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## WELSH STATUTORY INSTRUMENTS

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# 2021 No. 343

## The South East Wales Corporate Joint Committee Regulations 2021

### Title and commencement

1.—(1) The title of these Regulations is the South East Wales Corporate Joint Committee Regulations 2021.

(2) These Regulations, other than the provisions mentioned in paragraph (3), come into force on 1 April 2021.

(3) The following provisions of these Regulations come into force on 28 February 2022—

- (a) regulation 11;
- (b) regulation 12;
- (c) regulation 13;
- (d) regulation 15 in so far as it relates to functions conferred on the South East Wales Corporate Joint Committee by regulation 11, 12 or 13.

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### Commencement Information

**11** Reg. 1 in force at 1.4.2021, see [reg. 1\(2\)](#)

### Interpretation

2. In these Regulations—

“the Brecon Beacons member” (*“aelod Bannau Brycheiniog”*) means the member appointed under regulation 8;

“constituent council” (*“cyngor cyfansoddiadol”*) means—

- (a) Cardiff county council;
- (b) Monmouthshire county council;
- (c) Blaenau Gwent county borough council;
- (d) Bridgend county borough council;
- (e) Caerphilly county borough council;
- (f) Merthyr Tydfil county borough council;
- (g) Newport county borough council;
- (h) Rhondda, Cynon, Taff county borough council;
- (i) Torfaen county borough council;
- (j) The Vale of Glamorgan county borough council;

[<sup>F1</sup>“co-opted member” (*“aelod cyfetholedig”*) has the meaning given by regulation 9(1);]

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**Changes to legislation:** *There are currently no known outstanding effects for the The South East Wales Corporate Joint Committee Regulations 2021. (See end of Document for details)*

“council member” (“*aelod cyngor*”) means a person referred to in regulation 7(1) or a person appointed under regulation 7(3);

“enactment” (“*deddfiad*”) means an enactment whenever enacted or made;

“financial year” means—

- (a) the period of 12 months ending with 31 March 2022 (referred to in these Regulations as “the first financial year”);
- (b) subsequently, a period of 12 months ending with 31 March;

“National Park Authority” (“*Awdurdod Parc Cenedlaethol*”) means an authority in Wales established under section 63 of the Environment Act 1995(1);

“standing orders” (“*rheolau sefydlog*”) means the standing orders made under paragraph 8 of the Schedule;

“strategic planning functions” (“*swyddogaethau cynllunio strategol*”) means—

- (a) the functions of the South East Wales Corporate Joint Committee under Part 6 of the Planning and Compulsory Purchase Act 2004(2) (see regulation 13), and
- (b) any functions incidental or conducive to the exercise of those functions.

#### Textual Amendments

- F1** Words in reg. 2 substituted (3.12.2021) by [The Corporate Joint Committees \(General\) \(No. 2\) \(Wales\) Regulations 2021 \(S.I. 2021/1349\)](#), regs. 1(2), **36(2)**

#### Commencement Information

- I2** Reg. 2 in force at 1.4.2021, see [reg. 1\(2\)](#)

## PART 1

### Establishment and area

#### Establishment

**3.—(1)** There is established a body corporate to be known as the South East Wales Corporate Joint Committee (“the South East Wales CJC”).

(2) The South East Wales CJC has the functions—

- (a) conferred on it by these Regulations, and
- (b) conferred or imposed on it, or delegated to it, by any other enactment.

(3) Functions conferred on the South East Wales CJC by these Regulations are exercisable in relation to its area.

#### Commencement Information

- I3** Reg. 3 in force at 1.4.2021, see [reg. 1\(2\)](#)

(1) 1995 c.25.

(2) 2004 c.5. Part 6 has been amended by Schedule 9 to the Local Government and Elections (Wales) Act 2021 (asc 1).

