



CYNULLIAD CENEDLAETHOL CYMRU

NATIONAL ASSEMBLY FOR WALES

OFFERYNNAU STATUDOL

STATUTORY INSTRUMENTS

2006 Rhif 1849 (Cy.192)

2006 No. 1849 (W.192)

**LLYWODRAETH LEOL,
CYMRU**

**LOCAL GOVERNMENT,
WALES**

**Rheoliadau Pwyllgorau Safonau
(Cymru) (Diwygio) 2006**

**The Standards Committees (Wales)
(Amendment) Regulations 2006**

NODYN ESBONIADOL

EXPLANATORY NOTE

(Nid yw'r nodyn hwn yn rhan o'r Rheoliadau)

(This note is not part of the Regulations)

Mae Rhan III o Ddeddf Llywodraeth Leol 2000 ("y Ddeddf") yn gwneud darpariaeth o ran ymddygiad aelodau a chyflogeion llywodraeth leol.

Part III of the Local Government Act 2000 ("the Act") makes provision with respect to the conduct of local government members and employees.

Mae adran 53(1) o'r Ddeddf yn ei gwneud yn ofynnol bod pob awdurdod perthnasol, sy'n cynnwys yng Nghymru gynghorau sir a chynghorau bwrdeistref sirol, awdurdodau tân ac achub, awdurdodau Parciau Cenedlaethol ac awdurdodau heddlu ond nad ydynt yn cynnwys cynghorau cymuned, yn sefydlu pwyllgor safonau a chanddo'r swyddogaethau a roddir iddo gan Ran III o'r Ddeddf neu oddi tani.

Section 53(1) of the Act requires every relevant authority, which in Wales includes county and county borough councils, fire and rescue authorities, National Park authorities and police authorities but not community councils, to establish a standards committee which is to have the functions conferred on it by or under Part III of the Act.

O dan adran 53(11) o'r Ddeddf, caiff Cynulliad Cenedlaethol Cymru, drwy reoliadau, wneud darpariaeth o ran (ymhlith pethau eraill) maint, cyfansoddiad a thrafodion pwyllgorau safonau awdurdodau perthnasol yng Nghymru, ac eithrio awdurdodau heddlu, ac unrhyw is-bwyllgorau a sefydlir o dan adran 54A neu adran 56 o'r Ddeddf.

Under section 53(11) of the Act, the National Assembly for Wales may by regulations make provision as to (among other things) the size, composition and proceedings of standards committees of relevant authorities in Wales, other than police authorities, and of any sub-committees established under section 54A or section 56 of the Act.

Mae'r Rheoliadau hyn yn diwygio Rheoliadau Pwyllgorau Safonau (Cymru) 2001 ("Rheoliadau 2001").

These Regulations amend the Standards Committees (Wales) Regulations 2001 ("the 2001 Regulations").

Mae rheoliad 3 yn rhoi diffiniad newydd ("is-bwyllgor adran 54A") yn rheoliad 2 o Reoliadau 2001. Mewnosodwyd adran 54A o'r Ddeddf gan adran 113 o Ddeddf Llywodraeth Leol 2003. Mae adran 54A o'r Ddeddf yn rhoi'r hawl i bwyllgor safonau awdurdod perthnasol i benodi un neu fwy o is-bwyllgorau at ddibenion cyflawni unrhyw un neu rai o swyddogaethau'r pwyllgor (ac eithrio swyddogaethau o dan adran 55 neu adran 56 o'r Ddeddf).

Regulation 3 introduces a new definition ("section 54A sub-committee") into regulation 2 of the 2001 Regulations. Section 54A of the Act was inserted by section 113 of the Local Government Act 2003. Section 54A of the Act entitles a standards committee of a relevant authority to appoint one or more sub-committees for the purpose of discharging any of the committee's functions (other than functions under section 55 or section 56 of the Act).

Mae rheoliad 4 yn rhoi rheoliad 3 newydd yn Rheoliadau 2001 sy'n gwneud darpariaeth newydd o ran maint is-bwyllgor a benodir o dan adran 54A o'r Ddeddf (is-bwyllgor adran 54A).

Mae rheoliad 5 yn rhoi rheoliad 10 newydd yn Rheoliadau 2001. Mae'r rheoliad 10 newydd hwnnw'n darparu, o ran penodi "aelod pwyllgor cymunedol" yn aelod o bwyllgor safonau awdurdod lleol, mai'r awdurdod lleol hwnnw sydd i'w benodi. Cyn gwneud penodiad o'r fath, mae'n rhaid i'r awdurdod lleol ymgynghori â'r cyrff a bennir yn rheoliad 10(3)(a) a (b).

