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| Meeting of:  | <b>Standards Committee</b>  |
| Date of Meeting:   | <b>Wednesday, 26 January 2022</b>   |
| Relevant Scrutiny Committee:   | No Relevant Scrutiny Committee  |
| Report Title:  | Report Relating to a Complaint against Councillor L.O. Rowlands in Respect of the Vale of Glamorgan Council and Barry Town Council    |
| Purpose of Report:   | To consider the allegations made against Councillor L.O. Rowlands in respect of the Vale of Glamorgan Council and Barry Town Council. |
| Report Owner:  | Victoria Davidson, Deputy Monitoring Officer  |
| Responsible Officer:   | Victoria Davidson, Deputy Monitoring Officer  |
| Elected Member and Officer Consultation:   |   |
| Policy Framework:  | This is a matter for the Standards Committee.   |
| <p><b>Executive Summary:</b></p> <ul style="list-style-type: none"> <li>• To consider the allegations (as referred to in paragraph 2.1) made against Councillor L.O. Rowlands in respect of the Ombudsman's Investigation report regarding a complaint against Councillor L.O. Rowlands in respect of the Vale of Glamorgan Council and Barry Town Council.</li> <li>• After considering representations, Committee is requested to make its determinations in line with the Local Government Investigations (Functions of Monitoring Officers and Standards Committees) (Wales) Regulations 2001 ("2001 Regulations").</li> </ul> |   |

## **Recommendations**

1. That Standards Committee makes its determinations in line with Regulation 9(1) of the Local Government Investigations (Functions of Monitoring Officers and Standards Committees) (Wales) Regulations 2001, in respect of the allegations detailed in paragraph 2.1 of this report.
2. That the Standards Committee notifies relevant parties in line with Regulation 9(3) of the Local Government Investigations (Functions of Monitoring Officers and Standards Committees) (Wales) Regulations 2001.

## **Reason for Recommendations**

1. To comply with the provisions of the 2001 Regulations.

### **1. Background**

**1.1** At its meeting on 25<sup>th</sup> November, 2021, the Standards Committee resolved:

- (1) T H A T Councillor A be given the opportunity to make representations at a future meeting of the Standards Committee, either orally or in writing in respect of the findings of the investigation and any complaint that Councillor A had failed, or may have failed, to comply with the Vale of Glamorgan Council's and the X Town Council's Members' Code of Conduct.
- (2) T H A T the Public Services Ombudsman for Wales' investigating officer be requested to attend a future meeting of the Standards Committee having regard to resolution (1) above in line with Regulations 8 (3A) and 8 (3C) of the Local Government Investigations (Functions of Monitoring Officers and Standards Committees) (Wales) Regulations 2001.
- (3) T H A T delegated authority be granted to the Deputy Monitoring Officer in consultation with the Chair of Standards Committee to finalise a draft document setting out the allegations for approval, by email, by Standards Committee Members.

### **2. Key Issues for Consideration**

**2.1** In line with recommendation (3) above, following consultation with the Chair and approval by Standards Committee Members via email, Councillor Rowlands was informed that the allegations for consideration by a future meeting of the Standards Committee are that:

'That Councillor Rowlands failed to comply with paragraph 6(1)(a) of the Model Code; paragraph 18.2.6(a) of the Vale of Glamorgan Council's Members' Code of Conduct; and paragraph 6(1)(a) of the Barry Town Council's Members' Code of Conduct which states that '*you must not conduct yourself in a manner which could reasonably be regarded as bringing your office or authority into disrepute*'; insofar as:

- Councillor Rowlands' actions relating to the opening of a coffee shop and wine bar, 'the Watering Hole', without the correct change of use planning permission being in place, the evidence refers to;
  - Councillor Rowlands' conduct in failing to consider the situation appropriately,
  - seek advice about his role and position, which suggests a significant lack of judgment on his part, which has the potential to impact on the mutual relationship of trust that exists between the Council and the Town Council, its elected Members, and the public.
- 2.2** Having regard to the above the date for today's hearing was subsequently confirmed with all parties. Committee is advised that both Councillor Rowlands and the Investigating Officer have informed the Principal Democratic and Scrutiny Services Officer that they do not intend to call any witnesses. Councillor Rowlands has also confirmed that the representations that he sent to the Ombudsman dated 14<sup>th</sup> October 2021 as contained within Appendix 41 of the Ombudsman's investigation report, still stand. What Councillor Rowlands said about the allegations is set out in paragraph 56-71 at pages 13 - 16. Councillor Rowlands comments about the draft report are set out in paragraph 72-75 pages 16 -17 and the facts which remain in dispute with Councillor Rowlands are as set out at paragraph 86 to 88 page 18 of the Ombudsman's investigation report.
- 2.3** Attached at Appendix 1 is a copy of the Ombudsman's Investigation Report ("Investigation Report") in respect of a complaint received on 13<sup>th</sup> August, 2019 (which is exhibited within the Investigation Report at Appendix 1. The Ombudsman has advised that there are various appendices contained in the Investigation Report that contain emails and letters which bear the personal email or postal address of the sender or the recipient and these have been redacted. However a master copy of the Investigation Report has been retained.
- 2.4** For Committee's information sensitive and confidential information relating to individuals has also been redacted in the document by Democratic Services having consulted with Councillor Rowlands, the Investigating Officer and the Committee. Should, during the hearing, matters be raised relating to sensitive and confidential information the Committee will consider whether to move into Part II which will mean that the members of the public would be excluded from the meeting and the remote recording ceased.
- 2.5** Analysis of the evidence is set out at pages 4 to 20 of the report and the conclusions and finding at pages 20 to 22 of the Ombudsman's Report dated 8<sup>th</sup> November, 2021.
- 2.6** The Procedure for Dealing with Allegations Made against Councillors and Referred to the Standards Committee can be found at Appendix 2 to this covering report.
- 2.7** Following correspondence Councillor Rowlands has advised that he wishes his statement of 14<sup>th</sup> October, 2021 to the Ombudsman, to be considered by the Standards Committee as his written representations. The statement can be found at Appendix 41 to the Ombudsman's Report.

- 2.8** In line with the 2001 Regulations, after considering the evidence and any oral or written representations made by or on behalf of Councillor Rowlands with regard to the allegations as referred to in paragraph 2.1 above, Standards Committee must determine:
- That there is no evidence of any failure to comply with the Code of Conduct of the relevant Authority and that therefore no action needs to be taken in respect of the matters which are the subject of the investigation;
  - That a Member or co-opted member (or former Member or co-opted member) of a relevant Authority has failed to comply with the relevant Authority's Code of Conduct but that no action needs to be taken in respect of that failure;
  - That a Member or co-opted member (or former Member or co-opted member) of the relevant Authority has failed to comply with the Authority's Code of Conduct and should be censured; or
  - That a Member or co-opted member of a relevant Authority has failed to comply with the Authority's Code of Conduct and should be suspended or partially suspended from being a Member or co-opted member of that Authority for a period not exceeding six months.

### **3. How do proposals evidence the Five Ways of Working and contribute to our Well-being Objectives?**

- 3.1** The role of the Standards Committee is to promote and maintain high standards of conduct by Councillors, Co-opted Members and Church and Parent Governor Representatives. It is intended that the process adopted within this report will aim to promote that role.

### **4. Resources and Legal Considerations**

#### Financial

- 4.1** None directly associated with this report.

#### Employment

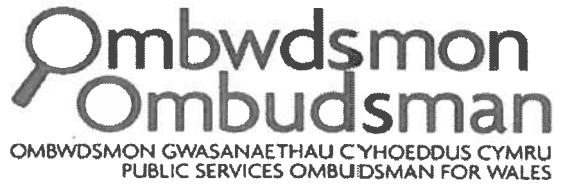
- 4.2** None directly associated with this report.

#### Legal (Including Equalities)

- 4.3** Standards Committee is required to comply with the 2001 Regulations.

## **5. Background Papers**

- Report of the Investigating Officer dated 8<sup>th</sup> November, 2021.
- Decision Notice of the Standards Committee meeting on 25<sup>th</sup> November, 2021.



The investigation of a complaint  
against Councillor Leighton Rowlands of  
Vale of Glamorgan Council and  
Barry Town Council

A report by the  
Public Services Ombudsman for Wales  
Case: 202003631 and 202003545

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## **Introduction**

**Report by the Public Services Ombudsman for Wales on the investigation of a complaint made against Councillor Leighton Rowlands of Vale of Glamorgan Council and Barry Town Council, of a breach of the Council's statutory Code of Conduct for Members.**

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

## **Summary**

The Ombudsman received a complaint that a Member (“the Member”) of Vale of Glamorgan Council (“the Council”) and Barry Town Council (“the Town Council”), and the Council’s Planning Committee, had breached the Code of Conduct for Members by opening a coffee shop and wine bar without the correct change of use planning permission being in place.

The Ombudsman’s investigation found that the Member had been a joint director of the coffee shop and wine bar, and the business had opened before the Member’s change of use planning application was decided (in breach of planning control). The Ombudsman’s investigation also found that when a potential breach of the Code of Conduct regarding the situation was brought to the Member’s attention, the Member immediately resigned as a director and had no further involvement in the business. The Ombudsman concluded that, as a member of the Council’s Planning Committee, the Member had sufficient knowledge of relevant planning matters to understand the importance of adhering to planning regulations, and the Member should have considered his position, and sought advice about his role, before opening the business without correct planning permission.

The Ombudsman found that the Member’s conduct could reasonably be regarded as behaviour which might bring the office of Member of the Council into disrepute and was therefore suggestive of a breach of 6(1)(a) of the Code of Conduct. The Ombudsman referred his investigation report to the Monitoring Officer of Vale of Glamorgan Council for consideration by its Standards Committee.

## **The complaint**

1. On 13 August 2019, I received a complaint from Councillor Neil Moore that Councillor Leighton Rowlands had failed to observe the Code of Conduct for members of Vale of Glamorgan Council (“the Council”) and Barry Town Council (“the Town Council”). It was alleged that Councillor Rowlands breached the Code of Conduct by opening a coffee shop and wine bar without the correct change of use planning permission being in place. A copy of the complaint and supporting evidence is attached at Appendix 1.

## **Legal background**

2. As required by Part III of the Local Government Act 2000 (“the Act”), the Council and Town Council have each adopted a Code of Conduct for members which incorporate the provisions of a Model Code contained in an order made by the Welsh Ministers. The Town Council adopted the Model Code of Conduct. All references to the Code of Conduct in this report refer to the paragraph numbers from the Model Code – the provisions of the Council’s Code have different paragraph numbers. A copy of each Code is attached at Appendices 2 and 3. Members are required to sign an undertaking that, in performing their functions, they will observe their authority’s Code of Conduct. Councillor Rowlands gave such undertakings on 8 and 10 May 2017. Copies of those declarations are attached at Appendices 4 and 5.

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

## **Relevant legislation**

4. Part 2 of the Model Code of Conduct<sup>1</sup> provides that members must observe the Code:

- (a) whenever they conduct the business, or are present at a meeting, of their authority

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<sup>1</sup>The Model Code of Conduct prescribed by the Local Authorities (Model Code of Conduct) (Wales) Order 2008 as amended

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

## My investigation

5. Councillor Rowlands was notified of the complaint on 16 August 2019. A copy of this letter is attached at Appendix 6. Having considered the complaint as made to me, I concluded that it was appropriate to investigate whether Councillor Rowlands had failed to comply with the following provisions of the Code of Conduct:

6(1)(a) – You must not conduct yourself in a manner which could reasonably be regarded as bringing your office or authority into disrepute.

6. Councillor Rowlands was informed of my intended investigation on 5 September. A copy of this letter is attached at Appendix 7.

7. Councillor Rowlands provided written comments dated 19 August. A copy of this letter is attached at Appendix 8.

8. During my investigation, the Investigation Officer obtained information from the Town Council and the Council which confirmed that Councillor Thomas attended training on the Code of Conduct on 18 May 2017. This information is attached at Appendices 9 and 10. The Investigation Officer also obtained other documents from the Council and the Town Council. These documents are attached at Appendices 11 to 25.

9. The following witnesses were interviewed.

- Ms Victoria Robinson, the Council's Operational Manager for Planning and Building Control ("the Operational Manager for Planning")
- Mr Ceri Rowlands, the Council's Senior Planning Officer ("the Senior Planning Officer")
- Ms Debbie Marles, the Council's Monitoring Officer and Head of Legal and Democratic Services ("the Monitoring Officer").

10. Copies of the witness statements are attached at Appendices 26 to 28.

11. The evidence found by my investigation was shared with Councillor Rowlands, enabling him to review it before responding to questions which were put to him at an interview on 18 August 2020. A copy of the transcript of that interview (which was undertaken by telephone due to the COVID-19 pandemic restrictions) is attached at Appendix 29.

12. My investigation found that Councillor Rowlands' actions suggested he had brought his Office, the Council and the Town Council into disrepute in breach of paragraph 6(1)(a) of the Code of Conduct. Having reviewed the information available at that time, my Chief Legal Adviser & Director of Investigations decided that it was not in the public interest to take any further action. A copy of the decision letter is attached at Appendix 30.

13. In accordance with my procedures, any decision which a party to a complaint disagrees with and has been taken by a member of my staff is subject to review. Councillor Moore requested a review of the decision on 9 October. A copy of this letter is attached at Appendix 31.

14. Councillor Rowlands provided written comments on Councillor Moore's review request on 26 October. A copy of this letter is attached at Appendix 32.

15. My Review Officer considered the complaint and determined that the case should be reopened for further consideration to be given to the nature of the breach of the Code of Conduct and any “public interest” considerations. Councillor Rowlands was provided with a copy of the decision on 9 November (Appendix 33) and notified of the re-opened investigation on 10 December (Appendix 34).

16. My consideration of this complaint was subject to media coverage in December and January 2021. The Investigation Officer obtained further documents from the Council and Councillor Moore. This information is attached at Appendices 35 and 36.

17. The following witnesses were interviewed:

- The Monitoring Officer
- Councillor Neil Moore, Leader of the Council.

18. Copies of the witness statements are attached at Appendices 37 and 38.

19. This additional evidence was shared with Councillor Rowlands, enabling him to review it before responding to questions which were put to him at an interview on 28 July. A copy of the transcript of that interview (which was undertaken by MS Teams due to the COVID-19 pandemic restrictions) is attached at Appendix 39.

20. I gave Councillor Rowlands the opportunity to comment on a draft of this report which included my provisional views and findings. His response is included at Appendix 41.

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

21. I have issued guidance for members of local authorities in Wales on the model Code of Conduct (“my Guidance”). I include at Appendix 40 extracts of my Guidance which are relevant to this complaint.

## Events

22. Councillor Rowlands was elected as a member of the Council and Town Council in May 2017. He held the roles of Deputy Mayor and Mayor to the Council in 2017/18 and 2018/19 respectively, and Deputy Mayor to the Town Council in 2019/20. Councillor Rowlands has been a member of the Council's Planning Committee since 2017.

23. In early **2019** Councillor Rowlands and an acquaintance, Mr Samuel Lewis, decided to open a bar together in Barry ("the Watering Hole"). They each obtained a loan to develop the business, took on a retail premises in Barry for the site and incorporated a company as joint directors on 25 March (SLR Hospitality Cyf - "SLR") to run the business.

24. Councillor Rowlands emailed the Operational Manager for Planning on 26 March, regarding a change of use planning application for the retail premises from A1 (retail) to A3 (food and drink). Councillor Rowlands and Mr Lewis then attended an informal pre-application advice meeting with the Operational Manager for Planning on 29 March, to discuss the proposed premises and the required change of use planning application for the site.

25. Mr Lewis submitted a Premises Licence application (a permanent licence that authorises the holder to supply or provide alcohol and late-night refreshments and music) for the Watering Hole on 15 April, which was granted on 24 May.

26. Councillor Rowlands submitted a change of use planning permission application (as Mr Leighton Rowlands) dated 16 April, which proposed changing the site's retail use to a daytime coffee shop and evening wine bar (Appendix 16).

27. The change of use planning application was registered and validated with the Council on 25 April. The Senior Planning Officer visited the site on 10 May to put up a site notice as part of a public consultation process. Councillor Rowlands and Mr Lewis were on the site at the time of the visit

and had a discussion with the Senior Planning Officer about planning and licensing processes, and whether they could open the business before the required change of use planning permission was in place.

28. The Senior Planning Officer explained to Councillor Rowlands and Mr Lewis that the consultation process was ongoing, and that opening the business without correct planning permission in place would be a breach of planning control. He also explained that whilst opening a business without required planning permission was not in itself an offence or illegal, it could risk enforcement action by the Council (Appendix 27).

29. The Town Council, as a consultee, considered the planning application on 29 May and resolved to object to the development on the basis that it would have a detrimental effect for local residents due to noise, disturbance and traffic levels (Appendix 12).

30. The Watering Hole opened to the public on 14 June, before the change of use planning application had been considered by the Council. The Council subsequently received a number of complaints from members of the public, in addition to press enquiries and local media coverage, about the business.

31. Following the complaints, the Monitoring Officer wrote to Councillor Rowlands and asked him to reflect on the situation and a potential breach of the Code of Conduct. The Monitoring Officer had a meeting with Councillor Rowlands on 19 June to discuss matters and suggested that the Watering Hole should discontinue trading until the planning application had been determined. After the meeting Councillor Rowlands asked the Monitoring Officer to confirm the position via email (sent by the Monitoring Officer on 19 June) so that he could use it to encourage Mr Lewis to cease trading (Appendix 28).

32. Councillor Rowlands discussed closing the business with Mr Lewis on 19 June. Mr Lewis refused to do so. As a result, Councillor Rowlands resigned from SLR the same day (Appendix 19) and parted ways with Mr Lewis. The Watering Hole continued to trade, and the Council wrote to Councillor Rowlands on 21 June concerning the unauthorised use of the site and breach of planning control (Appendix 20).

33. On 24 June Councillor Rowlands sought advice from the Operational Manager for Planning about the possibility of removing himself from the planning application. The Operational Manager for Planning confirmed that Councillor Rowlands could do this in writing, which he did via email, and Mr Lewis subsequently submitted an amended change of use planning application to the Council, in his name alone, dated 24 June (Appendix 21).

34. As the business had not ceased trading the Monitoring Officer sent an email to Councillor Rowlands on 25 June regarding the seriousness of the matter, and then had a telephone conversation with him on 26 June in which Councillor Rowlands explained that he had tried to convince Mr Lewis to cease trading to no avail (Appendix 28).

35. Mr Lewis' change of use planning application was considered by the Council's Planning Committee on 31 July and refused. As a member of the Planning Committee in attendance at the meeting, Councillor Rowlands declared a personal and prejudicial interest in advance of the item and withdrew from the meeting whilst it was being considered (Appendix 28).

36. Mr Lewis continued to run the Watering Hole despite the refused planning permission and the Council issued an Enforcement Notice on 9 September, (Appendix 23) which Mr Lewis appealed on 13 October (Appendix 24). The appeal was considered by the Planning Inspectorate on 18 February 2020 and dismissed, and the Enforcement Notice was upheld (Appendix 25). The Watering Hole ceased trading in early 2020.

37. Following his resignation from the business on 19 June 2019 Councillor Rowlands had no further involvement in planning matters concerning the Watering Hole or the ensuing enforcement action.

38. In his initial complaint (Appendix 1), Councillor Moore said Councillor Rowlands was a director of the business when it commenced trading without appropriate planning permission. He said that Councillor Rowlands was a member of the Planning Committee and had particular knowledge of planning permission requirements and the importance of adhering to planning regulations.

39. Councillor Moore also said Councillor Rowlands had attended a Council Planning Committee meeting on 27 September 2018 where members were highly critical of a retrospective change of use planning application for a similar business in Barry, which had opened without the requisite A3 planning permission.

40. Councillor Moore said the Council had received objections from a number of parties and press enquiries following the opening of the Watering Hole, and a photograph of Councillor Rowlands wearing the Mayoral chains had been used on the company's website.

41. In his letter to my office dated 9 October 2020 (Appendix 31), Councillor Moore said Councillor Rowlands had attended mandatory training on the Code of Conduct. Councillor Moore said the level of negative publicity and complaints "was significant and should not be underestimated".

42. In his email to my office dated 3 February 2021 (Appendix 36), Councillor Moore said Councillor Rowlands would have been "well aware of his responsibilities" concerning retrospective planning applications due to the criticism at the Planning Committee on 27 September 2018. Councillor Moore noted that Councillor Rowlands voted for the change of use planning application on that occasion, and that it received a unanimous vote from the Planning Committee.

43. In his statement (Appendix 38), Councillor Moore said Councillor Rowlands was a member of the Standards Committee during 2019 - 20. Councillor Moore said Councillor Rowlands, had a "depth of experience in politics" and he had been the Deputy Mayor and Mayor of the Council, Deputy Mayor of the Town Council, and recently selected as a candidate for the Senedd.

44. In her first statement (Appendix 28), the Monitoring Officer said Councillor Rowlands had not sought her advice about his position concerning the Watering Hole in advance of the opening, and she only became aware of his involvement after the business started trading.

45. The Monitoring Officer said Councillor Rowlands had received mandatory training on planning matters in advance of attending his first Planning Committee, and therefore it was of particular concern to her that he was involved with a business which commenced trading without appropriate planning consent in place.

46. In her second statement (Appendix 37), the Monitoring Officer said she adopted an "open door" approach for members, and prior to the events she had thought Councillor Rowlands was "mindful of her role". The Monitoring Officer said whilst she was "very surprised" that Councillor Rowlands had not approached her about matters beforehand, he had been "very responsive" when she raised the matter with him on **19 June 2019**. The Monitoring Officer said, "it seemed out of character he had not approached me before taking such a significant step".

47. The Monitoring Officer also said she was surprised that, during the meeting on 19 June, Councillor Rowlands indicated to her that he intended to carry on drinking at the Watering Hole. She said Councillor Rowlands had mentioned a similar situation concerning a micro pub in Barry which had opened prior to a change of planning use, and her recollection was that Councillor Rowlands was not critical of this as such but appeared "to feel...it was almost like a precedent had been set and it was permissible".

48. The Monitoring Officer said since the events Councillor Rowlands had attended further training on planning matters and the members Code of Conduct, and his response had been "very positive".

49. In her statement (Appendix 26), the Operational Manager for Planning said that whilst Councillor Rowlands' initial request for a meeting was sent via his Councillor email address, "it was clear that the request related to a personal matter and not something involving his role as a Councillor".

50. The Operational Manager for Planning said that during her meeting with Councillor Rowlands and Mr Lewis, she gave advice and guidance on the proposed premises and the required change of use planning permission. The Operational Manager for Planning said she did not recall having any discussion at that meeting about opening the business prior to

gaining planning permission, or any conversation about licensing requirements, and she would have advised them of the potential pitfalls and conflict for Councillor Rowlands if it had been raised.

51. The Operational Manager for Planning said, whilst it was not illegal for a business to open when it had received a licence but not planning permission, it was a breach of planning permission. The Operational Manager for Planning said, "planning law makes provision for a breach to become 'lawful' through retrospective planning permission if that development or use is acceptable in planning terms". The Operational Manager for Planning said Planning Committee members have specific training on how the planning system works (including enforcement matters), what their role in it is and how they should carry out their duties both as a 'Ward Member' and as a member of the Planning Committee, and Councillor Rowlands would be familiar with such matters.

52. In his statement (Appendix 27), the Senior Planning Officer said he was responsible for dealing with the change of use planning application for the Watering Hole. The Senior Planning Officer said he had an initial brief meeting with Councillor Rowlands and Mr Lewis about the planning application on the 24 or 25 April, however they did not discuss the licensing or planning position at that time.

53. The Senior Planning Officer said when he visited the site and spoke to Councillor Rowlands and Mr Lewis on 10 May, the conversation came around to whether they could open the business without planning permission. The Senior Planning Officer said although it was implied that they wanted to open, a date was not mentioned and Councillor Rowlands "seemed concerned about the time scales more than pushing towards a certain outcome, or anything like that". The Senior Planning Officer said he explained to them that "if they opened and so implemented a change in use it would be a breach of planning control, but also that it was not an offence and so not something that was illegal". The Senior Planning Officer said he also explained it would then, "notionally be open for the planning department to pursue enforcement action and, whilst we wouldn't necessarily do so while we were considering an application, there was clearly a risk involved".

54. In his statement, the Senior Planning Officer said he spoke to Councillor Rowlands on the telephone on 10 or 11 June to advise him about an objection from the Environmental Health section, however, he did not recall Councillor Rowlands raising the intention with him of opening on 14 June during that call. The Senior Planning Officer said he became aware that the Watering Hole had opened on 14 June following complaints from members of the public.

55. The Senior Planning Officer said he dealt with the planning application up to and concluding with the Planning Committee's decision on 31 July and the matter was then dealt with by a Council enforcement officer.

#### **What Councillor Rowlands said**

56. In his interview on 18 August 2020 (Appendix 29), Councillor Rowlands said that Mr Lewis had been "pushing" him to make the change of use planning application, and with hindsight it had been "a silly thing to do". He said he told Mr Lewis at the time that he could not be involved in the Planning Committee's decision about the Watering Hole.

57. Councillor Rowlands said he found planning matters in general confusing and "difficult to understand." He said his understanding of the Senior Planning Officer's advice about opening the business without the change of use planning permission, and retrospective planning applications, was that this was a "grey area," and he had not grasped there would be a breach of planning control.

58. Councillor Rowlands said he had been mindful of the criticism from members of the Planning Committee on 27 September 2018 concerning the similar retrospective change of use planning application. He said he thought that occasion had been, "used as a political point scoring exercise" and was wary of finding himself in a similar situation. He said as a result he was adamant with Mr Lewis that he would not sign the lease or open the business until the premises licence and planning permission were both in place. Councillor Rowlands said that once Mr Lewis obtained the premises licence, he insisted on going ahead with the opening, which created friction

between them. Councillor Rowlands said that, with hindsight, he should have left the business at that point, but he felt invested in both the business and his friendship with Mr Lewis.

59. Councillor Rowlands said he was not on the Town Council's Planning Committee and was not aware of its consultation response until it was put on the Council's portal. Councillor Rowlands said that when he became aware of its objection, he considered steps to mitigate the possible noise and disturbance. Councillor Rowlands said that as the Town Council was a consultee it was possible that the Planning Committee could have overturned its objection (Appendix 39).

60. In his interview on 18 August 2020 (Appendix 29), Councillor Rowlands said he attended the opening night on 14 June because Mr Lewis had invited charities and local community groups, and he (Councillor Rowlands) had spent the majority of his time there trying to prevent customers from going outside and breaching the licence requirements.

61. Councillor Rowlands said he was "horrified" when the Monitoring Officer told him that his conduct had brought the Council into disrepute, and he immediately agreed to ask Mr Lewis to close the business down until the planning permission was granted. Councillor Rowlands said that when he explained the seriousness of matters to Mr Lewis he did not listen and refused to shut the Watering Hole. Councillor Rowlands said, as a result, he resigned from SLR with immediate effect, withdrew from the planning application and parted ways with Mr Lewis, who subsequently banned him from the premises.

62. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

63. [REDACTED]

64. [REDACTED]

65. Councillor Rowlands said that whilst he did not think at the time that his conduct was inappropriate, with hindsight, he recognised others might think his actions had brought his Office or the Council into disrepute. Councillor Rowlands said he valued his role as a Councillor greatly and he never intended to bring his Office or the Council into disrepute. He said he bitterly regretted the events and was sorry about what happened.

66. In his interview on 28 July 2021 (Appendix 39), Councillor Rowlands said the mandatory planning training he received in 2017 was effectively a "whistle-stop tour" and was "very Power Point heavy". Councillor Rowlands said there had been no refresher sessions until the one he attended in October 2020, and there were still parts of the planning system he did not understand.

67. Councillor Rowlands said he had not sought advice from the Monitoring Officer at the time because he did not think there was a breach of the Code of Conduct. He acknowledged there had been a lack of judgement and regard on his part in not seeking advice about his role and position and said he now seeks advice "in relation to everything".

68. Councillor Rowlands said Mr Lewis published the image of him wearing the Mayoral chains in advance of the opening and without his permission. He said the image had been taken for publicity by another company and he would not have allowed it to be published because it

was not his to use. Councillor Rowlands said when it was brought to his attention, he insisted it was taken down straight away, but unfortunately although it was only on the internet for a few hours someone had already taken a screenshot of it and reported it.

69. Councillor Rowlands said that whilst the events and the investigation had had an impact on his confidence, he had wanted to stand for the Senedd in May 2021 and had been supported by his party in doing so. Councillor Rowlands also said he had been a member of the Council's Standards Committee appointments panel, and had put himself forward for the Standards Committee, but he had not gone to any meetings because he had been advised to remove himself while the investigation was ongoing, which he did immediately.

70. Councillor Rowlands said he could not recall saying to the Monitoring Officer on 19 June that he would continue to drink at the Watering Hole, although he acknowledged that he might have done. Councillor Rowlands said he may have made a point of saying he would be going back there because he had a "vested interest" in the business. Councillor Rowlands said the Monitoring Officer did not advise him not to go there, and he had attended 3 or 4 times in order to try and resolve matters with Mr Lewis.

71. Councillor Rowlands said my investigation was leaked to the press while he was standing for the Senedd, and it then got into the public domain. Councillor Rowlands said that despite this, he had still received support from members of the public and colleagues in his party.

#### **What Councillor Rowlands said about the draft report**

72. In his response to the draft report, Councillor Rowlands said the investigation should not have been reopened because the Ombudsman had taken proper account of the evidence gathered in the initial investigation and Councillor Moore did not provide any significant new information. Councillor Rowlands said Councillor Moore had not provided any reasonable grounds for the investigation to be reopened and his request should have been rejected.

73. Councillor Rowlands said he believed Councillor Moore's review request was politically motivated as they are in opposing parties, and Councillor Moore may have considered it to be in his party's interests for the matter to be referred to the Standards Committee. Councillor Rowlands said this was demonstrated by the fact that sensitive details concerning the complaint and review, which were supposed to be confidential, were leaked to the press.

74. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

75. Councillor Rowlands said he had admitted his errors and he accepted that his actions were wrong, he said he had also offered an apology and he had shown full remorse and contrition. He said the Ombudsman was correct in his initial conclusions and, in the interests of natural justice and fairness, the initial findings which he accepted in full, should be allowed to stand.

#### Undisputed facts

76. Councillor Rowlands has been a member of the Council's Planning Committee since 2017 and attended a Planning Committee meeting on 27 September 2018, where members were critical of a retrospective A1 to A3 change of use planning application for a bar which had opened in Barry.

77. Councillor Rowlands formed SLR (as a joint director) on 25 March 2019 to run the Watering Hole and submitted an A1 to A3 change of use planning application for the premises on 16 April.

78. Councillor Rowlands obtained advice from a Senior Planning Officer on 10 May about the possibility of opening the Watering Hole before change of use planning permission was implemented.

79. Councillor Rowlands did not seek advice from the Monitoring Officer about his situation before opening the Watering Hole.

80. The Watering Hole commenced trading on 14 June without the required planning permission and incurred complaints and negative publicity for the Council.

81. Councillor Rowlands resigned from SLR on 19 June and removed his name from the change of use planning application for the Watering Hole on 24 June.

82. Mr Lewis submitted an amended change of use planning application for the Watering Hole on 24 June, which was refused by the Council's Planning Committee on 31 July.

83. Councillor Rowlands declared an interest and withdrew when the change of use planning application for the Watering Hole was discussed at the Planning Committee on 31 July.

84. Mr Lewis continued to run the Watering Hole while Council enforcement action was ongoing. His appeal against the enforcement action was dismissed on 18 February 2020.

85. Councillor Rowlands was not involved in running the Watering Hole or the planning and enforcement processes after he resigned on 19 June 2019.

#### **Disputed facts**

86. Did Councillor Rowlands have particular knowledge of planning permission requirements and the importance of adhering to planning regulations at the time of the events?

87. Was Councillor Rowlands aware of the consequences of opening the Watering Hole before a change of use planning permission was implemented and the potential breach of planning control?

88. Did Councillor Rowlands allow an image of himself wearing the Mayors chains to be used to endorse his business?

## **Analysis of evidence**

**Did Councillor Rowlands have particular knowledge of planning permission requirements and the importance of adhering to planning regulations at the time of the events?**

89. Councillor Rowlands had been a member of the Planning Committee for almost 2 years at the time of the events and had received the Council's mandatory training for Planning Committee members. He had also attended a Planning Committee meeting where a similar retrospective planning matter was considered and criticised by members. Whilst Councillor Rowlands said the training was a "whistle-stop tour" and "very Power Point heavy", and that he found planning matters in general confusing and difficult to understand, he also said he was aware at the time of the criticism which could be levied at him in the light of the Planning Committee's consideration of the similar planning matter. Councillor Rowlands said as a result of the potential criticism and political point-scoring, he was adamant with Mr Lewis that he would not open the Watering Hole without the correct planning permission, however, Mr Lewis would not listen to him and went ahead with plans to open the Watering Hole against his own wishes. It is clear to me, therefore, that Councillor Rowlands had sufficient knowledge of relevant planning matters to have misgivings about the situation and the importance of adhering to the relevant regulations. I consider that he should have been more mindful of how his behaviour would reflect upon his role and position as a member of the Council and its Planning Committee, and its impact on the Council.

**Was Councillor Rowlands aware of the consequences of opening the Watering Hole before a change of use planning permission was implemented, and the potential breach of planning control?**

90. The Senior Planning Officer explained the differences between the licensing and planning processes to Councillor Rowlands on 10 May and discussed whether it was possible to open the Watering Hole without the required change of use planning permission. The Senior Planning Officer explained to Councillor Rowlands at the time that, whilst not illegal, if the business opened, and so implemented a change in use, it would be a breach of planning control and risked enforcement action. Although

Councillor Rowlands has said he was of the view that the planning position was a “grey” area, I am satisfied he received a clear explanation of the position and the consequences of opening the Watering Hole before a change of use planning permission was implemented. Councillor Rowlands should have considered the situation more carefully. He did not attempt to seek any further guidance regarding his position, and it appears he went along with Mr Lewis’ wishes because he felt invested in both the business and their friendship. That said, he has acknowledged with hindsight that he should have left the business earlier, and that there was a lack of judgement and regard on his part in not seeking further advice about his role before opening the Watering Hole.

**Did Councillor Rowlands allow an image of himself wearing the Mayor’s chains to be used to endorse his business?**

91. Councillor Moore provided an undated screenshot of an image which he said had been used on the Watering Hole’s website. Councillor Rowlands said the image had been taken for publicity by another company and he would not have allowed it to be published because it was not his to use. Councillor Rowlands said Mr Lewis put the image on the website in the month before the opening and it was published without his permission. He said when it was brought to his attention, he insisted it was taken down straight away and it was only available for a few hours online. The business website is no longer available, and it has not been possible to verify when the image was published or how long it was visible before it was removed. On balance, I consider there is insufficient evidence to indicate that Councillor Rowlands allowed the image to be published.

## **Conclusions**

92. It is noted that when the Monitoring Officer raised the issues concerning the Watering Hole with Councillor Rowlands, he took swift action to rectify matters and close the business down and, when this was unsuccessful, he resigned from SLR with immediate effect, withdrew the planning application, took no further part in the business or planning process and ultimately lost his investment.

93. It is further noted that Councillor Rowlands has acknowledged his conduct was not appropriate. He apologised for his actions during his first interview and has expressed his shame and remorse. It is clear the impact on him personally has been significant and he has been deeply affected by the events. Following the reopening of this investigation I have carefully considered the evidence gathered in this case and whether further action is needed in the public interest. Councillor Rowlands had an opportunity to comment throughout this investigation and I have also carefully considered his comments and the impact this matter has had on him. I note Councillor Rowlands comments about the possible motivation for requesting a review and reopening of this investigation. However, when investigating complaints and deciding whether further action is needed in the public interest, I must consider the public interest and the overriding purpose of the ethical standards regime in Wales, which is to uphold standards of conduct in public life and maintain confidence in local democracy. Members of local authority Planning Committees must ensure they are above reproach in their own dealings in planning matters, to maintain public confidence in a Council's ability to fairly and appropriately take planning decisions. I note that this matter drew adverse local publicity concerning Councillor Rowlands' position as a member of the Council and the Town Council.

94. Councillor Rowlands' conduct in failing to consider his situation appropriately, or seek advice about his role and position, suggests a significant lack of judgement and has the potential to impact on the mutual relationship of trust that exists between the Council and the Town Council, its elected members and the public. The public rightly expects that those who serve in public office will uphold high standards in public office. I consider that the evidence supports a finding that Councillor Rowlands' actions brought his office as a Councillor and the Council into disrepute and are suggestive of a breach of paragraph 6(1)(a) of the Code of Conduct. I am satisfied that it is in the public interest for the Council's Standards Committee to consider my findings and decide whether Councillor Rowlands breached the Code of Conduct and whether further action is required. Whilst I also welcome Councillor Rowlands' acknowledgement that he acted wrongly and his remorse for his errors of judgement, the ethical standards regime exists to provide a disciplinary response to an individual member's breach when this is required; to deter future misconduct; place any misconduct which may be found on public record; promote a culture of

compliance and foster public confidence in local democracy. I therefore consider it is in the public interest for this matter to be considered by the Council's Standards Committee.

### Finding

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



**Nick Bennett**  
Ombudsman

8 November 2021

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**Public Services Ombudsman for Wales  
1 Ffordd yr Hen Gae  
Pencoed  
CF35 5LJ**

**Tel:** 01656 641150  
**Fax:** 01656 641199  
**Email:** [ask@ombudsman-wales.org.uk](mailto:ask@ombudsman-wales.org.uk)  
**Follow us on Twitter:** @OmbudsmanWales

# **Appendix 1**

## Code of conduct complaint form

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

### A Your details

Title and Name **CONCILLOR NEIL MOORE (LEADER OF THE VALE OF GLAMORGAN COUNCIL)**

Address and postcode **THE VALE OF GLAMORGAN COUNCIL,**

**CIVIC OFFICES, HOLTON ROAD, BARRY CF63 4RU**

Email\*

Daytime contact number

Mobile number

How would you prefer us to contact you?  Email  Post  Phone

Please choose your preferred language for communicating with us.  English  Welsh

\* Email provides a quick and efficient means of communication, but you should be aware that there is always a small risk of messages being intercepted. As a precaution, we will send sensitive and confidential information via Egress Secure Email. A user guide can be found on our website.

Sometimes we receive complaints we cannot look at. People can be unhappy when we have to tell them this. To avoid disappointment, before submitting your complaint, it is helpful if you can think about how the member you are complaining about has breached the Code of Conduct. You can find out more about the Code of Conduct on the Ombudsman Guidance & Policy Page on our website. We also recommend that you read the following factsheets on our website:

- Code of Conduct - General Information
- Code of Conduct – What we do when we get your complaint
- Code of Conduct - Assessing public interest

It is important to provide as much direct evidence as possible in support of any complaint, as well as the names and contact details of any witnesses relevant to your complaint.

The person who experienced the problem should normally fill in this form. If you are filling this in on behalf of someone else, please fill in section B.

### B Making a complaint on behalf of someone else: their details

Their name in full

Address and postcode

What is your relationship to them?

Why are you making a complaint on their behalf?

Email\*

Daytime contact number

Mobile number

Continue over the page

# Code of conduct complaint form

Continued

## Authorisation

If you are complaining on behalf of someone else, they must sign here if they are able to.  
If they are not able to, please explain why.

You should also provide them with a copy of the Privacy Notice for Complainants & Representatives, to ensure that they understand the way in which their personal information will be processed. We will assume that you have provided them with the notice.

I authorise the above listed person (section A) to act on my behalf in submitting a complaint to the Public Services Ombudsman for Wales. I understand that this may mean that my representative will be able to access my personal or sensitive personal information obtained for one of these purposes.

Signature

Date

## C Who are you complaining about?

Name of the member you consider has broken the code of conduct. If your complaint is about more than one member, you will need to submit a separate complaint form for each.

COUNCILLOR LEIGHTON ROWLANDS

Name of the authority

THE VALE OF GLAMORGAN COUNCIL AND BARRY TOWN COUNCIL

Explain how the individual has breached the Code of Conduct. Please say which or refer to the paragraphs of the "Code" you think the member has breached. Please also include the names and contact details of any witnesses relevant to your complaint.\*

I am concerned that Councillor Rowlands has conducted himself in a manner which could reasonably be regarded as bringing his office as a Councillor on the Vale of Glamorgan Council and Barry Town Council, and the respective Councils into disrepute as a result of his conduct relating to the premises known as the "Watering Hole" at 6 St Nicholas Road, Barry.

The Watering Hole trades as a coffee shop during the day and a wine bar during the evening. Trading commenced on 14 June 2019 without the appropriate A3 planning permission, at which time Cllr Rowlands was a Director of the owner-company.

Cllr Rowlands has been a Member of the Vale of Glamorgan Council's Planning Committee since becoming a Vale of Glamorgan Councillor in May 2017 and therefore has particular knowledge of the planning permission requirements and the importance of adhering to planning regulations given his role in making quasi-judicial decisions on planning applications. But further, as a Member of the Planning Committee, Cllr Rowlands should be leading by example and therefore his actions bring the Council into disrepute.

Of particular note, Cllr Rowlands attended the Planning Committee on 27 Sept 2018 when a business had commenced trading as a micro pub [REDACTED] Barry without the requisite A3 planning permission, and the Planning Committee were highly critical of such actions as by commencing trading the business was acting in breach of planning regulations.

The change of use planning application relating to the Watering Hole was submitted to the Vale of Glamorgan Council's Planning Committee on 31 July 2019 when the application was refused and the Vale of Glamorgan Council's Head of Legal Services was authorised to serve an Enforcement Notice under Section 172 of the Town and Country Planning Act 1990 (as amended) to require the cessation of the unauthorised use of the building as a coffee shop and wine bar, and in the event of non-compliance with the notice, authorisation was granted to take such legal proceedings as may be required.

I attach a copy of the Planning Committee report which refers amongst other matters to the objections received by the Council from 25 individuals, Barry Town Council (of which Councillor Rowlands is Deputy Mayor) and the Vale of Glamorgan Council's Shared Regulatory Service.

I also attach copies of numerous news articles and press enquiries and comments issued by the Council concerning this matter.

Further, a photograph of Cllr Rowlands wearing the Mayoral chains of the Vale of Glamorgan Council was used by the owner-company on the Company's website beneath the heading "Meet our team" and above "[REDACTED] and Leighton owners". Cllr Rowlands was the Vale of Glamorgan Council's Mayor for municipal year 2018/19, and the use of such a photograph could be misconstrued that the Vale of Glamorgan Council is connected or endorses the business.

There are numerous witnesses relevant to my complaint, however I would particularly refer you to the Vale of Glamorgan Council's Monitoring Officer/Head of Legal and Democratic Services, Debbie Marles.

Continue over the page

# **Code of conduct complaint form**

**Continued**

## **Supporting Documents**

When submitting a complaint to the Ombudsman that a member has breached the Code of Conduct, it is crucial to provide as much direct evidence as possible in support of any complaint.

### **Meeting your needs**

Please let us know if you need us to adapt the way we communicate with you. If anything makes it difficult for you to use our service, for example, if you have a disability, please explain in the section below. We consider whether your request is reasonable and appropriate in the circumstances. This is because we need to use public money carefully.

If you do not require any help, please leave this section blank.

### **Declaration**

I wish for the Public Services Ombudsman for Wales to consider my complaint. I understand that my complaint form and all material supplied with it (including my identity) may be disclosed in full to the member who I am making a complaint against and that this information may become public knowledge. This information will also usually be disclosed to the Monitoring Officer and Clerk (where applicable) of the appropriate Council.

I understand that I may be required to give spoken evidence in public in support of my complaint to the authority's standards committee, or any case tribunal which may be appointed to consider any report which the Ombudsman may issue if he decides to investigate my complaint.

Signature

Date

12/8/19.

*as:- Leader of Vale of Glamorgan Council*

When considering your complaint, the Public Services Ombudsman for Wales will process your personal information. Further information about how we process your personal information is available in the Privacy Notice for Complainants & Representatives. A copy of this notice is also available on our website at [www.ombudsman.wales/privacy-notice/](http://www.ombudsman.wales/privacy-notice/)

Please send this filled-in form to:

**Public Services Ombudsman for Wales**

1 Ffordd yr Hen Gae

Pencoed

CF35 5LJ

Phone: **0300 790 0203** (local call rate) Email: [ask@ombudsman-wales.org.uk](mailto:ask@ombudsman-wales.org.uk) Fax: **01656 641199**

## **Watering Hole**

### **News articles**

<http://www.glamorgan-gem.co.uk/article.cfm?id=128270&headline=Ex-mayor%20%99s%20E2%80%98Watering%20Hole%20%99%20opens%20%93%20but%20still%20needs%20planning%20permission&sections=news&searchyear=2019>

<https://www.barryanddistrictnews.co.uk/news/17719454.the-watering-hole-coffee-wine-opens-breaching-planning-protocol-in-barry/>

<https://www.barryanddistrictnews.co.uk/news/17807705.watering-hole-wine-bar-fails-gain-planning-approval---trading-barry-since-june/>

<https://www.barryanddistrictnews.co.uk/news/17751800.vale-council-launches-investigation-barry-deputy-mayor-39-s-bar/>

### **Comments issued to press**

10/06/2019

ENQUIRY from Sharon Harris at the Barry & District News.

Attached are photographs I took of The Watering Hole, St Nicholas Road, Barry, on Sunday, June 8 - work in progress internally and externally.

Barry Town Council recently recommended "object" to the planning application for Cllr Leighton Rowlands wine/coffee bar.

As far as I am aware, this has yet not been put before the Vale council planning committee or been decided under delegated powers?

So: have I missed this. When and where did the Vale council approve the change of use?

If no decision has been made, a comment is needed.

What, if anything, will the Vale council do?

Is it an enforcement matter or has the applicant been informed it will be approved?

If no decision made, is it scheduled for a planning meeting? When?

Has a licence been approved? If so, what are the terms and conditions?

Anything else to add?

Deadline: asap

**RESPONSE:**

"The Vale of Glamorgan Council has received a planning application at 6 St. Nicholas Road, Barry for change of use of the property from "retail" (A1) to "food and drink" (A3). The applicant is a serving councillor and therefore, under the scheme of delegation, the matter will be reported to Planning Committee for determination. Not date for this has yet been set."

11/06/2019

ENQUIRY from Sharon Harris at the Barry & District News.

Can the Watering Hole in Barry open without planning permission?

#### RESPONSE

When the Watering Hotel opens is a matter for the owners. Should it open without planning permission, they would be in breach of planning regulations and the Council would have to consider appropriate action.

17/06/2019

ENQUIRY from Sharon Harris at the Barry & District News.

The Watering Hole, in St Nicholas Road, Barry, (applicant Cllr Leighton Rowlands), opened to the public on Friday, June 14.

Barry Town Council's planning committee recommended objection.

The Vale council last week advised that the application must be considered by the Vale council planning committee due to his position and, at the time of the enquiry, it had not been placed on a meeting agenda.

What is the Vale council's view on the actions taken by the owners (one of whom is the "applicant" – Cllr Leighton Rowlands?)

What, if anything, will the Vale council do regarding the opening of The Watering Hole?

What view does the council take on chains of office used to promote a business (photographs appeared on Facebook - attached)?

What does this mean for the planning process for anyone? Can anyone open a business minus planning and then have it considered/agreed retrospectively? Is it a different procedure for an elected member/officer should they apply for planning for anything?

Any other comment?

Deadline: asap.

**RESPONSE:**

A Vale of Glamorgan Council spokesperson said: "We have received public complaints on this subject so will be investigating the matter.

"This business has opened without planning permission so is in breach of planning regulations. The Council will now consider appropriate action to take and the identity of the business owners will have absolutely no bearing on this.

"It is possible to have planning permission granted retrospectively, but a business can face serious consequences if it begins operating and such consent is not forthcoming. These include an enforcement notice requiring the use to cease, which if ignored could lead to prosecution.

"The Council is still considering the planning application, which will be decided by planning committee in the near future, and has not authorised the use of a picture of Cllr Rowlands wearing Mayoral chains."

21/06/2019

ENQUIRY: Glamorgan Gem

RE: Watering Hole

Hi press team,

We have run something online about this - could you send us the council's statement please?

Thanks,

**RESPONSE:**

A Vale of Glamorgan Council spokesperson said: "We have received public complaints on this subject so will be investigating the matter.

"This business has opened without planning permission so is in breach of planning regulations. The Council will now consider appropriate action to take and the identity of the business owners will have absolutely no bearing on this.

"It is possible to have planning permission granted retrospectively, but a business can face serious consequences if it begins operating and such consent is not forthcoming. These include an enforcement notice requiring the use to cease, which if ignored could lead to prosecution.

"The Council is still considering the planning application, which will be decided by planning committee in the near future, and has not authorised the use of a picture of Cllr Rowlands wearing Mayoral chains."

01/07/2019

ENQUIRY from Sharon Harris at the Barry & District News.

I understand there is an enforcement notice in respect of The Watering Hole, Barry? What are the reasons for the investigation?

Has the applicant changed? Has a new or amended planning application been made? Is there a charge for this? If so, what is the cost to amend a planning application or do a new one?

Will this mean there is no requirement to go before the planning committee?

Are previous residents' views still valid?

If it is going before the Vale planning committee is it scheduled yet?

Would Cllr Rowlands have to declare an interest?

Deadline: asap

**RESPONSE:**

A Vale of Glamorgan Council spokesperson said: "No enforcement notice has been served on this business, but a planning enforcement case is open meaning the matter is under investigation.

"The name of the applicant has been amended, for which there is no charge, and the application is still to be decided by planning committee, though no date for this has yet been set.

"All representations previously received on this matter will be considered and Cllr Rowlands will need to declare an interest when the application is determined."

10/07/2019

ENQUIRY: Glamorgan Gem

Hi Vale Press Team,

Cllr Leighton Rowlands has spoken to us.

He says he thinks he has been unfairly targeted over the controversy over the Watering Hole, though NOT by the council. He says the matter has caused him stress, anxiety and depression.

1/ He says the matter was reported to the council monitoring officer and he thinks that in the interests of transparency the person (or people) who complained should be revealed. He also thinks the nature of the complaint should be released.

2/ He understands the matter has been referred to the Public Services Ombudsman even though he has withdrawn from the business. He says he can't understand why the matter will still be dealt with by the ombudsman when he has no further business interest in the wine bar.

Could you respond to the two points above please. Something by the end of Monday would be appreciated. Please add any relevant comments.

## RESPONSE

A Vale of Glamorgan Council spokesperson said: "A meeting has taken place between Cllr Rowlands and the Council's Monitoring Officer. It would not be appropriate to comment further at this stage".

### Newspaper clippings

Barry and District News 27/06/19

# Councillor ignores rules on planning with new bar

By Sharon Harris  
07760190797  
[she@barryanddistrictnews.co.uk](mailto:she@barryanddistrictnews.co.uk)  
Twitter @SharonBarrynews

A ROW has broken out after a Vale councillor opened a new coffee and wine bar in Barry - without planning permission.

Deputy mayor of Barry Cllr Leighton Rowlands, who serves on both Barry Town Council and Vale of Glamorgan Council, opened The Watering Hole, in St Nicholas Road, Barry, on Friday, June 14.

However, although planning permission to convert the former shop into a coffee shop during the day

and wine bar during the evening has been lodged with Vale Council, this has not yet been granted.

As a result, Cllr Rowlands - who is himself a member of the council's planning committee - and co-owner Sam Lewis are in breach of planning regulations by opening without such consent.

Cllr Rowlands, who is ward member for Dyfan and served as mayor of the Vale of Glamorgan last year, along with Mr Lewis invited guests to last week's opening on social media.

Vale Council has confirmed it has received complaints from members of the public about the venue and has launched an investigation.

A spokesman said: "This business has opened without planning permission so is in breach of planning regulations."

"The council will now consider appropriate action to take and the identity of the business owners will have absolutely no bearing on this."

"It is possible to have planning permission granted retrospectively, but a business can face serious consequences if it begins operating and such consent is not forthcoming."

"These include an enforcement notice requiring the use to cease, which if ignored could lead to prosecution."

● Continued on page 2

Cont.

# Concerns over noise and drinking outside at bar

Continued from front

"The council is still considering the planning application, which will be decided by planning committee in the near future."

Cllr Rowlands told the *Barry and District News*: "I was informed by the council planning department like other applications, the department has had before it is not unlawful to open in advance of obtaining planning permission."

"But I will get further clarification on this with the department."

"I have made it clear to the council to treat me like a member of the general public."

By Sharon Harris

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Barry Town Council's planning department has formally objected to the application on the basis the "proposed development would have a detrimental effect upon the amenities that local residents currently enjoy due to possible noise, disturbance and traffic levels."

And people living in the area have raised similar concerns.

One resident, who did not want to be named said: "The business owners have had no desire to come and speak to local neighbours to introduce themselves and let us know what the place is about, which suggests they have no consideration for the close neighbours going forward."

Another resident took photographs outside the premises on its opening night showing people drinking in the car park, and people in the venue until 3am.

They said: "I don't think having the people spill out into the car park drinking like this was what

the proposed plan suggests and that is not a beer garden."

Responding to these comments, Cllr Rowlands said: "The premises has never had anyone, but staff leave after hours."

"When we have been cleaning up ready for the next day."

"We cannot stop people going outside but we do ask them that they are quiet and if it gets loud we go outside to remind them and all drinks remain inside."

The next Vale Council planning committee meeting is on Wednesday, June 26. It is not known if the application will be on the agenda.

# Investigation launched into deputy mayor's bar



## Cllr Leighton Rowlands

**AN INVESTIGATION** has been launched after a coffee and wine bar co-owned by Barry's deputy mayor opened without planning permission.

As the Barry and District News has previously reported, The Watering Hole - co-owned by Cllr Leighton Rowlands and Sam Lewis - in St Nicholas Road, Barry, opened its doors on Friday, June 14 - despite planning permission not yet being granted to convert the building from a shop into a food and drink businesses.

And now the Vale Council has opened a planning enforcement case, meaning the issue is being investigated. However, Cllr Rowlands has said he has resigned from the business.

Dyfan ward member Cllr Rowlands, who last year was the Vale of Glamorgan mayor and before that the Vale deputy mayor, and Mr Lewis invited selected guests to the venue's official opening on June 14, and advertised the opening date and time on social media.

This was despite the planning application to change the use of the building from A1 (Retail) to

## By Sharon Harris

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A3 (Food and Drink) having not yet been granted.

The Barry and District News reported the breach on Thursday, June 20 - having spoken to Cllr Rowlands on Wednesday, June 19. And now Cllr Rowlands has said he resigned from the business on Wednesday, June 19.

Hours after the business opened residents photographed patrons crowded into the car-park outside the premises with drinks in hand. And they reported the business was still open beyond its licensing hours.

Following the opening, a Vale council spokesman said public complaints had been received and it would be investigating as it, the authority said, "opened without planning permission so is in breach of planning regulations".

A Vale of Glamorgan Council spokesman said: "No enforce-

## A picture of The Watering Hole taken on Friday, June 14

ment notice has been served on this business, but a planning enforcement case is open meaning the matter is under investigation.

"The name of the applicant has been amended, for which there is no charge, and the application is still to be decided by planning committee, though no date for this has yet been set."

"All representations previously received on this matter will be considered and Cllr Rowlands will need to declare an interest when the application is determined."

Cllr Rowlands said: "I resigned as a business owner of The Watering Hole on June 19, 2019, and planning application is no longer in my name.

"Therefore, I have nothing more to add."

Barry Town Council has lodged an official objection to the change of use application, on the basis the "proposed development would have a detrimental effect upon the amenities that local residents currently enjoy due to possible noise, disturbance and traffic levels."

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## Ex-mayor's 'Watering Hole' opens – but still needs planning permission

Friday 21 June 2019 · Planning



by GEM Staff Reporter - GEM Reporter

@twitter.com/gem\_news editorial@glamorgan-gem.co.uk

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A new wine bar, owned by former Mayor of the Vale, Cllr Leighton Rowlands, has opened in Barry – even though a planning application has yet to be agreed.

The Watering Hole is located on St Nicholas Road and permission is being sought to change the use of the premises from 'retail' to 'food and drink'. The business aims to be a café during the day and a wine bar in the evening.

One person contacted The GEM to say: "Many local residents object to the application to change the use of the building on grounds of noise and disturbance and inadequate parking provision that will overspill into the already congested neighbouring streets."

"Neighbours deserve the right to object and to be heard fairly without Cllr Rowlands bringing considerable pressure to bear on the council by having already invested heavily on fitting the premises out and starting to trade."

Cllr Rowlands said he was shocked that residents had objected and added that he expected to be treated like any other member of the public.

He told The GEM: "Many local residents have been positive and supportive of the project and say it is what the west side of Barry needs."

"They would much rather see the unit being used rather than it remaining closed. In relation to parking there is a car park on site and, since being opened, we have had no issues with cars."

"A lot of residents walk to the premises and I would encourage local residents to use alternative means of travel."

"Since being open we have not made any noise and myself and the staff always ensure people leave quietly and respect the neighbours."

Cllr Rowlands said he had embarked on the project because people had told him they would like a wine bar in the area: "I want to make a community hub for charities and local organisations to meet and discuss issues. In addition, I have created three extra jobs for the local area."

