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## COMMUNITIES SCRUTINY COMMITTEE 17/11/15

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**PRESENT:** Angela Russell (Chair)  
E. Caerwyn Roberts (Vice-Chair)

**COUNCILLORS:** Annwen Daniels, Annwen Hughes, Dilwyn Morgan, Gruffydd Williams, Eurig Wyn, Eric M. Jones, Glyn Thomas and Stephen W. Churchman

**OFFICERS:**, Arwel Ellis Jones (Senior Manager - Corporate Commissioning Service) and Lowri Haf Evans (Members and Scrutiny Support Officer),

**ALSO PRESENT:**

In relation to item 5 and 6 on the agenda: Councillor Dafydd Meurig (Cabinet Member for Planning and Regulatory), Gareth Jones (Senior Planning and Environment Service Manager), Dafydd Wyn Williams (Interim Head of Regulatory) and Rhun ap Gareth (Senior Solicitor),

In relation to item 7 on the agenda: Owen Owens (Schools Senior Manager)

**1. APOLOGIES**

Apologies were received from Councillors Louise Hughes, Linda Morgan, W. Tudor Owen, Mike Stevens, Elwyn Edwards (for item 5) and Gareth Thomas Cabinet Member for Education (for item 7).

**2. DECLARATION OF PERSONAL INTEREST**

No declarations of personal interest were received from any members present.

**3. URGENT ITEMS**

None to note

**4. MINUTES**

The minutes of the previous meeting of this committee, held on 17 September 2015, were accepted as a true record of the meeting.

**5. THE WELSH LANGUAGE AND THE PLANNING SYSTEM**

- a) Submitted - the report of the Cabinet Member for Planning and Regulatory responding to Members' request for background information in relation to planning procedure and the Welsh language. The following matters had been addressed in the report:
- i. Setting the statutory context in terms of the Planning (Wales) Act 2015
  - ii. Explaining the National Planning Policy (TAN 20)
  - iii. Explaining the Current Local Planning Policy (The Unitary Development Plan and the Supplementary Planning Guidance: Planning and the Welsh Language)
  - iv. Explaining how the Service operates within the current policy context
  - v. Providing information regarding the Joint Local Development Plan (Draft)
  - vi. Explaining how, in the context of the requirements of TAN 20, we will be

required to deal with the Welsh language when determining planning applications after the Joint Local Development Plan has been adopted and how the Service seeks to respond to this.

- b) In response to the report, an application was made for clarity regarding the requirements of Planning Policy Wales (TAN 20) and the recommendation that planning applications should not be a topic of impact on the Welsh language, as it was expected that this had been undertaken when preparing the Local Development Plan. The Senior Manager - Planning and Environment responded that the 'language's' situation could be weaker after adopting the Local Development Plan. As a result, a series of new Supplementary Planning Guidance would be prepared as part of the Joint Local Development Plan's preparation process, with the intention of prioritising preparing a Supplementary Planning Guidance which addressed sustainable communities. This guidance would include detail on planning matters and the Welsh language. It was noted that a fateful point had been reached in terms of developing the Joint Local Development Plan, in the context of forming appropriate guidance to consider the Welsh language.
- c) Matters arising from the discussion:
- i. How could we balance 'language' principles and 'responding to housing need' principles?
  - ii. How was it possible to influence 'housing need' figures which were released by the Welsh Government?
  - iii. More consideration had to be given to the Welsh language within the planning procedure.
  - iv. Justice for the Welsh language had to be ensured
  - v. Would the Supplementary Planning Guidances be statutory?
  - vi. The language element needed to be strengthened to ensure that the Full Council would not refuse the Local Development Plan on the grounds of this element.
  - vii. It had to be ensured that Welsh Legislation was robust.
  - viii. Should the option of creating a 'Welsh speaking area' be considered to maximise the influence?
  - ix. Should consideration be given to policies where local people could be kept local?
- ch) In response to the observations, it was explained that language assessments were part of Gwynedd's planning process and was one which went beyond the Welsh Government's requirements, and which lobbied for changes to the Planning Act and pushed TAN boundaries in the context of language assessment requirements. It was explained that the Joint Planning Panel was quarterly discussing contentious matters involving community, cultural and linguistic impacts and that a report would be prepared to set the statutory framework to consider the Welsh language. It was added that officers, when forming plans with applicants, highlighted any concerns that would impact the Welsh language.

