



Mesur Llywodraeth Leol (Cymru) 2011

2011 mccc 4

Local Government (Wales) Measure 2011

2011 nawm 4

Lluniwyd Nodiadau Esboniadol yn gymorth i ddeall y Mesur hwn ac maent ar gael ar wahân.

Explanatory Notes have been produced to assist in the understanding of this Measure and are available separately.

£28.75



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CYNNWYS

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ATGYFNERTHU DEMOCRATIAETH LEOL

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HYBU A CHEFNOGI AELODAETH O AWDURDODAU LLEOL

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2. Cwblhau arolwg a chyhoeddi gwybodaeth
3. Canllawiau ynghylch arolygon

Cefnogi aelodaeth

4. Mynychu cyfarfodydd o bell
5. Adroddiadau blynyddol gan aelodau o awdurdod lleol
6. Amseru cyfarfodydd cyngor
7. Hyfforddi a datblygu aelodau o awdurdod lleol

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9. Swyddogaethau gwasanaethau democrataidd
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11. Awdurdodau lleol i benodi pwyllgorau gwasanaethau democrataidd
12. Aelodaeth
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14. Trafodion etc



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- Schedule 1 – Change from alternative to executive arrangements
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Mesur Llywodraeth Leol (Cymru) 2011

Mesur gan Gynulliad Cenedlaethol Cymru i wneud darpariaeth ar gyfer ac mewn cysylltiad â hybu aelodaeth a rhoi cymorth i aelodaeth cynghorau sir a chynghorau bwrteistref sirol; darparu staff ac adnoddau eraill gan gynghorau sir a chynghorau bwrteistref sirol mewn cysylltiad â gwasanaethau democrataidd y cynghorau; absenoldeb teuluol i aelodau o gynghorau sir a chynghorau bwrteistref sirol; trefniadau llywodraethu cynghorau sir a chynghorau bwrteistref sirol; cyflawni swyddogaethau cynghorau sir a chynghorau bwrteistref sirol gan bwyllgorau a chan aelodau; pwyllgorau trosolwg a chraffu cynghorau sir a chynghorau bwrteistref sirol; pwyllgorau archwilio cynghorau sir a chynghorau bwrteistref sirol; cymunedau a chynghorau cymuned; pensiynau a thaliadau eraill i aelodau o gynghorau sir a chynghorau bwrteistref sirol, cynghorau cymuned, awdurdodau Parciau Cenedlaethol, ac awdurdodau tân ac achub; cydlafurio mewn llywodraeth leol; ac at ddibenion cysylltiedig.

Mae'r Mesur hwn, a basiwyd gan Gynulliad Cenedlaethol Cymru ar 15 Mawrth 2011 ac a gymeradwywyd gan Ei Mawrhydi yn Ei Chyngor ar 10 Mai 2011, yn deddfu'r darpariaethau a ganlyn:—

RHAN 1

ATGYFNERTHU DEMOCRATIAETH LEOL

PENNOD 1

HYBU A CHEFNOGI AELODAETH O AWDURDODAU LLEOL

Arolwg o gynghorwyr ac ymgeiswyr na fu iddynt lwyddo i gael eu hethol yn gynghorwyr

1 Dyletswydd i gynnal arolwg

- (1) Rhaid i awdurdod lleol, yn unol â rheoliadau o dan yr adran hon, gynnal arolwg—
 - (a) o gynghorwyr yn ei ardal, a
 - (b) o ymgeiswyr na fu iddynt lwyddo i gael eu hethol i swydd cynghorydd yn ei ardal.
- (2) Rhaid i awdurdod lleol gynnal arolwg ar ôl pob etholiad cyffredin—
 - (a) ar gyfer cyngor y sir neu'r fwrdeistref sirol, a
 - (b) ar gyfer cyngor cymuned yn ardal yr awdurdod lleol.
- (3) Rhaid i'r arolwg gael ei gynnal—



Local Government (Wales) Measure 2011

A Measure of the National Assembly for Wales to make provision for and in connection with the promotion of, and support for, membership of county and county borough councils; the provision of staff and other resources by county and county borough councils in connection with the councils' democratic services; family absence for members of county and county borough councils; governance arrangements of county and county borough councils; the discharge of functions of county and county borough councils by committees and members; overview and scrutiny committees of county and county borough councils; audit committees of county and county borough councils; communities and community councils; pensions and other payments for members of county and county borough councils, community councils, National Park authorities, and fire and rescue authorities; collaboration in local government; and for connected purposes.

This Measure, passed by the National Assembly for Wales on 15 March 2011 and approved by Her Majesty in Council on 10 May 2011, enacts the following provisions:—

PART 1

STRENGTHENING LOCAL DEMOCRACY

CHAPTER 1

PROMOTING AND SUPPORTING MEMBERSHIP OF LOCAL AUTHORITIES

Survey of councillors and unsuccessful candidates for election as councillors

1 Duty to conduct a survey

- (1) A local authority must, in accordance with regulations under this section, conduct a survey of—
 - (a) councillors in its area, and
 - (b) unsuccessful candidates for election to the office of councillor in its area.
- (2) A local authority must conduct a survey after each ordinary election to—
 - (a) the council of the county or county borough, and
 - (b) a community council in the local authority's area.
- (3) The survey must be conducted by—

- (a) drwy ofyn cwestiynau rhagnodedig ar unrhyw ffurf ragnodedig neu mewn unrhyw ddull rhagnodedig, a
- (b) drwy grynhoi'r wybodaeth ar unrhyw ffurf ragnodedig neu mewn unrhyw ddull rhagnodedig.
- (4) Mae'r cwestiynau y caniateir eu rhagnodi o dan is-adran (3) yn cynnwys cwestiynau (ond heb fod yn gyfyngedig iddynt) ynglŷn â'r unigolyn y maent wedi eu cyfeirio ato ynghylch—
- (a) rhywedd;
- (b) cyfeiriadedd rhywiol;
- (c) iaith;
- (d) hil;
- (e) oedran;
- (f) anabledd;
- (g) crefydd neu gred;
- (h) iechyd;
- (i) addysg a chymwysterau;
- (j) cyflogaeth;
- (k) gwaith fel cynghorydd.
- (5) Nid oes dim yn yr adran hon sy'n gosod dyletswydd ar gynghorydd neu ymgeisydd na lwyddodd i gael ei ethol i swydd cynghorydd i ddarparu unrhyw wybodaeth.
- (6) Rhaid i awdurdod lleol wneud trefniadau i gynghorwyr ac ymgeiswyr na fu iddynt lwyddo i gael eu hethol i swydd cynghorydd ddarparu gwybodaeth yn ddiennw o dan yr adran hon.
- (7) Yn yr adran hon—
- ystyr “anabledd” (“*disability*”) yw amhariad corfforol neu feddyliol a chanddo effaith andwyol sylweddol a hirdymor ar allu person i gyflawni gweithgareddau beunyddiol normal;
- ystyr “cred” (“*belief*”) yw unrhyw gred grefyddol neu athronyddol ac mae cyfeiriad at gred yn cynnwys cyfeiriad at ddiffyg cred;
- ystyr “crefydd” (“*religion*”) yw unrhyw grefydd ac mae cyfeiriad at grefydd yn cynnwys cyfeiriad at ddiffyg crefydd;
- ystyr “cyfeiriadedd rhywiol” (“*sexual orientation*”) yw cyfeiriadedd rhywiol person—
- (a) tuag at bersonau o'r un rhyw,
- (b) tuag at bersonau o'r rhyw arall, neu
- (c) tuag at bersonau o'r naill ryw neu'r llall;
- mae “cynghorydd” (“*councillor*”) yn cynnwys cynghorydd cymuned;
- ystyr “hil” (“*race*”) yw lliw, cenedligrwydd neu darddiad ethnig neu genedlaethol.

-
- (a) asking prescribed questions in any prescribed form or manner, and
- (b) collating the information in any prescribed form or manner.
- (4) The questions that may be prescribed under subsection (3) include (but are not limited to) questions about the individual to whom they are addressed which relate to—
- (a) gender;
- (b) sexual orientation;
- (c) language;
- (d) race;
- (e) age;
- (f) disability;
- (g) religion or belief;
- (h) health;
- (i) education and qualifications;
- (j) employment;
- (k) work as a councillor.
- (5) Nothing in this section places a duty on a councillor or an unsuccessful candidate for election to the office of councillor to provide any information.
- (6) A local authority must make arrangements for councillors and unsuccessful candidates for election to the office of councillor to provide information under this section anonymously.
- (7) In this section—
- “belief” (“*cred*”) means any religious or philosophical belief and a reference to belief includes a reference to a lack of belief;
- “councillor” (“*cyngorydd*”) includes community councillor;
- “disability” (“*anabledd*”) means a physical or mental impairment that has a substantial and long-term adverse effect on a person's ability to carry out normal day to day activities;
- “race” (“*hil*”) means colour, nationality or ethnic or national origins;
- “religion” (“*crefydd*”) means any religion and a reference to religion includes a reference to a lack of religion;
- “sexual orientation” (“*cyfeiriadedd rhywiol*”) means a person's sexual orientation towards—
- (a) persons of the same sex,
- (b) persons of the opposite sex, or
- (c) persons of either sex.

2 Cwblhau arolwg a chyhoeddi gwybodaeth

- (1) Rhaid i awdurdod lleol gwblhau ei arolwg a darparu'r wybodaeth sy'n cael ei chrynhai ganddo i Weinidogion Cymru cyn pen chwe mis ar ôl dyddiad yr etholiad cyffredin y mae'n ymwneud ag ef.
- (2) Rhaid i awdurdod lleol ddarparu'r wybodaeth ar unrhyw ffurf ragnodedig neu mewn unrhyw ddull rhagnodedig.
- (3) Caiff awdurdod lleol gyhoeddi'r wybodaeth sy'n cael ei chrynhai gan arolwg yn y dull y mae o'r farn ei bod yn briodol ei chyhoeddi, yn ddarostyngedig i is-adran (6).
- (4) Rhaid i Weinidogion Cymru –
 - (a) crynhai'r wybodaeth a gânt oddi wrth awdurdodau lleol o dan yr adran hon, a
 - (b) ei chyhoeddi cyn pen deuddeng mis ar ôl dyddiad yr etholiad cyffredin y mae'n ymwneud ag ef.
- (5) Caiff Gweinidogion Cymru –
 - (a) cyhoeddi gwybodaeth o dan is-adran (4)(b) yn y dull y maent o'r farn ei bod yn briodol ei chyhoeddi, yn ddarostyngedig i is-adran (6);
 - (b) rhannu unrhyw wybodaeth a ddarperir iddynt o dan is-adran (1) ag unrhyw gorff sy'n cynrychioli buddiannau cynghorau sir, cynghorau bwrdeistref sirol neu gynghorau cymuned yng Nghymru.
- (6) Nid yw unrhyw wybodaeth a geir o dan adran 1 neu'r adran hon i'w chyhoeddi na'i rhannu ar unrhyw ffurf sydd, naill ai ar ei phen ei hun neu ar y cyd ag unrhyw wybodaeth arall, yn datgelu pwy yw unrhyw unigolyn y mae'n ymwneud ag ef neu'n ei gwneud yn bosibl i'r unigolyn hwnnw gael ei adnabod.

3 Canllawiau ynghylch arolygon

Wrth arfer ei swyddogaethau o dan adrannau 1 a 2, rhaid i awdurdod lleol roi sylw i ganllawiau a roddir gan Weinidogion Cymru.

Cefnogi aelodaeth

4 Mynychu cyfarfodydd o bell

- (1) Nid yw cyfeiriad mewn unrhyw ddeddfiad at gyfarfod o awdurdod lleol wedi ei gyfyngu i gyfarfod o bob person y mae pob un ohonynt yn bresennol yn yr un fangre.
- (2) At ddibenion unrhyw ddeddfiad o'r fath, mae aelod o awdurdod lleol nad yw'n bresennol yn y fangre lle y cynhelir cyfarfod o'r awdurdod hwnnw ("aelod sy'n mynychu o bell") yn mynychu'r cyfarfod ar unrhyw adeg os bydd pob un o'r amodau yn is-adran (3) wedi eu bodloni.
- (3) Yr amodau hynny yw –
 - (a) bod yr aelod sy'n mynychu o bell, ar yr adeg honno –
 - (i) yn gallu gweld a chlywed yr aelodau sy'n mynychu'r fangre, a'i fod yn gallu cael ei weld a'i glywed ganddynt,
 - (ii) yn gallu gweld a chlywed unrhyw aelodau o'r cyhoedd a chanddynt hawl i fynychu'r cyfarfod sy'n bresennol yn y fangre honno ac sy'n arfer hawl i siarad yn y cyfarfod, a'i fod yn gallu cael ei weld a'i glywed ganddynt, a

2 Completion of a survey and publication of information

- (1) A local authority must complete its survey and provide the information collated in it to the Welsh Ministers within six months of the date of the ordinary election to which it relates.
- (2) A local authority must provide the information in any prescribed form or manner.
- (3) A local authority may publish the information collated in a survey in such manner as it considers appropriate, subject to subsection (6).
- (4) The Welsh Ministers must—
 - (a) collate the information they receive from local authorities under this section, and
 - (b) publish it within twelve months of the date of the ordinary election to which it relates.
- (5) The Welsh Ministers may—
 - (a) publish information under subsection (4)(b) in such manner as they consider appropriate, subject to subsection (6);
 - (b) share any information provided to them under subsection (1) with any body representing the interests of county, county borough or community councils in Wales.
- (6) No information received under section 1 or this section is to be published or shared in any form that, either by itself or in combination with any other information, identifies any individual to whom it relates or enables that individual to be identified.

3 Guidance about surveys

In exercising its functions under sections 1 and 2, a local authority must have regard to guidance given by the Welsh Ministers.

Supporting membership

4 Remote attendance at meetings

- (1) A reference in any enactment to a meeting of a local authority is not limited to a meeting of persons all of whom are present in the same place.
- (2) For the purposes of any such enactment, a member of a local authority who is not present in the place where a meeting of that authority is held (a “member in remote attendance”) attends the meeting at any time if all of the conditions in subsection (3) are satisfied.
- (3) Those conditions are that—
 - (a) the member in remote attendance is able at that time—
 - (i) to see and hear, and be seen and heard by, the members in actual attendance,
 - (ii) to see and hear, and be seen and heard by, any members of the public entitled to attend the meeting who are present in that place and who exercise a right to speak at the meeting, and

- (iii) yn gallu cael ei weld a'i glywed gan unrhyw aelodau eraill o'r cyhoedd a chanddynt hawl felly i fod yn bresennol yn y fangre honno;
- (b) bod yr aelod sy'n mynychu o bell, ar yr adeg honno, yn gallu clywed unrhyw aelod arall sy'n mynychu o bell ac y mae'r amod ym mharagraff (a) wedi ei fodloni mewn cysylltiad ag ef ar yr adeg honno, a'i fod yn gallu cael ei glywed ganddo;
- (c) nad yw defnyddio cyfleusterau sy'n galluogi'r amodau ym mharagraffau (a) a (b) i gael eu bodloni mewn cysylltiad a'r aelod sy'n mynychu o bell wedi ei wahardd gan y rheolau sefydlog neu gan unrhyw un neu ragor o reolau eraill yr awdurdod sy'n llywodraethu'r cyfarfod.
- (4) Rhaid i reolau sefydlog awdurdod lleol sicrhau nad oes cworwm ar gyfer cyfarfod o'r awdurdod lleol ar unrhyw adeg pan fo nifer yr aelodau sy'n mynychu o bell yn hafal i nifer yr aelodau sy'n mynychu'r fangre neu'n fwy na'r nifer hwnnw.
- (5) Caiff awdurdod lleol wneud rheolau sefydlog eraill ynghylch mynychu cyfarfodydd awdurdod lleol o bell.
- (6) Rhaid i awdurdod lleol roi sylw i ganllawiau a roddir gan Weinidogion Cymru mewn perthynas â chyfarfodydd o'r awdurdod a fynychir o bell yn unol â'r adran hon.
- (7) Mae'r adran hon yn gymwys mewn perthynas â chyfarfod pwyllgor neu is-bwyllgor i awdurdod lleol fel y mae'n gymwys mewn perthynas â chyfarfod o awdurdod lleol.
- (8) Ond ni chaiff person sy'n aelod cyfetholedig o bwyllgor neu is-bwyllgor fod yn aelod sy'n mynychu cyfarfod o bell yn rhinwedd yr adran hon.
- (9) At ddiben yr adran hon—
- (a) mae cyfeiriad at berson (A) yn gweld person arall (B) i'w ddehongli fel cyfeiriad at A yn gweld B pan fo B yn siarad yn y cyfarfod;
- (b) mae cyfeiriad at berson (C) yn cael ei weld gan berson arall (D) i'w ddehongli fel cyfeiriad at C yn cael ei weld gan D pan fo C yn siarad yn y cyfarfod.
- (10) Yn yr adran hon—
- ystyr "aelod cyfetholedig" ("*co-opted member*"), mewn perthynas â phwyllgor neu is-bwyllgor i awdurdod lleol, yw person sy'n aelod o'r pwyllgor neu'r is-bwyllgor, ond nad yw'n aelod o'r awdurdod;
- ystyr "aelod sy'n mynychu'r fangre" ("*member in actual attendance*"), mewn perthynas â chyfarfod o awdurdod lleol, yw aelod o'r awdurdod sy'n mynychu'r cyfarfod yn y fangre lle y cynhelir y cyfarfod.

5 Adroddiadau blynyddol gan aelodau o awdurdod lleol

- (1) Rhaid i awdurdod lleol wneud trefniadau—
- (a) i bob person sy'n aelod o'r awdurdod lunio adroddiad blynyddol ynghylch gweithgareddau'r person fel aelod o'r awdurdod yn ystod y flwyddyn y mae'r adroddiad yn ymwneud â hi,
- (b) i bob person sy'n aelod o weithrediaeth yr awdurdod lunio adroddiad blynyddol ynghylch gweithgareddau'r person fel aelod o'r weithrediaeth yn ystod y flwyddyn y mae'r adroddiad yn ymwneud â hi, ac
- (c) i'r awdurdod gyhoeddi pob adroddiad blynyddol sy'n cael ei lunio gan ei aelodau a chan aelodau ei weithrediaeth.

- (iii) to be seen and heard by any other members of the public so entitled who are present in that place;
 - (b) the member in remote attendance is able at that time to hear, and be heard by, any other member in remote attendance in respect of whom the condition in paragraph (a) is satisfied at that time;
 - (c) use of facilities enabling the conditions in paragraphs (a) and (b) to be satisfied in respect of the member in remote attendance is not prohibited by the standing orders or any other rules of the authority governing the meeting.
- (4) The standing orders of a local authority must secure that there is no quorum for a meeting of the local authority at any time when the number of members in remote attendance is equal to, or greater than, the number of members in actual attendance.
- (5) A local authority may make other standing orders about remote attendance at meetings of a local authority.
- (6) A local authority must have regard to guidance given by the Welsh Ministers in relation to meetings of the authority attended remotely in accordance with this section.
- (7) This section applies in relation to a meeting of a committee or sub-committee of a local authority as it applies in relation to a meeting of a local authority.
- (8) But a person who is a co-opted member of a committee or sub-committee may not be a member in remote attendance at a meeting by virtue of this section.
- (9) For the purpose of this section –
- (a) a reference to a person (A) seeing another person (B) is to be interpreted as a reference to A seeing B when B is speaking at the meeting;
 - (b) a reference to a person (C) being seen by another person (D) is to be interpreted as a reference to C being seen by D when C is speaking at the meeting.
- (10) In this section –
- “co-opted member” (*“aelod cyfetholedig”*), in relation to a committee or sub-committee of a local authority, means a person who is a member of the committee or sub-committee, but not a member of the authority;
- “member in actual attendance” (*“aelod sy'n mynychu'r fangre”*), in relation to a meeting of a local authority, means a member of the authority who is attending the meeting at the place where the meeting is held.

5 Annual reports by members of a local authority

- (1) A local authority must make arrangements for –
- (a) each person who is a member of the authority to make an annual report about the person's activities as a member of the authority during the year to which the report relates,
 - (b) each person who is a member of the authority's executive to make an annual report about the person's activities as a member of the executive during the year to which the report relates, and
 - (c) the authority to publish all annual reports produced by its members and by the members of its executive.

- (2) Caiff y trefniadau gynnwys amodau o ran cynnwys adroddiad y mae'n rhaid iddynt gael eu bodloni gan y person sydd yn ei lunio.
- (3) Rhaid i awdurdod lleol roi cyhoeddusrwydd i'w drefniadau.
- (4) Wrth arfer ei swyddogaethau o dan yr adran hon rhaid i awdurdod lleol roi sylw i ganllawiau a roddir gan Weinidogion Cymru.

6 Amseru cyfarfodydd cyngor

- (1) Caiff Gweinidogion Cymru roi canllawiau ynghylch amser cynnal cyfarfodydd awdurdod lleol.
- (2) Rhaid i awdurdod lleol roi sylw i ganllawiau a roddir o dan is-adran (1).
- (3) Yn is-adran (1), ystyr "cyfarfodydd awdurdod lleol" yw –
 - (a) cyfarfodydd yr awdurdod lleol;
 - (b) cyfarfodydd unrhyw bwyllgor neu is-bwyllgor i'r awdurdod.

7 Hyfforddi a datblygu aelodau o awdurdod lleol

- (1) Rhaid i awdurdod lleol sicrhau y darperir cyfleoedd hyfforddi a datblygu rhesymol i'w aelodau.
- (2) Rhaid i awdurdod lleol sicrhau bod adolygiad blynyddol o anghenion hyfforddi a datblygu'r aelod ar gael i bob aelod o'r awdurdod.
- (3) Rhaid i'r adolygiad gynnwys cyfle am gyfweliad gyda pherson sydd, ym marn yr awdurdod, yn briodol gymwys i roi cyngor am anghenion hyfforddi a datblygu aelod o awdurdod lleol.
- (4) Wrth arfer ei swyddogaethau o dan yr adran hon rhaid i awdurdod lleol roi sylw i ganllawiau a roddir gan Weinidogion Cymru.
- (5) Yn achos awdurdod sy'n gweithredu gweithrediaeth arweinydd a chabinet (Cymru), nid yw cyfeiriad yn yr adran hon at aelod o awdurdod lleol yn cynnwys yr arweinydd gweithrediaeth.

PENNOD 2

GWASANAETHAU DEMOCRATAIDD AWDURDOD LLEOL

8 Pennaeth gwasanaethau democrataidd

- (1) Rhaid i awdurdod lleol –
 - (a) dynodi un o'i swyddogion i gyflawni'r swyddogaethau yn adran 9 ("swyddogaethau gwasanaethau democrataidd");
 - (b) darparu i'r swyddog hwnnw y staff, y llety a'r adnoddau eraill sydd, ym marn yr awdurdod, yn ddigon i ganiatáu i swyddogaethau'r swyddog hwnnw gael eu cyflawni.
- (2) Caiff pennaeth gwasanaethau democrataidd drefnu i swyddogaethau gwasanaethau democrataidd gael eu cyflawni gan staff a ddarperir o dan yr adran hon.
- (3) Mae swyddog a ddynodir gan awdurdod lleol o dan yr adran hon i'w alw'n bennaeth gwasanaethau democrataidd.

- (2) The arrangements may include conditions as to the content of a report that must be satisfied by the person making it.
- (3) A local authority must publicise its arrangements.
- (4) In exercising its functions under this section a local authority must have regard to guidance given by the Welsh Ministers.

6 Timing of council meetings

- (1) The Welsh Ministers may give guidance about the times at which meetings of a local authority are held.
- (2) A local authority must have regard to guidance given under subsection (1).
- (3) In subsection (1), “meetings of a local authority” means—
 - (a) meetings of the local authority;
 - (b) meetings of any committee or sub-committee of the authority.

7 Training and development of members of a local authority

- (1) A local authority must secure the provision of reasonable training and development opportunities for its members.
- (2) A local authority must make available to each member of the authority an annual review of the member's training and development needs.
- (3) The review must include an opportunity for an interview with a person who is, in the opinion of the authority, suitably qualified to provide advice about the training and development needs of a member of a local authority.
- (4) In exercising its functions under this section a local authority must have regard to guidance given by the Welsh Ministers.
- (5) In the case of an authority which operates a leader and cabinet executive (Wales), a reference in this section to a member of a local authority does not include the executive leader.

CHAPTER 2

LOCAL AUTHORITY DEMOCRATIC SERVICES

8 Head of democratic services

- (1) A local authority must—
 - (a) designate one of its officers to discharge the functions in section 9 (“democratic services functions”);
 - (b) provide that officer with such staff, accommodation and other resources as are, in its opinion, sufficient to allow his or her functions to be discharged.
- (2) A head of democratic services may arrange for the discharge of democratic services functions by staff provided under this section.
- (3) An officer designated by a local authority under this section is to be known as the head of democratic services.

- (4) Ni chaiff awdurdod lleol ddynodi unrhyw un neu ragor o'r canlynol o dan yr adran hon—
- (a) pennaeth gwasanaeth cyflogedig yr awdurdod a ddynodir o dan adran 4 o Ddeddf Llywodraeth Leol a Thai 1989;
 - (b) swyddog monitro'r awdurdod a ddynodir o dan adran 5 o'r Ddeddf honno;
 - (c) prif swyddog cyllid yr awdurdod, o fewn ystyr yr adran honno.

9 Swyddogaethau gwasanaethau democrataidd

- (1) Y canlynol yw swyddogaethau pennaeth gwasanaethau democrataidd—
- (a) rhoi cymorth a chyngor i'r awdurdod mewn perthynas â'i gyfarfodydd, yn ddarostyngedig i is-adran (2);
 - (b) rhoi cymorth a chyngor i bwyllgorau'r awdurdod (ac eithrio'r pwyllgorau a grybwyllir ym mharagraff (e)) ac i aelodau o'r pwyllgorau hynny, yn ddarostyngedig i is-adran (2);
 - (c) rhoi cymorth a chyngor i unrhyw gyd-bwyllgor y mae awdurdod lleol yn gyfrifol am ei drefnu ac i aelodau o'r pwyllgor hwnnw, yn ddarostyngedig i is-adran (2);
 - (d) hybu rôl pwyllgor neu bwyllgorau trosolwg a chraffu'r awdurdod;
 - (e) rhoi cymorth a chyngor—
 - (i) i bwyllgor neu bwyllgorau trosolwg a chraffu'r awdurdod ac i aelodau o'r pwyllgor hwnnw neu'r pwyllgorau hynny, a
 - (ii) i bwyllgor gwasanaethau democrataidd yr awdurdod ac i aelodau o'r pwyllgor hwnnw;
 - (f) rhoi cymorth a chyngor mewn perthynas â swyddogaethau pwyllgor neu bwyllgorau trosolwg a chraffu'r awdurdod i bob un o'r canlynol—
 - (i) aelodau o'r awdurdod;
 - (ii) aelodau gweithrediaeth o'r awdurdod;
 - (iii) swyddogion yr awdurdod;
 - (g) rhoi cymorth a chyngor i bob aelod o'r awdurdod wrth iddo gyflawni rôl aelod o'r awdurdod, yn ddarostyngedig i is-adran (3);
 - (h) llunio adroddiadau a gwneud argymhellion mewn cysylltiad ag unrhyw un neu ragor o'r canlynol—
 - (i) nifer y staff y mae eu hangen i gyflawni swyddogaethau gwasanaethau democrataidd, a'u graddau;
 - (ii) penodi staff i gyflawni swyddogaethau gwasanaethau democrataidd;
 - (iii) trefnu a rheoli'n briodol staff sy'n cyflawni swyddogaethau gwasanaethau democrataidd;
 - (i) unrhyw swyddogaethau eraill a ragnodir.
- (2) Nid yw cyfeiriadau at “gyngor” ym mharagraffau (a) i (c) yn cynnwys cyngor ynghylch a ddylai neu sut y dylai swyddogaethau'r awdurdod gael eu harfer, neu fod wedi eu harfer.

- (4) A local authority may not designate any of the following under this section –
- (a) the head of the authority's paid service designated under section 4 of the Local Government and Housing Act 1989;
 - (b) the authority's monitoring officer designated under section 5 of that Act;
 - (c) the authority's chief finance officer, within the meaning of that section.

9 Democratic services functions

- (1) The functions of the head of democratic services are –
- (a) to provide support and advice to the authority in relation to its meetings, subject to subsection (2);
 - (b) to provide support and advice to committees of the authority (other than the committees mentioned in paragraph (e)) and the members of those committees, subject to subsection (2);
 - (c) to provide support and advice to any joint committee which a local authority is responsible for organising and the members of that committee, subject to subsection (2);
 - (d) to promote the role of the authority's overview and scrutiny committee or committees;
 - (e) to provide support and advice to –
 - (i) the authority's overview and scrutiny committee or committees and the members of that committee or those committees, and
 - (ii) the authority's democratic services committee and the members of that committee;
 - (f) to provide support and advice in relation to the functions of the authority's overview and scrutiny committee or committees to each of the following –
 - (i) members of the authority;
 - (ii) members of the executive of the authority;
 - (iii) officers of the authority;
 - (g) to provide support and advice to each member of the authority in carrying out the role of member of the authority, subject to subsection (3);
 - (h) to make reports and recommendations in respect of any of the following –
 - (i) the number and grades of staff required to discharge democratic services functions;
 - (ii) the appointment of staff to discharge democratic services functions;
 - (iii) the organisation and proper management of staff discharging democratic services functions;
 - (i) such other functions as may be prescribed.
- (2) The references to “advice” in paragraphs (a) to (c) do not include advice about whether or how the authority's functions should be, or should have been, exercised.

- (3) Nid yw'r mathau canlynol o gymorth a chyngor i'w hystyried yn gymorth a chyngor at ddibenion is-adran (1)(g)—
 - (a) cymorth a chyngor i aelod o'r awdurdod wrth i'r aelod hwnnw gyflawni ei swyddogaethau fel rhan o weithrediaeth yr awdurdod (ac eithrio fel y darperir ar ei gyfer o dan is-adran (1)(f));
 - (b) cyngor ynghylch a ddylai neu sut y dylai swyddogaethau'r awdurdod gael eu harfer, neu fod wedi eu harfer, mewn perthynas ag unrhyw fater sy'n cael ei ystyried, neu sydd i'w ystyried, mewn un o gyfarfodydd yr awdurdod, un o gyfarfodydd pwyllgor y cyfeiriwyd ato yn is-adran (1)(b) neu un o gyfarfodydd cyd-bwyllgor y mae awdurdod lleol yn gyfrifol am ei drefnu.
- (4) Nid oes dim yn is-adran (1)(h) sy'n effeithio ar ddyletswydd pennaeth gwasanaeth cyflogedig yn adran 4(2) o Ddeddf Llywodraeth Leol a Thai 1989.
- (5) Yn yr adran hon, mae cyfeiriadau at bwyllgor (neu gyd-bwyllgor) yn cynnwys cyfeiriadau at unrhyw is-bwyllgor i'r pwyllgor hwnnw.

10 Dyletswydd i fabwysiadu rheolau sefydlog ynghylch rheoli staff

- (1) Caiff Gweinidogion Cymru ei gwneud yn ofynnol drwy reoliadau i awdurdod lleol—
 - (a) ymgorffori darpariaeth ragnodedig sy'n ymwneud â rheoli staff a ddarperir o dan adran 8(1)(b) yn ei reolau sefydlog;
 - (b) gwneud addasiadau eraill i'r rhai o blith ei reolau sefydlog sy'n ymwneud â rheoli staff.
- (2) Yn yr adran hon nid yw "rheoli staff" yn cynnwys penodi staff neu ddiswyddo staff neu gymryd camau disgyblu eraill yn erbyn staff.

11 Awdurdodau lleol i benodi pwyllgorau gwasanaethau democrataidd

- (1) Rhaid i awdurdod lleol benodi pwyllgor ("pwyllgor gwasanaethau democrataidd")—
 - (a) i arfer swyddogaeth yr awdurdod lleol o dan adran 8(1)(a) ("dynodi pennaeth gwasanaethau democrataidd"),
 - (b) i adolygu pa mor ddigonol yw'r ddarpariaeth gan yr awdurdod o ran staff, llety ac adnoddau eraill i gyflawni swyddogaethau gwasanaethau democrataidd, a
 - (c) i lunio adroddiadau a gwneud argymhellion i'r awdurdod mewn perthynas â'r ddarpariaeth honno.
- (2) Mater i bwyllgor gwasanaethau democrataidd ei benderfynu yw sut i arfer y swyddogaethau hynny.

12 Aelodaeth

- (1) Mae awdurdod lleol i benodi aelodau o'i bwyllgor gwasanaethau democrataidd.
- (2) Rhaid i awdurdod lleol sicrhau—
 - (a) bod pob aelod o'i bwyllgor gwasanaethau democrataidd yn aelod o'r awdurdod;
 - (b) nad oes mwy nag un o aelodau ei bwyllgor gwasanaethau democrataidd yn aelod o weithrediaeth yr awdurdod;

- (3) The following kinds of support and advice are not to be considered as support and advice for the purposes of subsection (1)(g) –
 - (a) support and advice to a member of the authority in discharging that member's functions as part of the executive of the authority (except as provided for under subsection (1)(f));
 - (b) advice about whether or how the authority's functions should be, or should have been, exercised in relation to any matter under consideration, or to be considered, at a meeting of the authority, a committee referred to in subsection (1)(b) or a joint committee which a local authority is responsible for organising.
- (4) Nothing in subsection (1)(h) affects the duty of the head of paid service in section 4(2) of the Local Government and Housing Act 1989.
- (5) In this section, references to a committee (or joint committee) include references to any sub-committee of that committee.

10 Duty to adopt standing orders about management of staff

- (1) The Welsh Ministers may by regulations require a local authority –
 - (a) to incorporate prescribed provision relating to the management of staff provided under section 8(1)(b) in its standing orders;
 - (b) to make other modifications of those of its standing orders which relate to the management of staff.
- (2) In this section “management of staff” does not include appointment of staff or dismissal of staff or the taking of other disciplinary action against staff.

11 Local authorities to appoint democratic services committees

- (1) A local authority must appoint a committee (“a democratic services committee”) to –
 - (a) exercise the function of the local authority under section 8(1)(a) (designation of head of democratic services),
 - (b) review the adequacy of provision by the authority of staff, accommodation and other resources to discharge democratic services functions, and
 - (c) make reports and recommendations to the authority in relation to such provision.
- (2) It is for a democratic services committee to determine how to exercise those functions.

12 Membership

- (1) A local authority is to appoint the members of its democratic services committee.
- (2) A local authority must secure that –
 - (a) each member of its democratic services committee is a member of the authority;
 - (b) no more than one of the members of its democratic services committee is a member of the authority's executive;

- (c) yn achos awdurdod lleol sy'n gweithredu gweithrediaeth arweinydd a chabinet (Cymru), nad yw'r arweinydd gweithrediaeth yn aelod o'i bwyllgor gwasanaethau democrataidd.
- (3) Ni fydd penodi person yn aelod o bwyllgor gwasanaethau democrataidd yn cael unrhyw effaith os bydd aelodaeth y pwyllgor yn mynd yn groes i is-adran (2) yn union ar ôl ei benodi (p'un ai yn rhinwedd y penodiad ai peidio).
- (4) Mewn achos pan fo un person neu ragor, ar adeg neilltuol, i'w wneud neu i'w gwneud yn aelod neu'n aelodau o bwyllgor gwasanaethau democrataidd, neu i beidio â bod yn aelod neu'n aelodau o bwyllgor gwasanaethau democrataidd, mae'r newidiadau hynny yn yr aelodaeth i'w hystyried wrth benderfynu a fyddai aelodaeth y pwyllgor yn mynd yn groes i is-adran (2).
- (5) Mae pwyllgor gwasanaethau democrataidd i awdurdod lleol i'w drin fel corff y mae adran 15 o Ddeddf Llywodraeth Leol a Thai 1989 (dyletswydd i ddyrannu seddau i grwpiau gwleidyddol) yn gymwys iddo.

13 Is-bwyllgorau

- (1) Caiff pwyllgor gwasanaethau democrataidd—
 - (a) penodi un neu ragor o is-bwyllgorau, a
 - (b) trefnu i unrhyw un neu ragor o'i swyddogaethau gael ei chyflawni neu eu cyflawni gan is-bwyllgor o'r fath.
- (2) Ni chaiff is-bwyllgor i bwyllgor gwasanaethau democrataidd gyflawni swyddogaethau ac eithrio'r rhai a roddwyd iddo o dan is-adran (1)(b).

14 Trafodion etc

- (1) Mae awdurdod lleol i benodi'r person sydd i gadeirio'r pwyllgor gwasanaethau democrataidd (a rhaid iddo beidio â bod yn aelod o grŵp gweithrediaeth).
- (2) Os nad oes unrhyw grwpiau gwrthblaid, caiff y person sydd i gadeirio'r pwyllgor gwasanaethau democrataidd fod yn aelod o grŵp gweithrediaeth ond rhaid iddo beidio â bod yn aelod o weithrediaeth yr awdurdod lleol.
- (3) Mae pwyllgor gwasanaethau democrataidd i benodi'r person sydd i gadeirio unrhyw is-bwyllgor i bwyllgor o'r fath.
- (4) Caiff pob aelod o bwyllgor gwasanaethau democrataidd, neu o is-bwyllgor i bwyllgor o'r fath, bleidleisio ar unrhyw gwestiwn y mae'n dod i ran y pwyllgor i benderfynu arno.
- (5) Caiff pwyllgor gwasanaethau democrataidd i awdurdod lleol, neu is-bwyllgor i bwyllgor o'r fath—
 - (a) ei gwneud yn ofynnol i aelodau a swyddogion yr awdurdod ddod ger ei fron i ateb cwestiynau, a
 - (b) gwahodd personau eraill i fynychu cyfarfodydd y pwyllgor.
- (6) Mae'n ddyletswydd ar unrhyw aelod o awdurdod lleol neu unrhyw swyddog i awdurdod lleol i gydymffurfio ag unrhyw ofyniad a osodir o dan is-adran (5)(a).
- (7) Nid yw person yn cael ei orfodi gan is-adran (6) i ateb unrhyw gwestiwn y byddai ganddo hawl i wrthod ei ateb mewn achos llys yng Nghymru a Lloegr neu at ddibenion achos llys o'r fath.

- (c) in the case of a local authority which operates a leader and cabinet executive (Wales), the executive leader is not a member of its democratic services committee.
- (3) The appointment of a person as a member of a democratic services committee has no effect if the membership of the committee breaches subsection (2) immediately after the appointment (whether or not by virtue of the appointment).
- (4) In a case where one or more persons are to become, or to cease to be, members of a democratic services committee at a particular time, all those changes of membership are to be taken into account in determining whether the membership of the committee breaches subsection (2).
- (5) A democratic services committee of a local authority is to be treated as a body to which section 15 of the Local Government and Housing Act 1989 (duty to allocate seats to political groups) applies.

13 Sub-committees

- (1) A democratic services committee –
 - (a) may appoint one or more sub-committees, and
 - (b) may arrange for the discharge of any of its functions by such a sub-committee.
- (2) A sub-committee of a democratic services committee may not discharge functions other than those conferred on it under subsection (1)(b).

14 Proceedings etc

- (1) A local authority is to appoint the person who is to chair the democratic services committee (who must not be a member of an executive group).
- (2) If there are no opposition groups, the person who is to chair the democratic services committee may be a member of an executive group but must not be a member of the local authority's executive.
- (3) A democratic services committee is to appoint the person who is to chair any sub-committee of such a committee.
- (4) All members of a democratic services committee, or of a sub-committee of such a committee, may vote on any question that falls to be decided by the committee.
- (5) A democratic services committee of a local authority, or a sub-committee of such a committee –
 - (a) may require members and officers of the authority to attend before it to answer questions, and
 - (b) may invite other persons to attend meetings of the committee.
- (6) It is the duty of any member or officer of a local authority to comply with any requirement imposed under subsection (5)(a).
- (7) A person is not obliged by subsection (6) to answer any question which the person would be entitled to refuse to answer in, or for the purposes of, proceedings in a court in England and Wales.

- (8) Mae pwyllgor gwasanaethau democrataidd, neu is-bwyllgor i bwyllgor o'r fath, i'w drin fel pwyllgor, neu is-bwyllgor, i brif gyngor at ddibenion Rhan 5A o Ddeddf Llywodraeth Leol 1972 (cael mynd i gyfarfodydd a chael gweld dogfennau awdurdodau, pwyllgorau ac is-bwyllgorau penodol).
- (9) At ddibenion is-adrannau (1) a (2), mae i'r ymadroddion "grŵp gweithrediaeth" a "grŵp gwrthblaid" yr un ystyr ag yn adran 75.

15 Cynnal cyfarfodydd: pa mor aml

- (1) Rhaid i bwyllgor gwasanaethau democrataidd gyfarfod unwaith ym mhob blwyddyn galendr.
- (2) Rhaid i bwyllgor gwasanaethau democrataidd i awdurdod lleol gyfarfod hefyd –
 - (a) os yw'r awdurdod lleol yn penderfynu y dylai'r pwyllgor gyfarfod, neu
 - (b) os yw traean o leiaf o aelodau'r pwyllgor yn hawlio cyfarfod drwy gyfrwng un neu ragor o hysbysiadau ysgrifenedig a roddir i'r person sy'n cadeirio'r pwyllgor.
- (3) Mae dyletswydd ar y person sy'n cadeirio pwyllgor gwasanaethau democrataidd i sicrhau bod cyfarfodydd y pwyllgor yn cael eu cynnal fel y mae is-adrannau (1) a (2) yn ei gwneud yn ofynnol.
- (4) Nid yw'r adran hon yn atal pwyllgor gwasanaethau democrataidd rhag cyfarfod ac eithrio fel y mae'r adran hon yn ei gwneud yn ofynnol.

16 Cyflawni swyddogaethau

- (1) Ni chaiff pwyllgor gwasanaethau democrataidd arfer unrhyw swyddogaethau ac eithrio ei swyddogaethau o dan y Bennod hon.
- (2) Wrth arfer unrhyw un neu ragor o'i swyddogaethau, neu benderfynu ai i'w harfer, rhaid i bwyllgor gwasanaethau democrataidd, neu is-bwyllgor i bwyllgor o'r fath, roi sylw i ganllawiau a roddwyd gan Weinidogion Cymru.

17 Terfynu aelodaeth pan fo person yn peidio â bod yn aelod o awdurdod

- (1) Mae'r adran hon yn gymwys i berson (P) –
 - (a) a benodir yn aelod o bwyllgor gwasanaethau democrataidd awdurdod lleol, neu o is-bwyllgor i bwyllgor o'r fath, a
 - (b) sy'n aelod o'r awdurdod ar adeg y penodiad hwnnw.
- (2) Os yw P yn peidio â bod yn aelod o'r awdurdod, mae P hefyd yn peidio â bod yn aelod o'r pwyllgor neu'r is-bwyllgor gwasanaethau democrataidd.
- (3) Ond nid yw is-adran (2) yn gymwys os yw P –
 - (a) yn peidio â bod yn aelod o'r awdurdod oherwydd iddo ymddeol, a
 - (b) yn cael ei ailethol yn aelod o'r awdurdod heb fod yn hwyrach na diwrnod ei ymddeoliad.
- (4) Mae is-adran (3) yn ddarostyngedig i reolau sefydlog yr awdurdod neu rai'r pwyllgor neu'r is-bwyllgor gwasanaethau democrataidd.

- (8) A democratic services committee, or a sub-committee of such a committee, is to be treated as a committee, or sub-committee, of a principal council for the purposes of Part 5A of the Local Government Act 1972 (access to meetings and documents of certain authorities, committees and sub-committees).
- (9) For the purposes of subsections (1) and (2), the expressions “executive group” and “opposition group” have the same meaning as in section 75.

15 Frequency of meetings

- (1) A democratic services committee must meet once in every calendar year.
- (2) The democratic services committee of a local authority must also meet if—
 - (a) the local authority resolves that the committee should meet, or
 - (b) at least one-third of the members of the committee requisition a meeting by one or more notices in writing given to the person who chairs the committee.
- (3) It is the duty of the person who chairs a democratic services committee to secure that meetings of the committee are held as required by subsections (1) and (2).
- (4) This section does not prevent a democratic services committee from meeting otherwise than as required by this section.

16 Discharging functions

- (1) A democratic services committee may not exercise any functions other than its functions under this Chapter.
- (2) In exercising, or deciding whether to exercise any of its functions, a democratic services committee, or a sub-committee of such a committee, must have regard to guidance given by the Welsh Ministers.

17 Termination of membership on ceasing to be member of authority

- (1) This section applies to a person (P) who is—
 - (a) appointed to be a member of a democratic services committee of a local authority, or of a sub-committee of such a committee, and
 - (b) is a member of the authority at the time of that appointment.
- (2) If P ceases to be a member of the authority, P also ceases to be a member of the democratic services committee or sub-committee.
- (3) But subsection (2) does not apply if P—
 - (a) ceases to be a member of the authority by reason of retirement, and
 - (b) is re-elected a member of the authority not later than the day of retirement.
- (4) Subsection (3) is subject to the standing orders of the authority or the democratic services committee or sub-committee.

18 Adroddiadau ac argymhellion gan bennaeth y gwasanaethau democrataidd

- (1) Rhaid i bennaeth gwasanaethau democrataidd ar gyfer awdurdod lleol, cyn gynted ag y bo'n ymarferol ar ôl llunio adroddiad neu wneud argymhelliad o dan adran 9(1)(h), anfon at bob aelod o bwyllgor gwasanaethau democrataidd yr awdurdod gopi o'r adroddiad neu o'r argymhelliad.
- (2) Rhaid i bwyllgor gwasanaethau democrataidd ystyried, mewn cyfarfod a gynhelir heb fod yn fwy na thri mis ar ôl i gopïau o'r adroddiad gael eu hanfon gyntaf at aelodau'r pwyllgor, unrhyw adroddiad neu argymhelliad a anfonir at aelodau'r pwyllgor o dan yr adran hon.

19 Adroddiadau ac argymhellion gan bwyllgorau gwasanaethau democrataidd

- (1) Rhaid i bwyllgor gwasanaethau democrataidd ar gyfer awdurdod lleol, cyn gynted ag y bo'n ymarferol ar ôl iddo lunio adroddiad neu wneud argymhelliad o dan adran 11(1)(c), drefnu bod copi ohono'n cael ei anfon at bob aelod o'r awdurdod nad yw'n aelod o'r pwyllgor.
- (2) Rhaid i awdurdod lleol ystyried unrhyw adroddiad neu argymhellion mewn cyfarfod a gynhelir heb fod yn fwy na thri mis ar ôl i gopïau o'r adroddiad neu'r argymhelliad gael eu hanfon gyntaf at aelodau'r awdurdod.

20 Swyddogaethau awdurdod lleol nad ydynt i'w dirprwyo

Nid yw swyddogaethau awdurdod lleol o dan adrannau 8(1), 11, 12(1) a (2), 14(1), 15(2)(a) a 19(2) i'w dirprwyo o dan adran 101 o Ddeddf Llywodraeth Leol 1972.

21 Swydd pennaeth gwasanaethau democrataidd i fod yn swydd o dan gyfyngiadau gwleidyddol

- (1) Diwygir adran 2(1) o Ddeddf Llywodraeth Leol a Thai 1989 fel a ganlyn.
- (2) Ym mharagraff (f) hepgorer "and".
- (3) Ar ôl "delegated)" ym mharagraff (g) mewnosoder –
 "; and
 (h) the head of democratic services designated under section 8 of the Local Government (Wales) Measure 2011".

PENNOD 3**DEHONGLI****22 Ystyr "aelod"**

Mae cyfeiriad yn y Rhan hon at aelod o awdurdod lleol yn cynnwys cyfeiriad at aelod gweithrediaeth etholedig (o fewn ystyr adran 39(4) o Ddeddf Llywodraeth Leol 2000).

18 Reports and recommendations by head of democratic services

- (1) The head of democratic services for a local authority must, as soon as practicable after preparing a report or making a recommendation under section 9(1)(h), send to each member of the authority's democratic services committee a copy of the report or recommendation.
- (2) A democratic services committee must consider any report or recommendation sent to the members of the committee under this section at a meeting held not more than three months after copies of the report are first sent to members of the committee.

19 Reports and recommendations by democratic services committees

- (1) A democratic services committee for a local authority must, as soon as practicable after it has prepared a report or made a recommendation under section 11(1)(c), arrange for a copy of it to be sent to each member of the authority who is not a member of the committee.
- (2) A local authority must consider any report or recommendations at a meeting held not more than three months after copies of the report or recommendation are first sent to members of the authority.

20 Local authority functions not to be delegated

The functions of a local authority under sections 8(1), 11, 12(1) and (2), 14(1), 15(2)(a) and 19(2) are not to be delegated under section 101 of the Local Government Act 1972.

21 Head of democratic services to be a politically restricted post

- (1) Section 2(1) of the Local Government and Housing Act 1989 is amended as follows.
- (2) In paragraph (f) omit "and".
- (3) After "delegated)" in paragraph (g) insert—
"; and
(h) the head of democratic services designated under section 8 of the Local Government (Wales) Measure 2011".

CHAPTER 3**INTERPRETATION****22 Meaning of "member"**

In this Part, a reference to a member of a local authority includes a reference to an elected executive member (within the meaning of section 39(4) of the Local Government Act 2000).

RHAN 2**ABSENOLDEB TEULUOL AR GYFER AELODAU AWDURDODAU LLEOL****23 Yr hawl i absenoldeb teuluol**

- (1) Caiff aelod o awdurdod lleol a chanddo hawl i gyfnod o absenoldeb teuluol fod yn absennol o gyfarfodydd o'r awdurdod yn ystod y cyfnod hwnnw o absenoldeb teuluol.
- (2) Os aelod o weithrediaeth yr awdurdod lleol yw'r aelod, caiff yr aelod fod yn absennol o gyfarfodydd o'r weithrediaeth yn ystod y cyfnod hwnnw o absenoldeb teuluol.
- (3) Mae is-adrannau (1) a (2) yn ddarostyngedig i reoliadau o dan y Rhan hon.
- (4) At ddibenion y Rhan hon, mae gan aelod hawl i gyfnod o absenoldeb teuluol os oes gan yr aelod hawl i gyfnod –
 - (a) o absenoldeb mamolaeth (gweler adran 24),
 - (b) o absenoldeb newydd-anedig (gweler adran 25),
 - (c) o absenoldeb mabwysiadu (gweler adran 26),
 - (d) o absenoldeb mabwysiadu newydd (gweler adran 27), neu
 - (e) o absenoldeb rhiant (gweler adran 28).

24 Absenoldeb mamolaeth

- (1) Mae gan aelod o awdurdod lleol hawl i gyfnod o absenoldeb ("absenoldeb mamolaeth") os yw'r aelod yn bodloni amodau rhagnodedig o ran mamolaeth.
- (2) Mae'r cyfnod o absenoldeb mamolaeth y mae gan yr aelod hawl iddo i'w gyfrifo'n unol â rheoliadau.
- (3) Ni chaniateir i'r rheoliadau ddarparu ar gyfer cyfnod o absenoldeb mamolaeth sy'n hwy na 26 o wythnosau.
- (4) Rhaid i reoliadau gymnwys darpariaeth ar gyfer penderfynu pryd y caniateir cymryd absenoldeb mamolaeth.
- (5) Caiff rheoliadau ganiatáu i aelod ddewis, yn ddarostyngedig i gyfyngiadau rhagnodedig, y dyddiad pryd y bydd cyfnod o absenoldeb mamolaeth yn dechrau.
- (6) Caiff rheoliadau ragnodi amgylchiadau pan gaiff yr aelod o awdurdod lleol, neu pan gaiff yr awdurdod lleol –
 - (a) terfynu cyfnod o absenoldeb mamolaeth, neu
 - (b) diddymu cyfnod o absenoldeb mamolaeth.

25 Absenoldeb newydd-anedig

- (1) Mae'r adran hon yn gymwys i aelod o awdurdod lleol sy'n bodloni amodau rhagnodedig –
 - (a) o ran perthynas â phlentyn newydd-anedig neu blentyn a ddisgwylir, a
 - (b) o ran perthynas â mam y plentyn.

PART 2

FAMILY ABSENCE FOR MEMBERS OF LOCAL AUTHORITIES

23 Right to family absence

- (1) A member of a local authority who is entitled to a period of family absence may be absent from meetings of the authority during that period of family absence.
- (2) If the member is a member of the local authority's executive, the member may be absent from meetings of the executive during that period of family absence.
- (3) Subsections (1) and (2) are subject to regulations under this Part.
- (4) For the purposes of this Part, a member is entitled to a period of family absence if the member is entitled to a period of—
 - (a) maternity absence (see section 24),
 - (b) newborn absence (see section 25),
 - (c) adopter's absence (see section 26),
 - (d) new adoption absence (see section 27), or
 - (e) parental absence (see section 28).

24 Maternity absence

- (1) A member of a local authority is entitled to a period of absence (“maternity absence”) if the member satisfies prescribed conditions as to maternity.
- (2) The period of maternity absence to which the member is entitled is to be calculated in accordance with regulations.
- (3) The regulations must not provide for a period of maternity absence to exceed 26 weeks.
- (4) Regulations must include provision for determining when maternity absence may be taken.
- (5) Regulations may allow a member to choose, subject to prescribed restrictions, the date on which a period of maternity absence starts.
- (6) Regulations may prescribe circumstances in which a member of a local authority, or the local authority, may—
 - (a) bring a period of maternity absence to an end, or
 - (b) cancel a period of maternity absence.

25 Newborn absence

- (1) This section applies to a member of a local authority who satisfies prescribed conditions—
 - (a) as to relationship with a newborn, or expected, child, and
 - (b) as to relationship with the child's mother.

- (2) Mae gan yr aelod hawl i gyfnod o absenoldeb (“absenoldeb newydd-anedig”) at ddibenion –
 - (a) gofalu am y plentyn, neu
 - (b) cynorthwyo'r fam.
- (3) Rhaid i reoliadau gynnwys darpariaeth ar gyfer penderfynu –
 - (a) i ba raddau y mae gan aelod hawl i absenoldeb newydd-anedig mewn cysylltiad â phlentyn;
 - (b) pryd y caniateir cymryd absenoldeb newydd-anedig.
- (4) Ni chaniateir i reoliadau ddarparu i gyfnod o absenoldeb newydd-anedig mewn cysylltiad â phlentyn fod yn hwy na dwy wythnos.
- (5) Rhaid i reoliadau ei gwneud yn ofynnol i absenoldeb newydd-anedig gael ei gymryd cyn diwedd cyfnod rhagnodedig.
- (6) Rhaid i'r cyfnod hwnnw fod yn gyfnod o 56 o ddiwrnodau o leiaf sy'n dechrau ar ddyddiad geni'r plentyn.
- (7) Caiff rheoliadau ragnodi amgylchiadau pan gaiff aelod o awdurdod lleol, neu pan gaiff yr awdurdod lleol –
 - (a) terfynu cyfnod o absenoldeb newydd-anedig, neu
 - (b) diddymu cyfnod o absenoldeb newydd-anedig.
- (8) Caiff rheoliadau –
 - (a) (at ddibenion is-adran (2)) ragnodi pethau sydd i'w barnu neu beidio a'u barnu yn bethau sydd wedi eu gwneud at ddibenion gofalu am blentyn neu gynorthwyo mam y plentyn;
 - (b) caniatáu i aelod ddewis, yn ddarostyngedig i gyfyngiadau rhagnodedig, y dyddiad pryd y bydd cyfnod o absenoldeb newydd-anedig yn dechrau;
 - (c) gwneud darpariaeth sy'n eithrio hawl i absenoldeb newydd-anedig mewn cysylltiad â phlentyn pan fo mwy nag un plentyn yn cael ei eni o ganlyniad i'r un beichiogrwydd;
 - (d) gwneud darpariaeth ynghylch sut y ceir cymryd absenoldeb newydd-anedig.
- (9) Pan fo mwy nag un plentyn yn cael ei eni o ganlyniad i'r un beichiogrwydd, mae'r cyfeiriad yn is-adran (6) at ddyddiad geni'r plentyn i'w ddarllen fel cyfeiriad at ddyddiad geni'r plentyn cyntaf a gaiff ei eni o ganlyniad i'r beichiogrwydd.
- (10) Yn yr adran hon –

mae “plentyn newydd-anedig” (“*newborn child*”) yn cynnwys plentyn marw-
anedig ar ôl 24 o wythnosau o feichiogrwydd;

ystyr “wythnos” (“*week*”) yw unrhyw gyfnod o saith niwrnod.

26 Absenoldeb mabwysiadydd

- (1) Mae gan aelod o awdurdod lleol hawl i gyfnod o absenoldeb (“absenoldeb mabwysiadydd”) os yw'r aelod yn bodloni amodau rhagnodedig o ran mabwysiadu plentyn.
- (2) Rhaid i reoliadau gynnwys darpariaeth ar gyfer penderfynu –

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- (2) The member is entitled to a period of absence (“newborn absence”) for the purpose of—
 - (a) caring for the child, or
 - (b) supporting the mother.
 - (3) Regulations must include provision for determining—
 - (a) the extent of a member's entitlement to newborn absence in respect of a child;
 - (b) when newborn absence may be taken.
 - (4) Regulations must not provide for a period of newborn absence in respect of a child to exceed two weeks.
 - (5) Regulations must require newborn absence to be taken before the end of a prescribed period.
 - (6) That period must be a period of at least 56 days beginning with the date of the child's birth.
 - (7) Regulations may prescribe circumstances in which a member of a local authority, or the local authority, may—
 - (a) bring a period of newborn absence to an end, or
 - (b) cancel a period of newborn absence.
 - (8) Regulations may—
 - (a) (for the purpose of subsection (2)) prescribe things which are, or are not, to be taken as done for the purpose of caring for a child or supporting the child's mother;
 - (b) allow a member to choose, subject to prescribed restrictions, the date on which a period of newborn absence starts;
 - (c) make provision excluding an entitlement to newborn absence in respect of a child where more than one child is born as a result of the same pregnancy;
 - (d) make provision about how newborn absence may be taken.
 - (9) Where more than one child is born as a result of the same pregnancy, the reference in subsection (6) to the date of the child's birth is to be read as a reference to the date of birth of the first child born as a result of the pregnancy.
 - (10) In this section—

“newborn child” (*“plentydd newydd-anedig”*) includes a child stillborn after 24 weeks of pregnancy;

“week” (*“wythnos”*) means any period of seven days.

