

Pecyn Dogfennau



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

DYDD MERCHER, 4 IONAWR 2017

AT: HOLL AELODAU'R PWYLLGOR SAFONAU

YR WYF DRWY HYN YN EICH GALW I FYNYCHU CYFARFOD O'R
**PWYLLGOR SAFONAU A GYNHELIR YN CHAMBER, NEUADD Y SIR,
CAERFYRDDIN AM 10.00YB, DYDD GWENER, 13^{EG} IONAWR, 2017** ER
MWYN CYFLAWNI'R MATERION A AMLINELLIR AR YR AGENDA SYDD
YNGHLWM

Mark James DYB

PRIF WEITHREDWR



AILGYLCHWCH OS GWELWCH YN DDA

Swyddog Democraidd:	Janine Owen
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Cyf:	AD016-001



EICH CYNGOR arleinamdani
www.sirgar.llyw.cymru
YOUR COUNCIL doitonline
www.carmarthenshire.gov.wales

PWYLLGOR SAFONAU

AELODAETH: 9 AELOD

Aelodau Annibynnol (5)

1. Mrs. Mary Dodd
2. Mr. Christopher A. Downward Cadeirydd y Pwyllgor
3. Mr. M. Andre Morgan Is-Gadeirydd y Pwyllgor
4. Mr. Alun Williams
5. Lle Gwag

Aelod Pwyllgor Cymunedol (1)

1. Y Cynghorydd Jeanette Gilasbey

Aelodau Etholedig y Cyngor Sir (3)

1. Y Cynghorydd Susan M. Allen
2. Y Cynghorydd B.A. Louvain Roberts
3. Y Cynghorydd Gareth B. Thomas

AGENDA

1. YMDDIHEURIADAU AM ABSENOLDEB
2. DATGAN BUDDIANNAU PERSONOL.
3. LLOFNODI FEL COFNOD CYWIR COFNODION Y CYFARFOD A GYNHALIWYD AR Y 9FED MEDI 2016 5 - 10
4. CAIS AM OLLYNGIAD GAN Y CYNGHORYDD S. HUSSAIN 11 - 20
5. CAIS AM OLLYNGIAD GAN Y CYNGHORYDD P. N. THOMPSON 21 - 30
6. UNRHYW FATER ARALL Y GALL Y CADEIRYDD OHERWYDD AMGYLCHIADAU ARBENNIG, BENDERFYNU EI YSTYRIED YN FATER BRYD YN UNOL AG ADRAN 100B(4)(B) DEDDF LLYWODRAETH LEOL 1972

Mae'r dudalen hon yn wag yn fwriadol

PWYLLGOR SAFONAU

Dydd Gwener, 9 Medi 2016

YN BRESENNOL: Y Cynghorydd C.A. Downward (Cadeirydd)**Yr Aelodau Annibynnol:**

M. Dodd, M.A. Morgan and A. Williams;

Aelodau o'r Cyngor Sir:

S.M. Allen, B.A.L. Roberts and G.B. Thomas;

Aelod Cymunedol:

J. Gilasbey;

Yr oedd y swyddogion canlynol yn gwasanaethu yn y cyfarfod:

M.S. Davies, Swyddog Gwasanaethau Democrataidd

R. Edgecombe, Rheolwr y Gwasanaethau Cyfreithiol

Siambr, 3 Heol Spilman, Caerfyrddin - 10.00am - 11.10 am**1. YMDDIHEURIADAU AM ABSENOLDEB**

Ni chafwyd ymddiheuriadau am absenoldeb.

2. DATGAN BUDDIANNAU PERSONOL

Ni chafwyd dim datganiadau o fuddiant personol.

3. LLOFNODI FEL COFNOD CYWIR COFNODION Y CYFARFOD A GYNHALIWDYD AR Y 3YDD MEHEFIN, 2016**PENDERFYNWYD** Ilofnodi cofnodion cyfarfod y Pwyllgor oedd wedi ei gynnal ar 3^{ydd} Mehefin, 2016, gan eu bod yn gywir.**4. HYFFORDDIANT CÔD YMDDYGIAD AR GYFER CYNGHORWYR TREF A CHYMUNED**Gan gyfeirio at Gofnod 12 y cyfarfod a gynhaliwyd ar 11^{eg} Mawrth 2016, rhoddwyd adroddiad i'r Pwyllgor yn ymwneud â'r sesiynau hyfforddiant ynghylch y Côd Ymddygiad a gynhaliwyd ym mis Mehefin ar gyfer cynrychiolwyr Cyngorau Tref a Chymuned lleol. Roedd llawer o bobl wedi dod i'r sesiynau ac roedd yr adborth yn hynod gadarnhaol. Roedd y rhai oedd yn bresennol wedi gwerthfawrogi'n benodol y llyfryn canllawiau ynghylch buddiant personol a rhagfarnol.**PENDERFYNWYD YN UNFRYDOL nodi'r adroddiad.****5. CYDYMFFURFIO Â'R CÔD YMDDYGIAD GAN GYNGHORWYR TREF A CHYNGHORWYR CYMUNED**

