

## **CARDIFF CAPITAL REGION CITY DEAL JOINT OVERVIEW AND SCRUTINY COMMITTEE**

**18<sup>th</sup> DECEMBER 2020**

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### **GOVERNANCE ARRANGEMENTS FOR THE CARDIFF CAPITAL REGION CITY DEAL JOINT OVERVIEW AND SCRUTINY COMMITTEE**

#### **REPORT OF THE SERVICE DIRECTOR DEMOCRATIC SERVICES AND COMMUNICATIONS RHONDDA CYNON TAFF COUNTY BOROUGH COUNCIL**

#### **AGENDA ITEM: 4**

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##### **1. Reason for this Report**

1.1 The purpose of this report is to approve the amended terms of reference for the Cardiff Capital Region City Deal Joint Overview and Scrutiny Committee (CCRCD JOSC)

##### **2. RECOMMENDATIONS**

2.1 It is recommended that Members:

2.2 Determine future appointment arrangements for the role of Chair and Vice-Chair with the JOSC Terms of Reference.

2.3 Determine future membership arrangements for the JOSC with the Terms of Reference.

2.4 Determine the future quorum level for meetings with the Terms of Reference.

2.5 Note that these will take effect from the JOSC's Annual meeting which will take place at their next meeting due to be held in February 2021

##### **3. BACKGROUND**

3.1 Following the agreement to establish the CCRCD JOSC, Bridgend County Borough Council were appointed as the nominated host authority to undertake

the administrative arrangements and provide dedicated support and advisers for the JOSC for a period of two years. The first meeting was held on [15<sup>th</sup> October 2018](#).

3.2 A review was undertaken after the two year period and expressions of interest were sought from the ten local authorities included in the CCRCJ Joint Working Agreement to become the host authority

3.3, it was subsequently agreed by the CCRCJ Cabinet that Rhondda Cynon Taff County Borough Council would carry out the role as the Host Authority for the foreseeable future

3.4 At their meeting on [11<sup>th</sup> September 2020](#) members requested an informal Scrutiny session to discuss changes to the [terms of reference](#). Following this request by the JOSC, Members subsequently met on 13<sup>th</sup> November 2020 to discuss potential changes to the Terms of Reference.

3.5 It was subsequently agreed at this session that officers would bring a report back to the JOSC for them to formally agree and accept changes to the Terms of Reference.

#### **4. Review of the Terms of Reference**

4.1 The current Terms of Reference which were established and agreed at the first meeting of the JOSC on the 15th October 2018. These are outlined in Appendix 1 to the report. Members of the JOSC had previously discussed and agreed to review the Terms of Reference of the JOSC to ensure they are 'Fit for Purpose'.

4.2 It is important to note, that the current Terms of Reference were set by the CCRCJ Cabinet and Programme Office and this review provides the opportunity for members of the JOSC to shape these important reference points for the scope and remit of the committee.

4.3 In reviewing the Terms of Reference Members were asked specifically to give consideration to the following points:

- Appointment of the Chairperson
- Membership of the JOSC
- a consideration of a reduced quorum

#### **4.4 Appointment of Chairperson**

4.4.1 Currently the appointment of the Chairperson is undertaken on an annual basis and rotated alphabetically by Local Authority, with Blaenau Gwent taking the first year with Bridgend Council as the Vice Chair and currently with Bridgend Council as Chair and Caerphilly Council as Vice Chair.

4.4.2 **Officers recommend** that the requirement for the rotation of the Chairperson to be by alphabetical order removed. This will give the Members the opportunity to appoint a Chairperson they feel is most suited to lead the JOSC based on

their knowledge, skills and experience, rather than through the application of an alphabetical order. This recommendation would also remove the obligation for a member to take the Chair if they are newly appointed to the Committee (which has been the case in the first two years of the JOSC with significant membership changes.) The intention behind this recommendation was to ensure continuity of leadership to ensure the positive working relationships and dialogue established by a Chair can be maintained to support the development of this scrutiny function.

#### **4.5 Membership of the JOSC**

4.5.1 Members have previously discussed changes to the membership of the JOSC to include the deputy members being appointed as full participating and voting members of the JOSC taking the membership of the Committee to 20 members, 2 per local Authority. Members also discussed and considered that membership of the options of the JOSC remaining the same with deputy members attending where the primary member is not in attendance.

4.5.2 **Officers recommend** that membership of the Committee remains with 10 members, one per local authority, and deputy members attend when the primary member is not available. This number is recommended as a more manageable number for meetings to apply the necessary focus and rigour to scrutiny and challenge and will support the ability for all members of the Committee will be able to contribute to debate in a timely manner. Remaining with 10 members also removes any complications where matters are voted on, in that each Authority will continue to have one vote.

#### **4.6 Quorum**

4.6.1 Members have previously discussed the reduction in the quorum to the JOSC to allow for meetings to continue to be undertaken when a small number of members are unable to attend a meeting of the JOSC.

4.6.2 **Officers recommend** reducing the quorum from 7 to 6 members to be in attendance for a meeting to proceed and the flexibility to continuing discharging business. It is acknowledged that diary arrangements across ten local authorities and numerous calls upon member's time will always present a challenge. This proposal will require still over 50 % of membership of the JOSC to be in attendance.

### **5. FINANCIAL IMPLICATIONS**

5.1 There are no financial implications as a result of the recommendations set out in the report.

## **6. CONSULTATION**

- 6.1 In reviewing the aforementioned matters consultation has been undertaken across the 10 local authorities scrutiny members, through the informal session held on 13<sup>th</sup> November 2020 and the previous [report](#) proposing a review considered by members on [11<sup>th</sup> September 2020](#)

## **7. LEGAL IMPLICATIONS OR LEGISLATION CONSIDERED**

- 7.1 There are no legal implications as a result of the recommendations set out in the report, although amendments to the Councils constitution will need to be taken forward as appropriate.

## **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 CCRC 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.