Corporate Joint Committees: Statutory Guidance
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About this guidance

Purpose of this guidance

This guidance sets out the core principles and values around how the Corporate Joint Committees (CJCs) established on the 1 April 2021 should operate and the issues members will wish to consider when putting in place the constitutional and operational arrangements for their CJC. CJCs will be public bodies, and an important part of the local government family.

Members of the CJC will want to consider from the beginning how they will demonstrate good governance through upholding high standards of conduct and behaviour; take informed and transparent decisions which are subject to effective scrutiny arrangements; and engage with and involve others in the decisions they take.

Likewise, CJCs will be responsible for managing public money and so it is essential they are accountable for the use of that money and that they have robust financial management and scrutiny arrangements in place.

In addition, as a public body, a CJC will be expected to comply with a number of general duties, which are key to how public service organisations work in Wales. Members of a CJC will need to consider how it will comply with such duties and this is set out in more detail in Chapter six.

The guidance is intended to support CJCs in putting in place these arrangements, it is not intended to be prescriptive about what form these arrangements take - the regulatory framework for CJCs is designed to provide flexibility and enable local discretion where possible.

The guidance is also intended to support CJCs to take a proportionate approach to such arrangements, adapting them to local circumstances. It is important that the members of CJCs determine for themselves what is appropriate and what meets their needs in the development of their constitutional and operational arrangements. It is important to note that the guidance will not, and cannot, go beyond the provisions in legislation on what a CJC is required to do.

CJCs will be subject to broadly the same powers and duties as their constituent councils. The guidance confirms what these requirements will be and highlights specific areas for consideration by CJCs. We recognise that local authorities will already be familiar with these requirements, and that guidance already exists in relation to many of them.

The guidance does not intend to replace or undermine existing good practice in regional arrangements but rather to recognise it and support CJCs to build on it. It has been informed by consultation including the consultation on the CJC regulations themselves and ongoing discussions with local government.

CJCs will want to consider how they can work together to shape and support their work, developing common ‘once for Wales’ approaches where appropriate and sharing learning. We know that this sector led approach is a successful way of driving, owning, sharing and sustaining effective practice. The WLGA Improvement and Support Programme will provide a range of general and targeted support that CJCs will be able to draw upon.

The guidance is on the constitutional and operational arrangements, it is not on the functions that will be exercised – there will be separate guidance on preparing a Strategic Development Plan and Regional Transport Plan.
Section 86 of the Local Government and Elections (Wales) Act 2021 provides that principal councils and CJC's must have regard to any guidance issued by Welsh Ministers relating to Part 5 of that Act, Chapters 3, 4 and 5, and in respect of National Park authorities, relating to Part 5 Chapters 4 and 5.

As with all stages of the development of CJC's, two key principles underpin the development of the guidance for CJC's:

- A CJC should be treated as a member of the 'local government family' and, where appropriate, should largely be subject to the same powers and duties as local authorities in the way that it operates. The intent is to avoid as far as possible making CJC's do things in a manner that those in local government would be unfamiliar with or to create new and unfamiliar procedures, obligations, powers etc. which might increase administrative burdens; and
- The detail on how a CJC operates in practice should be left to the determination of the members of the CJC itself. This flexibility will enable CJC's to differ between geographical areas to meet the different needs and ambitions of their region.

This guidance does not seek to provide a detailed analysis of / guidance on every aspect of the legislation which applies to CJC's. Instead the guidance is intended in the first instance to support the process of establishing CJC's, and in particular to consider those areas where the legislation provides flexibilities to CJC's.

In the development of the CJC Regulations, and in agreement with local government, a phased approach has been adopted:

- The first phase put in place the minimum legislation necessary to establish the four CJC's and to apply certain public sector duties to CJC's. The Establishment Regulations were accompanied by a number of statutory instruments which ensured appropriate governance and oversight of CJC's from day one. See Annex A.
- The second phase put in place wider legislative provisions (powers and duties) which will underpin the operation of the CJC's. This included the roles of certain 'executive officers' to support the work of the CJC and for the functions of the CJC to be discharged by other people, for example its staff or sub-committees, as well as some general provisions in relation to CJC staff, and for meetings and proceedings. See Annex A also.
- A third phase is planned for spring 2022 to continue the application of the local government legislative framework that CJC's will operate in. This will include provision in relation to conduct, the power to trade and a number of minor provisions relating to finance, legal proceedings, records / documents and staffing and workforce matters.
- A fourth phase will then put in place remaining provision, including provision on standing orders and applying the local government performance and governance regime to them. This will complement the requirements already in place around transparency of their work and public accessibility and participation.

In some cases where the relevant local government legislation has not yet been applied to CJC's, the guidance will set out the policy intent to ensure CJC's are able to establish themselves in line with what the intended legislation will provide for. Where this is the case this is clearly referenced in the text. It has to be recognised that any proposed regulations will be subject to consultation and therefore whilst this guidance will make every endeavour to reflect the intent of the policy the provisions and therefore this guidance may change as a result of future consultations.

In a number of places the guidance will also act as 'interim' guidance, in advance and in anticipation of the publication of the Democracy Handbook, due early in 2022. Wherever
possible the guidance will reflect the approach to be taken within that handbook. It is likely that on publication of the Democracy Handbook this guidance will be updated to take into account the approach within the Handbook.

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It is important that CJC and their constituent councils refer to the text of each piece of legislation as the first source of information about what the requirements are and how to meet them.

Where the text of the legislation itself is self-explanatory, no further guidance is given.

**Terminology**


The term ‘local authority’ should be interpreted to mean County Council or County Borough Council (also referred to in legislation as ‘Principal Councils’).

The term ‘constituent council’ should be interpreted to mean those county councils or county borough councils set out in the CJC Establishment Regulations as members of the CJC. Where relevant this should also be taken to include the relevant National Park Authority.

References to the “Establishment Regulations” means the four sets of regulations establishing the four existing CJC, (which are for the most part identical) that is:

- The North Wales Corporate Joint Committee Regulations 2021
- The South East Wales Corporate Joint Committee Regulations 2021
- The South Wales Corporate Joint Committee Regulations 2021
- The Mid Wales Corporate Joint Committee Regulations 2021

References to the “General Regulations 2021” means the Corporate Joint Committee (General) (Wales) Regulations 2021

References to the “General No.2 Regulations 2021” means the Corporate Joint Committee (General) (No.2) (Wales) Regulations 2021

References to the “CJC Regulations” means all the CJC regulations as set out in Annex A.
Chapter One - Membership and constitutional arrangements

A CJC will be a separate corporate body comprised of its constituent councils, will exercise specified functions of a local authority and will be democratically accountable through its constituent councils for the functions it performs. The functions which a CJC exercises will be set out in regulations.

1. Membership

1.1 The membership of each CJC are set out in the CJC Establishment Regulations for that CJC. The Local Government and Elections (Wales) Act 2021, which provides the framework for establishing CJC, requires that CJC regulations must provide that the senior executive members of the local authorities in the area of the CJC are members of the committee. In most cases this will be the Leader of the principal council but it might also be the mayor if a principal council operates under a mayor and cabinet executive.

1.2 When CJC are exercising the function of preparing a Strategic Development Plan the relevant National Park Authority (NPA) is also a member of the CJC. The council members of the CJC may choose, in agreement with the NPA, to extend the NPA membership of the CJC to include other purposes/functions (see Regulation 8 of the Establishment Regulations).

1.3 In the event that the office of leader of a constituent council or the office of the relevant nominated NPA member is subject to a job sharing arrangement those persons involved in the job share should be treated as if they were one person for the purposes of the CJC Regulations.

2. Replacement and substitution

2.1 The office of CJC council member rests with the role of the senior member of the constituent council and not the individual office holder (or office holders where the role is shared). Therefore in circumstances where this changes, such as a reshuffle or resignation, then membership of the CJC must change also.

2.2 Should a constituent council have a vacancy at the senior member position, then that constituent council must appoint another member from the executive to be the member of the CJC until that vacancy is filled (Regulation 7 of the Establishment Regulations).

2.3 In circumstances where the council member is unable to attend a particular meeting a council member will be able to nominate a substitute from their council executive. Such arrangements should be temporary and for exceptional circumstances and might include for example short term sickness absence, compassionate leave. The processes for substitution will be addressed as part of the regulations proposed for spring 2022.

2.4 In circumstance where the council member is unable to act as the council member for a period of time, a constituent council must appoint another member of the executive to act on behalf of the council member. Again this will be addressed as part of the regulations proposed for spring 2022. This is to ensure that the work of the CJC is not disrupted by circumstances that might affect an individual such as:

- long term sickness
• family absence
• parental leave
• caring responsibility
• conflict of interest

2.5 Similarly the office of the National Park Authority member rests with one of the three positions listed in Regulation 8(2) of the Establishment Regulations and not with the office holders themselves. Therefore in circumstances where the office holder changes then the individual holding the officer of the National Park authority member will also change will also change.

3. **Appointment of a chair and deputy chair**

3.1 A CJC will be required to elect a chair and deputy chair from its constituent council members, see paragraph 2 of Schedule 1 of the Establishment Regulations.

3.2 The chair and deputy chair must both be elected as part of the first CJC meeting and then be re-elected, or a new chairperson and /or deputy chairperson appointed, annually at the CJC Annual General Meeting. The CJC Establishment Regulations provide (paragraph 2(1)(b) of Schedule 1) for the chairing of the first meeting, in advance of the election of the chairperson.

3.3 In the event that the offices of the chairperson and deputy chairperson are vacant simultaneously then the CJC Establishment Regulations (paragraph 2(7) of schedule 1) also provide for the chairing of a meeting until a chairperson is elected.

4. **Involving others**

4.1 In order to fulfil their responsibilities and duties effectively, CJC’s will need to, and be expected to, actively involve others in their work. It will be important that each CJC creates an inclusive and collaborative culture to ensure a wider perspective and approach to its work. Each CJC will wish to give thought to how this can best be achieved taking into account its own unique circumstances.

4.2 The regulations establishing CJC’s provide the flexibility for them to engage and involve others in their work through co-option (see Regulation 9 of the Establishment Regulations). Who is co-opted and how they are co-opted (the terms of the co-option) will be for the CJC to decide. In some cases members may also enable co-opted members to vote on such matters. In most cases this will be for the council members to decide unless it is in relation to the exercise of the functions in Regulation 13 of the Establishment Regulations, in which case such decisions will include the NPA member.

