

Committee: **Special Council**

Date of Meeting: **24th October, 2023**

Report Subject: **South East Wales Corporate Joint Committee (the CJC) appropriate Scrutiny Arrangements**

Portfolio Holder: **Councillor John C. Morgan, Cabinet Member – Place, Regeneration & Economic Development**

Report Submitted by: **Ellie Fry, Corporate Director Regeneration & Community Services**

Reporting Pathway								
Directorate Management Team	Corporate Leadership Team	Portfolio Holder / Chair	Governance & Audit Committee	Democratic Services Committee	Scrutiny Committee	Cabinet	Council	Other (please state)
	31.08.2023						24.10.2023	

1. Purpose of the Report

- 1.1 The South East Wales Corporate Joint Committee (the CJC) is required to have appropriate scrutiny arrangements in place. This report sets out the requirements in relation to the statutory duty and seeks the authority to implement suitable arrangements.

2. Scope and Background

- 2.1 The Statutory Guidance issued by Welsh Government that accompanies the CJC Regulations states that the CJCs 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.

- 2.2 The Statutory Guidance further states that:
‘in considering the most effective and efficient approach to scrutiny, constituent councils and CJCs should give thought to the benefits of a joint overview and scrutiny committee made up of the constituent councils’.

Issues

- 2.3 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).
- 2.4 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").
- 2.5 The JOSC comprises one non-executive member from each constituent council of the CCRCD, which are also the constituent authorities of the CJC. For Blaenau Gwent this is Cllr Malcolm Cross with his deputy Cllr Ross Leadbeater.
- 2.6 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.
- 2.7 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.
- 2.8 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. When doing so, the Council must 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 1. In approving the draft terms of reference, the

Council is entering into an agreement pursuant to regulation 4 as set out above.

3. **Options for Recommendation**

3.1 **Option One:**

That the Council:

- (1) Does not appoint the JOSC as the Joint Overview and Scrutiny Committee for the CJC;
- (2) Does not approve the Draft Terms of Reference for its functions in respect of the CJC, as attached at Appendix 1;

Option Two (Preferred):

That the Council:

- (1) Appoints the JOSC as the Joint Overview and Scrutiny Committee for the CJC;
- (2) Approves the Draft Terms of Reference for its functions in respect of the CJC, as attached at Appendix 1;
- (3) Notes 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.

4. **Evidence of how does this topic supports the achievement of the Corporate Plan / Statutory Responsibilities / Blaenau Gwent Well-being Plan**

The approval of the preferred option would support all four of the Corporate Plan topics through the work undertaken and scrutinised as part of the CJC arrangements.

These are:

- Maximise learning and skills for all to create a prosperous, thriving, resilient Blaenau Gwent
- Respond to the nature and climate crisis and enable connected communities
- An ambitious and innovative council delivering quality services at the right time and in the right place
- Empowering and supporting communities to be safe, independent and resilient

5. **Implications Against Each Option**

5.1 ***Impact on Budget (short and long term impact)***

There are no cost implications for Option One, whilst Option Two notes that the additional costs of providing the scrutiny function by the CJC will be provided in line with the Councils provision made to the Cardiff Capital Region City Deal.

5.2 ***Risk including Mitigating Actions***

5.3 ***Legal***

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

5.4 ***Human Resources***

There are no human resources issues related to this proposal.

6. ***Supporting Evidence***

6.1 ***Performance Information and Data***

The introduction of powers in the Local Government and Elections (Wales) Act 2021 for local authorities to establish corporate joint committees provides an important new way for local authorities to work together.

Local authorities are already familiar with using powers in other legislation to work through joint committees. Many have done so successfully on initiatives such as shared service arrangements and regeneration programmes involving funding from external sources. However, previous legislation did not make it possible to establish joint committees with their own legal personalities, which limited the actions that they could take to implement their decisions. For example, they could not employ staff or enter into contracts. If such actions were required, they would be done by one of the authorities involved or another legal entity would be established, such as a company.

The Local Government and Elections (Wales) Act 2021 provides for a different type of joint committee. The 2021 Act gives principal councils the power to apply to the Welsh Ministers, asking for regulations to be made to establish a corporate joint committee to exercise a function of the local authorities concerned.

6.2 ***Expected outcome for the public***

A Corporate Joint Committee should enable the decisions taken by the Committee to be more transparent and visible for the public, it will also provide them with a lead member who they can contact concerning matters of importance to them.

6.3 ***Involvement (consultation, engagement, participation)***

A Corporate Joint Committee will provide a greater opportunity for consultation, engagement and participation by the public on decisions to be taken across the South East Wales region.

6.4 ***Thinking for the Long term (forward planning)***

This will put the 10 Council's in South East Wales on a firmer legal standing in terms of collaborating together for economic benefit and provide greater opportunity for Members across the region to scrutinise decision making by

6.5 ***Preventative focus***

A Corporate Joint Committee will enable collaborative working which will be preventative in nature and will ensure as a region we all benefit from the decisions we take as a collective group of authorities.

6.6 ***Collaboration / partnership working***

A Corporate Joint Committee put consultation and partnership working on a firmer legal footprint with the ability to scrutinise decision making more formally.

6.7 ***Integration (across service areas)***

A Corporate Joint Committee enables the ten local authorities to work closer together and integrate where possible for the greater good of the collective group of authorities.

6.8 ***Decarbonisation and Reducing Carbon Emissions***

A Corporate Joint Committee will be able to scrutinise decisions and their impact on reducing the regions carbon emissions.

6.9a ***Socio Economic Duty Impact Assessment (complete an impact assessment to consider how the decision might help to reduce the inequalities of outcome associated with socio-economic disadvantage).***

6.9b. ***Equality Impact Assessment (screening and identifying if full impact assessment is needed)***

7. **Monitoring Arrangements**

7.1 ***State how the work will be monitored e.g. through scrutiny or directorate performance management arrangements***

A quarterly or six monthly report on decisions taken and scrutinised by the CJC be presented to the Partnership Committee once the CJC is up and running.

Background Documents /Electronic Links

Appendix 1 – Draft Terms of Reference of the JOSOC for the CJC