

Explanatory Memorandum to the Child Poverty Strategy (Corporate Joint Committees) (Wales) 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 Order 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 Child Poverty Strategy (Corporate Joint Committees) (Wales) Regulations 2021.

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

1. Description

The Child Poverty Strategy (Corporate Joint Committees) (Wales) Regulations 2021 sets out the requirements in terms of preparation, publication and renewal of a child poverty strategy prepared by Corporate Joint Committees under section 2 of the Children and Families (Wales) Measure 2010.

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 section 5(3) of the Children and Families (Wales) Measure 2010 so far as provisions setting out timings, renewal, review, publication and inspection of the strategies are concerned and sections 84(2) and 174 of the Local Government and Elections (Wales) Act 2021 so far as the provision at regulation 8 dis-applying the Child Poverty Strategy (Wales) Regulations 2011 to Corporate Joint Committees.

Sections 5(3) of the Children and Families (Wales) Measure 2010 provides the Welsh Ministers with a power to make provision in relation to the strategy of a Welsh Authority under section 2 of the Measure in terms of the period to which the strategy should apply, its renewal, its publication and review and any consultation to be carried out in the preparation of the strategy.

Section 84(2) of the Local Government and Elections (Wales) Act 2021 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 of the Local Government and Elections (Wales) Act 2021 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 Child Poverty Strategy (Corporate Joint Committees) (Wales) Regulations 2021 (“the Regulations”) sets out the requirements in terms of preparation, review, renewal, publication and inspection of a child poverty strategy prepared by Corporate Joint Committees under section 2 of the Children and Families (Wales) Measure 2010.

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

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 Corporate Joint Committee establishment regulations.

Corporate Joint Committees were added to the list of Welsh Authorities required to make and demonstrate their contribution towards the eradication of child poverty in Wales under the Children and Families (Wales) Measure 2010 by the Children and Families (Wales) Measure 2010 (Amendment to the list of Welsh authorities) Regulations 2021.

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.

The Regulations set out the duration of the first and subsequent child poverty strategies to be prepared by a CJC, the timing and manner of their publication and inspection, the requirements in terms of reviewing the child poverty strategy and the consultation requirements.

The Regulations also amend the Child Poverty Strategy (Wales) Regulations 2011 so as to dis-apply those regulations to Corporate Joint Committees.

5. Consultation

The application of wider public body duties was 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 public body duties as principal councils in Wales – including the Children and Families (Wales) Measure 2010. Whilst the consultation did not include the intention to make the Child Poverty Strategy (Corporate Joint Committees) (Wales) Regulations 2021 themselves the need for the regulations are consequential on the inclusion of Corporate Joint Committees in the Children and Families (Wales) Measure and are required to enable a Corporate Joint Committee to exercise its duties under the Measure.

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 wider public sector duties such as those in the Children and Families (Wales) Measure 2010. 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 CJC 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.