



REGENERATION AND ENVIRONMENT SCRUTINY COMMITTEE – 26TH JUNE 2018

**SUBJECT: CARDIFF CAPITAL REGION CITY DEAL – JOINT OVERVIEW AND
 SCRUTINY COMMITTEE**

REPORT BY: CORPORATE DIRECTOR - SOCIAL SERVICES AND HOUSING

1. PURPOSE OF REPORT

- 1.1 The purpose of the report is to present the Committee with the proposal to establish a Joint Overview and Scrutiny Committee for the Cardiff Capital Region City Deal (CCRCD). The report is seeking the views of Members prior to its presentation to Full Council.

2. SUMMARY

- 2.1 This report sets out proposals to establish a Joint Overview and Scrutiny Committee for the Cardiff Capital Region City Deal (CCRCD). The CCRCD Joint Cabinet considered a report detailing proposals setting out draft terms of reference, including membership and seeking a nomination from each of the ten local authorities. It was agreed that Bridgend Council will host the JOSOC and Members are asked to consider if a senior salary will be awarded should the nominated member be appointed as Chair of the JOSOC.

3. LINKS TO STRATEGY

- 3.1 The establishment of a Joint Overview and Scrutiny Committee for the Cardiff Capital Region City Deal (CCRCD) contributes to the following Well-being Goals within the Well-being of Future Generations Act (Wales) 2015:

- A prosperous Wales
- A resilient Wales
- A healthier Wales
- A more equal Wales
- A Wales of cohesive communities
- A Wales of vibrant culture and thriving Welsh language
- A globally responsible Wales

- 3.2 The CCR City Deal seeks significant investment built around the following purposes and themes:

- Improve productivity and economic performance in the region.
- Tackle worklessness which currently costs the UK Government £4bn in welfare payments for South East Wales.
- Build on the foundations of innovation we have across the region.
- Investment in physical and digital infrastructure.
- Provide effective support for business.
- Improve skills.
- Ensure the economic benefit is felt across the region.
- Working together to deliver more.

- 3.3 The CCR City Deal aims to make a significant contribution to delivering the wellbeing goals referred to earlier and to delivering the Council's priorities of economic development and regeneration. The Joint Overview and Scrutiny Committee's role is to provide additional oversight and scrutiny to the project.

4. THE REPORT

Background

- 4.1 Attached at Appendix A is a briefing paper that provides background information on the origins of the proposal for a JOSC and how it would be established over the first year. The Regional Joint Cabinet report and draft TOR for the Joint Scrutiny Committee are also attached as Appendix B for information.
- 4.2 At its meeting held on the 20 November 2017, the CCRCD Joint Cabinet considered the report detailing proposals for the establishment of a Joint Overview and Scrutiny Committee (JOSC) to consider the CCRCD. The terms of reference of the Joint Overview and Scrutiny Committee focus on an oversight of the delivery of the Cardiff Capital Region City Deal at a regional level, Regeneration and Environment Scrutiny Committee may still scrutinise Caerphilly borough issues.
- 4.3 The CCRCD Joint Cabinet report proposed that one of the ten authorities host the CCRCD Joint Overview and Scrutiny Committee and provides such dedicated support and advisers. It was subsequently determined by the Joint Cabinet that Bridgend County Borough Council would carry out the role of Host Authority.
- 4.4 In line with Statutory Guidance issued under the Local Government (Wales) Measure 2011, when establishing a Joint Overview and Scrutiny Committee, 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. This report is therefore being presented to the Regeneration and Environment Scrutiny Committee prior to being considered by Full Council.
- 4.5 The draft terms of reference states that there will be one non-executive Member per local authority and it is a matter for each appointing Authority to nominate, or terminate the appointment. The length of the appointment is also a matter for each local authority. The appointed member should possess the appropriate skills and expertise to represent the Council and should be able to fully commit to the role, as it is likely that meeting will be held during the daytime, and it is expected that there will be 2 to 4 meetings held per annum. The nominated Member does not necessarily have to be a Member of the Regeneration and Environment Scrutiny Committee.
- 4.6 In accordance with Section 5 (3) of the Local Authorities (Joint Overview and Scrutiny Committee) (Wales) Regulations 2013, a joint Overview and Scrutiny Committee is not to be regarded as a body to which section 15 of the Local Government and Housing Act 1989(1) (duty to allocate seats to political groups) applies. Therefore there will be no political balance applied to the JOSC overall. Each appointing authority must ensure that, as far as practicable, the members of a joint overview and scrutiny committee reflect the balance of political groups for the time being prevailing among the members of the appointing authority.
- 4.7 The draft terms of reference allow for a substitute (deputy) member to be appointed who can attend, in the absence of the nominated member.
- 4.8 Regeneration and Environment Scrutiny Committee are asked to consider the proposal to establish the CCRCD Joint Overview and Scrutiny Committee and make recommendations to Full Council.

