

**DYDD GWENER, 13 IONAWR 2023**

**AT: HOLL AELODAU Y PWYLLGOR SAFONAU**

**YR WYF DRWY HYN YN EICH GALW I FYNYCHU CYFARFOD O'R  
PWYLLGOR SAFONAU A GYNHELIR YN Y SIAMBR, NEUADD Y SIR,  
CAERFYRDDIN AC O BELL AM 2.00 YP DYDD MAWRTH, 24AIN  
IONAWR, 2023 ER MWYN CYFLAWNI'R MATERION A AMLINELLIR  
AR YR AGENDA SYDD YNGHLWM**

*Wendy Walters*

**PRIF WEITHREDWR**

Swyddog Democrataidd:	Kevin Thomas
Ffôn (Ilinell uniongyrchol):	01267 224027
E-Bost:	kjthomas@sirgar.gov.uk
Gellir gwyllo'r cyfarfod ar wefan y cyngor drwy'r ddolen canlynol:- <a href="https://carmarthenshire.public-i.tv/core/portal/home">https://carmarthenshire.public-i.tv/core/portal/home</a>	

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

## **PWYLLGOR SAFONAU**

### **Aelodau Annibynnol (5)**

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

### **Aelod Pwyllgor Cymunedol (1)**

1. **Y Cynghorydd Tref Phillip Rogers**

### **Aelodau Etholedig y Cyngor Sir (3)**

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

# **A G E N D A**

- 1. YMDDIHEURIADAU AM ABSENOLDEB.**
- 2. DATGAN BUDDIANNAU PERSONOL.**
- 3. LLOFNODI FEL COFNOD CYWIR GOFNODION CYFARFOD A GYNHALWYD AR 12 RHAGFYR 2022** 5 - 8
- 4. CAIS AM OLLYNGIAD GAN Y CYNGHORYDD A DAVIES** 9 - 18
- 5. CAIS AM OLLYNGIAD GAN Y CYNGHORYDD P H THOMAS** 19 - 30
- 6. UNRHYW FATER ARALL Y GALL Y CADEIRYDD OHERWYDD AMGYLCHIADAU ARBENNIG, BENDERFYNU EI YSTYRIED YN FATER BRYD YN UNOL AG ADRAN 100B(4)(B) DEDDF LLYWODRAETH LEOL 1972**

Mae'r dudalen hon yn wag yn fwriadol

## PWYLLGOR SAFONAU

12 RHAGFYR 2022

**PRESENNOL:** Mrs M. Dodd (Cadeirydd) (P)

**Aelodau Annibynnol:**

Ms. D. Evans (P), Mrs. J. James (P), Mr. F. Phillips (H) a Mrs. C. Davies (H).

**Aelod Cymunedol:**

Cynghorydd Tref P. Rogers (H).

**Cynghorwyr:**

B. Jones (H) and R. James (H).

**Hefyd yn bresennol (Yn y Siambr):**

R. Edgecombe, Rheolwr y Gwasanaethau Cyfreithiol;  
A. Eynon, Prif Gyfieithydd;  
E. Evans, Prif Swyddog Gwasanaethau Democrataidd;  
M. Runeckles, Swyddog Cefnogi Aelodau (Asiantaeth);  
J. Owen, Swyddog Gwasanaethau Democrataidd (Cymerwr Cofnodion).

**Hefyd yn bresennol (Yn rhithwyr):**

M.S. Davies, Swyddog Gwasanaethau Democrataidd.

[P = Presennol yn Neuadd y Sir      H = Hirbell drwy Zoom]

**Siambr, Neuadd Y Sir, Caerfyrddin, SA31 1JP ac o bell: 2:00yp - 2:45yp**

**[Sylwer:**

- Barnwyd gan y Cadeirydd bod angen newid trefn y busnes ar yr agenda a chymerwyd eitem 7 cyn eitem 6. Fodd bynnag, er hwylustod, mae'r cofnodion hyn yn adlewyrchu trefn y materion ar agenda'r cyfarfod.]

**1. YMDDIHEURIADAU AM ABSENOLDEB.**

Derbyniwyd ymddiheuriad gan G.B. Thomas.