4.3 The benefits of co-opting to the CJC are:

• to strengthen the breadth of experience and skills available to the CJC
• to enable local input or to provide for local representation
• to provide specialist expertise on specific issues

4.4 CJC’s will want to give thought to the type and range of organisations they wish to be represented by co-opted members, based on the skills and experience that will be beneficial and relevant to its work – for example representatives of:

• Further and Higher Education Institutions
• Third sector representatives
• Business or Sector specific organisations
• Trade Unions

4.5 They could equally be private individuals with expertise that may be useful to the CJC.

4.6 CJC members may also choose to co-opt other members from the constituent councils – for example the portfolio leads for the transport, strategic planning or economic development functions. This might be particularly relevant for subject specific sub-committees.

4.7 The Welsh Government is committed to working in social partnership. Social partnership refers both to a transactional way of working and more generally to an idea; a value that should underpin all we do. It can encourage collaboration in delivering public services and is a means of promoting economic growth and improvements in well-being. Social partnership brings together government at all levels, employers and trade unions in areas of mutual interest, to design and implement better solutions. It is expected that CJC s would work under the same social partnership approach that exists between trade unions and principal councils. CJC s should consider how they involve trade unions in their work and in the decisions they make. This involvement may be through formal co-option of trade unions or a trade union representative on to the CJC and / or one or more of its sub-committees (if it elects to have sub-committees) or through less formal arrangements. Welsh Government is also committed to fair work and is committed to introduce legislation in this regard. Any provisions in relation to fair work which apply to local authorities and other public bodies will be expected to apply to CJS too.

4.8 In considering who to co-opt, CJC s should also consider the backgrounds and circumstances, gender, age and cultural diversity, of the communities they serve and how those they co-opt might best reflect the diversity of their communities - notwithstanding the need for each participant’s ability to demonstrate the skills, experience and knowledge required to contribute to the effectiveness of its work.

4.9 There are no restrictions on who can be co-opted, how long they are co-opted for, the purpose for which they are co-opted or if they are co-opted with or without voting rights (but see voting arrangements) – this is left entirely to the CJC to decide. A CJC will however be required to set out such matters in written notice to the co-opted member (see Regulation 9(2) of the CJC Establishment Regulations).

4.10 When co-opting members a CJC might wish to consider (amongst other things):

- the purpose for which co-opted members are co-opted, for example which function or functions
- the ‘term of co-option’, (how long they are co-opted for) for example a fixed period, renewed annually or indefinitely until the co-option is terminated;
- whether co-opted members are to be co-opted with or without voting rights (see restrictions on voting co-opted members)
- If co-opted members are to have voting rights if those rights are for one, some or all functions, and / or on the governance and administrative arrangements of a CJC
- whether co-opted members are co-opted onto the CJC itself or onto one of its sub-committees, or both.

5. Sub-committees
5.1 A CJC will be able to establish sub-committees to support it in exercising its functions and/or to support its governance and administrative arrangements. However, certain functions cannot be delegated to a sub-committee and these are set out in the Establishment Regulations (Regulation 15). Sub-committees are an important way of involving others and in ensuring appropriate expert and sector specific advice is available to support the decisions CJCs must take. Sub-committees can also provide an opportunity for more detailed discussion, consideration and decision making on specific matters.

5.2 The role, rules and procedures (or terms of reference) of sub-committees established by the CJC are for the CJC to decide and are wholly at the discretion of a CJC. Unless otherwise stated in legislation, a CJC will be able to delegate decision making to a sub-committee, should it wish to do so.

5.3 Whilst sub-committees are not required in legislation, other than a Standards sub-committee (see paras 12.9-12.14) and Governance and Audit sub-committee (para 35) there is an expectation that CJCs will set up sub-committees for each of the key functional areas that they exercise. It is anticipated that these sub-committees will provide the opportunity to engage more broadly and involve a range of relevant stakeholders.

5.4 CJC sub-committees can consist of members of the CJC itself. They can also include co-opted members (see paras 4.1-4.10). It might also be possible for sub-committees to be made up entirely of co-opted members if the CJC considers this appropriate. For example such sub-committees might be led by a relevant member or relevant portfolio holder from within the constituent councils’ executive. In addition it is possible for people to attend a CJC or sub-committee for example to present on a one off basis.

5.5 When establishing sub-committees, and considering who to involve in the sub-committee, a CJC might wish to consider, in addition to those matters in 4.10 above:
   - the nature of the task/activity to be considered
   - the relevant expertise/skills which might be needed to support the CJC in its decision making
   - the gender, diversity and cultural balance of sub-committee membership and how this might/should represent the communities the CJC serves

5.6 A CJC might also consider the timings of its sub-committee meetings, and its meetings more generally, and how this might help support the diversity of its membership and participation by others in its work.

6. Voting arrangements

6.1 The default position for a CJC’s voting procedures is ‘one member one vote’ and all CJCs will initially be established on this basis. However, once established, CJCs will be able to adopt alternative voting procedures should they wish to do so. In some cases, such as the Mid Wales CJC with only two constituent councils, adopting an alternative voting procedure might support the approach to involving others through co-option, in particular if the CJC wished to provide co-opted members with voting rights.

6.2 Any decision to adopt an alternative voting arrangement will be required to be a unanimous decision of all those entitled to vote on such matters, all of whom must be present. CJCs will want to give thought to how any alternative voting arrangements can be proportionate, accurate, efficient, transparent and secure. It is important that...
the administration of a CJC is transparent and accessible to members of the public. Any alternative voting arrangement adopted should be clear and easy to understand and will be required to be set out in the standing orders.

6.3 Decisions on alternative voting procedures may not be delegated to a sub-committee or other person(s).

7. Dispute resolution

7.1 As provided for in the CJC Establishment Regulations all matters, apart from adopting alternative voting procedures and funding of the budget requirement, are to be decided by a simple majority (unless an alternative procedure is adopted by the CJC). However as all CJCcs are made up of an even number of constituent councils there is a potential for voting to be tied and in which case, except for matters relating to the Strategic Development Plan function (where the chair has the casting vote) the tied matter is not carried.

7.2 Whilst CJCcs may wish to work by consensus there is a potential that such tied matters may escalate into disputes i.e. they are unable to reach decision by simple majority.

7.3 It is the case that any tied matters can be deferred for re-consideration and there is nothing to prevent this from happening until a majority agreement can be reached. However a CJC may wish to consider putting in place appropriate and timely arrangements in the event that a CJC is not able to reach a decision by simply majority, in particular where this might prevent the CJC from exercising its statutory duties. A CJC may wish to consider for example;

- adopting alternative voting procedures to introduce a casting vote approach for the chair for certain functions or in certain circumstances; and / or
- procedures for arbitration (including independent arbitration if appropriate).

8. Training for members

8.1 A CJC may wish to consider appropriate and proportionate training for its members and any co-opted members. Providing training and ongoing support to CJC members and co-opted members will ensure they have the necessary information and skills needed to fully participate in the work of the CJC. This might include for example in relation to the nature of membership and members’ roles and responsibilities on a CJC. A CJC may also wish to provide support to its members on their relationship with, and representation of, their constituent councils and in supporting and encouraging the democratic accountability of the CJC members with their constituent councils.

8.2 Training may be particularly important for co-opted members, for example to support them in understanding their role on the CJC, the nature of the functions within the CJC, the administration and governance of the CJC and the relationship of the CJC with other public bodies / organisations.

9. Concurrence of powers and duties

9.1 It will be important that the work of the CJC at the regional level complements, supports and is aligned to that of the constituent councils at the local level. In some cases, for example with strategic development planning and regional transport planning, delivery of functions at the local level will be dependent on the decisions made regionally by CJCcs; that is in terms of the nature of the decision and the timing
of when decisions are made.

9.2 In other cases where both the constituent councils and the CJC have broadly the same powers, for example with the economic well-being power, both have the same rights to exercise the powers in their respective areas and those rights are not diminished by either parties exercising them. These are referred to as concurrent powers. For concurrent powers it will be important that there are agreements in place to ensure there is clarity on who does what, when, where and how; preventing duplication and promoting synergy between regional and local actions. It will be for the constituent councils to determine what types of decisions, functions and or activity remains at a local level and what would be best undertaken at a regional level through the CJC.

9.3 It is expected that a CJC would seek to agree a process with its constituent councils that sets out how the exercise of concurrent functions will be managed. This might include for example:
- agreeing the specific activities within the scope of the agreement
- agreeing how concurrence will operate and how issue of concurrence will be communicated between parties
- providing clarity on how agreement on concurrence will be achieved, reviewed and how disputes may be resolved.

10. Constitutions and standing orders

10.1 CJC will be required to have a constitution. This requirement will be set out in the proposed Corporate Joint Committees (General) (Wales) Regulations 2022 (through the application of s37 of the Local Government Act 2000) and must contain a copy of the CJCs standing orders, a copy of the CJCs code of conduct and such information as the CJC considers appropriate. The constitution will also wish to consider such matters as are set out in the CJC regulations including for example the Schedule to the Establishment Regulations. CJCs may wish to consider working with the local government sector to adopt a standard constitution which reflects the approach across local government.

10.2 A CJC will be required to adopt standing orders to set out the CJC’s organisational, administrative and procedural matters for meetings and decision-making (paragraph 8 of the Schedule to the Establishment Regulations) and other matters as specified in the CJC Regulations. Standing orders will also set out certain matters with respect to staff, including; codes of conduct (para 12.1-12.7); a protocol on member / officer relations; and the function of appointment and dismissal of, and taking disciplinary action against, members of staff of the CJC (how-so-ever appointed). Further regulations are proposed as part of the phase 4 regulations discussed in the ‘purpose of this guidance’ section which will include provisions in relation to standing orders under section 20 of the Local Government and Housing Act 1989 and the Local Authorities (Standing Orders) (Wales) Regulations 2006.

11. Discharge of functions

11.1 A CJC can adopt a sub-committee model to exercise some of its functions or to support it in exercising its functions (Regulation 14 of the General No.2 Regulations 2021), including so as to delegate some of its functions to a sub-committee (Regulation 13 of the General No.2 Regulations 2021). It will be for the CJC to determine the arrangements, including membership and voting rights of its sub-
committees as it sees fit (see section 5 above).

