

Pecyn Dogfennau



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DYDD MAWRTH, 9 IONAWR 2024

AT: HOLL AELODAU Y PWYLLGOR SAFONAU

YR WYF DRWY HYN YN EICH GALW I FYNYCHU CYFARFOD O'R PWYLLGOR SAFONAU A GYNHELIR YN SIAMBR, NEUADD Y SIR, CAERFYRDDIN, SA31 1JP AC O BELL AM 1.30 YP DYDD MAWRTH, 16 IONAWR, 2024 ER MWYN CYFLAWNI'R MATERION A AMLINELLIR AR YR AGENDA SYDD YNGHLWM

Wendy Walters

PRIF WEITHREDWR

Swyddog Democrataidd:	Janine Owen
Ffôn (Ilinell uniongyrchol):	01267 224030
E-Bost:	JanineOwen@sirgar.gov.uk
Gellir gwyllo'r cyfarfod ar wefan y cyngor drwy'r ddolen canlynol:- https://carmarthenshire.public-i.tv/core/portal/home	

Wendy Walters Prif Weithredwr, *Chief Executive*,
Neuadd y Sir, Caerfyrddin. SA31 1JP
County Hall, Carmarthen. SA31 1JP

PWYLLGOR SAFONAU

Aelodau Annibynnol (5)

1. **Mrs Mary Dodd**
2. **Ms Caryl Davies**
3. **Mrs Daphne Evans**
4. **Mrs Julie James**
5. **Mr Frank Phillips**

Aelod Pwyllgor Cymunedol (1)

1. **Y Cynghorydd Tref Phillip Rogers**

Aelodau Etholedig y Cyngor Sir (3)

1. **Y Cynghorydd Betsan Jones**
2. **Y Cynghorydd Rob James**
3. **Y Cynghorydd Gareth Thomas**

AGENDA

1. YMDDIHEURIADAU AM ABSENOLDEB.
2. DATGAN BUDDIANNAU PERSONOL.
3. I LOFNODI FEL COFNOD CYWIR COFNODION CYFARFOD Y PWYLLGOR A GYNHALIWYD AR 11 RHAGFYR 2023 5 - 8
4. CAIS AM OLLYNGIAD GAN Y CYNGHORYDD ALED DAVIES, CYNGHORYDD ALUN DAVIES, CYNGHORYDD ARWEL DAVIES, CYNGHORYDD MARK HARRIES, CYNGHORYDD ANDREW THOMAS 9 - 18
5. CAIS AM OLLYNGIAD GAN Y CYNGHORYDD PETER COMLEY 19 - 28
6. UNRHYW FATERION ARALL Y DYLLID, YM MARN Y CADEIRYDD, EI YSTYRIED YN FATER BRYD OHERWYDD AMGYLCHIADAU ARBENNIG YN UNOL AG ADRAN 100B(4)(B) O DDEDDF LLYWODRAETH LEOL 1972.

Mae'r dudalen hon yn wag yn fwriadol

PWYLLGOR SAFONAU

DYDD LLUN, 11 RHAGFYR 2023

PRESENNOL M. Dodd (Cadeirydd)

Aelodau Annibynnol (Yn y Siambr):

D. Evans J. James

Aelodau Annibynnol (Yn rhithwir):

C. Davies F. Phillips P. Rogers

Hefyd yn bresennol (Yn y Siambr):

R. Edgecombe, Rheolwr y Gwasanaethau Cyfreithiol

L. Davies, Cyfieithydd ar y Pryd

D. Hall-Jones, Swyddog Cefnogi Aelodau

K. Thomas, Swyddog Gwasanaethau Democrataidd

Hefyd yn bresennol (Yn rhithwyr):

E. Evans, Prif Swyddog Gwasanaethau Democrataidd

Siambr – Neuadd y Sir, Caerfyrddin SA31 1JP ac O Bell - 2.00 - 3.00 yp

1. YMDDIHEURIADAU AM ABSENOLDEB.

Derbyniwyd ymddiheuriadau am absenoldeb gan y Cynghorwyr B. Jones a G.B. Thomas.

2. DATGAN BUDDIANNAU PERSONOL.

Ni chafwyd datganiadau o fuddiant personol.

3. I LOFNODI FEL COFNOD CYWIR COFNODION CYFARFOD Y PWYLLGOR A GYNHALIWDYD AR 19 HYDREF 2023

PENDERFYNWYD YN UNFRYDOL lofnodi bod cofnodion cyfarfod y Pwyllgor Safonau a gynhaliwyd ar 19 Hydref 2023 yn gofnod cywir.

