

# Pecyn Dogfennau



Mark James LLM, DPA, DCA  
Prif Weithredwr,  
Chief Executive,  
Neuadd y Sir, Caerfyrddin. SA31 1JP  
County Hall, Carmarthen. SA31 1JP

DYDD IAU, 31 AWST 2017

**AT: YR AELOD O'R BWRDD GWEITHREDOL DROS  
ADNODDAU**

YR WYF DRWY HYN YN EICH GALW I FYNYCHU CYFARFOD  
O'R **CYFARFOD PENDERFYNIADAU AELOD O'R BWRDD  
GWEITHREDOL DROS ADNODDAU** A GYNHELIR YN  
YSTAFELL BWYLLGOR GWASANAETHAU DEMOCRATAIDD,  
NEUADD Y SIR, CAERFYRDDIN AM 2.00 PM, AR DYDD  
GWENER, 8FED MEDI, 2017 ER MWYN CYFLAWNI'R  
MATERION A AMLINELLIR AR YR AGENDA ATODEDIG.

*Mark James* DYB

**PRIF WEITHREDWR**



**AILGYLCHWCH OS GWELWCH YN DDA**

Swyddog Democrataidd:	Janine Owen
Ffôn (llinell uniongyrchol):	01267 224030
E-bost:	JanineOwen@sirgar.gov.uk
Cyf:	AD016-001

# AGENDA

1. DATGANIADAU O FUDDIANNAU PERSONOL
  
2. LLOFNODI FEL COFNOD CYWIR COFNOD PENDERFYNIADAU'R CYFARFOD A GYNHALIWDYD AR 13EG GORFFENNAF, 2017 3 - 6
  
3. HEN THEATR ELLI, HEOL YR ORSAF, LLANELLI 7 - 18
  
4. BWRIAD I WAREDU TIR YNG NGERDDI'R FFYNNON 19 - 32
  
5. ADRODDIADAU NAD YW I'W GYHOEDDI  
  
ADRODDIAD EITHRIEDIG YN UNOL Â PHARAGRAFF 14 O RAN 4 O ATODLEN 12(A) I DDEDDF LLYWODRAETH LEOL 1972, (FEL Y'I DIWYGIWYD GAN ORCHYMYN LLYWODRAETH LEOL (MYNEDIAD AT WYBODAETH) (AMRYWIO) (CYMRU) 2007) GAN EI FOD YN CYNNWYS GWYBODAETH AM FATERION ARIANNOL NEU FUSNES UNRHYW UNIGOLYN (GAN GYNNWYS YR AWDURDOD Y MAE'R WYBODAETH HONNO YN EI FEDDIANT).
  
6. DILEU DYLEDION CYN-DENANTIAID 33 - 44
  
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**CYFARFOD PENDERFYNIADAU AELOD O'R BWRDD  
GWEITHREDOL DROS ADNODDAU**

**DYDD IAU, 13 GORFFENNAF 2017**

**YN BRESENNOL: Y Cyngorydd: D.M. Jenkins (Aelod o'r Bwrdd Gweithredol).**

**Roedd y swyddogion canlynol yn bresennol:**

A Thomas, Rheolwr Budd-daliadau a'r Dreth Gyngor;  
M.S. Davies, Swyddog Gwasanaethau Democrataidd

**1. DATGAN BUDDIANNAU PERSONOL**

Ni chafwyd dim datganiadau o fuddiant personol.

**2. COFNOD PENDERFYNIADAU - 27 EBRILL 2017**

**PENDERFYNWYD** llofnodi bod Cofnod Penderfyniadau'r cyfarfod oedd wedi'i gynnal ar 27 Ebrill, 2017 yn gofnod cywir.

**3. ADRODDIAD NAD YW I'W GYHOEDDI**

**PENDERFYNWYD** yn unol â Deddf Llywodraeth Leol 1972, fel y'i diwygiwyd gan Orchymyn Llywodraeth Leol (Mynediad at Wybodaeth) (Amrywio) (Cymru) 2007, na fyddai'r eitemau canlynol yn cael eu cyhoeddi, gan fod yr adroddiadau'n cynnwys gwybodaeth eithriedig fel y'i diffiniwyd ym Mharagraffau 14 ac 17 o Ran 4 o Atodlen 12A i'r Ddeddf.

**4. CYFRIFON ANADFERADWY - GORDALIADAU BUDD-DAL TAI**

Ar ôl cynnal prawf budd y cyhoedd **PENDERFYNWYD**, yn unol â'r Ddeddf y cyfeiriwyd ati yng nghofnod rhif 3 uchod, beidio â chyhoeddi cynnwys yr adroddiad am ei fod yn cynnwys gwybodaeth eithriedig ynghylch materion ariannol neu faterion busnes unrhyw unigolyn penodol (gan gynnwys yr Awdurdod oedd yn meddu ar y wybodaeth honno) (Paragraff 14 o Ran 4 o Atodlen 12A i'r Ddeddf).

Yr oedd y prawf budd y cyhoedd o ran y mater hwn yn ymwneud â'r ffaith fod yr adroddiad yn cynnwys gwybodaeth am ddyledion unigolion a/neu wybodaeth bersonol. Er y byddai datgelu'r adroddiad i'r cyhoedd yn hybu atebolrwydd o ran cyllid cyhoeddus, byddai hefyd yn datgelu gwybodaeth ariannol gyfrinachol. Felly, ar ôl pwyso a mesur y mater, yr oeddid yn barnu bod y budd i'r cyhoedd o ran cadw'r wybodaeth yn gyfrinachol yn drech na'r budd i'r cyhoedd o ran datgelu'r wybodaeth ar hyn o bryd.

