

Cardiff Capital Region (CCR) City Deal Joint Overview and Scrutiny Committee Proposal and Draft Terms of Reference

1. Background

- 1.1 The Cardiff Capital Region (CCR) Joint Working Agreement (JWA) states in paragraph 10.19.2 that “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 Overview and Scrutiny Committee (JOSC) and how the same will be resourced and funded”.
- 1.2 At the meeting of the CCR Joint Cabinet on 20 November 2017, it was proposed that the Regional Cabinet consider the establishment and governance arrangements for the CCR City Deal JOSC.
- 1.3 The purpose of the JOSC is to enable Members to be kept up to date with Cardiff Capital Region (CCR) City Deal developments. The draft Terms of Reference (TOR) (attached to the Joint Cabinet report as Appendix B2) expands upon this outlining that one of its main functions would be to perform the overview and scrutiny function for the CCR City Deal on behalf of the ten local authorities whilst not excluding a local authority’s right to carry out its own individual scrutiny of any decision of the Regional Cabinet or City Deal.
- 1.4 Subsequent to this meeting, it was agreed by the CCR Joint Cabinet that Bridgend County Borough Council would host the Joint Overview and Scrutiny Committee providing such dedicated support and advisers within a pre-determined sum to be funded out of the annual budget of the Regional Cabinet.
- 1.5 The 2017/18 Joint Cabinet Budget contains a contingency budget in the sum of £69,500, an element of which has been set aside to meet the cost of developing the Joint Scrutiny Committee arrangements. Based on initial estimations provided for the first year, it was agreed that an amount of £25,000 would be allocated to the Host Authority to carry out the Joint Scrutiny role. From 2018/19 the budget headings will be realigned to separately identify the pre-determined sum from the remaining contingency budget. It is essential that the JOSC use the first year to develop a detailed and informed Forward Work Programme (FWP) which will not only focus their work but also assist greatly in determining the workload and needs for the future including the number of meetings and future budget required.

First Year of the JOSC

- 1.6 During the first year of the JOSC there will be a need for Members and Scrutiny Officers to attend training and briefing sessions prior to them undertaking scrutiny of the City Deal. This will help ensure that all Members have the same knowledge base and understanding from which to start from, however this may result in a limited amount of scrutiny work being undertaken in the first year.
- 1.7 It is proposed that two meetings are held within the first year so that the JOSC can amend and finalise the TOR and officially adopt and take ownership of them. The final version of the TOR will be forwarded to each of the ten local authorities for formal approval but this should not necessarily delay the work of the JOSC. Initial discussions will also be held at the first meeting regarding the Forward Work

Programme (FWP) with Members developing in detail their FWP and future focus at the second meeting following their training.

- 1.8 In addition to monitoring the City Deal Business Plan and/or Programme Plan, the draft TOR will also enable any member of the JOSC to 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, and subject to a number of conditions and provisos. Therefore, as stated above, it will be the FWP development determined by the JOSC Members that will indicate the needs and growth of the Committee.
- 1.9 It is anticipated that the second meeting will also allow for the JOSC to begin to undertake annual monitoring of the City Deal Business Plan and/or Programme Plan.
- 1.10 The JOSC has the power 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.

2. Establishing a Joint Overview and Scrutiny Committee

- 2.1 It is a decision for each authority if it wishes to establish a Joint Overview and Scrutiny Committee for the CCR City Deal. Statutory guidance issued under Section 58 of the 2011 Measure states at paragraph 3.1 *“that in establishing a JOSC which is additional to a Council’s existing scrutiny committee(s) a report setting out its role, responsibilities, terms of reference and intended outcomes to be generated by the joint exercise should be considered by each of the participating authorities’ appropriate scrutiny committees (or sub-committees) before being endorsed by full Council”*.
- 2.2 The TOR state that the membership of the JOSC shall consist of one non-executive Member from each Appointing Authority. Whilst the draft TOR states that the length of appointment is a matter for each Appointing Authority, it is proposed that consideration be given to the membership (as far as possible) being for the length of term the nominated Member is in office. This will help ensure continuity and with possibly only two to four meetings per year, consistency of knowledge is important.
- 2.3 It is also proposed that in deliberations over nominations to sit on the JOSC, consideration is given to potential skill sets of Members including any prior knowledge and experience of joint working or professional knowledge that relates to the City Deal itself which could potentially be of great value and assistance to the JOSC. Joint Scrutiny is often focused on decisions taken at a more strategic/ regional level and also necessitates considerable learning on the job as Members explore new and complex policy areas.
- 2.4 In 2013 in a supplementary report of the Independent Remuneration Panel for Wales in accordance with section 147 of the Local Government (Wales) 2011, it was determined that the remuneration of chairs of JOSCs (or a sub-committee of JOSCs) is not prescribed and is a matter for the constituent councils to decide whether such a post will be paid. However, if a senior salary is paid, it must be at the level set out within the IRP report. Each council will therefore need to determine whether they would agree to pay the salary required under this legislation should their nominated Member be put forward as Chair of the JOSC.

3 Proposal

- 3.1 It is proposed that this paper, along with the draft Terms of Reference be presented to the relevant Overview and Scrutiny Committee for each local authority prior to it being submitted to each Council, both for endorsement and for the nomination of a non-executive Member to sit on the CCR City Deal JOSC.