5. WELL-BEING OF FUTURE GENERATIONS

- 5.1 The Act provides the basis for driving a different kind of public service in Wales, with 5 ways of working to guide how public services should work to deliver for people. The following is a summary to show how the 5 ways of working to achieve the well-being goals have been used to formulate the recommendations within this report:

Long-term - The approval of this report will assist in the establishment of a JOSC to monitor the CCRCD business plan

Prevention - The JOSC Panel will monitor the CCRCD's business plans, objectives and priorities

Integration - The report supports all the wellbeing objectives

Collaboration - Consultation on the establishment of the Joint Overview and Scrutiny Committee has taken place with the 10 local authorities in the CCRCD programme.

Involvement - The Joint Overview and Scrutiny Committee will maintain a relationship with other local authorities involved in the CCRCD and with through effective partnership working and act as a critical friend to the CCRCD Joint Cabinet.

6. EQUALITIES IMPLICATIONS

- 6.1 An EqIA screening has been completed in accordance with the Council's Strategic Equality Plan and supplementary guidance and no potential for unlawful discrimination and/or low level or minor negative impact have been identified, therefore a full EqIA has not been carried out.

7. FINANCIAL IMPLICATIONS

- 7.1 There will be no financial contribution from Caerphilly County Borough Council to run the JOSC. As the Joint Cabinet report states, '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. Initial estimations for the first year resulted in an agreed amount of £25,000 would be allocated to the host authority to carry out the Joint Scrutiny role. Future budget requirements will be clearer once the JOSC have developed their work programme during the first year and workloads agreed.'
- 7.2 Caerphilly County Borough Council would however be responsible for the payment of any applicable allowances and expenses for the nominated Member. The Independent Remuneration Panel (IRP) states it is a matter for constituent councils to decide if a salary will be paid to chairs of JOSCs (or a sub-committee of JOSCs). If a senior salary is to be paid it is the responsibility of the respective local authority, therefore the Authority must determine if it wishes to award a senior salary, if the nominated member from Caerphilly County Borough Council were to be appointed as Chair of the JOSC. The salary would not count towards the cap for senior salaries of 18 and could be met from existing budgets. The salary to be paid is set out by the (IRP), as follows:
- Determination 9: The chair of a Joint Overview and Scrutiny Committee is eligible for an additional payment of £6,700.
 - Determination 10: In cases where the chair is already in receipt of a senior salary for a Band 3, 4 or 5 role the additional payment will be £3,350.
 - Determination 11: The chair of a sub-committee of a JOSC is eligible for an additional payment of £1,675.
 - Determination 12: In cases where the chair of the sub-committee is already in receipt of a senior salary for a Band 3, 4 or 5 role the additional payment will be £837.

8. PERSONNEL IMPLICATIONS

8.1 There are no personnel implications within this report.

9. CONSULTATIONS

9.1 Councillor R Gough a consultee to this report has stated that he considers as this is one of the largest projects this region has seen political balance should be applied to the joint scrutiny committee. This would ensure commitment and buy-in from all political groups.

