

## **DRAFT Terms of Reference**

*(Note for members : These draft TOR's have been prepared using the existing TORs from Ceredigion (2022) and Carmarthenshire (2022) in conjunction with the TORs from other merged PSBs.)*

### **Background Information**

Prepared in line with Welsh Government Statutory Guidance on the Well-being of Future Generations (Wales) Act 2015, Shared Purpose Shared Future.

The Well-being of Future Generations (Wales) Act 2015 (“the Act”), places a well-being duty on specified public bodies to carry out sustainable development. Part 4 of the Act requires the establishment of Public Services Boards (PSB) whereby public bodies act jointly to contribute to the achievement of the well-being goals.

There must be a Public Service Board (PSB) for each Local Authority Area in Wales. However, Section 47 of the Act permits two or more PSBs to merge if they consider it would assist them in contributing to the achievement of the well-being goals. Section 48 of the Act also permits two or more PSBs to collaborate if they consider it would assist them in contributing to the achievement of the well-being goals.

The powers granted in Section 47 of the Act have been used to merge the separate PSBs of Carmarthenshire and Ceredigion into a single PSB (“the Board”) for the Carmarthenshire and Ceredigion area.

### **Status**

1. Carmarthenshire & Ceredigion Public Services Board (the Board) is a statutory board established by the Well-being of Future Generations (Wales) Act 2015.

### **Purpose**

2. The Board is responsible for improving the economic, social environmental and cultural well-being of the Counties of Carmarthenshire and Ceredigion. The Board will utilise the sustainable development principle to maximise its contribution to the achievement of seven national well-being goals by addressing the specific well-being needs of the area.

3. In pursuing this purpose, the Board will contribute to the national well-being goals:

- 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

4. Sustainable development is the overriding principle of the PSB's activities. This means acting 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.

5. This will mean taking decisions and working in ways that take the following into account:

- **Long term:** The importance of balancing short-term needs with the need to safeguard the ability to also meet long-term needs.
- **Prevention:** How acting to prevent problems occurring or getting worse may help public bodies meet their objectives.
- **Integration:** Considering how the public body's well-being objectives may impact upon each of the well-being goals, on their other objectives, or on the objectives of other public bodies.
- **Collaboration:** Acting in collaboration with any other person (or different parts of the body itself) that could help the body to meet its well-being objectives.
- **Involvement:** The importance of involving people with an interest in achieving the well-being goals and ensuring that those people reflect the diversity of the area which the body serves.

## **Main Tasks**

6. The Board has four main statutory requirements:

- To prepare and publish an assessment of the state of economic, social, environmental and cultural well-being in Carmarthenshire and Ceredigion
- To prepare and publish a Local Well-being Plan for Carmarthenshire and Ceredigion setting out local objectives and the steps it proposes to take to meet them
- To take all reasonable steps to meet the local objectives they have set
- To prepare and publish an annual report that sets out the Board's progress in meeting the local objectives

## **Membership**

### Statutory Members

7. The five **statutory** members of the Board are:

- Carmarthenshire County Council (Leader and Chief Executive)

- Ceredigion County Council (Leader and Chief Executive)
- Hywel Dda University Health Board (Either the Chairperson, Chief Executive or both)
- Mid and West Wales Fire and Rescue Service (Chief Fire Officer)
- Natural Resources Wales (Chief Executive)

\* 4 organisations, including representatives from both Local Authorities.

8. A nominated representative may be designated to substitute for any of the named persons above.

9. The Council Leader may only be substituted by another member of the Council's Cabinet.

10. The names of nominated representatives must be provided to the secretariat in advance of each meeting of the Board.

11. Any designated representative should have the authority to make decisions on behalf of their named person noted in Point 7 above.

