

CEREDIGION COUNTY COUNCIL

Report to: Ethics and Standards Committee

Date of meeting: 16 October 2022

Location: Hybrid

Title: New Regulations in relation to the Mid Wales Corporate Joint Committee

Purpose of the report: For information

Introduction

The Local Government and Elections (Wales) Act 2021 provides for **Corporate Joint Committees (CJCs)** as a mechanism for regional collaboration through a more consistent and democratically controlled framework.

Appendix A is the Local Authorities (Model Code of Conduct) (Wales) (Amendment) Order 2022.

This Order amends Part 1 of the Model Code of Conduct as set out in the Schedule to the Local Authorities (Model Code of Conduct) (Wales) Order 2008 (“the Order”) to add corporate joint committees established under Part 5 of the Local Government and Elections (Wales) Act 2021 (asc 1) to the list of relevant authorities.

The effect of the amendment is to make the mandatory Model Code of Conduct applicable to members of CJCs.

This includes the Mid Wales Corporate Joint Committee.

The Model Code of Conduct governs the conduct of the members of relevant authorities in Wales.

Appendix B is the Conduct of Members (Principles) (Wales) (Amendment) Order 2022.

This Order amends article 2 of the Conduct of Members (Principles) (Wales) Order 2001 (“the Order”) to add CJCs established under Part 5 of the Local Government and Elections (Wales) Act 2021 (asc 1) to the list of relevant authorities, making the principles in the Schedule to the Order applicable to members of corporate joint committees.

This includes the Mid Wales Corporate Joint Committee.

The Schedule to the Order sets out the principles which govern the conduct of the members of relevant authorities in Wales.

Appendix C is the Local Government Investigations (Functions of Monitoring Officers and Standards Committees) (Wales) (Amendment) Regulations 2022.

These Regulations add CJCs established by regulations made under Part 5 of

the Local Government and Elections (Wales) Act 2021 to the definition of “relevant authority” in the Local Government Investigations (Functions of Monitoring Officers and Standards Committees) (Wales) Regulations 2001 (“the 2001 Regulations”).

These Regulations also amend the 2001 Regulations to provide that where a CJC (or co-opted member) is under investigation, and they are also a member (or co-opted member) of a constituent council or National Park authority, specified information, reports and recommendations must also be sent to that council or authority.

This includes the Mid Wales Corporate Joint Committee.

Recommendation(s): To note the content of the amended Regulations.

Reasons for decision: For ensure the Committee is informed of legislative changes

Appendices: **Appendix A** Local Authorities (Model Code of Conduct) (Wales) (Amendment) Order 2022.
Appendix B Conduct of Members (Principles) (Wales) (Amendment) Order 2022.
Appendix C Local Government Investigations (Functions of Monitoring Officers and Standards Committees) (Wales) (Amendment) Regulations 2022

Reporting Officer: Lisa Evans Scrutiny and Standards Officer

Date: 15 September 2022

W E L S H S T A T U T O R Y
I N S T R U M E N T S

2022 No. 805 (W. 181)

**LOCAL GOVERNMENT,
WALES**

**The Conduct of Members
(Principles) (Wales) (Amendment)
Order 2022**

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends article 2 of the Conduct of Members (Principles) (Wales) Order 2001 (“the Order”) to add corporate joint committees established under Part 5 of the Local Government and Elections (Wales) Act 2021 (asc 1) to the list of relevant authorities, making the principles in the Schedule to the Order applicable to members of corporate joint committees.

The Schedule to the Order sets out the principles which govern the conduct of the members of relevant authorities in Wales.

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 orders and regulations. As a result, a regulatory impact assessment was prepared at the time of making those establishment regulations and is relied upon for the purpose of this Order. A copy can be obtained from the Local Government Strategic Finance Division, Welsh Government, Cathays Park, Cardiff, CF10 3NQ

W E L S H S T A T U T O R Y
I N S T R U M E N T S

2022 No. 805 (W. 181)

**LOCAL GOVERNMENT,
WALES**

**The Conduct of Members
(Principles) (Wales) (Amendment)
Order 2022**

Made 13 July 2022

Laid before Senedd Cymru 15 July 2022

Coming into force 5 August 2022

The Welsh Ministers, in exercise of the powers conferred on them by sections 49(2) and 105(2)(a) of the Local Government Act 2000(1), make the following Order.

In accordance with section 49(5)(2) of that Act, the Welsh Ministers have consulted such representatives of relevant authorities as they consider appropriate, the Auditor General for Wales, the Public Services Ombudsman for Wales, and such other persons as they considered appropriate.

