OFFERYNNAU STATUDOL CYMRU

2020 Rhif 653 (Cy. 150)

LLYWODRAETH LEOL, CYMRU

Rheoliadau Awdurdodau Lleol (Coronafeirws) (Cyfarfodydd) (Cymru) (Diwygio) 2020

NODYN ESBONIADOL

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

Mae'r Rheoliadau hyn yn gwneud darpariaeth sy'n diwygio Rheoliadau Awdurdodau Lleol (Coronafeirws) (Cyfarfodydd) (Cymru) 2020 (O.S. 2020/442 (Cy. 100)) ("Rheoliadau mis Ebrill 2020").

Mae rheoliad 2 yn diwygio rheoliad 9 o Reoliadau mis Ebrill 2020, gan ddatgymhwyso'r rheoliad hwnnw mewn perthynas â chyfarfodydd o fath a ddisgrifir ym mharagraff newydd (3) o'r rheoliad hwnnw. Mae hyn yn golygu bod rhaid i awdurdodau lleol gynnal y cyfarfodydd hynny o fewn y terfyn amser a osodir gan y deddfiad neu'r offeryn y mae rhaid cynnal y cyfarfod oddi tano.

Mae rheoliadau 3 i 5 yn mewnosod darpariaethau newydd yn Rhan 4 o Reoliadau mis Ebrill 2020. Mae rheoliad 3 yn darparu ar gyfer addasu adran 228 o Ddeddf Llywodraeth Leol 1972 (p. 70). O dan yr addasiad, nid yw'n ofynnol i gynghorau cymuned ddarparu bod cofnodion trafodion yn agored i'w harchwilio, ond yn lle hynny mae'n ofynnol iddynt ddarparu copïau o gofnodion ar gais.

Mae rheoliad 4 yn darparu ar gyfer addasu adran 26(3) o Ddeddf Archwilio Cyhoeddus (Cymru) 2004 (p. 23), mewn perthynas â rhoi hysbysiad am gyfarfodydd penodol o dan y Ddeddf honno.

Mae rheoliad 5 yn ychwanegu Atodlen at Reoliadau mis Ebrill 2020, ac yn gwneud diwygiadau cysylltiedig eraill. Mae'r Atodlen yn nodi addasiadau i ddeddfiadau amrywiol sy'n gysylltiedig â'r addasiadau a wneir gan Ran 4 o'r Rheoliadau hynny.

WELSH STATUTORY INSTRUMENTS

2020 No. 653 (W. 150)

LOCAL GOVERNMENT, WALES

The Local Authorities (Coronavirus) (Meetings) (Wales) (Amendment) Regulations 2020

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make provision amending the Local Authorities (Coronavirus) (Meetings) (Wales) Regulations 2020 (S.I. 2020/442 (W. 100)) ("the April 2020 Regulations").

Regulation 2 amends regulation 9 of the April 2020 Regulations, disapplying that regulation in relation to meetings of a kind described in new paragraph (3) of that regulation. This means that local authorities must hold those meetings within the time limit imposed by the enactment or instrument under which the meeting must be held.

Regulations 3 to 5 insert new provisions into Part 4 of the April 2020 Regulations. Regulation 3 provides for the modification of section 228 of the Local Government Act 1972 (c. 70). Under the modification, community councils are not required to make minutes of proceedings open to inspection, but instead are required to provide copies of minutes on request.

Regulation 4 provides for the modification of section 26(3) of the Public Audit (Wales) Act 2004 (c. 23), in relation to giving notice of certain meetings under that Act.

Regulation 5 adds a Schedule to the April 2020 Regulations, and makes other related amendments. The Schedule sets out modifications of various enactments which are related to the modifications made by Part 4 of those Regulations.

Ystyriwyd Cod Ymarfer Gweinidogion Cymru ar gynnal Asesiadau Effaith Rheoleiddiol mewn perthynas â'r Rheoliadau hyn. O ganlyniad, ystyriwyd nad oedd yn angenrheidiol cynnal asesiad effaith rheoleiddiol o'r costau a'r manteision sy'n debygol o ddeillio o gydymffurfio â'r Rheoliadau hyn.

