

# Report

## Standards Committee

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### Part 1

Date: 26 May 2016

Item No: 9

**Subject** **Standards Committees, Investigations, Dispensations and Referral (Wales) (Amendment) Regulations 2016**

**Purpose** To advise Standards Committee of the changes introduced by the Local Government (Standards Committees, Investigations, Dispensations and Referral) (Wales) (Amendment) Regulations 2016

**Author** Head of Law and Regulation

**Ward** General

**Summary** The Local Government (Standards Committees, Investigations, Dispensations and Referral) (Wales) (Amendment) Regulations 2016 were made by the (then) Minister for Public Services on 27<sup>th</sup> January 2016 and came into force on 1<sup>st</sup> April 2016. The Regulations make a number of consequential amendments to reflect changes in legislation which allow for the establishment of joint Standards Committees. The Regulations provide for the referral of misconduct cases and dispensation application to other councils standards committees, where appropriate, and extend the current term of office of elected members until May 2017. Other procedural changes will require prior permission to appeal to the Adjudication Panel, to filter out spurious appeals, enable misconduct reports and documents to be kept confidential until proceedings are concluded, and introduce a general ground for granting dispensations.

**Proposal** To note the Report

**Action by** Head of Law and Regulation

**Timetable** Immediate

## Background

1. The Local Government (Standards Committees, Investigations, Dispensations and Referral) (Wales) (Amendment) Regulations 2016 were made by the (then) Minister for Public Services on 27<sup>th</sup> January 2016 and came into force on 1<sup>st</sup> April 2016. The Regulations amend the following existing statutory instruments:

- Standards Committees (Wales) Regulations 2001 (SI 2001 / 2283)
- Local Government Investigations (Functions of Monitoring Officers and Standards Committees) (Wales) Regulations 2001 (SI 2001 / 2281)
- Standards Committees (Grant of Dispensations) (Wales) Regulations 2001 (SI 2001 / 2279)

2. The Standards Committees (Wales) Regulations 2001

A number of consequential amendments have been made to the Standards Committee Regulations following the commencement of the Local Government (Democracy) (Wales) Act 2013 (“the 2013 Act”).

(a) Joint Standards Committees.

- Section 68 of the 2013 Act enabled two or more principal councils to establish Joint Standards Committees. The arrangements for establishing a joint committee, including the apportionment of costs, are a matter for agreement between the authorities entering into such arrangements. The 2001 Standards Committees Regulations (as amended) make provision as to the size and composition of standards committees and matters relating to the conduct of meetings, including public access to meetings, agendas and papers etc.
- A number of minor consequential amendments are made to the interpretation and other provisions to clarify the meaning of terms used, and the application of provisions, in the 2001 Standards Committees Regulations in relation to a joint committee. This includes expanding the definition of a standards committee to include a joint committee.
- The 2001 Standards Committees Regulations provide that a standards committee must consist of between 5 and 9 members of which at least half, including the chairperson, must be independent of the authority. The amendments do not increase the number of members for the purposes of establishing a joint committee and it will be a matter for the constituent authorities to determine the number, and proportion from each authority, of elected members to be appointed to a joint committee.
- The 2001 Standards Committees Regulations provide that a standards committee of a local authority operating executive arrangements may not include more than one member of the authority’s executive. The amendments provide that a joint committee may include no more than one executive member from each constituent authority.
- The Standards Committees Amendment Regulations amend Regulation 10 so that in the case of a joint committee, a designated local authority may exercise the function of appointing a community committee member. Before making such an appointment, the authority concerned must consult community councils and any associations operating within the combined area of the constituent authorities of the joint committee.
- The Regulations are amended to provide express provision for a lead authority to be designated for the purpose of re-appointing members to a joint committee.

- The monitoring officer, or a representative, of one of the constituent authorities must attend every meeting and the proper officer of one of the authorities will be responsible for taking minutes of the joint meetings.. This will provide flexibility for the authorities to determine attendance between them.
- The 2001 Standards Committees Regulations require every relevant authority to prepare the terms of reference of its standards committee and to send a copy of these to the Ombudsman. In the case of a joint committee, this will be the responsibility of the designated lead authority specified in the arrangements for establishing the committee

(b) Term of Office

The term of office of a member of a local authority or a community committee member serving on a standards committee is currently limited to the shorter of four years or the period to the next ordinary election following that member's appointment. A member may serve two such terms. Following the postponement of the next local government elections until May 2017, the 2001 Regulations are amended to permit local authority and community council members of Standards Committee to continue to serve until the next ordinary election May 2017.

Further amendments are made to remove the four year restriction on a Member's term of office. In future, the term of office of local authority and community committee members is to be such as the authority determines, up to the period ending with the next ordinary elections following the member's appointment.

(c) Publication of Misconduct Reports

It is expected that a Standards Committee would normally hear evidence and submissions in relation to an alleged breach of the Code of Conduct in public. Among other things, this recognises a member's right under Article 6 of the European Convention on Human Rights to a fair and public hearing. However, the legislative framework recognises there may be circumstances in which it is appropriate for a standards committee to consider matters in private, including when deliberating the evidence and submissions it has received prior to making a determination.

The 2001 Standards Committees Regulations apply, with modification, certain provisions of Part VA and schedule 12A of the Local Government Act 1972 (access to meetings etc.) to a standards committee. These, and related provisions in other subordinate legislation, have been interpreted by some standards committees as requiring the report of a misconduct investigation to be published in advance of a standards committee meeting at which the matter is to be considered, along with the agenda and other papers for that meeting. This has given rise both to unhelpful advance publicity in the media, and the potential for witness evidence that is to be given orally at a hearing to be influenced by prior knowledge of the contents of the report, such as the written statements of other witnesses.

Therefore, the Standards Committees Amendment Regulations expressly provide that standards committee may exempt from publication agendas, records or information connected to the consideration of a misconduct report, until such time as the misconduct proceedings are concluded, that is when any time limit for appealing to the Adjudication Panel has expired or any such adjudication has been completed.

3. The Local Government Investigations (Functions of Monitoring Officers and Standards Committees) (Wales) Regulations 2001

(a) Section 69 of the 2013 Act amended the regulation-making power in section 73 of the 2000 Act, with effect from 1 May 2015, so that the Welsh Ministers may make provision enabling a monitoring officer or a standards committee to refer a report or recommendations relating to a misconduct investigation to another authority's standards committee. This enables arrangements to be made where the "home standards committee" considers that it may have a conflict of interest. The terms of any referral are to be a matter for agreement between the relevant authorities concerned. The 2001 Functions Regulations are now amended to provide that:

- A standards committee which receives a report or recommendations from a monitoring officer may make arrangements with another authority's standards committee to exercise its functions under the 2001 Functions Regulations in relation to that report or recommendations.
- Notice of such a referral must be given to the complainant and the Ombudsman, specifying the reason for the referral.
- Written notice of the determination must also be given to Standards Committee who referred the matter and the monitoring officer of the member's home authority.
- Publication of the report is by the monitoring officer of the member's home authority

(b) Period of Suspension

Standards Committee may determine that a member who has failed to comply with the authority's Code of Conduct should be suspended or partially suspended for a period not exceeding six months. The Regulation does not make express provision for situations where a local election is due to take place within six months of such a determination. The Regulations are now amended to make it clear that a period of suspension cannot exceed the remainder of a member's term of office, to bring this into line with the provisions relating to the adjudication Panel.

(c) Appeals to the Adjudication Panel

A member seeking to appeal against the determination of a Standards Committee will, in future, first need to obtain the permission of the President (or another nominated member) of the Adjudication Panel for Wales. The requirement to obtain permission to appeal is intended to ensure that only appeals that have a reasonable prospect of success (in whole or in part) will proceed. A member will have no right to challenge, or indeed seek to delay implementation of, a sanction imposed by a standards committee on entirely frivolous or spurious grounds.

4. Local Authorities (Grant of Dispensations) (Wales) Regulations 2001 (the "2001 Dispensations Regulations")

(a) The amendments enable a standards committee to refer a dispensation application to another council's standards committee, for example if have a conflict of interest or where they are unable to deal with an urgent application due to the unavailability of members. The terms of any referral are to be a matter for agreement between the relevant authorities concerned. The written consent of the Chair (or Vice –Chair if the Chair is unavailable) must be given to the Monitoring Officer before such a referral can be made.

Notice of such a referral must be given to the member requesting the dispensation, specifying the reason for the referral.

- (b) A general category of dispensation is introduced, to bring the Regulations into line with Section 33 of the Localism Act 2011 in England. The specific intention of this amendment is to enable standards committee to grant a dispensation, if it considered it appropriate in all the circumstances to do so, where it was not otherwise possible to make reasonable adjustments to accommodate a member's disability. A dispensation under this category is subject to ongoing annual review. For example, a disabled member may have difficulty in physically withdrawing from the room if there are no adjustments to the venue or the agenda that could facilitate this. But the general has much wider application than this and could potentially be utilised by a standards committee where a member seeks a dispensation in circumstances which are not covered by one of the specific dispensation categories in the Regulations. However, Welsh Government have advised caution in using this power more widely and standards committee would need to consider the potential risk of external challenge to a decision taken by the authority in which that member had participated in reliance upon that dispensation.

### **Financial Summary**

5. There are no financial implications.

### **Options Available**

6. To note the Report.

### **Comments of Chief Financial Officer**

7. There are no financial implications.

### **Comments of Monitoring Officer**

8. Included in the Report.

### **Staffing Implications: Comments of Head of People and Business Change**

9. There are no staffing or policy implications.

### **Background Documents**

The Local Government (Standards Committees, Investigations, Dispensations and Referral) (Wales) (Amendment) Regulations 2016

Welsh Government Consultation Document November 2015.

