

SWANSEA BAY CITY REGION

JOINT SCRUTINY COMMITTEE

9 March 2020

REPORT OF THE HEAD OF LEGAL SERVICES FOR NEATH PORT TALBOT COUNTY BOROUGH COUNCIL – CRAIG GRIFFITHS

Matters for Information

Title of Report

Update on amendments to Joint Committee Agreement

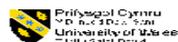
Purpose of Report

To provide members with an update on the amendment to the Joint Committee Agreement following representations of the Joint Scrutiny Committee on the 13th September 2019.

Background

On the 13th September 2019, the Chair of the Joint Scrutiny Committee wrote to the Joint Committee requesting three matters be considered prior to finalising the Joint Committee agreement.

1. That the quorate be reduced from 8 to 6 for the Joint Scrutiny Committee



2. Clause 9.3 be re-written to provide additional clarity on what is being indemnified
3. That the caveat relating to scrutinising individual projects ie permission of constituent authority be removed.

The Joint Committee considered this letter at the meeting of the 29th October 2019 at which stage the amendments to the joint Committee Agreement had been approved by a number of constituent Councils.

A letter was forwarded from the Joint Committee to the Chair of the Joint Scrutiny Committee on the 20th November 2019, which confirmed the following:

- The Joint Committee has requested that legal officers consider whether the amendment to the quorate number can be made under delegated powers without a full report having to go back to constituent Councils. Once a discussion has taken place with legal officers the matter will be reported back to Joint Committee.
- In relation the Clause 9.3 it was felt that the clause was appropriately worded. This is standard legal wording for an indemnity clause which is designed to protect the Accountable Body as employer of the Programme Director and Portfolio Management Office but recognising that the Programme Director receives instructions from and is accountable to the Joint Committee. Therefore if the Programme Director or Portfolio Management Office act in a way that causes any loss to the Councils arising from an instruction of the Joint Committee then the Councils agree to share those losses equally. Where such losses arise as a result of the Accountable Body's negligent actions as employer of the Programme Director or Portfolio Management Office then those losses will be covered by Carmarthenshire County Council.
- Finally in relation to regional scrutiny the caveat around the joint scrutiny of individual projects was inserted to protect the integrity of individual constituent scrutiny committees and to avoid any potential for duplication of work. Individual scrutiny committees would be expected to be sympathetic to any requests and work towards ensuring no duplication of work. It is therefore not felt



appropriate to remove the caveat but any requests will be monitored.

Since this correspondence, legal officers have now considered the position in respect of quorum and a report will be brought to the Joint Committee for approval to formally amend the Joint Committee Agreement to incorporate this requirement.

A deed of variation has already been undertaken to incorporate amendments following the internal and external audit reports and it is envisaged a report will be brought to the Joint Committee in April 2020 following which a formal deed of variation will be prepared to incorporate the amendment suggested by the Joint Scrutiny Committee.

Financial Impact

There are financial impact associated with this report.

Integrated Impact Assessment

As this report is for information there is no requirement to undertake an Integrated Impact Assessment

Workforce Impacts

There are no workforce impacts associated with this report.

Legal Impacts

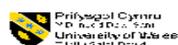
There are no legal impacts associated with this report

Consultation

There is no requirement for external consultation on this item

Proposals

That members note the current arrangements for amendments to the Joint Committee Agreement in respect of scrutiny.



Reason for Decisions

To keep members advised of the current proposals to amend the Joint Committee Agreement

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