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## Area

4. The South East Wales CJC’s area comprises the areas of the constituent councils.

### Commencement Information

**I4** Reg. 4 in force at 1.4.2021, see [reg. 1\(2\)](#)

## PART 2

### Constitution

## Constitution

5. The Schedule makes provision about the constitution of the South East Wales CJC.

### Commencement Information

**I5** Reg. 5 in force at 1.4.2021, see [reg. 1\(2\)](#)

## PART 3

### Membership

## Membership

- 6.—(1) The members of the South East Wales CJC are—

- (a) the 10 council members, <sup>F2</sup>...
- (b) the Brecon Beacons member [<sup>F3</sup>, and]
- [<sup>F4</sup>(c) any co-opted member.]

(2) The members are entitled to vote in relation to any matter to be decided by the South East Wales CJC [<sup>F5</sup>, subject to regulations 8(2A) and 9(2)]

<sup>F6</sup>(3) .....

(4) References in these Regulations, and in any other enactment, to a member of the South East Wales CJC (however expressed) include the Brecon Beacons member [<sup>F7</sup>and any co-opted member], unless—

- (a) express provision is made to the contrary, or
- (b) the context requires otherwise.

### Textual Amendments

**F2** Word in [reg. 6\(1\)\(a\)](#) omitted (3.12.2021) by virtue of [The Corporate Joint Committees \(General\) \(No. 2\) \(Wales\) Regulations 2021 \(S.I. 2021/1349\)](#), [regs. 1\(2\)](#), [36\(3\)\(a\)\(i\)](#)

**F3** Word in [reg. 6\(1\)\(b\)](#) inserted (3.12.2021) by [The Corporate Joint Committees \(General\) \(No. 2\) \(Wales\) Regulations 2021 \(S.I. 2021/1349\)](#), [regs. 1\(2\)](#), [36\(3\)\(a\)\(ii\)](#)

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- F4** Reg. 6(1)(c) inserted (3.12.2021) by The Corporate Joint Committees (General) (No. 2) (Wales) Regulations 2021 (S.I. 2021/1349), regs. 1(2), **36(3)(a)(iii)**
- F5** Words in reg. 6(2) inserted (3.12.2021) by The Corporate Joint Committees (General) (No. 2) (Wales) Regulations 2021 (S.I. 2021/1349), regs. 1(2), **36(3)(b)**
- F6** Reg. 6(3) omitted (3.12.2021) by virtue of The Corporate Joint Committees (General) (No. 2) (Wales) Regulations 2021 (S.I. 2021/1349), regs. 1(2), **36(3)(c)**
- F7** Words in reg. 6(4) substituted (3.12.2021) by The Corporate Joint Committees (General) (No. 2) (Wales) Regulations 2021 (S.I. 2021/1349), regs. 1(2), **36(3)(d)**

#### Commencement Information

- I6** Reg. 6 in force at 1.4.2021, see **reg. 1(2)**

### Council members

- 7.—(1) In the case of each constituent council—
- the executive leader, where the constituent council operates a leader and cabinet executive;
  - the elected mayor, where the constituent council operates a mayor and cabinet executive,
- is the council member of the South East Wales CJC.
- (2) Where a council member is, for any period, unable to [<sup>F8</sup>act as council member], the constituent council of which they are a member must appoint another member of its executive to [<sup>F9</sup>act] on behalf of the council member for that period.
- (3) Where a constituent council has a vacancy in an office referred to in paragraph (1), the constituent council must appoint another member of its executive as the council member of the South East Wales CJC until such time as the vacancy is filled.

#### Textual Amendments

- F8** Words in reg. 7(2) substituted (3.12.2021) by The Corporate Joint Committees (General) (No. 2) (Wales) Regulations 2021 (S.I. 2021/1349), regs. 1(2), **36(4)(a)**
- F9** Word in reg. 7(2) substituted (3.12.2021) by The Corporate Joint Committees (General) (No. 2) (Wales) Regulations 2021 (S.I. 2021/1349), regs. 1(2), **36(4)(b)**

#### Commencement Information

- I7** Reg. 7 in force at 1.4.2021, see **reg. 1(2)**

### Brecon Beacons member

- 8.—(1) The Brecon Beacons National Park Authority (“the Authority”) must appoint an office-holder mentioned in paragraph (2) as a member of the South East Wales CJC (“the Brecon Beacons member”).
- (2) The office-holders who are eligible to be the Brecon Beacons member are—
- the chairman of the Authority,
  - the deputy chairman of the Authority, or
  - the chairperson of a committee with responsibility for planning matters as may be established by the Authority.
- [<sup>F10</sup>(2A) The Brecon Beacons member may act as a member only in relation to—
- 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.]
- (3) Where the Brecon Beacons member is, for any period, unable to <sup>[F11]</sup>act as a member, the Authority must appoint one of the other office-holders mentioned in paragraph (2) to <sup>[F12]</sup>act on behalf of the Brecon Beacons member for that period.

