

Communities Scrutiny Committee 04 April 2019

PRESENT:

COUNCILLORS: Stephen Churchman, Glyn Daniels, Elwyn Edwards, Simon Glyn (Chair), Annwen Hughes, Aled W Jones, Berwyn Parry Jones, Elwyn Jones, Kevin Morris Jones, Edgar Wyn Owen, Mike Stevens, Owain Williams and Gruffydd Williams.

OFFICERS: Rhun Ap Gareth, (Monitoring Officer, Senior Solicitor) for item 7 only. Gareth James (Member Support and Scrutiny Manager) and Lowri Haf Evans (Member Support Officer).

ALSO IN ATTENDANCE:

In relation to item 5 on the agenda - Council Leader - Councillor Dyfrig Siencyn and Nonn Hughes (Gwynedd and Anglesey Public Services Board Programme Manager)

In relation to item 6 on the agenda - Councillor Gareth Griffith (Cabinet Member for the Environment), Councillor Dafydd Meurig (former Cabinet Member for the Environment), Dafydd Wyn Williams (Head of Environment Department) and Gareth Jones (Senior Planning and Public Protection Manager)

In relation to item 7 on the agenda - Councillor Gareth Griffith (Cabinet Member for the Environment), Councillor Dafydd Meurig (former Cabinet Member for the Environment), Dafydd Wyn Williams (Head of Environment Department), Gareth Jones (Senior Planning and Public Protection Manager) and Heledd Jones (Team Leader – Joint Planning Policy Unit - Gwynedd and Anglesey).

In relation to item 8 on the agenda - Councillor Gareth Griffith (Cabinet Member for the Environment), Councillor Dafydd Meurig (former Cabinet Member for the Environment), Dafydd Wyn Williams (Head of Environment Department), Gareth Jones (Senior Planning and Environment Manager), Iwan Evans (Head of Legal Services) and Rhun ap Gareth (Senior Solicitor)

In relation to item 9 on the agenda - Councillor Gareth Griffith (Cabinet Member for the Environment), Councillor Dafydd Meurig (former Cabinet Member for the Environment), Dafydd Wyn Williams (Head of Environment Department), Gareth Jones (Senior Planning and Public Protection Manager) and Manon Williams (Public Protection Manager (Commercial))

1. APOLOGIES

Apologies had been received from Councillors Peter Garlick, Keith Jones, Linda Morgan and Gethin Glyn Williams

2. DECLARATION OF PERSONAL INTEREST

The following members declared a personal interest in the following items for the reasons noted:

- Councillors Owain Williams and Berwyn Parry Jones in items 6 and 7 on the agenda as they were members of the Joint Planning Policy Committee.

The Members were of the opinion that they were prejudicial interests, and withdrew from the Chamber during the discussion on the items noted.

3. URGENT ITEMS

None to note

4. MINUTES

The minutes of the previous meeting of this committee, held on 07.02.2019 were accepted as a true record of the meeting, subject to noting that Councillor Stephen Churchman was present.

5. GWYNEDD AND ANGLESEY PUBLIC SERVICES BOARD

A report was submitted by the Cabinet Member on the progress on the work of Gwynedd and Anglesey Public Services Board. Members were reminded that the Board had agreed on priority areas that would improve the economic, environmental and cultural well-being of both counties. A brief update was provided on the developments within the six priority fields.

It was reported that the Public Services Board was being scrutinised by the designated Scrutiny Committees of Gwynedd and Anglesey local authorities. When the Board was established, it was agreed that a joint scrutiny panel would be developed between both counties to undertake the scrutiny work. It was noted that scrutiny officers from Gwynedd Council and Isle of Anglesey Council would address the key actions in relation to establishing a joint panel during the coming months .

