



**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 tyrbín 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 tyrbín 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 tyrbín 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 grynant, 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 ddiethriad 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



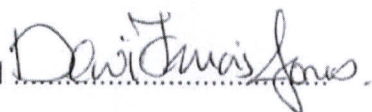
3.1 Wedi ystyried yr uchod, rwy'n cytuno y gall cefnogaeth neu wrthwynebiad cyngor cymuned i'r tyrbîn gwynt yn Tŷ Fry gael effaith gynseiliol.

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 pwyso 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.







### 1. Site Address Details

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

House:  Suffix:   
House name: TY FRY  
Street address:   
Town/City: RHOSCEFNHIR  
County:   
Postcode: LL75 8YT

Description:

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

Eastings: 251629  
Northings: 376756

### 2. 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

### 3. 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 L.O-2

### 4. 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

### 5. Neighbour and Community Consultation

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

☐ Yes ☒ No

### 6. 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

### 7. Materials

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## 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

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### 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

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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:  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

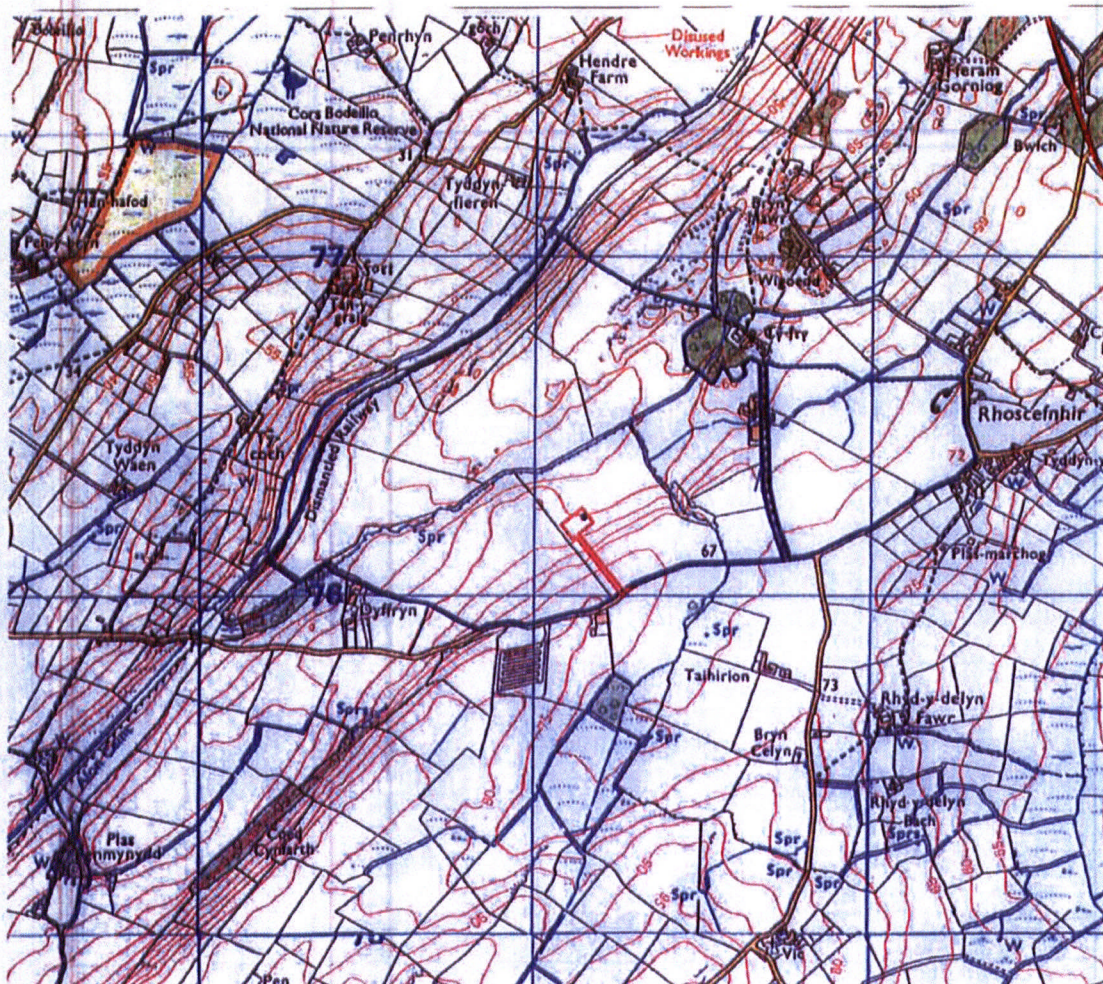
**27. Declaration**

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

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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

