

Pecyn Dogfennau



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DYDD MERCHER, 1 RHAGFYR 2021

AT: HOLL AELODAU'R CYNGOR SIR

YR WYF DRWY HYN YN EICH GALW I FYNCHU
**CYFARFOD RHITHWIR O'R CYNGOR SIR A GYNHELIR AM 10.00 YB,
DYDD MERCHER, 8 RHAGFYR, 2021** ER MWYN CYFLAWNI'R
MATERION A AMLINELLIR AR YR AGENDA SYDD YNGHLWM

Wendy Walters

PRIF WEITHREDWR

Swyddog Democrataidd:	Janine Owen
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Wendy Walters Prif Weithredwr, *Chief Executive*,
Neuadd y Sir, Caerfyrddin. SA31 1JP
County Hall, Carmarthen. SA31 1JP

AGENDA

1. YMDDIHEURIADAU AM ABSENOLDEB
2. DATGANIADAU O FUDDIANNAU PERSONOL.
3. CYHOEDDIADAU'R CADEIRYDD.
4. LLOFNODI YN GOFNOD CYWIR COFNODION CYFARFOD Y
CYNGOR A GYNHALIWDYD AR Y 10 TACHWEDD 2021 5 - 14
5. YCHWANEGIAD AT GYTUNDEB RHYNG-AWDURDODAU (IAA)
PARTNERIAETH PENSIWN CYMRU (WPP) 15 - 28
6. CYNLLUN DIRPRWYO I SWYDDOGION A PHROTocol AR GYFER
CYFLWYNO SYLWADAU I'R CYNGOR SIR YNGHYLCH CEISIADAU
CYNLLUNIO 29 - 126
7. YSTYRIED ARGYMHELLION Y CABINET O RAN A MATERION
CYNLYNOL:-
 - 7.1 ADFER MYNEDIAD CYHOEDDUS YN GILFACH IAGO 127 - 136
8. DERBYN ADRODDIAD CYFARFOD Y CABINET A GYNHALIWDYD AR:-
 - 8.1 8 TACHWEDD 2021 137 - 142
 - 8.2 22 TACHWEDD 2021 143 - 148
9. YSTYRIED Y RHYBUDDION O GYNNIG CANLYNOL:-
 - 9.1 RHYBUDD O GYNNIG A GYFLWYNWYD GAN Y CYNGHORYDD
JOHN JAMES

Bod y Cyngor hwn yn:

- 1) Cydnabod ymdrech fawr a phroffesiynoldeb Heddlu Dyfed Powys wrth gyflawni ei ddyletswyddau.
- 2) Cydnabod pa mor bwysig yw galwadau gan aelodau o'r cyhoedd o ran cynorthwyo'r Heddlu drwy roi gwybod am ddigwyddiadau a rhoi gwybodaeth am faterion sy'n ymwneud â throsedd ac anhrefn.
- 3) Nodi bod trigolion Sir Gaerfyrddin yn ei chael hi'n anodd cael gafael ar y system galwadau 101 o ran adrodd oherwydd oedi hir wrth ateb.

Felly mae'r Cyngor yn:

Gofyn yn barchus i Brif Gwnstabl Heddlu Dyfed Powys drefnu i ailwampio'r system galwadau 101 a fydd yn adennill hyder trigolion Sir Gaerfyrddin wrth ddefnyddio'r system hon, a fydd yn ei dro yn rhoi darlun mwy cywir o ystadegau sy'n ymwneud â throsedd ac anhrefn.

10. CWESTIYNAU GAN Y CYHOEDD (NID OEDD DIM WEDI DOD I LAW).

11. CWESTIYNAU GAN YR AELODAU:-

11.1 CWESTIWN GAN Y CYNGHORYDD GARY JONES I'R CYNGHORYDD ALUN LENNY, CADEIRYDD Y PWYLLGOR CYNLLUNIO

“O ystyried y fenter wych gan Gyngor Sir Caerfyrddin o ran gweithio ar strategaeth newydd i ddatblygu nodweddion a mannau awyr agored naturiol, a ellir herio ceisiadau cynllunio ar y CDLI presennol a'r CDLI arfaethedig drwy'r strategaeth hon? Os felly, oni ddylai hyn fod ar frig unrhyw ystyriaethau pan ddaw ceisiadau cynllunio i law, ynghyd â barn trigolion am gadw mannau Gwyrdd yn eu bro?”

11.2 CWESTIWN GAN Y CYNGHORYDD GARY JONES I'R CYNGHORYDD HAZEL EVANS, YR AELOD CABINET DROS YR AMGYLCHEDD

“Des i o hyd i'r blwch nwy hwn wrth gasglu sbwriel yn y pentref. Does dim gwybodaeth ar y botel ynghylch ble i'w dychwelyd, felly archebais slot yn Nhrostre. Roeddwn yn gwybod y byddai tâl ond cefais fy syfrdanu gan y tâl o £20. Bydd hyn yn annog pobl i beidio â'u dychwelyd yma a bydd yn atal pobl rhag ailgylchu. Deallaf fod 'Cwm Environmental' yn gwmni annibynnol, ond a allwn ddylanwadu arno mewn unrhyw ffordd i ddiwygio hyn, a chodi tâl mewn enw?”

12. COFNODION ER GWYBODAETH (AR GAEL AR Y WEFAN)

12.1 PWYLLGOR PENODI B - 4 TACHWEDD 2021

12.2 PWYLLGOR CYNLLUNIO - 11 TACHWEDD 2021

12.3 PWYLLGOR CYNLLUNIO - 23 TACHWEDD 2021

Mae'r dudalen hon yn wag yn fwriadol

CYNGOR SIR

DYDD MERCHER, 10 TACHWEDD 2021

YN BRESENNOL: Cynghorydd J.E. Williams (Cadeirydd)

Y Cynghorwyr:-

F. Akhtar	S.M. Allen	L.R. Bowen	K.V. Broom
J.M. Charles	C.A. Campbell	D.M. Cundy	S.A. Curry
C.A. Davies	W.R.A. Davies	T.A.J. Davies	G. Davies
H.L. Davies	I.W. Davies	J.A. Davies	K. Davies
S.L. Davies	J.S. Edmunds	D.C. Evans	H.A.L. Evans
L.D. Evans	R.E. Evans	W.T. Evans	S.J.G. Gilasbey
P. Hughes-Griffiths	A.D. Harries	T.M. Higgins	J.K. Howell
P.M. Hughes	A. James	J.D. James	R. James
D.M. Jenkins	J.P. Jenkins	G.H. John	C. Jones
B.W. Jones	D. Jones	G.R. Jones	T.J. Jones
A. Lenny	M.J.A. Lewis	K. Lloyd	K. Madge
S. Matthews	A.S.J. McPherson	E. Morgan	A.G. Morgan
S. Najmi	D. Nicholas	B.D.J. Phillips	J.S. Phillips
D. Price	J.G. Prosser	B.A.L. Roberts	E.M.J.G. Schiavone
A.D.T. Speake	L.M. Stephens	D. Thomas	E.G. Thomas
G.B. Thomas	G. Thomas	A.Vaughan Owen	D.T. Williams
D.E. Williams			

Yr oedd y swyddogion canlynol yn gwasanaethu yn y cyfarfod:-

W. Walters, Prif Weithredwr;
 C. Moore, Cyfarwyddwr Gwasanaethau Corfforaethol;
 J. Morgan, Cyfarwyddwr y Gwasanaethau Cymunedau;
 G. Morgans, Cyfarwyddwr Gwasanaethau Addysg a Phlant;
 R. Mullen, Cyfarwyddwr yr Amgylchedd;
 L.R. Jones, Pennaeth Gweinyddiaeth a'r Gyfraith;
 P.R. Thomas, Prif Weithredwr Cynorthwyol (Rheoli Pobl a Pherfformiad);
 I.R. Llewelyn, Rheolwr Blaen-gynllunio;
 G. Morgan, Pennaeth Gwasanaethau Democrataidd;
 E. Evans, Prif Swyddog Gwasanaethau Democrataidd;
 M. Evans Thomas, Prif Swyddog Gwasanaethau Democrataidd;
 S. Rees, Cyfieithydd Ar Y Pryd;
 J. Hawker, Swyddog Cymorth Digidol;
 C.J. Warwick, Peiriannydd Cymorth Digidol;
 L. Jenkins, Swyddog Cefnogi Bwrdd Gweithredol;
 E. Bryer, Swyddog Gwasanaethau Democrataidd;
 M.S. Davies, Swyddog Gwasanaethau Democrataidd.

Rhith-Gyfarfod: 10.00 yb - 12.45 yp

1. YMDDIHEURIADAU AM ABSENOLDEB

Derbyniwyd ymddiheuriadau am absenoldeb gan y Cynghorwyr E. Dole, P. Edwards, A. Fox, C.J. Harris, H.B. Shepardson, B. Thomas a J. Tremlett.

2. DATGANIADAU O FUDDIANNAU PERSONOL

Y Cynghorydd/Swyddog	Rhif y Cofnod	Y Math o Fuddiant
K. Lloyd	8.3 – Rhybudd o Gynnig gan y Cynghorydd Alun Lenny	Yn meddu ar gyfranddaliadau yn Carmarthenshire Energy Ltd.;
C.A. Davies	8.2 - Rhybudd o Gynnig gan y Cynghorydd Gareth John	Mae llwybr beicio Dyffryn Tywi, a fydd yn elwa o'r Gronfa Codi'r Gwastad, yn mynd drwy fferm y Cynghorydd Davies;
C.A. Davies	8.3 – Rhybudd o Gynnig gan y Cynghorydd Alun Lenny	Ffermwr;
T.A.J. Davies	8.3 – Rhybudd o Gynnig gan y Cynghorydd Alun Lenny	Tirfeddiannwr a Ffermwr;
K. Madge	7.1 – Cofnod 8 o Gofnodion y Cabinet 11 Hydref 2021	Ei ferch yn gweithio ym maes Gofal Cymdeithasol;
J.A. Davies	8.3 – Rhybudd o Gynnig gan y Cynghorydd Alun Lenny	Tirfeddiannwr;
K. Broom	7.2 – Cofnod 7 o Gofnodion y Cabinet 25 Hydref 2021	Mae'r llwybr troed yn mynd drwy dir y Cynghorydd Broom;
K. Broom	8.3 – Rhybudd o Gynnig gan y Cynghorydd Alun Lenny	Tirfeddiannwr;
M.J.A. Lewis	8.3 – Rhybudd o Gynnig gan y Cynghorydd Alun Lenny	Ffermwr;
J.K. Howell	8.3 – Rhybudd o Gynnig gan y Cynghorydd Alun Lenny	Tirfeddiannwr;
G.B. Thomas	8.3 – Rhybudd o Gynnig gan y Cynghorydd Alun Lenny	Ffermwr;
A. James	8.3 – Rhybudd o Gynnig gan y Cynghorydd Alun Lenny	Ffermwr;
J.M. Charles	8.3 – Rhybudd o Gynnig gan y Cynghorydd Alun Lenny	Tirfeddiannwr;
S.M. Allen	8.3 – Rhybudd o Gynnig gan y Cynghorydd Alun Lenny	Tirfeddiannwr;

W.T. Evans	8.3 – Rhybudd o Gynnig gan y Cynghorydd Alun Lenny	Tirfeddiannwr;
D.E. Williams	8.3 – Rhybudd o Gynnig gan y Cynghorydd Alun Lenny	Perchennog fferm;
C.A. Campbell	8.3 – Rhybudd o Gynnig gan y Cynghorydd Alun Lenny	Tirfeddiannwr;
S.L. Davies	8.3 – Rhybudd o Gynnig gan y Cynghorydd Alun Lenny	Ei mam yn dirfeddiannwr;
J.E. Williams	8.3 – Rhybudd o Gynnig gan y Cynghorydd Alun Lenny	Ffermwr.

3. CYHOEDDIADAU'R CADEIRYDD

- Estynnodd y Cadeirydd ei gydymdeimlad dwysaf, ar ran yr Aelodau Etholedig a'r Uwch-swyddogion, i'r Cynghorydd Jane Tremlett a'i theulu ynghylch eu colledion diweddar;
- Croesawodd y Cadeirydd y Cynghorydd Jim Jones yn ôl yn dilyn ei salwch diweddar;
- Diolchodd y Cadeirydd i'r Cynghorydd Edward Thomas am ei wahoddiad i de prynhawn yn Llandeilo ar 23 Hydref 2021;
- Dywedodd y Cadeirydd wrth y Cyngor ei fod ef a'i wraig Joyce, ar 30 Hydref 2021, wedi mwynhau perfformiad o 'Joseph and his Amazing Technicolour Dreamcoat' gan Theatr Ieuencid Porth Tywyn. Diolchodd i'r Theatr Ieuencid am y gwahoddiad;
- Estynnodd y cadeirydd ei longyfarchiadau i'r Cynghorydd Ann Davies a'i thîm ar eu llwyddiant yn Seremoni Wobrwyo Flynyddol Mudiad Meithrin yn ddiweddar;
- Dywedodd yr Is-gadeirydd, y Cynghorydd Ken Lloyd, ei fod wedi cynrychioli'r Cadeirydd yn ddiweddar yn lansiad Apêl Flynyddol y Pabi yn nhref Caerfyrddin a noson elusennol gyda Maer Llanelli;
- Cyhoeddodd y Cynghorydd Ann Davies fod y Cyngor unwaith eto wedi derbyn achrediad gan Ymgyrch y Rhuban Gwyn i gydnabod y gwaith yr oedd wedi'i wneud ac yn bwriadu ei wneud. Byddai'r Cyngor, fel rhan o'i ymrwymiad, yn nodi Diwrnod y Rhuban Gwyn ar 25 Tachwedd 2021 fel yr oedd wedi'i wneud yn ystod y blynyddoedd diwethaf ac anogodd y Cynghorydd Davies yr holl aelodau i ymrwymo i addewid Ymgyrch y Rhuban Gwyn;

- Diolchodd y Cynghorydd Jeanette Gilasbey i bawb, gan gynnwys y Cyngor, Cyfoeth Naturiol Cymru a'r gwasanaethau brys, a oedd wedi helpu'r trigolion yn dilyn y llifogydd diweddar yng Nghydsweli;
- Llongyfarchodd y Cynghorydd Hazel Evans Nicola Olsson, Swyddog Cynorthwyol Diogelwch Ffyrdd, ar y wobr a dderbyniodd gan Gymdeithas Ceffylau Prydain i gydnabod y gwaith yr oedd wedi'i wneud i ddatblygu arwydd ffordd i ddiogelu ceffylau. Ers hynny, roedd yr arwydd wedi'i gymeradwyo gan Bartneriaeth Diogelwch Ffyrdd Cymru;
- Llongyfarchodd a diolchodd y Cynghorydd Hazel Evans i bawb a fu'n rhan o'r cais llwyddiannus i'r Gronfa Codi'r Gwastad gan Lywodraeth y DU am £16.7 miliwn ar gyfer Llwybr Beicio Dyffryn Tywi, gan gynnwys Jonathan Edwards, AS Dwyrain Caerfyrddin a Dinefwr, a Simon Hart, Ysgrifennydd Gwladol Cymru. Diolchodd y Cynghorydd Evans hefyd i'r holl swyddogion a oedd yn gyfrifol am baratoi a chyflwyno'r cais a thalodd deyrnged i'r Tîm Rheoli Corfforaethol a'r Cabinet am eu gweledigaeth i gefnogi'r prosiect;
- Llongyfarchodd y Cynghorydd Rob James grŵp o Gynghorwyr Sir yn Llanelli, dan arweiniad y Cynghorydd Rob Evans, a oedd wedi camu i'r adwy i werthu pabiau ar ran y Lleng Brydeinig Frenhinol pan nad oedd cyn-filwyr yn gallu gwneud hynny;
- Rhoddodd y Dirprwy Arweinydd, gyda chaniatâd y Cadeirydd, y wybodaeth ddiweddaraf am y sefyllfa o ran Covid yn Sir Gaerfyrddin. Ddydd Llun cofnododd Sir Gaerfyrddin 483.1 achos i bob 100,000, o'i gymharu â 537.2 i bob 100,000 yn y 7 diwrnod blaenorol – gostyngiad o 54.1 achos i bob 100,000. Y ffigur ar 11 Hydref 2021 oedd 579.5 i bob 100,000 ac, yn ystod y 4 wythnos diwethaf felly, bu gostyngiad o tua 100 achos i bob 100,000. Er bod pethau'n symud i'r cyfeiriad cywir, ystyriwyd bod llawer i'w wneud o hyd, yn enwedig wrth i'r gaeaf nesáu, ac anogwyd pobl i fod yn ofalus. Yn unol â chanllawiau Llywodraeth Cymru, anogodd y Dirprwy Arweinydd bawb i gael y ddau frechiad Covid a'r brechiad atgyfnerthu pan ddywedir wrthyfych am wneud hynny, cael prawf a hunanyngysu os byddwch yn datblygu symptomau, cofio bod yr awyr agored yn fwy diogel wrth wneud cynlluniau i gwrdd â phobl eraill, cadw eich pellter pan allwch wneud hynny, golchi eich dwylo a gwisgo gorchudd wyneb. Anogwyd pobl hefyd i fanteisio ar gynnig brechlyn y fflw gan fod y siawns o fynd yn ddifrifol wael gyda Covid a'r fflw yn cael ei lleihau'n fawr ar ôl cael eich brechu, yn ogystal â'r risg y byddwch yn lledaenu'r feirws;
- Cyfeiriodd y Dirprwy Arweinydd at yr Apêl Teganau Nadolig a lanswyd yn y cyfarfod diwethaf, gan nodi y byddai unrhyw gefnogaeth a rhoddion yn cael eu gwerthfawrogi'n fawr.

4. COFNODION - 13EG HYDREF, 2021

PENDERFYNWYD llofnodi cofnodion cyfarfod y Cyngor a gynhaliwyd ar 13 Hydref 2021 gan eu bod yn gywir.

5. AELODAETH PWYLLGORAU CRAFFU, PWYLLGORAU RHEOLEIDDIO A PHWYLLGORAU ERAILL Y CYNGOR A PHENODI AELODAU I WASANAETHU ARNYNT

Yn unol â gofynion Deddf Llywodraeth Leol a Thai 1989 a Rheoliadau Llywodraeth Leol (Pwyllgorau a Grwpiau Gwleidyddol) 1990, fel y'u diwygiwyd, rhoddwyd ystyriaeth i adroddiad yn manylu ar ganlyniad adolygiad o gyfansoddiad Pwyllgorau Craffu, Pwyllgorau Rheoleiddio a phwyllgorau eraill y Cyngor yn dilyn ymddiswyddiad y Cynghorydd S. Najmi o'r Grŵp Annibynnol Newydd a dod yn aelod heb gysylltiad pleidiol. Nodwyd, o ganlyniad i'r ymddiswyddiad, y byddai cynrychiolaeth y Grŵp Annibynnol Newydd ar bwyllgorau ddau yn llai ac y byddai cynrychiolaeth aelodau heb gysylltiad pleidiol ddau yn fwy. Nid oedd dyraniad y seddi a ddelir gan Grŵp Plaid Cymru, y Grŵp Annibynnol a'r Grŵp Llafur wedi newid.

Mewn ymateb i'r newidiadau gofynnol, fel y nodir yn nhabl 3 yr adroddiad, roedd y Grŵp Annibynnol Newydd wedi cytuno i roi'r gorau i'w ddwy sedd ar y Pwyllgor Cynllunio a fyddai'n cael eu haildyrannu i'r aelodau heb gysylltiad pleidiol.

PENDERFYNWYD, o ganlyniad i newidiadau i aelodaeth wleidyddol gyffredinol y Cyngor:

- 5.1 fabwysiadu'r newidiadau i nifer y seddi a ddelir gan y Grŵp Annibynnol Newydd a'r Aelodau heb Gysylltiad Pleidiol, fel y manylir yn Nhablau 1, 2 a 3 yr adroddiad;
- 5.2 yn unol â Rheol Gweithdrefn Gorfforaethol 2 (2) (n), cymeradwyo newidiadau yn aelodaeth y Pwyllgorau yn sgil penderfyniad 5.1 uchod (fel y manylir yn yr adroddiad);
- 5.3 nodi nad oes dim newidiadau i nifer y seddi a ddelir gan Grŵp Plaid Cymru, y Grŵp Llafur a'r Grŵp Annibynnol ar y Cyngor;
- 5.4. yn unol â Rhan 6 o Fesur Llywodraeth Leol (Cymru) 2011, nodi nad yw'r trefniadau presennol ar gyfer dyrannu'r pum sedd ar bwyllgorau craffu yn newid.

6. YSTYRIED ARGYMHELLION Y CABINET O RAN A MATERION CYNLYNOL:-

6.1. ADRODDIAD MONITRO BLYNYDDOL 2019/21 CYNLLUN DATBLYGU LLEOL MABWYSIEDIG SIR GAERFYRDDIN

Dywedwyd wrth y Cyngor fod y Cabinet, yn ystod ei gyfarfod a gynhaliwyd ar 11 Hydref 2021 (cofnod 12), wedi ystyried Adroddiad Monitro Blynyddol 2019/21 ynghylch Cynllun Datblygu Lleol Mabwysiedig Sir Gaerfyrddin, a luniwyd yn unol â Deddf Cynllunio a Phrynu Gorfodol 2004 a Rheoliadau Cynllun Datblygu Lleol 2005. Er barnu bod cynnydd wedi'i wneud o ran gweithredu llawer o bolisiau ac amcanion y Cynllun a fabwysiadwyd, roedd elfennau a rhannau ohono nad oeddent yn cael eu cyflawni yn ôl y bwriad. Roedd pandemig Covid-19 a'r cyfyngiadau cysylltiedig wedi ychwanegu at y broblem. Yn hyn o beth, roedd yn anochel bod rhai o ganfyddiadau'r adroddiad yn adleisio'r heriau a brofwyd gan rai sectorau a chymdeithas.

Nodwyd, yn unol â dyletswydd statudol y Cyngor, fod yr adroddiad wedi cael ei gyflwyno i Lywodraeth Cymru a'i gyhoeddi ar wefan y Cyngor erbyn 31 Hydref 2021. Byddai ymgynghoriad anffurfiol yn cyd-fynd â hyn er mwyn rhoi cyfle i bartïon â diddordeb roi sylwadau ar y materion allweddol a

godwyd. Er nad oedd yn ofyniad statudol, roedd yr ymgynghoriad yn gyfle pwysig i gyflwyno sylwadau, a lle bo'n briodol, i'r sylwadau hynny gyfrannu at gynnwys Adroddiadau Monitro Blynyddol dilynol. Byddai cynnwys yr Adroddiad Monitro Blynyddol presennol, ynghyd â chynnwys y tair dogfen flaenorol, yn cael ei ddefnyddio wrth baratoi'r Cynllun Datblygu Lleol Diwygiedig 2018 – 2033 a'i sylfaen dystiolaeth gysylltiedig.

PENDERFYNWYD mabwysiadu'r argymhellion canlynol gan y Cabinet:

“y dylid cymeradwyo'r Adroddiad Monitro Blynyddol ar gyfer Cynllun Datblygu Lleol Sir Gaerfyrddin, ac awdurdodi swyddogion i wneud newidiadau teipograffyddol neu ffeithiol yn ôl yr angen i wella ei eglurder a'i gywirdeb.”

7. DERBYN ADRODDIAD CYFARFOD Y CABINET A GYNHALIWYD AR:-

7.1. 11EG HYDREF 2021

[SYLWER: Roedd y Cynghorydd K. Madge wedi datgan buddiant yn yr eitem hon yn gynharach.]

PENDERFYNWYD derbyn adroddiad cyfarfod y Cabinet a gynhaliwyd ar 11 Hydref 2021.

7.2. 25AIN HYDREF 2021

[SYLWER: Roedd y Cynghorydd K. Broom wedi datgan buddiant yn yr eitem hon yn gynharach.]

PENDERFYNWYD derbyn adroddiad cyfarfod y Cabinet a gynhaliwyd ar 25 Hydref 2021.

8. YSTYRIED Y RHYBUDDION O GYNNIG CANLYNOL:-

8.1. RHYBUDD O GYNNIG A GYFLWYNWYD GAN Y CYNGHORYDD ROB JAMES

Bu'r Cyngor yn ystyried y Rhybudd o Gynnig canlynol a gyflwynwyd gan y Cynghorydd Rob James:-

“Bod y Cyngor:

- Yn nodi'r penderfyniad a wnaed gan y weinyddiaeth Plaid ac Annibynnol yn 2016 i "beidio ag [ymateb] i geisiadau ynghylch clymog Japan a phlanhigion anfredorol ymledol eraill ar eiddo preifat na chymryd unrhyw gamau ffurfiol mewn perthynas â'r mater hwn".
- Yn cydnabod bod Deddf Ymddygiad Gwrthgymdeithasol, Troseddu a Phlisma 2014 wedi rhoi pwerau i gynghorau roi 'Hysbysiadau Gwarchod Cymuned' i fynd i'r afael â chlymog ar dir preifat sy'n cael effaith andwyol ar ansawdd bywyd yr ardal ac sy'n barhaus ac yn afresymol.
- Yn cydnabod bod cynghorau rhagweithiol, fel Bryste, wedi defnyddio'r pwerau hyn i gynorthwyo trigolion y mae methiant tiffeddianwyr i reoli clymog wedi cael effaith negyddol ar eu bywydau.
- Yn galw ar y weinyddiaeth Plaid ac Annibynnol hon i wrthdroi ei phenderfyniad a dechrau defnyddio Hysbysiadau Gwarchod Cymuned i

fynd i'r afael â mater clymog ar dir preifat sy'n cael effaith andwyol ar drigolion mewn llawer o gymunedau yn Sir Gaerfyrddin”.

Eiliwyd y cynnig.

Rhodddwyd cyfle i gynigydd ac eilydd y Cynnig siarad o blaid y Cynnig a bu iddynt amlinellu'r rhesymau dros ei gyflwyno, fel y'u nodwyd yn y Cynnig.

Cynigiwyd y gwelliant canlynol i'r Cynnig gan y Cyngorydd D. Thomas a chafodd ei eilio:

“Bod y Cyngor:

- Yn nodi'r penderfyniad a wnaed gan y weinyddiaeth Plaid ac Annibynnol yn 2016 i "beidio ag [ymateb] i geisiadau ynghylch clymog Japan a phlanhigion anffrodorol ymlledol eraill ar eiddo preifat na chymryd unrhyw gamau ffurfiol mewn perthynas â'r mater hwn, a oedd, ac sy'n dal i fod, yn unol â dull gweithredu cynghorau eraill Cymru.
- Yn cydnabod bod Deddf Ymddygiad Gwrthgymdeithasol, Troseddu a Phlisma 2014 wedi rhoi pwerau i gynghorau roi 'Hysbysiadau Gwarchod Cymuned' i fynd i'r afael â chlymog ar dir preifat sy'n cael effaith andwyol ar ansawdd bywyd yr ardal ac sy'n barhaus ac yn afresymol.
- Yn nodi bod Bryste, y tu allan i Gymru, wedi defnyddio'r pwerau hyn i gynorthwyo trigolion y mae methiant tiffeddianwyr i reoli clymog wedi cael effaith negyddol ar eu bywydau.
- Yn galw ar y weinyddiaeth Plaid ac Annibynnol hon i wrthdroi ei phenderfyniad a dechrau defnyddio Hysbysiadau Gwarchod Cymuned i fynd i'r afael â mater clymog ar dir preifat sy'n cael effaith andwyol ar drigolion mewn llawer o gymunedau yn Sir Gaerfyrddin. Yn galw ar Lywodraeth Cymru i annog cynghorau eraill i ystyried cymryd camau tebyg.”

Rhodddwyd cyfle i gynigydd ac eilydd y Gwelliant siarad o'i blaid a rhoesant amlinelliad o'r rhesymau dros ei gyflwyno, fel y'u nodwyd yn y Gwelliant.

Gwnaed nifer o ddatganiadau a gefnogai'r Cynnig a'r Gwelliant.

Dywedwyd wrth y Cyngor, pe bai'r Gwelliant yn cael ei dderbyn, mai dyma fyddai'r Cynnig terfynol a fyddai, pe bai'n cael ei gefnogi, yn cael ei gyfeirio at y Cabinet.

Yn dilyn y bleidlais

PENDERFYNWYD cefnogi'r Cynnig, fel y'i diwygiwyd, a'i gyfeirio at y Cabinet.

8.2. RHYBUDD O GYNNIG A GYFLWYNWYD GAN Y CYNGHORYDD GARETH JOHN

[SYLWER: Roedd y Cyngorydd C.A. Davies wedi datgan buddiant personol yn yr eitem hon yn gynharach ac nid oedd yn bresennol tra oedd yr eitem yn cael ei thrafod.]

