

# Dogfen ir Cyhoedd



CYNGOR SIR  
YNYS MÔN  
ISLE OF ANGLESEY  
COUNTY COUNCIL

Mr Richard Parry Jones, BA, MA.  
Prif Weithredwr – Chief Executive

CYNGOR SIR YNYS MÔN  
ISLE OF ANGLESEY COUNTY COUNCIL  
Swyddfeydd y Cyngor - Council Offices  
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RHYBUDD O GYFARFOD		NOTICE OF MEETING	
PWYLLGOR SAFONAU		STANDARDS COMMITTEE	
DYDD IAU, 7 MAWRTH 2013 am 10.00 o'r gloch		THURSDAY 7 MARCH, 2013 at 10:00a.m	
SIAMBR Y CYNGOR - SWYDDFEYDD Y CYNGOR, LLANGEFNI		COUNCIL CHAMBER, COUNCIL OFFICES, LLANGEFNI	
Swyddog Pwyllgor	Mr John Gould (01248) 752515	Committee Officer	

## **Aelodau Annibynnol / Independent Members**

Denise Harris Edwards  
Islwyn Jones  
Leslie Lord  
Dilys Shaw  
Michael Wilson

## **Yn cynrychioli'r Cyngor Sir / Representing the County Council**

Cynghorydd Trefor Lloyd Hughes  
Cynghorydd Ieuan Williams

## **Yn cynrychioli'r Cynghorau Tref/Cymuned / Representing the Town/Community Councils**

William Raymond Evans  
John Roberts



## R H A G L E N

**1     DATGANIAD O DDIDDORDEB**

**2     COFNODION Y CYFARFOD (Tudalennau 1 - 4)**

Cyflwyno i'w cadarnhau, gofnodion y cyfarfod a gynhaliwyd ar 11 Rhagfyr 2012.

**3     CWYN YN ERBYN CYNGHORYDD CYMUNED (Tudalennau 5 - 264)**

I ystyried cwyn a chynnal gwrandawriad yn erbyn y Cyngorydd John Foulkes o Gyngor Cymuned Penmynydd a Star yn codi o honiadau iddo dorri'r Côt Ymddygiad i Aelodau yn dilyn ymchwiliad gan yr Ombwdsmon Gwasanaethau Cyhoeddus yng Nghymru a'i gyfeirio i'r Pwyllgor Safonau yn unol ag Adran 69 Deddf Llywodraeth Leol 2000.

Ynghlwm fe geir y papurau sy'n berthnasol i'r achos a'r gwrandawriad.

## STANDARDS COMMITTEE

### Minutes of the meeting held on 11 December, 2012

**PRESENT:**

**Independent Members**

Mr. Michael Wilson – Chair  
Mr. Islwyn Jones – Vice-Chair

Ms. Denise Harris Edwards  
Mr. Leslie Lord  
Mrs. Dilys Shaw

**Representing Town and Community Councils**

Councillor Raymond Evans  
Councillor John Roberts

**IN ATTENDANCE:**

Head of Function (Legal and Administration)/Monitoring Officer,  
Solicitor to the Monitoring Officer (RMJ) (In attendance from Item 5  
onwards),  
Customer Care Officer (BJ) (In respect of Items 5(a)(b) and 6),  
Senior Development Officer (MW) (In respect of Items 8(a)(b)),  
Committee Services Manager (In attendance for Items 1 to 4),  
Committee Officer (MEH) (In attendance from Item 5 onwards).

**APOLOGIES:**

Councillors T.Ll. Hughes, Ieuan Williams.

**ALSO PRESENT:**

None

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The Chair stated that Mr. Meirion Jones, Solicitor to the Monitoring Officer, will be retiring at the end of this month. Members of the Standards Committee wished to thank Mr. Jones for his work for the Standards Committee over the years. Best wishes were extended to Mr. Jones for a healthy and happy retirement.

#### 1 DECLARATION OF INTEREST

Councillor John Roberts declared an interest in respect of Item 4 and left the meeting during consideration thereof.

#### 2 MINUTES

The minutes of the following meetings were confirmed :-

- Minutes of the meeting held on 31<sup>st</sup> October, 2012.
- Minutes of the Dispensation Hearing held on 31<sup>st</sup> October, 2012, subject to the amendment of the spelling mistake of the word 'speak' under Item 3, third paragraph.

#### 3 EXCLUSION OF THE PRESS AND PUBLIC

**RESOLVED** to adopt the following :-

**“Under Section 100(1)(4) of the Local Government Act 1972, to exclude the press and public from the meeting for the following item on the grounds that it may involve the likely disclosure of exempt information as defined in Paragraph 1, Part 1 of Schedule 12A of the said Act.”**

#### **4 COMPLAINT AGAINST A COMMUNITY COUNCILLOR**

Submitted – a report by the Monitoring Officer in relation to the above.

The Monitoring Officer reported that the Public Services Ombudsman for Wales (PSOW) has investigated a complaint that a Community Councillor may have failed to observe the Code of Conduct for Members. Accordingly, the PSOW has found evidence of a failure by the Councillor to comply with his Code of Conduct and the Standards Committee must therefore determine in accordance with paragraph 2.1.b.

**RESOLVED to accept the report.**

**ACTION : A local hearing is arranged at which the Community Councillor will be given the opportunity to make representations in respect of the findings of the investigation and the allegations that he has failed to comply with his Code of Conduct.**

**The meeting returned to public session.**

#### **5 CONDUCT COMPLAINTS TO THE PUBLIC SERVICES OMBUDSMAN FOR WALES**

5.1 Submitted, for information – a report by the Customer Care Officer in the form of an updated matrix for County Councillors. It was reported that no live cases at present.

**RESOLVED to note the report for information.**

**ACTION : An update on any further developments from the Customer Care Officer at the next Standards Committee on 13<sup>th</sup> March, 2013.**

5.2 Submitted, for information – a report by the Customer Care Officer in the form of an updated matrix for Town and Community Councils.

**RESOLVED to note the report for information.**

**ACTION : An update on any further developments from the Customer Care Officer at the next Standards Committee on 13<sup>th</sup> March, 2013.**

#### **6 ADJUDICATION PANEL DECISIONS**

Submitted and noted – a report by the Customer Care Officer in relation to the above.

**RESOLVED to note the report.**

**ACTION : An update on any further developments from the Customer Care Officer at the next Standards Committee on 13<sup>th</sup> March, 2013.**

#### **7 DECISION OF THE ADJUDICATION PANEL REGARDING THE APPEAL OF COUNCILLOR HEFIN THOMAS**

The Chair of the Standards Committee gave a verbal report on his reflections on the decision of the Adjudication Panel and his proposed meeting with the Group Leaders.

**RESOLVED to note the report.**

**ACTION : That a meeting be arranged with the Chair of the Standards Committee and the Group Leaders to discuss the findings of the Adjudication Panel.**

#### **8 (A) STATUS OF MEMBER DEVELOPMENT PLAN**

##### **(B) INTRODUCTION OF PERSONAL DEVELOPMENT REVIEWS FOR MEMBERS**

Submitted – an update report by the Senior Development Officer on matters arising from Member Development Plan and the Members Development Working Group together with Personal Development Reviews for Members.

Concerns were expressed as to the lack of attendance by Members at Training Sessions and the need to address this issue. It was suggested that the Chair of the Standards Committee should meet with the Chair of the Democratic Services Committee and thereafter meet informally with the Group Leaders.

Questions were raised in respect of training for the Members of the Audit Committee and to ascertain if training could be mandatory. The Monitoring Officer responded that she would make enquiries and report back to the Standards Committee

**RESOLVED to note the report.**

**ACTION : That arrangements be made for the Chair of the Standards Committee to meet with the Democratic Services Committee to discuss matters raised in respect of lack of attendance of Members at Training Sessions.**

## **9 NORTH WALES STANDARDS COMMITTEE'S FORUM**

Submitted – draft agenda for the National Conference to be held at Venue Cymru, Llandudno on 19 April, 2013.

The Vice-Chair raised that following the critical Corporate Governance Report 2009 by the Isle of Anglesey County Council and the suggestions within that report that the Standards Committee should be proactive and suggested that a representative from the Wales Audit Office or the Local Government and Communities be invited to the Forum to explain what they expect from local authorities in terms of the activities of Standards Committees.

**RESOLVED that an item be placed on the Agenda of the Forum to invite a representative from the Wales Audit Office or the Local Government & Communities Department be invited to explain what they consider is expected by local authorities in respect of the activities of Standards Committees.**

**ACTION :**

- (1) That an item be placed on the Agenda of the Forum as noted above.**
- (2) That nominations to attend the North Wales Standards Committee's Forum to be held on 19 April, 2013 be discussed at the next Standards Committee to be held on 13<sup>th</sup> March, 2013.**

## **10 PROPOSED CHANGES TO THE CONSTITUTION**

### **(A) PROTOCOL FOR MEMBERS AND OFFICERS AND MULTI-MEMBER WARDS**

Submitted – report by the Panel of 3 Members with proposal regarding 'The Relationship between Members and Officer : Multi Member Wards', contained in Section 5.3.6 of the Relationship Protocol for Members and Officers.

A copy of the 'New Draft regarding Relationship Protocol for Members and Officers' was circulated at the meeting which included :-

*Addition to 5.3.17 to follow on from wording already there so that the full 17.5 reads as follows :-*

*'A serious breach of this Protocol by an Officer may lead to an investigation under the Council's **disciplinary procedure, which is available on the Council's website**. If the matter cannot be resolved at first instance as described in 17.3 and 17.4 above with the Officer concerned or the Officer's Manager or relevant Head of Service, and if the Member wishes to continue to make a complaint against any Officer any such complaint would be rejected unless it is put in writing, signed, and supported by evidence. Any Member, who is also a Member of a Group, would also be expected to have a complaint endorsed in writing by their Group Leader.'*

The Vice-Chair has slight concern with the wording of the above protocol and Members of the Committee agreed that he meet with the Officers to seek an appropriate wording in this respect.

**RESOLVED to note the report and to authorise the Vice-Chair to meeting with the relevant Officers to seek appropriate wording in respect of 17.5 above.**

**ACTION : As noted within the resolution and to report back to the Standards Committee at its meeting to be held don 13<sup>th</sup> March, 2013.**

# **11 PLANNING MATTERS PROCEDURE RULES (PART 4.6 OF THE CONSTITUTION), TO MAKE CHANGES PERMANENT**

Submitted, for information – a report to the Executive Committee and the full Council by the Head of Service (Planning and Public Protection) and the Legal Services Manager regarding making permanent changes to the Constitution, Section 4.6 Planning Matters Rules, following the end of a 12 month trial period. A copy of the decision of the Executive held on 3 December, 2012 and the decision of the full Council held on 6 December, 2012 was attached for information to the Standards Committee and it was noted that a further 12 month trial period will commence.

**RESOLVED to note the report.**

**ACTION : None.**

**MR. MICHAEL WILSON  
CHAIR**

PAPUR / ENCLOSURE  
B

YN Y MATER O ATGYFEIRIAD GAN YR OMBWDSMON GWASANAETHAU  
CYHOEDDUS YNG NGHYMRU I'R PWYLLGOR SAFONAU CYNGOR SIR YNYS MÔN  
YN UNOL AG ADRAN 69 DEDDF LLYWODRAETH LEOL 2000.

CWYNION A WNAED YN ERBYN Y CYNGHORYDD CYMUNED JOHN FOULKES O  
GYNGOR CYMUNED PENMYNYDD A STAR.

### Y BWNDEL DOGFENNAU

7 MAWRTH 2013  
10AM

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IN THE MATTER OF A REFERRAL BY THE PUBLIC SERVICES OMBUDSMAN FOR WALES TO THE ISLE OF ANGLESEY COUNTY COUNCIL'S STANDARDS COMMITTEE PURSUANT TO SECTION 69 OF THE LOCAL GOVERNMENT ACT 2000

COMPLAINTS MADE AGAINST COMMUNITY COUNCILLOR JOHN FOULKES OF THE PENMYNYDD AND STAR COMMUNITY COUNCIL

**BUNDLE OF DOCUMENTS**

7 MARCH 2013  
10AM

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The investigation of a complaint against Councillor John Foulkes of  
Penmynydd and Star Community Council

A report by the Public Services Ombudsman for Wales

Case: 201102860  
201102856  
201102868  
201102913  
201103060  
201103282

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**Introduction**

Report by the Public Services Ombudsman for Wales on the investigation of a complaint made against Councillor John Foulkes of Penmynydd and Star Community Council, of a breach of the Council's statutory code of conduct for members.

This report is issued under section 69 of the Local Government Act 2000.

## **Summary**

It was alleged that Councillor Foulkes had breached the Code of Conduct ("the Code") in that he failed to declare a personal and prejudicial interest at a meeting of Penmynydd and Star Community Council when the matter of whether to support an application for a wind turbine in the local area was considered. Councillor Foulkes took part in the discussions and voted on the matter, his vote being influential in the Community Council's decision not to object to the application. Councillor Foulkes had previously submitted screening applications for similar wind turbines on his own land in the area and has since submitted a full planning application for a similar turbine.

On the basis of the allegations, the Ombudsman started an investigation to consider whether Councillor Foulkes may have breached the Code by failing to declare a personal and prejudicial interest.

Evidence was obtained from the Community Council, from the County Council's solicitor and from those present at the meeting when the wind turbine application was discussed. Councillor Foulkes also gave his written responses to the allegations.

The Ombudsman concluded that the evidence suggested that Councillor Foulkes had a personal interest by virtue of paragraph 10(1) of the Code and that the failure to declare this may constitute a breach of paragraph 11(1) of the Code. He also concluded that this interest could also be regarded as prejudicial in nature and therefore Councillor Foulkes may also have been in breach of paragraph 14(1)(a) of the Code by voting on the matter.

The Ombudsman decided that the report on this investigation should be referred to the Monitoring Officer of the Isle of Anglesey County Council for consideration by the Council's Standards Committee.



### **The complaint(s)**

1. Between December and January, I received six complaints from members of the public that Councillor John Foulkes had failed to observe the Code of Conduct for members ("the Code") of Penmynydd and Star Community Council. It was alleged that Councillor Foulkes had failed to declare an interest in a matter on which he had voted at a Community Council meeting of 5 December 2011. Copies of the complaints are attached at Appendix 1.

### **Legal background**

2. As required by Part III of the Local Government Act 2000 (the Act), the Penmynydd and Star Community Council has adopted a code of conduct for members which incorporates the provisions of a model code contained in an order made by the Welsh Ministers. A copy of the Community Council's Code of Conduct is at Appendix 2. A copy of the Model Code of Conduct is at Appendix 3. Council members are required to sign an undertaking that, in performing their functions, they will observe the Council's Code of Conduct. Councillor Foulkes gave such an undertaking on 28/07/04. A copy of that declaration is attached at Appendix 4.

3. Section 69 of the Act provides the authority for my investigation and the production of this report.

### **My investigation**

4. Having decided that it was appropriate to investigate whether Councillor Foulkes had failed to comply with the Code of Conduct, I considered the following provisions:

"10. – (1) you must in all matters consider whether you have a personal interest, and whether this code of conduct requires you to disclose that interest.

(2) You must regard yourself as having a personal interest in any business of your authority if –

(c) a decision upon it might reasonably be regarded as affecting –

(i) your well-being or financial position, or that of a person with whom you live or any person with whom you have a close personal association;

to a greater extent than the majority of ... council tax payers, rate payers or inhabitants of the authority's area."

11. – (1) Where you have a personal interest in any business of your authority and you attend a meeting at which that business is considered, you must disclose orally to that meeting the existence and nature of that interest before or at the commencement of that consideration, or when the interest becomes apparent.

12. – (1) Subject to sub-paragraph (2) below, where you have a personal interest in any business of your authority you also have a prejudicial interest in that business if the interest is one which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice your judgement of the public interest.

13. – (1) Subject to sub-paragraphs (2), (3) and (4), where you have a prejudicial interest in any business of your authority you must, unless you have obtained a dispensation from your authority's standards committee –

(a) withdraw from the room , chamber or place where a meeting considering the business is being held-

i) where sub-paragraph (2) applies, immediately after the period for making representations, answering questions or giving evidence relating to the business has ended and in any event before further consideration of the business begins, whether or not the public are allowed to remain in attendance for such consideration; or

ii) in any other case, whenever it becomes apparent that the business is being considered at that meeting;

...



(c) not seek to influence a decision about that business,

... ”

5. Councillor Foulkes was accordingly informed of my intended investigation. A copy of this letter is at Appendix 5.

6. During my investigation I have obtained copies of minutes and other documents from the Community Council. I have also obtained a copy of the note made by the County Council's solicitor of his telephone conversation with Councillor Foulkes before the Community Council meeting of 7 December 2011. Statements were obtained from the other councillors present at the meeting and the County Council's representative at the meeting. Copies of all statements and documents referred to in this report are attached as appendices.

7. I have put the evidence found by my investigation to Councillor Foulkes, enabling him to review that evidence before responding to the questions which I put to him. His responses, which will be summarised later in this report, are set out in full at Appendix 15.

8. I have given Councillor Foulkes the opportunity to comment on a draft of this report which included my provisional views and finding.

### **My guidance on the Code of Conduct**

9. I originally issued guidance for members of local authorities in Wales on the model code of conduct in April 2010 ("my guidance"). I have included at Appendix 20 extracts of the guidance which are relevant to this complaint. (On 17 September 2012, a revised edition of the guidance was put up on the website.)

### **Events leading to the complaint**

10. Councillor Foulkes is an elected member of Penmynydd and Star Community Council. In July 2011, he submitted three applications for a planning screening opinion<sup>1</sup> to site wind turbines on his own land. Two of these applications were for a single turbine on each of two sites in the

<sup>1</sup> A screening opinion is where, prior to making a formal planning application, planning applicants can apply for an opinion on whether a potential development should be subject to an Environmental Impact Assessment.



local area- Marchynys, Penmynydd and Ty'n Buarth, Penmynydd. A third planning screening application was made for a single wind turbine on another site owned by him at Llangaffo. Since the events in question, Councillor Foulkes has submitted a full planning application to erect a wind turbine on the Marchynys site. The list of these applications is set out at Appendices 17 and 18.

11. At a meeting of Penmynydd and Star Community Council on 5 October, item 3 on the agenda related to wind turbines. It was noted in the minutes that Councillor Foulkes had declared a personal interest in relation to the item about wind turbines. On the form [see Appendix 12], he stated that "I have made applications for wind turbines" and "I have applications pending and intend leaving the room if they are discussed". However, no specific discussion on wind turbines took place as no full wind turbine planning applications had yet been received by the Council. The minutes noted that once an application had been received, a public meeting would be held [Appendix 11].

12. The next meeting of the Community Council took place on 7 December 2011. It was preceded by a public meeting to discuss a wind turbine application which had been received for a site at Ty Fry. A large number of members of the public turned up to this meeting. At the Community Council meeting which followed the public meeting, the wind turbine application at Ty Fry was discussed and a vote was taken as to whether the Community Council should object to the application. The minutes note that there were no declarations of interest and the Community Council Chairman stated that he specifically asked Councillor Foulkes whether he wished to declare an interest. No declaration of interest was made. There were five community councillors present and a representative from the County Council. Councillor Foulkes, along with the other four community councillors discussed whether the Community Council should object to the wind turbine application and voted on it. Councillor Foulkes proposed the vote not to object to the wind turbine application and it was determined that no objection should be made by three votes to two [Appendices 13 and 14].



13. The previous afternoon (6 December 2011) Councillor Foulkes had telephoned the Council's solicitor to request advice as to whether it was in order for him to participate in the Community Council's discussion and vote about the wind turbine application at Ty Fry, given his own wind turbine application. The Council's solicitor stated that he discussed the matter with Councillor Foulkes. He referred him to the Code of Conduct and in particular to paragraphs 10(2)(a) and 10(2)(c). He also drew Councillor Foulkes's attention to paragraph 12 of the Code. The Council's solicitor suggested that if the Ty Fry application were approved then it would be more likely that Councillor Foulkes's application would be approved. However, he stated that it was a matter for Councillor Foulkes to decide as to whether he had an interest and should take part in the discussion and vote or not. The solicitor's note is in full at Appendix 16.

#### **What Councillor Foulkes said**

14. Councillor Foulkes stated that he had declared an interest (that he had made a screening application for a wind turbine) at the Community Council meeting of 5 October because there was going to be a general discussion on wind turbines at that meeting.

15. He confirmed that, at the following Community Council meeting of 7 December 2011, he attended and voted on the Ty Fry wind turbine application. He explained that, in this instance, he did not consider that he had a personal interest in discussing and voting on the Ty Fry application as it was out of sight of his application site and it was not related to his own application.

16. Councillor Foulkes confirmed that he recalled the discussion with the Council's solicitor the evening before the Community Council meeting. He said that he had discussed two occasions when he had taken part in Community Council discussions about a house renovation and a planning application when he himself had a similar application pending for property renovation or development. In Councillor Foulkes's recollection of the conversation, the solicitor's view was that the wind turbine applications were 'more unique', but that it was Councillor Foulkes's decision as to whether he had an interest to declare.



17. Councillor Foulkes stated that he proposed the vote not to object to the wind farm application because he knew the exact location of the proposed site and in his view it would have a minimal effect on the surrounding properties and area. In considering the application, he said that he also took into account that Anglesey Council has declared itself an energy island, generally in favour of renewable electricity production. He also cited planning policy giving a presumption in favour of renewable energy. Councillor Foulkes stated that he did not accept that if planning permission were granted for the Ty Fry site, it would enhance his chances of having a wind turbine application approved. His view was that he had not breached paragraph 11 of the code. He did not consider that the issue of prejudicial interest was relevant as a member of the public who knew the sites would know that they were definitely not neighbouring and therefore would not conclude that he had a prejudicial interest.

#### **Advice from an independent planning adviser**

18. I have taken advice from an independent planning adviser, who is an experienced former planning inspector. I asked him to consider whether the success of a planning application for a wind turbine in the locality could be regarded as setting a precedent for, and thereby potentially influencing, future turbine applications in the area. He set out the Court's approach<sup>2</sup> on precedent in planning cases. Specifically, the Court ruled that it was important when considering a single planning application to ask what the consequences in the locality would be and what side effects would flow if permission were granted. To consider whether a precedent would be established in planning terms, there must be evidence (rather than mere assertion) to indicate that, if planning permission were granted, it would make it more difficult to refuse other applications for similar development which may have damaging effects.

19. In a second case<sup>3</sup>, the judge stated that there must be evidence of the likelihood of a precedent effect. A clear example that was given was "sporadic development in the countryside". The adviser stated that setting a precedent is therefore a material consideration in determining planning applications. However, there would have to be evidence in

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<sup>2</sup> Collis Radio Ltd v SSE [1975] JPL 221

<sup>3</sup> Poundstretcher v SSE [1988] 3 PLR 69



each case that there could be a proliferation of similar applications that would be difficult to refuse if the application in question was allowed.

20. In the specific circumstances of this case, the planning adviser noted that the proposed sites at Ty Fry and Marchynys are both in rural locations with a scatter of dwellings near to the application site. The turbines are of similar size. The applications share similar features from a planning point of view. The effect of the wind turbine on the appearance of the countryside and the proximity of dwellings to the turbine are likely to be material considerations in assessing the merits of the applications. The Community Council's support or opposition to the wind turbine application at Ty Fry would be incorporated in the local planning authority's assessment of the development. The effect of a precedent is always tempered by other planning factors that are particular to each site, but precedent would be a consideration that weighed in favour of, or towards refusal of, any wind turbine application. The adviser noted the strong similarity between the two sites and, in his view, the Community Council's support for one would have some bearing on the prospects for the other. The adviser's note is set out in full at Appendix 19.

### **Disputed facts**

- a) Did Councillor Foulkes have a personal interest in agenda item 5 (wind turbine application at Ty Fry) at the 7 December 2011 meeting?
- b) If so, should Councillor Foulkes have been aware of that interest and declared it during the meeting?
- c) Did Councillor Foulkes have a prejudicial interest in agenda item 5 (wind turbine application at Ty Fry) at the 7 December 2011 meeting?
- d) If so, should Councillor Foulkes have remained in the meeting and participated in the vote on this item?

### **Analysis of evidence**

21. Did Councillor Foulkes have a personal interest in agenda item 5 (the Ty Fry application)?



Councillor Foulkes had submitted three screening applications for wind turbines on his land. Two of these were in the vicinity of the proposed site which was being discussed. Councillor Foulkes disputes that he had a personal interest in the wind turbine application under discussion because it was not related to his application, it was not visible from the site of his application and it did not involve the same energy company. Councillor Foulkes stated that, whilst he has an interest in wind energy in relation to his own applications, he had no personal interest in the Ty Fry application.

I am mindful of the content of the Council's solicitor's note of his conversation with Councillor Foulkes. I note that the issue of precedent was suggested by the Council's solicitor in that "if this application was approved then it was more likely that his application would be approved and therefore it was a matter for him to decide to consider whether he in fact should take part in the matter or not. I used the analogy of two applications for a new bungalow in a green field. If one was approved then the second was more likely to be approved."

I have also considered the advice given by the independent planning adviser. He has cited case law showing that precedent development is a material planning consideration and has particular relevance in respect of sporadic developments in the countryside. Single wind turbine applications in rural locations would fall into this category of applications. The actual distance or visibility from the application site are not the most important factors, rather the similarity of the nature of the proposed development and the application sites in question.

I am satisfied in this case that the similarity in the size of the proposed wind turbines and the application sites is sufficient to point to the possibility of the Ty Fry application creating a precedent, which would advantage any future similar applications for wind turbines in the area. The wording of the Code is that a councillor should regard himself as having a personal interest in any business if a decision upon it might reasonably be regarded as affecting his wellbeing or financial position, to a greater extent than the majority of other inhabitants of the Community Council's area. I am satisfied that a decision on the Ty Fry application



could be regarded as such, and therefore that Councillor Foulkes did have a personal interest in the decision on this matter.

22. Should Councillor Foulkes have been aware of the interest and declared it during the meeting?

I have taken account of the fact that Councillor Foulkes contacted the Council's solicitor for advice on this issue. It is clear that Councillor Foulkes was sufficiently concerned that he might have a personal interest that he sought further advice. Whilst it is always the responsibility of each individual councillor to consider whether he/she may have a personal and prejudicial interest, the advice given by the solicitor to Councillor Foulkes did indicate the potential advantage to subsequent similar applications, if the Ty Fry one were approved. I also note that the Council's solicitor specifically drew paragraphs 10, 11 and 12 of the Model Code to Councillor Foulkes's attention during the conversation. I am satisfied that Councillor Foulkes had sufficient information available to him, following this conversation, to enable him to conclude he had a personal interest in this matter. I am also satisfied that he had sufficient opportunity during the meeting to declare his interest.

23. Did Councillor Foulkes have a prejudicial interest in agenda item 5 (the Ty Fry application)?

A personal interest will also be prejudicial where the matter does not fall within one of the exempt categories of business and where an informed independent observer would conclude that the interest would influence a member's vote or decision.

When considering allegations of this nature I have to consider whether a reasonable member of the public with knowledge of all the relevant facts would think that a member's judgment of the public interest might be prejudiced. The public perception of the decision is the key element here; it does not matter whether the member's decision was actually swayed in any way.



The Ty Fry application under discussion does not fall within one of the exempt categories of business set out in the Code. In view of Councillor Foulkes's own submission of three screening applications for wind turbines on his own land, I am satisfied that an independent member of the public would perceive a conflict of interest between Councillor Foulkes's own planning applications for wind turbines and his ability to objectively judge the public interest on a similar application in the local area. I take the view therefore that Councillor Foulkes's interest in this matter is also a prejudicial one.

24. Should Councillor Foulkes have remained at the meeting?

Where a councillor has a prejudicial interest, the Code requires him to withdraw from the meeting room and not seek to make any oral representations or influence a decision about that business. Councillor Foulkes remained at the meeting, made a significant contribution to the discussion and proposed the vote against making an objection to the Ty Fry application. Given that the vote not to object was passed by three to two, Councillor Foulkes's participation and vote had a considerable influence on the outcome. Given that Councillor Foulkes's interest in this matter could be deemed to be prejudicial, I believe that he should have withdrawn from the meeting and should not have participated in the vote.

### **Conclusions**

25. The evidence from my investigation is that Councillor Foulkes took an active role in the Community Council meeting of 7 December 2011. The Community Council's decision not to object to the Ty Fry wind turbine application was directly attributable to his involvement.

26. The elements of the Code covering personal and prejudicial interests are designed to safeguard the principles of selflessness and objectivity. They are intended to give members of the public confidence that decisions are being taken in their best interests and not in the interests of members of authorities or their close personal associates.

27. The Code requires members to consider in all matters whether they have a personal interest and if so whether it should be declared. It



is clear that in contacting the Council's solicitor Councillor Foulkes considered that he might be regarded as having an interest in relation to the Ty Fry application. From the evidence I have seen, I am satisfied that Councillor Foulkes was made sufficiently aware of circumstances when planning precedent may convey an advantage. I accept that he would not have been aware of the specific legal points about precedent as outlined above by the planning adviser, but the evidence indicates that he was made aware of the content of the relevant parts of the Code and the potential advantage of precedent to his own application. I am satisfied that the information given to Councillor Foulkes by the Council's solicitor was sufficient to have led Councillor Foulkes to the conclusion that, by virtue of his own wind turbine application, a decision on the Ty Fry wind turbine application might reasonably be regarded as affecting his own well-being or financial position more than that of others in the area, giving rise to a personal interest under paragraph 10(2)(c)(i). It therefore follows that Councillor Foulkes's failure to orally disclose that interest at the meeting may have amounted to a breach of paragraph 11(1) of the Code.

28. The test relating to prejudicial interests is not whether Councillor Foulkes thought that he would take the decision impartially; from the evidence that he has given I have no doubt that he considered that he was taking a reasoned view. However, the test is much wider than that and relates to public confidence in decisions that are taken on its behalf. The wording of the Code reflects this. It is extremely important that the public has confidence in the decisions taken by its elected members. This is all the more so where there are strongly held views (either for or against) on the issues in question.

29. I am satisfied that Councillor Foulkes's personal interest in a wind turbine application could be perceived by an independent member of the public as so significant as to influence his judgment of the public interest on this matter. I therefore consider this personal interest to also be of a prejudicial nature under paragraph 12(1) of the Code. Councillor Foulkes remained at the meeting and played an influential part in the discussion and voting. It follows that I consider that Councillor Foulkes may also have been in breach of paragraph 14(1)(a) of the Code.

30. In considering this complaint, I have taken into account that Councillor Foulkes is a Community Councillor, rather than a County Councillor. He was therefore acting as a consultee rather than the primary decision maker on the Ty Fry application. Nevertheless, the Community Council's decision to support the Ty Fry application still had a bearing on the prospects for Councillor Foulkes's own application given their similarity. In addition, I note that Councillor Foulkes has stated that he has not had any training on the Code and perhaps it may be of benefit for Councillor Foulkes to be offered such training.

### **Finding**

31. My finding under section 69 of the Local Government Act 2000 is that my report on this investigation should be referred to the Monitoring Officer of Isle of Anglesey County Council, for consideration by the Council's Standards Committee.

Peter Tyndall  
Ombudsman

24 October 2012

DOGFEN / DOCUMENT  
2







# Appendix

# 1

**A complaint form has been submitted on the Ombudsman website. The following information was submitted:**

**Your details**

Your Name in Full Mr Nicholas Moore

Full Address Ty Coch Talwrn Anglesey  
LL75 7DR

Email nicmoore8@googlemail.com

Telephone 01248722883

**Name of the public body you are complaining about**

Penmynydd and Star Community Council

**Name of the member(s) you consider to have broken the code of conduct**

**Explain how the individual(s) have broken the code of conduct**

In relation to the Community Council meeting on the 7 December 2011 at Penmynydd community Hall. Public meeting to discuss a proposed wind turbine at Ty Fry Rhoscefnhir. Chaired by Mr Leon Gibson followed by a vote by the community council. Mr John Foulkes voted in favor of the wind turbine yet did not declare an interest in this application. Mr Foulkes has submitted 3 screening applications for wind turbines himself. Mr Foulkes was rude to the public and said that there were only 4 people in the hall from the community and that the rest were outsiders. On a hand vote there were over 100 people from the immediate community. Mr Huw Roberts and Mr Alun Owen voted only after being asked to by Mr Foulkes. They briefly discussed why they should vote in favor of the turbine and agreed to do so as the applicant muck spreads their fields. There were over 200 people at the meeting and 95% were against the turbine and expressed their views clearly. The 3 who voted for the turbine did so for personal gain and not the wishes of their community.

**Do you have any documents to support your complaint?**

**Please tick appropriate box below:**

No

**I understand and accept that my identity and the details of my complaint will be passed on to the member who I am making a complaint against and that they may become public knowledge. I confirm that I am prepared to give spoken evidence in public in support of my complaint to the authority's Standards Committee, or any case tribunal which may be appointed to consider any report which the Ombudsman may issue if he decides to investigate my complaint.**

30 Dec 2011 09:20:59

**A complaint form has been submitted on the Ombudsman website. The following information was submitted:**

**Your details**

Your Name in Full      Mrs Nikki Gillard  
Full Address      Pant Mawr Penmynydd LLANFAIRPWLLGWYNGYLL  
                         LL61 6PG  
Email                nikkigillard@googlemail.com  
Telephone

**Name of the public body you are complaining about**

Penmynydd and Star Community Council

**Name of the member(s) you consider to have broken the code of conduct**

John Foulkes

**Explain how the individual(s) have broken the code of conduct**

I attended the public meeting held prior to Penmynydd Community Council Meeting on 7/12/11 at which planning application 41C124-industrial sized wind turbine at Ty Fry, Rhoscefnhir was considered. I am appalled that Mr John Foulkes remained in the room and then voted in a matter in which he has a prejudicial interest. In a previous Community Council meeting he, himself had declared his own personal interest and refrained from participating in a discussion on wind turbines. Yet on Wednesday, when the Community Council were deciding on their recommendations to the County Council, he had no such qualms and his voting reflected his own personal interest rather than that of the community. I believe strongly that Mr Foulkes' actions were in breach of Constitution 5.1 Moral code of conduct. He has a personal interest in the approval of planning applications for wind turbines in the local area since he also has submitted applications for such developments on his own land. He did not (that I am aware) disclose his interest. He did not withdraw from the room. He actively participated in the discussion and encouraged Community Council members to vote on the matter rather than abstain.

**Do you have any documents to support your complaint?**  
**Please tick appropriate box below:**

Yes

**I understand and accept that my identity and the details of my complaint will be passed on to the member who I am making a complaint against and that they may become public knowledge. I confirm that I am prepared to give spoken evidence in public in support of my complaint to the authority's Standards Committee, or any case tribunal which may be appointed to consider any report which the Ombudsman may issue if he decides to investigate my complaint.**

4 Jan 2012 09:22:31

000023



**A complaint form has been submitted on the Ombudsman website. The following information was submitted:**

**Your details**

Your Name in Full Mr Mark Gillard

Full Address Pant Mawr Penmynydd LLANFAIRPWLLGWYNGYLL  
LL61 6PG

Email markgillard@talktalk.net

Telephone

**Name of the public body you are complaining about**

Penmynydd and Star Community Council

**Name of the member(s) you consider to have broken the code of conduct**

**Explain how the individual(s) have broken the code of conduct**

In the Community Council meeting for the village of Penmynydd (Anglesey) on 7th December 2011, Community Councillor Mr. John Foukes joined in the discussion relating to the Planning Application for a 71m high wind turbine at Ty Fry, Rhoscefnhir; he also voted on the decision whether or not to recommend it, in which he supported the application. He has a vested interest in the outcome of this planning application (and others like it) since he himself has applications in the pipeline for similar installations locally. He should not have voted; he should not even have joined in the debate. The vote was 3 in favour, 2 against - if he had not voted, I understand that Penmynydd Community Council's response to the County Council on the Ty Fry turbine application would have been against it (since the Chairman voted against and his casting vote would have swayed the decision in-line with the majority, local, public opinion). Such large-scale wind turbines are inappropriate for the this rural community and I believe Mr Foulkes was acting in his own (financial) interests. I was present at both the Public and Community Council meetings that evening, and am a resident of Penmynydd village.

**Do you have any documents to support your complaint? Please tick appropriate box below:**

No

**I understand and accept that my identity and the details of my complaint will be passed on to the member who I am making a complaint against and that they may become public knowledge. I confirm that I am prepared to give spoken evidence in public in support of my complaint to the authority's Standards Committee, or any case tribunal which may be appointed to consider any report which the Ombudsman may issue if he decides to investigate my complaint.**

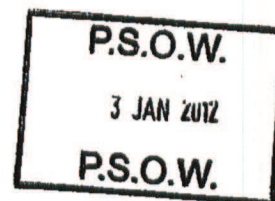
29 Dec 2011 15:07:11

000024

**A complaint form has been submitted on the Ombudsman website. The following information was submitted:**

**Your details**

Your Name in Full Dr. Alex Gordon-Clark  
Full Address Minffordd Penmynydd LLANFAIRPWLLGWYNGYLL  
LL61 6PG  
Email alexgc@doctors.org.uk  
Telephone



**Name of the public body you are complaining about**

Penmynydd and Star Community Council

**Name of the member(s) you consider to have broken the code of conduct**

**Explain how the individual(s) have broken the code of conduct**

This complaint relates to the failure of the applicant to declare a conflict of interest when considering a wind turbine planning application, and to influence the council to make a decision in his favour. Mr Foulkes also has an application pending and the passing of the one under consideration would establish a precedent which would favour his own application since there are no industrial-sized turbines in the area at present. During the meeting Mr Foulkes remained quiet as there was a considerable public presence, but when it seemed the Council would vote against the application, he intervened, at which point the two members who had initially abstained changed their minds and voted with him in favour of the applications. The vote was passed 3 to 2 in favour. This was following a Public Meeting where the overwhelming majority of local residents voiced their objection to the application. Mr Foulkes is in breach of Paragraph 90 of the Council's Standing Orders. His actions during the meeting, constituted an abuse of his position, and contributed to a failure of the Council to represent the Community's views.

**Do you have any documents to support your complaint? Please tick appropriate box below:**

No

**I understand and accept that my identity and the details of my complaint will be passed on to the member who I am making a complaint against and that they may become public knowledge. I confirm that I am prepared to give spoken evidence in public in support of my complaint to the authority's Standards Committee, or any case tribunal which may be appointed to consider any report which the Ombudsman may issue if he decides to investigate my complaint.**

4 Jan 2012 12:29:42



12 JAN 2012

## Code of conduct complaint form

Please use black ink if possible and fill in your name in BLOCK CAPITALS.

### A Your details

Your name in full OWAIN D. EVANS OMBUDSMAN OF ANGLESEY AGAINST WIND TURBINES

Address and postcode TY GWYN, PENMYNYDD, LLANDAIR PG.  
LL61 5BX.

E-mail oawt@hotmail.co.uk

Daytime contact number 01848 722 333

Mobile number

### B Who are you complaining about?

Name of the member (or members) you consider has (have) broken the code of conduct

COUNCILLOR JENN FOULKES.

Name of their authority

PENMYNYDD COMMUNITY COUNCIL - ANGLESEY

### C How do you think they have broken the code of conduct?

Please tell us what evidence you have for claiming that the member has broken the code of conduct (you can get copies of the code from the authority). Give as much detail as possible and continue on a separate sheet if you need to. Please attach copies of any relevant correspondence, documents and so on.

SEE ATTACHED DOCUMENTATION.

COMMUNITY COUNCIL MINUTES. 7<sup>th</sup> DECEMBER 2011  
COMMUNITY COUNCIL MINUTES. 5<sup>th</sup> OCTOBER 2011  
NOTES PREPARED BY ANGLESEY AGAINST WIND TURBINES.

Continue over the page

000026



30 JAN 2012

PSOW

## Code of conduct complaint form

Please use black ink if possible and fill in your name in BLOCK CAPITALS.

### A Your details

Your name in full PAUL ANTHONY CORNEILL HELEN MARGARET TAYLOR

Address and postcode LLECHWEDD FARM RHOSCEFNHIR

PENTRAETH ANGLESEY

LL75 8YR

E-mail pcorneill@btinternet.com

Daytime contact number 01248 450930 Mobile number

### Who are you complaining about?

Name of the member (or members) you consider has (have) broken the code of conduct

JOHN FOULKES

Name of their authority

YNYS MÔN COUNTY COUNCIL

### C How do you think they have broken the code of conduct?

Please tell us what evidence you have for claiming that the member has broken the code of conduct (you can get copies of the code from the authority). Give as much detail as possible and continue on a separate sheet if you need to. Please attach copies of any relevant correspondence, documents and so on.

Public Meeting, Hwyl Ysgol Penrhynog 07.12.11  
Voting procedure at Community Council meeting following  
the above meeting to consider planning application  
No. 41C124

An unprecedented number of people attended the public meeting  
(over 300) all of whom were against the application ~~of~~  
with the exception of about 3 including the applicant and  
his son.

Following the Community Council's debate at their  
meeting which followed, the decision of the Committee  
was to approve the application.

A member of the Committee, John Foulkes of Harbours,  
Penrhynog, has made an application 41C66C/SCR re. siting  
of a wind turbine. (see attached letter from Meirion Jones)  
John Foulkes did not declare an interest and did vote  
for the application.

Continue over the page

000027



# Appendix

# 2

000029



# **STANDING ORDERS - PENMYNYDD AND STAR COMMUNITY COUNCIL**

## **MEMBERS' AND OFFICERS' CODES OF CONDUCT**

73. Councillors shall conduct themselves in accordance with the prescribed principles governing their conduct, as referred to in Section 49(2) of the Local Government Act 2000 and the Conduct of Members (Principles)(Wales) Order 2001, namely, selflessness, honesty, integrity and propriety, duty to uphold the law, stewardship, objectivity in decision-making, equality and respect, openness, accountability and leadership.
74. Councillors shall, in conducting the business of the Council, undertaking the role of member thereof to which they were elected or appointed, and acting as a representative of the Council, observe and adhere to its Code of Conduct adopted in accordance with the requirements of Section 51 of the 2000 Act, incorporating any model Code issued by the National Assembly for Wales under Section 50(2) thereof.
75. Where a Councillor acts as a representative of the Council on another body, that member shall, when acting in that capacity, comply with the Code unless it conflicts with any legal obligations arising as a consequence of service on that body.
76. Councillors shall carry out their duties and responsibilities with due regard to the need to promote equality of opportunity for all people, regardless of their gender, race, disability, sexual orientation, age or religion, and show respect and consideration for others. They must not do anything which compromises, or which is likely to compromise, the impartiality of the authority's employees.
77. Councillors shall not disclose information given in confidence, without the express consent of a person authorised to give such consent, or unless required by law to do so, and shall not prevent any person from gaining access to information to which that person is entitled by law.
78. Councillors shall not in their official capacity, or otherwise, commit a criminal offence or cause one to be committed or behave in a manner which could be reasonably regarded as bringing the office of Councillor or the Council into disrepute and shall report to the Local Commissioner for Local Administration in Wales and to the appropriate Monitoring Officer (viz. the officer appointed as such by the County within whose area the Council is situated) any conduct by another member of the Council which they believe involves, or is likely to involve, a failure to comply with the Code but, in relation to this requirement, must not make vexatious or malicious complaints against other persons. They shall also report any conduct by another person which they believe involves, or is likely to involve, criminal behaviour.
79. A Councillor (other than a member who is the subject of an investigation by the Monitoring Officer) shall comply with any requirement made by the Monitoring Officer in connection with an investigation.
80. Councillors shall not, in their official capacity, or otherwise, use their position improperly to confer on or secure for any person, and in particular their family, friends or those with whom they have a close personal association, an advantage or disadvantage or to secure an advantage for themselves. They shall, when (corporately) using or authorising the use by another Councillor of the resources of the Council, do so prudently and in accordance with the law and the Council's requirements and they shall ensure that the resources of the Council are not used improperly for their own private purposes, their family, friends and persons with whom they have a close personal association.
81. Councillors, when reaching decisions, shall do so on the basis of the merits of the circumstances involved and in the public interest, having regard to any relevant advice



## **STANDING ORDERS - PENMYNYDD AND STAR COMMUNITY COUNCIL**

provided by the Council's officers, in particular its Responsible Financial Officer, the Monitoring Officer and its legal officer who should be consulted when there is any doubt as to the Council's power to act, or as to whether the action proposed lies within the policy framework agreed by the Council where the legal consequences of action or failure to act by the Council might have important repercussions; and shall give reasons for decisions in accordance with the Council's requirements.