**2. DATGAN BUDDIANNAU PERSONOL.**

Y Cynghorydd Rob James	6 – Cais am Ollyngiad gan y Cynghorydd A.R. Bargoli.	Mae gan y Cynghorydd James fuddiant rhagfarnol parhaus o ran y grŵp cymunedol Caru Lliedi.
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### 3. LLOFNODI FEL COFNOD CYWIR GOFNODION CYFARFOD A GYNHALWYD AR:

#### 3.1. 21 TACHWEDD 2022

Cyflwynwyd sylw bod y cofnodion yn nodi'n anghywir bod M. Dodd yn Gynghorydd.

**PENDERFYNWYD, yn amodol ar y diwygiad, fod cofnodion cyfarfod y Pwyllgor Safonau a gynhaliwyd ar 21 Tachwedd 2022 yn cael eu llofnodi'n gofnod cywir.**

#### 3.2. 17 TACHWEDD 2022

**PENDERFYNWYD Ilofnodi bod cofnodion cyfarfod y Pwyllgor Safonau a gynhaliwyd ar 17 Tachwedd 2022 yn gywir.**

### 4. CAIS AM OLLYNGIAD GAN Y CYNGHORYDD EDWARD THOMAS

Bu'r Pwyllgor yn ystyried cais a gyflwynwyd gan y Cynghorydd Edward Thomas o Gyngor Sir Caerfyrddin am ollyngiad o dan ddarpariaethau'r Rheoliadau Pwyllgorau Safonau (Caniatáu Gollyngiadau) (Cymru) i siarad a chyflwyno sylwadau ysgrifenedig mewn perthynas â busnes o ran 30 Stryd y Bont, Llandeilo sydd mewn cyflwr gwael.

Dywedwyd bod cais am ollyngiad yn cael ei wneud gan fod gan y Cynghorydd Thomas fuddiant personol a rhagfarnol yn y mater hwn yn rhinwedd paragraff 10 (2)(a) o Gôd Ymddygiad yr Aelodau fel aelod lleol dros Llandeilo a Dyffryn Cennen a 30 Stryd y Bont, Llandeilo, sy'n ffinio â'i eiddo.

Nododd yr Aelodau nad oedd cais y Cynghorydd Edwards am ollyngiad er mwyn ymarfer unrhyw swyddogaethau gweithrediaeth neu gabinet mewn perthynas â'r eiddo, a phe byddai'r mater yn cael ei drafod mewn cyfarfod o'r Cyngor neu'r Cabinet, y byddai'n datgan buddiant ac ni fyddai'n cymryd rhan mewn unrhyw bleidlais.

Yn dilyn trafodaeth,

**PENDERFYNWYD YN UNFRYDOL fod gollyngiad yn cael ei ganiatáu o dan Reoliadau 2 (d) a (f) o Reoliadau Pwyllgorau Safonau (Caniatáu Gollyngiadau) (Cymru) 2001 er mwyn galluogi'r Cynghorydd Edward Thomas fel yr aelod lleol dros Llandeilo a Dyffryn Cennen i SIARAD A CHYFLWYNO SYLWADAU YSGRIFENEDIG mewn perthynas â materion o ran 30 Stryd y Bont, Llandeilo a bod y gollyngiad yn ddilys tan ddiwedd y tymor etholiadol presennol.**

## 5. CAIS AM OLLYNGIAD GAN Y CYNGHORYDD RUSSELL SPARKS

Bu'r Pwyllgor yn ystyried cais a gyflwynwyd gan y Cynghorydd Russell Sparks o Gyngor Sir Caerfyrddin am ollyngiad o dan ddarpariaethau'r Rheoliadau Pwyllgorau Safonau (Caniatáu Gollyngiadau) (Cymru) i siarad a chyflwyno sylwadau ysgrifenedig mewn perthynas â busnes o ran darparu gwasanaethau hamdden yn y Sir, yn enwedig darparu pyllau nofio a gwersi nofio gan y Cyngor.

