



## Report of the Leader

Council - 26 September 2019

### Swansea Bay City Region - Amendments to Joint Committee Agreement

<b>Purpose:</b>	To approve the amendments to the Swansea Bay City Region Joint Committee Agreement
<b>Policy Framework:</b>	Swansea Bay City Region Joint Committee Agreement July 2018
<b>Consultation:</b>	Access to Services, Finance, Legal.
<b>Recommendation(s):</b>	It is recommended that Council:  1) Endorses the amendments to the Swansea Bay City Region Joint Committee Agreement as attached at Appendix B  2) Endorses the Chief Legal Officer/Monitoring Officer to enter into a deed of variation to effect the changes to the Joint Committee Agreement and grant delegated authority to the Chief Executive in consultation with the Leader to make any minor amendments to the Agreement as are required and agreed between the partner Authorities.
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#### 1. Introduction

- 1.1 The Agreement for the Establishment of a Joint Committee for the Swansea Bay City Region together with governance arrangements was endorsed by all four regional Councils in July 2018.

## **2. Swansea Bay City Deal Reviews**

- 2.1 In December 2018 the UK and Welsh Governments announced that an independent review would be carried out into the Swansea Bay City Deal. The Review by Actica Consulting Ltd dated 26 February 2019 made recommendations to improve the deliverability of the outcomes of the Deal and those recommendations were considered by the Joint Committee on 28 March 2019.
- 2.2 On 14 December 2018 the Joint Committee commissioned an internal review into the governance arrangements with Pembrokeshire County Council leading on the review with support from senior auditors. Terms of Reference for the review were agreed and the review report from the Internal Review team was considered by the Joint Committee on 28 March 2019.
- 2.3 Having considered both reviews the Joint Committee at their meeting on 28 March 2019 resolved that all recommendations be accepted and implemented. As a consequence amendments were needed to be made to the Joint Committee Agreement to reflect governance changes.

## **3. Proposed Changes to Governance Arrangements**

- 3.1 With a view to assisting the Council attached at Appendix 1 is a Schedule setting out the recommendations of both reviews and the associated amendments to the Joint Committee Agreement. The amendments were reported to and approved by the Joint Committee on 30 July 2019. An amended and tracked change Joint Committee Agreement is attached at Appendix 2.
- 3.2 The main change is at Clause 6 which amends the Agreement to reflect the proposed appointment of an independent Programme Director and to replace the Regional Office with a Portfolio Management Office. The Programme Director is to report to and be directly accountable to the Joint Committee. The Job Description for the Programme Director is included within Schedule 14 and the role of the Portfolio Management Office will be included upon the appointment of the Programme Director.
- 3.3 Clause 6.2 sets out the redistributed roles and functions which will act as a check and balance for the Swansea Bay City Deal governance arrangements. Council will note that Swansea Council have taken over the Monitoring Officer and Democratic Functions with Scrutiny remaining with Neath Port Talbot Council, Audit with Pembrokeshire Council and Carmarthenshire Council having the Accountable Body and s 151 officer functions.
- 3.4 Additional duties of the Accountable Body have been inserted at Clause 7. Clause 7.1(g) adds to the duties of the Accountable Body by including a duty to report to the Joint Committee on a quarterly basis detailing the

amount of grant monies and council contributions received, how allocated and distributed and details of any internal charges. Clause 7.1(l) provides that the Accountable Body costs must be reported to the Joint Committee before the commencement of each financial year for agreement.

- 3.5 Clause 9.3 is a standard indemnity clause which has been added as the Programme Director is directly accountable to the Joint Committee although will be an employee of Carmarthenshire County Council.
- 3.6 Clause 12 sets out the process for funding projects and includes a change to clause 12(g) which sets out the role of the Economic Strategy Board in the process. In line with the recommendations of the Internal Review reference is made to the new terms of reference of the Economic Strategy Board which is found at Schedule 6. In addition Clause 12.9 provides that the process for funding projects should take no longer than 6 calendar months.
- 3.7 Clause 19.4 has been amended to include reference to top slicing for clarity.
- 3.8 The Terms of Reference of the Joint Committee at Schedule 1 have been amended to include additional functions namely:
- consideration and approval of project business cases
  - agreeing internal recharges
  - consideration of Joint Scrutiny recommendations
  - oversee and manage the Programme Director
  - approving any Programme Director reports

Clause 5 – Voting has also been amended to include casting vote of vice chair in event the Chair is absent.

- 3.9 The quorate for the Joint Committee is 3 of the 4 councils.
- 3.10 Schedule 2 relating to the Programme Board has been amended to include the additional role of ensuring that the Programme Director and Portfolio Management Office undertakes a detailed analysis of the financial viability, deliverability and risk to the programme of the business cases prior to their being submitted to the Joint Committee.
- 3.11 The Internal Review focuses on the role of the Economic Strategy Board. As a result of the Review the purpose of the Economic Strategy Board has been amended at Schedule 6 to include:
- oversight of business case production
  - consideration of regional added value
  - identification of opportunities for investment
  - production of a summary report of issues considered by the Economic Strategy Board to be annexed to the submission of any business cases.

- 3.12 Also in line with the Review, recommendations to limit the membership to the private sector, the membership has been amended to delete the higher education/further education and life sciences/well-being representatives and Leaders of the Councils. This should enable focus to be on consideration of the commercial case and identification of investment opportunities.
- 3.13 The terms of reference at Schedule 12 of the Joint Scrutiny Committee do not provide for scrutiny of individual Authorities projects'. The Internal Review commented that this detracts from the Regional approach of the Swansea Bay City Deal. Therefore Clause 2.2 has been amended to provide that where there is potential to impact materially on the overall portfolio of the City Deal projects and the constituent scrutiny committee agrees then the matter may be considered by the Joint Scrutiny Committee.

#### **4. Deed of Variation**

- 4.1 It has been agreed by the Monitoring Officers of all 4 Constituent Councils that a Deed of Variation will need to be signed to reflect the agreed changes to the Joint Committee Agreement.

#### **5. Equality and Engagement Implications**

- 5.1 The Council is subject to the Public Sector Equality Duty (Wales) and must in the exercise of their functions, have due regard to the need to:
- Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act
  - Advance equality of opportunity between people who share a protected characteristic and those who do not
  - Foster good relations between people who share a protected characteristic and those who do not
- 5.2 The Equality Impact Assessment process ensures that we have paid due regard to the above. An EIA screening form was completed with an outcome indicating that a full EIA is not required due to the fact that the recommendation relates to amendments to a legal agreement.

#### **6. Financial Implications**

- 6.1 The budget for the administrative support function is a mix of partnership contributions and top slicing from Government grant.

#### **7. Legal Implications**

- 7.1 The amendments to the Joint Committee Agreement will be agreed by each of the 4 constituent Councils. Thereafter a Deed of Variation will be entered into reflecting the changes to the governance arrangements and the Joint Committee Agreement as attached.

**Background Papers:**

Actica Consulting Review dated 26 February 2019

Internal Review dated March 2019

**Appendices:**

Appendix 1 Internal Review Team Recommendations

Appendix 2 Track Changed Joint Committee Agreement