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WELSH STATUTORY INSTRUMENTS

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**2022 No. 797 (W. 175)**

**LOCAL GOVERNMENT, WALES**

**The Corporate Joint Committees (General)  
(No. 2) (Wales) Regulations 2022**

*Made* - - - - *13 July 2022*

*Coming into force* - - *15 July 2022*

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 80(2)(c) and 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 these Regulations, and have given notice of their intention to make the Regulations 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 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 2022.

(2) These Regulations come into force on 15 July 2022.

**Interpretation**

**2.** In these Regulations—

“the 2000 Act” (“*Deddf 2000*”) means the Local Government Act 2000<sup>(2)</sup>;

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(1) 2021 asc 1.

(2) 2000 c. 22.

“the 2021 Act” (“*Deddf 2021*”) means the Local Government and Elections (Wales) Act 2021(3);

“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.

## PART 2

### Performance and information related to performance

#### **Amendment of the Public Audit (Wales) Act 2004 to provide for directions by the Auditor General for Wales**

3.—(1) The Public Audit (Wales) Act 2004(4) is amended as follows.

(2) In section 46(1) (bodies which the Auditor General for Wales may direct to publish information), after paragraph (b) insert—

“(ba) a corporate joint committee;”.

(3) In section 47(4)(c) (inspection of information relating to performance), at the beginning insert “in the case of a relevant body which is not a corporate joint committee,”.

(4) In section 48 (permitted methods of publishing information under section 47), for subsection (1) substitute—

“(1) The permitted methods of publication referred to in section 47(4)(b) are—

- (a) in the case of a relevant body which is a corporate joint committee, electronic publication;
- (b) in the case of a relevant body which is not a corporate joint committee, the methods mentioned in subsections (2) and (3).”

#### **Amendment of the Local Government and Elections (Wales) Act 2021 to apply Chapter 1 of Part 6 to corporate joint committees**

4. After Chapter 1 of Part 6 of the 2021 Act (performance of county and county borough councils) insert—

##### “CHAPTER 1A

##### PERFORMANCE, PERFORMANCE ASSESSMENTS AND INTERVENTION: CORPORATE JOINT COMMITTEES

#### **115A Application of Chapter 1 to corporate joint committees**

Schedule 10A applies Chapter 1 (performance, performance assessments and intervention: principal councils), except sections 113, 114 and 115, to a corporate joint committee with the modifications set out in that Schedule.”

5. After Schedule 10 to the 2021 Act insert—

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(3) 2021 asc 1.

(4) 2004 c. 23.

“SCHEDULE 10A

(introduced by section 115A)

*APPLICATION OF CHAPTER 1 OF PART 6 TO CORPORATE JOINT COMMITTEES*

1. Chapter 1 of Part 6, except for sections 113, 114 and 115, applies to a corporate joint committee with the modifications set out in this Schedule.

General modification of references

2. In Chapter 1 of Part 6—

- (a) the references to a principal council are to be read as references to a corporate joint committee but this is subject to paragraphs 3 to 17 of this Schedule (which make additional modifications to certain provisions of Chapter 1 of Part 6);
- (b) the references to a principal council’s governance and audit committee are to be read as references to a corporate joint committee’s governance and audit sub-committee;
- (c) the references to the area of a principal council are to be read as references to the area specified as a corporate joint committee’s area in regulations under Part 5 establishing the corporate joint committee.

Corporate joint committee to consult local people etc. on performance

3. Section 90 is to be read as if—

- (a) in paragraph (a) “local people” means people who live, work or study in the area specified as the corporate joint committee’s area in regulations under Part 5 establishing the corporate joint committee;
- (b) after paragraph (c) (and before “and”) there were inserted—
  - “(ca) each constituent council of the corporate joint committee,
  - (cb) any National Park authority which is required by regulations under Part 5 to appoint a member of the corporate joint committee,”.

Self-assessment report by corporate joint committee

4. Section 91(10)(c) is to be read as if—

- (a) in sub-paragraph (ii), at the beginning, there were inserted “if the corporate joint committee has a function relating to education,”;
- (b) after sub-paragraph (ii) (and before “and”) there were inserted—
  - “(iia) each constituent council of the corporate joint committee,
  - (iib) any National Park authority which is required by regulations under Part 5 to appoint a member of the corporate joint committee,”.

