

Public Document Pack

Conwy and Denbighshire Public Services Board

COUNCIL CHAMBER, RUSSELL HOUSE, CHURTON ROAD RHYL LL18 3DP

Tuesday, 19 June 2018

2.30 pm

STATUTORY MEMBERS	
Conwy County Borough Council Councillor Gareth Jones (Leader of the Council) Iwan Davies (Chief Executive)	Betsi Cadwaladr University Health Board Bethan Jones (Area Director) Evan Moore (Executive Medical Director)
Denbighshire County Council Councillor Hugh Evans (Leader of the Council) Judith Greenhalgh (Chief Executive)	Natural Resources Wales Siân Williams (Head of Local Delivery North) North Wales Fire and Rescue Service Simon Smith (Chief Fire Officer and Chief Executive)

INVITED PARTICIPANTS	
Community and Voluntary Support Conwy Wendy Jones (Chief Officer)	North Wales Police Siân Beck (Detective Superintendent)
Wales Community Rehabilitation Company Judith Magaw (Head of North Wales Local Delivery Unit)	National Probation Service Andy Jones (Assistant Chief Executive)
Denbighshire Voluntary Services Council Helen Wilkinson (Chief Executive)	Welsh Government Representative Sioned Rees (Head of Escalation and Special Measures Support)
Public Health Wales Teresa Owen (Executive Director of Public Health)	Office of the North Wales Police and Crime Commissioner Stephen Hughes (Chief Executive)

Hannah Edwards, PSB Development Officer

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AGENDA

1 APOLOGIES FOR ABSENCE

2 MINUTES OF LAST MEETING (Pages 5 - 12)

To approve the minutes of the meeting held on 16 April 2018 (copy enclosed).

3 MATTERS ARISING (Pages 13 - 18)

- a. Welsh Assembly – PSB inquiry (letter attached)
- b. Partnership Governance of ACE programme (verbal update)

2.30-2.40 p.m.

4 CONWY AND DENBIGHSHIRE VOLUNTARY SERVICE - SUPPORTING COMMUNITY EMPOWERMENT

To receive a presentation from Wendy Jones, Community and Voluntary Support Conwy and Helen Wilkinson, Denbighshire Voluntary Services Council.

2.40-3.10 p.m.

5 PROGRESS UPDATE ON PRIORITIES

- a. **People** – Mental Well-being (Sian Williams)
- b. **Community** – Community Empowerment (Judith Greenhalgh)
- c. **Place** – Environment Resilience (Teresa Owen)

3.10-3.20 p.m.

6 PSB SCRUTINY ARRANGEMENTS - UPDATE ON PROPOSALS (Pages 19 - 68)

To consider a report by Steve Price, Democratic Services Manager (DCC) on the PSB Scrutiny arrangements on proposals and terms of reference (copy enclosed).

3.20-3.35 p.m.

REFRESHMENTS

3.35-3.40 p.m.

CONFIDENTIAL

EXCLUSION OF PRESS AND PUBLIC

The Press and Public be excluded from the meeting during consideration of the following item of business.

7 REGIONAL PARTNERSHIP BOARD (Pages 69 - 84)

To receive a confidential report (copy enclosed) on the relationship between the Regional Partnership Board and the Public Services Board.

3.40-4.10 p.m.

8 LOCAL PARTNERSHIP STRUCTURES IN CONWY AND DENBIGHSHIRE (Pages 85 - 94)

To receive a confidential report (copy enclosed) on the Partnership Landscape for North Wales.

4.10-4.55 p.m.

9 FUNDING OPPORTUNITIES (Pages 95 - 100)

To receive a confidential report (copy enclosed) on funding sources.

4.55-5.10 p.m.

10 LEADERSHIP RISKS, CHALLENGES AND OPPORTUNITIES

To receive a confidential verbal update on Leadership Risks, Challenges and Opportunities.

5.10-5.25 p.m.

11 FORWARD WORK PROGRAMME (Pages 101 - 104)

The Chair will lead on this item.

5.25-5.30 p.m.

12 ANY OTHER BUSINESS

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CONWY AND DENBIGHSHIRE PUBLIC SERVICES BOARD

Minutes of a meeting of the Conwy and Denbighshire Public Services Board held in the Board Room, Optic Centre, St. Asaph LL17 0JD on Monday, 16 April 2018 at 9.30 am.

PRESENT

Bethan Jones (Chair) – Betsi Cadwaladr University Health Board
Councillor Gareth Jones – Conwy County Borough Council
Councillor Hugh Evans – Denbighshire County Council
Evan Moore – Betsi Cadwaladr University Health Board
Iwan Davies – Conwy County Borough Council
Graham Boase (substitute for Judith Greenhalgh) – Denbighshire County Council
Siân Williams – Natural Resources Wales
Simon Smith – North Wales Fire and Rescue Service
Teresa Owen (substitute for Rebecca Masters) – Public Health Wales
Helen Wilkinson – Denbighshire Voluntary Services Council
Superintendent Siân Beck – North Wales Police
Sioned Rees – Welsh Government Representative
Stephen Hughes – Office of the North Wales Police and Crime Commissioner

OFFICERS

Hannah Edwards – Public Services Board Development Officer (Conwy CBC)
Nicola Kneale – Strategic Planning Manager (Denbighshire CC)
Fran Lewis – Corporate Performance and Improvement Manager (Conwy CBC)
Megan Vickery – Engagement Officer (Central BCUHB)
Emma Lea – Business Support Manager (BCUHB)
Shân Morris – Assistant Chief Officer (NW Fire & Rescue Service)
Kath Jones – Committee Administrator (Denbighshire CC)

OBSERVERS

Councillor Graham Timms (Denbighshire CC) and Hannah Lloyd (Public Health Wales)

1 APOLOGIES FOR ABSENCE

Andy Jones – National Probation Service
Gary Doherty – Betsi Cadwaladr University Health Board
Judith Greenhalgh – Denbighshire County Council
Rebecca Masters – Public Health Wales
Wendy Jones – Community and Voluntary Support Conwy

2 MINUTES OF LAST MEETING

The minutes of the Conwy and Denbighshire Public Services Board meeting held on 30 November 2017 were submitted.

Matters Arising –

Page 8 – Denbighshire County Council Corporate Plan – it was noted that Graham Boase, DCC was in attendance to provide an overview of the Regional Growth Bid.

Page 8 – Brexit Implications – it was noted that Sioned Rees, Welsh Government would be following up on the funding element.

RESOLVED that the minutes of the meeting held on 30 November 2017 be received and approved as a correct record.

3 MATTERS ARISING

(a) BCUHB Letter – Membership Changes

A letter (previously circulated) had been received from Gary Doherty, Chief Executive BCUHB advising that BCUHB's membership on the PSB was changing. Iwan Davies, CCBC explained that the Health Board had two statutory members which included the Chair and Chief Executive of the Board or person(s) nominated by them. The Chairman continued to delegate his place to Bethan Jones, Area Director and Gary Doherty intended to attend future meetings himself.

(b) Nomination for National Safeguarding Team Telephone Interview

Background information on the National Safeguarding Team was provided together with a script for telephone interviews with stakeholder organisations (previously circulated). Officers felt that PSB should be given the opportunity to consider whether or not to take part in the survey. Members wished to support that work and be interviewed but it was considered too early in the process and it was agreed to take up the matter again once the priorities had been developed in greater detail and it was **RESOLVED** accordingly.

4 WELL-BEING PLAN - FINAL PSB APPROVAL

A report was submitted (previously circulated) providing members with feedback from the executive boards of the statutory partners in relation to the Conwy and Denbighshire's Well-being Plan 2018 – 2023 and seeking approval of the summary and technical version of the Plan and its publication on the website.

The Chair confirmed that the Plan had been through the governance systems of partner organisations and had been agreed by all PSB member organisations. A number of queries had been raised by National Resources Wales (NRW) which had been included within the feedback documentation and Siân Williams provided further information in that regard. NRW had raised concern that detail was lacking in terms of what would be done to meet the objectives but had been reassured that the next stage was to work up that detail. During debate she elaborated upon the forensic approach taken by NRW's board to consider all 19 PSB Well-being Plans and provided an overview of the outcome. With regard to PSB Plans the feedback from members was that whilst there were differences in terms of presentation, there were no significant difference in the key themes and aspirations of PSBs across Wales. The need to embed the Plan within partner organisations was raised as a

key issue and ensuring engagement across authorities and partners, and members considered how the Plan would complement other plans and strategies within their organisations. It was agreed that a progress report be submitted to the September meeting and that a further discussion take place on how partners were embedding the Plan within their organisations and influencing actions.

The Chair acknowledged the significant work which had been undertaken in producing the Plan and thanked all those involved.

RESOLVED that –

- (a) *the summary and technical version of the Conwy and Denbighshire Well-being Plan 2018 – 2023 (detailed at Appendix A and B to the report) be approved;*
- (b) *publication of the Well-being Plan on the Conwy and Denbighshire PSB website also be approved, and*
- (c) *a progress report be submitted to the September meeting and a further discussion take place on how the Plan was being embedded within partner organisations.*

5 NORTH WALES ECONOMIC AMBITION BOARD - REGIONAL GROWTH BID

Graham Boase, Corporate Director Economy and Public Realm, Denbighshire County Council delivered a power point presentation on the Regional Growth Bid.

Members were advised of the role of the North Wales Economic Ambition Board and work to develop a Growth Bid for North Wales for national investment from UK and Welsh Governments and potential for devolved powers. Details were also provided of the Shadow Growth Board including membership and governance arrangements together with the decision making process which would be as inclusive as possible within the confines of the legislation. A Regional Programme Office would be established to deliver projects.

The Growth Bid had been divided into three key themes – connected, resilient and SMART. Projects were currently being refined and Graham Boase elaborated upon each of the 12 strategic interventions under the following headings – (1) Sites and Premises (Employment); (2) Housing Enabler; (3) Access to Energy; (4&5) Technology and Innovation Resource Hub; (6) Business Growth Fund; (7) Skills and Employment Hub; (8) Skills and Employment Fund; (9) Skills Academies; (10) Digital Connectivity; (11) Regional Transport Fund; (12) Regional Transport Body.

The total aspirational funding required was £343m capital investment and £55.4m revenue to support the delivery up to 2035. If that level of investment was secured it would lever in £1bn from the private sector into North Wales which would have a significant impact on the economy.

The Leaders of Conwy and Denbighshire gave their own perspective on the Growth Bid as did other partners highlighting both risks to be managed in terms of local

infrastructure to cope with additional demand; impact on service providers and not creating further inequalities in communities, together with opportunities and synergy with the PSB Well-being Plan, particularly in terms of housing, health, education and improving the quality of life for residents. It was considered that all partners had a role to play given the range of cross cutting themes and reference was made to the importance of the third sector, including social community and business enterprises. It was also felt that further engagement with public sector partners would help to support the actions and social infrastructure and that there would be merit in broadening public sector representation on the Board. Councillor Hugh Evans referred to the details of the Shared Prosperity Fund to reduce inequalities and felt that more should be done to influence that debate.

Graham Boase agreed to feedback members' views and to arrange for the presentation together with a summary sheet of existing projects to be circulated.

***RESOLVED** that, subject to members' comments above, the presentation on the Regional Growth Bid be received and noted.*

6 PROGRESS UPDATE ON PRIORITIES

An update on progress with priorities was provided as follows –

(a) People – Mental Well-being

Siân Williams, NRW advised that the Sub-Group had not yet managed to meet and she would report back to the next meeting.

(b) Community – Community Empowerment

Nicola Kneale, DCC reported that Community and Voluntary Support Conwy and Denbighshire Voluntary Services Council were leading on this priority. A meeting had been held to discuss and identify those areas on which to focus which included housing, employment opportunities and sustainable infrastructure and there was much in the Growth Bid which would contribute. A session would be arranged to look at collaboration opportunities and add value.

(c) Place – Environmental Resilience

Iwan Davies, CCBC referred to the notes of the meeting held (previously circulated) and advised as to the next steps to take up the approaches identified.