9.2 As outlined in 4.6 Joint Overview and Scrutiny Committees are not required to have political balance and in that there is only one seat available on the JOSCS, the seat would be available to the group with the largest number of seats in the first instance.

9.3 The Joint Cabinet have already agreed that there will be equality amongst all ten local authorities regardless of size, and have therefore agreed there will be ten members on the JOSCS. If there were a proposal to increase membership to allow more seats, perhaps to reflect the size of local authorities, this would need to be agreed by all ten local authorities.

10. RECOMMENDATIONS

10.1 Consider and recommend to Full Council, the following recommendations:

10.2 Consider the report and appendices and recommend to Council the establishment of a JOSCS for the CCRCD.

10.3 Identify and recommend to Council a non - executive Member to be nominated and a substitute Member to represent this Authority on the CCRCD JOSCS, taking into consideration paragraph 2.3 of Appendix A.

10.4 Consider if a senior salary should be applied if the nominated member should be appointed as Chair of the JOSCS.

10.5 Note that it will be a decision for each of the ten authorities if it wishes to establish the JOSCS proposed.

11. REASONS FOR THE RECOMMENDATIONS

11.1 To support the overview and scrutiny of the Cardiff Capital Region City Deal in accordance with the joint working agreement.

12. STATUTORY POWER

12.1 The Local Government (Wales) Measure 2011.

12.2 The Local Authorities (Joint Overview and Scrutiny Committee) (Wales) Regulations 2013.

Author: Catherine Forbes-Thompson, Interim Head of Democratic Services
Consultees: Cllr David Poole, Leader of Council
Cllr Barbara Jones, Deputy Leader and Cabinet Member Finance, Performance and Governance
Cllr Sean Morgan, Deputy Leader and Cabinet Member Economy, Infrastructure Sustainability and Wellbeing of Future Generations
Cllr Eluned Stenner, Cabinet Member for Environment & Public Protection

Cllr Colin Mann, Chair Democratic Services Committee
Cllr D. Tudor Davies, Chair Regeneration and Environment Scrutiny Committee
Cllr Christine Forehead Vice Chair Regeneration and Environment Scrutiny
Committee
Cllr Rob Gough, Regeneration Board Member
Cllr Brenda Miles, Regeneration Board Member
Cllr Kevin Etheridge, Regeneration Board Member
Christina Harray, Interim Chief Executive
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Mark S Williams, Interim Director Communities
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Nicole Scammell, Head of Corporate Finance and Section 151 Officer
Steve Harris, Interim Head of Corporate Finance and Section 151 Officer
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Appendices:

Appendix A	Cardiff Capital Region (CCR) City Deal Joint Overview and Scrutiny Committee Proposal and Draft Terms of Reference
Appendix B & B2	Cardiff Capital Region Joint Cabinet Joint Cabinet Meeting 20 November 2017

Cardiff Capital Region (CCR) City Deal Joint Overview and Scrutiny Committee Proposal and Draft Terms of Reference

1. Background

- 1.1 The Cardiff Capital Region (CCR) Joint Working Agreement (JWA) states in paragraph 10.19.2 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 Overview and Scrutiny Committee (JOSC) and how the same will be resourced and funded”.
- 1.2 At the meeting of the CCR Joint Cabinet on 20 November 2017, it was proposed that the Regional Cabinet consider the establishment and governance arrangements for the CCR City Deal JOSC.
- 1.3 The purpose of the JOSC is to enable Members to be kept up to date with Cardiff Capital Region (CCR) City Deal developments. The draft Terms of Reference (TOR) (attached to the Joint Cabinet report as Appendix B2) expands upon this outlining that one of its main functions would be to perform the overview and scrutiny function for the CCR City Deal 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 Regional Cabinet or City Deal.
- 1.4 Subsequent to this meeting, it was agreed by the CCR Joint Cabinet that Bridgend County Borough Council would host the Joint Overview and Scrutiny Committee providing such dedicated support and advisers within a pre-determined sum to be funded out of the annual budget of the Regional Cabinet.
- 1.5 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. It is essential that the JOSC use the first year to develop a detailed and informed Forward Work Programme (FWP) which will not only focus their work but also assist greatly in determining the workload and needs for the future including the number of meetings and future budget required.

