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WELSH STATUTORY INSTRUMENTS

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**2021 No. 1349 (W. 348)**

**LOCAL GOVERNMENT, WALES**

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

<i>Made</i>	- - - -	<i>at 9.30 a.m. on 1 December 2021</i>
<i>Coming into force</i>		
<i>Regulations 10, 27, 31 and 32</i>		<i>6 May 2022</i>
<i>Remainder</i>		<i>3 December 2021</i>

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

In accordance with section 82(2) and (3)(a) and (d) of that 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 committees' areas and to the corporate joint committees.

A draft of this instrument has been laid before and approved by a resolution of Senedd Cymru in accordance with section 174(4) and (5) of that Act.

**PART 1**

**Introduction**

**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, other than the provisions mentioned in paragraph (3) come into force on 3 December 2021.

(3) The following regulations come into force on 6 May 2022—

(a) regulation 10 (disqualification and political restriction of certain officers and staff);

- (b) regulation 27 (electronic broadcasts);
- (c) regulation 31 (duty to make petition schemes);
- (d) regulation 32 (duty to encourage participation of local people).

## Interpretation

### 2. In these Regulations—

- “the 1972 Act” (“*Deddf 1972*”) means the Local Government Act 1972(2);
- “the 1988 Act” (“*Deddf 1988*”) means the Local Government Finance Act 1988(3);
- “the 1989 Act” (“*Deddf 1989*”) means the Local Government and Housing Act 1989(4);
- “the 2011 Act” (“*Deddf 2011*”) means the Localism Act 2011(5);
- “the 2011 Measure” (“*Mesur 2011*”) means the Local Government (Wales) Measure 2011(6);
- “the 2021 Act” (“*Deddf 2021*”) means the Local Government and Elections (Wales) Act 2021;
- “corporate joint committee” (“*cyd-bwyllgor corfforedig*”) means a corporate joint committee established by regulations under Part 5 of the 2021 Act;
- “the establishment Regulations” (“*y Rheoliadau sefydlu*”) means—
  - (a) the North Wales Corporate Joint Committee Regulations 2021(7),
  - (b) the Mid Wales Corporate Joint Committee Regulations 2021(8),
  - (c) the South East Wales Corporate Joint Committee Regulations 2021(9), and
  - (d) the South West Wales Corporate Joint Committee Regulations 2021(10);
- “standing orders” (“*rheolau sefydlog*”) means standing orders of a corporate joint committee made under the establishment Regulations.

## PART 2

### 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.

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(2) 1972 c. 70.  
 (3) 1988 c. 41.  
 (4) 1989 c. 42.  
 (5) 2011 c. 20.  
 (6) 2011 nawm 4.  
 (7) S.I. 2021/339 (W. 93).  
 (8) S.I. 2021/342 (W. 96).  
 (9) S.I. 2021/343 (W. 97).  
 (10) S.I. 2021/352 (W. 104).

- (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 in relation to—
    - (i) financial planning,
    - (ii) asset management, and
    - (iii) risk management,
  - (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) The 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 13 (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) In the 2011 Measure—
- (a) in the application of section 142 (functions relating to payments to members) to a corporate joint committee, the reference to 1 April 2012 is to be read as a reference to 1 April 2022;
  - (b) 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”;
  - (c) in section 144 (relevant authorities, members etc.)—
    - (i) in subsection (2), before paragraph (e) insert—

“(db) a corporate joint committee;”;
    - (ii) in subsection (4) omit “and” after paragraph (b);
    - (iii) in subsection (4), after paragraph (c) insert “, and” and then insert—

“(d) a person 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;”;
    - (iv) in subsection (5), after “relevant authority” insert “other than a corporate joint committee”;
    - (v) in subsection (8), for “(2)(e)” substitute “(2)(db) or (e)”.
- (2) For the purposes of this regulation (and therefore in the extension of section 143A of the 2011 Measure to a relevant authority which is a corporate joint committee), until the amendments made to

section 143A of the 2011 Measure by paragraph 15 of Schedule 5 to the 2021 Act come into force, section 143A is to be read as if those amendments were in force.

### *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)—

(a) in paragraph (a), after “Local Government and Housing Act 1989” insert “or, in the case of a corporate joint committee, the person who is for the time being appointed as the authority’s chief executive”;

(b) in paragraph (b), for “that Act” substitute “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 13 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 (designation and reports of monitoring officer) is amended as follows.

