

CYNGOR SIR YNYS MON / ISLE OF ANGLESEY COUNTY COUNCIL

MEETING:	Standards Committee
DATE:	14 September 2016
TITLE OF REPORT:	Amendment to the Standards Committee's Constitution
PURPOSE OF THE REPORT:	To approve the amended document at Enclosure 1
REPORT BY:	Solicitor – Corporate Governance
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1. INTRODUCTION & BACKGROUND

At its meeting on 12 May 2016 the Standards Committee resolved to reduce the number of ordinary meetings from 4 to 2 per annum.

The Constitution of the Standards Committee has been reviewed. This does not refer to the number of the Standards Committee meetings to be held in any one year. However, it is deemed desirable for the Constitution of the Standards Committee to be amended to reflect this arrangement.

Enclosure 1 shows the Constitution of the Standards Committee of the Isle of Anglesey County Council as established in accordance with Part III of the Local Government Act 2000 with the proposed additional wording included in red text.

2. STATUTORY REQUIREMENTS

The statutory requirement is that Standards Committees must meet at least once every year. The Standards Committee for this Council believes it would be a better use of resources to reduce the number of ordinary meetings of the Standards Committee from 4 to 2 per annum, which is still above the statutory minimum.

Extraordinary meetings of the Standards Committee will also be called to ensure compliance with any statutory obligations and informal meetings are to continue as business demands.

3. CONSTITUTIONAL REQUIREMENTS

An amendment to the Council's Constitution must be made by the Council. However, as the changes to **Enclosure 1** do not include amendments to the Council's Constitution, the Council's consent is not required, although the proposal has been presented to Council by the Chair of the Standards Committee and was supported at a meeting of the Council's group leaders.

An amendment to the workings of the Standards Committee can be made by the Standards Committee itself.

4. ACTION REQUIRED

To amend the Constitution of the Standards Committee of the Isle of Anglesey County Council as established in accordance with Part III of the Local Government Act 2000, so as to include details of the frequency of meetings and other consequential updates and changes as noted in **Enclosure 1**.

5. RECOMMENDATION

- A. To note the contents of this report.
- B. To resolve to adopt the Constitution of the Standards Committee of the Isle of Anglesey County Council as established in accordance with Part III of the Local Government Act 2000 with the annotated amendments noted in **Enclosure 1**.
- C. To consider whether any further amendments / additions are required to **Enclosure 1**.
- D. To publish the amended Constitution of the Standards Committee, together with all enclosures, on the Council's website.

ATODIAD / ENCLOSURE

1

**CONSTITUTION OF THE STANDARDS COMMITTEE OF THE ISLE OF ANGLESEY
COUNTY COUNCIL AS ESTABLISHED IN ACCORDANCE WITH PART III OF THE LOCAL
GOVERNMENT ACT 2000**

1. DEFINITIONS

In this constitution, unless the context otherwise requires, the following terms shall mean:-

'Authority' - the corporate body known as "The Isle of Anglesey County Council"

'Code of Conduct' - a code of conduct adopted by the Authority pursuant to Section 51 of the Local Government Act 2000.

'Complainant' - a person who makes a complaint against a Councillor including other Councillors, members of the Standards Committee, an officer of the Authority or a member of the public.

'Community Committee Member' - a member of the Standards Committee who is also a member of a community council within the area of the Authority, such members are excluded from the term 'Independent Member'.

'Council' - the body comprising the totality of the members of the Authority.

'Councillor' - an elected member of the Authority including co-opted members as defined by section 49(7) of the Local Government Act 2000.

'Independent Member' - a Member of the Standards Committee who is not an elected member, an officer, or the spouse of a member or officer of the Authority, or any other relevant authority, or a community council, as defined by the Standards Committees (Wales) Regulations 2001.

'Member' - a member of the Standards Committee.

'Monitoring Officer' - the officer appointed by the Council for the purposes of section 5 of the Local Government and Housing Act 1989. This term shall also include any Deputy Monitoring Officer appointed by the Council.

'Standards Committee' - the standards committee of The Isle of Anglesey County Council for the purposes of section 53 of the Local Government Act 2000.

2. TERMS OF REFERENCE

Generally

- 2.1 To promote and maintain high standards of conduct by Councillors.
- 2.2 To assist Councillors to observe the Authority's Code of Conduct.
- 2.3 To exercise the above functions in respect of the Community Councils and members of these Community Councils within the area of the Authority.

Specifically

- 2.4 To advise the Authority on the adoption or revision of a Code of Conduct
- 2.5 To monitor the operation of the Authority's Code of Conduct.
- 2.6 To advise, train or arrange to train Councillors on matters relating to the Authority's Code of Conduct.
- 2.7 To consider any reports or recommendations made by the Monitoring Officer either generally or following any investigation made pursuant to the Monitoring Officer's powers or duties under Part III of the Local Government Act 2000 or made following the receipt of any report sent to him or her by the [Commissioner for Local Administration in Wales](#); [Public Services Ombudsman for Wales](#).

2.8 To follow the Procedure for Hearings, detailed in **Enclosure 1** to this Constitution.

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2.89 To grant dispensations under Section 81(4) of the Local Government Act 2000 in accordance with Regulations of the Standards Committees (Grant of Dispensations) (Wales) Regulations 2001 [and The Local Government \(Standards Committees, Investigations, Dispensations and Referral\) \(Wales\) \(Amendment\) Regulations 2016](#) to allow a member or a co-opted member of the Council to participate in any business of the Council in respect of which he or she may be otherwise prohibited by the Council's Code of Conduct.

2.910 To consider (in consultation with the Monitoring Officer) such other matters as are appropriate and necessary to maintain the highest standards of conduct by Councillors.

2.101 To receive reports from the Monitoring Officer of allowances and expenses paid to persons who have assisted in an investigation by the Monitoring Officer.

2.112 To exercise the above functions in respect of community councils and members of those community councils within the area of the Authority.

~~2.12 To consider any complaints which had been submitted for consideration by but not conclusively dealt with by the Council's former Standards Committee established prior to the coming into effect of the provisions of Part III of the Local Government Act 2000 in relation to Standards Committees. In considering such complaints to follow the procedures and where it considers it appropriate to pursue the sanctions contained in the constitution of the former Standards Committee as confirmed by the Council on the 30th November 1999.~~

2.13 To conform with the Local Resolution Protocol, detailed in **Enclosure 2** to this Constitution

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Reporting

Enclosure 1

~~2.13 In so far as the Standards Committee is required to make recommendations to the Authority they shall be made direct to the Council.~~

3. SIZE, COMPOSITION, APPOINTMENT OF INDEPENDENT MEMBERS, TERMS OF OFFICE, RE-APPOINTMENT OF MEMBER, CHAIRPERSON AND VICE CHAIRPERSONS, VOTING, QUORUM, MEETINGS, ADMISSION OF THE PUBLIC, MINUTES, TRANSITIONAL ARRANGEMENTS

3.1 The provisions of the Standards Committees (Wales) Regulations 2001 and Standards Committees (Wales) (Amendment) Regulations 2006 (copies attached at Enclosures 3 and 4 respectively) regulate the above matters subject to the following adaptations which have been agreed by the Authority:

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Regulation 3 Size of Standards Committee
 Independent Members (5)
 Community Committee Members (2)
 County Councillors (2)

Regulation 15 Panel re appointment of Independent Member
 Lay Person (1)
 Community Committee Member (1)
 County Councillors (3)
 Period of Office of Panel to be 4 years.

Regulation 20 Terms of Office of Independent Members – Two consecutive four year terms

 Term of Office of Community Committee Member – Four years (unless re-appointed for a further consecutive four year term) or ceases to be Community Councillor

(Note: ~~The Authority has also determined that the Terms of Office for Community Committee Members on the Standards Committee should be the same as those applicable to County Council members of the Committee, save that the~~ Community Council member shall only sit on the Standards Committee when it is discharging functions in relation to Community Councils and Community Council Members. The Community Council Members may be appointed for no longer than two consecutive four year terms.)

~~3.2 The Council's Head of the Paid Service shall determine who shall act as clerk to the Standards Committee.~~

3.2 Frequency of Meetings

3.2.1 There will be two ordinary meetings of the Standards Committee per annum

3.2.2 Extraordinary meetings of the Standards Committee will be convened in addition to the meetings in 3.2.1 to ensure compliance with any statutory obligations including complaints and / or dispensations.

4. PROCEDURES

- 4.1 The Standards Committee will regulate its own procedures, taking into account all relevant statutory provisions and whenever appropriate the procedures will be consistent with the Principles of Conduct, Code of Conduct and Constitution of the Authority.
- 4.2 A complainant or a Councillor subject to a complaint must not canvass in any way any Member. Any member who is canvassed will report the matter immediately to the Monitoring Officer.
- 4.3 If a complaint is made by a Member or a person connected with a Member then that Member shall not participate in the proceedings when the complaint is considered.
- 4.4 In accordance with Regulation 14 of the Local Government Investigation (Functions of Monitoring Officers and Standards Committees) (Wales) Regulations 2001, a person making oral representations to the Standards Committee may have representation including legal representation.

5. ANNUAL REPORT

The Standards Committee will report at least once every calendar year to the Council on its work the preceding year.

6. ALLOWANCES AND EXPENSES

Independent members and Community Committee Members shall be paid such allowances as may from time to time be approved by the Authority.

7. FURTHER CONSTITUTIONAL REQUIREMENTS

- 7.1 Further detail regarding the Constitution of the Standards Committee is included in Paragraph 2.9 of the Isle of Anglesey County Council's Constitution, attached as Enclosure 5 to this Constitution.

ATODIAD / ENCLOSURE

1

Isle of Anglesey County Council

Standards Committee

Procedure for Local Standards Hearings

1 Introduction

This procedure sets out how the County Council will determine complaints of Member misconduct

2 Interpretation

- (a) "Member" means the Member of the Council who is the subject of the allegation being considered by the Standards Committee, unless stated otherwise. It also includes the Member's nominated representative.
- (b) "Investigating Officer" means the Public Services Ombudsman for Wales (PSOW), and includes his or her nominated representative. In the case of matters that have been referred for local investigation, references to the Investigating Officer means the person appointed by the Monitoring Officer to undertake that investigation.
- (c) "The Matter" is the subject matter of the Investigating Officer's report.
- (ch) "The Standards Committee" refers to the Standards Committee, or to any Standards Sub-Committee, to which it has delegated the conduct of the hearing.
- (d) "The Committee Support Officer" means an Officer of the Council responsible for supporting the Standards Committee's discharge of its functions and recording the decisions of the Standards Committee.
- (dd) "The Legal Advisor" means the Officer responsible for providing legal advice to the Standards Committee. This may be the Monitoring Officer, another legally qualified Officer of the Council, or someone appointed for this purpose from outside the Council.
- (e) "The Chairman" refers to the person presiding at the hearing
- (f) "The Complainant" means the person or persons who made the original allegation which has been investigated.

3 Modification of Procedure

The Chairman may agree to vary this procedure in any particular instance where he/she is of the opinion that such a variation is necessary in the interests of fairness.

4 Representation

The Member may be represented or accompanied at any stage of this procedure by a Solicitor, Counsel or, with the permission of the Standards Committee, by another person. Note that the cost of such representation must be met by the Member, unless the indemnities Sub Committee has expressly agreed to meet all or any parts of that cost.

5 Decision to conduct a local hearing

- (a) Upon receipt of the PSOW's report, or the report of an Investigating Officer, the Monitoring Officer shall refer that report to the Standards Committee, which shall resolve either –
 - (i) That there is no evidence of a failure by the Member to comply with the Code of Conduct, or
 - (ii) That the matter should go for a local hearing.
- (b) Where the Standards Committee resolves that there is no evidence of a failure to comply with the Code of Conduct, the Monitoring Officer shall notify the Member and the Complainant accordingly.
- (c) Where the Standards Committee resolves that the matter shall go to a local hearing, the Monitoring Officer shall conduct the pre-hearing procedure as set out below.

