

**RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL**

**MUNICIPAL YEAR 2016-2017**

**OVERVIEW AND SCRUTINY  
COMMITTEE  
26<sup>TH</sup> SEPTEMBER, 2016**

**REPORT OF THE DIRECTOR OF LEGAL  
AND DEMOCRATIC SERVICES**

**Agenda Item No. 3(a)**

**WELL-BEING OF FUTURE  
GENERATIONS (WALES)  
ACT, 2015 –  
SCRUTINY OF THE CWM TAF  
PUBLIC SERVICES BOARD**

**Author: Ms.Karyl May, Head of Democratic Services (Tel.No.01443-424045)**

**1. PURPOSE OF THE REPORT**

To seek the Committee's approval of the establishment of a Joint Overview and Scrutiny Committee to scrutinise the Cwm Taf Public Services Board.

**2. RECOMMENDATIONS**

It is recommended that Members:-

- 2.1 Agree to the creation of a Joint Overview and Scrutiny Committee comprising elected Members of both Rhondda Cynon Taf and Merthyr Tydfil County Borough Councils to scrutinise the Cwm Taf Public Services Board;
- 2.2 Agree that in the absence of any statutory guidance for Scrutiny of Public Service Boards, the establishment of the Joint Overview and Scrutiny Committee be in accordance with the requirements of Section 58 of the Local Government (Wales) Measure, 2011, regulations and guidance;
- 2.3 Agree the draft terms of reference as set out in Appendix 2 and to give the Director of Legal and Democratic Services, in consultation with the Chair of the Overview and Scrutiny Committee delegated authority to finalise/amend the terms of reference in accordance with the parameters set out herein.
- 2.4 That the report and the recommendation as set out in 2.1 – 2.3 be endorsed by full Council.
- 2.5 That when this Authority is to be nominated the position of Chair of the Joint Scrutiny Committee the remuneration of such post, if any, will be for the decision of full Council.

### 3. **BACKGROUND**

#### **Joint Public Services Board**

- 3.1 Members will recall that at the Council's Annual Meeting held on the 25<sup>th</sup> May, 2016, Members were advised of the arrangements that had been put in place in respect of the creation of a Cwm Taf Public Services Board in accordance with the Well-Being of Future Generations (Wales) Act, 2015 whereby both RCT Local Service Board and Merthyr Tydfil Local Service Board agreed to the formation of a joint Public Services Board (Cwm Taf PSB). Below is the link to the report that was considered by Cabinet at its meeting held on the 19<sup>th</sup> May, 2016 setting out these arrangements:-

<http://www.rctcbc.gov.uk/EN/Council/CouncillorsCommitteesandMeetings/Meetings/Cabinet/2016/05/19/Reports/AgendaItem8PublicServicesBoard.pdf>

#### **Scrutiny of Public Service Boards**

- 3.2 In order to ensure democratic accountability of the PSB, there is a statutory requirement set out in the Well-being of Future Generations (Wales) Act, 2015 and associated statutory guidance for a designated Local Government Scrutiny Committee of the relevant authority to scrutinise the work of the PSB
- 3.3 At the meeting of the Overview and Scrutiny Committee held on the 18<sup>th</sup> November, 2015, Members agreed that a recommendation be made to Council that the designated Scrutiny Committee to scrutinise the work of the PSB be the Council's Overview and Scrutiny Committee.
- 3.4 At the Annual Meeting in May of this year, it was agreed by Minute Nos. 9.6(3) and (4) respectively:-

*“approve scrutiny of the Cwm Taf Public Services Board be undertaken, in the first instance, by the Council's Overview and Scrutiny Committee”; and*

*“That officers be instructed to work with their colleagues in Merthyr Tydfil County Borough Council and in consultation with the Chair of the Overview and Scrutiny Committee to investigate the possibility of creating a Joint Scrutiny Committee to scrutinise the Cwm Taf Public Services Board in the future”.*

- 3.5 Attached at Appendix 1 is a copy of the report that was presented to the Overview and Scrutiny Committee, where Members will note that as yet, no statutory guidance has been established for joint scrutiny arrangement for scrutinising the Public Services Boards. The guidance for the Well-Being of Future Generations Act also states – *“it will be for each local authority to determine its own scrutiny arrangements for the Public Services Board of which it is a member. For example, existing legislative powers can be used to put in place joint arrangements, such as `co-opting` persons who are not*

*members of the authority to sit on the committee, and where appropriate to appoint joint committees across more than one local authority area”.*

- 3.6 In accordance with the decision made at the Annual Meeting, meetings have been held with colleagues in Merthyr Tydfil County Borough Council to investigate the possibility of creating a Joint Overview and Scrutiny Committee to scrutinise the Cwm Taf Public Services Board in the future.
- 3.7 This joint approach will avoid duplication of time and resources of the individual authorities designated Scrutiny Committees.
- 3.8 It was agreed that reports will be presented to each authority’s respective Council Meetings and Overview and Scrutiny Committees in September to establish these joint arrangements.