82. Councillors shall observe the law and the Council's rules governing the claiming of expenses and allowances in connection with their duties as Councillors and shall avoid accepting from anyone gifts, hospitality (other than official hospitality, such as a civic reception or a working lunch duly authorised by the Council), material benefits or services for themselves or any person with whom the Councillor is living that would, or might reasonably appear to, place him/her under an improper obligation.
83. Councillors shall, in all matters, consider whether they have a personal interest, and whether the Code requires them to disclose that interest.
84. A Councillor has a personal interest in a matter if he/she anticipates that a decision upon it might reasonably be regarded as likely to benefit or disadvantage: -
- (a) the Councillor, one of his/her family or a friend, or any person with whom he/she has a close personal association, or
  - (b) a body which employs those persons, or for which those persons have any degree of ownership, control or management to a greater extent than other council tax payers, ratepayers or inhabitants of the Council's area.
85. Councillors shall regard themselves as having a personal interest in a matter to the extent that it relates to: -
- (a) another relevant authority of which they are a member;
  - (b) a body in which they hold a position of general control or management; or
  - (c) a body to which they have been appointed or nominated by the Council as a representative.
86. Councillors shall also regard themselves as having a personal interest in a matter to the extent that it relates to: -
- (a) any full-time, part-time or intermittent employment, office, trade or profession carried on by them for profit or gain;
  - (b) any person who employs or has appointed them, any firm in which they are a partner, or any company of which they are a remunerated director;
  - (c) any person, other than a relevant authority (i.e. a County Council, County Borough Council, Fire Authority or a National Park Authority), who has made a payment to them in respect of their election or any expenses incurred in carrying out their duties;
  - (d) any corporate body which has a place of business or land in the Council's area, where the Councillor has a beneficial interest in a class of securities of that body which exceeds £25,000 in value (based upon original cost) or one hundredth of the total issued share capital of that body (whichever is the lower);
  - (e) any contract for goods, services or works made between the Council and the Councillor, a firm in which the Councillor is a partner, a company of which the Councillor is a director, or a body falling within those referred to in (d) above;
  - (f) any land in which the Councillor or a member of the Councillor's family has a beneficial interest and which is in the area of the Council;
  - (g) any land of which the landlord is the Council and the tenant is a firm in which the Councillor is a partner, a company of which the Councillor is a director, or a body falling within (d) above;



## STANDING ORDERS - PENMYNYDD AND STAR COMMUNITY COUNCIL

- (h) any land in the Council's area in which the Councillor has a licence (alone or jointly with others) to occupy for a month or longer; and
  - (i) any visit outside the United Kingdom for which the Council has paid or will pay.
87. Councillors shall additionally regard themselves as having a personal interest in a matter to the extent that it relates to any membership, or position of general control or management which they have in any organisation. Such organisations include any: -
- (a) private club or society, such as the Freemasons, a recreational club, working men's club, or private investment club;
  - (b) organisation whose principal purpose includes influencing public opinion or policy such as a lobby group;
  - (c) trade union(s) or professional association;
  - (d) company, industrial and provident society or other organisation which has charitable objects.
- Councillors may, however, regard themselves as not having a personal interest in a matter to the extent that it relates to the functions of the Council in respect of an allowance or payment made under Sections 173 to 176 of the Local Government Act 1972 (Attendance, financial loss, travelling and subsistence allowances and allowances for attending conferences and meetings).
88. A Councillor who has a personal interest in a matter specified in Standing Order 85 above and who attends a meeting of the Council, or a Committee or Sub-Committee thereof, at which the matter is discussed, shall disclose the existence and nature of the interest at the commencement of that discussion or when the interest becomes apparent. In such a case that Councillor may speak but shall not vote on the matter unless granted a dispensation by the relevant Standards Committee (of the County Council within whose area the Community is situated).
89. A Councillor who has a personal interest in a matter specified in Standing Orders 86 and 87 above and who attends a meeting of the Council, or a Committee or Sub-Committee thereof, at which the matter is discussed, shall disclose the existence and nature of the interest at the commencement of that discussion or when the interest becomes apparent. In such a case, that Councillor shall withdraw from consideration of the matter unless granted a dispensation by the relevant Standards Committee (of the County Council within whose area the Community) is situated which shall not consider granting a dispensation unless the Councillor has previously notified the Monitoring Officer of that interest, in accordance with the terms of Standing Order 91 below, together with relevant details.
90. A Councillor who has a personal interest in a matter which is not specified in Standing Orders 85, 86, or 87 above (but including those referred to in Standing Order 84 above) and who attends a meeting of the Council, or a Committee or Sub-Committee thereof, at which the matter is discussed, shall disclose the existence and nature of the interest at the commencement of that discussion or when the interest becomes apparent. If that personal interest is such that a member of the public might reasonably conclude that it would significantly affect the Councillor's ability to act purely on the merits of the case and in the public interest if that Councillor were to take part in the discussion of that matter, the Councillor shall also withdraw from consideration of the matter at that meeting unless granted a dispensation by the relevant Standards Committee (of the County Council within whose area the Community is situated) which shall not consider granting a dispensation unless the Councillor has previously notified the Monitoring Officer of that interest, in accordance with the terms of Standing Order 91 below, together with relevant details.



## **STANDING ORDERS - PENMYNYDD AND STAR COMMUNITY COUNCIL**

91. **Councillors shall register any disclosed interests in the Register of Interests established and maintained by the appropriate Monitoring Officer. They shall exercise personal responsibility in deciding whether they have a personal interest such that they should disclose it, seeking advice thereon from the Monitoring Officer and having regard to any advice from the Standards Committee. Councillors shall notify the Monitoring Officer of any change to the interests registered within one month of their occurrence.**
92. **Other than any gift accepted by a Councillor on behalf of the Council, a Councillor shall notify the Monitoring Officer of the existence and nature of any gifts, hospitality, material benefits or advantage received by the Councillor, or to the Councillor's knowledge any person with whom the Councillor is living, from any company, organisation or person and relating to or arising out of their position as a Councillor, where the value of the item or benefit exceeds the amount of £5.00.**
93. **Employees of the Council are expected to observe the terms of the relevant Code of Conduct issued by the National Assembly for Wales under Section 82(2) of the Local Government Act 2000 and the Code of Conduct (Qualifying Local Government Employees)(Wales) Order 2001. This includes that the public is entitled to expect the highest standards of conduct from the Council's employees, their role being to serve the Council in providing advice, implementing its policies, and delivering services to the local community. In performing their duties, they shall act with integrity, honesty, impartiality and objectivity.**
94. **Such employees serve the whole of the Council and are accountable to, and owe a duty to the Council. They shall act in accordance with the principles set out in the Code, recognising the duty of all public sector employees to discharge public functions reasonably and according to the law.**
95. **The Council's employees shall follow every lawfully expressed policy of the Council and shall not allow their own personal or political opinions to interfere with their work.**
96. **Mutual respect between employees and Councillors is essential to good local government, and working relationships should be kept on a professional basis. Employees should deal with the public, Councillors and any other employees sympathetically, efficiently, and without bias.**
97. **Employees shall comply with policies relating to equality issues, as agreed by the Council, in addition to the requirements of the law.**
98. **Employees shall ensure that they use public funds entrusted to them in a responsible and lawful manner, and shall not utilise property, vehicles or other facilities of the Council for personal use unless authorised to do so.**
99. **Whilst employees' private lives are their own concern, they shall not allow their private interests to conflict with their public duty. They shall not misuse their official position or information acquired in the course of their employment to further their private interests, or the interests of others. In particular, they shall comply with: -**
  - (a) **any rules of the Council on the registration and declaration by employees of financial and non-financial interests,**
  - (b) **any rules of the Council on the declaration by employees of hospitality or gifts offered to or received by them, from any person or organisation doing or seeking to do business, or otherwise benefiting or seeking to benefit from relationship with the Council. Employees shall not accept benefits from a third party unless authorised to do so by the Council.**

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## **STANDING ORDERS - PENMYNYDD AND STAR COMMUNITY COUNCIL**

100. In the event that an employee becomes aware of activities which that employee believes to be illegal, improper, unethical or otherwise inconsistent with the employees' Code, the employee should report the matter, acting in accordance with the employee's rights under the Public Interest Disclosure Act 1998, and with any confidential reporting procedure of the Council, or any other procedure designed for this purpose.
101. Openness in the dissemination of information and decision-making should be the norm in relevant authorities. However, certain information may be confidential or sensitive and, therefore, not appropriate for a wide audience. Where confidentiality is necessary to protect the privacy or other rights of individuals or bodies, information should not be released to anyone other than a Community Councillor, employee or other person who is entitled to receive it, or needs to have access to it for the proper discharge of their functions. Nothing in the Code shall be taken as overriding existing statutory or common law obligations to keep certain information confidential, or to divulge certain information.
102. Employees involved in the recruitment and appointment of staff shall ensure that appointments are made on the basis of merit. In order to avoid any possible accusation of bias, employees shall not be involved in any appointment, or any other decisions relating to discipline, promotion or pay and conditions for any other employee, or prospective employee, to whom they are related, or with whom they have a close personal relationship outside work.
103. Where a Monitoring Officer is undertaking an investigation in accordance with Regulations made under Section 73(1) of the Local Government Act 2000, an employee shall comply with any requirement made by the Monitoring Officer in connection with such an investigation.

### **WELSH LANGUAGE SCHEMES AND USE OF WELSH LANGUAGE**

104. Councillors, Officers and any other employees, shall adhere to the requirements of any Welsh Language Scheme or revised Scheme made by the Council under the Welsh Language Act 1993 and approved by the Welsh Language Board.
105. The Council shall conduct the business at its meetings in the Welsh language.

### **HUMAN RIGHTS**

106. So far as it is possible, primary legislation and subordinate legislation must be read and given effect in a way which is compatible with the rights and fundamental freedoms referred to in the European Convention on Human Rights set out in the Human Rights Act 1998 and it is, therefore, generally unlawful for a public authority to act in a way which is incompatible with a Convention right. This Council shall, therefore, have regard to human rights principles when making decisions affecting people's rights.

### **VARIATION, REVOCATION AND SUSPENSION OF STANDING ORDERS**

107. Subject to statutory requirements, any one or more of these Standing Orders, excepting those printed in **bold** typeface, may be suspended by resolution of the Council, in relation to any specific item of business, subject to the vote thereon being carried by at least two-thirds of the members present and voting on the motion. A Committee or Sub-Committee thereof may similarly by resolution suspend any one or more of these Standing Orders in relation to any specific item of business in respect of which it exercises properly delegated functional powers, subject as aforesaid. Suspension shall only be for the duration of the meeting at which the resolution is passed.

# Appendix

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## SCHEDULE

### THE MODEL CODE OF CONDUCT

#### PART 1

#### INTERPRETATION

1.—(1) In this code —

“co-opted member” (“*aelod cyfetholedig*”), in relation to a relevant authority, means a person who is not a member of the authority but who —

- (a) is a member of any committee or sub-committee of the authority, or
- (b) is a member of, and represents the authority on, any joint committee or joint sub-committee of the authority,

and who is entitled to vote on any question which falls to be decided at any meeting of that committee or sub-committee;

“meeting” (“*cyfarfod*”) means any meeting —

- (a) of the relevant authority,
- (b) of any executive or board of the relevant authority,
- (c) of any committee, sub-committee, joint committee or joint sub-committee of the relevant authority or of any such committee, sub-committee, joint committee or joint sub-committee of any executive or board of the authority, or
- (d) where members or officers of the relevant authority are present other than a meeting of a political group constituted in accordance with regulation 8 of the Local Government (Committees and Political Groups) Regulations 1990(1),

and includes circumstances in which a member of an executive or board or an officer acting alone exercises a function of an authority;

“member” (“*aelod*”) includes, unless the context requires otherwise, a co-opted member;

“relevant authority” (“*awdurdod perthnasol*”) means—

- (a) a county council,
- (b) a county borough council,
- (c) a community council,
- (d) a fire and rescue authority constituted by a scheme under section 2 of the Fire and Rescue Services Act 2004(2) or a scheme to which section 4 of that Act applies,
- (e) a National Park authority established under section 63 of the Environment Act 1995(3);

“you” (“*chi*”) means you as a member or co-opted member of a relevant authority; and

“your authority” (“*eich awdurdod*”) means the relevant authority of which you are a member or co-opted member.

(2) In relation to a community council, references to an authority’s monitoring officer and an authority’s standards committee are to be read, respectively, as references to the monitoring officer and the standards committee of the county or county borough council which has functions in relation to the community

(1) S.I. 1990/1553 as amended by S.I. 1991/1389; S.I. 1993/1339; S.I. 1998/1918; and S.I. 1999/500.

(2) 2004 c.21.

(3) 1995 c.25.

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council for which it is responsible under section 56(2) of the Local Government Act 2000.

## PART 2

### GENERAL PROVISIONS

2.—(1) Save where paragraph 3(a) applies, you must observe this code of conduct —

- (a) whenever you conduct the business, or are present at a meeting, of your authority;
- (b) whenever you act, claim to act or give the impression you are acting in the role of member to which you were elected or appointed;
- (c) whenever you act, claim to act or give the impression you are acting as a representative of your authority; or
- (d) at all times and in any capacity, in respect of conduct identified in paragraphs 6(1)(a) and 7.

(2) You should read this code together with the general principles prescribed under section 49(2) of the Local Government Act 2000 in relation to Wales.

3. Where you are elected, appointed or nominated by your authority to serve —

- (a) on another relevant authority, or any other body, which includes a police authority or Local Health Board you must, when acting for that other authority or body, comply with the code of conduct of that other authority or body; or
- (b) on any other body which does not have a code relating to the conduct of its members, you must, when acting for that other body, comply with this code of conduct, except and insofar as it conflicts with any other lawful obligations to which that other body may be subject.

4. You must —

- (a) carry out your duties and responsibilities with due regard to the principle that there should be equality of opportunity for all people, regardless of their gender, race, disability, sexual orientation, age or religion;
- (b) show respect and consideration for others;
- (c) not use bullying behaviour or harass any person; and
- (d) not do anything which compromises, or which is likely to compromise, the impartiality of those who work for, or on behalf of, your authority.

5. You must not —

- (a) disclose confidential information or information which should reasonably be regarded as being of a confidential nature, without the express consent of a person authorised to give such consent, or unless required by law to do so;
- (b) prevent any person from gaining access to information to which that person is entitled by law.

6.—(1) You must —

- (a) not conduct yourself in a manner which could reasonably be regarded as bringing your office or authority into disrepute;
- (b) report, whether through your authority's confidential reporting procedure or direct to the proper authority, any conduct by another member or anyone who works for, or on behalf of, your authority which you reasonably believe involves or is likely to involve criminal behaviour (which



for the purposes of this paragraph does not include offences or behaviour capable of punishment by way of a fixed penalty);

- (c) report to the Public Services Ombudsman for Wales and to your authority's monitoring officer any conduct by another member which you reasonably believe breaches this code of conduct;
- (d) not make vexatious, malicious or frivolous complaints against other members or anyone who works for, or on behalf of, your authority.

(2) You must comply with any request of your authority's monitoring officer, or the Public Services Ombudsman for Wales, in connection with an investigation conducted in accordance with their respective statutory powers.

**7. You must not —**

- (a) in your official capacity or otherwise, use or attempt to use your position improperly to confer on or secure for yourself, or any other person, an advantage or create or avoid for yourself, or any other person, a disadvantage;
- (b) use, or authorise others to use, the resources of your authority —
  - (i) imprudently;
  - (ii) in breach of your authority's requirements;
  - (iii) unlawfully;
  - (iv) other than in a manner which is calculated to facilitate, or to be conducive to, the discharge of the functions of the authority or of the office to which you have been elected or appointed;
  - (v) improperly for political purposes; or
  - (vi) improperly for private purposes.

**8. You must —**

- (a) when participating in meetings or reaching decisions regarding the business of your authority, do so on the basis of the merits of the circumstances involved and in the public interest having regard to any relevant advice provided by your authority's officers, in particular by —
  - (i) the authority's head of paid service;
  - (ii) the authority's chief finance officer;
  - (iii) the authority's monitoring officer;
  - (iv) the authority's chief legal officer (who should be consulted when there is any doubt as to the authority's power to act, as to whether the action proposed lies within the policy framework agreed by the authority or where the legal consequences of action or failure to act by the authority might have important repercussions);
- (b) give reasons for all decisions in accordance with any statutory requirements and any reasonable additional requirements imposed by your authority.

**9. You must —**

- (a) observe the law and your authority's rules governing the claiming of expenses and allowances in connection with your duties as a member;
- (b) avoid accepting from anyone gifts, hospitality (other than official hospitality, such as a civic reception or a working lunch duly authorised by your authority), material benefits or services for yourself or any person which might place you, or reasonably appear to place you, under an improper obligation.



## PART 3 INTERESTS

### *Personal Interests*

10.—(1) You must in all matters consider whether you have a personal interest, and whether this code of conduct requires you to disclose that interest.

(2) You must regard yourself as having a personal interest in any business of your authority if —

(a) it relates to, or is likely to affect —

- (i) any employment or business carried on by you;
- (ii) any person who employs or has appointed you, any firm in which you are a partner or any company for which you are a remunerated director;
- (iii) any person, other than your authority, who has made a payment to you in respect of your election or any expenses incurred by you in carrying out your duties as a member;
- (iv) any corporate body which has a place of business or land in your authority's area, and in which you have a beneficial interest in a class of securities of that body that exceeds the nominal value of £25,000 or one hundredth of the total issued share capital of that body;
- (v) any contract for goods, services or works made between your authority and you or a firm in which you are a partner, a company of which you are a remunerated director, or a body of the description specified in sub-paragraph (iv) above;
- (vi) any land in which you have a beneficial interest and which is in the area of your authority;
- (vii) any land where the landlord is your authority and the tenant is a firm in which you are a partner, a company of which you are a remunerated director, or a body of the description specified in sub-paragraph (iv) above;
- (viii) any body to which you have been elected, appointed or nominated by your authority;
- (ix) any —
  - (aa) public authority or body exercising functions of a public nature;
  - (bb) company, industrial and provident society, charity, or body directed to charitable purposes;
  - (cc) body whose principal purposes include the influence of public opinion or policy;
  - (dd) trade union or professional association; or
  - (ee) private club, society or association operating within your authority's area, in which you have membership or hold a position of general control or management;
- (x) any land in your authority's area in which you have a licence (alone or jointly with others) to occupy for 28 days or longer;
- (b) a member of the public might reasonably perceive a conflict between your role in taking a decision, upon that business, on behalf of your authority as a whole and your role in representing the interests of constituents in your ward or electoral division; or
- (c) a decision upon it might reasonably be regarded as affecting —
  - (i) your well-being or financial position, or that of a person with whom you live, or any person with whom you have a close personal association;
  - (ii) any employment or business carried on by persons as described in 10(2)(c)(i);
  - (iii) any person who employs or has appointed such persons described in 10(2)(c)(i), any firm in which they are a partner, or any company of which they are directors;
  - (iv) any corporate body in which persons as described in 10(2)(c)(i) have a beneficial interest in a



- class of securities exceeding the nominal value of £5,000; or
- (v) any body listed in paragraphs 10(2)(a)(ix)(aa) to (ee) in which persons described in 10(2)(c)(i) hold a position of general control or management,
- to a greater extent than the majority of—
- (aa) in the case of an authority with electoral divisions or wards, other council tax payers, rate payers or inhabitants of the electoral division or ward, as the case may be, affected by the decision; or
  - (bb) in all other cases, other council tax payers, ratepayers or inhabitants of the authority's area.

#### *Disclosure of Personal Interests*

11.—(1) Where you have a personal interest in any business of your authority and you attend a meeting at which that business is considered, you must disclose orally to that meeting the existence and nature of that interest before or at the commencement of that consideration, or when the interest becomes apparent.

(2) Where you have a personal interest in any business of your authority and you make —

- (a) written representations (whether by letter, facsimile or some other form of electronic communication) to a member or officer of your authority regarding that business, you should include details of that interest in the written communication; or
- (b) oral representations (whether in person or some form of electronic communication) to a member or officer of your authority you should disclose the interest at the commencement of such representations, or when it becomes apparent to you that you have such an interest, and confirm the representation and interest in writing within 14 days of the representation.

(3) Subject to paragraph 14(1)(b) below, where you have a personal interest in any business of your authority and you have made a decision in exercising a function of an executive or board, you must in relation to that business ensure that any written statement of that decision records the existence and nature of your interest.

(4) You must, in respect of a personal interest not previously disclosed, before or immediately after the close of a meeting where the disclosure is made pursuant to sub-paragraph 11(1), give written notification to your authority in accordance with any requirements identified by your authority's monitoring officer from time to time but, as a minimum containing —

- (a) details of the personal interest;
- (b) details of the business to which the personal interest relates; and
- (c) your signature.

(5) Where you have agreement from your monitoring officer that the information relating to your personal interest is sensitive information, pursuant to paragraph 16(1), your obligations under this paragraph 11 to disclose such information, whether orally or in writing, are to be replaced with an obligation to disclose the existence of a personal interest and to confirm that your monitoring officer has agreed that the nature of such personal interest is sensitive information.

(6) For the purposes of sub-paragraph (4), a personal interest will only be deemed to have been previously disclosed if written notification has been provided in accordance with this code since the last date on which you were elected, appointed or nominated as a member of your authority.

(7) For the purposes of sub-paragraph (3), where no written notice is provided in accordance with that paragraph you will be deemed as not to have declared a personal interest in accordance with this code.

#### *Prejudicial Interests*

12.—(1) Subject to sub-paragraph (2) below, where you have a personal interest in any business of your authority you also have a prejudicial interest in that business if the interest is one which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice your judgement of the public interest.

(2) Subject to sub-paragraph (3), you will not be regarded as having a prejudicial interest in any business



where that business—

(a) relates to —

- (i) another relevant authority of which you are also a member;
- (ii) another public authority or body exercising functions of a public nature in which you hold a position of general control or management;
- (iii) a body to which you have been elected, appointed or nominated by your authority;
- (iv) your role as a school governor (where not appointed or nominated by your authority) unless it relates particularly to the school of which you are a governor;
- (v) your role as a member of a Local Health Board where you have not been appointed or nominated by your authority;

(b) relates to —

- (i) the housing functions of your authority where you hold a tenancy or lease with your authority, provided that you do not have arrears of rent with your authority of more than two months, and provided that those functions do not relate particularly to your tenancy or lease;
  - (ii) the functions of your authority in respect of school meals, transport and travelling expenses, where you are a guardian, parent, grandparent or have parental responsibility (as defined in section 3 of the Children Act 1989) of a child in full time education, unless it relates particularly to the school which that child attends;
  - (iii) the functions of your authority in respect of statutory sick pay under Part XI of the Social Security Contributions and Benefits Act 1992, where you are in receipt of, or are entitled to the receipt of such pay from your authority;
  - (iv) the functions of your authority in respect of an allowance or payment made under sections 22(5), 24(4) and 173 to 176 of the Local Government Act 1972, an allowance or pension under section 18 of the Local Government and Housing Act 1989 or an allowance or payment under section 100 of the Local Government Act 2000;
- (c) your role as a community councillor in relation to a grant, loan or other form of financial assistance made by your community council to community or voluntary organisations up to a maximum of £500.

(3) The exemptions in subparagraph (2)(a) do not apply where the business relates to the determination of any approval, consent, licence, permission or registration.



*Overview and Scrutiny Committees*

13. You also have a prejudicial interest in any business before an overview and scrutiny committee of your authority (or of a sub-committee of such a committee) where—

- (a) that business relates to a decision made (whether implemented or not) or action taken by your authority's executive, board or another of your authority's committees, sub-committees, joint committees or joint sub-committees; and
- (b) at the time the decision was made or action was taken, you were a member of the executive, board, committee, sub-committee, joint-committee or joint sub-committee mentioned in sub-paragraph (a) and you were present when that decision was made or action was taken.

*Participation in Relation to Disclosed Interests*

14.—(1) Subject to sub-paragraphs (2), (3) and (4), where you have a prejudicial interest in any business of your authority you must, unless you have obtained a dispensation from your authority's standards committee —

- (a) withdraw from the room, chamber or place where a meeting considering the business is being held—
  - (i) where sub-paragraph (2) applies, immediately after the period for making representations, answering questions or giving evidence relating to the business has ended and in any event before further consideration of the business begins, whether or not the public are allowed to remain in attendance for such consideration; or
  - (ii) in any other case, whenever it becomes apparent that that business is being considered at that meeting;
- (b) not exercise executive or board functions in relation to that business;
- (c) not seek to influence a decision about that business;
- (d) not make any written representations (whether by letter, facsimile or some other form of electronic communication) in relation to that business; and
- (e) not make any oral representations (whether in person or some form of electronic communication) in respect of that business or immediately cease to make such oral representations when the prejudicial interest becomes apparent.

(2) Where you have a prejudicial interest in any business of your authority you may attend a meeting but only for the purpose of making representations, answering questions or giving evidence relating to the business, provided that the public are also allowed to attend the meeting for the same purpose, whether under a statutory right or otherwise.

(3) Sub-paragraph (1) does not prevent you attending and participating in a meeting if —

- (a) you are required to attend a meeting of an overview or scrutiny committee, by such committee exercising its statutory powers; or
- (b) you have the benefit of a dispensation provided that you —
  - (i) state at the meeting that you are relying on the dispensation; and
  - (ii) before or immediately after the close of the meeting give written notification to your authority containing —
    - (aa) details of the prejudicial interest;
    - (bb) details of the business to which the prejudicial interest relates;
    - (cc) details of, and the date on which, the dispensation was granted; and
    - (dd) your signature.

(4) Where you have a prejudicial interest and are making written or oral representations to your authority in reliance upon a dispensation, you must provide details of the dispensation within any such written or oral representation and, in the latter case, provide written notification to your authority within 14 days of making the representation.

# Appendix

# 4

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DATGANIAD DERBYN SWYDD

DECLARATION OF ACCEPTANCE OF OFFICE

Cyngor Cymuned .....  
Cyngor Tref

*Pennyrydd*

Community Council  
Town Council

Yr wyf fi

*John M. Foa/KE3*

gan i mi gael fy ethol i swydd Cynghorydd/Cadeirydd  
*having been elected to the office of Councillor/Chairman*

YN DATGAN fy mod yn cymryd arnaf fy hun y swydd honno ac y cyflawnaf ei dyletswyddau  
yn gywir ac yn ffyddlon hyd eithaf fymarn a'm gallu.

*DECLARE that I take that office upon myself, and will duly and faithfully fulfil the duties of it  
according to the best of my judgement and ability.*

YN YMRWYMO i ufuddhau i Gôd Ymddygiad y Cyngor hwn sydd am y tro wedi'i  
fabwysiadu o dan Adran 51 o Ddeddf Llywodraeth Leol 2000 wrth gyflawni fynyletswyddau  
yn y swydd honno.

*UNDERTAKE to observe this Council's Code of Conduct for the time being adopted under  
Section 51 of the Local Government Act 2000 in the performance of my functions in that  
office.*

Dyddiad  
Date

*28/7/04*

Llofnod  
Signature

*[Signature]*

Gwnaethpwyd a llofnodwyd y datganiad hwn ger fymron i  
*This declaration was made and signed before me*

*[Signature]*  
Clerc / Clerk

- \* - \* - \* - \* - \*

Os gwneir y datganiad a'i lofnodi gerbron unrhyw berson arall sydd ag awdurdod dan Adran  
83(4) Deddf Llywodraeth Leol 1972, addasir y ffurflen yn unol â hynny.

*If the declaration is made and signed before any other person authorised by section 83(4) of  
the Local Government Act 1972, adapt form accordingly.*

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# Appendix

# 5

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Our ref 3343/201102860  
3343/201102856  
3343/201102868  
3343/201102913  
3343/201103060  
3343/201103282

Ask Sam Ward  
for:

☎ 01656 641167

Date: 5 March 2012

✉ Sam.Ward@ombudsman-wales.org.uk

Councillor John Foulkes  
Penmynydd and Star Community Council  
Marchynys  
Penmynydd  
Llanfairpwllgwyngyll  
LL61 6PG

Dear Councillor Foulkes,

### **Code of Conduct Complaint**

The Ombudsman has now decided to investigate the complaints made against you by Mr Nicholas Moore, Mr Mark Gillard, Mrs Nikki Gillard, Mr Alex Gordon-Clark, Mr Owain Evans and Mr Paul Corneill and Mrs Helen Taylor. You were informed in writing of these complaints on 29 and 30 December 2011 and 4, 12 and 31 January 2012. I have been asked to carry out the investigation into these complaints. You need not respond to this letter if you do not wish to. However if you do comment on the complaint at this stage, your comments may be disclosed to the complainant, or in any subsequent proceedings.

If my investigation finds that there is a case to answer, I will in due course put to you the evidence I have found and any questions which appear relevant in light of it.

I have written to notify the Monitoring Officer of Isle of Anglesey County Council and the Clerk to the Community Council of this investigation and have asked for any relevant information.

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Please be aware that the Ombudsman considers that the disclosure of details of this complaint to the local press or media may itself be a breach of the Code. You are therefore advised not to discuss this complaint with anyone other than your representative.

Yours sincerely

A handwritten signature in black ink, appearing to be 'Sam Ward', written in a cursive style.

Sam Ward  
Senior Investigator

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# Appendix

# 6

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**WITNESS STATEMENT**

P.S.O.W.

13 APR 2012

P.S.O.W.

Statement of:

Age if under 18:

(if over 18 insert 'over 18')

Occupation: FARMER & RETIRED MIDWIFE

This statement (consisting of \_\_\_\_\_ pages each signed by me) is true to the best of my knowledge and belief.

Signature:

*Mum*

Date: 9/4/12

**Questions**

**Community Council Meeting 5 October 2011**

1. Please confirm that you attended the Penmynydd and Star Community Council meeting of 5 October 2011 (copy of minutes attached).

*I confirm that I WAS NOT present *Mum**

2. Please confirm your recollections about the discussion concerning item 3 on the agenda about wind turbines.

*N/A.*

**Community Council Meeting 7 December 2011**

3. Please confirm that you attended the Penmynydd and Star Community Council meeting of 7 December 2011 (copy of minutes attached).

*I confirm that I was Present. *Mum**

4. I understand from the minutes that there was a public meeting about the issue of wind turbines prior to the Community Council meeting and that a number of the public were present at the Community Council meeting. Please indicate your recollection of the general view of the public present and whether this was in favour or against the proposed wind farm development. If

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000050

you recall any specific comments from members of the public, please provide these.

Please refer to accompanying document  
MM

5. Please confirm, in as much detail as you can, your recollection of the discussion of agenda item 5.1 about the wind turbine application. Any detail you can give about the nature of the discussion, including who contributed, would be helpful. Please provide a copy of any notes that you made at the meeting.

Please refer to accompanying document  
MM

6. Did Councillor Foulkes take part in the discussion on agenda item 5.1. Please explain your recollection of the nature of his involvement in the discussion (eg. his specific contribution to the discussion) and whether the nature of his involvement changed as the discussion progressed. If you recall what was said, please quote any remarks or submission that he may have made.

Please refer to  
accompanying document  
MM



7. Please confirm whether you voted to support or object to the application and the factors you considered in reaching your view about how to vote.

Please refer to accompanying  
document  
Mm

8. Please give any additional information/comments that you feel may be relevant.

Please refer to accompanying  
document  
Mm

Signature:  
Date:

Signature witnessed by:

Case reference number: 3343/201102860

000052

Continuation Sheet – Witness statement of *Angela Bove Mum.*

Signature: *Mum.*

Date:

*April 11<sup>th</sup> 2012.*

Case reference number: 3343/201102860

000053



Angharad Bowen-Holmes,  
Councillor, Penmynydd Parish Council.

My recollection of the general view of the public present and whether this was in favour or against the proposed wind farm development

**During the Public Meeting** - The Village Hall was full to capacity and beyond. All seats, (I estimate being 6 rows of 10 seats), were full, and there was no standing room left in the hall. I estimate the number of public at the meeting to be approx 130 adults. Every available space was taken up, and as more people were let into the hall the front row of seats was asked to move forward at least 4 feet, so that in the end the parish councillors were in fact practically knee to knee with the general public!

For me it was a very uncomfortable situation.

I estimate that 95% of the public that were present were against the wind farm development. A small group of local farmers who were for the development stood at the back of the hall. Many speakers from the floor spoke against the wind farm development. Some were very succinct others not so. The Chairman was forced on countless times to re-focus the meeting onto arguments for or against the wind farm development. In my opinion the protestors to the wind farm development had not efficiently planned their response to the community council's offer to listen to their arguments. They allowed some 'hot head' and in some instances rude individuals to high jack and take attention away from the real issue of wind farm development. As a community council we asked that they come together and provide for and against arguments as related to the Ty Fry Wind development proposal - to let us know how the locals felt about the proposed development. It was far too emotionally charged and the parish council chairman in my opinion did a sterling job in controlling the meeting. Some individuals were antagonistic towards Mr John Foulkes and to landowners in general. Others were antagonistic towards the farmer from Ty Fry. One individual against the wind farm development called the parish council a pontificating body, and many others intimated that the parish council was made up of landowners so the proposal would not get a fair hearing.

I felt quite intimidated towards the end of the public meeting and was not relishing exiting the building after the meeting with approx 100+ people outside!

*MMH*

**During the Community Council Meeting** approximately 75% of the public left the hall to stand outside the building and on the driveway leading to the hall. I believe that to the best of my recollection the group of farmers who were for the development stayed in the hall for the council meeting.

Re Item 5:1 I do recall the chairman asking Mr Foulkes if he needed to declare an interest, and Counc. Foulkes said he was not and that he had been in contact with the council in Llangefni and had been told that declaring an interest was not necessary.

The minutes are correct and I, Angharad Bowen-Holmes, spoke first by saying that I was against the development of this size of wind turbine at Ty Fry and that we as a council could not surely vote any other way than to oppose the proposed development at Ty Fry, given the strength of feeling of the local residents. (We had already ascertained that the vast majority of the public present were local residents). As a Penmynydd councillor myself I took an active interest in the development of wind turbine technology and had on my own behalf already spoken to many local residents and neighbours, the vast majority of who opposed the development. As a general supporter of small scale wind turbine technology myself, I still could not support the Ty Fry development because of the strength of feeling of local residents.

I seemed to be the only councillor ready to say anything on the matter and the chairman asked for comments. Mr John Foulkes responded by saying that not everyone was against the development at Ty Fry and that the site was suitable as a rural site and would not impinge on anyone else. The other two councillors present said nothing on the issue. A vote was called for and went 2

*MMH*  
12/4/12

000054



against the proposal and 3 for the proposal.

6

There was not a great deal of discussion about the proposal – we voted on the issue fairly promptly. As I stated above Mr Foulkes stated that not everyone was against the development, but he did not speak in depth or in any persuasive way on the matter. In fact I thought he was quite restrained on the matter. There was a general lack of discussion, neither Counc.Owen nor Counc. Roberts gave their specific views on the matter.

Mr Foulkes did not try to persuade them in any way, nor was there any attempt by him to sway the argument during the meeting. I say this objectively, Mr Foulkes and his family are neighbours of mine, and we are personal friends, though we differ tremendously on many issues, and we have been known to conflict on issues many times, but I feel I am being fair in saying that I do not believe that he unduly affected the discussion nor the vote that evening.

7

I opposed the application as stated in 5.1

8

The public meeting was intimidating to the councillors present. I feel that the level of animosity towards Mr Foulkes and the council was ill founded. One lady who was present during the council meeting, having realised that the proposal had been approved by 3 to 2 votes, shouted out that "here is another example of council corruption"!

*Mums* 12/4/17.

000055



000056

# Appendix

# 7

000057



PS.O.W.  
16 APR 2012  
PS.O.W.

**WITNESS STATEMENT**

Statement of: **EDWARD LEON GIBSON**

Age if under 18: **over 18** (if over 18 insert 'over 18')

Occupation: **Retired**

This statement (consisting of \_\_\_\_\_ pages each signed by me) is true to the best of my knowledge and belief.

Signature: **Leon Gibson**

Date: **12/04/2012**

**Questions**

**Community Council Meeting 5 October 2011**

1. Please confirm that you attended the Penmynydd and Star Community Council meeting of 5 October 2011 (copy of minutes attached).

**I confirm**

2. Please confirm your recollections about the discussion concerning item 3 on the agenda about wind turbines.

**I advised that it would be difficult for the Council to discuss the issue of wind turbines until such time as a planning application(s) were received.**

**As soon as an application was received the Council undertook to convene a public meeting in order to give the public an opportunity to express their views, prior to the Council deciding upon the matter.**  
**Community Council Meeting 7 December 2011**

3. Please confirm that you attended the Penmynydd and Star Community Council meeting of 7 December 2011 (copy of minutes attached).

**I confirm**

4. I understand from the minutes that there was a public meeting about the issue of wind turbines prior to the Community Council meeting and that a number of the public were present at the Community Council meeting. Please indicate your recollection of the general view of the public present and whether this was in favour or against the proposed wind farm development. If

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**Leon Gibson**  
Tudalen 69

**12/04/2012**



you recall any specific comments from members of the public, please provide these.

The general view of the persons present at the public meeting was strongly opposed to any wind farm development. Their main concerns related to:

- proposals for six turbines in a small rural area little Barmymudd and their cumulative effect;
- their height and size;
- their detrimental impact on dwelling houses in the area and wide-  
afield; — see continuation sheet

5. Please confirm, in as much detail as you can, your recollection of the discussion of agenda item 5.1 about the wind turbine application. Any detail you can give about the nature of the discussion, including who contributed, would be helpful. Please provide a copy of any notes that you made at the meeting.

I made no notes at the meeting.

There was limited discussion at the council meeting having regard to the extensive discussions and contributions made at the public meeting immediately prior to the council meeting. I was confident that all members were aware of the main considerations.

Councillor Angharad Bowen Holmes and I referred to the strong majority view opposed to the development and that should be borne in mind when voting.

6. Did Councillor Foulkes take part in the discussion on agenda item 5.1. Please explain your recollection of the nature of his involvement in the discussion (eg. his specific contribution to the discussion) and whether the nature of his involvement changed as the discussion progressed. If you recall what was said, please quote any remarks or submission that he may have made.

Councillor Foulkes indicated that he supported the development. He also stated in answer to a question from myself that he did not consider that he should declare an interest having discussed the issue with the legal Department of the County Council and that the advice he received indicated that there was no need.



7. Please confirm whether you voted to support or object to the application and the factors you considered in reaching your view about how to vote.

I voted to object to the application.

The factors which influenced me are as follows:

- no demonstrable need in support of the development
- its detrimental effect on an attractive rural area
- its prominence in the landscape
- a reflection of the views of the public at the public meeting

8. Please give any additional information/comments that you feel may be relevant.

Signature: *Ann Gibson*

Date:

*12/04/2012*

Signature witnessed by:

*Ann Gibson*  
*12/04/2012*

Case reference number: 3343/201102860

000060

H. continued

- noise and flicker effect
- only a very few homeowners would benefit from any such development

I also recall that applicant of application 04HC124 stated that his family would reside in close proximity to the turbine and that he would not have submitted the application if he considered it detrimental to their interests. He was supported by some individuals.

Signature: Leon Gibson

Date: 12/04/2012

Case reference number: 3343/201102860

000061



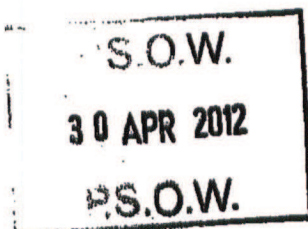
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# Appendix

# 8

000063





## WITNESS STATEMENT

Statement of:

Age if under 18: (if over 18 insert 'over 18')

Occupation: ...FARMER... (OVER 18)

This statement (consisting of pages each signed by me) is true to the best of my knowledge and belief.

Signature: *AG Owen*

Date: 27.4.12

### Questions

#### Community Council Meeting 5 October 2011

1. Please confirm that you attended the Penmynydd and Star Community Council meeting of 5 October 2011 (copy of minutes attached).

*Yes, I was at the meeting on 5<sup>th</sup> October 2011*

2. Please confirm your recollections about the discussion concerning item 3 on the agenda about wind turbines.

*As far as I can recollect, the matter of wind turbines was not discussed as no application had been received.*

#### Community Council Meeting 7 December 2011

3. Please confirm that you attended the Penmynydd and Star Community Council meeting of 7 December 2011 (copy of minutes attached).

*Yes I attended the meeting on 7-12-11.*

4. I understand from the minutes that there was a public meeting about the issue of wind turbines prior to the Community Council meeting and that a number of the public were present at the Community Council meeting. Please indicate your recollection of the general view of the public present and whether this was in favour or against the proposed wind farm development. If

Case reference number: 3343/201102860

*AG Owen*

000064



you recall any specific comments from members of the public, please provide these.

I was not present at the beginning of the Public Meeting. I arrived towards the end. The meeting was well attended but only a handful of people from the village. The majority were members of "Anglesey Against Wind Turbines", and were not residents of Penrynnydd. As indicated by the name of their organisation, they were against wind turbines. However, not all the people of Penrynnydd are against them.

5. Please confirm, in as much detail as you can, your recollection of the discussion of agenda item 5.1 about the wind turbine application. Any detail you can give about the nature of the discussion, including who contributed, would be helpful. Please provide a copy of any notes that you made at the meeting.

As far as I can recollect all members contributed.

Myself, I asked why this particular application was dealt with in Penrynnydd as this was for the erection of a turbine at Llyfry, Rhoscefnant. Having been born and bred in Penrynnydd (I am over 70 yrs old) I knew that Llyfry has always been in the catchment area of Penrhaeth Community Council, but was given to understand that the field in question was on the perimeter with Penrynnydd.

I did not make any notes at the meeting

6. Did Councillor Foulkes take part in the discussion on agenda item 5.1. Please explain your recollection of the nature of his involvement in the discussion (eg. his specific contribution to the discussion) and whether the nature of his involvement changed as the discussion progressed. If you recall what was said, please quote any remarks or submission that he may have made.

Yes, Councillor Foulkes did take part in the discussion. I do not think that he did anything out of order. This application was by someone else and Councillor Foulkes had every right to take part in the proceedings.

The decision the Council made that evening was democratic and above board, but of course this was not the decision that Anglesey Against W.T. wanted.

Case reference number: 3343/201102860



7. Please confirm whether you voted to support or object to the application and the factors you considered in reaching your view about how to vote.

I voted to support the application as I consider renewable energy to be the way forward and being much safer than having another Nuclear Power Station on the island. However, I am no longer a member of the Council having now retired after serving the community for over 40 years.

8. Please give any additional information/comments that you feel may be relevant.

Signature:

*AG Owen*

Date:

27.4.12.

Signature witnessed by:

*AG Owen*

Case reference number: 3343/201102860

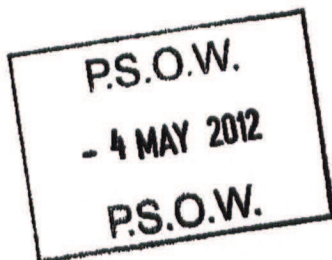
00066

# Appendix

# 9

00067





### WITNESS STATEMENT

Statement of:

Age if under 18: OVER 18 . (if over 18 insert 'over 18')

Occupation: FARMER

This statement (consisting of \_\_\_\_\_ pages each signed by me) is true to the best of my knowledge and belief.

Signature: L. H. Roberts

Date: 29 4 2012

### Questions

#### Community Council Meeting 5 October 2011

1. Please confirm that you attended the Penmynydd and Star Community Council meeting of 5 October 2011 (copy of minutes attached). Please confirm in what capacity you attended the meeting.

*I confirm that I attended this meeting  
as Community Councilor*

2. Please confirm your recollections about the discussion concerning item 3 on the agenda about wind turbines.

*There was no discussion about wind turbines  
as there were no applications received.*

#### Community Council Meeting 7 December 2011

3. Please confirm that you attended the Penmynydd and Star Community Council meeting of 7 December 2011 (copy of minutes attached). Please confirm in what capacity you attended the meeting.

*I confirm that I attended this meeting  
as Community Councilor*

Case reference number: 3343/201102860

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4. I understand from the minutes that there was a public meeting about the issue of wind turbines prior to the Community Council meeting and that a number of the public were present at the Community Council meeting. Please indicate your recollection of the general view of the public present and whether this was in favour or against wind farm development. If you recall any specific comments from members of the public, please provide these.

I wasn't informed about this public meeting  
so I wasn't only present for the last five minutes  
before attending the Community Council meeting at 7.30 pm  
The last speaker for A.A.W.T. said that farmers  
were getting too much Subsidies so in my  
opinion this is the root of the problem.  
When going out of the Community Council meeting these  
people present shouted farmers are "Shit" and "Traitors"

5. Please confirm in as much detail as you can your recollection of the discussion of agenda item 5.1 about the wind turbine application. Any detail you can give about the nature of the discussion, including who contributed, would be helpful. Please provide a copy of any notes that you made at the meeting.

As in the agenda.



6. Did Councillor Foulkes take part in the discussion on agenda item 5.1. Please explain your recollection of the nature of his involvement in the discussion (eg. his specific contribution to the discussion) and whether the nature of his involvement changed as the discussion progressed. If you recall what was said, please quote any remarks or submission that he may have made.

I came to the conclusion that Councillor Foulkes had no interest in this application because TY FRY Rhoscefnir is not in Penmynydd & Stâs Community.

We discussed with Councillor Foulkes.  
as some people are against WYLF A B.  
" " " " WIND TURBINES.  
" " " " BIO MASS.  
" " " " SOLAR

SO WHAT DO ANGLESEY PEOPLE WANT?

7. Please give any other comments/information that you think may be relevant.

Please bear in mind that your comments may be included in the evidence that is disclosed to Councillor Foulkes during this investigation. Ultimately, your evidence may be attached to any report on the investigation which the Ombudsman may refer to the Council's Monitoring Officer and Standards Committee, or to the President of the Adjudication Panel for Wales. I therefore advise you not to discuss your evidence with any persons who may be involved in the investigation.

Signature: W H R L S  
Date: 29.4.2012

Signature witnessed by: A E L L S.

Case reference number: 3343/201102860

000070

# Appendix 10

000071



Statement by Cllr. Eric Jones

Occupation :- Retired

Q. 1

I was present at the meeting as the County Councillor for the area.

Q. 2

There was no discussion as no application had been received but as there were members of the public present, the Chairman promised that a public meeting would be held when the planning application was received.

Q. 3

As for Q.1

Q. 4

A public meeting was held before the meeting of the Community Council. There were a great number of the public present – possibly about 200 – but I cannot be totally sure about this as some were outside the Hall, as there was not enough room for everyone inside.

There was strong objection to the applications for wind turbines possibly as high as 9 to 1 but I cannot be totally sure about that.

It is fair to say that many of the audience were from outside the Penmynydd and Star electorate.

