
THE COUNCIL 16/07/09

Present: Councillor Anne Lloyd Jones (Chair)
Councillor W Tudor Owen (Vice-chair)

Councillors: Stephen Churchman, E T Dogan, Dyfed Edwards, Dylan Edwards, Elwyn Edwards, T G Ellis, Alan Jones Evans, Alun Wyn Evans, Keith Greenly-Jones, Margaret Griffith, Selwyn Griffiths, Siân Gwenllïan, Christopher Hughes, Dafydd Ll Hughes, Huw Hughes, Louise Hughes, O P Huws, Aeron M Jones, Brian Jones, Charles Wyn Jones, Dai Rees Jones, Eric Merfyn Jones, Evie Morgan Jones, John Gwilym Jones, J. R. Jones, John Wynn Jones, Linda Wyn Jones, R L Jones, W Penri Jones, Eryl Jones-Williams, P.G.Larsen, Dewi Lewis, Dilwyn Lloyd, June Marshall, Keith Marshall, J Wynn Meredith, Linda Morgan, Dewi Owen, W Roy Owen, Arwel Pierce, Peter Read, Dafydd Roberts, Caerwyn Roberts, Glyn Roberts, Gwilym Euros Roberts, John Pughe Roberts, Liz Saville Roberts, Gareth Roberts, Dyfrig Siencyn, Ioan Thomas, Guto Rhys Tomos, Ann Williams, Gethin Glyn Williams, Gwilym Williams, J.W.Williams, Owain Williams, R H Wyn Williams and Robert J Wright.

Also present: Harry Thomas (Chief Executive), Dilwyn Williams (Corporate Director), Iwan Trefor Jones (Corporate Director), Dafydd Lewis (Corporate Director), Dafydd Edwards (Head of Finance), Dilys Phillips (Monitoring Officer/Head of Democracy and Legal Department), Arwel Ellis Jones (Senior Performance and Scrutiny Manager), Iwan Evans (Legal Services Manager), Rhun ap Iarheit (Solicitor), Aled Davies (Head of Regulatory Department), Gruffydd Wyn Morris (Planning Service Manager), Hywel Thomas (Arfon Planning Manager), Nia Davies (Policy and Performance Manager (Planning and Transportation)) and Eleri Parry (Senior Committee Officer)

Apologies : Councillors Bob Anderson, Anwen Davies, Huw Edwards, Trevor Edwards, Jean Forsyth, Simon Glyn, Gwen Griffith, Alwyn Gruffydd, Sylvia Humphreys, Dyfrig Wynn Jones, Dewi Llewelyn, Llinos Merks, Siôn Roberts and Trevor Roberts

1 PRAYER

The meeting was opened with a prayer by Councillor Evie Morgan Jones.

2 MINUTES

The Chair signed the minutes of the Council meeting held on 7 May 2009 as a true record.

3. DECLARATION OF PERSONAL INTEREST

- (i) Prior to the commencement of the meeting, the Monitoring Officer circulated a note of guidance amongst the members.

It was explained that there was an item before the Council which involved adopting the Unitary Development Plan. The only decision for the Council to make was whether or not to adopt the UDP. She explained that there would be no opportunity to discuss the designation of individual sites, as the process of dealing with objections had already come to an end.

Therefore, she advised that the members would not have to declare an interest in relation to individual sites.

- (ii) Councillor Eryl Jones-Williams declared an interest in every item relating to Council housing and Social Services as he was a Council tenant and as his wife received care.

The member was of the opinion that it was not a prejudicial interest.

4 CHAIR'S ANNOUNCEMENTS

- (a) Best wishes were sent to Chief Constable Richard Brunstrom who was retiring this month.
- (b) Councillor Evie Morgan Jones was congratulated as he was to be promoted to the white robes at this year's National Eisteddfod in Meirionnydd.

In addition a former Councillor of the former Gwynedd County Council, John Isgoed Williams was congratulated upon receiving an MBE from the Queen's Birthday Honours list recently, and he would also be honoured to the green robes at this year's National Eisteddfod in Meirionnydd.

Everyone else in Gwynedd who had either been honoured by the Queen or the Eisteddfod this year was congratulated.

Also, students from the county who had graduated this year were congratulated.