Panel assessment of performance

5. Section 92 is to be read as if—

- (a) in subsection (1), for “to the council” there were substituted “to principal councils in Wales (“the inter-election period”);
- (b) after subsection (1) there were inserted—
  - “(1A) For the purposes of subsection (1), the first inter-election period is the period immediately following the election mentioned in subsection (1B).
  - (1B) The election mentioned in this subsection is the next ordinary election of councillors to principal councils in Wales which follows that which took place on 5 May 2022.”;

- (c) in subsection (3)—
  - (i) in paragraph (a) “local people” means people who live, work or study in the area specified as the corporate joint committee’s area in regulations under Part 5 establishing the corporate joint committee;
  - (ii) after paragraph (c) (and before “and”) there were inserted—
    - “(ca) each constituent council of the corporate joint committee,
    - (cb) any National Park authority which is required by regulations under Part 5 to appoint a member of the corporate joint committee.”;
- (d) in subsection (5)—
  - (i) in paragraph (c), at the beginning, there were inserted “if the corporate joint committee has a function relating to education.”;
  - (ii) after paragraph (c) (and before “and”) there were inserted—
    - “(ca) each constituent council of the corporate joint committee,
    - (cb) any National Park authority which is required by regulations under Part 5 to appoint a member of the corporate joint committee.”;
- (e) in subsection (7), for “to the council” there were substituted “to principal councils in Wales”;
- (f) after subsection (7) there were inserted—
  - “(7A) The first of the elections mentioned in subsection (7) is the next ordinary election of councillors to principal councils in Wales which follows the election mentioned in subsection (1B).”

Response by corporate joint committee to report by panel

- 6. Section 93 is to be read as if—
  - (a) in subsection (6)(b)—
    - (i) in sub-paragraph (iii), at the beginning, there were inserted “if the corporate joint committee has a function relating to education.”;
    - (ii) after sub-paragraph (iii) (and before “and”) there were inserted—
      - “(iiia) each constituent council of the corporate joint committee,
      - (iiib) any National Park authority which is required by regulations under Part 5 to appoint a member of the corporate joint committee.”;
  - (b) in subsection (7), for “to the council” there were substituted “to principal councils in Wales”;
  - (c) after subsection (7) there were inserted—
    - “(7A) The first of the elections mentioned in subsection (7) is the next ordinary election of councillors to principal councils in Wales which follows the election mentioned in section 92(1B).”

Special inspection by Auditor General for Wales

- 7. Section 95 is to be read as if—
  - (a) in subsection (7)(b)—
    - (i) in sub-paragraph (ii), at the beginning, there were inserted “if the corporate joint committee has a function relating to education.”;
    - (ii) after sub-paragraph (ii) (and before “and”), there were inserted—
      - “(iia) each constituent council of the corporate joint committee,

(iib) any National Park authority which is required by regulations under Part 5 to appoint a member of the corporate joint committee,”;

(b) subsection (9) were omitted.

Response by corporate joint committee to Auditor General’s recommendations

**8.** Section 96(7)(b) is to be read as if—

(a) in sub-paragraph (i), at the beginning, there were inserted “if the corporate joint committee has a function relating to education,”,

(b) after sub-paragraph (i) (and before “and”) there were inserted—

“(ia) each constituent council of the corporate joint committee,

(ib) any National Park authority which is required by regulations under Part 5 to appoint a member of the corporate joint committee,”.

Response by the Welsh Ministers to Auditor General’s recommendations

**9.** Section 97(2)(b) is to be read as if—

(a) after sub-paragraph (ii) (and before “and”) there were inserted—

“(ia) each constituent council of that corporate joint committee,

(iib) any National Park authority which is required by regulations under Part 5 to appoint a member of that corporate joint committee,”;

(b) in sub-paragraph (iii), at the beginning, there were inserted “if the corporate joint committee has a function relating to education,”.

Auditor General’s powers of entry and inspection etc.

