

## CJC - Overview and Scrutiny Sub-Committee

Man Cyfarfod  
Meeting Venue  
**Via Zoom**

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Dyddiad y Cyfarfod  
Meeting Date  
**Tuesday, 5 December  
2023**

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Amser y Cyfarfod  
Meeting Time  
**3.00 pm**

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I gael rhagor o wybodaeth  
cysylltwch â  
For further information  
please contact  
**Kath. Flanagan Jones**



29.11.2023

### AGENDA

<b>1.</b>	<b>APPOINT CHAIR AND VICE CHAIR</b>
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Committee members to appoint a Chair and Vice Chair.

<b>2.</b>	<b>WELCOME AND INTRODUCTIONS</b>
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<b>3.</b>	<b>APOLOGIES</b>
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To receive apologies for absence.

<b>4.</b>	<b>TERMS OF REFERENCE</b>
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To receive the Terms Of Reference (Document added for information purposes only).

(Pages 3 - 8)

<b>5.</b>	<b>CJC UPDATE REPORT FROM THE CHIEF EXECUTIVE OFFICER</b>
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To receive and consider the CJC update report from the Chief Executive Officer.  
(Pages 9 - 14)

<b>6.</b>	<b>ANY OTHER BUSINESS</b>
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To receive and consider any other business.



## **TERMS OF REFERENCE OF THE CJC OVERVIEW & SCRUTINY SUB COMMITTEE (“OSSC”)**

### **E1. Membership**

- E1.1 Subject to 1.3 below, the Overview & Scrutiny Sub-Committee shall comprise of 10 members in total, 5 each from the relevant Overview and Scrutiny Committees of the Constituent Councils, ensuring political balance.
- E1.2 Executive members of the Constituent Councils shall not be members of the OSSC.
- E1.3 Where the OSSC is considering the Strategic Development Plan Function and any function that is ancillary or incidental to that function the Overview & Scrutiny Sub-Committee shall comprise of 11 members in total, 5 each from the relevant Overview and Scrutiny Committees of the Constituent Councils, ensuring political balance together with 1 representative of the Brecon Beacons National Park Authority.
- E1.4 Two nominated substitutes will be allowed for the representatives listed above from Constituent Councils and one substitute representative will be allowed from the Brecon Beacons National Park Authority provided that the substitutes are not involved in and have not attended meetings of the CJC or another Sub Committee of the CJC.
- E1.5 A Constituent Council may send a substitute from the relevant scrutiny committee of their own Council of the same political group if they are unable to attend, but this may not be a member of the Constituent Council's executive. A substitute will be able to vote.

### **E2. Purpose**

- E2.1 The purpose of the Overview & Scrutiny Sub-Committee shall be:
- E2.1.1 Performing the overview and scrutiny function for the CJC on behalf of the Constituent Councils and the Brecon Beacons National Park Authority where appropriate, to:
- (a) review and or scrutinise decisions made, or other action taken, in connection with the discharge of any of the CJC's functions;
  - (b) make reports or recommendations to the CJC or its executive officers with respect to the discharge of any of those functions; (c) exercise such other functions as the CJC may determine.
- E2.1.2 To develop a Forward Work Programme annually, reflecting the functions under clause 2.1.1 above.

E2.1.3 To seek reassurance and consider if the CJC is developing according to guidance from WG.

### **E3. Chair**

- E3.1 The Chair and Vice-Chair of the OSSC shall be elected by the OSSC.
- E3.2 The Chair and Vice-Chair of the OSSC shall be elected by the OSSC at its first meeting and then at each calendar year.
- E3.3 The position of Chair and Vice-Chair will rotate between the Constituent Councils on an annual basis.
- E3.4 Election of Chair – The OSSC will elect a Chair from the nominated membership of the committee. Substitute Members will not be eligible for election as the Chair.
- E3.5 Election of Vice-Chair – The OSSC will elect a Vice Chair from the nominated membership of the committee. Substitute Members will not be eligible for election as Vice-Chair.

### **E4. Voting**

- E4.1 Each member of the OSSC shall have one vote. Decisions of the OSSC shall be made by simple majority vote.
- E4.2 In the event of equality of votes the Chair of the OSCC shall have a casting vote.