Bu'r Aelod o'r Bwrdd Gweithredol yn ystyried adroddiad oedd yn manylu ar ddau gyfrif gordaliad budd-dal oedd wedi eu clustnodi'n rhai anadferadwy. Yr oedd yr holl weithdrefnau adennill wedi cael eu defnyddio, lle'r oedd hynny'n briodol, ac nid oedd dim tebygolrwydd y byddai modd cael y taliadau. Felly, bernid ei bod yn briodol dileu'r cyfrifon hyn.

**PENDERFYNWYD** bod y cyfrifon dyledus y manylwyd arnynt yn yr adroddiad yn cael eu dileu fel rhai anadferadwy.

## 5. CYFRIFON NA ELLIR EU HADFER - TRETHI ANNOMESTIG

Ar ôl cynnal prawf budd y cyhoedd PENDERFYNWYD, yn unol â'r Ddeddf y cyfeiriwyd ati yng nghofnod rhif 3 uchod, beidio â chyhoeddi cynnwys yr adroddiad am ei fod yn cynnwys gwybodaeth eithriedig ynghylch materion ariannol neu faterion busnes unrhyw unigolyn penodol (gan gynnwys yr Awdurdod oedd yn meddu ar y wybodaeth honno) (Paragraff 14 o Ran 4 o Atodlen 12A i'r Ddeddf).

Yr oedd y prawf budd y cyhoedd o ran y mater hwn yn ymwneud â'r ffaith fod yr adroddiad yn cynnwys gwybodaeth am ddyledion unigolion a/neu wybodaeth bersonol. Er y byddai datgelu'r adroddiad i'r cyhoedd yn hybu atebolrwydd o ran cyllid cyhoeddus, byddai hefyd yn datgelu gwybodaeth ariannol gyfrinachol. Felly, ar ôl pwyso a mesur y mater, bernid bod y budd i'r cyhoedd o ran cadw'r wybodaeth yn gyfrinachol yn drech na'r budd i'r cyhoedd o ran datgelu'r wybodaeth ar hyn o bryd.

Bu'r Aelod o'r Bwrdd Gweithredol yn ystyried adroddiad oedd yn manylu ar Gyfrifon Treth Gyngor, cyfrifon mân ddyledion a chyfrifon Ardrethi Annomestig oedd wedi eu clustnodi'n rhai anadferadwy. Yr oedd yr holl weithdrefnau adennill wedi cael eu defnyddio, lle'r oedd hynny'n briodol, ac nid oedd dim tebygolrwydd y byddai modd cael y taliadau. Felly, bernid ei bod yn briodol dileu'r cyfrifon hyn ar sail y ddarpariaeth ar gyfer drwgddyledion a ganiateid i'r Awdurdod drwy'r "gronfa" graddio annomestig.

**PENDERFYNWYD** bod y cyfrifon dyledus y manylwyd arnynt yn yr adroddiad yn cael eu dileu fel rhai anadferadwy.

## 6. TRETHI ANNOMESTIG - CYMORTH DDEWISIOL

Ar ôl cynnal prawf budd y cyhoedd PENDERFYNWYD, yn unol â'r Ddeddf y cyfeiriwyd ati yng nghofnod rhif 3 uchod, beidio â chyhoeddi cynnwys yr adroddiad am ei fod yn cynnwys gwybodaeth eithriedig ynghylch materion ariannol neu faterion busnes unrhyw unigolyn penodol (gan gynnwys yr Awdurdod oedd yn meddu ar y wybodaeth honno) (Paragraff 14 o Ran 4 o Atodlen 12A i'r Ddeddf).

Yr oedd y prawf budd y cyhoedd o ran y mater hwn yn ymwneud â'r ffaith fod yr adroddiad yn cynnwys gwybodaeth am hanes ariannol diweddar trethdalwyr unigol a/neu wybodaeth bersonol. Er y byddai datgelu'r adroddiad i'r cyhoedd yn hybu atebolrwydd o ran cyllid cyhoeddus, byddai hefyd yn datgelu gwybodaeth ariannol gyfrinachol. Felly, ar ôl pwyso a mesur y mater, yr oeddid yn barnu bod y budd i'r cyhoedd o ran cadw'r wybodaeth yn gyfrinachol yn drech na'r budd i'r cyhoedd o ran datgelu'r wybodaeth ar hyn o bryd.

Bu'r Aelod o'r Bwrdd Gweithredol yn ystyried ceisiadau am Ryddhad Caledi o dan ddarpariaethau Adran 49 o Ddeddf Cyllid Llywodraeth Leol 1988 fel y'i diwygiwyd.

### PENDERFYNWYD

6.1 gohirio ystyried cais cyfeirnod 80013741 hyd nes y byddid yn cael rhagor o wybodaeth;

6.2 peidio â chymeradwyo ceisiadau cyfeirnod 80014557 a 80013791.

## 7. TRETH Y CYNGOR - GOSTYNGIADAU YN ÔL DISGRESIWN

Ar ôl cynnal prawf budd y cyhoedd PENDERFYNWYD, yn unol â'r Ddeddf y cyfeiriwyd ati yng nghofnod rhif 3 uchod, beidio â chyhoeddi cynnwys yr adroddiad am ei fod yn cynnwys gwybodaeth eithriedig ynghylch materion ariannol neu faterion busnes unrhyw unigolyn penodol (gan gynnwys yr Awdurdod oedd yn meddu ar y wybodaeth honno) (Paragraff 14 o Ran 4 o Atodlen 12A i'r Ddeddf).