**10.** Section 98 is to be read as if—

(a) for subsection (1) there were substituted—

“(1) An inspector may at any reasonable time enter any premises of —

(a) a corporate joint committee;

(b) a constituent council of a corporate joint committee;

(c) a National Park authority which is required by regulations under Part 5 to appoint a member of a corporate joint committee,

and do anything that the inspector considers necessary for the purposes of a special inspection of the corporate joint committee, including inspecting a document held by the authority whose premises the inspector has entered.”;

(b) for subsection (2) there were substituted—

“(2) An inspector may require an authority mentioned in paragraph (a), (b) or (c) of subsection (1) to provide the inspector with any of the following that the inspector considers necessary for the purposes of a special inspection of the corporate joint committee—

(a) a document held by the authority;

(b) facilities and assistance.”;

(c) for paragraph (b) of subsection (4) there were substituted—

“(b) require an authority mentioned in paragraph (a), (b) or (c) of subsection (1) to provide the inspector with a legible copy, including a legible electronic copy, of a document inspected on its premises under subsection (1) or provided by it under subsection (2)(a);”.

Auditor General’s powers of entry and inspection etc.: notice and evidence of identity

**11.** Section 99 is to be read as if—

## (a) for subsection (1) there were substituted—

“(1) An inspector may enter the premises of an authority mentioned in paragraph (a), (b) or (c) of section 98(1) in exercise of the powers under that subsection only if—

(a) an inspector has given notice in writing to the authority, and

(b) there are at least three working days between the day on which the inspector gives the notice and the day on which the inspector enters the premises.”;

## (b) in subsection (2), for “council”, in both places it appears, there were substituted “authority”;

## (c) for subsection (3) there were substituted—

“(3) The requirement in subsection (1) does not apply if an inspector considers that giving an authority notice of the exercise of a power under section 98(1) against it would, or would be likely to, prejudice that exercise of the power.

(3A) The requirement in subsection (2) does not apply if an inspector considers that giving an authority notice of the exercise of a power under section 98(2) against it would, or would be likely to, prejudice that exercise of the power.”;

## (d) in subsection (4)(b)(i), for “member of a principal council or a member of the staff of a principal council” there were substituted “member of, or a member of the staff of, a principal council or a National Park authority (whether or not that person is also a member of, or a member of the staff of, a corporate joint committee)”;

## (e) in subsection (5)—

(i) for “a principal council” there were substituted “an authority mentioned in paragraph (a), (b) or (c) of section 98(1)”;

(ii) for “council”, in each place it appears in paragraphs (a), (b) and (c), there were substituted “authority”;

## (iii) after paragraph (c) there were inserted—

“(d) if the authority to which the notice is to be given is a corporate joint committee—

(i) leaving the notice at the principal office of a constituent council of the corporate joint committee;

(ii) sending the notice by first class post, or by an alternative service which provides for delivery no later than the next working day, to the principal office of a constituent council of the corporate joint committee.”;

## (f) in subsection (6)—

(i) for “member of a principal council or a member of the staff of a principal council” there were substituted “member of, or a member of the staff of, a principal council or a National Park authority (whether or not that person is also a member of, or a member of the staff of, a corporate joint committee)”;

(ii) in paragraphs (a) and (b), for “council” there were substituted “principal council or National Park authority”;

## (g) in subsection (7), for “member of a principal council or a member of the staff of a principal council” there were substituted “member of, or a member of the staff of, a principal council or a National Park authority”.

Consultation on Auditor General’s fees

**12.** Section 101(5)(b) is to be read as if for “principal councils” there were substituted “corporate joint committees”.

Direction to provide support and assistance

**13.** Section 103 is to be read as if—

(a) for subsection (1) there were substituted—

“(1) The Welsh Ministers may direct an authority mentioned in subsection (1A) to provide a corporate joint committee (“the supported corporate joint committee”) with such support and assistance as the Welsh Ministers consider appropriate to increase the extent to which the supported corporate joint committee meets the performance requirements.

(1A) The authorities mentioned in this subsection are—

(a) a corporate joint committee;

(b) a principal council.”;

(b) in subsection (3), for “both councils” there were substituted “the authority to which the Welsh Ministers are proposing to give the direction and the supported corporate joint committee”;

(c) in subsection (4)—

(i) for “a principal council” there were substituted “an authority”;

(ii) for “supported council”, in each place it appears there were substituted “supported corporate joint committee”.