### **E5. Conflicts of Interest**

- E5.1 Members of the OSCC must declare any interest either before or during the meetings of the OSCC (and withdraw from that meeting if necessary) in accordance with the Code of Conduct or as required by law.

### **E6. Proceedings of Meetings**

- E6.1 Rule 5.6 above will apply to the meetings of the OSCC.
- E6.2 Members of the OSSC shall be subject to the Code of Conduct for Members.
- E6.3 Meetings may be rearranged, cancelled or additional meetings scheduled with the agreement of the Chair.
- E6.4 Each meeting will be recorded through the production of notes which will be made available to the public online after the meeting except for any exempt or confidential information. Notes of meetings will usually be brief, containing a summary of discussions, action points and recommendations.
- E6.5 The OSSC is not a decision-making body, and the Chair should aim to facilitate consensual agreement on matters under consideration. Where a consensus cannot be reached, the Chair shall present the split views of the committee to the CJC.
- E6.6 The Members' Code of Conduct in Section 9 will apply.

### **E7 Quorum**

- E7.1 The quorum for meetings shall be no less than 4 Members, which must include at least 2 Members from each of the Constituent Councils, but where the OSSC is considering the Strategic Development Plan Function and any function that is ancillary or incidental to that function, the quorum must include a representative of the Brecon Beacons National Park Authority.

## **E8. Frequency**

E8.1 The OSSC shall meet quarterly, having regard of the CJC's meetings. Additional meetings may be convened by the Chair on at least 7 clear days' notice.

## **E9. Sub-Groups**

E9.1 The OSSC by agreement may create Task and Finish Groups.

## **E10. Review**

E10.1 The Terms of reference of the OSSC shall be reviewed annually.

## **E11. Call-In**

E11.1 When a decision is made by the CJC a summary of the decision shall be circulated by the Monitoring Officer (normally within 2 days of the decision being made and where possible by electronic means) to all members of the CJC and members of the Overview and Scrutiny Sub Committee.

E11.2 That notice containing the decision summary will bear the date on which it is published and will specify that the decision will come into force, and may then be implemented, on the expiry of 5 Clear days ( the Call-in Period") after the publication of the decision, unless the Overview and Scrutiny Sub-Committee, or the requisite number of members thereof (referred to in paragraph 12.3 below) objects to it in writing and calls it in.

E11.3 During the Call-in Period the Monitoring Officer shall call-in a decision for scrutiny by the Overview and Scrutiny Committee if so requested in the specified format ("the Call-In Request"<sup>1</sup>) by 3 members of a Scrutiny Committee PROVIDED THAT the Monitoring Officer and / or the Chief Finance Officer are satisfied that the following conditions are met:

E11.3.1 the decision or action was contrary to the policy framework or budget, or fell outside the functions of the CJC; or

E11.3.2 the CJC had not followed agreed procedures or failed to consult (where required) before reaching its decision; or

E11.3.3 the CJC had not followed, or had failed to take account of, any legal obligations, including regulations or statutory guidance governing the CJC's actions, or other guidance adopted by the CJC.

E11.4 Where the Monitoring Officer and / or the Chief Finance Officer are satisfied that one or more of the conditions set out in Rule 12.3 above have been met, they shall produce a written report setting out the reasons for coming to this conclusion and the Monitoring Officer will then arrange for a "Call-In Notice"<sup>2</sup> to be issued in accordance with Rule 12.5 below.

E11.5 A Call-In Notice must contain the following:

E11.5.1 details of the condition set out in rule 12.3 above being relied upon.

E11.5.2 the reasons why it is believed one or more of the conditions are satisfied.

