

CYNGOR SIR CEREDIGION

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| Adroddiad i'r: | Pwyllgor Moeseg a Safonau |
| Dyddiad y cyfarfod: | 16 Hydref 2022 |
| Lleoliad: | Hybrid |
| Teitl: | Rheoliadau newydd mewn perthynas â Chyd-bwyllgor Corfforedig Canolbarth Cymru |
| Pwrpas yr adroddiad: | Er gwybodaeth |

Cyflwyniad

Mae Deddf Llywodraeth Leol ac Etholiadau (Cymru) 2021 yn darparu ar gyfer **Cyd-bwyllgorau Corfforedig** fel mecanwaith ar gyfer cydweithredu rhanbarthol drwy fframwaith mwy cyson a gaiff ei reoli'n ddemocrataidd.

Atodiad A yw Gorchymyn Awdurdodau Lleol (Cod Ymddygiad Enghreifftiol (Cymru) (Diwygio) 2022.

Mae'r Gorchymyn hwn yn diwygio Rhan 1 y Cod Ymddygiad Enghreifftiol fel y'i hamlinellir yn yr Atodlen i Orchymyn Awdurdodau Lleol (Cod Ymddygiad Enghreifftiol) (Cymru) 2008 ("y Gorchymyn") i ychwanegu cyd-bwyllgorau corfforedig a sefydlwyd o dan Ran 5 Deddf Llywodraeth Leol ac Etholiadau (Cymru) 2021 (dsc 1) at restr yr awdurdodau perthnasol.

Effaith y diwygiad yw gwneud y Cod Ymddygiad Enghreifftiol gorfodol yn berthnasol i aelodau cyd-bwyllgorau corfforedig.

Mae hyn yn cynnwys Cyd-bwyllgor Corfforedig Canolbarth Cymru.

Mae'r Cod Ymddygiad Enghreifftiol yn llywodraethu ymddygiad aelodau awdurdodau perthnasol yng Nghymru.

Atodiad B yw Gorchymyn Ymddygiad Aelodau (Egwyddorion) (Cymru) (Diwygio) 2022.

Mae'r Gorchymyn hwn yn diwygio erthygl 2 Gorchymyn Ymddygiad Aelodau (Egwyddorion) (Cymru) 2001 ("y Gorchymyn") i ychwanegu cyd-bwyllgorau corfforedig a sefydlwyd o dan Ran 5 Deddf Llywodraeth Leol ac Etholiadau (Cymru) 2021 (dsc 1) at restr yr awdurdodau perthnasol, sy'n gwneud yr egwyddorion yn yr Atodlen i'r Gorchymyn yn berthnasol i aelodau cyd-bwyllgorau corfforedig.

Mae hyn yn cynnwys Cyd-bwyllgor Corfforedig Canolbarth Cymru.

Mae'r Atodlen i'r Gorchymyn yn amlinellu'r egwyddorion sy'n llywodraethu ymddygiad aelodau awdurdodau perthnasol yng Nghymru.

Atodiad C yw Rheoliadau Ymchwiliadau Llywodraeth Leol (Swyddogaethau Swyddogion Monitro a Phwyllgorau Safonau) (Cymru) (Diwygio) 2022.

Mae'r Rheoliadau hyn yn ychwanegu cyd-bwyllgorau corfforedig a sefydlwyd

drwy reoliadau a wnaed o dan Ran 5 Deddf Llywodraeth Leol ac Etholiadau (Cymru) 2021 at ddiffiniad “awdurdod perthnasol” yn Rheoliadau Ymchwiliadau Llywodraeth Leol (Swyddogaethau Swyddogion Monitro a Phwyllgorau Safonau) (Cymru) 2001 (“Rheoliadau 2001”). Mae'r Rheoliadau hyn hefyd yn diwygio Rheoliadau 2001 i ddarparu, pan fo cyd-bwyllgor corfforedig (neu aelod cyfetholedig) yn destun ymchwiliad, a'i fod hefyd yn aelod (neu'n aelod cyfetholedig) o gyngor cyfansoddol neu awdurdod Parc Cenedlaethol, rhaid anfon gwybodaeth, adroddiadau ac argymhellion penodedig hefyd at y cyngor neu'r awdurdod hwnnw. Mae hyn yn cynnwys Cyd-bwyllgor Corfforedig Canolbarth Cymru.

