

# CARDIFF CAPITAL REGION JOINT CABINET

## JOINT CABINET MEETING 17 MARCH 2017

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### UPDATE ON ACCOUNTABLE BODY ARRANGEMENTS

#### REPORT OF CITY OF CARDIFF COUNCIL CORPORATE DIRECTOR OF RESOURCES

#### AGENDA ITEM: 4

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##### Reason for this Report

1. To provide an update to the Cardiff Capital Region City Region Joint Cabinet on the role of the Accountable Body, the associated resource implications and the requirements for governance for the Cardiff Capital Region.
2. To recommend to the Joint Cabinet the 2017/18 Budget and indicative budgets for the next four years to 2021/22 to allow the establishment of the Programme Management Office and Accountable Body Support Services.
3. To recommend that a budget is set-aside from within the Wider Investment Fund to meet the costs associated with the Regional Bodies and to fund Programme Development and Support costs.
4. To outline the next steps for the Accountable Body.

##### Background

5. Between 25th January and 9th February 2017 Council approval was received from each of the ten authorities within the Cardiff Capital Region for the establishment of a Cardiff Capital Region Joint Cabinet to deliver the commitments in the City Deal Heads of Terms document.
6. Each Council approved the Joint Working Agreement which establishes the Joint Cabinet, and includes the City Deal Assurance Framework and Implementation Plan.
7. These documents set out that, with effect from the Commencement Date of 1st March 2017, the City of Cardiff Council will act as the Accountable Body responsible for discharging the Councils' obligations in relation to Cardiff Capital Region City Deal and ensuring that decisions made by the Cardiff Capital Region Joint Cabinet are lawful, appropriate and within budget.
8. The Accountable Body will ensure that there is a means of managing financial, legal and governance arrangements of the Cardiff Capital Region

Joint Cabinet. The Joint Cabinet has no separate legal identity and so cannot own property, accept grants or enter into contracts in its own right. As the Accountable Body, the City of Cardiff Council will take responsibility for these duties as required by the Cardiff Capital Region Joint Cabinet.

9. There is no 'special' status afforded to the role of Accountable Body, rather it represents a responsibility on one authority to ensure that correct financial, legal and governance arrangements are in place to enable the activities of the Cardiff Capital Region Joint Cabinet. Furthermore, the Accountable Body does not play a role in the delivery or management of activities beyond the need to ensure that decisions taken are within the correct financial and legal framework, and are lawful.
10. In summary the City of Cardiff Council, acting as the Accountable Body, is the Legal Entity that has responsibility for discharging all the statutory requirements in respect of the City Deal Wider Investment Fund. It is responsible for ensuring that decisions and activities of the Cardiff Capital Region Joint Cabinet and Programme Management Office are lawful and appropriate.
11. In anticipation of agreement from all Councils to establish a Cardiff Capital Region Joint Cabinet, officers have been assessing the practical and resource implications of an Accountable Body. This work can be summarised as:
  - Preparation of the 2017/18 budget (and indicative budgets for the following four years to 2021/22) to meet Cardiff Capital Region Joint Cabinet costs and to determine each local authority partner's contribution over that period;
  - Administrative support for the Programme Management Office arrangements (including Human Resources, ICT, bilingual translation services, finance, Monitoring Officer and Section 151 Officer roles);
  - Consideration of Accounting & Reporting arrangements for income and expenditure;
  - Understanding the operational and financial implications associated with setting-up the range of Advisory / Consultation Bodies;
  - Consideration of wider implications for hosting the City Deal e.g. information management, committee clerking, insurances, support services etc.

