CYNULLIAD CENEDLAETHOL CYMRU

OFFERYNNAU STATUDOL

2002 Rhif 810 (Cy.90)

LLYWODRAETH LEOL, CYMRU

Rheoliadau Awdurdodau Lleol (Trefniadau Amgen) (Diwygio) (Cymru) 2002

NODYN ESBONIADOL

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

Mae Rhan II o Ddeddf Llywodraeth Leol 2000 yn darparu i Gynulliad Cenedlaethol Cymru bennu pa awdurdodau lleol a gaiff weithredu "trefniadau amgen" (h.y. trefniadau ar gyfer cyflawni swyddogaethau'r awdurdod nad ydynt yn golygu creu a gweithredu gweithrediaeth i'r awdurdod) (adran 31(1)(b)) ac ar ba ffurf y dylai'r trefniadau hynny ei chymryd (adran 32(1)). O dan y darpariaethau hynny y gwnaeth y Cynulliad Cenedlaethol Reoliadau Awdurdodau Lleol (Trefniadau Amgen) (Cymru) 2001 ("Rheoliadau 2001").

Mae'r Rheoliadau hyn, sy'n defnyddio'r un darpariaethau statudol, yn diwygio Rheoliadau 2001 er mwyn gwneud mân newidiadau i'r ffurf angenrheidiol i'r trefniadau amgen ac er mwyn dyfarnu sut y gall cyngor gyflawni ei swyddogaeth mewn perthynas â rhai pwerau ychwanegol penodedig.

Mae Rheoliad 2 yn diwygio rheoliad 4(1) o Reoliadau 2001 fel bod rhaid i Fwrdd awdurdod lleol weithredu fel ei bwyllgor gwasanaethau cymdeithasol oni ddynodir is-bwyllgor i'r Bwrdd at y diben hwnnw. Yn Rheoliad 3 mae diwygiad i reoliad 4(2) o Reoliadau 2001 hefyd yn caniatáu creu is-bwyllgor i'r Bwrdd i ymgymryd â rôl y pwyllgor gwasanaethau cymdeithasol os yw'r awdurdod lleol yn dewis hynny, creu pwyllgor apelau cyflogaeth a chreu hyd at bedwar pwyllgor (na chaniateir iddynt arfer ond y swyddogaethau nad yw Bwrdd awdurdod lleol yn gyfrifol amdanynt).

NATIONAL ASSEMBLY FOR WALES

STATUTORY INSTRUMENTS

2002 No. 810 (W.90)

LOCAL GOVERNMENT, WALES

The Local Authorities (Alternative Arrangements) (Amendment) (Wales) Regulations 2002

EXPLANATORY NOTE

(This note is not part of the Regulations)

Part II of the Local Government Act 2000 provides for the National Assembly for Wales to specify which local authorities may operate "alternative arrangements" (i.e. arrangements for the discharge of the authority's functions which do not involve the creation and operation of an executive of the authority) (section 31(1)(b)) and what form those arrangements should take (section 32(1)). The National Assembly made the Local Authorities (Alternative Arrangements) (Wales) Regulations 2001 ("the 2001 Regulations") under those provisions.

These Regulations, which use the same statutory provisions, amend the 2001 Regulations to make minor changes to the required form of the alternative arrangements and to determine how a council may discharge its function in relation to certain additional specified powers .

Regulation 2 amends regulation 4(1) of the 2001 Regulations so that the Board of a local authority must act as its social services committee unless a sub-committee of the Board is designated for that purpose. In Regulation 3 the amendment to regulation 4(2) of the 2001 Regulations also permits the creation of a sub-committee of the Board to undertake the social services committee role if the local authority so chooses, the creation of an employment appeals committee and upto four other committees (which are permitted only to exercise functions that are not the responsibility of the Board of a local authority).

Mae'r Rheoliad hefyd yn mynnu bod awdurdod lleol sy'n penderfynu sefydlu pwyllgor neu is-bwyllgor yn unol â Rheoliad 4(2)(e) yn hysbysu Cynulliad Cenedlaethol Cymru o fewn saith diwrnod o ddyddiad y penderfyniad.

Mae Rheoliad 4 yn diwygio Rheoliad 5(6) o Reoliadau 2001 i wahardd cadeirydd neu is-gadeirydd awdurdod lleol rhag bod yn aelod o'r Bwrdd.

Diwygir Atodlen 1 o Reoliadau 2001 gan Reoliad 5. Ceir geiriau ychwanegol (ym mharagraff 14) ynglŷn â phenodi staff er mwyn ei gwneud yn eglur nad cyfrifoldeb Bwrdd awdurdod lleol fydd penderfynu amodau a thelerau (gan gynnwys gweithdrefnau diswyddo). Mae'r diwygiad hwn yn golygu hefyd fod y pŵer i wneud Gorchymyn yn enwi man yn fan cyhoeddus dynodedig at ddibenion pwerau'r heddlu mewn perthynas ag yfed alcohol o dan adran 13(2) o Ddeddf Cyfiawnder Troseddol a'r Heddlu 2001 yn un y mae'n rhaid i Fwrdd awdurdod lleol beidio â'i arfer. Mae'n rhaid i'r cyngor llawn, ac nid Bwrdd awdurdod lleol, gymeradwyo Cynlluniau Strategol Partneriaethau Pobl Ifanc a Phartneriaethau Fframwaith Plant a Phobl Ifanc o dan adrannau 123 i 125 o Ddeddf Dysgu a Medrau 2000.

