

Draft Regulations laid before Senedd Cymru under section 174 of the Local Government and Elections (Wales) Act 2021, for approval by resolution of Senedd Cymru.

DRAFT WELSH STATUTORY
INSTRUMENTS

2021 No. (W.)

**LOCAL GOVERNMENT,
WALES**

**The Corporate Joint Committees
(General) (Wales) Regulations 2021**

EXPLANATORY NOTE

(This note is not part of the Regulations)

Part 1 of these Regulations introduces Schedule 1 which makes provision about the standards of conduct that apply to members, co-opted participants and employees of corporate joint committees.

Paragraph 1 of Schedule 1 refers to the code of conduct that relevant authorities must adopt under the Local Government Act 2000 (c 22). It provides that where a member or co-opted participant of a corporate joint committee is a member or a co-opted member of a relevant authority under the Local Government Act 2000, the code of conduct of their authority applies to them as though they had been appointed to the corporate joint committee by their authority.

Paragraph 2 of Schedule 1 refers to the code of conduct for employees of relevant authorities which is also made under the Local Government Act 2000. It provides that this code applies to employees of corporate joint committees as it applies to employees of relevant authorities within the meaning given by that Act.

Part 2 of these Regulations introduces Schedule 2 which makes provision about accounts and finance of corporate joint committees.

Paragraph 1 of Schedule 2 provides that Part 1 of the Local Government Act 2003 applies to corporate joint committees as it applies to local authorities.

Part 1 of the 2003 Act makes provision about the financial management of local authorities and related

public bodies, including in particular, provision about capital finance and accounting practices.

Paragraph 2 of Schedule 2 provides that the Local Authorities (Capital Finance and Accounting) (Wales) Regulations 2003 apply to corporate joint committees as they apply to local authorities. The 2003 Regulations make further, more detailed, provision about the matters contained in Part 1 of the Local Government Act 2003.

Schedule 3 makes general amendments to other enactments.

Paragraph 1 of Schedule 3 amends section 1 of the Local Authorities (Goods and Services) Act 1970 (c. 39) with the effect that corporate joint committees may enter into certain agreements for goods and services with another authority to which that section applies in relation to trading operations.

Paragraph 2 of Schedule 3 amends section 59 of the Equality Act 2010 (c. 15) with the effect that the protections against discrimination, harassment and victimisation set out in section 58 of that Act apply to a member of a corporate joint committee carrying out official business as such a member.

Paragraph 3 of Schedule 3 amends paragraph 1 of Schedule 20 to the Land Transaction Tax and Anti-avoidance of Devolved Taxes (Wales) Act 2017. That paragraph provides that no land transaction tax is charged on a land transaction between public bodies which arises as a result of a reorganisation provided for in legislation. The amendment ensures that corporate joint committees are treated as public bodies for the purposes of that tax relief.

These Regulations are connected with Regulations which establish certain corporate joint committees under Part 5 of the Local Government and Elections (Wales) Act 2021. The Welsh Ministers' Code of Practice on the carrying out of Regulatory Impact Assessments was considered in relation to the Regulations which establish corporate joint committees and connected regulations. As a result a regulatory impact assessment has been prepared. A copy can be obtained from the Local Government Strategic Finance Division, Welsh Government, Cathays Park, Cardiff, CF10 3NQ.

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Made

Coming into force

1 April 2021

The Welsh Ministers, in exercise of the powers conferred on them by sections 83(2), 84 and 174 of the Local Government and Elections (Wales) Act 2021(1), make the following Regulations.

A draft of this instrument has been laid before and approved by a resolution of Senedd Cymru in accordance with section 174(4) and (5)(k) and (l) of that Act.

Title and coming into force

1.—(1) The title of these Regulations is the Corporate Joint Committees (General) (Wales) Regulations 2021.

(2) These Regulations come into force on 1 April 2021.

Interpretation

2.—(1) In these Regulations—

“the 2021 Act” means the Local Government and Elections Act 2021 (asc 1);

(1) 2021 asc 1.

“co-opted participant” means a person co-opted by the council members to participate in the activity of a corporate joint committee;

“corporate joint committee” means a corporate joint committee established by regulations made under Part 5 of the 2021 Act;

“constituent council”, in relation to a corporate joint committee, means the principal council for a principal area in the area of the corporate joint committee;

“member” means a person appointed to a corporate joint committee in regulations made under Part 5 of the 2021 Act;

“principal area” has the meaning given by section 68 of the 2021 Act;

“principal council” has the meaning given in section 171(1) of the 2021 Act.

“senior executive member” has the meaning given by section 77(4) of the 2021 Act.

(2) References in these Regulations to the area of a corporate joint committee are references to the area comprising—

- (a) the principal areas of the principal councils that made a joint committee application under section 72(1) of the 2021 Act, or
- (b) the principal areas specified in regulations made under section 74(1) of that Act.

PART 1

Standards of conduct

Conduct of corporate joint committee members, co-opted participants and employees

3. Schedule 1 makes provision about the standards of conduct that apply in relation to members, co-opted participants and employees of corporate joint committees.

PART 2

Finance and accounts

Finance and accounts

4. Schedule 2 makes provision about the finance and accounts of corporate joint committees.

PART 3

General amendments

General amendments relating to the status of a corporate joint committee

5. Schedule 3 contains amendments of other enactments related to the status of a corporate joint committee as a public body.

