

# Joint Overview and Scrutiny Committee

## DRAFT 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. Elected Member Membership (Councillors)
6. Quorum
7. Co-opted Members
8. Termination / suspension of membership
9. Voting rights
10. Sub Committees of the JOSC
11. Political Balance
12. Appointment of Chair and Vice Chair
13. Access to meetings and documentation etc.
14. Meetings of the JOSC
15. Work programme (Forward Plan)
16. Access to information rules
17. Rules of Procedure
18. Declarations of Interest
19. Confidentiality of Information
20. Administrative arrangements
21. JOSC meeting procedures (including sub-committees)
22. Responding to the JOSC recommendations
23. Evidence Gathering
24. Corporate Joint Committees (General) (No. 2) (Wales) Regulations- Regulation 8 and 9
25. Setting the agenda
26. Reference of matters to joint overview and scrutiny committee, etc
27. Training and Development
28. Expenses, Allowances and Salaries
29. Meeting Venue / time

## **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.
- b) The Corporate Joint Committees (General) (No. 2) (Wales) Regulations 2022 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 ("Appointing Authorities") are –
- Conwy County Borough Council;
  - Denbighshire County Council;
  - Flintshire County Borough Council;
  - Cyngor Gwynedd ;
  - Isle of Anglesey County Council;
  - Wrexham County Borough Council;
- b) The title of the JOSC between the six Appointing Authorities shall be the "North Wales Corporate Joint Committee Joint Overview and Scrutiny Committee" (*The JOSC for the purpose of this document*).

### **3. Purpose of the Joint Scrutiny Committee (JOSC)**

- a) The overall aim of the JOSC is to scrutinise the overall effectiveness of the North Wales Corporate Joint Committee (the CJC ).
- b) The core functions of the JOSC are:-
- 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 or proposed 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.

- c) The remit of the JOSC includes only the activities of the CJC as a partnership and excludes scrutiny of individual partner organisations (see also para 5).

#### **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 CJC 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 the appointing authorities address regional decision-making across different political, organisational and geographical boundaries;
  - **Accountability:** providing timely review in relation to the CJC's functions.
  - **Efficiency:** maximise resources;
  - **Innovation:** identifying new insights and solutions.
- b) The Joint Scrutiny Committee will prepare an annual report on achieving on it's work and outputs which will be sent to the Appointing Authorities Head of Democratic Services by no later than 31 July in any given year.

#### **5. 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 twelve Elected Members; that is two non-executive Elected Members from each of the Constituent Councils .
- 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.
- d) Each Elected Member will have a key role in reporting back to their Appointing Authority on the scrutiny undertaken and the outputs.

#### **6. Quorum**

- a) A quorum of one third of Elected Members of the JOSC will be required to enable a meeting to proceed.
- b) For the avoidance of doubt presence will include presence through electronic means which allow the member to hear and speak at the meeting.
- c) The failure of any technological provision whether that leads to a partial or complete loss of contact shall not invalidate any part of the deliberations or any vote taken. The Chairman may postpone the meeting if they deem that appropriate.

#### **7. Co-opted Members**

- a) The JOSC may invite additional members to serve on the JOSC or sub-committee as co-opted members subject to:-
- the appointment being approved by a majority of all the members of the JOSC

- the person co-opted to serve on the JOSC, or on a sub-committee, not being entitled to vote at any meeting of the JOSC or sub-committee on any question which falls to be decided at that meeting.
- the person not being an elected 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.
- the number of co-opted members on the JOSC not exceeding the number of elected members that sit on the JOSC.

## **8. Termination / suspension of membership**

- 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.
- 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.
- If a co-opted member appointed to the JOSC ceases to be an employee/member of the organisation he/she was appointed from, then that person immediately ceases to be a member of the JOSC.