6 Pre-Hearing Procedure

Following a resolution of the Standards Committee to conduct a local hearing on a matter, the Monitoring Officer shall:

- (a) Arrange a date for the Standards Committee's hearing as determined by the Chairman;
- (b) Send a copy of the report to the Member and advise him of the date, time and place for the hearing;
- (c) Send a copy of the report to the Complainant and advise him of the date, time and place for the hearing;
- (ch) Notify the Community Council of the matter and of the date, time and place of the hearing (where the matter relates to the conduct of a Community Councillor);
- (d) Notify the Investigating Officer of the date, time and place of the hearing;
- (dd) Request the Member to complete and return the Pre-Hearing Forms appended to this Procedure within 14 days of receipt;
- (e) In the light of any Pre-Hearing Forms returned by the Member, determine whether the Standards Committee will require the attendance of the

Investigating Officer and any additional witnesses¹, including the Complainant, at the hearing to enable it to come to a properly considered conclusion at the hearing, and arrange for their attendance;

- (f) Request the Chairman to make such Directions as to the conduct of the hearing as may be necessary for the effective conduct of the hearing, which Directions may address such issues as –
 - (i) The time that the Standards Committee will sit to conduct the hearing;
 - (ii) Any matters which are to be taken as read and on which evidence is not required;
 - (iii) The witnesses to be heard and the times at which they should be present; and
 - (iv) The presence of witnesses when not giving evidence.
- (ff) Prepare a Pre-Hearing Summary Report setting out the course of the allegation, investigation and Pre-Hearing Process and high-lighting the issues which the Standards Committee will need to address, and
- (g) Arrange with the Committee Support Officer that the agenda for the hearing, together with the Monitoring Officer's Pre-Hearing Summary Report, the Investigating Officer's report and any other relevant documents are sent to:
 - (i) All members of the Standards Committee who will conduct the hearing;
 - (ii) The Member;
 - (iii) The person who made the allegation, and
 - (iv) The Investigating Officer.

7 Legal Advice

The Standards Committee may take legal advice from its legal advisor at any time during the hearing or while they are considering the outcome. The substance of any legal advice given to the Standards Committee should be shared with the Member and the Investigating Officer if they are present.

8 Setting the Scene

At the start of the hearing, the Chairman shall introduce each of the Members of the Standards Committee, the Member (if present), the Investigating Officer (if present) and any other Officers present, and shall then explain the procedure which the Standards Committee will follow in the conduct of the hearing.

9 Preliminary Procedural Issues

The Standards Committee shall then deal with the following preliminary procedural matters in the following order:

¹ Where the Member has indicated that he disputes any finding of fact in the Investigating Officer's report, the Standards Committee will need to hear evidence on the disputed point from a first hand witness, wherever possible.

(a) Apologies for absence

(b) Disclosures of interest

The Chairman shall ask members of the Standards Committee to disclose the existence and nature of any personal or prejudicial interests which they have in the matter, and to withdraw from consideration of the matter if so required.

(c) Quorum

The Chairman shall confirm that the Standards Committee is quorate²

(ch) Hearing procedure

The Chairman shall confirm that all present know the procedure which the Standards Committee will follow in determining the matter.

(d) Proceeding in the absence of the Member

If the Member is not present at the start of the hearing:

(i) the Chairman shall ask the Monitoring Officer whether the Member has indicated his/her intention not to attend the hearing;

(ii) the Standards Committee shall then consider any reasons which the Member has provided for not attending the hearing and shall decide whether it is satisfied that there is sufficient reason for such failure to attend;

(iii) if the Standards Committee is satisfied with such reasons, it shall adjourn the hearing to another date;

(iv) if the Standards Committee is not satisfied with such reasons, or if the Member has not given any such reasons, the Standards Committee shall decide whether to consider the matter and make a determination in the absence of the Member or to adjourn the hearing to another date.

(dd) Exclusion of Press and Public

The Standards Committee may exclude the press and public from all or part of its consideration of the matter where it appears likely that confidential or exempt information will be disclosed in the course of its consideration.

The Chairman shall ask the Member, the Investigating Officer and the Legal Advisor to the Standards Committee whether they wish to ask the Standards

² A meeting of the Standards Committee is not quorate unless at least three members of the Standards Committee are present for the duration of the meeting. The Chairman must be an Independent member, and at least half of the members of the Committee present must be Independent members. Where the Committee is considering a matter relating to the conduct of a member of a Community Council, at least one member of the Committee must be a Community Council representative, but the Committee is not inquorate by reason of the absence of the Community Council representative.

Committee to exclude the press and public from all or any part of the hearing. If any of them so request, the Chairman shall ask them to put forward reasons for so doing and ask for responses from the others, and the Standards Committee shall then determine whether to exclude the press and public from all or any part of the hearing.

Where the Standards Committee does not resolve to exclude press and public, the agenda and any documents which have been withheld from the press and public in advance of the meeting shall then be made available to the press and public.

10 Failure to Comply with the Code of Conduct?

The Standards Committee will then address the issue of whether the Member failed to comply with the Code of Conduct in the manner set out in the Investigating Officer's report.³

(a) The Pre-Hearing Process Summary

The Chairman will ask the Legal Advisor or the Committee Support Officer to present the Monitoring Officer's Pre-Hearing Summary Report, highlighting any points of difference in respect of which the Member has stated that he/she disagrees with any finding of fact in the Investigating Officer's report. The Chairman will then ask the Member to confirm that this is an accurate summary of the issues, to confirm that he/she maintains the position as set out in the pre-hearing summary, and ask the Member to identify any additional points upon which he/she disagrees with any finding of fact in the Investigating Officer's report.

- (i) If the Member admits that he/she has failed to comply with the Code of Conduct in the manner described in the Investigating Officer's report, the Standards Committee may then take the Investigating Officer's report as read and make a determination that the Member has failed to comply with the Code of Conduct in the manner described in the Investigating Officer's report and proceed directly to consider whether any action should be taken in respect of the Member's misconduct.
- (ii) If the Member identifies additional points of difference, the Chairman shall ask the Member to explain why he/she did not identify these points as part of the pre-hearing process. He/she shall then ask the

³ Note that the Standards Committee's consideration is limited to the matter, in terms of the set of facts, as set out in the Investigating Officer's report. The Standards Committee may find that these facts disclose a breach of a part of the Code of Conduct other than that found by the Investigating Officer (for example that the facts constituted bullying rather than just a failure to treat with respect). However, if, in the course of their consideration, the Standards Committee apprehend that the evidence before them reveals an entirely different failure to comply with the Code of Conduct (for example where the complaint is of failure to treat Officer A with respect, but the evidence also indicates a failure to treat Officer B with respect), such a possible additional or alternative failure will not be within the remit of the Standards Committee. At that stage, the member will not have had notice of the Standards Committee's consideration of the possible additional or alternative failure and that it would therefore be unfair to proceed to consider that second matter at the hearing into the first alleged failure. Where the Standards Committee do apprehend a possible additional or alternative failure, a failure by a different member, or a failure in respect of the code of conduct of another authority, they should refer the second matter to the PSOW as a new allegation.

Investigating Officer (if present) whether he/she is in a position to deal with those additional points of difference directly or through any witnesses who are in attendance or whose attendance at the hearing can conveniently be arranged. Where the Standards Committee is not satisfied with the Member's reasons for failing to identify each additional point of difference as part of the pre-hearing process, it may decide that it will continue the hearing but without allowing the Member to challenge the veracity of those findings of fact which are set out in the Investigating Officer's report but in respect of which the Member did not identify a point of difference as part of the pre-hearing process, or it may decide to adjourn the hearing to allow the Investigating Officer and/or any additional witnesses to attend the hearing.

- (b) Presenting the Investigating Officer's report
 - (i) If the Investigating Officer is present, the Chairman will then ask the Investigating Officer to present his/her report, having particular regard to any points of difference identified by the Member and why he/she concluded, on the basis of his/her findings of fact, that the Member had failed to comply with the Code of Conduct. The Investigating Officer may call witnesses as necessary to address any points of difference.
 - (ii) If the Investigating Officer is not present, the Standards Committee shall only conduct a hearing if they are satisfied that there are no substantial points of difference or that any points of difference can be satisfactorily resolved in the absence of the Investigating Officer. In the absence of the Investigating Officer, the Standards Committee shall determine on the advice of the Monitoring Officer which witnesses, if any, to call. Where such witnesses are called, the Chairman shall draw the witnesses' attention to any relevant section of the Investigating Officer's report and ask the witness to confirm or correct the report and to provide any relevant evidence.
 - (iii) No cross-examination shall be permitted but, at the conclusion of the Investigating Officer's report and/or of the evidence of each witness, the Chairman shall ask the Member if there are any matters upon which the Standards Committee should seek the representations of the Investigating Officer or the witness, and then the members of the Standards Committee may address questions to the Investigating Officer or the witness.
- (c) The Member's response
 - (i) The Chairman shall then invite the Member to respond to the Investigating Officer's report and to call any witnesses as necessary to address any points of difference.
 - (A) The Member may arrange for his representative to make submission on his behalf, and/or to introduce the Member and any witnesses on his behalf;
 - (B) The Member does not have to give evidence or to answer any questions, but the Standards Committee may draw reasonable conclusions from any failure on his part to give evidence or to

answer any question.

- (ii) No cross-examination shall be permitted but, at the conclusion of the Member's evidence and/or of the evidence of each witness, the Chairman shall ask the Investigating Officer if there are any matters upon which the Standards Committee should seek the representations of the Member or the witness, and then the Members of the Standards Committee may address questions to the Member or the witness.

(ch) Witnesses

The Standards Committee shall be entitled to refuse to hear evidence from the Investigating Officer, the Member or a witness unless they are satisfied that the witness is likely to give evidence which they need to hear in order to be able to determine whether there has been a failure to comply with the code of conduct.

(d) Additional Evidence

- (i) At the conclusion of the evidence, the Chairman shall check with the Members of the Standards Committee that they are satisfied that they have sufficient evidence to come to a considered conclusion on the matter.
- (ii) If the Standards Committee, at any stage prior to determining whether there was a failure to comply with the Code of Conduct, are of the opinion that they require additional evidence on any point in order to be able to come to a considered conclusion on the matter, the Standards Committee may (on not more than one occasion) adjourn the hearing and make a request to the Investigating Officer to seek and provide such additional evidence and to undertake further investigation on any point specified by the Standards Committee.

(dd) The Member and the Investigating Officer will be given an opportunity to make closing representations.

(e) Determination as to whether there was a failure to comply with the Code of Conduct.

- (i) Unless the determination merely confirms the Member's admission of a failure to comply with the Code of Conduct (as set out in Paragraph 10(a)(i) above), the Standards Committee shall retire to another room to consider in private whether the Member did fail to comply with the Code of Conduct as set out in the Investigating Officer's report.
- (ii) The Standards Committee shall take its decision on the balance of probability based on the evidence which it has received at the hearing.
- (iii) The Standards Committee's function is to make a determination on the matter. It may, at any time, return to the main hearing room in order to seek additional evidence from the Investigating Officer, the Member or a witness. If it requires any further information, it may adjourn and instruct an officer or request the Member to produce such further evidence to the Standards Committee.
- (iv) If the Standards Committee requires legal advice on any point, it may either –

- (A) Request the Legal Adviser to join the Committee and provide such advice, in which case the Legal Advisor shall repeat such advice in open forum when the Standards Committee returns, and the Member's legal representative may respond to such advice; or
- (B) Return to open forum and request the Legal Advisor to give advice, inviting the Member's legal representative to respond to any such advice.
- (v) At the conclusion of the Standards Committee's consideration, the Standards Committee shall consider whether it is minded to make any recommendations to the Council with a view to promoting high standards of conduct among Members.
- (vi) The Standards Committee shall then return to the main hearing room and the Chairman will state the Standards Committee's principal findings of fact and their determination as to whether the Member failed to comply with the Code of Conduct as set out in the Investigating Officer's report.

11 If the Member has not failed to follow the Code of Conduct

If the Standards Committee determines that the Member has not failed to follow the Code of Conduct in the manner set out in the Investigating Officer's report:

- (a) The Chairman should summarise the Standards Committee's findings;
- (b) If the Standards Committee apprehends, from the evidence which they have received during the hearing, that a Member has failed to comply with the Code of Conduct (other than the matter which the Standards Committee has just determined), the Chairman shall outline the Standards Committee's concerns and state that the Standards Committee has referred this additional or alternative failure to the Monitoring Officer with a view to a further allegation being made to the PSOW.
- (c) The Chairman should then set out any recommendations which the Standards Committee is minded to make to the Council with a view to promoting high standards of conduct among Members and seek the views of the Member, the Investigating Officer and the legal advisor before the Standards Committee finalises any such recommendations.
- (ch) Finally, the Chairman should ask the Member whether he/she wishes the Council not to publish a statement of its finding in a local newspaper.

