

Meeting of:	COUNCIL
Date of Meeting:	18 OCTOBER 2023
Report Title:	SOUTH EAST WALES CORPORATE JOINT COMMITTEE OVERVIEW AND SCRUTINY ARRANGEMENTS
Report Owner / Corporate Director:	CHIEF OFFICER, LEGAL AND REGULATORY SERVICES, HR AND CORPORATE POLICY
Responsible Officer:	RACHEL KEEPINS DEMOCRATIC SERVICES MANAGER
Policy Framework and Procedure Rules:	There are no effects upon BCBC's policy framework and procedure rules.
Executive Summary:	This report seeks approval from Council to appoint the Cardiff Capital Region City Deal Joint Overview and Scrutiny Committee (the "JOSC") as the Joint Overview and Scrutiny Committee for the South East Wales Corporate Joint Committee (CJC) and agree the draft Terms of Reference for their functions.

1. Purpose of Report

- 1.1 The South East Wales Corporate Joint Committee is required to have appropriate scrutiny arrangements in place. This report sets out the requirements in relation to that statutory duty and seeks the authority to implement suitable arrangements.

2. Background

- 2.1 A Corporate Joint Committee, (CJC) is a regional corporate body, with broadly similar powers and duties to local authorities. CJsCs have similar governance and administrative structures but have a level of discretion on constitutional and operational arrangements. There are four are in place in Wales covering North Wales, Mid Wales, South West Wales and South East Wales. Membership of the South East Wales Corporate Joint Committee (the "CJC") is made up of the elected council leaders of the 10 local authorities within the region together with the nominated representative of the Brecon Beacons National Park Authority. CJsCs have significant immediate responsibilities with real impacts for local authorities and people living in their areas.
- 2.2 The Statutory Guidance issued by Welsh Government that accompanies the CJC Regulations states that CJsCs will be subject to the same performance, governance and scrutiny requirements as local authorities. However, it also states that it is

expected that these arrangements should be proportionate to the scale of functions the CJC undertakes.

- 2.3 The Statutory Guidance further states that ‘in considering the most effective and efficient approach to scrutiny, constituent councils and CJCs should give thought to the benefits of a joint overview and scrutiny committee made up of the constituent councils’.

3. Current situation / proposal

- 3.1 The Corporate Joint Committees (General) (No. 2) (Wales) Regulations 2022 (“the Regulations”) sets out the CJC’s duties in relation to overview and scrutiny. The Regulations require the CJC to provide information to, attend meetings of and consider any report or recommendations made by a ‘relevant overview and scrutiny committee.’ A ‘relevant overview and scrutiny committee’ is defined as:
- a. an overview and scrutiny committee appointed by a constituent council under section 21(2) of the Local Government Act 2000;
 - b. a joint overview and scrutiny committee appointed under the Local Authorities (Joint Overview and Scrutiny Committees) (Wales) Regulations 2013 where the appointing authorities are constituent councils of the corporate joint committee;
 - c. a sub-committee of a committee described in paragraph (a) or (b).
- 3.2 The Cardiff Capital Region City Deal Joint Overview and Scrutiny Committee (the “JOSC”) was appointed by the constituent councils of the Cardiff Capital Region City Deal (the “CCRCD”) which is a Joint Committee of all ten local authorities of South East Wales and has been established for the purpose of overseeing and co-ordinating the discharge of each councils' obligations in relation to the City Deal. The JOSC provides the scrutiny function and meets to monitor the CCRCD project progress against its programme plan and make 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. It meets up to 4 times per year and is administered by Rhondda Cynon Taf County Borough Council (“RCTCBC”).
- 3.3 The JOSC comprises one non-executive member from each constituent council of the CCRCD, which are also the constituent authorities of the CJC.
- 3.4 It is proposed that appointing the JOSC as the Overview and Scrutiny Committee for the CJC under a separate Terms of Reference would best satisfy Welsh Government’s intention, as set out in the Statutory Guidance, because:
- (1) the Statutory Guidance provides for consideration to be given to scrutiny being carried out by a joint committee of the constituent authorities;
 - (2) the Statutory Guidance expressly states that scrutiny arrangements should be proportionate to the scale and functions of the CJC; and

- (3) JOSC already provides the scrutiny function of the CCRD, the functions of which will be transferred to the CJC in due course.

- 3.5 Informal discussions have taken place between the Interim Monitoring Officer of the CJC and officers of RCTCBC to discuss the viability of the proposal. The JOSC met on 27th July 2023 to consider the proposed scrutiny arrangements for the CJC . Members were supportive of the proposed arrangements for the JOSC to be appointed as the Joint Overview and Scrutiny Committee for the CJC and highlighted the importance of ensuring that an effective model of governance and scrutiny arrangements for the CJC are put in place. This included ensuring that the arrangement is adequately resourced to include funding for Members to receive sufficient training and support to take forward future scrutiny for the CJC. Further to this, it is proposed that the JOSC, with the support of Heads of Democratic Services from each of the SEWCJC partner authorities, undertake a review of the draft Terms of Reference to ensure they are fit for purpose and provide a clear and defined purpose on the committee's future objectives and responsibilities. Any proposed changes will be reported back to the relevant constituent councils for approval.
- 3.6 On 31st July 2023, the CJC, subject to the agreement of the ten constituent councils of the CJC endorsed the proposal that the JOSC should be appointed as the Joint Overview and Scrutiny Committee of the CJC and authorised the Interim Monitoring Officer at RCTCBC to make arrangements with the constituent authorities to progress the proposal and to approach RCTCBC to formally request that the JOSC be appointed as the Joint Overview and Scrutiny Committee of the CJC:
<https://www.cardiffcapitalregion.wales/wp-content/uploads/2023/07/sew-cjc-31.07.23-full-pack.pdf>.
- 3.7 The CJC cannot designate the scrutiny function to the JOSC itself, instead the Local Authorities (Joint Overview and Scrutiny Committees) (Wales) Regulations 2013 require the ten constituent councils to appoint the JOSC as the Joint Overview and Scrutiny Committee for the CJC, and when doing so, to enter into an agreement setting out the terms of reference, rules and procedures and other ancillary matters as set out in the Regulations. Accordingly, the initial draft Terms of Reference attached as **Appendix 1** will need to be agreed by all constituent councils.