- (ch) Members were reminded that they could order the photograph of the Council taken on 7 May by contacting Siân Ellis Williams, the Civic Officer.
- (d) Reference was made to the Chief Executive's invitation for members to discuss Council values in a short session following the Council meeting, and members were encouraged to attend and contribute to the discussion.
- (dd) It was declared, with pride, that Gwynedd had achieved the Fair Trade County status.

Councillor R.H.Wyn Williams, on behalf of the Fair Trade Group, presented the Gwynedd Fair Trade County Status certificate along with a basket of Fair Trade goods to the Council Chair.

The Gwynedd Fair Trade Group, the County's Fair Trade groups and Council officers were thanked for their support in promoting the work.

The Council's Education Department was also thanked for its excellent work in raising school awareness of Fair Trade and Ysgol Llanllechid was congratulated for achieving Fair Trade School status.

- (e) With sadness, reference was made to the famous footballer, John Hartson's recent illness and it was agreed to send him best wishes.

5 QUESTIONS

(i) A question from Councillor Gwilym Euros Roberts

"Is the Council happy with the relationship between the Third Sector and the Public Sector in Gwynedd, that is, is this a relationship that has been based on the principle of a PARTNERSHIP?"

Response from the Leader of the Council

"Thank you for the question

The relationship of the Public Sector and the Third Sector is varied and multilateral with different connections between tens of voluntary organisations and various public bodies. The nature of the relationship also varies, with some organisations, for example, acting as spokespersons on behalf of users (groups and individuals) and others providing direct services, with some of those services having been commissioned by public bodies. Therefore, you can imagine that it is difficult to give an unconditional answer across the whole range of sectors.

Nevertheless, there are a number of things in place in an attempt to ensure that the partnership is healthy, open and positive:-

1. Suitable representation from the Third Sector attempts to be sought on every important partnership within the county.
2. In relation to the relationship of the Council and the Sector, there is a compact in place to offer guidance for the relationship of the Council and the Sector. The compact, which is in the process of being amended by the Council and representatives of the sector at present, notes a series of different things that the Council and the Sector will be aiming towards in the fields of communication, consultation and resources.
3. The Liaison Group between the Council and the Third Sector is one of the main partnerships of the county and part of the role of that Group is to monitor and review the implementation of the compact.
4. Also, for information, we have a very effective informal partnership with the Third Sector in the Scrutiny field where we have collaborated with Mantell Gwynedd to establish a pool of experts from the sector who are available to support the Council's Scrutiny work – a development that is wholly innovative in Wales.

Therefore, because of the complexity of the relationship, it is difficult to give a firm and unconditional response regarding the relationship across the entire canvass, however, there is clear commitment, as noted in the new draft compact, that the Council and the Third Sector are working together to nurture a partnership based on the principles of honesty, transparency, trust and respect towards one another."

Supplementary Question

"Thanks to the Leader for his response.

"Is it not the case that the Third Sector, with its experience of living from hand to mouth, and facing financial uncertainty from year to year, is in a situation to be able to offer constructive input and to assist the Council in the process of identifying savings?"

Answer

"Yes, and actually it is a part of our discussions in undertaking our work, not only in the savings field but across all Council activities, namely, how we can strengthen the role of the third sector and how we can ensure third sector input. Certainly, we would welcome this in the savings field, and I have already mentioned where I believe we can maximise the partnership in order to create some of the savings. I will ensure that it receives due attention in our work in the future"

(ii) A question from Councillor Aeron Jones

"Following a photograph taken of a former councillor parking in a disabled parking space, though he was not disabled, can the department confirm that there was permission to park there?"

Response from Councillor J R Jones, Senior Leader – Resources (in the absence of Councillor Alwyn Gruffydd, Customer Care Leader)

"Until last week (9 July) there were no disabled signs on all parking spaces, and there was an informal arrangement which allowed members and staff to park there whilst visiting the offices. However, we are strengthening our arrangements, and now there are a disabled signs on all parking spaces and we will be monitoring their use."

Supplementary Question

"Thanks to the Senior Leader for his response.

The answer states that there is an informal arrangement for members and staff to park there. The individual who parked his car was not a member of this Council, nor was he a member of staff, and even worse, he was not disabled either. Therefore, I ask the Council to contact the individual to warn him that he should never park in this space again"

Answer

"I believe the time has come to draw a line under this matter.