11.2 A CJC will also be able to make arrangements for the discharge of its functions by a member of the CJC or member of staff of the CJC, any other CJC or any county or county borough council in Wales (Regulation 13 of the General No.2 Regulations 2021). However, certain decisions cannot be delegated to a sub-committee and these are set out in the Establishment Regulations (Regulation 15).

11.3 Two or more CJCs may also arrange to discharge any of their functions jointly.

12. Ethical standards framework

Code of conduct

12.1 It will be important that members and co-opted members within a CJC are subject to the same standards of conduct as members of constituent councils. The Local Government Act 2000 established an ‘ethical framework’ for local government in Wales and the intention is that this same ‘ethical framework’ will apply to CJCs. The Welsh Government is currently reviewing this framework and this guidance will be updated to take account of any changes resulting from the review.

12.2 It is intended to apply Part 3 of the Local Government Act 2000 to CJCs, which will bring CJCs within the ethical framework for local government which that Act establishes. The intention is that Part 3 of the Local Government Act will apply to the CJC and any members and co-opted members of a CJC and its sub-committees (should it elect to have any). This guidance will be updated once the relevant Regulations have been made in spring 2022.

12.3 On application of the ethical framework a CJC will be able to adopt its own code of conduct for members, and its members and co-opted members will be brought under the remit of the Public Services Ombudsman for Wales.

12.4 Until this point its members (including co-opted members from constituent councils) will be subject to the relevant code of conduct of their local authorities (Schedule 1 of the General Regulations 2021) and will come under the remit of the Public Services Ombudsman for Wales through those codes of conduct. During this time members and co-opted members from the constituent councils will be required to register any personal interests they have in the business of the CJC in their relevant constituent council’s register of interest by providing written notification to their council’s Monitoring Officer.

12.5 Prior to the application of Part 3 of the Local Government Act 2000 any co-opted members who are not from a constituent council will not be subject to a code of conduct (or be within the remit of the Public Services Ombudsman for Wales). Until this point CJCs will want to consider if co-opted members, with or without voting rights, should be required to sign up / adhere to a code of conduct as part of the ‘terms of co-option’. It is recommended that all co-opted members should be required to adopt the code of conduct as good practice. Any such requirement should be set out in the notice of co-option. Once Part 3 of the Local Government Act 2000 has been applied to CJCs then all members and co-opted members will be subject to the code and come under the remit of the Public Services Ombudsman for Wales.

12.6 The Code of Conduct (Qualifying Local Government Employees) (Wales) Order 2001 sets out the code of conduct for qualifying employees of relevant authorities in Wales.
It is intended that the code of conduct will apply to employees of CJC's (see also staff and workforce Chapter Two).

12.7 Ad hoc observers / attendees invited to advise or to present to the CJC will not be subject to the code, but should follow the Nolan principles of public life in the same way as members and co-opted members of the CJC should. It will be for the CJC to ensure that Ad hoc observers are aware of the Nolan principles and are aware of the standards required when invited to advise or present. Ad hoc observers / attendees should also be required to declare any interests in any CJC meetings they attend. It is not expected that ad-hoc observers / attendees be subject to a co-option agreement under Regulation 9 of the Establishment Regulations.

Register of interests

12.8 On application of the ethical framework a CJC will be required to maintain a register of interests, to be established by the Monitoring Officer, for its members and co-opted members. A CJC will cover a different geographical area to its individual constituent councils and therefore it is considered necessary for a separate relevant register of interests to be maintained to cover the functions and geographic area of a CJC (and in relation to relevant matters outside the areas to which CJC's may influence and to which members may benefit).

Standards Sub-Committee

12.9 On application of Part 3 of the Local Government Act 2000 a CJC will be required to appoint a standards sub-committee. The way in which this requirement is satisfied will be for the CJC to determine. Guidance on the operation of standards committees will be included in the proposed Democracy Handbook and this should be referred to be the CJC’s when considering the operation of their standards sub-committee.

12.10 There are a number of approaches a CJC may wish to consider and which are being explored in the consultation on the relevant regulations. These include:

- utilising an existing standards committee of one of its constituent councils
- establishing its own standards sub-committee, which could be populated in line with the principles within the Standards Committee (Wales) Regulations 2001 but by members of the standards committees of the constituent councils
- establishing a standards sub-committee in line with the Standards Committee (Wales) Regulations 2001

12.11 A CJC standards sub-committee will not be able to establish a joint committee with another CJC standards sub-committee or delegate any of its functions to a sub-committee of itself.

12.12 As with standards committees of local authorities, a CJC standards sub-committee will be required to hold at least one meeting during every 12 month period following commencement of the ethical framework provisions.

12.13 As with other CJC meetings, the CJC standards sub-committee are likely to conduct the majority of its meetings virtually (unless a standards sub-committee elects to hold physical meetings) and therefore access, notice and availability to relevant documents should be interpreted at all times to mean electronically. A CJC should make all relevant notices, agendas, minutes and other documents of its standards sub-committee available on a dedicated website and / or a designated area of the constituent authorities’ websites.
12.14 A CJC standards sub-committee will be required to prepare an annual report to the CJC. To support democratic accountability and transparency a CJC may consider providing a copy of that annual report to its constituent councils also.

Monitoring Officer

12.15 To ensure that the CJC operates within the relevant legislation and that the CJC is not subject to any maladministration a CJC will be required to appoint a suitably qualified Monitoring Officer on the same basis as the provisions in section 5 of the Local Government and Housing Act 1989.

12.16 The role of the Monitoring Officer will also include:
- providing support and advice to the CJC in relation to its meetings and any meetings of its sub-committee (where applicable)
- providing support and advice in relation to the functions of the CJC’s committees to both the members and officers of the CJC
- establishing and maintaining a register of interests of the members and co-opted members of the CJC. Such interests should include any matters relevant to the functions and functional area of the CJC, not just their own Principal Council
- providing support and advice to each member of the CJC in carrying out their role
- providing support and advice to each person appointed to a sub-committee of the CJC in carrying out their role
- providing reports and making recommendations in respect of the number and grades of staff required to discharge the role

12.17 In the case of absence or conflict of interest an alternative person can be nominated to carry out the required functions (see for example section 5(7) of the Local Government and Housing Act 1989 and Regulation 8(4) of the General No.2 Regulations 2021).

The Public Services Ombudsman for Wales

12.18 As is discussed above (para 12.4) until such time as Part 3 of the Local Government Act 2000 is applied to CJCs (spring 2022) CJC members and co-opted members from constituent councils will come under the remit of the Public Services Ombudsman for Wales by virtue of their constituent authorities own code of conduct. On application of Part 3 of the Local Government Act 2000 members and co-opted members of a CJC or any of sub-committees will come under the remit of the Public Services Ombudsman for Wales. A CJC will be expected to comply with any guidance issued by the Public Services Ombudsman for Wales on conduct or any other relevant matters under the Public Services Ombudsman (Wales) Act 2019 or Chapter III, Part 3 of the Local Government Act 2000 (when applied).

Complaints

12.19 CJCs also come under the remit of the Public Services Ombudsman for Wales as a listed authority in schedule 3 of the Public Services Ombudsman (Wales) Act 2019 in terms of complaints. The Public Services Ombudsman for Wales publishes a significant amount of guidance on effective complaints handling processes and CJCs will be expected to follow the guidance in establishing, monitoring and maintaining effective complaints policies and processes.

12.20 The Complaints Standards Authority within the Public Services Ombudsman for Wales’s office works with public bodies that come within the Ombudsman’s remit, such as CJCs, to support and improve effective complaint handling. This includes
delivering bespoke training packages if required.

12.21 From the outset CJC should incorporate complaint handling arrangements when developing their organisational infrastructure, policies and procedures.

13. Liability of members and staff

13.1 A CJC is a corporate body in its own right and the members will be taking decisions on functions which are theirs alone and/or have been delegated to them by the local authorities, for example under an agreement on the operation of concurrent functions such as under the Economic Well-being power (see para 9 above). A CJC will be required to indemnify its members (have its own indemnity) for the decisions they take. The CJC should hold the liability, rather than individual members, employees or others discharging functions, on their behalf.

13.2 Section 101 and 105 of the Local Government Act 2000 provides for Welsh Ministers to make orders in relation to the indemnification of local authority members and officers. On application of Part 3 of the Local Government Act 2000 (see 12 above) this will apply to CJC. It is intended to then amend the Local Authorities (Indemnities for Members and Officers) (Wales) Order 2006 to include CJC. This will enable CJC to provide indemnities to any of its members or officers.

13.3 In relation to the issue of exposure to liability of co-opted members with voting rights for decisions taken by the CJC, ‘The Local Authorities (Indemnities for Members and Officers) (Wales) Order 2006’ sets out the terms under which this may happen. Whilst this Order does not specifically reference co-opted members it does not exclude them providing as it does that member is to mean a member of any committee, or sub-committee of the relevant authority.

13.4 Co-opted members without voting rights are not part of the decision making process and therefore it is not anticipated that a CJC need indemnify such persons.

13.5 CJC will need to consider how they will provide similar arrangements, as is necessary, in relation to officers employed by them (and those not employed by them) who are entrusted with the custody and control of money on their behalf. Section 114 of the LGA 1972 provides an example of how this is currently provided for in Local Authorities and it is anticipated that this will apply to CJC from spring 2022.

13.6 Section 1 of the Employers’ Liability (Compulsory Insurance) Act 1969 requires insurance against liability for employees – it requires every employer carrying on any business in Great Britain to insure, and maintain insurance, under one or more approved policies with an authorised insurer or insurers against liability for bodily injury or disease sustained by his employees.

14. Member remuneration

14.1 Decisions about the remuneration of members of a CJC will be made by the Independent Remuneration Panel for Wales (IRPW), which is a body set up to decide on the payments that local authorities, community councils, fire and rescue authorities and national park authorities make to their elected members (Regulation 4 of the General No.2 Regulations 2021).

14.2 It is not anticipated that members of CJC (or their sub-committees) who are already elected members of their ‘home’ authorities will receive an additional salary in respect of their role on the CJC, however such matters will be for the IRPW to consider.
Members will also be entitled to receive payments for items such as travel costs and subsistence while on CJC business. The CJC will be required to put appropriate arrangements in place to facilitate such payments.

14.3 The IRPW are also able to consider whether additional support is appropriate to address specific issues, for example it has previously decided that members of local authorities should receive support to assist with the costs of caring for dependents.