4. DIWEDDARIAD AR Y CAMAU GWEITHREDU

Cafodd y Pwyllgor adroddiad a nodai'r hyn a wnaed mewn perthynas â'r camau, ceisiadau, neu atgyfeiriadau a oedd wedi deillio o gyfarfodydd blaenorol.

PENDERFYNWYD YN UNFRYDOL dderbyn yr adroddiad.

5. ADOLYGIAD O WEITHDREFNAU GWRANDAWIAD DISGYBLU

Bu'r Pwyllgor yn ystyried adroddiad a oedd yn manylu ar y weithdrefn ddiwygiedig ar gyfer gwrandawiaidau Côd Ymddygiad yn erbyn cynghorwyr a

Sylwer: Mae'r cofnodion hyn yn amodol ar gael eu cadarnhau yn y cyfarfod nesaf

fabwysiadwyd yn flaenorol ym mis Mehefin 2022, gyda'r newidiadau'n adlewyrchu'r profiad a enillwyd wrth gynnal dau wrandawriad yn 2023. Manylwyd ar y weithdrefn ddiwygiedig yn yr atodiad i'r adroddiad a dyma'r prif newidiadau y cytunwyd arnynt yn flaenorol:

1. Diwygio'r gweithdrefnau i adlewyrchu bod hawl gan y Cynghorydd i gael cynrychiolydd cyfreithiol.
2. Egluro y bydd gwrandawriadau terfynol fel arfer yn cael eu clywed yn gyhoeddus.
3. Darparu ar gyfer cyflwyno cwestiynau i swyddog ymchwilio'r Ombwdsmon (lle nad yw'r swyddog hwnnw hefyd yn dyst yn yr achos)
4. Cynnwys datganiad cyffredinol mai bwriad y weithdrefn yw darparu cyfiawnder a thegwch i'r cynghorydd sy'n destun yr ymchwiliad ac unrhyw bartion eraill dan sylw ac y bwriedir iddo hefyd gyflawni budd ehangach y cyhoedd o gael proses feirniadu agored a theg.
5. Cynnwys datganiad cyffredinol y gall y Pwyllgor adolygu'r weithdrefn mewn unrhyw achos, gan roi sylw i lesiant y cyhoedd a'r angen am broses feirniadu gymesur.

Nododd y Pwyllgor, er bod ystyriaeth wedi'i rhoi i'r cynnig, y dylid uno'r camau asesu cychwynnol ac adolygu cyn gwrandawriad i leihau'r cyfnod cyffredinol o amser dan sylw, na fyddai hynny'n bosibl am resymau cyfreithiol. Yn hytrach, roedd y rhan honno o'r weithdrefn wedi'i symleiddio cymaint â phosibl.

Nododd y Pwyllgor y dylid diwygio'r cyfeiriad at 'subject for the investigation' yn ail baragraff tudalen 19 i ddarllen 'subject of the investigation'.

Cyfeiriodd Rheolwr y Gwasanaethau Cyfreithiol at ymholiad a godwyd ynghylch rhan 6.1 o'r weithdrefn yn ymwneud â'r achos yn cael ei gynnal yn gyhoeddus, a chadarnhaodd y gallai ddiwygio'r geiriau i egluro y byddai aelodau'r cyhoedd yn bresennol yn y gwrandawriad fel 'arsylwyr yn unig' ac na fyddai hawl ganddynt gymryd rhan yn y gwrandawriad.

Cyfeiriwyd at 9.1 o'r polisi a fabwysiadwyd ym mis Mehefin 2022 hy: "Lle y gofynnwyd amdano bydd y gwrandawriad yn cael ei gynnal yn Gymraeg er mwyn bodloni gofynion statudol a Safonau'r Gymraeg. Bydd gwasanaeth cyfieithu yn cael ei ddarparu ar gyfer unrhyw berson sy'n bresennol yn y Gwrandawriad sy'n gofyn amdano'. Rhoddwyd gwybod i'r Pwyllgor nad oedd yr elfen honno wedi'i chynnwys yn y weithdrefn newydd. Cadarnhaodd Rheolwr y Gwasanaethau Cyfreithiol y byddai'r weithdrefn newydd yn cael ei diwygio i gynnwys y geiriad hwnnw.

Cadarnhaodd Rheolwr y Gwasanaethau Cyfreithiol, mewn ymateb i gwestiwn ar gynnwys amseroedd o dan ran 4 o'r trafodion, y darparwyd ar eu cyfer o fewn 4.2 ond y gallai ddiwygio geiriad 4.2 i ddarllen 'amseroedd cywir'.