Dywedwyd bod cais am ollyngiad yn cael ei wneud gan fod gan y Cynghorydd Sparks fuddiant personol a rhagfarnol yn y mater hwn yn rhinwedd paragraff 10 (2)(a) o Gôd Ymddygiad yr Aelodau gan ei fod yn darparu gwasanaethau hamdden yn y Sir, yn enwedig yn y ddarpariaeth o byllau nofio a gwersi nofio gan y Cyngor.

Wrth ystyried y ffaith bod y Cynghorydd Sparks yn darparu gwersi nofio yng Nghanolfan Hamdden Caerfyrddin, roedd Aelodau o'r farn na ddylai gollyngiad ymestyn i unrhyw fusnes y Cyngor ymwneud yn uniongyrchol â phwll nofio Canolfan Hamdden Caerfyrddin na'r ddarpariaeth o wersi nofio yn y pwll hwnnw.

Yn dilyn trafodaeth,

**PENDERFYNWYD YN UNFRYDOL fod gollyngiad yn cael ei ganiatáu o dan Reoliadau 2 (d) a (f) o Reoliadau Pwyllgorau Safonau (Caniatáu Gollyngiadau) (Cymru) 2001 er mwyn galluogi'r Cynghorydd Russell Sparks i SIARAD A CHYFLWYNO SYLWADAU YSGRIFENEDIG YN UNIG OND NID PLEIDLEISIO yng nghyfarfodydd Cyngor Sir Caerfyrddin mewn perthynas ag unrhyw fusnes cyngor ac nad yw'r gollyngiad yn ymestyn i unrhyw fusnes cyngor o ran pwll nofio Canolfan Hamdden Caerfyrddin nac i'r ddarpariaeth o wersi nofio yn y pwll hwnnw.**

## 6. CAIS AM OLLYNGIAD GAN Y CYNGHORYDD A. R. BRAGOLI

[Sylwer:

- Cafodd yr eitem hon ei hystyried ar ôl eitem 7 ar yr agenda.
- Roedd y Cynghorydd Rob James wedi datgan buddiant personol yn yr eitem hon yn gynharach felly gadawodd y cyfarfod cyn i'r eitem gael ei hystyried].

Bu'r Pwyllgor yn ystyried cais a gyflwynodd gan y Cynghorydd Andrew Ronald Bragoli o Gyngor Tref Llanelli am ollyngiad o dan ddarpariaethau'r Rheoliadau Pwyllgorau Safonau (Caniatáu Gollyngiadau) (Cymru) i siarad a chyflwyno sylwadau ysgrifenedig mewn perthynas â busnes o ran ystafelloedd newid Pen-y-gaer.

Dywedwyd bod cais am ollyngiad yn cael ei wneud gan fod gan y Cynghorydd Bragoli fuddiant personol a rhagfarnol yn y mater hwn yn rhinwedd paragraff 10 (2)(a) o Gôd Ymddygiad yr Aelodau gan ei fod yn aelod o grŵp cymunedol o'r enw Caru Lliedi sy'n gweithio gyda'r Cyngor Tref ar hyn o bryd mewn perthynas â chais am grant ar gyfer yr ystafelloedd newid.

Yn dilyn trafodaeth,

**PENDERFYNWYD YN UNFRYDOL** fod gollyngiad yn cael ei ganiatáu o dan Reoliadau 2 (c), (d) a (f) o Reoliadau Pwyllgorau Safonau (Caniatáu Gollyngiadau) (Cymru) 2001 er mwyn galluogi'r Cynghorydd Andrew Ronald Bragoli i SIARAD A CHYFLWYNO SYLWADAU YSGRIFENEDIG YN UNIG OND NID PLEIDLEISIO yng nghyfarfodydd Cyngor Tref Llanelli mewn perthynas ag unrhyw fusnes cyngor o ran Ystafelloedd Newid Pen-y-gaer.

## **7. PENDERFYNIADAU DIWEDDAR Y PANEL DYFARNU**

[Sylwer: Cafodd yr eitem hon ei hystyried cyn eitem 6 ar yr agenda.]

Bu'r Pwyllgor yn ystyried tri adroddiad ar wahân a gyhoeddwyd yn ddiweddar gan Banel Dyfarnu Cymru yn manylu ar ei ganfyddiadau yn achosion

- y Cyn-gynghorydd Paul Dowson;
- y Cyn-gynghorydd Caryl Vaughan;
- y Cyn-Gynghorydd Gordon Lewis.