Yn unol â'i rôl mewn perthynas â monitro cydymffurfiaeth â'r Côt Ymddygiad gan Gyngorwyr Tref a Chymuned, cafodd y Pwyllgor adroddiad oedd yn manylu ar lefelau'r hyfforddiant a gafwyd ynghylch y Côt, datganiadau o fuddiant a wnaed, ceisiadau am ollyngiad a ganiatawyd a chwynion a gofrestrwyd mewn perthynas â'r Côt o ran Cyngorau Tref a Chymuned yn y Sir.

PENDERFYNWYD nodi'r adroddiad.

6. ADOLYGU'R POLISI DATGELU CAMARFER CORFFORAETHOL

Bu'r Pwyllgor yn ystyried adroddiad ynghylch yr adolygiad blynyddol o'r Polisi Corfforaethol ynghylch Datgelu Camarfer, gyda golwg ar gynnwys gwybodaeth berthnasol am hynny yn adroddiad blynyddol y Cadeirydd i'r Cyngor. Nodwyd bod y Cyngor wedi parhau i gymryd camau i gynyddu ymwybyddiaeth staff ynghylch y polisi a sicrhau bod rheolwyr wedi cael eu hyfforddi'n llawn i adnabod cwynion datgelu camarfer a rhoi sylw iddynt yn briodol. Roedd y Polisi Corfforaethol ynghylch Datgelu Camarfer wedi cael ei ddiweddarau i adlewyrchu newidiadau sefydliadol ac adborth o'r sesiwn briffio aelodau etholedig a gynhaliwyd yn gynharach yn y flwyddyn.

Rhoddwyd sylw i'r sylwadau/materion canlynol wrth drafod yr adroddiad:-

- Dywedodd Rheolwr Dros Dro y Gwasanaethau Cyfreithiol, mewn ymateb i sylw, ei fod wedi pwysleisio wrth swyddogion yr angen i roi gwybod i staff am ddatblygiadau o ran eu cwynion yn amodol ar gyfyngiadau ynghylch gwybodaeth bersonol;
- Cytunodd Rheolwr Dros Dro y Gwasanaethau Cyfreithiol i roi sylw i bryder ynghylch pa mor briodol oedd cynnwys astudiaeth achos Datgelu Camarfer 3, yn enwedig os oedd yn achos go iawn, o ystyried y canlyniad sef 'y byddai'r Cyngor yn cadw llygad barcud ar y cartref....'

PENDERFYNWYD derbyn yr adroddiad a chymeradwyo'r polisi diwygiedig.

7. ADRODDIAD OMBWDSMON GWASANAETHAU CYHOEDDUS CYMRU 2015/2016

Rhoddodd y Pwyllgor ystyriaeth i Adroddiad Blynyddol Ombwdsmon Gwasanaethau Cyhoeddus Cymru am y cyfnod 2015/16 a oedd yn cynnwys manylion am gwynion o gamweinyddu a methiant gwasanaeth yn erbyn cyrff cyhoeddus a honiadau yn erbyn aelodau Awdurdodau Lleol eu bod wedi torri'r Côd Ymddygiad.

Yn gyffredinol, roedd nifer y cwynion o gamweinyddu yn erbyn awdurdodau cyhoeddus wedi cynyddu 4% o gymharu â chynnydd o 7% yn y flwyddyn flaenorol. Roedd cwynion yn erbyn awdurdodau lleol wedi gostwng ychydig o 938 i 906, ac roedd y cynnydd cyffredinol mewn cwynion wedi deillio o gynnydd pellach mewn cwynion yn erbyn y GIG. Dim ond 1 Adroddiad er Budd y Cyhoedd oedd wedi cael ei gyflwyno yn erbyn awdurdod lleol yn ystod y cyfnod hwn ac nid oedd hwnnw'n ymwneud â Chyngor Sir Caerfyrddin. Roedd nifer y cwynion o gamarfer yn erbyn Cyngor Sir Caerfyrddin wedi gostwng 57% i 40 yn 2015/2016. Roedd hyn yn cymharu'n ffafriol â chyfartaledd Cymru sef 53 o gwynion. Bu cynnydd o 19% mewn cwynion o ran y Côt Ymddygiad o gymharu â'r llynedd, i'w briodoli i raddau helaeth i'r cynnydd o 49% mewn cwynion yn erbyn Cyngorwyr Tref a Chymuned. Roedd cyfanswm o 8 cwyn o ran y Côt Ymddygiad wedi cael eu gwneud yn erbyn aelodau etholedig Cyngor Sir Caerfyrddin er bod rhai o'r rhain wedi ymwneud yn bennaf â rôl yr aelod fel Cyngorwyr Tref a Chymuned.