**Dated: 16 May 2016**



OFFERYNNAU STATUDOL  
CYMRU

WELSH STATUTORY  
INSTRUMENTS

**2016 Rhif 85 (Cy. 39)**

**2016 No. 85 (W. 39)**

**LLYWODRAETH LEOL,  
CYMRU**

**LOCAL GOVERNMENT,  
WALES**

Rheoliadau Llywodraeth Leol  
(Pwyllgorau Safonau,  
Ymchwiliadau, Gollyngiadau ac  
Atgyfeirio) (Cymru) (Diwygio)  
2016

The Local Government (Standards  
Committees, Investigations,  
Dispensations and Referral) (Wales)  
(Amendment) Regulations 2016

**NODYN ESBONIADOL**

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

Mae'r Rheoliadau hyn yn diwygio Rheoliadau Pwyllgorau Safonau (Cymru) 2001 (2001/2283 (Cy. 172)) ("y Rheoliadau Pwyllgorau Safonau"), Rheoliadau Ymchwiliadau Llywodraeth Leol (Swyddogaethau Swyddogion Monitro a Phwyllgorau Safonau) (Cymru) 2001 (2001/2281 (Cy. 171)) ("y Rheoliadau Swyddogaethau"), a Rheoliadau Pwyllgorau Safonau (Caniatáu Gollyngiadau) (Cymru) 2001 (2001/2279 (Cy. 169)) ("y Rheoliadau Gollyngiadau") er mwyn gwneud newidiadau i'r modd y mae'r system sy'n llywodraethu ymddygiad aelodau yn gweithredu gyda'r nod o wella democratiaeth leol.

Mae rheoliad 2 yn diwygio'r Rheoliadau Pwyllgorau Safonau ac yn gwneud darpariaeth:

yn diwygio'r darpariaethau presennol er mwyn hwyluso gweithrediad cyd-bwyllgorau safonau;

yn diwygio'r darpariaethau presennol sy'n ymwneud â hyd cyfnod swydd aelodau o bwyllgorau safonau; ac

yn egluro bod awdurdod perthnasol wedi ei eithrio rhag sicrhau bod yr adroddiad neu'r argymhellion ar ymchwiliad ar gael i'r cyhoedd edrych arnynt hyd nes y bydd trafodion camymddygiad wedi dod i ben.

**EXPLANATORY NOTE**

*(This note is not part of the Regulations)*

These Regulations amend the Standards Committees (Wales) Regulations 2001 (2001/2283 (W. 172)) ("the Standards Committee Regulations"), the Local Government Investigations (Functions of Monitoring Officers and Standards Committees) (Wales) Regulations 2001 (2001/2281 (W. 171)) ("the Functions Regulations"), and the Standards Committees (Grant of Dispensations) (Wales) Regulations 2001 (2001/2279 (W. 169)) ("the Dispensations Regulations") to implement changes in operation of the system governing member conduct with the aim of improving local democracy.

Regulation 2 amends the Standards Committee Regulations and makes provision:

amending existing provisions to facilitate the operation of joint standards committees;

amending existing provisions relating to the length of the term of office of members of standards committees; and

clarifying that a relevant authority is exempt from making the report or recommendations of an investigation available for public inspection until misconduct proceedings are concluded.

Mae rheoliad 3 yn diwygio'r Rheoliadau Swyddogaethau ac yn cynnwys darpariaeth:

yn galluogi swyddog monitro a phwyllgor safonau un awdurdod i atgyfeirio adroddiad neu argymhellion y swyddog monitro i bwyllgor safonau awdurdod arall iddo ddyfarnu arnynt; a

yn manylu ar y weithdrefn ar gyfer apelio yn erbyn penderfyniad pwyllgor safonau.

Mae rheoliad 4 yn diwygio'r Rheoliadau Gollyngiadau er mwyn darparu gweithdrefn ar gyfer atgyfeirio cais aelod am ollyngiad i bwyllgor safonau awdurdod arall iddo ddyfarnu arno.

Dyma fanylion y darpariaethau—

## Rheoliad 2

### Cyd-bwyllgorau Safonau

Mae Rhan III o Ddeddf Llywodraeth Leol 2000 (“Deddf 2000”) yn gwneud darpariaeth mewn cysylltiad ag ymddygiad aelodau a chyflogeion awdurdodau lleol.

Mae adran 53(1) o Ddeddf 2000 yn ei gwneud yn ofynnol i bob awdurdod perthnasol yng Nghymru, hynny yw, cynghorau sir a chynghorau bwrdeistref sirol, awdurdodau tân ac achub ac awdurdodau Parciau Cenedlaethol ond nid, at y diben hwn, gynghorau cymuned, sefydlu pwyllgor safonau sydd i gael y swyddogaethau a roddir iddo gan neu o dan Ran III o Ddeddf 2000.

Diwygiodd Deddf Llywodraeth Leol (Democratiaeth) (Cymru) 2013 (“Deddf 2013”) adran 53(1) o Ddeddf 2000 er mwyn galluogi dau awdurdod perthnasol neu ragor i sefydlu cyd-bwyllgor safonau.

Yn unol ag adran 53(11) o Ddeddf 2000, caiff Gweinidogion Cymru wneud darpariaeth, drwy reoliadau, ynghylch (ymhlith pethau eraill) maint, aelodaeth a thrafodion pwyllgorau safonau awdurdodau perthnasol yng Nghymru gan gynnwys cyd-bwyllgorau, ac unrhyw is-bwyllgorau a sefydlir o dan adrannau 54A neu 56 o Ddeddf 2000.

Mae rheoliad 2 yn diwygio'r Rheoliadau Pwyllgorau Safonau er mwyn hwyluso gweithrediad cyd-bwyllgorau safonau. Mae'n gwneud darpariaeth ar gyfer penodi aelodau pwyllgor cymunedol ac aelodau annibynnol i gyd-bwyllgor safonau; mae'n cyfyngu ar nifer yr aelodau gweithredol o gyd-bwyllgorau safonau; ac mae'n gwneud darpariaeth sy'n sicrhau bod swyddog monitro o un o'r awdurdodau perthnasol cyfansoddol yn bresennol ym mhob cyfarfod o gyd-bwyllgor safonau. Yn unol â'r diwygiadau yn rheoliad 2 caiff swyddogaethau pwyllgor safonau o fewn

Regulation 3 amends the Functions Regulations and includes provision:

enabling a monitoring officer and a standards committee of one authority to refer a report or recommendations of the monitoring officer to the standards committee of another authority for determination; and

detailing the procedure for appealing against the decision of a standards committee.

Regulation 4 amends the Dispensations Regulations to provide a procedure for a member's application for a dispensation to be referred to the standards committee of another authority for determination.

The detailed provisions are as follows—

## Regulation 2

### Joint Standards Committees

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

Section 53(1) of the 2000 Act requires every relevant authority in Wales, that is, county and county borough councils, fire and rescue authorities and National Park authorities, but not for this purpose, community councils, to establish a standards committee which is to have the functions conferred on it by or under Part III of the 2000 Act.

The Local Government (Democracy) (Wales) Act 2013 (“the 2013 Act”) amended section 53(1) of the 2000 Act to enable two or more relevant authorities to establish a joint standards committee.

In accordance with section 53(11) of the 2000 Act, the Welsh Ministers may by regulations make provision as to (among other things) the size, composition and proceedings of standards committees of relevant authorities in Wales including joint committees, and any sub-committees established under sections 54A or 56 of the 2000 Act.

Regulation 2 amends the Standard Committees Regulations to facilitate the operation of joint standards committees. It makes provision for the appointment of community committee and independent members to a joint standards committee; it limits the number of executive members of a joint standards committee; and it makes provision ensuring that every meeting of a joint standards committee is attended by a monitoring officer of one of the constituent relevant authorities. In accordance with the amendments in regulation 2 the functions of a standards committee within regulations 13 to 17 of the

rheoliadau 13 i 17 o'r Rheoliadau Pwyllgorau Safonau gael eu cyflawni, yn achos cyd-bwyllgor safonau, gan unrhyw un o awdurdodau perthnasol cyfansoddol cyd-bwyllgor safonau.

Gwneir darpariaeth o fewn rheoliad 2 hefyd sy'n diwygio hyd cyfnod swydd aelodau o bwyllgorau safonau.

### **Cyhoeddi Adroddiadau Camymddygiad**

Mae adran 51(1) o Ddeddf 2000 yn gosod dyletswydd ar yr holl awdurdodau perthnasol yng Nghymru i fabwysiadu cod sy'n pennu'r safonau ymddygiad a ddisgwylir gan eu haelodau a'u haelodau cyfetholedig.

O dan adran 69 o Ddeddf 2000 caiff Ombwdsmon Gwasanaethau Cyhoeddus Cymru ymchwilio i unrhyw honiadau bod aelodau neu aelodau cyfetholedig (neu gyn aelodau neu gyn aelodau cyfetholedig) wedi torri cod ymddygiad awdurdod perthnasol yng Nghymru.

Pan fo Ombwdsmon Gwasanaethau Cyhoeddus Cymru yn rhoi'r gorau i ymchwiliad o'r fath cyn iddo gael ei gwblhau (o dan adran 70(4) o Ddeddf 2000) caniateir atgyfeirio'r mater sy'n destun yr ymchwiliad i swyddog monitro yr awdurdod perthnasol.

Neu fel arall, pan fo Ombwdsmon Gwasanaethau Cyhoeddus Cymru yn dyfarnu (o dan adran 71(2) o Ddeddf 2000) ei bod yn briodol i'r mater gael ei atgyfeirio i swyddog monitro yr awdurdod perthnasol, rhaid i'r Ombwdsmon lunio adroddiad ar ganlyniad yr ymchwiliad a'i anfon at y swyddog monitro ac at bwyllgor safonau yr awdurdod.