In terms of the status of the Supplementary Planning Guidance, their intention would be to strengthen the Planning policy. Once the policy would be adopted, the guidance would be statutory within the planning process.

In response to the 'strength' of the Local Development Plan, it was noted that the Council had an influential role over the coming years. It was added that the language was a matter which was being considered throughout the period, together with industrial profiles. In order for the Plan to be approved, it would have to be evidence-based and at present, opinion had been expressed that the

Plan was a robust one (including the linguistic and community impacts).

It was added that there was an opportunity here for the Scrutiny Committee to influence national elements and to have input on the Supplementary Planning Guidance.

The officers were thanked for the clarity and for the constructive discussion that had been held on the matter.

## **RESOLVED**

**TO SUPPORT THE WORK OF THE JOINT PLANNING PANEL TO SEEK ASSURANCE THAT THE PROPOSALS IN THE LOCAL DEVELOPMENT PLAN SUFFICIENTLY ADDRESS THE LANGUAGE'S CHALLENGE AND ADDRESS THE DEMAND FOR THE NUMBER OF HOUSING.**

**THAT THIS COMMITTEE'S INPUT AND THE LANGUAGE COMMITTEE'S INPUT NEEDED TO BE ENSURED ON THE DEVELOPMENT OF THE NEW SUPPLEMENTARY PLANNING GUIDANCE AND THE FOCUS PLACED ON THE LANGUAGE IN THAT GUIDANCE.**

## **6. SECTION 106 AGREEMENTS**

- a) At the request of members of the Communities Scrutiny Committee, the Cabinet Member for Planning and Regulatory submitted his report highlighting the Council's arrangements for the use of 106 agreements and how effective implementing those policies had been. It was explained that 106 agreements were part of the Town and Country Planning Act 1990 and were usually associated with planning permissions.
- b) It was added that Gwynedd Council considerably used a 106 agreement (which had a long list of conditions) in order to realise the needs of the local policies included in the Gwynedd Unitary Development Plan - the agreement which was used most often was the 106 affordable housing condition. The Senior Solicitor provided details of the agreement's statutory background, and it was highlighted that lengthy discussions had been held often with banks and brokers regarding securing loans.
- c) In response, Councillor S Churchman noted that in line with the recommendation of the preparatory meeting a discussion had been held with an independent broker who had suggested further options to be discussed, with a request to hold a further discussion with a small group.
- ch) In response, the Senior Solicitor noted that, together with the Planning and Housing Department, he was holding discussions with and sought the opinion of Mr Stephen Jones, North Wales Affordable Housing Specialist.

**RESOLVED TO DEFER CONSIDERATION, AND THAT A SMALL GROUP OF COUNCILLORS AND OFFICERS MEET WITH ONE OR TWO EXTERNAL SPECIALISTS TO LOOK AT OTHER POSSIBLE OPTIONS FOR THE COUNCIL'S USE OF 106 AGREEMENTS IN FUTURE.**

## **7. POST-16 TRANSPORT**

- a) Submitted – the report of the Cabinet Member for Education responding to the recommendations of the Post 16 Transport to Further Education Scrutiny Investigation. It was noted that the Cabinet Member had apologised for not being able to attend the meeting, but the Senior Schools Manager outlined that the Cabinet Member had thanked members of the investigation for their thorough work into the field. Apologies were expressed for the delay in submitting the report, and it was added that the opportunity to submit / implement some of the recommendations for September 2015 had been impacted by a 'purdah' period. It was also noted that the wording and conditions of the Post 16 Transportation Policy would be simplified and adapted to address the changes.