PENDERFYNWYD derbyn yr adroddiad.

8. CWYNION A CHANMOLIAETH

Bu'r Pwyllgor yn ystyried yr adroddiad Diwedd Blwyddyn ynghylch Cwynion a Chanmoliaeth a oedd yn rhoi dadansoddiad o'r cwynion a'r sylwadau canmoliaethus a ddaethai i law'r Awdurdod yn ystod 2015/16.

Adroddwyd bod yr Awdurdod wedi derbyn 501 o gwynion yn ystod 2015/2016, o gymharu â 573 yn 2014/2015. Roedd hyn yn dangos tuedd barhaus lle roedd nifer y cwynion wedi gostwng o 727 yn 2012/2013. Ymatebwyd i gyfanswm o 463 o gwynion yn ystod y flwyddyn, gan gynnwys nifer a oedd wedi cael eu cario ymlaen o flwyddyn flaenorol y cyngor. Roedd nifer yr achosion yr ymatebwyd iddynt yn unol â'r amserlenni gofynnol wedi gostwng o 66% i 62%, gan wrthdroi'r duedd flaenorol. Yn sgil ad-drefnu sylweddol yn yr adrannau yn ystod y cyfnod perthnasol roedd yn anodd gwneud cymariaethau uniongyrchol â'r blynyddoedd blaenorol. Fodd bynnag roedd y rhan fwyaf o'r cwynion yn dal i ymwneud ag Adran newydd yr Amgylchedd (a oedd yn cynnwys gwasanaethau gwastraff a chynllunio), ac wedyn yr Adran Cymunedau newydd a fyddai hefyd yn gyfrifol am gyfran o'r Cwynion Statudol y cyfeiriwyd atynt yn yr adroddiad. Roedd nifer y sylwadau canmoliaethus a gyflwynwyd wedi gostwng ychydig o 545 i 542 ac roedd 78% o'r rhain wedi cael eu cyflwyno i'r Adran Cymunedau ac Adran yr Amgylchedd.

PENDERFYNWYD YN UNFRYDOL nodi'r adroddiad.

9. CAIS AM OLLYNGIAD GAN Y CYNGHORYDD I.R. LLEWELYN

Atgoffwyd y Pwyllgor ei fod, yn y cyfarfod ar 11^{eg} Mawrth, 2016 (gweler cofnod 9), wedi caniatáu gollyngiad, tan 9^{fed} Medi, 2016, i'r Cynghorydd I.R. Llewelyn, aelod o Gyngor Cymuned Llandybie, siarad ond nid pleidleisio yng nghyfarfodydd y Cyngor Cymuned, mewn perthynas ag unrhyw drafodaethau ynghylch trosglwyddo asedau'r Cyngor Sir i'r Cyngor Cymuned.

Rhoddwyd gwybod i'r Pwyllgor fod y Cynghorydd Llewellyn, yn y cyfamser, wedi cyflwyno cais am adnewyddu ei ollyngiad.

Rhoddodd y Pwyllgor ystyriaeth i'r cais am adnewyddu'r gollyngiad gan y Cynghorydd Llewellyn, a oedd yn aelod o Gyngor Cymuned Llandybie, ac a oedd yn gofyn am ganiatáu gollyngiad yn unol â darpariaethau'r Rheoliadau Pwyllgorau Safonau (Caniatáu Gollyngiadau) (Cymru) i siarad a phleidleisio yng nghyfarfodydd Cyngor Cymuned Llandybie mewn perthynas â'r bwriad i drosglwyddo Asedau'r Cyngor Sir i'r Cyngor Cymuned.

Dywedwyd bod y cais am ollyngiad wedi'i wneud oherwydd bod gan y Cynghorydd Llewellyn fuddiant personol yn y mater yn rhinwedd paragraff 10(2)(ii) o'r Côd Ymddygiad gan fod y mater yn ymwneud â'i gyflogwr, neu'n debygol o effeithio ar ei gyflogwr, sef Cyngor Sir Caerfyrddin.

Hefyd yr oedd buddiant y Cynghorydd Llewellyn yn rhagfarnol gan y byddai'n rhesymol i aelod o'r cyhoedd oedd yn gwybod y ffeithiau perthnasol ystyried bod y buddiant mor arwyddocaol fel ei fod yn debygol o ddylanwadu ar farn y cynghorydd ynghylch budd y cyhoedd.