4. Equality implications (including Socio-economic Duty and Welsh Language)

- 4.1 The protected characteristics identified within the Equality Act, Socio-economic Duty and the impact on the use of the Welsh language have been considered in the preparation of this report. As a public body in Wales, the Council must consider the impact of strategic decisions, such as the development or the review of policies, strategies, services and functions. The CJC will be subject to the same requirements. It is considered that there will be no significant or unacceptable equality impacts as a result of this report.

5. Well-being of Future Generations implications and connection to Corporate Well-being Objectives

- 5.1 The well-being goals identified in the Act were considered in the preparation of this report. It is considered that there will be no significant or unacceptable impacts upon the achievement of well-being goals/objectives as a result of this report.
- 5.2 In developing these proposals and in considering its endorsement, regard should be given, amongst other matters, to the Well-being of Future Generations (Wales) Act 2015. The Act is about improving the social, economic, environmental and cultural well-being of Wales and places a 'well-being duty' on public bodies aimed at achieving 7 national well-being goals for Wales - a Wales that is prosperous, resilient, healthier, more equal, has cohesive communities, a vibrant culture and thriving Welsh language and is globally responsible.
- 5.3 In discharging their respective duties under the Act, each public body listed in the Act (which includes the councils comprising the CJC) must set and publish wellbeing objectives. These objectives will show how each public body will work to achieve the vision for Wales set out in the national wellbeing goals. When exercising its functions, the CJC should consider how the proposed decision will contribute towards meeting the wellbeing objectives set by each council and in so doing achieve the national wellbeing goals. The wellbeing duty also requires the councils to act in accordance with a 'sustainable development principle'. This principle requires the councils to act in a way which seeks to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs. Put simply, this means that CJC must take account of the impact of their decisions on people living their lives in Wales in the future. In doing so, they must:
- look to the long term;
 - focus on prevention by understanding the root causes of problems;
 - deliver an integrated approach to achieving the 7 national well-being goals;
 - work in collaboration with others to find shared sustainable solutions;
 - involve people from all sections of the community in the decisions which affect them.
- 5.4 A Future Generations Assessment Evaluation (including equalities and sustainability impact assessments) has been completed and was reported to the CJC on 31st July 2023: <https://www.cardiffcapitalregion.wales/wp-content/uploads/2023/07/sew-cjc-31.07.23-full-pack.pdf>.

6. Climate Change Implications

- 6.1 There are no direct Climate Change implications arising out of this report however the work of the CJC could potentially have an impact and these will have to be considered by the JOSOC as appropriate.

7. Safeguarding and Corporate Parent Implications

- 7.1 There are no Safeguarding or Corporate Parent implications arising from this report.

8. Financial Implications

- 8.1 The existing JOSOC arrangements are overseen by RCTCBC and the costs are fully met by the CCRCDC's budget. It is not anticipated that the overall cost envelope will

change as result of the recommendations set out in this report, but consideration will need to be given to whether an appropriate element of these costs should be recharged to the CJC. The cost of administering the JOSC for the CJC will be dealt with by a service level agreement between RCTCBC and the CJC.

- 8.2 In the current financial year (2023/24) the CJC has set aside a budget of £8,000 to meet the costs of its sub-committees, which is deemed to be sufficient at this time. In addition, the CJC has an approved contingency budget of £30,000 to support the work of the CJC during 2023/24, which involves putting in a place a number of new arrangements to enable the CJC to discharge its duties under the regulations. These sums will be reviewed as part of the CJC's annual budget setting process, as the volume and complexity of the CJC's operations evolve.
- 8.3 As noted above, it is not considered that there are any financial implications for BCBC as it is not anticipated that the overall cost envelope will change as a result of the recommendations set out in this report.

9. Recommendations

9.1 It is recommended that Council:

- (1) Appoints the Cardiff Capital Region City Deal Joint Overview and Scrutiny Committee (JOSC) as the Joint Overview and Scrutiny Committee for the CJC;
- (2) Approves the initial draft Terms of Reference for its functions in respect of the CJC, as attached at **Appendix 1** noting that the JOSC will review the Terms of Reference and that any proposed amendments will be reported back to the constituent councils;
- (3) Notes that the cost of administering the JOSC for the CJC will be dealt with by a service level agreement between RCTCBC and the CJC, to be concluded in due course.

Background documents

None