



Deddf Llywodraeth Leol (Democratiaeth) (Cymru) 2013

2013 dccc 4

Nodiadau Esboniadol

Local Government Democracy (Wales) Act 2013

2013 anaw 4

Explanatory Notes

£5.75

DEDDF LLYWODRAETH LEOL (DEMOCRATIAETH) (CYMRU) 2013

NODIADAU ESBONIADOL

CYFLWYNIAD

1. Mae'r Nodiadau Esboniadol hyn ar gyfer Deddf Llywodraeth Leol (Democratiaeth) (Cymru) 2013 a basiwyd gan Gynulliad Cenedlaethol Cymru ar 18 Mehefin 2013 ac a gafodd y Cydsyniad Brenhinol ar 30 Gorffennaf 2013. Fe'u lluniwyd gan Adran Llywodraeth Leol Llywodraeth Cymru er mwyn cynorthwyo'r sawl sy'n darllen y Ddeddf. Dylid darllen y Nodiadau Esboniadol ar y cyd â'r Ddeddf ond nid ydynt yn rhan ohoni.

SYLWEBAETH AR ADRANNAU

Rhan 1 - Cyflwyniad

Adran 1 - Trosolwg

2. Mae'r adran hon yn rhoi trosolwg o ddarpariaethau allweddol y Ddeddf a'r hyn y mae'r Ddeddf yn ceisio ei gyflawni. Mae 6 Rhan, 76 o adrannau a 3 Atodlen i'r Ddeddf.

Rhan 2 - Comisiwn Ffiniau a Democratiaeth Leol Cymru

Adran 2 - Comisiwn Ffiniau a Democratiaeth Leol Cymru

3. Mae'r adran hon yn newid enw'r Comisiwn Ffiniau Llywodraeth Leol i Gymru i Gomisiwn Ffiniau a Democratiaeth Leol Cymru ("y Comisiwn").

Adran 3 - Statws

4. Mae'r adran hon yn egluro nad corff i'r Goron yw'r Comisiwn.

Adrannau 4 a 5 - Aelodaeth; Deiliadaeth

5. Mae'r adrannau hyn yn darparu mai aelodau'r Comisiwn fydd y cadeirydd, y dirprwy gadeirydd a hyd at dri aelod arall, i'w penodi ar delerau ac amodau a benderfynir gan Weinidogion Cymru. Pennir deiliadaeth aelod o'r Comisiwn gan delerau ac amodau ei benodiad.

Adrannau 6 a 7 - Trafodion; Y sêl a dilysrwydd dogfennau

6. Mae'r adrannau hyn yn pennu cworwm o dri ar gyfer cyfarfodydd o'r Comisiwn ac y caiff y Comisiwn reoleiddio ei weithdrefn ei hun.
7. Caniateir hefyd i'r Comisiwn gael sêl i'w defnyddio ar ddogfennau a dilysir y defnydd o'r sêl drwy lofnod aelod o'r Comisiwn neu lofnod person arall sydd wedi ei awdurdodi gan y Comisiwn at y diben hwn.

LOCAL GOVERNMENT (DEMOCRACY) (WALES) ACT 2013

EXPLANATORY NOTES

INTRODUCTION

1. These Explanatory Notes are for the Local Government (Democracy) (Wales) Act 2013 which was passed by the National Assembly for Wales on 18 June 2013 and received Royal Assent on 30 July 2013. They have been prepared by the Department for Local Government of the Welsh Government to assist the reader of the Act. The Explanatory Notes should be read in conjunction with the Act but are not part of it.

COMMENTARY ON SECTIONS

Part 1 - Introduction

Section 1 - Overview

2. This section provides an overview of the key provisions of the Act and what the Act seeks to achieve. The Act has 6 Parts, 76 sections and 3 Schedules.

Part 2 - Local Democracy and Boundary Commission for Wales

Section 2 - Local Democracy and Boundary Commission for Wales

3. This section changes the name of the Local Government Boundary Commission for Wales to the Local Democracy and Boundary Commission for Wales ("the Commission").

Section 3 - Status

4. This section makes clear that the Commission is not a Crown body.

Sections 4 and 5 - Membership; Tenure

5. These sections provide that the members of the Commission shall be the chair, deputy chair and up to three others, to be appointed on such terms and conditions as determined by the Welsh Ministers. The tenure of a member of the Commission will be set by the terms and conditions of their appointment.

Sections 6 and 7 - Proceedings; Seal and validity of documents

6. These sections set a quorum of three for meetings of the Commission and that the Commission may regulate its own procedure.
7. The Commission may also have a seal for use on documents and the use of the seal is authenticated by the signature of a member of the Commission or of another person authorised by the Commission for this purpose.

Adran 8 – Prif weithredwr

8. Mae'r adran hon yn ei gwneud yn ofynnol i Weinidogion Cymru benodi prif weithredwr y Comisiwn (yn hytrach nag Ysgrifennydd a oedd yn ofynnol ar gyfer y Comisiwn blaenorol) a phenderfynu ar ei delerau ac amodau, ar ôl ymgynghori â'r Comisiwn. Bydd gan y Prif Weithredwr yr un swyddogaethau â'r Ysgrifennydd blaenorol. Cyn i Weinidogion Cymru benodi prif weithredwr, mae'n ofynnol iddynt ymgynghori â'r Comisiwn.

Adran 9 – Staff eraill

9. Mae'r adran hon yn galluogi'r Comisiwn i gyflogi staff a phenderfynu ar eu tâl a'u telerau ac amodau. Cyn penodi staff a phenderfynu ar y tâl, y pensiynau, y lwfansau a'r treuliau sy'n daladwy, rhaid i'r Comisiwn ymgynghori â Gweinidogion Cymru.

Adran 10 – Arbenigwyr

10. Mae'r adran hon yn galluogi'r Comisiwn i benodi cynghorwyr arbenigol i'w gynorthwyo i arfer ei swyddogaethau. Cyn penodi arbenigwr a phenderfynu ar y tâl, y lwfansau neu'r treuliau sy'n daladwy, rhaid i'r Comisiwn ymgynghori â Gweinidogion Cymru.

Adran 11 – Comisiynwyr cynorthwyol

11. Mae'r adran hon yn caniatáu i'r Comisiwn benodi comisiynwyr cynorthwyol i'w gynorthwyo i gynnal adolygiadau o ardaloedd llywodraeth leol neu drefniadau etholiadol neu i gadeirio ymchwiliadau lleol. Cyn i'r Comisiwn benodi comisiynydd cynorthwyol, mae'n ofynnol iddo ymgynghori â Gweinidogion Cymru. Yn yr un modd, rhaid i'r Comisiwn ymgynghori â Gweinidogion Cymru cyn penderfynu ar y tâl neu'r lwfansau sy'n daladwy i gomisiynydd cynorthwyol.

Adrannau 12 i 14 – Pwerau; Dirprwyo; Cyfarwyddiadau

12. Mae gan y Comisiwn y pŵer i wneud unrhyw beth a fydd yn hwyluso'r gwaith o arfer swyddogaethau'r Comisiwn neu sy'n ffafriol i arfer ei swyddogaethau neu'n gysylltiedig â hynny. Fodd bynnag, mae adran 12 yn egluro na chaniateir i'r Comisiwn fenthyca arian, caffael tir neu eiddo (ac eithrio â chydsyniad Gweinidogol) na ffurfio neu hyrwyddo cwmnïau.
13. Mae adran 13 yn darparu y caiff y Comisiwn ddirprwyo i aelodau unigol neu gomisiynwyr cynorthwyol ei swyddogaethau sy'n ymwneud ag adolygiadau o ardaloedd neu drefniadau llywodraeth leol neu gynnal ymchwiliadau lleol, heb negyddu cyfrifoldeb cyffredinol y Comisiwn dros gyflawni'r swyddogaethau dirprwyedig hyn.
14. Mae adran 14 yn rhoi pŵer cyfarwyddo cyffredinol o ran y Comisiwn i Weinidogion Cymru. Rhaid i'r Comisiwn gydymffurfio ag unrhyw gyfarwyddyd a roddir gan Weinidogion Cymru a chaiff Gweinidogion Cymru amrywio neu ddirymu cyfarwyddyd drwy ddyroddi cyfarwyddyd dilynol.

Adran 15 – Cyllido

15. Mae'r adran hon yn pennu y darperir cyllid ar gyfer y Comisiwn drwy grantiau Gweinidogion Cymru. Gweinidogion Cymru fydd yn penderfynu ar swm y grant yn ddarostyngedig i unrhyw delerau ac amodau a bennir ganddynt.

Section 8 – Chief executive

8. This section requires the Welsh Ministers to appoint, and decide on the terms and conditions of a chief executive to the Commission (as opposed to a secretary as required for the previous Commission), following consultation with the Commission. The functions of the Chief Executive will be the same as that of the previous Secretary. Prior to the appointment of a chief executive the Welsh Ministers are required to consult the Commission.

Section 9 – Other staff

9. This section enables the Commission to employ staff and to decide on their remuneration and terms and conditions. Prior to appointing staff and determining the remuneration, pensions, allowances and expenses payable the Commission must consult with the Welsh Ministers.