(2) Before subsection (1C) insert—

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

(3) In subsection (3)(a), after “chief finance officer” insert “or, in the case of a relevant authority which is a corporate joint committee, with the person who is for the time being appointed as the authority’s chief executive 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 13 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 1989 Act must provide support and advice to—

- (a) the corporate joint committee in relation to its meetings;
- (b) any sub-committee of the corporate joint committee;
- (c) each member of the corporate joint committee in carrying out their role;
- (d) each person appointed to a sub-committee of the corporate joint committee in carrying out their role.

(2) But the reference to advice in sub-paragraphs (1)(c) and (d) 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 monitoring officer’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 a member of staff of the corporate joint committee.

## **PART 3**

### **General provisions in relation to staff**

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

9.—(1) Where an enactment relates to the administration of a corporate joint committee or the exercise of its functions, any references in that enactment to an “officer” of the corporate joint committee are to be construed as references to a member of staff of the corporate joint committee, including a person treated as a member of staff by virtue of paragraph 11(2) of the Schedule to each of the establishment Regulations.

(2) In section 270(3) of the 1972 Act (meaning of “proper officer”), after “local authority” insert “, corporate joint committee”.

(3) 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**

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

(2) In section 1 (disqualification and political restriction of certain officers and staff)—

(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 in Wales.”

(3) In section 2 (politically restricted posts)—

(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—
  - (i) the list maintained in accordance with subsection (2) and any directions under section 3;
  - (ii) 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 in Wales.

(10B) In the application of subsection (2) to a corporate joint committee the reference to section 100G(2) of the Local Government Act 1972 is to be read as a reference to regulation 24(2) of the Corporate Joint Committees (General) (No. 2) (Wales) Regulations 2021.

(10C) In the application of subsection (4) to a corporate joint committee—

- (a) the reference to two months is to be read as a reference to six months, and
- (b) the reference to the coming into force of this section is to be read as a reference to—
  - (i) the coming into force of this subsection, or
  - (ii) the date on which the corporate joint committee is established,
 whichever is the later.”

(4) In section 3 (grant and supervision of exemptions)—

- (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.**

**11.** 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, means a corporate joint committee;”.

### **Pay accountability**

**12.—(1)** In the 2011 Act, in Part 1—

- (a) in the application of Chapter 8 to a corporate joint committee—
  - (i) in section 38(1), the reference to the financial year 2012-13 is to be read as a reference to the financial year 2022-23;
  - (ii) in section 39(2), the reference to 31 March 2012 is to be read as a reference to 31 March 2022;
  - (iii) in section 41(1), the reference to 1 April 2012 is to be read as a reference to 1 April 2022;
- (b) in section 42 (exercise of functions), after subsection (2) insert—

“(2A) In the case of a relevant authority which is a corporate joint committee, regulation 13 of the Corporate Joint Committees (General) (No. 2) (Wales) Regulations 2021 (arrangements for the discharge of functions) does not apply to the function of passing a resolution under this Chapter.”;
- (c) in section 43 (interpretation), 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.”

## PART 4

### Functions

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

**13.**—(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 any 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 a 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 any 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 (11).

### *Sub-committees*

#### **Sub-committees**

14.—(1) A corporate joint committee may appoint one or more sub-committees—

- (a) for the purpose of discharging any of its functions in pursuance of arrangements made under regulation 13 (discharge of functions by other persons) of the Corporate Joint Committees (General) (No. 2) (Wales) Regulations 2021;
- (b) to advise the corporate joint committee on any matter relating to the discharge of any of its functions.

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

(3) Subject to the provisions of this regulation 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 the corporate joint committee.

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

## PART 5

### Meetings and proceedings

#### **Validity of proceedings**

15.—(1) The proceedings of a corporate joint committee or a sub-committee of a corporate joint committee are not invalidated by—

- (a) any vacancy in the membership of the corporate joint committee or the sub-committee;
- (b) any defect in the appointment, co-option or qualifications of the members.

(2) But paragraph (1)(a) is subject to any requirement imposed by or under any enactment or by the standing orders of the corporate joint committee whereby a function may not be exercised at a meeting unless certain requirements are met about—

- (a) the composition of the corporate joint committee or the sub-committee of the corporate joint committee;
- (b) the composition of the meeting, including requirements as to the meeting being quorate.

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

**16.**—(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 CJC 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 26, 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 27).

(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**

**17.—**(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 one or more members of the corporate joint committee, 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 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;
- (e) 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.

(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 by 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) Where a CJC meeting is convened at short notice, a summons sent by post under paragraph (3) (a) must be sent in sufficient time for it to arrive in the ordinary course of post before the meeting is convened.

