

Pecyn Dogfennau



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

DYDD MAWRTH, 14 IONAWR 2020

AT: HOLL AELODAU'R PWYLLGOR SAFONAU

YR WYF DRWY HYN YN EICH GALW I FYNYCHU CYFARFOD O'R **PWYLLGOR SAFONAU** A GYNHELIR YN Y **SIAMBR, NEUADD Y SIR, CAERFYRDDIN AM 10.00 YB, DYDD MAWRTH, 21AIN IONAWR, 2020** ER MWYN CYFLAWNI'R MATERION A AMLINELLIR AR YR AGENDA ATODEDIG.

Wendy Walters

PRIF WEITHREDWR



AILGYLCHWCH OS GWELWCH YN DDA

Swyddog Democrataidd:	Martin S. Davies
Ffôn (llinell uniongyrchol):	01267 224059
E-bost:	MSDavies@sirgar.gov.uk
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 Is-Cadeirydd y Pwyllgor
2. Mrs Daphne Evans
3. Mrs Julie James
4. Mr M. Andre Morgan Cadeirydd y Pwyllgor
5. Mr Alun Williams

Aelod Pwyllgor Cymunedol (1)

1. Cynghorydd Tref Philip Rogers

Aelodau Etholedig y Cyngor Sir (3)

1. Y Cynghorydd Jeanette Gilasbey
2. Y Cynghorydd Rob James
3. Y Cynghorydd Gareth Thomas

AGENDA

1. YMDDIHEURIADAU AM ABSENOLDEB.
2. DATGAN BUDDIANNAU PERSONOL.
3. LOFNODI YN GOFNOD CYWIR COFNODION CYFARFODYDD Y PWYLLGOR A GYNHALIWYD AR 6ED RHAGFYR 2019. 5 - 10
4. CAIS AM OLLYNGIAD GAN Y CYNGHORYDD ANNE CARYS JONES. 11 - 22
5. CAIS AM OLLYNGIAD GAN Y CYNGHORYDD EDWARD THOMAS. 23 - 32
6. CAIS AM OLLYNGIAD GAN Y CYNGHORYDD KEN LLOYD. 33 - 44
7. 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

6 RHAGFYR 2019

YN BRESENNOL: Y Cynghorydd M.A. Morgan (Cadeirydd)

Aelodau Annibynnol:

Mrs M. Dodd, Mrs D. Evans, Mrs J. James ac A. Williams.

Aelod Cymunedol:

Y Cynghorydd Tref P. Rogers.

Y Cynghorwyr:

S.J.G. Gilasbey a D.M. Cundy [yn lle R. James].

Yr oedd y swyddogion canlynol yn gwasanaethu yn y cyfarfod:

L.R. Jones, Pennaeth Gweinyddiaeth a'r Gyfraith;
R. Edgecombe, Rheolwr y Gwasanaethau Cyfreithiol;
J. Owen, Swyddog Gwasanaethau Democrataidd.

Y Siambr- Neuadd Y Sir, Caerfyrddin. SA31 1JP: 10:00yb - 11:10yb

1. YMDDIHEURIADAU AM ABSENOLDEB

Cafwyd ymddiheuriadau am absenoldeb gan y Cynghorydd R. James a'r Cynghorydd G. Thomas.

2. DATGAN BUDDIANNAU PERSONOL.

Ni ddatganwyd unrhyw fuddiannau personol.

3. LOFNODI YN GOFNOD CYWIR COFNODION CYFARFODYDD Y PWYLLGOR A GYNHALIWDYD AR 18 TACHWEDD 2019

PENDERFYNWYD Ilofnodi bod cofnodion cyfarfod y Pwyllgor a gynhaliwyd ar 18 Tachwedd 2019 yn gofnod cywir.

4. CAIS AM OLLYNGIAD GAN Y CYNGHORYDD CAROL DYER

Rhoddodd y Pwyllgor ystyriaeth i gais a gyflwynwyd gan y Cynghorydd Carol Dyer o Gyngor Cymuned Myddfai am ollyngiad o dan ddarpariaethau Rheoliadau Pwyllgorau Safonau (Caniatáu Gollyngiadau) (Cymru) i siarad a phleidleisio mewn perthynas â materion yn ymwneud â Menter Bro Dinefwr (MBD) ac Y Lloffwr, papur newydd cymunedol Cymraeg.

Dywedwyd bod y cais am ollyngiad wedi'i wneud oherwydd bod gan y Cynghorydd Dyer fuddiant personol yn y materion hyn yn rhinwedd paragraff 10(2)(a)(ix)(ee) o'r Côd Ymddygiad gan mai hi yw Cyfarwyddwr Menter Bro Dinefwr (swydd wirfoddol) a chan mai hi yw Cadeirydd y Pwyllgor ar gyfer Y Lloffwr (swydd wirfoddol).

Roedd buddiant y Cynghorydd Dyer hefyd yn rhagfarnol, petai aelod o'r cyhoedd, o wybod yr holl ffeithiau, yn ystyried yn rhesymol fod y buddiant hwnnw mor arwyddocaol fel ei fod yn debygol o amharu ar farn y Cynghorydd ynghylch budd y cyhoedd.

Gan hynny, roedd y Cynghorydd Dyer wedi gofyn am ollyngiad o dan Reoliad 2 (d) (e) (f) (g) a (h) o Reoliadau Pwyllgorau Safonau (Caniatáu Gollyngiad) (Cymru) 2001.

Dywedodd Rheolwr y Gwasanaethau Cyfreithiol wrth y Pwyllgor y dylai, wrth ystyried y cais, nodi mai paragraffau 2 (d) a (h) oedd y rhesymau mwyaf priodol pe byddai'r Pwyllgor am gymeradwyo'r cais i siarad yn unig.

Yn dilyn trafodaeth,

PENDERFYNWYD YN UNFRYDOL ganiatáu gollyngiad o dan Reoliad 2 (d) a (h) o Reoliadau Pwyllgorau Safonau (Caniatáu Gollyngiad) (Cymru) 2001 i'r Cynghorydd Carol Dyer SIARAD yn unig yng nghyfarfodydd Cyngor Cymuned Myddfai mewn perthynas â materion yn ymwneud â'r canlynol:

- **Menter Bro Dinefwr (MBD);**
- **Y Lloffwr,**

a bod y gollyngiad yn ddilys tan ddiwedd y cyfnod etholiadol presennol.