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| Argymhelliad: | Nodi cynnwys y Rheoliadau diwygiedig. |
| Rheswm dros y penderfyniad: | Er mwyn sicrhau bod y Pwyllgor yn cael gwybod am newidiadau deddfwriaethol |
| Atodiadau: | Atodiad A Gorchymyn Awdurdodau Lleol (Cod Ymddygiad Enghreifftiol) (Cymru) (Diwygio) 2022. Atodiad B Gorchymyn Ymddygiad Aelodau (Egwyddorion) (Cymru) (Diwygio) 2022. Atodiad C Rheoliadau Ymchwiliadau Llywodraeth Leol (Swyddogaethau Swyddogion Monitro a Phwyllgorau Safonau) (Cymru) (Diwygio) 2022 |
| Swyddog Adrodd: | Lisa Evans Swyddog Craffu a Safonau |
| Dyddiad: | 15 Medi 2022 |

W E L S H S T A T U T O R Y
I N S T R U M E N T S

2022 No. 805 (W. 181)

**LOCAL GOVERNMENT,
WALES**

**The Conduct of Members
(Principles) (Wales) (Amendment)
Order 2022**

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends article 2 of the Conduct of Members (Principles) (Wales) Order 2001 (“the Order”) to add corporate joint committees established under Part 5 of the Local Government and Elections (Wales) Act 2021 (asc 1) to the list of relevant authorities, making the principles in the Schedule to the Order applicable to members of corporate joint committees.

The Schedule to the Order sets out the principles which govern the conduct of the members of relevant authorities in Wales.

The Welsh Ministers’ Code of Practice on the carrying out of Regulatory Impact Assessments was considered in relation to the regulations which establish corporate joint committees and connected orders and regulations. As a result, a regulatory impact assessment was prepared at the time of making those establishment regulations and is relied upon for the purpose of this Order. A copy can be obtained from the Local Government Strategic Finance Division, Welsh Government, Cathays Park, Cardiff, CF10 3NQ

W E L S H S T A T U T O R Y
I N S T R U M E N T S

2022 No. 805 (W. 181)

**LOCAL GOVERNMENT,
WALES**

**The Conduct of Members
(Principles) (Wales) (Amendment)
Order 2022**

Made 13 July 2022

Laid before Senedd Cymru 15 July 2022

Coming into force 5 August 2022

The Welsh Ministers, in exercise of the powers conferred on them by sections 49(2) and 105(2)(a) of the Local Government Act 2000(1), make the following Order.

In accordance with section 49(5)(2) of that Act, the Welsh Ministers have consulted such representatives of relevant authorities as they consider appropriate, the Auditor General for Wales, the Public Services Ombudsman for Wales, and such other persons as they considered appropriate.

Title and coming into force

1.—(1) The title of this Order is the Conduct of Members (Principles) (Wales) (Amendment) Order 2022.

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- (1) 2000 c. 22. Section 49(2) was amended by paragraph 8(3) of Schedule 4 to the Localism Act 2011 (c. 20). The power conferred by section 49(2) of the Local Government Act 2000 on the National Assembly for Wales was transferred to the Welsh Ministers by virtue of section 162 of, and paragraph 30 of Schedule 11 to, the Government of Wales Act 2006 (c. 32). Corporate joint committees were inserted into the definition of “relevant authority” in section 49(6) of the Local Government Act 2000 by S.I. 2022/372.
- (2) Section 49(5) was amended by paragraph 8(5) of Schedule 4 to the Localism Act 2011 (c. 20), paragraph 53(3) of Schedule 2 to the Public Audit (Wales) Act 2004 (c. 23) and paragraph 2(b) of Schedule 4 to the Public Service Ombudsman (Wales) Act 2005 (c. 10).

(2) This Order comes into force on 5 August 2022.

