

SOUTH EAST WALES CORPORATE JOINT COMMITTEE

31st July 2023

SCRUTINY ARRANGEMENTS

REPORT OF THE INTERIM CHIEF EXECUTIVE AND THE INTERIM MONITORING OFFICER

AGENDA ITEM x

Reasons for report

1. The South East Wales Corporate Joint Committee (the CJC) is required to make appropriate scrutiny arrangements. This report sets out the relevant requirements in relation to making such arrangements and seek the authority from the CJC to implement proposals.

Background

2. 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.
3. 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

4. Regulations 8 – 10 of the Corporate Joint Committees (General) (No. 2) (Wales) Regulations 2022 ("the Regulations") sets out the CJC's duties in relation to overview and scrutiny. There is no requirement within the Regulations for the CJC to establish its own overview and scrutiny committee. However, 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. The Cardiff Capital Region City Deal Joint Overview and Scrutiny Committee ("the JOSOC") was appointed by the constituent councils of the CCRCD to provide the scrutiny function for the Joint Committee. It meets up to 4 times per year and is administered by Rhondda Cynon Taf County Borough Council ("RCTCBC").
6. The JOSOC comprises one non-executive member from each constituent council of the CCRCD, which are also the constituent authorities of the CJC.
7. Therefore, relevant scrutiny committees for the purposes of the Regulations, are the individual scrutiny committees of each constituent councils of the CJC and if appointed, the JOSOC. It is proposed that having the JOSOC provide the scrutiny arrangements for the CJC would best satisfy Welsh Government's intention, as set out in the Statutory Guidance, because:
- i) the Statutory Guidance provides for consideration to be given to scrutiny being carried out by a joint committee of the constituent authorities;
 - ii) the Statutory Guidance expressly states that scrutiny arrangements should be proportionate to the scale and functions of the CJC; and
 - iii) JOSOC already provides the scrutiny function of the CCRCD.
8. Preliminary discussions have taken place between the Interim Chief Executive with officers at RCTCBC and they have indicated that they would be able to facilitate the proposal. If approved the terms of reference of the JOSOC will need to be amended to make clear the scope of its functions in relation to the CJC.

9. The CJC cannot designate the scrutiny function to the JOSOC itself, instead the Local Authorities (Joint Overview and Scrutiny Committees) (Wales) Regulations 2013 require the constituent Councils to appoint the JOSOC as the Joint Overview and 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.
10. Accordingly, if this proposal was approved, the terms of reference of the JOSOC will need to be amended to include the scrutiny function of the CJC, and this, along with the other requirements of Regulation 4, will need to be agreed by all ten constituent authorities.

Reasons for Recommendations

11. To ensure that there is independent scrutiny of the exercise of the CJC's functions.
12. To obtain relevant authority from members to approach constituent authorities to progress the proposal.

Financial Implications

13. The attached report seeks to request that the scope of the existing JOSOC arrangements be amended to include the requirements of the South East Wales Corporate Joint Committee.
14. The existing JOSOC arrangements are overseen by RCTCBC and the costs are fully met by the Cardiff Capital Regional City Deal's budget. It is not anticipated that the overall cost envelope will change as result of the recommendations set out in this report, but consideration will need to be given to whether an appropriate element of these costs should be recharged to the CJC.
15. In the current financial year (2023/24) the CJC has set aside a budget of XX (TBC) to meet the costs of its sub-committees, which is deemed to be sufficient at this time. This sum will be reviewed as part of the CJC's annual budget setting process, as the volume and complexity of the CJC's operations evolve.

Legal Implications

16. The legal implications are set out in the body of the report.

Well-being of Future Generations (Wales) Act 2015

17. In developing these proposals and in considering its endorsement regard should be had, amongst other matters, to the Well-being of Future Generations (Wales) Act 2015. The Well-being of Future Generations (Wales) Act 2015 ('the Act') is about improving the social, economic, environmental and cultural well-being of Wales. The Act places a 'well-being duty' on public bodies aimed at achieving 7 national well-being goals for Wales - a Wales that is prosperous, resilient, healthier, more equal, has cohesive communities, a vibrant culture and thriving Welsh language and is globally responsible. In discharging their respective duties under the Act, each public body listed in the Act (which includes the Councils comprising the CJC) must set and publish wellbeing objectives. These objectives will show how each public body will work to achieve the vision for Wales set out in the national wellbeing goals. When exercising its functions, the CJC should consider how the proposed decision will contribute towards meeting the wellbeing objectives set by each Council and in so doing achieve the national wellbeing goals. The wellbeing duty also requires the Councils to act in accordance with a 'sustainable development principle'. This principle requires the Councils to act in a way which seeks to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs.
18. Put simply, this means that CJC must take account of the impact of their decisions on people living their lives in Wales in the future. In doing so, they must:
- look to the long term;
 - focus on prevention by understanding the root causes of problems;
 - deliver an integrated approach to achieving the 7 national well-being goals;
 - work in collaboration with others to find shared sustainable solutions;
 - involve people from all sections of the community in the decisions which affect them.
19. The CJC must be satisfied that the proposed decision accords with the principles above. To assist the CJC to consider the duties under the Act in respect of the decision sought, an assessment has been undertaken, which is attached at Appendix 1.

Equality Act 2010

20. In considering this matter, regard should be had, amongst other matters, to the Councils' duties under the Equality Act 2010. Pursuant to these legal duties the CJC 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:

- age;
- gender reassignment;
- sex;
- race – including ethnic or national origin, colour or nationality;
- disability.
- pregnancy and maternity;
- marriage and civil partnership;
- sexual orientation;
- religion or belief – including lack of belief.

Welsh Language Measure

21. In considering this matter, member must also have regard to the Welsh Language (Wales) Measure 2011 and the Welsh Language Standards.

Recommendations

It is recommended that the CJC, subject to the agreement of the constituent authorities of the CJC:

- (1) endorses the proposal that the JOSC should be appointed as the Joint Overview and Scrutiny Committee of the CJC;
- (2) authorises the Interim Monitoring Officer to approach relevant officers at RCTCBC to formally request that the JOSC be appointed as the Joint Overview and Scrutiny Committee of the CJC;
- (3) authorises the Interim Monitoring Officer to make arrangements with constituent authorities as is necessary to progress the proposal.

James Williams
Interim Monitoring Officer
31st July 2023

Appendices

1. WFGA Assessment