### **Invited Participants**

12. The following persons are invited to participate in the activity of the Board i.e. The Board may invite any other bodies/persons who exercise functions of a public nature to participate in the Board's activity, even if that person exercises other functions. The following invitees are invited to participate in the Board's activity:

- Welsh Ministers/Government – Senior Civil Servant
- The Chief Constable/Superintendent of Dyfed Powys Police
- The Dyfed Powys Police and Crime Commissioner's Office – Chief Executive Representative
- Chief Executive Officer of the Wales National Probation Service (Dyfed Powys Local Delivery Unit)
- Representation from one of the two counties Town and Community Councils subject to the Well-being of Future Generations Act.
- One Voice Wales
- Representation from Bannau Brycheiniog National Park Authority
- Chief Executive Officer Carmarthenshire Association of Voluntary Services
- Chief Executive Officer Ceredigion Association of Voluntary Organisations
- Director of Public Health, Hywel Dda University Health Board. (In the case of the Director of Public Health, any deputy is asked to be a member of the Public Health Directorate's Senior Team and if the Director is deputising on behalf of the Chair and/or Chief Executive of the Health Board, another member of the Health

Board's senior management team will need to be present as a statutory member of the Board).

- Senior Representative Aberystwyth University
- Senior Representative University of Wales Trinity St David
- Senior Representative Coleg Sir Gar and Coleg Ceredigion
- National Library of Wales
- Department for Work and Pensions

13. Invited participants are not required to accept an invitation. However, once an invitation is accepted, invited participants to become full members of the Board and are expected to participate fully in the activities of the Board and to work jointly with the Board in order to meet its well-being duty, as outlined in Point 6. Invited participants will be asked to join the Board via a letter.

14. It is permissible for invited participants to nominate a designated representative, but it is expected that representative will be authorised to make decisions and commitments on behalf of the invited participants. The names of nominated representatives must be provided to the secretariat prior to each meeting of the Board.

### **Other partners**

15. The Board will engage with and seek advice from other key partners in the area who exercise functions of a public nature and who; have a material interest in the well-being of the area; deliver important public services; and are involved in the preparation, implementation and delivery of the work of the Board. Engagement will be upheld as a priority by the Board, and will be supported by joint activities, as agreed by members.

These partners include, but are not limited to:

- Community and Town Councils
- Public Health Wales
- LLAIS Wales
- MEDR
- Sports Council for Wales
- National Museum of Wales
- Arts Council of Wales
- National Botanic Garden for Wales
- Future Generations Commissioner's Office

### **Providing Information**

16. The Board can require invited participants and other partners to provide information about any action they take that may contribute to achieving the well-being goals. However, the invited participants and other partners are not required to provide information when requested, if;

- a) they consider it would be incompatible with their duties, or
- b) it had an adverse effect on the exercise of their functions, or
- c) they were prohibited from providing it by law.

17. If a participant or partner decides not to provide information the Board has requested it must provide the Board with written reasons for its decision.

## **Chairing Arrangements & Frequency of Meetings**

### Mandatory Meetings

18. The Board will hold a “mandatory meeting” chaired by an LA, no later than 60 days after each subsequent ordinary election of local councillors.

At this meeting the Board must:

- a) Appoint a Chair and Vice-Chair;
- b) Determine when and how often it meets; and
- c) Review and agree its Terms of Reference.

19. The Chair will be elected **every two years** by agreement of the Board members. The Chair can either be a Statutory Member or an Invited Participant.

The role of the Chair will involve:

- Managing the Board Agenda
- Reviewing the draft minutes
- Representing the Board at Key events
- Managing any conflicts of interest
- Resolving disagreements
- Maintaining good order
- Attending Scrutiny meetings
- Review and agree Terms of Reference.

20. The Vice-Chair will be elected **every two years** by agreement of the Board members. The Vice-Chair can be either a Statutory Member or Invited Participant. *Good practice would be for the Vice Chair to be from a different partner organisation to that of the Chair.* The role of the Vice-Chair will be to take on the role of the Chair if the Chair is unable to perform their duties.