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

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

(7) Except in the case of—

- (a) business required by or under—
  - (i) the establishment Regulations,
  - (ii) any other enactment, or
  - (iii) standing orders,

- to be transacted at the annual general meeting of a corporate joint committee,
- (b) business added to the agenda for a CJC meeting in accordance with standing orders after the summons has been sent, or
- (c) 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 (and see also regulation 18(6)).

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

**18.**—(1) Copies of the agenda for a CJC meeting and copies of any report for the meeting must—

- (a) be published by the corporate joint committee—
  - (i) electronically, and
  - (ii) in accordance with paragraphs (3) to (5), and
- (b) remain accessible electronically to members of the public until the meeting has ended (see regulation 20 for provision about access to documents after a CJC meeting).

(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) Where an item is added to the agenda for a CJC meeting in accordance with standing orders, the corporate joint committee must, at the time the item is added, publish—

- (a) a revised agenda, or
- (b) an addendum to the agenda,

specifying the additional item.

(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) paragraph (1) or (4) has been complied with in respect of an agenda containing the item, 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 16(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 26, 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 16(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**

**19.**—(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.

### **Publication of minutes and other documents after meetings**

**20.**—(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**

**21.**—(1) If and so long as copies of the whole or part of a report for a CJC meeting are required by regulation 18(1) or 20(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 16(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 16(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.

**Application to meetings of sub-committees**

**22.**—(1) Regulations 16 to 21 apply to a meeting of a sub-committee of a corporate joint committee as they apply to a meeting of a corporate joint committee.

(2) In the application of regulations 16 to 21 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) regulation 16(3) is to be read as if after “corporate joint committee” there were inserted “or the sub-committee”;
- (c) the references to a corporate joint committee in regulation 16(6) are to be read as references to a sub-committee of a corporate joint committee.

(3) In the application of regulations 17 to 20 to a meeting of a sub-committee, references to a member of a corporate joint committee are to be read as references to a member of the sub-committee.

**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 or a meeting of a sub-committee of the corporate joint committee 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 26 (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 (1)(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 and its sub-committees 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, to speak at a CJC meeting or at a meeting of a sub-committee of the corporate joint committee 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 functions of the corporate joint committee and its sub-committees which, for the time being, may be discharged 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 functions so specified is for the time being so discharged,

but this paragraph does not require a function 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 a CJC meeting or a meeting of a sub-committee of the corporate joint committee, 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.

### **Supplemental provisions**

25.—(1) Provisions in this Part which require the publication of documents by 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 or a meeting of a sub-committee of a corporate joint committee 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 or a meeting of a sub-committee of a corporate joint committee 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 18(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 18(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 20(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**

**26.**—(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**

**27.** 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 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

28. 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;”.

### Publicity for meetings to consider reports or recommendations from the Auditor General for Wales

29. In section 26(3A) of the Public Audit (Wales) Act 2004(12), after paragraph (b) insert—

- “(ba) a corporate joint committee;”

### Interpretation

30.—(1) In this Part—

“CJC meeting” (“*cyfarfod CBC*”) means a meeting of a corporate joint committee (but see regulation 22);

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

“exempt information” (“*gwybodaeth esempt*”) has the meaning given by regulation 26;

“information” (“*gwybodaeth*”) 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;

(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.

(3) References in any provision of this Part to a meeting of a corporate joint committee held through “remote means” are to a meeting held by means of any equipment or other facility which enables persons who are not in the same place to speak to and be heard by each other (whether or not the equipment or facility enables those persons to see and be seen by each other).

## PART 6

### 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—
- “(5) This section applies to a corporate joint committee as it applies to a principal council and references in subsections (1) to (4) to a principal council are to be construed accordingly.”

##### **Duty to encourage local people to participate in decision-making**

- 32.** In section 39 of the 2021 Act (duty to encourage local people to participate in decision-making), after subsection (2) insert—
- “(3) This section applies to a corporate joint committee as it applies to a principal council and references in subsections (1) and (2) to a principal council are to be construed accordingly.”

#### *Merger applications*

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

- 33.** In section 122 of the 2021 Act (consultation before making merger application), after subsection (1)(g) insert—
- “(ga) each corporate joint committee—
- (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**

- 34.—**(1) The Mid Wales Corporate Joint Committee Regulations 2021(13) are amended as follows.
- (2) In regulation 2 (interpretation), 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) at the end of sub-paragraph (a) omit “and”;
      - (ii) at the end of sub-paragraph (b) insert “, and”;
      - (iii) after sub-paragraph (b) insert—

- “(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 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 the period for which the Brecon Beacons member is to act.”;
  - (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 Mid Wales CJC (a “co-opted member”) on such terms as it determines.