Q. 5

There was considerable discussion on item 5.1 of the agenda and the Chairman gave an opportunity for any member to declare an interest.

No one declared an interest and Cllr. Angharad Holmes, seconded by Cllr. Leon Gibson proposed that the planning application should be strongly objected to.

Cllr. John Foulkes stated that not everyone was against such a development and proposed that we approve the application, and his proposal was seconded.

Following a vote, the Council decided to approve the application by 3 to 2.

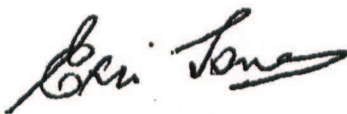
Q. 6 – Yes see no. 5

Q. 7 - None

00072

**WITNESS STATEMENT**Statement of: **ERIC JONES**Age if under 18: **DROS 18** (if over 18 insert 'over 18')Occupation: **WEDI YMDDOL**This statement (consisting of **5** pages each signed by me) is true to the best of my knowledge and belief.

Signature:

Date: **05.04.2012****Questions****Community Council Meeting 5 October 2011**

1. Please confirm that you attended the Penmynydd and Star Community Council meeting of 5 October 2011 (copy of minutes attached). Please confirm in what capacity you attended the meeting.

**YR OEDDWN YN BRESENNOL YN Y CYFARFOD FEL CYNGORWRAD SIR DROS YR ARDOL.**

2. Please confirm your recollections about the discussion concerning item 3 on the agenda about wind turbines.

**Ni fu trafodaeth gan feddi ei ddesbyr, ond fod aelodau o'r cyhoedd yn bresennol, addawodd y Cadeirydd y byddai cyfarfod cyhoeddus yn cael ei gynnal pen ddau cynllunio gerbron.**

**Community Council Meeting 7 December 2011**

3. Please confirm that you attended the Penmynydd and Star Community Council meeting of 7 December 2011 (copy of minutes attached). Please confirm in what capacity you attended the meeting.

**Yr oeddwn yn bresennol yn y Cyfarfod fel Cynghorydd Sir Dros yr ardal.**



4. I understand from the minutes that there was a public meeting about the issue of wind turbines prior to the Community Council meeting and that a number of the public were present at the Community Council meeting. Please indicate your recollection of the general view of the public present and whether this was in favour or against wind farm development. If you recall any specific comments from members of the public, please provide these.

Cynhalwyd cyfarfod cyhoeddus cyn eisteddfod o'r Cynghor Cymuned yr oedd nifer helaeth o'r cyhoedd yn bresennol - posibl oeddent 200 - ond nid ydych chi'n bosibl fod yn hollol gywir gan fod nifer tu allan i'r Genotfen, oherwydd nad oedd lle i bawb. Yr oedd gwrthwynebiad cryf i'r ceisiadau am feliannau gwynnau posibl cyn ddechrau neu uch na 9 i 1, ond ni fedraf fod yn sicrhau hynny. Mae'n debyg dwedodd fod nifer helaeth o'r gynulleidfa o'i tu allan i etdolaeth Penrynnydd a Star.

5. Please confirm in as much detail as you can your recollection of the discussion of agenda item 5.1 about the wind turbine application. Any detail you can give about the nature of the discussion, including who contributed, would be helpful. Please provide a copy of any notes that you made at the meeting.

Bu cyn drafodaeth ar item 5-1 o'r agenda, a bu i'r Cadeirydd roddi sioens i unrhyw aelod oedd yn dymuno datgan diddordeb.

Ni maed hyn gan reb, a cynigiodd y Cynghorydd Angharad Holmes, yn cael ei heilio gan y Cynghorydd Leon Gibsen ei bod yn gwrthwynebu yn gryf i'r cais Cyllunio oedd ger bron.

Datganodd y Cynghorydd John Foulkes, nad oedd pawb yn erbyn datblygiad o'r math a cynigiodd ei bod yn gymeradwyo y cais, ac fe ciliwyd y cynnig.

Yn dilyn pleidlais penderfynodd y Cynghor o 3 i 2 fod y cais i gael ei gymeradwyo.

00074



6. Did Councillor Foulkes take part in the discussion on agenda item 5.1. Please explain your recollection of the nature of his involvement in the discussion (eg. his specific contribution to the discussion) and whether the nature of his involvement changed as the discussion progressed. If you recall what was said, please quote any remarks or submission that he may have made.

Do.

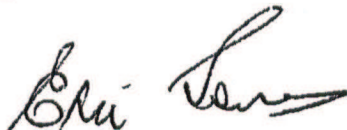
Gweler Rhif 5

7. Please give any other comments/information that you think may be relevant.

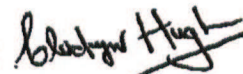
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Please bear in mind that your comments may be included in the evidence that is disclosed to Councillor Foulkes during this investigation. Ultimately, your evidence may be attached to any report on the investigation which the Ombudsman may refer to the Council's Monitoring Officer and Standards Committee, or to the President of the Adjudication Panel for Wales. I therefore advise you not to discuss your evidence with any persons who may be involved in the investigation.

Signature:



Signature witnessed by:



00075

<http://www.gwmon.net/gw/webacc/dyciv3Rmcqi7oj1li7/GWAP/AREF/2?action=Atta...> 04/04/2012



Date:

Continuation Sheet – Witness statement of .....

*Dim*

Signature:

Signature witnessed by:

Date:

<http://www.gwmon.net/gw/webacc/pq3ikcRhejs8mrdCi8/GWAP/AREF/2?action=Att...> 03/04/2012

00076  
*[Signature]*

JIM

Qui Jones



000078

# Appendix

# 11

000079



# CYNGOR CYMUNED PENMYNYDD A STAR

## COFNODION Y CYFARFOD A GYNHALIWDY NOS FERCHER

5 HYDREF 2011, NEUADD PENMYNYDD 7.30yh

<b>YN BRESENNOL:</b> Y Cyngorwyr L. Gibson, N. Jones, J. Foulkes, A. Owen, H. Roberts, E. Jones (Cyngor Sir), hefyd Mr Gwyn Roberts, Gamedd Fawr (I drafod cais cynllunio ond nid oedd y cais wedi cyraedd) a'r clerc G. Owen. Mr Ifor Williams (Cwmni Exwavia), Canon Philip Hughes a nifer o'r cyhoedd.	
<b>YMDDIHEURIADAU:</b> Cyng L. M. Jones, A. Holmes.	
1	Cadeirydd y cyfarfod gan y Cadeirydd Cyng L. Gibson. Cynigodd y Cadeirydd croeso i pawb yn bresennol.
2	<b>DATGAN DIDDORDEB</b> – Cyng J. Foulkes – Tyrbinau Gwynt
3	<b>Tyrbinau Gwynt</b> – 'Roedd nifer o'r cyhoedd yn bresennol yn gobeithio cael cyfarfod cyhoeddus i drafod ceisiadau cynllunio tyrbinau gwynt. Hefyd oedd y Cyngor wedi derbyn dau llythyr yn gofyn am cyfarfod gan Mr Elfed Williams, Gweirglodd Bach, Penmynydd ac "Ynys Mon yn Erbyn Tybinau Gwynt". Eglurodd y Cadeirydd bod y Cyngor heb derbyn y ceisiadau. Felly, nid oedd yn bosib trafod y mater. Unwaith mae'r Cyngor wedi derbyn y ceisiadau, bydd y Cyngor yn galw cyfarfod cyhoeddus.
4	<b>Mynwent yr Eglwys</b> – Dywedodd Canon Hughes ei fod yn siomedig iawn bod y fynwent mewn fath cyflwr ac yn bosib ond wedi cael ei dorri unwaith y flwyddyn yma. Mae wedi gofyn i'r contractwr dorri'r gwair. Er bod yr Eglwys ddim yn cynnal gwasanaethau, mae'r proses yn cymeryd o gwmpas 18 mis i cau yr Eglwys. Yn y cyfamser, yr Eglwys yng Nghymru sydd yn gyfrifol am yr adeilad a'r fynwent.
5	<b>Exwavia</b> – Dywedodd Mr Ifor Williams bod y Cwmni am defnyddio y mast yn Penmynydd a byddant yn gallu gwarantu cyflymder o 4MB drost yr awyr. Hefyd dywedodd bod Llywodraeth Cymru yn cynnig grantiau o £1000 i bobol sydd yn methu cael cyflymder o 2MB. Bydd y Cwmni yn trefnu cyfarfod cyhoeddus.
6	<b>DERBYN COFNODION</b> Cyflwynwyd cofnodion cyfarfod 7 Medi 2011. Fe'u derbyniwyd fel rhai cywir a chyflawn.
<b>MATERION YN CODI O'R COFNODION</b>	
7.1	Hysbysfyrddau – mewn llaw.
7.2	Cwyn – mynwent yr Eglwys – gweler 4
7.3	Cwyn – mynwent Gilead – darllenwyd llythyr gan Eglwys Unedig Rhos y Gad Llanfairpwll yn dweud bod gan yr Eglwys contract i dorri'r fynwent 5 o weithiau pob blwyddyn. Mae'r Eglwys yn cynnig bod y Cyngor yn derbyn perchnogaeth o'r fynwent neu yn cynnig cyfraniad at y costau. Penderfyniwyd diolch am y llythyr a dweud bod y Cyngor ddim yn gallu derbyn perchnogaeth na cynnig cyfraniad.
Llofnod <i>Leon Gibson</i> (Cadeirydd) 02.11.11	

000080



7.4	Cysgodfan Bws, Star. Darllenwyd llythyr gan y Cyngor Sir yn dweud bod y Cyngor Cymuned yn gyfrifol am y cysgodfan. Mae'r clerc wedi cysylltu a'r cmwni yswiriant ynglyn a gwneud cais.
8	<b>Gohebiaeth Cyngor Ynys Mon</b>
8.1	41C99C cais llawn ar gyfer codi sied amaethyddol ar gyfer storio offer yn Bryn Gof, Star – dim gwrthwynebiad
8.2	41C56D Newid defnydd y swyddfeydd (Dosbarth B1) i feithrinfa dydd i plant (Dosbarth D1) yn The Old Surgery, Castellfryn, Star – dim gwrthwynebiad
	<b>Priffyrdd</b>
8.3	Cysgodfan Bws, Star – gweler 7.4
	<b>Gwasanaethau Cyfreithiol</b>
8.4	Pwyllgor Safonau Cyngor Sir Ynys Mon - Darllenwyd llythyr yn dweud bydd angen 2 cynrychiolydd Cyngorau Tref/Cymuned am cyfnod o 4 blynedd o Rhagfyr 2011. Penderfyniwyd ail ystyried y mater yma yn y cyfarfod nesaf.
9	<b>GOHEBIAETH YCHWANEGOL</b>
9.1	Eglwys Unedig Rhos y Gad – gweler 7.3
9.2	Ynys Mon yn erbyn tyrbinau Gwynt – gweler 3
9.3	Mr Elfed Williams, Gweirglodd Bach – gweler 3
9.4	Pobol Atal Wylfa B – hysbysiad – Cyfarfod yn y Galeri, Caernarfon, 22.10.11 rhwng 10.00 – 4.30
10	<b>MATERION ARIANNOL</b>
	Dim
11	<b>MATERION ERAILL</b>
11.1	Kiosk, Star. Mae'r drws ar y kiosk teleffon wedi cael ei dorri. Gofynwyd i'r clerc cysylltu a'r Heddlu
11.2	Trafodwyd cwyn ynglyn a'r troeiad o Penmynydd i Llanfair. Gofynwyd i'r clerc cysylltu a'r Cyngor Sir i gofyn am gwydyr newydd.
	Llofnod <i>hon Gibon</i> (Cadeirydd) 02.11.11

000031



000082

# Appendix 12

000083



FORM TO DECLARE AND REGISTER A PERSONAL INTEREST

MEMBERS' CODE OF CONDUCT

Name of Member:	John Foulkes
Name of Meeting:	October 2011 Full member monthly meeting
Date:	5.10.11
Agenda Item (number and title):	2 Declaration of Interest

I HEREBY DECLARE that I have a personal interest under the Council's Code of Conduct which was adopted under Section 51 Local Government Act 2000.

The details of the Personal Interest are:

I have made applications for wind turbines

The details of the Council business to which the Personal Interest relates are:

Public discussion

A Prejudicial Interest is one which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice your judgment of the Public Interest.

I believe that this is a Prejudicial Interest because -

I have applications pending and intend leaving the meeting if they are discussed

You must tick one box below -

- ☐ The interest is not a Prejudicial Interest and therefore I intend to take part in the Council business.
- ☒ The interest is Prejudicial and therefore I intend to withdraw and leave the meeting.
- ☐ The interest is Prejudicial but I have received a dispensation from the Standards Committee.

Signed 

Dated 5/10/11

THIS FORM SHOULD BE HANDED TO THE CLERK IN ATTENDANCE AT THE MEETING

# Appendix

# 13

000085



**DRAFT ONLY**  
**PENMYNYDD AND STAR COMMUNITY COUNCIL**  
**MINUTES OF THE MEETING HELD WEDNESDAY 7 DECEMBER 2011 AT**  
**THE HALL, PENMYNYDD AT 8.30**

<b>PRESENT:</b>	
Councillors L Gibson, J Foulkes, H Roberts, A Holmes, A Owen, E Jones (County Council), G Owen, (Clerk) and many members of the public	
<b>APOLOGIES:</b>	
Councillors LI M Jones and N Jones	
<b>1</b>	The meeting was chaired by the Chairman Cllr Leon Gibson
<b>2</b>	<b>DECLARATIONS OF INTEREST</b> - None
<b>3</b>	<b>ACCEPTANCE OF MINUTES</b> The minutes of the meeting held on 2 November 2011 were presented and accepted as a true and accurate record
<b>4</b>	<b>MATTERS ARISING FROM THE MINUTES</b>
<b>4.1</b>	Noticeboards – It was decided to defer this matter until the next meeting because the "Star" councillors were absent
<b>4.2</b>	Bus Shelter, Star – The clerk has received a response from the Insurance Company. It is possible to make a claim through the company for repairs to the shelter, but the council will be responsible for the first £125. The Clerk was asked to get estimates for the work.
<b>4.3</b>	Kiosk, Star – the Clerk is awaiting a response from BT.
<b>4.4</b>	Dangerous dog at Star – the Clerk is waiting for a response from the County Council
<b>5</b>	<b>Correspondence Anglesey County Council</b>
	<b>Planning</b>
<b>5.1</b>	41C124 Full application for the erection of one wind turbine with a maximum hub height of up to 44m, rotor diameter of up to 56m and a maximum upright vertical tip height of up to 71m together with the erection of a transformer station, utility housing and new access track and hardstanding on land at Ty Fry, Rhoscefnhir. Also 41C124A/SCR – Screening Application. At the start of the discussion, the chairman again gave the members the opportunity to declare any interest. This matter was discussed at a public meeting prior to the council meeting. One councillor said there was a need to take into account the feelings of the local residents and strongly object to the application. Another councillor said that not everyone was against the application and that the site was in a rural location. Following a vote (2 against and 3 in favour) the council decided not to object to the application.
	<b>Signature</b> (Chairman) <b>04.01.12</b>
<b>5.2</b>	41C123B Full application for the demolition of the existing dwelling, the

000086



	erection of a new dwelling and detached garage together with the installation of a package treatment plant at Llinos Fawr, Penmynydd – no objections.
<b>5.3</b>	41LPA916B/CC Full application to delete condition (14) from planning consent 41LPA916B/CC so as to retain the existing access at Gwyndy, Penmynydd – no objections.
<b>5.4</b>	Joint Anglesey and Gwynedd Local Development Plan – it was decided to defer this matter until the next meeting (the consultation period ends 13.01.12)
<b>6</b>	<b>FURTHER CORRESPONDENCE</b>
<b>6.1</b>	Aon Insurance – See 4.2
<b>6.2</b>	Boundary Commission – A letter was read from the Commission regarding the Review of Electoral Arrangements draft proposals Anglesey. It is proposed to move Penmynydd from a rural location to join Llanfairpwll and Menai Bridge. The Clerk will respond with the help of Cllr E Jones.
<b>7</b>	<b>FINANCIAL MATTERS</b>
	It was agreed to pay the following: J D Roberts (Internal Auditor) £37.00 (accounts 2009/10)
<b>8</b>	<b>OTHER MATTERS</b>
	None
	Signature (Chairman) 04.01.12

000087



000088

# Appendix

# 14

000089



CC 7/12.

LG. HR. AD. EJ. JF. AH.

Ymddi. NT. LT.

3. Dim

4. Yr.

4.1. Ithys. qm hlewclwr - star perhysaf  
pwyllgar nacaf.

4.2. Ymddi. eiddan rhy.

4.3. /

4.4. /

5.1. / 5.2.

AH cynig qwrthod yr gwyf - teimliadan  
pobol parhysaf yr eithyr (rheir mwyaf o'r pobol)

JF pŵl o blaid hefyd Nid yw pŵl yr  
eithyr - hysbysu golen gwledig yn ty Fwy.

AH cynig rhyw ar pŵl eidd wedi activatio  
PM. STAR Rhy.

AD. HR. JF.

LG. AH

AH cynig 2. yr eithyr.

JF for 0.3 o blaid.

Rheym

For

Dim gwrthod.

5.2. DG.

5.3. DG.

5.4.

6.1. /

6.2. / Annod 3 yr Bwrth? EJ will send me copy  
all disagree ymddi ni i adran gwledig.

8.1. ✓

~~Pluwr qm hlewclwr yr eidd eidd~~

000090

cc 7/12.

LG HR AO EJ JF AH.

Appl NJ LJ.

3. None

4. Yes.

4.1 Howelgh has the noticeboard - Star  
- decision next meeting.

4.2 Insurance - cost for shelter.

4.3 ✓

4.4 ✓

5.1 5.2

AH proposes - strongly object - the feelings of Penmydd  
people are against (most people)

JF People are also in favour - not everyone is  
against - Ty Fy is in a rural location

AH - we should take notice of the people who  
have activated - Penmydd, Star + Rhoscefnir

YES	AO	HR	JF	AH proposed - against	2 against	For No objection
NO	LG	AH	JF proposed - For	3 in favour		

5.2. No objection

5.3 No objection

5.4

6.1 ✓

6.2 ✓ Difficult - 3 at Merri Ridge EJ will send  
me a copy - all disagree - moving, us to  
rural location

8.1 ✓

000091



000092

# Appendix 15

000093



P.S.O.W.  
08 JUN 2012  
P.S.O.W.



### WITNESS STATEMENT

Statement of: Councillor John Foulkes

Age if under 18: 'over 18' (if over 18 insert 'over 18')

Occupation: .....FARMER.....

This statement (consisting of 11 page(s) each signed by me) is true to the best of my knowledge and belief.

Signature:

Date:

2/6/12

### Questions

1. Please confirm that you have undertaken to accept the terms and conditions of the Code of Conduct of Penmynydd and Star Community Council (Appendix A).
2. Please confirm how long you have been a member of Penmynydd and Star Community Council.
3. Please describe any training or advice that you have had on the Code of Conduct (other than your conversation with Meirion Jones on 6 December 2011 – I will ask specifically out that below).

000094

4. Please explain why you contacted Meirion Jones on 6 December 2011(Appendix F).

5. Please explain in as much detail as you can the content of the conversation that you had with Meirion Jones on 6 December. Please quote any specific remarks that you recall saying to Mr Jones or recall hearing him say to you.

6. Please confirm the details of any planning applications you have submitted to erect wind turbines on your land. What is the current status of these applications (Appendix G).



## Community Council Meeting 5 October 2011

7. Please explain why you declared that you had a personal and prejudicial interest in respect of "wind turbines" at the meeting of 5 October 2011 (Appendix B and C).
8. What factors did you consider in reaching the decision that you should declare a personal and prejudicial interest in this agenda item.
9. Please confirm your recollection of any discussion on the agenda item relating to wind farms. Were you present at this discussion?

## Community Council Meeting 7 December 2011

000036

3

Case Reference number: 201102860

10. I understand that you did not declare a personal or prejudicial interest in agenda item 5 and 5.1 relating to a planning application for a wind farm in the area (Appendix D). Did you consider whether you had a personal or prejudicial interest in this issue?

11. What factors did you take into account in deciding that you had no personal or prejudicial interest to declare in the matter being discussed at agenda item 5 and 5.1.

12. It has been suggested in the complaints, and the attached statements (Appendices H – M) that there was a considerable number of the public at the meeting and that the majority of attendees were against the wind farm development. Please confirm your recollection of the nature of the meeting and the general feeling of the public present on the issue of wind farms.

13. I understand from the complaints, and the attached statements, that you participated with the other members present in the discussion on agenda item



5.1. Please confirm your recollection of the nature of this discussion and your contribution to it.

14. It is stated in the complaints that you persuaded other members, who had indicated that they were minded to abstain, to vote in favour of the application. Please give your comments on this allegation.

15. I understand that you proposed the vote in favour of supporting the application. Please explain the factors you considered in deciding to propose a vote to support the wind turbine application.

16. Do you accept that you had a personal interest in item 5.1 on the agenda of the meeting of 7 December 2011 by virtue of paragraphs 10(a)(vi) and 10(c)(i) of the Code? If not, why not?

17. Do you accept that in failing to declare a personal interest you may have breached paragraph 11 of the Code?

18. Do you accept that a member of the public, with knowledge of the relevant facts, would reasonably regard the fact that you had already submitted your own wind farm application as so significant that it would be likely to prejudice your judgment of the public interest in discussing and voting on an application for a similar neighbouring scheme?

19. Do you accept that the personal interest may also have been prejudicial by virtue of paragraph 12 of the Code?



20. Please take the opportunity to make any further comment that you wish on this matter.

Signature:  
Date:

*[Handwritten signature]*  
*2/6/12*

Signature witnessed by: *E. a. Davies*

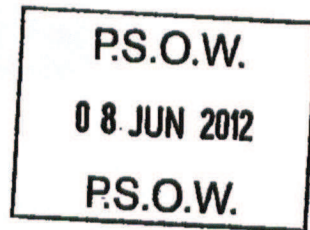
Case Reference number: 201102860

7

000100

Continuation Sheet – Witness statement of Councillor John Foulkes





Answer to witness statement (7 pages).

Case reference number: 201102860

1. Yes.
2. Estimate 20 years (possibly longer)
3. No specific training, I have received a copy of the code of conduct from the community council.
4. I contacted Meirion Jones knowing that a public meeting was taking place followed by the community council and an application for a wind turbine would be on the agenda.

Signature:

Date:

*[Handwritten signature]*  
*2/6/12*

Signature witnessed by:

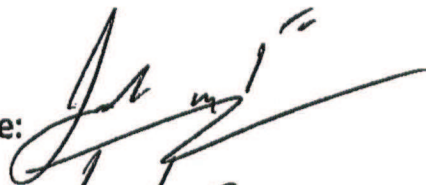
*E. A. Davies*

5. I have read Meirion Jones's letter to you and agree that the contents are basically correct, but two other scenarios were discussed.
- a. Application for a planning permission for a renewal of a property known as Llinos Penmynydd and a property that I own being Tyn- Buarth Penmynydd, both properties are due for a total renewal. I told Meirion Jones that I took part in the discussion in the planning application for Llinos knowing that I would have similar planning application in the pipeline, to my recollection he answered that the application was not really unique and it was probably alright to have taken part in the discussion and vote.
  - b. I again discussed with Meirion Jones about a planning application for a new dwelling in the village of Star, which I took part in knowing that I had similar land of the other side of the village that could be considered for planning, his reply was again that the application was not really unique and it was probably alright to have taken part in the discussion and vote. Then we returned to the matter of the planning of the wind turbine at Ty Fry Rhoscefnhir , his opinion was that this was more unique, but only I could make the decision whether I should declare an interest. I specifically recall Meirion Jones saying:
    - Situation not really being unique
    - Situation being more unique
    - And only I could make the decision

More than likely a recording of the conversation would be available to you from the council office.

Signature:

Date:

  
2/6/12

Signature witnessed by:

E. A. Davies



6. Prior to the 7<sup>th</sup> of December 2011, I had submitted three individual screening applications for wind turbines at the following locations

1. Marchynys, Penmynydd
2. Tyn-Buarth, Penmynydd
3. Treferwydd, Llangaffo

After the submission of these planning applications, Anglesey County Council Planning decided that an environmental impact assessment was not required for the size of the individual turbines. Today being May 30<sup>th</sup> 2012, relevant information and documents have been collected and have been presented to the planning department.

7. There was a general discussion about wind turbines, and I declared that I had made a screening application for a wind turbine.

8. That I had submitted a screening application, and because there was a general discussion about wind turbines.

9. I was present and I recall I did not take part in the discussion and also recall the remaining councillors agreeing to allow Anglesey Against Wind Turbines to hold a public meeting prior to any application for a wind turbine.

10. Yes I did give it careful consideration.

Signature:

Date:

*[Handwritten Signature]*  
*2/6/12*

Signature witnessed by:

*E. A. Davies*

## 11. Distance and Location

Location of the planning application was a good distance away and out of the view of my own planning application. Ty Fry site is by the river Ceint in a small valley and my own proposed site is in another valley by the river Braint and well out of view.

Anglesey Councillor Eric Jones stated in the public meeting that the planning authority to date had received 74 planning applications for wind turbines, and had dealt with four of them on the same day in a planning committee. With 74 applications in hand wind turbines are no longer unique in my opinion.

12. There were approximately 120 people in the hall, few more in the hallway and an unknown amount outside. Those present were clearly members of Anglesey against wind turbines, and they were well organised in the people that gave presentations on the evening. In my own view there were very few local people present at the meeting. There was a hostile mood against wind turbines and all planning matters in general.

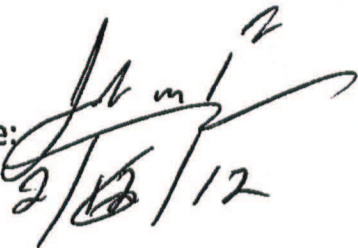
13. Yes I participated in the discussion. I stated that several planning applications had come before the community council over the years for example

- Waste recycling plant at Penhesgyn
- A methane generator producing electricity at Penhesgyn
- Compost site again at penhesgyn

At the time of these applications there were various allegations that these developments would harm the area, create untold traffic, sound and odours and at the time there was significant over reaction. Today, very few of the local residents would notice the whole development.

Signature:

Date:

  
2/12/12

Signature witnessed by:

E. A. Davies



14. I did not pressurise or persuade any member of the council to vote in favour of the application.

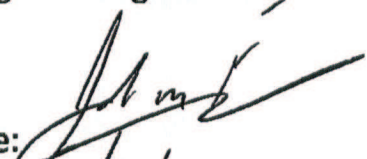
15. Yes I proposed the vote in favour of the application. I knew the exact location of the proposed site and in my view it would have minimal effect on the surrounding properties and area. Anglesey council has declared itself an energy island generally in favour of schemes which produce electricity. Planning policy dictates a presumption in favour of renewable energy.

16. I had no personal interest in item 5.1 on the agenda

- a. I have no business interest with the family in Ty-Fry
- b. I have different planning consultants to the Ty-Fry Site
- c. Not in direct view of my proposed site.
- d. Councillor Eric Jones said there were 74 applications in hand.
- e. Wind turbines being no longer and unique situation.
- f. Meirion Jones said that only I could make the decision.
- g. I do not accept if planning permission was granted that it would enhance my chances of having a wind turbine.

17. I have read the code of practice before and after the meeting and I still maintain that I have not breached paragraph 11 of the code of practice.

18. Very few people in the public meeting would have been able to identify the site at Ty-Fry or the proposed site for my own wind turbine, they were against wind turbines regardless of locations or size. A member of the public which is not associated with Anglesey Against Wind Turbines but with knowledge of the sites would realise that they are definitely not neighbouring and would not consider question 18 to be relevant.

Signature: 

Date: 2/6/12

Signature witnessed by:

E. A. Davies



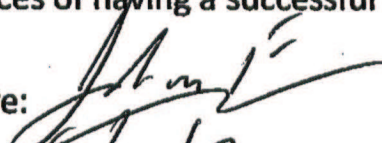
19. I do not accept that I have gained any personal interest in my decision to support the Ty Fry applications. I have read paragraph 12 before and after the meeting and still maintain that I had no personal interest.

20.

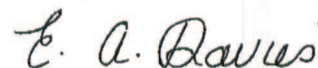
- a. I have served on the Penmynydd Community council for approximately 20 years. The nature of the work over the years has not varied a great deal. Most of the planning applications are either extensions to houses, conversions of existing farm buildings, new agricultural buildings, new houses and highway matters, if I was to declare an interest in all these matters my role as a community councillor would be non-existent. It could be argued that the councillors who voted against the development could also have a prejudice interest in fear of the development reducing the value of their own properties.
- b. In the evidence and letter received there are references to wind farms and wind turbines. The Anglesey planning authority and Welsh Assembly have a clear definition between wind farms and single wind turbines these particular complaints are about applications for single wind turbines.
- c. In my telephone conversation with Meirion Jones he used the analogy of two applications for new bungalows on a green field site. If one was approved the second was more likely to be approved, I agree totally with his statement and have declared an interest in planning applications for wind turbines which are neighbouring and in full view of my own sites. This application was at Ty Gwyn, Penmynydd by Mr O. Owen for an anemometer (application number 41c103m). This site is roughly 1km from my Marchynys application "as the crow flies". In comparison the Ty-Fry application is much further away (3km "as the crow flies") and would not greater my chances of having a successful planning application in my view.

Signature:

Date:

  
2/6/12

Signature witnessed by:





- d. The phrase neighbouring scheme appears in various documents I hope you will be able to access a map which shows contours in the land and location of different planning applications.
- e. Since the community council meeting on the 7<sup>th</sup> of December, three community councillors have resigned, two of them due to the comments they received outside the hall that evening. These gentlemen were pillars of the local community and have served the people of the area for decades. Now all three vacancies on the council have been appointed with members of the community who are also active members of Anglesey Against Wind Turbines. I would appreciate your view if a person that is a member of Anglesey Against Wind Turbines group would have a prejudicial judgement against an application for wind turbines, and voting against without giving due consideration for planning policies and the view of the silent majority of the wind turbine supporters.
- f. I have given the matter a lot of consideration after all of the complaints and I am confident that I made the right decision at the time.

Signature:

Date:

*John P*  
*2/6/12*

Signature witnessed by:

*E. A. Davies*

# Appendix

# 16

000109



# Attendance Note

For Legal Services Manager

Matter reference: CC-007318-RMJ  
Matter name: Cynghorau Cymunedol a Threfol - Cynghorion  
Attended by: Meirion Jones  
Attendance with:

Attendance on: 01 December 2011  
Recorded on: 09 December 2011  
Subject: Attendance Note

---

On Thursday last week Councillor Peter Rogers telephoned me regarding a Community Councillor and whether he had to make a declaration in a Community Council meeting which was coming up the following week. He gave me a few details but I suggested that he tell the Community Councillor to contact me so that I could discuss the matter with him. On Tuesday 6<sup>th</sup> of December I received a message that John Foulkes had telephoned and that he would contact me again in the afternoon. I know John Foulkes as a farmer of Marchynys, Penmynydd. I live in the neighbouring village of Llanfairpwll.

When he telephoned I explained to him who I was because we know each other but he may not have realised that I was the person that he was speaking to. He explained to me that there was a Community Council meeting in Penmynydd on the Wednesday evening and there was an application for a wind turbine in the Pentraeth area (Rhoscefnhir). He said that he had an application for a wind turbine which would be coming through the system shortly at his property Marchynys. He wanted to know whether it was in order for him to attend the meeting of the Community Council and take part and vote.

I referred him to the Code of Conduct and I said to him at least 3 times during our conversation that it was a matter for him as the individual Councillor to make his own decision having considered the requirements of the Code and the facts of the matter. I referred him to the Code of Conduct of which he would have had a copy as a Community Councillor but also he could see the version which is on the Council's website. I referred in particular (and when I was doing that I had my version of the Code up on the screen on my computer) to paragraphs 10(2)(a) and 10(2)(c) and paragraph 12. I read out various parts of the Code to him including paragraphs 10(2)(a) and a number of the sub-paragraphs and 10 (2)(c)(i) and referred to "well-being" and "financial position".

He said to me that he was aware that there was a "small objection" to his application but he said that the Rhoscefnhir application before the Community Council was nothing to do with him and no contact with his application. He was of the view that because the two matters were different he could take part.

As I have indicated I did point out to him that if he considered that he did have a personal interest then he should then move on to the question of whether it was prejudicial and I referred to paragraph 12. I emphasised that it was a matter for him to decide whether he considered he had a personal interest and whether he should declare it and not take part in the meeting. I did suggest to him that if this application was approved then it was more likely that his application would be approved and therefore it was a matter for him



to consider whether he in fact should take part in the matter or not. I used the analogy of two applications for a new bungalow in a green field. If one was approved then the second was more likely to be approved.

We were on the phone for about 10 minutes and we concluded by my saying to him that it was a matter for him to decide having considered the facts and the Code. I could not make a decision for him because I would not have all the facts and in any event it was a matter for him to decide.

As a local resident I am aware of the quite strong feelings regarding the application for the erection of a wind turbine in the Penmynydd area. I was aware that there was going to be a public meeting in Penmynydd on the Wednesday evening the 7<sup>th</sup> of December. I happened to see the Welsh News at 7.30 on S4C and Sion Tecwyn the Reporter was present and he spoke to Owain Evans a member of the community.

What I was not aware of was that the public meeting preceded the Community Council meeting.

On the 8<sup>th</sup> of December I received a telephone call from Richard Edwards 07884313050 regarding the application for a wind turbine at Rhoscefnhir which came before the Penmynydd Community Council the previous evening. He was concerned about one of the Councillors voting on the matter when he himself has an application to come before the Council in the future. He wanted to make a complaint and I explained to him that if it was a complaint about the behaviour of the Councillor, he had to make it to the Ombudsman. He had been on the Ombudsman's website and we discussed that aspect and if he had any difficulty with proceeding then he could contact me again.

I received 2 messages from Susan Owen in the afternoon of the 8/12 after I returned from the Council meeting and I telephoned both. Firstly, Mrs Tooze on 01248 750431 and it was clear that she was demanding to see me so I arranged for her to come to see me at 3 o'clock on 9/12.

I telephone Carolynne Johnson on 07836750214 and she wished to make a complaint. I explained to her about how to make a complaint to the Ombudsman. She said that she was not the type of person to complain usually but she felt very strongly that one of the Councillors should not take advantage of the situation when the Rhoscefnhir matter was similar to his own application. I said that I would send her the Ombudsman's document although we did speak about her going on his website. Her address is Gwel Eryri, Rhoscefnhir, Pentraeth LL75 8YU. (The letter was sent on 9/12).

I saw Mr & Mrs Tooze on 9/12 and Mrs Tooze referred to the first meeting which was the public meeting. She referred to health and safety matters that there people outside and their views would not be heard and the Council wanted views of the public etc. I explained that I did not believe that the County Council was responsible for the public meeting and that the Community Council is a separate entity to and different from the County Council. I directed her to the Clerk and the Chairperson of the Community Council regarding the public meeting.

With the other matter, the behaviour of the Councillor, I gave her a copy of the Code and the form from the Ombudsman "How to complain that a local authority member has broken the code of conduct".



During the conversation which lasted about 20 minutes she referred to John Foulkes' comment that "I've been in contact with Llangefni and they have said it's alright for me to take part".

# Appendix

# 17

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12	Rhif y Cais / Application Number Plwyf / Parish Ymgaisydd / Applicant Lleoliad / Location  Bwriad / Proposal Penderfyniad / Decision  Dyddiad y Penderfyniad / Decision Date	30C663A Llanfair M.E. Mr Harol Barton Ty Coch, Brynteg Adnewyddu caniatad cynllunio amlinellol rhif 30C663 ar gyfer codi annedd a modurdy ynghyd a creu mynedfa newydd i geir ar dir yn / Renewal of outline planning permission ref 30C663 for the erection of a dwelling and garage together with the construction of a new vehicular access on land at Caniatáu / Permitted  26/07/2011
13	Rhif y Cais / Application Number Plwyf / Parish Ymgaisydd / Applicant Lleoliad / Location Bwriad / Proposal Penderfyniad / Decision  Dyddiad y Penderfyniad / Decision Date	30C719 Llanfair M.E. Mr David Owen Rhiwlas, Amlwch Rd, Benllech Addasu ac ehangu yn / Alterations and extensions to Caniatáu / Permitted  27/07/2011
14	Rhif y Cais / Application Number Plwyf / Parish Ymgaisydd / Applicant Lleoliad / Location  Bwriad / Proposal Penderfyniad / Decision  Dyddiad y Penderfyniad / Decision Date	30C97U Llanfair M.E. Mr David Stretton 103, Bay View Road, Benllech Codi anecs hunan gynhaliol yn/Erection of a self contained annexe at Caniatáu / Permitted  26/07/2011
15	Rhif y Cais / Application Number Plwyf / Parish Ymgaisydd / Applicant Lleoliad / Location  Bwriad / Proposal Penderfyniad / Decision  Dyddiad y Penderfyniad / Decision Date	32C179 Llanfair-yn-Neubwll Mr G Richards 31, Bryn Trewan, Caergelliog, LL85 3LS Cais llawn ar gyfer addasu ac ehangu yn / Full application for the alterations and extensions at Caniatáu / Permitted  26/07/2011
16	Rhif y Cais / Application Number Plwyf / Parish Ymgaisydd / Applicant Lleoliad / Location  Bwriad / Proposal Penderfyniad / Decision  Dyddiad y Penderfyniad / Decision Date	33C167A/SCR Llanfihangellesceifiog Paul Shelley Ltd TreFerwydd, Llangaffo Barn sgrino ar gyfer gosod melin wynt 500Kw a 50medr o uchder i'r hwb ar dir wrth ymyl / Screening opinion for the siting of a 50 meter high to hub, 500Kw wind turbine on land near Dim Angen AEA / EIA Not Required  28/07/2011

26	<b>Rhif y Cais / Application Number</b> <b>Piwyf / Parish</b> <b>Ymgelsydd / Applicant</b> <b>Lleoliad / Location</b>	42C47B Pentraeth Mr P Lewis Gwynedd House, Pentraeth Newid defnydd yr annedd i 3 flat yn/Change of use of dwelling into 3 flats at Caniatáu / Permitted
	<b>Bwriad / Proposal</b> <b>Penderfyniad / Decision</b>	
	<b>Dyddiad y Penderfyniad / Decision Date</b>	28/07/2011
27	<b>Rhif y Cais / Application Number</b> <b>Piwyf / Parish</b> <b>Ymgelsydd / Applicant</b> <b>Lleoliad / Location</b>	46C149K Trearddur J. W. Lees & Co (Brewers) Ltd Trearddur Bay Hotel, Trearddur Bay Cais i gadw'r 'breezehouse' a'r man chwarae i blant yn / Application for the retention of the breeze house and children's play area at Caniatáu / Permitted
	<b>Bwriad / Proposal</b> <b>Penderfyniad / Decision</b>	
	<b>Dyddiad y Penderfyniad / Decision Date</b>	29/07/2011
28	<b>Rhif y Cais / Application Number</b> <b>Piwyf / Parish</b> <b>Ymgelsydd / Applicant</b> <b>Lleoliad / Location</b>	46C501A Trearddur Mr Paul Havard Refall Cre Crist Farm, Rhoscolyn, LL65 2EJ Cais llawn ar gyfer codi adeilad i'w ddefnyddio fel gweithdy yn / Full application for the erection of a workshop building at Dychwelwyd i'r Ymgelsydd / Returned to Applicant
	<b>Bwriad / Proposal</b> <b>Penderfyniad / Decision</b>	
	<b>Dyddiad y Penderfyniad / Decision Date</b>	26/07/2011
29	<b>Rhif y Cais / Application Number</b> <b>Piwyf / Parish</b> <b>Ymgelsydd / Applicant</b> <b>Lleoliad / Location</b>	48C72A Trewalchmai Dwr Cymru Welsh Water Gwalchmai Sewage Works, Gwalchmai Cais llawn i uwchraddio'r gwaith trin carthffosiaeth sy'n cynnwys 2 danc 'storm' o dan ddaear, siamber gylfach gyda sgrin mecanyddol a bwth rheoli yn / Full application to upgrade the sewage treatment works consisting of 2 new below ground storm tanks, inlet chamber with mechanical screen and control kiosk at Caniatáu / Permitted
	<b>Bwriad / Proposal</b> <b>Penderfyniad / Decision</b>	
	<b>Dyddiad y Penderfyniad / Decision Date</b>	28/07/2011
30	<b>Rhif y Cais / Application Number</b> <b>Piwyf / Parish</b> <b>Ymgelsydd / Applicant</b> <b>Lleoliad / Location</b> <b>Bwriad / Proposal</b> <b>Penderfyniad / Decision</b>	11C143G Amlwch Hyfforddiant Parys Training Unit 2 Llwyn Onn, Amlwch Gosod paneli solar yn / Installation of solar panels Caniatáu / Permitted
	<b>Dyddiad y Penderfyniad / Decision Date</b>	28/07/2011



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| 21 | <b>Rhif y Cais / Application Number</b><br><b>Plwyf / Parish</b><br><b>Ymgaisydd / Applicant</b><br><b>Lleoliad / Location</b>   | <b>37C175A</b><br><b>Llanidan</b><br><b>Mr. &amp; Mrs. David &amp; Nia Hall</b><br><b>Cae'r Pant, Brynslencyn</b>  |
|    |  | <p>Cais llawn ar gyfer dileu amod (02) oddi ar caniatad cynllunio rhif 37C175 er mwyn gwneud gwaith rhwng Ebrill a Medi yn / Full application for the deletion of condition (02) from planning consent 37C175 so as to carry out works between the months of April and September at</p> <p><b>Granted</b></p>  |
|    | <b>Bwriad / Proposal</b><br><b>Penderfyniad / Decision</b>   |  |
|    | <b>Dyddiad y Penderfyniad / Decision Date</b>  | <b>26/07/2011</b>  |
| 22 | <b>Rhif y Cais / Application Number</b><br><b>Plwyf / Parish</b><br><b>Ymgaisydd / Applicant</b><br><b>Lleoliad / Location</b><br><b>Bwriad / Proposal</b><br><b>Penderfyniad / Decision</b> | <b>17C444</b><br><b>Menai Bridge</b><br><b>Mrs Judith C Moss</b><br><b>Boat House, Menai Bridge</b><br><b>Cadw'r uned gwyliau yn/Retention of holiday let at</b><br><b>Tynnwyd yn ôl / Withdrawn</b>   |
|    | <b>Dyddiad y Penderfyniad / Decision Date</b>  | <b>28/07/2011</b>  |
| 23 | <b>Rhif y Cais / Application Number</b><br><b>Plwyf / Parish</b><br><b>Ymgaisydd / Applicant</b><br><b>Lleoliad / Location</b>   | <b>39C327A</b><br><b>Menai Bridge</b><br><b>Ms A Evans</b><br><b>Ty'n Rardd, Mount St, Menai Bridge</b><br><b>Cais llawn ar gyfer codi annedd newydd ynghyd a creu</b><br><b>mynedfa newydd i geir ar dir / Full application for the</b><br><b>erection of a dwelling together with the creation of a new</b><br><b>vehicular access on land at</b><br><b>Caniatáu / Permitted</b> |
|    | <b>Bwriad / Proposal</b><br><b>Penderfyniad / Decision</b>   |  |
|    | <b>Dyddiad y Penderfyniad / Decision Date</b>  | <b>28/07/2011</b>  |
| 24 | <b>Rhif y Cais / Application Number</b><br><b>Plwyf / Parish</b><br><b>Ymgaisydd / Applicant</b><br><b>Lleoliad / Location</b>   | <b>41C110A/SCR</b><br><b>Penmynydd</b><br><b>Paul Shelley Ltd</b><br><b>Ty'n Buarth, Penmynydd</b><br><b>Barn sgrinio ar gyfer lleoli melyn wynt 500Kw 50 medr</b><br><b>mewn uchder i'r hwb ar dir yn / Screening Opinion for</b><br><b>the siting of a 500Kw, 50 meter high to hub wind turbine</b><br><b>on land at</b><br><b>Dim Angen AEA / EIA Not Required</b>              |
|    | <b>Bwriad / Proposal</b><br><b>Penderfyniad / Decision</b>   |  |
|    | <b>Dyddiad y Penderfyniad / Decision Date</b>  | <b>28/07/2011</b>  |
| 25 | <b>Rhif y Cais / Application Number</b><br><b>Plwyf / Parish</b><br><b>Ymgaisydd / Applicant</b><br><b>Lleoliad / Location</b>   | <b>41C66C/SCR</b><br><b>Penmynydd</b><br><b>Paul Shelley Ltd</b><br><b>Marchynys, Penmynydd</b>  |
|    | <b>Bwriad / Proposal</b><br><b>Penderfyniad / Decision</b>   | <p><b>Bran sgrinio ar gyfer codi melyn wynt 500Kw, 50 medr o</b><br/> <b>uchder i'r hwb ar dir yn / Screening Opinion for the siting</b><br/> <b>of a 50 meter high to hub, 500Kw wind turbine on land at</b><br/> <b>Dim Angen AEA / EIA Not Required</b></p>   |
|    | <b>Dyddiad y Penderfyniad / Decision Date</b>  | <b>28/07/2011</b>  |

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| <p><b>17 Rhif y Cais / Application Number</b><br/> <b>Plwyf / Parish</b><br/> <b>Ymgaisydd / Applicant</b><br/> <b>Lleoliad / Location</b></p> | <p><b>34C617</b><br/> <b>Llangefni</b><br/> <b>David John and Roger Phillips</b><br/> <b>Old School House, Penrallt, Llangefni</b></p>   |
|  | <p>Newid defnydd yr hen dy ysgol i fod yn 6 annedd ynghyd a'i addasu ac ehangu, dymchwel yr adeiladau allannol ag addasu'r fynedfa bresennol yn / Conversion of old school house into 6 dwellings together with alterations and extensions thereto, demolition of outbuildings and alterations to the existing access at</p>   |
| <p><b>Bwriad / Proposal</b><br/> <b>Penderfyniad / Decision</b></p>  | <p><b>Caniatáu / Permitted</b></p>   |
| <p><b>Dyddiad y Penderfyniad / Decision Date</b></p>   | <p><b>26/07/2011</b></p>   |
| <p><b>18 Rhif y Cais / Application Number</b><br/> <b>Plwyf / Parish</b><br/> <b>Ymgaisydd / Applicant</b><br/> <b>Lleoliad / Location</b></p> | <p><b>34C617A/LB</b><br/> <b>Llangefni</b><br/> <b>David John and Roger Nicholas Phillips</b><br/> <b>Old School House, Penrallt, Llangefni</b></p>  |
|  | <p>Caniatad Adeilad Rhestredig ar gyfer newid defnydd yr hen dy ysgol i fod yn 6 annedd ynghyd a'i addasu ac ehangu, dymchwel yr adeiladau allannol a addasu'r fynedfa bresennol yn / Listed Building Consent for the conversion of old school house into 6 dwellings together with alterations and extensions thereto, demolition of outbuildings and alterations to the existing access at</p> |
| <p><b>Bwriad / Proposal</b><br/> <b>Penderfyniad / Decision</b></p>  | <p><b>Caniatáu / Permitted</b></p>   |
| <p><b>Dyddiad y Penderfyniad / Decision Date</b></p>   | <p><b>29/07/2011</b></p>   |
| <p><b>19 Rhif y Cais / Application Number</b><br/> <b>Plwyf / Parish</b><br/> <b>Ymgaisydd / Applicant</b><br/> <b>Lleoliad / Location</b></p> | <p><b>34C622</b><br/> <b>Llangefni</b><br/> <b>Miss Yvonne Roberts</b><br/> <b>1, Bridge Street, Llangefni</b></p>   |
|  | <p>Cais cynllunio ar gyfer cynnwys defnydd 'A3' 'bwyd poeth i fynd allan' yn/Planning permission to include 'A3' use 'Hot Food Takeaway' at</p>  |
| <p><b>Bwriad / Proposal</b><br/> <b>Penderfyniad / Decision</b></p>  | <p><b>Caniatáu / Permitted</b></p>   |
| <p><b>Dyddiad y Penderfyniad / Decision Date</b></p>   | <p><b>27/07/2011</b></p>   |
| <p><b>20 Rhif y Cais / Application Number</b><br/> <b>Plwyf / Parish</b><br/> <b>Ymgaisydd / Applicant</b><br/> <b>Lleoliad / Location</b></p> | <p><b>36C12F</b><br/> <b>Llangristiolus</b><br/> <b>Mrs. Carol Parry</b><br/> <b>Slop Newydd, Rhosrehwfa</b></p>   |
|  | <p>Cais amlinellol ar gyfer dymchwel y siop/gwelthdy, codi annedd ynghyd a creu mynedfa i gerbydau yn / Outline application for the demolition of the shop/warehouse, erection of a dwelling together with the construction of a vehicular access at</p>   |
| <p><b>Bwriad / Proposal</b><br/> <b>Penderfyniad / Decision</b></p>  | <p><b>Caniatáu / Permitted</b></p>   |
| <p><b>Dyddiad y Penderfyniad / Decision Date</b></p>   | <p><b>29/07/2011</b></p>   |



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# Appendix

# 18



Rhif Cais / Application **21C43G**  
No:  
Cyf Grid / Grid Ref: SH **49300 70300**  
Swyddog / Officer: **Emma Hayward**  
Ymgeisydd / Applicant: **Mr. & Mrs. K. Roberts**  
Bwriad / Proposal: **Cais llawn ar gyfer addasu ac ehangu yn / Full application for alterations and extensions to**  
Lleoliad / Location: **Cilmeri, Llanddaniel Fab**

Rhif Cais / Application **41C66E**  
No:  
Cyf Grid / Grid Ref: SH **52671 74005**  
Swyddog / Officer: **Nia Jones**  
Ymgeisydd / Applicant: **Mr. John Foulkes**  
Bwriad / Proposal: **Cais llawn ar gyfer codi un twrbin gwynt gyda uchder hwb hyd at cyfanswm o 50m, diamder rotor hyd at uchafswm o 54m, a uchder blaen unionsyth hyd at uchafswm o 78m ynghyd a sailwaith cysylltygiedig ar dir yn / Full application for the erection of one wind turbine with a maximum hub height of up to 50m, rotar diameter of up to 54m, and a maximum upright vertical tip height of up to 78m together with associated infrastructure on land at**  
Lleoliad / Location: **Marchynys, Penmynydd**

*Diwedd yr Adroddiad / End of Report*

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# Appendix 19

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**Report to Public Services Ombudsman for Wales**  
**18 July 2012**

**Declaring an Interest : Reference 201102860**

The Ombudsman has asked for my advice on whether supporting or opposing a planning application for a wind turbine in the locality could be regarded as setting a precedent for future turbine applications in the area. I have based my appraisal on the documents and plans on the file.

