

Pecyn Dogfennau Cyhoeddus



- 1 Cyd-Bwyllgor Craffu Cytundeb Dinesig Prifddinas-Ranbarth Caerdydd- 15 Hydref 2018 - 2.30pm

Monday, 15 October 2018

*Rydym yn croesawu gohebiaeth yn Gymraeg.
Rhowch wybod i ni os mai Cymraeg yw eich
dewis iaith.*

*We welcome correspondence in Welsh. Please
let us know if your language choice is Welsh.*



**Cyfarwyddiaeth y Prif Weithredwr / Chief
Executive's Directorate**

Deialu uniongyrchol / Direct line /: 01656 643148
Gofynnwch am / Ask for: Mark Galvin/Andrew Rees

Ein cyf / Our ref:
Eich cyf / Your ref:

Dyddiad/Date: 9 October 2018

Dear Councillor,

CARDIFF CAPITAL REGION CITY DEAL JOINT SCRUTINY COMMITTEE

A meeting of the Cardiff Capital Region City Deal Joint Scrutiny Committee will be held in the Council Chamber, Civic Offices, Angel Street, Bridgend, CF31 4WB on **Monday, 15 October 2018** at **14:30**.

AGENDA

1. Election of Chairperson
2. Election of Vice-Chairperson
3. Apologies for Absence
To receive apologies for absence from Members.
4. Declarations of Interest
To receive Declarations of personal and prejudicial interest (if any) from Members / Officers.
5. Draft Terms of Reference 3 - 10
6. Forward Work Programme, Training and Schedule of Meetings 11 - 18

Yours faithfully

K Watson

Head of Legal and Regulatory Services

Councillors:

V Bailey
JPD Blundell
P Edwards
P Jones

Councillors

R Patel
P Pavia
M Rahman
J Ridgewell

Councillors

D Roberts
G Thomas

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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 CCRCJ 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 CCRCJ 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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11 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
Head of Democratic Services
Bridgend County Borough Council

Contact Officer: Sarah Daniel

Telephone: (01656) 643387

E-mail: scrutiny@bridgend.gov.uk

Postal Address Bridgend County Borough Council,
Civic Offices,
Angel Street,
Bridgend.
CF31 4WB

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

TERMS OF REFERENCE: CARDIFF CAPITAL REGION CITY DEAL JOINT SCRUTINY COMMITTEE

Introduction

1. Cardiff Capital Region (CCR) City Deal is a Joint Committee of all ten local Authorities of South East Wales. Paragraph 10.1 of the Joint Working Agreement states that 'The Councils shall form the joint committee ("Joint Committee") for the purpose of overseeing and co-ordinating the discharge of the Councils' obligations in relation to the City Deal and to carry out the functions set out in Schedule 2 (Joint Committee Terms of Reference) and the Joint Committee shall be known as the "Cardiff Capital Region Joint Cabinet", "Joint Cabinet" or "Regional Cabinet" (as the context requires)'.

For the purposes of these terms of reference;

The Joint Working Agreement means the agreement (as may be amended from time to time) concluded on 1.3.17 between; Blaenau Gwent CBC, Bridgend CBC, Cardiff Council, Caerphilly CBC, Merthyr Tydfil CBC, Monmouthshire CC, Newport CC, Rhondda Cynon Taff CBC, Torfaen CBC and the Vale of Glamorgan Council. The 'Appointing Authorities' are the parties to the Joint Working Agreement the 'Host Authority' means *** or such other authority as the Appointing Authorities may agree from time to time.

2. CCR City Deal is resourced by the ten Appointing Authorities and is supported by a Programme Management Office (PMO), full time officers, a Programme Board made up of senior Officers representing each of the partner Councils and a Joint Cabinet of the Leader (or Deputy) from each Authority. In addition. Legal, technical and financial external advisers have been appointed to provide expert technical advice.

3. Each Council agreed to work together to create a Joint Scrutiny Committee as stated in Paragraph 10.19.2 of the Joint Working Agreement; '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'.

Membership of the Joint Scrutiny Committee

4. The Joint Scrutiny Committee shall consist of one non-executive Member from each Appointing Authority.

5. It is a matter for each Appointing Authority, from time to time, to nominate, or terminate the appointment of its nominated Member serving on the Joint Scrutiny Committee. Each Appointing Authority shall be entitled, from time to time, to appoint a deputy for its Member representative to the Joint Scrutiny Committee but such deputy shall only be entitled to speak and vote at meetings of the Joint Scrutiny Committee in the absence of his or her corresponding principal

6. The length of appointment is a matter for each Appointing Authority.

Quorum

7. The quorum necessary for a meeting of the joint scrutiny committee is at least 7 out of the 10 Joint Scrutiny Committee Members, present at the relevant time.