12 Action consequent upon a failure to comply with the Code of Conduct

If the Standards Committee determines that the Member has failed to follow the Code of Conduct in the manner set out in the Investigating Officer's report:

- (a) The Chairman shall summarise the Standards Committee's findings;
- (b) The Chairman may then indicate the order of sanction which he considers may be appropriate and ask the Member or his legal representative to make

representations on sanction.⁴

- (c) The Chairman may then ask the Investigating Officer to make representations as to sanction.
- (ch) The Chairman will then ensure that each member of the Standards Committee is satisfied that he/she has sufficient information to enable him/her to take an informed decision as to whether to impose a sanction and (if appropriate) as to the form of the sanction.
- (d) Any member of the Standards Committee may address questions to the Investigating Officer or to the Member as necessary to enable him/her to take such an informed decision.
- (dd) The Standards Committee shall then retire to another room to consider in private whether to impose a sanction, (where a sanction is to be imposed) what sanction to impose and when that sanction should take effect, and any recommendations which the Standards Committee will make to the Council.
- (e) At the completion of their consideration, the Standards Committee shall return to the main hearing room and the Chairman shall state the Standards Committee's decisions as to whether to impose a sanction and (where a sanction is to be imposed) the nature of that sanction, and when it should take effect, together with the principal reasons for those decisions, and any recommendations which the Standards Committee will make to the Council.

13 The close of the hearing

- (a) The Standards Committee will announce its decision on the day of the hearing and provide the Committee Support Officer with a short written statement of their decision, which the Committee Support Officer will deliver to the Member as soon as practicable after the close of the hearing;
- (b) The Chairman will thank all those present who have contributed to the conduct of the hearing and formally close the hearing;
- (c) Following the close of the hearing, the Committee Support Officer will agree a formal written notice of the Standards Committee's determination and the Monitoring Officer shall arrange for the distribution and publication of that notice (or a summary of that notice, where required).

⁴ The decisions as to sanctions which are available to the Standards Committee are any of the following :
“(i) that no action is required
(ii) to censure the Member;
(iii) partial suspension of the Member for a period up to a maximum of six months;
(iv) suspension of the Member for a period up to a maximum of six months.

Suspension and partial suspension only relate to the Member in his capacity as a member of the authority to which the complaint related.

Any sanction imposed shall as soon as the period for appeal has passed, or any appeal has been decided, whichever is later, immediately unless the Standards Committee direct (for any sanction other than censure) that it shall commence on any date specified by the Standards Committee within six months of the date of the hearing.

14 Appeals.

The Member may appeal against the decision of the Standards Committee by writing to the President of the Adjudication Panel for Wales, ensuring that his letter sets out the grounds for such an appeal, includes a statement as to whether or not he consents to the appeal being heard by way of written representations, and is received by the President within 21 days of the date of the written notice of decision.

Details of case and reference number

FORM A

Subject Member's response to the evidence set out in the investigation report

Please enter the number of any paragraph in the investigation report where you disagree with the findings of fact, and give your reasons and your suggested alternative.

Paragraph number from the investigation report	Reasons for disagreeing with the findings of fact provided in that paragraph	Suggestion as to how the paragraph should read

Details of case and reference number

FORM B

Other evidence relevant to the complaint

Please set out below, using the numbered paragraphs, any evidence you feel is relevant to the complaint made about you.

Paragraph number	Details of the evidence
1	
2	
3	
4	

5	
6	
7	
8	
9	
10	

Details of case and reference number

FORM C

Representations to be taken into account if a Member is found to have failed to follow the Code of Conduct

Only complete this form if you agree with the findings in the investigation report that you failed to comply with the Code of Conduct

Please set out below, using the numbered paragraphs, any factors that the Standards Committee should take into account if it finds that you failed to follow the Code of Conduct. Please note that no such finding has been made yet.

Paragraph number	Factors for the Standards Committee to take into account when deciding whether to censure, suspend, or partially suspend
1	
2	
3	

4	
5	
6	
7	
8	
9	
10	

Details of case and reference number

FORM D

Arrangements for the Standards Committee hearing

Please tick the relevant boxes.

1	Are you planning to attend the Standards Committee hearing on the proposed date in the accompanying letter? If 'No', please explain why.	Yes <input type="checkbox"/> No <input type="checkbox"/>	Reason:
2	Are you going to present your own case?	Yes <input type="checkbox"/> No <input type="checkbox"/>	
3	If you are not presenting your own case, will a representative present it for you? If 'Yes', please state the name of your representative.	Yes <input type="checkbox"/> No <input type="checkbox"/>	Name:
4	Is your representative a practising Solicitor or Barrister? If 'Yes', please give their legal qualifications. Then go to Question 6 . If 'No' please go to Question 5 .	Yes <input type="checkbox"/> No <input type="checkbox"/>	Qualifications:

<p>5</p>	<p>Does your representative have any connection with your case?</p> <p>If 'Yes', please give details.</p>	<p>Yes <input type="checkbox"/></p> <p>No <input type="checkbox"/></p>	<p>Details:</p>
<p>6</p>	<p>Are you going to call any witnesses?</p> <p>If 'Yes', please fill in Form E.</p>	<p>Yes <input type="checkbox"/></p> <p>No <input type="checkbox"/></p>	
<p>7</p>	<p>Do you, your representative or your witnesses have any access difficulties or any other needs? (e.g. is wheelchair access needed?)</p> <p>If 'Yes', please give details.</p>	<p>Yes <input type="checkbox"/></p> <p>No <input type="checkbox"/></p>	<p>Details:</p>
<p>8</p>	<p>Do you, your representative or witnesses need an interpreter?</p> <p>If 'Yes' please give details</p>	<p>Yes <input type="checkbox"/></p> <p>No <input type="checkbox"/></p>	<p>Details:</p>
<p>9</p>	<p>Do you want any part of the hearing to be held in private?</p> <p>If 'Yes', please give reasons.</p>	<p>Yes <input type="checkbox"/></p> <p>No <input type="checkbox"/></p>	<p>Reasons:</p>
<p>10</p>	<p>Do you want any part of the relevant documents to be withheld from public inspection?</p> <p>If 'Yes', please give reasons.</p>	<p>Yes <input type="checkbox"/></p> <p>No <input type="checkbox"/></p>	<p>Reasons:</p>

Details of case and reference number

FORM E

Details of witnesses you propose to call:

Name of witness or witnesses	1		
	2		
	3		
	4		
	5		
	6		
	7		
	8		
	9		
	10		
Witness 1			
a	Will the witness give evidence about the allegation? If 'Yes', please provide an outline of the evidence the witness will give.	Yes <input type="checkbox"/> No <input type="checkbox"/>	Outline of evidence:

<p>b</p>	<p>Will the witness give evidence about what action the standards committee should take if it finds that the Code of Conduct has not been followed?</p> <p>If 'Yes', please provide an outline of the evidence the witness will give.</p>	<p>Yes <input type="checkbox"/></p> <p>No <input type="checkbox"/></p>	<p>Outline of evidence:</p>
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Witness 2

<p>a</p>	<p>Will the witness give evidence about the allegation?</p> <p>If 'Yes', please provide an outline of the evidence the witness will give.</p>	<p>Yes <input type="checkbox"/></p> <p>No <input type="checkbox"/></p>	<p>Outline of evidence:</p>
<p>b</p>	<p>Will the witness give evidence about what action the standards committee should take if it finds that the Code of Conduct has not been followed?</p> <p>If 'Yes', please provide an outline of the evidence the witness will give.</p>	<p>Yes <input type="checkbox"/></p> <p>No <input type="checkbox"/></p>	<p>Outline of evidence:</p>

Witness 3

a	<p>Will the witness give evidence about the allegation?</p> <p>If 'Yes', please provide an outline of the evidence the witness will give.</p>	<p>Yes <input type="checkbox"/></p> <p>No <input type="checkbox"/></p>	Outline of evidence:
b	<p>Will the witness give evidence about what action the standards committee should take if it finds that the Code of Conduct has not been followed?</p> <p>If 'Yes', please provide an outline of the evidence the witness will give.</p>	<p>Yes <input type="checkbox"/></p> <p>No <input type="checkbox"/></p>	Outline of evidence:

Witness 4

a	<p>Will the witness give evidence about the allegation?</p> <p>If 'Yes', please provide an outline of the evidence the witness will give.</p>	<p>Yes <input type="checkbox"/></p> <p>No <input type="checkbox"/></p>	Outline of evidence:
b	<p>Will the witness give evidence about what action the standards committee should take if it finds that the Code of Conduct has not been followed?</p> <p>If 'Yes', please provide an outline of the evidence the witness will give.</p>	<p>Yes <input type="checkbox"/></p> <p>No <input type="checkbox"/></p>	Outline of evidence:

Witness 5

a	<p>Will the witness give evidence about the allegation?</p> <p>If 'Yes', please provide an outline of the evidence the witness will give.</p>	<p>Yes <input type="checkbox"/></p> <p>No <input type="checkbox"/></p>	Outline of evidence:
b	<p>Will the witness give evidence about what action the standards committee should take if it finds that the Code of Conduct has not been followed?</p> <p>If 'Yes', please provide an outline of the evidence the witness will give.</p>	<p>Yes <input type="checkbox"/></p> <p>No <input type="checkbox"/></p>	Outline of evidence:

Witness 6

a	<p>Will the witness give evidence about the allegation?</p> <p>If 'Yes', please provide an outline of the evidence the witness will give.</p>	<p>Yes <input type="checkbox"/></p> <p>No <input type="checkbox"/></p>	Outline of evidence:
b	<p>Will the witness give evidence about what action the standards committee should take if it finds that the Code of Conduct has not been followed?</p> <p>If 'Yes', please provide an outline of the evidence the witness will give.</p>	<p>Yes <input type="checkbox"/></p> <p>No <input type="checkbox"/></p>	Outline of evidence:

Witness 7

a	<p>Will the witness give evidence about the allegation?</p> <p>If 'Yes', please provide an outline of the evidence the witness will give.</p>	<p>Yes <input type="checkbox"/></p> <p>No <input type="checkbox"/></p>	Outline of evidence:
b	<p>Will the witness give evidence about what action the standards committee should take if it finds that the Code of Conduct has not been followed?</p> <p>If 'Yes', please provide an outline of the evidence the witness will give.</p>	<p>Yes <input type="checkbox"/></p> <p>No <input type="checkbox"/></p>	Outline of evidence:

Witness 8

a	<p>Will the witness give evidence about the allegation?</p> <p>If 'Yes', please provide an outline of the evidence the witness will give.</p>	<p>Yes <input type="checkbox"/></p> <p>No <input type="checkbox"/></p>	Outline of evidence:
b	<p>Will the witness give evidence about what action the standards committee should take if it finds that the Code of Conduct has not been followed?</p> <p>If 'Yes', please provide an outline of the evidence the witness will give.</p>	<p>Yes <input type="checkbox"/></p> <p>No <input type="checkbox"/></p>	Outline of evidence:

Witness 9

a	<p>Will the witness give evidence about the allegation?</p> <p>If 'Yes', please provide an outline of the evidence the witness will give.</p>	<p>Yes <input type="checkbox"/></p> <p>No <input type="checkbox"/></p>	Outline of evidence:
b	<p>Will the witness give evidence about what action the standards committee should take if it finds that the Code of Conduct has not been followed?</p> <p>If 'Yes', please provide an outline of the evidence the witness will give.</p>	<p>Yes <input type="checkbox"/></p> <p>No <input type="checkbox"/></p>	Outline of evidence:

Witness 10

a	<p>Will the witness give evidence about the allegation?</p> <p>If 'Yes', please provide an outline of the evidence the witness will give.</p>	<p>Yes <input type="checkbox"/></p> <p>No <input type="checkbox"/></p>	Outline of evidence:
b	<p>Will the witness give evidence about what action the standards committee should take if it finds that the Code of Conduct has not been followed?</p> <p>If 'Yes', please provide an outline of the evidence the witness will give.</p>	<p>Yes <input type="checkbox"/></p> <p>No <input type="checkbox"/></p>	Outline of evidence:

ATODIAD / ENCLOSURE

2

ISLE OF ANGLESEY COUNTY COUNCIL

LOCAL RESOLUTION PROTOCOL

Generally

1. The purpose of the Protocol is to promote high standards of conduct, with a view to fostering positive working relationships among Members, and between Members and Officers, to avoid spurious complaints to the Public Services Ombudsman for Wales (PSOW) and to safeguard the Council's reputation.
2. The Protocol will only apply to cases of alleged misconduct against Members under paragraphs 4(b) and 6(1)(d) of the Code of Conduct. That is to say, allegations of failure to show respect and consideration for others, or allegations that a Member has made vexatious, malicious or frivolous complaints against other Members or anyone who works for, or on behalf of, the Council.
3. The Protocol seeks to achieve swift mediation and reconciliation. It is not punitive but it may become relevant to sanction if a formal complaint, involving a pattern of similar conduct, is made to the PSOW.
4. The Protocol is not intended to interfere with, or take the place of, group or party discipline.
5. The Protocol is not intended to interfere with, or take the place of, any statutory or contractual rights which Officers may have.
6. The Protocol is not intended to oust the jurisdiction of the PSOW but, rather, to deal with a limited category of cases, where a breach of paragraphs 4(b) or 6(1)(d) of the Code may have occurred, but where such a finding would probably not result in disciplinary action. Such cases, at least individually, would not meet the PSOW's threshold test for investigation.