"In relation to opening before planning, I was informed by the council planning department, like other applications the department has had before, it is not unlawful to open in advance of obtaining planning permission. But I will get further clarification on this with the department. I would never pressure the council and have made it clear to it that I should be treated like a member of the general public."

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The Watering Hole premises (left) are on St Nicholas Road, Barry. Google image.

***"I would never pressure the council and have made it clear to it that I should be treated like a member of the general public."***

A Vale of Glamorgan Council spokesperson said: "We have received public complaints on this subject so will be investigating the matter.

"This business has opened without planning permission so is in breach of planning regulations. The council will now consider appropriate action to take and the identity of the business owners will have absolutely no bearing on this.

"It is possible to have planning permission granted retrospectively, but a business can face serious consequences if it begins operating and such consent is not forthcoming. These include an enforcement notice requiring the use to cease, which if ignored could lead to prosecution."

Latest: The GEM understands Cllr Rowlands has pulled out of the business leaving it to a business partner.

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Brian Whitehead · 19 days ago

It's certainly a very strange way of doing business why is Barry Council so helpless to enforce the law that is being flaunted under their noses. Living on top of this make you wonder what other laws are being ignored. why is this being ignored just for them? I have photographic proof of the unauthorised activities and still no one in this town acts and does something about it?..

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## News

20th June

# The Watering Hole coffee-wine opens breaching planning protocol in Barry

By [Sharon Harris](#)



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**THE Vale council has confirmed it has received complaints about a coffee-wine bar – days after its co-owner – a councillor - opened it minus planning permission.**

Current Barry deputy mayor, and Vale and town councillor, Leighton Rowlands opened The Watering Hole, in St Nicholas Road, Barry, on Friday, June 14.

Dyfan ward councillor, Rowlands, who last year was the Vale of Glamorgan mayor and before that the Vale deputy mayor, invited – along with co-owner Sam Lewis – selected guests and advertised the opening date and time on social media.

**Barry Town Council (BTC) planners – a Vale council planning authority consultee – considered the application at a committee meeting on May 29.**

At a BTC full council meeting on May 12, Cllr Shirley Hodges welcomed the new mayor and deputy mayor and said the mayor's office should never be used for private or personal gain.

The Watering Hole applicant, Cllr Rowlands proposed the property changing ~~B&D~~ <sup>The Watering Hole coffee-wine opens breaching planning protocol in Barry</sup> A1 (Retail) to A3 (Food and Drink) to set up as a coffee shop during the day and a wine bar during the evening.

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In the proposal the applicant, said: "The thing that would give the business the edge over similar businesses and products in the local area would be there is no other establishment in the local area; there would be better products on sales and a better customer service than similar businesses within the area."

He added: "We want to offer an experience for people rather than just drinking, we want people to relax and enjoy it after a hard day work or somewhere just to unwind."

But BTC planners agreed to accept the officer's recommendation for "objection" on the basis that the "proposed development would have a detrimental effect upon the amenities that local residents currently enjoy due to possible noise; disturbance and traffic levels."

Following the start of trading, one resident, who did not want to be named said: "The business owners have had no desire to come and speak to local neighbours to introduce themselves and let us know what the place is about, which suggests they have no consideration for the close neighbours going forward."

Another resident, who took photographs outside the premises on June 14, added: "I don't think having the people spill out into the carpark drinking like this was what the proposed plan suggests and that is not a beer garden."

"The one from 3am, the bar is still open, they just turned the lights out."

Following the opening, a Vale council spokesman added: "We have received public complaints on this subject so will be investigating the matter.

"This business has opened without planning permission so is in breach of planning regulations.

"The council will now consider appropriate action to take and the identity of the business owners will have absolutely no bearing on this.

"It is possible to have planning permission granted retrospectively, but a business can face serious consequences if it begins operating and such consent is not forthcoming.

"These include an enforcement notice requiring the use to cease, which if ignored could lead to prosecution.

"The (Vale) council is still considering the planning application, which will be decided by planning committee in the near future and has not authorised the use of a picture of Cllr Rowlands wearing mayoral chains."

Cllr Rowlands is on the Vale council planning committee and would declare an interest when the proposal is considered.

Cllr Rowlands said: "I was informed by the council planning department like other applications the department has had before it is not unlawful to open in advance of obtaining planning permission. "But I will get further clarification on this with the department.

"I have made it clear to the council to treat me like a member of the general public.

"I have never used the mayor chains in relation to the business.

"I did not authorise the use of that photo on the website and when I saw it a few months ago I informed the web developer to take it down.

"If you look at the website it's no longer there."

**B&DN** The Watering Hole coffee-wine opens breaching planning protocol in Barry  
He added: "The premises has never had anyone, but staff leave after hours."



"When we have been cleaning up ready for the next day.

"We cannot stop people going outside but we do ask them that they are quiet and if it gets loud we go outside to remind them and all drinks remain inside."

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## News

31st July

# The Watering Hole wine bar fails to gain planning approval - having been trading in Barry since June

By Matt Discombe | [@mattdiscombe](#)  
Local Democracy Reporter



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A WINE bar once part-owned by the deputy mayor of Barry has been refused planning permission – despite already being open since June.

The Watering Hole, in St Nicholas Road, Barry, was opened on June 14 by Leighton Rowlands, the current Barry deputy mayor and former mayor of the Vale of Glamorgan.

But the wine bar and coffee shop was opened without planning permission which led to an investigation by the [Vale of Glamorgan Council](#).

The council's planning committee has now refused permission for the wine bar on the grounds that it would mean "unacceptable noise and disturbance" for neighbours.

It means the council will begin enforcement action to stop the building being used as a coffee shop and wine bar.

Cllr Rowlands has previously said he resigned as a business owner of The Watering Hole on June 19 - five days after it opened, with his former business partner Sam Lewis taking over.

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A total of 25 people raised concerns about The Watering Hole, complaining about noise and disturbance from the premises, and parking overspill.

**Barry Town Council** objected to the plans, saying "the proposed development would have a detrimental effect upon the amenities that local residents currently enjoy due to possible noise, disturbance and traffic levels".

Shared Regulatory Services, the licensing authority for the Vale of Glamorgan, also raised concerns about the Watering Hole.

A premises licence had been granted for The Watering Hole, but the change of use of the building was not authorised by Vale of Glamorgan Council's planning department.

The meeting heard there has been a number of complaints made about "shouting, raised voices, barking dogs and live music" coming from The Watering Hole.

Cllr Rowlands is a member of the Planning Committee but left the meeting when the Watering Hole application was discussed.

Committee member, Cllr Neil Thomas told the meeting: "It's disappointing that a member of the council who was fully aware of planning rules has been involved in the premature opening of this bar."

The proposed opening hours for The Watering Hole were from 10am to 11pm weekdays and 10am to 12am Saturday.

Andrew Nunn, neighbourhood services officer for SRS, told the Vale council in a letter: "This application site is not situated in an area normally considered to be part of the night time economy. I feel therefore that it would not be suitable in a wholly residential environment due to potential noise issues."

A council report says: "The change of use has greatly increased the otherwise low potential for noise disturbance and anti-social behaviour in this, and other, nearby residential streets during the late evening and the early hours of the morning.

"Noise from vehicle movements and the comings and goings of the patrons as they leave the establishment, particularly at closing time, are therefore likely to have a continuing significant effect on this otherwise relatively quiet location."

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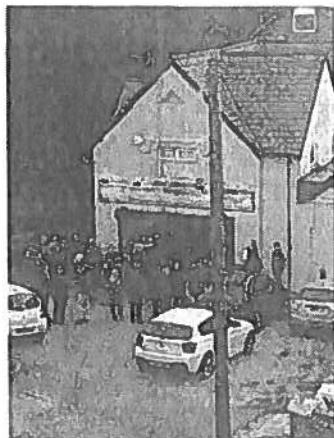


## News

5th July

# Vale council launches investigation into Barry deputy mayor's bar

By [Sharon Harris](#)



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THE Vale council has opened a "planning enforcement case" after a coffee-wine bar – after its co-owner – a councillor – opened it minus planning permission.

Current Barry deputy mayor, and Vale and town councillor, Leighton Rowlands opened The Watering Hole, in St Nicholas Road, Barry, on Friday, June 14.

Dyfan ward councillor, Rowlands, who last year was the Vale of Glamorgan mayor and before that the Vale deputy mayor, invited – along with co-owner Sam Lewis – selected guests and advertised the opening date and time on social media.

The Watering Hole applicant, Cllr Rowlands proposed the property changing from A1 (Retail) to A3 (Food and Drink) to set up as a coffee shop during the day and a wine bar during the evening.

The Barry & District News reported the breach on Thursday, June 20 - having spoken to Cllr Rowlands on Wednesday, June 19.

Cllr Rowlands said he resigned from the business on Wednesday, June 19.

At a meeting on Wednesday, May 29, Barry Town Council planners agreed to accept the officer's recommendation for "objection" on the basis that the "proposed development would have a detrimental effect upon the amenities that local residents currently enjoy due to possible noise; disturbance and traffic levels."

Hours after the business opened residents photographed patrons crowded into the carpark outside the premises with alcoholic drinks in hand.

And they reported the business was still open beyond its licensing hours.

Following the opening, a Vale council spokesman said public complaints had been received and it would be investigating as it, the authority said, "opened without planning permission so is in breach of planning regulations".

A Vale of Glamorgan Council spokesman said: "No enforcement notice has been served on this business, but a planning enforcement case is open meaning the matter is under investigation.

"The name of the applicant has been amended, for which there is no charge, and the application is still to be decided by planning committee, though no date for this has yet been set.

"All representations previously received on this matter will be considered and Cllr Rowlands will need to declare an interest when the application is determined."

Cllr Rowlands said: "I resigned as a business owner of The Watering Hole on 19th June 2019, and planning application is no longer in my name.

"Therefore, I have nothing more to add."

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**APPLICANT:** Mr. Samuel Lewis SLR Hospitality, 6, St. Nicholas Road, Barry, Vale of Glamorgan, CF62 6QW

**AGENT:** Mr. Samuel Lewis SLR Hospitality, 6, St. Nicholas Road, Barry, Vale of Glamorgan, CF62 6QW

### **6, St. Nicholas Road, Barry**

Change of use of the property from A1 (Retail) to A3 (Food and Drink) to setup as a coffee shop during the day and a wine bar during the evening

#### **REASON FOR COMMITTEE DETERMINATION**

The application is required to be determined by Planning Committee under the Council's approved scheme of delegation because the application was originally submitted by a current Member of the Council and it has therefore been advertised as being subject to Committee determination from the date of registration. However, it should be noted that the applicant details have changed and the new applicant is not a serving Councillor.

#### **EXECUTIVE SUMMARY**

Planning permission is sought for the change of use of the premises from Class A1 (Retail) to A3 (Food and Drink), specifically to allow retention of the recently opened coffee shop and wine bar known as The Watering Hole. The site is located on St Nicholas Road, Barry in an area that is predominantly residential, albeit within reasonable walking distance of the local shopping centre Park Crescent, and district shopping centre at High Street/ Broad Street and local public transport links.

The principal issues to consider are the impact of the development upon residential amenity through noise and disturbance and impacts relating to parking and highway safety.

Barry Town Council objected on grounds of the detrimental effect upon amenities of local residents due to possible noise, disturbance and traffic levels. Shared Regulatory Services objected due to the impact of the development upon neighbouring amenity and a lack of supporting documentation to fully assess these impacts. Highway Development requested additional information, noting no parking, turning and bin/ recycle storage layout was provided and that the Parking Standards requirement for the development would be 1.no commercial space, 1.no staff space and 20.no car parking spaces.

There were also representations made from 25 individuals, all either raising concerns with or objection to the development. The principal grounds of objection related to noise and disturbance from the premises, parking overspill and knock-on effect upon road safety. There were also procedural issues raised and these issues are discussed in more detail within the main body of the report.

The report outlines that Policy MD2, MD5 and MD7 of the Local Development Plan and national guidance seek to protect residential amenity. It concludes that

the change of use has had an unacceptable impact upon residential amenity, through breakout noise, the potential for noise impact to the flat above and other noise and disturbance from the comings and goings of patrons. It also concludes that the change of use is acceptable in relation to parking provision and highway safety considerations.

It is recommended that the planning application be REFUSED and that PLANNING ENFORCEMENT ACTION BE AUTHORISED so that formal action in the form of an Enforcement Notice may be pursued to remedy the breach of planning control. In addition, in the event of non-compliance with the Enforcement Notice, authorisation is also sought to take such legal proceedings that may be so required.

#### SITE AND CONTEXT

The application site is No. 6 St. Nicholas Road, which is located at the corner of Nicholas Road and Old Village Road, Barry. It is a large, property, comprised of a retail unit at ground floor, a flat at first floor above and a vacant warehouse. The building is finished in painted render with a slate roof. The proposed change of use relates only to the retail premises, which comprises the two rooms fronting the hardstanding area at ground floor. The hardstanding principally operates as a car park and has two access points off St Nicholas Road.

The building has a pitched roof with its gable ends facing towards St. Nicholas Road and Kington House residential home, which directly abuts the rear boundary of the building and application site. The site location is depicted within the below plan extract:

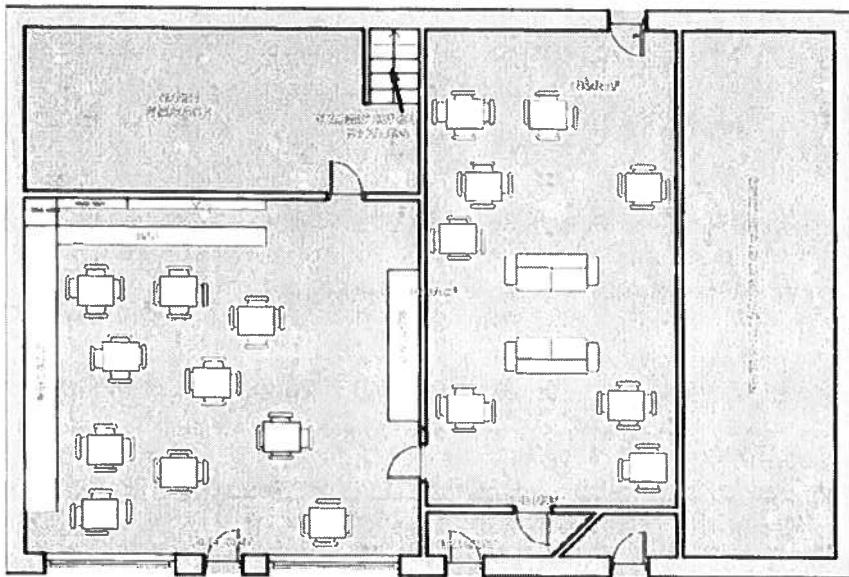


The retail premises and warehouse were vacant prior to the recent unauthorised conversion to a coffee and wine bar, having previously been an A1 bridal shop and off-licence prior to that.

## DESCRIPTION OF DEVELOPMENT

Planning permission is sought for the change of use of the premises from Class A1 (Retail) to A3 (Food and Drink), specifically to allow retention of the recently opened coffee shop and wine bar. No external alterations are proposed as part of this application.

The proposed layout is illustrated in the below plan extract:



The proposed hours of operation are from 10am to 11pm weekdays and 10am to 12am Saturday. It is not proposed to serve hot meals, with a limited menu comprising items such as bacon rolls, Panini's and jacket potatoes.

## PLANNING HISTORY

2007/01762/FUL, Address: 6, St. Nicholas Road, Barry, Proposal: Retention of existing first floor flat above shop and installation of external staircase to form new access, Decision: Approved

2008/00027/FUL, Address: 6, St. Nicholas Road, Barry, Proposal: Conversion of redundant retail warehouse space into 2 x 2 bed flats and 2 x 1 bed flats at 6, St. Nicholas Road and replacement garage at 4, St. Nicholas Road, Decision: Approved

2008/00746/FUL, Address: 6, St. Nicholas Road, Barry, Proposal: Conversion of redundant retail warehouse space into 6 x 1 bedroom units, Decision: Withdrawn

## CONSULTATIONS

1. Barry Town Council objected to the development stating the "proposed development would have a detrimental effect upon the amenities that local residents currently enjoy due to possible noise; disturbance and traffic levels".

2. Highway Development requested additional information, noting no parking, turning and bin/ recycle storage layout was provided. It was also noted that the Parking Standards requirement for the development would be 1.no commercial space, 1.no staff space and 20.no car parking spaces.
3. Shared Regulatory Services (Pollution) raised concerns with the development and lack of information regarding noise impacts as follows:

"The proposal is in a predominantly residential area, the applicant confirming that there is no other establishment within the locality. Therefore noise from vehicle movements as the patrons come and go, and the noise from the patrons themselves as they leave the establishment at closing time is likely to have an effect on this otherwise quiet location. The proposal incorporates use in the evenings as a wine bar, with a current premises licence application including recorded and live music. It is possible that neighbours might also be affected by noise breakout from the premises as there does not seem to be any mitigation contained in the application such as double door system, properties of the exiting glazing etc.

In addition to a currently-occupied residential flat on the upper floor of the application site, there are residential properties within a very short distance from the premises. The nearest residential property to this application (other than the flat above) is the Residential Home next door, which is a residential facility for persons with mental health and brain injuries, being less than 6 metres away from the proposal. This property was subject to an application (2004/01907/FUL) for a change of use from Class C2 residential care for the elderly to Class C2 residential care for adults (aged 18-65), therefore the residents are particularly vulnerable to the effects of this application.

Other residential properties are situated to the side and front of the proposal, some 18 to 27 metres away.

The application does not provide any information on sound insulation properties between this premises and the residential flat above.

This application site is not situated in an area normally considered to be part of the night time economy. I feel therefore that it would not be suitable in a wholly residential environment due to potential noise issues.

No information has been submitted in regards to kitchen extraction system which would be expected for an application for an A3 use.

At this stage I do not feel I am able to assess the full impact of this proposal without a Noise Impact Report being submitted. I would therefore respectfully request that the applicant submits a noise impact assessment prior to being able to give recommendations on this application".

4. Baruc Ward Councillors did not respond.

## REPRESENTATIONS

The neighbouring properties were consulted on or before 30<sup>th</sup> May 2019.

A site notice was also displayed on 10<sup>th</sup> May 2019

There were representations received from 25 individuals and all raised concerns and/or stated an objection to the development. The grounds of objection have been summarised as follows:

- Inadequate public consultation
- Insufficient documentation and inaccurate information submitted
- Inadequate parking provision, resulting in overspill, inappropriate parking inc. on junctions, blocking access for emergency and servicing vehicles and danger to pedestrians.
- Insufficient parking for existing residents nearby
- Inadequate vehicular access, one of which has been temporarily blocked off
- Noise and disruption from customers, increased traffic and music at late hours
- The wellbeing of the occupiers of Kingston House (a residential care facility for vulnerable adults) would be affected.
- No community consultation by the developer
- Procedural impropriety and conflicts of interest
- Not in keeping with the area
- Negative impact on property values
- Breaches of licencing conditions, hours and planning control
- Anti-social behaviour
- It is operating solely as a wine bar

## REPORT

### Planning Policies and Guidance

#### **Local Development Plan:**

Section 38 of The Planning and Compulsory Purchase Act 2004 requires that in determining a planning application the determination must be in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan for the area comprises the Vale of Glamorgan Adopted Local Development Plan 2011-2026, which was formally adopted by the Council on 28 June 2017, and within which the following policies are of relevance:

#### **Strategic Policies:**

POLICY SP1 – Delivering the Strategy

#### **Managing Development Policies:**

POLICY MD2 - Design of New Development

POLICY MD5 - Development within Settlement Boundaries

POLICY MD7 - Environmental Protection

In addition to the Adopted LDP the following policy, guidance and documentation supports the relevant LDP policies.

**Planning Policy Wales:**

National planning policy in the form of Planning Policy Wales (Edition 10, 2018) (PPW) is of relevance to the determination of this application.

The primary objective of PPW is to ensure that the planning system contributes towards the delivery of sustainable development and improves the social, economic, environmental and cultural well-being of Wales,

The following chapters and sections are of particular relevance in the assessment of this planning application:

**Chapter 2 - People and Places: Achieving Well-being Through Placemaking,**

- Maximising well-being and sustainable places through placemaking (key Planning Principles, national sustainable placemaking outcomes, Planning Policy Wales and placemaking

**Chapter 3 - Strategic and Spatial Choices**

- Good Design Making Better Places
- Promoting Healthier Places
- Accessibility

**Chapter 4 - Active and Social Places**

- Transport
- Activities in Places (retail and commercial development)

*4.3.43 Retail and commercial centres often include activities which contribute to a vibrant and viable evening and night time economy. Such uses may include, for example, bars, restaurants, pubs, theatres, music, arts and other entertainment venues which provide for social and cultural experience and spaces in which creativity can be fostered. Such activities are likely to be characterised by increased levels of noise, large gatherings of people, later operating hours and greater movements in traffic.*

*4.1.53 Local authorities should develop an integrated strategy on parking to support the overall transport and locational policies of the development plan. Local authorities should consider parking issues on a joint basis with neighbouring authorities. They should jointly establish maximum levels of parking for broad classes of development, together with a threshold size of development above which such levels will apply. These maximum standards should be set in collaboration with interested organisations. Local authorities will need to ensure that their parking standards reflect local transport provision, are adopted by individual authorities as supplementary planning guidance, and are kept under review. Parking standards should be applied flexibly and allow for the provision of lower levels of parking and the creation of high quality places.*

## Chapter 5 - Productive and Enterprising Places

- Energy (reduce energy demand and use of energy efficiency, renewable and low carbon energy, energy minerals)
- Making Best Use of Material Resources and Promoting the Circular Economy (design choices to prevent waste, sustainable Waste Management Facilities and Minerals)

## Chapter 6 – Distinctive and Natural Places

6.7.3 Certain sounds, such as those created by trees, birds or water features, can contribute to a sense of tranquillity whilst others can be reassuring as a consequence of their association with the normality of everyday activities. Problematic forms of sound are generally experienced as noise pollution and can affect amenity and be prejudicial to health or a nuisance. Noise action plans drawn up by public bodies aim to prevent and reduce noise levels where necessary and preserve soundscape quality where it is good. Noise levels used to identify priority areas contained in noise action plans are usually set quite high in order to focus resources on the most polluted areas and noise must meet a number of tests before it qualifies as a statutory nuisance. Lower levels of noise, however, can still be annoying or disruptive and impact on amenity and as such should be protected through the planning process wherever necessary. The planning system must protect amenity and it is not acceptable to rely on statutory nuisance under the Environmental Protection Act 1990 to do so.

6.7.6 In proposing new development, planning authorities and developers must, therefore:

- address any implication arising as a result of its association with, or location within, air quality management areas, noise action planning priority areas or areas where there are sensitive receptors;
- not create areas of poor air quality or inappropriate soundscape; and
- seek to incorporate measures which reduce overall exposure to air and noise pollution and create appropriate soundscapes.

### Technical Advice Notes:

The Welsh Government has provided additional guidance in the form of Technical Advice Notes. The following are of relevance:

- Technical Advice Note 11 – Noise (1997)

"8. Local planning authorities must ensure that noise generating development does not cause an unacceptable degree of disturbance. They should also bear in mind that if subsequent intensification or change of use results in greater intrusion, consideration should be given to the use of appropriate conditions."

B18. Commercial developments such as fast food restaurants, discos, night clubs and public houses pose particular difficulties, not least because associated activities are often at their peak in the evening and late at night.

*Local planning authorities will wish to bear in mind not only the noise that is generated within the premises but also the attendant problems of noise that may be made by customers in the vicinity. Disturbance that can be caused by traffic and associated car parking should not be underestimated.*

**Supplementary Planning Guidance:**

In addition to the adopted Local Development Plan, the Council has approved Supplementary Planning Guidance (SPG). The following SPG are of relevance:

- Parking Standards (2019)

**Other relevant evidence or policy guidance:**

- Manual for Streets (Welsh Assembly Government, DCLG and DfT - March 2007)
- Welsh Government Circular 016/2014: The Use of Planning Conditions for Development Management

**Well-being of Future Generations (Wales) Act 2015**

The Well-being of Future Generations Act (Wales) 2015 places a duty on the Council to take reasonable steps in exercising its functions to meet its sustainable development (or wellbeing) objectives. This report has been prepared in consideration of the Council's duty and the "sustainable development principle", as set out in the 2015 Act. In reaching the recommendation set out below, the Council has sought to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs.

**Issues**

**Procedural matters**

The application was required to be determined at Planning Committee as the original applicant was a current Member of the Council. The applicant was subsequently changed on 25<sup>th</sup> June 2019 and that Member has withdrawn from the process. It is nevertheless prudent for the application to remain a Committee determination and ensure that proper procedure is still followed as the application was advertised as being a Committee determination from the start.

The change of use subject of this application has commenced and is currently unauthorised. This assessment relates only to the planning merits in terms of land use and the actions of the developer should not prejudice any decision subsequently made by the Council.

The comments relating to the accuracy of submitted information and/or lack of supporting information are noted and are discussed in more detail within the body of this report. The application is nonetheless considered to be valid and the public consultation undertaken has also met and exceeded statutory requirements.

### Principle of the development

There are no external alterations proposed as part of this application and considerations relate therefore to the proposed use of the building as A3 (Food and Drink), specifically to allow retention of the recently opened coffee shop and wine bar.

The site is located within the centre of Barry, but outside of a defined retail centre and as such there is no specific protection given to the retail use of the building within Local Development Plan (LDP) policies. The proposed change of use to a coffee shop and wine bar is therefore considered acceptable in principle, but remains subject to detailed assessment against the other relevant policies. Policy MD2 – Design of New Development, MD5 – Development within Settlement Boundaries and MD7 – Environmental Protection are all of relevance to the assessment. The policies seek to ensure, among other criteria, that new development has no unacceptable impact on the amenity and character of the locality by way of noise, traffic congestion and parking. These matters are assessed as follows:

### Impact on Residential Amenity

The proposed use falls within the A3 Class, being a type of food and drink establishment. It is understood that the premises is principally a drinks establishment with food offering limited to cold snacks and light meals such as paninis and jacket potatoes. It is also understood that music being played at the establishment would principally be background music, with occasional live acoustic music, which may also be amplified. It is nevertheless relevant to consider the potential impact arising from activities typically associated with food and drink establishments, as permission rests with the land and the exact manner in which the establishment is operated could change over time.

The benefit of food and drink establishments to the night time economy is noted within Planning Policy Wales (PPW) (Ed.10) at Paragraph 4.3.43, although here with specific reference to retail and commercial centres where they can contribute positively to footfall and the local economy. It is also noted, however, that "*such activities are likely to be characterised by increased levels of noise, large gatherings of people, later operating hours and greater movements in traffic*". In addition, it is stated at Paragraph 6.7.3 that while some sounds (such as trees, birds etc.) can become normalised and a pleasant part of the soundscape, other problematic sounds are generally experienced as noise pollution.

The site is located within a predominantly residential area, which can be expected to have a reasonable degree of tranquillity during the evening, despite some existing noise associated with traffic movements along St. Nicholas Road (at its peak during the day). There are dwellings that adjoin the site and a row of terraced houses fronting the opposite side of St Nicholas Road. In addition, there is also a residential care home that adjoins the site at the rear, which is understood to offer care for vulnerable adults. It has been suggested in representation that the occupiers may be particularly sensitive to noise disturbances. Nevertheless, no representation to this application has been made by any representative of Kingston House.

The use has recently commenced at the site and is known as The Watering Hole, which is the only establishment of its kind in the immediate vicinity and is approx. 400m distance from other premises on Broad Street/High Street that are part of the established night time economy in Barry. It has a sufficient separation from that district centre as to give the area a residential character. The change of use has greatly increased the otherwise low potential for noise disturbance and anti-social behaviour in this, and other, nearby residential streets during the late evening and the early hours of the morning. Noise from vehicle movements and the comings and goings of the patrons as they leave the establishment, particularly at closing time, are therefore likely to have a continuing significant effect on this otherwise relatively quiet location. This is evidenced by several complaints from members of the public to the Planning and Shared Regulatory Services of the Council, since it was opened. The lack of other late night premises in the locality has resulted in a significant change to the character of the area, given that noise from this site being more keenly perceived than in other, more commercialised, locations. Moreover, this impact peaks during late hours, when harm to neighbouring amenity is amplified by issues such as sleep disturbance.

There is also a flat located within the building on the first floor. It has a separate access and can be occupied independently of the Watering Hole. The potential impact of the new use upon occupiers of the flat is also a material consideration. The change would undoubtedly give rise to an increased level of noise generated within the building, through the playing of music (inc. some amplified music) and from the flow of patrons. This could cause a significant degree of harm to the amenities of the residential occupiers of this flat, unless suitably mitigated. The degree of harm is not fully understood as the sound insulation properties between the premises and the flat are not known (such information has been sought but not provided to date by the applicant). In the absence of such supporting information, the severity of this impact cannot be reliably assessed (or deemed to be acceptable).

It is stated within PPW at Paragraph 6.7.6 that developers must:

- *address any implication arising as a result of its association with, or location within, air quality management areas, noise action planning priority areas or areas where there are sensitive receptors;*
- *not create areas of poor air quality or inappropriate soundscape; and*
- *seek to incorporate measures which reduce overall exposure to air and noise pollution and create appropriate soundscapes.*

It is noted within the application documents that signage at the premises would encourage patrons to leave in an orderly manner and that a high quality branding is envisaged. The principal evening offer of the establishment would remain, however, the offer of alcoholic beverages, irrespective of clientele. There are no significant details provided as to how noise and disturbance to neighbouring properties might be mitigated (in accordance with the above guidance). Noise from music played at the premises might be audible outside of the site and affect the amenities of nearby residents, especially if doors were kept open on summer evenings. Insulation measures (for example, a double door system) might offer

some mitigation, however, details of any associated plant and machinery (air conditioning units for example) would also need to be considered. In addition, such measures are unlikely to have a significant impact upon noise from patrons leaving in high spirits or congregating outdoors at closing time, nor coming and going throughout the evening or patrons gathering to smoke outside the premises.

In addition to the above, there is also potential for noise impact from vehicles coming and going from the site to occur. The public complaints received since the premises opened have also cited noise impact from waiting vehicles, including the sounding of horns (typical of taxi collections from public houses). The number of vehicle movements may not differ significantly from a late retailing use, but is more likely to be concentrated at late closing times and have the associated noise and disturbance from patrons themselves. It is understood the conditions of the premises licence prevent drinking outside; nevertheless, some patrons are likely to stand outside in order to smoke. It is possible that noise disturbance could occur from loud voices and shouting, particularly on occasions that music is audible outside the building. This type of noise is more likely to cause nuisance, as defined by Paragraph 6.7.3 of PPW. It is noted that the existing retail use could also potentially also be open at late evening. However, the character of the new use (through playing of music etc.) and the manner in which customers arrive and depart would differ significantly to that of a retailer.

It is noted that a premises licence has been granted for The Watering Hole. The licencing regime operates under a different legislative framework, with consideration focused on the prevention of crime and disorder, public safety, the prevention of public nuisance and the protection of children from harm. In consideration of the planning application, Members must also take into consideration the impact to residential amenity in accordance with aforementioned planning policies and guidance.

Planning Policy Wales states in similar regard that a statutory nuisance, (although relating specifically the Environmental Protection Act 1990), need not always be identified to constitute harm to amenity. It states "*Lower levels of noise, however, can still be annoying or disruptive and impact on amenity and as such should be protected through the planning process wherever necessary. The planning system must protect amenity and it is not acceptable to rely on statutory nuisance under the Environmental Protection Act 1990 to do so*". It is considered that the same approach should be adopted in relation to the Licencing Act 2003, noting the presence of a licence does not exempt the Council, as the Local Planning Authority, from considering the impact of new development upon residential amenity. Concerns have also been raised by the Shared Regulatory Services team, who deal and respond to complaints of noise nuisance under the Environmental Protection Act.

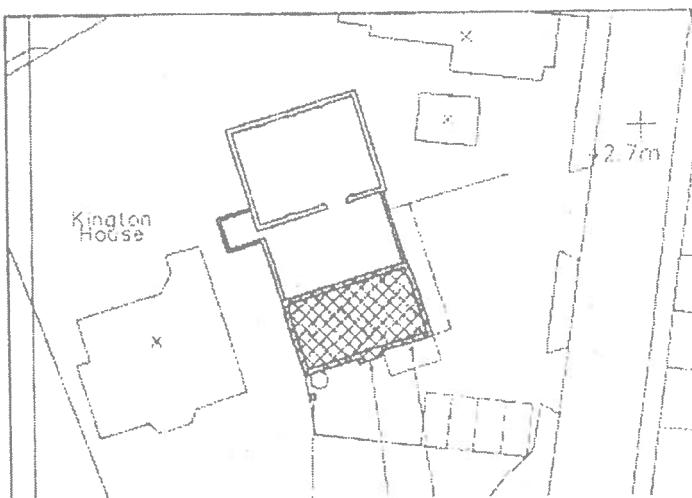
In relation to potential impacts relating to fumes and odour from cooking, the preparation and service of cooked meals could be adequately controlled by condition until such a point that suitable means of fume extraction was agreed.

For the reasons outlined above, the proposed change of use is considered to be contrary to Criterion 8 of Policy MD2, Criterion 6 of Policy MD5 and Criterion 4 of Policy MD7 of the LDP, which all seek to ensure new development has no

unacceptable impact to residential amenity, health and wellbeing through noise and disturbance. The proposal is also considered contrary to the advice contained within Paragraph 8 and B.18 of Technical Advice Note 11- Noise and the advice and guidance within Planning Policy Wales (10<sup>th</sup> Edition), at Paragraph 6.7.3 and 6.7.6 in particular.

#### Parking and Highway Safety

There is a hardstanding to the front of the building that principally functions as a parking and turning area shared between the retail unit, flat and the vacant warehouse. It is indicated within the application documents that it can provide for between 10 and 12 parking spaces, although no detailed layout is provided and there are no delineated spaces on site. In granting planning permission for the retention of the flat, a single parking space was allocated by condition, as depicted within the below plan extract:



There are four other spaces depicted on that plan although there is some further room to the northern end of the hardstanding that could accommodate approx. three additional vehicles. The site may be able to accommodate ten vehicles, although to maintain adequate circulation space and bin storage a total of eight is considered to be a more realistic approximation. There are some marked bays opposite the site and parking is not restricted on the adjacent Canon Street and Old Village Road, although due to parking restrictions on St Nicholas Road it appears as though the available space can be fairly limited in these locations, particularly so in the evening.

The existing A1 use would attract a maximum standard of a single commercial vehicle space and two customer parking spaces, according to the guidance within the Parking Standards SPG. The use of the property as a public house, meanwhile, would have a maximum standard of a single commercial vehicle parking space, one staff parking space and 20 customer parking spaces (based upon approx. 100sq.m public floor area).

The Parking Standards SPG therefore identifies uplift in the maximum applicable parking standard of approx. 19 parking spaces. The guidance within Planning Policy Wales and the Parking Standards SPG, however, states that a flexible

approach should be adopted. PPW in particular promotes the provision of lower parking levels than have historically been achieved. It is stated at Paragraph 4.1.53 that "*parking standards should be applied flexibly and allow for the provision of lower levels of parking and the creation of high quality places.*" The site is in a particularly sustainable location, and is within easy walking distance of the High Street/ Broad Street District Centre, Barry Train Station and other bus services. It is therefore reasonable to expect that a reasonable number of patrons would arrive by foot, public transport or be dropped off at the site, particularly so if parking options were known to be limited.

The circular turning area provides adequate space for vehicles to enter the site, drop off passengers and exit in forward gear, even if the parking spaces were fully occupied. If the demand for spaces exceeded capacity, vehicles could still safely egress the site and seek parking opportunities elsewhere, so long as adequate circulation space was maintained. The presence of parking restrictions on St Nicholas Road would ensure that the free flow of traffic was safely maintained on this road. It is therefore considered that, while potentially inconvenient, there would be no significant detriment to highway safety in the event that the parking area became fully occupied and it would not be reasonable to refuse the application on grounds of lack of parking.

It is considered that sufficient room exists to satisfy parking for the flat and for staff provision (based upon the size of the unit) and typical customer parking requirements. It would, however, be beneficial for spaces within the hardstanding area to be demarcated in order to ensure adequate efficient use of the space and that circulation space is maintained when it is at capacity. The details of and implementation of a parking scheme (inc. bin storage provision) could feasibly be required by condition.

The development is therefore considered acceptable in relation to parking provision and associated highway safety impacts.

#### Other matters

No external alterations have been proposed as part of this application and the development is considered acceptable in relation to visual impact.

It is noted that advertisements may have been erected since the original submission of this application. Adverts such as fascia boards typically benefit from deemed or express consent under the Town and Country Planning (Control of Advertisements) Regulations, 1992. They nevertheless do not form part of these proposals and would be subject of a separate application for advertisement consent, if so required.

The impact of the development upon property values is not a material consideration.

#### RESOURCE IMPLICATIONS (FINANCIAL AND EMPLOYMENT)

Any costs involved in drafting and issuing Notices, attending enquiries and undertaking monitoring work can be met within the departmental budget. There are no employment issues.

### LEGAL IMPLICATIONS (TO INCLUDE HUMAN RIGHTS IMPLICATIONS)

If an Enforcement Notice is served, the recipient has a right of appeal under Section 174 of the Town and Country Planning Act 1990 (as amended).

The Action is founded in law and would not be considered to breach any of the rights referred to in the Human Rights Act.

### EQUAL OPPORTUNITIES IMPLICATIONS (TO INCLUDE WELSH LANGUAGE ISSUES)

None.

### WELLBEING OF FUTURE GENERATIONS (WALES) ACT 2015

Under the 2015 Act the Council not only have a duty to carry out sustainable development, but must also take reasonable steps in exercising its functions to meet its sustainable development (or wellbeing) objectives. This report has been prepared in consideration of the Council's duty and the "sustainable development principle", as set out in the 2015 Act, in recommending the service of an Enforcement Notice, the Council has sought to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs.

The development is considered to cause unacceptable harm for the reasons set out above. The overarching public interest to protect the amenity of the area and to promote sustainable development principles is not considered to be outweighed by gain to the developer.

### RECOMMENDATION

- (1) That planning permission for the retention of the change of use is refused.
- (2) That the Head of Legal Services be authorised to serve an Enforcement Notice under Section 172 of the Town and Country Planning Act 1990 (as amended) to require:
  - (i) The cessation of the unauthorised use of the building as a coffee shop and wine bar.
- (3) In the event of non-compliance with the Notice, authorisation is also sought to take such legal proceedings as may be required.

### REFUSE

1. Having regard to the Policies MD2 – Design of New Development, MD5 – Development within Settlement Boundaries and ENV7 – Environmental Protection of the Vale of Glamorgan Local Development Plan 2011-2026, as well as the advice and guidance set out in Planning Policy Wales (10th

Edition) and Technical Advice Note 11- Noise, the change of use would result in unacceptable levels of noise and disturbance from the playing of music, flow of patrons and other comings and goings, that would adversely affect the amenity of neighbouring occupiers at unsociable hours.

#### REASON FOR RECOMMENDATION

The decision to recommend refusal of planning permission has been taken in accordance with Section 38 of The Planning and Compulsory Purchase Act 2004, which requires that, in determining a planning application the determination must be in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan for the area comprises the Vale of Glamorgan Adopted Local Development Plan 2011-2026.

It is considered that the decision complies with the Council's well-being objectives and the sustainable development principle in accordance with the requirements of the Well-being of Future Generations (Wales) Act 2015.

**From:** [REDACTED]  
**Sent:** Thu, 22 Aug 2019 12:07:37 +0000  
**To:** [REDACTED]  
**Subject:** 201902891 & 201902956

Dear [REDACTED]

As a follow up and further to the complaint lodged by Cllr Neil Moore reference is made within the covering complaint form to:-

*"Further, a photograph of Cllr Rowlands wearing the Mayoral chains of the Vale of Glamorgan Council was used by the owner-company on the Company's website beneath the heading "Meet our team" and above "Sam and Leighton owners". Cllr Rowlands was the Vale of Glamorgan Council's Mayor for municipal year 2018/19, and the use of such a photograph could be misconstrued that the Vale of Glamorgan Council is connected and endorses the business."*

I've been requested to forward a copy of the relevant screenshot, which is attached.

Kind regards,

[REDACTED]  
[REDACTED]  
Legal Assistant Management / Cynorthwyydd Cyfreithiol  
Legal Services / Gwasanaethau Cyfreithiol  
Vale of Glamorgan Council / Cyngor Bro Morgannwg  
tel / ffôn: 01446 709503  
mob / sym:  
e-mail / e-bost: [REDACTED]@valeofglamorgan.gov.uk

*Consider the environment. Please don't print this e-mail unless you really need to.  
Ystyriwch yr amgylchedd. Peidiwch ag argraffu'r neges hon oni bai fod gwir angen.*

Visit our Website at [www.valeofglamorgan.gov.uk](http://www.valeofglamorgan.gov.uk)  
Ewch i'n gwefan yn [www.bromorgannwg.gov.uk](http://www.bromorgannwg.gov.uk)

Find us on Facebook / Cewch ddod o hyd i ni ar Facebook  
Follow us on Twitter / Dilynwch ni ar Twitter

Correspondence is welcomed in Welsh or English / Croesewir Gohebiaeth yn y Gymraeg neu yn Saesneg.

**From:** [REDACTED]  
**Sent:** 13 August 2019 09:30  
**To:** ask@ombudsman-wales.org.uk  
**Subject:** new complaint

Please find attached Code of Conduct Complaint Form with attachments for your consideration.

Kind regards,

[REDACTED]  
Legal Assistant Management / Cynorthwydd Cyfreithiol  
Legal Services / Gwasanaethau Cyfreithiol  
Vale of Glamorgan Council / Cyngor Bro Morgannwg  
tel / ffôn: 01446 709503  
mob / sym:  
e-mail / e-bost: [REDACTED] [@valeofglamorgan.gov.uk](mailto:@valeofglamorgan.gov.uk)

*Consider the environment. Please don't print this e-mail unless you really need to.  
Ystyriwch yr amgylchedd. Peidiwch ag argraffu'r neges hon oni bai fod gwir angen.*

Visit our Website at [www.valeofglamorgan.gov.uk](http://www.valeofglamorgan.gov.uk)  
Ewch i'n gwefan yn [www.bromorgannwg.gov.uk](http://www.bromorgannwg.gov.uk)

Find us on Facebook / Cewch ddod o hyd i ni ar Facebook  
Follow us on Twitter / Dilynwch ni ar Twitter

Correspondence is welcomed in Welsh or English / Croesewir Gohebiaeth yn y Gymraeg neu yn Saesneg.



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about

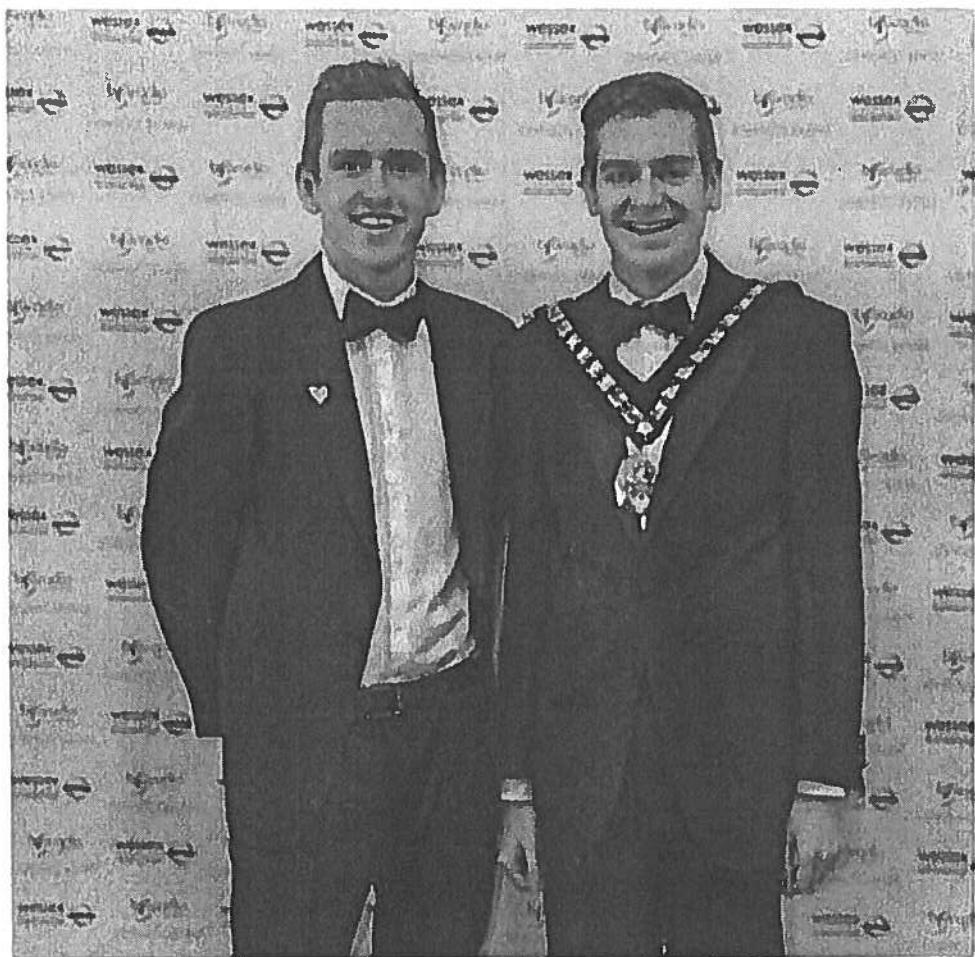
[www.thewateringholebarry.co.uk](http://www.thewateringholebarry.co.uk)



*The Watering Hole*



## Meet Our Team



Sam + Leighton  
Owners



## **Appendix 2**

## **SECTION 18**

### **18. CODE OF CONDUCT FOR MEMBERS**

#### **Part 1 - Interpretation**

##### **18.1 Interpretation**

18.1.1 In this code:

“Co-Opted Member” in relation to a relevant authority, means a person who is not a Member of the Authority but who:

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

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

“meeting”

means any meeting:

- (a) of the relevant authority;
- (b) of any Executive or board of the relevant authority;
- (c) of any committee, sub-committee, joint committee or joint sub-committee of the relevant authority or of any such committee, sub-committee, joint committee or joint sub-committee of any Executive or board of the Authority; or
- (d) where Members or Officers of the relevant authority are present other than a meeting of a political group constituted in accordance with Regulation 8 of the Local Government (Committees and Political Groups) Regulations 1990.

“Member”

includes, unless the context requires otherwise, a Co-Opted Member;

|   |   |
|---|---|
| <b>"register of Members' interests"</b> | means:<br>the register established and maintained under Section 81 of the Local Government Act 2000   |
| <b>"relevant authority"</b>             | means:<br>(a) a county council;<br>(b) a county borough council;<br>(c) a community council;<br>(d) a fire and rescue authority constituted by a scheme under section 2 of the Fire and Rescue Services Act 2004(2) or a scheme to which section 4 of that Act applies;<br>(e) a National Park authority established under section 63 of the Environment Act 1995(3); |
| <b>"you"</b>                            | means you as a Member or Co-Opted Member of a relevant authority; and   |
| <b>"your authority"</b>                 | means the relevant authority of which you are a Member or Co-Opted Member.  |

#### 18.1.2 In relation to a community council -

- (a) "Proper Officer" means an officer of that council within the meaning of Section 270(3) of the Local Government Act 1972 and
- (b) "Standards Committee" means the Standards Committee of the county or county borough council which has functions in relation to the community council for which it is responsible under Section 56(1) and (2) of the Local Government Act 2000.

### **Part 2 – General Provisions**

#### **18.2 General Provisions**

- 18.2.1 Save where paragraph 18.2.3 applies, you must observe this Code of Conduct:
  - (a) whenever you conduct the business, or are present at a meeting, of your authority;

- (b) whenever you act, claim to act or give the impression you are acting in the role of Member to which you were elected or appointed;
- (c) whenever you act, claim to act or give the impression you are acting as a representative of your authority; or
- (d) at all times and in any capacity, in respect of conduct identified in paragraphs 18.2.6 and 18.2.8.

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

18.2.3 Where you are elected, appointed or nominated by your authority to serve:

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

18.2.4 You must:

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

18.2.5 You must not:

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

18.2.6 You must:

- (a) not conduct yourself in a manner which could reasonably be regarded as bringing your office or authority into disrepute;

- (b) report, whether through your authority's confidential reporting procedure or direct to the proper authority, any conduct by another Member or anyone who works for, or on behalf of, your authority which you reasonably believe involves or is likely to involve criminal behaviour (which for the purposes of this paragraph does not include offences or behaviour capable of punishment by way of a fixed penalty);
  - (c) report to your authority's Monitoring Officer any conduct by another Member which you reasonably believe breaches this Code of Conduct;
  - (d) not make vexatious, malicious or frivolous complaints against other Members or anyone who works for, or on behalf of, your authority.
- 18.2.7 You must comply with any request of your authority's Monitoring Officer, or the Public Services Ombudsman for Wales, in connection with an investigation conducted in accordance with their respective statutory powers.
- 18.2.8 You must not:
- (a) in your official capacity or otherwise, use or attempt to use your position improperly to confer on or secure for yourself, or any other person, an advantage or create or avoid for yourself, or any other person, a disadvantage;
  - (b) use, or authorise others to use, the resources of your authority:
    - (i) imprudently;
    - (ii) in breach of your authority's requirements;
    - (iii) unlawfully;
    - (iv) other than in a manner which is calculated to facilitate, or to be conducive to, the discharge of the functions of the authority or of the office to which you have been elected or appointed;
    - (v) improperly for political purposes; or
    - (vi) improperly for private purposes.
- 18.2.9 You must:
- (a) when participating in meetings or reaching decisions regarding the business of your authority, do so on the basis of the merits of the circumstances involved and in the public interest having regard to any relevant advice provided by your authority's Officers, in particular by:
    - (i) the authority's Head of Paid Service;
    - (ii) the authority's Chief Finance Officer;

- (iii) the authority's Monitoring Officer;
  - (iv) the authority's Chief Legal Officer (who should be consulted when there is any doubt as to the authority's power to act, as to whether the action proposed lies within the policy framework agreed by the authority or where the legal consequences of action or failure to act by the authority might have important repercussions);
- (b) give reasons for all decisions in accordance with any statutory requirements and any reasonable additional requirements imposed by your authority.

18.2.10 You must:

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

### **Part 3 - Interests**

18.3 **Interests**

18.3.1 **Personal Interests**

- (a) You must in all matters consider whether you have a personal interest, and whether this Code of Conduct requires you to disclose that interest.
- (b) You must regard yourself as having a personal interest in any business of your authority if:
  - (i) it relates to, or is likely to affect:
    - (A) any employment or business carried on by you;
    - (B) any person who employs or has appointed you, any firm in which you are a partner or any company for which you are a remunerated director;
    - (C) any person, other than your authority, who has made a payment to you in respect of your election or any expenses incurred by you in carrying out your duties as a Member;
    - (D) any corporate body which has a place of business or land in your authority's area, and in which you have a beneficial interest in a class of securities of that body that exceeds the nominal value of £25,000 or one hundredth of the total issued share capital of that body;

- (E) any contract for goods, services or works made between your authority and you or a firm in which you are a partner, a company of which you are a remunerated director or a body of the description specified in paragraph (D) above;
  - (F) any land in which you have a beneficial interest and which is in the area of your authority;
  - (G) any land where the landlord is your authority and the tenant is a firm in which you are a partner, a company of which you are a remunerated director, or a body of the description specified in paragraph (D) above;
  - (H) any body to which you have been elected, appointed or nominated by your authority;
  - (I) any:
    - 1 public authority or body exercising functions of a public nature;
    - 2 company, industrial and provident society, charity, or body directed to charitable purposes;
    - 3 body whose principal purposes include the influence of public opinion or policy;
    - 4 trade union or professional association; or
    - 5 private club, society or association operating within your authority's area,in which you have membership or hold a position of general control or management;
  - (J) any land in your authority's area in which you have a licence (alone or jointly with others) to occupy for twenty eight days or longer;
- (ii) a decision upon it might reasonably be regarded as affecting:
- (A) your wellbeing or financial position, or that of a person with whom you live, or any person with whom you have a close personal association;
  - (B) any employment or business carried on by persons as described in (A);
  - (C) any person who employs or has appointed such persons described in (A), any firm in which they are a partner, or any company of which they are directors;

(D) any corporate body in which persons as described in (A) have a beneficial interest in a class of securities exceeding the nominal value of £5,000; or

(E) any body listed in paragraphs 18.3.1(b)(i)(I) (1) to (5) in which persons described in (A) hold a position of general control or management,

to a greater extent than the majority of:

- 1 in the case of an authority with electoral divisions or wards, other Council taxpayers, ratepayers or inhabitants of the electoral division or ward, as the case may be, affected by the decision; or
- 2 in all other cases, other Council taxpayers, ratepayers or inhabitants of the authority's area.

#### **18.3.2 Disclosure of Personal Interests**

- (a) Where you have a personal interest in any business of your authority and you attend a meeting at which that business is considered, you must disclose orally to that meeting the existence and nature of that interest before or at the commencement of that consideration, or when the interest becomes apparent.
- (b) Where you have a personal interest in any business of your authority and you make:
  - (i) written representations (whether by letter, facsimile or some other form of electronic communication) to a Member or Officer of your authority regarding that business, you should include details of that interest in the written communication; or
  - (ii) oral representations (whether in person or some form of electronic communication) to a Member or Officer of your authority you should disclose the interest at the commencement of such representations, or when it becomes apparent to you that you have such an interest, and confirm the representation and interest in writing within fourteen days of the representation.
- (c) Subject to paragraph 18.3.5(ii) below, where you have a personal interest in any business of your authority and you have made a decision in exercising a function of an executive or board, you must in relation to that business ensure that any written statement of that decision records the existence and nature of your interest.
- (d) You must, in respect of a personal interest not previously disclosed, before or immediately after the close of a meeting where the disclosure is made pursuant to paragraph 18.3.2(a), give written notification to your authority in accordance with any requirements identified by your authority's Monitoring

Officer, or in relation to a community council, your authority's Proper Officer, from time to time but, as a minimum containing:

- (i) details of the personal interest;
  - (ii) details of the business to which the personal interest relates; and
  - (iii) your signature.
- (e) Where you have agreement from your Monitoring Officer that the information relating to your personal interest is sensitive information, pursuant to paragraph 18.4.2, your obligations under this paragraph 18.3.2 to disclose such information, whether orally or in writing, are to be replaced with an obligation to disclose the existence of a personal interest and to confirm that your Monitoring Officer has agreed that the nature of such personal interest is sensitive information.
- (f) For the purposes of paragraph 18.3.2(d), a personal interest will only be deemed to have been previously disclosed if written notification has been provided in accordance with this code since the last date on which you were elected, appointed or nominated as a Member of your authority.
- (g) For the purposes of paragraph 18.3.2(c), where no written notice is provided in accordance with that paragraph you will be deemed as not to have declared a personal interest in accordance with this code.

#### **18.3.3 Prejudicial Interests**

- (a) Subject to paragraph 18.3.3(b) below, where you have a personal interest in any business of your authority you also have a prejudicial interest in that business if the interest is one which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice your judgement of the public interest.
- (b) Subject to paragraph 18.3.3.3(c), you will not be regarded as having a prejudicial interest in any business where that business:
- (i) relates to:
    - (A) another relevant authority of which you are also a Member;
    - (B) another public authority or body exercising functions of a public nature in which you hold a position of general control or management;
    - (C) a body to which you have been elected, appointed or nominated by your authority;

- (D) your role as a school governor (where not appointed or nominated by your authority) unless it relates particularly to the school of which you are a governor;
- (E) your role as a Member of a Local Health Board where you have not been appointed or nominated by your authority;
- (ii) relates to:
- (A) the housing functions of your authority where you hold a tenancy or lease with your authority, provided that you do not have arrears of rent with your authority of more than two months, and provided that those functions do not relate particularly to your tenancy or lease;
- (B) the functions of your authority in respect of school meals, transport and travelling expenses, where you are a guardian, parent, grandparent or have parental responsibility (as defined in section 3 of the Children Act 1989) of a child in fulltime education, unless it relates particularly to the school which that child attends;
- (C) the functions of your authority in respect of statutory sick pay under Part XI of the Social Security Contributions and Benefits Act 1992, where you are in receipt of, or are entitled to the receipt of such pay from your authority;
- (D) the functions of your authority in respect of an allowance or payment made in accordance with the provisions of Part 8 of the Local Government (Wales) Measure 2011, or an allowance or pension provided under Section 18 of the Local Government and Housing Act 1989.
- (iii) your role as a community councillor in relation to a grant, loan or other form of financial assistance made by your community council to community or voluntary organisations up to a maximum of £500.
- (c) The exemptions in paragraph 18.3.3(b) do not apply where the business relates to the determination of any approval, consent, licence, permission or registration.
- 18.3.4 Overview and Scrutiny Committees**
- You also have a prejudicial interest in any business before a Scrutiny Committee where:
- (a) that business relates to a decision made (whether implemented or not) or action taken by your authority's Executive, board or another of your authority's committees, sub-committees, joint committees or joint sub-committees; and

- (b) at the time the decision was made or action was taken, you were a Member of the executive, board, committee, sub-committee, joint-committee or joint sub-committee mentioned in paragraph 18.3.4(a) and you were present when that decision was made or action was taken.