The Regulation also requires that a local authority which makes a decision to establish a committee or a sub-committee in accordance with Regulation 4(2)(g) shall notify the National Assembly for Wales within seven days of the date of the decision.

Regulation 4 amends Regulation 5(6) of the 2001 Regulations to prohibit the chairperson or vice-chairperson of a local authority from being a member of the Board.

Schedule 1 of the 2001 Regulations is amended by Regulation 5. There is additional wording (at paragraph 14) in relation to the appointment of staff to clarify that determination of terms and conditions (including procedures for dismissal) are not to be the responsibility of the Board of a local authority. This amendment also means that the power to make an Order identifying a place as a designated public place for the purposes of police powers in relation to alcohol consumption under section 13(2) of the Criminal Justice and Police Act 2001 is one that must not be exercised by the Board of a local authority. The approval of the Young Peoples Partnership Strategic Plans and Children and the Young Peoples Framework Partnerships under sections 123 to 125 of the Learning and Skills Act 2000 must be exercised by the full council and not by a Board of a local authority.

2002 Rhif 810 (Cy.90)

LLYWODRAETH LEOL, CYMRU

Rheoliadau Awdurdodau Lleol (Trefniadau Amgen) (Diwygio) (Cymru) 2002

Wedi'u gwneud	*21 Mawrth 2002*
Yn dod i rym	*1 Ebrill 2002*

Mae Cynulliad Cenedlaethol Cymru yn gwneud y Rheoliadau canlynol drwy arfer y pwerau a roddwyd iddo gan adrannau 31(1), 32 a 106(1) o Ddeddf Llywodraeth Leol 2000(**a**).

Enwi, cychwyn, cymhwyso a dehongli

1.-(1) Enw'r Rheoliadau hyn yw Rheoliadau Awdurdodau Lleol (Trefniadau Amgen) (Diwygio) (Cymru) 2002 a deuant i rym ar 1 Ebrill 2002.

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

(3) Yn y Rheoliadau hyn ystyr "Rheoliadau 2001" ("*the 2001 Regulations*") yw Rheoliadau Awdurdodau Lleol (Trefniadau Amgen) (Cymru) 2001(**b**).

Ffurf y trefniadau amgen

2.-(1) Diwygir Rheoliad 4(1) o Reoliadau 2001 fel a ganlyn.

(2) Dilëir y gair "awdurdod" yn y llinell gyntaf ac yn ei le rhoddir "awdurdodau".

(3) Ym mharagraff (a) mewnosodir ar ôl "Bwrdd" y geiriau

> "a fydd hefyd, yn ddarostyngedig i reoliad 4(2)(d), yn bwyllgor gwasanaethau cymdeithasol iddo yn unol ag Adran 2 o Ddeddf Gwasanaethau Cymdeithasol 1970" (**c**).

(a) 2000 p.22.

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

(c) 1970 p.42.

2002 No. 810 (W.90)

LOCAL GOVERNMENT, WALES

The Local Authorities (Alternative Arrangements) (Amendment) (Wales) Regulations 2002

Made	*21st March 2002*
Coming into force	*1st April 2002*

The National Assembly for Wales makes the following Regulations in exercise of the powers given to it by sections 31(1), 32 and 106(1) of the Local Government Act 2000(**a**).

Name, commencement, application and interpretation

1.-(1) The name of these Regulations is the Local Authorities (Alternative Arrangements) (Amendment) (Wales) Regulations 2002 and they shall come into force on 1st April 2002.

(2) These Regulations apply to Wales only.

(3) In these Regulations "the 2001 Regulations" ("*Rheoliadau 2001*") means the Local Authorities (Alternative Arrangements) (Wales) Regulations 2001(**b**).

Form of alternative arrangements

2.-(1) Regulation 4(1) of the 2001 Regulations shall be amended as follows.

(2) The word "authority" in the first line shall be deleted and replaced with "authorities".

(3) In paragraph (a) there shall be inserted after "Board" the words

> "which, subject to regulation 4(2)(e), shall also be its social services committee in accordance with Section 2 of the Social Services Act 1970" (**c**).

(a) 2000 c.22.

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

(c) 1970 c.42.

3.-(1) Diwygir Rheoliad 4(2) o Reoliadau 2001 fel a ganlyn.