- E11.6 The Monitoring Officer shall call a meeting of that Scrutiny Committee on such a date as s/he may determine, where possible after consultation with the chair or vice chair of that the Overview and Scrutiny Committee, and usually within 10 clear days of the receipt of the Call-In Request (the "Scrutiny Period") (only in exceptional circumstances will the chair of the Overview and Scrutiny Committee consider extending this time limit and the period of extension cannot in any circumstances exceed a further 5 clear days).
- E11.7 If, having considered the decision, the Overview Scrutiny Committee remains concerned about the decision, then the Committee may refer it back to the CJC for reconsideration, setting out in writing the nature of its concerns. If the decision is referred back to the CJC, the CJC shall then reconsider the decision within 10 clear days of the date of the reference. The CJC shall choose whether to amend the decision or not before reaching a final decision and implementing it. The final decision cannot be the subject of a further call-in.
- E11.8 If a Scrutiny Committee does not meet within the Scrutiny Period the decision shall take effect and be implemented on the next day following the expiry of the Scrutiny Period (as extended pursuant to Rule 7.35.6 as the case may be).
- E11.9 If following an objection to the decision, a Scrutiny Committee does not refer the matter back to the CJC, the decision shall take effect on the date of the Scrutiny Committee meeting.
- E11.10 In order to ensure that call-in is not abused, nor causes unreasonable delay, certain limitations are to be placed on its use. These are:
- E11.10.1 the Overview and Scrutiny Committee may only call-in a total of five decisions per year;
- E11.10.2 once a member (the chair of the Scrutiny Committee excepted) has signed a Call-in Request s/he may not do so again until the period of six months has expired.
- E11.10.3 only decisions involving expenditure or reduction in service over the threshold value for tenders set out in Section 17 of this Constitution may be called in.
- E11.10.4 the decision being called-in, or broadly the same decision, has not been called in during the last 6 months.
- E11.11 the Monitoring Officer and / or the Chief Finance Officer may veto any request for call-in if it falls outside the remit of this scheme.
- E11.12 Save in exceptional circumstances all members of a Scrutiny Committee requesting a matter be called in must attend the meeting at which the matter is being considered.
- E11.13 For the avoidance of doubt a Call-In remains valid even if one or more of the members who have signed the Call-in Request do not attend the Scrutiny Meeting at which the Call-in is debated.

## **E12. Exceptions to call-in**

- E12.1 The call-in procedure set out in clause 12 above shall not apply where the decision being taken is urgent. A decision will be urgent if:

E12.1.1 any delay likely to be caused by the call-in process would seriously prejudice the Council's or other public interests; and

E12.1.2 Subject to clause 13.3 below the Chief Executive and / or the Monitoring Officer and / or the Chief Finance Officer certifies in writing the reasons why any delay caused by a call-in process could seriously prejudice the Council, or the public interest; and

E12.1.3 the chair of the Overview and Scrutiny Committee agrees in writing to the decision being treated as a matter of urgency. In the absence of the Overview and Scrutiny chair then the vice chair may agree to the decision being treated as a matter of urgency; and

E12.1.4 the record of the decision, and notice by which it is made public, shall state that the decision is an urgent one, and that the urgency of the matter has been approved by the Chief Executive and / or the Monitoring Officer and / or the Chief Finance Officer and by the chair or vice chair of the Overview Scrutiny Committee.

E12.2 Decisions taken as a matter of urgency can be implemented forthwith but must be reported at the next available meeting of the Overview and Scrutiny Committee, together with the reasons for urgency, such report to the scrutiny committee must contain the written certification as required in clause E12.1.2 above.

### **E13. The Party Whip**

E13.1 Section 78(1) of the Local Government (Wales) Measure 2011 provides that a Member of an Overview and Scrutiny Sub Committee must not vote on a question at a meeting of that Committee if before the meeting the Member has been given a party whip relating to the question (known as prohibited party whip). E13.2 The statutory definition of a party whip is reproduced at paragraph 14.6.

E13.3 Any vote is given in breach of the rule declared in paragraph 14.1 must be disregarded.

E13.4 It is for the person chairing the meeting of the Overview and Scrutiny Sub Committee to determine whether a member of the Committee has been given a prohibited party whip in relation to the meeting.

E13.5 At each meeting of an Overview and Scrutiny Sub Committee each Member must declare any prohibited party whip which the Member has been given in relation to the meeting and the minutes of the meeting shall record all such declarations.

E13.6 The definition of party whip in Section 81(10) of the Local Government (Wales) Measure 2011 is: "party whip means an instruction (however expressed) which:-

- (a) is given on behalf of a political group on a Constituent Authority;
- (b) is given to a person (P) who is:- (i) a member of the political group, and (ii) a member of an Overview and Scrutiny Sub Committee of the CJC;
- (c) is an instruction as to how P should vote on a question falling to be decided by the committee; and
- (d) if not complied with by P, would be likely to make P liable to disciplinary action by the political group which gives the instruction;

"Political group" means a group of members of a Constituent Authority that is a political group for the purposes of Part 1 of the Local Government and Housing Act 1989."