5. ADRODDIAD BLYNYDDOL Y PWYLLGOR SAFONAU 2018/2019

Rhoddodd y Pwyllgor ystyriaeth i'w Adroddiad Blynyddol 2018/19 ynghylch y gwaith oedd wedi'i gyflawni yn ystod y cyfnod hwnnw a nododd, petai'r adroddiad yn cael ei fabwysiadu, y byddai'n cael ei roi gerbron cyfarfod y Cyngor ym mis Ionawr 2020 i'w gymeradwyo.

Yn unol â chofnod 8 o gyfarfod y Pwyllgor Safonau a gynhaliwyd ar 7 Rhagfyr, 2018 rhoddodd Rheolwr y Gwasanaethau Cyfreithiol wybodaeth ystadegol ychwanegol i'r Aelodau o ran canlyniadau'r achosion a gwblhawyd. Roedd y wybodaeth yn cynnig data cymharol o adroddiadau blynyddol a oedd yn ddyddiedig o 2012. Dywedodd Rheolwr y Gwasanaethau Cyfreithiol fod cynnydd yn nifer y cwynion 'datgelu camarfer' yn ystod y camau disgyblu, a oedd yn cymhlethu materion yn fawr ac o ganlyniad i hynny, yn achosi oedi o ran cwblhau'r broses datgelu camarfer. Dywedwyd y gwerthfawrogwyd y wybodaeth hon ac y byddai'n fuddiol i'r Pwyllgor barhau i fonitro tueddiadau'r dyfodol o ran achosion a gwblhawyd.

Rhoddodd y Pennaeth Gweinyddiaeth a'r Gyfraith wybod i'r Pwyllgor ei bod, wrth godi ymwybyddiaeth a hyrwyddo ymddygiad da, wedi cynnwys gwybodaeth am Egwyddorion Nolan a'r Polisi Datgelu Camarfer mewn llythyr newyddion adrannol diweddar i'r holl staff.

Yn dilyn awgrym, cytunodd y Pwyllgor y byddai'n fuddiol cynnwys rhestr o aelodau'r Pwyllgor yn yr adroddiad. Cytunodd Rheolwr y Gwasanaethau Cyfreithiol i gynnwys y wybodaeth hon cyn cyflwyno'r adroddiad i'r Cyngor llawn ym mis Ionawr.

PENDERFYNWYD YN UNFRYDOL ARGYMELL I'R CYNGOR fabwysiadu Adroddiad Blynyddol y Pwyllgor Safonau 2018/19 yn amodol ar gynnwys aelodaeth y Pwyllgor.

6. E-DDYSGU YNGHYLCH DATGELU CAMARFER

Ystyriodd y Pwyllgor y rhifyn diweddaraf o 'Goflyfr Côd Ymddygiad' Ombwdsmon Gwasanaethau Cyhoeddus Cymru, a gyhoeddwyd ym mis Hydref 2019, a oedd yn cynnwys achosion a gwblhawyd rhwng mis Gorffennaf a mis Medi 2019.

Nododd y Pwyllgor fod y Coflyfr yn amlygu dau achos a gafodd eu cyfeirio at Bwyllgorau Safonau lleol er mwyn iddynt benderfynu arnynt ac un achos a gafodd ei gyfeirio at Banel Dyfarnu Cymru. Roedd copïau o'r hysbysiadau o benderfyniadau a gyflwynwyd gan y ddau Bwyllgor Safonau ynghlwm wrth yr adroddiad yn Atodiad 1 a 2.

Gwerthfawrogwyd y wybodaeth am benderfyniadau'r Pwyllgor Safonau. Dywedwyd nad oedd y cyfnod atal o ddyletswyddau yn ddigonol yn yr achosion a ddarparwyd. Esboniodd y Pennaeth Gweinyddiaeth a'r Gyfraith, er bod Pwyllgorau Safonau lleol yn penderfynu ynghylch y cyfnod atal, mai'r gosb fwyaf y gallent ei gosod oedd cyfnod atal o chwe mis yn unol â Rheoliadau Ymchwiliadau Llywodraeth Leol (Swyddogaethau Swyddogion Monitro a Phwyllgorau Safonau) (Cymru) 2001.

Eglurodd Rheolwr y Gwasanaethau Cyfreithiol fod y broses o benderfynu ar y cosbau a osodir wedi'i nodi yn yr atodiadau.

Mewn ymateb i ymholiad a wnaed ynglŷn â thaliadau i Gynghorwyr yn ystod cyfnodau atal, eglurodd y Pennaeth Gweinyddiaeth a'r Gyfraith fod pwynt 18 o adroddiad blynyddol Panel Annibynnol Cymru ar Gydabyddiaeth Ariannol 2019/20 yn nodi, "Os caiff aelod ei atal dros dro neu ei atal dros dro yn rhannol rhag bod yn aelod o awdurdod (gweler Rhan 3 o Ddeddf 2000) rhaid i'r awdurdod wrthod talu'r rhan o'r cyflog sylfaenol sy'n daladwy i'r aelod hwnnw mewn perthynas â'r cyfrifoldebau neu'r dyletswyddau y mae'r aelod hwnnw wedi'i atal dros dro neu ei atal dros dro yn rhannol rhag eu cyflawni (Adran 155(1) o'r Mesur). Os bydd y penderfyniad i'w atal dros dro yn ymwneud â'r elfen o'r taliad sy'n ymwneud â'r cyfrifoldeb penodol yn unig, gall yr aelod gadw'r cyflog sylfaenol."

PENDERFYNWYD YN UNFRYDOL dderbyn yr adroddiad.

7. CYDYMFFURFIO Â'R CÔD YMDDYGIAD GAN GYNGHORWYR TREF A CHYNGHORWYR CYMUNED

Ystyriodd y Pwyllgor, fel rhan o'i rôl i fonitro a yw Cyngorau Tref a Chymuned yn cydymffurfio â'r Côt, adroddiad yn nodi lefelau'r hyfforddiant a gafwyd ynghylch y Côt, datganiadau o fuddiant, ceisiadau am ollyngiad a ganiatawyd a chwynion o ran y Côt Ymddygiad ar gyfer yr awdurdodau hynny yn ystod y cyfnod 2016/17 - 2018/19. Roedd taenlen, a oedd ynghlwm wrth yr adroddiad, yn cynnwys y wybodaeth a roddwyd ac yn caniatáu cymharu â blynyddoedd blaenorol.