Name

Minister for Housing and Local Government, one of the Welsh Ministers

Date

SCHEDULE 1 Regulation 3

Standards of conduct

Application of relevant authority's code of conduct to members and co-opted participants

1.—(1) Sub-paragraph (2) applies to a person who—

- (a) is—
 - (i) a member, or
 - (ii) a co-opted participant, of a corporate joint committee, and
- (b) is—
 - (i) a member, or
 - (ii) a co-opted member, of a relevant authority.

(2) For the purposes of the code of conduct of the relevant authority, a person to whom this paragraph applies is to be treated as though they had been appointed by the relevant authority to serve on the corporate joint committee.

(3) Where, by virtue of sub-paragraph (2), a person to whom that sub-paragraph applies is required, in so far as they are acting for the corporate joint committee, to comply with the model code of conduct (“the code”), sub-paragraphs (4) and (5) apply.

(4) References to a person’s “authority” in Part 3 of the code are to be read as references to the corporate joint committee for which the person is acting.

(5) A person must register any personal interests they have in the business of the corporate joint committee in their relevant authority’s register of member’s interests by providing written notification to the authority’s monitoring officer.

Application of authority code of conduct to employees

2.—(1) Sub-paragraph (2) applies unless—

- (a) express provision is made to the contrary, or
- (b) the context requires otherwise.

(2) The Code of Conduct (Qualifying Local Government Employees) (Wales) Order 2001⁽¹⁾ (“the 2001 Order”) applies to an employee of a corporate joint committee as it applies to an employee of a relevant authority.

⁽¹⁾ S.I. 2001/2280 (W. 170).

(3) In the 2001 Order, as it applies by virtue of subparagraph (2), a reference to an employee’s authority is to be read as reference to an employee’s corporate joint committee.

Interpretation of Schedule 1

3. In this Schedule—

- (a) references to “the 2000 Act” are to the Local Government Act 2000⁽¹⁾;
- (b) references to the “model code of conduct” are to the model code of conduct set out in the Schedule to the Local Authorities (Model Code of Conduct) (Wales) Order 2008⁽²⁾;
- (c) “code of conduct” means the code of conduct adopted by a relevant authority under section 51 of the 2000 Act;
- (d) “co-opted member” has the meaning given by section 49 of the 2000 Act;
- (e) “relevant authority” has the meaning given by section 49 of the 2000 Act.

SCHEDULE 2 Regulation 4

Finance and accounts

Amendment of the Local Government Act 2003

4. In section 23 of the Local Government Act 2003⁽³⁾ (meaning of “local authority”), after subsection (10) insert—

“(11) This Part applies in relation to a corporate joint committee established by regulations made under Part 5 of the Local Government and Elections (Wales) Act 2021 as it applies in relation to a local authority.”

Amendment of the Local Authorities (Capital Finance and Accounting) (Wales) Regulations 2003

5. In regulation 1(4) of the Local Authorities (Capital Finance and Accounting) (Wales) Regulations

(1) 2000 c 22

(2) S.I. 2008/788 (W. 82).

(3) 2003 c. 26. Section 23 was amended by the Fire and Rescue Services Act 2004 (c. 21), Schedule 1, paragraph 100; the Civil Contingencies Act 2004 (c. 36), Schedule 2, paragraph 10(3)(e), the Local Democracy, Economic Development and Construction Act 2009 (c. 20), Schedule 6, paragraph 117(2); the Police Reform and Social Responsibility Act 2011 (c. 13), Schedule 16, paragraph 317; the Deregulation Act 2015 (c. 20), Schedule 13, paragraph 6(32)(a); the Cities and Local Government Devolution Act 2016 (c. 1), sections 9(4) and 25(2); the Policing and Crime Act 2017 (c. 3), Schedule 1, paragraph 83(2); and by S.I. 2005/886.

2003(1) (interpretation), in the definition of “local authority”, after “Regulations” insert “and includes a corporate joint committee established by regulations made under Part 5 of the Local Government and Elections (Wales) Act 2021 in so far as Part 1 of the Local Government Act 2003 applies to corporate joint committees by virtue of section 23(11) of the 2003 Act”.

SCHEDULE 3 Regulation 5

General amendments

Amendment of the Local Authorities (Goods and Services) Act 1970

1. In section 1(4) of the Local Authorities (Goods and Services) Act 1970(2) (supply of goods and services by local authorities), in the definition of “local authority”, after “any joint authority established by Part VI of the Local Government Act 1985,” insert “any corporate joint committee established by regulations made under Part 5 of the Local Government and Elections (Wales) Act 2021,”.

Amendment of the Equality Act 2010

2. In section 59(2) of the Equality Act 2010(3), after paragraph (j) insert—

“(ja) a corporate joint committee established by regulations made under Part 5 of the Local Government and Elections (Wales) Act 2021;”.

Amendment of the Land Transaction Tax and Anti-avoidance of Devolved Taxes (Wales) Act 2017

3. In paragraph 1(4) of Schedule 20 to the Land Transaction Tax and Anti-avoidance of Devolved Taxes (Wales) Act 2017(4), after paragraph (d) insert—

“(da) a corporate joint committee established by regulations made under Part 5 of the Local Government and Elections (Wales) Act 2021;”.

(1) S.I. 2003/3239 (W. 319). Regulation 1 was amended by S.I. 2004/1010 (W. 107), S.I. 2006/944 (W. 93), S.I. 2018/325 (W. 61) and S.I. 2019/736 (W. 139).

(2) 1970 c. 39.

(3) 2010 c. 15.

(4) 2017 anaw 1.