***Creation of a precedent***

1. I set out below the courts approach to the creation of a precedent. In *Collis Radio Ltd v SSE [1975] JPL 221*, Lord Widgery CJ said that it was of great importance, when considering a single planning application, to ask what the consequences in the locality would be and what side effects would flow if permission were granted. The judgement added that there must be evidence (rather than mere assertion) to indicate that, if planning permission were granted, it would make it more difficult to refuse other applications for similar development which may have damaging effects.

2. In *Poundstretcher v SSE [1988] 3 PLR 69* Deputy Judge Widdicome said: "... in the present case the inspector clearly did rely on precedent. I accept Mr Hobson's proposition that where precedent is relied on, mere fear or generalised concern is not enough. There must be evidence in one form or another for the reliance on precedent. In some cases the facts may speak for themselves. For instance, in the common case of the rear extension of one of a row or terrace of dwellings, it may be obvious that other owners in the row are likely to want extensions if one is permitted. Another clear example is sporadic development in the countryside."

3. Setting a precedent is therefore a material consideration in the determination of planning applications. However, there has to be evidence in each case that there could be a proliferation of similar applications that would be difficult to refuse, if the application in question was allowed.

***This Case***

4. The facts in this case are that Cllr F has submitted a screening application followed by a planning application for a 50m wind turbine on his land at Marchynys which lies some 3km from the subject application site for a similar wind turbine at Ty Fry. He has also submitted two other screening/planning applications for turbines at other sites in the locality.

5. From the plans on file, I note that the proposed sites for a wind turbine, Marchynys and Ty Fry, are in rural locations. Both sites have a scatter of dwellings near to the application site and so they share similar features from a planning point of

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view. The effect of the wind turbine on the appearance of the countryside and the proximity of dwellings to the turbine are likely to be material considerations in assessing the merits of a wind turbine application.

6. With these points in mind and having regard to the court's approach, I believe that the two sites and developments share sufficient common factors that a precedent would be established by the grant of a planning permission on one of the sites. The community council's support or opposition to the wind turbine application at Ty Fry would be incorporated into the local planning authority's assessment of the development. The effect of a precedent is always tempered by other planning factors that are particular to each site but precedent would be a consideration that weighed in favour of, or, the refusal of any wind turbine application.

7. Cllr F, as a community councillor, is acting as a consultee rather than the decision maker in relation to this application. In my view, this subsidiary role 'dilutes' the precedent effect of his support for Ty Fry application. Nevertheless, there is a strong similarity between the two developments and his support for one has some bearing on the prospects for the other.



Jim Griffiths MA(Arch) MSc MRTPI  
Associate Adviser (Planning)

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# Appendix

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## **Extracts from my guidance on the code of conduct**

I issued guidance for members of local authorities in Wales on the Model Code of Conduct in April 2010 ("my guidance").<sup>1</sup> I include below extracts of the guidance which are relevant to this complaint.

### **Personal and prejudicial interests**

The elements of the Code which cover personal and prejudicial interests give rise to many questions from members. They are designed to safeguard the principles of selflessness and objectivity. They are intended to give members of the public confidence that decisions are being taken in their best interests, and not in the best interests of members of authorities or their close personal associates. Personal interests relate to issues where you or a close personal associate may have some link to a matter under discussion. These interests become prejudicial where an informed independent observer could conclude that the interest would influence your vote, or your decision. Guidance on registering interests is at Section 4.

The paragraphs below are designed to offer guidance on a very complex subject. I would strongly recommend that if you are in any doubt about whether you have a personal or prejudicial interest, and what you need to do if so, you should ask your monitoring officer or clerk for advice.

### **Personal Interests**

See paragraph 10

While you are carrying out your duties, you need to decide if you have a personal interest, and if so, whether you need to disclose it. Most members know that you need to disclose personal interests at meetings, but as you will read below, there are other occasions, such as when speaking to your authority's officers about the matter concerned, when you may also need to do so.

...

If a decision might be seen as affecting your well being or financial position or the well being or financial position of any person who lives with you or with whom you have a close personal association to a

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<sup>1</sup> <http://www.ombudsman-wales.org.uk/uploads/publications/466.pdf>



greater extent than other people in your ward or, for members of authorities which do not have wards (e.g. national parks) in your authority's area, you also have a personal interest.

Examples of decisions of this kind include obvious issues like contracts being awarded to your partner's company but also issues about the location of developments, where it might make a big difference to where you or your close personal associates live. Examples have included the location of playgrounds, where elected members have opposed them near their houses because of issues about noise.

What does "affecting well-being or financial position" mean?

The term 'well-being' can be described as a condition of contentedness and happiness. Anything that could affect your quality of life, either positively or negatively, is likely to affect your well-being. A personal interest can affect you or your close personal associates positively and negatively.

So if you or they have the potential to gain or lose from a matter under consideration, you need to declare a personal interest in both situations.

What if I am not aware of my personal interest?

Your obligation to disclose a personal interest to a meeting only applies when you are aware of or reasonably ought to be aware of the existence of the personal interest. Clearly you cannot be expected to declare something of which you are unaware. It would be impractical to expect you to research into the employment, business interests and other activities of all your close associates and relatives. However, you should not ignore the existence of interests which, from the point of view of a reasonable and objective observer, you should have been aware.

If you declare a personal interest you can remain in the meeting, speak and vote on the matter, unless your personal interest is also a prejudicial interest.

What constitutes a prejudicial interest is outlined in a following section.

Disclosing personal interests

See paragraph 11

At meetings, you must declare that you have a personal interest, and the nature of that interest, before the matter is discussed or as soon as it

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becomes apparent to you except in limited circumstances. Even if your interest is on the register of interests, you must declare it orally in the meetings where matters relating to that interest are discussed. If you are making representations in writing (including emails, faxes etc.) to another member or an officer, you must include details of any personal interests you have.

Similarly, if you are speaking with an officer or member in person, by phone or video conference you should tell them about any personal interest you have before making representations or when the interest becomes apparent. You are obliged to confirm your interest by e-mail or in writing to the officer concerned and to the monitoring officer within 14 days. The Ombudsman would generally expect officers to make a record of any conversation in which a member has declared an interest and attach it to the appropriate file.

### Prejudicial Interests

See paragraph 12

What is a prejudicial interest?

Your personal interest will also be a prejudicial interest in a matter if either of the following conditions applies:

- the matter does not fall within one of the exempt categories of business, or
- the matter relates to a licensing or regulatory matter (see paragraph 12 (3))

**and** a member of the public, who knows the relevant facts, would reasonably think your personal interest is so significant that it is likely to prejudice your judgement of the public interest.

What is so significant that it is likely to prejudice your judgement?

If a reasonable member of the public with knowledge of all the relevant facts would think that your judgement of the public interest might be prejudiced, then you have a prejudicial interest. This is an objective test. You must decide not whether you would take the decision without prejudice, but whether you would be seen as doing so.

You must ask yourself whether a member of the public – if he or she knew all the relevant facts – would think that your personal interest was

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so significant that it would be likely to prejudice your judgement. In other words, the interest must be perceived as likely to harm or impair your ability to judge the public interest. The mere existence of local knowledge, or connections within the local community, will not normally be sufficient to meet the test. There must be some factor that might positively harm your ability to judge the public interest objectively. The nature of the matter is also important, including whether a large number of people are equally affected by it or whether you or a smaller group are particularly affected.

Some general principles must be remembered when applying this test. You should clearly act in the public interest and not in the interests of any close personal associates. You are a custodian of the public purse and the public interest and your behaviour and decisions should reflect this responsibility. You would have a prejudicial interest in a planning application proposal if a close personal associate of yours (e.g. your son or a good friend) lives next to the proposed site. This is because your close personal associate would be likely to be affected by the application to a greater extent than the majority of the inhabitants of the ward or electoral division affected by the decision (or authority, if your authority does not have wards) and this gives you a personal interest in the issue. The close personal association means a reasonable member of the public might think that it would prejudice your view of the public interest when considering the planning application. It does not matter whether it actually would or not.

In other cases, where there has been a dispute between you and an individual who could be disadvantaged by a decision, an informed reasonable member of the public might conclude that you would be inclined to vote accordingly, whether this is the case or not.

What to do when you have a prejudicial interest

See paragraph 14

Even where you have a prejudicial interest, the Code supports your role as a community advocate and enables you in certain circumstances to represent your community and to speak on issues important to them and to you.

Key points:

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If you have a prejudicial interest in a matter being discussed at a meeting, you must, having declared your personal interest in the matter, leave the room (or any other venue in which the meeting is being held including, for example, the location of a site meeting), unless members of the public are allowed to make representations, give evidence or answer questions about the matter, by statutory right or otherwise. If that is the case, you can also attend the meeting for that purpose.

However, you must immediately leave the room or chamber once the period for considering representations has finished, and before any discussion on the item begins, even if members of the public are allowed to remain. You cannot remain in the public gallery to observe the vote on the matter. In addition, you must not seek to influence a decision in which you have a prejudicial interest. This rule is similar to your general obligation not to use your position as a member improperly to your or someone else's advantage or disadvantage. This means that as well as leaving meetings where the item is discussed, you should also not write or make any oral representations about the matter.

...

The Code aims to provide members with the same rights as ordinary members of the public to speak on certain matters in meetings, despite having a prejudicial interest. These rights are usually governed by your authority's constitution, procedure rules or standing orders, and may be subject to conditions including time limits or the fact that representations can only be made in writing.

If an ordinary member of the public would be allowed to speak to a meeting about an item, you should be provided with the same opportunity. You will be able to make representations, answer questions or give evidence, even if you have a prejudicial interest in the item. You may not take part in the discussion or observe the vote.

When must I leave the place where the meeting is held?

You must leave immediately the time for making representations, giving evidence or answering questions is finished, and before any debate starts.

What does influencing a decision mean?

000130



You must not make any representations or have any involvement with decisions in which you have a prejudicial interest, except where you are entitled to speak as described above.

What if the public are not allowed to speak to the meeting on the matter?

If an ordinary member of the public is not allowed to speak on the matter, you cannot do so if you have a prejudicial interest. You must leave the place where the debate is being held and not seek to influence the debate in any way. This may be the case, for example, where your authority is discussing a confidential matter in closed session or does not have procedure rules or standing orders in place that allow members of the public to speak at a meeting of your authority. Like the public, you are not allowed to participate if you have a prejudicial interest. However, where the public may be allowed to sit in the public gallery to observe the meeting, you will be required to leave the room during the debate and vote.

NB: This guidance has now been updated for Community Councillors and is available at <http://www.ombudsman-wales.org.uk> in the publications section, under the heading "Guidance/Policies"

000131



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000133



000134

Details of case and reference number .....

## FORM A

### Subject Member's response to the evidence set out in the investigation report

Please enter the number of any paragraph in the investigation report where you disagree with the findings of fact, and give your reasons and your suggested alternative.

Paragraph number from the investigation report	Reasons for disagreeing with the findings of fact provided in that paragraph	Suggestion as to how the paragraph should read

000135



Details of case and reference number .....

## **FORM B**

### **Other evidence relevant to the complaint**

Please set out below, using the numbered paragraphs, any evidence you feel is relevant to the complaint made about you.

Paragraph number	Details of the evidence
1	
2	
3	

000136

Details of case and reference number .....

## FORM C

### Representations to be taken into account if a Member is found to have failed to follow the Code of Conduct

Only complete this form if you agree with the findings in the investigation report that you failed to comply with the Code of Conduct

Please set out below, using the numbered paragraphs, any factors that the Standards Committee should take into account if it finds that you failed to follow the Code of Conduct. Please note that no such finding has been made yet.

Paragraph number	Factors for the Standards Committee to take into account when deciding whether to censure, suspend, or partially suspend
1	
2	
3	

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Details of case and reference number .....

## FORM D

### Arrangements for the Standards Committee hearing

Please tick the relevant boxes.

<b>1</b>	<p>Are you planning to attend the Standards Committee hearing on the proposed date in the accompanying letter?</p> <p>If 'No', please explain why.</p>	<p>Yes <input checked="" type="checkbox"/></p> <p>No <input type="checkbox"/></p>	Reason:
<b>2</b>	<p>Are you going to present your own case?</p>	<p>Yes <input checked="" type="checkbox"/></p> <p>No <input type="checkbox"/></p>	
<b>3</b>	<p>If you are not presenting your own case, will a representative present it for you?</p> <p>If 'Yes', please state the name of your representative.</p>	<p>Yes <input type="checkbox"/></p> <p>No <input type="checkbox"/></p>	Name:
<b>4</b>	<p>Is your representative a practising Solicitor or Barrister?</p> <p>If 'Yes', please give their legal qualifications. Then go to Question 6.</p> <p>If 'No' please go to Question 5.</p>	<p>Yes <input type="checkbox"/></p> <p>No <input type="checkbox"/></p>	Qualifications:

<b>5</b>	<p>Does your representative have any connection with your case?</p> <p>If 'Yes', please give details.</p>	<p>Yes <input type="checkbox"/></p> <p>No <input type="checkbox"/></p>	Details:
<b>6</b>	<p>Are you going to call any witnesses?</p> <p>If 'Yes', please fill in Form E.</p>	<p>Yes <input type="checkbox"/></p> <p>No <input checked="" type="checkbox"/></p>	
<b>7</b>	<p>Do you, your representative or your witnesses have any access difficulties or any other needs? (e.g. is wheelchair access needed?)</p> <p>If 'Yes', please give details.</p>	<p>Yes <input type="checkbox"/></p> <p>No <input checked="" type="checkbox"/></p>	Details:
<b>8</b>	<p>Do you, your representative or witnesses need an interpreter?</p> <p>If 'Yes' please give details</p>	<p>Yes <input type="checkbox"/></p> <p>No <input checked="" type="checkbox"/></p>	Details:
<b>9</b>	<p>Do you want any part of the hearing to be held in private?</p> <p>If 'Yes', please give reasons.</p>	<p>Yes <input type="checkbox"/></p> <p>No <input checked="" type="checkbox"/></p>	Reasons:
<b>10</b>	<p>Do you want any part of the relevant documents to be withheld from public inspection?</p> <p>If 'Yes', please give reasons.</p>	<p>Yes <input type="checkbox"/></p> <p>No <input checked="" type="checkbox"/></p>	Reasons:



Details of case and reference number .....

## FORM E

### Details of witnesses you propose to call:

Name of witness or witnesses	1	
	2	
	3	
<b>Witness 1</b>		
<b>a</b>	<p>Will the witness give evidence about the allegation?</p> <p>If 'Yes', please provide an outline of the evidence the witness will give.</p>	<p>Yes <input type="checkbox"/></p> <p>No <input type="checkbox"/></p> <p>Outline of evidence:</p>
<b>b</b>	<p>Will the witness give evidence about what action the standards committee should take if it finds that the Code of Conduct has not been followed?</p> <p>If 'Yes', please provide an outline of the evidence the witness will give.</p>	<p>Yes <input type="checkbox"/></p> <p>No <input type="checkbox"/></p> <p>Outline of evidence:</p>

## Witness 2

<b>a</b>	<p>Will the witness give evidence about the allegation?</p> <p>If 'Yes', please provide an outline of the evidence the witness will give.</p>	<p>Yes <input type="checkbox"/></p> <p>No <input type="checkbox"/></p>	<p>Outline of evidence:</p>
<b>b</b>	<p>Will the witness give evidence about what action the standards committee should take if it finds that the Code of Conduct has not been followed?</p> <p>If 'Yes', please provide an outline of the evidence the witness will give.</p>	<p>Yes <input type="checkbox"/></p> <p>No <input type="checkbox"/></p>	<p>Outline of evidence:</p>



### Witness 3

<b>a</b>	<p>Will the witness give evidence about the allegation?</p> <p>If 'Yes', please provide an outline of the evidence the witness will give.</p>	<p>Yes <input type="checkbox"/></p> <p>No <input type="checkbox"/></p>	Outline of evidence:
<b>b</b>	<p>Will the witness give evidence about what action the standards committee should take if it finds that the Code of Conduct has not been followed?</p> <p>If 'Yes', please provide an outline of the evidence the witness will give.</p>	<p>Yes <input type="checkbox"/></p> <p>No <input type="checkbox"/></p>	Outline of evidence:

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**MEWN PERTHYNAS Â CHYFEIRIAD GAN OMBWDSMON GWASANAETHAU  
CYHOEDDUS CYMRU I BWYLLGOR SAFONAU CYNGOR SIR YNYS MÔN YN  
UNOL AG ADRAN 69 DEDDF LLYWODRAETH LEOL 2000**

**CWYN A WNAED YN ERBYN Y CYNGHORYDD JOHN FOULKES, CYNGHORAU  
CYMUNED PENMYNYDD A STAR**

**DATGANIAD TYST**

**Datganiad Dewi Francis Jones**

**Swydd: Rheolwr Datblygu Cynllunio, Cyngor Sir Ynys Môn**

Rwy'n gwneud y Datganiad hwn o fy ngwybodaeth fy hun oni bai y nodir fel arall.

1.1 Gofynnwyd i mi baratoi datganiad ar ran y Gwasanaeth Cynllunio er mwyn cynorthwyo'r Pwyllgor Safonau gyda'r mater uchod. Yn benodol, rwy'n rhoi sylw i'r canlynol:

Effaith gynseiliol cais 41C124 ar geisiadau'r Cynghorydd Foulkes ei hun.

1.2 Dyma'r ceisiadau cynllunio perthnasol;

- Cais cynllunio cyfeirnod 41C124 – Cais llawn gan Mr Dafydd Jones i godi un tyrbîn gwynt hyd at 44 m o uchder, gyda rotor o hyd at 56m ar ei draws, a hyd at 71m i flaen y llafn ynghyd â chodi gorsaf trawsnewidydd, adeilad cadw offer a thrac mynediad newydd a llecyn caled ar dir yn Ty Fry, Rhoscefnhir.
- Cais cynllunio cyfeirnod 41C66E – Cais llawn gan Mr John Foulkes i godi un tyrbîn gwynt hyd at 50m i'r hwb, gyda rotor o hyd at 54m ar ei draws a hyd at 78m o uchder i flaen y llafn ynghyd ag isadeiledd cysylltiedig ar dir ym Marchynys, Penmynydd.
- Cais Cynllunio cyfeirnod 41C110B – Cais llawn i godi un tyrbîn gwynt a fydd hyd at 78m o uchder i flaen y llafn ynghyd â lleoli isadeiledd cysylltiedig ar dir yn Tyn Buarth, Penmynydd.

1.3 Dyma statws cyfredol pob un o'r ceisiadau:

- Cafodd Cais Cynllunio rhif 41C124, sef cais "Ty Fry" ei dynnu'n ôl ar 26 Ionawr 2012 ond cafodd ei ailgyflwyno ar 19 Tachwedd 2012 dan gyfeirnod cynllunio 41C124B ac ar hyn o bryd, nid oes penderfyniad wedi ei wneud yn ei gylch.



**IN THE MATTER OF A REFERRAL BY THE PUBLIC SERVICES OMBUDSMAN  
FOR WALES TO THE ISLE OF ANGLESEY COUNTY COUNCIL STANDARDS  
COMMITTEE PURSUANT TO SECTION 69 OF THE LOCAL GOVERNMENT ACT  
2000**

**COMPLAINT MADE AGAINST COUNCILLOR JOHN FOULKES OF THE  
PENMYNYDD AND STAR COMMUNITY COUNCILS**

**WITNESS STATEMENT**

**Statement of Dewi Francis Jones**

**Occupation: Planning Development Manager, the Isle of Anglesey County  
Council**

I make this Statement from my own knowledge and belief unless otherwise stated.

1.1 I have been asked to prepare a statement on behalf of the Planning Service in order to assist the Standards Committee in respect of the above matter. Specifically I deal with the following;

The precedent effect of application 41C124 on Councillor Foulkes' own applications.

1.2 The relevant planning applications are identified as being;

- Planning Application reference number 41C124 – A full application made by Mr Dafydd Jones for the erection of one wind turbine with a maximum height of up to 44m, rotor diameter of up to 56m and a maximum upright vertical tip height of up to 71m together with the erection of a transformer station, utility housing and new access track and hard-standing on land at Ty Fry, Rhoscefnhir.
- Planning Application reference number 41C66E – A full application made by Mr John Foulkes for the erection of one wind turbine with a maximum hub height of up to 50m, rotor diameter of up to 54m, and a maximum upright vertical tip height of up to 78m together with associated infrastructure on land at Marchynys, Penmynydd.
- Planning Application reference number 41C110B – A full application for the erection of one wind turbine with a maximum upright vertical tip height of up to



- Nid oes penderfyniad wedi ei wneud hyd yma ynghylch Cais Cynllunio cyfeirnod 41C66E, sef cais "Marchynys" oherwydd y disgwylir am ychwaneg o wybodaeth.
- Cafodd Cais Cynllunio cyfeirnod 41C110B, sef cais "Tyn Buarth" ei ddychwelyd heb benderfyniad i'r ymgeisydd ar 1 Medi 2012 oherwydd na chafodd gwybodaeth ei chyflwyno a oedd yn hanfodol ar gyfer gwneud penderfyniad ar y cais.

1.4 Mae copi o bob un o'r ceisiadau ynghlwm yn atodiadau 1, 2 a 3 ynghyd â chynllun yn nodi lleoliad y tri safle y mae wnelo'r ceisiadau â nhw yn atodiad 4.

## **2.0 Effaith gynseiliol cais 41C124 ar geisiadau'r Cynghorydd Foulkes ei hun**

2.1 Rwyf wedi darllen Adroddiad yr Ombwdsmon a'r cyngor a gafwyd gan ei ymgynghorydd cynllunio annibynnol ynghylch a fedrid ystyried bod llwyddiant cais cynllunio am dyrbin gwynt yn yr ardal yn gosod cynsail ai peidio ar gyfer ceisiadau yn y dyfodol am dyrbinau gwynt yn yr ardal ac yn dylanwadu ar y fath geisiadau o bosib.

2.2 Roedd yr ymgynghorydd cynllunio yn canolbwyntio yn y lle cyntaf ar geisiadau "Tŷ Fry" a "Marchynys" a dywedodd ei fod o'r farn *"that the two sites and developments share sufficient common factors that a precedent would be established by the grant of planning permission on one of the sites"* er iddo dymheru hyn drwy fynd yn ei flaen i ddweud bod effaith cynsail o'r fath *"always tempered by other planning factors"*. Daeth yr ymgynghorydd cynllunio i'r casgliad fod cefnogaeth y Cynghorydd Foulkes i gais "Tŷ Fry" *"has some bearing on the prospects of the other"*.

2.5 Rwy'n cytuno gyda'r ymgynghorydd cynllunio y gall gosod cynsail fod yn ystyriaeth o bwys wrth benderfynu ar geisiadau cynllunio ac rwy'n cytuno gyda'i safiad yn gyffredinol ar faterion o'r fath. Fodd bynnag, rwy'n deall hefyd bod angen sail tystiolaeth ar gyfer honiad o'r fath cyn y gellir dod i'r fath farn.

2.6 Ymddengys bod yr ymgynghorydd cynllunio yn dod i'r casgliad y byddai cynsail yn cael ei sefydlu am y rheswm *"that the two sites and developments share sufficient common factors"*. Dyma oedd y nodweddion cyffredin hyn :

- Mae'r ddau safle mewn ardal wledig gyda thai wedi eu gwasgaru yma ac acw yn ymyl y safleoedd.
- Mae'r tyrbinau o faint tebyg.
- Mae'r ceisiadau'n rhannu nodweddion tebyg o safbwynt cynllunio.
- Mae effaith y tyrbîn gwynt ar y cefn gwlad ac agosrwydd y tai at y tyrbîn yn debygol o fod yn ystyriaethau o bwys wrth asesu rhinweddau'r ceisiadau.



78m together with the siting of associated infrastructure on land at Tyn Buarth, Penmynydd.

1.3 The current status of each application is as follows;

- Planning Application reference number 41C124, the "Ty Fry" application was withdrawn on the 26<sup>th</sup> January 2012 but was subsequently resubmitted on the 19<sup>th</sup> November 2012 under planning reference 41C124B and is currently undetermined.
- Planning Application reference number 41C66E, the "Marchynys" application remains undetermined as additional information is awaited.
- Planning Application reference number 41C110B, the "Tyn Buarth" application was returned undetermined to the applicant on the 1<sup>st</sup> September 2012 as additional information essential to enable the application to be determined was not submitted.

1.4 A copy of each application is exhibited at appendices 1,2 and 3 together with a plan identifying the position of the three application sites at appendices 4.

## **2.0 The precedent effect of application 41C124 on Councillor Foulkes' own applications.**

2.1 I have read the Ombudman's Report and the advice received from his independent planning adviser on whether or not the success of a planning application for a wind turbine in the locality could be regarded as setting a precedent for, and thereby potentially influencing, future turbine applications in the area.

2.2 The planning adviser concentrated primarily on the "Ty Fry" and "Marchynys" applications and stated that he believed *"that the two sites and developments share sufficient common factors that a precedent would be established by the grant of planning permission on one of the sites"* although he did qualify this by going on to state that the effect of such a precedent is *"always tempered by other planning factors"*. The planning advisor concluded by saying that Cllr Foulkes support for the "Ty Fry" application *"has some bearing on the prospects of the other"*.

2.5 I agree with the planning advisor that setting a precedent can be a material consideration in the determination of planning applications and with his general position on such matters. However, I also understand that before such a judgement can be reached there needs to be an evidence base for such an assertion.



Rwy'n cytuno fel mater o ffaith bod y ddau gais yn rhannu'r nodweddion cyffredin hyn.

2.7 Serch hynny, nid wyf wedi fy mherswadio bod y ffactorau cyffredin hyn a rennir, ynddynt eu hunain, yn arwain yn anorfod at y casgliad y byddai unrhyw gynsail a sefydlid o'r fath arwyddocâd fel y byddai'n cael dylanwad o bwys wrth benderfynu ar y cais arall.

2.8 Mae ceisiadau am dyrbinau gwynt yn codi myrdd o faterion pellgyrhaeddol a chymhleth ac yn aml y mae'n rhaid eu pwysu a'u mesur a'u hasesu'n ofalus, e.e. polisi cynllunio, ystyriaethau trafnidiaeth, treftadaeth ddiwylliannol, mwynderau preswyl, sŵn, cysgod gryniant, ecoleg, archeoleg, effaith ar y dirwedd ac ati. Gyda'i gilydd, gellir disgrifio'r rhain fel *"other planning factors that are particular to each site"*. Yn ddieithriad yn fy mhrofiad i, y ffactorau cynllunio eraill hyn sydd yn hanfodol bwysig o ran asesu a yw ceisiadau o'r fath yn dderbyniol ai peidio.

2.9 Er y byddai'n rhaid asesu'n ofalus nifer os nad y cyfan o'r ffactorau hyn ym mhob cais, gofynnwyd i mi yn benodol roi rhywfaint o gyd-destun ynghylch topograffi'r ardal er mwyn rhoi gwell dealltwriaeth o'r goblygiadau o safbwynt effaith weledol y cais. Mae map OS ar raddfa 1: 25 000 (lle mae 4cm ar y map yn cyfateb i 1km ar y ddaear) ynghlwm fel Atodiad 5. Mae'r map hwn yn dangos llinellau amlinellol uchder yn yr ardal ac yn dangos bod topograffi'r dirwedd yn un o bantiau a bryniau bychan.

2.10 Oherwydd maint a lleoliad y ddau dyrbin yn y dirwedd hon, rwyf o'r farn y byddant yn nodweddion amlwg a fydd yn newid edrychiad yr ardal leol yn sylweddol. Efallai hefyd y bydd rhywfaint o ryngweledd o rai llefydd lle gellid gweld y ddau dyrbin ar yr un pryd, yn yr amgylchiadau hyn, byddai angen asesu nid yn unig effaith pob tyrbin yn unigol ond hefyd effaith gronol y ddau hefo'i gilydd.

2.11 Er eu bod yn weddol agos o safbwynt daearyddol, rwyf o'r farn bod y ddau safle'n ddigon pell oddi wrth ei gilydd (oddeutu 2.7km) ac yn yr amgylchiadau hyn, er bod y ffactorau cynllunio sy'n benodol i'r ddau safle yn debygol o fod yn debyg, byddwn yn rhagweld y byddai'r asesiad manwl o bob un o'r ffactorau hyn yn wahanol iawn.

2.12 Er bod yr ymgynghorydd cynllunio yn gywir pan mae'n dweud *"the community council's support or opposition to the wind turbine application at Tŷ Fry would be incorporated into the local planning authority's assessment"* nid wyf o'r farn bod hwn yn factor tyngedfennol wrth benderfynu ar geisiadau. Rwyf o'r farn y bydd y ffactorau cynllunio eraill sy'n benodol i bob safle, megis effaith weledol yn llawer mwy arwyddocaol a thyngedfennol.

### 3.0 Casgliadau



2.6 The planning advisor appears to reach his conclusion that a precedent would be established on the basis "*that the two sites and developments share sufficient common factors*". These common factors are identified as being;

- Both sites are in a rural location with a scatter of dwellings nearby.
- The turbines are of a similar size.
- The applications share similar features from a planning point of view.
- The effect of the wind turbine on the countryside and the proximity of dwellings to the turbine are likely to be material considerations in assessing the merits of the applications.

I agree that as a matter of fact the two applications do share these common factors.

2.7 Nevertheless I am not persuaded that these shared common factors in themselves inevitably lead to the conclusion that any precedent established would be of such significance as to have a material bearing in the determination of the other application.

2.8 Wind turbine applications raise a myriad of wide ranging and often complex issues that have to be weighed up and carefully evaluated e.g. planning policy, transport considerations, cultural heritage, residential amenity, noise, shadow flicker, ecology, archaeology, landscape impact etc. These collectively can be described as the "*other planning factors that are particular to each site*". Invariably, in my experience it is these other planning factors that are critical in assessing the acceptability or otherwise of such applications.

2.9 Whilst many if not all of these factors would need to be carefully evaluated in each application I have been asked specifically to provide some context of the topography of the area to give a greater understanding of the visual impact implications. An OS Map at a scale of 1: 25 000 (where 4cm on the map equates to 1km on the ground) is enclosed as appendices 5. This map displays contour lines of height in the locality and shows the landscape to be one of a gentle rolling topography.

2.10 It is my opinion that due to the scale and relative position of the two turbines within this landscape they will be prominent features that will introduce a significant change in the appearance of the locality. There may also be a degree of inter-visibility from certain viewpoints where both could be visible at the same time, in these circumstances not only will the impact of each turbine in isolation need to be evaluated but also the cumulative impact of both together.

2.11 Although being relatively close together in geographical terms I am of the opinion that there is a sufficient degree of separation between the two sites (at approximately 2.7 km) and in these circumstances I would anticipate that whilst the



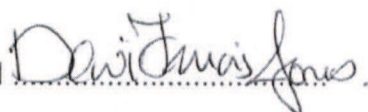
3.1 Wedi ystyried yr uchod, rwy'n cytuno y gall cefnogaeth neu wrthwynebiad cyngor cymuned i'r tyrbin gwynt yn Tŷ Fry gael effaith gynseiliol.

3.2 Serch hynny, rwyf o'r farn bod yr effaith yn un fechan ac o bwys cyfyngedig. Mae'r ffactorau cynllunio eraill sy'n benodol i bob safle yn fwy perthnasol ac arwyddocaol o lawer.

3.3 Wedi pwysu a mesur, rwyf o'r farn y gall unrhyw gynsail a sefydlir fod o bosib yn ystyriaeth o bwys ond y mae angen ei ffactora i mewn i unrhyw benderfyniad cynllunio, ac nid wyf yn ystyried bod honno'n ystyriaeth dyngedfennol yn yr achos hwn. O'r herwydd, yng nghyd-destun cyffredinol y ceisiadau, nid wyf wedi fy mherswadio bod yr effaith gynseiliol a nodwyd gan yr ymgynghorydd cynllunio yn un arwyddocaol.

Credaf fod yr holl ffeithiau yn y datganiad tyst hwn yn wir.

Llofnodwyd



Dyddiedig 4 Chwefror 2013

Dewi Francis Jones

### **Rhestr o Atodiadau**

Atodiad 1 – Copi o gais gynllunio 41C124 yn Ty Fry.

Atodiad 2 – Copi o gais cynllunio 41C66E ym Marchynys.

Atodiad 3 – Copi o gais cynllunio 41C110B yn Tyn Buarth

Atodiad 4 – Cynllun lleoliad graddfa 1:50 000 o'r 3 safle

Atodiad 5 – Map OS topograffeg graddfa 1:25 000.



planning factors particular to each site are likely to be the same the detailed assessment of each of these factors will be materially different.

2.12 Whilst the planning advisor correctly identifies that *"the community council's support or opposition to the wind turbine application at Ty Fry would be incorporated into the local planning authority's assessment"* I do not consider this to be a decisive factor in the determination of the applications. I am of the opinion that the other planning factors that are particular to each site, such as visual impact will far more significant and decisive.

### **3.0 Conclusions**

3.1 Having considered the above I agree that a community council's support or opposition to the wind turbine at Ty Fry is capable of creating a precedent effect.

3.2 Nevertheless I am of the opinion that any such effect is slight and of limited weight. The other planning factors particular to each site are far more material and significant.

3.3 On balance, I consider that whilst any precedent created is potentially capable of being a material consideration that needs to be factored into any planning decision I do not consider that in this instance it is a decisive consideration. Consequently I am not persuaded that given the overall context of the applications that the precedent effect identified by the planning advisor is significant.

I believe that the facts in this witness statement are true.

Signed 

Dated 4th February 2013

Dewi Francis Jones

### **List of Appendices.**

Appendices 1 – Copy of planning application 41C124 at Ty Fry.

Appendices 2 - Copy of planning application 41C66E at Marchynys.

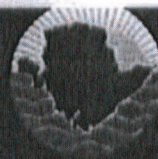
Appendices 3 - Copy of planning application 41C110B at Tyn Buarth

Appendices 4 – 1:50 000 scale location plan of all 3 sites.

Appendices 5 – 1:25 000 scale OS map of topography.



Ynys Môn  
Isle of Anglesey  
Council  
Llangefni  
LL77 7TW



CYNGOR SIR  
YNYS MON  
ISLE OF ANGLESEY  
COUNTY COUNCIL

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## Application for Planning Permission. Town and Country Planning Act 1990

### Publication of applications on planning authority websites

Please note that the information provided on this application form and in supporting documents may be published on the Authority's website. If you require any further clarification, please contact the Authority's planning department.

### 1. Applicant Name, Address and Contact Details

Title:	Mr	First name:	Dafydd	Surname:	Jones		
Company name:							
Street address:	Ty Fry			Country Code	National Number	Extension Number	
	Rhoscefnhir			Telephone number:			
				Mobile number:			
Town/City:	Pentraeth			Fax number:			
County:	Anglesey			Email address:			
Country:							
Postcode:	LL758YT						

Are you an agent acting on behalf of the applicant? ☒ Yes ☐ No

### 2. Agent Name, Address and Contact Details

Title:	Mr	First Name:	Jamie	Surname:	Bradshaw		
Company name:	Owen Devenport Ltd						
Street address:	1st Floor Metropolitan Buildings 25 High Street			Country Code	National Number	Extension Number	
				Telephone number:		01248724356	
				Mobile number:			
Town/City:	LLANGEFNI			Fax number:			
County:	Anglesey			Email address:			
Country:	United Kingdom						
Postcode:	LL77 7NA			jamie@owendevenport.co.uk			

### 3. Description of the Proposal

Please describe the proposed development including any change of use:

Proposed Erection of 1 no. wind turbine with a hub height of 44m, a rotor diameter of 56m, and a tip height of 71m, together with the erection of a transformer station and utility housing and creation of an access track and hard standing

Has the building, work or change of use already started?

☐ Yes ☒ No

000152



### 1. Site Address Details

Full postal address of the site (including full postcode where available)

House:	<input type="text"/>	Suffix:	<input type="text"/>
House name:	TY FRY		
Street address:	<input type="text"/>		
	RHOSCEFNIHIR		
Town/City:	PENTRAETH		
County:	<input type="text"/>		
Postcode:	LL75 8YT		

Description:

Description of location or a grid reference  
(must be completed if postcode is not known):

Easting:	251629
Northing:	376756

### 5. Pre-application Advice

Has assistance or prior advice been sought from the local authority about this application?

☒ Yes ☐ No

If Yes, please complete the following information about the advice you were given (this will help the authority to deal with this application more efficiently):

Officer name:

Title:  First name: Nia Surname: Jones

Reference:

Date: 10/10/2011

Details of the pre-application advice received:

Pre application meeting re policy context

### 5. Pedestrian and Vehicle Access, Roads and Rights of Way

Is a new or altered vehicle access proposed to or from the public highway?

☒ Yes ☐ No

Is a new or altered pedestrian access proposed to or from the public highway?

☐ Yes ☒ No

Are there any new public roads to be provided within the site?

☐ Yes ☒ No

Are there any new public rights of way to be provided within or adjacent to the site?

☐ Yes ☒ No

Do the proposals require any diversions/extinguishments and/or creation of rights of way?

☐ Yes ☒ No

If you answered Yes to any of the above questions, please show details on your plans/drawings and state the reference of the plan(s)/drawings(s)

Please see plan L0-2

### 7. Waste Storage and Collection

Do the plans incorporate areas to store and aid the collection of waste?

☐ Yes ☒ No

Have arrangements been made for the separate storage and collection of recyclable waste?

☐ Yes ☒ No

### 3. Neighbour and Community Consultation

Have you consulted your neighbours or the local community about the proposal?

☐ Yes ☒ No

### 9. Authority Employee/Member

With respect to the Authority, I am:

- (a) a member of staff
- (b) an elected member
- (c) related to a member of staff
- (d) related to an elected member

Do any of these statements apply to you?

☐ Yes ☒ No

### 10. Materials

000153



## 10. Materials (continued)

### Walls - description:

Description of existing materials and finishes:

-

Description of proposed materials and finishes:

-

Are you supplying additional information on submitted plan(s)/drawing(s)/design and access statement?

☐ Yes ☒ No

## 11. Vehicle Parking

Please provide information on the existing and proposed number of on-site parking spaces:

Type of vehicle	Existing number of spaces	Total proposed (including spaces retained)	Difference in spaces
Cars	0	0	0
Light goods vehicles/public carrier vehicles	0	0	0
Motorcycles	0	0	0
Disability spaces	0	0	0
Cycle spaces	0	0	0
Other (e.g. Bus)	0	0	0
Short description of Other			

## 12. Foul Sewage

Please state how foul sewage is to be disposed of:

Mains sewer

☐

Package treatment plant

☐

Unknown

☐

Septic tank

☐

Cess pit

☐

Other

No connection

Are you proposing to connect to the existing drainage system?

☐ Yes ☒ No ☐ Unknown

## 13. Assessment of Flood Risk

Is the site within an area at risk of flooding? (Refer to the Environment Agency's Flood Map showing flood zones 2 and 3 and consult Environment Agency standing advice and your local planning authority requirements for information as necessary.)

☐ Yes ☒ No

If Yes, you will need to submit an appropriate flood risk assessment to consider the risk to the proposed site.

Is your proposal within 20 metres of a watercourse (e.g. river, stream or beck)?

☐ Yes ☒ No

Will the proposal increase the flood risk elsewhere?

☐ Yes ☒ No

How will surface water be disposed of?



Sustainable drainage system

☐

Main sewer

☐

Pond/lake



Soakaway

☐

Existing watercourse

## 14. Biodiversity and Geological Conservation

To assist in answering the following questions refer to the guidance notes for further information on when there is a reasonable likelihood that any important biodiversity or geological conservation features may be present or nearby and whether they are likely to be affected by your proposals.

Having referred to the guidance notes, is there a reasonable likelihood of the following being affected adversely or conserved and enhanced within the application site, OR on land adjacent to or near the application site:

a) Protected and priority species

☐ Yes, on the development site

☐ Yes, on land adjacent to or near the proposed development

☒ No

b) Designated sites, important habitats or other biodiversity features

☐ Yes, on the development site

☐ Yes, on land adjacent to or near the proposed development

☒ No

c) Features of geological conservation importance

☐ Yes, on the development site

☐ Yes, on land adjacent to or near the proposed development

☒ No

000154



### 15. Existing Use

Please describe the current use of the site:

Agricultural land

Is the site currently vacant? ☐ Yes ☒ No

Does the proposal involve any of the following:

Land which is known to be contaminated? ☐ Yes ☒ No

Land where contamination is suspected for all or part of the site? ☐ Yes ☒ No

A proposed use that would be particularly vulnerable to the presence of contamination? ☐ Yes ☒ No

#### Application advice

If you have said Yes to any of the above, you will need to submit an appropriate contamination assessment.