Roedd cyfran fawr o gynghorau wedi ymateb i'r cais am y wybodaeth uchod, a dim ond 11 o gynghorau oedd wedi methu ag ymateb.

Dywedodd Rheolwr y Gwasanaethau Cyfreithiol fod nifer y datganiadau o fuddiant a wnaed a/neu'r gollyngiadau a geisir yn parhau i amrywio rhwng cynghorau. Fodd bynnag, nid oedd yn ymddangos fel petai unrhyw gydberthynas rhwng y ffactorau hyn a lefel yr hyfforddiant a ddarparwyd ar y Côt Ymddygiad.

Yn yr un modd, nid oedd tystiolaeth glir o unrhyw gydberthynas rhwng darparu hyfforddiant ar y Côt a nifer y cwynion yn ymwneud â'r Côt, ac nid oedd patrwm cyson o gwynion yn erbyn cynghorau penodol.

Nododd y Pwyllgor fod y dystiolaeth ystadegol at ei gilydd yn awgrymu lefel gyffredinol dda o gydymffurfiaeth â'r Côt gan Gyngorau Tref a Chymuned ledled y sir.

Gofynnwyd, o blith y cynghorau nad oeddent wedi ymateb, faint ohonynt oedd yn rhannu Clerc? Cynigiodd Rheolwr y Gwasanaethau Cyfreithiol roi'r wybodaeth hon yng nghyfarfod nesaf y Pwyllgor, gan nad oedd ganddo'r wybodaeth wrth law.

Awgrymwyd, gan fod rhai cynghorau yn rhagweithiol o ran yr hyfforddiant ar y Côt Ymddygiad ac yn sicrhau bod datganiadau o fuddiant yn berthnasol ac yn cael eu diweddarau, y gallai fod yn ddefnyddiol gofyn i'r cynghorau hyn gynorthwyo o ran cyfrannu at gyflwyno'r hyfforddiant. Cytunodd Rheolwr y Gwasanaethau Cyfreithiol i nodi hyd at 3 chynghor rhagweithiol i'w gwahodd i gymryd rhan yn y rownd nesaf o sesiynau hyfforddiant.

Yn ogystal, er mwyn i'r Pwyllgor Safonau allu asesu a yw'r hyfforddiant a ddarperir yn cael ei roi ar waith, awgrymodd Rheolwr y Gwasanaethau Cyfreithiol gynnal sampl o gofnodion Cynghorau Tref a Chymuned o ran datganiadau o fuddiant. Dywedwyd y gallai canlyniadau'r gwaith samplu fod yn fuddiol o ran rhoi dealltwriaeth well i'r Pwyllgor Safonau ynghylch sut mae cynghorau yn cofnodi ac yn gweinyddu buddiannau. Felly cynigiwyd bod sampl flynyddol o 25% yn cael ei chynnal a bod y canlyniadau yn cael eu cyflwyno i'r Pwyllgor yn unol â hynny.

PENDERFYNWYD YN UNFRYDOL:

- 7.1 dderbyn yr adroddiad;**
- 7.2 bod Rheolwr y Gwasanaethau Cyfreithiol yn trefnu cynnal sampl o 25% o gofnodion Cynghorau Tref a Chymuned yn flynyddol a bod y canlyniadau yn cael eu cyflwyno i'r Pwyllgor.**

**8. UNRHYW FATER ARALL Y GALL Y CADEIRYDD OHERWYDD
AMGYLCHIADAU ARBENNIG, BENDERFYNU EI YSTYRIED YN FATER BRYS
YN UNOL AG ADRAN 100B(4)(B) DEDDF LLYWODRAETH LEOL 1972**

Rhoddodd y Pennaeth Gweinyddiaeth a'r Gyfraith wybod i'r Pwyllgor, er nad oedd cyflwyno Bil Llywodraeth Leol ac Etholiadau (Cymru) yn cael effaith uniongyrchol ar y Pwyllgor Safonau, fod y Bil yn ei gwneud yn ofynnol i arweinwyr grwpiau gwleidyddol gymryd camau rhesymol i hyrwyddo a chynnal safonau uchel o ymddygiad gan aelodau eu grwpiau.

Felly, pwysleisiwyd mai swyddogaethau newydd y Pwyllgor Safonau o dan y Bil fyddai sicrhau bod arweinwyr grŵp yn cael cyngor a hyfforddiant i gefnogi eu dyletswyddau newydd a monitro cydymffurfiaeth yr arweinwyr grŵp â'r dyletswyddau hynny.

Yn ogystal, roedd y Bil yn cynnwys gofyniad i'r holl brif gynghorau weddarlledu'r cyfarfodydd a oedd yn agored i'r cyhoedd wrth iddynt gael eu cynnal.

CADEIRYDD

DYDDIAD

Mae'r dudalen hon yn wag yn fwriadol

Y PWYLLGOR SAFONAU
21/02/20

CAIS AM OLLYNGIAD GAN Y
CYNGHORYDD ANNE CARYS JONES

Yr argymhellion / penderfyniadau allweddol sydd eu hangen:
Ystyried a phenderfynu ar y cais

Y rhesymau:

Mae cynnwys yr adroddiad hwn yn rhan o faes gorchwyl y Pwyllgor.

Argymhellion / Sylwadau'r Pwyllgor Craffu:

Amherthnasol

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 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
21/01/20**

**APPLICATION FOR DISPENSATION BY COUNCILLOR ANNE
CARYS JONES**

An application for dispensation has been received from County Councillor Anne Carys Jones to speak and make written representations only in respect of business relating to parking on the Green at Llansteffan.

Councillor Jones would have a personal interest in any such business by virtue of paragraph (10)(2)(a) (vi) of the members code as Cllr Jones and her family live directly opposite the area of land in question.

This interest would be prejudicial as a member of the public with knowledge of the relevant facts would reasonably regard the interest is so significant that it is likely to prejudice her judgement of the public interest.

The application is made on 3 grounds specified in the regulations, namely;

1. That her participation would not damage public confidence in the conduct of that business.
2. That her interest is common to her and a significant proportion of the general public
3. Her participation is justified by her particular role or expertise

If the committee is minded to grant Councillor Jones a dispensation in respect of this interest it has an absolute discretion as to the duration of that dispensation.

