

CYNGOR SIR CEREDIGION COUNTY COUNCIL

Report to: Ethics and Standards Committee

Date of meeting: 15 November 2023

Title: Standards Committees (Wales)(Amendment)
Regulations 2023 SI 2023/988

Purpose of the report: To update the Committee on amendments to Corporate Joint Committees.

Background

The Standards Committees (Wales) Regulations 2001 2001 Regulations include requirements as to composition of standards Committees and appointment of independent/lay members to Standards Committees:

[The Standards Committees \(Wales\) Regulations 2001 \(legislation.gov.uk\)](https://legislation.gov.uk)

1)Mid Wales CJC Representatives

The following are the Ceredigion representatives on the Standards Corporate Joint Committee sub-committee as agreed by Council on 26th October 2023:

Councillor Gwyn Wigley-Evans
Independent Member: Carol Edwards

2)Standards Committees (Wales)(Amendment) Regulations 2023

Appendix A contains the Standards Committees (Wales)(Amendment) Regulations 2023 SI 2023/988 which relates in particular to the Mid Wales CJC Standards Committee.

The effect of the 2023 Regulations is to amend the Standards Committees (Wales) Regulations 2001 so as to include Corporate Joint Committees within the 2001 Regulations.

The 2001 Regulations include requirements as to appointment of independent/lay members to Standards Committees. It also has the effect of prohibiting appointment on to a Standards Committee where a member has been a member of a CJC previously.

Wellbeing of Future Generations:

Has an Integrated Impact Assessment been completed? If, not, please state why.
No

Summary of Integrated Impact Assessment:

Long term: N/A
Collaboration: N/A
Involvement: N/A
Prevention: N/A
Integration: N/A

Recommendation(s):

To note the information.

Contact Name: Lisa Evans

Designation: Scrutiny and Standards Officer

Date of Report: 18/10/23

Acronyms: CJC – Corporate Joint Committee

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The Standards Committees (Wales) (Amendment) Regulations 2023

Wales Statutory Instruments 2023 No. 988 (W. 159) Whole Instrument

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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

2023 No. 988 (W. 159)

LOCAL GOVERNMENT, WALES

The Standards Committees (Wales) (Amendment) Regulations 2023

Made

11 September 2023

Laid before Senedd Cymru

13 September 2023

Coming into force

9 October 2023

The Welsh Ministers⁽¹⁾ make the following Regulations in exercise of the power conferred on them by section 53(11) and section 105(2)(a) and (2)(b) and (3) of the Local Government Act 2000⁽²⁾.

Title and coming into force

1. The title of these Regulations is the Standards Committees (Wales) (Amendment) Regulations 2023 and they come into force on 9 October 2023.

Amendments to the Standards Committees (Wales) Regulations 2001

2. The Standards Committees (Wales) Regulations 2001⁽³⁾ are amended as follows.
3. In regulation 2 —
 - (a) in the appropriate place insert ““corporate joint committee” (“*cyd-bwyllgor corfforedig*) means a corporate joint committee established by regulations made under Part 5 of the Local Government and Elections (Wales) Act 2021;”;
 - (b) in the definition of “independent member”—
 - (i) in sub-paragraph (b), after “officer” omit “or”;
 - (ii) in sub-paragraph (c), after “council” insert “, or”;
 - (iii) after sub paragraph (c) insert “(d) where a relevant authority is a corporate joint committee, a person who is a member, co-opted member or officer of that corporate joint committee or its constituent authorities including a constituent National Park Authority or a spouse or civil partner of that member, co-opted member or officer;”;
 - (c) in the definition of “lay panel member”—
 - (i) in sub-paragraph (a), after “council,” omit “or”;
 - (ii) in sub-paragraph (b), after “council” omit “;” and insert “, or”;
 - (iii) after sub-paragraph (b) insert—

“(c) where the relevant authority is a corporate joint committee, is

 - (i) a member of a constituent authority who is not a member of the executive of that authority, or
 - (ii) a member of a constituent National Park Authority who is not an eligible member of that corporate joint committee;”;
 - (d) in the definition of “relevant authority”—
 - (i) in sub-paragraph (c) omit “and”;
 - (ii) in sub-paragraph (d), after “authority” omit “;” and insert “, and”;
 - (iii) after sub-paragraph (d) insert “(e) a corporate joint committee;”.
4. In regulation 4—
 - (a) after paragraph (a) insert—

“(aa)

where the relevant authority is a corporate joint committee, members of that corporate joint committee's constituent authorities or constituent National Park Authority but not co-opted members of that corporate joint committee other than those co-opted for membership of the standards committee of that corporate joint committee,";

(b) in paragraph (c), after "members" insert "except where the relevant authority is a corporate joint committee".