Gan hynny, roedd y Cynghorydd Llewellyn wedi gofyn am ollyngiad o dan reoliad 2 (d) o Reoliadau Pwyllgorau Safonau (Caniatáu Gollyngiadau) (Cymru) ar y sail na fyddai ei gyfranogiad mewn unrhyw drafodaeth yng nghyfarfodydd y Cyngor Cymuned yn niweidio hyder y cyhoedd.

Yn dilyn trafodaeth fanwl

PENDERFYNWYD YN UNFRYDOL ganiatáu gollyngiad o dan Reoliad 2(d) o Reoliadau Pwyllgorau Safonau (Caniatáu Gollyngiadau) (Cymru) i'r Cynghorydd I.R. Llewellyn SIARAD OND NID PLEIDLEISIO yng nghyfarfodydd Cyngor Cymuned Llandybïe mewn perthynas ag unrhyw drafodaeth ynghylch trosglwyddo asedau'r Cyngor Sir i Gyngor Cymuned Llandybïe, a bod y Gollyngiad i fod yn ddilys tan ddiwedd y cyfnod etholiadol presennol [Mai 2017].

10. CAIS AM OLLYNGIAD GAN Y CYNGHORYDD W.R.A. DAVIES

Atgoffwyd y Pwyllgor ei fod, yn y cyfarfod ar 11^{eg} Mawrth, 2016 (gweler cofnod 8), wedi caniatáu gollyngiad, tan 9^{fed} Medi, 2016, i'r Cynghorydd W.R.A. Davies, aelod o Gyngor Cymuned Llandybïe, siarad ond nid pleidleisio yng nghyfarfodydd y Cyngor Cymuned, mewn perthynas ag unrhyw drafodaethau ynghylch trosglwyddo cyfleusterau tennis o'r Cyngor Sir i'r Cyngor Cymuned.

Rhoddwyd gwybod i'r Pwyllgor fod y Cynghorydd Davies, yn y cyfamser, wedi cyflwyno cais am adnewyddu ei ollyngiad.

Rhoddodd y Pwyllgor ystyriaeth i'r cais am adnewyddu'r gollyngiad gan y Cynghorydd W.R.A Davies, a oedd yn aelod o Gyngor Cymuned Llandybïe, ac a oedd yn gofyn am ganiatáu gollyngiad yn unol â darpariaethau'r Rheoliadau Pwyllgorau Safonau (Caniatáu Gollyngiadau) (Cymru) i siarad a phleidleisio yng nghyfarfodydd Cyngor Cymuned Llandybïe mewn perthynas â'r bwriad i drosglwyddo cyfleusterau tennis o'r Cyngor Sir i'r Cyngor Cymuned.

Dywedwyd bod y cais am ollyngiad wedi'i wneud oherwydd bod gan y Cynghorydd Davies fuddiant personol yn y mater yn rhinwedd paragraff 10(2)(a)(ix)(ee) o'r Côd Ymddygiad gan ei fod yn Ysgrifennydd ac yn Drysorydd Clwb Tennis Llandybïe.

Hefyd yr oedd buddiant y Cynghorydd Davies yn rhagfarnol gan y byddai'n rhesymol i aelod o'r cyhoedd oedd yn gwybod y ffeithiau perthnasol ystyried bod y buddiant mor arwyddocaol fel ei fod yn debygol o ddylanwadu ar farn y cynghorydd ynghylch budd y cyhoedd.

Yn dilyn trafodaeth fanwl

PENDERFYNWYD YN UNFRYDOL ganiatáu gollyngiad o dan Reoliadau 2(d)(f) a (h) o Reoliadau Pwyllgorau Safonau (Caniatáu Gollyngiadau) (Cymru) i'r Cynghorydd W.R.A Davies SIARAD OND NID PLEIDLEISIO yng nghyfarfodydd Cyngor Cymuned Llandybïe mewn perthynas ag unrhyw drafodaeth ynghylch trosglwyddo cyfleusterau tennis o'r Cyngor Sir i Gyngor Cymuned Llandybïe, a bod y Gollyngiad i fod yn ddilys tan ddiwedd y cyfnod etholiadol presennol [Mai 2017].

11. CAIS AM OLLYNGIAD GAN Y CYNGHORYDD E.W. NICHOLAS

Atgoffwyd y Pwyllgor ei fod, yn y cyfarfod ar 11^{eg} Mawrth, 2016 (gweler cofnod 7), wedi caniatáu gollyngiad, tan 9^{fed} Medi, 2016, i'r Cynghorydd E.W. Nicholas, aelod o Gyngor Cymuned Llandybïe, siarad ond nid pleidleisio yng nghyfarfodydd y Cyngor Cymuned, mewn perthynas ag unrhyw drafodaethau ynghylch trosglwyddo cyfleusterau tennis o'r Cyngor Sir i'r Cyngor Cymuned.

