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WELSH STATUTORY INSTRUMENTS

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**2021 No. 343 (W. 97)**

**LOCAL GOVERNMENT, WALES**

**The South East Wales Corporate  
Joint Committee Regulations 2021**

*Made - - - - 17 March 2021  
Coming into force in accordance with regulation 1(2)  
and (3)*

The Welsh Ministers make these Regulations in exercise of the powers conferred by sections 74, 83 and 174 of the Local Government and Elections (Wales) Act 2021<sup>(1)</sup>.

The requirements of the Local Government and Elections (Wales) Act 2021 (relating to consultation) have been satisfied.

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

**Title and commencement**

1.—(1) The title of these Regulations is the South East Wales Corporate Joint Committee Regulations 2021.

(2) These Regulations, other than the provisions mentioned in paragraph (3), come into force on 1 April 2021.

(3) The following provisions of these Regulations come into force on [<sup>F1</sup>30 June] 2022—

- (a) regulation 11;
- (b) regulation 12;
- (c) regulation 13;
- (d) regulation 15 in so far as it relates to functions conferred on the South East Wales Corporate Joint Committee by regulation <sup>F2</sup>... 12 or 13

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**Textual Amendments**

**F1** Words in reg. 1(3) substituted (18.2.2022) by [The South East Wales Corporate Joint Committee \(Amendment\) Regulations 2022 \(S.I. 2022/140\)](#), regs. 1(2), **2(2)(a)**

**F2** Word in reg. 1(3)(d) omitted (18.2.2022) by virtue of The South East Wales Corporate Joint Committee (Amendment) Regulations 2022 (S.I. 2022/140), regs. 1(2), 2(2)(b)

### Commencement Information

**I1** Reg. 1 in force at 1.4.2021, see [reg. 1\(2\)](#)

## Interpretation

### 2. In these Regulations—

“the Brecon Beacons member” (“*aelod Bannau Brycheiniog*”) means the member appointed under <sup>F3</sup>regulation 8(1);

<sup>F4</sup>“the Brecon Beacons National Park Authority” (“*Awdurdod Parc Cenedlaethol Bannau Brycheiniog*”) means the authority established for that National Park by the National Park Authorities (Wales) Order 1995 (S.I. 1995/2803);

“constituent council” (“*cyngor cyfansoddiadol*”) means—

- (a) Cardiff county council;
- (b) Monmouthshire county council;
- (c) Blaenau Gwent county borough council;
- (d) Bridgend county borough council;
- (e) Caerphilly county borough council;
- (f) Merthyr Tydfil county borough council;
- (g) Newport county borough council;
- (h) Rhondda, Cynon, Taff county borough council;
- (i) Torfaen county borough council;
- (j) The Vale of Glamorgan county borough council;

<sup>F5</sup>“co-opted member” (“*aelod cyfetholedig*”) has the meaning given by regulation 9(1);

“council member” (“*aelod cyngor*”) means a person referred to in regulation 7(1) or a person appointed under regulation 7(3);

“enactment” (“*deddfiad*”) means an enactment whenever enacted or made;

“financial year” means—

- (a) the period of 12 months ending with 31 March 2022 (referred to in these Regulations as “the first financial year”);
- (b) subsequently, a period of 12 months ending with 31 March;

<sup>F6</sup> ...

“standing orders” (“*rheolau sefydlog*”) means the standing orders made under paragraph 8 of the Schedule;

“strategic planning functions” (“*swyddogaethau cynllunio strategol*”) means—

- (a) the functions of the South East Wales Corporate Joint Committee under Part 6 of the Planning and Compulsory Purchase Act 2004(2) (see regulation 13), and
- (b) any functions incidental or conducive to the exercise of those functions;

[<sup>F4</sup>“substitute member” (“*aelod dirprwyol*”) means a person appointed under regulation 7(2) or 8(3)].

#### Textual Amendments

- F3** Words in [reg. 2](#) substituted (25.3.2022) by [The Corporate Joint Committees \(General\) \(Wales\) Regulations 2022 \(S.I. 2022/372\)](#), regs. 1(2), **41(2)(a)**
- F4** Words in [reg. 2](#) inserted (25.3.2022) by [The Corporate Joint Committees \(General\) \(Wales\) Regulations 2022 \(S.I. 2022/372\)](#), regs. 1(2), **41(2)(c)**
- F5** Words in [reg. 2](#) substituted (3.12.2021) by [The Corporate Joint Committees \(General\) \(No. 2\) \(Wales\) Regulations 2021 \(S.I. 2021/1349\)](#), regs. 1(2), **36(2)**
- F6** Words in [reg. 2](#) omitted (25.3.2022) by virtue of [The Corporate Joint Committees \(General\) \(Wales\) Regulations 2022 \(S.I. 2022/372\)](#), regs. 1(2), **41(2)(b)**

#### Commencement Information

- I2** [Reg. 2](#) in force at 1.4.2021, see [reg. 1\(2\)](#)

## PART 1

### Establishment and area

#### Establishment

**3.—(1)** There is established a body corporate to be known as the South East Wales Corporate Joint Committee (“the South East Wales CJC”).

(2) The South East Wales CJC has the functions—

- (a) conferred on it by these Regulations, and
- (b) conferred or imposed on it, or delegated to it, by any other enactment.

(3) Functions conferred on the South East Wales CJC by these Regulations are exercisable in relation to its area.

