



HYSBYSIAD YNGHYLCH GWELLIANNAU

NOTICE OF AMENDMENTS

Cyflwynwyd ar 25 Ionawr 2011

Tabled on 25 January 2011

Mesur Arfaethedig ynghylch Llywodraeth
Leol (Cymru)

Proposed Local Government (Wales) Measure

Carl Sargeant

1

Section 10, page 16, line 17, leave out 'the authority's standing orders' and insert 'those of its standing orders which relate to the management of staff'.

Adran 10, tudalen 16, llinell 17, gadewch allan 'i reolau sefydlog yr awdurdod' a rhowch yn ei le 'i'r rhai o blith ei reolau sefydlog sy'n ymwneud â rheoli staff'.

Carl Sargeant

2

Section 11, page 16, after line 21, insert—

'() exercise the function of the local authority under section 8(1)(a)(designation of head of democratic services),'

Adran 11, tudalen 16, ar ôl llinell 22, ychwanegwch—

'() i arfer swyddogaeth yr awdurdod lleol o dan adran 8(1)(a) (dynodi pennaeth gwasanaethau democrataidd),'

Carl Sargeant

3

Section 14, page 17, line 19, after ‘committee’, insert ‘(who must not be a member of an executive group)’.

Adran 14, tudalen 17, llinell 21, ar ôl ‘democrataidd’, ychwanegwch ‘(a rhaid iddo beidio â bod yn aelod o grŵp gweithrediaeth)’.

Carl Sargeant

4

Section 14, page 17, after line 19, insert –

‘() If there are no opposition groups, the person who is to chair the democratic services committee may be a member of an executive group but must not be a member of the local authority's executive.’.

Adran 14, tudalen 17, ar ôl llinell 21, ychwanegwch –

‘() Os nad oes unrhyw grwpiau gwrthblaid, caiff y person sydd i gadeirio’r pwyllgor gwasanaethau democrataidd fod yn aelod o grŵp gweithrediaeth ond rhaid iddo beidio â bod yn aelod o weithrediaeth yr awdurdod lleol.’.

Carl Sargeant

5

Section 14, page 17, after line 37, insert –

‘() For the purposes of subsections () and (), the expressions “executive group” and “opposition group” have the same meaning as in section 74.’.

Adran 14, tudalen 17, ar ôl llinell 40, ychwanegwch –

‘() At ddibenion is-adrannau () a (), mae i’r ymadroddion “grŵp gweithrediaeth” a “grŵp gwrthblaid” yr un ystyr ag yn adran 74.’.

Carl Sargeant

6

Move Section 23 and insert after Section 31.

Symudwch Adran 23 a'i rhoi ar ôl Adran 31.

Carl Sargeant

7

To insert a new Section –

() Amendment of Local Government Act 2000

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

I ychwanegu Adran newydd –

() Diwygio Deddf Llywodraeth Leol 2000

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

Carl Sargeant

8

Section 32, page 25, leave out lines 28 to 29.

Adran 32, tudalen 26, gadewch allan linellau 10 hyd at 11.

Carl Sargeant

9

Section 35, page 28, leave out line 1.

Adran 35, tudalen 28, gadewch allan linell 1.

Carl Sargeant

10

Section 35, page 28, after line 24, insert –

- () the Local Authorities (Changing Executive Arrangements and Alternative Arrangements) (Wales) Regulations 2004 (S.I. 2004/3158);’.

Adran 35, tudalen 28, ar ôl llinell 24, ychwanegwch –

- () Rheoliadau Awdurdodau Lleol (Newid Trefniadau Gweithrediaeth a Threfniadau Amgen) (Cymru) 2004 (O.S. 2004/3158);’.

Carl Sargeant

11

Section 56, page 37, line 10, leave out ‘of’ at the third place where it appears and insert ‘for’.

Adran 56, tudalen 37, llinell 10, gadewch allan ‘of’ yn y trydydd lle y mae’n ymddangos a rhowch yn ei le ‘for’.

Carl Sargeant

12

Section 57, page 38, line 15, after ‘21B,’ insert ‘21D,’.

Adran 57, tudalen 38, llinell 15, ar ôl ‘21B,’ ychwanegwch ‘21D,’.

Carl Sargeant

13

Section 62, page 42, after line 9, insert –

() In subsection (6)(a) –

(a) after “2007” insert “or section 55 of the Local Government (Wales) Measure 2011”;

(b) omit “in England”.’.