The Welsh Ministers' Code of Practice on the carrying out of Regulatory Impact Assessments was considered in relation to these Regulations. As a result, it was not considered necessary to carry out a regulatory impact assessment as to the likely costs and benefits of complying with these Regulations.

OFFERYNNAU STATUDOL CYMRU

2020 Rhif 653 (Cy. 150)

LLYWODRAETH LEOL, CYMRU

Rheoliadau Awdurdodau Lleol (Coronafeirws) (Cyfarfodydd) (Cymru) (Diwygio) 2020

Gwnaed	*26 Mehefin 2020*
Gosodwyd gerbron Senedd Cymru	*30 Mehefin 2020*
Yn dod i rym	*21 Gorffennaf 2020*

Mae Gweinidogion Cymru yn gwneud y Rheoliadau a ganlyn drwy arfer y pwerau a roddir iddynt gan adran 78 o Ddeddf y Coronafeirws 2020(**1**).

Enwi, cychwyn a dehongli

1.—(1) Enw'r Rheoliadau hyn yw Rheoliadau Awdurdodau Lleol (Coronafeirws) (Cyfarfodydd) (Cymru) (Diwygio) 2020.

(2) Daw'r Rheoliadau hyn i rym ar 21 Gorffennaf 2020.

(3) Yn y Rheoliadau hyn, ystyr "Rheoliadau mis Ebrill 2020" yw Rheoliadau Awdurdodau Lleol (Coronafeirws) (Cyfarfodydd) (Cymru) 2020(**2**).

Datgymhwyso rheoliad 9 o Reoliadau mis Ebrill 2020 mewn perthynas â chyfarfodydd penodol

2. Yn Rheoliadau mis Ebrill 2020, yn rheoliad 9, ar ôl paragraff (2) mewnosoder—

> "(3) Nid yw paragraff (1) yn gymwys mewn perthynas ag—
>
> (a) y gofyniad—

(**1**) 2020 p. 7; *gweler* adran 78(5)(b) am y diffiniad o "relevant national authority" mewn perthynas ag awdurdodau lleol yng Nghymru.
(**2**) O.S. 2020/442 (Cy. 100).

WELSH STATUTORY INSTRUMENTS

2020 No. 653 (W. 150)

LOCAL GOVERNMENT, WALES

The Local Authorities (Coronavirus) (Meetings) (Wales) (Amendment) Regulations 2020

Made	*26 June 2020*
Laid before Senedd Cymru	*30 June 2020*
Coming into force	*21 July 2020*

The Welsh Ministers make the following Regulations in exercise of the powers conferred upon them by section 78 of the Coronavirus Act 2020(**1**).

Title, commencement and interpretation

1.—(1) The title of these Regulations is the Local Authorities (Coronavirus) (Meetings) (Wales) (Amendment) Regulations 2020.

(2) These Regulations come into force on 21 July 2020.

(3) In these Regulations, "the April 2020 Regulations" means the Local Authorities (Coronavirus) (Meetings) (Wales) Regulations 2020(**2**).

Disapplication of regulation 9 of the April 2020 Regulations in relation to certain meetings

2. In the April 2020 Regulations, in regulation 9, after paragraph (2) insert—

> "(3) Paragraph (1) does not apply in relation to—
>
> (a) the requirement—

(**1**) 2020 c. 7; *see* section 78(5)(b) for the definition of the "relevant national authority" in relation to local authorities in Wales.
(**2**) S.I. 2020/442 (W. 100).