RHE CASE:	441214	EON
APPLICATION NO.:	441214	
TYDDYD DESIGNED:	05/01/10	
DATE RECEIVED:	05/01/10	
DESIGN GAIN:		
RECEIVED BY:		

Scale 1:10,000 @ A3  
North

A073041-S L0-1D.cdr November 2011

50b Place Longcross 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

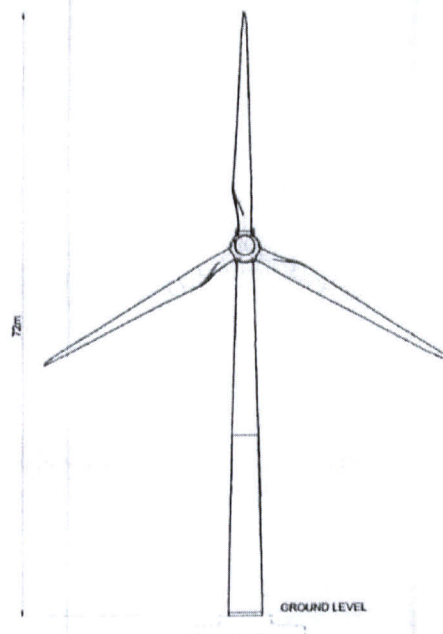
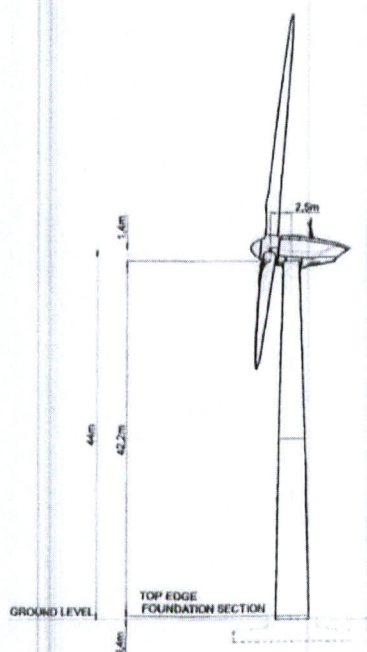


Dafydd & Gwilym Jones

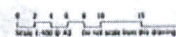
**Ty Fry Wind Turbine**

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



AD73041-5 L0-3.cdr November 2011

5th Floor, Longhouse Court, 47 Newport Road, Cardiff, CF24 6AD  
Tel: +44 (0) 29 2072 8000 Fax: +44 (0) 29 2045 1321  
Email: info@wyg.com www.wyg.com

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000159



Gwasanaeth Cynllunio

Amgylchedd a Gwasanaethau Technegol  
Cynllunio Sir Ynys Môn  
Swyddfa y Cynllunio  
Llangefni  
LL77 7TW

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



CYNGOR SIR  
YNYS MÔN  
ISLE OF ANGLESEY  
COUNTY COUNCIL

Plfôn/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:	Marchynys Farm			Country Code:	0161	National Number:	2469800
	Penmynydd			Telephone 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:	01612469800
	The Quays			Telephone 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: ☐

