



CYNULLIAD CENEDLAETHOL CYMRU

NATIONAL ASSEMBLY FOR WALES

OFFERYNNAU STATUDOL

STATUTORY INSTRUMENTS

2006 Rhif 1275 (Cy.121)

2006 No. 1275 (W.121)

**LLYWODRAETH LEOL,
CYMRU**

**LOCAL GOVERNMENT,
WALES**

**Rheoliadau Awdurdodau Lleol
(Rheolau Sefydlog) Cymru) 2006**

**The Local Authorities (Standing
Orders) (Wales) Regulations 2006**

NODYN ESBONIADOL

EXPLANATORY NOTE

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

(This note is not part of the Regulations)

Gwneir y Rheoliadau hyn o dan adrannau 8, 20 a 190 o Ddeddf Llywodraeth Leol a Thai 1989 ("Deddf 1989") ac maent yn ei gwneud yn ofynnol i awdurdodau perthnasol ymgorffori darpariaethau penodol yn eu rheolau sefydlog sydd yn ymwneud â'u staff, cyfarfodydd a'u trafodion.

These Regulations are made under sections 8, 20 and 190 of the Local Government and Housing Act 1989 ("the 1989 Act") and require relevant authorities to incorporate into their standing orders certain provisions relating to their staff, meetings and proceedings.

Mae Rheoliad 3 ac Atodlen 1 yn ei gwneud yn ofynol i awdurdodau perthnasol wneud y cyfryw ddarpariaeth mewn perthynas â phenodi prif swyddogion. Mae Rheoliad 4 ac Atodlen 2 yn ei gwneud yn ofynnol i reolau sefydlog gael eu gwneud mewn perthynas â chofnodi pleidleisiau, a llofnodi cofnodion mewn cyfarfodydd arbennig.

Regulation 3 and Schedule 1 require relevant authorities to make such provision in relation to the appointment of chief officers. Regulation 4 and Schedule 2 require standing orders to be made in relation to the recording of votes, and the signing of minutes at extraordinary meetings.

Mae'n ofynnol i awdurdodau perthnasol yng Nghymru wneud neu addasu rheolau sefydlog fel eu bod yn cynnwys y darpariaethau a osodir yn y Rheoliadau, neu ddarpariaethau fydd yn cael yr un effaith.

Relevant authorities in Wales are required to make or modify standing orders so that they include the provisions set out in the Regulations, or provisions to the like effect.

Mae Rhan II o Ddeddf Llywodraeth Leol 2000 ("Deddf 2000") yn gwneud darpariaeth i awdurdodau lleol ffurfio cynigion i weithredu trefniadau gweithredol (lle mae rhai o swyddogaethau'r awdurdod yn gyfrifoldeb corff gweithredol) neu, yn achos rhai awdurdodau, i weithredu trefniadau amgen. Yn achos trefniadau gweithredol, rhaid i gorff gweithredol yr awdurdod lleol fod ar un o'r ffurfiau a bennir yn adran 11 o Ddeddf 2000.

Part II of the Local Government Act 2000 ("the 2000 Act") provides for local authorities to draw up proposals for the operation of executive arrangements (under which certain functions of the authority are the responsibility of an executive) or, in the case of certain authorities, for the operation of alternative arrangements. In the case of executive arrangements, the local authority's executive must take one of the forms specified in section 11 of the 2000 Act.

Rhaid i awdurdod perthnasol sydd yn gweithredu trefniadau gweithredol fod â rheolau sefydlog sydd yn ymwneud â'i staff sy'n cynnwys y darpariaethau a osodir yn Atodlen 3. Rhaid i'r rheolau sefydlog fod yn

A relevant authority which operates executive arrangements must have standing orders relating to its staff which include the provisions set out in Schedule 3. The standing orders must be the appropriate ones for the particular form that the executive takes (as set out

rhai priodol ar gyfer ffurf penodol y corff gweithredol (fel y'u gosodir yng ngwahanol Rannau Atodlen 3) ac, os bydd i'r ffurf honno newid, rhaid amrywio'r rheolau sefydlog yn unol â hynny (rheoliad 5).

Rhaid i awdurdod perthnasol sydd yn gweithredu trefniadau amgen fod â rheolau sefydlog ynglŷn â'i staff sydd yn cynnwys y darpariaethau a osodir yn Rhan 4 Atodlen 3 (neu ddarpariaethau sydd yn cael yr un effaith) (rheoliad 6).

Nid ymdrinnir â phenodi, disgyblu, atal dros dro a diswyddo athrawon a staff eraill mewn ysgol a gyflogir gan yr awdurdod addysg lleol yn y Rheoliadau hyn ond mewn rheoliadau a wneir o dan adran 35(4) a (5) o Ddeddf Addysg 2002 (gweler, ar hyn o bryd, Reoliadau Staffio Ysgolion a Gynhelir (Cymru) 2006 (O.S. 2006/873 (Cy.81))).

Rhaid i awdurdod perthnasol, yng nghyswllt camau disgyblu yn erbyn pennaeth gwasanaeth taledig yr awdurdod, ei swyddog monitro neu ei brif swyddog cyllid, wneud rheolau sefydlog yn ymgorffori'r darpariaethau a osodir yn Atodlen 4 (neu ddarpariaethau sydd yn cael yr un effaith). Rhaid gwneud y cyfryw reolau sefydlog ddim hwyrach na chyfarfod arferol cyntaf yr awdurdod perthnasol a ddaw wedi'r diwrnod y daw'r Rheoliadau hyn i rym (rheoliad 8).

Mae Rheoliad 9 yn darparu ar gyfer ystyriaeth gan bwyllgor ymchwilio o honiad o gamymddwyn a wneir yn erbyn pennaeth gwasanaeth taledig yr awdurdod (oni fo pennaeth gwasanaeth taledig yr awdurdod hefyd yn rheolwr cyngor yr awdurdod), ei swyddog monitro neu ei brif swyddog cyllid ac mae'n rhagnodi gweithdrefn ar gyfer ymchwiliad pellach gan berson annibynnol, a dylid dilyn y weithdrefn hon lle'r honnir camymddwyn gan bennaeth gwasanaeth taledig yr awdurdod, ei swyddog monitro neu ei brif swyddog cyllid y mae'r pwyllgor ymchwilio, ar ôl iddo ystyried y mater, o'r farn y dylid ymchwilio iddo ymhellach. Cynhwyswyd darpariaethau tebyg yn Rheoliadau Awdurdodau Lleol (Rheolau Sefydlog) 1993 ("Rheoliadau 1993") mewn perthynas â phennaeth gwasanaeth taledig yr awdurdod. Wedi i'r awdurdod perthnasol ystyried yr adroddiad a baratowyd dan baragraff 6(ch), rhaid i'r awdurdod perthnasol wedyn gydymffurfio â'r gweithdrefnau statudol ar gyfer gwrandawriadau disgyblu.

Mae Rheoliad 10 yn dirymu Rheoliadau 1993 i'r graddau eu bod yn ymestyn i Gymru (ond nid mewn perthynas ag Awdurdod Parc Cenedlaethol yng Nghymru).

Mae Rheoliad 11 yn cynnwys darpariaethau trosiannol mewn perthynas â rheolau sefydlog sydd yn bodoli eisoes ar gyfer camau disgyblu a waned o dan Reoliadau 1993.

in different Parts of Schedule 3) and, if that form changes, the standing orders must be varied accordingly (regulation 5).

A relevant authority which is operating alternative arrangements must have standing orders relating to its staff which include the provisions set out in Part 4 of Schedule 3 (or provisions to the like effect) (regulation 6).

Appointment, discipline, suspension and dismissal of teachers and other school staff employed by the local education authority are not dealt with in these Regulations but in regulations made under section 35(4) and (5) of the Education Act 2002 (see, at present, the Staffing of Maintained Schools (Wales) Regulations 2006 (S.I. 2006/873 (W.81))).

A relevant authority must, in respect of disciplinary action against the head of the authority's paid service, its monitoring officer or its chief finance officer, make standing orders incorporating the provisions set out in Schedule 4 (or provisions to the like effect). Such standing orders must be made no later than the first ordinary meeting of the relevant authority falling after the day on which these Regulations come into force (regulation 8).

Regulation 9 provides for consideration by an investigation committee of an allegation of misconduct made against the head of the authority's paid service (unless the head of the authority's paid service is the authority's council manager), its monitoring officer or its chief finance officer and prescribes a procedure for further investigation by an independent person, which is to be followed, where there is alleged to have been misconduct by the head of the authority's paid service, its monitoring officer or its chief finance officer which the investigation committee, having considered the matter, consider should be further investigated. Similar provisions were included in the Local Authorities (Standing Orders) Regulations 1993 ("the 1993 Regulations") in relation to the head of the authority's paid service. Following the relevant authority's consideration of the report prepared under paragraph (6)(d), the relevant authority must then comply with the relevant statutory procedures for disciplinary hearings.

Regulation 10 revokes the 1993 Regulations in so far as they extend to Wales (but not in relation to a National Park Authority in Wales).

Regulation 11 contains transitional provisions in relation to existing standing orders for disciplinary action made under the 1993 Regulations.

2006 Rhif 1275 (Cy.121)**2006 No. 1275 (W.121)****LLYWODRAETH LEOL,
CYMRU****LOCAL GOVERNMENT,
WALES****Rheoliadau Awdurdodau Lleol
(Rheolau Sefydlog) (Cymru) 2006****The Local Authorities (Standing
Orders) (Wales) Regulations 2006***Wedi'u gwneud* 9 Mai 2006*Made* 9 May 2006*Yn dod i rym* 3 Gorffennaf 2006*Coming into force* 3 July 2006

Mae Cynulliad Cenedlaethol Cymru yn gwneud y Rheoliadau a ganlyn gan arfer y pwerau a roddwyd i'r Ysgrifennydd Gwladol gan adrannau 8, 20 a 190 o Ddeddf Llywodraeth Leol a Thai 1989(1) ac a freinir bellach yng Nghynulliad Cenedlaethol Cymru i'r graddau y gellir eu harfer o ran Cymru (2).

The National Assembly for Wales makes the following Regulations in exercise of the powers conferred on the Secretary of State by sections 8, 20 and 190 of the Local Government and Housing Act 1989(1) and which are now vested in the National Assembly for Wales so far as exercisable in relation to Wales(2).

Enwi, cychwyn a chymhwyso

1.-(1) Enw'r Rheoliadau hyn yw Rheoliadau Awdurdodau Lleol (Rheolau Sefydlog) (Cymru) 2006 a deuant i rym ar 3 Gorffennaf 2006.

Title, commencement and application

1.-(1) The title of these Regulations is the Local Authorities (Standing Orders) (Wales) Regulations 2006 and they come into force on 3 July 2006.

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

(2) These Regulations apply in relation to Wales.