Election of a Chair

8. The Joint Scrutiny Committee shall elect a Chair and Vice Chair, which appointments will rotate annually between the Appointing Authorities, in alphabetical order.

Rules of Procedure

9. The procedure rules will be those of the Host Authority for its Scrutiny Committees,

Members' Conduct

10. Members of the Joint Scrutiny Committee will be bound by their Council's Code of Conduct.

Declarations of Interest

11. Members of the Joint Scrutiny Committee must declare any interest either before or during the meetings of the Joint Scrutiny Committee (and withdraw from that meeting if necessary) in accordance with their Council's Code of Conduct or as required by law.

Confidential and Exempt Information / Access to Information

12. The Host Authority's Access to Information Procedure rules shall apply subject to the provisions of the Local Government Act 1972 :

Openness and Transparency

13. All meetings of the Joint Scrutiny Committee will be open to the public unless it is necessary to exclude the public in accordance with Section 100A (4) of the Local Government Act 1972.

14. All agendas, reports and minutes of the Joint Scrutiny Committee will be made publically available, unless deemed exempt or confidential in accordance with the above Act.

Functions to be exercised by the Joint Scrutiny Committee

15. The Joint Scrutiny Committee shall be responsible for exercising the following functions:

- a. To perform the Overview and Scrutiny function for CCR City Deal (which City Deal is more particularly specified in the Joint Working Agreement) on behalf of the ten local Authorities.
- b. To develop a forward work programme reflecting its functions under paragraph (a) above.
- c. To seek reassurance and consider if the CCR City Deal is operating in accordance with the Joint Working Agreement, its Annual Business Plan, timetable and / or is being managed effectively.
- d. To monitor any CCRCD project's progress against its Programme plan.
- e. 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.

Any member of a Joint Overview and Scrutiny Committee may 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

Any member of any of the Appointing Authorities may refer to the Joint Overview and Scrutiny Committee any local Government matter which is relevant to the functions of the Joint Scrutiny Committee, subject to the following conditions and provisos.

The conditions for a reference by a member of an Appointing Authority to the Joint Scrutiny Committee are that:

- (i) The matter relates to one of the functions of the authority and is relevant to the functions of the Joint scrutiny committee,
- (ii) It affects the electoral area of the member or it affects any person who lives or works there; and
- (iii) It is not a local crime and disorder matter as defined in section 19 of the Police and Justice Act 2006.

Provisos

When considering whether to refer a matter to the Joint Scrutiny Committee a member should first consider if it falls within the remit of a single overview and scrutiny committee within the member's local authority, and if that is the case the member should raise the matter there.

Members should only refer a matter to a Joint scrutiny committee if it falls clearly within the responsibilities and terms of reference of the Joint Scrutiny Committee and if there is no scrutiny of the issue in the local authority to which the member belongs.

It is acknowledged that the establishment of the CCRCD Joint Scrutiny Committee shall not serve to exclude a local authority's right to carry out its own individual Scrutiny of any decision of the Regional Cabinet or City Deal matter

Duration of Joint Scrutiny

16. To be co-terminus with the duration of Joint Cabinet or if earlier the decision of the ten authorities to end the Joint Scrutiny arrangements.

Withdrawal

17. Any of the ten local Authorities may withdraw from participating in the Joint Scrutiny arrangements upon three months' notice to each of the other Authorities.

18. The Joint Scrutiny Committee in carrying out its functions must have regard to guidance relating to section 62 of the Measure, which places a requirement on local authorities to engage with the public

Foot notes

1. No provision has been made for sub committees given the scrutiny committee comprises only 10 members and that Regulations (SI 2013/1051) require a Sub- Committee to comprise an equal number of members of the Appointing Authorities.

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CARDIFF CAPITAL REGION CITY DEAL JOINT OVERVIEW AND SCRUTINY COMMITTEE

15 OCTOBER 2018

TITLE: FORWARD WORK PROGRAMME, TRAINING AND SCHEDULE OF MEETINGS

AGENDA ITEM: 6

Reason for Report

1. The purpose of the report is:
 - a) To develop a Forward Work Programme (FWP) of items for future prioritisation and consideration by the Joint Overview and Scrutiny Committee (JOSC);
 - b) To ask the JOSC to identify any invitees to attend future meetings to contribute to discussions and deliberations;
 - c) To identify any training requirements required by the JOSC and;
 - d) To develop a schedule of meetings of the JOSC; including preferred timings of meetings.