It was explained that the recommendations had been split into three categories, and each was discussed individually. Some of the changes would be charging a fixed price and abolishing the notion of a catchment area to ensure consistency in terms of provision. The aim was to delete some of the obstacles. The wording and the conditions of the new Transportation Policy would be much simpler and readable. This would ensure the user's improved understanding together with the education providers and the understanding of Galw Gwynedd helpline staff.

It was added that the intention was to collaborate with Partners to contribute to improving the provision, and that discussions had been held with the Llandrillo Menai Colleges Group to act as an agent. It was added that interest had been noted but no commitment up to now.

- b) Taking advantage of his right to speak, Mr S Chambers, the President of the Coleg Meirion Dwyfor Students' Union submitted his proposals for the Post 16 Transportation Policy. The following observations were noted:
- It was the standard of the service and not the price which caused concern.
  - Overcrowding on buses - the buses picked up members of the public, secondary school pupils and College students - Health and Safety risk
  - Flexibility of the ticket - the usage limit (twice per day) contributed to overcrowding.
  - The use of 'My Travel Pass' - Welsh Government Scheme. Why did bus drivers not accept it?
  - Needed better arrangements for periods of adverse weather.
  - Suggested focussing on quality and the students' needs.
- c) During the discussion, the following observations were made:
- There were too many differences between Welsh and English Legislation and that the investigation's original focus had been to look at these inconsistencies. It was argued that the Council was no closer to helping people from underprivileged households.
  - Concern that the 'My Travel Pass' was not accepted.
  - Needed to consider the ticket's flexibility - propose testing the ticket's flexibility in a specific area.
  - Increasing the ticket price from £60 to £100 was unfair - was it possible to review this and charge £80?
  - Needed to consider purposeful buses for students only to avoid overcrowding - proposed the need to consult further with users.
  - Needed to hold further discussions with commercial public transportation companies to seek to stop the obstacle of using a ticket at any time of the day.
- ch) Councillor Gruffydd Williams proposed that the Cabinet Member should be called upon not to increase the cost of the ticket from £60 to £100, and he requested

that that was recorded. The proposal was not seconded.

**RESOLVED:**

- a) **EXPRESS CONCERN ABOUT THE DELAY IN THE IMPLEMENTATION ON THE RECOMMENDATIONS, WELCOME THE WORK WHICH IS NOW BEING UNDERTAKEN, BUT PUSH FOR EARLY IMPLEMENTATION OF THE RECOMMENDATIONS DERIVING FROM THE INVESTIGATION, SPECIFICALLY REQUESTING THE CABINET MEMBER TO FOCUS ON:**
- i. **THE QUALITY AND STANDARD OF THE PROVISION, PARTLY DUE TO OVERCROWDING**
  - ii. **THE LIMIT ON THE AMOUNT OF TIMES WHEN A STUDENT CAN USE THE TICKET, AND THE PROPOSAL THAT A DISCUSSION OCCURS WITH PROVIDERS TO SEEK TO APPROVE FLEXIBILITY FOR A PERIOD**
  - iii. **THE USE OF THE 'MY TRAVEL PASS' - THE BUS COMPANIES' UNWILLINGNESS TO ACKNOWLEDGE ITS USE**
  - iv. **CONTACT THE WELSH GOVERNMENT TO PUSH FOR THE IMPLEMENTATION OF AN ARRANGEMENT SIMILAR TO THAT IN ENGLAND TO HELP STUDENTS FROM THE POOREST HOUSEHOLDS**
- b) **THE CABINET MEMBER IS REQUESTED TO REPORT BACK ON THESE MATTERS BEFORE SEPTEMBER 2016**

The meeting commenced at 10.00 am and concluded at 12.45 pm

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**CHAIRMAN**