PENDERFYNWYD YN UNFRYDOL, yn amodol ar y diwygiadau y cyfeiriwyd atynt uchod, fabwysiadu'r weithdrefn ffurfiol ddiwygiedig ar gyfer clywed camau disgyblu Côt Ymddygiad yn erbyn cynghorwyr yn dilyn adroddiad

Sylwer: Mae'r cofnodion hyn yn amodol ar gael eu cadarnhau yn y cyfarfod nesaf

gan Ombwdsmon Gwasanaethau Cyhoeddus Cymru, yn unol â Rhan III o Ddeddf Llywodraeth Leol 2000.

6. RHODDION A LLETYGARWCH

Cafodd y Pwyllgor adroddiad a oedd yn manylu ar nifer y datganiadau a wnaed gan Gynghorwyr Cyngor Sir Caerfyrddin yn unol â Pharagraff 17 o Gôd Ymddygiad yr Aelodau ar gyfer rhoddion a lletygarwch sy'n werth dros £25 yn dilyn etholiadau llywodraeth leol Mai 2022. Nodwyd bod 8 datganiad wedi'u derbyn.

PENDERFYNWYD YN UNFRYDOL dderbyn yr adroddiad.

7. PROTOCOL AR GYFER UNIONI Cwynion LEFEL ISEL GAN AELOD YN ERBYN AELOD YNGHYLCH Y CÔD YMDDYGIAD

Cafodd y Pwyllgor brotocol y Cyngor ar gyfer unioni cwynion lefel isel gan aelod yn erbyn aelod ynghylch y côd ymddygiad, fel y'i mabwysiadwyd ar 10 Gorffennaf 2013, a oedd fel arfer yn ymwneud ag achosion honedig o fethu â dangos parch ac ystyried tuag at eraill, fel sy'n ofynnol o dan baragraff 4(b) o'r Côd, neu wneud cwynion blinderus, maleisus neu wamal yn erbyn aelodau eraill o dan baragraff 6(1)(d) o'r Côd.

Nodwyd bod y Ddeddf Llywodraeth Leol ac Etholiadau (Cymru) yn gosod dyletswydd newydd ar Arweinwyr Grwpiau i hyrwyddo safonau uchel o ymddygiad ymhlith aelodau eu grwpiau, a oedd yn gyson â'r trefniadau a fabwysiadwyd gan y Cyngor yn 2013.

Dywedodd Rheolwr y Gwasanaethau Cyfreithiol, mewn ymateb i ymholiad ar yr adran yn yr adroddiad sy'n ymwneud ag achosion parhaus o dorri'r rheolau ac ar bwy fyddai'n gyfrifol am adrodd i'r Ombwdsmon am aelod sy'n torri rheolau'r Côd yn barhaus, y byddai'n codi'r mater hwnnw gyda Swyddog Monitro'r Cyngor ac yn rhoi gwybod i'r aelodau am ganlyniad y drafodaeth honno drwy e-bost. Pe byddai aelodau o'r farn ei fod yn briodol yn dilyn y cyngor hwnnw, gallai'r Pwyllgor baratoi adroddiad i'w ystyried yn ei gyfarfod nesaf ym mis Mawrth 2024. Eglurodd hefyd y byddai angen i'r Cyngor benderfynu ar unrhyw newidiadau dilynol i'r protocol.

8. DYLETSWYDDAU ARWEINWYR Y GRWPIAU

Bu'r Pwyllgor yn ystyried adroddiad ar ddyletswyddau Arweinwyr Grwpiau o dan y Ddeddf Llywodraeth Leol ac Etholiadau (Cymru) ac i Ganllawiau Llywodraeth Cymru ac, yn dilyn ei gyfarfod a gynhaliwyd ym mis Medi 2023, rhoddwyd gwybod ei bod yn ofynnol iddo gytuno ar y 4 mater canlynol:

1. Unrhyw newidiadau i'r templed a ddefnyddir gan Arweinwyr Grwpiau wrth adrodd i'r pwyllgor (atodir copi ohono i'r adroddiad).
2. Y dyddiad cau ar gyfer cyflwyno adroddiadau.

Sylwer: Mae'r cofnodion hyn yn amodol ar gael eu cadarnhau yn y cyfarfod nesaf

3. Y dyddiad y bydd y pwyllgor yn cyfarfod ag Arweinwyr Grwpiau ar ddechrau blwyddyn y cyngor 2024-2025.
4. Y meini prawf ar gyfer mesur perfformiad yr Arweinwyr Grwpiau (atodir copi ohonynt i'r adroddiad).