Mae rheoliad 2 yn gwneud darpariaeth i eithrio pwyllgor neu is-bwyllgor safonau rhag trefnu bod adroddiad neu argymhellion camymddygiad ar gael i'r cyhoedd edrych arnynt hyd nes y bydd trafodion camymddygiad o dan y Rheoliadau Swyddogaethau wedi dod i ben. Mae'r rheoliad hefyd yn nodi'r digwyddiadau a fydd yn dynodi diwedd y trafodion ac yn sbarduno'r rhwymedigaeth i gyhoeddi'r deunyddiau cyn gynted ag y bo'n rhesymol ymarferol.

### **Rheoliad 3**

Mae adran 73 o Ddeddf 2000 yn galluogi Gweinidogion Cymru i wneud rheoliadau sy'n pennu sut i ymdrin â materion a atgyfeirir at swyddog monitro a phwyllgor safonau. Mae'r Rheoliadau Swyddogaethau yn nodi cyfrifoldebau'r swyddog monitro a'r pwyllgor safonau mewn perthynas ag ymchwiliad, llunio adroddiad a chanlyniad ymchwiliad.

Standards Committee Regulations may, in the case of a joint standards committee, be discharged by any one of the constituent relevant authorities of a joint standards committee.

Provision is also made within regulation 2 amending the length of the term of office of members of standards committees.

### **Publication of Misconduct Reports**

Section 51(1) of the 2000 Act imposes a duty upon all relevant authorities in Wales to adopt a code specifying the standards of conduct expected of their members and co-opted members.

Under section 69 of the 2000 Act the Public Services Ombudsman for Wales may investigate any alleged breach by members or co-opted members (or former members or co-opted members) of the code of conduct of a relevant authority in Wales.

Where the Public Services Ombudsman for Wales ceases such an investigation before it is completed (under section 70(4) of the 2000 Act) the matter subject to the investigation may be referred to the monitoring officer of the relevant authority.

Alternatively, where the Public Services Ombudsman for Wales determines (under section 71(2) of the 2000 Act) that it is appropriate for the matter to be referred to the monitoring officer of the relevant authority, the Ombudsman must produce a report on the outcome of the investigation and send it to the monitoring officer and the authority's standards committee.

Regulation 2 makes provision to exempt a standards committee or sub-committee from making a misconduct report or recommendations available for public inspection until misconduct proceedings under the Functions Regulations are concluded. The regulation also sets out the events that will signify the end of the proceedings and which give rise to the obligation to publish the materials as soon as reasonably practicable.

### **Regulation 3**

Section 73 of the 2000 Act enables the Welsh Ministers to make regulations specifying how matters referred to a monitoring officer and standards committee are to be dealt with. The Functions Regulations set out the responsibilities of the monitoring officer and the standards committee in relation to an investigation, the production of a report and the outcome of an investigation.



Diwygiodd adran 69 o Ddeddf 2013 y pŵer i wneud rheoliadau yn adran 73 o Ddeddf 2000 er mwyn caniatáu i Weinidogion Cymru wneud darpariaeth sy'n galluogi swyddog monitro neu bwyllgor safonau i atgyfeirio adroddiad neu argymhellion sy'n ymwneud ag ymchwiliad camymddygiad i bwyllgor safonau awdurdod perthnasol arall. Mae rheoliad 3 yn diwygio'r Rheoliadau Swyddogaethau er mwyn nodi'r weithdrefn sydd i'w dilyn wrth wneud atgyfeiriad o'r fath.

Mewn perthynas â hawl aelod i apelio yn erbyn penderfyniad pwyllgor safonau, mae rheoliad 3 yn darparu na all apel fynd yn ei blaen oni bai bod llywydd Panel Dyfarnu Cymru, neu enwebai, wedi rhoi caniatâd i'r apel fynd yn ei blaen yn gyntaf. Nodir y weithdrefn a'r amserlen sy'n gymwys i gais am ganiatâd i apelio o fewn y rheoliad hefyd.

#### **Rheoliad 4**

Mae rheoliad 4 yn diwygio'r Rheoliadau Gollyngiadau fel y gall cais am ollyngiad gan aelod gael ei atgyfeirio i bwyllgor safonau awdurdod perthnasol arall iddo ddyfarnu arno. Mae'r rheoliad hefyd yn gwneud darpariaeth ar gyfer categori ychwanegol o ollyngiad cyffredinol.

Ystyriwyd Cod Ymarfer Gweinidogion Cymru ar gynnal Asesiadau Effaith Rheoleiddiol mewn perthynas â'r Rheoliadau hyn. O ganlyniad, lluniwyd asesiad effaith rheoleiddiol o'r costau a'r manteision sy'n debygol o ddeillio o gydymffurfio â'r Rheoliadau hyn. Gellir cael copi oddi wrth: Yr Is-adran Democratiaeth Llywodraeth Leol, Llywodraeth Cymru, Parc Cathays, Caerdydd, CF10 3NQ.

Section 69 of the 2013 Act amended the regulation-making power in section 73 of the 2000 Act so as to allow the Welsh Ministers to make provision enabling a monitoring officer or a standards committee to refer a report or recommendations relating to a misconduct investigation to the standards committee of another relevant authority. Regulation 3 amends the Functions Regulations to set out the procedure to be followed when making such a referral.

In relation to the right of a member to appeal against the decision of a standards committee, regulation 3 provides that an appeal may only proceed if the president of the Adjudication Panel for Wales, or a nominee, has first granted permission for the appeal to proceed. The procedure and timescales that apply to an application for permission to appeal are also set out in within the regulation.

#### **Regulation 4**

Regulation 4 amends the Dispensations Regulations so an application by a member for a dispensation can be referred to the standards committee of another relevant authority for determination. The regulation also makes provision for an additional category of general dispensation.

The Welsh Ministers' Code of Practice on the carrying out of Regulatory Impact Assessments was considered in relation to these Regulations. As a result, a regulatory impact assessment has been prepared as to the likely costs and benefits of complying with these Regulations. A copy can be obtained from the Local Government Democracy Division, Welsh Government, Cathays Park, Cardiff, CF10 3NQ.

**2016 Rhif 85 (Cy. 39)**

**LLYWODRAETH LEOL,  
CYMRU**

**Rheoliadau Llywodraeth Leol  
(Pwyllgorau Safonau,  
Ymchwiliadau, Gollyngiadau ac  
Atgyfeirio) (Cymru) (Diwygio)  
2016**

*Gwnaed* 27 Ionawr 2016

*Gosodwyd gerbron Cynulliad Cenedlaethol  
Cymru* 2 Chwefror 2016

*Yn dod i rym* 1 Ebrill 2016

Mae Gweinidogion Cymru, drwy arfer y pwerau a roddwyd i Gynulliad Cenedlaethol Cymru gan adrannau 53(11)(1) a (12), 56(5), 73(1), 81(5)(2), 105(1) a (2) a 106 o Ddeddf Llywodraeth Leol 2000(3) ac a freiniwyd bellach ynddynt hwy(4), yn gwneud y Rheoliadau a ganlyn:

**Enwi, cychwyn a chymhwyso**

1.—(1) Enw'r Rheoliadau hyn yw Rheoliadau Llywodraeth Leol (Pwyllgorau Safonau, Ymchwiliadau, Gollyngiadau ac Atgyfeirio) (Cymru) (Diwygio) 2016 a deuant i rym ar 1 Ebrill 2016.

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- (1) Rhoddodd adran 68(1) a (2)(c)(i) o Ddeddf Llywodraeth Leol (Democratiaeth) (Cymru) 2013 (dccc 4) y geiriau "Welsh Ministers" yn lle "National Assembly for Wales" yn adran 53(11) o Ddeddf Llywodraeth Leol 2000 (p. 22) ("Deddf 2000").
- (2) Rhoddodd adran 26 o Ddeddf Lleoliaeth 2011 (p. 20) ("Deddf 2011"), a pharagraffau 7 a 48(1) a (2) o Ran 1 o Atodlen 4 iddi, y geiriau "Welsh Ministers" yn lle "Secretary of State" yn adran 81(5) o Ddeddf 2000. Diddymwyd is-adran (8) o adran 81 o Ddeddf 2000 gan adran 26 o Ddeddf 2011, a pharagraffau 7 a 48(1) a (4) o Ran 1 o Atodlen 4 iddi, ac adran 237 o Ddeddf 2011 a Rhan 5 o Atodlen 25 iddi.
- (3) 2000 p. 22.
- (4) Trosglwyddwyd swyddogaethau Cynulliad Cenedlaethol Cymru o dan adrannau 53, 56, 73, 81, 105 a 106 i Weinidogion Cymru o dan adran 162 o Ddeddf Llywodraeth Cymru 2006 (p. 32), a pharagraff 30 o Atodlen 11 iddi.

**2016 No. 85 (W. 39)**

**LOCAL GOVERNMENT,  
WALES**

**The Local Government (Standards  
Committees, Investigations,  
Dispensations and Referral) (Wales)  
(Amendment) Regulations 2016**

*Made* 27 January 2016

*Laid before the National Assembly  
for Wales* 2 February 2016

*Coming into force* 1 April 2016

The Welsh Ministers, in exercise of the powers conferred on the National Assembly for Wales by sections 53(11)(1) and (12), 56(5), 73(1), 81(5)(2), 105(1) and (2) and 106 of the Local Government Act 2000(3) and now vested in them(4), make the following Regulations:

**Title, commencement and application**

1.—(1) The title of these Regulations is the Local Government (Standards Committees, Investigations, Dispensations and Referral) (Wales) (Amendment) Regulations 2016 and they come into force on 1 April 2016.

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- (1) Section 68(1) and (2)(c)(i) of the Local Government (Democracy) (Wales) Act 2013 (anaw 4) substituted the words "Welsh Ministers" for "National Assembly for Wales" in section 53(11) of the Local Government Act 2000 (c. 22) ("the 2000 Act").
- (2) Section 26 and paragraphs 7 and 48(1) and (2) of Part 1 of Schedule 4 to the Localism Act 2011 (c. 20) ("the 2011 Act") substituted the words "Welsh Ministers" for "Secretary of State" in section 81(5) of the 2000 Act. Subsection (8) of section 81 of the 2000 Act was repealed by section 26 and paragraphs 7 and 48(1) and (4) of Part 1 of Schedule 4 to, and section 237 and Part 5 of Schedule 25 to, the 2011 Act.
- (3) 2000 c. 22.
- (4) The functions of the National Assembly for Wales under sections 53, 56, 73, 81, 105 and 106 were transferred to the Welsh Ministers under section 162 and paragraph 30 of Schedule 11 to the Government of Wales Act 2006 (c. 32).