Dehongli**2. Yn y Rheoliadau hyn-**

ystyr "aelod o'r staff" ("*member of staff*") yw rhywun a benodwyd i neu sydd mewn swydd daledig neu gyflogaeth, o dan awdurdod perthnasol;

ystyr "awdurdod perthnasol" ("*relevant authority*") yw cyngor sir neu gyngor bwrdeistref sirol yng Nghymru;

ystyr "camau disgyblu" ("*disciplinary action*") mewn perthynas ag aelod o staff awdurdod

Interpretation**2. In these Regulations-**

"the 1989 Act" ("*Deddf 1989*") means the Local Government and Housing Act 1989;

"the 2000 Act" ("*Deddf 2000*") means the Local Government Act 2000(3);

"the 1993 Regulations" ("*Rheoliadau 1993*") means the Local Authorities (Standing Orders) Regulations 1993(4);

(1) 1989 p.42. Diwygiwyd adran 8 gan O.S. 2002/803 (Cy. 88).

(2) Trosglwyddwyd swyddogaethau'r Ysgrifennydd Gwladol o dan adrannau 8, 20 a 190, i'r graddau yr oeddent yn arferadwy o ran Cymru, i Gynulliad Cenedlaethol Cymru gan erthygl 2 o Orchymyn Cynulliad Cenedlaethol Cymru (Trosglwyddo Swyddogaethau) 1999 (O.S.1999/672); gweler y cofnod yn Atodlen 1 i Ddeddf Llywodraeth Leol a Thai 1989.

(1) 1989 c.42. Section 8 was amended by S.I. 2002/803 (W. 88).

(2) The functions of the Secretary of State under sections 8, 20 and 190 are, so far as exercisable in relation to Wales, transferred to the National Assembly for Wales by article 2 of the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672); see the entry in Schedule 1 for the Local Government and Housing Act 1989.

(3) 2000 c.22.

(4) S.I. 1993/202.

perthnasol yw unrhyw weithred a achosir gan gamymddwyn honedig a fuasai, o'i phrofi, yn ôl trefn arferol yr awdurdod, yn cael ei chofnodi ar ffeil bersonol yr aelod o'r staff, ac sy'n cynnwys unrhyw gynnig i ddiswyddo aelod o'r staff am unrhyw reswm ac eithrio colli swydd, afiechyd parhaol neu lesgeidd meddwl neu gorff, ond nid yw'n cynnwys methiant i adnewyddu contract cyflogaeth am dymor penodol oni ymrwymodd yr awdurdod perthnasol i adnewyddu'r cyfryw gontract;

ystyr "cydbwyllgor perthnasol" ("*relevant joint committee*"), mewn perthynas ag awdurdod perthnasol, yw cydbwyllgor y cynrychiolir yr awdurdod perthnasol arno;

ystyr "Deddf 1989" ("*the 1989 Act*") yw Deddf Llywodraeth Leol a Thai 1989;

ystyr "Deddf 2000" ("*the 2002 Act*") yw Deddf Llywodraeth Leol 2000(1);

ystyr "diwrnod gwaith" ("*working day*") yw unrhyw ddiwrnod nad yw'n ddydd Sadwrn, dydd Sul, Noswyl Nadolig, Dydd Nadolig, Dydd Iau Cablyd, Gwener y Groglith, gwyl banc yng Nghymru neu ddiwrnod a bennwyd ar gyfer diolchgarwch neu alaru cyhoeddus (ac ystyr "gwyl banc" yw diwrnod i'w gadw ato felly dan adran 1 ac Atodlen 1 i Ddeddf Bancio a Masnachu Ariannol 1971(2));

mae i "maer etholedig", "corff gweithredol", "trefniadau gweithredol" ac "arweinydd gweithredol" yr un ystyr sydd i "elected mayor", "executive", "executive arrangements" ac "executive leader" yn Rhan II o Ddeddf 2000;

ystyr "pennaeth gwasanaeth taledig yr awdurdod" ("*head of the authority's paid service*") yw'r swyddog a ddynodwyd dan adran 4(1) o Ddeddf 1989 (dynodiad ac adroddiadau pennaeth gwasanaeth taledig);

ystyr "prif swyddog" ("*chief officer*"), mewn perthynas ag awdurdod perthnasol, yw-

- (a) pennaeth ei wasanaeth taledig;
- (b) ei swyddog monitro;
- (c) prif swyddog statudol a grybwyllir ym mharagraff (a), (c) neu (d) o adran 2(6) o Ddeddf 1989, neu
- (ch) prif swyddog anstatudol (yn ystyr adran 2(7) Deddf 1989);

ac mae unrhyw gyfeiriad at benodi neu benodiad arfaethedig prif swyddog yn cynnwys cyfeiriad at gyflogi neu gyflogi arfaethedig y cyfryw swyddog dan gontract cyflogaeth;

"alternative arrangements" ("*drefniadau amgen*") has the same meaning as in Part II of the 2000 Act (arrangements with respect to executives etc.);

"chief officer" ("*prif swyddog*"), in relation to a relevant authority, means-

- (a) the head of its paid service;
- (b) its monitoring officer;
- (c) a statutory chief officer mentioned in paragraph (a), (c) or (d) of section 2(6) of the 1989 Act, or
- (d) a non-statutory chief officer (within the meaning of section 2(7) of the 1989 Act);

and any reference to an appointment or purported appointment of a chief officer includes a reference to the engagement or purported engagement of such an officer under a contract of employment;

"chief finance officer" ("*prif swyddog cyllid*") means the officer having responsibility, for the purposes of section 151 of the Local Government Act 1972(1) (financial administration) for the administration of the local authority's financial affairs;

"council manager" ("*rheolwr cyngor*") has the same meaning as in section 11(4)(b) of the 2000 Act;

"disciplinary action" ("*camau disgyblu*") in relation to a member of staff of a relevant authority means any action occasioned by alleged misconduct which, if proved, would, according to the usual practice of the authority, be recorded on the member of staff's personal file, and includes any proposal for dismissal of a member of staff for any reason other than redundancy, permanent ill-health or infirmity of mind or body, but does not include failure to renew a contract of employment for a fixed term unless the relevant authority has undertaken to renew such a contract;

"elected mayor" ("*maer etholedig*"), "executive" ("*corff gweithredol*"), "executive arrangements" ("*trefniadau gweithredol*") and "executive leader" ("*arweinydd gweithredol*") have the same meaning as in Part II of the 2000 Act;

"head of the authority's paid service" ("*pennaeth gwasanaeth taledig yr awdurdod*") means the officer designated under section 4(1) of the 1989 Act (designation and reports of head of paid service);

"member of staff" ("*aelod o'r staff*") means a person appointed to or holding a paid office or employment, under a relevant authority;

(1) 2000 p.22.

(2) 1971 p.80.

(1) 1972 c.70.

ystyr "prif swyddog cyllid" ("*chief finance officer*") yw'r swyddog sydd â chyfrifoldeb, at ddibenion adran 151 o Ddeddf Llywodraeth Leol 1972(1) (gweinyddiaeth gyllidol) am weinyddu materion cyllidol yr awdurdod lleol;

ystyr "Rheoliadau 1993" ("*the 1993 Regulations*") yw Rheoliadau Awdurdodau Lleol (Rheolau Sefydlog) 1993(2);

mae i "rheolwr cyngor" ("*council manager*") yr un ystyr ag yn adran 11(4)(b) o Ddeddf 2000;

ystyr "swyddog monitro" ("*monitoring officer*") yw swyddog a ddynodwyd dan adran 5(1) o Ddeddf 1989(3) (dynodiad ac adroddiadau swyddog monitro); ac

mae i "trefniadau amgen" yr un ystyr sydd i "*alternative arrangements*" yn Rhan II o Ddeddf 2000 (trefniadau parthed cyrff gweithredol etc.).

"monitoring officer" ("*swyddog monitro*") means the officer designated under section 5(1) of the 1989 Act(1) (designation and reports of monitoring officer);

"relevant authority" ("*awdurdod perthnasol*") means a county council or county borough council in Wales;

"relevant joint committee" ("*cydbwyllgor perthnasol*"), in relation to a relevant authority, means a joint committee on which the relevant authority is represented; and

"working day" ("*diwrnod gwaith*") means any day which is not a Saturday, a Sunday, Christmas Eve, Christmas Day, Maundy Thursday, Good Friday, a bank holiday in Wales or a day appointed for public thanksgiving or mourning (and "bank holiday" means a day to be observed as such under section 1 of and Schedule 1 to the Banking and Financial Dealings Act 1971(2)).

Rheolau sefydlog yn ymwneud â phrif swyddogion

3. Ddim hwyrach na chyfarfod arferol cyntaf yr awdurdod perthnasol fydd yn digwydd wedi'r diwrnod y daw'r Rheoliadau hyn i rym, rhaid i'r awdurdod perthnasol, o ran penodi ei brif swyddogion-

- (a) wneud rheolau sefydlog yn ymgorffori'r canlynol-
 - (i) y darpariaethau a osodir yn Rhan 1 o Atodlen 1 i'r Rheoliadau hyn, neu
 - (ii) ddarpariaethau sydd yn cael yr un effaith, neu
 - (iii) ddarpariaethau sydd yn ymgorffori effaith y darpariaethau hynny a addaswyd fel y darperir ar eu cyfer yn Rhan 2 o'r Atodlen honno; a
- (b) addasu unrhyw reolau sefydlog sydd yn bodoli ar hyn o bryd i'r graddau y bo hynny'n angenrheidiol i gydymffurfio â'r darpariaethau hynny;

ac ni ddylent wedi hynny amrywio rheolau sefydlog a wnaed neu a addaswyd felly ac eithrio o ran ymgorffori darpariaeth a gaiff yr effaith a ddisgrifir yn Rhan 2 o'r Atodlen honno neu ddarpariaethau sy'n cael yr un effaith.

Rheolau Sefydlog yn ymwneud â Chyfarfodydd a Thrafodion

4.-(1) Ddim hwyrach na chyfarfod arferol cyntaf yr awdurdod perthnasol fydd yn digwydd wedi'r diwrnod y daw'r Rheoliadau hyn i rym, rhaid i'r awdurdod

(1) 1972 p.70.

(2) O.S. 1993/202.

(3) Is-adran (1) o adran 5 (fel y'i diwygiwyd).

Standing orders relating to chief officers

3. No later than the first ordinary meeting of the relevant authority falling after the day on which these Regulations come into force, the relevant authority must, in respect of the appointment of its chief officers-

- (a) make standing orders incorporating-
 - (i) the provisions set out in Part 1 of Schedule 1 to these Regulations, or
 - (ii) provisions to the like effect, or
 - (iii) provisions incorporating the effect of those provisions modified as provided in Part 2 of that Schedule; and
- (b) modify any of its existing standing orders in so far as is necessary to conform with those provisions;

and must not thereafter vary standing orders so made or modified other than by way of incorporating provision having effect as described in Part 2 of that Schedule or provisions to the like effect.