Procedure

7. A Member or Officer wishing to use the Protocol must put their complaint in writing to the Monitoring Officer, explaining when and where the alleged breach occurred, how and why paragraph 4(b) and/or 6(1)(d) have been breached, together with the details of any witnesses and any relevant documentation.
8. Any written complaint must be sent to the Monitoring Officer within 7 working days from the date of the event which is the subject of the complaint, or 7 working days from the date when the event came to the knowledge of the complainant.
9. The Monitoring Officer, or his/her representative, will send a copy of the complaint, and any supporting evidence, to the Member who is the subject of the complaint. That Member will have 7 working days, from receipt, within which to send a written reply to the Monitoring Officer setting out their response and providing details of any witnesses and any relevant documentation.
10. Having received a reply from the Member complained of, or when the time for reply has elapsed, the Monitoring Officer will:-

- copy the full response to the complainant;
 - arrange a meeting of an informal Panel of the Standards Committee to consider the complaint on the first convenient date available for all concerned.
11. The meeting of the Standards Committee Panel will take place in private and any paperwork which it receives, or which it generates, will remain confidential to the Panel, its advisors, and the parties. This is, however, subject to any legal duty to disclose e.g. to the PSOW in the event that matters escalate.
 12. Any informal Panel of the Standards Committee will consist of two Members of the Committee, on a rotational basis, but will not include a Community Council Member.
 13. The parties will be asked to attend the Panel and will be responsible for bringing along any witnesses upon whom they intend to rely.
 14. In the absence of a party or witness it will be a matter for the discretion of the Panel as to whether or not they proceed, or reschedule.
 15. If the complainant, or the Member complained of, is a Member of a political group then he/she may invite their Group Leader to attend the Panel. Any relevant Group Leader is not required to attend, but is encouraged to do so.
 16. The Monitoring Officer, or his/her representative, will attend to advise the Panel.
 17. The procedure of any Panel will be informal. The Panel will endeavour to be fair and even handed to both parties. There will be no rules of evidence, as such, but any witnesses called will only attend to share their information with the Panel; they will not "sit in" during the meeting.
 18. After hearing from the parties, and any witnesses, together with the Group Leaders (should there be Group Leaders in attendance and should they wish to address the Panel) the Panel will then retire to private session, returning to express its view and to put forward any recommendations it may have for resolution. The Panel has no disciplinary powers but may make recommendations to Group Leaders individually, in relation to Members of their Group and, to the Group Leaders collectively in relation to any unaffiliated Member.
 19. There will be no right of appeal under this process.
 20. The parties will receive written confirmation of the Panel's findings and the outcome of all Panels will be reported, albeit in an anonymised format only, to all quarterly meetings of the Standards Committee.
 21. The outcome of any Panel will also be discussed as a standing item at Group Leaders' meetings.

ATODIAD / ENCLOSURE

3



CYNULLIAD CENEDLAETHOL CYMRU

NATIONAL ASSEMBLY FOR WALES

OFFERYNNAU STATUDOL

STATUTORY INSTRUMENTS

2001 Rhif 2283 (Cy.172)

2001 No. 2283 (W.172)

**LLYWODRAETH LEOL,
CYMRU**

**LOCAL GOVERNMENT,
WALES**

**Rheoliadau Pwyllgorau Safonau
(Cymru) 2001**

**The Standards Committees (Wales)
Regulations 2001**

NODYN ESBONIADOL

EXPLANATORY NOTE

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

(This note does not form part of the Regulations)

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

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

Mae adran 53(1) o'r Ddeddf yn ei gwneud yn ofynnol i bob awdurdod perthnasol, sydd, yng Nghymru, yn cynnwys cynghorau sir a chynghorau bwrdeistref sirol, awdurdodau tân, awdurdodau Parciau Cenedlaethol ac awdurdodau heddlu ond nid cynghorau cymuned, sefydlu pwyllgor safonau sydd i gael y swyddogaethau a roddir iddo gan neu o dan y Rhan honno o'r Ddeddf.

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

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

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

Mae rheoliadau 3, 4, 5, 6, 7, 8, 9, 10 ac 11 yn gwneud darpariaeth mewn perthynas â maint ac aelodaeth pwyllgor ac is-bwyllgorau safonau ac mae rheoliad 12 yn darparu nad oes unrhyw ofyniad ynghylch cydbwysedd gwleidyddol i fod yn gymwys iddynt.

Regulations 3, 4, 5, 6, 7, 8, 9, 10 and 11 make provision with respect to the size and composition of standards committees and sub-committees and Regulation 12 provides that no requirement of political balance is to apply to them.

Mae rheoliadau 13, 14, 15, 16 a 17 yn darparu ar gyfer penodi aelodau annibynnol i bwyllgorau ac is-bwyllgorau safonau.

Regulations 13, 14, 15, 16 and 17 provide for the appointment of independent members to standards committees and sub-committees.

Mae rheoliadau 18, 19, 20 ac 21 yn gwneud darpariaeth mewn perthynas â chyfnod swydd aelodau pwyllgorau ac is-bwyllgorau safonau a'u hailbenodi.

Regulations 18, 19, 20 and 21 make provision with respect to the term of office and re-appointment of members of standards committees and sub-committees.

Mae rheoliadau 22 a 23 yn gwneud darpariaeth mewn perthynas â swydd cadeirydd ac is-gadeirydd pwyllgor neu is-bwyllgor safonau ac mewn perthynas â phleidleisio mewn cyfarfodydd.

Regulations 22 and 23 make provision with respect to the office of chairperson and vice-chairperson of a standards committee or sub-committee and with respect to voting at meetings.

Mae rheoliadau 24 a 25 yn gwneud darpariaeth mewn perthynas â Chworwm yng nghyfarfodydd pwyllgorau ac is-bwyllgorau safonau, mynychder y cyfarfodydd a phresenoldeb swyddog monitro'r awdurdod neu gynrychiolydd i'r swyddog monitro.

Regulations 24 and 25 make provision with respect to a Quorum at meetings of standards committees and sub-committees, the frequency of meetings and the attendance of the authority's monitoring officer or a representative of the monitoring officer.

Mae rheoliad 26 yn cymhwyso, gydag addasiadau, ddarpariaethau penodol Rhan VA o Ddeddf Llywodraeth Leol 1972 at bwyllgorau ac is-bwyllgorau safonau.

Regulation 26 applies, with modifications, certain provisions of Part VA of the Local Government Act 1972 to standards committees and sub-committees.

Mae rheoliadau 28 a 29 yn gwneud darpariaeth mewn perthynas â chadw cofnod o'r trafodion ac mewn perthynas â chylch gwaith pwyllgorau ac is-bwyllgorau safonau.

Regulations 28 and 29 make provision with respect to the keeping of a record of the proceedings and with respect to terms of reference of standards committees and sub-committees.

Mae rheoliad 30 yn gwneud darpariaeth mewn perthynas â threfniadau trosiannol ynghylch penodi aelodau annibynnol i bwyllgorau ac is-bwyllgorau safonau.

Regulation 30 makes provision with respect to transitional arrangements regarding the appointment of independent members to standards committees and sub-committees.

2001 Rhif 2283 (Cy.172)

**LLYWODRAETH LEOL,
CYMRU**

**Rheoliadau Pwyllgorau Safonau
(Cymru) 2001**

Wedi'u gwneud 21 Mehefin 2001
Yn dod i rym 28 Gorffennaf 2001

Mae Cynulliad Cenedlaethol Cymru yn gwneud y Rheoliadau canlynol drwy arfer y pwerau a roddwyd iddo gan adrannau 53(11) a (12), 56(5) a 105(1) a (2) o Ddeddf Llywodraeth Leol 2000(a).

Enwi, cychwyn a chymhwyso

1.-(1) Enw'r Rheoliadau hyn yw Rheoliadau Pwyllgorau Safonau (Cymru) 2001 a deuant i rym ar 28 Gorffennaf 2001.

(2) Mae'r Rheoliadau hyn yn gymwys i Gymru yn unig.

Dehongli

2. Yn y Rheoliadau hyn -

ystyr "aelod" ("*member*"), oni fydd y cyd-destun yn mynnu fel arall, yw -

- (a) yn achos awdurdod lleol, aelod etholedig o'r awdurdod hwnnw, a
- (b) yn achos awdurdod Parc Cenedlaethol neu awdurdod tân aelod a benodir i'r awdurdod hwnnw naill ai -
 - (i) o dan Orchymyn Awdurdodau Parciau Cenedlaethol (Cymru) 1995, neu
 - (ii) o dan unrhyw un o'r Gorchmynion Gwasanaethau Tân;

ystyr "aelod annibynnol" ("*independent member*") yw aelod o bwyllgor safonau nad yw -

- (a) yn aelod,
- (b) yn swyddog, neu
- (c) yn briod ag aelod neu swyddog

(a) 2000 p.22.

2001 No. 2283 (W.172)

**LOCAL GOVERNMENT,
WALES**

**The Standards Committees (Wales)
Regulations 2001**

Made 21st June 2001
Coming into force 28th July 2001

The National Assembly for Wales makes the following Regulations in exercise of the powers conferred upon it by sections 53(11) and (12), 56(5) and 105(1) and (2) of the Local Government Act 2000(a).

Citation, commencement and application

1.-(1) These Regulations may be cited as the Standards Committees (Wales) Regulations 2001 and shall come into force on 28 July 2001.

(2) These Regulations apply to Wales only.

Interpretation

2. In these Regulations -

"the 1972 Act" ("*Deddf 1972*") means the Local Government Act 1972(b);

"the 2000 Act" ("*Deddf 2000*") means the Local Government Act 2000;

"alternative arrangements" ("*trefniadau amgen*") means arrangements specified in regulations made by the National Assembly for Wales under section 32(1) of the 2000 Act;

"board" ("*bwrdd*") has the meaning given to it by the Local Authorities (Alternative Arrangements) (Wales) Regulations 2001(c);

"chairperson" ("*cadeirydd*") for the purposes of regulation 8(3) includes -

- (a) a chairman elected under paragraph 5 of Schedule 3 to the National Park Authorities (Wales) Order 1995(d), and

(a) 2000 c.22.

(b) 1972 c.70.

(c) S.I. 2001/2284 (W.173).