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

(2) These Regulations apply in relation to Wales.

### Diwygio Rheoliadau Pwyllgorau Safonau (Cymru) 2001

2.—(1) Mae Rheoliadau Pwyllgorau Safonau (Cymru) 2001(1) wedi eu diwygio fel a ganlyn.

(2) Yn rheoliad 2 (dehongli)—

- (a) yn y diffiniad o “aelod pwyllgor cymunedol” (“*community committee member*”), ar ôl “awdurdod” mewnosoder “neu'r awdurdodau”;
- (b) yn lle'r diffiniad o “awdurdod tân” (“*fire authority*”) rhodder—  
“ystyr “awdurdod tân ac achub” (“*fire and rescue authority*”) yw awdurdod tân ac achub a gyfansoddwyd drwy gynllun o dan adran 2 o Ddeddf Gwasanaethau Tân ac Achub 2004(2) neu gynllun y mae adran 4 o'r Ddeddf honno yn gymwys iddo;”;
- (c) yn y diffiniad o “aelod annibynnol” (“*independent member*”), yn lle'r geiriau o “o'r awdurdod perthnasol” i “chyingor cymuned” rhodder “o awdurdod perthnasol na chyingor cymuned”;
- (d) yn y lle priodol mewnosoder—  
“ystyr “cyd-bwyllgor” (“*joint committee*”) yw pwyllgor a sefydlir gan ddau awdurdod perthnasol neu ragor o dan adran 53(1)(3) o Ddeddf 2000;”;
- (e) yn lle'r diffiniad o “aelod panel lleyg” (“*lay panel member*”), rhodder—  
“ystyr “aelod panel lleyg” (“*lay panel member*”) yw aelod o banel a sefydlir o dan reoliad 15—
  - (a) nad yw, ac nad yw wedi bod, yn aelod, yn aelod cyfetholedig nac yn swyddog o awdurdod perthnasol na chyingor cymuned, neu
  - (b) nad yw'n briod nac yn bartner sifil i aelod neu swyddog o awdurdod perthnasol na chyingor cymuned;”;
- (f) yn lle'r diffiniad o “gweithrediaeth maer a chabinet” (“*mayor and cabinet executive*”), rhodder—

### Amendments to the Standards Committees (Wales) Regulations 2001

2.—(1) The Standards Committees (Wales) Regulations 2001(1) are amended as follows.

(2) In regulation 2 (interpretation)—

- (a) in the definition of “community committee member” (“*aelod pwyllgor cymunedol*”), after “authority” insert “or authorities”;
- (b) for the definition of “fire authority” (“*awdurdod tân*”) substitute—  
““fire and rescue authority” (“*awdurdod tân ac achub*”) means a fire and rescue authority constituted by a scheme under section 2 of the Fire and Rescue Services Act 2004(2) or a scheme to which section 4 of that Act applies;”;
- (c) in the definition of “independent member” (“*aelod annibynnol*”), for the words “the relevant authority” to “community council” substitute “a relevant authority or a community council”;
- (d) in the appropriate place insert—  
““joint committee” (“*cyd-bwyllgor*”) means a committee established by two or more relevant authorities under section 53(1)(3) of the 2000 Act;”;
- (e) for the definition of “lay panel member” (“*aelod panel lleyg*”), substitute—  
““lay panel member” (“*aelod panel lleyg*”) means a member of a panel established under regulation 15 who—
  - (a) is not and has not been a member, co-opted member or officer of a relevant authority or a community council, or
  - (b) is not the spouse or civil partner of a member or officer of a relevant authority or a community council;”;
- (f) for the definition of “mayor and cabinet executive” (“*gweithrediaeth maer a chabinet*”), substitute—

(1) O.S. 2001/2283 (Cy. 172).

(2) 2004 (p. 21).

(3) Diwygiwyd adran 53(1) gan adran 68(1) a (2)(a) o Ddeddf Llywodraeth Leol (Democratiaeth) (Cymru) 2013 (dccc 4).

(1) S.I. 2001/2283 (W. 172).

(2) 2004 (c. 21).

(3) Section 53(1) was amended by section 68(1) and (2)(a) of the Local Government (Democracy) (Wales) Act 2013 (anaw 4).

“ystyr “gweithrediaeth maer a chabinet” (“*mayor and cabinet executive*”) yw’r math o drefniadau gweithrediaeth a bennir yn adran 11(2) o Ddeddf 2000;”;

- (g) yn y diffiniad o “aelod” (“*member*”), ym mharagraff (b), yn lle “awdurdod tân” rhodder “awdurdod tân ac achub”;
- (h) yn y diffiniad o “awdurdod perthnasol” (“*relevant authority*”), ym mharagraff (ch) yn lle “awdurdod tân” rhodder “awdurdod tân ac achub”;
- (i) yn y diffiniad o “is-bwyllgor adran 54A” (“*section 54A sub-committee*”), hepgorer y geiriau “awdurdod perthnasol”;
- (j) yn lle’r diffiniad o “pwyllgor safonau” (“*standards committee*”) rhodder—

“ystyr “pwyllgor safonau” (“*standards committee*”), oni fydd y cyd-destun yn mynnu fel arall, yw—

- (a) pwyllgor safonau awdurdod perthnasol;
- (b) cyd-bwyllgor;
- (c) is-bwyllgor adran 54A; neu
- (d) is-bwyllgor cymunedol;”.

(3) Yn rheoliad 4, ym mharagraff (a), ar ôl “awdurdod” mewnosoder “neu’r awdurdodau”.

(4) Yn rheoliad 8, ym mharagraff (3), yn lle “awdurdod tân” rhodder “awdurdod tân ac achub”.

(5) Yn lle rheoliad 9, rhodder—

“9.—(1) Yn ddarostyngedig i baragraff (2), pan fo awdurdod lleol yn gweithredu trefniadau gweithrediaeth ni chaiff pwyllgor safonau gynnwys mwy nag un aelod gweithredol o’r awdurdod hwnnw.

(2) Pan fo dau awdurdod lleol neu ragor wedi sefydlu cyd-bwyllgor, ni chaiff y pwyllgor hwnnw gynnwys mwy nag un aelod gweithredol o bob un awdurdod lleol cyfansoddol.”

(6) Yn rheoliad 10—

- (a) ym mharagraff (1)(a), ar ôl y gair “hwnnw” mewnosoder “neu yn achos cyd-bwyllgor, yn ardal yr awdurdodau lleol cyfansoddol”;
- (b) ym mharagraff (2), ar ôl “hwnnw” mewnosoder “neu, yn achos cyd-bwyllgor, gan ba un bynnag o awdurdodau lleol cyfansoddol y pwyllgor hwnnw y cytunir arno rhyngddynt”;
- (c) ym mharagraff (3)(a), ar ôl “ardal” mewnosoder “neu yn achos cyd-bwyllgor, ardaloedd cyfun yr awdurdodau cyfansoddol”.

““mayor and cabinet executive” (“*gweithrediaeth maer a chabinet*”) means the form of executive arrangements specified in section 11(2) of the 2000 Act;”;

- (g) in the definition of “member” (“*aelod*”), in paragraph (b), for “fire authority” substitute “fire and rescue authority”;
- (h) in the definition of “relevant authority” (“*awdurdod perthnasol*”), in paragraph (d) for “fire authority” substitute “fire and rescue authority”;
- (i) in the definition of “section 54A sub-committee” (“*is-bwyllgor adran 54A*”), omit the words “of a relevant authority”;
- (j) for the definition of “standards committee” (“*pwyllgor safonau*”) substitute—

““standards committee” (“*pwyllgor safonau*”), unless the context otherwise requires, means—

- (a) a standards committee of a relevant authority;
- (b) a joint committee;
- (c) a section 54A sub-committee; or
- (d) a community sub-committee;”.

(3) In regulation 4, in paragraph (a), after “authority” insert “or authorities”.

(4) In regulation 8, in paragraph (3), for “fire authority” substitute “fire and rescue authority”.

(5) For regulation 9, substitute—

“9.—(1) Subject to paragraph (2), where a local authority operates executive arrangements a standards committee may not include more than one executive member from that authority.

(2) Where two or more local authorities have established a joint committee, that committee may not include more than one executive member from each constituent local authority.”

(6) In regulation 10—

- (a) in paragraph (1)(a), after the word “area” insert “or in the case of a joint committee, in the area of the constituent local authorities”;
- (b) in paragraph (2), after “local authority” the second time it occurs insert “or, in the case of a joint committee, by whichever of the constituent local authorities of that committee as is agreed between them”;
- (c) in paragraph (3)(a), after “area” insert “or in the case of a joint committee, the combined areas of the constituent authorities”.

(7) Cyn rheoliad 13, yn syth ar ôl y pennawd “Penodi aelodau annibynnol i bwyllgorau safonau”, mewnosoder—

“12A.—(1) Yn rheoliadau 13 i 17 mae gofyniad ar awdurdod perthnasol neu weithred ganddo mewn cysylltiad ag ardal yr awdurdod hwnnw yn cynnwys, yn achos cyd-bwyllgor, ardaloedd cyfun awdurdodau cyfansoddol y pwyllgor hwnnw.

(2) Yn rheoliadau 13 i 17 caniateir i ofyniad ar awdurdod perthnasol gael ei gyflawni, yn achos cyd-bwyllgor, gan unrhyw un o'r awdurdodau lleol cyfansoddol.”