During the ensuing discussion, the following points were highlighted by individual Members:

- Despite agreeing with the concept, a culture of words / talking shop could be created
- That major companies needed to be convinced to develop bilingual information
- *Cynllun Iaith a Thaith* for children - accepted the purpose of the plan, however, on the other hand, Language Centres were being reviewed
- Homes for Local People - sites needed to be identified in the right places and the homes needed to respond to the need
- Health and Care Aims - needed to develop effective collaboration between the Health Board and Social Services. Needed to ensure that the service could offer and achieve what was being sought.
- It was suggested that the Sub-group leaders should be invited to give individual presentations on the progress of the projects.

In response to the concern expressed that the Board meetings could turn into a 'talking shop', the Cabinet Member noted that he was eager to see the projects that were accountable to the Board, having an impact on the citizens of Gwynedd and Anglesey. Although he agreed that the legislation was the ideal, he expressed that specific efforts were being made to work innovatively by collaborating to improve the service.

In response to a question regarding the joint scrutiny panel, the Cabinet Member noted that it was likely that a similar representation from both Counties would serve as members of the panel. He reiterated that Scrutiny Members were meeting to discuss the development. A further comment was made that establishing a panel could lead to creating another talking shop and that this needed to be avoided.

In response to a comment regarding the economic element, he noted that this particular field had not been identified as one of the Board's work fields as the North Wales Ambition Board would be doing this across the North. Having said that, it was noted that the economy had a direct impact on poverty, which was one of the Board's work fields.

In response to a question regarding how the projects would be funded, it was noted that the work of the sub-groups, when identifying their projects, was to present and identify financial sources for them in their business plan. If projects could be better achieved by collaborating and creating partnerships, it was likely that it could lead to potential savings. In response to the suggestion to challenge Welsh Government for funding to support the projects, the Cabinet Member noted that ongoing discussions were being held with the Government regarding the lack of funding for Local Authorities. He reiterated that the Act was aspirational, that it set an ambitious standard and that the Councils' role was to identify those fields that could benefit from collaboration. It was also commented that the Public Services Board should consider establishing another sub-group to address the Board's resources.

In response to the 'delay' of the Wylfa Newydd Scheme, the Cabinet Member noted that the impact, in terms of hopes, had been harmful, but that the 'site' still existed and that it would create further employment in future.

RESOLVED to accept the report.

6. OVERDEVELOPMENT OF CARAVAN SITES

A report was submitted by the Senior Planning and Public Protection Manager, giving the Committee an opportunity to scrutinise the Supplementary Planning Guidance: Facilities and Attractions for Tourists (final draft), following the public consultations, and offering feedback before it was considered by the Joint Planning Policy Committee.

During the ensuing discussion, the following points were highlighted by individual Members:

- That the guidance did not clearly highlight the accumulative impact
- That there was no objection to the sites, but efforts should be made to protect the Area of Outstanding Natural Beauty (AONB)
- That the use of hardstandings needed to be managed - were resources available to manage this?
- TWR 2 - concerns that buildings could be demolished and that holiday units could be built in their place rather than a house(s) for local people
- Airbnb - extreme problem in our communities as people converted their houses into holiday accommodation
- Was it possible to restrict the number by introducing a quota?

The Cabinet Member noted that the observations would be fed into the discussions of the Joint Planning Policy Committee.

The Senior Planning and Public Protection Manager highlighted the fact that draft guidance had been submitted, which sought clear and consistent guidance in terms of policy implementation. In response to the observations, in relation to the accumulative impact, he noted that the matter had been discussed in the guidance, but he accepted and noted the need to highlight this clearer, as well as the comment about TWR2. In the context of enforcement, he highlighted that enforcement was a challenging field across the service and a request was made for Councillors to report on any case where the law

had been breached. He reiterated that there were clear conditions on the use of sites and the use of accommodation and that they should be complied with.

The Chair expressed that the comments had already been conveyed at previous meetings, and although they 'had been noted', they had not been included in the guidance. He suggested that there was conflict between officers and councillors and that the observations were not being accepted / included.

In response to a question regarding the lack of response to the consultation, it was noted that substantial consultation had been undertaken and it was accepted that the response had been disappointing. It was confirmed that the unit had gone above and beyond to raise awareness and seek responses and that the Rural Wales Service and the AONB had been included on the consultation list.