#### Commencement Information

- I3** [Reg. 3](#) in force at 1.4.2021, see [reg. 1\(2\)](#)

#### Area

**4.** The South East Wales CJC’s area comprises the areas of the constituent councils.

#### Commencement Information

- I4** [Reg. 4](#) in force at 1.4.2021, see [reg. 1\(2\)](#)

## PART 2 Constitution

### Constitution

5. The Schedule makes provision about the constitution of the South East Wales CJC.

#### Commencement Information

**I5** Reg. 5 in force at 1.4.2021, see [reg. 1\(2\)](#)

## PART 3 Membership

### Membership

6.—(1) The members of the South East Wales CJC are—

- (a) the 10 council members, <sup>F7</sup>...
- (b) the Brecon Beacons member [<sup>F8</sup>, and]
- [<sup>F9</sup>(c) any co-opted member.]

(2) The members are entitled to vote in relation to any matter to be decided by the South East Wales CJC [<sup>F10</sup>, subject to regulations 8(2A) and 9(2)]

<sup>F11</sup>(3) .....

(4) References in these Regulations, and in any other enactment, to a member of the South East Wales CJC (however expressed) include the Brecon Beacons member [<sup>F12</sup>and any co-opted member], unless—

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

#### Textual Amendments

- F7** Word in [reg. 6\(1\)\(a\)](#) omitted (3.12.2021) by virtue of [The Corporate Joint Committees \(General\) \(No. 2\) \(Wales\) Regulations 2021 \(S.I. 2021/1349\)](#), [regs. 1\(2\)](#), [36\(3\)\(a\)\(i\)](#)
- F8** Word in [reg. 6\(1\)\(b\)](#) inserted (3.12.2021) by [The Corporate Joint Committees \(General\) \(No. 2\) \(Wales\) Regulations 2021 \(S.I. 2021/1349\)](#), [regs. 1\(2\)](#), [36\(3\)\(a\)\(ii\)](#)
- F9** [Reg. 6\(1\)\(c\)](#) inserted (3.12.2021) by [The Corporate Joint Committees \(General\) \(No. 2\) \(Wales\) Regulations 2021 \(S.I. 2021/1349\)](#), [regs. 1\(2\)](#), [36\(3\)\(a\)\(iii\)](#)
- F10** Words in [reg. 6\(2\)](#) inserted (3.12.2021) by [The Corporate Joint Committees \(General\) \(No. 2\) \(Wales\) Regulations 2021 \(S.I. 2021/1349\)](#), [regs. 1\(2\)](#), [36\(3\)\(b\)](#)
- F11** [Reg. 6\(3\)](#) omitted (3.12.2021) by virtue of [The Corporate Joint Committees \(General\) \(No. 2\) \(Wales\) Regulations 2021 \(S.I. 2021/1349\)](#), [regs. 1\(2\)](#), [36\(3\)\(c\)](#)
- F12** Words in [reg. 6\(4\)](#) substituted (3.12.2021) by [The Corporate Joint Committees \(General\) \(No. 2\) \(Wales\) Regulations 2021 \(S.I. 2021/1349\)](#), [regs. 1\(2\)](#), [36\(3\)\(d\)](#)

### Commencement Information

**I6** Reg. 6 in force at 1.4.2021, see [reg. 1\(2\)](#)

### Council members

7.—(1) In the case of each constituent council—

- (a) the executive leader, where the constituent council operates a leader and cabinet executive;
- (b) the elected mayor, where the constituent council operates a mayor and cabinet executive,

is the council member of the South East Wales CJC.

[<sup>F13</sup>(2) Where a person who is a council member under paragraph (1) (“P”) is suspended or is unable to act as a council member for any period, the constituent council of which P is a member may appoint a member of its executive as a substitute member of the South East Wales CJC for that period.

(2A) For the purposes of these Regulations (other than this regulation), and any other enactment, a substitute member appointed under paragraph (2) is to be treated as a council member of the South East Wales CJC.

(2B) But the substitute member is not entitled to vote, or otherwise act as a council member, in relation to the discharge of any function of the South East Wales CJC in relation to which P is able to vote or act.

(2C) In paragraph (2) “suspended” means—

- (a) suspended or partially suspended under Part 3 of the Local Government Act 2000 as a member of the South East Wales CJC, or
- (b) partially suspended under Part 3 of the Local Government Act 2000 as a member of the constituent council of which P is also a member.]

(3) Where a constituent council has a vacancy in an office referred to in paragraph (1), the constituent council must appoint another member of its executive as the council member of the South East Wales CJC until such time as the vacancy is filled.

### Textual Amendments

**F13** Reg. 7(2)-(2C) substituted for [reg. 7\(2\)](#) (25.3.2022) by [The Corporate Joint Committees \(General\) \(Wales\) Regulations 2022 \(S.I. 2022/372\)](#), [regs. 1\(2\)](#), [7\(2\)](#)

### Commencement Information

**I7** Reg. 7 in force at 1.4.2021, see [reg. 1\(2\)](#)

### Brecon Beacons member

8.—(1) The Brecon Beacons National Park Authority (“the Authority”) must appoint an office-holder mentioned in paragraph (2) as a member of the South East Wales CJC (“the Brecon Beacons member”).

(2) The office-holders who are eligible to be the Brecon Beacons member are—

- (a) the chairman of the Authority,
- (b) the deputy chairman of the Authority, or
- (c) the chairperson of a committee with responsibility for planning matters as may be established by the Authority.

[<sup>F14</sup>(2A) The Brecon Beacons member may act as a member only in relation to—

- (a) the functions conferred on the South East Wales CJC under regulation 13;
- (b) any function of the South East Wales CJC that is ancillary or incidental to those functions.

(2B) But the Brecon Beacons member may also act as a member in relation to any other function of the South East Wales CJC if—

- (a) the council members and the Brecon Beacons member agree [<sup>F15</sup>unanimously], or
- (b) the Brecon Beacons member is permitted, or required, to act in relation to that function by virtue of express provision in these Regulations or any other enactment.

(2C) An agreement under paragraph (2B)(a) must specify the terms on which the Brecon Beacons member may act in relation to the function concerned, including specifying the period for which the Brecon Beacons member is to act.]