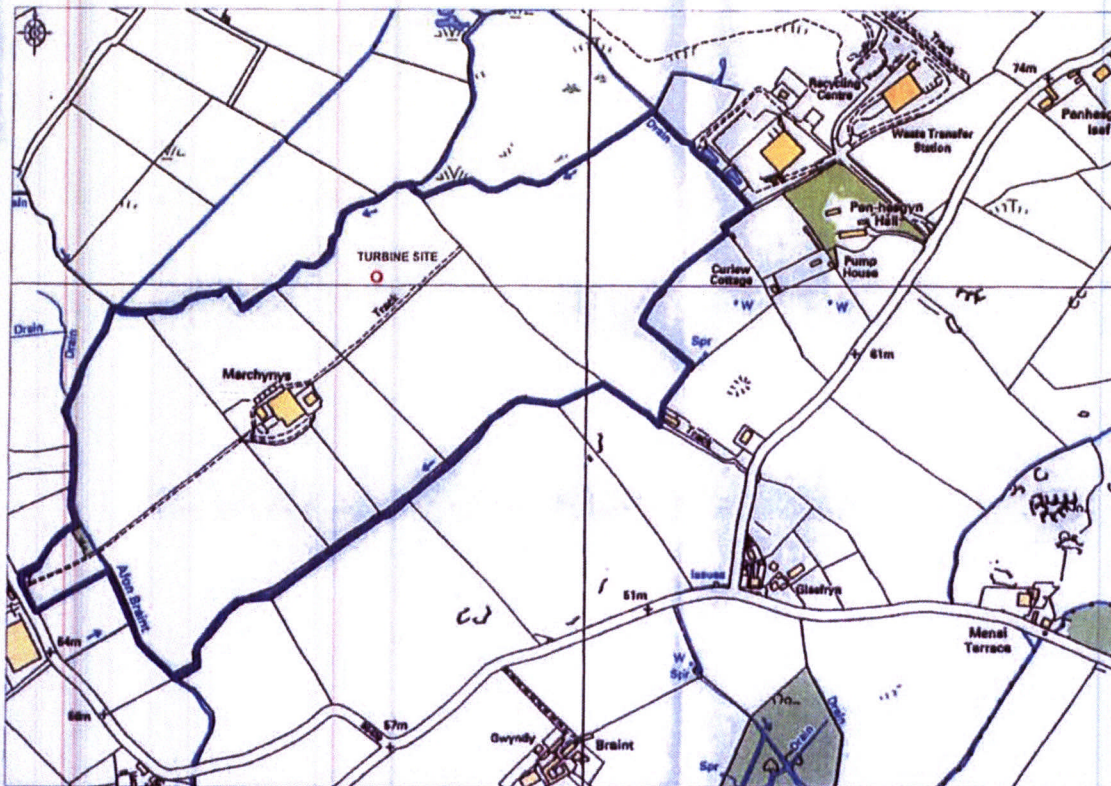
Title: Mr First Name: John Surname: Foulkes