Adran 62, tudalen 42, ar ôl llinell 9, ychwanegwch –

() Yn is-adran (6)(a) –

(c) ar ôl “2007” ychwanegwch “or section 55 of the Local Government (Wales) Measure 2011”;

(d) gadewch allan “in England”.’.

Carl Sargeant

14

Section 64, page 42, after line 27, insert –

() The Local Government Act 2000 is amended as follows.’.

Adran 64, tudalen 42, ar ôl llinell 28, ychwanegwch –

'() Diwygir Deddf Llywodraeth Leol 2000 fel a ganlyn.'

Carl Sargeant

15

Section 64, page 42, line 28, leave out 'of the Local Government Act 2000'.

Adran 64, tudalen 42, llinell 29, gadewch allan 'o Ddeddf Llywodraeth Leol 2000'.

Carl Sargeant

16

Section 64, page 42, after line 31, insert –

'() In section 22 (access to information etc), in subsection (12A) –

(e) after "State" insert "(in relation to local authorities in England), or the Welsh Ministers (in relation to local authorities in Wales),";

(f) in paragraph (a), omit "in England".'

Adran 64, tudalen 42, ar ôl llinell 32, ychwanegwch –

'() Yn adran 22 (mynediad i wybodaeth etc), yn is-adran (12A) –

(g) ar ôl "State" ychwanegwch "(in relation to local authorities in England), or the Welsh Ministers (in relation to local authorities in Wales),";

(h) ym mharagraff (a), gadewch allan "in England".'

Carl Sargeant

17

Section 76, page 49, line 24, leave out 'committee' and insert 'sub-committee'.

Adran 76, tudalen 49, llinell 21, gadewch allan 'y pwyllgor' a rhowch yn ei le 'yr is-bwyllgor'.

Carl Sargeant

18

Section 76, page 49, line 27, after 'membership', insert 'of the sub-committee'.

Adran 76, tudalen 49, llinell 24, ar ol 'gyfan', ychwanegwch 'o'r is-bwyllgor'.

Carl Sargeant

19

Section 76, page 49, line 30, leave out 'committee' and insert 'sub-committee'.

Adran 76, tudalen 49, llinell 27, gadewch allan 'y pwyllgor' a rhowch yn ei le 'yr is-bwyllgor'.

Carl Sargeant

20

Section 84, page 53, after line 26, insert –

- (c) review and assess the risk management, internal control and corporate governance arrangements of the authority,
- (d) make reports and recommendations to the authority on the adequacy and effectiveness of those arrangements,
- (e) oversee the authority's internal and external audit arrangements, and
- (f) review the financial statements prepared by the authority.'

Adran 84, tudalen 53, ar ôl llinell 26, ychwanegwch –

- (c) i adolygu ac asesu trefniadau'r awdurdod ar gyfer rheoli risgiau, rheolaeth fewnol a llywodraethu corfforaethol,
- (d) i lunio adroddiadau a gwneud argymhellion i'r awdurdod ynghylch digonolrwydd ac effeithiolrwydd y trefniadau hynny,
- (e) i arolygu trefniadau archwilio mewnol ac allanol yr awdurdod, ac
- (f) i adolygu'r datganiadau ariannol a lunnir gan yr awdurdod.'

Carl Sargeant

21

Section 84, page 53, line 27, leave out subsection (2) and insert –

- () A local authority may confer on its audit committee such other functions as the authority considers suitable to be exercised by such a committee.'

Adran 84, tudalen 53, llinell 27, gadewch allan is-adran (2) a rhowch yn ei le –

- () Caiff awdurdod lleol roi i'w bwyllgor archwilio unrhyw swyddogaethau eraill y mae'r awdurdod o'r farn eu bod yn addas i'w harfer gan y cyfryw bwyllgor.'

Carl Sargeant

22

Section 86, page 54, line 24, leave out ‘within the meaning of section 74’.

Adran 86, tudalen 54, llinell 25, gadewch allan ‘o fewn ystyr adran 74’.

Carl Sargeant

23

Section 86, page 54, after line 24, insert –

‘() If there are no opposition groups, the person who is to chair the audit committee may be a member of an executive group but must not be a member of the local authority's executive.’.

Adran 86, tudalen 54, ar ôl llinell 25, ychwanegwch –

‘() Os nad oes unrhyw grwpiau gwrthblaid, caiff y person sydd i gadeirio'r pwyllgor archwilio fod yn aelod o grŵp gweithrediaeth ond rhaid iddo beidio â bod yn aelod o weithrediaeth yr awdurdod lleol.’.

Carl Sargeant

24

Section 86, page 54, after line 38, insert –

‘() For the purposes of subsections () and (), the expressions “executive group” and “opposition group” have the same meaning as in section 74.’.

Adran 86, tudalen 54, ar ôl llinell 39, ychwanegwch –

‘() At ddibenion is-adrannau () a (), mae i'r ymadroddion “grŵp gweithrediaeth” a “grŵp gwrthblaid” yr un ystyr ag yn adran 74.’.

Carl Sargeant

25

Page 55, line 11, leave out section 88 and insert –

() Guidance

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

Tudalen 55, llinell 13, gadewch allan adran 88 a rhwch yn ei lle –

() Canllawiau

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

Carl Sargeant

26

Section 105, page 67, line 15, after 'an', insert 'order'.

Adran 105, tudalen 67, llinell 15, ar ôl 'an', ychwanegwch 'order'.

Carl Sargeant

27

Section 117, page 75, line 3, leave out subsections (2) to (5).

Adran 117, tudalen 75, llinell 3, gadewch allan is-adrannau (2) i (5).

Carl Sargeant

28

Section 124, page 78, at the beginning of line 22, insert 'A community youth representative is not a member of the community council which appointed the representative, but'.

Adran 124, tudalen 78, ar ddechrau llinell 24, ychwanegwch 'Nid yw cynrychiolydd ieuencid cymunedol yn aelod o'r cyngor cymuned a benododd y cynrychiolydd, ond'.

Carl Sargeant

29

Section 145, page 85, line 7, leave out 'absence under Part 1' and insert 'family absence under Part 2'.

Adran 145, tudalen 85, llinell 8, gadewch allan 'o dan Ran 1' a rhowch yn ei le 'teulol o dan Ran 2'.

Carl Sargeant

30

Section 145, page 85, after line 12, insert –

- '() Having decided the relevant matters for which a relevant authority may be authorised or required to make payments under subsection (1) and set the amount or maximum amount for each matter under subsection (3), the Panel may determine that payments in respect of a particular matter or matters may not be paid to more than a fixed proportion of the members of an authority.
- () The proportion fixed by the Panel in accordance with subsection () may not exceed fifty per cent unless the consent of the Welsh Ministers has been obtained.'

Adran 145, tudalen 85, ar ôl llinell 12, ychwanegwch –

- '() Ar ôl penderfynu'r materion perthnasol y ceir awdurdodi neu ei gwneud yn ofynnol i awdurdod perthnasol wneud taliadau amdanynt o dan is-adran (1) a phennu'r swm neu'r uchafswm ar gyfer pob mater o dan is-adran (3), caiff y Panel benderfynu na chaniateir talu taliadau mewn cysylltiad â mater neu faterion penodol i fwy na chyfran benodedig o'r aelodau o awdurdod.
- () Ni chaiff y gyfran a bennir gan y Panel yn unol ag is-adran () fod yn fwy na hanner cant y cant oni fydd cydsyniad Gweinidogion Cymru wedi ei sicrhau.'

Carl Sargeant

31

Section 145, page 85, line 23, leave out 'or' at the first place where it appears and insert ', making a determination under subsection () or setting'.

Adran 145, tudalen 85, llinell 26, gadewch allan 'neu gyfradd' a rhowch yn ei le ', gwneud penderfyniad o dan is-adran () neu osod cyfradd'.

Carl Sargeant

32

Section 145, page 85, line 27, after '(3)', insert ', make different determinations under subsection ()'.

Adran 145, tudalen 85, llinell 30, ar ol '(3)', ychwanegwch ', gwneud penderfyniadau gwahanol o dan is-adran ()'.

Carl Sargeant 33

Section 149, page 87, after line 14, insert –

‘() the proportion determined under section 145 (),’.

Adran 149, tudalen 87, ar ôl llinell 14, ychwanegwch –

‘() y gyfran a benderfynwyd o dan adran 145 (),’.

Carl Sargeant 34

Section 149, page 87, line 21, leave out ‘or (d)’ and insert ‘,(d) or (e)’.

Adran 149, tudalen 87, llinell 22, gadewch allan ‘neu (d)’ a rhowch yn ei le ‘,(d) neu (e)’.

Carl Sargeant 35

Section 149, page 87, line 29, leave out ‘every relevant authority’ and insert –

‘() those relevant authorities which are required or authorised by the Panel to make payments to their members in respect of relevant matters,’.

Adran 149, tudalen 87, llinell 30, gadewch allan ‘pob awdurdod perthnasol’ a rhowch yn ei le –

‘() yr awdurdodau perthnasol hynny y mae’r Panel wedi ei gwneud yn ofynnol iddynt neu wedi eu hawdurdodi i wneud taliadau i’w haelodau mewn cysylltiad â materion perthnasol,’.

Carl Sargeant 36

Section 150, page 88, line 11, leave out ‘or (d)’ and insert ‘,(d) or (e)’.

Adran 150, tudalen 88, llinell 13, gadewch allan ‘neu (d)’ a rhowch yn ei le ‘,(d) neu (e)’.

Carl Sargeant 37

Section 150, page 88, line 19, leave out ‘or (d)’ and insert ‘,(d) or (e)’.

Adran 150, tudalen 88, llinell 22, gadewch allan ‘neu (d)’ a rhowch yn ei le ‘,(d) neu (e)’.

Carl Sargeant 38

Section 150, page 88, line 27, leave out 'every relevant authority' and insert –

- '() those relevant authorities which are required or authorised by the Panel to make payments to their members in respect of relevant matters,'.

Adran 150, tudalen 88, llinell 32, gadewch allan 'pob awdurdod perthnasol' a rhowch yn ei le –

- '() yr awdurdodau perthnasol hynny y mae'r Panel wedi ei gwneud yn ofynnol iddynt neu wedi eu hawdurdodi i wneud taliadau i'w haelodau mewn cysylltiad â materion perthnasol,'.

Carl Sargeant

39

Section 160, page 91, after line 34, insert –

- '() The power of the Panel to give guidance under subsection (1) includes the power to vary or revoke guidance given.'

Adran 160, tudalen 91, ar ôl llinell 38, ychwanegwch –

- '() Mae pŵer y Panel i roi canllawiau o dan is-adran (1) yn cynnwys y pŵer i amrywio neu ddirymu'r canllawiau a roddwyd.'

Carl Sargeant

40

Section 165, page 93, line 10, leave out 'or Part 2' and insert ', Part 2 or section 143'.

Adran 165, tudalen 93, llinell 10, gadewch allan 'neu Rhan 2' a rhowch yn ei le ', Rhan 2 neu adran 143'.

Carl Sargeant

41

Section 166, page 93, line 31, leave out subsections (1) to (6) and insert –

- '() The Welsh Ministers must comply with this section before making an order under section 130 to give effect to proposals to modify an enactment which they consider prevents or obstructs community councils from exercising their power under section 2(1) of the Local Government Act 2000 ("the proposals").

- () The Welsh Ministers must consult –

- (a) such community councils,
- (b) such representatives of community councils, and
- (c) such other persons (if any),

as appear to the Welsh Ministers to be likely to be affected by the proposals.

- () If, following that consultation, the Welsh Ministers wish to proceed with the proposals they must lay before the National Assembly for Wales a document which—
 - (a) explains the proposals,
 - (b) sets them out in the form of a draft order, and
 - (c) gives details of the consultation under subsection ().
- () No draft of an order under section 130 to give effect to the proposals (“the final draft order”) may be laid before the Assembly in accordance with section 165(2)(b) until after the expiry of the period of 60 days beginning with the day on which the document relating to the proposals was laid before the National Assembly for Wales under subsection ().
- () In calculating the period mentioned in subsection () no account shall be taken of any time during which the National Assembly for Wales is dissolved or is in recess for more than four days.
- () In preparing the final draft order the Welsh Ministers must consider any representations made during the period mentioned in subsection ().
- () If the final draft order is laid before the National Assembly for Wales in accordance with section 165(2)(b), the order must be accompanied by a statement of the Welsh Ministers giving details of—
 - (a) any representations considered in accordance with subsection (), and
 - (b) any changes made to the proposals contained in the document laid before the National Assembly for Wales under subsection () which are given effect to in the final draft order.’.

Adran 166, tudalen 93, llinell 32, gadewch allan is-adrannau (1) i (6) a rhowch yn eu lle—

- ‘() Rhaid i Weinidogion Cymru gydymffurfio â’r adran hon cyn gwneud gorchymyn o dan adran 130 i roi effaith i gynigion i addasu deddfiad y maent o’r farn ei fod yn atal neu’n rhwystro cynghorau cymuned rhag arfer eu pŵer o dan adran 2(1) o Ddeddf Llywodraeth Leol 2000 (“y cynigion”).
 - () Rhaid i Weinidogion Cymru ymgynghori â’r canlynol—
 - (a) unrhyw gynghorau cymuned,
 - (b) unrhyw gynrychiolwyr cynghorau cymuned, ac
 - (c) unrhyw bersonau eraill (os oes rhai),
- y mae’n ymddangos i Weinidogion Cymru y byddai’r cynigion yn debyg o effeithio arnynt.
- () Os bydd Gweinidogion Cymru, ar ôl yr ymgynghori hwnnw, yn dymuno bwrw ymlaen â’r cynigion, rhaid iddynt osod gerbron Cynulliad Cenedlaethol Cymru ddogfen—
 - (a) sy’n esbonio’r cynigion,
 - (b) sy’n eu gosod ar ffurf gorchymyn drafft, a
 - (c) sy’n rhoi manylion yr ymgynghori o dan is-adran ().