Amendment of article 2 of the Conduct of Members (Principles) (Wales) Order 2001

2. In the definition of “relevant authority” in article 2 (*Interpretation*) of the Conduct of Members (Principles) (Wales) Order 2001(1) after “a community council,” insert—

“(ca) a corporate joint committee established by regulations made under Part 5 of the Local Government and Elections (Wales) Act 2021 (asc 1)(2),”.

Rebecca Evans

Minister for Finance and Local Government, one of the Welsh Ministers

13 July 2022

(1) S.I. 2001/2276 (W. 166), to which there are amendments not relevant to this order.

(2) 2021 asc 1.

W E L S H S T A T U T O R Y
I N S T R U M E N T S

2022 No. 806 (W. 182)

**LOCAL GOVERNMENT,
WALES**

**The Local Authorities (Model Code
of Conduct) (Wales) (Amendment)
Order 2022**

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends Part 1 of the Model Code of Conduct as set out in the Schedule to the Local Authorities (Model Code of Conduct) (Wales) Order 2008 (“the Order”) to add corporate joint committees established under Part 5 of the Local Government and Elections (Wales) Act 2021 (asc 1) to the list of relevant authorities. The effect of the amendment would be to make the mandatory Model Code of Conduct applicable to members of corporate joint committees.

The Model Code of Conduct governs the conduct of the members of relevant authorities in Wales.

The Welsh Ministers’ Code of Practice on the carrying out of Regulatory Impact Assessments was considered in relation to the regulations which establish corporate joint committees and connected orders and regulations. As a result, a regulatory impact assessment was prepared at the time of making those establishment regulations and is relied upon for the purpose of this Order. A copy can be obtained from the Local Government Strategic Finance Division, Welsh Government, Cathays Park, Cardiff, CF10 3NQ.

W E L S H S T A T U T O R Y
I N S T R U M E N T S

2022 No. 806 (W. 182)

**LOCAL GOVERNMENT,
WALES**

**The Local Authorities (Model Code
of Conduct) (Wales) (Amendment)
Order 2022**

Made 13 July 2022

Laid before Senedd Cymru 15 July 2022

Coming into force 5 August 2022

The Welsh Ministers, in exercise of the powers conferred on the National Assembly of Wales by sections 50(2) and (3)(1) and 105(2)(a) of the Local Government Act 2000(2) and now vested in them, make the following Order.

In accordance with section 49(5) of that Act, the Welsh Ministers have consulted the Auditor General for Wales, the Public Services Ombudsman for Wales, representatives of relevant authorities, and such other persons as considered appropriate.

Title and coming into force

1.—(1) The title of this Order is The Local Authorities (Model Code of Conduct) (Wales) (Amendment) Order 2022.

(2) This Order comes into force on 5 August 2022.

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- (1) Section 50 was amended by the Localism Act 2011 c. 20 Sch. 25(5) para. 1 (amendment has effect as S.I. 2012/1463 subject to transitional, transitory and savings provisions specified in S.I. 2012/1463 art. 7(3) and (4)). The powers conferred by section 50(2) and (3) of the Local Government Act 2000 on the National Assembly for Wales were transferred to the Welsh Ministers by virtue of section 162 of, and paragraph 30 of Schedule 11 to, the Government of Wales Act 2006 (c. 32).
- (2) 2000 c. 22.

Amendment of the Schedule to the Local Authorities (Model Code of Conduct) (Wales) Order 2008

2. In the definition of “relevant authority” in Part 1 (*Interpretation*) of the Schedule to the Local Authorities (Model Code of Conduct) (Wales) Order 2008(1) after “a community council” insert—

“(ca) a corporate joint committee established by regulations made under Part 5 of the Local Government and Elections (Wales) Act 2021 (asc 1)(2),”.

Rebecca Evans

Minister for Finance and Local Government, one of the Welsh Ministers

13 July 2022

(1) S.I. 2008/788.
(2) asc 1.

W E L S H S T A T U T O R Y
I N S T R U M E N T S

2022 No. 802 (W. 178)

**LOCAL GOVERNMENT,
WALES**

**The Local Government
Investigations (Functions of
Monitoring Officers and Standards
Committees) (Wales) (Amendment)
Regulations 2022**

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations add corporate joint committees established by regulations made under Part 5 of the Local Government and Elections (Wales) Act 2021 to the definition of “relevant authority” in the Local Government Investigations (Functions of Monitoring Officers and Standards Committees) (Wales) Regulations 2001 (“the 2001 Regulations”).