Members noted that work to support the priority areas was still at a very early stage and the Chair asked for a further progress report for the September meeting with more detail on impacts and outcomes.

(d) Consequential Review of PSB Membership

The Chair reminded members that it had initially been agreed to keep the membership of PSB small and possibly widen membership dependent on the

priority areas. She asked members to let her know if they considered it would be strategically beneficial to widen that membership.

RESOLVED that the progress with priorities be noted and a further update be provided for the September meeting.

7 RELATIONSHIP BETWEEN PSBS AND NORTH WALES REGIONAL PARTNERSHIP BOARD

A letter from the Chair of the North Wales Regional Partnership Board (NWRPB) to Chairs of Public Services Boards (PSB) was submitted (previously circulated) seeking further discussion on the best way forward in developing strong working relationships between the NWRPB and PSBs.

The Chair sought members' views on the proposals as set out in the report, specifically the basic principle that "Public Services Boards take responsibility for actions and the execution of health and care developments locally, the North Wales Regional Partnership Board takes responsibility for setting strategic principles at regional level". Whilst members had some sympathy with the proposals and supported better links to work more collaboratively it was felt that, given the different legislation governing the work of both Boards the PSB would be unable to meet their statutory obligations if it worked to the principle as proposed. It was also felt that the role of the PSB in delivering the local Well-being Plan had not been made clear within the report with no reference to local priorities. It was agreed to respond to the letter on that basis and also to invite the NWRPB to present their regional priorities to a future meeting of the PSB.

RESOLVED that a response to the letter from NWRPB be submitted detailing members' views on the proposals as referred to above and extending an invitation for them to attend a future PSB meeting to present their regional priorities.

8 NORTH WALES PSB GRANT FUNDING - 2018/19 APPLICATION

Councillor Hugh Evans, DCC presented a report (previously circulated) on the grant made available from Welsh Government to the North Wales region in 2018-19 and how the funds had been allocated across the criteria set out by Welsh Government.

The funding was offered on a health board footprint and it was disappointing to note that the total grant awarded to North Wales Public Services Boards amounted to £83,117 with the funding being paid at the end of the funding period. Progress reports would be provided to Welsh Government on a quarterly basis.

The Chair felt it would be useful to gain an understanding of different grants and bid regimes in place and agreed that if a project was identified which would have a significant impact on the area it was important to know what possible funding streams were available. She asked that the information be linked to the information on Welsh European Funding when it became available.

RESOLVED that –

- (a) *the PSB members have read and understood the report, and in particular taken note of the amounts available and the criteria that applies, and*
- (b) *that PSB members have opportunity to suggest areas of work that may be progressed with the available support funding. Spend against the grant can be a standing agenda item at PSB so that updates can be provided, and consideration given to areas that would benefit from investment.*

9 CORPORATE PRIORITY UPDATE - NORTH WALES POLICE

Superintendent Siân Beck, North Wales Police delivered a power point presentation on the strategic priorities of North Wales Police, detailing the demand on resources and objectives set by the Police and Crime Commissioner.

During the presentation members were advised of the following –

- the different elements of violent crime and anti-social behaviour which required a partnership approach to resolve
- the increase in recorded crime which was due to better crime recording
- differentials between high and low complexity crimes with the crime types increasing being complex crimes requiring additional resources
- reported upon 12 homicides between July 2016 and September 2017
- detailed the Police and Crime Plan Priorities together with how the Police would be responding to those priority areas – Domestic Abuse; Modern Slavery; Organised Crime; Sexual Abuse and Delivering Safer Neighbourhoods
- under the Organised Crime priority highlighted ‘County Lines’ as a larger issue than drugs which cut across a number of other thematic areas and crime types
- engagement with the public and partners, including the use of social media.

Superintendent Beck clarified a number of issues in response to questions and members discussed those areas in which a partnership approach would prove beneficial. Members were particularly interested in ‘County Lines’ where it was felt that partners could have a positive impact, particularly in relation to front line staff who would be best placed to identify specific features and help safeguard victims. Superintendent Beck confirmed that ‘County Lines’ was a huge threat and an officer had been identified to deliver the ‘County Lines’ presentation with a view to raising awareness of the issues involved and support a multi-agency approach. The Chair encouraged partners to raise awareness of the issue within their organisations and receive the ‘County Lines’ presentation. It was agreed that the relevant information be circulated to all partners. Some discussion also focused on the changes to the recruitment of police officers with a new three tier system of entry and partners discussed the challenges of recruitment within their individual sectors and importance of succession planning.

The Chair thanked Superintendent Beck for her informative presentation.

RESOLVED *that the presentation on the strategic priorities of the North Wales Police be received and noted.*

10 OPPORTUNITIES TO ADDRESS ORGANISATIONAL RISKS

The Chair led the discussion on organisational risks given that PSB meetings were now held in public and highlighted the need to consider where there were matters for consideration in closed session. Members agreed to set aside approximately one hour at the June meeting to discuss, in closed session, risks and pressures on their organisations and to consider the impact on partners and any unintended consequences, and where possible identify multi agency solutions. It was **RESOLVED ACCORDINGLY**.

11 FORWARD WORK PROGRAMME

A copy of the PSB forward work programme was presented and the following matters were discussed –

- Megan Vickers reported that a need for better collaboration around public engagement had been identified and an initial meeting had been arranged across Conwy and Denbighshire to further consider the issue. It was agreed that the details of the meeting be circulated to members and that the matter be reported to a future meeting of the PSB
- reference was made to the development of a joint scrutiny arrangement to support the PSB and timescales were discussed – given its importance the Chair hoped to have a clear proposal for the June meeting
- it was agreed to remove ‘Mental Health presentation’ and ‘Green Dragon Award’ from future items on the work programme
- Partnership Landscape Update – the Chair highlighted the need to be clear on the governance and decision making around some of the partnerships and it was agreed to keep that item on the work programme
- reference was made to the green paper on local government reorganisation and whilst it was agreed that all partner organisations needed to be aware of the proposals it was agreed not to respond as a PSB to that general consultation.

RESOLVED that, subject to the above, the work programme be approved.

12 ANY OTHER BUSINESS

None

Meeting concluded at 12.40 p.m.

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Equality, Local Government and Communities Committee: Inquiry into Public Services Boards

Conwy and Denbighshire Public Services Board provides this response to the Equality, Local Government and Communities Committee shaped around the three key issues the committee have identified as Terms of Reference for the inquiry into PSBs:

- To gain an understanding of the structure and functions of the Public Services Boards.
- To explore the effectiveness of PSBs, resourcing and capacity.
- To gather evidence of issues or barriers that may impact on effective working, and examples of good practice and innovation.

1. Structure and functions of the Public Services Boards

1.1 In April 2016 the [Well-being of Future Generations \(Wales\) Act 2015](#) established a statutory board, known as a Public Services Board (PSB), in each local authority area in Wales. Conwy and Denbighshire have used the power within the Act to merge both of their separate PSBs into a single PSB for the Conwy and Denbighshire region.

Membership and meetings

1.2 The Conwy and Denbighshire PSB is chaired by the Area Director (Central) of Betsi Cadwaladr University Health Board and the vice chair is the Chief Executive of Conwy County Borough Council.

1.3 Membership of the Conwy and Denbighshire PSB comprise of the statutory members and invited participants specified by the Act. The following are the agreed nominated representatives for the Board:

Statutory Members	Nominated Representative
Betsi Cadwaladr University Health Board	Area Director of Central (representing the Chairman)
Betsi Cadwaladr University Health Board	Chief Executive
Conwy County Borough Council	Leader
Conwy County Borough Council	Chief Executive
Denbighshire County Council	Leader
Denbighshire County Council	Chief Executive
Natural Resources Wales	Head of Operations North (representing the Chief Executive)
North Wales Fire and Rescue Service	Chief Fire Officer
Invited Participants	Nominated Representative
Community & Voluntary Support Conwy	Chief Officer
Denbighshire Voluntary Services Council	Chief Executive Officer
National Probation Service	Head of Local Delivery Unit
North Wales Police	Superintendent
Police and Crime Commissioner Office	Chief Executive

Public Health Wales	Public Health Consultant (representing the Executive Director of Public Health)
Wales Community Rehabilitation Company	Head of Local Delivery Unit
Welsh Government	Senior Civil Servant

1.4 Although the Conwy and Denbighshire PSB decided to keep membership to the core members stipulated in the Act during the development of their well-being plan, membership will be reviewed to ensure there is sufficient representation to deliver the priorities.

1.5 The PSB hold quarterly meetings and since November 2017, PSB meetings are now open to the public.

Purpose and Priorities

1.6 The purpose of the board is to improve the economic, social, environmental and cultural well-being of the Board’s area by contributing to the achievement of the national well-being goals as specified within the Act.

- A prosperous Wales
- A resilient Wales
- A healthier Wales
- A more equal Wales
- A Wales of cohesive communities
- A Wales of vibrant culture and thriving Welsh language
- A globally responsible Wales

1.7 The overriding principle of the PSB’s activities is sustainable development. This means the PSB must act in a manner which seeks to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs. The Board use the five key ways of working to carry out sustainable development:

- Long Term
- Prevention
- Integration
- Collaboration
- Involvement

1.8 The PSB initially had two main tasks -

- To prepare and publish an assessment of the state of economic, social, environmental and cultural well-being of Conwy and Denbighshire, and
- To prepare and publish a Local Well-being Plan for the counties of Conwy and Denbighshire setting out local objectives and the steps it proposes to take to meet them.

1.9 The well-being assessment was published in April 2017 and was informed by data, national and local research and most importantly feedback from residents, visitors and businesses through the County Conversation during the summer and autumn 2016. The assessment is available to view on the Conwy and Denbighshire PSB website (<http://conwyanddenbighshirepsb.org.uk/wellbeing-assessment>).

1.10 The Conwy and Denbighshire Local Well-being Plan was approved in April 2018 and sets out the local objectives we as a Board will take to improve the economic, social, cultural and environmental well-being for the area. This is where the PSB feel they can make the greatest contribution without duplicating good work already taking place within existing partnerships and organisations. The priorities the PSB has opted to take forward are:

- People - Good Mental Well-being for All Ages
- Community – Community Empowerment
- Place - Environmental Resilience

1.11 The PSB have also committed to 4 additional principles which support the priorities -

- To address inequalities and treat everyone equally.
- To support and promote the Welsh Language.
- To support access to appropriate accommodation.
- To avoid duplication.

1.12 Please find the Terms of Reference for the Conwy and Denbighshire PSB and the Conwy and Denbighshire Well-being Plan (summary and technical versions) appended to this document for further information.

2. Effectiveness of PSBs, resourcing and capacity

2.1 In accordance with the Act, the Local Authority partners provide secretariat support for the Board. This support rotates between the two local authorities (Conwy County Borough Council and Denbighshire County Council) on a biannual basis.

2.2 An officer group has been established for the PSB which provides support for Board activities such as consultation and engagement, editorial input or data collection/analysis. Officers who support the board are undertaking work in addition to their usual job role.

2.3 The Public Services Board does not have any dedicated resource to deliver projects in support of their identified priorities and also considers that the creation of another 'layer' of work would not be effective. As the priorities are developed in more detail, the PSB will assess the allocation of staff capacity and or funding resources either from existing budgets or through grant applications. The board recognises it can most usefully provide leadership, scrutiny and promotion of work in

these areas among existing structures, and seek to consolidate and challenge those structures to meet the agenda that it has set out.

- 2.3 Welsh Government have provided a regional grant (based on local health board footing) to support PSB's to deliver their Well-being Plans. In North Wales this supports 4 PSB's. For 2018/19, in North Wales the grant will be used to -
- Ensure analytical capacity and arrangements to support the maintenance of the local well-being assessments.
 - Commission research around any identified gaps in our intelligence and analysis, including those outlined in feedback from the Future Generations Commissioner and Welsh Government.
 - Commission research into best practice interventions, helping identify potential steps in support of local well-being objectives.
 - Work collaboratively across North Wales on common themes.
 - Ensure that the good regional engagement and involvement work that has informed our assessments and plans can continue.

3. Evidence of issues or barriers that may impact on effective working, and examples of good practice and innovation.

- 3.1 There is a real sense of willingness and support from PSB members to make progress against the PSB well-being objectives. All partners can see the potential collective and organisational benefit of the actions that have been agreed but there are organisational pressures and often different planning timetables that can sometimes restrict the capacity and resources of partners to contribute as fully as they'd like to the work.
- 3.2 In addition to organisational pressures, several PSB partners are members of multiple PSB's both regionally (such as North Wales Fire and Rescue Service, Betsi Cadwaladr University Health Board, North Wales Police etc) and nationally (such as Natural Resource Wales and Public Health Wales). As well as compounding the capacity and resource issue in supporting 4 PSB's across North Wales, this involves working to different local priorities.
- 3.3 The partnership landscape is complex within North Wales, as there are several regional strategic partnerships in operation (such as Regional Partnership Board, Safer Communities Board etc). Although this presents more opportunity for collaborative working, conversely there is a danger of duplication and / or too many priorities for partner organisations to focus on and allocate support and resources too.
- 3.4 The Conwy and Denbighshire PSB feel there is a need to better understand existing partnership arrangements locally and in time seek to consolidate and challenge those structures in order for the PSB to influence prioritisation and work going forward locally.

- 3.5 There is a concern there is limited resources and financial support to deliver the programme of work needed to achieve the local well-being priorities for the area.
- 3.6 The Act is about behaviour change (both individually and organisationally) and although the PSB wants to take different actions - there is uncertainty in how the PSB can influence, facilitate and support behaviour change to achieve our objectives, especially in the current economic climate of public sector squeeze.

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Report to: Conwy and Denbighshire Public Services Board

Date of Meeting: 19 June 2018

Report Author: Steve Price (Democratic Services Manager & Head of Democratic Services)

Title: A Joint Scrutiny Committee for the Public Services Board

1. What is the report about?

This report is about the proposed future arrangements to scrutinise the work of the Conwy and Denbighshire Public Services Board.

2. What is the reason for making this report?

On the 28th September 2017 the Public Services Board (PSB) reviewed the statutory requirements relating to local authority scrutiny of PSBs and was asked for observations on its preferred model. The PSB requested the formation of a single joint Conwy and Denbighshire Scrutiny committee. This report contains information about the local authorities' response to the PSBs request.

3. What are the Recommendations?

That the Public Services Board considers and comments upon the local authorities' response to its proposal to establish a joint Scrutiny Committee and to the draft terms of reference.

4. Report details

Background

4.1 Section 35 of the Well-being of Future Generations (Wales) Act 2015 requires that a local government scrutiny committee is designated to scrutinise the work of the PSB for that area. The intention is to place responsibility for challenge and accountability locally rather than on Welsh ministers.

4.2 The Act says that:

Each Local Authority must ensure its overview and scrutiny committee has the power to:

a) Review or scrutinise the decisions made or actions taken by the public services board;

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.

- 4.3 In early 2016 the Welsh Government published guidance on the Well-being of Future Generations (Wales) Act 2015, the Act that established PSBs. In terms of the scrutiny arrangements for the PSBs the guidance states:

“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 public services board. 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.

While it will continue to be entirely legitimate for a subject scrutiny committee (such as a children and young people’s scrutiny committee) to scrutinise the public services board’s work in relation to a specific issue, it is important that one committee takes an overview of the overall effectiveness of the board. This is the reason one committee must be designated to undertake this work.”¹

- 4.4 Compliant with the legislative requirements, Conwy and Denbighshire councils have each selected one of their Scrutiny committees to be their designated PSB Scrutiny committee.
- 4.5 By August 2017 the Welsh Government had published guidance on the scrutiny of PSBs (attached as appendix 1).

Establishing a Joint Scrutiny Committee

- 4.6 It was the view of the PSB last September that a formal joint Scrutiny committee would be the most appropriate vehicle to effectively scrutinise a strategic cross-county / county borough board like the PSB. Proposals to establish such a joint committee had been considered by the local authorities in 2016 and elected members at that time decided against using a joint committee.
- 4.7 The Scrutiny co-ordinating groups and Democratic Services Committees in both Conwy and Denbighshire councils have now considered and agreed with the views put forward by the PSB to establish a joint committee and have endorsed a draft terms of reference for further consultation. This document is attached as Appendix 2.
- 4.8 The views of the PSB on the draft terms of reference is requested and will be relayed to the Scrutiny co-ordinating groups and Democratic Services Committees of both Councils. It is anticipated that a final draft terms of reference will be put before both councils in October and, if approved, a joint Scrutiny committee formally established.

¹ <http://gov.wales/docs/desh/publications/160225-spsf-3-collective-role-en.pdf> Shared Purpose: Shared Future Statutory guidance on the Well-being of Future Generations (Wales) Act 2015, SPSF3: Collective role (public services boards) Welsh Government, 2016

5. Power to make the Decision

Section 35 of the Well-being of Future Generations (Wales) Act 2015

Section 58 of the Local Government (Wales) Measure 2011

Regulation 3 of the Local Authorities (Joint Overview and Scrutiny Committees) (Wales) Regulations 2013

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Llywodraeth Cymru
Welsh Government

Appendix 1

Guidance for Local Authority Scrutiny Committees on the scrutiny of Public Services Boards



We have been delighted to have produced the Guidance to Local Authorities on Scrutiny of Public Service Boards on behalf of Welsh Government and would like to thank all those that have been involved in its production, particularly the Welsh Scrutiny Officers' Network for their input, analysis and refinement.

Ministerial Foreword



I am pleased to introduce this Guidance for Local Authority Scrutiny Committees on the scrutiny of Public Services Boards.

The key message of the Well-being of Future Generations Act 2015 is for public bodies to come together to deliver improvements in the well-being of people and communities in Wales. An important part of this is for public bodies to account for their contribution to achieving the well-being goals.

This guidance is intended to help local authority scrutiny committees both to provide this accountability and support the development and improvement of Public Services Boards through the sharing of learning and experiences.

This new collaborative way of working is challenging for us all but the rewards, in the form of taking collective responsibility for improving and enhancing the lives of the citizens in Wales are immense.

I would like to thank Rebecca David Knight for her diligent and thorough work on this guidance and I hope it provides a useful and instructive guide for the scrutiny community.

A handwritten signature in black ink that reads "Mark Drakeford". The signature is written in a cursive, slightly slanted style.

Professor Mark Drakeford

Cabinet Secretary for Finance and Local Government



Ariennir gan
Lywodraeth Cymru
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Introduction

The Well-being of Future Generations (Wales) Act 2015 is aimed at improving the social, economic, environmental and cultural well-being of Wales. The Act became law on 29th April 2015 and became a requirement for public bodies in Wales from 1st April 2016. It puts long-term sustainability at the forefront of how public services are designed and delivered, and places emphasis on public bodies to work in partnership with each other and the public to prevent and tackle problems.

The Act defines public bodies doing something “in accordance with the sustainable development principle” as the body needing to act in a manner which seeks to ensure that the “needs of the present are met without compromising the ability of future generations to meet their own needs”. It is a notable piece of legislation in placing emphasis on organisational behaviour in the context of partnership working as a key driver of longer-term change in localities.

The Act sets seven national well-being goals which are to be achieved by public bodies acting in accordance with the sustainable development principle. The goals represent the shared vision for the public bodies listed in the Act to work towards. Moreover, the Act makes it clear the listed public bodies must work to achieve **all** of the goals, not just one or two.

The Welsh Government has issued comprehensive statutory guidance on the Act “Shared Purpose: Shared Future” which describes in detail the well-being duties on public bodies. This guidance may be found [here](#).

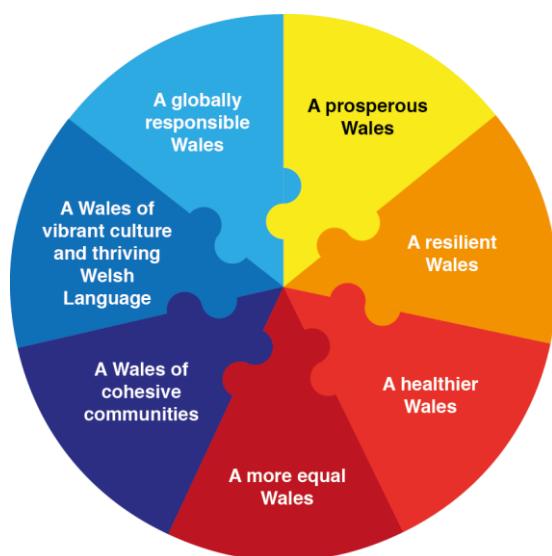
In wishing to support models of local government scrutiny that facilitate effective collaborative working, the Welsh Government has commissioned Centre for Public Scrutiny (CfPS) to develop guidance detailing the contribution scrutiny may make to Public Services Board governance and delivery arrangements.

Public Services Boards

The Act establishes Public Services Boards (PSBs) for each local authority in Wales, consisting of representatives from local authorities, health boards, the Natural Resources Body for Wales and the Welsh Fire and Rescue Authority. Each PSB must undertake a local well-being assessment to inform a local well-being plan, detailing how their area will achieve the sustainable development principle in working towards the seven national well-being goals. Furthermore, PSBs must invite relevant voluntary organisations along with Welsh Ministers, the local Police and Crime Commissioner and the local Chief Constable to participate on the board.

To ensure PSBs are democratically accountable, the Act places a requirement on councils to designate an overview and scrutiny committee to scrutinise the work of the PSB. Under the provisions contained in the Act, overview and scrutiny committees have extensive powers to review the PSB's governance arrangements as well as any decisions made or actions taken by the PSB. In addition, overview and scrutiny committees are provided with considerable reporting powers as they are required to share copies of any reports or recommendations made in connection with the board's functions or governance arrangements with the Welsh Ministers, the Future Generations Commissioner for Wales and the Auditor General for Wales.

A pre-requisite to effective local government scrutiny is a deep understanding of the legal definition of the goals and the sustainable development principle (sometimes described as "the five ways of working"). The well-being goals are reproduced below.. A discussion of the sustainable development principle as it relates to the practical work of overview and scrutiny committees is provided later on in the document.



What is the purpose of the guidance? Who is it for?

The guidance sets out practical advice for overview and scrutiny practitioners based on evaluations of previous local service board (LSB) accountability mechanisms, emerging practice of public services board overview and scrutiny arrangements, and research on partnership governance more generally.

It also aims to provide practitioners with an understanding of the purpose of strategic partnership scrutiny more generally by suggesting a series of outcomes it should work towards. It can be the case that elected members, council officers or partners may not understand the utility or validity of local authority led accountability which is why efforts have been made to identify what positive

impact local government scrutiny in particular can result in. To be effective, it is important that everyone involved understands and welcomes the value of scrutiny.

It is important therefore, to highlight that each local authority should develop arrangements that best meet local circumstance. This is important given the Act's focus on utilising **place**-based resources in achieving **place**-based change.

This guidance is not statutory guidance. However, failure to consider principles informed by good practice is likely to result in scrutiny mechanisms which lack impact and inadequately supports the PSB as a strategic partnership. The risks associated with poor collaborative governance arrangements include weakened decision making, additional complexity, fragmented accountability, lack of transparency and poorer well-being outcomes.

Clarifying the strategic function of public services board scrutiny

The statutory guidance "Shared Purpose: Shared Future 3 – Collective role (public services boards)" identifies that the Well-being Act relies predominantly on local government overview and scrutiny committees to secure **continuous improvement** in local integrated planning¹. It specifies that local authority overview and scrutiny is the means by which the Act assures democratic accountability for partnership working in a locality².

As such the purpose of PSB overview and scrutiny is to take an overview of the board's overall effectiveness through the provision of democratic challenge. However, to assist councils in the development of individual arrangements, it is important to provide some explanation regarding how local government overview and scrutiny can add value to collaborative working to better understand the factors underpinning effective practice.

What is the purpose of PSB overview and scrutiny? What is it meant to achieve?

Research into different forms of partnership governance and area based change programmes identify that capitalising on the representational value of elected members' community leadership role can result in the following beneficial effects for partnerships:

- 1. Provision of a supportive space for reflection and self-analysis:** In exploring the extent to which PSB activity may be said to result in 'collaborative advantage' as it relates to the seven well-being goals and five ways of working, local government overview and scrutiny arrangements can provide a supportive space in which attention can be paid to partnership relationships. Impartial, evidence based scrutiny can encourage reflexivity and reflection on the impact of different behaviours upon the PSB's overall performance, encouraging feedback and open discussion at all levels.

¹ "Shared Purpose: Shared Future 3 – Collective role (public services boards)" paragraph 173.

² "Shared Purpose: Shared Future 3 – Collective role (public services boards)" Paragraph 174.

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- 2. Enhanced democratic accountability and improved transparency:** Councils derive their 'Local Authority' from the democratic legitimacy of elected members. The closer accountability gets to citizens, the more credible and valid it becomes in seeking public account from those with power. Partnership scrutiny provides a grounded check and balance to collective decision making by testing assumptions, examining risks and challenging how resources are prioritized. Improving transparency in this way can help the PSB identify how to better align resources, services and institutions around the needs of people and places.
 - 3. A stronger focus on improving local citizen's lives:** In clarifying different contributions to delivery and seeking to improve services from the citizen's perspective, overview and scrutiny can help PSBs stay focused on joint outcomes. Local challenge can help determine whether PSBs are facilitating whole-system approaches to shared problems or whether partners experience constraints that are counterproductive to working as one Welsh public service. A deeper understanding of these issues can assist the development of more 'networked' forms of accountability at local and national level which better supports implementation of the Act.
 - 4. Place based transformation through deeper public engagement:** Elected members are able to channel a wide range of community intelligence into decision making processes. Through their role they are able to invite, authorise and legitimise stakeholder contributions as a horizontal rather than vertical form of accountability. This can help refocus the balance of power between services and the citizens they serve. Not only is this able to help the PSB ensure services are more responsive to local need and aspiration but, in enabling shifts in perspective to occur, so too can new assets and resources be identified.

Research tells us that accountability within partnership environments is complex and that failure to properly understand how different accountability agents work together may lead to situations which hamper effective collaboration³. Conversely, 'softer' forms of accountability such as local overview and scrutiny which are grounded in local context and which seek to use exploratory challenge to strengthen partnership working, can help PSBs embed a 'culture of responsibility' in its activities and ways of working.

What are public services boards accountable to overview and scrutiny for?

Public services boards (PSB) are accountable to overview and scrutiny committees in respect of how they work jointly to improve the economic, social, environmental and cultural well-being of their area by contributing to the achievement of the well-being goals in accordance with the sustainable development principle.

In developing PSB overview and scrutiny arrangements however, it is important to acknowledge the overlaps that exist between the functions of board members as public bodies under the provisions contained in Part 2 of the Act, and the functions public bodies carry out jointly as members of the

³ Office for Public Management, [Total Place – Lessons Learnt](#), 2009, p 3.

public services board contained in Part 4 of the Act. This is unsurprising given the requirement placed on public bodies and PSBs to act in accordance with the sustainable development principle which regards deeper collaboration and integration as central to the achievement of local well-being goals.

This is most clearly demonstrated within the Act in section 7(2) which provides that the well-being objectives of a public body that is also a member of a public services board may be included in that board's local well-being plan. In determining what overview and scrutiny committees can hold the PSB to account against, however, important questions are raised regarding who has ownership of 'joint' well-being objectives and who is ultimately responsible for delivery. Partners have multiple responsibilities but these shared responsibilities should not mean diminished accountability.

In considering the roles of the Auditor General in Wales and the Future Generations Commissioner for Wales as they relate to ensuring the statutory duties of public bodies are being met, it is crucial that local government overview and scrutiny form part of an 'accountability eco-system' that offers a mutually supportive approach to governance. These issues will be discussed in more detail when we consider the powers overview and scrutiny committees have in examining the performance of PSBs and the methodological implications of determining the 'added value' brought about by the PSB as a statutory partnership.

Functions and responsibilities of public services boards

Chapter 2, section 36 of the Act sets out the functions of public services boards which are to;

- Assess the state of economic, social, environmental and cultural well-being in their area,
- Set local objectives designed to maximise the board's contribution to the achievement of the well-being goals,
- Publish local well-being plans setting out their local objectives and how members of the board (in exercising their collective function) intend to take all reasonable steps to meet local objectives.

Section 36 (3) specifies that public services boards are required to carry out its functions in accordance with the sustainable development principle sometimes referred to as the which is defined in section 5 of the Act and summarised in the following table:

The sustainable development principle

1. The importance of balancing short term needs with the need to **safeguard the ability to meet long term needs**, especially where things done to meet short term needs may have detrimental long term effect;
2. The need to take an **integrated** approach, by considering how—
 - (i) the body’s well-being objectives may impact upon each of the well-being goals;
 - (ii) the body’s well-being objectives impact upon each other or upon **other public bodies’** objectives, in particular where steps taken by the body may contribute to meeting one objective but may be detrimental to meeting another;
3. The importance of **involving other persons** with an interest in achieving the well-being goals and of ensuring those persons reflect the diversity of the population;
4. How acting in **collaboration** with any other person (or how different parts of the body acting together) could assist the body to meet its well-being objectives, or assist **another body** to meet its objectives;
5. How deploying resources to prevent problems occurring or getting worse may contribute to meeting the body’s well-being objectives, or **another body’s** objectives.

From an accountability perspective, the Act is unique in emphasising that the process of partnership working via the sustainable development principle is **central** to the PSB’s progress in working towards well-being goals. The actions partners take as ‘public bodies’ under the requirements of the Act have a direct bearing on the PSB’s effectiveness as a corporate body. This may make it difficult at times for overview and scrutiny committees to determine the added value brought about by collaborative working.

As such, in discharging its accountability functions, committees should not lose sight of the need to explore the contribution of individual PSB members as it relates to the overall performance of the PSB itself. This approach will take into account levels of partnership commitment to working in accordance with the sustainable development principle and necessitate co-ordinating activities with evidence from the Future Generations Commissioner’s office.

Examining the powers of local government overview and scrutiny committees

The Act provides the legislative basis by which local government overview and scrutiny committees can act as a powerful driver of place-based collaborative working. It places a requirement on local authorities to ensure a designated overview and scrutiny committee has power to;

- a) **review or scrutinise the decisions made or actions taken by the public services board;**
- 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.

In exercising its powers, overview and scrutiny committees can **require** members of the PSB (or a designated representative) to attend committee meetings to provide explanation in response to committee lines of inquiry.

Whilst committees can require any statutory member of the board to give evidence, the capacity in which they do so must relate to the exercise of joint functions conferred on them as a statutory member of the board. This does not preclude overview and scrutiny committees interviewing individual partners to assess their contribution to collaborative delivery. This power includes any person that has accepted an invitation to participate in the activity of the PSB.

Furthermore, the Act stipulates that an overview and scrutiny committee **must** send a copy of any report or recommendation made in connection to its functions to the Welsh Ministers, the Future Generations Commissioner and the Auditor General for Wales.

Roles for overview and scrutiny committees

There are three main roles overview and scrutiny committees may engage in providing democratic accountability to the PSB.

1. Reviewing the PSBs governance arrangements;
2. Acting as statutory consultees on the well-being assessment and well-being plan;
3. Monitoring progress on the PSBs implementation of the well-being plan and engagement in the PSB planning cycle;

Overview and scrutiny committees have a variety of methods at their disposal in carrying out these roles ranging from consideration of issues at full committee, to undertaking investigation via a sub-committee or task and finish group.

(i) Reviewing the PSBs governance arrangements

In providing committees with the power to review the board's governance arrangements, elected members have the means to examine the systems and processes by which the PSB functions, as well as the ability to review its activities and outputs. In this way, committees are empowered to develop a more rounded analysis of how the quality of partnership working affects the economic, social, environmental and cultural well-being of their area.

A review of the PSBs governance arrangements may include examination of the PSBs terms of reference (as described in statutory guidance), and may consider:

Decision making and forward work planning

- The board's terms of reference and how it plans and manages its forward work programme.
- How the board makes decisions as a strategic partnership.

Membership and Engagement

- What change needs to happen within the PSB and wider partnership framework to embed the sustainable development principle?
- How the board involves people who are interested in the improvement of well-being in an area and how it is ensured that those persons reflect the diversity of the population of the area served by the board.
- The procedure for resolving disagreements between members relating to the board's functions.
- How the board manages its membership to include examination of statutory member representatives, invited participants and the extent to which designated representatives have the authority to make decisions on behalf of the organisation they represent.
- How the board seeks to engage in a purposeful relationship with the people and communities in the area, including children and young people, Welsh-speakers and those with protected characteristics, in all aspects of its work.

Performance management arrangements

- How the board monitors and reports progress, to include consideration of performance indicators and standards for public service boards (where they have been set).
- The functions and performance of any sub-groups established by the board.
- How the board identifies and manages risk.
- How the board interrelates with the Auditor General in Wales, the Future Generations Commissioner and the Welsh Ministers with regard to discharging its statutory functions.
- How the PSB assesses and learns from its own performance.

Resources and relationship building

- How the board resources the functions it must undertake which are a responsibility of all the statutory members equally. For example, the undertaking of the local well-being assessment and the development of the local well-being plan.
- The level of investment the PSB think necessary to make in strengthening relationships between different members to help the board function effectively as a team.

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- The level of resource the PSB thinks necessary to support effective governance practices including preparation of evidence for overview and scrutiny.

In addition to reviewing the PSB's governance arrangements, overview and scrutiny committees have wide-ranging powers to review or scrutinise the decisions made or actions taken by the public services board.

These investigative powers serve to enable overview and scrutiny fulfil two additional roles; firstly, as a statutory consultee regarding the draft well-being assessment and well-being plan, and secondly to monitor how effective the PSB performs collectively in implementing the well-being plan and reflecting on performance to better contribute to the PSB's planning cycle.

(ii) Scrutiny as statutory consultee

The Act identifies that the public services board must consult with overview and scrutiny committees (in addition to other named consultees) regarding the preparation of both its assessment of local well-being and its local well-being plan.

- Well-being Assessment

In being consulted upon the PSBs draft well-being assessment, overview and scrutiny committees may wish to explore the following as a means to help strengthen its process and content:

1. Whether locally determined outcomes have been developed. If so, what is their relationship to the well-being goals?
2. The extent to which the process of developing the assessment has been undertaken according to the sustainable development principle. For example, how have different organisations worked together using the five ways of working to develop a comprehensive assessment of economic, social, environmental and cultural well-being of the area?
3. The way in which information from the population assessment required under the 2014 Social Services and Well-being Act has been triangulated with the well-being assessment. Does the assessment provide some analysis as to how identified needs correspond to conditions of well-being and place?
4. Does the assessment include in its analysis the well-being of categories of persons such as people considered to be vulnerable, people possessing a protected characteristic, children (including looked after children, those in foster care and care leavers), carers and people who may have need for care and support?
5. How well have the enablers and barriers to well-being been identified over the short, medium and long term?
6. The extent to which the assessment has identified the area's strengths and assets and how these might be utilised to help prevent problems occurring or getting worse in future.

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7. How robust is the evidence base underpinning the assessment? Do different types of evidence contradict each other? What gaps in evidence have been identified as a result of the assessment and how these are intended to be addressed?
 8. Whether attempts have been made to identify what improvement would look like as it relates to economic, social, environmental and cultural well-being in the area. What would indicate that improvements were being made or not?
 9. Have attempts been made to provide some comparison of well-being within Wales and with other high performing areas across the UK?
 10. Does collaborative working encourage deeper integration across public bodies and organisations, and is this likely to result in better experiences for citizens when undergoing transition between service providers?

- **Well-being Plan**

In being consulted upon the PSBs draft well-being plan (or any changes made to an amended well-being plan), overview and scrutiny committees may wish to divide their consideration into two components:

- How local objectives have been set,
- the steps the board proposes to take to meet identified objectives.