- (2) Those terms must—
  - (a) specify—
    - (i) the functions of the Mid Wales CJC in relation to which the co-opted member may act as a member of the CJC, and
    - (ii) any function of the Mid Wales CJC that is ancillary or incidental to those functions;
  - (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, and
  - (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—
    - (i) the co-opted member resigns from the Mid Wales CJC, or
    - (ii) the Mid Wales CJC terminates the co-option.
- (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.** Regulation 13 of the Corporate Joint Committees (General) (No. 2) (Wales) Regulations 2021 (arrangements for discharge of functions) does not apply to—

- (a) approving a transport policy, or revision of such a policy developed by virtue of regulation 12(1) under section 108(1)(a) and (2A)(a) of Part 2 of the Transport Act 2000;
  - (b) the following actions connected with the preparation of a strategic development plan, or revision of a plan, under regulation 13—
    - (i) adopting a delivery agreement, or a revision of such an agreement (see regulation 11(2) and (8) of the Town and Country Planning (Strategic Development Plan) (Wales) Regulations 2021 (“the SDP Regulations”));
    - (ii) approving pre-deposit proposals documents and a statement of pre-deposit matters (see regulations 17 and 18 of the SDP Regulations);
    - (iii) approving an initial consultation report, SDP proposals document and a statement of deposit matters (see regulation 20 of the SDP Regulations);
    - (iv) approving documents to be sent to the Welsh Ministers under section 64(3) of the Planning and Compulsory Purchase Act 2004;
    - (v) withdrawing a strategic development plan under section 66A(2) of that Act;
    - (vi) adopting a strategic development plan under section 60M(9)(a) of that Act;
    - (vii) approving an annual monitoring report to be made under section 76(1) of that Act;
    - (viii) approving a report of a review of a strategic development plan to be made under section 69(2) of that Act;
  - (c) agreeing calculations of budget requirements or revised calculations under regulation 16(6)(b) and (9).”
- (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 that sub-paragraph 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) substitute—

“(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**

**35.—**(1) The North Wales Corporate Joint Committee Regulations 2021(14) are amended as follows.

(2) In regulation 2 (interpretation), 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) at the end of sub-paragraph (a) omit “and”;

(ii) at the end of sub-paragraph (b) insert “, and”;

- (iii) after sub-paragraph (b) insert—
  - “(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—
      - (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 the period for which the Snowdonia member is to act.”;
  - (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 North Wales CJC (a “co-opted member”) on such terms as it determines.
- (2) Those terms must—
    - (a) specify—
      - (i) the functions of the North Wales CJC in relation to which the co-opted member may act as a member of the CJC, and
      - (ii) any function of the North Wales CJC that is ancillary or incidental to those functions,
    - (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, and

- (b) any function of the North Wales 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—
    - (i) the co-opted member resigns from the North Wales CJC, or
    - (ii) the North Wales CJC terminates the co-option.
- (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.** Regulation 13 of the Corporate Joint Committees (General) (No. 2) (Wales) Regulations 2021 (arrangements for discharge of functions) does not apply to—
- (a) approving a transport policy, or revision of such a policy developed by virtue of regulation 12(1) under section 108(1)(a) and (2A)(a) of Part 2 of the Transport Act 2000;
  - (b) the following actions connected with the preparation of a strategic development plan, or revision of a plan, under regulation 13—
    - (i) adopting a delivery agreement, or a revision of such an agreement (see regulation 11(2) and (8) of the Town and Country Planning (Strategic Development Plan) (Wales) Regulations 2021 (“the SDP Regulations”));
    - (ii) approving pre-deposit proposals documents and a statement of pre-deposit matters (see regulations 17 and 18 of the SDP Regulations);
    - (iii) approving an initial consultation report, SDP proposals document and a statement of deposit matters (see regulation 20 of the SDP Regulations);
    - (iv) approving documents to be sent to the Welsh Ministers under section 64(3) of the Planning and Compulsory Purchase Act 2004;
    - (v) withdrawing a strategic development plan under section 66A(2) of that Act;
    - (vi) adopting a strategic development plan under section 60M(9)(a) of that Act;
    - (vii) approving an annual monitoring report to be made under section 76(1) of that Act;
    - (viii) approving a report of a review of a strategic development plan to be made under section 69(2) of that Act;
  - (c) agreeing calculations of budget requirements or revised calculations under regulation 16(6)(b) and (9).”
- (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 that sub-paragraph insert—
- “(2) The North Wales CJC must ensure that arrangements made under sub-paragraph (1) 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) substitute —
- “(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) omit sub-paragraph (3).