Ystyriodd y Cyngor y Rhybudd o Gynnig canlynol a gyflwynwyd gan y Cyngorydd Gareth John:-

“Dymuna'r Cyngor gofnodi ei werthfawrogiad o'r weledigaeth a ddangoswyd gan ein Cabinet a diolch yn ddiffuant am y gwaith aruthrol a wnaed gan ein swyddogion proffesiynol sy'n gweithredu o fewn amserlen mor gaeth mewn amgylchiadau anodd, gan weithio'n hanfodol gyda phartneriaid eraill, i lwyddo i sicrhau cyllid gan Gronfa Codi'r Gwastad Llywodraeth y DU ar gyfer prosiectau mawr yn Sir Gaerfyrddin”.

Eiliwyd y cynnig.

Rhoddyd cyfle i gynigydd ac eilydd y Cynnig siarad o blaid y Cynnig a bu iddynt amlinellu'r rhesymau dros ei gyflwyno, fel y'u nodwyd yn y Cynnig.

Gwnaed nifer o ddatganiadau yn mynegi cefnogaeth i'r Cynnig.

PENDERFYNODD y Cyngor gefnogi'r Cynnig.

8.3. RHYBUDD O GYNNIG A GYFLWYNWYD GAN Y CYNGHORYDD ALUN LENNY

[SYLWER: Roedd y Cynghorwyr S.M Allen, C. Campbell, A. James, K. Lloyd, A.D.T. Speake a D.E. Williams wedi datgan buddiant personol yn yr eitem hon yn gynharach ac nid oeddent yn bresennol tra oedd yr eitem yn cael ei thrafod. Roedd y Cynghorwyr K.V. Broom, T.A.J. Davies, J.M. Charles, C.A. Davies, J.A. Davies, W.T. Evans, G.B. Thomas a J.E. Williams hefyd wedi datgan buddiant ond gwnaethant aros yn y cyfarfod].

Bu'r Cyngor yn ystyried y Rhybudd o Gynnig canlynol a gyflwynwyd gan y Cynghorydd Alun Lenny:-

“COEDWIGO CYFRIFOL – DULL CYNALIADWY NAD YW'N ECSBLOETIOL

Mae'r Cyngor yn mynegi ei bryder ynghylch prynu ffermydd teuluol yn Sir Gaerfyrddin a'r rhanbarth ehangach gan gwmnïau rhyngwladol i blannu coed er mwyn creu 'creydau carbon' sy'n cael eu gwerthu i gwmnïau sy'n llygru i gyrraedd eu targedau gwrthbwysu carbon.

Er ei fod yn derbyn bod plannu coed ar raddfa fawr yn cael ei gydnabod fel un ffordd o fynd i'r afael â newid yn yr hinsawdd, mae'r Cyngor yn gresynu bod gwrthbwysu carbon yn caniatáu i'r cwmnïau sy'n gollwng llawer o garbon barhau â'u hymddygiad anghynaliadwy.

At hynny, mae'r Cyngor yn nodi bod cwmnïau rhyngwladol eisoes wedi hawlio dros £1.3m gan Lywodraeth Cymru drwy gronfa Glastir - Creu Coetir, sy'n golygu bod trethdalwyr Cymru yn rhoi cymhorthdal i raglenni gwrthbwysu carbon cwmnïau o'r tu allan i Gymru.

Mae'r Cyngor yn cefnogi'r egwyddor o goedwigaeth gyfrifol ond mae'n credu bod yn rhaid gwneud hyn mewn ymgynghoriad â chymunedau lleol, ac ni ddylai gael effaith andwyol ar gyflogaeth leol, diwylliant a hyfywedd cymunedol.

Mae'r Cyngor yn galw ar Lywodraeth Cymru i:

- Sicrhau mai dim ond ffermwyr presennol yng Nghymru all hawlio cyllid drwy gynllun Glastir - Creu Coetir
- Cyflwyno deddfwriaeth datblygu cynllunio i alluogi awdurdodau cynllunio lleol fel Sir Gaerfyrddin i reoli prosiectau coedwigo, a phennu terfyn ar gyfran y tir ar unrhyw fferm y gellir ei defnyddio ar gyfer coedwigo heb fod angen caniatâd cynllunio
- Cyflawni ei chynlluniau coedwigo drwy ddatblygu cwmni hyd braich sy'n eiddo cyhoeddus i reoli coedwigaeth Cymru a helpu i gyrraedd targedau Llywodraeth Cymru ar gyfer lleihau allyriadau carbon

Mae'r Cyngor yn cydnabod barn ymgyrchwyr amgylcheddol nad ateb syml yw plannu coed i osgoi newid yn yr hinsawdd ac mae'n cytuno mai dim ond cwtogiad sydyn ar losgi tanwydd ffosil all atal y cynnydd parhaus a brawychus mewn tymheredd byd-eang”.

Eiliwyd y cynnig.

Rhodddwyd cyfle i gynigydd ac eilydd y Cynnig siarad o blaid y Cynnig a bu iddynt amlinellu'r rhesymau dros ei gyflwyno, fel y'u nodwyd yn y Cynnig.

Gwnaed nifer o ddatganiadau yn mynegi cefnogaeth i'r Cynnig.

PENDERFYNWYD y Cyngor gefnogi'r Cynnig.

9. CWESTIYNAU GAN Y CYHOEDD

Dywedodd y Cadeirydd nad oedd dim cwestiynau wedi dod i law gan y cyhoedd.

10. CWESTIYNAU GAN YR AELODAU

Dywedodd y Cadeirydd nad oedd dim cwestiynau wedi dod i law gan yr aelodau.

11. CYMARADWYO Y NEWIDIADAU CANLYNOL I AELODAETH PWYLLGORAU

11.1. MAE'R GRŴP ANNIBYNNOL NEWYDD WEDI ENWEBU'R CYNGHORYDD SHAREN DAVIES I LENWI'R SEDD A OEDD YN PERTHYN YN GYNT I'R CYNGHORYDD SHAHANA NAJMI AR Y PWYLLGOR CRAFFU - ADDYSG A PHLANT

Yn unol â Rheol Gweithdrefn Gorfforaethol 2(2)(n), roedd y Grŵp Annibynnol Newydd wedi enwebu'r Cynghorydd S.L. Davies i gymryd lle'r Cynghorydd S. Najmi fel ei gynrychiolydd ar y Pwyllgor Craffu - Addysg a Phlant a:

PHENDERFYNWYD YN UNFRYDOL gymeradwyo enwebiad y Cynghorydd S.L. Davies i gymryd lle'r Cynghorydd S. Najmi fel cynrychiolydd y Grŵp Annibynnol Newydd ar y Pwyllgor Craffu – Addysg a Phlant.

CADEIRYDD

DYDDIAD

Mae'r dudalen hon yn wag yn fwriadol

CYNGOR SIR

8 RHAGFYR 2021

YCHWANEGIAD AT GYTUNDEB RHYNG-AWDURDODAU (IAA) PARTNERIAETH PENSIWN CYMRU (WPP)

Argymhellion / penderfyniadau allweddol sydd eu hangen:

Bod yr atodiadau i IAA WPP yn cael eu cymeradwyo.

Rhesymau:

Mae'r Cytundeb Rhwng Awdurdodau wedi cael ei adolygu gan Weithgor Swyddogion Partneriaeth Pensiwn Cymru a Burges Salmon, ymgynghorwyr cyfreithiol Partneriaeth Pensiwn Cymru er mwyn galluogi:

- cynrychiolydd aelodau o'r cynllun i fod yn rhan o Gyd-bwyllgor Llywodraethu
- penodi Dyranwyr ar gyfer Is-gronfeydd y Farchnad Breifat,
- amrywiol fân-newidiadau eraill neu ddiweddariadau ers sefydlu Partneriaeth Pensiwn Cymru

Ymgynghori â'r pwyllgor craffu perthnasol NA

Angen Penderfyniad y Cabinet NAC OES

Angen Penderfyniad y Cyngor OES – 8 Rhagfyr 2021

DEILYDD PORTFFOLIO AELODAU'R CABINET: NA

Cyfarwyddiaeth: Gwasanaethau
Corfforaethol

Enw'r Pennaeth Gwasanaeth:
Chris Moore

Awdur yr Adroddiad: Chris Moore

Dynodiadau:

Cyfarwyddwr
Gwasanaethau
Corfforaethol, Cyngor Sir
Caerfyrddin

Ffôn: 01267 224120

Cyfeiriadau e-bost:
CMoore@sirgar.gov.uk

EXECUTIVE SUMMARY

**COUNTY COUNCIL
8TH DECEMBER 2021**

ADDENDUM TO THE INTER-AUTHORITY AGREEMENT (IAA) OF THE WALES PENSION PARTNERSHIP (WPP)

Changes to the IAA require unanimous agreement from all eight of the Constituent Authorities within the WPP.

An addendum to allow for the above changes is included within schedule 1 of the attached report.

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: **C Moore**

Director of Corporate Services

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

Legal

The Inter-Authority Agreement is a legal document, and any changes require unanimous agreement from all eight of the Constituent Authorities of the WPP.

CONSULTATIONS

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

Signed: **C Moore**

Director of Corporate Services

1. Scrutiny Committee - NA

2. Local Member(s) - NA

3. Community / Town Council – NA

4. Relevant Partners

Dyfed Pension Fund Committee – recommended the addendums for County Council approval at their meeting on 3rd December 2021

5. Staff Side Representatives and other Organisations - NA

**CABINET MEMBER PORTFOLIO
HOLDER(S) AWARE/CONSULTED**

Not applicable

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

THERE ARE NONE

Mae'r dudalen hon yn wag yn fwriadol

Amendment to the Inter-Authority Agreement between

Carmarthenshire County Council	(1)
City & County of Swansea Council	(2)
City of Cardiff Council	(3)
Flintshire County Council	(4)
Gwynedd Council	(5)
Powys County Council	(6)
Rhondda Cynon Taff County Borough Council	(7)
Torfaen County Borough Council	(8)

Made on

2021

By

- (1) **CARMARTHENSHIRE COUNTY COUNCIL** of County Hall, Carmarthen, Carmarthenshire, SA31 1JP
- (2) **CITY & COUNTY OF SWANSEA COUNCIL** of The Guildhall, Swansea, SA1 4PE
- (3) **THE COUNTY COUNCIL OF THE CITY AND COUNTY OF CARDIFF** of County Hall, Atlantic Wharf, Cardiff, CF10 4UW
- (4) **FLINTSHIRE COUNTY COUNCIL** of County Hall, Mold, Flintshire, CH7 6NA.
- (5) **GWYNEDD COUNCIL** of Shirehall Street, Caernarfon, Gwynedd LL55 1SH
- (6) **POWYS COUNTY COUNCIL** of County Hall, Llandrindod Wells, Powys, LD1 5LG
- (7) **RHONDDA CYNON TAFF COUNTY BOROUGH COUNCIL** of The Pavilions, Clydach Vale, Tonypany, CF40 2XX
- (8) **TORFAEN COUNTY BOROUGH COUNCIL** of Civic Centre Pontypool Torfaen NP46YB

(together referred to as the “**Constituent Authorities**” and individually as a “**Constituent Authority**”)

1 BACKGROUND

- 1.1 The Constituent Authorities are all councils responsible for the administration of local government within their areas as set out in the Local Government Act 1972. The Department for Communities and Local Government in its letter dated 23 November 2016 confirmed that the Constituent Authorities have been granted permission for each Constituent Authority to continue to collaborate with every other Constituent Authority to form a pool of assets in respect of each of their respective funds under the LGPS.
- 1.2 The Constituent Authorities entered into the Agreement to create a formal joint committee pursuant to section 101 and section 102 of the Local Government Act 1972 by Deed dated 26 June 2017. The Agreement in clause 34 allows for amendment of its terms provided that the amendment is made in writing and is signed on behalf of all the Constituent Authorities by duly authorised representatives.
- 1.3 This Amendment is made under clause 34 in order to amend the Agreement to:
 - (a) allow the participation of a co-opted member in the Joint Governance Committee; and
 - (b) allow for a number of changes which support the development and effectiveness of the pooling collaboration.

AGREED TERMS

2 INTERPRETATION

- 2.1 In this Amendment terms shall have the same meaning as set out in the Agreement where:
 - (a) **Agreement** means the deed titled Inter-Authority Agreement made between the Constituent Authorities on 26 June 2017.
 - (b) **Amendment** means this document amending the terms of the Agreement.

3 COMMENCEMENT

This Amendment shall take effect on [] 2021. For the avoidance of doubt, this Amendment is only effective when each Constituent Authority has signed it in accordance with clause 34 of the Agreement.

4 AMENDMENT OF THE AGREEMENT

The Agreement is amended as set out in Schedule 1 to this Amendment.

5 SEVERANCE

5.1 If any provision or part-provision of the Agreement or this Amendment is or becomes invalid, illegal or unenforceable, it shall be modified to the minimum extent necessary to make it valid, legal and enforceable. If such modification is not possible, the relevant provision or part-provision shall be deemed deleted. Any modification to or deletion of a provision or part-provision under this clause shall not affect the validity and enforceability of the rest of this Agreement.

5.2 If one Constituent Authority gives notice to the other Constituent Authorities of the possibility that any provision or part-provision of this Agreement is invalid, illegal or unenforceable, the Constituent Authorities shall negotiate in good faith to amend such provision so that, as amended, it is legal, valid and enforceable, and, to the greatest extent possible, achieves the intended result of the original provision.

6 COUNTERPARTS

This Amendment may be executed in any number of counterparts by the Constituent Authorities, all of which taken together, shall constitute one and the same agreement, and any Constituent Authority (including any duly authorised representative of a Constituent Authority) may execute this Amendment by executing a counterpart.

Schedule 1

Amendments to the Agreement

The following amendments are made to the Agreement:

1 CLAUSE 1 INTERPRETATION

1.1 In clause 1, the following definition is inserted at the start of the list of definitions:

Allocator means the, one or more, allocator for [private market] asset classes who will facilitate the preferred investment structure and select sub-managers, underlying funds and/or direct investments for the purposes of the Pooling Collaboration appointed by the Joint Governance Committee.

1.2 In clause 1, following the definition of “Constituent Authorities”, the following definitions are inserted:

Contact List means the document circulated periodically by the Host Authority setting out relevant contact details for each of the Constituent Authorities.

Co-opted Member means a person, nominated by a Constituent Authority or the Pension Board of a Constituent Authority, and appointed as a Co-opted Member of the Joint Governance Committee by the Members; who is not an elected member of a Constituent Authority but is a Pension Member Representative of a Constituent Authority.

1.3 In clause 1 (and throughout the document thereafter, but including the contents pages), the definition “Host Council” is changed to “**Host Authority**” but retains its meaning throughout the document, being:

Host Authority means the Constituent Authority appointed in accordance with clause 7 and whose duties are described within that clause.

1.4 In clause 1, the definition of Member is delete and replaced by the following definition:

Member means each of the elected members of the Constituent Authorities nominated to be Members of the Joint Governance Committee in accordance with clause 3.3(a).

1.5 In clause 1, following the definition of “Pension Board”, the following definition is inserted:

Pension Member Representative means a person appointed to a Pension Board as a member representative further to regulation 107(2)(b) of the Local Government Pension Scheme Regulations 2013.

2 CLAUSE 3

2.1 Clause 3.3 is delete and replaced by the following:

3.3 The membership of the Joint Governance Committee shall be:

(a) one elected member nominated by each of the Constituent Authorities, provided that the nominated person is an elected member of that Constituent Authority and a member of that Constituent Authority’s pensions committee (or equivalent body) for the purposes of the Local Government Pension Scheme Regulations 2013; and

(b) one Co-opted Member appointed by decision of the Members (or a sub-group of the Members where such a sub-group is formed to consider the candidates), and which Co-opted Member shall be selected from a pool of candidates nominated by each of the Constituent Authorities or their Pension Boards.

2.2 Clause 3.4 is delete and replaced by the following:

3.4 For the purposes of clause 3.3, each Constituent Authority may appoint a named deputy for each Member, which deputy must be an elected member of the same Constituent Authority and the same Constituent Authority's pension committee (or equivalent body) for the purposes of the Local Government Pension Scheme Regulations 2013 as the Member for whom they are acting as deputy; and

3.4 A In the case of the Co-opted Member, a deputy shall be appointed by decision of the Members (or a sub-group of the Members where such a sub-group is formed to consider the candidates), and which deputy for the Co-opted Member shall be selected from a pool of candidates nominated by each of the Constituent Authorities or their Pension Boards.

2.3 A new clause 3.8 as follows is inserted:

3.8 The Co-opted Member shall be invited to and is expected, where possible, to attend all training provided to Members under clause 3.7.

3 CLAUSE 31

3.1 Clause 31.1 is amended by deleting the words "Schedule 1" and replacing them with "the Contact List".

4 SCHEDULE 1

4.1 In Schedule 1, the content of the schedule is held delete and replaced by the following:

As of [date], the Host Authority maintains a list of the relevant contact details for each of the Constituent Authorities. This will be issued periodically by the Host Authority to the Constituent Authorities and is also available on request.

5 SCHEDULE 2

5.1 In Schedule 2, new items are added to the numbered list as follows:

12. Nomination of a Co-opted Member to the Joint Governance Committee (except where that role is carried out by a Pension Board, in which case it is reserved to that Pension Board) .

13. Approval of changes to the terms of reference of the Joint Governance Committee as set out in Schedule 4.

6 SCHEDULE 4

6.1 In Schedule 4 Joint Governance Committee – Terms of Reference the bullet points are replaced with numbering.

6.2 In Schedule 4, item 8 is held delete and replaced by the following:

8. From time to time reviewing policies in respect of environmental, social and governance matters and where appropriate make recommendations to the Constituent Authorities as to any changes deemed necessary.

6.3 In Schedule 4, item 13 is held delete and replaced by the following:

13. Monitoring the implementation and effectiveness of the policies described in Schedule 5 and initiating reviews of these where required.

6.4 In Schedule 4, item 19 is held delete and replaced by the following:

19. Agreeing criteria for the evaluation of bids or tenders for any procurement of the Operator (including for the avoidance of doubt, a replacement Operator) to be put forward for the approval of the Constituent Authorities.

6.5 In Schedule 4, new items are inserted as follows:

20. Any reference in this schedule to the Joint Governance Committee taking any action including agreeing, approving or making recommendations, shall be determined subject to the voting provisions set out in Schedule 6.
21. Approval of an appointment of an Allocator following a recommendation by the OWG, reviewing the performance of an Allocator(s), and reporting on the performance of the Allocator(s) to the Constituent Authorities.
22. Approval of the termination of the appointment of an Allocator following a recommendation by the OWG.

7 SCHEDULE 5

7.1 In Schedule 5, the existing wording is held delete and replaced by the following:

The Joint Governance Committee, with the support of the OWG, will formulate, review and revise on an ongoing basis policies and procedures as deemed appropriate to support robust and effective governance arrangements for the Pooling Collaboration, including the following (which for the avoidance of doubt, is non-exhaustive):

- (a) Responsible Investment Policy
- (b) Climate Risk Policy
- (c) Voting Policy
- (d) Training Policy & Plans
- (e) Communication Policy
- (f) Governance Decision Matrix
- (g) Risk Policy and Risk Register
- (h) Conflict of Interest and Procedure Policy
- (i) Rebalancing and Alteration Policy
- (j) Responsibilities Matrix
- (k) Complaints Policy
- (l) Whistleblowing Policy
- (m) Breaches and Errors Policy
- (n) Business Continuity Plan

8 SCHEDULE 6

8.1 Paragraph 1 of Schedule 6 is held delete and replaced by the following:

1 MEMBERSHIP

1.1. The membership of the Joint Governance Committee shall consist of one Member per Constituent Authority and one Co-opted Member.

1.2 No substitutes other than deputies shall be allowed.

8.2 A new section 1A, ROLE OF THE CO-OPTED MEMBER, is inserted following section 1 of schedule 6 as follows:

1A ROLE OF THE CO-OPTED MEMBER

1A.1 The primary role of the Co-opted Member is to provide scheme member representation on the Joint Governance Committee.

1A.2 The Co-opted Member is entitled to attend all meetings of the Joint Governance Committee, including exempt items, to be provided with copies of all papers, and to speak on any item during meetings of the Joint Governance Committee.

1A.3 The Co-opted Member may ask the Chair to include any matter on the agenda which they consider should be discussed by the Joint Governance Committee.

8.3 Clause 2.3 is amended in the first line by insertion of the words 'executive summaries of following 'agendas',

8.4 Clause 2.4 is held delete and replaced by the following:

2.4 The Joint Governance Committee may decide to allow remote participation in meetings via video-conference or any similar medium having regard to any applicable guidance issued from time to time by the Welsh Government. Any Member or Co-opted Member attending by video-conference shall be held to be in attendance at the meeting for the purposes of this Schedule.

8.5 Paragraph 2.5 of Schedule 6 is held delete and replaced by the following:

2.5 A meeting of the Joint Governance Committee may be called by a proper officer of the Host Authority on the request of the Chair. Members and the Co-opted Member must declare any conflict of interest in respect of any business being conducted at the meeting which would likely to be regarded to prejudice the exercise of a person's function as a participant in the meeting.

8.6 Paragraph 2.6 of Schedule 6 is held delete and replaced by the following:

2.6 The Chair is responsible for the running of meetings. The Chair shall invite Members and the Co-opted Member expressing a desire to speak in turn. All discussion and debate shall be held through the Chair and the Chair may draw a discussion to a vote at any time where they consider that every Member and the Co-opted Member has been given a fair opportunity to speak.

8.7 Sub-paragraph 2.9(a) of Schedule 6 is held delete and replaced by the following:

Where any item to be discussed forms exempt information, the Chair shall move that the public and press are excluded from the meeting for the duration of the discussion and voting on that item. The Co-opted Member is entitled to remain in the meeting and shall not be excluded. Motions to exclude the press and public do not require to be seconded and shall be determined by simple majority vote of the Members present.

8.8 Paragraph 6.2 of Schedule 6 is held delete and replaced by the following:

6.2 A Member or the Co-opted Member may raise a point of order at any time. The Chair will hear them immediately. A point of order may only relate to an alleged breach of the provisions of this Schedule, or the law or other competent authority. The Member or Co-opted Member must indicate the provision or law or regulation and the way in which he/she considers it has been broken. The ruling of the Chair on the matter will be final. The Chair may take advice on the point of order from the appropriate officer.

8.9 Section 7 of Schedule 6 is held delete and replaced by the following:

7 VOTING

7.1 The Chair shall seek consensus wherever possible however where a vote is required the provisions of this section shall apply.

- 7.2 Each Member present will have one vote and voting will be by means of a show of hands or such other method as the Chair may decide is appropriate in the circumstances, including a roll call. The Co-opted Member may not vote. In the event of a tied vote, the Chair shall have a second or casting vote.
 - 7.3 All decisions will be determined by simple majority of Members present.
 - 7.4 In the event that a vote is taken, the voting positions and any abstentions of Members will be recorded in the minutes.
- 8.10 Paragraph 8.1 of Schedule 6 is held delete and replaced by the following:
- 8.1 The Joint Governance Committee shall form such sub-committees and working groups as it considers expedient to performing its function. The Joint Governance Committee shall at the time of forming sub-committees or working groups set out the remit of the sub-committees or working groups, what the sub-committees or working groups are required to deliver and the timescale for that delivery.. The Co-opted Member may be a member of any sub-committee or working group.

Paragraph 8.4 of Schedule 6 is held delete and replaced by the following:

- 8.4 Working groups may invite any person who is not a Member or Co-opted Member to join the group in order to assist in carrying out its function.

9 SCHEDULE 8

- 9.1 In Schedule 8, letters a-o are replaced with numbers 1-17.
- 9.2 In Schedule 8, the following items are inserted after item 14 (with semi-colons and full stops updated accordingly):
 - 15. establishing sub-groups and/or working groups of the OWG if the OWG consider such sub-group or working group would assist the effectiveness of the OWG to progress a particular project or workstream;
 - 16. reviewing, formulating or evaluating governance arrangements and policies for the Pooling Collaboration (including for the avoidance of doubt the policies and procedures described in Schedule 5);
 - 18. managing the procurement process for the procurement of an Allocator, or the replacement of an Allocator, including determining the criteria for the evaluation of bids or tenders;
 - 19. monitoring and reviewing the performance of the Allocator(s) in meeting relevant objectives, service levels and key performance targets.

IN WITNESS whereof the parties have executed this Agreement on the date and year first above written.

THE COMMON SEAL of)
 Carmarthenshire County Council)
 was affixed hereto in the)
 presence of:-)
 Authorised Officer

THE COMMON SEAL of)
Council of the City and County of Swansea)
was affixed hereto in the)
presence of:-)
Authorised Officer

THE COMMON SEAL of)
County Council of the City and County of Cardiff)
was affixed hereto in the)
presence of:-)
Authorised Officer

THE COMMON SEAL of)
Flintshire County Council)
was affixed hereto in the)
presence of:-)
Chair / Legal Services Manager / Chief Officer Governance

THE COMMON SEAL of)
Gwynedd County Council)
was affixed hereto in the)
presence of:-)
Authorised Officer

THE COMMON SEAL of)
Powys County Council)
was affixed hereto in the)
presence of:-)

Authorised Officer

THE COMMON SEAL of)
Rhondda Cynon Taf County Borough Council)
was affixed hereto in the)
presence of:-)

Authorised Officer

THE COMMON SEAL of)
Torfaen County Borough Council)
was affixed hereto in the)
presence of:-)

Authorised Officer

Y CYNGOR SIR

8 RHAGFYR 2021

**CYNLLUN DIRPRWYO I SWYDDOGION A PHROTocol AR
GYFER CYFLWYNO SYLWADAU I'R CYNGOR SIR YNGHYLCH
CEISIADAU CYNLLUNIO**

Y Pwrpas:

Ystyried argymhellion Gweithgor Trawsbleidiol Adolygu'r Cyfansoddiad ynghylch:

- (i) y diwygiadau arfaethedig i'r Cynllun Dirprwyo i Swyddogion i adlewyrchu'r broses o symud swyddogaethau i wahanol Gyfarwyddiaethau, newidiadau o ran teitlau swyddi, swyddogaethau newydd sy'n codi o ddeddfwriaeth newydd a rhai dirprwyaethau ychwanegol; a'r
- (ii) diwygiadau arfaethedig i'r Protocol ar gyfer cyflwyno Sylwadau i'r Cyngor Sir ynghylch Ceisiadau Cynllunio er mwyn egluro'n well y gweithdrefnau a'r terfynau amser ar gyfer cyflwyno sylwadau a gofyn am gael siarad yn y Pwyllgor Cynllunio, a gwneud defnydd mwy effeithlon o amser y Pwyllgor.

Yr argymhellion / penderfyniadau allweddol sydd eu hangen:

Bod y diwygiadau arfaethedig i'r Cynllun Dirprwyo i Swyddogion ac i'r Protocol ar gyfer cyflwyno Sylwadau i'r Cyngor Sir ynghylch Ceisiadau Cynllunio yn cael eu cymeradwyo.

Y Rhesymau:

- (i) cael Cynllun Dirprwyo i Swyddogion sy'n addas i'r diben ac sy'n adlewyrchu'r dirprwyaethau sydd eu hangen.
- (ii) egluro'n well y gweithdrefnau a'r terfynau amser ar gyfer cyflwyno sylwadau a gofyn am gael siarad yn y Pwyllgor Cynllunio, a gwneud defnydd mwy effeithlon o amser y Pwyllgor.

Angen ymgynghori â'r Pwyllgor Craffu perthnasol NAC OES. Mae Gweithgor Adolygu'r Cyfansoddiad yn weithgor trawsbleidiol a sefydlwyd gan y Cyngor Llawn i ystyried pa mor addas i'r diben yw Cyfansoddiad y Cyngor ac i argymhell unrhyw newidiadau sy'n angenrheidiol.