Background

2. An effective FWP will identify the issues that the JOSC wishes to focus on throughout the year and provide a clear rationale as to why particular issues have been selected, as well as the approach that will be adopted.
3. The FWP will remain flexible and will be revisited at each JOSC meeting with input from Members and officers on suggested topics for consideration.

Proposal

4. The JOSC is asked to first consider and determine items it wishes to consider at future meetings of the JOSC and what further detail it would like the report to contain, what questions it wishes officers to address and what invitees it suggests to attend for this meeting to assist Members in their investigation. An initial draft list of suggested items is listed below for Members to consider:
 - Business Plans
 - Programme Plans
 - Semi-Conductor Facility
 - South Wales Metro System
5. Attached at **Appendix A** is a scrutiny criteria form which Members can use to propose further items for the FWP which the Committee can then consider for prioritisation at a future meeting. The criteria form emphasises the need to consider issues such as impact, risk, performance, budget and community perception when identifying topics for investigation and to ensure a strategic responsibility for Scrutiny and that its work benefits the organisation. Members are asked to complete the criteria form and return to the scrutiny officer with any suggested items they wish to consider at a future meeting. Completed criteria forms will then be considered by the JOSC at its next meeting.
6. It should be noted that in a meeting of the CCRCD Joint Cabinet on the 20 November 2017 it was recommended that the Joint Cabinet minutes are included on agendas of the JOSC and also that the Chairperson (or nominated representative) of the Joint Cabinet attend all meetings of the JOSC to give a verbal update on the progress of the CCRCD.

Training requirements

7. To assist Members in their role as a JOSC Member the Members are asked to consider any training requirements they have in relation to the Cardiff Capital Region City Deal. Scrutiny Officers will develop a schedule of training for JOSC Members which will also remain flexible and brought back to each meeting for consideration and scheduling.

Future Meetings

8. Whilst it has previously been agreed that Bridgend County Borough Council is to act as the Host Local Authority for the administration of the CCRCD JOSC meetings, Members are asked to consider the location of future meetings of

the JOSC, taking into consideration that all meetings of the JOSC are to be held in public. Members may wish to consider the option of holding each meeting of the JOSC at the Host Local Authority venue or the meetings could rotate amongst the ten authorities in the JOSC. The funding awarded to the Host Authority to carry out its role allows for 2 meetings of the JOSC in its first year and 2-4 in its second year. It is proposed that the next meeting of the JOSC takes place in March 2019.

9. In considering its future meetings, the JOSC is also asked to consider the frequency of meetings and preferred timings of meetings to allow for greater attendance of members at each meeting.

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

11. 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.

Reason for Recommendations

To determine a clear Forward Work Programme, schedule of future meetings of the JOSC and any training requirements for the JOSC.

Recommendations

The JOSC is recommended to:

- (i) Consider items to include on their FWP taking into consideration the draft items listed in paragraph 4 of the report and schedule an item for consideration at the next meeting of the JOSC;
- (ii) Identify further items for consideration on their FWP using the criteria form attached at **Appendix A** including identifying invitees for future meetings;
- (iii) Consider and develop a schedule of training requirements for the JOSC.
- (iv) Determine the schedule of future meetings of the JOSC including frequency of meetings, location of venue and preferred start time of meetings.

Greg Lane

Head of Democratic Services,

Bridgend County Borough Council

Contact Officer: Sarah Daniel

Telephone: 01656 643 387

Email: scrutiny@bridgend.gov.uk

Postal Address Bridgend County Borough Council,
Civic Offices,
Angel Street,
Bridgend.
CF31 4WB

The following Appendices are attached:-

Appendix A – Scrutiny Criteria Form

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

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Potential items proposed for the Forward Work Programme - questions to consider	
Proposed Item	
Is this item within the remit of the JOSC?	
Is it a public interest item?	
What are the questions that need answering?	
Then:	
What is the expected outcome from receiving the item?	
What can be achieved?	
What impact can Members have on this area?	
What information should be reported to the JOSC? I.e. data, case studies, examples of outcomes, challenges etc.	
How should information be presented at the meeting? I.e. PowerPoint/Prezi presentation, audio/visual formats, photos, graphics, charts, maps etc.	
Who should be invited to contribute to achieve a representative picture? I.e. Cabinet Members, Directors, Senior Officers, External partners and Organisations	
What is the proposed rationale for prioritising this item?	

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