Standing Orders relating to Meetings and Proceedings

4.-(1) No later than the first ordinary meeting of the relevant authority falling after the day on which these Regulations come into force, the relevant authority

(1) Subsection (1) of section 5 (as amended).

(2) 1971 c.80.

perthnasol, o ran y materion a grybwyllir ym mharagraff (2)-

- (a) wneud rheolau sefydlog yn ymgorffori'r darpariaethau a osodir yn Atodlen 2 i'r Rheoliadau hyn, neu ddarpariaethau sydd yn cael yr un effaith; a
- (b) addasu unrhyw reolau sefydlog sy'n bodoli eisoes i'r graddau y bo hynny'n angenrheidiol i gydymffurfio â'r darpariaethau hynny.

(2) Y materion y cyfeirir atynt ym mharagraff (1) yw-

- (a) cofnodi pleidleisiau'r awdurdod perthnasol neu unrhyw rai o'i bwyllgorau neu ei is-bwyllgorau, neu o unrhyw gydbwyllgor perthnasol, neu is-bwyllgor o unrhyw bwyllgor o'r fath; a
- (b) llofnodi cofnodion yr awdurdod perthnasol.

Trefniadau gweithredol- rheolau sefydlog yn ymwneud â staff

5.-(1) Yn amodol ar baragraff (3) o reoliad 11, pan fydd awdurdod perthnasol yn gweithredu trefniadau gweithrediaeth o dan Ran II o Ddeddf 2000, rhaid iddo pan ddaw'r Rheoliadau hyn i rym:

- (a) lle bo corff gweithredol awdurdod perthnasol ar ffurf a bennir yn adran 11(2) o Ddeddf 2000 (maer a chabinet gweithredol), ymgorffori mewn rheolau sefydlog yn ymwneud â'i staff(1) y darpariaethau a osodir yn Rhan 1 o Atodlen 3 neu ddarpariaethau sydd yn cael yr un effaith;
- (b) lle bo eu corff gweithredol ar y ffurf a bennir yn adran 11(3) o Ddeddf 2000 (arweinydd a chabinet gweithredol), ymgorffori mewn rheolau sefydlog yn ymwneud â'i staff y darpariaethau a osodir yn Rhan 2 o Atodlen 3 neu ddarpariaethau sydd yn cael yr un effaith; ac
- (c) lle bo eu corff gweithredol ar y ffurf a bennir yn adran 11(4) o Ddeddf 2000 (maer a rheolwr gweithredol cyngor), ymgorffori mewn rheolau sefydlog yn ymwneud â'i staff y darpariaethau a osodir yn Rhan 2 o Atodlen 3 neu ddarpariaethau sydd yn cael yr un effaith; ac
- (ch) addasu unrhyw rai o'u rheolau sefydlog sy'n bodoli eisoes i'r graddau y bo hyn yn angenrheidiol i gydymffurfio â'r darpariaethau y cyfeirir atynt yn is-baragraffau (a), (b) ac (c).

(2) Pan fo awdurdod perthnasol wedi ymgorffori darpariaethau mewn rheolau sefydlog fel ym mharagraff (1) rhaid iddo, lle bwriada newid ei drefniadau gweithredol fel y bydd y corff gweithredol

must, in respect of the matters mentioned in paragraph (2)-

- (a) make standing orders incorporating the provisions set out in Schedule 2 to these Regulations, or provisions to the like effect; and
- (b) modify any of its existing standing orders in so far as is necessary to conform with those provisions.

(2) The matters referred to in paragraph (1) are-

- (a) the recording of votes of the relevant authority or any of its committees or sub-committees, or of any relevant joint committee, or sub-committee of such a committee; and
- (b) the signing of minutes of the relevant authority.

Executive arrangements- standing orders relating to staff

5.-(1) Subject to paragraph (3) of regulation 11, where a relevant authority operates executive arrangements under Part II of the 2000 Act, it must upon the coming into force of these Regulations:

- (a) where a relevant authority's executive takes the form specified in section 11(2) of the 2000 Act (mayor and cabinet executive), incorporate in standing orders relating to its staff(1) the provisions set out in Part 1 of Schedule 3 or provisions to the like effect;
- (b) where its executive takes the form specified in section 11(3) of the 2000 Act (leader and cabinet executive), incorporate in standing orders relating to its staff the provisions set out in Part 2 of Schedule 3 or provisions to the like effect;
- (c) where its executive takes the form specified in section 11(4) of the 2000 Act (mayor and council manager executive), incorporate in standing orders relating to its staff the provisions set out in Part 3 of Schedule 3 or provisions to the like effect; and
- (d) modify any of its existing standing orders in so far as is necessary to conform with the provisions referred to in sub-paragraphs (a), (b) and (c).

(2) A relevant authority which has incorporated provisions in standing orders pursuant to paragraph (1) must, where it proposes to change its executive arrangements so that its executive will take a different

(1) *Gweler* paragraff 42 Atodlen 12 i Ddeddf Llywodraeth Leol 1972.

(1) *See* paragraph 42 of Schedule 12 to the Local Government Act 1972.

ar ffurf wahanol, wneud amrywiadau i'w reolau sefydlog i'r graddau y bo hyn yn angenrheidiol i gydymffurfio â'r darpariaethau y cyfeirir atynt yn is-baragraff (a), (b), (c) neu (d) o baragraff (1), pa un bynnag sydd yn gymwys, ar neu cyn y dyddiad pryd y dechreuwa weithredu'r trefniadau gweithredol newydd hynny.

Trefniadau amgen- rheolau sefydlog yn ymwneud â staff

6. Yn amodol ar baragraff (3) rheoliad 11, rhaid i awdurdod perthnasol sy'n gweithredu trefniadau amgen o dan Ran II o Ddeddf 2000 wneud y canlynol-

- (a) ymgorffori mewn rheolau sefydlog yn ymwneud â'i staff y darpariaethau a osodir yn Rhan 4 o Atodlen 3 neu ddarpariaethau sydd yn cael yr un effaith; a
- (b) addasu unrhyw rai o'i rheolau sefydlog sy'n bodoli eisoes i'r graddau y bo hyn yn angenrheidiol i gydymffurfio â'r darpariaethau y cyfeirir atynt yn is-baragraff (a).

Rheolau sefydlog yn ymwneud â staff

7. Lle bo gan awdurdod perthnasol reolau sefydlog yn ymgorffori'r darpariaethau ym mharagraff 4(1) Rhan 1, paragraff 4(1) o Ran 2 neu baragraff 4 o Ran 4 Atodlen 3 (neu ddarpariaethau sydd yn cael yr un effaith), rhaid i'r pŵer i gymeradwyo penodiad neu ddiswyddiad pennaeth gwasanaeth taledig yr awdurdod gael ei arfer gan yr awdurdod perthnasol ei hun, ac yn unol â hynny ni fydd adran 101 o Ddeddf Llywodraeth Leol 1972 (trefniadau ar gyfer gweithredu swyddogaethau gan awdurdodau lleol) yn gymwys i arfer y pŵer hwnnw.

Rheolau sefydlog o ran camau disgyblu

8. Ddim hwyrach na chyfarfod arferol cyntaf yr awdurdod perthnasol fydd yn digwydd wedi'r diwrnod y daw'r Rheoliadau hyn i rym, rhaid i'r awdurdod perthnasol, o ran camau disgyblu yn erbyn pennaeth gwasanaeth taledig yr awdurdod, ei swyddog monitro neu ei brif swyddog cyllid-

- (a) ymgorffori mewn rheolau sefydlog y darpariaethau a osodir yn Atodlen 4 neu ddarpariaethau sydd yn cael yr un effaith; a
- (b) addasu unrhyw rai o'i rheolau sefydlog sy'n bodoli eisoes i'r graddau y bo hyn yn angenrheidiol i gydymffurfio â'r darpariaethau hynny.

Ymchwilio i gamymddwyn honedig

9.-(1) Yn ddarostyngedig i baragraff (11), ar ôl i awdurdod perthnasol ymgorffori darpariaethau yn y rheolau sefydlog yn unol â rheoliad 8, os yw'n ymddangos i'r awdurdod perthnasol bod honiad o gamymddwyn a all arwain at gamau disgyblu wedi

form, make variations to its standing orders to the extent necessary to conform with the provisions referred to in sub-paragraph (a), (b), (c) or (d) of paragraph (1), as the case may be, on or before the date on which it starts to operate those changed executive arrangements.

Alternative arrangements- standing orders relating to staff

6. Subject to paragraph (3) of regulation 11, a relevant authority operating alternative arrangements under Part II of the 2000 Act must-

- (a) incorporate in standing orders relating to its staff the provisions set out in Part 4 of Schedule 3 or provisions to the like effect; and
- (b) modify any of its existing standing orders in so far as is necessary to conform with the provisions referred to in sub-paragraph (a).

Standing orders relating to staff

7. Where a relevant authority has standing orders incorporating the provisions in paragraph 4(1) of Part 1, paragraph 4(1) of Part 2 or paragraph 4 of Part 4 of Schedule 3 (or provisions to the like effect), the power to approve the appointment or dismissal of the head of the authority's paid service must be exercised by the relevant authority itself and accordingly section 101 of the Local Government Act 1972 (arrangements for discharge of functions by local authorities) does not apply to the exercise of that power.

Standing orders in respect of disciplinary action

8. No later than the first ordinary meeting of the relevant authority falling after the day on which these Regulations come into force, a relevant authority must, in respect of disciplinary action against the head of the authority's paid service, its monitoring officer or its chief finance officer-

- (a) incorporate in standing orders the provisions set out in Schedule 4 or provisions to the like effect; and
- (b) modify any of its existing standing orders in so far as is necessary to conform with those provisions.

Investigation of alleged misconduct

9.-(1) Subject to paragraph (11), where, after a relevant authority has incorporated provisions in standing orders pursuant to regulation 8, it appears to the relevant authority that an allegation of misconduct which may lead to disciplinary action has been made

cael ei wneud yn erbyn-

- (a) pennaeth gwasanaeth taledig yr awdurdod;
- (b) ei swyddog monitro; neu
- (c) ei brif swyddog cyllid,

("y swyddog perthnasol"), yn ôl y digwydd, rhaid i'r awdurdod perthnasol benodi pwyllgor ("pwyllgor ymchwilio") i ystyried y camymddwyn honedig.

(2) Rhaid i'r pwyllgor ymchwilio:

- (a) cynnwys 3 aelod o leiaf o'r awdurdod perthnasol;
- (b) bod yn wleidyddol gytbwys yn unol ag adran 15 o Ddeddf 1989; a

rhaid iddo, cyn pen 1 mis ar ôl ei benodiad, ystyried yr honiad o gamymddwyn a phenderfynu a ddylid ymchwilio iddo ymhellach.