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 and Law

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

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-180	Legal Services, County Hall

Mae'r dudalen hon yn wag yn fwriadol

**CAIS I'R PWYLLGOR SAFONAU
AM OLLYNGIAD**

Nodwch fod yn RHAID llenwi pob adran. Cyfeiriwch at y Nodiadau Cyfarwyddyd atodedig wrth lenwi'r ffurflen hon.

1. EICH MANYLION

Eich enw llawn: Anne Carys Jones

Enw eich Cyngor: Cyngor Sir Gâr

Eich cyfeiriad a'ch côd post: Y Garth, The Green, Llansteffan, Caerfyrddin SA33 5LW

Rhif(au) ffôn: 07970 902996 / 01267 241563

Cyfeiriad e-bost: acarysjones@sirgar.gov.uk / carysjones@cym.ro

2. MANYLION AM EICH BUDDIANT

Beth yw'r mater o dan ystyriaeth?

PARCIO AR Y GREEN, LLANSTEFFAN: Y Green yw'r sribyn o dir sydd yn rhedeg yn gyfochrog â'r traeth yn Llansteffan. Mae ceir wedi parcio ar dir Y Green ers blynyddoedd lawer iawn. Mae'r rhan fwyaf o'r Green yn eiddo i'r Cyngor Sir. Mae un sribyn o'r tir yn eiddo i'r Cyngor Cymuned. Mae'r Green wedi ei gofrestru yn Village Green, felly nid oes hawl parcio arno. Mae cwyn swyddogol wedi ei gyflwyno gan drigolyn lleol i'r Cyngor Cymuned am "ganiatau" parcio ar dir Village Green. Mae dilema mawr gan y ddau gyngor nawr wrth geisio datrys problemau parcio Llansteffan.

Beth yw eich buddiant yn y mater uchod?

Rydw i'n byw yn y rhes tai sy'n rhedeg yn gyfochrog â'r Green. Mae tir hamdden Y Morfa y tu ôl i'r ty.

Nid oes neb o'r ty yn parcio ar y Green - mae gennym barcio preifat a garej.

Pryd fydd y mater uchod yn cael ei ystyried?

Cyflwynwyd y cwyn swyddogol ym mis Tachwedd 2019, ac fe'i drafodwyd yng nghyfarfod y Cyngor Cymuned ar Ragfyr 16eg pryd y pleidleisiodd y Cyngor Cymuned dros geisio cyngor cyfreithiol cyn trafod ymhellach. Nid ydw i'n gynghorydd cymuned, ond fe adawais y cyfarfod ar gyfer yr eitem hon ar gyngor y Swyddog Monitro.

Bydd y mater hwn yn cael ei ystyried gan sawl corff/sefydliad dros y misoedd nesaf.

A ydych yn gwneud cais am ollyngiad i:

Siarad yn unig: ✓

Siarad a phleidleisio:

Gwneud sylwadau
ysgrifenedig ✓

Arfer Pwerau
Gweithrediaeth

3. RHESYMAU DROS OLLYNGIAD

Mae rheoliadau a wnaed gan Gynulliad Cenedlaethol Cymru yn pennu'r amgylchiadau lle gall y Pwyllgor Safonau ganiatáu gollyngiad. Ceir crynodeb o'r rhesymau dros ganiatáu gollyngiad isod ac maent wedi'u nodi'n llawn yn y nodiadau cyfarwyddyd atoddedig. Am ba un o'r rhesymau canlynol ydych chi'n credu y dylid caniatáu gollyngiad yn yr achos hwn? Ticiwch y blwch/blychau priodol.

• mae buddiant gan o leiaf hanner yr aelodau sy'n ystyried y busnes	<input type="checkbox"/>
• byddai fy anallu i gymryd rhan yn newid cydbwysedd gwleidyddol y cyfarfod i raddau a fyddai'n debygol o effeithio ar y canlyniad;	<input type="checkbox"/>
• ni fyddai'r ffaith fy mod yn cymryd rhan yn niweidio hyder y cyhoedd	<input type="checkbox"/> ✓
• mae'r buddiant yn gyffredin i mi ac i gyfran arwyddocaol o'r cyhoedd;	<input type="checkbox"/> ✓
• mae cyfiawnhad i mi gymryd rhan yn y busnes oherwydd fy rôl neu arbenigedd penodol;	<input type="checkbox"/> ✓
• bydd y busnes yn cael ei ystyried gan bwyllgor trosolygu a chraffu ac nid yw fy muddiant yn fuddiant ariannol;	<input type="checkbox"/>
• mae'r busnes yn ymwneud â materion ariannol neu eiddo corff gwirfoddol yr wyf yn aelod o'i bwyllgor neu ei fwrdd rheoli ac nid oes gennyf unrhyw fuddiant arall	<input type="checkbox"/>
• mae'n briodol gwneud hynny yn yr holl amgylchiadau lle nad yw'n bosibl fel arall gwneud addasiadau rhesymol i ddarparu ar gyfer anabledd person	<input type="checkbox"/>

4. GWYBODAETH I GEFNOGI EICH CAIS

Nodwch isod y rhesymau pam rydych yn credu y dylai'r Pwyllgor Safonau ganiatáu gollyngiad yn yr achos hwn:

(Sylwch, os na fyddwch yn llenwi'r adran hon bydd y ffurflen gais yn cael ei dychwelyd atoch)

PARCIO AR Y GREEN, LLANSTEFFAN - CEFNDIR:

Y Green yw'r sribyn o dir sydd yn rhedeg yn gyfochrog â'r traeth yn Llansteffan. Mae ceir wedi parcio ar dir Y Green ers blynyddoedd lawer iawn - mae tystiolaeth o barcio arno yn mynd yn ôl i'r '50au ac efallai mor bell yn ôl a'r '30au. Mae Maes Parcio swyddogol ym mhen deheuol y Green, sy'n eiddo i'r Cyngor Sir, ac sydd â 88 gofod parcio ceir. Yn ystod yr haf, neu ar Wyliau'r Banc, bydd cyfanswm o tua 250-300 o geir yn chwilio am le i barcio i gael mynediad i'r traeth/cyfleusterau/chips/siop.

