



**CYNGOR BWRDEISTREF SIROL  
RHONDDA CYNON TAF  
COUNTY BOROUGH COUNCIL**

**COMMITTEE SUMMONS**

C Hanagan  
Service Director of Democratic Services & Communication  
Rhondda Cynon Taf County Borough Council  
The Pavilions  
Cambrian Park  
Clydach Vale CF40 2XX

Meeting Contact: Ms J Nicholls - Democratic Services (01443 424098)

**YOU ARE SUMMONED** to a special virtual meeting of the **OVERVIEW AND SCRUTINY COMMITTEE** to be held on **FRIDAY, 16TH JULY, 2021** at **2.00 PM.**

Non-Committee Members and Members of the public may request the facility to address the Committee at their meetings on the business listed although facilitation of this request is at the discretion of the Chair. It is kindly asked that such notification is made to Democratic Services by Wednesday, 14 July 2021 on the contact details listed above, including stipulating whether the address will be in Welsh or English.

**AGENDA**

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IN WALES**

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**Service Director of Democratic Services & Communication**

**Circulation:-**

The Chair and Vice-Chair of the Overview and Scrutiny Committee  
(County Borough Councillor M Adams and County Borough Councillor W Lewis  
respectively)

**County Borough Councillors:** Councillor J Bonetto, Councillor J Brencher,  
Councillor G Caple, Councillor A Cox, Councillor M Griffiths, Councillor G Hughes,

Councillor J James, Councillor P Jarman, Councillor D Owen-Jones,  
Councillor W Jones, Councillor S Rees and Councillor E Stephens

Non Committee Member -Councillor M Webber

Christian Hanagan, Service Director of Democratic Services & Communication

**Education Co-Opted Members for information:-**

Mr M Cleverley

Ms A Jones, Representing UNITE

Mr C Jones, Representing GMB

Mrs C Jones, Representing the National Union of Teachers and Teachers' Panel

Mr D Price, Representing UNISON

Mr J Fish, Voting Elected Parent / Governor Representative

Mr A Rickett, Voting Diocesan Authorities' Representative

Mrs R Nicholls, Voting Elected Parent / Governor Representative

Mr L Patterson, Voting Elected Parent / Governor Representative

Chair of the Governance & Audit Committee, Mr C B Jones



## RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL

### MUNICIPAL YEAR 2021/22

### SPECIAL OVERVIEW & SCRUTINY COMMITTEE – 16<sup>th</sup> JULY 2021

### REPORT OF THE SERVICE DIRECTOR, DEMOCRATIC SERVICES & COMMUNICATIONS

### CONSULTATION RESPONSES-REGULATING COAL TIP SAFETY IN WALES

#### 1. PURPOSE OF THE REPORT

- 1.1 To provide the opportunity for members of the Overview & Scrutiny Committee to formally consider and adopt its response to the Law Commission's consultation on Regulating Coal Tip Safety in Wales, following discussions with representatives from the Law Commission of England and Wales at its meeting on the 5<sup>th</sup> July 2021.

#### 2. RECOMMENDATIONS

It is recommended that Members: -

- 2.1 Consider the attached draft responses to the consultation and decide whether they wish to make any further comments or suggestions as appropriate.

#### 3. REASONS FOR RECOMMENDATIONS

- 3.1. To provide Scrutiny with the opportunity to respond to the consultation by the 10<sup>th</sup> September 2021 so that its response will contribute to the final recommendations for the Welsh Government and subsequently to the final report of the Law Commission in early 2022.

#### 4. BACKGROUND

- 4.1 The Law Commission of England and Wales attended the Overview & Scrutiny Committee held on the 5<sup>th</sup> July and provided a summary of the salient points from their consultation paper entitled 'Regulating Coal Tip Safety in Wales' via a Power Point presentation.

- 4.2 Members agreed to use the Special Overview & Scrutiny Committee on the 16<sup>th</sup> July to formulate their responses to the consultation following the initial opportunity to undertake discussion with representatives from the Law Commission.
- 4.3 Attached are the draft responses for Members' information which they may wish to submit or amend as they feel appropriate.
- 4.4 Council Officers will be in attendance at the meeting to support the Scrutiny Committee with its responses should they require further clarification on any of the proposals set out within the Law Commission's consultation documents which can be accessed via the following links:
- [Rheoleiddio Diogelwch Tomennydd Glo yng Nghymru | Law Commission](#)  
[Regulating Coal Tip Safety in Wales | Law Commission](#)
- 4.5 It is proposed that following the meeting, the responses will be submitted on behalf of the Overview & Scrutiny Committee by the closing date of the 10<sup>th</sup> September 2021 as they will contribute to the recommendations for the Welsh Government and publication of a final report in early 2022.

## **5. EQUALITY AND DIVERSITY IMPLICATIONS**

- 5.1 There are no equality and diversity implications as a result of the recommendations set out in the report.

## **6. FINANCIAL IMPLICATIONS**

- 6.1 There are no financial implications aligned to this report.

## **7. LEGAL IMPLICATIONS OR LEGISLATION CONSIDERED**

- 7.1 There are no legal implications arising from the recommendations in this report.

## **8. LINKS TO THE COUNCILS CORPORATE PLAN / OTHER CORPORATE PRIORITIES.**

- 8.1 This is an information report presenting the Law Commission's consultation on 'Regulating Coal Tip Safety in Wales'. No decisions are being taken in this report.

## **9. CONCLUSION**

- 9.1 The Overview & Scrutiny Committee, in line with its Terms of Reference, has been afforded the opportunity to respond to the consultation published on the 9<sup>th</sup> June 2021 by the Law Commission of England and Wales which sets out provisional proposals for a new regulatory framework for coal tips in Wales.

**LOCAL GOVERNMENT ACT 1972**

**AS AMENDED BY**

**THE LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985**

**RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL**

**OVERVIEW & SCRUTINY COMMITTEE**

**16th JULY 2021**

**REPORT OF THE SERVICE DIRECTOR, DEMOCRATIC SERVICES &**

**COMMUNICATION**

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**Consultation Question 1. 10.37 We provisionally propose that the existing regulatory regime for tips associated with operational mines should not be altered. Do you agree?**

Members are supportive of this proposal

**Consultation Question 2. 10.38 We seek views on whether a satisfactory definition of a disused coal tip could refer to waste from coal mining and whether it should include express reference to overburden dumps, backfill, spoil heaps, stock piles and lagoons.**

There was a general acceptance that the definition of a disused coal tip should include express reference to overburden dumps, backfill, spoil heaps, stock piles and lagoons.

**Consultation Question 3. 10.39 We provisionally propose that any new legislation should not apply to a tip to which the Quarries Regulations 1999 or the Mines Regulations 2014 apply. Do you agree?**

Members were keen to establish if the Commission will be recommending legislation that is Primary legislation, UK wide or secondary legislation, adding to the 1969 Act. Members felt that this was a key question as one piece of legislation governing the mining legacy in Wales which is not applicable to England may impact on the 'buy in' from the UK Government.

Members were unanimous that the Legislation does need updating and that funding should be forthcoming from UK Government in view of the fact that Wales and RCT has been disproportionately affected.

Members were also keen for the new legislation to capture the coal mining legacy.

**Consultation Question 4. 10.40 To the extent that liability under the new regulatory framework rests with the owner of land containing a tip, we provisionally propose that the owner should be defined as the freeholder or a leaseholder under a lease of 21 or more years, except where their interest is in reversion upon a term of 21 or more years. Do you agree?**

Members were in favour of the responsibility of the framework resting with the owner of the land however, Members sought clarification on how this would apply to absent landlords (e. g in a situation where the landlord has passed away)

Members had an understanding that there is a power to release public funds (where available)

Members also sought clarification around liability under the new regulatory framework and whether it would rest with the owner of the land or whether it would remain a matter between Welsh Government and UK Government. The resolution of this argument would make a difference to who funds what and in what circumstances.

**Consultation Question 5. 10.41 We provisionally propose that a supervisory authority with responsibility for the safety of all disused coal tips should be established. Do you agree? If not, please set out the alternative that you would favour.**

Members were in favour of a supervisory authority for responsibility of all disused coal tips as there was overwhelming support for a new regime to replace the outdated, existing regime, which they considered was not currently 'fit for purpose'. A coal tips register, compiled and maintained by the supervisory authority which would include a wide range of information including potential risks associated with each disused tip

**Consultation Question 6. 10.42 We seek views on whether the supervisory authority should be an existing body or a newly created body.**

Members preferred the proposal that a single supervisory authority should be a **newly created body**

**Consultation Question 7. 10.43 If a new body is established, what form should the new body take? Should it be, for example, a central public body, a corporate joint committee of local authorities under the Local Government and Planning (Wales) Act 2021, or something else?**

**Central Public Body**

**Consultation Question 8. 10.44 We provisionally propose that the supervisory authority's duty to ensure the safety of tips should be framed as a general one, rather than one limited to specified risks. Do you agree?**

Members were supportive of this proposal, that the involvement of the supervisory authority will manage the tip and reduce the chance of significant dangerous incidents occurring.

**Consultation Question 9. 10.45 We provisionally propose that a central tip register should be compiled and maintained. Do you agree?**

Members agreed that a central tip register should be compiled and maintained by the supervisory authority, which would include a wide range of information including potential risks associated with each disused tip. This would support a uniform approach to inspection.

**Consultation Question 10. 10.46 We provisionally propose that the contents of the tip register should be prescribed by the Welsh Ministers by statutory instrument. Do you agree?**

Members agreed that the contents of the tip register should be prescribed by the Welsh Ministers by statutory instrument.

**Consultation Question 11. 10.47 We provisionally consider that (1) the supervisory authority should have a duty and a power to include on the register any tip of which it is or becomes aware; and (2) an owner of land should have a right of appeal against the inclusion of the landowner as owner of land on which a tip is situated; the grounds of appeal should be (a) that the land owner is not the owner of the land in question and/or (b) that there is no tip situated on the land. Do you agree?**

Members were supportive of this provisional proposal and acknowledged the landowners right to appeal should they not be the owner of land on which a tip is situated or that there is no tip situated on the land.

**Consultation Question 12. 10.48 We seek views on whether an owner of land should be under a duty to notify the supervisory authority of any tip of which the landowner is or becomes aware situated on land owned by the landowner, unless the landowner has reason to believe that it has already been registered.**

Members agreed that the landowner should be under duty to notify the supervisory authority that this is the case and of any subsequent changes to land ownership should be updated.

**Consultation Question 13. 10.49 Do you think that the information in a tip register should or should not be publicly accessible? Are there any particular categories of information that should not be published?**



Tip Register information should be available, however certain information in the tip register should not be accessible to the public, this would be personal information, tip inspection reports, calculations, costings, etc.

**Consultation Question 14. 10.50** We provisionally propose that, upon the entry of a tip onto the register, the supervisory authority should be under a duty to arrange an inspection of the tip unless it considers that a sufficiently recent and thorough inspection has been conducted. Do you agree?

Members held the view that as with current good practice in the local authority which validates an inspection regime, the supervisory authority should be under a duty to arrange an inspection of the tip unless it considers that a sufficiently recent and thorough inspection has been conducted (but only in this case).

**Consultation Question 15. 10.51** We provisionally propose that (1) the supervisory authority should be under a duty to arrange for the compilation of a risk assessment and management plan for any tip included on the register; and (2) the Welsh Ministers should have power to prescribe the matters to be included in a risk assessment and management plan by statutory instrument. Do you agree?

Members were supportive of this proposal.

**Consultation Question 16. 10.52** We provisionally propose that the risk classification of coal tips should have regard to the risk of instability of a tip and the consequences of a slide of spoil. Do you agree?

Members agreed that, as is current practice within the local authority tips should be classified based on risk of instability of a tip and the consequence of a slide or a spoil. Members understood instability as the greatest risk posed by coal tips with rainfall a significant cause of tip slides.

**Consultation Question 17. 10.53** Should coal tip classification also have regard to the risk the tip presents of pollution, combustion or flooding?

Members agreed that these issues should be a consideration and understood the risks posed:

Pollution – the detrimental impact on local habitats and wildlife

Flooding – tips can contribute to flooding

Spontaneous combustion - coal tips can spontaneously combust and remain alight for many years. (Members raised concern that this could be caused potentially from mountain fires)

Members also recognised that the impact of climate change has meant the amount of rain falling on the South Wales coalfields has increased and is a significant cause of tip slides.

**Consultation Question 18. 10.54** We provisionally propose that the coal tips safety legislation should provide for the designation of a coal tip by the safety authority as “higher risk” where the tip meets criteria prescribed by the Welsh Ministers by statutory instrument. Do you agree?

As with current practice Members agreed with the proposal to properly designate those high-risk tips (subject to identified criteria) and they should be classified as such in the safety legislation

**Consultation Question 19. 10.55** We seek views on whether the designation of a tip should be by reference to any of the following, or other, criteria: (1) the tip shows signs or has a recent history

of movement or instability; (2) a slide of spoil from the tip would be likely to impact or affect (a) buildings or areas designed for human habitation or occupation; (b) a road, railway, canal or other infrastructure; or (c) a watercourse; (3) there is a substantial risk of the tip releasing dangerous pollution into the environment; (4) there is a substantial risk of the tip causing flooding; (5) there is a substantial risk of material in the tip spontaneously igniting; (6) the tip requires engineering work.

Members agreed that the designation of a tip should be by reference to the points listed above, which will identify stability, public safety and environmental issues.

**Consultation Question 20. 10.56 We provisionally propose that a person aggrieved by a designation of a coal tip as higher risk should have a right of appeal. Do you agree?32**

Members were supportive of this proposal.