### 16. Trees and Hedges

Are there trees or hedges on the proposed development site? ☒ Yes ☐ No

And/or: Are there trees or hedges on land adjacent to the proposed development site that could influence the development or might be important as part of the local landscape character? ☐ Yes ☒ No

If Yes to either or both of the above, you will need to provide a full Tree Survey with accompanying plan before your application can be determined. Your Local Planning Authority should make clear on its website what the survey should contain, in accordance with the current 'BS5837: Trees in relation to construction - Recommendations'

### 17. Trade Effluent

Does the proposal involve the need to dispose of trade effluents or waste? ☐ Yes ☒ No

### 18. Residential Units

Does your proposal include the gain or loss of residential units? ☐ Yes ☒ No

### 19. All Types of Development: Non-residential Floorspace

Does your proposal involve the loss, gain or change of use of non-residential floorspace? ☐ Yes ☒ No

### 20. Employment

If known, please complete the following information regarding employees:

	Full-time	Part-time	Equivalent number of full-time
Existing employees	0	0	0
Proposed employees	0	0	0

### 21. Hours of Opening

If known, please state the hours of opening for each non-residential use proposed:

Use	Monday to Friday		Saturday		Sunday and Bank Holidays		Not Known
	Start Time	End Time	Start Time	End Time	Start Time	End Time	
B1C							<input type="checkbox"/>
B2							<input type="checkbox"/>
B8							<input type="checkbox"/>
C1							<input type="checkbox"/>
C2							<input type="checkbox"/>
D1							<input type="checkbox"/>
D2							<input type="checkbox"/>
Other							<input type="checkbox"/>

### 22. Site Area

What is the site area?

00.85

hectares

### 23. Industrial or Commercial Processes and Machinery

Please describe the activities and processes which would be carried out on the site and the end products including plant, ventilation or air conditioning. Please include the



**23. Industrial or Commercial Processes and Machinery (continued)**

Is the proposal for a waste management development?

☐ Yes ☒ No**24. Hazardous Substances**

Is any hazardous waste involved in the proposal?

☐ Yes ☒ No**25. Site Visit**

Can the site be seen from a public road, public footpath, bridleway or other public land?

☐ Yes ☒ No

If the planning authority needs to make an appointment to carry out a site visit, whom should they contact? (Please select only one)

☒ The agent ☐ The applicant ☐ Other person**26. Certificates (Certificate A)****Certificate of Ownership - Certificate A****Town and Country Planning (General Development Procedure) Order 1995 Certificate under Article 7**

I certify/The applicant certifies that on the day 21 days before the date of this application nobody except myself/ the applicant was the owner (owner is a person with a freehold interest or leasehold interest with at least 7 years left to run) of any part of the land or building to which the application relates.

Title: Mr First name: Jamie Surname: Bradshaw  
Person role: Agent Declaration date: 08/11/2011 ☒ Declaration made

**26. Certificates (Agricultural Holdings Certificate)****Agricultural Holding Certificate****Town and Country Planning (General Development Procedure) Order 1995 Certificate under Article 7**

Agricultural Land Declaration - You Must Select Either A or B

(A) None of the land to which the application relates is, or is part of an agricultural holding. ☒(B) I have/The applicant has given the requisite notice to every person other than myself/the applicant who, on the day 21 days before the date of this application, was a tenant of an agricultural holding on all or part of the land to which this application relates, as listed below: ☐

Title: Mr First Name: Jamie Surname: Bradshaw  
Person role: Agent Declaration date: 08/11/2011 ☒ Declaration Made

**27. Declaration**I/we hereby apply for planning permission/consent as described in this form and the accompanying plans/drawings and additional information. ☒

Date 08/11/2011

000156





WYG Planning & Design  
part of the WYG group

Dafydd & Gwilym Jones  
Ty Fry Wind Turbine

Site location **L0-1**

**Key**  
 Application area  
 Other land in applicants' control

REF. CASE:	4412/14
APPLICATION NO.:	4412/14
TYDDYD DESIGNED:	05/01/14
DATE RECEIVED:	05/01/14
DESIGNER:	WYG
RECEIVED BY:	EON

A073041-S L0-1D.cdr November 2011

5th Floor, Longhouse Court, 47 Newport Road, Cardiff, CF24 6AD  
Tel: +44 (0) 29 2072 9000 Fax: +44 (0) 29 2045 5321  
Email: info@wyg.com www.wyg.com

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000157



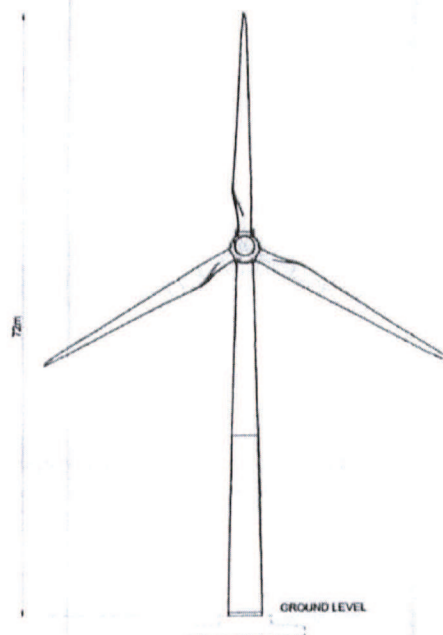
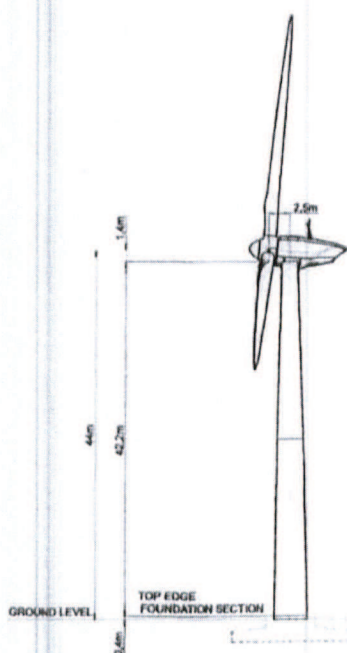


WYG Planning & Design  
part of the WYG group



Dafydd & Gwilym Jones  
**Ty Fry Wind Turbine**

Wind turbine  
44m hub height **L0-3**



Note:  
The turbine shown is:  
44m hub height; 56m rotor diameter  
and with an overall tip height of 72m



A073041-5 L0-3.cdr November 2011

WYG Plans, Longways Court, 47 Newport Road, Cardiff, CF24 0AD  
Tel: +44 (0) 29 2072 9000 Fax: +44 (0) 29 2045 1321  
Email: info@wyg.com www.wyg.com

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000159



**Gwasanaeth Cynllunio**

Amgylchedd a Gwasanaethau Technegol  
Cynghor Sir Ynys Môn  
Stryd Feydd y Cynghor  
Llangefni  
LL77 7TW

cynllunio@ynyamon.gov.uk  
www.ynyamon.gov.uk



**CYNGOR SIR  
YNYS MÔN  
ISLE OF ANGLESEY  
COUNTY COUNCIL**

Prifys Tel: 01248 752428

Ffôn Ffôn: 01248 752430

**Planning Service**

Environment and Technical Services  
Isle of Anglesey County Council  
Council Offices  
Llangefni  
LL77 7TW

planning@anglesey.gov.uk  
www.anglesey.gov.uk

**Application for Planning Permission.  
Town and Country Planning Act 1990**

**Publication of applications on planning authority websites**

Please note that the information provided on this application form and in supporting documents may be published on the Authority's website.  
If you require any further clarification, please contact the Authority's planning department.

**1. Applicant Name, Address and Contact Details**

Title:	Mr	First name:	John	Surname:	Foulkes
Company name:					
Street address:	Marchynys Farm		Country Code:	0161	National Number:
	Penmynydd		Telephone number:	2469800	Extension Number:
			Mobile number:		
Town/City:			Fax number:		
County:	Isle of Anglesey		Email address:		
Country:	Wales				
Postcode:	LL61 6PH		peter@constantenergy.co.uk		

Are you an agent acting on behalf of the applicant? ☒ Yes ☐ No

**2. Agent Name, Address and Contact Details**

Title:	Mr	First Name:	Peter	Surname:	Lapczynsky
Company name:	Constant energy				
Street address:	Digital World Centre 1 Lowry Plaza		Country Code:		National Number:
	The Quays		Telephone number:	01612469800	Extension Number:
			Mobile number:		
Town/City:	Manchester		Fax number:		
County:	Greater Manchester (Met County)		Email address:		
Country:					
Postcode:	M503UB		peter@constantenergy.co.uk		

**3. Description of the Proposal**

Please describe the proposed development including any change of use:

Erection of 1 500kw wind turbine (and associated infrastructure) with a hub height of 50m at Marchynys Farm, Anglesey.

Has the building, work or change of use already started?

☐ Yes ☒ No

000160



#### 4. Site Address Details

Full postal address of the site (including full postcode where available)

House:  Suffix:   
House name:   
Street address:   
  
  
Town/City:   
County:   
Postcode:

Description of location or a grid reference  
(must be completed if postcode is not known):

Easting:   
Northing:

Description:

#### 5. Pre-application Advice

Has assistance or prior advice been sought from the local authority about this application?

☒ Yes ☐ No

If Yes, please complete the following information about the advice you were given (this will help the authority to deal with this application more efficiently):

Officer name:  
Title:  First name:  Surname:   
Reference:   
Date:

Details of the pre-application advice received:

#### 6. Pedestrian and Vehicle Access, Roads and Rights of Way

Is a new or altered vehicle access proposed to or from the public highway?

☐ Yes ☒ No

Is a new or altered pedestrian access proposed to or from the public highway?

☐ Yes ☒ No

Are there any new public roads to be provided within the site?

☐ Yes ☒ No

Are there any new public rights of way to be provided within or adjacent to the site?

☐ Yes ☒ No

Do the proposals require any diversions/extinguishments and/or creation of rights of way?

☐ Yes ☒ No

#### 7. Waste Storage and Collection

Do the plans incorporate areas to store and aid the collection of waste?

☐ Yes ☒ No

Have arrangements been made for the separate storage and collection of recyclable waste?

☐ Yes ☒ No

#### 8. Neighbour and Community Consultation

Have you consulted your neighbours or the local community about the proposal?

☒ Yes ☐ No

If Yes, please provide details:

#### 9. Authority Employee/Member

With respect to the Authority, I am:

- (a) a member of staff
- (b) an elected member
- (c) related to a member of staff
- (d) related to an elected member

Do any of these statements apply to you?

☐ Yes ☒ No

#### 10. Materials

Please state what materials (including type, colour and name) are to be used externally (if applicable):

000161



### 10. Materials (continued)

#### Vehicle access and hard standing - description:

Description of existing materials and finishes:

N/A

Description of proposed materials and finishes:

Crane platform, see DAS

Are you supplying additional information on submitted plan(s)/drawing(s)/design and access statement?

☒ Yes ☐ No

If Yes, please state references for the plan(s)/drawing(s)/design and access statement:

CE01-LL616PH-SITEPLAN

CE01-LL616PH-SITLAY

CE01-LL616PH-SITELOC

CE01-LE616PH-010911DASMAR (design and access statement)

### 11. Vehicle Parking

Please provide information on the existing and proposed number of on-site parking spaces:

Type of vehicle	Existing number of spaces	Total proposed (including spaces retained)	Difference in spaces
Cars	0	0	0
Light goods vehicles/public carrier vehicles	0	0	0
Motorcycles	0	0	0
Disability spaces	0	0	0
Cycle spaces	0	0	0
Other (e.g. Bus)	0	0	0
Short description of Other			

### 12. Foul Sewage

Please state how foul sewage is to be disposed of:

Mains sewer

☐

Package treatment plant

☐

Unknown

☒

Septic tank

☐

Cess pit

☐

Other

Are you proposing to connect to the existing drainage system?

☐ Yes ☒ No ☐ Unknown

### 13. Assessment of Flood Risk

Is the site within an area at risk of flooding? (Refer to the Environment Agency's Flood Map showing flood zones 2 and 3 and consult Environment Agency standing advice and your local planning authority requirements for information as necessary.)

☐ Yes ☒ No

If Yes, you will need to submit an appropriate flood risk assessment to consider the risk to the proposed site.

Is your proposal within 20 metres of a watercourse (e.g. river, stream or beck)?

☐ Yes ☒ No

Will the proposal increase the flood risk elsewhere?

☐ Yes ☒ No

How will surface water be disposed of?

☐ Sustainable drainage system

☐ Main sewer

☐ Pond/lake

☒ Soakaway

☐ Existing watercourse

### 14. Biodiversity and Geological Conservation

To assist in answering the following questions refer to the guidance notes for further information on when there is a reasonable likelihood that any important biodiversity or geological conservation features may be present or nearby and whether they are likely to be affected by your proposals.

Having referred to the guidance notes, is there a reasonable likelihood of the following being affected adversely or conserved and enhanced within the application site, OR on land adjacent to or near the application site:

a) Protected and priority species

☐ Yes, on the development site

☐ Yes, on land adjacent to or near the proposed development

☒ No

b) Designated sites, important habitats or other biodiversity features

☐ Yes, on the development site

☐ Yes, on land adjacent to or near the proposed development

☒ No

c) Features of geological conservation importance

☐ Yes, on the development site

☐ Yes, on land adjacent to or near the proposed development

☒ No

000162



### 15. Existing Use

Please describe the current use of the site:

Livestock Farming

Is the site currently vacant? ☐ Yes ☒ No

Does the proposal involve any of the following:

Land which is known to be contaminated? ☐ Yes ☒ No

Land where contamination is suspected for all or part of the site? ☐ Yes ☒ No

A proposed use that would be particularly vulnerable to the presence of contamination? ☐ Yes ☒ No

#### Application advice

If you have said Yes to any of the above, you will need to submit an appropriate contamination assessment.

### 16. Trees and Hedges

Are there trees or hedges on the proposed development site? ☐ Yes ☒ No

And/or: Are there trees or hedges on land adjacent to the proposed development site that could influence the development or might be important as part of the local landscape character? ☐ Yes ☒ No

If Yes to either or both of the above, you will need to provide a full Tree Survey with accompanying plan before your application can be determined. Your Local Planning Authority should make clear on its website what the survey should contain, in accordance with the current 'BS5837: Trees in relation to construction - Recommendations'

### 17. Trade Effluent

Does the proposal involve the need to dispose of trade effluents or waste? ☐ Yes ☒ No

### 18. Residential Units

Does your proposal include the gain or loss of residential units? ☐ Yes ☒ No

### 19. All Types of Development: Non-residential Floorspace

Does your proposal involve the loss, gain or change of use of non-residential floorspace? ☐ Yes ☒ No

### 20. Employment

If known, please complete the following information regarding employees:

	Full-time	Part-time	Equivalent number of full-time
Existing employees	0	0	0
Proposed employees	0	0	0

### 21. Hours of Opening

If known, please state the hours of opening for each non-residential use proposed:

Use	Monday to Friday		Saturday		Sunday and Bank Holidays		Not Known
	Start Time	End Time	Start Time	End Time	Start Time	End Time	
B1C							<input type="checkbox"/>
B2							<input type="checkbox"/>
B8							<input type="checkbox"/>
C1							<input type="checkbox"/>
C2							<input type="checkbox"/>
D1							<input type="checkbox"/>
D2							<input type="checkbox"/>
Other							<input type="checkbox"/>

### 22. Site Area

What is the site area?

00.10

hectares

### 23. Industrial or Commercial Processes and Machinery

Please describe the activities and processes which would be carried out on the site and the end products including plant, ventilation or air conditioning. Please include the type of machinery which may be installed on site:

000163



**23. Industrial or Commercial Processes and Machinery (continued)**

Is the proposal for a waste management development?

☐ Yes ☒ No**24. Hazardous Substances**

Is any hazardous waste involved in the proposal?

☐ Yes ☒ No**25. Site Visit**

Can the site be seen from a public road, public footpath, bridleway or other public land?

☒ Yes ☐ No

If the planning authority needs to make an appointment to carry out a site visit, whom should they contact? (Please select only one)

☒ The agent ☐ The applicant ☐ Other person**26. Certificates (Certificate A)****Certificate of Ownership - Certificate A****Town and Country Planning (General Development Procedure) Order 1995 Certificate under Article 7**

I certify/The applicant certifies that on the day 21 days before the date of this application nobody except myself/ the applicant was the owner (owner is a person with a freehold interest or leasehold interest with at least 7 years left to run) of any part of the land or building to which the application relates.

Title: Mr

First name: John

Surname: Foulkes

Person role:

Applicant

Declaration date:

11/04/2012

☒ Declaration made**26. Certificates (Agricultural Holdings Certificate)****Agricultural Holding Certificate****Town and Country Planning (General Development Procedure) Order 1995 Certificate under Article 7**

Agricultural Land Declaration - You Must Select Either A or B

(A) None of the land to which the application relates is, or is part of an agricultural holding.

(B) I have/The applicant has given the requisite notice to every person other than myself/the applicant who, on the day 21 days before the date of this application, was a tenant of an agricultural holding on all or part of the land to which this application relates, as listed below:

Title: Mr

First Name: John

Surname: Foulkes

Person role:

Applicant

Declaration date:

11/04/2012

☒ Declaration Made**27. Declaration**

I/we hereby apply for planning permission/consent as described in this form and the accompanying plans/drawings and additional information.



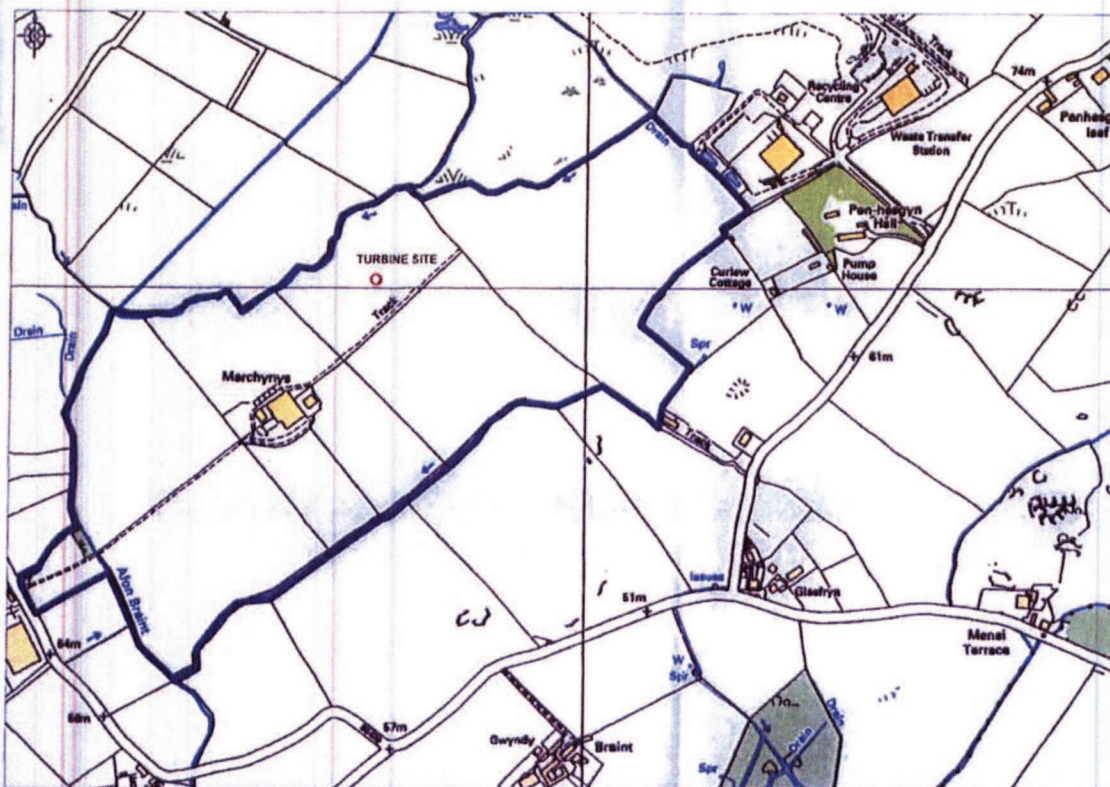
Date

11/04/2012

000164



Marchynys Site Location Plan



NOTES:

PROPERTY BOUNDARY MARKED  
IN BLUE  
TURBINE SITE POSITION CIRCLED IN  
RED

DATE FEB 2012

REF CED1-LL616PH-LOCPLAN

**CONSTANT ENERGY**  
WIND • STORAGE • SOLAR

MARCHYNYS WIND TURBINE

PLANNING  
SITE LOCATION PLAN

SCALE 1:5000 @ A3

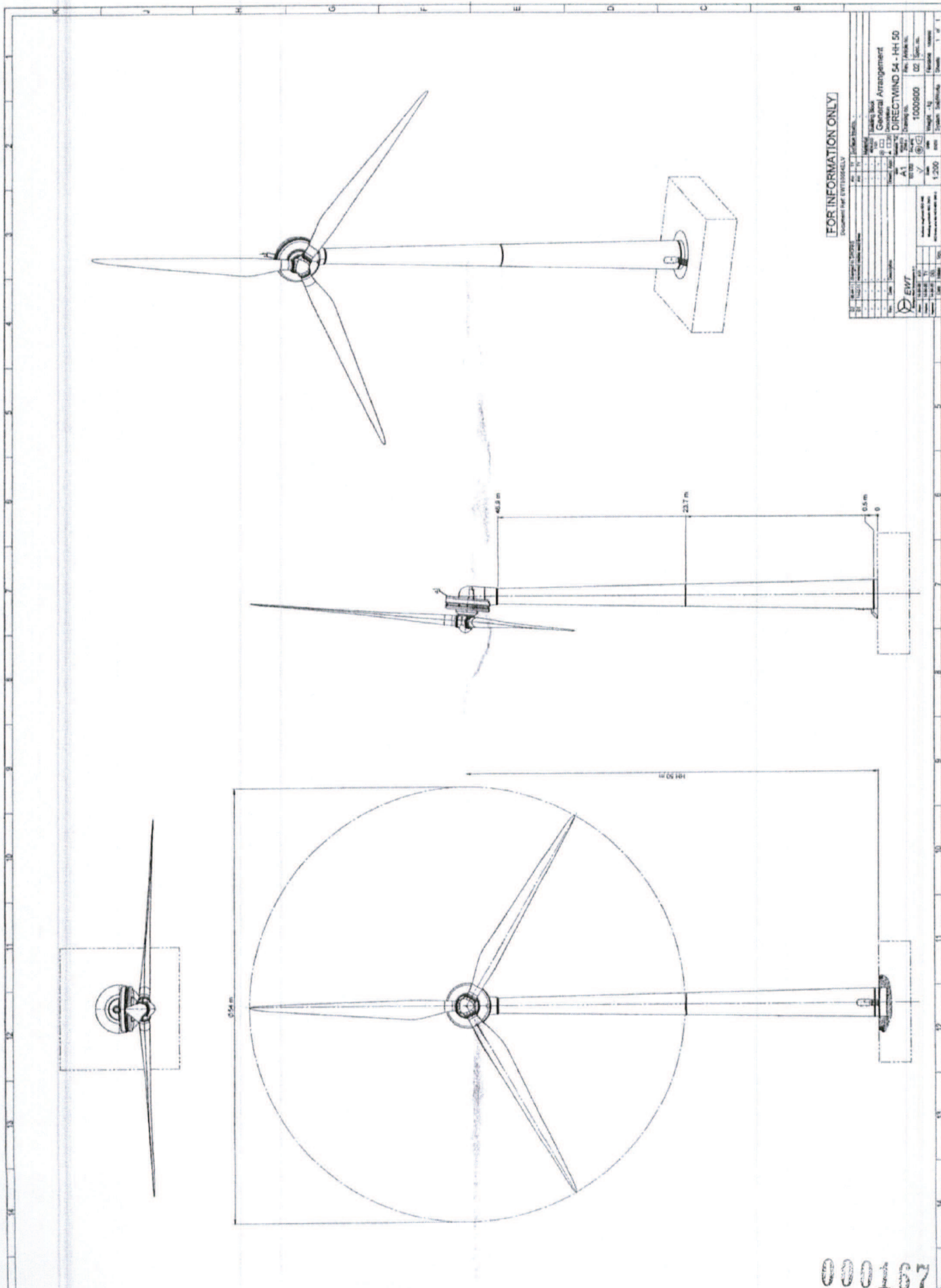
Promap

Location Plan 1:5,000 @ A3

000165







0000167



**Gwasanaeth Cynllunio**

Amgylchedd a Gwasanaethau Technegol  
Cyngor Sir Ynys Môn  
Swyddfeydd y Cyngor  
Llangefni  
LL77 7TW

cynllunio@ynymon.gov.uk  
www.ynymon.gov.uk



**CYNGOR SIR  
YNYS MÔN  
ISLE OF ANGLESEY  
COUNTY COUNCIL**

Ffôn/Tel: 01248 752428

Ffôn/Fax: 01248 752430

**Planning Service**

Environment and Technical Services  
Isle of Anglesey County Council  
Council Offices  
Llangefni  
LL77 7TW

planning@anglesey.gov.uk  
www.anglesey.gov.uk

## Application for Planning Permission. Town and Country Planning Act 1990

**Publication of applications on planning authority websites**

Please note that the information provided on this application form and in supporting documents may be published on the Authority's website. If you require any further clarification, please contact the Authority's planning department.

**1. Applicant Name, Address and Contact Details**

Title:	Mr	First name:	John	Surname:	Foulkes		
Company name:							
Street address:	Tyn Buarth			Country Code:	National Number:	Extension Number:	
	Penmynydd			Telephone number:	0161	2469800	
				Mobile number:			
Town/City:				Fax number:			
County:	Isle of Anglesey			Email address:			
Country:	Wales						
Postcode:	LL61 6PH						

Are you an agent acting on behalf of the applicant? ☒ Yes ☐ No

**2. Agent Name, Address and Contact Details**

Title:		First Name:	Peter	Surname:	Lapczynsky		
Company name:	Constant energy						
Street address:	Digital World Centre 1 Lowry Plaza			Country Code:	National Number:	Extension Number:	
	The Quays			Telephone number:		01612469800	
				Mobile number:			
Town/City:	Manchester			Fax number:			
County:	Greater Manchester (Met County)			Email address:			
Country:							
Postcode:	M503UB			peter@constantenergy.co.uk			

**3. Description of the Proposal**

Please describe the proposed development including any change of use:

Erection of 1 500kw wind turbine (and associated infrastructure) with hub height of 50m on land to the north east of Tyn Buarth, Penmynydd

Has the building, work or change of use already started?

☐ Yes ☒ No

000168



#### 4. Site Address Details

Full postal address of the site (including full postcode where available)

House:  Suffix:   
House name: TYN Y BUARTH  
Street address:   
PENMYNYDD  
Town/City: LLANFAIRPWLLGWYNGYLL  
County:   
Postcode: LL61 6PH

Description of location or a grid reference  
(must be completed if postcode is not known):

Easting: 250585  
Northing: 373541

Description:

#### 5. Pre-application Advice

Has assistance or prior advice been sought from the local authority about this application? ☒ Yes ☐ No

If Yes, please complete the following information about the advice you were given (this will help the authority to deal with this application more efficiently):

Officer name:

Title: Mrs First name: Colette Surname: Redfern

Reference: 41C110A/SCR

Date: 27/07/2011

Details of the pre-application advice received:

Proposal does not require a EIA. Visual Impact Assessment required (see attached LVIA and associated documents)

#### 6. Pedestrian and Vehicle Access, Roads and Rights of Way

Is a new or altered vehicle access proposed to or from the public highway? ☐ Yes ☒ No

Is a new or altered pedestrian access proposed to or from the public highway? ☐ Yes ☒ No

Are there any new public roads to be provided within the site? ☐ Yes ☒ No

Are there any new public rights of way to be provided within or adjacent to the site? ☐ Yes ☒ No

Do the proposals require any diversions/extinguishments and/or creation of rights of way? ☐ Yes ☒ No

#### 7. Waste Storage and Collection

Do the plans incorporate areas to store and aid the collection of waste? ☐ Yes ☒ No

Have arrangements been made for the separate storage and collection of recyclable waste? ☐ Yes ☒ No

#### 8. Neighbour and Community Consultation

Have you consulted your neighbours or the local community about the proposal? ☒ Yes ☐ No

If Yes, please provide details:

See attached Community Engagement Statement

#### 9. Authority Employee/Member

With respect to the Authority, I am:

- (a) a member of staff
- (b) an elected member
- (c) related to a member of staff
- (d) related to an elected member

Do any of these statements apply to you? ☐ Yes ☒ No

#### 10. Materials

Please state what materials (including type, colour and name) are to be used externally (if applicable):

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### 10. Materials (continued)

#### Vehicle access and hard standing - description:

Description of existing materials and finishes:

None

Description of proposed materials and finishes:

Crane Platform - see DAS

Are you supplying additional information on submitted plan(s)/drawing(s)/design and access statement?

☒ Yes ☐ No

If Yes, please state references for the plan(s)/drawing(s)/design and access statement:

CE02-LL616PH-010911DASTYN (design and access statement)

CE02-LL616PH-SITEPLAN

CE02-LL616PH-SITELAY

CE02-LL616PH-SITELOC

### 11. Vehicle Parking

Please provide information on the existing and proposed number of on-site parking spaces:

Type of vehicle	Existing number of spaces	Total proposed (including spaces retained)	Difference in spaces
Cars	0	0	0
Light goods vehicles/public carrier vehicles	0	0	0
Motorcycles	0	0	0
Disability spaces	0	0	0
Cycle spaces	0	0	0
Other (e.g. Bus)	0	0	0
Short description of Other			

### 12. Foul Sewage

Please state how foul sewage is to be disposed of:

Mains sewer

☐

Package treatment plant

☐

Unknown

☒

Septic tank

☐

Cess pit

☐

Other

Are you proposing to connect to the existing drainage system?

☐ Yes ☒ No ☐ Unknown

### 13. Assessment of Flood Risk

Is the site within an area at risk of flooding? (Refer to the Environment Agency's Flood Map showing flood zones 2 and 3 and consult Environment Agency standing advice and your local planning authority requirements for information as necessary.)

☐ Yes ☒ No

If Yes, you will need to submit an appropriate flood risk assessment to consider the risk to the proposed site.

Is your proposal within 20 metres of a watercourse (e.g. river, stream or beck)?

☐ Yes ☒ No

Will the proposal increase the flood risk elsewhere?

☐ Yes ☒ No

How will surface water be disposed of?

☐ Sustainable drainage system

☐ Main sewer

☐ Pond/lake

☒ Soakaway

☐ Existing watercourse

### 14. Biodiversity and Geological Conservation

To assist in answering the following questions refer to the guidance notes for further information on when there is a reasonable likelihood that any important biodiversity or geological conservation features may be present or nearby and whether they are likely to be affected by your proposals.

Having referred to the guidance notes, is there a reasonable likelihood of the following being affected adversely or conserved and enhanced within the application site, OR on land adjacent to or near the application site:

a) Protected and priority species

☐ Yes, on the development site

☐ Yes, on land adjacent to or near the proposed development

☒ No

b) Designated sites, important habitats or other biodiversity features

☐ Yes, on the development site

☐ Yes, on land adjacent to or near the proposed development

☒ No

c) Features of geological conservation importance

☐ Yes, on the development site

☐ Yes, on land adjacent to or near the proposed development

☒ No



### 15. Existing Use

Please describe the current use of the site:

Livestock Farming

Is the site currently vacant? ☐ Yes ☒ No

Does the proposal involve any of the following:

Land which is known to be contaminated? ☐ Yes ☒ No

Land where contamination is suspected for all or part of the site? ☐ Yes ☒ No

A proposed use that would be particularly vulnerable to the presence of contamination? ☐ Yes ☒ No

#### Application advice

If you have said Yes to any of the above, you will need to submit an appropriate contamination assessment.

### 16. Trees and Hedges

Are there trees or hedges on the proposed development site? ☐ Yes ☒ No

And/or: Are there trees or hedges on land adjacent to the proposed development site that could influence the development or might be important as part of the local landscape character? ☐ Yes ☒ No

If Yes to either or both of the above, you will need to provide a full Tree Survey with accompanying plan before your application can be determined. Your Local Planning Authority should make clear on its website what the survey should contain, in accordance with the current 'BS5837: Trees in relation to construction - Recommendations'

### 17. Trade Effluent

Does the proposal involve the need to dispose of trade effluents or waste? ☐ Yes ☒ No

### 18. Residential Units

Does your proposal include the gain or loss of residential units? ☐ Yes ☒ No

### 19. All Types of Development: Non-residential Floorspace

Does your proposal involve the loss, gain or change of use of non-residential floorspace? ☐ Yes ☒ No

### 20. Employment

If known, please complete the following information regarding employees:

	Full-time	Part-time	Equivalent number of full-time
Existing employees	0	0	0
Proposed employees	0	0	0

### 21. Hours of Opening

If known, please state the hours of opening for each non-residential use proposed:

Use	Monday to Friday		Saturday		Sunday and Bank Holidays		Not Known
	Start Time	End Time	Start Time	End Time	Start Time	End Time	
B1C							<input type="checkbox"/>
B2							<input type="checkbox"/>
B8							<input type="checkbox"/>
C1							<input type="checkbox"/>
C2							<input type="checkbox"/>
D1							<input type="checkbox"/>
D2							<input type="checkbox"/>
Other							<input type="checkbox"/>

### 22. Site Area

What is the site area? 00.10 hectares

### 23. Industrial or Commercial Processes and Machinery

Please describe the activities and processes which would be carried out on the site and the end products including plant, ventilation or air conditioning. Please include the type of machinery which may be installed on site:

Installation of 1.500kw wind turbine (50m to hub height) and associated infrastructure.

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**23. Industrial or Commercial Processes and Machinery (continued)**

Is the proposal for a waste management development?

☐ Yes ☒ No**24. Hazardous Substances**

Is any hazardous waste involved in the proposal?

☐ Yes ☒ No**25. Site Visit**

Can the site be seen from a public road, public footpath, bridleway or other public land?

☒ Yes ☐ No

If the planning authority needs to make an appointment to carry out a site visit, whom should they contact? (Please select only one)

☒ The agent ☐ The applicant ☐ Other person**26. Certificates (Certificate A)****Certificate of Ownership - Certificate A****Town and Country Planning (General Development Procedure) Order 1995 Certificate under Article 7**

I certify/The applicant certifies that on the day 21 days before the date of this application nobody except myself/ the applicant was the owner (owner is a person with a freehold interest or leasehold interest with at least 7 years left to run) of any part of the land or building to which the application relates.

Title:  First name:  Surname: Person role: Declaration date: ☒ Declaration made**26. Certificates (Agricultural Holdings Certificate)****Agricultural Holding Certificate****Town and Country Planning (General Development Procedure) Order 1995 Certificate under Article 7**

Agricultural Land Declaration - You Must Select Either A or B

(A) None of the land to which the application relates is, or is part of an agricultural holding. ☒(B) I have/The applicant has given the requisite notice to every person other than myself/the applicant who, on the day 21 days before the date of this application, was a tenant of an agricultural holding on all or part of the land to which this application relates, as listed below: ☐Title:  First Name:  Surname: Person role: Declaration date: ☒ Declaration Made**27. Declaration**

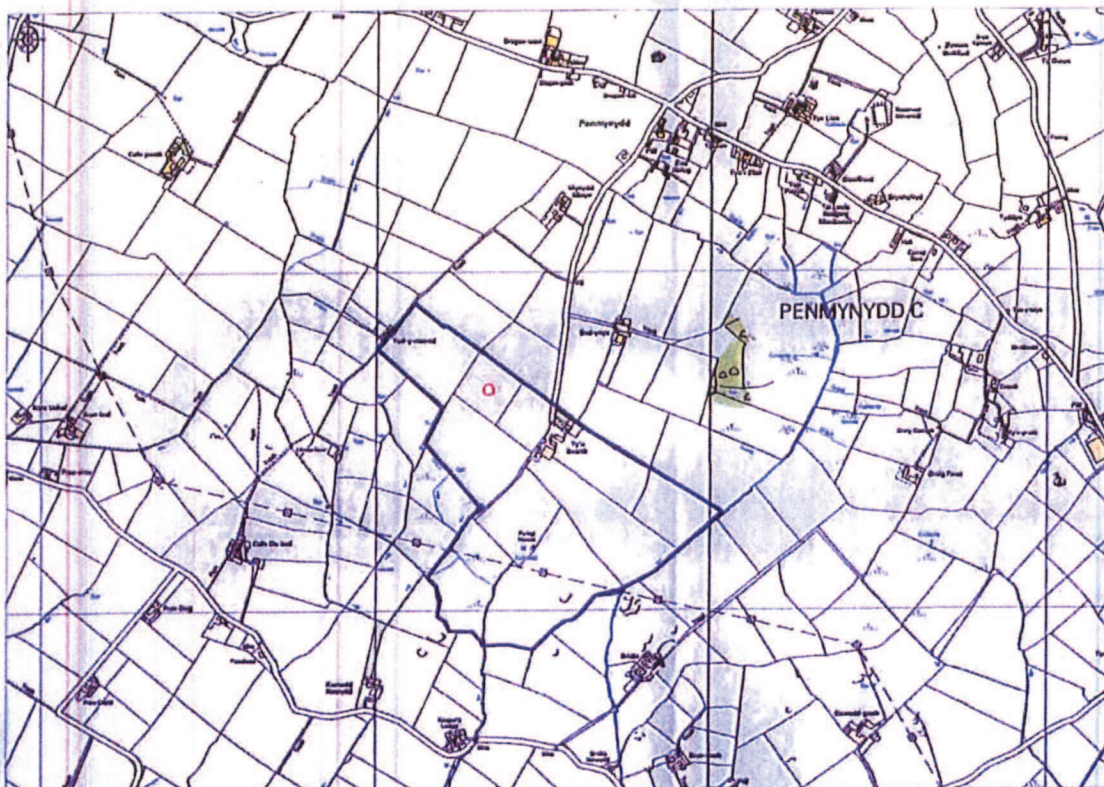
I/we hereby apply for planning permission/consent as described in this form and the accompanying plans/drawings and additional information.

Date: 

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Tyn Buarth Site Location Plan



NOTES:	
PROPERTY BOUNDARY MARKED IN BLUE	
TURBINE SITE POSITION CIRCLED RED	
DATE	FEB 2012
REF	CE02-LL616PH-SITELOC
	
TYN BUARTH WIND TURBINE	
PLANNING SITE LOCATION PLAN	
SCALE 1:10000 @ A3	

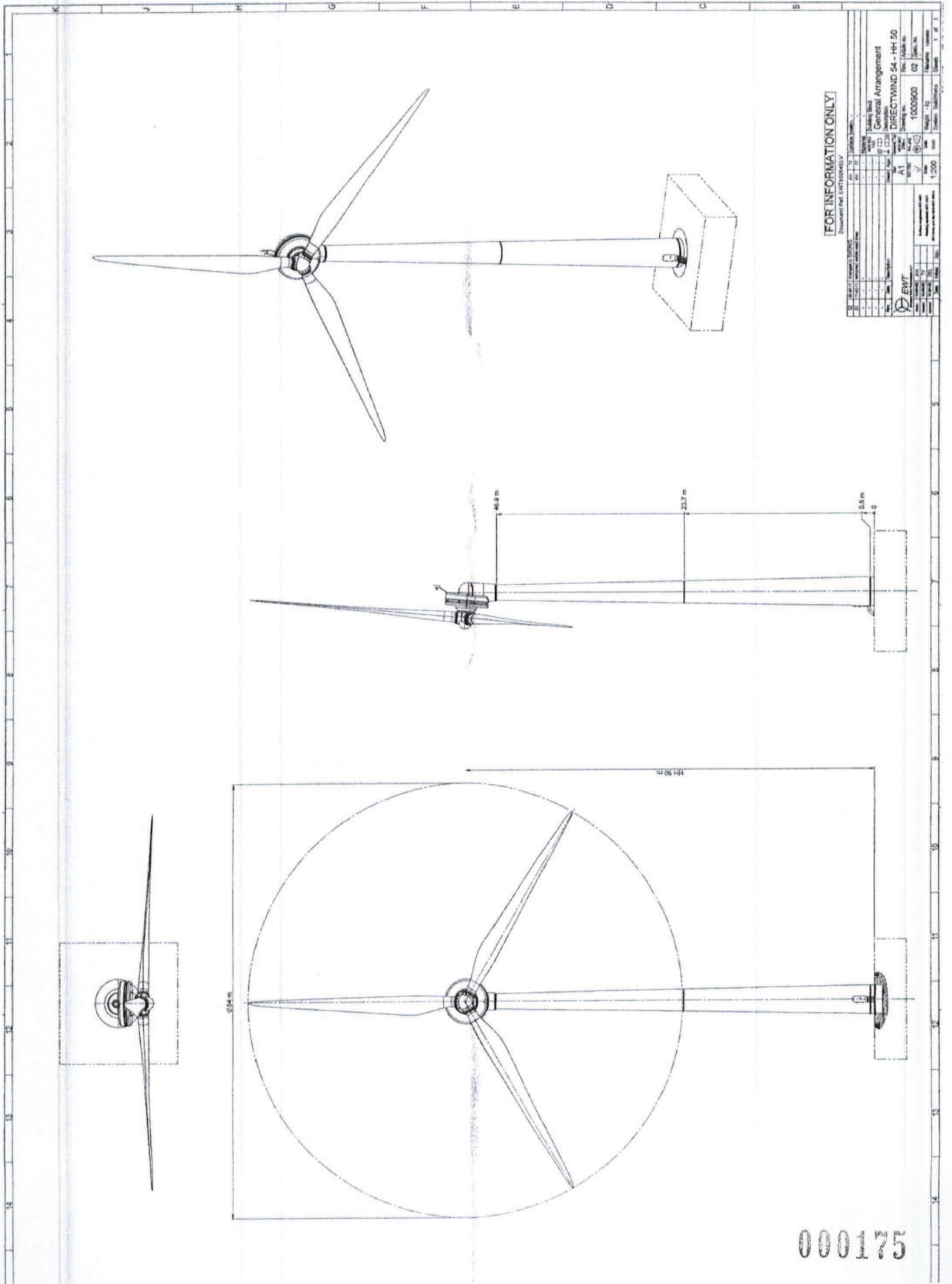
Promap

Site Location Plan 1:10,000 @ A3

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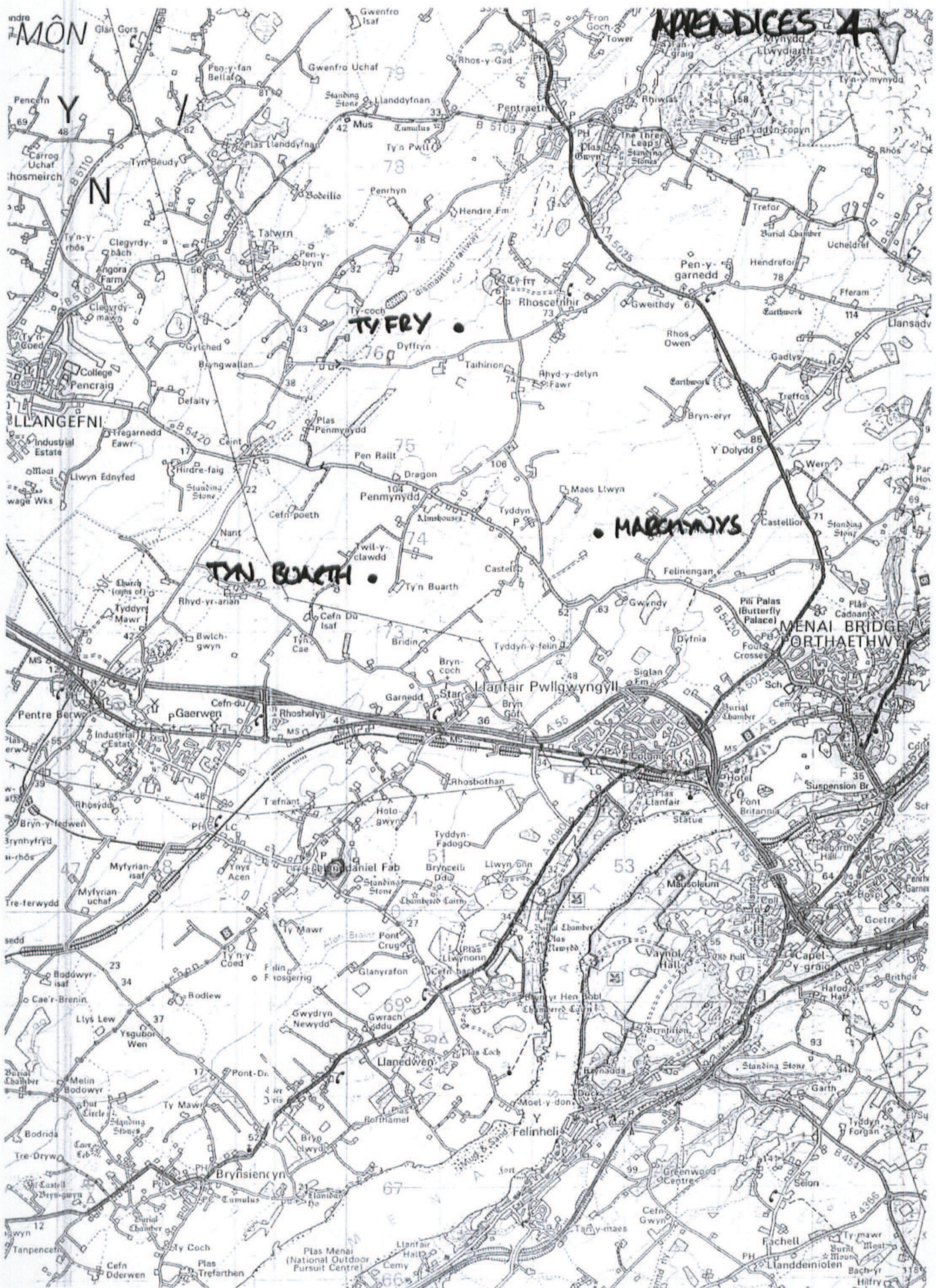




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# Cyngor Sir Ynys Môn

## Pwyllgor Safonau

### Gweithdrefn ar gyfer Gwrandawiadau Safonau Lleol

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#### 1 Rhagarweiniad

Mae'r weithdrefn hon yn amlinellu sut y bydd y Cyngor Sir yn penderfynu cwynion am gamymddygiad aelodau.