Section 10 – Experts

10. This enables the Commission to appoint expert advisers to assist in the exercise of their functions. Prior to appointing an expert and determining the remuneration, allowances or expenses payable the Commission must consult with the Welsh Ministers.

Section 11 – Assistant commissioners

11. This section allows the Commission to appoint assistant commissioners to assist in the conduct of reviews of local government areas or electoral arrangements or to chair local inquiries. Before appointing an assistant commissioner the Commission is required to consult with the Welsh Ministers. Similarly, the Commission must consult the Welsh Ministers prior to determining the remuneration or allowances payable to an assistant commissioner.

Sections 12 to 14 – Powers; Delegation; Directions

12. The Commission has the power to do anything which will facilitate or is conducive or incidental to the exercise of the Commission's functions. Section 12 makes clear however that the Commission is not allowed to borrow money, acquire land or property (except with Ministerial consent) or form or promote companies.
13. Section 13 provides that the Commission may delegate its functions relating to reviews of local government areas or arrangements or conducting local inquiries to individual members or assistant commissioners, without negating the Commission's overall responsibility for the performance of these delegated functions.
14. Section 14 provides the Welsh Ministers with a general power of direction of the Commission. The Commission must comply with any direction given by the Welsh Ministers and the Welsh Ministers may vary or revoke a direction by issuing a subsequent direction.

Section 15 – Funding

15. This section specifies that funding for the Commission will be provided through Welsh Minister grants. The amount of grant will be determined by the Welsh Ministers subject to any terms and conditions as specified by them.

Adran 16 – Swyddog cyfrifyddu

16. Mae'r adran hon yn ei gwneud yn ofynnol i Weinidogion Cymru benodi swyddog cyfrifyddu o blith staff y Comisiwn a chanddo gyfrifoldebau a bennir drwy gyfarwyddyd gan Weinidogion Cymru, mewn perthynas â threfniadau ariannol y Comisiwn.

Adrannau 17 i 20 – Pwyllgor archwilio; Pwyllgor archwilio: aelodaeth; Cyfrifon ac archwilio allanol; Adroddiadau blynyddol

17. Rhaid i'r Comisiwn sefydlu pwyllgor archwilio i adolygu materion ariannol a llywodraethu corfforaethol y Comisiwn. Rhaid iddo gyflwyno adroddiadau i'r Comisiwn a Gweinidogion Cymru. Rhaid i'r Comisiwn Archwilio gynnwys o leiaf ddau Gomisiynydd ac o leiaf un aelod lleig.
18. Mae adran 19 yn ei gwneud yn ofynnol i'r Comisiwn lunio datganiad blynyddol o gyfrifon ar gyfer pob blwyddyn ariannol a rhaid i gynnwys y datganiad hwnnw gydymffurfio ag unrhyw gyfarwyddiadau a roddir gan Weinidogion Cymru. Rhaid i'r datganiad gael ei anfon at Weinidogion Cymru ac Archwilydd Cyffredinol Cymru ac unwaith y bydd wedi ei ardystio gan yr Archwilydd Cyffredinol, rhaid ei osod gerbron Cynulliad Cenedlaethol Cymru (“y Cynulliad”).
19. Cyn diwedd mis Tachwedd bob blwyddyn, rhaid i'r Comisiwn hefyd gyhoeddi adroddiad blynyddol ar ei weithgareddau yn ystod y flwyddyn ariannol flaenorol a rhaid i Weinidogion Cymru osod yr adroddiad hwnnw gerbron y Cynulliad hefyd.

Rhan 3 – Trefniadau ar gyfer llywodraeth leol

20. Mae'r rhan hon yn disgrifio'r mathau o adolygiad o ardaloedd a threfniadau llywodraeth leol y caniateir eu cynnal ac yn manylu ar y weithdrefn i'w dilyn wrth gynnal adolygiad. Mae hefyd yn ymdrin â'r modd y mae unrhyw argymhellion a wneir o ganlyniad i'r adolygiad i gael eu gweithredu.

Adran 21 – Dyletswydd y Comisiwn i fonitro trefniadau ar gyfer llywodraeth leol

21. Mae'r adran hon yn amlinellu dyletswydd gyffredinol y Comisiwn i adolygu trefniadau llywodraeth leol. Wrth wneud hynny, rhaid i'r Comisiwn geisio sicrhau bod llywodraeth leol yn effeithiol ac yn gyfleus.

Adran 22 – Dyletswyddau prif gynghorau mewn perthynas ag ardal

22. Mae'r adran hon yn amlinellu ei bod yn ofynnol i gyngor sir neu gyngor bwrdeistref sirol (a ddiffinnir yn y Ddeddf yn “brif gynghorau”) adolygu'r cymunedau yn ei ardal a threfniadau etholiadol y cymunedau hynny a rhaid iddo lunio adroddiad ar y mater hwn o leiaf unwaith ym mhob cyfnod o 10 mlynedd. Rhaid iddo hefyd roi sylw i amserlen y Comisiwn ar gyfer cynnal adolygiadau etholiadol wrth benderfynu ar yr adeg briodol i gynnal yr adolygiad.
23. Wrth gyflawni'r ddyletswydd honno, ac wrth gynnal unrhyw adolygiadau o dan y Rhan honno, rhaid i bob prif gyngor geisio sicrhau bod llywodraeth leol yn effeithiol ac yn gyfleus.

Section 16 – Accounting officer

16. This section requires the Welsh Ministers to appoint an accounting officer from the Commission's staff with responsibilities specified by a direction of the Welsh Ministers, in relation to the Commission's financial arrangements.

Sections 17 to 20 – Audit committee; Audit committee: membership; Accounts and external audit; Annual reports

17. The Commission must establish an audit committee to keep under review their financial affairs and their corporate governance. It must report to the Commission and the Welsh Ministers. The Audit Committee must include at least two Commissioners and at least one lay member.
18. Section 19 requires the Commission to prepare an annual statement of accounts for each financial year, the content of which must comply with any directions from Welsh Ministers. The statement must be sent to the Welsh Ministers and the Auditor General for Wales and must be laid, once certified by the Auditor General, before the National Assembly for Wales (“the Assembly”).
19. Before the end of November in each year, the Commission must also publish an annual report on their activities during the previous financial year, which the Welsh Ministers must also lay before the Assembly.

Part 3 - Arrangements for local government

20. This part describes the types of review of local government areas and arrangements that may be conducted, and details the procedure which is to be followed in conducting a review. It also deals with the manner in which any recommendations made as a result of the review are to be implemented.

Section 21 – Duty of the Commission to monitor arrangements for local government

21. This section outlines the general duty of the Commission to keep local government arrangements under review. In doing so, the Commission must seek to ensure that local government is effective and convenient.

Section 22 – Duty of principal councils in relation to area

22. This section outlines that a county council or a county borough council (defined in the Act as “principal councils”) is required to keep the communities in its area and the electoral arrangements of such communities under review, and must produce a report on this matter at least once in every period of 10 years and to have regard to the Commission's timetable of electoral reviews when deciding on the appropriate timing of the review.
23. In carrying out that duty, and when conducting any reviews under this Part, each principal council must seek to ensure that local government is effective and convenient.

Adran 23 – Adolygu ffiniau prif ardaloedd

24. Mae'r adran hon yn galluogi'r Comisiwn, o'i wirfodd neu ar gais gan brif gyngor, i gynnal adolygiad o sir neu fwrdeistref sirol (a ddiffinnir yn y Ddeddf yn "brif ardaloedd"). Yn dilyn adolygiad, rhaid i'r Comisiwn wneud cynigion i Weinidogion Cymru. Yn ei gynigion, caiff y Comisiwn gynnig unrhyw newid i brif ardal sy'n briodol a newidiadau canlyniadol i ffiniau cymunedol neu drefniadau etholiadol o fewn cymunedau. Diffinnir y newidiadau posibl yn is-adran (4).
25. Yn unol â'r ddyletswydd o osodir o dan adran 21, dylai unrhyw argymhellion y mae'r Comisiwn yn eu gwneud mewn perthynas ag adolygiad o'r fath geisio sicrhau llywodraeth leol effeithiol a chyfleus.

Adran 24 – Adolygu prif ardaloedd yn dilyn gorchymyn tref newydd

26. Mae'r adran hon yn amlinellu'r broses i'w dilyn os bydd Gweinidogion Cymru yn gwneud Gorchymyn Tref Newydd yn unol â Deddf Trefi Newydd 1981. O dan yr amgylchiad hwnnw, rhaid i'r Comisiwn, ar ôl cael hysbysiad oddi wrth Weinidogion Cymru am y Gorchymyn Tref Newydd, gynnal adolygiad yn unol â darpariaethau adran 23 o'r Ddeddf o unrhyw brif ardaloedd a bennir yn hysbysiad Gweinidogion Cymru.

