



FULL COUNCIL REPORT

Date Written	11 th July 2018
Report Author	Andrew Mogford
Service Area	Scrutiny
Exempt/Non Exempt	Non Exempt
Committee Date	25 th July 2018

To: Mayor, Ladies and Gentlemen

Cardiff Capital Region City Deal Joint Overview and Scrutiny Committee - Proposal and DRAFT Terms of Reference

1.0 SUMMARY OF THE REPORT

- 1.1 This is a standard report being presented to each of the ten Local Authorities for formal approval of a joint overview and scrutiny committee (JOSC). It is intended that by enabling Local Authorities to establish JOSCs, it will make it easier to scrutinise delivery of services by providers who cover more than one county, or to examine issues which cut across geographical boundaries.
- 1.2 It was proposed this paper, along with the draft Terms of Reference, be presented to relevant 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 CCCR City Deal JOSC.
- 1.3 On 15th March 2016 the ten constituent Council leaders in South East Wales, the First Minister, the Welsh Government Minister for Finance and Government Business, the Secretary of State for Wales and the Chief Secretary to the Treasury signed the Cardiff Capital Region ('CCR') City Deal Heads of Term Agreement.
- 1.4 The ten Councils are now working together to create a Joint Overview and Scrutiny Committee (JOSC) to provide an independent scrutiny function.
- 1.5 It will be a decision for each of the ten Local Authorities if they wish to establish the Joint Overview and Scrutiny Committee proposed. Statutory guidance has been issued under Section 58 of the Local Government (Wales) Measure 2011. The Terms of Reference as attached have been prepared taking in to consideration the requirements of the Measure.

1.6 In establishing a JOSC, which is additional to a Council's existing scrutiny committees, 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 Local Authorities' appropriate scrutiny committees before being endorsed by Full Council. This report was presented at the Governance, Performance, Business Change and Corporate Services Scrutiny Committee meeting on 10th July 2018; and is now submitted for Full Council for endorsement.

1.7 Note that each of the ten constituent Local Authorities will all need to individually and collectively to agree to the establishment of the proposed JOSC for it to proceed.

2.0 RECOMMENDATIONS that:

2.1 Council agrees to the creation of the Cardiff Capital Region City Deal JOSC which will comprise of elected Members from the ten Local Authorities involved in the Cardiff Capital Region City Deal, namely: Blaenau Gwent; Bridgend; Cardiff; Caerphilly; Merthyr Tydfil; Monmouthshire; Newport; Rhondda Cynon Taf; Torfaen; Vale of Glamorgan.

2.2 Delegated authority be given to the Chief Executive in consultation with the Leader of the Council and the Chair of the Governance, Performance, Business Change and Corporate Services Scrutiny Committee to amend and finalise the terms of reference (draft Terms of Reference are set out in Appendix 1) until such time the JOSC is operational.

2.3 An instruction is requested from Council that agrees a non-executive Member to represent this Merthyr Tydfil County Borough Council on the proposed City Deal JOSC.

3.0 INTRODUCTION AND BACKGROUND

3.1 The Cardiff Capital Region (CCR) Joint Working Agreement (JWA) 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 Overview and Scrutiny Committee (JOSC) and how the same will be resourced and funded".

3.2 As stated in the report to the CCR Joint Cabinet meeting on 20 November 2017, attached at Appendix 1, it was proposed that the Regional Cabinet consider the establishment of, and governance arrangements for, the JOSC for the CCR City Deal.

3.3 The purpose of this JOSC is so that Members to be kept up to date with CCR City Deal developments. The Draft Terms of Reference (TOR) (attached to the Joint Cabinet report as Appendix 1) slightly expands upon this stating that one of its main functions would be to perform the Overview and Scrutiny function for 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.

- 3.4 Subsequent to this meeting it was agreed by the CCR Joint Cabinet that Bridgend County Borough Council would host the JOSC and will provide *“such dedicated support and advisers, within a pre-determined sum to be funded out of the annual budget of the Regional Cabinet.”*
- 3.5 As per the Joint Cabinet report, 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 JOSC arrangements. Based on initial estimation's provided for the first year, it was agreed that an amount of £25,000 would be allocated to the host Local Authority (Bridgend CBC) 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 uses 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. Please note that Merthyr Tydfil CBC's contribution to the CCR City Deal is 3.9% which equates to circa £30,000. As such this is approximately £2,710 of the £69,500 figure stated above.