These Regulations also amend the 2001 Regulations to provide that where a corporate joint committee member (or co-opted member) is under investigation, and they are also a member (or co-opted member) of a constituent council or National Park authority, specified information, reports and recommendations must also be sent to that council or authority.

The Welsh Ministers’ Code of Practice on the carrying out of Regulatory Impact Assessments was considered in relation to the regulations which establish corporate joint committees, and connected regulations and orders. As a result, a regulatory impact assessment was prepared at the time of making those establishment regulations and is relied on for the purpose of these Regulations. A copy can be obtained from the Local Government Strategic Finance Division, Welsh Government, Cathays Park, Cardiff, CF10 3NQ.

W E L S H S T A T U T O R Y
I N S T R U M E N T S

2022 No. 802 (W. 178)

**LOCAL GOVERNMENT,
WALES**

The Local Government
Investigations (Functions of
Monitoring Officers and Standards
Committees) (Wales) (Amendment)
Regulations 2022

Made 13 July 2022

Laid before Senedd Cymru 15 July 2022

Coming into force 5 August 2022

The Welsh Ministers make the following Regulations in exercise of the power conferred on them by section 73(1), (2)(b), (2)(d) and (2)(e), and section 105(2)(a) and (2)(b) and (3), of the Local Government Act 2000(1).

Title and coming into force

1. The title of these Regulations is the Local Government Investigations (Functions of Monitoring Officers and Standards Committees) (Wales) (Amendment) Regulations 2022 and they come into force on 5 August 2022.

(1) 2000 c. 22. The functions of the National Assembly for Wales now vest in the Welsh Ministers by virtue of section 162 of, and paragraph 30 of Schedule 11 to, the Government of Wales Act 2006 (c. 32). Regulation 3(2)(a) of S.I. 2022/372 (W. 92) inserted corporate joint committees to the definition of “relevant authority” in section 49 of the 2000 Act. Section 49 is contained in Part 3 of the 2000 Act and concerns the conduct of local government members and employees.

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

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

3. In regulation 2, in the definition of “relevant authority”—

- (a) after “a scheme to which section 4 of that Act applies,” omit “and”;
- (b) for “1995;” substitute “1995, and”;
- (c) at the end insert “a corporate joint committee;”.

4. In regulation 3, after paragraph (2) insert—

“(2A) Where the relevant authority concerned is a corporate joint committee, in the matter of a member or co-opted member who is also a member or co-opted member of—

- (a) a constituent council of the corporate joint committee;
- (b) a National Park authority which is required by regulations under Part 5 of the Local Government and Elections (Wales) Act 2021⁽²⁾ to appoint a member of the corporate joint committee,

the monitoring officer of the corporate joint committee must also send a copy of any report and recommendations issued under paragraph (1)(b) or any recommendations made under paragraph (2) to the monitoring officer of that constituent council or National Park authority.”

5. In regulation 6, after paragraph (a) insert—

“(aa) where any person who is the subject of the investigation is a member or co-opted member of a corporate joint committee and is also a member or co-opted member of—

- (i) a constituent council of the corporate joint committee;
- (ii) a National Park authority which is required by regulations under Part 5 of the Local Government and Elections (Wales) Act 2021 to

(1) S.I. 2001/2281 (W. 171); relevant amending instruments are S.I. 2005/2929 (W. 214), 2006/362 (W. 48), 2016/85 (W. 39).

(2) 2021 asc 1.

appoint a member of the corporate joint committee,

send a copy of the report and any recommendations to the monitoring officer of that constituent council or National Park authority;”.

6. In regulation 7(1)(a), after paragraph (i) insert—

“(ia) where the person who is the subject of the investigation is a member or co-opted member of a corporate joint committee and is also a member or co-opted member of—

(aa) a constituent council of the corporate joint committee;

(bb) a National Park authority which is required by regulations under Part 5 of the Local Government and Elections (Wales) Act 2021 to appoint a member of the corporate joint committee,

the monitoring officer of that constituent council or National Park authority;”.

