

CYNGOR SIR POWYS COUNTY COUNCIL.

Democratic Services Committee
15th July, 2013

REPORT AUTHOR: Interim Head of Democratic Services

SUBJECT: The Local Authorities (Joint Overview and Scrutiny Committees) (Wales) Regulations 2013

REPORT FOR: Information / Decision

- 1.1 The Local Government (Wales) Measure 2011 section 58 and 172(6) part 6 allows the above Regulations and makes changes intended to strengthen the structures and workings of Local Government in Wales as well and help to ensure Local Councils reach out to, and engage with, all sections of the communities they serve.
- 1.2 The Regulations allow two or more Local Authorities to appoint a Joint Overview and Scrutiny Committee to make reports or recommendations to any of the Authorities or their executives about matters affecting their areas.
- 1.3 The aim of section 58 of the Measure was to reflect the increasing development of partnership in joint working across Local Authority boundaries, and collaborative scrutiny. The aim was to strengthen scrutiny arrangements through the promotion of collaborative scrutiny and the sharing of scrutiny expertise. This would enable Local Authorities to establish Joint Overview and Scrutiny Committees and make it easier to scrutinise the delivery of services provided by Local Authorities across geographical boundaries. It increases the options available to Local Authorities, and aim to strengthen the exercise of scrutiny of public services in local areas to ensure the process is independent.
- 1.4 Section 58 is an enabling power which means that we do not have to have such a Joint Overview and Scrutiny Committee but we can do so if we wish to do so.
- 1.5 **Regulations.**

Regulation 3 - Appointment

Provision is made for the appointment by two or more Local Authorities (the appointing Authorities) of the Joint Overview and Scrutiny Committee to exercise functions of making reports and recommendations to those Authorities or their executives on any matter which affects the whole or part of the area of each of the appointing Authorities and is not an excluded matter.

An excluded matter is a matter falling within the remit of a Local Authorities Crime and Disorder Committee or in the case of PCC, the Crime and Disorder element of our Environment, Infrastructure and crime and Disorder Scrutiny Committee

Regulation 4 - Agreement

The appointing Authorities must enter into a written agreement for joint scrutiny. That agreement must:-

- (a) identify the matters about which reports and recommendations may be made by the Joint Committee;
- (b) Specify the number of members who can be appointed and highlight their term of office (i.e. no Executive Members and Members cannot serve during periods of suspension) ;
- (c) specify the quorum of meetings;
- (d) identify the duration of committee;
- (e) make a provision for withdrawal from the committee;
- (f) make provision for the administrative arrangements of the committee e.g. officer support and resources.

Regulation 6 - Sub-Committees

A Joint Overview and Scrutiny Committee may:-

- (a) appoint one or more sub-committees from among its members; and
- (b) arrange for the exercise of any of its functions by such a sub-committee.

Regulation 7 - Proceedings

The Joint Overview and Scrutiny Committee must appoint a Chair of the Committee and may appoint a Deputy from those members already appointed. A sub-committee must also appoint a Chair and may appoint a Deputy. All members are eligible to vote on any question that needs to be decided at the meeting. Where there are equal votes the Chair has a casting vote.

Regulation 11 - Co-option

Additional members may be co-opted onto a Joint Overview and Scrutiny Committee or sub-committee and this must be approved by the majority of the members of that committee or sub-committee. Co-opted members are not able to vote at meetings. Co-opted member may be removed by a majority vote of their relevant committee or sub-committee.

Regulation 13 - Duty to respond to Joint Overview and Scrutiny Committee

The Committee may publish a report or recommendations and require the Authorities to consider and respond to the report or recommendations indicating what (if any) steps it proposes to take in response to the Report or recommendations.

- 1.6 The Welsh Government has issued Statutory Guidance in May 2013 in relation to Joint Overview and Scrutiny Committees.
- 1.7 The Independent Remuneration Panel for Wales has issued a draft supplementary report for consultation regarding whether:
- the chairs and of joint overview and scrutiny committees should be eligible for the payment of a senior salary;
 - which local authority should be responsible for the payment;
 - the remuneration of joint overview and scrutiny committee post holders should count against the maximum proportion of members who can be paid a senior salary;
 - a member in receipt of a senior salary can also receive a payment as a chair of a chair of a joint overview and scrutiny committee;
 - chairs of sub-committee chairs should be remunerated.
- 1.8 The Council will need to consider the requirements of the Regulations and Guidance and review its Constitution accordingly to take account of these requirements.

Recommendation:		Reason for Recommendation:	
(i)	That the Regulations and Guidance from Welsh Government together with the Supplementary Report from the Independent Remuneration Panel for Wales be noted.	(i)	To update the Committee on new Legislation / Regulations / Guidance affecting the Council.
(ii)	That the requirements of the Regulations / Guidance be taken into account in reviews of the Council's Constitution.	(ii)	To update the Council's Constitution to take account of new Legislative requirements and guidance.

Relevant Policy (ies):			
Within Policy:	Y / N	Within Budget:	Y / N

Relevant Local Member(s):

Person(s) To Implement Decision:	Clive Pinney
Date By When Decision To Be Implemented:	May 2014 – Constitution update

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Background Papers used to prepare Report: