



**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 28<sup>th</sup> 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.”<sup>1</sup>*

- 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.

---

<sup>1</sup> <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