

## SCHEDULE

Regulation 5

### Constitution

## PART 1

### Procedure, meetings and voting

#### Chairing meetings

1. Meetings of the Mid 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.

#### Appointment of chairperson and vice-chairperson

- 2.—(1) At the first meeting of the Mid Wales CJC—
  - (a) the appointment of a chairperson and vice-chairperson is to be the first business transacted, and
  - (b) the council member for Ceredigion county 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 Mid 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 co-opted participants entitled to vote on the matter.
- (5) 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 Mid Wales CJC held after the vacancy has arisen.
- (6) If the office of chairperson is vacant, the vice-chairperson may carry out the functions of chairperson until the vacancy is filled.
- (7) Despite paragraph 1, where the offices of both chairperson and vice-chairperson are simultaneously vacant, the meeting referred to in sub-paragraph (5) must be chaired, until one of the vacancies is filled, by the council member for Ceredigion county council.

#### Annual general meetings

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

#### Other meetings

- 4.—(1) The Mid Wales CJC may hold other meetings on dates specified in the standing orders.
- (2) An extraordinary meeting of the Mid Wales CJC may be called at any time by any person entitled to vote on a matter to be decided at that meeting.

**Quorum**

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

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

**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 Mid Wales CJC—

- (a) the number of co-opted participants entitled to vote may not exceed the number of 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 vice-chairperson) has the casting vote.

**Adoption of alternative voting procedure**

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

(2) But the Mid 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 Mid Wales CJC it applies to;
- (b) may not modify the effect of paragraph 6(3).

(4) A procedure adopted under this paragraph must be adopted by the unanimous agreement of—

- (a) the members of the Mid Wales CJC, and
- (b) any co-opted participant entitled to vote on adopting the procedure.

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

## **Standing Orders**

**8.**—(1) The Mid 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.

## **PART 2**

### **Staff**

#### **General**

**9.** The Mid 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>(1)</sup>.

#### **Terms and conditions**

**10.**—(1) Where the Mid 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 Mid Wales CJC considers to be reasonably comparable.

(2) But sub-paragraph (1) does not prevent the Mid Wales CJC from modifying such terms and conditions if required by virtue of any enactment or other rule of law.

#### **Staff from other authorities**

**11.**—(1) A devolved Welsh authority (within the meaning given by the Government of Wales Act 2006<sup>(2)</sup>) may enter into an agreement with the Mid Wales CJC for the placing of staff of the authority at the disposal of the Mid 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 Mid Wales CJC by virtue of an agreement under sub-paragraph (1), the member of staff is to be treated as a member of staff of the Mid 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 Mid Wales CJC or the exercise of its functions.

#### **Placing staff at the disposal of other authorities**

**12.**—(1) The Mid 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);

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(1) [S.I. 2021/327 \(W. 85\)](#).

(2) [2006 c. 32](#). See section 157A and Schedule 9A as inserted by the Wales Act 2017 (c. 4) section 4 and Schedule 3.

- (b) another devolved Welsh authority (within the meaning given by the Government of Wales Act 2006),

for the placing of staff of the Mid 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 Mid 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 Mid 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.

### **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.

### **Transfer of staff**

**14.** Where a member of staff appointed by the Mid Wales CJC has been transferred to the CJC from a constituent council, the provisions of the Transfer of Undertaking (Protection of Employment) Regulations 2006<sup>(3)</sup> 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.

## **PART 3**

### **Sub-committees**

#### **Sub-committees**

**15.—(1)** The Mid Wales CJC may—

- (a) establish sub-committees;
- (b) appoint as members of a sub-committee—
  - (i) members of the Mid Wales CJC;
  - (ii) co-opted participants (see regulation 9).

(2) A sub-committee may exercise only those functions as are delegated to it by the Mid Wales CJC (but see regulation 15 and paragraph 16).

(3) The procedures of a sub-committee, including where appropriate any voting procedures, must be set out in the standing orders.

#### **Governance and Audit Sub-Committee**

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

- (a) review and scrutinise the Mid Wales CJC's financial affairs;

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

- (b) make reports and recommendations in relation to the Mid Wales CJC's financial affairs;
  - (c) review and assess the risk management, internal control and corporate governance arrangements of the Mid Wales CJC;
  - (d) make reports and recommendations to the Mid Wales CJC on the adequacy and effectiveness of those arrangements;
  - (e) oversee the Mid Wales CJC's internal and external audit arrangements;
  - (f) review any financial statements prepared by the Mid Wales CJC;
  - (g) exercise such other functions as the Mid CJC may specify.
- (2) When appointing members of the governance and audit sub-committee, the Mid Wales CJC must ensure that—
- (a) at least one member of the sub-committee is a person who is not a member of a county council, or county borough council, in Wales,
  - (b) at least two-thirds of the membership is constituted by members of the constituent councils (but not members of the constituent councils' executives), and
  - (c) none of the members of the sub-committee are—
    - (i) council members,
    - (ii) co-opted participants, or
    - (iii) members of the constituent councils' executives.
- (3) In sub-paragraph (2), "co-opted participant" means a person co-opted—
- (a) as a member of a sub-committee other than the governance and audit sub-committee, or
  - (b) to participate in activities of the Mid Wales CJC other than the activities of the governance and audit sub-committee.
- (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.