#### **4. STATUTORY PROVISIONS RELATING TO SCRUTINY**

- 4.1 The statutory authority for proceeding with the arrangements that I have set out below comes initially from Chapter 6 of the Statutory Guidance issued under Section 51(1) of the Well-being Future Generations Act, 2015. However, there is no specific reference to the mechanisms by which scrutiny can operate the statutory basis for joint arrangements and therefore have come from those established under Section 58 of the Local Government (Wales) Measure 2011(“the Measure”) in respect of Joint Overview and Scrutiny Committees and the Local Authorities (Joint Overview and Scrutiny Committees)(Wales)Regulations 2013 (No.1050(W.112)).
- 4.2 Paragraph 3.1 of the statutory guidance states – *“that in establishing a JOSCS 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**”:-*

#### **5. PROPOSED TERMS OF REFERENCE OF THE JOINT OVERVIEW AND SCRUTINY COMMITTEE**

- 5.1 In accordance with the provisions as set out in paragraph 4 above, the following paragraphs provide the legislative basis for the role and responsibilities and terms of reference for the Joint Scrutiny Overview and Scrutiny Committee.
- 5.2 Draft terms of reference are based on the requirements of the Future Generations Act, the Local Government (Wales) Measure, the Joint Overview and Scrutiny Committee regulations and subsequent joint scrutiny statutory guidance – see Appendix 2.

### 5.3 **The Well-being of Future Generations (Wales) Act, 2015**

Section 35 of the Act, states that in respect of an Overview and Scrutiny Committee of a local authority, executive arrangements must ensure that its Overview and Scrutiny Committee has a number of powers. These powers are:-

- To scrutinise the overall effectiveness of the Public Services Board;
- To review or scrutinise the decisions made or actions taken by the Public Services Board;
- To review or scrutinise the Board's governance arrangements;
- To make reports or recommendations to the Board regarding its functions or governance arrangements;
- To consider matters relating to the Board as the Welsh Ministers may refer to it and report to the Welsh Ministers accordingly; and
- To carry out other functions in relation to the Board that are imposed on it by the WellBeing of Future Generations Act.

The Well-Being of Future Generations Act allows for scrutiny of the Board as a `corporate body`, not the individual partners comprising the PSB. Paragraph 169 of the Future Generations guidance states that: ***“The Scrutiny Committee can require any Member of the Board to give evidence, but only in respect of the exercise of joint functions conferred on them as a member of the Board under this Act.”*** The Scrutiny Joint Committee will therefore scrutinise the work of the PSB and **not** the individual activities of PSB partners.

### 5.4 **The Local Government (Wales) Measure 2011**

Section 58 of the Measure “Joint Overview and Scrutiny Committees” states that Welsh Ministers may by regulations make provision under which any two or more local authorities may appoint a Joint Overview and Scrutiny Committee, subsequently the local authorities (Joint Overview and Scrutiny Committees) (Wales) Regulations 2013 came into force on the 24<sup>th</sup> May, 2013.

## 6. **MEMBERSHIP OF THE JOINT OVERVIEW AND SCRUTINY COMMITTEE**

6.1 The proposed membership is set out in paragraph 6 of the Terms of Reference (attached) and the proposals are based on the following paragraphs of the Statutory Guidance of the Measure:-

“3.5 In order to ensure JOSCs represent fairly the interests of each appointing local authority, it is recommended that an equal number of Committee seats be allocated to each of the participating Councils. Although that would mean larger authorities agreeing to have the same

membership as smaller ones, this would appear to be in the best interests of effective partnership.

- 3.6 Councils will need to make attempts to ensure that member representation on JOSCs reflects the political balance represented in the relevant Scrutiny Committee so far as practicable. The representation from an authority may include co-opted members from that authority who are appointed to Overview and Scrutiny Committees of the appointing authority in accordance with paragraphs 8 and 9 of Schedule 1 to the 2000 Act.
- 3.7 The JOSCs itself may also decide to co-opt members who would be in addition to the allocations from each Council.”

## **7. INDEPENDENT REMUNERATION PANEL FOR WALES**

For 2016-17 the Independent Remuneration Panel for Wales determined the following:-

- (i) The Chair of the JOSC is eligible for a salary equivalent to that part of a Band 3 Level 2 salary that remunerates a Committee Chair of a principal authority (£6,700) per annum.
- (ii) In cases where the Chair is already in receipt of a Senior Salary for a Band 3, 4 or 5 role the payment will be £3,350 per annum.
- (iii) The Chair of a Sub-Committee of a JOSC is eligible for a salary set at £1,675 per annum.
- (iv) In cases where the Chair of the Sub-Committee is already in receipt of a Senior Salary for a Band 3, 4 or 5 role the payment will be £837 per annum.
- (v) Payments to a Chair of a task and finish Sub-Committee are to be pro-rated to the duration of the task.
- (vi) A deputy chair of a JOSC or Sub-Committee is not eligible for payment.
- (vii) Co-optees of a JOSC or to a Sub-Committee are not eligible for a Co-optee member fee unless they are appointed by an authority under s144(5) of the Measure.

**Note:** The remuneration of Chairs of JOSC's (or a Sub-Committee of JOSCs) is not prescribed and is a matter for the constituent Councils to decide whether such a post will be paid.

