

DYDD LLUN, 13 MEDI 2021

**AT: YR AELOD O'R CABINET DROS DIOGELU'R CYHOEDD**

YR WYF DRWY HYN YN EICH GALW I FYNYCHU CYFARFOD O'R CYFARFOD PENDERFYNIADAU AELOD Y CABINET DROS DIOGELU'R CYHOEDD A GYNHELIR YN RHITH-GYFARFOD AM 9.00 YB, AR DYDD GWENER, 17<sup>EG</sup> MEDI, 2021 ER MWYN CYFLAWNI'R MATERION A AMLINELLIR AR YR AGENDA ATODEDIG.

*Wendy Walters*

**PRIF WEITHREDWR**

Swyddog Democrataidd:	Janine Owen
Ffôn (llinell uniongyrchol):	01267 224030
E-bost:	JanineOwen@sirgar.gov.uk

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

# AGENDA

1. DATGANIADAU O FUDDIANT
2. COFNOD PENDERFYNIADAU - 2 MEDI 2021 3 - 4
3. GORFODI CYNLLUNIO - PROTOCOL CAU ACHOS 5 - 10

*Sylwer: - Nid oes hawl gan y wasg a'r cyhoedd fynychu'r cyfarfod. Bydd y cofnod penderfyniad yn cael ei gyhoeddi fel arfer o fewn 3 diwrnod gwaith.*

## CYFARFOD PENDERFYNIADAU AELOD Y CABINET DROS DIOGELU'R CYHOEDD

2 MEDI 2021

**YN BRESENNOL: Y Cyngorydd:** P.M. Hughes (Aelod o'r Cabinet)

**Roedd y swyddogion canlynol yn bresennol:**

A. Williams, Pennaeth y Gwasanaethau Amgylcheddol a Gwastraff;  
J. Owen, Swyddog Gwasanaethau Democrataidd

Rhith-Gyfarfod: 10:15yb - 10:30yb

**1. DATGANIADAU O FUDDIANT**

Ni chafwyd dim datganiadau o fuddiant personol.

**2. COFNOD PENDERFYNIADAU - 28 IONAWR 2021**

**PENDERFYNWYD** llofnodi bod cofnod penderfyniadau'r cyfarfod a gynhaliwyd ar 28 Ionawr 2021 yn gofnod cywir.

**3. GORCHYMYN GWARCHOD MANNAU CYHOEDDUS - YMGYSYLLTU CYCHWYNNOL Â RHANDEILIAID**

Bu'r Aelod Cabinet yn ystyried adroddiad a oedd yn rhoi gwybodaeth am adnewyddu'r Gorchymyn Diogelu Mannau Agored Cyhoeddus.

Mae'r Llywodraeth wedi gwneud darpariaethau i gyflwyno Gorchymynion Diogelu Mannau Agored Cyhoeddus ac ym mis Gorffennaf 2019 pan fabwysiadodd yr awdurdod 3 amod yn ymwneud â gorchymynion cŵn:

1. Gadael i gi faeddu heb ei godi yn unman yn Sir Gaerfyrddin lle mae gan y cyhoedd fynediad ar daliad neu fel arall yn cael ei ystyried yn drosedd
2. Rhaid i gŵn gael eu rhoi ar dennyn yn dilyn cyfarwyddyd gan swyddog awdurdodedig.
3. Ni chaniateir cŵn mewn manau chwarae caeedig i blant.

Dywedwyd bod y Gorchymyn yn cael ei adolygu bob 3 blynedd ac fel rhan o'r broses ymarfer ymgysylltu, mae'n ofynnol casglu unrhyw amodau ychwanegol i'r amodau presennol a nodir ym mhwyntiau 1-3 uchod gan randdeiliaid perthnasol.