Roedd y prawf budd y cyhoedd mewn perthynas â'r mater hwn yn ymwneud â'r ffaith fod yr adroddiad yn cynnwys gwybodaeth am unigolion oedd yn agored i dalu'r Dreth Gyngor. Er y byddai datgelu'r adroddiad i'r cyhoedd yn hybu atebolrwydd o ran cyllid cyhoeddus, byddai hefyd yn datgelu gwybodaeth ariannol gyfrinachol nad oedd yn eiddo i'r cyhoedd ac na fyddai'n cael ei datgelu fel rheol i drydydd partïon. Felly, ar ôl pwyso a mesur y mater, yr oeddid yn barnu bod y budd i'r cyhoedd o ran cadw'r wybodaeth yn gyfrinachol yn drech na'r budd i'r cyhoedd o ran datgelu'r wybodaeth ar hyn o bryd.

Bu'r Aelod o'r Bwrdd Gweithredol yn ystyried adroddiad oedd yn manylu ar y ceisiadau oedd wedi dod i law am ostyngiadau yn ôl disgrisiwn i'r Dreth Gyngor.

Nodwyd bod rheoliadau wedi eu cyflwyno, a ddaeth i rym ym mis Ebrill 2004, a roddai bwerau disgrisiwn i Awdurdodau Lleol roi disgownt neu ostyngiad a benderfynwyd yn lleol o ran y Dreth Gyngor, a bod y rhain yn ychwanegol at y gostyngiadau statudol presennol.

### PENDERFYNWYD

7.1 gwrthod ceisiadau 60227623 a 50017519;

7.2 yn achos ceisiadau cyfeirnod 60252206 a 60239291, bod y gweddill hanesyddol yn cael ei hepgor a bod y taliadau oedd i ddod yn cael eu hepgor tan 31 Mawrth 2018;

7.3 yn achos ceisiadau cyfeirnod 60312002 a 60312009, bod y gostyngiad o 50% yn cael ei ganiatáu ar gyfer cyfnod tâl y ddau eiddo;

7.4 yn achos cais cyfeirnod 60318257, bod y gweddill ar gyfer 2016/17 yn cael ei ddileu ynghyd â'r tâl sy'n cyfateb i'r tâl ar gyfer chwe mis cyntaf 2017/18;

7.5 yn achos cais cyfeirnod 60283836, bod y gostyngiad yn ôl disgrisiwn o 10% yn cael ei ganiatáu ar gyfer 2017/18.

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AELOD O'R BWRDD GWEITHREDOL

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DYDDIAD

Mae'r dudalen hon yn wag yn fwriadol

**YR AELOD O'R BWRDD GWEITHREDOL  
8 MEDI 2017**

<b>Yr Aelod o'r Bwrdd Gweithredol:</b>	<b>Y Portffolio:</b>
<b>Y Cynghorydd David Jenkins</b>	<b>Adnoddau</b>

**HEN THEATR ELLI, HEOL YR ORSAF, LLANELLI**

**Y Pwrpas: I'W BENDERFYNU**

**Yr Argymhellion / penderfyniadau allweddol sydd eu hangen:**

Y rhoddir caniatâd ar gyfer y gwaith treftadaeth arfaethedig ac ni fyddai darpariaethau gorswm y cytundeb gwerthu yn berthnasol i'r gwaith penodol hwn.

**Rhesymau:**

Ni fyddai gweithredu darpariaethau'r gorswm ar gyfer y gwaith treftadaeth hwn yn cyd-fynd ag ysbryd y cytundeb gwreiddiol.

Bydd y gwaith arfaethedig yn gwella gwedd adeilad amlwg yng nghanol tref Llanelli.

<b>Y Gyfarwyddiaeth</b> <b>Enw Pennaeth y Gwasanaeth:</b> <b>Wendy S Walters</b>	<b>Swydd:</b> <b>Cyfarwyddwr Adfywio a Pholisi</b>	<b>Ffôn: 01267 242367</b> <b>WSWalters@sirgar.gov.uk</b>
<b>Awdur yr Adroddiad:</b> <b>Peter Edwards</b>	<b>Rheolwr Prisiadau</b>	<b>Ffôn: 01267 246254</b> <b>PEdwards@sirgar.gov.uk</b>

**Declaration of Personal Interest (if any):**

None

**Dispensation Granted to Make Decision (if any):**

N/A

**DECISION MADE:**

Signed:

DATE: \_\_\_\_\_

EXECUTIVE BOARD MEMBER

The following section will be completed by the Democratic Services Officer in attendance at the meeting

Recommendation of Officer adopted	YES / NO
Recommendation of the Officer was adopted <b>subject to the amendment(s) and reason(s) specified:</b>	
Reason(s) why the Officer's recommendation was <b>not adopted:</b>	



**EXECUTIVE SUMMARY  
EXECUTIVE BOARD MEMBER  
8<sup>th</sup> SEPTEMBER 2017**

**FORMER THEATRE ELLI, STATION ROAD, LLANELLI**

The Authority disposed of the above property in November 2014 and in the sale agreement an overage clause was included whereby the Authority was entitled to a clawback of 50% of any grant monies secured for external works to the building up to a limit of £150,000. This was on the basis that significant monies were needed to undertake works to the external tile facade and roof.

Calon Llanelli (building owner) is now seeking grant funding from Cadw and Heritage Lottery Fund to undertake heritage works that will improve the appearance of the building and the specific works proposed are outlined in the document appended.

Calon Llanelli have queried whether the overage clause should apply to these grants as these works are not specific to the tile façade and roof upon which the overage provision was originally intended to apply .

It is our view that it would not be in the spirit of the overage agreement for us to seek clawback for these specific works and we would want to encourage these improvement works to be undertaken to a prominent building in Llanelli town centre.