First Year of the JOSC

- 1.6 During the first year of the JOSC there will be a need for Members and Scrutiny Officers to attend training and briefing sessions prior to them undertaking scrutiny of the City Deal. This will help ensure that all Members have the same knowledge base and understanding from which to start from, however this may result in a limited amount of scrutiny work being undertaken in the first year.
- 1.7 It is proposed that two meetings are held within the first year so that the JOSC can amend and finalise the TOR and officially adopt and take ownership of them. The final version of the TOR will be forwarded to each of the ten local authorities for formal approval but this should not necessarily delay the work of the JOSC. Initial discussions will also be held at the first meeting regarding the Forward Work

Programme (FWP) with Members developing in detail their FWP and future focus at the second meeting following their training.

- 1.8 In addition to monitoring the City Deal Business Plan and/or Programme Plan, the draft TOR will also enable any member of the JOSC to 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, and subject to a number of conditions and provisos. Therefore, as stated above, it will be the FWP development determined by the JOSC Members that will indicate the needs and growth of the Committee.
- 1.9 It is anticipated that the second meeting will also allow for the JOSC to begin to undertake annual monitoring of the City Deal Business Plan and/or Programme Plan.
- 1.10 The JOSC has the power 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.

2. Establishing a Joint Overview and Scrutiny Committee

- 2.1 It is a decision for each authority if it wishes to establish a Joint Overview and Scrutiny Committee for the CCR City Deal. Statutory guidance issued under Section 58 of the 2011 Measure states at paragraph 3.1 *“that in establishing a JOSC 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”*.
- 2.2 The TOR state that the membership of the JOSC shall consist of one non-executive Member from each Appointing Authority. Whilst the draft TOR states that the length of appointment is a matter for each Appointing Authority, it is proposed that consideration be given to the membership (as far as possible) being for the length of term the nominated Member is in office. This will help ensure continuity and with possibly only two to four meetings per year, consistency of knowledge is important.
- 2.3 It is also proposed that in deliberations over nominations to sit on the JOSC, consideration is given to potential skill sets of Members including any prior knowledge and experience of joint working or professional knowledge that relates to the City Deal itself which could potentially be of great value and assistance to the JOSC. Joint Scrutiny is often focused on decisions taken at a more strategic/ regional level and also necessitates considerable learning on the job as Members explore new and complex policy areas.
- 2.4 In 2013 in a supplementary report of the Independent Remuneration Panel for Wales in accordance with section 147 of the Local Government (Wales) 2011, it was determined that the remuneration of chairs of JOSCs (or a sub-committee of JOSCs) is not prescribed and is a matter for the constituent councils to decide whether such a post will be paid. However, if a senior salary is paid, it must be at the level set out within the IRP report. Each council will therefore need to determine whether they would agree to pay the salary required under this legislation should their nominated Member be put forward as Chair of the JOSC.

3 Proposal

- 3.1 It is proposed that this paper, along with the draft Terms of Reference be presented to the relevant Overview and Scrutiny Committee for each local authority prior to it being submitted to each Council, both for endorsement and for the nomination of a non-executive Member to sit on the CCR City Deal JOSC.

CARDIFF CAPITAL REGION JOINT CABINET

APPENDIX B

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 CCRCJ 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 CCRCJ Joint Scrutiny Committee. Whilst one Authority may act as host authority to support the CCRCJ 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

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 CCRC 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 effects the electoral area of the member or it effects 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 CCRCDC 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.