(i) o dan adran 115 o Ddeddf Cyllid Llywodraeth Leol 1988(1) i ystyried mewn cyfarfod adroddiad o dan adran 114 o'r Ddeddf honno;

(ii) o dan adran 115B o Ddeddf Cyllid Llywodraeth Leol 1988 i ystyried mewn cyfarfod adroddiad o dan adran 114A o'r Ddeddf honno;

(iii) o dan adran 4 o Ddeddf Llywodraeth Leol a Thai 1989(2) i ystyried mewn cyfarfod adroddiad o dan yr adran honno gan bennaeth gwasanaeth taledig;

(iv) o dan adran 5 o Ddeddf Llywodraeth Leol a Thai 1989 i ystyried mewn cyfarfod adroddiad o dan yr adran honno gan swyddog monitro neu ddirprwy i swyddog monitro;

(v) o dan adran 5A o Ddeddf Llywodraeth Leol a Thai 1989 i ystyried mewn cyfarfod adroddiad o dan yr adran honno gan swyddog monitro neu ddirprwy i swyddog monitro;

(vi) o dan adran 25 o Ddeddf Archwilio Cyhoeddus (Cymru) 2004(3) i ystyried mewn cyfarfod adroddiad o dan adran 22 o'r Ddeddf honno, neu argymhelliad o fewn adran 25(2) o'r Ddeddf honno;

(b) unrhyw ofyniad i gynnal cyfarfod cyn gynted ag y bo'n ymarferol (sut bynnag y mynegir y gofyniad hwnnw)."

Cofnodion cyfarfodydd cynghorau cymuned

3. Yn Rheoliadau mis Ebrill 2020, ar ôl rheoliad 23 mewnosoder—

"**24.** Mae adran 228 o Ddeddf 1972(4) (archwilio dogfennau) i'w darllen mewn perthynas ag unrhyw gyfarfod awdurdod lleol y mae'r adran honno'n gymwys iddo (yn rhinwedd unrhyw ddeddfiad), a gynhelir cyn diwedd 30 Ebrill 2021, fel pe bai—

(1) 1988 p. 41.
(2) 1989 p. 42.
(3) 2004 p. 23.
(4) 1972 p. 70. Diwygiwyd is-adran (1) gan adran 3 o Ddeddf Llywodraeth Leol (Mynediad at Wybodaeth) 1985 (p. 43) ac Atodlen 2 iddi.

(i) under section 115 of the Local Government Finance Act 1988(1) to consider at a meeting a report under section 114 of that Act;

(ii) under section 115B of the Local Government Finance Act 1988 to consider at a meeting a report under section 114A of that Act;

(iii) under section 4 of the Local Government and Housing Act 1989(2) to consider at a meeting a report under that section by a head of paid service;

(iv) under section 5 of the Local Government and Housing Act 1989 to consider at a meeting a report under that section by a monitoring officer or a monitoring officer's deputy;

(v) under section 5A of the Local Government and Housing Act 1989 to consider at a meeting a report under that section by a monitoring officer or a monitoring officer's deputy;

(vi) under section 25 of the Public Audit (Wales) Act 2004(3) to consider at a meeting a report under section 22 of that Act, or a recommendation within section 25(2) of that Act;

(b) any requirement to hold a meeting as soon as practicable (however that requirement is expressed)."

Minutes of community council meetings

3. In the April 2020 Regulations, after regulation 23 insert—

"**24.** Section 228 of the 1972 Act(4) (inspection of documents) is to be read in relation to a meeting of a local authority to which that section applies (by virtue of any enactment), held before the end of 30 April 2021, as if—

(1) 1988 c. 41.
(2) 1989 c. 42.
(3) 2004 c. 23.
(4) 1972 c. 70. Subsection (1) was amended by section 3 of, and Schedule 2 to, the Local Government (Access to Information) Act 1985 (c. 43).

(a) y canlynol wedi ei fewnosod o flaen is-adran (1)—

"(A1) A copy of the minutes of proceedings of a community council must, so far as reasonably practicable, be supplied on request to a local government elector for the area of the council; and a reasonable fee may be charged for providing a copy of the minutes.";

(b) yn is-adran (1), "or community" wedi ei hepgor;

(c) yn is-adran (6), "any of subsections (1) to (5) of" wedi ei fewnosod o flaen "this section"."