In response to the observation regarding introducing a quota, the Senior Planning Manager noted, despite accepting the comment, that the advantages of tourism had to be considered. He also noted that the officers accepted the observations of Councillors, responded to them constructively and he gave assurance that the observations would be submitted to the Policy Committee. The Head of Environment Department reiterated that he did not wish for the perception of 'not listening' to be disregarded and that the comment made regarding conflict was concerning. He noted that a solution needed to be sought.

RESOLVED to accept the report with a request for the final guidance to be circulated in the next cycle.

7. SUPPLEMENTARY PLANNING GUIDANCE (SPG): MAINTAINING AND CREATING UNIQUE AND SUSTAINABLE COMMUNITIES

A report was submitted by the Senior Planning Manager, raising awareness of the development of the above guidance before the Joint Planning Policy Committee made a decision on the suitability of adopting it on 23.5.19. A request was made for the Scrutiny Committee to submit observations on the guidance to the Policy Committee.

The members were reminded that the scrutiny working group, which was investigating the consultation process on the draft Supplementary Planning Guidance (SPG) on behalf of the Scrutiny Committee, had submitted observations and recommendations to the Committee, which, in turn, had been submitted to the Policy Committee for consideration before the Guidance was published for public consultation.

The Chair of the Scrutiny Working Group highlighted his wish to refuse the report as the suggestions of the working group had been disregarded. He also noted, following the 10th Edition of the Planning Policy, that the changes affecting the SPG needed to be considered. He suggested that the current SPG should continue to be used until 2020 and for experts to be appointed to seek to evidence the impact of the guidance and for adaptations to be drawn up by August 2020. He expressed that the discussions had been difficult and had been prevented, and that the working group had not been given a fair hearing.

Councillor Aled Evans (a member of the scrutiny working group) reiterated that the guidance needed to be strong and valuable and he questioned its worth in its current form.

In response to the comments, the Monitoring Officer noted that the report included observations following the public consultation, with a request for further comments from the Committee. Refusing the report would lead to resubmitting previous comments, and

this would be inappropriate. He noted that what was being requested was difficult to achieve as it would mean a change in policy. He emphasised that the Guidance could not change the policy, and that the purpose of the Guidance was to offer a further explanation and guidance in relation to the implementation of the policy. He highlighted that the thresholds in terms of when it was required to ask for a linguistic assessment/statement had been set out in the wording of the policy

In response to the observations, the Senior Planning and Public Protection Manager noted that the working group opposed to the policy and that the guidance was an attempt to say how to uphold and interpret the policy. He reiterated that the allegation of 'preventing a discussion' and not listening was unfair. He noted that the process of collaborating with the Scrutiny Committee, the Scrutiny Working Group and Anglesey Scrutiny Committee had been long and open and that the observations of the Working Group or Scrutiny Committee had not been disregarded. He highlighted that no evidence had been received to prove that the policy did not work and he said that it was being monitored annually. He expressed that the contribution of the working group had been valuable and that some changes had been made following the comments received, e.g. external planning and language experts had been appointed to evaluate the value of the guidance. He reiterated that there was an opportunity for further comments before the Policy Committee met to discuss it further on 23.05.19.

Councillor Aled Evans questioned the need for the guidance if no language assessment was necessary for sites already designated in the Local Development Plan and for that small number if the 'need' had changed. In response, the monitoring officer accepted the member's frustration and noted that the legislation would need to be changed to address this, with political pressure and appropriate evidence.

From the response, it was asked how statistics and evidence could be gathered and what was the way forward. It was also asked whether evidence existed for the past two years and whether a mechanism was in place to gather evidence.

In response, the Senior Planning and Public Protection Manager noted that statistics from the census was used, along with information on the growth of households / the population. He also highlighted that the unit was working with language officers.

He also noted that there was a duty on the Council to submit an Annual Monitoring Report regarding the Plan to the Government during October. It was highlighted that the Annual Monitoring Report included an analysis of how the Plan was being implemented, and was based on 69 monitoring indicators identified in the Plan. Some of these indicators related specifically to linguistic matters and the implementation of Strategic Policy 1.