## Issues

### Role of the Accountable Body

12. The effective operation of the Cardiff Capital Region Joint Cabinet requires the establishment of an appropriately resourced Accountable Body. The Joint Working Agreement and Assurance Framework outlines the specific role of the Accountable Body and includes:

- Receive and hold any HMT Contribution from the Welsh Government for and on behalf of the Councils, along with the 'Council Contribution' and any other relevant sources of funding (if any) related to CCRCD;
- Ensure that CCRCD funds remain identifiable from the City of Cardiff Council's own finances and are released and used appropriately and in accordance with the funding terms and conditions;
- Ensure overall financial arrangements are managed and accounted for through the City of Cardiff Council's financial systems and subject to the Council's Financial Procedure Rules;
- Provide the services of its Monitoring Officer and the services of a Section 151 Officer to the Cardiff Capital Region Joint Cabinet;
- Employ and / or host any staff appointed by the Cardiff Capital Region Joint Cabinet, such as those within the Programme Management Office;
- Supply the Programme Management Office with relevant support services with regard to the accountable body role, such as financial, legal, HR, audit and other professional / technical services;
- Provide relevant administrative functions, such as payroll, preparing statement of accounts, VAT returns and liaising with external audit etc;
- Provide appropriate internal audit services;
- Ensure that it acts in a manner that is transparent, evidence based, consistent and proportionate.

### Role of the Programme Management Office

13. Whilst the Accountable Body has a role with regard to the financial and legal undertakings of the Programme Management Office, operationally the bodies are distinct, with strategic direction for the Programme Management Office taken from the Cardiff Capital Region Joint Cabinet and not the Accountable Body. For clarity, the Programme Management Office shall be responsible for (but not limited to):

- Providing the Cardiff Capital Region Joint Cabinet, UK Government and Welsh Government with quarterly performance reports;
- Developing, implementing, maintaining and monitoring a comprehensive performance management system and evaluation

framework that will operate at both the corporate level and the scheme level;

- Ensuring that all submitted schemes are eligible and that details of Candidate Schemes are issued to the appropriate Advisory / Consultation Body for their observations, which will be used as part of the Assessment Framework;
- Being responsible for the management of the programme contained in the Regional Economic Strategy, gateway reviews, and the annual Business Plans including performance and financial management of the delivery programme, undertaking due diligence as required;
- Providing support to Cardiff Capital Region Joint Cabinet, including agenda planning and management and minuting meetings, administration, engagement and communications, including events and press;
- The Regional Programme Director shall be responsible for the practical management of Programme Management Office staff, including recruitment and selection, performance management and general personnel management. As the Accountable Body will be the employer in law for the Programme Management Office, these management responsibilities shall be undertaken in accordance with all relevant City of Cardiff Council policies and procedures.

#### Accounting and Reporting Arrangement (Statutory Duties)

14. Establishing the accounting and reporting arrangements is a critical element of the role of the Accountable Body. This role is essential in providing financial monitoring and reporting for the Cardiff Capital Region Joint Cabinet and Programme Management Office. Key requirements will include setting up necessary accounting systems, processes and associated interfaces.
15. Without assuming responsibility for the delivery of any specific City Deal project, the Accountable Body's Section 151 Officer (or nominated deputy) will act as the Section 151 Officer to the Cardiff Capital Region Joint Cabinet.
16. The Accountable Body will report to the Cardiff Capital Region Joint Cabinet. Officers will put in place internal safeguards in order to ensure that there is no conflict of interest between Cardiff Capital Region City Deal activities and the activities of the City of Cardiff Council.
17. Cardiff Capital Region Joint Cabinet Income & Expenditure transactions will be accounted for separately. VAT will be accounted for under the Accountable Body's VAT registration with the necessary disclosures and permissions being sought from HMRC.
18. All budget management processes will be undertaken in-line with the City of Cardiff Council's Financial Procedure Rules, Contract Standing Orders and Procurement Rules.