Mae'r rhan fwyaf o'r Green yn eiddo i'r Cyngor Sir, sef y llain sy'n rhedeg o'r Maes Parcio at y Cae Pel-droed ym mhen gogleddol Y Green. Mae un sribyn o'r tir a effeithir gan y parcio yn eiddo i'r Cyngor Cymuned - tua 10% - sy'n cynnwys y fynedfa i'r llain ogleddol. Mae'r Green wedi ei gofrestru yn Village Green, felly nid oes hawl parcio arno. Dros y 5 mlynedd ddiwethaf mae Camper Vans wedi bod yn aros yn llain ogleddol Y Green - hyd at 10-12 rhai nosweithiau, ac mae hyn wedi achosi nifer o gwynion answyddogol. Dros y blynyddoedd mae'r Cyngor Cymuned a'r Cyngor Sir wedi ceisio dod i'r afael â datrys y broblem o orfodi'r gwaharddiad parcio ar gyfer cerbydau mawr/pob cerbyd, ond byddai hyn yn creu problemau parcio dybryd a difrifol yn Llansteffan, felly nid yw'r mater wedi symud ymlaen.

PAM NAWR?

Mae Cwyn Swyddogol wedi ei gyflwyno'n ddiweddar i'r Cyngor Cymuned gan drigolyn lleol am "ganiatau" parcio ar dir Village Green. Mae dilema mawr gan y ddau gyngor nawr wrth geisio datrys problemau parcio Llansteffan.

Bydd gorfodi'r gwaharddiad parcio ar Y Green yn golygu bod:

- Hyd at 200 o geir yn chwilio am le i barcio pan fo'r Maes Parcio'n llawn;
- Camper Vans yn cymryd lle 2 gar yn y Maes Parcio;
- Ceir yn parcio ar hyd yr hewlydd culion a rhwystro mynediad i gerbydau brys;
- Ceir yn parcio ar dir Y Morfa, sef tir hamdden y pentref, sy'n eiddo i'r Cyngor Sir;
- Ceir yn parcio ar dir/mynedfeydd eiddo preifat yn y pentref.

(mae nifer o'r uchod yn digwydd eisioes ar ddiwrnodau braf)

Mae'n amlwg felly bod rhaid dod o hyd i ateb i'r problemau parcio hyn, nid dim ond symud y broblem i ran arall o'r pentref. Mae'r Cwyn Swyddogol yn golygu na ellir osgoi'r mater ymhellach.

FY RHAN I FEL CYNGHORYDD CYMUNED (gynt):

Bum i'n Gynghorydd Cymuned am rhyw dair mlynedd-ar-ddeg cyn sefyll i lawr pan ges i fy ethol yn Gynghorydd Sir yn 2017. Rydw i'n credu bod y gymuned yn gryfach o gael dau lais ar wahan i'w cynrychioli, er bod y ddau lais yn hollol gytun y rhan helaeth o'r amser, ac rwy'n gweld fy rôl i'n un o gyflwyno gwybodaeth a chynnig cefnogaeth i'r Cyngor Cymuned fel bod y ddau gyngor yn gallu gweithio law-yn-llaw ar faterion pan fo hynny'n briodol.

Mae pob aelod o'r Cyngor Cymuned wedi cael eu hethol ar fy ôl i - y rhan fwyaf ohonynt ond wedi bod ar y Cyngor am flwyddyn neu ddwy, felly fi yw'r un sydd wedi bod yn trafod y materion hyn yr hiraf. Mae nifer o'r cynghorwyr cymuned yn denau eu gwybodaeth ar hanes trafod y parcio ar Y Green. Mae'r clerc hefyd yn weddol dibrofiad.

Rydwi'n mynychu pob cyfarfod misol o'r Cyngor Cymuned ond **NID OES GEN I BLEIDLAIS**. Dros fy mlynnyddoedd i fel Cyngorydd Cymuned, daeth mater parcio ar Y Green i'r brig yn weddol reolaidd - dan ofal tri chlerc gwahanol a sawl cadeirydd. Bob tro y trafodwyd y mater fe gredwyd bod y tir yn eiddo i'r Cyngor Sir ac mai mater i'r Sir fyddai datrys y broblem. Ers i mi gael fy ethol yn Gyngorydd Sir (2017) rydw i wedi darganfod bod y Cyngor Cymuned yn berchen ar un llain o'r Green - mewn rhodd trwy gytundeb a wnaethpwyd rhwng y Cyngor Sir a Pherchennog Preifat ym 1981. Mae hwn yn cynnwys y fynedfa i'r rhan ogleddol.

Dwi wedi gwneud ymchwil pellach i'r sefyllfa ar Y Green, gan wybod y byddai'r mater yn dod i'r brig rhywbryd. Mae gen i ddogfennau a mapiau (trwy drafodaeth gyda'r swyddogion priodol yn y Cyngor Sir) sy'n ceisio sefydlu beth yw'r "status quo" cyn ein bod yn symud ymlaen, a hoffwn i barhau i wneud y gwaith hwn. Mae hyn yn golygu sefydlu, unwaith ac am byth, beth yw statws Village Green y clytwaith o dir (mae'r Cyngor Sir yn gweithio ar hyn ar hyn o bryd), a beth yn union sy'n berthnasol yn gyfreithiol, gan bod nifer o ddeddfau yn gwrth-ddweud ei gilydd. Mae hefyd angen cyflwyno y gwahanol scenarios o ganlyniad i orfodi'r gwaharddiad parcio, fel y gall y ddau gyngor a'r gymuned ystyried yr oblygiadau yn drwyadl cyn dod i unrhyw benderfyniad ar y ffordd ymlaen. Mae angen cyngor cyfreithiol allanol i ddod i'r afael â rhai o'r cwestiynau hyn.

FY MUDDIANT I:

Rydwi'n byw yn y rhes tai sy'n wynebu'r Green a'r traeth, felly gellid dadlau y byddai'r mater hwn yn effeithio ar fy nhyfleustra i, neu gwerth fy nhy. Mae ceir wedi gyrru ar y Green o flaen fy nhy ers i mi fyw yno - 27 mlynedd - a tydw i, na neb o'm cartref, erioed wedi cwyno. Mae gyda ni barcio preifat a garej y tu ôl i'r ty, felly dydy parcio ddim yn broblem i ni. Mae bron pawb sy'n byw ar y Green yn berchen garej/llain parcio yn y cefn.