(d) S.I. 1995/2803.

o'r awdurdod perthnasol o dan sylw, unrhyw awdurdod pethnasol arall, na chyngor cymuned;

ystyr "aelod panel" ("*panel member*") yw aelod o banel a sefydlwyd o dan reoliad 15;

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, neu
- (b) nad yw'n briod i aelod neu swyddog

o'r awdurdod perthnasol o dan sylw, unrhyw awdurdod perthnasol arall na chyngor cymuned;

ystyr "aelod pwyllgor cymunedol" ("*community committee member*") yw aelod o bwyllgor safonau sy'n aelod hefyd o gyngor cymuned yn ardal yr awdurdod perthnasol o dan sylw;

ystyr "awdurdod lleol" ("*local authority*") yw cyngor sir neu gyngor bwrdeistref sirol;

ystyr "awdurdod Parc Cenedlaethol" ("*National Park authority*") yw awdurdod Parc Cenedlaethol a sefydlwyd o dan adran 63 o Ddeddf yr Amgylchedd 1995(a);

ystyr "awdurdod perthnasol" ("*relevant authority*") yw -

- (a) cyngor sir,
- (b) cyngor bwrdeistref sirol,
- (c) awdurdod Parc Cenedlaethol, ac
- (ch) awdurdod tân;

ystyr "awdurdod tân" ("*fire authority*") yw awdurdod tân a gyfansoddwyd trwy gynllun cyfuno o dan Ddeddf Gwasanaethau Tân 1947(b);

mae i "bwrdd" ("*board*") yr ystyr a roddir iddo gan Reoliadau Awdurdodau Lleol (Trefniadau Amgen) (Cymru) 2001(c);

mae "cadeirydd" ("*chairperson*"), at ddibenion rheoliad 8(3), yn cynnwys -

- (a) cadeirydd a etholir o dan baragraff 5 o Atodlen 3 i Orchymyn Awdurdodau Parciau Cenedlaethol (Cymru) 1995(ch), a
- (b) cadeirydd a etholir o dan baragraff 17 o Ran III o'r Atodlen i unrhyw un o'r Gorchymynion Gwasanaethau Tân;

ystyr "Deddf 1972" ("*the 1972 Act*") yw Deddf Llywodraeth Leol 1972(d);

ystyr "Deddf 2000" ("*the 2000 Act*") yw Deddf Llywodraeth Leol 2000;

mae "dirprwy gadeirydd" ("*deputy chairperson*") yn

(b) a chairman elected under paragraph 17 of Part III of the Schedule to any of the Fire Services Orders;

"community committee member" ("*aelod pwyllgor cymunedol*") means a member of a standards committee who is also a member of a community council within the area of the relevant authority concerned;

"deputy chairperson" ("*dirprwy gadeirydd*") includes -

- (a) a deputy chairman elected under paragraph 5 of Schedule 3 to the National Park Authorities (Wales) Order 1995, and
- (b) a vice-chairman elected under paragraph 17 of Part III of the Schedule to any of the Fire Services Orders;

"executive arrangements" ("*trefniadau gweithrediaeth*") means arrangements by a local authority -

- (a) for and in connection with the creation and operation of an executive of the authority, and
- (b) under which certain functions of the authority are the responsibility of the executive;

"fire authority" ("*awdurdod tân*") means a fire authority constituted by a combination scheme under the Fire Services Act 1947(a);

"the Fire Services Orders" ("*y Gorchymynion Gwasanaethau Tân*") means -

- (a) The North Wales Fire Services (Combination Scheme) Order 1995(b),
- (b) The Mid and West Wales Fire Services (Combination Scheme) Order 1995(c), and
- (c) The South Wales Fire Services (Combination Scheme) Order 1995(d);

"independent member" ("*aelod annibynnol*") means a member of a standards committee who is not -

- (a) a member,
- (b) an officer, or
- (c) the spouse of a member or an officer

of the relevant authority concerned, any other relevant authority, or a community council.

"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, or
- (b) is not the spouse of a member or an officer

(a) 1995 p.25.

(b) 1947 p.41.

(c) O.S. 2001/2284 (Cy.173).

(ch) O.S. 1995/2803.

(d) 1972 p.70.

(a) 1947 c.41.

(b) S.I. 1995/3218.

(c) S.I. 1995/3229.

(d) S.I. 1995/3230.

cynnwys -

- (a) dirprwy gadeirydd a etholir o dan baragraff 5 o Atodlen 3 i Orchymyn Awdurdodau Parciau Cenedlaethol (Cymru) 1995, a
- (b) is-gadeirydd a etholir o dan baragraff 17 o Ran III o'r Atodlen i unrhyw un o'r Gorchymynion Gwasanaethau Tân;

ystyr "y Gorchymynion Gwasanaethau Tân" ("*the Fire Service Orders*") yw -

- (a) Gorchymyn Gwasanaethau Tân Gogledd Cymru (Cynllun Cyfuno) 1995(a),
- (b) Gorchymyn Gwasanaethau Tân Canolbarth a Gorllewin Cymru (Cynllun Cyfuno) 1995(b), ac
- (c) Gorchymyn Gwasanaethau Tân De Cymru (Cynllun Cyfuno) 1995(c);

ystyr "gweithrediaeth arweinydd a chabinet" ("*leader and cabinet executive*") yw'r math o drefniadau gweithrediaeth a bennir yn adran 11(3) o Ddeddf 2000;

ystyr "gweithrediaeth maer a chabinet" ("*mayor and cabinet executive*") yw'r math o drefniadau gweithrediaeth a bennir naill ai -

- (a) yn adran 11(2), neu
- (b) yn adran 11(4) o Ddeddf 2000;

ystyr "is-bwyllgor i bwyllgor safonau" ("*sub-committee of a standards committee*") yw is-bwyllgor a benodir gan bwyllgor safonau awdurdod lleol o dan adran 56 o Ddeddf 2000;

ystyr "pwyllgor safonau" ("*standards committee*"), oni fydd y cyd-destun yn mynnu fel arall, yw pwyllgor safonau awdurdod perthnasol ac mae'n cynnwys is-bwyllgor i bwyllgor safonau;

mae i "swyddog priodol" yr ystyr a roddir i "*proper officer*" gan adran 270(3) o Ddeddf 1972;

ystyr "trefniadau amgen" ("*alternative arrangements*") yw'r trefniadau a bennir mewn rheoliadau a wneir gan Gynulliad Cenedlaethol Cymru o dan adran 32(1) o Ddeddf 2000;

ystyr "trefniadau gweithrediaeth" ("*executive arrangements*") yw trefniadau gan awdurdod lleol -

- (a) ar gyfer creu a gweithredu gweithrediaeth i'r awdurdod ac mewn cysylltiad â hynny, a
- (b) y mae swyddogaethau penodol i'r awdurdod yn gyfrifoldeb i'r weithrediaeth o danynt.

of the relevant authority concerned, any other relevant authority or a community council;

"leader and cabinet executive" ("*gweithrediaeth arweinydd a chabinet*") means the form of executive arrangements specified in section 11(3) of the 2000 Act;

"local authority" ("*awdurdod lleol*") means a county or county borough council;

"mayor and cabinet executive" ("*gweithrediaeth maer a chabinet*") means the form of executive arrangements specified in either -

- (a) section 11(2), or
- (b) section 11(4)

of the 2000 Act;

"member" ("*aelod*"), unless the context otherwise requires, means -

- (a) in the case of a local authority, an elected member of that authority, and
- (b) in the case of a National Park authority or fire authority a member appointed to that authority under either -
 - (i) the National Park Authorities (Wales) Order 1995, or
 - (ii) any of the Fire Services Orders;

"National Park authority" ("*awdurdod Parc Cenedlaethol*") means a National Park authority established under section 63 of the Environment Act 1995(a);

"panel member" ("*aelod panel*") means a member of a panel established under regulation 15.

"proper officer" ("*swyddog priodol*") has the meaning given by section 270(3) of the 1972 Act;

"relevant authority" ("*awdurdod perthnasol*") means -

- (a) a county council,
- (b) a county borough council,
- (c) a National Park authority, and
- (d) a fire authority;

"standards committee" ("*pwyllgor safonau*"), unless the context otherwise requires, means a standards committee of a relevant authority and includes a sub-committee of a standards committee;

"sub-committee of a standards committee" ("*is-bwyllgor i bwyllgor safonau*") means a sub-committee appointed by a standards committee of a local authority under section 56 of the 2000 Act.

(a) O.S. 1995/3218.

(b) O.S. 1995/3229.

(c) O.S. 1995/3230.

(a) 1995 c.25.

Maint pwyllgorau safonau

3. Rhaid i bwyllgor safonau gynnwys nid llai na phump ac nid mwy na naw o aelodau.

Aelodaeth pwyllgorau safonau

4. Rhaid i aelodaeth pwyllgor safonau beidio â chynnwys personau heblaw -

- (a) personau sy'n aelodau o'r awdurdod perthnasol o dan sylw,
- (b) aelodau annibynnol, neu
- (c) aelodau pwyllgor cymunedol.

5.-(1) Os yw cyfanswm aelodau pwyllgor safonau yn eilrif, rhaid i o leiaf hanner y rhif hwnnw fod yn aelodau annibynnol.

(2) Os yw cyfanswm aelodau pwyllgor safonau yn odrif, rhaid i'r mwyafrif o'r rhif hwnnw fod yn aelodau annibynnol.

6.-(1) Rhaid i berson sydd wedi bod yn aelod o un neu ragor o awdurdodau perthnasol, ond nad yw'n aelod mwyach, beidio â bod yn aelod annibynnol o bwyllgor safonau unrhyw awdurdod perthnasol yr oedd y person hwnnw yn aelod ohono.

(2) Yn ddarostyngedig i reoliad 16(2), caiff person sydd wedi bod yn aelod o un neu ragor o awdurdodau perthnasol, ond nad yw'n aelod mwyach, ar ôl y cyfnod o ddeuddeng mis sy'n dechrau gyda'r dyddiad y peidiodd y person hwnnw â bod yn aelod o unrhyw awdurdod perthnasol, fod yn aelod annibynnol o bwyllgor safonau i awdurdod perthnasol nad yw'r person hwnnw wedi bod yn aelod ohono.

7.-(1) Rhaid i berson sydd wedi bod yn swyddog o un neu ragor o awdurdodau perthnasol, ond nad yw'n aelod mwyach, beidio â bod yn aelod annibynnol o bwyllgor safonau i unrhyw awdurdod perthnasol yr oedd y person hwnnw yn swyddog ohono.

(2) Yn ddarostyngedig i reoliad 16(2), caiff person sydd wedi bod yn swyddog o un neu ragor o awdurdodau perthnasol, ond nad yw'n aelod mwyach, ar ôl y cyfnod o ddeuddeng mis sy'n dechrau gyda'r dyddiad y peidiodd y person hwnnw â bod yn swyddog o unrhyw awdurdod perthnasol, fod yn aelod annibynnol o bwyllgor safonau i awdurdod perthnasol nad yw'r person hwnnw wedi bod yn swyddog ohono.

8.-(1) Os yw awdurdod perthnasol yn awdurdod lleol sy'n gweithredu trefniadau gweithrediaeth, rhaid i'r canlynol, sef -

- (a) maer etholedig awdurdod o'r fath sy'n gweithredu gweithrediaeth maer a chabinet, a
- (b) arweinydd gweithrediaeth awdurdod o'r fath sy'n gweithredu gweithrediaeth arweinydd a chabinet,

Size of standards committees

3. A standards committee shall consist of not less than five nor more than nine members.

Composition of standards committees

4. The membership of a standards committee shall not consist of persons other than -

- (a) persons who are members of the relevant authority concerned,
- (b) independent members, or
- (c) community committee members.

5.-(1) Where the total number of members of a standards committee is an even number at least half that number shall be independent members.

(2) Where the total number of members of a standards committee is an odd number a majority of that number shall be independent members.

6.-(1) A person who has been but is no longer a member of one or more relevant authorities shall not be an independent member of the standards committee of any relevant authority of which that person was a member.

(2) Subject to regulation 16(2), a person who has been but is no longer a member of one or more relevant authorities may, after the period of twelve months commencing with the date on which that person ceased to be a member of any relevant authority, be an independent member of a standards committee of a relevant authority of which that person has not been a member.

7.-(1) A person who has been but is no longer an officer of one or more relevant authorities shall not be an independent member of the standards committee of any relevant authority of which that person was an officer.

(2) Subject to regulation 16(2), a person who has been but is no longer an officer of one or more relevant authorities may, after the period of twelve months commencing with the date on which that person ceased to be an officer of any relevant authority, be an independent member of a standards committee of a relevant authority of which that person has not been an officer.

