

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

This Explanatory Memorandum has been prepared by the Local Government Department of the Welsh Government and is laid before Senedd Cymru in conjunction with the above regulations and in accordance with Standing Order 27.1.

Minister's Declaration

In my view, this Explanatory Memorandum gives a fair and reasonable view of the expected impact of the Corporate Joint Committees (Amendment of Schedule 6 to the Welsh Language (Wales) Measure 2011) Regulations 2021.

Julie James MS

Minister for Housing and Local Government

23 February 2021

1. Description

Corporate Joint Committees (Amendment of Schedule 6 to the Welsh Language (Wales) Measure 2011) Regulations 2021 amend the Welsh Language (Wales) Measure 2011 to provide that corporate joint committees 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.

Those provisions come into force on the 1 April 2021.

2. Matters of special interest to the Equality, Local Government and Communities Committee

No specific matters identified.

3. Legislative background

The powers enabling these Regulations to be made are contained in section 84(2) of the Local Government and Elections (Wales) Act 2021. Section 84(2) provides the Welsh Ministers with a power to make provision in connection with part 5 of the Local Government and Elections (Wales) Act 2021 which amend, modify, apply (with or without modifications) or disapply any enactment.

The Welsh Language (Wales) Measure 2011 makes provision for the specification of standards of conduct in relation to the Welsh Language. Section 25 of the Welsh Language (Wales) Measure 2011 requires a person to comply with a standard of conduct in relation to the Welsh Language which is specified by the Welsh Ministers. Schedule 6 to the Welsh Language (Wales) Measure 2011 sets out the list of persons / categories to which the Welsh Language (Wales) Measure 2011 applies and the potentially applicable standards.

These Regulations will be subject to the affirmative resolution procedure in the Senedd by virtue of Section 174 of the Local Government and Elections (Wales) Act 2021.

Subject to approval by the Senedd, the Regulations will be made by the Minister for Housing and Local Government and come into force on 1 April 2021.

4. Purpose and intended effect of the legislation

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 Corporate Joint Committees 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 amendments regulations form a package of amendments to legislation that will underpin all Corporate Joint Committees and put in place the necessary legislative

framework for effective administration and governance of a Corporate Joint Committee.

Corporate Joint Committees are corporate bodies, established via regulation, and consist of those principal councils in Wales which are specified in the establishment regulations. In some circumstances National Park authorities in Wales are also included in a Corporate Joint Committee, where this is the case this will also be set out in the relevant establishment regulations.

The overall intent in establishing Corporate Joint Committees is that a Corporate Joint Committee will be treated as part of or a member of the 'local government family' and largely subject to the same or similar powers and duties as local authorities in the way that they operate and are governed.

Section 25 of the Welsh Language (Wales) Measure 2011 requires a person to comply with a standard of conduct in relation to the Welsh Language which is specified by the Welsh Ministers if, in addition to other conditions being met, the person is liable to be required to comply with Welsh Language standards and the standard is potentially applicable to the person. The amendment regulations amend Schedule 6 to the Welsh Language (Wales) Measure 2011 to add Corporate Joint Committees to those bodies that are required to comply with a standard of conduct in relation to the Welsh Language.

The effect of this is that Corporate Joint Committees will be bodies which are liable to comply with Welsh Language standards and that service delivery standards, policy making standards, operational standards, promotion standards and record keeping standards are potentially applicable to them

The amendments within these regulations:

- a. Insert Corporate Joint Committees and the potentially applicable standards into Schedule 6 to the Welsh Language (Wales) Measure 2011 under the heading "LOCAL GOVERNMENT ETC."
- b. Inserts a definition of Corporate Joint Committees into paragraph 2 of Schedule 6 to the Welsh Language (Wales) Measure 2011.

5. Consultation

The Minister for Housing and Local Government also consulted with the Welsh Language Commissioner on the intention to include Corporate Joint Committees in the Welsh Language (Wales) Measure 2011. The application of the Welsh Language (Wales) Measure 2011 and the Welsh Language Standards was also considered as part of the consultation on the draft Corporate Joint Committee Establishment Regulations which ran from 12 October 2020 to 4 Jan 2021. In line with the approach to treating Corporate Joint Committees as part of the 'local government family' respondents agreed that Corporate Joint Committees should be subject to the same standards and obligations in terms of the Welsh language as local authorities are currently.

In addition the application of the Welsh Language (Wales) Measure 2011 and the Welsh Language Standards to Corporate Joint Committees was debated on a

number of occasions during the passage of the Local Government and Elections (Wales) Act 2021 in the Senedd. The Minister for Housing and Local Government committed to ensuring that Corporate Joint Committees were included in the Welsh Language (Wales) Measure 2011 and Captured by the Welsh Language Standards at establishment or as soon as possible thereafter.

6. Regulatory Impact Assessment (RIA)

A separate regulatory impact assessment has not been prepared in respect of these regulations. However, the regulatory impact assessment to accompany The Mid Wales Corporate Joint Committee Regulations 2021, The North Wales Corporate Joint Committee Regulations 2021, The South East Wales Corporate Joint Committee Regulations 2021 and The South West Wales Corporate Joint Committee Regulations 2021 assessed the potential costs and benefits associated with establishing the Corporate Joint Committees through regulations. In assessing the potential costs and benefits the RIA considers the overarching policy intent that Corporate Joint Committees should be treated as part of the 'local government family' including the application of wider public body duties such as the Welsh Language Standards. The costs associated with the application of these Corporate Joint Committees (Amendment of Schedule 6 to the Welsh Language (Wales) Measure 2011) Regulations 2021 to Corporate Joint Committees was considered therefore as part of the regulatory impact assessment on the Corporate Joint Committee regulations themselves.

A copy of the RIA to accompany The Mid Wales Corporate Joint Committee Regulations 2021, The North Wales Corporate Joint Committee Regulations 2021, The South East Wales Corporate Joint Committee Regulations 2021 and The South West Wales Corporate Joint Committee Regulations 2021 is available as part of the relevant documentation to accompany those regulations:

<https://senedd.wales/media/blab2mmp/sub-ld14134-em-e.pdf>.