26 Adopter's absence

- (1) A member of a local authority is entitled to a period of absence (“adopter's absence”) if the member satisfies prescribed conditions as to adoption of a child.
- (2) Regulations must include provision for determining—

- (a) i ba raddau y mae gan aelod hawl i absenoldeb mabwysiadudd mewn cysylltiad â phlentyn;
 - (b) pryd y caniateir cymryd absenoldeb mabwysiadudd.
- (3) Ni chaniateir i reoliadau ddarparu i gyfnod o absenoldeb mabwysiadudd mewn cysylltiad â phlentyn fod yn hwy na dwy wythnos.
- (4) Caiff rheoliadau ganiatáu i aelod ddewis, yn ddarostyngedig i gyfyngiadau rhagnodedig, y dyddiad pryd y bydd cyfnod o absenoldeb mabwysiadudd yn dechrau.
- (5) Caiff rheoliadau ragnodi amgylchiadau pan gaiff aelod o awdurdod lleol, neu pan gaiff yr awdurdod lleol –
- (a) terfynu cyfnod o absenoldeb mabwysiadudd, neu
 - (b) diddymu cyfnod o absenoldeb mabwysiadudd.

27 Absenoldeb mabwysiadu newydd

- (1) Mae'r adran hon yn gymwys i aelod o awdurdod lleol sy'n bodloni amodau rhagnodedig –
- (a) o ran perthynas â phlentyn a gafodd ei leoli, neu y disgwylir iddo gael ei leoli, ar gyfer ei fabwysiadu o dan gyfraith unrhyw ran o'r Deyrnas Unedig, a
 - (b) o ran perthynas â pherson y lleolir y plentyn gydag ef, neu y disgwylir iddo gael ei leoli gydag ef, ar gyfer ei fabwysiadu.
- (2) Mae gan yr aelod hawl i gyfnod o absenoldeb ("absenoldeb mabwysiadu newydd") at ddibenion –
- (a) gofalu am y plentyn, neu
 - (b) cynorthwyo'r person y mae'r aelod o'i herwydd yn bodloni'r amod o dan is-adran (1)(b).
- (3) Rhaid i reoliadau gynnwys darpariaeth ar gyfer penderfynu –
- (a) i ba raddau y mae gan aelod hawl i absenoldeb mabwysiadu newydd mewn cysylltiad â phlentyn;
 - (b) pryd y caniateir cymryd absenoldeb mabwysiadu newydd.
- (4) Ni chaniateir i reoliadau ddarparu i gyfnod o absenoldeb mabwysiadu newydd mewn cysylltiad â phlentyn fod yn hwy na dwy wythnos.
- (5) Rhaid i reoliadau ei gwneud yn ofynnol i absenoldeb mabwysiadu newydd gael ei gymryd cyn diwedd cyfnod rhagnodedig.
- (6) Rhaid i'r cyfnod hwnnw fod yn gyfnod o 56 o ddiwrnodau o leiaf sy'n dechrau ar ddyddiad lleoli'r plentyn ar gyfer ei fabwysiadu.
- (7) Caiff rheoliadau ragnodi amgylchiadau pan gaiff aelod o awdurdod lleol, neu pan gaiff yr awdurdod lleol –
- (a) terfynu cyfnod o absenoldeb mabwysiadu newydd, neu
 - (b) diddymu cyfnod o absenoldeb mabwysiadu newydd.
- (8) Caiff rheoliadau –

- (a) the extent of a member's entitlement to adopter's absence in respect of a child;
 - (b) when adopter's absence may be taken.
- (3) Regulations must not provide for a period of adopter's absence in respect of a child to exceed two weeks.
- (4) Regulations may allow a member to choose, subject to prescribed restrictions, the date on which a period of adopter's absence starts.
- (5) Regulations may prescribe circumstances in which a member of a local authority, or the local authority, may –
 - (a) bring a period of adopter's absence to an end, or
 - (b) cancel a period of adopter's absence.

27 New adoption absence

- (1) This section applies to a member of a local authority who satisfies prescribed conditions –
 - (a) as to relationship with a child placed, or expected to be placed, for adoption under the law of any part of the United Kingdom, and
 - (b) as to relationship with a person with whom the child is, or is expected to be, so placed for adoption.
- (2) The member is entitled to a period of absence (“new adoption absence”) for the purpose of –
 - (a) caring for the child, or
 - (b) supporting the person by reference to whom the member satisfies the condition under subsection (1)(b).
- (3) Regulations must include provision for determining –
 - (a) the extent of a member's entitlement to new adoption absence in respect of a child;
 - (b) when new adoption absence may be taken.
- (4) Regulations must not provide for a period of new adoption absence in respect of a child to exceed two weeks.
- (5) Regulations must require new adoption absence to be taken before the end of a prescribed period.
- (6) That period must be a period of at least 56 days beginning with the date of the child's placement for adoption.
- (7) Regulations may prescribe circumstances in which a member of a local authority, or the local authority, may –
 - (a) bring a period of new adoption absence to an end, or
 - (b) cancel a period of new adoption absence.
- (8) Regulations may –

- (a) (at ddibenion is-adran (2)) ragnodi pethau sydd i'w barnu neu beidio a'u barnu yn bethau sydd wedi eu gwneud at ddibenion gofalu am blentyn neu gynorthwyo person y lleolir plentyn gydag ef ar gyfer ei fabwysiadu;
 - (b) caniatáu i aelod ddewis, yn ddarostyngedig i gyfyngiadau rhagnodedig, y dyddiad pryd y bydd cyfnod o absenoldeb mabwysiadu newydd yn dechrau;
 - (c) gwneud darpariaeth sy'n eithrio'r hawl i fod yn absennol o dan yr adran hon yn achos aelod sy'n arfer hawl i fod yn absennol oherwydd absenoldeb mabwysiadu;
 - (d) gwneud darpariaeth sy'n eithrio hawl i absenoldeb mabwysiadu newydd mewn cysylltiad â phlentyn pan leolir mwy nag un plentyn ar gyfer ei fabwysiadu fel rhan o'r un trefniant;
 - (e) gwneud darpariaeth ynghylch sut y ceir cymryd absenoldeb mabwysiadu newydd.
- (9) Pan fo mwy nag un plentyn yn cael ei leoli ar gyfer ei fabwysiadu fel rhan o'r un trefniant, mae'r cyfeiriad yn is-adran (6) at y dyddiad y cafodd y plentyn ei leoli i'w ddarllen fel cyfeiriad at y dyddiad y cafodd y plentyn cyntaf ei leoli fel rhan o'r trefniant.
- (10) Yn yr adran hon, ystyr "wythnos" yw unrhyw gyfnod o saith niwrnod.
- (11) Caiff Gweinidogion Cymru drwy reoliadau ddarparu bod yr adran hon yn gymwys mewn perthynas ag achosion sy'n ymwneud â mabwysiadu, ond nid â lleoli plentyn ar gyfer ei fabwysiadu o dan gyfraith unrhyw ran o'r Deyrnas Unedig.

28 Absenoldeb rhiant

- (1) Mae'r adran hon yn gymwys i aelod o awdurdod lleol sy'n bodloni amodau rhagnodedig o ran—
- (a) ysgwyddo cyfrifoldeb am blentyn; neu
 - (b) disgwyl ysgwyddo cyfrifoldeb am blentyn.
- (2) Mae gan yr aelod hawl i gyfnod o absenoldeb ("absenoldeb rhiant") at ddibenion gofalu am y plentyn.
- (3) Rhaid i reoliadau gynnwys darpariaeth ar gyfer penderfynu—
- (a) i ba raddau y mae gan aelod hawl i absenoldeb rhiant mewn cysylltiad â phlentyn;
 - (b) pryd y caniateir cymryd yr absenoldeb rhiant.
- (4) Ni chaniateir i reoliadau ddarparu i absenoldeb rhiant mewn cysylltiad â phlentyn fod yn hwy na chyfnod o dri mis neu gyfanswm o dri mis.
- (5) Caiff darpariaeth o dan is-adran (3)(b) gyfeirio at y canlynol (ymhlith pethau eraill)—
- (a) oedran plentyn, neu
 - (b) cyfnod rhagnodedig o amser sy'n dechrau gyda digwyddiad rhagnodedig.
- (6) Caiff rheoliadau ragnodi amgylchiadau pan gaiff aelod o awdurdod lleol, neu pan gaiff yr awdurdod lleol—
- (a) terfynu cyfnod o absenoldeb rhiant, neu
 - (b) diddymu cyfnod o absenoldeb rhiant.

- (a) (for the purpose of subsection (2)) prescribe things which are, or are not, to be taken as done for the purpose of caring for a child or supporting a person with whom a child is placed for adoption;
 - (b) allow a member to choose, subject to prescribed restrictions, the date on which a period of new adoption absence starts;
 - (c) make provision excluding the right to be absent under this section in the case of a member who exercises a right to be absent on adopter's absence;
 - (d) make provision excluding an entitlement to new adoption absence in respect of a child where more than one child is placed for adoption as part of the same arrangement;
 - (e) make provision about how new adoption absence may be taken.
- (9) Where more than one child is placed for adoption as part of the same arrangement, the reference in subsection (6) to the date of the child's placement is to be read as a reference to the date of placement of the first child to be placed as part of the arrangement.
- (10) In this section, "week" means any period of seven days.
- (11) The Welsh Ministers may by regulations provide for this section to apply in relation to cases which involve adoption, but not the placement of a child for adoption under the law of any part of the United Kingdom.

28 Parental absence

- (1) This section applies to a member of a local authority who satisfies prescribed conditions as to—
- (a) having responsibility for a child, or
 - (b) expecting to have responsibility for a child.
- (2) The member is entitled to a period of absence ("parental absence") for the purpose of caring for the child.
- (3) Regulations must include provision for determining—
- (a) the extent of a member's entitlement to parental absence in respect of a child;
 - (b) when parental absence may be taken.
- (4) Regulations must not provide for parental absence in respect of a child to exceed a period, or a total period, of three months.
- (5) Provision under subsection (3)(b) may (amongst other things) refer to—
- (a) a child's age, or
 - (b) a prescribed period of time starting from a prescribed event.
- (6) Regulations may prescribe circumstances in which a member of a local authority, or the local authority, may—
- (a) bring a period of parental absence to an end, or
 - (b) cancel a period of parental absence.

(7) Caiff rheoliadau –

- (a) (at ddibenion is-adran (2)), ragnodi pethau sydd i'w barnu neu beidio a'u barnu yn bethau sydd wedi eu gwneud, at ddibenion gofalu am blentyn;
- (b) ei gwneud yn ofynnol bod absenoldeb rhiant yn cael ei gymryd fel un cyfnod o absenoldeb ym mhob achos neu mewn achosion penodedig;
- (c) ei gwneud yn ofynnol bod absenoldeb rhiant yn cael ei gymryd fel cyfres o gyfnodau o absenoldeb ym mhob achos neu mewn achosion rhagnodedig;
- (d) ei gwneud yn ofynnol bod yr holl gyfnod o absenoldeb rhiant neu rannau rhagnodedig ohono yn cael ei gymryd neu eu cymryd ar adegau rhagnodedig neu erbyn adegau rhagnodedig;
- (e) caniatáu i aelod ddewis, yn ddarostyngedig i gyfyngiadau rhagnodedig, y dyddiad y mae cyfnod o absenoldeb rhiant yn dechrau;
- (f) gwneud darpariaeth i awdurdod lleol ohirio cyfnod o absenoldeb rhiant y mae aelod yn dymuno ei gymryd;
- (g) rhagnodi cyfnod lleiaf o absenoldeb neu gyfnod mwyaf o absenoldeb y caniateir ei gymryd fel rhan o gyfnod absenoldeb rhiant;
- (h) rhagnodi uchafswm agregiad y cyfnodau o absenoldeb rhiant y caniateir eu cymryd yn ystod cyfnod rhagnodedig o amser.

29 Rheoliadau: atodol

Caiff rheoliadau o dan y Rhan hon –

- (a) gwneud darpariaeth ynghylch hysbysiadau sydd i'w rhoi, tystiolaeth sydd i'w dangos, cofnodion sydd i'w cadw a gweithdrefnau eraill sydd i'w dilyn gan aelod o awdurdod lleol neu gan awdurdod lleol;
- (b) gwneud darpariaeth ar gyfer canlyniadau methu â rhoi hysbysiadau, dangos tystiolaeth, cadw cofnodion neu gydymffurfio â gofynion gweithdrefnol eraill;
- (c) gwneud darpariaeth ar gyfer canlyniadau methu â gweithredu yn unol â hysbysiad a roddwyd yn rhinwedd paragraff (a);
- (d) gwneud darpariaeth yn rhoi hawl i aelod o awdurdod lleol (neu o'r weithrediaeth) i gyflwyno cwyn ynghylch penderfyniad gan awdurdod lleol i derfynu cyfnod o absenoldeb neu i ohirio neu ddiddymu cyfnod o absenoldeb;
- (e) gwneud darpariaeth mewn cysylltiad â hawl a roddir yn rhinwedd paragraff (d) gan gynnwys, ymhlith pethau eraill, ddarpariaeth ynghylch –
 - (i) ar ba sail y caniateir cyflwyno cwyn;
 - (ii) y person y caniateir cyflwyno cwyn iddo;
 - (iii) yr amodau gweithdrefnol i'w bodloni;
 - (iv) gwneud cwyn, penderfynu arni a'i heffaith;
- (f) gwneud darpariaeth o ran aelod o awdurdod lleol (neu o'r weithrediaeth) ynghylch i ba raddau –
 - (i) y caiff weithredu fel aelod o'r awdurdod (neu o'r weithrediaeth) yn ystod cyfnod o absenoldeb;

- (7) Regulations may –
- (a) (for the purpose of subsection (2)) prescribe things which are, or are not, to be taken as done for the purpose of caring for a child;
 - (b) require parental absence to be taken as a single period of absence in all cases or in prescribed cases;
 - (c) require parental absence to be taken as a series of periods of absence in all cases or in prescribed cases;
 - (d) require all or prescribed parts of a period of parental absence to be taken at or by prescribed times;
 - (e) allow a member to choose, subject to prescribed restrictions, the date on which a period of parental absence starts;
 - (f) make provision about the postponement by a local authority of a period of parental absence which a member wishes to take;
 - (g) prescribe a minimum or maximum period of absence which may be taken as part of a period of parental absence;
 - (h) prescribe a maximum aggregate of periods of parental absence which may be taken during a prescribed period of time.

29 Regulations: supplemental

Regulations under this Part may –

- (a) make provision about notices to be given, evidence to be produced, records to be kept and other procedures to be followed by a member of a local authority or a local authority;
- (b) make provision for the consequences of failure to give notices, to produce evidence, to keep records or to comply with other procedural requirements;
- (c) make provision for the consequences of failure to act in accordance with a notice given by virtue of paragraph (a);
- (d) make provision entitling a member of a local authority (or of the executive) to present a complaint about a decision by a local authority to bring a period of absence to an end or to postpone or cancel a period of absence;
- (e) make provision in connection with an entitlement conferred by virtue of paragraph (d) including, amongst other things, provision about –
 - (i) the grounds on which a complaint may be presented;
 - (ii) the person to whom a complaint may be presented;
 - (iii) procedural conditions to be satisfied;
 - (iv) the making, determination and effect of a complaint;
- (f) make provision about the extent to which a member of a local authority (or of the executive) –
 - (i) may act as a member of the authority (or the executive) during a period of absence;

- (ii) y mae ganddo hawl i unrhyw fanteision sy'n dod iddo drwy aelodaeth o'r awdurdod (neu o'r weithrediaeth) yn ystod cyfnod o absenoldeb;
- (iii) y mae'n rhwymedig o dan unrhyw ddyletswydd drwy aelodaeth o'r awdurdod (neu o'r weithrediaeth) yn ystod cyfnod o absenoldeb.

(g) cymhwyso deddfiad neu wneud addasiadau iddo.

30 Canllawiau

Wrth iddo arfer ei swyddogaethau, rhaid i awdurdod lleol roi sylw i ganllawiau a roddir gan Weinidogion Cymru mewn perthynas â hawliau aelodau o'r awdurdod o dan y Rhan hon.

31 Diwygio Deddf Llywodraeth Leol 1972

- (1) Diwygir adran 85 o Ddeddf Llywodraeth Leol 1972 (gadael swydd oherwydd methiant i fynychu cyfarfodydd) fel a ganlyn.
- (2) Ar ôl is-adran (3A) mewnosoder –
 - “(3B) Subsections (3C) and (3D) apply for the purpose of calculating the period of six consecutive months under subsection (1) or (2A).
 - (3C) Any period during which a member of a local authority in Wales is exercising a right to absence under Part 2 of the Local Government (Wales) Measure 2011 is to be disregarded.
 - (3D) The following two periods are to be treated as consecutive –
 - (a) the period during which a member of a local authority in Wales fails to attend meetings of the authority or, as the case may be, meetings of the executive that falls immediately before the period described in subsection (3C), and
 - (b) the period that falls immediately after the period described in subsection (3C).”.

32 Diwygio Deddf Llywodraeth Leol 2000

- (1) Diwygir adran 11 o Ddeddf Llywodraeth Leol 2000 (gweithrediaethau awdurdodau lleol) fel a ganlyn.
- (2) Ar ôl is-adran (8) ychwanegwch –
 - “(8A) For the purposes of subsection (8), no account is to be taken of a member appointed to the executive on a temporary basis to cover the absence of a member exercising a right to a family absence under Part 2 of the Local Government (Wales) Measure 2011.”.

33 Dehongli Rhan 2

Yn y Rhan hon –

mae “aelod o awdurdod lleol” (*“member of a local authority”*) yn cynnwys maer etholedig (o fewn ystyr adran 39(1) o Ddeddf Llywodraeth Leol 2000) neu aelod gweithrediaeth etholedig (o fewn ystyr adran 39(4) o'r Ddeddf honno) o'r awdurdod;

- (ii) is entitled to any benefits arising from membership of the authority (or the executive) during a period of absence;
 - (iii) is bound by any duty arising from membership of the authority (or the executive) during a period of absence.
- (g) apply, or make modifications of, an enactment.

30 Guidance

When exercising its functions, a local authority must have regard to guidance given by the Welsh Ministers in relation to the rights of members of the authority under this Part.

31 Amendment of Local Government Act 1972

- (1) Section 85 of the Local Government Act 1972 (vacation of office by failure to attend meetings) is amended as follows.
- (2) After subsection (3A) insert—
 - “(3B) Subsections (3C) and (3D) apply for the purpose of calculating the period of six consecutive months under subsection (1) or (2A).
 - (3C) Any period during which a member of a local authority in Wales is exercising a right to absence under Part 2 of the Local Government (Wales) Measure 2011 is to be disregarded.
 - (3D) The following two periods are to be treated as consecutive—
 - (a) the period during which a member of a local authority in Wales fails to attend meetings of the authority or, as the case may be, meetings of the executive that falls immediately before the period described in subsection (3C), and
 - (b) the period that falls immediately after the period described in subsection (3C).”.

32 Amendment of Local Government Act 2000

- (1) Section 11 of the Local Government Act 2000 (local authority executives) is amended as follows.
- (2) After subsection (8) insert—
 - “(8A) For the purposes of subsection (8), no account is to be taken of a member appointed to the executive on a temporary basis to cover the absence of a member exercising a right to a family absence under Part 2 of the Local Government (Wales) Measure 2011.”.

33 Interpretation of Part 2

In this Part—

- “executive” (“*gweithrediaeth*”) means any of the following—
- (a) a leader and cabinet executive (Wales);
 - (b) a mayor and cabinet executive;

ystyr “cyfarfod o'r awdurdod” (“*meeting of the authority*”) yw unrhyw un neu ragor o'r canlynol—

- (a) cyfarfod o'r awdurdod lleol;
- (b) cyfarfod o unrhyw bwyllgor neu is-bwyllgor i'r awdurdod;
- (c) cyfarfod o unrhyw gyd-bwyllgor, cyd-fwrdd neu gorff arall y mae swyddogaethau'r awdurdod ar y pryd yn cael eu cyflawni ganddo;
- (d) cyfarfod o unrhyw gorff a benodwyd i gynghori'r awdurdod ar unrhyw fater sy'n ymwneud â chyflawni swyddogaethau'r awdurdod;
- (e) cyfarfod o unrhyw gorff y mae'r awdurdod yn cael ei gynrychioli arno.

ystyr “cyfarfod o'r weithrediaeth” (“*meeting of the executive*”) yw unrhyw un neu ragor o'r canlynol—

- (a) cyfarfod o'r weithrediaeth;
- (b) cyfarfod o unrhyw bwyllgor i'r weithrediaeth;
- (c) cyflawni gan aelod sy'n gweithredu ar ei ben ei hun unrhyw swyddogaeth y mae gan y weithrediaeth gyfrifoldeb amdani;

ystyr “gweithrediaeth” (“*executive*”) yw unrhyw un o'r canlynol—

- (a) gweithrediaeth arweinydd a chabinet (Cymru);
- (b) gweithrediaeth maer a chabinet;

ystyr “rheoliadau” (“*regulations*”) yw rheoliadau a wnaed gan Weinidogion Cymru.

RHAN 3

TREFNIADAU LLYWODRAETHU SYDD AR GAEL

Gweithrediaeth maer a rheolwr cyngor

34 Diddymu gweithrediaeth maer a rheolwr cyngor

- (1) Diwygir Deddf Llywodraeth Leol 2000 fel a ganlyn.
- (2) Yn adran 11 (gweithrediaethau llywodraeth leol)—
 - (a) hepgorer is-adran (4) (gweithrediaeth maer a rheolwr cyngor);
 - (b) yn is-adran (10)—
 - (i) hepgorer “or an officer”;
 - (ii) hepgorer “or (4)(b)”.
- (3) Hepgorer adran 16.
- (4) Yn adran 26 (cynigion nad yw refferendwm yn ofynnol ar eu cyfer), yn is-adran (2)—
 - (a) ar ddiwedd paragraff (a) mewnosoder “or”;
 - (b) hepgorer paragraff (b).

“meeting of the authority” (“*cyfarfod o'r awrdurdod*”) means any of the following—

- (a) a meeting of the local authority;
- (b) a meeting of any committee or sub-committee of the authority;
- (c) a meeting of any joint-committee, joint board or other body by whom for the time being functions of the authority are being discharged;
- (d) a meeting of any body appointed to advise the authority on any matter relating to the discharge of the authority's functions;
- (e) a meeting of any body at which the authority is represented.

“meeting of the executive” (“*cyfarfod o'r weithrediaeth*”) means any of the following—

- (a) a meeting of the executive;
- (b) a meeting of any committee of the executive;
- (c) discharge by a member, acting alone, of any function which is the responsibility of the executive;

“member of a local authority” (“*aelod o awrdurdod lleol*”) includes an elected mayor (within the meaning of section 39(1) of the Local Government Act 2000) or elected executive member (within the meaning of section 39(4) of that Act) of the authority;

“regulations” (“*rheoliadau*”) means regulations made by the Welsh Ministers.

PART 3

AVAILABLE GOVERNANCE ARRANGEMENTS

Mayor and council manager executive

34 Abolition of mayor and council manager executive

- (1) The Local Government Act 2000 is amended as follows.
- (2) In section 11 (local authority executives)—
 - (a) omit subsection (4) (mayor and council manager executive);
 - (b) in subsection (10)—
 - (i) omit “or an officer”;
 - (ii) omit “or (4)(b)”.
- (3) Omit section 16.
- (4) In section 26 (proposals not requiring referendum), in subsection (2)—
 - (a) at the end of paragraph (a) insert “or”;
 - (b) omit paragraph (b).

- (5) Yn adran 48 (dehongli Rhan 2), yn is-adran (1), hepgorer y diffiniad o "council manager".
- (6) Yn Atodlen 1 (trefniadau gweithrediaeth: darpariaeth bellach), hepgorer paragraff 3.
- (7) Yn Neddf Llywodraeth Leol 1972 –
- (a) yn adran 21 (cyfansoddiad prif gynghorau yng Nghymru), yn is-adran (1A), hepgorer "or a mayor and council manager executive";
 - (b) yn adran 22 (y cadeirydd), yn is-adran (4A), hepgorer "or a mayor and council manager executive";
 - (c) yn adran 25A (teitl cadeirydd neu is-gadeirydd cyngor bwrdeistref sirol), yn is-adran (3), hepgorer "or a mayor and council manager executive";
 - (d) yn adran 245 (statws dosbarthau, plwyfi a chymunedau penodol), yn is-adrannau (1A) a (4A), hepgorer "or a mayor and council manager executive";
 - (e) yn adran 270 (darpariaethau cyffredinol ynglŷn â dehongli), yn is-adran (1), yn y diffiniad ""mayor and cabinet executive" and "mayor and council manager executive"" hepgorer "and "mayor and council manager executive"".
- (8) Yn Neddf Llywodraeth Leol a Thai 1989 –
- (a) yn adran 5 (dynodiad ac adroddiadau'r swyddog monitro), yn is-adran (3)(b), hepgorer y geiriau o "and, in a case where" hyd at ddiwedd paragraff (b);
 - (b) yn adran 5A (adroddiadau'r swyddog monitro – awdurdodau lleol yn gweithredu trefniadau gweithrediaeth), yn is-adran (5)(b), hepgorer y geiriau o "and, where" hyd at ddiwedd paragraff (b);
 - (c) yn adran 13 (hawliau pleidleisio aelodau o bwyllgorau penodol: Cymru a Lloegr) –
 - (i) hepgorer is-adran (5A);
 - (ii) yn is-adran (9), hepgorer "and "mayor and council manager executive"";
 - (d) yn adran 21 (dehongli Rhan 1), yn is-adran (3), hepgorer ""council manager"" a "and "mayor and council manager executive"".
- (9) Yn adran 106 o Ddeddf Cyllid Llywodraeth Leol 1992 (treth gyngor a thâl cymunedol: cyfyngiadau ar bleidleisio) –
- (a) yn is-adran (1), hepgorer "or a council manager within the meaning of section 11(4)(b) of the Local Government Act 2000";
 - (b) yn is-adran (2), hepgorer "or a council manager".

Trefniadau amgen

35 Awdurdodau i roi trefniadau gweithrediaeth yn lle trefniadau amgen

- (1) Rhaid i awdurdod lleol sy'n gweithredu trefniadau amgen –
- (a) rhoi'r gorau i weithredu trefniadau amgen, a
 - (b) dechrau gweithredu trefniadau gweithrediaeth.
- (2) Mae Atodlen 1 yn cynnwys darpariaeth sy'n ychwanegu at yr adran hon.

-
- (5) In section 48 (interpretation of Part 2), in subsection (1), omit the definition of “council manager”.
- (6) In Schedule 1 (executive arrangements: further provision), omit paragraph 3.
- (7) In the Local Government Act 1972—
- (a) in section 21 (constitution of principal councils in Wales), in subsection (1A), omit “or a mayor and council manager executive”;
 - (b) in section 22 (chairman), in subsection (4A), omit “or a mayor and council manager executive”;
 - (c) in section 25A (title of chairman or vice-chairman of county borough council), in subsection (3), omit “or a mayor and council manager executive”;
 - (d) in section 245 (status of certain districts, parishes and communities), in subsections (1A) and (4A), omit “or a mayor and council manager executive”;
 - (e) in section 270 (general provisions as to interpretation), in subsection (1), in the definition ““mayor and cabinet executive” and “mayor and council manager executive”” omit “and “mayor and council manager executive””.
- (8) In the Local Government and Housing Act 1989—
- (a) in section 5 (designation and reports of monitoring officer), in subsection (3)(b), omit the words from “and, in a case where” to the end of paragraph (b);
 - (b) in section 5A (reports of monitoring officer – local authorities operating executive arrangements), in subsection (5)(b), omit the words from “and, where” to the end of paragraph (b);
 - (c) in section 13 (voting rights of members of certain committees: England and Wales)—
 - (i) omit subsection (5A);
 - (ii) in subsection (9), omit “and “mayor and council manager executive””;
 - (d) in section 21 (interpretation of Part 1), in subsection (3), omit ““council manager”” and “and “mayor and council manager executive””.
- (9) In section 106 of the Local Government Finance Act 1992 (council tax and community charge: restrictions on voting)—
- (a) in subsection (1), omit “or a council manager within the meaning of section 11(4)(b) of the Local Government Act 2000”;
 - (b) in subsection (2), omit “or a council manager”.

Alternative arrangements

35 Authorities to replace alternative arrangements with executive arrangements

- (1) A local authority that is operating alternative arrangements must—
- (a) cease to operate alternative arrangements, and
 - (b) start to operate executive arrangements.
- (2) Schedule 1 contains provision supplementing this section.

- (3) Wrth gydymffurfio â'r adran hon ac ag Atodlen 1, rhaid i awdurdod lleol gydymffurfio â chyfarwyddiadau a roddir gan Weinidogion Cymru.

36 Darpariaeth ganlyniadol etc

- (1) Yn Neddf Llywodraeth Leol 2000—
- (a) yn adran 29 (gweithredu trefniadau gweithrediaeth a rhoi cyhoeddusrwydd iddynt), hepgorer is-adran (3);
 - (b) yn adran 31 (trefniadau amgen yn achos awdurdodau lleol penodol), o flaen is-adran (1) mewnosoder—
“(A1) In this section references to a local authority are references to a local authority in England.”;
 - (c) yn adran 32 (trefniadau amgen), o flaen is-adran (1) mewnosoder—
“(A1) In this section references to a local authority are references to a local authority in England.”;
 - (d) hepgorer adran 33 (gweithredu trefniadau amgen);
 - (e) yn adran 34 (refferendwm yn dilyn deiseb), yn is-adran (3), yn lle “29 or 33” rhodder “or 29”;
 - (f) yn adran 35 (refferendwm yn dilyn cyfarwyddyd), yn is-adran (3), yn lle “29 or 33” rhodder “or 29”;
 - (g) yn adran 36 (refferendwm yn dilyn gorchymyn), yn is-adran (3), yn lle “29 or 33” rhodder “or 29”.
- (2) Yn y Mesur hwn, hepgorer adran 87(3).
- (3) Yn Neddf Llywodraeth Leol 1972—
- (a) yn adran 70 (cyfyngu ar hybu Mesurau seneddol i newid ardaloedd llywodraeth leol, etc), yn is-adran (3), hepgorer “or alternative arrangements”;
 - (b) yn adran 270 (darpariaethau cyffredinol ynglŷn â dehongli), yn is-adran (1) hepgorer y diffiniad o “alternative arrangements”.
- (4) Dirymir y rheoliadau a ganlyn—
- (a) Rheoliadau Awdurdodau Lleol (Cynigion ar gyfer Trefniadau Amgen) (Cymru) 2001 (O.S 2001/2293);
 - (b) Rheoliadau Awdurdodau Lleol (Newid Trefniadau Gweithrediaeth a Threfniadau Amgen) (Cymru) 2004 (O.S. 2004/3158);
 - (c) Rheoliadau Awdurdodau Lleol (Trefniadau Amgen) (Cymru) 2007 (O.S. 2007/397).
- (5) Nid yw is-adrannau (1) i (4) yn atal awdurdod lleol sy'n gweithredu trefniadau amgen ar y dyddiad cychwyn rhag parhau i weithredu'r trefniadau hynny ar y diwrnod hwnnw ac wedi hynny.
- (6) Nid yw is-adrannau (1) i (4) yn cael effaith mewn perthynas ag awdurdod lleol os yw'r awdurdod lleol yn parhau i weithredu trefniadau amgen ar y dyddiad cychwyn ac wedi hynny, ac am gyhyd ag y pery i wneud hynny.
- (7) Nid yw is-adrannau (5) ac (6) yn effeithio ar ddyletswydd awdurdod lleol o dan adran 35.

- (3) In complying with this section and Schedule 1, a local authority must comply with directions given by the Welsh Ministers.

36 Consequential provision etc

- (1) In the Local Government Act 2000—
- (a) in section 29 (operation of, and publicity for, executive arrangements), omit subsection (3);
 - (b) in section 31 (alternative arrangements in case of certain local authorities), before subsection (1) insert—
“(A1) In this section references to a local authority are references to a local authority in England.”;
 - (c) in section 32 (alternative arrangements), before subsection (1) insert—
“(A1) In this section references to a local authority are references to a local authority in England.”;
 - (d) omit section 33 (operation of alternative arrangements);
 - (e) in section 34 (referendum following petition), in subsection (3), for “29 or 33” substitute “or 29”;
 - (f) in section 35 (referendum following direction), in subsection (3), for “29 or 33” substitute “or 29”;
 - (g) in section 36 (referendum following order), in subsection (3), for “29 or 33” substitute “or 29”.
- (2) In this Measure, omit section 87(3).
- (3) In the Local Government Act 1972—
- (a) in section 70 (restriction on promotion of Bills for changing local government areas, etc), in subsection (3), omit “or alternative arrangements”;
 - (b) in section 270 (general provisions as to interpretation), in subsection (1) omit the definition of “alternative arrangements”.
- (4) The following regulations are revoked—
- (a) the Local Authorities (Proposals for Alternative Arrangements) (Wales) Regulations 2001 (S.I. 2001/2293);
 - (b) the Local Authorities (Changing Executive Arrangements and Alternative Arrangements) (Wales) Regulations 2004 (S.I. 2004/3158);
 - (c) the Local Authorities (Alternative Arrangements) (Wales) Regulations 2007 (S.I. 2007/397).
- (5) Subsections (1) to (4) do not prevent a local authority which is operating alternative arrangements on the commencement day from continuing to operate those arrangements on and after that day.
- (6) Subsections (1) to (4) do not have effect in relation to a local authority if, and for as long as, the local authority continues to operate alternative arrangements on and after the commencement day.
- (7) Subsections (5) and (6) do not affect a local authority's duty under section 35.

- (8) Yn yr adran hon, ystyr “dyddiad cychwyn” mewn perthynas â diwygiad a wneir gan yr adran hon, yw'r dyddiad y daw'r diwygiad hwnnw i rym.

RHAN 4

NEWIDIADAU MEWN TREFNIADAU GWEITHREDIAETH

PENNOD 1

MABWYSIADU FFURF WAHANOL AR WEITHREDIAETH

Darpariaethau cyffredinol

37 Y pŵer i fabwysiadu ffurf wahanol ar weithrediaeth

- (1) Caiff awdurdod lleol sy'n gweithredu trefniadau gweithrediaeth –
- (a) amrywio trefniadau neu osod trefniadau yn lle'r rhai presennol fel bod ei drefniadau gweithrediaeth yn darparu ar gyfer ffurf wahanol ar weithrediaeth, a
 - (b) os yw'n gwneud amrywiad o'r fath i'r trefniadau, caiff amrywio'r trefniadau mewn ffyrdd eraill (os bydd rhai) sy'n briodol yn ei dyb ef.
- (2) Mae'r pwerau a roddir gan is-adran (1) yn arferadwy'n unol â darpariaethau canlynol y Bennod hon.
- (3) Ni chaiff awdurdod lleol ddefnyddio'r pŵer a roddir gan is-adran (1)(a) i amrywio ei drefniadau gweithrediaeth neu i roi trefniadau yn eu lle fwy nag unwaith mewn unrhyw gylch etholiadol.
- (4) At y diben hwnnw, bernir bod awdurdod lleol yn defnyddio'r pŵer a roddir gan is-adran (1)(a) ar yr adeg pan fo'r awdurdod yn pasio penderfyniad o dan adran 38.
- (5) Yn yr adran hon, ystyr “cylch etholiadol”, mewn perthynas ag awdurdod lleol, yw pob cyfnod –
- (a) sy'n dechrau gydag etholiadau cyffredin i'r awdurdod, a
 - (b) sy'n dod i ben gyda'r etholiadau cyffredin nesaf i'r awdurdod.
- (6) I gael y diffiniad o “ffurf ar weithrediaeth”, gweler adran 53.

38 Y cynigion ar gyfer mabwysiadu ffurf wahanol ar weithrediaeth

- (1) Rhaid i'r awdurdod lleol lunio cynigion i amrywio ei drefniadau gweithrediaeth neu i roi trefniadau yn eu lle, a'u cymeradwyo drwy benderfyniad (os bwriedir defnyddio'r pwerau a roddir gan adran 37).
- (2) Wrth lunio'r cynigion, rhaid i'r awdurdod lleol ystyried i ba raddau y bydd y cynigion yn debygol, os rhoddir hwy ar waith, o gynorthwyo i sicrhau gwelliant parhaus yn y ffordd y mae swyddogaethau'r awdurdod yn cael eu harfer, gan roi sylw i gyfuniad o ddarbodaeth, effeithlonrwydd ac effeithiolrwydd.
- (3) Rhaid i'r awdurdod lleol anfon at Weinidogion Cymru –
- (a) copi o'r cynigion a gymeradwywyd ganddo, a

- (8) In this section “commencement day”, in relation to an amendment made by this section, means the day on which that amendment comes into force.

PART 4

CHANGES TO EXECUTIVE ARRANGEMENTS

CHAPTER 1

ADOPTING A DIFFERENT FORM OF EXECUTIVE

General provisions

37 Power to adopt a different form of executive

- (1) A local authority which is operating executive arrangements—
- (a) may vary or replace the arrangements so that its executive arrangements provide for a different form of executive, and
 - (b) if it makes such a variation of the arrangements, may vary the arrangements in such other respects (if any) as it considers appropriate.
- (2) The powers conferred by subsection (1) are exercisable in accordance with the following provisions of this Chapter.
- (3) A local authority may not use the power conferred by subsection (1)(a) to vary or replace its executive arrangements more than once in any electoral cycle.
- (4) For that purpose, a local authority is to be taken to use the power conferred by subsection (1)(a) at the time when the authority passes a resolution under section 38.
- (5) In this section “electoral cycle”, in relation to a local authority, means each period that—
- (a) begins with ordinary elections to the authority, and
 - (b) ends with the next ordinary elections to the authority.
- (6) For the definition of “form of executive”, see section 53.

38 Proposals for adopting a different form of executive

- (1) The local authority must draw up, and approve by resolution, proposals to vary or replace its executive arrangements (if it is intended to use the powers conferred by section 37).
- (2) In drawing up the proposals, the local authority must consider the extent to which the proposals, if implemented, are likely to assist in securing continuous improvement in the way in which the authority's functions are exercised, having regard to a combination of economy, efficiency and effectiveness.
- (3) The local authority must send the Welsh Ministers—
- (a) a copy of the proposals that it has approved, and

- (b) (gyda'r copi o'r cynigion) ddatganiad sy'n disgrifio'r rhesymau pam bod yr awdurdod o'r farn y byddai ei gynigion yn debygol, pe byddent yn cael eu rhoi ar waith, o sicrhau bod penderfyniadau'r awdurdod yn cael eu gwneud mewn ffordd effeithlon, dryloyw ac atebol.
- (4) Rhaid i Weinidogion Cymru benderfynu ai i gymeradwyo'r cynigion ai peidio.
- (5) Rhaid i Weinidogion Cymru hysbysu'r awdurdod lleol yn ysgrifenedig am eu penderfyniad.
- (6) Os yw Gweinidogion Cymru'n rhoi hysbysiad am benderfyniad i beidio â chymeradwyo'r cynigion, rhaid i'r awdurdod lleol beidio â chymryd unrhyw gamau pellach i roi'r cynigion ar waith ar ôl i'r hysbysiad gael ei roi.

39 Cynnwys y cynigion

Rhaid i gynigion awdurdod lleol gynnwys pob un o'r canlynol—

- (a) datganiad ynghylch i ba raddau y mae'r weithrediaeth i fod yn gyfrifol am swyddogaethau a bennir mewn rheoliadau o dan adran 13(3)(b) o Ddeddf Llywodraeth Leol 2000 o dan y trefniadau gweithrediaeth arfaethedig,
- (b) amserlen mewn cysylltiad â rhoi'r cynigion ar waith, ac
- (c) manylion am unrhyw drefniadau trosiannol sy'n angenrheidiol ar gyfer rhoi'r cynigion ar waith.

40 Refferenda

- (1) Rhaid i'r cynigion ddarparu bod newid mewn trefniadau gweithrediaeth yn ddarostyngedig i'w gymeradwyo mewn refferendwm os yw'r newid mewn trefniadau gweithrediaeth yn un y mae'n ofynnol ei gymeradwyo mewn refferendwm.
- (2) Ond, mewn unrhyw achos arall, ni chaiff y cynigion ddarparu bod newid mewn trefniadau gweithrediaeth yn ddarostyngedig i'w gymeradwyo mewn refferendwm.
- (3) Am ddarpariaeth ynghylch refferenda o dan yr adran hon, gweler adran 45 o Ddeddf Llywodraeth Leol 2000.

41 Yr amserlen ar gyfer rhoi'r cynigion ar waith: dim refferendwm

- (1) Mae'r adran hon yn gymwys i gynigion awdurdod lleol os nad yw newid mewn trefniadau gweithrediaeth yn ddarostyngedig i'w gymeradwyo mewn refferendwm.
- (2) Rhaid i'r amserlen mewn cysylltiad â rhoi'r cynigion ar waith fod yn un sy'n sicrhau bod yr awdurdod lleol yn gwneud y newid mewn trefniadau gweithrediaeth heb fod yn hwyrach na diwedd y cyfnod o chwe mis sy'n dechrau ar y diwrnod y bydd yr awdurdod lleol yn anfon y copi o'r cynigion at Weinidogion Cymru.

42 Yr amserlen ar gyfer rhoi'r cynigion ar waith: refferendwm

- (1) Mae'r adran hon yn gymwys i gynigion awdurdod lleol os yw'r ffurf arfaethedig ar weithrediaeth yn ddarostyngedig i'w chymeradwyo mewn refferendwm.
- (2) Rhaid i'r amserlen mewn cysylltiad â rhoi'r cynigion ar waith gydymffurfio ag is-adrannau (3) a (4).
- (3) Rhaid i'r amserlen fod yn un sy'n sicrhau y bydd yr awdurdod lleol yn cynnal y refferendwm o fewn y cyfnod—

- (b) (with the copy of the proposals) a statement which describes the reasons why the authority considers that its proposals would be likely, if implemented, to ensure that decisions of the authority are taken in an efficient, transparent and accountable way.
- (4) The Welsh Ministers must decide whether to approve, or not approve, the proposals.
- (5) The Welsh Ministers must give the local authority notice in writing of their decision.
- (6) If the Welsh Ministers give notice of a decision not to approve the proposals, the local authority must not take any further steps to implement the proposals after the notice is given.

39 Contents of proposals

A local authority's proposals must include all of the following—

- (a) a statement of the extent to which functions specified in regulations under section 13(3)(b) of the Local Government Act 2000 are to be the responsibility of the executive under the proposed executive arrangements,
- (b) a timetable with respect to the implementation of the proposals, and
- (c) details of any transitional arrangements which are necessary for the implementation of the proposals.

40 Referendums

- (1) The proposals must provide for the change of executive arrangements to be subject to approval in a referendum if the change of executive arrangements is one that requires approval in a referendum.
- (2) But, in any other case, the proposals may not provide for the change of executive arrangements to be subject to approval in a referendum.
- (3) For provision about referendums under this section, see section 45 of the Local Government Act 2000.

41 Timetable for implementation of proposals: no referendum

- (1) This section applies to a local authority's proposals if the change of executive arrangements is not subject to approval in a referendum.
- (2) The timetable with respect to the implementation of the proposals must be such as to secure that the local authority makes the change of executive arrangements no later than the end of the period of six months beginning with the day on which the local authority sends the Welsh Ministers the copy of the proposals.

42 Timetable for implementation of proposals: referendum

- (1) This section applies to a local authority's proposals if the proposed form of executive is subject to approval in a referendum.
- (2) The timetable with respect to the implementation of the proposals must comply with subsections (3) and (4).
- (3) The timetable must be such as to secure that the local authority will hold the referendum within the period that—

- (a) sy'n dechrau ddeufis, a
- (b) sy'n dod i ben chwe mis

ar ôl y diwrnod y bydd yr awdurdod lleol yn anfon y copi o'r cynigion at Weinidogion Cymru.

- (4) Rhaid i'r amserlen fod yn un sy'n sicrhau y bydd yr awdurdod lleol, os canlyniad y refferendwm yw cymeradwyo newid mewn trefniadau gweithrediaeth, yn gwneud y newid hwnnw cyn pen cyfnod o chwe mis sy'n dechrau ar y diwrnod y cynhelir y refferendwm.

43 Cyhoeddusrwydd i'r cynigion

- (1) Mae'r adran hon yn gymwys i awdurdod lleol sydd wedi cymeradwyo cynigion drwy benderfyniad.
- (2) Rhaid i'r awdurdod lleol sicrhau bod copïau o ddogfen sy'n nodi darpariaethau'r trefniadau gweithrediaeth arfaethedig ar gael yn ei brif swyddfa i'w harchwilio gan y cyhoedd ar bob adeg resymol.
- (3) Rhaid i'r awdurdod lleol gyhoeddi hysbysiad –
 - (a) sy'n datgan bod yr awdurdod lleol wedi penderfynu gweithredu'r trefniadau gweithrediaeth arfaethedig,
 - (b) os yw'r ffurf arfaethedig ar weithrediaeth yn ddarostyngedig i'w chymeradwyo mewn refferendwm, sy'n datgan –
 - (i) ei bod yn ddarostyngedig i'r gymeradwyaeth honno, a
 - (ii) dyddiad y refferendwm,
 - (c) sy'n datgan y dyddiad y mae'r awdurdod lleol yn bwriadu dechrau gweithredu'r trefniadau hynny,
 - (d) sy'n disgrifio prif nodweddion y trefniadau hynny,
 - (e) sy'n datgan bod copïau o ddogfen sy'n nodi darpariaethau'r trefniadau hynny ar gael ym mhrif swyddfa'r awdurdod lleol i'w harchwilio gan y cyhoedd ar yr adegau a bennir yn yr hysbysiad, ac
 - (f) sy'n rhoi cyfeiriad prif swyddfa'r awdurdod lleol.
- (4) Rhaid i'r awdurdod lleol gydymffurfio ag is-adrannau (2) a (3) cyn gynted ag y bo'n ymarferol ar ôl iddo basio'r penderfyniad yn cymeradwyo'r cynigion.

44 Rhoi'r cynigion ar waith

- (1) Rhaid i awdurdod lleol roi ei gynigion ar waith yn unol â'r amserlen sydd wedi ei chynnwys yn y cynigion.
- (2) Ond o ran newid mewn trefniadau gweithrediaeth –
 - (a) os yw'n ddarostyngedig i'w gymeradwyo mewn refferendwm, a
 - (b) os nad yw'n cael ei gymeradwyo yn y refferendwm,
 ni chaniateir i'r awdurdod lleol roi'r newid ar waith.

45 Camau gweithredu os yw'r newid yn cael ei wrthod mewn refferendwm

- (1) Mae'r adran hon yn gymwys i awdurdod lleol –

- (a) begins two months after, and
- (b) ends six months after,

the day on which the local authority sends the Welsh Ministers the copy of the proposals.

- (4) The timetable must be such as to secure that, if the result of the referendum is to approve the change of executive arrangements, the local authority will make that change within the period of six months beginning with the day on which the referendum is held.

43 Publicity for proposals

- (1) This section applies to a local authority which has approved proposals by a resolution.
- (2) The local authority must secure that copies of a document setting out the provisions of the proposed executive arrangements are available at its principal office for inspection by members of the public at all reasonable times.
- (3) The local authority must publish a notice which—
 - (a) states that the local authority has resolved to operate the proposed executive arrangements,
 - (b) if the proposed form of executive is subject to approval in a referendum, states—
 - (i) that it is subject to such approval, and
 - (ii) the date of the referendum,
 - (c) states the date on which the local authority intends to begin operating those arrangements,
 - (d) describes the main features of those arrangements,
 - (e) states that copies of a document setting out the provisions of those arrangements are available at the local authority's principal office for inspection by members of the public at such times as may be specified in the notice, and
 - (f) specifies the address of the local authority's principal office.
- (4) The local authority must comply with subsections (2) and (3) as soon as practicable after it passes the resolution approving the proposals.

44 Implementing proposals

- (1) A local authority must implement its proposals in accordance with the timetable included in the proposals.
- (2) But if the change of executive arrangements—
 - (a) is subject to approval in a referendum, and
 - (b) is not approved by the referendum,the local authority must not implement the change.

45 Action if referendum rejects change

- (1) This section applies to a local authority if the change of executive arrangements—

- (a) os yw'r newid mewn trefniadau gweithrediaeth yn ddarostyngedig i'w gymeradwyo mewn refferendwm, a
 - (b) os nad yw'r newid mewn trefniadau gweithrediaeth yn cael ei gymeradwyo yn y refferendwm.
- (2) Rhaid i'r awdurdod lleol gyhoeddi hysbysiad –
- (a) sy'n crynhoi cynigion yr awdurdod lleol a oedd yn destun y refferendwm,
 - (b) sy'n datgan bod refferendwm ar gynigion yr awdurdod lleol wedi gwrthod y cynigion hynny, ac
 - (c) sy'n datgan y bydd yr awdurdod lleol yn parhau i weithredu'r ffurf ar weithrediaeth y darperir ar ei chyfer gan ei drefniadau gweithrediaeth presennol.
- (3) Rhaid i'r awdurdod lleol gydymffurfio ag is-adran (2) cyn gynted ag y bo'n ymarferol ar ôl y refferendwm.

Dehongli

46 **Newid mewn trefniadau gweithrediaeth y mae'n ofynnol ei gymeradwyo mewn refferendwm.**

At ddibenion y Bennod hon, bydd yn ofynnol cymeradwyo newid mewn trefniadau gweithrediaeth mewn refferendwm os gweithrediaeth maer a chabinet yw –

- (a) ffurf bresennol y weithrediaeth, neu
- (b) ffurf arfaethedig y weithrediaeth.

47 **Dehongli**

Yn y Bennod hon –

ystyr “cynigion” (*“proposals”*) yw cynigion o dan adran 38;

ystyr “ffurf arfaethedig ar weithrediaeth” (*“proposed form of executive”*) yw'r ffurf ar weithrediaeth y mae awdurdod lleol, yn ei gynigion, yn arfaethu dechrau ei gweithredu;

ystyr “ffurf bresennol ar weithrediaeth” (*“existing form of executive”*) yw'r ffurf ar weithrediaeth sy'n cael ei gweithredu gan awdurdod lleol sy'n gwneud cynigion;

ystyr “newid mewn trefniadau gweithrediaeth” (*“change of executive arrangements”*) yw'r newid mewn trefniadau gweithrediaeth a gynigir yn y cynigion.

PENNOD 2

AMRYWIADAU ERAILL AR DREFNIADAU GWEITHREDIAETH PRESENNOL

48 **Y pŵer i amrywio'r ffurf bresennol ar weithrediaeth**

- (1) Caiff awdurdod lleol sy'n gweithredu trefniadau gweithrediaeth amrywio'r trefniadau fel eu bod –
- (a) yn wahanol i'r trefniadau presennol ar unrhyw agwedd, ond

- (a) is subject to approval in a referendum, and
 - (b) is not approved in the referendum.
- (2) The local authority must publish a notice which—
- (a) summarises the local authority's proposals which were the subject of the referendum,
 - (b) states that a referendum on the local authority's proposals rejected those proposals, and
 - (c) states that the local authority will continue to operate the form of executive provided for by its existing executive arrangements.
- (3) The local authority must comply with subsection (2) as soon as practicable after the referendum.

Interpretation

46 Changes of executive arrangements requiring approval in a referendum

For the purposes of this Chapter, a change of executive arrangements requires approval in a referendum if—

- (a) the existing form of executive, or
 - (b) the proposed form of executive,
- is a mayor and cabinet executive.

47 Interpretation

In this Chapter—

“existing form of executive” (*“ffurfbresenol ar weithrediaeth”*) means the form of executive operated by a local authority which makes proposals;

“change of executive arrangements” (*“newid mewn trefniadau gweithrediaeth”*) means the change of executive arrangements proposed in proposals;

“proposals” (*“cynigion”*) means proposals under section 38;

“proposed form of executive” (*“ffurf arfaethedig ar weithrediaeth”*) means the form of executive which a local authority is, in proposals, proposing to begin operating.

CHAPTER 2

OTHER VARIATIONS OF EXISTING EXECUTIVE ARRANGEMENTS

48 Power to vary the existing form of executive

- (1) A local authority which is operating executive arrangements may vary the arrangements so that they—
- (a) differ from the existing arrangements in any respect, but

- (b) yn dal i ddarparu ar gyfer yr un ffurf ar weithrediaeth.
- (2) Mae'r pŵer a roddir gan is-adran (1) yn arferadwy yn unol â'r darpariaethau a ganlyn yn y Bennod hon.
- (3) Am y diffiniad o "ffurf ar weithrediaeth", gweler adran 53.

49 Y cynigion ar gyfer amrywio'r ffurf ar weithrediaeth

- (1) Rhaid i'r awdurdod lleol lunio cynigion i amrywio ei drefniadau gweithrediaeth, a'u cymeradwyo drwy benderfyniad (os bwriedir defnyddio'r pwerau a roddir gan adran 48).
- (2) Ond, os yw'r awdurdod lleol yn gweithredu gweithrediaeth maer a chabinet, ni chaiff yr awdurdod lleol gymeradwyo cynigion i amrywio ei drefniadau gweithrediaeth onid yw'r maer etholedig wedi rhoi cydsyniad ysgrifenedig i'r newid arfaethedig.

50 Cynnwys y cynigion

Rhaid i gynigion awdurdod lleol gynnwys pob un o'r canlynol—

- (a) amserlen mewn cysylltiad â rhoi'r cynigion ar waith, a
- (b) manylion unrhyw drefniadau trosiannol sy'n angenrheidiol er mwyn rhoi'r cynigion ar waith.

51 Rhoi'r cynigion ar waith

Rhaid i awdurdod lleol roi ei gynigion ar waith yn unol â'r amserlen sydd wedi ei chynnwys yn y cynigion.

PENNOD 3

ATODOL

52 Y pwerau sy'n caniatáu amrywio pwerau gweithrediaeth

Ni chaniateir i awdurdod lleol sy'n gweithredu trefniadau gweithrediaeth amrywio'r trefniadau hynny neu roi trefniadau yn lle'r trefniadau hynny ac eithrio fel a ddarperir yn—

- (a) Pennod 1 neu 2 o'r Rhan hon, neu
- (b) rheoliadau o dan adran 34, 35 neu 36 o Ddeddf Llywodraeth Leol 2000.

53 Ffurfiâu ar weithrediaeth

At ddibenion y Rhan hon, mae pob un o'r canlynol yn ffurf ar weithrediaeth—

- (a) gweithrediaeth arweinydd a chabinet (Cymru);
- (b) gweithrediaeth maer a chabinet.

54 Darpariaeth ganlyniadol etc

- (1) Diwygir Deddf Llywodraeth Leol 2000 fel a ganlyn.
- (2) Hepgorer adran 30 (gweithredu gwahanol drefniadau gweithrediaeth).

- (b) still provide for the same form of executive.
- (2) The power conferred by subsection (1) is exercisable in accordance with the following provisions of this Chapter.
- (3) For the definition of “form of executive”, see section 53.

49 Proposals for varying the form of executive

- (1) The local authority must draw up, and approve by resolution, proposals to vary its executive arrangements (if it is intended to use the powers conferred by section 48).
- (2) But, if the local authority is operating a mayor and cabinet executive, the local authority may not approve proposals for varying its executive arrangements unless the elected mayor has given written consent to the proposed change.

50 Contents of proposals

A local authority's proposals must include all of the following –

- (a) a timetable with respect to the implementation of the proposals, and
- (b) details of any transitional arrangements which are necessary for the implementation of the proposals.

51 Implementing proposals

A local authority must implement its proposals in accordance with the timetable included in the proposals.

CHAPTER 3

SUPPLEMENTARY

52 Powers under which executive arrangements may be varied

A local authority which is operating executive arrangements may not vary or replace those arrangements except as provided for in –

- (a) Chapter 1 or 2 of this Part, or
- (b) regulations under section 34, 35 or 36 of the Local Government Act 2000.

53 Forms of executive

For the purposes of this Part, each of the following is a form of executive –

- (a) a leader and cabinet executive (Wales);
- (b) a mayor and cabinet executive.

54 Consequential provision etc

- (1) The Local Government Act 2000 is amended as follows.
- (2) Omit section 30 (operation of different executive arrangements).

- (3) O flaen adran 33A mewnosoder —

“33ZA Wales: changing governance arrangements

For provision about changing the governance arrangements of local authorities in Wales, see Part 4 of the Local Government (Wales) Measure 2011.”.