I'm sure that the individual is fully aware of the situation given the attention the matter has received in the press etc.

However, I can assure the member that we will be contacting staff and members to notify them of the constraints in relation to the disabled parking spaces"

6 THE PROTOCOL FOR MEMBER-OFFICER RELATIONS

Submitted – the report of the Monitoring Officer on amendments made to the Member-Officer Protocol, along with the procedure for dealing with allegations of breaching of the protocol.

It was reported that the Council had a Member-Officer protocol in place in order to promote good collaboration between member-officer, and an understanding of each other's roles.

Although the protocol formed part of the Council's Constitution, it was not a part of the Code of Conduct for members or officers. Should an officer act in breach of the protocol, the matter could be dealt with under the Council's disciplinary procedures. However, there was no procedure for dealing with a member breaching the protocol.

The Council's Standards Committee which was responsible for promoting and maintaining high standards of conduct had addressed the protocol, and had recommended amendments to it along with the introduction of a local procedure for dealing with

allegations of breaching the protocol. Adopting the procedure would authorise the Standards Committee to reprimand a member in appropriate cases.

The Leader noted that the protocol and the arrangements had been considered in detail by the Member Services Working Group and the Business Group and he encouraged all staff members to support and adhere to the protocol.

An amendment not to adopt the protocol and to refer the matter to the Principal Scrutiny Committee for wider consideration failed.

RESOLVED

- (i) To adopt the amendments to the Protocol for Member-Officer relations.**
- (ii) To adopt the local procedure for dealing with allegations of a member breaching the Protocol for Member – Officer Relations.**

10 GWYNEDD UNITARY DEVELOPMENT PLAN

Submitted – the report of the Head of Regulatory Department in order for the Council to adopt the Unitary Development Plan as the statutory development plan for the Gwynedd Planning Authority area.

Information was provided regarding the background of the plan, the adoption process and the status of the UDP.

The Senior Environment Leader reported that the process of preparing the UDP had involved taking many statutory steps since its first version was published for public consultation in 2002. It was noted that the final version of the UDP had been formed after periods of public consultation, receiving the opinion of the Local Public Inquiry's Independent Inspector and after it had been scrutinised by many committees.

It was explained that the Council continued to receive observations regarding the status of some sites in the UDP. Some wanting to include a piece of land, others wishing to exclude land, but the period for formally registering observations had now ended.

In April, the Council Board decided that it was appropriate to take the last formal step to adopt the UDP, and a Statutory Notice was published of the Council's intention to adopt the UDP in the local papers in June.

The Council was asked to confirm the Board's decision, and that the appropriate statutory steps were taken in order to have one current development plan for the Gwynedd Planning Authority area.

In response to an enquiry regarding the right to deviate from policy from time to time, the Head of Regulatory Department explained that it was permitted to act contrary to policy in specific circumstances. However, he emphasised that there had to be strong evidence and justification based on robust planning reasons.

RESOLVED

- (i) To formally adopt the Unitary Development Plan in its Proposed Modifications and Further Proposed Modifications format.**
- (ii) To grant rights to the Head of Regulatory Department to undertake the appropriate statutory steps linked with adopting a development plan;**

- (iii) **To grant rights to the Head of Regulatory Department to publish the Plan in its adopted format as soon as possible.**

11 REFERENCE UP IN ACCORDANCE WITH PROCEDURAL RULE 21

(A) Reported - for Information:-

- (i) That the appropriate number of members had given written notice that they wished to refer up application number C08A/0617/15/AM – outline application for the erection of a single-storey dwelling on land at Groeslon, Glynrhonwy, Llanberis, Caernarfon from the Central Planning Committee held on 26 March, 2009 to the full Council.
- (ii) That the Central Planning Committee at its meeting on 26 March 2009, had resolved as follows:-

RESOLVED to refuse the application on the grounds that it is contrary to national planning policies and the advice in the Ministerial Interim Planning Policy Statement 01/2006; Technical Advice Note 6; policy CH7 of the Gwynedd Unitary Development Plan (draft as amended) August 2008; policy A1 of the Gwynedd Structure Plan and policy 4Ff of the Rural Arfon Local Plan.