5. In regulation 6—

(a) in paragraph (1), omit "A person" and insert "Subject to (1A), a person";

(b) after paragraph (1) insert—

"(1A) Where the relevant authority referred to in regulation 6(1) is a corporate joint committee, a person who has been, but is no longer a member of a corporate joint committee or a member of a constituent authority or constituent National Park Authority of that corporate joint committee, shall not be an independent member of the standards committee of that corporate joint committee.";

(c) in paragraph (2), after "has not been a member" insert ", save that where the relevant authority is a corporate joint committee, the person may not be an independent member of a standards committee of any constituent authority or constituent National Park Authority of that corporate joint committee".

6. In regulation 7—

(a) in paragraph (1)—

(i) omit "A person" and insert "Subject to (1A), a person";

(ii) in the Welsh language text, after "nad yw'n" for "aelod" substitute "swyddog";

(b) after paragraph (1) insert—

"(1A) Where the relevant authority referred to in regulation 7(1) is a corporate joint committee, a person who has been, but is no longer an officer of a corporate joint committee or an officer of a constituent authority or constituent National Park Authority of that corporate joint committee, shall not be an independent member of the standards committee of that corporate joint committee.";

(c) in paragraph (2), after "one or more relevant authorities" insert "or if the relevant authority is a corporate joint authority, an officer of its constituent authorities or constituent National Park Authority".

7. In regulation 8, after paragraph (3) insert—

"(4) Where a relevant authority is a corporate joint committee, the chairperson of such an authority shall not be a member of the standards committee of that corporate joint committee.".

8. In regulation 18—

(a) in paragraph (1)—

(i) after "a member of that authority" insert—

", or a member of a corporate joint committee standards committee who is a member of a constituent authority of that corporate joint committee,";

(ii) after "elections for that authority" insert "or constituent authority";

(b) in paragraph (2), after "local authority concerned" insert ", or, in the case of a corporate joint committee, a constituent authority of that corporate joint committee,".

9. In regulation 19, after paragraph (2) insert—

"(3) Where a relevant authority is a corporate joint committee, the term of office of a member of that authority's standards committee who is a member of that authority's constituent National Park Authority shall be no longer than the period until that member ceases to be a member of the constituent National Park Authority, and such a member shall cease to be a member of that standards committee if that member ceases to be a member of that National Park Authority.".

10. In regulation 21(1), after "member of that authority," insert "or, where the relevant authority is a corporate joint committee, a member of a constituent authority or a constituent National Park Authority of that corporate joint committee,".

11. In regulation 23(1), after "authorities concerned" insert "or, where the relevant authority is a corporate joint committee, is not a member of its constituent local authorities or constituent National Park Authority".

12. In regulation 25—

(a) in paragraph (1), after "standards committee" insert ", except a corporate joint committee standards committee,";

(b) in paragraph (2), after "standards committee" insert ", except a corporate joint committee standards committee,";

(c) after paragraph (2) insert—

"(2A) A corporate joint committee standards committee must hold at least one meeting during every period of 12 months after that corporate joint committee standards committee has been established.".

13. In regulation 26, insert—

"(10) This regulation does not apply to corporate joint committees.".

14. In regulation 27, insert—

"(5) This regulation does not apply to corporate joint committees.".

15. In regulation 28, insert—

"(3) This regulation does not apply to corporate joint committees.".

Rebecca Evans

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

11 September 2023

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 Standards Committees (Wales) Regulations 2001 ("the 2001 Regulations").

These Regulations also amend the 2001 Regulations to provide for the size, composition, and proceedings of standards committees of corporate joint committees and correct errors in the Welsh language text.

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.

- (2) [2000 c. 22](#). Amended by [S.I. 2022/372 \(W. 92\)](#); regulation 3 inserted corporate joint committees into the definition of “relevant authority” in section 49 and amended section 53 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.
- (3) [S.I. 2001/2283 \(W.172\)](#), relevant amending instruments are [S.I. 2005/2929 \(W.214\)](#), [S.I. 2005/3302 \(W.256\)](#), [S.I. 2006/362 \(W.48\)](#), [S.I. 2006/1849 \(W.192\)](#), [S.I. 2007/951 \(W.82\)](#), [S.I. 2013/3005 \(W.297\)](#), [S.I. 2014/3061](#), [S.I. 2016/85 \(W.39\)](#), [S.I. 2021/356 \(W.107\)](#), [S.I. 2022/533 \(W.125\)](#).

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