Roedd yr adroddiad yn cynnig cynnal cyfnod ymgysylltu â rhanddeiliaid perthnasol a fyddai'n cynnwys Cyngorau Tref a Chymuned drwy arolwg. Byddai ymgysylltu'n gynnar yn rhoi cyfle i gynnwys unrhyw ddarpariaethau ychwanegol y gellid ystyried eu bod yn angenrheidiol i fynd i'r afael â phroblemau sy'n gysylltiedig â chŵn. Byddai'r wybodaeth a dderbynnir yn ystod y cyfnod ymgysylltu hwn yn cael ei hystyried cyn ymgynghori ffurfiol fel rhan o'r broses o adnewyddu'r Gorchymyn presennol neu wneud Gorchymyn newydd.

Nododd yr Aelod Cabinet, yn dilyn y cyfnod ymgysylltu cychwynnol o 8 wythnos ac ystyried yr adborth, y byddai'r broses ymgynghori ffurfiol yn dechrau ar ôl datblygu'r Gorchymyn/Gorchmynion drafft.

**PENDERFYNWYD:**

- 3.1 Cymeradwyo arolwg gyda rhanddeiliaid perthnasol i gasglu gwybodaeth i baratoi ar gyfer adnewyddu ein Gorchymyn Diogelu Mannau Agored Cyhoeddus.**
- 3.2 Cymeradwyo arolwg i randdeiliaid perthnasol sef Cyngorau Tref a Chymuned a Chymdeithasau Chwaraeon i ganfod pa amodau ychwanegol yr hoffent eu hychwanegu at y ddarpariaeth bresennol (Gorchymyn Diogelu Mannau Agored Cyhoeddus sy'n cwmpasu'r 3 amod sy'n ymwneud â rheolaethau cŵn ar hyn o bryd), neu o bosibl drwy orchmynion ychwanegol ar wahân.**

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**AELOD O'R CABINET**

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**DYDDIAD**

**CYFARFOD PENDERFYNIADAU'R AELOD Y CABINET  
DROS YR DIOGELU'R CYHOEDD**

**17 MEDI 2021**

<b>Yr Aelod Cabinet:</b>	<b>Y Portffolio:</b>
Y Cyng. Philip Hughes	Diogelu'r Cyhoedd

**GORFODI CYNLLUNIO – PROTOCOL CAU ACHOS**

**Y Pwrpas:**

Ystyried a chymeradwyo protocol i gynorthwyo â'r gwaith o gau hen achosion gorfodi cynllunio.

**Yr argymhellion / penderfyniadau allweddol sydd eu hangen:**

Cymeradwyo protocol i gynorthwyo â'r gwaith o gau hen achosion gorfodi cynllunio.

**Y rhesymau:**

Mae'r adolygiad diweddar gan Swyddfa Archwilio Cymru wedi tynnu sylw at yr ôl-groniad sylweddol o gwynion nad ydynt wedi eu datrys yng ngwasanaeth Gorfodi Rheolau Cynllunio Sir Gaerfyrddin.

Mae gwaith pellach a wnaed i ddeall natur yr ôl-groniad hwn wedi nodi'r posibilrwydd o gau nifer sylweddol o achosion oherwydd ystyrir nad yw'n briodol mwyach a/neu'n ymarferol i ymchwilio ymhellach i'r cwynion.

Mae'r protocol hwn yn nodi'r sail resymegol a fydd yn pennu pa achosion y gellir bellach eu cau.

<b>Y Gyfarwyddiaeth</b> Enw Pennaeth y Gwasanaeth: Noelwyn Daniel	<b>Swydd</b> Pennaeth Dros Dro y Gwasanaethau Cynllunio	<b>Rhif Ffôn</b> 01267 246270
Awdur yr Adroddiad: Sue Watts	Cyfeiriad e-bost: swatts@sirgar.gov.uk	

**Declaration of Personal Interest (if any):**

None

**Dispensation Granted to Make Decision (if any):**

N/A

**DECISION MADE:**

**Signed:**

DATE: \_\_\_\_\_

\_\_\_\_\_  
CABINET MEMBER

**The following section will be completed by the Democratic Services Officer in attendance at the meeting**

Recommendation of Officer adopted	
Recommendation of the Officer was adopted <b>subject to the amendment(s) and reason(s) specified:</b>	
Reason(s) why the Officer's recommendation was <b>not adopted:</b>	