Mae rheoliad 6 yn mewnosod rheoliad 18A newydd yn Rheoliadau 2001. Mae'r rheoliad 18A newydd hwnnw'n gwneud darpariaeth o ran hyd tymor swydd "aelod pwyllgor cymunedol" o bwyllgor safonau awdurdod lleol.

Mae rheoliad 7 yn rhoi paragraffau (2), (3) a (4) newydd yn rheoliad 21 o Rheoliadau 2001. Mae'r paragraffau newydd hynny'n gwneud darpariaeth o ran ailbenodi aelod annibynnol o bwyllgor safonau.

Mae rheoliad 8 yn mewnosod rheoliad 21A newydd yn Rheoliadau 2001. Mae'r rheoliad 21A newydd hwnnw'n gwneud darpariaeth o ran ailbenodi "aelod pwyllgor cymunedol" o bwyllgor safonau awdurdod lleol. Mae rheoliad 21A(2) yn darparu bod yn rhaid i awdurdod lleol, cyn iddo wneud ailbenodiad o'r fath, ymgynghori â'r cyrff a bennir yn rheoliad 21A(2)(a) a (b).

Mae rheoliad 9 yn mewnosod paragraff (10) newydd yn rheoliad 22 o Rheoliadau 2001. Mae'r paragraff newydd hwnnw'n cadarnhau y caniateir ethol aelod annibynnol o bwyllgor safonau sydd wedi'i ailbenodi i bwyllgor safonau am dymor olynol arall yn gadeirydd neu'n is-gadeirydd y pwyllgor hwnnw.

Mae Rheoliad 10 yn gosod rheoliad 24 newydd yn Rheoliadau 2001. Mae'r rheoliad 24 newydd hwnnw'n darparu mai dau aelod (gan gynnwys cadeirydd yr is-bwyllgor hwnnw) yw'r cworwm ar gyfer cyfarfod o is-bwyllgor adran 54A. Mae'r rheoliad newydd hwnnw hefyd yn gwneud yn glir ystyr y term "cadeirydd" yn rheoliad 24(1) a (2).

Regulation 4 substitutes a new regulation 3 into the 2001 Regulations which makes new provision as to the size of a sub-committee appointed under section 54A of the Act (a section 54A sub-committee).

Regulation 5 substitutes a new regulation 10 into the 2001 Regulations. That new regulation 10 provides that the appointment of a "community committee member" to a standards committee of a local authority is to be made by that local authority. Before making such an appointment, the local authority is obliged to consult the bodies specified in regulation 10(3)(a) and (b).

Regulation 6 inserts a new regulation 18A into the 2001 Regulations. That new regulation 18A makes provision as to the term of office of a "community committee member" of a standards committee of a local authority.

Regulation 7 substitutes new paragraphs (2), (3) and (4) into regulation 21 of the 2001 Regulations. Those new paragraphs make provision as to the reappointment of an independent member of a standards committee.

Regulation 8 inserts a new regulation 21A into the 2001 Regulations. That new regulation 21A makes provision as to the reappointment of a "community committee member" of the standards committee of a local authority. Regulation 21A(2) provides that before making such a reappointment the local authority must consult the bodies specified in regulation 21A(2)(a) and (b).

Regulation 9 inserts a new paragraph (10) into regulation 22 of the 2001 Regulations. That new paragraph confirms that an independent member of a standards committee who has been reappointed to a standards committee for a further consecutive term may be elected as a chairperson or a vice-chairperson of that committee.

Regulation 10 substitutes a new regulation 24 into the 2001 Regulations. That new regulation 24 provides that the quorum for a meeting of a section 54A sub-committee is two members (including the chairperson of that sub-committee). That new regulation also clarifies the meaning of the term "chairperson" in regulation 24(1) and (2).