Setting objectives

In considering how the PSB has set collective objectives, an important role for overview and scrutiny is to determine the relationship between the **individual** well-being objectives that have been set by PSB Members as public bodies, and the well-being objectives that have been **collaboratively** identified by the PSB.

To assist them to strengthen the overall quality of the plan, overview and scrutiny committees will have access to the advice the Future Generations Commissioner will have provided to the PSB. This will provide information on how the PSB may take steps to meet their local objectives in a manner which is consistent with the sustainable development principle.

It is also important to highlight that the Act provides for the Welsh Ministers to refer a PSB's well-being plan to the relevant local authority scrutiny committee if it is not considered sufficient; for example, due to an adverse report by the Future Generations Commissioner for Wales or a Ministerial concern that statutory duties are not being met.

In evaluating the quality of the plan, overview and scrutiny committees may wish to explore the following issues with members of the PSB:

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1. How has the well-being assessment been used to identify well-being objectives?
 2. How responsive are the objectives to addressing the issues arising from analysis of the well-being assessment? What evidence is there to show this?
 3. What is the 'theory of change' behind the formulation of well-being objectives? Is the PSB able to describe and illustrate how and why a desired change is expected to happen **over time** within the local context.
 4. How do the objectives link to the well-being goals, and how do the objectives relate to one another?
 5. How is it possible to see the extent to which the objectives have been set in accordance with the sustainable development principle?
 6. Can it be said that the well-being plan reflects where the board has decided that collective action can be taken to have a positive impact on well-being in the area?
 7. How do the PSB's well-being objectives correspond to the individual well-being objectives of the partners constituting the PSB? To what extent have they been reproduced in the well-being plan?
 8. What evidence is there to show that the PSB have set objectives that maximise the 'collaborative advantage' that can be brought about by partnerships? How is the PSB able to show it is aiming to create new value through its well-being objectives?
 9. How far do the objectives reflect the PSB's level of ambition for improving the well-being of people and place?
 10. How far has advice from the Future Generations Commissioner and other Welsh Government Commissioners been taken into account when developing the plan?

Action planning

Paragraph 97 of the statutory guidance identifies that the board must take all **reasonable** steps to meet the local objectives they have set, to deliver on collectively. However, the guidance specifies that it is for the board to:

"...form its own judgement of what steps it would be reasonable to take, on the basis of its own knowledge and consideration of the circumstances and characteristics of its area."

As statutory consultees, overview and scrutiny committees can help strengthen the quality of the overall well-being plan by exploring how identified actions⁴ relate to ownership, the sustainable development principles, time-frames and their likely impact on delivery. Committees may wish to consider the following questions:

1. How likely is it that the actions identified relate to the achievement of the well-being objectives?
2. How can it be evidenced that the actions identified represent the maximum agency and influence able to be committed by the PSB working collectively?
3. How well are the time frames in which actions are intended to take place specified? Does the plan provide for opportunities to review and reflect on whether actions are resulting in desired impact, or whether a change in approach is needed?
4. Who is responsible for delivering on the actions leading to the achievement of objectives?
5. How do the actions identified in the plan link to the actions of partners that are engaged in the work of the PSB?
6. How has advice and guidance provided by the Future Generations Commissioner been used to enhance the quality of the action plan?
7. How will the PSB be able to assess whether identified actions are resulting in measurable change in the short, medium and longer term?
8. To what extent will user experience be used to determine the impact actions are having upon different aspects of well-being in different parts of the area?
9. What flexibility does the PSB have in changing actions contributing to local well-being objectives if needed?

Assessing delivery of the Well-being Plan

A PSB is required to prepare and publish a report detailing the progress made towards meeting local well-being objectives no later than 14 months after the publication of its first local well-being plan. This is intended to enable the board to report on the full year's activity. Subsequently, an annual report must be published no later than one year after the publication of each previous report. The PSB must send a copy of its annual report to overview and scrutiny.

⁴ The actions referred to in the questions may be interpreted as the 'steps' taken by the PSB to meet local objectives.

An important role for overview and scrutiny is to monitor and assess how well the PSB has delivered as a collaborative partnership on the actions intended to achieve local well-being objectives. It may wish to explore the following issues with members of the PSB:

1. To what extent have intended actions been delivered within the timescales specified? How much progress has been made towards meeting the well-being objectives? How far have the PSB's expectations been met?
2. What lessons has the PSB learnt as a result of progress to date? How will these lessons be incorporated into the PSBs planning cycle and how the PSB operates as a partnership?
3. What have been the resource implications of delivering on the well-being plan?
4. How has delivering as a collective impacted on the delivery of individual well-being objectives in accordance with the sustainable development principles?
5. What unintended consequences have arisen from delivering against the well-being plan? What are the main factors that have impacted upon delivery?
6. What gaps in data have been identified as a result of delivery? How have these gaps been identified?
7. To what extent has service user experience been used to assess collaborative performance delivery? What other methods have been used to evaluate effectiveness and impact?

Exploring what makes for 'effective' PSB overview and scrutiny practice

An important role for overview and scrutiny committees in providing democratic accountability is its ability to monitor and scrutinise the performance of the PSB both in terms of how it operates as a board, and how it delivers on its strategic requirements. However, research on partnership scrutiny identifies that whilst local government models can be effective in helping deepen integration, failure to develop good quality relationships with partners at the outset can be counterproductive to the delivery of shared outcomes.

In developing PSB accountability arrangements, it is worth highlighting that the language associated with scrutiny has the potential to be unhelpful in creating an environment in which challenge is welcomed as an opportunity for enhanced learning and self-reflection. For example, the term 'holding to account' may suggest an uneven and oppositional relationship between PSB partners and overview and scrutiny committees.

This can have the effect of creating unnecessary tension and misunderstanding about the aims and intent of elected members involved in reviewing the PSB's collective performance. As the style of scrutiny and methods adopted by committees have a direct effect on the quality of interaction between themselves and PSBs, care should be taken to develop partnership scrutiny in a way that

shows commitment to the sustainable development principle. For scrutiny to be effective, it needs to lead by example.

Research into the practice of collaborative or joint scrutiny in England and Wales identifies that arrangements are effective when they demonstrate the following characteristics:

Characteristics of effective partnership scrutiny

- Scrutiny regards itself as a form of ‘critical friendship with positive intent’ in which scrutiny practitioners act as advocates for the success of joint working.
- Collaborative performance is evaluated from the citizen’s perspective.
- Strong efforts are made to understand the complexity of partnership arrangements and to facilitate learning about the culture and assumptions of different organizations.
- Scrutiny creates positive expectations by focussing on issues regarded as useful to the partnership or where there is consensus that ‘things need to change’.
- Scrutiny demonstrates intellectual independence and investigative rigour in all of its activities.
- Scrutiny demonstrates a positive impact by developing clear, timely, evidence-based recommendations aimed at enhancing collaborative performance.
- Scrutiny critically evaluates its own performance utilising partnership perspectives.

The above characteristics are complementary to the ‘Characteristics of Effective Scrutiny’ framework developed by the Welsh Scrutiny Officers’ Network and referenced within the William’s report on Public Service Governance and Delivery in Wales. In recognition of their utility, it is worth highlighting that the Williams report advocated the framework be developed further to ensure a ‘best practice approach to scrutiny, not least required’ was embedded in Welsh public service delivery⁵.

Developing effective relationships with the PSB

Given that the performance of democratic accountability rests on effective working relationships with the PSB, it is important that councils give thought to the nature of scrutiny’s interaction with partners when establishing scrutiny arrangements.

Working in partnership with the PSB, local government scrutiny functions may wish to co-produce a shared vision for PSB scrutiny arrangements which provides clear direction on the outcomes scrutiny are meant to achieve and the guiding principles that shape its work.

⁵ The Williams report can be found here: <http://wales.gov.uk/topics/improvingservices/public-service-governance-and-delivery/report/?lang=en>. References to the ‘Characteristics of Effective Scrutiny’ may be found on page 133.

The main levers by which relationships can be influenced include approaches to co-option and the methods by which scrutiny interacts and communicates with the PSB, namely how it handles partner invitations to scrutiny meetings, requests for information and reporting arrangements for scrutiny's reports and recommendations.

As a means to clarify responsibilities, expectations and behaviours, councils may wish to consider developing a guide or protocol for the benefits of the PSB membership. This might provide a useful opportunity for communicating to the PSB a positivist approach demonstrating how scrutiny contributes to local place-based leadership. Wrexham County Borough Council has used its previous Local Service Board scrutiny protocol as the basis of a new protocol for governing its relationships with the Public Services Board.

The protocol is notable for detailing PSB partner's 'commitment to co-operate' with the Council's scrutiny committees. For example, it provides that:

- PSB Partners are provided with information on how to access the Scrutiny process, for example they may request that an issue is presented for scrutiny and have access to relevant information on the Scrutiny Committee timetables and work programmes.

And,

- Explains how the committee's views/recommendations will be communicated following scrutiny and how the PSBs views will be fed back to scrutiny.

In support of the protocol's application, the Council's scrutiny facilitators adopt a pro-active approach to working with the PSBs support officer in co-ordinating the PSB and scrutiny's forward work programmes.

A copy of the protocol may be found at Appendix 1.

- **Overview and scrutiny structures**

Whilst it is a requirement of the Act that councils must designate an overview and scrutiny committee to scrutinise the work of the public services board, it is up to each local authority to determine its own arrangements. Emerging practice of PSB scrutiny arrangements identify distinct models which include:

1. Utilising an existing overview and scrutiny committee to comply with the requirements of the Act. Usually this committee also undertakes scrutiny of local Community Safety Partnerships under the provisions made in the 1998 Crime and Disorder Act. Examples include Caerphilly County Borough Council's [Partnerships Scrutiny Committee](#)
2. Establishing a dedicated committee specifically for scrutinising the work of the local PSB such as Monmouthshire County Council's [Public Services Board Select Committee](#)

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3. Establishing a dedicated scrutiny panel as a sub-committee of the council's designated public services board overview and scrutiny committee. For example, see Swansea City Council's [Public Services Board Performance Panel](#)
 4. Establishing a dedicated joint overview and scrutiny committee to undertake collaborative scrutiny of a merged public services board. For example, the [Cwm Taf Public Services Board Joint Overview and Scrutiny Committee](#) has recently been established by Merthyr Tydfil and Rhondda Cynon Taf County Borough Councils, representing the first formal joint overview and scrutiny committee in Wales. The joint committee comprises equal membership of councillors from each participating council and was established in accordance with requirements of the Well-being of Future Generations (Wales) Act, 2015 taking into consideration the requirements of Section 58 of the Local Government (Wales) Measure, 2011 and associated statutory guidance. Further details may be found [here](#).

Although the structures might look dissimilar, the activities intended to be undertaken are broadly the same. However, regarding the membership of PSB scrutiny arrangements, research from previous joint scrutiny models identifies that co-option can make a big difference to the positive contribution able to be made to partnership governance arrangements.

Co-option and collaborative working

"The partnership approach to the scrutiny of the work of the LSB has brought great value to the outcomes. Partners bring differing perspectives that broaden the constructive challenge, and also lead to scrutiny being informed and truly probing.

I do believe that the LSB's partnership delivery of services around domestic abuse will improve as a result of our work."

(Co-opted Member, Rhondda Cynon Taff's LSB Scrutiny Working Group, April 2011).

The evidence from overview and scrutiny committees in Wales is that the contribution of co-opted members on committees can significantly strengthen their effectiveness. In thinking about how scrutiny arrangements may seek to work in accordance with the sustainable development principles, co-option offers opportunities to enhance collaborative working.