# EXECUTIVE SUMMARY

## CABINET MEMBER DECISIONS MEETING FOR PUBLIC PROTECTION

17<sup>TH</sup> SEPTEMBER 2021

### PLANNING ENFORCEMENT – CASE CLOSURE PROTOCOL

#### 1. BRIEF SUMMARY OF PURPOSE OF REPORT.

- The recent WAO review of Planning Services has highlighted the significant backlog of unresolved complaints within Carmarthenshire's Planning Enforcement service.
- Further work undertaken to understand the nature of this backlog has identified the potential to close a significant number of cases as it is considered no longer appropriate/ and or feasible to further investigate the complaint.
- This protocol sets out the rationale which will determine which cases can now be closed.

#### 2. CASE CLOSURE PROTOCOL

- (a) Anonymous complaints where no action has been taken thus far and no significant risk identified.
- (b) Cases resulting in immunity from enforcement action due to expiry of 4/10 year time periods where no notice has previously been served.
- (c) Historical cases (over 18 months) where there is insufficient detail to allow complaint to be investigated and where any information provided indicates that it is not a significant risk.\*
- (d) Complaints submitted by Elected/Members where it is agreed that further investigation/action is not deemed appropriate and where information provided indicates that this is not a significant risk.
- (e) Multiple complaints in relation to same issue/location
- (f) Historical cases (over 18 months) where following discussion with complainant, further action is now deemed inappropriate and not considered to be in the wider public interest.
- (g) Cases where any future enforcement action is not considered to be a proportionate response, as it is unlikely that the action would lead to a meaningful sanction being applied, and the use of resources in carrying out that enforcement action would be regarded as excessive when weighed against any likely sanction.

### 3. EXAMPLES OF SIGNIFICANT RISKS\*

- Unauthorised works to listed buildings;
- Unauthorised Demolition of buildings or structures in a conservation area;
- Unauthorised Works to trees subject of a Tree Preservation Order (“TPO”) or any trees in a conservation area;
- Unauthorised Building works (i.e. extensions, outbuildings, fences, walls);
- Unauthorised Change of use of buildings and/or land (inc. sub-division of houses to flats / Houses in Multiple Occupation or residential caravans);
- Unauthorised advertisements and signage;
- Non-compliance with conditions attached to planning permissions;
- Not building in accordance with the approved plans of planning permissions;
- Unauthorised Engineering operations, such as raising of ground levels or earth bunds;
- Deliberate concealment of unauthorised building works or changes of use
- Unauthorised mineral extraction
- Unauthorised treatment or disposal of waste

**DETAILED REPORT ATTACHED ?**

**NO**



# IMPLICATIONS

I confirm that other than those implications which have been agreed with the appropriate Directors / Heads of Service and are referred to in detail below, there are no other implications associated with this report :

Signed: **Noelwyn Daniel**

**Interim Head of Planning Services**

Policy and Crime & Disorder	Legal	Finance	ICT	Risk Management Issues	Organisational Development	Physical Assets
<b>YES</b>	<b>YES</b>	<b>NONE</b>	<b>NONE</b>	<b>YES</b>	<b>NONE</b>	<b>NONE</b>

**1. Policy, Crime & Disorder and Equalities**

The statement sets out criteria to be used to support the closure of historic planning enforcement cases.

**2. Legal**

Adopting such a protocol will help ensure enforcement decisions are reasonable and consistent, reducing the risk of legal challenge

**5. Risk Management Issues**

The Case Closure protocol is underpinned by the need to adopt a risk based approach to the closure of cases.

## CONSULTATIONS

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

Signed: Noelwyn Daniel

Interim Head of Planning Services

**1. Scrutiny Committee**

N/A

**2. Local Member(s)**

N/A

**3. Community / Town Council**

N/A

**4. Relevant Partners**

N/A

**5. Staff Side Representatives and other Organisations**

N/A

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

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

**THERE ARE NONE**