8.-(1) Where a relevant authority is a local authority operating executive arrangements, neither -

- (a) the elected mayor of such an authority which is operating a mayor and cabinet executive, nor
- (b) the executive leader of such an authority which is operating a leader and cabinet executive,

beidio â bod yn aelod o bwyllgor safonau'r awdurdod perthnasol hwnnw.

(2) Os yw awdurdod perthnasol yn awdurdod lleol sy'n gweithredu trefniadau amgen, rhaid i gadeirydd bwrdd yr awdurdod hwnnw beidio â bod yn aelod o bwyllgor safonau'r awdurdod hwnnw.

(3) Os yw awdurdod perthnasol yn awdurdod Parc Cenedlaethol neu'n awdurdod tân, rhaid i'r canlynol, sef -

- (a) cadeirydd, a
- (b) dirprwy gadeirydd (os oes un)

awdurdod o'r fath beidio â bod yn aelod o bwyllgor safonau'r awdurdod hwnnw.

9.-(1) Ni chaiff aelodaeth pwyllgor safonau awdurdod lleol sy'n gweithredu trefniadau gweithrediaeth gynnwys mwy nag un aelod sy'n aelod hefyd o weithrediaeth yr awdurdod hwnnw.

(2) Ni chaiff aelodaeth pwyllgor safonau awdurdod lleol sy'n gweithredu trefniadau amgen gynnwys mwy nag un aelod sy'n aelod hefyd o fwrdd yr awdurdod hwnnw.

10. Rhaid i aelodaeth pwyllgor safonau sydd i gyflawni swyddogaethau mewn perthynas â'r canlynol, sef -

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

gynnwys o leiaf un aelod pwyllgor cymunedol.

11. Rhaid i aelod o awdurdod lleol sydd hefyd yn aelod o gyngor cymuned sydd wedi'i leoli yn ardal yr awdurdod lleol hwnnw beidio â bod yn aelod pwyllgor cymunedol i bwyllgor safonau'r awdurdod hwnnw.

Dyrannu seddau i grwpiau Gwleidyddol

12. Nid yw pwyllgor safonau i gael ei ystyried yn gorff y mae adran 15 o Ddeddf Llywodraeth Leol a Thai 1989(a) yn gymwys iddo.

Penodi aelodau annibynnol i bwyllgorau safonau

13.-(1) Pan fydd lle gwag yn codi ar gyfer swydd fel aelod annibynnol o bwyllgor safonau, rhaid i'r awdurdod perthnasol o dan sylw gyhoeddi hysbyseb mewn nid llai na dau bapur newydd (nad ydynt yn cael eu cyhoeddi gan yr awdurdod perthnasol hwnnw) sy'n cylchredeg yn ei ardal.

(2) Rhaid i'r hysbyseb y cyfeirir ati ym mharagraff (1) uchod hysbysu'r etholwyr llywodraeth leol ar gyfer ardal yr awdurdod perthnasol fod yr awdurdod perthnasol yn ceisio penodi aelod annibynnol i'w

(a) 1989 p.42.

shall be a member of the standards committee of that relevant authority.

(2) Where a relevant authority is a local authority operating alternative arrangements, the chairperson of the board of that authority shall not be a member of that authority's standards committee.

(3) Where a relevant authority is a National Park authority or a fire authority, neither -

- (a) the chairperson, nor
- (b) the deputy chairperson (if any)

of such an authority shall be a member of the standards committee of that authority.

9.-(1) The membership of a standards committee of a local authority operating executive arrangements may not include more than one member who is also a member of the executive of that authority.

(2) The membership of a standards committee of a local authority operating alternative arrangements may not include more than one member who is also a member of the board of that authority.

10. The membership of a standards committee which is to discharge functions in relation to -

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

shall include at least one community committee member.

11. A member of a local authority who is also a member of a community council situated in that local authority's area shall not be a community committee member of that authority's standards committee.

Allocation of seats to Political groups

12. A standards committee is not to be regarded as a body to which section 15 of the Local Government and Housing Act 1989(a) applies.

Appointment of independent members to standards committees

13.-(1) Where a vacancy arises for a post as an independent member of a standards committee the relevant authority concerned shall publish an advertisement in not less than two newspapers (which are not published by that relevant authority) circulating in its area.

(2) The advertisement referred to in paragraph (1) above shall notify the local government electors for the relevant authority's area that the relevant authority is seeking to appoint an independent member to its

(a) 1989 c.42.

bwyllgor safonau.

(3) Caiff awdurdod perthnasol gyhoeddi hysbyseb mewn cysylltiad ag unrhyw le gwag ar gyfer swydd fel aelod annibynnol ar bwyllgor safonau'r awdurdod perthnasol hwnnw mewn unrhyw bapur newydd y mae'n ei gyhoeddi.

14. Rhaid i awdurdod perthnasol -

- (a) sefydlu meini prawf ar gyfer penodi aelodau annibynnol i'w bwyllgor safonau, a
- (b) cyhoeddi'r meini prawf hynny yn yr hysbyseb y cyfeirir ati yn rheoliad 13(1) uchod.

15.-(1) Rhaid i awdurdod perthnasol sefydlu panel a fydd yn cynnwys nid mwy na phum aelod panel.

(2) Rhaid i un aelod panel fod yn aelod panel lleyg.

(3) Rhaid i banel a sefydlir o dan baragraff (1) gan awdurdod lleol gynnwys un aelod panel sy'n aelod o gyngor cymuned sydd wedi'i leoli yn ardal yr awdurdod lleol hwnnw.

16.-(1) Rhaid i banel a sefydlir o dan reoliad 15 uchod -

- (a) ystyried pob cais a ddaw i law'r awdurdod perthnasol mewn perthynas â lle gwag ar gyfer aelod annibynnol o bwyllgor safonau'r awdurdod hwnnw;
- (b) cymhwysu'r meini prawf a sefydlwyd gan yr awdurdod perthnasol o dan sylw o dan reoliad 14 uchod pan fydd yn ystyried ceisiadau am swydd fel aelod annibynnol o bwyllgor safonau'r awdurdod hwnnw; ac
- (c) gwneud argymhellion mewn perthynas ag unrhyw geisiadau o'r fath i'r awdurdod perthnasol.

(2) Rhaid i benodiadau aelodau annibynnol o bwyllgor safonau awdurdod perthnasol gael eu gwneud gan yr awdurdod perthnasol y mae'n rhaid iddo roi sylw i argymhellion y panel.

17. Os yw'r awdurdod perthnasol o dan sylw yn barnu ei bod yn briodol, caiff hysbyseb a gyhoeddir o dan reoliad 13(1)-

- (a) hysbysu'r etholwyr llywodraeth leol ar gyfer ardal yr awdurdod perthnasol hwnnw fod cadeirydd ac is-gadeirydd ei bwyllgor safonau yn cael eu hethol o blith aelodau annibynnol y pwyllgor hwnnw; a
- (b) hysbysu'r etholwyr hynny ynghylch y nodweddion a'r profiad y gallai fod yn ofynnol i aelodau annibynnol sy'n dal swyddi o'r fath feddu arnynt.

standards committee.

(3) A relevant authority may publish an advertisement in connection with any vacancy for a post as an independent member on that relevant authority's standards committee in any newspaper that it publishes.

14. A relevant authority shall -

- (a) establish criteria for the appointment of independent members to its standards committee, and
- (b) publish those criteria in the advertisement referred to in regulation 13(1) above.

15.-(1) A relevant authority shall establish a panel which shall consist of not more than five panel members.

(2) One panel member must be a lay panel member.

(3) A panel established under paragraph (1) by a local authority must include one panel member who is a member of a community council situated in that local authority's area.

16.-(1) The panel established under regulation 15 above shall -

- (a) consider every application that the relevant authority receives in relation to a vacancy for an independent member of that authority's standards committee;
- (b) apply the criteria established by the relevant authority concerned under regulation 14 above when it considers applications for a post as an independent member of that authority's standards committee; and
- (c) make recommendations in relation to any such applications to the relevant authority.

(2) Appointments of independent members of a relevant authority's standards committee shall be made by the relevant authority which shall have regard to the recommendations of the panel.

17. An advertisement published under regulation 13(1) may, if the relevant authority concerned considers appropriate -

- (a) notify local government electors for that relevant authority's area that the chairperson and vice-chairperson of its standards committee are elected from the independent members of that committee; and
- (b) notify those electors of the qualities and experience that may be required of independent members holding such positions.

Cyfnod swydd aelodau pwyllgorau safonau

18.-(1) Rhaid i gyfnod swydd aelod o bwyllgor safonau i awdurdod sy'n aelod o'r awdurdod hwnnw beidio â bod yn fwy -

- (a) na phedair blynedd, neu
- (b) na'r cyfnod tan yr etholiadau llywodraeth leol cyffredin i'r awdurdod lleol hwnnw sy'n dod nesaf ar ôl penodi'r person hwnnw yn aelod o bwyllgor safonau'r awdurdod hwnnw, p'un bynnag yw'r byrraf.

(2) Rhaid i aelod o'r fath roi'r gorau i fod yn aelod o'r pwyllgor safonau hwnnw os yw'r aelod hwnnw'n rhoi'r gorau i fod yn aelod o'r awdurdod lleol o dan sylw.

19.-(1) Os yw awdurdod perthnasol yn awdurdod Parc Cenedlaethol neu'n awdurdod tân, rhaid i gyfnod swydd aelod o bwyllgor safonau'r awdurdod hwnnw sy'n aelod o awdurdod o'r fath beidio â bod yn fwy -

- (a) na phedair blynedd, neu
- (b) na'r cyfnod tan y bydd penodiad yr aelod hwnnw yn aelod o'r awdurdod hwnnw yn dod i ben,

p'un bynnag yw'r byrraf.

(2) Rhaid i aelod o'r fath roi'r gorau i fod yn aelod o'r pwyllgor safonau hwnnw os yw'r aelod hwnnw'n rhoi'r gorau i fod yn aelod o'r awdurdod perthnasol o dan sylw.

20. Rhaid i gyfnod swydd aelod o bwyllgor safonau sy'n aelod annibynnol o'r pwyllgor hwnnw beidio â bod yn llai na phedair blynedd nac yn fwy na chwe blynedd.

Ailbenodi aelodau o bwyllgorau safonau

21.-(1) Yn ddarostyngedig i baragraff (2) o reoliad 18 a pharagraff (2) o reoliad 19 uchod, gall aelod o bwyllgor safonau awdurdod perthnasol sy'n aelod o'r awdurdod hwnnw gael ei ailbenodi am un tymor olynol pellach.

(2) Rhaid i aelod annibynnol o bwyllgor safonau awdurdod perthnasol beidio â gwasanaethu am fwy nag un cyfnod fel aelod o'r fath.

Cadeiryddion ac is-gadeiryddion pwyllgorau safonau

22.-(1) Rhaid i aelodau pwyllgor safonau ethol cadeirydd ac is-gadeirydd o blith aelodau annibynnol y pwyllgor hwnnw.

(2) Ethol cadeirydd ac is-gadeirydd yw'r busnes cyntaf y mae'n rhaid ei drafod yng nghyfarfod cyntaf pwyllgor safonau.

Term of office of members of standards committees

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

- (a) four years, or
- (b) the period until the ordinary local government elections for that local authority next following the appointment of that person as a member of that authority's standards committee, whichever is the shorter.

(2) Such a member shall cease to be a member of that standards committee if that member ceases to be a member of the local authority concerned.

19.-(1) Where a relevant authority is a National Park authority or fire 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 more than -

- (a) four years, or
- (b) the period until that member's appointment as a member of that authority ceases,

whichever is the shorter.

(2) Such a member shall cease to be a member of that standards committee if that member ceases to be a member of the relevant authority concerned.

20. The term of office of a member of a standards committee who is an independent member of that committee shall be not less than four nor more than six years.

Re-appointment of members of standards committees

21.-(1) Subject to paragraph (2) of regulation 18 and paragraph (2) of regulation 19 above, a member of the standards committee of a relevant authority who is a member of that authority may be re-appointed for one further consecutive term.

(2) An independent member of the standards committee of a relevant authority shall serve no more than one term of office as such a member.