**Consultation Question 21. 10.57 We provisionally propose that in the case of a designated tip the supervisory authority itself should normally be under a duty to carry out the operations specified in the tip management plan for the tip. Do you agree?**

There was a general acceptance of the proposals in respect of the supervisory authority being under a duty to carry out the operations specified in the tip management plan for the tip.

**Consultation Question 22. 10.58 We provisionally propose that an authority should be empowered to enter into a tip maintenance agreement with the owner of land registered in the tip register, providing for the carrying out by the owner of the operations specified in the tip management plan. Do you agree?**

Members considered that the supervisory authority should take responsibility for the tip maintenance agreement as quickly as possible so that it can utilise its expertise and legislation in this case. In many cases the local authority does not have the resources required for this role.

**Consultation Question 23. 10.59 Do you agree that a duty of inspection should fall to an authority to ensure compliance with the tip maintenance agreement?**

As above, Members considered that the responsibility of inspection would be inconsistent across all local authorities as some are smaller and have less resources to manage this as well as others.

**Consultation Question 24. 10.60 We provisionally propose that an authority should be able to make a tip maintenance order where (1) the owner has failed to comply with an agreement entered into and has been given appropriate notice of that failure and reasonable opportunity to rectify it; (2) the owner has been offered an agreement and has refused to enter into an agreement on suitable terms or has failed to respond within 42 days, and the authority think it unlikely that the owner will agree; (3) the authority considers the work specified in the order to be urgently necessary; or (4) it has been impossible to identify the owner despite having taken specified steps to do so. 10.61 The authority must be satisfied that the measures proposed are proportionate to the objective to be achieved. 10.62 The order must either require the owner to carry out the operations or provide for the authority to carry them out. 10.63 The owner should have a right of appeal against the imposition of a maintenance order. 10.64 Save in the case of an emergency order, the order must provide sufficient time within which to appeal. Do you agree?**

Members felt that, as with the previous responses, this would be a matter of resource and time and the best fit would lie with the supervisory authority as the appropriate authority to make a tip maintenance order where necessary.

**Consultation Question 25. 10.65 Do you think that responsibility for tip maintenance agreements for lower risk tips should fall to the supervisory authority or lie with local authorities? 10.66 If you think that responsibility should lie with the local authority, should this include both making and supervising the agreements, or should the supervisory authority be given the duty to make the agreement?**

Responsibility for tip maintenance agreements for lower risk tips should fall to the supervisory authority so that it can develop a centre of excellence to sustain the appropriate skills and appropriate legislation in place.

**Consultation Question 26. 10.67 We provisionally propose that (1) persons authorised in writing by the supervisory authority or any other public body charged with functions under the coal tip safety scheme should have a power of entry upon land for the purposes of (a) inspecting or carrying out tests upon a known or suspected coal tip; and (b) performing, supervising or inspecting works of maintenance or remedial operations upon a coal tip; (2) the power of entry should be exercisable upon 48 hours' written notice to the owner and any other person known to be in occupation of the land or in an emergency; (3) the supervisory authority or any other public body charged with functions under the coal tip safety scheme should have power to apply to a justice of the peace authorising entry by force; (4) persons authorised to enter land under these provisions should have power to take with them other persons or equipment as necessary; and (5) obstruction of any authorised person or of an inspection, test or works should be a summary offence. Do you agree?**

Members agreed that the supervisory authority should have a power of entry upon land for the purposes listed above.

**Consultation Question 27. 10.68 We provisionally propose that failure, without reasonable excuse, to comply with a tip maintenance order should be a summary offence. Do you agree?**

Members were in agreement with this proposal.

**Consultation Question 28. 10.69 We provisionally propose that the supervisory authority and any other public bodies having functions under the coal tip safety scheme should have a general power to charge fees and expenses to the owner of land containing a tip, which could include periodic charges. Do you agree?**

Members were keen for liability to rest with the landowners and for fees and charges to be charged to them (as previously raised, concern with absent landowners)

**Consultation Question 29. 10.70 Is it appropriate for legislation underpinning a new coal tip safety regime to include (1) a power to sell material not belonging to the owner of a coal tip that is removed from a tip in the course of remedial work on the tip; if so, should it be accompanied by a duty to account to the owner for the proceeds of sale? (2) provision for compensation where an order to carry out remedial works is revoked? (3) a duty to compensate persons other than the owner of a tip for damage to or disturbance of enjoyment of land in consequence of tests or remedial operations? (4) provision for the discretionary award of financial contributions to the liability of an owner? If so, should the categories of person liable be as set out in section 19(1) of the Mines and Quarries (Tips) Act 1969 and the circumstances to be taken into consideration be as set out in section 19(4) of the Act? If they should not be, what alternative provision should be made?**

Members were supportive of these proposals

**Consultation Question 30. 10.71 Do you think that a panel of engineers with specialist qualifications to inspect and supervise prescribed types of work on coal tips is a good way to ensure consistency and safety?**

Members were very supportive of this proposal; they recognise that current practice involves experts being brought out of retirement to conduct inspections. They felt that it was an area where engineering expertise could be developed and that sufficiently qualified engineers with specific experience in the mining industry will ensure consistency and safety.

**Consultation Question 31. 10.72 Do you think that the Welsh Ministers should be able to give directions to the supervisory authority and other relevant parties regarding actions to be taken in response to a coal tip emergency?**

Generally, Members were supportive of the proposal.

**Consultation Question 32. 10.73 Do you think that the power of the supervisory authority to take action in an emergency pursuant to regulation 40 of the Environmental Permitting Regulations (England and Wales) 2016 should be widened? If so, in what way?**

Yes. **There is a need to define “emergency works”** and this could include the actions to prevent an emergency developing— emergency works may not necessarily be short duration and could potentially be proactive but would not fall under current timescales for permits. There could possibly be a ‘fast track’ option for URGENT works that have a lead in time of weeks/months but less time than that available to obtain permits for activities. But there is also a need for EMERGENCY works where work has to commence within hours/days/weeks, for example clearing out drainage ditches, creating discharge points to remove water from tips.

There could also be a provision for retrospective consent where there is insufficient time to obtain permits. If the requirement to take reasonable steps for minimising pollution and to furnish the regulator with details as soon as reasonably practicable remain as per Regulation 40(1) this should ensure that the environmental impact is minimised.

**Consultation Question 33. 10.74 Do you suggest any other approaches to deal with clashes between environmental legislation and tip safety? If so, please set them out.**

Depending on the level of risk or immediate danger posed then (at least in the short term – refer to Q32 above) emergency works should override environmental considerations and be backed up by WG if required. Retrospective permissions can then be applied for to ensure compliance going forward as has already been suggested.

Alternatively, this aspect is covered separately under new legislative powers.

There must be a “common sense principle” approach to dealing with not just emergency works but general maintenance as well. Major maintenance and reclamation of tip sites must take into consideration existing and future environmental legislation – however, timescales and seasonality are often major hurdles when it comes to planning engineering works and their juxtaposition with environmental considerations. This is possibly even more of an issue with tips due to the nature of the materials being dealt with and the exposed nature of many sites and the conflicting requirements of current flood management techniques and requirements and the need to manage and move water off and away from tip material.

Tip legislation should include or account for current environmental legislation possibly within some form of hierarchical scale in relation to any proposed maintenance works. But not make general

maintenance so bureaucratic that it does not get undertaken (particularly on private tips). The more minor maintenance undertaken the less major works will be required and this will ultimately reduce risk. Possible simplistic example e.g.

Small scale works – (identified either by cost or scope) - no/minimal requirements

Minor maintenance works - (identified either by cost or scope) – no/minimal requirements or ecological watching brief

Major Maintenance - (identified either by cost or scope) - ecological watching brief or permitting.

Major maintenance / Reclamation - - (identified either by cost or scope) – Required Permits

Maybe these stages could require sign off (or not) by the overseeing body?

In addition to any new legislation It would be a good idea to produce a “best practice guide” to tip management and maintenance which includes hierarchical procedural flow charts, including legislative process and permitting, timescales etc. Together with examples of typical details etc. This is obviously not an exhaustive list.

A further option could be a one stop shop consent, similar to a Development Consent Order for Nationally Significant Infrastructure Projects. This consent could authorise and regularise all activities in respect of the works for example waste management, environmental permits, planning and land drainage works.

**Consultation Question 34. 10.75 Do you think that new tip safety legislation should be combined with provision for the consideration of tip reclamation? If so, do you favour any particular model**

Yes – no favoured model but all aspects need further exploration – While this aspect should be considered alongside the new tip safety legislation it may have to form a separate/distinct element to the legislation which covers general tip safety and maintenance.

Given that various current legislation (planning, environmental, waste etc) would cover removal or remediation of a tip site it makes this process difficult so it would make sense to have this process covered by a single piece of legislation.

Risk (be it to people, property or ecology) should be the driving factors to removal or reclamation – not all sites will require removal or remediation and indeed many are now developing into unique ecological habitats in their own right.

There are many things to consider if removal or reclamation is considered to be the best option. Many tips are difficult to access and disturbance of the surface will generate its own issues e.g. stability of material, generation of silt, interim drainage and pollution control etc. It is not just the tip site that will require consideration either. e.g. transport links, receptor sites (if required), Planning, waste classification, end use – the list is long.

It is not a simple process so those bodies which govern any specific legislation required need to have an agreed approach - whether this be specific legislation (existing or new) on remediation and removal or just an agreed process to follow.

Management of, and representation in, this process (which ideally will be covered by new legislation) to avoid conflicts further down the line is something that possibly sits best with an overseeing body and the “expert panel”.

DRAFT



## RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL

### MUNICIPAL YEAR 2021/22

#### SPECIAL OVERVIEW & SCRUTINY COMMITTEE – 16<sup>th</sup> JULY 2021

#### REPORT OF THE SERVICE DIRECTOR, DEMOCRATIC SERVICES & COMMUNICATIONS

#### CORPORATE JOINT COMMITTEES – CONSULTATION ON DRAFT GENERAL REGULATIONS

#### 1. PURPOSE OF THE REPORT

- 1.1 To seek Members feedback on the consultation initiated by Welsh Government on the next set of general regulations – **the Corporate Joint Committee (General) (No.2)(Wales) Regulations 2021**

#### 2. RECOMMENDATIONS

It is recommended that Members: -

- 2.1 Consider and provide their feedback on the consultation which considers the next set of general regulations- **the Corporate Joint Committee (General) (No.2)(Wales) Regulations 2021.**
- 2.2 Authorise the Service Director Democratic Services & Communications, in consultation with the Chair of the Overview & Scrutiny Committee, to convey the comments and responses of committee members to the WG prior to the consultation closing.

#### 3. REASONS FOR RECOMMENDATIONS

- 3.1. As part of the phased approach to putting in place the legislative framework within which Corporate Joint Committees (CJCs) will operate, the Minister for Finance and Local Government is launching a consultation on the next set of general regulations.
- 3.2 Members therefore have the opportunity, through the consultation, to provide any feedback they have in relation to the next set of general regulations in

advance of the closing date for response which is **Monday 6 September 2021**.

#### **4. BACKGROUND**

4.1 The eight-week technical consultation on the draft general regulations builds on the comprehensive consultation undertaken in October 2020 which sought views on the general approach to the development of the legislative framework for CJsCs.

4.2 Members will recall that they contributed to the earlier consultation on the draft Regulations, which were published on Monday 12<sup>th</sup> October. They were issued for consultation (with a closing date of 4<sup>th</sup> January). Members had the opportunity, through the consultation, to provide their feedback in relation to the draft regulations and CJC's more generally.

4.3 Members are asked to contribute to the next stage of the approach which is the development of the wider CJC legislative framework and application of specific elements of that framework.

The regulations being consulted on will provide for:

- the roles of certain 'executive officers' to support the work of the CJC
- some general provisions in relation to the staff of a CJC
- discharge of functions of a CJC by other persons (sub-committees, staff etc)
- regulation of meetings and proceedings of a CJC
- a small number of miscellaneous and consequential amendments that were necessary both to primary and secondary legislation (including the regulations which established CJsCs) as a result of putting in the legislative framework around CJsCs.

4.4 To assist Members the draft regulations and consultation paper can be accessed via the Welsh Government website: <https://gov.wales/corporate-joint-committees-general-no2-wales-regulations-2021>

4.5 It is proposed that a third stage, which will be consulted on in Autumn 2021, will put in place further legislation for the operation of the CJsCs and their functions including scrutiny and governance and further provision on staffing.

4.6 A fourth stage will then address any remaining provisions which a CJC might need, but which are unlikely to be needed at the point at which they begin to deliver their functions. A further consultation will be undertaken on this stage in Spring 2022.

4.7 The Minister for Finance and Local Government is also launching a consultation on the **draft statutory guidance for the Establishment of CJsCs**, which will run for 12 weeks. The draft statutory guidance document



sets out the core principles and values underpinning the operation of CJs. The guidance also highlights issues members will wish to consider when putting in place the constitutional and operational arrangements for their CJC.

- 4.8 As the closing date for this consultation is the **Monday 4 October 2021** it is proposed that the Overview & Scrutiny Committee consider this consultation at its meeting on the **21<sup>st</sup> September 2021**. The draft guidance and consultation paper can be accessed via the Welsh Government website: <https://gov.wales/corporate-joint-committees-draft-statutory-guidance>

## **5. EQUALITY AND DIVERSITY IMPLICATIONS**

- 5.1 There are no equality or diversity implications aligned directly to this report.

## **6. FINANCIAL IMPLICATIONS**

- 6.1 There are no financial implications aligned to this report.

## **7. LEGAL IMPLICATIONS OR LEGISLATION CONSIDERED**

- 7.1 There are no legal implications arising from the recommendations in this report.