Nododd y Pwyllgor nad yw'r 3 dan sylw bellach yn gwasanaethu fel cynghorwyr ond bod Panel Dyfarnu Cymru wedi rhoi cyfnodau gwahardd yn amrywio rhwng 1 a 3 blynedd.

Wrth gyfeirio at achos y cyn-Gynghorydd Dowson, amlygwyd pwysigrwydd cynnwys cyfeiriad at y defnydd o gyfryngau cymdeithasol mewn hyfforddiant Côt Ymddygiad a gofynnwyd am i hyn gael ei gynnwys yn yr hyfforddiant Côt Ymddygiad a ddarperir gan Gyngor Sir Caerfyrddin yn y dyfodol.

**PENDERFYNWYD YN UNFRYDOL dderbyn yr adroddiad.**

## **8. UNRHYW FATER ARALL**

Cyfeiriwyd at Ddeddf Llywodraeth Leol ac Etholiadau (Cymru) 2021 a'r gofyniad i ysgrifennu at Arweinwyr Grŵp presennol i sicrhau eu bod yn ymwybodol o'r dyletswyddau newydd a osodwyd arnynt o dan y Ddeddf fel y trafodwyd yn y cyfarfod a gynhaliwyd ar 8 Mawrth 2022 [Cofnod 5 yn cyfeirio]. Gofynnwyd a oedd y llythyr yn cael ei ysgrifennu. Wrth roi sicrwydd i aelodau'r Pwyllgor bod yr arweinwyr grŵp yn gwbl ymwybodol o'u dyletswyddau yn unol â'r Ddeddf, cadarnhaodd Rheolwr y Gwasanaethau Cyfreithiol fod llythyr drafft wedi'i baratoi a'i fod yn y broses o gael ei gwblhau.

Wrth sôn y byddai'n fuddiol i'r Pwyllgor dderbyn cynnydd ar ei gamau gweithredu, cynigiwyd bod cofrestr gweithredu dreigl a oedd yn rhoi statws cynnydd ar bob un o'r camau a godwyd mewn cyfarfod o'r Pwyllgor Safonau yn cael eu cynnwys ar agenda arferol pob cyfarfod Pwyllgor fel eitem agenda safonol. Eiliwyd y cynnig hwn.

**PENDERFYNWYD YN UNFRYDOL** fod cofrestr gweithredu yn cael ei chynnwys ar agenda arferol pob cyfarfod Pwyllgor fel eitem agenda safonol.

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**CADEIRYDD**

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**DYDDIAD**



**PWYLLGOR SAFONAU**  
**24 IONAWR 2023**

**CAIS AM OLLYNGIAD GAN Y CYNGHORYDD A DAVIES**

**Yr argymhellion / penderfyniadau allweddol sydd eu hangen:  
Ystyried y cais a phenderfynu a ddylid caniatáu'r gollyngiad ar  
gyfer y Cyngorydd Davies.**

**Y Rhesymau:**

**Mae ystyried ceisiadau o'r fath yn rhan o faes gorchwyl y  
Pwyllgor.**

Angen ymgynghori â'r Pwyllgor Craffu perthnasol Nac Oes

**Gan gynnwys dyddiad y Pwyllgor (os yw'n hysbys ac unrhyw arsylwadau yma neu yn  
yr adran Ymgynghoriadau)**

Angen i'r Cabinet wneud penderfyniad NAC OES

Angen i'r Cyngor wneud penderfyniad NAC OES

YR AELOD CABINET SY'N GYFRIFOL AM Y PORTFFOLIO: - Y Cyngorydd Linda Evans

Y Gyfarwyddiaeth:

Enw Pennaeth y Gwasanaeth:

Linda Rees-Jones

Awdur yr Adroddiad:  
Robert Edgecombe

Swyddi:

Pennaeth Gweinyddiaeth  
a'r Gyfraith

Rheolwr y Gwasanaethau  
Cyfreithiol

Ffôn: 01267 224018

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

## EXECUTIVE SUMMARY STANDARDS COMMITTEE

### DISPENSATION APPLICATION BY COUNCILLOR A DAVIES

A dispensation application has been received from Councillor Ann Davies of Carmarthenshire County Council . Councillor Davies is a Cabinet Member.