#### **18.3.5 Participation in Relation to Disclosed Interests**

- (a) Subject to paragraphs 18.3.5(b) (bA), (c) and (d), where you have a prejudicial interest in any business of your authority you must, unless you have obtained a dispensation from your authority's Standards Committee:

- (i) withdraw from the room, chamber or place where a meeting considering the business is being held:
  - (A) where paragraph 18.3.5(b) applies, immediately after the period for making representations, answering questions or giving evidence relating to the business has ended and in any event before further consideration of the business begins, whether or not the public are allowed to remain in attendance for such consideration; or
  - (B) in any other case, whenever it becomes apparent that that business is being considered at that meeting;
- (ii) not exercise executive or board functions in relation to that business;
- (iii) not seek to influence a decision about that business;
- (iv) not make any written representations (whether by letter, facsimile or some other form of electronic communication) in relation to that business; and
- (v) not make any oral representations (whether in person or some form of electronic communication) in respect of that business or immediately cease to make such oral representations when the prejudicial interest becomes apparent.

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

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

- (bB) When submitting written representations under sub-paragraph (bA) you must comply with a procedure that your authority may adopt for the submission of such representations.
- (c) Paragraph 18.3.5(a) does not prevent you attending and participating in a meeting if:
- (i) you are required to attend a meeting of an overview or scrutiny committee, by such committee exercising its statutory powers; or
  - (ii) you have the benefit of a dispensation provided that you:
    - (A) state at the meeting that you are relying on the dispensation; and
    - (B) before or immediately after the close of the meeting give written notification to your authority containing:
      - 1 details of the prejudicial interest;
      - 2 details of the business to which the prejudicial interest relates;
      - 3 details of, and the date on which, the dispensation was granted; and
      - 4 your signature.
- (d) Where you have a prejudicial interest and are making written or oral representations to your authority in reliance upon a dispensation, you must provide details of the dispensation within any such written or oral representation and, in the latter case, provide written notification to your authority within fourteen days of making the representation.

#### **Part 4 – The Register of Members’ Interests**

##### **18.4 Registration of Personal Interests**

18.4.1(a) Subject to sub-paragraph 18.4.1(d), you must, within 28 days of—

- (i) your authority’s code of conduct being adopted or the mandatory provisions of this model code being applied to your authority; or
- (ii) your election or appointment to office (if that is later),

register your personal interests, where they fall within a category mentioned in paragraph 18.3.1(b)(i), in your authority’s register of members’ interests by providing written notification to your authority’s monitoring officer.

(b) Subject to sub-paragraph 18.4.1(d), you must, within 28 days of becoming aware of any new personal interest falling within a category mentioned in paragraph 18.3.1(b)(i), register that new personal interest in your authority’s register of

members' interests by providing written notification to your authority's monitoring officer.

(c) Subject to sub-paragraph 18.4.1(d), you must, within 28 days of becoming aware of any change to a registered personal interest falling within a category mentioned in paragraph 18.3.1(b)(i), register that change in your 'authority's register of members' interests by providing written notification to your authority's monitoring officer, or in the case of a community council to your authority's proper officer.

(d) Sub-paragraphs 18.4.1(a),(b) and (c) do not apply to sensitive information determined in accordance with paragraph 18.4.2(a).

(e) Sub-paragraphs 18.4.1(a) and (b) do not apply if you are a member of a relevant authority which is a community council when you act in your capacity as a member of such an authority.

(f) You must, when disclosing a personal interest in accordance with paragraph 18.3.2 for the first time, register that personal interest in your authority's register of members' interests by providing written notification to your authority's monitoring officer, or in the case of a community council to your authority's proper officer.";

#### **18.4.2 Sensitive information**

- (a) Where you consider that the information relating to any of your personal interests is sensitive information, and your authority's Monitoring Officer agrees, you need not include that information when registering that interest, or, as the case may be, a change to the interest under paragraph 18.4.1.
- (b) You must, within twenty eight days of becoming aware of any change of circumstances which means that information excluded under sub-paragraph 18.4.2(a) is no longer sensitive information, notify your authority's Monitoring Officer, or in relation to a community council, your authority's Proper Officer asking that the information be included in your authority's register of Members' interests.
- (c) In this Code, "sensitive information" ("gwybodaeth sensitif") means information whose availability for inspection by the public creates, or is likely to create, a serious risk that you or a person who lives with you may be subjected to violence or intimidation.

#### **18.4.3 Registration of Gifts and Hospitality**

You must, within twenty eight days of receiving any gift, hospitality, material benefit or advantage above a value specified in a resolution of your authority, provide written notification to your authority's Monitoring Officer, or in relation to a community council, to your authority's Proper Officer of the existence and nature of that gift, hospitality, material benefit or advantage.

**APPENDIX 1 TO SECTION 18**  
**CONDUCT OF MEMBERS – THE PRINCIPLES**

**1. SELFLESSNESS**

Members must act solely in the public interest. They must never use their position as Members to improperly confer advantage on themselves or to improperly confer advantage or disadvantage on others.

**2. HONESTY**

Members must declare any private interests relevant to their public duties and take steps to resolve any conflict in a way that protects the public interest.

**3. INTEGRITY AND PROPRIETY**

Members must not put themselves in a position where their integrity is called into question by any financial or other obligation to individuals or organisations that might seek to influence them in the performance of their duties. Members must on all occasions avoid the appearance of such behaviour.

**4. DUTY TO UPHOLD THE LAW**

Members must act to uphold the law and act on all occasions in accordance with the trust that the public has placed in them.

**5. STEWARDSHIP**

In discharging their duties and responsibilities Members must ensure that their authority's resources are used both lawfully and prudently.

**6. OBJECTIVITY IN DECISION-MAKING**

In carrying out their responsibilities including making appointments, awarding contracts, or recommending individuals for rewards and benefits, Members must make decisions on merit. Whilst Members must have regard to the professional advice of officers and may properly take account of the views of others, including their political groups, it is their responsibility to decide what view to take and, if appropriate, how to vote on any issue.

**7. EQUALITY AND RESPECT**

Members must 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.

8. **OPENNESS**

Members must be as open as possible about all their actions and those of their authority. They must seek to ensure that disclosure of information is restricted only in accordance with the law.

9. **ACCOUNTABILITY**

Members are accountable to the electorate and the public generally for their actions and for the way they carry out their responsibilities as a Member. They must be prepared to submit themselves to such scrutiny as is appropriate to their responsibilities.

10. **LEADERSHIP**

Members must promote and support these principles by leadership and example so as to promote public confidence in their role and in the authority. They must respect the impartiality and integrity of the authority's statutory officers and its other employees.

## **APPENDIX 2 TO SECTION 18**

### **PROTOCOL - STANDARD OF CONDUCT EXPECTED BY MEMBERS**

This protocol sets out the standards of conduct expected from Members within the Vale of Glamorgan Council in dealing with each other. It should be read in conjunction with the Members' Code of Conduct and the Member/Officer Protocol. It adds to these documents and does not detract from them.

The protocol will be interpreted widely and applies to all oral and written communications, which may include (but is not limited to) e-mail, text messages, and comments appearing on any social media websites such as Twitter and Facebook and/or appearing in the press.

Members are expected to:

#### **1. PUBLIC BEHAVIOUR**

- 1.1 show respect to each other;
- 1.2 not to make personal abusive comments about each other;
- 1.3 not to publish anything insulting about each other;
- 1.4 not to make malicious allegations against each other;
- 1.5 not to publish or spread any false information about each other;
- 1.6 show respect to diversity and equality.

#### **2. BEHAVIOUR IN MEETINGS**

- 2.1 behave with dignity;
- 2.2 show respect to the Chair and obey his/her decisions;
- 2.3 not to use indecent language nor make racial remarks or remarks which prejudice any section of society.

#### **3. CONFIDENTIALITY**

- 3.1 keep the confidentiality of exempt papers and any other documents which are not public;
- 3.2 not to release confidential information to the press or the public;
- 3.3 not to use confidential information for purposes other than intended.

#### **4. LOCAL MEMBERS**

- 4.1 work with Members of adjoining electoral divisions for the benefit of the locality;
- 4.2 if dealing with any matter relating to another electoral division:

- 4.2.1 explain to anyone seeking assistance that he/she is not the local Member;
- 4.2.2 inform the local Member, unless it would lead to a breach of confidentiality.

## **APPENDIX 3 TO SECTION 18**

### **LOCAL DISPUTE RESOLUTION PROCEDURE FOR DEALING WITH LOW LEVEL ALLEGATIONS OF BREACHES OF THE MEMBERS' CODE OF CONDUCT AND THE VALE OF GLAMORGAN COUNCIL'S PROTOCOL - STANDARD OF CONDUCT EXPECTED BY MEMBERS**

#### **INTRODUCTION**

1. The Public Services Ombudsman for Wales' Guidance on the Code of Conduct for Members of Local Authorities in Wales (September 2012) expects Local Authorities throughout Wales to implement a Local Dispute Resolution Procedure to deal with complaints which are made by a Member against a fellow Member which may not otherwise be investigated by the Public Services Ombudsman for Wales ('the Ombudsman') having regard to the Ombudsman's two-stage test.
2. The Vale of Glamorgan Council ('the Council') introduced a Local Dispute Resolution Procedure ('the Procedure') in 2014 to meet the Ombudsman's above expectations, and the Procedure was amended in 2018.
3. Typically the following complaints will fall within the category of complaints dealt with under this Procedure:
  - failure to show respect and consideration for others contrary to paragraph 18.2.4(b) of the Members' Code of Conduct ("the Code") and
  - making vexatious, malicious or frivolous complaints against other Members under paragraph 18.2.6(d) of the Code.
4. Other breaches of the Code may also be determined by the Monitoring Officer to be appropriate complaints to be dealt with under the Procedure.
5. The Procedure is to be read in conjunction with the Code and the Council's Protocol - Standard of Conduct Expected by Members ("the Protocol").
6. The Protocol establishes the behaviour which is acceptable and unacceptable between Members. It sits alongside the Code and fills the gap between behaviour which possibly in itself is not serious, but creates unpleasantness between Members, and behaviour that is approaching the threshold and serious enough for the Ombudsman to hold an investigation. Breaches of the Protocol will also be dealt with under this Procedure.
7. The Ombudsman assumes that where a Member repeatedly breaches this Procedure, the Monitoring Officer will refer the matter to the Ombudsman.
8. Members will continue to be able to complain directly to the Ombudsman where a breach of the Code has occurred. Should the complainant exercise that right then this Procedure will not be used, and any efforts to resolve a complaint using this Procedure will be stopped. The process will only resume if the matter is referred back for local resolution.

9. The Procedure applies to Vale of Glamorgan Council Member complaints against a fellow Vale of Glamorgan Council Member, and not Members of Town and Community Councils. Complaints made by the public and staff will not be dealt with under this Procedure.
10. The key objectives of the Procedure are to:
  - resolve allegations of breaches of the Code and Protocol locally and quickly,
  - avoid unnecessary escalation of the situation which might impact on personal relationships within the Council and damage the Council's reputation,
  - avoid unnecessary involvement of the Ombudsman so that his resources are devoted to the investigation of more serious or repeated complaints.

## **GENERAL PRINCIPLES**

11. Members will make all reasonable efforts to resolve disputes via the Procedure.
12. Group Leaders individually and collectively will work to ensure compliance with the Procedure.

## **WORKING TO AVOID PROBLEMS**

13. To minimise the number of instances of alleged breaches the Council has committed to:
  - a Member Development Strategy; and
  - providing relevant Member training events.

## **STAGE 1 OF THE PROCEDURE**

14. Any Member who wishes to submit a complaint under the Procedure ("the Complainant") is to complete the pro-forma Local Dispute Resolution Procedure Complaint Form ('the Complaint Form') attached at Appendix A to this Procedure and send it to the Monitoring Officer. Following receipt of the Complaint Form, the Monitoring Officer or the Deputy Monitoring Officer will indicate whether the complaint may be dealt with under this Procedure, whether it should be referred to the Ombudsman or whether it is rejected on the basis that there is no case to answer. A decision to reject a complaint by the Monitoring Officer or Deputy Monitoring Officer will be subject to consultation with the Chairman of the Standards Committee or in his absence an Independent Member of the Standards Committee as nominated by the Chairman of the Standards Committee.
15. If the complaint is to be dealt with under this Procedure the Monitoring Officer or Deputy Monitoring Officer will forward the complaint (including the identity of the Complainant) to the Member who is the subject of the complaint within **seven working days** of submission of the complaint.
16. The Complainant will submit to the Monitoring Officer in writing within **ten working days** of the submission of the Complaint Form any further details relating to the complaint which are not already detailed in the Complaint Form. The Monitoring Officer will forward the same to the Member who is the subject of the complaint.

17. The Member who is the subject of the complaint will submit to the Monitoring Officer a written response to the complaint within **ten working days** thereafter (having been advised by the Monitoring Officer of the commencement date of the ten working days period) and the Monitoring Officer will forward the same to the Complainant.
18. The Monitoring Officer or Deputy Monitoring Officer will determine whether a Mediation Meeting is convened or whether the complaint is referred directly to a Hearing at Stage 3 of the Procedure.

## **STAGE 2 OF THE PROCEDURE**

### **MEDIATION MEETING**

19. A Mediation Meeting will be held between the Complainant, the Member who is the subject of the complaint, the Leader(s) of the political group for the Complainant and the Member who is the subject of the complaint (for Members that are not in a group they may be accompanied by a colleague or friend) and the Managing Director (or a nominated Director as determined by the Managing Director) within **thirty working days** of the Complaint Form being sent to the Member who is the subject of the complaint. The purpose of the Mediation Meeting will be to attempt to resolve the matter. If deemed necessary the Managing Director or the nominated Director may call on the Monitoring Officer or the Deputy Monitoring Officer for advice and assistance.
20. Where the complaint is made by or concerns a Group Leader the Mediation Meeting will be attended by the Complainant, the Member who is the subject of the complaint, the Managing Director (or a nominated Director as determined by the Managing Director) and the Monitoring Officer or the Deputy Monitoring Officer.
21. If the matter is not resolved at Stage 2, the Complainant may elect to stop the Procedure or proceed to Stage 3 of the Procedure subject to notifying the Monitoring Officer in writing within **seven working days** of the Mediation Meeting.
22. Anything said at the Mediation Meeting is privileged and cannot be referred to at Stage 3 of the Procedure.

## **STAGE 3 OF THE PROCEDURE**

### **HEARING**

23. The Hearing will be before three Independent Members of the Standards Committee nominated by the Chairman of the Standards Committee. The designated Democratic Services Officer ("the Democratic Services Officer") will arrange for the Hearing to take place within **six weeks** following the Complaint being referred to Stage 3 of the Procedure

24. Members involved in the complaint have the right to appear before the Independent Members and call witnesses. Once names of witnesses are provided to the Democratic Services Officer the witnesses will be given an overview of the complaint.
25. Only witnesses who have given statements will be able to give evidence at the Hearing and witnesses that provide statements will be required to attend the Hearing, unless both parties agree with the content of the witness' statement and that the witness is not required to attend (the Monitoring Officer is to be advised in writing in such circumstances). The parties if calling witnesses must let the Democratic Services Officer know not less than **five working days** prior to the Hearing of the name of the witness(es) and provide a copy of any witnesses statements to the Democratic Services Officer not less than **five working days** prior to the Hearing, who will provide copies of the witness statement(s) to the other party in advance of the Hearing. Further evidence may be submitted within 5 working days of the Hearing at the discretion of the Panel. Support for witnesses in formatting and typing statements may be provided by officers of the Council as appropriate.
26. The procedure to be followed during the Hearing is set out in Appendix B to this Procedure. It being noted that the Independent Member chairing the Hearing has discretion to vary or supplement the procedure as deemed appropriate.
27. The parties will have the right to be accompanied by only one representative which may be a legal representative or otherwise a colleague, friend, family member or Group Leader. It will be for each of the parties to make their own arrangements regarding representation. The Council will not meet the costs of representation. If either party decides to have legal representation at the Hearing, the Monitoring Officer is to be notified in advance of the Hearing in order to inform the other party to ensure that the opportunity is available to seek legal representation.
28. Neither a representative nor person accompanying a Member will be permitted to give evidence as a witness at the Hearing. However for the avoidance of doubt, a representative or person accompanying a Member will be permitted to speak on behalf of the Member that they are representing/accompanying including asking questions and summing up.
29. If either side wishes not to be present or fails to attend the Hearing the Hearing may be held and determined in their absence.
30. The Independent Members may, in determining the matter on the balance of probabilities, come to one of three conclusions, namely:-
  - there is no basis to the complaint.
  - there is a basis to the complaint but that no further action is required .The Independent Members may also make recommendations to the Council regarding changing any procedures or taking any further action and/or may also direct that an apology be offered to the Complainant and that the Member who is the subject of the complaint attends further training within a specified timescale.

- There is a basis to the complaint and that the Member be censured. The Independent Members may also make recommendations to the Council regarding changing any procedures or taking any further action and/or may also direct that an apology be offered to the Complainant and that the Member who is the subject of the complaint attends further training within a specified timescale. Should an apology be directed, this to take the form of a formal apology and to be made in the same way (including the place) as the dispute arose (an apology will only be made in private and confidentially if the Complainant so wishes). A failure by the Member, who is the subject of the complaint, to make an apology in the specified manner is to be referred back to the Standards Committee for consideration.

## **SUPPLEMENTARY MATTERS**

31. Publicity will not be given to the name(s) of the Complainant(s)
32. Publicity will not be given to the name of the Member who is the subject of the complaint unless the Member is censured. Such publicity will take the form of a notice being posted on the Council's website for not less than twenty eight calendar days detailing the name of the Member who is the subject of the complaint, the fact that the Member has been censured pursuant to the Procedure, when the censure decision was made and a summary of the facts as deemed appropriate by the Independent Members presiding at the Hearing. If a formal apology is to be provided, the date when such an apology is provided will be included in the notice.
33. If a formal apology is not provided as resolved by the Panel the matter will be referred to the Standards Committee for consideration and notification of the same will be posted on the Council's website.
34. The Monitoring Officer or Deputy Monitoring Officer will provide advice and support at Stages 2 and 3 of the Procedure but will not determine the matter.
35. The Hearing at Stage 3 will be dealt with in private.
36. There is no right of appeal against the decision made by the Independent Members at Stage 3 of the Procedure.
37. The timescales within the Procedure are a guide to ensure that complaints under the Procedure are dealt with quickly in order to minimise the impact of the complaint; Members and Officers are therefore requested to adhere to the timescales.

## **LOCAL DISPUTE RESOLUTION PROCEDURE**

### **CONDUCT OF STAGE 3 HEARING**

It is to be noted that:

Hearings are to be held in private.

The Member who is the subject of the complaint ('the Respondent') will have received a copy of the Complaint Form and any further submissions by the complainant in line with paragraph 16 of the Local Dispute Resolution Procedure ('the Procedure').

The parties will have the right to be accompanied by only one representative which may be a legal representative or otherwise a colleague, friend, family member or Group Leader.

Prior to the commencement of the Hearing, the 3 Independent Members of the Standards Committee (nominated by the Chairman of the Standards Committee) will elect a Chairman for the Hearing ('the Chairman').

The Chairman will have the discretion to supplement or vary the procedure to be followed at the Stage 3 Hearing as deemed appropriate.

Witnesses will not be permitted to be present in the Hearing room at the outset but will be called individually to give their evidence at the appropriate time and will be required to leave following their evidence.

Where witnesses are to be called, the parties will be required to notify the Democratic Services Officer not less than **five working days** prior to the Hearing. Both parties will need to ensure that their witnesses are in attendance. If both parties agree the written evidence of a witness, the witness is not required to attend (and the Monitoring Officer will be advised of this in writing). Witnesses are required to provide a statement prior to the Hearing and for the statement to be provided to the Democratic Services Officer not less than **five working days** prior to the Hearing.

The Monitoring Officer or Deputy Monitoring Officer will provide advice and support to the Independent Members but will not determine the matter.

The decision of the Independent Members will be based on the standard of proof of the balance of probabilities.

At the Hearing

#### **Step 1**

At the Hearing those present will include the Independent Members, the Monitoring Officer or Deputy Monitoring Officer, a representative from Democratic Services, the Complainant, the Respondent and their representatives or person accompanying each party (if required).

The Chairman will open the Hearing and establish the identity of all present and will outline the order of proceedings for the Hearing.

The Chairman will seek confirmation that all parties have received the relevant documentation and will specify the complaint(s) against the Respondent.

### **Step 2**

The Chairman will commence by requesting the Complainant (or their representative) to present their case following which questions may be asked by the Respondent (or Respondent's representative) and the Independent Members.

Complainant's witness(es) to be called to give evidence following which questions may be asked by the Respondent (or their representative) and the Independent Members. The Complainant (or their representative) may seek clarification from their witness(es) on any points arising from the questioning.

### **Step 3**

The Respondent or their representative will then be afforded the opportunity to present their case followed by questions from the Complainant (or their representative) and the Independent Members.

Respondent's witness(es) to be called to give evidence following which questions may be asked by the Complainant (or their representative) and Independent Members. The Respondent (or their representative) may seek clarification from their witness(es) on any points arising from the questioning.

Throughout the Hearing the Independent Members, Monitoring Officer or Deputy Monitoring Officer may also seek clarification or ask relevant questions of both parties.

### **Step 4 – Summing Up**

The Chairman will then afford both parties (Complainant and Respondent respectively) the opportunity to sum up. A party's representative or person accompanying them may sum up on their behalf.

### **Step 5**

Following the summing up both parties and their representative(s) will be asked to vacate the room in order that the Independent Members can deliberate and decide in private whether the complaint is proved or not proved. The Independent Members will be accompanied only by the Monitoring Officer or Deputy Monitoring Officer and the Democratic Services Officer. The role of officers is to offer advice to the Independent Members but not to determine the outcome of the matter.

The Independent Members' decision will be by majority vote; where necessary the Chairman shall have a casting vote.

## **Step 6**

The parties will be called back in and the Chairman will advise whether the complaint is proved or not proved. If proved, the Respondent will be asked to give any mitigation which might affect the Independent Members' decision.

## **Step 7 – Hearing Decision**

The Independent Members will consider the mitigation submitted and come to their decision in private.

It will be at the discretion of the Chairman whether the Independent Members will reach a decision on the day of the Hearing and how the decision will be communicated (either face-to-face or by telephone). The Complainant and Respondent will both be advised orally of the decision.

The Chairman, at the end of the Hearing, will remind parties that there is no right of appeal against the decision made by the Independent Members at Stage 3 of the Procedure.

The Chairman will aim for a written decision to be issued within **seven working days** of the decision being made. The written decision will set out the decision of the Independent Members and the reasons for the decision. A copy of the decision letter will only be sent to the Respondent.

The Independent Members may come to one of three conclusions, namely:

- (i) There is no basis to the complaint;
- (ii) There is a basis to the complaint but that no further action is required. The Independent Members may also make recommendations to the Council regarding changing any procedures or taking any further action and or may also direct that an apology be offered to the Complainant and that the Member who is the subject of the complaint attends further training within a specified timescale;
- (iii) There is a basis to the complaint and that the Member be censured. The Independent Members may also make recommendations to the Council regarding changing any procedures or taking any further action and or may also direct that an apology be offered to the Complainant and that the Member who is the subject of the complaint attends further training within a specified timescale.

Should an apology be directed the apology is to take the form of a formal apology and to be made in the same way (including the place) the dispute arose within the timescale specified by the Panel. An apology will only be made in private and confidentially if the complainant so wishes.

Should the Independent Members determine conclusion (i) or (ii) as outlined above, all parties will be reminded that no publicity will be given to the name of the Members involved in the complaint or any details of the complaint.

Should the Independent Members' conclusion be that there is a basis to the complaint and that the Member be censured, then a statement on the Council's website will be issued ideally within **seven working days** of the decision letter being issued which will detail the

name of the Respondent, the fact that the Respondent has been censured pursuant to the Procedure, when the censure decision was made and a summary of the facts as deemed appropriate by the Independent Members presiding at the Hearing. If a formal apology is to be provided, the date when such an apology is provided will be included in the notice, or alternatively if a formal apology is not provided as resolved by the Panel reference will be made in the notice to the date when the matter will be referred to the Standards Committee for consideration. The statement will appear on the Council's website for not less than **twenty eight calendar days**.

# **Appendix 3**



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OFFERYNNAU STATUDOL  
CYMRU

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2008 Rhif 788 (Cy.82)

LLYWODRAETH LEOL,  
CYMRU

Gorchymyn Awdurdodau Lleol  
(Cod Ymddygiad Enghreifftiol)  
(Cymru) 2008

NODYN ESBONIADOL

*(Nid yw'r nodyn hwn yn rhan o'r Gorchymyn)*

Sefydlodd Rhan III o Ddeddf Llywodraeth Leol 2000 ("y Ddeddf") fframwaith moesegol newydd ar gyfer llywodraeth leol yng Nghymru.

Mae adran 50(2) o'r Ddeddf yn darparu y caiff Cynulliad Cenedlaethol Cymru ("y Cynulliad") drwy orchymyn ddyroddi cod enghreifftiol o ran yr ymddygiad y disgwyli'r iaelodau ac aelodau cyfetholedig awdurdodau perthnasol yng Nghymru ei arddel. Trosglwyddir y swyddogaeth hon oddi wrth y Cynulliad i Weinidogion Cymru gan baragraff 30 o Atodlen 11 i Ddeddf Llywodraeth Cymru 2006.

Awdurdodau perthnasol yng Nghymru at ddibenion y Gorchymyn hwn yw cynghorau sir, cynghorau bwrdeistref sirol, cynghorau cymuned, awdurdodau tân ac achub ac awdurdodau Parciau Cenedlaethol. Nid yw awdurdodau heddlu'n awdurdodau perthnasol at ddibenion y Gorchymyn hwn.

Mae'n rhaid i god ymddygiad a ddyroddir gan Weinidogion Cymru o dan adran 50(2) o'r Ddeddf fod yn gyson â'r egwyddorion a bennir yn unol ag adran 49(2) o'r Ddeddf a geir ar hyn o bryd yng Ngorchymyn Ymddygiad Aelodau (Egwyddorion) (Cymru) 2001. Mae adran 50(3) o'r Ddeddf yn rhoi'r hawl i Weinidogion Cymru i ddiwygio cod enghreifftiol sydd wedi ei ddyroddi.

Mae'r Gorchymyn hwn yn dirymu Gorchymyn Ymddygiad Aelodau (Cod Ymddygiad Enghreifftiol) (Cymru) 2001 ac offerynnau statudol blaenorol sy'n diwygio ac yn dyroddi cod enghreifftiol diwygiedig yn unol ag adran 50(2) a (3) o'r Ddeddf. Mae'r

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WELSH  
STATUTORY INSTRUMENTS

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2008 No. 788 (W.82)

LOCAL GOVERNMENT,  
WALES

The Local Authorities (Model  
Code of Conduct) (Wales) Order  
2008

EXPLANATORY NOTE

*(This note is not part of the Order)*

Part III of the Local Government Act 2000 ("the Act") established a new ethical framework for local government in Wales.

Section 50(2) of the Act provides that the National Assembly for Wales ("the Assembly") may by order issue a model code as regards the conduct which is expected of members and co-opted members of relevant authorities in Wales. This function of the Assembly is transferred to the Welsh Ministers by paragraph 30 of schedule 11 to the Government of Wales Act 2006.

Relevant authorities in Wales for the purposes of this Order are county councils, county borough councils, community councils, fire and rescue authorities and National Park authorities. Police authorities are not relevant authorities for the purposes of this Order.

A code of conduct issued by the Welsh Ministers under section 50(2) of the Act must be consistent with the principles specified pursuant to section 49(2) of the Act currently set out in the Conduct of Members (Principles) (Wales) Order 2001. Section 50(3) of the Act entitles the Welsh Ministers to revise a model code which has been issued.

This Order revokes the Conduct of Members (Model Code of Conduct) (Wales) Order 2001 and previous amending statutory instruments and issues a revised model code in pursuance of section 50(2) and (3) of the Act. This Order also continues the disapplication of

Gorchymyn hwn hefyd yn parhau datgymhwysiad darpariaethau statudol sy'n ymwneud â Chod Cenedlaethol Ymddygiad Llywodraeth Leol yng Nghymru (ymhlith eraill).

Mae'r cod enghreifftiol diwygiedig yn yr Atodlen i'r Gorchymyn hwn.

Mae Rhan 1 o'r cod enghreifftiol yn ymwneud â dehongli.

Mae Rhan 2 o'r cod enghreifftiol yn darparu ar gyfer darpariaethau cyffredinol y cod enghreifftiol.

Mae Rhan 3 o'r cod enghreifftiol yn ymwneud â buddiannau personol a buddiannau sy'n rhagfarnu ac â datgelu'r cyfryw fuddiannau gan aelodau ac aelodau cyfetholedig ac â chyfrannu gan aelodau ac aelodau cyfetholedig mewn cysylltiad â'r cyfryw fuddiannau.

Mae Rhan 4 o'r cod enghreifftiol yn ymwneud â'r gofrestr fuddiannau, ac â chofrestru rhoddion a lletygarwch.

statutory provisions relating to (among others) the National Code of Local Government Conduct in Wales.

The revised model code is in the Schedule to this Order.

Part 1 of the model code deals with interpretation.

Part 2 of the model code provides for the general provisions of the model code.

Part 3 of the model code concerns personal interests and prejudicial interests and disclosure of and participation by members and co-opted members in respect of such interests.

Part 4 of the model code concerns the register of interests, registration of gifts and hospitality.

2008 Rhif 788 (Cy.82)

LLYWODRAETH LEOL,  
CYMRU

Gorchymyn Awdurdodau Lleol  
(Cod Ymddygiad Enghreifftiol)  
(Cymru) 2008

|  |                       |
|--|-----------------------|
| <i>Gwnaed</i>  | <i>20 Mawrth 2008</i> |
| <i>Gosodwyd gerbron Cynulliad<br/>Cenedlaethol Cymru</i> | <i>25 Mawrth 2008</i> |
| <i>Yn dod i rym</i>                                      | <i>18 Ebrill 2008</i> |

Drwy arfer y pwerau a roddwyd i Gynulliad Cenedlaethol Cymru gan adrannau 50(2), 50(3), 50(4), 50(4E), 81(2), 81(3) a 105 o Ddeddf Llywodraeth Leol 2000(1) ac a freiniwyd(2) bellach ynddynt hwy, ac ar ôl gwneud y cyfryw ymgynghoriad ag sy'n ofynnol yn rhinwedd adran 50(5) o'r Ddeddf honno, mae Gweinidogion Cymru, a hwythau'n fodlon bod y cod ymddygiad enghreifftiol a ddyroddir o dan adran 50(2) yn gyson â'r egwyddorion a bennir yng Ngorchymyn Ymddygiad Aelodau (Egwyddorion) (Cymru) 2001(3) a wnaed yn unol ag adran 49(2), yn gwneud y Gorchymyn canlynol:

**Enwi, cychwyn a chymhwysyo**

1.—(1) Enw'r Gorchymyn hwn yw Gorchymyn Awdurdodau Lleol (Cod Ymddygiad Enghreifftiol) (Cymru) 2008 a daw i rym ar 18 Ebrill 2008.

(2) Mae'r Gorchymyn hwn yn gymwys i bob awdurdod perthnasol yng Nghymru.

2008 No. 788 (W.82)

LOCAL GOVERNMENT,  
WALES

The Local Authorities (Model Code of Conduct) (Wales) Order 2008

|  |                      |
|--|----------------------|
| <i>Made</i>  | <i>20 March 2008</i> |
| <i>Laid before the National Assembly for Wales</i> | <i>25 March 2008</i> |
| <i>Coming into force</i>                           | <i>18 April 2008</i> |

The Welsh Ministers, in exercise of the powers conferred on the National Assembly for Wales by sections 50(2), 50(3), 50(4), 50(4E), 81(2), 81(3) and 105 of the Local Government Act 2000(1) and now vested(2) in them, having carried out such consultation as is required by virtue of section 50(5) of that Act and being satisfied that the model code of conduct being issued under section 50(2) is consistent with the principles specified in the Conduct of Members (Principles) (Wales) Order 2001(3) made pursuant to section 49(2), make the following Order:

**Title, commencement and application**

1.—(1) The title of this Order is the Local Authorities (Model Code of Conduct) (Wales) Order 2008 and it comes into force on 18 April 2008.

(2) This Order applies to each relevant authority in Wales.

- 
- (1) 2000 p.22. Diwygir adran 50 gan adran 183 o Ddeddf Llywodraeth Leol a Chynwys y Cyhoedd mewn Iechyd 2007 (p.28).
- (2) Trosglwyddwyd swyddogaethau Cynulliad Cenedlaethol Cymru o dan adrannau 50, 81 a 105 i Weinidogion Cymru o dan baragraff 30 o Atodlen 11 i Ddeddf Llywodraeth Cymru 2006 (p.32).
- (3) O.S. 2001/2276 (Cy.166) fel y'i diwygwyd gan O.S. 2005/2929 (Cy.214).

- (1) 2000 c.22. Section 50 is amended by section 183 of the Local Government and Public Involvement in Health Act 2007 (c.28).
- (2) The functions of the National Assembly for Wales under sections 50, 81 and 105 were transferred to the Welsh Ministers under paragraph 30 of Schedule 11 to the Government of Wales Act 2006 (c.32).
- (3) S.I. 2001/2276 (W.166) as amended by S.I. 2005/2929 (W.214).

## Dehongli

### 2. Yn y Gorchymyn hwn —

mae i "aelod" ("member") yr ystyr a geir yn Rhan 1 o'r cod enghreifftiol yn yr Atodlen i'r Gorchymyn hwn;

mae i "aelod cyfetholedig" ("co-opted member") yr ystyr a geir yn Rhan 1 o'r cod enghreifftiol yn yr Atodlen i'r Gorchymyn hwn;

mae i "awdurdod perthnasol" ("relevant authority") yr ystyr a geir yn Rhan 1 o'r cod enghreifftiol yn yr Atodlen i'r Gorchymyn hwn; ac

ystyr "y Ddeddf" ("the Act") yw Ddeddf Llywodraeth Leol 2000.

## Cod Ymddygiad Enghreifftiol

3.—(1) Ceir yn yr Atodlen i'r Gorchymyn hwn god enghreifftiol o ran yr ymddygiad y disgwylir i aelodau o awdurdod perthnasol ei arddel.

(2) At ddibenion adran 50(4) o'r Ddeddf, mae darpariaethau'r cod enghreifftiol i'w hystyried yn rhai gorfodol.

## Darpariaethau i'w datgymhwysyo

4.—(1) Os bydd awdurdod perthnasol yn gyngor sir, cyngor bwrdeistref sirol neu gyngor cymuned, neu'n awdurdod tân ac achub sydd wedi mabwysiadu cod ymddygiad neu os bydd y cyfryw god yn gymwys iddo, datgymhwysir y canlynol o ran yr awdurdod hwnnw, os ydynt yn gymwys i'r awdurdod perthnasol—

- (a) adrannau 94 i 98 a 105 o Ddeddf Llywodraeth Leol 1972(1); a
- (b) unrhyw reoliadau a wnaed neu god a ddyroddwyd o dan adrannau 19 a 31 o Ddeddf Llywodraeth Leol a Thai 1989(2).

(2) Os bydd awdurdod perthnasol yn awdurdod Parc Cenedlaethol sydd wedi mabwysiadu cod ymddygiad neu os bydd y cyfryw god yn gymwys iddo, datgymhwysir y canlynol o ran yr awdurdod hwnnw, os yw'n gymwys i'r awdurdod perthnasol—

- (a) paragraffau 9 a 10 o Atodlen 7 i Ddeddf yr Amgylchedd 1995(3); a
- (b) unrhyw reoliadau a wnaed neu god a ddyroddwyd o dan adrannau 19 a 31 o Ddeddf Llywodraeth Leol a Thai 1989.

(3) Bydd adran 16(1) o Ddeddf Dehongli 1978(4) yn gymwys i ddatgymhwysiad o dan baragrain (1) neu baragrain (2) uchod fel pe bai'n ddiddymiad, gan Ddeddf, o ddeddfiad.

## Interpretation

### 2. In this Order —

"the Act" ("y Ddeddf") means the Local Government Act 2000;

"co-opted member" ("aelod cyfetholedig") has the meaning set out in Part 1 of the model code in the Schedule to this Order;

"member" ("aelod") has the meaning set out in Part 1 of the model code in the Schedule to this Order; and

"relevant authority" ("awdurdod perthnasol") has the meaning set out in Part 1 of the model code in the Schedule to this Order.

## Model Code of Conduct

3.—(1) A model code as regards the conduct which is expected of members of a relevant authority is set out in the Schedule to this Order.

(2) For the purposes of section 50(4) of the Act, the provisions of the model code are to be regarded as mandatory.

## Provisions to be disapplied

4.—(1) Where a relevant authority which is a county, county borough or community council or fire and rescue authority has adopted a code of conduct or such a code applies to it, the following will, where applicable to the relevant authority, be disapplied as respects that authority—

- (a) sections 94 to 98 and 105 of the Local Government Act 1972(1); and
- (b) any regulations made or code issued under sections 19 and 31 of the Local Government and Housing Act 1989(2).

(2) Where a relevant authority which is a National Park authority has adopted a code of conduct or such a code applies to it, the following will, where applicable to the relevant authority, be disapplied as respects that authority—

- (a) paragraphs 9 and 10 of Schedule 7 to the Environment Act 1995(3); and
- (b) any regulations made or code issued under sections 19 and 31 of the Local Government and Housing Act 1989.

(3) Section 16(1) of the Interpretation Act 1978(4) will apply to a disapplication under paragraph (1) or (2) above as if it were a repeal, by an Act, of an enactment.

(1) 1972 p.70.

(2) 1989 p.42.

(3) 1995 p.25.

(4) 1978 p.30.

(1) 1972 c.70.

(2) 1989 c.42.

(3) 1995 c.25.

(4) 1978 c.30.

## Dirymu

### 5. Dirymir y gorchmynion canlynol:

- (a) Gorchymyn Ymddygiad Aelodau (Cod Ymddygiad Enghreifftiol) (Cymru) 2001(1);
- (b) Gorchymyn Ymddygiad Aelodau (Cod Ymddygiad Enghreifftiol) (Diwygio) (Cymru) 2004(2); ac
- (c) Gorchymyn Ymddygiad Aelodau (Cod Ymddygiad Enghreifftiol) (Cymru) (Diwygio) (Rhif 2) 2004(3).

## Darpariaethau Trosiannol ac Arbedion

### 6. Mae'r gorchmynion y cyfeirir atynt yn erthygl 5 yn parhau i fod yn effeithiol at ddibenion y canlynol ac at ddibenion sy'n gysylltiedig â'r canlynol —

- (a) ymchwilio i unrhyw honiad ysgrifenedig o dan Ran 3 o'r Ddeddf, pan fo'r honiad hwnnw'n ymneud ag ymddygiad a ddigwyddodd cyn y dyddiad pryd, yn unol ag adran 51 o'r Ddeddf(4)—
  - (i) y bydd yr awdurdod perthnasol yn mabwysiadu cod ymddygiad sy'n ymgorffori darpariaethau gorfodol y cod ymddygiad enghreifftiol yn yr Atodlen i'r Gorchymyn hwn yn lle ei god ymddygiad presennol;
  - (ii) y bydd yr awdurdod perthnasol yn diwygio'i god ymddygiad presennol i ymgorffori darpariaethau gorfodol y cod ymddygiad enghreifftiol a geir yn yr Atodlen i'r Gorchymyn hwn; neu
  - (iii) y bydd darpariaethau gorfodol y cod ymddygiad enghreifftiol a geir yn yr Atodlen i'r Gorchymyn hwn yn gymwys iaelodau neu aelodau cyfetholedig o'r awdurdod perthnasol o dan adran 51(5)(b) o'r Ddeddf honno;
- (b) dyfarnu (neu benderfynu) ar fater a godir mewn honiad o'r fath; ac
- (c) apêl yn erbyn penderfyniad pwylgor safonau, tribiwnlys achos interim neu dribiwnlys achos mewn perthynas â honiad o'r fath.

## Revocation

### 5. The following orders are revoked:

- (a) the Conduct of Members (Model Code of Conduct) (Wales) Order 2001(1);
- (b) the Conduct of Members (Model Code of Conduct) (Amendment) (Wales) Order 2004(2); and
- (c) the Conduct of Members (Model Code of Conduct) (Wales) (Amendment) (No. 2) Order 2004(3).

## Transitional Provisions and Savings

### 6. The orders referred to in article 5 continue to have effect for the purposes of and for purposes connected with —

- (a) the investigation of any written allegation under Part 3 of the Act, where that allegation relates to conduct that occurred before the date when, pursuant to section 51 of the Act(4)—
  - (i) the relevant authority adopts a code of conduct incorporating the mandatory provisions of the model code of conduct in the Schedule to this Order in place of its existing code of conduct;
  - (ii) the relevant authority revises its existing code of conduct to incorporate the mandatory provisions of the model code of conduct in the Schedule to this Order; or
  - (iii) the mandatory provisions of the model code of conduct in the Schedule to this Order apply to members or co-opted members of the relevant authority under section 51(5)(b) of that Act;
- (b) the adjudication (or determination) of a matter raised in such an allegation; and
- (c) an appeal against the decision of a standards committee, an interim case tribunal or case tribunal in relation to such an allegation.

(1) O.S. 2001/2289 (Cy. 177) fel y'i diwygiwyd gan O.S. 2004/163 (Cy. 18); O.S. 2004/1510 (Cy. 159); O.S. 2005/2929 (Cy. 214); ac O.S. 2006/362 (Cy. 48).

(2) O.S. 2004/163 (Cy. 18).

(3) O.S. 2004/1510 (Cy. 159).

(4) Diwygir adran 51 o Ddeddf Llywodraeth Leol 2000 gan adran 35 o Ddeddf Ombudsmon Gwasanaethau Cyhoeddus (Cymru) 2005 a pharagraffau 1 a 3 o Atodlen 4 iddi a chan adran 183 o Ddeddf Llywodraeth Leol a Chynnwys y Cyhoedd mewn fechyd 2007.

(1) S.I. 2001/2289 (W.177) as amended by S.I. 2004/163 (W.18); S.I. 2004/1510 (W.159); S.I. 2005/2929 (W.214); and S.I. 2006/362 (W.48).

(2) S.I. 2004/163 (W.18).

(3) S.I. 2004/1510 (W.159).

(4) Section 51 of the Local Government Act 2000 is amended by section 35 and paragraphs 1 and 3 of Schedule 4 to the Public Services Ombudsman (Wales) Act 2005 and by section 183 of the Local Government and Public Involvement in Health Act 2007.

*Brian Gibbons*

Y Gweinidog dros Gyflawnder Cymdeithasol a  
Llywodraeth Leol, un o Weinidogion Cymru

Minister for Social Justice and Local Government, one  
of the Welsh Ministers

20 Mawrth 2008

20 March 2008

## YR ATODLEN

### Y COD YMDDYGIAD ENGHREIFFTIOL

#### RHAN 1 DEHONGLI

##### 1.—(1) Yn y cod hwn —

mae "aelod" ("member") yn cynnwys aelod cyfetholedig onid yw'r cyd-destun yn mynnu fel arall;

ystyr "aelod cyfetholedig" ("co-opted member"), mewn perthynas ag awdurdod perthnasol, yw person nad yw'n aelod o'r awdurdod ond—

(a) sy'n aelod o unrhyw bwyllgor neu is-bwyllgor i'r awdurdod, neu

(b) sy'n aelod o unrhyw gyd-bwyllgor neu gyd-is-bwyllgor i'r awdurdod, ac sy'n cynrychioli'r awdurdod arno,

ac sydd â'r hawl i bleidleisio ar unrhyw gwestiwn sydd i'w benderfynu mewn unrhyw gyfarfod o'r pwylgor neu o'r is-bwyllgor hwnnw;

ystyr "eich awdurdod" ("your authority") yw'r awdurdod perthnasol yr ydych chi'n aelod neu'n aelod cyfetholedig ohono;

ystyr "awdurdod perthnasol" ("relevant authority") yw—

(a) cyngor sir,

(b) cyngor bwrdeistref sirol,

(c) cyngor cymuned,

(ch) awdurdod Tân ac achub a gyfansoddwyd drwy gynllun o dan adran 2 o Ddeddf Gwasanaethau Tân ac Achub 2004(1) neu gynllun y mae adran 4 o'r Ddeddf honno yn gymwys iddo,

(d) awdurdod Parc Cenedlaethol a sefydlwyd o dan adran 63 o Ddeddf yr Amgylchedd 1995(2);

ystyr "cyfarfod" ("meeting") yw unrhyw gyfarfod —

(a) o'r awdurdod perthnasol,

(b) o unrhyw weithrediaeth neu fwrdd i'r awdurdod perthnasol,

(c) o unrhyw bwyllgor, is-bwyllgor, cyd-bwyllgor neu gyd-is-bwyllgor i'r awdurdod perthnasol neu unrhyw bwyllgor, is-bwyllgor, cyd-bwyllgor neu gyd-is-bwyllgor o'r fath i unrhyw weithrediaeth neu fwrdd i'r awdurdod, neu

(ch) y mae aelodau neu swyddogion yr awdurdod perthnasol yn bresennol ynddo ac eithrio cyfarfod grŵp gwleidyddol a gyfansoddwyd yn unol â rheoliad 8 o Reoliadau Llywodraeth Leol (Pwyllgorau a Grwpiau Gwleidyddol) 1990(3),

ac mae'n cynnwys amgylchiadau pan fo aelod o weithrediaeth neu fwrdd neu swyddog sy'n gweithredu ar ei ben ei hun yn arfer un o swyddogaethau awdurdod; ac

ystyr "chi" ("you") yw chi fel aelod neu aelod cyfetholedig o awdurdod perthnasol.

Mewn perthynas â chyngor-cymuned, mae cyfeiriadau at swyddog monitro awdurdod a phwyllgor safonau awdurdod i'w darllen, yn y drefn honno, fel cyfeiriadau at swyddog monitro ac at bwyllgor safonau'r cyngor sir neu'r cyngor bwrdeistref sirol y mae ganddo swyddogaethau mewn perthynas â'r cyngor cymuned y mae'n gyfrifol amdano o dan adran 56(2) o Ddeddf Llywodraeth Leol 2000.

(1) 2004 p.21.

(2) 1995 p.25.

(3) O.S. 1990/1553 fel y'i diwygiwyd gan O.S. 1991/1389; O.S. 1993/1339; O.S. 1998/1918; ac O.S. 1999/500.

## RHAN 2

### DARPARIAETHAU CYFFREDINOL

- 2.—(1) Ac eithrio pan fo paragraff 3(a) yn gymwys, rhaid i chi gydymffurfio â'r cod ymddygiad hwn —
- (a) pa bryd bynnag y byddwch yn cynnal busnes eich awdurdod, neu'n bresennol mewn un o gyfarfodydd eich awdurdod;
  - (b) pa bryd bynnag y byddwch yn gweithredu, yn honni gweithredu neu'n rhoi'r argraff eich bod yn gweithredu yn rôl aelod y cawsoch eich ethol neu eich penodi iddi;
  - (c) pa bryd bynnag y byddwch yn gweithredu, yn honni gweithredu neu'n rhoi'r argraff eich bod yn gweithredu fel un o gynrychiolwyr eich awdurdod; neu
  - (ch) ar bob adeg ac mewn unrhyw gapasiti, mewn cysylltiad ag ymddygiad a nodir ym mharagraffau 6(1)(a) a 7.

(2) Dylech ddarllen y cod hwn ar y cyd â'r egwyddorion cyffredinol a ragnodir o dan adran 49(2) o Ddeddf Llywodraeth Leol 2000 o ran Cymru.

3. Os byddwch wedi eich ethol, eich penodi neu eich enwebu gan eich awdurdod i wasanaethu —
- (a) ar awdurdod perthnasol arall, neu ar unrhyw gorff arall, sy'n cynnwys awdurdod heddlu neu Fwrdd Iechyd Lleol rhaid i chi, pan fyddwch yn gweithredu ar ran yr awdurdod arall neu'r corff arall hwnnw, gydymffurfio â chod ymddygiad yr awdurdod arall neu'r corff arall hwnnw; neu
  - (b) ar unrhyw gorff arall nad oes ganddo god sy'n ymneud ag ymddygiad ei aelodau, rhaid i chi, pan fyddwch yn gweithredu ar ran y corff arall hwnnw, gydymffurfio â'r cod ymddygiad hwn, ac eithrio pan yw'n gwrtidaro ag unrhyw rwymedigaethau cyfreithlon eraill y gall y corff hwnnw fod yn ddarostyngedig iddynt neu i'r graddau y mae'n gwrtidaro â'r cyfryw rwymedigaethau.

4. Rhaid i chi —
- (a) cyflawni eich dyletswyddau a'ch cyfrifoldebau gan roi sylw dyladwy i'r egwyddor y dylai fod cyfartal i bawb, waeth beth fo'u rhyw, eu hil, eu hanabledd, eu cyfeiriadedd rhywiol, eu hoed neu eu crefydd;
  - (b) dangos parch at eraill ac ystyriaeth ohonynt;
  - (c) peidio ag ymddwyn fel bwli neu harasio unrhyw berson; a
  - (ch) peidio â gwneud dim sy'n cyfaddawdu, neu sy'n debygol o gyfaddawdu, didueddrwydd y sawl sy'n gweithio i'ch cyngor neu ar ei ran.

5. Rhaid i chi —
- (a) peidio â datgelu gwybodaeth gyfrinachol neu wybodaeth y byddai'n rhesymol ystyried ei bod o natur gyfrinachol, heb gydsyniad datganedig person a awdurdodwyd i roi cydsyniad o'r fath, neu onid yw'r gyfraith yn mynnu eich bod yn gwneud hynny;
  - (b) peidio â rhwystro unrhyw berson rhag gweld gwybodaeth y mae gan y person hwnnw hawl i'w gweld yn ôl y gyfraith.

- 6.—(1) Rhaid i chi —
- (a) peidio ag ymddwyn mewn ffordd y gellid yn rhesymol ei hystyried yn un sy'n dwyn anfri ar eich swydd neu ar eich awdurdod;
  - (b) adrodd, p'un ai drwy weithdrefn adrodd gyfrinachol eich awdurdod neu'n uniongyrchol i'r awdurdod priodol, ar unrhyw ymddygiad gan aelod arall neu gan unrhyw un sy'n gweithio i'ch awdurdod neu ar ei ran ac y mae'n rhesymol i chi fod o'r farn ei fod yn golygu neu'n debygol o olygu ymddygiad troseddol (nad yw at ddibenion y paragraff hwn yn cynnwys tramgyddau neu ymddygiad y gellir ei gosbi drwy gosb benodedig);
  - (c) adrodd i Ombwdsmon Gwasanaethau Cyhoeddus Cymru ac i swyddog monitro eich awdurdod ar unrhyw ymddygiad gan aelod arall y mae'n rhesymol i chi fod o'r farn ei fod yn groes i'r cod ymddygiad hwn;
  - (ch) peidio â gwneud cwynion blinderus, maleisus neu wacsaw yn erbyn aelodau eraill neu unrhyw un sy'n gweithio i'ch awdurdod neu ar ei ran.

(2) Rhaid i chi gydymffurfio ag unrhyw gais gan swyddog monitro eich awdurdod, neu gan Ombwdsmon Gwasanaethau Cyhoeddus Cymru, mewn cysylltiad ag ymchwiliad a wneir yn unol â'u gwahanol bwerau statudol.

7. Rhaid i chi —

- (a) yn eich capaciti swyddogol neu fel arall, beidio â defnyddio neu geisio defnyddio eich safle yn amhriodol i roi neu i sicrhau mantais i chi eich hun neu i unrhyw berson arall, neu i greu neu i osgoi anfantaïs i chi eich hun neu i unrhyw berson arall;
- (b) peidio â defnyddio adnoddau eich awdurdod, neu awdurdodi eraill i'w defnyddio—
- (i) yn annoeth;
  - (ii) yn groes i ofynion eich awdurdod;
  - (iii) yn anghyfreithlon;
  - (iv) ac eithrio mewn dull a fwriedir i hwyluso neu i ffafrio cyflawni swyddogaethau'r awdurdod neu'r swydd yr ydych wedi eich ethol neu eich penodi iddo neu iddi;
  - (v) yn amhriodol at ddibenion gwleidyddol; neu
  - (vi) yn amhriodol at ddibenion preifat.

#### 8. Rhaid i chi —

- (a) pan fyddwch yn cyfrannu mewn cyfarfodydd neu'n gwneud penderfyniadau ynghylch busnes y mae a wnelo eich awdurdod ag ef, wneud hynny ar sail rhinweddau'r amgylchiadau o dan sylw ac er budd y cyhoedd gan roi sylw i unrhyw gyngor perthnasol a ddarperir gan swyddogion eich awdurdod, ac yn benodol gan —
- (i) pennath gwasanaeth taledig yr awdurdod;
  - (ii) prif swyddog cyllid yr awdurdod;
  - (iii) swyddog monitro'r awdurdod;
  - (iv) prif swyddog cyfreithiol yr awdurdod (y dylid ymgynghori ag ef pan fo unrhyw amheuaeth ynghylch pŵer yr awdurdod i weithredu, ynghylch a yw'r cam a arfaethir yn dod o fewn y fframwaith polisi y cytunwyd arno gan yr awdurdod neu os gallai canlyniadau cyfreithiol gweithredu neu fethu â gweithredu gan yr awdurdod gael ôl-effeithiau pwysig);
- (b) rhoi rhesymau dros bob penderfyniad yn unol ag unrhyw ofynion statudol ac unrhyw ofynion rhesymol ychwanegol a osodir gan eich awdurdod.

#### 9. Rhaid i chi —

- (a) parchu'r gyfraith a rheolau eich awdurdod sy'n llywodraethu hawlio treuliau a lwfansau mewn cysylltiad â'ch dyletswyddau fel aelod;
- (b) osgoi derbyn rhoddion oddi wrth neb, na lletygarwch (ac eithrio lletygarwch swyddogol, megis derbyniad dinesig neu weithio dros ginio, a awdurdodir yn briodol gan eich awdurdod) na buddiannau materol neu wasanaethau i chi eich hun neu i unrhyw berson os byddai gwneud hynny'n eich rhoi o dan rwymedigaeth amhriodol, neu os gallai'n rhesymol ymddangos fel pe bai'n gwneud hynny.

## RHAN 3

### BUDDIANNAU

#### Buddiannau Personol

**10.—(1)** Ym mhob mater rhaid i chi ystyried a oes gennych fuddiant personol, ac a yw'r cod ymddygiad hwn yn ei gwneud yn ofynnol i chi ddatgelu'r buddiant hwnnw.