Cyfeiriodd Rheolwr y Gwasanaethau Cyfreithiol at bwyntiau 2 a 3 uchod a rhoddwyd gwybod bod 22 Ebrill 2024 wedi'i nodi dros dro yn nyddiadur y Cyngor i'r Pwyllgor gyfarfod ag Arweinwyr y Grwpiau ac awgrymodd, pe byddai'r Pwyllgor yn cytuno ar y dyddiad hwnnw, mai'r dyddiad cau ar gyfer cyflwyno'i adroddiadau fyddai 5 Ebrill 2024.

Cyfeiriwyd at ddefnydd aelodau o ddulliau cyfathrebu ar-lein e.e. Facebook, WhatsApp ac ati mewn perthynas â hyrwyddo cwrteisi a pharch. Awgrymodd Rheolwr y Gwasanaethau Cyfreithiol y gellid cynnwys llinell ychwanegol briodol sy'n cwmpasu'r agwedd honno yn y templed a'r meini prawf y byddai perfformiad yn cael ei fesur yn eu herbyn.

PENDERFYNWYD YN UNFRYDOL

- 8.1 **Bod y templed sydd i'w ddefnyddio gan Arweinwyr Grwpiau yn cael ei gymeradwyo yn amodol ar gynnwys llinell ychwanegol i fynd i'r afael â hyrwyddo cwrteisi a pharch wrth gyfathrebu ar-lein**
 - 8.2 **Mai'r dyddiad cau ar gyfer cyflwyno adroddiadau Arweinwyr Grwpiau fydd 5 Ebrill 2024.**
 - 8.3 **Bod y Pwyllgor yn cyfarfod ag Arweinwyr Grwpiau ar 22 Ebrill 2024.**
 - 8.4 **Bod y meini prawf ar gyfer mesur perfformiad Arweinwyr y Grwpiau yn amodol ar gynnwys meini prawf ychwanegol yn ymwneud â monitro cyfathrebu ar-lein.**
9. **UNRHYW FATER ARALL Y GALL Y CADEIRYDD OHERWYDD AMGYLCHIADAU ARBENNIG, BENDERFYNU EI YSTYRIED YN FATER BRYN YN UNOL AG ADRAN 100B(4)(B) DEDDF LLYWODRAETH LEOL 1972**

Nid oedd dim materion brys i'w trafod.

CHAIR

DATE

Sylwer: Mae'r cofnodion hyn yn amodol ar gael eu cadarnhau yn y cyfarfod nesaf

Y PWYLLGOR SAFONAU

16 IONAWR 2024

**CAIS AM OLLYNGIAD GAN Y CYNGHORYDD ALED DAVIES,
CYNGHORYDD ALUN DAVIES, CYNGHORYDD ARWEL DAVIES,
CYNGHORYDD MARK HARRIES, CYNGHORYDD ANDREW THOMAS**

Pwrpas: Ystyried y cais a phenderfynu a ddylid caniatáu gollyngiad

Ystyried y materion canlynol a chyflwyno sylwadau arnynt:

Penderfynu a ddylid caniatáu'r cais am ollyngiad

Y rhesymau:

Mae gan y Cynghorydd Aled Davies, Alun Davies, Arwel Davies, Mark Harries, Andrew Thomas fuddiant personol a rhagfarnol a fyddai fel arall yn ei hatal rhag cymryd rhan yn y busnes cyngor hwn

YR AELOD CABINET SY'N GYFRIFOL AM Y PORTFFOLIO: Ddim yn berthnasol

Y Gyfarwyddiaeth

Enw Pennaeth y Gwasanaeth:

Linda Rees-Jones

Awdur yr Adroddiad:

Robert Edgecombe

Swyddi:

Pennaeth Gweinyddiaeth a'r
Gyfraith

Rheolwr y Gwasanaethau
Cyfreithiol

Rhifau ffôn:

01267 224012

LRJones@sirgar.gov.uk

01267 224018

rjedgeco@sirgar.gov.uk

EXECUTIVE SUMMARY
STANDARDS COMMITTEE
16 JANUARY 2024

**DISPENSATION APPLICATION BY COUNCILLOR ALED DAVIES,
COUNCILLOR ALUN DAVIES, COUNCILLOR ARWEL DAVIES,
COUNCILLOR MARK HARRIES, COUNCILLOR ANDREW THOMAS**

A dispensation application has submitted by the clerk to Manordeilo and Salem Community Council on behalf of 5 councillors to speak and vote and make written representations in relation to council business regarding the Bute Energy Towy Usk Energy Scheme

Each councillor would have a personal and prejudicial interest in such business. Details of their interests are set out in a schedule annexed to the dispensation application, which is attached to this report.

The Councillors seek dispensation on the following grounds under the Standards Committees (Grant of Dispensations)(Wales) Regulations 2001

Regulation 2(d) – the nature of the member’s interest is such that the member’s participation in the business to which the interest relates would not damage public confidence in the conduct of the relevant authority’s business.