(3) At ddibenion ystyried yr honiad o gamymddwyn, caiff y pwyllgor ymchwilio:

- (a) holi'r swyddog perthnasol neu unrhyw berson arall y mae'n ystyried sy'n briodol;
- (b) gofyn i'r swyddog perthnasol neu unrhyw berson arall y mae'n ystyried sy'n briodol i roi iddo yr wybodaeth honno, yr esboniad hwnnw neu'r dogfennau hynny y mae'n ystyried sy'n angenrheidiol o fewn terfyn amser penodedig; ac
- (c) derbyn sylwadau ysgrifenedig neu lafar oddi wrth y swyddog perthnasol neu unrhyw berson arall y mae'n ystyried sy'n briodol.

(4) Os yw'n ymddangos i'r pwyllgor ymchwilio y dylai honiad o gamymddwyn gan y swyddog perthnasol gael ei ymchwilio ymhellach, rhaid iddo benodi person ("y person annibynnol dynodedig") at ddibenion y rheol sefydlog sy'n ymgorffori'r darpariaethau yn Atodlen 4 (neu ddarpariaethau sy'n cael yr un effaith).

(5) Rhaid mai'r person annibynnol dynodedig sy'n cael ei benodi-

- (a) yw'r person hwnnw y cytunir arno rhwng yr awdurdod perthnasol a'r swyddog perthnasol o fewn 1 mis o'r dyddiad y cododd y gofyniad i benodi'r person annibynnol dynodedig; neu
- (b) os nad oes cytundeb o'r fath, y person hwnnw a enwebir at y diben gan Gynulliad Cenedlaethol Cymru.

(6) O ran y person annibynnol dynodedig-

- (a) caiff gyfarwyddo-
 - (i) bod yr awdurdod perthnasol yn diweddu unrhyw ataliad dros dro ar y swyddog perthnasol;

against-

- (a) the head of the authority's paid service;
- (b) its monitoring officer; or
- (c) its chief finance officer,

("the relevant officer"), as the case may be, the relevant authority must appoint a committee ("an investigation committee") to consider the alleged misconduct.

(2) The investigation committee must:

- (a) consist of a minimum of 3 members of the relevant authority;
- (b) be politically balanced in accordance with section 15 of the 1989 Act; and

must, within 1 month of its appointment, consider the allegation of misconduct and decide whether it should be further investigated.

(3) For the purpose of considering the allegation of misconduct, the investigation committee:

- (a) may make such enquiries of the relevant officer or any other person it considers appropriate;
- (b) may request the relevant officer or any other person it considers appropriate to provide it with such information, explanation or documents as it considers necessary within a specified time limit; and
- (c) may receive written or oral representations from the relevant officer or any other person it considers appropriate.

(4) Where it appears to the investigation committee that an allegation of misconduct by the relevant officer should be further investigated, it must appoint a person ("the designated independent person") for the purposes of the standing order which incorporates the provisions in Schedule 4 (or provisions to the like effect).

(5) The designated independent person who is appointed-

- (a) must be such person as may be agreed between the relevant authority and the relevant officer within 1 month of the date on which the requirement to appoint the designated independent person arose; or
- (b) where there is no such agreement, must be such person as is nominated for the purpose by the National Assembly for Wales.

(6) The designated independent person-

- (a) may direct-
 - (i) that the relevant authority terminate any suspension of the relevant officer;

- (ii) bod unrhyw ataliad dros dro o'r fath i barhau ar ôl i'r cyfnod y cyfeirir ato ym mharagraff 3 o Atodlen 4 ddod i ben (neu mewn darpariaethau sy'n cael yr un effaith);
 - (iii) bod telerau unrhyw ataliad dros dro o'r fath sydd wedi digwydd i'w hamrywio yn unol â'r cyfarwyddyd; neu
 - (iv) nad oes camau i'w cymryd (p'un ai gan yr awdurdod perthnasol neu unrhyw bwyllgor, is-bwyllgor neu swyddog sy'n gweithredu ar ran yr awdurdod perthnasol) o ran camau disgyblu neu gamau disgyblu pellach yn erbyn y swyddog perthnasol heblaw camau a gymerir ym mhresenoldeb, neu gyda chytundeb, y person annibynnol dynodedig, cyn bod adroddiad wedi'i lunio o dan is-baragraff (ch);
- (b) caiff arolygu unrhyw ddogfennau sy'n ymwneud ag ymddygiad swyddog perthnasol sydd ym meddiant yr awdurdod perthnasol, y mae gan yr awdurdod y pŵer i awdurdodi'r person annibynnol dynodedig i'w harchwilio;
- (c) caiff ei gwneud yn ofynnol bod unrhyw aelod neu aelod o staff yr awdurdod perthnasol yn ateb cwestiynau ynghylch ymddygiad y swyddog perthnasol;
- (ch) rhaid iddo lunio adroddiad i'r awdurdod perthnasol-
- (i) yn datgan barn a yw'r dystiolaeth a gafwyd (ac, os felly, i ba raddau) y mae'r dystiolaeth a gafwyd yn ategu unrhyw honiad o gamymddwyn yn erbyn y swyddog perthnasol; a
 - (ii) yn argymhell unrhyw gamau disgyblu sy'n ymddangos yn briodol i'r awdurdod perthnasol eu cymryd yn erbyn y swyddog perthnasol, a
- (d) rhaid iddo heb fod yn hwyrach na'r amser y llunnir yr adroddiad o dan is-baragraff (ch), anfon copi o'r adroddiad at y swyddog perthnasol.

(7) Yn ddarostyngedig i baragraff (8), rhaid i'r swyddog perthnasol a'r awdurdod perthnasol, ar ôl ymghynghori â'r person annibynnol dynodedig, geisio cytuno ar amserlen y mae'r person annibynnol dynodedig i ymgymryd â'i ymchwiliad yn unol â hi.

(8) Pan na cheir cytundeb o dan baragraff (7), rhaid i'r person annibynnol dynodedig osod amserlen y mae'r person hwnnw'n ystyried ei bod yn briodol y dylid ymgymryd â'r ymchwiliad yn unol â hi.

(9) Rhaid i'r awdurdod perthnasol ystyried yr adroddiad a gafodd ei baratoi o dan baragraff (6)(ch) o fewn 1 mis ar ôl cael yr adroddiad hwnnw.

- (ii) that any such suspension is to continue after the expiry of the period referred to in paragraph 3 of Schedule 4 (or in provisions to the like effect);
 - (iii) that the terms on which any such suspension has taken place are to be varied in accordance with the direction; or
 - (iv) that no steps (whether by the relevant authority or any committee, sub-committee or officer acting on behalf of the relevant authority) by way of disciplinary action or further disciplinary action against the relevant officer, other than steps taken in the presence, or with the agreement, of the designated independent person, are to be taken before a report is made under sub-paragraph (d);
- (b) may inspect any documents relating to the conduct of the relevant officer which are in the possession of the relevant authority, or which the relevant authority has power to authorise the designated independent person to inspect;
- (c) may require any member or member of staff of the relevant authority to answer questions concerning the conduct of the relevant officer;
- (d) must make a report to the relevant authority-
- (i) stating an opinion as to whether (and, if so, the extent to which) the evidence obtained supports any allegation of misconduct against the relevant officer; and
 - (ii) recommending any disciplinary action which appears appropriate for the relevant authority to take against the relevant officer, and
- (e) must no later than the time at which the report is made under sub-paragraph (d), send a copy of the report to the relevant officer.

(7) Subject to paragraph (8), the relevant officer and relevant authority must, after consulting the designated independent person, attempt to agree a timetable within which the designated independent person is to undertake the investigation.

(8) Where there is no agreement under paragraph (7), the designated independent person must set a timetable as that person considers appropriate within which the investigation is to be undertaken.

(9) The relevant authority must consider the report prepared under paragraph (6) (d) within 1 month of receipt of that report.

(10) Rhaid i awdurdod perthnasol dalu tâl rhesymol i berson annibynnol dynodedig a benodwyd gan y pwyllgor ymchwilio ac unrhyw gostau a dynnir wrth iddo gyflawni ei swyddogaethau o dan y rheoliad hwn neu mewn cysylltiad â chyflawni'r swyddogaethau hynny.

(11) Nid yw'r rheoliad hwn yn gymwys o ran pennaeth gwasanaeth taledig yr awdurdod os yw'r person hwnnw hefyd yn rheolwr cyngor yr awdurdod perthnasol(1).

Dirymu Rheoliadau 1993

10. Dirymir trwy hyn Reoliadau 1993 mewn perthynas â Chymru ac eithrio i'r graddau eu bod yn gymwys i Awdurdodau Parciau Cenedlaethol yng Nghymru.

Darpariaethau trosiannol ac ôl-ddilynol

11.-(1) Yn amodol ar baragraff (2), lle gwnaeth awdurdod perthnasol reolau sefydlog yn ymgorffori'r darpariaethau a osodir ym mharagraff 4 o Ran 1 o Atodlen 1 i Reoliadau 1993 (neu ddarpariaethau sydd yn cael yr un effaith), yna hyd nes y bydd yr awdurdod perthnasol yn ymgorffori darpariaethau yn y rheolau sefydlog hynny yn unol â rheoliad 8, bydd rheoliad 9 yn gymwys o ran y rheolau sefydlog hynny o ran pennaeth gwasanaeth taledig yr awdurdod fel y byddai o ran rheolau sefydlog sydd yn ymgorffori darpariaethau yn unol â rheoliad 8.

(2) Parthed unrhyw beth a wnaed cyn y dyddiad y mae'r awdurdod perthnasol yn ymgorffori darpariaethau mewn rheolau sefydlog yn unol â rheoliad 8, gan, i, neu mewn perthynas â swyddog yn unol â'r canlynol-

- (a) rheoliad 3 o reoliadau 1993;
- (b) y darpariaethau a osodir ym mharagraff 4 o Ran 1 o Atodlen 1 i Reoliadau 1993 (neu ddarpariaethau sydd yn cael yr un effaith) a ymgorfforwyd yn rheolau sefydlog yr awdurdod perthnasol; neu
- (c) rheoliad 9 fel y'i cymhwysir gan baragraff (1),

gellir parhau i'w wneud wedi'r dyddiad hwnnw gan, i neu mewn perthynas â'r swyddog hwnnw yn unol â'r darpariaethau y cyfeiriwyd atynt yn is-baragraffau (a), (b) neu (c), pa un bynnag sy'n briodol.

(3) Rhaid i awdurdod perthnasol gydymffurfio â gofynion rheoliad 5 neu, yn ôl y digwydd, rheoliad 6 mor fuan ag sy'n rhesymol ymarferol wedi i'r Rheoliadau hyn ddod i rym.

(10) A relevant authority must pay reasonable remuneration to a designated independent person appointed by the investigation committee and any costs incurred by, or in connection with, the discharge of functions under this regulation.