Angen i'r Cabinet wneud penderfyniad OES mewn perthynas â swyddogaethau gweithredol

Angen i'r Cyngor wneud penderfyniad OES mewn perthynas â swyddogaethau'r Cyngor a newidiadau i Gyfansoddiad y Cyngor

YR AELOD O'R CABINET SY'N GYFRIFOL AM Y PORTFFOLIO:-

Y Cyngorydd Emlyn Dole, Cadeirydd Gweithgor Adolygu'r Cyfansoddiad

Y Gyfarwyddiaeth:

Enw Pennaeth y Gwasanaeth:
Linda Rees Jones

Awdur yr Adroddiad:
Linda Rees Jones

Swyddi:

Pennaeth Gweinyddiaeth
a'r Gyfraith a Swyddog
Monitro

Rhif ffôn:

Cyfeiriadau e-bost:
LRJones@sirgar.gov.uk

EXECUTIVE SUMMARY

**COUNTY COUNCIL
8TH DECEMBER 2021**

SCHEME OF DELEGATION TO OFFICERS AND PROTOCOL ON REPRESENTATIONS TO THE COUNTY COUNCIL ON PLANNING APPLICATIONS

1. Under the Constitution the Monitoring Officer has a duty to keep the Council's Constitution under periodic review. Amongst the documents forming part of the Council's Constitution is the "Scheme of Delegation to Officers" which sets out which decisions Council (in the case of Council functions) has agreed may be taken by officers instead of by the Council and the decisions which the Cabinet (in relation to executive functions) has agreed may be taken by officers instead of by the Cabinet.
2. Over the years various services have been restructured and moved to other Directorates, some job titles have changed and such like, and whilst the delegations are still valid as there is a catch-all provision in the Scheme to cover restructurings and movements across Directorates work has now been undertaken to bring services within their current Directorates and to update the job titles.
3. At the same time some Services have asked for additional delegations to be granted, notably Planning Services, because of new functions arising from new legislation or in order to make the determination of planning applications and planning matters a quicker process. Planning is a Council function and the delegations as asked for will need to be approved by Council.
4. All revisions are highlighted in the revised Scheme of Delegation appended to this report.
5. Planning Services have also asked for amendments to be made to the "Protocol on Representations to the County Council on Planning Applications" in order to better clarify the procedures and deadlines for making representations and requesting to speak at Planning Committee and to make more efficient use of the Committee's time. Again these are highlighted in the appendices.
6. The Constitutional Review Working Group, being the body established by the Council to make recommendations to the Council on Constitutional matters, recommend the revisions be approved.

DETAILED REPORT ATTACHED?

NO, but the revisions to the Scheme are attached.

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 and Monitoring Officer

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

1. Policy, Crime & Disorder and Equalities

The Scheme of Delegation to Officers and the Protocol on Making Representations to County Council on Planning Applications form part of the Council's Constitution and set out the decisions which the Council and the Cabinet have delegated to officers, and the procedure for third parties to address the Planning Committee respectively.

2. Legal

The Scheme of Delegation to Officers and the Protocol on Making Representations to County Council on Planning Applications form part of the Council's Constitution and needs to be kept under review in order assist with timely and proper decision making.

5. Risk Management Issues

In exercising delegated decision making authorities officers are required to comply with:

- Any statutory provisions;
- The Council's Constitution;
- The Councils Policy Framework and Budget;
- The Officers Code of Conduct
- The Code of recommended Practice on Local Authority Publicity;
- Agreed arrangements for recording decisions;
- Taking legal or other appropriate professional advice when required;
- The principles of Best Value by using the most efficient and effective means available;
- The need to consult persons or representatives of persons who may be affected by the decision, including where appropriate the local ward member.

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 and Monitoring Officer

**CABINET MEMBER PORTFOLIO
HOLDER AWARE/CONSULTED**

YES

**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
Scheme of Delegation to Officers	CCCN-000	Within the Councils Constitution, which is available online
Protocol on Making Representations to County Council on Planning Applications	CCCN-0000	Within the Councils Constitution, which is available online
Correspondence from various Departments or Services regarding required delegations.	CCCN-0000	Monitoring Officer, County Hall, Carmarthen

PART 3

SCHEME OF DELEGATION TO OFFICERS

INDEX

	Page No.
INTRODUCTION AND POWERS TO CHIEF EXECUTIVE AND ALL DIRECTORS	3
CHIEF EXECUTIVE'S	11
(RESOURCES) CORPORATE SERVICES	17
(SOCIAL CARE, HEALTH AND HOUSING) COMMUNITY SERVICES	27
(REGENERATION) (NOTE: Regeneration incorporated within CHIEF EXECUTIVE'S/ Leisure incorporated within COMMUNITIES)	61
(TECHNICAL SERVICES) ENVIRONMENT	67
EDUCATION AND CHILDREN'S SERVICES	73

1. INTRODUCTION

This Scheme of Delegation is maintained under Section 100G of the Local Government Act 1972 and lists the functions that have been delegated to particular officers by either the Council or the ~~Executive Board~~ **Cabinet**. These functions are delegated to officers by the Council under Sections 101 and 151 of the Local Government Act 1972 and by the ~~Executive Board~~ **Cabinet** under Section 15 of the Local Government Act 2000.

All directors are authorised to make arrangements for the proper administration of the functions falling within their responsibility.

- 1.1 The officers described in this Scheme may authorise officers in their Department/service area to exercise on their behalf, functions delegated to them. Any decisions taken under this authority shall remain the responsibility of the officer described in this Scheme and must be taken in the name of that officer, who shall remain accountable and responsible for such decisions. Each department shall maintain a record of these further delegations.
- 1.2 The Scheme delegates powers and duties within broad functional descriptions and includes powers and duties under all legislation present and future within those descriptions. Any reference to a specific statute includes any statutory extension or modification or re-enactment of such statute and any regulations, orders or bylaws made there under.
- 1.3 In exercising delegated powers officers shall comply with:
 - 1.3.1 Any statutory provisions;
 - 1.3.2 The Council's Constitution;
 - 1.3.3 The Council's Policy Framework and Budget;
 - 1.3.4 The Officer's Code of Conduct;
 - 1.3.5 The Code of Recommended Practice on local authority publicity **in Wales**;
 - 1.3.6 Agreed arrangements for recording decisions;
 - 1.3.7 Taking legal or other appropriate professional advice when required;
 - 1.3.8 The principles of Best Value by using the most efficient and effective means available;

- 1.3.9. The need to consult persons or representatives of persons who may be affected by the decision, including where appropriate the local ward member.
- 1.4 The Scheme does not delegate any matter which:
- 1.4.1 Is reserved by law or by this Constitution to the full Council; or
- 1.4.2 Which may not by law be delegated to an officer.
- 1.5 The Scheme places an obligation on officers to keep the appropriate member(s) properly informed of decisions made under these delegations.
- Where an officer makes a significant decision which is based upon a power delegated from the ~~Executive Board~~ **Cabinet**, that decision must be recorded and made available on request to overview and scrutiny committees, individual councillors and to the public, subject to any limitations on exempt or confidential information.
- 1.6 It is always open to the ~~Executive Board~~ **Cabinet** or any Committee of the Council as appropriate to take decisions on any matter falling within the delegated power of an officer, provided that the matter is within their terms of reference.
- 1.7 Where expenditure is involved, such action shall be conditional upon financial provision being included within the approved budget of the Council and Financial Procedure Rules being complied with.
- 1.8 The ~~Executive Board~~ **Cabinet** will review from time to time as may be necessary the general operation of this Scheme of Delegation with any variation or amendment requiring the approval of the Council.
- 1.9 Should the title of an officer be altered from that shown due to a re-organisation of departmental arrangements or any other reason, the approved delegated powers and duties shall be exercisable by the Chief Executive or the relevant Director or Head of Service, as the case may be, responsible for the function in question.
- 1.10 In exercising these delegated powers the Chief Executive or the Director or Head of Service concerned shall have broad discretion subject to complying with all relevant legislation, the Council's Constitution, Council Procedure Rules and Financial Procedure Rules and overall Council policy, to use the most efficient and effective means available, including the deployment of staffing and other resources within their control and the procurement of other resources necessary, whether within or outside the Council.

- 1.11 Officers shall act so as to achieve for their service the policies and objectives of their service area, always having regard to the overall corporate interests of the Council.
- 1.12 In exercising delegated powers, officers shall consult other officers as appropriate and shall have regard to any advice given.
- 1.13 It shall always be open to an officer to consult ~~an Executive Board~~ **a Cabinet** Member, a Committee, or its Chair or Vice-chair before the exercise of the delegated powers. Where a particular matter under delegated authority gives the officer (or the relevant ~~Executive Board~~ **Cabinet** Member or Chair) cause for concern, it should be the subject of a report to the relevant ~~Executive Board~~ **Cabinet** Member or the ~~Executive Board~~ **Cabinet** or Committee.

DELEGATED POWERS TO THE CHIEF EXECUTIVE AND ALL DIRECTORS

General Powers

- Determination of all matters which are not required to be considered by the Council or ~~Executive Board~~ **Cabinet** or which have not been referred to a committee or a sub-committee for determination.
- Determination of any urgent matter in the purview of the Council, the ~~Executive Board~~ **Cabinet** or any committee where it is impractical to convene a meeting of that body to consider the matter.
- To serve requisitions for information under Local Government (Miscellaneous Provisions) Act 1976 or any other enabling legislation. This power is also delegated to all Heads of Service.
- To approve tenders or award contracts within the terms of the Council's Contract Procedure Rules or Financial Regulations.
- In any disputes or legal proceedings to have authority to take all action in relation to those disputes or proceedings and to prosecute pursue defend appeal abandon or settle those disputes or proceedings, as advised by the Head of Administration and Law.
- To incur expenditure or take any other step in the day to day operation of Council services in accordance with approved budgets of any Service area.
- To set all fees and charges, in consultation with the Head of Financial Services.
- To approve draft recommendations contained in Ombudsman reports.

To take action on behalf of the Council in consultation with the relevant ~~Executive Board~~ **Cabinet** Member in any urgent matter which does not allow for prior authorisation to be obtained where:

- There is a serious risk of significant cost to the Council of loss of income resulting from lack of immediate action;
- The Council's property or staff or persons in its care or for whom it has a responsibility would otherwise be placed at serious risk of suffering harm/damage;
- An emergency or disaster involving destruction or danger to life or property occurs or is imminent or there is reasonable ground for apprehending such an emergency or disaster and such action is calculated to avert, alleviate or eradicate the effects or potential effects of the event.

Legal Proceedings

To instigate legal proceedings and enforce such legislation as may, from time to time, be his/her responsibility to enforce. To issue and serve statutory and other notices, to issue formal cautions, to take default action under all legislation relevant to their functional area and to authorise officers to appear on behalf of the Council before courts, tribunals, review boards and inquiries and also to sign all necessary documents and authorise entry to land in pursuance of statutory powers.

Employment Tribunals and Employment Disputes

To approve compromise settlements **agreements** in relation to any employment dispute, as advised by the Head of Administration and Law and the Assistant Chief Executive (PMP).

Health & Safety at Work

To be responsible for all matters in relation to Health and Safety at work as defined in the Corporate Health and Safety Policy and Arrangements for Implementation.

The Chief Executive shall be entitled to determine any matter otherwise delegated to a Director in the event of that officer's absence or refusal to exercise specific delegated powers.

Proper Officer Functions

Proper Officer functions under the Local Government Act 1972 are delegated as follows:-

- To sign summonses to attend Council, Committee and Sub-Committee meetings-The Chief Executive.
- Section 88 - to convene a meeting of Council to fill a casual vacancy in the office of Chairman of the Council-The Chief Executive.
- Section 100(B) (2)-to exclude reports or parts of reports from the right of public inspection-The Head of Administration and Law.
- Section 225 – to receive and retain deposited documents-The Chief Executive.
- Section 229(5) – to certify documents-The Chief Executive.
- For all matters arising out of Part VA of the Local Government Act 1972 (Access to Information) or the Local Government Act 2000-The Chief Executive.

Other proper officer functions:

- To issue determinations consents licences or notices within the Terms of Reference of the Planning Committee -The Director of ~~Technical Services~~ **Environment** or the Head of ~~Planning~~ **Place and Sustainability**.
- To issue determinations consents licences or notices on behalf of the Council-The Chief Executive or any relevant Director or Head of Service.
- To sign any documents on behalf of the Council relating to land-The Chief Executive or the Head of Administration and Law.
- To attest the Common Seal of the Council as the officer authorised under the Council's Standing Orders-The Chief Executive or the Head of Administration and Law.
- To sign any contractual documents on behalf of the Council relating to any matter-The Chief Executive, the Head of Administration and Law or any relevant Director or Head of Service, subject (as appropriate) to that officer advising and obtaining approval from the Head of Administration and Law of the proposed signing of such document in advance of such signing.

- The Registration of Births, Deaths and Marriages-The Chief Executive.
- To receive declarations of acceptance of Office by County Councillors and Co-opted Members of the Council's Committees-The Chief Executive and the Head of Administration and Law.
- In relation to any other proper officer function not allocated to other officers - The Chief Executive and the Head of Administration and Law.

Staffing

To determine all matters relating to the staffing, structures, employment, conditions of service, development and welfare of employees of the County Council in accordance with National and Local Conditions of Service and policies and procedures.

Appointments

To make appointments within the authorised establishment, other than in relation to Heads of Service, in accordance with the appropriate Recruitment and Selection, Criminal Records Bureau, Welsh Language Scheme policies and other relevant policies and procedures of the County Council.

To determine starting salaries within the grade or grades of a post having regard to equal pay, qualifications and experience, subject to approval by the Assistant Chief Executive (~~Organisational Development~~ **People Management & Performance**).

Gradings

All grades of posts will be determined by the Assistant Chief Executive (~~Organisational Development~~ **People Management & Performance**) using the approved job evaluation process.

To approve progression beyond the bar of a scale subject to the post holder meeting the necessary criteria.

To authorise accelerated increments within an officer's scale on the grounds of special merit or ability, subject to the maximum of the scale not being exceeded, in consultation with the Assistant Chief Executive (~~Organisational Development~~ **People Management & Performance**).

~~To award performance related payments to Heads of Service in accordance with the authority's performance appraisal scheme, subject to approval by the Chief Executive. Actual payments will be authorised by the Assistant Chief Executive (~~Organisational Development~~ **People Management * Performance**).~~

Staffing Structures/Posts

To approve changes to their departmental structures where they are within approved budgets in accordance with all relevant HR Policies and Procedures of the County Council, following agreement with the Assistant Chief Executive (~~Organisational Development~~ **People Management & Performance**) where a business case has been established.

To approve the deletion of posts or the creation of new posts subject to approval of the grade and conditions of service by the Assistant Chief Executive (~~Organisational Development~~ **People Management & Performance**).

Alternative Working Arrangements

To develop and implement alternative working arrangements in line with corporate developments and following consultation with the Assistant Chief Executive (~~Organisational Development~~ **People Management & Performance**).

To determine internal or interdepartmental secondments where operationally desirable and in consultation with the Assistant Chief Executive (~~Organisational Development~~ **People Management & Performance**).

To agree external secondments to recognised partner organisations subject to operational exigencies.

Temporary Staff

To engage temporary or casual staff for the temporary replacement of existing staff absent on long term sickness, maternity leave etc. and in consultation with the Assistant Chief Executive (~~Organisational Development~~ **People Management & Performance**).

To engage temporary or casual staff additional to the authorised establishment to meet exceptional needs for a period of up to twelve months, subject to the Recruitment and Selection Policy and in consultation with the Assistant Chief Executive (~~Organisational Development~~ **People Management & Performance**).

To approve the creation of temporary posts which are fully funded by external agencies e.g. Government Departments, ~~NAFW~~ **The Senedd, Welsh Government** etc. in consultation with the Assistant Chief Executive (~~Organisational Development~~ **People Management & Performance**).

The above will be subject to evaluation of grades and conditions by the Assistant Chief Executive (~~Organisational Development~~ **People Management & Performance**).

Leave

To grant leave, special leave with or without pay and parental leave without pay in accordance with National Conditions of Service as supplemented by Local Conditions of Service Policies and Procedure

Compassionate Leave

At the discretion of the Chief Officer the provision for compassionate leave for each instance of death or serious illness of immediate family be extended up to five days paid leave from three days paid leave.

Authority to allow unpaid leave of absence on compassionate grounds of up to three months.

Payments for Additional Duties

To approve and process for payment, Honoraria or Acting Up Allowances to Officers temporarily undertaking high graded duties, subject to consultation with the Assistant Chief Executive (~~Organisational Development~~ **People Management & Performance**).

Relocation and Excess Travel Allowances

To authorise the payment of re-location and excess travel allowances to employees appointed to permanent posts in accordance with the Local Conditions of Services.

Post Entry Training

To authorise the attendance of employees on courses of study and to authorise the payment of course fees etc. in accordance with the Authority's post entry training scheme.

Car/Telephone Designations

To approve car/telephone designations in consultation with the Assistant Chief Executive (~~Organisational Development~~ **People Management & Performance**).

Discipline

To initiate suspension of employees, in accordance with the Authority's Disciplinary Procedure or the JNC for Chief Officers Disciplinary Rules in consultation with the Assistant Chief Executive (~~Organisational Development~~ **People Management & Performance**).

An individual's employment with the Authority be terminated following Officer Disciplinary Hearings or Member Appeal Hearings subject to the involvement of the

Assistant Chief Executive (~~Organisational Development~~ **People Management & Performance**) as set out in the Local Conditions of Service Policies and Procedures.

Press and Media Enquiries

The Director to be the Department's nominated officer for press and media enquiries of a strategic nature and Heads of Service to be the department's nominated officers for service specific issues.

CHIEF EXECUTIVE'S

The Chief Executive shall be the Head of Paid Service under Section 4 of the Local Government and Housing Act 1989, having responsibility for the following functions:

General

- the strategic direction and management of the Council;
- the manner in which the discharge of the various functions of the Council are discharged;
- the numbers and grades of staff required by the Council to discharge its functions;
- the organisation appointment and proper management of the Council's staff;
- acting as Returning Officer and Electoral Registration Officer for local government, National Assembly for Wales **The Senedd and** Parliamentary and European elections;
- amending election fees for Local Authority elections following the annual NJC pay award or a review of relevant fees by the Home Office;
- those powers and duties relating to election functions that are delegated to the Head of Paid Service by the Council, as set out in part D of table 1 in Part 3 of this Constitution;
- in consultation with the Chair and Vice Chair of Council, in accordance with section 85 of the Local Government Act 1972 to grant approval on behalf of the County Council for members' absence where the reason is related to ill health. (However, in the event of a member being absent for a period of 12 months since the leave of absence was granted then the situation be reported to the Council for consideration.)

Staffing Issues

To approve and sign Certificates of Opinion to accompany applications to the Independent Adjudicator for exempting officers from the application of the political restriction rules in the Local Government and Housing Act 1989.

~~To award performance related payments to Directors in accordance with the Council's performance appraisal scheme. Actual payments will be authorised by the Assistant Chief Executive (People Management & Performance).~~

To extend the Council's Single Status Severance Scheme beyond 31st March 2013, if required ~~(CC-07/03/12).~~

Investigating Panel

To appoint, in consultation with the Leaders of the Political Groups, 5 members to serve on the Investigating Panel for JNC Officer disciplinary issues.

Annual Statement of Internal Control

To act as the Council Officer nominated to sign the Annual Statement of Internal Control following formal approval by the Audit Committee.

Dispersal Order

Delegated authority be vested in the Chief Executive in respect of Dispersal Orders

Council Diary of Meetings

To prepare and implement the Council's programme of ordinary meetings.
~~(CC09/06/10)~~

Single Status Severance Scheme (Removed due to Duplication)

~~The Chief Executive authorised to grant further extension to the scheme if required.
CC07/03/12~~

Councillors' and Co-opted Members' Allowances – Care Allowance Scheme

~~Delegated authority to increase the reimbursement of care provided by family members and friends, in line with increases in the appropriate minimum wage rate per hour and the Council's prescribed rate paid to "responsible siblings" by the same percentage level.~~

Delegated authority in consultation with the Leader to approve and publish the Council's Schedule of Members' Remuneration. ~~CC adjourned Meeting 01/06/12~~

Licensing Act 2003 and Gambling Act 2005

Delegated authority to make representations on behalf of the Council acting in its capacity as a responsible authority.

POWERS DELEGATED TO THE HEAD OF ADMINISTRATION AND LAW

The Head of Administration and Law shall be authorised to exercise the following functions:

Monitoring Officer

To be the Monitoring Officer for the County Council under Section 5 of the Local Government and Housing Act 1989, with power to designate another officer to act as Monitoring Officer in the event of his absence.

To be responsible for undertaking Stage 2 determinations on behalf of the Dyfed Pension Fund.

Head of Administration and Law

To act as Head of Profession for legal functions.

Legal Agreements and Contracts (excluding land)

To sign or attest the seal of the County Council in respect of any contract or legal agreement.

Legal Agreements and Contracts relating to Land

To sign agreements relating to all land transactions and also authority to delegate that power to individual officers in other departments or service areas on such terms and conditions as may be specified.

Litigation

To defend or arrange for the defence of any actions, claims, or proceedings brought against the Council and to incur any necessary expenditure in relation to the legal processes involved including (but not limited to) expenditure in relation to the retention of external advisers including Counsel, experts and external legal advisers and settle claims for damages (including making payments into Court where necessary), subject to consultation where time allows with the appropriate service director, with a report on action taken being submitted to the appropriate ~~Executive Board~~ **Cabinet** Member meeting where the settlement figure exceeds £100,000. To agree the amount of and pay a claimant's legal costs in relation to claims settled up to £30,000 in respect of any one claim.

To authorise the payment of damages and legal costs arising as a result of a Court Order against the Council, to the sum or sums specified in the Court Order.

To institute any legal proceedings for the furtherance of the Council's functions, including proceedings for an injunction, where it is necessary for such proceedings to be commenced as a matter of urgency in order to prevent danger or injury to Council staff or members of the public, to protect Council land and property, to maintain essential services, or for any other purpose where the Council or the public will be seriously prejudiced if such action is not taken, and to settle such proceedings subject to consultation where time allows with the appropriate service director, with a report on action taken being submitted to the appropriate ~~Executive Board~~ **Cabinet** Member meeting where the settlement figure exceeds £100,000.

To provide and accept any undertakings or deal with any other ancillary matter required by the Court during the course of such proceedings.

To settle Employment Tribunal cases subject to consultation where time allows with the appropriate service director and the Assistant Chief Executive (PMP).

Indemnities

To authorise indemnities where they are required to enable the Council to exercise any of its functions provided that where the giving of an indemnity could have exceptional financial implications, the matter shall be referred to the appropriate Member of the ~~Executive Board~~ **Cabinet**.

Retention of Counsel

To seek Counsel's Opinion or other expert advice and to retain Counsel or other experts whenever this is considered to be appropriate.

External Legal Advice

To procure external legal advice and support in relation to any proceedings or matter involving the County Council, or a company or partnership in which the County Council has an interest where that is considered to be appropriate.

Legal Costs

To settle the amount of vendors' legal costs based on the Solicitors Remuneration Order 1972.

Blight Notices

To accept legally binding Blight Notices served on the Council and conforming with the requirements of Section 150 of the Town and Country Planning Act 1990, requiring the Council to purchase property and land, and to serve Counter Notices where necessary.

Interest in Land

In consultation with the appropriate Director(s) or Head of Service(s) dealing with the matter in respect of which the information is required to serve Notices under Section 16 of the Local Government (Miscellaneous Provisions) Act 1976, on persons requiring them to furnish particulars of any interest they may have in land.

Law of Property Act 1925

Head of Housing Services **Homes and Safer Communities**, Head of Planning **Place and Sustainability**, ~~Head of Public Protection~~ and Head of Administration and Law to instigate the necessary action to bring about an enforced sale, including the disposal of the property.

Commons Registration

To consider and determine on their legal merits applications for the registration of Common Land and Village Greens brought under the Commons Registration Act 1965 including the appointment of an inspector and the holding of a public inquiry when advised to do so by Counsel.

Court Appearances

Under Section 223 Local Government Act 1972 to prosecute, defend or appear on behalf of the Carmarthenshire County Council in proceedings before the Magistrates' Court

Under Section 60 County Courts Act 1984 to conduct on behalf of the Council actions in the County Court for both of the following:

- the recovery of possession of houses belonging to the Council;
- the recovery of any rent, mesne profits, damages or other sum claimed by the Council in respect of the occupation by any person of such a house.

Local Settlement of Complaints

To approve draft recommendations contained in Ombudsman reports.

To approve suitable and appropriate payments in settlement of complaints against the Council and in local settlement of Ombudsman complaints, such payments to be made from the appropriate service budget following consultation with the relevant service director.

Children Protection at Work Regulations 1998 (as amended)

To take all relevant procedural steps in order to invoke any necessary byelaws.

Traffic Management Act 2004

To reconsider matters referred back to the Council by the Parking Adjudication Service.

School Appeals Panels

To appoint members of an independent appeals panel to determine:

- (a) appeals against the permanent exclusion of a child from school;

(b) appeals against refusal to admit a pupil to a school;
(c) appeals by governing bodies against decisions by or on behalf of the Council to admit to the school a child to whom Section 87(2) of the Schools Standards and Framework Act 1988 applies.

Powers Delegated to the Head of Regeneration

The functions associated with the delivery of the Council's responsibilities for economic development and regeneration including the approval of any grant that falls within these functions and, including (but not limited to) the functions described below.

Business Support/Implementation Mechanism

In consultation with the Director of Corporate Services to consider each application according to agreed criteria.

Business, Community or Regeneration Related Grants Programmes

To award grants of up to a maximum of ~~£5,000~~ **£10,000** under the above programmes.

Western Valleys Sustainable Hubs Project

~~Chief Executive and Head of Regeneration subject to consultation with the Grant Advisory Panel, to approve grants of up to £25,000 in relation to applications arising out of the Western Valleys Sustainable Hubs Community Regeneration project.~~

Local Investment Fund

~~Chief Executive and Head of Regeneration authorised to award grants under the Local Investment Fund up to a maximum of £35,000.
(CC 09/11/11)~~

Dyfed Welsh Church Fund

To make grant awards from the Welsh Church Fund.

Valuations

The **Head of Regeneration's** certified valuation is accepted for all property transactions subject to Council policy as to whether an individual asset is to be disposed, acquired or leased.

Acquisitions

To acquire land for any purpose, subject to the policy of the property requirement being in place and to instruct the Head of Administration and Law to prepare appropriate documentation in relation to any agreement.

Authorised in consultation with the Corporate Management Team and the appropriate ~~Executive Board~~ **Cabinet** Member(s) to purchase small areas of derelict land or derelict buildings which have the potential to become saleable assets in the future (or to be

used by the council), or where ownership of the land will enable clearance work to be carried out to improve the environment. (In accordance with the terms of reference of the Derelict Land Fund).

Notices

To accept and serve notices required under the Agricultural Holdings or any Landlord and Tenants Acts governing the management of rural and urban estates.

Legal Agreements

To complete Wayleave, Easement **and** tenancy **and licence** agreements, where it falls within a category of transaction agreed with the Head of Administration and Law as being appropriate for signing, rather than execution under the Council's common seal.

Planning Applications

To submit planning applications in respect of land, to assess its development potential prior to sale, or to carry out a development on behalf of the Authority.

Appropriation of Land

To appropriate land for any purpose under the provisions of Section 122 of the Local Government Act 1972, subject to any statutory limitations and to the written agreement of the relevant Director or Head of Service who has responsibility for the land prior to its appropriation.

Disposals

To dispose of land and buildings no longer required for Council functions, save that decisions relating to the disposal of Strategic land and buildings which will have a major effect on the commercial activity of an area shall be reserved to the ~~Executive Board~~ **Cabinet**. In both cases there shall be a requirement to consult with local members.

To dispose of freehold reversions of residential dwellings as required.

To agree reserve / asking prices and the most appropriate method of property marketing / disposal.

To instruct the Head of Administration and Law to prepare appropriate documentation in relation to any agreement.

Lettings

To approve requests for the assignment of leases and the underletting and sub-letting of property where consent for such requests cannot reasonably be withheld and to instruct the Head of Administration & Law to prepare the appropriate documentation in relation to any such consents.

To let property (lettings to include seasonal licenses and concessions), such property to include commercial, industrial and rural estates, livestock and provisions markets,

surplus or non-operational property etc. and to sign such letting agreements where it falls within a category of transaction agreed with the Head of Administration and Law as being appropriate for signing, rather than execution under the Council's common seal.

To instruct the Head of Administration and Law to terminate, repossess and recover property and any monies due.

To accept surrender of existing interest and re-grant of longer letting periods at revised terms.

To negotiate and agree appropriate tenant's improvements.

Adverse Possession and boundary disputes

To instruct the Head of Administration and Law to recover possession of trespassed land and to resolve boundary disputes affecting Council owned land and property.

Disputes

To attend Courts, tribunals and alternative dispute resolution hearings to settle property disputes, including statutory land compensation matters.

CORPORATE SERVICES

~~RESOURCES~~

The Director of Resources **Corporate Services** shall have delegated authority for the exercise of all Council powers relating to the following matters:

PROPERTY RELATED ISSUES — (MOVED TO CEX / HEAD OF REGENERATION)

Valuations

~~The Head of Corporate Property's certified valuation is accepted for all property transactions subject to Council policy as to whether an individual asset is to be disposed, acquired or leased.~~

Acquisitions

~~To acquire land for any purpose, subject to the policy of the property requirement being in place and to instruct the Head of Administration and Law to prepare appropriate documentation in relation to any agreement.~~

~~Authorised in consultation with the Corporate Management Team and the appropriate Executive Board Member(s) to purchase small areas of derelict land or derelict buildings which have the potential to become saleable assets in the future (or to be used by the council), or where ownership of the land will enable clearance work to be carried out to improve the environment. (In accordance with the terms of reference of the Derelict Land Fund).~~

Notices

~~To accept and serve notices required under the Agricultural Holdings or any Landlord and Tenants Acts governing the management of rural and urban estates.~~

Legal Agreements

~~To complete Wayleave Easement and tenancy agreements, where it falls within a category of transaction agreed with the Head of Administration and Law as being appropriate for signing, rather than execution under the Council's common seal.~~

Planning Applications

~~To submit planning applications in respect of land, to assess its development potential prior to sale, or to carry out a development on behalf of the Authority.~~

Appropriation of Land

~~To appropriate land for any purpose under the provisions of Section 122 of the Local Government Act 1972, subject to any statutory limitations and to the written agreement of the relevant Director or Head of Service who has responsibility for the land prior to its appropriation.~~

Disposals

~~To dispose of land and buildings no longer required for Council functions, save that decisions relating to the disposal of Strategic land and buildings which will have a major effect on the commercial activity of an area shall be reserved to the Executive Board. In both cases there shall be a requirement to consult with local members.~~

~~To dispose of freehold reversions of residential dwellings as required.~~

~~To agree reserve / asking prices and the most appropriate method of property marketing / disposal.~~

~~To instruct the Head of Administration and Law to prepare appropriate documentation in relation to any agreement.~~

Lettings

~~To approve requests for the assignment of leases and the underletting and sub-letting of property where consent for such requests cannot reasonably be withheld and to instruct the Head of Administration & Law to prepare the appropriate documentation in relation to any such consents.~~

~~To let property (lettings to include seasonal licenses and concessions), such property to include commercial, industrial and rural estates, livestock and provisions markets, surplus or non-operational property etc. and to sign such letting agreements where it falls within a category of transaction agreed with the Head of Administration and Law as being appropriate for signing, rather than execution under the Council's common seal.~~

~~To instruct the Head of Administration and Law to terminate, repossess and recover property and any monies due.~~

~~To accept surrender of existing interest and re-grant of longer letting periods at revised terms.~~

~~To negotiate and agree appropriate tenant's improvements.~~

Adverse Possession and boundary disputes

~~To instruct the Head of Administration and Law to recover possession of trespassed land and to resolve boundary disputes affecting Council owned land and property.~~

Disputes

~~To attend Courts, tribunals and alternative dispute resolution hearings to settle property disputes, including statutory land compensation matters.~~

FINANCIAL RELATED SERVICES

Council Tax and Housing Benefit

To undertake the following:

Local Government Finance Act 1992 (unless indicated otherwise)

- To collect the Council Tax - Para. 1
- To determine liability to the Tax - Paras. 6,7
- To determine liability of owners - Para. 8(3)
- To determine joint and several liability - Paras. 8,9
- To determine and allow discounts - Para. 11 Schedule 1
- To determine reductions for disabled people - Para. 1
- To consider and respond to notices from aggrieved persons (regarding liability and any calculations) - Para. 16
- To hold the Valuation List on deposit for public inspection and provide information on the contents of past lists - Paras.22,28
- To provide information required by the Listing Officer (Valuation Officer) for the purpose of maintaining the List - Para. 27
- To impose penalties on persons for failure to supply information or to knowingly supply false information. Schedule 3.
- To quash penalties. Schedule 3.
- To require information from individuals and public bodies
- To approve individual Council Tax reduction applications in accordance with approved guidelines.

Council Tax (Administration and Enforcement Regulations 1992 as amended)

- To notify persons concerned of the valuation of the relevant property
- To ascertain and determine Exempt Dwellings and to notify the relevant persons
- To serve demand notices
- To serve reminder notices
- To serve adjustment notices
- To collect penalties
- To apply for a Liability Order
- To make an Attachment of Earnings Order
- To make an Attachment of Allowances Order

Council Tax Valuation & Liability Appeals

To represent the Council at Local Valuation Tribunal hearings dealing with Council Tax appeals (Section 16 Local Government Finance Act, 1992).

Housing Benefit & Council Tax Benefit

To undertake all functions relating to the assessment, administration and payment of Housing Benefit and Council Tax Benefit.

Housing Benefit & Council Benefit Payments - Discretionary Housing Payments & Irrecoverable Overpayments

To award Discretionary Housing Payments in respect of Housing Benefit & Council Tax Benefit (The Discretionary Financial Assistance Regulations 2001 - SI.1167 & 2340).

To determine irrecoverable overpayments of Housing Benefit and Council Tax Benefit [Regulation 100, Housing Benefit (General) Regulations 1987 and Regulation 85 of the Council Tax Benefit (General) Regulations 1992].

Housing Benefit Cheques

- Authorised signatories in respect of Housing Benefit cheques up to a value of £400.
- Authorised to “open” housing benefit cheques up to £400.

Prosecution Proceedings & Fraud Sanctions - Housing Benefit and Council Tax Benefit Fraud

To instigate prosecution proceedings in relation to Housing Benefits and Council Tax Benefit fraud, in accordance with the authority’s agreed prosecution policy.

To impose formal Cautions or Administrative Penalties in relation to Housing Benefits and Council Tax Benefit fraud.

Benefit Appeals

To represent the Council at Appeals Service Benefit Hearings [Housing Benefit and Council Tax Benefit (Decisions & Appeals) Regulations 2001].

Fraud Investigations

To issue Certificates of Authorisation to qualifying officers within the Fraud Investigation Unit, to enable them to become authorised officers, in accordance with Section 109 of the Social Security Administration Act 1992.

Non-Domestic Rates & Other Revenues

To undertake all functions relating to the assessment, administration, collection and recovery of Non-Domestic Rates, and Sundry Debt due to the Authority.

Mandatory and Discretionary Rate Relief
[Local Government Finance Act 1988 (unless otherwise stated)]

To:

- Award mandatory rate relief to those businesses that qualify, Sec. 43(5) & 43(6a)
- Award discretionary Rural Rate Relief in accordance with current Council policy. Sec. 47(2a) & (2b) and 47(3a) & (3b)
- Award the appropriate level of discretionary relief to charitable and other non-profit making organisations in accordance with current Council policy
- Grant rate reductions for Partly Occupied Property in accordance with Valuation Officer certificates Sec. 44a,

Recovery Proceedings at Magistrates' Court

To represent the Council at proceedings at Magistrates' Court for recovery of Council Tax and Non-Domestic Rates (Section 223, Local Government Act, 1972).

To lay a Complaint for Liability Order in respect of unpaid Council Tax, Non-Domestic Rates and residual Community Charges under the following Regulations:

Part VI of Council Tax (Administration and Enforcement) Regulations, 1992.

Part III of Non-Domestic Rating (Collection and Enforcement) Regulations, 1989.

Part IV of Community Charges (Administration and Enforcement) Regulations, 1989.

Recovery of Commercial Rents

To instruct bailiffs in the recovery of commercial rents (common law rights).

Recovery Proceedings at County Court

To represent the Council at proceedings at County Court for the recovery of Sundry Debts.

Local Government Reorganisation - Dyfed Debts

To write off pre Local Government Reorganisation Dyfed Debts.

Irrecoverable Debts

To write off irrecoverable debts of value less than £1,500.

To write off debts where the debtor is bankrupt, in liquidation or in administrative receivership.

Pensions Administration

In accordance with The Local Government Pension Scheme Regulations 1997 or subsequent amending legislation:

To collect employee and employer contributions from participating employers;

To make payments in respect of scheme benefits;

To collect and make pension transfer payments as elected by scheme members;

To determine non policy related discretions as an Employing/Administering Pension Authority;

To undertake Stage 1 determinations on disputes arising from the Local Government Pensions Scheme or related legislation.

Treasury Management and Banking

To implement and monitor the Treasury Management Policy and Strategy.

The execution and administration of Treasury Management decisions in accordance with the Council's policy statement and Treasury Management Policies and CIPFA's Standard of Professional Practice on Treasury Management.

To borrow and invest money in accordance with the Treasury Management Policy and Strategy and with the Investment Strategy.

To change the balance between borrowing and other long term liabilities.

To remove organisations from or lower the investment limits stated on the "Schedule of Approved Organisations for Investment Purposes" in appendix B of the Treasury Management Policy and Strategy where credit ratings change.

To open and close bank and building society accounts for investment purposes, and to enter into a banking contract.

Payments made in EUROS or other non-Sterling Currencies

To evaluate the relative advantage of discounts offered for payments made in EUROS **or other non Sterling currencies** and to make decisions on paying in Sterling or Euros **other currencies** based on such evaluations .

Technical and Prudential Indicators

To enter into finance leases, operating leases, loan agreements and other credit arrangements on behalf of the Authority.

To monitor the Prudential Indicators in an appropriate manner and to recommend revisions to Indicators where appropriate.

Capital Receipts

To switch funding of capital receipts between the Objective 1 schemes and other approved schemes as necessary, in order to fulfil the aspirations of Council.

Objective Match 1 Capital Grant Funding

To amend the Authority's Capital Programme in accordance with available funding.

Where additional in year Capital Grant is made available by third parties, delegation is provided in consultation with the Cabinet Member for Resources to amend the Authority's Capital programme in accordance with available funding (with the additional funds being retrospectively reported to Cabinet).

Authorised Signatories

Authorised signatory for transactions relating to Carmarthenshire County Council.

Cheque Signatories

To sign cheques and other financial instruments on behalf of Carmarthenshire County Council.

Renewal of Insurance Policies

To negotiate and agree renewal terms with an Insurer, provided that the Agreement does not run longer than the maximum Contract Period (Long Term Agreement) agreed at the commencement of the Policy.

Where there is a proposal to extend outside the maximum length of any Long Term Agreement, the Director of Resources **Corporate Services** will seek the approval of the Executive Board **Cabinet** Member.

Insurance Policies and Settlements Policies

To arrange appropriate insurance cover to minimise the Authority's exposure to losses.

Liability Claims

To approve offers of "Out of Court" settlements on Liability Claims on the recommendation of the Authority's Insurers, nominated Liability Claims Handlers or the Solicitors instructed to defend the relevant claim.

Property Damage Claims

To approve settlements of Property Claims as recommended by the Authority's Property Loss Adjustors.

Small Claims Procedure

To settle Personal Property Damage Claims received from members of the public (excluding Members and employees) up to a maximum of £250* per claim. Claims involving Personal Injury or claims arising from an incident which may give rise to a number of potentially similar claims will be forwarded to the nominated Claims Handlers

- The £250 maximum be subject to an increase in line with RPI.

Approval of Indemnity Claims for Members and Officers up to £5000

In consultation with the Monitoring Officer, to approve indemnity claims that are not covered by the Council's insurance policy, up to a maximum of £5,000.

Employment Tribunal Settlements

To make payments in respect of ~~compromise~~ settlements agreed by the Chief Executive / relevant Directors / Heads of Service in respect of Employment Tribunals.

Welsh Church Fund

Authorised signatory.

Coroners' Removal Expenses

To increase fees in line with inflation.

Letters of Administration

To apply for Letters of Administration on behalf of the Authority.

Boarding Out Allowances to Foster Carers

Following consultation with the Director of ~~Social Care & Housing~~ **Community Services** to review and agree upon the level of annual increases in boarding out allowances to be paid to foster carers.

Business Support / Implementation Mechanism

Following consultation with the Director of ~~Regeneration~~ **Head of Regeneration** to consider each application according to agreed criteria.

~~Cwm Environmental Limited~~

To exercise the functions for which the Council are responsible under the Memorandum and Articles of Association of the Company.

To jointly agree with the Director of Technical Services the authority for CWM Environmental Limited, to annually appoint Auditors and enter into transactions in excess of £25,000.00. **(now within Shareholders Board)**

Llanelli Joint Venture

To negotiate any further interim loans pending targeted and contractually committed receipts.

~~(SOCIAL CARE, HEALTH AND HOUSING)~~

COMMUNITY SERVICES

SOCIAL CARE

The Director of ~~Social Care, Health and Housing~~* **Community Services** shall have delegated authority for the exercise of all powers relating to the functions of the County Council as Social Services Authority and under the enactments specified in Schedule 1 to the Local Authority Social Services Act, 1970 (as amended) **and the Social Services Well-Being (Wales) Act 2014.**

Adult Services

The powers of the Director of ~~Social Care, Health and Housing~~ **Community Services** for adults shall include:

- The assessment of need of individuals, and the Care Management of all people who are eligible for support from public funds, as specified in the NHS and Community Care Act 1990 and the Mental Health Act 1983 as amended and where applicable the Mental Capacity Act 2005.
- The assessment of need for Carers in accordance with the Carers (Recognition and Services) Act, 1995, the Carers and Disabled Children Act 2000 and the Carers (Equal Opportunities) Act, 2004.
- Meeting the assessed needs of individuals either through direct provision or by commissioning from the independent Sector or other agencies or bodies in respect of the following:

Residential Care

Non Residential Services

Occupational Therapy

Provision of Aids and Equipment

Employment Services

Social work Services

Grants to Organisations/Individuals

Adaptations

Community Meals

Transport

Direct Payments

Supported Living

Any other service which is ancillary to the above or which may meet the assessed needs of a service user and which is permissible by statute

- Authority to make arrangements and/or enter into contracts for Social Care services.
- Responsibility for the day to day management of premises required by the Council for the delivery of such services.
- Authorisation and appointment of Approved Social Workers and Approved Mental Health Professionals for the purposes of the Mental Health Act 1983 as amended.

- Approval and payment of grants to organisations.

- Collection and recovery of charges for services provided and/or commissioned.
- Acting as agent or broker on behalf of another public body or government agency.
- Facilitating and managing services on behalf of National Health Service bodies.
- Planning, training and professional development of Social Services workforce.
- To make decisions in individual cases where the legislation, regulations, statutory guidance allowed discretion or was unclear, and that he/she be authorised to delegate that responsibility to suitable senior officers, as appropriate, to ensure issues were dealt with efficiently and without unnecessary delay (Residential Social Services – Practice and Policy)

*The Director of ~~Social Care, Health and Housing~~ **Community Services** has delegated all his statutory functions relating to children and young people to the Head of Children's Services. The Director of Education and Children's Services has also delegated certain of his statutory functions relating to children and young people to the Head of Children's Services, as further described in this Scheme.

Care of expectant and nursing mothers and young children.

The Approval and payment of grants to outside bodies organisations.

PUBLIC PROTECTION FUNCTIONS

All the functions of the Council relating to public protection are delegated to the Director of ~~Social Care, Health and Housing~~ **Community Services** and to the Head of ~~Public Protection, Homes and Safer Communities~~ including (but not limited to) all the functions listed below.

Authority to the Head of Public Protection to act as a Proper Officer in respect of:

Food Safety Act 1990;
Local Government Act, 1972 - S's 112, 204, 213, 234 & Sch 25;
Public Health Acts, 1936 – 1961;
Licensing Act 2003.

Hackney Carriage/Private Hire Driver's Licence or Dual Driver's Licence

To determine uncontested applications submitted for a hackney carriage or private hire driver's licence or dual driver's licence.

Licensing Act 2003 and Gambling Act 2005

Delegated authority to make representations on behalf of the Council acting in its capacity as a responsible authority.

European Union Regulations

To enforce the provisions of the following EU Regulations:

Regulation (EC) No 178/2002

Regulation (EC) No 852/2004

Regulation (EC) No 853/2004

Regulation (EC) No 854/2004

(Made under the Treaty establishing the European Community and a number of EU Directives)

General Food Regulations 2004

(Made under the Food Safety Act, 1990 and the European Communities Act, 1972)

Food Hygiene (Wales) Regulations 2006

(Made under the European Communities Act, 1972)

Extent of Delegation

Where it is considered to be expedient for the promotion or protection of the interests of the inhabitants of the area, the powers contained in Sections 222 of the Local Government Act, 1972, to prosecute or defend legal proceedings and to make representations at any public inquiry, are delegated to the Director of ~~Social Care, Health and Housing~~ **Community Services**, Head of ~~Public Protection~~ **Homes and Safer Communities** and Officers of the Department that use specific delegated authority granted by Council, subject to the agreement of the Head of Administration and Law.

Works in Default

To initiate and make arrangements for the execution of works in default.

General Authorisation to Enforce Acts and Regulations or Orders Made Under the Acts

Authority to the Director and to the Head of ~~Public Protection~~ **Homes and Safer Communities** to exercise all powers and duties (to include any enforcement powers and any decisions relating to the appointment of inspectors) relating to any of the following Statutes:

Abandonment of Animals Act 1960

Accommodation Agencies Act 1953

Administration of Justice Acts 1970 & 1985

Agriculture Act 1970

Agricultural (Miscellaneous Provisions) Act 1968

Agricultural Produce (Grading and Marking) Acts 1928 & 1931

Aids Control Act 1987

Animals Act 1971
Animal Boarding Establishment Act 1963
Animal Health Act 1981
Animal Welfare Act 2006
Anti-Social Behaviour Act 2003

Breeding of Dogs Acts 1973 & 1991
Breeding and Sale of Dogs (Welfare) Act 1999
Broadcasting Act 1990
Building Act 1984
Business Names Act 1985

Cancer Act 1939
Caravan Sites Act 1968
Caravan Sites and Control of Development Act 1960
Celluloid and Cinematograph Film Act 1922
Children and Young Persons Act 1933
Children and Young Persons (Protection from Tobacco) Act 1991
Cinemas Act 1985
Clean Air Act 1993
Clean Neighbourhoods and Environment Act 2005
Companies Act 1985
Consumer Arbitration Agreement Act 1988
Consumer Credit Act 1974
Consumer Protection Act 1987
Control of Pollution Act 1974
Control of Pollution (Amendment) Act 1989
Copyright, Designs and Patents Act 1988
Copyright etc. and Trade Mark Offences and Enforcement Act 2002

Criminal Attempts Act 1981
Criminal Justice Acts 1982
Criminal Justice Act 1988
Criminal Justice and Police Act 2001
Criminal Justice and Public Order Act 1994
Criminal Law Act 1977 Dangerous Dogs Act 1989 & 1991

Dangerous Dogs Act 1991
Dangerous Dogs (Amendment Act) 1997
Dangerous Wild Animals Act 1976
Data Protection Act 1984
Defective Premises Act 1972
Development of Tourism Act 1969
Dogs Act 1906 and the Dogs (Amendment) Act 1928

Education Reform Act 1988
Energy Act 1976
Energy Conservation Act 1981
Enterprise Act 2002
Environment Act 1995

Environment and Safety Information Act 1988
Environmental Protection Act 1990
Estate Agents Act 1979
European Communities Act 1972 and any Regulations made thereunder
Explosives Act-1923
Explosives (Age of Purchase) Act 1976

Fair Trading Act 1973
Farm and Garden Chemicals Act 1967
Forgery and Counterfeiting Act 1981
Food and Environmental Protection Act 1985
Food Safety Act 1990
Fraud Act 2006

Game Act 1831
Gambling Act 2005
Guard Dogs Act 1975

Hallmarking Act 1973
Health Act 2006
Health and Safety at Work etc. Act 1974
Highways Act 1980
Home Safety Act 1961
House to House Collections Act 1939
Hypnotism Act 1952

Insurance Brokers (Registration) Act 1977

Knives Act 1997

Land Compensation Act 1973
Landlord and Tenant Act 1985
Local Government Act 1972
Local Government Planning and Land Act 1980
Local Government and Housing Acts 1984 & 1989
Local Government (Miscellaneous Provisions) Act 1976
Local Government (Miscellaneous Provisions) Act 1982
Local Government (Miscellaneous Provisions) Act 2003
Licensing Act 2003

Malicious Communications Act 1988
Medicines Act 1968
Mines and Quarries Act 1954
Misrepresentation Act 1967
Mobile Homes Act 1983
Mock Auctions Act 1961
Motorcycle Noise Act 1987
Motor Vehicles (Safety Equipment for Children) Act 1991

National Lottery Act 1993
Noise Act 1996
Noise and Statutory Nuisance Act 1993
Nurses Agencies Act 1957

Olympic Symbol etc. (Protection) Act 1995

Patents, Designs and Marks Act 1986
Performing Animals (Regulation) Act 1925
Pesticides (Fees and Enforcement) Act 1989
Pet Animals Act 1951
Petroleum (Consolidation) Act 1928
Petroleum (Transfer of Licence) Act 1936
Planning and Hazardous Substances Act 1990
Poisons Act 1972
Police and Criminal Evidence Act 1984
Police, Factories etc. (Miscellaneous Provisions) Act 1916
Pollution Prevention and Control Act 1999
Prevention of Damage by Pests Act 1949
Prices Acts 1974 & 1975
Property Misdemeanors Act 1991
Protection from Eviction Act 1977
Protection of Animals Act 1911
Protection of Children (Tobacco) Act 1986
Public Health Acts 1936 & 1961
Public Health (Control of Disease) Act 1984

Radioactive Substances Act 1993
Refuse Disposal (Amenity) Act 1978
Rehabilitation of Offenders Act 1974
Rent Acts 1957 – 1977
Regulation of Investigatory Powers Act 2000
Riding Establishments Acts 1964 & 1970
Road Traffic Acts 1988 & 1991
Road Traffic (Consequential Provisions) Act 1988
Road Traffic (Foreign Vehicles) Act 1972
Road Traffic Offenders Act 1988

Safety of Sports Grounds Act 1975
Sale of Goods Act 1979
Scotch Whisky Act 1988
Scrap Metal Dealers Act 2013
Solicitors Act 1974
Sunbed (Regulation) Act 2010,
Sunday Trading Act 1994
Supply of Goods Act 1979
Supply of Goods and Services Act 1982

Telecommunications Act 1984
Theft Acts 1968 & 1978
Timeshare Act 1992
Torts (Interference with Goods) Act 1977
Town Police Clauses Act 1847 & 1889
Trade Descriptions Act 1968
Trade Marks Act 1994
Trading Representations (Disabled Persons) Acts 1958& 1972
Trading Scheme Act 1991
Trading Stamps Act 1964

Unfair Contract Terms Act 1977
Unsolicited Goods and Services Acts 1971 & 1975

Vehicle Crime Act 2001
Video Recordings Act 1984
Video Recordings Act 1993
Violent Crime Reduction Act 2006
Water Industry Act 1991
Water Resources Act 1991
Weights and Measures Acts 1976 & 1985

Zoo Licensing Act 1981

Specific Delegated Powers

The following Statutes contain the specific delegated powers required to enable the Public Protection function to operate effectively and efficiently. Each Statute and the relevant power has been identified and described on each page, so that the document can be consulted or revised with ease.

The Advanced Television Services Regulations 1996

That delegated authority be granted to the officers to enforce The Advanced Television Services Regulations:

Regulation 16 and Schedule 2 Paragraph 3(i) Power to test/purchase.

Regulation 16 and Schedule 2 Paragraph 4 Power of search including inspection, seizure and detention.

Regulation 16 and Schedule 2 Paragraph 7 Power to apply to the Courts for forfeiture of seized goods.

That the following officers be authorised for the purposes of the Advanced Television Services Regulations 1996:

Animal Health Act 1981

S.52 To act as an Inspector for the purposes of execution and enforcement of the Act.

S.60 To apprehend a person without warrant for obstruction, impeding or assisting in obstruction or impeding an officer in the execution of the Act.

S.63 To use powers of entry as authorised officers of the Council under the provisions of the Act.

S.64 To use powers of entry as authorised officers of the Council in relation to protecting poultry from unnecessary suffering, under the provisions of the Act.

Animal Welfare Act 2006

S. 51 To appoint a person as an inspector for the purposes of this Act.

Animals, Meat etc. (Examination for Residues etc.) Regulations 1991

To act in matters arising under the Animals, Meat etc. (Examination for Residues etc.) Regulations 1991.

The Bovines and Bovine Products (Despatch Prohibition and Production Restriction) Regulations 1997

To appoint Inspectors in relation to the enforcement responsibilities under the above regulations.

Anti-Social Behaviour Act 2003

The Chief Executive delegates the following powers to the Director of ~~Social Care, Health and Housing~~ **Community Services** and the Head of ~~Public Protection~~ **Homes and Safer Communities**

S. 40 - Closure of noisy premises

S. 41 - Closure of noisy premises: supplemental

Breeding of Dogs Act 1973

S1 To Issue a Licence in respect of a breeding establishment for dogs.

S2 To appoint officers authorised to use powers of entry and inspection under the provisions of the Act.

Breeding of Dogs Act 1991

S1 To apply to a Justice of the Peace for a warrant to enter premises for inspection for the purposes of the Act.

Building Act 1984

S.59 Issue of Notice in respect of unsatisfactory drainage of premises.

S.60 Issue of Notice in respect of the improper use of rainwater pipes for ventilation of soil pipes.

S.64 Issue of Notice in respect of disrepair or insufficient provision of water closets in buildings.

S.65 Issue of Notice in respect of insufficient provision of water closets in workplaces.

S. 95 To appoint officers authorised to use powers of entry under the provisions of the Act.

S. 76 Issue of Notice in respect of Defective Premises.

S. 79 Issue of Notice in respect of Ruinous and dilapidated buildings and neglected sites.

S. 81 Issue of Notice to persons undertaking demolition works.

S. 107 To recover expenses incurred by Authority.

Caravan Sites and Control of Development Act 1960

S. 3 To issue Site Licences with respect to caravan sites.

S. 8 To alter conditions attached to a Caravan Site Licence.

S. 10 To transfer Caravan Site Licences, and transmission of the Licence on death.

S. 26 To appoint officers authorised to use powers of entry under the provisions of the Act.

Children and Young Persons (Protection from Tobacco) Act 1979

5(1) (a) To use powers to develop an enforcement programme under the provisions of section 7(1) of the Children and Young Persons Act 1933 and under sections 3 & 4 of the Act.

5(1) (b) To enforce programmes under the provisions of the Act.

Clean Air Act 1993

S.12 To require information about furnaces and fuel consumed.

S.36 Issue of Notice in respect of obtaining information about air pollution.

S. 56 To appoint officers authorised to use powers of entry and inspection under the provisions of the Act.

S. 58 Issue of Notice in respect of obtaining information.

Clean Neighbourhoods and Environment Act 2005

S.77 – To appoint officers authorised to exercise powers of entry under the Act.

S.78 – To apply for a Warrant to enter premises.

Control of Pollution Act 1974

S. 60 To serve a Notice under Section 60 of the Control of Pollution Act 1974.

Consumer Credit Act 1974

S. 162 Appoint officers authorised to use powers of entry for the purposes of inspection under the provisions of the Act.

S. 164 To test purchase goods, services, facilities and other transactions.

Consumer Protection Act 1987

S. 14 Issue of Suspension Notice.

S. 16 Application to Justices for forfeiture.

S. 28 To test purchase goods, services, accommodation or facilities.

S. 29 To appoint officers authorised to use powers of search under the provisions of the Act.

Copyright Designs and Patents Act 1988

S. 27 To make test purchases.

S. 28 To appoint officers authorised to use powers of entry and inspection under the provisions of the Act.

S. 107A To enforce Section 107 in relation to infringing copies.

198A(1) To enforce Section 198 in respect of illicit recordings.

58A To enforce the provisions of the Act.

Courts and Legal Services Act 1990

S.107 To enforce the provisions of the Act and to appoint officers authorised to use powers of entry under the provisions of the Act.

Dangerous Dogs Act 1991

S. 5 To appoint officers authorised to use powers of entry and powers of seizure in respect of dangerous dogs.

Dangerous Wild Animals Act 1976

S1 To Issue of a Licence in respect of dangerous wild animals.

S. 3 To appoint officers authorised to use powers of entry and inspection as authorised officers of the Council under the provisions of the Act.

S.4 To use powers of seizure and disposal of animals under the provisions of the Act.

Development of Tourism Act 1969

Statutory Instrument – Tourism (Sleeping Accommodation Price Display) Order 1969.

Regulation 5 To appoint officers to use powers of entry and inspection as authorised officers of the Council, in its capacity as a Weights and Measures Authority.

Education Reform Act 1988

Section 215 To appoint officers authorised to use powers of entry, to search premises, to require the production of documents and to make copies and seize anything required as evidence relating to the enforcement of section 214 of the Act.

Energy Act 1976

S.18 Schedule 2 Paragraphs 2 & 3

To appoint officers authorised to use powers of entry and to examine documents under the provisions of the Act.

Energy Conservation Act 1981

S. 20 To appoint officers authorised to use powers of entry as authorised officers under the provisions of the Act.

Environment Act 1995

S. 108 To appoint officers authorised to use powers of entry, inspection, examination, measurement, photography, to take records, samples and to request information, under the provisions of the Act.

S. 109 To use powers of seizure of any article or substance and to render it harmless.

Environmental Protection Act 1990

S. 6 Issue of an Authorisation for a prescribed process.

S. 10 Issue of a Variation Notice in respect of a prescribed process.

S. 11 Issue of a Variation in respect of a prescribed process.

S.12 Revocation of Authorisation for prescribed processes.