Regulation 2(f) – the participation of the member in the business to which the interest relates is justified by the members particular role or expertise.

The application references the fact that these 5 councillors make up 41% of the total membership of the Council.

The committee has previously granted dispensations to other councillors from Llanwrda Community Council (1), Llandeilo Town Council (1), Llanarthne Community Council (3) and Carmarthenshire County Council (3) in respect of similar interests. In each case the dispensation was granted to speak only or speak and make written representations.

If the committee is minded to grant the request it will need to determine the duration of the dispensation.

DETAILED REPORT ATTACHED ?

NO

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 and Law

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

CONSULTATIONS

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

Signed: *LRJones*

Head of Administration and Law

1. **Scrutiny Committee** – not applicable
2. **Local Member(s)** - not applicable
3. **Community / Town Council** - not applicable
4. **Relevant Partners** - not applicable
5. **Staff Side Representatives and other Organisations** - not applicable

CABINET MEMBER PORTFOLIO HOLDER(S) AWARE/CONSULTED

N/A

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

There are none.

Mae'r dudalen hon yn wag yn fwriadol

APPLICATION TO THE STANDARDS COMMITTEE FOR DISPENSATION

Please note that each section MUST be completed. Please refer to the attached Guidance Notes when completing the form.

1. YOUR DETAILS

Your full name: Elizabeth Jane Davies (Clerk)

Name of your Council: Manordeilo and Salem Community Council

Email address: janedavies41@gmail.com

2. DETAILS OF YOUR INTEREST

What is the matter under consideration?

Bute Energy Towy Usk Grid Connection Scheme

What is your interest in the above matter?

This is a group application. Please see attached schedule with names of five Councillors with details of their interests.

When will the above matter be considered?

No date has been set

Are you applying for dispensation to:

Speak only:

Speak and vote:

Make written
Representations

Exercise Executive
Powers

3. GROUNDS FOR DISPENSATION

Regulations issued by the National Assembly for Wales prescribe the circumstances in which the Standards Committee may grant a dispensation. These grounds for granting a dispensation are summarised below and are set out in full in the attached guidance notes. On which of the following grounds do you believe that a dispensation should be granted in this case? Please tick the appropriate box(es).

• at least half of the members considering the business has an interest	<input type="checkbox"/>
• my inability to participate would upset the political balance of the meeting to such an extent that the outcome would be likely to be affected;	<input type="checkbox"/>
• my participation would not damage public confidence	<input checked="" type="checkbox"/>
• the interest is common to me and a significant proportion of the general public;	<input type="checkbox"/>
• my participation in the business is justified by my particular role or expertise;	<input checked="" type="checkbox"/>
• the business is to be considered by an overview and scrutiny committee and my interest is not a pecuniary interest;	<input type="checkbox"/>
• the business relates to the finances or property of a voluntary organisation of whose management committee or board I am a member and I have no other interest	<input type="checkbox"/>

4. INFORMATION IN SUPPORT OF YOUR APPLICATION

Please set out below the reasons why you consider that the Standards Committee should grant a dispensation in this case:

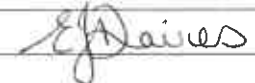
(Please note that failure to complete this section will result in the application form being returned to you)

The Bute Energy Towy Usk Grid Connection Scheme is a major proposal that is of relevance to, and would impact on, every single resident within the Marondeilo and Salem Community Council area. Nearly half (five) of the 12 Community Councillors are declaring an interest in this proposal. As such, should dispensations not be granted, a significant proportion of the Community Council would not be able to speak on behalf of the constituents they represent nor contribute to key discussions

(please continue on a separate sheet if necessary)

I confirm that the information provided on this form is true to the best of my knowledge. I agree that this application and all the information contained within it may form part of a public report to the Standards Committee. I request a dispensation in respect of the above matter.

Signed:



Date:

05 / 12 / 2023

Please return this form to the Monitoring Officer, Chief Executive's Department, Carmarthenshire County Council, County Hall, Carmarthen, SA31 1JP. / Monitoringofficer@carmarthenshire.gov.uk