Mae'r Green o flaen fy nhy i yn gul iawn, a bydd ceir yn gyrru heibio yn hytrach na pharcio gan y byddai parcio yn rhwystr i geir eraill. Teg yw dweud mai fy nhy i yw un o'r tai sy'n cael eu heffeithio leiaf gan barcio ar Y Green. Nid oes gen i fuddiant busnes nac arall yn y mater hwn. Mae budd pawb sy'n byw ar y Green yn bwysig fan hyn. Mae rhai yn mwynhau parcio ar y Green ac eraill yn gwrthwynebu. Mae'r rhai sy'n byw ar hewlydd ychydig yn ôl o'r traeth hefyd yn cael eu heffeithio - rhai ohonynt, eto, llawer yn fwy na fi.

Mae'r parcio, neu unrhyw newididau i'r parcio, yn effeithio ar bawb yn y pentref mewn un ffordd neu arall, ac felly dwi'n teimlo na fyddwn yn gwneud fy ngwaith petawn yn ymneilltuo'n llwyr o'r mater. Dwi'n credu y byddai'r cyhoedd yn siomi petawn i ddim yn gallu cyfrannu i sicrhau bod popeth yn cael ei drafod a'i benderfynu rhwng y ddau gyngor mewn modd agored a thryloyw.


Mae'n bwysig i ddweud nad oes gen i farn ar y parcio ar Y Green. Tydy'r parcio ddim wedi fy mhoeni, ond dwi wedi bod yn ymwybodol ar hyd yr amser y byddai'r diwrnod yn dod pan fyddai raid wynebu'r problemau a cheisio dod o hyd i drefniant i ddatrys y broblem. Dwi wedi cael llawer o amser i ystyried oblygiadau gwahanol drefniadau newydd, ac wedi eu nodi fel y gall y gymuned a'r Cyngor Sir ystyried pob opsiwn yn drwyadl.

Yn y pen draw bydd rhaid dod o hyd i gynllun sy'n datrys y broblem parcio ar Y Green mewn un ffordd neu arall. Dwi'n credu bod gen i gyfraniad di-duedd i'w wneud i hyrwyddo'r broses, heb ddylanwadu, tra'n sicrhau bod pawb yn ystyried pob posibiliad ac oblygiad - er lles amwynder y trigolion a'r ymwelwyr.

Mae hyn yn bwysig i mi oherwydd bod perygl i'r cwynwr ddwyn achos llys yn erbyn y Cyngor Cymuned a/neu'r Cyngor Sir. Tydw i ddim am weld unrhyw oedi na llaesu dwylo wrth geisio symud ymlaen â'r mater hwn, fyddai'n niweidiol i'r cynghorau a'r gymuned drwyddi draw.

Cadarnhaf fod y wybodaeth a roddir ar y ffurflen hon yn wir hyd eithaf fy ngwybodaeth. Rwy'n cytuno y gall y cais hwn a'r holl wybodaeth a gynhwysir ynddo ffurfio rhan o adroddiad cyhoeddus i'r Pwyllgor Safonau. Rwy'n gwneud cais am ollyngiad mewn perthynas â'r mater uchod.

Llofnod:



Dyddiad:

31 / 12 /19

Dylech ddychwelyd y ffurflen hon at y Swyddog Monitro, Adran y Prif Weithredwr, Cyngor Sir Caerfyrddin, Neuadd y Sir, Caerfyrddin, SA31 1JP.

Nodiadau Cyfarwyddyd

(1) Dylech ddarllen y Côd Ymddygiad a phenderfynu pa un o'r paragraffau sydd fwyaf priodol yn eich achos chi. Ceir manylion cryno am y paragraffau perthnasol yn y tabl isod. Os nad ydych yn sicr, cysylltwch â'r Swyddog Monitro i gael cyngor.

Para.	Y math o fuddiant personol	
10(2)(a)	Busnes y Cyngor sy'n ymwneud â'r canlynol, neu'n debygol o effeithio ar y canlynol: <ul style="list-style-type: none">eich cyflogaeth neu'ch busneseich cyflogwr, busnes neu'ch cwmnicontract a wnaed rhwng y Cyngor a chiunrhyw dir, prydles neu drwydded y mae gennych fuddiant ynddyntcorff cyhoeddus neu gymdeithas arall yr ydych yn aelod ohonynt neu lle'r ydych yn dal swydd reolaeth gyffredinol	
10(2)(c)	Busnes y Cyngor sy'n effeithio eich lles neu'ch sefyllfa ariannol, neu les, sefyllfa ariannol neu fuddiannau eraill person yr ydych yn cyd-fyw ag ef/hi neu y mae gennych gysylltiad personol agos ag ef/hi	
13	Busnes y Cyngor sy'n cael ei ystyried gan Bwyllgor Trosolygu a Chraffu ac sy'n ymwneud â phenderfyniad y Cabinet neu Bwyllgor arall yr oeddech yn aelod ohono ar y pryd [Cyngor Sir yn unig]	

(2) Mae Rheoliadau Pwyllgorau Safonau (Caniatáu Gollyngiadau) (Cymru) 2001 (fel y'u diwygiwyd) yn nodi y gall Pwyllgor Safonau ganiatáu gollyngiadau yn y sefyllfaoedd canlynol:

- os oes gan ddim llai na hanner aelodau'r awdurdod perthnasol neu hanner aelodau un o bwyllgorau'r awdurdod (yn ôl fel y digwydd) y mae'r busnes i gael ei ystyried ganddo fuddiant sy'n berthnasol i'r busnes hwnnw
- os oes gan ddim llai na hanner aelodau gweithrediaeth arweinydd a chabinet yr awdurdod perthnasol y mae'r busnes i gael ei ystyried ganddo fuddiant sy'n berthnasol i'r busnes hwnnw a bod naill ai paragraff (ch) neu baragraff (d) hefyd yn gymwys;
- yn achos cyngor sir neu gyngor bwrdeistref sirol, byddai anallu'r aelod i gymryd rhan yn newid cydbwysedd gwleidyddol yr awdurdod perthnasol neu bwyllgor yr awdurdod a fydd yn ystyried y busnes i raddau a fyddai'n debygol o effeithio ar y canlyniad;