Powers of the Welsh Ministers to intervene

**14.** Section 104(2)(a) is to be read as if for “another council” there were substituted “another authority”.

Direction to co-operate with provision of support and assistance

**15.** Section 105 is to be read as if—

(a) in subsection (1)—

(i) for “principal council (“the supported council”)” there were substituted “corporate joint committee (“the supported corporate joint committee”)”;

(ii) in paragraph (b), for “a principal council” there were substituted “an authority”;

(iii) for “to the supported council” there were substituted “to the supported corporate joint committee”;

(b) in subsections (2), (3) and (4), for “council”, in each place it appears, there were substituted “corporate joint committee”;

(c) in subsection (5), for “a principal council” there were substituted “an authority”.

Exercise of functions

**16.** Section 108 is to be read as if, for subsections (1) to (3), there were substituted—

“(1) Regulation 13 of the Corporate Joint Committees (General) (No. 2) (Wales) Regulations 2021 (arrangements for the discharge of functions) does not apply to the functions of a corporate joint committee mentioned in subsection (4).”

Interpretation

**17.** Section 112 is to be read as if, in the appropriate place, were inserted—

““constituent council” (“*cyngor cyfansodol*”), in relation to a particular corporate joint committee, means a constituent council as set out in the regulations under Part 5 establishing the corporate joint committee;”.”

6.—(1) In the title of Part 6 of the 2021 Act, after “PRINCIPAL COUNCILS” insert “AND CORPORATE JOINT COMMITTEES”.

(2) In the title of Chapter 1 of that Part, after “INTERVENTION” insert “: PRINCIPAL COUNCILS”.

### **Amendment of section 159 of the Local Government and Elections (Wales) Act 2021**

7. In section 159 of the 2021 Act (information sharing between regulators, the Auditor General for Wales and the Welsh Ministers)—

- (a) in subsection (1), after “principal council” insert “or a corporate joint committee”;
- (b) in subsection (4), after paragraph (b) insert—
  - “(ba) functions of the Auditor General for Wales or the Welsh Ministers under Chapter 1A of Part 6 (performance of corporate joint committees);”;
- (c) in subsection (5), in Table 2 —
  - (i) after the third entry in the second column relating to the Auditor General for Wales insert—

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“Functions under Chapter 1A of Part 6 of this Act (special inspections of performance of corporate joint committees)”

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- (ii) in the second column, in the second entry relating to the Welsh Ministers, after “(performance of principal councils)” insert “, Chapter 1A of Part 6 (performance of corporate joint committees).”

## PART 3

### Overview and Scrutiny

#### *Duties in relation to overview and scrutiny*

#### **Duty to co-operate on overview and scrutiny**

- 8.—(1) This Regulation applies where—
- (a) a relevant overview and scrutiny committee (“the committee”) makes a report or recommendations under section 21(2)(e) of the 2000 Act, and
  - (b) the report or recommendations relate to the exercise of a function of a corporate joint committee.
- (2) The corporate joint committee must co-operate with the committee and give it such reasonable assistance as it requests in connection with the exercise of its functions.
- (3) Assistance provided under paragraph (2) may include—
- (a) arranging for a member of the corporate joint committee to attend and answer questions at a meeting of the committee;
  - (b) arranging for a member of the staff of the corporate joint committee to attend and answer questions at a meeting of the committee;
  - (c) providing information;



(d) providing copies of documents in the possession or under the control of the corporate joint committee.

(4) Where the committee requests that the corporate joint committee provides confidential or exempt information, or a copy of any document or part of a document that contains confidential or exempt information, paragraph (2) does not require the corporate joint committee to provide such information or document to the committee unless the information is relevant.

(5) For the purposes of paragraph (4) information is relevant if a proper officer of the corporate joint committee determines that the information—

- (a) relates to an action or decision that is being reviewed or scrutinised by the committee, or
- (b) is relevant to any review contained in any programme of work of the committee.

(6) Nothing in this regulation permits the disclosure of confidential or exempt information by an overview and scrutiny committee other than may be authorised by any other enactment.