**Declarations of Interest - Bute Energy Towy Usk Grid Connection Scheme
Manordeilo and Salem Community Council**

Name of Councillor	Type of Interest	Dispensation Request
Aled Davies	1. Possible route 1 of the pylons go through my parents' smallholding in Manordeilo. 2. Possible route 2 goes through the field behind my house in Cwm Ifor. 3. I am secretary of Llandeilo Angling Association and we do not want the pylons going along the Tywi, carbon fibre fishing rods conduct electricity and this would be dangerous. 4. Finally I work for Natural Resources Wales and as of yet we have not come out with a policy to oppose or support the Pylons.	To participate and vote at meetings of the Community Council, or public meetings I attend in my capacity as Councillor and where I need to make written representations. I also request dispensation for any meetings or representation with/from the Angling Association in my role as Secretary and with Natural Resources Wales in my role as employee
Alun Davies	Pylons possibly passing over our land near our house.	To participate and vote at meetings of the Community Council or public meetings I attend in my capacity as Councillor and where I need to make written representations
Arwel Davies	The preferred route is within half a mile of my property and will have a visual impact on my current view. As the pylons can be seen it will have a significant impact on the valuation of my property.	To participate and vote at meetings of the Community Council or public meetings I attend in my capacity as Councillor and where I need to make written representations
Mark Harries	Pylons possibly crossing our land.	To participate and vote at meetings of the Community Council or public meetings I attend in my capacity as Councillor and where I need to make written representations
Andrew Thomas	Pylons possibly crossing my land.	To participate and vote at meetings of the Community Council or public meetings I attend in my capacity as Councillor and where I need to make written representations

Mae'r dudalen hon yn wag yn fwriadol

Y PWYLLGOR SAFONAU

16 IONAWR 2024

CAIS AM OLLYNGIAD GAN Y CYNGHORYDD PETER COMLEY

Pwrpas: Ystyried y cais a phenderfynu a ddylid caniatáu gollyngiad

Ystyried y materion canlynol a chyflwyno sylwadau arnynt:

Penderfynu a ddylid caniatáu'r cais am ollyngiad

Y rhesymau:

Mae gan y Cynghorydd Peter Comley fuddiant personol a rhagfarnol a fyddai fel arall yn ei hatal rhag cymryd rhan yn y busnes cyngor hwn

YR AELOD CABINET SY'N GYFRIFOL AM Y PORTFFOLIO: Ddim yn berthnasol

Y Gyfarwyddiaeth

Enw Pennaeth y Gwasanaeth:

Linda Rees-Jones

Awdur yr Adroddiad:

Robert Edgecombe

Swyddi:

Pennaeth Gweinyddiaeth a'r Gyfraith

Rheolwr y Gwasanaethau Cyfreithiol

Rhifau ffôn:

01267 224012

LRJones@sirgar.gov.uk

01267 224018

rjedgeco@sirgar.gov.uk

EXECUTIVE SUMMARY
STANDARDS COMMITTEE
16TH JANUARY 2024

DISPENSATION APPLICATION BY COUNCILLOR PETER COMLEY

A dispensation application has submitted by Councillor Peter Comley of Betws Community Council to speak and make written representations in relation to council business regarding Betws RFC.

Councillor Comley would have a personal and prejudicial interest in such business as the application discloses he holds the position of secretary in Betws RFC.

Councillor Comley seeks dispensation on the following grounds under the Standards Committees (Grant of Dispensations)(Wales) Regulations 2001

Regulation 2(f) – the participation of the member in the business to which the interest relates is justified by the members particular role or expertise.

Regulation 2(h) – the business which is to be considered relates to the finances or property of a voluntary organisation of whose management committee or board the member is a member otherwise than as a representative of the relevant authority and the member has no other interest in that business provided that any dispensation shall not extend to participation in any vote with respect to that business.

If the committee is minded to grant the request it will need to determine the duration of the dispensation.

DETAILED REPORT ATTACHED ?

NO

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 and Law

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

CONSULTATIONS

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

Signed: LRJones

Head of Administration and Law

1. **Scrutiny Committee** – not applicable
2. **Local Member(s)** - not applicable
3. **Community / Town Council** - not applicable
4. **Relevant Partners** - not applicable
5. **Staff Side Representatives and other Organisations** - not applicable

CABINET MEMBER PORTFOLIO HOLDER(S) AWARE/CONSULTED

N/A

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

There are none.

Mae'r dudalen hon yn wag yn fwriadol

**APPLICATION TO THE STANDARDS COMMITTEE
FOR DISPENSATION**

Please note that each section **MUST** be completed. Please refer to the attached
Guidance Notes when completing the form.

1. YOUR DETAILS

Your full name: Peter Comley

Name of your Council: Betws Community Council

Your address and postcode: 24 Heol Y Felin, Betws, SA18 2HL

Contact telephone number(s): 01269 596508

Email address: peter.comley52@gmail.com

2. DETAILS OF YOUR INTEREST

What is the matter under consideration?

a) Payment of Rent by Betws RFC to Betws Community Council this has been a bone of contention between both parties for many years with frequent non-payment.