(11) This regulation does not apply in relation to the head of the authority's paid service if that person is also the council manager of the relevant authority(1).

Revocation of the 1993 Regulations

10. The 1993 Regulations are hereby revoked in relation to Wales save in so far as they apply to National Park Authorities in Wales.

Transitional and consequential provisions

11.-(1) Subject to paragraph (2), where a relevant authority has made standing orders incorporating the provisions set out in paragraph 4 of Part 1 of Schedule 1 to the 1993 Regulations (or provisions to the like effect), then until the relevant authority incorporates into those standing order provisions in accordance with regulation 8, regulation 9 applies in relation to those standing orders in respect of the head of the authority's paid service, as it would in relation to standing orders which incorporate provisions in accordance with regulation 8.

(2) Anything which, before the date on which the relevant authority incorporate provisions in standing orders in accordance with regulation 8, was being done by, to or in relation to an officer in accordance with-

- (a) regulation 3 of the 1993 regulations;
- (b) the provisions set out in paragraph 4 of Part 1 of Schedule 1 to the 1993 Regulations (or provisions to the like effect) incorporated in the relevant authority's standing orders; or
- (c) regulation 9 as applied by paragraph (1),

may be continued after that date by, to or in relation to that officer in accordance with the provisions referred to in sub-paragraphs (a), (b) or (c), as the case may be.

(3) A relevant authority must comply with the requirements of regulation 5 or, as the case may be, regulation 6 as soon as reasonably practicable after the coming into force of these Regulations.

(1) Ni chaiff swyddog monitro na phrif swyddog cyllid awdurdod fod yn rheolwr cyngor. *Gweler* paragraff 13(b) ac (c) Atodlen 1 i Ddeddf 2000.

(1) Neither a monitoring officer nor a chief finance officer of an authority may be a council manager. *See* paragraph 13(b) and (c) of Schedule 1 to the 2000 Act.

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)

9 Mai 2006

9 May 2006

D. Elis-Thomas

Llywydd y Cynulliad Cenedlaethol

The Presiding Officer of the National Assembly

ATODLEN 1

RHEOLAU SEFYDLOG YN YMWNEUD Â PHRIF SWYDDOGION

Rheoliad 3

RHAN 1

Rheolau Sefydlog Rhagnodedig

"Penodiadau"

1. Lle bwriada'r awdurdod perthnasol benodi prif swyddog (o fewn ystyr Rheoliadau Awdurdodau Lleol (Rheolau Sefydlog) (Cymru) 2006), ac na fwriedir gwneud y penodiad yn unig o blith ei swyddogion presennol, rhaid iddo wneud y canlynol-

- (a) llunio datganiad yn manylu am-
 - (i) ddyletswyddau'r swyddog dan sylw, a
 - (ii) unrhyw gymwysterau neu nodweddion y ceisir eu cael yn y person a benodir;
- (b) trefnu i'r swydd gael ei hysbysebu yn y fath fodd fel y bydd yn debygol o ddod i sylw personau sy'n gymwys i ymgeisio amdani; ac
- (c) trefnu i gopi o'r datganiad a grybwyllir ym mharagraff (a) gael ei anfon at unrhyw berson sy'n gwneud cais.

2.-(1) Lle hysbysebwyd swydd yn ôl darpariaeth paragraff 1(b), rhaid i'r awdurdod perthnasol weithredu fel a ganlyn-

- (a) cyfweld yr holl ymgeiswyr cymwys am y swydd, neu
- (b) ddewis rhestr fer o'r cyfryw ymgeiswyr cymwys a chyfweld y rhai ar y rhestr fer.

(2) Lle nad ymgeisiodd unrhyw berson cymwys, neu os bydd yr awdurdod perthnasol yn ailhysbysebu'r swydd, rhaid i'r awdurdod perthnasol wneud trefniadau pellach i hysbysebu yn unol â pharagraff 1(b)."

SCHEDULE 1

STANDING ORDERS RELATING TO CHIEF OFFICERS

Regulation 3

PART 1

Prescribed Standing Orders

"Appointments"

1. Where the relevant authority proposes to appoint a chief officer (within the meaning of the Local Authorities (Standing Orders) (Wales) Regulations 2006), and it is not proposed that the appointment be made exclusively from among its existing officers, it must-

- (a) draw up a statement specifying-
 - (i) the duties of the officer concerned, and
 - (ii) any qualifications or qualities to be sought in the person to be appointed;
- (b) make arrangements for the post to be advertised in such a way as is likely to bring it to the attention of persons who are qualified to apply for it; and
- (c) make arrangements for a copy of the statement mentioned in paragraph (a) to be sent to any person on request.

2.-(1) Where a post has been advertised as provided in paragraph 1(b), the relevant authority must-

- (a) interview all qualified applicants for the post, or
- (b) select a short list of such qualified applicants and interview those included on the short list.

(2) Where no qualified person has applied, or if the relevant authority decide to re-advertise the appointment, the relevant authority may make further arrangements for advertisement in accordance with paragraph 1(b)."

RHAN 2

Amrywiadau Awdurdodedig

1. Gall y rheolau sefydlog wneud y darpariaethau canlynol-

- (a) gall y camau a gymerwyd o dan baragraff 1 neu 2 uchod gael eu cymryd gan bwyllgor, is-bwyllgor neu brif swyddog yr awdurdod perthnasol;
- (b) gellir penodi unrhyw brif swyddog gan bwyllgor neu is-bwyllgor o'r awdurdod perthnasol, neu gydbwyllgor perthnasol.

2. Gall y rheolau sefydlog wneud darpariaeth, lle bo dyletswyddau prif swyddog yn cynnwys cyflawni swyddogaethau dau neu fwy o awdurdodau perthnasol yn rhinwedd adran 101(5) o Ddeddf Llywodraeth Leol 1972-

- (a) gall y camau a gymerwyd dan baragraff 1 neu 2 uchod gael eu cymryd gan gydbwyllgor yr awdurdodau perthnasol hynny, is-bwyllgor o'r pwyllgor hwnnw neu brif swyddog unrhyw rai o'r awdurdodau perthnasol dan sylw; a
- (b) gellir penodi unrhyw brif swyddog gan y cyfryw gydbwyllgor, is-bwyllgor o'r pwyllgor hwnnw neu bwyllgor neu is-bwyllgor o unrhyw rai o'r awdurdodau perthnasol hynny.

3. Gellir eithrio o gymhwyso paragraff 1 a 2-

- (a) unrhyw benodiad prif swyddog anstatudol (o fewn ystyr adran 2(7)(a) neu (b) o Ddeddf 1989), a
- (b) unrhyw benodiad yn rhinwedd adran 9 (cymhorthwyr i grwpiau gwleidyddol) y Ddeddf, ac
- (c) unrhyw benodiad yn rhinwedd rheoliadau a wnaed o dan baragraff 6 o Atodlen 1 i Ddeddf Llywodraeth Leol 2000 (cymhorthydd y maer).

ATODLEN 2

RHEOLAU SEFYDLOG YN YMWNEUD Â CHYFARFODYDD A THRAFODION

Rheoliad 4

"Cofnodi pleidleisiau

1.-(1) Lle, yn union wedi cymryd pleidlais mewn cyfarfod o gorff perthnasol, bo unrhyw aelod o'r corff hwnnw yn mynnu hynny, rhaid cofnodi yng nghofnodion trafodion y cyfarfod hwnnw a fwriodd y person hwnnw bleidlais dros y cwestiwn neu yn erbyn y cwestiwn neu a ataliodd y person hwnnw rhag pleidleiso.

PART 2

Authorised Variations

1. The standing orders may provide that-

- (a) the steps taken under paragraph 1 or 2 above may be taken by a committee, sub-committee or chief officer of the relevant authority;
- (b) any chief officer may be appointed by a committee or sub-committee of the relevant authority, or a relevant joint committee.

2. The standing orders may provide that where the duties of a chief officer include the discharge of functions of two or more relevant authorities in pursuance of section 101(5) of the Local Government Act 1972-

- (a) the steps taken under paragraph 1 or 2 above may be taken by a joint committee of those relevant authorities, a sub-committee of that committee or a chief officer of any of the relevant authorities concerned; and
- (b) any chief officer may be appointed by such a joint committee, a sub-committee of that committee or a committee or sub-committee of any of those relevant authorities.

3. There may be excluded from the application of paragraph 1 and 2-

- (a) any appointment of a non-statutory chief officer (within the meaning of section 2(7)(a) or (b) of the 1989 Act), and
- (b) any appointment in pursuance of section 9 (assistants for political groups) of the Act, and
- (c) any appointment in pursuance of regulations made under paragraph 6 of Schedule 1 to the Local Government Act 2000 (mayor's assistant).

SCHEDULE 2

STANDING ORDERS RELATING TO MEETINGS AND PROCEEDINGS

Regulation 4

"Recording of votes

1.-(1) Where immediately after a vote is taken at a meeting of a relevant body any member of that body so requires, there must be recorded in the minutes of the proceedings of that meeting whether that person cast a vote for the question or against the question or whether that person abstained from voting.

(2) Yn y paragraff hwn, ystyr "corff perthnasol" ("*relevant body*") yw'r awdurdod perthnasol, pwyllgor neu is-bwyllgor o'r awdurdod perthnasol neu gyd-bwyllgor neu is-bwyllgor perthnasol o'r cyfryw bwyllgor.

Llofnodi cofnodion- cyfarfodydd arbennig

2. Lle mewn perthynas ag unrhyw gyfarfod o'r awdurdod perthnasol y bydd y cyfryw gyfarfod nesaf yn gyfarfod a elwir dan baragraff 3 (cyfarfodydd arbennig) o Atodlen 12 i Ddeddf Llywodraeth Leol 1972, rhaid trin cyfarfod dilynol nesaf yr awdurdod perthnasol (sef cyfarfod a elwir heb fod o dan y paragraff hwnnw) fel cyfarfod addas at ddibenion paragraff 41(1) a (2) (llofnodi cofnodion) yr Atodlen honno(1)."

ATODLEN 3

Rheoliad 5(1) a 6

DARPARIAETHAU I'W HYMGORFFORI MEWN RHEOLAU SEFYDLOG YN YMWNEUD Â STAFF

RHAN 1

Awdurdod gyda Maer a Chabinet Gweithredol

"1. Yn y Rhan hon-

ystyr "aelod o'r staff" ("*member of staff*") yw rhywun a benodwyd i neu sy'n dal swydd daleidig neu gyflogaeth dan yr awdurdod;

mae i "camau disgyblu" ("*disciplinary action*") yr un ystyr ag yn Rheoliadau Awdurdodau Lleol (Rheolau Sefydlog) (Cymru) 2006;

ystyr "Deddf 1989" ("*the 1989 Act*") yw Deddf Llywodraeth Leol a Thai 1989(2);

ystyr "Deddf 2000" ("*the 2000 Act*") yw Deddf Llywodraeth Leol 2000(3);

mae i "maer etholedig" a "chorff gweithredol" yr un ystyr sydd i "elected mayor" ac "*executive*" yn Rhan II o Ddeddf 2000; ac

ystyr "swyddog priodol" ("*proper officer*") yw swyddog a benodwyd gan yr awdurdod at ddibenion y darpariaethau yn y Rhan hon.