(7) For the purposes of this regulation a “relevant overview and scrutiny committee”, in relation to a corporate joint committee is—

- (a) an overview and scrutiny committee appointed by a constituent council under section 21(2) of the 2000 Act;
- (b) a joint overview and scrutiny committee appointed under the Local Authorities (Joint Overview and Scrutiny Committees) (Wales) Regulations 2013<sup>(5)</sup> where the appointing authorities are constituent councils of the corporate joint committee;
- (c) a sub-committee of a committee described in paragraph (a) or (b).

### **Duty to have regard**

9.—(1) This regulation applies where—

- (a) regulation 8 applies, and
- (b) the committee publishes the report or recommendation under—
  - (i) section 21B(2) of the 2000 Act;
  - (ii) regulation 13(2) of the Local Authorities (Joint Overview and Scrutiny Committees) (Wales) Regulations 2013.

(2) The corporate joint committee must—

- (a) consider the report or recommendation, and
- (b) publish a statement setting out the steps it intends to take in light of the report or recommendation in exercising its functions.

(3) A statement under paragraph (2)(b) must be published before the end of the period of 2 months beginning with the day the report by the committee is published.

(4) Regulation 13 of the Corporate Joint Committees (General) (No. 2) (Wales) Regulations 2021 (discharge of functions by other persons)<sup>(6)</sup> does not apply to the duty imposed by paragraph (2)(a).

### **Exempt Information**

10.—(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 Local Government Act 1972 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.

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<sup>(5)</sup> S.I. 2013/1050 (W. 112).

<sup>(6)</sup> S.I. 2021/1349 (W. 348).

(2) For the purposes of paragraph (1), Parts 4 to 6 of Schedule 12A to the Local Government Act 1972 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.”

#### *Governance and audit sub-committees*

#### **Appointment of a chairperson and deputy**

**11.**—(1) A governance and audit sub-committee of a corporate joint committee must appoint—

- (a) a chairperson, and
- (b) a deputy chairperson.

(2) The chairperson and the deputy chairperson must be appointed from among the members of the governance and audit sub-committee.

(3) The member appointed as the chairperson may not also be a member of a county council or county borough council in Wales.

#### **Proceedings etc.**

**12.**—(1) A meeting of the governance and audit sub-committee of a corporate joint committee (“the sub-committee”) is to be chaired—

- (a) by the chairperson, or
- (b) if the chairperson is absent, the deputy chairperson.

(2) If both the chairperson and the deputy chairperson are absent the sub-committee may appoint another of its members to chair the meeting.

(3) All members of the sub-committee may vote on any question that falls to be decided by the sub-committee.

(4) The sub-committee may—

- (a) require members and members of staff of the corporate joint committee to attend before it to answer questions, and
- (b) may invite other persons to attend meetings of the sub-committee.

(5) It is the duty of any member or member of staff of the corporate joint committee to comply with any requirement imposed under paragraph (4)(a).

(6) But a person is not obliged under paragraph (5) to answer any question which the person would be entitled to refuse to answer in, or for the purposes of, proceedings in a court in England and Wales.

#### **Frequency of governance and audit sub-committee meetings**

**13.**—(1) The governance and audit sub-committee of a corporate joint committee (“the sub-committee”) must meet once in every calendar year.

- (2) The sub-committee must also meet if—
- (a) the corporate joint committee resolves that the sub-committee should meet, or
  - (b) at least one-third of the members of the sub-committee requisition a meeting by one or more notices in writing given to the chairperson.
- (3) It is the duty of the person who chairs the sub-committee to secure that meetings of the sub-committee are held as required by paragraphs (1) and (2).
- (4) This regulation does not prevent the sub-committee from meeting otherwise than as required by this regulation.

*Interpretation etc.*

### **Interpretation of this Part**

#### **14. In this Part—**

“confidential information” (“*gwybodaeth gyfrinachol*”) means—

- (a) information furnished to the corporate joint committee by the Welsh Ministers upon terms (however expressed) which forbid the disclosure of the information to the public, and
- (b) information the disclosure of which to the public is prohibited by or under any enactment or by order of a court,

and in either case a reference to the obligation of confidence is to be construed accordingly;

“constituent council” (“*cyngor cyfansoddol*”) in relation to a corporate joint committee means a constituent council as set out in the regulations under Part 5 of the Local Government and Elections (Wales) Act 2021 establishing that corporate joint committee;

“exempt information” (“*gwybodaeth esempt*”) has the meaning given in regulation 10;

“governance and audit sub-committee” (“*is-bwyllgor llywodraethu ac archwilio*”) in relation to a corporate joint committee, means the sub-committee of that name appointed by the corporate joint committee under regulations under Part 5 of the Local Government and Elections (Wales) Act 2021 establishing the corporate joint committee.