S. 13 Issue of an Enforcement Notice in respect of a prescribed process.

S. 14 Issue of a Prohibition Notice in respect of a prescribed process.

S. 19 Issue of Notice in respect of obtaining information from persons.

S.59 – To require removal of controlled waste.

S.71 – To obtain information from persons or authorities in relation to Section 59.

S.78E-To require remediation of contaminated land etc.

S. 80 Issue of an Abatement Notice in respect of a statutory nuisance.

80A* Issue of an Abatement Notice in respect of a statutory noise notice nuisance emitted from or caused by a vehicle, machinery or equipment in a street.

81A Issue of Notice in respect of expenses recoverable from the owner of premises as a result of action taken under the provision of the Act.

S.88 – To issue fixed penalty Notices and appoint officers authorised to exercise powers under the Act.

S.92A – To issue litter clearing notices.

S. 149 To Appoint Officers to deal with the discharge of powers relating to the seizure of stray dogs.

Schedule 3 To appoint officers authorised to use powers of entry under the provisions of the Act.

Estate Agents Act 1979

Section 11 To appoint officers authorised to use powers of entry and inspection under the provisions of the Act.

Estate Agents (Accounts) Regulations 1981

Regulation 8 To use powers for the demand of an Auditor's report relating to clients' accounts.

European Communities Act 1972

Construction Products Regulations 1991

Regulation 10 Issue of Suspension Notice in respect of construction products.

R. 12 To seek forfeiture of construction products.

R16 To make test purchases under the provisions of the Regulations.

Manufacture and Storage of Explosives Regulations 2005

To grant and vary registrations and licences for the storage of explosives and make any necessary arrangements for the administration of the registration and licensing system.

To refuse applications and to revoke or modify registrations or licences of premises.

Eggs (Marketing Standards) Regulations 1995

Reg 4. To enforce the provisions of the Regulations and to appoint officers authorised to use powers of entry.

Electromagnetic Compatibility Regulations 1995

Reg 73 To enforce the provisions of the Regulations.

Electromagnetic Compatibility Regulations 1995

R. 74 To make test purchases.

R. 75 To appoint officers authorised to use powers of entry and search.

R. 76 To seek Justices Warrant.

Medical Devices Regulations 1994

R. 19 To enforce the provisions of the Regulations and to issue Notice in respect of devices bearing an incorrectly applied EC marking.

Package Travel, Package Holidays and Package Tours Regulations 1992

R 23 Paragraphs 3 & 4(1) of Schedule 3

To appoint officers authorised to use powers of entry and to require the presentation of or the seizure or detention of books and documents.

Paragraph 4(2) of Schedule 3 To seek a Justices Warrant.

Personal Protective Equipment (EC Directive) Regulations 1992

R. 3 To enforce the provisions of the Regulations.

Common Agricultural Policy (Wine) Regulations 1955

R7 To enforce the provisions of the Regulations.

8(1) To prohibit movement.

The Aerosol Dispensers (EEC Requirements) Regulations 1997

R. 5 To enforce the provisions of the Regulations.

R.10 To institute legal proceedings.

The Energy Information (Refrigerators and Freezers) Regulations 1994

R. 14 - To enforce the provisions of the Regulations

Schedule 6 Paragraph 6 To issue Notice of remedial action.

R.9 To require information.

R. 10 To make test purchases.

R.11 To appoint officers authorised to use powers of entry and search and seek a Justices Warrant.

Fair Trading Act 1973

S. 28 To test purchase goods and services.

S. 29 To appoint officers authorised to use powers of entry for the purposes of inspection and the seizure of goods and documents under the provisions of the Act.

Food and Environment Protection Act 1985

Section 19(1)(c) To act as an authorised officer of the Council under the provisions of the Act.

For the purposes of the Control of Pesticides Regulations 1986, to appoint officers authorised to use powers of entry to premises, vehicles, vessels, aircraft, hovercraft and marine structures, to require information, to issue Notices in respect of offences and to require remedial action or where a risk of committing an offence exists, to prohibit activities.

Food Safety Act 1990

S. 5 To act as an authorised officer of the food authority, to act generally or specially in matters arising under the Act and in relation to S. 32 in particular.

S. 6(6) To act as an authorised officer of an enforcement authority.

S. 9(1) To appoint officers authorised to inspect food intended for human consumption.

S. 9(3) Issue of Notice in respect of food not to be used for human consumption and seizure of food in order to have it dealt with by a Justice of the Peace.

S. 11 Issue of a Certificate stating that the food authority is satisfied that a health risk condition no longer exists at a food business.

S. 29 Authorisation for the procurement of samples of food.

S. 30 Authorisation for food samples to be analysed.

S. 32 To appoint officers authorised to use powers of entry under the provisions of the Act.

S. 42 To act as Proper Officer for the purposes of the Act.

Game Act 1831

S. 18 Issue of a Licence in respect of dealing in game.

Guard Dogs Act 1975

S. 3 Issue of a Licence in respect of the keeping of guard dog kennels.

Hallmarking Act 1993

S. 9 To enforce the provisions of the Act.

Health and Safety at Work etc. Act 1974

S. 19 To appoint Inspectors for implementing the relevant statutory provisions.

S. 20 - Powers of Inspectors to carry out their statutory duties

S. 21 To Issue an Improvement Notice in respect of an infraction of any of the relevant statutory provisions.

S. 22 To issue a Prohibition Notice to avert the risk of serious personal injury.

S. 25 To deal with causes of imminent danger.

S. 26 Indemnification of Inspectors.

S.39 Prosecution by an Inspector before a Magistrates Court for an offence under any of the relevant statutory provisions.

Health Act, 2006 - Smoke-free premises etc. (Wales) Regulations 2006

To authorise officers to enforce the provisions of the Regulations.

Law of Property Act 1925

Head of ~~Housing Services~~ **Homes and Safer Communities**, Head of ~~Planning~~ **Place and Sustainability**, Head of ~~Public Protection~~ and Head of Administration and Law to

instigate the necessary action to bring about an enforced sale including the disposal of property.

Local Government and Housing Act 1989

S. 20 Issue of Notice for the provision of sanitary appliances in places of public entertainment and other premises.

To appoint officers authorised to exercise powers of entry under the provisions of the Act.

S. 33 To make arrangements for the restoration or continuation of supply of water, gas or electricity to an occupied dwelling.

S. 35 To Issue a Notice in respect of obstructed private sewer.

Local Government (Miscellaneous Provisions) Act 1976

S.33 To restore the supply of water, gas or electricity.

S.35 To issue a Notice in respect of obstructed private sewer.

Local Government (Miscellaneous Provisions) Act 1982

S. 29 Issue of Notice to protect buildings against unauthorised entry or those that are likely to become a danger to public health.

Authorisation to use powers of entry as authorised officers of the Council in relation to the protection of buildings against unauthorised entry etc.

Paragraph 14 Authorisation to use powers of entry as authorised officers of the Council under the provisions of the Act.

Under schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 as amended by the Policing and Crime Act 2009 to licence a new category of premises called Sexual Entertainment Venues. The legislation allows the authority to set fee levels which reflect the cost of processing and determining applications, dealing with objections and complaints as well as undertaking enforcement. (CC 07/03/12)

Medicines Act 1968

S. 108 To discharge the Council's functions as a Drugs Authority in respect of the control of medicinal products at non pharmaceutical premises under the provisions of sections 53 & 54, the control of animal medicated feeding stuffs under the provisions of sections 62(1)(b) & 90 of the Act.

S. 111 To appoint officers authorised to use powers of entry in respect of premises, ships, aircraft or hover vehicles under the provisions of the Act.

S. 112 To appoint officers authorised to inspect, take samples, seize goods and documents under the provisions of the Act.

Motor Cycle Noise Act 1984

S. 1 To enforce the provisions of the Act.

Motor Salvage Operators' Regulations 2002

To operate the Motor Salvage Operators' Registration Scheme, including authority to register non-contentious applications.

Noise and Statutory Nuisance Act 1993

S. 2 To Issue Consents for the operation of loudspeakers in streets or roads.

S. 3 Paragraphs 6 & 7 To appoint officers authorised to use powers of entry under the provisions of the Act.

Animal Meat Products (Examination for Residues and Minimum Residue Limits) Regulations 1991

Regulation 20 To inspect medicine records on farms.

Materials and Articles in Contact with Food Regulations 1987

Regulation 12 To enforce the provisions of the Regulations and to appoint officers authorised to use powers of entry.

Performing Animals (Regulation) Act 1925

S.1 To issue Certificates of Registration in respect of the exhibiting or training of performing animals.

S.2 To appoint officers authorised to use powers of entry under the provisions of the Act.

Pet Animals Act 1951

S.1 To issue a Licence in respect of the keeping of a pet shop.

S.4. To appoint officers authorised to use powers of entry and inspection under the provisions of the Act.

Petroleum (Consolidation) Act 1928

S.1 To issue a Licence in respect of the keeping of petroleum spirit.

S.17 To use powers of purchase of samples of petroleum for the purpose of testing.

S.18 To make an application to a Court of Summary Jurisdiction for a warrant to search for petroleum spirit.

Poisons Act 1972

S.9 To act as an Inspector for the purposes of the Act and to appoint officers authorised to use powers of entry under the provisions of the Act.

Pollution Prevention and Control Act 1999

The Pollution Prevention and Control (England and Wales) Regulations 2000

Reg. 10 – Issuing of a permit

Reg. 17 – Variation of conditions of permit

Reg. 18 – Transfer of permits

Reg. 21 – Revocation of permits

Reg. 24 – Enforcement Notice

Reg. 25 – Suspension Notice

Reg. 26 – Power of regulator to prevent or remedy pollution

Reg. 28 - Information

Prevention of Damage by Pests Act 1949

S.4 To issue a Notice in respect of the destruction of rats and mice or the keeping of land free from rats and mice.

S.6 To exercise powers in relation to groups of premises.

S.22 To appoint officers authorised to use powers of entry under the provisions of the Act.

Proper Officer for Medical Advice

Authority to appoint a Proper Officer for medical advice. The Proper Officer shall have the following delegated powers:

National Assistance Act 1948 - Section 47 BMc

National Assistance (Amendment) Act 1951 - Section 1 BMc

Public Health (Control of Disease) Act 1984 - Sections 21, 22, 24, 26, 28-32, 35-38, 40-43, 48 and 51

Public Health (Infectious Diseases) Regulations 1988

Prices Acts 1974 & 1975

Schedule 1 Paragraph 7 To test purchase goods.

Schedule 1 Paragraph 9 To appoint officers authorised to use powers of entry for the purposes of inspection and the seizure of goods and documents under the provisions of the Act.

Property Misdemeanors Act 1991

Section 3 and Schedule 1 Paragraphs 3 & 4(1) To appoint officers authorised to use powers of entry for the purposes of the inspection of goods and the seizure of documents under the provisions of the Act.

Public Health Act 1936

S. 45 Issue of Notice in respect of buildings having defective closets capable of repair.

S. 50 Issue of Notice in respect of overflowing and leaking cesspools.

S.78 – Removal of waste from any courtyard, or passage which is used in common by occupants of two or more buildings.

S. 83 Issue of Notice in respect of the cleansing of filthy or verminous premises.

S. 140 Application to Court of Summary Jurisdiction to close or restrict use of water from a polluted source of supply.

S. 269 Issue of a Licence in respect of the control of moveable dwellings.

S. 284 Authorisation for the authentication of documents.

To appoint officers authorised to use powers of entry under the provisions of the Act.

Public Health Act 1961

S. 17* Issue of Notice in respect of the repair of drains and to remedy stopped up drains.

S. 34 Issue of Notice in respect of the removal of accumulations of rubbish.

S. 73 Issue of Notice in respect of action to prevent danger from derelict petrol tanks.

Public Health (Control of Disease) Act 1984

S. 18 Proper Officer for the purpose of this section of the Act, for the requisition and receipt of information to be furnished by an occupier of premises in the case of notifiable disease or food poisoning.

S. 20 Proper Officer for the purposes of this section of the Act, for the issue of Notice requiring a person to discontinue work to prevent spread of disease to which S. 28 of the Food Act 1984 applies.

S.23 Proper Officer for the purposes of this section of the Act, for the issue of Notice excluding children from places of entertainment or assembly to prevent spread of disease.

S.61 Authorisation to use powers of entry as authorised officers of the Council under the provisions of the Act.

Refuse Disposal (Amenity) Act 1978

S. 6 Issue of Notice in respect of the removal and disposal of other refuse.

S.8 To appoint officers authorised to use powers of entry under the provisions of the Act.

Riding Establishments Act 1964

S.1* Issue of a Licence in respect of riding establishments.

S. 2 To appoint officers authorised to use powers of entry and inspection under the provisions of the Act.

Road Traffic Act 1988

S.70 To use powers to prohibit the use of an overloaded vehicle under the provisions of the Act.

S.78 To weigh vehicles on behalf of the Highway Authority.

Road Traffic Act 1991

S.47 To determine whether a person is fit and proper to hold a hackney carriage or private hire vehicle drivers licence and to submit an application to the chief officer of police for his observations.

Road Traffic (Foreign Vehicles) Act 1972

S.1 To use powers to prohibit the use of an overloaded vehicle under the provisions of the Act.

S. 2 To make an UK exemption order or to remove a prohibition notice.

Scrap Metal Dealers Act 2013

S. 6 1964 Act To appoint officers authorised to use powers of entry and inspection under the provisions of the Act.

the initial assessment of an application received for a scrap metal dealers licence be delegated to officers

Sheep Scab Order 1997

To act on behalf of the Local Authority under the provisions of the above order.

Solicitors Act 1974

S. 22 To appoint officers authorised to use powers of entry under the provisions of the Act.

Sunbed (Regulation) Act 2010, and any associated Regulations, particularly the Sunbed (Regulation) Act 2010 (Wales) Regulations 2011 from the 31st October 2011

that delegated powers be granted to the Director of ~~Social Care, Health and Housing~~ **Community Services** and the Head of ~~Public Protection~~ **Homes and Safer Communities** to enforce the provisions of the Sunbed (Regulation) Act 2010, and any associated Regulations, particularly the Sunbed (Regulation) Act 2010 (Wales) Regulations 2011 from the 31st October 2011, including the power to appoint Officers as Authorised Officers for the purposes of the Act to exercise powers of entry and use any other enforcement measures or actions prescribed in the Act and Regulations.

Telecommunications Act 1984

S. 30 To enforce the provisions of sections 28 & 29 of the Act.

Timeshare Act 1992

Section 10 and Schedule 1 Paragraph 3

To appoint officers authorised to require the production of books and documents and to use powers for the seizure of books and documents under the provisions of the Act.

Trade Descriptions Act 1968

S.27 To test purchase goods, services, accommodation or facilities.

S.28 To appoint officers authorised to use powers of entry for the purposes of inspection and the seizure of goods and documents under the provisions of the Act.

Trade Marks Act 1994

S.27 To make test purchases.

S.28 To appoint officers authorised to use powers of entry and inspection under the provisions of the Act.

S. 93 To enforce the provisions of section 92 of the Act.

Video Recordings Act 1984

16A To enforce the provisions of the Act within the County of Carmarthenshire and limited offences outside the County with the consent of another Authority.

S. 27 To make test purchases.

S. 28 To appoint officers authorised to use powers of entry and inspection under the provisions of the Act.

Water Industry Act 1991

S. 79 To require a water undertaker to provide a supply of water to premises where supplies are insufficient or unwholesome.

S. 80 To appoint officers authorised to use powers of entry under the provisions of S. 72 of the Act.

S. 80 To issue a Notice in respect of improvements to a private water supply.

S.85 To issue a Notice in respect of obtaining information for the purposes of Chapter III of the Act.

Schedule 6 Paragraphs 1, 2, 3,6,7,8 & 9 to appoint officers authorised to use powers of entry under the provisions of the Act.

Weights and Measures Act 1985

Section 42 To make purchases of goods for the purposes of Parts II, III & IV of the Act.

S. 52 To enforce Part V of the Act.

S.53 and Schedule 8 paragraph 6(1) To make test purchases for the purposes of Part V of the Act.

S.72(1) Authorisation to act and appointment as Chief Inspector of Weights and Measures.

Authorisation to act as Inspectors for the purposes of the Act.

Zoo Licensing Act 1981

S.4 Issue of a licence in respect of zoos.

HOUSING FUNCTIONS

All the functions of the Council acting as a Housing Authority are delegated to the Director of ~~Social Care, Health and Housing~~ **Community Services** and to the Head of ~~Housing~~ **Homes and Safer Communities** to include the allocation of Council properties and also (but not limited to) the functions specified below.

General Authorisation to Enforce Acts and Regulations or Orders Made Under the Acts

To exercise all powers and duties (to include any enforcement powers and any decisions relating to the appointment of inspectors) relating to any of the following Statutes:

Building Act 1984

Caravan Sites Act 1968

Caravan Sites and Control of Development Act 1960

Criminal Justice and Public Order Act 1994

Environmental Protection Act 1990

Housing Act 1985

Housing Act 1988
Housing Act 1996
Housing Act 2004
Housing Grants, Construction and Regeneration Act 1996
Land Compensation Act 1973
Local Government and Housing Act 1989
Local Government (Miscellaneous Provisions) Act 1976 & 1982
Local Government (Miscellaneous Provisions) Act 1982
Local Government (Miscellaneous Provisions) Act 2003
Prevention of Damage by Pests Act 1949
Protection from Eviction Act 1977
Public Health Acts 1936 & 1961
Regulatory Reform (Housing Assistance) (England and Wales) Order 2002

Specific Delegated Powers

The following Statutes contain specific delegated powers required to enable the Housing function to operate effectively and efficiently. Each Statute and the relevant power has been identified and described on each page, so that the document can be consulted or revised with ease.

Caravan Sites and Control of Development Act 1960

S. 5 to attach conditions to a caravan site licence.

Crime and Disorder Act 1998

To initiate action against tenants in respect of anti-social behaviour.

Criminal Justice and Public Order Act 1994

S. 77 to Issue Directions to unauthorised campers to leave land.

S. 78 To make complaint to a Magistrates Court for an Order for the removal of persons and their vehicles unlawfully present on land.

Proposed group repair programme for 2000/01 for the Inner Ammanford, Garnant, Brynaman and South Llanelli Renewal Areas.

Granted delegated authority, in consultation with the Cabinet Member to alter sequencing of the schemes to ensure maximum use of resources.

To act in resolving, controlling and managing trespass by travellers.

Traveller Management Arrangements

To let and terminate licences on Pen-y-Bryn Residential Caravan Site.

Housing Act 1985

79 - To grant secure tenancies and licenses of dwelling houses and to grant non-secure tenancies and licenses in the circumstances set out in Schedule 1 of the Act.

82 – To issue possession proceedings against secure tenants.

82A – To issue proceedings to demote a secure tenancy.

83 - To serve Notices Seeking Possession on secure tenants.

85 – To apply to the County Court for an order staying or suspending the execution of a possession order, to postpone the date for possession, or to amend or set aside a possession order. To attend court to make representations in respect of orders sought by tenants and tolerated trespassers under section 85.

89 – To select a successor where two or more members of a tenant's family are entitled to succeed to a secure tenancy.

92 – To grant or withhold consent to secure tenants wishing to mutually exchange and to serve notice where consent is being withheld.

94 - To grant or withhold consent to secure tenants wishing to sublet or otherwise part with possession of a dwelling house.

96 – To take all steps necessary to comply with regulations made pursuant to section 96(1) of the Act, including the issue a repair notices and payment of compensation in respect of qualifying repairs.

97 - To grant or withhold consent to secure tenants wishing to make improvements to their dwellings, and to give consent subject to conditions imposed in accordance with section 99 of the Act.

99A – Power to compensate for improvements.

100 – Power to reimburse the cost of tenant's improvements.

102 – Power to vary the terms of Introductory and secure tenancies.

103 – To issue a Preliminary Notice and Notice of Variation of a periodic tenancy.

104 – To publish information about the Council's secure tenancies.

105 – To consult with tenants on matter of Housing Management.

106 - To publish information about housing allocation.

121A – To apply to the Court for an order suspending the Right to Buy because of anti-social behaviour.

121AA & 121B – To prepare and provide information to tenants to help them to decide whether to exercise the right to buy.

124 – To determine applications under the legislation and serve notice admitting or denying the Right to Buy.

125 – To serve Notice of the purchase price and other matters.

125E – To serve a notice in default, to extend the period for compliance with the said notice.

128 – Powers to require the value of a property to be re-determined by the District Valuer and to serve the required notices as appropriate.

138 – To instruct the Council's Head of Administration and Law to convey the Freehold or Grant leases in pursuance of the Right to Buy legislation.

Schedule 5 – To serve Demolition Notices.

138C – To compensate secure tenants where a demolition notice is served.

140 – Power to Serve a landlord's First Notice to Complete.

141 – Power to Serve a landlord's Second Notice to Complete.

155A – To demand repayment of such sum as is considered appropriate up to and including the maximum amount specified in the legislation, on the first "Relevant Disposal" (other than an exempt disposal) of a property.

156 – Power to give Consent for a charge in respect of monies advanced to a purchaser and falling within section 156(2A) of the Act to take priority over the Council's own legal charge under section 156(1) of the Act.

156A – To exercise the Council's rights of first refusal and nomination.

157 - To grant or withhold consent to the disposals of dwellings in National Parks and other designated areas falling within this section of the Act, and to enforce covenants restricting the sales of properties in such areas.

S. 189* To Issue of a Notice in respect of an unfit house. (*Amended by Sch. 9, para 1, Housing Act 1988 & Sch. 9, para 1, Local Government and Housing Act 1989).

S. 190* To Issue of a Notice in respect of a house in a state of disrepair but not unfit. (*Amended by Sch. 15, para 2 Housing Act 1988 & Sch. 9, para 2, Local Government and Housing Act 1989).

S.197 Authorisation to appoint authorised officers to use powers of entry as authorised officers of the Council under the provisions of Part VI of the Act.

S. 264 Power to make a Closing Order.

S. 265 Power to make a Demolition Order.

S. 270 Demolition Orders: to Recovery of possession of a building.

S.273 Demolition Orders: to Clearing a building before demolition.

S.274 Demolition Orders: Power to permit reconstruction of a condemned house.

S. 279 Closing Orders: to Substitution e of a Demolition Order with a closing order.

Authorisation to acquire land for clearance.

S.289 Declaration of Clearance Area.

S.289* Issue of Notice in respect of the Council's intent to include a building in a clearance area. (*Amended by Sch. 9, para 25 Local Government and Housing Act 1989).

S. 297 Authorisation to remove or alter apparatus of statutory undertaking in connection with a Clearance Area.

S.300 Authorisation to purchase houses liable to be demolished or cleared, to be used for temporary accommodation.

S.319 Powers of Entry.

S. 319 Authorisation to use powers of entry as authorised officers of the Council under the provisions of Part IX of the Act.

S.335 Power to require information about persons sleeping in dwelling.

S.336 Power to require production of rent book.

S.337 Power of entry to determine permitted number of persons.

S.338 Issue of Notice to abate overcrowding.

S.340 Powers of Entry.

S.346 Registration Schemes.

S.350 Power to require information for the purpose of a Registration Scheme.

S.350 Authorisation to introduce Registration Schemes for houses in multiple occupation.

S. 352 Issue of Notice in respect of the execution of works to render premises fit for the number of occupants.

S.352 Power to require execution of works to render premises fit for number of occupants.

S.352A Recovery of expenses of Notice under Section 352.

- S. 354 Issue of Notice limiting the number of occupants of a house.
- S. 354 Power to require information about occupation of house.
- S.356 Power to require information about occupation of house.
- S. 356 Issue of Notice requiring information about occupation of house.
- S.357 Revocation or variation of direction under Section 354.
- S.358 Issue of Notice in respect of overcrowding in a house in multiple occupation.
- S.363 Revocation and variation of Overcrowding Notice.
- S. 364 Power to require information where Overcrowding Notice is in force.
- S. 366 Issue of Notice in respect of means of escape from fire in a house in multiple occupation.
- S.368 Means of Escape from Fire. Power to secure part of house not used for human habitation.
- S.372 Power to require execution of works to remedy neglect of management.
- S.372* Issue of Notice in respect of the management of a house in multiple occupation. (*Amended by Sch. 9, para 50, Local Government and Housing Act 1989).
- S.375 Authorisation for carrying out of works by Local Housing Authority regarding the non-compliance of a Notice under Section 352 or 372.
- S.377A Works Notices: Improvement of enforcement procedures. Authorisation to give written notice of intention to serve Works Notices prior to the service of a Notice under Section 352 or a Notice under Section 372.
- S.379 Making of a Control Order.
- S. 379 Issue of Notice in respect of a control order for a house in multiple occupation.
- S. 380 Authorisation to rectify Control Order where proprietor resides in part of the house.
- S.386 Authorisation to prepare management scheme subject to Control Order.
- S.388 Authorisation to supply furniture and fittings to a house subject to a Control Order.
- S.392 Authorisation to revoke a Control Order.
- S. 395 Authorisation to use powers of entry as authorised officers of the Council under the provisions of Part XI of the Act.

S. 395 Authorisation to use powers of entry as Authorised Officers of the Council.

S.397 Authorisation to apply for a warrant to authorise entry (if required).

Schedule 10 Demand for Recovery of Expenses incurred by Local Housing Authority.

Housing Act 1996

124 – To grant Introductory Tenancies or Licenses of dwelling houses pursuant to the Councils election to operate an introductory tenancy regime.

125A – To Serve a Notice of Extension and to extend an Introductory Tenancy or license for a further 6 months, in accordance with the relevant procedures in the Act.

127 – To issue Possession Proceedings to end an Introductory Tenancy.

128 – To Issue a Notice of Proceedings.

129 – To review decisions to seek possession of a dwelling house, where possession is being sought on the basis of rent arrears.

133 - To select a successor where two or more members of a tenant's family are entitled to succeed to an Introductory Tenancy.

136 – To publish information about the Council's Introductory Tenancies.

137 – To consult with tenants on matter of Housing Management.

143D - To issue Possession Proceedings to end a Demoted Tenancy.

143E – To serve Notice of Proceedings for Possession of a Dwelling held under a Demoted Tenancy.

143F To review a decision to seek possession of a dwelling, where possession is being sought on the basis of rent arrears.

143H - To select a successor where two or more members of a tenant's family are entitled to succeed to a Demoted Tenancy.

143M – To publish Information about the Demoted Tenancy.

153A – To apply for an Injunction to prohibit/prevent anti-social behaviour.

153B – To apply for an Injunction to prohibit/prevent the unlawful use of premises.

153D – To apply for an Injunction to prohibit/prevent breaches of tenancy.

157 – To apply to Court to vary or discharge an injunction obtained under section 154A, 153B or 153D of the Act.

166 - To provide advice and information to people in the County in accordance with the Council's obligations under this section.

167 – To process Housing Applications and allocate Housing Accommodation in accordance with the Part VI of the Housing Act 1996, and the Council's Allocations Policy.

168 – To publish information about the Council's Allocation Scheme.

171 – To prosecute people who make false statements or withhold information.

179 – To provide advice and information to people in the County about homelessness and the prevention of Homelessness.

180 – To provide grants, loans or other assistance to voluntary organisations concerned with homelessness or matters relating to homelessness.

181 – To serve Notice on a voluntary organisation where the Council intends to recover monies.

184 – To make inquiries to cases of homelessness or threatened homelessness, determine applications in accordance with the requirements of Part VII of the Act and notify Applicants of the Council's decision.

188 – To discharge the Council's duty to provide temporary accommodation to applicants in cases of apparent priority pending a decision about the duty owed to them, and the Council's power to provide temporary accommodation pending the decision on any review.

To discharge the Council's duties under section 189, 192, 193 and 195 of the Act, in accordance with the requirements of Part VII of the Act.

198 – To refer homelessness cases to another local housing authority.

200 – To discharge the Council's duties to homeless applicants whose cases are being considered for referral to another Authority and to exercise the Council's power to provide temporary accommodation pending the decision on any review.

202 – To carry out Homelessness Reviews.

204 & 204A– To defend any County Court Appeals arising from the Council's homelessness decisions.

206 - Discharge of Functions by Local housing Authorities.

208 - Discharge of Functions: Out of Area Placements.

209 - Discharge of Functions: arrangements with Private Landlords.

210 - Discharge of Functions: Suitability of Accommodation.

211 & 212 - To discharge the Council's duties and exercise the Council's powers to protect property belonging to homeless people and people threatened with homelessness.

213 – To seek the applicant's consent and refer certain matters involving children to social services.

214 - To prosecute people who make false statements, withhold information or fail to disclose change of circumstances.

Housing Grants, Construction and Regeneration Act 1996

S. 13 Renovation Grants: Approval of Applications.

S.18 Common Parts Grants: Approval of Applications.