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

**36.**—(1) The South East Wales Corporate Joint Committee Regulations 2021(15) are amended as follows.

- (2) In regulation 2 (interpretation), 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) at the end of sub-paragraph (a) omit “and”;
- (ii) at the end of sub-paragraph (b) insert “, and”;
- (iii) after sub-paragraph (b) insert—

- “(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 the period for which the Brecon Beacons member is to act.”;
  - (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 South East Wales CJC (a “co-opted member”) on such terms as it determines.
- (2) Those terms must—
    - (a) specify—
      - (i) the functions of the South East Wales CJC in relation to which the co-opted member may act as a member of the CJC, and
      - (ii) any function of the South East Wales CJC that is ancillary or incidental to those functions,
    - (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, and

- (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—
      - (i) the co-opted member resigns from the South East Wales CJC, or
      - (ii) the South East Wales CJC terminates the co-option.
  - (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.** Regulation 13 of the Corporate Joint Committees (General) (No. 2) (Wales) Regulations 2021 (arrangements for discharge of functions) does not apply to—
- (a) approving a transport policy, or revision of such a policy developed by virtue of regulation 12(1) under section 108(1)(a) and (2A)(a) of Part 2 of the Transport Act 2000;
  - (b) the following actions connected with the preparation of a strategic development plan, or revision of a plan, under regulation 13—
    - (i) adopting a delivery agreement, or a revision of such an agreement (see regulation 11(2) and (8) of the Town and Country Planning (Strategic Development Plan) (Wales) Regulations 2021 (“the SDP Regulations”));
    - (ii) approving pre-deposit proposals documents and a statement of pre-deposit matters (see regulations 17 and 18 of the SDP Regulations);
    - (iii) approving an initial consultation report, SDP proposals document and a statement of deposit matters (see regulation 20 of the SDP Regulations);
    - (iv) approving documents to be sent to the Welsh Ministers under section 64(3) of the Planning and Compulsory Purchase Act 2004;
    - (v) withdrawing a strategic development plan under section 66A(2) of that Act;
    - (vi) adopting a strategic development plan under section 60M(9)(a) of that Act;
    - (vii) approving an annual monitoring report to be made under section 76(1) of that Act;
    - (viii) approving a report of a review of a strategic development plan to be made under section 69(2) of that Act;
  - (c) agreeing calculations of budget requirements or revised calculations under regulation 16(6)(b) and (9).”
- (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 that sub-paragraph 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) substitute —
- “(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 sub-paragraph (3).

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

**37.—**(1) The South West Wales Corporate Joint Committee Regulations 2021(16) are amended as follows.

- (2) In regulation 2 (interpretation), 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) at the end of sub-paragraph (b) omit “and”;
- (ii) at the end of sub-paragraph (c) insert “, and”;
- (iii) after sub-paragraph (c) insert—
  - “(d) any co-opted member.”;
- (b) in paragraph (2) after “CJC” insert “, subject to regulations 8(3A) and 9(2)”;
- (c) omit paragraph (3);
- (d) in paragraph (4)—
  - (i) for “and” where it appears in the second instance substitute “, ”;
  - (ii) 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 and Pembrokeshire Coast member)—
  - (a) after paragraph (3) insert—
    - “(3A) 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.
    - (3B) 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.
    - (3C) An agreement under paragraph (3B)(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 the period for which the Brecon Beacons member or the Pembrokeshire Coast member are to act.”;
  - (b) in paragraph (4)—
    - (i) for “discharge their functions” substitute “act as a member”;
    - (ii) for “discharge those functions” substitute “act”;
    - (iii) 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 South West Wales CJC (a “co-opted member”) on such terms as it determines
- (2) Those terms must—
  - (a) specify—

- (i) the functions of the South West Wales CJC in relation to which the co-opted member may act as a member of the CJC, and
    - (ii) any function of the South West Wales CJC that is ancillary or incidental to those functions;
  - (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, and
    - (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—
      - (i) the co-opted member resigns from the South West Wales CJC, or
      - (ii) the South West Wales CJC terminates the co-option.
  - (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.** Regulation 13 of the Corporate Joint Committees (General) (No. 2) (Wales) Regulations 2021 (arrangements for discharge of functions) does not apply to—

