

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

- II** 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 [^{F1}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.

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

Textual Amendments

F1 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

I2 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

I3 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

I4 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—

[^{F2}(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

F2 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

I5 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—

[^{F3}(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

F3 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

I6 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).

[^{F4}(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.]

[^{F5}(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

F4 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, SCHEDULE. (See end of Document for details)

F5 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

I7 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

I8 Sch. para. 8 in force at 1.4.2021, see **reg. 1(2)**

PART 2

Staff

General

9.—^[F6](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⁽¹⁾.

^[F7](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

F6 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)**

F7 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

I9 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.

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

[^{F8}(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

F8 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

I10 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(2)) 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.

[^{F9}(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

F9 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

I11 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),

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

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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

I12 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

I13 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(3) 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

I14 Sch. para. 14 in force at 1.4.2021, see [reg. 1\(2\)](#)

PART 3

Sub-committees

Sub-committees

^{F10}**15.**

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

Textual Amendments

F10 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

I15 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 ^{F11}, 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;
- ^{F12}(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.

^{F13}(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) ^{F14}[one third of the members of the sub-committee are not also members] of a county council, or county borough council, in Wales,
- (b) ^{F15}[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
- ^{F16}(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, ^{F17}...
 - ^{F17}(iv)]

^{F18}(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.]

^{F19}(3)

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(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

- F11** 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)**
- F12** 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)**
- F13** 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)**
- F14** 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)**
- F15** 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)**
- F16** 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)**
- F17** 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)**
- F18** 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)**
- F19** 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

- I16** Sch. para. 16 in force at 1.4.2021, see **reg. 1(2)**

Changes to legislation:

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