19. The Accountable Body will ensure that the annual accounts of the Cardiff Capital Region Joint Cabinet are prepared in accordance with the Code of Practice on Local Authority Accounting.
20. As part of its role, the Accountable Body has set-up a Technical Group which comprises of representatives from each of the ten participant authorities. A representative from the Wales Audit Office's Technical Team also forms part of the Group and acts as a 'critical friend' within an observer role.
21. The Group's terms of reference is to carry out a detailed piece of work regarding the accounting and reporting implications that may arise from the implementation of the CCRCW Wider Investment Fund. The Group will consider a range of scenarios in terms of how 'fund expenditure' may be incurred and will work through the accounting entries that may feature in the accounts of the:
- Cardiff Capital Region Joint Cabinet;
  - Accountable Body;
  - Participant authorities;
  - Authority responsible for leading a project(s).
22. The initial findings of the Group along with its recommendations will be reported back to the Accountable Body in conjunction with the s151 Officer Group in the next few months. The work of the Group will also inform the development of a finance protocol in consultation with the s151 Officer group. This protocol will be based on the financial principles set-out in the Joint Working Agreement, but will seek to provide further details around practical day to day finance matters.

### Grant Administration

23. Whilst the Accountable Body will not be responsible for determining allocation of spend, it will be responsible for ensuring that expenditure is undertaken in accordance with UK and Welsh Government grant terms and conditions. In addition, it will discharge the requirement to prepare all performance monitoring and reporting requirements through the Programme Management Office.

### Governance Protocols

24. With regard to agenda and committee management, Cardiff Council's procedures will apply, as outlined in the Council's constitution.
25. It is proposed that the Programme Management Office includes a post to carry out agenda planning and management, forward planning and minute taking. The Programme Management Office will recruit to this post with assistance and training support from the City of Cardiff Council.
26. A draft Governance Protocol to cover the agenda planning process for Cardiff Capital Region Joint Cabinet meetings is attached as Appendix 1. This covers the following points:

- Agenda and reports for the public meeting will need to be published three clear days ahead of the meeting, not including the day of the meeting or the day of agenda despatch;
- To facilitate the agenda planning process a forward plan of the work of the Cardiff Capital Region Joint Cabinet will need to be maintained;
- There should be an informal agenda planning/briefing meeting of the Cardiff Capital Region Joint Cabinet an agreed period prior to the formal public meeting, to consider drafts of reports to make sure that all the relevant and necessary information is included for the decision making meeting. These draft reports should be sent to the Cardiff Capital Region Joint Cabinet Members and the legal and financial advisors in advance of the meeting;
- To enable the City of Cardiff Council officers, as the Accountable Body, to add legal and finance implications to the reports, legal and finance officers should be involved in issues at an early stage. The draft reports should be sent to legal and finance with a minimum of five clear working days before they are needed to be sent out to allow for legal/financial implications to be added;
- Legal and financial implications are drafted by the relevant legal and financial officers from the Accountable Body and must not be amended without their knowledge and agreement;
- Legal and financial representatives of the Accountable Body will attend Cardiff Capital Region Joint Cabinet meetings and meetings of its sub-committees as appropriate;
- The costs of drafting legal implications in reports and having a legal representative at appropriate Cardiff Capital Region Joint Cabinet meetings and meetings of its sub-committees is an Accountable Body cost. In addition, dealing with governance queries will be an Accountable Body cost, as would be dealing with any complaints about breaches of the member code of conduct;
- Any complaints received alleging members of the Cardiff Capital Region Joint Cabinet may have breached the Code of Conduct must be sent immediately to the City of Cardiff Council's Monitoring Officer.

27. Clause 10.19.2 of the Joint Working Agreement notes that Councils shall work together to create and agree terms of reference for a Joint Audit Committee and a Joint Scrutiny Committee. This will be a matter for the Councils to discuss and decide on the way ahead, with particular regard to:

- Timing
- Joint Scrutiny / Joint Audit lead and costs
- Terms of Reference
- Composition

- Chair arrangements
28. The Joint Scrutiny Committee Regulations specifically state that the political balance rules do not apply to joint scrutiny committees. However, each appointing authority is required to make its appointments having regard to its political balance, 'as far as practicable'.