15. **Discrimination against members**

15.1 CJC\s will be subject to the duties within the Equalities Act 2010 (see Chapter 6 of this guidance) which will include duties to ensure that the CJC does not discriminate against, harass or victimise any of its members when carrying out official business for and on behalf of the CJC (s58 of the Equalities Act 2010). A CJC will wish to consider how it provides the same or similar protection to any co-opted members on the CJC and may wish to set this out as part of the notice of co-option.
Chapter Two - Staffing and workforce

It is important that a CJC has the staff it requires to be able to discharge its functions effectively. CJCs will be able to employ and recruit (on merit) staff in their own right; make agreements to have staff from other bodies placed at the CJCs’ disposal, and place staff at the disposal of other bodies; commission services / staff resource from other bodies; loan or share staff resource with other bodies; and undertake secondments (in and out). CJCs will not be required to adopt one approach for all its staff resource requirements but can adopt a mixed approach as appropriate.

16. Staffing requirements

16.1 It will be for each CJC, and its Executive Officers, to decide as is appropriate for its area and for each function it exercises, what staff it requires to be able to discharge its functions effectively. It is important to note that the staffing requirement may change as the CJC develops and the approach to staffing will likely be proportionate to its stage of development and to its functions. For example, staffing requirements in advance of the strategic functions commencing will likely be minimal as the CJC puts in place its constitutional and operational arrangements. As functions commence or transfer / transition into CJCs this may necessitate more significant staffing levels.

16.2 In the first instance, CJCs will likely place more emphasis on the use of loaned/seconded staff and as they develop they might then explore all potential options to staffing in order to deliver efficient and effective services at a regional level. When looking to loan / second staff CJCs will wish to consider how conflicts of interest amongst loaned / seconded staff can be identified, managed and monitored, particularly for statutory officers who will exercise personal responsibility in relation to legal, financial and ethical standards etc.

16.3 In considering its staffing requirement and approach, a CJC might wish to consider:
   - if the role has any statutory requirements
   - if the role requires any specific skills or qualifications
   - if the role is temporary in nature (for example as part of a planning cycle) or more permanent and ongoing
   - if there are particular skills or capacity within the constituent councils which the CJC is seeking

16.4 A CJC might also look to other CJCs to see if there is an opportunity to share resources for specific roles or where specific skills or expertise is required.

16.5 CJC regulations require that where a CJC is to enter into an agreement with another body with regards to staffing, all relevant staff must be consulted. Where staff are transferred from a constituent council to a CJC then the provisions of the Transfer of Undertakings (Protections of Employment) Regulations 2006 (other than regulations 4(6) and (10)) will apply. A CJC will wish to seek advice on such matters, particularly if staff are being transferred from a number of constituent councils with different terms and conditions of employment.

16.6 The Code of Practice on Workforce Matters (also known as the ‘two tier code’) issued under s19 of the Local Government Act 1999 currently applies to local authorities and it is intended to apply this to CJCs and in any relationship between a local authority and a CJC in the delivery of the CJCs functions.

17. Publicly employed individuals
17.1 As publicly employed individuals, officers of a CJC will be:
- subject to the same / similar requirements of transparency / accountability etc. as employees of local authorities
- afforded similar or the same benefits as officers of local authorities
- subject to the same / similar restrictions on political activities
- indemnified in the discharge of their duties on behalf of the CJC (see indemnity of members and staff)

17.2 Much of this is set out in the Code of Conduct (Qualifying Local Government Employees) (Wales) Order 2001 which was applied to CJCs by Regulation 3 of the General Regulations 2021.

18. Trade union representation

18.1 As has been previously mentioned, the Welsh Government and local government are committed to working in social partnership. Social partnership brings together government at all levels, employers and trade unions in areas of mutual interest, to design and implement better solutions.

18.2 It is expected that CJCs would work under the same social partnership approach that exists between trade unions and local authorities. This would include the role of trade unions for the purpose of consultation and negotiation on a collective basis in relation to relevant matters and in the representation of the interests of their members. CJCs should consider putting in place an appropriate trade union recognition agreement to support the process of representation and negotiation.

19. Terms and conditions

19.1 The CJC regulations require (paragraph 10 of the schedule to the Establishment Regulations) that where a CJC appoints staff it does so under terms and conditions (including terms and conditions as to remuneration) that are ‘substantially similar to those of officers within a constituent council undertaking responsibilities which the CJC considers to be reasonably comparable.’ These should be in line with the pay and terms of conditions determined by the National Joint Council (NJC) for Local Government Services.

19.2 The basic principal is that employees of a CJC should be treated no more / less favourably than employees of a local authority. However the approach within the regulations recognises that there may not be directly comparable posts within local authorities and CJCs, particularly when you consider the current and potential scale of the CJCs and the functions they operate.

19.3 There is already a significant divergence across Wales in the terms and conditions of local government employees. The intent is to avoid CJCs looking to establish additional and separate terms and conditions to those that might already exist in local government and therefore adding additional complexity to an already complex landscape. Indeed there may be an opportunity should they wish to do so for CJCs to look to standardise their terms and conditions more generally with each other or with the constituent councils within their region. In the first instance, it is envisaged that a CJC might use the back office services of one of its constituent councils (or indeed of any principal council in Wales) for example, to provide HR, finance, procurement and payroll functions and so a more standardised approach to terms and conditions would be highly beneficial.

20. Pay policy
20.1 A CJC will be held accountable for its approach to pay in the same way that a local authority currently is. Standardising such approaches will ensure that a CJC is not used as a vehicle to erode (or indeed inflate) pay structures through the transfer of staff or functions to a CJC. Where there is deviation / difference such deviation / difference must be clear and transparent.

20.2 To maintain transparency in matters relating to pay the intention is to require CJC\'s to prepare, annually, a statement setting out the CJC\'s policies on the remuneration of its chief officers, the remuneration of its lowest paid employees and the relationship between the remuneration of its chief officers and the remuneration of its employees who are not chief officers.

21. **Transparency and accountability**

21.1 As publicly employed individuals, officers of a CJC are subject to the same requirements of transparency / accountability etc as employees of local authorities or any other public appointments.

21.2 Any person who holds a politically restricted post within a CJC (whether appointed to their role by direct contract, commissioned or other loan agreement) will be disqualified from becoming or remaining a member of a CJC or a member of a local authority (Regulation 10 of the General No.2 Regulations 2021). A CJC will be required to prepare and maintain a list of politically restricted posts.

21.3 A CJC will also be subject to the same legislative requirements as local authorities in terms of:
  - Conflict of interest in staff negotiations
  - Payments due to deceased members of staff
  - Limit on paid annual leave for local authority duties
  - Disclosure of interest in contracts and prohibition on accepting rewards

22. **Statutory officers**

22.1 In the same way as currently applies to local authorities, CJC\'s will have a requirement to put in place a number of statutory officers (see for example Monitoring Officer - para 12.15, and Chief Financial Officer – Chapter 5). This is not necessarily a requirement to directly employ an individual, or individuals, to fulfil these roles. It will be possible for a CJC to satisfy any statutory requirements in this regard in the same flexible way as is outlined for general staffing above. This might include via sharing of resources from within its constituent councils (or any other council), sometimes referred to as ‘twin hatting’; commissioning the role from another body; or recruiting on a full time or part time basis as appropriate. It will be for the CJC to determine the approach to filling its statutory officer roles, where appropriate in consultation with its constituent councils.

23. **Pensions**

23.1 CJC\'s will be required to provide and contribute to a pension for any of its staff that it directly employs. The intent is that CJC\'s will be able to participate in the Local Government Pension Scheme in the same way that local authorities do. CJC\'s will qualify by virtue of paragraph 5, Part 2 of Schedule 2 of the Local Government Pension Scheme Regulations 2013 as an entity connected with a county or county borough council in Wales. Such an approach would facilitate the transfer of staff between CJC\'s and the local authorities in Wales and ensure that pension liabilities
should not be crystallised as a result of any transfer of staff and that any staff transferring retain their existing Local Government Pension Scheme (LGPS) membership and provision.
Chapter Three - Meetings and proceedings

As with local authorities, it is important that political decision-making within CJC\s should take place in the public eye, with CJC\s ensuring their citizens are both kept informed of policy developments and provided the opportunity to be consulted on policy changes. Making it easier for members of the public to understand how a CJC functions; how it makes decisions; and how local people can follow proceedings, input their views and have them taken into account is vital.

24. Transparency and openness

24.1 Transparency and openness of meetings, proceedings and decision-making are important parts of ensuring democratic accountability. A CJC should be as open/transparent as a principal council in the exercise of its functions. All CJC meetings, including those of its sub-committees will be required to:

- enable / allow public and press access to all meetings (subject to existing constraints on disclosing information which is confidential and exempt)
- give public notice of meetings electronically, including details of how to gain access
- publish an agenda, reports and background papers for any meetings electronically
- retain a formal record of its proceedings and decisions made. The record must be published electronically and made available to members of the CJC and members of the constituent councils
- maintain a register of members and publish an electronic and postal address for each member

24.2 For the purpose of CJC meeting documents, and any other documents required to be published, these are only required to be made available / published / held electronically. However members of the public who do not have access to electronic means of accessing the documents will be able to request that the CJC provide them with copies.

25. Participation strategy

25.1 It is important to remember that the work CJC\s will be taking forward will have the potential to impact on the lives of a great number of people. It is only right that individuals are able to contribute to the shaping of services which they and their families rely upon and which have a significant impact on their daily lives. Trust and respect between communities and CJC\s will be required to set a foundation upon which all parties can work together to meet and overcome the challenges each CJC will encounter as work progresses.

25.2 A CJC will be required (Regulation 32 of the General No.2 Regulations 2021) to encourage participation in its decision making. It will be important that any approach to encouraging participation is proportionate to the functions which a CJC exercises and takes into account any specific consultation requirements, whether set out in statute or in guidance, when exercising those functions.

25.3 Section 40 of the Local Government and Elections (Wales) Act 2021 requires local authorities to prepare and publish participation strategies as part of their duty to encourage participation. Section 41 requires the local authorities to consult and review the participation strategy. These duties have not been applied to CJC\s in the first instance, however in encouraging public participation a CJC will wish to consider how it proposes to comply with its duties to encourage public participation (para 25.2
above) which might include the development of an appropriate and proportionate participation strategy.