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## MID WALES CORPORATE JOINT COMMITTEE

### Overview and Scrutiny Sub Committee

Date of Meeting – 16<sup>th</sup> November 2023

<b>Purpose of Report</b>	To provide the inaugural meeting of the Overview and Scrutiny Sub Committee with an update report from the Senior Responsible Officer's for the Mid Wales Corporate Joint Committee
<b>Decision Sought:</b>	To note the content of the report.
<b>Report Author</b>	Eifion Evans, CEO Mid Wales Corporate Joint Committee
<b>Finance Officer</b>	Duncan Hall, Section 151 Officer
<b>Legal Officer</b>	Clive Pinney – Monitoring Officer

### 1. Introduction:

- 1.1 This report is intended to provide Members of the Overview and Scrutiny Sub Committee of the Mid Wales Corporate Joint Committee (MWCJC) with an update on the establishment and progress of work of the MWCJC.

### 2. Background

- 2.1 The Local Government and Elections (Wales) Act 2021 provides a framework for regional collaboration through a more coherent, consistent and democratically controlled mechanism called Corporate Joint Committees ('CJCs').
- 2.2 A CJC is a separate corporate body which can employ staff, hold assets and budgets and undertake functions and are part of the 'local government family' and where appropriate, are subject to the same powers and duties as principal councils in the way they operate.

2.3 The MWCJC which is made up of Ceredigion and Powys Local Authorities is one of four CJC established in Wales alongside The North Wales CJC, The South East Wales CJC and The South West Wales CJC.

2.4 The three specific areas that are incorporated into the MWCJC which commenced its functions from 30<sup>th</sup> June 2022 are as follows:

- Strategic Development Planning – the MWCJC must prepare a Strategic Development Plan
- Regional Transport Planning – the MWCJC must prepare a Regional Transport Plan
- Economic Wellbeing

## 2.5 Membership

The CJC consists of:

- Leader PCC (Chair)
- Leader CCC (Vice Chair)
- BBNPA Member (Strategic Development Planning only)
- Chief Executive Officer (Ceredigion County Council)
- Chief Executive Officer (Powys County Council)
- Monitoring Officer (Powys County Council)
- Chief Financial Officer (Ceredigion County Council)

The role of the Chair and CEO will rotate annually at the AGM of the CJC.

## 2.6 Sub Committees

The following Sub Committees have been established and are chaired by the respective Portfolio Holders from the two constituent authorities, rotated on an annual basis.

- Strategic Development Planning Sub Committee
- Regional Transport Planning Sub Committee
- Economic Well-being Sub Committee

In addition, the following governing sub committees are required to be established in accordance with the legislation:

- Standards Sub Committee
- Governance and Audit Sub Committee
- Joint Overview and Scrutiny Committee

## **4. Progress Update**

### 4.1 Meetings

The MWCJC has been meeting on a quarterly basis since its inaugural meeting in January 2022. Member and Officer appointments have been made to the CJC itself and all the sub committees, governance arrangements are in place and standing orders and a constitution have been agreed.

The Strategic Development Planning Sub Committee has met three times, and the Regional Transport Planning sub committee has recently held its inaugural meeting. The Economic Wellbeing Sub Committee is due hold its first meeting in November 2023 where the strategic direction of delivery for this sub committee will be discussed and agreed.

The Standards Sub Committee is yet to meet and is required to meet on an annual basis with the Governance and Audit Sub Committee will hold its first meeting in January 2024 and is required to meet on a quarterly basis as is this Overview & Scrutiny Committee.

### 4.2 Delivery

The legislation is prescriptive in that the MWCJC must produce a Regional Transport Plan by March 2025 with a draft version in place by 31<sup>st</sup> October 2024 and a Strategic Development Plan Delivery Agreement by 31<sup>st</sup> March 2024. There are no specific statutory requirements for the Economic Wellbeing Sub Committee however it is envisaged that it will own the Strategic Vision of the Mid Wales Growth Deal.