Rhodddwyd gwybod i'r Pwyllgor fod y Cynghorydd Nicholas, yn y cyfamser, wedi cyflwyno cais am adnewyddu ei ollyngiad.

Rhodddodd y Pwyllgor ystyriaeth i'r cais am adnewyddu'r gollyngiad gan y Cynghorydd E.W. Nicholas, a oedd yn aelod o Gyngor Cymuned Llandybïe, ac a oedd yn gofyn am ganiatáu gollyngiad yn unol â darpariaethau'r Rheoliadau Pwyllgorau Safonau (Caniatáu Gollyngiadau) (Cymru) i siarad a phleidleisio yng nghyfarfodydd Cyngor Cymuned Llandybïe mewn perthynas â'r bwriad i drosglwyddo cyfleusterau tennis o'r Cyngor Sir i'r Cyngor Cymuned.

Dywedwyd bod y cais am ollyngiad wedi'i wneud oherwydd bod gan y Cynghorydd Nicholas fuddiant personol yn y mater yn rhinwedd paragraff 10(2)(a)(ix)(ee) o'r Côd Ymddygiad gan ei fod yn Llywydd Clwb Tennis Llandybïe.

Hefyd yr oedd buddiant y Cynghorydd Nicholas yn rhagfarnol gan y byddai'n rhesymol i aelod o'r cyhoedd oedd yn gwybod y ffeithiau perthnasol ystyried bod y buddiant mor arwyddocaol fel ei fod yn debygol o ddylanwadu ar farn y cynghorydd ynghylch budd y cyhoedd.

Yn dilyn trafodaeth fanwl

PENDERFYNWYD YN UNFRYDOL ganiatáu gollyngiad o dan Reoliadau 2(d)(f) a (h) o Reoliadau Pwyllgorau Safonau (Caniatáu Gollyngiadau) (Cymru) i'r Cynghorydd E.W. Nicholas SIARAD OND NID PLEIDLEISIO yng nghyfarfodydd Cyngor Cymuned Llandybïe mewn perthynas ag unrhyw drafodaeth ynghylch trosglwyddo cyfleusterau tennis o'r Cyngor Sir i Gyngor Cymuned Llandybïe, a bod y Gollyngiad i fod yn ddilys tan ddiwedd y cyfnod etholiadol presennol [Mai 2017].

12. CAIS AM OLLYNGIAD GAN Y CYNGHORYDD B. REES

Atgoffwyd y Pwyllgor ei fod, yn y cyfarfod ar 11^{eg} Mawrth, 2016 (gweler cofnod 6), wedi caniatáu gollyngiad, tan 9^{fed} Medi, 2016, i'r Cynghorydd B Rees, aelod o Gyngor Cymuned Llandybïe, siarad ond nid pleidleisio yng nghyfarfodydd y Cyngor Cymuned, mewn perthynas ag unrhyw drafodaethau ynghylch trosglwyddo cyfleusterau bowlio o'r Cyngor Sir i'r Cyngor Cymuned.

Rhodddwyd gwybod i'r Pwyllgor fod y Cynghorydd Rees, yn y cyfamser, wedi cyflwyno cais am adnewyddu ei ollyngiad.

Rhodddodd y Pwyllgor ystyriaeth i'r cais am adnewyddu'r gollyngiad gan y Cynghorydd B Rees, a oedd yn aelod o Gyngor Cymuned Llandybïe, ac a oedd yn gofyn am ganiatáu gollyngiad yn unol â darpariaethau'r Rheoliadau Pwyllgorau Safonau (Caniatáu Gollyngiadau) (Cymru) i siarad a phleidleisio yng nghyfarfodydd Cyngor Cymuned Llandybïe mewn perthynas â'r bwriad i drosglwyddo cyfleusterau bowlio o'r Cyngor Sir i'r Cyngor Cymuned.

Dywedwyd bod y cais am ollyngiad wedi'i wneud oherwydd bod gan y Cynghorydd Rees fuddiant personol yn y mater yn rhinwedd paragraff 10(2)(a)(ix)(ee) o'r Côd Ymddygiad gan ei fod yn Llywydd Clwb Bowlio Llandybïe.

Hefyd yr oedd buddiant y Cynghorydd Rees yn rhagfarnol gan y byddai'n rhesymol i aelod o'r cyhoedd oedd yn gwybod y ffeithiau perthnasol ystyried bod y buddiant

mor arwyddocaol fel ei fod yn debygol o ddylanwadu ar farn y cynghorydd ynghylch budd y cyhoedd.