- (4) Yn adran 45 (darpariaethau mewn cysylltiad â refferenda), yn is-adran (9), ar ôl “this Part” mewnosoder “or under section 40 of the Local Government (Wales) Measure 2011”.

RHAN 5

SWYDDOGAETHAU AWDURDOD LLEOL: CYFLAWNI GAN BWYLLGORAU A CHYNGHORWYR

Pwyllgorau ardal

55 Yr ardal a gwmpesir ac aelodaeth

- (1) Diwygir adran 18 o Ddeddf Llywodraeth Leol 2000 (cyflawni swyddogaethau gan bwyllgorau ardal) fel a ganlyn.
- (2) Yn is-adran (3), yn lle'r diffiniad o “area committee” rhodder —
- ““area committee” means —
- (a) in relation to a local authority in England, a committee or sub-committee of the authority which satisfies the conditions in subsection (4);
- (b) in relation to a local authority in Wales, a committee or sub-committee of the authority which satisfies the conditions in subsection (6);”.
- (3) Yn is-adran (4), ar ôl “a local authority” mewnosoder “in England”.
- (4) Ar ôl is-adran (5) mewnosoder —
- “(6) A committee or sub-committee of a local authority in Wales satisfies the conditions in this subsection if —
- (a) the committee or sub-committee is established to discharge functions in respect of part of the area of the authority,
- (b) that part consists of the whole of one or more electoral divisions of the authority,
- (c) all the members of the authority who are elected for that electoral division, or those electoral divisions, are entitled to be members of the committee or sub-committee,
- (d) no members of the authority, other than those mentioned in paragraph (c), may be members of the committee or sub-committee, and
- (e) either or both of the conditions in subsection (7) are satisfied in relation to that part.

- (3) Before section 33A insert—

“33ZA Wales: changing governance arrangements

For provision about changing the governance arrangements of local authorities in Wales, see Part 4 of the Local Government (Wales) Measure 2011.”.

- (4) In section 45 (provisions with respect to referendums), in subsection (9), after “this Part” insert “or under section 40 of the Local Government (Wales) Measure 2011”.

PART 5

LOCAL AUTHORITY FUNCTIONS: DISCHARGE BY COMMITTEES AND COUNCILLORS

Area committees

55 Area covered and membership

- (1) Section 18 of the Local Government Act 2000 (discharge of functions by area committees) is amended as follows.
- (2) In subsection (3), for the definition of “area committee” substitute—
- ““area committee” means—
- (a) in relation to a local authority in England, a committee or sub-committee of the authority which satisfies the conditions in subsection (4);
 - (b) in relation to a local authority in Wales, a committee or sub-committee of the authority which satisfies the conditions in subsection (6);”.
- (3) In subsection (4), after “a local authority” insert “in England”.
- (4) After subsection (5) insert—
- “(6) A committee or sub-committee of a local authority in Wales satisfies the conditions in this subsection if—
- (a) the committee or sub-committee is established to discharge functions in respect of part of the area of the authority,
 - (b) that part consists of the whole of one or more electoral divisions of the authority,
 - (c) all the members of the authority who are elected for that electoral division, or those electoral divisions, are entitled to be members of the committee or sub-committee,
 - (d) no members of the authority, other than those mentioned in paragraph (c), may be members of the committee or sub-committee, and
 - (e) either or both of the conditions in subsection (7) are satisfied in relation to that part.

- (7) Those conditions are –
- (a) that the area of that part does not exceed one-half of the total area of the authority;
 - (b) that the population of that part, as estimated by the authority, does not exceed one-half of the total population of the area of the authority as so estimated.”.

Arfer swyddogaethau gan gynghorwyr

56 Arfer swyddogaethau gan gynghorwyr

- (1) Caiff aelod gweithrediaeth hŷn awdurdod lleol wneud trefniadau i aelod o'r awdurdod nad yw'n aelod gweithrediaeth arfer un o swyddogaethau'r awdurdod lleol y mae'r weithrediaeth yn gyfrifol amdani.
- (2) Caiff awdurdod lleol wneud trefniadau i aelod o'r awdurdod nad yw'n aelod gweithrediaeth arfer unrhyw un neu ragor o swyddogaethau eraill yr awdurdod.
- (3) O ran aelod nad yw'n aelod gweithrediaeth (N), dim ond swyddogaethau –
 - (a) mewn perthynas â'r adran etholiadol y mae N wedi ei ethol drosti, neu
 - (b) mewn perthynas â bod N yn aelod swyddogol o gorff ac eithrio'r awdurdod lleol
 y caiff trefniadau o dan yr adran hon ddarparu i N eu harfer.
- (4) Ni cheir gwneud trefniadau o dan yr adran hon ar gyfer arfer swyddogaeth –
 - (a) os yw wedi ei phennu, neu i'r graddau y mae wedi ei phennu, mewn gorchymyn a wnaed gan Weinidogion Cymru, neu
 - (b) mewn dull, neu mewn amgylchiadau, a bennwyd mewn gorchymyn a wnaed gan Weinidogion Cymru.
- (5) Nid yw trefniadau a wneir o dan yr adran hon ar gyfer arfer swyddogaeth yn atal arfer y swyddogaeth honno mewn modd arferol.
- (6) Wrth wneud trefniadau o dan yr adran hon, rhaid i'r aelod gweithrediaeth hŷn, neu'r awdurdod lleol, roi sylw i ganllawiau a roddwyd gan Weinidogion Cymru.
- (7) Yn yr adran hon –
 - (a) mae cyfeiriad at arfer swyddogaeth yn cynnwys cyfeiriad at wneud unrhyw beth y bwriedir iddo hwyluso arfer swyddogaeth, neu sy'n gydnaws neu'n gysylltiedig ag arfer y swyddogaeth;
 - (b) mae cyfeiriad at swyddogaeth y mae gweithrediaeth awdurdod lleol yn gyfrifol amdani i'w ddehongli'n unol ag adran 13(8) o Ddeddf Llywodraeth Leol 2000;
 - (c) mae cyfeiriad at fod N yn aelod swyddogol o gorff yn gyfeiriad at fod N yn aelod o'r corff yn rhinwedd –
 - (i) penodiad gan awdurdod lleol,
 - (ii) penodiad, ac eithrio penodiad gan awdurdod lleol, a wnaed ar sail enwebiad neu argymhelliad gan awdurdod lleol neu gyda chymeradwyaeth awdurdod lleol, neu

- (7) Those conditions are –
- (a) that the area of that part does not exceed one-half of the total area of the authority;
 - (b) that the population of that part, as estimated by the authority, does not exceed one-half of the total population of the area of the authority as so estimated.”.

Exercise of functions by councillors

56 Exercise of functions by councillors

- (1) The senior executive member of a local authority may make arrangements for a non-executive member of the authority to exercise a function of the local authority which is the responsibility of the executive.
- (2) A local authority may make arrangements for a non-executive member of the authority to exercise any other function of the authority.
- (3) Arrangements under this section may only provide for a non-executive member (N) to exercise functions –
 - (a) in relation to the electoral division for which N is elected, or
 - (b) in relation to N's official membership of a body other than the local authority.
- (4) No arrangements may be made under this section for the exercise of a function –
 - (a) if, or to the extent that, it is specified in an order made by the Welsh Ministers, or
 - (b) in a manner, or in circumstances, specified in an order made by the Welsh Ministers.
- (5) Arrangements made under this section for the exercise of a function do not prevent the ordinary exercise of the function.
- (6) In making arrangements under this section, the senior executive member, or local authority, must have regard to guidance given by the Welsh Ministers.
- (7) In this section –
 - (a) a reference to the exercise of a function includes a reference to the doing of anything which is calculated to facilitate, or is conducive or incidental to, the exercise of the function;
 - (b) a reference to a function which is the responsibility of the executive of a local authority is to be construed in accordance with section 13(8) of the Local Government Act 2000;
 - (c) a reference to N's official membership of a body is a reference to membership of the body which N holds by virtue of –
 - (i) a local authority appointment,
 - (ii) an appointment, other than a local authority appointment, made on a local authority nomination or recommendation or with local authority approval, or

- (iii) penodiad, ac eithrio penodiad gan awdurdod lleol, a wnaed i gydymffurfio â gofyniad i benodi aelod o awdurdod lleol;
- (d) mae cyfeiriad (mewn perthynas ag N) at benodiad, enwebiad neu argymhelliad gan awdurdod lleol, neu gymeradwyaeth awdurdod lleol, yn gyfeiriad at benodiad, enwebiad neu argymhelliad a wnaed gan y canlynol, neu gymeradwyaeth a roddir gan y canlynol—
 - (i) yr awdurdod lleol y mae N yn aelod ohono, neu
 - (ii) gweithrediaeth yr awdurdod lleol hwnnw;
- (e) mae cyfeiriad at arfer arferol swyddogaeth yn gyfeiriad at arfer y swyddogaeth gan y person neu'r personau sy'n ei harfer pan nad oes trefniadau wedi eu gwneud o dan yr adran hon.
- (8) Mae cyfeiriadau yn yr adran hon at awdurdod lleol yn gyfeiriadau at awdurdod lleol sy'n gweithredu trefniadau gweithrediaeth.
- (9) Yn yr adran hon—
 - ystyr “aelod gweithrediaeth hŷn” (“*senior executive member*”) yw—
 - (a) yn achos awdurdod lleol sy'n gweithredu gweithrediaeth arweinydd a chabinet (Cymru), yr arweinydd gweithrediaeth;
 - (b) yn achos awdurdod lleol sy'n gweithredu gweithrediaeth maer a chabinet, y maer etholedig;
 - ystyr “aelod nad yw'n aelod gweithrediaeth” (“*non-executive member*”) yw aelod o awdurdod lleol nad yw'n aelod o weithrediaeth yr awdurdod.

57 Darpariaeth ganlyniadol

- (1) Yn adran 100EA o Ddeddf Llywodraeth Leol 1972 (archwilio cofnodion sy'n ymwneud â swyddogaethau sy'n arferadwy gan aelodau)—
 - (a) yn is-adran (1)—
 - (i) yn lle “Secretary of State” rhodder “appropriate authority”;
 - (ii) ar ôl “2007” mewnosoder “or under section 56 of the Local Government (Wales) Measure 2011”;
 - (b) ar ôl is-adran (2) mewnosoder—

“(2A) In this section “appropriate authority” means—

 - (a) in relation to local authorities in England, the Secretary of State;
 - (b) in relation to local authorities in Wales, the Welsh Ministers.”;
 - (c) in subsection (3), after “Parliament” insert “(in the case of regulations made by the Secretary of State) or a resolution of the National Assembly for Wales (in the case of regulations made by the Welsh Ministers)”.
- (2) Yn Neddf Llywodraeth Leol 2000—
 - (a) yn adran 13 (swyddogaethau y mae gweithrediaeth yn gyfrifol amdanynt), yn is-adran (9)(b), ar ôl “in England” mewnosoder “or under section 56 of the Local Government (Wales) Measure 2011”;

- (iii) an appointment, other than a local authority appointment, made in compliance with a requirement to appoint a member of a local authority;
 - (d) a reference (in relation to N) to a local authority appointment, nomination or recommendation, or local authority approval, is a reference to an appointment, nomination or recommendation made by, or approval given by –
 - (i) the local authority of which N is a member, or
 - (ii) the executive of that local authority;
 - (e) a reference to the ordinary exercise of a function is a reference to its exercise by the person or persons by whom it is exercisable in the absence of arrangements made under this section.
- (8) References in this section to a local authority are references to a local authority which operates executive arrangements.
- (9) In this section –
- “non-executive member” (“*aelod nad yw'n aelod gweithrediaeth*”) means a member of a local authority who is not a member of the executive of the authority;
- “senior executive member” (“*aelod gweithrediaeth hŷn*”) means –
- (a) in the case of a local authority operating a leader and cabinet executive (Wales), the executive leader;
 - (b) in the case of a local authority operating a mayor and cabinet executive, the elected mayor.

57 Consequential provision

- (1) In section 100EA of the Local Government Act 1972 (inspection of records relating to functions exercisable by members) –
- (a) in subsection (1) –
 - (i) for “Secretary of State” substitute “appropriate authority”;
 - (ii) after “2007” insert “or under section 56 of the Local Government (Wales) Measure 2011”;
 - (b) after subsection (2) insert –

“(2A) In this section “appropriate authority” means –

 - (a) in relation to local authorities in England, the Secretary of State;
 - (b) in relation to local authorities in Wales, the Welsh Ministers.”;
 - (c) in subsection (3), after “Parliament” insert “(in the case of regulations made by the Secretary of State) or a resolution of the National Assembly for Wales (in the case of regulations made by the Welsh Ministers)”.
- (2) In the Local Government Act 2000 –
- (a) in section 13 (functions which are the responsibility of an executive), in subsection (9)(b), after “in England)” insert “or under section 56 of the Local Government (Wales) Measure 2011”;

- (b) yn adran 21 (pwyllgorau trosolwg a chraffu), yn is-adran (13)(aa), ar ôl “in England)” mewnosoder “or under section 56 of the Local Government (Wales) Measure 2011”.

RHAN 6

TROSOLWIG A CHRAFFU

PENNOD 1

PWYLLGORAU TROSOLWIG A CHRAFFU

Y cyd-bwyllgorau trosolwg a chraffu

58 Y cyd-bwyllgorau trosolwg a chraffu

- (1) Caiff Gweinidogion Cymru, drwy reoliadau, wneud darpariaeth i ganiatáu i unrhyw ddau awdurdod lleol neu ragor wneud y canlynol –
 - (a) penodi cyd-bwyllgor (“cyd-bwyllgor trosolwg a chraffu”), a
 - (b) trefnu i'r pwyllgor arfer unrhyw swyddogaethau o ran llunio adroddiadau neu wneud argymhellion i'r canlynol ynghylch unrhyw fater nad yw'n fater wedi ei eithrio –
 - (i) unrhyw un neu ragor o'r awdurdodau lleol sy'n penodi'r pwyllgor, a
 - (ii) yn achos awdurdod lleol sy'n gweithredu trefniadau gweithrediaeth o dan Ran 2 o Ddeddf Llywodraeth Leol 2000, gweithrediaeth yr awdurdod lleol.
- (2) Yn is-adran (1)(b) ystyr “mater wedi ei eithrio” yw unrhyw fater y gallai pwyllgor trosedd ac anhrefn lunio adroddiad neu wneud argymhellion mewn cysylltiad ag ef –
 - (a) yn rhinwedd is-adran (1)(b) o adran 19 o Ddeddf yr Heddlu a Chyfiawnder 2006 (craffu gan awdurdodau lleol ar faterion trosedd ac anhrefn), neu
 - (b) yn rhinwedd is-adran (3)(a) o'r adran honno.
- (3) Mae'r ddarpariaeth y caniateir ei gwneud mewn rheoliadau o dan yr adran hon yn cynnwys y canlynol (ond heb fod yn gyfyngedig iddynt) –
 - (a) darpariaeth ar gyfer gwneud trefniadau dim ond mewn amgylchiadau rhagnodedig, neu'n ddarostyngedig i amodau neu gyfyngiadau rhagnodedig;
 - (b) darpariaeth ar gyfer penodi is-bwyllgorau i gyd-bwyllgorau trosolwg a chraffu;
 - (c) mewn perthynas â chyd-bwyllgorau trosolwg a chraffu (neu is-bwyllgorau i bwyllgorau o'r fath) darpariaeth sy'n cymhwyso unrhyw un neu ragor o ddarpariaethau'r canlynol, neu sy'n cyfateb iddi neu iddynt –
 - (i) is-adrannau (4) i (15A) a (18) o adran 21 o Ddeddf Llywodraeth Leol 2000,
 - (ii) adrannau 21A, 21B, 21D, 21F a 21G o'r Ddeddf honno,
 - (iii) adran 186 o Ddeddf y Gwasanaeth Iechyd Gwladol (Cymru) 2006, ac Atodlen 11 iddi.

- (b) in section 21 (overview and scrutiny committees), in subsection (13)(aa), after “in England)” insert “or under section 56 of the Local Government (Wales) Measure 2011”.

PART 6

OVERVIEW AND SCRUTINY

CHAPTER 1

OVERVIEW AND SCRUTINY COMMITTEES

Joint overview and scrutiny committees

58 Joint overview and scrutiny committees

- (1) The Welsh Ministers may by regulations make provision under which any two or more local authorities may –
- (a) appoint a joint committee (a “joint overview and scrutiny committee”), and
 - (b) arrange for the committee to exercise any functions of making reports or recommendations about any matter which is not an excluded matter to –
 - (i) any of the local authorities appointing the committee, and
 - (ii) in the case of a local authority operating executive arrangements under Part 2 of the Local Government Act 2000, the local authority's executive.
- (2) In subsection (1)(b) “excluded matter” means any matter with respect to which a crime and disorder committee could make a report or recommendations –
- (a) by virtue of subsection (1)(b) of section 19 of the Police and Justice Act 2006 (local authority scrutiny of crime and disorder matters), or
 - (b) by virtue of subsection (3)(a) of that section.
- (3) The provision that may be made in regulations under this section includes (but is not limited to) –
- (a) provision for arrangements to be made only in prescribed circumstances, or subject to prescribed conditions or limitations;
 - (b) provision for the appointment of sub-committees of joint overview and scrutiny committees;
 - (c) in relation to joint overview and scrutiny committees (or sub-committees of such committees), provision applying, or corresponding to, any provision of –
 - (i) subsections (4) to (15A) and (18) of section 21 of the Local Government Act 2000,
 - (ii) sections 21A, 21B, 21D, 21F and 21G of that Act,
 - (iii) section 186 of, and Schedule 11 to, the National Health Service (Wales) Act 2006.

- (4) Rhaid i awdurdod lleol a chyd-bwyllgor trosolwg a chraffu, wrth arfer unrhyw swyddogaeth a roddir iddynt gan yr adran hon neu oddi tani, neu wrth benderfynu ai i'w harfer, roi sylw i ganllawiau a roddwyd gan Weinidogion Cymru.
- (5) Yn adran 21 o Ddeddf Llywodraeth Leol 2000 (pwyllgorau trosolwg a chraffu), yn is-adran (2A)(e) –
- (a) ar ôl “committee” mewnosoder “ –
- (i)”;
- (b) ar ôl “concerned” mewnosoder “, or
- (ii) a joint overview and scrutiny committee within the meaning of section 58 of the Local Government (Wales) Measure 2011 appointed by two or more local authorities, one of which is the authority concerned”.

Pwerau pwyllgorau

59 Craffu ar bersonau dynodedig

- (1) Diwygir adran 21 o Ddeddf Llywodraeth Leol 2000 (pwyllgorau trosolwg a chraffu) fel a ganlyn.
- (2) Yn is-adran (2)(e), ar y diwedd mewnosoder “(insofar as the committee is not, or committees are not, under a duty to do those things by virtue of subsection (2ZA))”.
- (3) Ar ôl is-adran (2) mewnosoder –
- “(2ZA) Executive arrangements by a local authority in Wales must ensure that their overview and scrutiny committee is required (or their overview and scrutiny committees, and any joint overview and scrutiny committees, are required between them) to make reports or recommendations on matters which relate to designated persons and affect the authority's area or the inhabitants of that area.”.
- (4) Yn is-adran (2A), ar ôl “(2)” mewnosoder “or (2ZA)”.
- (5) Yn is-adran (13) –
- (a) ym mharagraff (aa), hepgorer yr “and” olaf;
- (b) ar ôl paragraff (b) mewnosoder –
- “(c) if it is a committee or sub-committee of a local authority in Wales may, in connection with making a report or recommendations of the kind referred to subsection (2ZA) –
- (i) require a designated person to provide the committee or sub-committee with information, except information that relates to an excluded matter, and
- (ii) require an officer, employee or other representative of a designated person to attend meetings of the committee, except in relation to an excluded matter.”.
- (6) Ar ôl is-adran (15) mewnosoder –

- (4) A local authority and a joint overview and scrutiny committee must, in exercising or deciding whether to exercise any function conferred on it by or under this section, have regard to guidance given by the Welsh Ministers.
- (5) In section 21 of the Local Government Act 2000 (overview and scrutiny committees), in subsection (2A)(e) –
 - (a) after “committee” insert “ –
 - (i)”;
 - (b) after “concerned” insert “, or
 - (ii) a joint overview and scrutiny committee within the meaning of section 58 of the Local Government (Wales) Measure 2011 appointed by two or more local authorities, one of which is the authority concerned”.

Powers of committees

59 Scrutinising designated persons

- (1) Section 21 of the Local Government Act 2000 (overview and scrutiny committees) is amended as follows.
- (2) In subsection (2)(e), at the end insert “(insofar as the committee is not, or committees are not, under a duty to do those things by virtue of subsection (2ZA))”.
- (3) After subsection (2) insert –

“(2ZA) Executive arrangements by a local authority in Wales must ensure that their overview and scrutiny committee is required (or their overview and scrutiny committees, and any joint overview and scrutiny committees, are required between them) to make reports or recommendations on matters which relate to designated persons and affect the authority's area or the inhabitants of that area.”.
- (4) In subsection (2A), after “(2)” insert “or (2ZA)”.
- (5) In subsection (13) –
 - (a) in paragraph (aa), omit the final “and”;
 - (b) after paragraph (b) insert –
 - “(c) if it is a committee or sub-committee of a local authority in Wales may, in connection with making a report or recommendations of the kind referred to subsection (2ZA) –
 - (i) require a designated person to provide the committee or sub-committee with information, except information that relates to an excluded matter, and
 - (ii) require an officer, employee or other representative of a designated person to attend meetings of the committee, except in relation to an excluded matter.”.
- (6) After subsection (15) insert –

“(15A) It is the duty of a person to comply with the requirement mentioned in subsection (13)(c)(i) or (ii); but that does not require a designated person to provide information which is not reasonably required in connection with the making of the report or recommendations.”.

(7) Ar ôl is-adran (17) mewnosoder –

“(18) In this section –

“designated person” means a person –

- (a) who is designated by the Welsh Ministers in accordance with section 21G, or
- (b) who falls within a category of person so designated;

“excluded matter” means any matter with respect to which a crime and disorder committee could make a report or recommendations –

- (a) by virtue of subsection (1)(b) of section 19 of the Police and Justice Act 2006 (local authority scrutiny of crime and disorder matters), or
- (b) by virtue of subsection (3)(a) of that section.”.

60 Hysbysu personau dynodedig am adroddiad neu argymhellion

Ar ôl adran 21E o Ddeddf Llywodraeth Leol 2000 mewnosoder –

“21F Wales: notifying designated body of report or recommendations

- (1) This section applies if an overview and scrutiny committee of a local authority in Wales, or a sub-committee of such a committee, makes a report or recommendations under section 21(2ZA).
- (2) The committee or sub-committee may –
 - (a) send a copy of the report or recommendations to a designated person, and
 - (b) request the designated person to have regard to the report or recommendations.
- (3) In sending a copy of the report or recommendations to the designated person, the committee or sub-committee –
 - (a) must exclude any confidential information, and
 - (b) may exclude any relevant exempt information.
- (4) If information is excluded under subsection (3), in producing the copy of the report or recommendations the committee or sub-committee –
 - (a) may replace so much of the report or recommendations as discloses the information with a summary which does not disclose that information, and
 - (b) must do so if, in consequence of excluding the information, the report or recommendations would be misleading or not reasonably comprehensible.

“(15A) It is the duty of a person to comply with the requirement mentioned in subsection (13)(c)(i) or (ii); but that does not require a designated person to provide information which is not reasonably required in connection with the making of the report or recommendations.”.

(7) After subsection (17) insert—

“(18) In this section—

“designated person” means a person—

- (a) who is designated by the Welsh Ministers in accordance with section 21G, or
- (b) who falls within a category of person so designated;

“excluded matter” means any matter with respect to which a crime and disorder committee could make a report or recommendations—

- (a) by virtue of subsection (1)(b) of section 19 of the Police and Justice Act 2006 (local authority scrutiny of crime and disorder matters), or
- (b) by virtue of subsection (3)(a) of that section.”.

60 Notifying designated persons of report or recommendations

After section 21E of the Local Government Act 2000 insert—

“21F Wales: notifying designated body of report or recommendations

- (1) This section applies if an overview and scrutiny committee of a local authority in Wales, or a sub-committee of such a committee, makes a report or recommendations under section 21(2ZA).
- (2) The committee or sub-committee may—
 - (a) send a copy of the report or recommendations to a designated person, and
 - (b) request the designated person to have regard to the report or recommendations.
- (3) In sending a copy of the report or recommendations to the designated person, the committee or sub-committee—
 - (a) must exclude any confidential information, and
 - (b) may exclude any relevant exempt information.
- (4) If information is excluded under subsection (3), in producing the copy of the report or recommendations the committee or sub-committee—
 - (a) may replace so much of the report or recommendations as discloses the information with a summary which does not disclose that information, and
 - (b) must do so if, in consequence of excluding the information, the report or recommendations would be misleading or not reasonably comprehensible.

(5) In this section—

“confidential information” has the meaning given by section 100A(3) of the Local Government Act 1972 (admission to meetings of principal councils);

“designated person” has the same meaning as in section 21;

“exempt information” has the meaning given by section 100I of that Act, and, in relation to any report or recommendations of a committee or joint committee which has functions under section 21(2)(f) of this Act, also includes information which is exempt information under section 186 of the National Health Service (Wales) Act 2006;

“relevant exempt information” means exempt information of a description specified in a resolution of the committee or sub-committee under section 100A(4) of the Local Government Act 1972 which applied to the proceedings, or part of the proceedings, at any meeting of the committee or sub-committee at which the report was, or recommendations were, considered.”.

61 Personau dynodedig

Ar ôl adran 21F o Ddeddf Llywodraeth Leol 2000 mewnosoder—

“21G Wales: designated persons

- (1) The Welsh Ministers may, by order, designate for the purposes of section 21—
 - (a) one or more persons, and
 - (b) one or more categories of person.
- (2) But—
 - (a) the designation of a person has effect only if that person meets the following conditions, and
 - (b) the designation of a category of persons has effect only if, and to the extent that, each person in that category meets the following conditions.
- (3) Condition A is that the person provides the public, or a section of the public, with services, goods or facilities of any description (whether on payment or not).
- (4) Condition B is that the person—
 - (a) provides those services, goods or facilities in the exercise of functions of a public nature, or
 - (b) is wholly or partly funded by public money.
- (5) Condition C is that the person is not a local authority.”.

(5) In this section—

“confidential information” has the meaning given by section 100A(3) of the Local Government Act 1972 (admission to meetings of principal councils);

“designated person” has the same meaning as in section 21;

“exempt information” has the meaning given by section 100I of that Act, and, in relation to any report or recommendations of a committee or joint committee which has functions under section 21(2)(f) of this Act, also includes information which is exempt information under section 186 of the National Health Service (Wales) Act 2006;

“relevant exempt information” means exempt information of a description specified in a resolution of the committee or sub-committee under section 100A(4) of the Local Government Act 1972 which applied to the proceedings, or part of the proceedings, at any meeting of the committee or sub-committee at which the report was, or recommendations were, considered.”.

61 Designated persons

After section 21F of the Local Government Act 2000 insert—

“21G Wales: designated persons

- (1) The Welsh Ministers may, by order, designate for the purposes of section 21—
 - (a) one or more persons, and
 - (b) one or more categories of person.
- (2) But—
 - (a) the designation of a person has effect only if that person meets the following conditions, and
 - (b) the designation of a category of persons has effect only if, and to the extent that, each person in that category meets the following conditions.
- (3) Condition A is that the person provides the public, or a section of the public, with services, goods or facilities of any description (whether on payment or not).
- (4) Condition B is that the person—
 - (a) provides those services, goods or facilities in the exercise of functions of a public nature, or
 - (b) is wholly or partly funded by public money.
- (5) Condition C is that the person is not a local authority.”.

*Rhoi sylw i safbwyntiau'r cyhoedd***62 Rhoi sylw i safbwyntiau'r cyhoedd**

- (1) Rhaid i awdurdod lleol wneud trefniadau o'r math y cyfeirir atynt yn is-adran (2) mewn perthynas â phob un o bwyllgorau trosolwg a chraffu'r awdurdod.
- (2) Trefniadau yw'r trefniadau hynny sy'n galluogi'r holl bersonau sy'n byw neu'n gweithio yn ardal yr awdurdod lleol i ddwyn i sylw'r pwyllgor trosolwg a chraffu perthnasol eu safbwyntiau ar unrhyw fater sy'n cael ei ystyried gan y pwyllgor.
- (3) Rhaid i bwyllgor trosolwg a chraffu perthnasol, pan fydd yn arfer ei swyddogaethau, roi sylw i unrhyw safbwyntiau a gaiff eu dwyn i'w sylw yn unol â threfniadau a wneir o dan yr adran hon.
- (4) Wrth gydymffurfio ag is-adran (1), rhaid i awdurdod lleol roi sylw i ganllawiau a roddwyd gan Weinidogion Cymru.
- (5) Wrth gydymffurfio ag is-adran (3), rhaid i bwyllgor trosolwg a chraffu perthnasol roi sylw i ganllawiau a roddwyd gan Weinidogion Cymru.
- (6) Yn yr adran hon—

mae i “cyd-bwyllgor trosolwg a chraffu” yr ystyr sydd i “*joint overview and scrutiny committee*” yn adran 21(2A) o Ddeddf Llywodraeth Leol 2000;

ystyr “mater sy'n cael ei ystyried” (“*matter under consideration*”), mewn perthynas â phwyllgor trosolwg a chraffu perthnasol, yw mater y mae pwyllgor yn arfer unrhyw swyddogaeth mewn cysylltiad ag ef;

ystyr “pwyllgor trosolwg a chraffu perthnasol” (“*relevant overview and scrutiny committee*”), mewn perthynas ag awdurdod lleol, yw —

- (a) pwyllgor trosolwg a chraffu i'r awdurdod,
- (b) is-bwyllgor i bwyllgor o'r fath,
- (c) cyd-bwyllgor trosolwg a chraffu i'r awdurdod, neu
- (d) is-bwyllgor i gyd-bwyllgor o'r fath.

*Pwerau cynghorwyr***63 Cyfeirio materion i bwyllgor trosolwg a chraffu etc**

- (1) Diwygir Adran 21A o Ddeddf Llywodraeth Leol 2000 (cyfeirio materion at bwyllgor trosolwg a chraffu etc) fel a ganlyn.
- (2) Yn is-adran (1)(c) hepgorer “in the case of a local authority in England,”.
- (3) Yn is-adran (3)—
 - (a) ar ôl “issued” mewnosoder “(in the case of a local authority in England)”;
 - (b) ar ôl “Secretary of State” mewnosoder “or (in the case of a local authority in Wales) by the Welsh Ministers”.
- (4) Yn is-adran (6)(a)—
 - (a) ar ôl “2007” ychwanegwch “or section 56 of the Local Government (Wales) Measure 2011”;

*Taking into account the views of the public***62 Taking into account the views of the public**

- (1) A local authority must make arrangements of the kind referred to in subsection (2) in relation to each relevant overview and scrutiny committee of the authority.
- (2) Those arrangements are arrangements that enable all persons who live or work in the local authority's area to bring to the attention of the relevant overview and scrutiny committee their views on any matter under consideration by the committee.
- (3) A relevant overview and scrutiny committee must, when exercising its functions, take into account any views brought to its attention in accordance with arrangements made under this section.
- (4) In complying with subsection (1), a local authority must have regard to guidance given by the Welsh Ministers.
- (5) In complying with subsection (3), a relevant overview and scrutiny committee must have regard to guidance given by the Welsh Ministers.
- (6) In this section –

“joint overview and scrutiny committee” (*“cyd-bwyllgor trosolwg a chraffu”*) has the same meaning as in section 21(2A) of the Local Government Act 2000;

“matter under consideration” (*“mater sy'n cael ei ystyried”*), in relation to a relevant overview and scrutiny committee, means a matter in respect of which the committee is exercising any function;

“relevant overview and scrutiny committee” (*“pwyllgor trosolwg a chraffu perthnasol”*), in relation to a local authority, means –

- (a) an overview and scrutiny committee of the authority,
- (b) a sub-committee of such a committee,
- (c) a joint overview and scrutiny committee of the authority, or
- (d) a sub-committee of such a joint committee.

*Powers of councillors***63 Reference of matters to overview and scrutiny committee etc**

- (1) Section 21A of the Local Government Act 2000 (reference of matters to overview and scrutiny committee etc) is amended as follows.
- (2) In subsection (1)(c) omit “in the case of a local authority in England,”.
- (3) In subsection (3) –
 - (a) after “issued” insert “(in the case of a local authority in England)”;
 - (b) after “Secretary of State” insert “or (in the case of a local authority in Wales) by the Welsh Ministers”.
- (4) In subsection (6)(a) –
 - (a) after “2007” insert “or section 56 of the Local Government (Wales) Measure 2011”.

- (b) gadewch allan “in England”.
- (5) Yn is-adran (10), ar ôl “local authority” mewnosoder “in England”.
- (6) Ar ôl is-adran (11) mewnosoder –
- “(12) In this section “local government matter”, in relation to a member of a local authority in Wales, means a matter which is not an excluded matter and which –
- (a) relates to the discharge of any function of the authority, or
- (b) affects all or part of the electoral area for which the member is elected or any person who lives or works in that area.
- (13) In subsection (12) “excluded matter” means any matter which is –
- (a) a local crime and disorder matter within the meaning of section 19 of the Police and Justice Act 2006 (local authority scrutiny of crime and disorder matters), or
- (b) a matter of any description specified in an order made by the Welsh Ministers for the purposes of this section.”.

Dyletswydd i ymateb i bwyllgor trosolwg a chraffu

64 Dyletswydd i ymateb i bwyllgor trosolwg a chraffu

Yn adran 21B o Ddeddf Llywodraeth Leol 2000 (dyletswydd awdurdod neu weithrediaeth i ymateb i bwyllgor trosolwg a chraffu), yn is-adran (1) hepgorer “in England”.

Darpariaeth ganlyniadol i adrannau 63 a 64

65 Darpariaeth ganlyniadol i adrannau 63 a 64

- (1) Diwygir Deddf Llywodraeth Leol 2000 fel a ganlyn.
- (2) Yn adran 21D (cyhoeddi etc adroddiadau, argymhellion ac ymatebion: gwybodaeth gyfrinachol ac esempt), yn is-adran (6) yn y diffiniad o “exempt information”, ar ôl “2006” mewnosoder “or section 186 of the National Health Service (Wales) Act 2006”.
- (3) Yn adran 22 (mynediad i wybodaeth etc), yn is-adran (12A) –
- (a) ar ôl “State” ychwanegwch “(in relation to local authorities in England), or the Welsh Ministers (in relation to local authorities in Wales),”;
- (b) ym mharagraff (a), gadewch allan “in England”.

Penodi personau i gaderio pwyllgorau

66 Y ddarpariaeth mewn rheolau sefydlog ynghylch penodi personau i gadeirio pwyllgorau

- (1) Rhaid i reolau sefydlog awdurdod lleol wneud darpariaeth (“darpariaeth benodi”) ar gyfer penodi personau sydd i gadeirio pwyllgor neu bwyllgorau trosolwg a chraffu'r awdurdod lleol (“cadeiryddion pwyllgorau”).

- (b) omit “in England”.
- (5) In subsection (10), after “local authority” insert “in England”.
- (6) After subsection (11) insert—
- “(12) In this section “local government matter”, in relation to a member of a local authority in Wales, means a matter which is not an excluded matter and which—
- (a) relates to the discharge of any function of the authority, or
 - (b) affects all or part of the electoral area for which the member is elected or any person who lives or works in that area.
- (13) In subsection (12) “excluded matter” means any matter which is—
- (a) a local crime and disorder matter within the meaning of section 19 of the Police and Justice Act 2006 (local authority scrutiny of crime and disorder matters), or
 - (b) a matter of any description specified in an order made by the Welsh Ministers for the purposes of this section.”.

Duty to respond to overview and scrutiny committee

64 Duty to respond to overview and scrutiny committee

In section 21B of the Local Government Act 2000 (duty of authority or executive to respond to overview and scrutiny committee), in subsection (1) omit “in England”.

Provision consequential on sections 63 and 64

65 Provision consequential on sections 63 and 64

- (1) The Local Government Act 2000 is amended as follows.
- (2) In section 21D (publication etc of reports, recommendations and responses: confidential and exempt information), in subsection (6) in the definition of “exempt information”, after “2006” insert “or section 186 of the National Health Service (Wales) Act 2006”.
- (3) In section 22 (access to information etc), in subsection (12A)—
 - (a) after “State” insert “(in relation to local authorities in England), or the Welsh Ministers (in relation to local authorities in Wales),”;
 - (b) in paragraph (a), omit “in England”.

Appointing persons to chair committees

66 Provision in standing orders about appointment of persons to chair committees

- (1) The standing orders of a local authority must make provision (“appointment provision”) for the appointment of the persons who are to chair the local authority's overview and scrutiny committee or committees (“committee chairs”).

- (2) Rhaid i'r ddarpariaeth benodi gydymffurfio –
 - (a) ag adran 67,
 - (b) ag adran 68, ac
 - (c) ag adran 69 (ac yn unol â hynny ag adrannau 70 i 73 neu ag adran 74).
- (3) Rhaid i ddarpariaeth benodi beidio â rhwystro person rhag cael ei benodi'n gadeirydd pwyllgor oherwydd bod y person –
 - (a) yn aelod, neu ddim yn aelod, o unrhyw grŵp gwleidyddol, neu
 - (b) yn aelod, neu ddim yn aelod, o grŵp gwleidyddol penodol.

67 Yr adegau pan fo penodiadau i'w gwneud gan bwyllgor

- (1) Rhaid i'r ddarpariaeth benodi ddarparu ar gyfer penodi cadeiryddion pwyllgorau yn achosion A i C a nodir yn yr adran hon.
- (2) Rhaid i'r ddarpariaeth benodi ddarparu bod cadeirydd y pwyllgor, neu bob cadeirydd pwyllgor, yn yr achosion hynny, i'w benodi gan y pwyllgor y mae'r person hwnnw i'w gadeirio.
- (3) Achos pan nad oes grwpiau gwleidyddol ar yr awdurdod yw achos A .
- (4) Achos pan nad oes ond un grŵp gwleidyddol ar yr awdurdod yw achos B.
- (5) Pan ddigwydd y canlynol ceir achos C –
 - (a) mae dau grŵp gwleidyddol (ond dim mwy) ar yr awdurdod,
 - (b) nid oes gan yr awdurdod ond un pwyllgor trosolwg a chraffu, ac
 - (c) o ran gweithrediaeth yr awdurdod –
 - (i) mae'n cynnwys aelodau o'r ddau grŵp gwleidyddol, neu
 - (ii) nid yw'n cynnwys unrhyw aelod o'r naill grŵp gwleidyddol na'r llall.

68 Yr adegau pan fo penodiadau i'w gwneud gan grŵp nad yw'n grŵp gweithrediaeth

- (1) Rhaid i'r ddarpariaeth benodi ddarparu ar gyfer penodi cadeirydd y pwyllgor yn yr achos a nodir yn yr adran hon.
- (2) Rhaid i'r ddarpariaeth benodi ddarparu bod cadeirydd y pwyllgor, yn yr achos hwnnw, i'w benodi gan y grŵp gwleidyddol nad yw'n grŵp gweithrediaeth.
- (3) Achos fel a ganlyn yw'r achos hwnnw –
 - (a) mae dau grŵp gwleidyddol (ond dim mwy) ar yr awdurdod,
 - (b) nid oes gan yr awdurdod ond un pwyllgor trosolwg a chraffu, ac
 - (c) o ran gweithrediaeth yr awdurdod –
 - (i) mae'n cynnwys un aelod neu fwy o un grŵp gwleidyddol, ond
 - (ii) nid yw'n cynnwys unrhyw aelod o'r grŵp gwleidyddol arall.
- (4) Yn yr adran hon ystyr “grŵp gwleidyddol nad yw'n grŵp gweithrediaeth” yw'r grŵp a nodir yn is-adran (3)(c)(ii).

- (2) The appointment provision must comply with—
 - (a) section 67,
 - (b) section 68, and
 - (c) section 69 (and accordingly with sections 70 to 73 or with section 74).
- (3) Appointment provision must not prevent a person from being appointed as a committee chair because the person—
 - (a) is, or is not, a member of any political group, or
 - (b) is, or is not, a member of a particular political group.

67 When appointments to be made by committee

- (1) The appointment provision must provide for the appointment of committee chairs in cases A to C set out in this section.
- (2) The appointment provision must provide that, in those cases, the committee chair, or each committee chair, is to be appointed by the committee which that person is to chair.
- (3) Case A is where there are no political groups on the authority.
- (4) Case B is where there is only one political group on the authority.
- (5) Case C is where—
 - (a) there are two (but not more) political groups on the authority,
 - (b) the authority has only one overview and scrutiny committee, and
 - (c) the authority's executive—
 - (i) includes members of both political groups, or
 - (ii) does not include any member of either political group.

68 When appointments to be made by non-executive group

- (1) The appointment provision must provide for the appointment of the committee chair in the case set out in this section.
- (2) The appointment provision must provide that, in that case, the committee chair is to be appointed by the non-executive political group.
- (3) That case is where—
 - (a) there are two (but not more) political groups on the authority,
 - (b) the authority has only one overview and scrutiny committee, and
 - (c) the authority's executive—
 - (i) includes one or more members of one political group, but
 - (ii) does not include any member of the other political group.
- (4) In this section “non-executive political group” means the group described in subsection (3)(c)(ii).

69 Sut y mae penodiadau i'w gwneud mewn achosion eraill

- (1) Rhaid i'r ddarpariaeth benodi ddarparu ar gyfer penodi cadeiryddion pwyllgor mewn achosion ac eithrio'r rhai a nodir yn adran 67 a 68.
- (2) Rhaid i'r ddarpariaeth benodi sy'n gymwys mewn achosion eraill gydymffurfio –
 - (a) ag adran 70 i 73, neu
 - (b) ag adran 74.

70 Y penodiadau sydd i'w gwneud gan grwpiau gwleidyddol

- (1) Mae darpariaeth benodi awdurdod lleol yn cydymffurfio â'r adran hon os yw'n darparu –
 - (a) ei bod yn ofynnol i'r awdurdod, bob tro y bydd yn amser penodi holl gadeiryddion ei bwyllgorau, i wneud penderfyniad o dan is-adran (2) ar ba grwpiau gwleidyddol ar yr awdurdod sydd â hawl i wneud pa benodiadau, a
 - (b) i'r grwpiau allu wneud y penodiadau yn unol â hynny.
- (2) Penderfyniad sydd, i'r graddau y mae'n rhesymol ymarferol, yn rhoi effaith i'r egwyddorion a ganlyn yw'r penderfyniad y cyfeirir ato yn is-adran (1).
- (3) Yr egwyddor gyntaf yw –
 - (a) os nad oes ond un grŵp gweithrediaeth, mae cyfran y cadeiryddion pwyllgor y mae gan y grŵp gweithrediaeth hawl i'w penodi yn cyfateb i gyfran yr aelodau o'r awdurdod sydd yn y grŵp;
 - (b) os oes dau neu ragor o grwpiau gweithrediaeth, mae cyfran y cadeiryddion pwyllgor y mae gan y grwpiau gweithrediaeth (o'u cymryd gyda'i gilydd) hawl i'w penodi, yn cyfateb i gyfran yr aelodau o'r awdurdod sy'n aelodau o'r grwpiau hynny (o'u cymryd gyda'i gilydd).
- (4) Yr ail egwyddor yw –
 - (a) os nad oes ond un grŵp gwrthblaid, mae gan y grŵp hawl i benodi holl ddyraniad yr wrthblaid o gadeiryddion pwyllgor, neu
 - (b) os oes dau neu ragor o grwpiau gwrthblaid –
 - (i) mae gan y grwpiau gwrthblaid (o'u cymryd gyda'i gilydd) hawl i benodi holl ddyraniad yr wrthblaid o gadeiryddion pwyllgor, a
 - (ii) mae cyfran dyraniad yr wrthblaid o gadeiryddion pwyllgor y mae gan bob grŵp gwrthblaid (“grŵp perthnasol”) hawl i'w penodi yn cyfateb i gyfran aelodau'r grŵp gwrthblaid sy'n aelodau o'r grŵp perthnasol.
- (5) Wrth roi effaith i'r egwyddorion yn is-adrannau (3)(a) a (b) a (4)(b)(ii), rhaid i'r ddarpariaeth benodi –
 - (a) darparu bod hawl grŵp gwleidyddol i benodi cadeiryddion pwyllgor yn hawl i benodi nifer cyfan o gadeiryddion pwyllgor, a
 - (b) yn unol â hynny, ddarparu i'r hawl gael ei thalgrynnu i'r nifer cyfan agosaf os na fyddai fel arall yn nifer cyfan.

69 How appointments to be made in other cases

- (1) The appointment provision must provide for the appointment of committee chairs in cases other than those set out in section 67 and 68.
- (2) The appointment provision applicable in the other cases must comply with—
 - (a) sections 70 to 73, or
 - (b) section 74.

70 Appointments to be made by political groups

- (1) A local authority's appointment provision complies with this section if it provides—
 - (a) for the authority to be required, on each occasion when all of its committee chairs fall to be appointed, to make a determination under subsection (2) of which political groups on the authority are entitled to make which appointments, and
 - (b) for the groups to be able to make the appointments accordingly.
- (2) The determination referred to in subsection (1) is a determination which, so far as reasonably practicable, gives effect to the following principles.
- (3) The first principle is that—
 - (a) if there is only one executive group, the proportion of committee chairs which the executive group is entitled to appoint corresponds to the proportion of members of the authority who are in the group;
 - (b) if there are two or more executive groups, the proportion of committee chairs which the executive groups are (when taken together) entitled to appoint corresponds to the proportion of members of the authority who are members of those groups (when taken together).
- (4) The second principle is that—
 - (a) if there is only one opposition group, the group is entitled to appoint all the opposition allocation of committee chairs, or
 - (b) if there are two or more opposition groups—
 - (i) the opposition groups are (when taken together) entitled to appoint all the opposition allocation of committee chairs, and
 - (ii) the proportion of the opposition allocation of committee chairs which each opposition group (a "relevant group") is entitled to appoint corresponds to the proportion of members of the opposition groups who are members of the relevant group.
- (5) In giving effect to the principles in subsections (3)(a) and (b) and (4)(b)(ii), the appointment provision—
 - (a) must provide for a political group's entitlement to appoint committee chairs to be an entitlement to appoint a whole number of committee chairs, and
 - (b) accordingly, must provide for an entitlement to be rounded off to the nearest whole number if it would not otherwise be a whole number.

- (6) Wrth roi effaith i'r egwyddorion yn is-adran (3)(a) a (b), rhaid i'r ddarpariaeth benodi a wneir yn unol ag is-adran (5)(b) ddarparu i hawl y grŵp gweithrediaeth, neu'r grwpiau gweithrediaeth, gael ei thalgrynnu i lawr i'r nifer cyfan agosaf.
- (7) At ddibenion is-adrannau (5) a (6), rhaid ystyried sero yn nifer cyfan.
- (8) Yn yr adran hon—
- ystyr “dyraniad y weithrediaeth o gadeiryddion pwyllgor” (“*executive allocation of committee chairs*”) yw nifer y cadeiryddion pwyllgor—
- (a) y mae gan y grŵp gweithrediaeth hawl i'w penodi yn unol ag is-adran (3)(a), neu
- (b) y mae gan y grwpiau gweithrediaeth hawl i'w penodi yn unol ag is-adran (3)(b);
- ystyr “dyraniad yr wrthblaid o gadeiryddion pwyllgor” (“*opposition allocation of committee chairs*”) yw nifer y cadeiryddion pwyllgor sydd yn weddill ar ôl tynnu dyraniad y weithrediaeth o gadeiryddion pwyllgor.

71 Methu â gwneud penodiadau yn unol ag adran 70

- (1) Mae darpariaeth benodi awdurdod lleol yn cydymffurfio â'r adran hon os yw'n darparu—
- (a) ei bod yn ofynnol i'r awdurdod, bob tro y bydd yn amser penodi rhai cadeiryddion pwyllgor neu'r holl gadeiryddion pwyllgor (“y cadeiryddion heb eu penodi”) sydd i'w penodi yn unol â darpariaeth benodi sy'n cydymffurfio ag adran 70 ond nad ydynt wedi cael eu penodi felly, wneud penderfyniad o dan is-adran (2) o sut y mae'r cadeiryddion heb eu penodi i gael eu penodi, a
- (b) i'r cadeiryddion heb eu penodi gael eu penodi yn unol â hynny.
- (2) Penderfyniad sydd, i'r graddau y mae'n rhesymol ymarferol, yn rhoi effaith i'r egwyddorion a ganlyn yw'r penderfyniad y cyfeirir ato yn is-adran (1).
- (3) Yr egwyddor gyntaf yw nad oes hawl gan unrhyw grŵp gweithrediaeth i benodi unrhyw un o'r cadeiryddion heb eu penodi.
- (4) Yr ail egwyddor yw—
- (a) os nad oes ond un grŵp gwrthblaid, a bod y grŵp hwnnw wedi gwneud ei holl benodiadau cychwynnol, neu
- (b) os oes dau neu ragor o grwpiau gwrthblaid, a bod un neu ragor ohonynt wedi gwneud ei holl benodiadau cychwynnol,
- mae gan bob grŵp penodi hawl i benodi'r gyfran o gadeiryddion pwyllgor heb eu penodi sy'n cyfateb i gyfran y penodiadau cychwynnol gorffenedig a oedd yn benodiadau a wnaed gan y grŵp hwnnw.
- (5) Y drydedd egwyddor yw—
- (a) os oes cadeiryddion pwyllgor heb eu penodi, ond
- (b) nid oes un ohonynt i gael eu penodi fel y crybwyllir yn is-adran (4),
- mae pob cadeirydd pwyllgor heb ei benodi i'w benodi gan y pwyllgor y mae'r person hwnnw i'w gadeirio.
- (6) Y bedwaredd egwyddor yw—

- (6) In giving effect to the principles in subsection (3)(a) and (b), the appointment provision made in accordance with subsection (5)(b) must provide for the entitlement of the executive group, or executive groups, to be rounded down to the nearest whole number.
- (7) For the purposes of subsections (5) and (6), zero is to be taken to be a whole number.
- (8) In this section—
- “executive allocation of committee chairs” (*“dyraniad y weithrediaeth o gadeiryddion pwyllgor”*) means the number of committee chairs which—
- (a) the executive group is entitled to appoint in accordance with subsection (3)(a), or
 - (b) the executive groups are entitled to appoint in accordance with subsection (3)(b);
- “opposition allocation of committee chairs” (*“dyraniad yr wrthblaid o gadeiryddion pwyllgor”*) means the number of committee chairs remaining after deducting the executive allocation of committee chairs.

71 Failure to make appointments in accordance with section 70

- (1) A local authority's appointment provision complies with this section if it provides—
- (a) for the authority to be required, on each occasion when some or all of the committee chairs (“the unappointed chairs”) which fall to be appointed in accordance with appointment provision that complies with section 70 are not so appointed, to make a determination under subsection (2) of how the unappointed chairs are to be appointed, and
 - (b) for the unappointed chairs to be appointed accordingly.
- (2) The determination referred to in subsection (1) is a determination which, so far as reasonably practicable, gives effect to the following principles.
- (3) The first principle is that no executive group is entitled to appoint any of the unappointed chairs.
- (4) The second principle is that—
- (a) if there is only one opposition group and it has made all of its initial appointments, or
 - (b) if there are two or more opposition groups and one or more of them have made all of their initial appointments,
- each appointing group is entitled to appoint the proportion of unappointed committee chairs which corresponds to the proportion of completed initial appointments which were appointments made by that group.
- (5) The third principle is that if—
- (a) there are unappointed committee chairs, but
 - (b) none of them fall to be appointed as mentioned in subsection (4),
- each unappointed committee chair is to be appointed by the committee which that person is to chair.
- (6) The fourth principle is that if—

(a) os oes un neu ragor o gadeiryddion pwyllgor heb eu penodi i'w penodi fel y crybwyllir yn is-adran (4), ond

(b) mae un neu ragor ohonynt heb eu penodi felly,

mae pob cadeirydd pwyllgor nas penodir felly i'w benodi gan y pwyllgor y mae'r person hwnnw i'w gadeirio.

(7) Yn yr adran hon—

ystyr “grŵp penodi” (“*appointing group*”) yw grŵp gwrthblaid sy'n gwneud ei holl benodiadau cychwynnol;

ystyr “penodiad cychwynnol” (“*initial appointment*”), mewn perthynas â grŵp gwleidyddol, yw penodiad y mae gan y grŵp hawl i'w wneud yn unol â'r ddarpariaeth benodi sy'n cydymffurfio ag adran 70;

ystyr “penodiad cychwynnol gorffenedig” (“*completed initial appointment*”) yw penodiad cychwynnol a wnaed.

72 Newidiadau yng nghyfansoddiad gweithrediaeth

(1) Mae darpariaeth benodi awdurdod lleol yn cydymffurfio â'r adran hon os yw'n darparu ar gyfer yr achos a geir yn is-adran (2) drwy gyfrwng darpariaeth o'r math y cyfeirir ato yn is-adrannau (3) a (4).

(2) Yr achos hwnnw yw pan fo'r naill neu'r llall neu'r naill a'r llall o'r pethau a ganlyn yn digwydd—

(a) mae grŵp gwleidyddol yn peidio â bod yn grŵp gweithrediaeth;

(b) mae grŵp gwleidyddol yn dechrau bod yn grŵp gweithrediaeth;

ac nid yr achos a geir yn adran 70 ydyw.

(3) Rhaid i'r ddarpariaeth benodi ddarparu ar gyfer gwneud—

(a) penderfyniad adran 70 (fel pe byddai wedi dod yn amser penodi holl gadeiryddion pwyllgorau'r awdurdod lleol), a

(b) penderfyniad ynghylch a oes gwahaniaeth rhwng—

(i) nifer y cadeiryddion pwyllgor y byddai gan grŵp gwleidyddol hawl i'w penodi'n unol â phenderfyniad adran 70, a

(ii) nifer y cadeiryddion pwyllgor sy'n dal swyddi ar yr adeg honno ac a benodwyd gan y grŵp hwnnw.

(4) Rhaid i'r ddarpariaeth benodi ddarparu bod unrhyw wahaniaeth o'r math y cyfeirir ato yn is-adran (3)(b) yn cael ei ddileu gan y naill neu'r llall o'r canlynol neu gan y naill a'r llall o'r canlynol—

(a) terfynu penodiadau presennol cadeiryddion pwyllgorau;

(b) penodi cadeiryddion newydd ar gyfer pwyllgorau.

(5) At ddibenion yr adran hon, ystyrir bod grŵp gwleidyddol yn peidio â bod yn grŵp gweithrediaeth dim ond os, ar ôl iddo beidio â bod yn grŵp gweithrediaeth, bod cyfnod o ddau fis (gan ddechrau ar y diwrnod y mae'n peidio â bod yn grŵp gweithrediaeth) yn mynd heibio heb iddo ddod yn grŵp gweithrediaeth eto.

- (a) one or more unappointed committee chairs fall to be appointed as mentioned in subsection (4), but
- (b) one or more of them are not so appointed,

each committee chair not so appointed is to be appointed by the committee which that person is to chair.

- (7) In this section –

“appointing group” (*“grŵp penodi”*) means an opposition group which makes all of its initial appointments;

“completed initial appointment” (*“penodiad cychwynnol gorffenedig”*) means an initial appointment that is made;

“initial appointment” (*“penodiad cychwynnol”*), in relation to a political group, means an appointment which the group is entitled to make in accordance with appointment provision that complies with section 70.

72 Changes in composition of executive

- (1) A local authority's appointment provision complies with this section if it provides for the case set out in subsection (2) by means of provision of the kind referred to in subsections (3) and (4).
- (2) That case is where either or both of the following happen –
 - (a) a political group ceases to be an executive group;
 - (b) a political group begins to be an executive group;
 and it is not the case set out in section 70.
- (3) The appointment provision must provide for the making of –
 - (a) a section 70 determination (as if all of the local authority's committee chairs had fallen to be appointed), and
 - (b) a determination of whether there is a difference between –
 - (i) the number of committee chairs that a political group would be entitled to appoint in accordance with the section 70 determination, and
 - (ii) the number of committee chairs holding office at that time who were appointed by that group.
- (4) The appointment provision must provide for any difference of the kind referred to in subsection (3)(b) to be eliminated by either or both of the following –
 - (a) the termination of existing appointments of committee chairs;
 - (b) the making of new appointments of committee chairs.
- (5) For the purposes of this section, a political group is to be taken to cease to be an executive group only if, after ceasing to be an executive group, the period of two months (beginning with the day on which it ceases to be an executive group) passes without it becoming an executive group again.

73 Swyddi gwag achlysurol ymhlith cadeiryddion pwyllgor

- (1) Mae darpariaeth benodi awdurdod lleol yn cydymffurfio â'r adran hon os yw'n darparu ar gyfer yr achos a geir yn is-adran (2) drwy gyfrwng darpariaeth o'r math y cyfeirir ati yn is-adrannau (3) a (4).
- (2) Yr achos hwnnw yw –
 - (a) pan fo'n amser i benodi rhai o gadeiryddion pwyllgor yr awdurdod, ond nid yr holl gadeiryddion, a
 - (b) nid yr achos a geir yn adran 72 ydyw.
- (3) Rhaid i'r ddarpariaeth benodi ddarparu ar gyfer gwneud –
 - (a) penderfyniad adran 70 (fel pe byddai wedi dod yn amser penodi holl gadeiryddion pwyllgorau'r awdurdod lleol), a
 - (b) penderfyniad ynghylch a oes gwahaniaeth rhwng –
 - (i) nifer y cadeiryddion pwyllgor y byddai gan grŵp gwleidyddol hawl i'w penodi'n unol â phenderfyniad adran 70, a
 - (ii) nifer y cadeiryddion pwyllgor sy'n dal swyddi ar yr adeg honno ac a benodwyd gan y grŵp hwnnw.
- (4) Rhaid i'r ddarpariaeth benodi ddarparu bod unrhyw wahaniaeth o'r math y cyfeirir ato yn is-adran (3)(b) yn cael ei ddileu, i'r graddau y mae hynny yn bosibl, gan benodiad y cadeirydd pwyllgor neu'r cadeiryddion pwyllgor.

