



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.

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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 CJs 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, CJs 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 CJs 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 CJs 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 CJs across Wales and the wider regulatory regime which would apply to those CJs.

A [summary of the responses to the consultation](#) was published in February 2021. There was overwhelming support, in particular from local authorities, for CJs 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 CJsCs 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 CJsCs 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 CJsCs the consultation also included consideration of the wider regulatory framework under the principle that CJsCs 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 17th 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 18th 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 CJs: 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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E-mail: data.protectionofficer@gov.wales

Information Commissioner's Office

Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF

Telephone: 01625 545 745 or 0303 123 1113

Website: ico.org.uk

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The Welsh Government will be data controller for any personal data you provide as part of your response to the consultation. Welsh Ministers have statutory powers they will rely on to process this personal data which will enable them to make informed decisions about how they exercise their public functions. Any response you send us will be seen in full by Welsh Government staff dealing with the issues which this consultation is about or planning future consultations. Where the Welsh Government undertakes further analysis of consultation responses then this work may be commissioned to be carried out by an accredited third party (e.g. a research organisation or a consultancy company). Any such work will only be undertaken under contract. Welsh Government's standard terms and conditions for such contracts set out strict requirements for the processing and safekeeping of personal data. In order to show that the consultation was carried out properly, the Welsh Government intends to publish a summary of the responses to this document. We may also publish responses in full. Normally, the name and address (or part of the address) of the person or

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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

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