## **8. LINKS TO THE COUNCILS CORPORATE PLAN / OTHER CORPORATE PRIORITIES.**

- 8.1 Welsh Government say that developing the CJC mechanism for local government regional collaboration meets the sustainable development principle and five ways of working and they have also considered how a regional approach can maximise our contribution to the well-being goals. In doing so they say CJs put in place a new framework to enable local government to make their contribution to the goals more effectively.

## **9. CONCLUSION**

- 9.1 The Overview & Scrutiny Committee, in line with its Terms of Reference, has been afforded the opportunity to respond to the consultation which represents the next stage of the approach to the development of the wider CJC legislative framework and application of specific elements of that framework.

**LOCAL GOVERNMENT ACT 1972**

**AS AMENDED BY**

**THE LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985**

**RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL**

**OVERVIEW & SCRUTINY COMMITTEE**

**16th JULY 2021**

**REPORT OF THE SERVICE DIRECTOR, DEMOCRATIC SERVICES &**

**COMMUNICATION**



Llywodraeth Cymru  
Welsh Government

OPEN CONSULTATION

# Consultation on the Corporate Joint Committees (General) (No.2) (Wales) Regulations 2021

We are seeking your views on draft regulations which will shape how corporate joint committees (CJCs) operate.

First published: 12 July 2021

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## Introduction

### Background

The Local Government and Elections (Wales) Act 2021 (“the LGE Act”) created the framework for a consistent mechanism for regional collaboration between local government, namely Corporate Joint Committees (CJCs). The Act provides for the establishment of CJCs through Regulations.

Regulations creating four CJCs in Wales (“the Establishment Regulations”) were made on 17 March 2021 and the following CJCs were established on 1 April

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2021:

- [The North Wales Corporate Joint Committee Regulations 2021](#)
- [The Mid Wales Corporate Joint Committee Regulations 2021](#)
- [The South East Wales Corporate Joint Committee Regulations 2021](#)
- [The South West Wales Corporate Joint Committee Regulations 2021](#)

The four CJsCs will exercise functions relating to strategic development planning and regional transport planning. They will also be able to do things to promote the economic well-being of their areas.

In contrast to other joint committee arrangements, CJsCs are separate corporate bodies which can employ staff, hold assets and budgets, and undertake functions.

One of the key principles which underpins the development of the CJC legislative framework is that CJsCs should be treated as a member of the 'local government family' and, where appropriate, should largely be subject to the same powers and duties as principal councils in the way they operate. The intent is to avoid as far as possible requiring CJsCs to do things in a manner unfamiliar to local government, or to create new or unfamiliar procedures, obligations or powers which might increase administrative burdens.

A comprehensive [consultation was undertaken on the draft Establishment Regulations](#) which established the four regional CJsCs across Wales and the wider regulatory regime which would apply to those CJsCs.

A [summary of the responses to the consultation](#) was published in February 2021. There was overwhelming support, in particular from local authorities, for CJsCs to be subject to the same powers and duties as principal councils in the way that they operate; to have broadly the same governance and administrative framework; and to have appropriate discretion on the detail of constitutional and operational arrangements.

The approach to the development of the CJC model to date has been one of co-development and collaboration with local government. The intention is to continue with this approach in the implementation of the Establishment

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Regulations and in the development of any guidance for CJs.

Alongside this consultation, we have also launched a consultation on draft guidance for CJs. The draft guidance sets out the core principles and values around how CJs should operate and the issues members will wish to consider when putting in place the constitutional and operational arrangements. Any comments and views on the [consultation on the draft guidance](#) should be submitted as part of that consultation and will not be considered as part of this consultation.

## General approach to the regulations

This next stage, and the subject of this consultation, will provide for the regulation of CJs' meetings and proceedings, the roles of certain 'executive officers' to support the work of the CJC, i.e. the Chief Executive, Monitoring Officer and Chief Financial Officer, and for the functions of the CJC to be discharged by other people, for example its staff or sub-committees, as well as some general provision in relation to CJC staff. They also make a small number of miscellaneous and consequential amendments to give full effect to these provisions.

A third stage, which will be consulted on in Autumn 2021, will put in place further legislation for the operation of the CJs and their functions including scrutiny and governance and further provision on staffing.

A fourth stage will then put in place any remaining provisions which a CJC might need, but which are unlikely to be needed at the point at which they begin to deliver their functions. We will consult on this stage in Spring 2022.

## The consultation

This consultation builds on the comprehensive consultation undertaken in October 2020 which considered the general approach to the development of the legislative framework for CJs.

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This consultation is seeking your views on this next stage of the approach to the development of the wider legislative framework and application of specific elements of that framework. In particular we are seeking comments on the draft Corporate Joint Committees (General) (No. 2) (Wales) Regulations 2021.

These instruments provide for:

- the roles of certain ‘executive officers’ to support the work of the CJC
- some general provisions in relation to the staff of a CJC
- discharge of functions of a CJC by other persons (sub-committees, staff etc)
- regulation of meetings and proceedings of a CJC
- a small number of miscellaneous and consequential amendments that were necessary both to primary and secondary legislation (including the regulations which established CJCs) as a result of putting in the legislative framework around CJCs.

Further detail on the draft Corporate Joint Committees (General) (No. 2) (Wales) Regulations 2021 is outlined below.

## Overview of the draft Corporate Joint Committees (General) (No. 2) (Wales) Regulations 2021

### General

The legislative framework which regulates the administration and governance of local authorities can be complex and is made up of various provisions across a significant number of instruments. The intention, wherever possible, is to consolidate provision about individual topics in the same set of regulations, limiting the number of sets of general regulations required for CJCs. The Establishment Regulations were accompanied by the Corporate Joint Committees (General) (Wales) Regulations 2021 containing the first set of provisions that apply to CJCs generally. The draft **Corporate Joint Committees (General) (No. 2) (Wales) Regulations 2021** provide for the second set.

It is worth noting that in some cases other ancillary/independent regulations and

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orders may be required to be laid alongside the more general regulations above to fully provide the legislative underpinning required for CJsCs, but these will be kept to a minimum.

There are five parts to the draft Corporate Joint Committees (General) (No. 2) (Wales) Regulations 2021.

- Part 1: executive officers
- Part 2: general provisions in relation to staff
- Part 3: discharge of functions by other persons
- Part 4: meetings and proceedings
- Part 5: miscellaneous and consequential amendments

## Part 1: executive officers

Part 1 provides that CJsCs in Wales must appoint executive officers, namely a Chief Executive Officer, Chief Finance Officer and a Monitoring Officer, and provides further detail on the functions to be exercised by each post holder within the corporate joint committee context. Part 1 also brings the members of a CJC and the CJC Chief Executive within the remit of the Independent Remuneration Panel for Wales and provides that CJsCs are subject to the same requirements as local authorities in terms of pay policy statements.

In the previous consultation on the CJC Establishment Regulations it was proposed that a CJC would also have a Chief Governance Officer which would be responsible for a small number of the support and advice functions of the Head of Democratic Services within a local authority. Feedback to that consultation suggested that the proposed approach may cause confusion when compared to the role of the Head of Democratic Services within local authorities, and that the functions did not warrant a stand-alone officer role. Instead, it was proposed that the small number of functions identified could be undertaken by the CJC Monitoring Officer. Regulation 9, 'Support and Advice Functions of Monitoring Officer', therefore provides for the relevant support and advice functions of the Head of Democratic Services of a local authority to be undertaken by the CJC Monitoring Officer. Support for scrutiny arrangements will be addressed in the next stage later in the year.

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## **Part 2: general provisions in relation to staff**

Part 2 includes a small number of general provisions in relation to CJC staff. For example, this Part amends the Local Government and Housing Act 1989 to apply provisions dealing with the disqualification and political restriction of certain officers to corporate joint committees. It also puts a duty on a CJC to adopt standing orders with respect to staff and applies the relevant provisions in the Localism Act 2011 on pay accountability to CJCs.

## **Part 3: discharge of functions by other persons**

Part 3 makes provision permitting CJCs to make arrangements for their functions to be discharged by other persons. CJCs may authorise four categories of person to carry out its functions on its behalf. These are staff, sub-committees, other CJCs and local authorities (irrespective of whether or not they are constituent councils). In all cases the power applies not just to the function conferred on the authority but to any ancillary or incidental functions too.

The provisions in this part, alongside a number of changes to the Establishment Regulations set out in part 5, replace what was previously included in Regulation 15 of the Establishment Regulations. The amendments put in place similar provision to section 101 of the Local Government Act 1972 and ensure that the CJC is able to delegate matters to staff or sub-committees of the CJC in order to operate effectively and provide greater clarity on those functions of a CJC which can be discharged by other persons.

## **Part 4: meetings and proceedings**

Part 4 provides detail on the manner in which meetings and proceedings of CJC will be undertaken, for example the location of meetings and access to documentation. The provisions in this Part largely replicate provisions contained in Part VA of the Local Government Act 1972 and Schedule 12 to that Act.

The provisions in Part 4 will apply to a meeting of a sub-committee of a CJC as they would to a meeting of the CJC itself (regulation 24). Reference to a member

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of a CJC in Part 4 include references to a person co-opted to participate in the activity of a CJC.

## Part 5: miscellaneous and consequential amendments

Part 5 sets out a number of miscellaneous and consequential amendments that were necessary both to primary and secondary legislation as a result of the provisions within the draft Corporate Joint Committees (General) (No. 2) (Wales) Regulations 2021.

The part also includes a number of amendments to the Establishment Regulations in light of the provisions applied generally to all CJCs through these draft regulations, including for example; clarifying the National Park Authority membership and voting entitlements; clarifying the nature of and approach to co-opting people; providing for the discharge of functions by other persons; and, amending regulation 15 and a number of other provisions in the establishment regulations to reflect the inclusion of Part 3 and Regulation 14 of the draft regulations above.

The provisions on staffing in the Schedule to each of the Establishment Regulations have also been slightly amended as a consequence of the provisions in these draft regulations about the functions of executive officers. A CJC is still able to make arrangements for staffing as it considers appropriate but must now ensure that these arrangements cover the proper discharge by the CJC of these functions.

## Welsh language

The [Consultation on the CJC Establishment Regulations](#) sought views on the effects that the establishment of CJCs would have on the Welsh language and opportunities for people to use Welsh and on treating the Welsh language no less favourably than English. In considering the establishment of CJCs the consultation also included consideration of the wider regulatory framework under the principle that CJCs should be treated as part of the 'local government family'.

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Read the [summary of the responses to the consultation](#).

The CJsCs will be subject to the Welsh Language Standards in the same way as its constituent councils and other public service organisations in Wales. The Corporate Joint Committees (Amendment of Schedule 6 to the Welsh Language (Wales) Measure 2011) Regulations 2021 amended the Welsh Language (Wales) Measure 2011, adding CJsCs to the list bodies and categories of bodies that are subject to have to comply with the standards.

Later this year the Welsh Government intends to bring forward amending regulations to add CJsCs to the Welsh Language Standards (No. 1) Regulations 2015 ensuring those standards apply to CJsCs as they do to local authorities. It is proposed to lay these amending regulations at the same time as the draft Corporate Joint Committees (General) (No. 2) (Wales) Regulations 2021.

The draft Corporate Joint Committees (General) (No. 2) (Wales) Regulations 2021 seeks to apply specific elements of the legislative framework that has already been consulted on in broad terms and as such is a largely technical document. As a stand-alone instrument the draft Corporate Joint Committees (General) (No. 2) (Wales) Regulations 2021 is unlikely to have a significant impact on the use of Welsh language and the responses to the previous consultation on establishing CJsCs are likely to apply to these regulations also.

However if you have any views on the specific effects the draft Corporate Joint Committees (General) (No. 2) (Wales) Regulations 2021 might have on the Welsh Language, specifically on opportunities for people to use Welsh and on treating the Welsh language no less favourably than English, we would welcome your views.

## Impact assessments

### Regulatory Impact Assessment

A separate Regulatory Impact Assessment (RIA) has not been prepared in respect of this consultation and the draft Corporate Joint Committees (General)

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(No. 2) (Wales) Regulations 2021.

The regulatory impact assessment to accompany The Mid Wales Corporate Joint Committee Regulations 2021, The North Wales Corporate Joint Committee Regulations 2021, The South East Wales Corporate Joint Committee Regulations 2021 and The South West Wales Corporate Joint Committee Regulations 2021 assessed the potential costs and benefits associated with establishing the Corporate Joint Committees through regulations.

In assessing the potential costs and benefits the RIA considered the overarching policy intent that CJsCs should be treated as part of the 'local government family' including the application of the wider legislative framework. The costs associated with the application to CJsCs of the aspects of the regulatory framework contained within the draft Corporate Joint Committees (General) (No. 2) (Wales) Regulations 2021 was considered therefore as part of the regulatory impact assessment on the CJC Establishment Regulations themselves.

A copy of the RIA to accompany The Mid Wales Corporate Joint Committee Regulations 2021, The North Wales Corporate Joint Committee Regulations 2021, The South East Wales Corporate Joint Committee Regulations 2021 and The South West Wales Corporate Joint Committee Regulations 2021 is available on the [Senedd Website](#) as part of the relevant documentation to accompany those Regulations.

## Integrated Impact Assessment

An Integrated Impact Assessment Summary was also undertaken as part of the development of the above regulations. The Integrated Impact Assessment assessed the most significant impacts, positive and negative of establishing CJsCs via regulations. As with the RIA the Integrated Impact Assessment considered the overarching policy intent that CJsCs should be treated as part of the 'local government family', including the impact of applying the wider local government legislative framework, in assessing the impacts of establishing CJC.

A [summary of the conclusions of this assessment](#) was published as part of the consultation on the CJC Establishment regulations.