[<sup>F16</sup>(3) Where a person who is the Brecon Beacons member under paragraph (1) (“P”) is suspended or is unable to act as the Brecon Beacons member for any period, the Authority may appoint another of the office-holders mentioned in paragraph (2) as a substitute member of the South East Wales CJC for that period.

(4) For the purposes of these Regulations (other than this regulation), and any other enactment, a substitute member appointed under paragraph (3) is to be treated as the Brecon Beacons member of the South East Wales CJC.

(5) But the substitute member is not entitled to vote, or otherwise act as the Brecon Beacons member, in relation to the discharge of any function of the South East Wales CJC in relation to which P is able to vote or act.

(6) In paragraph (3) “suspended” means—

- (a) suspended or partially suspended under Part 3 of the Local Government Act 2000 as a member of the South East Wales CJC, or
- (b) partially suspended under Part 3 of the Local Government Act 2000 as a member of the Brecon Beacons National Park Authority.]

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#### **Textual Amendments**

**F14** Reg. 8(2A)-(2C) inserted (3.12.2021) by [The Corporate Joint Committees \(General\) \(No. 2\) \(Wales\) Regulations 2021 \(S.I. 2021/1349\)](#), regs. 1(2), **36(5)(a)**

**F15** Word in reg. 8(2B)(a) inserted (25.3.2022) by [The Corporate Joint Committees \(General\) \(Wales\) Regulations 2022 \(S.I. 2022/372\)](#), regs. 1(2), **41(3)**

**F16** Reg. 8(3)-(6) substituted for reg. 8(3) (25.3.2022) by [The Corporate Joint Committees \(General\) \(Wales\) Regulations 2022 \(S.I. 2022/372\)](#), regs. 1(2), **7(3)**

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#### **Commencement Information**

**I8** Reg. 8 in force at 1.4.2021, see [reg. 1\(2\)](#)

#### **[<sup>F17</sup>Co-opted participants**

9.—(1) The South East Wales CJC may co-opt one or more individuals as members of the South East Wales CJC (a “co-opted member”) on such terms as it determines.

- (2) Those terms must—
  - (a) specify—

- (i) the functions of the South East Wales CJC in relation to which the co-opted member may act as a member of the CJC, and
  - (ii) any function of the South East Wales CJC that is ancillary or incidental to those functions,
- (b) be agreed by the co-opted member and the other members [<sup>F18</sup>entitled to vote on the decision], and
- (c) be set out in a co-option agreement.
- (3) Where, under paragraph (1), a co-opted member is entitled to act in relation to—
- (a) the functions conferred on the South East Wales CJC under regulation 13, and
  - (b) any function of the South East Wales CJC that is ancillary or incidental to those functions,
- the Brecon Beacons member may act as a member for the purposes of that paragraph.
- (4) A co-opted member is co-opted—
- (a) for a period specified in the co-option agreement, or
  - (b) until—
    - (i) the co-opted member resigns from the South East Wales CJC, or
    - (ii) the South East Wales CJC terminates the co-option.
- (5) A co-option agreement—
- (a) may be varied at any time;
  - (b) must be published electronically by the South East Wales CJC.]

#### Textual Amendments

**F17** Reg. 9 substituted (3.12.2021) by [The Corporate Joint Committees \(General\) \(No. 2\) \(Wales\) Regulations 2021 \(S.I. 2021/1349\)](#), regs. 1(2), **36(6)**

**F18** Words in reg. 9(2)(b) inserted (25.3.2022) by [The Corporate Joint Committees \(General\) \(Wales\) Regulations 2022 \(S.I. 2022/372\)](#), regs. 1(2), **41(4)**

#### Commencement Information

**I9** Reg. 9 in force at 1.4.2021, see [reg. 1\(2\)](#)

#### [<sup>F19</sup>Disqualification for being a co-opted member

**9A.**—(1) A person is disqualified for being co-opted as a member of the South East Wales CJC if the person—

- (a) holds a paid office or employment, appointment or election to which is or may be made or confirmed by—
  - (i) the South East Wales CJC;
  - (ii) a sub-committee of the South East Wales CJC;
  - (iii) a holder of a paid office or employment of the kind described in paragraph (i) or (ii), or
- (b) is disqualified under section 80B of the Local Government Act 1972 for being a member of—
  - (i) a constituent council;
  - (ii) the Brecon Beacons National Park Authority.

(2) Paragraph (1) does not apply to a person who is disqualified for being a member of a corporate joint committee under section 1 of the Local Government and Housing Act 1989 (disqualification by virtue of holding politically restricted post).]

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**Textual Amendments**

**F19** Reg. 9A inserted (25.3.2022) by [The Corporate Joint Committees \(General\) \(Wales\) Regulations 2022 \(S.I. 2022/372\)](#), regs. 1(2), **41(5)**

**Job sharing**

**10.** Where an office referred to in—

- (a) regulation [7\(1\)](#), or
- (b) regulation [8\(2\)](#),

is shared by 2 or more persons, those persons are to be treated as if they were 1 person for the purposes of these Regulations.

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**Commencement Information**

**I10** Reg. 10 in force at 1.4.2021, see [reg. 1\(2\)](#)

## PART 4

### Functions

**Economic well-being**

**11.** The economic well-being function is granted to the South East Wales CJC (see section 76 of the Local Government and Elections (Wales) Act 2021).

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**Commencement Information**

**I11** [Reg. 11](#) in force at 30.6.2022, see [reg. 1\(3\)\(a\)](#) (as amended by [S.I. 2022/140](#), regs. 1(2), **2(2)(a)**)

**Transfer etc. of function of developing transport policies**

**12.—(1)** The function of developing policies under section 108(1)(a) and (2A)(a) of Part 2 of the Transport Act 2000<sup>(3)</sup> is, in respect of the area of each constituent council, to be exercised by the South East Wales CJC, and not by the constituent council.