(1) Diwygiwyd paragraff 41 gan baragraff 30 o Atodlen 11 i Ddeddf Llywodraeth Leol a Thai 1989 (p.42).

(2) 1989 p.42.

(3) 2000 p.22.

(2) In this paragraph "relevant body" ("*Corff perthnasol*") means the relevant authority, a committee or sub-committee of the relevant authority or a relevant joint committee or sub-committee of such a committee.

Signing minutes- extraordinary meetings

2. Where in relation to any meeting of the relevant authority the next such meeting is a meeting called under paragraph 3 (extraordinary meetings) of Schedule 12 to the Local Government Act 1972, the next following meeting of the relevant authority (being a meeting called otherwise than under that paragraph) must be treated as a suitable meeting for the purposes of paragraph 41(1) and (2) (signing of minutes) of that Schedule(1)."

SCHEDULE 3

Regulation 5(1) and 6

PROVISIONS TO BE INCORPORATED IN STANDING ORDERS RELATING TO STAFF

PART 1

Authority with Mayor and Cabinet Executive

"1. In this Part-

"the 1989 Act" ("*Deddf 1989*") means the Local Government and Housing Act 1989(2);

"the 2000 Act" ("*Deddf 2000*") means the Local Government Act 2000(3);

"disciplinary action" ("*camau disgyblu*") has the same meaning as in the Local Authorities (Standing Orders) (Wales) Regulations 2006;

"elected mayor" ("*maer etholedig*") and "executive" ("*corff gweithredol*") have the same meaning as in Part II of the 2000 Act;

"member of staff" ("*aelod o'r staff*") means a person appointed to or holding a paid office or employment under the authority; and

"proper officer" ("*swyddog priodol*") means an officer appointed by the authority for the purposes of the provisions in this Part.

(1) Paragraph 41 is amended by paragraph 30 of Schedule 11 to the Local Government and Housing Act 1989 (c.42).

(2) 1989 c.42.

(3) 2000 c.22.

2. Yn amodol ar baragraffau 3 a 5, rhaid cyflawni swyddogaeth penodi a diswyddo aelod o staff yr awdurdod perthnasol, a chymryd camau disgyblu yn ei erbyn, ar ran yr awdurdod perthnasol, gan y swyddog a ddynodwyd dan adran 4(1) o Ddeddf 1989 (dynodiad ac adroddiadau pennaeth gwasanaeth taledig) fel pennaeth gwasanaeth taledig yr awdurdod neu gan swyddog a enwebwyd gan bennaeth gwasanaeth taledig yr awdurdod.

3. Nid yw paragraff 2 yn gymwys i benodi neu ddiswyddo, neu gamau disgyblu yn erbyn, y canlynol-

- (a) y swyddog a ddynodwyd yn bennaeth gwasanaeth taledig yr awdurdod;
- (b) prif swyddog statudol o fewn ystyr adran 2(6) o Ddeddf 1989(1) (swyddi â chyfyngiad gwleidyddol);
- (c) prif swyddog anstatudol o fewn ystyr adran 2(7) o Ddeddf 1989;
- (ch) dirprwy brif swyddog o fewn ystyr adran 2(8) o Ddeddf 1989;
- (d) person a benodwyd yn rhinwedd adran 9 o Ddeddf 1989(2) (cymhorthwyr i grwpiau gwleidyddol); neu
- (dd) person a benodwyd yn rhinwedd rheoliadau o dan baragraff 6 Atodlen 1 i Ddeddf 2000 (cymhorthydd y maer);
- (e) person y mae rheoliadau a wneir o dan adran 35(4) a (5) (darpariaeth o ran penodi, disgyblu, atal dros dro a diswyddo athrawon a staff eraill mewn ysgolion a gyflogir gan yr awdurdod addysg lleol) o Ddeddf Addysg 2002(3) yn gymwys iddo.

4.-(1) Lle bo pwyllgor, is-bwyllgor neu swyddog yn cyflawni, ar ran yr awdurdod perthnasol, swyddogaeth penodi neu ddiswyddo swyddog a ddynodwyd yn bennaeth gwasanaeth taledig yr awdurdod, rhaid i'r awdurdod perthnasol gymeradwyo'r penodiad hwnnw cyn cynnig y penodiad neu, pa un bynnag sy'n briodol, rhaid cymeradwyo'r diswyddo hwnnw cyn rhoi rhybudd diswyddo.

(2) Lle bo pwyllgor neu is-bwyllgor yr awdurdod perthnasol yn cyflawni, ar ran yr awdurdod perthnasol, swyddogaeth penodi neu ddiswyddo unrhyw swyddog y cyfeirir ato yn is-baragraffau (a), (b), (c) neu (ch) o baragraff 3-

- (a) rhaid i o leiaf un aelod o'r corff gweithredu fod yn aelod o'r pwyllgor neu'r is-bwyllgor hwnnw; a

2. Subject to paragraphs 3 and 5, the function of appointment and dismissal of, and taking disciplinary action against, a member of staff of the relevant authority must be discharged, on behalf of the relevant authority, by the officer designated under section 4(1) of the 1989 Act (designation and reports of head of paid service) as the head of the authority's paid service or by an officer nominated by the head of the authority's paid service.

3. Paragraph 2 does not apply to the appointment or dismissal of, or disciplinary action against-

- (a) the officer designated as the head of the authority's paid service;
- (b) a statutory chief officer within the meaning of section 2(6) of the 1989 Act(1) (politically restricted posts);
- (c) a non-statutory chief officer within the meaning of section 2(7) of the 1989 Act;
- (d) a deputy chief officer within the meaning of section 2(8) of the 1989 Act;
- (e) a person appointed in pursuance of section 9 of the 1989 Act(2) (assistants for political groups);
- (f) a person appointed in pursuance of regulations under paragraph 6 of Schedule 1 to the 2000 Act (mayor's assistant); or
- (g) a person to whom regulations made under section 35(4) and (5) (provision with respect to the appointment, discipline, suspension and dismissal of teachers and other staff of schools employed by the local education authority) of the Education Act 2002(3) apply.

4.-(1) Where a committee, sub-committee or officer is discharging, on behalf of the relevant authority, the function of the appointment or dismissal of an officer designated as the head of the authority's paid service, the relevant authority must approve that appointment before an offer of appointment is made or, as the case may be, must approve that dismissal before notice of dismissal is given.

(2) Where a committee or a sub-committee of the relevant authority is discharging, on behalf of the relevant authority, the function of the appointment or dismissal of any officer referred to in sub-paragraphs (a), (b), (c) or (d) of paragraph 3-

- (a) at least one member of the executive must be a member of that committee or sub-committee; and

(1) Diwygiwyd adran 2(6) gan baragraff 95 o Atodlen 37 i Ddeddf Addysg 1996 (p.56), paragraff 3(a), (b) ac (c) o Atodlen 2 i Ddeddf Plant 2004 (p.31), ac Atodlen 2 i Ddeddf y Gwasanaethau Tân ac Achub 2004 (p.21).

(2) Mae diwygiadau i adran 9 nad ydynt yn berthnasol i'r Rheoliadau hyn.

(3) 2002 p.32.

(1) Section 2(6) was amended by paragraph 95 of Schedule 37 to the Education Act 1996 (c.56), paragraph 3(a), (b) and (c) of Schedule 2 to the Children Act 2004 (c.31), and Schedule 2 to the Fire and Rescue Services Act 2004 (c.21).

(2) There are amendments to section 9 which are not relevant to these Regulations.

(3) 2002 c.32.

(b) rhaid nad yw mwy na hanner aelodau o'r pwyllgor neu'r is-bwyllgor hwnnw yn aelodau o weithrediaeth yr awdurdod perthnasol.

5. Nid oes unrhyw beth ym mharagraff 2 yn atal person rhag gweithredu fel aelod o unrhyw bwyllgor neu is-bwyllgor a sefydlwyd gan yr awdurdod perthnasol i ystyried apêl gan aelod o staff yr awdurdod perthnasol yn erbyn unrhyw benderfyniad sy'n ymwneud â diswyddo, neu gymryd camau disgyblu yn erbyn, yr aelod hwnnw o'r staff."

RHAN 2

Awdurdod gydag Arweinydd a Chabinet Gweithredol

"1. Yn y Rhan hon-

ystyr "aelod o'r staff" ("*member of staff*") yw rhywun a benodwyd i swydd neu sydd â swydd daledig neu gyflogaeth o dan yr awdurdod;

mae i "camau disgyblu" ("*disciplinary action*") yr un ystyr ag yn Rheoliadau Awdurdodau Lleol (Rheolau Sefydlog) (Cymru) 2006;

mae gan "corff gweithredol" ("*executive*") ac "arweinydd gweithredol" ("*executive leader*") yr un ystyr ag yn Rhan II o Ddeddf 2000;

ystyr "Deddf 1989" ("*the 1989 Act*") yw Deddf Llywodraeth Leol a Thai 1989(1);

ystyr "Deddf 2000" ("*the 2000 Act*") yw Deddf Llywodraeth Leol 2000(2);

ystyr "swyddog priodol" ("*proper officer*") yw swyddog a benodwyd gan yr awdurdod at ddibenion y darpariaethau yn y Rhan hon.

2. Yn amodol ar baragraffau 3 a 5, rhaid i swyddogaethau penodi a diswyddo, a chymryd camau disgyblu yn erbyn, aelod o staff yr awdurdod perthnasol, ar ran yr awdurdod perthnasol, gael eu cyflawni gan y swyddog a ddynodwyd o dan adran 4(1) o Ddeddf 1989 (dynodiadau ac adroddiadau pennaeth gwasanaeth taledig) fel pennaeth gwasanaeth taledig yr awdurdod neu gan swyddog a enwebwyd gan bennaeth gwasanaeth taledig yr awdurdod.

3. Nid yw paragraff 2 yn gymwys i benodi neu ddiswyddo, neu gamau disgyblu yn erbyn-

(a) y swyddog a ddynodwyd yn bennaeth gwasanaeth taledig yr awdurdod;

(b) not more than half the members of that committee or sub-committee are to be members of the executive of the relevant authority.

5. Nothing in paragraph 2 prevents a person from serving as a member of any committee or sub-committee established by the relevant authority to consider an appeal by a member of staff of the relevant authority against any decision relating to the dismissal of, or taking disciplinary action against, that member of staff."