It is therefore proposed that consent is given for the specific heritage works identified in the appended document and that the overage provision would not apply on this occasion. If further grant applications are made in the future then these and the implications of the clawback arrangement will be considered at that point in time.

**DETAILED REPORT ATTACHED ?**

**YES**

## IMPLICATIONS

I confirm that other than those implications which have been agreed with the appropriate Directors / Heads of Service and are referred to in detail below, there are no other implications associated with this report :

Signed: Wendy S Walters

Director of Regeneration and Policy

Policy and Crime & Disorder	Legal	Finance	ICT	Risk Management Issues	Organisational Development	Physical Assets
<b>NONE</b>	<b>YES</b>	<b>NONE</b>	<b>NONE</b>	<b>NONE</b>	<b>NONE</b>	<b>YES</b>

### 2. Legal

It may be necessary to document this consent and agreement to waive the provisions of the overage clause.

### 6. Physical Assets

Through this agreement the Authority is foregoing a potential payment however this must be considered in the context of the original agreement.

## CONSULTATIONS

I confirm that the appropriate consultations have taken in place and the outcomes are as detailed below

Signed: Wendy S Walters

Director of Regeneration and Policy

### 2. Local Member(s)

Cllr John Jenkins

### Section 100D Local Government Act, 1972 – Access to Information

List of Background Papers used in the preparation of this report:

**THERE ARE NONE**

Title of Document	File Ref No.	Locations that the papers are available for public inspection

# Llanelli Entertainment Centre

## Clarification of overage exempt works

Calon Llanelli Ltd is transforming the former Llanelli Entertainment Centre into a heritage cinema attraction of distinction. The reinstatement of original - damaged - missing architectural elements is considered critical to achieving a unique offer that will become one of the UK's finest destination cinemas. That is to say that it will appeal to visitors from far outside normal cinema catchment areas and help generate tourism and overnight stays.

We have restored many internal features and we will be seeking grants from the Heritage Lottery and Cadw to assist us in the restoration of more, both internal and external. As such we are seeking clarification that works would not trigger the existing overage agreement with Carmarthenshire County Council, relating to external works.

The overage agreement was contracted upon sale in November 2014 for a ten year period, giving the Council a clawback of 50% of any grant money achieved for external works up to a limit of £150,000. The reason for its inclusion was because our survey highlighted that the building was not watertight and required a new roof and extensive specialist repair works to the front facade. As such, the District Valuer reduced the valuation (sale price) from £250,000 to £130,000 and C.C.C. insisted upon the overage.

*On a side note I would like to say that I believe the overage is unfair, especially when you consider the auction of Swansea's Albert Hall for £100,000 unencumbered in mid 2015, which is a larger property in a similar condition. C.C.C. has already achieved full market value for the Entertainment Centre.*

Due to the overage, it would be uneconomical to pursue grant assistance for the roof and facade, especially when you consider the specialist fees involved in making grant applications in the first place. Therefore we are confining our grant applications to matters that were **not a factor in the revaluation** prior to sale.

The following photographs and descriptions illustrate what we are seeking assistance with and whilst they are external works, I strongly believe that they should be excluded from the overage agreement within the spirit of that agreement. The proposed works are optional choices that I believe are critical to enhancing the street scene and the long term viability of our project as the premier heritage cinema attraction in Wales.

W S Ratti  
Managing Director  
Calon Llanelli Ltd  
Llanelli Entertainment Centre  
Station Road  
Llanelli  
Carmarthenshire  
SA15 1AH

Tel: 01554 227654  
Mob: 07535 577804



- 1.** Removal of brick cladding installed circa 1991 that has been placed either side of main entrance and used to block off two pairs of the five original entrance doors.
- 2.** Removal of modern doors. Manufacture and installation of five number double entrance doors to original design with replica chrome door handles.
- 3.** Removal of modern canopy cladding and reinstatement of original style with single line illuminated read-o graph, inverted scrolled ends and period under lighting.
- 4.** Removal of the 1980's aluminium windows. Manufacture and installation of replica original steel windows with 'Odeon glass.'
- 5.** After the removal of the modern brick skin either side of entrance, it is probable that the original faience tile and recessed chrome/brass poster displays will need extensive refurbishment/renewal.
- 6.** Removal of the 1980's aluminium windows in the curved towers flanking the entrance. Manufacture and installation of replica original steel windows with 'Odeon glass.'
- 7.** The pillars between the entrance doorways have been clad with inappropriate tiles. We want to remove them and restore the original larger format tiles underneath.





The original design Odeon fin doors with grand chrome handles, chrome kick-plates and 'Odeon glass'. We want to re-install all five pairs for a grand entrance. Two of these doorways are currently blocked by modern brickwork.



We will be installing the letters: CALON above the windows but as they are not an original feature, (and we will be utilising efficient led technology in place of neon due to sustainability) we will not be seeking heritage grant assistance for this. Multi-paned steel windows and the original style canopy will bring this facade to life again.