(2) Part 2 of the Transport Act 2000 applies in relation to the South East Wales CJC and its constituent councils subject to the modifications in the Schedule to the Corporate Joint Committees (Transport Functions) (Wales) Regulations 2021<sup>(4)</sup>.

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<sup>(3)</sup> 2000 c.38.

<sup>(4)</sup> S.I. 2021/328 (W. 86).



#### Commencement Information

**I12** Reg. 12 in force at 30.6.2022, see reg. 1(3)(b) (as amended by S.I. 2022/140, regs. 1(2), 2(2)(a))

#### Strategic planning functions

**13.** The South East Wales CJC has the function of preparing a strategic development plan (and accordingly Part 6 of the Planning and Compulsory Purchase Act 2004 applies to the South East Wales CJC (see in particular sections 60K to 60N of that Act)).

#### Commencement Information

**I13** Reg. 13 in force at 30.6.2022, see reg. 1(3)(c) (as amended by S.I. 2022/140, regs. 1(2), 2(2)(a))

#### Subsidiary powers

**14.—**(1) The South East Wales CJC may do anything—

- (a) to facilitate, or
- (b) which is incidental or conducive to,

the exercise of its functions under these Regulations or any other enactment.

(2) Things which may be done under paragraph (1) include—

- (a) incurring expenditure;
- (b) charging fees;
- (c) acquiring or disposing of property or rights.

#### Commencement Information

**I14** Reg. 14 in force at 1.4.2021, see reg. 1(2)

#### <sup>F20</sup>Limitation on discharge of functions by other persons

**15.** Regulation 13 of the Corporate Joint Committees (General) (No. 2) (Wales) Regulations 2021 (arrangements for discharge of functions) does not apply to—

- (a) approving a transport policy, or revision of such a policy developed by virtue of regulation 12(1) under section 108(1)(a) and (2A)(a) of Part 2 of the Transport Act 2000;
- (b) the following actions connected with the preparation of a strategic development plan, or revision of a plan, under regulation 13—
  - (i) adopting a delivery agreement, or a revision of such an agreement (see regulation 11(2) and (8) of the Town and Country Planning (Strategic Development Plan) (Wales) Regulations 2021 (“the SDP Regulations”));
  - (ii) approving pre-deposit proposals documents and a statement of pre-deposit matters (see regulations 17 and 18 of the SDP Regulations);
  - (iii) approving an initial consultation report, SDP proposals document and a statement of deposit matters (see regulation 20 of the SDP Regulations);
  - (iv) approving documents to be sent to the Welsh Ministers under section 64(3) of the Planning and Compulsory Purchase Act 2004;

- (v) withdrawing a strategic development plan under section 66A(2) of that Act;
- (vi) adopting a strategic development plan under section 60M(9)(a) of that Act;
- (vii) approving an annual monitoring report to be made under section 76(1) of that Act;
- (viii) approving a report of a review of a strategic development plan to be made under section 69(2) of that Act;
- (c) agreeing calculations of budget requirements or revised calculations under regulation 16(6)(b) and (9).]

#### Textual Amendments

- F20** Reg. 15 substituted (3.12.2021) by [The Corporate Joint Committees \(General\) \(No. 2\) \(Wales\) Regulations 2021 \(S.I. 2021/1349\)](#), regs. 1(2), **36(7)**

#### Commencement Information

- I15** Reg. 15 in force for specified purposes at 1.4.2021, see [reg. 1\(2\)](#)
- I16** Reg. 15 in force at 30.6.2022 in so far as not already in force, see [reg. 1\(3\)\(d\)](#) (as amended by [S.I. 2022/140](#), regs. 1(2), **2(2)(a)**)

## PART 5

### Funding

#### Calculation of budget requirements

**16.**—(1) For each financial year the South East Wales CJC must calculate the amounts described in paragraph (2) attributable to—

- (a) its strategic planning functions (including an appropriate proportion of administration costs and other overheads), and
- (b) its other functions.

(2) The amounts that the CJC must calculate are—

- (a) the amount which the CJC estimates it will spend in respect of the financial year in the exercise of its functions (including spending on administration and other overheads);
- (b) the amount which the CJC considers appropriate to raise for contingencies arising in respect of the financial year;
- (c) the amount which the CJC considers appropriate to be held as a reserve to meet expenditure it considers will be incurred in respect of future financial years;
- (d) any amount which the CJC considers is necessary to meet liabilities outstanding in respect of any earlier financial year.

(3) For each financial year, the South East Wales CJC must also calculate the aggregate of any amounts it estimates it will receive from sources other than the constituent councils and the Brecon Beacons National Park Authority attributable to—

- (a) its strategic planning functions, and
- (b) its other functions.

(4) Where the sum of the amounts calculated for a financial year under paragraph (1)(a) exceeds the amount calculated for that year under paragraph (3)(a), the amount of excess is the South East Wales CJC's strategic planning budget requirement for the financial year.

(5) Where the sum of the amounts calculated for a financial year under paragraph (1)(b) exceeds the amount calculated for that year under paragraph (3)(b), the amount of excess is the South East Wales CJC's general budget requirement for the financial year.

(6) The South East Wales CJC must—

- (a) carry out the calculations under paragraphs (1) and (3), and
- (b) agree those calculations at a meeting,

no later than 31 January in each preceding financial year.

(7) In relation to the first financial year, paragraph (6) applies as if, for “31 January in each preceding financial year” there were substituted “31 January 2022”.

