

# Pecyn Dogfennau



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

**DYDD MAWRTH, 16 AWST 2016**

**AT: HOLL AELODAU'R Y BWRDD GWEITHREDOL**

YR WYF DRWY HYN YN EICH GALW I FYNYCHU CYFARFOD O'R Y  
**BWRDD GWEITHREDOL A GYNHELIR YN SIAMBR, NEUADD Y SIR,  
CAERFYRDDIN AM 11.00 AM. AR DYDD MAWRTH, 23AIN AWST, 2016 ER  
MWYN CYFLAWNI'R MATERION A AMLINELLIR AR YR AGENDA SYDD  
YNGHLWM**

*Mark James*

**PRIF WEITHREDWR**



**AILGYLCHWCH OS GWELWCH YN DDA**

<b>Swyddog Democrataidd:</b>	<b>Mr Kevin Thomas</b>
<b>Ffôn (Ilinell uniongyrchol):</b>	<b>01267 224027</b>
<b>Ffacs:</b>	<b>(01267) 224911</b>
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<b>Cyf:</b>	<b>AD016-001</b>



**EICH CYNGOR arleinamdani**  
[www.sirgar.llyw.cymru](http://www.sirgar.llyw.cymru)  
**YOUR COUNCIL doitonline**  
[www.carmarthenshire.gov.wales](http://www.carmarthenshire.gov.wales)

# Y BWRDD GWEITHREDOL

## AELODAETH: 10 AELOD

Y Cynghorydd	Portffolio:
Y Cynghorydd Emlyn Dole	<b>Yr Arweinydd (Plaid Cymru)</b> Arweinyddiaeth a Strategaeth Gorfforaethol; Cadeirydd y Bwrdd Gweithredol; Cynrychioli'r Cyngor - Cymdeithas Llywodraeth Leol Cymru; Eiriolwr Gwleidyddol y Cyngor; Penodi'r Aelodau o'r Bwrdd Gweithredol; Penderfynu ar Bortffolios yr Aelodau o'r Bwrdd Gweithredol; Cyswllt â'r Prif Weithredwr
Y Cynghorydd David Jenkins	<b>Dirprwy Arweinydd - Adnoddau (Plaid Cymru)</b> Cyllid a'r Gyllideb; TGCh; Rheoli Eiddo / Asedau; Caffael; Budd-daliadau Tai; Refeniw; Hyrwyddwr y Lluoedd Arfog a Chadeirio'r Bwrdd Gweithredol yn absenoldeb yr Arweinydd.
Y Cynghorydd Pam Palmer	<b>Dirprwy Arweinydd (Annibynnol)</b> Rheolwr Busnes y Cyngor; Hyrwyddwr Cymunedol; Ffocws Cwsmeriaid a Pholisi; Cyswllt â'r Heddlu; Diogelwch Cymunedol; Cynllunio Cymunedol Cyfiawnder Cymdeithasol/Trosedd ac Anhrefn; Hyrwyddwr Gwrth-dlodi; Cynaliadwyedd; Bioamrywiaeth; Llysgennad Ieuenctid; Materion Gwledig a Chadeirio'r Bwrdd Gweithredol yn absenoldeb yr Arweinydd.
Y Cynghorydd Hazel Evans	<b>Gwasanaethau Technegol (Plaid Cymru)</b> Sbwriel; Glanhau Strydoedd; Gwasanaethau Cludiant; Cynnal a Chadw Tiroedd; Gwasanaethau Adeiladau; Gwasanaethau Arlwygo; Gwasanaethau Gofalwyr Adeiladau; Glanhau Adeiladau; Cynlluniau Argyfwng; Llifogydd.
Y Cynghorydd Meryl Gravell	<b>Adfywio a Hamdden (Annibynnol)</b> Datblygu Economaidd; Canolfan Ewropeaidd Gorllewin Cymru; Datblygu Cymunedol; Chwaraeon; Canolfannau Hamdden; Amgueddfeydd; Llyfrgelloedd; Parc Gwledig
Y Cynghorydd Gareth Jones	<b>Addysg a Phlant (Plaid Cymru)</b> Ysgolion; Gwasanaethau Plant; Anghenion Addysgol Arbennig; Diogelu; Cartrefi Seibiant; Gwasanaeth Gwella Ysgolion Integredig Rhanbarthol; Addysg i Oedolion a Dysgu Cymunedol; Gwasanaethau Ieuenctid; yr Aelod Arweiniol dros Blant a Phobl Ifanc; Llysgennad yr Eisteddfod
Y Cynghorydd Linda Evans	<b>Tai (Plaid Cymru)</b> Tai (Cyhoeddus a Phreifat); Cydraddoldeb; Materion Pobol Hŷn
Y Cynghorydd Jim Jones	<b>Diogelu'r Cyhoedd a'r Amgylchedd (Annibynnol)</b> Gorfodi Materion Amgylcheddol; Sbwriel; Gwastraff Di-drwydded; Baw Cŵn; Gwasanaethau Parcio; Safonau Masnach; Iechyd yr Amgylchedd.
Y Cynghorydd Mair Stephens	<b>Adnoddau Dynol, Effeithlonrwydd a Chydweithio (Annibynnol)</b> Adnoddau Dynol; Hyfforddiant; Compact Simpson; Cyllidebu ar Sail Blaenoriaeth; Y Tîm Effeithlonrwydd Corfforaethol; Hyrwyddwr yr Iaith Gymraeg; Llysgennad Cyngorau Tref a Chymuned.
Y Cynghorydd Jane Tremlett	<b>Gofal Cymdeithasol ac Iechyd (Annibynnol)</b> Gwasanaethau Cymdeithasol i Oedolion; Gofal Preswyl; Gofal Cartref; Anableddau Dysgu; Iechyd Meddwl; Cysylltu/ Cydweithredu/Integreiddio â'r GIG; Hyrwyddwr Gofalwyr; Llysgennad Anabledd; Hyrwyddwr Gofal Dementia; Hyrwyddwr 50+ a Chynrychiolydd Grwp Llywio