#### Textual Amendments

- F10** Reg. 8(2A)-(2C) inserted (3.12.2021) by [The Corporate Joint Committees \(General\) \(No. 2\) \(Wales\) Regulations 2021 \(S.I. 2021/1349\)](#), regs. 1(2), **36(5)(a)**
- F11** Words in reg. 8(3) substituted (3.12.2021) by [The Corporate Joint Committees \(General\) \(No. 2\) \(Wales\) Regulations 2021 \(S.I. 2021/1349\)](#), regs. 1(2), **36(5)(b)(i)**
- F12** Word in reg. 8(3) substituted (3.12.2021) by [The Corporate Joint Committees \(General\) \(No. 2\) \(Wales\) Regulations 2021 \(S.I. 2021/1349\)](#), regs. 1(2), **36(5)(b)(ii)**

#### Commencement Information

- I8** Reg. 8 in force at 1.4.2021, see [reg. 1\(2\)](#)

#### <sup>[F13]</sup>Co-opted participants

- 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

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- (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.]

#### Textual Amendments

**F13** Reg. 9 substituted (3.12.2021) by [The Corporate Joint Committees \(General\) \(No. 2\) \(Wales\) Regulations 2021 \(S.I. 2021/1349\)](#), regs. 1(2), **36(6)**

#### Commencement Information

**I9** Reg. 9 in force at 1.4.2021, see [reg. 1\(2\)](#)

#### Job sharing

- 10.** Where an office referred to in—
- (a) regulation [7\(1\)](#), or
  - (b) regulation [8\(2\)](#),

is shared by 2 or more persons, those persons are to be treated as if they were 1 person for the purposes of these Regulations.

#### Commencement Information

**I10** Reg. 10 in force at 1.4.2021, see [reg. 1\(2\)](#)

## PART 4

### Functions

VALID FROM 30/06/2022

#### Economic well-being

**11.** The economic well-being function is granted to the South East Wales CJC (see section 76 of the Local Government and Elections (Wales) Act 2021).

#### Commencement Information

**I11** [Reg. 11](#) in force at 30.6.2022, see [reg. 1\(3\)\(a\)](#) (as amended by [S.I. 2022/140](#), regs. 1(2), **2(2)(a)**)

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VALID FROM 30/06/2022

### Transfer etc. of function of developing transport policies

**12.**—(1) The function of developing policies under section 108(1)(a) and (2A)(a) of Part 2 of the Transport Act 2000<sup>(3)</sup> is, in respect of the area of each constituent council, to be exercised by the South East Wales CJC, and not by the constituent council.

(2) Part 2 of the Transport Act 2000 applies in relation to the South East Wales CJC and its constituent councils subject to the modifications in the Schedule to the Corporate Joint Committees (Transport Functions) (Wales) Regulations 2021<sup>(4)</sup>.

#### Commencement Information

**I12** Reg. 12 in force at 30.6.2022, see reg. 1(3)(b) (as amended by S.I. 2022/140, regs. 1(2), 2(2)(a))

VALID FROM 30/06/2022

### Strategic planning functions

**13.** The South East Wales CJC has the function of preparing a strategic development plan (and accordingly Part 6 of the Planning and Compulsory Purchase Act 2004 applies to the South East Wales CJC (see in particular sections 60K to 60N of that Act)).

#### Commencement Information

**I13** Reg. 13 in force at 30.6.2022, see reg. 1(3)(c) (as amended by S.I. 2022/140, regs. 1(2), 2(2)(a))

### Subsidiary powers

**14.**—(1) The South East Wales CJC may do anything—

- (a) to facilitate, or
- (b) which is incidental or conducive to,

the exercise of its functions under these Regulations or any other enactment.