Hysbysu am gyfarfodydd penodol o dan Ddeddf Archwilio Cyhoeddus (Cymru) 2004

4. Yn Rheoliadau mis Ebrill 2020, ar ôl rheoliad 24 (fel y'i mewnosodir gan reoliad 3 o'r Rheoliadau hyn) mewnosoder—

"**25.** Mae adran 26 o Ddeddf Archwilio Cyhoeddus (Cymru) 2004 (cyhoeddusrwydd i gyfarfodydd penodol) i'w darllen, mewn perthynas ag unrhyw gyfarfod awdurdod lleol a gynhelir, cyn diwedd 30 Ebrill 2021, yn unol ag adran 25(4) o'r Ddeddf honno, fel pe bai, yn is-adran (3)(a), "of the meeting and, if the meeting is to be open to the public, how to access the meeting" wedi ei roi yn lle "and place of the meeting"."

Addasiadau i ddeddfiadau amrywiol sy'n gysylltiedig â Rhan 4 o Reoliadau mis Ebrill 2020

5.—(1) Yn Rheoliadau mis Ebrill 2020—

(a) yn rheoliad 19, yn lle "rheoliad 22" rhodder "rheoliadau 22 a 26, a pharagraffau 1 a 2(c) o'r Atodlen,";

(b) ar ôl rheoliad 25 (fel y'i mewnosodir gan reoliad 4 o'r Rheoliadau hyn) mewnosoder—

"**26.** Mae'r Atodlen yn cynnwys addasiadau i ddeddfiadau amrywiol, sy'n gysylltiedig â'r Rhan hon."

(2) Ar ddiwedd Rheoliadau mis Ebrill 2020 mewnosoder—

(a) before subsection (1) there were inserted—

"(A1) A copy of the minutes of proceedings of a community council must, so far as reasonably practicable, be supplied on request to a local government elector for the area of the council; and a reasonable fee may be charged for providing a copy of the minutes.";

(b) in subsection (1), "or community" were omitted;

(c) in subsection (6), before "this section" there were inserted "any of subsections (1) to (5) of"."

Notice of certain meetings under the Public Audit (Wales) Act 2004

4. In the April 2020 Regulations, after regulation 24 (as inserted by regulation 3 of these Regulations) insert—

"**25.** Section 26 of the Public Audit (Wales) Act 2004 (publicity for certain meetings) is to be read in relation to a meeting of a local authority held, before the end of 30 April 2021, in accordance with section 25(4) of that Act as if in subsection (3)(a) for "and place of the meeting" there were substituted "of the meeting and, if the meeting is to be open to the public, how to access the meeting"."

Modifications of various enactments related to Part 4 of the April 2020 Regulations

5.—(1) In the April 2020 Regulations—

(a) in regulation 19, for "regulation 22" substitute "regulations 22 and 26, and paragraphs 1 and 2(c) of the Schedule,";

(b) after regulation 25 (as inserted by regulation 4 of these Regulations) insert—

"**26.** The Schedule contains modifications of various enactments, which relate to this Part."

(2) At the end of the April 2020 Regulations insert—

“YR ATODLEN Rheoliad 26

Addasiadau pellach sy’n gysylltiedig â Rhan 4

1. Yn Neddf Llywodraeth Leol (Darpariaethau Amrywiol) 1976([1]), mae adran 41 i’w darllen mewn perthynas ag awdurdod lleol y mae’r adran honno’n gymwys iddo (yn rhinwedd unrhyw ddeddfiad) fel pe bai, yn is-adran (1)(b)—

(a) “signed or authenticated in accordance” wedi ei roi yn lle “signed in accordance”;

(b) “or authenticated” wedi ei fewnosod ar ôl “when the minutes were signed”.

2. Mae Rheoliadau Pwyllgorau Safonau (Cymru) 2001([2]) i’w darllen mewn perthynas ag un o gyfarfodydd pwyllgor safonau (o fewn ystyr y Rheoliadau hynny), a gynhelir cyn diwedd 30 Ebrill 2021, fel pe bai—

(a) yn rheoliad 26—

(i) ym mharagraff (1), is-baragraff (ch) wedi ei hepgor;

(ii) ym mharagraff (2A), yn is-baragraff (a), “a 100C” wedi ei roi yn lle “i 100D”([3]);

(iii) paragraff (4) wedi ei hepgor;