## **8. CONCLUSION**

- 8.1 This is a new joint approach of its kind and will need time to embed, however, effective joint scrutiny can measure maturity of partnership arrangements more generally and speed up integrated working across the region. This function of democratic scrutiny will achieve shared responsibility for improved

outcomes across partner organisations and avoid duplication of time and resources of the individual authorities Scrutiny Committees. Ultimately, it will achieve better outcomes for the people of Cwm Taf.

- 8.2 The contents of this report will also be presented to Members of Merthyr Tydfil County Borough Council's respective Overview and Scrutiny Committee and Council in September to establish these joint arrangements. Both participating Councils will engage in two way communication with a view to further developing the joint scrutiny arrangements.

**RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL**

**MUNICIPAL YEAR 2015-2016**

**OVERVIEW AND SCRUTINY  
COMMITTEE  
18<sup>TH</sup> NOVEMBER, 2015**

**Agenda Item No. 3**

**REPORT OF THE DIRECTOR OF LEGAL  
AND DEMOCRATIC SERVICES**

**WELL-BEING OF FUTURE  
GENERATIONS (WALES)  
ACT, 2015**

**Author: Ms.Karyl May, Head of Democratic Services**

**1. PURPOSE OF THE REPORT**

In conjunction with the presentation by the Council's Partnerships Manager providing an overview of the Well-Being of Future Generations (Wales) Act, 2015 ("the Act") to advise the Committee of the Scrutiny aspects surrounding the Act, in relation to the Public Service Boards.

**2. RECOMMENDATIONS**

It is recommended that Members:-

- 2.1 Consider the Scrutiny aspects surrounding the Well-Being of Future Generations (Wales) Act, 2015 and that the comments of the Committee be reported to Council, if felt appropriate.

**3. BACKGROUND**

- 3.1 At the meeting of this Committee held on the 23<sup>rd</sup> September, 2015, Members were advised of the recent Statutory Guidance consultation documents that had been published in respect of the Well-Being of Future Generations (Wales) Act, 2015 ("the Act"), which had been passed earlier this year by the National Assembly for Wales and contains an integrated set of seven Well-Being goals for a prosperous, resilient, healthier, more equal and globally responsible Wales, with cohesive communities and a vibrant culture and thriving Welsh language.

- 3.2 The "Act" is about "sustainable development" which is the process of improving the social, economic, environmental and cultural well-being of Wales and will make the public bodies listed in the "Act" including Local Authorities, Local Health Boards, Natural Resources Wales, National Park Authorities (amongst many) think more about the long-term, work better with people and communities and each other, look to prevent problems and take a more joined-up approach.

- 3.3 As can be seen from the short overview above, “the Act” is ambitious. It requires specified public bodies, no matter what their specific responsibilities, to maximise their contribution to improving the well-being of Wales.

#### **4. SCRUTINY – PUBLIC SERVICE BOARDS**

- 4.1 As reported at the Council’s Annual Meeting of the Council on the 20<sup>th</sup> May, 2015 “the Act” will result in the Local Service Boards (LSBs) becoming statutory bodies and will be known as Public Service Boards (PSBs). The PSBs will be established for each local authority area in Wales and these Boards will contribute to the achievement of the goals, as set out in paragraph 3.1 above.
- 4.2 The four statutory members of each PSB are the Local Authority, the Local Health Board, the Fire and Rescue Authority for an area and National Resources Wales. In addition to these Members, each PSB must also invite specified statutory invitees, as and when felt appropriate to participate in the Board’s activity such as the Chief Constable for a Police area, Probation Services and can also invite other people who carry out public functions.
- 4.3 Each PSB must prepare and publish a Local Well-Being Plan, setting out its objectives and the steps it will take to meet them and will carry out an annual review of their plan showing their progress, and must consult widely during this time.
- 4.4 In order to assure democratic accountability there is a requirement for a designated local government Scrutiny Committee of the relevant local authority to scrutinise the work of the PSB and whilst it would be legitimate for a subject Scrutiny Committee (such as Children and Young People) to scrutinise the PSB’s work in relation to a specific issue, **it is important that one Committee takes an overview of the overall effectiveness of the Board and therefore the statutory guidance makes it clear that one Committee must be designated to undertake this work.**
- 4.5 Chapter 6 of the Guidance refers to local accountability and the role of Overview and Scrutiny functions i.e. having the power to:-
- (a) Review or scrutinise the decisions made or actions taken by the PSB;
  - (b) Review or scrutinise the Board’s governance arrangements;
  - (c) Make reports or recommendations to the Board regarding its functions or governance arrangements;
  - (d) Consider matters relating to the Board as the Welsh Ministers may refer to it and report to the Welsh Ministers accordingly; and
  - (e) Carry out other functions in relation to the Board that are imposed on it by the Act.

The Local Authority will do the above through the `executive arrangements` it is required to make under Part 2 of the Local Government Act, 2000.