Title and coming into force

1.—(1) The title of this Order is the Conduct of Members (Principles) (Wales) (Amendment) Order 2022.

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- (1) 2000 c. 22. Section 49(2) was amended by paragraph 8(3) of Schedule 4 to the Localism Act 2011 (c. 20). The power conferred by section 49(2) of the Local Government Act 2000 on the National Assembly for Wales was transferred to the Welsh Ministers by virtue of section 162 of, and paragraph 30 of Schedule 11 to, the Government of Wales Act 2006 (c. 32). Corporate joint committees were inserted into the definition of “relevant authority” in section 49(6) of the Local Government Act 2000 by S.I. 2022/372.
- (2) Section 49(5) was amended by paragraph 8(5) of Schedule 4 to the Localism Act 2011 (c. 20), paragraph 53(3) of Schedule 2 to the Public Audit (Wales) Act 2004 (c. 23) and paragraph 2(b) of Schedule 4 to the Public Service Ombudsman (Wales) Act 2005 (c. 10).

(2) This Order comes into force on 5 August 2022.

Amendment of article 2 of the Conduct of Members (Principles) (Wales) Order 2001

2. In the definition of “relevant authority” in article 2 (*Interpretation*) of the Conduct of Members (Principles) (Wales) Order 2001(1) after “a community council,” insert—

“(ca) a corporate joint committee established by regulations made under Part 5 of the Local Government and Elections (Wales) Act 2021 (asc 1)(2),”.

Rebecca Evans

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

13 July 2022

(1) S.I. 2001/2276 (W. 166), to which there are amendments not relevant to this order.

(2) 2021 asc 1.

W E L S H S T A T U T O R Y
I N S T R U M E N T S

2022 No. 806 (W. 182)

**LOCAL GOVERNMENT,
WALES**

**The Local Authorities (Model Code
of Conduct) (Wales) (Amendment)
Order 2022**

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends Part 1 of the Model Code of Conduct as set out in the Schedule to the Local Authorities (Model Code of Conduct) (Wales) Order 2008 (“the Order”) to add corporate joint committees established under Part 5 of the Local Government and Elections (Wales) Act 2021 (asc 1) to the list of relevant authorities. The effect of the amendment would be to make the mandatory Model Code of Conduct applicable to members of corporate joint committees.

The Model Code of Conduct governs the conduct of the members of relevant authorities in Wales.

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 orders and regulations. As a result, a regulatory impact assessment was prepared at the time of making those establishment regulations and is relied upon for the purpose of this Order. A copy can be obtained from the Local Government Strategic Finance Division, Welsh Government, Cathays Park, Cardiff, CF10 3NQ.

W E L S H S T A T U T O R Y
I N S T R U M E N T S

2022 No. 806 (W. 182)

**LOCAL GOVERNMENT,
WALES**

**The Local Authorities (Model Code
of Conduct) (Wales) (Amendment)
Order 2022**

Made 13 July 2022

Laid before Senedd Cymru 15 July 2022

Coming into force 5 August 2022

The Welsh Ministers, in exercise of the powers conferred on the National Assembly of Wales by sections 50(2) and (3)(1) and 105(2)(a) of the Local Government Act 2000(2) and now vested in them, make the following Order.

In accordance with section 49(5) of that Act, the Welsh Ministers have consulted the Auditor General for Wales, the Public Services Ombudsman for Wales, representatives of relevant authorities, and such other persons as considered appropriate.

Title and coming into force

1.—(1) The title of this Order is The Local Authorities (Model Code of Conduct) (Wales) (Amendment) Order 2022.

(2) This Order comes into force on 5 August 2022.

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- (1) Section 50 was amended by the Localism Act 2011 c. 20 Sch. 25(5) para. 1 (amendment has effect as S.I. 2012/1463 subject to transitional, transitory and savings provisions specified in S.I. 2012/1463 art. 7(3) and (4)). The powers conferred by section 50(2) and (3) of the Local Government Act 2000 on the National Assembly for Wales were transferred to the Welsh Ministers by virtue of section 162 of, and paragraph 30 of Schedule 11 to, the Government of Wales Act 2006 (c. 32).
- (2) 2000 c. 22.

Amendment of the Schedule to the Local Authorities (Model Code of Conduct) (Wales) Order 2008

2. In the definition of “relevant authority” in Part 1 (*Interpretation*) of the Schedule to the Local Authorities (Model Code of Conduct) (Wales) Order 2008(1) after “a community council” insert—

“(ca) a corporate joint committee established by regulations made under Part 5 of the Local Government and Elections (Wales) Act 2021 (asc 1)(2),”.