PART 2

Authority with Leader and Cabinet Executive

"1. In this Part-

"the 1989 Act" ("*Deddf 1989*") means the Local Government and Housing Act 1989(1);

"the 2000 Act" ("*Deddf 2000*") means the Local Government Act 2000(2);

"disciplinary action" ("*camau disgyblu*") has the same meaning as in the Local Authorities (Standing Orders) (Wales) Regulations 2006;

"executive" ("*corff gweithredol*") and "executive leader" ("*arweinydd gwreithredol*") have the same meaning as in Part II of the 2000 Act;

"member of staff" ("*aelod o'r staff*") means a person appointed to or holding a paid office or employment under the authority; and

"proper officer" ("*swyddog priodol*") means an officer appointed by the authority for the purposes of the provisions in this Part.

2. Subject to paragraphs 3 and 5, the function of appointment and dismissal of, and taking disciplinary action against, a member of staff of the relevant authority must be discharged, on behalf of the relevant authority, by the officer designated under section 4(1) of the 1989 Act (designation and reports of head of paid service) as the head of the authority's paid service or by an officer nominated by the head of the authority's paid service.

3. Paragraph 2 does not apply to the appointment or dismissal of, or disciplinary action against-

(a) the officer designated as the head of the authority's paid service;

(1) 1989 p.42.

(2) 2000 p.22.

(1) 1989 c.42.

(2) 2000 c.22.

- (b) prif swyddog statudol o fewn ystyr adran 2(6) o Ddeddf 1989(1) (swyddi â chyfyngiad gwleidyddol);
- (c) prif swyddog anstatudol o fewn ystyr adran 2(7) o Ddeddf 1989;
- (ch) dirprwy brif swyddog o fewn ystyr adran 2(8) o Ddeddf 1989;
- (d) person a benodwyd yn rhinwedd adran 9 o Ddeddf 1989(2) (cymhorthwyr i grwpiau gwleidyddol); neu
- (dd) person y mae rheoliadau a wneir o dan adran 35(4) a (5) (darpariaeth o ran penodi, disgyblu, atal dros dro a diswyddo athrawon a staff eraill mewn ysgolion a gyflogir gan yr awdurdod addysg lleol) o Ddeddf Addysg 2002(3) yn gymwys iddo.

4.-(1) Lle bo pwyllgor, is-bwyllgor neu swyddog, ar ran yr awdurdod perthnasol, yn cyflawni swyddogaeth penodi neu ddiswyddo swyddog a ddynodwyd yn bennaeth gwasanaeth taledig yr awdurdod, rhaid i'r awdurdod perthnasol gymeradwyo'r penodiad hwnnw cyn gwneud cynnig o benodiad neu, yn ôl y digwydd, rhaid cymeradwyo'r diswyddiad cyn rhoi rhybudd diswyddo.

(2) Lle bo pwyllgor neu is-bwyllgor o'r awdurdod perthnasol yn cyflawni, ar ran yr awdurdod perthnasol, swyddogaeth penodi neu ddiswyddo unrhyw swyddog y cyfeirir ato yn is-baragraff (a), (b), (c) neu (ch) o baragraff 3-

- (a) rhaid i o leiaf un aelod o'r corff gweithredol fod yn aelod o'r pwyllgor neu'r is-bwyllgor hwnnw; a
- (b) rhaid nad yw mwy na hanner aelodau o'r pwyllgor neu'r is-bwyllgor hwnnw yn aelodau o gorff gweithredol yr awdurdod perthnasol.

5. Nid oes unrhyw beth ym mharagraff 2 yn atal person rhag gweithredu fel aelod o unrhyw bwyllgor neu is-bwyllgor a sefydlwyd gan yr awdurdod perthnasol i ystyried apêl gan-

- (a) person arall yn erbyn unrhyw benderfyniad yn ymwneud â phenodi'r person arall hwnnw fel aelod o staff yr awdurdod perthnasol; neu
- (b) aelod o staff yr awdurdod perthnasol yn erbyn unrhyw benderfyniad yn ymwneud â diswyddo, neu gymryd camau disgyblu yn erbyn, yr aelod hwnnw o'r staff."

- (b) a statutory chief officer within the meaning of section 2(6) of the 1989 Act(1) (politically restricted posts);
- (c) a non-statutory chief officer within the meaning of section 2(7) of the 1989 Act;
- (d) a deputy chief officer within the meaning of section 2(8) of the 1989 Act;
- (e) a person appointed in pursuance of section 9 of the 1989 Act(2) (assistants for political groups); or
- (f) a person to whom regulations made under section 35(4) and (5) (provision with respect to the appointment, discipline, suspension and dismissal of teachers and other staff of schools employed by the local education authority) of the Education Act 2002(3) apply.

4.-(1) Where a committee, sub-committee or officer is discharging, on behalf of the relevant authority, the function of the appointment or dismissal of an officer designated as the head of the authority's paid service, the relevant authority must approve that appointment before an offer of appointment is made or, as the case may be, must approve that dismissal before notice of dismissal is given.

(2) Where a committee or a sub-committee of the relevant authority is discharging, on behalf of the relevant authority, the function of the appointment or dismissal of any officer referred to in sub-paragraph (a), (b), (c) or (d) of paragraph 3-

- (a) at least one member of the executive must be a member of that committee or sub-committee; and
- (b) not more than half of the members of that committee or sub-committee are to be members of the executive of the relevant authority.

5. Nothing in paragraph 2 prevents a person from serving as a member of any committee or sub-committee established by the relevant authority to consider an appeal by-

- (a) another person against any decision relating to the appointment of that other person as a member of staff of the relevant authority; or
- (b) a member of staff of the relevant authority against any decision relating to the dismissal of, or taking disciplinary action against, that member of staff."

(1) Diwygiwyd adran 2(6) gan baragraff 95 o Atodlen 37 i Ddeddf Addysg 1996 (p.56), paragraff 3(a), (b) ac (c) o Atodlen 2 i Ddeddf Plant 2004 (p.31), ac Atodlen 2 i Ddeddf y Gwasanaethau Tân ac Achub 2004 (p.21).

(2) Mae diwygiadau i adran 9 nad ydynt yn berthnasol i'r Rheoliadau hyn.

(3) 2002 p.32.

(1) Section 2(6) was amended by paragraph 95 of Schedule 37 to the Education Act 1996 (c. 56), paragraph 3(a), (b) and (c) of Schedule 2 to the Children Act 2004 (c.31), and Schedule 2 to the Fire and Rescue Services Act 2004 (c.21).

(2) There are amendments to section 9 which are not relevant to these Regulations.

(3) 2002 c.32.

RHAN 3

Awdurdod gyda Maer a Rheolwr Gweithredol y
Cyngor

"1. Yn y Rhan hon-

ystyr "aelod o'r staff" ("*member of staff*") yw rhywun a benodwyd i swydd neu sydd â swydd daledig neu gyflogaeth dan yr awdurdod perthnasol;

mae i "camau disgyblu" yr un ystyr sydd i "*disciplinary action*" yn Rheoliadau Awdurdodau Lleol (Rheolau Sefydlog) (Cymru) 2006;

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

mae i "reolwr cyngor" yr un ystyr sydd i "*council manager*" yn adran 11(4)(b) o Ddeddf 2000.

2. Yn amodol ar baragraffau 3 a 4, rhaid i swyddogaeth penodi a diswyddo, a chymryd camau disgyblu yn erbyn, aelod o staff yr awdurdod perthnasol gael ei chyflawni, ar ran yr awdurdod perthnasol, gan reolwr y cyngor neu gan swyddog a enwebwyd gan reolwr y cyngor.

3. Ni fydd paragraff 2 yn gymwys i benodi neu ddiswyddo, neu gamau disgyblu yn erbyn-

- (a) rheolwr y cyngor(2);
- (b) rhywun a benodwyd yn rhinwedd adran 9 o Ddeddf Llywodraeth Leol a Thai 1989(3) (cymhorthwyr i grwpiau gwleidyddol); neu
- (c) rhywun a benodwyd yn rhinwedd rheoliadau dan baragraff 6 Atodlen 1 i Ddeddf 2000 (cymhorthydd y maer); neu
- (ch) person y mae Rheoliadau a wneir o dan adran 35(4) a (5) (darpariaeth o ran penodi, disgyblu, atal dros dro a diswyddo athrawon a staff eraill mewn ysgolion a gyflogir gan yr awdurdod addysg lleol) o Ddeddf Addysg 2002(4) yn gymwys iddo.

4. Nid oes dim ym mharagraff 2 yn atal person rhag gwasanaethu fel aelod o unrhyw bwyllgor neu is-bwyllgor a sefydlwyd gan yr awdurdod perthnasol i ystyried apêl gan aelod o staff yr awdurdod perthnasol yn erbyn unrhyw benderfyniad yn ymwneud â diswyddo, neu gymryd camau disgyblu yn erbyn, yr aelod hwnnw o'r staff."

PART 3

Authority with Mayor and Council Manager
Executive

"1. In this Part-

"the 2000 Act" ("*Deddf 2000*") means the Local Government Act 2000(1);

"council manager" ("*reolwr cyngor*") has the same meaning as in section 11(4)(b) of the 2000 Act;

"disciplinary action" ("*camau disgyblu*") has the same meaning as in the Local Authorities (Standing Orders) (Wales) Regulations 2006; and

"member of staff" ("*aelod o'r staff*") means a person appointed to or holding a paid office or employment under the relevant authority.

2. Subject to paragraphs 3 and 4, the function of appointment and dismissal of, and taking disciplinary action against, a member of staff of the relevant authority must be discharged, on behalf of the relevant authority, by the council manager or by an officer nominated by the council manager.

3. Paragraph 2 does not apply to the appointment or dismissal of, or disciplinary action against-

- (a) the council manager(2);
- (b) a person appointed in pursuance of section 9 of the Local Government and Housing 1989 Act(3) (assistants for political groups);
- (c) a person appointed in pursuance of regulations under paragraph 6 of Schedule 1 to the 2000 Act (mayor's assistant); or
- (d) a person to whom regulations made under section 35(4) and (5) (provision with respect to the appointment, discipline, suspension and dismissal of teachers and other staff of schools employed by the local education authority) of the Education Act 2002(4) apply.

4. Nothing in paragraph 2 prevents a person from serving as a member of any committee or sub-committee established by the relevant authority to consider an appeal by a member of staff of the relevant authority against any decision relating to the dismissal or, or taking disciplinary action against, that member of staff."

(1) 2000 p.22.

(2) Penodir rheolwr y cyngor i'r corf gweithredu gan yr awdurdod. *Gweler* adran 11(4)(b) a (10) o Ddeddf 2000.

(3) 1989 p.42. Mae diwygiadau i adran 9 nad ydynt yn berthnasol i'r Rheoliadau hyn.

(4) 2002 p.32.

(1) 2000 c.22.

(2) The council manager is appointed to the executive by the authority. *See* section 11(4)(b) and (10) of the 2000 Act.

(3) 1989 c.42. There are amendments to section 9 which are not relevant to these Regulations.