(8) The South East Wales CJC may revise the calculations carried out under paragraphs (1) and (3) at any time before the end of the financial year to which they relate and the South East Wales CJC's general budget requirement, or strategic planning budget requirement, may consequently be revised.

(9) Any revised calculations must be agreed at a meeting of the South East Wales CJC.

#### Commencement Information

I17 Reg. 16 in force at 1.4.2021, see [reg. 1\(2\)](#)

### Funding of budget requirement

17.—(1) The South East Wales CJC's general budget requirement must be paid to the South East Wales CJC by the constituent councils, and the proportion of that amount payable by each constituent council is to be determined by the unanimous agreement of the council members.

(2) The South East Wales CJC's strategic planning budget requirement must be paid to the South East Wales CJC by the constituent councils and the Brecon Beacons National Park Authority, and the proportion of that amount payable by each constituent council and by the Authority is to be determined by the unanimous agreement of [<sup>F21</sup>the council members and the Brecon Beacons member].

(3) Where agreement cannot be reached as to the proportions payable under paragraph (1) or (2), the Welsh Ministers may by direction specify the proportion payable by each constituent council or each constituent council and the Brecon Beacons National Park Authority.

(4) This regulation applies to a general budget requirement, or strategic planning budget requirement, revised under paragraph (8) of regulation 16 as it applies to a budget requirement initially determined under that regulation.

#### Textual Amendments

F21 Words in [reg. 17\(2\)](#) substituted (3.12.2021) by [The Corporate Joint Committees \(General\) \(No. 2\) \(Wales\) Regulations 2021 \(S.I. 2021/1349\)](#), [regs. 1\(2\)](#), [36\(8\)](#)

#### Commencement Information

I18 Reg. 17 in force at 1.4.2021, see [reg. 1\(2\)](#)

### [<sup>F22</sup>General Fund

17A.—(1) The South East Wales CJC must establish and maintain a fund to be known as the South East Wales CJC's general fund.

(2) Any sums received by the South East Wales CJC (including sums received under regulation 17(1) or (2)) must be paid into its general fund.

(3) All payments made by the South East Wales CJC must be made out of its general fund.

(4) The South East Wales CJC must keep an account of receipts paid into, and payments made out of, its general fund.

(5) Paragraphs (2) and (3) do not apply to any sums to be paid into, or out of, an external fund within the meaning given by section 17 of the Local Government Act 2003 (external funds).]

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**Textual Amendments**

**F22** [Reg. 17A](#) inserted (25.3.2022) by [The Corporate Joint Committees \(General\) \(Wales\) Regulations 2022 \(S.I. 2022/372\)](#), regs. 1(2), **15(3)**

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

## SCHEDULE

Regulation 5

### Constitution

## PART 1

### Procedure, meetings and voting

#### Chairing meetings

1. Meetings of the South East Wales CJC must be chaired by—
  - (a) the chairperson appointed under paragraph 2, or
  - (b) if the chairperson is absent, the vice-chairperson appointed under that paragraph.

#### Commencement Information

**I19** Sch. para. 1 in force at 1.4.2021, see [reg. 1\(2\)](#)

#### Appointment of chairperson and vice-chairperson

- 2.—(1) At the first meeting of the South East Wales CJC—
  - (a) the appointment of a chairperson and vice-chairperson is to be the first business transacted, and
  - (b) the council member for Blaenau Gwent county borough council must chair the meeting until the chairperson is appointed (and the chairperson is to chair the remainder of the meeting).
- (2) At each annual general meeting of the South East Wales CJC—
  - (a) the continuing appointment of the chairperson and vice-chairperson must be confirmed, or
  - (b) a new chairperson, vice-chairperson or both must be appointed.
- (3) The chairperson and vice-chairperson must be appointed from among the council members.
- (4) The chairperson and vice-chairperson must be appointed, or confirmed by—
  - (a) the council members, and
  - (b) any [<sup>F23</sup>other members] entitled to vote on the matter.
- (5) A person appointed as chairperson or vice-chairperson may at any time resign that office by notice in writing given to the other members.
- (6) If a vacancy arises in the office of chairperson or vice chairperson, an appointment to fill the vacancy must be made at the first meeting of the South East Wales CJC held after the vacancy has arisen.
- (7) If the office of chairperson is vacant, the vice-chairperson may carry out the functions of chairperson until the vacancy is filled.
- (8) Despite paragraph 1, where the offices of both chairperson and vice-chairperson are simultaneously vacant, the meeting referred to in sub-paragraph (6) must be chaired, until one of the vacancies is filled, by the council member for Blaenau Gwent county borough council.

**Textual Amendments**

**F23** Words in Sch. para. 2(4)(b) substituted (3.12.2021) by [The Corporate Joint Committees \(General\) \(No. 2\) \(Wales\) Regulations 2021 \(S.I. 2021/1349\)](#), regs. 1(2), **36(9)**

**Commencement Information**

**I20** Sch. para. 2 in force at 1.4.2021, see [reg. 1\(2\)](#)

**Annual general meetings**

**3.** The South East Wales CJC must hold an annual general meeting in each financial year on a date determined by the CJC.

**Commencement Information**

**I21** Sch. para. 3 in force at 1.4.2021, see [reg. 1\(2\)](#)

**Other meetings**

**4.—(1)** The South East Wales CJC may hold other meetings on dates specified in the standing orders.

**(2)** An extraordinary meeting of the South East Wales CJC may be called at any time by any person entitled to vote on a matter to be decided at that meeting.

**Commencement Information**

**I22** Sch. para. 4 in force at 1.4.2021, see [reg. 1\(2\)](#)

**Quorum**

**5.** No business is to be transacted in relation to a matter to be decided at a meeting of the South East Wales CJC unless—

(a) in the case of a matter to be decided under—

[<sup>F24</sup>(i) regulation 8(2B);

(ia) regulation 17, or]

(ii) paragraph 7 of this Schedule,

all of the persons entitled to vote on the decision are present, and

(b) in any other case, no fewer than 70% of the persons entitled to vote are present.