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Both the RIA and Integrated Impact Assessment were subject to a comprehensive consultation as part of the consultation on the CJC Establishment Regulations. It is not intended to consult again on these documents.

## Annex A

### Instruments laid alongside the CJC Establishment Regulations

The following regulations/orders were laid alongside the Establishment Regulations and Made on the 17<sup>th</sup> March 2021.

#### Corporate Joint Committees (General) (Wales) Regulations 2021

The [Corporate Joint Committees \(General\) \(Wales\) Regulations 2021](#) seek to ensure, as part of the wider application of the local government ethical framework, that members, co-opted participants and employees of CJsCs are subject to appropriate standards of conduct. The general regulations also seek to ensure that CJsCs are subject to an appropriate accounting, audit and financial management regime. The Corporate Joint Committees (General) (Wales) Regulations 2021 also make a small number of minor amendments to; support the necessary arrangements for the provision of services between CJsCs and local authorities; to ensure equality of treatment of members of a CJC by the CJC; and, provide for the CJC to hold and dispose of assets.

#### Corporate Joint Committees (Amendment of Schedule 6 to the Welsh Language (Wales) Measure 2011) Regulations 2021

The [Corporate Joint Committees \(Amendment of Schedule 6 to the Welsh Language \(Wales\) Measure 2011\) Regulations 2021](#) (“amendment

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regulations”) amend the Welsh Language (Wales) Measure 2011. The amendment regulations provide that CJs established by regulations made under Part 5 of the Local Government and Elections (Wales) Act 2021 are liable to comply with the Welsh Language Standards within the Welsh Language (Wales) Measure 2011.

## **The Equality Act 2010 (Public Authorities subject to the Public Sector Equality Duty) (Wales) Order 2021**

**The Equality Act 2010 (Public Authorities subject to the Public Sector Equality Duty) (Wales) Order 2021** (“amendment Order”) amends Part 2 of Schedule 19 to the Equality Act 2010. The amendment Order provides that CJs established under Part 5 of the Local Government and Elections (Wales) Act 2021 are subject to the Public Sector Equality duty (Section 149) of the Equality Act 2010.

## **The Public Services Ombudsman (Wales) Act 2019 (Amendment of Schedule 3) Regulations 2021**

**The Public Services Ombudsman (Wales) Act 2019 (Amendment of Schedule 3) Regulations 2021** (“amendment regulations”) amend Schedule 3 of the Public Services Ombudsman (Wales) Act 2019. The amendment regulations provide that CJs established under Part 5 of the Local Government and Elections (Wales) Act 2021 are subject to the provisions of the Public Services Ombudsman (Wales) Act 2019 where relevant.

## **The Public Audit (Wales) Act 2004 (Amendment) (Local Government Bodies in Wales) Order 2021**

**The Public Audit (Wales) Act 2004 (Amendment) (Local Government Bodies in Wales) Order 2021** (“amendment Order”) amends the list of local government bodies in Wales in section 12(1) of the Public Audit (Wales) Act 2004.

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The Public Audit (Wales) Act 2004 makes provision about the audit of accounts of public bodies in Wales and related matters. Part 2 relates to local government bodies in Wales.

The amendment Order provides that CJs established under Part 5 of the Local Government and Elections (Wales) Act 2021 are subject to the provisions of part 2 of the Public Audit (Wales) Act 2004. The amendment order also makes minor and consequential and supplementary provision.

## **The Accounts and Audit (Wales) (Amendment) Regulations 2021**

### **The Accounts and Audit (Wales) (Amendment) Regulations 2021**

("amendment regulations") amend the Accounts and Audit (Wales) Regulations 2014 ("2014 regulations") made under section 39 of the Public Audit (Wales) Act 2004. (This was made on the 18<sup>th</sup> March 2021, subject to the negative procedure) The amendment regulations provide that CJs established under Part 5 of the Local Government and Elections (Wales) Act 2021 are subject to the provisions of the 2014 regulations where relevant.

### **The Corporate Joint Committees (Transport Functions) (Wales)**

**Regulations 2021** were also made alongside the CJC Establishment Regulations and provided for the relevant modifications to the Transport Act 2000 required for CJs to exercise the transport planning function.

## **Consultation questions**

As already discussed this consultation builds on the comprehensive consultation previously undertaken on the general approach to the development of the legislative framework for CJs. This consultation is seeking your views on the next stage of the approach to the development of the wider legislative framework and application of specific elements of that framework. In particular we are seeking views on the draft Corporate Joint Committees (General) (No. 2) (Wales) Regulations 2021.

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## Question 1

Are the draft regulations clear?

## Question 2

Do they clearly provide for:

1. the roles of certain 'executive officers' (Chief Executive, Monitoring Officer and Chief Financial Officer) to support the work of the CJC: Part 1.
2. general provisions in relation to the staff of a CJC: Part 2.
3. the discharge of functions of a CJC by other persons: Part 3.
4. the regulation of meetings and proceedings of a CJC: Part 4.
5. the small number of miscellaneous and consequential amendments identified, including the changes to the regulations establishing the CJsCs: Part 5.

## Question 3

Do you have any views on the specific effects the draft Corporate Joint Committees (General) (No. 2) (Wales) Regulations 2021 might have on the Welsh Language, specifically on opportunities for people to use Welsh and on treating the Welsh language no less favourably than English, we would welcome your views.

## Question 4

If you have any related issues which we have not specifically addressed, please feel free to provide those also.

## How to respond

Submit your response by midnight **12 July 2021** in any of the following ways:

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- Download, complete our [online form](#) and post to:

Local Government Transformation and Partnerships Division  
Welsh Government  
Cathays Park  
Cardiff  
CF10 3NQ

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Website: [ico.org.uk](http://ico.org.uk)

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organisation who sent the response are published with the response. If you do not want your name or address published, please tell us this in writing when you send your response. We will then redact them before publishing.

You should also be aware of our responsibilities under Freedom of Information legislation. If your details are published as part of the consultation response then these published reports will be retained indefinitely. Any of your data held otherwise by Welsh Government will be kept for no more than three years.

## Further information and related documents

Number: WG43034

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## About this document

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**2021 No. (W.)**

**LOCAL GOVERNMENT,  
WALES**

**Corporate Joint Committees  
(General) (No. 2) (Wales)  
Regulations 2021**

**EXPLANATORY NOTE**

*(This note is not part of the Regulations)*

These Regulations are made as part of a suite of regulations connected with the establishment of corporate joint committees in Wales by regulations under Part 5 of the Local Government and Elections (Wales) Act 2021.

There are five parts to these Regulations.

Part 1 provides that corporate joint committees in Wales must appoint executive officers, namely a Chief Executive Officer, a Chief Finance Officer and a Monitoring Officer. This Part also provides further detail on the functions to be exercised by each office holder within the corporate joint committee.

Part 2 includes general provisions in relation to corporate joint committee staff. For example, this Part amends the definition of a ‘proper officer’ in the Local Government Act 1972. It also applies provisions in Part 1 of the Local Government and Housing Act 1989 to corporate joint committees. These provide that certain posts in a corporate joint committee are politically restricted as they are in a local authority and that holders of such posts may not be appointed as members of a corporate joint committee.

Part 3 makes provision permitting corporate joint committees to make arrangements for their functions to be discharged by sub-committees, staff or in conjunction with other corporate joint committees or local authorities.

Part 4 provides detail on the manner in which meetings and proceedings of corporate joint committees are to be undertaken, for example the location of meetings and access to documentation.

Part 5 sets out miscellaneous and consequential amendments that it is necessary to make to both some primary and secondary legislation as a result of the establishment of corporate joint committees and the other provisions in these Regulations.

These Regulations are connected with the regulations which established certain corporate joint committees under Part 5 of the Local Government and Elections (Wales) Act 2021 and which came into force on 1 April 2021 and 30 June 2021. A regulatory impact assessment was prepared at the time of making the those establishment regulations and a copy can be obtained from the Local Government Strategic Finance Division, Welsh Government, Cathays Park, Cardiff, CF10 3NQ.



**2021 No. (W.)**

**LOCAL GOVERNMENT,  
WALES**

**Corporate Joint Committees  
(General) (No. 2) (Wales)  
Regulations 2021**

*Made* \*\*\*

*Coming into force* \*\*\*

The Welsh Ministers, in exercise of the powers conferred on them by sections 80(1), 83, 84(2) and 174 of the Local Government and Elections (Wales) Act 2021(1), make the following Regulations.

In accordance with sections 82(2) and (3)(a) of the 2021 Act, the Welsh Ministers have consulted such persons as they consider appropriate on a draft of the regulations, and have given notice of their intention to the principal councils in the corporate joint committee's area.

A draft of this instrument has been laid before and approved by a resolution of Senedd Cymru in accordance with section 174(5) of that Act.

**Title and coming into force**

**1.**—(1) The title of these Regulations is the Corporate Joint Committees (General) (No. 2) (Wales) Regulations 2021

(2) These Regulations come into force on \*\*\*

**Interpretation**

**2.** In these Regulations—

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(1) 2021 asc 1.

“the 1972 Act” means the Local Government Act 1972(1);

“the 1988 Act” means the Local Government Finance Act 1988(2);

“the 1989 Act” means the Local Government and Housing Act 1989(3);

“the 2011 Act” means the Localism Act 2011(4);

“the 2011 Measure” means the Local Government (Wales) Measure 2011(5);

“the 2021 Act” means the Local Government and Elections (Wales) Act 2021;

“corporate joint committee” means a corporate joint committee established by regulations made under Part 5 of the 2021 Act.

## PART 1

### Executive officers

#### *Chief executive officer*

#### **Duty to appoint chief executive officer**

**3.—**(1) A corporate joint committee must appoint a chief executive.

(2) The chief executive of a corporate joint committee must—

- (a) keep each of the matters specified in paragraph (3) under review, and
- (b) where the chief executive considers it appropriate to do so, make a report to the corporate joint committee setting out the chief executive’s proposals in respect of any of those matters.

(3) The matters are—

- (a) the manner in which the exercise by the corporate joint committee of its different functions is co-ordinated,
- (b) the corporate joint committee’s arrangements

- (i) planning,
- (ii) asset management, and
- (iii) risk management,

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(1) 1972 c. 23.  
(2) 1988 c. 41.  
(3) 1989 c. 28.  
(4) 2011 c. 20.  
(5) S.I. No. 339 (W. 93).

- (c) the number and grades of staff required by the corporate joint committee for the exercise of its functions,
- (d) the organisation of the corporate joint committee's staff,
- (e) the appointment of the corporate joint committee's staff, and
- (f) the arrangements for the management of the corporate joint committee's staff, including any arrangements for training and development.

(4) As soon as reasonably practicable after preparing a report for the purposes of paragraph (2)(b), the chief executive must arrange for the report to be sent to each member of the corporate joint committee.

(5) A corporate joint committee must consider a report made under paragraph (2)(b) at a meeting held not more than three months after copies of the report are first sent to the members.

(6) A corporate joint committee must provide its chief executive with such staff, accommodation and other resources as are, in the chief executive's opinion, sufficient to allow the chief executive's duties under this regulation to be carried out.

(7) Regulation 14 (arrangements for the discharge of functions) does not apply to the duty imposed on a corporate joint committee by paragraph (5).

### **The Independent Remuneration Panel for Wales**

4.—(1) The 2011 Measure is amended as follows.

(2) In section 142 (functions relating to payments to members), after subsection (1) insert—

“(1A) Where the relevant authority is a corporate joint committee, the references in subsection (1) to “payments to members” do not include payments of remuneration.”

(3) In section 143A(7) (functions relating to remuneration of chief executives), in the definition of “chief executive”, after “Local Government and Elections (Wales) Act 2021” insert—

“, or a chief executive appointed by a corporate joint committee”.

(4) In section 144 (relevant authorities, members etc.)—

(a) after subsection (2)(d) insert—

“(db) a corporate joint committee.”;

(b) in subsection (5), after “relevant authority” insert “other than a corporate joint committee”;

(c) after subsection (5) insert—

“(5A) “Co-opted member”, in relation to a corporate joint committee, means a person who—

- (a) is co-opted as a member of a corporate joint committee, or
- (b) is not a member of the corporate joint committee but who is a member of a sub-committee of a corporate joint committee and is entitled to vote on any question to be decided by that sub-committee.”

(d) after subsection (8) insert—

“(8A) Section 143 does not apply in relation to a corporate joint committee.”

#### *Chief finance officer*

#### **Duty to appoint chief finance officer**

**5.**—(1) Section 151 of the 1972 Act (local authority duty to appoint officer with responsibility for financial administration) is amended as follows.

(2) The existing text becomes subsection (1).

(3) After that subsection insert—

“(2) This section applies to a corporate joint committee as it applies to a local authority.”

#### **Reporting functions of chief finance officer**

**6.**—(1) The 1988 Act is amended as follows.

(2) In Section 114 (functions of a responsible officer as regards reports), in subsection (3A), for paragraph (a) substitute—

“(a) with—

- (i) in the case of a Welsh county council or county borough council, the person who is for the time being appointed as the authority’s chief executive under section 54 of the Local Government and Elections (Wales) Act 2021;
- (ii) in the case of a corporate joint committee, the person who is for the time being appointed as the authority’s chief executive;
- (iii) in any other case, the person who is for the time being designated as the head of the authority’s paid services under section 4 of the Local Government and Housing Act 1989;”.

(3) In section 115 (authorities’ duties as regards reports), after subsection (4A) insert—

“(4B) In the case of a corporate joint committee, regulation 14 of the Corporate Joint Committees (General) (No.2) (Wales) Regulations 2021 (arrangements for the discharge of functions) does not apply to the duty under subsection (2).”