Rebecca Evans

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

13 July 2022

(1) S.I. 2008/788.
(2) asc 1.

W E L S H S T A T U T O R Y
I N S T R U M E N T S

2022 No. 802 (W. 178)

**LOCAL GOVERNMENT,
WALES**

**The Local Government
Investigations (Functions of
Monitoring Officers and Standards
Committees) (Wales) (Amendment)
Regulations 2022**

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations add corporate joint committees established by regulations made under Part 5 of the Local Government and Elections (Wales) Act 2021 to the definition of “relevant authority” in the Local Government Investigations (Functions of Monitoring Officers and Standards Committees) (Wales) Regulations 2001 (“the 2001 Regulations”).

These Regulations also amend the 2001 Regulations to provide that where a corporate joint committee member (or co-opted member) is under investigation, and they are also a member (or co-opted member) of a constituent council or National Park authority, specified information, reports and recommendations must also be sent to that council or authority.

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 and orders. As a result, a regulatory impact assessment was prepared at the time of making those establishment regulations and is relied on for the purpose of these Regulations. A copy can be obtained from the Local Government Strategic Finance Division, Welsh Government, Cathays Park, Cardiff, CF10 3NQ.

W E L S H S T A T U T O R Y
I N S T R U M E N T S

2022 No. 802 (W. 178)

**LOCAL GOVERNMENT,
WALES**

The Local Government
Investigations (Functions of
Monitoring Officers and Standards
Committees) (Wales) (Amendment)
Regulations 2022

<i>Made</i>	<i>13 July 2022</i>
<i>Laid before Senedd Cymru</i>	<i>15 July 2022</i>
<i>Coming into force</i>	<i>5 August 2022</i>

The Welsh Ministers make the following Regulations in exercise of the power conferred on them by section 73(1), (2)(b), (2)(d) and (2)(e), and section 105(2)(a) and (2)(b) and (3), of the Local Government Act 2000(1).

Title and coming into force

1. The title of these Regulations is the Local Government Investigations (Functions of Monitoring Officers and Standards Committees) (Wales) (Amendment) Regulations 2022 and they come into force on 5 August 2022.

(1) 2000 c. 22. The functions of the National Assembly for Wales now vest in the Welsh Ministers by virtue of section 162 of, and paragraph 30 of Schedule 11 to, the Government of Wales Act 2006 (c. 32). Regulation 3(2)(a) of S.I. 2022/372 (W. 92) inserted corporate joint committees to the definition of “relevant authority” in section 49 of the 2000 Act. Section 49 is contained in Part 3 of the 2000 Act and concerns the conduct of local government members and employees.

Amendments to the Local Government Investigations (Functions of Monitoring Officers and Standards Committees) (Wales) Regulations 2001

2. The Local Government Investigations (Functions of Monitoring Officers and Standards Committees) (Wales) Regulations 2001(1) are amended as follows.

3. In regulation 2, in the definition of “relevant authority”—

- (a) after “a scheme to which section 4 of that Act applies,” omit “and”;
- (b) for “1995;” substitute “1995, and”;
- (c) at the end insert “a corporate joint committee;”.

4. In regulation 3, after paragraph (2) insert—

“(2A) Where the relevant authority concerned is a corporate joint committee, in the matter of a member or co-opted member who is also a member or co-opted member of—

- (a) a constituent council of the corporate joint committee;
- (b) a National Park authority which is required by regulations under Part 5 of the Local Government and Elections (Wales) Act 2021(2) to appoint a member of the corporate joint committee,

the monitoring officer of the corporate joint committee must also send a copy of any report and recommendations issued under paragraph (1)(b) or any recommendations made under paragraph (2) to the monitoring officer of that constituent council or National Park authority.”

5. In regulation 6, after paragraph (a) insert—

“(aa) where any person who is the subject of the investigation is a member or co-opted member of a corporate joint committee and is also a member or co-opted member of—

- (i) a constituent council of the corporate joint committee;
- (ii) a National Park authority which is required by regulations under Part 5 of the Local Government and Elections (Wales) Act 2021 to

(1) S.I. 2001/2281 (W. 171); relevant amending instruments are S.I. 2005/2929 (W. 214), 2006/362 (W. 48), 2016/85 (W. 39).