Councillor Davies seeks dispensation to speak and make written representations to the Council's Advisory Panels that are undertaking a review of the Council's rural estate.

Councillor Davies has a personal interest in those reviews as her husband is a tenant on a Council farm which they have occupied since 1991

A reasonable member of the public with knowledge of these facts would be likely to conclude that this would influence the Councillor's view of the wider public interest when it came to that review.

The application from Councillor Davies is attached to this report. The grounds upon which a dispensation can be granted are set out in the Standards Committees (Grant of Dispensations)(Wales) Regulations 2001 . The ground relied upon by Cllr Davies is that her participation is justified by her particular role and expertise. (Regulation 2(f))

In addition, the committee may feel that the further ground that her participation would not damage public confidence (Regulation 2(d)) is also relevant.

If the committee is minded to grant Councillor Davies a dispensation it will need to determine its duration.

**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: LRJones

Head of Administration and Law

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

## CONSULTATIONS

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

Signed: LRJones

Head of Administration and Law

1. Scrutiny Committee – 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

**EXECUTIVE BOARD PORTFOLIO  
HOLDER(S) AWARE/CONSULTED**

**No**

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

Title of Document	File Ref No.	Locations that the papers are available for public inspection
Legal File	DPSC-203	County Hall Carmarthen

**APPLICATION TO THE STANDARDS COMMITTEE  
FOR DISPENSATION**

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

**1. YOUR DETAILS**

Your full name: Celia Ann Davies

Name of your Council: Carmarthenshire County Council

Your address and postcode: Bremenda Uchaf, Llanarthne, Carmarthen SA32 8JX

Contact telephone number(s): 07891 534736

Email address: canndavies@carmarthenshire.gov.uk

**2. DETAILS OF YOUR INTEREST**

What is the matter under consideration?

Discussing the way the Council's farms will be used in the future and create a link between the farms and biodiversity

What is your interest in the above matter?

I live on a Council farm where my husband is the tenant.

When will the above matter be considered?

25 January

Are you applying for dispensation to:

Speak only:  X

Speak and vote:

Make written  
Representations  X

Exercise Executive  
Powers

### 3. GROUNDS FOR DISPENSATION

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

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

#### 4. INFORMATION IN SUPPORT OF YOUR APPLICATION

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

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

I live on a Council farm and have been there since 1991. Gareth and I have just bought a farm locally so we won't be tenants in the near future.

However, I have an expertise in this area as I have been farming and living on the land for over 30 years. I am aware how the Council works with the farms and feel that no one else on the Panel/Committee will have this expertise. It is important that a voice and practical experience in this area is heard on this committee. I am also the Cabinet Member for Rural Affairs and so it is important that the voice of the industry can be heard around the table and for me to hear what is being discussed and decided.

I am very open to change because change is necessary to move forward but in doing so it is important to recognize current practice.

I would be grateful if you could grant a dispensation for me to speak on the Rural Affairs and Climate Change panel (joint committee).

*(please continue on a separate sheet if necessary)*

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

Signed:

Date:

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



## Guidance notes

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

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

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

- (a) no fewer than half of the members of the relevant authority or of a committee of the authority (as the case may be) by which the business is to be considered has an interest which relates to that business;
- (b) no fewer than half of the members of a leader and cabinet executive of the relevant authority by which the business is to be considered has an interest which relates to that business and either paragraph (d) or (e) also applies;
- (c) in the case of a county or county borough council, the inability of the member to participate would upset the political balance of the relevant authority or of the committee of the authority by which the business is to be considered to such an extent that the outcome would be likely to be affected;
- (d) the nature of the member's interest is such that the member's participation in the business to which the interest relates would not damage public confidence in the conduct of the relevant authority's business;
- (e) the interest is common to the member and a significant proportion of the general public;
- (f) the participation of the member in the business to which the interest relates is justified by the member's particular role or expertise;
- (g) the business to which the interest relates is to be considered by an overview and scrutiny committee of the relevant authority and the member's interest is not a pecuniary interest;
- (h) the business which is to be considered relates to the finances or property of a voluntary organisation of whose management committee or board the member is a member

otherwise than as a representative of the relevant authority and the member has no other interest in that business provided that any dispensation shall not extend to participation in any vote with respect to that business; or