*Monitoring Officer*

**Designation and reports of monitoring officer**

7.—(1) Section 5 of the 1989 Act is amended as follows.

(2) After subsection (1BA) insert—

“(1BB) The officer designated under subsection (1)(a) above by a relevant authority which is a corporate joint committee may not be the committee’s chief executive.”

(3) In subsection (3), for paragraph (a) substitute—

“(a) in preparing a report under this section to consult so far as practicable with—

- (i) in the case of a Welsh county council or county borough council, the person who is for the time being the authority’s chief executive and with their chief finance officer;
- (ii) in the case of a corporate joint committee, the person who is for the time being appointed as the authority’s chief executive and with their chief finance officer;
- (iii) in any other case, the person who is for the time being designated as the head of the authority’s paid service under section 4 above and with their chief finance officer.”

(4) After subsection (5) insert—

“(5A) In the case of a relevant authority which is a corporate joint committee, regulation 14 of the Corporate Joint Committees (General) (No. 2) (Wales) Regulations 2021 (arrangements for the discharge of functions) does not apply to the duty imposed by virtue of subsection (5)(a).”

(5) In subsection (8), in the definition of “relevant authority”, after “below,” insert “, a corporate joint committee.”.

**Support and advice functions of monitoring officer**

8.—(1) The monitoring officer designated by a corporate joint committee under section 5 of the Local

Government and Housing Act must provide support and advice to—

- (a) the corporate joint committee in relation to its meetings;
- (b) sub-committees of the corporate joint committee and members of those sub-committees;
- (c) each member of the corporate joint committee in carrying out their role;
- (d) each person co-opted as a member of a sub-committee of the corporate joint committee in carrying out their role.

(2) But the reference to advice in paragraph (1) does not include advice about whether or how the corporate joint committee's functions should be, or should have been, exercised.

(3) The corporate joint committee must provide the monitoring officer with such staff, accommodation and other resources as are, in the corporate joint committee's opinion, sufficient to allow the officer's functions under this paragraph to be discharged.

(4) The monitoring officer may arrange for the discharge of their functions under this paragraph by staff of the corporate joint committee.

## PART 2

### General provisions in relation to staff

#### **References to “proper officer” in the 1972 Act and other enactments**

**9.** In section 270 of the 1972 Act (interpretation), after subsection (3) insert—

“(3A) In so far as subsection (3) applies to a corporate joint committee established by regulations made under Part 5 of the Local Government and Elections (Wales) Act 2021, the reference to an officer appointed for a purpose is to be read as a reference to a member of staff of the corporate joint committee authorised in relation to that purpose.”

**10.** In section 21(3) of the 1989 Act (interpretation of Part 1), in the definition of “proper officer”, in paragraph (a), after “Wales” insert “or a corporate joint committee”.

#### **Disqualification and political restriction of certain officers and staff**

**11.—**(1) The 1989 Act is amended as follows.

(2) In section 1—

- (a) in subsection (1A) —
    - (i) the words from “holds the post” to the end become paragraph (a);
    - (ii) after that paragraph insert—
      - “(b) holds a politically restricted post under a corporate joint committee.”;
  - (b) after subsection (1A) insert—
    - “(1B) A person shall be disqualified from becoming or remaining a member of a corporate joint committee if that person holds a politically restricted post under any corporate joint committee or local authority in Great Britain.”;
  - (c) after subsection (11) insert—
    - “(12) Subsections (5) to (8) of this section apply to a corporate joint committee as they apply to a local authority.”
- (3) In section 2—
- (a) after subsection (1A) insert—
    - “(1B) For the purposes of this Part the following persons are to be regarded as holding politically restricted posts under a corporate joint committee—
      - (a) a person appointed as the chief executive of the corporate joint committee;
      - (b) a person described in subsection (1)(b) to (e);
      - (c) a person not falling within paragraphs (a) or (b) whose post is for the time being specified by the corporate joint committee in the list maintained in accordance with regulation 24(2) of the Corporate Joint Committees (General) (No. 2) (Wales) Regulations 2021.”;
  - (b) after subsection (10) insert—
    - “(10A) This section, other than subsection (1), applies in relation to a corporate joint committee as it applies in relation to a local authority.”
- (4) In section 3—
- (a) in subsection (5), in paragraph (b), after “Local Government Act 1972” insert “, regulation 24(2) of the Corporate Joint Committees (General) (No. 2) (Wales) Regulations 2021”;
  - (b) after subsection (8) insert—
    - “(9) In this section a reference to a local authority includes a reference to a corporate joint committee.”

### **Duty to adopt standing orders with respect to staff.**

**12.** In section 8 of the 1989 Act (duty of relevant authorities to adopt standing orders with respect to staff), in subsection (5), after paragraph (a), insert—

“(aa) in relation to Wales, a corporate joint committee;”.

### **Pay accountability**

**13.**—(1) Section 43 of the 2011 Act (interpretation) is amended as follows.

(2) After subsection (1)(j) insert—

“(k) a corporate joint committee established by regulations made under Part 5 of the Local Government and Elections (Wales) Act 2021.”

(3) For subsection (2)(aa) substitute—

“(aa) its chief executive appointed under—

(i) section 54 of the Local Government and Elections (Wales) Act 2021 (chief executive of council in Wales), or

(ii) regulations made under Part 5 of that Act (chief executive of a corporate joint committee);”.

## **PART 3**

### **Functions**

#### **Discharge of functions by other persons**

**14.**—(1) Subject to any express provision contained in these Regulations or any other enactment, a corporate joint committee may arrange for the discharge of any of its functions by—

- (a) a sub-committee;
- (b) a member of staff;
- (c) any other corporate joint committee;
- (d) any county or county borough council in Wales.

(2) But any arrangement made by a corporate joint committee under paragraph (1) does not prevent that corporate joint committee from exercising the functions to which the arrangement relates.

(3) Where a corporate joint committee has arranged for the discharge of its functions by a sub-committee under paragraph (1)(a), the sub-committee may arrange for the discharge of any of those functions by a member of staff of the corporate joint committee,



unless the corporate joint committee has directed otherwise.

(4) But any arrangement made by sub-committee under paragraph (3) does not prevent that sub-committee from exercising the functions to which the arrangement relates.

(5) Where a corporate joint committee has arranged for the discharge of its functions under paragraph (1)(c) or (d) then, subject to the terms of the arrangement, the body authorised to discharge those functions may arrange that they be discharged by a committee, sub-committee or member of staff of that body.

(6) Subject to any express provision contained in these Regulations or any other enactment, two or more corporate joint committees may discharge any of their functions jointly.

(7) Where two or more corporate joint committees have arranged under paragraph (6) to discharge any of their functions jointly they may also arrange for the discharge of those functions by a member of staff.

(8) Where two or more corporate joint committees have arranged under paragraph (6) to discharge any of their functions jointly any enactment relating to—

- (a) those functions,
- (b) the corporate joint committees by whom they are to be discharged, or
- (c) the areas in respect of which they are to be discharged,

is to be construed in accordance with paragraph (9).

(9) An enactment referred to in paragraph (8) must be read as if it contained all modifications necessary to enable the functions referred to in that paragraph) to be discharged—

- (a) by the corporate joint committees, and
- (b) in respect of the areas,

referred to in that paragraph (whether in pursuance of arrangements under paragraph (6) or otherwise).

(10) References in this regulation to the discharge of any of the functions of a corporate joint committee include references to the doing of anything which is calculated to facilitate, or is conducive or incidental to, the discharge of any of those functions.

(11) Nothing in this regulation affects the operation of the Local Authorities (Goods and Services) Act 1970(1).

## *Sub-committees*

### **Sub-committees**

**15.—**(1) A CJC may establish one or more sub-committees—

- (a) for the purpose of discharging any of its functions in pursuance of arrangements made under regulation 14 (discharge of functions by other persons) of the Corporate Joint Committee (General)(No. 2) Regulations 2021;
- (b) to advise a CJC on any matter relating to the discharge of its functions.

(2) A sub-committee appointed under sub-paragraph (1) may include, or be wholly comprised of, persons who are not members of the CJC.

(3) Subject to the provisions of this paragraph and any express provision in any other enactment, the functions of a sub-committee, the number of members of a sub-committee and the term of office of each member must be fixed by a CJC.

(4) The procedures of a sub-committee, including where appropriate any voting procedures, must be set out in the standing orders.

## **PART 4**

### **Meetings and Proceedings**

#### **Validity of proceedings**

**16.—**(1) The proceedings of a corporate joint committee are not invalidated by any vacancy in the membership of the corporate joint committee or by any defect in the appointment, co-option or qualifications of the members.

(2) But paragraph (1) is subject to any requirement imposed by the establishment Regulations whereby business may not be transacted at a meeting unless a certain number of persons entitled to vote on the decision are present.

#### **Location of meetings and admission of public and press**

**17.—**(1) A CJC meeting may be held—

- (a) at a location determined by the corporate joint committee;
- (b) by remote means;
- (c) partly by remote means and partly at a location determined by the corporate joint committee.

(2) A CJC meeting must be open to the public unless, and to the extent that, the public are excluded—

- (a) by virtue of paragraph (3), or
- (b) by resolution made under paragraph (6).

(3) The public must be excluded from a CJC meeting during an item of business if the corporate joint committee considers it is likely, in view of the nature of that business or the nature of the proceedings, that, if members of the public were present during that item, confidential information would be disclosed to them in breach of the obligation of confidence.

(4) Nothing in this Part is to be taken to authorise or require the disclosure of confidential information in breach of the obligation of confidence.

(5) For the purposes of paragraphs (3) and (4)—

- (a) “confidential information” means—
  - (i) information furnished to a corporate joint committee by a Government department, or a principal council, upon terms (however expressed) which forbid the disclosure of the information to the public, and
  - (ii) information the disclosure of which to the public is prohibited by or under any enactment or by the order of a court, and

(b) consequently, the references to the obligation of confidence are to be construed accordingly.

(6) A corporate joint committee may by resolution exclude the public from a meeting during an item of business if the corporate joint committee considers it is likely, in view of the nature of the business or the nature of the proceedings, that if members of the public were present during that item there would be disclosure to them of exempt information.

(7) A resolution under paragraph (6) must—

- (a) identify the proceedings, or the part of the proceedings, to which it applies, and
- (b) state the description, in terms of Schedule 12A to the 1972 Act as applied by regulation 27, of the exempt information giving rise to the exclusion of the public.

(8) At a CJC meeting, the corporate joint committee must take all reasonable steps to ensure that accredited representatives of news media organisations are afforded reasonable facilities for reporting on proceedings and communicating reports to the organisation.

(9) Nothing in this regulation requires a corporate joint committee to permit the taking of photographs of any proceedings, or the use of any means to enable persons not present to see or hear any proceedings

(whether at the time or later), or the making of any oral report on any proceedings as they take place (but see section 46 of the 2021 Act (electronic broadcasts of meetings) as amended by regulation 28).

(10) This regulation is without prejudice to any power of exclusion to suppress or prevent disorderly conduct or other misbehaviour at a meeting.

### **Notice of meetings and summons to attend**

**18.**—(1) A corporate joint committee must give public notice of a CJC meeting—

- (a) at least three clear days before the meeting, or
- (b) if the meeting is convened at shorter notice, at the time the meeting is convened.

(2) The notice must be published electronically and must—

- (a) where the meeting is called by members of a corporate joint committee, must specify the business proposed to be transacted at the meeting and—
  - (i) be signed by the members calling the meeting, or
  - (ii) signify the approval of those members by electronic means;
- (b) where the meeting or part of the meeting is open to the public and is held through remote means only, give details of the time of the meeting and how to access it;
- (c) where the meeting or part of the meeting is open to the public and is held partly through remote means or is not held through remote means, give details of the time and place of the meeting and how to access it;
- (d) where the meeting is not open to the public and is held partly through remote means or is not held through remote means, give details of the time and place of the meeting and the fact that it is not open to the public;
- (e) where the meeting is not open to the public and is held through remote means only, give details of the time of the meeting, and the fact that it is being held through remote means only and is not open to the public.

(3) No later than 3 clear days before a CJC meeting or, if the meeting is convened at shorter notice, at the time the meeting is convened, a summons to attend the meeting must be sent by a proper officer to every member of the corporate joint committee by—

- (a) sending it post to the member's place of residence or, where the member has notified the proper officer that a summons is to be sent to another address, that other address, or

(b) sending it electronically.

(4) A summons must specify the business proposed to be transacted at the meeting.

(5) Want of service of a summons on any member does not affect the validity of a CJC meeting.

(6) Except in the case of—

(a) business required by or under the establishment Regulations or any other enactment to be transacted at the annual general meeting of a corporate joint committee, or

(b) other business brought before a CJC meeting as a matter of urgency in accordance with standing orders,

no business may be transacted at a CJC meeting other than the business specified in the summons relating to the meeting.

#### **Access to agenda and connected reports**

**19.**—(1) Copies of the agenda for a CJC meeting and copies of any report for the meeting must be published by the corporate joint committee—

(a) electronically, and

(b) in accordance with paragraphs (3) to (5).

(2) If a proper officer thinks fit, there may be excluded from the copies of reports published under paragraph (1) the whole of a report which, or any part which, relates only to items during which, in the officer's opinion, the meeting is likely not to be open to the public.

(3) A document required to be published under paragraph (1) must be published at least three clear days before the meeting, or, if the meeting is convened at shorter notice, then at the time it is convened.

(4) If an item is added to an agenda, copies of which have been published, copies of the item or revised agenda and copies of any report for the meeting relating to the item must be published at the time the item is added to the agenda.

(5) Nothing in paragraphs (3) and (4) requires a document or copies of an agenda, item or report to be published until the document or copies are available to members of the corporate joint committee.