74 Yr awdurdod yn penderfynu ar ddarpariaeth benodi

- (1) Mae darpariaeth benodi awdurdod lleol yn cydymffurfio â'r adran hon –
 - (a) os nad yw'r ddarpariaeth yn llai ffafriol nag adran 70 i grwpiau gwrthblaid, a
 - (b) os cymeradwyir y ddarpariaeth drwy benderfyniad a wneir gan yr awdurdod lleol ac sy'n benderfyniad y mae iddo gefnogaeth ar draws y grwpiau.
- (2) Nid yw darpariaeth benodi'n llai ffafriol nag adran 70 i grwpiau gwrthblaid os yw'n darparu –
 - (a) bod y cyfle i'w roi i grwpiau gwrthblaid ar yr awdurdod lleol (o'u cymryd gyda'i gilydd) i benodi nifer mwy o gadeiryddion pwyllgor nag yn achos darpariaeth a wneir yn unol ag adran 70, a
 - (b) bod y cyfle i'w roi i bob grŵp gwrthblaid ar yr awdurdod lleol i benodi'r un nifer o leiaf o gadeiryddion pwyllgor ag a fyddai'n achos darpariaeth a wneir yn unol ag adran 70.
- (3) Mae cefnogaeth ar draws y grwpiau i benderfyniad a wneir gan yr awdurdod lleol –
 - (a) os yw'r personau sy'n pleidleisio o blaid y penderfyniad yn cynnwys aelodau o bob grŵp gwleidyddol ar yr awdurdod, a
 - (b) os yw pob grŵp gwleidyddol ar yr awdurdod yn rhoi cefnogaeth fwyafrifol i'r penderfyniad.
- (4) Mae grŵp gwleidyddol ar yr awdurdod yn rhoi cefnogaeth fwyafrifol i'r penderfyniad os yw nifer aelodau'r grŵp hwnnw sy'n pleidleisio o blaid y penderfyniad yn fwy na nifer aelodau'r grŵp hwnnw sy'n pleidleisio yn erbyn y penderfyniad.

73 Occasional vacancies in committee chairs

- (1) A local authority's appointment provision complies with this section if it provides for the case set out in subsection (2) by means of provision of the kind referred to in subsections (3) and (4).
- (2) That case is where—
 - (a) some, but not all, of the authority's committee chairs fall to be appointed, and
 - (b) it is not the case set out in section 72.
- (3) The appointment provision must provide for the making of—
 - (a) a section 70 determination (as if all of the local authority's committee chairs had fallen to be appointed), and
 - (b) a determination of whether there is a difference between—
 - (i) the number of committee chairs that a political group would be entitled to appoint in accordance with the section 70 determination, and
 - (ii) the number of committee chairs holding office at that time who were appointed by that group.
- (4) The appointment provision must provide for any difference of the kind referred to in subsection (3)(b) to be eliminated, so far as possible, by the appointment of the committee chair or chairs.

74 Appointment provision determined by authority

- (1) A local authority's appointment provision complies with this section if the provision—
 - (a) is no less favourable to opposition groups than section 70, and
 - (b) is approved by a resolution of the local authority which has cross-group support.
- (2) Appointment provision is no less favourable to opposition groups than section 70 if it provides—
 - (a) for opposition groups on the local authority (when taken together) to be given the opportunity to appoint a greater number of committee chairs than would be the case with provision made in accordance with section 70, and
 - (b) for each opposition group on the local authority to be given the opportunity to appoint at least the number of committee chairs as would be the case with provision made in accordance with section 70.
- (3) A resolution of the local authority has cross-group support if—
 - (a) the persons voting in favour of the resolution include members of every political group on the authority, and
 - (b) each political group on the authority gives majority support to the resolution.
- (4) A political group on the authority gives majority support to the resolution if the number of members of that group who vote in favour of the resolution is greater than the number of members of that group who vote against the resolution.

75 Darpariaeth atodol a dehongli

- (1) Caiff Gweinidogion Cymru, drwy reoliadau, wneud darpariaeth—
- (a) ynghylch darpariaeth benodi, a
 - (b) ynghylch penodi cadeiryddion pwyllgorau yn unol â darpariaeth benodi.
- (2) Rhaid i awdurdod lleol, wrth iddo arfer neu benderfynu ai i arfer swyddogaeth mewn cysylltiad â darpariaeth benodi neu â phenodi cadeiryddion pwyllgorau—
- (a) rhoi sylw i ganllawiau a roddwyd gan Weinidogion Cymru, a
 - (b) cydymffurfio ag unrhyw gyfarwyddiadau a roddwyd gan Weinidogion Cymru.
- (3) Yn adrannau 66 i 74 ac yn yr adran hon—
- mae i “cadeirydd pwyllgor” (“*committee chair*”) yr ystyr a roddir yn adran 66;
- mae i “darpariaeth benodi” (“*appointment provision*”) yr ystyr a roddir yn adran 66;
- ystyr “dyfarniad adran 70” (“*section 70 determination*”) yw dyfarniad o'r math y cyfeirir ato yn adran 70.
- ystyr “grŵp gweithrediaeth” (“*executive group*”) yw grŵp gwleidyddol y mae rhai neu'r cyfan o'i aelodau yn ffurfio neu yn cael eu cynnwys yng ngweithrediaeth yr awdurdod;
- ystyr “grŵp gwleidyddol” (“*political group*”), mewn perthynas ag awdurdod lleol, yw grŵp o aelodau o'r awdurdod sy'n grŵp gwleidyddol at ddibenion Rhan 1 o Ddeddf Llywodraeth Leol a Thai 1989;
- ystyr “grŵp gwrthblaid” (“*opposition group*”) yw grŵp gwleidyddol nad oes yr un o'i aelodau yn cael ei gynnwys yng ngweithrediaeth yr awdurdod.
- (4) Yn adran 21 o Ddeddf Llywodraeth Leol 2000 (pwyllgorau trosolwg a chraffu), ar ôl is-adran (10) mewnosoder—
- “(10A) For provision about the appointment of persons to chair overview and scrutiny committees of local authorities in Wales, see sections 66 to 75 of the Local Government (Wales) Measure 2011.”.

Aelodau cyfetholedig pwyllgorau trosolwg a chraffu

76 Canllawiau a chyfarwyddiadau ynghylch cyfethol

- (1) Rhaid i awdurdod lleol, wrth arfer swyddogaeth gyfethol neu benderfynu ai i'w harfer—
- (a) rhoi sylw i ganllawiau a roddwyd gan Weinidogion Cymru, a
 - (b) cydymffurfio â chyfarwyddiadau a roddwyd gan Weinidogion Cymru.
- (2) Yn yr adran hon ystyr y term “swyddogaeth gyfethol” yw un o swyddogaethau awdurdod lleol sy'n ymwneud ag aelodau cyfetholedig—
- (a) o bwyllgorau trosolwg a chraffu, neu
 - (b) o is-bwyllgorau i'r pwyllgorau hynny.

75 Supplementary provision and interpretation

- (1) The Welsh Ministers may, by regulations, make provision about—
 - (a) appointment provision, and
 - (b) the appointment of committee chairs in accordance with appointment provision.
- (2) A local authority must, in exercising or deciding whether to exercise a function in connection with appointment provision or the appointment of committee chairs—
 - (a) have regard to guidance given by the Welsh Ministers, and
 - (b) comply with any directions given by the Welsh Ministers.

- (3) In sections 66 to 74 and this section—

“appointment provision” (*“darpariaeth benodi”*) has the meaning given in section 66;

“committee chair” (*“cadeirydd pwyllgor”*) has the meaning given in section 66;

“executive group” (*“grŵp gweithrediaeth”*) means a political group some or all of whose members comprise, or are included in, the executive of the authority;

“opposition group” (*“grŵp gwrthblaid”*) means a political group none of whose members are included in the executive of the authority;

“political group” (*“grŵp gwleidyddol”*), in relation to a local authority, means a group of members of the authority that is a political group for the purposes of Part 1 of the Local Government and Housing Act 1989;

“section 70 determination” (*“dyfarniad adran 70”*) means a determination of the kind referred to in section 70.

- (4) In section 21 of the Local Government Act 2000 (overview and scrutiny committees), after subsection (10) insert—

“(10A) For provision about the appointment of persons to chair overview and scrutiny committees of local authorities in Wales, see sections 66 to 75 of the Local Government (Wales) Measure 2011.”.

Co-opted members of overview and scrutiny committees

76 Guidance and directions about co-option

- (1) A local authority must, in exercising or deciding whether to exercise a co-option function—
 - (a) have regard to guidance given by the Welsh Ministers, and
 - (b) comply with directions given by the Welsh Ministers.
- (2) In this section “co-option function” means a function of a local authority that relates to co-opted members of—
 - (a) overview and scrutiny committees, or
 - (b) sub-committees of such committees.

- (3) Mae'n cynnwys (ond heb fod yn gyfyngedig iddi) swyddogaeth sy'n ymwneud â phenodi'r aelodau cyfetholedig hynny.

Darparu gwybodaeth

77 Blaen-gynlluniau a gwybodaeth arall

- (1) Caiff Gweinidogion Cymru drwy reoliadau wneud darpariaeth ar gyfer ei gwneud yn ofynnol bod gwybodaeth ragnodedig ynghylch arfer swyddogaethau'r canlynol –
- (a) pwyllgor trosolwg a chraffu i awdurdod lleol, neu
 - (b) is-bwyllgor i'r pwyllgor hwnnw,
- ar gael i aelodau o'r cyhoedd neu aelodau o'r awdurdod, neu mewn cysylltiad â hynny.
- (2) Mae'r ddarpariaeth y caniateir ei gwneud o dan is-adran (1) yn cynnwys y canlynol (ond heb fod yn gyfyngedig iddynt) –
- (a) darpariaeth sy'n ei gwneud yn ofynnol bod gwybodaeth ragnodedig ar gael cyn arfer swyddogaethau a grybwyllir yn yr is-adran honno, a
 - (b) darpariaeth o ran y dull y bydd gwybodaeth ar gael ac ar ba ffurf y bydd yr wybodaeth ar gael.

Cyfyngu ar reoli pwyllgorau gan bleidiau

78 Gwahardd pleidleisio o dan gyfarwyddyd chwip plaid a datgan cyfarwyddyd chwip plaid

- (1) Ni chaniateir i aelod o bwyllgor trosolwg a chraffu pleidleisio ar gwestiwn mewn cyfarfod o'r pwyllgor os rhoddwyd cyfarwyddyd chwip plaid i'r aelod, cyn y cyfarfod, mewn perthynas â'r cwestiwn ("cyfarwyddyd gwaharddedig chwip plaid").
- (2) Rhaid diystyru pleidlais a roddir yn groes i is-adran (1).
- (3) Rhaid i reolau sefydlog ddarparu bod rhaid i bob aelod o'r pwyllgor, ym mhob un o gyfarfodydd pwyllgor trosolwg a chraffu i awdurdod lleol, ddatgan unrhyw gyfarwyddyd gwaharddedig chwip plaid sydd wedi ei roi i'r aelod mewn perthynas â'r cyfarfod.
- (4) Rhaid i reolau sefydlog ei gwneud yn ofynnol i gofnodion pob cyfarfod pwyllgor trosolwg a chraffu gofnodi pob datganiad o'r fath yn y cyfarfod am gyfarwyddyd gwaharddedig chwip plaid.
- (5) Y person sy'n cadeirio cyfarfod o'r pwyllgor trosolwg a chraffu sydd i benderfynu a yw aelod o'r pwyllgor wedi cael cyfarwyddyd gwaharddedig chwip plaid mewn perthynas â'r cyfarfod.
- (6) Os bydd mynd yn groes i'r adran hon yn effeithio'n sylweddol ar benderfynu cwestiwn gan bwyllgor trosolwg a chraffu, mae'r penderfyniad i'w drin fel pe na fo wedi ei wneud.
- (7) Nid yw is-adran (6) yn effeithio ar unrhyw weithred neu anweithred gan unrhyw berson ac eithrio'r pwyllgor trosolwg a chraffu.
- (8) At ddibenion is-adran (6), o ran mynd yn groes i'r adran hon ac effaith ar benderfynu cwestiwn gan bwyllgor trosolwg a chraffu –

- (3) That includes (but is not limited to) a function that relates to appointment of such co-opted members.

Provision of information

77 Forward plans and other information

- (1) The Welsh Ministers may by regulations make provision for or in connection with requiring prescribed information about the exercise of the functions of—
 - (a) an overview and scrutiny committee of a local authority, or
 - (b) a sub-committee of such a committee,to be made available to members of the public or members of the authority.
- (2) The provision that may be made under subsection (1) includes (but is not limited to)—
 - (a) provision requiring prescribed information to be made available in advance of the exercise of functions mentioned in that subsection, and
 - (b) provision as to the way or form in which prescribed information is to be made available.

Restricting party control of committees

78 Prohibition of whipped votes & declaration of party whips

- (1) A member of an overview and scrutiny committee must not vote on a question at a meeting of the committee if, before the meeting, the member has been given a party whip relating to the question (a “prohibited party whip”).
- (2) A vote that is given in breach of subsection (1) must be disregarded.
- (3) Standing orders must provide that, at each meeting of an overview and scrutiny committee of a local authority, each member of the committee must declare any prohibited party whip which the member has been given in relation to the meeting.
- (4) Standing orders must require the minutes of each meeting of an overview and scrutiny committee to record all such declarations of prohibited party whips made at the meeting.
- (5) It is for the person chairing a meeting of an overview and scrutiny committee to determine whether a member of the committee has been given a prohibited party whip in relation to the meeting.
- (6) If the decision of a question by an overview and scrutiny committee is materially affected by a breach of this section, the decision is to be treated as if it had not been made.
- (7) Subsection (6) does not affect any act or omission of any person apart from the overview and scrutiny committee.
- (8) For the purposes of subsection (6), the decision of a question by an overview and scrutiny committee is materially affected by a breach of this section if—

- (a) mae'n effeithio'n sylweddol os yw un aelod o'r pwyllgor neu ragor yn pleidleisio ar y cwestiwn yn groes i is-adran (1),
 - (b) mae'n effeithio'n sylweddol os na ddiystyrir un neu ragor o'r pleidleisiau a grybwyllir ym mharagraff (a) yn unol ag is-adran (2), ac
 - (c) mae'n effeithio'n sylweddol pe byddai'r penderfyniad i'r cwestiwn wedi bod yn wahanol pe byddai'r bleidlais neu'r pleidleisiau a grybwyllir ym mharagraff (b) wedi eu diystyru'n unol ag is-adran (2).
- (9) Mae'r adran hon yn gymwys mewn perthynas ag is-bwyllgor i bwyllgor trosolwg a chraffu fel y mae'n gymwys i'r pwyllgor trosolwg a chraffu (ac yn unol â hyn mae cyfeiriadau yn yr adran hon at bwyllgor trosolwg a chraffu i'w darllen fel pe baent yn cynnwys cyfeiriadau at is-bwyllgor o'r fath).
- (10) Yn yr adran hon—

ystyr "cyfarwyddyd chwip plaid" ("*party whip*") yw cyfarwyddyd (sut bynnag y'i mynegir)—

- (a) a roddir ar ran grŵp gwleidyddol ar awdurdod lleol;
- (b) a roddir i berson (P)—
 - (i) sy'n aelod o'r grŵp gwleidyddol, a
 - (ii) sy'n aelod o bwyllgor trosolwg a chraffu i'r awdurdod lleol;
- (c) ynghylch sut y dylai P bleidleisio ar gwestiwn y mae'n dod i ran y pwyllgor i'w benderfynu; a
- (d) os na chydymffurfir ag ef gan P, a fyddai'n debygol o wneud P yn agored i gamau disgyblu gan y grŵp gwleidyddol sy'n rhoi'r cyfarwyddyd;

ystyr "grŵp gwleidyddol" ("*political group*") yw grŵp o aelodau o awdurdod lleol sy'n grŵp gwleidyddol at ddibenion Rhan 1 o Ddeddf Llywodraeth Leol a Thai 1989;

ystyr "rheolau sefydlog" ("*standing orders*"), mewn perthynas â phwyllgor trosolwg a chraffu, yw rheolau sefydlog sy'n rheoleiddio trafodion a busnes y pwyllgor hwnnw.

Strwythur pwyllgor trosolwg a chraffu

79 Canllawiau a chyfarwyddiadau

- (1) Caiff Gweinidogion Cymru roi i awdurdod lleol—
 - (a) canllawiau ynghylch strwythur pwyllgor trosolwg a chraffu'r awdurdod, neu
 - (b) cyfarwyddiadau ynghylch strwythur pwyllgor trosolwg a chraffu'r awdurdod.
- (2) Rhaid i awdurdod lleol roi sylw i ganllawiau a roddir gan Weinidogion Cymru o dan yr adran hon.
- (3) Rhaid i awdurdod lleol gydymffurfio â chyfarwyddiadau a roddir gan Weinidogion Cymru o dan yr adran hon.
- (4) Yn yr adran hon, mae cyfeiriadau at strwythur pwyllgor trosolwg a chraffu awdurdod yn cynnwys (ond heb fod yn gyfyngedig iddynt) gyfeiriadau ar y pethau a ganlyn—

- (a) one or more members of the committee vote on the question in breach of subsection (1),
 - (b) one or more of the votes mentioned in paragraph (a) is not disregarded in accordance with subsection (2), and
 - (c) the decision on the question would have been different if the vote or votes mentioned in paragraph (b) had been disregarded in accordance with subsection (2).
- (9) This section applies in relation to a sub-committee of an overview and scrutiny committee as it applies to the overview and scrutiny committee (and references in this section to an overview and scrutiny committee are accordingly to be read as including references to such a sub-committee).
- (10) In this section –
- “party whip” (“*cyfarwyddyd chwip plaid*”) means an instruction (however expressed) which –
 - (a) is given on behalf of a political group on a local authority;
 - (b) is given to a person (P) who is –
 - (i) a member of the political group, and
 - (ii) a member of an overview and scrutiny committee of the local authority;
 - (c) is an instruction as to how P should vote on a question falling to be decided by the committee; and
 - (d) if not complied with by P, would be likely to make P liable to disciplinary action by the political group which gives the instruction;

“political group” (“*grŵp gwleidyddol*”) means a group of members of a local authority that is a political group for the purposes of Part 1 of the Local Government and Housing Act 1989;

“standing orders” (“*rheolau sefydlog*”), in relation to an overview and scrutiny committee, means standing orders regulating the proceedings and business of that committee.

Overview and scrutiny committee structure

79 Guidance and directions

- (1) The Welsh Ministers may give a local authority –
 - (a) guidance about the authority's overview and scrutiny committee structure, or
 - (b) directions about the authority's overview and scrutiny committee structure.
- (2) A local authority must have regard to guidance given by the Welsh Ministers under this section.
- (3) A local authority must comply with directions given by the Welsh Ministers under this section.
- (4) In this section, references to a local authority's overview and scrutiny committee structure include (but are not limited to) references to the following things –

- (a) y nifer o bwyllgorau trosolwg a chraffu sydd gan yr awdurdod;
- (b) y nifer o is-bwyllgorau (os oes rhai) sydd gan bwyllgorau trosolwg a chraffu'r awdurdod;
- (c) swyddogaethau pwyllgorau trosolwg a chraffu'r awdurdod;
- (d) swyddogaethau is-bwyllgorau i bwyllgorau trosolwg a chraffu'r awdurdod.

Dehongli

80 **Dehongli'r Bennod hon**

Yn y Bennod hon –

ystyr “aelod cyfetholedig” (“*co-opted member*”), mewn perthynas â phwyllgor trosolwg a chraffu i awdurdod lleol, neu ag is-bwyllgor i bwyllgor o'r fath, yw person –

- (a) sy'n aelod o'r pwyllgor neu o'r is-bwyllgor, ond
- (b) nad yw'n aelod o'r awdurdod lleol;

mae i “pwyllgor trosolwg a chraffu” yr ystyr sydd i “*overview and scrutiny committee*” yn Rhan 2 o Ddeddf Llywodraeth Leol 2000 (gweler adran 21 o'r Ddeddf honno).

PENNOD 2

PWYLLGORAU ARCHWILIO

81 **Awdurdodau lleol i benodi pwyllgorau archwilio**

- (1) Rhaid i awdurdod lleol benodi pwyllgor (“pwyllgor archwilio”) –
 - (a) i arolygu materion ariannol yr awdurdod a chraffu arnynt,
 - (b) i lunio adroddiadau a gwneud argymhellion mewn perthynas â materion ariannol yr awdurdod.
 - (c) i adolygu ac asesu trefniadau'r awdurdod ar gyfer rheoli risgiau, rheolaeth fewnol a llywodraethu corfforaethol,
 - (d) i lunio adroddiadau a gwneud argymhellion i'r awdurdod ynghylch digonolrwydd ac effeithiolrwydd y trefniadau hynny,
 - (e) i arolygu trefniadau archwilio mewnol ac allanol yr awdurdod, ac
 - (f) i adolygu'r datganiadau ariannol a lunnir gan yr awdurdod.
- (2) Caiff awdurdod lleol roi i'w bwyllgor archwilio unrhyw swyddogaethau eraill y mae'r awdurdod o'r farn eu bod yn addas i'w harfer gan y cyfryw bwyllgor.
- (3) Y pwyllgor archwilio sydd i benderfynu sut mae i arfer ei swyddogaethau.

82 **Aelodaeth**

- (1) Mae awdurdod lleol i benodi aelodau ei bwyllgor archwilio.
- (2) Rhaid i awdurdod lleol sicrhau –

- (a) the number of overview and scrutiny committees which the authority has;
- (b) the number of sub-committees (if any) which overview and scrutiny committees of the authority have;
- (c) the functions of overview and scrutiny committees of the authority;
- (d) the functions of sub-committees of overview and scrutiny committees of the authority.

Interpretation

80 Interpretation of this Chapter

In this Chapter –

“co-opted member” (*“aelod cyfetholedig”*), in relation to an overview and scrutiny committee of a local authority, or a sub-committee of such a committee, means a person who is –

- (a) a member of the committee or sub-committee, but
- (b) not a member of the local authority;

“overview and scrutiny committee” (*“pwyllgor trosolwg a chraffu”*) has the same meaning as in Part 2 of the Local Government Act 2000 (see section 21 of that Act).

CHAPTER 2

AUDIT COMMITTEES

81 Local authorities to appoint audit committees

- (1) A local authority must appoint a committee (an “audit committee”) to –
 - (a) review and scrutinise the authority's financial affairs,
 - (b) make reports and recommendations in relation to the authority's financial affairs,
 - (c) review and assess the risk management, internal control and corporate governance arrangements of the authority,
 - (d) make reports and recommendations to the authority on the adequacy and effectiveness of those arrangements,
 - (e) oversee the authority's internal and external audit arrangements, and
 - (f) review the financial statements prepared by the authority.
- (2) A local authority may confer on its audit committee such other functions as the authority considers suitable to be exercised by such a committee.
- (3) It is for an audit committee to determine how to exercise its functions.

82 Membership

- (1) A local authority is to appoint the members of its audit committee.
- (2) A local authority must secure that –

- (a) bod dwy ran o dair o leiaf o aelodau ei bwyllgor archwilio'n aelodau o'r awdurdod;
 - (b) bod un aelod o leiaf o'i bwyllgor archwilio'n aelod lleyg;
 - (c) nad oes mwy nag un o aelodau ei bwyllgor archwilio'n aelod o weithrediaeth yr awdurdod;
 - (d) nad yw aelod hŷn ei weithrediaeth yn aelod o'i bwyllgor archwilio.
- (3) Nid yw is-adran (2)(c) yn ei gwneud yn ofynnol i aelodaeth pwyllgor archwilio awdurdod lleol gynnwys aelod o weithrediaeth yr awdurdod.
- (4) Nid yw penodi person yn aelod o bwyllgor archwilio yn cael effaith os bydd aelodaeth y pwyllgor yn mynd yn groes i is-adran (2) yn syth ar ôl penodi (p'un ai yn rhinwedd y penodi ai peidio).
- (5) Mewn achos pan fo un person neu ragor, ar adeg neilltuol, i'w wneud neu i'w gwneud yn aelod neu'n aelodau o bwyllgor archwilio, neu i beidio â bod yn aelod neu'n aelodau o bwyllgor archwilio, mae'r holl newidiadau hynny yn yr aelodaeth i'w hystyried wrth benderfynu a yw aelodaeth y pwyllgor yn mynd yn groes i is-adran (2).
- (6) Mae gweithred gan bwyllgor archwilio'n annilys os yw aelodaeth y pwyllgor yn mynd yn groes i is-adran (2).

83 Trafodion etc

- (1) Mae pwyllgor archwilio i benodi'r person sydd i gadeirio'r pwyllgor (a gaiff fod yn aelod o'r awdurdod neu'n aelod lleyg ond rhaid iddo beidio â bod yn aelod o grŵp gweithrediaeth).
- (2) Os nad oes unrhyw grwpiau gwrthblaid, caiff y person sydd i gadeirio'r pwyllgor archwilio fod yn aelod o grŵp gweithrediaeth ond rhaid iddo beidio â bod yn aelod o weithrediaeth yr awdurdod lleol.
- (3) Caiff holl aelodau pwyllgor archwilio bleidleisio ar unrhyw gwestiwn y mae'n dod i ran y pwyllgor i'w benderfynu.
- (4) Caiff pwyllgor archwilio awdurdod lleol—
- (a) ei gwneud yn ofynnol i aelodau a swyddogion yr awdurdod ddod ger ei fron i ateb cwestiynau, a
 - (b) gwahodd personau eraill i fynychu cyfarfodydd y pwyllgor.
- (5) Mae dyletswydd ar unrhyw aelod o awdurdod lleol neu swyddog i awdurdod lleol i gydymffurfio ag unrhyw ofyniad a osodir o dan is-adran (4)(a).
- (6) Nid yw is-adran (5) yn ei gwneud yn orfodol i berson ateb unrhyw gwestiwn y byddai gan y person hawl i wrthod ei ateb mewn achosion llys, neu at ddibenion achosion llys, yng Nghymru a Lloegr.
- (7) Mae pwyllgor archwilio i'w drin fel pe bai'n bwyllgor i brif gyngor at ddibenion Rhan 5A o Ddeddf Llywodraeth Leol 1972 (cael mynd i gyfarfodydd a chael gweld dogfennau awdurdodau, pwyllgorau ac is-bwyllgorau penodol).
- (8) At ddibenion is-adrannau (1) a (2), mae i'r ymadroddion “grŵp gweithrediaeth” a “grŵp gwrthblaid” yr un ystyr ag yn adran 75.

- (a) at least two-thirds of the members of its audit committee are members of the authority;
 - (b) at least one member of its audit committee is a lay member;
 - (c) no more than one of the members of its audit committee is a member of the authority's executive;
 - (d) the senior member of its executive is not a member of its audit committee.
- (3) Subsection (2)(c) does not require the membership of a local authority's audit committee to include a member of the authority's executive.
 - (4) The appointment of a person as a member of an audit committee has no effect if the membership of the committee breaches subsection (2) immediately after the appointment (whether or not by virtue of the appointment).
 - (5) In a case where one or more persons are to become, or to cease to be, members of an audit committee at a particular time, all those changes of membership are to be taken into account in determining whether the membership of the committee breaches subsection (2).
 - (6) An act of an audit committee is invalid if the membership of the committee breaches subsection (2).

83 Proceedings etc

- (1) An audit committee is to appoint the person who is to chair the committee (who may be a member of the authority or a lay member but who must not be a member of an executive group).
- (2) If there are no opposition groups, the person who is to chair the audit committee may be a member of an executive group but must not be a member of the local authority's executive.
- (3) All members of an audit committee may vote on any question that falls to be decided by the committee.
- (4) An audit committee of a local authority –
 - (a) may require members and officers of the authority to attend before it to answer questions, and
 - (b) may invite other persons to attend meetings of the committee.
- (5) It is the duty of any member or officer of a local authority to comply with any requirement imposed under subsection (4)(a).
- (6) A person is not obliged by subsection (5) to answer any question which the person would be entitled to refuse to answer in, or for the purposes of, proceedings in a court in England and Wales.
- (7) An audit committee is to be treated as a committee of a principal council for the purposes of Part 5A of the Local Government Act 1972 (access to meetings and documents of certain authorities, committees and sub-committees).
- (8) For the purposes of subsections (1) and (2), the expressions “executive group” and “opposition group” have the same meaning as in section 75.

84 Cynnal cyfarfodydd: pa mor aml

- (1) Rhaid i bwyllgor archwilio gyfarfod unwaith ym mhob blwyddyn galendr.
- (2) Rhaid i bwyllgor archwilio awdurdod lleol gyfarfod hefyd –
 - (a) os yw'r awdurdod lleol yn penderfynu y dylai'r pwyllgor gyfarfod, neu
 - (b) os yw traean o leiaf o aelodau o'r pwyllgor yn hawlio cyfarfod drwy gyfrwng un neu ragor o hysbysiad ysgrifenedig a roddir i'r person sy'n cadeirio'r pwyllgor.
- (3) Mae dyletswydd ar y person sy'n cadeirio pwyllgor archwilio i sicrhau bod cyfarfodydd y pwyllgor yn cael eu cynnal fel y mae is-adrannau (1) a (2) yn ei gwneud yn ofynnol.
- (4) Nid yw'r adran hon yn atal pwyllgor archwilio rhag cyfarfod ac eithrio fel y mae'r adran hon yn ei gwneud yn ofynnol.

85 Canllawiau

- (1) Caiff Gweinidogion Cymru roi canllawiau i awdurdodau lleol –
 - (a) ynghylch swyddogaethau pwyllgorau archwilio ac arfer y swyddogaethau hynny, neu
 - (b) ynghylch aelodaeth o bwyllgorau archwilio.
- (2) Rhaid i awdurdod lleol a'i bwyllgor archwilio roi sylw i ganllawiau a roddir gan Weinidogion Cymru o dan is-adran (1).

86 Terfynu aelodaeth pan fo person yn peidio â bod yn aelod o awdurdod

- (1) Mae'r adran hon yn gymwys i berson (P) –
 - (a) a benodir yn aelod o bwyllgor archwilio awdurdod lleol, a
 - (b) sy'n aelod o'r awdurdod ar adeg y penodiad hwnnw.
- (2) Os yw P yn peidio â bod yn aelod o'r awdurdod, mae P hefyd yn peidio â bod yn aelod o'r pwyllgor archwilio.
- (3) Ond nid yw is-adran (2) yn gymwys os bydd P –
 - (a) yn peidio â bod yn aelod o'r awdurdod oherwydd iddo ymddeol, a
 - (b) yn cael ei ailethol yn aelod o'r awdurdod heb fod yn hwyrach na diwrnod ei ymddeoliad.
- (4) Mae is-adran (3) yn ddarostyngedig i reolau sefydlog yr awdurdod neu rai'r pwyllgor archwilio.

87 Dehongli etc

- (1) Mae i ymadroddion a ddefnyddir yn y Bennod hon ac yn Rhan 2 o Ddeddf Llywodraeth Leol 2000 (neu mewn offeryn a wneir o dan y Rhan honno o'r Ddeddf honno) yr un ystyr yn y Bennod hon â'r ystyr sydd i'r ymadroddion cyfatebol Saesneg yn y Rhan honno o'r Ddeddf honno (neu sydd i'r ymadroddion Cymraeg neu i'r ymadroddion cyfatebol Saesneg yn yr offeryn hwnnw).

84 Frequency of meetings

- (1) An audit committee must meet once in every calendar year.
- (2) The audit committee of a local authority must also meet if—
 - (a) the local authority resolves that the committee should meet, or
 - (b) at least one-third of the members of the committee requisition a meeting by one or more notices in writing given to the person who chairs the committee.
- (3) It is the duty of the person who chairs an audit committee to secure that meetings of the committee are held as required by subsections (1) and (2).
- (4) This section does not prevent an audit committee from meeting otherwise than as required by this section.

85 Guidance

- (1) The Welsh Ministers may give guidance to local authorities—
 - (a) about the functions of audit committees and the exercise of those functions, or
 - (b) about the membership of audit committees.
- (2) A local authority and its audit committee must have regard to guidance given by the Welsh Ministers under subsection (1).

86 Termination of membership on ceasing to be member of authority

- (1) This section applies to a person (P) who is—
 - (a) appointed to be a member of an audit committee of a local authority, and
 - (b) is a member of the authority at the time of that appointment.
- (2) If P ceases to be a member of the authority, P also ceases to be a member of the audit committee.
- (3) But subsection (2) does not apply if P—
 - (a) ceases to be a member of the authority by reason of retirement, and
 - (b) is re-elected a member of the authority not later than the day of retirement.
- (4) Subsection (3) is subject to the standing orders of the authority or the audit committee.

87 Interpretation etc

- (1) Expressions used in this Chapter and in Part 2 of the Local Government Act 2000 (or in an instrument made under that Part of that Act) have the same meanings in this Chapter as in that Part of that Act (or in that instrument).

(2) Yn y Bennod hon –

ystyr “aelod hŷn awdurdod lleol” (“*senior member of a local authority*”) yw –

- (a) yn achos awdurdod lleol sy'n gweithredu gweithrediaeth arweinydd a chabinet (Cymru), yr arweinydd gweithrediaeth;
- (b) yn achos awdurdod lleol sy'n gweithredu gweithrediaeth maer a chabinet, y maer;

mae i “pwyllgor archwilio” (“*audit committee*”) yr ystyr sydd iddo yn adran 81; ystyr “aelod lleyg” (“*lay member*”) yw person nad yw'n aelod o awdurdod lleol.

(3) Wrth gymhwyso'r Bennod hon i awdurdod lleol sy'n gweithredu trefniadau amgen –

- (a) cyfeiriad at fwrdd yr awdurdod yw cyfeiriad at weithrediaeth yr awdurdod, a
- (b) cyfeiriad at gadeirydd bwrdd yr awdurdod yw cyfeiriad at aelod hŷn yr awdurdod.

RHAN 7

CYMUNEDAU A CHYNGHORAU CYMUNED

PENNOD 1

CYFARFODYDD CYMUNEDOL A PHLEIDLEISIO CYMUNEDOL

88 Cynnull cyfarfodydd cymunedol gan etholwyr llywodraeth leol

(1) Diwygir paragraff 30 o Atodlen 12 i Ddeddf Llywodraeth Leol 1972 fel a ganlyn –

(a) yn lle is-baragraff (1) rhodder –

“(1) Where there is a community council for a community, a community meeting may be convened at any time by the chairman of the council or by any two councillors representing the community on the council.”;

(b) yn is-baragraff (2), yn lle “any community meeting” rhodder “a community meeting convened under sub-paragraph (1) above”;

(c) yn is-baragraffau (3) a (4), yn lle “a community meeting” rhodder “a community meeting convened under sub-paragraph (1) above”;

(d) yn is-baragraff (3), yn lle “any of the matters mentioned in section 29B(4) of this Act” rhodder “the existence of the community council or the grouping of the community with other communities”;

(e) ar ddiwedd y paragraff, mewnosoder –

“(5) For the purposes of sub-paragraph (3) above, business relates to the existence of the community council or the grouping of the community with other communities if it relates to any function of a community meeting under sections 27A to 27L of this Act.”.

- (2) In this Chapter –
- “audit committee” (“*prwyllgor archwilio*”) has the meaning given in section 81;
- “lay member” (“*aelod lleyg*”) means a person who is not a member of a local authority;
- “senior member of a local authority” (“*aelod hŷn awdurdod lleol*”) means –
- (a) in the case of a local authority which operates a leader and cabinet executive (Wales), the executive leader;
 - (b) in the case of a local authority which operates a mayor and cabinet executive, the mayor.
- (3) In the application of this Chapter to a local authority which operates alternative arrangements –
- (a) a reference to the executive of the authority is a reference to the board of the authority, and
 - (b) a reference to the senior member of the authority is a reference to the chair of the board of the authority.

PART 7

COMMUNITIES AND COMMUNITY COUNCILS

CHAPTER 1

COMMUNITY MEETINGS AND COMMUNITY POLLS

88 Convening of community meetings by local government electors

- (1) Paragraph 30 of Schedule 12 to the Local Government Act 1972 is amended as follows –
- (a) for sub-paragraph (1) substitute –

“(1) Where there is a community council for a community, a community meeting may be convened at any time by the chairman of the council or by any two councillors representing the community on the council.”;
 - (b) in sub-paragraph (2), for “any community meeting” substitute “a community meeting convened under sub-paragraph (1) above”;
 - (c) in sub-paragraphs (3) and (4), for “a community meeting” substitute “a community meeting convened under sub-paragraph (1) above”;
 - (d) in sub-paragraph (3), for “any of the matters mentioned in section 29B(4) of this Act” substitute “the existence of the community council or the grouping of the community with other communities”;
 - (e) at the end of the paragraph insert –

“(5) For the purposes of sub-paragraph (3) above, business relates to the existence of the community council or the grouping of the community with other communities if it relates to any function of a community meeting under sections 27A to 27L of this Act.”.

- (2) Ar ôl paragraff 30 o Atodlen 12 i Ddeddf Llywodraeth Leol 1972 mewnosoder y canlynol—

“30A A community meeting may also be convened at any time by not less than—

- (a) 10% of the local government electors for the community, or
- (b) 50 of the electors (if 10% of the electors exceeds 50 electors).”.

89 Hysbysiad am gyfarfod cymunedol a gafodd ei gynnull gan etholwyr llywodraeth leol

Ar ôl paragraff 30A o Atodlen 12 i Ddeddf Llywodraeth Leol 1972 mewnosoder y canlynol—

“30B (1) Where a group of individuals assert that they have convened a community meeting under paragraph 30A above, those individuals must ensure that a notice which complies with the following requirements of this paragraph is given—

- (a) in a case where there is a community council for the community, to the community council, or
- (b) in a case where there is no community council for the community, to the principal council within whose area the community lies.

(2) The notice must contain—

- (a) unless sub-paragraph (5) below applies to an individual, the name and address of each of the individuals who assert that they have convened a community meeting under paragraph 30A;
- (b) unless sub-paragraph (5) below applies to an individual, the signature of each of those individuals;
- (c) the business which is proposed to be transacted at the meeting;
- (d) the proposed time and place at which the meeting is to be held.

(3) The notice must—

- (a) where it is given under sub-paragraph (1)(a) above, be in writing (but not in an electronic form);
- (b) where it is given under sub-paragraph (1)(b) above, be—
 - (i) in writing (but not in an electronic form), or
 - (ii) in an electronic form which meets the technical requirements set by the principal council under paragraph 30C below.

(4) In sub-paragraph (2) above—

- (a) “address” means the individual's qualifying address for the purposes of the register of local government electors maintained under section 9(1)(b) of the Representation of the People Act 1983 for the local government area (within the meaning of that Act) in which the community lies;

- (2) After paragraph 30 of Schedule 12 to the Local Government Act 1972 insert the following—

“30A A community meeting may also be convened at any time by not less than—

- (a) 10% of the local government electors for the community, or
- (b) 50 of the electors (if 10% of the electors exceeds 50 electors).”.

89 Notice of community meeting convened by local government electors

After paragraph 30A of Schedule 12 to the Local Government Act 1972 insert the following—

“30B (1) Where a group of individuals assert that they have convened a community meeting under paragraph 30A above, those individuals must ensure that a notice which complies with the following requirements of this paragraph is given—

- (a) in a case where there is a community council for the community, to the community council, or
- (b) in a case where there is no community council for the community, to the principal council within whose area the community lies.

(2) The notice must contain—

- (a) unless sub-paragraph (5) below applies to an individual, the name and address of each of the individuals who assert that they have convened a community meeting under paragraph 30A;
- (b) unless sub-paragraph (5) below applies to an individual, the signature of each of those individuals;
- (c) the business which is proposed to be transacted at the meeting;
- (d) the proposed time and place at which the meeting is to be held.

(3) The notice must—

- (a) where it is given under sub-paragraph (1)(a) above, be in writing (but not in an electronic form);
- (b) where it is given under sub-paragraph (1)(b) above, be—
 - (i) in writing (but not in an electronic form), or
 - (ii) in an electronic form which meets the technical requirements set by the principal council under paragraph 30C below.

(4) In sub-paragraph (2) above—

- (a) “address” means the individual's qualifying address for the purposes of the register of local government electors maintained under section 9(1)(b) of the Representation of the People Act 1983 for the local government area (within the meaning of that Act) in which the community lies;

(b) “signature” means—

- (i) where a notice is in writing, an individual's signature or, if the individual cannot give a signature, a signature given on the individual's behalf by a duly authorised individual who, in giving that signature, declares that he or she is so authorised;
 - (ii) where a notice is in an electronic form, an electronic signature in respect of an individual which meets the authentication requirements for such signatures set by the principal council under paragraph 30C below.
- (5) This sub-paragraph applies to an individual in respect of whom an anonymous entry under section 9B of the Representation of the People Act 1983 has been made in a register of local government electors.
- (6) Where sub-paragraph (5) above applies to an individual, the notice referred to in sub-paragraph (2) above—
- (a) need not include the individual's name and address and, if it does not do so, must instead include the contents of the anonymous entry made in respect of the individual in the register of local government electors, and
 - (b) need not include a signature in respect of the individual.
- (7) Where a notice is in electronic form, it is to be treated as given to a principal council when the notice is given in accordance with whatever requirements the council has set as to the giving of such notices under paragraph 30C(2) below.”.

90 Y cyfleuster ar gyfer darparu hysbysiadau electronig am gynnull cyfarfodydd cymunedol

Ar ôl paragraff 30B o Atodlen 12 i Ddeddf Llywodraeth Leol 1972 mewnosoder y canlynol—

- “30C (1) A principal council must provide a facility so that notices under paragraph 30B(1)(b) above may be given to the council in electronic form (“electronic notices”).
- (2) The council must set and, to such extent as the council considers appropriate, publicise the following requirements for electronic notices—
- (a) the authentication requirements to be met by an electronic signature included within an electronic notice; and
 - (b) the other technical requirements to be met by and in relation to an electronic notice.”.

91 Camau gweithredu ar ôl cael hysbysiad am gynnull cyfarfod cymunedol

Ar ôl paragraff 30C o Atodlen 12 i Ddeddf Llywodraeth Leol 1972 mewnosoder y canlynol—

- “30D(1) Where a principal council or a community council has been given a notice under paragraph 30B above, the council must consider—
- (a) whether the group of individuals to whom the notice relates is comprised of—

- (b) “signature” means –
- (i) where a notice is in writing, an individual's signature or, if the individual cannot give a signature, a signature given on the individual's behalf by a duly authorised individual who, in giving that signature, declares that he or she is so authorised;
 - (ii) where a notice is in an electronic form, an electronic signature in respect of an individual which meets the authentication requirements for such signatures set by the principal council under paragraph 30C below.
- (5) This sub-paragraph applies to an individual in respect of whom an anonymous entry under section 9B of the Representation of the People Act 1983 has been made in a register of local government electors.
- (6) Where sub-paragraph (5) above applies to an individual, the notice referred to in sub-paragraph (2) above –
- (a) need not include the individual's name and address and, if it does not do so, must instead include the contents of the anonymous entry made in respect of the individual in the register of local government electors, and
 - (b) need not include a signature in respect of the individual.
- (7) Where a notice is in electronic form, it is to be treated as given to a principal council when the notice is given in accordance with whatever requirements the council has set as to the giving of such notices under paragraph 30C(2) below.”.

90 Facility for the provision of electronic notices of the convening of community meetings

After paragraph 30B of Schedule 12 to the Local Government Act 1972 insert the following –

- “30C (1) A principal council must provide a facility so that notices under paragraph 30B(1)(b) above may be given to the council in electronic form (“electronic notices”).
- (2) The council must set and, to such extent as the council considers appropriate, publicise the following requirements for electronic notices –
- (a) the authentication requirements to be met by an electronic signature included within an electronic notice, and
 - (b) the other technical requirements to be met by and in relation to an electronic notice.”.

91 Action following receipt of notice of the convening of a community meeting

After paragraph 30C of Schedule 12 to the Local Government Act 1972 insert the following –

- “30D(1) Where a principal council or a community council has been given a notice under paragraph 30B above, the council must consider –
- (a) whether the group of individuals to whom the notice relates is comprised of –

- (i) at least 50 local government electors for the community in question, or
 - (ii) at least 10% of the local government electors for the community in question, and
- (b) whether the notice meets the requirements of paragraph 30B above.
- (2) If the council is of the opinion that—
- (a) the group of individuals to whom the notice relates is comprised of electors as described in paragraph (1)(a)(i) or (ii) above, and
 - (b) the notice meets the requirements of paragraph 30B above,
- the council must give a public notice in accordance with paragraph 30E below.
- (3) If the council is not of the opinion described in paragraph (2) above, the council must take all reasonable steps to give notice to the individuals to whom the notice relates as to why the council is not of that opinion.
- (4) The relevant registration officer must supply the council with any information in relation to an individual in respect of whom the notice under paragraph 30B includes an anonymous entry, by virtue of sub-paragraph (6)(a) of that paragraph, that it is necessary for the council to have in order to perform the council's functions under this paragraph.
- (5) In sub-paragraph (4) above, “relevant registration officer” means the registration officer under section 8 of the Representation of the People Act 1983 in relation to the register of local government electors maintained under section 9(1)(b) of that Act for the local government area (within the meaning of that Act) in which the community in question lies.”.

92 Hysbysiad cyhoeddus am gyfarfod cymunedol

Ar ôl paragraff 30D o Atodlen 12 i Ddeddf Llywodraeth Leol 1972 mewnosoder y canlynol—

- “30E (1) The public notice required by paragraph 30D(2) above must be given within a period of 30 days beginning with the day on which the council became of the opinion described in that paragraph.
- (2) Except in a case falling within sub-paragraph (3) below, the public notice must be given not less than seven clear days before the community meeting.
- (3) Where any business proposed to be transacted at the meeting relates to the existence of the community council or the grouping of the community with other communities, the public notice must be given not less than 30 clear days before the meeting.
- (4) The public notice must—
- (a) specify the time and place of the intended meeting;
 - (b) specify the business to be transacted at the meeting;
 - (c) be signed by the proper officer.

- (i) at least 50 local government electors for the community in question, or
 - (ii) at least 10% of the local government electors for the community in question, and
- (b) whether the notice meets the requirements of paragraph 30B above.
- (2) If the council is of the opinion that—
- (a) the group of individuals to whom the notice relates is comprised of electors as described in paragraph (1)(a)(i) or (ii) above, and
 - (b) the notice meets the requirements of paragraph 30B above,
- the council must give a public notice in accordance with paragraph 30E below.
- (3) If the council is not of the opinion described in paragraph (2) above, the council must take all reasonable steps to give notice to the individuals to whom the notice relates as to why the council is not of that opinion.
- (4) The relevant registration officer must supply the council with any information in relation to an individual in respect of whom the notice under paragraph 30B includes an anonymous entry, by virtue of sub-paragraph (6)(a) of that paragraph, that it is necessary for the council to have in order to perform the council's functions under this paragraph.
- (5) In sub-paragraph (4) above, “relevant registration officer” means the registration officer under section 8 of the Representation of the People Act 1983 in relation to the register of local government electors maintained under section 9(1)(b) of that Act for the local government area (within the meaning of that Act) in which the community in question lies.”.

92 Public notice of community meeting

After paragraph 30D of Schedule 12 to the Local Government Act 1972 insert the following—

- “30E (1) The public notice required by paragraph 30D(2) above must be given within a period of 30 days beginning with the day on which the council became of the opinion described in that paragraph.
- (2) Except in a case falling within sub-paragraph (3) below, the public notice must be given not less than seven clear days before the community meeting.
- (3) Where any business proposed to be transacted at the meeting relates to the existence of the community council or the grouping of the community with other communities, the public notice must be given not less than 30 clear days before the meeting.
- (4) The public notice must—
- (a) specify the time and place of the intended meeting;
 - (b) specify the business to be transacted at the meeting;
 - (c) be signed by the proper officer.

- (5) In specifying a time and place for the purposes of sub-paragraph (4)(a) above, the council must take into account the proposed time and place contained in the notice given to the council under paragraph 30B(2)(d) above.
- (6) The business specified for the purposes of sub-paragraph (4)(b) above must be the same as that contained in the notice given to the council under paragraph 30B(2)(c) above.
- (7) Public notice of a community meeting shall be given –
 - (a) by posting a notice of the meeting in some conspicuous place or places in the community,
 - (b) in such other manner, if any, as appears to the council to be desirable for giving publicity to the meeting.
- (8) For the purposes of sub-paragraph (3) above, business relates to the existence of the community council or the grouping of the community with other communities if it relates to any function of a community meeting under sections 27A to 27L of this Act.”.

93 Galw am bleidleisio cymunedol

Yn lle is-baragraff (4) o baragraff 34 o Atodlen 12 i Ddeddf Llywodraeth Leol 1972 mewnosoder y canlynol –

- “(4) A poll may be demanded before the conclusion of a community meeting on any question arising at the meeting; but no poll shall be taken unless –
- (a) the poll is demanded by a majority of the local government electors present at the meeting, and
 - (b) the electors demanding a poll constitute not less than –
 - (i) 10% of the local government electors for the community, or
 - (ii) 150 of the electors (if 10% of the electors exceeds 150 electors).”.

94 Hysbysiad sydd i'w roi gan y swyddog canlyniadau ar ôl cymryd pleidlais o ganlyniad i gyfarfod cymunedol

Ar ôl paragraff 38 o Atodlen 12 i Ddeddf Llywodraeth Leol 1972 mewnosoder y canlynol –

- “38A (1) This paragraph applies to a poll (other than a poll to which sub-paragraph (2) below refers) consequent on a community meeting where a majority of those voting were in favour of the question in relation to which the poll was taken.
- (2) This paragraph does not apply to a poll taken on a question of a type specified in regulations made by the Welsh Ministers.
 - (3) The returning officer in relation to the poll must give notice in writing to the monitoring officer (within the meaning of section 5 of the Local Government and Housing Act 1989) of the relevant principal council of –
 - (a) the question posed by the poll, and
 - (b) the fact that that a majority of those voting were in favour of that question.

- (5) In specifying a time and place for the purposes of sub-paragraph (4)(a) above, the council must take into account the proposed time and place contained in the notice given to the council under paragraph 30B(2)(d) above.
- (6) The business specified for the purposes of sub-paragraph (4)(b) above must be the same as that contained in the notice given to the council under paragraph 30B(2)(c) above.
- (7) Public notice of a community meeting shall be given –
 - (a) by posting a notice of the meeting in some conspicuous place or places in the community,
 - (b) in such other manner, if any, as appears to the council to be desirable for giving publicity to the meeting.
- (8) For the purposes of sub-paragraph (3) above, business relates to the existence of the community council or the grouping of the community with other communities if it relates to any function of a community meeting under sections 27A to 27L of this Act.”.

93 Demands for community polls

For sub-paragraph (4) of paragraph 34 of Schedule 12 to the Local Government Act 1972 substitute the following –

- “(4) A poll may be demanded before the conclusion of a community meeting on any question arising at the meeting; but no poll shall be taken unless –
- (a) the poll is demanded by a majority of the local government electors present at the meeting, and
 - (b) the electors demanding a poll constitute not less than –
 - (i) 10% of the local government electors for the community, or
 - (ii) 150 of the electors (if 10% of the electors exceeds 150 electors).”.

94 Notice to be given by returning officer following taking of a poll consequent on a community meeting

After paragraph 38 of Schedule 12 to the Local Government Act 1972 insert the following –

- “38A (1) This paragraph applies to a poll (other than a poll to which sub-paragraph (2) below refers) consequent on a community meeting where a majority of those voting were in favour of the question in relation to which the poll was taken.
- (2) This paragraph does not apply to a poll taken on a question of a type specified in regulations made by the Welsh Ministers.
 - (3) The returning officer in relation to the poll must give notice in writing to the monitoring officer (within the meaning of section 5 of the Local Government and Housing Act 1989) of the relevant principal council of –
 - (a) the question posed by the poll, and
 - (b) the fact that that a majority of those voting were in favour of that question.

- (4) In sub-paragraph (3) above, “relevant principal council” means the principal council in whose area lies the community of the community meeting at which the poll was demanded.
- (5) The power of the Welsh Ministers to make regulations under sub-paragraph (2) above is exercisable by statutory instrument.
- (6) A statutory instrument which contains regulations under sub-paragraph (2) above is subject to annulment in pursuance of a resolution of the National Assembly for Wales.”.

95 Penderfyniad swyddog monitro o ran y cyngor y mae'r pleidleisio'n ymwneud â'i swyddogaethau

- (1) Ar ôl paragraff 38A o Atodlen 12 i Ddeddf Llywodraeth Leol 1972 mewnosoder y canlynol—

“38B (1) Within a period of 14 days beginning with the day on which notice was given under paragraph 38A(3) above, the monitoring officer must determine whether, in the officer's opinion, the question in relation to which the poll was taken corresponds to any of the descriptions in sub-paragraph (2) below.

- (2) Those descriptions are—

- (a) a question which relates only to the functions of the principal council,
- (b) a question which relates only to the functions of a community council for the relevant community,
- (c) a question which relates to the functions of the principal council and the functions of a community council for the relevant community.

- (3) If the monitoring officer determines that the question in relation to which the poll was taken corresponds to the description in sub-paragraph (2)(a) above, the officer must give notice of that determination to the principal council (see section 33B of this Act for the duties of the council upon being given such notice).

- (4) If the monitoring officer determines that the question in relation to which the poll was taken corresponds to the description in sub-paragraph (2)(b) above, the officer must give notice of that determination to the community council (see paragraphs 26A and 29A above for the duties arising following the giving of such a notice).

- (5) If the monitoring officer determines that the question in relation to which the poll was taken corresponds to the description in sub-paragraph (2)(c) above, the officer must—

- (a) to the extent that the determination concludes that the question relates to the functions of the principal council, give notice of the determination to the principal council (see section 33B of this Act for the duties of the council upon being given such notice), and
- (b) to the extent that the determination concludes that the question relates to the functions of the community council, give notice of the determination to the community council (see paragraphs 26A and 29A above for the duties arising following the giving of such a notice).

- (4) In sub-paragraph (3) above, “relevant principal council” means the principal council in whose area lies the community of the community meeting at which the poll was demanded.
- (5) The power of the Welsh Ministers to make regulations under sub-paragraph (2) above is exercisable by statutory instrument.
- (6) A statutory instrument which contains regulations under sub-paragraph (2) above is subject to annulment in pursuance of a resolution of the National Assembly for Wales.”.

95 Determination of monitoring officer as to the council to whose functions a poll relates

- (1) After paragraph 38A of Schedule 12 to the Local Government Act 1972 insert the following—

“38B (1) Within a period of 14 days beginning with the day on which notice was given under paragraph 38A(3) above, the monitoring officer must determine whether, in the officer's opinion, the question in relation to which the poll was taken corresponds to any of the descriptions in sub-paragraph (2) below.

- (2) Those descriptions are—

- (a) a question which relates only to the functions of the principal council,
- (b) a question which relates only to the functions of a community council for the relevant community,
- (c) a question which relates to the functions of the principal council and the functions of a community council for the relevant community.

- (3) If the monitoring officer determines that the question in relation to which the poll was taken corresponds to the description in sub-paragraph (2)(a) above, the officer must give notice of that determination to the principal council (see section 33B of this Act for the duties of the council upon being given such notice).

- (4) If the monitoring officer determines that the question in relation to which the poll was taken corresponds to the description in sub-paragraph (2)(b) above, the officer must give notice of that determination to the community council (see paragraphs 26A and 29A above for the duties arising following the giving of such a notice).

- (5) If the monitoring officer determines that the question in relation to which the poll was taken corresponds to the description in sub-paragraph (2)(c) above, the officer must—

- (a) to the extent that the determination concludes that the question relates to the functions of the principal council, give notice of the determination to the principal council (see section 33B of this Act for the duties of the council upon being given such notice), and
- (b) to the extent that the determination concludes that the question relates to the functions of the community council, give notice of the determination to the community council (see paragraphs 26A and 29A above for the duties arising following the giving of such a notice).

- (6) A notice required to be given by this paragraph must—
- (a) be given in writing,
 - (b) be given as soon as is reasonably practicable after the date of determination, and
 - (c) include the monitoring officer's reasons for the determination to which the notice relates.”.
- (2) Ar ôl is-adran (8A) o adran 5 o Ddeddf Llywodraeth Leol a Thai 1989 (dynodi gan swyddog monitro ac adroddiadau ganddo) mewnosoder y canlynol—

“(8B) Any reference in this section to the duties of a monitoring officer imposed by this section, or to the duties of a monitoring officer under this section, shall include a reference to duties conferred on a monitoring officer by paragraph 38B of Schedule 12 to the Local Government Act 1972 (duties of monitoring officer for principal council in Wales in relation to polls consequent on community meetings).”.