- (d) os yw natur buddiant yr aelod yn gyfryw fel na fyddai cyfranogiad yr aelod yn y busnes y mae'r buddiant yn berthnasol iddo yn niweidio hyder y cyhoedd yn y modd y mae busnes yr awdurdod perthnasol yn cael ei gynnal;
- (e) os yw'r buddiant yn gyffredin i'r aelod ac i gyfran arwyddocaol o'r cyhoedd;
- (f) os oes cyfiawnhad i'r aelod gymryd rhan yn y busnes y mae'r buddiant yn berthnasol iddo oherwydd rôl neu arbenigedd penodol yr aelod;
- (g) os yw'r busnes y mae'r buddiant yn berthnasol iddo i'w ystyried gan bwyllgor trosolygu a chraffu'r awdurdod perthnasol ac nad yw buddiant yr aelod yn fuddiant ariannol;
- (h) os yw'r busnes sydd i'w ystyried yn berthnasol i faterion ariannol neu eiddo corff gwirfoddol y mae'r aelod yn aelod o'i bwyllgor neu ei fwrdd rheoli heblaw fel cynrychiolydd yr awdurdod perthnasol ac nad oes gan yr aelod unrhyw fuddiant arall yn y busnes hwnnw ar yr amod na fydd unrhyw ollyngiad yn ymestyn i gymryd rhan mewn unrhyw bleidlais mewn perthynas â'r busnes hwnnw; neu
- (i) os yw'n ymddangos i'r pwyllgor ei bod o les i drigolion ardal yr awdurdod perthnasol i'r anallu gael ei godi, ar yr amod bod hysbysiad ysgrifenedig bod y gollyngiad yn cael ei ganiatáu yn cael ei roi i Gynulliad Cenedlaethol Cymru o fewn saith diwrnod a hynny mewn unrhyw fodd y gall ei bennu.
- (j) os ystyrir ei bod yn briodol gwneud hynny yn yr holl amgylchiadau lle nad yw'n bosibl fel arall gwneud addasiadau rhesymol i ddarparu ar gyfer anabledd person

Mae'r dudalen hon yn wag yn fwriadol

Y PWYLLGOR SAFONAU
21/01/20

CAIS AM OLLYNGIAD GAN Y
CYNGHORYDD EDWARD THOMAS

Yr argymhellion / penderfyniadau allweddol sydd eu hangen:

Ystyried a phenderfynu ar y cais

Y rhesymau:

Mae cynnwys yr adroddiad hwn yn rhan o faes gorchwyl y Pwyllgor.

Argymhellion / Sylwadau'r Pwyllgor Craffu:

Amherthnasol

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 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
21/01/20**

**APPLICATION FOR DISPENSATION BY
COUNCILLOR EDWARD THOMAS**

A dispensation application has been received from Councillor Edward Thomas of Llandeilo Fawr Town Council to speak only in respect of any council business relating to grants from the Town Council to the Llandeilo and District Sports Association.

Councillor Thomas would have a personal interest in such council business by virtue of paragraph 10(2)(a)(ix)(ee) of the members code of conduct as he is chairman of the Llandeilo and District Sports Association.

This personal interest would also be prejudicial as a member of the public with knowledge of the relevant facts would reasonably regard the interest as so significant that it would be likely to prejudice the Councillor's judgement of the public interest.

Councillor Thomas has submitted his application on the basis of two grounds set out in the Standards Committees (Grant of Dispensations)(Wales) regulations 2011 (as amended) namely;

1. That 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.
2. That the business in question relates to the finances of a voluntary organisation of whose management committee the councillor is a member AND that he has no other interest.(A dispensation granted under this ground cannot extend to allowing the member to vote)

Committee members should note that paragraph 12(2)(c) of the Code provides that a personal interest is not to be regarded as a prejudicial interest where it relates to a member's role as a community councillor in respect of a grant, loan or other form of financial assistance made by that member's council to a community or voluntary organisation, up to a maximum of £500.

The committee previously granted Councillor Thomas a dispensation to speak only in relation to this interest at its meeting in October 2018. This dispensation expired on the 31st December 2019. Councillor Thomas has made use of this dispensation on one occasion, namely the 24th October 2018.

If the committee is minded to grant Councillor Thomas a dispensation in respect of this interest it has absolute discretion as to the duration of that 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 NONE	Legal NONE	Finance NONE	ICT NONE	Risk Management Issues NONE	Staffing Implications NONE	Physical Assets NONE
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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 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*

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-180	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: Edward Gwynne Thomas

Name of your Council: Llandeilo Fawr Town Council & Carmarthenshire County Council

Your address and postcode: Awelfryn, 8 Bridge Street, Llandeilo, SA19 6BN

Contact telephone number(s): 07842 649261

Email address: egthomas@sirgar.gov.uk

2. DETAILS OF YOUR INTEREST

What is the matter under consideration?

Grant from Llandeilo Fawr Town council to Llandeilo & District Sports Association

What is your interest in the above matter?

Chairman of the Sports Association

When will the above matter be considered?

At various times

Are you applying for dispensation to:

Speak only: x

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	x <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 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	x <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)

The Sports Association is an umbrella organisation for all sports clubs in the area.

The Association applies to the Town Council for an annual grant on behalf of those clubs and then distributes what is awarded between them, retaining a small amount for the Association itself.

The most recent grant received from the Council was for £2000.

Although any grant request is supported by documentary evidence such as an annual statement of accounts, I would like to address the Town Council when it considers such applications and speak in support of the request.

My role as Chairman is purely a voluntary one and I have no personal financial interest in the grant application.

The Standards Committee kindly granted me dispensation to speak in relation to this interest at its meeting in October 2018. The dispensation was granted until the 31st December 2019 and I made use of it to address the Council in respect of an application by the Association on the 24th October 2018.

I ask that the Committee grants me a further dispensation to speak only in respect of any matter relating to or likely to affect the Llandeilo & District Sports Association until the end of my current term of office as a councillor.

(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

Tudalen 30

(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 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

Y PWYLLGOR SAFONAU
21/02/20

CAIS AM OLLYNGIAD GAN Y CYNGHORYDD KEN LLOYD

Yr argymhellion / penderfyniadau allweddol sydd eu hangen:

Ystyried a phenderfynu ar y cais

Y rhesymau:

Mae cynnwys yr adroddiad hwn yn rhan o faes gorchwyl y Pwyllgor.