Chairpersons and vice-chairpersons of standards committees

22.-(1) The members of a standards committee shall elect a chairperson and a vice-chairperson from amongst the independent members of that committee.

(2) The election of a chairperson and a vice-chairperson shall be the first business to be transacted at the first meeting of a standards committee.

(3) Yn ddarostyngedig i baragraff (2) uchod, y cadeirydd fydd yn llywyddu mewn cyfarfodydd pwyllgor safonau.

(4) Os yw'r cadeirydd yn absennol o gyfarfod pwyllgor safonau, yna is-gadeirydd y pwyllgor, os yw'n bresennol, fydd yn llywyddu.

(5) Os bydd cadeirydd ac is-gadeirydd pwyllgor safonau yn absennol o un o gyfarfodydd y pwyllgor hwnnw, rhaid i'r aelod annibynnol o'r pwyllgor safonau hwnnw y bydd aelodau'r pwyllgor hwnnw yn ei ddewis lywyddu.

(6) Yn ddarostyngedig i baragraffau (8) a (9), rhaid i gadeirydd pwyllgor safonau gael ei ethol am ba un bynnag yw'r byrraf o'r cyfnodau canlynol -

- (a) cyfnod heb fod yn llai na phedair blynedd nac yn fwy na chwe blynedd, neu
- (b) tan fydd tymor swydd y person hwnnw fel aelod annibynnol o'r pwyllgor safonau yn dod i ben.

(7) Yn ddarostyngedig i baragraffau (8) a (9), rhaid i is-gadeirydd pwyllgor safonau gael ei ethol am ba un bynnag yw'r byrraf o'r cyfnodau canlynol -

- (a) cyfnod heb fod yn llai na phedair blynedd nac yn fwy na chwe blynedd, neu
- (b) tan fydd cyfnod swydd y person hwnnw fel aelod annibynnol o'r pwyllgor safonau yn dod i ben.

(8) Gall person a etholir yn gadeirydd neu is-gadeirydd ymddiswyddo ar unrhyw bryd drwy roi hysbysiad ysgrifenedig i swyddog priodol yr awdurdod perthnasol o dan sylw.

(9) Pan fydd lle gwag yn swydd y cadeirydd neu'r is-gadeirydd yn cael ei lenwi, rhaid i'r person a benodir felly ddal ei swydd am ba un bynnag yw'r byrraf o'r cyfnodau canlynol -

- (a) tan y dyddiad y byddai cyfnod swydd y person y mae'r person hwnnw wedi'i ethol yn ei le wedi dod i ben, neu
- (b) tan y bydd cyfnod swydd y person hwnnw fel aelod annibynnol o'r pwyllgor safonau hwnnw yn dod i ben.

Pleidleisio

23.-(1) Mae gan aelod o bwyllgor safonau nad yw'n aelod o'r awdurdod perthnasol o dan sylw hawl i bleidleisio yng nghyfarfodydd y pwyllgor hwnnw.

(2) Rhaid i gwestiwn y mae pwyllgor safonau i benderfynu arno gael ei benderfynu drwy fwyaftrif o'r pleidleisiau sy'n cael eu bwrw gan yr aelodau sy'n bresennol yn y cyfarfod ac yn pleidleisio arno.

(3) Os yw nifer y pleidleisiau yn gyfartal, bydd gan y person sy'n cadeirio cyfarfod y pwyllgor safonau ail bleidlais, sef pleidlais fwrw.

(3) Subject to paragraph (2) above, the chairperson shall preside at meetings of a standards committee.

(4) If the chairperson is absent from a meeting of a standards committee then the vice-chairperson of the committee, if present, shall preside.

(5) If both the chairperson and the vice-chairperson of a standards committee are absent from a meeting of that committee, such independent member of that standards committee as the members of that committee present shall choose shall preside.

(6) Subject to paragraphs (8) and (9) the chairperson of a standards committee shall be elected for whichever is the shorter of the following periods -

- (a) a period of not less than four nor more than six years, or
- (b) until the term of office of that person as an independent member of that standards committee comes to an end.

(7) Subject to paragraphs (8) and (9) the vice-chairperson of a standards committee shall be elected for whichever is the shorter of the following periods -

- (a) a period of not less than four nor more than six years, or
- (b) until the term of office of that person as an independent member of that standards committee comes to an end.

(8) A person elected as a chairperson or vice-chairperson may at any time resign from office by notice in writing to the proper officer of the relevant authority concerned.

(9) Where a casual vacancy in the office of chairperson or vice-chairperson is filled, the person so appointed shall hold office for whichever is the shorter of the following periods -

- (a) until the date upon which the term of office of the person in whose place that person is elected would have expired, or
- (b) until the term of office of that person as an independent member of that standards committee comes to an end.

Voting

23.-(1) A member of a standards committee who is not a member of the relevant authority concerned is entitled to vote at meetings of that committee.

(2) A question to be decided by a standards committee shall be decided by a majority of the votes cast by the members present at the meeting and voting thereon.

(3) In the case of an equality of votes, the person presiding at the meeting of the standards committee shall have a second, casting vote.

Cworwm

24. Rhaid peidio â thrafod unrhyw fusnes mewn cyfarfod pwyllgor safonau oni bai -

- (a) bod o leiaf dri aelod o'r pwyllgor hwnnw yn bresennol, gan gynnwys y cadeirydd, a
- (b) bod o leiaf hanner yr aelodau sy'n bresennol (gan gynnwys y cadeirydd) yn aelodau annibynnol.

Cyfarfodydd pwyllgorau safonau

25.-(1) Rhaid i bob pwyllgor safonau gynnal o leiaf un cyfarfod yn ystod pob cyfnod o 12 mis ar ôl 31 Rhagfyr 2001.

(2) Rhaid i bob pwyllgor safonau gynnal o leiaf un cyfarfod ar 31 Rhagfyr 2001 neu cyn hynny.

(3) Rhaid i swyddog monitro awdurdod perthnasol neu gynrychiolydd swyddog monitro awdurdod perthnasol fod yn bresennol ym mhob cyfarfod o bwyllgor safonau'r awdurdod hwnnw.

Darpariaethau cymwysadwy Rhan VA o Ddeddf Llywodraeth Leol 1972

26.-(1) Yn ddarostyngedig i'r addasiadau a nodir ym mharagraffau (2) i (9) isod, bydd darpariaethau canlynol Deddf 1972, sef -

- (a) adran 100A,
- (b) adran 100B,
- (c) adran 100C,
- (ch) adran 100D
- (d) adran 100F,
- (dd) adran 100H,
- (e) adran 100I,
- (f) adran 100K, ac
- (ff) Atodlen 12A

yn gymwys fel petai pwyllgor safonau yn brif gyngor at ddibenion y darpariaethau hynny.

(2) Yn is-adran (3)(a) o adran 100A ac is-adran (1) o adran 100B, yn lle "council" rhowch "relevant authority".

(3) Yn is-adran (4)(b) o adran 100B, yn lle "chairman" rhowch "chairperson".

(4) Yn -

- (a) is-adran (6)(a) o adran 100A,
- (b) is-adran (1) o adran 100C, ac
- (c) is-adran (1)(b) o adran 100D,

yn lle "offices of the council", rhowch "offices of the relevant authority".

Quorum

24. No business shall be transacted at a meeting of a standards committee unless -

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

Meetings of standards committees

25.-(1) Every standards committee shall hold at least one meeting during every period of 12 months after 31 December 2001.

(2) Every standards committee shall hold at least one meeting on or before 31 December 2001.

(3) The monitoring officer or a representative of the monitoring officer of a relevant authority shall attend every meeting of that authority's standards committee.

Applicable provisions of Part VA of the Local Government Act 1972

26.-(1) Subject to the modifications set out in paragraphs (2) to (9) below, the following provisions of the 1972 Act, that is to say -

- (a) section 100A,
- (b) section 100B,
- (c) section 100C,
- (d) section 100D,
- (e) section 100F,
- (f) section 100H,
- (g) section 100I,
- (h) section 100K, and
- (i) Schedule 12A

shall apply as if for the purposes of those provisions a standards committee were a principal council.

(2) In sub-section (3)(a) of section 100A and sub-section (1) of section 100B, for "council" substitute "relevant authority".

(3) In sub-section (4)(b) of section 100B, for "chairman" substitute "chairperson".

(4) In -

- (a) sub-section (6)(a) of section 100A,
- (b) sub-section (1) of section 100C, and
- (c) sub-section (1)(b) of section 100D,

for "offices of the council", substitute "offices of the relevant authority".

(5) Yn -

- (a) is-adran (1) o adran 100F, a
- (b) is-adran (6) o adran 100H,

hepgorwch "committee or".

(6) Yn is-adran (3) o adran 100H, yn lle "principal council" rhowch "relevant authority".

(7) Yn is-adran (1) o adran 100K, hepgorwch -

- (a) ""committee or sub-committee of a principal council" shall be construed in accordance with section 100E(3) above;"
- (b) ""constituent principal council" shall be construed in accordance with section 100E(4) above;" ac
- (c) ""principal council" shall be construed in accordance with section 100J above".

(8) Hefgorwch is-adran (2) o adran 100K.

(9) Addasir paragraff (2) o Ran III o Atodlen 12A fel a ganlyn -

- (a) yn lle "principal council" rhowch "relevant authority",
- (b) yn lle "committee or sub-committee" rhowch "standards committee or sub-committee of that committee",
- (c) hepgorwch "and includes a reference", ac
- (ch) hepgorwch is-baragraffau (a), (b) ac (c).

27.-(1) Caiff awdurdod lleol, os gwêl yn dda, osod unrhyw hysbysiad ynghylch un o gyfarfodydd ei bwyllgor safonau y mae'n ofynnol ei osod yn ei swyddfeydd yn rhinwedd adran 100A o Ddeddf 1972, fel y'i haddaswyd gan reoliad 26, yn swyddfeydd y cynghorau cymuned sydd wedi'u lleoli yn ardal yr awdurdod lleol hwnnw.

(2) Caiff awdurdod lleol, os gwêl yn dda, ddarparu bod unrhyw agendâu ac adroddiadau ar gyfer cyfarfodydd ei bwyllgor safonau y mae, neu y gall fod, yn ofynnol iddynt fod yn agored i aelodau'r cyhoedd eu harchwilio yn ei swyddfeydd yn rhinwedd adran 100B o Ddeddf 1972, fel y'i haddaswyd gan reoliad 26, yn agored i'w harchwilio gan aelodau'r cyhoedd yn swyddfeydd y cynghorau cymuned sydd wedi'u lleoli yn ardal yr awdurdod lleol hwnnw.

(3) Caiff awdurdod lleol, os gwêl yn dda, ddarparu bod unrhyw gofnodion o gyfarfodydd ei bwyllgor safonau ac unrhyw ddogfennau eraill y mae, neu y gall fod, yn ofynnol iddynt fod yn agored i aelodau'r cyhoedd eu harchwilio yn ei swyddfeydd yn rhinwedd adran 100C o Ddeddf 1972, fel y'i haddaswyd gan reoliad 26, yn agored i'w harchwilio gan aelodau'r cyhoedd yn swyddfeydd y cynghorau cymuned sydd wedi'u lleoli yn ardal yr awdurdod lleol hwnnw.

(5) In -

- (a) sub-section (1) of section 100F, and
- (b) sub-section (6) of section 100H,

omit "committee or".

(6) In sub-section (3) of section 100H, for "principal council" substitute "relevant authority".

(7) In sub-section (1) of section 100K, omit -

- (a) ""committee or sub-committee of a principal council" shall be construed in accordance with section 100E(3) above;"
- (b) ""constituent principal council" shall be construed in accordance with section 100E(4) above;" and
- (c) ""principal council" shall be construed in accordance with section 100J above".

(8) Omit sub-section (2) of section 100K.

(9) Paragraph (2) of Part III of Schedule 12A is modified as follows -

- (a) for "principal council" substitute "relevant authority",
- (b) for "committee or sub-committee" substitute "standards committee or sub-committee of that committee",
- (c) omit "and includes a reference", and
- (d) omit sub-paragraphs (a),(b) and (c).

27.-(1) A local authority may, if it thinks fit, post such notice of a meeting of its standards committee as may be required to be posted at its offices by virtue of section 100A of the 1972 Act, as modified by regulation 26, at the offices of community councils situated in that local authority's area.