- (i) it appears to the committee to be in the interests of the inhabitants of the area of the relevant authority that the disability should be removed provided that written notification of the grant of the dispensation is given to the National Assembly for Wales within seven days in such manner as it may specify.
- (j) It is considered appropriate in all the circumstances to do so where not otherwise possible to make reasonable adjustments to accommodate a persons disability

**PWYLLGOR SAFONAU**  
**24 IONAWR 2023**

**CAIS AM OLLYNGIAD GAN Y CYNGHORYDD P H THOMAS**

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

Ystyried y cais a phenderfynu a ddylid caniatáu'r gollyngiad ar gyfer y Cyngorydd Thomas.

**Y Rhesymau:**

Mae ystyried ceisiadau o'r fath yn rhan o faes gorchwyl y Pwyllgor.

Angen ymgynghori â'r Pwyllgor Craffu perthnasol Nac Oes

**Gan gynnwys dyddiad y Pwyllgor (os yw'n hysbys ac unrhyw arsylwadau yma neu yn yr adran Ymgynghoriadau)**

Angen i'r Cabinet wneud penderfyniad NAC OES

Angen i'r Cyngor wneud penderfyniad NAC OES

YR AELOD CABINET SY'N GYFRIFOL AM Y PORTFFOLIO: - Y Cyngorydd Linda Evans

Y Gyfarwyddiaeth:

Enw Pennaeth y Gwasanaeth:

Linda Rees-Jones

Awdur yr Adroddiad:

Robert Edgecombe

Swyddi:

Pennaeth Gweinyddiaeth  
a'r Gyfraith

Rheolwr y Gwasanaethau  
Cyfreithiol

Ffôn: 01267 224018

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

**EXECUTIVE SUMMARY  
STANDARDS COMMITTEE  
24<sup>TH</sup> JANUARY 2023**

**DISPENSATION APPLICATION BY COUNCILLOR P H  
THOMAS**

A dispensation application has been received from Councillor P H Thomas of St. Ishmael's Council .

Councillor Thomas seeks dispensation to speak and vote in relation to council business regarding the foreshore and cockling activities in the Three Rivers estuary.

Councillor Thomas has a personal interest in council business relating to such matters as he works in the cockling industry.

A reasonable member of the public with knowledge of these facts would be likely to conclude that this would influence the Councillor's view of the wider public interest when it came to Council decisions on the issue.

The Council has no decision making role in relation to the use of the foreshore or the permitting of cockling activities. The Council does not own any land affected by those activities however these activities are the subject of frequent discussion at council meetings.

The application from Councillor Thomas is attached to this report. The grounds upon which a dispensation can be granted are set out in the Standards Committees (Grant of Dispensations)(Wales) Regulations 2001 . Those relied upon by Cllr Thomas are

1. That his inability to participate would upset the political balance of the council to such an extent that the outcome would be likely to be affected. (Regulation 2(c)). This ground only applies to County and County Borough Councils
2. His participation would not damage public confidence (Regulation 2(d))
3. His participation is justified by his particular role and expertise. (Regulation 2(f))

If the committee is minded to grant Councillor Thomas a dispensation it will need to determine its duration.

<b>DETAILED REPORT ATTACHED?</b>	<b>NO</b>
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## 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: LRJones

Head of Administration and Law

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

## CONSULTATIONS

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

Signed: LRJones

Head of Administration and Law

1. Scrutiny Committee – 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

**EXECUTIVE BOARD PORTFOLIO  
HOLDER(S) AWARE/CONSULTED**

**No**

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

Title of Document	File Ref No.	Locations that the papers are available for public inspection
Legal File	DPSC-202	County Hall Carmarthen

Mae'r dudalen hon yn wag yn fwriadol



**APPLICATION TO THE STANDARDS COMMITTEE  
FOR DISPENSATION**

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

**1. YOUR DETAILS**

Your full name:

*CLR PETER HOW THOMAS*

Name of your Council:

*ST ISHMAEL COMMUNITY COUNCIL*

Your address and postcode:

*ROUXVILLE 29 PRIORY STREET KIDWELLY SA17 4TY*

Contact telephone number(s):

*07970960306*

Email address:

*JACKO PH THOMAS@GMAIL.COM*

**2. DETAILS OF YOUR INTEREST**

What is the matter under consideration?

