

CARDIFF CAPITAL REGION CITY DEAL JOINT OVERVIEW AND SCRUTINY COMMITTEE

15 OCTOBER 2018

TITLE: DRAFT TERMS OF REFERENCE

AGENDA ITEM: 5

Reason for this Report

1. The purpose of this report is to present for consideration and approval the draft Terms of Reference for the Joint Overview and Scrutiny Committee (JOSC) as drafted by the Cardiff Capital Region City Deal (CCRCD) Joint Cabinet.

Background

2. The CCRCD Joint Working Agreement states that Councils shall work together to create and agree terms of reference for, to the extent permissible by law, a Joint Audit Committee and a JOSC and how the same will be resourced and funded.
3. At its meeting held on the 20 November 2017, the CCRCD Joint Cabinet received a report detailing proposals for the establishment of a JOSC to consider the CCRCD. This report also included a draft Terms of Reference for the JOSC.
4. The purpose of the JOSC is to enable Members to be kept up to date with CCRCD developments. The draft Terms of Reference attached at **Appendix A** expands upon this outlining that one of its main functions would be to perform the Overview and Scrutiny function for the CCRCD 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 CCRCD.

5. The report proposed that one of ten authorities host the CCRCDC Joint Overview and Scrutiny Committee and provide such dedicated support and advisers.
6. Following a proposal, it was subsequently determined by the Joint Cabinet that Bridgend County Borough Council would carry out the role of Host Authority.
7. In accordance with Statutory Guidance issued under the Local Government (Wales) Measure 2011, when establishing a JOSC, a report containing details of the proposal should be considered by each of the participating authorities' appropriate scrutiny committees (or sub-committees) before being endorsed by full Council. Agreement was sought from each of the ten local authorities to establish the JOSC for the CCRCDC and each Authority identified a non-executive member to represent their Authority on the JOSC.

Current Situation

8. The draft Terms of Reference were presented to each of the ten local authorities relevant Overview and Scrutiny Committee and Council meetings for information prior to submission to the JOSC for consideration and approval.
9. The JOSC draft Terms of Reference are attached as **Appendix A** for information and consideration by the JOSC.

Financial Implications

10. 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.

Legal Implications

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Where two or more authorities appoint a JOSC the Local Authorities (Joint Overview and Scrutiny Committees (Wales) Regulations 2013 prescribe that they must enter into an agreement, which addresses a number of prescribed matters. The Terms of Reference, set out in **Appendix A** 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 JOSC is only able to exercise functions in relation to matters which are identified by the appointing authorities. It is therefore important that the ten 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.

The proposed membership of the Joint scrutiny committee reflects the following paragraph of the Statutory Guidance of the Measure:-

In order to ensure JOSCs 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.

The 2013 Regulations provide that a JOSC 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.

The Terms of Reference set out the provisions as regards referring matters to the JOSC. The JOSC 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.

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

Reasons for Recommendations

12. To put in place formal Terms of Reference for the JOSC in accordance with the requirements of the Joint Working Agreement.

Recommendations

13. The JOSC is recommended to consider and approve the Terms of Reference of the new Joint Overview and Scrutiny Committee attached at **Appendix A**.

Greg Lane
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The following Appendices are attached:-

Appendix A – Draft Terms of reference for Cardiff Capital Region City Deal Joint Overview and Scrutiny Committee

The following background papers have been taken into account:-

CCRCD Joint Cabinet Report on the Governance Arrangements for the Regional Scrutiny Committee 20 November 2017