Argymhellion / Sylwadau'r Pwyllgor Craffu:

Amherthnasol

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 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
21/01/20**

**APPLICATION FOR DISPENSATION BY
COUNCILLOR KEN LLOYD**

An application for dispensation has been received from County Councillor Ken Lloyd to speak and make written representations only in respect of council business relating to or likely to affect Carmarthenshire Energy Limited, which is a community benefit society operating in the County.

Councillor Lloyd would have a personal interest in any such council business by virtue of paragraphs (10)(2)(a) (ix)(bb) and (ee) and 10(2)(b)(v) of the members code as both Cllr Lloyd and close personal associates of his are members of and hold shares in that organisation.

This interest would be prejudicial as a member of the public with knowledge of the relevant facts would reasonably regard the interest is so significant that it is likely to prejudice his judgement of the public interest.

The application is made on 1 ground specified in the regulations, namely that his participation would not damage public confidence in the conduct of that Council business.

Councillor Lloyd's application, together with a note providing some general information on community benefit societies is attached.

If the committee is minded to grant Councillor Lloyd a dispensation in respect of this interest it has an absolute discretion as to the duration of that dispensation.

Councillor Lloyd was previously granted dispensations in respect of other interests by the committee on the 21st January 2019, which are due to expire on the 31st December 2020.

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 and Law

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

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-180	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: Ken Lloyd

Name of your Council: Carmarthenshire County Council

Your address and postcode: 50 Myrddin Crescent, Carmarthen. SA311DX

Contact telephone number(s): (01267) 222922 Mobile 07498 084 173

Email address: klloyd@carmarthenshire.gov.uk

2. DETAILS OF YOUR INTEREST

What is the matter under consideration?

Matters relating to Carmarthenshire Energy Limited, which is a Community Benefit Society.

What is your interest in the above matter?

On 1st December 2019 I became a share holding member of the Society, as did my two granddaughters.

When will the above matter be considered?

At any time during the current term of office.

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 <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 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)

Carmarthenshire Energy Limited is a Community Benefit Society founded in 2012 following a year of consultation with communities, businesses, councillors and officers. The Society aims to support community groups and those suffering from fuel poverty and concerned about energy security and climate change; creating renewable energy projects run for people not profit, with any surplus generated reinvested in the local economy.

The Society has completed the installation of its first renewable energy project; a 500kW wind turbine that produces clean, low carbon energy. In October 2019 they issued a Share Offer of £100,000 to repay the final loan received for the cost of construction. People were encouraged to become a new member to increase the Society's voice in dealing with our climate emergency, and the Society is in a position to offer all members a fair return on funds.

The Society's structure is based on other successful renewable societies across the UK, including several community owned wind turbines and it has an excellent long standing relationship with the landowner at Salem, near Llandeilo in Carmarthenshire. Each subscriber, whatever the relevant stake, automatically becomes an equal member of the Society on a 'one member, one vote' basis.

The Society's purpose is to generate low-carbon electricity and to benefit the local community. Energy generated by this wind turbine goes into the local grid and it is estimated that the project displaces the equivalent of 820 tonnes of carbon dioxide every year.

I require dispensation to speak and make written representations because the reason I joined the Society is to help increase its voice in dealing with the current climate emergency facing our planet. This I believe is fully in line with Carmarthenshire County Council's corporate vision and core values: having declared a climate emergency in the Spring of 2019, followed by a Council decision in Autumn 2019 to request that Dyfed Pension Fund disinvest from organisations involved in fossil fuel extraction.

Thus, going forward, all decisions taken by the County Council will be seen through the prism of this climate emergency and for this reason I don't think that my participation in any debates or discussions would damage public confidence.

Society has woken up to the need to protect our planet and I have joined Carmarthenshire Energy Company primarily to play my very small part in protecting the planet. As a County Councillor I want to play a possible larger part by being able to speak and make written representations on issues that affect our climate. Now that Carmarthenshire County Council has declared a climate emergency this subject is going to dominate Council business for years to come and I believe I have a lot to offer inside and outside the chamber that I hope will help inform our deliberations, thus I request this dispensation.

(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: Ken Llovd

Date: 08 / 09 2020

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

Tudalen 40

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 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

Community benefit societies

The purpose of a community benefit society is to serve the broader interests of the community, in contrast to co-operative societies that serve the interests of members. The Co-operative and Community Benefit Societies Act 2014 requires a community benefit society to “carry on a business, industry or trade” that is “being, or intended to be, conducted for the benefit of the community”. But the Act does not provide any further definition or description of what a community benefit society is, creating a reliance on guidance issued by the Financial Conduct Authority (FCA). The FCA focuses on four key characteristics of a community benefit society:

Purpose: The FCA says that “the conduct of a community benefit society’s business must be entirely for the benefit of the community.” There can be no alternative or secondary purposes, including any that may preferentially benefit the members.

Membership: In common with all societies, community benefit societies normally have members who hold shares and are accorded democratic rights on the basis of one-member-one-vote. The FCA says “it is not usually appropriate for a community benefit society to give any particular group of members greater rights or benefits, because the society must be conducting its business for the benefit of the community. So, for example, we would expect to see community benefit societies run democratically on the basis of one-member-one-vote.”

Application of profits: Any profit made by a community benefit society must be used for the benefit of the community. Unlike a co-operative society, profits cannot be distributed to members of a community benefit society. Interest on share capital is an operating expense and should be subject to a declared maximum rate.

Use of assets: Community benefit societies must only use their assets for the benefit of the community. If a community benefit society is sold, converted, or amalgamated with another legal entity, its assets must continue to be used for the benefit of the community and must not be distributed to members. This lock on the assets of a community benefit society can be reinforced by adopting the prescribed wording for a statutory asset lock.

The FCA registration guidance acknowledges that a community benefit society might define the community it serves, but this should not inhibit the benefit to the community at large, in other words, community benefit should not be restricted to members only. The FCA does not provide guidance on who can be a member of a community benefit society. In the context of community shares, it is assumed that membership is open to any person who supports the purpose of the society, without the distinction found in co-operative societies between user and non-user members. Normally, the FCA would expect members to be granted democratic control, based on one-member-one-vote, but it may be prepared to register societies where control has been ceded to a parent body, if that parent body can show that it can run the society for the benefit of the community.

Mae'r dudalen hon yn wag yn fwriadol