



Llywodraeth Cymru  
Welsh Government

OPEN CONSULTATION

# Consultation on the Corporate joint committees: draft statutory guidance

We are seeking your views on guidance which supports the setting up of 4 corporate joint committees (CJCs).

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# Contents

[What this consultation is about](#)

---

[Where we are now](#)

---

[The proposed guidance](#)

---

[Consultation questions](#)

---

[How to respond](#)

---

[Your rights](#)

---

[Further information and related documents](#)

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## What this consultation is about

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 (CJC). The Act provides for the establishment of CJsCs through Regulations.

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

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These 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 structures which exist in statute CJsCs are separate corporate bodies which can employ staff, hold assets and budgets, and undertake functions.

Section 86 of the LGE Act provides that principal councils and CJsCs must have regard to any guidance issued by Welsh Ministers relating to Part 5 Chapters 3, 4 and 5 of that Act and in respect of National Park authorities, relating to Part 5 Chapters 4 and 5.

This consultation is seeking views on draft guidance for Corporate Joint Committees under part 5 of the LGE Act.

## Where we are now

The Establishment Regulations were made as part of the first stage of putting in place the legislative framework which CJsCs will operate within. These were made along with a number of statutory instruments which ensured that from day one the CJsCs were subject to the duties which you would expect to apply to public bodies in Wales and have the appropriate governance and oversight you would expect from a public body.

The next stage will provide for the regulation of CJC meetings and proceedings and provide for the roles of certain 'executive officers', Chief Executive, Monitoring Officer and Chief Financial Officer, to support the work of the CJC.

A [consultation on the draft Corporate Joint Committees \(General\) \(No. 2\) \(Wales\) Regulations 2021](#) has been launched alongside this consultation as part of this stage of the development of CJC legislation. Any comments and views on the draft regulations should be submitted as part of that consultation and will not be considered as part of this consultation.

The third stage will put in place further legislation for the operation of the CJsCs

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and its functions. We will consult on this stage in Autumn 2021.

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 the Spring 2022.

This draft guidance has been prepared as part of this staged process. As with all stages of the development of CJC's, two key principles underpin the development of the guidance for CJs:

- a CJC 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 that it operates
- the detail on how a CJC operates in practice should be left to the determination of the members of the CJC itself.

Due to the staged approach to the development of the CJC legislation, in some cases the relevant local government legislation has not yet been applied to CJs. In these instances the guidance seeks to set out or build on the policy intent, reflecting the underpinning principle of treating the CJC as a member of the 'Local Government family'. As the remainder of the legislation is applied there may be some small changes required to this guidance to ensure the guidance fully reflects the provisions.

The draft guidance does not seek to provide a detailed analysis of / guidance on every aspect of the legislation which applies, or will apply, to CJs. Instead the guidance is intended in the first instance to support the process of establishing CJs, and in particular to consider those areas where the legislation provides flexibilities to 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.

In a number of places the guidance will act as 'interim' guidance, in advance and in anticipation of the publication of the Democracy Handbook, due early in 2022, much of which will apply equally to CJs as it will to local authorities. Wherever

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possible the guidance will reflect the approach to be taken within that handbook or will directly refer to that handbook when published.

The intention is to publish the CJC Guidance later this year (2021).

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 as we work with local government to implement CJCs in Wales. Elements of the draft guidance within this consultation have been prepared in consultation with local government and through a number of local government professional networks including Lawyers in Local Government, Society of Welsh Treasurers and HR Directors Network.

## The proposed guidance

The purpose of the guidance is to support CJCs in putting in place the necessary arrangements for the proper administration and governance of the CJC. The guidance is not intended to be prescriptive about what form these arrangements take. The guidance is also intended to support CJCs to take a proportionate approach to such arrangements, adapting them to local circumstances. The regulations establishing CJCs are designed to provide flexibility and enable local discretion and it is important that the members of CJCs determine for themselves what is appropriate and what meets their needs in the development of their constitutional and operational arrangements.

The guidance does not intend to replace or undermine existing good practice in regional arrangements but rather to recognise it and support CJCs to build on it. It has been informed by the consultation on the regulations establishing CJCs and ongoing discussions with local government.