#### 2 Dehongliad

- (a) Mae "Aelod" yn golygu'r aelod o'r awdurdod sy'n destun yr honiad sy'n cael sylw gan y Pwyllgor Safonau, ac eithrio lle dywedir yn wahanol. Mae hefyd yn cynnwys cynrychiolydd enwebedig yr Aelod.
- (b) Mae "Swyddog Ymchwilio" yn golygu Ombwdsmon Gwasanaethau Cyhoeddus Cymru (yr Ombwdsmon), ac mae'n cynnwys ei gynrychiolydd/chynrychiolydd enwebedig. Yn achos materion a gyfeiriwyd ar gyfer ymchwiliad lleol, mae cyfeiriadau at y Swyddog Ymchwilio yn golygu'r sawl a benodwyd gan y Swyddog Monitro i gynnal yr ymchwiliad.
- (c) "Y Mater" yw pwnc adroddiad y Swyddog Ymchwilio.
- (ch) Mae "Y Pwyllgor Safonau" yn cyfeirio at y Pwyllgor Safonau neu at unrhyw is-bwyllgor safonau y mae wedi dirprwyo'r gwrandawriad iddo.
- (d) Mae "Swyddog Cymorth Pwyllgor" yn golygu Swyddog o'r Awdurdod sy'n gyfrifol am gynorthwyo'r Pwyllgor Safonau wrth iddo gyflawni ei swyddogaethau ac am gofnodi penderfyniadau'r Pwyllgor Safonau.
- (dd) Mae "Ymgynghorydd Cyfreithiol" yn golygu'r swyddog sy'n gyfrifol am ddarparu cymorth cyfreithiol i'r Pwyllgor Safonau. Gall y swyddog hwnnw fod yn Swyddog Monitro, swyddog arall yn yr awdurdod â chymwysterau cyfreithiol, neu rywun a benodwyd i'r pwrpas o'r tu allan i'r awdurdod.
- (e) Mae "Cadeirydd" yn cyfeirio at y person sy'n llywyddu yn y gwrandawriad.
- (f) Mae "Achwynydd" yn golygu'r person neu'r personau a wnaeth yr honiad gwreiddiol yr ymchwiliwyd iddo.

#### 3 Diwygio'r Weithdrefn

Gall y Cadeirydd gytuno i amrywio'r weithdrefn hon mewn unrhyw achos penodol os yw ef/hi o'r farn bod angen gwneud hynny er budd tegwch.

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# Isle of Anglesey County Council

## Standards Committee

### Procedure for Local Standards Hearings

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#### **1 Introduction**

This procedure sets out how the County Council will determine complaints of Member misconduct

#### **2 Interpretation**

- (a) "Member" means the Member of the Council who is the subject of the allegation being considered by the Standards Committee, unless stated otherwise. It also includes the Member's nominated representative.
- (b) "Investigating Officer" means the Public Services Ombudsman for Wales (PSOW), and includes his or her nominated representative. In the case of matters that have been referred for local investigation, references to the Investigating Officer means the person appointed by the Monitoring Officer to undertake that investigation.
- (c) "The Matter" is the subject matter of the Investigating Officer's report.
- (ch) "The Standards Committee" refers to the Standards Committee, or to any Standards Sub-Committee, to which it has delegated the conduct of the hearing.
- (d) "The Committee Support Officer" means an Officer of the Council responsible for supporting the Standards Committee's discharge of its functions and recording the decisions of the Standards Committee.
- (dd) "The Legal Advisor" means the Officer responsible for providing legal advice to the Standards Committee. This may be the Monitoring Officer, another legally qualified Officer of the Council, or someone appointed for this purpose from outside the Council.
- (e) "The Chairman" refers to the person presiding at the hearing
- (f) "The Complainant" means the person or persons who made the original allegation which has been investigated.

#### **3 Modification of Procedure**

The Chairman may agree to vary this procedure in any particular instance where he/she is of the opinion that such a variation is necessary in the interests of fairness.

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#### **4 Cynrychiolaeth**

Gall cyfreithiwr, cwnsler neu - gyda chaniatâd y Pwyllgor Safonau - berson arall gynrychioli'r Aelod ar unrhyw adeg yn y weithdrefn hon neu ddod i'r gwrandawriad gyda'r aelod. Noder mai'r aelod sy'n gyfrifol am gwrdd â chostau cynrychiolaeth o'r fath, ac eithrio lle mae'r Pwyllgor Safonau wedi cytuno'n benodol i gwrdd â'r cyfan o'r gost honno neu ran ohoni.

#### **5 Penderfyniad i gynnal gwrandawriad lleol**

- (a) Ar ôl derbyn adroddiad yr Ombwdsmon, neu adroddiad Swyddog Ymchwilio, bydd y Swyddog Monitro yn cyfeirio'r adroddiad hwnnw i'r Pwyllgor Safonau a fydd yn penderfynu un ai –
  - (i) Bod tystiolaeth o fethiant gan yr Aelod i gydymffurfio gyda'r Côd Ymddygiad, neu
  - (ii) Y dylai'r mater fod yn destun gwrandawriad lleol.
- (b) Os yw'r Pwyllgor Safonau yn penderfynu bod tystiolaeth o fethiant i gydymffurfio gyda'r Côd Ymddygiad, bydd y Swyddog Monitro yn rhoi gwybod i'r Aelod a'r Achwynydd am hynny.
- (c) Os bydd y Pwyllgor Safonau yn penderfynu cynnal gwrandawriad lleol ar gyfer y mater, bydd y Swyddog Monitro yn cynnal y broses cyn-gwrandawriad fel y mae wedi ei hamlinellu isod.

#### **6 Y Weithdrefn Cyn-Gwrandawriad**

Yn dilyn penderfyniad gan y Pwyllgor Safonau i gynnal gwrandawriad lleol ar gyfer mater penodol, bydd y Swyddog Monitro yn:

- (a) Trefnu dyddiad ar gyfer gwrandawriad y Pwyllgor Safonau fel y penderfynwyd arno gan y Cadeirydd;
- (b) Anfon copi o'r adroddiad i'r Aelod a rhoi gwybod iddo am ddyddiad, amser a man cyfarfod y gwrandawriad;
- (c) Anfon copi o'r adroddiad i'r Achwynydd a rhoi gwybod iddo am ddyddiad, amser a man cyfarfod y gwrandawriad;
- (ch) Rhoi gwybod i'r Cyngor Cymuned am y mater ynghyd â dyddiad, amser a man cyfarfod y gwrandawriad (os yw'r mater yn ymwneud ag ymddygiad Cynghorydd Cymuned);
- (d) Rhoi gwybod i'r Swyddog Ymchwilio am ddyddiad, amser a man cyfarfod y gwrandawriad;
- (dd) Gofyn i'r Swyddog gwblhau a dychwelyd y ffurflenni cyn-gwrandawriad sydd wedi eu hatodi wrth y Weithdrefn hon cyn pen 14 diwrnod o'u derbyn;
- (e) Yn wyneb unrhyw ffurflenni cyn-gwrandawriad a ddychwelwyd gan yr Aelod, bydd y Swyddog Monitro yn penderfynu a fydd y Pwyllgor Safonau angen i'r

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#### **4      Representation**

The Member may be represented or accompanied at any stage of this procedure by a Solicitor, Counsel or, with the permission of the Standards Committee, by another person. Note that the cost of such representation must be met by the Member, unless the indemnities Sub Committee has expressly agreed to meet all or any parts of that cost.

#### **5      Decision to conduct a local hearing**

- (a) Upon receipt of the PSOW's report, or the report of an Investigating Officer, the Monitoring Officer shall refer that report to the Standards Committee, which shall resolve either –
  - (i) That there is no evidence of a failure by the Member to comply with the Code of Conduct, or
  - (ii) That the matter should go for a local hearing.
- (b) Where the Standards Committee resolves that there is no evidence of a failure to comply with the Code of Conduct, the Monitoring Officer shall notify the Member and the Complainant accordingly.
- (c) Where the Standards Committee resolves that the matter shall go to a local hearing, the Monitoring Officer shall conduct the pre-hearing procedure as set out below.

#### **6      Pre-Hearing Procedure**

Following a resolution of the Standards Committee to conduct a local hearing on a matter, the Monitoring Officer shall:

- (a) Arrange a date for the Standards Committee's hearing as determined by the Chairman;
- (b) Send a copy of the report to the Member and advise him of the date, time and place for the hearing;
- (c) Send a copy of the report to the Complainant and advise him of the date, time and place for the hearing;
- (ch) Notify the Community Council of the matter and of the date, time and place of the hearing (where the matter relates to the conduct of a Community Councillor);
- (d) Notify the Investigating Officer of the date, time and place of the hearing;
- (dd) Request the Member to complete and return the Pre-Hearing Forms appended to this Procedure within 14 days of receipt;
- (e) In the light of any Pre-Hearing Forms returned by the Member, determine whether the Standards Committee will require the attendance of the

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Swyddog Ymchwilio ac unrhyw dystion<sup>1</sup> ychwanegol fod yn bresennol yn y gwrandawriad, gan gynnwys yr Achwynydd, fel bod modd i'r gwrandawriad ddod i gasgliad sydd wedi cael ystyriaeth briodol yn y gwrandawriad, a threfnu iddynt fynychu.

- (f) Gofyn i'r Cadeirydd wneud y fath gyfarwyddiadau ynghylch cynnal y gwrandawriad ac y bydd eu hangen ar gyfer cynnal y gwrandawriad yn effeithiol, gyda'r fath gyfarwyddiadau yn rhoi sylw i faterion fel –
  - (i) Yr amser y bydd y Pwyllgor Safonau yn cyfarfod i gynnal y gwrandawriad;
  - (ii) Unrhyw faterion sy'n cael eu derbyn fel y maent ac nad oes angen tystiolaeth ar eu cyfer;
  - (iii) Y tystion a glywir a'r adegau pryd ddylent fod yn bresennol; a
  - (iv) Presenoldeb tystion pan nad ydynt yn rhoi tystiolaeth.
- (ff) Paratoi Adroddiad Crynhoi Cyn-gwrandawriad yn amlinellu cwrs yr honiad, yr ymchwiliad a'r broses cyn-gwrandawriad ac yn dwyn sylw at y materion y bydd angen i'r Pwyllgor Safonau roi sylw iddynt, a
- (g) Trefnu gyda'r Swyddog Cymorth Pwyllgor bod y rhaglen ar gyfer y gwrandawriad, ynghyd ag Adroddiad Crynhoi Cyn-gwrandawriad y Swyddog Monitro, adroddiad y Swyddog Ymchwilio ac unrhyw ddogfennau perthnasol eraill yn cael eu hanfon at:
  - (i) Pob aelod o'r Pwyllgor Safonau fydd yn cynnal y gwrandawriad;
  - (ii) Yr Aelod.
  - (iii) Y sawl a wnaeth yr honiad, a
  - (iv) Y Swyddog Ymchwilio

## **7 Cyngor Cyfreithiol**

Gall y Pwyllgor Safonau gymryd cyngor cyfreithiol gan ei ymgynghorydd cyfreithiol ar unrhyw adeg yn ystod y gwrandawriad neu tra bydd yn ystyried y canlyniad. Dylid rhannu sylwedd unrhyw gyngor cyfreithiol a roddir i'r Pwyllgor Safonau gyda'r Aelod a'r Swyddog Ymchwilio os ydynt yn bresennol.

## **8 Paratoi ar gyfer y Cyfarfod**

Ar gychwyn y gwrandawriad, bydd y Cadeirydd yn cyflwyno pob un o aelodau'r Pwyllgor Safonau, yr aelod (os yw'n bresennol), y Swyddog Ymchwilio (os yw'n bresennol) ac unrhyw swyddogion eraill sydd yn bresennol, ac yna bydd yn esbonio'r drefn y bydd y Pwyllgor Safonau yn ei dilyn wrth gynnal y gwrandawriad.

## **9 Materion trefniadol rhagarweiniol**

Yna bydd y Pwyllgor Safonau yn delio gyda'r materion trefniadol rhagarweiniol isod yn y drefn ganlynol:

- (a) Ymddiheuriadau am absenoldeb

<sup>1</sup> Os yw'r Aelod yn herio unrhyw ganfyddiad ffaith yn adroddiad y Swyddog Ymchwilio, bydd angen i'r Pwyllgor Safonau glywed tystiolaeth gan dyst uniongyrchol, lle bynnag y mae hynny'n bosib.



Investigating Officer and any additional witnesses<sup>1</sup>, including the Complainant, at the hearing to enable it to come to a properly considered conclusion at the hearing, and arrange for their attendance;

- (f) Request the Chairman to make such Directions as to the conduct of the hearing as may be necessary for the effective conduct of the hearing, which Directions may address such issues as –
  - (i) The time that the Standards Committee will sit to conduct the hearing;
  - (ii) Any matters which are to be taken as read and on which evidence is not required;
  - (iii) The witnesses to be heard and the times at which they should be present; and
  - (iv) The presence of witnesses when not giving evidence.
- (ff) Prepare a Pre-Hearing Summary Report setting out the course of the allegation, investigation and Pre-Hearing Process and high-lighting the issues which the Standards Committee will need to address, and
- (g) Arrange with the Committee Support Officer that the agenda for the hearing, together with the Monitoring Officer's Pre-Hearing Summary Report, the Investigating Officer's report and any other relevant documents are sent to:
  - (i) All members of the Standards Committee who will conduct the hearing;
  - (ii) The Member;
  - (iii) The person who made the allegation, and
  - (iv) The Investigating Officer.

## **7     Legal Advice**

The Standards Committee may take legal advice from its legal advisor at any time during the hearing or while they are considering the outcome. The substance of any legal advice given to the Standards Committee should be shared with the Member and the Investigating Officer if they are present.

## **8     Setting the Scene**

At the start of the hearing, the Chairman shall introduce each of the Members of the Standards Committee, the Member (if present), the Investigating Officer (if present) and any other Officers present, and shall then explain the procedure which the Standards Committee will follow in the conduct of the hearing.

## **9     Preliminary Procedural Issues**

The Standards Committee shall then deal with the following preliminary procedural matters in the following order:

---

<sup>1</sup> Where the Member has indicated that he disputes any finding of fact in the Investigating Officer's report, the Standards Committee will need to hear evidence on the disputed point from a first hand witness, wherever possible.



(b) Datganiadau o ddiddordeb

Bydd y Cadeirydd yn gofyn i aelodau'r Pwyllgor Safonau ddatgelu bodolaeth a natur unrhyw ddiddordebau personol neu ddiddordebau sydd yn rhagfarnu a fo ganddynt yn y mater, ac yn gofyn iddynt dynnu'n ôl o ystyried y mater os oes angen.

(c) Cworwm

Bydd y Cadeirydd yn cadarnhau bod gan y Pwyllgor Safonau gworwm<sup>2</sup>

(ch) Trefn y gwrandawriad

Bydd y Cadeirydd yn cadarnhau bod pawb sy'n bresennol yn ymwybodol o'r drefn y bydd y Pwyllgor Safonau yn ei dilyn wrth benderfynu'r mater.

(d) Bwrw ymlaen yn absenoldeb yr aelod

Onid yw'r Aelod yn bresennol ar gychwyn y gwrandawriad;

(i) bydd y Cadeirydd yn gofyn i'r Swyddog Monitro a yw'r Aelod wedi dweud nad yw'n bwriadu dod i'r gwrandawriad;

(ii) bydd y Pwyllgor Safonau wedyn yn ystyried unrhyw resymau a roddwyd gan yr Aelod am beidio â dod i'r gwrandawriad a bydd yn penderfynu a yw'n fodlon bod digon o reswm am y fath fethiant i fynychu.

(iii) Os bydd y Pwyllgor Safonau yn fodlon gyda'r fath resymau, bydd yn gohirio'r gwrandawriad tan ddyddiad arall.

(iv) Onid yw'r Pwyllgor Safonau yn fodlon gyda'r fath resymau, neu onid yw'r aelod wedi rhoi unrhyw fath rhesymau, bydd y Pwyllgor Safonau yn penderfynu a ddylid ystyried y mater a gwneud penderfyniad yn absenoldeb yr Aelod ynteu ohirio'r gwrandawriad tan ddyddiad arall.

(dd) Cau allan y Wasg a'r Cyhoedd

Gall y Pwyllgor Safonau gau allan y wasg a'r cyhoedd o ran o'i drafodaethau ar y mater dan sylw neu o'r trafodaethau cyfan, os yw'n ymddangos yn debygol y bydd gwybodaeth gyfrinachol neu eithriedig yn cael ei datgelu yng nghwrs y trafodaethau.

Bydd y Cadeirydd yn gofyn i'r Aelod, y Swyddog Ymchwilio a'r Ymgynghorydd Cyfreithiol i'r Pwyllgor Safonau a ydynt yn dymuno gofyn i'r Pwyllgor Safonau gau allan y wasg a'r cyhoedd o ran o'r gwrandawriad neu o'r cyfan ohono. Os bydd unrhyw aelod yn gwneud cais o'r fath, bydd y Cadeirydd yn gofyn iddynt

<sup>2</sup>

Ni fydd gan gyfarfod o'r Pwyllgor Safonau gworwm oni bai bod o leiaf 3 aelod o'r Pwyllgor Safonau yn bresennol ar gyfer y cyfarfod i gyd. Rhaid i'r Cadeirydd fod yn aelod Annibynnol, a rhaid i o leiaf hanner aelodau'r Pwyllgor sy'n bresennol fod yn aelodau Annibynnol. Pan fo'r Pwyllgor yn ystyried mater sy'n ymwneud ag ymddygiad aelod o Gyngor Cymuned, rhaid i o leiaf un aelod o'r Pwyllgor fod yn gynrychiolydd Cyngor Cymuned, ond oni fydd cynrychiolydd Cyngor Cymuned yn bresennol nid yw hynny'n golygu nad oes cworwm ar y Pwyllgor.



- (a) Apologies for absence

- (b) Disclosures of interest

The Chairman shall ask members of the Standards Committee to disclose the existence and nature of any personal or prejudicial interests which they have in the matter, and to withdraw from consideration of the matter if so required.

- (c) Quorum

The Chairman shall confirm that the Standards Committee is quorate<sup>2</sup>

- (ch) Hearing procedure

The Chairman shall confirm that all present know the procedure which the Standards Committee will follow in determining the matter.

- (d) Proceeding in the absence of the Member

If the Member is not present at the start of the hearing:

- (i) the Chairman shall ask the Monitoring Officer whether the Member has indicated his/her intention not to attend the hearing;
- (ii) the Standards Committee shall then consider any reasons which the Member has provided for not attending the hearing and shall decide whether it is satisfied that there is sufficient reason for such failure to attend;
- (iii) if the Standards Committee is satisfied with such reasons, it shall adjourn the hearing to another date;
- (iv) if the Standards Committee is not satisfied with such reasons, or if the Member has not given any such reasons, the Standards Committee shall decide whether to consider the matter and make a determination in the absence of the Member or to adjourn the hearing to another date.

- (dd) Exclusion of Press and Public

The Standards Committee may exclude the press and public from all or part of its consideration of the matter where it appears likely that confidential or exempt information will be disclosed in the course of its consideration.

The Chairman shall ask the Member, the Investigating Officer and the Legal Advisor to the Standards Committee whether they wish to ask the Standards

<sup>2</sup>

A meeting of the Standards Committee is not quorate unless at least three members of the Standards Committee are present for the duration of the meeting. The Chairman must be an Independent member, and at least half of the members of the Committee present must be Independent members. Where the Committee is considering a matter relating to the conduct of a member of a Community Council, at least one member of the Committee must be a Community Council representative, but the Committee is not inquorate by reason of the absence of the Community Council representative.



roi eu rhesymau dros wneud hynny ac yn gofyn am ymatebion gan y lleill, ac yna bydd y Pwyllgor Safonau yn penderfynu a ddylid cau allan y wasg a'r cyhoedd o ran o'r gwrandawriad neu'r cyfan ohono.

Mewn achosion lle nad yw'r Pwyllgor Safonau yn penderfynu cau allan y wasg a'r cyhoedd, bydd y rhaglen ac unrhyw ddogfennau sydd ddim wedi cael eu rhyddhau i'r wasg a'r cyhoedd cyn y cyfarfod yn cael eu rhyddhau wedyn iddynt.

## 10 **Methiant i gydymffurfio gyda'r Côd Ymddygiad?**

Yna, bydd y Pwyllgor Safonau yn rhoddi sylw i'r mater ynghylch a yw'r Aelod wedi methu cydymffurfio gyda'r Côd Ymddygiad yn y modd a nodir yn adroddiad y Swyddog sy'n Ymchwilio.<sup>3</sup>

### (a) Crynodeb o'r Broses Cyn y Gwrandawriad

Bydd y Cadeirydd yn gofyn i'r Ymgynghorydd Cyfreithiol neu'r Swyddog Cymorth Pwyllgorau gyflwyno'r Adroddiad Crynhoi Cyn-gwrandawriad y Swyddog Monitro, gan ddwyn sylw at unrhyw bwyntiau o wahaniaeth y mae'r Aelod wedi datgan ei fod ef/hi yn anghytuno gydag unrhyw ganfyddiad o ffaith yn adroddiad y Swyddog sy'n Ymchwilio. Yna, bydd y Cadeirydd yn gofyn i'r Aelod gadarnhau bod hwn yn grynodeb cywir o'r materion, i gadarnhau ei fod ef/hi yn parhau i fod o'r un farn ag yr oedd yn y crynodeb cyn y gwrandawriad a gofyn i'r Aelod nodi unrhyw bwyntiau ychwanegol y mae ef/hi yn anghytuno gyda nhw o ran unrhyw ganfyddiad o ffaith yn adroddiad y Swyddog sy'n Ymchwilio.

- (i) Os yw'r Aelod yn cyfaddef ei fod ef/hi wedi methu cydymffurfio gyda'r Côd Ymddygiad yn y modd a ddisgrifir yn adroddiad y Swyddog Ymchwilio, yna gall y Pwyllgor Safonau gymryd adroddiad y Swyddog Ymchwilio fel y mae a phenderfynu bod yr Aelod wedi methu cydymffurfio gyda'r Côd Ymddygiad yn y modd a ddisgrifir yn adroddiad y Swyddog Ymchwilio a symud ymlaen ar unwaith i ystyried a ddylid cymryd unrhyw gamau mewn perthynas â chamymddygiad yr Aelod.
- (ii) Os yw'r Aelod yn nodi unrhyw bwyntiau ychwanegol o wahaniaeth, bydd y Cadeirydd yn gofyn i'r Aelod egluro pam nad oedd ef/hi wedi nodi'r pwyntiau hyn fel rhan o'r broses cyn y gwrandawriad. Bydd ef/hi wedyn yn gofyn i'r Swyddog Ymchwilio (os ydyw'n bresennol) a yw ef/hi mewn sefyllfa i ddelio gyda'r pwyntiau ychwanegol hynny o

<sup>3</sup> Noder bod y ystyriaeth y Pwyllgor Safonau wedi gyfyngu i'r mater, o ran y set o ffeithiau, fel a nodir yn adroddiad y Swyddog Ymchwilio. Mae'n bosibl y gall y Pwyllgor Safonau ganfod bod y ffeithiau hyn yn datgelu y torwyd rhan o'r Côd Ymddygiad ac eithrio'r achos a ganfuwyd gan y Swyddog Ymchwilio (er enghraifft, bod y ffeithiau yn gyfystyr â bwlio yn hytrach na dim ond methiant i drin person gyda pharch). Fodd bynnag, os bydd y Pwyllgor Safonau, yn ystod eu trafodaethau, o'r farn bod y dystiolaeth gerbron yn datgelu achos hollol wahanol o fethiant i gydymffurfio gyda'r Côd Ymddygiad (er enghraifft lle mae'r gwyn yn un o fethiant i drin Swyddog A gyda pharch ond bod y dystiolaeth hefyd yn dangos methiant i drin Swyddog B gyda pharch), ni fydd methiant ychwanegol neu fethiant arall yn ran o faes gwaith y Pwyllgor Safonau. Ar yr adeg honno, ni fydd yr Aelod wedi cael rhybudd o'r ffaith bod y Pwyllgor Safonau yn ystyried methiant ychwanegol neu fethiant arall ac o'r herwydd, byddai'n annheg symud ymlaen i ystyried yr ail fater yn y gwrandawriad i'r methiant honedig cyntaf. Lle mae'r Pwyllgor Safonau o'r farn bod methiant ychwanegol neu fethiant arall o bosibl, methiant gan aelod gwahanol neu fethiant o ran Gôd Ymddygiad awdurdod arall, yna dylent gyfeirio'r ail fater i'r Ombwdsmon Gwasanaethau Cyhoeddus cymru fel honiad newydd.

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Committee to exclude the press and public from all or any part of the hearing. If any of them so request, the Chairman shall ask them to put forward reasons for so doing and ask for responses from the others, and the Standards Committee shall then determine whether to exclude the press and public from all or any part of the hearing.

Where the Standards Committee does not resolve to exclude press and public, the agenda and any documents which have been withheld from the press and public in advance of the meeting shall then be made available to the press and public.

## **10 Failure to Comply with the Code of Conduct?**

The Standards Committee will then address the issue of whether the Member failed to comply with the Code of Conduct in the manner set out in the Investigating Officer's report.<sup>3</sup>

### **(a) The Pre-Hearing Process Summary**

The Chairman will ask the Legal Advisor or the Committee Support Officer to present the Monitoring Officer's Pre-Hearing Summary Report, highlighting any points of difference in respect of which the Member has stated that he/she disagrees with any finding of fact in the Investigating Officer's report. The Chairman will then ask the Member to confirm that this is an accurate summary of the issues, to confirm that he/she maintains the position as set out in the pre-hearing summary, and ask the Member to identify any additional points upon which he/she disagrees with any finding of fact in the Investigating Officer's report.

- (i) If the Member admits that he/she has failed to comply with the Code of Conduct in the manner described in the Investigating Officer's report, the Standards Committee may then take the Investigating Officer's report as read and make a determination that the Member has failed to comply with the Code of Conduct in the manner described in the Investigating Officer's report and proceed directly to consider whether any action should be taken in respect of the Member's misconduct.
- (ii) If the Member identifies additional points of difference, the Chairman shall ask the Member to explain why he/she did not identify these points as part of the pre-hearing process. He/she shall then ask the Investigating Officer

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<sup>3</sup> Note that the Standards Committee's consideration is limited to the matter, in terms of the set of facts, as set out in the Investigating Officer's report. The Standards Committee may find that these facts disclose a breach of a part of the Code of Conduct other than that found by the Investigating Officer (for example that the facts constituted bullying rather than just a failure to treat with respect). However, if, in the course of their consideration, the Standards Committee apprehend that the evidence before them reveals an entirely different failure to comply with the Code of Conduct (for example where the complaint is of failure to treat Officer A with respect, but the evidence also indicates a failure to treat Officer B with respect), such a possible additional or alternative failure will not be within the remit of the Standards Committee. At that stage, the member will not have had notice of the Standards Committee's consideration of the possible additional or alternative failure and that it would therefore be unfair to proceed to consider that second matter at the hearing into the first alleged failure. Where the Standards Committee do apprehend a possible additional or alternative failure, a failure by a different member, or a failure in respect of the code of conduct of another authority, they should refer the second matter to the PSOW as a new allegation.

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wahaniaeth yn uniongyrchol neu drwy unrhyw dystion sy'n bresennol neu y gellir trefnu yn gyfleus iddynt fod yn bresennol yn y gwrandawriad. Mewn achosion lle nad yw'r Pwyllgor Safonau yn fodlon gyda rhesymau'r Aelod am fethu nodi pob pwynt ychwanegol o wahaniaeth fel rhan o'r broses cyn y gwrandawriad, gall benderfynu parhau gyda'r gwrandawriad ond heb ganiatáu i'r Aelod herio cywirdeb y canfyddiadau ffeithiol hynny a nodir yn adroddiad y Swyddog Ymchwilio ond na wnaeth Aelod nodi pwynt o wahaniaeth yn eu cylch fel rhan o'r broses cyn y gwrandawriad neu gall benderfynu gohirio'r gwrandawriad i ganiatáu i'r Swyddog Ymchwilio ac/neu unrhyw dystion ychwanegol fynychu'r gwrandawriad.

(b) Cyflwyno adroddiad y Swyddog Ymchwilio

- (i) Os yw'r Swyddog Ymchwilio yn bresennol, bydd y Cadeirydd yn gofyn i'r Swyddog Ymchwilio gyflwyno ei adroddiad/ei hadroddiad gyda sylw arbennig i unrhyw bwyntiau o wahaniaeth a nodwyd gan yr Aelod a pham fod ef/hi, ar sail ei g(ch)anfyddiadau ffeithiol ef/hi, o'r farn bod yr Aelod wedi methu â chydymffurfio gyda'r Côd Ymddygiad. Gall y Swyddog Ymchwilio alw tystion fel sy'n angenrheidiol i drafod unrhyw bwyntiau o wahaniaeth.
- (ii) Onid yw'r Swyddog Ymchwilio yn bresennol, ni fydd y Pwyllgor Safonau ond yn cynnal gwrandawriad os ydyw'n fodlon nad oes unrhyw bwyntiau sylweddol o wahaniaeth neu fod modd datrys yn foddhaol unrhyw bwyntiau o wahaniaeth yn absenoldeb y Swyddog Ymchwilio. Yn absenoldeb y Swyddog Ymchwilio, gall y Pwyllgor Safonau benderfynu, ar gais y Swyddog Monitro, pa dystion, os o gwbl i'w galw. Mewn achos lle caiff tystion o'r fath eu galw, bydd y Cadeirydd yn dwyn sylw'r tystion at unrhyw ran berthnasol o adroddiad y Swyddog Ymchwilio ac yn gofyn i'r tyst gadarnhau neu gywiro'r adroddiad a darparu unrhyw dystiolaeth berthnasol.
- (iii) Ni chaniateir unrhyw groesholi ond wedi cyflwyno adroddiad y Swyddog Ymchwilio ac/neu wedi derbyn tystiolaeth pob tyst, bydd y Cadeirydd yn gofyn i'r Aelod a oes unrhyw faterion y dylai'r Pwyllgor Safonau mofyn sylwadau gan y Swyddog Ymchwilio neu'r tyst yn eu cylch ac yna gall Aelodau'r Pwyllgor Safonau ofyn cwestiynau i'r Swyddog Ymchwilio neu'r tyst.

(c) Ymateb yr Aelod

- (i) Bydd y Cadeirydd wedyn yn gwahodd yr Aelod i ymateb i adroddiad y Swyddog Ymchwilio a galw unrhyw dystion fel sy'n angenrheidiol i roi sylw i unrhyw bwyntiau o wahaniaeth.
  - (A) Gall yr Aelod drefnu i'w gynrychiolydd/chynrychiolydd wneud cyflwyniad ar ei ran/ei rhan ac/neu i gyflwyno'r Aelod ac unrhyw dystion ar ei ran/ei rhan.
  - (B) Nid oes rhaid i'r Aelod roi tystiolaeth neu ateb unrhyw gwestiynau ond gall y Pwyllgor Safonau yn rhesymol ddod i gasgliadau o unrhyw fethiant ar ei ran/rhan i roi tystiolaeth neu i ateb unrhyw gwestiwn.

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(if present) whether he/she is in a position to deal with those additional points of difference directly or through any witnesses who are in attendance or whose attendance at the hearing can conveniently be arranged. Where the Standards Committee is not satisfied with the Member's reasons for failing to identify each additional point of difference as part of the pre-hearing process, it may decide that it will continue the hearing but without allowing the Member to challenge the veracity of those findings of fact which are set out in the Investigating Officer's report but in respect of which the Member did not identify a point of difference as part of the pre-hearing process, or it may decide to adjourn the hearing to allow the Investigating Officer and/or any additional witnesses to attend the hearing.

(b) Presenting the Investigating Officer's report

- (i) If the Investigating Officer is present, the Chairman will then ask the Investigating Officer to present his/her report, having particular regard to any points of difference identified by the Member and why he/she concluded, on the basis of his/her findings of fact, that the Member had failed to comply with the Code of Conduct. The Investigating Officer may call witnesses as necessary to address any points of difference.
- (ii) If the Investigating Officer is not present, the Standards Committee shall only conduct a hearing if they are satisfied that there are no substantial points of difference or that any points of difference can be satisfactorily resolved in the absence of the Investigating Officer. In the absence of the Investigating Officer, the Standards Committee shall determine on the advice of the Monitoring Officer which witnesses, if any, to call. Where such witnesses are called, the Chairman shall draw the witnesses' attention to any relevant section of the Investigating Officer's report and ask the witness to confirm or correct the report and to provide any relevant evidence.
- (iii) No cross-examination shall be permitted but, at the conclusion of the Investigating Officer's report and/or of the evidence of each witness, the Chairman shall ask the Member if there are any matters upon which the Standards Committee should seek the representations of the Investigating Officer or the witness, and then the members of the Standards Committee may address questions to the Investigating Officer or the witness.

(c) The Member's response

- (i) The Chairman shall then invite the Member to respond to the Investigating Officer's report and to call any witnesses as necessary to address any points of difference.
  - (A) The Member may arrange for his representative to make submission on his behalf, and/or to introduce the Member and any witnesses on his behalf;
  - (B) The Member does not have to give evidence or to answer any questions, but the Standards Committee may draw reasonable conclusions from any failure on his part to give evidence or to answer any question.
- (ii) No cross-examination shall be permitted but, at the conclusion of the



- (ii) Ni chaniateir unrhyw groesholi ond wedi i'r Aelod roi ei dystiolaeth/tystiolaeth ac wedi i bob tyst roddi eu dystiolaeth nhw, gall y Cadeirydd ofyn i'r Swyddog Ymchwilio a oes unrhyw faterion y dylai'r Pwyllgor Safonau ofyn am sylwadau'r Aelod neu'r tyst yn eu cylch ac yna gall Aelodau'r Pwyllgor Safonau ofyn cwestiynau i'r Aelod neu'r tyst.
- (ch) Tystion
 

Bydd gan y Pwyllgor Safonau'r hawl i wrthod clywed tystiolaeth gan y Swyddog Ymchwilio, yr Aelod neu dyst oni bai ei fod yn fodlon bod y tyst yn debygol o roi tystiolaeth y mae angen ei chlywed er mwyn gallu penderfynu a fu methiant i gydymffurfio gyda'r Côd Ymddygiad.
- (d) Tystiolaeth Ychwanegol
  - (i) Wedi gorffen clywed y dystiolaeth, bydd y Cadeirydd yn sicio gydag Aelodau'r Pwyllgor Safonau a ydynt yn fodlon bod ganddynt ddigon o dystiolaeth i ddod i gasgliad ystyriol ar y mater.
  - (ii) Os bydd y Pwyllgor Safonau, ar unrhyw adeg, cyn penderfynu a fu methiant i gydymffurfio gyda'r Côd Ymddygiad, o'r farn bod arno angen ychwaneg o dystiolaeth ar unrhyw bwynt er mwyn ei alluogi i ddod i gasgliad ystyriol ar y mater, gall y Pwyllgor Safonau (ond dim rhagor nag unwaith) ohirio'r gwrandawriad a gwneud cais i'r Swyddog Ymchwilio chwilio am a darparu'r fath dystiolaeth ychwanegol a gwneud gwaith ymchwil pellach ar unrhyw bwynt a bennwyd gan y Pwyllgor Safonau.
- (dd) Bydd yr Aelod a'r Swyddog Ymchwiliad yn cael cyfle i wneud sylwadau i gloi.
- (e) Penderfynu a oedd methiant i gydymffurfio gyda'r Côd Ymddygiad.
  - (i) Oni bai bod y penderfyniad yn cadarnhau yn syml gyfaddefiad yr Aelod o fethiant i gydymffurfio gyda'r Côd Ymddygiad (fel y caiff ei nodi ym mharagraff 10(a)(i) uchod), bydd y Pwyllgor Safonau yn ymneilltuo i ystafell arall i ystyried yn breifat a fethodd yr Aelod â chydymffurfio gyda'r Côd Ymddygiad fel y nodir hynny yn adroddiad y Swyddog Ymchwilio.
  - (ii) Bydd y Pwyllgor Safonau yn gwneud ei benderfyniad wedi pwyso a mesur y tebygolrwydd yn y dystiolaeth a gafodd yn y gwrandawriad.
  - (iii) Swyddogaeth y Pwyllgor Safonau yw gwneud penderfyniad ar y mater. Gall, ar unrhyw adeg, ddychwelyd i'r brif ystafell lle mae'r gwrandawriad er mwyn mofyn tystiolaeth ychwanegol gan y Swyddog Ymchwilio, yr Aelod neu'r tyst. Os oes angen ychwaneg o wybodaeth arno, gall ohirio a rhoi cyfarwyddyd i Swyddog neu ofyn i'r Aelod ddangos tystiolaeth bellach o'r fath i'r Pwyllgor Safonau.
  - (iv) Os oes angen Cyngor Cyfreithiol ar y Pwyllgor Safonau ar unrhyw bwynt, gall naill ai –

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Member's evidence and/or of the evidence of each witness, the Chairman shall ask the Investigating Officer if there are any matters upon which the Standards Committee should seek the representations of the Member or the witness, and then the Members of the Standards Committee may address questions to the Member or the witness.

(ch) Witnesses

The Standards Committee shall be entitled to refuse to hear evidence from the Investigating Officer, the Member or a witness unless they are satisfied that the witness is likely to give evidence which they need to hear in order to be able to determine whether there has been a failure to comply with the code of conduct.

(d) Additional Evidence

(i) At the conclusion of the evidence, the Chairman shall check with the Members of the Standards Committee that they are satisfied that they have sufficient evidence to come to a considered conclusion on the matter.

(ii) If the Standards Committee, at any stage prior to determining whether there was a failure to comply with the Code of Conduct, are of the opinion that they require additional evidence on any point in order to be able to come to a considered conclusion on the matter, the Standards Committee may (on not more than one occasion) adjourn the hearing and make a request to the Investigating Officer to seek and provide such additional evidence and to undertake further investigation on any point specified by the Standards Committee.

(dd) The Member and the Investigating Officer will be given an opportunity to make closing representations.

(e) Determination as to whether there was a failure to comply with the Code of Conduct.

(i) Unless the determination merely confirms the Member's admission of a failure to comply with the Code of Conduct (as set out in Paragraph 10(a)(i) above), the Standards Committee shall retire to another room to consider in private whether the Member did fail to comply with the Code of Conduct as set out in the Investigating Officer's report.

(ii) The Standards Committee shall take its decision on the balance of probability based on the evidence which it has received at the hearing.

(iii) The Standards Committee's function is to make a determination on the matter. It may, at any time, return to the main hearing room in order to seek additional evidence from the Investigating Officer, the Member or a witness. If it requires any further information, it may adjourn and instruct an officer or request the Member to produce such further evidence to the Standards Committee.

(iv) If the Standards Committee requires legal advice on any point, it may either –

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- (A) Ofyn i'r Ymgynghorydd Cyfreithiol ymuno gyda'r Pwyllgor a darparu'r fath wybodaeth. Yn yr achos hwn, bydd yr Ymgynghorydd Cyfreithiol yn ailadrodd cyngor o'r fath yn agored pan fydd y Pwyllgor Safonau yn dychwelyd a gall cynrychiolydd cyfreithiol yr Aelod ymateb i gyngor o'r fath; neu
- (B) Dychwelyd i'r fforwm agored a gofyn i'r Ymgynghorydd Cyfreithiol roi cyngor gan wahodd cynrychiolydd cyfreithiol yr Aelod i ymateb i unrhyw gyngor o'r fath.
- (v) Wedi i'r Pwyllgor Safonau orffen ystyried y mater, gall y Pwyllgor Safonau ystyried a yw'n teimlo fel gwneud unrhyw argymhellion i'r awdurdod gyda golwg ar hyrwyddo safonau uchel o ran ymddygiad ymysg aelodau.
- (vi) Yna, bydd y Pwyllgor Safonau yn dychwelyd i brif ystafell y gwrandawriad a bydd y Cadeirydd yn datgan prif ganfyddiadau ffeithiol y Pwyllgor Safonau ynghyd â'i benderfyniad ynghylch a yw'r Aelod wedi methu â chydymffurfio gyda'r Côd Ymddygiad fel y nodir hynny yn adroddiad y Swyddog Ymchwilio.

## **11 Os nad yw'r Aelod wedi methu dilyn y Côd Ymddygiad**

Os bydd y Pwyllgor Safonau'n penderfynu na fethodd yr Aelod â dilyn y Côd Ymddygiad yn y modd a nodir yn adroddiad y Swyddog Ymchwilio:

- (a) Dylai'r Cadeirydd grynhoi canlyniadau'r Pwyllgor Safonau;
- (b) Os yw'r Pwyllgor Safonau yn dod i'r casgliad, o'r dystiolaeth a gafodd yn ystod y gwrandawriad, bod Aelod wedi methu â chydymffurfio gyda'r Côd Ymddygiad (ar wahân i'r mater y mae'r Pwyllgor Safonau newydd wneud penderfyniad arno), bydd y Pwyllgor yn amlinellu pryderon y Pwyllgor Safonau ac yn dweud bod y Pwyllgor Safonau wedi cyfeirio'r methiant ychwanegol neu fethiant arall hwn i'r Swyddog Monitro gyda golwg ar gyflwyno haerid pellach i Swyddfa'r Ombwdsmon Cyhoeddus yng Nghymru.
- (c) Yna dylai'r Cadeirydd nodi unrhyw argymhellion y mae'r Pwyllgor Safonau yn bwriadu eu gwneud i'r awdurdod gyda golwg ar hyrwyddo safonau uchel o ymddygiad ymhlith aelodau a mofyn sylwadau'r Aelod, y Swyddog Ymchwilio a'r Ymgynghorydd Cyfreithiol cyn i'r Pwyllgor Safonau rhoddi trefn derfynol ar unrhyw argymhellion.
- (ch) I gloi, dylai'r Cadeirydd ofyn i'r Aelod a ydyw ef/hi yn dymuno i'r Awdurdod beidio â chyhoeddi datganiad o'i ganfyddiad mewn papur newydd lleol.

## **12 Camau gweithredu yn dilyn methiant i gydymffurfio gyda'r Côd Ymddygiad**

Os yw'r Pwyllgor Safonau yn penderfynu bod yr Aelod wedi methu dilyn y Côd Ymddygiad yn y modd a nodir yn adroddiad y Swyddog Ymchwilio:

- (a) Bydd y Cadeirydd yn crynhoi canfyddiadau'r Pwyllgor Safonau;
- (b) Fe all y Cadeirydd wedyn nodi'r math o gosb y mae'n ei ystyried all fod yn briodol gan ofyn i'r Aelod neu ei gynrychiolydd cyfreithiol wneud sylwadau ar y

000196



- (A) Request the Legal Adviser to join the Committee and provide such advice, in which case the Legal Advisor shall repeat such advice in open forum when the Standards Committee returns, and the Member's legal representative may respond to such advice; or
- (B) Return to open forum and request the Legal Advisor to give advice, inviting the Member's legal representative to respond to any such advice.
- (v) At the conclusion of the Standards Committee's consideration, the Standards Committee shall consider whether it is minded to make any recommendations to the Council with a view to promoting high standards of conduct among Members.
- (vi) The Standards Committee shall then return to the main hearing room and the Chairman will state the Standards Committee's principal findings of fact and their determination as to whether the Member failed to comply with the Code of Conduct as set out in the Investigating Officer's report.

#### **11 If the Member has not failed to follow the Code of Conduct**

If the Standards Committee determines that the Member has not failed to follow the Code of Conduct in the manner set out in the Investigating Officer's report:

- (a) The Chairman should summarise the Standards Committee's findings;
- (b) If the Standards Committee apprehends, from the evidence which they have received during the hearing, that a Member has failed to comply with the Code of Conduct (other than the matter which the Standards Committee has just determined), the Chairman shall outline the Standards Committee's concerns and state that the Standards Committee has referred this additional or alternative failure to the Monitoring Officer with a view to a further allegation being made to the PSOW.
- (c) The Chairman should then set out any recommendations which the Standards Committee is minded to make to the Council with a view to promoting high standards of conduct among Members and seek the views of the Member, the Investigating Officer and the legal advisor before the Standards Committee finalises any such recommendations.
- (ch) Finally, the Chairman should ask the Member whether he/she wishes the Council not to publish a statement of its finding in a local newspaper.