Yn dilyn trafodaeth fanwl

PENDERFYNWYD YN UNFRYDOL ganiatáu gollyngiad o dan Reoliadau 2(d)(f) a (h) o Reoliadau Pwyllgorau Safonau (Caniatáu Gollyngiadau) (Cymru) i'r Cynghorydd B Rees SIARAD OND NID PLEIDLEISIO yng nghyfarfodydd Cyngor Cymuned Llandybïe mewn perthynas ag unrhyw drafodaeth ynghylch trosglwyddo cyfleusterau bowlïo o'r Cyngor Sir i Gyngor Cymuned Llandybïe, a bod y Gollyngiad i fod yn ddilys tan ddiwedd y cyfnod etholiadol presennol [Mai 2017].

13. ADRODDIAD BLYNYDDOL Y PWYLLGOR SAFONAU 2015/16

Rhoddodd y Pwyllgor ystyriaeth i'r Adroddiad Blynyddol drafft ynghylch y gwaith oedd wedi ei gyflawni gan y Pwyllgor yn ystod 2015/16 a nododd, petai'r adroddiad yn cael ei fabwysiadu, y byddai'n cael ei roi gerbron cyfarfod y Cyngor Sir naill ai ym mis Tachwedd neu ym mis Rhagfyr i'w gymeradwyo.

Cytunodd y Cadeirydd i ddarparu 'Casgliad' i'r adroddiad.

PENDERFYNWYD YN UNFRYDOL ARGYMELL I'R CYNGOR y dylid mabwysiadu Adroddiad Blynyddol y Pwyllgor Safonau 2015/16.

CADEIRYDD

DYDDIAD

Y PWYLLGOR SAFONAU
13^{EG} IONAWR 2017

CAIS AM OLLYNGIAD GAN Y
CYNGHORYDD SHAHID HUSSAIN

Yr argymhellion / penderfyniadau allweddol sydd eu hangen:

Ystyried y cais a phenderfynu arno

Y rhesymau:

Mae'r testun dan sylw yn yr adroddiad hwn yn rhan o gylch gorchwyl y Pwyllgor

Argymhellion / Sylwadau'r Pwyllgor Craffu:

Ddim yn berthnasol

Angen i'r Bwrdd Gweithredol wneud penderfyniad NAC OES

Angen i'r Cyngor wneud penderfyniad NAC OES

YR AELOD O'R BWRDD GWEITHREDOL SY'N GYFRIFOL AM Y PORTFFOLIO:- Y
Cynghorydd E Dole (Arweinydd y Cyngor)

Y Gyfarwyddiaeth:

Y Prif Weithredwr

Enw Pennaeth y Gwasanaeth:

Linda Rees-Jones

Awdur yr Adroddiad:

Robert Edgecombe

Swyddi:

Pennaeth Gweinyddiaeth a'r
Gyfraith

Rheolwr Dros Dro y
Gwasanaethau Cyfreithiol

Rhifau ffôn:

01267 224018

Cyfeiriadau E-bost:

RJEdgeco@sirgar.gov.uk

**EXECUTIVE SUMMARY
STANDARDS COMMITTEE
13TH JANUARY 2017**

APPLICATION FOR DISPENSATION BY COUNCILLOR SHAHID HUSSAIN

An application for dispensation to speak, vote and make written representations has been received from Councillor Shahid Hussain of Cwmamman Town Council in relation to the re-location of the village post office in Cwmamman to premises in which Councillor Hussain has a business interest.

Councillor Hussain has a personal interest in this matter by virtue of the following paragraphs of the Code of Conduct;

1. 10(2)(a)(i) as the matter relates to or is likely to affect a business carried on by him.
2. 10(2)(a)(ix)(bb) as the matter relates to or is likely to affect a company in which he holds a position of general control or management
3. 10(2)(b)(i) as the matter might reasonably be regarded as affecting his well-being

This interest is also a prejudicial interest as a member of the public, with full knowledge of the facts, would reasonably regard that interest as so significant as to prejudice the Councillor's judgement of the public interest.

The application is submitted on 1 grounds specified in the Standards Committees (Grant of Dispensation)(Wales) Regulations 2001 namely;

(f) participation justified due to the member's particular role or expertise

Cllr Hussain has previously been granted dispensation to speak only in respect of this interest on the 11th September 2015. This dispensation expired on the 4th December 2015.

If the committee is minded to grant the application, it has an absolute discretion as to duration, it may grant it until the end of the Councillor's term of office, or some other date, such as the date of a future meeting of this committee.

DETAILED REPORT ATTACHED?

NO

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: Shahid Hussain

Name of your Council: Cwmamman Town Council

Your address and postcode: 1, Clos Tygwyn , Gowerton, Swansea, SA4 3GF

Contact telephone number(s): 01269 826394 / 07968154466

Email address: shahid-huss@live.com

2. DETAILS OF YOUR INTEREST

What is the matter under consideration? Relocation of Post Office from existing premises to my Forecourt Outlet

What is your interest in the above matter? I am a Director of Petro Express, The outlet which has been verified by Post Office Ltd, to be the new location for village Post Office.