*FORESHORE AND COCKLING ON THE THREE RIVERS*

What is your interest in the above matter?

*WORKING WITHIN THE INDUSTRY*

When will the above matter be considered?

*N/A*

Are you applying for dispensation to:

Speak only:

Speak and vote:

Make written  
Representations

Exercise Executive  
Powers

### 3. GROUNDS FOR DISPENSATION

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

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

### 4. INFORMATION IN SUPPORT OF YOUR APPLICATION

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

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

DUE TO LICENCING REQUIREMENTS, I AM THE ONLY REPRESENTATION ON THE COMMITTEE WITH KNOWLEDGE AND EXPERIENCE IN THIS FIELD WITHOUT MY CONTRIBUTION, I BELIEVE THERE IS A HIGH RISK THAT THE SAFETY OF WORKERS, FUTURE SECURITY OF THIS HISTORIC INDUSTRY AND ITS IMPACT ON THE COMMUNITY COULD BE ADVERSELY IMPACTED WHEN MATTERS ARE PRESENTED TO THE COUNCIL THEREFORE I KINDLY REQUEST DISPENSATION TO ENSURE FAIR AND ACCURATE DECISIONS CAN BE MADE WHICH WILL HELP MAINTAIN PUBLIC CONFIDENCE IN THE ABILITY OF THE COMMUNITY

*(please continue on a separate sheet if necessary)*

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

Signed: 

Date: 

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

## Guidance notes

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

Para.	Type of personal interest	
10(2)(a)	Council business which relates to or is likely to affect: <ul style="list-style-type: none"> <li>• your employment or business,</li> <li>• your employer, firm or company</li> <li>• a contract made between the Council and you</li> <li>• any land, lease or licence in which you have an interest</li> <li>• a public body or other association in which you have membership or hold a position of general control or management</li> </ul>	✓
10(2)(b)	Council business in which there may be a conflict between your decision-making role and your role in representing constituents in your ward	
10(2)(c)	Council business which affects your well-being or financial position, or the well-being, financial position or other interests of a person with whom you live or have a close personal association	
13	Council business which is being considered by an Overview and Scrutiny Committee and which relates to a decision of the Cabinet or another Committee of which you were a member at the time [County Council only]	

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

- (a) no fewer than half of the members of the relevant authority or of a committee of the authority (as the case may be) by which the business is to be considered has an interest which relates to that business;
- (b) no fewer than half of the members of a leader and cabinet executive of the relevant authority by which the business is to be considered has an interest which relates to that business and either paragraph (d) or (e) also applies;
- (c) in the case of a county or county borough council, the inability of the member to participate would upset the political balance of the relevant authority or of the committee of the authority by which the business is to be considered to such an extent that the outcome would be likely to be affected;
- (d) the nature of the member's interest is such that the member's participation in the business to which the interest relates would not damage public confidence in the conduct of the relevant authority's business;
- (e) the interest is common to the member and a significant proportion of the general public;
- (f) the participation of the member in the business to which the interest relates is justified by the member's particular role or expertise;
- (g) the business to which the interest relates is to be considered by an overview and scrutiny committee of the relevant authority and the member's interest is not a pecuniary interest;

- (h) the business which is to be considered relates to the finances or property of a voluntary organisation of whose management committee or board the member is a member otherwise than as a representative of the relevant authority and the member has no other interest in that business provided that any dispensation shall not extend to participation in any vote with respect to that business; or
- (i) it appears to the committee to be in the interests of the inhabitants of the area of the relevant authority that the disability should be removed provided that written notification of the grant of the dispensation is given to the National Assembly for Wales within seven days in such manner as it may specify.