Adran 25 – Adolygu ffiniau cymuned gan brif gyngor

27. Mae adran 25 yn darparu y caiff prif gyngor benderfynu cynnal adolygiad o gymuned o'i wirfodd neu ar gais cyngor cymuned neu gyfarfod cymunedol. Fodd bynnag, rhaid i'r prif gyngor beidio â chynnal adolygiad ar gais cyngor cymuned neu gyfarfod cymunedol os yw'r prif gyngor o'r farn y byddai cynnal yr adolygiad hwnnw yn ei rwystro rhag arfer ei swyddogaethau'n briodol.
28. Yn dilyn adolygiad o'r fath, dylai'r prif gyngor anfon adroddiad i'r Comisiwn gydag argymhellion ar gyfer unrhyw newidiadau i ffiniau cymuned ac unrhyw newidiadau canlyniadol i unrhyw gyngor cymuned neu ardal etholiadol o ganlyniad i'r newidiadau a argymhellir i ffiniau cymuned. Yn unol â'r ddyletswydd a osodir gan adran 22, rhaid i unrhyw argymhellion a wneir gan y Cyngor geisio sicrhau llywodraeth leol effeithiol a chyfleus.
29. Caiff prif gyngor a'r Comisiwn gytuno i'r cyngor ddirprwyo ei swyddogaethau o gynnal adolygiadau o gymunedau i'r Comisiwn. Mae unrhyw drefniant o'r fath yn ddarostyngedig i unrhyw delerau ac amodau y cytunir arnynt rhwng y ddau barti.

Adran 26 – Adolygu ffiniau cymuned gan y Comisiwn

30. Mae'r adran hon yn galluogi'r Comisiwn i gynnal adolygiad o gymuned o dan amgylchiadau penodol, sef: os bydd prif gyngor yn gofyn iddo ei gynnal ar ei ran; os nad yw'n fodlon ar yr adroddiad a roddwyd iddo gan brif gyngor am resymau y manylir arnynt yn adran 26(2), neu os bydd prif gyngor wedi methu â chynnal adolygiad o'r fath yn unol â chyfarwyddyd a ddyroddwyd gan Weinidogion Cymru.

Section 23 – Review of principal area boundaries

24. This section enables the Commission, either at its own behest or if so requested by a principal council, to conduct a review of a county or county borough (defined in the Act as "principal areas"). Following a review, the Commission must make proposals to the Welsh Ministers. In their proposals, the Commission may propose such principal area change as appropriate and consequential changes to community boundaries or electoral arrangements within communities. The possible changes are defined at subsection (4).
25. In line with the duty imposed under section 21, any recommendations that the Commission makes in connection with such a review should seek to secure effective and convenient local government.

Section 24 – Review of principal areas following new town order

26. This section outlines the process to be followed if the Welsh Ministers make a New Towns Order in accordance with the New Towns Act 1981. In such a circumstance, the Commission having received notice from the Welsh Ministers of the New Towns Order must conduct a review in line with the provisions of section 23 of the Act of any principal areas specified within the notice of the Welsh Ministers.

Section 25 – Review of community boundaries by principal council

27. Section 25 provides that a principal council may decide to conduct a community review either at its own behest or at the request of a community council or community meeting. The principal council must not however conduct a review at the request of a community council or a community meeting if the principal council considers that by undertaking such a review it would impede the proper exercise of its functions.
28. Following such a review, the principal council should send a report to the Commission with recommendations for any changes to community boundaries and any consequential changes to any community councils or electoral areas as a result of the recommended changes to community boundaries. In line with the duty imposed by section 22, any recommendations made by the Council must seek to ensure effective and convenient local government.
29. A principal council and the Commission may agree to the council delegating its functions of conducting community reviews to the Commission. Any such arrangement is subject to any terms and conditions agreed between the two parties.

Section 26 – Review of community boundaries by the Commission

30. This section enables the Commission to carry out a community review in certain circumstances, namely: if a principal council asks them to conduct it on their behalf; if they are not content with a report provided to them by a principal council for the reasons detailed at section 26(2), or if a principal council has failed to conduct such a review in accordance with a direction issued by the Welsh Ministers.

31. Rhaid i'r Comisiwn anfon at Weinidogion Cymru unrhyw argymhellion y mae'n eu gwneud mewn perthynas ag adolygiad o'r fath, a all gynnwys newidiadau i ffiniau cymuned a newidiadau canlyniadol i gynghorau cymuned neu ardaloedd etholiadol. Mae'r adran hefyd yn disgrifio'r amgylchiadau pan all y Comisiwn adennill costau oddi wrth y prif gyngor.

Adran 27 – Adolygu siroedd wedi eu cadw

32. Mae'r adran hon yn darparu y caiff y Comisiwn gynnal adolygiad o sir wedi ei chadw neu siroedd wedi eu cadw. Wrth wneud hynny, caiff y Comisiwn argymhell newidiadau i ardal y sir wedi ei chadw y mae o'r farn eu bod yn briodol. Mae'n ofynnol i'r Comisiwn, wrth ystyried a all newidiadau i ardal y sir wedi ei chadw fod yn briodol, roi sylw i'r dibenion dros gadw'r siroedd sydd wedi eu cadw.
33. Nid yw siroedd wedi eu cadw yn awdurdodau lleol ond yn ardaloedd, yn seiliedig i raddau helaeth ar ardaloedd awdurdodau sirol Cymru cyn 1996, a ddefnyddir at ddibenion gweinyddol penodol e.e. yr Arglwydd Raglawiaid. Gall newidiadau i ardaloedd llywodraeth leol arwain at yr angen i adolygu a newid ardaloedd siroedd wedi eu cadw er lles effeithlonrwydd gweinyddol.

Adran 28 – Adolygu ffiniau tua'r môr

34. Mae adran 28 yn galluogi'r Comisiwn i adolygu ffin llywodraeth leol sy'n gorwedd o dan y môr ac nad yw'n cyd-ffinio â ffin llywodraeth leol arall, a chyflwyno adroddiad i Weinidogion Cymru os yw'n teimlo y dylai'r ffin gael ei newid.

Adran 29 – Adolygu trefniadau etholiadol ar gyfer prif ardal

35. Mae'r adran hon yn gosod dyletswydd ar y Comisiwn i gynnal adolygiad etholiadol o bob prif ardal o leiaf bob deng mlynedd, er y gallai benderfynu, ar gais cyngor neu o'i wirfodd, gynnal un unrhyw bryd.
36. Fodd bynnag, ni ddylai'r Comisiwn wneud argymhellion na chyhoeddi adroddiad yn y 9 mis cyn etholiad arferol cyngor. Yn dilyn adolygiad, rhaid i'r Comisiwn anfon adroddiad at Weinidogion Cymru.
37. Mae'r adran hefyd yn ei gwneud yn ofynnol i'r Comisiwn anfon ei amserlen arfaethedig ar gyfer cynnal yr adolygiadau etholiadol at Weinidogion Cymru.

Adran 30 – Ystyriaethau ar gyfer adolygiad o drefniadau etholiadol prif ardal

38. Rhaid i'r Comisiwn, wrth iddo ystyried a fydd yn gwneud argymhellion ynghylch newidiadau i'r trefniadau etholiadol ar gyfer prif ardal, wneud ymdrech i sicrhau bod nifer yr etholwyr a gynrychiolir gan bob cynghorydd mewn prif gyngor mor agos â phosibl at fod yr un nifer. Dylai argymhellion hefyd fod yn gyson â'r angen i sicrhau llywodraeth leol effeithiol a chyfleus, bod gan wardiau etholiadol ffiniau cydnabyddedig a bod y cwlwm cymunedol yn cael ei barchu.

31. The Commission must send to the Welsh Ministers any recommendations it makes in relation to such a review, which can include changes to community boundaries and consequential changes to community councils or electoral areas. The section also describes circumstances in which the Commission can recover costs from the principal council.

Section 27 – Review of preserved counties

32. This section provides that the Commission may conduct a review of a preserved county or counties. In doing so, the Commission may recommend changes to the area of the preserved county as it deems appropriate. The Commission when considering whether changes to the area of the preserved county may be appropriate are required to have regard to the purposes for which the preserved counties are retained.
33. Preserved counties are not local authorities but are areas, largely based on the pre-1996 Welsh county authority areas, which are used for certain administrative purposes e.g. Lord Lieutenancies. Changes to local government areas may result in the need to review and change preserved county areas in the interests of administrative efficiency.

Section 28 – Review of seaward boundaries

34. Section 28 enables the Commission to review a local government boundary which lies beneath the sea and does not adjoin another local government boundary, and report to the Welsh Ministers if they feel the boundary should be changed.

Section 29 – Review of electoral arrangements for principal area

35. This section places the Commission under a duty to conduct an electoral review of each principal area at least every ten years, though it could decide, either at the request of a council or at its own behest, to conduct one at any time.
36. However, no recommendations should be made or report published by the Commission in the 9 months before an ordinary council election. Following a review, the Commission must send a report to the Welsh Ministers.
37. The section also requires the Commission to send their proposed timetable for conducting electoral reviews to the Welsh Ministers.

Section 30 – Considerations for a review of principal area electoral arrangements

38. The Commission, when considering whether to make recommendations for changes to the electoral arrangements for a principal area, must make efforts to ensure that the number of electors represented by each councillor within a principal council is as close to the same as possible. Recommendations should also be in keeping with the need to secure effective and convenient local government, that electoral wards have recognisable boundaries and that community ties are respected.

Adrannau 31 a 32 – Adolygu trefniadau etholiadol i gymuned gan brif gyngor; Adolygu trefniadau etholiadol cymuned gan y Comisiwn

39. Mae'r adrannau hyn yn darparu y caiff prif gyngor gynnal adolygiadau o drefniadau etholiadol cymunedau o'i wirfodd neu ar gais cyngor cymuned neu o leiaf 30 o etholwyr mewn cymuned. Dylid darllen hyn ar y cyd â'r ddyletswydd yn adran 22 sy'n ei gwneud yn ofynnol i brif gyngor adolygu ei ardal.
40. Caiff y Comisiwn (yn hytrach na'r prif gyngor) gynnal adolygiad o'r trefniadau etholiadol ar gyfer cymuned o dan amgylchiadau penodol, sef: os gofynnir iddo gynnal adolygiad gan y prif gyngor, cyngor cymuned neu 30 o etholwyr mewn cymuned; os bydd prif gyngor wedi methu â chyflawni cyfarwyddyd gan Weinidogion Cymru i gynnal adolygiad o'r fath. Pan fo'r Comisiwn wedi cynnal adolygiad am fod prif gyngor wedi methu â gwneud hynny, caiff adennill y gost oddi wrth y prif gyngor.

Adran 33 – Ystyriaethau ar gyfer adolygiad o drefniadau etholiadol cymuned

41. Mae'r adran hon yn darparu, pan fo prif gyngor neu'r Comisiwn yn ystyried gwneud newidiadau i drefniadau etholiadol cymuned, y dylid ystyried a ddylid rhannu cymuned yn wardiau cymuned a hefyd ddisbarthiad priodol etholwyr yn y wardiau hynny.

Pennod 4 – Y weithdrefn ar gyfer adolygiadau llywodraeth leol

42. Mae'r bennod hon yn manylu ar y weithdrefn o ran ymgynghori a chyhoeddi adroddiadau i'w mabwysiadu ar gyfer adolygiadau.

Adran 34 – Y weithdrefn ragadolygu

43. Cyn dechrau adolygiad, rhaid i'r Comisiwn neu'r prif gyngor sy'n cynnal yr adolygiad hysbysu'r ymgynghoreion statudol (a restrir yn yr adran) bod adolygiad ar fin digwydd.
44. Mae'r adran hefyd yn ei gwneud yn ofynnol i'r Comisiwn hysbysu'r ymgynghoreion gorfodol am y weithdrefn a'r fethodoleg y mae'n mynd i'w dilyn wrth gynnal adolygiad etholiadol o brif ardal. Yn benodol, bydd hyn yn ymdrin â'i ddull o benderfynu ar nifer priodol yr aelodau ar gyfer cyngor yr ardal honno.

Adran 35 – Ymgynghori ac ymchwilio

45. Mae adran 35 yn darparu bod rhaid i'r Comisiwn neu'r prif gyngor sy'n cynnal yr adolygiad (y cyfeirir ato yn y Ddeddf fel "y corff adolygu") ymgynghori â'r ymgynghoreion gorfodol a chynnal yr ymchwiliadau hynny y mae o'r farn eu bod yn briodol.
46. Yn dilyn y broses ymgynghori, rhaid i'r corff adolygu lunio adroddiad drafft ac ymgynghori arno am rhwng 6 a 12 wythnos a rhaid i gopi fod ar gael i edrych arno yn swyddfeydd unrhyw brif gyngor ar gyfer yr ardal a adolygir.

Sections 31 and 32 – Review of electoral arrangements for community by principal council; Review of electoral arrangements for community by the Commission

39. These sections provide that a principal council may conduct reviews of community electoral arrangements either on its own initiative or when requested by a community council or by at least 30 electors in a community. This is to be read in line with the duty in section 22 which requires a principal council to keep its area under review.
40. The Commission (rather than the principal council) may conduct a review of the electoral arrangements for a community in certain circumstances, namely: if it is requested to conduct a review by the principal council, a community council or 30 electors within a community; if a principal council has failed to carry out a direction from the Welsh Ministers to conduct such a review. Where the Commission has conducted a review because a principal council has failed to do so, it may recover the cost from the principal council.

Section 33 – Consideration for a review of community electoral arrangements

41. This section provides that where a principal council or the Commission are considering making changes to the electoral arrangements for a community, regard should be given as to whether a community should be divided into wards and also the appropriate distribution of electors within those wards.

Chapter 4 - Procedure for local government reviews

42. This chapter details the procedure of consultation and publication of reports to be adopted for reviews.

Section 34 – Pre-review procedure

43. Prior to starting a review, the Commission or the principal council conducting the review must notify the mandatory consultees (listed in the section) that a review is about to take place.
44. The section also requires the Commission to advise the mandatory consultees of the procedure and methodology it is going to follow in conducting an electoral review of a principal area. In particular this will deal with its approach to determining the appropriate number of members for the council for that area.

Section 35 – Consultation and investigation

45. Section 35 provides that the Commission or the principal council conducting the review (referred to in the Act as "the reviewing body") must consult with the mandatory consultees and carry out such investigations as it considers appropriate.
46. Following the consultation process, the reviewing body must prepare and consult for between 6 and 12 weeks on a draft report, a copy of which must be made available for inspection at the offices of any principal council for the area which is under review.

Adran 36 – Adrodd ar yr adolygiad

47. Mae adran 36 yn darparu'r weithdrefn ar gyfer adrodd ar adolygiad gan gorff adolygu yn dilyn y cyfnod ymgynghori o dan adran 35. Unwaith y bydd y corff adolygu wedi ystyried y sylwadau sy'n dod i law yn ystod y cyfnod ymgynghori, yna rhaid iddo lunio adroddiad pellach. Mae'r adran hon yn gwneud darpariaeth fanwl ynghylch yr hyn y dylai'r adroddiad pellach ei gynnwys, gan ddibynnu ar y math o adolygiad a gynhelir.
48. Yna rhaid i'r corff adolygu gyflwyno'r adroddiad a'i argymhelliad i'r person neu'r corff sydd â'r pŵer i weithredu'r argymhellion (ac eithrio pan y corff adolygu ei hun yw'r awdurdod gweithredu). Rhaid iddo hefyd sicrhau y caiff yr adroddiad ei gyhoeddi'n electronig a'i fod ar gael i'r cyhoedd edrych arno am gyfnod o 6 wythnos o leiaf gan ddechrau ar y dyddiad cyhoeddi.
49. Rhaid i'r corff adolygu sicrhau hefyd y caiff copi o'r adroddiad pellach ei anfon at yr ymgynghoreion gorfodol, yr Arolwg Ordnans a Gweinidogion Cymru. Rhaid hysbysu unrhyw berson arall sydd wedi cyflwyno tystiolaeth neu wneud sylwadau mewn perthynas â'r adroddiad o dan adran 35 o'r Ddeddf sut i gael gafael ar gopi.

Adran 37 – Gweithredu gan Weinidogion Cymru

50. Mae'r adran hon yn darparu y caiff Gweinidogion Cymru, ar ôl iddynt gael adroddiad ar newidiadau i ffiniau oddi wrth y corff adolygu, wneud gorchymyn sy'n unol â'r argymhellion neu sy'n eu haddasu. Fel arall, gallai Gweinidogion Cymru benderfynu peidio â gweithredu yng ngoleuni'r adroddiad.
51. Rhaid bod o leiaf 6 wythnos rhwng y dyddiad y mae Gweinidogion Cymru yn cael adroddiad a'r dyddiad y gwneir unrhyw orchymyn.

Adran 38 – Gweithredu newid i ffin cymuned

52. Mae'r adran hon yn darparu y caiff y Comisiwn, pan fydd yn cael adroddiad ar adolygiad o ffin cymuned oddi wrth brif gyngor, wneud gorchymyn sy'n gweithredu'r argymhellion fel y maent, neu gydag addasiadau y cytunir arnynt â'r prif gyngor. Ni chaniateir gwneud unrhyw newidiadau canlyniadol i drefniadau etholiadol y brif ardal heb gydsyniad Gweinidogion Cymru. Fodd bynnag, os na all y Comisiwn a'r prif gyngor gytuno ar unrhyw addasiadau arfaethedig, neu os yw'r Comisiwn o'r farn na ddylai weithredu unrhyw un neu ragor o argymhellion y cyngor, caiff gynnal ei adolygiad ei hun.
53. Yn dilyn yr adolygiad hwnnw, rhaid i'r Comisiwn gyhoeddi ei argymhellion a'u cyflwyno i Weinidogion Cymru.

Adran 39 – Gweithredu newid i drefniadau etholiadol cymuned

54. Mae'r adran hon yn darparu y caiff prif gyngor wneud gorchymyn sy'n gweithredu newidiadau i drefniadau etholiadol cymuned. Caiff y newidiadau fod yn rhai yr oedd y prif gyngor wedi cyflwyno adroddiad arnynt o dan adran 26 neu'r rhai a argymhellwyd gan y Comisiwn o dan adran 32. Ni chaniateir gwneud unrhyw newidiadau canlyniadol i drefniadau etholiadol y brif ardal heb gydsyniad Gweinidogion Cymru. O dan amgylchiadau penodol, caiff y Comisiwn ofyn i Weinidogion Cymru weithredu ei argymhellion.

Section 36 – Reporting on review

47. Section 36 provides the procedure for reporting on a review by a reviewing body following the consultation period under section 35. Once the reviewing body has considered the representations received during the consultation period they must then prepare a further report. This section makes detailed provision regarding what the further report should contain dependent on the type of review undertaken.
48. The reviewing body must then submit the report and its recommendation to the person or body who has the power to implement the recommendations (except when the reviewing body is itself the implementing authority). It must also ensure that the report is published electronically and is available for public inspection for a period of at least 6 weeks beginning with the date of publication.
49. The reviewing body must also ensure a copy of the further report is sent to the mandatory consultees, Ordnance Survey and the Welsh Ministers. Any other person who has submitted evidence or made representations in relation to the report under section 35 of the Act must be informed of how to obtain a copy.

Section 37 – Implementation by the Welsh Ministers

50. This section provides that, on receiving a report on boundary changes from the reviewing body, Welsh Ministers may make an order either in keeping with the recommendations or modifying them. Alternatively, the Welsh Ministers could decide to take no action in light of the report.
51. There must be at least 6 weeks between the time when a report is received by the Welsh Ministers and the time when any order is made.

Section 38 – Implementation of community boundary change

52. This section provides that when the Commission receives a report of a community boundary review from a principal council, it may make an order implementing the recommendations as they stand, or with modifications agreed with the principal council. No consequential changes to electoral arrangements of the principal area may be made without the consent of the Welsh Ministers. If, however, the Commission and the principal council cannot agree on any proposed modifications, or if the Commission considers that it should not implement any of the council's recommendations, it may conduct its own review.
53. Following that review, the Commission must publish its recommendations and submit them to the Welsh Ministers.

Section 39 – Implementation of community electoral arrangements change

54. This section provides that a principal council may make an order implementing changes to electoral arrangements for a community. The changes may either be those on which the principal council had reported under section 26 or those recommended by the Commission under section 32. No consequential changes to electoral arrangements of the principal area may be made without the consent of the Welsh Ministers. In certain circumstances the Commission may request the Welsh Ministers to implement its recommendations.

Adran 40 – Gorchmynion gweithredu: darpariaeth ganlyniadol

55. Mae adran 40 yn darparu y caniateir i orchymyn a wneir gan Weinidogion Cymru, y Comisiwn neu brif gyngor, yn dilyn adolygiad, wneud unrhyw ddarpariaethau canlyniadol eraill ar y newidiadau a gyflwynir sy'n angenrheidiol yn eu barn hwy neu ei farn ef. Gallai hyn gynnwys newid enw ardal, neilltuo cynghorwyr presennol i ardaloedd newydd neu ardaloedd sydd wedi eu newid a nifer a dosbarthiad y cynghorwyr mewn ardal newydd neu ardal sydd wedi ei newid.

Adran 41 – Darpariaeth ganlyniadol a throsiannol gyffredinol

56. Caiff Gweinidogion Cymru, o dan adran 41, wneud rheoliadau (o gymhwysiad cyffredinol) sy'n darparu ar gyfer materion cysylltiedig, canlyniadol etc. er mwyn rhoi effaith lawn i orchymynion adolygu: er enghraifft, trosglwyddo staff, eiddo a rhwymedigaethau.

Adran 42 – Trosglwyddo staff

57. Mae adran 42 yn darparu bod rhaid i unrhyw achosion o drosglwyddo staff beidio ag arwain at ddirywiad yn nhelerau ac amodau gwaith y staff sy'n cael eu trosglwyddo.

Adran 43 – Amrywio a dirymu gorchmynion

58. Mae adran 43 yn darparu gweithdrefn i Weinidogion Cymru, y Comisiwn neu brif gyngor amrywio neu ddirymu gorchymyn adolygu a chywiro camgymeriadau.

Adran 44 – Cytundebau trosiannol o ran eiddo a chyllid

59. Mae adran 44 yn galluogi cyrff cyhoeddus y mae adolygiad yn effeithio arnynt i ymrwymo mewn cytundeb â chyrrff cyhoeddus eraill ynghylch unrhyw achos o drosglwyddo eiddo ac unrhyw drefniadau ariannol sy'n codi o ganlyniad i newid yr ardal. Mae'n ofynnol i'r partion i gytundeb o'r fath ymdrin ag unrhyw fethiant i gytuno drwy gymrodeddu.

Adran 45 – Newid ardal heddlu

60. Os ymddengys bod newid i ffiniau ardal heddlu yn ddymunol, fel rhan o adolygiad o ffiniau yn unol ag adran 23 o'r Ddeddf, caiff y Comisiwn argymhell bod yr Ysgrifennydd Gwladol yn gwneud y newid hwnnw drwy orchymyn. Byddai'r amgylchiad hwn yn codi pe bai newid i ffin sir yn golygu bod rhan o sir yn rhannol y tu mewn neu'r tu allan i ardal heddlu.

61. Gall gorchymyn yr Ysgrifennydd Gwladol newid yr ardal heddlu fel bod ardal newydd o fewn ardal Comisiynydd Heddlu a Throsedd penodol. Byddai hefyd yn golygu bod modd cynnal etholiad newydd am Gomisiynydd pe bai'r Ysgrifennydd Gwladol yn penderfynu felly.

Adran 46 – Rychwant ffiniau tua'r môr

62. Mae'r adran hon yn darparu bod cymunedau sy'n ffinio â'r môr yn ymestyn i farc distyll glannau'r môr a bod unrhyw groniant o'r môr yn ffurfio rhan o'r gymuned a'r sir sy'n ffinio â glannau'r môr.

Section 40 – Implementation orders: consequential provision

55. Section 40 provides that an order made by the Welsh Ministers, the Commission or a principal council, following a review, may make such other consequential provisions on the changes being introduced as they feel necessary. This could include changing the name of an area, the assignment of existing councillors to new or altered areas and the number and distribution of councillors in a new or altered area.

Section 41 – General consequential and transitional provision

56. The Welsh Ministers may, under section 41, also make regulations (of general application) providing for incidental, consequential etc. matters so as to give full effect to review orders: for example, transfer of staff, property and liabilities.

Section 42 – Transfers of staff

57. Section 42 provides that any transfers of staff must not result in a deterioration of the terms and conditions of the transferred staff.

Section 43 – Variation and revocation of orders

58. Section 43 provides a procedure for the Welsh Ministers, the Commission or a principal council to vary or revoke a review order and to correct mistakes.

Section 44 – Transitional agreements as to property and finance

59. Section 44 enables public bodies affected by a review to enter into an agreement with other public bodies about any transfers of property and any financial arrangements consequential on the area changes. The parties to such an agreement are required to deal with any failure to agree by arbitration.

Section 45 – Police area change

60. If, as part of a boundary review in accordance with section 23 of the Act, a change of police area boundaries appears desirable, the Commission may recommend that the Secretary of State makes such change by order. This circumstance would arise if a change to a county boundary resulted in part of a county being partly inside or outside a police area.

61. The Secretary of State's order can change the police area so that a new area falls within the area of a particular Police and Crime Commissioner. It would also enable the holding of a fresh election for a Commissioner if the Secretary of State so decided.

Section 46 – Extent of seaward boundaries

62. This section provides that communities which border the sea extend to the low water mark of the shore and that any accretion from the sea forms part of the community and county bordering on the shore.

Adran 47 – Newid ffin yn dilyn newid cwrs dŵr

63. Mae'r adran hon yn darparu y caiff Gweinidogion Cymru wneud gorchymyn i newid ffin ardal llywodraeth leol o ganlyniad i newid cwrs dŵr, ar ôl ymgynghori â'r Comisiwn.

Adran 48 – Cyfarwyddiadau a chanllawiau ynghylch Rhan 3

64. Mae'r adran hon yn galluogi Gweinidogion Cymru i roi cyfarwyddiadau i'r Comisiwn a phrif gynghorau mewn perthynas ag adolygiadau o ardal llywodraeth leol a threfniadau etholiadol.
65. Mae'r adran hefyd yn ei gwneud yn ofynnol i'r Comisiwn a phrif gynghorau, wrth gynnal adolygiadau neu weithredu argymhellion, roi sylw i unrhyw ganllawiau perthnasol y mae Gweinidogion Cymru wedi eu dyroddi.

Adran 49 – Ymchwiliadau lleol

66. Mae'r adran hon yn galluogi'r Comisiwn neu brif gyngor i drefnu ymchwiliad lleol yn gysylltiedig ag unrhyw adolygiad a gynhelir ganddo. Mae hefyd yn galluogi Gweinidogion Cymru neu brif gyngor i drefnu i ymchwiliad lleol gael ei gynnal pan ystyrir gwneud gorchymyn sy'n dirymu gorchymyn blaenorol. Caiff y person a benodir i gynnal yr ymchwiliad ei gwneud yn ofynnol i bersonau fod yn bresennol neu roi tystiolaeth ar lw.

Rhan 4 – Adolygiadau o aelodaeth cyrff cyhoeddus

Adran 50 – Adolygiadau o gyrff cyhoeddus cymwys

67. Caiff Gweinidogion Cymru, ar ôl ymgynghori, gyfarwyddo'r Comisiwn i adolygu aelodaeth cyrff cyhoeddus penodol. Gallai hyn gwmpasu nifer aelodau'r corff a'r priodoleddau a'r cymwysterau y dylent feddu arnynt. Ni fyddai'r pŵer yn cwmpasu awdurdodau lleol ac mae wedi ei gyfyngu fel arall i gyrff: (a) y mae rhaid i'w haelodaeth gynnwys aelod neu benodai awdurdod lleol; a (b) sy'n arfer swyddogaethau a roddwyd gan Ddeddf Cynulliad.
68. Yn dilyn adolygiad, rhaid i'r Comisiwn gyflwyno adroddiad i Weinidogion Cymru gan nodi unrhyw gynigion ar gyfer newid.