(b) yn rheoliad 27, y canlynol wedi ei roi yn lle paragraffau (1) i (3)—

“(1A) Pan fo—

(a) yn ofynnol i awdurdod lleol gyhoeddi hysbysiad neu ddogfen arall sy’n gysylltiedig ag un o gyfarfodydd ei bwyllgor safonau ar ei wefan yn rhinwedd Rheoliadau Awdurdodau Lleol (Coronafeirws) (Cyfarfodydd) (Cymru) 2020, a

(b) gwefan gan un neu ragor o’r cynghorau cymuned a leolir yn ardal yr awdurdod lleol,

caiff yr awdurdod lleol, os gwêl yn dda, ddarparu bod yr hysbysiad yn cael ei gyhoeddi neu’r ddogfen arall yn cael ei chyhoeddi ar wefannau’r cynghorau cymuned hynny (yn ogystal ag ar ei wefan ei hun).”;

([1]) 1976 p. 57.
([2]) O.S. 2001/2283 (Cy. 172).
([3]) Mewnosodwyd paragraff (2A) gan reoliad 2(16) o Reoliadau Llywodraeth Leol (Pwyllgorau Safonau, Ymchwiliadau, Gollyngiadau ac Atgyfeirio) (Cymru) (Diwygio) 2016 (O.S. 2016/85) (Cy. 39).

“SCHEDULE Regulation 26

Further modifications related to Part 4

1. In the Local Government (Miscellaneous Provisions) Act 1976([1]), section 41 is to be read in relation to a local authority to which that section applies (by virtue of any enactment) as if, in subsection (1)(b)—

(a) for “signed in accordance” there were substituted “signed or authenticated in accordance”;

(b) after “when the minutes were signed” there were inserted “or authenticated”.

2. The Standards Committees (Wales) Regulations 2001([2]) are to be read in relation to a meeting of a standards committee (within the meaning of those Regulations), held before the end of 30 April 2021, as if—

(a) in regulation 26—

(i) in paragraph (1), sub-paragraph (d) were omitted;

(ii) in paragraph (2A), in sub-paragraph (a), for “to 100D” there were substituted “and 100C”([3]);

(iii) paragraph (4) were omitted;

(b) in regulation 27, for paragraphs (1) to (3) there were substituted—

“(1A) Where—

(a) a local authority is required by virtue of the Local Authorities (Coronavirus) (Meetings) (Wales) Regulations 2020 to publish on its website a notice or other document relating to a meeting of its standards committee, and

(b) one or more of the community councils situated in the local authority’s area have a website,

the local authority may, if it thinks fit, provide for the notice or other document to be published on the websites of those community councils (as well as on its own website).”;

([1]) 1976 c. 57.
([2]) S.I. 2001/2283 (W. 172).
([3]) Paragraph (2A) was inserted by regulation 2(16) of the Local Government (Standards Committees, Investigations, Dispensations and Referral) (Wales) (Amendment) Regulations 2016 (S.I. 2016/85) (W. 39).

(c) yn rheoliad 28, y canlynol wedi ei fewnosod ar ôl paragraff (1)—

"(1A) Ond caniateir i gofnodion trafodion pwyllgor safonau sy'n digwydd ar ôl 21 Gorffennaf 2020 (sef y dyddiad y daeth Rheoliadau Awdurdodau Lleol (Coronafeirws) (Cyfarfodydd) (Cymru) (Diwygio) 2020 i rym) a chyn 1 Mai 2021 gael eu llunio mewn dogfen yn lle hynny, a rhaid i'r ddogfen honno gael ei dilysu gan gadeirydd y pwyllgor."