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



# Marchynys Site Location Plan



## NOTES:

PROPERTY BOUNDARY MARKED  
IN BLUE  
TURBINE SITE POSITION CIRCLED IN  
RED

DATE FEB 2012

REF CE01-LL616PH-LOCPLAN

**CONSTANT ENERGY**  
WIND - STORAGE - SOLAR

MARCHYNYS WIND TURBINE

PLANNING  
SITE LOCATION PLAN

SCALE 1:5000 @ A3

Promap

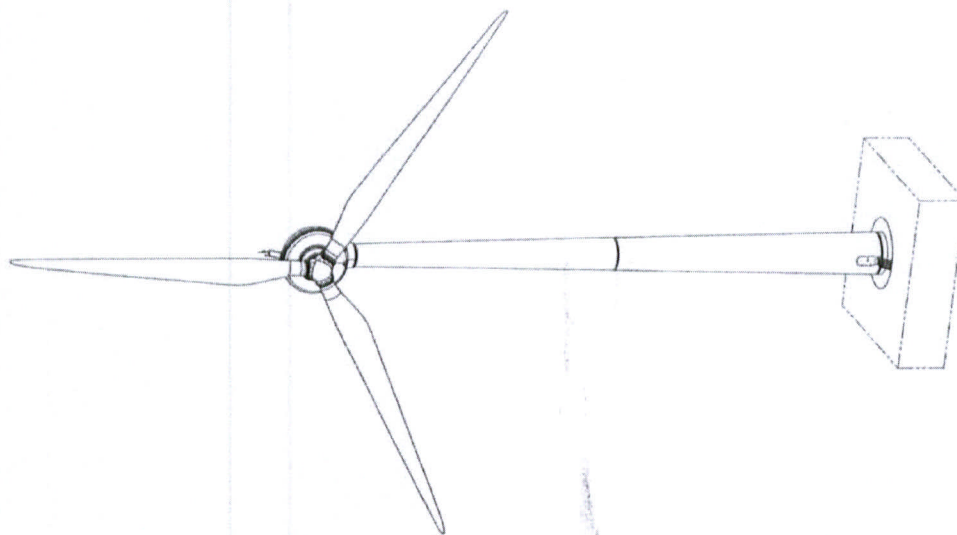
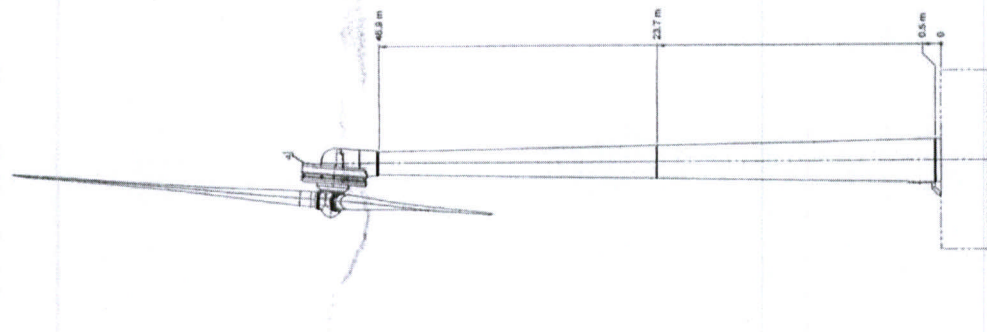
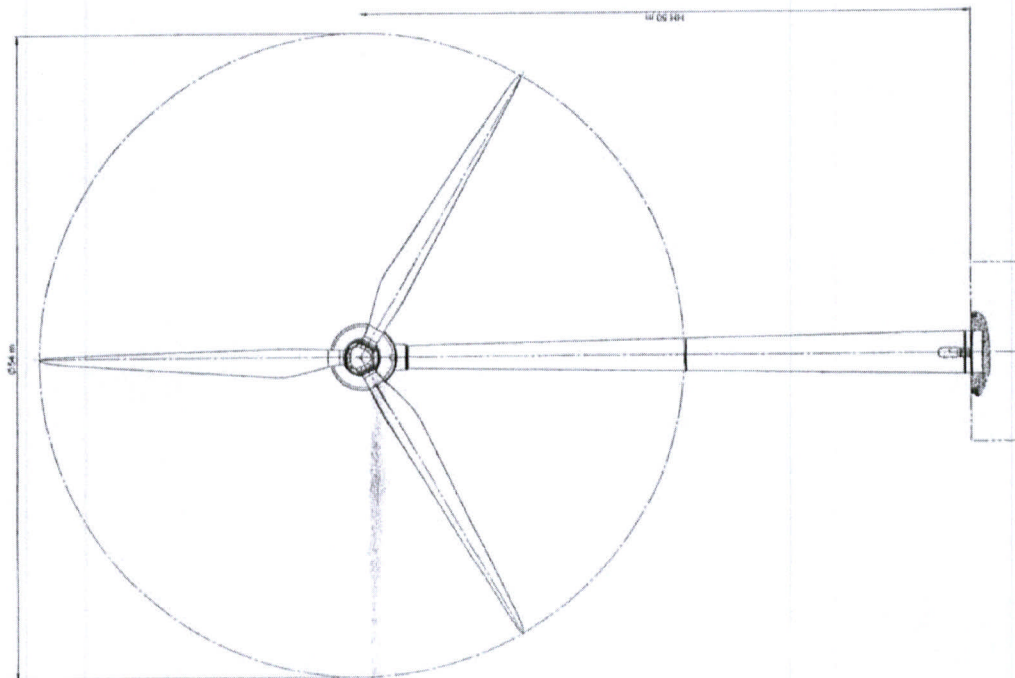
Location Plan 1:5,000 @ A3

000165









FOR INFORMATION ONLY

[illegible]



**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):

000169



### 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

000170



### 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.

000171



**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: 

000172



[illegible]