# AGENDA

1. YMDDIHEURIADAU AM ABSENOLDEB.
2. DATGAN BUDDIANNAU PERSONOL.
3. CWESTIYNAU Â RHYBYDD GAN AELODAU
4. CWESTIYNAU A RHYBYDD GAN Y CYHOEDD
5. TREFNIADAU LLYWODRAETHU AR GYFER PANEL YR AELODAU O RAN APELIADAU CLUDIANT O'R CARTREF I'R YSGOL 5 - 12
6. TIR A DDELIR MEWN YMDDIRIEDOLAETH ELUSENNOL-CANIATÂD YMDDIRIEDOLWR 13 - 18
7. UNRHYW FATER ARALL Y GALL Y CADEIRYDD OHERWYDD AMGYLCHIADAU ARBENNIG BENDERFYNU EI YSTYRIED YN FATER BRYD YN UNOL AG ADRAN 100B(4)(B) O DDEDDF LLYWODRAETH LEOL, 1972.

Mae'r dudalen hon yn wag yn fwriadol

## Cyfarfod y Bwrdd Gweithredol 23ain Awst 2016

**Trefniadau Llywodraethu ar gyfer Panel yr Aelodau o ran Apeliadau Cludiant o'r Cartref i'r Ysgol.**

**Y Pwrpas: Cytuno ar drefniadau llywodraethu ar gyfer gwneud penderfyniadau yn ystod Panel yr Aelodau o ran Apeliadau Cludiant o'r Cartref i'r Ysgol**

### **Yr Argymhellion / Penderfyniadau Allweddol Sydd Eu Hangen:**

Ystyried a chytuno ar y trefniadau llywodraethu arfaethedig.

### **Y Rhesymau:**

Er mwyn egluro'r broses gwneud penderfyniadau.

Ymgynghorwyd â'r pwyllgor craffu perthnasol NA  
Angen i'r Bwrdd Gweithredol wneud penderfyniad OES  
Angen i'r Cyngor wneud penderfyniad NAC OES

YR AELOD O'R BWRDD GWEITHREDOL SY'N GYFRIFOL AM Y PORTFFOLIO:- Y Cyng. Hazel Evans

#### **Y Gyfarwyddiaeth:**

**Enw Pennaeth y Gwasanaeth:**

Linda Rees-Jones

**Awdur yr Adroddiad:**

Linda Rees Jones

**Swyddi:**

Pennaeth y Gweinyddiaeth a'r Gyfraith

**Rhifau ffôn:**

01267224010

**Cyfeiriadau E-bost:**

[LRJones@carmarthenshire.gov.uk](mailto:LRJones@carmarthenshire.gov.uk)

**EXECUTIVE SUMMARY  
EXECUTIVE BOARD MEETING  
23/8/16**

**GOVERNANCE ARRANGEMENTS FOR THE MEMBERS HOME TO SCHOOL  
TRANSPORT APPEALS PANEL**

1. At its meeting of the 13<sup>th</sup> April 2016 County Council considered a Notice of Motion and an Amendment to the Notice, and resolved “to set up an appeals panel to deal with Home to School Transport with relevant officers in an advisory capacity, alongside voting members – the Executive Board Member for Transport, the Executive Board Member for Education and Children’s Services and the local member for the relevant ward”.
2. Governance arrangements need to be agreed to set out the way in which appeal decisions will be taken, and are attached for the Board’s approval (as such appeals are an executive function).