**(2)** Rhaid i chi ystyried bod gennych fuddiant personol mewn unrhyw fusnes y mae a wnelo eich awdurdod ag ef —

- (a) os yw'n gysylltiedig â'r canlynol, neu'n debygol o effeithio arnynt —
- (i) unrhyw gyflogaeth yr ydych yn ymgymryd â hi neu fusnes yr ydych yn ei redeg;
  - (ii) unrhyw berson sy'n eich cyflogi neu sydd wedi eich penodi, unrhyw ffyrn yr ydych yn bartner ynddi neu unrhyw gwmni yr ydych yn gyfarwyddwr arno ac yn derbyn tâl;
  - (iii) unrhyw berson, ac eithrio eich awdurdod, sydd wedi rhoi taliad i chi mewn cysylltiad â'ch ethol neu mewn cysylltiad ag unrhyw dreuliau a dynnwyd gennych wrth i chi gyflawni eich dyletswyddau fel

aelod;

- (iv) unrhyw gorff corfforaethol y mae ganddo le busnes neu dir yn ardal eich awdurdod, ac y mae gennych chi fuddiant llesiannol mewn dosbarth o warannau sydd gan y corff hwnnw ac sy'n werth mwy na'r gwerth enwol o £25,000 neu un ganfed ran o gyfanswm cyfalaf cyfrannau dyroddedig y corff hwnnw;
  - (v) unrhyw gcontract am nwyddau, gwasanaethau neu waith neu weithfeydd a wnaed rhyngoch chi, rhwng ffyrn yr ydych yn bartner ynddi, neu rhwng cwmni yr ydych yn gyfarwyddwr arno ac yn derbyn tâl, neu rhwng corff o'r math a ddisgrifir yn is-baragraff (iv) uchod a'ch awdurdod;
  - (vi) unrhyw dir y mae gennych fuddiant llesiannol ynddo ac sydd yn ardal eich awdurdod;
  - (vii) unrhyw dir y mae eich awdurdod yn landlord arno ac y mae ffyrn yr ydych yn bartner ynddi, cwmni yr ydych yn gyfarwyddwr arno ac yn derbyn tâl, neu gorff o'r math a ddisgrifir yn is-baragraff (iv) uchod yn denant arno;
  - (viii) unrhyw gorff yr ydych wedi eich ethol, eich penodi neu eich enwebu gan eich awdurdod i fod arno;
  - (ix) unrhyw —
    - (aa)awdurdod cyhoeddus neu gorff sy'n arfer swyddogaethau o natur gyhoeddus;
    - (bb)cwmni, cymdeithas ddiwydiannol a darbodus, elusen, neu gorff arall a chanddo ddibenion elusennol;
    - (cc)corff y mae dylanwadu ar farn neu bolisi cyhoeddus ymhlih ei brif ddibenion;
    - (chch)undeb llafur neu gymdeithas broffesiynol; neu
    - (dd)clwb preifat neu gymdeithas breifat sy'n gweithredu o fewn ardal eich awdurdod,
- yr ydych yn aelod ohono neu ohoni neu mewn safle rheolaeth neu reoli cyffredinol ynddo neu ynddi;
- (x) unrhyw dir yn ardal eich awdurdod y mae gennych drwydded (ar eich pen eich hun neu ar y cyd ag eraill) i'w feddianu am 28 o ddiwrnodau neu fwy;
  - (b) pe byddai'n rhesymol i aelod o'r cyhoedd ganfod bod gwrthdaro rhwng eich rôl o ran gwneud penderfyniad, ar y busnes hwnnw, ar ran eich awdurdod yn gyfan a'ch rôl o ran cynrychioli buddiannau etholwyr yn eich ward neu eich dosbarth etholiadol; neu
  - (c) pe byddai'n rhesymol ystyried penderfyniad arno yn benderfyniad a fyddai'n effeithio —
    - (i) ar eich llesiant neu eich sefyllfa ariannol, neu lesiant neu sefyllfa ariannol person yr ydych yn byw gydag ef, neu unrhyw berson y mae gennych gysylltiad personol agos ag ef;
    - (ii) ar unrhyw gyflogaeth yr ymgwymerir â hi neu fusnes a redir gan bersonau fel a ddisgrifir yn 10(2)(c)(i);
    - (iii) ar unrhyw berson sy'n cyflogi neu sydd wedi penodi'r cyfryw bersonau ag a ddisgrifir yn 10(2)(c)(i), unrhyw ffyrn y mae'r cyfryw bersonau'n bartneriaid ynddi, neu unrhyw gwmni y maent yn gyfarwyddwyr arno;
    - (iv) ar unrhyw gorff corfforaethol y mae gan bersonau fel a ddisgrifir yn 10(2)(c)(i) fuddiant llesiannol mewn dosbarth o warannau sy'n werth mwy na'r gwerth enwol o £5,000; neu
    - (v) ar unrhyw gorff a restrir ym mharagraffau 10(2)(a)(ix)(aa) i (dd) y mae personau a ddisgrifir yn 10(2)(c)(i) mewn safle rheolaeth neu reoli cyffredinol ynddo,

a hynny i raddau mwy —

- (aa)yn achos awdurdod â dosbarthiadau etholiadol neu wardiau, na'r rhelyw o bobl eraill sy'n talu'r dreth gyngor, bobl eraill sy'n talu ardrethi neu breswylwyr eraill yn y dosbarth etholiadol neu'r ward, yn ôl y digwydd, y bydd y penderfyniad yn effeithio arnynt; neu
- (bb)ym mhob achos arall, na'r rhelyw o bobl eraill sy'n talu'r dreth gyngor, o bobl eraill sy'n talu ardrethi neu breswylwyr eraill yn ardal yr awdurdod.

#### Datgelu Buddiannau Personol

11.—(1) Pan fydd gennych fuddiant personol mewn unrhyw fusnes y mae a wnelo eich awdurdod ag ef ac y byddwch yn bresennol mewn cyfarfod lle y caiff y busnes hwnnw ei ystyried, rhaid i chi ddatgelu ar lafar gerbron y cyfarfod hwnnw fodolaeth a natur y buddiant hwnnw cyn i'r cyfarfod ystyried y busnes neu ar ddechrau'r ystyriaeth, neu pan ddaw'r buddiant i'r amlwg.

(2) Pan fydd gennych fuddiant personol mewn unrhyw fusnes y mae a wnelo eich awdurdod ag ef ac y byddwch yn gwneud —

- (a) cynrychioliadau ysgrifenedig (p'un ai drwy lythyr, neges ffacs neu ar ryw ffurf arall ar gyfathrebu electronig) i un o aelodau neu o swyddogion eich awdurdod yngylch y busnes hwnnw, dylech gynnwys

manylion am y buddiant hwnnw yn y gyfathrebiaeth ysgrifenedig; neu

- (b) cynrychioliadau llafar (p'un ai'n bersonol neu ar ryw ffurf ar gyfathrebu electronig) i un o aelodau neu o swyddogion eich awdurdod dylech ddatgelu'r buddiant ar ddechrau'r cyfryw gynrychioliad, neu pan ddaw'n amlwg i chi fod gennych fuddiant o'r fath, a chadarnhau'r cynrychioliad a'r buddiant yn ysgrifenedig o fewn 14 o ddiwrnodau ar ôl gwneud y cynrychioliad.

(3) Yn ddarostyngedig i baragraff 14(1)(b) isod, os bydd gennych fuddiant personol mewn unrhyw fusnes y mae a wnelo eich awdurdod ag ef ac y byddwch wedi gwneud penderfyniad wrth arfer un o swyddogaethau gweithrediaeth neu fwrrd, rhaid i chi mewn perthynas â'r busnes hwnnw sicrhau bod unrhyw ddatganiad ysgrifenedig yngylch y penderfyniad hwnnw'n cofnodi bodolaeth a natur eich buddiant.

(4) Rhaid i chi, mewn cysylltiad â buddiant personol nas datgelwyd eisoes, cyn cyfarfod neu'n syth ar ôl diwedd cyfarfod pan ddatgelir y buddiant yn unol ag is-baragraff 11(1), roi hysbysiad ysgrifenedig i'ch awdurdod yn unol ag unrhyw ofynion a nodir gan swyddog monitro eich awdurdod o bryd i'w gilydd ond, rhaid cynnwys o leiaf —

- (a) manylion am y buddiant personol;
- (b) manylion am y busnes y mae'r buddiant personol yn gysylltiedig ag ef; ac
- (c) eich llofnod.

(5) Pan fydd eich swyddog monitro wedi cytuno bod yr wybodaeth sy'n ymwneud â'ch buddiant personol yn wybodaeth sensitif, yn unol â pharagraff 16(1), mae eich rhwymedigaethau o dan y paragraff 11 hwn i ddatgelu'r cyfryw wybodaeth, p'un ai ar lafar neu'n ysgrifenedig, i'w disodli gan rwymedigaeth i ddatgelu bodolaeth buddiant personol ac i gadarnhau bod eich swyddog monitro wedi cytuno bod y cyfryw fuddiant personol o natur gwybodaeth sensitif.

(6) At ddibenion is-baragraff (4), dim ond os bod hysbysiad ysgrifenedig wedi ei ddarparu yn unol â'r cod hwn ers y dyddiad diwethaf pryd yr etholwyd chi, y penodwyd chi neu yr enwebwyd chi'n aelod o'ch awdurdod y bernir bod buddiant personol wedi ei ddatgelu eisoes.

(7) At ddibenion is-baragraff (3), os na ddarperir hysbysiad ysgrifenedig yn unol â'r paragraff hwnnw bernir na fyddwch wedi datgan buddiant personol yn unol â'r cod hwn.

### Buddiannau sy'n Rhagfarnu

12.—(1) Yn ddarostyngedig i is-baragraff (2) isod, os bydd gennych fuddiant personol mewn unrhyw fusnes y mae a wnelo eich awdurdod ag ef bydd gennych hefyd fuddiant sy'n rhagfarnu yn y busnes hwnnw os bydd y buddiant yn un y bydd yn rhesymol i aelod o'r cyhoedd sy'n gwybod y ffeithiau perthnasol fod o'r farn ei fod mor arwyddocaol fel y bydd yn debygol o ragfarnu eich barn yngylch buddiant cyhoeddus.

(2) Yn ddarostyngedig i is-baragraff (3), nid ystyrir bod gennych fuddiant sy'n rhagfarnu mewn unrhyw fusnes os bydd y busnes hwnnw—

- (a) yn gysylltiedig—
  - (i) ag awdurdod perthnasol arall yr ydych hefyd yn aelod ohono;
  - (ii) ag awdurdod cyhoeddus arall neu gorff sy'n arfer swyddogaethau o natur gyhoeddus lle yr ydych mewn safle rheolaeth neu reoli cyffredinol;
  - (iii) â chorff yr ydych wedi cael eich ethol, eich penodi neu eich enwebu gan eich awdurdod i fod arno;
  - (iv) â'ch rôl fel llywodraethwr ysgol (os na chawsoch eich penodi neu eich enwebu gan eich awdurdod) oni bai bod y busnes yn benodol gysylltiedig â'r ysgol yr ydych yn un o'i llywodraethwyr;
  - (v) â'ch rôl fel aelod o Fwrdd Iechyd Lleol os na chawsoch eich penodi neu eich enwebu gan eich awdurdod i fod arno;
- (b) yn gysylltiedig:
  - (i) â swyddogaethau tai eich awdurdod os oes gennych denantiaeth neu les gyda'ch awdurdod, ar yr amod nad oes arnoch i'ch awdurdod ôl-ddyledion rhent o fwy na deufis, ac ar yr amod nad yw'r swyddogaethau hynny'n ymwneud yn arbennig â'ch tenantiaeth neu â'ch les;
  - (ii) â swyddogaethau eich awdurdod mewn cysylltiad â phrydau ysgol, cludiant a threuliau teithio, os ydych chi'n warchodwr, yn rhiant, yn fam-gu neu'n nain neu'n dad-cu neu'n daid, neu os oes gennych gyfrifoldeb rhiant (fel y'i diffinnir yn adran 3 o Deddf Plant 1989) dros blentyn sy'n cael addysg lawnamser, onid yw'r busnes yn benodol gysylltiedig â'r ysgol y mae'r plentyn hwnnw'n ei mynychu;
  - (iii) â swyddogaethau eich awdurdod mewn cysylltiad â thâl salwch statudol o dan Ran XI o Ddeddf

Cyfraniadau a Budd-daliadau Nawdd Cymdeithasol 1992, os ydych yn cael, neu os oes gennych hawl i gael, taliad o'r fath gan eich awdurdod;

- (iv) â swyddogaethau eich awdurdod mewn cysylltiad â lwfans neu daliad a wneir o dan adrannau 22(5), 24(4) a 173 i 176 o Deddf Llywodraeth Leol 1972, lwfans neu bensiwn o dan adran 18 o Deddf Llywodraeth Leol a Thai 1989 neu lwfans neu daliad o dan adran 100 o Deddf Llywodraeth Leol 2000;
- (c) yn gysylltiedig â'ch rôl fel cyngropydd cymunedol mewn perthynas â grant, benthyriad neu fath arall ar gymorth ariannol a wnaed gan eich cyngor cymuned i gyrrf cymunedol neu wirfoddol hyd at uchafswm o £500.

(3) Nid yw'r esemttiadau yn is-baragraff (2)(a) yn gymwys os yw'r busnes yn gysylltiedig â dyfarnu ar unrhyw gymeradwyaeth, cydsyniad, trwydded, caniatâd neu gofrestriad.

### Pwyllgorau Trosolygu a Chraffu

13. Bydd gennych hefyd fuddiant sy'n rhagfarnu mewn unrhyw fusnes sydd gerbron un o bwylgorau trosolygu a chraffu eich awdurdod (neu un o is-bwylgorau pwyllgor o'r fath )—

- (a) os bydd y busnes hwnnw'n gysylltiedig â phenderfyniad a wnaed (p'un a gafodd ei weithredu ai peidio) neu gam a gymerwyd gan weithrediaeth, bwrdd, neu un arall o bwylgorau, is-bwylgorau, cyd-bwylgorau neu o gyd-is-bwylgorau eich awdurdod; a
- (b) os oeddech chi, ar yr adeg pan wnaed y penderfyniad neu pan gymerwyd y cam, yn aelod o'r weithrediaeth, y bwrdd, y pwyllgor, yr is-bwylgor, y cyd-bwylgor neu'r cyd-is-bwylgor a grybwylir yn is-baragraff (a) a'ch bod chi'n bresennol pan wnaed y penderfyniad hwnnw neu pan gymerwyd y cam hwnnw.

### Cyfrannu mewn Perthynas â Datgelu Buddiannau

14.—(1) Yn ddarostyngedig i is-baragraffau (2), (3) a (4), os bydd gennych fuddiant sy'n rhagfarnu mewn unrhyw fusnes y mae a wnelo eich awdurdod ag ef rhaid i chi, oni roddwyd i chi ollyngiad gan bwylgor safonau eich awdurdod —

- (a) ymadael â'r ystafell, y siambr neu'r man lle y mae cyfarfod i ystyried y busnes yn cael ei gynnal—  
(i) pan fo is-baragraff (2) yn gymwys, yn syth ar ôl i'r cyfnod ar gyfer gwneud cynrychioliadau, ateb cwestiynau neu roi dystiolaeth sy'n ymwneud â'r busnes ddod i ben a beth bynnag cyn i ystyriaeth bellach o'r busnes ddechrau, p'un a ganiateir i'r cyhoedd aros yn bresennol ar gyfer y cyfryw ystyriaeth ai peidio; neu  
(ii) mewn unrhyw achos arall, pa bryd bynnag y daw i'r amlwg bod y busnes hwnnw'n cael ei ystyried yn y cyfarfod hwnnw;
- (b) peidio ag arfer swyddogaethau gweithrediaeth neu fwrdd mewn perthynas â'r busnes hwnnw;
- (c) peidio â cheisio dylanwadu ar benderfyniad ynglych y busnes hwnnw;
- (ch) peidio â gwneud unrhyw gynrychioliadau ysgrifenedig (p'un ai drwy lythyr, neges ffacs neu ar ryw ffurf arall ar gyfathrebu electronig) mewn perthynas â'r busnes hwnnw; a
- (d) peidio â gwneud unrhyw gynrychioliadau llafar (p'un ai'n bersonol neu ar ryw ffurf ar gyfathrebu electronig) mewn cysylltiad â'r busnes hwnnw neu rhaid i chi roi'r gorau ar unwaith i wneud y cyfryw gynrychioliadau llafar pan ddaw'r buddiant sy'n rhagfarnu i'r amlwg.

(2) Os oes gennych fuddiant sy'n rhagfarnu mewn unrhyw fusnes y mae a wnelo eich awdurdod ag ef cewch fod yn bresennol mewn cyfarfod ond dim ond er mwyn gwneud cynrychioliadau, ateb cwestiynau neu roi dystiolaeth sy'n ymwneud â'r busnes, ar yr amod y caniateir hefyd i'r cyhoedd fod yn bresennol yn y cyfarfod i'r un diben, p'un ai o dan hawl statudol neu fel arall.

- (3) Nid yw is-baragraff (1) yn eich rhwystro rhag bod yn bresennol a chyfrannu mewn cyfarfod —  
(a) os gofynnir i chi fod yn bresennol mewn cyfarfod pwyllgor trosolwg neu graffu, gan y cyfryw bwylgor ac yntau'n arfer ei bwerau statudol; neu  
(b) os oes gennych y fantais o fod gollyngiad wedi ei roi i chi ar yr amod—  
(i) eich bod yn datgan yn y cyfarfod eich bod yn dibynnu ar y gollyngiad; a  
(ii) eich bod, cyn y cyfarfod neu'n syth ar ôl i'r cyfarfod orffen, yn rhoi hysbysiad ysgrifenedig i'ch awdurdod a bod hwnnw'n cynnwys —  
(aa) manylion y buddiant sy'n rhagfarnu;

- (bb) manylion y busnes y mae'r buddiant sy'n rhagfarnu'n gysylltiedig ag ef;
- (cc) manylion y gollyngiad a'r dyddiad pryd y'i rhoddwyd; a
- (chch) eich llofnod.

(4) Os bydd gennych fuddiant sy'n rhagfarnu a'ch bod yn gwneud cynrychioliadau ysgrifenedig neu lafar i'ch awdurdod gan ddibynnu ar ollyngiad, rhaid i chi ddarparu manylion am y gollyngiad o fewn unrhyw gynrychioliad ysgrifenedig neu lafar o'r fath ac, yn yr achos olaf hwn, rhaid i chi ddarparu hysbysiad ysgrifenedig ar gyfer eich awdurdod o fewn 14 o ddiwrnodau ar ôl gwneud y cynrychioliad.

## RHAN 4

### COFRESTR BUDDIANNAU AELODAU

#### Cofrestru Buddiannau Ariannol a Buddiannau Eraill ac Aelodaeth o Gyrrf a Safleoedd Rheoli

15.—(1) Yn ddarostyngedig i is-baragraff (3), rhaid i chi, o fewn 28 o ddiwrnodau ar ôl—

- (a) i god ymddygiad eich awdurdod gael ei fabwysiadu neu i ddarpariaethau gorfodol y cod enghreifftiol hwn gael eu cymhwysio i'ch awdurdod; neu
- (b) i chi gael eich ethol neu eich penodi i swydd (os digwydd hynny'n ddiweddarach),

gofrestru eich buddiannau ariannol a'ch buddiannau eraill, os ydynt yn dod o fewn categori a grybwylir ym mharagraff 10(2)(a) yng nghofrestr eich awdurdod a gedwir o dan adran 81(1) o Deddf Llywodraeth Leol 2000, drwy ddarparu hysbysiad ysgrifenedig ar gyfer swyddog monitro eich awdurdod.

(2) Rhaid i chi, o fewn 28 o ddiwrnodau ar ôl dod yn ymwybodol o unrhyw fuddiant personol newydd neu o newid i unrhyw fuddiant personol a gofrestrwyd o dan is-baragraff (1), gofrestru'r buddiant personol newydd hwnnw neu'r newid drwy ddarparu hysbysiad ysgrifenedig ar gyfer swyddog monitro eich awdurdod.

(3) Nid yw is-baragraffau (1) a (2) yn gymwys i wybodaeth sensitif a benderfynir yn unol â pharagraff 16(1).

(4) Ni fydd is-baragraff (1) yn gymwys os ydych yn aelod o awdurdod perthnasol sy'n gyngor cymuned pan fyddwch yn gweithredu yn eich capaciti fel aelod o awdurdod o'r fath.

#### Gwybodaeth sensitif

16.—(1) Os byddwch yn ystyried bod yr wybodaeth sy'n ymwneud ag unrhyw un neu rai o'ch buddiannau personol yn wybodaeth sensitif, a bod swyddog monitro eich awdurdod yn cytuno, nid oes angen i chi gynnwys yr wybodaeth honno pan fyddwch yn cofrestru'r buddiant hwnnw, neu, yn ôl y digwydd, newid i'r buddiant o dan baragraff 15.

(2) Rhaid i chi, o fewn 28 o ddiwrnodau ar ôl i chi ddod yn ymwybodol o unrhyw newid yn eich amgylchiadau sy'n golygu nad yw gwybodaeth sydd wedi ei heithrio o dan is-baragraff (1) mwyach yn wybodaeth sensitif, hysbysu swyddog monitro eich awdurdod gan ofyn am i'r wybodaeth gael ei chynnwys yng nghofrestr buddiannau aelodau eich awdurdod.

(3) Yn y cod hwn, ystyr "gwybodaeth sensitif" ("*sensitive information*") yw gwybodaeth y mae ei rhoi ar gael i'w harchwilio gan y cyhoedd yn creu, neu'n debygol o greu, risg ddifrifol y gallech chi neu berson sy'n byw gyda chi fod yn destun traïs neu fygythion.

#### Cofrestru Rhoddion a Lletygarwch

17. Rhaid i chi, o fewn 28 o ddiwrnodau ar ôl i chi gael unrhyw rodd, lletygarwch, buddiant materol neu fantais faterol, sy'n fwy na gwerth a bennir mewn penderfyniad gan eich awdurdod, ddarparu hysbysiad ysgrifenedig ar gyfer swyddog monitro eich awdurdod yn nodi bodolaeth a natur y rhodd honno, y lletygarwch hwnnw, y buddiant materol hwnnw neu'r fantais faterol honno.

SCHEDULE  
THE MODEL CODE OF CONDUCT

**PART 1**  
**INTERPRETATION**

**1.—(1) In this code —**

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

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

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

"meeting" ("*cyfarfod*") means any meeting —

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

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

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

"relevant authority" ("*awdurdod perthnasol*") means—

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

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

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

(2) In relation to a community council, references to an authority's monitoring officer and an authority's standards committee are to be read, respectively, as references to the monitoring officer and the standards committee of the county or county borough council which has functions in relation to the community council for which it is responsible under section 56(2) of the Local Government Act 2000.

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

(2) 2004 c.21.

(3) 1995 c.25.

## PART 2

### GENERAL PROVISIONS

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

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

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

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

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

4. You must —

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

5. You must not —

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

6.—(1) You must —

- (a) not conduct yourself in a manner which could reasonably be regarded as bringing your office or authority into disrepute;
- (b) report, whether through your authority's confidential reporting procedure or direct to the proper authority, any conduct by another member or anyone who works for, or on behalf of, your authority which you reasonably believe involves or is likely to involve criminal behaviour (which for the purposes of this paragraph does not include offences or behaviour capable of punishment by way of a fixed penalty);
- (c) report to the Public Services Ombudsman for Wales and to your authority's monitoring officer any conduct by another member which you reasonably believe breaches this code of conduct;
- (d) not make vexatious, malicious or frivolous complaints against other members or anyone who works for, or on behalf of, your authority.

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

7. You must not —

- (a) in your official capacity or otherwise, use or attempt to use your position improperly to confer on or secure for yourself, or any other person, an advantage or create or avoid for yourself, or any other person, a disadvantage;
- (b) use, or authorise others to use, the resources of your authority —

- (i) imprudently;
- (ii) in breach of your authority's requirements;
- (iii) unlawfully;
- (iv) other than in a manner which is calculated to facilitate, or to be conducive to, the discharge of the functions of the authority or of the office to which you have been elected or appointed;
- (v) improperly for political purposes; or
- (vi) improperly for private purposes.

**8. You must —**

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

**9. You must —**

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

**PART 3**

**INTERESTS**

**Personal Interests**

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

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

- (a) it relates to, or is likely to affect —
  - (i) any employment or business carried on by you;
  - (ii) any person who employs or has appointed you, any firm in which you are a partner or any company for which you are a remunerated director;
  - (iii) any person, other than your authority, who has made a payment to you in respect of your election or any expenses incurred by you in carrying out your duties as a member;
  - (iv) any corporate body which has a place of business or land in your authority's area, and in which you have a beneficial interest in a class of securities of that body that exceeds the nominal value of £25,000 or one hundredth of the total issued share capital of that body;
  - (v) any contract for goods, services or works made between your authority and you or a firm in which you are a partner, a company of which you are a remunerated director, or a body of the description specified in sub-paragraph (iv) above;

- (vi) any land in which you have a beneficial interest and which is in the area of your authority;
  - (vii) any land where the landlord is your authority and the tenant is a firm in which you are a partner, a company of which you are a remunerated director, or a body of the description specified in subparagraph (iv) above;
  - (viii) any body to which you have been elected, appointed or nominated by your authority;
  - (ix) any —
    - (aa) public authority or body exercising functions of a public nature;
    - (bb) company, industrial and provident society, charity, or body directed to charitable purposes;
    - (cc) body whose principal purposes include the influence of public opinion or policy;
    - (dd) trade union or professional association; or
    - (ee) private club, society or association operating within your authority's area,
  - in which you have membership or hold a position of general control or management;
  - (x) any land in your authority's area in which you have a licence (alone or jointly with others) to occupy for 28 days or longer;
  - (b) a member of the public might reasonably perceive a conflict between your role in taking a decision, upon that business, on behalf of your authority as a whole and your role in representing the interests of constituents in your ward or electoral division; or
  - (c) a decision upon it might reasonably be regarded as affecting —
    - (i) your well-being or financial position, or that of a person with whom you live, or any person with whom you have a close personal association;
    - (ii) any employment or business carried on by persons as described in 10(2)(c)(i);
    - (iii) any person who employs or has appointed such persons described in 10(2)(c)(i), any firm in which they are a partner, or any company of which they are directors;
    - (iv) any corporate body in which persons as described in 10(2)(c)(i) have a beneficial interest in a class of securities exceeding the nominal value of £5,000; or
    - (v) any body listed in paragraphs 10(2)(a)(ix)(aa) to (ee) in which persons described in 10(2)(c)(i) hold a position of general control or management,
- to a greater extent than the majority of—
- (aa) in the case of an authority with electoral divisions or wards, other council tax payers, rate payers or inhabitants of the electoral division or ward, as the case may be, affected by the decision; or
  - (bb) in all other cases, other council tax payers, ratepayers or inhabitants of the authority's area.

#### **Disclosure of Personal Interests**

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

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

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

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

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

time but, as a minimum containing —

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

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

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

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

### **Prejudicial Interests**

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

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

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

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

## **Overview and Scrutiny Committees**

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

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

## **Participation in Relation to Disclosed Interests**

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

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

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

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

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

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

## PART 4

### THE REGISTER OF MEMBERS' INTERESTS

#### Registration of Financial and Other Interests and Memberships and Management Positions

15.—(1) Subject to sub-paragraph (3), you must, within 28 days of—

- (a) your authority's code of conduct being adopted or the mandatory provisions of this model code being applied to your authority; or
- (b) your election or appointment to office (if that is later),

register your financial interests and other interests, where they fall within a category mentioned in paragraph 10(2)(a) in your authority's register maintained under section 81(1) of the Local Government Act 2000 by providing written notification to your authority's monitoring officer.

(2) You must, within 28 days of becoming aware of any new personal interest or change to any personal interest registered under sub-paragraph (1), register that new personal interest or change by providing written notification to your authority's monitoring officer.

(3) Sub-paragraphs (1) and (2) do not apply to sensitive information determined in accordance with paragraph 16(1).

(4) Sub-paragraph (1) will not apply if you are a member of a relevant authority which is a community council when you act in your capacity as a member of such an authority.

#### Sensitive information

16.—(1) Where you consider that the information relating to any of your personal interests is sensitive information, and your authority's monitoring officer agrees, you need not include that information when registering that interest, or, as the case may be, a change to the interest under paragraph 15.

(2) You must, within 28 days of becoming aware of any change of circumstances which means that information excluded under sub-paragraph (1) is no longer sensitive information, notify your authority's monitoring officer asking that the information be included in your authority's register of members' interests.

(3) In this code, "sensitive information" ("*gwybodaeth sensitif*") means information whose availability for inspection by the public creates, or is likely to create, a serious risk that you or a person who lives with you may be subjected to violence or intimidation.

#### Registration of Gifts and Hospitality

17. You must, within 28 days of receiving any gift, hospitality, material benefit or advantage above a value specified in a resolution of your authority, provide written notification to your authority's monitoring officer of the existence and nature of that gift, hospitality, material benefit or advantage.

# **Appendix 4**



## Declaration of Acceptance of Office Datganiad Derbyn Swydd

I, LEIGH-MTON OWEN ROLAND S..., having been elected to the office of Member of the Vale of Glamorgan Council 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.

Yr wyf i ..... a minnau wedi fy ethol i swydd Aelod o Gyngor Bro Morgannwg, yn datgan fy mod yn cymryd arnaf fy hun y swydd honno, ac y byddaf yn cyflawni dyletswyddau'r swydd yn briodol ac yn ffyddlon hyd eithaf fy marn a'm gallu.

I undertake to observe the Code for the time being as to the conduct which is expected of Members of the Vale of Glamorgan Council and which may be revised from time to time.

Yr wyf yn ymrwymo i barchu'r Cod ymddygiad a ddisgwylir oddi wrth aelodau o Gyngor Bro Morgannwg ac sy'n bodoli am y tro ac a allai gael ei adolygu o dro i dro.

Signed / Llofnodwyd : ..... Date / Dyddiad : 8.5.2017

This declaration was made and signed before me,  
Cafodd y datganiad hwn ei wneud a'i lofnodi ger fy mron,

Signed / Llofnodwyd : .....  
Proper Officer of the Council  
Swyddog Priodol y Cyngor

# **Appendix 5**

## Declaration of Acceptance of Office Datganiad Derbyn Swydd

I\*, *Leyton Owen Rowlands*  
Yr wyf i\*

having been elected to the office of† *Member*  
of\*\*  
a minnau wedi fy ethol i swydd†\*\* *Berry Town Council*

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 DATGAN fy mod yn cymryd arnaf fy hun y swydd honno, ac y byddaf yn cyflawni dyletswyddau'r swydd yn briodol ac yn ffyddlon hyd eithaf fy marn a'm gallu.

I undertake to observe the code for the time being as to the conduct which is expected of members of\*\* *Berry Town Council*  
and which may be revised from time to time.

Yr wyf yn ymrwymo i barchu'r côd ymddygiad a ddisgwylir oddi wrth aelodau ac sy'n bodoli am y tro ac a allai gael ei adolygu o dro i dro\*\*

Date: *10 - 05. 2017*  
Dyddiad:

(Signed).  
(Llofnodwyd)



This declaration was made and signed before me  
Cafodd y datganiad hwn ei wneud a'i lofnodi ger fy mron



Proper Officer of the Council‡  
Swyddog priodol y cyngor‡

\*Insert the name of the person making the declaration.  
\*Mewnosoder enw'r person sy'n gwneud y datganiad.

†Insert "member" or "mayor" as appropriate.  
†Mewnosoder "aelod" neu "Maer" fel y bo'n briodol.

\*\*Insert name of the authority of which the person making the declaration is a member or mayor.  
\*\*Mewnosoder enw'r awdurdod y mae'r person sy'n gwneud y datganiad yn aelod ohono neu'n faer yr awdurdod

‡Where the declaration is made before another person authorised by section 83(3) or (4) of the Local Government Act 1972, state instead the capacity in which that person takes the declaration.  
‡Pan wneir y datganiad gerbron person arall a awdurdodwyd gan adran 83(3) neu (4) o Deddf Llywodraeth Leol 1972, dylid datgan, yn lle hynny, yn rhinwedd pa swydd y mae'r person hwnnw'n derbyn y datganiad.

## Declaration of Acceptance of Office Datganiad Derbyn Swydd

I\* CLW LEIGHTON ROWLANDS  
Yr wyf i\*

having been elected to the office of† **DEPUTY TOWN MAYOR**  
of\*\*  
a minnau wedi fy ethol i swydd†\*\* **BARRY TOWN COUNCIL**

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 DATGAN fy mod yn cymryd arnaf fy hun y swydd honno, ac y byddaf yn cyflawni dyletswyddau'r swydd yn briodol ac yn ffyddlon hyd eithaf fy marn a'm gallu.

I undertake to observe the code for the time being as to the conduct which is expected of members of\*\*

and which may be revised from time to time.

Yr wyf yn ymrwymo i barchu'r côd ymddygiad a ddisgwylir oddi wrth aelodau ac sy'n bodoli am y tro ac a allai gael ei adolygu o dro i dro\*\*

Date: 13.05.19  
Dyddiad:

(Signed)  
(Llofnodwyd)



This declaration was made and signed before me  
Cafodd y datganiad hwn ei wneud a'i lofnodi ger fy mron



Proper Officer of the Council  
Swyddog priodol y cyngor†

\*Insert the name of the person making the declaration.  
\*Mewnosofer enw'r person sy'n gwneud y datganiad.

†Insert "member" or "mayor" as appropriate.  
†Mewnosofer "aelod" neu "Maer" fel y bo'n briodol.

\*\*Insert name of the authority of which the person making the declaration is a member or mayor.  
\*\*Mewnosofer enw'r awdurdod y mae'r person sy'n gwneud y datganiad yn aelod ohono neu'n faer yr awdurdod

‡Where the declaration is made before another person authorised by section 83(3) or (4) of the Local Government Act 1972, state instead the capacity in which that person takes the declaration.

‡Pan wneir y datganiad gerbron person arall a awdurdodwyd gan adrann 83(3) neu (4) o Deddf Llywodraeth Leol 1972, dylid datgan, yn lle hynny, yn rhinwedd pa swydd y mae'r person hwnnw'n derbyn y datganiad.

# **Appendix 6**

Our ref: 201902891  
201902956

Ask for: Sarah James

01656 641150

Date: 16 August 2019

sarah.james@ombudsman-wales.org.uk

**PERSONAL & CONFIDENTIAL**  
Councillor Leighton Rowlands  
[REDACTED]

By email only  
lorowlands@valeofglamorgan.gov.uk

Dear Councillor Rowlands

**Code of Conduct complaint made by Councillor Neil Moore**

I enclose for your information a redacted copy of a complaint we have recently received from Councillor Neil Moore against you.

You need not respond to this letter if you do not wish to do so. However, if you do comment on the complaint at this stage, please note that your comments may be disclosed to the complainant, or in any subsequent proceedings.

We will now consider the complaint in accordance with our usual procedure. You may want to consider our 'Code of Conduct - Information for members' factsheet.

We will aim to inform you whether there are grounds to investigate the complaint within six weeks. However, there may be occasions when it is not possible to do so. On these occasions we will write to provide you with an update.

The Ombudsman's investigations are conducted in private. You are therefore asked not to contact or discuss the details of the complaint with any potential witnesses or persons who may be involved in the matter, whether directly or indirectly, to avoid any prejudice to any investigation. Conduct of this kind may amount to a breach of the Code.

If you consider that specific information should be considered or witnesses should be contacted by the Ombudsman as part of his initial consideration of this matter, please let me know and I will consider your request.

### **Meeting your needs**

Please let us know if you need us to adapt the way we communicate with you. If anything makes it difficult for you to comment on the complaint enclosed, and you wish to do so, for example, if you have a disability, please contact us to explain how this affects you.

We will consider whether your request is reasonable and appropriate in the circumstances. This is because we need to use public money carefully.

### **Communicating with you**

Please tell us whether you would prefer to communicate with us in Welsh or English. We ask this as part of our Welsh Language Policy and so that we can best meet your language needs. If we do not hear from you, we will assume that you are content for us to communicate with you in the language the complaint was received, in this case English.

Unless you tell us differently, we will communicate with you through the email address you have provided.

When we correspond with you by email, we will send any confidential or sensitive personal information to you using Egress secure email. This is necessary to protect the content of the material. To access information sent to you via Egress, if you do not already have one, you will need to register for a free account by clicking on the 'New User' link in the email you receive. This set up will only be required once and you can then respond to, and initiate, secure correspondence with us free of charge.

We may occasionally send large emails and attachments. Any emails and attachments greater than 20MB (collectively) will be sent via the Large File Transfer function. These emails will carry the Ombudsman's logo, and will contain a link to access the material. As with other Egress emails, you will be required to log into Switch to access the content.

A Quick Start User Guide can be found [here](#). If you have any queries about our use of Egress, you can contact our IT team on [itc@ombudsman-wales.org.uk](mailto:itc@ombudsman-wales.org.uk). You will also be able to obtain further assistance from Egress Software Technologies Customer Service: [www.egress.com/support](http://www.egress.com/support)

I am copying this letter and enclosure to the Monitoring Officer of Vale of Glamorgan Council and to the Clerk to Barry Town Council.

Yours sincerely

A solid black rectangular redaction mark.

**Sarah James**  
Casework Officer

Attached: Redacted complaint information

Cc: Victoria Davidson  
Emily Forbes

Ein cyf:  
201902891  
201902956

Gofynnwch Sarah James  
am:  
01656 641150

Dyddiad: 16 Awst 2019

✉ sarah.james@ombudsman-wales.org.uk

**PERSONOL A CHYFRINACHOL**  
Cynghorydd Leighton Rowlands

[REDACTED]

**Trwy ebost yn unig -**  
lorowlands@valeofglamorgan.gov.uk

Annwyl Cynghorydd Rowlands

**Cwyn yn ymwneud â'r Cod Ymddygiad a wnaethpwyd gan  
Cynghorydd Neil Moore**

Er gwybodaeth i chi, amgaeaf gopi wedi'i olygu o gŵyn yr ydym wedi'i dderbyn yn ddiweddar oddi wrth Cynghorydd Neil Moore yn eich erbyn chi.

Does dim rhaid i chi ymateb i'r llythyr hwn os nad ydych yn dymuno gwneud hynny. Ond, os byddwch chi'n gwneud sylwadau ar y gŵyn ar yr adeg hon, dylech nodi efallai bydd eich sylwadau'n cael eu datgelu i'r achwynydd, neu mewn unrhyw achos sy'n dilyn.

Byddwn yn awr yn ystyried y gŵyn yn unol â'n gweithdrefn arferol. Efallai hoffwch ystyried taflen wybodaeth yr Ombwdsmon, 'Cod Ymddygiad - Gwybodaeth i Aelodau'.

Byddwn yn ceisio rhoi gwybod i chi a oes sail i ymchwilio i'r gŵyn o fewn chwe wythnos. Fodd bynnag, efallai y bydd adegau lle na fydd yn bosibl gwneud hynny. Ar yr adegau hyn, byddwn yn ysgrifennu atoch i roi'r wybodaeth ddiweddaraf i chi.

Cynhelir ymchwiliadau'r Ombwdsmon yn breifat. Felly, gofynnir i chi beidio â chysylltu na thrafod manylion y gŵyn ag unrhyw dystion posibl neu unrhyw un a allai fod yn gysylltiedig â'r mater, boed hynny'n uniongyrchol neu'n anuniongyrchol, i osgoi unrhyw ragfarn ynghylch yr ymchwiliad. Gallai ymddygiad o'r fath gael ei ystyried fel torri'r Cod.

Tudalen 1 o 3

Os ydych o'r farn y dylai'r Ombwdsmon ystyried gwybodaeth benodol neu gysylltu â thystion pan fydd yn ystyried y mater hwn am y tro cyntaf, rhowch wybod i mi ac fe wnaf ystyried eich cais.

### Diwallu eich anghenion

Os oes angen i ni addasu sut rydym yn cyfathrebu â chi, a fydd ech cystal â rhoi gwybod i ni. Os oes unrhyw beth yn ei gwneud yn anodd i chi wneud sylwadau ar y gŵyn amgaeedig, a'ch bod yn awyddus i wneud hynny, er enghraifft, os oes gennych anabledd, a fydd ech cystal â chysylltu â ni i egluro sut mae hyn yn effeithio arnoch.

Byddwn yn ystyried a yw eich cais yn rhesymol ac yn briodol o dan yr amgylchiadau. Mae hyn am fod angen i ni ddefnyddio arian cyhoeddus yn ofalus.

### Cyfathrebu â chi

Dyweddwr wrthym a'i fyddai'n well gennych chi gyfathrebu â ni drwy gyfrwng y Gymraeg neu'r Saesneg. Rydym yn gofyn hyn fel than o'n Polisi Iaith Gymraeg ac fel y gallwn ddiwallu eich anghenion ieithyddol. Os na fyddwn yn clywed gennych, byddwn yn tybio eich bod yn fodlon i ni gyfathrebu â chi yn yr iaith y derbynwyd y gŵyn, yn yr achos hwn, yn Saesneg.

Oni bai eich bod yn dweud wrthym ni fel arall, byddwn ni'n cyfathrebu â chi drwy'r cyfeiriad ebost rydych chi wedi'i roi.

Pan fyddwn yn cysylltu â chi drwy ebost, byddwn yn anfon unrhyw wybodaeth bersonol gyfrinachol neu sensitif atoch drwy wasanaeth e-bost diogel Egress. Mae hyn yn hanfodol i ddiogelu cynnwys y deunydd. I gael gafaol ar wybodaeth a anfonir atoch drwy Egress, efallai y bydd angen i chi gofrestru am gyfrif rhad ac am ddim drwy glicio'r ddolen 'Defnyddiwr Newydd' yn yr ebost a gawsoch. Dim ond unwaith y bydd yn rhaid i chi wneud hyn, a gallwch ymateb, a chychwyn, gohebu'n ddiogel â ni yn rhad ac am ddim.

Efallai y byddwn weithiau'n anfon negeseuon ebost ac atodiadau mawr atoch chi. Bydd unrhyw neges ebost ac atodiad sy'n fwy na 20MB (gyda'i gilydd) yn cael eu hanfon drwy'r adnodd Trosglwyddo Ffeiliau Mawr. Bydd y negeseuon e-bost hyn yn cynnwys logo'r Ombwdsmon, yn ogystal â delen i fynd at y deunydd. Yn yr un modd â negeseuon ebost Egress eraill, bydd yn rhaid i chi fewngofnodi i Switch i weld y cynnwys.

Mae Canllaw Cychwyn Cyflym i Ddefnyddwyr i'w gweld [yma](#). Os oes gennych unrhyw ymholaïad am sut rydym yn defnyddio Egress, gallwch gysylltu â'n tîm TG yn [itc@ombwdsmon-cymru.org.uk](mailto:itc@ombwdsmon-cymru.org.uk)

Bydd modd i chi hefyd gael rhagor o gymorth gan Wasanaeth Cwsmeriaid Technolegau Meddalwedd Egress: [www.egress.com/support](http://www.egress.com/support)

Rwy'n anfon copi o'r llythyr hwn a'r hyn sy'n amgaeedig at Swyddog Monitro, Cyngor Bro Morgannwg ac at Glerc Cyngor Tref Y Barri

Yn gywir



**Sarah James**  
Casework Officer/Swyddog Gwaith Achos

Amg. Y wybodaeth am y gwyn (wedi'i olygu)

Cc: Victoria Davidson  
Emily Forbes

## Code of conduct complaint form

PUBLIC SERVICES OMBUDSMAN FOR WALES  
OMBUDSMON GWASANAETHAU CYHOEDDUS CYMRU

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

### A Your details

Title and Name **CONCILLOR NEIL MOORE (LEADER OF THE VALE OF GLAMORGAN COUNCIL)**

Address and postcode **THE VALE OF GLAMORGAN COUNCIL,**

**CIVIC OFFICES, HOLTON ROAD, BARRY CF63 4RU**

Email\* [REDACTED]

Daytime contact number [REDACTED]

Mobile number [REDACTED]

How would you prefer us to contact you?  Email  Post  Phone

Please choose your preferred language for communicating with us.  English  Welsh

\* Email provides a quick and efficient means of communication, but you should be aware that there is always a small risk of messages being intercepted. As a precaution, we will send sensitive and confidential information via Egress Secure Email. A user guide can be found on our website.

Sometimes we receive complaints we cannot look at. People can be unhappy when we have to tell them this. To avoid disappointment, before submitting your complaint, it is helpful if you can think about how the member you are complaining about has breached the Code of Conduct. You can find out more about the Code of Conduct on the Ombudsman Guidance & Policy Page on our website. We also recommend that you read the following factsheets on our website:

- Code of Conduct - General Information
- Code of Conduct – What we do when we get your complaint
- Code of Conduct - Assessing public interest

It is important to provide as much direct evidence as possible in support of any complaint, as well as the names and contact details of any witnesses relevant to your complaint.

The person who experienced the problem should normally fill in this form. If you are filling this in on behalf of someone else, please fill in section B.

### B Making a complaint on behalf of someone else: their details

Their name in full [REDACTED]

Address and postcode [REDACTED]

What is your relationship to them? [REDACTED]

Why are you making a complaint on their behalf? [REDACTED]

Email\* [REDACTED]

Daytime contact number [REDACTED]

Mobile number [REDACTED]

Continue over the page

# Code of conduct complaint form

Continued

## Authorisation

If you are complaining on behalf of someone else, they must sign here if they are able to.  
If they are not able to, please explain why.

You should also provide them with a copy of the Privacy Notice for Complainants & Representatives, to ensure that they understand the way in which their personal information will be processed. We will assume that you have provided them with the notice.

I authorise the above listed person (section A) to act on my behalf in submitting a complaint to the Public Services Ombudsman for Wales. I understand that this may mean that my representative will be able to access my personal or sensitive personal information obtained for one of these purposes.

Signature

Date

## C Who are you complaining about?

Name of the member you consider has broken the code of conduct. If your complaint is about more than one member, you will need to submit a separate complaint form for each.

COUNCILLOR LEIGHTON ROWLANDS

Name of the authority

THE VALE OF GLAMORGAN COUNCIL AND BARRY TOWN COUNCIL

Explain how the individual has breached the Code of Conduct. Please say which or refer to the paragraphs of the "Code" you think the member has breached. Please also include the names and contact details of any witnesses relevant to your complaint.\*

I am concerned that Councillor Rowlands has conducted himself in a manner which could reasonably be regarded as bringing his office as a Councillor on the Vale of Glamorgan Council and Barry Town Council, and the respective Councils into disrepute as a result of his conduct relating to the premises known as the "Watering Hole" at 6 St Nicholas Road, Barry.

The Watering Hole trades as a coffee shop during the day and a wine bar during the evening. Trading commenced on 14 June 2019 without the appropriate A3 planning permission, at which time Cllr Rowlands was a Director of the owner-company.

Cllr Rowlands has been a Member of the Vale of Glamorgan Council's Planning Committee since becoming a Vale of Glamorgan Councillor in May 2017 and therefore has particular knowledge of the planning permission requirements and the importance of adhering to planning regulations given his role in making quasi-judicial decisions on planning applications. But further, as a Member of the Planning Committee, Cllr Rowlands should be leading by example and therefore his actions bring the Council into disrepute.

Of particular note, Cllr Rowlands attended the Planning Committee on 27 Sept 2018 when a business had commenced trading as a micro pub [REDACTED] Barry without the requisite A3 planning permission, and the Planning Committee were highly critical of such actions as by commencing trading the business was acting in breach of planning regulations.

The change of use planning application relating to the Watering Hole was submitted to the Vale of Glamorgan Council's Planning Committee on 31 July 2019 when the application was refused and the Vale of Glamorgan Council's Head of Legal Services was authorised to serve an Enforcement Notice under Section 172 of the Town and Country Planning Act 1990 (as amended) to require the cessation of the unauthorised use of the building as a coffee shop and wine bar, and in the event of non-compliance with the notice, authorisation was granted to take such legal proceedings as may be required.

I attach a copy of the Planning Committee report which refers amongst other matters to the objections received by the Council from 25 individuals, Barry Town Council (of which Councillor Rowlands is Deputy Mayor) and the Vale of Glamorgan Council's Shared Regulatory Service.

I also attach copies of numerous news articles and press enquiries and comments issued by the Council concerning this matter.

Further, a photograph of Cllr Rowlands wearing the Mayoral chains of the Vale of Glamorgan Council was used by the owner-company on the Company's website beneath the heading "Meet our team" and above "[REDACTED] and Leighton owners". Cllr Rowlands was the Vale of Glamorgan Council's Mayor for municipal year 2018/19, and the use of such a photograph could be misconstrued that the Vale of Glamorgan Council is connected or endorses the business.

There are numerous witnesses relevant to my complaint, however I would particularly refer you to the Vale of Glamorgan Council's Monitoring Officer/Head of Legal and Democratic Services, Debbie Marles.

Continue over the page

# Code of conduct complaint form

Continued

## Supporting Documents

When submitting a complaint to the Ombudsman that a member has breached the Code of Conduct, it is crucial to provide as much direct evidence as possible in support of any complaint.

### Meeting your needs

Please let us know if you need us to adapt the way we communicate with you. If anything makes it difficult for you to use our service, for example, if you have a disability, please explain in the section below. We consider whether your request is reasonable and appropriate in the circumstances. This is because we need to use public money carefully.

If you do not require any help, please leave this section blank.

### Declaration

I wish for the Public Services Ombudsman for Wales to consider my complaint. I understand that my complaint form and all material supplied with it (including my identity) may be disclosed in full to the member who I am making a complaint against and that this information may become public knowledge. This information will also usually be disclosed to the Monitoring Officer and Clerk (where applicable) of the appropriate Council.

I understand that I may be required to give spoken evidence in public in support of my complaint to the authority's standards committee, or any case tribunal which may be appointed to consider any report which the Ombudsman may issue if he decides to investigate my complaint.

Signature

Date

12/08/19.

*as:- Leader of Vale of Glamorgan Council*

When considering your complaint, the Public Services Ombudsman for Wales will process your personal information. Further information about how we process your personal information is available in the Privacy Notice for Complainants & Representatives. A copy of this notice is also available on our website at [www.ombudsman.wales/privacy-notice/](http://www.ombudsman.wales/privacy-notice/)

Please send this filled-in form to:

**Public Services Ombudsman for Wales**

1 Ffordd yr Hen Gae

Pencoed

CF35 5LJ

Phone: 0300 790 0203 (local call rate) Email: [ask@ombudsman-wales.org.uk](mailto:ask@ombudsman-wales.org.uk) Fax: 01656 641199

## **Watering Hole**

### **News articles**

<http://www.glamorgan-gem.co.uk/article.cfm?id=128270&headline=Ex-mayor%20needs%20planning%20permission&sections=news&searchyear=2019>

<https://www.barryanddistrictnews.co.uk/news/17719454.the-watering-hole-coffee-wine-opens-breaching-planning-protocol-in-barry/>

<https://www.barryanddistrictnews.co.uk/news/17807705.watering-hole-wine-bar-fails-gain-planning-approval---trading-barry-since-june/>

<https://www.barryanddistrictnews.co.uk/news/17751800.vale-council-launches-investigation-barry-deputy-mayor-39-s-bar/>

### **Comments issued to press**

10/06/2019

ENQUIRY from Sharon Harris at the Barry & District News.

Attached are photographs I took of The Watering Hole, St Nicholas Road, Barry, on Sunday, June 8 - work in progress internally and externally.

Barry Town Council recently recommended "object" to the planning application for Cllr Leighton Rowlands wine/coffee bar.

As far as I am aware, this has yet not been put before the Vale council planning committee or been decided under delegated powers?

So: have I missed this. When and where did the Vale council approve the change of use?

If no decision has been made, a comment is needed.

What, if anything, will the Vale council do?

Is it an enforcement matter or has the applicant been informed it will be approved?

If no decision made, is it scheduled for a planning meeting? When?

Has a licence been approved? If so, what are the terms and conditions?

Anything else to add?

**Deadline:** asap

**RESPONSE:**

"The Vale of Glamorgan Council has received a planning application at 6 St. Nicholas Road, Barry for change of use of the property from "retail" (A1) to "food and drink" (A3). The applicant is a serving councillor and therefore, under the scheme of delegation, the matter will be reported to Planning Committee for determination. Not date for this has yet been set."

11/06/2019

ENQUIRY from Sharon Harris at the Barry & District News.

Can the Watering Hole in Barry open without planning permission?

#### RESPONSE

When the Watering Hotel opens is a matter for the owners. Should it open without planning permission, they would be in breach of planning regulations and the Council would have to consider appropriate action.

17/06/2019

ENQUIRY from Sharon Harris at the Barry & District News.

The Watering Hole, in St Nicholas Road, Barry, (applicant Cllr Leighton Rowlands), opened to the public on Friday, June 14.

Barry Town Council's planning committee recommended objection.

The Vale council last week advised that the application must be considered by the Vale council planning committee due to his position and, at the time of the enquiry, it had not been placed on a meeting agenda.

What is the Vale council's view on the actions taken by the owners (one of whom is the "applicant" – Cllr Leighton Rowlands?)

What, if anything, will the Vale council do regarding the opening of The Watering Hole?

What view does the council take on chains of office used to promote a business (photographs appeared on Facebook - attached)?

What does this mean for the planning process for anyone? Can anyone open a business minus planning and then have it considered/agreed retrospectively? Is it a different procedure for an elected member/officer should they apply for planning for anything?

Any other comment?

Deadline: asap.

**RESPONSE:**

A Vale of Glamorgan Council spokesperson said: "We have received public complaints on this subject so will be investigating the matter.

"This business has opened without planning permission so is in breach of planning regulations . The Council will now consider appropriate action to take and the identity of the business owners will have absolutely no bearing on this.

"It is possible to have planning permission granted retrospectively, but a business can face serious consequences if it begins operating and such consent is not forthcoming. These include an enforcement notice requiring the use to cease, which if ignored could lead to prosecution.

"The Council is still considering the planning application, which will be decided by planning committee in the near future, and has not authorised the use of a picture of Cllr Rowlands wearing Mayoral chains."

21/06/2019

ENQUIRY: Glamorgan Gem

RE: Watering Hole

Hi press team,

We have run something online about this - could you send us the council's statement please?

Thanks,

**RESPONSE:**

A Vale of Glamorgan Council spokesperson said: "We have received public complaints on this subject so will be investigating the matter.

"This business has opened without planning permission so is in breach of planning regulations . The Council will now consider appropriate action to take and the identity of the business owners will have absolutely no bearing on this.

"It is possible to have planning permission granted retrospectively, but a business can face serious consequences if it begins operating and such consent is not forthcoming. These include an enforcement notice requiring the use to cease, which if ignored could lead to prosecution.

"The Council is still considering the planning application, which will be decided by planning committee in the near future, and has not authorised the use of a picture of Cllr Rowlands wearing Mayoral chains."

01/07/2019

ENQUIRY from Sharon Harris at the Barry & District News.

I understand there is an enforcement notice in respect of The Watering Hole, Barry? What are the reasons for the investigation?

Has the applicant changed? Has a new or amended planning application been made? Is there a charge for this? If so, what is the cost to amend a planning application or do a new one?

Will this mean there is no requirement to go before the planning committee?

Are previous residents' views still valid?

If it is going before the Vale planning committee is it scheduled yet?

Would Cllr Rowlands have to declare an interest?

Deadline: asap

**RESPONSE:**

A Vale of Glamorgan Council spokesperson said: "No enforcement notice has been served on this business, but a planning enforcement case is open meaning the matter is under investigation.

"The name of the applicant has been amended, for which there is no charge, and the application is still to be decided by planning committee, though no date for this has yet been set.

"All representations previously received on this matter will be considered and Cllr Rowlands will need to declare an interest when the application is determined."

10/07/2019

ENQUIRY: Glamorgan Gem

Hi Vale Press Team,

Cllr Leighton Rowlands has spoken to us.

He says he thinks he has been unfairly targeted over the controversy over the Watering Hole, though NOT by the council. He says the matter has caused him stress, anxiety and depression.

1/ He says the matter was reported to the council monitoring officer and he thinks that in the interests of transparency the person (or people) who complained should be revealed. He also thinks the nature of the complaint should be released.

2/ He understands the matter has been referred to the Public Services Ombudsman even though he has withdrawn from the business. He says he can't understand why the matter will still be dealt with by the ombudsman when he has no further business interest in the wine bar.

Could you respond to the two points above please. Something by the end of Monday would be appreciated. Please add any relevant comments.

## RESPONSE

A Vale of Glamorgan Council spokesperson said: "A meeting has taken place between Cllr Rowlands and the Council's Monitoring Officer. It would not be appropriate to comment further at this stage".

### Newspaper clippings

Barry and District News 27/06/19

# Councillor ignores rules on planning with new bar

By Sharon Harris

07760190797

she@barryanddistrictnews.co.uk

Twitter @SharonBarrynews

A ROW has broken out after a Vale councillor opened a new coffee and wine bar in Barry - without planning permission.

Deputy mayor of Barry Cllr Leighton Rowlands, who serves on both Barry Town Council and Vale of Glamorgan Council, opened The Watering Hole, in St Nicholas Road, Barry, on Friday, June 14.

However, although planning permission to convert the former shop into a coffee shop during the day

and wine bar during the evening has been lodged with Vale Council, this has not yet been granted.

As a result, Cllr Rowlands - who is himself a member of the council's planning committee - and co-owner Sam Lewis are in breach of planning regulations by opening without such consent.

Cllr Rowlands, who is ward member for Dyfan and served as mayor of the Vale of Glamorgan last year, along with Mr Lewis invited guests to last week's opening on social media.

Vale Council has confirmed it has received complaints from members of the public about the venue and has launched an investigation.

A spokesman said: "This business has opened without planning permission so is in breach of planning regulations."

"The council will now consider appropriate action to take and the identity of the business owners will have absolutely no bearing on this."

"It is possible to have planning permission granted retrospectively, but a business can face serious consequences if it begins operating and such consent is not forthcoming."

"These include an enforcement notice requiring the use to cease, which if ignored could lead to prosecution."

● Continued on page 2

Cont.

# Concerns over noise and drinking outside at bar

● Continued from front

"The council is still considering the planning application, which will be decided by planning committee in the near future."

Cllr Rowlands told the *Barry and District News*: "I was informed by the council planning department like other applications the department has had before it is not unlawful to open in advance of obtaining planning permission."

"But I will get further clarification on this with the department."

"I have made it clear, to the council to treat me like a member of the general public."

By Sharon Harris

07760190797  
she@barryanddistrictnews.co.uk

Twitter @SharonBarrynews

Barry Town Council's planning department has formally objected to the application on the basis the "proposed development would have a detrimental effect upon the amenities that local residents currently enjoy due to possible noise, disturbance and traffic levels."

And people living in the area have raised similar concerns.

One resident, who did not want to be named said: "The business owners have had no desire to come and speak to local neighbours to introduce themselves and let us know what the place is about, which suggests they have no consideration for the close neighbours going forward."

Another resident took photographs outside the premises on its opening night showing people drinking in the car park, and people in the venue until 3am.

They said: "I don't think having the people spill out into the car park drinking like this was what

the proposed plan suggests and that is not a beer garden."

Responding to these comments, Cllr Rowlands said: "The premises has never had anyone, but staff leave after hours."

"When we have been clearing up ready for the next day."

"We cannot stop people going outside but we do ask them that they are quiet and if it gets loud we go outside to remind them and all drinks remain inside."

The next Vale Council planning committee meeting is on Wednesday, June 26. It is not known if the application will be on the agenda.