S. 24 Disabled Facilities Grants: Approval of Applications.

S. 28 HMO Grants: Approval of Applications.

S. 76 Authorisation to give Home Repair Assistance in the form of a grant or the provision of materials for the carrying out of works of repair, improvement or adaptation to a dwelling.

S. 81 & 82 Power to Serve Deferred Action Notices.

S.84 Power to review a Deferred Action Notice.

S.86 Unfitness for Human Habitation: Power to improve enforcement procedures.

S.87 Unfitness for Human Habitation: Power to change for Enforcement Action.

S.88 Authorisation to recover the charge for Enforcement Action.

Housing Act 2004

To sign all notices/licences relating to Housing Standards.

Law of Property Act 1925

Head of ~~Housing Services~~ **Homes and Safer Communities** Head of Planning **Place and Sustainability**, ~~Head of Public Protection~~ and Head of Administration and Law to instigate the necessary action to bring about an enforced sale, including the disposal of the property.

Local Government and Housing Act 1989

S.112 Determination of Approval in respect of house renovation grant applications to render certain dwellings fit for human habitation.

S.113 Determination of Approval in respect of house renovation grant applications arising out of certain statutory notices.

S. 114 Determination of Approval in respect of house renovation grant applications to provide certain facilities for the disabled.

S.115 Determination of Approval in respect of discretionary house renovation grant applications.

S. 116 Issue of Notices of Approval or Refusal in respect of house renovation grant applications.

Appoint authorised officers to exercise powers of entry under the provisions of the Act.

LAND COMPENSATION ACT 1973

29 – To make home loss payments and discretionary payments to displaced Council tenants.

Protection From Eviction Act 1977

To initiate legal proceedings under Section 6 of the Protection from Eviction Act 1977 for offences under Section 1(2), 1(3) and 1(3A) and for the Service of Notices under Section 7 of the Act.

In severe and urgent cases to apply to the Court for a warrant for the arrest of the perpetrator.

Other Powers

To serve Notice to Quit to bring non-secure licenses and tenancies to an end, and to lodge copies of notices with the Public Trustee where appropriate.

To serve Notice and Issue Possession Proceedings to remove trespassers from Council owned dwellings.

To apply to Court to enforce warrants of possession obtained in respect of Council owned dwellings.

~~REGENERATION AND LEISURE~~
**(moved to Chief Executive's, Environment and
Community Services)**

Licensing Act 2003 and Gambling Act 2005

Delegated authority to make representations on behalf of the Council acting in its capacity as a responsible authority.

ECONOMIC AND REGENERATION FUNCTIONS

The functions associated with the delivery of the Council's responsibilities for economic development and regeneration are delegated to the Director of Regeneration and Leisure including the approval of any grant that falls within these functions and, including (but not limited to) the functions described below.

Business Support/Implementation Mechanism

In consultation with the Director of Resources to consider each application according to agreed criteria.

Business, Community or Regeneration Related Grants Programmes

To award grants of up to a maximum of £5,000 under the above programmes.

Western Valleys Sustainable Hubs Project

Director of Regeneration and Leisure/Head of Economic Development, subject to consultation with the Grant Advisory Panel, to approve grants of up to £25,000 in relation to applications arising out of the Western Valleys Sustainable Hubs Community Regeneration project.

Local Investment Fund

Director of Regeneration and Leisure and the Head of Economic Development authorised to award grants under the Local Investment Fund up to a maximum of £35,000.

CC 09/11/11

Dyfed Welsh Church Fund

To make grant awards from the Welsh Church Fund.

PLANNING AND BUILDING CONTROL FUNCTIONS

The functions associated with the Council's responsibilities for planning and building control are delegated to the Director of Regeneration and Leisure and the Head of Planning, including (but not limited to) all the functions described below:

Determination of Planning Applications

The Head of Planning has delegated powers to deal with the determination of all planning (and other planning related) applications or an application or consent to display an advertisement, functions and procedures relating to Town and Country Planning as

contained within the following Acts (as amended where applicable) and including all subordinate legislation:-

- ~~Planning and Compensation Act 2004~~
- ~~The Town and Country Planning Act 1990~~
- ~~The Planning (Listed Buildings and Conservation Areas) Act 1990~~
- ~~The Planning (Hazardous Substances) Act 1990~~

The exceptions being:-

- ~~Applications where the Local Member submits a request to the Head of Planning for it to be considered by the Planning Committee, and this is made in writing within 21 days of receipt of the consultation and outlining material planning reasons;~~
- ~~Applications submitted by serving Councillors or their immediate family or employees of the Development Control Service or their immediate families;~~
- ~~Applications submitted by, or on behalf of, the Council or involving land owned by the Council and where the Council has a significant financial interest in such an application.~~

- ~~Minor applications where there is more than one letter of objection to the proposal from different households and the recommendation is to approve the application, unless:~~
 - ~~where a material issue had been debated by the committee at the outline stage and there were no changes in material circumstances between the outline and detailed application;~~
 - ~~where persistent objections were received in respect of an on-going development which had previously been considered by the Planning Committee and which raised no new material planning considerations.~~
- ~~Major applications where there is more than five letters of objection to the proposal from different households or businesses or a petition and the grounds of objection are considered to be material planning considerations to the proposal and the recommendation is to approve the application, unless~~
 - ~~where a material issue had been debated by the committee at the outline stage and there were no changes in material circumstances between the outline and detailed application;~~
 - ~~where persistent objections were received in respect of an on-going development which had previously been considered by the Planning Committee and which raised no new material planning considerations.~~

All exceptions will be reported to Planning Committee as long as they strictly comply with the proposed amended scheme of delegation.

For the purposes of this protocol “Major developments” are those defined in article 1(1) of the General Development Procedure Order 1995 being:-

(a) minerals development

~~(b) waste development~~

~~(c) 10 or more dwelling houses or the site concerned is of 0.5 hectares or over~~

~~(d) a building with 1000 square metres or more of floor space~~

~~(e) development on land of 1 hectare or over~~

~~“Minor developments” for the purposes of this protocol are to be defined as meaning all other developments.~~

~~CC12/10/11~~

~~To also determine planning applications in the following instances:~~

- ~~• where a material issue had been debated by the Committee at the outline stage and again at the detailed stage and if there were no changes in material circumstances between the outline and detailed application;~~
- ~~• where persistent objections were received in respect of an on-going development which had previously been considered by the Planning Committee and which raised no new material planning considerations.~~

~~Administration~~

~~Undertake statutory and non-statutory publicity and consultations.~~

~~Add conditions to planning consents once approved by the Planning Committee.~~

~~Amend or add reasons for refusals and conditions on approvals by Committee broadly consistent with the general tenure of decisions determined by the Planning Committee.~~

~~Issue planning decision notices.~~

~~Issue building regulations decision notices.~~

~~Respond to Hedgerow Removal Notice Orders.~~

~~Issue Tree Preservation Orders and Building Preservation Orders.~~

~~Serve emergency tree preservation orders and building preservation notices following consultation with the appropriate Executive Board Member and the local ward member(s).~~

~~Determine consent for work on trees covered by Tree Preservation Orders (including works on trees in a Conservation Order).~~

~~To process procedural matters relating to applications for review of conditions at mineral workings.~~

~~Approve details of minor developments within mineral workings under the Town and Country Planning (General Permitted Development) Order 1995.~~

~~Determine requests for screening opinion under regulation 5 of The Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999.~~

~~Consultation on applications under Section 38 of the Electricity Act 1989.~~

~~Head of Planning will have responsibility for the appointment of an independent surveyor in the adjudication of disputes relating to The Party Wall Act 1996.~~

~~To undertake the necessary investigations into allegations of unauthorised development, and to instigate any appropriate enforcement action under Part VII of the Town and Country Planning Act 1990.~~

Planning and Building Regulations

~~Delegated authority to the Head of Planning to consider prior notification of permitted developments received by the local planning authority and issuing of the necessary notices.~~

~~To issue necessary enforcement and other action relating to the enforcement of planning and listed building legislation.~~

~~To undertake the necessary investigations into allegations of unauthorised development, and instigate any appropriate enforcement action under Part VII of the Town and Country Planning Act 1990 and Listed Building Act 1990.~~

~~To determine Tree Preservation Order applications made under Sections 198 and 211 of the Town and Country Planning Act 1990.~~

~~To enter into planning obligations regulating development or use of land under Section 106 of the Town and Country Planning Act 1990, and to negotiate, modify or discharge such obligations.~~

~~To agree minor changes to the Carmarthenshire Unitary Development Plan or any subsequent plan which does not fundamentally alter the plan's basic strategy as agreed by County Council. Authority to the Head of Planning to amend the policies where there are cartographical errors, typographical errors, omission of objections or amendments to reflect emerging policies and guidelines from WAG.~~

~~To determine applications received for a Certificate of Lawful Development.~~

~~To determine applications for Certificates of Alternative Appropriate Development, Listed Building applications and Conservation Area consents, Tree Preservation Notices, Building Preservation Notices, Hedgerow Regulation Notices and amendments to the Common Land Register.~~

~~Authority to the Head of Planning to appoint officers and elected members to exercise the right of entry onto land, as determined by:~~

~~Section 196 of the Town and Country Planning Act 1990;
Section 324 and 325 of the Town and Country Planning Act 1990;
Section 11 of the Planning and Compensation Act 1991;~~

~~Section 88 of the Planning (Listed Building and Conservation Area) Act 1990;
Section 95 of the Building Act 1984.~~

~~To take action under the Criminal Justice and Public Order Act 1994.~~

~~Street naming and numbering under the provisions of Sections 17, 18 and 19 of the Public Health Act 1925, Sections 64 and 65 of the Town and Improvement Clauses Act 1847 and the relevant provisions of the Public Health Act 1875, to include the power to erect names of public streets and ensure that names and/or numbers of buildings are properly displayed.~~

~~Authority to the Head of Planning to determine applications for a screening opinion under the Environmental Impact Assessment Regulations 1999 and to screen submitted applications.~~

~~To act as the Appointing Officer for the purposes of the Party Wall etc. Act 1996.~~

Law of Property Act 1925

~~Head of Housing Services, Head of Planning, Head of Public Protection and Head of Administration and Law to instigate the necessary action to bring about an enforced sale, including the disposal of the property.~~

BUILDING REGULATIONS

~~Delegated authority is granted to the Head of Planning and Building Control Manager to determine all building regulation duties, including the determination of building regulations' applications, enforcement and measures relating to dangerous buildings. Authorisation to sign the necessary statutory notices.~~

Hedgerow Regulations

~~To issue a Hedgerow Retention Notice and where appropriate to consult with Local Member(s), Community Council, Countryside Commission for Wales and Cambria Archaeology.~~

~~To issue and enforce Hedgerow Replanting Notices in accordance with agreed County Council guidelines.~~

~~To grant the removal of a hedgerow in accordance with statutory requirements.~~

COUNTRYSIDE, RECREATION AND ACCESS

~~All statutory powers and duties relating to footpaths and bridleways are delegated to the Director of Regeneration and the Head of Leisure and Sport (including powers relating to enforcement and entry to land), including those relevant powers and duties arising under the following enactments:~~

~~Countryside Act 1968~~

~~Highways Act 1980~~

~~Wildlife and Countryside Act 1981~~

~~Cycle Tracks Act 1984~~
~~Road Traffic Regulation Act 1984~~
~~Rights of Way Act 1990~~
~~Town and Country Planning Act 1990~~
~~Road Traffic Act 1988~~
~~Countryside and Rights of Way Act 2000.~~

~~TECHNICAL SERVICES~~

ENVIRONMENT

Powers delegated to the Director of (~~Technical Services~~) Environment

To Manage the County Council's technical and operational direct service organisations, in so far as not located within any other department. To determine all matters relating to the ~~Technical Services~~ **Environment** Department on a day to day basis.

To oversee all operational matters in relation to the following functional areas:

- Consultancy.
- Professional Design Services ~~and Dwr Cymru contracts.~~
- Transport.
- ~~Construction Services-~~ Highway Maintenance,
- Building Maintenance **and Asset Management** ,
- Grounds Maintenance,
- Waste Management,
- **Land Drainage**
- **Sustainable Drainage Approval Body**
- **Coastal Protection**
- **Flood Mapping**
- Street Cleansing
- Municipal Services.
- **Planning**
- **Building Control**
- Emergency Planning
- **Ammanford Cemetery.**
- **Public Rights of Way**

To nominate officers authorised to sign documents, certificates, letters, invoices, orders and all other financial and administrative correspondence and documents, on such terms as the Director may specify.

~~Section 104 Agreements - Water Industry Act 1991~~

~~To formally adopt sewers under Section 104 of the Water Industry Act 1991.~~

Annual Tenders

To obtain spot prices for the provision of services when it was considered that this might be advantageous to the Authority.

Cwm Environmental Limited

To exercise the functions for which the Council are responsible under the Memorandum and Articles of Association of the Company.

To jointly agree with the Director of Resources the authority for CWM Environmental Limited, the appointment of Auditors and enter into transactions in excess of £25,000. **(now within Shareholders Board)**

Ammanford Cemetery- (MOVED TO MUNICIPAL SERVICES MANAGER)

To act as the Authority's Proper Officer under Section 112 of the Local Government Act 1972 and as the Registrar of Burials.

Powers Delegated to the Head of Transport and Engineering

To be the Authority's Traffic Manager

To appoint officers authorised to determine informal challenges and formal representations to the issue of Parking Contravention Notices and Notices to Owners.

On and Off Street Traffic Regulation Orders

To commence the statutory process for the making of On and Off Street Traffic Regulation Orders.

Temporary Traffic Regulation Orders

To authorise the making of temporary traffic regulation orders, subject to the approval of local members.

Residents' Parking Permits and Access Permits

To sign and issue Residents' Parking Permits and access permits.

Land Acquisition for Transport Infrastructure Schemes

To instruct the Head of ~~Corporate Property~~ **Regeneration** to open negotiations for the purchase of land required for transport infrastructure schemes provided that the scheme is included within the Council's Local Transport Plan, Regional Transport Plan or within a programme approved by Council.

Request from Associations and the General Public for Partial Use of a Car Park Owned by the Authority for Alternative Activities

To authorise, in consultation with the ~~Executive Board~~ **Cabinet** Member of Environment and local member(s), to consider requests received for alternative temporary partial use of County Council owned car parks.

To authorise the Director of ~~Technical Services~~ **Environment** and his or her nominated officers to lay information and instruct the Head of Administration and Law to conduct proceedings in the Magistrates' Court on behalf of the County Council in relation to alleged offences under the Carmarthenshire County Council (Off Street Parking Places)

(Llanelli) (Amendment) Order 2000 and the Carmarthenshire County Council (Off Street Parking Places) (Carmarthen) (Amendment) Order 2000.

Home to School Transport

To constitute an Officer Home to School Transport Appeals Panel (comprising representation from Legal, Education and Transport and Engineering Divisions) in order to hear and determine appeals relating to home to school transport.

Entry onto land for surveys in connection with Transport Infrastructure Schemes

To be authorised to serve notices of entry under Section 289 of the Highways Act 1980 for the purpose of surveying on land (including boreholes and trial pits) in connection with the development of transport infrastructure schemes.

Street Scene

Land Acquisition for Highways, Bridge maintenance and remedial earthworks Schemes

To instruct the Head of ~~Corporate Property~~ **Regeneration** to open negotiations for the purchase of land required for highways, bridge maintenance and remedial earthworks schemes provided that the scheme is included within a programme approved by Council.

Entry onto land for surveys in connection with Highways, Bridge maintenance and remedial earthworks Schemes

To serve notices of entry under Section 289 of the Highways Act 1980 for the purpose of surveying on land (including boreholes and trial pits) in connection with the development of highways, bridge maintenance and remedial earthworks schemes.

Highways Act (1980), New Roads and Street Works Act, Land Drainage Act, Traffic Management Act 2004 (Commencement No.1) (Wales) Order 2006, Environmental Protection Act 1990, Clean Neighbourhood and Environment Act 2005.

Powers to deal with all statutory powers under the various sections of the above Acts.

Land acquisition for minor improvement, bridge maintenance, remedial earthworks and road safety schemes

To instruct the Head of ~~Corporate Property~~ **Regeneration** to purchase small parcels of land required for small highway improvements, bridge maintenance, remedial earthworks and road safety schemes up to a value of £5,000 (subject to valuation), to be funded from the revenue maintenance budget.

Highways Act 1980 section 151

Delegated authority to enforce the provisions of the above section of the Act.

COUNTRYSIDE, RECREATION AND ACCESS (Moved from Regeneration and Leisure)

All statutory powers and duties relating to footpaths and bridleways are delegated to the Director of Environment and Head of Transportation and Highways (including powers relating to enforcement and entry to land), including those relevant powers and duties arising under the following enactments:

Countryside Act 1968
Highways Act 1980
Wildlife and Countryside Act 1981
Cycle Tracks Act 1984
Road Traffic Regulation Act 1984
Rights of Way Act 1990
Town and Country Planning Act 1990
Road Traffic Act 1988
Countryside and Rights of Way Act 2000.

Powers Delegated to the Head of Waste and Environmental Services

Charges for the collection of household and commercial waste.

Delegated powers in consultation with the Executive Board Member for Environment, to set charges for the collection of household and commercial waste as described in regulation 4 and schedule 2 and regulation 6 and regulation 4 of the Controlled Waste Regulations 1992

Dog Fouling of Pavements

Delegate powers to action the Dog Fouling of Land (Act) 1996 under the terms of Section 101 of the Local Government Act 1972.

Powers to tackle litter and refuse on land

Delegated powers to investigate and proceed with prosecutions under Section 101 of the Local Government Act 1972 in order to tackle litter and refuse on land under Section 33, 34, 46, 59,60,73, 88, 89, 90, 91, 92, 94,99 of the Environmental Protection Act, Section 215 of the Town and Country Planning Act, Section 22(3) and 23 of the Control of Pollution Act 1974, Section 78 of the Public Health Act 1936, Section 34 of the Public Health Act 1961, Sections 2, 3,4, 6, 7 and 8 of the Refuse Disposal Amenity Act 1978, Section 5(9) of the Litter Act, Section 148 and 149 of the Highways Act Schedule 3A, Paragraph 7(2) Environmental Protection Act 1990.

Powers to tackle litter, refuse, graffiti and fly posting

Delegated Powers to investigate and proceed with prosecution under:

Section 71 of the Environmental Protection Act 1990.

Section 5 and 6 of the Control of Pollution (Amendment Act) 1989.

Sections 43, 45, 47, 48, 49, 55, and 56 of the Anti Social Behaviour Act 2003.

Section 108 of the Environment Act 1995.

Section 137, 138, 139, 140,143,143, 154,169, 170, 171 and 180 of the Highways Act 1980.

Section 16 of the Local Government (Miscellaneous Provisions) Act 1976.

Section 4 of the Prevention of Damage by Pests Act 1949.

Neighbourhood and Environment Act

Part 2 Nuisance Vehicles - Sections 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16 and 17.

Part 3 Litter and Refuse - Sections 18, 19, 20, 21, 22, 23, 24, 25, 26 and 27.

Part 4 Graffiti and other Defacement - Sections 28, 29, 30, 31, 32, 33 and 34.

Part 5 Waste - Sections 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52 and 53.

Part 6 Dogs - Sections 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67 and 68.

Part 9 Miscellaneous - Sections 96, 97, 98, 99 and 100.

Default Works

Where an infraction of legislation continued following the service and expiration of a Notice requiring works to be undertaken, delegated powers be granted to the Director of Technical Services **Environment**, the Head of Street Scene **Waste and Environmental Services** and the Street Care Manager to initiate and make arrangements for the execution of works in default, to the monetary limit specified in Council Standing Orders currently in force.

Bylaws

Delegated authority to enforce the following byelaws:

1994 Carmarthen District Bylaws for the Regulation of Dogs on land fronting the beach at Llansteffan;

1996 Carmarthen District Bylaws for the Regulation of Dogs on the seashore at Llansteffan.

~~Highways Act 1980 section 151~~(MOVED TO HEAD OF TRANSPORT AND ENGINEERING)

~~Delegated authority to enforce the provisions of the above section of the Act.~~

Powers Delegated to the Head of Planning Head of Place and Sustainability

The functions associated with the Council's responsibilities for planning and building control are delegated to the Director of ~~Regeneration and Leisure~~ **Environment** and the Head of ~~Planning~~ **Place and Sustainability**, including (but not limited to) all the functions described below

Determination of Planning Applications

The Head of ~~Planning~~ **Place and Sustainability** has delegated powers to deal with the determination of all planning (and other planning related) ~~applications or an application or consent to display an advertisement~~, functions and procedures relating to Town and Country Planning as contained within the following Acts (as amended where applicable) and including all subordinate legislation:-

- The Town and Country Planning Act 1990
- The Planning (Listed Buildings and Conservation Areas) Act 1990
- The Planning (Hazardous Substances) Act 1990
- *Planning and Compensation Act 2004
- ***Planning (Wales) Act 2015**
- ***The Historic Environment (Wales) Act 2016**
- * **The Dyfed Act 1987**

The exceptions being:-

- Applications where the Local Member submits a request to the Head of ~~Planning~~ **Place and Sustainability** for it to be considered by the Planning Committee, and this is made in writing within 21 days of receipt of the consultation and outlining material planning reasons. **All requests shall be considered by the Chair of Planning, or in the Chair's absence, the Vice Chair of Planning in consultation with the Head of Place and Sustainability;**
- Applications submitted by **or on behalf of** serving Councillors or their immediate family or employees of the Development **Control** Service or their immediate families;
- Applications submitted by, or on behalf of, the Council or involving land owned by the Council and where the Council has **will receive** a significant financial interest in such an application ~~receipt as a result of the development~~.
- Minor applications where there is ~~are more than one~~ **five** letters of objection to the proposal from different households **or businesses or petitions of more than five signatures and addresses and the grounds of objection are considered to be material planning considerations to the proposal** and the recommendation is to approve the application, unless:

- where a material issue(s) had been debated by the committee at the outline stage and there were no changes in material circumstances between the outline and detailed (**reserved matters**) application;
 - **where a material issue(s) had been debated by the Committee at the original planning application stage and there were no changes in material circumstances between the original and Section 73 (Removal/ variation) application;**
 - where persistent objections were received in respect of an on-going development which had previously been considered by the Planning Committee and which raised no new material planning considerations.
- Major applications where there is **are more than five ten** letters of objection to the proposal from different households or businesses or petitions **of more than ten signatures and addresses** and the grounds of objection are considered to be material planning considerations to the proposal and the recommendation is to approve the application, unless
 - where a material issue(s) had been debated by the committee at the outline stage and there were no changes in material circumstances between the outline and detailed (**reserved matters**) application;
 - **where a material issue(s) had been debated by the Committee at the original planning application stage and there were no changes in material circumstances between the original and Section 73 (Removal /Variation) application;**
 - where persistent objections were received in respect of an on-going development which had previously been considered by the Planning Committee and which raised no new material planning considerations.
 - **Applications that the Head of Place and Sustainability considers should be dealt with by the Planning Committee.**

The above listed exceptions do not apply to the following applications and/or consents:

Prior Notifications

Applications relating to a Local Development Order

Non-Material Amendments

Discharge of Conditions

Modified / Discharge of Planning Obligations

Advertisement Consent

Listed Building Consent

Conservation Area Consent

Hedgerow Removal Notices

Hazardous Substances Consents

Works to Trees in a Conservation Area

Works to Tree Preservation Orders

CLEUD (Certificate of Lawful Existing Use or Development)

CLOPUD (Certificate of Proposed Lawful Use or Development)

Certificates of Alternative Appropriate Development

Overhead Line Notifications

All exceptions will be reported to Planning Committee as long as they strictly comply with the ~~proposed amended~~ scheme of delegation.

For the purposes of this protocol "Major developments" are those defined in article 4 2(1) of the ~~General Development Procedure Order 1995~~ **Town and Country Planning (Development Management Procedure)(Wales) Order 2012** being:-

- (a) minerals development
- (b) waste development
- (c) 10 or more dwelling houses or the site concerned is of 0.5 hectares or over
- (d) a building with 1000 square metres or more of floor space
- (e) development on land of 1 hectare or over

"Minor developments" for the purposes of this protocol are to be defined as meaning all other developments.

~~CC12/10/11~~

~~To also determine planning applications in the following instances:~~

- ~~• where a material issue had been debated by the Committee at the outline stage and again at the detailed stage and if there were no changes in material circumstances between the outline and detailed application;~~
- ~~• where persistent objections were received in respect of an on-going development which had previously been considered by the Planning Committee and which raised no new material planning considerations.~~

Determination of Building Regulations Applications

The Head of Place and Sustainability has delegated powers to deal with the determination of all building regulation applications, functions and procedures relating to the following Acts and including all subordinate legislation

The Building Act 1984

The Building Regulations 2010

Administration

Undertake statutory and non-statutory publicity and consultations.

~~Add conditions to planning consents once approved by the Planning Committee.~~
(duplication – covered by next delegation)

Amend or add reasons for refusals and conditions on approvals-by Committee broadly consistent with the general tenure of decisions determined by the Planning Committee **prior to issuing the decision notice.**

Issue planning decision notices.

Issue building regulations decision notices.

Respond to Hedgerow Removal Notice Orders.

Issue Tree Preservation Orders and Building Preservation Orders.

Serve emergency tree preservation orders and building preservation notices following consultation with the appropriate **Cabinet** Member and the local ward member(s).

Determine consent for work on trees covered by Tree Preservation Orders (including works on trees in a Conservation Order).

To process procedural matters relating to applications for review of conditions at mineral workings.

Approve details of minor developments within mineral workings under the Town and Country Planning (General Permitted Development) Order 1995.

Determine requests for screening opinion under regulations **6 & 8-5** of The Town and Country Planning (Environmental Impact Assessment) (~~England and Wales~~) Regulations ~~1999~~ **2017**.

Determine requests for scoping opinion under regulation 14 of The Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations 2017

Consultation on applications under Section 38 of the Electricity Act 1989.

Head of ~~Planning~~ **Place and Sustainability** will have responsibility for the appointment of an independent surveyor in the adjudication of disputes relating to The Party Wall Act 1996.

To undertake the necessary investigations into allegations of unauthorised development, and to instigate any appropriate enforcement action under Part VII of the Town and Country Planning Act 1990.

Planning and Building Regulations

To enter into planning obligations regulating development or use of land under Section 106 of the Town and Country Planning Act 1990 and to negotiate, modify or discharge such obligations.

To refuse applications where Planning Committee has resolved to approve subject to a legal agreement and such an agreement has not been signed within 12 months from the date of the Planning Committee resolution.

To determine applications received for a CLEUD **or CLOPUD**

To determine non-material amendment applications.

To determine applications to discharge planning conditions

To determine applications for Advertisement Consent

To determine applications for certificates of Alternative Appropriate Development

To determine Listed Building Applications

To determine Conservation Area consents

To consider prior notification of permitted developments received by the local planning authority and issuing of the necessary notices.

To determine applications for screening / **scoping** under the Town and Country Planning (Environmental Impact Assessment)(Wales) Regulations **2017**.

To formulate responses to Development of National Significance under the Planning (Wales) Act 2015 and Development of National Significance Procedure Regulations 2016

To formulate responses to Nationally Significant Infrastructure Projects under the Planning Act 2008

To consider and respond to statutory pre-application enquiries under the Town and Country Planning (Pre-Application Services)(Wales) Regulations 2016.

To issue necessary enforcement and other action relating to the enforcement of planning and listed building legislation.

To undertake the necessary investigations into allegations of unauthorised development, and instigate any appropriate enforcement action under Part VII of the Town and Country Planning Act 1990 and Listed Building Act 1990.

To undertake the necessary investigations into complaints in respect of High Hedges and issue any appropriate remedial notices under Part 8 of the Anti Social Behaviour Act 2003.

To determine Tree Preservation Order applications made under Sections 198 and 211 of the Town and Country Planning Act 1990.

To issue Tree Preservation Notices

To issue Building Preservation Notices

To issue Hedgerow Regulation Notices

To issue amendments to the Common Land Register

To agree minor changes to the Carmarthenshire Unitary Development Plan or any subsequent plan which does not fundamentally alter the plan's basic strategy as agreed by County Council. Authority to the Head of **Planning Place and Sustainability** to amend the policies where there are cartographical errors, typographical errors, omission of objections or amendments to reflect emerging policies and guidelines from WG.

Authority to the Head of **Planning Place and Sustainability** to appoint officers and elected members to exercise the right of entry onto land, as determined by:

Section 196 of the Town and Country Planning Act 1990;
Section 324 and 325 of the Town and Country Planning Act 1990;
Section 11 of the Planning and Compensation Act 1991;
Section 88 of the Planning (Listed Building and Conservation Area) Act 1990;
Section 95 of the Building Act 1984.

To take action under the Criminal Justice and Public Order Act 1994.

