FLINTSHIRE COUNTY COUNCIL

Date of Meeting	Wednesday, 4 December 2024
Report Subject	Scrutiny Arrangements for the Corporate Joint Committee
Report Author	Chief Officer (Governance)

EXECUTIVE SUMMARY

The North Wales Corporate Joint Committee (CJC) has been established as a separate corporate body to undertake its four statutory functions across the whole of North Wales. Its work needs to be scrutinised.

Statutory guidance and existing practice points towards the six councils establishing a joint overview a scrutiny model so that there is a single, dedicated body which is immersed in the work of the CJC. This body will not displace local scrutiny of the CJC as a partner body, its work on the growth deal etc.

This report contains draft terms of reference for the proposed joint overview and scrutiny body.

RECOMMENDATIONS	
1.	That Council:
A	Agrees to establish the North Wales Corporate Joint Committee Joint Overview and Scrutiny Committee (JOSC) with the Terms of Reference as set out in Appendix 1.
B	Agrees that the powers of local Scrutiny Committees provided for under The Corporate Joint Committees (General) (No. 2) (Wales) Regulations 2022 shall be retained.
C	Agrees the political balance of Flintshire County Council's nominees to the joint overview and scrutiny committee will reflect the membership of Flintshire County Council rather than the membership of all North Wales councils in aggregate, where one seat shall be reserved to a councillor who is not a member of an executive group.
D	Agrees that the secretariat for the JOSC will be provided by the CJC in accordance with the Terms of Reference.

REPORT DETAILS

1.00	EXPLAINING THE PROPOSED JOINT SCRUTINY ARRANGEMENTS
1.01	The North Wales Corporate Joint Committee (the CJC) was established on 1 April 2021 and subsequently gained its functions in June 2022. Currently these functions are to: • prepare, monitor, review and revise a regional Strategic Development Plan; • develop a Regional Transport Plan with policies for regional transport; • the power to do anything which is likely to promote economic wellbeing.
1.02	It is a separate local authority body with its own functions and membership primarily drawn from the six North Wales Councils and the Eryri National Park Authority. It has statutory requirement to effectively adopt most of the generic governance arrangements of a Principal Authority including a Constitution, Governance and Audit Sub-Committee, Standards Sub-Committee and other legal requirements including Performance Reviews, Equalities and Biodiversity Policies and compliance with the Welsh language standards.
1.03	The need for Scrutiny of the CJC is enshrined in both the Regulations and the Statutory Guidance. An element of "scrutiny" is already in built within the form of the Governance and Audit Sub-Committee for example, but this has a specific process and performance role and is not a "Overview and Scrutiny" Committee. There is an expectation that the CJC will be subject to Scrutiny.
1.04	**Overview and Scrutiny** The requirement to establish Scrutiny Committees is an intrinsic part of the Executive system. However, there is no corresponding statutory requirement for a CJC to establish its own Scrutiny Sub-Committees to exercise similar functions. Indeed, the current statutory guidance ("the Guidance") on CJC the envisages that this will be based on scrutiny by the constituent authorities: ***34. Overview and scrutiny arrangements*** *34.1 Regulations on overview and scrutiny are proposed for spring 2022. It is envisioned that this will be based around scrutiny by the constituent councils of the CJC and not scrutiny by the CJC of its own work. This will be an important part of the democratic accountability of the CJC. As part of the council's general approach to scrutiny any scrutiny arrangements should be undertaken in line with any published scrutiny guidance and the Democracy Handbook (when published).*