### Legal Services

29. As part of its Accountable Body role, the City of Cardiff Council will provide legal advice and support to the Cardiff Capital Region Joint Cabinet. The costs of this will be met from within the proposed Accountable Body budget as set out in this report. Further to this, the City of Cardiff Council can provide legal services to the Cardiff Capital Region Joint Cabinet to support specific agreed projects (if required), but this work does not form part of the budget referred to above.

### Human Resources

30. The Joint Working Agreement sets out that staff appointed by the Cardiff Capital Region Joint Cabinet, including the Programme Management Office, shall legally be employed by the Accountable Body. However, discussions will take place, as appropriate, with both individuals and Local Authorities as to the specific mechanisms for that employment which may include secondment. Subsequently Human Resources matters relating to Accountable Body or Programme Management Office staff shall be managed in accordance with the City of Cardiff Council's Human Resources framework, including all relevant policies and procedures.
31. However, as the Accountable Body and Programme Management Office will be functionally independent, the Regional Programme Director shall be responsible for (but not limited to) the practical day-to-day management of Programme Management Office staff, including their recruitment and selection, performance management and general personnel management.
32. The Regional Programme Director shall report to the Corporate Director Resources within the Accountable Body for pay and rations purposes only and to the Cardiff Capital Region Joint Cabinet from a task and performance perspective.
33. In accordance with the City of Cardiff Council's Human Resources framework, all posts within the Accountable Body and Programme Management Office will align with the Council's pay structure. Job Evaluation will be required to determine the grade of each post, unless the post can be job-matched against an existing post which has already been evaluated. These posts will be ring fenced where permissible in the first instance to existing staff within the Cardiff Capital Region Authorities.
34. As the City Deal is a time-limited programme, and the resource needs of the Accountable Body and Programme Management Office may vary over the programme's life, the preference is to employ staff via secondments or fixed-term contracts rather than into substantive or permanent roles. These arrangements will also minimise the Accountable Body's risk of excessive

liabilities and can be used to service the Accountable Body and Programme Management Office for the full life of City Deal if necessary.

35. As Accountable Body, the City of Cardiff Council will provide relevant administrative functions for Accountable Body and Programme Management Office staff. This will include HR support with recruitment, contracts, payroll etc. There will also be access to a senior HR Manager as well as a full HR advisory service.

#### Insurance

36. The Accountable Body is responsible for ensuring sufficient and appropriate insurance arrangements are put in place to mitigate the risk of claims against the Cardiff Capital Region Joint Cabinet, Programme Management Office and Accountable Body in respect of City Deal activities. Insurance will be required to cover a range of areas, including (but not limited to) Public Liability, Employers Liability, Fidelity Guarantee and property insurance.

37. The costs of insurance cover, along with any excess payments in respect of a claim, will be recovered as an Accountable Body cost.

#### Accommodation

38. The Regional Programme Director and Project Manager are currently located within Bridgend Council offices, and steps are being taken to finalise and put into effect the longer-term office accommodation arrangements for the Programme Management Office.

39. Whilst the Programme Management Office shall be legally employed by the City of Cardiff Council in its capacity of Accountable Body, the Programme Management Office exists to service the region and will remain functionally independent of the Accountable Body. Therefore, there is no formal requirement for the Programme Management Office to be based within Cardiff's offices.

40. Ty Dysgu in Nantgarw has been identified as the provisional longer-term office location for the Programme Management Office. Detailed costings and logistics are being finalised by the Regional Programme Director, although indicative costs are around. £37,500 per annum. These cost estimates have been used as the basis within the Cardiff Capital Region Joint Cabinet Budget Plan, included within this Report.

#### Bilingual Translation

41. The Accountable Body is responsible for ensuring compliance with necessary bilingual standards with respect of the Welsh and English language. In summary, the legal requirement is that the programme will be delivered in compliance with relevant Welsh Standards.

42. As part of the establishment by the Cardiff Capital Region Joint Committee of any sub-committee, advisory / consultation body or other such group, members shall be asked for their preference of English or Welsh language. If members unanimously agree on one language, papers for these



meetings only need be provided in that language. Where there is a split in language preference, papers would need to be offered bilingually.