(B) Submitted:-

- (i) the report of the Head of Regulatory Department regarding the decision of the Central Planning Committee to refuse the application;
- (ii) documents submitted to the Arfon Area Committee and the Central Planning Committee explaining the planning considerations along with the minutes of the meeting;
- (iii) a visual presentation of the site and its surroundings.
- (C) The Monitoring Officer reported that the members of the Central Planning Committee and the Arfon Area Committee had the right to discuss and vote on the matter.

(CH) The background and context of the application were provided by the Head of Regulatory Department.

- (i) It was reported that the application had been submitted to the Arfon Area Committee (Planning) with a recommendation for its refusal on policy grounds, as the proposal would lead to a new house in open countryside without any agricultural justification. The Area Committee had decided, contrary to officers' recommendations, to approve the application with conditions, and consequently the application was called to the Central Planning Committee. The application had been refused by the central committee on the grounds of it being contrary to local and national policies. In accordance with Procedural Rule 21, the matter was referred for the consideration of the Full Council.
- (ii) Details were provided of the outline application to erect a single-storey dwelling on higher ground looking over Llyn Padarn. It was explained that the site was well beyond the boundaries of the village of Llanberis, as defined in the development plans, and consequently was located within open countryside. Additionally the justification submitted by the applicant was based on security grounds in relation to his nearby contracting/plant hire business. The Head explained that the business did not possess planning permission, and was, therefore, currently an unauthorised business.

In response to an enquiry, the Head explained that the site was not subject to an enforcement notice, and it would be unwise to issue a notice as two planning applications involving the site were in the process of being considered.

- (iii) It was explained that the only justification for erecting a new dwelling in open countryside in terms of national and local planning policies would be on the basis of a genuine agricultural or forestry need. He emphasised that this justification did not exist.
- (iv) Reference was made to a series of local planning policies and the context of the national policies. It was explained that the application did not comply with the criteria for securing permission. The Central Planning Committee had resolved to refuse the application on the grounds that it was contrary to policy. He emphasised that it was a firm decision, and that overruling the decision and granting approval for the development would compromise the Council's credibility in terms of its planning processes.
- (v) In relation to the applicant's justification for submitting the application and the allegation that the dwelling was needed in relation to the security of his business, the Head explained that a retrospective application had been recently submitted by the applicant for changing the use of the agricultural shed on the site to a commercial garage, to store machinery along with changing the use of the external yard to keep machinery and uses associated with the garage. He emphasised that the retrospective application undermined any justification for the need for a dwelling on the site.
- (D) Proposed and seconded – to refuse the application in accordance with the decision of the Central Planning Committee on 26 March, 2009.
- (DD) In the absence of the local member, a member noted on his behalf, that he supported the application on the grounds that the applicant had spent a lot of money on the site and had transformed a wild and desolate area. He had also succeeded in establishing a successful business on the site and he referred to the importance of the business to agriculture and to local employment.

He also noted that he was of the opinion that there had been a building on the site at one time, but that the applicant was prepared to change the location of the dwelling in order to ensure that it was not visible. The Head noted that moving the location of the house would involve submitting a new application.

The member explained further that he accepted that the site was beyond the development boundary and contrary to policy, but he also accepted that the applicant needed to locate a dwelling on the site for the security of his business, as he had suffered a lot of vandalism and theft from the site.

Another member noted that plans drawn up for developing the Glyn Rhonwy site, which bounded the site, could possibly contain affordable housing in the future, and that there was no justification for differentiating between both sites. The Head explained that the Glyn Rhonwy site had been identified by the Council as a site for development and therefore, it did fall within the policies. However, the application site was clearly beyond the policies. Also, there was a reference in the plan towards the possibility of building housing on the part of the site nearest to Llanberis itself, and not on the part nearest to this site.

Another member noted that safeguarding communities and promoting local businesses was one of the main Council values and that refusing the application was contrary to those values. The Head noted that he agreed that there was a need to safeguard communities and the local economy, and that the planning field had an essential role in facilitating this. However, he emphasised that it had to happen within policy.

Many members were of the opinion that there was evidence and justification for approving the application, whilst others emphasised the importance of ensuring transparency and standards when undertaking planning decisions and that complying with local and national policies was the way to ensure this.