# Investigation launched into deputy mayor's bar



Cllr Leighton Rowlands

A picture of The Watering Hole taken on Friday, June 14

**AN INVESTIGATION** has been launched after a coffee and wine bar co-owned by Barry's deputy mayor opened without planning permission.

As the Barry and District News has previously reported, The Watering Hole - co-owned by Cllr Leighton Rowlands and Sam Lewis - in St Nicholas Road, Barry, opened its doors on Friday, June 14 - despite planning permission not yet being granted to convert the building from a shop into a food and drink businesses.

And now the Vale Council has opened a planning enforcement case, meaning the issue is being investigated. However, Cllr Rowlands has said he has resigned from the business.

Dyfan ward member Cllr Rowlands, who last year was the Vale of Glamorgan mayor and before that the Vale deputy mayor, and Mr Lewis invited selected guests to the venue's official opening on June 14, and advertised the opening date and time on social media.

This was despite the planning application to change the use of the building from A1 (Retail) to

**By Sharon Harris**

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A3 (Food and Drink) having not yet been granted.

The Barry and District News reported the breach on Thursday, June 20 - having spoken to Cllr Rowlands on Wednesday, June 19. And now Cllr Rowlands has said he resigned from the business on Wednesday, June 19.

Hours after the business opened residents photographed patrons crowded into the car park outside the premises with drinks in hand. And they reported the business was still open beyond its licensing hours.

Following the opening, a Vale council spokesman said public complaints had been received and it would be investigating as it, the authority said, "opened without planning permission so is in breach of planning regulations".

A Vale of Glamorgan Council spokesman said: "No enforce-

ment notice has been served on this business, but a planning enforcement case is open meaning the matter is under investigation."

"The name of the applicant has been amended, for which there is no charge, and the application is still to be decided by planning committee, though no date for this has yet been set."

"All representations previously received on this matter will be considered and Cllr Rowlands will need to declare an interest when the application is determined."

Cllr Rowlands said: "I resigned as a business owner of The Watering Hole on June 19, 2019, and planning application is no longer in my name.

"Therefore, I have nothing more to add."

Barry Town Council has lodged an official objection to the change of use application, on the basis the "proposed development would have a detrimental effect upon the amenities that local residents currently enjoy due to possible noise, disturbance and traffic levels."

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## Ex-mayor's 'Watering Hole' opens – but still needs planning permission

Friday 21 June 2019 · Planning



by GEM Staff Reporter · GEM Reporter

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[editorial@glamorgan-gem.co.uk](mailto:editorial@glamorgan-gem.co.uk)

1

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A new wine bar, owned by former Mayor of the Vale, Cllr Leighton Rowlands, has opened in Barry – even though a planning application has yet to be agreed.

The Watering Hole is located on St Nicholas Road and permission is being sought to change the use of the premises from 'retail' to 'food and drink'. The business aims to be a café during the day and a wine bar in the evening.

One person contacted The GEM to say: "Many local residents object to the application to change the use of the building on grounds of noise and disturbance and inadequate parking provision that will overspill into the already congested neighbouring streets."

"Neighbours deserve the right to object and to be heard fairly without Cllr Rowlands bringing considerable pressure to bear on the council by having already invested heavily on fitting the premises out and starting to trade."

Cllr Rowlands said he was shocked that residents had objected and added that he expected to be treated like any other member of the public.

He told The GEM: "Many local residents have been positive and supportive of the project and say it is what the west side of Barry needs."

"They would much rather see the unit being used rather than it remaining closed. In relation to parking there is a car park on site and, since being opened, we have had no issues with cars."

"A lot of residents walk to the premises and I would encourage local residents to use alternative means of travel."

"Since being open we have not made any noise and myself and the staff always ensure people leave quietly and respect the neighbours."

Cllr Rowlands said he had embarked on the project because people had told him they would like a wine bar in the area: "I want to make a community hub for charities and local organisations to meet and discuss issues. In addition, I have created three extra jobs for the local area."

"In relation to opening before planning, I was informed by the council planning department, like other applications the department has had before, it is not unlawful to open in advance of obtaining planning permission. But I will get further clarification on this with the department. I would never pressure the council and have made it clear to it that I should be treated like a member of the general public."

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The Watering Hole premises (left) are on St Nicholas Road, Barry. Google image.

*"I would never pressure the council and have made it clear to it that I should be treated like a member of the general public."*

A Vale of Glamorgan Council spokesperson said: "We have received public complaints on this subject so will be investigating the matter.

**\*This business has opened without planning permission so is in breach of planning regulations. The council will now consider appropriate action to take and the identity of the business owners will have absolutely no bearing on this.**

"It is possible to have planning permission granted retrospectively, but a business can face serious consequences if it begins operating and such consent is not forthcoming. These include an enforcement notice requiring the use to cease, which if ignored could lead to prosecution."

**Latest:** The GEM understands Cllr Rowlands has pulled out of the business leaving it to a business partner.

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### **ADD COMMENT**

Brian Whitehead · 39 days ago

It's certainly a very strange way of doing business, why is Barry Council so helpless to enforce the law that is being flaunted under their noses. Living on top of this make you wonder what other laws are being ignored, why is this being ignored just for them? I have photographic proof of the unauthorised activities and still no one in this town acts and does something about it?..

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## News

20th June

# The Watering Hole coffee-wine opens breaching planning protocol in Barry

By [Sharon Harris](#)



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THE Vale council has confirmed it has received complaints about a coffee-wine bar – days after its co-owner – a councillor – opened it minus planning permission.

Current Barry deputy mayor, and Vale and town councillor, Leighton Rowlands opened The Watering Hole, in St Nicholas Road, Barry, on Friday, June 14.

Dyfan ward councillor, Rowlands, who last year was the Vale of Glamorgan mayor and before that the Vale deputy mayor, invited – along with co-owner Sam Lewis – selected guests and advertised the opening date and time on social media.

[Barry Town Council \(BTC\) planners](#) – a Vale council planning authority consultee – considered the application at a committee meeting on May 29.

At a BTC full council meeting on May 12, Cllr Shirley Hodges welcomed the new mayor and deputy mayor and said the mayor's office should never be used for private or personal gain.

The Watering Hole applicant, Cllr Rowlands proposed the property changing ~~The Watering Hole coffee-wine opens breaching planning protocol in Barry~~  
~~Barry A1 (Retail) to A3 (Food and Drink) to set up as a coffee shop during the day~~  
and a wine bar during the evening.

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In the proposal the applicant, said: "The thing that would give the business the edge over similar businesses and products in the local area would be there is no other establishment in the local area; there would be better products on sales and a better customer service than similar businesses within the area."

He added: "We want to offer an experience for people rather than just drinking, we want people to relax and enjoy it after a hard day work or somewhere just to unwind."

But BTC planners agreed to accept the officer's recommendation for "objection" on the basis that the "proposed development would have a detrimental effect upon the amenities that local residents currently enjoy due to possible noise; disturbance and traffic levels."

Following the start of trading, one resident, who did not want to be named said: "The business owners have had no desire to come and speak to local neighbours to introduce themselves and let us know what the place is about, which suggests they have no consideration for the close neighbours going forward."

Another resident, who took photographs outside the premises on June 14, added: "I don't think having the people spill out into the carpark drinking like this was what the proposed plan suggests and that is not a beer garden."

"The one from 3am, the bar is still open, they just turned the lights out."

Following the opening, a Vale council spokesman added: "We have received public complaints on this subject so will be investigating the matter.

"This business has opened without planning permission so is in breach of planning regulations.

"The council will now consider appropriate action to take and the identity of the business owners will have absolutely no bearing on this.

"It is possible to have planning permission granted retrospectively, but a business can face serious consequences if it begins operating and such consent is not forthcoming.

"These include an enforcement notice requiring the use to cease, which if ignored could lead to prosecution.

"The (Vale) council is still considering the planning application, which will be decided by planning committee in the near future and has not authorised the use of a picture of Cllr Rowlands wearing mayoral chains."

Cllr Rowlands is on the Vale council planning committee and would declare an interest when the proposal is considered.

Cllr Rowlands said: "I was informed by the council planning department like other applications the department has had before it is not unlawful to open in advance of obtaining planning permission. "But I will get further clarification on this with the department.

"I have made it clear to the council to treat me like a member of the general public.

"I have never used the mayor chains in relation to the business.

"I did not authorise the use of that photo on the website and when I saw it a few months ago I informed the web developer to take it down.

"If you look at the website it's no longer there."

**B&DN** The Watering Hole coffee-wine opens breaching planning protocol in Barry  
He added: "The premises has never had anyone, but staff leave after hours.

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"When we have been cleaning up ready for the next day.

"We cannot stop people going outside but we do ask them that they are quiet and if it gets loud we go outside to remind them and all drinks remain inside."

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## News

31st July

# The Watering Hole wine bar fails to gain planning approval - having been trading in Barry since June

By Matt Discombe | [@mattdiscombe](#)  
Local Democracy Reporter



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A WINE bar once part-owned by the deputy mayor of Barry has been refused planning permission – despite already being open since June.

The Watering Hole, in St Nicholas Road, Barry, was opened on June 14 by Leighton Rowlands, the current Barry deputy mayor and former mayor of the Vale of Glamorgan.

But the wine bar and coffee shop was opened without planning permission which led to an investigation by the [Vale of Glamorgan Council](#).

The council's planning committee has now refused permission for the wine bar on the grounds that it would mean "unacceptable noise and disturbance" for neighbours.

It means the council will begin enforcement action to stop the building being used as a coffee shop and wine bar.

Cllr Rowlands has previously said he resigned as a business owner of The Watering Hole on June 19 - five days after it opened, with his former business partner Sam Lewis taking over.

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A total of 25 people raised concerns about The Watering Hole, complaining about noise and disturbance from the premises, and parking overspill.

Barry Town Council objected to the plans, saying "the proposed development would have a detrimental effect upon the amenities that local residents currently enjoy due to possible noise, disturbance and traffic levels".

Shared Regulatory Services, the licensing authority for the Vale of Glamorgan, also raised concerns about the Watering Hole.

A premises licence had been granted for The Watering Hole, but the change of use of the building was not authorised by Vale of Glamorgan Council's planning department.

The meeting heard there has been a number of complaints made about "shouting, raised voices, barking dogs and live music" coming from The Watering Hole.

Cllr Rowlands is a member of the Planning Committee but left the meeting when the Watering Hole application was discussed.

Committee member, Cllr Neil Thomas told the meeting: "It's disappointing that a member of the council who was fully aware of planning rules has been involved in the premature opening of this bar."

The proposed opening hours for The Watering Hole were from 10am to 11pm weekdays and 10am to 12am Saturday.

Andrew Nunn, neighbourhood services officer for SRS, told the Vale council in a letter: "This application site is not situated in an area normally considered to be part of the night time economy. I feel therefore that it would not be suitable in a wholly residential environment due to potential noise issues."

A council report says: "The change of use has greatly increased the otherwise low potential for noise disturbance and anti-social behaviour in this, and other, nearby residential streets during the late evening and the early hours of the morning.

"Noise from vehicle movements and the comings and goings of the patrons as they leave the establishment, particularly at closing time, are therefore likely to have a continuing significant effect on this otherwise relatively quiet location."

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# Barry&DistrictNews

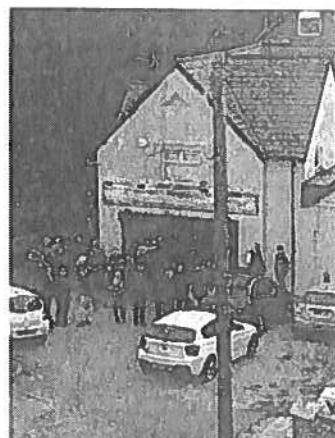
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## News

5th July

# Vale council launches investigation into Barry deputy mayor's bar

By Sharon Harris



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THE Vale council has opened a "planning enforcement case" after a coffee-wine bar – after its co-owner – a councillor – opened it minus planning permission.

Current Barry deputy mayor, and Vale and town councillor, Leighton Rowlands opened The Watering Hole, in St Nicholas Road, Barry, on Friday, June 14.

Dyfan ward councillor, Rowlands, who last year was the Vale of Glamorgan mayor and before that the Vale deputy mayor, invited – along with co-owner Sam Lewis – selected guests and advertised the opening date and time on social media.

The Watering Hole applicant, Cllr Rowlands proposed the property changing from A1 (Retail) to A3 (Food and Drink) to set up as a coffee shop during the day and a wine bar during the evening.

The Barry & District News reported the breach on Thursday, June 20 - having spoken to Cllr Rowlands on Wednesday, June 19.

Cllr Rowlands said he resigned from the business on Wednesday, June 19.

At a meeting on Wednesday, May 29, Barry Town Council planners agreed to accept the officer's recommendation for "objection" on the basis that the "proposed development would have a detrimental effect upon the amenities that local residents currently enjoy due to possible noise; disturbance and traffic levels."

Hours after the business opened residents photographed patrons crowded into the carpark outside the premises with alcoholic drinks in hand.

And they reported the business was still open beyond its licensing hours.

Following the opening, a Vale council spokesman said public complaints had been received and it would be investigating as it, the authority said, "opened without planning permission so is in breach of planning regulations".

A Vale of Glamorgan Council spokesman said: "No enforcement notice has been served on this business, but a planning enforcement case is open meaning the matter is under investigation.

"The name of the applicant has been amended, for which there is no charge, and the application is still to be decided by planning committee, though no date for this has yet been set.

"All representations previously received on this matter will be considered and Cllr Rowlands will need to declare an interest when the application is determined."

Cllr Rowlands said: "I resigned as a business owner of The Watering Hole on 19th June 2019, and planning application is no longer in my name.

"Therefore, I have nothing more to add."

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[Thousands run in the sun during the ABP Barry Island 10K](#)

[Barry Memo Arts centre launches volunteer recruitment drive](#)

[Barry Dock Lifeboat and Coastguard retrieve submerged car from Watchtower Bay sea](#)

**APPLICANT:** Mr. Samuel Lewis SLR Hospitality, 6, St. Nicholas Road, Barry, Vale of Glamorgan, CF62 6QW

**AGENT:** Mr. Samuel Lewis SLR Hospitality, 6, St. Nicholas Road, Barry, Vale of Glamorgan, CF62 6QW

**6, St. Nicholas Road, Barry**

Change of use of the property from A1 (Retail) to A3 (Food and Drink) to setup as a coffee shop during the day and a wine bar during the evening

**REASON FOR COMMITTEE DETERMINATION**

The application is required to be determined by Planning Committee under the Council's approved scheme of delegation because the application was originally submitted by a current Member of the Council and it has therefore been advertised as being subject to Committee determination from the date of registration. However, it should be noted that the applicant details have changed and the new applicant is not a serving Councillor.

**EXECUTIVE SUMMARY**

Planning permission is sought for the change of use of the premises from Class A1 (Retail) to A3 (Food and Drink), specifically to allow retention of the recently opened coffee shop and wine bar known as The Watering Hole. The site is located on St Nicholas Road, Barry in an area that is predominantly residential, albeit within reasonable walking distance of the local shopping centre Park Crescent, and district shopping centre at High Street/ Broad Street and local public transport links.

The principal issues to consider are the impact of the development upon residential amenity through noise and disturbance and impacts relating to parking and highway safety.

Barry Town Council objected on grounds of the detrimental effect upon amenities of local residents due to possible noise, disturbance and traffic levels. Shared Regulatory Services objected due to the impact of the development upon neighbouring amenity and a lack of supporting documentation to fully assess these impacts. Highway Development requested additional information, noting no parking, turning and bin/ recycle storage layout was provided and that the Parking Standards requirement for the development would be 1.no commercial space, 1.no staff space and 20.no car parking spaces.

There were also representations made from 25 individuals, all either raising concerns with or objection to the development. The principal grounds of objection related to noise and disturbance from the premises, parking overspill and knock-on effect upon road safety. There were also procedural issues raised and these issues are discussed in more detail within the main body of the report.

The report outlines that Policy MD2, MD5 and MD7 of the Local Development Plan and national guidance seek to protect residential amenity. It concludes that

the change of use has had an unacceptable impact upon residential amenity, through breakout noise, the potential for noise impact to the flat above and other noise and disturbance from the comings and goings of patrons. It also concludes that the change of use is acceptable in relation to parking provision and highway safety considerations.

It is recommended that the planning application be REFUSED and that PLANNING ENFORCEMENT ACTION BE AUTHORISED so that formal action in the form of an Enforcement Notice may be pursued to remedy the breach of planning control. In addition, in the event of non-compliance with the Enforcement Notice, authorisation is also sought to take such legal proceedings that may be so required.

#### SITE AND CONTEXT

The application site is No. 6 St. Nicholas Road, which is located at the corner of Nicholas Road and Old Village Road, Barry. It is a large, property, comprised of a retail unit at ground floor, a flat at first floor above and a vacant warehouse. The building is finished in painted render with a slate roof. The proposed change of use relates only to the retail premises, which comprises the two rooms fronting the hardstanding area at ground floor. The hardstanding principally operates as a car park and has two access points off St Nicholas Road.

The building has a pitched roof with its gable ends facing towards St. Nicholas Road and Kington House residential home, which directly abuts the rear boundary of the building and application site. The site location is depicted within the below plan extract:

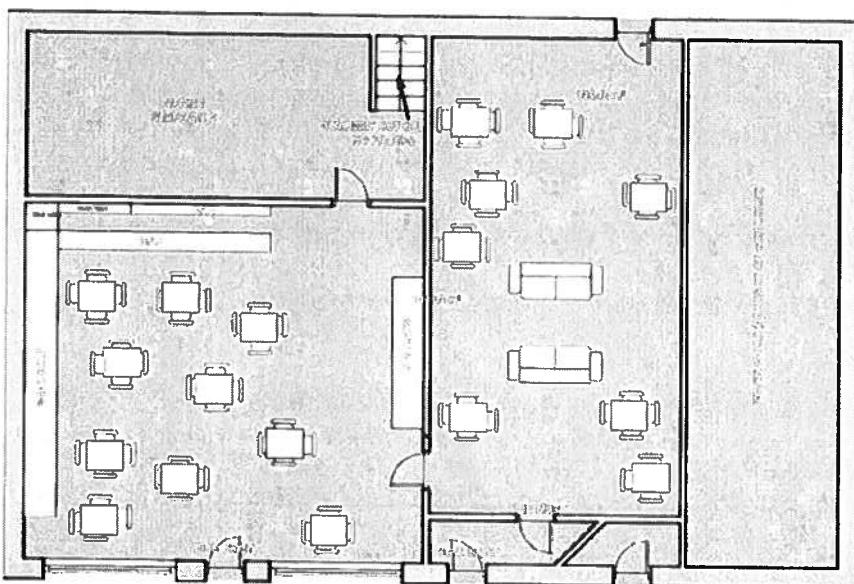


The retail premises and warehouse were vacant prior to the recent unauthorised conversion to a coffee and wine bar, having previously been an A1 bridal shop and off-licence prior to that.

## DESCRIPTION OF DEVELOPMENT

Planning permission is sought for the change of use of the premises from Class A1 (Retail) to A3 (Food and Drink), specifically to allow retention of the recently opened coffee shop and wine bar. No external alterations are proposed as part of this application.

The proposed layout is illustrated in the below plan extract:



The proposed hours of operation are from 10am to 11pm weekdays and 10am to 12am Saturday. It is not proposed to serve hot meals, with a limited menu comprising items such as bacon rolls, Panini's and jacket potatoes.

## PLANNING HISTORY

2007/01762/FUL, Address: 6, St. Nicholas Road, Barry, Proposal: Retention of existing first floor flat above shop and installation of external staircase to form new access, Decision: Approved

2008/00027/FUL, Address: 6, St. Nicholas Road, Barry, Proposal: Conversion of redundant retail warehouse space into 2 x 2 bed flats and 2 x 1 bed flats at 6, St. Nicholas Road and replacement garage at 4, St. Nicholas Road, Decision: Approved

2008/00746/FUL, Address: 6, St. Nicholas Road, Barry, Proposal: Conversion of redundant retail warehouse space into 6 x 1 bedroom units, Decision: Withdrawn

## CONSULTATIONS

1. Barry Town Council objected to the development stating the "proposed development would have a detrimental effect upon the amenities that local residents currently enjoy due to possible noise; disturbance and traffic levels".

2. Highway Development requested additional information, noting no parking, turning and bin/ recycle storage layout was provided. It was also noted that the Parking Standards requirement for the development would be 1.no commercial space, 1.no staff space and 20.no car parking spaces.
3. Shared Regulatory Services (Pollution) raised concerns with the development and lack of information regarding noise impacts as follows:

"The proposal is in a predominantly residential area, the applicant confirming that there is no other establishment within the locality. Therefore noise from vehicle movements as the patrons come and go, and the noise from the patrons themselves as they leave the establishment at closing time is likely to have an effect on this otherwise quiet location. The proposal incorporates use in the evenings as a wine bar, with a current premises licence application including recorded and live music. It is possible that neighbours might also be affected by noise breakout from the premises as there does not seem to be any mitigation contained in the application such as double door system, properties of the exiting glazing etc.

In addition to a currently-occupied residential flat on the upper floor of the application site, there are residential properties within a very short distance from the premises. The nearest residential property to this application (other than the flat above) is the Residential Home next door, which is a residential facility for persons with mental health and brain injuries, being less than 6 metres away from the proposal. This property was subject to an application (2004/01907/FUL) for a change of use from Class C2 residential care for the elderly to Class C2 residential care for adults (aged 18-65), therefore the residents are particularly vulnerable to the effects of this application.

Other residential properties are situated to the side and front of the proposal, some 18 to 27 metres away.

The application does not provide any information on sound insulation properties between this premises and the residential flat above.

This application site is not situated in an area normally considered to be part of the night time economy. I feel therefore that it would not be suitable in a wholly residential environment due to potential noise issues.

No information has been submitted in regards to kitchen extraction system which would be expected for an application for an A3 use.

At this stage I do not feel I am able to assess the full impact of this proposal without a Noise Impact Report being submitted. I would therefore respectfully request that the applicant submits a noise impact assessment prior to being able to give recommendations on this application".

4. Baruc Ward Councillors did not respond.

## REPRESENTATIONS

The neighbouring properties were consulted on or before 30<sup>th</sup> May 2019.

A site notice was also displayed on 10<sup>th</sup> May 2019

There were representations received from 25 individuals and all raised concerns and/or stated an objection to the development. The grounds of objection have been summarised as follows:

- Inadequate public consultation
- Insufficient documentation and inaccurate information submitted
- Inadequate parking provision, resulting in overspill, inappropriate parking inc. on junctions, blocking access for emergency and servicing vehicles and danger to pedestrians.
- Insufficient parking for existing residents nearby
- Inadequate vehicular access, one of which has been temporarily blocked off
- Noise and disruption from customers, increased traffic and music at late hours
- The wellbeing of the occupiers of Kingston House (a residential care facility for vulnerable adults) would be affected.
- No community consultation by the developer
- Procedural impropriety and conflicts of interest
- Not in keeping with the area
- Negative impact on property values
- Breaches of licencing conditions, hours and planning control
- Anti-social behaviour
- It is operating solely as a wine bar

## REPORT

### Planning Policies and Guidance

#### **Local Development Plan:**

Section 38 of The Planning and Compulsory Purchase Act 2004 requires that in determining a planning application the determination must be in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan for the area comprises the Vale of Glamorgan Adopted Local Development Plan 2011-2026, which was formally adopted by the Council on 28 June 2017, and within which the following policies are of relevance:

#### **Strategic Policies:**

POLICY SP1 – Delivering the Strategy

#### **Managing Development Policies:**

POLICY MD2 - Design of New Development

POLICY MD5 - Development within Settlement Boundaries

POLICY MD7 - Environmental Protection

In addition to the Adopted LDP the following policy, guidance and documentation supports the relevant LDP policies.

### **Planning Policy Wales:**

National planning policy in the form of Planning Policy Wales (Edition 10, 2018) (PPW) is of relevance to the determination of this application.

The primary objective of PPW is to ensure that the planning system contributes towards the delivery of sustainable development and improves the social, economic, environmental and cultural well-being of Wales,

The following chapters and sections are of particular relevance in the assessment of this planning application:

Chapter 2 - People and Places: Achieving Well-being Through Placemaking,

- Maximising well-being and sustainable places through placemaking (key Planning Principles, national sustainable placemaking outcomes, Planning Policy Wales and placemaking

Chapter 3 - Strategic and Spatial Choices

- Good Design Making Better Places
- Promoting Healthier Places
- Accessibility

Chapter 4 - Active and Social Places

- Transport
- Activities in Places (retail and commercial development)

*4.3.43 Retail and commercial centres often include activities which contribute to a vibrant and viable evening and night time economy. Such uses may include, for example, bars, restaurants, pubs, theatres, music, arts and other entertainment venues which provide for social and cultural experience and spaces in which creativity can be fostered. Such activities are likely to be characterised by increased levels of noise, large gatherings of people, later operating hours and greater movements in traffic.*

*4.1.53 Local authorities should develop an integrated strategy on parking to support the overall transport and locational policies of the development plan. Local authorities should consider parking issues on a joint basis with neighbouring authorities. They should jointly establish maximum levels of parking for broad classes of development, together with a threshold size of development above which such levels will apply. These maximum standards should be set in collaboration with interested organisations. Local authorities will need to ensure that their parking standards reflect local transport provision, are adopted by individual authorities as supplementary planning guidance, and are kept under review. Parking standards should be applied flexibly and allow for the provision of lower levels of parking and the creation of high quality places.*

## Chapter 5 - Productive and Enterprising Places

- Energy (reduce energy demand and use of energy efficiency, renewable and low carbon energy, energy minerals)
- Making Best Use of Material Resources and Promoting the Circular Economy (design choices to prevent waste, sustainable Waste Management Facilities and Minerals)

## Chapter 6 – Distinctive and Natural Places

**6.7.3** Certain sounds, such as those created by trees, birds or water features, can contribute to a sense of tranquillity whilst others can be reassuring as a consequence of their association with the normality of everyday activities. Problematic forms of sound are generally experienced as noise pollution and can affect amenity and be prejudicial to health or a nuisance. Noise action plans drawn up by public bodies aim to prevent and reduce noise levels where necessary and preserve soundscape quality where it is good. Noise levels used to identify priority areas contained in noise action plans are usually set quite high in order to focus resources on the most polluted areas and noise must meet a number of tests before it qualifies as a statutory nuisance. Lower levels of noise, however, can still be annoying or disruptive and impact on amenity and as such should be protected through the planning process wherever necessary. The planning system must protect amenity and it is not acceptable to rely on statutory nuisance under the Environmental Protection Act 1990 to do so.

**6.7.6** In proposing new development, planning authorities and developers must, therefore:

- address any implication arising as a result of its association with, or location within, air quality management areas, noise action planning priority areas or areas where there are sensitive receptors;
- not create areas of poor air quality or inappropriate soundscape; and
- seek to incorporate measures which reduce overall exposure to air and noise pollution and create appropriate soundscapes.

### Technical Advice Notes:

The Welsh Government has provided additional guidance in the form of Technical Advice Notes. The following are of relevance:

- Technical Advice Note 11 – Noise (1997)

"8. Local planning authorities must ensure that noise generating development does not cause an unacceptable degree of disturbance. They should also bear in mind that if subsequent intensification or change of use results in greater intrusion, consideration should be given to the use of appropriate conditions."

B18. Commercial developments such as fast food restaurants, discos, night clubs and public houses pose particular difficulties, not least because associated activities are often at their peak in the evening and late at night.

*Local planning authorities will wish to bear in mind not only the noise that is generated within the premises but also the attendant problems of noise that may be made by customers in the vicinity. Disturbance that can be caused by traffic and associated car parking should not be underestimated.*

**Supplementary Planning Guidance:**

In addition to the adopted Local Development Plan, the Council has approved Supplementary Planning Guidance (SPG). The following SPG are of relevance:

- Parking Standards (2019)

**Other relevant evidence or policy guidance:**

- Manual for Streets (Welsh Assembly Government, DCLG and DfT - March 2007)
- Welsh Government Circular 016/2014: The Use of Planning Conditions for Development Management

**Well-being of Future Generations (Wales) Act 2015**

The Well-being of Future Generations Act (Wales) 2015 places a duty on the Council to take reasonable steps in exercising its functions to meet its sustainable development (or wellbeing) objectives. This report has been prepared in consideration of the Council's duty and the "sustainable development principle", as set out in the 2015 Act. In reaching the recommendation set out below, the Council has sought to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs.

**Issues**

**Procedural matters**

The application was required to be determined at Planning Committee as the original applicant was a current Member of the Council. The applicant was subsequently changed on 25<sup>th</sup> June 2019 and that Member has withdrawn from the process. It is nevertheless prudent for the application to remain a Committee determination and ensure that proper procedure is still followed as the application was advertised as being a Committee determination from the start.

The change of use subject of this application has commenced and is currently unauthorised. This assessment relates only to the planning merits in terms of land use and the actions of the developer should not prejudice any decision subsequently made by the Council.

The comments relating to the accuracy of submitted information and/or lack of supporting information are noted and are discussed in more detail within the body of this report. The application is nonetheless considered to be valid and the public consultation undertaken has also met and exceeded statutory requirements.

### Principle of the development

There are no external alterations proposed as part of this application and considerations relate therefore to the proposed use of the building as A3 (Food and Drink), specifically to allow retention of the recently opened coffee shop and wine bar.

The site is located within the centre of Barry, but outside of a defined retail centre and as such there is no specific protection given to the retail use of the building within Local Development Plan (LDP) policies. The proposed change of use to a coffee shop and wine bar is therefore considered acceptable in principle, but remains subject to detailed assessment against the other relevant policies. Policy MD2 – Design of New Development, MD5 – Development within Settlement Boundaries and MD7 – Environmental Protection are all of relevance to the assessment. The policies seek to ensure, among other criteria, that new development has no unacceptable impact on the amenity and character of the locality by way of noise, traffic congestion and parking. These matters are assessed as follows:

### Impact on Residential Amenity

The proposed use falls within the A3 Class, being a type of food and drink establishment. It is understood that the premises is principally a drinks establishment with food offering limited to cold snacks and light meals such as paninis and jacket potatoes. It is also understood that music being played at the establishment would principally be background music, with occasional live acoustic music, which may also be amplified. It is nevertheless relevant to consider the potential impact arising from activities typically associated with food and drink establishments, as permission rests with the land and the exact manner in which the establishment is operated could change over time.

The benefit of food and drink establishments to the night time economy is noted within Planning Policy Wales (PPW) (Ed.10) at Paragraph 4.3.43, although here with specific reference to retail and commercial centres where they can contribute positively to footfall and the local economy. It is also noted, however, that "*such activities are likely to be characterised by increased levels of noise, large gatherings of people, later operating hours and greater movements in traffic*". In addition, it is stated at Paragraph 6.7.3 that while some sounds (such as trees, birds etc.) can become normalised and a pleasant part of the soundscape, other problematic sounds are generally experienced as noise pollution.

The site is located within a predominantly residential area, which can be expected to have a reasonable degree of tranquillity during the evening, despite some existing noise associated with traffic movements along St. Nicholas Road (at its peak during the day). There are dwellings that adjoin the site and a row of terraced houses fronting the opposite side of St Nicholas Road. In addition, there is also a residential care home that adjoins the site at the rear, which is understood to offer care for vulnerable adults. It has been suggested in representation that the occupiers may be particularly sensitive to noise disturbances. Nevertheless, no representation to this application has been made by any representative of Kingston House.

The use has recently commenced at the site and is known as The Watering Hole, which is the only establishment of its kind in the immediate vicinity and is approx. 400m distance from other premises on Broad Street/High Street that are part of the established night time economy in Barry. It has a sufficient separation from that district centre as to give the area a residential character. The change of use has greatly increased the otherwise low potential for noise disturbance and anti-social behaviour in this, and other, nearby residential streets during the late evening and the early hours of the morning. Noise from vehicle movements and the comings and goings of the patrons as they leave the establishment, particularly at closing time, are therefore likely to have a continuing significant effect on this otherwise relatively quiet location. This is evidenced by several complaints from members of the public to the Planning and Shared Regulatory Services of the Council, since it was opened. The lack of other late night premises in the locality has resulted in a significant change to the character of the area, given that noise from this site being more keenly perceived than in other, more commercialised, locations. Moreover, this impact peaks during late hours, when harm to neighbouring amenity is amplified by issues such as sleep disturbance.

There is also a flat located within the building on the first floor. It has a separate access and can be occupied independently of the Watering Hole. The potential impact of the new use upon occupiers of the flat is also a material consideration. The change would undoubtedly give rise to an increased level of noise generated within the building, through the playing of music (inc. some amplified music) and from the flow of patrons. This could cause a significant degree of harm to the amenities of the residential occupiers of this flat, unless suitably mitigated. The degree of harm is not fully understood as the sound insulation properties between the premises and the flat are not known (such information has been sought but not provided to date by the applicant). In the absence of such supporting information, the severity of this impact cannot be reliably assessed (or deemed to be acceptable).

It is stated within PPW at Paragraph 6.7.6 that developers must:

- address any *implication arising as a result of its association with, or location within, air quality management areas, noise action planning priority areas or areas where there are sensitive receptors;*
- *not create areas of poor air quality or inappropriate soundscape; and*
- *seek to incorporate measures which reduce overall exposure to air and noise pollution and create appropriate soundscapes.*

It is noted within the application documents that signage at the premises would encourage patrons to leave in an orderly manner and that a high quality branding is envisaged. The principal evening offer of the establishment would remain, however, the offer of alcoholic beverages, irrespective of clientele. There are no significant details provided as to how noise and disturbance to neighbouring properties might be mitigated (in accordance with the above guidance). Noise from music played at the premises might be audible outside of the site and affect the amenities of nearby residents, especially if doors were kept open on summer evenings. Insulation measures (for example, a double door system) might offer

some mitigation, however, details of any associated plant and machinery (air conditioning units for example) would also need to be considered. In addition, such measures are unlikely to have a significant impact upon noise from patrons leaving in high spirits or congregating outdoors at closing time, nor coming and going throughout the evening or patrons gathering to smoke outside the premises.

In addition to the above, there is also potential for noise impact from vehicles coming and going from the site to occur. The public complaints received since the premises opened have also cited noise impact from waiting vehicles, including the sounding of horns (typical of taxi collections from public houses). The number of vehicle movements may not differ significantly from a late retailing use, but is more likely to be concentrated at late closing times and have the associated noise and disturbance from patrons themselves. It is understood the conditions of the premises licence prevent drinking outside; nevertheless, some patrons are likely to stand outside in order to smoke. It is possible that noise disturbance could occur from loud voices and shouting, particularly on occasions that music is audible outside the building. This type of noise is more likely to cause nuisance, as defined by Paragraph 6.7.3 of PPW. It is noted that the existing retail use could also potentially also be open at late evening. However, the character of the new use (through playing of music etc.) and the manner in which customers arrive and depart would differ significantly to that of a retailer.

It is noted that a premises licence has been granted for The Watering Hole. The licencing regime operates under a different legislative framework, with consideration focused on the prevention of crime and disorder, public safety, the prevention of public nuisance and the protection of children from harm. In consideration of the planning application, Members must also take into consideration the impact to residential amenity in accordance with aforementioned planning policies and guidance.

Planning Policy Wales states in similar regard that a statutory nuisance, (although relating specifically the Environmental Protection Act 1990), need not always be identified to constitute harm to amenity. It states "*Lower levels of noise, however, can still be annoying or disruptive and impact on amenity and as such should be protected through the planning process wherever necessary. The planning system must protect amenity and it is not acceptable to rely on statutory nuisance under the Environmental Protection Act 1990 to do so*". It is considered that the same approach should be adopted in relation to the Licencing Act 2003, noting the presence of a licence does not exempt the Council, as the Local Planning Authority, from considering the impact of new development upon residential amenity. Concerns have also been raised by the Shared Regulatory Services team, who deal and respond to complaints of noise nuisance under the Environmental Protection Act.

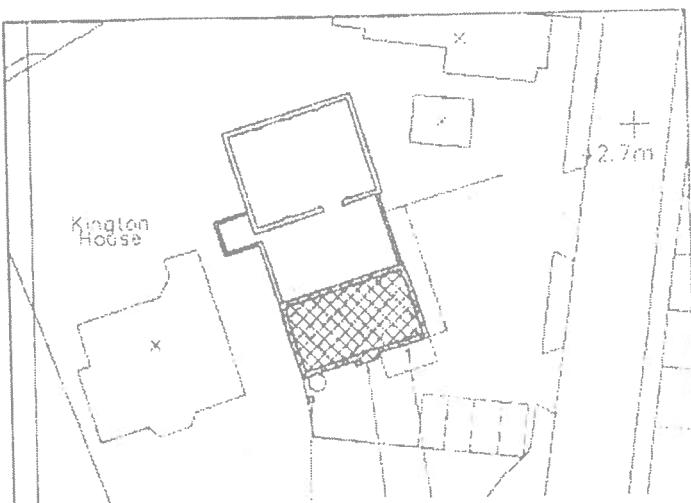
In relation to potential impacts relating to fumes and odour from cooking, the preparation and service of cooked meals could be adequately controlled by condition until such a point that suitable means of fume extraction was agreed.

For the reasons outlined above, the proposed change of use is considered to be contrary to Criterion 8 of Policy MD2, Criterion 6 of Policy MD5 and Criterion 4 of Policy MD7 of the LDP, which all seek to ensure new development has no

unacceptable impact to residential amenity, health and wellbeing through noise and disturbance. The proposal is also considered contrary to the advice contained within Paragraph 8 and B.18 of Technical Advice Note 11- Noise and the advice and guidance within Planning Policy Wales (10<sup>th</sup> Edition), at Paragraph 6.7.3 and 6.7.6 in particular.

#### Parking and Highway Safety

There is a hardstanding to the front of the building that principally functions as a parking and turning area shared between the retail unit, flat and the vacant warehouse. It is indicated within the application documents that it can provide for between 10 and 12 parking spaces, although no detailed layout is provided and there are no delineated spaces on site. In granting planning permission for the retention of the flat, a single parking space was allocated by condition, as depicted within the below plan extract:



There are four other spaces depicted on that plan although there is some further room to the northern end of the hardstanding that could accommodate approx. three additional vehicles. The site may be able to accommodate ten vehicles, although to maintain adequate circulation space and bin storage a total of eight is considered to be a more realistic approximation. There are some marked bays opposite the site and parking is not restricted on the adjacent Canon Street and Old Village Road, although due to parking restrictions on St Nicholas Road it appears as though the available space can be fairly limited in these locations, particularly so in the evening.

The existing A1 use would attract a maximum standard of a single commercial vehicle space and two customer parking spaces, according to the guidance within the Parking Standards SPG. The use of the property as a public house, meanwhile, would have a maximum standard of a single commercial vehicle parking space, one staff parking space and 20 customer parking spaces (based upon approx. 100sq.m public floor area).

The Parking Standards SPG therefore identifies uplift in the maximum applicable parking standard of approx. 19 parking spaces. The guidance within Planning Policy Wales and the Parking Standards SPG, however, states that a flexible

approach should be adopted. PPW in particular promotes the provision of lower parking levels than have historically been achieved. It is stated at Paragraph 4.1.53 that "*parking standards should be applied flexibly and allow for the provision of lower levels of parking and the creation of high quality places.*" The site is in a particularly sustainable location, and is within easy walking distance of the High Street/ Broad Street District Centre, Barry Train Station and other bus services. It is therefore reasonable to expect that a reasonable number of patrons would arrive by foot, public transport or be dropped off at the site, particularly so if parking options were known to be limited.

The circular turning area provides adequate space for vehicles to enter the site, drop off passengers and exit in forward gear, even if the parking spaces were fully occupied. If the demand for spaces exceeded capacity, vehicles could still safely egress the site and seek parking opportunities elsewhere, so long as adequate circulation space was maintained. The presence of parking restrictions on St Nicholas Road would ensure that the free flow of traffic was safely maintained on this road. It is therefore considered that, while potentially inconvenient, there would be no significant detriment to highway safety in the event that the parking area became fully occupied and it would not be reasonable to refuse the application on grounds of lack of parking.

It is considered that sufficient room exists to satisfy parking for the flat and for staff provision (based upon the size of the unit) and typical customer parking requirements. It would, however, be beneficial for spaces within the hardstanding area to be demarcated in order to ensure adequate efficient use of the space and that circulation space is maintained when it is at capacity. The details of and implementation of a parking scheme (inc. bin storage provision) could feasibly be required by condition.

The development is therefore considered acceptable in relation to parking provision and associated highway safety impacts.

#### Other matters

No external alterations have been proposed as part of this application and the development is considered acceptable in relation to visual impact.

It is noted that advertisements may have been erected since the original submission of this application. Adverts such as fascia boards typically benefit from deemed or express consent under the Town and Country Planning (Control of Advertisements) Regulations, 1992. They nevertheless do not form part of these proposals and would be subject of a separate application for advertisement consent, if so required.

The impact of the development upon property values is not a material consideration.

#### RESOURCE IMPLICATIONS (FINANCIAL AND EMPLOYMENT)

Any costs involved in drafting and issuing Notices, attending enquiries and undertaking monitoring work can be met within the departmental budget. There are no employment issues.

### LEGAL IMPLICATIONS (TO INCLUDE HUMAN RIGHTS IMPLICATIONS)

If an Enforcement Notice is served, the recipient has a right of appeal under Section 174 of the Town and Country Planning Act 1990 (as amended).

The Action is founded in law and would not be considered to breach any of the rights referred to in the Human Rights Act.

### EQUAL OPPORTUNITIES IMPLICATIONS (TO INCLUDE WELSH LANGUAGE ISSUES)

None.

### WELLBEING OF FUTURE GENERATIONS (WALES) ACT 2015

Under the 2015 Act the Council not only have a duty to carry out sustainable development, but must also take reasonable steps in exercising its functions to meet its sustainable development (or wellbeing) objectives. This report has been prepared in consideration of the Council's duty and the "sustainable development principle", as set out in the 2015 Act, in recommending the service of an Enforcement Notice, the Council has sought to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs.

The development is considered to cause unacceptable harm for the reasons set out above. The overarching public interest to protect the amenity of the area and to promote sustainable development principles is not considered to be outweighed by gain to the developer.

### RECOMMENDATION

- (1) That planning permission for the retention of the change of use is refused.
- (2) That the Head of Legal Services be authorised to serve an Enforcement Notice under Section 172 of the Town and Country Planning Act 1990 (as amended) to require:
  - (i) The cessation of the unauthorised use of the building as a coffee shop and wine bar.
- (3) In the event of non-compliance with the Notice, authorisation is also sought to take such legal proceedings as may be required.

### REFUSE

1. Having regard to the Policies MD2 – Design of New Development, MD5 – Development within Settlement Boundaries and ENV7 – Environmental Protection of the Vale of Glamorgan Local Development Plan 2011-2026, as well as the advice and guidance set out in Planning Policy Wales (10th

Edition) and Technical Advice Note 11- Noise, the change of use would result in unacceptable levels of noise and disturbance from the playing of music, flow of patrons and other comings and goings, that would adversely affect the amenity of neighbouring occupiers at unsociable hours.

#### REASON FOR RECOMMENDATION

The decision to recommend refusal of planning permission has been taken in accordance with Section 38 of The Planning and Compulsory Purchase Act 2004, which requires that, in determining a planning application the determination must be in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan for the area comprises the Vale of Glamorgan Adopted Local Development Plan 2011-2026.

It is considered that the decision complies with the Council's well-being objectives and the sustainable development principle in accordance with the requirements of the Well-being of Future Generations (Wales) Act 2015.

# **Appendix 7**

Our ref: 201902891 & 201902956/  
MJ/JW

Ask for: Manon Jones



01656 644206

Date: 5 September 2019



Manon.Jones  
@ombudsman-wales.org.uk

**PERSONAL & CONFIDENTIAL**  
Councillor Leighton Rowlands  
[REDACTED]

By email only  
lorowlands@valeofglamorgan.gov.uk

Dear Councillor Rowlands

**Code of Conduct complaint made by Councillor Neil Moore**

Thank you for your letter dated 19 August. I am sorry you have been unwell, and I appreciate that this matter has been very stressful for you.

The Ombudsman has now decided to investigate the complaint made against you by Councillor Moore, of which you were informed on 16 August. I have been asked to carry out the investigation.

I hope that the Ombudsman's investigation will provide you with an opportunity to provide your account of the events which have been complained about. Please be assured that the Ombudsman will investigate the matter fairly and sensitively and you may contact me at any time to provide me with information as part of the investigation.

I note that you have received appropriate support from the Council's Monitoring Officer, and I would encourage you to continue to use that support and liaise with the Monitoring Officer for any further assistance you require.

The complaint will be investigated on the basis that there may have been a failure to comply with the following paragraphs of the Code:

- 6(1)(a) – you must not conduct yourself in a manner which could reasonably be regarded as bringing your office or authority into disrepute

Page 1 of 2

You need not respond to this letter if you do not wish to. However, any comments made at this stage will be taken into consideration. You should bear in mind that your comments may also be disclosed to the complainant or used in any subsequent proceedings.

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

This letter is only being sent electronically. A hard copy will not be sent unless you ask for one.

I have written to notify the Monitoring Officer of Vale of Glamorgan Council and the Clerk to Barry Town Council of this investigation and have asked for any relevant information.

### **Meeting your needs during our investigation**

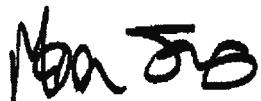
Please let us know if you need us to adapt the way we communicate with you. If anything makes it difficult for you to engage with us during the investigation, for example, if you have a disability, please contact us to explain how this affects you.

We will consider whether your request is reasonable and appropriate in the circumstances. This is because we need to use public money carefully.

The Ombudsman's investigations are conducted in private. You are therefore asked not to contact or discuss the details of the complaint with any potential witnesses or persons who may be involved in the matter, whether directly or indirectly, to avoid any prejudice to the investigation. Conduct of this kind may amount to a breach of the Code.

If you consider that specific information should be considered, or witnesses should be contacted by the Ombudsman as part of this investigation please let me know and I will consider your request in light of the remit of the Ombudsman's investigation.

Yours sincerely



**Manon Jones**  
Investigation Officer

# **Appendix 8**

**From:** Rowlands, Leighton O (Cllr)  
**Sent:** Wed, 28 Aug 2019 20:31:51 +0000  
**To:** [REDACTED]  
**Subject:** RE: Complaint made to the Ombudsman - 201902891 [REFJKblgVp2]

Good Evening

Please see attached my response to the compliant.

If you need anything else please let me know.

Yours sincerely  
Cllr Leighton Rowlands

**From:** [REDACTED]@ombudsman-wales.org.uk <[REDACTED]@ombudsman-wales.org.uk>  
**Sent:** 16 August 2019 3:04 PM  
**To:** Rowlands, Leighton O (Cllr) <clorowlands@valeofglamorgan.gov.uk>  
**Subject:** Complaint made to the Ombudsman - 201902891 [REFJKblgVp2]

This email, created by [REDACTED]@ombudsman-wales.org.uk, has been securely delivered using Egress Switch and was decrypted on 16 August 2019 15:04:34

Dear Councillor Rowlands

**Our reference: 201902891**

Please find attached a copy of my letter of today which is being sent by **email only**.

Yours sincerely  
Sarah

[REDACTED]  
Casework Officer  
Tel: 01656 641150

—  
Public Services Ombudsman for Wales/Ombudsmon Gwasanaethau Cyhoeddus Cymru  
1 Ffordd yr Hen Gae  
Pencoed  
Bridgend/Pen-y-Bont ar Ogwr  
CF35 5LJ

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

This email is subject to the conditions on Confidentiality, Content and Viruses set out on the Ombudsman's [website](#).

Mae'r e-bost hwn yn rhwym wrth yr amodau Cyfrinachedd, Cynnwys a Firysau a nodir ar [wefan](#) yr Ombwdsmon.

All calls are recorded for training and reference purposes / Bydd pob galwad yn cael ei recordio ar gyfer dibenion hyfforddi a chyfeirio

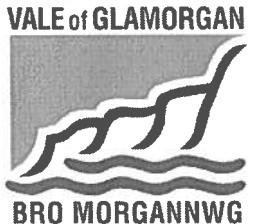
Please consider the environment - do you really need to print this email?  
Ystyriwch yr amgylchedd a oes wir angen i chi argraffu'r neges e-bost hon?

Date/Dyddiad: 19<sup>th</sup> Aug 2019  
Ask for/Gofynwch am: Cllr. Leighton Rowlands  
Telephone/Rhif ffôn: [REDACTED]  
Fax/Ffacs:  
Your Ref/Eich Cyf: 201902891, 201902956  
My Ref/Cyf: Complaint by Cllr Moore  
e-mail/e-bost: lorowlands@valeofglamorgan.gov.uk

The Vale of Glamorgan Council  
Members of the Council's Office  
Civic Offices, Holton Road, Barry, CF63 4RU  
Telephone: (01446) 700111

Cyngor Bro Morgannwg  
Swyddfa Aelodau'r Cyngor  
Swyddfeydd Dinesig, Heol Holton,  
Y Barri, CF63 4RU  
Ffôn: (01446) 700111

[www.valeofglamorgan.gov.uk](http://www.valeofglamorgan.gov.uk)  
[www.bromorgannwg.gov.uk](http://www.bromorgannwg.gov.uk)



[REDACTED]  
Case Office  
Ombudsman-wales

**Complaint made by Councillor N. Moore.**

Dear [REDACTED]

Thank you for your letter dated 16<sup>th</sup> Aug 19 sent via email and thank you for allowing to respond to the complaint and allow to put my version across. I will deal with the issues raised by Cllr Neil Moore on a point by point basis.

First point Councillor Moore raised is that he feels I have brought the Vale of Glamorgan Council and Barry Town Council in dispute, I would argue that I have not intentionally would look to bring both the councils in dispute, the fact the whole episode was a planning matter on the Vale Council this would not have anything to do Barry Town Council.

The second point Councillor Moore raises is that the Company which I was one half of the company director at the time opened without planning permission. At the time during the planning stages myself and my former business partner discussed with the planning officers in relation to opening up with retrospective planning, I was advised at the time that the company could open as it had a license but if did not get planning then the company would have invested money and would have lost that a finance lost to myself and my former business partner. I tried advised my former business that we should wait until we have planning permission just in case we did not get so we were not losing any money invested in the project he refused to change the date. The fact the planning law allows companies and residents to do work with retrospect planning is confusing one for myself and residents of the Vale of Glamorgan. At every stage of the planning application I have followed the guidelines and advise given by the planning officers.

Councillor Moore points out that I attended a planning meeting on 27<sup>th</sup> September and a similar application came before committee. The officer advised the committee that a company can open up with retrospective planning because it had licence but it would be on that company head as if did not get planning there would be finance lost to the investment made by company. Even then I found the whole situation confusing. With this in mind I informed my former business partner to delay the opening due to fact if we did not get planning permissin we would be at financial lost, he refused.

Please reply to Cllr Leighton Rowlands, Democratic Services, Vale of Glamorgan Council,  
Holton Road, CF63 4RU

Anfonwch eich ateb i'r cyfeiriad cartref:

Correspondence is welcomed in Welsh or English/Croesawir Gohebiaeth yn y Gymraeg neu yn Saesneg

Due to press article published by a number of papers I was informed by the Monitoring officer on 19<sup>th</sup> June that because the bar opened on 14<sup>th</sup> June without planning it would need to cease trade immediately as I would be bringing the council into dispute, I was horrified about this information. I had informed my former business partner of this but yet again he refused to close the pub until we had planning. I therefore took the drastic decision to resign as the managing director of the company on the 19<sup>th</sup> June, the planning application was changed to the former business partner, immediately. From then on I had nothing to do with the bar or the planning application, I was not made aware of the complaints received by SRS as these would have gone to my former business partner.

At planning meeting on 31<sup>st</sup> July when the application came to committee, I declared an interest and left the room when it was being discussed.

In relation to the photo of me wearing Vale Mayor Chains when I was shown this on the website I told the person who designed it to take it down immediately as it would look like I was using the mayor position to promote the bar which I was not, this was taken down but I did not know the website was published as it was my former business partner who authorised it.

The papers continue to run story on it but are linking it to me as a former business partner I have informed them I'm no longer a managing director I have no control over the business and its activities. They contact me for quotes etc in relation to the watering hole but ignore as I don't want to give them stories

I have tried to distance myself from it too protect council and my office as councillor and the Deputy mayor for Barry Town Council, being a councillor means more to me than running my own bar, the fact I have resigned and have lost [REDACTED] shows how much I take my responsibility as a councillor.

At the time of setting the pub I feel I was being used by my former business partner and I was naive in not seeing it and trust people on face value. I'm deeply sorry with anything that has happened in relation to this episode. I just want to carry on being a good councillor and representing the residents who elected me.

[REDACTED]

I hope I been able to put my view across, certain aspect of this response is confidential. But I thought I would inform you of the situation if you need to discuss further please let me know. The fact I'm being referred to you is causing me more stress and anxiety

Yours Faithfully,

Cllr Leighton Rowlands  
Conservative Councillor for Dyfan Ward

Please reply to Cllr Leighton Rowlands, Democratic Services, Vale of Glamorgan Council,  
Holton Road, CF63 4RU

Anfonwch eich ateb i'r cyfeiriad cartref:

Correspondence is welcomed in Welsh or English/Croesawir Gohebiaeth yn y Gymraeg neu yn Saesneg

# **Appendix 9**

**From:** [Emily Forbes](#)  
**To:** [Manon Jones; caseinfo](#)  
**Subject:** CONFIDENTIAL 201902956/MJ/JW  
**Date:** 16 September 2019 17:43:49  
**Attachments:** [image001.png](#),  
[image002.png](#),  
[image003.jpg](#),  
[image004.jpg](#),  
[image005.jpg](#),  
[image006.jpg](#),  
[image007.jpg](#),  
[image008.png](#)

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Good afternoon Manon

Please find attached documents you have requested in your letter of 5 September 2019.

As a twin-hatted Councillor, Cllr Rowlands received Code of Conduct training through VOG Council elected member induction.

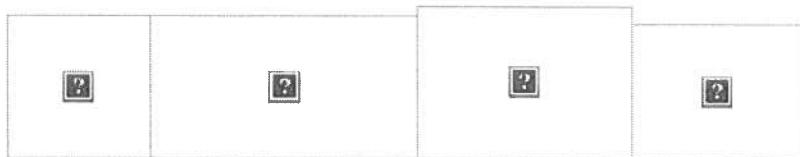
Kind Regards

Emily

**Emily Forbes FSLCC (BA, MSc, Assoc. CIPD)**  
**Chief Officer (Town Clerk)**

**Barry Town Council**  
7 Gladstone Road, Barry  
CF62 8NA

 (01446) 704926



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# **Appendix 10**

This email, created by [REDACTED]@valeofglamorgan.gov.uk, has been securely delivered using Egress Switch and was decrypted on 19 September 2019 13:54:28+01:00

Dear [REDACTED]

Further to your letter dated 5 September 2019, please see below and the attached information in line with your numbering. Please note that with regard to a number of attachments that they address more than one query and where appropriate cross referencing to the relevant attachment is referred to below.

1. Please see link <https://www.valeofglamorgan.gov.uk/Documents/Committee%20Reports/Committee%20Information/Constitution/October-2018/Section-18-Oct-18.pdf>
2. Attached.
3. Councillor Rowlands attended the Member Induction – Code of Conduct training on 18 May 2017 conducted by myself – training material attached.
4. Councillor Rowlands attended the Planning Training session on 1 June 2017 - conducted by [REDACTED] (Head of Regeneration and Planning), Victoria Robinson, then (Operational Manager Development Management) and [REDACTED], then (Senior Lawyer) - training materials are attached in 3 parts.
5. Attached.
6. Attached. Please also see at attachment 14 my meeting attendance note dated 19 June 2019, letter from Councillor Rowlands dated 19 June 2019, extracts taken from an attendance note of a meeting held on 22 July 2019 between [REDACTED] (Head of Regional Internal Audit Service), [REDACTED] (Corporate Investigating Officer) and Councillor Rowlands and extracts from Planning Committee minutes of a meeting held on 31 July 2019 during which Councillor Rowlands declared a personal and prejudicial interest in planning application no 2019/00439/FUL (which relates to the Watering Hole change of use application).
7. Minutes of the Planning Committee held on 27 September 2018 are attached and the link to that meeting is <https://www.youtube.com/watch?v=ATOFVIOv1rQ>. The start of the discussion on planning application 2018/00761/FUL commences at 1.31.52.
8. The first planning enforcement complaint was received on 13/06/19, (relating to the unauthorised change of use at 6 St Nicholas Road, Barry) which identified that a Facebook post had advertised the opening night of "The Watering Hole", which would take place on 14/06/19. The complaint also included a screen shot which is contained in attachment 9 but for ease of reference is also attached as document 8. Also please note the following as contained in attachment 14:
  - extract from note of meeting held on 22 July 2019 between [REDACTED] (Head of Regional Internal Audit Service), [REDACTED] (Corporate Investigating Officer) and Councillor Leighton Rowlands and particularly paragraph 3.29 in which Councillor Rowlands refers to the business opening on 14 June 2019.

The opening event then led to a number of further planning enforcement complaints relating to the use of the premises, which explicitly identified the opening night as 14/06/19 (see attachments to document 9)..