43. Further to this, all Cardiff Capital Region Joint Cabinet Agendas and Minutes will require bilingual translation. Other Cardiff Capital Region Joint Cabinet Reports and papers would require translation only where this is deemed necessary in the Welsh Standards, or where there is a split in language preference amongst Cardiff Capital Region Joint Cabinet members.
44. The Programme Management Office will be responsible for arranging bilingual translation as required, most likely by way of a Service Level Agreement. An indicative budget for this has been included in the Programme Management Office budget. This could be agreed with any of the ten Councils involved in City Deal and does not have to be ring-fenced to the Accountable Body.

#### Information Technology

45. The Accountable Body will work collaboratively with the Programme Management Office to establish detailed ICT and telephony requirements, and ensure appropriate arrangements are made. The detail of these arrangements will be affected by other developments, such as the location of the Programme Management Office. Indicative allocations have been included under the Programme Management Office and Accountable Body budgets in respect of ICT and telephony requirements.

#### Information Governance

46. Sections 21 and 22 of the Joint Working Agreement outline the agreed principles regarding Data Protection and Freedom of Information within the City Deal.
47. Further to this an Information Governance Memorandum of Understanding will need to be put in place. An interim Memorandum of Understanding will be agreed whilst the various governance and delivery roles and working practices of City Deal partners are further developed and finalised.

#### Internal and External Audit

48. Provisions will also need to be made to undertake appropriate internal and external audit. To that end, an estimation of the likely cost has been included in the Accountable Body budget.

#### Cardiff Capital Region Joint Cabinet Proposed 2017/18 Budget and Indicative Budgets to 2021/22

49. In order to establish the Accountable Body and Programme Management Arrangements a budget is required to be put in place to support the delivery of activities. The proposed budget for 2017/18 budget is set-out in Table 1 along with indicative budgets covering the next four years to 2021/22. The budgets have been prepared based on the roles, activities and responsibilities identified in respect of the Programme Management Office and Accountable Body at this time. The five year term covers the

period of the 'initial lock-in' as set-out in the Joint Working Agreement and will also assist partnering authorities with their medium term financial planning and budgeting requirements.

50. Whilst 2017/18 represents the first full year budget, it should be noted that the Cardiff Capital Region Joint Cabinet's formal 'Commencement Date' is the 1<sup>st</sup> March 2017. Therefore, expenditure will be formally recognised from this date and met from the final month's budget allocated in respect of 2016/17, which covered the former 'shadow arrangements'.