2006 Rhif 1849 (Cy.192)**2006 No. 1849 (W.192)****LLYWODRAETH LEOL,
CYMRU****LOCAL GOVERNMENT,
WALES****Rheoliadau Pwyllgorau Safonau
(Cymru) (Diwygio) 2006****The Standards Committees (Wales)
(Amendment) Regulations 2006***Wedi'u gwneud* 11 Gorffennaf 2006*Made* 11 July 2006*Yn dod i rym* 14 Gorffennaf 2006*Coming into force* 14 July 2006

Mae Cynulliad Cenedlaethol Cymru, drwy arfer y pwerau a roddwyd iddo gan adrannau 53(11), 54A(5)(a) a 56(5) o Ddeddf Llywodraeth Leol 2000(1), drwy hyn yn gwneud y Rheoliadau a ganlyn:

The National Assembly for Wales, in exercise of the powers conferred upon it by sections 53(11), 54A(5)(a) and 56(5) of the Local Government Act 2000(1) hereby makes the following Regulations:

Enwi, cychwyn, cymhwyso a dehongli**Title, commencement, application and interpretation**

1.-(1) Enw'r Rheoliadau hyn yw Rheoliadau Pwyllgorau Safonau (Cymru) (Diwygio) 2006 a daw'r Rheoliadau hyn i rym ar 14 Gorffennaf 2006.

1.-(1) The title of these Regulations is the Standards Committees (Wales) (Amendment) Regulations 2006 and these Regulations come into force on 14 July 2006.

(2) Mae'r Rheoliadau hyn yn gymwys o ran Cymru.

(2) These Regulations apply in relation to Wales.

(3) Yn y Rheoliadau hyn-

(3) In these Regulations-

ystyr "Rheoliadau 2001" ("*the 2001 Regulations*") yw Rheoliadau Pwyllgorau Safonau (Cymru) 2001(2).

"the 2001 Regulations" ("*Rheoliadau 2001*") means the Standards Committees (Wales) Regulations 2001(2).

Diwygiadau i Rheoliadau 2001**Amendments to the 2001 Regulations**

2. Diwygir Rheoliadau 2001 fel a ganlyn.

2. The 2001 Regulations are amended as follows.

3. Yn rheoliad 2-

3. In regulation 2-

(a) yn y lle priodol yn nhrefn yr wyddor mewnosoder-

(a) in the appropriate place in alphabetical order insert-

"ystyr "is-bwyllgor cymunedol" ("*community sub-committee*") yw is-bwyllgor a benodwyd gan bwyllgor safonau awdurdod lleol o dan adran 56 o Ddeddf 2000;"

"community sub-committee" ("*is-bwyllgor cymunedol*") means a sub-committee appointed by a standards committee of a local authority under section 56 of the 2000 Act;"

(b) yn y lle priodol yn nhrefn yr wyddor mewnosoder-

(b) in the appropriate place in alphabetical order insert-

(1) 2000 p.22; diwygiwyd adran 53(11) gan adran 35, Atodlen 4, paragraffau 1 a 4 o Ddeddf Ombwdsmon Gwasanaethau Cyhoeddus (Cymru) 2005 (p.10); a mewnosodwyd adran 54A gan adran 113 o Ddeddf Llywodraeth Leol 2003 (p.26).

(2) O.S. 2001/2283 (Cy.172), fel y'i diwygiwyd gan O.S. 2005/2929 (Cy.214).

(1) 2000 c.22; section 53(11) was amended by section 35, Schedule 4, paragraphs 1 and 4 of the Public Services Ombudsman (Wales) Act 2005 (c.10); and section 54A was inserted by section 113 of the Local Government Act 2003 (c.26).

(2) S.I. 2001/2283 (W.172) as amended by S.I. 2005/2929 (W.214).

"ystyr "is-bwyllgor adran 54A" ("*section 54A sub-committee*") yw is-bwyllgor a benodir gan bwyllgor safonau awdurdod perthnasol o dan adran 54A(1) o Ddeddf 2000";

(c) yn y diffiniad o "pwyllgor safonau", yn lle "mae'n cynnwys is-bwyllgor i bwyllgor safonau;" rhodder "mae'n cynnwys is-bwyllgor adran 54A ac is-bwyllgor cymunedol."; ac

(ch) hepgorer y diffiniad o "is-bwyllgor i bwyllgor safonau".

4. Yn lle rheoliad 3, rhodder-

"3.-(1) Yn ddarostyngedig i baragraff (2) rhaid i bwyllgor safonau fod yn bwyllgor a chanddo nid llai na phum aelod na mwy na naw.

(2) Rhaid i is-bwyllgor adran 54A fod yn bwyllgor a chanddo nid llai na thri aelod."

5. Yn lle rheoliad 10, rhodder-

"10.-(1) Rhaid i aelodaeth pwyllgor safonau awdurdod lleol sydd i gyflawni swyddogaethau mewn perthynas ag-

- (a) cynghorau cymuned sydd wedi'u lleoli yn ardal yr awdurdod lleol hwnnw; a
- (b) aelodau'r cynghorau cymuned hynny,

gynnwys o leiaf un aelod pwyllgor cymunedol.