### Ordinary Meetings

21. Ordinary meetings of the Board will take place, at least **every three** calendar months as a minimum - at a time and venue to be agreed by the members. Every year two of these meetings would be held on a face-to-face basis, the remainder would be held on a hybrid basis. This arrangement will allow face to face and online attendance. Additional Board

meetings can be called for consideration of specific items as required and agreed by members.

22. Each meeting will consider, but not be limited to, the following agenda items:

- Welcome and apologies.
- Declarations of interest.
- Public questions: these questions need to be agreed by the Chair before the meeting
- Minutes of the last meeting.
- Progress on well-being objectives.
- Forward work programme.

23. Meetings of the Board are not open to the public however under certain conditions questions can be submitted via the Chair. With further prior agreement of the Chair permission can be granted for named representation from the public (up to a maximum of 3 people) can attend the Board meeting for consideration of their question.

24. Agenda, minutes, information papers and other output from the Board will be publicly available documents on the joint Public Services Board (PSB) website.

25. The PSB will act in accordance with Schedule 12A of the Local Government Act 1972 as amended in relation to exempt information.

26. Members of the PSB will not make public, confidential or exempt information without the consent of the relevant body that has provided the information.

27. Each substantive item on the agenda should be supported by a paper with a clear recommendation that should be submitted on the standard cover report template.

28. Urgent items may be permitted at the discretion of the Chair.

29. The agenda and papers should be circulated electronically to arrive no later than five working days in advance of the meeting.

30. All meetings will be administered and conducted bi-lingually, and simultaneous translation will be provided.

### Decision Making

31. Board members are representatives from the five statutory members and representatives from all other member organisations that have accepted an invitation to participate in the activities of the Board.

32. The quorum of a PSB meeting is all five of its statutory members.

33. Board decisions will be taken on a consensus basis and are only valid when made jointly and unanimously by all members of the board and with all statutory members present.

34. In the event of a disagreement between members it is the responsibility of the Chair to mediate an agreement and to ensure that this is presented to the next available meeting of the Board or to a special meeting if required.

35. Decisions made by the Board must be reported back to the respective organisations in a timely manner.

#### Sub-groups

36. The Board can establish sub-groups to support it in undertaking its functions and the Board can authorise sub-groups to exercise its functions.

37. Each sub-group of a PSB must include at least one member of the Board, who will Chair the sub-group, and may include any invited participant or other partner.

38. Whilst sub-groups cannot themselves be authorised to finalise and approve the Assessment of Local Well-being, or the Local Well-being Plan, it is expected that they will play an important role in researching and developing those products in draft.

39. Sub-groups cannot:

- Invite persons to participate in the Board's activity
- Set, review or revise the Board's local objectives
- Prepare or publish an Assessment of Well-being
- Consult on an Assessment of Well-being or to prepare a draft of an assessment for the purposes of consulting
- Prepare or publish a Local Well-being Plan
- Consult on a Local Well-being Plan or to prepare a draft of a Local Well-being Plan for the purposes of consulting
- Review or amend a Local Well-being Plan or to publish an amended Local Wellbeing Plan
- Consult on an amendment to a Local Well-being Plan
- Agree that the Board merges or collaborates with another PSB

40. The matters above require all members to act jointly and so must be taken by the Board itself.

41. The aims of each sub-group will be determined by the Board when the sub-group is established.

42. Each sub-group will prepare terms of reference, and the Chair of the sub-group will submit them to the Board for approval.

#### Support

43. Administrative support for the Board is provided by Carmarthenshire County Council and Ceredigion County Council. To include :-

- Ensuring the PSB is established and meets regularly
- Preparing the agenda and commissioning papers for meetings
- Preparing and co-ordinating a forward work programme for the Board's work
- Inviting participants and managing attendance
- Work on the annual report
- Preparation of evidence for scrutiny
- Preparation of advice and briefing for Chair and Vice Chair
- Monitoring of PSB actions
- Updating of the Well-being Action Tracker
- Supporting the Assessment of Local Well-being
- Administration of the Regional Grant
- Coordination of translation services

### Wider Engagement

44. The Board will take additional steps outside of meetings to ensure that the public voice is heard and helps to shape both the Assessment of Local Well-being and Local Well-being Plan. The Board's citizen focus means it will 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. This is expected to include consultation exercises and opportunities for people to raise and debate ideas through online and offline engagement arrangements.