	34.2 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. The clear aim and ambition however must be to create, facilitate and encourage a clear democratic link back to the constituent councils. *34.3 As part of the regulations discussed in 34.1 it is proposed that CJC members and staff will have a duty to provide information to the scrutiny committee; attend committee meetings if requested to do so; and consider any report or recommendations made by a committee within the agreed arrangements, and which relate to the CJC.* ***(Corporate Joint Committees: Statutory Guidance-WG 2022)***
1.05	This is further supported by the ***"Statutory and Non-Statutory Guidance for Principal Councils in Wales – supporting provisions within the Local Government Act 2000, the Local Government (Wales) Measure 2011 and the Local Government and Elections (Wales) Act 2021 "June 2023*** which identifies scrutiny of CJC as being one of the possible functions of a JOSC. **"12.10 Some instances where a joint committee might be appropriate include:** • On-going monitoring of a joint service delivery mechanism; • On-going review of a joint statutory partnership or other collaborative arrangements such as a corporate joint committee; • Investigating a topic that may require a regional response (for example, waste management or sustainable development); • Sharing scrutiny resources to investigate a similar topic of high interest or high importance to more than one authority (although not necessarily requiring a joint / multi-authority response). " **Criteria for establishing a JOSC** 12.11 In deciding whether or not to establish a JOSC, the following questions should be considered: • Does the topic involve the work of a strategic partner or partnership body whose services cover more than one local authority area? For example, a JOSC may wish to focus upon the work of a transport provider, third sector organisation or a relevant social enterprise whose services cross authority boundaries; • Does the issue or service affect residents across more than one county area or concern a particular population's needs? A JOSC may wish to consider thematic topics such as climate change, fuel poverty, grass-fires or road safety; or it may wish to consider services connected to particular groups of interest such as young adults with physical disabilities, teenage mothers or vulnerable older people; • What form of JOSC could reasonably be resourced? Undertaking effective joint scrutiny is dependent on participating councils

	engaging in the building of relationships, and putting in place systems of working and administration. In order that JOSCs can provide significant added value, care must be taken to ensure that its objectives are proportionate to its resources." **The Corporate Joint Committees (General) (No. 2) (Wales) Regulations 2022** impose a duty on the CJC to co-operate with a "relevant" Scrutiny Committee and respond to any reports or recommendations prepared by the Scrutiny Committee. A "Relevant Scrutiny Committee" may be a Committee of the Constituent Authorities, or a Joint Scrutiny Committee appointed by those authorities. This means that where a scrutiny committee exercises its powers to make a report to the authority or it's executive "on matters which affect the authority's area or the inhabitants of that area "and that relates to the functions of the CJC, certain requirements stem from this.
1.06	The CJC must co-operate with the Relevant Scrutiny Committee and give it such reasonable assistance as it requests including. • arranging for a member of the CJC to attend to answer questions • arranging for a member of staff of the CJC to attend to answer questions • providing information • providing documents (with provision for exempt information) • consider the report or recommendation, and • where the Scrutiny Committee formally publishes a report, the CJC must publish a statement setting out the steps it intends to take in light of the report or recommendation in exercising its functions within two months.
1.07	It must be emphasised that this is not a "call in" which is separately provided for and relates to the power to stop and suspend implementation of an executive decision pending a review by Scrutiny. There may be different approaches to this in the authorities, but it is important to note that the process is one of reporting to its own authority about a matter where the CJC is involved, not the CJC per se.
1.08	**Current Corporate Joint Committee Scrutiny across Wales** Currently in relation to the other three Corporate Joint Committees in Wales joint scrutiny arrangements have been put in place. These are either JOSC'S created and agreed with the constituent Councils or established by CJC as part of their governance arrangements. Some do pre-date the 2022 Regulations.
1.09	**Regional vs Local Scrutiny** The CJC is a regional body which needs to be subject to scrutiny as a whole and it doesn't make sense for that work to be undertaken six times. Equally it has responsibility to work across the whole of North Wales. E.g. preparing the regional development plan. Again, it makes sense to scrutinise the impact and effect of such plans regionally.