25.4 Such a strategy might address:

- ways of promoting awareness among local people of the CJC’s functions
- ways of facilitating access for local people to information about decisions made, or to be made, by the CJC
- ways of promoting and facilitating processes by which local people may make representations to the CJC about a decision before, and after, it is made
- arrangements made, or to be made, on how views of the public can be brought to the attention of the relevant overview and scrutiny committees
- how a CJC proposes to comply with a duty imposed by any enactment

25.5 It will be important for a CJC’s approach to encouraging participation to meet the needs of communities, building on the arrangements within constituent councils and actively seeking the views of the citizens within the area about how they would wish to be engaged. A CJC should regularly review and if appropriate consult on its approach to encouraging public participation.

25.6 Guidance about how to take forward the work to deliver and maintain participation strategies will be contained within the Democracy Handbook, currently in development. The intention is to have this in place later this year so that arrangements can be made in advance of the new administrations elected in May 2022. CJC wills should adhere to the principles within the Democracy Handbook (when published) when considering their approach to public participation.

26. Petitions scheme

26.1 CJC wills will be required to make and publish a petition scheme setting out how the CJC will handle and respond to petitions, including electronic petitions, in the same way as is required of local authorities (Regulation 31 of the General No.2 Regulations 2021). This brings CJC in line with local government and other public bodies such as the Senedd and, in relation to electronic petitions, in line with the Welsh Government’s digital agenda. CJC should adhere to the principles within the Democracy Handbook (when published) when considering their approach to making and publishing a petition scheme.

27. Broadcasting of CJC meetings

27.1 The electronic broadcasting of meetings will enable individuals who cannot attend meetings to see and hear the proceedings which affect their lives and witness the decisions made and position taken by their representatives. At its heart, these provisions are about the transparency of local democracy.

27.2 Welsh Government has given substantial political and financial support to the introduction of broadcasting of council meetings through on-line web streaming. This has improved significantly the opportunity for the public to follow proceedings in their local authority.

27.3 The matters which CJC are responsible for will be of significant interest to individuals, communities and the constituent councils. It is therefore appropriate that CJC meetings, and meetings of its sub-committees, which are open to the public should be subject to the same or similar broadcasting requirements as a principal council. The provisions on broadcasting within the Local Government and Elections (Wales) Act 2021 (s46 and s47) will apply to CJC (Regulation 27 of the General No.2
Regulations 2021). In line with the approach with local authorities these provisions will come into force in May 2022. As a new corporate body however CJCs are encourage where possible to consider and incorporate the broadcasting requirements from the outset.

27.4 Further guidance is likely to be provided within the Democracy Handbook currently in development. Where this is the case CJCs should take account of the approach within that guidance as if it were part of this guidance.

27.5 The expectation is that meetings will be broadcast as they take place, and be available electronically for a reasonable period of time after the meeting. However, depending on the circumstances, flexible arrangements for broadcasting will be considered. It is anticipated that a CJC will look to make use of the constituent councils’ facilities in the broadcasting of its meetings. The CJC might wish to consider such arrangements in determining the budget setting and funding requirements of a CJC.

28. First meeting

28.1 The CJC Establishment Regulations provide (paragraph 2(1) of Schedule 1) for the chairing of the first meeting, in advance of the election of the chairperson by a specified constituent council. While not currently explicitly provided for, the expectation is that the responsible council would also arrange the first meeting. However, where the CJC is building on or replacing existing regional arrangements there may be programme offices in place which could undertake this task.

28.2 Other than appointing the chairperson and deputy chairperson, there are no requirements in the CJC Establishment Regulations on what must be discussed at the first meeting, but it is expected that it could cover:
- appointing or discussing the appointment of executive officers
- agreeing/discussing Standing Orders
- agreeing/discussing code of conduct and disclosure of any interests / conflicts
- agreeing/discussing sub-committees
- agreeing meeting schedule for the year
- agreeing locations / arrangements for meetings (virtual / physical)

28.3 Subject to the timing of the first meeting it may also be necessary to agree / set the budget for the CJC in line with Regulation 16(7) of the CJC Establishment Regulations. This requires a CJC to have set its budget by the 31st of January 2022. The CJC must meet to agree its budget.

28.4 The balance between discussing and agreeing items at the first meeting will be dependent on the extent of any preparatory work undertaken beforehand.

29. Meeting quorum

29.1 A quorum of no fewer than 70% of those persons entitled to vote is required at each meeting (recognising that this may be different for each item subject to the individual decisions of a CJC). This balances the need for the CJC to be able to exercise its functions effectively and the need to ensure that decisions of the CJC are representative of the majority of those entitled to vote.

29.2 This quorum applies except for decisions in relation to the funding of the budget requirement and adopting of alternative voting procedures where all of the persons
entitled to vote on such matters must be present.

30. **Annual General Meeting (AGM)**

30.1 A CJC will be required to hold an AGM in each financial year but the arrangements and timings of an AGM will be at the discretion of the CJC. At each AGM the CJC must confirm / appoint the chairperson and deputy chairperson.

31. **Holding other meetings as a CJC may determine and extraordinary meetings**

31.1 Other than the AGM the number and frequency of meetings of a CJC will be at the discretion of the CJC. However it is expected that these will be of sufficient frequency to allow for the effective and efficient exercise of the CJC’s functions and to ensure the transparency of the work of the CJC. It is anticipated that the frequency of meetings may change depending on the nature of the functions to be exercised or the stages in the relevant planning, reporting or budget setting process. A CJC might wish to consider the timings of its meetings in a way as to encourage and support the diversity of its members and the participation of members of the public in its work. A CJC must provide for its meeting arrangements in its standing orders.

31.2 An extraordinary meeting of the CJC may be called at any time by any person entitled to vote on a matter to be discussed / decided on at that meeting (paragraph 4 of the Schedule to the Establishment Regulations).

32. **Multi-location meetings**

32.1 The COVID-19 pandemic highlighted the difficulties in relying on traditional ways of working within local government and the restrictions that arise from the lack of digital interaction between electors and those elected to represent them.

32.2 The flexibility introduced through the Local Government and Elections (Wales) Act 2021 provides that meetings can be held in multiple locations – referred to as multi-location meetings. The phrase “multi-location meeting” describes any meeting which involves one or more meeting participant joining a meeting from a location other than the council chamber or a committee room of a local authority or other physical location.

32.3 Under the new provisions authorities must make, and publish, arrangements to facilitate meetings, including fully virtual meetings, semi-virtual or hybrid meetings and of course physical meetings. Authorities must ensure that every meeting covered by these provisions is capable of being held virtually. However, not all meetings will have to be held virtually, that will be a matter for local determination.

32.4 It is intended that these multi-location meeting provisions will also apply to CJC. CJC meetings (including sub-committee meetings) will be able to be held virtually, in a physical location, or a combination of both. This will enable a CJC to conduct its business in an effective and efficient way and in a way that meets the needs of its members and the communities it serves. It is assumed that due to the wider geographic spread of its members a CJC will conduct the majority of its meetings virtually.

32.5 Local authorities and CJC will be required to have regard to guidance (to be prepared separately), which will include the expectation that individuals’ personal circumstances should be considered when deciding on the type of meetings to be held.
Chapter Four - Governance and scrutiny

As is discussed in Chapter Three it is important that political decision-making within CJC's is transparent and CJC's are able to be held to account and are able to be challenged for the decisions that they take. Having appropriate performance and governance and scrutiny arrangements in place will be important to achieve this. CJC's will therefore be subject to the same performance, governance and scrutiny requirements as local authorities, however it is expected that these would be proportionate to the scale of functions the CJC undertakes.

33. Performance and governance

33.1 The Local Government and Elections (Wales) Act 2021 provides at Part 6 for a new performance and governance regime for local authorities. Part 6 requires each council to keep under review the extent to which it is fulfilling its ‘performance requirements’, that is, the extent to which it:

- is exercising its functions effectively;
- is using its resources economically, efficiently and effectively; and
- has effective governance in place for securing the above.

33.2 The mechanism for this review is self-assessment, with a report setting out the conclusions of the self-assessment once in respect of each financial year. Self-assessment will be complemented by a peer-led panel performance assessment once in an electoral cycle.

33.3 Separate guidance has been produced to support the introduction of the performance and governance regime. It is intended that Part 6 of the Local Government and Elections (Wales) Act 2021 will apply to CJC’s. The guidance on the performance and governance regime will therefore apply to a CJC as a result of the application of Part 6.

34. Overview and scrutiny arrangements

34.1 Regulations on overview and scrutiny are proposed for spring 2022. It is envisioned that this will be based around scrutiny by the constituent councils of the CJC and not scrutiny by the CJC of its own work. This will be an important part of the democratic accountability of the CJC. As part of the councils general approach to scrutiny any scrutiny arrangements should be undertaken in line with any published scrutiny guidance and the Democracy Handbook (when published).

34.2 In considering the most effective and efficient approach to scrutiny, constituent councils and CJC's should give thought to the benefits of a joint overview and scrutiny committee made up of the constituent councils. The clear aim and ambition however must be to create, facilitate and encourage a clear democratic link back to the constituent councils.

34.3 As part of the regulations discussed in 34.1 it is proposed that CJC members and staff will have a duty to provide information to the scrutiny committee; attend committee meetings if requested to do so; and consider any report or recommendations made by a committee within the agreed arrangements and which relate to the CJC.

35. Governance and audit

35.1 A CJC will also be required to have its own governance and audit sub-committee. It is noted that in local government legislation this is referred to as a ‘governance and
audit committee’, however as the CJC is itself a committee it is appropriate to refer to it as a sub-committee in relation to CJCs.

35.2 The functions of the governance and audit sub-committee are as follows: (see also paragraph 16(1) of the CJC Establishment Regulations)

- to review and scrutinise the financial affairs of the CJC
- to review and assess the CJC’s risk management, internal control and corporate governance arrangements
- to make reports and recommendations to the CJC on the adequacy and effectiveness of those arrangements
- to oversee the CJC’s internal and external audit arrangements
- to review any financial statements prepared by the CJC
- to exercise such other functions as the CJC may specify

35.3 Membership of a CJC governance and audit committee will be constituted in the following way (it is noted at the time of publication that the Establishment Regulations will require amending to achieve this. This is intended to be done in spring 2022):

- two thirds of the members must be members of the constituent councils; and
- one third of the members are persons who are not a member of a county council or county borough council in Wales.

