

CARDIFF CAPITAL REGION JOINT CABINET

JOINT CABINET MEETING 20 NOVEMBER 2017

GOVERNANCE ARRANGEMENTS FOR CARDIFF CAPITAL REGION JOINT SCRUTINY COMMITTEE

REPORT OF CARDIFF CAPITAL REGION PROGRAMME DIRECTOR

AGENDA ITEM: 8

1. PURPOSE OF REPORT

- 1.1 To make recommendations to Regional Cabinet to consider the establishment of, and governance arrangements for, the Joint Scrutiny Committee which, if acceptable, be referred to each of the ten Councils for formal approval.

2. SUMMARY

- 2.1 The Joint Working Agreement (JWA) in paragraph 10.19.2 states 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 Scrutiny Committee and how the same will be resourced and funded”.

3. ROLE & PURPOSE

- 3.1 In accordance with the terms agreed in the JWA (as above), Regional Cabinet recognise and value the need for a Joint Scrutiny Committee being established with clear terms of reference which will assist in defining its role and limitations. Draft Terms of Reference have been developed by Officers for Members’ consideration and this is attached at Appendix 1.
- 3.2 It is important that Members of the Joint Scrutiny Committee are kept up to date with Cardiff Capital Region (CCR) City Deal developments. The key discussions and decisions are recorded in the minutes of the Joint Cabinet which are publically available and could be offered for inclusion on the Joint Scrutiny Committee agenda for information.
- 3.3 Whilst the minutes of the Regional Cabinet will be helpful in ensuring the Scrutiny Committee are informed, it is suggested that the Chair of the Regional Cabinet, or another representative, offer to attend meetings of the Scrutiny Committee to give a verbal update on the current position of the City Deal and a view forward to some of the issues anticipated in the coming months ahead.

3.4 The Governance Lead Officer for CCR City Deal (Gareth Chapman, Chief Executive Merthyr Tydfil County Borough Council) has advised that dedicated support and advisers to the Joint Scrutiny Committee would be beneficial. This involvement would enable Members to have continuity of advice during meetings and ensure that Scrutiny Officers have a single point of contact to seek advice when preparing reports. It is proposed that one of the ten authorities hosts the CCRCD Joint Scrutiny Committee and provide such dedicated support and advisers, within a pre-determined sum to be funded out of the annual budget of the Regional Cabinet. Regional Cabinet are invited to consider and recommend to the Councils for approval which authority should act as the host for the CCRCD Joint Scrutiny Committee. Whilst one Authority may act as host authority to support the CCRCD Joint Scrutiny Committee, the venue for the scrutiny committee meetings could rotate amongst the ten authorities.

4. FINANCIAL IMPLICATIONS

4.1 The attached report sets out proposals in respect of arrangements for a Joint Scrutiny Committee. It is proposed that one of the ten City Deal partnering authorities undertake the role of 'host authority', and in doing so, provide the Joint Scrutiny Committee with dedicated support and continuity of advice.

4.2 It is understood that a pre-determined sum will be agreed, which will form the basis of the budget from which the host authority will deliver this service in full, including all associated and ancillary costs. Depending on the timescales for implementing these arrangements, it is envisaged that a part-year sum may be required in 2017/18.

4.3 The PMO element of 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 developing the Joint Scrutiny Committee arrangements. The pre-determined sum will need to be met from within this budget allocation in 2017/18. From 2018/19 the budget headings will be re-aligned to separately identify the pre-determined sum from the remaining contingency budget to provide transparency and to assist with budget accountability.

5. LEGAL IMPLICATIONS (INCLUDING EQUALITY IMPACT ASSESSMENT WHERE APPROPRIATE)

5.1 The statutory power to establish a joint overview and scrutiny committee is set out in Section 58 of the Local Government (Wales) Measure 2011("the Measure") and Regulations made thereunder.