Existing statutory provision under section 76 of the 2011 Local Government (Wales) Measure enables the co-option of persons that are not members of local authorities onto overview and scrutiny committees in accordance with section 21 of the Local Government Act 2000. **Statutory guidance accompanying the 2011 Measure provides additional advice and detailed case studies.**

Evidence from those councils utilising multi-agency approaches to Local Service Board scrutiny identified the following four benefits from adopting an integrated approach to partnership working. These have been summarised as follows:

Findings from multi-agency scrutiny arrangements

- The inclusion of partner representatives into democratic scrutiny processes was found to break down organisational fragmentation when analysing joint delivery of cross-cutting themes.
- Greater democratic influence within partner organisations was considered as helping reduce the 'democratic deficit' within public organisations.
- Reports and recommendations from scrutiny were considered to be more palatable to local strategic partnerships due to integration of partners within the scrutiny process. This was considered important in reinforcing scrutiny's credibility and integrity and allaying partnership concerns regarding undue 'political interference'.
- Greater innovation and engagement: a strong culture of accountability was considered supportive of transformational change and improvement in promoting wider dialogue from which creative solutions may be found. It was found that embracing different points of view enabled shifts in perspective to occur as demonstrated by Rhondda Cynon Taff's use of 'experts by experience' when considering joint approaches to the reduction of domestic violence.

In wishing to work collaboratively with the PSB, Swansea City Council's Public Services Board's Performance Panel sought to invite (rather than co-opt) non-executive members of partner organisations comprising the PSB. This included the following:

Public Services Board Statutory Members / Invited Participants	PSB Performance Panel Invitee
Abertawe Bro Morgannwg University Health Board (Statutory Member)	Non-executive Board Member
Mid and West Wales Fire and Rescue Service (Statutory Member)	Member of the Performance, Audit and Scrutiny Committee , Mid and West Wales Fire Authority
Natural Resources Wales (Statutory Member)	Non-executive Board Member
The Chief Constable of South Wales Police (Invited Participant)	Member of the South Wales Police and Crime Panel
The South Wales Police and Crime Commissioner (Invited Participant)	
Probation Service Representative (Invited Participant)	Non-executive

Swansea Council of Voluntary Services (Invited Participant)	Non-executive management Committee Member
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The PSB Performance Panel also identified its ability to co-opt additional members on a temporary basis the length of which to be determined by the Panel. The Panel further stipulated that co-optees should not be acting in an executive capacity for any of the Public Services Board partner agencies and may only be invited to join the Panel with the unanimous agreement of Panel members.

The important point to highlight is the ability of local government overview and scrutiny arrangements to pro-actively engage partners more deeply in its work. In doing so elected members can send powerful messages to the PSB regarding its commitment to effective partnership working through their own structures and practice. This can lead to the creation of enhanced trust and mutual respect in creating accountability relationships that promote dialogue and learning as the key drivers underpinning performance improvement.

However, approaches to partner engagement in the work of scrutiny is **specific to each local authority** and that what “works” for one Council may not directly transfer to another. The crucial issue here is the degree of commitment scrutiny shows in ensuring partners can influence and inform its investigative work.

In evaluating the added value brought about by strategic partnership working, scrutiny can boost its credibility in leading by example.

Reports and Recommendations

Section 35 (2) of the Act requires overview and scrutiny committees to send a copy of any report or recommendation with respect to the board’s functions or governance arrangements to the Welsh Ministers, the Future Generations Commissioner (FGC) for Wales and the Auditor General for Wales.

This requirement has been regarded by some as detracting from scrutiny’s ability to develop ‘softer’ styles of accountability where power relies on its ability to persuade, advise and influence. This can give rise to anxiety that widespread reporting of partnership performance by scrutiny, particularly given the long-term timescales associated with achieving improved well-being, can place unhelpful pressure on PSBs to skew activity towards what is immediately measurable rather than foster more innovative and creative behaviour.

An alternative point of view is that the provision compels local government overview and scrutiny to more proactively correspond with other accountability agents such as the Auditor General in Wales and the Future Generations Commissioner as part of a networked model of accountability. In sharing intelligence about different aspects of partnership performance, scrutiny can add to a wider body of knowledge aimed at better understanding and supporting drivers of collaborative performance. In addition, regarding the role of the Future Generations Commissioner in guiding and advising PSBs to work in accordance with the sustainable development principle, analysis and recommendations arising from local scrutiny may help better focus support and assistance.

Consequently, local government scrutiny arrangements may wish to give thought to how to match the most appropriate method of communication with the degree of intended formality best suited to local circumstance. For example, some councils may wish to utilise Chair’s letters rather than formal reports in providing the PSB with spontaneous feedback as opposed to ‘escalating’ formative

observations to national level. Adoption of a more flexible approach has been reported as having the effect of partners perceiving scrutiny's formal reporting mechanisms as influential 'backstop powers' which in turn has encouraged greater co-operation and a more collegiate relationship with local government scrutiny.

In thinking about how scrutiny wishes to engage the PSB in developing lines of inquiry, requesting evidence, scoping future work items and establishing ways of working it might be the case that the use of Chair's letters or presentations at meetings of the PSB may be most appropriate methods of communication. Similarly, less prescriptive ways of exchanging information may be more suitable when communicating with the PSB informal feedback regarding scrutiny's initial analysis, findings and draft conclusions relating to collaborative performance.

Regarding utilising more formal powers of reporting, it is suggested that scrutiny take appropriate steps to ensuring reports and recommendations are evidence based and describe a suggested course of action to be taken to solve a shared problem. Moreover, to have impact and credibility, recommendations to the PSB should have a clear rationale and be written as statements indicating a directional change of action. In thinking about the validity of conclusions made about the PSB's performance by scrutiny, these should clearly link to scrutiny's original research focus and methods of inquiry in accordance with practice detailed in the 'Characteristics of effective scrutiny' framework.

In accordance with the Act, copies of reports and recommendations should be sent to the Future Generations Commissioner, the Auditor General in Wales and the Welsh Ministers. Given that the minister with lead responsibility for PSBs is currently the Cabinet Secretary for Finance and Local Government, copies of formal reports and recommendations should be sent to the Local Government Partnership team who may arrange that any additional ministers are briefed according to their areas of responsibility.

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Terms of Reference and Rules of Procedure

Conwy and Denbighshire Public Services Board Joint Overview and Scrutiny Committee

1. Statutory Provisions

1.1 The Joint Overview and Scrutiny Committee (JOSC) has been established in accordance with the following legislation:

- Section 58, Local Government (Wales) Measure 2011
- Regulation 3 of The Local Authorities (Joint Overview and Scrutiny Committees) (Wales) Regulations 2013
- Section 35 of the Well-being of Future Generations (Wales) Act 2015

1.2 The conduct of the JOSC and the arrangements for joint scrutiny shall be subject to the legislative provisions in 1.1 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 legislation will prevail.

2. Name of the Overview and Scrutiny Committee

2.1 The appointing authorities are Conwy County Borough Council and Denbighshire County Council

2.2 The title of the JOSC between both authorities shall be the “Conwy and Denbighshire Public Services Board Joint Overview and Scrutiny Committee” (*referred to as the JOSC for the purpose of this document*)

3. Purpose of the Joint Overview and Scrutiny Committee (JOSC)

3.1 To ensure Public Services Boards (PSBs) are democratically accountable the Well-being of Future Generations (Wales) Act 2015 places a requirement on councils to designate an overview and scrutiny committee to scrutinise the work of the PSB. Under the provisions of the Act the scrutiny committee has extensive powers to review the PSB’s governance arrangements as well as any decisions made or actions taken by the PSB. In addition, the scrutiny committee is provided with considerable reporting powers as it is required to share copies of any reports or recommendations made in connection with the PSB’s functions or governance arrangements with the Welsh Ministers, the Future Generations Commissioner for Wales and the Auditor General for Wales.

3.2 The key statutory functions of the JOSC are:

- To review or scrutinise the decisions made or actions taken by the 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 as are imposed on it by the Well-Being of Future Generations (Wales) Act 2015

3.3 For the purpose of supporting the work of the JOSC the PSB must:

- Consult with the JOSC during its preparation of both the Well-being Assessment and the Well-being Plan and on any proposed amendments to the Plan;
- Send a copy of both the Well-being Assessment and the Well-being Plan to the JOSC; and
- Send a copy of its Annual Report to the JOSC.

3.4 In addition to 3.2 and 3.3 above the JOSC may consider other areas of the PSB's work such as:

- The effectiveness of the Well-being Assessment
- The effectiveness of the Well-being Plan
- The effectiveness of performance measurement arrangements
- The level of commitment from individual partners to the work of the PSB
- The effectiveness of the PSB in communicating its work objectives and outcomes to its stakeholders and residents
- The effectiveness of the PSB in addressing the issue of pooled funding to tackle priorities

3.5 In accordance with the Well-being and Future Generations (Wales) Act 2015 the JOSC may require one or more of the statutory PSB members to attend a scrutiny meeting to provide it with explanations of matters outlined to them as part of the invitation to attend. **Scrutiny of the PSB partner is limited only to its contribution to the activity of the PSB and does not include scrutiny of policies or decisions made by an organisation as an individual entity.**

3.6 Existing legislation excludes any matter which could be considered by a local authority's designated Crime and Disorder Overview and Scrutiny Committee (as per 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. Membership

4.1 There will be an equal number of elected members from each appointing authority and no executive (Cabinet) members may be on the JOSC.

4.2 The JOSC will comprise 12 elected members; that is 6 non-executive elected members from Conwy County Borough Council and 6 non-executive elected members from Denbighshire County Council.

4.3 Both local authorities 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.

4.4 In accordance with the Local Authorities (Joint Overview and Scrutiny Committees)(Wales) Regulations 2013 the duty to allocate seats to political groups does not apply to the JOSC. However, 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.

5. Duration of the JOSC and procedure for withdrawal

5.1 The duration of the JOSC will be until such time as there is a decision taken by the full Council of either of the two participating local authorities to withdraw from the JOSC arrangements.

5.2 Written notification will be given to the Chief Executive and the Leader of the other local authority advising of the decision to withdraw from the JOSC arrangements. A copy of the written notification shall also be sent to the Chair of the PSB.

6. Co-opted Members

6.1 The JOSC, or a sub-committee of the JOSC, may resolve to co-opt additional members to serve on the JOSC or sub-committee, subject to paragraphs 7.2 to 7.5.

6.2 A person may not be appointed as a co-opted member of the JOSC, or of a sub-committee of the JOSC, unless the appointment is approved by a majority of the members of the JOSC or sub-committee.

6.3 A person co-opted to serve on the JOSC, or on a sub-committee of the JOSC, 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.

6.4 The JOSC, or a sub-committee of the JOSC, may not co-opt a person who is a member of a local authority, whether that authority is one of the appointing authorities or otherwise.

6.5 The membership of a person co-opted to serve on the JOSC, or on a sub-committee of the JOSC, may be withdrawn by a majority vote at any time by the JOSC or JOSC sub-committee.

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

- 7.1 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.
- 7.2 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.
- 7.3 If a co-opted member appointed to the JOSC ceases to be an employee or representative of the organisation he/she was appointed from, then that person immediately ceases to be a member of the JOSC.

8. Voting Rights

- 8.1 All elected members who are members of the JOSC may vote on any question that falls to be decided at that meeting
- 8.2 Where there is an equality of votes at a meeting of a JOSC or sub-committee, the chair has a second or casting vote.
- 8.3 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 (see also co-opted members section, Section 7, above).

9. Sub Committees of the JOSC

- 9.1 The JOSC may establish sub-committees from amongst the JOSC members to undertake its statutory functions.
- 9.2 Any sub-committees appointed by the JOSC will comprise at least 4 elected members, together with any co-opted members as agreed when establishing the sub-committee.
- 9.3 A sub-committee is to comprise an equal number of elected members of each of the appointing authorities.
- 9.4 Any report or recommendation made by a sub-committee of the JOSC is subject to approval by a resolution of the JOSC.
- 9.5 Any sub-committee can only exercise the functions conferred upon it by the JOSC.

10. Political Balance

10.1 In accordance with the Local Authorities (Joint Overview and Scrutiny Committees)(Wales) Regulations 2013 the duty to allocate seats to political groups does not apply to the JOSC, However, 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.

11. Appointment of Chair and Vice-Chair

11.1 A JOSC must appoint a chair of the committee from within its elected member membership

11.2 A JOSC may appoint a vice-chair and this must be from within its elected member membership.

11.3 The appointment of the Chair will normally be for the municipal year and take place at the first meeting of the JOSC following the Annual Meeting of both Councils in May. The post of Chair of the JOSC will alternate annually between the elected membership of Denbighshire and Conwy councils. The allocation of the vice-chair (if appointed) will be given to a member of the Authority which is next scheduled to hold the position of Chair.