	Some of its work is geographically localised within the area of each constituent council and so should be open to local scrutiny. The regional growth deal is perhaps the readiest example of this because, as well as regional projects, it includes specific projects in each council that will have primarily local outcomes. It makes sense for those local outcomes to be scrutinised by the relevant council. Equally council may wish to examine the impact of regional strategies in their own locality. The JOSC will therefore not displace the right of local scrutiny committees to look at the work of the CJC as it effects that council's area.
1.10	**Outline of proposed JOSC scrutiny roles:** • To review or scrutinise decisions made, or other action taken, in connection with the discharge of any functions which are the responsibility of the CJC (not "call in"); • To make reports or recommendations to CJC respect to the discharge of any functions which are the responsibility of the CJC; • To make reports or recommendations to the CJC on matters which affect the CJC . It's cycle of meetings would need to be agreed as would the support requirement and work programmes etc.
1.11	**Membership** It is proposed that the JOSC would have 12 members who would not be executive members of the Constituent Councils. This results from an underlying requirement that there are an equal number of members from each of the Councils. In addition, members are appointed by each Council as far as practicable on the basis of their respective political balance, as opposed to the overall North Wales political make up of the membership. So, appointments from Conwy e.g. would be based on the political balance of Conwy and appointments from Flintshire would be based on their political balance etc.
1.12	The Constitution and Democratic Services Committee considered these proposals at its meeting on 6 November 2024. It was suggested, and agreed, that one of the 2 seats on the JOSC should be reserved for a member who is not in a group which holds a seat on Cabinet (so called "executive groups"). As the CJC itself is made up exclusively of Leaders and Cabinet Members its views will presumably tend to reflect the views of the "administration" in each constituent council. It is widely recognised that scrutiny works best when it doesn't simply reflect the views of those with executive authority (though clearly those views cannot wholly be excluded), which this proposal would achieve. In the current circumstances of the Council, this would mean that one seat would be occupied by a councillor from the Eagle, Independent or Labour group and the other seat would be occupied by a councillor from the Liberal Democrat, Flintshire Peoples Voice or True Independent group or a councillor who is not in any group.
1.13	**Growth Deal**

	On the 17th December 2021 ,Conwy County Borough Council, Denbighshire County Council, Flintshire County Council, Cyngor Gwynedd, Isle of Anglesey County Council, Wrexham County Borough Council (the "Constituent Councils") ; together with Bangor and Wrexham Universities, Coleg Cambria and Group Llandrillo Menai entered into a Joint Working Agreement ("GA2) which established a Joint Committee responsible for overseeing and coordinating the discharge of the Councils' obligations in relation to the North Wales Growth Deal and delivering the North Wales Growth Vision.
1.14	However, and this was anticipated in GA2 that the Growth Deal could potentially be transferred to the CJC, which is a matter specifically reserved to the Councils. The Constituent Councils resolved in their in principle decisions in 2021/22 to transfer the Growth Deal to the CJC. The overall strategic impetus to transfer stemmed from the correlation in membership between the NWEAB and the CJC and the membership of the CJC, the wish to avoid a multiplicity of regional bodies with similar functions, and the various legal and operational advantages and efficiencies of the CJC being its own corporate entity.
1.15	As part of GA2 a Scrutiny Protocol was adopted which provided a framework for scrutinising the work of the Economic Ambition Board (EAB). This provided for provision of regular reports and attendance by EAB officers at scrutiny. Because, unlike the CJC the EAB was subject to "call in" of its decisions there was also an agreed process to manage potential multiple call-in. In reality there has been no call-in of the EAB's decisions. This arrangement was possible because of the narrow scope of the EAB's functions which were limited to economic wellbeing and development and in practice involved one scrutiny committee from each Council. Scrutiny of the CJC with its range and developing range of functions needs to be considered in a different context. The proposed model of a JOSC would in reality enable a more pro-active scrutiny approach and a closer relationship between the scrutiny function and the CJC. It should also be emphasised that the proposed model does not take away the statutory powers of the individual scrutiny committees of the constituent Councils, where appropriate, to call on the CJC to contribute and respond to a formal report or recommendations. This is reflected in the Standing Orders.
1.16	**Standing Orders** A proposed set of standing Orders have been prepared for the JOSC and these would constitute the agreement to establish the JOSC.
1.17	**Conclusion** The creation of the Corporate Joint Committee involves a change in terms of regional partnering from the current local authority joint committee arrangements. It can also be surmised that it's role will see increased prominence and probably expansion of functions or tasks. It will also develop its own separate governance and management arrangements. There are therefore risks attached to assuming the current arrangements around the EAB can be transplanted into this new environment and achieve an appropriate level of challenge and scrutiny.