Street naming and numbering under the provisions of Sections 17, 18 and 19 of the Public Health Act 1925, Sections 64 and 65 of the Town and Improvement Clauses Act 1847 and the relevant provisions of the Public Health Act 1875, to include the power to erect names of public streets and ensure that names and/or numbers of buildings are properly displayed.

To act as the Appointing Officer for the purposes of the Party Wall etc. Act 1996.

Law of Property Act 1925

Head of ~~Housing Services~~ **Homes and Safer Communities**, Head of ~~Planning~~ **Place and Sustainability**, Head of ~~Public Protection~~ and Head of Administration and Law to instigate the necessary action to bring about an enforced sale, including the disposal of the property.

Building Regulations

Delegated authority is granted to the Head of ~~Planning~~ **Place and Sustainability** and Building Control Manager to determine all building regulation duties, including the determination of building regulations' applications, enforcement and measures relating to dangerous buildings. Authorisation to sign the necessary statutory notices.

Hedgerow Regulations

To issue a Hedgerow Retention Notice and where appropriate to consult with Local Member(s), Community Council, Countryside Commission for Wales and Cambria Archaeology.

To issue and enforce Hedgerow Replanting Notices in accordance with agreed County Council guidelines.

To grant the removal of a hedgerow in accordance with statutory requirements.

Powers Delegated to the Municipal Services Manager

Ammanford Cemetery

To act as the Authority's Proper Officer under Section 112 of the Local Government Act 1972 and as the Registrar of Burials.

EDUCATION AND CHILDREN'S SERVICES

DIRECTOR

To exercise all powers relating to the functions of the County Council as the Local Education Authority.

The Director of Education and Children's Services is the Lead Director for children and young people, as required by the Children Act 2004, and has responsibility for co-ordinating and overseeing the promotion of local co-operation between the Council and other relevant partners and bodies, and also in publishing plans setting out the Council's strategy in relation to children and young people.

In addition, operational responsibility for children, young people and families' social services functions are specifically delegated from the Director of Community Services to the Director of Education and Children's Services.

Licensing Act 2003 and Gambling Act 2005

Delegated authority to make representations on behalf of the Council acting in its capacity as a responsible authority.

Student Support

~~To determine eligibility for Student Support in accordance with Government, WAG and Council regulations and policies.~~

Charitable Trust Funds

To determine, in consultation with Trustees, applications received for financial support from Charitable Trust Funds administered by the Authority on behalf of Trustees.

School Closures

Notice of Closure

To deal with schools with no registered pupils on the statutory January census date (a "small school") and that such schools be subject to an immediate notice of closure. (County Council decision 15 April 2014).

HEAD OF CURRICULUM AND WELLBEING

Youth Justice under the Crime and Disorder Act 1998.

Youth Support under The Learning and Skills Act 2000 – provision, securing the provision of, or participating in the provision of youth support services.

Delivery of the Welsh Government Youth Engagement and Progression Framework.

HEAD OF EDUCATION AND INCLUSION SERVICES

Local Management of Schools (LMS) Scheme

To vire funds within the education budget to comply with the LMS Scheme and WG Regulations and guidance.

School Reorganisations – Treatment of Balances of Closing Schools

To determine whether new schools should be allocated some additional funding to reflect the benefit of the balances of closing schools affected by reorganisations.

Parent Governors

Returning Officer for the election of Parent Governors and to determine the arrangements for the elections.

Statements of Special Educational Needs

To authorise Statements of Special Educational Needs in accordance with statutory regulations.

Free School Meals and Milk

To determine applications for Free School Meals and Milk in accordance with National and Council Policies.

Financial Support

To provide financial support to children and families in need under ~~Section 17 of the Children Act 1989~~ **Part 3 and 4 of the Social Services and Wellbeing Act 2014**.

HEAD OF ACCESS TO EDUCATION SERVICES

Admission of Pupils to Schools

To undertake the role of Admissions Authority for all Community and Voluntary Controlled schools, in accordance with published guidelines.

Disposal of Redundant School Sites & Buildings

To instruct the Head of ~~Corporate Property~~ **Regeneration** to dispose of redundant school sites and buildings following closure, in line with agreed Council policy.

21st Century Schools Programme ~~Tranche 3 bids~~

Authority to determine the most appropriate prioritisation of school modernisation projects ~~at Carreg Hirfaen, Ysgol Y Strade and Goedcae and others~~ within the Modernising Education Programme for submission under ~~Tranche 3 Band A and Band B Outline Funding Programmes~~ following further discussion with ~~Assembly Welsh~~

Government officials (~~CC 12/05/10~~) (**Band A – EB 20/06/2016**), (**Band B – EB 18/12 2017**)

HEAD OF CHILDRENS SERVICES

Child Protection

To commence Care Proceedings and other proceedings under the Children Act 1989.

To authorise the detention of a child or young person in secure accommodation for a period of up to 72 hours, under Section 25 of the Children Act 1989.

Adoption

To be the Council's Agency Decision Maker in relation to the approval of adopters, the placement of children for adoption, and the matching of children with adopters.

To ensure that there is appropriate representation on the ~~West Wales~~ **Regional** Adoption Panel in consultation with the ~~Executive Board~~ **Cabinet** and partner authorities.

Fostering

To be the Council's Agency Decision Maker in relation to the approval and de-registration of foster carers.

To review and decide upon the level of annual increases in boarding out allowances to be paid to foster carers, in accordance with the Council's financial procedures and regulations

Looked After Children

To place Looked After Children outside Carmarthenshire, and/or with a non-Local Authority provider, when appropriate, and to make provision for any associated costs.

Children's Homes

To ensure that the statutory requirements are met as required by the Care and Social Services Inspectorate Wales.

Pupils' Non-Attendance at School

To instigate proceedings, and represent the Council in prosecutions at Magistrates' Courts, in respect of pupils' non-attendance at school.

Child Employment

To licence the employment of children.

To determine applications received for clothing grants.

PART 5 CODES & PROTOCOLS

PART 5.3 REPRESENTATIONS TO THE COUNTY COUNCIL ON PLANNING APPLICATIONS

PROTOCOL

The authority advise members of the public and Town and Community Councils (the correspondent) of the entitlement to address the Planning Committee when objections or comments are received, and when acknowledging correspondence.

The correspondent is advised to contact the case officer (the name of which will be provided) to discuss the protocol and the likely date and venue of the Committee meeting at which the application will be discussed.

~~The officer's report will be made available three days before the date of the meeting to all interested parties who request a copy.~~ The officer's report will also be **made** available via the authority's internet pages at www.carmarthenshire.gov.uk three days before the date of the meeting.

~~Any objector who raises a material planning consideration will be entitled to address the Committee.~~ **A maximum of two objectors from different addresses who have raised material planning considerations will be entitled to address the Committee.** ~~The Head of Planning will determine whether the issue raised is a material planning consideration.~~

The Head of Place and Sustainability will determine whether the issue(s) raised is a material planning consideration.

~~In the event of a disagreement on this point, the Head of Administration and Law, the Chair and Vice-Chair of the Committee will determine whether the correspondent has a right to address the Committee.~~ **In the event of disagreement on this point the Chair of the Planning Committee, or in the absence of the Chair, the Vice-Chair, in consultation with the Head of Place and Sustainability, will determine whether the objector has a right to address the Committee.**

Should more than two requests be received to address the Planning Committee on a planning application it shall be the first two requests received in time that shall be given the right to address the Committee. In the event of disagreement on this point the Chair of the Planning Committee, and in the Chair's absence, the Vice-Chair of the Committee, in consultation with the Head of Place and Sustainability will determine who shall address the Committee.

~~Two objectors per planning application may address the Committee, and the request is to be received in writing by the Head of Planning by mid-day three clear working days before the Committee meeting.~~

~~Requests by the Town and Community Councils to address the Committee must be received in writing by the Head of Planning by mid-day three clear working days before the Committee~~

~~meeting.~~ **Requests to speak from objectors and / or Town and Community Councils shall be received in writing by the Head of Place and Sustainability before the Planning Committee meeting as follows:**

Committee Day	Request to speak deadline (12 noon)
Monday	Preceding Wednesday
Tuesday	Preceding Thursday
Wednesday	Preceding Friday
Thursday	Preceding Monday
Friday	Preceding Tuesday

The applicant or his/her representative has the right to respond to objections; but may not speak simply to promote the scheme. In the absence of any objection the applicant shall not have the right to address the Committee. ~~The applicant will be advised of the method and means of appeal if a refusal notice is issued.~~

The applicant shall be advised at least 24 hours before the meeting that an objector/s wishes **has registered** to speak.

The Local Members shall be advised that a member of the public or Town and Community Council wish to address the Committee.

Local Members who may wish to address the Planning Committee are advised to contact the Case Officer and / or Chair of the Planning Committee 24 hours before the meeting.

In the event that an application is to be deferred a maximum of two objectors per application will be given the option of either addressing the original Committee or the subsequent Committee. Objectors who have already spoken on the application at the original Planning Committee will not be able to address the subsequent Committee.

THE ORDER OF PRESENTATION TO THE COMMITTEE SHALL BE:

- ◆ Opening remarks, background and report by the officer
- ◆ Objector/representative - two speakers per planning application (maximum of 5 minutes each)
- ◆ Applicant/agent
- ◆ Local member(s) - local county councillor(s) and one representative from the local town/community council (maximum of 5 minutes each)
- ◆ Committee member question and comment
- ◆ Summary by officer
- ◆ Decision

NOTES

The protocol shall be available for the public to view at all meetings and the Chair shall outline the process at the beginning of the meeting.

Items on which the public and/or Town and Community Council wish to address the Committee shall be brought forward on the Agenda in an order determined by the Chair.

The Chair, Head of Planning **Place and Sustainability**, and legal representative prior to circulation shall vet any late representations. All late material considerations shall be recorded in the minutes and circulated if relevant to the issues being discussed.

Deferral of the proposal on request of the applicant will only occur if the information received relates to material/additional issues not covered in the report.

Mae'r dudalen hon yn wag yn fwriadol

CYNGOR SIR

8 RHAGFYR 2021

ADFER MYNEDIAD CYHOEDDUS YN GILFACH IAGO**Y Pwrpas:**

Gwneud cynnydd o ran cwblhau adfer mynediad cyhoeddus ar hen safle glo brig Gilfach Iago drwy sicrhau cyllid ac ymgymryd â'r prosesau cyfreithiol gofynnol.

Argymhellion y Cabinet

1. Cymeradwyo'r cynnig i wneud cais i lys yr Ynadon am aiddosbarthu tair ffordd ddiddosbarth i statws llwybr ceffylau,

a

2. Derbyn y setliad ariannol a gynigir gan Celtic Energy i gyflawni a chymryd cyfrifoldeb dros yr holl waith adfer mynediad cyhoeddus ar draws yr hen safle glo brig.

Y Rhesymau:

Ar ôl ymchwilio i'r holl opsiynau ar gyfer adfer mynediad cyhoeddus ar draws yr hen safle glo brig, ystyrir mai'r argymhelliad hwn yw'r opsiwn gorau posibl sydd ar gael o ran y gallu i gyflawni a chyllid.

Angen ymgynghori â'r Pwyllgor Craffu perthnasol NAC OES

Angen i'r Cabinet wneud penderfyniad OES (22 Tachwedd 2021)

Angen i'r Cyngor wneud penderfyniad OES

AELOD O'R CABINET SY'N DDEILIAD Y PORTFFOLIO:-

Y Cyng. Hazel Evans, yr Amgylchedd

Y Gyfarwyddiaeth:

Yr Amgylchedd

Enw Pennaeth y Gwasanaeth:
Ruth Mullen

Awdur yr Adroddiad:
Hugh Towns

Caroline Ferguson

Swyddi:

Cyfarwyddwr yr
Amgylchedd

Rheolwr Rhanbarthol
Cynllunio Mwynau a
Gwastraff

Rheolwr Mynediad i Gefn
Gwlad

Ffôn:

Cyfeiriadau e-bost:

rmullen@sirgar.gov.uk

AHTowns@sirgar.gov.uk

CFerguson@sirgar.gov.uk

EXECUTIVE SUMMARY

**COUNCIL
8TH DECEMBER 2021**

REINSTATEMENT OF PUBLIC ACCESS AT GILFACH IAGO

The report requests approval for the Authority to apply to Magistrate's Court for the reclassification of three unclassified roads across the former Gilfach Iago opencast site (not presently navigable) to bridleway status. Bridleways may then be diverted as necessary 'in-house' by the Countryside Access team to better 'fit' with the restored layout of the land and connect with existing public footpaths.

The report also requests approval to accept the financial settlement offered by Celtic Energy to fund the reinstatement of public access across the former site.

Reclassification of the roads to bridleways status will secure valuable, traffic free, recreational access opportunities for walkers, horse riders and cyclists. It will also remove any legal obligation to reinstate the three unclassified roads which are now considered superfluous given highway and travel developments that have occurred since the three routes were temporarily stopped up in 1988.

Once reclassified to bridleway status and added to the Definitive Map and Statement, the Countryside Access team have powers to divert the routes to fit with the relief of the restored land and other public paths in the vicinity.

The financial settlement offered will cover a significant proportion of the projected costs to reinstate public access at the former site. It will allow the Authority to deliver a long-awaited reinstatement project at a location where, for reasons outlined in the full report, delivery has not been possible previously.

If approval is not given, Celtic Energy will remain liable for the current planning conditions in relation to reinstatement of roads and public rights of way across the site, roads that are not needed.

Based on previous events detailed in the full report, there is a high risk that Celtic Energy will not deliver satisfactory reinstatement at this juncture, it is therefore recommended that the proposal be approved, and the Authority take responsibility to ensure appropriate public access is restored in a timely manner.

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: R. Mullen

Director of Environment

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

2. Legal

In order to deliver the project as per the proposal an application to stop up the three roads with reservation for walking, horse riding and cycling will have to made to Magistrate's Court under section 116 Highways Act (1980). The application would be on the grounds that the roads are no longer needed. This process includes public consultation and any objections to the application would be heard by the Magistrate's.

If successful, a Legal Event Modification Order can be made under the Wildlife and Countryside Act (1981) to transfer the stopped-up roads to the Definitive Map and Statement as Bridleways.

Any subsequent diversion of the bridleways can be processed under section 119 Highways Act (1980). This process includes public consultation and any objections, if not resolved by the Local Authority case officer, would result in the matter being referred to the Planning Inspectorate to be determined by an independent inspector appointed by the Welsh Ministers.

3. Finance

The financial settlement of £320,000 offered on a without prejudice basis by Celtic Energy that forms part of this proposal does not entirely cover the full cost of reinstatement works costed, but enables significant works to commence and complete.

To deliver the project in full additional funds will need to be sought to the value of £130,000, including through grant bids.

4. Risk Management Issues

There is a risk that the community will be left without the roads or countryside access if a solution is not found to this issue which has gone unresolved for over 20 years. Celtic Energy Ltd is in the business of extracting coal and Welsh Government Coal Policy is effectively to cease the extraction of coal.

If Celtic Energy Ltd did not complete any agreed works then legal options are unlikely to lead to a satisfactory resolution. If legal action was successful, which is unlikely, the company would be likely to receive a fine, to a maximum value of £20,000 and the outstanding works would still not be done.

The landowners could be liable under planning legislation but pursuing private individuals to reinstate roads the Authority deems unnecessary or bridleways, is considered to be unreasonable and private individuals would not have the means to deliver the required outcomes.

Ultimately, the Council may well be faced with footing the entire bill to provide countryside access - £450,000 or would be faced with the decision to do nothing which would lead to an unsatisfactory outcome.

CONSULTATIONS

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

Signed: Ruth Mullen

Director of Environment

1. Scrutiny Committee - None

2. Local Member(s)

Local Members have been kept apprised of the ongoing negotiations

3. Community / Town Council

Llandybie Community Council – have been advised of the ongoing negotiations

**CABINET MEMBER PORTFOLIO
HOLDER AWARE/CONSULTED**

YES

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
Planning Permission Reference: C6/190	C6/190	https://www.carmarthenshire.gov.wales/home/council-services/planning

Background

The former Gilfach Iago Opencast Coal Site covered an area of approximately 134 hectares between the villages of Saron, Blaenau and Penygroes. The site was operational between 1988 and 1998. Ownership of the site was initially held by the NCB and British Coal Opencast but transferred to Celtic Energy Ltd in 1994 with the privatisation of the coal industry. Unfortunately, the Government did not provide for Bonds to Local Authorities to guarantee restoration on the sites transferred to the private company which placed the Local Authorities concerned in a very weak position.

By October 1998 Celtic Energy Ltd had largely restored the physical profiles of the site to an undulating landform, broadly similar to that which existed before the site was excavated, although the restoration scheme was not approved until March 1999.

Prior to the opencast working the site was crossed by several rural roads and connecting public footpaths. These served local needs as well as serving properties which were demolished as part of the opencast operations.

Apart from the road between Saron and Cwmbach Cottage, which had been effectively replaced by the new link road between Blaenau and Saron, these roads and public paths were to be re-instated following completion of restoration under the provisions of Condition 5 attached to the original planning permission for the Opencast Coal Workings (Ref: C6/190).

‘On completion of the restoration proposals the Board shall reinstate Pantyblodau Road and the link to the southern end of Saron Road’

Condition 26 also stated that

‘Public Rights of Way affected by site operations shall be restored to their original alignment on completion of the sites restoration and aftercare period’

Completion of the restoration of the physical profiles of the site was achieved by 2000 but the reinstatement of the roads and public footpaths as required by Condition 5 was not undertaken.

Following the restoration of the physical profiles of the land in 2000 Celtic Energy split the land up into 17 lots and sold 16 off at auction, Celtic Energy retained Lot 10 in the centre of the site. This fragmentation of ownership is one of the primary reasons why the Local Authority has been unable to resolve the issue of the road reinstatement. Despite the expenditure of substantial effort, time and resources, reinstatement is still outstanding 20 years on.

Present Road Conditions



Explanation of Issues

Following the sale of the majority of the land, Celtic Energy Ltd applied for planning permission in January 2001 to amend Condition 5 on the original planning permission. In their view the roads were no longer necessary, and it would be beneficial to replace them with footpaths and/or bridleways. The application was refused in October 2001 and the subsequent Appeal was dismissed in October 2002.

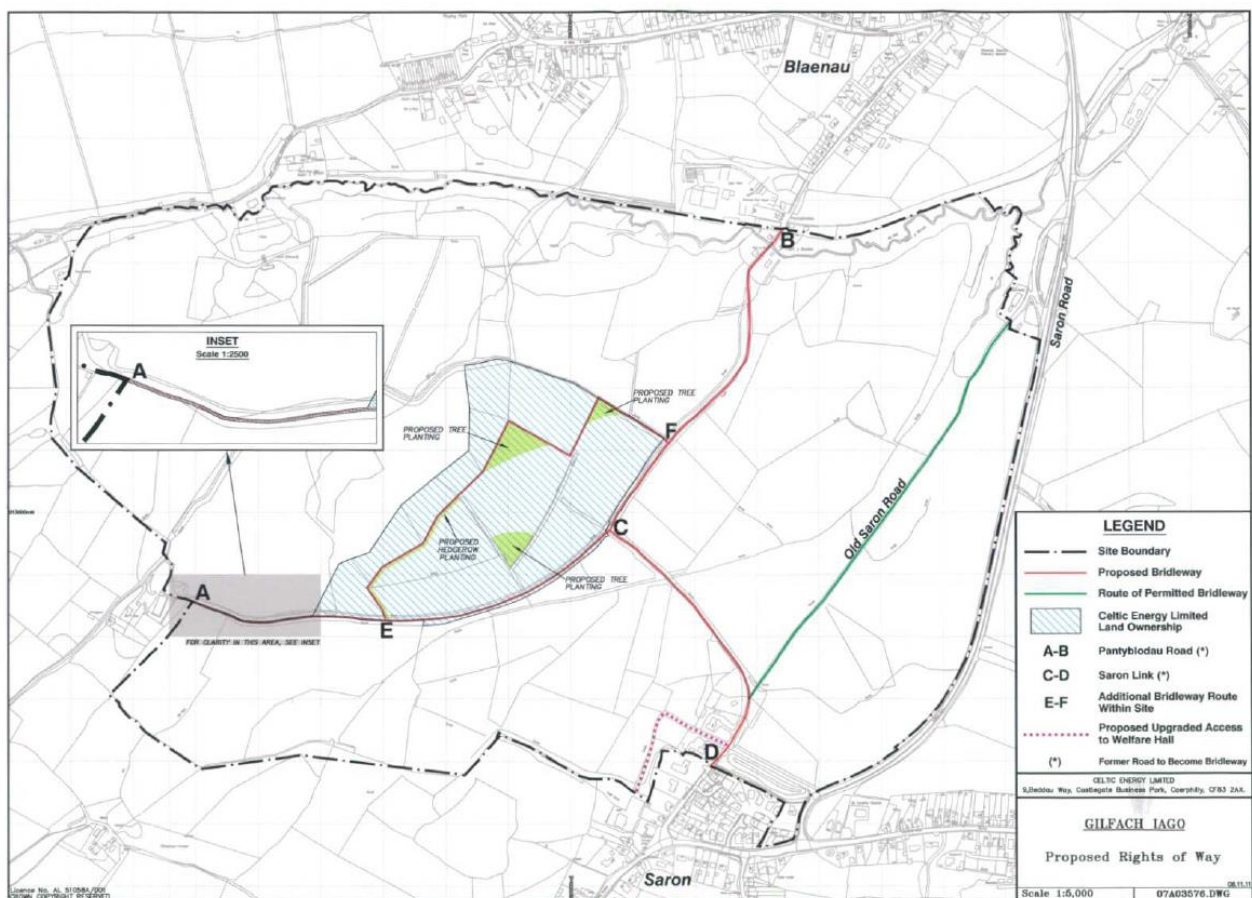
Subsequent to this it became apparent that the fragmentation of land ownership was a significant barrier to the reinstatement of the roads. The approved restoration scheme for the site approved the reinstated roads along a slightly different alignment to the original roads. At the time of the approval of the restoration scheme this was not considered to be an issue as Celtic Energy Ltd were proposing the scheme and owned all the land. However, once the ownership was fragmented the consent of landowners was required to amend the road layout and not all landowners were agreeable.

Following the failure of concerted efforts to find a voluntary solution the Local Authority served a Breach of Condition Notice on Celtic Energy Ltd in April 2007. The Notice required Celtic Energy Ltd to complete the restoration of the roads and public rights of way by January 2008. Celtic Energy Ltd did not comply with the Notice.

A number of meetings were held subsequent to the failure to comply with the Notice where Celtic Energy Ltd claimed that they were not liable as they were not the landowner. Legal arguments continued for some time and with no sign of any progress being made the Local Authority sought to proceed to prosecution. However, Celtic Energy Ltd changed their position before the matter was heard by the Courts and indicated that they accepted liability but wished to make another planning application to vary condition 5 of the original planning permission, supported by an updated justification. That planning application was submitted in November 2011.

Celtic Energy submitted that the roads were unnecessary as the communities are well served by existing highway infrastructure and believe that increased amenity value would result from the construction of bridleways and footpaths in their place. The application proposed to provide 1.8km of bridleways instead of roads, 772m of additional bridleways around the perimeter of Lot 10 and the dedication of Lot 10 to the County Council or Community Council for use as public open space by the local community, should they want it. They also indicated that they would be prepared to provide an upgraded access to Saron Hall.

Plan of Proposed Bridleways



Unfortunately, the application was held in abeyance due to an objection from Llandybie Community Council. The objection by the Community Council essentially prevented a positive determination as their consent would be required to the subsequent Order required via the Magistrates Court. The objection was eventually withdrawn and allowed permission to be granted in June 2018. The permission required Celtic Energy Ltd to commence operations by January 2019. Unfortunately, Celtic Energy Ltd were unable to make a start as the necessary Orders could not be sought, due to landowner objections, and the planning permission lapsed.

Options/Considerations

1. Celtic Energy Ltd comply with the terms of Condition 5 of the original permission and reinstate all roads and public footpaths. It is important to note that the Authority do not want the roads back and neither do the majority of residents living along the truncated ends of these roads.
2. Celtic Energy Ltd be requested to reapply for planning permission to amend Condition 5 of the original planning permission and deliver the resulting public rights of way. There are substantial benefits in providing traffic free public rights of way for informal recreation and active travel opportunities instead of the former roads. This does involve some risk in that an objection from the Community Council would effectively become a veto as arose following the 2011 application.
3. In recognition of the potential recreational and active travel value, the Local Authority seek to downgrade the existing legal highway routes, along their original alignments, to bridleways as we agree that the roads are no longer required. This should be linked into an Agreement with Celtic Energy Ltd as in isolation it provides them with a planning condition 'get out clause'. The Local Authority subsequently seek to divert the downgraded bridleways to the routes approved under the restoration plan approval and deliver the reinstatement works under the terms of the agreement with Celtic Energy Ltd.
4. The Council seek to prosecute Celtic Energy Ltd for non-compliance with the Breach of Condition Notice. Not likely to be acceptable due to the passage of time.
5. Explore further alternatives in conjunction with Celtic Energy Ltd. Discussions have been ongoing for over 2 years so identifying another solution agreeable to both parties is unlikely.

Recommended solution

Celtic Energy Ltd enter into an agreement with the Council to provide an agreed contribution of £320,000 towards the implementation of a scheme similar the planning proposal approved in 2018.

The Local Authority seek to downgrade the existing legal highway routes to bridleways through the Magistrate's Court. Once added to the Definitive Map and Statement by way of a Legal Event Modification Order, the Local Authority seek to divert the downgraded bridleways to the routes approved under the restoration plan approval.

The Local Authority undertake the necessary works to provide the bridleways to an appropriate specification. Works to reinstate the public footpath network will also be undertaken. The works have been costed at £450,000, the difference to be made up from reserves.

In effect this is the most deliverable and achievable option available to resolve a longstanding issue. Whilst the network of roads and public footpaths remain in their present condition the Authority is at risk of claim or legal challenge for not maintaining or enforcing the network.

The proposed solution is a defensible management decision that will deliver beneficial outcomes for the community and the Council will obtain a substantial contribution to the costs of delivering access reinstatement.

It is unclear whether Celtic Energy's current offer is time bound but essentially if the offer is withdrawn the Council would be faced with footing the entire cost of restoring access across the site or the community end up with nothing.

Mae'r dudalen hon yn wag yn fwriadol

CABINET

Dydd Llun, 8 Tachwedd 2021

YN BRESENNOL: Y Cyngorydd E. Dole (Cadeirydd)**Y Cynghorwyr:**

G. Davies, H.A.L. Evans, L.D. Evans, P.M. Hughes, P. Hughes-Griffiths, D.M. Jenkins ac L.M. Stephens

Yr oedd y swyddogion canlynol yn gwasanaethu yn y cyfarfod:

W. Walters, Prif Weithredwr
 J. Morgan, Cyfarwyddwr y Gwasanaethau Cymunedau
 C. Moore, Cyfarwyddwr Gwasanaethau Corfforaethol
 P.R. Thomas, Prif Weithredwr Cynorthwyol (Rheoli Pobl a Pherfformiad)
 J. Jones, Rheolwr Eiddo a Phrosiectau Mawr
 L.R. Jones, Pennaeth Gweinyddiaeth a'r Gyfraith
 R. Mullen, Cyfarwyddwr yr Amgylchedd
 G. Morgans, Cyfarwyddwr Gwasanaethau Addysg a Phlant
 S. Rees, Cyfieithydd Ar Y Pryd
 C. Jones, Pen-Swyddog Caffael
 M. Evans Thomas, Prif Swyddog Gwasanaethau Democrataidd
 L. Jenkins, Swyddog Cefnogi Bwrdd Gweithredol
 K. Thomas, Swyddog Gwasanaethau Democrataidd
 E. Bryer, Swyddog Gwasanaethau Democrataidd

Rhith-Gyfarfod - 10.00 yb - 10.50 yb**1. YMDDIHEURIADAU AM ABSENOLDEB**

Mynegodd aelodau'r Cabinet eu cydymdeimlad diffuant â'r Cyngorydd J. Tremlett yn dilyn colli ei mab a'i gŵr. Fel arwydd o barch nododd y Cabinet munud o dawelwch er cof am Ben a George Tremlett.

Derbyniwyd ymddiheuriadau am absenoldeb gan y Cynghorwyr C.A. Davies a J. Tremlett.

2. DATGANIADAU O FUDDIANNAU PERSONOL

Y Cyngorydd	Rhif y Cofnod	Y Math o Fuddiant
L.M. Stephens	13 - Cynllun Gweithredu ynghylch Eiddo Gwag	Mae ganddi eiddo preswyl gwag.

3. LLOFNODI FEL COFNOD CYWIR COFNODION CYFARFOD Y BWRDD GWEITHREDOL A GYNHALWYD AR Y 25AIN HYDREF, 2021

PENDERFYNWYD llofnodi cofnodion cyfarfod y Cabinet a gynhaliwyd ar 25 Hydref 2021, gan eu bod yn gywir.