9. Attached – this is a combined file covering planning and enforcement.
10. Attached. There is also some papers attached at 10b that relate to complaints made. Complainants details have not been disclosed to SLR Hospitality CYF and its Directors/former Directors. [REDACTED]

For information, the first item at attachment 10 (letter to Sam Lewis dated 30 August 2019) states that a further inspection is due to be carried out week commencing 16 September. The inspection is now scheduled for week commencing 23 September, and a copy of the correspondence from the Council's Shared Regulatory Services Department in respect of the inspection will follow shortly.

11. Attached at 9. This is a combined file covering planning and enforcement.
12. a) The link to the 31 July 2019 meeting is <http://civico.net/valeofglamorgan/valeofglamorgan/7380>. The start of the discussion on Planning Application No. 2019/00439/FUL (6 St. Nicholas Road, Barry) runs from 1.46.10 to 02.37.16.
- 12 b) A Section 172 Planning Enforcement Notice was served on 09/09/2019 requiring the cessation of the unauthorised use of 6 St Nicholas Road, Barry as A3 (Food and Drink) use (coffee shop and wine bar) within one month of the date that the Notice comes into effect. The Notice was served on the owner of the property, the occupier of the property (SLR Hospitality Cyf) and [REDACTED], who are identified on the title deeds as an interested party. It is my understanding from conversations with Councillor Rowlands that SLR Hospitality Cyf had not executed the lease during June 2019.

For information a Section 172 Notice must give a twenty eight days period before it comes into effect as set out in the Town and Country Planning Act 1990, in this instance and for clarity we gave one month, so the Notice comes into effect on 09/10/2019. During this time, and up until the compliance date (09/11/19 - one month after the Notice comes into effect) the establishment at 6 St. Nicholas Road may continue to operate without being in breach of the Section 172 Notice.

During the period before the Notice comes into effect, the parties that have been served have the right to appeal the Notice. If the Notice is appealed, the date that the appeal comes into effect is temporarily suspended pending the outcome of the appeal. If the appeal is dismissed, the Notice comes into effect on the date of the appeal decision and the use at 6 St. Nicholas Road has one month to cease.

If the unauthorised use continues to take place after the compliance date, whether that be 09/11/19 or a later date if the Notice is appealed, only then can the Council proceed to take legal proceedings against the persons who have been served with the Notice. This is because only then would they be in breach of the legal requirements set out in the Section 172 Notice.

13. Please see Victoria Robinson's email attached dated 10 September 2019.
14. Attached - copy documentation from my file.
15. None.

I trust that the above and attached assist, however please let me know whether you require any further information and/or clarification.

Regards,

Debbie

Debbie Marles

Monitoring Officer/Head of Legal and Democratic Services / Pennaeth Gwasanaethau Cyfreithiol  
Director's Office - Resources / Swyddfa'r Cyfarwyddwr - Adnoddau  
Vale of Glamorgan Council / Cyngor Bro Morgannwg  
tel / ffôn: 01446 709402  
e-mail / e-bost: [DMarles@valeofglamorgan.gov.uk](mailto:DMarles@valeofglamorgan.gov.uk)

*Consider the environment. Please don't print this e-mail unless you really need to.  
Ystyriwch yr amgylchedd. Peidiwch ag argraffu'r neges hon oni bai fod gwir angen.*

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Ewch i'n gwefan yn [www.bromorgannwg.gov.uk](http://www.bromorgannwg.gov.uk)

Find us on Facebook / Cewch ddod o hyd i ni ar Facebook  
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Correspondence is welcomed in Welsh or English / Croesewir Gohebiaeth yn y Gymraeg neu yn Saesneg.

**From:** [REDACTED]@ombudsman-wales.org.uk <[REDACTED]@ombudsman-wales.org.uk>  
**Sent:** 05 September 2019 11:40  
**To:** Marles, Debbie <[DMarles@valeofglamorgan.gov.uk](mailto:DMarles@valeofglamorgan.gov.uk)>  
**Subject:** Complaint made to the Ombudsman - Our ref: 201902891 [REFJKblgVp2]

This email, created by [REDACTED]@ombudsman-wales.org.uk, has been securely delivered using Egress Switch and was decrypted on 05 September 2019 11:40:13

Dear Ms Marles

**Our reference: 201902891**

Please find attached, by email only, a letter addressed to you as Head of Legal Services & Monitoring Officer.

If you have any queries in relation to the letter, please contact [REDACTED] directly either by telephone on 01656 644206 or via email at [REDACTED]@ombudsman-wales.org.uk

Regards

[REDACTED]  
Casework Support Officer

Tel: 01656 644219

--  
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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All calls are recorded for training and reference purposes / Bydd pob galwad yn cael ei recordio ar gyfer dibenion  
hyfforddi a chyfeirio

Please consider the environment - do you really need to print this email?

Ystyriwch yr amgylchedd ♦ a oes wir angen i chi argraffu♦r neges e-bost hon?

# **Appendix 11**

**BARRY TOWN COUNCIL**

**MINUTES OF A MEETING OF THE PLANNING COMMITTEE HELD ON TUESDAY  
24 APRIL 2019**

**PRESENT:** Councillors Hawkins (Chair) plus Councillors Aviet, S Hodges, Payne and Perkes.

**ALSO PRESENT:** David Watkins – Planning Officer  
Mark Sims – Deputy Chief Officer/Responsible Finance Officer  
Rebecca Blackwell – Administrator  
Councillor Clarke - Observer  
Councillor N Hodges – Observer  
Councillor Rowlands - Observer

**PL374. APOLOGIES FOR ABSENCE**

Apologies were received from Councillors Charles and Collins

**PL375. TO RECEIVE DECLARATIONS OF INTEREST UNDER THE  
COUNCIL'S CODE OF CONDUCT**

Declaration of interest was received from Councillor Hawkins for item 4d due to being a neighbour of the applicant.

**PL376. TO APPROVE THE MINUTES OF THE PLANNING COMMITTEE'S  
MEETING HELD ON 2 APRIL 2019**

**RESOLVED:**

**That the minutes of the Planning Committees meeting held on Tuesday, 2 April 2019 be approved and signed as a correct record.**

Due to public interest item 9 was brought forward.

**PL377. RECOMMENDATION FROM FULL COUNCIL – DOCKS  
INCINERATOR ACTION GROUP (DIAG)**

The Deputy Chief Officer/Responsible Finance Officer advised members that the letter drafted by the Planning Officer, Chair and himself which was composed to communicate DIAG's message across. The members of DIAG felt that it wasn't what they originally requested and another letter was provided via email prior to the meeting, which had been circulated to all Planning Committee members.

The Deputy Chief Officer/Responsible Finance Officer suggested that a recommendation to a meeting of Full Council to propose a meeting with the Head of Planning and Development from the Vale of Glamorgan Council, the Vale of Glamorgan Council's Chair of Planning, Barry Town Council's Chief Officer, Barry Town Council's Chair of Planning,

Barry Town Council's Vice Chair of Planning and the Planning Officer of Barry Town Council.

Councillor S Hodges said that she did not like the thought of secret meetings taking place to discuss business requested by members of the public.

The Deputy Chief Officer/Responsible Finance Officer advised that a request for the questions to be answered in writing will be made so that the outcome can be presented to members.

Councillor S Hodges advised that a meeting with only selected members present would be a secret meeting.

Councillor Perkes advised that she was happy with the suggestion made and only the questions provided by DIAG will be asked.

The Planning Officer advised that by having a meeting with the key members of the Vale of Glamorgan's Planning Department would be advantageous and suggested that the questions be sent across to the Vale of Glamorgan Council's Planning Department so that they can have sight of the questions proposed prior to the meeting.

Councillor S Hodges asked if DIAG will be invited to the meeting. The Deputy Chief Officer/Responsible Finance Officer advised that DIAG has asked Barry Town Council to relay their questions onto the Vale of Glamorgan Council and suggested that this be carried out by way of a meeting.

Discussions continued and the proposal of a meeting was not agreed.

**RECOMMENDATION:** That a recommendation is made to a meeting of Full Council that the Chief Officer sends a letter to the Vale of Glamorgan Council requesting assistance in providing answers to the 13 questions provided by the Docks Incinerator Action Group as detailed in Appendix 1 of their letter to the Town Council.

PL378. **TO CONSIDER PLANNING APPLICATIONS**

a) **Planning Application No. 2019/00214/FUL**

**Location:** Unit 2, 1a, Paget Road, Barry

**Development:** AMENDED PROPOSAL: Proposed change of use of unit 2, 1a, Paget Road, Barry from Use Class A1 (shops) to Use Class A3 (food and drink), utilising the existing plant/extraction system installed to the rear of 1a Paget Road and all associated works.

**RESOLVED: No objections**

**b) Planning Application No. 2019/00272/FUL**

**Location:** 51, Pontypridd Road, Barry

**Development:** Construction of granny flat accommodation in rear garden.

**RESOLVED:** No objections subject to the following planning conditions;

1. The flat roof area of the extension shall not at any time be used as a storage area, balcony, roof garden or similar amenity area. Reason: to ensure that the privacy and amenities of adjoining occupiers are safeguarded, and to ensure compliance with Policies SP1 (Delivering the Strategy) and MD 2 Design of New Developments of the Local Development Plan.
2. The granny flat/annexe hereby approved shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as 51, Pontypridd Road. Reason: To avoid the creation of a separate unit of residential accommodation, and to ensure compliance with the terms of Policies SP1 (delivering the Strategy) and MD2 Design of New Developments of the Local Development Plan.

**c) Planning Application No. 2019/00289/FUL**

**Location:** 57, The Pastures, Barry

**Development:** Garage conversion with infill side extension. First floor extension. Removal of chimney.

**RESOLVED: No objections**

As the Chair declared an interest in the item below he left the room. The Vice-Chair then took charge of the meeting.

**d) Planning Application No. 2019/00313/FUL**

**Location:** 43, Cae Leon, Barry

**Development:** Extension to rear of bungalow

**RESOLVED: No objections in principle subject to the following;**

1. The proposed side kitchen window be relocated to opposite kitchen side wall to face into the garden of 43, Cae Leon. The extension side elevation facing

**the rear gardens of numbers 3, 5 and 7 Morningside Walk shall not have any new windows.**

- 2. The Vale of Glamorgan Planners discuss with the applicant the merits of a replacing the proposed flat roof with a pitched roof on the proposed extension.**

The Chair returned to the meeting.

- e) Planning Application No. 2019/00356/FUL & 2019/00357/CAC**

**Location:** 43, Tan-Y-Fron, Barry

**Development:** Erection of a side extension and rear infill alteration, in conjunction with alterations and extension to existing porch.

**RESOLVED:** No objections subject to the proposed development having matching materials and finishes to that of the existing dwelling

- f) Planning Application No. 2019/00376/FUL**

**Location:** 27, Rhodfa Sweldon, Barry

**Development:** Garage conversion

**RESOLVED:** No objections subject to the provision of off street car parking to the satisfaction of the Vale of Glamorgan Planning and Highways departments.

- g) Planning Application No. 2019/00380/FUL**

**Location:** 7, Lower Morel Street, Barry

**Development:** Sub-division of a dwelling to form two self-contained apartments and associated external alterations.

**RESOLVED: OBJECTION**

**As the proposed development has inadequate amenity space and car parking provisions which does not comply with the requirements of the following Vale of Glamorgan supplementary planning guidance policy documents;**

- **Residential and Householder Development (Adopted April 2018)**
- **Parking Standards (Adopted May 2015)**

- h) Planning Application No. 2019/00397/FUL**

**Location:** 60, Westward Drive, Barry

**Development:** Proposed garden store to rear of garden

**RESOLVED:** No objections subject to the garden shed not being used for domestic purposes only and not any commercial/business uses.

PL379.

**TO CONSIDER PLANNING APPLICATION TABLED**

a) **Planning Application No. 2019/00402/FUL**

**Location:** Arcadia, Port Road West, Barry

**Development:** Demolish existing garage and construct replacement outbuilding, replacement dwarf wall to boundary and changes in levels

**RESOLVED:** No objections in principle subject to the proposed outbuilding being used for domestic purposes and not commercial/business use.

b) **Planning Application No. 2019/00403/FUL**

**Location:** 25, Heol Leubren, Barry

**Development:** Conversion of garage to habitable room. New window to front elevation in place of garage door.

Members raised concerns with regard to any loss of parking provision by removing the garage.

**RESOLVED:** No objection in principle subject to the Vale of Glamorgan Planning and Highways departments being satisfied with the off street car parking provision as Members expressed concerns about the current parking situation in the area.

c) **Planning Application No. 2019/00406/FUL**

**Location:** Windmill park, Hayes Road, Barry

**Development:** Proposed erection of Class B1/B2/B8 Development (Phase 2), together with associated parking and access arrangements.

**RESOLVED:** No objections in principle subject to the following;

- The Vale of Glamorgan planning department are satisfied with the proposed building design and finished and the Flood Consequence Assessment
- The Vale of Glamorgan highways depart are satisfied with the proposed parking provisional cycle storage facilities and vehicular access arrangements

- The Vale of Glamorgan Environmental Health department and Building Control department are satisfied with the Geo-Environmental Site Assessment Report.

d) **Planning Application No. 2019/00412/ADV**

**Location:** 8, Romilly Buildings, Barry  
**Development:** Two fascia signs

**RESOLVED:** No objections

**PL380. LOCAL PLANNING AUTHORITY DECISIONS**

**RESOLVED:** That the Local Authority Decisions be received and noted.

**PL381. APPLICATIONS DEALT WITH UNDER DELEGATED POWERS – FOR INFORMATION ONLY**

None

**PL382. NOTIFICATION OF A PREMISES LICENCE APPLICATIONS**

a) The Watering hole, 6, St. Nicholas Road, Barry

**RESOLVED:** That the notification of a premises licence be received and noted.

**PL383. DATE OF NEXT MEETING**

**RESOLVED:** that the date of the next meeting of the Planning Committee is scheduled for Tuesday 7 May 2019.

Meeting closed at 7.40 pm

Signed .....  
(Chairperson)

Dated.....

# **Appendix 12**

## BARRY TOWN COUNCIL

### MINUTES OF A MEETING OF THE PLANNING COMMITTEE HELD ON WEDNESDAY 29 MAY 2019 AT 7.00PM

**PRESENT:** Councillors Hawkins (Chair) plus Councillors Aviet, Collins, S Hodges and Payne.

**ALSO PRESENT:** David Watkins – Planning Officer  
Rebecca Blackwell – Office Team Leader  
Councillor N Hodges – Observer  
Councillor Johnson – Observer

#### **PL395. APOLOGIES FOR ABSENCE**

Apologies were received from Councillors Perkes.

#### **PL396. TO RECEIVE DECLARATIONS OF INTEREST UNDER THE COUNCIL'S CODE OF CONDUCT**

Declarations of Interest were received from Councillor N & S Hodges with regard to item 5 (g) as they reside in the same street.

#### **PL397. TERMS OF REFERENCE**

Members were provided with the Terms of Reference for the Planning Committee.

**RESOLVED:** That the Terms of Reference for the Planning Committee be received and noted.

#### **PL398. TO APPROVE THE MINUTES OF THE PLANNING COMMITTEE'S MEETING HELD ON 7 MAY 2019**

**RESOLVED:** That the minutes of the Planning Committees meeting held on Tuesday, 7 May 2019 be approved and signed as a correct record.

#### **PL399. TO CONSIDER PLANNING APPLICATIONS**

Councillors N and S Hodges left the meeting.

##### **g) Planning Application No. 2019/00459/FUL**

**Location:** 15, Romilly Road, Barry

**Development:** Change of use from C3 to C4 House of Multiple Occupation (HMO) totalling 6 people.

The Planning Officer talked members through his report outlining his concerns.

Members of the public were in attendance and were invited to speak.

The members of the Public addressed the Committee advising them of their concerns which included: -

- Parking concerns; members of the public felt that there is a persistent problem with on-street parking in the area and the addition of multiple occupants would exacerbate the problem.
- Loss of community unity as they feel that there would be a high turnover of tenancy within the property.

The member of the public also advised members that work had already begun on the renovation of the property.

Councillor Payne advised that it contravenes the current Supplementary Planning Guidance of the Vale of Glamorgan Council and that there is no adequate car parking for the area.

**RESOLVED: Barry Town Council Strongly Object to the proposed development for the following reasons;**

1. **The proposed development fails to provide adequate provision of;**
  - Amenity Space
  - Off street car parking
  - Appropriate fire escapes
2. **The proposed development would be detrimental to the neighbouring properties in terms of the residential amenity they currently enjoy.**

Councillors N and S Hodges returned to the meeting.

a) **Planning Application No. 2019/00361/FUL**

**Location:** New Jerusalem Church, Tynewydd Road, Barry

**Development:** The existing single storey building o the rear is to be refurbished internally with a new porch to front property. Also existing door to be replaced with window and also front window reduced in size.

**RESOLVED: No objections**

**b) Planning Application No. 2019/00428/FUL**

**Location:** Florantina, 115A, Park Crescent, Barry

**Development:** Change of use from Class A1 to Class A2

**RESOLVED: No objections subject to the following;**

**1. The retention of the existing shop frontage**

**c) Planning Application No. 2019/00436/RG3**

**Location:** Land at Whitmore High School, Port Road, Barry

**Development:** Proposed new caretakers house associated with the new Whitmore High School and associated ancillary works

**RESOLVED: No objections**

**d) Planning Application No. 2019/00439/FUL**

**Location:** 6, St. Nicholas road, Barry

**Development:** Change of use of the property from A1 (retail) to A3 (food and Drink) to set up as a coffee shop during the day and a wine bar during the evening.

Members raised concerns with regard to the opening hours and potential length of licencing hours. They felt that if the licencing was limited to evenings only then it would be more suitable. Concerns were also raised with regard to parking as there are only limited parking spaces available on site.

**RESOLVED:**

**OBJECTION**

**The proposed development would have a detrimental effect upon the amenities that local residents currently enjoy due to possible noise, disturbance and traffic levels.**

**e) Planning Application No. 2019/00444/FUL**

**Location:** Communication Station, Priority Business park, Barry

**Development:** The removal of the existing 14m monopole, replaced with a 20.2m slim line lattice tower with 6 no. apertures (or 'airspace') measuring 3m x 0.55m, each of which can house 2 no. antenna and 4 ground based antennas in the existing compound.

**RESOLVED: No objections**

f) Planning Application No. 2019/00448/FUL

**Location:** Site of the existing Waitrose, Palmerstone Road, Barry

**Development:** Proposed external alterations to existing building and change of use of restricted Class A3 Cafeteria to Class A1 Retail Use, together with associated tree-related works

Councillor Payne raised concerns with regard to the removal of trees and stated that she would not like to see any trees removed.

**RESOLVED:** No objections in principle subject to the following comments;

- The Vale of Glamorgan Planning and Highways Department are satisfied with the proposed design and elevation changes and the amended car parking layout/provision of the site.
- The Vale of Glamorgan Planning Department and Arboricultural Officer are satisfied with the proposed landscaping/tree mitigation proposals for the site.

h) Planning Application No. 2019/00460/FUL

**Location:** 8, Meadow Vale, Barry

**Development:** Single storey extension to create a bedroom at ground floor

**RESOLVED:** No objections subject to the proposed extension having matching materials and finishes to that of the existing dwelling.

i) Planning Application No. 2019/00461/FUL

**Location:** Hand Car Wash, Broad Street, Barry

**Development:** To position a portacabin along the rear boundary wall at the South east corner of the site. The portacabin to be used as an office and storage space.

**RESOLVED:** Strong objection to the proposed portacabin as it will reduce the availability of both staff and client on-site car parking provision and could be detrimental to highway safety.

**Note:** Barry Town Council reiterate its wishes to have written confirmation that any breaches of previous planning concepts or planning conditions have been resolved to the satisfaction of vale of Glamorgan Planning Department.

- j) **Planning Application No. 2019/00462/FUL**  
**Location:** 7, Heol Corswigen, Barry  
**Development:** Garage conversion  
**RESOLVED: No objections**
- k) **Planning Application No. 2019/00484/FUL**  
**Location:** 37, Glen Mavis Way, Barry  
**Development:** Replacement of existing lean-to to rear and alterations to front to include relocation of front door.  
**RESOLVED: No objections**
- l) **Planning Application No. 2019/00491/ADV**  
**Location:** Heol Ceinog, Barry  
**Development:** Signage associated with refurbishment of store and petrol filling station.  
**RESOLVED: No objections**
- m) **Planning Application No. 2019/00499/FUL**  
**Location:** 21, Falcon Road, Barry  
**Development:** Two storey extension to side of existing domestic dwelling.  
**RESOLVED: No objections.**
- n) **Planning Application No. 2019/00506/FUL**  
**Location:** Morrisons, Heol Ceiniog, Barry  
**Development:** Amendments to internal site vehicle circulation  
**RESOLVED: No objection subject to the Vale of Glamorgan Highways Department being satisfied with the proposals.**
- PL400. **TO CONSIDER PLANNING APPLICATION TABLED**
- a) **Planning Application No. 2019/00508/FUL**  
**Location:** Weycock Cross Waste Water Treatment Works, Barry  
**Development:** Installation of 2no. pipe bridges, 5.3 square meters of concrete hardstanding to be surrounded by 9.5 metres of stock proof fencing and 1no. access gate extending to a height of 1.2 metres.  
**RESOLVED: No objections**

**b) Planning Application No. 2019/00526/FUL**

**Location:** 19, Pioden For, Barry

**Development:** Remodelling of the master bedroom including glazing to the front elevation with Juliet Balcony.

**RESOLVED: No objection**

**c) Planning Application No. 2019/00530/FUL**

**Location:** Marco's Café, The Promenade, Barry Island

**Development:** Single storey extension to provide additional storage for existing café.

**RESOLVED: No objections**

**d) Planning Application No. 2019/00537/FUL**

**Location:** 27, Vincent Close, Barry

**Development:** Single storey side extension and new front porch

**RESOLVED: No objections subject to the extension having matching finishes and materials as those of the original dwelling and that suitable off street car parking is provided on site prior to occupation of the extension.**

**e) Planning Application No. 2019/00543/FUL**

**Location:** 104, Woodlands Road, Barry

**Development:** Single storey rear extension

**RESOLVED: No objections subject to the extension having matching finishes and materials to that of the existing dwelling.**

PL401.

**LOCAL PLANNING AUTHORITY DECISIONS**

Councillor S Hodges advised that she had been notified by a ward member that works had begun in relation to planning application no. 2019/00143/FUL which had been refused by both the Town Council and the Vale of Glamorgan Council. Councillor S Hodges requested that correspondence be sent to the Planning Department at the Vale of Glamorgan Council to establish if planning permission has been sought or if it would be a matter for enforcement.

**RESOLVED:**

- 1. That the Local Authority Decisions be received and noted.**
- 2. That the Planning Officer writes to the Vale of Glamorgan Planning Department seeking clarification on the position of the Local Planning Authorities Decision with regard to Planning Application 2019/00143/FUL.**

PL402. **APPLICATIONS DEALT WITH UNDER DELEGATED POWERS – FOR INFORMATION ONLY**

None

PL403. **THE VALE OF GLAMORGAN COUNCIL (PROHIBITION AND RESTRICTION OF WAITING AND LOADING AND PARKING PLACES) (CIVIL ENFORCEMENT) (AMENDMENT) (NO1) ORDER 2019**

**RESOLVED:** that the Parking Order be received and noted.

PL404. **DATE OF NEXT MEETING**

**RESOLVED:** That the date of the next meeting of the Planning Committee is scheduled for Tuesday 18 June 2019.

Meeting closed at 7.40 pm

Signed .....

(Chairperson)

Dated.....

# **Appendix 13**

# All Members Induction Seminar

## Code of Conduct and Governance Arrangements

Debbie Marles  
Head of Legal Services (and Monitoring Officer)  
May 2017

# **Code of Conduct : Ethics and Standards**

# **Ethical Governance**

Effective local government requires high standards of conduct to ensure that there is public confidence in everything we do.

This workshop will help you understand those standards, how to apply them and the potential consequences if you don't.

## **Consequences for Councillors...**

- “The committee found that [the] councillor had breached the code of conduct and that he should be suspended for a calendar month”
- “[The Councillor] had failed to show respect and consideration for others... the Committee agreed that they would publish the Committee’s findings ...and recommend to Council that the Member be issued with a formal censure”
- “Councillor breaches code of conduct for threatening behaviour...towards employee”

## **Your Responsibilities**

**You have a legal duty to act ethically. This is set out in the Local Government Act 2000.**

**The Local Authorities (Model Code of Conduct) (Wales) Order 2008 requires a mandatory code of conduct in each authority based on a national model**

# **The Ethical Framework**

**The Nolan Committee in 1997 - origins of the ethical framework  
for Standards in Public Life  
As a Member you must have regard to these principles :**

- Selflessness
- Honesty
- Integrity and Propriety
- Duty to uphold the law
- Stewardship
- Objectivity in Decision making
- Equality and respect
- Openness
- Accountability
- Leadership

## **Code of Conduct**

- Shows you how to apply the ethical framework
- Unless you sign your Declaration of Acceptance and give a written undertaking to observe the Code of Conduct you cannot be a member
- If you fail to undertake or observe you can be suspended from office
- Members of principal Councils, Town and Community Councils and Fire and Rescue Authorities

## **The Code Applies to You Whenever You Are ...**

- In any “official” meeting of the authority
- In any meeting where members or officers of the authority are present
- Acting, claiming to act or giving the impression you are acting as a representative of the authority
- Conducting business of the authority as a member and acting as a representative of the authority
- Acting in an official capacity
- Acting as a representative on another body unless that body has conflicting legal rules or its own code.

## And Also....

At any time if :

- You conduct yourself in a manner likely to bring your office or authority into disrepute or
- You use or attempt to use your position to gain advantage or avoid disadvantage for yourself or others or
- You misuse your authority's resources

## **General Rules you Need to Follow Under the Code**

- Promote equality
- Treat others with respect and consideration
- Do not bully or harass people
- Do not compromise the impartiality of officers
- Do not disclose confidential information
- Do not prevent access to information

## **General Rules you Need to Follow Under the Code**

- Do not bring your office or authority into disrepute
- You must report breaches of the code to your Monitoring Officer
- Report conduct believed or likely to involve criminal behaviour
- Do not make vexatious complaints
- You must cooperate with investigations
- You must not use your position improperly
- Do not misuse your authority's resources

## **General Rules you Need to Follow Under the Code**

- Reach decisions objectively
- Consider advice that officers give you and give reasons if you don't take it
- Comply with the law and your authority's rules regarding expenses
- Do not accept any gifts or hospitality that would place you under an obligation or seem to do so.

# **Interests**

The public must have confidence that you are making decisions in their best interests not yours!

Therefore, if you have an interest you must declare it.

# Personal Interests

You have a personal interest when a decision relates to or is likely to affect:

- Your job or business
- Your employer or company in which you are a partner or director
- Someone who has contributed to your election costs or member expenses
- Any company where you have shares over £25K or more than 1% of the total share value which has premises or land in your area

- Any contract that your authority makes with a company in which you are a partner, paid director or hold shares
- Any land in which you have an interest in your authority's area
- Any land let by your authority to a firm in which you are a partner, paid director or hold shares
- Any land in your authority's area which you have a licence to occupy for at least 28 days

- Any body to which you have been elected appointed or nominated by your authority
- Any public authority or body exercising functions of a public nature, charity, public opinion or policy, trade union or professional association, private club or society in your authority's area of which you are a member or in a management position

## Also.....

You have a personal interest when a decision might reasonably be regarded as affecting the wellbeing or financial interests:

- of the member or,
- a person with whom the member lives or has a close personal association, or
- the employment or business interest of such persons, or company
- Any corporate body in which hold securities exceeding value of £5,000 or
- other bodies of which such persons hold a position of general control or management

**But only if.....**

- To a greater extent than
  - the majority of other Council tax payers
  - rate payers or
  - inhabitants of the members ward

## **Who is 'a Close Personal Associate'**

Not just your best friend but your worst enemy....

- Close friends
- Colleagues with whom you have strong connections
- Business associates
- Close relatives
- Or someone with whom you have been in dispute
- But not casual acquaintances, distant relatives or people who you come into contact with through your work.

## **What Do You Do If You Have a Personal Interest ?**

- You must declare it verbally at meetings
- You must declare it when making written or verbal representations outside of a meeting
- You must complete a declaration of interests form
- BUT you are entitled to take part in discussions and vote unless it is a prejudicial interest

## **Prejudicial Interests**

Are personal interests which a member of the public would regard as likely to influence your opinion or your ability to be objective for example:

- If your daughter lives next to a proposed site for a new housing development
- If your son attends a local school which is due for closure

# **What Do You Do if You Have a Prejudicial Interest?**

- You must leave the meeting during the discussion
- You must not exercise delegated powers
- You must not seek to influence the decision
- You must not make written or verbal representations

## **UNLESS**

- The Standards Committee has granted you a dispensation
- The public have a right to speak in which case you have the same right to speak (but you must leave after you have spoken) or you can provide written representations to the meeting
- You have been called before a scrutiny committee

## **Predisposition and Predetermination**

**Predisposition** – having an opinion on something but you have not yet made up your mind

**Predetermination** – having decided a position on something where no argument will change your mind

If you are involved in a decision you should avoid giving the impression that you have conclusively decided how you will vote at the meeting.

"I have a view on the subject but want to listen to all the arguments before I make up my mind"

## **Bias**

- Bias – Members need to remember that apparent bias can infect the whole decision and make it vulnerable to challenge as is highlighted by a recent case in the High court:- Kelton v Wiltshire
- Planning permission for a residential development was quashed due to the apparent bias of a member of the planning committee

## **How the Code is Policed**

- The Monitoring Officer
- The Standards Committee
- The Public Services Ombudsman for Wales
- The Adjudication panel for Wales

## **What Happens if you Breach the Code?**

- Complaints are made to the Ombudsman
- If he believes them to be justified he refers them to the authority's standard's committee or to a tribunal convened by the Adjudication Panel for Wales
- If they find the complaint proven they can impose a range of sanctions from no action through suspension to disqualification for 5 years
- Even if you are suspended you are still subject to the Code!
- Remember also any local resolution procedures

## Additional Local Arrangements...

- Local Dispute Resolution Procedure and
- Protocol – Standard of Conduct expected by members

## **Where to Find Further Information**

- If in doubt ask the Monitoring Officer
- Guidance from the Public Service Ombudsman for Wales <http://www.ombudsman-wales.org.uk/>

Any questions?

*Code of Conduct Exercise*

# Governance Arrangements

# **Member Roles and Responsibilities**

- Various sessions coming up (e.g.)
  - Cabinet and Scrutiny
  - Quasi-Judicial Roles – Planning and Licensing Committees
  - Data Protection / Equalities / Safeguarding / Corporate Parenting
- Full details already circulated

# Council Constitution

- Section 3 – “Getting Information and Getting Involved” – advice for Members and the public
- Sections 4 – 10 – sets out roles of and procedural rules for Council’s bodies – Full Council / Cabinet / Scrutiny Committees / Other Committees
- Section 11 - Officers

# Council Constitution

- Section 13 – “Responsibility for Functions”
- Sections 14 – 16 – “Rules”
  - Access to Information
  - Budget / Financial / Contracts
- Section 18 and 20 – Codes of Conduct (for Members and Officers)
- Section 19 – Guides to Public Speaking

# Council Constitution

- Section 21 – Member / Officer Relations
- Section 22 – Corporate Governance
- Section 23 – “Whistleblowing” Code
- Section 24 – Member Role Descriptions
- Section 25 – Officer Delegations
- Section 26 – Members’ Allowances Scheme

# Some Useful Links

- Council Website
  - <http://www.valeofglamorgan.gov.uk/en/index.aspx>
- Membernet
  - <http://staffnet.valeofglamorgan.gov.uk/MemberNet/MemberNet.aspx>
- WLGA
  - <http://www.wlga.gov.uk/>
- E-Learning
  - <https://learning.wales.nhs.uk/login/index.php#section-2>

Thank you

## **Appendix 1**

### **Questionnaire Answers**

#### **Question 1**

Can you set out the ten principles of conduct for Members which underpin the Code of Conduct?

#### **Answer**

The starting point for much of the work was the 1997 Committee on Standards in Public Life (known as The Nolan committee). As a result of the Nolan Committee's recommendations, local government adopted a new ethical framework. The latest version of this in Wales is set out in "The Conduct of Members (Principles) (Wales) Order 2001. The ten general principles of conduct for Members:-

#### **1. Selflessness**

Members must act solely in the public interest. They must never use their position as Members to improperly confer advantage on themselves or to improperly confer advantage or disadvantage on others.

#### **2. Honesty**

Members must declare any private interests relevant to their public duties and take steps to resolve any conflict in a way that protects the public interest.

#### **3. Integrity and Propriety**

Members must not put themselves in a position where their integrity is called into question by any financial or other obligation to individuals or organisations that might seek to influence them in the performance of their duties. Members must on all occasions avoid the appearance of such behaviour.

#### **4. Duty to Uphold the Law**

Members must act to uphold the law and act on all occasions in accordance with the trust that the public has placed in them.

#### **5. Stewardship**

In discharging their duties and responsibilities, Members must ensure that their authority's resources are used both lawfully and prudently.

#### **6. Objectivity In Decision Making**

In carrying out their responsibilities, including making appointments, awarding contracts, or recommending individuals for awards and benefits, Members must make decisions on merit. Whilst Members must have regard to the professional advice of officers and must properly take account of the views of others, including their political groups, it is their responsibility to decide what view to take and, if appropriate, how to vote on any issue.

## 7. Equality and Respect

Members must carry out their duties and responsibilities with due regard to the need to promote equality of opportunity for people regardless of their gender, race, disability, sexual orientation, age or religion and show respect and consideration for others.

## 8. Openness

Members must be as open as possible about all their actions and those of their authority. They must seek to ensure that disclosure of information is restricted only in accordance with the law.

## 9. Accountability

Members are accountable to the electorate and the public generally for their actions and the way they carry out their responsibilities as a Member. They must be prepared to submit themselves to such scrutiny as is appropriate to their responsibilities.

## 10. Leadership

Members must promote and support these principles by leadership and example so as to promote public confidence in their role and in the authority. They must respect the impartiality and integrity of the authority's statutory officers and its other employees.

### Question 2

The Council is involved in negotiations with a private contractor to develop a regeneration scheme involving the building of the leisure, residential and retail development into Council wards. The contractor's Managing Director has invited members of Regeneration Scrutiny Committee (some of whom are also members of the Planning Committee) and officers from the Regeneration Department to a presentation of its company's proposals in a corporate box at a premiership football ground. There will be a champagne reception followed by a premiership football match. Should they accept the offer?

### Answer

The Members (and indeed the officers) should decline the offer as acceptance could potentially breach paragraph 6 of the Code i.e. you must not conduct yourself in a manner which could reasonably be regarded as bringing your office or authority into disrepute. The perception of members of the public will be that by providing the hospitality, the contractor is attempting to influence the Council's decision about awarding the regeneration contract. Members of the public may also consider that at a future date, members of the Planning Committee when they consider the development, will not make a decision on the planning issues but instead be influenced by the generous hospitality offered.

In addition, Members should ensure that the fact that the offer had been made and the fact that it had been declined, is notified to the Monitoring Officer in case the issue became contentious at a later date.

If a Member had accepted such hospitality contrary to any advice, then a prejudicial interest would be incurred in respect of that contractor and any potential decisions relating to the contract or the planning development etc.

The hospitality would have a value of over your authority's limit and would have to be notified to the Monitoring Officer for inclusion in the register of gifts and hospitality. The duty is on the member to be aware of this limit

### Question 3

A Councillor is an active member of Greenpeace and a member of the Council's Planning Committee. The Council is supportive of the local nuclear power plant and is engaged in discussions to develop a site to process nuclear waste from other parts of the Country. What kind of interest, if any, does the Member have in those discussions?

### Answer:

This Member is likely to have a personal interest under paragraph 10 (2)(viii)(cc) by virtue of the membership of Greenpeace (a body whose principal purposes include the influence of public opinion or policy). The Member should refer to that interest in any written or oral representations referring to the matter under paragraph 11 (2)(a) and (b). It is probably unlikely that the interest becomes prejudicial. It would have to be considered when the Planning Committee determined any application on the plant. Greenpeace would not be the applicant; its financial position would not be affected and presumably neither would the wellbeing of the Member concerned. Greenpeace tends to have views on waste disposal nationally rather than specifically so that the interest declared at the

planning meeting is likely to be personal, but not prejudicial. However it needs careful consideration.

In addition, notification of the Councillor's membership of Greenpeace should properly have been sent to the Monitoring Officer for inclusion in the public Register of Members Interests because it is a body whose principal purposes include the influence of public opinion or policy.

#### Question 4

A man wishes to move his family to a Council house closer to their elderly family members and wants to move as soon as possible. He approaches a Councillor, who the man knows through their mutual membership of the local football team, and who is also the chair of the Housing Scrutiny Committee. The Councillor promises to take the matter forward. Processing particular housing applications are dealt with by housing allocations officers and not by Councillors. The Councillor tells a Housing Officer of the Council to elevate the application to the top of the waiting list. The area that the family wish to move to is based in the Councillor's Ward.

Is the Councillor breaching the Code of Conduct?

#### Answer:

There are three possible breaches of the Code.

1. 4(d) You must not do anything which compromises or is likely to compromise the impartiality of those who work for or on behalf of your authority.
2. 6(1)(a) You must not conduct yourself in a manner which could reasonably be regarded as bringing your office or authority into disrepute.
3. 7 (a) In your official capacity or otherwise you must not use or attempt to use your position improperly to confer on or secure for yourself or any other person an advantage or create or avoid for yourself or any other person, a disadvantage.

In addition, the Councillor may have failed to declare a personal interest which is likely to be prejudicial in that he knows the man involved. This may fall into the category of close personal associate and would have to be carefully considered by the councillor.

It is not acceptable for any Member to seek preferential treatment for a constituent by telling the Housing Officer they must prioritise a particular application. Whilst it is appropriate for Members to pass on constituents' concerns to the relevant officer and to ensure that the relevant processes are being undertaken in a timely fashion

etc, it is not acceptable to interfere with that process as this undermines priorities agreed by the Council and established in other Council procedures and puts the Member concerned in breach of the Code of Conduct. A Member needs to also remember that when contacting an officer on a matter they must disclose any personal interest in the matter they are contacting them about.

### Question 5

A member of the public has written a letter of complaint about a Member. She said that last Saturday she was working at an evening function at cricket club and bar, when a man swore at her and called her a rude name. On leaving the function the man kicked the door cracking some glass in the door panel. Another person who witnessed the incident told her the man was a local Councillor.

Do you believe the Code of Conduct has been breached and what might an appropriate response be to the alleged misconduct?

### Answer

Mostly, the Code of Conduct applies to a Councillor whenever he or she is conducting business or is present at a meeting of the authority or acting or claim to act or give the impression he or she is acting in the role of an elected Member or representative of the authority.

However, the Code of Conduct affects Members at all times and in any capacity in respect of paragraph 6 (1)(a) not conducting yourself in a manner which could reasonably be regarded as bringing your office or authority into disrepute.

[REDACTED]

[REDACTED]

[REDACTED]

Here, the behaviour is clearly bringing the office and authority into disrepute and is a breach of paragraph 6.

It might be that the complainant would wish for an informal resolution by the Monitoring Officer. However, both parties would have to agree to the same and would not result in the sanction of the Member concerned. It is usually only suitable where an apology would be an acceptable solution or perhaps an agreement by the Member concerned to undergo further training regarding suitable behaviour under the Code.

However, there has been criminal damage in that the glass in the cricket club door was broken. It may be that there would be criminal proceedings in that regard and the

complainant would not wish for an informal resolution and would wish to make a complaint directly to the Ombudsman.

#### Question 6

Can you set out the Council's processes for:

1. Declaring and registering Member's interests.
2. Accepting offers of gifts or hospitality.

#### Answer

The law and the Council's Code of Conduct require Members to declare personal interests. Some personal interests have to be recorded in the statutory public register within 28 days of a Member's election or appointment to office. They must be updated by the Member within 28 days of any change.

There is an exemption from having to declare "sensitive information" upon which you can seek advice of the Monitoring Officer. The Monitoring Officer sends the Members information about the relevant form and reminds them to make updates regularly.

Members of the public are allowed to inspect the entries in the public register.

Separately, in oral and written communications as well as at meetings of the Council, Members are obliged to declare personal and prejudicial interests that are relevant to the matter being discussed in written or oral communications or as part of decisions made at committee and other meetings. Those interests are either noted by the officers or Members concerned and in relation to meetings are contained within the minutes.

The Monitoring Officer also maintains a public register of gifts and hospitality accepted by Members. Currently, the level at which any gifts and hospitality accepted must be registered is [the level is set by each individual authority]. [In certain authorities it may be that the Ethics and Standards Committee has also indicated it would be good practice for Members to notify the Monitoring Officer of offers of gifts or hospitality that have been declined in case there may be contentious at a future date].

#### Question 7

Can you explain the roles of the following:-

1. The Monitoring Officer
2. The Ethics & Standards Committee
3. The Public Services Ombudsman for Wales

#### 4. The Adjudication Panel for Wales

##### Answer

1. Every principal authority in Wales (County Councils and County Borough Councils) must appoint a Monitoring Officer. The Monitoring Officer is responsible for maintaining ethical standards and advising and training Members on the Code of Conduct. The Monitoring Officer supports the work of the Council's Standards Committee. The Monitoring Officer is also responsible for advising and training Community Council Members on the Code of Conduct. In effect, the Monitoring Officer, in partnership with the Ethics and Standards Committee is the primary source of advice and guidance for both Members and Officers on ethical and standards issues and the operation of the Code of Conduct.
2. The Ethics & Standards Committee. Legislation sets out the requirements that every local authority must have an Ethics & Standards Committee. Regulations govern their composition, their powers and procedures. There are [again each committee will vary in size in each authority] members on the Committee which must be chaired by an independent Member and there must be a majority of independent members to establish a quorum. In this authority there are [ ] independent members, [ ] elected members and [ ] Community Council representatives. Tell members how often your committee meets and what its remit is as set out in the constitution. The committee has powers to determine matters relating to alleged breaches of the Code of Conduct reported to them by the Public Services Ombudsman for Wales. They also grant dispensations by enabling participation in business for Members which would otherwise be prohibited by the Code. Local Government (Standards Committees, Investigations, Dispensations and Referral) (Wales) (Amendment) Regulations 2016 – provides for the Monitoring Officer to refer a matter to another authority's Standards Committee with the written consent of the Chair. Provides for joint standards committees to be established.
3. The Public Services Ombudsman for Wales investigates complaints made by members of the public about the way they have been treated by a public body and promotes good administration and high standards of conduct. He also investigates complaints alleging a Councillor has breached the Code of Conduct. Legislation sets out how he is able to decide whether to investigate complaints and how his report is then presented either to a Council's Ethics & Standards Committee or the Adjudication Panel for Wales.
4. The Adjudication Panel for Wales is an independent body established under Part 3 of the Local Government Act 2000. Its role is to form tribunals to consider whether elected Members or co-opted Members of County Borough Councils, Police, Fire and Rescue and National Park Authorities in Wales have breached their authority's statutory Code of Conduct. The Panel will also hear appeals by Members against decisions of their authority's Standards Committee. A Member wishing to appeal

against the decision of a Standards Committee will have to first request permission to appeal from the Adjudication Panel for Wales. Usually three Members sit on a Tribunal, Chaired by one of the Legal members of the Panel. In cases referred direct by the Ombudsman, there is a range of sanctions available to the Tribunal including suspension or partial suspension of a Member from office for up to one year or disqualification for up to five years.

## **Appendix 3**

### **Interests exercise**

#### **1. Councillor Arkwright**

Councillor Arkwright is the owner of the one of the largest convenience stores in a seaside town. He is a member of the Planning Committee and Licensing Committee. The following applications are on the agenda for the next meeting:

- (a) an application by a local petrol station to build an extension to include a larger shop with a better selection of convenience goods for their customers in the same town;
- (b) an application by the owner of a convenience store in another seaside town, 10 miles away, to build a car park on a piece of land behind the convenience store;
- (c) an application by the owner of a news agents on the outskirts of the town for a licence to sell alcohol. Councillors Arkwright is also involved in a legal dispute with the same person over the ownership of a piece of land.

## **2. Councillor Stokes**

- Councillor Stokes works voluntarily with a local youth cricket team. The team hold their training sessions on a field owned by the Council.
- The Council is considering selling the field to a local developer who wishes to build a block of flats. The final decision will be made by the Area Committee on the basis of a report by the Head of the Property Service. Councillor Stokes is the local member
- Councillor Stokes will note be attending the meeting as he will be on holiday. However, he intends sending an email to the Head of Property before going away, emphasising the importance of the cricket team to the local youth. He has also asked for a meeting with the estates officer dealing with the matter.

### **3. Councillor Jones.**

Councillor Jones is a member of the Planning Committee. At its next meeting, the Committee will be considering the two following applications:

- (a) An application by a company to build a small office block in a conservation area. One of the senior managers of the company is married to Councillor Jones' cousin.
- (b) An application to build a new classroom for a local primary school. The Councillor is one of the school's governors.

## **Appendix 4**

### **Interests exercise suggested answers**

#### **1. Councillor Arkwright**

##### **Does he have a personal interest?**

- ▲ In all matters, a member must consider whether or not he/she has a personal interest whether that interest must be disclosed. [10. (1)]
- ▲ He would have a personal interest if it relates to, or is likely to affect any employment or business carried out by him. [10 (2)(a) (i)]
- ▲ Would a decision on the application affect Cllr. Arkwright's business?
- ▲ He will have an interest if it is reasonable to consider that a decision on that matter would affect the wellbeing or financial position of the member or anyone with whom he has a close personal association, to a greater extent than the majority of other inhabitants in the electoral division or ward. [10 (2) (c) (i)]
- ▲ "*Close personal associates can include someone with whom you have been in dispute, and where you may be regarded as having an interest in disadvantaging.*" (*Ombudsman's guidelines*).

##### **Is it a prejudicial interest?**

- ▲ Is there an exemption under the code? [paragraph 12(2) & (3)]
- ▲ Would it be reasonable for a member of the public with knowledge of the relevant facts to regard the interest as being so significant that it is likely to prejudice the member's judgement of the public interest? [12(1)]
- ▲ "*Where there has been a dispute between you and an individual where that individual could be disadvantaged by a decision, an informed reasonable member of the public might conclude that you would be inclined to vote accordingly, whether this is the case or not.*" The Code of Conduct for members of local authorities in Wales, Guidance from the Public Services Ombudsman for Wales.

##### **What should he do?**

- ▲ If it is a prejudicial interest then a member must (unless he/she has obtained a dispensation from the Standards Committee) :
  - withdraw from the room or place where a meeting considering the business is being held. [14(1)] unless a member of the public has a right to make representations to the meeting and he can then exercise the same right to speak as long as he withdraws from the room before the matter is debated,

or he can make written representations to the meeting. He should still declare his interest and the nature of that interest.

## **2. Councillor Stokes**

- ▲ In all matters, a member must consider whether or not he/she has a personal interest whether that interest must be disclosed. [10. (1)]
- ▲ He will have an interest if it relates to, or is likely to affect a private club, society or association operating within the authority's area in which he has membership or holds a position of general control or management [10 (2) (a) (ix)]
- ▲ Further information is required as to the exact nature of the councillor's relationship with the Club. What if he were a member of the managing committee of the Club?

### **Is it a prejudicial interest?**

- ▲ Is there an exemption under the Code? [paragraph 12(2) & (3)]
- ▲ Would it be reasonable for a member of the public with knowledge of the relevant facts to regard the interest as being so significant that it is likely to prejudice the member's judgement of the public interest? [12(1)]

### **What should he do?**

- ▲ If it is a personal interest only, that interest must be disclosed at any meeting where the matter is discussed, and in any letter, e-mail, etc. to a member or an officer of the authority. [para 11]
- ▲ If it is a prejudicial interest, then the member must (unless he has obtained a dispensation from the Standards Committee):
  - not to seek to influence decision about that business;
  - not make any written representations (whether by letter, facsimile or some other form of electronic communication) in relation to that business. [14(1)]

*"...you must not seek to influence a decision in which you have a prejudicial interest. This rule is similar to your general obligation not to use your position as a member improperly to your or someone else's advantage or disadvantage."*

- Is there anybody else who can discuss the matter with the Council on behalf of the club?
- The interest (i.e. the involvement with the youth club) should be registered on the Council's Register of Interests.

### **3. Councillor Jones.**

(a) The Member should consider whether he/she has a personal and prejudicial interest in the Planning Application. The Member will have a personal interest under 10 (2) (c) (i) if her wellbeing or financial position, or that of a person with whom she lives, or any person with whom she has a close personal association is affected by the decision. It is not clear on the facts given of the nature of the relationship between the Member and the senior manager. The Public Services Ombudsman for Wales has issued guidance to help clarify this definition:

*"Close personal associates include people such as close friends, colleagues with whom you have particularly strong connections, business associates and close relatives. It does not include casual acquaintances, distant relatives or people you simply come in contact with through your role as Member or you work in a local community."*

(b) She has a personal interest by virtue of a fact that the governing body of the school is a body to which she has been elected, appointed or nominated by her authority[10(2)(a)(viii)]

Such a body is also one of the exemptions under the Code which will usually means that it is not a prejudicial interest. [12(2) (a) (iii)]

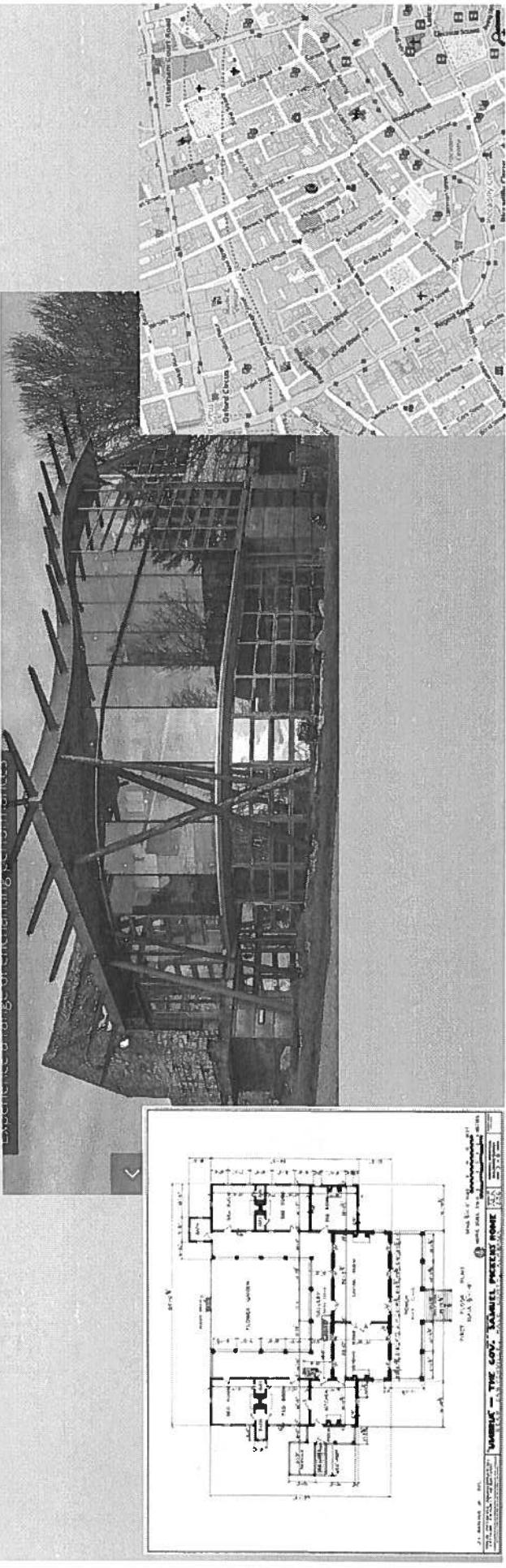
However, because the matter under consideration relates to the determination of an approval, consent, licence, permission or registration, this exemption does not apply. The usual test must therefore be considered to decide whether or not the interest is a prejudicial one. [10(3)]

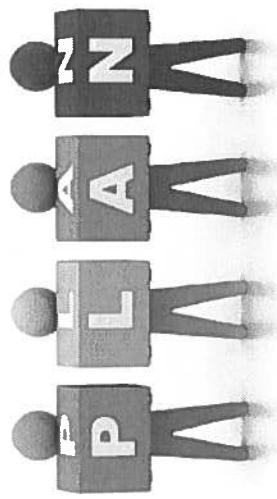
# **Appendix 14**



# Member Induction 2017

# An Introduction to Planning





## Why planning?

- Manages scarce resources in a sustainable way
- Ensures development is sustainable in terms of economic, social and environmental considerations
- Delivers appropriate development
  - Prevents inappropriate development
  - Addresses potential tensions
  - Provides certainty and consistency in decisions.



# Planning creates headlines

**Heavy-handed council workers  
order couple to apply for  
planning permission... for their  
daughter's Wendy house**

By NICKY WATKINS

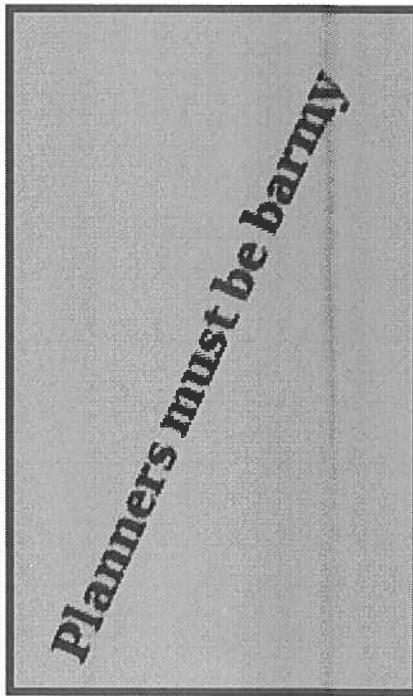
Planning reforms: developers 'will wreck countryside'

The leaders of the two biggest countryside campaigns are warning that planning reforms coming into force will "wreck the countryside" and leave large parts of England at their most vulnerable to builders for 70 years.

## Councillor sorry for planning error

Written by CHRIS HAVERGAL

A top councillor has apologised for breaking planning rules after a bike shed was installed without permission outside her home. No planning application was submitted before the 12ft-wide wooden shed was built outside the Bulstrode Gardens home of





# The decision maker's balancing act

economic recovery

meeting housing needs

long term strategies

brownfield development

Affordable housing

individual interest

climate change

environmental issues

short term impacts

localism

pressure on infrastructure

viability

public interest



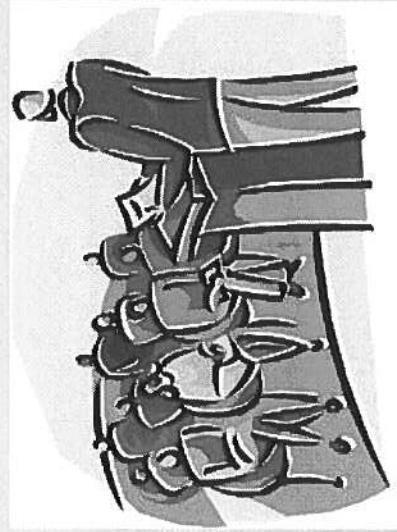
planning advisory service

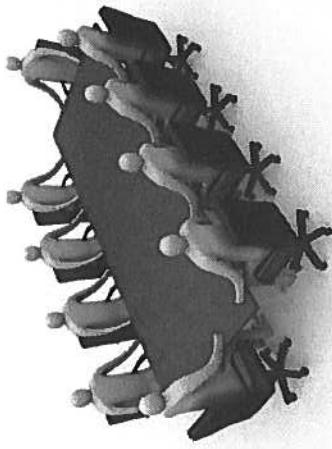
Association of Democratic Services Officers



# What will this presentation cover?

- Legislation
- Planning Policy
- Planning Applications
- Planning Enforcement and Other Issues
- Code of Conduct – how we should behave





## The role of the Planning Committee

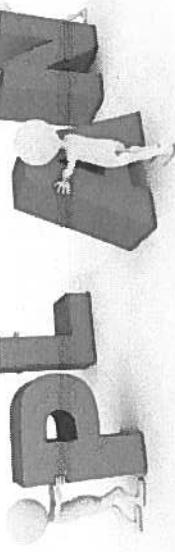
- determination of major planning applications and “call ins”
- determination of applications made by Members or officers
- major enforcement matters

*NB: most applications are determined by officers under delegated powers.*



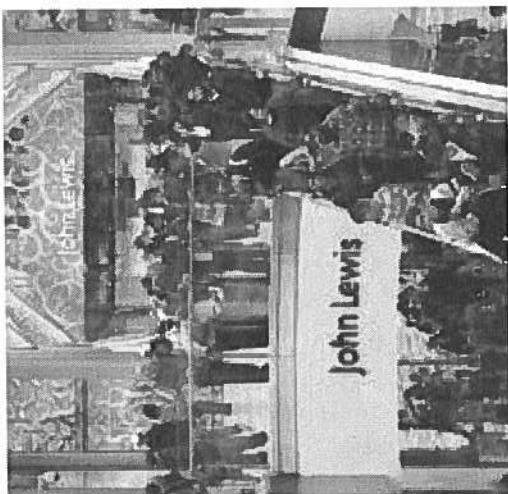
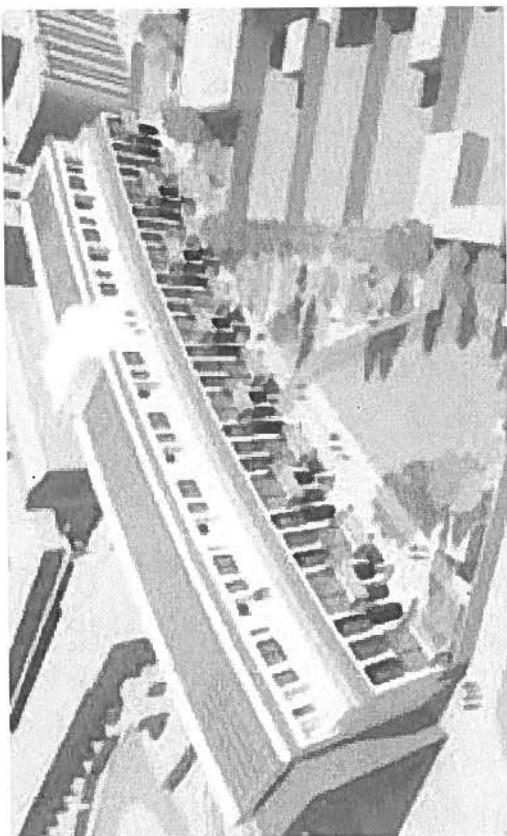
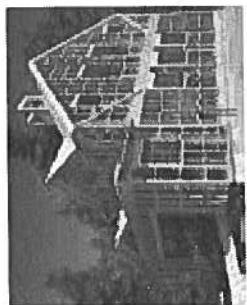
## Planning...