Rhan 5 – Newidiadau eraill i lywodraeth leol

Adran 51 – Aelod llywyddol prif gyngor

69. Mae'r adran hon yn diwygio Deddf Llywodraeth Leol 1972 er mwyn caniatáu i brif gynghorau benodi "aelod llywyddol". Byddai aelod llywyddol yn gallu cyflawni unrhyw un neu ragor o swyddogaethau cadeirydd cyngor a benderfynir gan y cyngor. Yn benodol, bydd y ddarpariaeth hon yn galluogi cynghorau sy'n dymuno gwahanu'r swyddogaethau defodol a dinesig sy'n gysylltiedig â chadeirydd neu faer y cyngor oddi wrth swyddogaethau llywyddu cyfarfodydd y cyngor.
70. Ni chaiff aelod o weithrediaeth y cyngor fod yr aelod llywyddol. Mater i'r prif gyngor ei benderfynu yw tymor y penodiad, yn ddarostyngedig i'r cyfyngiad na all ymestyn ar ôl etholiad nesaf y cyngor.
71. Caiff cyngor hefyd benodi dirprwy aelod llywyddol na chaniateir iddo fod yn aelod o'r weithrediaeth ychwaith.

Section 47 – Boundary change following the alteration of water-course

63. This section provides that Welsh Ministers may make an order to change a local government area boundary as a result of a change in water course, following consultation with the Commission.

Section 48 – Directions and guidance relating to Part 3

64. This section enables the Welsh Ministers to give directions to the Commission and principal councils in relation to reviews of local government area and electoral arrangements.
65. The section also requires the Commission and principal councils, when conducting reviews or implementing recommendations, to have regard to any relevant guidance that the Welsh Ministers have issued.

Section 49 – Local inquiries

66. This section enables either the Commission or a principal council to organise a local inquiry associated with any review they are conducting. It also enables the Welsh Ministers or a principal council to arrange for a local inquiry when considering making an order revoking a previous order. The person appointed to conduct the inquiry may require persons to attend or provide evidence under oath.

Part 4 - Reviews of public body membership

Section 50 – Reviews of qualifying public bodies

67. The Welsh Ministers are enabled, following consultation, to direct the Commission to review the membership of particular public bodies. This could cover the number of members of the body and the attributes and qualifications which they should have. The power would not cover local authorities and is otherwise limited to bodies: (a) whose membership must include a member or appointee of a local authority; and (b) which exercise functions conferred by an Assembly Act.
68. Following a review, the Commission must report to the Welsh Ministers with any proposals for change.

Part 5 - Other changes to local government

Section 51 – Presiding member of principal council

69. This section amends the Local Government Act 1972 so as to allow principal councils to appoint a "presiding member". A presiding member would be able to carry out any of the functions of a council chairman so decided by the council. In particular this provision will enable councils who wish to separate the ceremonial and civic functions associated with the council chairman or mayor from those of presiding over meetings of the council.
70. No member of the council's executive may be the presiding member. The term of appointment is a matter for the principal council subject to the limitation that it cannot extend past the next council election.
71. A council may also appoint a deputy presiding member who, again, must not be a member of the executive.

Adrannau 52 i 54 – Biliau Preifat

72. Mae'r adrannau hyn yn galluogi prif gyngor i hyrwyddo Bil Preifat naill ai yn Senedd y Deyrnas Unedig neu yng Nghynulliad Cenedlaethol Cymru, ac yn galluogi cyngor cymuned a phrif gyngor i wrthwynebu Bil Preifat yn Senedd y Deyrnas Unedig neu yng Nghynulliad Cenedlaethol Cymru. Mae'n atal prif gyngor rhag hyrwyddo Bil lleol sy'n ymwneud â ffurfio neu newid ardal llywodraeth leol neu strwythur gwleidyddol awdurdod lleol. Mae'n atal awdurdod lleol rhag gwneud taliadau i un o'i aelodau am weithredu fel cwnsler neu asiant fel rhan o'r broses honno.

Adrannau 55 i 57 – Gwefannau cynghorau cymuned; Gofyniad i roi hysbysiadau cyhoeddus yn electronig; Cyfarfodydd a thrafodion cymunedau

73. Mae adran 55 yn ei gwneud yn ofynnol i gyngor cymuned gyhoeddi gwybodaeth benodol yn electronig (e.e. ar wefan), gan gynnwys manylion aelodaeth a busnes y cyngor a gwneud darpariaeth i aelodau'r cyhoedd gysylltu â'r cyngor neu ei glerc yn electronig. Mae'r gofyniad i sicrhau bod gwybodaeth ar gael yn ddarostyngedig i reolau mynediad i wybodaeth arferol.

74. Rhaid i gyngor cymuned roi sylw i unrhyw ganllawiau a ddyroddir gan Weinidogion Cymru mewn perthynas â'r mater hwn.

75. Mae adran 56 yn ei gwneud yn ofynnol i gynghorau cymuned gyhoeddi hysbysiadau cyhoeddus yn electronig hefyd (e.e. ar eu gwefannau).

76. Mae adran 57 yn ei gwneud yn ofynnol i gyngor cymuned gyhoeddi agendâu ac adroddiadau cyhoeddus ar gyfer cyfarfodydd sydd i ddod yn electronig (e.e. ar ei wefan).

Adran 58 – Cofrestrau buddiannau aelodau

77. Mae'r adran hon yn darparu bod rhaid i gofrestrau buddiannau, y mae'n ofynnol i gynghorau sir a chynghorau bwrdeistref sirol, cynghorau cymuned, awdurdodau tân ac achub ac awdurdodau'r parciau cenedlaethol eu cynnal o dan Ddeddf Llywodraeth Leol 2000, gael eu cyhoeddi a bod ar gael yn electronig (e.e. ar wefan y cyngor neu'r awdurdod).

Adran 59 – Mynychu cyfarfodydd prif gynghorau o bell

78. Mae adran 4 o Fesur Llywodraeth Leol (Cymru) 2011 yn darparu bod y cyfeiriad mewn unrhyw ddeddfiad at gyfarfod o awdurdod lleol yn cynnwys aelodau sy'n mynychu o bell (h.y. nid ydynt yn bresennol yn y fangre lle y cynhelir y cyfarfod ei hun ond maent yn cysylltu â'r cyfarfod yn electronig), a rhaid i reolau sefydlog awdurdod lleol sicrhau nad yw nifer yr aelodau sy'n mynychu o bell yn hafal i nifer yr aelodau sy'n mynychu'r cyfarfod yn y fangre neu'n fwy na'r nifer hwnnw fel bod cworwm yn y cyfarfod. Mae adran 59 yn diwygio adran 4 o Fesur Llywodraeth Leol (Cymru) 2011 fel y bydd rhaid i o leiaf 30% (yn hytrach na'r gofyniad gwreiddiol yn y Mesur i gael o leiaf 51%) o gyfanswm nifer yr aelodau sy'n mynychu cyfarfod o'r cyngor o bell fod yn bresennol ym mhrif fangre'r cyfarfod er mwyn bod cworwm yn y cyfarfod hwnnw, oni fydd y prif gynghorau yn gwneud darpariaeth wahanol yn eu rheolau sefydlog.

Sections 52 to 54 – Private Bills

72. These sections enable a principal council to promote a Private Bill either in Parliament or the National Assembly for Wales, and enable a community and principal council to oppose a Private Bill in Parliament or the National Assembly for Wales. It prevents a principal council from promoting a local Bill which concerns the formation or alteration of a local government area or the political structure of a local authority. It prevents a local authority from paying one of its members for acting as counsel or agent as part of that process.

Sections 55 to 57 – Community council websites; Requirement to give public notices electronically; Meetings and proceedings of communities

73. Section 55 requires a community council to publish certain information electronically (e.g. on a website), including details of the council's membership and business and make provision for members of the public to contact the council or its clerk electronically. The requirement to make information available is subject to normal rules on access to information.

74. A community council must have regard to any guidance issued by the Welsh Ministers in relation to this matter.

75. Section 56 requires community councils to also publish public notices electronically (e.g. on its website).

76. Section 57 requires a community council to publish agendas and public reports for forthcoming meetings electronically (e.g. on its website).

Section 58 – Registers of members' interests

77. This section provides that registers of interests, required to be maintained by county and county borough councils, community councils, fire and rescue authorities and national park authorities under the Local Government Act 2000, must be published and available to access electronically (e.g. on the council or authority's website).

Section 59 – Remote attendance at meetings of principal councils

78. Section 4 of the Local Government (Wales) Measure 2011 provides that the reference in any enactment to a meeting of a local authority includes members attending remotely (i.e. not being at the actual meeting place but connecting to the meeting electronically), and the standing orders of a local authority must ensure that the number of members attending remotely must not be equal or greater to those in actual attendance for the meeting to be quorate. Section 59 amends section 4 of the Local Government (Wales) Measure 2011 so that, unless principal councils make different provision in their standing orders, at least 30% (instead of the original requirement in the Measure for at least 51%) of the total number of members at a remotely attended meeting of a council will have to be present at the main meeting place for that meeting to be quorate.

