



RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL

COUNCIL

20 SEPTEMBER 2023

THE SOUTH EAST WALES CORPORATE JOINT COMMITTEE (THE CJC)

**JOINT REPORT OF THE CHIEF EXECUTIVE, DIRECTOR OF LEGAL SERVICES
AND THE SERVICE DIRECTOR DEMOCRATIC SERVICES &
COMMUNICATIONS**

1. PURPOSE OF THE REPORT

- 1.1 This report seeks Council agreement for the creation of a Joint Overview & Scrutiny Committee, as part of the Governance arrangements relating to the South East Wales Corporate Joint Committee (the CJC)
- 1.2 The CJC is required to have appropriate scrutiny arrangements in place. This report sets out the requirements in relation to those statutory duties and seeks authority to implement suitable arrangements.

2. RECOMMENDATIONS

It is recommended that Council:

- 2.1 Appoints the JOSOC as the Joint Overview and Scrutiny Committee for the CJC;
- 2.2 Approves the Draft Terms of Reference for its functions in respect of the CJC, as attached at Appendix 2;
- 2.3 Notes the appointment of Rhondda Cynon Taf Council, as the host authority, for the JOSOC.
- 2.4 Notes that the cost of administering the JOSOC for the CJC will be dealt with by a service level agreement between RCTCBC and the CJC, to be concluded in due course.

3. REASONS FOR RECOMMENDATIONS

- 3.1 To ensure that appropriate Overview and Scrutiny functions are implemented in respect of the CJC.

4. BACKGROUND

- 4.1 The Statutory Guidance issued by Welsh Government that accompanies the CJC Regulations states that the CJs 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.
- 4.2 The Statutory Guidance further states that *'in considering the most effective and efficient approach to scrutiny, constituent councils and CJs should give thought to the benefits of a joint overview and scrutiny committee made up of the constituent councils'*.

5. KEY ISSUES

- 5.1 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).
- 5.2 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”).
- 5.3 The JOSC comprises one non-executive member from each constituent council of the CCRCD, which are also the constituent authorities of the CJC. Authorities are also requested to appoint Deputy Members to support the operation of the committee and effective scrutiny.

6. PROPOSALS

- 6.1 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.
- 6.2 Informal discussions have taken place between the Interim Monitoring Officer of the CJC and Service Director for Democratic Services & Communications in respect of the proposal.
- 6.3 The host authorities 'Head of Democratic Services' would be responsible for fulfilling the statutory responsibility of ensuring that sufficient advice and resources are available to members of the JOSC to effectively perform their role. This would also include enabling access to sufficient training and development opportunities.
- 6.4 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.
- 6.5 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.
- 6.6 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.

7. EQUALITY AND DIVERSITY IMPLICATIONS

- 7.1 There are no Equality and Diversity implications arising from this report and no Equality Impact Assessment is deemed necessary for the purposes of this report.

8. FINANCIAL IMPLICATIONS

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

9. LEGAL IMPLICATIONS

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

10. CONSULTATION

- 10.1 The JOSc has been consulted at its meeting held on the 27th July 2023, prior to consideration of any of the proposals being presented to the ten constituent Councils.

11. THE WELL-BEING OF FUTURE GENERATIONS ACT 2015

- 11.1 In developing these proposals, regard should be given to the Well-being of Future Generations (WFG) Act 2015 which provides the context within which public bodies, including CJsCs, should be exercising their functions, using their resources and ensuring their governance is effective with the aim of maximising their contribution to the well-being goals within the scope of their functions / responsibilities. 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. The five ways of working set out in the WFG Act (long-term, collaboration, involvement, prevention and integration) will be particularly important to consider in the context of the CJC.
- 11.2 The Well-being of Future Generations Act asks public bodies to work better with people, communities and each other to meet the Sustainable Development principle. The Council's approach to the implementation of the Act agreed by Cabinet is to make sure that its requirements are embedded into the everyday business.
- 11.3 The 'Future Generations Framework for Scrutiny' poses a set of questions that Scrutiny Members can use as a prompt. It can be used to see if the decisions they conclude have applied the Sustainable Development principle and to ensure that the work and recommendations of the JOSc are progressed through the lens of the Act.

12. CONCLUSION

- 12.1 This report advises Members of the proposal to appoint the JOSc as the overview and scrutiny committee for the CJC under a separate terms of reference, which would best satisfy Welsh Government's intention, as set out in the Statutory Guidance. To ensure that appropriate overview and scrutiny arrangements are in place as an important part of the democratic accountability of the CJC.

LOCAL GOVERNMENT ACT 1972

as amended by

LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985

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LIST OF BACKGROUND PAPERS

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Appendices

Appendix 1 - Letter from the Chair of the JOSOC dated 27th July 2023

Appendix 2 – Draft Terms of Reference of the JOSOC for the CJC