The Chair expressed his disappointment as there was no evidence gathering mechanism in place and that this was a weakness in the process.

The Chair of the Working Group expressed the need for a strong and effective guidance to protect the language in line with the Cabinet Member's statement in July 2017. He noted that the working group had held a number of meetings and a number of the invitees had expressed their concern as not enough was being done to protect the language. He emphasised the need to seek a public consultation on every application of 10 or more houses (5 in a rural area) - this did not appear difficult as there was a need to consult on other matters in any case.

The Chair expressed his disappointment that the guidance could not be strengthened, however, he noted the need to submit further observations to the Joint Planning Policy Committee.

The Monitoring Officer noted that there was an opportunity to submit the observations to the Joint Planning Policy Committee and he suggested that the working group should submit observations / express concerns on behalf of the Scrutiny Committee.

RESOLVED to accept the report and for the scrutiny working group to submit observations on behalf of the Scrutiny Committee to the Joint Planning Policy Unit.

8. PLANNING MATTERS AND THE DELEGATION SCHEME

Submitted - a report that had been prepared jointly by the Head of Environment Department and the Head of Legal Department addressing a decision made at the previous meeting (7.2.19)

- **that an informal meeting is held between the Chair, Councillor Simon Glyn, Councillor Aled Wyn Jones, Councillor Gruffydd Williams, Councillor Dafydd Meurig (Cabinet Member - Environment) and the relevant officers to agree on the matters that need addressing in the report that will be submitted to the meeting on 4 April 2019.**

It was highlighted that the report addressed matters discussed at the informal meeting held on 20.02.19, and explain the requirements with a planning application to change the conditions and implementation of the Delegation Scheme.

In response to the report, Councillor Gruffydd Williams highlighted that he had continued concerns about the judgement call of officers in the context of the Plas Pistyll planning application and he expressed his disappointment at the impact of these decisions on the planning application. He asked about the process used by Officers in making the decision.

In response to the comment, the Chair noted that the concerns had already been noted at the previous meeting.

The Chair suggested, as an addition to point 7 in the Delegation Scheme, that 'planning applications that the Head of Environment Department considers should be referred to Committee,' also included the Chair of the Planning Committee. This would empower the role of the Chair. He suggested that the Chair could convey the concerns of local members.

In response to the suggestion, it was highlighted that every Councillor was entitled to refer an application to Committee if a proposed development was located in his/her ward. It was considered that the suggestion would place additional unnecessary pressure on the Chair, considering the number of applications. The Monitoring Officer noted that a review of the Delegation Scheme was in the pipeline and that it would be no problem to consider the suggestion.

In response to a question regarding the arrangements / guidance for calling applications to Committee, it was noted that Snowdonia National Park had different arrangements / guidance to those of Gwynedd Council.

It was proposed and seconded to accept the report.

RESOLVED to accept the report

9. THE SERVICE PROVIDED BY THE TRADING STANDARDS UNIT (PUBLIC PROTECTION)

Following the Committee's decision (meeting of October 2018), a further report was submitted by the Head of Environment Department, summarising the main matters and work fields of the Trading Standards Unit, along with further details regarding the Unit's performance.

Despite their praise to the report, the Committee was of the opinion that this item was 'for information; and that in future it should be considered that matters for information should be reserved as items for the Area Forums.

The Head of Department noted, although he accepted the comment, that awareness needed to be raised in order to give Members an opportunity to scrutinise some of the service's functions.

In response to a question about the intention to collaborate with other authorities across North Wales, the Public Protection Manager (Commercial) expressed that a regional plan already existed in order to share expertise. It was reiterated that an analyst considered the problems and prioritised as needed.

It was proposed and seconded to accept the report, with a suggestion for the matter to be discussed further at the Area Forums.

RESOLVED to accept the report, and for the matter to be discussed further at the Area Forums.

The meeting commenced at 10:30am and concluded at 1:10pm.