[DISCUSSION NOTE ON THE DRAFT: Section 16 states that the JOSC will meet at least twice a year. With few meetings would the changing of the chair after every two meetings hinder the JOSC?]

11.4 Any sub-committee must appoint a chair, and may appoint a vice-chair, from amongst its elected member membership.

12. Remuneration

12.1 The determinations of the Independent Remuneration Panel for Wales will apply to any payments made to JOSC members.

12.2 Payments for chairing duties of the JOSC or a sub-committee of the JOSC will only be made if both Denbighshire and Conwy councils agree that payments should be available.

12.3 The reimbursement of travel and subsistence costs incurred by elected or co-opted members of the JOSC when on official JOSC business will be in accordance with the determinations of the Independent Remuneration Panel for Wales.

12.4 Elected members will claim their travel and subsistence costs from their own local authority i.e. Conwy councillors will claim from Conwy County Borough Council and Denbighshire councillors will claim from Denbighshire County Council. Co-opted members will claim from the lead authority providing committee support to the JOSC.

13. Access to meetings and documentation etc.

13.1 The JOSC, or 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, committee and sub-committees).

14. DISPUTE RESOLUTION PROCEDURE

14.1 If at any time any dispute or difference shall arise between the participating local authorities in respect of any matters arising out of this agreement or the meaning or effect of this agreement or anything herein contained or the rights or liabilities of any of the local authorities the same shall be referred to the Monitoring Officer of Denbighshire and Conwy councils. Each Monitoring Officer shall undertake and agree to pursue a positive approach towards the dispute resolution which avoids legal proceedings and maintains strong working relationships between the parties. There shall be a commitment to resolving the matter within 10 working days.

14.2 In the event that the dispute is not settled at Monitoring Officer level, and the context so requires, it shall be referred to the respective Chief Executives who shall use their best endeavours to reach a resolution within a further 10 working days.

14.3 In the event that any dispute or difference between the Councils relating to this agreement which it has not been possible to resolve through the decision making process of the Joint Committee or otherwise, the Authorities may either agree to refer the matter to arbitration or utilise the withdrawal procedures at section 6.

15. Referral of matters to individual local authorities' scrutiny committees

15.1 If it becomes evident during a discussion at a JOSC meeting that an issue or a matter has a greater or a more adverse impact on one of the local authorities or within one of the local authority's area, the JOSC can refer the matter to either Denbighshire's or Conwy's locally designated PSB scrutiny committee for consideration. The JOSC, if it deems appropriate, can ask the individual local authority scrutiny committee to report its conclusion back to the JOSC.

16. Schedule of Meetings of the JOSC

16.1 The JOSC will meet at least twice during each municipal year. Additional meetings of the JOSC may be arranged with the agreement of the Chair of the JOSC in consultation with the Head of Democratic Services of the authority providing the JOSC's committee support.

16.2 The schedule of planned JOSC meetings will be drafted by the host authority providing committee support to the JOSC and will be agreed in consultation with the other local authority.

17. Forward Work Programme (see also Section 28)

17.1 The JOSC should draw-up a forward work programme to identify the main issues it intends to focus upon during the course of the year

17.2 The forward work programme should provide a clear rationale as to the purpose of considering a particular topic, the desired outcomes of its consideration, and the methods by which it will be investigated

17.3 Elected members of both the local authorities (whether or not the member is appointed to the JOSC), officers or members of the public who wish the JOSC to consider a specific matter or topic should complete the appropriate 'scrutiny proposal form' to enable the JOSC to consider the topic's suitability for inclusion on its forward work programme. The JOSC will consider the proposals when it reviews its forward work programme at the next available meeting of the JOSC.

17.4 Where there is a co-ordinating committee or panel within Denbighshire or Conwy councils for allocating topics to their Scrutiny committee, those committees or panels can allocate topics to the JOSC. It will be for the JOSC (or the Chair of the JOSC if it is impractical for the JOSC to meet in the time available) to allocate the topics to a particular JOSC meeting. The JOSC may refer topics to the committee or panel responsible for co-ordinating Scrutiny items for one or both of the local authorities.

18. Invitations to the Conwy and Denbighshire Public Services Board

18.1 The JOSC shall review and scrutinise the performance of the PSB, and in exercising its powers, may invite members of the PSB to attend a meeting of the JOSC. This includes any person that has accepted an invitation to participate in the activity of the PSB.

18.2 The JOSC shall review and scrutinise the performance of the PSB, and in exercising its powers, may invite or require officers and Cabinet members of either local authority to attend its meeting when appropriate.

18.3 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
- The level of commitment from individual partners to the work of the PSB
- Governance arrangements

- The effectiveness of the Well-being Assessment and Plan
- The effectiveness of performance measurement arrangements
- The effectiveness of communication with stakeholders on the PSB's objectives and outcomes
- The effectiveness of the PSB in addressing the issue of pooled funding to tackle priorities

18.4 When the JOSC wishes to invite members of the PSB, officers, Cabinet members or another individual to a meeting, it will:

- Where possible give a minimum of 4 weeks' notice;
- Clearly outline the reason and likely areas for questioning;
- Identify what information is being requested and in what format

18.5 Where individuals attend before a 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

18.6 As a matter of courtesy the JOSC may wish to invite the Chair of the PSB to attend JOSC meetings, unless there is a specific reason why it would not be appropriate for the Chair to be in attendance.

19. Rules of procedure

19.1 Members of the JOSC and the public must have regard for the Chair who will have the authority to adjudicate on any rules of procedure during meetings of the JOSC.

19.2 The Chair and the JOSC will adhere to the rules of procedure attached to these terms of reference as Appendix A.

20. Declarations of interests

20.1 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 host Authority providing committee support to the JOSC.

20.2 Members and co-opted members of the JOSC must declare any personal or personal and prejudicial interest in any business being considered at a meeting of the JOSC in accordance with the Code of Conduct.

21. Confidentiality of Information

21.1 In accordance with Members' respective Authority's Code of Conduct, members (elected 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.

22. Administrative arrangements

22.1 The Secretariat will be provided by the local authorities in rotation from the start of each municipal year (i.e. after the Annual Meetings of both authorities) unless the local authorities agree to different arrangements for administrative support. The function includes:

- Arranging regular or extraordinary meetings of the JOSC
- Preparing agendas and co-ordinating reports/documents for the meeting
- Timely electronic publication and despatch of the agenda and associated meeting papers
- Inviting participants
- Managing attendance
- Minute taking
- Webcasting arrangements if required
- Preparing evidence for scrutiny

23 Scrutiny Support

23.1 Dedicated Scrutiny Support will be available to the JOSC from the Denbighshire and Conwy Scrutiny Officers. The Scrutiny Officers will co-ordinate their support activities.

24. JOSC meeting procedures (including sub-committees)

24.1 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

24.2 With a view to securing effective scrutiny all JOSC meeting agendas will be limited to a maximum of 4 reports plus the JOSC's forward work programme report, unless an urgent or unforeseen item of business necessitates discussion at that particular meeting.

24.3 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.

24.4 Prior to the date of a meeting of the JOSC all JOSC members may be engaged in raising and discussing possible questions or lines of enquiry by e-mail. The Chair of the JOSC or the Scrutiny Officers will facilitate this process.

24.5 During the meeting, the Chair of the JOSC will be responsible for ensuring that questioning is effective and that the JOSC achieves its objectives

24.6 Those invited to attend for a particular agenda item shall not be expected to remain at the meeting following the conclusion of the discussion on that item.

24.7 Any conclusions and recommendations from a JOSC meeting will be reported to the PSB, individual PSB partners and relevant Cabinet member(s) as appropriate. Where the conclusions and recommendations are feedback and views which are intended to be relatively informal, these would be reported in the form of a 'Chair's Letter'¹. Where the JOSC's recommendations or views relate to more formal observations and activities with respect to the PSB's functions or governance, the JOSC will send a copy of any report or recommendation to the Welsh Ministers, the Future Generations Commissioner and the Auditor General for Wales.²

25. Responding to the JOSC recommendations

25.1 Where recommendations have been made to the PSB, a PSB partner or the local authority Cabinet member(s), a written response would be expected within one month or following the next meeting of the PSB (where a response from the PSB as a whole is required) indicating whether the recommendation is to be accepted and what action (if any) will be taken in response.

25.2 Where the JOSC makes a report or recommendations to any of the PSB 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 JOSC 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.

26. Call-in arrangements

¹ A 'Chair's Letter' is a letter agreed by and in the name of the Chair of the JOSC. A Chair's Letter will normally be issued by a Scrutiny Officer on behalf of the Chair of the JOSC.

² Under Section 35(2) of the Well-being and Future Generations (Wales) Act 2015

26.1 Decisions of the PSB may be called-in for consideration by the JOSC using the procedure attached as Appendix B.

26.2 Where the decision maker for a PSB 'decision is the local authority the call-in will be heard either by the JOSC or by the local authority's designated PSB Scrutiny Committee. The Monitoring Officers of the two authorities will determine which Scrutiny committee will undertake the call-in.

26.3 Decisions implemented by PSB partners other than the local authorities are not subject to the formal call-in procedures,

27. Evidence gathering

27.1 The JOSC is entitled to gather evidence in connection with any review or inquiry it undertakes as part of their agreed work programme.

27.2 The JOSC shall adopt methods of gathering evidence to inform its deliberations. These include, but are not limited to, task and finish groups, holding inquiries, undertaking site visits, conducting public surveys, holding public meetings, commissioning research, hearing from witnesses and appointing advisors and assessors. JOSC evidence gathering will be supported by the Scrutiny Officers.

28. Reference of matters to the Joint Overview and Scrutiny Committee (JOSC) (see also section 18)

28.1 Any member of the JOSC, officer of the local authorities or a body represented on the PSB, or a member of the public may refer to the committee any matter which is relevant to its functions. This will be done via the completion of a 'Scrutiny Proposal Form'.

28.2 Any member of a sub-committee of the JOSC can refer to the sub-committee any matter which is relevant to its functions, via the completion of a 'Scrutiny Proposal Form'.

28.3 The merits of including any referrals received as per 30.1 & 30.2 above on a future JOSC, or sub-committee, agenda will be considered as part of the JOSC/sub-committee's discussion on its Forward Work Programme at every meeting

28.4 Where the JOSC, or sub-committee, makes a report or recommendations in relation to the matter referred to it by a member, it must provide the member with a copy of the report or recommendations.

29. Setting the agenda

29.1 Individual agenda items, other than standing items, are to be determined in the first instance by the Forward Work Programme which is to be

established and agreed by the JOSC at each meeting. The decision to consider additional items or defer planned items will be a matter for the discretion of the Chair.

30. Public engagement

30.1 Meetings of the JOSC and sub-committees are open to the public and all reports are available to the public unless exempt or confidential matters are being considered, when the press and public would be excluded from the meeting.

30.2 All persons who live or work in the two local authority areas can bring to the attention of the JOSC their views on any matter under consideration by the JOSC, and the JOSC must take into account these views.

30.3 The JOSC will seek to gather evidence from the public as an ongoing aspect of its work

30.5 Agenda packs and any appropriate formal letters from or too the JOSC will be published via the two Authority's agenda publication pages on their websites.

30.6 Members of the public may request the JOSC to examine areas or matters of concern relating to the PSB, which are within the JOSC powers to scrutinise, via the completion of a 'Scrutiny Request' form. Completed 'Scrutiny Request' forms will be considered by the JOSC when it considers its forward work programme at each meeting, and the individual who submitted the request will be notified of the JOSC's decision in relation to the request and the outcomes of the examination of the topic, if the matter is accepted for scrutiny.

31. Training and Development

31.1 Training will be provided to members of the JOSC according to the requirements of the JOSC and its members. The Heads of Democratic Services of the local authorities will liaise to agree the training and development provision.