#### **12 Action consequent upon a failure to comply with the Code of Conduct**

If the Standards Committee determines that the Member has failed to follow the Code of Conduct in the manner set out in the Investigating Officer's report:

- (a) The Chairman shall summarise the Standards Committee's findings;
- (b) The Chairman may then indicate the order of sanction which he considers may be appropriate and ask the Member or his legal representative to make

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gosb.<sup>4</sup>

- (c) Fe all y Cadeirydd ofyn i'r Swyddog Ymchwilio wneud sylwadau ynglŷn â chosb.
- (ch) Bydd y Cadeirydd wedyn yn sicrhau bod pob Aelod o'r Pwyllgor Safonau yn fodlon bod ganddo ef/hi ddigon o wybodaeth i'w alluogi ef/hi i wneud penderfyniad ystyrlon ynghylch a ddylid pennu cosb ac (os yn briodol) beth fydd ffurf y gosb.
- (d) Fe all unrhyw aelod o'r Pwyllgor Safonau ofyn cwestiynau i'r Swyddog Ymchwilio neu i'r aelod fel bo'r angen i'w alluogi ef/hi i wneud penderfyniad ystyrlon.
- (dd) Bydd y Pwyllgor Safonau wedyn yn ymneilltuo i ystafell arall i ystyried yn breifat a ddylid pennu cosb (lle bwriedir pennu cosb) a pha gosb i'w rhoi a pha bryd y dylai'r gosb honno ddod i rym, ac unrhyw sylwadau y bydd y Pwyllgor Safonau'n eu rhoi i'r awdurdod.
- (e) Ar ddiwedd ei ystyriaethau, bydd y Pwyllgor Safonau yn dychwelyd i brif ystafell y gwrandawriad a bydd y Cadeirydd yn datgan penderfyniadau'r Pwyllgor Safonau gan ddweud a ddylid pennu cosb a (lle bwriedir cosb) beth yw natur y gosb, a pha bryd y dylai ddod i rym, ynghyd â'r prif resymau dros wneud y penderfyniadau hynny, ac unrhyw argymhellion y bydd y Pwyllgor Safonau am eu gwneud i'r awdurdod.

### 13 Cau'r gwrandawriad

- (a) Bydd y Pwyllgor Safonau yn cyhoeddi ei benderfyniad ar ddiwrnod y gwrandawriad ac yn rhoi i Swyddog Cefnogi'r Pwyllgor ddatganiad ysgrifenedig byr o'u penderfyniad, a bydd y Swyddog Cefnogi'r Pwyllgor yn ei anfon i'r Aelod mor fuan ag sy'n ymarferol ar ôl cau'r gwrandawriad;
- (b) Bydd y Cadeirydd yn diolch i bawb sydd yn bresennol sydd wedi cyfrannu tuag at drefn y gwrandawriad ac yn cau'r gwrandawriad yn ffurfiol;

---

<sup>4</sup> Gall y Pwyllgor Safonau benderfynu ar unrhyw un o'r isod o ran y cosbau y gall fynnu arnynt :

- “(i) dim angen gweithredu o gwbl
- (ii) ceryddu'r Aelod;
- (iii) atal yr Aelod yn rhannol am gyfnod a fydd ddim hwy na chwe mis;
- (iv) Sgwahardd yr Aelod am gyfnod a fydd ddim hwy na chwe mis.

Nid yw Atal neu atal yn rhannol ond yn berthnasol i'r Aelod yn ei gapasiti fel aelod o'r awdurdod yr oedd y gwyn yn ymwneud ag o.

Bydd unrhyw gosb a roddwyd yn cychwyn ar unwaith oni fydd y Pwyllgor Safonau yn rhoi cyfarwyddyd (yn achos unrhyw gosb ac eithrio cerydd) y bydd yn cychwyn ar ddyddiad penodol a bennwyd gan y Pwyllgor Safonau o fewn chwe mis o ddyddiad y gwrandawriad.

000198



representations on sanction.<sup>4</sup>

- (c) The Chairman may then ask the Investigating Officer to make representations as to sanction.
- (ch) The Chairman will then ensure that each member of the Standards Committee is satisfied that he/she has sufficient information to enable him/her to take an informed decision as to whether to impose a sanction and (if appropriate) as to the form of the sanction.
- (d) Any member of the Standards Committee may address questions to the Investigating Officer or to the Member as necessary to enable him/her to take such an informed decision.
- (dd) The Standards Committee shall then retire to another room to consider in private whether to impose a sanction, (where a sanction is to be imposed) what sanction to impose and when that sanction should take effect, and any recommendations which the Standards Committee will make to the Council.
- (e) At the completion of their consideration, the Standards Committee shall return to the main hearing room and the Chairman shall state the Standards Committee's decisions as to whether to impose a sanction and (where a sanction is to be imposed) the nature of that sanction, and when it should take effect, together with the principal reasons for those decisions, and any recommendations which the Standards Committee will make to the Council.

### **13    The close of the hearing**

- (a) The Standards Committee will announce its decision on the day of the hearing and provide the Committee Support Officer with a short written statement of their decision, which the Committee Support Officer will deliver to the Member as soon as practicable after the close of the hearing;
- (b) The Chairman will thank all those present who have contributed to the conduct of the hearing and formally close the hearing;
- (c) Following the close of the hearing, the Committee Support Officer will agree a formal written notice of the Standards Committee's determination and the Monitoring Officer shall arrange for the distribution and publication of that notice (or a summary of that notice, where required).

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<sup>4</sup> The decisions as to sanctions which are available to the Standards Committee are any of the following :  
“(i) that no action is required  
(ii) to censure the Member;  
(iii) partial suspension of the Member for a period up to a maximum of six months;  
(iv) suspension of the Member for a period up to a maximum of six months.

Suspension and partial suspension only relate to the Member in his capacity as a member of the authority to which the complaint related.

Any sanction imposed shall as soon as the period for appeal has passed, or any appeal has been decided, whichever is later, immediately unless the Standards Committee direct (for any sanction other than censure) that it shall commence on any date specified by the Standards Committee within six months of the date of the hearing.

- (c) Yn dilyn cau'r gwrandawriad, bydd y Swyddog Cymorth Pwyllgorau yn cytuno ar rybudd ysgrifenedig ffurfiol o benderfyniad y Pwyllgor Safonau a bydd y Swyddog Monitro'n trefnu i'r rhybudd hwnnw gael ei ddosbarthu a'i gyhoeddi (neu grynodedig o'r rhybudd hwnnw, lle bo'r angen).

**14. Apeliadau**

Gall yr Aelod apelio yn erbyn penderfyniad y Pwyllgor Safonau trwy ysgrifennu at lywydd Panel Dyfarnu Cymru, gan sicrhau bod ei lythyr yn rhestru'r seiliau dros wneud yr apêl, ac yn cynnwys datganiad yn dweud a yw'n fodlon ai peidio i'r apêl gael ei gwrandao ar ffurf sylwadau ysgrifenedig, ac yn cael ei derbyn gan y llywydd o fewn 21 diwrnod i ddyddiad y rhybudd ysgrifenedig o'r penderfyniad.



**14     Appeals.**

The Member may appeal against the decision of the Standards Committee by writing to the President of the Adjudication Panel for Wales, ensuring that his letter sets out the grounds for such an appeal, includes a statement as to whether or not he consents to the appeal being heard by way of written representations, and is received by the President within 21 days of the date of the written notice of decision.

000201

Manylion yr achos a rhif cyfeirnod .....

## FFURFLEN A

### Ymateb yr Aelod perthnasol i'r dystiolaeth sydd yn yr adroddiad ymchwilio

Rhowch rif unrhyw baragraff yn yr adroddiad ymchwilio lle yr ydych yn anghytuno gyda'r canfyddiad ffaith, a rhowch eich rhesymau a'r dewis arall yr ydych yn ei awgrymu, os gwelwch yn dda.

Rhif y paragraff o'r adroddiad ymchwilio	Rhesymau dros anghytuno gyda'r canfyddiad ffaith a roddir yn y paragraff hwnnw	Awgrym o sut y dylai'r paragraff ddarllen

000202



Details of case and reference number .....

**FORM A**

**Subject Member's response to the evidence set out in the investigation report**

Please enter the number of any paragraph in the investigation report where you disagree with the findings of fact, and give your reasons and your suggested alternative.

Paragraph number from the investigation report	Reasons for disagreeing with the findings of fact provided in that paragraph	Suggestion as to how the paragraph should read

000203

Manylion yr achos a rhif cyfeirnod .....

## FFURFLEN B

### Tystiolaeth arall sy'n berthnasol i'r gwyn

Nodwch isod, os gwelwch yn dda, gan ddefnyddio'r paragraffau sydd wedi'u rhifo, unrhyw dystiolaeth yr ydych yn teimlo sy'n berthnasol i'r gwyn a wnaed amdanoch chi.

Rhif paragraff	Manylion am y dystiolaeth
1	
2	
3	



Details of case and reference number .....

## **FORM B**

### **Other evidence relevant to the complaint**

Please set out below, using the numbered paragraphs, any evidence you feel is relevant to the complaint made about you.

Paragraph number	Details of the evidence
<b>1</b>	
<b>2</b>	
<b>3</b>	

0000205

Manylion yr achos a rhif cyfeirnod .....

## FFURFLEN C

### Sylwadau i'w cymryd i ystyriaeth os gwelir bod Aelod wedi methu â dilyn y Côd Ymddygiad

Cwblhewch y ffurflen hon ond os ydych yn cytuno gyda'r canfyddiadau yn adroddiad yr ymchwiliad eich bod wedi methu â chydymffurfio â'r Côd Ymddygiad.

Nodwch isod, os gwelwch yn dda, gan ddefnyddio'r paragraffau sydd wedi'u rhifo, unrhyw ffactorau y dylai'r Pwyllgor Safonau eu cymryd i ystyriaeth os bydd yn dod i gasgliad eich bod wedi methu â dilyn y Côd Ymddygiad. Nodwch, os gwelwch yn dda, nad oes unrhyw ganfyddiad o'r fath wedi'i wneud hyd yn hyn.

Rhif paragraff	Ffactorau i'r Pwyllgor Safonau eu cymryd i ystyriaeth pan yn penderfynu a ddylid cymeradwyo unrhyw rybudd, cyfyngu adnoddau neu lwfansau, atal neu atal rhannol.
1	
2	
3	

0000206



Details of case and reference number .....

## FORM C

### Representations to be taken into account if a Member is found to have failed to follow the Code of Conduct

Only complete this form if you agree with the findings in the investigation report that you failed to comply with the Code of Conduct

Please set out below, using the numbered paragraphs, any factors that the Standards Committee should take into account if it finds that you failed to follow the Code of Conduct. Please note that no such finding has been made yet.

Paragraph number	Factors for the Standards Committee to take into account when deciding whether to censure, suspend, or partially suspend
1	
2	
3	

000207

Manylion yr achos a rhif cyfeirnod .....

## FFURFLEN D

### Trefniadau ar gyfer gwrandawriad y Pwyllgor Safonau

Ticiwch y blychau perthnasol.

<b>1</b>	<p>Ydych chi'n bwriadu mynychu gwrandawriad y Pwyllgor Safonau ar y dyddiad a nodir yn y llythyr sydd ynghlwm?</p> <p>Os 'Na', eglurwch pam os gwelwch yn dda.</p>	<p>Ydw <input type="checkbox"/></p> <p>Nac ydw <input type="checkbox"/></p>	<p>Rheswm:</p>
<b>2</b>	<p>A ydych chi'n mynd i gyflwyno eich achos eich hun?</p>	<p>Ydw <input type="checkbox"/></p> <p>Nac ydw <input type="checkbox"/></p>	
<b>3</b>	<p>Os nad ydych yn cyflwyno eich achos eich hun, a fydd cynrychiolydd yn ei gyflwyno ar eich rhan?</p> <p>Os 'Bydd' rhowch enw eich cynrychiolydd o.g.y.dd</p>	<p>Bydd <input type="checkbox"/></p> <p>Na fydd <input type="checkbox"/></p>	<p>Enw:</p>
<b>4</b>	<p>A yw eich cynrychiolydd yn gyfreithiwr neu'n fargyfreithiwr gweithredol?</p> <p>Os 'Ydi' rhowch eu cymwysterau cyfreithiol o.g.y.dd. Yna ewch i Gwestiwn 6.</p> <p>Os 'Na' ewch i Gwestiwn 5 o.g.y.dd</p>	<p>Ydi <input type="checkbox"/></p> <p>Nac Ydi <input type="checkbox"/></p>	<p>Cymwysterau:</p>

000208



Details of case and reference number .....

## FORM D

### Arrangements for the Standards Committee hearing

Please tick the relevant boxes.

<b>1</b>	<p>Are you planning to attend the Standards Committee hearing on the proposed date in the accompanying letter?</p> <p>If 'No', please explain why.</p>	<p>Yes <input type="checkbox"/></p> <p>No <input type="checkbox"/></p>	<p>Reason:</p>
<b>2</b>	<p>Are you going to present your own case?</p>	<p>Yes <input type="checkbox"/></p> <p>No <input type="checkbox"/></p>	
<b>3</b>	<p>If you are not presenting your own case, will a representative present it for you?</p> <p>If 'Yes', please state the name of your representative.</p>	<p>Yes <input type="checkbox"/></p> <p>No <input type="checkbox"/></p>	<p>Name:</p>
<b>4</b>	<p>Is your representative a practising Solicitor or Barrister?</p> <p>If 'Yes', please give their legal qualifications. Then go to Question 6.</p> <p>If 'No' please go to Question 5.</p>	<p>Yes <input type="checkbox"/></p> <p>No <input type="checkbox"/></p>	<p>Qualifications:</p>

000209

<b>5</b>	<p>A oes gan eich cynrychiolydd unrhyw gysylltiad gyda'ch achos?</p> <p>Os 'Oes' rhowch fanylion o.g.y.dd</p>	<p>Oes <input type="checkbox"/></p> <p>Nac Oes <input type="checkbox"/></p>	Manylion:
<b>6</b>	<p>A ydych chi'n mynd i alw unrhyw dystion?</p> <p>Os 'Ydw', cwblhewch Ffurflen E o.g.y.dd</p>	<p>Ydw <input type="checkbox"/></p> <p>Nac Ydw <input type="checkbox"/></p>	
<b>7</b>	<p>A oes gennych chi, eich cynrychiolydd neu eich dystion unrhyw anawsterau mynediad neu anghenion eraill? (e.e. mynediad i gadair olwyn?)</p> <p>Os 'Oes' rhowch fanylion o.g.y.dd</p>	<p>Oes <input type="checkbox"/></p> <p>Nac Oes <input type="checkbox"/></p>	Manylion:
<b>8</b>	<p>A oes angen cyfeithydd arnoch chi, eich cynrychiolydd neu dystion?</p> <p>Os 'Oes' rhowch fanylion o.g.y.dd</p>	<p>Oes <input type="checkbox"/></p> <p>Nac Oes <input type="checkbox"/></p>	Manylion:
<b>9</b>	<p>Ydych chi eisiau i unrhyw ran o'r gwrandawriad gael ei gynnal yn breifat?</p> <p>Os 'Oes' rhowch eich rhesymau o.g.y.dd</p>	<p>Oes <input type="checkbox"/></p> <p>Nac Oes <input type="checkbox"/></p>	Rhesymau:
<b>10</b>	<p>Ydych chi eisiau i unrhyw ran o'r dogfennau perthnasol gael eu cadw oddi wrth y cyhoedd?</p> <p>Os 'Ydw' rhowch eich rhesymau o.g.y.dd</p>	<p>Ydw <input type="checkbox"/></p> <p>Nac Ydw <input type="checkbox"/></p>	Rhesymau:

000210



<b>5</b>	<p>Does your representative have any connection with your case?</p> <p>If 'Yes', please give details.</p>	<p>Yes <input type="checkbox"/></p> <p>No <input type="checkbox"/></p>	Details:
<b>6</b>	<p>Are you going to call any witnesses?</p> <p>If 'Yes', please fill in Form E.</p>	<p>Yes <input type="checkbox"/></p> <p>No <input type="checkbox"/></p>	
<b>7</b>	<p>Do you, your representative or your witnesses have any access difficulties or any other needs? (e.g. is wheelchair access needed?)</p> <p>If 'Yes', please give details.</p>	<p>Yes <input type="checkbox"/></p> <p>No <input type="checkbox"/></p>	Details:
<b>8</b>	<p>Do you, your representative or witnesses need an interpreter?</p> <p>If 'Yes' please give details</p>	<p>Yes <input type="checkbox"/></p> <p>No <input type="checkbox"/></p>	Details:
<b>9</b>	<p>Do you want any part of the hearing to be held in private?</p> <p>If 'Yes', please give reasons.</p>	<p>Yes <input type="checkbox"/></p> <p>No <input type="checkbox"/></p>	Reasons:
<b>10</b>	<p>Do you want any part of the relevant documents to be withheld from public inspection?</p> <p>If 'Yes', please give reasons.</p>	<p>Yes <input type="checkbox"/></p> <p>No <input type="checkbox"/></p>	Reasons:

000211

Manylion yr achos a rhif cyfeirnod .....

## FFURFLEN E

Manylion am y tystion yr ydych yn bwriadu eu galw:

Enw'r tyst neu'r tystion	1 2 3	
<b>Tyst 1</b>		
<b>a</b>	<p>Fydd y tyst yn rhoi tystiolaeth am yr honiad?</p> <p>Os 'Bydd' rhowch amlinelliad o'r dystiolaeth y bydd y tyst yn ei rhoi os gwelwch yn dda</p>	<p>Bydd <input type="checkbox"/></p> <p>Na fydd <input type="checkbox"/></p> <p>Amlinelliad o'r dystiolaeth:</p>
<b>b</b>	<p>Fydd y tyst yn rhoi tystiolaeth ynglŷn â pha gamau y dylai'r Pwyllgor Safonau eu cymryd os bydd yn dod i'r casgliad nad yw'r Côt Ymddygiad wedi'i ddilyn?</p> <p>Os 'Bydd', rhowch amlinelliad o'r dystiolaeth y bydd y tyst yn ei rhoi os gwelwch yn dda</p>	<p>Bydd <input type="checkbox"/></p> <p>Na fydd <input type="checkbox"/></p> <p>Amlinelliad o'r dystiolaeth:</p>



Details of case and reference number .....

## FORM E

### Details of witnesses you propose to call:

Name of witness or witnesses	1		
	2		
	3		
<b>Witness 1</b>			
<b>a</b>	<p>Will the witness give evidence about the allegation?</p> <p>If 'Yes', please provide an outline of the evidence the witness will give.</p>	<p>Yes <input type="checkbox"/></p> <p>No <input type="checkbox"/></p>	Outline of evidence:
<b>b</b>	<p>Will the witness give evidence about what action the standards committee should take if it finds that the Code of Conduct has not been followed?</p> <p>If 'Yes', please provide an outline of the evidence the witness will give.</p>	<p>Yes <input type="checkbox"/></p> <p>No <input type="checkbox"/></p>	Outline of evidence:

000213

## Tyst 2

<b>a</b>	<p>Fydd y tyst yn rhoi dystiolaeth am yr honiad?</p> <p>Os 'Bydd' rhowch amlinelliad o'r dystiolaeth y bydd y tyst yn ei rhoi os gwelwch yn dda.</p>	<p>Bydd <input type="checkbox"/></p> <p>Na fydd <input type="checkbox"/></p>	<p>Amlinelliad o'r dystiolaeth:</p>
<b>b</b>	<p>Fydd y tyst yn rhoi dystiolaeth ynglŷn â pha gamau y dylai'r Pwyllgor Safonau eu cymryd os bydd yn dod i'r casgliad nad yw'r Côt Ymddygiad wedi'i ddilyn?</p> <p>Os 'Bydd', rhowch amlinelliad o'r dystiolaeth y bydd y tyst yn ei rhoi os gwelwch yn dda</p>	<p>Bydd <input type="checkbox"/></p> <p>Na fydd <input type="checkbox"/></p>	<p>Amlinelliad o'r dystiolaeth:</p>

000214



## Witness 2

<b>a</b>	<p>Will the witness give evidence about the allegation?</p> <p>If 'Yes', please provide an outline of the evidence the witness will give.</p>	<p>Yes <input type="checkbox"/></p> <p>No <input type="checkbox"/></p>	Outline of evidence:
<b>b</b>	<p>Will the witness give evidence about what action the standards committee should take if it finds that the Code of Conduct has not been followed?</p> <p>If 'Yes', please provide an outline of the evidence the witness will give.</p>	<p>Yes <input type="checkbox"/></p> <p>No <input type="checkbox"/></p>	Outline of evidence:

000215

### Tyst 3

<b>a</b>	<p>Fydd y tyst yn rhoi dystiolaeth am yr honiad?</p> <p>Os 'Bydd' rhowch amlinelliad o'r dystiolaeth y bydd y tyst yn ei rhoi os gwelwch yn dda.</p>	<p>Bydd <input type="checkbox"/></p> <p>Na fydd <input type="checkbox"/></p>	<p>Amlinelliad o'r dystiolaeth:</p>
<b>b</b>	<p>Fydd y tyst yn rhoi dystiolaeth ynglŷn â pha gamau y dylai'r Pwyllgor Safonau eu cymryd os bydd yn dod i gasgliad nad yw'r Côt Ymddygiad wedi'i ddilyn?</p> <p>Os 'Bydd', rhowch amlinelliad o'r dystiolaeth y bydd y tyst yn ei rhoi os gwelwch yn dda</p>	<p>Bydd <input type="checkbox"/></p> <p>Na fydd <input type="checkbox"/></p>	<p>Amlinelliad o'r dystiolaeth:</p>

000216



### Witness 3

<b>a</b>	<p>Will the witness give evidence about the allegation?</p> <p>If 'Yes', please provide an outline of the evidence the witness will give.</p>	<p>Yes <input type="checkbox"/></p> <p>No <input type="checkbox"/></p>	Outline of evidence:
<b>b</b>	<p>Will the witness give evidence about what action the standards committee should take if it finds that the Code of Conduct has not been followed?</p> <p>If 'Yes', please provide an outline of the evidence the witness will give.</p>	<p>Yes <input type="checkbox"/></p> <p>No <input type="checkbox"/></p>	Outline of evidence:

000217

000218



000219

000220



**From:** Sam Ward [<mailto:Sam.Ward@ombudsman-wales.org.uk>]

**Sent:** 10 December 2012 13:29

**To:** Cyngor Cymuned Penmynydd a Star Community Council

**Subject:** Re: code of conduct complaint against Cllr J Foulkes

Dear Mr Owen,

I previously contacted you in relation to a code of conduct complaint against John Foulkes and you helpfully provided the above information. As you know, the matter has been referred to the Monitoring officer of Isle of Anglesey County Council. I would be grateful if you could provide the additional information below as soon as possible.

1. Could you confirm that the Community Council adopted the model code of conduct in 2008 and any documents in relation to this (copy of the current code). The code of conduct attached to the standing orders that you sent me above relates to the code prior to 2008.
2. The last attachment (above) relates to an undertaking by Cllr Foulkes to abide by the code of conduct signed in May 2008. Is there another page(s) to this document as it appears to be an appendix ?

Many thanks. Please do not hesitate to contact me if you have any queries. I did try and phone you to speak with you directly about this but there was no answer. I will try you again later.

Regards

Sam Ward

Senior Investigator/*Uwch Ymchwilydd*

Public Services Ombudsman for Wales/*Ombwdsmon Gwasanaethau Cyhoeddus Cymru*

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Pencoed

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**From:** Cyngor Cymuned Penmynydd a Star Community Council  
[mailto:penmynydd@gowen97.freemove.co.uk]  
**Sent:** 19 March 2012 23:32  
**To:** Sam Ward  
**Subject:** E MAIL 1 Response to complaint against Cllr J Foulkes

Your Ref 3343/201102860, 2856, 2868, 2913, 3060 + 3282. Code of Conduct complaint against Cllr John Foulkes

I am contacting you in response to your letter of 5 March 2012

1. Please find attached a copy of our community council's code of conduct attached to the standing orders
2. I am unable to locate a copy of the councillor's current signed declaration of acceptance of office. This should have been signed before i took over as clerk in June 2010. I have found a declaration for the previous term of office dated 28.07.04 which i attach
3. Cllr foulkes has not to my knowledge attended any training on the Code of Conduct
4. I attach a copy of the agreed minutes of 5 October 2011
5. A copy of the declaration of interest dated 5 October 2011. I include this matter as the 2nd item on the agenda of each meeting
6. I attach copies of my notes of 5 October and 7 December 2011 (E mail 2)
7. A copy of Cllr Foulke's undertaking to abide by the Code of Conduct (dated 7 May 2008)

#### My statement

Prior to the council monthly meeting 7 December 2011, a public meeting was held at the request of the electorate to discuss the planning application for the wind turbine at Ty Fry, Rhoscefnhir, Anglesey. The meeting was attended by approx 250 people. Feelings about the application were high and i estimate 95% of those present were against the application.

Just before the community council meeting started i offered Cllr Foulkes a "declaration of interest form" He declined my offer stating "he had been in touch with Llangefni and there was no need to declare any interest" - meaning he had spoken to the Legal dept, Anglesey County Council.

When we reached item 2 on the agenda - declarations of interest - all members declined. When we reached the planning application in question, the chairman asked again if anyone wished to declare an interest - again - all members declined.

During the discussion one member proposed that the council object to the application on the grounds that the feelings of local residents, who are against the application, should be taken into account. Cllr Foulkes stated that there are people in favour, not everyone is against and Ty Fry is in a rural location. He proposed that

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the council vote in favour of the application. following a vote 3/2 the council decided  
note to object to the application

E mail 2 to follow with other attachments

Graham Owen | Clerc i'r Cyngor | Clerk to the Council | Cyngor  
Cymuned Penmynydd a Star Community Council  
Parc Uchaf | Rhosmeirch | Llangefni | Anglesey | LL77 7NQ  
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**From:** Cyngor Cymuned Penmynydd Community Council  
[mailto:[penmynyddcc@btinternet.com](mailto:penmynyddcc@btinternet.com)]  
**Sent:** 03 January 2013 22:08  
**To:** Sam Ward  
**Subject:** FW: code of conduct complaint against Cllr J Foulkes

Apologies for the delay in responding. As you know from my last e mail, i have been out of the country. I have searched through the council documents and can confirm that the code of conduct was actually adopted 04.05.05. I have a welsh copy (dated 04.05.05) which is the same as the english version attached to the standing orders. The declaration signed by Cllr Foulkes in May 2008 was when the new council was elected (not when the code was adopted). Unfortunately, i was not the clerk at the time (i started June 2010) and it appears that the newly elected council adopted the previous code. I can confirm that following receipt of updated guidance from the Ombudsman in 2010, copies of the code were distributed to members (confirmed in minutes dated 04.08.10 attached) I did not request receipts from members at the time as they had all signed an undertaking to abide by the code of conduct following election May 2008.

Yes, the document signed by Cllr Foulkes does appear to be an appendix - possibly from a model code of conduct. I regret there are no additional pages.

I hope this information is of help. If i can be of further assistance, please do not hesitate to contact me.

Graham Owen

Graham Owen I Clerc i'r Cyngor I Clerk to the Council I Cyngor  
Cymuned Penmynydd a Star Community Council  
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# STANDING ORDERS - PENMYNYDD AND STAR COMMUNITY COUNCIL

## **STANDING ORDERS**

Passed by the Council at a meeting on 04.05.2005

These Standing Orders are made by Penmynydd and Star Community Council (hereinafter referred to as "the Council") for the regulation of the Council's business, pursuant to Paragraph 42 of Schedule 12 of the Local Government Act 1972, and with respect to the making of contracts, in accordance with the terms of Section 135 of that Act. It is not to be construed that their effect derogates any statutory requirements or the effects of relevant case law.

The Standing Orders printed in a **bold** typeface below reflect a selection of the many relevant mandatory statutory requirements, and associated case law, applicable to Welsh Community and Town Councils and, as such, they are generally incapable of suspension by resolution. However, it should be understood that they do not comprehensively encompass all statutory provisions relating thereto.

### **MEETINGS OF THE COUNCIL, COMMITTEES AND SUB-COMMITTEES**

1. **In a year which is a year of ordinary elections of Community Councillors, the annual meeting of the Council shall be held on, or within 14 days after, the day on which its Councillors elected at that election take office (viz. on the fourth day thereafter). This means that the annual meeting is required to be held within 4 and 18 days after the date of the election, or as otherwise prescribed by law. In any other year the annual meeting shall be held on such day in May as the Council may determine. It shall be held at 7.30pm or such hour as the Council may otherwise fix or, if no hour is so fixed, six o'clock in the evening.**
2. The Council shall, in every year hold, in addition to the annual meeting, 9 other ordinary meetings for the transaction of its business, such meetings being held at monthly intervals on the *first Wednesday thereof at 7.30 pm*, excluding the month(s) of August and January.
3. **An extraordinary meeting of the Council may be called at any time by the Chairperson and, should he/she refuse to call such a meeting after a requisition for that purpose, signed by two members of the Council, has been presented to him/her, or if, without so refusing, he/she does not call an extraordinary meeting within seven days after such a requisition has been presented to him/her, any two members of the Council, on that refusal or on the expiration of those seven days, as the case may be, may forthwith convene an extraordinary meeting of the Council.**
4. **A meeting of the Council, or a Committee or Sub-Committee thereof, shall be held at such place, either within or without its area, as the Council, Committee or Sub-Committee may respectively direct, but shall not be held in premises licensed for the sale of intoxicating liquor unless no other suitable room is available either free of charge or at a reasonable cost.** Generally, however, meetings of the Council and its Committees or Sub-Committees shall be held at the Penmynydd Community Centre, Penmynydd.
5. **Three clear days at least before a meeting of the Council or a Committee of the Council -**
  - (a) **notice of the time and place of the intended meeting shall be fixed in some conspicuous place in the community and, where the meeting is called by members of the Council, the notice shall be signed by those members and shall specify the business proposed to be transacted at the meeting; and**
  - (b) **a summons to attend the meeting, specifying the business proposed to be transacted at the meeting and signed by the Proper Officer of the Council, shall be left at or sent by post to the usual place of residence of every member of the Council.** Otherwise than as referred to elsewhere in these Standing Orders, no decision shall be taken on any matter other than in respect of items of business specified on the summons.

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## **STANDING ORDERS - PENMYNYDD AND STAR COMMUNITY COUNCIL**

6. **Meetings of the Council and its Committees and Sub-Committees shall be held and conducted strictly in accordance with the requirements of law** and these Standing Orders. Smoking shall not be permitted at any such meetings.

### **APPOINTMENT OF COMMITTEES AND SUB-COMMITTEES**

7. The Council, for the purpose of discharging any of its functions or advising it on any matter relating thereto, may appoint one or more Committees comprising members of the Council and, if it so wishes, including persons who are not members thereof, but the latter shall not be permitted voting rights thereon and shall not be elected to preside thereat.
8. A Committee appointed in accordance with Standing Order 7 above for the purpose of discharging any of the Council's function or advising it on any matter relating thereto, unless the Council otherwise directs, may appoint one or more Sub-Committees comprising members of the Committee and persons who are not members thereof, but the latter shall not be permitted voting rights thereon and shall not be elected to preside thereat.
9. Unless the Council otherwise directs, any Committee appointed in accordance with Standing Order 7 above and any Sub-Committees appointed in accordance with Standing Order 8 above shall respectively appoint its own Chairperson.
10. A Committee or Sub-Committee shall report back respectively to the Council or Committee appointing it on its decisions taken in accordance with any functional power delegated to it and/or recommendations/observations on any matter relevant to its terms of reference.

### **ELECTION OF CHAIRPERSON AND APPOINTMENT OF VICE CHAIRPERSON**

11. **A Chairperson shall, at the Council's annual meeting, be elected from among its members and, unless he/she resigns or becomes disqualified, shall continue in office until his/her successor becomes entitled to act as such (i.e. following his/her successor's election to that office at the next annual meeting of the Council or being elected to fill any casual vacancy for Chairperson that may occur sooner).**
12. **The Chairperson shall, at the annual meeting at which he/she is elected or re-elected (or at the meeting at which he/she is elected if filling a casual vacancy in that office), or if the Council at that meeting so permits, before or at a later meeting fixed by the Council, make in the presence of a member of the Council or of its Proper Officer, and deliver to the Council, a declaration of acceptance of office in a form prescribed by an Order made by the National Assembly for Wales and, if he/she fails to do so, his/her office of Chairperson shall thereupon become vacant. If present at any meeting of the Council, the Chairperson shall preside thereat.**
13. **The person presiding at the time of election of Chairperson shall be disqualified from being a candidate for re-election to that office if he/she continues so to preside. Therefore, a person presiding who is a candidate for election thereto, (e.g. an outgoing Chairperson wishing to be re-elected) shall be required to vacate the chair and leave the meeting prior to his/her name being formally proposed as a candidate.**
14. **In the case of an equality of votes in the election of Chairperson, the person presiding at the meeting shall give a casting vote in addition to any other vote he/she may have.**
15. **A Vice-Chairperson shall be appointed annually by the Council from among its members and, should such an appointment be made, shall hold office until immediately after the election of a Chairperson at the next annual meeting of the Council, unless he/she should resign or become disqualified beforehand. In the absence of the Chairperson at a meeting of the**

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## **STANDING ORDERS - PENMYNYDD AND STAR COMMUNITY COUNCIL**

**Council, the Vice-Chairperson shall preside thereat but in the absence of both Chairperson and Vice-Chairperson, such Councillor as the members of the Council present shall choose, shall preside.**

16. The Chairperson, Vice-Chairperson or Councillor presiding at a meeting of the Council, or a Committee or Sub-Committee thereof, shall be empowered to exercise all the powers and duties of the office of Chairperson in relation to the conduct of the meeting, **including the right to exercise a second or casting vote, but shall not purport to exercise any of the functional executive powers or responsibilities of, or on behalf of, the Council.**

### **DECLARATION OF ACCEPTANCE OF OFFICE OF COMMUNITY COUNCILLOR**

17. **A person elected or re-elected to the office of Community Councillor shall, before or at the first meeting of the Council after his/her election (or in the case of co-option to that office, at the meeting at which he/she is so co-opted), or if the Council at that meeting so permits, before or at a later meeting fixed by the Council, make in the presence of a member of the Council or the Proper Officer of the Council and deliver to the Council a declaration of acceptance of office in a form prescribed by an Order made by the National Assembly for Wales (incorporating an undertaking by the declarant that, in performing his/her functions, he/she will observe the Council's Code of Conduct for the time being adopted), and if he/she fails to do so his/her office as Community Councillor shall thereupon become vacant.**

### **AGENDAS FOR MEETINGS OF THE COUNCIL AND COMMITTEES AND ORDER OF BUSINESS**

18. Except as otherwise provided by these Standing Orders or by statute, no item of business or motion shall be included in the agenda for a meeting of the Council, or any of its Committees, or discussed thereat, unless it has been placed upon the agenda by the Clerk, or by a Member of the Council, subject in the latter case to notice thereof being given to the Clerk in writing not later than seven clear days prior to the date of the meeting. The Clerk shall place upon the agenda for any such meeting all items of business or motions where notice is given as aforesaid.
19. A copy of the agenda shall be sent, for information, to the relevant County Councillor for the area of the Council.
20. Subject to any relevant statutory requirement, and to provisions contained elsewhere in these Standing Orders, including for varying the order of business, the business of any meeting of the Council (other than its annual meeting) shall be transacted in the following order: -
- (a) To elect a member to preside in the absence of the Chairperson and Vice-Chairperson
  - (b) To receive any apology for absence from the meeting of any Councillor and consider acceptance, or otherwise, of the reason, if any, given for such absence.
  - (c) The Member presiding to sign the minutes of the previous meeting.
  - (d) To receive disclosures of personal interest and the nature thereof, in accordance with the requirements of the Council's adopted members' Code of Conduct.
  - (e) To examine and, where possible, determine any outstanding minutes.
  - (f) To receive reports of Committees and Sub-Committees appointed by the Council.
  - (g) To receive listed communications and, where appropriate, make decisions thereon.
  - (h) To consider items of business placed upon the agenda by the Clerk and (subject to requisite notice being given in accordance with the requirement of Standing Order 18 above), items of business placed thereon by members of the Council, in such order as the Clerk may deem to be most appropriate.
  - (i) To consider and approve accounts for payment.
  - (j) To determine or confirm the date of the next ordinary meeting of the Council.

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## **STANDING ORDERS - PENMYNYDD AND STAR COMMUNITY COUNCIL**

21. At the annual meeting of the Council, in addition, the following business shall also be transacted in the following order: -
- (a) Election of Chairperson.
  - (b) Appointment of Vice-Chairperson.
  - (c) Appointment or re-appointment of any standing Committees, Sub-Committees and Working Groups.
  - (d) Appointment or re-appointment of Members to serve on outside bodies.
  - (e) Consideration of making grants to voluntary organisations.
  - (f) Delegation or renewal thereof of functional power to the Clerk and/or Responsible Financial Officer to act in respect of urgent business arising between meetings of the Council (in consultation with the Chairperson and Vice-Chairperson or otherwise).
  - (g) Fixing the Chairperson's allowance (if any).
  - (h) (At an annual meeting immediately following an ordinary election), co-option of members to fill any vacancies remaining unfilled by there being insufficient candidates.
22. Without prejudice to the prescribed order of business, as set out in Standing Orders 20 and 21 above, the business to be transacted at any meeting of the Council may be preceded by supplementary generic items in respect of which no decisions thereat shall be taken but, in appropriate circumstances, may be placed upon the agenda of a later meeting of the Council or a Committee or Sub-Committee thereof for consideration or referred for submission of a report or reports, such items being restricted to: -
- (a) consideration of matters raised at or before the meeting by members of the public present (where it is the policy of the Council to invite such public participation);
  - (b) making announcements; and
  - (c) receiving reports from members on their attendance at meetings of outside bodies in respect of which they have been appointed to serve thereon as the Council's representatives.

### **NOTICES OF MOTION**

23. Except as provided under Standing Order 28 below, each notice of motion shall be in writing, signed by the member or members of the Council giving the notice, and delivered to the Clerk in accordance with the requirements of Standing Order 18 above. The Clerk shall thereupon date, number in order in which it is received, and enter it in a book, which shall be open to the inspection of every member of the Council.
24. The Clerk shall insert in the summons (agenda) for every meeting of the Council all notices of motion duly given in the order in which they have been received, unless the member giving such notice has, when giving it, intimated in writing that he/she proposes to move it at some later meeting or subsequently has withdrawn it in writing.
25. If a motion, notice of which is thus specified in the summons (agenda), be not moved, it shall, unless postponed by consent of the Council, be treated as abandoned and shall not be moved without fresh notice.
26. Motions for which notice has been duly given, the subject matter of which comes within the delegations or terms of reference of any Committee or Sub-Committee of the Council shall, upon being moved, stand referred without discussion to such Committee or Sub-Committee or to such other Committee or Sub-Committee as the Council may determine, for consideration and report to the next available meeting of the Council, except that the Council, if it considers it convenient and conducive to the despatch of business, may allow such motion to be dealt with at the meeting at which it is moved.
27. Every notice of motion shall be relevant to some question over which the Council has power, or which affects the Community.



# STANDING ORDERS - PENMYNYDD AND STAR COMMUNITY COUNCIL

## MOTIONS THAT MAY BE MOVED WITHOUT NOTICE

28. The following motions may be moved without notice: -

- (a) To appoint a Chairperson to preside at the meeting in the absence of the Chairperson and Vice-Chairperson
- (b) In relation to the accuracy of the minutes of the previous meeting.
- (c) To change the order of business.
- (d) To proceed to the next business.
- (e) To close or adjourn the debate on any particular item of business.
- (f) To refer a matter to a Committee, Sub-Committee or Working Group.
- (g) To appoint a Committee or Working Group and/or Members to serve thereon.
- (h) To receive and/or adopt a report.
- (i) To withdraw a motion.
- (j) To amend a motion.
- (k) To exclude the public and press in appropriate circumstances.
- (l) To adjourn the meeting in the event of disorderly conduct.
- (m) To suspend the requirements of any Standing Order, except where, by so doing, statutory requirements (i.e. those printed in **bold** print herein) would be purported not to apply.
- (n) To adjourn the meeting.
- (o) That the question be now put.
- (p) In relation to any item of business appearing on the agenda of a meeting.

## QUESTIONS

29. A member may ask the Chairperson or the Clerk any question relating to the functions or business of the Council, subject to seven clear days written notice thereof being given to the Clerk. Each such question shall be put and answered without discussion and the person to whom the question is put shall only decline to answer that question where it is in the public interest so to do.

## RULES OF DEBATE

- 30. No discussion shall take place upon the minutes, except upon their accuracy. Corrections to the minutes shall be made upon the signing thereof. Proposed corrections thereto shall be submitted to the Clerk in writing prior to the meeting at which the minutes are to be signed.
- 31. Members shall direct their speeches only to the subject currently under discussion and address the Chairperson.
- 32. In the event of two or more members requiring to speak, the Chairperson shall determine the order of speaking.
- 33. A motion or amendment to a motion, other than in relation to an item of business included on the agenda, shall not be discussed unless it has been formally moved and seconded and, in the case of a motion, unless the required notice thereof has been given in accordance with Standing Order 23 above or is as referred to in Standing Order 28 above.
- 34. An amendment to a motion shall be only: -
  - (a) to leave out words;
  - (b) to leave out words and insert or add others;
  - (c) to insert or add words,

but such omission or insertion of words shall not have the effect of introducing a new proposal into or of negating the motion before the Council.

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## STANDING ORDERS - PENMYNYDD AND STAR COMMUNITY COUNCIL

35. If an amendment be rejected, other amendments may be moved on the original motion. If an amendment be carried, the motion as amended shall take the place of the original motion and shall become the substantive motion upon which any further amendment may be moved.
36. The mover of a resolution shall have a right to reply immediately before the motion is put to the vote. Should an amendment be moved, the mover of the amendment shall be entitled to reply immediately before the amendment is put to the vote. A Member exercising a right of reply shall not introduce new matter. After the right of reply has been exercised or waived, a vote shall be taken without further discussion.
37. A member may raise a point of order or make a personal explanation but a personal explanation shall be confined to some material part of a former speech by him/her at the same meeting which may have been misunderstood and he/she shall be entitled to be heard forthwith but the ruling of the Chairperson on a point of order or on the admissibility of a personal explanation shall not be open to discussion. Whenever the Chairperson rises during a debate, all other members of the Council shall be silent.
38. A motion or amendment may be withdrawn by the mover with the concurrence of the seconder and the consent of the Council, which shall be signified without discussion, and it shall not be competent for any member to speak upon it after the mover has asked permission for its withdrawal, unless such permission shall have been refused.
39. When a motion is under debate no other motion shall be moved except the following:-
  - (a) To amend the motion.
  - (b) To postpone consideration of the motion.
  - (c) To adjourn the meeting.
  - (d) To adjourn the debate.
  - (e) To proceed to the next business.
  - (f) That the question be now put.
  - (g) That a member be not further heard.
  - (h) That a member do leave the meeting.
  - (i) That the subject of debate be referred back to a Committee or Sub-Committee.
  - (j) To exclude the public and press.
40. Without prejudice to the terms of these Standing Orders, or the statutory right of any Member to require the taking of a formal ballot on any matter to be determined by the Council, it shall be in order for decisions to be taken by the Council, or a Committee or Sub-Committee thereof, on the basis of consensus or tacit agreement.

### **RESCISIONS OF RESOLUTIONS**

41. No motion to rescind any resolution which has been passed within the preceding six months, nor any motion or amendment to the same effect as one which has been negatived within the preceding six months, shall be in order unless the notice thereof shall have been given and specified in the summons to the meeting and the notice shall bear, in addition to the name of the member who proposed the motion, the names of *three other members*; and when any such motion has been disposed of by the Council it shall not be competent for any member to propose a similar motion within a further period of six months. This Standing Order shall not apply to motions which are moved by the Chairperson or other member of a Committee or Sub-Committee of the Council in pursuance of a recommendation of such Committee or Sub-Committee.

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## STANDING ORDERS - PENMYNYDD AND STAR COMMUNITY COUNCIL

### QUORUM

42. **No business of the Council shall be transacted at a meeting of the Council unless at least one-third of the whole number of members of the Council are present at the meeting but in no case shall the quorum be less than three. A quorum in relation to meetings of this Council shall, therefore, be at least 3 Councillors. Where, however, more than one-third of the members of the Council become disqualified at the same time, then, until the number of members in office is increased to not less than two-thirds of the whole number of members thereof, the quorum of the Council shall be determined by reference to the number of members of the Council remaining qualified instead of by reference to the whole number of members of the Council. So long as there shall be a quorum present at a meeting, it shall be in order for a decision to be taken on, say, a single voter, if nobody votes against. The fact that other Councillors present may be unable to vote, on account of having a personal interest in any particular matter for consideration, shall not affect the situation, the law making no reference to a quorum being calculated by reference only to the number of members entitled to vote.**
43. Should a quorum not be present at a meeting of the Council or should the number of members present fall below that of a quorum, the business not transacted at the meeting shall be transacted at the next ordinary meeting of the Council or at an extraordinary meeting thereof summoned for the purpose of considering it.
44. The quorum of any Committee or Sub-Committee of the Council shall comprise at least 3 members.

### VOTING

45. **All questions coming or arising before the Council and its Committees and Sub-Committees shall be decided by a majority of the members present and voting thereon at a properly convened meeting of the Council. The method of voting shall be by show of hands (or, alternatively, by secret ballot where the Council, Committee or Sub-Committee, as the case may be, so decide). However, on the requisition of any member of the Council, the voting on any question shall be recorded so as to show whether each member present and voting did give his/her vote for or against that question. A member shall be entitled to have his/her name recorded in the minutes as voting against a specific matter or as abstaining from voting thereon.**
46. In the event of there being an equality of votes and the member presiding at a meeting of the Council or a Committee or Sub-Committee declining to give a second or casting vote, the relevant motion or amendment thereto shall fall to the ground and the Council, Committee or Sub-Committee, as the case may be, shall proceed to the next item of business; **other than in respect of the election of a Chairperson, where the person presiding is required by law to exercise a casting vote.**
47. **In respect of voting where more than two persons have been nominated for a single vacancy (e.g. in respect of an appointment to fill a casual member vacancy, appointment to serve on an outside body or appointment of staff etc.) the successful candidate shall receive an absolute majority vote of those members present and voting, the name of the person having the least number of votes being struck off the list and one or more fresh votes taken until a majority of votes is given in favour of one person.**

### DISORDERLY CONDUCT

48. No member shall, at a meeting of the Council or a Committee or Sub-Committee thereof, persistently disregard the ruling of the person presiding thereat, wilfully obstruct business, or behave irregularly, offensively, improperly or in such a manner as to bring the Council into disrepute.