	Scrutiny is there to provide assurance for the Constituent Authorities and the CJC itself that it is properly exercising its functions. Whichever body or bodies carry out this function they will need to have a level of understanding and information about the organisation they are scrutinising, it's work, risks and the inter-relationship with their own Councils.
1.18	The statutory guidance also needs to be borne in mind and the recommended JOSC model. Whilst other regions have also taken the JOSC route albeit with different models, there tends to a presumption in favour of the JOSC.
1.19	A JOSC would need to maintain a relationship with its constituent Councils and authorities. It would be acting as their representative body and should not be acting as a wholly stand-alone entity. It would be seen as part of its terms of reference as having a regional gatekeeping role in the future development of the CJC and its functions. This would be incorporated into its terms of reference. On specific local issues "home" scrutiny committees would still maintain the ability to scrutinise the CJC. However, it is a key area as the Guidance suggests for maintaining the democratic relationship with the home authorities. There is a risk nevertheless that this also overlooks the point that unlike traditional Joint Committees which are effectively regional Cabinets (within their terms of reference) the CJC is a separate corporation which needs to develop and maintain a relationship with its' partner Councils and organisations in a different way. Scrutiny is a key component of that arrangement and the CJC will be working closely with its Constituent Councils and other partners through other channels. That in itself highlights the need for Scrutiny to be undertaken from a position of knowledge and understanding of the organisation it is overseeing.

2.00	**RESOURCE IMPLICATIONS**
2.01	Neither option is a resource neutral arrangement. Officer time and capacity will need to support both the options. It can be anticipated that the JOSC would meet about three times per annum. There would have to be liaison between the CJC staff and Scrutiny Teams to establish agenda items which would involve forward planning of scrutiny work. This would be the same for each model if we are to avoid a general up-date approach to scrutiny. The level of resource required to regularly attend all scrutiny meetings, research agenda items and work planning for each can be anticipated to be significant. A Joint Scrutiny Committee meeting remotely is unlikely to generate additional issues around members remuneration.

3.00	**CONSULTATIONS REQUIRED / CARRIED OUT**
3.01	Constitution and Democratic Services Committee has been consulted as a prelude to setting the scrutiny arrangement at this meeting. It supported the proposals with the change to recommendation c as noted at paragraph 1.12 of the report.

4.00	RISK MANAGEMENT
4.01	Principally the risks relate to: a) the loss of "ownership " of the scrutiny function b) localised scrutiny of projects that need to be seen from a regional perspective These are addressed within the proposals (and the body of the report) by retaining local scrutiny alongside the regional model.

5.00	APPENDICES
5.01	Appendix 1 – draft terms of reference for the Joint Overview and Scrutiny Committee (JOSC)

6.00	LIST OF ACCESSIBLE BACKGROUND DOCUMENTS
6.01	**Contact Officer:** Gareth Owens, Chief Officer Governance **Telephone:** 01352 702344 **E-mail:** Gareth.legal@flintshire.gov.uk

7.00	GLOSSARY OF TERMS
7.01	**Corporate Joint Committee (CJC) –** Regulations were made by the Welsh Government on 17 March 2021 creating four Corporate Joint Committees in Wales, and the North Wales Corporate Joint Committee (CJC) was established on 1 April 2021. The CJC must exercise functions relating to strategic development planning and regional transport planning and are also able to promote economic wellbeing. **Economic Ambition Board (EAB) -** The Board is a joint-committee and is the decision-making body, responsible for the leadership, vision, delivery and strategic direction of the Growth Deal.