This matter needs to be resolved to the benefit of both parties with the forthcoming meetings within the Community Council meeting/s format and a separate meeting/s with both sides discussing with the intention of drawing a line and making a fresh start and move forward for the benefit of the community. With an issue between Betws RFC and the third party whereby a new lease for the rugby field was required which without it the RFC could not seek funding and informed Betws Community Council in the 12 October 2022 monthly meeting at point 8 b) whereby **"It was proposed that no payment for current rent owed is sought until such time as the lease is resolved. Council will revisit the rent charges at that point."**

The lease has now been signed and rent payments owed from September 2022 and March 2023 should now be paid to the Community Council as these payments go towards the upkeep of the children's playground and green area.

b) Also, there is a longstanding legal issue between Betws Community Council and a third party regarding a land issue which involves the village green, Heol Y Felin Playground and RFC/car park areas this is leased to Betws RFC which are held in trust by the Community Council on behalf of the community (Deeds show land given to the community in 1947 and includes a trust deed). It was hoped that this issue would have ended last year however, the other side are slow in responding to the Council which has delayed procedures considerably.

c) The solicitor, Peter Comley and the clerk between them have all the information relating to the issues and it is of benefit to Council that Councillor Comley is allowed to speak and give background and other relevant information as required in relation to the above matters in order that Council can make decisions as required.

d) The management status of Betws RFC changed during 2012 whereby they no longer hold a trust as per the lease that was signed that same year. The RFC failed to inform Betws Community Council of this change. They have now been requested to submit a fresh application of consent see minutes of monthly meeting held on 14 June 2023 at point 11 (extract below in italics).

1. *11. Exempt Matters – Betws RFC point 14, 15 and 3.11.3 on lease and letter attached from Betws RFC and email from Peter Comley in his capacity as Secretary of Betws RFC. Reply from Solicitor regarding the Land Issue and Betws RFC lease.*

*The various documents were **NOTED** by members with the Community Council waiting for an application from Betws RFC as per email sent to him after a telephone conversation with the clerk on 2 June 2023 whereby the solicitor has advised that:*

If the rugby club want to make a fresh application for consent they can do so and we will advise you as to whether that consent can be provided.

Betws Community Council will wait for Betws RFC to provide them with a fresh application as advised by the solicitor and the content of the email sent to Peter Comley as secretary of Betws RFC on 2 June 2023.

What is your interest in the above matter?

Under 10 (2) (a)

- A contract made between the Council and you
- Any land, lease or license in which you have an interest
- A public body or other association in which you have membership or hold a position of general control or management.

I am the Secretary, Treasurer and Licensee for Betws RFC and a member of the committee.

When will the above matter be considered?

This will be discussed in several meetings in the coming months with the Community Council and separate meetings with the Community Council and RFC committee.

Are you applying for dispensation to:

Speak only:

Speak and vote:

Make written
Representations

Exercise Executive
Powers

3. GROUNDS FOR DISPENSATION

Regulations issued by the National Assembly for Wales prescribe the circumstances in which the Standards Committee may grant a dispensation. These grounds for granting a dispensation are summarised below and are set out in full in the attached guidance notes. On which of the following grounds do you believe that a dispensation should be granted in this case? Please tick the appropriate box(es).

• at least half of the members considering the business has an interest	<input type="checkbox"/>
• my inability to participate would upset the political balance of the meeting to such an extent that the outcome would be likely to be affected;	<input type="checkbox"/>
• my participation would not damage public confidence	<input type="checkbox"/>
• the interest is common to me and a significant proportion of the general public;	<input type="checkbox"/>
• my participation in the business is justified by my particular role or expertise;	<input checked="" type="checkbox"/>
• the business is to be considered by an overview and scrutiny committee and my interest is not a pecuniary interest;	<input type="checkbox"/>
• the business relates to the finances or property of a voluntary organisation of whose management committee or board I am a member and I have no other interest	<input checked="" type="checkbox"/>
• it is appropriate to do so in all the circumstances where not otherwise possible to make reasonable adjustments to accommodate a person's disability	<input type="checkbox"/>

4. 4. INFORMATION IN SUPPORT OF YOUR APPLICATION

Please set out below the reasons why you consider that the Standards Committee should grant a dispensation in this case:

(Please note that failure to complete this section will result in the application form being returned to you)

Please find below in italics a recent letter which I sent to Betws Community Council regarding the longstanding issues between Betws RFC and Betws Community Council. The Clerk is in the process of compiling the facts and supporting documentation regarding the issues and will present once collated to the Members of the Community Council in a separate meeting. The Councillors will no doubt have questions that will come from reading the report and documents.