(8) Yn rheoliad 18—

(a) yn lle paragraff (1) rhodder—

“(1) Rhaid i gyfnod swydd aelod o bwyllgor safonau awdurdod lleol sy'n aelod o'r awdurdod hwnnw beidio â bod yn hwy na'r cyfnod tan yr etholiadau llywodraeth leol cyffredin nesaf ar gyfer yr awdurdod hwnnw yn dilyn penodi'r aelod i'r pwyllgor.”;

(b) ym mharagraff (2), ar y diwedd mewnosoder “neu, yn achos cyd-bwyllgor, o awdurdod lleol cyfansoddol o'r pwyllgor hwnnw”.

(9) Yn rheoliad 18A—

(a) yn lle paragraff (1) rhodder—

“(1) Rhaid i gyfnod swydd aelod o bwyllgor safonau awdurdod lleol sy'n aelod pwyllgor cymunedol beidio â bod yn hwy na'r cyfnod tan yr etholiadau cyffredin nesaf ar gyfer y cyngor cymuned y mae'n aelod ohono yn dilyn ei benodi i'r pwyllgor safonau.”;

(b) ym mharagraff (2), ar y diwedd mewnosoder “neu, yn achos cyd-bwyllgor, o awdurdod lleol cyfansoddol o'r pwyllgor hwnnw”.

(10) Yn rheoliad 19—

(a) yn lle paragraff (1) rhodder—

“(1) Pan fo awdurdod perthnasol yn awdurdod Parc Cenedlaethol neu'n awdurdod tân ac achub, rhaid i gyfnod swydd aelod o bwyllgor safonau'r awdurdod hwnnw sy'n aelod o awdurdod o'r fath beidio â bod yn hwy na'r cyfnod tan y bydd yr aelod hwnnw yn peidio â bod yn aelod o'r awdurdod hwnnw.”;

(b) ym mharagraff (2), ar y diwedd mewnosoder “neu, yn achos cyd-bwyllgor, o awdurdod perthnasol cyfansoddol o'r pwyllgor hwnnw”.

(11) Yn rheoliad 21—

(a) yn lle paragraff (1) rhodder—

(7) Before regulation 13, immediately after the heading “Appointment of independent members to standards committees”, insert—

“12A.—(1) In regulations 13 to 17 a requirement or act of a relevant authority in respect of that authority's area includes in the case of a joint committee, the combined areas of that committee's constituent authorities.

(2) In regulations 13 to 17 a requirement of a relevant authority may, in the case of a joint committee, be discharged by any one of the constituent local authorities.”

(8) In regulation 18—

(a) for paragraph (1) substitute—

“(1) The term of office of a member of a local authority standards committee who is a member of that authority shall be no longer than the period until the next ordinary local government elections for that authority following the member's appointment to the committee.”;

(b) in paragraph (2), at the end insert “or, in the case of a joint committee, of a constituent local authority of that committee”.

(9) In regulation 18A—

(a) for paragraph (1) substitute—

“(1) The term of office of a member of a local authority standards committee who is a community committee member shall be no longer than the period until the next ordinary elections for the community council of which he or she is a member following his or her appointment to the standards committee.”;

(b) in paragraph (2), at the end insert “or, in the case of a joint committee, of a constituent local authority of that committee”.

(10) In regulation 19—

(a) for paragraph (1) substitute—

“(1) Where a relevant authority is a National Park authority or a fire and rescue authority, the term of office of a member of that authority's standards committee who is a member of such an authority shall be no longer than the period until that member ceases to be a member of that authority.”;

(b) in paragraph (2), at the end insert “or, in the case of a joint committee, of a constituent relevant authority of that committee”.

(11) In regulation 21—

(a) for paragraph (1) substitute—

“(1) Yn ddarostyngedig i baragraff (2) o reoliad 18 a pharagraff (2) o reoliad 19, caniateir i aelod o bwyllgor safonau awdurdod perthnasol sy'n aelod o'r awdurdod hwnnw, neu yn achos cyd-bwyllgor sy'n aelod o awdurdod cyfansoddol o'r pwyllgor hwnnw, gael ei ailbenodi am un tymor olynol pellach.”;

(b) ym mharagraff (2), ar ôl “hwnnw” mewnosoder “neu, yn achos cyd-bwyllgor, gan ba un bynnag o'r awdurdodau perthnasol cyfansoddol y cytunir arno rhyngddynt.”.

(12) Yn rheoliad 21A—

(a) ym mharagraff (1), ar ôl “hwnnw” mewnosoder “neu, yn achos cyd-bwyllgor, gan ba un bynnag o'r awdurdodau lleol cyfansoddol y cytunir arno rhyngddynt.”;

(b) ym mharagraff (2)(a), ar ôl “ardal” mewnosoder “neu, yn achos cyd-bwyllgor, ardaloedd cyfun yr awdurdodau cyfansoddol”.

(13) Yn rheoliad 22, ar ddiwedd paragraff (8) mewnosoder “neu, yn achos cyd-bwyllgor, i swyddog priodol pa un bynnag o'r awdurdodau perthnasol cyfansoddol y cytunir arno rhyngddynt at y diben hwnnw”.

(14) Yn rheoliad 23, ym mharagraff (1), ar ôl “awdurdod” mewnosoder “neu'r awdurdodau”.

(15) Yn rheoliad 25, yn lle paragraff (3) rhodder—

“(3) Rhaid i swyddog monitro neu gynrychiolydd swyddog monitro awdurdod perthnasol, neu yn achos cyd-bwyllgor, swyddog monitro neu gynrychiolydd swyddog monitro awdurdod cyfansoddol o'r cyd-bwyllgor hwnnw, fod yn bresennol ym mhob cyfarfod o'r pwyllgor safonau.”

(16) Yn rheoliad 26, ar ôl paragraff (2) mewnosoder—

“(2A)(a) Yn ddarostyngedig i'r is-baragraffau a ganlyn, rhaid darllen adrannau 100B i 100D fel pe na baent yn ei gwneud yn ofynnol i bwyllgor safonau gyhoeddi, neu sicrhau eu bod ar gael i'r cyhoedd fel arall, agendâu, cofnodion, neu wybodaeth sy'n gysylltiedig â mater a atgyfeirir at ei bwyllgor safonau yn unol ag adran 70(4) neu (5) neu adran 71(2) neu (4) o Ddeddf 2000;

(b) bydd yr eithriad i'r gofynion i ddarparu mynediad i agendâu ac adroddiadau y darperir ar ei gyfer yn is-baragraff (a) yn peidio â bod yn gymwys pan fo trafodion y pwyllgor safonau yn dod i ben;

“(1) Subject to paragraph (2) of regulation 18 and paragraph (2) of regulation 19, a member of the standards committee of a relevant authority who is a member of that authority, or in the case of a joint committee is a member of a constituent authority of that committee, may be reappointed for one further consecutive term.”;

(b) in paragraph (2), after “authority” the second time it occurs insert “or, in the case of a joint committee, by such of the constituent relevant authorities as may be agreed between them.”.

(12) In regulation 21A—

(a) in paragraph (1), after “local authority” the second time it occurs insert “or, in the case of a joint committee, by such of the constituent local authorities as may be agreed between them.”;

(b) in paragraph (2)(a), after “area” insert “or, in the case of a joint committee, the combined areas of the constituent authorities”.

(13) In regulation 22, at the end of paragraph (8) insert “or, in the case of a joint committee, to the proper officer of such of the constituent relevant authorities as is agreed between them for that purpose”.

(14) In regulation 23, in paragraph (1), after “relevant authority” insert “or authorities”.

(15) In regulation 25, for paragraph (3) substitute—

“(3) The monitoring officer or a representative of the monitoring officer of a relevant authority, or in the case of a joint committee, the monitoring officer or a representative of the monitoring officer of a constituent authority of that joint committee, shall attend every meeting of the standards committee.”

(16) In regulation 26, after paragraph (2) insert—

“(2A)(a) Subject to the following subparagraphs, sections 100B to 100D shall be read as not requiring a standards committee to publish or otherwise make available to the public agendas for, records of, or information connected to a matter referred to its standards committee pursuant to section 70(4) or (5) or section 71(2) or (4) of the 2000 Act;

(b) the exemption to the access to agenda and reports requirements provided for within subparagraph (a) will cease to apply upon the conclusion of the proceedings of the standards committee;

- (c) yn is-baragraff (b) ystyr bod y trafodion yn dod i ben yw'r diweddaraf o'r digwyddiadau a ganlyn a bennir yn Rheoliadau Ymchwiliadau Llywodraeth Leol (Swyddogaethau Swyddogion Monitro a Phwyllgorau Safonau) (Cymru) 2001(1):
- (i) bod y cyfnod a ganiateir ar gyfer cyflwyno hysbysiad yn gofyn am ganiatâd i apelio o dan reoliad 10(2) yn dod i ben;
  - (ii) ceir hysbysiad am benderfyniad llywydd Panel Dyfarnu Cymru neu aelod enwebedig o'r panel yn unol â rheoliad 10(9);
  - (iii) ceir hysbysiad am gasgliad unrhyw apêl yn unol â rheoliad 12 (a)(i) neu (b); neu
  - (iv) bod y pwyllgor safonau yn gwneud dyfarniad pellach ar ôl cael argymhelliad gan driwlynlys apêl o dan reoliad 12(a)(ii);
- (d) rhaid i'r pwyllgor safonau gyhoeddi'r deunyddiau y mae is-baragraff (a) yn cyfeirio atynt cyn gynted ag y bo'n ymarferol bosibl ar ôl i'r trafodion ddod i ben."

(17) Yn rheoliad 28, ym mharagraff (1), ar ôl "awdurdod perthnasol o dan sylw" mewnosoder "neu, yn achos cyd-bwyllgor, swyddog priodol awdurdod cyfansoddol o'r cyd-bwyllgor hwnnw,".