## **PART 4**

### **Standing Orders**

#### **Standing orders in respect of procedures**

**15.** In section 20 of the Local Government and Housing Act 1989(7) (duty of relevant authorities to adopt certain procedural standing orders), in subsection (4)(a), after “below” insert “, a corporate joint committee”.

#### **Standing orders in respect of contracts**

**16.—(1)** A corporate joint committee must make standing orders with respect to the making of contracts by or on behalf of the corporate joint committee for—

- (a) the supply of goods or materials;

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(7) 1989 c. 42.

- (b) the execution of works.
- (2) Standing orders made under paragraph (1) must include provision for securing competition for such contracts and for regulating the manner in which tenders are invited.
- (3) Standing orders made under paragraph (1) may include provision—
  - (a) exempting contracts for a price below that specified in the standing orders from the provision mentioned in paragraph (2);
  - (b) authorising the corporate joint committee to exempt any contract from the provision mentioned in paragraph (2) if the corporate joint committee is satisfied that the exemption is justified by special circumstances.
- (4) A person entering into a contract with a corporate joint committee is not bound to inquire whether the standing orders of the corporate joint committee which apply to the contract have been complied with, and any contract entered into by or on behalf of the corporate joint committee is not invalidated by non-compliance with such orders.

## PART 5

### Miscellaneous and consequential amendments

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

17.—(1) The Mid Wales Corporate Joint Committee Regulations 2021<sup>(8)</sup> are amended as follows.

- (2) In paragraph 16 of the Schedule—
  - (a) in sub-paragraph (1)(c), after “internal control” insert “, performance management”;
  - (b) after sub-paragraph (1)(d) insert—
    - “(da) review and assess the Mid Wales CJC’s ability to handle complaints effectively;
    - (db) make reports and recommendations in relation to the ability of the Mid Wales CJC to handle complaints effectively.”;
  - (c) after sub-paragraph (1) insert—
    - “(1A) See Chapter 1 of Part 6 of the Local Government and Elections (Wales) Act 2021 (performance and governance of principal councils), as applied by section 115A of and Schedule 10A to that Act, for further functions of the governance and audit sub-committee.”;
  - (d) in sub-paragraph (2)(a), for “at least one member of the sub-committee is a person who is not a member” substitute “one third of the members of the sub-committee are not also members”;
  - (e) in sub-paragraph (2)(b) for “at least two thirds of the membership is constituted of” substitute “two thirds of the members of the sub-committee are also”;
  - (f) omit sub-paragraph (2)(c)(iv) and the “or” that precedes it;
  - (g) after sub-paragraph (2) insert—
    - “(2A) If a person described in sub-paragraph (2)(b) (“P”) ceases to be a member of a constituent council, P also ceases to be a member of the governance and audit sub-committee.”

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<sup>(8)</sup> S.I. 2021/342 (W. 96).

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

**18.**—(1) The South East Wales Corporate Joint Committee Regulations 2021<sup>(9)</sup> are amended as follows.

(2) In paragraph 16 of the Schedule—

(a) in sub-paragraph (1)(c), after “internal control” insert “, performance management”;

(b) after sub-paragraph (1)(d) insert—

“(da) review and assess the South East Wales CJC’s ability to handle complaints effectively;

(db) make reports and recommendations in relation to the ability of the South East Wales CJC to handle complaints effectively;”;

(c) after sub-paragraph (1) insert—

“(1A) See Chapter 1 of Part 6 of the Local Government and Elections (Wales) Act 2021 (performance and governance of principal councils) as applied by section 115A of and Schedule 10A to that Act, for further functions of the governance and audit sub-committee.”;

(d) in sub-paragraph (2)(a), for “at least one member of the sub-committee is a person who is not a member” substitute “one third of the members of the sub-committee are not also members”;

(e) in sub-paragraph (2)(b) for “at least two thirds of the membership is constituted of” substitute “two thirds of the members of the sub-committee are also”;

(f) omit sub-paragraph (2)(c)(iv) and the “or” that precedes it;

(g) after sub-paragraph (2) insert—

“(2A) If a person described in sub-paragraph (2)(b) (“P”) ceases to be a member of a constituent council, P also ceases to be a member of the governance and audit sub-committee.”