To date the MWCJC has adopted a 'bare minimum' approach with no staff being employed via the CJC itself and resources in the respective organisations limited. Therefore, an implementation plan together with costings has been submitted to Welsh Government to enable delivery of the Regional Transport Plan and as there is no funding available for delivery of the Strategic Development Plan contributions are going to be made to the CJC from Powys and Ceredigion County Councils and Bannau Brycheiniog.

### 4.3 Budget

Whilst a grant of £250k for each CJC was provided by Welsh Government for the initial establishment of CJC's ongoing operational costs of CJC's are subject to contributions from the constituted local authorities.

The Budget for 2022/23 was approved on the 10<sup>th</sup> of January 2022. The General Budget totalled £120,000 and the Strategic Planning Budget totalled £40,000. The expenditure on the General Budget was £61,342 which resulted in an underspend of £58,658 which has been transferred into an earmarked reserve. The expenditure on the Strategic Planning Budget was £15,334 which resulted in an underspend of £24,666 which has been transferred into a specific earmarked reserve. The main reason for the underspends was the concerns regarding the MWCJC's ability to reclaim VAT – this was resolved successfully towards the end of the financial year.

The Annual Return has been completed and sent to Audit Wales for them to audit. When the audit is complete the MWCJC will be asked to approve the return.

The MWCJC Budget for 2023/24 was approved on the 19 January 2023. The General Budget totals £131,255 and the Strategic Planning budget totals £43,745.

At the CJC meeting in July 2023 the budget position was reviewed. The proposed amended budget requirement for the general budget increased from £131,255 to £146,255 – with the additional £15,000 being funded from earmarked reserves. The proposed amended budget requirement for the strategic budget increased from £43,745 to £53,745 – with the additional £10,000 being funded from earmarked reserves. This amended budget was approved by the CJC.

### 4.4 Corporate Plan

On the 1<sup>st</sup> November 2023 the MWCJC published its Corporate Plan for public consultation.

The Mid Wales Corporate Joint Committee was created last year, and although it is in the initial stages of its work, has set out a Draft Corporate Plan describing the strategic direction of the Committee for the next 4-5 years.

Although the work of the region is in its infancy, the plan sets out the purpose and direction for joint work between Powys County Council and Ceredigion County Council in the areas of the economy and transport. In addition, the two Councils will collaborate with Bannau Brycheiniog National Park on the creation of a Strategic Development Plan for the region.

The CJC has set out a Vision and Wellbeing Objectives, alongside an Integrated Impact Assessment, as part of the Corporate Plan.

The three public bodies involved have all worked together for many years on a range of matters, and the creation of the CJC will formalise this relationship and set it in a legal framework.

A copy of the plan is attached as an appendix to this report.

## **5. Integrated Impact Assessment:**

- 5.1 There is no requirement for an Integrated Impact Assessment for this report as the setting up of the CJC is underpinned by legislation and this report is to establish financial arrangements in accordance with legislation.

## **6. Workforce Impacts:**

- 6.1 Currently any employment within the MWCJC will be undertaken by constituent authorities and recharged back to the MWCJC taking due account of any associated taxation issues.

## **7. Legal Impacts:**

- 7.1 Part 5 of the Local Government and Elections (Wales) Act 2021 provides for the establishment, through regulations, of CJsCs and compliance will be had with this and other legislative obligations in the establishment of CJsCs. The Mid Wales Corporate Joint Committee Regulations came into force on 1st April 2021 and set out that the CJC should be established and the time limits for the discharging of specific functions.

## **8. Risk Management Impacts:**

- 8.1 Failure to establish the MWCJC and the associated Sub Committees is in breach of its obligations exposing itself to legal challenge. In addition, suitable arrangements must be put in place to ensure that the constituent authorities and the national park authority are able to fulfil their legal obligations in establishing the MWCJC.

## **9. Consultation:**

- 9.1 There is no requirement for public consultation in respect of this report.

## **10. Reasons for Proposed Decision:**

- 10.1 To provide members of the Overview and Scrutiny Sub Committee with an update on the establishment and delivery to date of the MWCJC.

## **11. Recommendations**

- 11.1. Members note the content of this report.