**Table 1: Cardiff Capital Region Joint Cabinet – Proposed 2017/18 Budget and Indicative Budgets to 2021/22**

Expenditure Head		2017/18 Part Year Budget	Year 2 2018/19	Year 3 2019/20	Year 4 2020/21	Year 5 2021/22	Total
		£s	£s	£s	£s	£s	£s
<b>Programme Management Office</b>							
Salaries Related Expenditure		405,500	564,800	577,400	590,400	603,600	2,741,700
Premise Related Expenditure		37,500	37,500	37,500	37,500	37,500	187,500
Transport Related Expenditure		5,000	5,000	5,000	5,000	5,000	25,000
Supplies, Services & External Support		137,000	125,000	145,000	120,000	120,000	647,000
Early Project Development & Support		100,500	0	0	0	0	100,500
<b>Subtotal</b>		<b>685,500</b>	<b>732,300</b>	<b>764,900</b>	<b>752,900</b>	<b>766,100</b>	<b>3,701,700</b>
<b>Contingency Budget</b>							
<i>Contingency (including Joint Scrutiny)</i>		<i>69,500</i>	<i>64,300</i>	<i>78,900</i>	<i>77,700</i>	<i>79,100</i>	<i>369,500</i>
<b>Subtotal</b>		<b>69,500</b>	<b>64,300</b>	<b>78,900</b>	<b>77,700</b>	<b>79,100</b>	<b>369,500</b>
<b>Total</b>		<b>755,000</b>	<b>796,600</b>	<b>843,800</b>	<b>830,600</b>	<b>845,200</b>	<b>4,071,200</b>
<b>Accountable Body Support Services</b>							
Human Resources		29,500	7,700	7,800	8,000	8,200	61,200
Finance Support		108,000	137,000	140,000	143,000	146,000	674,000
Exchequer, Internal Audit & Insurance		8,000	8,200	8,400	8,600	8,800	42,000
Legal and Governance Support		55,000	57,000	58,000	59,000	61,000	290,000
ICT, Information Management & Comms		12,000	13,000	13,000	13,000	13,000	64,000
External Audit Fee		10,000	5,000	5,100	5,200	5,300	30,600
<i>Contingency</i>		<i>22,500</i>	<i>23,000</i>	<i>23,000</i>	<i>24,000</i>	<i>24,000</i>	<i>116,500</i>
<b>Subtotal</b>		<b>245,000</b>	<b>250,900</b>	<b>255,300</b>	<b>260,800</b>	<b>266,300</b>	<b>1,278,300</b>
<b>GRAND TOTAL</b>		<b>1,000,000</b>	<b>1,047,500</b>	<b>1,099,100</b>	<b>1,091,400</b>	<b>1,111,500</b>	<b>5,349,500</b>
<b>% Increase</b>			<b>4.8%</b>	<b>4.9%</b>	<b>-0.7%</b>	<b>1.8%</b>	
<b>Funded by:-</b>							
<i>Underspend b/fwd 2016/17 (Based on Mth 09)</i>		<i>-</i>	<i>-300,887</i>	<i>0</i>	<i>0</i>	<i>0</i>	<i>-300,887</i>
Partner Contribution - Blaenau Gwent	4.6%	-32,297	-48,392	-50,775	-50,420	-51,348	-233,232
Partner Contribution - Bridgend	9.4%	-65,989	-98,874	-103,744	-103,017	-104,915	-476,540
Partner Contribution - Caerphilly	12.0%	-83,671	-125,366	-131,541	-130,620	-133,025	-604,223
Partner Contribution - Cardiff	23.7%	-165,870	-248,527	-260,770	-258,943	-263,712	-1,197,822
Partner Contribution - Merthyr Tydfil	3.9%	-27,551	-41,280	-43,314	-43,010	-43,802	-198,957
Partner Contribution - Monmouthshire	6.1%	-42,947	-64,349	-67,519	-67,046	-68,280	-310,140
Partner Contribution - Newport	9.8%	-68,626	-102,824	-107,889	-107,133	-109,106	-495,579
Partner Contribution - RCT	15.8%	-110,257	-165,201	-173,339	-172,124	-175,294	-796,215
Partner Contribution - Torfaen	6.1%	-42,650	-63,903	-67,051	-66,582	-67,808	-307,994
Partner Contribution - Vale of Glamorgan	8.5%	-59,255	-88,784	-93,158	-92,505	-94,209	-427,910
	<b>100.0%</b>	<b>-1,000,000</b>	<b>-1,047,500</b>	<b>-1,099,100</b>	<b>-1,091,400</b>	<b>-1,111,500</b>	<b>-5,349,500</b>

51. As stated in the Joint Working Agreement, the annual budget of the Cardiff Capital Region Joint Cabinet shall be:

- i. in the initial period (2017-18) prior to receipt of any HMT Contribution by the Accountable Body, up to £1,000,000; and*
- ii. in all other cases, the annual budget approved by the Cardiff Capital Region Joint Cabinet for that accounting period provided that the annual budget does not exceed the previous annual budget by more than 5%, and the participant authorities shall each contribute towards the annual budget on a proportionate basis and such contribution shall be in addition to their contributions to the Wider Investment Fund. Similarly, if the budget is exceeded by more than 5%, then the overspend shall be met from the Wider Investment Fund, subject to funding terms and conditions.*