(18) Yn rheoliad 29 ar ôl "awdurdod perthnasol" yn y ddau le y mae'n digwydd mewnosoder "neu, yn achos cyd-bwyllgor, un o'r awdurdodau perthnasol cyfansoddol,".

(19) Ar ôl rheoliad 30 mewnosoder—

#### **"Trefniadau trosiannol atodol**

**31.** Caiff person sy'n aelod o bwyllgor safonau ar y dyddiad y mae Rheoliadau Llywodraeth Leol (Pwyllgorau Safonau, Ymchwiliadau, Gollyngiadau ac Atgyfeirio) (Cymru) (Diwygio) 2016 yn dod i rym barhau yn ei swydd hyd ddyddiad yr etholiadau llywodraeth leol cyffredin nesaf, os yw'r awdurdod perthnasol yn penderfynu hynny, oni bai bod y person hwnnw yn peidio â bod yn aelod o'r awdurdod perthnasol o dan sylw cyn dyddiad yr etholiadau hynny."

(1) O.S. 2001/2281 (Cy. 171), fel y'i diwygiwyd gan y Rheoliadau hyn.

- (c) the conclusion of the proceedings in sub-paragraph (b) means the latest of the following events specified in the Local Government Investigations (Functions of Monitoring Officers and Standards Committees) (Wales) Regulations 2001(1):
- (i) the expiry of time allowed to lodge a notice seeking permission to appeal under regulation 10(2);
  - (ii) receipt of notification of the decision of the president of the Adjudication Panel for Wales or the nominated panel member in accordance with regulation 10(9);
  - (iii) receipt of notification of the conclusion of any appeal in accordance with regulation 12 (a)(i) or (b); or
  - (iv) a further determination by the standards committee made after receiving a recommendation from an appeals tribunal under regulation 12(a)(ii);
- (d) the standards committee must publish the materials to which sub-paragraph (a) refers as soon as reasonably practicable following the conclusion of the proceedings."

(17) In regulation 28, in paragraph (1), after "relevant authority concerned" insert "or, in the case of a joint committee, the proper officer of a constituent authority of that joint committee,".

(18) In regulation 29 after "relevant authority" in both places it occurs insert "or, in the case of a joint committee, one of the constituent relevant authorities,".

(19) After regulation 30 insert—

#### **"Supplementary transitional arrangements**

**31.** A person who is a member of a standards committee on the date on which the Local Government (Standards Committees, Investigations, Dispensations and Referral) (Wales) (Amendment) Regulations 2016 come into force may, if the relevant authority so determines, continue in office until the date of the next ordinary local government elections, unless that person ceases to be a member of the relevant authority concerned before the date of those elections."

(1) S.I. 2001/2281 (W. 171), as amended by these Regulations.

### **Diwygio Rheoliadau Ymchwiliadau Llywodraeth Leol (Swyddogaethau Swyddogion Monitro a Phwyllgorau Safonau) (Cymru) 2001**

3.—(1) Mae Rheoliadau Ymchwiliadau Llywodraeth Leol (Swyddogaethau Swyddogion Monitro a Phwyllgorau Safonau) (Cymru) 2001 wedi eu diwygio fel a ganlyn.

(2) Yn rheoliad 2 (dehongli) yn y lle priodol mewnosoder—

“ystyr “cyd-bwyllgor” (“*joint committee*”) yw pwyllgor a sefydlir gan ddau awdurdod perthnasol neu ragor o dan adran 53(1) o Ddeddf 2000;”;

“ystyr “is-bwyllgor adran 54A” (“*section 54A sub-committee*”) yw is-bwyllgor a benodir gan Bwyllgor Safonau o dan adran 54A(1) o Ddeddf 2000;”;

“ystyr “is-bwyllgor cymunedol” (“*community sub-committee*”) yw is-bwyllgor a benodir gan Bwyllgor Safonau awdurdod lleol o dan adran 56 o Ddeddf 2000;”;

“ystyr “Pwyllgor Safonau” (“*Standards Committee*”) yw—

- (a) Pwyllgor Safonau awdurdod perthnasol;
- (b) cyd-bwyllgor;
- (c) is-bwyllgor adran 54A; neu
- (d) is-bwyllgor cymunedol;”.

(3) Yn rheoliad 3 (swyddogaethau swyddogion monitro) ar ôl paragraff (2) mewnosoder—

“(3) Yn ddarostyngedig i baragraff (4), caiff swyddog monitro awdurdod perthnasol wneud trefniadau i lunio adroddiad, neu i wneud argymhellion, yn unol â pharagraffau (1)(b) a (2), i Bwyllgor Safonau awdurdod perthnasol arall.

(4) Ni chaiff swyddog monitro awdurdod perthnasol (“A”) wneud trefniadau o dan baragraff (3) i lunio adroddiad, neu i wneud argymhellion, i Bwyllgor Safonau awdurdod perthnasol arall (“B”) oni bai bod cadeirydd Pwyllgor Safonau A wedi rhoi cydsyniad ysgrifenedig i hynny.”

(4) Yn rheoliad 5 (cyfyngiadau ar ddatgelu gwybodaeth), ym mharagraff (1)—

- (a) ar ddiwedd is-baragraff (d) mewnosoder “neu”;
- (b) hepgorer is-baragraff (dd).

(5) Yn rheoliad 6 (adroddiadau), ar ddiwedd paragraff (a) mewnosoder “neu, yn unol â threfniadau a wneir o dan reoliad 3(3), i Bwyllgor Safonau awdurdod perthnasol arall”.

### **Amendments to the Local Government Investigations (Functions of Monitoring Officers and Standards Committees) (Wales) Regulations 2001**

3.—(1) The Local Government Investigations (Functions of Monitoring Officers and Standards Committees) (Wales) Regulations 2001 are amended as follows.

(2) In regulation 2 (interpretation) in the appropriate place insert—

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

“joint committee” (“*cyd-bwyllgor*”) means a committee established by two or more relevant authorities under section 53(1) of the 2000 Act;”;

“section 54A sub-committee” (“*is-bwyllgor adran 54A*”) means a sub-committee appointed by a Standards Committee under section 54A(1) of the 2000 Act;”;

“Standards Committee” (“*Pwyllgor Safonau*”) means—

- (a) a Standards Committee of a relevant authority;
- (b) a joint committee;
- (c) a section 54A sub-committee; or
- (d) a community sub-committee;”.

(3) In regulation 3 (functions of monitoring officers) after paragraph (2) insert—

“(3) Subject to paragraph (4), the monitoring officer of a relevant authority may make arrangements to make a report, or recommendations, in accordance with paragraphs (1)(b) and (2) to the Standards Committee of another relevant authority.

(4) The monitoring officer of a relevant authority (“A”) may not make arrangements under paragraph (3) to make a report, or recommendations, to the Standards Committee of another relevant authority (“B”) unless the chairperson of the Standards Committee of A has consented in writing.”

(4) In regulation 5 (restrictions on disclosure of information), in paragraph (1)—

- (a) at the end of sub-paragraph (e) insert “or”;
- (b) omit sub-paragraph (f).

(5) In regulation 6 (reports), at the end of paragraph (a) insert “or, in accordance with arrangements made under regulation 3(3), to the Standards Committee of another relevant authority”.



(6) Yn lle rheoliad 7 (swyddogaethau'r pwyllgor safonau) rhodder—

“7.—(1) Ar ôl cael adroddiad ac unrhyw argymhellion oddi wrth swyddog monitro, neu adroddiad oddi wrth Ombwdsmon Gwasanaethau Cyhoeddus Cymru ynghyd ag unrhyw argymhellion gan swyddog monitro, rhaid i Bwyllgor Safonau ddyfarnu naill ai:

- (a) nad oes dim tystiolaeth o unrhyw fethiant i gydymffurfio â chod ymddygiad yr awdurdod perthnasol o dan sylw a rhoi hysbysiad i'r perwyl hwnnw i:
  - (i) y person sy'n destun yr ymchwiliad;
  - (ii) y person neu'r personau sy'n gwneud yr honiad a arweiniodd at yr ymchwiliad; a
  - (iii) Ombwdsmon Gwasanaethau Cyhoeddus Cymru; neu
- (b) bod rhaid i berson sy'n destun yr ymchwiliad gael ei wahodd i gyflwyno sylwadau, naill ai ar lafar neu'n ysgrifenedig, mewn perthynas â chasgliadau'r ymchwiliad ac unrhyw honiad ei fod wedi methu â chydymffurfio â chod ymddygiad yr awdurdod perthnasol.

(2) Caiff Pwyllgor Safonau wneud trefniadau i'r swyddogaethau a bennir ym mharagraff (1) gael eu harfer gan Bwyllgor Safonau awdurdod perthnasol arall.”

(7) Ar ôl rheoliad 7 (swyddogaethau'r pwyllgor safonau) mewnosoder—

#### “Adroddiadau neu Argymhellion a atgyfeirir at Bwyllgor Safonau arall

7A.—(1) Pan fo swyddog monitro o dan reoliad 6 (adroddiadau) neu Bwyllgor Safonau o dan reoliad 7 (swyddogaethau'r Pwyllgor Safonau) yn gwneud trefniadau o dan reoliad 3(3) neu 7(2), rhaid i'r swyddog monitro neu'r Pwyllgor Safonau sy'n gwneud y trefniadau hynny roi'r hysbysiad a ddisgrifir ym mharagraff (2) i:

- (a) y person neu'r personau sy'n destun ymchwiliad;
- (b) y person neu'r personau sy'n gwneud yr honiad o gamymddygiad sy'n arwain at yr ymchwiliad; ac
- (c) Ombwdsmon Gwasanaethau Cyhoeddus Cymru.

