

Explanatory Memorandum to the South East Wales Corporate Joint Committee (Amendment) Regulations 2022

This Explanatory Memorandum has been prepared by the Local Government Department of the Welsh Government and is laid before Senedd Cymru in conjunction with the above regulations and in accordance with Standing Order 27.1.

Minister's Declaration

In my view, this Explanatory Memorandum gives a fair and reasonable view of the expected impact of the South East Wales Corporate Joint Committee (Amendment) Regulations 2022.

Rebecca Evans MS
Minister for Finance and Local Government

25 January 2022

1. Description

The South East Wales Corporate Joint Committee (Amendment) Regulations 2022 amend the South East Wales Corporate Joint Committee Regulations 2021 to change the date on which certain functions will be conferred on the South East Wales Corporate Joint Committee.

Those provisions come into force on the 18 of February 2022.

2. Matters of special interest to the Legislation, Justice and Constitution Committee

None.

3. Legislative background

The powers enabling these Regulations to be made are contained in sections 80(1) and 174 of the Local Government and Elections (Wales) Act 2021.

Section 80(1) provides the Welsh Ministers with a power to amend or revoke joint committee regulations. Section 174 requires that these Regulations will be subject to the affirmative resolution procedure in the Senedd.

Subject to approval by the Senedd, the Regulations will be made by the Minister for Finance and Local Government and will come into force on 18 February 2022.

4. Purpose and intended effect of the legislation

The South East Wales Corporate Joint Committee (Amendment) Regulations 2022 (“the Amendment Regulations”) amend the South East Wales Corporate Joint Committee Regulations 2021 (“the SE Establishment Regulations”) to change the date on which certain functions will be conferred on the South East Wales Corporate Joint Committee.

The Amendment Regulations amend regulation 1(3) of the SE Establishment Regulations so that regulations 11, 12 and 13, and regulation 15 (in so far as it relates to functions conferred on the South East Wales Corporate Joint Committee by regulations 12 and 13 of the SE Establishment Regulations) commence on 30 June 2022 instead of 28 February 2022 as currently provided for. This amendment was requested by the South East Wales Corporate Joint Committee to provide more time to address emerging technical issues in relation to implementation before the three core functions commence.

Regulation 11 of the SE Establishment Regulations confers on the South East Wales Corporate Joint Committee the economic well-being function, regulation 12 confers the function of developing transport policies under Part 2 of the Transport Act 2000 and regulation 13 confers the function of preparing a strategic development plan.

The Amendment Regulations also omit the reference to regulation 11 in regulation 1(3)(d) of the SE Establishment Regulations.

The original purpose of regulation 1(3)(d) was to partially delay the commencement of regulation 15 so that, to the extent regulation 15 related to the functions of economic well-being, developing transport policies under Part 2 of the Transport Act 2000 and preparing a strategic development plan, regulation 15 would not come into force until those functions were in force.

When the SE Establishment Regulations were made, regulation 15 contained a power for the South East Wales Corporate Joint Committee to delegate its functions, along with some exceptions from that power.

However, the Corporate Joint Committees (General) (No. 2) (Wales) Regulations 2021 subsequently conferred a new power for CJsCs to delegate functions (regulation 13 of those Regulations), while at the same time replacing regulation 15 of the South East Wales Corporate Joint Committee Regulations 2021 with a new version of regulation 15 which dealt only with the disapplication of the CJC's power to delegate, in relation to certain functions.

The replacement regulation 15 contains disapplications of the power to delegate which are relevant to regulation 12 (developing transport policies) and regulation 13 (preparation of a strategic development plan) but none which are relevant to regulation 11 (economic well-being). Therefore, the reference in regulation 1(3)(d) of the South East Wales Corporate Joint Committee Regulations 2021 to regulation 11 is now incorrect and is removed by the Amending Regulations.

5. Consultation

The amendment of the SE Establishment Regulations so as to change the date on which certain functions will be conferred on the South East Wales Corporate Joint Committee was requested by the constituent councils of the South East Wales Corporate Joint Committee.

In addition and in accordance with section 80(2)(c) and section 82(2) and (3)(a) and (d) of the Local Government and Elections (Wales) Act 2021, 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 area of the South East Wales Corporate Joint Committee area and to the South East Wales Corporate Joint Committee itself.

6. Regulatory Impact Assessment (RIA)

A regulatory impact assessment to accompany the South East Wales Corporate Joint Committee Regulations 2021 assessed the potential costs and benefits associated with establishing Corporate Joint Committees through regulations. In assessing the potential costs and benefits the RIA considers the overarching policy intent that Corporate Joint Committees should be treated as part of the 'local government family' including the application of an appropriate accounting, audit and financial management regime.

A separate regulatory impact assessment has not been prepared in respect of these Regulations as it is not considered that the change of the date on which certain functions will be conferred on the South East Wales Corporate Joint Committee will materially affect the costs of establishing the South East Wales Corporate Joint Committee and the original regulatory impact therefore remains valid.

A copy of the RIA to accompany the South East Wales Corporate Joint Committee Regulations 2021 is available as part of the relevant documentation to accompany those Regulations.

<https://senedd.wales/media/11ahrkka/sub-ld14136-em-e.pdf>