35.4 In both cases above the members of a CJC governance and audit committee cannot be a member of the CJC, a member of the executive of a constituent council or a co-opted member (co-opted member in this case means a person co-opted on to the CJC, or to participate in activities of the CJC, other than the governance and audit committee).

35.5 It is anticipated that the governance and audit committee will be required to meet once in every calendar year as a minimum. Section 116 of the Local Government and Elections (Wales) Act 2021 amends section 82 of the Local Government (Wales) Measure 2011 so that the chair of the governance and audit committee must be a lay member – it is intended that this should apply to a CJC governance and audit committee also. These amendments do not come into force until after the 2022 local government elections. However in anticipation of the application of the commencement of the relevant provision under the Local Government (Wales) Measure 2011 and to avoid needing to amend the approach within the CJC, the CJC should establish its governance and audit committee as if the amendments in Section 116 of the Local Government and Elections (Wales) Act 2021 had commenced.
Chapter Five - Funding, finance and budgetary matters

A CJC must ensure it is sufficiently funded to deliver its specified functions and activities and is required to put in place financial management arrangements which are in line with existing checks and balances – including the financial duties and rules which require councils to act prudently in spending, overseen and checked by a responsible Chief Finance Officer. Proper accounting practices and external audit arrangements will provide independent and objective assurance regarding the effectiveness of the CJC’s risk management, control and governance processes.

36. Budget requirements

36.1 Each CJC is required to calculate its budget requirements for each financial year to include the amounts required to exercise its functions, and expenditure associated with administrative costs and overheads, as well as an amount for contingencies, a reserve, and an amount to cover any outstanding liabilities (Regulation 16 of the Establishment Regulations). The intention is that a CJC must be sufficiently funded to deliver its specified functions/activities, including expenditure associated with administrative costs and overheads.

36.2 In calculating its budget requirement the CJC must also take into account any estimated funding it anticipates receiving from other funding sources including Welsh Government, UK Government, private sector bodies, third sector and voluntary bodies.

36.3 The CJC must agree its budget requirement and the amounts payable by each constituent local authority at a meeting before 31 January immediately preceding the beginning of a funding period. This would include the separate calculations involving the relevant NPA required in relation to the strategic planning function.

36.4 To facilitate these agreements a CJC is expected, and encouraged, to engage with all its constituent councils and the relevant NPA early in the budget setting process. It is envisaged this should take place as early as November preceding the beginning of a funding period.

36.5 The amount payable by each of the constituent councils (and for strategic development planning the NPA) is to be determined by apportioning such costs between the constituent councils (and for strategic development planning the constituent councils and NPA) in such proportions as the CJC may agree (Regulation 17 of the Establishment Regulations). The funding of the budgetary requirement must be agreed by unanimous decisions of those entitled to vote on such matters. In the absence of unanimous agreement by all those entitled to vote on such matters, the amounts payable by the constituent councils will be directed by Welsh Ministers.

36.6 For the amounts payable determined by the CJC, the CJC should disclose the factors and criteria which were taken into account, or the methods, principles and rules which were adopted in its formula for the amounts payable for its functions (including any new factors, criteria, methods, principles or rules).

36.7 A CJC may revise its budget requirement at any time before the end of the financial year to which the budget relates (Regulation 16 of the Establishment Regulations), any agreement to do so must be a unanimous agreement of all those entitled to vote on such matters. This is only expected to be done in exceptional cases where the existing budget requirement for a financial year transpires to be substantially insufficient for a CJC to carry out its functions. Before deciding to revise its budget
requirement a CJC should consider all its alternative options to address any temporary cash flow challenges it faces, including the use of reserves and seeking temporary borrowing or overdraft facilities.

37. **Funding the budget requirement**

37.1 As soon as practicable after 31 January preceding the beginning of a funding period the CJC should in writing confirm arrangements for the amounts payable to be paid by the constituent councils. How the amounts payable are paid to a CJC will be a matter for the constituent authorities and the CJC to agree taking into account respective cash flow challenges.

38. **First year budget**

38.1 The CJC will likely look to draw upon resources from one or all of its constituent authorities in its first year (2021/22) to cover incidental or administration costs that may arise before any budget is formally set for this first year or for the 2022/23 period. The Welsh Government has committed to supporting the constituent councils in considering the initial set up of the CJC and in particular the transition of the functions and any existing regional arrangements into the CJC. It is possible that this support will go some way to supporting the logistical requirements of preparing for and holding the first meeting. It is also assumed that a CJC will utilise facilities of the constituent local authorities wherever possible, particularly in the first few years, i.e. facilities for meetings, Human Resources and other back office functions.

38.2 However in meeting to set its budget for the 2022/23 financial period the CJC may wish to consider any budget requirements for the remainder of the 2021/22 financial period. If there are none then this can be formally noted.

39. **Accounting practices and controls**

39.1 The funding from constituent councils will be held and managed by the CJC. In doing so it will be subject to the same financial management arrangements as local government bodies in Wales and required to comply with the same statutory requirements:

- The Local Authorities (Capital Finance and Accounting) (Wales) Regulations 2003 (“the 2003 Regulations”) contain detailed provisions for the regulatory regime for the operation of capital finance and accounting controls applicable to local government bodies in Wales. They also modify accounting practice in various ways to prevent adverse impacts on authorities’ revenue resources.

- The Accounts and Audit (Wales) Regulations 2014 (“the 2014 Regulations”) provide the regulatory regime underpinning the financial reporting and accounting of local government bodies in Wales.

39.2 When preparing financial accounts, CJC will be required to follow proper practices which are prescribed in the 2003 Regulations, defined as:

  a) the Code of Practice on Local Authority Accounting in the United Kingdom (The Code) published annually by the Chartered Institute of Public Finance and Accounting (CIPFA). The Code specifies the principles and practices of accounting required to prepare financial statements which give a true and fair view of the financial position and transactions of a local authority. This Code is prepared under International Financial Reporting Standards (IFRS), which have been adopted as the basis for public sector accounting in the UK.
39.3 These documents take into account the detailed provisions within the 2003 Regulations ensuring local government bodies are complying with legislation when preparing financial statements to give a true and fair view of the financial position and transactions of a local authority. Which of these two ‘proper practice’ documents CJC will follow will be dependent on their size and this is specified in the 2014 Regulations.

40. Keep, prepare and publish annual financial accounts

40.1 The 2014 Regulations contain important responsibilities for the control and effectiveness of financial management of a local government body including; governance arrangements; preparation of accounting statements; signing and approval of accounts and interaction with the public in regards to making available documents via publication or inspection.

41. Appropriate audit and accounting

41.1 CJC will be subject to appropriate accounting and audit arrangements set out in the 2014 Regulations, and in compliance with the mandatory Public Sector Internal Audit Standards. Such an approach will provide independent and objective assurance regarding the effectiveness of the CJC’s risk management, control and governance processes.

41.2 The accounts of the CJC will be subject to review through annual external audit, providing an opinion on whether the accounts give a true and fair view of the financial affairs of the CJC and concluding whether the CJC has made proper arrangements for securing economy, efficiency and effectiveness in the use of resources. CJC are local government bodies in Wales for the purpose of the Public Audit (Wales) Act 2004. The Public Audit (Wales) Act 2004 provides, amongst other things, for the Auditor General for Wales to audit the accounts of local government bodies.

42. Provide and receive goods and services

42.1 A CJC is permitted to ‘trade’ with other public bodies in the same way as a local authority governed by the Local Authorities (Goods and Services) Act 1970 is. This allows a CJC to enter into agreements with public bodies for the provision of goods, materials, and administrative, professional and technical services, for the use of vehicles, plant and apparatus, and for the carrying out of maintenance. A CJC will also be provided with a power to trade for commercial purposes as part of the regulations proposed for spring 2022 and a re-made power to trade order under s95 of the Local Government Act 2003.

43. Investment practices

43.1 As an accountable body a CJC is responsible for the proper administration and financial probity of the funds it receives. Each CJC must ensure the effective use of public money and have responsibility for the proper administration of its financial affairs and treasury management activities.

43.2 A CJC will have the ability to invest for any purpose relevant to its functions under any enactment, or for the purposes of the prudent management of its financial affairs in the same way a local authority can. A CJC must therefore have regard to existing
Welsh Government Statutory Guidance on Local Government Investments issued under section 15(1) (a) of the Local Government Act 2003 – this encourages local authorities to invest prudently, thus preserving safeguards and to approve and thereby produce:

- a Treasury Management Strategy including the use of reserves
- a Capital Strategy

44. Borrowing

44.1 A CJC will have the ability to borrow for any purpose relevant to its functions or for the purposes of the prudent management of its financial affairs and in doing so it must have regard to proper practices specified as:

- the document entitled “Treasury Management in the Public Services: Code of Practice and Cross-Sectoral Guidance Notes” published by the Chartered Institute of Public Finance and Accountancy as may be amended [or reissued] from time to time
- the Prudential Code for Capital Finance in Local Authorities issued by the Chartered Institute of Public Finance and Accountancy as may be amended [or reissued] from time to time

44.2 It is not envisaged that the delivery of the CJC functions will require significant capital resources required by borrowing in the early years. Current legislative arrangements do not allow CJCs to borrow from the Public Works Loan Board (PWLB) lending facility operated by the UK Debt Management Office (DMO) on behalf of HM Treasury. A CJC with an early ambition to borrow may therefore look to its constituent councils to agree to undertake such borrowing in the same way as current arrangements for City Deals.
Chapter Six - Other statutory duties

As with any public sector body in Wales a CJC will be expected to comply with duties that apply to public bodies. These are a key element of how public service organisations work in Wales.

45. Corporate Joint Committees as a public body in Wales

45.1 From the outset, members of the CJC will need to consider how it will promote and facilitate the underpinning principles and standards of these duties in everything it does.