To conclude, it was emphasised that the application was contrary to UDP policies and to national policies. The professional officers and the Central Planning Committee were of the opinion that there was no evidence or justification for acting contrary to policy, and members were encouraged to refuse the application.

In accordance with Procedural Rule 19 (6), the following vote was recorded to support the decision of the Central Planning Committee.

In favour: (36) Councillor Stephen Churchman, E T Dogan, Dyfed Edwards, Dylan Edwards, Elwyn Edwards, Alan Jones Evans, Alun Wyn Evans, Keith Greenly-Jones, Margaret Griffith, Siân Gwenllïan, Huw Hughes, O P Huws, Anne Lloyd Jones, Brian Jones, Dai Rees Jones, Evie Morgan Jones, John Gwilym Jones, John Wynn Jones, Linda Wyn Jones, R L Jones, W Penri Jones, Dewi Lewis, June Marshall, Keith Marshall, J Wynn Meredith, Linda Morgan, Caerwyn Roberts, Glyn Roberts, Liz Saville Roberts, Gareth Roberts, Dyfrig Siencyn, Ioan Thomas, Guto Rhys Tomos, Ann Williams, J.W.Williams and R H Wyn Williams

Against: (20) Councillors Christopher Hughes, Dafydd Ll Hughes, Louise Hughes, Aeron M Jones, Charles Wyn Jones, Eric Merfyn Jones, J. R. Jones, P.G.Larsen, Dilwyn Lloyd, Dewi Owen, Roy Owen, W Tudor Owen, Peter Read, Dafydd Roberts, Gwilym Euros Roberts, John Pughe Roberts, Gethin Glyn Williams, Gwilym Williams, Owain Williams and Robert J Wright.

Abstaining (3): Councillors T G Ellis, Eryl Jones-Williams ac Arwel Pierce

RESOLVED to approve the decision of the Central Planning Committee to refuse the application on the grounds that it is contrary to national planning policies and the advice in the Ministerial Interim Planning Policy Statement 01/2006; Technical Advice Note 6; policy CH7 of the Gwynedd Unitary Development Plan (draft as amended) August 2008; policy A1 of the Gwynedd Structure Plan and policy 4Ff of the Rural Arfon Local Plan.

12 NOTICE OF MOTION

Submitted – the following notice of motion received by Councillor Owain Williams under Procedural Rule 13 along with a procedural notice under Procedural Rule 13(12) requesting that the matter be discussed at the Council without being referred to the relevant committee.

RESOLVED to discuss the motion at this meeting.

Proposed and seconded – the following motion:-

“We call upon Gwynedd Council to contact the Home Office immediately to express our total dissatisfaction and disappointment at the decision to refuse permission for two girls from Patagonia to visit Wales. In addition, we express our condemnation at the way the girls were treated by the Immigration Authorities and others at the airport, before sending them back to Patagonia.”

The background and context of the motion was provided. Reference was made to the history of how the Wladfa (Patagonia) was established and it was emphasised that the close bond between both countries had lasted until nowadays.

In addition, concern was expressed by the member that other residents from Patagonia would decide not to visit Wales in the future – for fear of being treated in the same manner.

Many members noted that they had also written to the Home Office to express their dissatisfaction and other members were encouraged to act in the same way.

It was emphasised that it was important to ensure that a procedure was in place to ensure that Patagonians would be able to visit Wales with ease, and it was noted that the Assembly had a part to play in this.

The member was thanked for bringing the matter before the committee, and the importance of the motion was reiterated and with the agreement of Councillor Owain Williams, a vote was taken on an amended motion which also asked the Government in Westminster to apologise to the girls and to pay the cost for them to return to Wales.

RESOLVED to adopt the following notice of motion:-

- (i) “That Gwynedd Council contacts the Home Office immediately to express its total dissatisfaction and disappointment at the decision to refuse permission for two girls from Patagonia to visit Wales. In addition, that it expresses its condemnation at the way the girls were treated by the Immigration Authorities and others at the airport, before sending them back to Patagonia.**

Also, that the Council asks the Government in Westminster to apologise to the girls for the way in which they were treated and to pay the costs for them to return to Wales”

- (ii) To authorise the Head of Democracy and Legal Department to act upon the motion**

The meeting commenced at 2.00pm and concluded at 3.45pm.