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**JOINT OVERVIEW AND SCRUTINY COMMITTEE: CARDIFF CAPITAL REGION  
(CCR) CITY DEAL**

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**Purpose of report**

1. To provide Members with an opportunity to consider and comment on proposals for the establishment of a Joint Overview and Scrutiny Committee (JOSC) for the Cardiff Capital Region (CCR) City Deal, prior to consideration at Full Council on 21 June 2018.

**Background**

2. The Cardiff Capital Region (CCR) Joint Working Agreement (JWA) states, in paragraph 10.19.2, that *“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 Overview and Scrutiny Committee (JOSC) and how the same will be resourced and funded”*.
3. The statutory power to establish a Joint Overview and Scrutiny Committee is set out in Section 58 of the Local Government (Wales) Measure 2011 and Regulations made thereunder.
4. At their meeting on 20 November 2017, the CCR Joint Cabinet considered a report, attached at **Appendix A**, which proposed the establishment of, and governance arrangements for, a JOSC for the CCR City Deal. Joint Cabinet agreed all the recommendations of the report.

## Establishing a Joint Overview and Scrutiny Committee (JOSC)

5. It is a decision for each of the ten authorities that are parties to the Joint Working Agreement if they wish to establish a JOSC for the CCR City Deal. Statutory guidance, issued under Section 58 of the Local Government (Wales) Measure 2011, attached at **Appendix B**, states, at paragraph 3.1, *“that in establishing a JOSC which is additional to a Council’s existing scrutiny committee(s) a report setting out its role, responsibilities, terms of reference and intended outcomes to be generated by the joint exercise should be considered by each of the participating authorities’ appropriate scrutiny committees (or sub-committees) before being endorsed by full Council”*.
6. The report to the CCR Joint Cabinet, attached at **Appendix A**, proposes the establishment of a JOSC, consisting of one non-executive Member from each of the ten local authorities, known as *‘appointing authorities’*. Local authorities are also able to appoint a deputy for its Member representative, who shall only be entitled to speak and vote at meetings of the JOSC in the absence of their principal representative. The length of appointment is a matter for each appointing authority.
7. The report to the CCR Joint Cabinet includes draft Terms of Reference (attached as **Appendix 1 of Appendix A**), which state that one of the JOSC’s main functions would be *‘To perform the Overview and Scrutiny function for CCR City Deal .. on behalf of the ten local Authorities’*. The draft Terms of Reference also make clear that the *‘establishment of the CCRCDD 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.’*
8. Each of the ten local authorities and the JOSC will review the draft Terms of Reference and may propose amendments. Any changes to the agreed Terms of Reference would need to go back to each Local Authority for approval.

9. Subsequent to their meeting on 20 November 2017, the CCR Joint Cabinet agreed that Bridgend County Borough Council would host the Joint Overview and Scrutiny Committee providing, as the Joint Cabinet report states at point 3.4, **Appendix A**, '*such dedicated support and advisers, within a pre-determined sum to be funded out of the annual budget of the Regional Cabinet.*'
  
10. As the Joint Cabinet report states, at point 4.3, **Appendix A**, the 2017/18 Joint Cabinet Budget contains a contingency budget of £69,500, an element of which has been set aside to meet the costs of developing the JOSC arrangements. Based on initial estimations provided by Bridgend County Borough Council for the first year costs of establishing the JOSC, it was agreed to allocate £25,000 to Bridgend County Borough Council for 2018/19, as the host authority for the JOSC.

### **First Year of the JOSC**

11. During the first year of the JOSC, there will be a need for Members and Scrutiny Officers to attend training and briefing sessions prior to them undertaking scrutiny of the CCR City Deal. This will help ensure that all Members have the same knowledge base and understanding from which to start. However, it may mean that there is a limited amount of scrutiny work undertaken in the first year. The training and briefing sessions will be organised by the JOSC host authority, Bridgend County Borough Council.
  