PROPERTY BOUNDARY MARKED  
IN BLUE  
TURBINE SITE POSITION CIRCLED  
RED

REF	CE02-LL616PH-SITELOC
-----	----------------------

**CONSTANT ENERGY**  
WIND • STORAGE • SOLAR

### TYN BUARTH WIND TURBINE

## PLANNING

### SITE LOCATION PLAN

SCALE 1:10000 @ A3



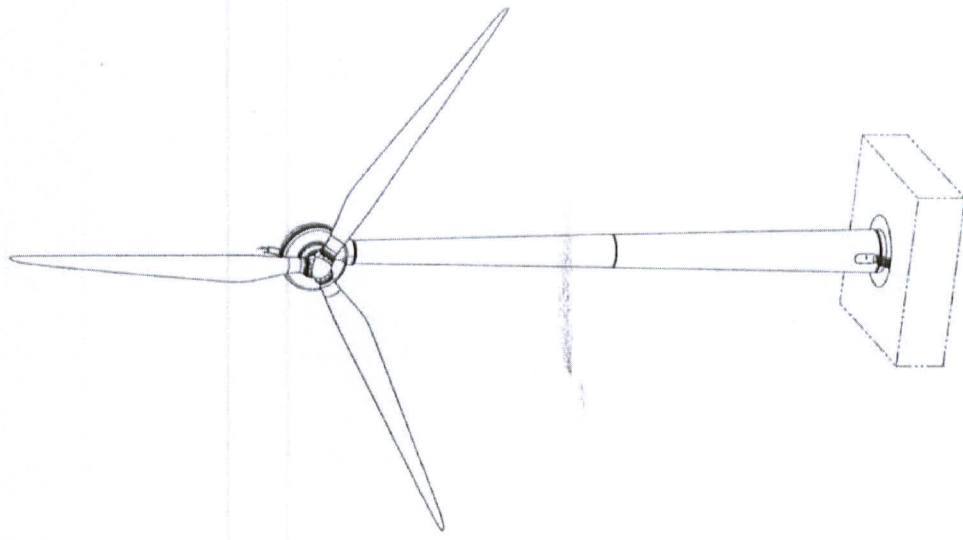
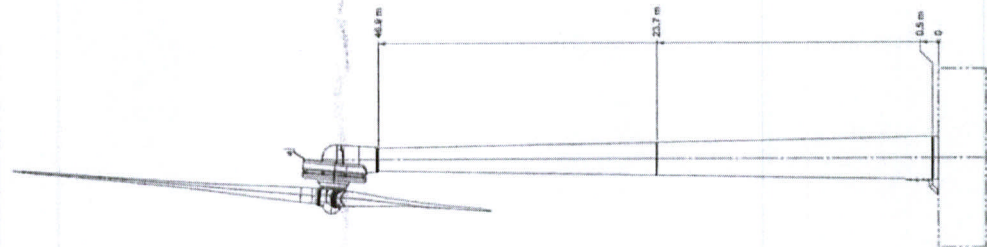
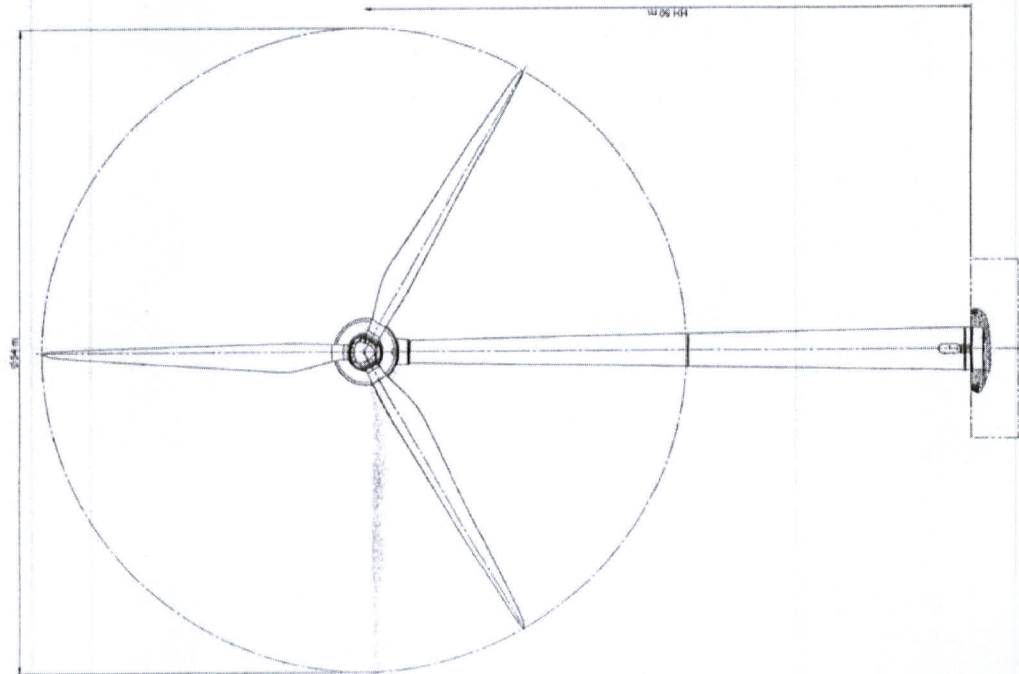
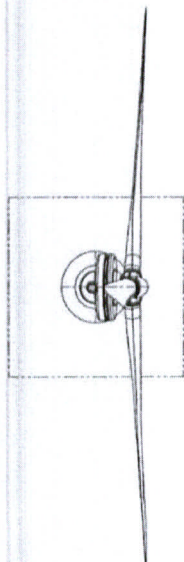