- 4.6 However, whilst a local authority would take into consideration the Guidance as set out in Chapter 6 of the document, it has come to light through recent communications with the Welsh Local Government Association that “the Act” does not empower Ministers to issue guidance in respect of scrutiny of PSBs.
- 4.7 At a recent Reference Panel meeting convened by Welsh Government, concerns were raised that given the lack of guidance there would be different levels of expectations and interpretations (between PSB members themselves and also between the PSB and Scrutiny) which could risk the scrutiny of PSBs being contested, particularly if local scrutiny wanted to scrutinise the PSBs partners’ activities as PSB partners could cry foul and say that scrutiny is exceeding their statutory parameters and that scrutiny can only scrutinise the work of the PSB itself.
- 4.8 Unfortunately, the Act seems to curtail Scrutiny Committees’ ‘public service scrutiny’ powers as it only allows scrutiny of the ‘corporate body’ of the PSB (not the individual members). The proposed public service scrutiny powers over ‘designated persons’ under the Local Government (Wales) Measure, 2011 would have been much more open ended. Paragraph 169 of Chapter 6 of the Guidance explicitly states that “The committee can require any member of the board to give evidence, but **only in respect of the exercise of joint functions conferred on them as a member of the board under this Act.**” This appears quite a limited role, as the PSB won’t actually do a huge amount as a corporate body (other than exercising its duties to prepare a wellbeing assessment, publish (and possibly review) a well-being plan (when it *may* also set out wellbeing objectives) and duty to publish annual reports – it’s the constituent bodies’ individual and joint actions and duties under “the Act” which is where all the impact and outcomes will be achieved.
- 4.9 However, there may be scope for Scrutiny Committees to probe individual bodies as scrutiny is allowed to invite individual members to give evidence and, furthermore, could seek to scrutinise how the PSB is exercising its well-being duty as per S36 of the Act – interestingly S36 (2)(c) in defining the PSB’s well-being duty also refers to ‘*the taking of all reasonable steps by members of the board (in exercising their functions) to meet those objectives.*’ Similarly, Scrutiny Committees can scrutinise the wellbeing plan which (according to S39 (2)) ‘...may include objectives - (a) that are also well-being objectives published under Part 2 by a member of the board; (b) that are to be met by the taking of steps - (i) by one or more members of the board, invited participants or other partners acting individually, or (ii) any combination of members, invited participants or other partners acting jointly.’
- 4.10 If all else fails and the designated Scrutiny Committee did want to consider wider issues, it could always seek to exercise the power under S21 (2)(e) of the Local Government Act 2000 ‘*to make reports or recommendations to the authority or the executive on matters which affect the authority’s area or the inhabitants of that area.*’

- 4.11 Furthermore, Chapter 7 of the Guidance refers to Merging and Collaboration, whereby “the Act” provides for two or more PSBs to be able to merge and to collaborate if it would assist them in contributing to the achievement of the well-being goals. However, Boards may merge only if (a) the same Local Health Board is a member of each Board seeking or being directed to merge, and (b) no other Local Health Board is a member of any of those Boards. At the last meeting of this Committee on the 21<sup>st</sup> October, 2015, I advised Members of the event that was taking place on the 23<sup>rd</sup> October, 2015, which was attended by appropriate Officers of this Authority and a question was raised by the Head of Democratic Services in relation to Chapter 7 as should Welsh Ministers direct that two or more PSBs be merged; and two or more PSBs to collaborate, how would this impact on the scrutiny arrangements as there was no reference to scrutiny in such circumstances. The response to the question posed – “this had not been considered but that it would be looked into.” Again, the Local Government (Wales) Measure, 2011 in respect of Joint Scrutiny Arrangements seem to have been disregarded.

*Link to Statutory Guidance:*

<http://gov.wales/docs/desh/consultation/150907-spsf-3.0-collective-role-public-services-boards-en.pdf>

## **5. COMMUNITY AND TOWN COUNCILS**

- 5.1 There is specific statutory guidance under Section 40(7) of the Act in respect of the duties in relation to well-being plans for Community and Town Councils.
- 5.2 The Act places a duty on certain Community and Town Councils to take all reasonable steps towards meeting the local objectives in the local well-being plan that has effect in its areas. A Community and Town Council is subject to that duty only if its gross income or expenditure was at least £200,000 for each of the three financial years preceding the year in which the local well-being plan is published.
- 5.3 If a Community or Town council is subject to the duty, it must publish a report annually detailing its progress in meeting the objectives contained in the local well-being plan.
- 5.4 Community or Town Councils which do not meet the criteria but still wish to contribute towards meeting the local objectives contained in the local well-being plan and so that do not meet the criteria can contribute towards meeting the local objectives if they so wish.
- 5.5 Community and Town Councils which are subject to the duty will need to liaise closely with the PSB for their area and other Community and Town Councils are encouraged to engage on a voluntary basis.

## 6. **GENERAL COMMENTS**

6.1 In these austere times where all local authorities are obliged to make savings in all Service areas, it is interesting to point out that paragraph 38 of Chapter 1 of the Guidance states – *“the Local Authority must make administrative support available to the PSBs. The Welsh Ministers consider administrative support would include ensuring the PSB is established and meets regularly; preparing the agenda and commissioning papers for meetings; inviting participant and managing attendance; work on the annual report and preparation of evidence for scrutiny.”* Further, paragraph 39 states that it is for each Board to determine how it will resource the functions it has to undertake and that this is the responsibility of all the members equally. It still begs the question that the local authority is providing the administrative support to the Board and also scrutinising its work – a twin hatted approach?