## **9. Voting rights**

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

## **10. Sub Committees of the JOSC**

- The JOSC can establish sub-committees in order to operate in a more streamlined and flexible manner to undertake its statutory functions.
- 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. The number of co-opted members on the sub-committee must not exceed the number of Elected Members that sit.
- A sub-committee is to comprise an equal number of Elected Members of each of the appointing authorities.
- Any report or recommendations made by a sub-committee of the JOSC is subject to approval by a resolution of the JOSC.
- Any sub-committee can only exercise the functions conferred upon it by the JOSC.

## **11. Political Balance**

- 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.

## **12. 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.

## **13. 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 (access to meetings and documents of certain authorities, committees and subcommittees).

## **14. 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.

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

- a) In consultation with the CJC The JOSC should agree a forward plan to identify what issues the JOSC intends to focus upon during the course of the year.
- b) 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.
- c) The JOSC must have regard to The Local Government (Wales) Measure 2011 and guidance, which places a requirement to engage with the public.
- d) The JOSC must consult the CJC and the Appointing Authorities on the proposed Forward Plan

## **16. 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.

## **17. 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.

## **18. 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.
- b) Members of the JOSC must declare any interest during meetings of the JOSC (and withdraw from the meeting if necessary) in accordance with the paragraph above.

## **19. 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.
- b) The Proper Officer for the JOSC shall be ??

## **20. Administrative arrangements**

- a) The secretariat function will be provided by the CJC . The function includes:
  - Arranging regular meetings of the JOSC - meetings are held within appropriate timescales following meetings of the CJC and it's Sub Committees
  - 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
- b) Professional Scrutiny support for the JOSC will be arranged and provided by the Appointing Authorities,

## **21. 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.~~ The meetings should keep under review the effectiveness of the meeting and identify ways that future meetings could be improved

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

- a) The JOSC will agree outcomes of its meetings and record the conclusions and any recommendations arising from a JOSC meeting.
- b) Where recommendations have been made to the CJC a written response would be expected within two months, indicating whether the recommendation is to be accepted and what action (if any) will be taken in response.

## **23. 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 Members is also a valuable source of evidence and should be considered as part of each inquiry.

## **24. Corporate Joint Committees (General) (No. 2) (Wales) Regulations- Regulation 8 and 9**

- a) Without prejudice to the right of any relevant Overview and Scrutiny Committee of an Appointing Authority under Regulation 8 the JOSC when it intends to make a report or recommendations to an Appointing Authority/ies or the executive of an Appointing Authority/ies on matters which affect the authority's area or the inhabitants of that area and the report or recommendations relate to the exercise of a function of the CJC :
  - The CJC must co-operate with the JOSC and give it such reasonable assistance as it requests in connection with the exercise of its functions.
  - Assistance provided under paragraph (2) may include—
    - arranging for a member of the CJC to attend and answer questions at a meeting of the committee;
    - arranging for a member of the staff of the CJC to attend and answer questions at a meeting of the committee;
    - providing information.
    - providing copies of documents in the possession or under the control of the CJC
- b) Where the JOSC formally publishes a report or recommendation in accordance with Section 21B(2) of the Local Government Act 2000 or regulation 13(2) of the Local Authorities (Joint Overview and Scrutiny Committees) (Wales) Regulations 2013 the CJC must:
  - consider the report or recommendation, and
  - before the end of the period of 2 months beginning with the day the report by the committee is published publish a statement setting out the steps it intends to take in light of the report or recommendation in exercising its functions.

## **25. 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

## **26. 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 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.

## **27. Training and Development**

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

## **28. 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 local authorities 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.

## **29 Meeting Venue / time**

- a) The Joint Overview and Scrutiny Committee (JOSC) shall conduct all meetings virtually. The committee will utilise secure and reliable digital platforms that enables participation in line with the 2021 Act,
- b) Meeting dates and times will be communicated in advance as part of the Corporate Joint Committees annual calendar of meetings..



- c) Appropriate technical support and guidance will be provided to committee members to support their use of virtual meeting platforms, including pre-meeting technical briefings and on-call assistance during meetings, if required.