**Textual Amendments**

**F24** Sch. para. 5(a)(i)(ia) substituted for Sch. para. 5(a)(i) (25.3.2022) by [The Corporate Joint Committees \(General\) \(Wales\) Regulations 2022 \(S.I. 2022/372\)](#), regs. 1(2), **41(6)**

**Commencement Information**

**I23** Sch. para. 5 in force at 1.4.2021, see [reg. 1\(2\)](#)

## Voting procedure

6.—(1) Subject to sub-paragraphs (2) and (3) of this paragraph and paragraph 7 of this Schedule, in relation to any matter to be decided at a meeting of the South East Wales CJC—

[<sup>F25</sup>(a) the number of co-opted members entitled to vote may not exceed the number of other members entitled to vote,]

- (b) each person entitled to vote has one vote,
- (c) the matter, is to be decided by simple majority, and
- (d) if a vote is tied the matter is not carried.

(2) In the case of a matter to be decided under—

- (a) regulation 17, or
- (b) paragraph 7 of this Schedule,

sub-paragraph (1)(c) and (d) does not apply.

(3) Where the matter to be decided relates to strategic planning functions, sub-paragraph (1)(d) does not apply and the chairperson (or if presiding, the vicechairperson) has the casting vote.

### Textual Amendments

**F25** Sch. para. 6(1)(a) substituted (3.12.2021) by [The Corporate Joint Committees \(General\) \(No. 2\) \(Wales\) Regulations 2021 \(S.I. 2021/1349\)](#), regs. 1(2), **36(10)**

### Commencement Information

**I24** Sch. para. 6 in force at 1.4.2021, see [reg. 1\(2\)](#)

## Adoption of alternative voting procedure

7.—(1) Subject to the requirements of this paragraph, the South East Wales CJC may adopt an alternative voting procedure in relation to any matter to be decided by it.

(2) But the South East Wales CJC may not adopt an alternative procedure in relation to any matter to be decided under—

- (a) regulation 17, or
- (b) this paragraph.

(3) A procedure adopted under this paragraph—

- (a) must specify which of the matters to be decided by the South East Wales CJC it applies to;
- (b) may not modify the effect of paragraph 6(3).

[<sup>F26</sup>(3A) A procedure adopted under this paragraph may include provision for a council member or the Brecon Beacons member of the South East Wales CJC to vote by proxy.]

[<sup>F27</sup>(4) A procedure adopted under this paragraph must be adopted by the unanimous agreement of the members who are entitled to vote on adopting the procedure.]

(5) Any alternative voting procedure adopted under this paragraph must be set out in the standing orders.

### Textual Amendments

**F26** Sch. para. 7(3A) inserted (25.3.2022) by [The Corporate Joint Committees \(General\) \(Wales\) Regulations 2022 \(S.I. 2022/372\)](#), regs. 1(2), **41(7)**

**Changes to legislation:** There are currently no known outstanding effects for the The South East Wales Corporate Joint Committee Regulations 2021. (See end of Document for details)

**F27** Sch. para. 7(4) substituted (3.12.2021) by The Corporate Joint Committees (General) (No. 2) (Wales) Regulations 2021 (S.I. 2021/1349), regs. 1(2), **36(11)**

#### Commencement Information

**I25** Sch. para. 7 in force at 1.4.2021, see **reg. 1(2)**

### Standing Orders

**8.—(1)** The South East Wales CJC must make standing orders for the regulation of its proceedings and business so far as not regulated by these Regulations or any other enactment.

(2) The standing orders may be varied or may be revoked and replaced.

#### Commencement Information

**I26** Sch. para. 8 in force at 1.4.2021, see **reg. 1(2)**

## PART 2

### Staff

#### General

**9.—**<sup>[F28]</sup>(1) The South East Wales CJC may make such arrangements for staffing as it considers appropriate subject to—

- (a) the provisions of this Part of this Schedule, and
- (b) paragraph 2 of Schedule 1 to the Corporate Joint Committees (General) (Wales) Regulations 2021<sup>(5)</sup>.

<sup>[F29]</sup>(2) The South East Wales CJC must ensure that arrangements made under sub-paragraph (1) are such as are necessary for the proper discharge by the South East Wales CJC of its functions.]

#### Textual Amendments

**F28** Sch. para. 9(1): Sch. para. 9 renumbered as Sch. para. 9(1) (3.12.2021) by The Corporate Joint Committees (General) (No. 2) (Wales) Regulations 2021 (S.I. 2021/1349), regs. 1(2), **36(12)(a)**

**F29** Sch. para. 9(2) inserted (3.12.2021) by The Corporate Joint Committees (General) (No. 2) (Wales) Regulations 2021 (S.I. 2021/1349), regs. 1(2), **36(12)(b)**

#### Commencement Information

**I27** Sch. para. 9 in force at 1.4.2021, see **reg. 1(2)**

### Terms and conditions

**10.—(1)** Where the South East Wales CJC appoints staff under paragraph 9, they are to be appointed on terms and conditions (including terms and conditions as to remuneration) substantially similar to those of officers within a constituent council undertaking responsibilities which the South East Wales CJC considers to be reasonably comparable.

(5) S.I. 2021/327 (W. 85).



- [<sup>F30</sup>(2) But sub-paragraph (1)—
- (a) is subject to section 41 of the Localism Act 2011, and
  - (b) does not prevent the South East Wales CJC from modifying the terms and conditions of staff it appoints if required by virtue of any other enactment or rule of law.]