When will the above matter be considered? Ongoing

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 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. 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)

I was granted dispensation last year for the same issue, I thought the matter was closed so did not renew or use the dispensation at the time. However, the matter has now come back up and I wish to talk about it and give an expert opinion

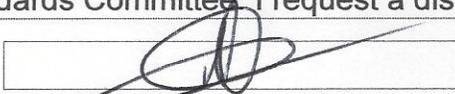
Having gone through the network transformation process on another of my sites 2.5 years ago. I am well placed to know what the process is , what risks are involved and what timescale/costs etc will be. Having been a Postmaster for 5 years on another site also, I am well versed in what the customer needs and requires from a Post Office and how their needs can be met. The other councillors do not have this expertise and background, and therefore I feel they will be making uninformed choices/decisions.

Having already been verified and chosen by Post Office Ltd to have the Post office relocate to my premises, this is not about making a decision, But only to clarify matters. Therefore the decision per se of the Council is irrelevant, so my contributing to the discussion will have no impact on the outcome. Therefore I feel I should be allowed to speak.

I also feel the other councillors have a prejudicial interest, in this matter as they wanted to Post office relocated to Glanamman community Centre, which is run and operated by Cwmamman Town Council. Therefore, they would benefit financially from Post Office moving there. Therefore I feel they would negatively impact upon my suitability

(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: 01/12/2016

Tudalen 18

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 • any land, lease or licence 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 	✓
10(2)(c)	Council business which affects your well-being or financial position, or the well-being, financial position or other interests of a person with whom you live or have a close personal association	
13	Council business which is being considered by an Overview and Scrutiny Committee and which relates to a decision of the Cabinet or another Committee of which you were a member at the time [County Council only]	

(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

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

Y PWYLLGOR SAFONAU
13^{EG} IONAWR 2017

CAIS AM OLLYNGIAD GAN Y
CYNGHORYDD PHILIP NIGEL THOMPSON

Yr argymhellion / penderfyniadau allweddol sydd eu hangen:

Ystyried y cais a phenderfynu arno

Y rhesymau:

Mae'r testun dan sylw yn yr adroddiad hwn yn rhan o gylch gorchwyl y Pwyllgor

Argymhellion / Sylwadau'r Pwyllgor Craffu:

Ddim yn berthnasol

Angen i'r Bwrdd Gweithredol wneud penderfyniad NAC OES

Angen i'r Cyngor wneud penderfyniad NAC OES

YR AELOD O'R BWRDD GWEITHREDOL SY'N GYFRIFOL AM Y PORTFFOLIO:- Y
Cyngorydd E Dole (Arweinydd y Cyngor)

Y Gyfarwyddiaeth:

Y Prif Weithredwr

Enw Pennaeth y Gwasanaeth:

Linda Rees-Jones

Awdur yr Adroddiad:

Robert Edgecombe

Swyddi:

Pennaeth Gweinyddiaeth a'r
Gyfraith

Rheolwr Dros Dro y
Gwasanaethau Cyfreithiol

Rhifau ffôn:

01267 224018

Cyfeiriadau E-bost:

RJEdgeco@sirgar.gov.uk

EXECUTIVE SUMMARY STANDARDS COMMITTEE 13TH JANUARY 2017

APPLICATION FOR DISPENSATION BY COUNCILLOR PHILIP NIGEL THOMPSON

An application for dispensation to speak and make written representations has been received from Councillor Philip Nigel Thompson of Kidwelly Town Council in relation to his involvement with Ynghyd Community Interest Company (of which he is a director) and the Kidwelly Community Hub (of which he is a member of the management committee).

Councillor Thompson has a personal interest in this matter by virtue of the following paragraphs of the Code of Conduct;

1. 10(2)(a)(ix)(bb) as the matter relates to or is likely to affect a company in which he holds a position of general control or management
2. 10(2)(a)(ix)(ee) as the matter relates to or is likely to affect a private association in which he holds a position of general control or management

This interest is also a prejudicial interest as a member of the public, with full knowledge of the facts, would reasonably regard that interest as so significant as to prejudice the Councillor's judgement of the public interest.

The application is submitted on 4 grounds specified in the Standards Committees (Grant of Dispensation)(Wales) Regulations 2001 namely;

- (d) participation would not damage public confidence
- (f) participation justified due to the member's particular role or expertise
- (g) the business is to be considered by an overview or scrutiny committee (this ground does not apply in these circumstances)
- (h) the business relates to a voluntary organisation and the councillor has no other interest in that matter (the committee may only grant a dispensation to speak under this ground).