(2) Ar ddiwedd paragraff (c) dileïr y gair "ac" ac ar ôl paragraf(ch) mewnosodir:

"(d) is-bwyllgor i'r Bwrdd i fod yn bwyllgor gwasanaethau cymdeithasol iddo yn unol ag Adran 2 o Ddeddf Gwasanaethau Cymdeithasol 1970 ;

(dd) pwyllgor apelau cyflogaeth; ac

(e) mwyafrif o bedwar pwyllgor arall, y gall Rheolau Sefydlog yr awdurdod ddarparu ar eu cyfer, ac a fyddant ond yn arfer swyddogaethau nad ydynt, yn unol â'r Rheoliadau hyn neu unrhyw ddeddfiad arall, yn gyfrifoldeb Bwrdd awdurdod lleol hyn ar yr amod bod unrhyw benderfyniad i sefydlu pwyllgor o'r fath yn cael ei hysbysebu i Gynulliad Cenedlaethol Cymru o fewn saith diwrnod o ddyddiad y penderfyniad."

Gofynion ar gyfer pwyllgorau ac is-bwyllgorau

4.-(1) Diwygir Rheoliad 5(6) o Reoliadau 2001 fel a ganlyn.

(2) Yn lle'r geiriau "Caiff y Bwrdd" mewnosodir y geiriau:

"Ni chaiff y Bwrdd gynnwys cadeirydd na dirprwy gadeirydd yr awdurdod lleol ond fe gaiff".

Swyddogaethau nad ydynt yn gyfrifoldeb i'r Bwrdd

5.-(1) Diwygir Atodlen 1 (Swyddogaethau nad ydynt i fod yn gyfrifoldeb i fwrdd awdurdod) i Reoliadau 2001 fel a ganlyn.

(2) Ychwanegir at ddiwedd paragraff 14 o Ran I (Swyddogaethau Amrywiol) yn ngholofn (1)

"ac i benderfynu'r amodau a thelerau yn amodol i'r rheini y daliant eu swydd (gan gynnwys gweithdrefnau i'w diswyddo)."

(3) Ychwanegir ar ddiwedd Rhan I (Swyddogaethau Amrywiol):

(a) yng ngholofn (1):

"**17**. Y pŵer i wneud gorchymyn yn enwi man yn fan cyhoeddus dynodedig at ddibenion pwerau'r heddlu mewn perthynas ag yfed alcohol.";

(b) yng ngholofn (2):

"Adran 13(2) o Ddeddf Cyfiawnder Troseddol a'r Heddlu 2001 (p.16.)." (**a**);

(c) yng ngholofn (1):

(a) 2001 p.16.

3.-(1) Regulation 4(2) of the 2001 Regulations shall be amended as follows.

(2) At the end of paragraph (c) the word "and" shall be deleted and after paragraph (d) there shall be inserted:

"(e) a sub-committee of the Board to be its social services committee in accordance with Section 2 of the Social Services Act 1970 ;

(f) an employment appeals committee; and

(g) a maximum of four other committees, for which the Standing Orders of the authority may provide, which shall only exercise functions which are not, in accordance with these Regulations or any other enactment, the responsibility of the Board of a local authority provided that any decision to establish such a committee shall be notified to the National Assembly for Wales within seven days of the date of the decision."

Requirements for committees and sub-committees

4.-(1) Regulation 5(6) of the 2001 Regulations shall be amended as follows.

(2) There shall be inserted after the word "Board" the words:

"shall not include the chairperson or deputy chairperson of the local authority but".

Functions which are not the responsibility of the Board

5.-(1) Schedule 1 (Functions not to be the responsibility of an authority's board) to the 2001 Regulations shall be amended as follows.

(2) There shall be added to the end of paragraph 14 in Part I (Miscellaneous Functions) in column (1)

"and to determine the terms and conditions on which they hold office (including procedures for their dismissal)."

(3) There shall be added in Part I (Miscellaneous Functions) at the end:

(a) in column (1):

"**17**. Power to make an order identifying a place as a designated public place for the purposes of police powers in relation to alcohol consumption.".

(b) in column (2):

"Section 13(2) of the Criminal Justice and Police Act 2001 (c.16.)."(**a**);

(c) in column (1):

(a) 2001 c.16.

"**18**. Y pŵer i gymeradwyo Cynlluniau Strategol Partneriaethau Pobl Ifanc."

(ch) yng ngholofn (2):

"Adrannau 123,124 a 125 o Ddeddf Dysgu a Medrau 2000 (p.21)." (**a**);

(d) yng ngholofn (1):

"**19**. Y pŵer i gymeradwyo Partneriaeth Fframwaith Plant a Phobl Ifanc.";

(dd) yng ngholofn (2):

"Adrannau 123, 124 a 125 o Ddeddf Dysgu a Medrau 2000".

"**18**. Power to approve Young Peoples Partnership Strategic Plans.".

(d) in column (2):

"Sections 123, 124 and 125 of the Learning and Skills Act 2000 (c.21.)." (**a**);

(e) in column (1):

"**19**. Power to approve a Children and Young Peoples Framework Partnership.";

(f) in column (2):

"Sections 123, 124 and 125 of the Learning and Skills Act 2000.".

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

21 Mawrth 2002

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

21st March 2002

D. Elis-Thomas

Llywydd y Cynulliad Cenedlaethol

The Presiding Officer of the National Assembly

(a) 2000 p.21.

(b) 1998 p.38.

(a) 2000 c.21.

(b) 1998 c.38.

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