

SL(6)383 – The Standards Committees (Wales) (Amendment) Regulations 2023

Background and Purpose

The Standards Committees (Wales) (Amendment) Regulations 2023 (“these Regulations”) add Corporate Joint Committees (“CJs”) 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” in the Standards Committees (Wales) Regulations 2001 (“the 2001 Regulations”).

CJs are corporate bodies consisting of those county and county borough councils which are specified in the establishment regulations. In some circumstances National Park authorities are also members of a CJC; where this is the case this is also set out in the relevant CJC establishment regulations.

Adding CJs to the definition of “relevant authority” in the 2001 Regulations ensures that, unless otherwise specified, the 2001 Regulations apply to CJs in relation to standards committees set up by those CJs as it would to other relevant authorities. Some specific provision has been made in respect of CJs where the 2001 Regulations as drafted do not fit the membership structure of CJs. These Regulations provide for the size, composition and proceedings of standards committees set up by CJs.

They also correct two small errors in the Welsh language text of the 2001 Regulations. The first error is at regulation 7(1) of the 2001 Regulations and is corrected by a substitution of the word “officer” for the incorrect word “member” as set out in regulation 6 (a) of these Regulations. The second error is of an identical nature and is in 7(2) of the 2001 Regulations and has been corrected by translation of the amendment at regulation 6(c) of these Regulations which, whilst not a direct translation of the English version, has the same legal effect in both languages.

Procedure

Negative

The Regulations were made by the Welsh Ministers before they were laid before the Senedd. The Senedd can annul the Regulations within 40 days (excluding any days when the Senedd is: (i) dissolved, or (ii) in recess for more than four days) of the date they were laid before the Senedd.

Technical Scrutiny

No points are identified for reporting under Standing Order 21.2 in respect of this instrument.



Merits Scrutiny

The following 2 points are identified for reporting under Standing Order 21.3 in respect of this instrument.

1. Standing Order 21.3(ii) – that it is of political or legal importance or gives rise to issues of public policy likely to be of interest to the Senedd.

No consultation has been carried out in relation to these Regulations but the following explanation is noted in part 5 of the Explanatory Memorandum:

“The overall approach to the development of the legislative framework which underpins CJsCs 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 CJsCs 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.”

2. Standing Order 21.3(ii) – that it is of political or legal importance or gives rise to issues of public policy likely to be of interest to the Senedd.

No Regulatory Impact Assessment has been carried out in relation to these Regulations but the following explanation is noted in part 6 of the Explanatory Memorandum:

“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 CJsCs 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 CJsCs was considered therefore as part of the regulatory impact assessment on the establishment regulations themselves.”

Welsh Government response

A Welsh Government response is not required.



Committee Consideration

The Committee considered the instrument at its meeting on 2 October 2023 and reports to the Senedd in line with the reporting points above.



Senedd Cymru

Pwyllgor Deddfwriaeth, Cyfiawnder a'r Cyfansoddiad

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Welsh Parliament

Legislation, Justice and Constitution Committee