(4) 2002 c.32.

Awdurdod sy'n Gweithredu Trefniadau Amgen

"1. Yn y Rhan hon-

ystyr "aelod o'r staff" ("*member of staff*") yw rhywun a benodwyd i neu sydd â swydd daledig neu gyflogaeth dan yr awdurdod;

mae i "camau disgyblu" ("*disciplinary action*") yr un ystyr ag yn Rheoliadau Awdurdodau Lleol (Rheolau Sefydlog) (Cymru) 2006; ac

ystyr "Deddf 1989" ("*the 1989 Act*") yw Deddf Llywodraeth Leol a Thai 1989(1).

2. Yn amodol ar baragraffau 3 a 5, rhaid i swyddogaeth penodi a diswyddo, a chymryd camau disgyblu yn erbyn, aelod o staff yr awdurdod perthnasol, ar ran yr awdurdod perthnasol, gael ei chyflawni gan y swyddog a ddynodwyd o dan adran 4(1) o Ddeddf 1989 (dynodiadau ac adroddiadau pennaeth gwasanaeth taledig) fel pennaeth gwasanaeth taledig yr awdurdod neu gan swyddog a enwebwyd gan bennaeth gwasanaeth yr awdurdod.

3. Nid yw paragraff 2 yn gymwys i benodi neu ddiswyddo, neu gamau disgyblu yn erbyn-

- (a) y swyddog a ddynodwyd yn bennaeth gwasanaeth taledig yr awdurdod;
- (b) prif swyddog statudol o fewn ystyr adran 2(6) o Ddeddf 1989(2) (swyddi â chyfyngiad gwleidyddol);
- (c) prif swyddog anstatudol o fewn ystyr adran 2(7) o Ddeddf 1989;
- (ch) dirprwy brif swyddog yn ystyr adran 2(8) o Ddeddf 1989; neu
- (d) person a benodwyd yn rhinwedd adran 9 o Ddeddf 1989(3) (cymhorthwyr i grwpiau gwleidyddol); neu
- (dd) person y mae rheoliadau a wneir o dan adran 35(4) a (5) (darpariaeth o ran penodi, disgyblu, atal dros dro a diswyddo athrawon a staff eraill mewn ysgolion a gyflogir gan yr awdurdod addysg lleol) o Ddeddf Addysg 2002(4) yn gymwys iddo.

Authority Operating Alternative Arrangements

"1. In this Part-

"the 1989 Act" ("*Deddf 1989*") means the Local Government and Housing Act 1989(1);

"disciplinary action" ("*camau disgyblu*") has the same meaning as in the Local Authorities (Standing Orders) (Wales) Regulations 2006; and

"member of staff" ("*aelod o'r staff*") means a person appointed to or holding a paid office or employment under the authority.

2. Subject to paragraphs 3 and 5, the function of appointment and dismissal of, and taking disciplinary action against, a member of staff of the relevant authority must be discharged, on behalf of the relevant authority, by the officer designated under section 4(1) of the 1989 Act (designation and reports of head of paid service) as the head of the authority's paid service or by an officer nominated by the head of the authority's service.

3. Paragraph 2 does not apply to the appointment or dismissal of, or disciplinary action against-

- (a) the officer designated as the head of the authority's paid service;
- (b) a statutory chief officer within the meaning of section 2(6) of the 1989 Act(2) (politically restricted posts);
- (c) a non-statutory chief officer within the meaning of section 2(7) of the 1989 Act;
- (d) a deputy chief officer within the meaning of section 2(8) of the 1989 Act;
- (e) a person appointed in pursuance of section 9 of the 1989 Act(3) (assistants for political groups); or
- (f) a person to whom regulations made under section 35(4) and (5) (provision with respect to the appointment, discipline, suspension and dismissal of teachers and other staff of schools employed by the local education authority) of the Education Act 2002(4) apply.

(1) 1989 p.42.

(2) Diwygiwyd adran 2(6) gan baragraff 95 o Atodlen 37 i Ddeddf Addysg 1996 (p.56), paragraff 3(a), (b) ac (c) o Atodlen 2 i Ddeddf Plant 2004 (p.31), ac Atodlen 2 i Ddeddf y Gwasanaethau Tân ac Achub 2004 (p.21).

(3) Mae diwygiadau i adran 9 nad ydynt yn berthnasol i'r Rheoliadau hyn.

(4) 2002 p.32.

(1) 1989 c.42.

(2) Section 2(6) was amended by paragraph 95 of Schedule 37 to the Education Act 1996 (c.56), paragraph 3(a), (b) and (c) of Schedule 2 to the Children Act 2004 (c. 31), and Schedule 2 to the Fire and Rescue Services Act 2004 (c.21).

(3) There are amendments to section 9 which are not relevant to these Regulations.

(4) 2002 c.32.

4. Lle bo pwyllgor, is-bwyllgor neu swyddog, ar ran yr awdurdod perthnasol, yn cyflawni swyddogaeth penodi neu ddiswyddo swyddog a ddynodwyd yn bennaeth gwasanaeth taledig yr awdurdod, rhaid i'r awdurdod perthnasol gymeradwyo'r penodiad hwnnw cyn gwneud cynnig o benodiad neu, pa un bynnag sy'n briodol, rhaid cymeradwyo'r diswyddo cyn rhoi rhybudd diswyddo.

5. Nid oes dim ym mharagraff 2 yn atal person rhag gwasanaethu fel aelod o unrhyw bwyllgor neu is-bwyllgor a sefydlwyd gan yr awdurdod perthnasol i ystyried apêl gan aelod o staff yr awdurdod perthnasol yn erbyn unrhyw benderfyniad yn ymwneud â diswyddo, neu gymryd camau disgyblu yn erbyn, yr aelod hwnnw o'r staff."

ATODLEN 4

Rheoliad 8

DARPARIAETHAU I'W HYMGORFFORI YN Y RHEOLAU SEFYDLOG PARTHED CAMAU DISGYBLU

"1. Ym mharagraff 2, mae i "prif swyddog cyllid" ("*chief finance officer*"), "rheolwr cyngor" ("*council manager*"), "camau disgyblu" ("*disciplinary action*"), "pennaeth gwasanaeth taledig yr awdurdod" ("*head of the authority's paid service*") a "swyddog monitro" ("*monitoring officer*"), yr un ystyr ag yn rheoliad 2 Rheoliadau Awdurdodau Lleol (Rheolau Sefydlog) (Cymru) 2006 ac y mae i "person annibynnol dynodedig" ("*designated independent person*") yr un ystyr ag yn rheoliad 9 o'r Rheoliadau hynny.

2. Ni ellir cymryd camau disgyblu parthed pennaeth gwasanaeth taledig yr awdurdod (oni fo pennaeth gwasanaeth taledig yr awdurdod hefyd yn rheolwr cyngor yr awdurdod), ei swyddog monitro neu ei brif swyddog cyllid, ac eithrio camau a ddisgrifir ym mharagraff 3, gan yr awdurdod perthnasol, neu gan bwyllgor, is-bwyllgor, cydbwyllgor lle cynrychiolir yr awdurdod perthnasol neu gan unrhyw un sy'n gweithredu ar ran yr awdurdod perthnasol, ac eithrio yn unol ag argymhelliad mewn adroddiad a wnaed gan berson annibynnol dynodedig dan reoliad 9 o Reoliadau Awdurdodau Lleol (Rheolau Sefydlog) (Cymru) 2006 (ymchwilio i gamymddwyn honedig).

3. Y cam a grybwyllir ym mharagraff 2 yw atal dros dro y swyddog at ddibenion ymchwilio i'r camymddwyn honedig sy'n peri'r cam hwn; rhaid i unrhyw atal dros dro o'r fath fod ar gyflog llawn, a rhaid iddo derfynu ddim hwyrach nac ar derfyn dau fis yn cychwyn ar y diwrnod y daw'r atal dros dro i rym."

4. Where a committee, sub-committee or officer is discharging, on behalf of the relevant authority, the function of the appointment or dismissal of an officer designated as the head of the authority's paid service, the relevant authority must approve that appointment before an offer of appointment is made or, as the case may be, must approve that dismissal before notice of dismissal is given.

5. Nothing in paragraph 2 prevents a person from serving as a member of any committee or sub-committee established by the relevant authority to consider an appeal by a member of staff of the relevant authority against any decision relating to the dismissal of, or taking disciplinary action against, that member of staff."

SCHEDULE 4

Regulation 8

PROVISIONS TO BE INCORPORATED IN STANDING ORDERS IN RESPECT OF DISCIPLINARY ACTION

"1. In paragraph 2, "chief finance officer" ("*prif swyddog cyllid*"), "council manager" ("*rheolwr cyngor*"), "disciplinary action" ("*camau disgyblu*"), "head of the authority's paid service" ("*pennaeth gwasanaeth taledig yr awdurdod*") and "monitoring officer" ("*swyddog monitro*"), have the same meaning as in regulation 2 of the Local Authorities (Standing Orders) (Wales) Regulations 2006 and "designated independent person" ("*person annibynnol dynodedig*") has the same meaning as in regulation 9 of those Regulations.

2. No disciplinary action (other than action to which paragraph 3 applies) in respect of the head of the authority's paid service (unless the head of the authority's paid service is also a council manager of the relevant authority), its monitoring officer or its chief finance officer, may be taken by the relevant authority, or by a committee, a sub-committee, a joint committee on which the relevant authority is represented or any other person acting on behalf of the relevant authority, other than in accordance with a recommendation in a report made by a designated independent person under regulation 9 of the Local Authorities (Standing Orders) (Wales) Regulations 2006 (investigation of alleged misconduct).

3. The action to which this paragraph applies is suspension of the officer for the purpose of investigating the alleged misconduct occasioning the action; provided such suspension is on full pay and terminates no later than the expiry of two months beginning on the day on which the suspension takes effect."

OFFERYNNAU STATUDOL

2006 Rhif 1275 (Cy.121)

**LLYWODRAETH LEOL,
CYMRU**

Rheoliadau Awdurdodau Lleol
(Rheolau Sefydlog) (Cymru) 2006

STATUTORY INSTRUMENTS

2006 No. 1275 (W.121)

**LOCAL GOVERNMENT,
WALES**

The Local Authorities (Standing
Orders) (Wales) Regulations 2006

© Hawlfraint y Goron 2006

Argraffwyd a chyhoeddwyd yn y Deyrnas Unedig gan The Stationery Office Limited o dan awdurdod ac arolygiaeth Carol Tullo, Rheolwr Gwasg Ei Mawrhydi ac Argraffydd Deddfau Seneddol y Frenhines.

£4.00

W301/05/06

© Crown copyright 2006

Printed and Published in the UK by the Stationery Office Limited under the authority and superintendence of Carol Tullo, Controller of Her Majesty's Stationery Office and Queen's Printer of Acts of Parliament.

ON