

Explanatory Memorandum to the Corporate Joint Committees (Amendment of the Well-being of Future Generations (Wales) Act 2015) Regulations 2021

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 Corporate Joint Committees (Amendment of the Well-being of Future Generations (Wales) Act 2015) Regulations 2021.

Rebecca Evans MS
Minister for Finance and Local Government
09 November 2021

1. Description

The Corporate Joint Committees (Amendment of the Well-being of Future Generations (Wales) Act 2015) Regulations 2021 amend the Well-being of Future Generations (Wales) Act 2015 to provide that Corporate Joint Committees established by regulations made under Part 5 of the Local Government and Elections (Wales) Act 2021 are liable to comply with the Well-being of Future Generations (Wales) Act 2015.

Those provisions come into force on the 3 December 2021.

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

No specific matters identified.

3. Legislative background

The powers enabling these Regulations to be made are contained in sections 84(2) and 174 of the Local Government and Elections (Wales) Act 2021.

Section 84(2) provides the Welsh Ministers with a power to make provision in connection with part 5 of the Local Government and Elections (Wales) Act 2021 which amend, modify, apply (with or without modifications) or disapply any enactment.

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 come into force on 3 December 2021.

4. Purpose and intended effect of the legislation

The Corporate Joint Committees (Amendment of the Well-being of Future Generations (Wales) Act 2015) Regulations 2021 (“the Amendment Regulations”) amend the Well-being of Future Generations (Wales) Act 2015 (“the Act”).

The Amendment Regulations form a package of amendments to legislation that will underpin all Corporate Joint Committees and put in place the necessary legislative framework for effective administration and governance of a Corporate Joint Committee.

Corporate Joint Committees are corporate bodies, established via regulation, and consist of those principal councils in Wales which are specified in the establishment regulations. In some circumstances National Park authorities in Wales are also included in a Corporate Joint Committee, where this is the case this will also be set out in the relevant establishment regulations.

The overall intent in establishing Corporate Joint Committees is that a Corporate Joint Committee will be treated as part of or a member of the 'local government family' and largely subject to the same or similar powers and duties as local authorities in the way that they operate and are governed.

Section 6 of the Act lists certain persons as being a 'public body' for the purposes of Parts 2 and 3 of the Act. Part 2 of the Act sets out the well-being goals which public bodies must seek to achieve. Part 3 of the Act enables the office of Future Generations Commissioner to monitor and assess the extent to which the well-being objectives set by public bodies under Part 2 of the Act are being met.

The Amendment Regulations amend the meaning of a public body in section 6, by adding a Corporate Joint Committee to the list. The effect of this is that Corporate Joint Committees, established under Part 5 of the Local Government and Elections (Wales) Act 2021, are bodies which are liable to comply with Part 2 and 3 of the Act.

The Amendment Regulations also amend the Act by dis-applying section 9 of the Act in relation to Corporate Joint Committees. Section 8A is inserted into the Act, which specifies when a Corporate Joint Committee must set and review its well-being objectives.

The amendments within these regulations:

- a. Inserts Corporate Joint Committees into section 6(1) of the Well-being of Future Generations (Wales) Act 2015 under the meaning of "*public body*."
- b. Inserts a new section 8A into the Well-being of Future Generations (Wales) Act 2015 specifying when a Corporate Joint Committee must set and review its well-being objectives.
- c. Inserts Corporate Joint Committees into section 9(1) of the Well-being of Future Generations (Wales) Act 2015 under "*Other public bodies' well-being objectives*".
- d. Inserts a definition of a "Corporate Joint Committee" into section 55(1) (interpretation) of the Well-being of Future Generations (Wales) Act 2015.

5. Consultation

The Minister for Housing and Local Government consulted with the Well-being of Future Generations Commissioner on the intention to include Corporate Joint Committees in the Well-being of Future Generations (Wales) Act 2015. The application of the Well-being of Future Generations (Wales) Act 2015 was also considered as part of the consultation on the draft Corporate Joint Committee Establishment Regulations which ran from 12 October 2020 to 4 Jan 2021. In line with the approach to treating Corporate Joint Committees as part of the 'local government family' respondents agreed that Corporate Joint Committees should be subject to the same standards and obligations in terms of Well-being of Future Generations as local authorities are currently.

In addition the application of the Well-being of Future Generations (Wales) Act 2015 to Corporate Joint Committees was debated on a number of occasions during the passage of the Local Government and Elections (Wales) Act 2021 in the Senedd. The Minister for Housing and Local Government committed to ensuring that

Corporate Joint Committees were included in the Well-being of Future Generations (Wales) Act 2015 at establishment or as soon as possible thereafter.

6. Regulatory Impact Assessment (RIA)

A separate regulatory impact assessment has not been prepared in respect of these regulations. However, the regulatory impact assessment to accompany The Mid Wales Corporate Joint Committee Regulations 2021, The North Wales Corporate Joint Committee Regulations 2021, The South East Wales Corporate Joint Committee Regulations 2021 and The South West Wales Corporate Joint Committee Regulations 2021 assessed the potential costs and benefits associated with establishing the 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 wider public body duties such as those in the Well-being of Future Generations.

It was assumed for the purpose of the RIA that exercising such duties will be something which was undertaken by the corporate body function of a Corporate Joint Committees and the costs for exercising the public body duties within these Regulations are included in the range of costs provided for the overall corporate body function in the RIA.

A copy of the [RIA](#) to accompany The Mid Wales Corporate Joint Committee Regulations 2021, The North Wales Corporate Joint Committee Regulations 2021, The South East Wales Corporate Joint Committee Regulations 2021 and The South West Wales Corporate Joint Committee Regulations 2021 is available as part of the relevant documentation to accompany those regulations.