



COUNCIL – 27TH SEPTEMBER 2023

SUBJECT: ADOPTION OF THE JOINT OVERVIEW AND SCRUTINY COMMITTEE ARRANGEMENTS FOR THE SOUTH EAST WALES CORPORATE JOINT COMMITTEE

REPORT BY: CORPORATE DIRECTOR FOR EDUCATION AND CORPORATE SERVICES

1. PURPOSE OF REPORT

- 1.1 To seek Council approval for the scrutiny arrangements for the South East Wales Corporate Joint Committee ('SEWCJC').

2. SUMMARY

- 2.1 Council is asked to consider the details of the report and endorse the recommendations regarding the Scrutiny arrangements for the South East Wales Corporate Joint Committee as set out in paragraph 3 below. This will ensure that appropriate arrangements are in place in accordance with the relevant legislation as outlined in the report. Put simply, the Joint Overview and Scrutiny Committee ('JOSC') of the Cardiff Capital Region City Deal ('CCRCD') will also perform the same function for the South East Wales Corporate Joint Committee.

3. RECOMMENDATIONS

That the Council:

- 3.1 Appoints the CCRCD JOSC as the Joint Overview and Scrutiny Committee for the SEWCJC;
- 3.2 Approves the Draft Terms of Reference for its functions in respect of the SEWCJC, as attached at Appendix 2;
- 3.3 Notes that the cost of administering the JOSC for the SEWCJC will be included in a service level agreement between RCTCBC and the SEWCJC, to be concluded in due course.

4. REASONS FOR THE RECOMMENDATIONS

- 4.1 To ensure that appropriate overview and scrutiny functions are in place for the SEWCJC.

5. THE REPORT

Background

- 5.1 The Statutory Guidance issued by Welsh Government that accompanies the CJC Regulations states that the CJC's 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.
- 5.2 The Statutory Guidance further states that *'in considering the most effective and efficient approach to scrutiny, constituent councils and CJC's should give thought to the benefits of a joint overview and scrutiny committee made up of the constituent councils'*.

Issues

- 5.3 Regulations 8 – 10 of the Corporate Joint Committees (General) (No. 2) (Wales) Regulations 2022 ("the Regulations") set 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 in Regulation 8 (7) 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).
- 5.4 The Cardiff Capital Region City Deal Joint Overview and Scrutiny Committee was appointed by the constituent councils of the Cardiff Capital Region City Deal Joint Committee to provide the scrutiny function for that body. It meets up to 4 times per year and is administered by Rhondda Cynon Taf County Borough Council ("RCTCBC"). The Council's representative on this Committee is Councillor Andrew Whitcombe and the substitute member is Councillor Colin Elsbury.
- 5.5 The JOSC comprises one non-executive member from each constituent council of the CCRCD, which are also the constituent authorities of the SEWCJC.
- 5.6 It is proposed that appointing the JOSC as the overview and scrutiny committee for the SEWCJC 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 CCRCD, the functions of which will be transferred to the CJC in due course.

5.7 Informal discussions have taken place between the Interim Monitoring Officer of the SEWCJC and officers of RCTCBC to discuss the viability of the proposal. The JOSC met on 27th July 2023 and have indicated their agreement in principle to the proposal. A letter from the Chair of the JOSC to the Interim Monitoring Officer of the SEWCJC dated 27th July 2023 is attached to this report at Appendix 1.

5.8 The Local Authorities (Joint Overview and Scrutiny Committees) (Wales) Regulations 2013 requires all ten constituent Councils to agree to appoint a JOSC as a relevant 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 regulation 4 of those Regulations. A draft terms of reference dealing with these matters is attached to this report as Appendix 2. In approving the draft terms of reference, the Council is entering into an agreement pursuant to regulation 4 as set out above.

6. ASSUMPTIONS

6.1 No assumptions are necessary within this report.

7. SUMMARY OF INTEGRATED IMPACT ASSESSMENT

7.1 There is a statutory requirement to form the scrutiny arrangements for the Corporate Joint Committee and so there is no requirement to undertake an Integrated Impact Assessment.

8. FINANCIAL IMPLICATIONS

8.1 The additional costs of providing the scrutiny function will be met by the CJC under existing budgets.

9. PERSONNEL IMPLICATIONS

9.1 There are no personnel implications arising from this report.

10. CONSULTATIONS

10.1 The consultation responses have been incorporated within the body of the report.

11. STATUTORY POWER

11.1 The Local Authorities (Joint Overview and Scrutiny Committees) (Wales) Regulations 2013.

Corporate Joint Committees (General) (No. 2) (Wales) Regulations 2022

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Appendices

Appendix 1 - Letter from the Chair of the JOSC dated 27th July 2023

Appendix 2 – Draft Terms of Reference of the JOSC for the CJC