45.2 Each CJC should give thought to how its public sector duties can best be achieved and how it will enable, protect and build on the practices of its constituent councils, taking into account its own unique circumstances. This will include its duties to:

- promote and carry out sustainable development; taking greater account of its long-term impact; and monitoring and assessing the extent to which it is meeting its well-being objectives in relation to collaboration, involvement and taking an integrated approach (for example its duties under the Well Being of Future Generations Act (Wales) 2015)
- promote the Welsh language and not treat it differently or any less favourably than the English Language; ensuring its staff are able to work through medium of Welsh by making it an integral part of workforce planning; and encouraging collaboration in delivering its public services by ensuring services are accessible to members of the public in the language of their choice (the CJC will be required to comply with duties under Welsh Language (Wales) Measure 2011 and the Welsh Language Standards (No 1) Regulations 2015)
- enable greater diversity and equality by actively involving others in its work so it is able to respond to the economic and social prosperity of local communities within its area; creating an inclusive and collaborative culture to ensure a wider perspective and approach to its work; and considering the backgrounds and circumstances, gender, age and cultural diversity to better reflect the diversity of the communities it serves (for example its duties under the Equalities Act 2010)
- to have due regard, when taking strategic decisions, to the need to reduce the inequalities of outcome resulting from socio-economic disadvantage (The Equality Act, 2010 Socio-economic Duty)
- seek to maintain and enhance biodiversity so far as consistent with the proper exercise of their functions and in so doing promote the resilience of ecosystems in line with their duties under s6 of the Environment (Wales) Act 2016

45.3 In addition, when doing anything that impacts on a NPA area, CJC will need to consider how they can further support the purposes of NPA to conserve and enhance the natural beauty, wildlife and cultural heritage of the National Parks; and promote opportunities for the understanding and enjoyment of the special qualities of the Park by the public.

45.4 It is important to note that while the guidance sets out some of the key legal requirements in this area which will apply to CJC, it does not seek to replicate legislation or guidance that already exists.

46.1 The Well-being of Future Generations (Wales) Act 2015 ("WFG Act") provides the context within which public bodies, including CJC s, should be exercising their functions, using their resources and ensuring their governance is effective with the aim of maximising their contribution to the well-being goals within the scope of their functions / responsibilities. The Act puts a framework around the decision-making process and should shape what CJC s do, how they do it, and how they communicate the difference they are making to the achievement of the well-being goals. The five ways of working set out in the WFG Act (long-term, collaboration, involvement, prevention and integration) will be particularly important in the context of a CJC.

46.2 In considering how a CJC discharges its duties under the Well-being of Future Generations Act, the CJC should have due regard to the statutory guidance for the Act which contains a core set of activities common to the corporate governance of public bodies. These are:

- Corporate planning
- Financial planning
- Workforce planning (people)
- Procurement
- Assets
- Risk management
- Performance Management

46.3 Considering from the outset the seven corporate areas as a framework for the establishment of the constitutional and operational arrangements of the CJC, and applying the five ways of working to those areas, will support the CJC to ensure it is governing itself to maximise its contribution to the well-being goals and meet its well-being objectives.

46.4 CJC s need to own and design its response to its well-being duties in a way that best reflects its ambitions and functions. There is a clear opportunity for the ways of working under the Well-being of Future Generations Act to be embedded and built into the governance and administrative arrangements of the CJC from the point of establishment.

46.5 For example, one of the five ways of working set out in the WFGA is 'integration', which requires public bodies to take account of how the body’s well-being objectives may impact upon each of the well-being goals, as well as each other or upon other public bodies’ objectives. CJC s may wish to consider different options when setting their well-being objectives and steps but, in any case, need to ensure that their approach is integrated to reduce administrative burden and encourage efficient use of resources.

46.6 The CJC s can work with other public bodies in their area, as well as with Public Services Boards, when setting their well-being objectives and steps to ensure alignment.

46.7 CJC s may choose, for example, to work with their constituent councils on joint well-being objectives in relevant areas with different bodies responsible for individual steps to help meet these joint objectives. Applying the 5 ways of working and the sustainable development principle will help CJC s, their constituent councils and other public bodies determine the objectives and steps that they can work on together to jointly discharge their duties under the WFGA and maximise their individual and collective contribution to the goals.
46.8 Alternatively, CJC’s may choose to set separate well-being objectives and steps and meet those independently of the other public bodies in their area. In which case it is important to ensure that the integration principle is applied and the objectives of their constituent councils are mapped out and aligned against the CJC’s objectives.

47. Welsh language

47.1 The Welsh language is integral to our culture, our heritage and our daily lives. Welsh belongs to us all in Wales, wherever we are and whatever level of Welsh we have as individuals. There is an expectation that CJC’s will create and foster an atmosphere in which the use of the Welsh language can grow within the CJC and in the communities they serve. There is also an expectation that CJC’s will work in partnership to contribute to achieving the Welsh Government shared vision for the Welsh language, published in Cymraeg 2050: A Million Welsh Speakers.

“The year 2050: The Welsh language is thriving, the number of speakers has reached a million, and it is used in every aspect of life. Among those who do not speak Welsh there is goodwill and a sense of ownership towards the language and a recognition by all of its contribution to the culture, society and economy of Wales.”

47.2 CJC’s will be expected to contribute to the realisation of this vision and the strategies three themes;
- Increasing the number of Welsh speakers
- Increasing the use of Welsh
- Creating favourable conditions – infrastructure and context

47.3 CJC’s will be subject to the same Welsh Language Standards as local authorities - The Welsh Language Standards (No. 1) Regulations 2015 (“the No. 1 Regulations”). The No. 1 Regulations also authorise the Welsh Language Commissioner to issue Compliance Notices, which set out the duties that each individual body must comply with.

47.4 There are 5 classes of standards within the No. 1 Regulations:
- Service delivery standards relate to the delivery of services in order to promote or facilitate the use of the Welsh language, or to ensure that it is treated no less favorably than English
- Policy making standards require bodies to consider what effect their policy decisions will have on the ability of persons to use the language and on the principle of treating Welsh no less favorably than English
- Operational standards relate to the internal use of Welsh by bodies. If operational standards are imposed on a body, that body will be expected to increase the opportunities to use Welsh in their internal arrangements
- Promotion standards means a standard that is intended to promote the use of the Welsh language more widely, this class of standards includes a duty to adopt a strategy setting out how it proposes to promote and facilitate the use of Welsh
- Record keeping standards will make it necessary to keep records about some of the other standards, and about any complaints received by a body. These records will assist the Welsh Language Commissioner in regulating the body’s compliance with standards

47.5 The No.1 Regulations also specify standards that deal with supplementary matters which are specific forms of the classes of standards set out above.
47.6 Applying the standards within the No 1 Regulations to CJC s in this way will:
- ensure that Welsh-speakers are clear about the services they can expect to receive from each CJC
- provide clarity to CJC s about the Welsh language duties they must comply with working continuously to improve the level of Welsh language services they provide
- ensure that CJC s encourage people to make use of Welsh language services
- ensure there is an appropriate degree of consistency in terms of the duties placed on bodies in the same sectors

47.7 There are likely to be differences in the internal use of Welsh language within the constituent councils of CJC s and in terms of the services they provide in Welsh. It is recognised that these differences respond to the different needs of the communities each constituent council and NPA serves. It is for the Welsh Language Commissioner to decide the relevant standards for a CJC and issue any relevant compliance notes. The Welsh Language Commissioner may also impose operational standards on CJC s which will determine the level of Welsh language services they must provide to staff.

47.8 With the establishment of the CJC s as new corporate bodies we would expect the CJC s, from the outset, to embed the use of the Welsh language within the CJC s themselves and in relation to the Welsh language services they provide. This is particularly important in advance of the Welsh Language Commissioner setting the standards for each CJC.

48. Equality

48.1 CJC s will be required to promote equality and play their part in delivering a more equal Wales. CJC s will be subject to a number of duties within the Equality Act 2010 and it is these statutory duties which will underpin their obligations on equality. The Equality Act 2010 makes it unlawful to discriminate against those with a protected characteristic. The 2010 Act also places a ‘due regard’ duty (public sector equality duty 6) on public bodies, to ensure that advancement of equality of opportunity is a key consideration for relevant public bodies when carrying out their functions.

Socio-economic Duty

48.2 The Equality Act, 2010 Socio-economic Duty will require a CJC as a ‘relevant public body’, when taking strategic decisions such as ‘deciding priorities and setting objectives’, to consider how its decisions might help to reduce the inequalities associated with socio-economic disadvantage - driving better outcomes for people’s lives and experiences through better decision making and further contributing towards our shared goal of becoming “a more equal Wales”.

48.3 More information and guidance on the Socio-economic Duty can be found at the Welsh Government website.

The Public Sector Equality Duty

48.4 CJC s will be subject to the Public Sector Equality Duty (PSED). Section 149 of the Equality Act sets out the PSED which, in summary, places a duty on public bodies to have due regard in exercising their functions to the need to:
- Eliminate discrimination, harassment, and victimisation
- Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it
• Foster good relations between persons who share a relevant protected characteristic and persons who do not share it

48.5 The nine protected characteristics are: age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; sexual orientation; marriage and civil partnership.

48.6 As a relevant public authority in Wales, a CJC will also be subject to the requirements of the Equality Act 2010 (Statutory Duties) (Wales) Regulations 2011.

48.7 The Equality and Human Rights Commission (EHRC) in Wales champions equality and human rights for all, working to eliminate discrimination, reduce inequality, protect human rights and to build good relations, making sure that everyone has a fair chance to participate in society. The EHRC is the regulator of the PSED and works with public authorities to encourage, guide, monitor and regulate activity on the public sector equality duty. Guidance and advice on the PSED can be found on the EHRC Website.

48.8 The Mapping the Duties guide published by the EHRC also provides tips for the alignment, where appropriate, of common organisational processes undertaken by public bodies under the Socio-economic Duty, the Public Sector Equality Duty and the Well-being of Future Generations Act 2015 Duties.

49. Biodiversity and resilience of ecosystems.

49.1 CJC are subject to the duties under section 6 of the Environment (Wales) Act 2016 and one of the Public Authorities subject to the Biodiversity and Resilience of Ecosystems Duty and will be required to seek to maintain and enhance biodiversity so far as is consistent with the proper exercise of their functions and in doing so promote the resilience of ecosystems.

49.2 To comply with the section 6 duty CJC should embed the consideration of biodiversity and ecosystems into their early thinking and business planning, including any policies, plans, programmes and projects, as well as their day to day activities. A public authority, in complying with the S6 duty, must have regard to:
  • The section 7 list of habitats and species of principal importance for Wales
  • The State of Natural Resources Report (SoNaRR), published by Natural Resources Wales
  • Any Area Statement which covers all or part of the area in which the authority exercises its functions, once these are produced.