## **STANDING ORDERS - PENMYNYDD AND STAR COMMUNITY COUNCIL**

49. If, in the opinion of the person presiding thereat, a member has breached the requirements of Standing Order 48 above, any member may move that the member in question be no longer heard. That motion shall thereupon be put forthwith and without discussion.
50. In the event of such a motion being carried and the Member in question persists in breaching the requirements of Standing Order number 48, the person presiding may suspend the meeting or take such further steps as may reasonably be deemed to be necessary or expedient.

### **CANVASSING OF AND RECOMMENDATIONS BY MEMBERS**

51. Canvassing of members, directly or indirectly, for any appointment to be made by the Council shall disqualify the candidate for such appointment and the Clerk shall make known to every candidate for such an appointment the terms of this Standing Order.
52. A member shall not solicit for any person any Council appointment or recommend any person for such appointment or for promotion. The requirements of this Standing Order shall not, however, prevent a member providing a written reference as to a candidate's ability, experience or character for submission to the Council with an application for appointment. Additionally, the terms of this Standing Order shall apply to tenders and quotations as if those persons submitting tenders or quotations were candidates for an appointment.

### **PUBLIC ACCESS TO MEETINGS, INFORMATION, CONFIDENTIAL BUSINESS AND INSPECTION OF DOCUMENTS**

53. **Any meeting of the Council or of its Committee(s) shall be open to the public. However, the Council or Committee, as the case may be, may by resolution exclude the public and press (whether during the whole or part of the proceedings) whenever publicity would be prejudicial to the public interest by reason of the confidential nature of the business to be transacted or for other special reason stated in the resolution and arising from the nature of that business or of the proceedings, and where such a resolution is passed, the meeting shall not be required to be open to the public during the proceedings to which the resolution applies. The Council or Committee may treat the need to receive or consider recommendations or advice from sources other than members, its Committees or Sub-Committees, as the case may be, as a special reason why publicity would be prejudicial to the public interest, without regard to the subject or purpose of the recommendations or advice. While any such meeting is open to the public, the Council or Committee, as the case may be, shall not have power to exclude members of the public therefrom and duly accredited representative of newspapers attending for the purpose of reporting the proceedings for those newspapers shall, so far as practicable, be afforded reasonable facilities for taking their report and, unless the meeting is held in premises not belonging to the Council or not on the telephone, for telephoning the report at their own expense. The provision of this Standing Order shall be without prejudice to any power of exclusion to suppress or prevent disorderly conduct or other misbehaviour at a meeting.**
54. This Council shall also adhere to the principles of openness in relation to public access to its meetings and documents, as referred to in Section 100A to K etc. of the Local Government Act 1972 (as inserted therein by the Local Government (Access to Information) Act 1985), as if it were a principal council (i.e. a Welsh County), insofar as it is possible and practicable so to do in relation to the functions of the Council, particularly in relation to admission of the public to meetings of Sub-Committees and to public access to agendas, reports, minutes and background papers. **The Council shall also strictly comply with and adhere to any present or future requirements affecting it contained in the Freedom of Information Act 2000 and Statutory Instruments made thereunder.**



## **STANDING ORDERS - PENMYNYDD AND STAR COMMUNITY COUNCIL**

55. Notwithstanding the principles of openness in the Council's dealings, as referred to in Standing Order 54 above, no member shall disclose to any person not a member of the Council any business declared to be confidential by the Council.
56. A member shall, but only for the purpose of undertaking his/her functions, duties and responsibilities as a Councillor, be entitled to inspect any document in the possession of the Council and, where practicable, shall on request be supplied with a copy thereof for that purpose.

### **APPOINTMENT OF STAFF**

57. The Council may appoint such officers and other employees as it thinks necessary, including a Clerk, for the proper discharge of its functions. **The terms of appointment or conditions of employment of every such officer or other employee shall be deemed to incorporate the Code of Conduct set out in the Schedule to the Code of Conduct (Qualifying Local Government Employees)(Wales) Order 2001.**
58. **The Council shall appoint a Responsible Financial Officer** (who may also be its Clerk), **with prescribed duties and responsibilities, to undertake its functions under Section 151 of the Local Government Act 1972 and Regulation 4 of the Accounts and Audit Regulations 1996.**
59. **The Council shall appoint a completely independent internal auditor to undertake the functions prescribed under Regulation 5 of the Accounts and Audit Regulations 1996 and Codes of Audit Practice drawn up in relation thereto by the Audit Commission** and shall give its consideration to any recommendations or observations made by him/her from time to time.
60. **Every appointment of a person to a paid office or employment under the Council shall be made on merit, subject to any relevant statutory exceptions to that requirement and, in order to avoid any possible accusation of bias, employees of the Council shall not be involved in any appointment, or any other decisions relating to discipline, promotion or pay and conditions for any other employee, or prospective employee, to whom they are related, or with whom they have a close personal relationship outside work.**

### **CONTRACTS**

61. **Where it is intended to enter into a contract exceeding £1,000 but not exceeding £10,000 in value or amount for the supply of goods or materials or for the execution of works, the Council's Responsible Financial Officer shall give at least three weeks public notice of such intention in the same manner as public notice of meetings of the Council is given.**
62. **Subject to the requirements of Standing Order number 63 below, where the value of the intended contract exceeds £10,000 in value or amount, similar notice shall be given in addition in such newspapers circulating in the district as the Council shall direct.**
63. **Where, in the opinion of the Council, the goods, materials or work are of a specialist nature, as an alternative to the requirements of Standing Order 62 above, tenders may be invited from at least three contractors, selected by the Council, specialising in the type of work etc. comprising the contract in question.**
64. **The notice, or invitation to submit a tender, for a contract exceeding £10,000 in value or amount shall state the general nature of the intended contract and state the name and address of the person to whom tenders are to be addressed and the last date by which those tenders should reach that person in the ordinary course of post.**

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## **STANDING ORDERS - PENMYNYDD AND STAR COMMUNITY COUNCIL**

65. **Tenders/quotations received shall be opened by the Responsible Financial Officer, or other person to whom tenders are required to be addressed, in the presence of the Council or Committee/Sub-Committee/Officer to which/whom the power to award the contract may have been delegated.**
66. **The Council is not bound to accept the lowest tender.**
67. **Should no tenders be received or should all the tenders be identical, the Council etc. may make such arrangements for procuring the goods or materials or executing the works as it thinks fit.**
68. **A notice/invitation to tender issued in accordance with the requirements of Standing Orders numbers 61, 62, 63 and 64 above shall contain a statement of the effect of Standing Order number 52 in relation to tenders and quotations.**
62. **No member of the Council shall, in the name of the Council, issue orders, or transmit instructions or directions, unless such orders etc. are specifically authorised by the Council or in accordance with powers properly delegated to a Committee, Sub-Committee or Officer and the requirements of these Standing Orders and the Council's Financial Regulations shall be strictly adhered to in respect thereof.**

### **EXECUTION OF DOCUMENTS**

70. **All relevant documents (e.g. those relating to land transactions etc.) shall be executed under the common seal of the Council (or, should the Council not have a seal, signified by an instrument signed and sealed by two members of the Council), who shall be appointed thereby for that purpose, upon formal authority being given thereto by resolution of the Council.**

### **PROPER OFFICER**

71. **Where a statute, regulation or order confers functions or duties on the Proper Officer of the Council, in the following cases that officer shall be its Clerk: -**
  - (a) **To receive and witness declarations of acceptance of office.**
  - (b) **To receive and retain plans and documents.**
  - (c) **To sign notices or other documents on behalf of the Council.**
  - (d) **To receive copies of byelaws made by the relevant County or County Borough Council.**
  - (e) **To certify copies of byelaws made by the Community Council.**
  - (f) **To sign summonses to attend meetings of the Council and its Committees/Sub-Committees.**

**In any other case, the Proper Officer shall be the person nominated by the Council and, in default of nomination, the Clerk.**

### **EXPENDITURE AND FINANCIAL MANAGEMENT**

72. **The terms and requirements of the Council's approved Financial Regulation shall be adhered to in relation to any decisions relating to expenditure and the Council shall receive and give due consideration to any recommendations or observations made by its Internal Auditor in relation to the financial management of its affairs.**

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# **STANDING ORDERS - PENMYNYDD AND STAR COMMUNITY COUNCIL**

## **MEMBERS' AND OFFICERS' CODES OF CONDUCT**

73. Councillors shall conduct themselves in accordance with the prescribed principles governing their conduct, as referred to in Section 49(2) of the Local Government Act 2000 and the Conduct of Members (Principles)(Wales) Order 2001, namely, selflessness, honesty, integrity and propriety, duty to uphold the law, stewardship, objectivity in decision-making, equality and respect, openness, accountability and leadership.
74. Councillors shall, in conducting the business of the Council, undertaking the role of member thereof to which they were elected or appointed, and acting as a representative of the Council, observe and adhere to its Code of Conduct adopted in accordance with the requirements of Section 51 of the 2000 Act, incorporating any model Code issued by the National Assembly for Wales under Section 50(2) thereof.
75. Where a Councillor acts as a representative of the Council on another body, that member shall, when acting in that capacity, comply with the Code unless it conflicts with any legal obligations arising as a consequence of service on that body.
76. Councillors shall carry out their duties and responsibilities with due regard to the need to promote equality of opportunity for all people, regardless of their gender, race, disability, sexual orientation, age or religion, and show respect and consideration for others. They must not do anything which compromises, or which is likely to compromise, the impartiality of the authority's employees.
77. Councillors shall not disclose information given in confidence, without the express consent of a person authorised to give such consent, or unless required by law to do so, and shall not prevent any person from gaining access to information to which that person is entitled by law.
78. Councillors shall not in their official capacity, or otherwise, commit a criminal offence or cause one to be committed or behave in a manner which could be reasonably regarded as bringing the office of Councillor or the Council into disrepute and shall report to the Local Commissioner for Local Administration in Wales and to the appropriate Monitoring Officer (viz. the officer appointed as such by the County within whose area the Council is situated) any conduct by another member of the Council which they believe involves, or is likely to involve, a failure to comply with the Code but, in relation to this requirement, must not make vexatious or malicious complaints against other persons. They shall also report any conduct by another person which they believe involves, or is likely to involve, criminal behaviour.
79. A Councillor (other than a member who is the subject of an investigation by the Monitoring Officer) shall comply with any requirement made by the Monitoring Officer in connection with an investigation.
80. Councillors shall not, in their official capacity, or otherwise, use their position improperly to confer on or secure for any person, and in particular their family, friends or those with whom they have a close personal association, an advantage or disadvantage or to secure an advantage for themselves. They shall, when (corporately) using or authorising the use by another Councillor of the resources of the Council, do so prudently and in accordance with the law and the Council's requirements and they shall ensure that the resources of the Council are not used improperly for their own private purposes, their family, friends and persons with whom they have a close personal association.
81. Councillors, when reaching decisions, shall do so on the basis of the merits of the circumstances involved and in the public interest, having regard to any relevant advice

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## **STANDING ORDERS - PENMYNYDD AND STAR COMMUNITY COUNCIL**

provided by the Council's officers, in particular its Responsible Financial Officer, the Monitoring Officer and its legal officer who should be consulted when there is any doubt as to the Council's power to act, or as to whether the action proposed lies within the policy framework agreed by the Council where the legal consequences of action or failure to act by the Council might have important repercussions; and shall give reasons for decisions in accordance with the Council's requirements.

82. Councillors shall observe the law and the Council's rules governing the claiming of expenses and allowances in connection with their duties as Councillors and shall avoid accepting from anyone gifts, hospitality (other than official hospitality, such as a civic reception or a working lunch duly authorised by the Council), material benefits or services for themselves or any person with whom the Councillor is living that would, or might reasonably appear to, place him/her under an improper obligation.
83. Councillors shall, in all matters, consider whether they have a personal interest, and whether the Code requires them to disclose that interest.
84. A Councillor has a personal interest in a matter if he/she anticipates that a decision upon it might reasonably be regarded as likely to benefit or disadvantage: -
- (a) the Councillor, one of his/her family or a friend, or any person with whom he/she has a close personal association, or
  - (b) a body which employs those persons, or for which those persons have any degree of ownership, control or management to a greater extent than other council tax payers, ratepayers or inhabitants of the Council's area.
85. Councillors shall regard themselves as having a personal interest in a matter to the extent that it relates to: -
- (a) another relevant authority of which they are a member;
  - (b) a body in which they hold a position of general control or management; or
  - (c) a body to which they have been appointed or nominated by the Council as a representative.
86. Councillors shall also regard themselves as having a personal interest in a matter to the extent that it relates to: -
- (a) any full-time, part-time or intermittent employment, office, trade or profession carried on by them for profit or gain;
  - (b) any person who employs or has appointed them, any firm in which they are a partner, or any company of which they are a remunerated director;
  - (c) any person, other than a relevant authority (i.e. a County Council, County Borough Council, Fire Authority or a National Park Authority), who has made a payment to them in respect of their election or any expenses incurred in carrying out their duties;
  - (d) any corporate body which has a place of business or land in the Council's area, where the Councillor has a beneficial interest in a class of securities of that body which exceeds £25,000 in value (based upon original cost) or one hundredth of the total issued share capital of that body (whichever is the lower);
  - (e) any contract for goods, services or works made between the Council and the Councillor, a firm in which the Councillor is a partner, a company of which the Councillor is a director, or a body falling within those referred to in (d) above;
  - (f) any land in which the Councillor or a member of the Councillor's family has a beneficial interest and which is in the area of the Council;
  - (g) any land of which the landlord is the Council and the tenant is a firm in which the Councillor is a partner, a company of which the Councillor is a director, or a body falling within (d) above;

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## STANDING ORDERS - PENMYNYDD AND STAR COMMUNITY COUNCIL

- (h) any land in the Council's area in which the Councillor has a licence (alone or jointly with others) to occupy for a month or longer; and
- (i) any visit outside the United Kingdom for which the Council has paid or will pay.

87. Councillors shall additionally regard themselves as having a personal interest in a matter to the extent that it relates to any membership, or position of general control or management which they have in any organisation. Such organisations include any: -

- (a) private club or society, such as the Freemasons, a recreational club, working men's club, or private investment club;
- (b) organisation whose principal purpose includes influencing public opinion or policy such as a lobby group;
- (c) trade union(s) or professional association;
- (d) company, industrial and provident society or other organisation which has charitable objects.

Councillors may, however, regard themselves as not having a personal interest in a matter to the extent that it relates to the functions of the Council in respect of an allowance or payment made under Sections 173 to 176 of the Local Government Act 1972 (Attendance, financial loss, travelling and subsistence allowances and allowances for attending conferences and meetings).

88. A Councillor who has a personal interest in a matter specified in Standing Order 85 above and who attends a meeting of the Council, or a Committee or Sub-Committee thereof, at which the matter is discussed, shall disclose the existence and nature of the interest at the commencement of that discussion or when the interest becomes apparent. In such a case that Councillor may speak but shall not vote on the matter unless granted a dispensation by the relevant Standards Committee (of the County Council within whose area the Community is situated).

89. A Councillor who has a personal interest in a matter specified in Standing Orders 86 and 87 above and who attends a meeting of the Council, or a Committee or Sub-Committee thereof, at which the matter is discussed, shall disclose the existence and nature of the interest at the commencement of that discussion or when the interest becomes apparent. In such a case, that Councillor shall withdraw from consideration of the matter unless granted a dispensation by the relevant Standards Committee (of the County Council within whose area the Community) is situated which shall not consider granting a dispensation unless the Councillor has previously notified the Monitoring Officer of that interest, in accordance with the terms of Standing Order 91 below, together with relevant details.

90. A Councillor who has a personal interest in a matter which is not specified in Standing Orders 85, 86, or 87 above (but including those referred to in Standing Order 84 above) and who attends a meeting of the Council, or a Committee or Sub-Committee thereof, at which the matter is discussed, shall disclose the existence and nature of the interest at the commencement of that discussion or when the interest becomes apparent. If that personal interest is such that a member of the public might reasonably conclude that it would significantly affect the Councillor's ability to act purely on the merits of the case and in the public interest if that Councillor were to take part in the discussion of that matter, the Councillor shall also withdraw from consideration of the matter at that meeting unless granted a dispensation by the relevant Standards Committee (of the County Council within whose area the Community is situated) which shall not consider granting a dispensation unless the Councillor has previously notified the Monitoring Officer of that interest, in accordance with the terms of Standing Order 91 below, together with relevant details.

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## **STANDING ORDERS - PENMYNYDD AND STAR COMMUNITY COUNCIL**

91. Councillors shall register any disclosed interests in the Register of Interests established and maintained by the appropriate Monitoring Officer. They shall exercise personal responsibility in deciding whether they have a personal interest such that they should disclose it, seeking advice thereon from the Monitoring Officer and having regard to any advice from the Standards Committee. Councillors shall notify the Monitoring Officer of any change to the interests registered within one month of their occurrence.
92. Other than any gift accepted by a Councillor on behalf of the Council, a Councillor shall notify the Monitoring Officer of the existence and nature of any gifts, hospitality, material benefits or advantage received by the Councillor, or to the Councillor's knowledge any person with whom the Councillor is living, from any company, organisation or person and relating to or arising out of their position as a Councillor, where the value of the item or benefit exceeds the amount of £5.00.
93. Employees of the Council are expected to observe the terms of the relevant Code of Conduct issued by the National Assembly for Wales under Section 82(2) of the Local Government Act 2000 and the Code of Conduct (Qualifying Local Government Employees)(Wales) Order 2001. This includes that the public is entitled to expect the highest standards of conduct from the Council's employees, their role being to serve the Council in providing advice, implementing its policies, and delivering services to the local community. In performing their duties, they shall act with integrity, honesty, impartiality and objectivity.
94. Such employees serve the whole of the Council and are accountable to, and owe a duty to the Council. They shall act in accordance with the principles set out in the Code, recognising the duty of all public sector employees to discharge public functions reasonably and according to the law.
95. The Council's employees shall follow every lawfully expressed policy of the Council and shall not allow their own personal or political opinions to interfere with their work.
96. Mutual respect between employees and Councillors is essential to good local government, and working relationships should be kept on a professional basis. Employees should deal with the public, Councillors and any other employees sympathetically, efficiently, and without bias.
97. Employees shall comply with policies relating to equality issues, as agreed by the Council, in addition to the requirements of the law.
98. Employees shall ensure that they use public funds entrusted to them in a responsible and lawful manner, and shall not utilise property, vehicles or other facilities of the Council for personal use unless authorised to do so.
99. Whilst employees' private lives are their own concern, they shall not allow their private interests to conflict with their public duty. They shall not misuse their official position or information acquired in the course of their employment to further their private interests, or the interests of others. In particular, they shall comply with: -
  - (a) any rules of the Council on the registration and declaration by employees of financial and non-financial interests,
  - (b) any rules of the Council on the declaration by employees of hospitality or gifts offered to or received by them, from any person or organisation doing or seeking to do business, or otherwise benefiting or seeking to benefit from relationship with the Council. Employees shall not accept benefits from a third party unless authorised to do so by the Council.

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## **STANDING ORDERS - PENMYNYDD AND STAR COMMUNITY COUNCIL**

100. In the event that an employee becomes aware of activities which that employee believes to be illegal, improper, unethical or otherwise inconsistent with the employees' Code, the employee should report the matter, acting in accordance with the employee's rights under the Public Interest Disclosure Act 1998, and with any confidential reporting procedure of the Council, or any other procedure designed for this purpose.
101. Openness in the dissemination of information and decision-making should be the norm in relevant authorities. However, certain information may be confidential or sensitive and, therefore, not appropriate for a wide audience. Where confidentiality is necessary to protect the privacy or other rights of individuals or bodies, information should not be released to anyone other than a Community Councillor, employee or other person who is entitled to receive it, or needs to have access to it for the proper discharge of their functions. Nothing in the Code shall be taken as overriding existing statutory or common law obligations to keep certain information confidential, or to divulge certain information.
102. Employees involved in the recruitment and appointment of staff shall ensure that appointments are made on the basis of merit. In order to avoid any possible accusation of bias, employees shall not be involved in any appointment, or any other decisions relating to discipline, promotion or pay and conditions for any other employee, or prospective employee, to whom they are related, or with whom they have a close personal relationship outside work.
103. Where a Monitoring Officer is undertaking an investigation in accordance with Regulations made under Section 73(1) of the Local Government Act 2000, an employee shall comply with any requirement made by the Monitoring Officer in connection with such an investigation.

### **WELSH LANGUAGE SCHEMES AND USE OF WELSH LANGUAGE**

104. Councillors, Officers and any other employees, shall adhere to the requirements of any Welsh Language Scheme or revised Scheme made by the Council under the Welsh Language Act 1993 and approved by the Welsh Language Board.
105. The Council shall conduct the business at its meetings in the Welsh language.

### **HUMAN RIGHTS**

106. So far as it is possible, primary legislation and subordinate legislation must be read and given effect in a way which is compatible with the rights and fundamental freedoms referred to in the European Convention on Human Rights set out in the Human Rights Act 1998 and it is, therefore, generally unlawful for a public authority to act in a way which is incompatible with a Convention right. This Council shall, therefore, have regard to human rights principles when making decisions affecting people's rights.

### **VARIATION, REVOCATION AND SUSPENSION OF STANDING ORDERS**

107. Subject to statutory requirements, any one or more of these Standing Orders, excepting those printed in **bold** typeface, may be suspended by resolution of the Council, in relation to any specific item of business, subject to the vote thereon being carried by at least two-thirds of the members present and voting on the motion. A Committee or Sub-Committee thereof may similarly by resolution suspend any one or more of these Standing Orders in relation to any specific item of business in respect of which it exercises properly delegated functional powers, subject as aforesaid. Suspension shall only be for the duration of the meeting at which the resolution is passed.

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## **STANDING ORDERS - PENMYNYDD AND STAR COMMUNITY COUNCIL**

108. Any motion to add to, vary or revoke these Standing Orders shall, when moved and seconded stand adjourned without discussion to the next ordinary meeting of the Council.

### **STANDING ORDERS TO BE GIVEN TO MEMBERS AND OFFICERS**

109. A copy of these Standing Orders shall be given to each member of the Council by the Clerk upon delivery to him/her of the member's Declaration of Acceptance of Office. A copy thereof shall also be given by the Clerk to any Officer or other employee upon his/her appointment.

**MAY 2005**

### **ADDITIONS TO THE STANDING ORDERS**

#### **ATTENDANCE OF COUNCILLORS IN COUNCIL MEETINGS**

110. If a Councillor misses three (3) consecutive meetings, without an apology for the absence, his/her office as Community Councillor shall thereupon become vacant.

Added to the Standing Orders in the meeting of February 4th 2009 (minutes reference 198)

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## **THE WALES ASSOCIATION OF COMMUNITY AND TOWN COUNCILS MODEL STANDING ORDERS FOR WELSH COMMUNITY AND TOWN COUNCILS**

**L.C.L 20.07.02**

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# DATGANIAD DERBYN SWYDD

## DECLARATION OF ACCEPTANCE OF OFFICE

Cyngor Cymuned .....

*Pennynged*

Community Council

Cyngor Tref

Town Council

Yr wyf fi

*John m. Foa/LES*

gan i mi gael fy ethol i swydd Cyngorydd/Cadeirydd  
having been elected to the office of Councillor/Chairman

YN DATGAN fy mod yn cymryd arnaf fy hun y swydd honno ac y cyflawnaf ei dyletswyddau yn gywir ac yn ffyddlon hyd eithaf fymarn a'm gallu.

*DECLARE that I take that office upon myself, and will duly and faithfully fulfil the duties of it according to the best of my judgement and ability.*

YN YMRWYMO i ufuddhau i Gôd Ymddygiad y Cyngor hwn sydd am y tro wedi'i fabwysiadu o dan Adran 51 o Ddeddf Llywodraeth Leol 2000 wrth gyflawni fynyletswyddau yn y swydd honno.

*UNDERTAKE to observe this Council's Code of Conduct for the time being adopted under Section 51 of the Local Government Act 2000 in the performance of my functions in that office.*

Dyddiad

Date

*28/7/04*

Llofnod

Signature

Gwnaethpwyd a llofnodwyd y datganiad hwn ger fymron i  
*This declaration was made and signed before me*

Clerc / Clerk

Os gwneir y datganiad a'i lofnodi gerbron unrhyw berson arall sydd ag awdurdod dan Adran 83(4) Deddf Llywodraeth Leol 1972, addasir y ffurflen yn unol â hynny.

*If the declaration is made and signed before any other person authorised by section 83(4) of the Local Government Act 1972, adapt form accordingly.*

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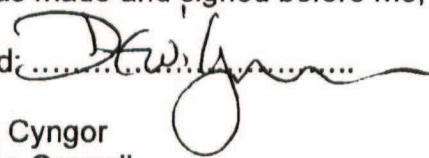
Yr wyf i, JOHN THOMAS yn ymrwymo i barchu'r cod ymddygiad a fydd yn bodoli ar y pryd, a ddisgwylir oddi wrth aelodau (YR AELOD CYMAREB) ac a allai gael ei adolygu o bryd i'w gilydd. PEMRYDD ASTAN

I .....(1)..... undertake to observe the code for the time being as to the conduct which is expected of members of .....(2)..... and which may be revised from time to time.

Llofnodwyd/ Signed: 

Dyddiad/ Date: 7/5/08

Gwnaed a llofnodwyd y datganiad hwn ger fy mron i,  
This declaration was made and signed before me,

Llofnodwyd/ Signed: 

Swyddog Priodol y Cyngor  
Proper Officer of the Council

(1) Mewnosoder enw'r person sy'n gwneud y datganiad. Insert the name of the person making the declaration.

(2) Mewnosoder enw'r awdurdod/cyngor. Insert the name of the authority/ council.

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# CYNGOR CYMUNED PENMYNYDD A STAR

COFNODION Y CYFARFOD A GYNHALIWYD NOS FERCHER  
4 AWST 2010, NEUADD PENMYNYDD 7.30yh

<b>YN BRESENNOL:</b>	
Y Cynghorwyr N J Jones, A G Owen, J M Foulkes. Hefyd Cyng E Jones (Cyngor Sir), Mr Gwyn Roberts (aelod o'r cyhoedd) a'r clerc G Owen	
<b>YMDDIHEURIADAU:</b>	
Cyng J Jones, L Gibson	
<b>1</b>	Cadeirwyd y cyfarfod gan Cyng J M Foulkes
<b>2</b>	<b>DATGAN DIDDORDEB</b> – Dim
<b>3</b>	<b>DERBYN COFNODION</b> Cyflwynwyd cofnodion cyfarfod 7 Gorffennaf 2010. Fe'u derbyniwyd fel rhai cywir a chyflawn.
<b>4</b>	<b>MATERION YN CODI O'R COFNODION</b>
<b>4.1</b>	<b>Hysbysfyrddau</b> – Mae Cyng A Holmes wedi bod yn gwneud ymholiadau ynglyn a hysbysfyrddau newydd i Penmynydd a Star. Penderfynwyd symud y mater yma ymlaen i'r cyfarfod nesaf.
<b>4.2</b>	<b>Y Kiosk</b> – Darllenwyd llythyr gan BT. Mae Scottish Power eisio £1626.21 i ddatgysylltu y trydan (mae'r clerc wedi cadarnhau bod y swm yn gywir). Penderfynwyd peidio symud ymlaen efo'r mater yma.
<b>4.3</b>	<b>Arwydd Penmynydd</b> – Mae'r Cyngor Sir yn trefnu gosod arwydd newydd.
<b>4.4</b>	<b>Elusendai Penmynydd</b> – darllenwyd llythyr gan Canon Philip Hughes yn dweud "Yn ol termau Dogfen yr Elusen, mae'r Elysendai ar gyfer pobl dros 60 oed. Ar hyn o bryd, nid oes ymgeiswyr sy'n cyflawni gofynnion yma. Mae'n costio mwy i gynnal yr elusendai na'r elw sy'n dod i mewn. Mae Cofrestydd yr Esgobaeth yn edrych i mewn i'r sefyllfa i weld os oes modd newid termau'r Elusen a chael defnydd newydd o'r adeiladau.
<b>4.5</b>	<b>Cwynn motorbeic yn goryrru</b> - Dywedodd y clerc bod yr Heddlu yn ymwybodol o'r problem a wedi trefnu i Arrive Alive cadw llygad ar y problem.
<b>4.6</b>	<b>Mynedfa i'r Neuadd</b> – Mae'r clerc wedi cysylltu a'r Adran Eiddo y Cyngor Sir on heb cael ymateb. Penderfynwyd peidio symud ymlaen a'r mater yma.
<b>5</b>	<b>GOHEBIAETH CYNGOR YNYS MON</b>
	<b>Adran Priffyrdd</b>
<b>5.1</b>	Arwydd Penmynydd – gweler 4.3
	<b>Adran Cynllunio</b>
<b>5.2</b>	<b>41C8B</b> Newid defnydd y tir er mwyn lleoli 33 o garafannau symudol, codi bloc toiled ynghyd a creu mynedfa i gerbydau yn Garnedd Ddu, Star. Penderfynwyd gwrthwynebu y cais oherwydd bydd y datblygiad yn anaddas. Mae'r cyngor yn teimlo bod y trac sengl sydd yn gwasanaethu 11 o dai a 7 bythynod gwyliau ddim yn addas i 33 o garafannau.
	<b>Llofnod</b> (Cadeirydd) 07.09.10

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# PENMYNYDD AND STAR COMMUNITY COUNCIL

**MINUTES OF THE MEETING HELD WEDNESDAY EVENING  
4 AUGUST, 2010, PENMYNYDD HALL 7.30pm**

<b>PRESENT:</b>	
Councillors N J Jones, A G Owen, J M Foulkes. Also Councillor E Jones (County Council), Mr Gwyn Roberts (member of the public) and the clerk G Owen	
<b>APOLOGIES:</b>	
Councillor J Jones, L Gibson	
<b>1</b>	The meeting was Chaired by Councillor J. M. Foulkes
<b>2</b>	<b>DECLARATION OF INTEREST</b> – None.
<b>3</b>	<b>MINUTES</b> The minutes of the meeting held on 7 July 2010 were presented. They were accepted as being correct.
<b>4</b>	<b>MATTERS ARISING FROM THE MINUTES</b>
<b>4.1</b>	<b>Notice Boards</b> – Cllr. A. Holmes has made enquiries regarding new notice boards for Penmynydd and Star. It was decided to move this matter on to the next meeting.
<b>4.2</b>	<b>The Kiosk</b> – A letter from BT was read out. Scottish Power want £1626.21 to disconnect the electric (the clerk has confirmed that this sum is correct). It was decided not to move forward with this matter.
<b>4.3</b>	<b>Penmynydd Road Sign</b> – The County Council is arranging to put up a new sign.
<b>4.4</b>	<b>Penmynydd Alms-houses</b> – A letter from Canon Philip Hughes was read stating “According to the terms of the Charity Document, the Alms-houses are for people over 60 years of age. At the moment there are no applicants who satisfy these requirements. It costs more to maintain the Alms-houses than the profit that comes in. The Registrar for the Bishopry is looking into the situation to see if the terms of the Charity can be changed and a new use made of the buildings.
<b>4.5</b>	<b>Complaints of motorbikes speeding</b> – The clerk said that the Police are aware of the problem and had arranged for Arrive Alive to keep an eye on the problem.
<b>4.6</b>	<b>Entrance to the Hall</b> – The clerk has been in touch with the Property Department of the County Council but has had no response. It was decided not to move ahead of this matter.
<b>5</b>	<b>ANGLESEY COUNTY COUNCIL CORRESPONDENCE</b>
	<b>Highways Department</b>
<b>5.1</b>	Penmynydd Road Sign – see 4.3
	<b>Planning Department</b>
<b>5.2</b>	<b>41C8B</b> Change of use of land to locate 33 touring caravans, erect a toilet block and create an access for vehicles at Garnedd Ddu, Star. It was decided to object to this application because the development is unsuitable. The Council feels that the single track that serves 11 houses and 7 holiday cottages is unsuitable for 33 caravans.
	<b>Signed</b> <span style="float: right;"><b>(Chair) 07.09.10</b></span>



	<b>Adran Rheolwr Gyfarwyddwr</b>
<b>5.3</b>	<b>Canllawiau ar y Cod Ymddygiad</b> – bydd y clercc yn trefnu dosbarthu copiau l'r aelodau
<b>6</b>	<b>GOHEBIAETH YCHWANEGOL</b>
<b>6.1</b>	<b>BT Y Kiosk</b> – gweler 4.2
<b>7</b>	<b>MATERION ARIANNOL</b>
	Penderfyniwyd talu y canlynol:
<b>7.1</b>	Cyflog y Clerc £80.00
<b>7.2</b>	PAYE HMRC £20.00
<b>8</b>	<b>MATERION ERAILL</b>
	Dim
	<b>Llofnod</b> (Cadeirydd) <b>07.09.10</b>

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	<b>Managing Director's Department</b>
<b>5.3</b>	<b>Guidance on the Code of Conduct</b> – The clerk will arrange to circulate copies to members.
<b>6</b>	<b>ADDITIONAL CORRESPONDENCE</b>
<b>6.1</b>	<b>BT the Kiosk</b> – see 4.2
<b>7</b>	<b>FINANCIAL MATTERS</b>
	It was decided to pay the following :
<b>7.1</b>	Clerk's wages £80.00
<b>7.2</b>	PAYE HMRC £20.00
<b>8</b>	<b>OTHER MATTERS</b>
	None
	<b>Signed</b> <b>(Chair) 07.09.10</b>



FORM TO DECLARE AND REGISTER A PERSONAL INTEREST

MEMBERS' CODE OF CONDUCT

Name of Member:	John Foulkes
Name of Meeting:	October 2011 Full member monthly meeting
Date:	5.10.11
Agenda Item (number and title):	2 Declaration of Interest

I HEREBY DECLARE that I have a personal interest under the Council's Code of Conduct which was adopted under Section 51 Local Government Act 2000.

The details of the Personal Interest are:

I have made applications for wind turbines

The details of the Council business to which the Personal Interest relates are:

Public discussion

A Prejudicial Interest is one which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice your judgment of the Public Interest.

I believe that this a Prejudicial Interest because -

I have applications pending and intend leaving the meeting if they are discussed

You must tick one box below -

- ☐ The interest is not a Prejudicial Interest and therefore I intend to take part in the Council business.
- ☒ The interest is Prejudicial and therefore I intend to withdraw and leave the meeting.
- ☐ The interest is Prejudicial but I have received a dispensation from the Standards Committee.

Signed 

Dated 5/10/11

THIS FORM SHOULD BE HANDED TO THE CLERK IN ATTENDANCE AT THE MEETING

000248



# CYNGOR CYMUNED PENMYNYDD A STAR

## COFNODION Y CYFARFOD A GYNHALIWDYD NOS FERCHER

5 HYDREF 2011, NEUADD PENMYNYDD 7.30yh

### YN BRESENNOL:

Y Cyngorhorwyr L Gibson, N Jones, J Foulkes, A Owen, H Roberts, E Jones (Cyngor Sir), hefyd Mr Gwyn Roberts, Gamedd Fawr (I drafod cais cynllunio ond nid oedd y cais wedi cyraedd) a'r clerc G Owen. Mr Ifor Williams (Cwmni Exwavia), Canon Philip Hughes a nifer o'r cyhoedd.

### YMDDIHEURIADAU:

Cyng LI M Jones, A Holmes

- 1 Cadeirwyd y cyfarfod gan y Cadeirydd Cyng L Gibson. Cynigodd y Cadeirydd croeso i pawb yn bresennol
- 2 **DATGAN DIDDORDEB** – Cyng J Foulkes – Tyrbinau Gwynt
- 3 **Tyrbinau Gwnt** – 'Roedd nifer o'r cyhoedd yn bresennol yn gobeithio cael cyfarfod cyhoeddus i drafod ceisiadau cynllunio tyrbinau gwnt. Hefyd oedd y Cyngor wedi derbyn dau llythyr yn gofyn am cyfarfod gan Mr Elfed Williams, Gweirglodd Bach, Penmynydd ac "Ynys Mon yn Erbyn Tybinau Gwnt". Eglurodd y Cadeirydd bod y Cyngor heb derbyn y ceisiadau. Felly, nid oedd yn bosib trafod y mater. Unwaith mae'r Cyngor wedi derbyn y ceisiadau, bydd y Cyngor yn galw cyfarfod cyhoeddus.
- 4 **Mynwent yr Eglwys** – Dywedodd Canon Hughes ei fod yn siomedig iawn bod y fynwent mewn fath cyflwr ac yn bosib ond wedi cael ei dorri unwaith y flwyddyn yma. Mae wedi gofyn i'r contractwr dorri'r gwair. Er bod yr Eglwys ddim yn cynnal gwasanaethau, mae'r proses yn cymeryd o gwmpas 18 mis i cau yr Eglwys. Yn y cyfamser, yr Eglwys yng Nghymru sydd yn gyfrifol am yr adeilad a'r fynwent.
- 5 **Exwavia** – Dywedodd Mr Ifor Williams bod y Cwmni am defnyddio y mast yn Penmynydd a byddant yn gallu gwarantu cyflymder o 4MB drost yr awyr. Hefyd dywedodd bod Llywodraeth Cymru yn cynnig grantiau o £1000 i pobol sydd yn methu cael cyflymder o 2MB. Bydd y Cwmni yn trefnu cyfarfod cyhoeddus.
- 6 **DERBYN COFNODION**  
Cyflwynwyd cofnodion cyfarfod 7 Medi 2011. Fe'u derbyniwyd fel rhai cywir a chyflawn.
- 7 **MATERION YN CODI O'R COFNODION**
  - 7.1 Hysbysfyrddau – mewn llaw.
  - 7.2 Cwyn – mynwent yr Eglwys – gweler 4
  - 7.3 Cwyn – mynwent Gilead – darllenwyd llythyr gan Eglwys Unedig Rhos y Gad Llanfairpwll yn dweud bod gan yr Eglwys contract i dorri'r fynwent 5 o weithiau pob blwyddyn. Mae'r Eglwys yn cynnig bod y Cyngor yn derbyn perchnogaeth o'r fynwent neu yn cynnig cyfraniad at y costau. Penderfyniwyd diolch am y llythyr a dweud bod y Cyngor ddim yn gallu derbyn perchnogaeth na cynnig cyfraniad.

Llofnod

*Leon Gibson* (Cadeirydd)

02.11.11

000249



# PENMYNYDD AND STAR COMMUNITY COUNCIL

**MINUTES OF THE MEETING HELD WEDNESDAY EVENING  
5 OCTOBER 2011, PENMYNYDD HALL 7.30pm**

<b>PRESENT:</b> Councillors L. Gibson, N J Jones, J M Foulkes, A Owen, H. Roberts, E Jones (County Council), also Mr Gwyn Roberts, Garnedd Fawr (to discuss the planning application but the application had not arrived) and the clerk G Owen. Mr Ifor Williams (Exwavia Co), Canon Philip Hughes and a number of members of the public.	
<b>APOLOGIES:</b> Councillors Ll. M. Jones, A. Holmes	
<b>1</b>	The meeting was chaired by the Chairman Cllr. L. Gibson. The Chair welcomed everybody who was present to the meeting.
<b>2</b>	<b>DECLARATION OF INTEREST</b> – Cllr. J Foulkes – Wind Turbines.
<b>3</b>	<b>Wind Turbines</b> – There were members of the public present hoping to have a public meeting to discuss wind turbine planning applications. The Council had also received 2 letters asking for a meeting from Mr. Elfed Williams, Gweirglodd Bach, Penmynydd and “Anglesey Against Wind Turbines”. The Chairman explained that the Council had not received the applications. So, it was not possible to discuss the matter. Once the Community Council has received the planning applications, the Council will call a public meeting.
<b>4</b>	<b>Church Graveyard</b> – Canon Hughes said that he was disappointed that the graveyard was in such a condition and that it had only been cut once this year. He has asked the contractor to cut the grass. Although the church does not hold services, the process of closing any church takes around 18 months. In the meantime, the Church in Wales is responsible for the building and the churchyard.
<b>5</b>	<b>Exwavia</b> – Mr Ifor Williams said that the Company was going to use the mast in Penmynydd and that it can guarantee a speed of 4MB over the air. He also said that the Welsh Government are offering grants of £1,000 to people who fail to have a speed of 2MB. The Company will arrange a public meeting.
<b>6</b>	<b>MINTUES</b> The minutes of the meeting held on 7 September 2011 were presented and accepted as being correct.
<b>7</b>	<b>MATTERS ARISING FROM THE MINUTES</b>
<b>7.1</b>	<b>Notice Boards</b> – in hand.
<b>7.2</b>	<b>Complaint</b> – church cemetery – see 4.
<b>7.3</b>	<b>Complaint</b> – Gilead cemetery – a letter was read from Rhos y Gad Church Llanfairpwll saying that the Church had a contract to cut the cemetery 5 times each year. The Church is proposing that the Council take ownership of the cemetery or offer a contribution towards the costs. It was decided to thank them for the letter but to say that the Community Council cannot take ownership or offer a contribution.
	<b>Signed</b> <span style="float: right;"><b>(Chair) 07.09.10</b></span>



7.4	Cysgodfan Bws, Star. Darllenwyd llythyr gan y Cyngor Sir yn dweud bod y Cyngor Cymuned yn gyfrifol am y cysgodfan. Mae'r clerc wedi cysylltu a'r cmwni yswiriant ynglyn a gwneud cais.
8	<b>Gohebiaeth Cyngor Ynys Mon</b>
8.1	41C99C cais llawn ar gyfer codi sied amaethyddol ar gyfer storio offer yn Bryn Gof, Star – dim gwrthwynebiad
8.2	41C56D Newid defnydd y swyddfeydd (Dosbarth B1) I feithrinfa dydd I plant (Dosbarth D1) yn The Old Surgery, Castellfryn, Star – dim gwrthwynebiad
	<b>Priffyrdd</b>
8.3	Cysgodfan Bws, Star – gweler 7.4
	<b>Gwasanaethau Cyfreithiol</b>
8.4	<b>Pwyllgor Safonau</b> Cyngor Sir Ynys Mon - Darllenwyd llythyr yn dweud bydd angen 2 cynrychiolydd Cyngorau Tref/Cymuned am cyfnod o 4 blynedd o Rhagfyr 2011. Penderfyniwyd ail ystyried y mater yma yn y cyfarfod nesaf.
9	<b>GOHEBIAETH YCHWANEGOL</b>
9.1	Eglwys Unedig Rhos y Gad – gweler 7.3
9.2	Ynys Mon yn erbyn tyrbinau Gwynt – gweler 3
9.3	Mr Elfed Williams, Gweirglodd Bach – gweler 3
9.4	Pobol Atal Wylfa B – hysbysiad – Cyfarfod yn y Galeri, Caernarfon, 22.10.11 rhwng 10.00 – 4.30
10	<b>MATERION ARIANNOL</b>
	Dim
11	<b>MATERION ERAILL</b>
11.1	Kiosk, Star. Mae'r drws ar y kiosk teleffon wedi cael ei dorri. Gofynwyd i'r clerc cysylltu a'r Heddlu
11.2	Trafodwyd cwyn ynglyn a'r troeiad o Penmynydd I Llanfair. Gofynwyd i'r clerc cysylltu a'r Cyngor Sir i gofyn am gwydyr newydd.
	Llofnod <i>Iwan Gibbon</i> (Cadeirydd) 02.11.11

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<b>7.4</b>	Bus Shelter, Star. Letter read from County Council saying that the Community Council is responsible for the bus shelter. The clerk has contacted the insurance company regarding an application.
<b>8.</b>	<b>Anglesey County Council Correspondence</b>
<b>8.1</b>	41C99C – Full application to erect an agricultural shed for storing equipment at Bryn Gof, Star – no objection.
<b>8.2</b>	41C56D – Change of use of offices (Class B1) to a day nursery for children (Class D1) at The Old Surgery, Castellfryn, Star – no objection.
	<b>Highways</b>
<b>8.3</b>	Bus Shelter, Star – see 7.4
	<b>Legal Services</b>
<b>8.4</b>	<b>Standards Committee</b> Anglesey County Council – A letter was read saying that two representatives are needed from Town/Community Councils for a period of 4 years from December 2011. It was decided to reconsider this matter at the next meeting.
<b>9.</b>	<b>EXTRA CORRESPONDENCE</b>
<b>9.1</b>	Rhos y Gad Church – see 7.3
<b>9.2</b>	Anglesey Against Wind Turbines – see 3
<b>9.3</b>	Mr. Elfed Williams, Gweirglodd Bach – see 3
<b>9.4</b>	People against Wylfa B – advert – meeting at Y Galeri, Caernarfon, 22.10.11 between 10.00 – 4.30.
<b>10</b>	<b>FINANCIAL MATTERS</b>
	None.
<b>11</b>	<b>OTHER MATTERS</b>
<b>11.1</b>	Kiosk, Star. The door of the telephone kiosk has been broken. The clerk was asked to contact the Police.
<b>11.2</b>	Discussed – a complaints regarding the turning from Penmynydd to Llanfair. The clerk was asked to contact the County Council to ask for a new mirror.
	<b>Signed</b> <b>(Chair) 07.09.10</b>

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