52. The Cardiff Capital Region Joint Cabinet budget will not ordinarily cover any revenue or capital costs relating to the development or implementation of any projects, as these will be funded from the Wider Investment Fund, once the Welsh Government funding terms and conditions have been approved. However, clause 2.4 of the Joint Working Agreement sets-out that up to £50 million may be committed on 'Initial Project Investments' pursuant to the terms and conditions of the Assurance Framework. In order to assess the robustness of any proposals brought forward in this regard and to carry out the necessary due diligence checks, it is proposed that for 2017/18 only, an 'Early Project Development & Support' budget in respect of Initial Project Investments is approved.

53. The Programme Management Office has been developed based on proposals by the Regional Programme Director and based upon the City Deal Heads of Terms document and constituent proposals. The costs primarily relate to the costs associated with employment for the Programme Management Office.

54. The Accountable Body costs are also based on a function and not a post basis. It is intended that staff will be recruited to work on Accountable Body related activities should the budget be approved. Recruitment and structure of these posts will be led by the Section 151 Officer of the City of Cardiff Council.

55. The 2017/18 partner contributions are also set-out in Table 1. These are shown as 'net contributions' and have been reduced to reflect the projected underspend against the 2016/17 budget as reported at Month 09. The projection will be updated in due course to reflect the final-out position in respect of 2016/17.

#### Wider Investment Fund

56. The Cardiff Capital Region Joint Cabinet will be responsible for preparing a JWA Business Plan in respect of the Wider Investment Fund totalling £495m. In order to provide financial support to a range of Regional Bodies and to progress the detailed work on individual projects (Programme Development and Support), additional budgets will need to be identified

from within the fund itself, once Welsh Government funding terms and conditions are approved.

57. Discussions with UK Government suggest that setting aside around 3% of the total investment fund to carry out these activities would be deemed a reasonable sum. This equates to £742,500 annually and could be required each year, over the first five years of the fund's life. The following budget headings in respect of the 2017/18 allocation are proposed:

Regional Bodies - £331,297

The budget for 2017/18 will cover the costs and financial contributions to the following regional bodies: Regional Transport Authority, Regional Skills Board, Economic Growth Partnership and the Regional Business Organisation. The ongoing budget requirement will be reviewed as part of the 2018/19 budget.

Programme Development and Support Budget - £411,203

This annual budget is intended to cover a range of professional advice and support that will be needed to ensure that all projects taken forward as part of the Wider Investment Fund are robust and have undergone the necessary level of challenge and independent verification to comply with requirements of the Assurance Framework.

### **Reasons for Recommendations**

58. To enable the establishment of the support arrangements for the Programme Management Office and Accountable Body.
59. To approve the Cardiff Capital Region's Joint Cabinet part-year budget for 2017/18 and indicative budgets covering the next four years to 2021/22 as set out in Table 1.

### **Financial Implications**

60. Whilst the City of Cardiff Council is well rehearsed in the management of Joint Committees, additional complexities (and demand on resources) will arise from accepting the role of Accountable Body for the Cardiff Capital Region City Deal, primarily due to the fact that is the first City Deal in Wales, but also due to the involvement of nine other participant authorities.
61. The financial implications are set out in the body of this report. The budget put forward is based on the information known at this time and accordingly will be updated and refined as the project moves forward. Regular budget monitoring reports will be presented to the Cardiff Capital Region Joint Cabinet during the year so that any budget management issues can be highlighted and the appropriate action taken.
62. The projected out-turn position against the 2016/17 budget reported at Month 09 was an underspend of £300,887. The projection will be updated in due course to reflect the final-out position in respect of 2016/17. Any underspend will be used to reduce the contributions made by partner

authorities in 2017/18 as approved by Councils as part of their January/February reports

63. The budget for 2017/18 reflects part-year costs with the expectation that expenditure will be primarily incurred towards the latter part of the year as the activities and staffing of the Cardiff Capital Region Joint Cabinet ramp up over the course of its first year of operation. The 2017/18 budget also includes an element of 'one-off' start-up costs, including an Early Project Development & Support budget in respect of Initial Project Investments. Any underspends that crystallise in 2017/18 will be used to reduce partner authorities contributions in 2018/19.