96 Ystyried canlyniad pleidleisio cymunedol gan gyngor cymuned

Ar ôl paragraff 26 o Atodlen 12 i Ddeddf Llywodraeth Leol 1972 mewnosoder y canlynol—

- “26A (1) This paragraph applies where a community council has been given a notice under sub-paragraph (4) or (5)(b) of paragraph 38B below.
- (2) The community council must ensure that the question of what action (if any) the council should take in response to the community poll, or the part of the community poll, to which the notice relates is included within the business to be transacted at a meeting of the community council held within the relevant period.
 - (3) If it is necessary for the chairman of the community council to exercise his power under paragraph 25(1) above to call an extraordinary meeting of a community council in order for the community council to comply with sub-paragraph (2) above, the chairman must so exercise that power.
 - (4) In sub-paragraph (2) “relevant period” means the period of six weeks beginning with the day following that on which the notice referred to in sub-paragraph (1) was given.”.

97 Y camau gweithredu sydd i'w cymryd yn dilyn ystyriaeth gan gyngor cymuned o ganlyniadau pleidleisio cymunedol penodol

Ar ôl paragraff 29 o Atodlen 12 i Ddeddf Llywodraeth Leol 1972 mewnosoder y canlynol—

- “29A (1) This paragraph applies where—
- (a) a meeting of a community council has considered the question of what action (if any) the council is to take in response to a poll consequent on a community meeting,
 - (b) that question was included within the business to be transacted at the meeting in order to comply with paragraph 26A(2) above, and

- (6) A notice required to be given by this paragraph must—
- (a) be given in writing,
 - (b) be given as soon as is reasonably practicable after the date of determination, and
 - (c) include the monitoring officer's reasons for the determination to which the notice relates.”.
- (2) After subsection (8A) of section 5 of the Local Government and Housing Act 1989 (designation and reports of monitoring officer) insert the following—

“(8B) Any reference in this section to the duties of a monitoring officer imposed by this section, or to the duties of a monitoring officer under this section, shall include a reference to duties conferred on a monitoring officer by paragraph 38B of Schedule 12 to the Local Government Act 1972 (duties of monitoring officer for principal council in Wales in relation to polls consequent on community meetings).”.

96 Consideration of result of community poll by community council

After paragraph 26 of Schedule 12 to the Local Government Act 1972 insert the following—

- “26A(1) This paragraph applies where a community council has been given a notice under sub-paragraph (4) or (5)(b) of paragraph 38B below.
- (2) The community council must ensure that the question of what action (if any) the council should take in response to the community poll, or the part of the community poll, to which the notice relates is included within the business to be transacted at a meeting of the community council held within the relevant period.
 - (3) If it is necessary for the chairman of the community council to exercise his power under paragraph 25(1) above to call an extraordinary meeting of a community council in order for the community council to comply with sub-paragraph (2) above, the chairman must so exercise that power.
 - (4) In sub-paragraph (2) “relevant period” means the period of six weeks beginning with the day following that on which the notice referred to in sub-paragraph (1) was given.”.

97 Action to be taken following community council's consideration of results of certain community polls

After paragraph 29 of Schedule 12 to the Local Government Act 1972 insert the following—

- “29A(1) This paragraph applies where—
- (a) a meeting of a community council has considered the question of what action (if any) the council is to take in response to a poll consequent on a community meeting,
 - (b) that question was included within the business to be transacted at the meeting in order to comply with paragraph 26A(2) above, and

-
- (c) the poll was taken following a demand being made at a community meeting which was convened under paragraph 30A below.
- (2) The council must take all reasonable steps to give notice to each of the individuals who convened the community meeting referred to in sub-paragraph (1) above of what action (if any) the council intends to take in response to the poll, or that part of the poll which was considered at the meeting.
- (3) Notice under sub-paragraph (2) above must be given—
- (a) subject to sub-paragraph (4) below, in writing by sending it to the address given in respect of an individual in the relevant convening notice, and
- (b) as soon as is reasonably practicable after the meeting of the community council was held.
- (4) Where an individual falling within sub-paragraph (2) above is an anonymous registrant in the register of local government electors, sub-paragraph (3)(a) above does not apply and the notice must instead be given in writing to the principal council within whose area the community in question lies.
- (5) The notice under sub-paragraph (4) above must include the entry in respect of the individual which was included in the relevant convening notice.
- (6) Where a principal council is given notice under sub-paragraph (4)—
- (a) the council must, as soon as reasonably practicable, send the notice to the individual concerned, and
- (b) for that purpose and for the purposes of paragraph 30D below, section 9B(8) of the Representation of the People Act 1983 (communications with anonymous registrants) shall have effect as if the council were an officer referred to in that section.
- (7) The relevant registration officer must supply the principal council with any information that it is necessary for the council to have in order to comply with the duty under sub-paragraph (6) above.
- (8) In this paragraph—
- “anonymous registrant in the register of local government electors” means an individual in respect of whom the relevant convening notice included an entry referred to in paragraph 30B(6)(a) below;
- “relevant convening notice” means the notice given to the council under paragraph 30B below which preceded the holding of the community meeting at which the poll in question was demanded;
- “relevant registration officer” means the registration officer under section 8 of the Representation of the People Act 1983 in relation to the register of electors for the local government area (within the meaning of that Act) in which the community in question lies.”.

-
- (c) the poll was taken following a demand being made at a community meeting which was convened under paragraph 30A below.
- (2) The council must take all reasonable steps to give notice to each of the individuals who convened the community meeting referred to in sub-paragraph (1) above of what action (if any) the council intends to take in response to the poll, or that part of the poll which was considered at the meeting.
- (3) Notice under sub-paragraph (2) above must be given—
- (a) subject to sub-paragraph (4) below, in writing by sending it to the address given in respect of an individual in the relevant convening notice, and
- (b) as soon as is reasonably practicable after the meeting of the community council was held.
- (4) Where an individual falling within sub-paragraph (2) above is an anonymous registrant in the register of local government electors, sub-paragraph (3)(a) above does not apply and the notice must instead be given in writing to the principal council within whose area the community in question lies.
- (5) The notice under sub-paragraph (4) above must include the entry in respect of the individual which was included in the relevant convening notice.
- (6) Where a principal council is given notice under sub-paragraph (4)—
- (a) the council must, as soon as reasonably practicable, send the notice to the individual concerned, and
- (b) for that purpose and for the purposes of paragraph 30D below, section 9B(8) of the Representation of the People Act 1983 (communications with anonymous registrants) shall have effect as if the council were an officer referred to in that section.
- (7) The relevant registration officer must supply the principal council with any information that it is necessary for the council to have in order to comply with the duty under sub-paragraph (6) above.
- (8) In this paragraph—
- “anonymous registrant in the register of local government electors” means an individual in respect of whom the relevant convening notice included an entry referred to in paragraph 30B(6)(a) below;
- “relevant convening notice” means the notice given to the council under paragraph 30B below which preceded the holding of the community meeting at which the poll in question was demanded;
- “relevant registration officer” means the registration officer under section 8 of the Representation of the People Act 1983 in relation to the register of electors for the local government area (within the meaning of that Act) in which the community in question lies.”.

98 Prif gyngor yn ystyried canlyniad pleidleisio cymunedol

Ar ôl adran 33A o Ddeddf Llywodraeth Leol 1972 mewnosoder y canlynol—

“33B Principal council's response to a community poll

- (1) This section applies where a principal council has been given a notice under paragraph 38B(3) or (5)(a) of Schedule 12 to this Act which contains a determination that a question in relation to which a poll consequent on a community meeting was taken relates to the council's functions.
- (2) The council must, during the relevant period, perform one of the actions described in subsection (4).
- (3) If the council chooses to perform more than one action, the council may do so during or after the relevant period.
- (4) The actions referred to in subsection (2) are as follows—
 - (a) to exercise the council's functions in accordance with the question in relation to which the poll was taken;
 - (b) to include the question of what action (if any) the council should take in response to the community poll within the business to be transacted at a meeting of the principal council held within the relevant period (and for this purpose a meeting of a committee or sub-committee of the council does not count);
 - (c) to initiate a consultation exercise which seeks the views of such members of the public as the council considers appropriate about what action (if any) the council should take in response to the community poll;
 - (d) to hold a meeting open to members of the public, at such venue as the council considers appropriate, for the purpose of seeking the views of members of the public about what action (if any) the council should take in response to the community poll;
 - (e) to initiate research for the purpose of assisting the council to decide what action (if any) it should take in response to the community poll;
 - (f) to refer the question of what action (if any) the council should take in response to the community poll to an overview and scrutiny committee with a request that the committee reports its conclusions to the council.
- (5) In this section the “relevant period” means the period of two months beginning on the day following that on which the notice referred to in subsection (1) was given.”.

99 Prif gyngor yn egluro'i ymateb i bleidleisio cymunedol

Ar ôl adran 33B o Ddeddf Llywodraeth Leol 1972 mewnosoder y canlynol—

98 Consideration of result of community poll by principal council

After section 33A of the Local Government Act 1972 insert the following—

“33B Principal council's response to a community poll

- (1) This section applies where a principal council has been given a notice under paragraph 38B(3) or (5)(a) of Schedule 12 to this Act which contains a determination that a question in relation to which a poll consequent on a community meeting was taken relates to the council's functions.
- (2) The council must, during the relevant period, perform one of the actions described in subsection (4).
- (3) If the council chooses to perform more than one action, the council may do so during or after the relevant period.
- (4) The actions referred to in subsection (2) are as follows—
 - (a) to exercise the council's functions in accordance with the question in relation to which the poll was taken;
 - (b) to include the question of what action (if any) the council should take in response to the community poll within the business to be transacted at a meeting of the principal council held within the relevant period (and for this purpose a meeting of a committee or sub-committee of the council does not count);
 - (c) to initiate a consultation exercise which seeks the views of such members of the public as the council considers appropriate about what action (if any) the council should take in response to the community poll;
 - (d) to hold a meeting open to members of the public, at such venue as the council considers appropriate, for the purpose of seeking the views of members of the public about what action (if any) the council should take in response to the community poll;
 - (e) to initiate research for the purpose of assisting the council to decide what action (if any) it should take in response to the community poll;
 - (f) to refer the question of what action (if any) the council should take in response to the community poll to an overview and scrutiny committee with a request that the committee reports its conclusions to the council.
- (5) In this section the “relevant period” means the period of two months beginning on the day following that on which the notice referred to in subsection (1) was given.”.

99 Principal council's explanation of its response to a community poll

After section 33B of the Local Government Act 1972 insert the following—

“33C Principal council's explanation of its response to a community poll

- (1) As soon as is reasonably practicable following the end of the relevant period for the purposes of section 33B of this Act, a principal council must take all reasonable steps to give the chairman of, or person who presided at, the community meeting referred to in subsection (1) of that section a notice in writing which—
 - (a) describes what action the council has taken in response to the community poll to which the notice relates, and
 - (b) describes what further action (if any) the council intends to take.
- (2) If notice cannot be given to the chairman of, or person who presided at, the community meeting—
 - (a) in the case of a community meeting convened under paragraph 30 of Schedule 12 to this Act, the notice must instead be given to the chairman of the community council for the community;
 - (b) in the case of a community meeting convened under paragraph 30A of Schedule 12 to this Act, the principal council must instead take all reasonable steps to give notice to each of the individuals who convened the community meeting.
- (3) Subject to subsection (5), notice under subsection (2)(b) is to be given by sending the notice to the address given in respect of an individual in the relevant convening notice.
- (4) In subsection (3), “relevant convening notice” means the notice given to the council under paragraph 30B of Schedule 12 to this Act which preceded the holding of the community meeting at which the poll in question was demanded.
- (5) Where an individual is an anonymous registrant in the register of local government electors (within the meaning of paragraph 29A of Schedule 12 to this Act), the duty under subsection (3) does not apply and notice shall instead be given, and related functions performed, in accordance with subparagraphs (4) to (8) of paragraph 29A of Schedule 12 to this Act.
- (6) The council must publish the notice on its website for a period of at least six months, beginning with the day on which the notice was given.”.

PENNOD 2**TREFNIADAETH CYMUNEDAU A'U CYNGHORAU****100 Diddymu darpariaethau presennol ynghylch sefydlu a diddymu cyngorau cymuned etc**

Hepgorer adrannau 28 i 29B o Ddeddf Llywodraeth Leol 1972.

101 Pŵer cyfarfod cymunedol i wneud cais am orchymyn i sefydlu cyngor cymuned

Ar ôl adran 27 o Ddeddf Llywodraeth Leol 1972 mewnosoder y canlynol—

“33C Principal council's explanation of its response to a community poll

- (1) As soon as is reasonably practicable following the end of the relevant period for the purposes of section 33B of this Act, a principal council must take all reasonable steps to give the chairman of, or person who presided at, the community meeting referred to in subsection (1) of that section a notice in writing which—
 - (a) describes what action the council has taken in response to the community poll to which the notice relates, and
 - (b) describes what further action (if any) the council intends to take.
- (2) If notice cannot be given to the chairman of, or person who presided at, the community meeting—
 - (a) in the case of a community meeting convened under paragraph 30 of Schedule 12 to this Act, the notice must instead be given to the chairman of the community council for the community;
 - (b) in the case of a community meeting convened under paragraph 30A of Schedule 12 to this Act, the principal council must instead take all reasonable steps to give notice to each of the individuals who convened the community meeting.
- (3) Subject to subsection (5), notice under subsection (2)(b) is to be given by sending the notice to the address given in respect of an individual in the relevant convening notice.
- (4) In subsection (3), “relevant convening notice” means the notice given to the council under paragraph 30B of Schedule 12 to this Act which preceded the holding of the community meeting at which the poll in question was demanded.
- (5) Where an individual is an anonymous registrant in the register of local government electors (within the meaning of paragraph 29A of Schedule 12 to this Act), the duty under subsection (3) does not apply and notice shall instead be given, and related functions performed, in accordance with subparagraphs (4) to (8) of paragraph 29A of Schedule 12 to this Act.
- (6) The council must publish the notice on its website for a period of at least six months, beginning with the day on which the notice was given.”.

CHAPTER 2**ORGANISATION OF COMMUNITIES AND THEIR COUNCILS****100 Repeal of existing provisions about establishment and dissolution of community councils etc**

Sections 28 to 29B of the Local Government Act 1972 are omitted.

101 Power of community meeting to apply for an order establishing a community council

After section 27 of the Local Government Act 1972 insert the following—

“27A Power of community meeting to apply for an order establishing a community council

- (1) This section sets out the conditions that must be met before an application may be made by a community meeting of a community which does not have a separate council for an order under section 27B establishing a separate council for the community.
- (2) The first condition is that the community meeting has taken an effective decision to hold a poll on a proposal to establish a separate council for the community.
- (3) For the purposes of the first condition a decision is only effective if not less than—
 - (a) 10% of the local government electors for the community, or
 - (b) 150 of the electors (if 10% of the electors exceeds 150 electors),
 are present and voting at the community meeting.
- (4) The second condition is that the poll is not held before the end of the period of 42 days beginning with the day on which the decision to hold the poll was taken.
- (5) The third condition is that the poll is not held within two years of an earlier poll which resulted in a rejection of a proposal to establish a separate council for the community (that period of two years beginning with the day on which the earlier poll was held).
- (6) The fourth condition is that a majority of those voting in the poll support the proposal to establish a separate council for the community.
- (7) Paragraph 34 of Schedule 12 to this Act (voting at community meetings) shall have effect subject to the provisions of this section.”.

102 Gorchmynion i sefydlu cyngorau cymuned ar wahân ar gyfer cymunedau

Ar ôl adran 27A o Ddeddf Llywodraeth Leol 1972 mewnosoder y canlynol—

“27B Orders establishing separate community councils for communities

- (1) This section applies where a community meeting of a community which does not have a separate council applies to the principal council within whose area it lies for an order establishing a separate council for the community.
- (2) The principal council must consider whether it is satisfied that—
 - (a) the conditions in section 27A are met; and
 - (b) any relevant requirements of Schedule 12 have been met.
- (3) If the council is so satisfied, the council must make the order applied for (but this is subject to subsections (4) to (6) below).
- (4) The order shall make such provision as appears to the principal council to be necessary for the election of a community council in accordance with this Act and Part I of the Representation of the People Act 1983.

“27A Power of community meeting to apply for an order establishing a community council

- (1) This section sets out the conditions that must be met before an application may be made by a community meeting of a community which does not have a separate council for an order under section 27B establishing a separate council for the community.
- (2) The first condition is that the community meeting has taken an effective decision to hold a poll on a proposal to establish a separate council for the community.
- (3) For the purposes of the first condition a decision is only effective if not less than—
 - (a) 10% of the local government electors for the community, or
 - (b) 150 of the electors (if 10% of the electors exceeds 150 electors),
 are present and voting at the community meeting.
- (4) The second condition is that the poll is not held before the end of the period of 42 days beginning with the day on which the decision to hold the poll was taken.
- (5) The third condition is that the poll is not held within two years of an earlier poll which resulted in a rejection of a proposal to establish a separate council for the community (that period of two years beginning with the day on which the earlier poll was held).
- (6) The fourth condition is that a majority of those voting in the poll support the proposal to establish a separate council for the community.
- (7) Paragraph 34 of Schedule 12 to this Act (voting at community meetings) shall have effect subject to the provisions of this section.”.

102 Orders establishing separate community councils for communities

After section 27A of the Local Government Act 1972 insert the following—

“27B Orders establishing separate community councils for communities

- (1) This section applies where a community meeting of a community which does not have a separate council applies to the principal council within whose area it lies for an order establishing a separate council for the community.
- (2) The principal council must consider whether it is satisfied that—
 - (a) the conditions in section 27A are met; and
 - (b) any relevant requirements of Schedule 12 have been met.
- (3) If the council is so satisfied, the council must make the order applied for (but this is subject to subsections (4) to (6) below).
- (4) The order shall make such provision as appears to the principal council to be necessary for the election of a community council in accordance with this Act and Part I of the Representation of the People Act 1983.

- (5) No order shall be made so as to establish a separate community council for a community grouped under a common community council unless –
- (a) the community is separated from the group, or
 - (b) the group is dissolved,
- by the order, or by an order under section 27J or section 27L below.
- (6) Where, in a case to which subsection (5) above applies, the group is not dissolved, the order under this section shall make such provision as appears to the principal council to be necessary for the alteration of the group's community council.”.

103 Pŵer cyfarfod cymunedol i wneud cais am orchymyn i ddiddymu ei gyngor cymuned ar wahân

Ar ôl adran 27B o Ddeddf Llywodraeth Leol 1972 mewnosoder y canlynol –

“27C Power of community meeting to apply for an order dissolving its separate community council

- (1) This section sets out the conditions that must be met before an application may be made by a community meeting of a community which has a separate council for an order under section 27D dissolving the council.
- (2) The first condition is that the community meeting has taken an effective decision to hold a poll on a proposal to dissolve the council for the community.
- (3) For the purposes of the first condition a decision is only effective if not less than –
 - (a) 30% of the local government electors for the community, or
 - (b) 300 of the electors (if 30% of the electors exceeds 300 electors),
 are present and voting at the community meeting.
- (4) The second condition is that the poll is not held before the end of the period of 42 days beginning with the day on which the decision to hold the poll was taken.
- (5) The third condition is that the poll is not held within two years of an earlier poll which resulted in a rejection of a proposal to dissolve the separate council for the community (that period of two years beginning with the day on which the earlier poll was held).
- (6) The fourth condition is that at least two-thirds of those voting in the poll support the proposal to dissolve the separate council for the community.
- (7) Paragraph 34 of Schedule 12 to this Act (voting at community meetings) shall have effect subject to the provisions of this section.”.

104 Gorchmynion i ddiddymu cynghorau cymuned ar wahân ar gyfer cymunedau

Ar ôl adran 27C o Ddeddf Llywodraeth Leol 1972 mewnosoder y canlynol –

- (5) No order shall be made so as to establish a separate community council for a community grouped under a common community council unless –
- (a) the community is separated from the group, or
 - (b) the group is dissolved,
- by the order, or by an order under section 27J or section 27L below.
- (6) Where, in a case to which subsection (5) above applies, the group is not dissolved, the order under this section shall make such provision as appears to the principal council to be necessary for the alteration of the group's community council.”.

103 Power of community meeting to apply for an order dissolving its separate community council

After section 27B of the Local Government Act 1972 insert the following –

“27C Power of community meeting to apply for an order dissolving its separate community council

- (1) This section sets out the conditions that must be met before an application may be made by a community meeting of a community which has a separate council for an order under section 27D dissolving the council.
- (2) The first condition is that the community meeting has taken an effective decision to hold a poll on a proposal to dissolve the council for the community.
- (3) For the purposes of the first condition a decision is only effective if not less than –
 - (a) 30% of the local government electors for the community, or
 - (b) 300 of the electors (if 30% of the electors exceeds 300 electors),
 are present and voting at the community meeting.
- (4) The second condition is that the poll is not held before the end of the period of 42 days beginning with the day on which the decision to hold the poll was taken.
- (5) The third condition is that the poll is not held within two years of an earlier poll which resulted in a rejection of a proposal to dissolve the separate council for the community (that period of two years beginning with the day on which the earlier poll was held).
- (6) The fourth condition is that at least two-thirds of those voting in the poll support the proposal to dissolve the separate council for the community.
- (7) Paragraph 34 of Schedule 12 to this Act (voting at community meetings) shall have effect subject to the provisions of this section.”.

104 Orders dissolving separate community councils for communities

After section 27C of the Local Government Act 1972 insert the following –

“27D Orders dissolving separate community councils for communities

- (1) This section applies where a community meeting of a community which has a separate council applies to the principal council within whose area it lies for an order dissolving the council for the community.
- (2) The principal council must consider whether it is satisfied that—
 - (a) the conditions in section 27C are met; and
 - (b) any relevant requirements of Schedule 12 have been met.
- (3) If the council is so satisfied, the council must make the order applied for.”.

105 Pŵer cyfarfod cymunedol i wneud cais am orchymyn yn grwpio ei gymuned ynghyd â chymunedau eraill o dan gyngor cymuned cyffredin

Ar ôl adran 27D o Ddeddf Llywodraeth Leol 1972 mewnosoder y canlynol—

“27E Power of community meeting to apply for an order grouping its community with other communities under a common community council

- (1) This section sets out the conditions that must be met before an application may be made by a community meeting for an order under section 27F grouping the community with some neighbouring community or communities which lie in the same principal area as the community, under a common community council.
- (2) The first condition is that the community meeting has taken an effective decision to hold a poll on a proposal to group the community with a neighbouring community or communities which lie in the same principal area as the community, under a common community council.
- (3) For the purposes of the first condition a decision is only effective if not less than—
 - (a) 10% of the local government electors for the community, or
 - (b) 150 of the electors (if 10% of the electors exceeds 150 electors),
 are present and voting at the community meeting.
- (4) The second condition is that the poll is not held before the end of the period of 42 days beginning with the day on which the decision to hold the poll was taken.
- (5) The third condition is that the poll is not held within two years of an earlier poll which resulted in a rejection of an identical proposal to group the community with a neighbouring community or communities (that period of two years beginning with the day on which the earlier poll was held).
- (6) The fourth condition is that a majority of those voting in the poll support the proposal to group the community with a neighbouring community or communities which lie in the same principal area as the community, under a common community council.
- (7) The fifth condition is that the application is made jointly with the community meeting, or meetings, for the community, or communities to be grouped under the common community council.

“27D Orders dissolving separate community councils for communities

- (1) This section applies where a community meeting of a community which has a separate council applies to the principal council within whose area it lies for an order dissolving the council for the community.
- (2) The principal council must consider whether it is satisfied that—
 - (a) the conditions in section 27C are met; and
 - (b) any relevant requirements of Schedule 12 have been met.
- (3) If the council is so satisfied, the council must make the order applied for.”.

105 Power of community meeting to apply for an order grouping its community with other communities under a common community council

After section 27D of the Local Government Act 1972 insert the following—

“27E Power of community meeting to apply for an order grouping its community with other communities under a common community council

- (1) This section sets out the conditions that must be met before an application may be made by a community meeting for an order under section 27F grouping the community with some neighbouring community or communities which lie in the same principal area as the community, under a common community council.
- (2) The first condition is that the community meeting has taken an effective decision to hold a poll on a proposal to group the community with a neighbouring community or communities which lie in the same principal area as the community, under a common community council.
- (3) For the purposes of the first condition a decision is only effective if not less than—
 - (a) 10% of the local government electors for the community, or
 - (b) 150 of the electors (if 10% of the electors exceeds 150 electors),are present and voting at the community meeting.
- (4) The second condition is that the poll is not held before the end of the period of 42 days beginning with the day on which the decision to hold the poll was taken.
- (5) The third condition is that the poll is not held within two years of an earlier poll which resulted in a rejection of an identical proposal to group the community with a neighbouring community or communities (that period of two years beginning with the day on which the earlier poll was held).
- (6) The fourth condition is that a majority of those voting in the poll support the proposal to group the community with a neighbouring community or communities which lie in the same principal area as the community, under a common community council.
- (7) The fifth condition is that the application is made jointly with the community meeting, or meetings, for the community, or communities to be grouped under the common community council.

- (8) Paragraph 34 of Schedule 12 to this Act (voting at community meetings) shall have effect subject to the provisions of this section.”.

106 Gorchmynion yn grwpio cymuned ynghyd â chymunedau eraill o dan gyngor cymuned cyffredin

Ar ôl adran 27E o Ddeddf Llywodraeth Leol 1972 mewnosoder y canlynol—

“27F Orders grouping a community with other communities under a common community council

- (1) This section applies where a community meeting of a community applies to the principal council within whose area it lies for an order grouping the community with some neighbouring community or communities which lie in the same principal area as the community, under a common community council.
- (2) The principal council must consider whether it is satisfied that—
 - (a) the conditions in section 27E are met; and
 - (b) any relevant requirements of Schedule 12 have been met.
- (3) If the council is so satisfied, the council must make the order applied for (but this is subject to subsections (4) to (7) below).
- (4) The order shall provide for the name of the group in both an English and a Welsh form.
- (5) The order shall—
 - (a) make such provision as appears to the principal council to be necessary for the election, in accordance with this Act and Part I of the Representation of the People Act 1983, of separate representatives on the community council for each community or for the wards of any community, and
 - (b) provide for the dissolution of the separate community council of any community included in the group.
- (6) The order shall make such provision as appears to the principal council to be necessary for the application to the communities included in the group of all or any of the provisions of section 79 of the Charities Act 1993 (parochial charities) and of any of the provisions of this Act with respect to the custody of community documents, so as to preserve the separate rights of each community.
- (7) The order may provide for any necessary adaptations of this Act in relation to the group of communities.”.

107 Pŵer cyfarfod cymunedol i wneud cais am orchymyn yn ychwanegu ei gymuned at grŵp o gymunedau a chanddynt gyngor cyffredin

Ar ôl adran 27F o Ddeddf Llywodraeth Leol 1972 mewnosoder y canlynol—

- (8) Paragraph 34 of Schedule 12 to this Act (voting at community meetings) shall have effect subject to the provisions of this section.”.

106 Orders grouping a community with other communities under a common community council

After section 27E of the Local Government Act 1972 insert the following—

“27F Orders grouping a community with other communities under a common community council

- (1) This section applies where a community meeting of a community applies to the principal council within whose area it lies for an order grouping the community with some neighbouring community or communities which lie in the same principal area as the community, under a common community council.
- (2) The principal council must consider whether it is satisfied that—
 - (a) the conditions in section 27E are met; and
 - (b) any relevant requirements of Schedule 12 have been met.
- (3) If the council is so satisfied, the council must make the order applied for (but this is subject to subsections (4) to (7) below).
- (4) The order shall provide for the name of the group in both an English and a Welsh form.
- (5) The order shall—
 - (a) make such provision as appears to the principal council to be necessary for the election, in accordance with this Act and Part I of the Representation of the People Act 1983, of separate representatives on the community council for each community or for the wards of any community, and
 - (b) provide for the dissolution of the separate community council of any community included in the group.
- (6) The order shall make such provision as appears to the principal council to be necessary for the application to the communities included in the group of all or any of the provisions of section 79 of the Charities Act 1993 (parochial charities) and of any of the provisions of this Act with respect to the custody of community documents, so as to preserve the separate rights of each community.
- (7) The order may provide for any necessary adaptations of this Act in relation to the group of communities.”.

107 Power of community meeting to apply for an order adding its community to a group of communities with a common council

After section 27F of the Local Government Act 1972 insert the following—

“27G Power of community meeting to apply for an order adding its community to a group of communities with a common council

- (1) This section sets out the conditions that must be met before an application may be made by a community meeting for an order under section 27H adding the community to a group of communities all of which lie in the same principal area as the community and for which there is a common community council.
- (2) The first condition is that the community meeting has taken an effective decision to hold a poll on a proposal to add the community to a group of communities all of which lie in the same principal area as the community and for which there is a common community council.
- (3) For the purposes of the first condition a decision is only effective if not less than—
 - (a) 10% of the local government electors for the community, or
 - (b) 150 of the electors (if 10% of the electors exceeds 150 electors),are present and voting at the community meeting.
- (4) The second condition is that a majority of those voting in the poll support the proposal to add the community to a group of communities all of which lie in the same principal area as the community and for which there is a common community council.
- (5) The third condition is that a community meeting of each of the communities in the group has made an effective decision to hold a poll on a proposal to consent to the community in question becoming a member of the group.
- (6) For the purposes of the third condition a decision is only effective if not less than—
 - (a) 10% of the local government electors for the community, or
 - (b) 150 of the electors (if 10% of the electors exceeds 150 electors),are present and voting at the community meeting.
- (7) The fourth condition is that a majority of those voting in a poll following an effective decision for the purposes of the third condition support the proposal to consent to the community in question becoming a member of the group.
- (8) The fifth condition is that none of the above polls are held within two years of an earlier poll which resulted in a rejection of an identical proposal to add the community in question to the group of communities (that period of two years beginning with the day on which the earlier poll was held).
- (9) The sixth condition is that none of the above polls are held before the end of the period of 42 days beginning with the day on which the decision to hold that poll was taken.
- (10) Paragraph 34 of Schedule 12 to this Act (voting at community meetings) shall have effect subject to the provisions of this section.”.

“27G Power of community meeting to apply for an order adding its community to a group of communities with a common council

- (1) This section sets out the conditions that must be met before an application may be made by a community meeting for an order under section 27H adding the community to a group of communities all of which lie in the same principal area as the community and for which there is a common community council.
- (2) The first condition is that the community meeting has taken an effective decision to hold a poll on a proposal to add the community to a group of communities all of which lie in the same principal area as the community and for which there is a common community council.
- (3) For the purposes of the first condition a decision is only effective if not less than—
 - (a) 10% of the local government electors for the community, or
 - (b) 150 of the electors (if 10% of the electors exceeds 150 electors),are present and voting at the community meeting.
- (4) The second condition is that a majority of those voting in the poll support the proposal to add the community to a group of communities all of which lie in the same principal area as the community and for which there is a common community council.
- (5) The third condition is that a community meeting of each of the communities in the group has made an effective decision to hold a poll on a proposal to consent to the community in question becoming a member of the group.
- (6) For the purposes of the third condition a decision is only effective if not less than—
 - (a) 10% of the local government electors for the community, or
 - (b) 150 of the electors (if 10% of the electors exceeds 150 electors),are present and voting at the community meeting.
- (7) The fourth condition is that a majority of those voting in a poll following an effective decision for the purposes of the third condition support the proposal to consent to the community in question becoming a member of the group.
- (8) The fifth condition is that none of the above polls are held within two years of an earlier poll which resulted in a rejection of an identical proposal to add the community in question to the group of communities (that period of two years beginning with the day on which the earlier poll was held).
- (9) The sixth condition is that none of the above polls are held before the end of the period of 42 days beginning with the day on which the decision to hold that poll was taken.
- (10) Paragraph 34 of Schedule 12 to this Act (voting at community meetings) shall have effect subject to the provisions of this section.”.

108 Gorchmynion yn ychwanegu cymuned at grŵp o gymunedau a chanddynt gyngor cyffredin

Ar ôl adran 27G o Ddeddf Llywodraeth Leol 1972 mewnosoder y canlynol—

“27H Orders adding a community to a group of communities with a common council

- (1) This section applies where a community meeting of a community applies to the principal council within whose area it lies for an order adding the community to a group of communities all of which lie in the same principal area as the community and for which there is a common community council.
- (2) The principal council must consider whether is it satisfied that—
 - (a) the conditions in section 27G are met, and
 - (b) any relevant requirements of Schedule 12 have been met.
- (3) If the council is so satisfied, the council must make the order applied for (but this is subject to subsections (4) to (7) below).
- (4) The order shall provide for the name of the group in both an English and a Welsh form.
- (5) The order shall—
 - (a) make such provision as appears to the principal council to be necessary for the election, in accordance with this Act and Part I of the Representation of the People Act 1983, of separate representatives on the community council for the community that is added to the group or for the wards of that community, and
 - (b) provide for the dissolution of any separate community council for the community that is added to the group.
- (6) The order shall make such provision as appears to the principal council to be necessary for the application to the communities included in the group of all or any of the provisions of section 79 of the Charities Act 1993 (parochial charities) and of any of the provisions of this Act with respect to the custody of community documents, so as to preserve the separate rights of each community.
- (7) The order may provide for any necessary adaptations of this Act in relation to the group of communities.”.

109 Pŵer cyngor dros grŵp o gymunedau i wneud cais am orchymyn yn diddymu'r grŵp

Ar ôl adran 27H o Ddeddf Llywodraeth Leol 1972 mewnosoder y canlynol—

“27I Power of council for a group of communities to apply for an order dissolving the group

- (1) This section sets out the conditions that must be met before an application may be made by a council for a group of communities to the principal council in whose area the communities lie for an order under section 27J below dissolving the group.

108 Orders adding a community to a group of communities with a common council

After section 27G of the Local Government Act 1972 insert the following—

“27H Orders adding a community to a group of communities with a common council

- (1) This section applies where a community meeting of a community applies to the principal council within whose area it lies for an order adding the community to a group of communities all of which lie in the same principal area as the community and for which there is a common community council.
- (2) The principal council must consider whether it is satisfied that—
 - (a) the conditions in section 27G are met; and
 - (b) any relevant requirements of Schedule 12 have been met.
- (3) If the council is so satisfied, the council must make the order applied for (but this is subject to subsections (4) to (7) below).
- (4) The order shall provide for the name of the group in both an English and a Welsh form.
- (5) The order shall—
 - (a) make such provision as appears to the principal council to be necessary for the election, in accordance with this Act and Part I of the Representation of the People Act 1983, of separate representatives on the community council for the community that is added to the group or for the wards of that community, and
 - (b) provide for the dissolution of any separate community council for the community that is added to the group.
- (6) The order shall make such provision as appears to the principal council to be necessary for the application to the communities included in the group of all or any of the provisions of section 79 of the Charities Act 1993 (parochial charities) and of any of the provisions of this Act with respect to the custody of community documents, so as to preserve the separate rights of each community.
- (7) The order may provide for any necessary adaptations of this Act in relation to the group of communities.”.

109 Power of council for a group of communities to apply for an order dissolving the group

After section 27H of the Local Government Act 1972 insert the following—

“27I Power of council for a group of communities to apply for an order dissolving the group

- (1) This section sets out the conditions that must be met before an application may be made by a council for a group of communities to the principal council in whose area the communities lie for an order under section 27J below dissolving the group.

- (2) The first condition is that a community meeting of each of the communities in the group has taken an effective decision to hold a poll on a proposal to dissolve the group.
- (3) For the purposes of the first condition a decision is only effective if not less than –
 - (a) 30% of the local government electors for the community, or
 - (b) 300 of the electors (if 30% of the electors exceeds 300 electors),
 are present and voting at the community meeting.
- (4) The second condition is that no poll is held before the end of the period of 42 days beginning with the day on which the decision to hold the poll was taken.
- (5) The third condition is that no poll is held within two years of an earlier poll which resulted in a rejection of a proposal to dissolve the group (that period of two years beginning with the day on which the earlier poll was held).
- (6) The fourth condition is that at least two thirds of those voting in each poll support the proposal to dissolve the group.
- (7) Paragraph 34 of Schedule 12 to this Act (voting at community meetings) shall have effect subject to the provisions of this section.”.

110 Gorchmynion yn diddymu grŵp o gymunedau

Ar ôl adran 27I o Ddeddf Llywodraeth Leol 1972 mewnosoder y canlynol –

“27J Orders dissolving a group of communities

- (1) This section applies where the council for a group of communities applies to the principal council within whose area the communities lie for an order dissolving the group.
- (2) The principal council must consider whether is it satisfied that –
 - (a) the conditions in section 27I are met, and
 - (b) any relevant requirements of Schedule 12 have been met.
- (3) If the council is so satisfied, the council must make the order applied for (but this is subject to subsection (4)).
- (4) The order shall make such provision as appears to the principal council to be necessary for the election of a community council for any of the communities in the group in accordance with this Act and Part I of the Representation of the People Act 1983.”.

111 Pŵer cyfarfod cymunedol i wneud cais am orchymyn yn gwahanu cymuned oddi wrth grŵp o gymunedau

Ar ôl adran 27J o Ddeddf Llywodraeth Leol 1972 mewnosoder y canlynol –

“27K Power of community meeting to apply for an order separating community from a group of communities

- (1) This section sets out the conditions that must be met before an application may be made by a community meeting of a community included in a group of communities for an order under section 27L separating the community from the group.

- (2) The first condition is that a community meeting of each of the communities in the group has taken an effective decision to hold a poll on a proposal to dissolve the group.
- (3) For the purposes of the first condition a decision is only effective if not less than—
 - (a) 30% of the local government electors for the community, or
 - (b) 300 of the electors (if 30% of the electors exceeds 300 electors),
 are present and voting at the community meeting.
- (4) The second condition is that no poll is held before the end of the period of 42 days beginning with the day on which the decision to hold the poll was taken.
- (5) The third condition is that no poll is held within two years of an earlier poll which resulted in a rejection of a proposal to dissolve the group (that period of two years beginning with the day on which the earlier poll was held).
- (6) The fourth condition is that at least two thirds of those voting in each poll support the proposal to dissolve the group.
- (7) Paragraph 34 of Schedule 12 to this Act (voting at community meetings) shall have effect subject to the provisions of this section.”.

110 Orders dissolving a group of communities

After section 27I of the Local Government Act 1972 insert the following—

“27J Orders dissolving a group of communities

- (1) This section applies where the council for a group of communities applies to the principal council within whose area the communities lie for an order dissolving the group.
- (2) The principal council must consider whether is it satisfied that—
 - (a) the conditions in section 27I are met; and
 - (b) any relevant requirements of Schedule 12 have been met.
- (3) If the council is so satisfied, the council must make the order applied for (but this is subject to subsection (4)).
- (4) The order shall make such provision as appears to the principal council to be necessary for the election of a community council for any of the communities in the group in accordance with this Act and Part I of the Representation of the People Act 1983.”.

111 Power of community meeting to apply for order separating community from a group of communities

After section 27J of the Local Government Act 1972 insert the following—

“27K Power of community meeting to apply for an order separating community from a group of communities

- (1) This section sets out the conditions that must be met before an application may be made by a community meeting of a community included in a group of communities for an order under section 27L separating the community from the group.

- (2) The first condition is that a community meeting of the community has taken an effective decision to hold a poll on a proposal to separate the community from its group.
- (3) For the purposes of the first condition a decision is only effective if not less than—
 - (a) 30% of the local government electors for the community, or
 - (b) 300 of the electors (if 30% of the electors exceeds 300 electors),
 are present and voting at the community meeting.
- (4) The second condition is that the poll is not held before the end of the period of 42 days beginning with the day on which the decision to hold the poll was taken.
- (5) The third condition is that the poll is not held within two years of an earlier poll which resulted in a rejection of a proposal to separate the community from its group (that period of two years beginning with the day on which the earlier poll was held).
- (6) The fourth condition is that at least two-thirds of those voting in the poll support the proposal to separate the community from its group.
- (7) Paragraph 34 of Schedule 12 to this Act (voting at community meetings) shall have effect subject to the provisions of this section.”.

112 Gorchmynion yn gwahanu cymuned oddi wrth grŵp o gymunedau

Ar ôl adran 27K o Ddeddf Llywodraeth Leol 1972 mewnosoder y canlynol—

“27L Orders separating a community from a group of communities

- (1) This section applies where a community meeting of a community included in a group of communities applies to the principal council within whose area the community lies for an order separating the community from the group.
- (2) The principal council must consider whether is it satisfied that—
 - (a) the conditions in section 27K are met, and
 - (b) any relevant requirements of Schedule 12 have been met.
- (3) If the council is so satisfied, the council must make the order applied for (but this is subject to subsection (4)).
- (4) The order shall make such provision as appears to the principal council to be necessary for the election of a community council for the community in accordance with this Act and Part I of the Representation of the People Act 1983.”.

113 Pŵer Gweinidogion Cymru i newid trothwy pleidleisio mewn cysylltiad â threfniadaeth cynghorau cymuned

Ar ôl adran 27L o Ddeddf Llywodraeth Leol 1972 mewnosoder y canlynol—

- (2) The first condition is that a community meeting of the community has taken an effective decision to hold a poll on a proposal to separate the community from its group.
- (3) For the purposes of the first condition a decision is only effective if not less than—
 - (a) 30% of the local government electors for the community, or
 - (b) 300 of the electors (if 30% of the electors exceeds 300 electors),
 are present and voting at the community meeting.
- (4) The second condition is that the poll is not held before the end of the period of 42 days beginning with the day on which the decision to hold the poll was taken.
- (5) The third condition is that the poll is not held within two years of an earlier poll which resulted in a rejection of a proposal to separate the community from its group (that period of two years beginning with the day on which the earlier poll was held).
- (6) The fourth condition is that at least two-thirds of those voting in the poll support the proposal to separate the community from its group.
- (7) Paragraph 34 of Schedule 12 to this Act (voting at community meetings) shall have effect subject to the provisions of this section.”.

112 Orders separating a community from a group of communities

After section 27K of the Local Government Act 1972 insert the following—

“27L Orders separating a community from a group of communities

- (1) This section applies where a community meeting of a community included in a group of communities applies to the principal council within whose area the community lies for an order separating the community from the group.
- (2) The principal council must consider whether it is satisfied that—
 - (a) the conditions in section 27K are met; and
 - (b) any relevant requirements of Schedule 12 have been met.
- (3) If the council is so satisfied, the council must make the order applied for (but this is subject to subsection (4)).
- (4) The order shall make such provision as appears to the principal council to be necessary for the election of a community council for the community in accordance with this Act and Part I of the Representation of the People Act 1983.”.

113 Power of Welsh Ministers to alter voting threshold in connection with organisation of community councils

After section 27L of the Local Government Act 1972 insert the following—

“27M Power of Welsh Ministers to alter voting thresholds in connection with organisation of community councils

- (1) The Welsh Ministers may by order amend the following provisions of this Act—
 - (a) section 27A(3) and (6);
 - (b) section 27C(3) and (6);
 - (c) section 27E(3) and (6);
 - (d) section 27G(3), (4), (6) and (7);
 - (e) section 27I(3) and (6);
 - (f) section 27K(3) and (6).
- (2) That power includes power to amend provision previously made by an order under subsection (1).
- (3) No order may be made under subsection (1) unless the Welsh Ministers have carried out such consultation as they consider appropriate with the following—
 - (a) principal councils in Wales or a body representative of such councils, and
 - (b) community councils in Wales or a body representative of such councils.
- (4) The power of the Welsh Ministers to make an order under subsection (1) is exercisable by statutory instrument.
- (5) A statutory instrument which contains an order under subsection (1) may not be made unless a draft of the instrument has been laid before, and approved by a resolution of, the National Assembly for Wales.”.

114 Trefniadaeth cymunedau a'u cyngorau: diwygiadau canlyniadol

- (1) Diwygir Deddf Llywodraeth Leol 1972 fel a ganlyn—
 - (a) yn adran 30(5), yn lle “under section 28, 29 or 29A” rhodder “referred to in section 27B, 27D, 27F, 27H, 27J or 27L”;
 - (b) yn adran 31—
 - (i) yn y pennawd, yn lle “27 to 29” rhodder “27A to 27L”;
 - (ii) yn isadran (1), yn lle “28, 29 or 29A” rhodder “27B, 27D, 27F, 27H, 27J or 27L”;
 - (c) yn adran 255(1), yn lle “28, 29 or 29A” rhodder “27B, 27D, 27F, 27H, 27J or 27L”.

115 Darpariaeth drosiannol

Nid yw adrannau 88(1)(d) ac (e), 100 i 112, ac adran 114 (“darpariaethau Pennod 2”) yn gymwys mewn perthynas â'r canlynol—

- (a) cais a wneir o dan adran 28, 29 neu 29A o Ddeddf Llywodraeth Leol 1972 cyn y dyddiad y daw darpariaethau Pennod 2 i rym; a

“27M Power of Welsh Ministers to alter voting thresholds in connection with organisation of community councils

- (1) The Welsh Ministers may by order amend the following provisions of this Act—
 - (a) section 27A(3) and (6);
 - (b) section 27C(3) and (6);
 - (c) section 27E(3) and (6);
 - (d) section 27G(3), (4), (6) and (7);
 - (e) section 27I(3) and (6);
 - (f) section 27K(3) and (6).
- (2) That power includes power to amend provision previously made by an order under subsection (1).
- (3) No order may be made under subsection (1) unless the Welsh Ministers have carried out such consultation as they consider appropriate with the following—
 - (a) principal councils in Wales or a body representative of such councils; and
 - (b) community councils in Wales or a body representative of such councils.
- (4) The power of the Welsh Ministers to make an order under subsection (1) is exercisable by statutory instrument.
- (5) A statutory instrument which contains an order under subsection (1) may not be made unless a draft of the instrument has been laid before, and approved by a resolution of, the National Assembly for Wales.”.

114 Organisation of communities and their councils: consequential amendments

- (1) The Local Government Act 1972 is amended as follows—
 - (a) in section 30(5), for “under section 28, 29 or 29A” substitute “referred to in section 27B, 27D, 27F, 27H, 27J or 27L”;
 - (b) in section 31—
 - (i) in the heading, for “27 to 29” substitute “27A to 27L”;
 - (ii) in subsection (1), for “28, 29 or 29A” substitute “27B, 27D, 27F, 27H, 27J or 27L”;
 - (c) in section 255(1), for “28, 29 or 29A” substitute “27B, 27D, 27F, 27H, 27J or 27L”.

115 Transitional provision

Sections 88(1)(d) and (e), 100 to 112, section 114 (“the Chapter 2 provisions”) do not apply in relation to—

- (a) an application made under section 28, 29 or 29A of the Local Government Act 1972 before the date on which the Chapter 2 provisions come into force; and

- (b) cais a wneir ar ôl y dyddiad hwnnw ond y cynhaliwyd pleidlais fel y cyfeirir ati yn adran 29B(4) cyn y dyddiad y daw darpariaethau Pennod 2 i rym.

PENNOD 3

CYFETHOL AELODAU O GYNGHORAU CYMUNED

116 Gofyniad am hysbysiad cyhoeddus pan fo seddau gwag aelodau cyngorau cymuned i'w llenwi drwy gyfethol

- (1) Mae'r adran hon yn gymwys i'r swyddogaethau a ganlyn—
- (a) pŵer aelodau cyngor cymuned o dan adran 21(2)(a) o Ddeddf Cynrychiolaeth y Bobl 1985 i gyfethol person i lenwi sedd wag yn aelodaeth y cyngor (y pŵer i gyfethol os nad oes digon o enwebiadau i lenwi seddau gwag y cynhelir etholiad mewn cysylltiad â hwy);
- (b) unrhyw un neu ragor o bwerau neu ddyletswyddau cyngor cymuned o dan reolau a wnaed o dan adran 36(2) o Ddeddf Cynrychiolaeth y Bobl 1983 i gyfethol person i lenwi sedd wag achlysurol yn aelodaeth y cyngor.
- (2) Rhaid peidio ag arfer swyddogaeth y mae'r adran hon yn gymwys iddi onid oes hysbysiad cyhoeddus wedi ei roi am y sedd wag neu'r seddau gwag o dan sylw.
- (3) Rhaid i'r hysbysiad cyhoeddus gael ei roi—
- (a) yn achos y pŵer i gyfethol y cyfeirir ato yn isadran (1)(a), gan unrhyw un o aelodau'r cyngor cymuned a awdurdodwyd at y diben hwnnw gan fwyafrif o'r aelodau eraill;
- (b) yn achos y pŵer neu'r ddyletswydd i gyfethol y cyfeirir atynt yn is-adran (1)(b), gan y cyngor cymuned.
- (4) Mae adran 232 o Ddeddf Llywodraeth Leol 1972 (hysbysiadau cyhoeddus) yn gymwys ar gyfer rhoi hysbysiad cyhoeddus gan aelod o gyngor cymuned o dan is-adran (3)(a) fel y mae'n gymwys i roi hysbysiad cyhoeddus gan gyngor cymuned o dan is-adran (3)(b).
- (5) Rhaid i'r hysbysiad cyhoeddus gynnwys—
- (a) manylion cyswllt unigolyn y gellir cael gwybodaeth bellach ganddo am y sedd wag neu'r seddau gwag o dan sylw, ac am y broses o ddedhol person ar gyfer ei gyfethol;
- (b) unrhyw wybodaeth arall—
- (i) yn achos hysbysiad o dan isadran (3)(a), y mae aelodau'r cyngor cymuned o'r farn ei bod yn briodol, a
- (ii) yn achos hysbysiad o dan isadran (3)(b), y mae'r cyngor cymuned o'r farn ei bod yn briodol, ac
- (c) unrhyw wybodaeth arall y mae'n ofynnol ei chynnwys yn yr hysbysiad gan unrhyw reoliadau a wnaed gan Weinidogion Cymru.

117 Canllawiau ynghylch rhoi hysbysiad cyhoeddus am gyfethol

- (1) Wrth iddynt arfer swyddogaethau o dan is-adrannau (2) i (5) o adran 116, rhaid i aelodau cyngor cymuned a chyngor cymuned roi sylw i ganllawiau a roddir gan Weinidogion Cymru.

- (b) an application made after that date but in relation to which a poll as referred to in section 29B(4) was held before the date on which the Chapter 2 provisions come into force.

CHAPTER 3

CO-OPTION OF MEMBERS OF COMMUNITY COUNCILS

116 Requirement of public notice where vacancies in community council membership are to be filled by co-option

- (1) This section applies to the following functions –
 - (a) the power of members of a community council under section 21(2)(a) of the Representation of the People Act 1985 to co-opt a person to fill a vacancy in the membership of the council (power to co-opt in the event of insufficient nominations to fill vacancies in respect of which an election is held);
 - (b) any power or duty of a community council under rules made under section 36(2) of the Representation of the People Act 1983 to co-opt a person to fill a casual vacancy in the membership of the council.
- (2) A function to which this section applies must not be exercised unless public notice of the vacancy or vacancies in question has been given.
- (3) The public notice must be given –
 - (a) in the case of the power to co-opt referred to in subsection (1)(a), by any one of the members of the community council authorised for that purpose by a majority of the other members;
 - (b) in the case of the power or duty to co-opt referred to in subsection (1)(b), by the community council.
- (4) Section 232 of the Local Government Act 1972 (public notices) applies to the giving of a public notice by a member of a community council under subsection (3)(a) as it applies to the giving of a public notice by a community council under subsection (3)(b).
- (5) The public notice must contain –
 - (a) contact details of an individual from whom further information about the vacancy or vacancies in question, and the process for selecting a person for co-option, may be obtained;
 - (b) such other information as –
 - (i) in the case of a notice under subsection (3)(a), the members of the community council consider appropriate, and
 - (ii) in the case of a notice under subsection (3)(b), the community council considers appropriate, and
 - (c) such other information as is required to be included in the notice by any regulations made by the Welsh Ministers.

117 Guidance about giving public notice of co-option

- (1) In exercising functions under subsections (2) to (5) of section 116, the members of a community council and a community council must have regard to guidance given by the Welsh Ministers.

- (2) Mae'r cyfeiriad at swyddogaethau yn is-adran (1) yn cynnwys cyfeiriad at swyddogaethau o dan adran 232 o Ddeddf Llywodraeth Leol 1972 mewn perthynas â hysbysiad y mae'n ofynnol ei roi o dan adran 116(2).

PENNOD 4

PENODI CYNRYCHIOLWYR IEUENCTID CYMUNEDOL

118 Penodi cynrychiolwyr ieuentid cymunedol gan gynghorau cymuned

- (1) Caiff cyngor cymuned benodi dim mwy na dau unigolyn i weithredu ar unrhyw un adeg fel cynrychiolwyr ieuentid cymunedol (ond mae hyn yn ddarostyngedig i adran 119).
- (2) At ddibenion is-adran (1) unigolyn yw "cynrychiolydd ieuentid cymunedol" –
 - (a) sydd dros 15 oed ond heb gyrraedd 26 oed, a
 - (b) y mae'r cyngor cymuned o'r farn ei fod yn addas i weithredu fel cynrychiolydd cymunedol, sydd i gynrychioli buddiannau'r unigolion hynny sy'n byw, yn gweithio neu'n cael addysg neu hyfforddiant yn ardal y gymuned ac sydd heb gyrraedd 26 oed.
- (3) Mae cynrychiolydd ieuentid i ddal swydd a'i gadael yn unol â thelerau penodi'r cynrychiolydd.
- (4) Ond bydd penodiad cynrychiolydd ieuentid yn dod i ben os bydd y cynrychiolydd yn cyrraedd 26 oed.

119 Gofynion hysbysu mewn cysylltiad â phenodi cynrychiolydd ieuentid

- (1) Ni chaniateir i gyngor cymuned benodi unigolyn yn gynrychiolydd ieuentid cymunedol o dan adran 118 onid yw'r cyngor wedi cydymffurfio â gofynion yr adran hon.
- (2) Rhaid i'r cyngor roi hysbysiad cyhoeddus am ei fwriad i benodi cynrychiolydd ieuentid cymunedol.
- (3) Pan fydd adran 232 o Ddeddf Llywodraeth Leol 1972 yn gymwys ar gyfer rhoi hysbysiad o dan yr adran hon bydd yn cael effaith yn ddarostyngedig i'r addasiadau a geir yn is-adrannau (4) a (5).
- (4) Yr addasiad cyntaf yw bod yr is-baragraffau canlynol yn cael eu rhoi yn lle is-adran (1)(b) o adran 232 –

“(b) by giving the notice to the head teacher and proprietor of any school any part of whose premises is situated within the area of the community or communities for which the community council is established;

(c) by giving the notice to the principal and governing body of any institution within the further or higher education sector any part of whose premises is situated within the area of the community or communities for which the community council is established; and

(d) in such other manner, if any, as appears to the community council to be desirable for ensuring that as many individuals as possible who may be eligible for appointment as community youth representatives are aware that the council intends to appoint such a representative.”.

- (2) The reference to functions in subsection (1) includes a reference to functions under section 232 of the Local Government Act 1972 in relation to a notice required to be given under section 116(2).

CHAPTER 4

APPOINTMENT OF COMMUNITY YOUTH REPRESENTATIVES

118 Appointment of community youth representatives by community councils

- (1) A community council may appoint no more than two individuals to act at any one time as community youth representatives (but this is subject to section 119).
- (2) For the purposes of subsection (1) a “community youth representative” is an individual—
- (a) who is over the age of 15 but has not attained the age of 26; and
 - (b) whom the community council considers to be suitable to act as a community representative, that is to represent the interests of those individuals who live, work or receive education or training in the community area who have not attained the age of 26.
- (3) A youth representative is to hold and vacate office in accordance with the terms of the representative's appointment.
- (4) But a youth representative's appointment shall cease if the representative attains the age of 26.

119 Notice requirements in connection with youth representative appointments

- (1) A community council must not appoint an individual as a community youth representative under section 118 unless the council has complied with the requirements of this section.
- (2) The council must give public notice of its intention to make a community youth representative appointment.
- (3) In its application to the giving of a notice under this section, section 232 of the Local Government Act 1972 shall have effect subject to the modifications contained in subsections (4) and (5).
- (4) The first modification is that subsection (1)(b) of section 232 is substituted by the following—
- “(b) by giving the notice to the head teacher and proprietor of any school any part of whose premises is situated within the area of the community or communities for which the community council is established;
 - (c) by giving the notice to the principal and governing body of any institution within the further or higher education sector any part of whose premises is situated within the area of the community or communities for which the community council is established; and
 - (d) in such other manner, if any, as appears to the community council to be desirable for ensuring that as many individuals as possible who may be eligible for appointment as community youth representatives are aware that the council intends to appoint such a representative.”.

- (5) Yr ail addasiad yw bod yr is-adrannau canlynol yn cael eu mewnosod ar ddiwedd adran 232—
- “(3) Where a term used in paragraph (b) or (c) of subsection (1) is defined by the Education Act 1996, that definition shall apply for the purposes of those paragraphs.
- (4) The reference in subsection (1)(c) to the principal or governing body of an institution includes a reference to a person with functions that are similar to those of a principal or governing body.”.
- (6) Rhaid i'r hysbysiad cyhoeddus gynnwys—
- (a) manylion cyswllt unigolyn y gellir cael gwybodaeth bellach ganddo am y penodiad ac am y broses o ddethol person ar gyfer ei benodi;
- (b) unrhyw wybodaeth arall y mae'r cyngor cymuned o'r farn ei bod yn briodol; ac
- (c) unrhyw wybodaeth arall y mae'n ofynnol ei chynnwys yn yr hysbysiad gan unrhyw reoliadau a wnaed gan Weinidogion Cymru.