(6) An item of business may not be considered at a CJC meeting unless either—

(a) a copy of the agenda including the item (or a copy of the item) is published electronically at least three clear days before the meeting, or, if the meeting is convened at shorter notice, at the time it is convened, or

- (b) by reason of special circumstances, which must be specified in the minutes, the chair of the meeting is of the opinion that the item should be considered at the meeting as a matter of urgency.

(7) Where the whole or part of a report is excluded under paragraph (2)—

- (a) every copy of the report or of the part must be marked “Not for publication”, and
- (b) if the proper officer has decided that the public is likely to be excluded from the meeting by virtue of regulation 17(6), there must be stated on every copy of the report or of the part a description, in terms of Schedule 12A to the 1972 Act as applied by regulation 27, of the exempt information by virtue of which the public is likely to be excluded during the item to which the report relates.

(8) Where a CJC meeting—

- (a) is required by regulation 17(2) to be open to the public during the proceedings or part of them, and
- (b) is not held through remote means only,

the corporate joint committee must make available for the use of members of the public present at the meeting a reasonable number of copies of the agenda and of the reports for the meeting.

(9) The corporate joint committee must, on request and on payment of any necessary charge for transmission, supply by electronic means for the benefit of any news media organisations—

- (a) a copy of the agenda for a CJC meeting and a copy of each of the reports for the meeting,
- (b) such further statements or particulars, if any, as are necessary to indicate the nature of the items included in the agenda, and
- (c) if a proper officer thinks fit in the case of any item, copies of any other documents supplied to members of the corporate joint committee in connection with the item.

(10) Paragraph (2) applies in relation to copies of reports provided under paragraph (8) or (9) as it applies in relation to copies of reports published under paragraph (1).

## **Minutes**

**20.**—(1) The names of the members of a corporate joint committee present at a CJC meeting must be recorded.

(2) Minutes of the proceedings of a CJC meeting must, subject to paragraph (3), be drawn up and recorded.

(3) The minutes must be approved by the person chairing the CJC meeting or the person chairing the next suitable such meeting by—

- (a) signing the minutes, or
- (b) by electronically signifying approval.

(4) Minutes purporting to be so signed or approved may be received in evidence without further proof.

(5) Until the contrary is proved, a CJC meeting the minute of whose proceedings has been recorded and signed or approved in accordance with this regulation is to be deemed to have been duly convened and held, and all those present at the meeting are to be deemed to have been duly qualified.

(6) For the purposes of paragraph (3) the next suitable CJC meeting is the next following meeting or, where standing orders provide for another meeting to be regarded as suitable, either the next following meeting or that other meeting.

### **Inspection and publication of minutes and other documents after meetings**

**21.**—(1) After a CJC meeting the corporate joint committee must—

- (a) publish the documents listed in paragraph (2) electronically, and
- (b) ensure that those documents remain accessible electronically to members of the public until the expiration of the period of six years beginning with the date of the meeting.

(2) The documents are—

- (a) the minutes, or a copy of the minutes, of the meeting, excluding so much of the minutes of proceedings during which the meeting was not open to the public as discloses exempt information,
- (b) where applicable, a summary under paragraph (4),
- (c) a copy of the agenda for the meeting, and
- (d) a copy of so much of any report for the meeting as relates to any item during which the meeting was open to the public.

(3) As soon as reasonably practicable after a CJC meeting, and in any event before the end of seven working days beginning with the day on which the meeting is held, the corporate joint committee must publish electronically a note setting out—

- (a) the names of the members who attended the meeting, and any apologies for absence;
- (b) any declarations of interest;
- (c) any decision taken at the meeting, including the outcomes of any votes, but excluding

anything relating to a decision taken when the meeting was not open to the public as discloses exempt information.

(4) Where, in consequence of the exclusion of material which discloses exempt information, the documents published under paragraph (1)(a) and (3)(c) do not provide members of the public with a reasonably fair and coherent record of the whole or part of the proceedings, a proper officer must make a written summary of the proceedings or the part, as the case may be, which provides such a record without disclosing the exempt information.

### **Publication of background papers**

**22.**—(1) If and so long as copies of the whole or part of a report for a CJC meeting are required by regulation 19(1) to be published electronically—

- (a) those copies must each include a copy of a list, compiled by a proper officer, of the background papers for the report or the part of the report, and
- (b) each of the documents included in that list must be published electronically, but if in the opinion of a proper officer it is not reasonably practicable to publish a document included in the list electronically, the corporate joint committee must make arrangements to send a copy on request to any member of the public as soon as is reasonably practicable after a copy is requested.

(2) Where copies of documents included in the list are published under paragraph (1)(b) they must remain accessible electronically to members of the public until the expiration of the period of six years beginning with the date of the meeting.

(3) Where arrangements are made to send copies of documents included in the list to members of the public on request under paragraph (1)(b), those arrangements must remain in place until the expiration of that period of six years.

(4) Nothing in this regulation requires any document which discloses exempt information to be included in the list referred to in paragraph (1).

(5) Notwithstanding the generality of regulation 17(4), nothing in this regulation requires or authorises the inclusion in the list of any document which, if published electronically or sent to a member of the public, would disclose confidential information in breach of the obligation of confidence.

(6) In paragraph (5), “confidential information” has the same meaning as in regulation 17(5)(a) and the reference to the obligation of confidence is to be construed accordingly.



(7) For the purposes of this regulation the background papers for a report are those documents relating to the subject matter of the report which—

- (a) disclose any facts or matters on which, in the opinion of a proper officer, the report or an important part of the report is based, and
- (b) have, in the officer's opinion, been relied on to a material extent in preparing the report,

but do not include any published works.

**Additional rights of access to documents for members of corporate joint committees and members of principal councils etc.**

23.—(1) Any document which is in the possession or under the control of a corporate joint committee and contains material relating to any business to be transacted at a CJC meeting must, subject to paragraphs (2) and (3), be open to inspection at all reasonable hours and free of charge by—

- (a) any member of the corporate joint committee;
- (b) any member of a principal council where a senior executive member of the council is a member of the corporate joint committee;
- (c) any member of a National Park authority where a member of that authority is a member of the corporate joint committee.

(2) Paragraph (1) does not require the document to be open to inspection if it appears to a proper officer that it discloses exempt information.

(3) But, despite paragraph (2), paragraph (1) does require the document to be open to inspection if the information is information of a description for the time being falling within—

- (a) paragraph 14 of Schedule 12A to the 1972 Act as applied by regulation 27 (except to the extent that the information relates to any terms proposed or to be proposed by or to the corporate joint committee in the course of negotiations for a contract), or
- (b) paragraph 17 of that Schedule as so applied.

(4) Where a document is to be open to inspection by a person under paragraph (1) the person may, subject to paragraph (5)—

- (a) make copies of the document or parts of the document, or
- (b) require the corporate joint committee to provide a copy of the document or parts of the document,

upon payment to the corporate joint committee of such reasonable fee as may be required for the facility.

(5) Paragraph (4) does not require or authorise the doing of any act which infringes the copyright in any work except that, where the owner of the copyright is a corporate joint committee, nothing done in pursuance of that paragraph constitutes an infringement of the copyright.

(6) The rights conferred by this regulation on a person are in addition to any other rights the person may have apart from this paragraph.

(7) For the purposes of paragraph 23(b), “senior executive member” has the meaning given by section 77(4) of the 2021 Act.

### **Publication of additional information**

**24.—**(1) A corporate joint committee must maintain a register stating—

- (a) the name of every member of the corporate joint committee for the time being together with an electronic and postal address for each member, to which correspondence for the member may be sent, and
- (b) the name of every other person who is entitled, in accordance with the standing orders of the corporate joint committee, to speak at the corporate joint committee’s CJC meetings together with an electronic and postal address for each such person, to which correspondence for the person may be sent.

(2) A corporate joint committee must maintain a list—

- (a) specifying those powers of the corporate joint committee which, for the time being, are exercisable from time to time by members of staff of the corporate joint committee in pursuance of arrangements made under these Regulations or any other enactment, and
- (b) stating the title of the member of staff by whom each of the powers so specified is for the time being so exercisable,

but this paragraph does not require a power to be specified in the list if the arrangements for its discharge by the member of staff are made for a period, not exceeding six months, specified by the corporate joint committee.

(3) A corporate joint committee must maintain a written summary of the rights—

- (a) to attend its CJC meetings, and
- (b) to inspect and copy documents and to be supplied with copies of documents,

which are for the time being conferred by this Part and the establishment Regulations.

(4) A corporate joint committee must publish electronically—

- (a) the register maintained under paragraph (1),
- (b) the list maintained under paragraph (2), and
- (c) the summary maintained under paragraph (3).

(5) A corporate joint committee must make arrangements to send a copy of any information published under paragraph (4) on request to any member of the public as soon as is reasonably practicable after a copy is requested.

#### **Application to meetings of sub-committees etc.**

**25.**—(1) This Part applies to a meeting of a sub-committee of a corporate joint committee as it applies to a meeting of a corporate joint committee.

(2) In the application of this Part to a meeting of a sub-committee—

- (a) references to a CJC meeting are to be read as references to a meeting of the sub-committee;
- (b) the references in regulations 16 to 18 to a corporate joint committee are to be read as references to the sub-committee;
- (c) references to a member of a corporate joint committee are to be read as references to a member of the sub-committee including a person who is not a member of the CJC and who is entitled to vote on any matter to be decided by the sub-committee.

#### **Supplemental provisions**

**26.**—(1) Provisions in this Part which require the publication of documents by a corporate joint committee, or a sub-committee of a corporate joint committee, do not require or authorise the doing of any act which infringes the copyright in any work except that, where the owner of the copyright is the corporate joint committee, nothing done in pursuance of those provisions constitutes an infringement of the copyright.

(2) Where any provision of this Part requires a copy of a document to be supplied to any person, a person (“P”), having the custody of a document, commits an offence if P, without reasonable excuse, refuses to furnish a copy to the person entitled to obtain it.

(3) An offence under paragraph (2) is punishable on summary conviction by a fine not exceeding level 1 on the standard scale.

(4) Where any accessible document for a CJC meeting is—

- (a) supplied to a member of the public,
- (b) published electronically, or

- (c) supplied for the benefit of any news media organisation,

the publication thereby of any defamatory material contained in the document is privileged unless the publication is proved to be made with malice.

(5) For the purposes of paragraph (4), the “accessible documents” for a CJC meeting are—

- (a) any copy of the agenda or of any item included in the agenda for the meeting;
- (b) any further statements or particulars for the purpose of indicating the nature of any item included in the agenda as are mentioned in regulation 19(9)(b);
- (c) any copy of a document relating to such an item which is supplied for the benefit of a news media organisation in pursuance of regulation 19(9)(c);
- (d) any copy of the whole or part of a report for the meeting;
- (e) any copy of the whole or part of any background papers for a report for the meeting;
- (f) the note required to be published under regulation 21(3).

(6) The rights conferred by this Part to inspect, copy and be furnished with documents are in addition, and without prejudice, to any such rights conferred by or under any other enactment.

### **Exempt information**

27.—(1) The descriptions of information which are, for the purposes of this Part, exempt information are those for the time being specified in Part 4 of Schedule 12A to the 1972 Act as modified in its application to this Part by paragraph (2) subject to any qualifications contained in Part 5 of that Schedule as so modified.

(2) For the purposes of paragraph (1), parts 4 to 6 of Schedule 12A to the 1972 Act apply as if, for paragraph 22(2) of that Schedule, there were substituted—

“(2) Any reference in Parts 4 and 5 and this Part of this Schedule to “the authority” is a reference to the corporate joint committee or, as the case may be, the sub-committee of the corporate joint committee in relation to whose proceedings or documents the question whether information is exempt or not falls to be determined and includes a reference—

- (a) in the case of a corporate joint committee, to any sub-committee

of the corporate joint committee,  
and

- (b) in the case of a sub-committee, to the corporate joint committee of which it is a sub-committee.”

### **Electronic broadcasts of meetings**

**28.** In section 46 of the 2021 Act (electronic broadcasts of meetings of certain local authorities), after subsection (7) insert—

“(7A) This section applies to a corporate joint committee within the meaning given by section 68 as it applies to a principal council subject to the following modifications—

- (a) the references to a principal council in subsections (1), (2)(a), (5) and (6) are to be read as references to a corporate joint committee, and
- (b) subsection (2)(b) is to be treated as if it were substituted as follows—

“(b) a sub-committee of a corporate joint committee.”

### **Remote attendance at meetings**

**29.** In section 47 of the 2021 Act (attendance at local authority meetings), in subsection (6), in the definition of “local authority”, after paragraph (a) insert—

- “(aa) a corporate joint committee within the meaning given by section 68;”.

### **Interpretation**

**30.**—(1) In this Part—

“CJC meeting” (“*cyfarfod CBC*”) means a meeting of a corporate joint committee (but see regulation 25);

“copy” (“*copi*”), in relation to any document, includes a copy made from a copy;

“the establishment Regulations” (“*y Rheoliadau sefydlu*”) means—

- (a) the North Wales Corporate Joint Committee Regulations 2021(2),
- (b) the Mid Wales Corporate Joint Committee Regulations 2021(3),
- (c) the South East Wales Corporate Joint Committee Regulations 2021(4), and

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(7) S.I. 2021 No. 339 (W. 93).

(3) S.I. 2021 No. 342 (W. 96).

(4) S.I. 2021 No. 343 (W. 97).