RULES OF PROCEDURE FOR THE JOSOC

1. Notice of Meetings

- 1.1 A summons and agenda to attend a meeting of the JOSOC shall be published and circulated at least 3 clear working days before a meeting of the JOSOC by the host authority providing committee support to the JOSOC. Both local authorities shall display the agenda and public meeting documents on their public websites.
- 1.2 The summons and agenda for a JOSOC meeting shall be sent electronically to all members of the JOSOC and to the appropriate officers of each Authority.

2. Venue and Time of JOSOC Meetings

- 2.1 The JOSOC may from time to time, dependent upon the items selected for discussion, webcast a meeting of the JOSOC, or a sub-committee subject to webcasting resources being available.
- 2.2 Unless otherwise agreed by the JOSOC, the JOSOC shall meet in rotation between the offices of Denbighshire and Conwy councils or at a location mutually agreed by the JOSOC and which is easily accessible to the public and compliant with the requirements of the Disability Discrimination Act 2005.
- 2.3 Meetings of the JOSOC will be scheduled by the host authority providing committee support for the JOSOC in consultation with the other local authority. Meetings of a sub-committee of the JOSOC will be agreed by the JOSOC.

3. Quorum

- 3.1 The quorum of a JOSOC meeting will be 50% of the whole number of Members, rounded down. For the avoidance of doubt, the whole number of members does not include vacancies. During any meeting if the Chair counts the number of Members present and declares there is not a quorum present, then the meeting will adjourn immediately. Remaining business will be considered at a time and date fixed by the Chair. If he/she does not fix a date, the remaining business will be considered at the next ordinary meeting.
- 3.2 The quorum for a JOSOC sub-committee meeting will be 50% of the whole number of members of the sub-committee, rounded down, providing that at all times there shall be a minimum of 3 members present. At least 1 elected member from both of the local authorities shall be present at any sub-committee of the JOSOC.

3.3 A sub-committee of the JOSC is to comprise an equal number of elected members of each of the appointing authorities.

4. Order of Business

4.1 At every meeting of the JOSC the order of business shall be to select a person to preside if the Chair or Vice Chair are absent and thereafter shall be in accordance with the order specified in the notice of the meeting except that such order may be varied either by the Chair at his or her discretion or on a request agreed to by the Joint Committee.

5. Welsh Language

5.1 The Welsh Language Standards for the host authority providing committee support shall be applied to the documents and meetings of the JOSC and any sub-committees of the JOSC.

6. Rules of Debate

6.1 The rules of debate at meetings of the JOSC or a sub-committee of the JOSC shall normally be informal but the Chair may apply the rules of debate from the Constitution of the host authority providing committee support.

7. Rights to Address Meetings

7.1 There should be no automatic right for observers to speak on any issue. The right of someone who is not a JOSC member to speak is solely at the discretion of the chair of the meeting.

JOINT SCRUTINY OVERVIEW AND SCRUTINY COMMITTEE (JOSC)**CALL-IN PROCEDURE – GUIDANCE NOTE**Introduction

The Procedure Rules allow for any 5 non-Executive members (councillors who are not members of the Cabinet) of either Conwy County Borough Council or Denbighshire County Council (at least one of who has to be a member of a different authority to the other signatories) to initiate a call-in of a decision of the Public Services Board (PSB). To facilitate this process a 'Notice of Call-in of Decision' form has been produced which is signed by the 5 members and submitted to the Monitoring Officer of either Conwy County Borough Council or Denbighshire County Council. Five days are allowed for a decision to be called-in following its publication on the PSB and both councils' websites and emailed to all members of both local authorities. A decision taken will not be implemented by officers until the expiry of this period.

Members who have a prejudicial interest in the decision may not be a signatory to a Notice of Call-In.

Publication of Decisions

The 5 working day period will not begin until the decision has been published on the PSB and the Councils' websites and e-mailed to all members of both councils. Decisions must be publicised within 2 working days of the decision being taken in accordance with the PSBs and the Councils' Constitutions. This could be in the form of draft minutes of the meeting, a summary of decisions or a record of a delegated decision taken.

Implementation of Decisions

Decisions may be implemented from the sixth working day following their publication unless a valid Call-in has been received by either Monitoring Officer.

Urgent Decisions

Urgent decisions may proceed despite a call-in if the decision-maker has the agreement of:

- (i) the Chair of the Public Services Board's (PSB) Joint Overview and Scrutiny Committee (JOSC); or
- (ii) if there is no such person or that person is unable to act, the Chairs of both Conwy County Borough Council and Denbighshire County Council; or

- (iii) If there is no chair of the JOSC or Chairs of the Councils, the Vice-Chairs of both councils.

In exceptional circumstances there may be urgent decisions that must be implemented immediately upon the decision being taken and a call-in is therefore not possible. These must be identified by the PSB/decision-maker at the time the decision is taken and the reasons behind their urgency explained and reported in the record of decision.

The Procedure

A duly completed 'Notice of Call-In of Decision' must be submitted to either of the Monitoring Officers. The notice must contain the signatures of the 5 non-Executive members calling in the decision along with the reasons for the call-in.

The Monitoring Officer will notify the Chair of the PSB, Leaders of both Councils, the delegated decision taker (if relevant), the Chief Executives of both Councils and the other Monitoring Officer of the receipt of the Notice of Call-In and confirm with them that the decision may not be implemented until further notice from the Monitoring Officer.

The Monitoring Officer will liaise with the Chair of the JOSC seeking a meeting of the JOSC to be convened to consider the Call-In within 10 working days of the receipt of the Notice of Call-In of Decision unless the JOSC has a scheduled meeting within that period, or if an extension to the time period is agreed between the decision maker and the Chair of the JOSC.

All members of the PSB and both local authorities will be notified of the call-in and the details of the meeting being held to consider it.

Signatories to attend

The signatories to the call-in will normally be expected to attend the meeting of the JOSC and justify the reasons for the call-in of the decision.

What happens if the JOSC does not meet in time?

Should the JOSC not convene within the 10 working days of the receipt of the Notice of Call-In, and without an extension to the time period being agreed, the Monitoring Officer will inform the Chair of the PSB, the Leaders and Chief Executives of both Councils, the other Monitoring Officer and (if appropriate) the delegated decision taker, that the call-in has ceased.

No case to answer?

Should the JOSC upon meeting to consider the call-in, decide that the decision should not be referred back to the decision maker (e.g. PSB, local authority or delegated decision taker) for reconsideration, the Monitoring Officer will advise the

Chair of the PSB, the Leaders and Chief Executives of both Councils and the other Monitoring Officer (if appropriate) the delegated decision taker, that the decision may be implemented.

Recommendations from Scrutiny

If the JOSC agrees that there is a case for the decision to be reviewed, the JOSC's recommendations will be considered by the PSB or appropriate Cabinet(s) at its next available meeting, or in the case of a delegated decision by the decision-maker within 10 working days.

What if the original decision is re-confirmed?

Should the decision maker confirm the original decision, the decision may be implemented immediately and may not be subject to a further call-in. The decision maker should demonstrate that appropriate consideration has been given to the recommendations from the JOSC.

DRAFT

Conwy and Denbighshire Public Services Board



NOTICE OF CALL-IN OF DECISION

To: The Monitoring Officer

Conwy County Borough Council/Denbighshire County Council (*delete as appropriate*)

We, the undersigned, wish to call in the following decision (**see note 1**)

Decision taken by (*see note 2*):

Date decision was taken:

Report Title:

Decision (*see note 3*):

Reason for Call-In:

We (**see note 4**) request that according to the Joint Overview and Scrutiny Committee for the Public Service Board's approved 'call-in' procedure rules (**see note 5**) a meeting of the Joint Overview and Scrutiny Committee be held within 10 working days (**see note 6**) of the date of your receipt of this notice.

1. _____(print)_____ (signature)_____
_____(Council)

2. _____(print)_____ (signature)_____
_____(Council)

3. _____(print)_____ (signature)_____
_____(Council)

4. _____(print)_____ (signature)_____
_____(Council)

5. _____(print)_____ (signature)_____
_____(Council)

Dated: _____

Guidance Notes

1. Five working days are allowed for a decision to be called-in following its publication on the Public Services Board (PSB) and both Councils' websites and notification to Members of the PSB and both Councils. Urgent decisions may proceed despite a call-in if the decision-maker had the agreement of:
 - (i) The chair of the Joint Overview and Scrutiny Committee (JOSC), or
 - (ii) If there is no such person or that person is unable to act, the Chairs of both Conwy County Borough Council and Denbighshire County Council;
or

- (iii) If there is no chair of the JOSOC or Chairs of both Councils, the Vice-Chairs of both Councils.
- 2. Please state the name of the decision maker e.g. PSB, or delegated decision maker for.....
- 3. If the decision contains more than one part, please state which are to be called-in, e.g. parts (a), (b), and (c) of the Resolution.
- 4. Signatories must be non-Executive members, with at least one signatory being a member of a different local authority to the remaining signatories. Councillors with a prejudicial interest in the decision may not be a signatory to the Notice of Call-In.
- 5. The JOSOC's Call-In Procedure Rules appear in Appendix A of the JOSOC's Terms of Reference.
- 6. Timescales may be extended in exceptional circumstances with the agreement of the decision-maker and the chair of the JOSOC.

For office use only

Received by: _____

Date: _____

Date decision was published:

Notification sent to the Chair of the PSB and Leaders of Conwy and Denbighshire Councils and the Decision Taker (date):

Notification sent to the Chief Executives of Conwy and Denbighshire Councils (date):

Referred to the JOSC:

Date: _____ Time: _____ Venue:

DRAFT

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CONWY AND DENBIGHSHIRE PUBLIC SERVICE BOARD

FORWARD WORK PROGRAMME

2018/19

Chair:

Bethan Jones

Vice Chair:

Iwan Davies

Co-ordinators

Nicola Kneale / Fran Lewis

Committee Officer:

Denbighshire County Council

01824 706141

Due Date for Meeting	Topic	Responsible Officer	
Public Services Board Meeting			
16 April 2018	Well-being Plan – PSB Approval	Chair	
	North Wales Economic Ambition Board – Regional Growth Bid	Graham Boase	
	Progress update on priorities a. People – Mental Well-being b. Community – Community Empowerment c. Place – Environment Resilience d. Consequential Review of PSB Membership	a. TBC b. TBC c. Iwan Davies / Teresa Owen d. Chair	
	Relationship between PSBs and NW Regional Partnership Board	Chair	
	North Wales PSB Grant Funding – 2018/19 application	Cllr Hugh Evans	
	Corporate Priority Update - North Wales Police	Superintendent Sian Beck	
	Opportunities to address organisational risks	Chair	
	19 June 2018		
Conwy and Denbighshire voluntary services – supporting Community Empowerment		Wendy Jones / Helen Wilkinson	
Progress update on priorities a. People – Mental Well-being b. Community – Community Empowerment c. Place – Environment Resilience		a. Sian Williams b. Judith Greenhalgh c. Teresa Owen	
PSB scrutiny arrangements – Update on proposals and draft terms of reference		Steve Price	
Exempt Items for Closed Session			
Regional Partnership Board – discussion on priorities		Chair	
Leadership risks, challenges and opportunities		All	
Local partnership structures in Conwy and Denbighshire			
Funding streams			
18 September 2018	Embedding PSB priorities / work into member organisations	All	

	Progress update on priorities (including delivery plans for proposed actions and measures) a. People – Mental Well-being b. Community – Community Empowerment c. Place – Environment Resilience	a. Sian Williams b. Judith Greenhalgh c. Teresa Owen
	Review of PSB membership	Chair
	North Wales Growth Bid Update	Graham Boase
	Highlight Report – Regional PSB Funding	Judith Greenhalgh / Cllr Hugh Evans
12 December 2018	TBC	
28 January 2019 (workshop)	TBC	
25 March 2019	Highlight Report – Regional PSB Funding	Judith Greenhalgh / Cllr Hugh Evans
	Communities First – Legacy projects	Marianne Jackson (Conwy CBC) and Nicola Stubbins (Denbighshire CC)
Standard Agenda Items		
Apologies for Absence		
Minutes of last meeting		
Matters Arising		
Forward Work Programme		
AOB		
To be confirmed		
EU funding implications and Brexit update		Welsh Government

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