12. Following training and briefing sessions, it is proposed that two meetings be held within the first year, as follows:
  - a. Meeting One:
    - To amend and finalise the JOSC Terms Of Reference and officially adopt and take ownership of them (subject to any proposed changes)
    - To have initial discussions regarding the Forward Work Programme.

b. Meeting Two:

- To develop in detail their Forward Work Programme and future focus.
- To undertake annual monitoring of the CCR City Deal Business Plan and/ or Programme Plan.

13. The JOSC will use the first year to develop a detailed and informed Forward Work Programme, which will not only focus their work but also assist greatly in determining the workload and needs for the future, including the number of meetings and future budget required.

14. The draft Terms of Reference also enable any member of the JOSC to 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, and subject to a number of conditions and provisos. Therefore, as stated above, the Forward Work Programme, determined by the JOSC Members, will indicate the needs and growth of the Committee.

15. In all instances, the JOSC has the power 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.

## **Way Forward**

16. In line with the statutory guidance, attached at **Appendix B**, Cardiff Council's Economy and Culture Scrutiny Committee is asked to consider the proposals detailed in the report attached at **Appendix A** and the draft Terms of Reference attached at **Appendix 1 of Appendix A**. Members' views are requested on the proposals set out and the draft terms of reference and, in particular, on the following points:

- a. The length of appointment for the nominated representative and deputy to the JOSC

- b. The potential skill set required for nominated representatives and deputy, such as prior knowledge and experience of joint working, knowledge that relates to the City Deal itself and professional skills that will be of value and assistance to their role on the JOSCS.
- c. The 2018 Annual Report of the Independent Remuneration Panel for Wales makes provision for the remuneration for Joint Overview and Scrutiny Committees in Section 4 of the report – attached as **Appendix C**. Their report states that *‘the remuneration of chairs of JOSCSs (or a sub-committee of JOSCSs) is not prescribed and is a matter for the constituent councils to decide whether such a post will be paid. However, if a senior salary is paid, it must be at the level set out in section 4 of the IRP report.’* Members will note that a payment made to a Chair of a JOSCS or a Chair of a JOSCS Sub Committee is additional to the maximum number of Members eligible to be paid a Senior Salary (i.e. 25% of membership), provided the statutory limit of 50% of a council’s membership is not exceeded. Each Council will therefore need to decide on whether they would agree to pay the salary required under this legislation, should their nominated Member be put forward as Chair of the JOSCS.

17. Councillor Huw Thomas, Leader, will attend to present the report to the Committee, in his capacity as a member of the CRC City Deal Joint Cabinet and portfolio lead member for City Deal.

## **Legal Implications**

18. The Scrutiny Committee is empowered to enquire, consider, review and recommend but not to make policy decisions. As the recommendations in this report are to consider and review matters, there are no direct legal implications. However, legal implications may arise if and when the matters under review are implemented with or without any modifications. Any report with recommendations for decision that goes to Cabinet/Council will set out any legal implications arising from those recommendations. All decisions taken by or on behalf of the Council

must (a) be within the legal powers of the Council; (b) comply with any procedural requirement imposed by law; (c) be within the powers of the body or person exercising powers on behalf of the Council; (d) be undertaken in accordance with the procedural requirements imposed by the Council e.g. Scrutiny Procedure Rules; (e) be fully and properly informed; (f) be properly motivated; (g) be taken having regard to the Council's fiduciary duty to its taxpayers; and (h) be reasonable and proper in all the circumstances.

19. The legal provisions relating to the establishment of Joint Overview and Scrutiny Committees are set out in the body of the report and in the legal implications section of **Appendix A**.

### **Financial Implications**

20. The Scrutiny Committee is empowered to enquire, consider, review and recommend but not to make policy decisions. As the recommendations in this report are to consider and review matters, there are no direct financial implications at this stage in relation to any of the work programme. However, financial implications may arise if and when the matters under review are implemented with or without any modifications. Any report with recommendations for decision that goes to Cabinet/ Council will set out any financial implications arising from those recommendations.

### **Recommendations**

The Committee is recommended to consider the information attached to this report and received at this meeting and to submit any recommendations, observations or comments to Council for consideration at Full Council on 21 June 2018.

**Davina Fiore**  
**Director – Governance and Legal Services**  
**7 June 2018**