#### Textual Amendments

**F30** Sch. para. 10(2) substituted (3.12.2021) by [The Corporate Joint Committees \(General\) \(No. 2\) \(Wales\) Regulations 2021 \(S.I. 2021/1349\)](#), regs. 1(2), **36(13)**

#### Commencement Information

**I28** Sch. para. 10 in force at 1.4.2021, see [reg. 1\(2\)](#)

### Staff from other authorities

**11.**—(1) A devolved Welsh authority (within the meaning given by the Government of Wales Act 2006(6)) may enter into an agreement with the South East Wales CJC for the placing of staff of the authority at the disposal of the South East Wales CJC for the purposes of exercising its functions, on such terms as may be provided by the agreement.

(2) Where a member of staff of a devolved Welsh authority is placed at the disposal of the South East Wales CJC by virtue of an agreement under subparagraph (1), the member of staff is to be treated as a member of staff of the South East Wales CJC for the purposes of—

- (a) these Regulations;
- (b) paragraph 2 of Schedule 1 to the Corporate Joint Committees (General) (Wales) Regulations 2021;
- (c) any other enactment relating to the administration of the South East Wales CJC or the exercise of its functions.

[<sup>F31</sup>(3) But, subject to any contrary provision in any other enactment, for superannuation purposes service rendered by a member of staff of a devolved Welsh authority placed at the disposal of the South East Wales CJC by virtue of such an agreement is service rendered to the authority.]

#### Textual Amendments

**F31** Sch. para. 11(3) inserted (3.12.2021) by [The Corporate Joint Committees \(General\) \(No. 2\) \(Wales\) Regulations 2021 \(S.I. 2021/1349\)](#), regs. 1(2), **36(14)**

#### Commencement Information

**I29** Sch. para. 11 in force at 1.4.2021, see [reg. 1\(2\)](#)

### Placing staff at the disposal of other authorities

- 12.**—(1) The South East Wales CJC may enter into an agreement with—
- (a) another corporate joint committee (within the meaning given by Part 5 of the Local Government and Elections (Wales) Act 2021);
  - (b) another devolved Welsh authority (within the meaning given by the Government of Wales Act 2006),

(6) [2006 c. 32](#). See section 157A and Schedule 9A as inserted by the Wales Act 2017 (c. 4) section 4 and Schedule 3.

*Changes to legislation:* There are currently no known outstanding effects for the The South East Wales Corporate Joint Committee Regulations 2021. (See end of Document for details)

for the placing of staff of the South East Wales CJC at the disposal of the other committee or the authority for the purposes of that committee or authority’s functions, on such terms as may be provided by the agreement.

(2) Where a member of staff of the South East Wales CJC is placed at the disposal of another body by virtue of an agreement under sub-paragraph (1)—

- (a) for superannuation purposes, service rendered by the member of staff is service rendered to the South East Wales CJC, and
- (b) for the purposes of any enactment relating to the administration of the other devolved Welsh authority or the exercise of its functions, the member of staff is to be treated as a member of staff of that authority.

.....

**Commencement Information**  
**I30** Sch. para. 12 in force at 1.4.2021, see [reg. 1\(2\)](#)

**Consultation with staff about agreements under paragraph 11 or 12**

**13.** No agreement may be entered into under paragraph 11(1) or 12(1) unless every member of staff to whom it relates has been consulted.

.....

**Commencement Information**  
**I31** Sch. para. 13 in force at 1.4.2021, see [reg. 1\(2\)](#)

**Transfer of staff**

**14.** Where a member of staff appointed by the South East Wales CJC has been transferred to the CJC from a constituent council, the provisions of the Transfer of Undertaking (Protection of Employment) Regulations 2006(7) other than regulations 4(6) and 10 apply to the transfer, whether or not it is a relevant transfer for the purposes of those regulations.

.....

**Commencement Information**  
**I32** Sch. para. 14 in force at 1.4.2021, see [reg. 1\(2\)](#)

**PART 3**

**Sub-committees**

**Sub-committees**

<sup>F32</sup>**15.** .....

(7) [S.I. 2006/246](#).

**Textual Amendments**

**F32** Sch. para. 15 omitted (3.12.2021) by virtue of [The Corporate Joint Committees \(General\) \(No. 2\) \(Wales\) Regulations 2021 \(S.I. 2021/1349\)](#), regs. 1(2), **36(15)**

**Commencement Information**

**I33** Sch. para. 15 in force at 1.4.2021, see [reg. 1\(2\)](#)

**Governance and Audit Sub-Committee**

**16.—(1)** The South East Wales CJC must establish a sub-committee (known as the governance and audit sub-committee) to—

- (a) review and scrutinise the South East Wales CJC’s financial affairs;
- (b) make reports and recommendations in relation to the South East Wales CJC’s financial affairs;
- (c) review and assess the risk management, internal control [<sup>F33</sup>, performance management] and corporate governance arrangements of the South East Wales CJC;
- (d) make reports and recommendations to the South East Wales CJC on the adequacy and effectiveness of those arrangements;
- [<sup>F34</sup>(da) review and assess the South East Wales CJC’s ability to handle complaints effectively;
- (db) make reports and recommendations in relation to the ability of the South East Wales CJC to handle complaints effectively;]
- (e) oversee the South East Wales CJC’s internal and external audit arrangements;
- (f) review any financial statements prepared by the South East Wales CJC;
- (g) exercise such other functions as the South East Wales CJC may specify.

[<sup>F35</sup>(1A) See Chapter 1 of Part 6 of the Local Government and Elections (Wales) Act 2021 (performance and governance of principal councils) as applied by section 115A of and Schedule 10A to that Act, for further functions of the governance and audit sub-committee.]

