members are fully prepared for the JOSC meeting and that the questioning strategy is clear.
- d) During the meeting, the JOSC Chair will be responsible for ensuring that questioning is effective and that the JOSC achieves its objective.
- e) Those invited to attend for a particular agenda item shall not be expected to remain at the meeting.
- f) At the close of the meeting, witnesses will be asked to leave to enable JOSC Members to discuss their conclusions and any recommendations arising from the meeting. These conclusions and recommendations will be reported to the PSB and relevant Cabinet Member(s) in the form of a Chairs' Letter. This part of



the meeting should review the effectiveness of the meeting and identify ways that future meetings could be improved

## **26. Responding to the JOSC recommendations**

- a) The JOSC will agree outcomes of its meetings and detail the conclusions and any recommendations arising from a JOSC meeting.
- b) The JOSC may recommend amendments to a strategy or policy at their meeting which will be formally minuted. The Chair will formally make recommendations via a Chairs Letter to the PSB Members and will send a copy to the Future Generations Commissioner, the Welsh Ministers, and the Auditor General for Wales (see 27 below) following each meeting.
- c) Where recommendations have been made to the PSB and/or the Cabinet Member(s), a written response would be expected within one month, indicating whether the recommendation is to be accepted and what action (if any) will be taken in response.
- d) Where the JOSC makes a report or recommendations to any of the appointing authorities or their executives the JOSC:-
  - may publish the report or recommendations
  - may require the appointing authority or authorities, or the executive or executives—
    - to consider and respond to the report or recommendations indicating what (if any) steps it proposes, or they propose, to take; and
    - if the JOSC has published a report or recommendations, to publish the response.
  - Where the JOSC has provided a copy of the report or recommendations to a member of an appointing authority who has referred a matter to the JOSC or sub-committee, it must provide the member with a copy of the response.

## **27. Reports of the JOSC**

- a) When making reports or recommendations to the PSB with respect to the board's functions or governance arrangements, the JOSC must send a copy of any report or recommendation to:-
  - the Welsh Ministers;
  - the Future Generations Commissioner;
  - the Auditor General for Wales.
- b) Any reports or recommendations will be made on behalf of the JOSC, not the local authorities, and therefore there is no requirement for an executive or full council of the three Authorities to endorse the report. However it would be appropriate to share copies of reports with Executives of the participating local authorities in the interests of effective communication and good governance.

## **28. Evidence Gathering**

- a) The JOSC is entitled to gather evidence in connection with any review or inquiry it undertakes as part of their agreed work plan.
- b) The JOSC shall adopt methods of gathering evidence to inform its deliberations. These include, but are not limited to, task and finish groups, holding enquiries, undertaking site visits, conducting public surveys, holding public meetings, commissioning research, hearing from witnesses and appointing advisors and assessors. The knowledge of Members is also a valuable source of evidence and should be considered as part of each inquiry.

### **29. Setting the agenda**

- a) Individual agenda items, other than standing items, are to be determined in the first instance by the Work Programme which is to be established and agreed by the JOSC. The decision to consider additional items or defer planned items will be a matter for the discretion of the Chair.
- b) Any matter that is referred to the JOSC or a sub-committee by any member of the JOSC or a sub-committee will be included on the agenda for, and discussed at, a meeting of the JOSC or the relevant sub-committee. See “Reference of matters to joint overview and scrutiny committee, etc” below

### **30. Reference of matters to joint overview and scrutiny committee, etc**

- a) Any member of the JOSC can refer to the committee any matter which is relevant to its functions.
- b) Any member of a sub-committee of the JOSC can refer to the committee any matter which is relevant to its functions.
  - Any member of any of the appointing authorities can refer to the JOSC any local government matter which is relevant to the functions of the JSOC.
- c) Any referral as per above will be included on the agenda for, and discussed at, a meeting of that committee or sub-committee.
- d) Where the JOSC makes a report or recommendations in relation to a matter referred to it by that member, it must provide the member with a copy of the report or recommendations.

### **31. Public Engagement / Public Question Time**

- a) Meetings of the JOSC and sub-committees are open to the public and all reports are available to the public unless exempt or confidential, when the items would be considered in closed session.
- b) All persons who live or work in the three local authority areas can bring to the attention of the committee their views on any matter under consideration by the committee; and the committee must take into account these views.
- c) The JOSC will seek to gather evidence from the public as an ongoing aspect of its work.

- d) Meetings of the JOSC will be open to the public to observe and an item for public questions will be included on each agenda if received.
- A question may only be asked if notice has been given by delivering it in writing or by electronic mail to the Head of Democratic Services of the administrative Council no later than 10 days before the date of the meeting.
  - At any one meeting no person or organisation may submit more than one question and no more than one such question may be asked on behalf of one organisation.
  - A maximum of 15 minutes will be allowed at the meeting for public questions unless otherwise agreed at the meeting.
  - Each question must give the name and address of the questioner.
  - The Chair will invite the questioner to put the question to the meeting. If the questioner is unable to be present, the Chair will put the question and a written response will be provided to the questioner.
  - A questioner who has put a question in person may also put one supplementary question without notice to the meeting.
- e) Letters and agenda packs will be published via each Authority's agenda publications pages.

### **32. Training and Development**

- a) Training will be provided to members of the JOSC as and when required / appropriate.

### **33. Expenses, Allowances and Salaries**

- a) The JOSC will not be responsible for or pay any expenses or allowances.
- b) The remuneration of Chair of the JOSC (or a Sub-Committee of the JOSC) is prescribed by the Independent Remuneration Panel for Wales and is a matter for the constituent local authorities to decide whether such a post will be paid.
- c) All Elected Members and Co-opted Members will need to apply to their respective Authority or Organisation for any payment of expenses etc.

### **34. Meeting Venue / time**

- a) The JOSC will decide on an annual basis how the meetings will be taken forward, whether through a mix of hybrid meetings supported by each of the Local Authorities, where provision is available or whether a proportion of the meetings are held on a purely virtual basis.
- b) Meeting times of the JOSC or any sub-committees will be agreed by the JOSC Elected Member membership. A survey of Members as to the most convenient date and time will be taken forward as well as consideration of the supporting Authorities arrangements.