4. CWESTIYNAU Â RHYBUDD GAN YR AELODAU

Dywedodd y Cadeirydd nad oedd dim cwestiynau â rhybudd wedi cael eu cyflwyno gan yr Aelodau.

5. CWESTIYNAU A RHYBYDD GAN Y CYHOEDD

5.1. CWESTIWN GAN MS SUE WOODWARD I'R CYNGHORYDD GLYNOG DAVIES, AELOD CABINET - ADDYSG A PHLANT

A all y Cabinet nawr roi sicrwydd i Ysgol Mynyddygarreg o ran ein dyfodol oherwydd rwy'n siŵr y gallwch ddychmygu pa mor anodd y bu'r cyfnod hwn gyda'r ansicrwydd ychwanegol ynghylch ein dyfodol. Rydym yn bartneriaid sy'n barod i weithio gyda'r Cyngor ac Ysgol Gwenllian mewn ffederasiwn llac i ddarparu addysg Gymraeg ragorol i blant y pentref yng nghanol eu cymuned. A wnewch chi roi'r cyfle hwn inni?

Ymateb y Cyngorydd Glynog Davies, yr Aelod Cabinet dros Addysg a Phlant:-

“Yn gyntaf, Ms Woodward, hoffwn ddiolch i chi am y cwestiwn a hefyd am eich pryderon fel Cadeirydd y Llywodraethwyr ynghylch dyfodol Ysgol Mynyddygarreg. Fel mae'n digwydd roedd ein cyfarfod diwethaf hefyd ar Zoom pan gefais wahoddiad i gwrdd â chi a dirprwyaeth o'r ysgol. Rwyf am yn awr ddiolch i chi'n gyhoeddus am drefnu'r cyfarfod penodol hwnnw. Yr wyf fi, fel fy nghyd-aelodau ar y Cabinet, ac yn wir ein swyddogion yn gwbl ymwybodol o'r pwysau yr ydych yn sôn amdano, y pwysau y mae'n hysgolion wedi'i wynebu ers mis Mawrth 2020. Mae'r misoedd ers hynny wedi bod yn anodd iawn. Mae'r galwadau ar staff yr ysgol a'r holl rieni wedi bod yn aruthrol, yn anfesuradwy. Mae eich cwestiwn yn cyfeirio at y cyfnod anodd hwn. Yn wir, oherwydd yr amgylchiadau ym mhob un o'n hysgolion fel yr ydych yn gallu gwerthfawrogi, roeddem fel adran ac fel Gweinyddiaeth wedi gwneud ein gorau glas i sicrhau diogelwch – roedd hynny mor, mor bwysig i ni – diogelwch poblogaeth gyfan yr ysgol, yn ddysgwyr a staff. Mae'r cyfnod digynsail hwn yn golygu bod llawer o'n cynlluniau wedi'u gohirio. Fodd bynnag, rydych yn cyfeirio at y cyfyng-gyngor ychwanegol ym Mynyddygarreg gyda'r ansicrwydd ynghylch eich dyfodol. Nid yw'r penderfyniad ynghylch a ddylid bwrw ymlaen â'r broses statudol sy'n ystyried dyfodol hirdymor Ysgol Mynyddygarreg neu unrhyw ysgol arall yn y Sir yn un y mae'r Cabinet yn ei gymryd ar chwarae bach. Yr wyf fi, fel yr Aelod Cabinet dros Addysg, a'm cyd-aelodau yn cymryd y penderfyniad fel hyn yn ddifrifol iawn. Rydym wedi derbyn llawer o ymatebion i'r ymgynghoriadau gan gynnwys cyflwyno Achosion Busnes gydag opsiynau amgen. Diolch yn ddiffuant i bawb sydd wedi manteisio ar y cyfle i gyflwyno'r safbwyntiau hynny i ni. Mae'r ymatebion niferus a gafwyd wedi creu llawer o drafodaeth rhwng Aelodau'r Cabinet ar y cynigion presennol a hefyd y Rhaglen Moderneiddio Addysg ehangach y cyfeirir ati'n aml fel yr MEP (yn Saesneg). Gallaf eich sicrhau, Ms Woodward y bu llawer o drafodaethau dwys a chyn diwedd y flwyddyn galendr hon, rhagwelir y cawn gyfle i drafod y mater hwn ymhellach a phenderfynu a fydd y cynigion presennol yn symud ymlaen i'r cam nesaf. A allaf ychwanegu, Ms Woodward, ei bod yn galonogol darllen eich bod yn bartneriaid parod i weithio gyda'r Cyngor ac Ysgol Gwenllian. Diolch yn fawr iawn i chi am eich cwestiwn.”

6. POLISI CYFLOGAETH FOESGOL MEWN CADWYNI CYFLENWI A CHAETHWASIAETH FODERN, DATGANIAD CYFLOGAETH FOESGOL MEWN CADWYNI CYFLENWI

Bu'r Cabinet yn ystyried y Polisi Cyflogaeth Foesegol mewn Cadwyni Cyflenwi a Datganiad Caethwasiaeth Fodern, Cyflogaeth Foesegol mewn Cadwyni Cyflenwi.

Cysylltodd Llywodraeth Cymru â phob Awdurdod Lleol ledled Cymru ar 9 Chwefror 2018, yn gofyn i'r Cyngor fabwysiadu'r Côt Ymarfer – Cyflogaeth Foesegol mewn Cadwyni Cyflenwi. Ym mis Mehefin 2018 ymrwymodd Cyngor Sir Caerfyrddin yn ffurfiol i ymuno â'r Côt a lluniwyd cynllun gweithredu gan yr Uned Caffael Corfforaethol a chydweithwyr ym maes Polisi ac Adnoddau Dynol i fwrw ymlaen â hyn. Fel rhan o'r ymrwymiad, roedd yn ofynnol i'r Awdurdod lunio polisi ysgrifenedig ar gyflogaeth foesegol o fewn yr Awdurdod a'i gadwyni cyflenwi.

Nodwyd bod Bil Partneriaeth Gymdeithasol a Chaffael Cyhoeddus (Cymru) yn destun ymgynghoriad a ddaeth i ben ar 23 Ebrill 2021. Roedd y Bil arfaethedig hwn yn ceisio sicrhau bod Gwaith Teg yn cael ei gyflawni drwy Gaffael a gosod dyletswyddau ar awdurdodau contractio i archwilio opsiynau ar gyfer cyflawni gwaith teg. Y cynnig oedd edrych ar gynnwys cwestiynau ynghylch arferion gwaith teg a chyflog byw, gan gynnwys diwydrwydd dyladwy ar gadwyni cyflenwi tramor, llais a chynrychiolaeth y gweithwyr – cydnabyddiaeth gan undebau, mynediad i weithwyr, bargeinio ar y cyd; Diogelwch a hyblygrwydd; Cyfleoedd i gael mynediad at dwf a dilyniant; Amgylchedd gwaith diogel, iach a chynhwysol; Cefnogaeth i hawliau cyfreithiol a'u bod yn cael effaith sylweddol a chydaddoldeb ac amrywiaeth. Roedd y Bil hwn yn rhoi dyletswyddau ar awdurdodau contractio ar y cylch caffael yn ei gyfanrwydd, nid dim ond y camau "hysbyseb i ddyfarnu".

PENDERFYNWYD YN UNFRYDOL GYMERADWYO:

- 6.1 y Polisi Cyflogaeth Foesegol mewn Cadwyni Cyflenwi;**
- 6.2. Datganiad Caethwasiaeth Fodern, Cyflogaeth Foesegol mewn Cadwyni Cyflenwi blynyddol y Cyngor**

7. POLISI BRECHU

Bu'r Cabinet yn ystyried polisi brechu newydd yr Awdurdod ar gyfer ei staff.

Roedd rôl Cyngor Sir Caerfyrddin o ran helpu i gyflwyno'r rhaglen frechu wedi'i goruchwylio gan Grŵp Tactegol Brechu, a chafodd y Grŵp hwn y dasg o ddatblygu Polisi brechu ar gyfer yr Awdurdod a oedd yn nodi'n glir ymagwedd yr Awdurdod at frechu a'r materion ategol o ran y gweithlu a oedd yn gysylltiedig.

Datblygwyd y polisi i adlewyrchu'r newidiadau yn y canllawiau a'r rheoliadau a ddaeth gan Lywodraeth Cymru. Trefnwyd y Polisi yn wreiddiol i'w drafod yn gynharach yn y flwyddyn ond cafodd ei ddal yn ôl wrth aros am gyngor / canllawiau cenedlaethol yn ymwneud â brechu gorfodol. Hyd yma ni wnaed penderfyniad ar y mater hwn, ac felly roedd y polisi'n annog yr holl staff yn gryf i fanteisio ar y cynnig. Byddai'r polisi'n cael ei adolygu pan fyddai canllawiau newydd yn dod i law.

Trafodwyd a chytunwyd i ymestyn y polisi am 6 mis.

PENDERFYNWYD YN UNFRYDOL fod yr adroddiad yn cael ei dderbyn a'i gyfeirio at y Cyngor i gael ei gymeradwyo.

8. DEFNYDDIO DIWRNODAU PRESENNOL PARCIO AM DDIM AR GYFER MIS RHAGFYR 2021

Bu'r Cabinet yn ystyried adroddiad ynghylch ymestyn parcio am ddim ym mis Rhagfyr yn ystod 2021 yn unig.

Roedd pandemig COVID wedi amharu ar ganol ein trefi wrth orfod gwneud addasiadau i fywyd bob dydd i gadw pobl yn ddiogel. Er bod y canol trefi'n dechrau adfer, roedd yr amhariad a fu ers mis Mawrth 2020 wedi parhau i gyfyngu ar y cyfleoedd i ganol trefi ddefnyddio llawer o'r diwrnodau parcio am ddim y mae'r Cyngor yn eu darparu i gefnogi digwyddiadau yng nghanol trefi ledled y Sir.

Roedd polisi cyfredol y Cyngor yn cynnig pum diwrnod parcio am ddim bob blwyddyn i gefnogi ganol trefi. Ar hyn o bryd, nid yw'r polisi'n cynnwys cyfnod masnachu mis Rhagfyr. Roedd rhai canol trefi wedi cysylltu â'r Cyngor i ofyn am gael cynnwys mis Rhagfyr yn y cynnig eleni oherwydd yr amgylchiadau eithriadol a achoswyd gan bandemig COVID19. Roedd y Cyngor wedi cefnogi ganol trefi gyda pharcio am ddim o fis Mawrth i fis Medi eleni a pharhad y cynlluniau peilot i barcio am ddim sydd ar waith ym mhob tref. Byddai'r cais diweddaraf yn helpu i ddarparu cymorth pellach ar yr adeg anodd hon.

PENDERFYNWYD YN UNFRYDOL i gymeradwyo ymestyn parcio am ddim ym mis Rhagfyr yn ystod 2021 yn unig.

9. LLYTHYR BLYNYDDOL YR OMBWDSMON 2020/21 CYNGOR SIR CAERFYRDDIN

Bu'r Cabinet yn ystyried Llythyr Blynyddol yr Ombwdsmon 2020/2021 ynghyd â'r daflen ffeithiau a'r data cysylltiedig.

Bob blwyddyn mae Ombwdsmon Gwasanaethau Cyhoeddus Cymru yn rhoi llythyr i bob awdurdod lleol yng Nghymru ar ffurf taflen ffeithiau ynghyd â'r data cysylltiedig. Mae'n cael ei ddarparu i gynorthwyo o ran adolygu perfformiad.

PENDERFYNWYD YN UNFRYDOL dderbyn Llythyr Blynyddol Ombwdsmon Gwasanaethau Cyhoeddus Cymru 2020-21 (y llythyr).

10. PANELAU YMGYNGHOROL Y CABINET - AELODAETH

Bu'r Cabinet yn ystyried adroddiad a oedd yn manylu ar y newidiadau i aelodaeth Panelau Ymgynghorol y Cabinet.

Cytunodd y Bwrdd Gweithredol yn ei gyfarfod a gynhaliwyd ar 26 Mehefin 2017 (y cyfeirir ato yng Nghofnod 11) ar ei Banelau Ymgynghorol ar gyfer cyfnod y Cyngor presennol. O ganlyniad i newidiadau yn y cydbwysedd gwleidyddol, roedd y ffigurau mewn perthynas â rhai Panelau wedi newid, yn dilyn trafodaeth â'r Grwpiau Gwleidyddol, roedd gwelliannau o ran yr aelodaeth wedi'u cyflwyno i'w hystyried.

Nodwyd bod oedi wedi bod o ran cyflwyno'r newidiadau hyn oherwydd y rhoddwyd blaenoriaeth i faterion Covid19.

PENDERFYNWYD YN UNFRYDOL gymeradwyo'r newidiadau o ran aelodaeth y Panelau Ymgynghorol fel y nodwyd yn yr adroddiad.

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

Dywedodd y Cadeirydd nad oedd unrhyw eitemau eraill o fater brys.

12. GORCHYMYN I'R CYHOEDD ADAEL Y CYFARFOD

PENDERFYNWYD YN UNFRYDOL, yn unol â Deddf Llywodraeth Leol 1972, fel y'i newidiwyd gan Orchymyn Llywodraeth Leol (Mynediad at Wybodaeth) (Amrywio) (Cymru) 2007, orchymyn i'r cyhoedd adael y cyfarfod tra oedd yr eitemau canlynol yn cael eu hystyried, gan fod yr adroddiadau'n cynnwys gwybodaeth eithriedig fel y'i diffiniwyd ym mharagraff 14 o Ran 4 o Atodlen 12A i'r Ddeddf.

13. CYFLEOEDD CYLLIDO AR GYFER EIDDO GWAG

[SYLWER: Roedd y Cynghorydd L.M. Stephens wedi datgan buddiant yn yr eitem hon yn gynharach; a gadawodd y cyfarfod tra oedd yr eitem yn cael ei hystyried].

Yn sgil cynnal prawf budd y cyhoedd PENDERFYNWYD, yn unol â'r Ddeddf y cyfeiriwyd ati yng nghofnod 12 uchod, beidio â chyhoeddi cynnwys yr adroddiad am ei fod yn cynnwys gwybodaeth eithriedig ynghylch materion ariannol neu faterion busnes unrhyw unigolyn penodol (gan gynnwys yr Awdurdod oedd yn meddu ar y wybodaeth honno) (Paragraff 14 o Ran 4 o Atodlen 12A i'r Ddeddf). Roedd y prawf budd y cyhoedd mewn perthynas â'r adroddiad hwn yn drech na budd y cyhoedd wrth ddatgelu'r wybodaeth er mwyn cynnal cyfrinachedd a heb fod yn niweidiol o ran cwblhau'r trafodyn a buddiannau busnes y prydlesai arfaethedig.

Bu'r Cabinet yn ystyried y Cynllun Gweithredu ynghylch Eiddo Gwag.

PENDERFYNWYD YN UNFRYDOL gymeradwyo'r Cynllun Gweithredu ynghylch Eiddo Gwag.

CADEIRYDD

DYDDIAD

Mae'r dudalen hon yn wag yn fwriadol

CABINET

Dydd Llun, 22 Tachwedd 2021

YN BRESENNOL: Y Cyngorydd E. Dole (Cadeirydd)**Hefyd yn bresennol:**

Y Cyngorydd D.M. Cundy

Y Cynghorwyr:

C.A. Davies, G. Davies, H.A.L. Evans, L.D. Evans, P.M. Hughes, P. Hughes-Griffiths, D.M. Jenkins, L.M. Stephens a/ac J. Tremlett

Yr oedd y swyddogion canlynol yn gwasanaethu yn y cyfarfod:

W. Walters, Prif Weithredwr

J. Morgan, Cyfarwyddwr y Gwasanaethau Cymunedau

R. Mullen, Cyfarwyddwr yr Amgylchedd

G. Morgans, Cyfarwyddwr Gwasanaethau Addysg a Phlant

L.R. Jones, Pennaeth Gweinyddiaeth a'r Gyfraith

P.R. Thomas, Prif Weithredwr Cynorthwyol (Rheoli Pobl a Pherfformiad)

R. Hemingway, Pennaeth Gwasanaethau Ariannol

S. Rees, Cyfieithydd Ar Y Pryd

L Morris, Uwch Swyddog Y Wasg

L. Jenkins, Swyddog Cefnogi Bwrdd Gweithredol

C. Ferguson

M. Evans Thomas, Prif Swyddog Gwasanaethau Democrataidd

E. Bryer, Swyddog Gwasanaethau Democrataidd

S. Hendy, Swyddog Cefnogi Aelodau

K. Thomas, Swyddog Gwasanaethau Democrataidd

Siambr, Neuadd Y Sir, Caerfyrddin, SA31 1JP - 10.00 - 10.26 yb**1. YMDDIHEURIADAU AM ABSENOLDEB**

Ni chafwyd ymddiheuriadau am absenoldeb.

2. DATGANIADAU O FUDDIANNAU PERSONOL

Y Cyngorydd	Rhif y Cofnod	Y Math o Fuddiant
L.M. Stephens	3. Llofnodi bod cofnodion cyfarfod y Cabinet a gynhaliwyd ar 8 Tachwedd, 2021 yn gywir	Cofnod rhif 13 – Cynllun Eiddo Gwag - Mae ganddi eiddo preswyl gwag
Mr J. Morgan - Cyfarwyddwr y Gwasanaethau Cymunedol	8 – Sefydlu Partneriaeth Addysg Ranbarthol newydd	Mae ei wraig yn gweithio i'r gwasanaeth rhanbarthol

3. LLOFNODI FEL COFNOD CYWIR COFNODION CYFARFOD Y BWRDD GWEITHREDOL A GYNHALWYD AR Y 8FED TACHWEDD

(NODER: Roedd y Cynghorydd L.M. Stephens wedi datgan buddiant yn yr eitem hon yn gynharach; ailddatganodd y buddiant hwnnw ac arhosodd yn cyfarfod tra oedd yr adroddiad yn cael ei ystyried)

PENDERFYNWYD YN UNFRYDOL Iofnodi cofnodion cyfarfod y Cabinet a gynhaliwyd ar 8 Tachwedd, 2021 yn gofnod cywir.

4. CWESTIYNAU Â RHYBUDD GAN YR AELODAU

Dywedodd y Cadeirydd nad oedd dim cwestiynau â rhybudd wedi cael eu cyflwyno gan yr Aelodau.

5. CWESTIYNAU A RHYBYDD GAN Y CYHOEDD

Dywedodd y Cadeirydd nad oedd dim cwestiynau wedi dod i law gan y cyhoedd.

6. ADRODDIAD MONITRO CYLLIDEB REFENIW Y CYNGOR

Bu'r Cabinet yn ystyried adroddiad monitro'r gyllideb refeniw a oedd yn rhoi'r wybodaeth ddiweddaraf am y sefyllfa gyllidebol fel yr oedd ar 31 Awst 2021, o ran 2021/2022.

Yn gyffredinol, roedd yr adroddiad monitro yn rhagweld tanwariant ar gyfer y flwyddyn ar lefel adrannol o £869k gyda thanwariant o £399k ar gyllideb refeniw net yr Awdurdod. Adroddwyd, ar lefel uchel, fod hyn o ganlyniad i gyfuniad o gostau ychwanegol yn gysylltiedig â COVID-19 ac incwm a gollwyd a gafodd ei ad-dalu i raddau helaeth o dan gynllun caledi Llywodraeth Cymru, roedd rhai gwasanaethau naill ai wedi cael eu hoedi neu effeithiwyd arnynt gan y cyfyngiadau symud a rheolau cadw pellter cymdeithasol yn ystod chwarter 1 ynghyd â'r bwriad i ddefnyddio rhywfaint o danwariant yr arian cyfalaf oherwydd pwysau sylweddol penodol ar gyllidebau prosiectau cyfalaf yn ystod y flwyddyn, a fydd yn cael eu hystyried fel rhan o adroddiadau ar wahân.

Nododd Aelodau'r Cabinet, o ran cyllidebau Ebrill-Mehefin, fod cyfanswm o tua £6 miliwn o ran gwariant ychwanegol a cholli incwm wedi'i hawlio o dan gynllun caledi Llywodraeth Cymru.

Roedd y Cyfrif Refeniw Tai yn rhagweld tanwariant o £1,159k ar gyfer 2021/22. Darparwyd

PENDERFYNWYD YN UNFRYDOL:

10.1 bod adroddiad Monitro'r Gyllideb yn cael ei dderbyn, a bod ystyriaeth yn cael ei roi i'r sefyllfa gyllidebol a'r camau unioni priodol.

10.2 bod y Prif Swyddogion a'r Penaethiaid Gwasanaeth yn adolygu'r opsiynau sydd ar gael iddynt yn feirniadol i gyfyngu ar y gorwariant a ragwelwyd ar gyllidebau, yn ogystal â chydabod y pwysau y mae Covid-19 wedi'u rhoi ar gyllideb gyffredinol yr Awdurdod

7. ADFER MYNEDIAD CYHOEDDUS YN GILFACH IAGO

Bu'r Cabinet yn ystyried adroddiad ar gynigion i'r Cyngor gymryd cyfrifoldeb oddi ar Celtic Energy ac ymgymryd â'r holl waith adfer mynediad cyhoeddus ar draws hen safle glo brig Gilfach Iago.

Nododd y Cabinet, er mwyn i'r cynnig gael ei ddatblygu, y byddai angen i'r Awdurdod wneud cais i Lys yr Ynadon am ailddosbarthu tair ffordd ddiddosbarth ar draws y safle blaenorol (nad oedd modd eu defnyddio ar hyn o bryd) i statws llwybr ceffylau, yna gellid eu dargyfeirio yn ôl yr angen 'yn fewnol' gan y tîm Mynediad i Gefn Gwlad er mwyn cyd-fynd yn well â chynllun y tir sydd wedi'i adfer a chysylltu â'r llwybrau troed presennol. Byddai hefyd yn ofynnol i'r awdurdod dderbyn y setliad ariannol a gynigir gan Celtic Energy, sef £320k, a hynny heb ragfarn, i ariannu'r gwaith o adfer mynediad cyhoeddus ar draws y safle. Pe bai'n cael ei dderbyn, ac er y byddai'r setliad a gynigir yn talu cyfran sylweddol o'r costau a ragwelir, byddai angen cyllid ychwanegol o £130k i gyflawni'r prosiect yn llawn, gan gynnwys ceisiadau am grant.

PENDERFYNWYD YN UNFRYDOL ARGYMELL I'R CYNGOR:-

- 7.1 Gymeradwyo'r cynnig i wneud cais i lys yr Ynadon am ailddosbarthu tair ffordd ddiddosbarth i statws llwybr ceffylau;;**
- 7.2 Derbyn y setliad ariannol a gynigir gan Celtic Energy i gyflawni a chymryd cyfrifoldeb dros yr holl waith adfer mynediad cyhoeddus ar draws yr hen safle glo brig.**

8. SEFYDLU PARTNERIAETH ADDYSG RANBARTHOL NEWYDD

(NODER: Roedd Mr J. Morgan - Cyfarwyddwr y Gwasanaethau Cymunedol, wedi datgan buddiant yn yr eitem hon yn gynharach a gadawodd y cyfarfod tra bo'r eitem yn cael ei hystyried)

Bu'r Cabinet yn ystyried adroddiad, ynghyd â chytundeb cyfreithiol drafft, ar y bwriad i sefydlu partneriaeth ranbarthol newydd i ddarparu model newydd o ddarpariaeth addysg ar sail ôl troed De-orllewin Cymru rhwng awdurdodau lleol Sir Gaerfyrddin, Sir Benfro a Dinas a Sir Abertawe a hynny o dan yr enw 'Partneriaeth'.

Nodwyd, pe bai'n cael ei gymeradwyo, er y byddai'r bartneriaeth yn disodli'r hen bartneriaeth addysgol a ddarparwyd gan ERW, y byddai Cyd-bwyllgor ERW yn parhau mewn grym er mwyn dirwyn y gwaith i ben a sefydlu'r holl rwymedigaethau sy'n weddill. Bryd hynny, byddai'r holl bartneriaid sy'n weddill yn ERW yn tynnu'n ôl yn dilyn un wythnos o rybudd a byddai ERW yn cael ei ddiddymu, a byddai cytundeb cyfreithiol Cyd-bwyllgor ERW yn cael ei amrywio er mwyn darparu ar gyfer y trefniadau i'w ddirwyn i ben. Fel rhan o'r weithred amrywio honno, cytunwyd y dylid rhannu holl rwymedigaethau ERW sy'n weddill ymhlith y partneriaid presennol a'u cyfrifo ar sail pro rata, gan ystyried a didynnu yn y lle cyntaf unrhyw rwymedigaethau gan gynghorau Castell-nedd Port Talbot a Cheredigion yn unol â chymalau 15.2 a 15.4 o gytundeb ERW.

Mynegwyd gwerthfawrogiad i'r holl staff a oedd yn ymwneud â sefydlu Partneriaeth a sefydlu'r cytundeb cyfreithiol.

PENDERFYNWYD YN UNFRYDOL:

- 8.1 Cymeradwyo creu Grŵp Cynghorwyr - Craffu ar y Cyd ar sail y cylch gorchwyl a nodir yn y cytundeb cyfreithiol, fel y'i diwygiwyd o bryd i'w gilydd;
- 8.2 Cymeradwyo'r cytundeb cyfreithiol drafft (sydd wedi'i atodi yn Atodiad A) i sefydlu cyd-bwyllgor ar gyfer partneriaeth addysg ranbarthol newydd o dan yr enw PARTNERIAETH i gefnogi'r gwaith o ran gwella ysgolion;
- 8.3 Cymeradwyo penodi'r Arweinydd yn aelod o'r cyd-bwyllgor;
- 8.4 Dirprwyo i'r Cyd-bwyllgor y swyddogaethau hynny sy'n angenrheidiol i gefnogi'r gwaith o ran gwella ysgolion yn ardal y Cyngor a'r rhanbarth, gan gydnabod a derbyn y bydd y Cyngor a'r awdurdodau lleol eraill yn y rhanbarth yn cadw'r cyfrifoldeb statudol am berfformiad ysgolion, ynghyd â'r cyfrifoldeb dros arfer pwerau statudol, ymyrraeth a threfniadaeth ysgolion yn eu priod ardaloedd;
- 8.5 Dirprwyo awdurdod i'r Cyfarwyddwr Addysg ar y cyd â'r Arweinydd, yr Aelod Cabinet dros Addysg a Gwasanaethau Plant a Phennaeth Gweinyddiaeth a'r Gyfraith i wneud unrhyw welliannau angenrheidiol pellach i'r cytundeb cyfreithiol a rhoi awdurdod i'r Prif Swyddog Cyfreithiol i ymrwymo i'r cytundeb ar ran y Cyngor ynghyd ag unrhyw ddogfennau cyfreithiol ategol sy'n angenrheidiol i hwyluso'r gwaith o greu a gweithredu'r bartneriaeth newydd;
- 8.6 Cymeradwyo bod Partneriaeth yn darparu gwasanaethau i gynghorau nad ydynt yn bartion i'r cytundeb cyfreithiol, sef Cyngor Bwrdeistref Sirol Castell-nedd Port Talbot, Cyngor Sir Ceredigion a Chyngor Sir Powys yn unol â chymal 14 y cytundeb cyfreithiol gydag awdurdod yn cael ei ddirprwyo i Gyd-bwyllgor Partneriaeth i gytuno ar y telerau y bydd gwasanaethau o'r fath yn cael eu darparu;
- 8.7 Cymeradwyo creu Grŵp Cynghorwyr - Craffu ar y Cyd ar sail y cylch gorchwyl a nodir yn y cytundeb cyfreithiol, fel y'i diwygiwyd o bryd i'w gilydd.

9. NODI BOD GRŴP Y BLAID LAFUR WEDI ENWEBU'R CYNGHORYDD ROB JAMES YN LLE'R CYNGHORYDD BILL THOMAS AR Y PANEL RHIANTA CORFFORAETHOL A DIOGELU A'R PANEL GWELLA YSGOLION

PENDERFYNWYD YN UNFRYDOL nodi enwebiad y Grŵp Llafur bod y Cynghorydd Rob James yn cymryd lle'r Cynghorydd Bill Thomas ar y Panel Rhianta Corfforaethol a Diogelu a'r Panel Gwella Ysgolion.

10. UNRHYW FATER ARALL Y GALL Y CADEIRYDD OHERWYDD AMGYLCHIADAU ARBENNIG BENDERFYNU EI YSTYRIED YN FATER BRYD YN UNOL AG ADRAN 100B(4)(B) O DDEDDF LLYWODRAETH LEOL, 1972.

Dywedodd y Cadeirydd nad oedd unrhyw eitemau eraill o fater brys.

CADEIRYDD

DYDDIAD

Mae'r dudalen hon yn wag yn fwriadol