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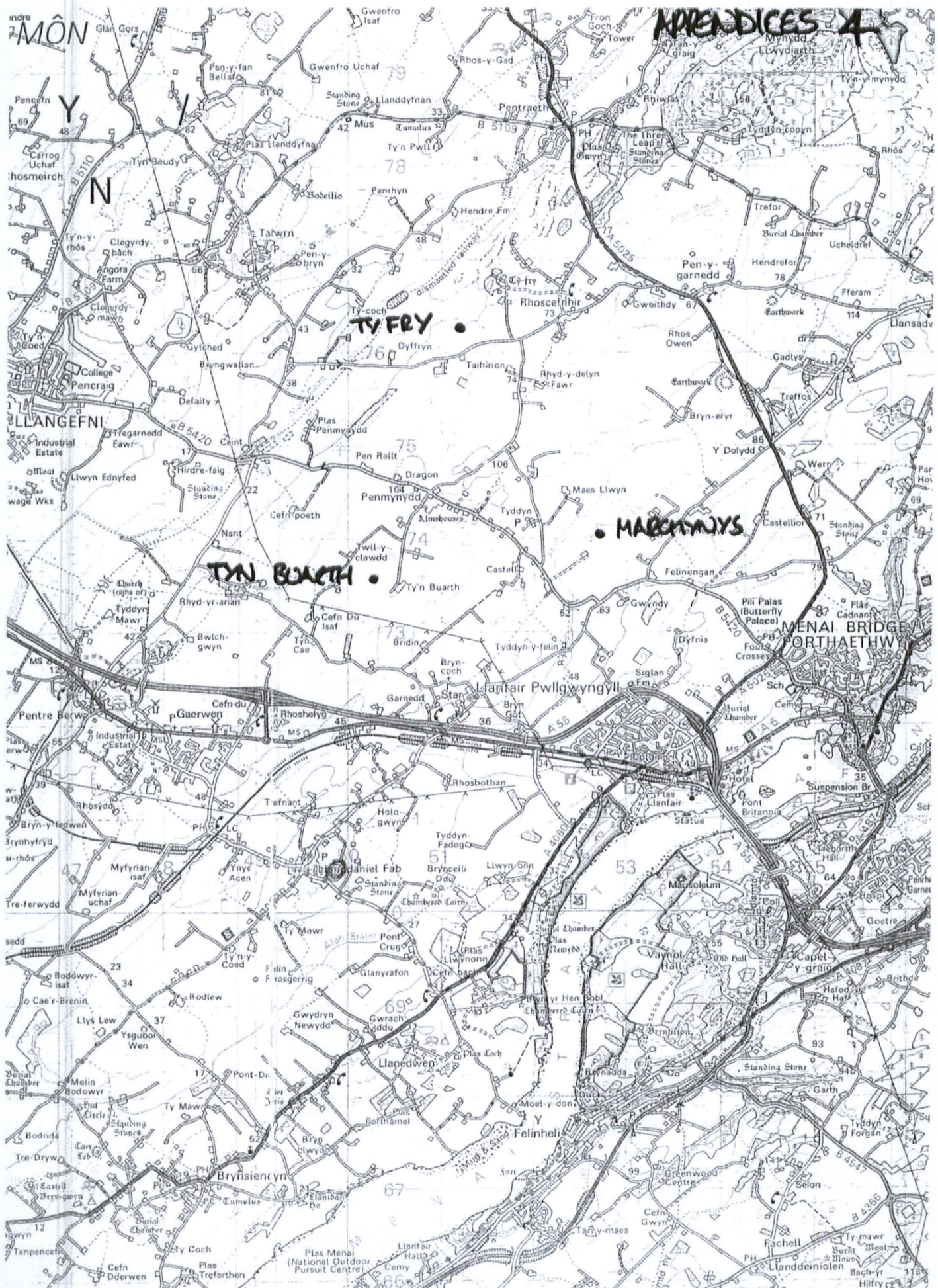
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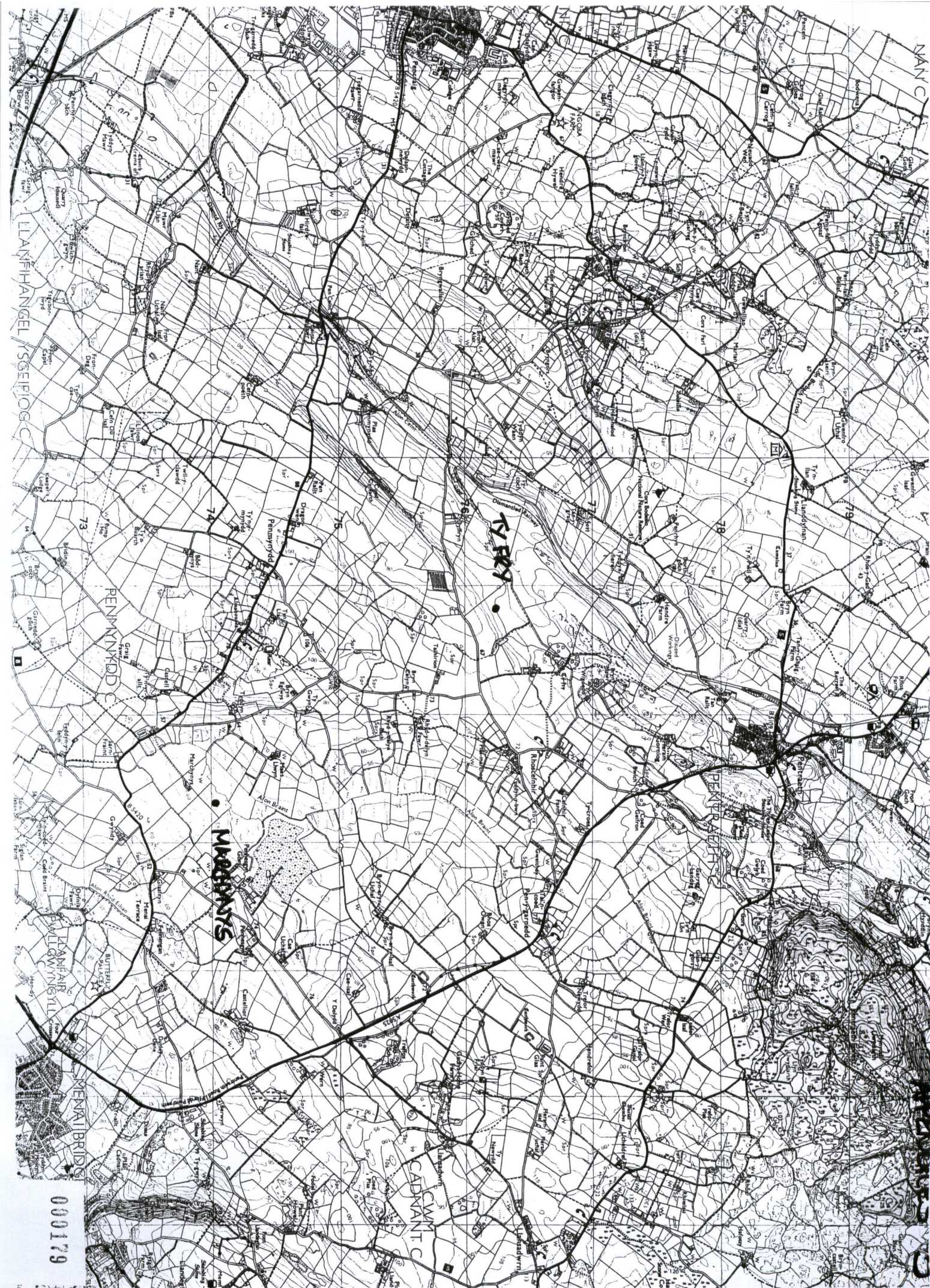