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

**19.**—(1) The North Wales Corporate Joint Committee Regulations 2021<sup>(10)</sup> are amended as follows.

(2) In paragraph 16 of the Schedule—

(a) in sub-paragraph (1)(c), after “internal control” insert “, performance management”;

(b) after sub-paragraph (1)(d) insert—

“(da) review and assess the North Wales CJC’s ability to handle complaints effectively;

(db) make reports and recommendations in relation to the ability of the North Wales CJC to handle complaints effectively;”;

(c) after sub-paragraph (1) insert—

“(1A) See Chapter 1 of Part 6 of the Local Government and Elections (Wales) Act 2021 (performance and governance of principal councils) as applied by section 115A of and Schedule 10A to that Act, for further functions of the governance and audit sub-committee.”;

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<sup>(9)</sup> S.I. 2021/343 (W. 97).

<sup>(10)</sup> S.I. 2021/339 (W. 93).

- (d) in sub-paragraph (2)(a), for “at least one member of the sub-committee is a person who is not a member” substitute “one third of the members of the sub-committee are not also members”;
- (e) in sub-paragraph (2)(b) for “at least two thirds of the membership is constituted of” substitute “two thirds of the members of the sub-committee are also”;
- (f) omit sub-paragraph (2)(c)(iv) and the “or” that precedes it;
- (g) after sub-paragraph (2) insert—
  - “(2A) If a person described in sub-paragraph (2)(b) (“P”) ceases to be a member of a constituent council, P also ceases to be a member of the governance and audit sub-committee.”

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

**20.**—(1) The South West Wales Corporate Joint Committee Regulations 2021<sup>(11)</sup> are amended as follows.

- (2) In paragraph 16 of the Schedule—
  - (a) in sub-paragraph (1)(c), after “internal control” insert “, performance management”;
  - (b) after sub-paragraph (1)(d) insert—
    - “(da) review and assess the South West Wales CJC’s ability to handle complaints effectively;
    - (db) make reports and recommendations in relation to the ability of the South West Wales CJC to handle complaints effectively;”;
  - (c) after sub-paragraph (1) insert—
    - “(1A) See Chapter 1 of Part 6 of the Local Government and Elections (Wales) Act 2021 (performance and governance of principal councils), as applied by section 115A of and Schedule 10A to that Act, for further functions of the governance and audit sub-committee.”;
  - (d) in sub-paragraph (2)(a), for “at least one member of the sub-committee is a person who is not a member” substitute “one third of the members of the sub-committee are not also members”;
  - (e) in sub-paragraph (2)(b) for “at least two thirds of the membership is constituted of” substitute “two thirds of the members of the sub-committee are also”;
  - (f) omit sub-paragraph (2)(c)(iv) and the “or” that precedes it;
  - (g) after sub-paragraph (2) insert—
    - “(2A) If a person described in sub-paragraph (2)(b) (“P”) ceases to be a member of a constituent council, P also ceases to be a member of the governance and audit sub-committee.”

### **Local Government Act 2003**

**21.**—(1) The Local Government Act 2003<sup>(12)</sup> is amended as follows.

- (2) In section 101(7A) (staff transfer matters: general) after paragraph (ac) insert—
  - “(ad) a corporate joint committee established by regulations made under Part 5 of the Local Government and Elections (Wales) Act 2021;”

<sup>(11)</sup> S.I. 2021/352 (W. 104).

<sup>(12)</sup> 2003 c. 26.

- (3) In section 102, for subsection (7B) (staff transfer matters: pensions) substitute—
- “(7B) In this section, in relation to Wales, “local authority” means—
- (a) a county council, county borough council or community council in Wales;
  - (b) a corporate joint committee established by regulations made under Part 5 of the Local Government and Elections (Wales) Act 2021.”