45. The Act places a duty on certain town and community councils to take all reasonable steps towards meeting the local objectives included in the local Well-Being Plan that has effect in its areas. If a town or community council is subject to the duty, it must publish a report annually detailing its progress in meeting the objectives contained in the local well-being plan.

46. The PSB will liaise closely with town and community councils which are subject to the duty within the Act when setting the objectives in the Local Well-being Plan.

47. A copy of Assessment of Local Well-being, the Local Well-being Plan and each annual report will be sent to the Welsh Ministers, the Future Generations Commissioner for Wales the Auditor General for Wales and the council's relevant Overview and Scrutiny Committee and published on the PSB's website.

### Annual Report

48. The Board will prepare and publish an annual report no later than 14 months after the publication of its first Local Well-being Plan. Subsequently, an annual report will be published no later than one year after the publication of each previous report.

49. In the year following an ordinary local government election, when a new local Well-Being Plan is being prepared and published, there is no requirement to also produce an annual report.

50. The Annual Report will set out the steps taken since the publication of the Board's most recent local well-being plan to meet the objectives set out in the plan. It can also include any other information the Board thinks would be appropriate.

### Scrutiny

The Board will be subject to scrutiny by the designated local government scrutiny committee of the local authorities. Section 35 of the Act provides that overview and scrutiny committees must have the power to review and scrutinise the decisions, actions and governance arrangements of the Board.

51. The role of scrutiny is to provide challenge and support in order to secure continuous improvement for the Board.

52. In order to assure democratic accountability, there is a requirement for a designated local government scrutiny committee of Ceredigion and Carmarthenshire County Councils to scrutinise the work of the PSB.

53. Both the Ceredigion County Council Overview and Scrutiny Coordinating Committee and Carmarthenshire Corporate Performance and Resources Scrutiny Committee will receive joint reports from the Board and will be responsible for taking an overview of the overall effectiveness of the Board. This will include:

- a) Review or scrutinise the decisions made or actions taken by the 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) Refer matters to the relevant Thematic Overview and Scrutiny Committee to consider further, as appropriate.
- e) Present the recommendations from scrutiny to the appropriate Cabinet and the PSB.

54. The Board will report on its progress at the Ceredigion Overview and Scrutiny Coordinating Committee and the Carmarthenshire Corporate Performance and Resources Scrutiny Committee and will be included on their forward work programmes. The Statutory Members of the Board will also receive a copy of the annual progress reports.

55. Welsh Ministers have a power to refer a plan to scrutiny committees if it is not considered sufficient; for example, due to an adverse report by the Future Generations Commissioner for Wales or a concern that statutory duties are not being met.

56. The scrutiny committees can require any member of the Board to give evidence, but only in respect of the exercise of joint functions conferred on them as a member of the Board.

57. Scrutiny must send a copy of any report or recommendation it makes to the Welsh Ministers, the Commissioner and the Auditor General for Wales.

#### Role of the Future Generations Commissioner

58. In drafting the Local Well-being Plan the Board must seek the advice of the Future Generations Commissioner for Wales, on how to take steps to meet the local objectives in a manner which is consistent with the sustainable development principle.

59. In setting the local objectives the Board must also take into account the latest Future Generations Report as prepared by the Commissioner.

60. The Board must publish the Commissioner's advice at the same time as it publishes the Local Well-being Plan.

#### Review and Amendment

61. While the Board must review these terms of reference at the mandatory meeting, the Board may review and agree to amend it at any time if all statutory members agree.