

Explanatory Memorandum to the Standards Committees (Grant of Dispensations) (Wales) (Amendment) Regulations 2023

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 Standards Committees (Grant of Dispensations) (Wales) (Amendment) Regulations 2023

Rebecca Evans MS
Minister for Finance and Local Government
14 September

1. Description

The Standards Committees (Grant of Dispensations) (Wales) (Amendment) Regulations 2023 (“the 2023 Regulations”) amend the Standards Committees (Grant of Dispensations) (Wales) Regulations 2001 (“the 2001 Regulations”) to add Corporate Joint Committees (CJCs) established by regulations made under Part 5 of the Local Government and Elections (Wales) Act 2021 (“the 2021 Act”) to the definition of ‘relevant authority’. The 2001 Regulations set out the circumstances and procedure for a standards committee of a relevant authority to grant dispensations from prohibitions in the code of conduct for members or co-opted members of that relevant authority.

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

The Legislation, Justice and Constitution Committee may wish to note that this Statutory Instrument forms part of a package of instruments which underpin the establishment of CJCs and which seek to ensure CJCs are subject to the same administrative and governance requirements as the rest of local government. It forms part of a group of Regulations and Orders which apply Part 3 of the Local Government Act (“2000 Act”) to CJCs.

3. Legislative background

The 2021 Act provides for a framework for regional collaboration between county and county borough councils. Individual sets of Establishment Regulations were approved by the Senedd under Part 5 of the 2021 Act to create four Corporate Joint Committees (CJCs) from 1 April 2021 which are coterminous with Wales’ city and growth deal areas.

Section 81 (5)(a) and (b) of the 2000 Act permits the Welsh Ministers to make regulations which prescribe the circumstances in which standards committees may grant dispensations to a member or co-opted member of a relevant authority from the prohibitions set out in the mandatory provisions of the code of conduct of that authority and the procedure to be followed for the granting of such a dispensation. A CJC is a relevant authority for the purposes of Part 3 to the 2000 Act (sections 49(6) and 83).

The power in section 81(5)(a) and (b) of the 2021 Act was exercised to make the 2001 Regulations and is therefore relied upon to make the amendment to those Regulations adding CJCs to the definition of “relevant authority”.

4. Purpose and intended effect of the legislation

CJCs are corporate bodies, established via regulation, and consist of those county and county borough councils in Wales which are specified in the establishment regulations. In some circumstances National Park Authorities in Wales are also members of a CJC; where this is the case this is also set out in the relevant CJC establishment regulations.

The 2023 Regulations add CJC established under Part 5 of the 2021 Act to the definition of “relevant authority” in the 2001 Regulations. This ensures that the 2001 Regulations apply to CJCs in relation to the grant of dispensations by standards committees to members and co-opted members from the prohibitions in the mandatory provisions of their codes of conduct as it would to other relevant authorities.

The 2023 Regulations are part of a package of amendments to legislation that underpin all CJCs and put in place the necessary legislative framework for the effective administration and governance of CJCs.

The overall intent is that a CJC will be treated as part of the “local government family” and will be largely subject to the same or similar powers and duties as local authorities in the way they operate and are governed.

5. Consultation

The overall approach to the development of the legislative framework which underpins CJCs and the duties which should apply has been co-developed with Local Government, the Welsh Local Government Association, and a number of professional networks, including, for example, Lawyers in Local Government and the Society of Welsh Treasurers.

The consultation on the Corporate Joint Committee (General) (Wales) Regulations 2022 between 10 November 2021 and 22 December 2021 asked respondents if they agreed with the intended approach to give full effect to the application of Part 3 of the 2000 Act to CJCs and made clear the specific orders and regulations which would subsequently have to be amended. All respondents to that consultation agreed to the approach outlined.

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 CJCs through regulations. In assessing the potential costs and benefits the RIA considered the overarching policy intent that Corporate Joint Committees should be treated as part of the ‘local government family’. The costs associated with the application of the 2001 Regulations to CJCs was considered therefore as part of the regulatory impact assessment on the establishment regulations themselves.

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.