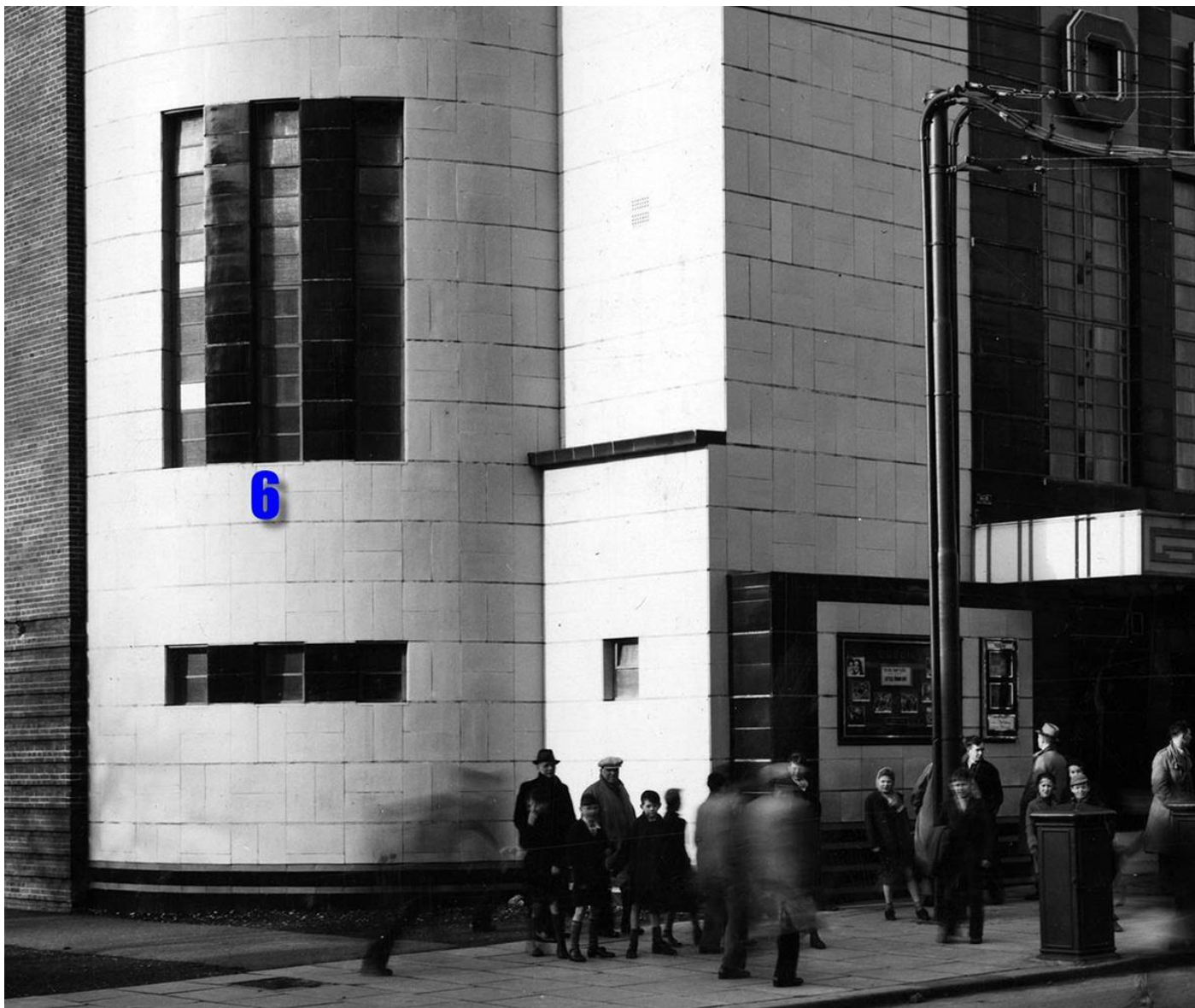


The pillars between the entrance doors have been over-clad with inappropriate tiles pictured here to the right. We want to remove them and restore the original large format tiles beneath.





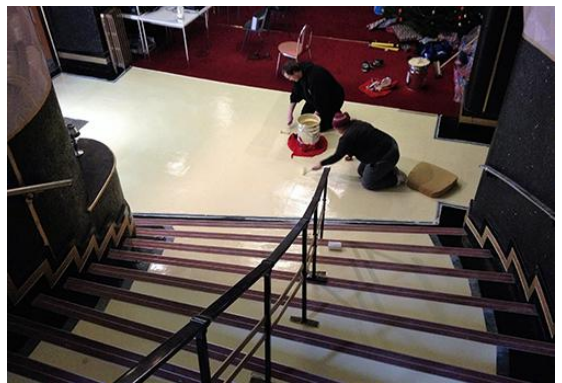
We believe that the old Llanelli Odeon is the finest remaining example of streamline moderne architecture in Wales. Brick was only ever used at the top of art deco Odeon facades and their flanks. In 1991 brick was used to cover the original feature - poster walls either side of the entrance. This has resulted in a brick imbalance on the front which detracts from the moderne style. We want to remove this brick and restore the black and buff faience underneath along with the chrome poster displays.



The towers flanking either side of the entrance facade house magnificent curving staircases from the bottom of the building all the way to the top. We want to remove the 1980's aluminium windows and revert back to the original steel with 'Odeon glass.'



As an indication of our project methodology to return the building to its vintage best, here is some of our work in the foyer. We believe the sustainable future of this building lies in restoring rare architectural features from its past.



Mae'r dudalen hon yn wag yn fwriadol

**YR AELOD O'R BWRDD GWEITHREDOL**  
**08 MEDI 2017**

<b>Yr Aelod o'r Bwrdd Gweithredol:</b>	<b>Y Portffolio:</b>
<b>Y Cyng. David Jenkins</b>	<b>Adnoddau</b>

**Bwriad i waredu tir yng Ngerddi'r Ffynnon**

**Diben:** Mae'r gwarediad posibl hwn yn ffurfio rhan o fan agored cyhoeddus, a chafwyd un gwrthwynebiad. Diben yr adroddiad hwn yw ystyried y gwrthwynebiad hwnnw ac a ddylai'r cyngor fwrw ati i werthu'r tir ai peidio.

**Yr Argymhellion / penderfyniadau allweddol sydd eu hangen:**

Gofynnir i'r Cyng. David Jenkins ystyried y gwrthwynebiadau a gafwyd yn sgil yr Hysbysiadau Mannau Agored Cyhoeddus a gyhoeddwyd yn unol ag Adran 123(2a) o Ddeddf Llywodraeth Leol 1972 ac a ddylai'r Cyngor Sir fwrw ati i waredu'r tir ai peidio.