6.2 The requirements of the Act are to be implemented in April, 2016.

### 6.3 ***Members views are sought:***

1. Whether to comment/recommend to Council:

- (a) that the Designated Committee be the Overview and Scrutiny Committee;
- (b) raise concerns regarding the resource implications.
- (c) That the Council put on record its concerns that the Act and Guidance does not have regard to the Local Government (Wales) Measure, 2011 in respect of Scrutiny of Designated Persons and Joint Scrutiny
- (d) There is no clarity in the Guidance on how Community and Town Councils will be held accountable for actions, or whether they can also hold PSBs to account and how do they feed into the PSBs objectives (and vice versa)

There is no reference in the Guidance regarding training to support members of the PSB or members of the "Designated" Scrutiny Committee



## APPENDIX 2

### Cwm Taf Public Services Board Joint Overview and Scrutiny Committee

#### Terms of Reference

1. Statutory Provisions.
2. Name of Overview and Scrutiny Committee
3. Purpose of the Joint Scrutiny Committee
4. Intended outcome(s) of the joint overview and scrutiny committee
5. Accountability Framework
6. Elected Member Membership (Councillors)
7. Quorum
8. Duration of the JOSC and procedures for withdrawal
9. Co-opted Members
10. Termination of membership on ceasing to be a member of the authority / suspension from membership.
11. Voting rights
12. Sub Committees of the JOSC
13. Political Balance
14. Appointment of Chair and Vice Chair
15. Access to meetings and documentation etc.
16. Resolving disagreements
17. Meetings of the JOSC
18. Work programme (Forward Plan)
19. Invitations to the Cwm Taf Public Service Board
20. Access to information rules
21. Rules of Procedure
22. Declarations of Interest
23. Confidentiality of Information
24. Administrative arrangements
25. JOSC meeting procedures (including sub-committees)
26. Responding to the JOSC recommendations
27. Reports of the JOSC
28. Evidence Gathering
29. Setting the agenda
30. Reference of matters to joint overview and scrutiny committee, etc
31. Meeting Venue / time
32. Training and Development
33. Expenses, Allowances and Salaries
34. Public Engagement



## Terms of Reference

### 1. Statutory Provisions.

- a) The joint overview and scrutiny committee (JOSC) has been established in accordance with the following legislation:-
- The Local Government (Wales) Measure 2011 (Sec 58 – Joint Overview and Scrutiny Committees)
  - The Local Authorities (Joint Overview and Scrutiny Committees) (Wales) Regulations 2013.
  - Well-being of Future Generations (Wales) Act 2015 (Part 4, Chapter 1, Sec 35 - Overview and scrutiny committee of local authority).
- b) The conduct of the JOSC and the arrangements for joint scrutiny shall be subject to the legislative provisions in a) above, and any regulations or guidance made in accordance with the legislation; and in the event of any conflict between the Act and/or Regulations and any joint arrangements, the requirements of the legislation will prevail.

### 2. Name of Overview and Scrutiny Committee

- a) The appointing Authorities are Rhondda Cynon Taf County Borough Council and Merthyr Tydfil County Borough Council.
- b) The title of the JOSC between the two Authorities shall be the “Cwm Taf Public Services Board Joint Overview and Scrutiny Committee” (*The JOSC for the purpose of this document*).

### 3. Purpose of the Joint Scrutiny Committee

- a) The overall aim of the JOSC is to scrutinise the overall effectiveness of the Cwm Taf Public Services Board (the Board).
- b) The core statutory functions of the JOSC are:-
- To review or scrutinise the decisions made or actions taken by Board;
  - To review or scrutinise the Board’s governance arrangements;
  - To make reports or recommendations to the Board regarding its functions or governance arrangements;
  - To consider matters relating to the Board as the Welsh Ministers may refer to it and report to the Welsh Ministers accordingly; and
  - To carry out other functions in relation to the Board that are imposed on it by the Well-Being of Future Generations (Wales) Act 2015.
- c) In addition to these functions the JOSC’s Lines of Inquiry can include (but not be limited to), the following:
- The effectiveness of the Wellbeing Assessment
  - The effectiveness of the Wellbeing Plan

- The effectiveness of performance measurement arrangements
  - The level of commitment from individual partners to the work of the Public Services Board
  - The effectiveness of the Public Services Board in communicating its work, objectives and outcomes to its stakeholders
  - The effectiveness of the Public Services Board in addressing the issue of pooled funding to tackle priorities
- d) The remit of the JOSC includes only the activities of the Cwm Taf Public Services Board as a partnership and excludes scrutiny of individual partner organisations (see also para 5).
- e) Existing legislation excludes any matter which could be considered by an Authority's Crime and Disorder Committee (sections 19 and 20 of the Police and Justice Act 2006) from the work programmes of all other scrutiny committees, sub-committees and JOSCs.

#### **4. Intended outcome(s) of the joint overview and scrutiny committee**

- a) Ensuring that the JOSC achieves the following benefits:-
- **Effective challenge** is provided to the Cwm Taf Public Service Board and that it is achieving the desired aims.
  - **the focus is on outcomes for people not organisations:** shifting the perspective from inputs to delivering results;
  - **the JOSC acting as a unifying force:** helping partners address the complex needs of citizens across different political, organisational and geographical boundaries;
  - **Accountability:** clarifying different organisations' contributions to delivery;
  - **Efficiency:** maximise resources;
  - **Innovation:** identifying new insights and solutions.