(d) the South West Wales Corporate Joint Committee Regulations 2021<sup>(1)</sup>;

“exempt information” (“*gwybodaeth esempt*”) has the meaning given by regulation 27;

“information” (“*information*”) includes an expression of opinion, any recommendations and any decision taken;

“news media organisation” (“*sefydliad cyfryngau newyddion*”) means—

- (a) a newspaper;
- (b) any organisation which is systematically engaged in reporting news by means of—
  - (i) sound or television broadcasts, or
  - (ii) electronic publication;
- (c) a news agency which systematically carries on the business of selling and supplying reports or information to newspapers or other news media organisations;
- (d) any organisation which is systematically engaged in collecting news—
  - (i) for sound or television broadcasts;
  - (ii) for inclusion in programmes to be included in any programme service (within the meaning of the Broadcasting Act 1990) other than a sound or television broadcasting service;
  - (iii) for electronic publication;

“principal council” (“*prif gyngor*”) has the meaning given in section 171(1) of the 2021 Act;

“standing orders” (“*rheolau sefydlog*”) means standing orders of a corporate joint committee made under the establishment Regulations.

(2) References in any provision of this Part to a “proper officer” are references to a member of staff of a corporate joint committee authorised to carry out the function of the proper officer specified in the provision in question.

## PART 5

### Miscellaneous and consequential amendments

#### *Petition Schemes*

#### **Petition schemes**

**31.** In section 42 of the 2021 Act (duty to make petition scheme), after subsection (4) insert—

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(1) S.I. 2021 No. 352 (W. 104).

“(5) This section applies to a corporate joint committee within the meaning given by section 68 as it applies to a principal council and references in subsections (1) to (4) to a principal council are to be construed accordingly.”

*Merger applications*

**Consultation before merger applications made by principal councils**

**32.** In section 122 of the 2021 Act (consultation before making merger application), after subsection (1)(g) insert—

- “(ga) each corporate joint committee within the meaning given by section 68 —
- (i) which includes at least one senior executive member (within the meaning given by section 77(4)) of the principal councils as a member of the corporate joint committee;
  - (ii) which is otherwise likely to be affected by the proposal for merger.”.

*Miscellaneous amendments to the establishment  
Regulations*

**The Mid Wales Corporate Joint Committee Regulations 2021**

**33.—**(1) The Mid Wales Corporate Joint Committee Regulations 2021(1) are amended as follows.

(2) In regulation 2, for the definition of “co-opted participant” substitute—

““co-opted member” ( ) has the meaning given by regulation 9(1)”

(3) In regulation 6 (membership)—

- (a) in paragraph (1)—
  - (i) after sub-paragraph (a) omit “and”;
  - (ii) after sub-paragraph (b) insert “, and  
“(c) any co-opted member.”
- (b) in paragraph (2) after “CJC” insert “, subject to regulations 8(2A) and 9(2)”;
- (c) omit paragraph (3);
- (d) in paragraph (4) for “to the extent described in paragraph (3),” substitute “and anyco-opted member”.

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(1) S.I. 2021 No 342 (W. 96).

(4) In regulation 7 (council members), in paragraph (2)—

- (a) for “discharge their functions” substitute “act as council member”;
- (b) for “discharge those functions” substitute “act”.

(5) In regulation 8 (Brecon Beacons member)—

(a) after paragraph (2) insert—

“(2A) The Brecon Beacons member may act as a member only in relation to—

- (a) the functions conferred on the Mid Wales CJC under regulation 13;
- (b) any function of the Mid Wales CJC that is ancillary or incidental to those functions.

(2B) But the Brecon Beacons member may also act as a member in relation to any other function of the Mid Wales CJC if—

- (a) the council members and the Brecon Beacons member agree, or
- (b) the Brecon Beacons member is permitted, or required, to act in relation to that function by virtue of express provision in these Regulations or any other enactment.

(2C) An agreement under paragraph (2B)(a) must specify the terms on which the Brecon Beacons member may act in relation to the function concerned, including specifying—

- (a) the period for which the Brecon Beacons member is to act, and
- (b) whether the Brecon Beacons member is entitled to vote in relation to the function.”;

(b) in paragraph (3)—

- (i) for “discharge their functions” substitute “act as a member”;
- (ii) for “discharge those functions” substitute “act”.

(6) For regulation 9 (co-opted participants) substitute—

#### **“Co-opted members**

**9.—**(1) The Mid Wales CJC may co-opt one or more individuals as members of the CJC (a “co-opted member”) on such terms as it determines

(2) Those terms must—

- (a) specify the functions of the Mid Wales CJC in relation to which the co-opted



- member may act as a member of the CJC,
- (b) be agreed by the co-opted member and the other members; and
  - (c) be set out in a co-option agreement.
- (3) Where, under paragraph (1), a co-opted member is entitled to act in relation to—
- (a) the functions conferred on the Mid Wales CJC under regulation 13;
  - (b) any function of the Mid Wales CJC that is ancillary or incidental to those functions,
- the Brecon Beacons member may act as a member for the purposes of that paragraph.
- (4) A co-opted member is co-opted—
- (a) for a period specified in the co-option agreement, or
  - (b) until the co-opted committee member resigns from the Mid Wales CJC.
- (5) A co-option agreement—
- (a) may be varied at any time;
  - (b) must be published electronically by the Mid Wales CJC.”
- (7) For regulation 15 (delegation of functions) substitute—

**“Limitation on discharge of functions by other persons**

**15.** Nothing in regulation 14 of the Corporate Joint Committees (General)(No. 2) (Wales) Regulations 2021 (arrangements for discharge of functions) applies to the following provisions—

- (a) regulation 12(1) (agreeing a transport policy) under section 108(1)(a) and (2A)(a) of Part 2 of the Transport Act 2000;
  - (b) regulation 13 (preparing a strategic development plan);
  - (c) regulation 16(6)(b) and (9) (agreeing funding of budget requirements).”
- (8) In regulation 17 (funding of budget requirement), in paragraph (2), for “the members” substitute “the council members and the Brecon Beacons member.
- (9) In paragraph 2 of the Schedule (appointment of chairperson and vice-chairperson), in sub-paragraph (4)(b), for “co-opted participants” substitute “other members”.
- (10) In paragraph 6 of the Schedule (voting procedure), for sub-paragraph (1)(a) substitute—

“(a) the number of co-opted members entitled to vote may not exceed the number of other members entitled to vote.”

(11) In paragraph 7 of the Schedule (adoption of alternative voting procedure), for sub-paragraph (4) substitute—

“(4) A procedure adopted under this paragraph must be adopted by the unanimous agreement of the members who are entitled to vote on adopting the procedure.”

(12) In paragraph 9 of the Schedule (general provision as to staffing)—

(a) the existing text becomes sub-paragraph (1);

(b) after sub-paragraph (1) insert—

“(2) The Mid Wales CJC must ensure that arrangements made under sub-paragraph (1) are such as are necessary for the proper discharge by the Mid Wales CJC of its functions.”

(13) In paragraph 10 of the Schedule (terms and conditions), for sub-paragraph (2) substitute—

“(2) But sub-paragraph (1)—

(a) is subject to section 41 of the Localism Act 2011, and

(b) does not prevent the Mid Wales CJC from modifying the terms and conditions of staff it appoints if required by virtue of any other enactment or rule of law.”

(14) In paragraph 11 of the Schedule (staff from other authorities) after sub-paragraph (2) insert—

“(3) But, subject to any contrary provision in any other enactment, for superannuation purposes service rendered by a member of staff of a devolved Welsh authority placed at the disposal of the Mid Wales CJC by virtue of such an agreement is service rendered to the authority.”

(15) Omit paragraph 15 of the Schedule (sub-committees).

(16) In paragraph 16 of the Schedule (governance and audit sub-committee)—

(a) in sub-paragraph (1)(g) after “Mid” insert “Wales”;

(b) in sub-paragraph (2)(b) for “by” substitute “of”;

(c) for sub-paragraph 2(c)—

“(c) none of the members of the sub-committee are—

(i) council members,

(ii) co-opted members,

- (iii) members of another sub-committee of the Mid Wales CJC, or
  - (iv) members of the constituent councils' executives.”;
- (d) omit sub-paragraph (3).

**The North Wales Corporate Joint Committee Regulations 2021**

**34.**—(1) The North Wales Corporate Joint Committee Regulations 2021(1) are amended as follows.

(2) In regulation 2, for the definition of “co-opted participant” substitute—

““co-opted member” (*“aelod cyfetholedig”*) has the meaning given by regulation 9(1)”

(3) In regulation 6 (membership)—

- (a) in paragraph (1)—
  - (i) after sub-paragraph (a) omit “and”;
  - (ii) after sub-paragraph (b) insert “, and “(c) any co-opted member.”;
- (b) in paragraph (2) after “CJC” insert “, subject to regulations 8(2A) and 9(2)”;
- (c) omit paragraph (3),
- (d) in paragraph (4) for “to the extent described in paragraph (3),” substitute “and any co-opted member”.

(4) In regulation 7 (council members), in paragraph (2)—

- (a) for “discharge their functions” substitute “act as council member”;
- (b) for “discharge those functions” substitute “act”.

(5) In regulation 8 (Snowdonia member)—

- (a) after paragraph (2) insert—
 

“(2A) The Snowdonia member may act as a member only in relation to—

  - (a) the functions conferred on the North Wales CJC under regulation 13;
  - (b) any function of the North Wales CJC that is ancillary or incidental to those functions.

(2B) But the Snowdonia member may also act as a member in relation to any other function of the North Wales CJC if—

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(1) S.I. 2021 No 342 (W. 96).

(a) the council members and the Snowdonia member agree, or

(b) the Snowdonia member is permitted, or required, to act in relation to that function by virtue of express provision in these Regulations or any other enactment.

(2C) An agreement under paragraph (2B)(a) must specify the terms on which the Snowdonia member may act in relation to the function concerned, including specifying—

(a) the period for which the Snowdonia member is to act, and

(b) whether the Snowdonia member is entitled to vote in relation to the function.”;

(b) in paragraph (3)—

(i) for “discharge their functions” substitute “act as a member”;

(ii) for “discharge those functions” substitute “act”.

(6) For regulation 9 (co-opted participants) substitute—

#### **“Co-opted members**

**9.**—(1) The North Wales CJC may co-opt one or more individuals as members of the CJC (a “co-opted member”) on such terms as it determines

(2) Those terms must—

(a) specify the functions of the North Wales CJC in relation to which the co-opted member may act as a member of the CJC,

(b) be agreed by the co-opted member and the other members; and

(c) be set out in a co-option agreement.

(3) Where, under paragraph (1), a co-opted member is entitled to act in relation to—

(a) the functions conferred on the North Wales CJC under regulation 13;

(b) any function of the North CJC that is ancillary or incidental to those functions,

the Snowdonia member may act as a member for the purposes of that paragraph.

(4) A co-opted member is co-opted—

(a) for a period specified in the co-option agreement, or

- (b) until the co-opted committee member resigns from the North Wales CJC.
- (5) A co-option agreement—
  - (a) may be varied at any time;
  - (b) must be published electronically by the North Wales CJC.”
- (7) For regulation 15 (delegation of functions) substitute—

**“Limitation on discharge of functions by other persons**

**15.** Nothing in regulation 14 of the Corporate Joint Committees (General)(No. 2) (Wales) Regulations 2021 (arrangements for discharge of functions) applies to the following provisions—

- (a) regulation 12(1) (agreeing a transport policy under section 108(1)(a) and (2A)(a) of Part 2 of the Transport Act 2000);
- (b) regulation 13 (preparing a strategic development plan);
- (c) regulation 16(6)(b) and (9) (agreeing funding of budget requirements).”
- (8) In regulation 17 (funding of budget requirement), in paragraph (2) for “the members” substitute “the council members and the Snowdonia member”.
- (9) In paragraph 2 of the Schedule (appointment of chairperson and vice-chairperson), in sub-paragraph (4)(b), for “co-opted participants” substitute “other members”.
- (10) In paragraph 6 of the Schedule (voting procedure), for sub-paragraph (1)(a) substitute—
  - “(a) the number of co-opted members entitled to vote may not exceed the number of other members entitled to vote.”
- (11) In paragraph 7 of the Schedule (adoption of alternative voting procedure), for sub-paragraph (4) substitute—
  - “(4) A procedure adopted under this paragraph must be adopted by the unanimous agreement of the members who are entitled to vote on adopting the procedure.”
- (12) In paragraph 9 of the Schedule (general provision as to staffing)—
  - (a) the existing text becomes sub-paragraph (1);
  - (b) after sub-paragraph (1) insert—
    - “(2) The North Wales CJC must ensure that arrangements made under paragraph 9 are such

as are necessary for the proper discharge by the North Wales CJC of its functions.”

(13) In paragraph 10 of the Schedule (terms and conditions), for sub-paragraph (2) substitute—

“(2) But sub-paragraph (1)—

- (a) is subject to section 41 of the Localism Act 2011, and
- (b) does not prevent the North Wales CJC from modifying the terms and conditions of staff it appoints if required by virtue of any other enactment or rule of law.”

(14) In paragraph 11 of the Schedule (staff from other authorities) after sub-paragraph (2) insert—

“(3) But, subject to any contrary provision in any other enactment, for superannuation purposes service rendered by a member of staff of a devolved Welsh authority placed at the disposal of the North Wales CJC by virtue of such an agreement is service rendered to the authority.”

(15) Omit paragraph 15 of the Schedule (sub-committees).

(16) In paragraph 16 of the Schedule (governance and audit sub-committee)—

- (a) in sub-paragraph (2)(b) for “by” substitute “of”;
- (b) for sub-paragraph 2(c)—
  - “(c) none of the members of the sub-committee are—
  - (i) council members,
  - (ii) co-opted members,
  - (iii) members of another sub-committee of the North Wales CJC, or
  - (iv) members of the constituent councils’ executives.”;
- (c) in sub-paragraph 2(c)(ii) for “participants” substitute “members”;
- (d) omit sub-paragraph (3).