- () Ni chaiff drafft o orchymyn o dan adran 130 i roi effaith i'r cynigion ("y gorchymyn drafft terfynol") gael ei osod gerbron y Cynulliad yn unol ag adran 165(2)(b) tan ar ôl i'r cyfnod o 60 niwrnod, sy'n dechrau ar y diwrnod y cafodd y ddogfen ynglŷn â'r cynigion ei gosod gerbron Cynulliad Cenedlaethol Cymru o dan is-adran (), ddirwyn i ben.
- () Wrth gyfrifo'r cyfnod a grybwyllwyd yn is-adran (), rhaid peidio ag ystyried unrhyw amser pryd y bydd Cynulliad Cenedlaethol Cymru wedi ei ddiddymu neu wedi cymryd saib am fwy na phedwar diwrnod.
- () Wrth baratoi'r gorchymyn drafft terfynol rhaid i Weinidogion Cymru ystyried unrhyw sylwadau a gyflwynwyd yn ystod y cyfnod a grybwyllwyd yn is-adran ().
- () Os caiff y gorchymyn drafft terfynol ei osod gerbron Cynulliad Cenedlaethol Cymru yn unol ag adran 165(2)(b), rhaid bod gyda'r gorchymyn ddatganiad gan Weinidogion Cymru sy'n rhoi manylion –
 - (a) unrhyw sylwadau a ystyriwyd yn unol ag is-adran (), a
 - (b) unrhyw newidiadau a wnaed i'r cynigion a oedd wedi eu cynnwys yn y ddogfen a osodwyd gerbron Cynulliad Cenedlaethol Cymru o dan is-adran () ac y mae effaith wedi ei rhoi iddynt yn y gorchymyn drafft terfynol.'.

Carl Sargeant

42

Section 171, page 96, leave out line 9.

Adran 171, tudalen 96, gadewch allan linell 10.

Carl Sargeant

43

Section 171, page 96, after line 17, insert –

- '() Chapters 2 to 9 of Part 7;
- () Parts B and C of Schedule 4 (and section 169(2) in so far as it relates to Parts B and C of Schedule 4).'

Adran 171, tudalen 96, ar ôl llinell 17, ychwanegwch –

- '() Penodau 2 i 9 o Ran 7;
- () Rhannau B ac C o Atodlen 4 (ac adran 169(2) i'r graddau y mae'n ymwneud â Rhannau B ac C o Atodlen 4).'

Carl Sargeant

44

Schedule 4, page 107, line 15, column 2, leave out 'Sections 29 and 30' and insert 'Section 29'.

Atodlen 4, tudalen 107, llinell 15, colofn 2, gadewch allan ‘Adrannau 29 a 30’, a rhowch yn ei le ‘Adran 29’.

Carl Sargeant

45

Schedule 4, page 107, after line 22, insert –

‘Local Authorities (Changing Executive Arrangements and Alternative Arrangements) (Wales) Regulations 2004 (S.I. 2004/3158)	The whole Regulations.’.
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Atodlen 4, tudalen 107, ar ôl llinell 22, ychwanegwch –

‘Rheoliadau Awdurdodau Lleol (Newid Trefniadau Gweithrediaeth a Threfniadau Amgen) (Cymru) 2004 (O.S. 2004/3158)	Y Rheoliadau cyfan.’.
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Carl Sargeant

46

Schedule 4, page 107, after line 34, column 2, insert ‘In section 21A(6)(a), the words “in England”.’.

Atodlen 4, tudalen 107, ar ôl llinell 34, colofn 2, ychwanegwch ‘Yn adran 21A(6)(a), y geiriau “in England”.’.

Carl Sargeant

47

Schedule 4, page 107, after line 36, column 2, insert ‘In section 22, the words “in England”.’.

Atodlen 4, tudalen 107, ar ôl llinell 35, colofn 2, ychwanegwch ‘Yn adran 22, y geiriau “in England”.’.