49.3 The Nature Recovery Action Plan for Wales contains six objectives which should be used to help develop and guide actions to comply with the S6 duty. Further guidance in the form of Frequently Asked Questions can be found on the Welsh Government website and a Good Practice Guide is also hosted by the Wales Biodiversity Partnership.

49.4 CJC must prepare and publish a plan setting out what they propose to do to comply with the s6 duty. They must also produce and publish a report on what they have done to comply with the s6 duty y 31 December 2022 and then every three years after this date. Reporting guidance is available on the Welsh Government website.

49.5 Complying with the S6 duty will also help CJC to maximise their contributions to the Well-being goals under the Well-being of Future Generations (Wales) Act 2015.

50. Freedom of Information
50.1 A CJC will be a body corporate in its own right and so will not be automatically covered by the Freedom of Information Act 2000. However it is the intention that CJC should be and so an application has been made to the UK Government to add CJC to the schedule of public authorities under Schedule 1 of the Freedom of Information Act 2000. Adding CJC to the Act in this way will be dependent upon a relevant instrument being made by the UK Government. It is not known when this might take place, however in the interim CJC should conduct themselves in so far as possible as if they were subject to the Freedom of Information Act 2000. However it is recognised that until such time as CJC are included in the Freedom of Information Act 2000 then the Information Commissioners Office will not have jurisdiction over a CJC or any complaint made against a CJC.

50.2 **Guidance on freedom of information** can be found on the Information Commissioner’s Office website.
Annex A – Summary of CJC Regulations

Phase 1 - Establishment Regulations

Regulations creating four CJC in Wales (“the Establishment Regulations”) were made on 17 March 2021 and the following CJC were established on 1 April 2021:

- The North Wales Corporate Joint Committee Regulations 2021
- The Mid Wales Corporate Joint Committee Regulations 2021
- The South East Wales Corporate Joint Committee Regulations 2021
- The South West Wales Corporate Joint Committee Regulations 2021

Instruments laid alongside the CJC Establishment Regulations

The following regulations/orders were made alongside the Establishment Regulations in March 2021.

Corporate Joint Committees (General) (Wales) Regulations 2021

The Corporate Joint Committees (General) (Wales) Regulations 2021 seek to ensure, as part of the wider application of the local government ethical framework, that members, co-opted participants and employees of CJC are subject to appropriate standards of conduct. The general regulations also ensure that CJC are subject to an appropriate accounting, audit and financial management regime. The Corporate Joint Committees (General) (Wales) Regulations 2021 also make a small number of minor amendments to; support the necessary arrangements for the provision of services between CJC and local authorities; to ensure equality of treatment of members of a CJC by the CJC; and, provide for the CJC to hold and dispose of assets.

Corporate Joint Committees (Amendment of Schedule 6 to the Welsh Language (Wales) Measure 2011) Regulations 2021

The Corporate Joint Committees (Amendment of Schedule 6 to the Welsh Language (Wales) Measure 2011) Regulations 2021 (“amendment regulations”) amend the Welsh Language (Wales) Measure 2011. The amendment regulations provide that CJC established by regulations made under Part 5 of the Local Government and Elections (Wales) Act 2021 are liable to comply with the Welsh Language Standards within the Welsh Language (Wales) Measure 2011.

The Equality Act 2010 (Public Authorities subject to the Public Sector Equality Duty) (Wales) Order 2021

The Equality Act 2010 (Public Authorities subject to the Public Sector Equality Duty) (Wales) Order 2021 (“amendment Order”) amends Part 2 of Schedule 19 to the Equality Act 2010. The amendment Order provides that CJC established under Part 5 of the Local Government and Elections (Wales) Act 2021 are subject to the Public Sector Equality duty (Section 149) of the Equality Act 2010.

The Public Services Ombudsman (Wales) Act 2019 (Amendment of Schedule 3) Regulations 2021

The Public Services Ombudsman (Wales) Act 2019 (Amendment of Schedule 3) Regulations 2021 (“amendment regulations”) amend Schedule 3 of the Public Services Ombudsman (Wales) Act 2019. The amendment regulations provide that CJC established under Part 5 of the Local Government and Elections (Wales) Act 2021 are subject to the provisions of the Public Services Ombudsman (Wales) Act 2019 where relevant.
The Public Audit (Wales) Act 2004 (Amendment) (Local Government Bodies in Wales) Order 2021


The amendment Order provides that CJCs established under Part 5 of the Local Government and Elections (Wales) Act 2021 are subject to the provisions of part 2 of the Public Audit (Wales) Act 2004. The amendment order also makes minor and consequential and supplementary provision.

The Accounts and Audit (Wales) (Amendment) Regulations 2021

The Accounts and Audit (Wales) (Amendment) Regulations 2021 (“amendment regulations”) amend the Accounts and Audit (Wales) Regulations 2014 (“2014 regulations”) made under section 39 of the Public Audit (Wales) Act 2004. (This was made on the 18th March 2021, subject to the negative procedure) The amendment regulations provide that CJCs established under Part 5 of the Local Government and Elections (Wales) Act 2021 are subject to the provisions of the 2014 regulations where relevant.

The Corporate Joint Committees (Transport Functions) (Wales) Regulations 2021 were also made alongside the CJC Establishment Regulations and provided for the relevant modifications to the Transport Act 2000 required for CJCs to exercise the transport planning function.

Phase 2 - The Corporate Joint Committee (General) (No.2) (Wales) Regulations 2021

The Corporate Joint Committee (General) (No.2) (Wales) Regulations 2021 were made in November 2021 and provide for the roles of certain ‘executive officers’ to support the work of the CJC as well as some general provisions in relation to CJC staff, for the functions of the CJC to be discharged by other people, for example its staff or sub-committees, and for meetings and proceedings. They also made a small number of miscellaneous and consequential amendments to give full effect to the provisions.

Instruments laid alongside the Corporate Joint Committee (General) (No.2) (Wales) Regulations 2021

The following regulations were made alongside the Corporate Joint Committee (General) (No.2) (Wales) Regulations 2021 in November 2021.

The Welsh Language Standards (No.1) Regulations 2015 (Amendment) Regulations 2021

The Welsh Language Standards (No.1) Regulations 2015 (Amendment) Regulations 2021 amend the Welsh Language Standards (No.1) Regulations 2015 (“the No.1 Regulations”). The Regulations bring Corporate Joint Committees established by regulations made under Part 5 of the Local Government and Elections (Wales) Act 2021 within the scope of the standards specified by the No.1 Regulations and enable the Welsh Language Commissioner to make a compliance notice in respect of that body. The effect of this is that Corporate Joint Committees will be bodies which are liable to comply with the No.1 Regulations, and that the specified service delivery standards, policy making standards, operational standards, promotion standards and record keeping standards are potentially applicable to them.

The Corporate Joint Committees (Amendment of the Well-being of Future Generations (Wales) Act 2015) Regulations 2021
The Corporate Joint Committees (Amendment of the Well-being of Future Generations (Wales) Act 2015) Regulations 2021 amend the Well-being of Future Generations (Wales) Act 2015. The Regulations amend the meaning of a public body in section 6, by adding a Corporate Joint Committee to the list. The effect of this is that Corporate Joint Committees, established under Part 5 of the Local Government and Elections (Wales) Act 2021, are body’s which are liable to comply with Part 2 and 3 of the Well-being of Future Generations (Wales) Act 2015.

The Equality Act 2010 (Authorities subject to a duty regarding Socio-economic Inequalities) (No. 2) (Wales) Regulations 2021

The Equality Act 2010 (Authorities subject to a duty regarding Socio-economic Inequalities) (No. 2) (Wales) Regulations 2021 amend section 1 of Equality Act 2010 in order to add Corporate Joint Committees, established by regulations made under Part 5 of the Local Government and Elections (Wales) Act 2021, to the list of relevant authorities subject to the Socio Economic Duty.

The Environment (Wales) Act 2016 (Public Authorities subject to the Biodiversity and Resilience of Ecosystems Duty) Regulations 2021

The Environment (Wales) Act 2016 (Public Authorities subject to the Biodiversity and Resilience of Ecosystems Duty) Regulations 2021 amend section 6 the 2016 Act to include Corporate Joint Committees within the definition of ‘public authority’ in section 6(9) which are subject to the biodiversity duty. As a result of these Regulations, Corporate Joint Committees will be required to consider the Nature Recovery Action Plan for Wales when making decisions.

The Countryside and Rights of Way Act 2000 (Meaning of Public Body) (Wales) Regulations 2021

The Countryside and Rights of Way Act 2000 (Meaning of Public Body) (Wales) Regulations 2021 amends section 85 of the Countryside and Rights of Way Act 2000 in order that when Corporate Joint Committees, established by regulations made under Part 5 of the Local Government and Elections (Wales) Act 2021, exercise or perform any function in relation to, or affecting, land in an area of outstanding natural beauty they shall have regard to the purposes of conserving and enhancing the natural beauty of the area.

The National Parks and Access to the Countryside Act 1949 (Meaning of Public Body) (Wales) Regulations 2021

The National Parks and Access to the Countryside Act 1949 (Meaning of Public Body) (Wales) Regulations 2021 amends section 11A of the National Parks and Access to the Countryside Act 1949 in order that when Corporate Joint Committees, established by regulations made under Part 5 of the Local Government and Elections (Wales) Act 2021, exercise or perform any function in relation to, or affecting, land in a National Park they must have regard to the purposes specified in section 5(1) of the National Parks and Access to the Countryside Act 1949. These purposes being conserving and enhancing their natural beauty, wildlife and cultural heritage and promoting opportunities for the understanding and enjoyment of the special qualities of National Parks by the public.

The Children and Families (Wales) Measure 2010 (Amendment to the List of Welsh Authorities) Regulations 2021

The Children and Families (Wales) Measure 2010 (Amendment to the List of Welsh authorities) Regulations 2021 amends section 6(1) of the Children and Families (Wales) Measure 2010 in order to add Corporate Joint Committees, established by regulations made under Part 5 of the Local Government and Elections (Wales) Act 2021, to the list of relevant authorities required to make and demonstrate their contribution towards the eradication of child poverty in Wales.
Corporate Joint Committees will be required therefore to prepare and publish a strategy for contributing to the eradication of child poverty in Wales and the actions it intends to take to achieve the objectives within the strategy.

The Child Poverty Strategy (Corporate Joint Committees) (Wales) Regulations 2021

The Child Poverty Strategy (Corporate Joint Committees) (Wales) Regulations 2021 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 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.