**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: Linda Rees Jones

Head of Administration & Law

Policy, Crime & Disorder and Equalities	Legal	Finance	ICT	Risk Management Issues	Staffing Implications	Physical Assets
YES	YES	YES	NONE	NONE	YES	NONE

## 1. Policy, Crime & Disorder and Equalities

The Authority has an approved and published Policy on the Provision of Free School Transport.

This proposal will set up a Members Appeal Panel to take the final determination on home to school transport applications.

## 2. Legal

Decisions of the Members Home to School Transport Appeal Panel will potentially be liable to be Judicially Reviewed in the High Court. It is therefore necessary to set out a clear decision-making process in case of challenge.

## 3. Finance

Any appeals allowed will be a cost against the Transport Department's Home to School transport budget.

Reintroduction of £30K staffing costs previously taken out of budget when a policy officer's post was released. Plus staffing related costs in relation to staff attendance at appeal hearings.

## 4. Staffing Implications

Various officers will need to be allocated to deal with the administrative aspects of setting up appeal hearings, and to provide technical and legal advice to the Panel at its appeal hearings.

## CONSULTATIONS

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

Signed: Linda Rees Jones

Head of Administration & Law

1. Scrutiny Committee - none

2. Local Member(s) - none

3. Community / Town Council - none

4. Relevant Partners - none

5. Staff Side Representatives and other Organisations - none

**Section 100D Local Government Act, 1972 – Access to Information  
List of Background Papers used in the preparation of this report:**

Title of Document	File Ref No.	Locations that the papers are available for public inspection
Minutes of Meeting of County Council of the 13th April 2016		On the Council's website
Carmarthenshire County Council's general Policy on providing Free School Transport		On the Council's website



**Procedure – Free School Transport Applications & Appeals**  
**From 1/9/16 onwards**

**For the purposes of decisions at first instance, stage 1 and stage 2 appeals**  
**Carmarthenshire County Council’s School transport Policy is as set out in its “School**  
**transport Policy (1<sup>st</sup> October 2015 edition)**

**Decisions at First Instance**

- Applications for free school transport shall be determined at first instance by the Authority’s Passenger Transport Operations Manager or his / her authorised delegated officer.
- Should an application be refused the decision will be confirmed in writing to the learner/s parent/s / guardian/s and the reasons given for how this decision was reached. If the parent/s / guardian/s are not in agreement with the decision at first instance an application for review will lie to the Authority’s Stage I Officers Review Panel.

**Stage 1 Officers Review Panel – Application for school transport.**

- Applications for a review of a refusal of free school transport made by the decision maker at first instance shall be submitted in writing and received by the Authority on the prescribed review form within 28 days of the date of refusal letter at first instance.
- Such applications for review shall be determined by the Officers Review Panel who will make a decision as to whether the request meets all the criteria set out in Carmarthenshire County Council’s Free School Transport Policy or if it falls within one of the exceptions listed in the Policy.
- If approved, travel arrangements are made and where appropriate a bus pass will be issued, and the applicant notified in writing.
- Should an application for review be unsuccessful, the decision will be confirmed in writing to the parent(s)/guardian(s) and the reasons given for how this decision was reached. If the parent(s)/guardian(s) are not in agreement with the decision, a written appeal will lie to the Authority’s Stage 2 Members Home to School Transport Appeals Panel, if the parent / guardian so elects.

**Membership of Stage 1 Panel:**

- Head of Transport & Engineering or his nominated representative (1 vote, and casting vote in event of equality of votes)
- Representative from the Legal Department (1 vote)
- Representative from the Education and Children’s Services Department (1 vote)
- Any application form(s)/documentation received will be presented to the School Transport Review Panel by the Learner Travel Policy & Development Officer and/or the Operations Manager (Passenger Transport) (no vote)
- There will be a minute taker present who will record all decisions

- Parent(s)'s/Guardian(s)'s representations to the Panel will be by way of their written representations, as outlined above, and will not be by way of their attendance at the Panel

### **Stage 2 – Appeal against refusal of Free School transport**

- Appeals against refusal of free school transport by the Stage 1 Officers Review Panel shall be submitted in writing and received by the Authority by the date specified in the original stage 1 Review Panel decision letter and must state the reasons why the appellant disagrees with the Stage 1 Officers Review Panel's decision. The only available grounds are as specified in the Policy.
- The appeal shall be against the decision of the Stage 1 Review Panel and shall not plead any new grounds (in that any new grounds would require a fresh application for stage 1 determination)
- The School Transport Member Appeal Panel will consider any appeals received at its next scheduled meeting.
- The decision of the Stage 2 Appeal Panel shall be final.