(2) Yn ddarostyngedig i baragraff (3), rhaid i benodiad aelod pwyllgor cymunedol yn aelod o bwyllgor safonau awdurdod lleol sydd i gyflawni'r swyddogaethau a ddisgrifir yn is-baragraffau (1)(a) a (b) gael ei wneud gan yr awdurdod lleol hwnnw.

(3) Cyn gwneud penodiad o dan baragraff (2) rhaid i'r awdurdod lleol ymgynghori-

- (a) â'r cynghorau cymuned sydd wedi'u lleoli o fewn ei ardal; a
- (b) â chymdeithasau cynghorau cymuned a sefydlwyd (os o gwbl) ar gyfer yr ardal honno, ac sy'n gweithredu oddi mewn iddi."

6. Ar ôl rheoliad 18, mewnosoder-

"18A.-(1) Ni fydd tymor swydd aelod o bwyllgor safonau awdurdod lleol sy'n aelod pwyllgor cymunedol yn hwy nag-

- (a) pedair blynedd; neu
- (b) y cyfnod hyd at yr etholiadau cyffredin ar gyfer y cyngor cymuned y mae'r aelod pwyllgor cymunedol yn aelod ohono, sef yr etholiadau nesaf ar ôl i'r person hwnnw gael ei benodi'n aelod pwyllgor cymunedol o'r pwyllgor hwnnw,

pa gyfnod bynnag fo'r byrraf.

"section 54A sub-committee" ("*is-bwyllgor adran 54A*") means a sub-committee appointed by a standards committee of a relevant authority under section 54A(1) of the 2000 Act";

(c) in the definition of "standards committee", for "includes a sub-committee of a standards committee;" substitute "includes a section 54A sub-committee and a community sub-committee."; and

(d) omit the definition of "sub-committee of a standards committee".

4. For regulation 3, substitute-

"3.-(1) Subject to paragraph (2) a standards committee shall consist of not less than five nor more than nine members.

(2) A section 54A sub-committee shall consist of not less than three members."

5. For regulation 10, there is substituted-

"10.-(1) The membership of a standards committee of a local authority which is to discharge functions in relation to-

- (a) community councils which are situated in that local authority's area; and
- (b) the members of those community councils,

shall include at least one community committee member.

(2) Subject to paragraph (3) the appointment of a community committee member to a standards committee of a local authority which is to discharge the functions described in subparagraphs (1)(a) and (b) shall be made by that local authority.

(3) Before making an appointment under paragraph (2) the local authority shall consult-

- (a) community councils which are situated within its area; and
- (b) community council associations established for and operating within that area (if any)."

6. After regulation 18, insert-

"18A.-(1) The term of office of a member of a local authority standards committee who is a community committee member shall be no more than-

- (a) four years; or
- (b) the period until the ordinary elections for the community council of which the community committee member is a member next following the appointment of that person as a community committee member of that committee,

whichever is the shorter.

(2) Rhaid i aelod pwyllgor cymunedol roi'r gorau i fod yn aelod o bwyllgor safonau awdurdod lleol os yw'r aelod hwnnw'n peidio â bod yn aelod o gyngor cymuned o fewn ardal yr awdurdod lleol o dan sylw."

7. Yn lle paragraff (2) o reoliad 21, rhodder-

"(2) Yn ddarostyngedig i baragraff (4) caniateir i aelod annibynnol o bwyllgor safonau awdurdod perthnasol gael ei ailbenodi gan yr awdurdod perthnasol hwnnw am un tymor olynol arall.

(3) Wrth iddo ailbenodi aelod annibynnol o dan baragraff (2), nid oes raid i'r awdurdod perthnasol gydymffurfio â'r gofynion a osodir gan reoliadau 13 i 17.

(4) Os ailbenodir aelod annibynnol o dan baragraff (2), rhaid i'r tymor olynol arall hwnnw beidio â bod yn fwy na phedair blynedd."

8. Ar ôl rheoliad 21, mewnosoder-

"21A.-(1) Yn ddarostyngedig i baragraff (2) o reoliad 18A, caniateir i aelod pwyllgor cymunedol o bwyllgor safonau awdurdod lleol gael ei ailbenodi gan yr awdurdod lleol hwnnw am un tymor olynol arall.