(2) When appointing members of the governance and audit sub-committee, the South East Wales CJC must ensure that—

- (a) [<sup>F36</sup>one third of the members of the sub-committee are not also members] of a county council, or county borough council, in Wales,
- (b) [<sup>F37</sup>two thirds of the members of the sub-committee are also] members of the constituent councils (but not members of the constituent councils’ executives), and
- [<sup>F38</sup>(c) none of the members of the sub-committee are—
  - (i) council members,
  - (ii) co-opted members,
  - (iii) members of another sub-committee of the South East Wales CJC, <sup>F39</sup>...
  - <sup>F39</sup>(iv) . . . . . ]

[<sup>F40</sup>(2A) If a person described in sub-paragraph (2)(b) (“P”) ceases to be a member of a constituent council, P also ceases to be a member of the governance and audit sub-committee.]

<sup>F41</sup>(3) . . . . .

**Changes to legislation:** There are currently no known outstanding effects for the The South East Wales Corporate Joint Committee Regulations 2021. (See end of Document for details)

(4) The governance and audit sub-committee may not exercise its functions if the membership of the sub-committee contravenes the requirements of sub-paragraph (2).

(5) The standing orders must include provision regulating the manner in which the governance and audit sub-committee exercises its functions.

#### Textual Amendments

- F33** Words in Sch. para. 16(1)(c) inserted (15.7.2022) by The Corporate Joint Committees (General) (No. 2) (Wales) Regulations 2022 (S.I. 2022/797), regs. 1(2), **18(2)(a)**
- F34** Sch. paras. 16(1)(da)(db) inserted (15.7.2022) by The Corporate Joint Committees (General) (No. 2) (Wales) Regulations 2022 (S.I. 2022/797), regs. 1(2), **18(2)(b)**
- F35** Sch. para. 16(1A) inserted (15.7.2022) by The Corporate Joint Committees (General) (No. 2) (Wales) Regulations 2022 (S.I. 2022/797), regs. 1(2), **18(2)(c)**
- F36** Words in Sch. para. 16(2)(a) substituted (15.7.2022) by The Corporate Joint Committees (General) (No. 2) (Wales) Regulations 2022 (S.I. 2022/797), regs. 1(2), **18(2)(d)**
- F37** Words in Sch. para. 16(2)(b) substituted (15.7.2022) by The Corporate Joint Committees (General) (No. 2) (Wales) Regulations 2022 (S.I. 2022/797), regs. 1(2), **18(2)(e)**
- F38** Sch. para. 16(2)(c) substituted (3.12.2021) by The Corporate Joint Committees (General) (No. 2) (Wales) Regulations 2021 (S.I. 2021/1349), regs. 1(2), **36(16)(b)**
- F39** Sch. para. 16(2)(c)(iv) and word omitted (15.7.2022) by virtue of The Corporate Joint Committees (General) (No. 2) (Wales) Regulations 2022 (S.I. 2022/797), regs. 1(2), **18(2)(f)**
- F40** Sch. para. 16(2A) inserted (15.7.2022) by The Corporate Joint Committees (General) (No. 2) (Wales) Regulations 2022 (S.I. 2022/797), regs. 1(2), **18(2)(g)**
- F41** Sch. para. 16(3) omitted (3.12.2021) by virtue of The Corporate Joint Committees (General) (No. 2) (Wales) Regulations 2021 (S.I. 2021/1349), regs. 1(2), **36(16)(c)**

#### Commencement Information

- I34** Sch. para. 16 in force at 1.4.2021, see **reg. 1(2)**

## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

Section 74 of the Local Government and Elections (Wales) Act 2021 (the “2021 Act”) enables the Welsh Ministers, by regulations, to establish bodies corporate known as corporate joint committees. These bodies are established in order to exercise certain functions specified in the regulations which establish them, in relation to an area comprising the areas of the local authorities which comprise the membership of the corporate joint committee (in addition, where a corporate joint committee is given functions in relation to strategic planning, a National Park authority may also have membership of the committee).

These Regulations establish a body corporate to be known as the South East Wales Corporate Joint Committee, and specifies the following functions as being exercisable by this body—

- (1) the economic well-being function (see section 76 of the 2021 Act),
- (2) developing transport policies and preparing regional transport plans under Part 2 of the Transport Act 2000, and

(3) the preparation of strategic development plans (see Part 6 of the Planning and Compulsory Purchase Act 2004).

There are 5 Parts to these Regulations.

Part 1 establishes the South East Wales Corporate Joint Committee, and its area and defines some key terms.

Part 2 introduces the Schedule to the Regulations. This Schedule contains the constitutional arrangements for the South East Wales Corporate Joint Committee, including arrangements about holding and chairing meetings, voting on decisions, establishing sub-committees and staffing.

Part 3 sets out the membership of the South East Wales Corporate Joint Committee. In accordance with this Part, the body will comprise 10 council members, one for each local authority in the south east of Wales, and a member from the Brecon Beacons National Park Authority who is only permitted to vote on matters relating to the preparation of strategic development plans. The Committee may co-opt other persons to participate in the business of the Committee (known as “co-opted participants”) and may give co-opted participants voting rights.

Part 4 specifies that the 3 functions mentioned above may be exercised by the South East Wales Corporate Joint Committee and that the Committee may do other things to facilitate the exercise of those functions or things which are incidental or conducive to the exercise of those functions.

Part 5 contains provision about how the South East Wales Corporate Joint Committee is to calculate its budget and how it is to be funded.

The Welsh Ministers’ Code of Practice on the carrying out of Regulatory Impact Assessments was considered in relation to these Regulations. As a result a regulatory impact assessment has been prepared. A copy can be obtained from the Local Government Strategic Finance Division, Welsh Government, Cathays Park, Cardiff, CF10 3NQ.

**Changes to legislation:**

There are currently no known outstanding effects for the The South East Wales Corporate Joint Committee Regulations 2021.