120 Canllawiau ynghylch penodi cynrychiolwyr ieuenctid cymunedol

- (1) Wrth iddynt arfer swyddogaethau o dan adrannau 118 a 119, rhaid i gyngor cymuned roi sylw i ganllawiau a roddir gan Weinidogion Cymru.
- (2) Mae'r cyfeiriad at swyddogaethau yn is-adran (1) yn cynnwys cyfeiriad at swyddogaethau o dan adran 232 o Ddeddf Llywodraeth Leol 1972 fel y mae'n gymwys mewn perthynas â hysbysiad y mae'n ofynnol ei roi o dan adran 119(2) o'r Mesur hwn.

121 Effaith penodiad yn gynrychiolydd ieuenctid cymunedol

Nid yw cynrychiolydd ieuenctid cymunedol yn aelod o'r cyngor cymuned a benododd y cynrychiolydd, ond caiff Gweinidogion Cymru drwy reoliadau ddarparu fod cynrychiolydd ieuenctid cymunedol i'w drin at ddibenion rhagnodedig yn aelod o'r cyngor a benododd y cynrychiolydd.

PENNOD 5

CADW ARDALOEDD CYMUNEDOL A THREFNIADAU ETHOLIADOL O DAN ADOLYGIAD

122 Adroddiadau am gyflawni swyddogaeth prif gyngor o gadw ardaloedd cymunedol o dan adolygiad

Ar ôl adran 55(2) o Ddeddf Llywodraeth Leol 1972 mewnosoder y canlynol—

- “(2A) Each Welsh principal council must, every fifteen years, publish a report which describes what the council has done in the previous fifteen years in order to discharge its duty to keep the whole of their area under review for the purpose described in subsection (2).
- (2B) The council must send a copy of any report published under subsection (2A) to the Welsh Commission.
- (2C) The first report under subsection (2A) must be published within four years of the day on which that subsection comes into force.

- (5) The second modification is that the following is inserted at the end of section 232—
- “(3) Where a term used in paragraph (b) or (c) of subsection (1) is defined by the Education Act 1996, that definition shall apply for the purposes of those paragraphs.
- (4) The reference in subsection (1)(c) to the principal or governing body of an institution includes a reference to a person with functions that are similar to those of a principal or governing body.”.
- (6) The public notice must contain—
- (a) contact details of an individual from whom further information about the appointment, and the process of selecting a person for appointment, may be obtained;
- (b) such other information as the community council considers appropriate; and
- (c) such other information as is required to be included in the notice by any regulations made by the Welsh Ministers.

120 Guidance about appointment of community youth representatives

- (1) In exercising functions under sections 118 and 119, a community council must have regard to guidance given by the Welsh Ministers.
- (2) The reference to functions in subsection (1) includes a reference to functions under section 232 of the Local Government Act 1972 as it applies in relation to a notice required to be given under section 119(2) of this Measure.

121 Effect of appointment as a community youth representative

A community youth representative is not a member of the community council which appointed the representative, but the Welsh Ministers may by regulations provide that a community youth representative is to be treated for prescribed purposes as a member of the council which appointed the representative.

CHAPTER 5

REVIEWS OF COMMUNITY AREAS AND ELECTORAL ARRANGEMENTS

122 Reports about discharge of a principal council's function of keeping community areas under review

After section 55(2) of the Local Government Act 1972 insert the following—

- “(2A) Each Welsh principal council must, every fifteen years, publish a report which describes what the council has done in the previous fifteen years in order to discharge its duty to keep the whole of their area under review for the purpose described in subsection (2).
- (2B) The council must send a copy of any report published under subsection (2A) to the Welsh Commission.
- (2C) The first report under subsection (2A) must be published within four years of the day on which that subsection comes into force.

(2D) Further reports must be published within fifteen years of the date on which the last report under subsection (2A) was published.”.

123 Adroddiadau am gyflawni swyddogaeth prif gyngor o gadw trefniadau etholiadol ar gyfer cymunedau o dan adolygiad

Ar ôl adran 57(4) o Ddeddf Llywodraeth Leol 1972 mewnosoder y canlynol –

“(4A) Each Welsh principal council must, every fifteen years, publish a report which describes what the council has done in the previous fifteen years in order to discharge its duty to keep the whole of the area under review for the purpose described in subsection (4).

(4B) The council must send a copy of any report published under subsection (4A) to the Welsh Commission.

(4C) The first report under subsection (4A) must be published within four years of the day on which that subsection comes into force.

(4D) Further reports must be published within fifteen years of the date on which the last report under subsection (4A) was published.”.

124 Arfer swyddogaethau gan Gomisiwn Ffiniau Llywodraeth Leol i Gymru ar ran prif gynghorau

Ar ôl adran 57 o Ddeddf Llywodraeth Leol 1972 mewnosoder y canlynol –

“57A Exercise of functions by the Welsh Commission on behalf of principal councils

(1) Arrangements may be made between the Welsh Commission and a principal council in Wales under which the Commission exercises, to whatever extent and subject to whatever terms the parties may agree, all or any of the functions of the principal council referred to in subsection (2).

(2) The functions are –

(a) the principal council's function of keeping under review the whole of their area for the purpose specified in section 55(2) or the purpose specified in section 57(4);

(b) the principal council's function of considering requests specified in section 55(2) or section 57(4).”.

125 Y symiau sy'n daladwy mewn cysylltiad ag arolygiadau a gynhaliwyd gan Gomisiwn Ffiniau Llywodraeth Leol i Gymru

Ar ôl adran 56(4) o Ddeddf Llywodraeth Leol 1972 mewnosoder y canlynol –

“(4A) A direction given to the Welsh Commission under subsection (4) may require the principal council to pay to the Commission such sum as is specified, or calculated according to a formula contained, in the direction.

(4B) Any dispute as to the sum payable under the direction is to be determined by the Welsh Ministers.

(4C) Any sum payable under a direction under subsection (4) is to be recoverable as a debt due to the Welsh Commission.”.

(2D) Further reports must be published within fifteen years of the date on which the last report under subsection (2A) was published.”.

123 Reports about discharge of a principal council's function of keeping electoral arrangements for communities under review

After section 57(4) of the Local Government Act 1972 insert the following—

“(4A) Each Welsh principal council must, every fifteen years, publish a report which describes what the council has done in the previous fifteen years in order to discharge its duty to keep the whole of the area under review for the purpose described in subsection (4).

(4B) The council must send a copy of any report published under subsection (4A) to the Welsh Commission.

(4C) The first report under subsection (4A) must be published within four years of the day on which that subsection comes into force.

(4D) Further reports must be published within fifteen years of the date on which the last report under subsection (4A) was published.”.

124 Exercise of functions by the Local Government Boundary Commission for Wales on behalf of principal councils

After section 57 of the Local Government Act 1972 insert the following—

“57A Exercise of functions by the Welsh Commission on behalf of principal councils

(1) Arrangements may be made between the Welsh Commission and a principal council in Wales under which the Commission exercises, to whatever extent and subject to whatever terms the parties may agree, all or any of the functions of the principal council referred to in subsection (2).

(2) The functions are—

(a) the principal council's function of keeping under review the whole of their area for the purpose specified in section 55(2) or the purpose specified in section 57(4);

(b) the principal council's function of considering requests specified in section 55(2) or section 57(4).”.

125 Sums payable in respect of reviews carried out by the Local Government Boundary Commission for Wales

After section 56(4) of the Local Government Act 1972 insert the following—

“(4A) A direction given to the Welsh Commission under subsection (4) may require the principal council to pay to the Commission such sum as is specified, or calculated according to a formula contained, in the direction.

(4B) Any dispute as to the sum payable under the direction is to be determined by the Welsh Ministers.

(4C) Any sum payable under a direction under subsection (4) is to be recoverable as a debt due to the Welsh Commission.”.

PENNOD 6

PWERAU CYNGHORAU CYMUNED I HYBU LLESIANT

126 Pwerau cyngorau cymuned i hybu llesiant

- (1) Yn adran 1 o Ddeddf Llywodraeth Leol 2000 (ystyr "local authority" yn Rhan 1 o'r Ddeddf honno), ar ddiwedd is-adran (1)(b) mewnosoder "or a community council".
- (2) Yn adran 2 o'r Ddeddf honno (hybu llesiant), mewnosoder y canlynol ar ôl is-adran (3B) –

“(3C) The community strategy for the area of a community council is the strategy referred to in subsection (3B) that is published by the county council or county borough council in whose area lies the community or communities for which the community council is established.”.
- (3) Yn adran 5 o'r Ddeddf honno (y pŵer i ddiwygio neu ddiddymu deddfiadau), mewnosoder y canlynol ar ôl is-adran (6) –

“(7) The reference to local authorities in subsection (1) does not include community councils.”.

127 Addasiadau i ddeddfiadau sy'n atal neu'n rhwystro cyngor cymuned rhag arfer ei bwerau llesiant

- (1) Caiff Gweinidogion Cymru drwy orchymyn wneud addasiadau i unrhyw ddeddfiad os ydynt o'r farn bod y deddfiad yn atal neu'n rhwystro'r cyngorau cymuned rhag arfer eu pwerau o dan adran 2(1) o Ddeddf Llywodraeth Leol 2000 (hybu llesiant).
- (2) Caniateir arfer y pŵer o dan is-adran (1) –
 - (a) mewn perthynas â phob cyngor cymuned,
 - (b) mewn perthynas â chynghorau cymuned neilltuol, neu
 - (c) mewn perthynas â disgrifiadau neilltuol o gyngor cymuned.
- (3) Mae'r pŵer o dan is-adran (1) yn cynnwys pŵer i wneud addasiadau i ddeddfiad am gyfnod neilltuol.

128 Darpariaeth drosiannol

- (1) Mae'r adran hon yn gymwys i gyngor cymuned hyd oni fydd yr awdurdod lleol y lleolir y cyngor cymuned yn ei ardal wedi cyhoeddi strategaeth gymunedol o dan adran 39(4) o Fesur Llywodraeth Leol (Cymru) 2009.
- (2) Pan fo'r adran hon yn gymwys i gyngor cymuned, mae'r cyfeiriad yn adran 2(3C) o Ddeddf Llywodraeth Leol 2000 at y strategaeth gymunedol ar gyfer ardal y cyngor cymuned i'w ddarllen fel cyfeiriad at strategaeth gymunedol y cyngor sir neu'r cyngor bwrdeistref sirol o dan adran 4 o'r Ddeddf honno.

CHAPTER 6**COMMUNITY COUNCILS' POWERS TO PROMOTE WELL-BEING****126 Community councils' powers to promote well-being**

- (1) In section 1 of the Local Government Act 2000 (meaning of "local authority" in Part 1 of that Act), at the end of subsection (1)(b) insert "or a community council".
- (2) In section 2 of that Act (promotion of well-being), insert the following after subsection (3B)—

“(3C) The community strategy for the area of a community council is the strategy referred to in subsection (3B) that is published by the county council or county borough council in whose area lies the community or communities for which the community council is established.”.
- (3) In section 5 of that Act (power to amend or repeal enactments), insert the following after subsection (6)—

“(7) The reference to local authorities in subsection (1) does not include community councils.”.

127 Modifications of enactments preventing or obstructing a community council from exercising their well-being power

- (1) The Welsh Ministers may by order make modifications of any enactment if they consider that the enactment prevents or obstructs community councils from exercising their power under section 2(1) of the Local Government Act 2000 (promotion of well-being).
- (2) The power under subsection (1) may be exercised in relation to—
 - (a) all community councils,
 - (b) particular community councils, or
 - (c) particular descriptions of community council.
- (3) The power under subsection (1) includes a power to make modifications of an enactment for a particular period.

128 Transitional provision

- (1) This section applies to a community council for so long as the local authority in whose area it lies has not published a community strategy under section 39(4) of the Local Government (Wales) Measure 2009.
- (2) Where this section applies to a community council, the reference in section 2(3C) of the Local Government Act 2000 to the community strategy for the area of the community council is to be read as a reference to the community strategy of the county council or county borough council under section 4 of that Act.

PENNOD 7**GRANTIAU I GYNGHORAU CYMUNED****129 Pŵer Gweinidogion Cymru i dalu grantiau i gynghorau cymuned**

- (1) Caiff Gweinidogion Cymru dalu grant i gyngor cymuned tuag at wariant a dynnir ganddo neu sydd i'w dynnu ganddo.
- (2) Mae swm grant o dan yr adran hon a'r dull o'i dalu i fod yn swm ac yn ddull a benderfynir gan Weinidogion Cymru.
- (3) Caniateir talu grant o dan yr adran hon o dan yr amodau hynny a benderfynir gan y person sy'n ei dalu.
- (4) Caiff amodau o dan is-adran (3) gynnwys y canlynol (ond heb fod yn gyfyngedig iddynt) –
 - (a) darpariaeth o ran defnyddio'r grant;
 - (b) darpariaeth o ran yr amgylchiadau y mae'n rhaid ad-dalu oddi tanynt y grant cyfan neu ran ohono.

PENNOD 8**CYTUNDEBAU SIARTER ENGHREIFFTIOL RHWNG AWDURDODAU LLEOL A CHYNGHORAU CYMUNED****130 Y pŵer i osod cytundeb siarter enghreifftiol**

- (1) Caiff Gweinidogion Cymru drwy orchymyn wneud darpariaeth yn gosod cytundeb siarter enghreifftiol rhwng awdurdod lleol a chyngor cymuned ar gyfer cymuned neu gymunedau yn ei ardal.
- (2) Yn is-adran (1), ystyr "cytundeb siarter enghreifftiol rhwng awdurdod lleol a chyngor cymuned" yw disgrifiad o'r ffordd y gellir arfer eu swyddogaethau at ddibenion cynnal a gwella cydweithrediad rhyngddynt.
- (3) Mae'r ddarpariaeth y caniateir ei gwneud drwy orchymyn o dan is-adran (1) yn cynnwys darpariaeth (ond heb fod yn gyfyngedig iddi) –
 - (a) sy'n nodi'r ffordd y mae swyddogaethau penodedig, neu agweddau ar swyddogaethau o'r fath, i'w harfer;
 - (b) sy'n nodi swyddogaethau penodedig, neu agweddau ar swyddogaethau o'r fath, y mae'r awdurdod lleol a'r cyngor cymuned i geisio cytundeb mewn cysylltiad â hwy o ran sut y maent i'w harfer;
 - (c) sy'n nodi swyddogaethau penodedig sydd i'w harfer drwy gyfeirio at egwyddorion penodedig.
- (4) Yn yr adran hon ac yn adran 131, mae cyfeiriad at arfer swyddogaethau yn cynnwys cyfeiriad at wneud unrhyw beth y bwriedir iddo hwyluso arfer swyddogaethau, neu sy'n gydnaws neu'n gysylltiedig ag arfer y swyddogaethau.

CHAPTER 7

GRANTS TO COMMUNITY COUNCILS

129 Welsh Ministers' power to pay grant to community councils

- (1) The Welsh Ministers may pay a grant to a community council towards expenditure incurred or to be incurred by it.
- (2) The amount of a grant under this section and the manner of its payment are to be such as the Welsh Ministers may determine.
- (3) A grant under this section may be paid on such conditions as the person paying it may determine.
- (4) Conditions under subsection (3) may include (but are not limited to)—
 - (a) provision as to the use of the grant;
 - (b) provision as to circumstances in which the whole or part of the grant must be repaid.

CHAPTER 8

MODEL CHARTER AGREEMENTS BETWEEN LOCAL AUTHORITIES AND COMMUNITY COUNCILS

130 Power to set out model charter agreement

- (1) The Welsh Ministers may by order make provision setting out a model charter agreement between a local authority and a community council for a community or communities within its area.
- (2) In subsection (1), “model charter agreement between a local authority and a community council” means a description of the way in which their functions can be exercised for the purpose of maintaining and improving cooperation between them.
- (3) The provision that may be made by an order under subsection (1) includes (but is not limited to) provision—
 - (a) setting out the way in which specified functions, or aspects of such functions, are to be exercised;
 - (b) setting out specified functions, or aspects of such functions, in respect of which the local authority and the community council are to seek agreement as to how they are to be exercised;
 - (c) setting out specified functions which are to be exercised by reference to specified principles.
- (4) In this section and section 131, a reference to the exercise of functions includes a reference to the doing of anything which is calculated to facilitate, or is conducive or incidental to, the exercise of the functions.

131 Cyfarwyddiadau sy'n gwneud mabwysiadu cytundeb siarter enghreifftiol yn ofynnol

- (1) Caiff Gweinidogion Cymru, drwy gyfarwyddyd, ei gwneud yn ofynnol i awdurdod lleol a chyngor cymuned ar gyfer cymuned neu gymunedau yn ardal yr awdurdod fabwysiadu cytundeb siarter enghreifftiol a osodir mewn gorchymyn o dan adran 130(1).
- (2) Yn is-adran (1), ystyr "mabwysiadu" yw penderfynu, yn unol ag unrhyw weithdrefn a bennir yn y cyfarwyddyd, arfer swyddogaethau, neu geisio cytundeb ynghylch sut i arfer swyddogaethau, yn unol â'r canlynol—
 - (a) holl ddarpariaethau'r cytundeb siarter enghreifftiol, neu
 - (b) y darpariaethau hynny a bennir yn y cyfarwyddyd.
- (3) Caiff cyfarwyddyd o dan is-adran (1)—
 - (a) ymwneud â'r holl gynghorau cymuned ar gyfer cymunedau yn ardal yr awdurdod lleol, neu ag unrhyw un neu ragor ohonynt, a
 - (b) os yw'r cyfarwyddyd yn ymwneud â mwy nag un cyngor cymuned, wneud darpariaeth wahanol mewn perthynas â chynghorau gwahanol.
- (4) Gellir gorfodi cyfarwyddyd o dan is-adran (1) drwy orchymyn mynnu ar gais Gweinidogion Cymru.

132 Canllawiau ynghylch cytundebau siarter enghreifftiol

Rhaid i awdurdod lleol a chyngor cymuned, wrth weithredu o dan gyfarwyddyd o dan adran 131(1), roi sylw i ganllawiau a roddwyd gan Weinidogion Cymru.

133 Ymgynghori

- (1) Rhaid i Weinidogion Cymru, cyn gwneud gorchymyn o dan adran 130(1), ymgynghori—
 - (a) ag unrhyw gyrrff sy'n gynrychioliadol o awdurdodau lleol a chynghorau cymuned ac y mae Gweinidogion Cymru o'r farn ei bod yn briodol ymgynghori â hwy, a
 - (b) ag unrhyw bersonau eraill y mae Gweinidogion Cymru o'r farn ei bod yn briodol ymgynghori â hwy.
- (2) Rhaid i Weinidogion Cymru, cyn rhoi cyfarwyddyd o dan adran 131(1), ymgynghori â'r awdurdod a'r cyngor y mae'r cyfarwyddyd yn ymwneud â hwy.

PENNOD 9**CYNLLUNIAU AR GYFER ACHREDU ANSAWDD MEWN LLYWODRAETH GYMUNEDOL****134 Cynlluniau ar gyfer achredu ansawdd mewn llywodraeth gymunedol**

- (1) Caiff Gweinidogion Cymru drwy reoliadau ddarparu ar gyfer cynllun y caiff Gweinidogion Cymru roi achrediad i gyngor cymuned oddi tano neu, os yw'r rheoliadau'n gwneud hynny'n ofynnol, y mae'n rhaid i Weinidogion Cymru roi achrediad i gyngor cymuned oddi tano—

131 Directions requiring the adoption of model charter agreements

- (1) The Welsh Ministers may by direction require a local authority and a community council for a community or communities within the authority's area to adopt a model charter agreement set out in an order under section 130(1).
- (2) In subsection (1), "adopt" means resolve, in accordance with any procedure specified in the direction, to exercise functions, or to seek agreement as to how to exercise functions, in accordance with—
 - (a) all the provisions of the model charter agreement, or
 - (b) those provisions specified in the direction.
- (3) A direction under subsection (1) may—
 - (a) relate to all, or any one or more, of the community councils for communities within the area of the local authority, and
 - (b) if the direction relates to more than one community council, make different provision in relation to different councils.
- (4) A direction under subsection (1) is enforceable by mandatory order on the application of the Welsh Ministers.

132 Guidance about model charter agreements

A local authority and a community council must, in acting under a direction under section 131(1), have regard to guidance given by the Welsh Ministers.

133 Consultation

- (1) The Welsh Ministers must, before making an order under section 130(1), consult—
 - (a) such bodies representative of local authorities and community councils as the Welsh Ministers consider it appropriate to consult, and
 - (b) such other persons as the Welsh Ministers consider it appropriate to consult.
- (2) The Welsh Ministers must, before giving a direction under section 131(1), consult the authority and council to which the direction relates.

CHAPTER 9**SCHEMES FOR THE ACCREDITATION OF QUALITY IN COMMUNITY GOVERNMENT****134 Schemes for the accreditation of quality in community government**

- (1) The Welsh Ministers may by regulations provide for a scheme under which the Welsh Ministers may or, if the regulations so require, must grant accreditation to a community council if—

- (a) os bydd Gweinidogion Cymru wedi eu bodloni bod y meini prawf a osodwyd yn y rheoliadau wedi eu bodloni mewn perthynas â chyngor (gweler adran 135),
 - (b) os bydd Gweinidogion Cymru wedi eu bodloni bod cyngor wedi gwneud cais dilys am achrediad (gweler adran 136), ac
 - (c) os talwyd y ffi (os oes ffi) sy'n ofynnol i Weinidogion Cymru (gweler adran 137).
- (2) Cyfeirir at achrediad o dan is-adran (1) yn y Bennod hon fel achrediad ansawdd mewn llywodraeth gymunedol.

135 Achredu ansawdd mewn llywodraeth gymunedol: meini prawf

- (1) Os bydd Gweinidogion Cymru'n gwneud rheoliadau o dan adran 134(1), rhaid i'r rheoliadau osod meini prawf sydd i'w bodloni pan wneir cais am achrediad ansawdd mewn llywodraeth gymunedol.
- (2) Mae'r meini prawf y caniateir eu gosod yn cynnwys meini prawf ynghylch y materion a ganlyn (ond heb fod yn gyfyngedig iddynt) –
 - (a) canran aelodau'r cyngor sy'n ddeiliaid swydd yn rhinwedd cael eu hethol fel a nodir yn adran 35(1) o Ddeddf Llywodraeth Leol 1972 (ethol cynghorwyr cymunedol);
 - (b) cymwysterau swyddogion y cyngor a hyfforddiant ar eu cyfer;
 - (c) hyfforddiant i aelodau'r cyngor a chynrychiolwyr ieuentid cymunedol;
 - (d) pa mor aml y cynhelir cyfarfodydd y cyngor a'r cyhoeddusrwydd a roddir i gyfarfodydd (cyn ac ar ôl iddynt gael eu cynnal);
 - (e) rhoi rhan i bersonau yng ngwaith y cyngor cymuned;
 - (f) annog personau i wella llesiant y gymuned neu'r cymunedau y sefydlwyd y cyngor ar ei chyfer neu ar eu cyfer;
 - (g) adroddiadau blynyddol;
 - (h) cyfrifon.

136 Achredu ansawdd mewn llywodraeth gymunedol: ceisiadau

Os bydd Gweinidogion Cymru'n gwneud rheoliadau o dan adran 134(1), rhaid i'r rheoliadau osod gofynion sydd i'w bodloni er mwyn gwneud cais dilys ar gyfer achrediad ansawdd mewn llywodraeth gymunedol.

137 Achredu ansawdd mewn llywodraeth gymunedol: ffioedd

Os bydd Gweinidogion Cymru'n gwneud rheoliadau o dan adran 134(1), caiff y rheoliadau ragnodi ffi y mae ceisydd am achrediad ansawdd mewn llywodraeth gymunedol i'w thalu.

138 Achredu ansawdd mewn llywodraeth gymunedol: tynnu achrediad yn ôl

Os bydd Gweinidogion Cymru'n gwneud rheoliadau o dan adran 134(1), rhaid i'r rheoliadau ddarparu ar gyfer –

- (a) adolygu achrediadau ansawdd mewn llywodraeth gymunedol, a

- (a) the Welsh Ministers are satisfied that the criteria set in the regulations are satisfied in relation to a council (see section 135),
 - (b) the Welsh Ministers are satisfied that a council has made a valid application for accreditation (see section 136), and
 - (c) the required fee (if any) has been paid to the Welsh Ministers (see section 137).
- (2) An accreditation under subsection (1) is referred to in this Chapter as an accreditation of quality in community government.

135 Accreditation of quality in community government: criteria

- (1) If the Welsh Ministers make regulations under section 134(1), the regulations must set criteria to be met on an application for accreditation of quality in community government.
- (2) The criteria that may be set include (but are not limited to) criteria about the following matters –
- (a) the percentage of the members of the council who hold office by virtue of having been elected as described in section 35(1) of the Local Government Act 1972 (election of community councillors);
 - (b) qualifications of and training for officers of the council;
 - (c) training for members of the council and community youth representatives;
 - (d) the frequency with which meetings of the council are held and the publicity given to meetings (both before and after they are held);
 - (e) involving persons in the work of the community council;
 - (f) encouraging persons to improve the well-being of the community or communities for which the council is established;
 - (g) annual reports;
 - (h) accounts.

136 Accreditation of quality in community government: applications

If the Welsh Ministers make regulations under section 134(1), the regulations must set requirements to be met in order for a valid application for accreditation of quality in community government to be made.

137 Accreditation of quality in community government: fees

If the Welsh Ministers make regulations under section 134(1), the regulations may prescribe a fee that an applicant for accreditation of quality in community government is required to pay.

138 Accreditation of quality in community government: removal of accreditation

If the Welsh Ministers make regulations under section 134(1), the regulations must provide for –

- (a) review of accreditations of quality in community government, and

- (b) y sail dros dynnu achrediad ansawdd mewn llywodraeth gymunedol yn ôl a'r broses o dynnu achrediad yn ôl.

139 Ceisiadau am achredu ansawdd mewn llywodraeth gymunedol: dirprwyo swyddogaethau

- (1) Caiff Gweinidogion Cymru wneud trefniadau gydag unrhyw berson y mae'r person hwnnw, yn unol â thelerau'r trefniadau, i arfer oddi tanynt swyddogaethau Gweinidogion Cymru o dan reoliadau a wneir o dan adran 134(1).
- (2) Os gwneir trefniadau o'r fath, mae adran 134(1)(c) i gael effaith fel y bo unrhyw ffi sy'n ofynnol, i'w thalu i'r person y gwneir y trefniadau gydag ef.

140 Achredu ansawdd mewn llywodraeth gymunedol: canlyniadau

- (1) Caiff Gweinidogion Cymru drwy reoliadau wneud addasiadau i unrhyw ddeddfiad sy'n gosod unrhyw rwymedigaeth ar gyngor cymuned neu mewn cysylltiad ag ef fel y bo'r rhwymedigaeth, yn achos cyngor y mae achrediad ansawdd mewn llywodraeth gymunedol mewn grym mewn cysylltiad ag ef—
 - (a) yn cael ei datgymhwyso, neu
 - (b) yn cael ei haddasu fel ei bod yn haws cydymffurfio â hi .
- (2) Caiff Gweinidogion Cymru drwy reoliadau wneud addasiadau i unrhyw ddeddfiad sy'n rhoi pŵer i gyngor cymuned neu mewn cysylltiad ag ef fel, yn achos cyngor nad oes achrediad ansawdd mewn llywodraeth gymunedol mewn grym mewn cysylltiad ag ef—
 - (a) na chaniateir i'r pŵer gael ei arfer, neu
 - (b) mai dim ond os bodlonir amodau rhagnodedig y caniateir arfer y pŵer.

RHAN 8

AELODAU: TALIADAU A PHENSIYNAU

Panel Annibynnol Cymru ar Gydnabyddiaeth Ariannol

141 Y Panel

- (1) Bydd panel o bersonau o'r enw Panel Annibynnol Cymru ar Gydnabyddiaeth Ariannol yn parhau.
- (2) Mae Atodlen 2 yn cael effaith mewn perthynas â'r Panel.

Prif swyddogaethau'r Panel

142 Swyddogaethau sy'n ymwneud â thaliadau i aelodau

- (1) Ar gyfer y flwyddyn ariannol sy'n dechrau ar 1 Ebrill 2012 ac ar gyfer pob blwyddyn ariannol ddilynol, caiff y Panel benderfynu ar y materion perthnasol—
 - (a) y bydd yn ofynnol i awdurdod perthnasol wneud taliad i aelodau o'r awdurdod amdanynt;
 - (b) yr awdurdodir awdurdod perthnasol i wneud taliad i aelodau o'r awdurdod amdanynt.

- (b) the grounds on which an accreditation of quality in community government may be removed and the removal process.

139 Applications for accreditation of quality in community government: delegation of functions

- (1) The Welsh Ministers may make arrangements with any person under which that person is to exercise, in accordance with the terms of the arrangements, the functions of the Welsh Ministers under regulations made under section 134(1).
- (2) If such arrangements are made, section 134(1)(c) is to have effect so that any required fee is to be paid to the person with whom the arrangements are made.

140 Accreditation of quality in community government: consequences

- (1) The Welsh Ministers may by regulations make modifications of any enactment which imposes any obligation upon or in respect of a community council so that, in the case of a council in respect of which an accreditation of quality in community government is in force, the obligation is—
 - (a) disapplied, or
 - (b) altered so as to make it easier to comply with.
- (2) The Welsh Ministers may by regulations make modifications of any enactment which confers a power upon or in respect of a community council so that, in the case of a council in respect of which an accreditation of quality in community government is not in force, the power—
 - (a) may not be exercised, or
 - (b) may only be exercised if prescribed conditions are satisfied.

PART 8

MEMBERS: PAYMENTS AND PENSIONS

The Independent Remuneration Panel for Wales

141 The Panel

- (1) There is to continue to be a panel of persons known as the Independent Remuneration Panel for Wales.
- (2) Schedule 2 has effect in relation to the Panel.

Principal functions of the Panel

142 Functions relating to payments to members

- (1) For the financial year beginning 1 April 2012 and for each following financial year, the Panel may decide the relevant matters—
 - (a) for which a relevant authority will be required to make payments to members of the authority;
 - (b) for which a relevant authority will be authorised to make payments to members of the authority.

- (2) Dyma yw materion perthnasol—
 - (a) materion sy'n ymwneud â busnes swyddogol aelodau o awdurdodau perthnasol;
 - (b) cyfnodau o absenoldeb teuluol o dan Ran 2.
- (3) Wedi iddo arfer y pŵer hwnnw, rhaid i'r Panel osod un o'r canlynol ar gyfer pob mater perthnasol—
 - (a) y swm y mae'n rhaid i awdurdod perthnasol ei dalu i aelod o'r awdurdod;
 - (b) yr uchafswm y caiff awdurdod perthnasol ei dalu i aelod o'r awdurdod.
- (4) Ar ôl penderfynu'r materion perthnasol y ceir awdurdodi neu ei gwneud yn ofynnol i awdurdod perthnasol wneud taliadau amdanynt o dan is-adran (1) a phennu'r swm neu'r uchafswm ar gyfer pob mater o dan is-adran (3), caiff y Panel benderfynu na chaniateir talu taliadau mewn cysylltiad â mater neu faterion penodol i fwy na chyfran benodedig o'r aelodau o awdurdod.
- (5) Ni chaiff y gyfran a bennir gan y Panel yn unol ag is-adran (4) fod yn fwy na hanner cant y cant oni fydd cydsyniad Gweinidogion Cymru wedi ei sicrhau.
- (6) Caiff y Panel osod—
 - (a) y ganran uchaf neu'r gyfradd uchaf arall y bydd gan awdurdod perthnasol hawl i'w defnyddio i addasu, ar gyfer blwyddyn ariannol, y symiau a oedd ag iddynt effaith ar gyfer y materion perthnasol yn y flwyddyn ariannol flaenorol;
 - (b) mynegrif y bydd gan awdurdod perthnasol hawl i'w ddefnyddio i addasu, ar gyfer blwyddyn ariannol, y symiau a oedd ag iddynt effaith ar gyfer y materion perthnasol hynny yn y flwyddyn ariannol flaenorol ag y bydd y Panel yn penderfynu.
- (7) Caniateir arfer y pwerau o dan is-adran (6) er mwyn—
 - (a) gosod cyfradd a mynegrif mewn perthynas â'r un mater;
 - (b) gosod cyfraddau neu fynegrifau gwahanol mewn perthynas â materion gwahanol.
- (8) Wrth osod swm o dan is-adran (3), gwneud penderfyniad o dan is-adran (4) neu osod cyfradd neu fynegrif o dan is-adran (6), rhaid i'r Panel ystyried beth yn ei farn ef fydd effaith ariannol debygol gwneud hynny ar awdurdodau perthnasol.
- (9) Caiff y Panel wneud penderfyniadau gwahanol o dan is-adran (1), gosod symiau gwahanol o dan is-adran (3), gwneud penderfyniadau gwahanol o dan is-adran (4) neu osod cyfraddau neu fynegrifau gwahanol o dan is-adran (6) mewn perthynas ag awdurdodau o ddisgrifiadau gwahanol neu awdurdodau gwahanol o'r un disgrifiad.
- (10) At ddibenion is-adran (2) mae mater yn ymwneud â busnes swyddogol aelod o awdurdod perthnasol os yw'n fater y mae aelod yn ymgymryd ag ef—
 - (a) fel aelod o awdurdod perthnasol, neu
 - (b) fel aelod o gorff y penodir yr aelod yn aelod ohono gan yr awdurdod perthnasol neu gan grŵp o gyrff sy'n cynnwys yr awdurdod perthnasol, neu yn sgil cael ei enwebu gan yr awdurdod perthnasol neu gan grŵp o gyrff sy'n cynnwys yr awdurdod perthnasol.

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- (2) Relevant matters are –
 - (a) matters relating to the official business of members of relevant authorities;
 - (b) periods of family absence under Part 2.
 - (3) Having exercised that power, the Panel must set for each relevant matter one of the following –
 - (a) the amount that a relevant authority must pay to a member of the authority;
 - (b) the maximum amount that a relevant authority may pay to a member of the authority.
 - (4) Having decided the relevant matters for which a relevant authority may be authorised or required to make payments under subsection (1) and set the amount or maximum amount for each matter under subsection (3), the Panel may determine that payments in respect of a particular matter or matters may not be paid to more than a fixed proportion of the members of an authority.
 - (5) The proportion fixed by the Panel in accordance with subsection (4) may not exceed fifty per cent unless the consent of the Welsh Ministers has been obtained.
 - (6) The Panel may set –
 - (a) the maximum percentage or other rate by which a relevant authority will be entitled to adjust for a financial year the amounts that had effect for the relevant matters for the previous financial year;
 - (b) an index by reference to which a relevant authority will be entitled to adjust for a financial year the amounts that had effect for such of the relevant matters for the previous financial year as the Panel decides.
 - (7) The powers under subsection (6) may be exercised so as to –
 - (a) set a rate and an index in relation to the same matter;
 - (b) set different rates or indices in relation to different matters.
 - (8) When setting an amount under subsection (3), making a determination under subsection (4) or setting a rate or index under subsection (6), the Panel must take into account what it considers will be the likely financial impact of doing so on relevant authorities.
 - (9) The Panel may make different decisions under subsection (1), set different amounts under subsection (3), make different determinations under subsection (4) or set different rates or indices under subsection (6) in relation to authorities of different descriptions or different authorities of the same description.
 - (10) For the purposes of subsection (2) a matter relates to the official business of a member of a relevant authority if it is a matter which a member undertakes –
 - (a) as a member of a relevant authority, or
 - (b) as a member of a body to which the member is appointed by, or following nomination by, the relevant authority or a group of bodies including the relevant authority.

143 Swyddogaethau sy'n ymwneud â phensiynau aelodau

- (1) Mae'r adran hon yn gymwys mewn perthynas ag aelodau o awdurdodau perthnasol—
 - (a) nad ydynt yn aelodau cyfetholedig, a
 - (b) a chanddynt am y tro hawl i fod yn aelodau o gynllun pensiwn yn unol â rheoliadau o dan adran 7 o Ddeddf Blwydd-daliadau 1972 (cynlluniau pensiwn llywodraeth leol).
- (2) Caiff y Panel benderfynu ar y disgrifiadau o aelodau y bydd yn ofynnol i awdurdod perthnasol dalu pensiwn (“pensiwn perthnasol”) iddynt neu mewn cysylltiad â hwy.
- (3) Caiff y Panel benderfynu ar y materion perthnasol y bydd yn ofynnol i awdurdod perthnasol dalu pensiwn perthnasol mewn cysylltiad â hwy.
- (4) Caiff y Panel wneud penderfyniadau gwahanol mewn perthynas ag awdurdodau o ddisgrifiadau gwahanol neu awdurdodau gwahanol o'r un disgrifiad.

144 Awdurdodau perthnasol, aelodau etc.

- (1) Mae'r adran hon yn gymwys at ddibenion y Rhan hon.
- (2) Mae awdurdod yn “awdurdod perthnasol” os daw o fewn un o'r disgrifiadau a ganlyn—
 - (a) awdurdod lleol;
 - (b) cyngor cymuned;
 - (c) awdurdod Parc Cenedlaethol (a sefydlwyd o dan adran 63 o Ddeddf yr Amgylchedd 1995) ar gyfer Parc Cenedlaethol yng Nghymru;
 - (d) awdurdod tân ac achub Cymreig, sef awdurdod yng Nghymru a sefydlwyd gan gynllun o dan adran 2 o Ddeddf Gwasanaethau Tân ac Achub 2004 neu gynllun y mae adran 4 o'r Ddeddf honno yn gymwys iddo.
- (3) Mae cyfeiriad at ddisgrifiad o awdurdod perthnasol i'w ddarllen gydag is-adran (2).
- (4) Mae “aelod”, mewn perthynas ag awdurdod perthnasol, yn cynnwys—
 - (a) maer etholedig i'r awdurdod (o fewn ystyr 39(1) o Ddeddf Llywodraeth Leol 2000),
 - (b) aelod gweithrediaeth etholedig o'r awdurdod (o fewn ystyr adran 39(4) o'r Ddeddf honno), ac
 - (c) aelod cyfetholedig o'r awdurdod.
- (5) Ystyr “aelod cyfetholedig”, mewn perthynas ag awdurdod perthnasol, yw person nad yw'n aelod o'r awdurdod (ac eithrio yn rhinwedd is-adran (4)) ond—
 - (a) sy'n aelod o bwyllgor neu is-bwyllgor i'r awdurdod neu sy'n aelod o gyd-bwyllgor neu gyd-is-bwyllgor i'r awdurdod ac sy'n cynrychioli'r awdurdod ar y cyd-bwyllgor neu'r cyd-is-bwyllgor hwnnw, a
 - (b) a chanddo hawl i bleidleisio ar gwestiynau sydd i'w penderfynu yng nghyfarfodydd y pwyllgor neu'r is-bwyllgor hwnnw.

143 Functions relating to members' pensions

- (1) This section applies in relation to members of relevant authorities who—
 - (a) are not co-opted members, and
 - (b) are for the time being eligible for membership of a pension scheme in accordance with regulations under section 7 of the Superannuation Act 1972 (local government pension schemes).
- (2) The Panel may decide the descriptions of members to or in respect of whom a relevant authority will be required to pay a pension (a “relevant pension”).
- (3) The Panel may decide the relevant matters in respect of which a relevant authority will be required to pay a relevant pension.
- (4) The Panel may make different decisions in relation to authorities of different descriptions or different authorities of the same description.

144 Relevant authorities, members etc.

- (1) This section applies for the purposes of this Part.
- (2) An authority is a “relevant authority” if it comes within one of the following descriptions—
 - (a) a local authority;
 - (b) a community council;
 - (c) a National Park authority (established under section 63 of the Environment Act 1995) for a National Park in Wales;
 - (d) a Welsh fire and rescue authority, that is an authority in Wales constituted by a scheme under section 2 of the Fire and Rescue Services Act 2004 or a scheme to which section 4 of that Act applies.
- (3) A reference to a description of a relevant authority is to be read with subsection (2).
- (4) “Member”, in relation to a relevant authority, includes—
 - (a) an elected mayor of the authority (within the meaning of section 39(1) of the Local Government Act 2000),
 - (b) an elected executive member of the authority (within the meaning of section 39(4) of that Act), and
 - (c) a co-opted member of the authority.
- (5) “Co-opted member”, in relation to a relevant authority, means a person who is not a member of the authority (except by virtue of subsection (4)) but—
 - (a) is a member of a committee or sub-committee of the authority or is a member of, and represents the authority on, a joint committee or joint sub-committee of the authority, and
 - (b) is entitled to vote on questions for decision at meetings of that committee or sub-committee.

*Adroddiadau gan y Panel***145 Adroddiadau blynyddol**

- (1) Rhaid i'r Panel gyhoeddi adroddiad (“adroddiad blynyddol”) am arfer ei swyddogaethau mewn cysylltiad â phob blwyddyn ariannol.
- (2) Caiff adroddiad blynyddol osod gofynion (gan gynnwys, ymhlith pethau eraill, ofynion i wneud taliadau) ar awdurdodau perthnasol.

146 Yr adroddiad blynyddol cyntaf

- (1) Y flwyddyn ariannol sy'n dechrau ar 1 Ebrill 2012 yw'r flwyddyn ariannol gyntaf y mae'n rhaid i'r Panel gyhoeddi adroddiad blynyddol arni o dan adran 145.
- (2) Rhaid cyhoeddi'r adroddiad ar y flwyddyn ariannol honno (“yr adroddiad blynyddol cyntaf”) heb fod yn hwyrach na 31 Rhagfyr 2011.
- (3) Rhaid i'r adroddiad blynyddol cyntaf nodi –
 - (a) y materion perthnasol,
 - (b) y symiau a osodwyd o dan adran 142(3),
 - (c) y gyfran a benderfynwyd o dan adran 142(4),
 - (d) yr aelodau o awdurdodau perthnasol y bydd yn ofynnol i awdurdodau perthnasol dalu pensiwn perthnasol iddynt neu mewn cysylltiad â hwy, a
 - (e) y materion perthnasol y mae pensiwn perthnasol yn daladwy mewn cysylltiad â hwy.
- (4) Ar ôl cyhoeddi'r adroddiad blynyddol cyntaf ond cyn cyhoeddi'r ail adroddiad blynyddol, caiff y Panel gyhoeddi un neu ragor o adroddiadau atodol.
- (5) Caiff adroddiad atodol o dan yr adran hon amrywio'r ddarpariaeth a wnaed yn yr adroddiad blynyddol cyntaf at ddibenion is-adran (3)(a), (b), (c), (d) neu (e).
- (6) Wrth lunio adroddiad atodol o dan yr adran hon, rhaid i'r Panel ystyried –
 - (a) yr adroddiad ariannol cyntaf ac unrhyw adroddiadau atodol sy'n ymwneud ag ef, a
 - (b) y sylwadau a gafodd y Panel am yr adroddiadau y cyfeirir atynt ym mharagraff (a).
- (7) Cyn cyhoeddi'r adroddiad blynyddol cyntaf neu adroddiad atodol o dan yr adran hon, rhaid i'r Panel –
 - (a) anfon drafft at
 - (i) Weinidogion Cymru,
 - (ii) yr awdurdodau perthnasol hynny y mae'r Panel wedi ei gwneud yn ofynnol iddynt neu wedi eu hawdurdodi i wneud taliadau i'w haelodau mewn cysylltiad â materion perthnasol, ac
 - (iii) unrhyw bersonau eraill y mae'r Panel o'r farn eu bod yn briodol,
 - a,
 - (b) ystyried y sylwadau y mae'n eu cael ar y drafft.

*Reports by the Panel***145 Annual reports**

- (1) The Panel must publish a report (an “annual report”) about the exercise of its functions with respect to each financial year.
- (2) An annual report may impose requirements (including, amongst other things, requirements to make payments) on relevant authorities.

146 First annual report

- (1) The first financial year for which the Panel must publish an annual report under section 145 is the financial year beginning 1 April 2012.
- (2) The report for that financial year (“the first annual report”) must be published no later than 31 December 2011.
- (3) The first annual report must specify –
 - (a) the relevant matters,
 - (b) the amounts set under section 142(3),
 - (c) the proportion determined under section 142(4),
 - (d) the members of relevant authorities to or in respect of whom relevant authorities will be required to pay a relevant pension, and
 - (e) the relevant matters in respect of which a relevant pension is payable.
- (4) After publishing the first annual report but before publishing the second annual report, the Panel may publish one or more supplementary reports.
- (5) A supplementary report under this section may vary the provision made in the first annual report for the purposes of subsection (3)(a), (b), (c), (d) or (e).
- (6) In preparing a supplementary report under this section, the Panel must take into account –
 - (a) the first annual report and any supplementary reports relating to it, and
 - (b) the representations the Panel received about the reports referred to in paragraph (a).
- (7) Before publishing the first annual report or a supplementary report under this section, the Panel must –
 - (a) send a draft to
 - (i) the Welsh Ministers,
 - (ii) those relevant authorities which are required or authorised by the Panel to make payment to their members in respect of relevant matters, and
 - (iii) such other persons as the Panel considers appropriate,and,
 - (b) take into account the representations it receives about the draft.

- (8) Daw darpariaethau'r adroddiad blynyddol cyntaf neu adroddiad atodol o dan yr adran hon i rym ar y dyddiad a bennir at y diben hwnnw yn yr adroddiad; ond ni chaiff yr adroddiad bennu dyddiad cynharach na diwrnod olaf y cyfnod o dri mis yn dechrau drannoeth y dyddiad cyhoeddi.

147 Adroddiadau blynyddol dilynol

- (1) Mae'r adran hon yn gymwys mewn perthynas ag adroddiadau blynyddol ar ôl yr adroddiad blynyddol cyntaf.
- (2) Rhaid cyhoeddi adroddiad blynyddol heb fod yn hwyrach nag –
- 31 Rhagfyr yn y flwyddyn ariannol cyn y flwyddyn y mae'r adroddiad yn ymwneud â hi, neu
 - unrhyw ddyddiad diweddarach y mae'r Panel a Gweinidogion Cymru yn cytuno arno.
- (3) Rhaid i adroddiad blynyddol nodi –
- drwy gyfeirio at y swm sydd ag iddo effaith ar gyfer pob mater perthnasol, unrhyw gyfradd neu fynegrif fel y'i gosodir o dan adran 142(6), a
 - y disgrifiadau o aelodau o awdurdodau perthnasol y bydd yn ofynnol i awdurdodau perthnasol dalu pensiwn perthnasol iddynt neu mewn cysylltiad â hwy.
- (4) Caiff adroddiad blynyddol amrywio'r ddarpariaeth a wneir yn yr adroddiad blynyddol cyntaf at ddibenion adran 146(3)(a), (b), (c), (d) neu (e).
- (5) Ar ôl cyhoeddi adroddiad blynyddol ond cyn cyhoeddi'r adroddiad blynyddol nesaf, caiff y Panel gyhoeddi un neu ragor o adroddiadau atodol.
- (6) Caiff adroddiad atodol o dan yr adran hon –
- amrywio'r ddarpariaeth a wnaed yn yr adroddiad blynyddol y mae'r adroddiad atodol yn ymwneud ag ef at ddibenion is-adran (3)(a) neu (b) (a chaiff wneud darpariaeth at y dibenion hynny i'r graddau nad yw'r adroddiad blynyddol yn ei gwneud);
 - amrywio'r ddarpariaeth a wnaed yn yr adroddiad blynyddol cyntaf at ddibenion adran 146(3)(a), (b), (c), (d) neu (e) (neu'r ddarpariaeth honno fel y'i hamrywiwyd yn rhinwedd is-adran (4)).
- (7) Wrth lunio adroddiad blynyddol neu adroddiad atodol o dan yr adran hon, rhaid i'r Panel ystyried –
- yr adroddiad blynyddol blaenorol ac unrhyw adroddiadau atodol sy'n ymwneud ag ef;
 - y sylwadau a gafodd y Panel am yr adroddiadau y cyfeirir atynt ym mharagraff (a).
- (8) Cyn cyhoeddi adroddiad blynyddol neu adroddiad atodol o dan yr adran hon, rhaid i'r Panel –
- anfon drafft at
 - Weinidogion Cymru,
 - yr awdurdodau perthnasol hynny y mae'r Panel wedi ei gwneud yn ofynnol iddynt neu wedi eu hawdurdodi i wneud taliadau i'w haeldau mewn cysylltiad â materion perthnasol, ac

- (8) The provisions of the first annual report or a supplementary report under this section come into force on the date specified for that purpose in the report; but the report may not specify a date earlier than the last day of the period of three months beginning with the day after the date of publication.

147 Subsequent annual reports

- (1) This section applies in relation to annual reports after the first annual report.
- (2) An annual report must be published no later than—
- (a) 31 December in the financial year preceding that to which the report relates, or
 - (b) such later date as the Panel and the Welsh Ministers may agree.
- (3) An annual report must specify—
- (a) by reference to the amount having effect for each relevant matter, such rate or index as is set under section 142(6), and
 - (b) the descriptions of members of relevant authorities to or in respect of whom relevant authorities will be required to pay a relevant pension.
- (4) An annual report may vary the provision made in the first annual report for the purposes of section 146(3)(a), (b), (c), (d) or (e).
- (5) After publishing an annual report but before publishing the next annual report, the Panel may publish one or more supplementary reports.
- (6) A supplementary report under this section may—
- (a) vary the provision made in the annual report to which the supplementary report relates for the purposes of subsection (3)(a) or (b) (and may make provision for those purposes to the extent that the annual report does not);
 - (b) vary the provision made in the first annual report for the purposes of section 146(3)(a), (b), (c), (d) or (e) (or that provision as varied by virtue of subsection (4)).
- (7) In preparing an annual report or a supplementary report under this section, the Panel must take into account—
- (a) the previous annual report and any supplementary reports relating to it;
 - (b) the representations the Panel received about the reports referred to in paragraph (a).
- (8) Before publishing an annual report or a supplementary report under this section, the Panel must—
- (a) send a draft to the
 - (i) Welsh Ministers,
 - (ii) those relevant authorities which are required or authorised by the Panel to make payment to their members in respect of relevant matters, and

(iii) unrhyw bersonau eraill y mae'r Panel o'r farn ei bod yn briodol anfon drafft atynt,

a,

(b) ystyried y sylwadau y mae'r Panel yn eu cael ar y drafft.

- (9) Daw darpariaethau adroddiad blynyddol neu adroddiad atodol o dan yr adran hon i rym ar y dyddiad a bennir at y diben hwnnw yn yr adroddiad; ond ni chaiff unrhyw adroddiad bennu dyddiad cynharach na diwrnod olaf y cyfnod o dri mis yn dechrau drannoeth y dyddiad cyhoeddi.

148 Ymgynghori ar adroddiadau drafft

- (1) Rhaid i'r Panel beidio â chyhoeddi adroddiad blynyddol neu adroddiad atodol cyn pen y cyfnod o wyth wythnos sy'n dechrau ar y diwrnod y mae'n anfon drafft o'r adroddiad yn unol ag adran 146 neu 147.
- (2) Rhaid i'r Panel, pan fydd yn anfon drafft o adroddiad yn unol â'r naill neu'r llall o'r adrannau hynny, osod copi electronig o'r drafft ar ei wefan.

149 Cyfarwyddiadau i amrywio adroddiadau drafft

- (1) Caiff Gweinidogion Cymru gyfarwyddo'r Panel i ailystyried darpariaeth yn yr adroddiad drafft.
- (2) Rhaid i gyfarwyddyd o dan yr adran hon bennu –
- (a) y ddarpariaeth,
 - (b) y rheswm dros roi'r cyfarwyddyd, ac
 - (c) y dyddiad erbyn pryd y mae Gweinidogion Cymru yn ei gwneud yn ofynnol i'r Panel ymateb.
- (3) O ran y Panel –
- (a) rhaid iddo ymateb i'r cyfarwyddyd heb fod yn hwyrach na'r dyddiad a bennir at ddibenion is-adran (2)(c);
 - (b) ni chaiff gyhoeddi'r adroddiad cyn iddo fod wedi ymateb i'r cyfarwyddyd.
- (4) Os yw'r Panel yn penderfynu peidio ag amrywio'r drafft yn unol â'r cyfarwyddyd, rhaid iddo bennu yn ei ymateb y rheswm dros ei benderfyniad.

150 Gofynion gweinyddol mewn adroddiadau

- (1) Caiff adroddiad blynyddol osod gofynion ar awdurdodau perthnasol er mwyn osgoi –
- (a) dyblygu taliadau a wneir mewn cysylltiad â materion perthnasol;
 - (b) dyblygu'n faterion perthnasol faterion sy'n ymwneud â busnes swyddogol aelodau.
- (2) At ddibenion achos pan fo aelod o awdurdod perthnasol yn gwneud rhywbeth sy'n ymwneud ag awdurdod perthnasol arall (yn ogystal â'r awdurdod y mae'r aelod yn perthyn iddo), ac y mae'n rhaid gwneud taliad i'r aelod mewn cysylltiad â mater perthnasol, rhaid i adroddiad blynyddol ddangos sut i benderfynu p'un o'r awdurdodau fydd yn gorfod gwneud y taliad.

(iii) such other persons as the Panel considers appropriate,
and,

(b) take into account the representations the Panel receives about the draft.

- (9) The provisions of an annual report or a supplementary report under this section come into force on the date specified for that purpose in the report; but no report may specify a date earlier than the last day of the period of three months beginning with the day after the date of publication.

148 Consultation on draft reports

- (1) The Panel must not publish an annual report or a supplementary report before the end of the period of eight weeks beginning with the day on which it sends a draft of the report in accordance with section 146 or 147.
- (2) The Panel must, when it sends a draft of a report in accordance with either of those sections, place an electronic copy of the draft on its website.

149 Directions to vary draft reports

- (1) The Welsh Ministers may direct the Panel to reconsider a provision of a draft report.
- (2) A direction under this section must specify –
- (a) the provision,
 - (b) the reason for giving the direction, and
 - (c) the date by which the Welsh Ministers require the Panel to respond.
- (3) The Panel –
- (a) must respond to the direction no later than the date specified for the purposes of subsection (2)(c);
 - (b) may not publish the report before having responded to the direction.
- (4) If the Panel decides not to vary the draft in accordance with the direction, it must specify in its response the reason for its decision.

150 Administrative requirements in reports

- (1) An annual report may impose on relevant authorities requirements for avoiding –
- (a) duplication of payments made in respect of relevant matters;
 - (b) duplication as relevant matters of matters relating to the official business of members.
- (2) For the purposes of a case where a member of a relevant authority does something which relates to another relevant authority (as well as the authority to which the member belongs), and for which a payment in respect of a relevant matter must be made to the member, an annual report must set out how to determine which of the authorities will be required to make the payment.

- (3) Caiff adroddiad blynyddol osod gofynion ar awdurdodau perthnasol er mwyn cadw –
- (a) cofnodion o geisiadau am daliadau mewn cysylltiad â materion perthnasol;
 - (b) cofnodion o daliadau a wneir mewn cysylltiad â materion perthnasol;
 - (c) cofnodion o daliadau a wneir mewn cysylltiad â phensiynau perthnasol.

151 Gofynion cyhoeddusrwydd mewn adroddiadau

- (1) Caiff adroddiad blynyddol osod gofynion ar awdurdodau perthnasol ar gyfer gwneud trefniadau i gyhoeddi gwybodaeth o ddisgrifiad penodedig –
- (a) ynghylch taliadau a wneir mewn cysylltiad â materion perthnasol;
 - (b) ynghylch taliadau a wneir mewn cysylltiad â phensiynau perthnasol.
- (2) Caiff yr adroddiad ei gwneud yn ofynnol i awdurdodau o ddisgrifiadau gwahanol neu i awdurdodau gwahanol o'r un disgrifiad wneud trefniadau gwahanol.

152 Rhoi cyhoeddusrwydd i adroddiadau

- (1) Os yw'r Panel yn cyhoeddi adroddiad, rhaid iddo hysbysu –
- (a) unrhyw bersonau y mae o'r farn ei bod yn debygol y bydd yr adroddiad yn effeithio arnynt, a
 - (b) unrhyw ddarlledwyr ac unrhyw aelodau o'r wasg y mae o'r farn ei bod yn briodol eu hysbysu.
- (2) Rhaid i'r Panel sicrhau bod ei adroddiadau ar gael mewn modd rhesymol i bersonau yn gyffredinol.
- (3) Yn ddarostyngedig i is-adrannau (1) a (2), caiff y Panel benderfynu sut i roi cyhoeddusrwydd i'w adroddiadau.
- (4) Yn yr adran hon, mae "adroddiad" (ac eithrio mewn perthynas ag is-adran (1)(b)) yn cynnwys drafft o adroddiad; ac ystyr "cyhoeddi", mewn perthynas â drafft, yw ei anfon at y personau y mae'n ofynnol anfon drafft atynt o dan 146 neu 147.