(6) For regulation 7 (functions of the standards committee) substitute—

“7.—(1) After receiving a report and any recommendations from a monitoring officer, or a report from the Public Services Ombudsman for Wales together with any recommendations of a monitoring officer, a Standards Committee must determine either:

- (a) that there is no evidence of any failure to comply with the code of conduct of the relevant authority concerned and give notice to that effect to:
  - (i) the person who is the subject of the investigation;
  - (ii) the person or persons making the allegation which gave rise to the investigation; and
  - (iii) the Public Services Ombudsman for Wales; or
- (b) that a person who is the subject of the investigation must be invited to make representations, either orally or in writing, in respect of the findings of the investigation and of any allegation of a failure to comply with the relevant authority's code of conduct.

(2) A Standards Committee may make arrangements for the functions specified in paragraph (1) to be exercised by the Standards Committee of another relevant authority.”

(7) After regulation 7 (functions of the standards committee) insert—

#### “Reports or Recommendations referred to another Standards Committee

7A.—(1) Where a monitoring officer under regulation 6 (reports) or a Standards Committee under regulation 7 (functions of the Standards Committee) makes arrangements under regulation 3(3) or 7(2), the monitoring officer or Standards Committee making such arrangements must give the notice described in paragraph (2) to:

- (a) the person or persons who is or are the subject of investigation;
- (b) the person or persons making the allegation of misconduct giving rise to the investigation; and
- (c) the Public Services Ombudsman for Wales.

- (2) Rhaid i'r hysbysiad y cyfeirir ato ym mharagraff (1) gynnwys y canlynol:
- (a) datganiad bod y mater wedi ei atgyfeirio i Bwyllgor Safonau awdurdod perthnasol arall iddo ddyfarnu arno;
  - (b) enw'r awdurdod perthnasol arall; ac
  - (c) y rheswm pam y mae'r mater wedi ei atgyfeirio i Bwyllgor Safonau yr awdurdod perthnasol arall."
- (8) Yn rheoliad 8 (gweithdrefn a phwerau pwyllgorau safonau)—
- (a) ym mharagraff (5), yn lle "o'r awdurdod perthnasol" rhodder "o awdurdod perthnasol";
  - (b) ym mharagraff (6), yn is-baragraff (b) hepgorer "neu (b)".
- (9) Yn rheoliad 9 (dyfarniadau'r pwyllgor safonau)—
- (a) ym mharagraff (1)—
    - (i) yn is-baragraff (c), yn lle "o'r awdurdod perthnasol" rhodder "o awdurdod perthnasol";
    - (ii) yn is-baragraff (ch), ar ôl "chwe mis" mewnosoder "neu am weddill cyfnod y person hwnnw yn y swydd, os yw'n gyfnod byrrach";
  - (b) yn lle paragraff (3) rhodder—
 

"(3) Ar ôl gwneud dyfarniad yn unol â pharagraff (1) neu (2) rhaid i'r Pwyllgor Safonau hysbysu:

    - (a) y person neu'r personau sy'n destun yr ymchwiliad;
    - (b) y person neu'r personau sy'n gwneud yr honiad o gamymddygiad sy'n arwain at yr ymchwiliad;
    - (c) Ombwdsmon Gwasanaethau Cyhoeddus Cymru; ac
    - (d) pan fo'r Pwyllgor Safonau wedi gwneud ei ddyfarniad yn unol â threfniadau â swyddog monitro neu Bwyllgor Safonau awdurdod perthnasol arall, Bwyllgor Safonau'r awdurdod hwnnw.";
  - (c) ar ôl paragraff (4) mewnosoder—
 

(5) Rhaid i hysbysiad a roddir o dan baragraffau (3) a (4) gynnwys y rhesymau dros y dyfarniad."
- (10) Yn rheoliad 10 (yr hawl i apelio)—
- (a) ym mharagraff (1), ar ôl "caiff y person hwnnw" mewnosoder "ofyn am ganiatâd i";
- (2) The notice to which paragraph (1) refers must include the following:
- (a) a statement that the matter has been referred to another relevant authority's Standards Committee for determination;
  - (b) the name of the other relevant authority; and
  - (c) the reason why the matter has been referred to the Standards Committee of the other relevant authority."
- (8) In regulation 8 (procedure and powers of standards committee)—
- (a) in paragraph (5), for "the relevant authority" substitute "a relevant authority";
  - (b) in paragraph (6), in sub-paragraph (b) omit "or (b)".
- (9) In regulation 9 (determinations of the standards committee)—
- (a) in paragraph (1)—
    - (i) in sub-paragraph (c), for "the relevant authority" substitute "a relevant authority";
    - (ii) in sub-paragraph (d), after "six months" insert "or, if shorter, for the remainder of that person's term of office";
  - (b) for paragraph (3) substitute—
 

"(3) After making a determination in accordance with paragraph (1) or (2) the Standards Committee must notify:

    - (a) the person or persons who is or are the subject of the investigation;
    - (b) the person or persons making the allegation of misconduct giving rise to the investigation;
    - (c) the Public Services Ombudsman for Wales; and
    - (d) where the Standards Committee has made its determination pursuant to arrangements with the monitoring officer or Standards Committee of another relevant authority, the Standards Committee of that authority."
    - (c) after paragraph (4) insert—
 

"(5) Notice given under paragraphs (3) and (4) must include reasons for the determination."

(10) In regulation 10 (right of appeal)—

    - (a) in paragraph (1), after "that person may" insert "seek permission to";

- (b) ym mharagraff (2)—
- (i) yn lle “yr apêl,” rhodder “y cais am ganiatâd i apelio”;
  - (ii) yn lle’r geiriau o “i’r cyfeiriad hwn” i “CF10 3NQ” rhodder “i lywydd Panel Dyfarnu Cymru”;
- (c) ym mharagraff (3)—
- (i) yn lle “hysbysiad apêl” yn y lle cyntaf y mae’n ymddangos rhodder “hysbysiad yn gofyn am ganiatâd i apelio”;
  - (ii) yn lle is-baragraff (b) rhodder—
 

“(b) pa un a roddir caniatâd i apelio ai peidio, bod y person sy’n gofyn am ganiatâd i apelio yn cydsynio i’r apêl gael ei chynnal drwy gyfrwng sylwadau ysgrifenedig.”;
- (d) ar ôl paragraff (3) mewnosoder—
- “(4) Mae cais am ganiatâd i apelio i’w benderfynu gan lywydd Panel Dyfarnu Cymru neu gan aelod o’r panel a enwebir gan lywydd y Panel Dyfarnu i arfer y swyddogaeth hon.
- (5) Oni bai bod y llywydd neu’r person a enwebir yn ystyried bod amgylchiadau neilltuoel yn golygu bod gwrandawriad yn ddymunol, mae’r penderfyniad ynghylch a ddylid rhoi caniatâd i apelio i’w wneud heb i’r partïon fod yn bresennol.
- (6) Caiff llywydd Panel Dyfarnu Cymru neu’r aelod enwebedig o’r panel wneud cais ysgrifenedig am wybodaeth bellach gan y partïon.
- (7) Rhaid i’r wybodaeth bellach y gwneir cais amdani ym mharagraff (6) gael ei chyflwyno i lywydd Panel Dyfarnu Cymru neu i’r aelod enwebedig o’r panel o fewn cyfnod o 14 diwrnod i’r dyddiad y ceir y cais am wybodaeth bellach.
- (8) Wrth benderfynu a ddylid rhoi caniatâd i apelio, rhaid i lywydd Panel Dyfarnu Cymru neu’r aelod enwebedig o’r panel roi sylw i ba un a oes gobaith rhesymol i’r apêl neu ran ohoni lwyddo.
- (9) Rhaid i lywydd Panel Dyfarnu Cymru neu’r aelod enwebedig o’r panel benderfynu a ddylid rhoi caniatâd i apelio a rhoi hysbysiad am y penderfyniad yn ddim hwyrach na 21 diwrnod ar ôl cael y cais am ganiatâd i apelio, neu pan wnaed cais am wybodaeth bellach o dan baragraff (6), yn ddim hwyrach na 14 diwrnod ar ôl diwedd y cyfnod a bennir ym mharagraff (7).

- (b) in paragraph (2)—
- (i) for “The appeal” substitute “The application for permission to appeal”;
  - (ii) for the words from “to this address” to “CF10 3NQ” substitute “to the president of the Adjudication Panel for Wales”;
- (c) in paragraph (3)—
- (i) for “notice of” where it first appears substitute “notice seeking permission to”;
  - (ii) for sub-paragraph (b) substitute—
 

“(b) whether or not permission to appeal is granted, the person seeking permission to appeal consents to the appeal being conducted by way of written representations.”;
- (d) after paragraph (3) insert—
- “(4) An application for permission to appeal is to be decided by the president of the Adjudication Panel for Wales or a member of the panel nominated by the president of the Adjudication Panel to exercise this function.
- (5) Unless the president or the person nominated considers that special circumstances render a hearing desirable, the decision on whether to grant permission to appeal is to be made in the absence of the parties.
- (6) The president of the Adjudication Panel for Wales or the nominated panel member may, in writing, request further information from the parties.
- (7) The further information requested in paragraph (6) must be submitted to the president of the Adjudication Panel for Wales or the nominated panel member within a period of 14 days from the date on which the request for further information is received.
- (8) In reaching a decision on whether to grant permission to appeal, the president of the Adjudication Panel for Wales or the nominated panel member must have regard to whether the appeal or part of it has a reasonable prospect of success.
- (9) The president of the Adjudication Panel for Wales or the nominated panel member must decide whether to grant permission to appeal and give notice of the decision no more than 21 days after receipt of the application for permission to appeal, or where further information has been requested under paragraph (6), no more than 14 days after the end of the period specified in paragraph (7).

(10) Rhaid i lywydd Panel Dyfarnu Cymru neu'r aelod enwebedig o'r panel hysbysu'r canlynol am y penderfyniad ym mharagraff (8):

- (a) y person sy'n gofyn am ganiatâd i apelio;
- (b) Ombwdsmon Gwasanaethau Cyhoeddus Cymru; ac
- (c) y Pwyllgor Safonau a wnaeth y dyfarniad sy'n destun y cais am ganiatâd i apelio.