3. Mae Deddf Archwilio Cyhoeddus (Cymru) 2004 i'w darllen mewn perthynas ag unrhyw gyfarfod awdurdod lleol a gynhelir, cyn diwedd 30 Ebrill 2021, yn unol ag adran 24 neu (yn ôl y digwydd) 25 o'r Ddeddf honno fel pe bai—

(a) yn adran 24—

(i) yn is-adran (5), ym mharagraff (a), "published under that provision" wedi ei roi yn lle "supplied under that section (supply of agenda etc. to newspapers)";

(ii) yn is-adran (5), ym mharagraff (b)(i), "published" wedi ei roi yn lle "open to inspection";

(iii) yn is-adran (5), is-baragraff (ii) o baragraff (b), a'r gair "or" sy'n dod o'i flaen, wedi eu hepgor;

(iv) yn is-adran (7), "100C(2)(d) and (6)(d) of that Act" wedi ei roi yn lle "100C(1)(d) of that Act (public access to copies of reports for 6 years after meeting)";

(b) yn adran 26—

(i) y canlynol wedi ei roi yn lle is-adran (6)—

"(6) But if section 100C of the Local Government Act 1972 applies in relation to the meeting, the approved summary must indicate the documents in relation to the meeting which have been published electronically under that section.";

(ii) y canlynol wedi ei fewnosod ar ôl is-adran (6)—

"(6A) Subsection (6B) applies in relation to a meeting which is not open to the public other than by virtue of—

(c) in regulation 28, after paragraph (1) there were inserted—

"(1A) But minutes of the proceedings of a standards committee occurring after 21 July 2020 (which is the date on which the Local Authorities (Coronavirus) (Meetings) (Wales) (Amendment) Regulations 2020 came into force) and before 1 May 2021 may instead be drawn up in a document, and that document must be authenticated by the chairperson of the committee."

3. The Public Audit (Wales) Act 2004 is to be read in relation to a meeting of a local authority held, before the end of 30 April 2021, in accordance with section 24 or (as the case may be) 25 of that Act as if—

(a) in section 24—

(i) in subsection (5), in paragraph (a), for "supplied under that section (supply of agenda etc. to newspapers)" there were substituted "published under that provision";

(ii) in subsection (5), in paragraph (b)(i), for "open to inspection" there were substituted "published";

(iii) in subsection (5), sub-paragraph (ii) of paragraph (b), and the "or" which precedes it, were omitted;

(iv) in subsection (7), for "100C(1)(d) of that Act (public access to copies of reports for 6 years after meeting)" there were substituted "100C(2)(d) and (6)(d) of that Act";

(b) in section 26—

(i) for subsection (6) there were substituted—

"(6) But if section 100C of the Local Government Act 1972 applies in relation to the meeting, the approved summary must indicate the documents in relation to the meeting which have been published electronically under that section.";

(ii) after subsection (6) there were inserted—

"(6A) Subsection (6B) applies in relation to a meeting which is not open to the public other than by virtue of—

(a) section 1(2) of the Public Bodies (Admission to Meetings) Act 1960(**1**), or

(b) section 100A(2) or (4) of the Local Government Act 1972.

(6B) The reference in subsection (5) to a decision made at a meeting while the public were excluded includes a reference to a decision made while, in the proper officer's opinion, it is likely the meeting would not have been open to the public by virtue of—

(a) section 1(2) of the Public Bodies (Admission to Meetings) Act 1960, had section 1(1) of that Act applied;

(b) section 100A(2) or (4) of the Local Government Act 1972, had section 100A(1) of that Act applied.""

(a) section 1(2) of the Public Bodies (Admission to Meetings) Act 1960(**1**), or

(b) section 100A(2) or (4) of the Local Government Act 1972.

(6B) The reference in subsection (5) to a decision made at a meeting while the public were excluded includes a reference to a decision made while, in the proper officer's opinion, it is likely the meeting would not have been open to the public by virtue of—

(a) section 1(2) of the Public Bodies (Admission to Meetings) Act 1960, had section 1(1) of that Act applied;

(b) section 100A(2) or (4) of the Local Government Act 1972, had section 100A(1) of that Act applied.""

Julie James

Y Gweinidog Tai a Llywodraeth Leol, un o Weinidogion Cymru
26 Mehefin 2020

Minister for Housing and Local Government, one of the Welsh Ministers
26 June 2020

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(**1**) 1960 p. 67.

(**1**) 1960 c. 67.

ISBN 978-0-348-20579-4

£6.90

W202006291005 07/2020

http://www.legislation.gov.uk/id/wsi/2020/653