#### **5. Accountability Framework**

- a) The parameters for the JOSC as defined within the Future Generations Act are as follows:
- The act allows for scrutiny of the PSB as a 'corporate body', not the individual partners comprising the PSB. Paragraph 169 of the Future Generations guidance states that; **"The committee can require any member of the board to give evidence, but only in respect of the exercise of joint functions conferred on them as a member of the board under this Act."** The JOSC will therefore scrutinise the work of the PSB and not the individual activities of PSB partners.
  - Whilst the joint actions of the PSB will demonstrate the impact and outcomes achieved, the JOSC may choose to probe individual partners as to how they intend to exercise their well-being duty in line with the PSB's wellbeing plan. Section 36 (1) (c) of the Act (in defining the PSB's well-being duty) refers to; **"The taking of all reasonable steps by members of the board (in exercising their functions) to meet those objectives."**
  - Furthermore, the JOSC can exercise its existing power under S21 (2) (e) of the Local Government Act 2000 to; **"Make reports or recommendations to the**

**authority or the executive on matters which affect the authority's area or the inhabitants of that area."**

**6. Elected Member Membership (Councillors)**

- a) There will be an equal number of Elected Members from each appointing authority and no executive members may be on the committee.
- b) The JOSC will comprise ten Elected Members; that is five non-executive Elected Members from Rhondda Cynon Taf County Borough Council and five non-executive Elected Members from Merthyr Tydfil County Borough Council.
- c) Each local authority will determine and nominate its Elected committee Members in accordance with its own arrangements. The term of office of the nominated Elected Members shall be a matter for each nominating local authority, subject to a minimum planned term of one municipal year.

**7. Quorum**

- a) A quorum of one third of Elected Members of the JOSC will be required to enable a meeting to proceed, comprising of at least one Elected Member from each of the appointing authorities.
- b) A quorum of one half of Elected Members of any JOSC sub-committee will be required to enable a meeting to proceed, comprising of at least one Elected Member from each of the appointing authorities.

**8. Duration of the JOSC and procedures for withdrawal**

- a) The duration of the JOSC will be until such time as there is written notification from the Chief Executive and the Leader of either of the two participating local authorities to the Chief Executive and the Leader of the other, advising of the decision to withdraw that Authority from the JOSC arrangements.

**9. Co-opted Members**

- a) The JOSC, or a sub-committee, may resolve to co-opt additional members to serve on the committee or sub-committee subject to:-
  - the appointment being approved by a majority of the members of the JOSC or sub-committee.
  - the person co-opted to serve on the JOSC, or on a sub-committee, not being entitled to vote at any meeting of the committee or sub-committee on any question which falls to be decided at that meeting.
  - the person not being a member of a local authority, whether that authority is one of the appointing authorities or otherwise.
  - the membership of a person co-opted to serve on the JOSC, or on a subcommittee of such a committee, being withdrawn by a majority vote at any time by the JOSC or sub-committee.

- b) The JOSC will consider appointing co-opted Statutory Members (non-executive) from the following organisations:-
- University Health Board,
  - South Wales Fire and Rescue
  - Natural Resources Wales
- and
- c) as and when felt appropriate `invited participants` such as the Chief Constable of South Wales Police, the Police and Crime Commissioner for South Wales, Probation Services, Voluntary Sector and any other individuals who carry out public functions.

**10. Termination of membership on ceasing to be a member of the authority / suspension from membership.**

- a) If an Elected Member appointed to the JOSC ceases to be a member of the appointing authority, then that person also immediately ceases to be a member of the JOSC.
- b) If a person appointed as a member of a JOSC is suspended from being a member or a co-opted member of one of the appointing authorities, that person may not serve as a member of the JOSC for the duration of the suspension.
- c) If a co-opted member appointed to the JOSC ceases to be an employee of the organisation he/she was appointed from, then that person immediately ceases to be a member of the JOSC.

**11. Voting rights**

- a) All Elected members may vote on any question that falls to be decided at that meeting
- b) Where there is an equality of votes at a meeting of a JOSC or sub-committee, the chair has a second or casting vote.
- c) A person co-opted to serve on the JOSC or on a sub-committee is not entitled to vote at any meeting of the Committee or sub-committee on any question which falls to be decided at that meeting (also see Co-opted Members above).

**12. Sub Committees of the JOSC**

- a) The JOSC can establish sub-committees in order to operate in a more streamlined and flexible manner to undertake its statutory functions.
- b) Any sub-committees appointed by the JOSC will comprise at least four Elected Members, together with any co-opted members as agreed when establishing the sub-committee.
- c) A sub-committee is to comprise an equal number of Elected Members of each of the appointing authorities.
- d) Any report or recommendations made by a sub-committee of the JOSC is subject to approval by a resolution of the JOSC.

- e) Any sub-committee can only exercise the functions conferred upon it by the JOSC.

### **13. Political Balance**

- a) Each appointing authority must ensure that, as far as practicable, the members of the JOSC reflect the balance of political groups for the time being prevailing among the members of the appointing authority.