(2) 2021 asc 1.

appoint a member of the corporate joint committee,

send a copy of the report and any recommendations to the monitoring officer of that constituent council or National Park authority;”.

6. In regulation 7(1)(a), after paragraph (i) insert—

“(ia) where the person who is the subject of the investigation is a member or co-opted member of a corporate joint committee and is also a member or co-opted member of—

(aa) a constituent council of the corporate joint committee;

(bb) a National Park authority which is required by regulations under Part 5 of the Local Government and Elections (Wales) Act 2021 to appoint a member of the corporate joint committee,

the monitoring officer of that constituent council or National Park authority;”.

7. In regulation 7A(1), after sub-paragraph (a) insert—

“(aa) where a subject of the investigation is a member or co-opted member of a corporate joint committee and is also a member or co-opted member of—

(i) a constituent council of the corporate joint committee;

(ii) a National Park authority which is required by regulations under Part 5 of the Local Government and Elections (Wales) Act 2021 to appoint a member of the corporate joint committee,

the monitoring officer of that constituent council or National Park authority;”.

8. In regulation 8—

(a) in paragraph (4), for “Regulation 7(b)” substitute “regulation 7(1)(b)”;

(b) in paragraph (6)(b), for “Regulation 12(a)(i)” substitute “regulation 12(1)(a)(i)”;

(c) in paragraph (6)(c), for “Regulation 12(a)(ii)” substitute “regulation 12(1)(a)(ii)”.

9. In regulation 9—

(a) in paragraph (2), for “Regulation 12(a)(ii)” substitute “regulation 12(1)(a)(ii)”;

(b) after paragraph (3)(a), insert—

“(aa) where a subject of the investigation is a member or co-opted member of a corporate joint committee and is also a member or co-opted member of—

(i) a constituent council of the corporate joint committee;

(ii) a National Park authority which is required by regulations under Part 5 of the Local Government and Elections (Wales) Act 2021 to appoint a member of the corporate joint committee,

the monitoring officer of that constituent council or National Park authority;”.

10. In regulation 10(10), after sub-paragraph (a) insert—

“(aa) where the person seeking permission to appeal is a member or co-opted member of a corporate joint committee and is also a member or co-opted member of—

(i) a constituent council of the corporate joint committee;

(ii) a National Park authority which is required by regulations under Part 5 of the Local Government and Elections (Wales) Act 2021 to appoint a member of the corporate joint committee,

the monitoring officer of that constituent council or National Park authority;”.

11. In regulation 12—

(a) the existing provision becomes paragraph (1);

(b) in paragraph (1), omit the words from “, and must inform” to “decision”;

(c) after paragraph (1), insert—

“(2) After making a decision in accordance with paragraph (1), the appeals tribunal must give notice of that decision and reasons for the decision to:

(a) any person who is the subject of the investigation,

(b) the Public Services Ombudsman for Wales,

(c) the Standards Committee of the relevant authority, and

(d) where any person subject to the investigation is a member of a corporate joint committee, and is also a member or co-opted member of—

(i) a constituent council of the corporate joint committee;

(ii) a National Park authority which is required by regulations under Part 5 of the Local Government and Elections (Wales) Act 2021 to appoint a member of the corporate joint committee,

the monitoring officer of that constituent council or National Park authority.”

12. In regulation 13—

(a) in paragraph (1)—

(i) in sub-paragraph (b), for “Regulation 12(a)(i) or (b)” substitute “regulation 12(1)(a)(i) or (b)”;

(ii) in sub-paragraph (c), for “Regulation 12(a)(ii)” substitute “regulation 12(1)(a)(ii)”;

(iii) omit the words from “and send” to “gave rise to the investigation”;

(b) after paragraph (1), insert—

“(1A) The Standards Committee must send a copy of the report to:

(a) any person who is the subject of the investigation,

(b) the Public Services Ombudsman for Wales,

(c) the monitoring officer of the relevant authority concerned, and

(d) where any person subject to the investigation is a member or co-opted member of a corporate joint committee, and is also a member or co-opted member of—

(i) a constituent council of the corporate joint committee;

(ii) a National Park authority which is required by regulations under Part 5 of the Local Government and Elections (Wales) Act 2021 to appoint a member of the corporate joint committee,

the monitoring officer of that constituent council or National Park authority.

(1B) The Standards Committee must also take reasonable steps to send a copy of the report to any person who made any allegation which gave rise to the investigation.”;

(c) in paragraph (2), in the words before subparagraph (a), after “authority” insert “concerned”.

Rebecca Evans

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

13 July 2022