7. In regulation 7A(1), after sub-paragraph (a) insert—

“(aa) where a subject of the investigation is a member or co-opted member of a corporate joint committee and is also a member or co-opted member of—

(i) a constituent council of the corporate joint committee;

(ii) a National Park authority which is required by regulations under Part 5 of the Local Government and Elections (Wales) Act 2021 to appoint a member of the corporate joint committee,

the monitoring officer of that constituent council or National Park authority;”.

8. In regulation 8—

(a) in paragraph (4), for “Regulation 7(b)” substitute “regulation 7(1)(b)”;

(b) in paragraph (6)(b), for “Regulation 12(a)(i)” substitute “regulation 12(1)(a)(i)”;

(c) in paragraph (6)(c), for “Regulation 12(a)(ii)” substitute “regulation 12(1)(a)(ii)”.

9. In regulation 9—

(a) in paragraph (2), for “Regulation 12(a)(ii)” substitute “regulation 12(1)(a)(ii)”;

(b) after paragraph (3)(a), insert—

“(aa) where a subject of the investigation is a member or co-opted member of a corporate joint committee and is also a member or co-opted member of—

(i) a constituent council of the corporate joint committee;

(ii) a National Park authority which is required by regulations under Part 5 of the Local Government and Elections (Wales) Act 2021 to appoint a member of the corporate joint committee,

the monitoring officer of that constituent council or National Park authority;”.

10. In regulation 10(10), after sub-paragraph (a) insert—

“(aa) where the person seeking permission to appeal is a member or co-opted member of a corporate joint committee and is also a member or co-opted member of—

(i) a constituent council of the corporate joint committee;

(ii) a National Park authority which is required by regulations under Part 5 of the Local Government and Elections (Wales) Act 2021 to appoint a member of the corporate joint committee,

the monitoring officer of that constituent council or National Park authority;”.

11. In regulation 12—

(a) the existing provision becomes paragraph (1);

(b) in paragraph (1), omit the words from “, and must inform” to “decision”;

(c) after paragraph (1), insert—

“(2) After making a decision in accordance with paragraph (1), the appeals tribunal must give notice of that decision and reasons for the decision to:

(a) any person who is the subject of the investigation,

(b) the Public Services Ombudsman for Wales,

(c) the Standards Committee of the relevant authority, and

(d) where any person subject to the investigation is a member of a corporate joint committee, and is also a member or co-opted member of—

(i) a constituent council of the corporate joint committee;

(ii) a National Park authority which is required by regulations under Part 5 of the Local Government and Elections (Wales) Act 2021 to appoint a member of the corporate joint committee,

the monitoring officer of that constituent council or National Park authority.”

12. In regulation 13—

(a) in paragraph (1)—

(i) in sub-paragraph (b), for “Regulation 12(a)(i) or (b)” substitute “regulation 12(1)(a)(i) or (b)”;

(ii) in sub-paragraph (c), for “Regulation 12(a)(ii)” substitute “regulation 12(1)(a)(ii)”;

(iii) omit the words from “and send” to “gave rise to the investigation”;

(b) after paragraph (1), insert—

“(1A) The Standards Committee must send a copy of the report to:

(a) any person who is the subject of the investigation,

(b) the Public Services Ombudsman for Wales,

(c) the monitoring officer of the relevant authority concerned, and

(d) where any person subject to the investigation is a member or co-opted member of a corporate joint committee, and is also a member or co-opted member of—

(i) a constituent council of the corporate joint committee;

(ii) a National Park authority which is required by regulations under Part 5 of the Local Government and Elections (Wales) Act 2021 to appoint a member of the corporate joint committee,

the monitoring officer of that constituent council or National Park authority.

(1B) The Standards Committee must also take reasonable steps to send a copy of the report to any person who made any allegation which gave rise to the investigation.”;

(c) in paragraph (2), in the words before subparagraph (a), after “authority” insert “concerned”.

Rebecca Evans

Minister for Finance and Local Government, one of the Welsh Ministers

13 July 2022