#### **Public Audit (Wales) Act 2004**

**22.** In section 54 of the Public Audit (Wales) Act 2004 (restriction on disclosure of information)

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- (a) in subsection (1)—
    - (i) in paragraph (aa), after “Chapter 1” insert “or 1A”;
    - (ii) in paragraph (b), after “Chapter 1” insert “or 1A”;
  - (b) in subsection (2)(b), after “Chapter 1” insert “or 1A”.

#### **Well-being of Future Generations (Wales) Act 2015**

**23.** In paragraph 1 of Schedule 1 to the Well-being of Future Generations (Wales) Act 2015(13) (reports by public bodies of progress in meeting well-being objectives), after sub-paragraph (2A) insert—

“(2B) In respect of any financial year, a corporate joint committee may publish its report under this paragraph and its report under section 91(1) of the Local Government and Elections (Wales) Act 2021 (as applied to corporate joint committees by section 115A of and Schedule 10A to that Act) in the same document.”

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

**24.** In section 174(5) of the 2021 Act (regulations under the 2021 Act)—

- (a) after paragraph (m) insert—

“(ma) section 94 as applied to corporate joint committees by section 115A and Schedule 10A;”;
- (b) after paragraph (n) insert—

“(na) section 107(3) as applied to corporate joint committees by section 115A and Schedule 10A;”;
- (c) after paragraph (o) insert—

“(oa) section 110(1) or (2) as applied to corporate joint committees by section 115A and Schedule 10A;”.

13 July 2022

*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 (“the 2021 Act”).

There are 5 Parts to these Regulations.

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

Part 2 amends the Public Audit (Wales) Act 2004 so that the Auditor General for Wales will be able to direct corporate joint committees to publish information relating to their performance.

Part 2 also inserts new section 115A and new Schedule 10A into the 2021 Act. The effect of these new provisions is to apply most of Chapter 1 of Part 6 of the 2021 Act (performance of county and county borough councils in Wales) to corporate joint committees, with modifications which make that Chapter fit the circumstances of corporate joint committees.

Chapter 1 of Part 6 of the 2021 Act, as applied to corporate joint committees by new section 115A and new Schedule 10A, will provide for the assessment of the performance of corporate joint committees. It will also give powers to the Auditor General for Wales to carry out inspections of corporate joint committees, as well as providing for support and assistance to be given to corporate joint committees, and for other interventions by the Welsh Ministers.

Paragraph 2 of the new Schedule 10A makes some general modifications of references in Chapter 1 of Part 6, including requiring references to principal councils to be read as if they were references to corporate joint committees. However, those general modifications must be read in combination with paragraphs 3 to 17 of new Schedule 10A, which make additional and, in certain cases, different modifications of references to principal councils.

Part 2 of these Regulations also amends section 159 of the 2021 Act to create powers and duties to share information for the purposes of certain functions which may be exercised in relation to corporate joint committees.

Part 3 of these Regulations makes provision requiring corporate joint committees to co-operate and provide assistance where the overview and scrutiny committee of one or more constituent councils of the corporate joint committee is making a report or recommendations in relation to the exercise by the corporate joint committee of one of its functions. This may involve ensuring that its members and staff attend meetings of the committee or that documents (or other information) are provided. The corporate joint committee must also have regard and respond to any such report or recommendations as may be published by such an overview and scrutiny committee.

Part 3 also makes provision about the governance and audit sub-committee that each of the existing corporate joint committees must appoint under the regulations establishing them. It provides that the sub-committee must appoint a chairperson and makes provision about the frequency of meetings and the voting procedure.

Part 4 of these Regulations makes provision in relation to standing orders of corporate joint committees by extending the existing power of the Welsh Ministers to require certain authorities to adopt standing orders regulating their proceedings and business to include corporate joint committees. The Part also makes provision imposing a duty on corporate joint committees to adopt standing orders in relation to contracts. This is equivalent to section 135 of the Local Government Act 1972 which applies to local authorities in Wales.



Part 5 of these Regulations makes miscellaneous and consequential provision. This includes amendments to the functions of governance and audit sub-committees as set out in the regulations establishing each of the four existing corporate joint committees.

A copy of the regulatory impact assessment relating to the establishment of corporate joint committees can be obtained from the Local Government Strategic Finance Division, Welsh Government, Cathays Park, Cardiff, CF10 3NQ.