### **The South East Wales Corporate Joint Committee Regulations 2021**

**35.—**(1) The South East Wales Corporate Joint Committee Regulations 2021(1) are amended as follows.

---

(1) S.I. 2021 No 342 (W. 96).

(2) In regulation 2, for the definition of “co-opted participant” substitute—

““co-opted member” (*“aelod cyfetholedig”*) has the meaning given by regulation 9(1);”

(3) In regulation 6 (membership)—

(a) in paragraph (1)—

(i) after sub-paragraph (a) omit “and”;

(ii) after sub-paragraph (b) insert “, and

“(c) any co-opted member.”

(b) in paragraph (2) after “CJC” insert “, subject to regulations 8(2A) and 9(2)”;

(c) omit paragraph (3),

(d) in paragraph (4) for “to the extent described in paragraph (3),” substitute “and any co-opted member”.

(4) In regulation 7 (council members), in paragraph (2)—

(a) for “discharge their functions” substitute “act as council member”;

(b) for “discharge those functions” substitute “act”.

(5) In regulation 8 (Brecon Beacons member)—

(a) after paragraph (2) insert—

“(2A) The Brecon Beacons member may act as a member only in relation to—

(a) the functions conferred on the South East Wales CJC under regulation 13;

(b) any function of the South East Wales CJC that is ancillary or incidental to those functions.

(2B) But the Brecon Beacons member may also act as a member in relation to any other function of the South East Wales CJC if—

(a) the council members and the Brecon Beacons member agree, or

(b) the Brecon Beacons member is permitted, or required, to act in relation to that function by virtue of express provision in these Regulations or any other enactment.

(2C) An agreement under paragraph (2B)(a) must specify the terms on which the Brecon Beacons member may act in relation to the function concerned, including specifying—

(a) the period for which the Brecon Beacons member is to act, and

(b) whether the Brecon Beacons member is entitled to vote in relation to the function.”;

- (b) in paragraph (3)—
  - (i) for “discharge their functions” substitute “act as a member”;
  - (ii) for “discharge those functions” substitute “act”.
- (6) For regulation 9 (co-opted participants) substitute—

#### **“Co-opted members**

**9.**—(1) The South East Wales CJC may co-opt one or more individuals as members of the CJC (a “co-opted member”) on such terms as it determines

- (2) Those terms must—
  - (a) specify the functions of the South East Wales CJC in relation to which the co-opted member may act as a member of the CJC,
  - (b) be agreed by the co-opted member and the other members, and
  - (c) be set out in a co-option agreement.

(3) Where, under paragraph (1), a co-opted member is entitled to act in relation to—

- (a) the functions conferred on the South East Wales CJC under regulation 13;
- (b) any function of the South East Wales CJC that is ancillary or incidental to those functions,

the Brecon Beacons member may act as a member for the purposes of that paragraph.

- (4) A co-opted member is co-opted—
  - (a) for a period specified in the co-option agreement, or
  - (b) until the co-opted committee member resigns from the South East Wales CJC.

- (5) A co-option agreement—
  - (a) may be varied at any time;
  - (b) must be published electronically by the South East Wales CJC.”

- (7) For regulation 15 (delegation of functions) substitute—

#### **“Limitation on discharge of functions by other persons**

**15.** Nothing in regulation 14 of the Corporate Joint Committees (General)(No. 2) (Wales) Regulations 2021 (arrangements for discharge



of functions) applies to the following provisions—

- (a) regulation 12(1) (agreeing a transport policy) under section 108(1)(a) and (2A)(a) of Part 2 of the Transport Act 2000;
- (b) regulation 13 (preparing a strategic development plan);
- (c) regulation 16(6)(b) and (9) (agreeing funding of budget requirements).”

(8) In regulation 17 (funding of budget requirement), in paragraph (2), for “the members” substitute “the council members and the Brecon Beacons member”.

(9) In paragraph 2 of the Schedule (appointment of chairperson and vice-chairperson), in sub-paragraph (4)(b), for “co-opted participants” substitute “other members”.

(10) In paragraph 6 of the Schedule (voting procedure), for sub-paragraph (1)(a) substitute—

- “(a) the number of co-opted members entitled to vote may not exceed the number of other members entitled to vote.”

(11) In paragraph 7 of the Schedule (adoption of alternative voting procedure), for sub-paragraph (4) substitute—

- “(4) A procedure adopted under this paragraph must be adopted by the unanimous agreement of the members who are entitled to vote on adopting the procedure.”

(12) In paragraph 9 of the Schedule (general provision as to staffing)—

- (a) the existing text becomes sub-paragraph (1);
- (b) after sub-paragraph (1) insert—

“(2) The South East Wales CJC must ensure that arrangements made under sub-paragraph (1) are such as are necessary for the proper discharge by the South East Wales CJC of its functions.”

(13) In paragraph 10 of the Schedule (terms and conditions), for sub-paragraph (2) substitute—

“(2) But sub-paragraph (1)—

- (a) is subject to section 41 of the Localism Act 2011, and
- (b) does not prevent the South East Wales CJC from modifying the terms and conditions of staff it appoints if required by virtue of any other enactment or rule of law.”

(14) In paragraph 11 of the Schedule (staff from other authorities) after sub-paragraph (2) insert—

“(3) But, subject to any contrary provision in any other enactment, for superannuation purposes service rendered by a member of staff of a devolved Welsh authority placed at the disposal of the South East Wales CJC by virtue of such an agreement is service rendered to the authority.”

(15) Omit paragraph 15 of the Schedule (sub-committees).

(16) In paragraph 16 of the Schedule (governance and audit sub-committee)—

- (a) in sub-paragraph (2)(b) for “by” substitute “of”;
- (b) for sub-paragraph 2(c)—
  - “(c) none of the members of the sub-committee are—
    - (i) council members,
    - (ii) co-opted members,
    - (iii) members of another sub-committee of the South East Wales CJC, or
    - (iv) members of the constituent councils’ executives.”;
- (c) omit paragraph (3).

### **The South West Wales Corporate Joint Committee Regulations 2021**

**36.**—(1) The South West Wales Corporate Joint Committee Regulations 2021(1) are amended as follows.

(2) In regulation 2, for the definition of “co-opted participant” substitute—

“ “co-opted member” [(tbi)] has the meaning given by regulation 9(1);”

(3) In regulation 6 (membership)—

- (a) in paragraph (1)—
  - (i) after sub-paragraph (b) omit “and”;
  - (ii) after sub-paragraph (c) insert “, and  
“(d) any co-opted member.”;
- (b) in paragraph (2) after “CJC” insert “, subject to regulations 8(2A) and 9(2)”;
- (c) omit paragraph (3),
- (d) in paragraph (4)—
  - (i) for “and” where it appears in the second instance substitute “, ”;

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(1) S.I. 2021 No 342 (W. 96).

(ii) for “to the extent described in paragraph (3),” substitute “and anyco-opted member”.

(4) In regulation 7 (council members), in paragraph (2)—

- (a) for “discharge their functions” substitute “act as council member”;
- (b) for “discharge those functions” substitute “act”.

(5) In regulation 8 (Brecon Beacons and Pembrokeshire Coast member)—

(a) after paragraph (2) insert—

“(2A) The Brecon Beacons member or the Pembrokeshire Coast member, as the case may be, may act as a member only in relation to—

- (a) the functions conferred on the South West Wales CJC under regulation 13;
- (b) any function of the South West Wales CJC that is ancillary or incidental to those functions.

(2B) But the Brecon Beacons member or the Pembrokeshire Coast member, as the case may be, may also act as a member in relation to any other function of the South West Wales CJC if—

- (a) the council members and the Brecon Beacons member or the Pembrokeshire Coast member (as the case may be) agree, or
- (b) the Brecon Beacons member or the Pembrokeshire Coast member (as the case may be) is permitted, or required, to act in relation to that function by virtue of express provision in these Regulations or any other enactment.

(2C) An agreement under paragraph (2B)(a) must specify the terms on which the Brecon Beacons member or the Pembrokeshire Coast member (as the case may be) may act in relation to the function concerned, including specifying—

- (a) the period for which the Brecon Beacons member or the Pembrokeshire Coast member are to act, and
- (b) whether the Brecon Beacons member or Pembrokeshire Coast member are entitled to vote in relation to the function.”;

(b) in paragraph (3)—

- (i) for “discharge their functions” substitute “act as a member”;

- (ii) for “discharge those functions” substitute “act”;
- (c) in paragraph (4) after Pembrokeshire Coast member where it appears in the second instance insert “(as the case may be)”.
- (6) For regulation 9 (co-opted participants) substitute—

**“Co-opted members**

**9.**—(1) The South West Wales CJC may co-opt one or more individuals as members of the CJC (a “co-opted member”) on such terms as it determines

(2) Those terms must—

- (a) specify the functions of the South West Wales CJC in relation to which the co-opted member may act as a member of the CJC,
- (b) be agreed by the co-opted member and the other members, and
- (c) be set out in a co-option agreement.

(3) Where, under paragraph (1), a co-opted member is entitled to act in relation to—

- (a) the functions conferred on the South West Wales CJC under regulation 13;
- (b) any function of the South West Wales CJC that is ancillary or incidental to those functions,

the Brecon Beacons member and the Pembrokeshire Coast member may each act as a member for the purposes of that paragraph.

(4) A co-opted member is co-opted—

- (a) for a period specified in the co-option agreement, or
- (b) until the co-opted committee member resigns from the South West Wales CJC.

(5) A co-option agreement—

- (a) may be varied at any time;
- (b) must be published electronically by the South West Wales CJC.”

(7) For regulation 15 (delegation of functions) substitute—

**“Limitation on discharge of functions by other persons**

**15.** Nothing in regulation 14 of the Corporate Joint Committees (General)(No. 2) (Wales) Regulations 2021 (arrangements for discharge

of functions) applies to the following provisions—

- (a) regulation 12(1) (agreeing a transport policy) under section 108(1)(a) and (2A)(a) of Part 2 of the Transport Act 2000;
- (b) regulation 13 (preparing a strategic development plan);
- (c) regulation 16(6)(b) and (9) (agreeing funding of budget requirements)."

(8) In regulation 17 (funding of budget requirement), in paragraph (2)—

- (a) for "by the Authority" substitute "by each Authority";
- (b) for "the members" substitute "the council members, the Brecon Beacons member and the Pembrokeshire Coast member".

(9) In paragraph 2 of the Schedule (appointment of chairperson and vice-chairperson), in sub-paragraph (4)(b), for "co-opted participants" substitute "other members".

(10) In paragraph 6 of the Schedule (voting procedure), for sub-paragraph (1)(a) substitute—

"(a) the number of co-opted members entitled to vote may not exceed the number of other members entitled to vote."

(11) In paragraph 7 of the Schedule (adoption of alternative voting procedure), for sub-paragraph (4) substitute—

"(4) A procedure adopted under this paragraph must be adopted by the unanimous agreement of the members who are entitled to vote on adopting the procedure."

(12) In paragraph 9 of the Schedule (general provision as to staffing)—

- (a) the existing text becomes sub-paragraph (1);
- (b) after sub-paragraph (1) insert—

"(2) The South West Wales CJC must ensure that arrangements made under sub-paragraph (1) are such as are necessary for the proper discharge by the South West Wales CJC of its functions."

(13) In paragraph 10 of the Schedule (terms and conditions), for sub-paragraph (2) substitute—

"(2) But sub-paragraph (1)—

- (a) is subject to section 41 of the Localism Act 2011, and
- (b) does not prevent the South West Wales CJC from modifying the terms and conditions of staff it appoints if

required by virtue of any other enactment or rule of law.”

(14) In paragraph 11 of the Schedule (staff from other authorities) after sub-paragraph (2) insert—

“(3) But, subject to any contrary provision in any other enactment, for superannuation purposes service rendered by a member of staff of a devolved Welsh authority placed at the disposal of the South West Wales CJC by virtue of such an agreement is service rendered to the authority.”

(15) Omit paragraph 15 of the Schedule (sub-committees).

(16) In paragraph 16 of the Schedule (governance and audit sub-committee)—

(a) in sub-paragraph (2)(b) for “by” substitute “of”;

(b) for sub-paragraph 2(c)—

“(c) none of the members of the sub-committee are—

(i) council members,

(ii) co-opted members,

(iii) members of another sub-committee of the South West Wales CJC, or

(iv) members of the constituent councils’ executives.”;

(c) omit sub-paragraph (3).

#### *Consequential amendments*

### **Local Government Act 1972**

**37.** In section 270 of the 1972 Act, in subsection (1), after the definition of “Common Council” insert—

““corporate joint committee” means a corporate joint committee established by regulations made under Part 5 of the Local Government and Elections (Wales) Act 2021;”

### **Local Government Finance Act 1988**

**38.** In section 111 of the 1988 Act—

(a) in subsection (2) (relevant authorities), after paragraph (n) insert—

“(o) a corporate joint committee”;

(b) after subsection (3C) insert—

“(3D) In this Part “corporate joint committee” means a corporate joint committee established

by regulations made under Part 5 of the Local Government and Elections (Wales) Act 2021.”

**Local Government and Housing Act 1989**

**39.** In section 21 of the 1989 Act, in subsection (3), at the appropriate place, insert—

““corporate joint committee” means a corporate joint committee established by regulations made under Part 5 of the Local Government and Elections (Wales) Act 2021;”

**Local Government (Wales) Measure 2011**

**40.** In section 175 of the 2011 Measure, before the definition of “enactment” insert—

““corporate joint committee” means a corporate joint committee established by regulations made under Part 5 of the Local Government and Elections (Wales) Act 2021;”

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