- (a) approving a transport policy, or revision of such a policy developed by virtue of regulation 12(1) under section 108(1)(a) and (2A)(a) of Part 2 of the Transport Act 2000;
- (b) the following actions connected with the preparation of a strategic development plan, or revision of a plan, under regulation 13—
  - (i) adopting a delivery agreement, or a revision of such an agreement (see regulation 11(2) and (8) of the Town and Country Planning (Strategic Development Plan) (Wales) Regulations 2021 (“the SDP Regulations”));
  - (ii) approving pre-deposit proposals documents and a statement of pre-deposit matters (see regulations 17 and 18 of the SDP Regulations);
  - (iii) approving an initial consultation report, SDP proposals document and a statement of deposit matters (see regulation 20 of the SDP Regulations);
  - (iv) approving documents to be sent to the Welsh Ministers under section 64(3) of the Planning and Compulsory Purchase Act 2004;
  - (v) withdrawing a strategic development plan under section 66A(2) of that Act;
  - (vi) adopting a strategic development plan under section 60M(9)(a) of that Act;
  - (vii) approving an annual monitoring report to be made under section 76(1) of that Act;

- (viii) approving a report of a review of a strategic development plan to be made under section 69(2) of that Act;
- (c) agreeing calculations of budget requirements or revised calculations under regulation 16(6)(b) and (9).”
- (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 that sub-paragraph 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) substitute—
- “(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).

### **Local Government Act 1972**

**38.** 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 under Part 5 of the Local Government and Elections (Wales) Act 2021;”

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

**39.** In section 111 of the 1988 Act (interpretation)—

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

### **Local Government and Housing Act 1989**

**40.** In section 21 of the 1989 Act (interpretation of Part 1), in subsection (3), at the appropriate place, insert—

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

### **Local Government (Wales) Measure 2011**

**41.** In section 175 of the 2011 Measure (interpretation), before the definition of “enactment” insert—

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

### **The Local Government and Elections (Wales) Act 2021**

**42.**—(1) The 2021 Act is amended as follows.

- (2) In section 171 (interpretation), in subsection (1), after the definition of “2013 Act” insert—

““corporate joint committee” (“*cyd-bwyllgor corfforedig*”) has the same meaning as in section 68 of this Act;”.

- (3) In Schedule 5—

- (a) in paragraph 3—

(i) for sub-paragraph (a) substitute—

“(a) 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 service under section 4 of the Local Government and Housing Act 1989;.”
- (ii) omit sub-paragraph (b);
- (b) in paragraph 9, for sub-paragraph (c) substitute—
- “(c) for subsection (3)(a) substitute—
  - “(a) in preparing a report under this section to consult so far as practicable with—
    - (i) in the case of a relevant authority which is the council of a county or county borough in Wales, 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 relevant authority which is 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 the case of any other relevant authority, 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;”
- (c) in paragraph 17 (amendments to section 43 of the 2011 Act), in sub-paragraph (a), for the inserted text 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).”

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

**43.**—(1) The Corporate Joint Committees (General) (Wales) Regulations 2021 (**17**) are amended as follows.

- (2) In regulation 2 the definitions of “co-opted participant” and “member” are omitted.
- (3) In regulation 3, both where it appears in the heading and in the body of the regulation, for “co-opted participants” substitute “sub-committee members”.
- (4) In Schedule 1, in paragraph 1—
  - (a) in the heading, for “co-opted participants” substitute “sub-committee members”;
  - (b) in sub-paragraph (1)(a)(ii), for “co-opted participant” substitute “a member of a sub-committee”.

At 9.30 a.m. on 1 December 2021

*Rebecca Evans*  
Minister for Finance and Local Government, one  
of the Welsh Ministers

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## 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 six parts to these Regulations.

Part 1 makes provision about commencement and interpretation of these Regulations.

Part 2 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 of these office holders.

Part 3 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 in any relevant authority may not be co-opted as members of a corporate joint committee.

Part 4 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 county or county borough councils in Wales. A sub-committee appointed by a corporate joint committee may have members who are not also members of the corporate joint committee.

Part 5 provides detail on the manner in which meetings and proceedings of corporate joint committees (and any sub-committee of a corporate joint committee) are to be undertaken. For example notice and documentation requirements and provision about the location of (and remote access to) meetings.

Part 6 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 those establishment regulations and a copy can be obtained from the Local Government Strategic Finance Division, Welsh Government, Cathays Park, Cardiff, CF10 3NQ.