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# Cyngor Sir Ynys Môn

## 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 dystion a glywir a'r adegau pryd ddylent fod yn bresennol; a
  - (iv) Presenoldeb dystion 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:

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<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

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<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 siecio 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 grynhai 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 crynhai 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

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- (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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- (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;

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<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.

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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 grynodedb 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



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>	



Manylion yr achos a rhif cyfeirnod .....

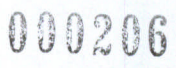
## FFURFLEN C

### 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	





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 tystion 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>	<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>

000215



### Tyst 3

<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 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







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*

1 Ffordd yr Hen Gae

Pencoed

Bridgend/*Pen-y-bont ar Ogwr*

CF35 5LJ

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Fax/Ffacs: 01656 641199

[www.ombudsman-wales.org.uk](http://www.ombudsman-wales.org.uk)

[www.ombwdsman-cymru.org.uk](http://www.ombwdsman-cymru.org.uk)

000221



**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

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 I Clerc i'r Cyngor I Clerk to the Council I Cyngor  
Cymuned Penmynydd a Star Community Council  
Parc Uchaf I Rhosmeirch I Llangefni I Anglesey I LL77 7NQ  
SMS I Llais I Voice I 01248 750974 I 07724 170890 I e-bost I e-mail  
[penmynydd@gowen97.freemove.co.uk](mailto:penmynydd@gowen97.freemove.co.uk)



**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 | Clerc i'r Cyngor | Clerk to the Council | Cyngor  
Cymuned Penmynydd a Star Community Council  
Parc Uchaf | Rhosmeirch | Llangefni | Anglesey | LL77 7NQ  
SMS | Llais | Voice | 01248 750974 | 07724 170890 | e-bost | e-mail  
[penmynyddcc@btinternet.com](mailto:penmynyddcc@btinternet.com)

000224



# 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**



## **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.



## **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.



## 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.



# 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.**



## **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.**



# **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.



## **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**

000240



# DATGANIAD DERBYN SWYDD

## DECLARATION OF ACCEPTANCE OF OFFICE

Cyngor Cymuned .....  
Cyngor Tref .....

*Pennynydd*

Community Council  
Town Council

Yr wyf fi

*John m. Foailes*

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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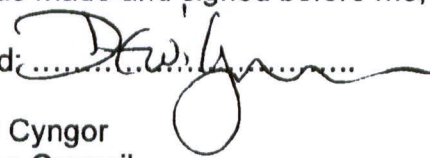
Yr wyf i, JOHN FRANKS yn ymrwymo i barchu'r cod ymddygiad a fydd yn bodoli ar y pryd, a ddisgwylir oddi wrth aelodau TRAEDUR CYMARED ac a allai gael ei adolygu o bryd i'w gilydd. PENMynydd ASTAN

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.



# CYNGOR CYMUNED PENMYNYDD A STAR

COFNODION Y CYFARFOD A GYNHALIWDYD NOS FERCHER  
4 AWST 2010, NEUADD PENMYNYDD 7.30yh

<b>YN BRESENNOL:</b>	
Y Cyngorwyr 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>Cwyn 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



# 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 (Cadeirydd) 07.09.10</b>



	<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> (Chair) 07.09.10



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 GYNHALIWDY NOS FERCHER

5 HYDREF 2011, NEUADD PENMYNYDD 7.30yh

### YN BRESENNOL:

Y Cyngorwyr L Gibson, N Jones, J Foulkes, A Owen, H Roberts, E Jones (Cyngor Sir), hefyd Mr Gwyn Roberts, Garnedd Fawr (I drafod cais cynllunio ond nid oedd y cais wedi cyraedd) a'r cler 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   | <b>DATGAN DIDDORDEB</b> – Cyng J Foulkes – Tyrbinau Gwynt  |
| 3   | <b>Tyrbinau Gwnt</b> – '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   | <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 pobol sydd yn methu cael cyflymder o 2MB. Bydd y Cwmni yn trefnu cyfarfod cyhoeddus.  |
| 6   | <b>DERBYN COFNODION</b><br>Cyflwynwyd cofnodion cyfarfod 7 Medi 2011. Fe'u derbyniwyd fel rhai cywir a chyflawn.   |
| 7   | <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

*Leon Gibson* (Cadeirydd)

02.11.11



# 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>Ion Gibon</i> (Cadeirydd) 02.11.11



7.4	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.
8.	<b>Anglesey County Council Correspondence</b>
8.1	41C99C – Full application to erect an agricultural shed for storing equipment at Bryn Gof, Star – no objection.
8.2	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>
8.3	Bus Shelter, Star – see 7.4
	<b>Legal Services</b>
8.4	<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.
9.	<b>EXTRA CORRESPONDENCE</b>
9.1	Rhos y Gad Church – see 7.3
9.2	Anglesey Against Wind Turbines – see 3
9.3	Mr. Elfed Williams, Gweirglodd Bach – see 3
9.4	People against Wylfa B – advert – meeting at Y Galeri, Caernarfon, 22.10.11 between 10.00 – 4.30.
10	<b>FINANCIAL MATTERS</b>
	None.
11	<b>OTHER MATTERS</b>
11.1	Kiosk, Star. The door of the telephone kiosk has been broken. The clerk was asked to contact the Police.
11.2	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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