64. Contingency budgets are based on 10% of the annual budget, provided that the annual budget does not exceed the previous annual budget by more than 5% as set-out in the Joint Working Agreement.

### **Legal Implications**

65. The legal implications are set out in the body of this report.

### **RECOMMENDATIONS**

It is recommended that the Cardiff Capital Region Joint Cabinet:

- a) Approves the arrangements made for the City of Cardiff Council to deliver the Accountable Body functions as set out in this report
- b) Approves the 2017/18 Budget Plan and Cardiff Capital Region Joint Cabinet 5 year summary budget as outlined in this report to cover the activities of the Programme Management Office and the Accountable Body.
- c) Delegates authority to the Programme Director and the Section 151 Officer of the City of Cardiff Council to implement the budget approved in recommendation b) above in respect of the Regional Office and Accountable Body respectively and in consultation with the lead Chief Executive for Cardiff Capital Region City Deal.
- d) Approves that up to 3% of the Wider Investment Fund (over a 20 year period) is set-aside to fund the costs and contributions associated with a range of Regional Bodies and to meet the costs of Programme Development and Support, subject to Welsh Government funding terms and conditions.
- e) Approve the Governance Protocol, attached in Appendix 1.

**Christine Salter**  
**13 March 2017**

*The following appendix is attached:*

Appendix 1: Draft Governance Protocol

### Draft Governance Protocol – Cardiff Capital Region City Deal

1. The City of Cardiff Council is the accountable body for the Cardiff Capital Region City Deal. A clerk will form part of the Programme Management Office and will work in accordance with this protocol, the City of Cardiff Constitution and policies, and the legislation applicable to Joint Committees.
2. This protocol covers the arrangements for agenda planning and management of the Cardiff Capital Region Joint Cabinet and its subsidiary committees, and arrangements for ensuring the accountable body includes legal and finance implications in reports to give the Cardiff Capital Region Joint Cabinet confidence they have the relevant information to take into account in their decision making.
3. To facilitate the agenda planning process a forward plan of the work of the Cardiff Capital Region Joint Cabinet and subsidiary bodies will be maintained.
4. Agenda and reports for the public meetings will be published three clear days ahead of the meeting, not including the day of the meeting or the day of agenda despatch.
5. There will be an informal agenda planning/briefing meeting of the Cardiff Capital Region Joint Cabinet an agreed period prior to the formal public meeting, to consider drafts of reports to make sure that all the relevant and necessary information is included for the decision making meeting. These draft reports will be sent to the Cardiff Capital Region Joint Cabinet Joint Cabinet Members and the legal and financial advisors in advance of the meeting.
6. To enable the City of Cardiff Council officers, as the Accountable Body, to add legal and finance implications to the reports, legal and finance officers should be involved in issues at an early stage. The draft reports should be sent to legal and finance with a minimum of five clear working days before they are needed to be sent out to allow for legal/financial implications to be added
7. Legal and financial implications are drafted by the relevant legal and financial officers from the Accountable Body and must not be amended without their knowledge and agreement
8. Legal and financial representatives of the Accountable Body will attend Cardiff Capital Region Joint Cabinet meeting and meetings of its sub-committees as appropriate.
9. The costs of drafting legal implications in reports and having a legal representative at appropriate Cardiff Capital Region Joint Cabinet meetings and meetings of its sub-committees is an Accountable Body cost. In addition, dealing with governance queries will be an Accountable Body cost, as would be dealing with any complaints about breaches of the member code of conduct
10. Any complaints received alleging members of the Cardiff Capital Region Joint Cabinet may have breached the Code of Conduct must be sent immediately to the City of Cardiff Council's Monitoring Officer.
11. The Welsh Language Standards apply and must be complied with.