**Y Rhesymau:**

Byddai gwaredu'r tir yn lleihau cyfrifoldeb y Cyngor a'i gostau cynnal a chadw ac yn creu derbyniad cyfalaf. Fodd bynnag ar ôl cael gwrthwynebiad i'r hysbysiad yn unol â Deddf Llywodraeth Leol, roedd yn rhaid ystyried y gwrthwynebiad hwn.

<b>Cyfarwyddiaeth</b> <b>Enw Pennaeth y Gwasanaeth:</b> <b>Wendy S Walters</b> <b>Awdur yr Adroddiad: Hazel Newman</b>	<b>Swydd:</b> <b>Y Cyfarwyddwr Adfywio a Pholisi</b> <b>Swyddog Cymorth Rheoli Asedau</b>	<b>Rhif ffôn: 01267 224112</b> <b>WSWalters@sirgar.gov.uk</b> <b>01267 246252</b> <b>hmarienewman@sirgar.gov.uk</b>
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**Declaration of Personal Interest (if any):**

None

**Dispensation Granted to Make Decision (if any):**

N/A

**DECISION MADE:**

**Signed:**

DATE: \_\_\_\_\_

EXECUTIVE BOARD MEMBER

**The following section will be completed by the Democratic Services Officer in attendance at the meeting**

Recommendation of Officer adopted	YES / NO
Recommendation of the Officer was adopted <b>subject to the amendment(s) and reason(s) specified:</b>	
Reason(s) why the Officer's recommendation was <b>not adopted:</b>	

# EXECUTIVE SUMMARY

## Executive Board Member for resources

### 8<sup>TH</sup> SEPTEMBER 2017

#### Consideration of objections under Local Government Act 1972 Section 123(2a) against proposed sale of public open space land

#### 1. BRIEF SUMMARY OF PURPOSE OF REPORT.

As part of the capital receipt programme land at Spring Gardens, Carmarthen has been identified as potentially surplus and is being considered for disposal to reduce the council's liability and maintenance costs and to generate capital receipts.

The Local Government Act 1972 Section 123(2a) requires the Council to publish a Public Open Space Notice in a local newspaper for two consecutive weeks for any potential disposal that forms part of a public open space within the meaning of Section 123(2a). This gives the public the opportunity to make written objections to the proposed disposal within 28 days of the published notice.

In addition to the requirement to publish a notice, Section 123 provides that a principal Council may not dispose of the land which consist of, or form part of open space, unless before disposing of the land, consideration is given to any objections and/or representations which are made.

Such notices were published in the Carmarthen Journal and the Llanelli 24<sup>th</sup> May 2017 and 31<sup>st</sup> May 2017, inviting representations by the 28<sup>th</sup> June 2017. A copy of the notice can be seen in appendix 1

Out of the 7 sites that were included in the Public Open Space Notices, one objection was received for the following:

- Land at Spring Gardens, Carmarthen

The above site forms part of the Environmental portfolio and is surplus to the requirement of the Environment Services' needs.

## Land at Spring Gardens, Carmarthen

The land is adjacent to 5 Spring Gardens, Carmarthen SA31 3LL. A plan outlining the land in red can be seen in Appendix 2.

Spring Gardens is a row of 5 properties all of which are listed buildings and privately owned.

The land adjacent to 5 Spring Gardens has been declared surplus to the Environment Services' requirements and the site is within development limits and not designated for a particular use. However development to the site may prove difficult due to access and parking.

If development was to take place there would be an effect to the settling of the listed buildings and views from the Conservation Department would have to be sought.

The disposal of the land would reduce the County Council's liability and maintenance costs and generate a capital receipt in accordance with our disposal programme.

A Public Open Space Notice was published in the Carmarthen Journal and Llanelli Star 24<sup>th</sup> May and 31<sup>st</sup> May 2017 and the closing date for objections was 28<sup>th</sup> June 2017. One public objection was received in relation to the site. This can be seen in Appendix 3

A summary of the main grounds for objections

- Resident believes there is already subsidence in the area with cracks present in gable end wall and any movement or machinery here could have a detrimental effect on his property No. 5.
- Land is used for a main side entrance which the resident claims has been in use for 30 years.
- Resident claims he has been cutting the grass for over 20 years.
- Parking is an issue due to major trunk road directly fronting the property.

**DETAILED REPORT ATTACHED?**

**YES – Appendices 1-4**



# IMPLICATIONS

I confirm that other than those implications which have been agreed with the appropriate Directors / Heads of Service and are referred to in detail below, there are no other implications associated with this report :

Signed: **Wendy Walters**

**Director of Regeneration and Policy**

Policy and Crime & Disorder	Legal	Finance	ICT	Risk Management Issues	Organisational Development	Physical Assets
<b>NONE</b>	<b>YES</b>	<b>YES</b>	<b>NONE</b>	<b>YES</b>	<b>NONE</b>	<b>YES</b>

## Legal

In accordance with the Local Government Act 1972 Section 123(2a) the Council was obliged to publish notice of its intention to dispose of open land for two consecutive weeks in a newspaper circulating in the area where the land is situated.

The Council has complied with this statutory requirement by placing adverts in the Carmarthen Journal and Llanelli Star on the 24<sup>th</sup> May and 31<sup>st</sup> May 2017. The LGA 1972 Act does not stipulate how long should be allowed for responses to be made but this Council allowed a minimum of 28 days for representation and therefore the closing dates for the objections was 28<sup>th</sup> June 2017

As well as a requirement to advertise, Section 123 provides that a principal Council may not dispose of land which consist of, or form part of open space, unless before disposing of the land, consideration is given to any objections and/or representations which are made.