Adran 60 – Pwyllgorau gwasanaethau democrataidd

79. Mae'r adran hon yn diwygio Mesur Llywodraeth Leol (Cymru) 2011 er mwyn ehangu cwmpas pwyllgor gwasanaethau democrataidd fel y gall, ar gais yr awdurdod, adolygu unrhyw fater sy'n gysylltiedig â'r cymorth a'r cyngor sydd ar gael i'r aelodau etholedig a'u telerau ac amodau.

Adran 61 – Pwyllgorau archwilio

80. Mae adran 61 yn diwygio Mesur Llywodraeth Leol (Cymru) 2011 er mwyn darparu bod pwyllgor archwilio awdurdod lleol yn un y mae rheolau cydbwysedd gwleidyddol (a nodir yn adran 15 o Ddeddf Llywodraeth Leol a Thai 1989) yn gymwys iddo.

Adran 62 – Swyddogaethau sy'n ymwneud â thaliadau i aelodau

81. Mae adran 62 yn galluogi'r Panel Annibynnol ar Gydabyddiaeth Ariannol ("y Panel") wrth iddo ystyried hawlogaeth i gael taliad penodol, i osod terfyn ar nifer y cynghorwyr y caniateir iddynt ei gael. Mae hyn yn cynyddu pŵer presennol y Panel i bennu terfyn ar gyfran y cynghorwyr y caniateir iddynt gael taliad penodol.

Adran 63 – Swyddogaethau sy'n ymwneud a chyflogau penaethiaid gwasanaethau cyflogedig

82. Mae adran 63 yn diwygio Mesur Llywodraeth Leol (Cymru) 2011 drwy fewnosod adran 143A newydd. Mae'n darparu pwerau i'r Panel Annibynnol ar Gydabyddiaeth Ariannol mewn perthynas â chyflogau penaethiaid gwasanaethau cyflogedig yn y prif gynghorau a'r awdurdodau tân ac achub (a ddiffinnir yn yr adran fel "awdurdodau perthnasol cymwys"). Bydd y Panel yn gallu gwneud argymhellion i awdurdod ynghylch polisiâu'r awdurdod hwnnw mewn perthynas â'r cyflog a delir i bennaeth ei wasanaeth cyflogedig ynghyd ag unrhyw newid arfaethedig i'r cyflog hwnnw. Mewn amgylchiadau pan fo awdurdod yn cynnig gwneud newid i gyflog pennaeth ei wasanaeth cyflogedig nad yw'n gymesur â newid i gyflogau ei staff eraill, bydd rhaid i'r awdurdod hwnnw ymgynghori â'r Panel am y cynnig cyn gwneud y newid. Caniateir i unrhyw argymhellion perthnasol a wneir gan y Panel gael eu cyhoeddi ganddo a dylai awdurdod eu hystyried wrth wneud penderfyniadau mewn cysylltiad â chyflog pennaeth ei wasanaeth cyflogedig. Caiff Gweinidogion Cymru lunio canllawiau ynglŷn ag arfer ei swyddogaethau o dan yr adran hon a rhaid i'r Panel roi sylw iddynt wrth arfer y swyddogaethau hynny.

Adran 64 – Awdurdodau perthnasol

83. Mae adran 64 yn darparu y caiff Gweinidogion Cymru ychwanegu at y cyrff cyhoeddus y dylai'r Panel ystyried eu tâl. Rhaid i unrhyw gorff ychwanegol o'r fath fod yn un y mae gan Weinidogion Cymru gyfrifoldeb drosto ac sy'n cynnwys aelodau awdurdodau lleol yn ei aelodaeth. Mae'r pŵer hwn i'w gyflawni drwy orchymyn Gweinidogion Cymru.

Section 60 – Democratic services committees

79. This section amends the Local Government (Wales) Measure 2011 so as to broaden the scope of a democratic services committee so that, if requested by the authority, they can review anything connected with the support and advice made available to elected members and their terms and conditions.

Section 61 – Audit committees

80. Section 61 amends the Local Government (Wales) Measure 2011 so as to provide that an audit committee of a local authority is one to which the rules of political balance (which are set out in section 15 of the Local Government and Housing Act 1989) apply.

Section 62 – Functions relating to payments to members

81. Section 62 enables the Independent Remuneration Panel ("the Panel"), when considering entitlement to a particular payment, to set a limit on the number of councillors who may receive it. This enhances the Panel's existing power to set a limit on the proportion of councillors who may receive a particular payment.

Section 63 – Functions relating to salaries of heads of paid service

82. Section 63 amends the Local Government (Wales) Measure 2011 by inserting a new section 143A. It provides the Independent Remuneration Panel with powers in relation to the salaries of the heads of paid service in principal councils and fire and rescue authorities (defined in the section as "qualifying relevant authorities"). The Panel will be able to make recommendations to an authority about that authority's policies in relation to the salary paid to its head of paid service as well as any proposed change to that salary. In circumstances where an authority proposes a change to the salary of its head of paid service that isn't commensurate with a change to the salaries of its other staff, that authority will have to consult the Panel about the proposal before making the change. Any relevant recommendations made by the Panel may be published by it and should be taken into account by an authority when it makes decisions in connection with the salary of its head of paid service. The Welsh Ministers may produce guidance regarding the exercise of its functions under this section to which the Panel must have regard when exercising those functions.

Section 64 – Relevant authorities

83. Section 64 provides that the Welsh Ministers may add to the public bodies whose remuneration should be considered by the Panel. Any such additional body must be one which Welsh Ministers have responsibility for and which includes members of local authorities in its membership. This power is to be carried out by order of Welsh Ministers.

Adran 65 – Adroddiadau blynyddol dilynol

84. Mae adran 65 yn newid y dyddiad erbyn pryd y mae rhaid i'r Panel lunio ei adroddiad blynyddol o 31 Rhagfyr i 28 Chwefror. Mae hyn yn cael effaith o leihau'r amser rhwng cyhoeddi adroddiad a'i weithredu y mis Ebrill canlynol. Bydd y darpariaethau hefyd yn galluogi'r Panel i benderfynu pryd y bydd ei adroddiadau yn dod i rym ac i ôl-ddyddio ei benderfyniadau hyd at dri mis.

Adran 66 – Ymgynghori ar adroddiadau drafft

85. Mae adran 66 yn darparu y byddai cyfnodau ymgynghori ar adroddiadau atodol drafft, sy'n 8 wythnos ar hyn o bryd, yn cael eu hamrywio i fod rhwng 4 ac 8 wythnos.

Adran 67 – Gofynion cyhoeddusrwydd mewn adroddiadau

86. Mae adran 67 yn darparu y caiff y Panel ei gwneud yn ofynnol i awdurdodau lleol gyhoeddi manylion am unrhyw incwm y mae eu haelodau yn ei gael oddi wrth gyfrif cyhoeddus penodedig.

Adran 68 – Cyd-bwyllgorau safonau

87. Mae adran 68 yn diwygio adran 53 o Ddeddf Llywodraeth Leol 2000 ("Deddf 2000") fel y caiff un neu ragor o awdurdodau perthnasol (h.y. sir neu gyngor bwrdeistref sirol, awdurdod parc cenedlaethol neu awdurdod tân ac achub yng Nghymru) sefydlu cydbwyllgor safonau. Rhaid i awdurdod sy'n ystyried sefydlu cyd-bwyllgor safonau roi sylw i unrhyw ganllawiau a ddyroddir gan Weinidogion Cymru.

88. Mae adran 68 hefyd yn diwygio adran 54 o Ddeddf 2000 i ddarparu bod rhaid i bwyllgor safonau, wrth arfer unrhyw un neu ragor o'i swyddogaethau, roi sylw i unrhyw ganllawiau perthnasol a ddyroddir gan Weinidogion Cymru.

Adran 69 – Atgyfeirio achosion yn ymwneud ag ymddygiad

89. Mae adran 73 o Ddeddf Llywodraeth Leol 2000 yn galluogi Gweinidogion Cymru i wneud rheoliadau ynglŷn ag ymchwilio i faterion sy'n ymwneud ag ymddygiad aelodau o awdurdodau lleol ac ystyriaeth pwyllgor safonau'r awdurdod lleol o'r materion hynny. Mae adran 69 yn diwygio adran 73 o Deddf 2000 er mwyn galluogi Gweinidogion Cymru i wneud rheoliadau a fydd yn caniatáu i swyddog monitro neu bwyllgor safonau un awdurdod gyfeirio mater i bwyllgor safonau awdurdod arall.

Rhan 6 – Darpariaeth amrywiol a chyffredinol

90. Mae'r Rhan hon yn ymdrin â'r darpariaethau cyffredinol am y Ddeddf. Yn benodol, maent yn:

- Galluogi Gweinidogion Cymru i wneud newidiadau i ddeddfwriaeth arall os oes angen i roi effaith i ddarpariaethau'r Ddeddf hon;
- Esbonio'r weithdrefn ar gyfer gwneud darnau o is-ddeddfwriaeth o dan y Ddeddf hon;
- Darparu ar gyfer y diffiniad o derminoleg a ddefnyddir yn y Ddeddf gyfan a chyflwyno'r mynegai o ymadroddion wedi eu diffinio yn Atodlen 3;
- Cyflwyno Atodlenni 1 a 2 sy'n cynnwys diwygiadau i ddeddfwriaeth arall a diddymiaid deddfwriaeth arall sy'n ofynnol i wneud i ddarpariaethau penodol gael effaith;

Section 65 – Subsequent annual reports

84. Section 65 changes the date by which the Panel must produce their annual report from 31 December to the 28 February. This has the effect of reducing the time between publication of a report and its implementation the following April. The provisions will also enable the Panel to decide when its reports shall come into force and to backdate its decisions for up to three months.