(2) Things which may be done under paragraph (1) include—

- (a) incurring expenditure;
- (b) charging fees;
- (c) acquiring or disposing of property or rights.

#### Commencement Information

**I14** Reg. 14 in force at 1.4.2021, see reg. 1(2)

(3) 2000 c.38.

(4) S.I. 2021/328 (W. 86).

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### **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).

## **PART 5**

### **Funding**

#### **Calculation of budget requirements**

**16.—**(1) For each financial year the South East Wales CJC must calculate the amounts described in paragraph (2) attributable to—

- (a) its strategic planning functions (including an appropriate proportion of administration costs and other overheads), and
  - (b) its other functions.
- (2) The amounts that the CJC must calculate are—
- (a) the amount which the CJC estimates it will spend in respect of the financial year in the exercise of its functions (including spending on administration and other overheads);
  - (b) the amount which the CJC considers appropriate to raise for contingencies arising in respect of the financial year;
  - (c) the amount which the CJC considers appropriate to be held as a reserve to meet expenditure it considers will be incurred in respect of future financial years;
  - (d) any amount which the CJC considers is necessary to meet liabilities outstanding in respect of any earlier financial year.



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(3) For each financial year, the South East Wales CJC must also calculate the aggregate of any amounts it estimates it will receive from sources other than the constituent councils and the Brecon Beacons National Park Authority attributable to—

- (a) its strategic planning functions, and
- (b) its other functions.

(4) Where the sum of the amounts calculated for a financial year under paragraph (1)(a) exceeds the amount calculated for that year under paragraph (3)(a), the amount of excess is the South East Wales CJC’s strategic planning budget requirement for the financial year.

(5) Where the sum of the amounts calculated for a financial year under paragraph (1)(b) exceeds the amount calculated for that year under paragraph (3)(b), the amount of excess is the South East Wales CJC’s general budget requirement for the financial year.

(6) The South East Wales CJC must—

- (a) carry out the calculations under paragraphs (1) and (3), and
- (b) agree those calculations at a meeting,

no later than 31 January in each preceding financial year.

(7) In relation to the first financial year, paragraph (6) applies as if, for “31 January in each preceding financial year” there were substituted “31 January 2022”.

(8) The South East Wales CJC may revise the calculations carried out under paragraphs (1) and (3) at any time before the end of the financial year to which they relate and the South East Wales CJC’s general budget requirement, or strategic planning budget requirement, may consequently be revised.

(9) Any revised calculations must be agreed at a meeting of the South East Wales CJC.

#### Commencement Information

**I17** Reg. 16 in force at 1.4.2021, see [reg. 1\(2\)](#)

#### Funding of budget requirement

**17.**—(1) The South East Wales CJC’s general budget requirement must be paid to the South East Wales CJC by the constituent councils, and the proportion of that amount payable by each constituent council is to be determined by the unanimous agreement of the council members.

(2) The South East Wales CJC’s strategic planning budget requirement must be paid to the South East Wales CJC by the constituent councils and the Brecon Beacons National Park Authority, and the proportion of that amount payable by each constituent council and by the Authority is to be determined by the unanimous agreement of [<sup>F15</sup>the council members and the Brecon Beacons member].

(3) Where agreement cannot be reached as to the proportions payable under paragraph (1) or (2), the Welsh Ministers may by direction specify the proportion payable by each constituent council or each constituent council and the Brecon Beacons National Park Authority.

(4) This regulation applies to a general budget requirement, or strategic planning budget requirement, revised under paragraph (8) of regulation 16 as it applies to a budget requirement initially determined under that regulation.

#### Textual Amendments

**F15** Words in [reg. 17\(2\)](#) substituted (3.12.2021) by [The Corporate Joint Committees \(General\) \(No. 2\) \(Wales\) Regulations 2021 \(S.I. 2021/1349\)](#), [regs. 1\(2\)](#), [36\(8\)](#)

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**Commencement Information**

**I18** Reg. 17 in force at 1.4.2021, see [reg. 1\(2\)](#)

*Julie James*  
Minister for Housing and Local Government,  
one of the Welsh Ministers

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