5.2 Section 58 of the Measure providing that Welsh Ministers may by regulations make provision under which any two or more local authorities may appoint a Joint Overview and Scrutiny Committee ('JOSC'). Regulations have been

made, namely the Local Authorities (Joint Overview and Scrutiny Committees) (Wales) Regulations 2013 ('2013 Regulations').

- 5.3 It will be a decision for each authority if it wishes to establish the Joint Scrutiny Committee proposed. Statutory guidance has been issued under Section 58 of the 2011 Measure, to which regard must be had. Paragraph 3.1 of the guidance providing *“that in establishing a JOSOC 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”*.
- 5.4 Where two or more authorities appoint a JOSOC the 2013 Regulations prescribe that they must enter into an agreement, which addresses a number of prescribed matters. The draft terms of reference, set out in Appendix 1 to the report, have been prepared having regard to these requirements and more generally the provisions of the 2013 Regulations and Statutory Guidance issued. The terms of reference are important because a JOSOC is only able to exercise functions in relation to matters which are identified by the appointing authorities. It is therefore important that the local authorities participating in the joint scrutiny committee (referred to as the appointing authorities) are clear from the outset about the role, responsibilities and terms of reference of the joint scrutiny committee.
- 5.5 The proposed membership of the Joint scrutiny committee is set out in the attached terms of reference and the proposal (1 non executive member each authority) reflects the following paragraph of the Statutory Guidance of the Measure:-
- 3.5 In order to ensure JOSOCs 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.*
- 3.6 The 2013 Regulations provide that a JOSOC is not to be regarded as a body to which section 15 of the Local Government and Housing Act 1989 (duty to allocate seats to political groups) applies.
- 3.7 The terms of reference, at paragraph 15, set out the provisions as regards referring matters to the JOSOC. The JOSOC may make a report or recommendation in relation to any matter referred to it, to any of the appointing authorities, their executives or the Regional Cabinet.

3.8 The joint scrutiny committee will require appropriate resource and the body of the report sets out the proposals in this regard, including the financial implications.

General advice

In considering this matter regard should be had, amongst other matters, to:

(i) The Councils' duties under the Well-being of Future Generations (Wales) Act 2015 and;

(ii) Public sector duties under the Equalities Act 2010 (including specific Welsh public sector duties). Pursuant to these legal duties Councils must in making decisions have due regard to the need to (1) eliminate unlawful discrimination, (2) advance equality of opportunity and (3) foster good relations on the basis of protected characteristics. Protected characteristics are: a. Age; b. Gender reassignment; c. Sex; d. Race – including ethnic or national origin, colour or nationality; e. Disability; f. Pregnancy and maternity; g. Marriage and civil partnership; h. Sexual orientation; i. Religion or belief – including lack of belief

6. RECOMMENDATIONS

6.1 That the Joint Committee (Regional Cabinet) consider the draft Terms of Reference attached at Appendix 1 and if content, submit to each constituent Council for approval.

6.2 That it be suggested to the Joint Scrutiny Committee that the Regional Cabinet minutes are included on the future Joint Scrutiny Committee agendas for information.

6.3 That the Chair of the Regional Cabinet, or another Member representative, offers to attend future meetings of Joint Scrutiny to give a verbal update on the progress of the CCR City Deal.

6.4 That Regional Cabinet:

(i) considers and recommends to the Councils for approval, which constituent Council should host the Joint Scrutiny Committee and provide the requisite support services and advice (subject also to that Council's formal agreement) and

(ii) subject to each of the ten Councils determining to establish the Joint Scrutiny Committee proposed and agreeing which Council shall host the Joint Scrutiny Committee, delegate authority to the Regional Programme Director to agree with the Host Council the level of funding required in 2017/18 to fund such Joint Scrutiny Committee hosting arrangements

(provided such level of funding is within Regional Cabinet's 2017/18 approved budget), with future funding arrangements being considered as part of Regional Cabinet's annual budget setting process.

Sheila Davies
Cardiff Capital Region City Deal Programme Director
14th November 2017

The following Appendix is attached:

Appendix 1 – Draft Terms of Reference