Taliadau gan awdurdodau perthnasol

153 Cydymffurfio â gofynion y Panel

- (1) Rhaid i awdurdod perthnasol gydymffurfio â'r gofynion a osodir arno gan adroddiad blynyddol.
- (2) Caiff y Panel fonitro gwneud taliadau gan awdurdodau perthnasol mewn cysylltiad â materion perthnasol; ac wrth wneud hynny, caiff y Panel ei gwneud yn ofynnol i awdurdod perthnasol roi iddo unrhyw wybodaeth y mae'n ei phennu am –
- (a) y materion sy'n faterion perthnasol mewn perthynas â'r awdurdod;
 - (b) ceisiadau i'r awdurdod am daliadau mewn cysylltiad â materion perthnasol;
 - (c) taliadau a wneir gan yr awdurdod mewn cysylltiad â materion perthnasol.
- (3) Caiff y Panel fonitro gwneud taliadau gan awdurdodau perthnasol mewn cysylltiad â phensiynau perthnasol; ac wrth wneud hynny, caiff y Panel ei gwneud yn ofynnol i awdurdod perthnasol roi iddo unrhyw wybodaeth y mae'n ei phennu am –

- (3) An annual report may impose on relevant authorities requirements for keeping—
 - (a) records of requests for payments in respect of relevant matters;
 - (b) records of payments made in respect of relevant matters;
 - (c) records of payments made in respect of relevant pensions.

151 Publicity requirements in reports

- (1) An annual report may impose on relevant authorities requirements for making arrangements for publishing information of a specified description—
 - (a) about payments made in respect of relevant matters;
 - (b) about payments made in respect of relevant pensions.
- (2) The report may require different arrangements to be made by authorities of different descriptions or different authorities of the same description.

152 Publicising reports

- (1) If the Panel publishes a report, it must notify—
 - (a) such persons as it considers are likely to be affected by the report, and
 - (b) such broadcasters and such members of the press as it considers appropriate.
- (2) The Panel must secure reasonable availability of its reports to persons generally.
- (3) Subject to subsections (1) and (2), the Panel may decide how to publicise its reports.
- (4) In this section, “report” (except in relation to subsection (1)(b)) includes a draft of a report; and “publish”, in relation to a draft, means send to the persons to whom the draft is required to be sent under section 146 or 147.

Payments by relevant authorities

153 Compliance with Panel's requirements

- (1) A relevant authority must comply with the requirements imposed on it by an annual report.
- (2) The Panel may monitor the making of payments by relevant authorities in respect of relevant matters; and in so doing the Panel may require a relevant authority to provide it with such information as it specifies about—
 - (a) the matters which are relevant matters in relation to the authority;
 - (b) requests to the authority for payments in respect of relevant matters;
 - (c) payments made by the authority in respect of relevant matters.
- (3) The Panel may monitor the making of payments by relevant authorities in respect of relevant pensions; and in so doing the Panel may require a relevant authority to provide it with such information as it specifies about—

- (a) yr aelodau o'r awdurdod y mae'n ofynnol i'r awdurdod dalu pensiynau perthnasol iddynt neu mewn cysylltiad â hwy;
 - (b) taliadau a wneir gan yr awdurdod mewn cysylltiad â phensiynau perthnasol.
- (4) Rhaid i awdurdod perthnasol gydymffurfio â gofyniad a osodir arno o dan is-adran (2) neu (3).

154 Aelodau sy'n dymuno ymwrthod â'u hawl i gael taliadau

- (1) Mae'r adran hon yn gymwys os yw aelod o awdurdod perthnasol, drwy hysbysiad ysgrifenedig a roddir i'r swyddog priodol i'r awdurdod, yn dewis ymwrthod (naill ai'n llwyr neu i'r graddau a bennir yn yr hysbysiad) â'r hawl i gael taliadau mewn cysylltiad ag unrhyw faterion perthnasol a bennir yn yr hysbysiad.
- (2) Nid yw'r gofyniad a osodir ar yr awdurdod gan adroddiad blynyddol i wneud taliadau mewn cysylltiad â'r materion perthnasol hynny a bennir yn yr hysbysiad yn gymwys yn achos yr aelod hwnnw (neu nid yw'n gymwys yn yr achos hwnnw i'r graddau a bennir yn yr hysbysiad); ac mae adran 153(1) i'w darllen yn unol â hynny.
- (3) Mae i "swyddog priodol" yr ystyr a roddir i "proper officer" yn adran 270(3) o Ddeddf Llywodraeth Leol 1972.

155 Peidio â gwneud taliadau

- (1) Ni chaniateir i awdurdod perthnasol wneud taliadau mewn cysylltiad â materion perthnasol neu bensiwn perthnasol i berson sydd wedi ei atal neu wedi ei atal yn rhannol rhag bod yn aelod o'r awdurdod yn rhinwedd Rhan 3 o Ddeddf Llywodraeth Leol 2000 (ymddygiad aelodau llywodraeth leol etc.).
- (2) Caiff Gweinidogion Cymru, mewn unrhyw achosion eraill y maent o'r farn eu bod yn briodol, gyfarwyddo awdurdod perthnasol i beidio â gwneud taliadau (gan gynnwys mewn cysylltiad â phensiynau) mewn cysylltiad ag unrhyw faterion perthnasol a bennir yn y cyfarwyddyd.
- (3) Cyn rhoi cyfarwyddyd o dan is-adran (2), rhaid i Weinidogion Cymru ymgynghori â'r Panel.
- (4) Gellir gorfodi cyfarwyddyd o dan is-adran (2) drwy orchymyn mynnu ar gais Gweinidogion Cymru.
- (5) Caiff awdurdod perthnasol ei gwneud yn ofynnol i ad-dalu taliadau a wnaed mewn cysylltiad â materion perthnasol neu bensiwn perthnasol i berson mewn cysylltiad â chyfnod pryd nad oedd gan y person hwnnw hawl i gael y taliad am unrhyw reswm, gan gynnwys (ond heb fod yn gyfyngedig i) unrhyw un o'r rhesymau canlynol –
 - (a) gwnaed y taliadau yn groes i'r gwaharddiad yn is-adran (1);
 - (b) gwnaed y taliadau yn groes i'r gyfarwyddyd o dan is-adran (2);
 - (c) yr oedd y person wedi peidio â bod yn aelod o'r awdurdod.

Gorfodi

156 Cyfarwyddiadau i gydymffurfio â gofynion

- (1) Os yw Gweinidogion Cymru wedi eu bodloni bod awdurdod perthnasol wedi methu â chydymffurfio â gofyniad sy'n ymwneud â materion perthnasol a osodir arno gan y Mesur hwn neu yn rhinwedd y Mesur hwn, cânt gyfarwyddo'r awdurdod i gydymffurfio â'r gofyniad.

- (a) the members of the authority to or in respect of whom the authority is required to pay relevant pensions;
 - (b) payments made by the authority in respect of relevant pensions.
- (4) A relevant authority must comply with a requirement imposed on it under subsection (2) or (3).

154 Members wishing to forgo payments

- (1) This section applies if a member of a relevant authority elects, by notice in writing given to the proper officer of the authority, to forgo (either completely or to the extent specified in the notice) entitlement to payments in respect of such relevant matters as are specified in the notice.
- (2) The requirement imposed on the authority by an annual report to make payments in respect of such relevant matters as are specified in the notice does not apply in the case of that member (or does not apply in that case to the extent specified in the notice); and section 153(1) is to be read accordingly.
- (3) “Proper officer” has the meaning given in section 270(3) of the Local Government Act 1972.

155 Withholding payments

- (1) A relevant authority must not make payments in respect of relevant matters or a relevant pension to a person who is suspended or partially suspended from being a member of the authority by virtue of Part 3 of the Local Government Act 2000 (conduct of local government members etc.).
- (2) The Welsh Ministers may, in such other cases as they consider appropriate, direct a relevant authority not to make payments (including in respect of pensions) in respect of such relevant matters as are specified in the direction.
- (3) Before giving a direction under subsection (2), the Welsh Ministers must consult the Panel.
- (4) A direction under subsection (2) is enforceable by mandatory order on the application of the Welsh Ministers.
- (5) A relevant authority may require the repayment of payments made in respect of relevant matters or a relevant pension to a person in respect of a period during which that person was not entitled to receive the payment for any reason, including (but not limited to) any of the following reasons –
 - (a) the payments were made in breach of the prohibition in subsection (1);
 - (b) the payments were made in breach of a direction under subsection (2);
 - (c) the person had ceased to be a member of the authority.

Enforcement

156 Directions to comply with requirements

- (1) If the Welsh Ministers are satisfied that a relevant authority has failed to comply with a requirement relating to relevant matters which is imposed on it by or by virtue of this Measure, they may direct the authority to comply with the requirement.

- (2) Rhaid i gyfarwyddyd o dan yr adran hon bennu –
 - (a) y gofyniad;
 - (b) y rheswm dros roi'r cyfarwyddyd;
 - (c) y camau y mae Gweinidogion Cymru yn ei gwneud yn ofynnol i'r awdurdod eu cymryd;
 - (d) y dyddiad erbyn pryd y mae Gweinidogion Cymru yn ei gwneud yn ofynnol i'r awdurdod gymryd y camau.
- (3) Gellir gorfodi cyfarwyddyd o dan yr adran hon drwy orchymyn mynnu ar gais Gweinidogion Cymru.

Atodol

157 Canllawiau

- (1) Caiff y Panel roi cyfarwyddyd am sut i gydymffurfio â gofynion a osodir gan adroddiadau blynyddol.
- (2) Mae pŵer y Panel i roi canllawiau o dan is-adran (1) yn cynnwys y pŵer i amrywio neu ddirymu'r canllawiau a roddwyd.
- (3) Rhaid i awdurdod perthnasol roi sylw i ganllawiau a roddir o dan is-adran (1).

158 Y pŵer i wneud addasiadau i ddarpariaeth ynghylch y Panel

Caiff Gweinidogion Cymru drwy orchymyn wneud addasiadau i'r Rhan hon er mwyn –

- (a) ychwanegu, amrywio neu hepgor darpariaeth am aelodaeth y Panel, deiliadaeth ei aelodau, neu ei weithdrefnau;
- (b) ychwanegu, amrywio neu hepgor darpariaeth sy'n rhoi neu'n gosod swyddogaeth ar y Panel.

159 Dehongli Rhan 8

- (1) Yn y Rhan hon –

mae i “adroddiad blynyddol” (“*annual report*”) yr ystyr a roddir yn adran 145;

mae i “aelod” (“*member*”), mewn perthynas ag awdurdod perthnasol, yr ystyr a roddir yn adran 144;

mae i “aelod cyfetholedig” (“*co-opted member*”), mewn perthynas ag awdurdod perthnasol, yr ystyr a roddir yn adran 144;

mae i “awdurdod perthnasol” (“*relevant authority*”) yr ystyr a roddir yn adran 144 (ac mae cyfeiriad at ddisgrifiad o awdurdod perthnasol i'w ddarllen yn unol â'r adran honno);

ystyr “blwyddyn ariannol” (“*financial year*”) yw cyfnod o ddeuddeng mis sy'n dod i ben ar 31 Mawrth;

mae i “mater perthnasol” (“*relevant matter*”) yr ystyr a roddir yn adran 142;

ystyr “y Panel” (“*the Panel*”) yw Panel Annibynnol Cymru ar Gydnabyddiaeth Ariannol;

mae i “pensiwn perthnasol” (“*relevant pension*”) yr ystyr a roddir yn adran 143.

- (2) A direction under this section must specify –
 - (a) the requirement;
 - (b) the reason for giving the direction;
 - (c) the steps that the Welsh Ministers require the authority to take;
 - (d) the date by which the Welsh Ministers require the authority to take the steps.
- (3) A direction under this section is enforceable by mandatory order on the application of the Welsh Ministers.

Supplementary

157 Guidance

- (1) The Panel may give guidance about how to comply with requirements imposed by annual reports.
- (2) The power of the Panel to give guidance under subsection (1) includes the power to vary or revoke guidance given.
- (3) A relevant authority must have regard to guidance given under subsection (1).

158 Power to modify provision about Panel

The Welsh Ministers may by order make modifications of this Part so as to –

- (a) add, vary or omit provision about the Panel's membership, the tenure of its members, or its procedures;
- (b) add, vary or omit provision conferring or imposing a function on the Panel.

159 Interpretation of Part 8

- (1) In this Part –

“annual report” (*“adroddiad blynyddol”*) has the meaning given in section 145;

“co-opted member” (*“aelod cyfetholedig”*), in relation to a relevant authority, has the meaning given in section 144;

“financial year” (*“blwyddyn ariannol”*) means a period of 12 months ending with 31 March;

“member” (*“aelod”*), in relation to a relevant authority, has the meaning given in section 144;

“the Panel” (*“y Panel”*) means the Independent Remuneration Panel for Wales;

“relevant authority” (*“awdurdod perthnasol”*) has the meaning given in section 144 (and a reference to a description of a relevant authority is to be read in accordance with that section);

“relevant matter” (*“mater perthnasol”*) has the meaning given in section 142;

“relevant pension” (*“pensiwn perthnasol”*) has the meaning given in section 143.

- (2) Mae'r cyfeiriadau yn adrannau 153, 154 a 157 at ofynion a osodir gan adroddiad blynyddol yn cynnwys cyfeiriad at ofynion sy'n cael eu cynnwys mewn adroddiad blynyddol gan adroddiad atodol.

160 Diwygiadau canlyniadol

Mae Atodlen 3 (taliadau a phensiynau: mân ddiwygiadau a diwygiadau canlyniadol) yn cael effaith.

RHAN 9

CYDLAFURIO A CHYFUNO

PENNOD 1

CYDLAFURIO

161 Canllawiau ynghylch cydlafurio rhwng awdurdodau gwella Cymreig

Ar ôl adran 12 o Fesur Llywodraeth Leol (Cymru) 2009 mewnosoder y canlynol—

“12A Canllawiau ynghylch cydlafurio rhwng awdurdodau gwella Cymreig

Wrth benderfynu p'un ai I arfer ei swyddogaethau o dan adrannau 9(1) a 12 a sut I'w harfer, rhaid I awdurdod gwella Cymreig roi sylw I unrhyw ganllawiau a ddyroddir gan Weinidogion Cymru.”.

PENNOD 2

CYFUNO

162 Pŵer i wneud gorchymyn cyfuno

- (1) Caiff Gweinidogion Cymru, os ydynt wedi eu bodloni ei bod yn angenrheidiol er mwyn sicrhau llywodraeth leol effeithol, wneud gorchymyn (“gorchymyn cyfuno”) i gyfansoddi ardal llywodraeth leol newydd drwy gyfuno dwy neu dair ardal llywodraeth leol.
- (2) Cyn gwneud gorchymyn cyfuno, rhaid i Weinidogion Cymru gael eu bodloni na fyddai'n debyg y câi llywodraeth leol effeithiol ei sicrhau mewn ardal llywodraeth leol sydd i'w chyfuno gan y gorchymyn—
 - (a) drwy i unrhyw rai o'r awdurdodau lleol o dan sylw arfer eu pwerau o dan adran 9 (Pwerau cydlafurio etc) o Fesur Llywodraeth Leol (Cymru) 2009, neu
 - (b) drwy i Weinidogion Cymru arfer eu pwerau o dan—
 - (i) adran 28 (Gweinidogion Cymru: cymorth i awdurdodau gwella Cymreig),
 - (ii) adran 29 (Gweinidogion Cymru: pwerau cyfarwyddo etc),
 - (iii) adran 30 (Pwerau cyfarwyddo: trefniadau cydlafurio), neu

- (2) The references in sections 153, 154 and 157 to requirements imposed by an annual report include a reference to requirements included in an annual report by a supplementary report.

160 Consequential amendments

Schedule 3 (payments and pensions: minor and consequential amendments) has effect.

PART 9

COLLABORATION AND AMALGAMATION

CHAPTER 1

COLLABORATION

161 Guidance about collaboration between Welsh improvement authorities

After section 12 of the Local Government (Wales) Measure 2009 insert the following—

“12A Guidance about collaboration between Welsh improvement authorities

In deciding whether and how to exercise its functions under sections 9(1) and 12, a Welsh improvement authority must have regard to any guidance issued by the Welsh Ministers.”.

CHAPTER 2

AMALGAMATION

162 Power to make amalgamation order

- (1) The Welsh Ministers may, if they are satisfied that it is necessary to achieve effective local government, make an order (“an amalgamation order”) for the constitution of a new local government area by amalgamating two or three local government areas.
- (2) Before making an amalgamation order, the Welsh Ministers must be satisfied that effective local government is not likely to be achieved in a local government area to be amalgamated by the order by—
- (a) the exercise by any of the local authorities concerned of their powers under section 9 (Powers to collaborate etc) of the Local Government (Wales) Measure 2009, or
 - (b) the exercise by the Welsh Ministers of their powers under—
 - (i) section 28 (Welsh Ministers: support for Welsh improvement authorities),
 - (ii) section 29 (Welsh Ministers: powers of direction etc),
 - (iii) section 30 (Powers of direction: collaboration arrangements), or

- (iv) adran 31 (Pŵer Gweinidogion Cymru i addasu deddfiadau a rhoi pwerau newydd)

o'r Mesur hwnnw.

- (3) Rhaid i orchymyn cyfuno ddarparu ar gyfer y canlynol –
- (a) a fydd yr ardal llywodraeth leol newydd yn sir ynteu'n fwrdeistref sirol,
 - (b) enw Cymraeg ac enw Saesneg yr ardal llywodraeth leol newydd,
 - (c) sefydlu awdurdod lleol ar gyfer yr ardal llywodraeth leol newydd,
 - (d) a fydd yr awdurdod lleol newydd yn gyngor sir ynteu'n gyngor bwrdeistref sirol,
 - (e) enw Cymraeg ac enw Saesneg yr awdurdod lleol newydd,
 - (f) diddymu'r ardaloedd llywodraeth leol presennol,
 - (g) ffin yr ardal llywodraeth leol newydd, ac
 - (h) dirwyn i ben a diddymu'r awdurdodau lleol ar gyfer yr ardaloedd llywodraeth leol presennol.
- (4) Os sir fydd yr ardal llywodraeth leol newydd, rhaid i'r gorchymyn cyfuno ddarparu i'r awdurdod lleol newydd gael enw'r sir gan ychwanegu –
- (a) yn achos ei enw Saesneg, y geiriau “County Council” neu'r gair “Council” (megis yn “Pembrokeshire County Council” neu “Pembrokeshire Council”); a
 - (b) yn achos ei enw Cymraeg, y gair “Cyngor” (megis yn “Cyngor Sir Penfro”).
- (5) Os bwrdeistref sirol fydd yr ardal llywodraeth leol newydd, rhaid i'r gorchymyn cyfuno ddarparu i'r awdurdod lleol newydd gael enw'r fwrdeistref sirol gan ychwanegu –
- (a) yn achos ei enw Saesneg, y geiriau “County Borough Council” neu'r gair “Council” (megis yn “Caerphilly County Borough Council” neu “Caerphilly Council”); a
 - (b) yn achos ei enw Cymraeg, y geiriau “Cyngor Bwrdeistref Sirol” neu'r gair “Cyngor” (megis yn “Cyngor Bwrdeistref Sirol Caerffili” neu “Cyngor Caerffili”).

163 Materion etholiadol

- (1) Mae'r ddarpariaeth y caniateir ei gwneud mewn gorchymyn cyfuno yn cynnwys darpariaeth ar gyfer neu mewn cysylltiad ag unrhyw un o'r materion canlynol (ond nid yw wedi ei chyfyngu i'r cyfryw ddarpariaeth) –
- (a) cyfanswm yr aelodau o unrhyw awdurdod lleol (“cynghorwyr”);
 - (b) nifer yr ardaloedd etholiadol a'u ffiniau at ddibenion ethol cynghorwyr;
 - (c) nifer y cynghorwyr sydd i'w hethol yn ffurfiol gan unrhyw ardal etholiadol;
 - (d) enw unrhyw ardal etholiadol;
 - (e) ethol cynghorwyr ar gyfer unrhyw ardaloedd etholiadol;
 - (f) diddymu etholiadau cynghorwyr ar gyfer unrhyw ardal etholiadol;

(iv) section 31 (Powers of Welsh Ministers to modify enactments and confer new powers)

of that Measure.

- (3) An amalgamation order must provide for –
- (a) whether the new local government area is to be a county or a county borough,
 - (b) the English name and Welsh name of the new local government area,
 - (c) the establishment of a local authority for the new local government area,
 - (d) whether the new local authority is to be a county council or county borough council,
 - (e) the English name and Welsh name of the new local authority,
 - (f) the abolition of the existing local government areas,
 - (g) the boundary of the new local government area, and
 - (h) the winding up and dissolution of the local authorities for the existing local government areas.
- (4) Where the new local government area is to be a county, the amalgamation order must provide for the new local authority to have the name of the county with the addition –
- (a) in the case of their English name, of the words “County Council” or the word “Council” (as in “Pembrokeshire County Council” or “Pembrokeshire Council”); and
 - (b) in the case of their Welsh name, of the word “Cyngor” (as in “Cyngor Sir Penfro”).
- (5) Where the new local government area is to be a county borough, the amalgamation order must provide for the new local authority to have the name of the county borough with the addition –
- (a) in the case of their English name, of the words “County Borough Council” or the word “Council” (as in “Caerphilly County Borough Council” or “Caerphilly Council”); and
 - (b) in the case of their Welsh name, of the words “Cyngor Bwrdeistref Sirol” or the word “Cyngor” (as in “Cyngor Bwrdeistref Sirol Caerffili” or “Cyngor Caerffili”).

163 Electoral matters

- (1) The provision that may be made in an amalgamation order includes (but is not limited to) provision for or in respect of any of the following matters –
- (a) the total number of members of any local authority (“councillors”);
 - (b) the number and boundaries of electoral areas for the purposes of the election of councillors;
 - (c) the number of councillors to be returned by any electoral area;
 - (d) the name of any electoral area;
 - (e) the election of councillors for any electoral areas;
 - (f) the cancellation of elections of councillors for any electoral area;

- (g) ethol cynghorwyr cymunedol ar gyfer unrhyw gymuned;
- (h) diddymu etholiadau cynghorau cymuned;
- (i) ethol maer awdurdod lleol;
- (j) penodi aelodau o awdurdod lleol presennol gan Weinidogion Cymru i fod yn aelodau o awdurdod cysgodol am gyfnod cysgodol;
- (k) penodi am gyfnod cysgodol weithrediaeth i'r awdurdod cysgodol;
- (l) swyddogaethau awdurdod cysgodol, a chyflawni'r swyddogaethau hynny, yn ystod cyfnod cysgodol.

164 Gofyniad i gynnal refferendwm sy'n cynnwys maer etholedig

- (1) Pan fo un neu ragor o'r awdurdodau lleol presennol yn gweithredu gweithrediaeth maer a chabinet, rhaid i'r gorchymyn cyfuno ei gwneud yn ofynnol i'r awdurdod cysgodol gynnal refferendwm ynghylch a ddylai'r awdurdod lleol newydd weithredu gweithrediaeth maer a chabinet.
- (2) Pan fo is-adran (1) yn gymwys, mae'r ddarpariaeth y caniateir ei gwneud mewn gorchymyn cyfuno'n cynnwys darpariaeth (ond nid yw wedi ei chyfyngu i ddarpariaeth) –
 - (a) o ran y dyddiad, neu'r amser erbyn pryd, y mae'n rhaid cynnal refferendwm;
 - (b) o ran y camau gweithredu y caniateir eu cymryd, neu na chaniateir eu cymryd, neu y mae'n rhaid eu cymryd gan awdurdod cysgodol o flaen refferendwm neu mewn cysylltiad ag ef;
 - (c) o ran y camau gweithredu y caniateir eu cymryd, neu na chaniateir eu cymryd, neu y mae'n rhaid eu cymryd gan awdurdod cysgodol ar ôl refferendwm;
 - (d) i alluogi Gweinidogion Cymru neu mewn cysylltiad â'u galluogi, os bydd unrhyw fethiant gan yr awdurdod cysgodol i gymryd unrhyw gamau gweithredu a ganiateir neu sy'n ofynnol yn rhinwedd y gorchymyn, i gymryd y camau gweithredu hynny.
- (3) Mae'r ddarpariaeth y caniateir ei gwneud yn rhinwedd is-adran (2) yn cynnwys darpariaeth sy'n cymhwyso neu'n atgynhyrchu (gydag addasiadau neu hebddynt) unrhyw ddarpariaethau yn adran 25, 27, 28, 29 neu 33 o Ddeddf Llywodraeth Leol 2000 neu Ran 4 o'r Mesur hwn.

165 Pŵer i gyfarwyddo refferendwm sy'n cynnwys maer etholedig

- (1) Caiff Gweinidogion Cymru drwy reoliadau wneud darpariaeth i'w galluogi neu mewn cysylltiad â'u galluogi, o dan unrhyw amgylchiadau a ragnodir yn y rheoliadau, i gyfarwyddo awdurdod cysgodol i gynnal refferendwm ynghylch a ddylai'r awdurdod lleol newydd weithredu gweithrediaeth maer a chabinet.
- (2) Mae'r ddarpariaeth y caniateir ei gwneud drwy reoliadau o dan yr adran hon yn cynnwys darpariaeth (ond nid yw wedi ei chyfyngu i ddarpariaeth) –
 - (a) ynghylch y dyddiad, neu'r amser erbyn pryd, y mae'n rhaid cynnal refferendwm;
 - (b) o ran y camau gweithredu y caniateir eu cymryd, neu na chaniateir eu cymryd, neu y mae'n rhaid eu cymryd gan awdurdod cysgodol o flaen refferendwm neu mewn cysylltiad ag ef;

- (g) the election of community councillors for any community;
- (h) the cancellation of community council elections;
- (i) the election of a mayor of a local authority;
- (j) the appointment by the Welsh Ministers of members of an existing local authority to be members of a shadow authority for a shadow period;
- (k) the appointment for a shadow period of an executive of the shadow authority;
- (l) the functions of a shadow authority, and the discharge of those functions, during a shadow period.

164 Requirement to hold a referendum involving an elected mayor

- (1) Where one or more of the existing local authorities is operating a mayor and cabinet executive, the amalgamation order must require the shadow authority to hold a referendum on whether the new local authority should operate a mayor and cabinet executive.
- (2) Where subsection (1) applies, the provision which may be made in an amalgamation order includes (but is not limited to) provision—
 - (a) as to the date on which, or the time by which, a referendum must be held;
 - (b) as to the action which may, or may not or must be taken by a shadow authority before or in connection with a referendum;
 - (c) as to the action which may, or may not or must be taken by a shadow authority after a referendum;
 - (d) for or in connection with enabling the Welsh Ministers, in the event of any failure by the shadow authority to take any action permitted or required by virtue of the order, to take that action.
- (3) The provision which may be made by virtue of subsection (2) includes provision which applies or reproduces (with or without modifications) any provisions of section 25, 27, 28, 29 or 33 of the Local Government Act 2000 or Part 4 of this Measure.

165 Power to direct a referendum involving an elected mayor

- (1) The Welsh Ministers may by regulations make provision for or in connection with enabling them, in such circumstances as may be prescribed in the regulations, to direct a shadow authority to hold a referendum on whether the new local authority should operate a mayor and cabinet executive.
- (2) The provision which may be made by regulations under this section includes (but is not limited to) provision—
 - (a) as to the date on which, or the time by which, a referendum must be held;
 - (b) as to the action which may, or may not or must be taken by a shadow authority before or in connection with a referendum;

- (c) o ran y camau gweithredu y caniateir eu cymryd, neu na chaniateir eu cymryd, neu y mae'n rhaid eu cymryd gan awdurdod cysgodol ar ôl refferendwm;
 - (d) i alluogi Gweinidogion Cymru neu mewn cysylltiad â'u galluogi, os bydd unrhyw fethiant gan yr awdurdod cysgodol i gymryd unrhyw gamau gweithredu a ganiateir neu sy'n ofynnol yn rhinwedd y rheoliadau, i gymryd y camau gweithredu hynny.
- (3) Mae'r ddarpariaeth y caniateir ei gwneud yn rhinwedd is-adran (2) yn cynnwys darpariaeth sy'n cymhwyso neu'n atgynhyrchu (gydag addasiadau neu hebddynt) unrhyw ddarpariaethau yn adran 25, 27, 28, 29 neu 33 o Ddeddf Llywodraeth Leol 2000 neu Ran 4 o'r Mesur hwn.

166 Darpariaeth atodol, gysylltiedig, ganlyniadol, drosiannol a darpariaeth arbed

- (1) Mae'r ddarpariaeth y caniateir ei gwneud mewn gorchymyn cyfuno yn cynnwys darpariaeth atodol, gysylltiedig, trosiannol a darpariaeth arbed (ond nid yw wedi ei chyfyngu i'r cyfryw ddarpariaeth).
- (2) Caiff Gweinidogion Cymru drwy reoliadau sy'n gymwys yn gyffredinol wneud darpariaeth atodol, gysylltiedig, ganlyniadol, drosiannol a darpariaeth arbed –
 - (a) at ddibenion gorchymynion cyfuno neu o ganlyniad iddynt; neu
 - (b) i roi effaith lawn i orchmynion cyfuno.
- (3) Mae rheoliadau o dan is-adran (2) yn cael effaith yn ddarostyngedig i unrhyw ddarpariaeth a gynhwysir mewn gorchymyn cyfuno.
- (4) Yn yr adran hon, mae cyfeiriadau at ddarpariaeth atodol, gysylltiedig, ganlyniadol, drosiannol neu ddarpariaeth arbed yn cynnwys darpariaeth (ond nid ydynt wedi eu cyfyngu i ddarpariaeth) –
 - (a) ar gyfer trosglwyddo eiddo, hawliau neu rwymedigaethau o awdurdod lleol presennol i awdurdod lleol newydd;
 - (b) i achos cyfreithiol a gychwynnir gan neu yn erbyn awdurdod lleol presennol gael ei barhau gan neu yn erbyn awdurdod lleol newydd;
 - (c) ar gyfer trosglwyddo staff, iawndal am golli swydd, neu mewn perthynas â phensiynau a materion staffio eraill;
 - (d) ar gyfer trin awdurdod lleol newydd at rai dibenion neu at bob diben fel yr un person mewn cyfraith ag awdurdod lleol presennol;
 - (e) mewn perthynas â rheolaeth neu gadwraeth ar eiddo (tirol neu bersonol) a drosglwyddir;
 - (f) sy'n cyfateb i unrhyw ddarpariaeth y gellid ei chynnwys mewn cytundeb o dan adran 68 o Ddeddf Llywodraeth Leol 1972 (cytundebau trosiannol o ran eiddo a chyllid)
- (5) Mae'r hawliau a'r rhwymedigaethau y caniateir eu trosglwyddo'n unol â gorchymyn o dan yr adran hon yn cynnwys hawliau a rhwymedigaethau mewn perthynas â chontract cyflogi.
- (6) Mae Rheoliadau Trosglwyddo Ymgymeriadau (Diogelu Cyflogaeth) 2006 (OS 2006/246) yn gymwys i drosglwyddiad a wneir yn unol â gorchymyn o dan yr adran hon (p'un a yw'r trosglwyddiad yn drosglwyddiad perthnasol at ddibenion y rheoliadau hynny ai peidio).

- (c) as to the action which may, or may not or must be taken by a shadow authority after a referendum;
 - (d) for or in connection with enabling the Welsh Ministers, in the event of any failure by the shadow authority to take any action permitted or required by virtue of the regulations, to take that action.
- (3) The provision which may be made by virtue of subsection (2) includes provision which applies or reproduces (with or without modifications) any provisions of section 25, 27, 28, 29 or 33 of the Local Government Act 2000 or Part 4 of this Measure.

166 Supplementary, incidental, consequential, transitional and saving provision

- (1) The provision that may be made in an amalgamation order includes (but is not limited to) supplementary, incidental, consequential, transitional and saving provision.
- (2) The Welsh Ministers may by regulations of general application make supplementary, incidental, consequential, transitional and saving provision –
 - (a) for the purposes of or in consequence of amalgamation orders; or
 - (b) for giving full effect to amalgamation orders.
- (3) Regulations under subsection (2) have effect subject to any provision included in an amalgamation order.
- (4) In this section, references to supplementary, incidental, consequential, transitional, or saving provision include (but are not limited to) provision –
 - (a) for the transfer of property, rights or liabilities from an existing local authority to a new local authority;
 - (b) for legal proceedings commenced by or against an existing local authority to be continued by or against a new local authority;
 - (c) for the transfer of staff, compensation for loss of office, or with respect to pensions and other staffing matters;
 - (d) for treating a new local authority for some or all purposes as the same person in law as an existing local authority ;
 - (e) with respect to the management or custody of transferred property (real or personal);
 - (f) equivalent to any provision that could be contained in an agreement under section 68 of the Local Government Act 1972 (transitional agreements as to property and finance).
- (5) The rights and liabilities which may be transferred in accordance with an order under this section include rights and liabilities in relation to a contract of employment.
- (6) The Transfer of Undertakings (Protection of Employment) Regulations 2006 (SI 2006/246) apply to a transfer made in accordance with an order under this section (whether or not the transfer is a relevant transfer for the purposes of those regulations).

- (7) Yn is-adran (1), mae'r cyfeiriad at ddarpariaeth atodol, gysylltiedig, ganlyniadol, drosiannol neu ddarpariaeth arbed hefyd yn cynnwys darpariaeth (ond nid yw wedi ei chyfyngu i ddarpariaeth) mewn cysylltiad â'r canlynol—
- (a) sefydlu gyrff cyhoeddus neu aelodaeth o'r cyfryw gyrff mewn unrhyw ardal yr effeithir arni gan y gorchymyn cyfuno ac ethol neu benodi aelodau'r cyfryw gyrff;
 - (b) diddymu neu sefydlu, neu gyfyngu neu estyn, awdurdodaeth unrhyw gorff cyhoeddus mewn neu dros unrhyw ran o unrhyw ardal yr effeithir arni gan y gorchymyn cyfuno.
- (8) Caiff darpariaeth atodol, gysylltiedig, ganlyniadol, drosiannol neu ddarpariaeth arbed mewn gorchymyn cyfuno neu mewn rheoliadau o dan yr adran hon fod ar ffurf darpariaeth—
- (a) sy'n addasu, sy'n eithrio neu sy'n cymhwyso (gydag addasiadau neu hebddynt) unrhyw ddeddfiad; neu
 - (b) sy'n diddymu neu'n dirymu unrhyw ddeddfiad (gydag arbedion neu hebddynt).

167 Adolygu trefniadau etholiadol

- (1) Caiff Gweinidogion Cymru gyfarwyddo Comisiwn Cymru i ymgymryd ag adolygiad o'r trefniadau etholiadol ar gyfer ardal llywodraeth leol newydd.
- (2) Caiff Comisiwn Cymru o ganlyniad i'r cyfryw adolygiad gyflwyno argymhellion i Weinidogion Cymru ar gyfer gwneud newidiadau i'r trefniadau etholiadol sy'n ymddangos i Gomisiwn Cymru yn ddymunol er mwyn cael llywodraeth leol effeithiol a chyfleus.
- (3) Wrth bwysu a mesur y trefniadau etholiadol ar gyfer ardal llywodraeth leol newydd at ddibenion yr adran hon, rhaid i Gomisiwn Cymru i'r graddau y mae'n rhesymol ymarferol gydymffurfio â'r rheolau a nodir yn Atodlen 11 i Ddeddf Llywodraeth Leol 1972.
- (4) At ddibenion yr adran hon mae i "trefniadau etholiadol" yr un ystyr ag "electoral arrangements" yn adran 78 o Ddeddf Llywodraeth Leol 1972.

168 Diwygiadau i Ddeddf Llywodraeth Leol 1972

- (1) Diwygir Deddf Llywodraeth Leol 1972 fel a ganlyn.
- (2) Yn adran 58 (adroddiadau'r Comisiwn a'u gweithredu), yn is-adran (1)(b) ar ôl "section 57 above" mewnosoder "or in accordance with a direction under section 167 of the Local Government (Wales) Measure 2011".
- (3) Yn adran 59 (cyfarwyddiadau ynghylch adolygiadau), yn is-adran (1) ar ôl "57 above" mewnosoder "or in accordance with a direction under section 167 of the Local Government (Wales) Measure 2011".
- (4) Yn adran 60 (y weithdrefn ar gyfer adolygiadau), yn is-adran (1) ar ôl "this Act" mewnosoder "or in accordance with a direction under section 167 of the Local Government (Wales) Measure 2011".
- (5) Yn adran 68 (cytundebau trosiannol o ran eiddo a chyllid), yn is-adran (1) ar ôl "this Act" mewnosoder "or by an order under section 162 of the Local Government (Wales) Measure 2011".

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- (7) In subsection (1), the reference to supplementary, incidental, consequential, transitional or saving provision also includes (but is not limited to) provision with respect to –
- (a) the establishment or membership of public bodies in any area affected by the amalgamation order and the election or appointment of members of such bodies;
 - (b) the abolition or establishment, or the restriction or extension, of the jurisdiction of any public body in or over any part of any area affected by the amalgamation order.
- (8) Supplementary, incidental, consequential, transitional or saving provision in an amalgamation order or in regulations under this section may take the form of provision –
- (a) modifying, excluding or applying (with or without modifications) any enactment; or
 - (b) repealing or revoking any enactment (with or without savings).

167 Review of electoral arrangements

- (1) The Welsh Ministers may direct the Welsh Commission to undertake a review of the electoral arrangements for a new local government area.
- (2) The Welsh Commission may in consequence of such a review make proposals to the Welsh Ministers for effecting changes to the electoral arrangements as appear to the Welsh Commission to be desirable in the interests of effective and convenient local government.
- (3) In considering the electoral arrangements for a new local government area for the purposes of this section, the Welsh Commission shall so far as reasonably practicable comply with the rules set out in Schedule 11 to the Local Government Act 1972.
- (4) For the purposes of this section “electoral arrangements” has the same meaning as in section 78 of the Local Government Act 1972.¹

168 Amendments to the Local Government Act 1972

- (1) The Local Government Act 1972 is amended as follows.
- (2) In section 58 (Commission's reports and their implementation), in subsection (1)(b) after “section 57 above” insert “or in accordance with a direction under section 167 of the Local Government (Wales) Measure 2011”.
- (3) In section 59 (directions about reviews), in subsection (1) after “57 above” insert “or in accordance with a direction under section 167 of the Local Government (Wales) Measure 2011”.
- (4) In section 60 (procedure for reviews), in subsection (1) after “this Act” insert “or in accordance with a direction under section 167 of the Local Government (Wales) Measure 2011”.
- (5) In section 68 (transitional agreements as to property and finance), in subsection (1) after “this Act” insert “or by an order under section 162 of the Local Government (Wales) Measure 2011”.

169 Y weithdrefn sy'n gymwys i orchymyn cyfuno

- (1) Rhaid i Weinidogion Cymru gydymffurfio â'r adran hon cyn gwneud gorchymyn cyfuno i roi effaith i gynigion i gyfansoddi ardal llywodraeth leol newydd drwy gyfuno dwy neu dair o ardaloedd llywodraeth leol presennol ("y cynigion").
- (2) Rhaid i Weinidogion Cymru ymgynghori ag—
 - (a) yr awdurdodau lleol ar gyfer yr ardaloedd llywodraeth leol yr effeithir arnynt gan y cynigion,
 - (b) y cynghorau cymuned yn yr ardaloedd llywodraeth leol yr effeithir arnynt gan y cynigion, ac
 - (c) unrhyw bersonau eraill (os oes rhai) y mae'n ymddangos i Weinidogion Cymru ei bod yn debygol yr effeithir arnynt gan y cynigion.
- (3) Os bydd Gweinidogion Cymru, yn dilyn yr ymgynghori hwnnw, yn dymuno bwrw ymlaen â'r cynigion, rhaid iddynt osod gerbron Cynulliad Cenedlaethol Cymru ddogfen sydd—
 - (a) yn esbonio'r cynigion,
 - (b) yn eu nodi ar ffurf gorchymyn drafft, ac
 - (c) yn rhoi manylion yr ymgynghori o dan is-adran (2).
- (4) Ni chaniateir i unrhyw ddrafft o orchymyn cyfuno i roi effaith i'r cynigion ("y gorchymyn drafft terfynol") gael ei osod gerbron y Cynulliad yn unol ag adran 172(2)(b) tan ar ôl i'r cyfnod o 60 niwrnod, sy'n dechrau ar y diwrnod y cafodd y ddogfen ynglŷn â'r cynigion ei gosod gerbron Cynulliad Cenedlaethol Cymru o dan is-adran (3), ddirwyn i ben.
- (5) Wrth gyfrifo'r cyfnod a grybwyllwyd yn is-adran (4) rhaid peidio ag ystyried unrhyw amser pryd y bydd Cynulliad Cenedlaethol Cymru wedi'i ddiwysu neu wedi cymryd saib am fwy na phedwar diwrnod.
- (6) Wrth baratoi'r gorchymyn drafft terfynol, rhaid i Weinidogion Cymru ystyried unrhyw sylwadau a gyflwynwyd yn ystod y cyfnod a grybwyllwyd yn is-adran (4).
- (7) Os caiff y gorchymyn drafft terfynol ei osod gerbron Cynulliad Cenedlaethol Cymru yn unol ag adran 172(2)(b), rhaid bod gyda'r gorchymyn ddatganiad gan Weinidogion Cymru sy'n rhoi manylion—
 - (a) unrhyw sylwadau a ystyriwyd yn unol ag is-adran (6), a
 - (b) unrhyw newidiadau a wnaed i'r cynigion a oedd wedi eu cynnwys yn y ddogfen a osodwyd gerbron Cynulliad Cenedlaethol Cymru o dan is-adran (3) ac y mae effaith wedi ei rhoi iddynt yn y gorchymyn drafft terfynol.
- (8) Nid oes dim yn yr adran hon sy'n gymwys i orchymyn o dan adran 162 sydd wedi ei wneud yn unswydd at y diben o ddiwygio gorchymyn cynharach o dan yr adran honno.

170 Cywiro gorchymynion

- (1) Pan fo—
 - (a) gwall mewn gorchymyn cyfuno, a

169 Procedure applicable to an amalgamation order

- (1) The Welsh Ministers must comply with this section before making an amalgamation order to give effect to proposals to constitute a new local government area by amalgamating two or three existing local government areas (“the proposals”).
- (2) The Welsh Ministers must consult—
 - (a) the local authorities for the local government areas affected by the proposals,
 - (b) the community councils in the local government areas affected by the proposals, and
 - (c) such other persons (if any) as appear to the Welsh Ministers to be likely to be affected by the proposals.
- (3) If, following that consultation, the Welsh Ministers wish to proceed with the proposals, they must lay before the National Assembly for Wales a document which—
 - (a) explains the proposals,
 - (b) sets them out in the form of a draft order, and
 - (c) gives details of the consultation under subsection (2).
- (4) No draft of an amalgamation order to give effect to the proposals (“the final draft order”) may be laid before the Assembly in accordance with section 172(2)(b) until after the expiry of the period of 60 days beginning with the day on which the document relating to the proposals was laid before the National Assembly for Wales under subsection (3).
- (5) In calculating the period mentioned in subsection (4) no account shall be taken of any time during which the National Assembly for Wales is dissolved or is in recess for more than four days.
- (6) In preparing the final draft order, the Welsh Ministers must consider any representations made during the period mentioned in subsection (4).
- (7) If the final draft order is laid before the National Assembly for Wales in accordance with section 172(2)(b), the order must be accompanied by a statement of the Welsh Ministers giving details of—
 - (a) any representations considered in accordance with subsection (6), and
 - (b) any changes to the proposals contained in the document laid before the National Assembly for Wales under subsection (3) which are given effect to in the final draft order.
- (8) Nothing in this section applies to an order under section 162 which is made only for the purpose of amending an earlier order under that section.

170 Correction of orders

- (1) Where—
 - (a) there is a mistake in an amalgamation order, and

- (b) ni ellir ei gywiro drwy orchymyn dilynol a wneir o dan adran 162, caiff Gweinidogion Cymru, drwy orchymyn, gywiro'r gwall.
- (2) At ddibenion yr adran hon, mae "gwall" mewn gorchymyn yn cynnwys darpariaeth sydd wedi ei chynnwys yn y gorchymyn neu wedi ei hepgor ohono drwy ddibynnu ar wybodaeth anghywir neu anghyflawn a ddarparwyd gan gyngor cymuned neu unrhyw gorff cyhoeddus arall.

171 Dehongli'r Bennod hon

Yn y Pennod hon—

mae "aelod o awdurdod lleol" (*"member of a local authority"*) yn cynnwys maer etholedig (o fewn ystyr adran 39(1) o Ddeddf Llywodraeth Leol 2000) neu aelod gweithredol etholedig (o fewn ystyr adran 39(4) o'r Ddeddf honno) o'r awdurdod;

ystyr "ardal etholiadol" (*"electoral area"*) yw unrhyw ardal yr etholir cychorwyr drosti i awdurdod lleol;

ystyr "ardal llywodraeth leol" (*"local government area"*) yw ardal y mae awdurdod lleol wedi ei sefydlu ar ei chyfer;

ystyr "ardal llywodraeth leol bresennol" (*"existing local government area"*) yw ardal llywodraeth leol a ddiddymir gan orchymyn cyfuno;

ystyr "ardal llywodraeth leol newydd" (*"new local government area"*) yw ardal llywodraeth leol a gyfansoddwyd drwy orchymyn cyfuno;

ystyr "awdurdod cysgodol" (*"shadow authority"*) yw awdurdod sydd wedi ei benodi neu wedi ei ethol i gyflawni swyddogaethau a ragnodwyd drwy orchymyn cyfuno ac a ddaw'n awdurdod lleol newydd ar ddiwedd y cyfnod cysgodol;

ystyr "awdurdod lleol newydd" (*"new local authority"*) yw awdurdod lleol a sefydlwyd drwy orchymyn cyfuno;

ystyr "awdurdod lleol presennol" (*"existing local authority"*) yw'r awdurdod lleol ar gyfer ardal llywodraeth leol bresennol;

ystyr "Comisiwn Cymru" (*"Welsh Commission"*) yw Comisiwn Ffiniau Llywodraeth Leol i Gymru a sefydlwyd gan adran 53 o Ddeddf Llywodraeth Leol 1972;

mae "corff cyhoeddus" (*"public body"*) yn cynnwys—

(a) awdurdod lleol;

(b) cyd-fwrdd, neu gyd-bwyllgor, y mae awdurdod lleol wedi ei gynrychioli arno;

ystyr "cyfnod cysgodol" (*"shadow period"*) yw cyfnod cyn y bydd aelodau o'r awdurdod lleol newydd yn cychwyn ar eu swydd;

ystyr "gorchymyn cyfuno" (*"amalgamation order"*) yw gorchymyn o dan adran 162;

mae "staff" (*"staff"*) yn cynnwys swyddogion a chyflogieion.

- (b) the mistake cannot be rectified by a subsequent order made under section 162, the Welsh Ministers may, by order, rectify the mistake.
- (2) For the purposes of this section, a “mistake” in an order includes a provision contained in or omitted from the order in reliance on inaccurate or incomplete information supplied by a community council or any other public body.

171 Interpretation of this Chapter

In this Chapter –

“amalgamation order” (*“gorchymyn cyfuno”*) means an order under section 162;

“electoral area” (*“ardal etholiadol”*) means any area for which councillors are elected to a local authority;

“existing local authority” (*“awdurdod lleol presennol”*) means the local authority for an existing local government area;

“existing local government area” (*“ardal llywodraeth leol bresennol”*) means a local government area abolished by an amalgamation order;

“local government area” (*“ardal llywodraeth leol”*) means an area for which a local authority is established;

“member of a local authority” (*“aelod o awdurdod lleol”*) includes an elected mayor (within the meaning of section 39(1) of the Local Government Act 2000) or elected executive member (within the meaning of section 39(4) of that Act) of the authority;

“new local authority” (*“awdurdod lleol newydd”*) means a local authority established by an amalgamation order;

“new local government area” (*“ardal llywodraeth leol newydd”*) means a local government area constituted by an amalgamation order;

“public body” (*“corf cyhoeddus”*) includes –

- (a) a local authority;
- (b) a joint board, or a joint committee, on which a local authority is represented;

“shadow authority” (*“awdurdod cysgodol”*) means an authority which has been appointed or elected to carry out functions prescribed by an amalgamation order and will become a new local authority at the end of the shadow period;

“shadow period” (*“cyfnod cysgodol”*) means a period before the coming into office of members of the new local authority;

“staff” (*“staff”*) includes officers and employees;

“Welsh Commission” (*“Comisiwn Cymru”*) means the Local Government Boundary Commission for Wales established by section 53 of the Local Government Act 1972¹.

RHAN 10**CYFFREDINOL****172 Gorchmynion a rheoliadau**

- (1) Mae unrhyw bŵer sydd gan Weinidogion Cymru i wneud gorchmyn neu reoliadau o dan y Mesur hwn yn arferadwy drwy offeryn statudol.
- (2) Ni chaniateir i offeryn statudol sy'n cynnwys unrhyw un neu ragor o'r canlynol gael ei wneud onid oes drafft o'r gorchmyn wedi ei osod gerbron Cynulliad Cenedlaethol Cymru, a'i gymeradwyo ganddo drwy benderfyniad –
 - (a) rheoliadau o dan adran 9(1)(i), Rhan 2, adran 140, 165 neu 166(2) ;
 - (b) gorchmyn o dan adran 127, 158, 162 neu 170;
 - (c) gorchmyn yn diwygio gorchmyn o dan adran 162;
 - (d) gorchmyn o dan adran 177 sy'n cynnwys addasiadau i ddeddfiad (ac eithrio deddfiad a geir mewn is-ddeddfwriaeth).
- (3) O ran gofynion ychwanegol mewn perthynas â Gweinidogion Cymru'n gwneud gorchmynion o dan adrannau 127 a 162, gweler adrannau 173 a 169 yn ôl eu trefn.
- (4) Mae unrhyw offeryn statudol arall sy'n cynnwys gorchmyn neu reoliadau o dan y Mesur hwn, ac eithrio offeryn nad yw ond yn cynnwys gorchmyn o dan adran 178 (cychwyn), yn ddarostyngedig i'w ddiddymu'n unol â phenderfyniad gan Gynulliad Cenedlaethol Cymru.
- (5) Mae unrhyw bŵer sydd gan Weinidogion Cymru o dan y Mesur hwn i gymhwyso deddfiad yn bŵer i'w gymhwyso gydag addasiadau neu hebddynt.
- (6) Mae unrhyw bŵer sydd gan Weinidogion Cymru i wneud gorchmyn neu reoliadau o dan y Mesur hwn yn cynnwys pŵer (ond heb fod yn gyfyngedig iddo) –
 - (a) i wneud darpariaeth wahanol ar gyfer achosion gwahanol, dibenion gwahanol, neu ardaloedd daearyddol gwahanol;
 - (b) i wneud darpariaeth yn gyffredinol neu mewn perthynas ag achosion penodol;
 - (c) i wneud unrhyw ddarpariaeth atodol, drosiannol, ddarfodol, ganlyniadol, arbed, gysylltiedig a darpariaeth arall y mae Gweinidogion Cymru o'r farn eu bod yn angenrheidiol neu'n briodol.

173 Y weithdrefn sy'n gymwys i orchmynion penodol o dan adran 127

- (1) Rhaid i Weinidogion Cymru gydymffurfio â'r adran hon cyn gwneud gorchmyn o dan adran 127 i roi effaith i gynigion i addasu deddfiad y maent o'r farn ei fod yn atal neu'n rhwystro cynghorau cymuned rhag arfer eu pŵer o dan adran 2(1) o Ddeddf Llywodraeth Leol 2000 ("y cynigion").
- (2) Rhaid i Weinidogion Cymru ymgynghori â'r canlynol –
 - (a) unrhyw gynghorau cymuned,
 - (b) unrhyw gynrychiolwyr cynghorau cymuned, ac
 - (c) unrhyw bersonau eraill (os oes rhai),

PART 10

GENERAL

172 Orders and regulations

- (1) Any power of the Welsh Ministers to make an order or regulations under this Measure is exercisable by statutory instrument.
- (2) A statutory instrument containing any of the following may not be made unless a draft of the instrument has been laid before, and approved by a resolution of, the National Assembly for Wales—
 - (a) regulations under section 9(1)(i), Part 2, section 140, 165 or 166(2);
 - (b) an order under section 127, 158, 162 or 170;
 - (c) an order amending an order under section 162;
 - (d) an order under section 177 that contains modifications of an enactment (other than an enactment contained in subordinate legislation).
- (3) For additional requirements in relation to the making by the Welsh Ministers of orders under sections 127 and 162, see sections 173 and 169 respectively.
- (4) Any other statutory instrument containing an order or regulations under this Measure, apart from an instrument containing only an order under section 178 (commencement), is subject to annulment in pursuance of a resolution of the National Assembly for Wales.
- (5) Any power of the Welsh Ministers under this Measure to apply an enactment is a power to apply it with or without modifications.
- (6) Any power of the Welsh Ministers to make an order or regulations under this Measure includes (but is not limited to) power—
 - (a) to make different provision for different cases, different purposes, or different geographical areas;
 - (b) to make provision generally or in relation to specific cases;
 - (c) to make such supplementary, transitional, transitory, consequential, saving, incidental and other provision as the Welsh Ministers consider necessary or appropriate.

173 Procedure applicable to certain orders under section 127

- (1) The Welsh Ministers must comply with this section before making an order under section 127 to give effect to proposals to modify an enactment which they consider prevents or obstructs community councils from exercising their power under section 2(1) of the Local Government Act 2000 (“the proposals”).
- (2) The Welsh Ministers must consult—
 - (a) such community councils,
 - (b) such representatives of community councils, and
 - (c) such other persons (if any),

y mae'n ymddangos i Weinidogion Cymru y byddai'r cynigion yn debyg o effeithio arnynt.

- (3) Os bydd Gweinidogion Cymru, ar ôl yr ymgynghori hwnnw, yn dymuno bwrw ymlaen â'r cynigion, rhaid iddynt osod gerbron Cynulliad Cenedlaethol Cymru ddogfen –
 - (a) sy'n esbonio'r cynigion,
 - (b) sy'n eu gosod ar ffurf gorchymyn drafft, a
 - (c) sy'n rhoi manylion yr ymgynghori o dan is-adran (2).
- (4) Ni chaiff drafft o orchymyn o dan adran 127 i roi effaith i'r cynigion (“y gorchymyn drafft terfynol”) gael ei osod gerbron y Cynulliad yn unol ag adran 172(2)(b) tan ar ôl i'r cyfnod o 60 niwrnod, sy'n dechrau ar y diwrnod y cafodd y ddogfen ynglŷn â'r cynigion ei gosod gerbron Cynulliad Cenedlaethol Cymru o dan is-adran (3), ddirwyn i ben.
- (5) Wrth gyfrifo'r cyfnod a grybwyllwyd yn is-adran (4), rhaid peidio ag ystyried unrhyw amser pryd y bydd Cynulliad Cenedlaethol Cymru wedi ei ddiddymu neu wedi cymryd saib am fwy na phedwar diwrnod.
- (6) Wrth baratoi'r gorchymyn drafft terfynol rhaid i Weinidogion Cymru ystyried unrhyw sylwadau a gyflwynwyd yn ystod y cyfnod a grybwyllwyd yn is-adran (4).
- (7) Os caiff y gorchymyn drafft terfynol ei osod gerbron Cynulliad Cenedlaethol Cymru yn unol ag adran 172(2)(b), rhaid bod gyda'r gorchymyn ddatganiad gan Weinidogion Cymru sy'n rhoi manylion –
 - (a) unrhyw sylwadau a ystyriwyd yn unol ag is-adran (6), a
 - (b) unrhyw newidiadau a wnaed i'r cynigion a oedd wedi eu cynnwys yn y ddogfen a osodwyd gerbron Cynulliad Cenedlaethol Cymru o dan is-adran (3) ac y mae effaith wedi ei rhoi iddynt yn y gorchymyn drafft terfynol.
- (8) Nid oes dim yn yr adran hon sy'n gymwys i orchymyn o dan adran 127 sydd wedi'i wneud yn unswydd at y diben o ddiwygio gorchymyn cynharach o dan yr adran honno –
 - (a) fel ei fod yn ymestyn y gorchymyn cynharach, neu unrhyw ddarpariaeth yn y gorchymyn cynharach, i gyngor cymuned penodol neu i gynghorau cymuned o ddisgrifiad penodol, neu
 - (b) fel bod y gorchymyn cynharach, neu unrhyw ddarpariaeth yn y gorchymyn cynharach, yn peidio â bod yn gymwys i gyngor cymuned penodol neu i gynghorau cymuned o ddisgrifiad penodol.

174 Canllawiau a chyfarwyddiadau

- (1) Mae unrhyw bŵer sydd gan Weinidogion Cymru i roi canllawiau o dan y Mesur hwn yn cynnwys pŵer i amrywio neu ddirymu'r canllawiau a roddwyd.
- (2) Mae unrhyw bŵer sydd gan Weinidogion Cymru i roi cyfarwyddiadau o dan y Mesur hwn yn cynnwys pŵer i amrywio neu ddirymu'r cyfarwyddiadau a roddwyd.
- (3) Mae unrhyw bŵer sydd gan Weinidogion Cymru i roi canllawiau neu gyfarwyddiadau o dan y Mesur hwn yn cynnwys pŵer –
 - (a) i wneud darpariaeth wahanol ar gyfer achosion gwahanol, dibenion gwahanol, neu ardaloedd daearyddol gwahanol;

as appear to the Welsh Ministers to be likely to be affected by the proposals.