### **14. Appointment of Chair and Vice Chair**

- a) A JOSC must appoint a chair of the committee from within its Elected Member membership.
- b) A JOSC may appoint a vice-chair and this must be from within its Elected Member membership.
- c) The Chair will be appointed from within its Elected Member membership on a rotational annual basis and the allocation of the vice-chair (if appointed) will be given to the member of the Authority which is next scheduled to hold the position of Chair.
- d) Any sub-committee must appoint a chair, and may appoint a vice chair, from amongst its Elected Member membership.

### **15. Access to meetings and documentation etc.**

- a) The JOSC, or a sub-committee, is to be treated as a committee or sub-committee of a principal council for the purposes of Part VA of the Local Government Act 1972(1) (access to meetings and documents of certain authorities, committees and sub-committees).

### **16. Resolving disagreements**

- a) All members of the JOSC have a duty to act assertively and proactively to resolve disagreements.
- b) Initially, the JOSC will utilise a collaborative-style methodology to resolve any conflict(s) or disagreements. The collaboration style involves parties working together to resolve issues, with a 'win-win' attitude clearly focused on making a positive difference to the lives of people who live in the County Boroughs of Merthyr Tydfil and Rhondda Cynon Taf. If necessary other ways of resolving disputes, such as mediation, will be used. Where mediation is used the parties must agree on the final, binding resolution.

### **17. Meetings of the JOSC**

- a) Meetings will initially be held on a quarterly basis with a schedule of meeting dates circulated and agreed at the start of each financial year. Extra meetings may be called where 50% of the Elected Members identify the need.

### **18. Work programme (Forward Plan)**

- a) The JOSC should formulate a forward plan to identify what issues the JOSC intends to focus upon during the course of the year.

- b) The terms of reference of the JOSC are to be reviewed on an annual basis and to be incorporated into the Committee's Work Programme.
- c) The forward plan should provide a clear rationale as to the purpose of considering a particular topic, and to the methods by which it will be investigated.
- d) The JOSC must have regard to The Local Government (Wales) Measure 2011 and guidance, which places a requirement to engage with the public.
- e) The forward plan will be published on both Authorities' websites to allow interested groups and individuals to provide comment and offer their views.

#### **19. Invitations to the Cwm Taf Public Service Board**

- a) The JOSC shall review and scrutinise the performance of the PSB, and in exercising its powers, may require members of the PSB to attend a meeting of the JOSC.
- b) The JOSC shall review and scrutinise the performance of the PSB, and in exercising its powers, may invite Officers and Cabinet Members to attend its meetings when appropriate.
- c) The JOSC may request invitees to give account for their activities and their performance on matters within the JOSC's remit, particularly relating to:-
  - Any particular decision
  - The performance of partners in delivering shared objectives
- d) When the JOSC wishes to invite members of the PSB, officers, Cabinet Members or another individual to a meeting, it will:-
  - Offer a minimum notice of 6 weeks' notice;
  - Clearly outline the reason and the likely areas for questioning;
  - Identify whether any paperwork is to be produced.
- e) Where individuals attend before the JOSC, the Chair shall ensure that they are treated with courtesy and respect. Following the meeting, attendees will be provided with feedback and clarification as to whether further information is required as part of the Scrutiny process.

#### **20. Access to information rules**

- a) Meetings of the JOSC will be subject to the same access to information rules as other public meetings of the councils.
- b) The Chair will adhere to the access to information rules of his/her respective Authority.

#### **21. Rules of Procedure**

- a) Members of the JOSC and the public must have regard for the Chair who will have the authority to determine on any rules of procedure during meetings of the JOSC.
- b) The Chair will adhere to the rules of procedure of his/her respective Authority.

## **22. Declarations of Interest**

- a) All Elected Members shall observe the Code of Conduct in force for their respective Authorities, whilst co-opted members shall observe the Code of Conduct of the Authority of the Chair of the JOSC at the time the co-opted member was appointed.

## **23. Confidentiality of Information**

- a) In accordance with Members' respective Authority's Code of Conduct, members (Elected Members and Co-opted Members) of the JOSC must not disclose any information considered 'exempt' in accordance with Section 100A (4) of the Local Government Act 1972.

## **24. Administrative arrangements**

- a) The secretariat function will be provided by the same Authority as the Chair for the period he/she is appointed for. The function includes:
  - Arranging regular meetings of the JOSC - meetings are held within appropriate timescales following meetings of the Cwm Taf Public Services Board.
  - Preparing agendas and commissioning papers for meetings - Agendas and commissioning papers are prepared and distributed in a timely manner.
  - Inviting participants
  - Managing attendance
  - Provision of meeting venues
  - Minute taking
  - Working on the Annual Report – the JOSC will be required to produce a progress report to each of the participating authorities designated Overview and Scrutiny Committees on an annual basis
  - Preparing evidence for Scrutiny
  - In alignment with the nominated Chair, the supporting Officer is from the same authority, which would allow for a shared resource approach
- b) The terms of reference of the JOSC are to be reviewed on an annual basis and to be incorporated into the Committee's Work Programme.

## **25. JOSC meeting procedures (including sub-committees)**

- a) Main agenda items will be identified at the previous meeting in line with the agreed work programme. At this point potential witnesses and broad themes should be considered.
- b) Prior to the meeting all JOSC Members should be engaged in raising and discussing possible questions by email. The JOSC Chair will facilitate this process.
- c) A pre-meeting for all JOSC Members will be held for 30 minutes immediately before each JOSC meeting. The purpose is to ensure that members are fully prepared for the JOSC meeting and that the questioning strategy is clear.
- d) During the meeting, the JOSC Chair will be responsible for ensuring that questioning is effective and that the JOSC achieves its objective.

