

SUBJECT: REPORT ON JOINT SCRUTINY ARRANGEMENTS FOR CORPORATE JOINT COMMITTEES

MEETING: Council

DATE: 21st September 2023

DIVISION/WARDS AFFECTED: All

1. PURPOSE:

- 1.1 To outline the requirements in relation to the statutory duty for appropriate scrutiny arrangements for the South East Wales Corporate Joint Committee (the CJC).
- 1.2 The Statutory Guidance issued by Welsh Government that accompanies the CJC Regulations states that the 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.
- 1.3 The Statutory Guidance further states that *'in considering the most effective and efficient approach to scrutiny, constituent councils and CJsCs should give thought to the benefits of a joint overview and scrutiny committee made up of the constituent councils'*.

2. RECOMMENDATIONS:

- 2.1 It is recommended that the Council considers the draft Terms of Reference for the Joint Overview and Scrutiny Committee for the South East Wales Corporate Joint Committee and implements suitable arrangements by;
 - Appointing the JOSc as the Joint Overview and Scrutiny Committee for the CJC;
 - Approving the Draft Terms of Reference for its functions in respect of the CJC, as attached at Appendix 2;
 - Noting 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.

3. KEY ISSUES:

- 3.1 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).

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 Joint Committee (the “CCR) to provide the scrutiny function for the Joint Committee that body. 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 CCR, 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 the RCT 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 CJC dated 27th July 2023 is attached to this report at Appendix 1.

3.6 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.

4.0 EQUALITY AND FUTURE GENERATIONS EVALUATION (INCLUDES SOCIAL JUSTICE, SAFEGUARDING AND CORPORATE PARENTING):

4.1 There are no direct considerations from this report.

5. EVALUATION CRITERIA

5.1 Not applicable.

6. REASONS:

6.1 To ensure that appropriate overview and scrutiny functions are implemented in respect of the CJC.

7. RESOURCE IMPLICATIONS:

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

8. CONSULTEES:

Chief Officer People, Performance and Partnerships
Chief Executive
Deputy Monitoring Officer

9. BACKGROUND PAPERS:

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

10. AUTHOR:

Hazel Ilett, Scrutiny Manager

11. CONTACT DETAILS:

Tel: 01633 644233, E-mail: hazelilett@monmouthshire.gov.uk