By the closing date one objection was received for the site. The objection has been acknowledged by the Council and the objector was informed that the matters would be considered.

## Finance

Disposal of the land would reduce the County Council's liability and maintenance costs.

The disposal of the land would also result in a capital receipt for the County Council, which will contribute towards the delivery of the Council's capital receipt programme

## Risk Management Issues

Disposal of the land would reduce the County Council's risk of third party claims over the land.

## **Physical Assets**

Meets the aims of making better use of property and generating capital receipts for the County Council

## **CONSULTATIONS**

I confirm that the appropriate consultations have taken in place and the outcomes are as detailed below

Signed: Wendy Walters

Director of Regeneration and Policy

### **1. Local Member(s)**

Cllr. Gareth John – No objection to sale please see Appendix 4

Cllr. Alun Lenny – Contact but no response received please see Appendix 4

### **Section 100D Local Government Act, 1972 – Access to Information**

List of Background Papers used in the preparation of this report:

**THERE ARE NONE**



## Cyngor Sir Caerfyrddin Deddf Llywodraeth Leol 1972 Adran 123(2a)

Tir yng Ngerddi'r Ffynnon, Caerfyrddin  
Tir sy'n rhan o Chwarel Felin-foel/Pleasant View, Felin-foel  
Tir ger 53 Heol Elfed, Llwynhendy  
Safle ger 92 Heol Felinfoel  
Tir Brynedd, Llan-saint  
Tir ger 2 Dolwar Fach, Llwynhendy  
Tir Ger 6 Llundain Fach, Felin-foel

Rhoddir rhybudd trwy hyn fod Cyngor Sir Caerfyrddin yn bwriadu gael gwared o'r parseli uchod o dir sy'n ffurfio rhan o'r agored cyhoeddus o fewn ystyr yr Adran uchod. Dylid pob gwrthwynebiad gael eu wneud yn ysgrifenedig a'u hanfon at: Jason Jones, Rheolwr Eiddo a Phrosiectau Mawr, Eiddo Corfforaethol, Canolfan Datblygu Busnes Gwledig, Nant-y-Ci, Caerfyrddin, SA33 5DR dim hwyrach na 28 Mehefin 2017

Llinell Uniongyrchol: (01267) 246899  
Cyfeiriad e-bost: jajones@sirgar.gov.uk

Mark James, Y Prif Weithredwr,  
Neuadd Y Sir, Caerfyrddin

## Carmarthenshire County Council Local Government Act 1972 Section 123(2a)

Land at Spring Gardens, Carmarthen  
Land at Pleasant View / Felinfoel Quarry, Felinfoel  
Land adjacent to 53 Heol Elfed, Llwynhendy  
Site adjacent to 92 Felinfoel Road, Llanelli  
Land at Brynedda, Llansaint  
Land adjacent to 2 Dolwar Fach, Llwynhendy  
Land adjacent to 6 Llundain Fach, Felinfoel

Notice is hereby given that Carmarthenshire County Council intends to dispose of the above parcels of land, which form part of a public open space within the meaning of the above Section. Objections to the intended disposal must be made in writing and addressed to: Jason Jones, Property and Major Projects Manager, Rural Business Development Centre, Nant-y-Ci, Carmarthen, SA33 5DR by no later than 28 June 2017