- e) Those invited to attend for a particular agenda item shall not be expected to remain at the meeting.
- f) At the close of the meeting, witnesses will be asked to leave to enable JOSC Members to discuss their conclusions and any recommendations arising from the meeting. These conclusions and recommendations will be reported to the PSB and relevant Cabinet Member(s) in the form of a Chairs' Letter. This part of the meeting should review the effectiveness of the meeting and identify ways that future meetings could be improved

## **26. Responding to the JOSC recommendations**

- a) The JOSC will agree outcomes of its meetings and detail the conclusions and any recommendations arising from a JOSC meeting.
- b) The JOSC may recommend amendments to a strategy or policy at their meeting which will be formally minuted. The Chair will formally make recommendations via a Chairs Letter to the PSB and relevant Cabinet Member(s) in person after the meeting has closed and will report these to the Future generations Commissioner following each meeting.
- c) Where recommendations have been made to the PSB and/or the Cabinet Member(s), a written response would be expected within one month, indicating whether the recommendation is to be accepted and what action (if any) will be taken in response.
- d) Where the JOSC makes a report or recommendations to any of the appointing authorities or their executives the JOSC:-
  - may publish the report or recommendations
  - may require the appointing authority or authorities, or the executive or executives—
    - to consider and respond to the report or recommendations indicating what (if any) steps it proposes, or they propose, to take; and
    - if the joint overview and scrutiny committee has published a report or recommendations, to publish the response.
  - Where the JOSC has provided a copy of the report or recommendations to a member of an appointing authority who has referred a matter to the JOSC or sub-committee, it must provide the member with a copy of the response.

## **27. Reports of the JOSC**

- a) When making reports or recommendations to the PSB with respect to the board's functions or governance arrangements, the JOSC must send a copy of any report or recommendation to:-
  - the Welsh Ministers;
  - the Future Generations Commissioner;
  - the Auditor General for Wales.
- b) Any reports or recommendations will be made on behalf of the JOSC, not the local authorities, and therefore there is no requirement for an executive or full council of the two Authorities to endorse the report.

## **28. Evidence Gathering**

- a) The JOSC is entitled to gather evidence in connection with any review or inquiry it undertakes as part of their agreed work plan.
- b) The JOSC shall adopt methods of gathering evidence to inform its deliberations. These include, but are not limited to, task and finish groups, holding enquiries, undertaking site visits, conducting public surveys, holding public meetings, commissioning research, hearing from witnesses and appointing advisors and assessors. The knowledge of councillors is also a valuable source of evidence and should be considered as part of each inquiry.

## **29. Setting the agenda**

- a) Individual agenda items, other than standing items, are to be determined in the first instance by the Work Programme which is to be established and agreed by the JOSC. The decision to consider additional items or defer planned items will be a matter for the discretion of the Chair.
- b) Any matter that is referred to the JOSC or a sub-committee by any member of the JOSC or a sub-committee will be included on the agenda for, and discussed at, a meeting of the JOSC or the relevant sub-committee. See "Reference of matters to joint overview and scrutiny committee, etc" below

## **30. Reference of matters to joint overview and scrutiny committee, etc**

- a) Any member of the JOSC can refer to the committee any matter which is relevant to its functions.
- b) Any member of a sub-committee of the JOSC can refer to the committee any matter which is relevant to its functions.
- c) Any member of any of the appointing authorities can refer to the JOSC of those authorities any local government matter which is relevant to the functions of the JOSC.
- d) Any referral as per a) to c) above will be included on the agenda for, and discussed at, a meeting of that committee or sub-committee.
- e) Where the JOSC makes a report or recommendations in relation to a matter referred to it by that member, it must provide the member with a copy of the report or recommendations.

## **31. Meeting Venue / time**

- a) Unless otherwise agreed by the JOSC, the meeting venue will be at the Valleys Innovation Centre, Abercynon.
- b) Meeting times of the JOSC or any sub-committees will be agreed by the JOSC Elected Member membership.

**32. Training and Development**

- a) Training will be provided to members of the JOSC as and when required / appropriate.

**33. Expenses, Allowances and Salaries**

- a) The JOSC will not be responsible for or pay any expenses or allowances.
- b) The remuneration of Chair of the JOSC (or a Sub-Committee of the JOSC) is prescribed by the Independent Remuneration Panel for Wales and is a matter for the constituent Councils to decide whether such a post will be paid.
- c) All Elected Members and Co-opted Members will need to apply to their respective Authority or Organisation for any payment of expenses etc.

**34. Public Engagement**

- a) Meetings of the JOSC and sub-committees are open to the public and all reports are available to the public unless exempt or confidential, when the items would be considered in closed session
- b) The JOSC will seek to gather evidence from the public as an ongoing aspect of its work.
- c) Meetings of the JOSC will be open to the public to observe and an item for public questions will be included on each agenda.
- d) Letters and agenda packs will be published via the two Authorities' agenda publications pages.