Section 66 – Consultation on draft reports

85. Section 66 provides that consultation times on draft supplementary reports, currently set at 8 weeks, would be varied to between 4 and 8 weeks.

Section 67 – Publicity requirements in reports

86. Section 67 provides that the Panel may require local authorities to publish details of any income received by their members from specified public bodies.

Section 68 – Joint standards committees

87. Section 68 amends section 53 of the Local Government Act 2000 ("the 2000 Act") so that one or more relevant authorities (i.e. a county or county borough council, national park authority or a fire and rescue authority in Wales) may establish a joint standards committee. An authority considering establishing a joint standards committee must have regard to any guidance issued by the Welsh Ministers.

88. Section 68 also amends section 54 of the 2000 Act to provide that a standards committee must, in exercising any of its functions, have regard to any relevant guidance issued by the Welsh Ministers.

Section 69 – Referral of cases relating to conduct

89. Section 73 of the Local Government Act 2000 enables the Welsh Ministers to make regulations in relation to the investigation of matters relating to the conduct of local authority members and consideration by the local authority's standards committee. Section 69 amends section 73 of the 2000 Act to enable regulations to be made relating to the monitoring officer or standards committee of one authority being able to refer a matter to the standards committee of another authority.

Part 6 - Miscellaneous and general provision

90. This Part deals with general provisions about the Act. In particular they:

- Enable the Welsh Ministers to make changes to other legislation if necessary to give effect to the provisions of this Act;
- Explain the procedure for making items of secondary legislation under this Act;
- Provide for the definition of terminology used throughout the Act and introduce the index of defined expressions in Schedule 3;
- Introduce Schedules 1 and 2 which include amendments to and repeals of other legislation required to make certain provisions take effect;

- Ymdrin ag unrhyw adolygiad gan y Comisiwn neu brif gyngor sy'n mynd rhagddo ar yr adeg pryd y daw'r Ddeddf i rym sydd i'w gwblhau o dan y ddeddfwriaeth flaenorol ac yn darparu arbediad i'r rheoliadau sydd mewn grym ar hyn o bryd o dan Deddf Llywodraeth Leol 1972 mewn perthynas ag adolygiadau barhau mewn grym hyd nes y gwneir rheoliadau newydd o dan y Ddeddf;
- Cynnwys darpariaeth ynghylch cychwyn adrannau o'r Ddeddf;
- Darparu teitl byr y Ddeddf at ddibenion enwi.

Atodlen 1

91. Mae Atodlen 1 yn cynnwys diwygiadau canlyniadol sy'n deillio o brif ddarpariaethau'r Ddeddf a mân ddiwygiadau perthnasol eraill. Yn benodol, mae Atodlen 1 yn cynnwys diwygiad i Ddeddf Ombwdsmon Gwasanaethau Cyhoeddus (Cymru) 2005 sy'n ychwanegu'r Comisiwn at yr awdurdodau rhestredig y mae gan yr ombwdsmon y cyfrifoldeb i ymchwilio i gwynion amdanynt.

Atodlen 2

92. Mae Atodlen 2 yn cynnwys y diddymiadau i ddeddfiadau eraill sy'n ofynnol er mwyn rhoi effaith lawn i ddarpariaethau'r Ddeddf. Mae hyn yn cynnwys diddymu'r cyfyngiad sy'n rhwystro aelodau cyfetholedig o bwyllgor neu is-bwyllgor rhag mynychu o bell. Mae hefyd yn diddymu'r darpariaethau yn Neddf Llywodraeth Leol 1972 sy'n ymwneud â phrif gyngor a chyngor cymuned yn pennu cyflog ei gadeirydd a'i is-gadeirydd. Mae'r darpariaethau hyn yn rhagddyddio Mesur Llywodraeth Leol (Cymru) 2011 sy'n rhoi swyddogaethau i'r Panel Annibynnol ar Gydabyddiaeth Ariannol, gan gynnwys pennu'r swm y mae rhaid i awdurdod ei dalu i'w aelodau.

COFNOD Y TRAFODION YNG NGHYNNULLIAD CENEDLAETHOL CYMRU

Mae'r tabl a ganlyn yn nodi'r dyddiadau ar gyfer pob cyfnod o hynt y Ddeddf drwy Gynulliad Cenedlaethol Cymru. Gellir cael Cofnod y Trafodion a gwybodaeth bellach ar hynt y Ddeddf hon ar wefan Cynulliad Cenedlaethol Cymru yn: <http://www.senedd.cynulliadcymru.org/mgIssueHistoryHome.aspx?IId=5052&AII D=8648>

Cyfnod	Dyddiad
Cyflwynwyd	26 Tachwedd 2012
Cyfnod 1 - Dadl	16 Ebrill 2013
Cyfnod 2 Pwyllgor Craffu - ystyried y gwelliannau	9 Mai 2013
Cyfnod 3 Cyfarfod Lawn - ystyried y gwelliannau	18 Mehefin 2013
Cyfnod 4 Cymeradwyaeth gan y Cynulliad	18 Mehefin 2013
Y Cydsyniad Brenhinol	30 Gorffennaf 2013

- Deal with any review by the Commission or principal council which is ongoing at the time the Act comes into force to be completed under the previous legislation and provides a saving for the regulations which are currently in force under the Local Government Act 1972 in relation to reviews to remain in force until such time as new regulations are made under the Act;
- Contains provision regarding commencement of sections of the Act;
- Provides the short title of the Act for the purposes of citation.

Schedule 1

91. Schedule 1 includes consequential amendments arising from the main provisions of the Act and other relevant minor amendments. In particular, Schedule 1 contains an amendment to the Public Services Ombudsman (Wales) Act 2005 which adds the Commission to the listed authorities for whom the ombudsman has responsibility to investigate complaints.

Schedule 2

92. Schedule 2 includes the repeals required to other enactments in order to give full effect to the provisions of the Act. It includes the repeal of the restriction preventing co-opted members of a committee or sub-committee from attending remotely. It also repeals the provisions of the Local Government Act 1972 relating to a principal and community council determining the pay of its chairman and vice chairman. These provisions pre-date the Local Government (Wales) Measure 2011 which confers functions on the Independent Remuneration Panel, including setting the amount an authority must pay its members.

RECORD OF PROCEEDINGS IN NATIONAL ASSEMBLY FOR WALES

The following table sets out the dates for each stage of the Act's passage through the National Assembly for Wales. The Record of Proceedings and further information on the passage of this Act can be found on the National Assembly for Wales' website at: <http://www.senedd.assemblywales.org/mgIssueHistoryHome.aspx?IId=5052&AII D=8648>

Stage	Date
Introduced	26 November 2012
Stage 1 - Debate	16 April 2013
Stage 2 Scrutiny Committee - consideration of amendments	9 May 2013
Stage 3 Plenary - consideration of amendments	18 June 2013
Stage 4 Approved by the Assembly	18 June 2013
Royal Assent	30 July 2013

Cyhoeddwyd gan TSO (Y Llyfrfa) ac ar gael o:

Ar-lein

www.tsoshop.co.uk

Post, Ffôn, Ffacs ac E-bost

TSO

Blwch Post 29, Norwich, NR3 1GN

Archebion ffôn/Ymholiadau cyffredinol 0870 600 5522

Archebu trwy Linell Seneddol ar Lo-Call 0845 7 023474

Archebion ffacs: 0870 600 5533

E-bost: customer.services@tso.co.uk

Ffôn Testun: 0870 240 3701

Y Llyfrfa

12 Bridge Street, Parliament Square,

Llundain SW1A 2JX

Archebion ffôn/Ymholiadau cyffredinol: 020 7219 3890

Archebion ffacs: 020 7219 3866

E-bost: bookshop@parliament.uk

Rhyngwrwyd: <http://www.bookshop.parliament.uk>

TSO@Blackwell ac Asiantau Achrededig eraill

Published by TSO (The Stationery Office) and available from:

Online

www.tsoshop.co.uk

Mail, Telephone, Fax & E-mail

TSO

PO Box 29, Norwich NR3 1GN

General enquiries: 0870 600 5522

Order through the Parliamentary Hotline Lo-call 0845 7 023474

Fax orders: 0870 600 5533

Email: customer.services@tso.co.uk

Textphone: 0870 240 3701

The Houses of Parliament Shop

12 Bridge Street, Parliament Square

London SW1A 2JX

Telephone orders: 020 7219 3890

General enquiries: 020 7219 3890

Fax orders: 020 7219 3866

Email: bookshop@parliament.uk

Internet: <http://www.bookshop.parliament.uk>

TSO@Blackwell and other Accredited Agents

ISBN 978-0-348-10507-0



9 780348 105070