(2) Cyn ailbenodi aelod pwyllgor cymunedol o dan baragraff (1) rhaid i'r awdurdod lleol ymgynghori-

- (a) â'r cynghorau cymuned sydd wedi'u lleoli o fewn ei ardal; a
- (b) â chymdeithasau cynghorau cymuned a sefydlwyd (os o gwbl) ar gyfer yr ardal honno, ac sy'n gweithredu oddi mewn iddi."

9. Ar ôl paragraff (9) o reoliad 22, mewnosoder-

"(10) Nid oes dim yn y Rheoliadau hyn yn rhwystro aelodau pwyllgor safonau rhag ethol cadeirydd neu is-gadeirydd sy'n aelod annibynnol o'r pwyllgor hwnnw ac sydd-

- (a) wedi'i ailbenodi'n aelod o'r fath o dan reoliad 21(2); a
- (b) wedi'i ethol yn gadeirydd neu'n is-gadeirydd y pwyllgor hwnnw yn ystod tymor swydd cyntaf yr aelod."

10. Yn lle rheoliad 24, rhodder-

"24.-(1) Ni chaiff unrhyw fusnes ei drin mewn cyfarfod o bwyllgor safonau, ac eithrio is-bwyllgor adran 54A-

- (a) onid oes tri aelod o leiaf yn bresennol, gan gynnwys y cadeirydd; a
- (b) onid yw o leiaf hanner yr aelodau sy'n bresennol (gan gynnwys y cadeirydd) yn aelodau annibynnol.

(2) Ni chaiff unrhyw fusnes ei drin mewn cyfarfod o is-bwyllgor adran 54A-

(2) A community committee member shall cease to be a member of a local authority standards committee if that member ceases to be a member of a community council within the area of the local authority concerned."

7. For paragraph (2) of regulation 21, substitute-

"(2) Subject to paragraph (4) an independent member of the standards committee of a relevant authority may be reappointed by that relevant authority for one further consecutive term.

(3) In reappointing an independent member under paragraph (2), the relevant authority is not obliged to comply with the requirements imposed by regulations 13 to 17.

(4) Where an independent member is reappointed under paragraph (2), that further consecutive term shall not exceed four years."

8. After regulation 21, insert-

"21A.-(1) Subject to paragraph (2) of regulation 18A, a community committee member of the standards committee of a local authority may be reappointed by that local authority for one further consecutive term.

(2) Before making a reappointment of a community committee member under paragraph (1) the local authority shall consult-

- (a) community councils which are situated within its area; and
- (b) community council associations established for and operating within that area (if any)."

9. After paragraph (9) of regulation 22, insert-

"(10) Nothing in these Regulations prevents the members of a standards committee electing a chairperson or a vice-chairperson who is an independent member of that committee and who-

- (a) has been reappointed as such a member under regulation 21(2); and
- (b) was elected as chairperson or vice-chairperson of that committee during that member's first term of office."

10. For regulation 24, substitute-

"24.-(1) No business shall be transacted at a meeting of a standards committee, other than a section 54A sub-committee, unless-

- (a) at least three members are present, including the chairperson; and
- (b) at least half the members present (including the chairperson) are independent members.

(2) No business shall be transacted at a meeting of a section 54A sub-committee unless-

- (a) onid oes dau aelod o leiaf yn bresennol, gan gynnwys y cadeirydd; a
 - (b) onid yw o leiaf hanner yr aelodau sy'n bresennol (gan gynnwys y cadeirydd) yn aelodau annibynnol.
- (3) At ddibenion paragraff (1) a (2) mae'r term "cadeirydd" yn cynnwys-
- (a) is-gadeirydd sy'n llywyddu'n unol â pharagraff (4) o reoliad 22; a
 - (b) aelod annibynnol sy'n llywyddu'n unol â pharagraff (5) o reoliad 22."

- (a) at least two members are present, including the chairperson; and
 - (b) at least half the members present (including the chairperson) are independent members.
- (3) For the purposes of paragraphs (1) and (2) the term "chairperson" includes-
- (a) a vice-chairperson presiding in pursuance of paragraph (4) of regulation 22; and
 - (b) an independent member presiding in pursuance of paragraph (5) of regulation 22."

Llofnodwyd ar ran Cynulliad Cenedlaethol Cymru o dan adran 66(1) o Ddeddf Llywodraeth Cymru 1998(1)

Signed on behalf of the National Assembly for Wales under section 66(1) of the Government of Wales Act 1998(1)

11 Gorffennaf 2006

11 July 2006

D. Elis-Thomas

Llywydd y Cynulliad Cenedlaethol

The Presiding Officer of the National Assembly

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