(2) A local authority may, if it thinks fit, provide for such agendas and reports for meetings of its standards committee as are, or may be, required to be open to inspection by members of the public at its offices by virtue of section 100B of the 1972 Act, as modified by regulation 26, to be open to inspection by members of the public at the offices of community councils situated in that local authority's area.

(3) A local authority may, if it thinks fit, provide for such minutes of its meetings of its standards committee and other documents as are, or may be, required to be open to inspection by members of the public at its offices by virtue of section 100C of the 1972 Act, as modified by regulation 26, to be open to inspection by members of the public at the offices of community councils situated in that local authority's area.

(4) Yn ddarostyngedig i adran 100A o Ddeddf 1972, fel y'i haddaswyd gan reoliad 26, caiff awdurdod perthnasol fabwysiadu unrhyw ddulliau eraill i roi hysbysiad cyhoeddus ynghylch cyfarfodydd ei bwyllgor safonau y mae'n credu eu bod yn briodol.

Cofnod trafodion pwyllgorau safonau

28.-(1) Rhaid llunio cofnodion trafodion pwyllgor safonau a'u rhoi mewn llyfr a ddarperir at y diben hwnnw gan swyddog priodol yr awdurdod perthnasol o dan sylw a rhaid iddynt gael eu llofnodi gan gadeirydd y pwyllgor ar ddiwedd y cyfarfod hwnnw neu yn y cyfarfod o'r pwyllgor sy'n dilyn nesaf.

(2) Rhaid i gofnodion trafodion pwyllgor safonau gynnwys -

- (a) cofnod o unrhyw benderfyniad a wnaed gan y pwyllgor;
- (b) y rheswm dros y penderfyniad hwnnw; ac
- (c) cofnod o unrhyw ddatganiad o fuddiant sydd gan aelod o'r pwyllgor sy'n berthnasol i unrhyw fater y penderfynwyd arno gan y pwyllgor hwnnw yn ystod y trafodion penodol hynny.

Cylch gwaith pwyllgorau safonau

29.-(1) Rhaid i bob awdurdod perthnasol baratoi yn ddi-oed datganiad sy'n nodi cylch gwaith ei bwyllgor safonau.

(2) Rhaid i bob awdurdod perthnasol anfon y datganiad y cyfeirir ato ym mharagraff (1) uchod i'r Comisiwn dros Weinyddu Lleol yng Nghymru.

Trefniadau trosiannol

30.-(1) Os yw awdurdod perthnasol -

(a) wedi sefydlu pwyllgor safonau cyn y dyddiad y daw'r Rheoliadau hyn i rym, a

(b) bod aelodaeth y pwyllgor hwnnw ar y dyddiad y daw'r Rheoliadau hyn i rym yn cynnwys un neu ragor o aelodau annibynnol

bydd y paragraffau canlynol yn gymwys.

(2) Yn ddarostyngedig i baragraff (3) isod, caiff awdurdod perthnasol o'r fath ganiatáu i aelod annibynnol o'r fath barhau i fod yn aelod am ba un bynnag yw'r byrraf o'r cyfnodau canlynol -

(a) pum mlynedd o'r dyddiad y daw'r Rheoliadau hyn i rym, neu

(b) tan y daw cyfnod swydd yr aelod annibynnol hwnnw i ben.

(3) Ni fydd paragraff (2) uchod yn gymwys -

(a) os nad yw'r awdurdod perthnasol yn barnu bod y broses benodi ar gyfer unrhyw aelod

(4) Subject to section 100A of the 1972 Act, as modified by regulation 26, a relevant authority may adopt such other methods to provide public notice of meetings of its standards committee as it considers appropriate.

Minute of proceedings of standards committees

28.-(1) Minutes of the proceedings of a standards committee shall be drawn up and entered in a book provided for the purpose by the proper officer of the relevant authority concerned and shall be signed by the chairperson of the committee at the conclusion of that meeting or at the next following meeting of the committee.

(2) The minutes of the proceedings of a standards committee shall include -

- (a) a record of any decision made by the committee;
- (b) the reasons for that decision; and
- (c) a record of any declaration of interest by a member of the committee which is relevant to any matter decided upon by that committee during those particular proceedings.

Terms of reference of standards committees

29.-(1) Every relevant authority shall forthwith prepare a statement which sets out the terms of reference of its standards committee.

(2) Every relevant authority shall send to the Commission for Local Administration in Wales the statement referred to in paragraph (1) above.

Transitional arrangements

30.-(1) Where a relevant authority has -

(a) established a standards committee before the date on which these Regulations come into force, and

(b) the membership of that committee at the date on which these Regulations come into force includes one or more independent members

the following paragraphs shall apply.

(2) Subject to paragraph (3) below, such a relevant authority may allow such an independent member to continue as a member for whichever is the shorter of the following periods -

(a) five years from the date on which these Regulations come into force, or

(b) until the term of office of that independent member comes to an end.

(3) Paragraph (2) above shall not apply where -

(a) a relevant authority does not consider that the

annibynnol o'r fath yn ddigon i warantu annibyniaeth yr aelod hwnnw, neu

- (b) os na fyddai unrhyw aelod annibynnol o'r fath yn bodloni gofynion diffiniad aelod annibynnol at ddibenion y Rheoliadau hyn.

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

21 Mehefin 2001

D.Elis Thomas

Llywydd y Cynulliad Cenedlaethol

appointment process for any such independent member was sufficient to guarantee the independence of that member, or

- (b) any such independent member would not meet the requirements of the definition of an independent member for the purposes of these Regulations.

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

21st June 2001

The Presiding Officer of the National Assembly

(a) 1998 p.38.

(a) 1998 c.38.

CYNULLIAD CENEDLAETHOL CYMRU

NATIONAL ASSEMBLY FOR WALES

OFFERYNNAU STATUDOL

STATUTORY INSTRUMENTS

2001 Rhif 2283 (Cy.172)

2001 No. 2283 (W.172)

**LLYWODRAETH LEOL,
CYMRU**

**LOCAL GOVERNMENT,
WALES**

**Rheoliadau Pwyllgorau Safonau
(Cymru) 2001**

**The Standards Committees (Wales)
Regulations 2001**

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ATODIAD / ENCLOSURE

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CYNULLIAD CENEDLAETHOL CYMRU

NATIONAL ASSEMBLY FOR WALES

OFFERYNNAU STATUDOL

STATUTORY INSTRUMENTS

2006 Rhif 1849 (Cy.192)

2006 No. 1849 (W.192)

**LLYWODRAETH LEOL,
CYMRU**

**LOCAL GOVERNMENT,
WALES**

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

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

NODYN ESBONIADOL

EXPLANATORY NOTE

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

(This note is not part of the Regulations)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

2006 Rhif 1849 (Cy.192)

2006 No. 1849 (W.192)

LLYWODRAETH LEOL,
CYMRULOCAL GOVERNMENT,
WALESRheoliadau Pwyllgorau Safonau
(Cymru) (Diwygio) 2006The Standards Committees (Wales)
(Amendment) Regulations 2006

Wedi'u gwneud 11 Gorffennaf 2006
Yn dod i rym 14 Gorffennaf 2006

Made 11 July 2006
Coming into force 14 July 2006

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

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

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

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

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

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

(2) These Regulations apply in relation to Wales.

(3) Yn y Rheoliadau hyn-

(3) In these Regulations-

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

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

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

2. Diwygir Rheoliadau 2001 fel a ganlyn.

2. The 2001 Regulations are amended as follows.

3. Yn rheoliad 2-

3. In regulation 2-

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

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

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

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

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

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

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

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

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

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

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

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

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

4. Yn lle rheoliad 3, rhodder-

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

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

5. Yn lle rheoliad 10, rhodder-

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

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

gynnwys o leiaf un aelod pwyllgor cymunedol.

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

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

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

6. Ar ôl rheoliad 18, mewnosoder-

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

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

pa gyfnod bynnag fo'r byrraf.

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

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

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

4. For regulation 3, substitute-

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

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

5. For regulation 10, there is substituted-

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

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

shall include at least one community committee member.

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

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

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

6. After regulation 18, insert-

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

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

whichever is the shorter.

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

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

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

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

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

8. Ar ôl rheoliad 21, mewnosoder-

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

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

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

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

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

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

10. Yn lle rheoliad 24, rhodder-

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

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

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

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

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

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

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

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

8. After regulation 21, insert-

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

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

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

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

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

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

10. For regulation 24, substitute-

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

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

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

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

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

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

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

11 Gorffennaf 2006

11 July 2006

D. Elis-Thomas

Llywydd y Cynulliad Cenedlaethol

The Presiding Officer of the National Assembly

(1) 1998 p.38.

(1) 1998 c.38.

OFFERYNNAU STATUDOL

2006 Rhif 1849 (Cy.192)

**LLYWODRAETH LEOL,
CYMRU**

Rheoliadau Pwyllgorau Safonau
(Cymru) (Diwygio) 2006

STATUTORY INSTRUMENTS

2006 No. 1849 (W.192)

**LOCAL GOVERNMENT,
WALES**

The Standards Committees (Wales)
(Amendment) Regulations 2006

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ON

ATODIAD / ENCLOSURE

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Constitution: 2.9 article 9 - the standards committee

2.9.1 Standards Committee

The Council will establish a Standards Committee.

2.9.2 Composition

2.9.2.1 Membership

The Standards Committee will, in accordance with the provisions of the Local Government Act 2000, be composed of:

2 County Councillors

5 independent members

2 community council members (who are not deemed to be independent members for the purposes of this Constitution).

2.9.2.2 Term of office

2.9.2.2.1 The independent members are appointed for a period of two consecutive four year terms.

2.9.2.2.2 Unless re-elected the current community council members are appointed for a period of four years, until they cease to be community council members within the area of Isle of Anglesey County Council, or until the next ordinary local government election following their appointment, whichever is the shorter. A community council member may be re-appointed for a further consecutive four year term, provided that the Isle of Anglesey Town and Community Councils have collectively agreed to select a current community council member(s) as a nominee for the appointment.

2.9.2.2.3 County Councillors who are members of the Standards Committee will have a term of office of no more than four years or until the next ordinary local government election following their appointment whichever is the shorter.

2.9.2.3 Quorum

A meeting of the Standards Committee shall only be quorate when:

2.9.2.3.1 at least three members, including the chairperson, are present, and

2.9.2.3.2 at least half the members present (including the chairperson) are independent members.

2.9.2.4 Voting

County Council members, independent members and the community council members will be entitled to vote at meetings.

2.9.2.5 Community Council Members

2.9.2.5.1 The community council members shall not take part in the proceedings of the Standards Committee when any matter relating to their Community Council is being considered.

2.9.2.5.2 The community council members shall only participate in hearings/applications before the Standards Committee when it is discharging those functions in relation to community councils and community council members.

2.9.2.6 Chairing the Committee

2.9.2.6.1 Only an independent member of the Standards Committee may be the chairperson.

2.9.2.6.2 The chairperson will be elected by the members of the Standards Committee for a period not

exceeding four years or the period he/she remains a member of the Committee, whichever is the shorter period.

2.9.3 Role and Function

The Standards Committee will have the following roles and functions:

2.9.3.1 promoting and maintaining high standards of conduct by Councillors, co-opted members and church and parent governor representatives;

2.9.3.2 assisting the Councillors, co-opted members and church and parent governor representatives to observe the Members' Code of Conduct (5.1);

2.9.3.3 advising the Council on the adoption or revision of the Members' Code of Conduct (5.1);

2.9.3.4 monitoring the operation of the Members' Code of Conduct (5.1);

2.9.3.5 advising, training or arranging to train Councillors, co-opted members and church and parent governor representatives on matters relating to the Members' Code of Conduct (5.1);

2.9.3.6 granting dispensations to Councillors, co-opted members and church and parent governor representatives from requirements relating to interests set out in the Members' Code of Conduct (5.1);

2.9.3.7 dealing with any reports from a case tribunal or interim case tribunal, and any report from the Monitoring Officer on any matter referred to that officer by the Public Services Ombudsman for Wales.

2.9.3.8 the exercise of 2.9.3.1 to 2.9.3.7 above in relation to the community councils wholly or mainly in its area and the members of those community councils.