- (3) If, following that consultation, the Welsh Ministers wish to proceed with the proposals they must lay before the National Assembly for Wales a document which—
 - (a) explains the proposals,
 - (b) sets them out in the form of a draft order, and
 - (c) gives details of the consultation under subsection (2).
- (4) No draft of an order under section 127 to give effect to the proposals (“the final draft order”) may be laid before the Assembly in accordance with section 172(2)(b) until after the expiry of the period of 60 days beginning with the day on which the document relating to the proposals was laid before the National Assembly for Wales under subsection (3).
- (5) In calculating the period mentioned in subsection (4) no account shall be taken of any time during which the National Assembly for Wales is dissolved or is in recess for more than four days.
- (6) In preparing the final draft order the Welsh Ministers must consider any representations made during the period mentioned in subsection (4).
- (7) If the final draft order is laid before the National Assembly for Wales in accordance with section 172(2)(b), the order must be accompanied by a statement of the Welsh Ministers giving details of—
 - (a) any representations considered in accordance with subsection (6), and
 - (b) any changes made to the proposals contained in the document laid before the National Assembly for Wales under subsection (3) which are given effect to in the final draft order.
- (8) Nothing in this section applies to an order under section 127 which is made only for the purpose of amending an earlier order under that section—
 - (a) so as to extend the earlier order, or any provision of the earlier order, to a particular community council or to community councils of a particular description, or
 - (b) so that the earlier order, or any provision of the earlier order, ceases to apply to a particular community council or to community councils of a particular description.

174 Guidance and directions

- (1) Any power of the Welsh Ministers to give guidance under this Measure includes power to vary or revoke guidance given.
- (2) Any power of the Welsh Ministers to give directions under this Measure includes power to vary or revoke directions given.
- (3) Any power of the Welsh Ministers to give guidance or directions under this Measure includes power—
 - (a) to make different provision for different cases, different purposes, or different geographical areas;

- (b) i wneud darpariaeth yn gyffredinol neu mewn perthynas ag achosion penodol.
- (4) Nid yw is-adrannau (1) i (3) yn cyfyngu ar y pwerau o dan y Mesur hwn i roi canllawiau neu gyfarwyddiadau.

175 Dehongli

Yn y Mesur hwn –

mae'r term “addasiadau” (“*modifications*”) yn cynnwys diwygiadau, diddymiadau a dirymiadau (ond heb fod yn gyfyngedig iddynt);

ystyr “awdurdod lleol” (“*local authority*”) yw cyngor bwrdeistref sirol neu gyngor sir yng Nghymru;

mae “deddfiad” (“*enactment*”) yn cynnwys y canlynol –

- (a) deddfiad pryd bynnag y bydd wedi ei basio neu wedi ei wneud,
- (b) deddfiad a gynhwysir yn y Mesur hwn, a
- (c) darpariaeth a gynhwysir mewn is-ddeddfwriaeth (o fewn ystyr Deddf Dehongli 1978);

ystyr “rhagnodedig” (“*prescribed*”) yw rhagnodedig mewn rheoliadau a wnaed gan Weinidogion Cymru.

176 Diwygiadau canlyniadol a diddymiadau

- (1) Yn adran 106 o Ddeddf Llywodraeth Leol 2000 (Cymru), ar ôl is-adran (4) mewnosoder –
- “(5) The power of the Welsh Ministers to make an order under section 21A(13)(b) or section 21G is exercisable by statutory instrument.
- (6) A statutory instrument which contains an order made by the Welsh Ministers under section 21A(13)(b) is subject to annulment in pursuance of a resolution of the National Assembly for Wales.
- (7) A statutory instrument which contains an order under section 21G may not be made unless a draft of the instrument has been laid before, and approved by a resolution of, the National Assembly for Wales.”.
- (2) Mae Atodlen 4 (diddymiadau a dirymiadau) yn cael effaith.
- (3) Nid yw dirymu Rheoliadau Awdurdodau Lleol (Lwfansau i Aelodau) (Cymru) 2007 (O.S. 2007/1086), gan is-adran (2) yn effeithio ar bŵer y Panel i ragnodi materion mewn perthynas â chynllun a wneir o dan Ran 2 o'r Rheoliadau hynny pan fo'r cynllun hwnnw'n weithredol yn ystod unrhyw ran o'r flwyddyn ariannol sy'n dechrau ar 1 Ebrill 2011 (ac at y dibenion hyn, mae i “panel” a “blwyddyn ariannol” yr un ystyr ag sydd iddynt yn Rhan 8 o'r Mesur hwn).

177 Y pŵer i wneud darpariaeth atodol

- (1) Caiff Gweinidogion Cymru, drwy orchymyn, wneud unrhyw ddarpariaeth atodol, gysylltiedig, ganlyniadol, drosiannol, ddarvoudol ac arbed y maent o'r farn eu bod yn briodol mewn cysylltiad â'r Mesur hwn.
- (2) Mae'r ddarpariaeth y caniateir ei gwneud o dan is-adran (1) yn cynnwys addasiadau i unrhyw ddeddfiad (ond heb fod yn gyfyngedig iddynt).

- (b) to make provision generally or in relation to specific cases.
- (4) Subsections (1) to (3) do not limit the powers under this Measure to give guidance or directions.

175 Interpretation

In this Measure –

“enactment” (*“deddfiad”*) includes –

- (a) an enactment whenever passed or made,
- (b) an enactment contained in this Measure, and
- (c) provision contained in subordinate legislation (within the meaning of the Interpretation Act 1978);

“local authority” (*“awdurdod lleol”*) means a county borough council or county council in Wales;

“modifications” (*“addasiadau”*) includes (but is not limited to) amendments, repeals and revocations.

“prescribed” (*“rhagnodedig”*) means prescribed in regulations made by the Welsh Ministers.

176 Consequential amendments and repeals

- (1) In section 106 of the Local Government Act 2000 (Wales), after subsection (4) insert –
- “(5) The power of the Welsh Ministers to make an order under section 21A(13)(b) or section 21G is exercisable by statutory instrument.
 - (6) A statutory instrument which contains an order made by the Welsh Ministers under section 21A(13)(b) is subject to annulment in pursuance of a resolution of the National Assembly for Wales.
 - (7) A statutory instrument which contains an order under section 21G may not be made unless a draft of the instrument has been laid before, and approved by a resolution of, the National Assembly for Wales.”.
- (2) Schedule 4 (repeals and revocations) has effect.
- (3) The revocation of the Local Authorities (Allowances for Members) (Wales) Regulations 2007 (S.I. 2007/1086), by subsection (2), does not affect the power of the Panel to prescribe matters in relation to a scheme made under Part 2 of those Regulations where that scheme operates during any part of the financial year beginning 1 April 2011 (and for this purpose “Panel” and “financial year” have the same meanings as in Part 8 of this Measure).

177 Power to make supplementary provision

- (1) The Welsh Ministers may, by order, make such supplementary, incidental, consequential, transitional, transitory and saving provision as they consider appropriate in connection with this Measure.
- (2) The provision that may be made under subsection (1) includes (but is not limited to) modifications of any enactment.

- (3) Mae'r addasiadau y caniateir eu gwneud yn rhinwedd is-adran (2) yn ychwanegol at y rhai a wnaed neu y caniateir eu gwneud o dan unrhyw ddarpariaeth arall yn y Mesur hwn.

178 Cychwyn

- (1) Daw'r darpariaethau a ganlyn i rym drannoeth y diwrnod y cymeradwyir y Mesur hwn gan Ei Mawrhydi yn y Cyfrin Gyngor –
- (a) adrannau 58, 77, 79, 80 a 159;
 - (b) y Rhan hon (ac eithrio adran 176);
 - (c) Rhan E o Atodlen 4 (ac adran 176(2) i'r graddau y mae'n ymwneud â Rhan E o Atodlen 4).
- (2) Daw'r darpariaethau a ganlyn i rym ar ddiwedd y cyfnod o ddau fis yn dechrau ar y diwrnod y cymeradwyir y Mesur hwn gan Ei Mawrhydi yn y Cyfrin Gyngor –
- (a) Rhannau 3 a 4;
 - (b) adran 55 ac adran 76;
 - (c) Penodau 2 i 9 o Ran 7;
 - (d) Rhannau B ac C o Atodlen 4 (ac adran 176(2) i'r graddau y mae'n ymwneud â Rhannau B ac C o Atodlen 4).
- (3) Yn ddarostyngedig i is-adrannau (1) a (2), daw'r Mesur hwn i rym yn unol â darpariaeth a wneir gan Weinidogion Cymru drwy orchymyn.

179 Enw byr

Enw'r Mesur hwn yw Mesur Llywodraeth Leol (Cymru) 2011.

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- (3) The modifications that may be made by virtue of subsection (2) are in addition to those made by or which may be made under any other provision of this Measure.

178 Commencement

- (1) The following provisions come into force on the day after the day on which this Measure is approved by Her Majesty in Council –
- (a) sections 58, 77, 79, 80 and 159;
 - (b) this Part (except section 176);
 - (c) Part E of Schedule 4 (and section 176(2) in so far as it relates to Part E of Schedule 4).
- (2) The following provisions come into force at the end of the period of two months beginning with the day on which this Measure is approved by Her Majesty in Council –
- (a) Parts 3 and 4;
 - (b) sections 55 and 76;
 - (c) Chapters 2 to 9 of Part 7;
 - (d) Parts B and C of Schedule 4 (and section 176(2) in so far as it relates to Parts B and C of Schedule 4).
- (3) Subject to subsections (1) and (2), this Measure comes into force in accordance with provision made by the Welsh Ministers by order.

179 Short title

This Measure may be cited as the Local Government (Wales) Measure 2011.

ATODLEN 1

(a gyflwynwyd gan adran 35)

NEWID TREFNIADAU AMGEN YN DREFNIADAU GWEITHREDIAETH

RHAN 1

DARPARIAETHAU CYFFREDINOL

Rhagymadrodd

- 1 Mae'r Atodlen hon yn gymwys i awdurdod lleol os yw adran 35 yn ei gwneud yn ofynnol iddo newid trefniadau amgen yn drefniadau gweithrediaeth.

Cynigion ar gyfer symud at weithredu trefniadau gweithrediaeth

- 2 (1) Rhaid i'r awdurdod lunio cynigion i newid trefniadau amgen yn drefniadau gweithrediaeth, a rhaid iddo eu cymeradwyo drwy benderfyniad.
- (2) Wrth lunio'r cynigion, rhaid i'r awdurdod lleol ystyried i ba raddau y bydd y cynigion yn debygol, os rhoddir hwy ar waith, o gynorthwyo i sicrhau gwelliant parhaus yn y ffordd y mae swyddogaethau'r awdurdod yn cael eu harfer, gan roi sylw i gyfuniad o ddarbodaeth, effeithlonrwydd ac effeithiolrwydd.
- (3) Rhaid i'r awdurdod lleol anfon at Weinidogion Cymru –
- (a) copi o'r cynigion a gymeradwywyd ganddo, a
 - (b) (gyda'r copi o'r cynigion) datganiad sy'n disgrifio'r rhesymau pam bod yr awdurdod o'r farn y byddai ei gynigion yn debygol, pe bydden yn cael eu rhoi ar waith, o sicrhau bod penderfyniadau'r awdurdod yn cael eu gwneud mewn ffordd effeithlon, dryloyw ac atebol.
- (4) Rhaid i'r awdurdod lleol gydymffurfio ag is-baragraffau (1) a (3) o fewn y cyfnod o chwe mis sy'n dechrau ar y diwrnod y daw adran 35 i rym.

Cynnwys cynigion

- 3 Rhaid i gynigion awdurdod lleol gynnwys pob un o'r canlynol –
- (a) datganiad ynghylch i ba raddau y mae'r weithrediaeth i fod yn gyfrifol am swyddogaethau a bennir mewn rheoliadau o dan adran 13(3)(b) o Ddeddf Llywodraeth Leol 2000 o dan y trefniadau gweithrediaeth arfaethedig,
 - (b) amserlen mewn cysylltiad â rhoi'r cynigion ar waith, ac
 - (c) manylion unrhyw drefniadau trosiannol sy'n angenrheidiol ar gyfer rhoi'r cynigion ar waith.

Refferenda

- 4 (1) Os gweithrediaeth maer a chabinet yw'r ffurf arfaethedig ar weithrediaeth, rhaid i'r cynigion ddarparu bod y newid i drefniadau gweithrediaeth yn ddarostyngedig i'w gymeradwyo mewn refferendwm.
- (2) Os gweithrediaeth arweinydd a chabinet (Cymru) yw'r ffurf arfaethedig ar weithrediaeth, ni chaiff y cynigion ddarparu bod y newid i drefniadau gweithrediaeth yn ddarostyngedig i'w gymeradwyo mewn refferendwm.

SCHEDULE 1
(introduced by section 35)

CHANGE FROM ALTERNATIVE TO EXECUTIVE ARRANGEMENTS

PART 1

GENERAL PROVISIONS

Introduction

- 1 This Schedule applies to a local authority if it is required by section 35 to change from alternative arrangements to executive arrangements.

Proposals for moving to executive arrangements

- 2 (1) The local authority must draw up, and approve by resolution, proposals to change from alternative to executive arrangements.
- (2) In drawing up the proposals, the local authority must consider the extent to which the proposals, if implemented, are likely to assist in securing continuous improvement in the way in which the authority's functions are exercised, having regard to a combination of economy, efficiency and effectiveness.
- (3) The local authority must send the Welsh Ministers—
- (a) a copy of the proposals that it has approved, and
 - (b) (with the copy of the proposals) a statement which describes the reasons why the authority considers that its proposals would be likely, if implemented, to ensure that decisions of the authority are taken in an efficient, transparent and accountable way.
- (4) The local authority must comply with sub-paragraphs (1) and (3) within the period of six months beginning with the day on which section 35 comes into force.

Contents of proposals

- 3 A local authority's proposals must include all of the following—
- (a) a statement of the extent to which functions specified in regulations under section 13(3)(b) of the Local Government Act 2000 are to be the responsibility of the executive under the proposed executive arrangements,
 - (b) a timetable with respect to the implementation of the proposals, and
 - (c) details of any transitional arrangements which are necessary for the implementation of the proposals.

Referendums

- 4 (1) If the proposed form of executive is a mayor and cabinet executive, the proposals must provide for the change to executive arrangements to be subject to approval in a referendum.
- (2) If the proposed form of executive is a leader and cabinet executive (Wales), the proposals may not provide for the change to executive arrangements to be subject to approval in a referendum.

- (3) Mae adran 45 o Ddeddf Llywodraeth Leol 2000 (darpariaethau mewn cysylltiad â refferenda) yn cael effaith fel pe bai is-adran (9) yn cynnwys cyfeiriad at refferendwm ar newid trefniadau amgen yn drefniadau gweithrediaeth yn unol ag adran 35.

Yr amserlen ar gyfer rhoi ar waith newid i weithrediaeth arweinydd a chabinet (Cymru)

- 5 (1) Mae'r paragraff hwn yn gymwys i gynigion awdurdod lleol os gweithrediaeth arweinydd a chabinet (Cymru) yw'r ffurf arfaethedig ar weithrediaeth.
- (2) Rhaid i'r amserlen mewn cysylltiad â rhoi'r cynigion ar waith fod yn un sy'n sicrhau bod yr awdurdod lleol yn gwneud y newid i drefniadau gweithrediaeth cyn pen y cyfnod o chwe mis sy'n dechrau ar y diwrnod y mae'r awdurdod lleol yn anfon copi o'r cynigion at Weinidogion Cymru, ac heb fod yn hwyrach na hynny.

Yr amserlen ar gyfer rhoi ar waith newid i weithrediaeth maer a chabinet

- 6 (1) Mae'r paragraff hwn yn gymwys i gynigion awdurdod lleol os gweithrediaeth maer a chabinet yw'r ffurf arfaethedig ar weithrediaeth (a'i bod yn unol â hynny'n ddarostyngedig i gymeradwyaeth mewn refferendwm).
- (2) Rhaid i'r amserlen mewn cysylltiad â rhoi'r cynigion ar waith gydymffurfio ag is-baragraffau (3) a (4).
- (3) Rhaid i'r amserlen fod yn un sy'n sicrhau y bydd yr awdurdod lleol yn cynnal y refferendwm o fewn y cyfnod—
- (a) sy'n dechrau ddeufis, ac
 - (b) sy'n dod i ben chwe mis,
- ar ôl y diwrnod y mae'r awdurdod lleol yn anfon y copi o'r cynigion at Weinidogion Cymru.
- (4) Os canlyniad y refferendwm yw cymeradwyo'r newid i drefniadau gweithrediaeth, rhaid i'r amserlen fod yn un sy'n sicrhau y bydd yr awdurdod lleol yn gwneud y newid hwnnw o fewn y cyfnod o chwe mis sy'n dechrau ar y diwrnod y cynhelir y refferendwm.

Cyhoeddusrwydd i gynigion

- 7 (1) Mae'r paragraff hwn yn gymwys i awdurdod lleol sydd wedi cymeradwyo cynigion drwy benderfyniad.
- (2) Rhaid i'r awdurdod lleol sicrhau bod copïau o ddogfen sy'n nodi darpariaethau'r trefniadau gweithrediaeth arfaethedig ar gael yn ei brif swyddfa i'w harchwilio gan aelodau o'r cyhoedd ar bob adeg resymol.
- (3) Rhaid i'r awdurdod lleol gyhoeddi hysbysiad—
- (a) sy'n datgan bod yr awdurdod lleol wedi penderfynu gweithredu'r trefniadau gweithrediaeth arfaethedig,
 - (b) os gweithrediaeth maer a chabinet yw'r ffurf arfaethedig ar weithrediaeth, sy'n datgan—
 - (i) ei bod yn ddarostyngedig i gymeradwyaeth mewn refferendwm, a
 - (ii) dyddiad y refferendwm
 - (c) sy'n datgan y dyddiad y mae'r awdurdod lleol yn bwriadu dechrau gweithredu'r trefniadau hynny,
 - (d) sy'n disgrifio prif nodweddion y trefniadau hynny,

- (3) Section 45 of the Local Government Act 2000 (provisions with respect to referendums) has effect as if subsection (9) included a reference to a referendum on a change from alternative arrangements to executive arrangements in accordance with section 35.

Timetable for implementation of change to leader and cabinet executive (Wales)

- 5 (1) This paragraph applies to a local authority's proposals if the proposed form of executive is a leader and cabinet executive (Wales).
- (2) The timetable with respect to the implementation of the proposals must be such as to ensure that the local authority makes the change to executive arrangements no later than the end of the period of six months beginning with the day on which the local authority sends the Welsh Ministers the copy of the proposals.

Timetable for implementation of change to mayor and cabinet executive

- 6 (1) This paragraph applies to a local authority's proposals if the proposed form of executive is a mayor and cabinet executive (and accordingly is subject to approval in a referendum).
- (2) The timetable with respect to the implementation of the proposals must comply with sub-paragraphs (3) and (4).
- (3) The timetable must be such as to secure that the local authority will hold the referendum within the period that—
- (a) begins two months after, and
 - (b) ends six months after,
- the day on which the local authority sends the Welsh Ministers the copy of the proposals.
- (4) The timetable must be such as to secure that, if the result of the referendum is to approve the change to executive arrangements, the local authority will make that change within the period of six months beginning with the day on which the referendum is held.

Publicity for proposals

- 7 (1) This paragraph applies to a local authority which has approved proposals by a resolution.
- (2) The local authority must secure that copies of a document setting out the provisions of the proposed executive arrangements are available at its principal office for inspection by members of the public at all reasonable times.
- (3) The local authority must publish a notice which—
- (a) states that the local authority has resolved to operate the proposed executive arrangements,
 - (b) if the proposed form of executive is a mayor and cabinet executive, states—
 - (i) that it is subject to approval in a referendum, and
 - (ii) the date of the referendum,
 - (c) states the date on which the local authority intends to begin operating those arrangements,
 - (d) describes the main features of those arrangements,

- (e) sy'n datgan bod copïau o ddogfen sy'n nodi darpariaethau'r trefniadau hynny ar gael ym mhrif swyddfa'r awdurdod lleol i'w harchwilio gan aelodau o'r cyhoedd ar yr adegau a bennir yn yr hysbysiad, ac
 - (f) sy'n rhoi cyfeiriad prif swyddfa'r awdurdod lleol.
- (4) Rhaid i'r awdurdod lleol gydymffurfio ag is-adrannau (2) a (3) cyn gynted ag y bo'n ymarferol ar ôl iddo basio'r penderfyniad yn cymeradwyo'r cynigion.

Rhoi cynigion ar waith

- 8 (1) Rhaid i awdurdod lleol roi ei gynigion ar waith yn unol â'r amserlen sydd wedi ei chynnwys yn y cynigion.
- (2) Ond o ran y ffurf arfaethedig ar weithrediaeth—
- (a) os gweithrediaeth maer a chabinet yw, a
 - (b) os nad yw'n cael ei chymeradwyo n y refferendwm ar y newid i'r ffurf honno ar weithrediaeth,
- ni chaniateir i'r awdurdod lleol roi'r newid ar waith.

RHAN 2

DARPARIAETHAU ERAILL SY'N GYMWYS PAN FO REFFERENDWM YN OFYNNOL

Cynigion amlinellol wrth gefn rhag ofn y gwrthodir newid mewn refferendwm

- 9 (1) Mae'r paragraff hwn yn gymwys i awdurdod lleol os gweithrediaeth maer a chabinet yw'r ffurf arfaethedig ar weithrediaeth (a'i bod yn unol â hynny'n ddarostyngedig i gymeradwyaeth mewn refferendwm).
- (2) Rhaid i'r awdurdod lleol lunio amlinelliad o'r cynigion wrth gefn ("cynigion amlinellol wrth gefn") y mae'n bwriadu eu rhoi ar waith os gwrthodir y cynigion i newid i weithrediaeth maer a chabinet mewn refferendwm, a rhaid iddo'i gymeradwyo drwy benderfyniad.
- (3) Cynigion yw cynigion wrth gefn ar gyfer gwneud newid i drefniadau gweithrediaeth sy'n darparu ar gyfer gweithrediaeth arweinydd a chabinet (Cymru).
- (4) Mae paragraff 2(2) yn gymwys i'r cynigion amlinellol wrth gefn fel y mae'n gymwys i gynigion o dan y paragraff hwnnw.
- (5) Rhaid i'r cynigion amlinellol wrth gefn gynnwys amserlen mewn cysylltiad â rhoi ar waith (yn unol â pharagraff 11) gynigion manwl wrth gefn os digwydd na chymeradwyir newid i weithrediaeth maer a chabinet yn y refferendwm.
- (6) Rhaid i'r awdurdod lleol gydymffurfio ag is-baragraff (2) ar yr adeg y mae'n cydymffurfio â pharagraff 2(1).
- (7) Rhaid i'r awdurdod lleol anfon copi o'r cynigion amlinellol wrth gefn y mae wedi eu cymeradwyo at Weinidogion Cymru.
- (8) Rhaid i'r awdurdod lleol gydymffurfio ag is-baragraff (7) ar yr adeg y mae'n cydymffurfio â pharagraff 2(3).

Camau gweithredu os gwrthodir newid mewn refferendwm

- 10 (1) Mae'r paragraff hwn yn gymwys i awdurdod lleol—
- (a) os gweithrediaeth maer a chabinet yw'r ffurf arfaethedig ar weithrediaeth, a

- (e) states that copies of a document setting out the provisions of those arrangements are available at the local authority's principal office for inspection by members of the public at such times as may be specified in the notice, and
 - (f) specifies the address of the local authority's principal office.
- (4) The local authority must comply with sub-paragraphs (2) and (3) as soon as practicable after it passes the resolution approving the proposals.

Implementing proposals

- 8 (1) A local authority must implement its proposals in accordance with the timetable included in the proposals.
- (2) But if the proposed form of executive –
- (a) is a mayor and cabinet executive, and
 - (b) is not approved in the referendum on the change to that form of executive,
- the local authority must not implement the change.

PART 2

OTHER PROVISIONS APPLICABLE WHERE REFERENDUM REQUIRED

Outline fall-back proposals in case referendum rejects change

- 9 (1) This paragraph applies to a local authority if the proposed form of executive is a mayor and cabinet executive (and accordingly is subject to approval in a referendum).
- (2) The local authority must draw up, and approve by resolution, an outline of the fall-back proposals (“outline fall-back proposals”) that it intends to implement if the proposals to change to a mayor and cabinet executive are rejected in the referendum.
- (3) Fall-back proposals are proposals for making a change to executive arrangements that provide for a leader and cabinet executive (Wales).
- (4) Paragraph 2(2) applies to the outline fall-back proposals as it applies to proposals under that paragraph.
- (5) The outline fall-back proposals must include a timetable with respect to the implementation (in accordance with paragraph 11) of detailed fall-back proposals in the event that the change to the mayor and cabinet executive is not approved in the referendum.
- (6) The local authority must comply with sub-paragraph (2) at the time it complies with paragraph 2(1).
- (7) The local authority must send the Welsh Ministers a copy of the outline fall-back proposals that it has approved.
- (8) The local authority must comply with sub-paragraph (7) at the time it complies with paragraph 2(3).

Action if referendum rejects change

- 10 (1) This paragraph applies to a local authority if –
- (a) the proposed form of executive is a mayor and cabinet executive, and

- (b) os nad yw'r ffurf arfaethedig yn cael ei chymeradwyo yn y refferendwm ar newid i'r ffurf honno ar weithrediaeth.
- (2) Rhaid i'r awdurdod lleol gyhoeddi hysbysiad –
 - (a) sy'n crynhoi cynigion yr awdurdod lleol a oedd yn destun y refferendwm,
 - (b) sy'n datgan bod refferendwm ar gynigion yr awdurdod lleol wedi gwrthod y cynigion hynny,
 - (c) sy'n nodi cynigion amlinellol wrth gefn yr awdurdod lleol, a
 - (d) sy'n datgan bod yr awdurdod, o dan y cynigion amlinellol wrth gefn, yn bwriadu gweithredu gweithrediaeth arweinydd a chabinet (Cymru).
- (3) Rhaid i'r awdurdod lleol gydymffurfio ag is-baragraff (2) cyn gynted ag y bo'n ymarferol ar ôl y refferendwm.
- (4) Rhaid i'r awdurdod lleol lunio cynigion manwl wrth gefn sy'n seiliedig ar y cynigion amlinellol wrth gefn, a rhaid iddo eu cymeradwyo drwy benderfyniad.
- (5) Mae paragraffau 2(2), 3 a 7(2) a (3) yn gymwys i'r cynigion manwl wrth gefn fel y maent yn gymwys i gynigion o dan baragraff 2.
- (6) Rhaid i'r awdurdod lleol anfon copi o'r cynigion manwl wrth gefn at Weinidogion Cymru.
- (7) Rhaid i'r awdurdod lleol gydymffurfio ag is-baragraff (6) o fewn y cyfnod o dau fis sy'n dechrau ar ddiwrnod y refferendwm.

Yr amserlen ar gyfer rhoi ar waith gynigion manwl wrth gefn

- 11 Mae'n rhaid i'r amserlen mewn cysylltiad â rhoi ar waith y cynigion manwl wrth gefn fod yn un sy'n sicrhau bod yr awdurdod lleol yn newid i weithrediaeth arweinydd a chabinet (Cymru) cyn pen y cyfnod o chwe mis sy'n dechrau ar y diwrnod y mae'r awdurdod lleol yn anfon copi o'r cynigion at Weinidogion Cymru, a heb fod yn hwyrach na hynny.

Rhoi ar waith gynigion manwl wrth gefn

- 12 Rhaid i'r awdurdod lleol roi ar waith ei gynigion manwl wrth gefn yn unol â'r amserlen sydd wedi ei chynnwys yn y cynigion.

RHAN 3

AMRYWIOL

Methu â rhoi'r gorau i weithredu trefniadau amgen

- 13 (1) Mae'r paragraff hwn yn gymwys os yw'n ymddangos i Weinidogion Cymru y bydd awdurdod lleol yn methu â rhoi'r gorau i weithredu trefniadau amgen a dechrau gweithredu trefniadau gweithrediaeth yn unol ag adran 35.
- (2) Caiff Gweinidogion Cymru, drwy orchymyn, ddarparu bod yr awdurdod lleol –
- (a) yn rhoi'r gorau i weithredu trefniadau amgen, a
 - (b) yn dechrau gweithredu trefniadau gweithrediaeth ar ffurf a bennir gan Weinidogion Cymru (“trefniadau gweithrediaeth gosodedig”).
- (3) Mae trefniadau gweithrediaeth gosodedig i'w trin fel pe baent wedi eu gwneud gan yr awdurdod lleol ei hun.

- (b) is not approved in the referendum on the change to that form of executive.
- (2) The local authority must publish a notice which—
- (a) summarises the local authority's proposals which were the subject of the referendum,
 - (b) states that a referendum on the local authority's proposals rejected those proposals,
 - (c) sets out the local authority's outline fall-back proposals, and
 - (d) states that, under the outline fall-back proposals, the local authority intends to operate a leader and cabinet executive (Wales).
- (3) The local authority must comply with sub-paragraph (2) as soon as practicable after the referendum.
- (4) The local authority must draw up, and approve by resolution, detailed fall-back proposals which are based on the outline fall-back proposals.
- (5) Paragraphs 2(2), 3 and 7(2) and (3) apply to the detailed fall-back proposals as they apply to proposals under paragraph 2.
- (6) The local authority must send a copy of the detailed fall-back proposals to the Welsh Ministers.
- (7) The local authority must comply with sub-paragraph (6) within the period of two months beginning with day of the referendum.

Timetable for implementation of detailed fall-back proposals

- 11 The timetable with respect to the implementation of the detailed fall-back proposals must be such as to secure that the local authority makes the change to the leader and cabinet executive (Wales) no later than the end of the period of six months beginning with the day on which the local authority sends the Welsh Ministers the copy of the proposals.

Implementing detailed fall-back proposals

- 12 The local authority must implement its detailed fall-back proposals in accordance with the timetable included in the proposals.

PART 3

MISCELLANEOUS

Failure to cease operating alternative arrangements

- 13 (1) This paragraph applies if it appears to the Welsh Ministers that a local authority will fail to cease operating alternative arrangements and start operating executive arrangements in accordance with section 35.
- (2) The Welsh Ministers may, by order, provide for the local authority to—
- (a) cease to operate alternative arrangements, and
 - (b) start to operate executive arrangements of a form specified by the Welsh Ministers (“default executive arrangements”).
- (3) Default executive arrangements are to be treated as having been made by the local authority itself.

- (4) Mae paragraffau 7(2) a (3)(c) i (e) yn gymwys i drefniadau gweithrediaeth gosodedig fel y maent yn gymwys i drefniadau gweithrediaeth mewn cynigion o dan baragraff 2.
- (5) Rhaid i'r awdurdod lleol gydymffurfio â'r darpariaethau hynny ym mharagraff 7 (fel y maent yn gymwys yn rhinwedd is-baragraff (4)) cyn gynted ag y bo'n ymarferol ar ôl i Weinidogion Cymru wneud y gorchymyn sy'n darparu ar gyfer y trefniadau gweithrediaeth gosodedig.

Y trefniadau i'w trin fel pe baent yn cael eu gweithredu ar ôl pasio penderfyniad

- 14 Mae trefniadau gweithrediaeth sy'n dod yn weithredol yn unol ag adran 35 a'r Atodlen hon i'w trin fel pe baent yn cael eu gweithredu ar ôl i'r awdurdod lleol basio penderfyniad o dan adran 38.

Dehongli

- 15 Yn yr Atodlen hon—

ystyr "cynigion" ("*proposals*") (ac eithrio mewn cysylltiad â chynigion wrth gefn) yw cynigion o dan baragraff 2;

ystyr "cynigion amlinellol wrth gefn" ("*outline fall-back proposals*") yw cynigion o dan baragraff 9(2);

ystyr "cynigion manwl wrth gefn" ("*detailed fall-back proposals*") yw cynigion o dan baragraff 10(4);

mae i'r ymadrodd "cynigion wrth gefn" ("*fall-back proposals*") yr ystyr a roddir ym mharagraff 9(3);

ystyr "ffurf arfaethedig ar weithrediaeth" ("*proposed form of executive*") yw'r ffurf ar weithrediaeth y mae awdurdod lleol, mewn cynigion o dan baragraff 2, neu mewn cynigion wrth gefn, yn bwriadu dechrau ei gweithredu;

ystyr "newid i drefniadau gweithrediaeth" ("*change to executive arrangements*") yw'r newid i drefniadau gweithrediaeth a gynigir mewn cynigion neu mewn cynigion wrth gefn.

- (4) Paragraphs 7(2) and (3)(c) to (e) apply to default executive arrangements as they apply to executive arrangements in proposals under paragraph 2.
- (5) The local authority must comply with those provisions of paragraph 7 (as they apply by virtue of sub-paragraph (4)) as soon as practicable after the order providing for the default executive arrangements is made by the Welsh Ministers.

Arrangements to be treated as operated after passing of resolution

- 14 Executive arrangements which come into operation in accordance with section 35 and this Schedule are to be treated as being operated after the passing of a resolution of the local authority under section 38.

Interpretation

- 15 In this Schedule—

“change to executive arrangements” (“*newid i drefniadau gweithrediaeth*”) means the change to executive arrangements proposed in proposals or in fall-back proposals;

“detailed fall-back proposals” (“*cynigion manwl wrth gefn*”) means proposals under paragraph 10(4);

“fall-back proposals” (“*cynigion wrth gefn*”) has the meaning given in paragraph 9(3);

“outline fall-back proposals” (“*cynigion amlinellol wrth gefn*”) means proposals under paragraph 9(2);

“proposals” (“*cynigion*”) (except in relation to fall-back proposals) means proposals under paragraph 2;

“proposed form of executive” (“*ffurf arfaethedig ar weithrediaeth*”) means the form of executive which a local authority is, in proposals under paragraph 2, or in fall-back proposals, proposing to begin operating.

ATODLEN 2

(a gyflwynwyd gan adran 141(2))

Y PANEL

Aelodaeth

- 1 (1) Pum aelod sydd i'r Panel ac fe'u penodir gan Weinidogion Cymru.
- (2) Rhaid i Weinidogion Cymru benodi un o'r aelodau'n Gadeirydd.
- (3) Rhaid i aelodau'r Panel ethol un o'u plith yn Is-gadeirydd.
- (4) Mae'r canlynol wedi eu anghymhwysu rhag bod yn aelodau o'r Panel—
 - (a) aelod o Gynulliad Cenedlaethol Cymru;
 - (b) aelod o Dŵ'r Cyffredin;
 - (c) aelod o Dŵ'r Arglwyddi;
 - (d) aelod o Senedd Ewrop;
 - (e) aelod o awdurdod lleol neu o gyngor cymuned;
 - (f) person sydd wedi ei anghymhwysu rhag bod yn aelod o awdurdod lleol neu gyngor cymuned.
- (5) Nid yw paragraff 1(4)(f) yn gymwys i berson sydd wedi ei anghymhwysu dim ond o ganlyniad i adran 80(1)(a) o Ddeddf Llywodraeth Leol 1972 (cyflogeion cyngor, swydd-ddeiliaid, etc.).

Deiliadaeth

- 2 (1) Mae aelodau'r Panel yn dal eu swyddi, ac yn gadael eu swyddi, yn unol â thelerau eu penodiad, sef y telerau y mae Gweinidogion Cymru yn penderfynu arnynt.
- (2) Ni chaniateir penodi person yn aelod o'r Panel am gyfnod hwy na phedair blynedd.
- (3) Ond mae gan berson sy'n peidio â bod yn aelod o'r Panel hawl i gael ei ailbenodi.
- (4) Mae person a benodir i lenwi sedd wag achlysurol yn aelodaeth y Panel yn gwasanaethu fel aelod hyd at y dyddiad y byddai cyfnod aelodaeth y person y llenwyd ei sedd yn dod i ben.
- (5) Mae aelod o'r Panel sy'n dal swydd Cadeirydd neu Is-gadeirydd yn gwneud hynny nes daw cyfnod aelodaeth y person hwnnw i ben.

Cyfarfodydd

- 3 (1) Rhaid i'r Panel gyfarfod o leiaf unwaith bob blwyddyn galendr.
- (2) Cworwm y Panel yw tri a rhaid iddo gynnwys y Cadeirydd neu'r Is-gadeirydd.
- (3) Y Cadeirydd (neu, yn absenoldeb y Cadeirydd, yr Is-gadeirydd) sy'n llywyddu yng nghyfarfodydd y Panel.
- (4) Caiff aelodau'r Panel (yn ddarostyngedig i ddarpariaeth a wneir gan y Rhan hon neu yn rhinwedd y Rhan 8) reoleiddio gweithdrefnau'r Panel.
- (5) Rhaid i gwestiwn sydd i'w benderfynu gan y Panel gael ei benderfynu mewn cyfarfod o aelodau'r Panel drwy fwyafrif o'r pleidleisiau sy'n cael eu bwrw gan yr aelodau hynny sy'n bresennol yn y cyfarfod.

SCHEDULE 2
(introduced by section 141(2))

THE PANEL

Membership

- 1 (1) The Panel consists of five members appointed by the Welsh Ministers.
- (2) The Welsh Ministers must appoint one of the members as Chairperson.
- (3) The members of the Panel must elect one of their number as Vice-chairperson.
- (4) The following are disqualified from being a member of the Panel –
 - (a) a member of the National Assembly for Wales;
 - (b) a member of the House of Commons;
 - (c) a member of the House of Lords;
 - (d) a member of the European Parliament;
 - (e) a member of a local authority or a community council;
 - (f) a person who is disqualified from being a member of a local authority or community council.
- (5) Paragraph 1(4)(f) does not apply to a person who is disqualified merely as a result of section 80(1)(a) of the Local Government Act 1972 (employees of council, office-holders, etc.).

Tenure

- 2 (1) Members of the Panel hold and must vacate office in accordance with the terms of their appointment, those terms being such as the Welsh Ministers decide.
- (2) A person may not be appointed as a member of the Panel for a period exceeding four years.
- (3) But a person who ceases to be a member of the Panel is eligible for re-appointment.
- (4) A person appointed to fill a casual vacancy in the membership of the Panel serves as a member until the date on which the period of membership of the person whose place has been filled would have expired.
- (5) A member of the Panel holding office as Chairperson or Vice-chairperson does so until the period of that person's membership expires.

Meetings

- 3 (1) The Panel must meet at least once every calendar year.
- (2) The quorum of the Panel is three and must include the Chairperson or the Vice-chairperson.
- (3) The Chairperson (or, in the absence of the Chairperson, the Vice-chairperson) presides at meetings of the Panel.
- (4) The members of the Panel may (subject to provision made by or by virtue of Part 8) regulate the Panel's procedures.
- (5) A question for decision by the Panel must be decided at a meeting of members of the Panel by a majority of the votes cast by those members present at the meeting.

- (6) Os yw nifer y pleidleisiau ar gwestiwn sydd i'w benderfynu yn gyfartal, mae gan y person sy'n llywyddu'r cyfarfod ail bleidlais neu'r bleidlais fwrw.

Gwybodaeth

- 4 Caiff y Panel, mewn cysylltiad â chyflawni ei swyddogaethau, geisio gwybodaeth neu gyngor.

Treuliau, cymorth gweinyddol etc.

- 5 (1) Rhaid i Weinidogion Cymru dalu treuliau a dynnir gan y Panel (naill ai gan y Panel fel corff neu gan aelodau unigol o'r Panel) wrth iddo gyflawni swyddogaethau'r Panel (neu swyddogaethau aelodau'r Panel yn rhinwedd eu swydd).
- (2) Caiff Gweinidogion Cymru dalu lwfansau i aelodau'r Panel.
- (3) Rhaid i Weinidogion Cymru sicrhau bod cymorth gweinyddol ar gael i'r Panel.

- (6) If there is an equality of votes on a question for decision, the person presiding at the meeting has a second or casting vote.

Information

- 4 The Panel may, in connection with the performance of its functions, seek information or advice.

Expenses, administrative support etc.

- 5 (1) The Welsh Ministers must pay expenses incurred by the Panel (either collectively or by members individually) in carrying out functions of the Panel (or of members of the Panel in their capacity as such).
- (2) The Welsh Ministers may pay allowances to members of the Panel.
- (3) The Welsh Ministers must make administrative support available to the Panel.

ATODLEN 3

*(a gyflwynwyd gan adran 160)*TALIADAU A PHENSIYNAU: MÂN DDIWYGIADAU A DIWYGIADAU
CANLYNIADOL*Deddf Llywodraeth Leol 1972*

- 1 (1) Diwygir Deddf Llywodraeth Leol 1972 fel a ganlyn.
- (2) Yn adran 94(5) (lwfansau llywodraeth leol i beidio â chyfrif fel buddiant ariannol at ddibenion gwahardd pleidleisio pan fo gan aelod fuddiant ariannol), ar ôl "1989" mewnosoder "or under any provision of Part 8 of the Local Government (Wales) Measure 2011".
- (3) Mae adrannau 173 i 178 (lwfansau i aelodau) yn peidio â chael effaith.
- (4) Yn adran 246(16) (cymhwyso darpariaethau ynghylch lwfansau awdurdodau lleol i ymddiriedolwyr siarter), ar ôl "above" mewnosoder "and (in relation to Wales) Part 8 of the Local Government (Wales) Measure 2011".
- (5) Yn adran 249(4)(b) (lwfans nad yw'n daladwy i henaduriaid mygedol am fod yn bresennol mewn seremonïau dinesig), ar y diwedd mewnosoder "or Part 8 of the Local Government (Wales) Measure 2011".

Deddf Llywodraeth Leol a Thai 1989

- 2 (1) Diwygir adran 18 o Ddeddf Llywodraeth Leol a Thai 1989 (cynlluniau lwfansau i aelodau o awdurdodau lleol) fel a ganlyn.
- (2) Hepgorer is-adrannau (1) i (3), (3B), (3D), (3E) a (3G) i (6).
- (3) Yn lle is-adran (3A) (pŵer Gweinidogion Cymru i wneud rheoliadau sy'n galluogi awdurdodau lleol i benderfynu ar hawl i arian rhodd), rhodder –

"(3A) Regulations may be made by the Welsh Ministers to make provision for or in connection with –

- (a) enabling county councils or county borough councils to determine which members of the council are to be entitled to gratuities,
- (b) treating such payments relating to relevant matters (within the meaning of Part 8 of the Local Government (Wales) Measure 2011) as may be specified in the regulations as amounts in respect of which such gratuities are payable."

Deddf yr Amgylchedd 1995

- 3 Ym mharagraff 11 o Atodlen 7 i Ddeddf yr Amgylchedd 1995 (cymhwyso darpariaethau am lwfansau awdurdodau lleol i awdurdodau Parciau Cenedlaethol), hepgorer is-baragraffau (1) a (2).

Deddf Safonau a Fframwaith Ysgolion 1998

- 4 (1) Diwygir Deddf Safonau a Fframwaith Ysgolion 1998 fel a ganlyn.
- (2) Yn adran 94(5C) (pŵer i gymhwyso darpariaethau am lwfansau awdurdodau lleol i banelau apelau derbyn), ar ôl "1972" mewnosoder "or (in relation to Wales) Part 8 of the Local Government (Wales) Measure 2011".

SCHEDULE 3
(introduced by section 160)

PAYMENTS AND PENSIONS: MINOR AND CONSEQUENTIAL AMENDMENTS

Local Government Act 1972

- 1 (1) The Local Government Act 1972 is amended as follows.
- (2) In section 94(5) (local authority allowances not to count as pecuniary interest for purposes of prohibiting voting where member has pecuniary interest), after “1989” insert “or under any provision of Part 8 of the Local Government (Wales) Measure 2011”.
- (3) Sections 173 to 178 (allowances for members) cease to have effect.
- (4) In section 246(16) (application of provisions about local authority allowances to charter trustees), after “above” insert “and (in relation to Wales) Part 8 of the Local Government (Wales) Measure 2011”.
- (5) In section 249(4)(b) (allowance not payable for attendance by honorary aldermen at civic ceremonies), at the end insert “or Part 8 of the Local Government (Wales) Measure 2011”.

Local Government and Housing Act 1989

- 2 (1) Section 18 of the Local Government and Housing Act 1989 (schemes for allowances for local authority members) is amended as follows.
- (2) Omit subsections (1) to (3), (3B), (3D), (3E) and (3G) to (6).
- (3) For subsection (3A) (power of Welsh Ministers to make regulations enabling local authorities to determine entitlement to gratuities), substitute –
- “(3A) Regulations may be made by the Welsh Ministers to make provision for or in connection with –
- (a) enabling county councils or county borough councils to determine which members of the council are to be entitled to gratuities,
- (b) treating such payments relating to relevant matters (within the meaning of Part 8 of the Local Government (Wales) Measure 2011) as may be specified in the regulations as amounts in respect of which such gratuities are payable.”.

Environment Act 1995

- 3 In paragraph 11 of Schedule 7 to the Environment Act 1995 (application of provisions about local authority allowances to National Park authorities), omit sub-paragraphs (1) and (2).

School Standards and Framework Act 1998

- 4 (1) The School Standards and Framework Act 1998 is amended as follows.
- (2) In section 94(5C) (power to apply provisions about local authority allowances to admission appeal panels), after “1972” insert “or (in relation to Wales) Part 8 of the Local Government (Wales) Measure 2011”.

- (3) Yn adran 95(3B) (pŵer i gymhwyso darpariaethau am lwfansau awdurdodau lleol i banelau apelau derbyn yn achos disgyblion sydd wedi eu gwahardd o ddwy neu ragor o ysgolion), ar ôl "1972" mewnosoder "or (in relation to Wales) Part 8 of the Local Government (Wales) Measure 2011".

Deddf Llywodraeth Leol 2000

- 5 (1) Diwygir Deddf Llywodraeth Leol 2000 fel a ganlyn.
- (2) Yn adran 99(1) (pŵer i wneud darpariaeth ynghylch lwfansau etc. mewn rheoliadau am bensiynau llywodraeth leol), ar y diwedd mewnosoder "; and for the purposes of the application of this subsection to Wales, the reference to pensions and allowances is to be ignored."
- (3) Mae adran 100 (pŵer Gweinidogion Cymru i wneud darpariaeth ynghylch lwfansau awdurdodau lleol) yn peidio â chael effaith.

Deddf Addysg 2002

- 6 Yn adran 52(6) o Ddeddf Addysg 2002 (pŵer i gymhwyso darpariaethau ynghylch lwfansau awdurdodau lleol i banelau sy'n ymdrin â gwahardd disgyblion), ar ôl "1972 (c. 70)" mewnosoder "or (in relation to Wales) Part 8 of the Local Government (Wales) Measure 2011".

Deddf Addysg a Sgiliau 2008

- 7 Yn adran 48(4) o Ddeddf Addysg a Sgiliau 2008 (pŵer i gymhwyso darpariaethau ynghylch lwfansau awdurdodau lleol i banelau presenoldeb), ar ôl "1972 (c. 70)" mewnosoder "or (in relation to Wales) Part 8 of the Local Government (Wales) Measure 2011".

- (3) In section 95(3B) (power to apply provisions about local authority allowances to admission appeal panels in case of pupils excluded from two or more schools), after “1972” insert “or (in relation to Wales) Part 8 of the Local Government (Wales) Measure 2011”.

Local Government Act 2000

- 5 (1) The Local Government Act 2000 is amended as follows.
 - (2) In section 99(1) (power to make provision about allowances etc. in regulations about local government pensions), at the end insert “; and for the purposes of the application of this subsection to Wales, the reference to pensions and allowances is to be ignored.”
 - (3) Section 100 (power of Welsh Ministers to make provision about local authority allowances) ceases to have effect.

Education Act 2002

- 6 In section 52(6) of the Education Act 2002 (power to apply provisions about local authority allowances to panels dealing with exclusion of pupils), after “1972 (c. 70)” insert “or (in relation to Wales) Part 8 of the Local Government (Wales) Measure 2011”.

Education and Skills Act 2008

- 7 In section 48(4) of the Education and Skills Act 2008 (power to apply provisions about local authority allowances to attendance panels), after “1972 (c. 70)” insert “or (in relation to Wales) Part 8 of the Local Government (Wales) Measure 2011”.

ATODLEN 4

(a gyflwynwyd gan adran 176(2))

DIDDYMIADAU A DIRYMIADAU

RHAN A: ATGYFNERTHU DEMOCRATIAETH LEOL (RHAN 1 O'R MESUR)

<i>Cyfeirnod</i>	<i>Graddau'r diddymiad</i>
Deddf Llywodraeth Leol a Thai 1989	Yn adran 2(1)(f), y gair "and".

RHAN B: TREFNIADAU LLYWODRAETHU SYDD AR GAEL (RHAN 3 O'R MESUR)

<i>Cyfeirnod</i>	<i>Graddau'r diddymiad neu'r dirymiad</i>
Deddf Llywodraeth Leol 1972	<p>Yn adran 21(1A), y geiriau "or a mayor and council manager executive".</p> <p>Yn adran 22(4A), y geiriau "or a mayor and council manager executive".</p> <p>Yn adran 25A(3), y geiriau "or a mayor and council manager executive".</p> <p>Yn adran 70(3), y geiriau "or alternative arrangements".</p> <p>Yn adran 270(1) –</p> <p>(a) y diffiniad o "alternative arrangements";</p> <p>(b) yn y diffiniad o "mayor and cabinet executive" and "mayor and council manager executive", y geiriau "and "mayor and council manager executive".</p> <p>Yn adran 245(1A) a (4A), y geiriau "or a mayor and council manager executive".</p>
Deddf Llywodraeth Leol a Thai 1989	<p>Yn adran 5(3)(b), y geiriau o "and, in a case where" hyd at ddiwedd paragraff (b).</p> <p>Yn adran 5A(5)(b), y geiriau o "and, where" hyd at ddiwedd paragraff (b).</p> <p>Yn adran 13 –</p> <p>(a) is-adran (5A);</p> <p>(b) yn is-adran (9), y geiriau "and "mayor and council manager executive".</p>

SCHEDULE 4
(introduced by section 176(2))

REPEALS AND REVOCATIONS

PART A: STRENGTHENING LOCAL DEMOCRACY (PART 1 OF THE MEASURE)

<i>Reference</i>	<i>Extent of repeal</i>
Local Government and Housing Act 1989	In section 2(1)(f), the word “and”.

PART B: AVAILABLE GOVERNANCE ARRANGEMENTS (PART 3 OF THE MEASURE)

<i>Reference</i>	<i>Extent of repeal or revocation</i>
Local Government Act 1972	<p>In section 21(1A), the words “or a mayor and council manager executive”.</p> <p>In section 22(4A), the words “or a mayor and council manager executive”.</p> <p>In section 25A(3), the words “or a mayor and council manager executive”.</p> <p>In section 70(3), the words “or alternative arrangements”.</p> <p>In section 270(1) –</p> <ul style="list-style-type: none"> (a) the definition of “alternative arrangements”; (b) in the definition ““mayor and cabinet executive” and “mayor and council manager executive””, the words “and “mayor and council manager executive””. <p>In section 245(1A) and (4A), the words “or a mayor and council manager executive”.</p>
Local Government and Housing Act 1989	<p>In section 5(3)(b), the words from “and, in a case where” to the end of paragraph (b).</p> <p>In section 5A(5)(b), the words from “and, where” to the end of paragraph (b).</p> <p>In section 13 –</p> <ul style="list-style-type: none"> (a) subsection (5A); (b) in subsection (9), the words “and “mayor and council manager executive””.

	Yn adran 21(3), y geiriau ““council manager”” a “and “mayor and council manager executive””.
Deddf Cyllid Llywodraeth Leol 1992	Yn adran 106— (a) yn is-adran (1), y geiriau “or a council manager within the meaning of section 11(4)(b) of the Local Government Act 2000”; (b) yn is-adran (2), y geiriau “or a council manager”.
Deddf Llywodraeth Leol 2000	Yn adran 11— (a) is-adran (4), a (b) yn is-adran (10), y geiriau “or an officer” a “or (4)(b)”. Adran 16. Adran 26(2)(b). Adrannau 29. Adran 33. Yn adran 48(1), y diffiniad o “council manager”. Yn Atodlen 1, paragraff 3.
Rheoliadau Awdurdodau Lleol (Cynigion ar gyfer Trefniadau Amgen) (Cymru) 2001 (O.S. 2001/2293)	Y Rheoliadau cyfan.
Rheoliadau Awdurdodau Lleol (Newid Trefniadau Gweithrediaeth a Threfniadau Amgen) (Cymru) 2004 (O.S.2004/3158)	Y Rheoliadau cyfan.
Rheoliadau Awdurdodau Lleol (Trefniadau Amgen) (Cymru) 2007 (O.S. 2007/397)	Y Rheoliadau cyfan.
Mesur Llywodraeth Leol (Cymru) 2011	Adran 87(3).

RHAN C: NEWIDIADAU I DREFNIADAU GWEITHREDIAETH (RHAN 4 O'R MESUR)

<i>Cyfeirnod</i>	<i>Graddau'r diddymiad</i>
Deddf Llywodraeth Leol 2000	Adran 30.

	In section 21(3), the words ““council manager”” and “and “mayor and council manager executive””.
Local Government Finance Act 1992	In section 106— (a) in subsection (1), the words “or a council manager within the meaning of section 11(4)(b) of the Local Government Act 2000”; (b) in subsection (2), the words “or a council manager”.
Local Government Act 2000	In section 11— (a) subsection (4), and (b) in subsection (10), the words “or an officer” and “or (4)(b)”. Section 16. Section 26(2)(b). Section 29. Section 33. In section 48(1), the definition of “council manager”. In Schedule 1, paragraph 3.
Local Authorities (Proposals for Alternative Arrangements) (Wales) Regulations 2001 (S.I. 2001/2293)	The whole Regulations.
Local Authorities (Changing Executive Arrangements and Alternative Arrangements) (Wales) Regulations 2004 (S.I. 2004/3158)	The whole Regulations
Local Authorities (Alternative Arrangements) (Wales) Regulations 2007 (S.I. 2007/397)	The whole Regulations.
Local Government (Wales) Measure 2011	Section 87(3).

PART C: CHANGES TO EXECUTIVE ARRANGEMENTS (PART 4 OF THE MEASURE)

<i>Reference</i>	<i>Extent of repeal</i>
Local Government Act 2000	Section 30.

RHAN D: TROSOLWYG A CHRAFFU (RHAN 6 O'R MESUR)

<i>Cyfeirnod</i>	<i>Graddau'r diddymiad</i>
Deddf Llywodraeth Leol 2000	Yn adran 21(13)(aa), yr "and" olaf. Yn adran 21A(1)(c), y geiriau "in the case of a local authority in England". Yn adran 21A(6)(a), y geriau "in England". Yn adran 21B(1), y geiriau "in England". Yn adran 22, y geriau "in England".

RHAN E CYMUNEDAU A CHYNGHORAU CYMUNED (RHAN 7 O'R MESUR)

<i>Cyfeirnod</i>	<i>Graddau'r diddymiad</i>
Deddf Llywodraeth Leol 1972	Adrannau 28 i 29B.

RHAN F: AELODAU: TALIADAU A PHENSIYNAU (RHAN 8 O'R MESUR)

<i>Cyfeirnod</i>	<i>Graddau'r diddymiad neu'r dirymiad</i>
Deddf Llywodraeth Leol 1972	Adrannau 173 i 178.
Deddf Llywodraeth Leol a Thai 1989	Adran 18(1) i (3), (3B), (3D), (3E) a (3G) i (6).
Deddf yr Amgylchedd 1995	Yn Atodlen 7, paragraff 11(1) a (2).
Deddf Llywodraeth Leol 2000	Adran 100.
Rheoliadau Awdurdodau Lleol (Lwfansau i Aelodau Cynghorau Sir a Chynghorau Bwrdeistrefi Sirol ac Awdurdodau Parciau Cenedlaethol) (Cymru) 2002 (O.S. 2002/1895)	Y Rheoliadau cyfan.
Rheoliadau Awdurdodau Lleol (Lwfansau i Aelodau Cynghorau Cymuned) (Cymru) 2003 (O.S. 2003/895)	Y Rheoliadau cyfan.
Rheoliadau Awdurdodau Lleol (Lwfansau i Aelodau Awdurdodau Tân) (Cymru) 2004 (O.S. 2004/2555)	Y Rheoliadau cyfan.
Rheoliadau Awdurdodau Lleol (Lwfansau i Aelodau) (Cymru) 2007 (O.S. 2007/1086)	Y Rheoliadau cyfan.

PART D: OVERVIEW AND SCRUTINY (PART 6 OF THE MEASURE)

<i>Reference</i>	<i>Extent of repeal</i>
Local Government Act 2000	In section 21(13)(aa), the final “and”. In section 21A(1)(c), the words “in the case of a local authority in England”. In section 21A(6)(a), the words “in England”. In section 21B(1), the words “in England”. In section 22, the words “in England”

PART E: COMMUNITIES AND COMMUNITY COUNCILS (PART 7 OF THE MEASURE)

<i>Reference</i>	<i>Extent of repeal</i>
Local Government Act 1972	Sections 28 to 29B.

PART F: MEMBERS: PAYMENTS AND PENSIONS (PART 8 OF THE MEASURE)

<i>Reference</i>	<i>Extent of repeal or revocation</i>
Local Government Act 1972	Sections 173 to 178.
Local Government and Housing Act 1989	Section 18(1) to (3), (3B), (3D), (3E) and (3G) to (6).
Environment Act 1995	In Schedule 7, paragraph 11(1) and (2).
Local Government Act 2000	Section 100.
Local Authorities (Allowances for Members of County and County Borough Councils and National Park Authorities) (Wales) Regulations 2002 (S.I. 2002/1895)	The whole Regulations.
Local Authorities (Allowances for Members of Community Councils) (Wales) Regulations 2003 (S.I. 2003/895)	The whole Regulations.
Local Authorities (Allowances for Members of Fire Authorities) (Wales) Regulations 2004 (S.I. 2004/2555)	The whole Regulations.
Local Authorities (Allowances for Members) (Wales) Regulations 2007 (S.I. 2007/1086)	The whole Regulations.