- sets out a long term vision for places
- provides a **decision making framework** to manage competing uses for space;
- balances economic, social and environmental needs.
- provides **legitimacy** through consultation and testing of evidence;
- **delivers change** on the ground



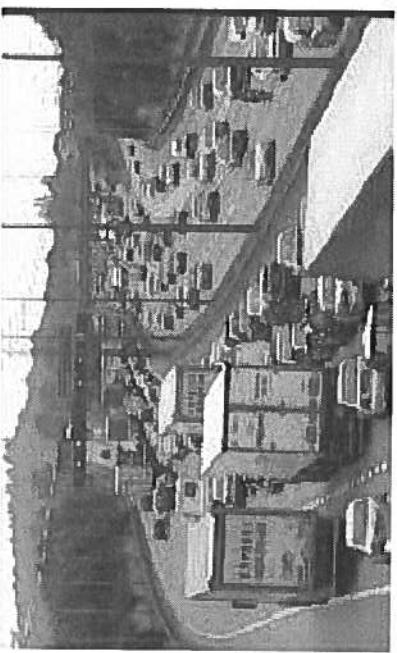
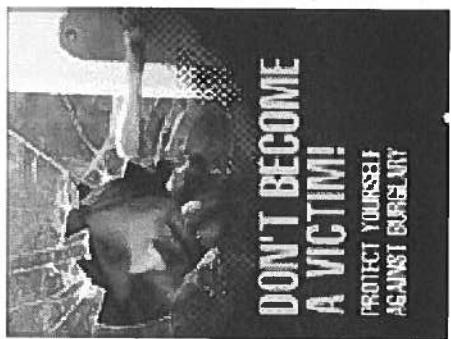


# The challenge for councils: more





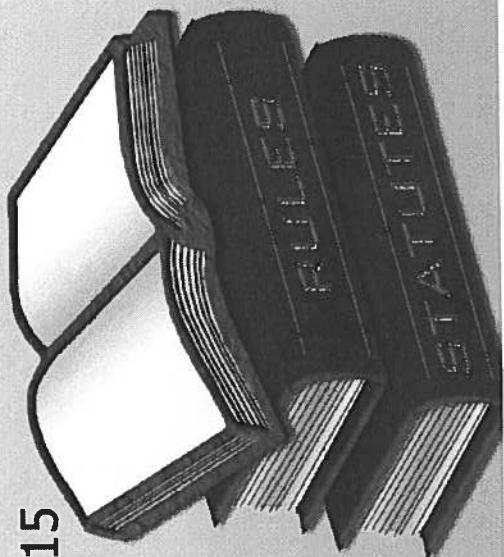
# The challenge for councils: less





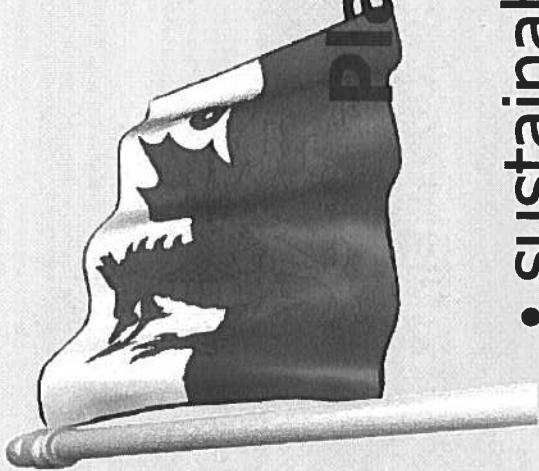
# Planning and Related Legislation (not all of it!....)

- **Town & Country Planning Act 1990**
  - Planning and Compensation Act 1991
  - Planning and Compulsory Purchase Act 2004
  - Planning(Listed Buildings & Conservation Areas) Act 1990
  - Planning Act 2008
  
- **Planning (Wales) Act 2015**
  - Well-Being of Future Generations (Wales) Act 2015
  - Environment (Wales) Act 2016
  - Historic Environment (Wales) Act 2016





# Planning (Wales) Act 2015



- sustainable development
- National Development Framework
- consultation and pre-application
- developments of national significance
- changes to development management
- changes to enforcement and appeals proceedings



# Other Legal Considerations?

## European Legislation

### **Regulations and Orders**

- General Permitted Development Order 1995
- Use Classes Order 1987 (as amended)
- Advertisement Regulations 1992
- Environmental Impact Assessment Regulations 2016

### **Circulars**

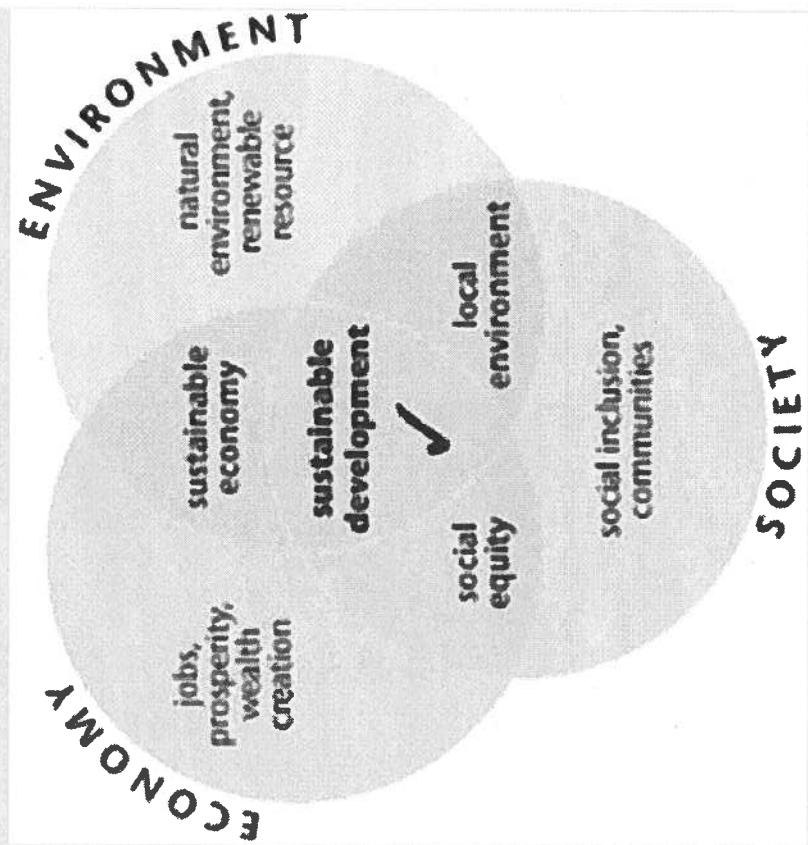
- Planning and the Historic Environment 1/98 and 61/96
- Use of Planning Conditions WGC 016/2014
- Planning Obligations 13/97
- Planning for Gypsies and Traveller Camp Sites



## Planning in Wales is Policy-led

- Who determines planning policy?

- National Government
- Welsh Government
- Local Authority
- Others?



# Planning Policy:

## Welsh Government:

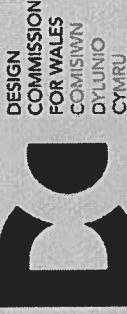
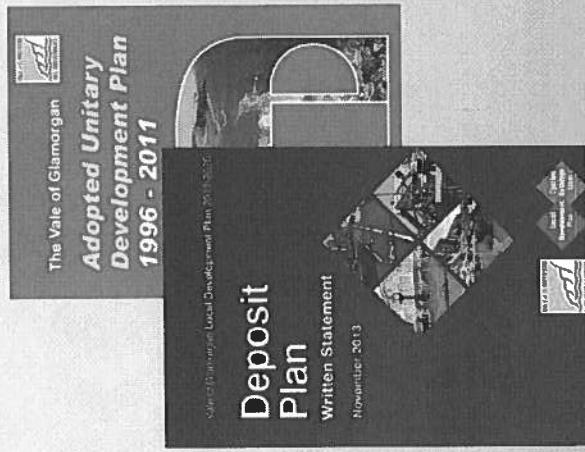
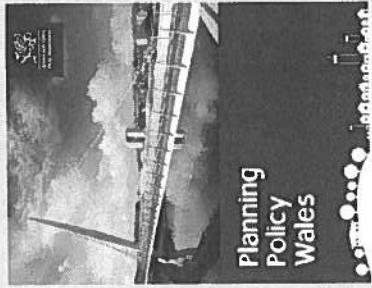
- National Development Framework
- Planning Policy Wales (Version 9) (PPW)
- Technical Advice Notes (TANs)

## Planning Policy: Local Authorities

- Strategic Development Plans (SDPs)
- Local Development Plans (LDPs)
- Supplementary Planning Guidance (SPG)

## Who else?

- Government Agencies
- Natural Resources Wales
- DCfW
- Interested Parties
- Local Community



# Decisions:

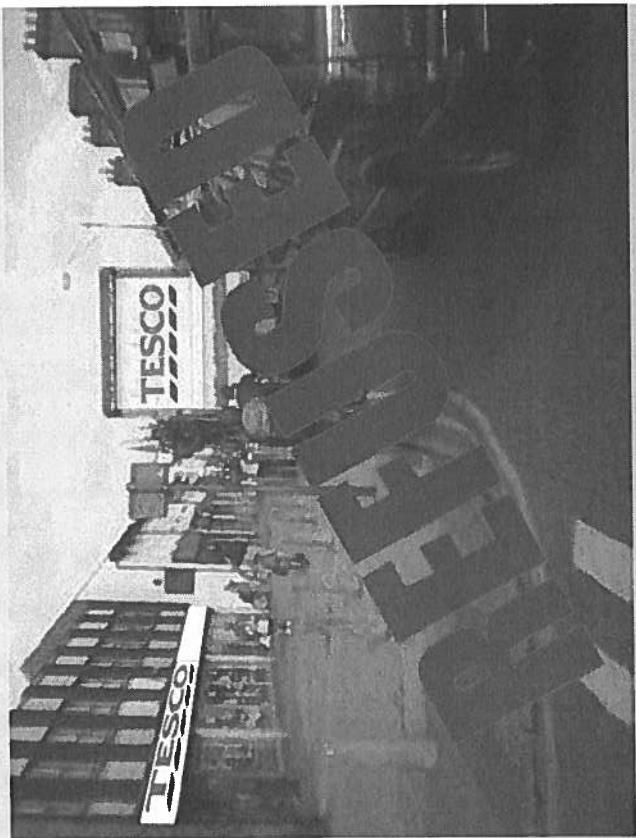


- The first consideration **must** be the **Development Plan**– as it is at the time of the decision
- **Emerging plans:** no legal force until adopted, but will hold significant weight once found to be sound by an inspector (as in the case of the VoG LDP).
- if the Development Plan can be shown to be out of date (or, indeed, "silent" on a particular point), **PPW and TANS** are the main policy framework





## What else?



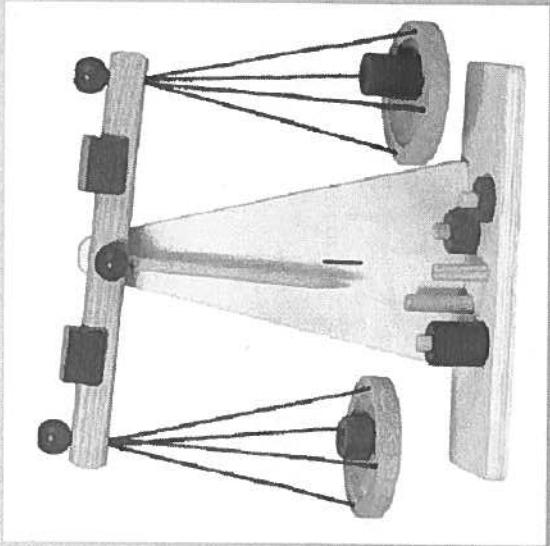
.....determination must be made in accordance with the plan, unless material considerations indicate otherwise”.

**Section 38, Planning & Compulsory Purchase Act 2004**

# **Material Considerations**

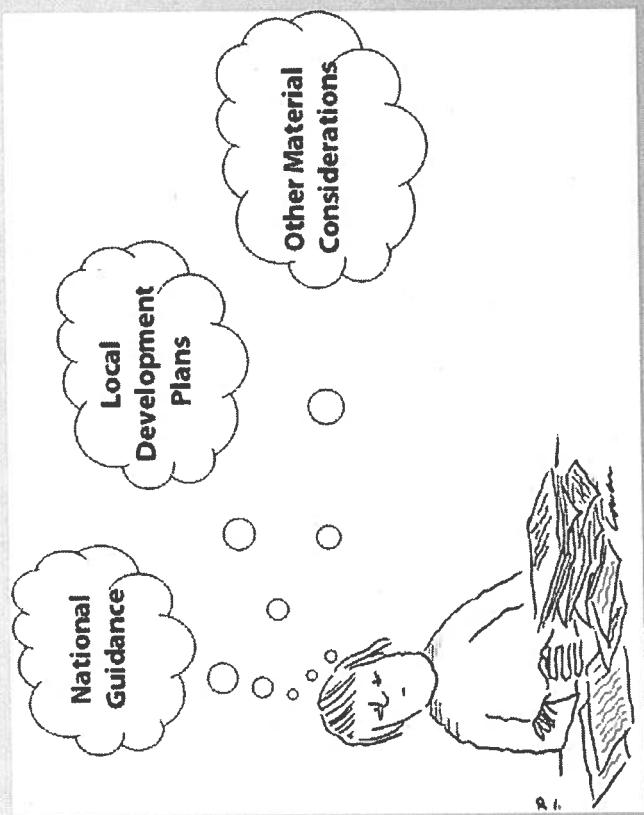


- What they are and are not - decided by statements of national policy or by decisions of the courts
- The weight that should be attached to each consideration in any particular case is for the decision maker.



# The main types of material consideration

- National and local policy
- Relevant views of consultees
- Factors on the ground





**Planning Aid**  
England  
Unearthing opportunities in planning

### Material Planning Considerations

When a decision is made on a planning application, only certain issues are taken into account; these are often referred to as material planning considerations.

**MATERIAL PLANNING CONSIDERATIONS:**

Issues that may be relevant to the decision

(There may exist further material planning considerations not included here)

- Local, strategic, national planning policies and policies in the Development Plan
- Emerging new plans which have already been through at least one stage of public consultation
- Pre-application planning consultation carried out by, or on behalf of, the applicant
- Government and Planning Inspectorate requirements - circulars, orders, statutory instruments, guidance and advice
- Previous appeal decisions and planning Inquiry reports
- Principles of Case Law held through the Courts



# Some factors "on the ground"

## material

- design and visual impact
- privacy/daylight/sunlight
- noise, smell, pollution
- access/traffic
- physical infrastructure (eg water)
- health and safety
- ecology, landscape, trees
- crime (and fear of)
- economic impact
- planning history/related decisions
- PD fall-back position
- cumulative impact
- viability

## not material

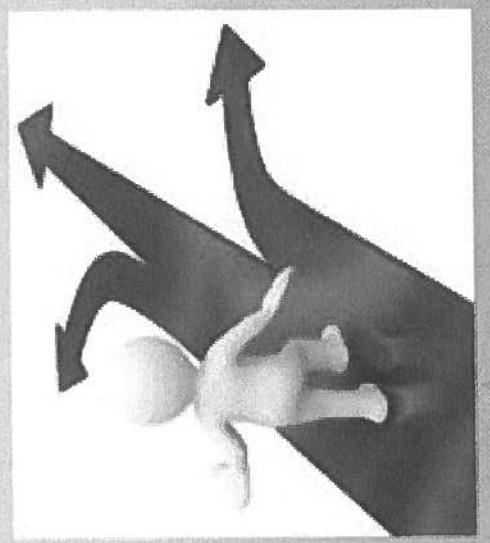
- the applicant
- land ownership
- private rights (e.g. access)
- restrictive covenants
- property value
- competition
- loss of view
- "moral" issues
- "better" site or use\*
- change from previous scheme
- Building Regs/other regs

\* N.B "need" is material in some circumstances



# Deregulation: getting applications out of the system

- Extension of Permitted Development Rights (pp not required)
- Residential extensions
- Extensions to commercial properties



# The performance 'sticks'



- **Planning fees:** fees to be returned if no decision after 16 weeks (unless extension agreed)
- **Threat of intervention:** Treat under new legislation for major applications to be dealt with by WG where LPA shows “consistently poor performance in speed or quality of decisions”
- This all has implications for timetable and deferrals

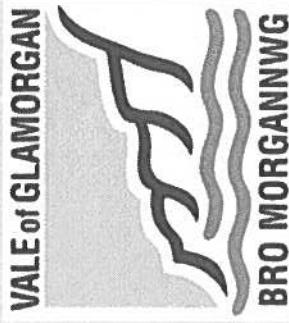




# Planning Applications: Permission Granted

- Reasons for the permission
- Conditions
- S106 Obligations
- Life of permission





## Planning Applications: Section 106 and Viability

- s106 widely used to provide associated infrastructure, including affordable homes
- negotiations need to recognise development viability – requires a flexible approach
- LDP and SPG has clear policies on affordable housing as a context for negotiating s106 agreements
- s106 agreements need to be proportionate to the development and recognise the impact on the viability of the scheme





# Planning Applications: Permission Refused

## Reasons for Refusal

## Right of Appeal



- Written Representations
- Informal Hearing
- Public Inquiry
- Costs Implications – if we get it wrong can be very expensive!!



# Planning Applications: Welsh Government Role

The powers of the Minister:

- Developments of National Significance
- Call-ins
- Referrals





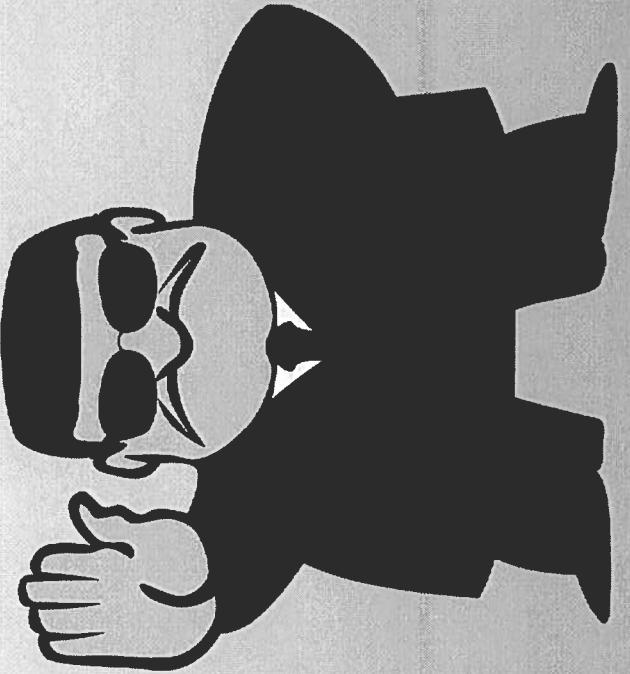
## Planning Applications – Recap

- Many types of application
- Set process
- Decisions in accord with the development plan
- Material considerations
- Local interest
- Transparency in decision making



## Planning Enforcement

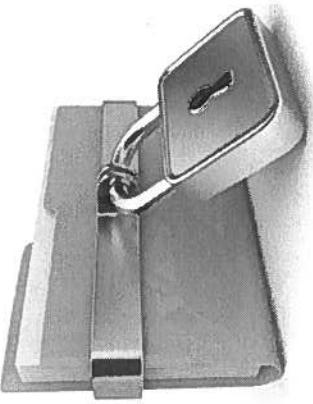
The integrity of the whole planning process depends on the readiness to take *effective enforcement action* when it is essential to do so





## What is a breach of planning control?

- carrying out development without the required planning permission
- failing to comply with any condition or limitation subject to which planning permission has been granted
- A breach of planning control is not breaking the law.



# Discretion



- Investigating a complaint is not discretionary
- Making a fully reasoned/justified assessment of whether or not it is *expedient* to take enforcement action is not discretionary
- Discretion only exists at the point of deciding whether or not it is expedient to take action
- Expediency has to be guided by whether the breach causes "unacceptable harm to amenity or existing use of land and buildings deserving protection in the public interest"



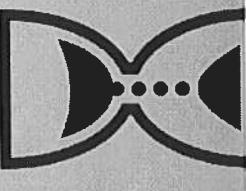
# Time Limits for taking Enforcement Action

VALE of GLAMORGAN



- **OPERATIONAL DEVELOPMENT** – 4 years beginning with the date on which operations were substantially completed
- **CHANGE OF USE OF A BUILDING TO A SINGLE DWELLING HOUSE** - 4 years from the breach, including breach of a condition (e.g. an extension being for ancillary accommodation only)
- **ANY OTHER BREACH** – 10 years from the date of the breach (applies to material changes of use and all other breaches of conditions)

After this time the development becomes **LAWFUL**, but the Localism Act 2011 introduced powers to suspend this time period if a Magistrate is satisfied that *concealment* took place

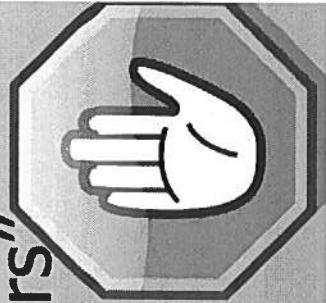




## The Enforcement Toolbox

- There is a very wide range of enforcement tools available, with a variety of strengths and weaknesses
- Some (like a Planning Contravention Notice) are low-key – others (like a court injunction) are very serious

- Basic advice is "be clear about what outcome you are seeking, but leave the detail to the officers"



# **Code of Conduct**

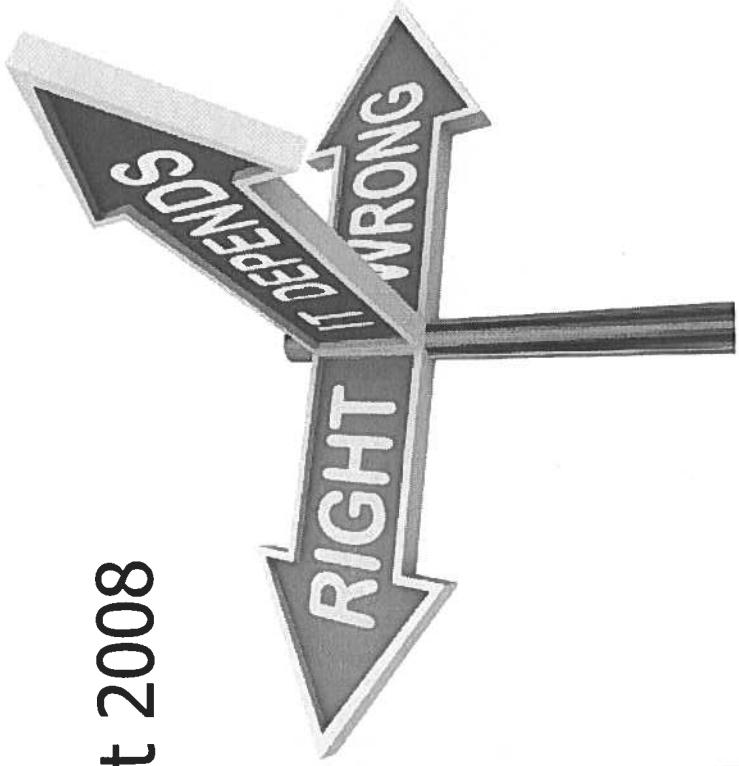
- Propriety

- Nolan Report on Standards in Public Life

- Local Government Act 2000

- Welsh Model Code of Conduct 2008

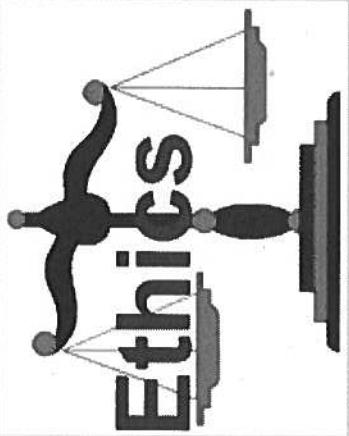
- Localism Act 2011





# Code of Conduct: Councillor roles

- Differences between Ward Member and Committee Member – Quasi-judicial
- Protecting local interests
- What you can say about applications to constituents
- What you can say about applications to developers
- Ensuring that voices are heard



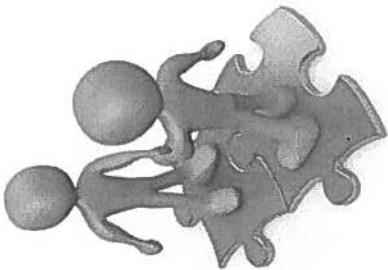


# **Code of Conduct: Role of Planning Committee**

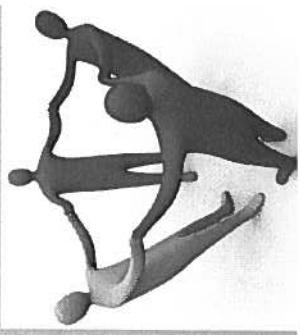
- Party politics – Quasi-judicial
  - Welsh Government guidance
  - What can you say about applications?
  - Personal interests
  - Prejudicial interests



# **Code of Conduct: The Planning Committee Member**



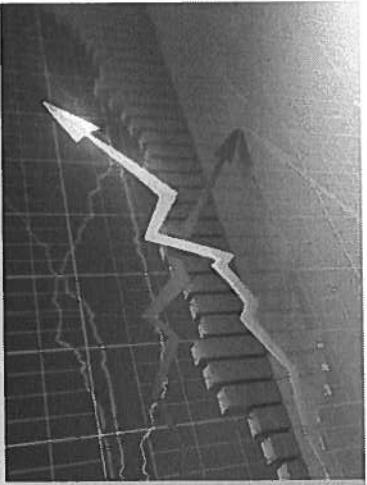
- Knows both sides of the argument
- Never commits until after Committee discussion
- Builds good relationships
- Asks for explanations
- Asks for help from officers
- Does ground work before committee, identifying policies, material considerations and areas of judgement
- Prepares arguments for use in committee
- Never makes personal comments about officers, objectors or applicants in committee
- Explains reasons for disagreeing with officer recommendations



# Performance Management & Customer Care



- Welsh Government committed to ensure that planning is efficient, customer-focused, and meets the needs of all stakeholders
- Planning Performance Framework, with indicators
- WG Updates on a quarterly basis
- Annual Performance Report by all stakeholders
  - information and statistics
  - performance reports on service delivery



# Regeneration and Planning



- Urban Renewal
- Renewal area's, DFGs
- Countryside
- Country parks
- Footpaths
- Ecology
- Economic development
- Tourism and Town Centres
- Communities first
- Communities for work
- Business employment sites –BSC, VEC, BSC 2
- Creative Rural Communities
- Landscapes
- Project Management

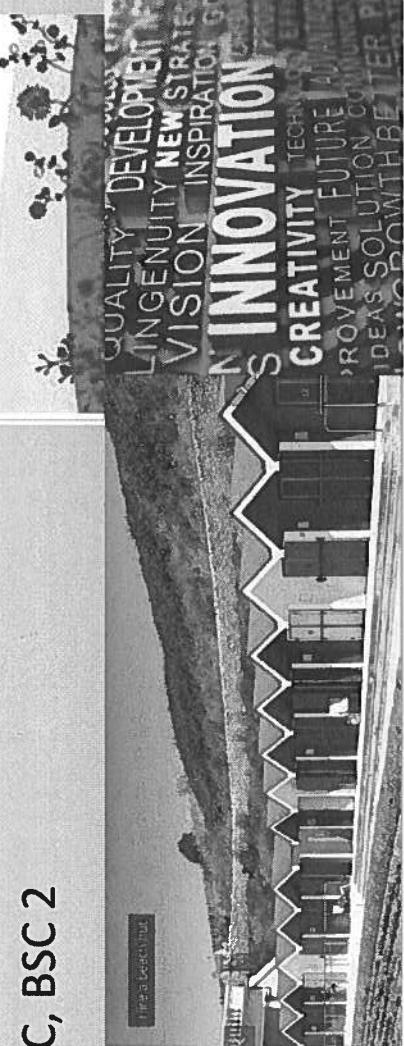


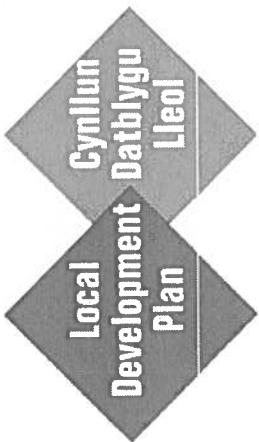
## Visit the Vale

Coast • Countryside • Culture



**creative**  
RURAL COMMUNITIES





## Member Induction - Planning

May 2017

**Victoria Robinson**

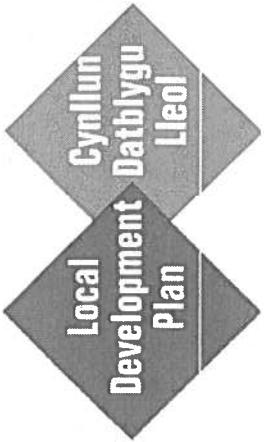
Head of Regeneration and Planning

Operational Manager

Development Management

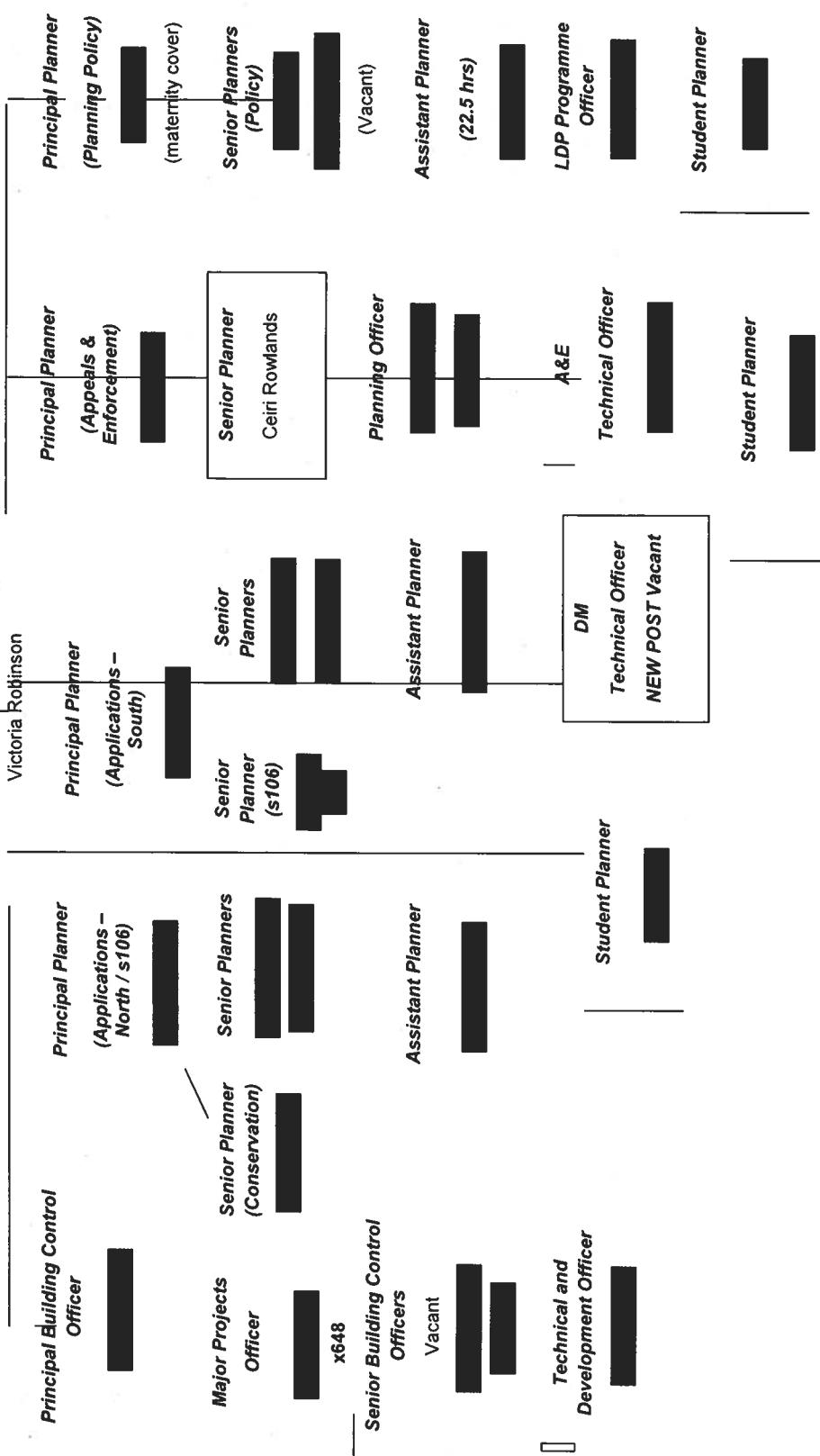
[www.valeofglamorgan.gov.uk](http://www.valeofglamorgan.gov.uk)





Who we are...

## **Head of Regeneration & Planning**



[www.valeofglamorgan.gov.uk](http://www.valeofglamorgan.gov.uk)

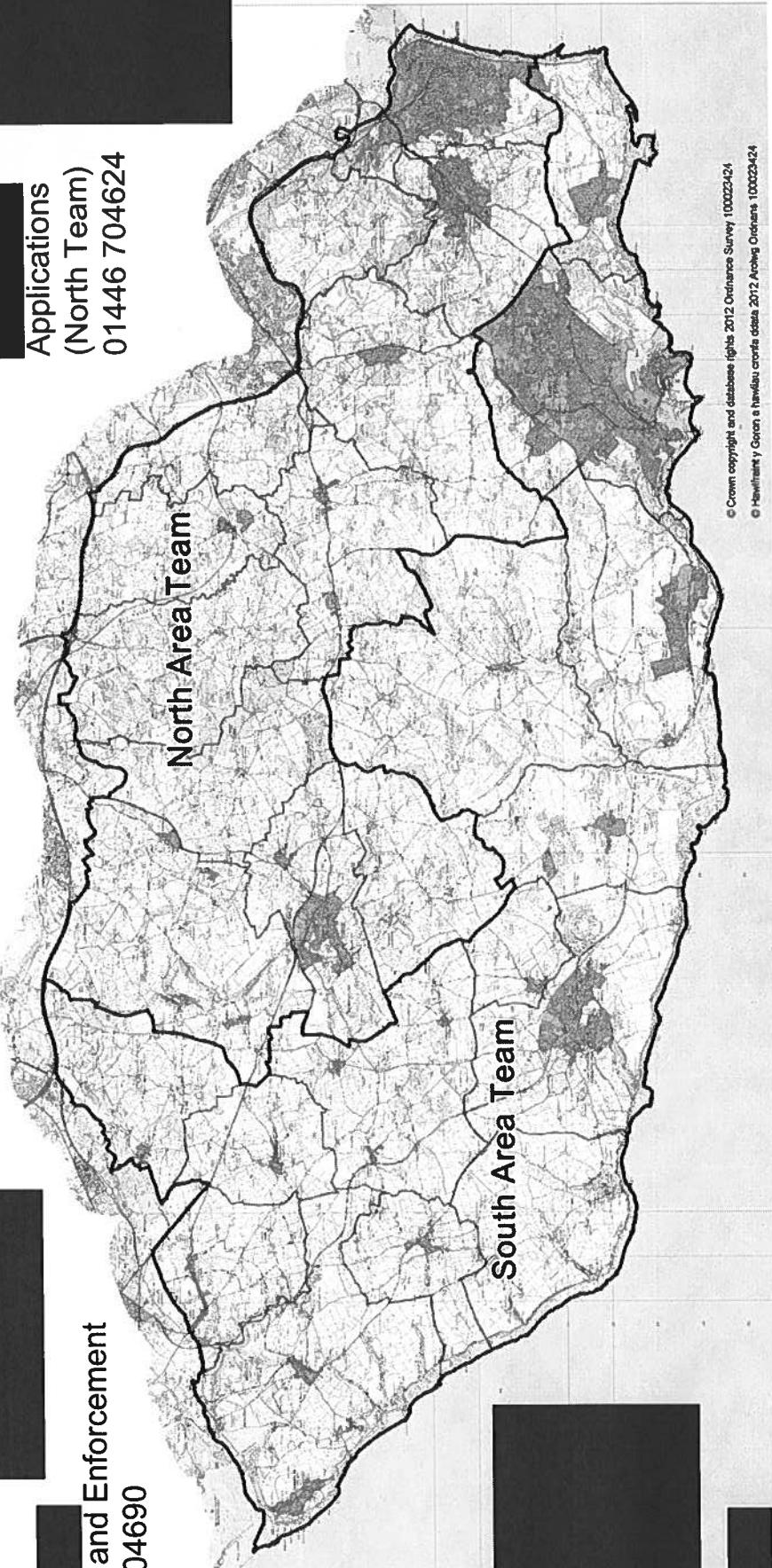


## Who we are...



Appeals and Enforcement  
01446 704690

Applications  
(North Team)  
01446 704624



Applications  
(South Team)  
01446 704777

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[www.valeofglamorgan.gov.uk/ldp](http://www.valeofglamorgan.gov.uk/ldp)



## What we do...

- Planning Policy – Local Development Plan (LDP) and Supplementary Planning Guidance (SPG)
- Heritage Conservation
- Pre-application Consultation and Advice
- Permitted Development / Lawful Use Certificates
- Planning Applications and Appeals
- Section 106 Planning Obligations
- Planning Enforcement
- Building Control including Dangerous Structures



[www.valeofglamorgan.gov.uk/ldp](http://www.valeofglamorgan.gov.uk/ldp)

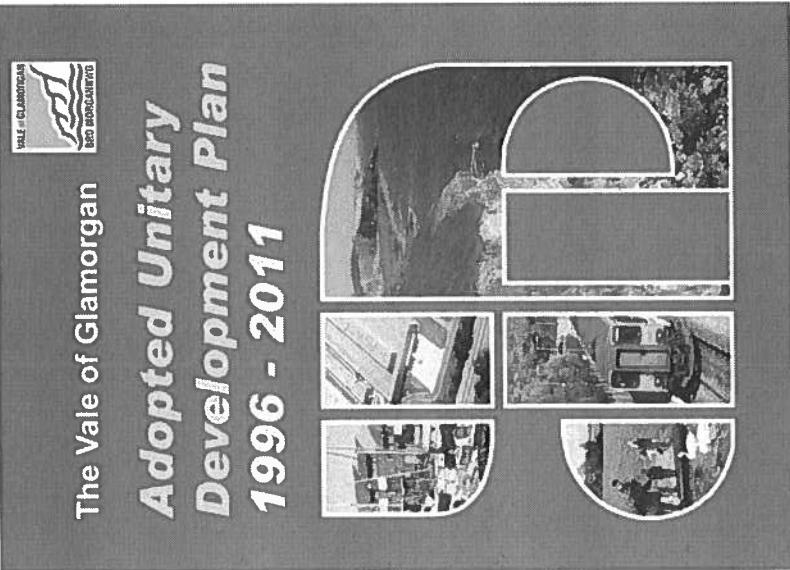


## Decision Making: The Development Plan



**Section 38 of The Planning and Compulsory Purchase Act 2004 requires that in determining a planning application the determination must be in accordance with the Development Plan unless material considerations indicate otherwise.**

The Development Plan for the area comprises the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011, which was formally adopted by the Council on 18th April 2005.





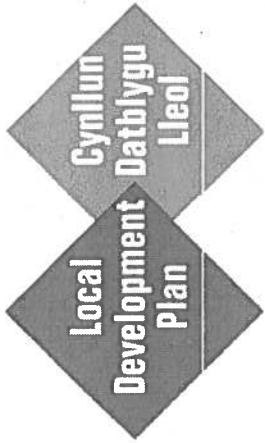
## Local Development Plan

Examination hearing sessions took place up to January 2017. We have received Inspector's Draft Report and his final report is expected imminently. The Council has a Statutory Duty to adopt the LDP within 8 weeks\*. Once adopted it replaces the UDP.

### LDP Strategy:

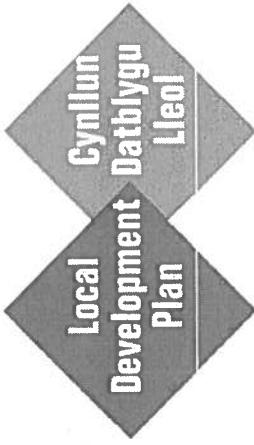
*“To promote development opportunities in Barry and the South East Zone. The St. Athan area to be a key development opportunity and Cardiff Airport a focus for transport and employment investment. Other sustainable settlements to accommodate further housing and associated development.”*

\* The Town and Country Planning (Local Development Plan) (Wales) Regulations 2005 (As Amended) (Reg. 25)

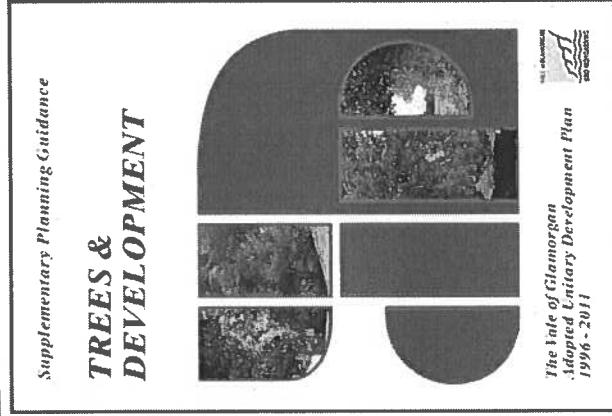
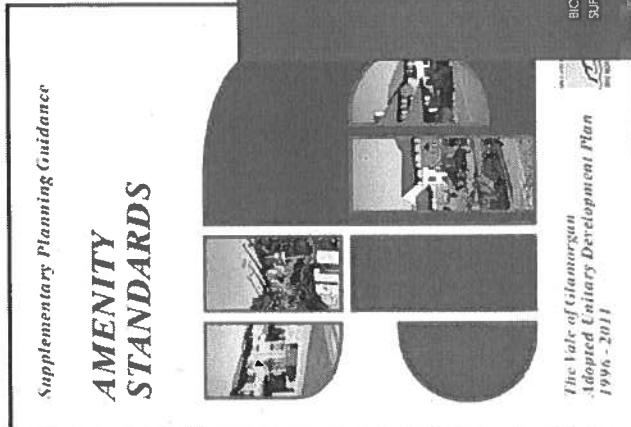




# Supplementary Planning Guidance (SPG)



- Amenity Standards
- Affordable Housing
- Barry Development Guidelines
- Biodiversity and Development
- Conservation Areas in the Rural Vale
- Conversion of Rural Buildings
- Design in the Landscape
- Golf related development
- Parking Standards
- Planning Obligations
- Public Art
- Sustainable Development - A Developer's Guide
- Trees and Development
- Upper Holton Road Development Guidelines
- Conservation Area Appraisal and Management Plans



[www.valeofglamorgan.gov.uk/ldp](http://www.valeofglamorgan.gov.uk/ldp)

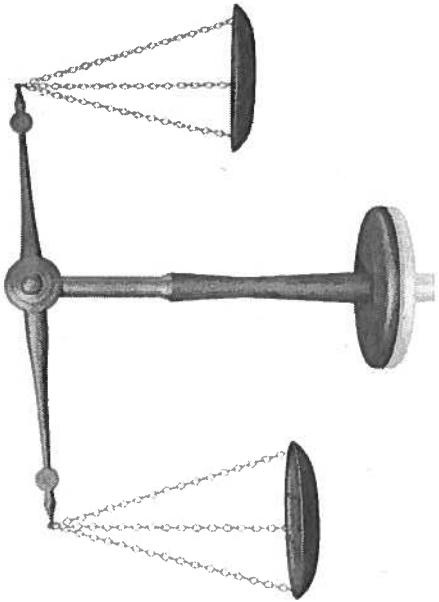


The Vale of Glamorgan  
Shaped Unitary Development Plan  
1996 - 2011

## Decision Making: Material Considerations



- **National Planning Policy** – Planning Policy Wales (PPW), Technical Advice Notes (TANs), Circulars, Ministerial Statements
- **Local Policy** - Supplementary Planning Guidance (SPG), Development Briefs, Conservation Area Management Plans
  - Planning history
  - Consultation responses
  - Site specific matters e.g. heritage constraints
  - Development viability
  - Personal circumstances (exceptional circumstances)

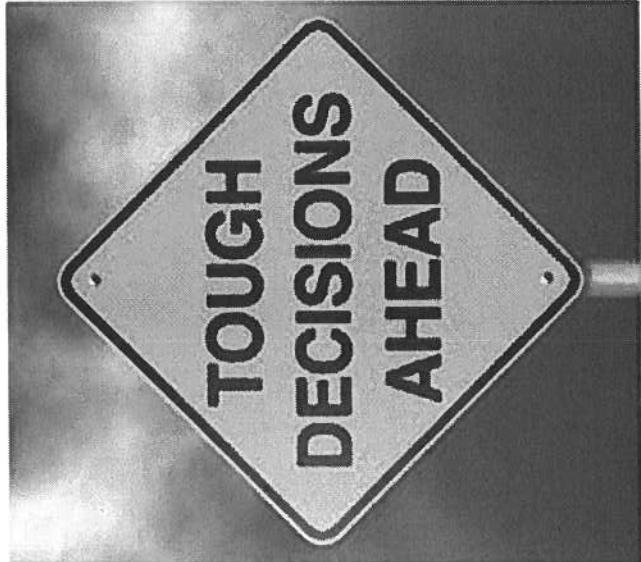




## Non Material Considerations

Matters that should not be taken into account in deciding planning applications include:

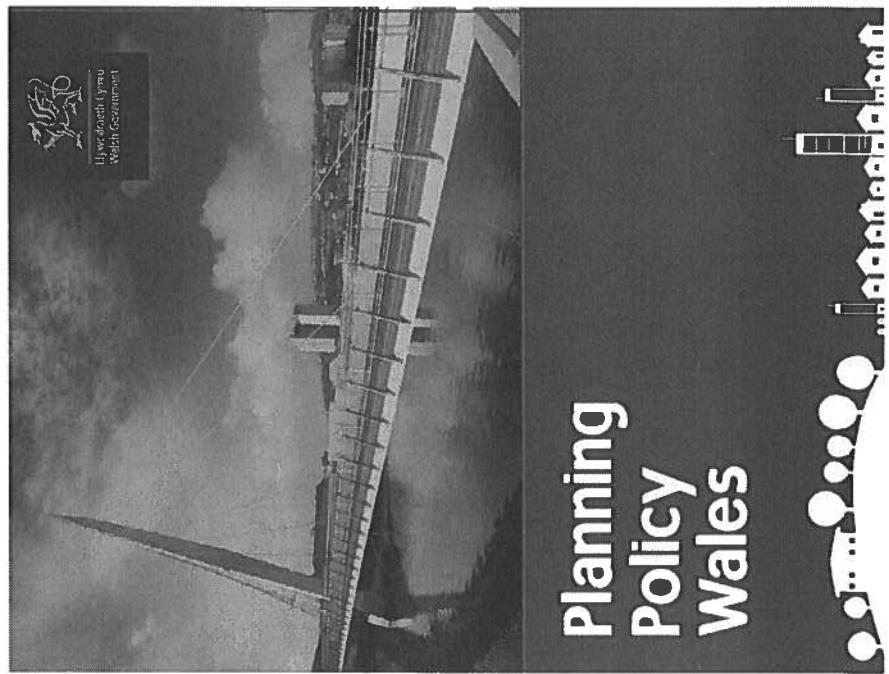
- Loss of view
- Negative effect on the value of properties
- Land ownership or restrictive covenants
- Business competition
- Matters controlled under building regulations or other non-planning legislation



## Sustainable Development



“The planning system provides for a **presumption in favour of sustainable development** to ensure that social, economic and environmental issues are balanced and integrated, at the same time, by the decision-taker when taking decisions on individual planning applications” (PPW, 4.2.2)

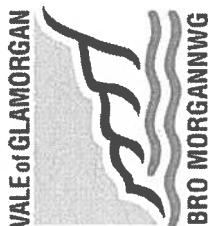


**Well Being of Future Generations (Wales) Act 2015 -** duty to meet its sustainable development (or wellbeing) objectives. In making decisions the Council seeks to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs.

## Consultation

- Statutory duty to consult on all planning applications e.g. Town and Community Councils, neighbours, statutory bodies etc.
- Consultation with Ward Members – by email
- 21 Days to respond by letter, email or online comment
- Right to speak at Planning Committee
- All comments will be taken into account in decision making and weighed against all material considerations





## Scheme of Delegation

Scheme of delegation (approved September 2016) – Circa 1300 applications in 2016/17 approx. 96% applications determined under delegated powers. E.g.:

- Domestic extensions
- Up to ten dwellings on sites within settlement boundaries or in accordance with the relevant development plan
- refusal of dwellings on sites outside of settlement boundaries and out of accordance with the adopted development plan
- Extensions and alterations to shops, offices
- New industrial / commercial developments within established areas
- All changes of use, including to residential uses.
- Erection of temporary buildings of a minor nature
- Farm buildings and related structures





## Scheme of Delegation – “Call In”

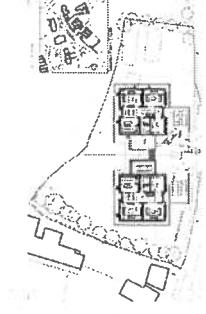
### 4. CALL IN PROCEDURE

- 4.1 Where any Member of the Council requires that a particular application shall be determined by the Planning Committee, the application will be referred to the Committee for consideration subject to the Member contacting a senior Planning Officer **within 21 days of latest notification date** of the application and such request being **substantiated by a good planning reason or demonstration that strong local objections had been received** and in the case of a difference of opinion between the relevant officer and any Member the matter shall be referred to the Chairman of the Planning Committee for consideration of the Member's request.

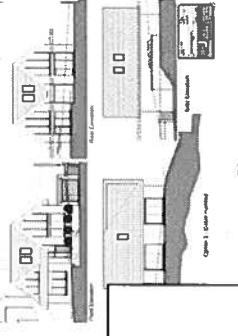


# Planning Reports





The proposed development area is bounded by the River Taff to the west and north, and the A4067 road to the east. The proposed development area is approximately 3.5 hectares in size.



Proposed Elevation for Plot 11

Open Cut Scheme

Plot 11

Plot 12

Plot 13

Plot 14

Plot 15

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- Executive summary
- Site and development description
- Relevant planning history
- Consultation responses and public representations
- Assessment of relevant issues
- Recommendation:
  - Approval with conditions / planning obligations, or
  - Refusal with reasons.
- Appendices
- Late Representations to Planning Committee

[www.valeofglamorgan.gov.uk](http://www.valeofglamorgan.gov.uk)

## Public Speaking at Planning Committee



- Register to speak by 5.00 pm, 2 days prior to the committee (i.e. Tuesday)



### Getting involved in planning Committee Meetings

In addition to responding to consultations undertaken on planning and related applications, if and when the Planning Committee considers an application for new development, there is a provision for public speaking at that Committee meeting.

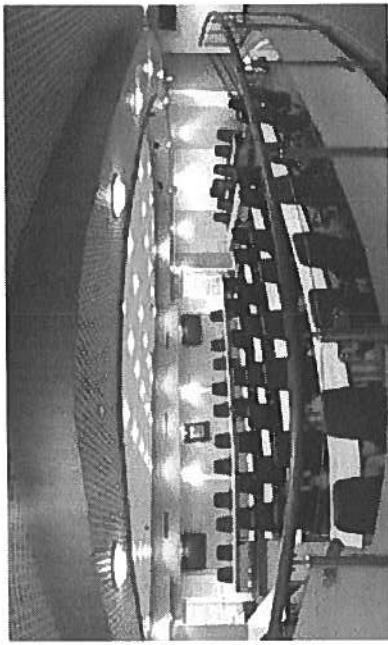
A Guide to Public Speaking at Planning Committee explains the process and how to register to speak.

[Guide to Speaking at Planning Committee](#)

Please note: The window for registering to speak becomes active at 8.30 a.m. 6 days prior to the Committee meeting and expires at 5.00 p.m. 2 clear working days prior to the Committee meeting.

For example, where the Committee meeting takes place on a Thursday at 6.00 p.m. (as is usually the case) the window will be open from 8.30 a.m. on the Friday prior to the meeting and close at 5.00 p.m. on the Tuesday prior to the meeting. The registration form can only be completed during this window.

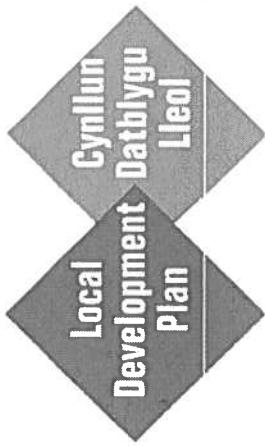
[Register to Speak](#)



- Vale of Glamorgan Council Members are not required to register to speak
- Planning Committee is subject of live web transmitting



# Planning Committee

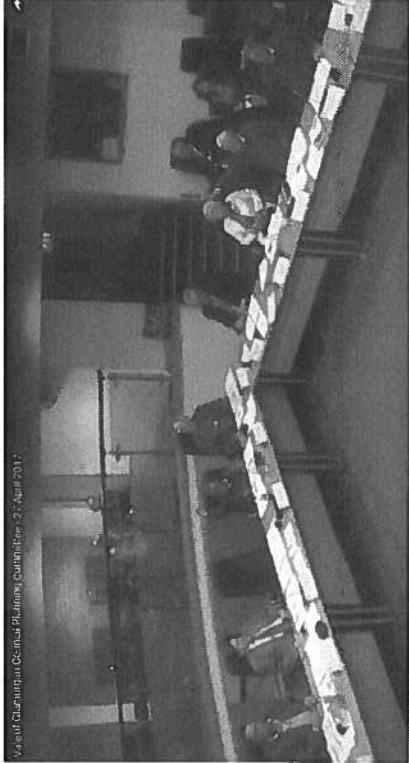


## Planning Committee Running Order:

- Officer presents report
- Objectors speak followed by points of clarification
- Councillors not on Planning Committee speak (3 minute time limit)
- Supporters speak followed by points of clarification
- Officer responds to matters raised
- Committee debate the application and ask questions of officers as required
- Committee make a decision and the minutes state the reasons for the decision



Vale of Glamorgan Council Planning Committee - 27 April 2017



Vale of Glamorgan Council Planning Committee - 27 April 2017



## Planning Obligations

Planning Obligations can be used to regulate the use of land or require payments to be made. They must be:

- Necessary to make the development acceptable in planning terms;
- Directly related to the development; and
- Fairly and reasonably related in scale and kind to the development

We seek them on major developments for:

Affordable Housing, Transport, Community Facilities, Open Space, Education and Public Art

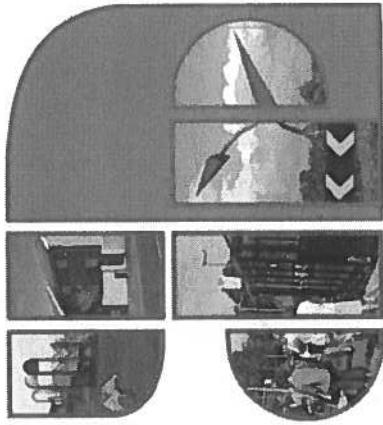
- In 2015/16 we secured £11.1m compared to £20.9m for whole of Wales

[www.valeofglamorgan.gov.uk/ldp](http://www.valeofglamorgan.gov.uk/ldp)



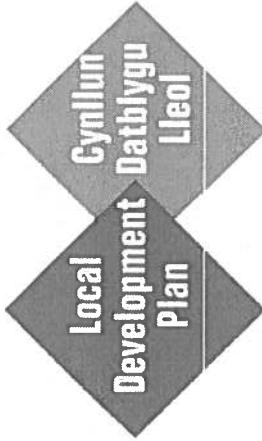
*Supplementary Planning Guidance*

### PLANNING OBLIGATIONS



© Vale of Glamorgan  
Local Development Plan  
2015 - 2026  
The Vale of Glamorgan  
Adopted Unitary Development Plan  
1996 - 2011

## How to contact us



- Duty officer available for general enquiries 5 days a week  
**01446 704681** or email:  
**planning@valeofglamorgan.gov.uk**

- Case Officer available to discuss specific applications
- Support Services team – copies of plans
- Application File and Officer's reports are available to view on Planning Register

Welcome to the Vale of Glamorgan Council

Living Working Enjoying Our Council

**The Council's Development & Building Control Registers**

The Council has an online register for records relating to both Development and Building Control. Please note that all registers are updated daily. Should you require assistance accessing details on the registers, or information regarding determined files, please contact the planning department on 01446 704657. For applications, appeals or enforcement cases that have not yet been determined, please contact the officer indicated.