If the committee is minded to grant the application, it has an absolute discretion as to duration, it may grant it until the end of the Councillor's term of office, or some other date, such as the date of a future meeting of this committee.

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: **L. 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: **L. Rees Jones** **Head of Administration and Law**

(Please specify the outcomes of consultations undertaken where they arise against the following headings)

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

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

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

THESE ARE DETAILED BELOW

Title of Document	File Ref No.	Locations that the papers are available for public inspection
Legal file	DPSC-149	Legal Services, County Hall

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: Philip Nigel Thompson

Name of your Council: Kidwelly Town Council

Your address and postcode: 27, Llys Gwenllian, Kidwelly, Carmarthenshire, SA17 5JT

Contact telephone number(s): 01554 229079

Email address: philthompsonkidwelly@yahoo.com

2. DETAILS OF YOUR INTEREST

What is the matter under consideration?

1: Application by Ynghyd CIC to be involved in an asset transfer of the Town's public conveniences with a view to creating an adult changing place.

2: Operation by Ynghyd CIC and Kidwelly Community Hub of a luncheon club in Kidwelly

What is your interest in the above matter?

I am a non-remunerated director of Ynghyd CIC and a member of the Kidwelly Community Hub Management Committee. (In neither case one of the Members not appointed by the Authority).

When will the above matter be considered?

At Full Council on 10th January 2017 and potentially at Full Council and Estates, General Purposes or Finance committees until the elections in May 2017

Are you applying for dispensation to:

Speak only: x

Speak and vote:

Make written
Representations x

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	x
• 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;	x
• the business is to be considered by an overview and scrutiny committee and my interest is not a pecuniary interest;	x
• 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	x
• 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. 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)

In respect of item 1, the application to be involved in the asset transfer of the town's conveniences to the extent of converting the existing accessible toilet into an adult changing place, I am the lead director in Ynghyd CIC on this project.

The matter potentially involves the conversion of the existing accessible toilet into an adult changing place by inclusion of an adult lifting hoist and an adult changing table. The toilet is currently tension in the subject asset transfer County Council to the town council. Ynghyd CIC has acquired the necessary equipment, and would like to make it available to the general public including the disabled population as a whole. The current accessible toilet would make an ideal venue, in addition the current accessible toilet is not up to specification and requires work in any event. This making the time ideal for the converts I am both the lead officer within Ynghyd CIC and am a director and on the on the boards of both Anabledd Cymru / Disability Wales and Disability Rights .

I am therefore, particularly able to comment both on the individual project and on the need for and requirements of adult changing place in general, as I have specialist knowledge of both. This will inform and enhance the Council's discussion, which otherwise may be impaired by the lack of specialist knowledge.

The project is to benefit the entire community in Kidwelly and the surrounding area and will involve Ynghyd CIC contributing assets to the town facilities at a cost to Ynghyd rather than any gain, therefore my involvement is not likely to damage public confidence.

Further, my involvement in the adult changing place project is generally publicly known in any event and as such open involvement in discussions in a public meeting would assist transparency rather than impair public confidence.

Although, the constitution of Ynghyd CIC does provide for the potential payment of directors, this is a standard clause and I do receive any remuneration in the role, nor do I intend to in the foreseeable future and accordingly have no pecuniary interest in the project.

In respect of item 2: the Kidwelly Luncheon Club Project, I am again the lead director from Ynghyd CIC in this project and the main contact for the Kidwelly Community Hub.

I was the contact person in respect of the grant from the Big Lottery, which is the major funder.

The Town Council has already made its decision to grant fund the project, (in which I took no part), therefore the decision to fund has been made without any question of my involvement, therefore future discussions will be report backs and logistical or practical rather than fiscal, which I am in a unique position to participate in and inform the Council's discussion.

Further as this is a community project in which as above my involvement is well known and in which I have no pecuniary interest public confidence is unlikely to be damaged by my inclusion in the discussions.

In respect of neither project am I requesting permission to vote, merely speak and provide written representations, which will serve to inform the Council's discussion, rather than actively voting for the projects, which provides an additional check and / or balance to maintain public confidence as my non-participation in the vote will be recorded as a matter of record.

(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:

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)	<p>Council business which relates to or is likely to affect:</p> <ul style="list-style-type: none"> • your employment or business, • your employer, firm or company • a contract made between the Council and you • any land, lease or licence 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 	X
10(2)(c)	Council business which affects your well-being or financial position, or the well-being, financial position or other interests of a person with whom you live or have a close personal association	
13	Council business which is being considered by an Overview and Scrutiny Committee and which relates to a decision of the Cabinet or another Committee of which you were a member at the time [County Council only]	

(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