### **Membership of Stage 2 Members Home to School Appeals Panel**

- The Executive Board Member for Technical Services and the Executive Board Member for Education & Childrens Services together with the local member (or both members in a 2 member ward) (ie. "local" member for the appellant learner/s ward). On a day when multiple appeals are considered the "local" member/s shall only remain in the appeal hearing during consideration of their own ward learner/s appeals.
- Any local ward member who is unable to attend the Panel meeting may submit representations in writing.
- The Chair of the Members Appeal Panel shall be the Executive Board Member for Technical Services (or in his or her absence the Executive Board Member for Education and Childrens Services)
- The quorum for the stage 2 panel shall be 2 of which at least one must be an Executive Board Member
- Each member shall have a vote, save that the Chair of the Appeals Panel shall have the casting vote in the event of equality of votes
- Representative from the Legal Department to provide legal and procedural advice (no vote)
- Representatives from the Environment Department and / or Education and Childrens Services Departments to provide technical and education advice and information (no vote)
- Minute taker (no vote)
- The usual provisions regarding declarations of interests etc. will apply.

- Parent(s) / Guardian(s) representations to the Panel will be by way of written representations and no provision is made for attendance in person before the Panel.
- The Panels will be held on a monthly basis (unless the volume of appeals requires otherwise)

Mae'r dudalen hon yn wag yn fwriadol

**Y BWRDD GWEITHREDOL  
23AIN AWST 2016**

**TIR A DDELIR MEWN YMDDIRIEDOLAETH ELUSENNOL-  
CANIATÂD YMDDIRIEDOLWR**

**Yr Argymhellion / Penderfyniadau Allweddol sydd eu hangen:**

- Rhoi trwydded i Fforwm Trimsaran i ganiatáu rhoi is-brydles ar gyfer gosod paneli haul ar Ganolfan Hamdden Trimsaran.

**Rhesymau:**

- Gofynnwyd i Gyngor Sir Caerfyrddin, yn rhinwedd bod yn ymddiriedolwr Cae Chwarae Trimsaran, yn unol â phrydles dyddiedig 25 Gorffennaf 2000, ganiatáu isosod rhan o Ganolfan Hamdden Trimsaran i elusen ynni cymunedol er mwyn gosod paneli haul ar y ganolfan honno.

Angen ymgynghori â'r pwyllgor craffu perthnasol: **NAC OES**

Angen i'r Bwrdd Gweithredol wneud penderfyniad OES - 23 Awst 2016

Angen i'r Cyngor wneud penderfyniad NAC OES

**YR AELOD O'R BWRDD GWEITHREDOL SY'N GYFRIFOL AM Y PORTFFOLIO:-**

Y Cyng. Emlyn Dole

Y Gyfarwyddiaeth: Cymunedau  Enw Pennaeth y Gwasanaeth:  Ian Jones   Awdur yr Adroddiad:  Ian Jones	Swyddi:  Pennaeth Hamdden	Rhif Ffôn: 01267 228309  Cyfeiriadau E-bost:  IJones@sirgar.gov.uk  Rhif Ffôn:-
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# EXECUTIVE SUMMARY EXECUTIVE BOARD 23<sup>RD</sup> AUGUST, 2016

## LAND HELD ON CHARITABLE TRUST– TRUSTEE CONSENT

By way of background information a substantial area of land situated at Trimsaran was acquired by the former Llanelli Borough Council from the Trustees of Trimsaran Welfare Association by virtue of a Conveyance dated the 22<sup>nd</sup> February 1995 ('the 1995 Conveyance'). Part of the land thereby acquired encompassed the Village Hall but the building itself was specifically excluded from the acquisition. The Carmarthenshire County Council is successor in title to the former Llanelli Borough Council by virtue of The Local Government (Wales) Act 1994 and pursuant thereto the Local Government Reorganisation (Wales) Property etc) Order 1996.

The Trustees of Trimsaran Welfare Association originally acquired the land from the National Coal Board by virtue of a Conveyance on the dated the 25<sup>th</sup> June 1966 ('the 1966 Conveyance').