(11) Os gwrthodir caniatâd i apelio rhaid i'r hysbysiad a roddir o dan baragraff (9) hefyd gynnwys y rhesymau dros y penderfyniad hwnnw.

(12) Os rhoddir caniatâd i apelio rhaid i lywydd Panel Dyfarnu Cymru neu'r aelod enwebedig o'r panel atgyfeirio'r mater i dribiwnlys apelau.”

(11) Yn rheoliad 11 (apelau), ym mharagraff (2)—

- (a) yn lle “y dirprwy lywydd” rhodder “aelod enwebedig o'r panel”;
- (b) yn lle “neu'r dirprwy lywydd” rhodder “neu'r aelod enwebedig o'r panel”.

#### **Diwygio Rheoliadau Pwyllgorau Safonau (Caniatáu Gollyngiadau) (Cymru) 2001**

4.—(1) Mae Rheoliadau Pwyllgorau Safonau (Caniatáu Gollyngiadau) (Cymru) 2001(1) wedi eu diwygio fel a ganlyn.

(2) Yn rheoliad 1, ym mharagraff (3) yn y lle priodol mewnosoder—

“ystyr “cyd-bwyllgor” (“*joint committee*”) yw pwyllgor a sefydlir gan ddau awdurdod perthnasol neu ragor o dan adran 53(1) o'r Ddeddf;”;

“ystyr “is-bwyllgor adran 54A” (“*section 54A sub-committee*”) yw is-bwyllgor a benodir gan bwyllgor safonau o dan adran 54A(1) o'r Ddeddf;”;

“ystyr “is-bwyllgor cymunedol” (“*community sub-committee*”) yw is-bwyllgor a benodir gan bwyllgor safonau awdurdod lleol o dan adran 56 o'r Ddeddf;”;

“ystyr “pwyllgor safonau” (“*standards committee*”) yw—

- (a) pwyllgor safonau awdurdod perthnasol;
- (b) cyd-bwyllgor;
- (c) is-bwyllgor adran 54A; neu
- (d) is-bwyllgor cymunedol;”.

(10) The president of the Adjudication Panel for Wales or the nominated panel member must notify the decision in paragraph (8) to:

- (a) the person seeking permission to appeal;
- (b) the Public Services Ombudsman for Wales; and
- (c) the Standards Committee which made the determination that is the subject of the application for permission to appeal.

(11) If permission to appeal is refused the notice given under paragraph (9) must also include the reasons for that decision.

(12) If permission to appeal is granted the president of the Adjudication Panel for Wales or the nominated panel member must refer the matter to an appeals tribunal.”

(11) In regulation 11 (appeals), in paragraph (2)—

- (a) for “the deputy president” substitute “a nominated panel member”;
- (b) for “or deputy president” substitute “or the nominated panel member”.

#### **Amendments to the Standards Committees (Grant of Dispensations) (Wales) Regulations 2001**

4.—(1) The Standards Committees (Grant of Dispensations) (Wales) Regulations 2001(1) are amended as follows.

(2) In regulation 1, in paragraph (3) in the appropriate place insert—

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

““joint committee” (“*cyd-bwyllgor*”) means a committee established by two or more relevant authorities under section 53(1) of the Act;”;

““section 54A sub-committee” (“*is-bwyllgor adran 54A*”) means a sub-committee appointed by a standards committee under section 54A(1) of the Act;”;

““standards committee” (“*pwyllgor safonau*”) means—

- (a) a standards committee of a relevant authority;
- (b) a joint committee;
- (c) a section 54A sub-committee; or
- (d) a community sub-committee;”.

(1) O.S. 2001/2279 (Cy. 169).

(1) S.I. 2001/2279 (W. 169).

(3) Yn rheoliad 2—

- (a) ar ddiwedd paragraff (f) hepgorer “neu”;
- (b) ym mharagraff (ff), yn lle’r geiriau sy’n dilyn “ei godi” rhodder “; neu”;
- (c) ar ôl paragraff (ff) mewnosoder—  
“(g) os yw’n ymddangos i’r pwyllgor ei bod yn briodol fel arall caniatáu gollyngiad.”

(4) Ar ôl rheoliad 2 mewnosoder—

#### **“Gollyngiadau a ganiateir yn unol â rheoliad 2(g)**

3.—(1) Rhaid i ollyngiad a ganiateir gan bwyllgor safonau awdurdod perthnasol o dan adran 81(4) o’r Ddeddf ar y seiliau a nodir yn rheoliad 2(g) ac sy’n parhau i gael effaith, gael ei adolygu gan y pwyllgor safonau unwaith ym mhob cyfnod o 12 mis o’r dyddiad y caniateir y gollyngiad am y tro cyntaf.

(2) Pan fydd yn cynnal adolygiad o dan baragraff (1) rhaid i’r pwyllgor safonau ddyfarnu a ddylai’r gollyngiad barhau i gael effaith.

#### **Gweithdrefn a phwerau pwyllgorau safonau**

4.—(1) Caiff pwyllgor safonau awdurdod perthnasol atgyfeirio cais am ollyngiad a wneir gan aelod o’r awdurdod i bwyllgor safonau awdurdod perthnasol arall i’r pwyllgor hwnnw ei ystyried a dyfarnu arno.

(2) Caiff swyddog monitro awdurdod perthnasol y gwneir cais am ollyngiad iddo wneud trefniadau, gyda chydsyniad ysgrifenedig cadeirydd pwyllgor safonau yr awdurdod hwnnw ymlaen llaw, i bwyllgor safonau awdurdod perthnasol arall ei ystyried a dyfarnu arno.

(3) Pan fo ymdrechion rhesymol i gysylltu â chadeirydd pwyllgor safonau yr awdurdod perthnasol wedi bod yn aflwyddiannus, caiff isgadeirydd y pwyllgor safonau roi cydsyniad o dan baragraff (2).

(3) In regulation 2—

- (a) at the end of paragraph (h) omit “or”;
- (b) in paragraph (i), for the words that follow “removed” substitute “; or”;
- (c) after paragraph (i) insert—  
“(j) “it appears to the committee to be otherwise appropriate to grant a dispensation.”

(4) After regulation 2 insert—

#### **“Dispensations granted in accordance with regulation 2(j)**

3.—(1) A dispensation granted by the standards committee of a relevant authority under section 81(4) of the Act on the grounds set out in regulation 2(j) and which remains in effect, must be reviewed by the standards committee once in every 12 month period from the date on which the dispensation is first granted.

(2) When conducting a review under paragraph (1) the standards committee must determine whether the dispensation should continue to have effect.

#### **Procedure and powers of standards committees**

4.—(1) A standards committee of a relevant authority may refer an application for a dispensation made by a member of the authority to the standards committee of another relevant authority for consideration and determination.

(2) The monitoring officer of a relevant authority to which an application for a dispensation is made may, with the prior written consent of the chairperson of the standards committee of that authority, make arrangements for the application to be considered and determined by the standards committee of another relevant authority.

(3) Where reasonable efforts to contact the chairperson of the standards committee of the relevant authority have been unsuccessful, the vice-chairperson of the standards committee may give consent under paragraph (2).

(4) Pan fo swyddog monitro neu bwyllgor safonau yn gwneud trefniadau i bwyllgor safonau awdurdod perthnasol arall ystyried cais am ollyngiad a dyfarnu arno, rhaid i'r swyddog monitro neu'r pwyllgor safonau sy'n gwneud y trefniadau hynny roi hysbysiad am hynny i'r person sy'n gwneud y cais.

(5) Rhaid i'r hysbysiad y cyfeirir ato ym mharagraff (4) gynnwys y canlynol—

- (a) datganiad bod y mater wedi ei atgyfeirio i bwyllgor safonau awdurdod perthnasol arall i'r pwyllgor hwnnw ei ystyried a dyfarnu arno;
- (b) enw'r awdurdod perthnasol arall; ac
- (c) y rheswm pam y mae'r cais wedi ei atgyfeirio i bwyllgor safonau yr awdurdod perthnasol arall.

(6) Pan fo'r pwyllgor safonau wedi dyfarnu ar y cais rhaid iddo roi hysbysiad ysgrifenedig am ei benderfyniad i'r canlynol—

- (a) yr aelod sy'n gwneud cais am y gollyngiad; a
- (b) pwyllgor safonau yr awdurdod perthnasol a atgyfeiriodd y cais.”

(4) Where a monitoring officer or standards committee makes arrangements for a dispensation application to be considered and determined by the standards committee of another relevant authority, the monitoring officer or standards committee that makes those arrangements must provide notice to the person making the application accordingly.

(5) The notice to which paragraph (4) refers must include the following—

- (a) a statement that the matter has been referred to another relevant authority's standards committee for consideration and determination;
- (b) the name of the other relevant authority; and
- (c) the reason why the application has been referred to the standards committee of the other relevant authority.

(6) When the standards committee has determined the application it must give written notice of its decision to the—

- (a) member applying for the dispensation; and
- (b) standards committee of the referring relevant authority.”

*Leighton Andrews*

Y Gweinidog Gwasanaethau Cyhoeddus, un o  
Weinidogion Cymru  
27 Ionawr 2016

Minister for Public Services, one of the Welsh  
Ministers  
27 January 2016

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CYMRU

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WELSH STATUTORY  
INSTRUMENTS

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**2016 Rhif 85 (Cy. 39)**

**2016 No. 85 (W. 39)**

**LLYWODRAETH LEOL,  
CYMRU**

**LOCAL GOVERNMENT,  
WALES**

Rheoliadau Llywodraeth Leol  
(Pwyllgorau Safonau,  
Ymchwiliadau, Gollyngiadau ac  
Atgyfeirio) (Cymru) (Diwygio)  
2016

The Local Government (Standards  
Committees, Investigations,  
Dispensations and Referral) (Wales)  
(Amendment) Regulations 2016

£6.00

W2550/02/16

ON

ISBN 978-0-348-11244-3



9 780348 112443