4.0 FIRST YEAR OF THE JOSC

- 4.1 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 role. This will help ensure that all Members have the same knowledge base and understanding, however it may mean that there is a limited amount of scrutiny work undertaken in the first year.
- 4.2 It is then proposed that two meetings be held within the first year, firstly so that the JOSC can amend and finalise the TOR and officially adopt and take ownership of them. This final version of the TOR may then have to go back to each LA for formal approval but should not necessarily delay the work of the JOSC. Initial discussions will also be held at the first meeting regarding the FWP, but it would be a second meeting, following training etc. that the Members would develop in detail their FWP and future focus.
- 4.3 As well as monitoring the City Deal Business Plan and/or Programme Plan, the Draft TOR 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.
- 4.4 It is hoped that the second meeting will also allow for the JOSC to begin undertaking annual monitoring of the City Deal Business Plan and/or Programme Plan.
- 4.5 In all instances, 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.

5.0 ESTABLISHING A JOINT OVERVIEW AND SCRUTINY COMMITTEE

- 5.1 It is a decision for each Local Authority if it wishes to establish a JOSC 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 Local Authorities' appropriate scrutiny committees (or sub-committees) before being endorsed by full Council".
- 5.2 In Merthyr Tydfil, this report and draft TOR were presented to the Governance, Performance, Business Change and Corporate Services Scrutiny Committee on 10th July 2018. At this meeting, it was resolved that Committee Members agreed to support the participation on the JOSC which will comprise of Elected Members of the ten Local Authorities involved in the Cardiff Capital Region City Deal. Additionally, the Committee agreed to support the Draft TOR as set out in Appendix 1 and also supported that the Chief Executive, in consultation with the Leader of the Council and the Chair of the Governance, Performance, business Change and Corporate Services Committee, should have delegated authority to amend and finalise the TOR until such time the JOSC is operational.

It also states in the TOR that the membership of the JOSC shall consist of one non-executive Member from each Appointing Local Authority. Whilst the draft TOR states that the length of appointment is a matter for each Appointing Local Authority it is proposed that consideration be given to the membership (as far as possible) being for the length of term the nominated Councillor is in office. This will help ensure continuity and with possibly only 2-4 meetings per year, consistency of knowledge is important.

- 5.3 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.
- 5.4 In 2013, in a supplementary report of the Independent Remuneration Panel for Wales in accordance with section 147 of the Local Government Measure (Wales) 2011 relating to the matter of remuneration for Joint Overview and Scrutiny Committees, 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 in section 4 of the IRP report.' Each Council will therefore need to decide on whether they would agree to pay the salary required under this legislation should their nominated Member be put forward as Chair of the JOSC.

6.0 PROPOSAL

- 6.1 This report including the draft TOR (Appendix 1) should be presented to the relevant Scrutiny Committee at each of the ten Cardiff Capital Region Local Authorities (Merthyr Tydfil held on 10th July 2018); it should then be submitted to each Full Council (Merthyr Tydfil being held 25th July 2018), both for endorsement and for the nomination of a non-executive Member to sit on the proposed CCR City Deal JOSC.

7.0 FINANCIAL IMPLICATIONS

- 7.1 There are no immediate financial implications arising from this report. Bridgend County Borough Council will be administering the JOSC for which that Local Authority will be funded by the CCR Joint Cabinet.
- 7.2 Based on initial estimation's provided for the first year, it was agreed that an amount of £25,000 be allocated to the host Local Authority to carry out the Joint Scrutiny role. From 2018/19 the budget headings would be realigned to separately identify the pre-determined sum from the remaining contingency budget.

8.0 EQUALITY IMPACT ASSESSMENT

- 8.1 An Equality Impact Assessment (EqIA) form has been prepared for the purpose of this report. It has been found that a full assessment is not required at this time.

9.0 WELLBEING OF FUTURE GENERATIONS (WALES) ACT 2015

- 9.1 The CCR Cabinet operate under the provisions of a business plan agreed by each of the ten constituent Local Authorities. The business plan has been developed in order to implement and support the purpose, principles and goals outlined in the Well-being of Future Generations Act (Wales) 2015.

Appendix 1 – Draft Terms of Reference CCR City Deal JOSC

ELLIS COOPER
DEPUTY CHIEF EXECUTIVE

COUNCILLOR ANDREW BARRY
CABINET MEMBER FOR GOVERNANCE
AND CORPORATE SERVICES

BACKGROUND PAPERS		
Title of Document(s)	Document(s) Date	Document Location
Does the report contain any issue that may impact the Council's Constitution?	No	

Consultation has been undertaken with the Corporate Management Team in respect of each proposal(s) and recommendation(s) set out in this report.