The 1995 Conveyance stipulated that Llanelli Borough Council as the Grantee named therein should hold and maintain the land for the purpose specified in the 1966 Conveyance upon the trusts more particularly referred to in a Declaration of Trust dated the 10<sup>th</sup> April 1973 made by the Trustees of Trimsaran Welfare Association.

In the year 2000 there was a proposal to grant a Lease of a parcel of land comprised in the 1995 Conveyance to Trimsaran Forum (a registered charity no. 1081441). Investigations at the time confirmed that a previous Agreement for the management of the land was defective and to remedy the position two new Charitable Schemes were created; one relating to the Trimsaran Recreation Ground which affected the land comprised in the 1995 Conveyance and of which **the Carmarthenshire County Council is the Trustee** whilst the other related specifically to the Trimsaran Village Hall of which **the Trimsaran Community Council is the Trustee**. These two new Charitable Schemes replaced the trusts previously created by the Trimsaran Recreation Ground and Village Hall Charity.

The Trimsaran Recreation Ground is a charity registered with the Charity Commission under charity no. 1085975 and the pertinent scheme which governs this charity was made by the Charity

Commission on the 14<sup>th</sup> July 2000 and marked Case No: 15040a. The objects of the Trimsaran Recreation Ground Charity are described as follows:

'in the interests of social welfare, to improve the conditions of life for the inhabitants of the area of benefit without distinction of political, religious or other opinions by the provision and maintenance of a recreation ground.'

Following the creation of the two Charitable Schemes and after consultation with the Charity Commission and the Coal Industry Social Welfare Organisation (CISWO) a lease of part of the land contained in the 1995 Conveyance was granted to Trimsaran Village Forum (a registered charity) on the 25<sup>th</sup> July, 2000 for a term of 99 years ('the Lease') and upon which the present sports/welfare hall ('the Premises') was constructed.

The Lease contains an express provision which prohibits assigning, charging or under letting the whole or part only of the demised premises.

The Trustees of Trimsaran Village Forum have been in discussion with Awel Aman Tawe, a community energy charitable organisation, for the installation of solar panels on the roof of the Premises so that it may benefit from a feed in tariff. To achieve this there would be requirement to grant a sub-lease of the roof space to Awel Aman Tawe. Under the terms of the Lease this is prohibited but such provision does not preclude Carmarthenshire County Council, as trustee, from granting specific consent for a sub-letting to a third party when the circumstances are deemed appropriate, having regard to the permitted user and objectives of the charity. The terms of the Lease were originally agreed in consultation with CISWO and by granting consent to sub-let there is no intention to vary the terms of the Lease. Having consulted Corporate Property on the proposal to install solar panels on the Premises it was confirmed that there was no objection to doing so.

## **Recommendations**

Having regard to the purposes for which the sub-letting is required and subject to you being satisfied that the objectives of the charity along with the permitted user specified in the Lease, which reflect those of the charitable scheme, are not compromised it is recommended that Carmarthenshire County Council as trustee be granted consent to issue a licence to Trimsaran Forum to sub-let the roof space for the purpose of installing solar panels.

<b>DETAILED REPORT ATTACHED?</b>	<b>No</b>
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## 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: Ian Jones

Head of Leisure

Policy, Crime & Disorder and Equalities	Legal	Finance	ICT	Risk Management Issues	Staffing Implications	Physical Assets
<b>NONE</b>	<b>YES</b>	<b>NONE</b>	<b>NONE</b>	<b>NONE</b>	<b>NONE</b>	<b>NONE</b>

### 2. Legal

There is a requirement to issue specific consent to the tenant of a lease to enable the granting of a sub-lease of part of the premises subject of the demise.

## CONSULTATIONS

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

Signed: . Ian Jones

Head of Leisure

### 1. Scrutiny Committee

N/A

### 2. Local Member(s)

N/A

### 3. Community / Town Council

N/A

### 4. Relevant Partners

N/A

### 5. Staff Side Representatives and other Organisations

N/A



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

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

Yes

Title of Document	File Ref No.	Locations that the papers are available for public inspection
<b>Charitable Scheme relating to Trimsaran Recreation Ground</b>	<b>PLSP- 023</b>	<b>County Hall, Carmarthen SA31 1JP</b>
<b>Correspondence by e-mail received from Awel Aman Tawe and Trimsaran Forum</b>	<b>PLSP- 023</b>	<b>County Hall, Carmarthen SA31 1JP</b>

Mae'r dudalen hon yn wag yn fwriadol