It is important to note that the guidance is on the constitutional and operational arrangements of a CJC, it is not on the functions that will be exercised, there will be separate guidance on preparing a Strategic Development Plan and preparing a Regional Transport Plan.

The guidance is set out in chapters as follows.

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## Chapter 1

Provides guidance on CJC membership and constitutional arrangements including sub-committees, involving others in the work of CJsCs, the ethical framework, standing orders and delegation

## Chapter 2

Provides guidance on staffing and workforce matter within a CJC including terms and conditions, accountability and pensions.

## Chapter 3

Provides guidance on CJC meeting and proceedings including transparency of meetings, public participation, broadcasting of meetings and multi-location meetings.

## Chapter 4

Provides guidance on governance and scrutiny within, and of, a CJC including performance and governance, overview and scrutiny arrangements and the governance and audit sub-committee

## Chapter 5

Provides guidance in relation to funding, finance and budgetary matters including accounting practices and controls, audit, investment practices and borrowing.

## Chapter 6

Provides guidance in relation to other statutory duties which will apply to CJsCs

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as a public body in Wales including duties under the Well-being of Future Generations Act, duties regarding the Welsh language and the Welsh language standards, duties under the Equalities Act 2010 and under the Freedom of Information Act 2000.

## Consultation questions

### Question 1

Generally, does the draft guidance provide an appropriate level of support to CJsCs to put in place the necessary arrangements for the proper administration and governance of the CJC?

### Question 2

Does Chapter 1 provide sufficient/appropriate guidance on the membership and constitution of CJsCs?

### Question 3

Does Chapter 2 provide sufficient/appropriate guidance on matters relating to the staffing and workforce of a CJC?

### Question 4

Does Chapter 3 provide sufficient/appropriate guidance on the way CJsCs should conduct meeting and proceedings?

### Question 5

Does Chapter 4 provide sufficient/appropriate guidance on the governance within, and scrutiny of, a CJC?

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## Question 6

Does Chapter 5 provide sufficient/appropriate guidance on the funding, finance and budgetary matters of a CJC?

## Question 7

Does Chapter 6 provide sufficient/appropriate guidance on the other statutory duties which CJsCs will be subject to?

## Question 8

We would like to know your views on the effects that the guidance would have on the Welsh language, specifically on opportunities for people to use Welsh and on treating the Welsh language no less favourably than English.

What effects do you think there would be? How could positive effects be increased, or negative effects be mitigated?

## Question 9

Please also explain how you believe the guidance could be formulated or changed so as to have positive effects or increased positive effects on opportunities for people to use the Welsh language, and on treating the Welsh language no less favourably than the English language, and ensure there are no adverse effects on opportunities for people to use the Welsh language.

## Question 10

We have asked a number of specific questions on the draft guidance. If you have any related issues which we have not specifically addressed, please use the consultation response form to express your views.

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## How to respond

Submit your response by midnight **4 October 2021** in any of the following ways:

- Complete our [online form](#)
- Download, complete our [online form](#) and email [LGPartnerships@gov.wales](mailto:LGPartnerships@gov.wales)
- Download, complete our [online form](#) and post to:

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

## Your rights

Under the data protection legislation, you have the right:

- to be informed of the personal data held about you and to access it
- to require us to rectify inaccuracies in that data
- to (in certain circumstances) object to or restrict processing
- for (in certain circumstances) your data to be 'erased'
- to (in certain circumstances) data portability
- to lodge a complaint with the Information Commissioner's Office (ICO) who is our independent regulator for data protection.

Responses to consultations are likely to be made public, on the internet or in a report. If you would prefer your response to remain anonymous, please [tell us](#).

For further details about the information the Welsh Government holds and its use, or if you want to exercise your rights under the GDPR, please see contact details below:

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## Data Protection Officer

Data Protection Officer  
Welsh Government  
Cathays Park  
Cardiff  
CF10 3NQ

E-mail: [data.protectionofficer@gov.wales](mailto: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](http://ico.org.uk)

## UK General Data Protection Regulation (UK GDPR)

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

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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 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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