Direct Line: (01267) 246899  
e-mail: jajones@carmarthenshire.gov.uk

Mark James, Chief Executive,  
County Hall, Carmarthen

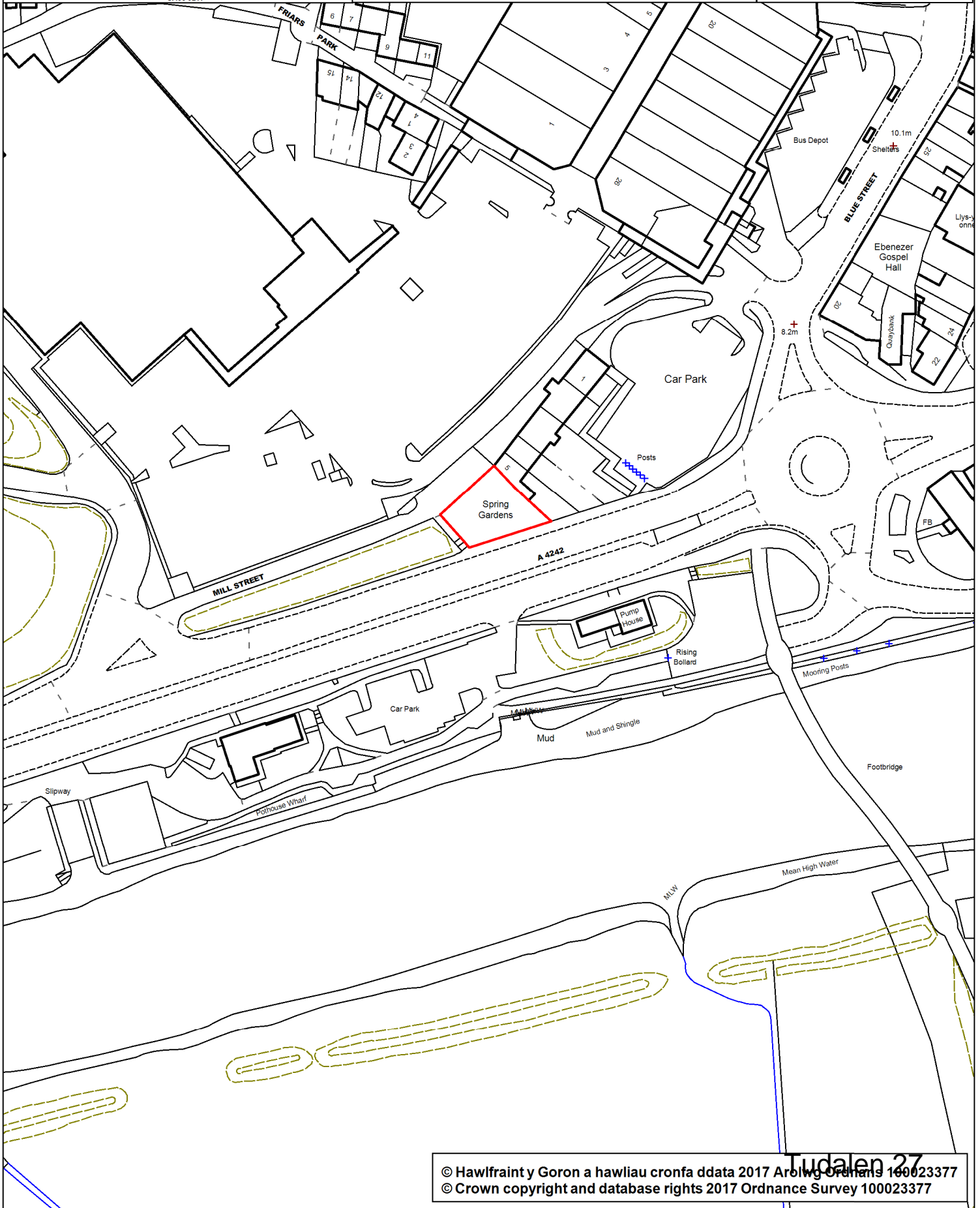
Mae'r dudalen hon yn wag yn fwriadol

# Land at Spring Gardens, Carmarthen

Dyddiad/Date: 05/04/2017

Cyf./Ref. KCD/HL

Graddfa/Scale - 1:1250



Mae'r dudalen hon yn wag yn fwriadol

Spring Gardens  
Carmarthen.

SA31 2LL

01267 230433

Dear Sir,

I am greatly concerned about the disposal of a piece of land adjacent to my property at Spring Gardens,

There is some subsidence here this land is all made up old cottages filled in with rubble and top soil, there are numerous cracks in our gable end wall, any movement or machinery being used here could have a serious detrimental affect on my property No 5.

Also this is our main side entrance here which we have used for 30 years or more and also access for maintenance to our house,

There are mains services running through gas, water electric, sewerage from the top to the bottom

I also cut the gears on the side as we have had a lot of trouble with rats, mice entering our house, been cutting for more than 20 years

I could assist with clearing all of this parcel of land and possibly plant some trees, shrubs, with the possibility of obtaining it.

My wife is partially sighted and this is our access to the car and back area, as we have, the main trunk road in front of the house and parking is a major issue, I object to any type of building being placed here.

Tudalen 30

Gearyn Ales

## Hazel M Newman

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**From:** Cllr. Gareth H John  
**Sent:** 14 May 2017 21:43  
**To:** Katie Crane-Davis; Cllr. Alun Lenny  
**Subject:** RE: Land at Spring Gardens, Carmarthen

Katie,

Have no comments to make

Thanks

Gareth

**From:** Katie Crane-Davis  
**Sent:** 11 May 2017 16:01  
**To:** Cllr. Alun Lenny <AlunLenny@carmarthenshire.gov.uk>; Cllr. Gareth H John <GHJohn@carmarthenshire.gov.uk>  
**Subject:** Land at Spring Gardens, Carmarthen

Dear Cllr. Lenny and Cllr. John

The land shown edged in red on the attached plan has been declared surplus to the Council's requirements and earmarked for disposal. Could you please confirm whether you have any comments to make in relation to the disposal by Friday 19<sup>th</sup> May?

Please do not hesitate to contact me if you have any queries.

Kind regards

Katie

**Katie Crane-Davis MRICS**

Syrfêwr Rheoli Asedau / Asset Management Surveyor  
Adran y Prif Weithredwr / Chief Executive's Department  
Cyngor Sir Gâr / Carmarthenshire County Council  
☎: 01267 246255 (Internal 6255) 📠: 07827 883389



Mae'r dudalen hon yn wag yn fwriadol



# Eitem Rhif 6

Yn rhinwedd paragraff(s) 14 o Rhan 4 o Atodlen 12A% o ddeddf Llywodraeth Leol 1972 fel y'i diwygiwyd  
Orchymyn Llywodraeth Leol (Mynediad at Wybodaeth) (Amrywio) (Cymru) 2007

Document is Restricted

Mae'r dudalen hon yn wag yn fwriadol

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Orchymyn Llywodraeth Leol (Mynediad at Wybodaeth) (Amrywio) (Cymru) 2007

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Mae'r dudalen hon yn wag yn fwriadol

# Eitem Rhif 7

Yn rhinwedd paragraff(s) 14 o Rhan 4 o Atodlen 12A% o ddeddf Llywodraeth Leol 1972 fel y'i diwygiwyd  
Orchymyn Llywodraeth Leol (Mynediad at Wybodaeth) (Amrywio) (Cymru) 2007

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Mae'r dudalen hon yn wag yn fwriadol

# Eitem Rhif 8

Yn rhinwedd paragraff(s) 14 o Rhan 4 o Atodlen 12A% o ddeddf Llywodraeth Leol 1972 fel y'i diwygiwyd  
Orchymyn Llywodraeth Leol (Mynediad at Wybodaeth) (Amrywio) (Cymru) 2007

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