A solicitor's advice may well be sought for some aspects of the issues as a significant amount of money has been spent when the lease was drawn up and signed in April 2012 and with the ongoing issues since which include non-payment of rent. The First issues becoming apparent in a meeting of the Community Council on 20th February 2013, a letter dated 14th March 2014 sent by the Clerk regarding rent arrears, no rent indexation was implemented by the Community Council in 2017 with the next review being 2022, the rent had been agreed via both parties using a jointly appointed surveyor in 2012. Further rent arrears occurred in 2017 and were not paid up until October and November 2019 after letters being sent by Betws Community Council solicitors.

Betws RFC have not paid the rent which is due in advance each March (£500) and September (£500) since March 2020 due to the Coronavirus Pandemic. This £2,000 of outstanding rent was agreed to be wiped in the 27 April 2022 meeting at point

£500 rent payment due 25 March 2022 which was paid by Betws RFC Betws Community Council meeting minutes of 27 April 2022 point 6 a) refer to this payment being made and further discussion on the issues with the third party at point 10.

However, in the 12 October 2022 monthly meeting at point 8 b) **"It was proposed that no payment for current rent owed is sought until such time as the lease is resolved. Council will revisit the rent charges at that point."** Therefore, the 25 September 2022 rent payment and the 25 March 2023 rent payments of £500 each have not been paid.

The rugby field lease with the third party has been signed recently (April/May 2023) therefore Betws Community Council need to seek payment from Betws RFC so that the rent payments are brought back in line. There has been a request from a member of the community for goal posts to be placed at the village green and the outstanding rent payments may go towards the purchase for this project for the community.

The Councillors and the Committee are now in a position where they are prepared to come to an agreement and draw a line in order to make a fresh start for the benefit of the local community with options needing to be debated by both parties.

A lot of time and money has been wasted on both sides that could be put to better use.

(please continue on a separate sheet if necessary)

I request the dispensation to enable me to speak on behalf of Betws RFC in matters relating to the Council and to present paperwork with regard to ongoing issues with land, Rent and general ongoing matters relevant to both parties. This is a speak only application with no rights to vote on any matters relating to the Club.

Peter Comley,
Secretary
Treasurer
Club Rugby Betws RFC Ltd

I confirm that the information provided on this form is true to the best of my knowledge. I agree that this application and all the information contained within it may form part of a public report to the Standards Committee. I request a dispensation in respect of the above matter.

Signed:

P. Comley

Date:

12 / 12 / 2023

Please return this form to the Monitoring Officer, Chief Executive's Department, Carmarthenshire County Council, County Hall, Carmarthen, SA31 1JP.

Guidance notes

- (1) Please read through the Code of Conduct and decide which of the paragraphs is most appropriate to your case. Brief details of the relevant paragraphs are noted in the table below. If you are unsure, please contact the Monitoring Officer for advice.

Para.	Type of personal interest
10(2)(a)	Council business which relates to or is likely to affect: <ul style="list-style-type: none">• your employment or business,• your employer, firm or company• a contract made between the Council and you

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(2) The Standards Committees (Grant of Dispensations)(Wales) Regulations 2001(as amended) state that a Standards Committee may grant dispensations where:

- (a) no fewer than half of the members of the relevant authority or of a committee of the authority (as the case may be) by which the business is to be considered has an interest which relates to that business;
- (b) no fewer than half of the members of a leader and cabinet executive of the relevant authority by which the business is to be considered has an interest which relates to that business and either paragraph (d) or (e) also applies;
- (c) in the case of a county or county borough council, the inability of the member to participate would upset the political balance of the relevant authority or of the committee of the authority by which the business is to be considered to such an extent that the outcome would be likely to be affected;
- (d) the nature of the member's interest is such that the member's participation in the business to which the interest relates would not damage public confidence in the conduct of the relevant authority's business;
- (e) the interest is common to the member and a significant proportion of the general public;
- (f) the participation of the member in the business to which the interest relates is justified by the member's particular role or expertise;
- (g) the business to which the interest relates is to be considered by an overview and scrutiny committee of the relevant authority and the member's interest is not a pecuniary interest;
- (h) the business which is to be considered relates to the finances or property of a voluntary organisation of whose management committee or board the member is a member otherwise than as a representative of the relevant authority and the member has no other interest in that business provided that any dispensation shall not extend to participation in any vote with respect to that business; or
- (i) it appears to the committee to be in the interests of the inhabitants of the area of the relevant authority that the disability should be removed provided that written notification of the grant of the dispensation is given to the National Assembly for Wales within seven days in such manner as it may specify.
- (j) It is considered appropriate in all the circumstances to do so where not otherwise possible to make reasonable adjustments to accommodate a persons disability