The registers are as follows:

|                                |
|--------------------------------|
| Planning Applications Register |
|--------------------------------|

A standard search allows you to choose your own criteria on which to search (e.g. Application Number, Location, Applicant etc).

Alternatively, the following predefined searches can be used (using the menus on left):

- All outstanding planning applications (i.e. yet to be determined).
  - Planning Applications started (validated) in the last 28 days.
  - Planning Applications determined within the last 28 days.
  - Applications for Major Development awaiting a decision.
  - Household applications awaiting a decision.

Commenting on a Planning Application

If you wish to comment on a planning application, the easiest way to do this is to view the record in the online register and to use the relevant link at the top of the page 'comment on this planning application' to submit your comments.

Please note that any comments submitted will be available to view via the Council's online register, accordingly please ensure that you do not include any information that you do not wish to be published such as phone numbers or email addresses in your response. Please note that if you respond via the online register,

Commenting on planning applications which are to be reported to Committee

When comments are submitted in relation to planning applications that are being reported to Planning Committee, outside of the statutory consultation period of 21 days, it should be noted that those comments may be received too late to be included within the formal committee report. This is because reports are usually prepared some two weeks before the actual Planning Committee Meeting.

In order to ensure that members of the public and other organisations/bodies with an interest in a particular application are not placed at a disadvantage, the Authority will accept and report observations received up until 12 p.m. on the day before Committee. These comments are circulated in the form of a late report to Committee members on the evening before Committee by Email and are presented in hard copy form at the actual meeting.

[www.valeofglamorgan.gov.uk](http://www.valeofglamorgan.gov.uk)



Cynllun  
Local  
Development  
Plan  
Datblygu  
Lleol

Any Questions?

[www.valeofglamorgan.gov.uk/ldp](http://www.valeofglamorgan.gov.uk/ldp)

EXHIBIT DM01

SUMMER 2019

14  
PRICELESS

# VALE LIFE

P R O U D   T O   B E   I N D E P E N D E N T

THE VALE OF GLAMORGAN'S PREMIER LIFESTYLE MAGAZINE

Willow in White



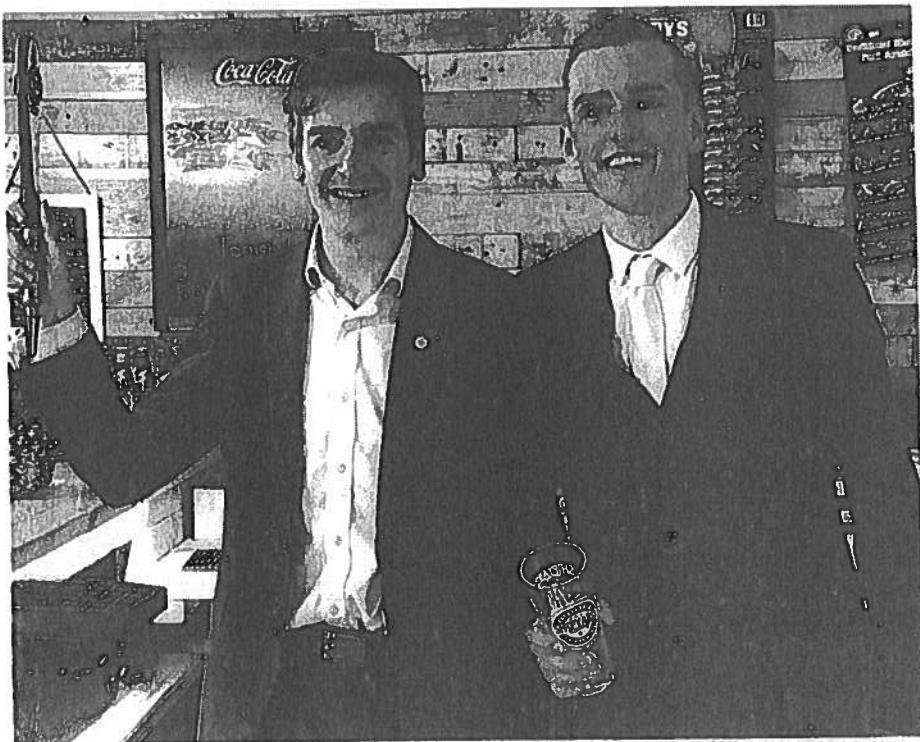
## SUMMER LOVING

WILLOW IN WHITE, ST BRIDES' GORGEOUS NEW BRIDAL BOUTIQUE  
PORTHCAWL FASHION & FOOD FESTIVAL, INTERIORS & MORE

RESTAURANT REVIEWS  
WHAT'S ON, BUSINESS, SHOPPING

THERE'S MORE ONLINE  
[WWW.VALELIFE.CO.UK](http://WWW.VALELIFE.CO.UK)

PLUS ART, MUSIC, STYLE  
HEALTH, HOMES AND MUCH MORE



BARRY

## Opening night at The Watering Hole

Guests came from all over Barry and beyond to congratulate owners Leighton and Sam on their new venture - Barry's newest licensed coffee and wine bar.

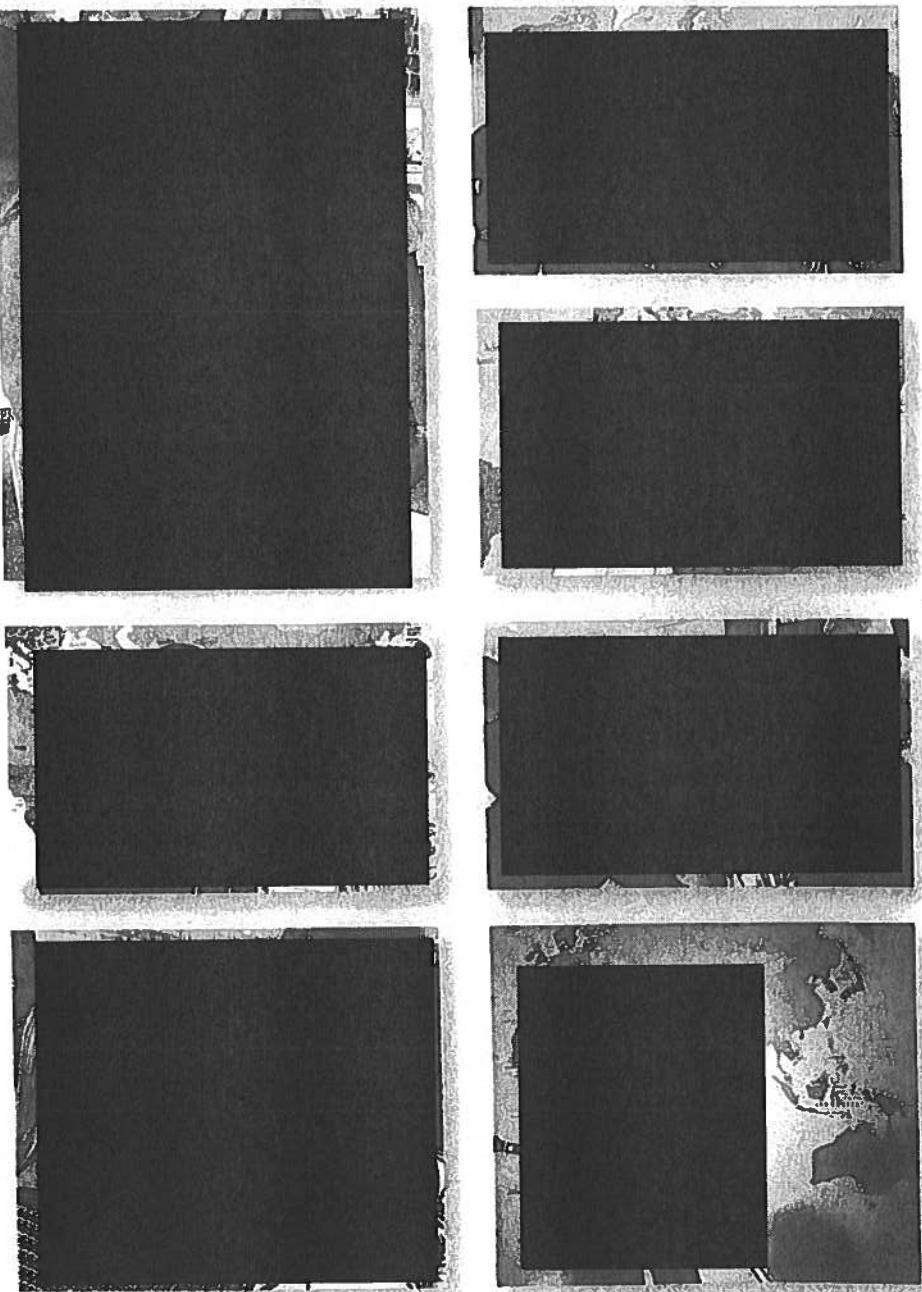
There was plenty of entertainment which, together with the amazing atmosphere, left the guests wanting more.

Call in for freshly ground Verde coffee, tea or hot chocolate or try one of their breakfasts, light meals or snacks which are served throughout the day.

Check out their Facebook page for more information or visit their website.

**The Watering Hole**  
6 St. Nicholas Road, Barry, CF62 6QW  
**07811990256**

Open Monday to Friday 8am - 11pm  
Saturday and Sunday 8am - 12am  
[www.thewateringholebarry.co.uk](http://www.thewateringholebarry.co.uk)



## EXHIBIT DM02

**From:** Marles, Debbie  
**Sent:** 18 June 2019 4:33 PM  
**To:** Rowlands, Leighton O (Cllr) <[clorowlands@valeofglamorgan.gov.uk](mailto:clorowlands@valeofglamorgan.gov.uk)>  
**Cc:** [REDACTED]  
**Subject:** The Watering Hole

Dear Councillor Rowlands,

I write with regards to the above business which I'm advised commenced trading on Friday 14 June 2014.

As you have previously mentioned to me, I note that you are one of the owners \* and I'm also aware that you applied prior to 14 June 2019 for planning permission for change of use of the premises at St Nicholas Road, Barry which had a previous use as an off licence and you have sought planning permission to change that use to a coffee shop during the day and a wine bar during the evening (i.e. from A1 (Retail) to A3(Food and Drink)). Despite your planning application having yet to be considered by Planning Committee, I note that you have commenced trading without planning permission and therefore you are in breach of planning regulations. Consequently the Council will consider the appropriate action to take.

I understand that planning colleagues have concerns about the effects the nature of the business will have on residents in a mainly residential area and accordingly the case officer has asked for further information regarding sound installation; however to date this has yet to be provided. Consequently your planning application will be considered and determined at the earliest by Planning Committee on 31 July 2019.

The Council has received a press inquiry from the Barry and District News and has issued the following response:

"We have received public complaints on this subject so will be investigating the matter.

This business has opened without planning permission so is in breach of planning regulations. The Council will now consider appropriate action to take and the identity of the business owners will have absolutely no bearing on this.

It is possible to have planning permission granted retrospectively, but a business can face serious consequences if it begins operating and such consent is not forthcoming. These include an enforcement notice requiring the use to cease, which if ignored could lead to prosecution.

The Council is still considering the planning application, which will be decided by planning committee in the near future, and has not authorised the use of a picture of Cllr Rowlands wearing Mayoral chains."

Given that you are a Vale of Glamorgan Councillor which is the relevant Local Planning Authority and also a Member of the Council's Planning Committee, I'm extremely concerned that your above actions show a disregard to the Council's process, and the legal framework within which the Council functions, and further that your actions may lead to possible enforcement action.

It has also been brought to the Council's attention that a photograph has appeared on Facebook connected with the business and a caption reading "Meet our Team" showing a photograph of yourself and "Sam" with yourself wearing the Council's Mayoral chains. You will appreciate that the use of such a photograph in the given context gives the impression that the Council endorses or is connected in some way with your business, which is not the case. Accordingly, I'd request that you cease using immediately this photograph and any others which include the Council's Mayoral Chains of Office in connection with any business conducted by yourself; and for the avoidance of doubt photographs showing the Mayoral Chains of Office are only to be used in private provided that there is no risk of bringing the Council and your Office as a Councillor into disrepute. Please confirm when you have taken the appropriate action.

You'll be mindful of the provisions of the Council's Members' Code of Conduct and in particular paragraph 18.2.6 which provides as follows:

"You must:

- (a) Not conduct yourself in a manner which could reasonably be regarded as bringing your office or authority into disrepute".

As you'll appreciate paragraph 18.2.6 applies at all times in any capacity in respect of conduct by a Councillor.

I'd suggest that you reflect on the above and seriously consider discontinuing trading until you are in receipt of an appropriate planning permission for a change of use for A3 purposes (if at all).

Should you continue to trade without the appropriate change of use planning permission in place I will be obliged to consider referring this matter to the Public Services Ombudsman for Wales as a complaint of a potential breach of the Council's Members' Code of Conduct.

Please note that I am sharing a copy of this email with your Group Leader for his consideration and action as he deems appropriate.

Please advise me by 12:00noon on 20 June of your intended course of action.

\* This is dependent upon the legal makeup of the business in question.

Regards,

Debbie Marles  
Monitoring Officer/Head of Legal and Democratic Services / Pennaeth Gwasanaethau Cyfreithiol  
Director's Office - Resources / Swyddfa'r Cyfarwyddwr - Adnoddau  
Vale of Glamorgan Council / Cyngor Bro Morgannwg  
tel / ffôn: 01446 709402  
e-mail / e-bost: [DMarles@valeofglamorgan.gov.uk](mailto:DMarles@valeofglamorgan.gov.uk)

*Consider the environment. Please don't print this e-mail unless you really need to.  
Ystyriwch yr amgylchedd. Peidiwch ag argraffu'r neges hon oni bai fod gwir angen.*

Visit our Website at [www.valeofglamorgan.gov.uk](http://www.valeofglamorgan.gov.uk)  
Ewch i'n gwefan yn [www.bromorgannwg.gov.uk](http://www.bromorgannwg.gov.uk)

Find us on Facebook / Cewch ddod o hyd i ni ar Facebook  
Follow us on Twitter / Dilynwch ni ar Twitter

Correspondence is welcomed in Welsh or English / Croesewir Gohebiaeth yn y Gymraeg neu yn Saesneg.

---

## EXHIBIT DM03

----- Original Message -----

Subject: RE: The Watering Hole

From: "Marles, Debbie" <DMarles@valeofglamorgan.gov.uk>

Date: 19 Jun 2019, 08:56

To: "Rowlands, Leighton O (Cllr)" <lorowlands@valeofglamorgan.gov.uk>

Morning Cllr Rowlands,

Thank you for responding promptly to my email. I have sought clarification on the points you have raised and once this is to hand I will contact you with a view to us meeting during the course of the day.

Regards,

Debbie Marles

Monitoring Officer/Head of Legal and Democratic Services / Pennaeth Gwasanaethau Cyfreithiol

Director's Office - Resources / Swyddfa'r Cyfarwyddwr - Adnoddau

Vale of Glamorgan Council / Cyngor Bro Morgannwg

tel / ffôn: 01446 709402

mob / sym: 07718422790

e-mail / e-bost: [DMarles@valeofglamorgan.gov.uk](mailto:DMarles@valeofglamorgan.gov.uk)

*Consider the environment. Please don't print this e-mail unless you really need to.*

*Ystyriwch yr amgylchedd. Peidiwch ag argraffu'r neges hon oni bai fod gwir angen.*

Visit our Website at [www.valeofglamorgan.gov.uk](http://www.valeofglamorgan.gov.uk)

Ewch i'n gwefan yn [www.bromorgannwg.gov.uk](http://www.bromorgannwg.gov.uk)

Find us on Facebook / Cewch ddod o hyd i ni ar Facebook

Follow us on Twitter / Dilynwch ni ar Twitter

Correspondence is welcomed in Welsh or English / Croesewir Gohebiaeth yn y Gymraeg neu yn Saesneg.

**From:** Rowlands, Leighton O (Cllr) <[clorowlands@valeofglamorgan.gov.uk](mailto:clorowlands@valeofglamorgan.gov.uk)>

**Sent:** 18 June 2019 18:29

**To:** Marles, Debbie <[DMarles@valeofglamorgan.gov.uk](mailto:DMarles@valeofglamorgan.gov.uk)> [REDACTED]

**Subject:** RE: The Watering Hole

Good Evening Debbie

I would like to come and see you as I'm deeply concerned I sort advise from the planning office and was informed I could open up because we have a licence. And I asked on another occasion on this. And I remember in a planning meeting of a similar situation. I will look at the recording.

In relation to mayor chairs I have never promoted by business using them. I have never use them on facebook. The web developer did use it on the website but as soon as found out I demanded it was taken down.

I would like to discuss my concerns in relations to the advice I have been given in relation to this from the departments involved. The council has caused this I have not brought the council in dispute I try to protect the council and myself on this situation. The fact I'm a councillor and have experience this trouble that this is the advice the departments are giving to the general public.

I feel I have done nothing wrong and have been given poor advise and I have tried my best to protect the council and myself in relation to this along with follow the rules within the council

I would like to sort this out tomorrow at some point.

Kindest Regards  
Cllr Leighton Rowlands

**From:** Marles, Debbie

**Sent:** 18 June 2019 4:33 PM

**To:** Rowlands, Leighton O (Cllr) <[clorowlands@valeofglamorgan.gov.uk](mailto:clorowlands@valeofglamorgan.gov.uk)>

**Cc:** [REDACTED]

**Subject:** The Watering Hole

Dear Councillor Rowlands,

I write with regards to the above business which I'm advised commenced trading on Friday 14 June 2014.

As you have previously mentioned to me, I note that you are one of the owners \* and I'm also aware that you applied prior to 14 June 2019 for planning permission for change of use of the premises at St Nicholas Road, Barry which had a previous use as an off licence and you have sought planning permission to change that use to a coffee shop during the day and a wine bar during the evening (i.e. from A1 (Retail) to A3(Food and Drink)). Despite your planning application having yet to be considered by Planning Committee, I note that you have commenced trading without planning permission and therefore you are in breach of planning regulations. Consequently the Council will consider the appropriate action to take.

I understand that planning colleagues have concerns about the effects the nature of the business will have on residents in a mainly residential area and accordingly the case officer has asked for further information regarding sound installation; however to date this has yet to be provided. Consequently your planning application will be considered and determined at the earliest by Planning Committee on 31 July 2019.

The Council has received a press inquiry from the Barry and District News and has issued the following response:

"We have received public complaints on this subject so will be investigating the matter.

This business has opened without planning permission so is in breach of planning regulations. The Council will now consider appropriate action to take and the identity of the business owners will have absolutely no bearing on this.

It is possible to have planning permission granted retrospectively, but a business can face serious consequences if it begins operating and such consent is not forthcoming. These include an enforcement notice requiring the use to cease, which if ignored could lead to prosecution.

The Council is still considering the planning application, which will be decided by planning committee in the near future, and has not authorised the use of a picture of Cllr Rowlands wearing Mayoral chains."

Given that you are a Vale of Glamorgan Councillor which is the relevant Local Planning Authority and also a Member of the Council's Planning Committee, I'm extremely concerned that your above actions show a disregard to the Council's process, and the legal framework within which the Council functions, and further that your actions may lead to possible enforcement action.

It has also been brought to the Council's attention that a photograph has appeared on Facebook connected with the business and a caption reading "Meet our Team" showing a photograph of yourself and "Sam" with yourself wearing the Council's Mayoral chains. You will appreciate that the use of such a photograph in the given context gives the impression that the Council endorses or is connected in some way with your business, which is not the case. Accordingly, I'd request that you cease using immediately this photograph and any others which include the Council's Mayoral Chains of Office in connection with any business conducted by yourself; and for the avoidance of doubt photographs showing the Mayoral Chains of Office are only to be used in private provided that there is no risk of bringing the Council and your Office as a Councillor into disrepute. Please confirm when you have taken the appropriate action.

You'll be mindful of the provisions of the Council's Members' Code of Conduct and in particular paragraph 18.2.6 which provides as follows:

"You must:

- (a) Not conduct yourself in a manner which could reasonably be regarded as bringing your office or authority into disrepute".

As you'll appreciate paragraph 18.2.6 applies at all times in any capacity in respect of conduct by a Councillor.

I'd suggest that you reflect on the above and seriously consider discontinuing trading until you are in receipt of an appropriate planning permission for a change of use for A3 purposes (if at all).

Should you continue to trade without the appropriate change of use planning permission in place I will be obliged to consider referring this matter to the Public Services Ombudsman for Wales as a complaint of a potential breach of the Council's Members' Code of Conduct.

Please note that I am sharing a copy of this email with your Group Leader for his consideration and action as he deems appropriate.

Please advise me by 12:00noon on 20 June of your intended course of action.

\* This is dependent upon the legal makeup of the business in question.

Regards,

Debbie Marles  
Monitoring Officer/Head of Legal and Democratic Services / Pennaeth Gwasanaethau Cyfreithiol  
Director's Office - Resources / Swyddfa'r Cyfarwyddwr - Adnoddau  
Vale of Glamorgan Council / Cyngor Bro Morgannwg  
tel / ffôn: 01446 709402  
e-mail / e-bost: [DMarles@valeofglamorgan.gov.uk](mailto:DMarles@valeofglamorgan.gov.uk)

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## EXHIBIT DM04

**From:** Rowlands, Leighton O (Cllr)  
**Sent:** 19 June 2019 10:18  
**To:** Marles, Debbie  
**Subject:** RE: The Watering Hole

Thanks you

I would also like to point out a press article from 7th Sept 2018 from Wales online the ~~butter~~fly collector  
That the council says it is not unlawful to open in advance of obtaining planning permission, but the  
developers do so at their own risk

So there seems conflicting information given

Sent via Vale of Glamorgan Council corporate mobile email/ Wedi'i anfon o MDM corfforaethol Cyngor  
Bro Morgannwg Correspondence is welcomed in Welsh or English / Croesawir Gohebiaeth yn y Gymraeg  
neu yn Saesneg.

----- Original Message -----

**Subject:** RE: The Watering Hole  
**From:** "Marles, Debbie" <DMarles@valeofglamorgan.gov.uk>  
**Date:** 19 Jun 2019, 08:56  
**To:** "Rowlands, Leighton O (Cllr)" <lorowlands@valeofglamorgan.gov.uk>  
Morning Cllr Rowlands,  
Thank you for responding promptly to my email. I have sought clarification on the points you have raised and once  
this is to hand I will contact you with a view to us meeting during the course of the day.  
Regards,

Debbie Marles  
Monitoring Officer/Head of Legal and Democratic Services / Pennaeth Gwasanaethau Cyfreithiol  
Director's Office - Resources / Swyddfa'r Cyfarwyddwr - Adnoddau  
Vale of Glamorgan Council / Cyngor Bro Morgannwg  
tel / ffôn: 01446 709402  
mob / sym: 07718422790  
e-mail / e-bost: [DMarles@valeofglamorgan.gov.uk](mailto:DMarles@valeofglamorgan.gov.uk)

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**From:** Rowlands, Leighton O (Cllr) <lorowlands@valeofglamorgan.gov.uk>  
**Sent:** 18 June 2019 18:29  
**To:** Marles, Debbie <DMarles@valeofglamorgan.gov.uk>

Cc: [REDACTED]  
Subject: RE: The Watering Hole

Good Evening Debbie

I would like to come and see you as I'm deeply concerned I sort advise from the planning office and was informed I could open up because we have a licence. And I asked on another occasion on this. And I remember in a planning meeting of a similar situation. I will look at the recording.

In relation to mayor chairs I have never promoted by business using them. I have never use them on facebook. The web developer did use it on the website but as soon as found out I demanded it was taken down.

I would like to discuss my concerns in relations to the advice I have been given in relation to this from the departments involved. The council has caused this I have not brought the council in dispute I try to protect the council and myself on this situation. The fact I'm a councillor and have experience this trouble that this is the advice the departments are giving to the general public.

I feel I have done nothing wrong and have been given poor advise and I have tried my best to protect the council and myself in relation to this along with follow the rules within the council

I would like to sort this out tomorrow at some point.

Kindest Regards  
Cllr Leighton Rowlands

**From:** Marles, Debbie  
**Sent:** 18 June 2019 4:33 PM  
**To:** Rowlands, Leighton O (Cllr) <[lorowlands@valeofglamorgan.gov.uk](mailto:lorowlands@valeofglamorgan.gov.uk)>  
**Cc:** [REDACTED]  
**Subject:** The Watering Hole

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Please note that I am sharing a copy of this email with your Group Leader for his consideration and action as he deems appropriate.

Please advise me by 12:00noon on 20 June of your intended course of action.

\* This is dependent upon the legal makeup of the business in question.

Regards,

Debbie Marles  
Monitoring Officer/Head of Legal and Democratic Services / Pennaeth Gwasanaethau Cyfreithiol  
Director's Office - Resources / Swyddfa'r Cyfarwyddwr - Adnoddau  
Vale of Glamorgan Council / Cyngor Bro Morgannwg  
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**EXHIBIT DM05**

**Meeting Attendance Note**

**DM/Cllr L Rowlands**

**19 June 2019**

Meeting following on from my email dated 18.06.19 and LR's email of same date.

- I ran through key points of email, LR referred to 'advice' given by the Planning Department and it was his understanding that it was ok to open when had the alcohol Licence.
- I raised that SRS had raised the issue of Planning and LR had advised that he told SRS that he was aware of the Planning regime. As per my email my suggestion was to discontinue trading until the Planning matter had been addressed (if at all).
- LR [REDACTED] wanted the problem to go away, that he had asked the other Director to close the business temporarily and take the 'financial hit' however he had refused. LR asked if he resigned as Director and removed name from the Planning Application whether that would be sufficient although he would continue to drink there.
- I mentioned that this would not address the fact that the premises had opened without appropriate change of use permission and would not result in the discontinuance of trade and that LR could always re-join the company at a later stage. I told LR that it was not my role to advise LR on company law matters and he should seek his own advice. By way of example I said that LR would want to have regard to the financial implications.
- LR advised with regard to the photo with himself wearing the Mayoral chains that he had requested its removal from the website when he became aware of it.
- [REDACTED]
- I suggested that the preferable course would be to discontinue trading, assist the Planners with providing them with the information they required to progress the application, the application wasn't on the agenda for Planning committee for June, however if the relevant information was available to be considered/dealt with, it may be possible for the matter to go before Committee in July.
- I reminded LR of the complaints and press interest that had been received, his membership of the Council's Planning Committee and Standards Committee.
- [REDACTED]

DM

EXHIBIT DM06

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**From:** Robinson, Victoria L  
**Sent:** 10 September 2019 12:02  
**To:** [REDACTED]  
**Cc:** [REDACTED]  
**Subject:** FW: Information re. Cllr Rowlands  
**Attachments:** Enf File\_The Watering Hole.pdf; Official Copy (Register) - WA478479 - 6, St Nicholas Road, Barry.pdf; Official Copy (Register) - CYM755592 - 6, St Nicholas Road, Barry (2).pdf; Official Copy (Register) - CYM755585 - 6, St Nicholas Road, Barry (1).pdf; Whole file - reduced PDF size.pdf  
**Sensitivity:** Confidential

Please find attached planning file and enforcement file as requested. Training slides to follow.

Q.13 *Cllr Rowlands was quoted in the Barry and District News (27/06/2019) as saying "I was informed by the Council planning department like other applications the department has had before it is not unlawful to open in advance of obtaining planning permission". Please confirm the planning position in this regard and whether Cllr Rowlands sought advice about the planning application and what advice he was given.*

I met Cllr Rowlands at pre-ap and discussed the proposal, indicating the matters we would take into consideration and advised at that time the most likely significant issue would be noise issues associated with the use in a residential area. I advised he seek further advice in this regard from SRS. I cannot recall having any discussion about opening prior to gaining consent and the first I knew of it was the press inquiry we received.

Ceiri Rowlands was the case officer and has advised me that he had not informed the applicant he could open up because they have a licence. He recalled a conversation on site (where it was apparent renovation was ongoing) where this was discussed and Ceiri recalls advising that to do so would be a breach of planning, however in circumstances where a planning application is in with us we would normally consider the merits of that application prior to taking any formal enforcement action (which is normal practice) and any works undertaken in advance of planning permission would be at their own risk. That is not the same as saying it's OK to do it. It seems to me the conversation may have been misinterpreted but Ceiri was acting in good faith, giving general advice as he would to any member of the public, and was not at that time considering Cllr Rowlands position as a Councillor or about bringing the Council into disrepute.

As a Member of Planning Committee who has received training, and has been party to debates on similar matters, Cllr Rowlands should be aware that it is not breaking the law to undertake operational development or a change of use without planning permission but it is a breach of planning control and failure to comply with any subsequent enforcement notice requiring the breach to be remedied can be unlawful and enforced through the courts.

Regards,

Victoria Robinson  
Operational Manager for Planning and Building Control / Rheolydd Gweithredol - Rheoli Datblygu  
Regeneration and Planning / Adfywio a Chynllunio  
Vale of Glamorgan Council / Cyngor Bro Morgannwg  
tel / ffôn: 01446 704661  
mob / sym: 07860526606  
e-mail / e-bost: [VLRobinson@valeofglamorgan.gov.uk](mailto:VLRobinson@valeofglamorgan.gov.uk)

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---

## **EXHIBIT DM07**

**From:** Marles, Debbie  
**Sent:** 19 June 2019 5:45 PM  
**To:** Rowlands, Leighton O (Cllr) <[lorowlands@valeofglamorgan.gov.uk](mailto:lorowlands@valeofglamorgan.gov.uk)>  
**Subject:** RE: The Watering Hole

Dear Cllr Rowlands,

I write further to our meeting this afternoon.

As alluded to should the Public Services Ombudsman for Wales undertake an investigation and come to the conclusion that a potential breach of the Members' Code of Conduct has occurred he may refer his investigation report to either the Standards Committee or if he is of the view that the sanctions available to the Standards Committee in the given case are insufficient he may refer his investigation to the Adjudication Panel for Wales for consideration. The sanctions which may be imposed by the Standards Committee extend to a 6 month suspension whereas the Adjudication Panel for Wales may suspend a Member for up to 12 months or alternatively disqualify a Member for up to 5 years; as will be appreciated a disqualification would trigger a By-Election with a disqualified Member being precluded from standing for re-election for the period of the disqualification.

As you will appreciate I am not pre-judging the actions of the Public Services Ombudsman for Wales, the Standards Committee or the Adjudication Panel for Wales, however I'd suggest that you are mindful of the above when considering your proposed course of action.

For further information regarding the role of the Ombudsman I'd refer you to his website which is  
[www.ombudsman-wales.org.uk](http://www.ombudsman-wales.org.uk)

I'll be reviewing this matter tomorrow at 9:00 and therefore should a decision have been taken by SLR Hospitality CYF to cease/suspend trading until the outstanding Change of Use Planning Application has been determined and reviewed in light of the Council's decision, please notify me.

Regards,

Debbie Marles

Monitoring Officer/Head of Legal and Democratic Services / Pennaeth Gwasanaethau Cyfreithiol  
Director's Office - Resources / Swyddfa'r Cyfarwyddwr - Adnoddau  
Vale of Glamorgan Council / Cyngor Bro Morgannwg  
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## EXHIBIT DM08

**From:** Marles, Debbie  
**Subject:** FW: The Watering Hole  
**Attachments:** SLR Hospitality CYF Resigning Letter.docx  
**Switch-Messageld:** 7e1ade9b01b949a08bf7b004b36811fb

**From:** Rowlands, Leighton O (Cllr) <[lorowlands@valeofglamorgan.gov.uk](mailto:lorowlands@valeofglamorgan.gov.uk)>  
**Sent:** 19 June 2019 18:26  
**To:** Marles, Debbie <[DMarles@valeofglamorgan.gov.uk](mailto:DMarles@valeofglamorgan.gov.uk)>  
**Cc:** [REDACTED]  
**Subject:** RE: The Watering Hole

Good evening Debbie

I have discussed this with my business partner. And I have decided to resign as a managing director of SLR Hospitality and will be seeking advice from the planning department in relation to my planning application. So I will have no connection with the company. I have tried to contact planning with no joy.

Please find attached the letter I have sent to the remaining director. I will advise tomorrow morning in relation to planning.

Thank you

Cllr Leighton Rowlands

---

**From:** Marles, Debbie  
**Sent:** 19 June 2019 5:45 PM  
**To:** Rowlands, Leighton O (Cllr) <[lorowlands@valeofglamorgan.gov.uk](mailto:lorowlands@valeofglamorgan.gov.uk)>  
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Regards,

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**From:** "Marles, Debbie" <DMarles@valeofglamorgan.gov.uk>  
**Date:** 19 Jun 2019, 08:56  
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**From:** Marles, Debbie  
**Sent:** 18 June 2019 4:33 PM  
**To:** Rowlands, Leighton O (Cllr) <[lorowlands@valeofglamorgan.gov.uk](mailto:lorowlands@valeofglamorgan.gov.uk)>  
**Cc:** [REDACTED]  
**Subject:** The Watering Hole

Dear Councillor Rowlands,

I write with regards to the above business which I'm advised commenced trading on Friday 14 June 2014.

As you have previously mentioned to me, I note that you are one of the owners \* and I'm also aware that you applied prior to 14 June 2019 for planning permission for change of use of the premises at St Nicholas Road, Barry which had a previous use as an off licence and you have sought planning permission to change that use to a coffee shop during the day and a wine bar during the evening (i.e. from A1 (Retail) to A3(Food and Drink)). Despite your planning application having yet to be considered by Planning Committee, I note that you have commenced trading without planning permission and therefore you are in breach of planning regulations. Consequently the Council will consider the appropriate action to take.

I understand that planning colleagues have concerns about the effects the nature of the business will have on residents in a mainly residential area and accordingly the case officer has asked for further information regarding sound installation; however to date this has yet to be provided. Consequently your planning application will be considered and determined at the earliest by Planning Committee on 31 July 2019.

The Council has received a press inquiry from the Barry and District News and has issued the following response:

"We have received public complaints on this subject so will be investigating the matter.

This business has opened without planning permission so is in breach of planning regulations. The Council will now consider appropriate action to take and the identity of the business owners will have absolutely no bearing on this.

It is possible to have planning permission granted retrospectively, but a business can face serious consequences if it begins operating and such consent is not forthcoming. These include an enforcement notice requiring the use to cease, which if ignored could lead to prosecution.

The Council is still considering the planning application, which will be decided by planning committee in the near future, and has not authorised the use of a picture of Cllr Rowlands wearing Mayoral chains."

Given that you are a Vale of Glamorgan Councillor which is the relevant Local Planning Authority and also a Member of the Council's Planning Committee, I'm extremely concerned that your above actions show a disregard to the Council's process, and the legal framework within which the Council functions, and further that your actions may lead to possible enforcement action.

It has also been brought to the Council's attention that a photograph has appeared on Facebook connected with the business and a caption reading "Meet our Team" showing a photograph of yourself and "Sam" with yourself wearing the Council's Mayoral chains. You will appreciate that the use of such a photograph in the given context gives the impression that the Council endorses or is connected in some way with your business, which is not the case. Accordingly, I'd request that you cease using immediately this photograph and any others which include the Council's Mayoral Chains of Office in connection with any business conducted by yourself; and for the avoidance of doubt photographs showing the Mayoral Chains of Office are only to be used in private provided that there is no risk of bringing the Council and your Office as a Councillor into disrepute. Please confirm when you have taken the appropriate action.

You'll be mindful of the provisions of the Council's Members' Code of Conduct and in particular paragraph 18.2.6 which provides as follows:

"You must:

- (a) Not conduct yourself in a manner which could reasonably be regarded as bringing your office or authority into disrepute".

As you'll appreciate paragraph 18.2.6 applies at all times in any capacity in respect of conduct by a Councillor.

I'd suggest that you reflect on the above and seriously consider discontinuing trading until you are in receipt of an appropriate planning permission for a change of use for A3 purposes (if at all).

Should you continue to trade without the appropriate change of use planning permission in place I will be obliged to consider referring this matter to the Public Services Ombudsman for Wales as a complaint of a potential breach of the Council's Members' Code of Conduct.

Please note that I am sharing a copy of this email with your Group Leader for his consideration and action as he deems appropriate.

Please advise me by 12:00noon on 20 June of your intended course of action.

\* This is dependent upon the legal makeup of the business in question.

Regards,

Debbie Marles  
Monitoring Officer/Head of Legal and Democratic Services / Pennaeth Gwasanaethau Cyfreithiol  
Director's Office - Resources / Swyddfa'r Cyfarwyddwr - Adnoddau  
Vale of Glamorgan Council / Cyngor Bro Morgannwg  
tel / ffôn: 01446 709402  
e-mail / e-bost: [DMarles@valeofglamorgan.gov.uk](mailto:DMarles@valeofglamorgan.gov.uk)

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Ystyriwch yr amgylchedd. Peidiwch ag argraffu'r neges hon oni bai fod gwir angen.*

Visit our Website at [www.valeofglamorgan.gov.uk](http://www.valeofglamorgan.gov.uk)  
Ewch i'n gwefan yn [www.bromorgannwg.gov.uk](http://www.bromorgannwg.gov.uk)

Find us on Facebook / Cewch ddod o hyd i ni ar Facebook  
Follow us on Twitter / Dilynwch ni ar Twitter

Correspondence is welcomed in Welsh or English / Croesewir Gohebiaeth yn y Gymraeg neu yn Saesneg.

**SLR Hospitality CYF**



**Wednesday 19<sup>th</sup> June 2019**

**RE: Resigning as a Director of the company**

Dear Mr Lewis,

I'm writing to you this evening to inform you that I'm resigning as a company director of the above company. The reason for this is that the Watering Hole opened up without planning and put myself as a councillor in a difficult situation. And as you would be aware Councillors must stick to the code of conduct. I did not agree the opening date and therefore I feel I need to resign, I will seek advice in relation to the planning application on the withdrawal of it or whether it can the name can be changed. I will update you tomorrow.

I will be sending a copy of this letter to the Monitoring officer of the council and the leader of the Conservative Group. In addition I will keep her updated in relation to the planning application.

I will not be re-joining the company in the future.

As a legal obligation the company as in yourself as you're the remaining director you need to fill out TM01 to end to Companies House. This must be done tomorrow.

Kindest Regards

LEIGHTON ROWLANDS

Leighton Rowlands

## Companies House

Companies House does not verify the accuracy of the information filed

(<http://resources.companieshouse.gov.uk/serviceInformation.shtml#complInfo>)

Search for companies or officers

# SLR HOSPITALITY CYF

Company number **11903657**

| Date        | Type   | Description  | View / Download |
|-------------|--------|--|-----------------|
| 04 Aug 2019 | TM01   | <b>Termination of appointment</b> of Samuel Joesph Wayne Lewis as a director on 1 August 2019  | (1 page)        |
| 04 Aug 2019 | PSC07  | <b>Cessation</b> of Samuel Joesph Wayne Lewis as a person with significant control on 1 August 2019                                      | (1 page)        |
| 09 Jul 2019 | CS01   | <b>Confirmation statement</b> made on 9 July 2019 with updates   | (4 pages)       |
| 02 Jul 2019 | TM01   | <b>Termination of appointment</b> of Leighton Owen Rowlands as a director on 19 June 2019  | (1 page)        |
| 02 Jul 2019 | AD01   | <b>Registered office address changed</b> from [REDACTED] [REDACTED] to The Watering Hole St. Nicholas Road Barry CF62 6QW on 2 July 2019 | (1 page)        |
| 02 Jul 2019 | PSC07  | <b>Cessation</b> of Leighton Owen Rowlands as a person with significant control on 19 June 2019  | (1 page)        |
| 25 Mar 2019 | NEWINC | <b>Incorporation</b><br>Statement of capital on 2019-03-25   | (13 pages)      |
|             |        | <ul style="list-style-type: none"> <li>• GBP 2</li> <li>• MODEL ARTICLES - <b>Model articles adopted</b></li> </ul>                      |                 |

Tell us what you think of this service(link opens a new window) (<https://www.research.net/r/S78XJMV>) Is there anything wrong with this page?(link opens a new window)

(<https://beta.companieshouse.gov.uk/help/feedback?sourceurl=https://beta.companieshouse.gov.uk/company/11903657/filing-history>)



Companies House

**TM01 (ef)**

**Termination of a Director Appointment**

Company Name: **SLR HOSPITALITY CYF**  
Company Number: **11903657**



X8B4EVLV

Received for filing in Electronic Format on the: **04/08/2019**

**Termination Details**

Date of termination: **01/08/2019**

Name: **MR SAMUEL JOESPH WAYNE LEWIS**

**Authorisation**

Authenticated

This form was authorised by one of the following:

Director, Secretary, Person Authorised, Liquidator, Administrator, Administrative Receiver, Receiver, Receiver manager, Charity Commission Receiver and Manager, CIC Manager, Judicial Factor.



Companies House

PSC07 (ef)

Notice of ceasing to be a person  
with significant control (PSC)

Company Name: **SLR HOSPITALITY CYF**  
Company Number: **11903657**



X8B4EVM3

Received for filing in Electronic Format on the: **04/08/2019**

Cessation Details

Date ceased: **01/08/2019**

Name: **SAMUEL LEWIS**

Register entry date

Register entry date **04/08/2019**

Authorisation

Authenticated

This form was authorised by one of the following:

Director, Secretary, Person Authorised, Liquidator, Administrator, Administrative Receiver,  
Receiver, Receiver manager, Charity Commission Receiver and Manager, CIC Manager, Judicial  
Factor.



Companies House

**CS01 (ef)**

**Confirmation Statement**

Company Name: **SLR HOSPITALITY CYF**

Company Number: **11903657**



X89CXMXA

Received for filing in Electronic Format on the: **09/07/2019**

Company Name: **SLR HOSPITALITY CYF**

Company Number: **11903657**

Confirmation **09/07/2019**

Statement date:

## **Statement of Capital (Share Capital)**

---

|                         |                 |                                 |          |
|-------------------------|-----------------|---------------------------------|----------|
| <b>Class of Shares:</b> | <b>ORDINARY</b> | <b>Number allotted</b>          | <b>1</b> |
| <b>Currency:</b>        | <b>GBP</b>      | <b>Aggregate nominal value:</b> | <b>1</b> |

Prescribed particulars

**FULL RIGHTS REGARDING VOTING, PAYMENT OF DIVIDENDS AND DISTRIBUTIONS**

---

## **Statement of Capital (Totals)**

---

|                  |            |                                       |          |
|------------------|------------|---------------------------------------|----------|
| <b>Currency:</b> | <b>GBP</b> | <b>Total number of shares:</b>        | <b>1</b> |
|                  |            | <b>Total aggregate nominal value:</b> | <b>1</b> |
|                  |            | <b>Total aggregate amount unpaid:</b> | <b>0</b> |

## **Confirmation Statement**

I confirm that all information required to be delivered by the company to the registrar in relation to the confirmation period concerned either has been delivered or is being delivered at the same time as the confirmation statement

## **Authorisation**

**Authenticated**

This form was authorised by one of the following:

Director, Secretary, Person Authorised, Charity Commission Receiver and Manager, CIC Manager,  
Judicial Factor



Companies House

**TM01 (ef)**

**Termination of a Director Appointment**

Company Name: **SLR HOSPITALITY CYF**

Company Number: **11903657**



X88UHP96

Received for filing in Electronic Format on the: **02/07/2019**

**Termination Details**

Date of termination: **19/06/2019**

Name: **MR LEIGHTON OWEN ROWLANDS**

**Authorisation**

Authenticated

This form was authorised by one of the following:

Director, Secretary, Person Authorised, Liquidator, Administrator, Administrative Receiver, Receiver, Receiver manager, Charity Commission Receiver and Manager, CIC Manager, Judicial Factor.



Companies House

**AD01 (ef)**

**Change of Registered Office Address**

Company Name: **SLR HOSPITALITY CYF**  
Company Number: **11903657**



X88UH3U0

Received for filing in Electronic Format on the: **02/07/2019**

**New Address Details**

New Address: **THE WATERING HOLE ST. NICHOLAS ROAD  
BARRY  
WALES  
CF62 6QW**

**Please Note:**

The change in the Registered Office does not take effect until the Registrar has registered this form. For 14 days, beginning with the date that a change of Registered Office is registered, a person may validly serve any documentation on the company at its previous Registered Office.

**Authorisation**

Authenticated

This form was authorised by one of the following:

Director, Secretary, Person Authorised, Liquidator, Administrator, Administrative Receiver, Receiver, Receiver Manager, Charity Commission Receiver and Manager, CIC Manager, Judicial Factor.



Companies House

PSC07 (ef)

Notice of ceasing to be a person  
with significant control (PSC)

Company Name: **SLR HOSPITALITY CYF**

Company Number: **11903657**



X88UH35F

Received for filing in Electronic Format on the: **02/07/2019**

**Cessation Details**

Date ceased: **19/06/2019**

Name: **LEIGHTON ROWLANDS**

**Register entry date**

Register entry date **02/07/2019**

**Authorisation**

Authenticated

This form was authorised by one of the following:

Director, Secretary, Person Authorised, Liquidator, Administrator, Administrative Receiver, Receiver, Receiver manager, Charity Commission Receiver and Manager, CIC Manager, Judicial Factor.

# FILE COPY



## CERTIFICATE OF INCORPORATION OF A PRIVATE LIMITED COMPANY

Company Number 11903657

The Registrar of Companies for England and Wales, hereby certifies that

**SLR HOSPITALITY CYF**

is this day incorporated under the Companies Act 2006 as a private company, that the company is limited by shares, and the situation of its registered office is in Wales

Given at Companies House, Cardiff, on 25th March 2019



\* N11903657J \*



**Companies House**



THE OFFICIAL SEAL OF THE  
REGISTRAR OF COMPANIES

The above information was communicated by electronic means and authenticated  
by the Registrar of Companies under section 1115 of the Companies Act 2006



Companies House

**IN01**(ef)

**Application to register a company**



X81X6796

Received for filing in Electronic Format on the: 24/03/2019

*Company Name in full:* **SLR HOSPITALITY CYF**

*Company Type:* **Private company limited by shares**

*Situation of Registered Office:* **Wales**

*Proposed Registered Office Address:* 

*Sic Codes:* **56302**  
**56101**

*I wish to entirely adopt the following model articles:*

**Private (Ltd by Shares)**

## *Proposed Officers*

---

### *Company Director 1*

*Type:* Person  
*Full Forename(s):* MR SAMUEL JOESPH WAYNE  
*Surname:* LEWIS  
*Former Names:*  
*Service Address:* recorded as Company's registered office  
*Country/State Usually Resident:* WALES

*Date of Birth:* \*\*/09/1997      *Nationality:* WELSH  
*Occupation:* [REDACTED]

*The subscribers confirm that the person named has consented to act as a director.*

**Company Director 2**

**Type:** Person

**Full Forename(s):** MR LEIGHTON OWEN

**Surname:** ROWLANDS

**Former Names:**

**Service Address:** [REDACTED]

**Country/State Usually** WALES

**Resident:**

**Date of Birth:** \*\*/08/1989      **Nationality:** WELSH

**Occupation:** COUNCILLOR

*The subscribers confirm that the person named has consented to act as a director.*

## ***Statement of Capital (Share Capital)***

---

|                               |                 |                                 |          |
|-------------------------------|-----------------|---------------------------------|----------|
| <i>Class of Shares:</i>       | <b>ORDINARY</b> | <i>Number allotted</i>          | <b>2</b> |
| <i>Currency:</i>              | <b>GBP</b>      | <i>Aggregate nominal value:</i> | <b>2</b> |
| <i>Prescribed particulars</i> |                 |                                 |          |

### **FULL RIGHTS REGARDING VOTING, PAYMENT OF DIVIDENDS AND DISTRIBUTIONS**

---

#### **Statement of Capital (Totals)**

---

|                  |            |                                       |          |
|------------------|------------|---------------------------------------|----------|
| <i>Currency:</i> | <b>GBP</b> | <i>Total number of shares:</i>        | <b>2</b> |
|                  |            | <i>Total aggregate nominal value:</i> | <b>2</b> |
|                  |            | <i>Total aggregate unpaid:</i>        | <b>0</b> |

## ***Initial Shareholdings***

---

**Name:** **SAMUEL LEWIS**

**Address**



**Class of Shares:** **ORDINARY**

*Number of shares:* **1**  
*Currency:* **GBP**  
*Nominal value of each share:* **1**  
*Amount unpaid:* **0**  
*Amount paid:* **1**

**Name:** **LEIGHTON ROWLANDS**

**Address**



**Class of Shares:** **ORDINARY**

*Number of shares:* **1**  
*Currency:* **GBP**  
*Nominal value of each share:* **1**  
*Amount unpaid:* **0**  
*Amount paid:* **1**

## ***Persons with Significant Control (PSC)***

---

---

### **Statement of initial significant control**

---

**On incorporation, there will be someone who will count as a Person with Significant Control (either a registerable person or relevant legal entity (RLE)) in relation to the company**

---

## ***Individual Person with Significant Control details***

---

**Names:** **MR SAMUEL JOESPH WAYNE LEWIS**

**Country/State Usually Resident:** **WALES**

**Date of Birth:** [REDACTED] **Nationality:** **WELSH**

*Service address recorded as Company's registered office*

*The subscribers confirm that each person named as an individual PSC in this application knows that their particulars are being supplied as part of this application.*



|                                 |  |
|---------------------------------|--|
| <b><i>Nature of control</i></b> | <b>The person holds, directly or indirectly, more than 25% but not more than 50 % of the voting rights in the company.</b>         |
| <b><i>Nature of control</i></b> | <b>The person holds, directly or indirectly, more than 25% but not more than 50 % of the shares in the company.</b>                |
| <b><i>Nature of control</i></b> | <b>The person has the right, directly or indirectly, to appoint or remove a majority of the board of directors of the company.</b> |

## ***Individual Person with Significant Control details***

---

**Names:** **MR LEIGHTON OWEN ROWLANDS**

**Country/State Usually Resident:** **WALES**

**Date of Birth:** [REDACTED] **Nationality:** **WELSH**

**Service Address:** [REDACTED]

*The subscribers confirm that each person named as an individual PSC in this application knows that their particulars are being supplied as part of this application.*

|                                 |  |
|---------------------------------|--|
| <b><i>Nature of control</i></b> | <b>The person holds, directly or indirectly, more than 25% but not more than 50% of the voting rights in the company.</b>          |
| <b><i>Nature of control</i></b> | <b>The person holds, directly or indirectly, more than 25% but not more than 50% of the shares in the company.</b>                 |
| <b><i>Nature of control</i></b> | <b>The person has the right, directly or indirectly, to appoint or remove a majority of the board of directors of the company.</b> |

## **Statement of Compliance**

---

*I confirm the requirements of the Companies Act 2006 as to registration have been complied with.*

Name: **SAMUEL LEWIS**

Authenticated **YES**

Name: **LEIGHTON ROWLANDS**

Authenticated **YES**

---

## **Authorisation**

Authoriser Designation: **subscriber**

Authenticated **YES**

---



# **COMPANY HAVING A SHARE CAPITAL**

## **Memorandum of association of**

### **SLR HOSPITALITY CYF**

Each subscriber to this memorandum of association wishes to form a company under the Companies Act 2006 and agrees to become a member of the company and to take at least one share.

| Name of each subscriber | Authentication               |
|-------------------------|------------------------------|
| Samuel Lewis            | Authenticated Electronically |
| Leighton Rowlands       | Authenticated Electronically |

Dated: 24/03/2019

## EXHIBIT DM10

**From:** Rowlands, Leighton O (Cllr)  
**Sent:** 25 June 2019 11:01  
**To:** Marles, Debbie; [REDACTED]  
**Subject:** Re: FW: The Watering Hole

Good morning Debbie

I'm confused why you have referred it to the ombudsmen.

I would like to come and see you as soon as possible as this has deeply upset after the actions I have taken

Regards  
Leighton

Sent via Vale of Glamorgan Council corporate mobile email/ Wedi'i anfon o MDM corfforaethol Cyngor  
Bro Morgannwg Correspondence is welcomed in Welsh or English / Croesawir Gohebiaeth yn y Gymraeg  
neu yn Saesneg.

----- Original Message -----

Subject: FW: The Watering Hole  
From: "Marles, Debbie" <DMarles@valeofglamorgan.gov.uk>  
Date: 25 Jun 2019, 10:07  
To: "Rowlands, Leighton O (Cllr)" <lorowlands@valeofglamorgan.gov.uk> [REDACTED]

Dear Councillor Rowlands,

As a matter of courtesy, I write to advise that further to my below email and the continued trading of business at the Watering Hole I will be referring my concerns to the Public Services Ombudsman for Wales for consideration.

The Ombudsman's Office will contact you in due course to advise whether he is minded to investigate the concerns.

As with my below email, I am sharing a copy of this email with your Group Leader for his consideration and action as he deems appropriate. Should you require additional support and counselling I'd remind you of the services of Care First which are available for you to access, and I'd remind you of their contact details which are as follows:

<https://staffnet.valeofglamorgan.gov.uk/Staff-Central/News-and-Information/2017/August-2017/Care-First-the-Councils-commitment-to-providing-a-positive-safe-and-supportive-environment.aspx>

Regards,

Debbie Marles  
Monitoring Officer/Head of Legal and Democratic Services / Pennaeth Gwasanaethau Cyfreithiol  
Director's Office - Resources / Swyddfa'r Cyfarwyddwr - Adnoddau  
Vale of Glamorgan Council / Cyngor Bro Morgannwg  
tel / ffôn: 01446 709402  
e-mail / e-bost: [DMarles@valeofglamorgan.gov.uk](mailto:DMarles@valeofglamorgan.gov.uk)

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Visit our Website at [www.valeofglamorgan.gov.uk](http://www.valeofglamorgan.gov.uk)

Ewch i'n gwefan yn [www.bromorgannwg.gov.uk](http://www.bromorgannwg.gov.uk)

Find us on Facebook / Cewch ddod o hyd i ni ar Facebook

Follow us on Twitter / Dilynwch ni ar Twitter

Correspondence is welcomed in Welsh or English / Croesewir Gohebiaeth yn y Gymraeg neu yn Saesneg.

**From:** Marles, Debbie

**Sent:** 18 June 2019 4:33 PM

**To:** Rowlands, Leighton O (Cllr) <[lorowlands@valeofglamorgan.gov.uk](mailto:lorowlands@valeofglamorgan.gov.uk)>

**Cc:** [REDACTED]

**Subject:** The Watering Hole

Dear Councillor Rowlands,

I write with regards to the above business which I'm advised commenced trading on Friday 14 June 2014.

As you have previously mentioned to me, I note that you are one of the owners \* and I'm also aware that you applied prior to 14 June 2019 for planning permission for change of use of the premises at St Nicholas Road, Barry which had a previous use as an off licence and you have sought planning permission to change that use to a coffee shop during the day and a wine bar during the evening (i.e. from A1 (Retail) to A3(Food and Drink)). Despite your planning application having yet to be considered by Planning Committee, I note that you have commenced trading without planning permission and therefore you are in breach of planning regulations. Consequently the Council will consider the appropriate action to take.



I understand that planning colleagues have concerns about the effects the nature of the business will have on residents in a mainly residential area and accordingly the case officer has asked for further information regarding sound installation; however to date this has yet to be provided. Consequently your planning application will be considered and determined at the earliest by Planning Committee on 31 July 2019.

The Council has received a press inquiry from the Barry and District News and has issued the following response:

"We have received public complaints on this subject so will be investigating the matter.

This business has opened without planning permission so is in breach of planning regulations. The Council will now consider appropriate action to take and the identity of the business owners will have absolutely no bearing on this.



It is possible to have planning permission granted retrospectively, but a business can face serious consequences if it begins operating and such consent is not forthcoming. These include an enforcement notice requiring the use to cease, which if ignored could lead to prosecution.

The Council is still considering the planning application, which will be decided by planning committee in the near future, and has not authorised the use of a picture of Cllr Rowlands wearing Mayoral chains."

Given that you are a Vale of Glamorgan Councillor which is the relevant Local Planning Authority and also a Member of the Council's Planning Committee, I'm extremely concerned that your above actions show a disregard to the Council's process, and the legal framework within which the Council functions, and further that your actions may lead to possible enforcement action.

It has also been brought to the Council's attention that a photograph has appeared on Facebook connected with the business and a caption reading "Meet our Team" showing a photograph of yourself and "Sam" with yourself wearing the Council's Mayoral chains. You will appreciate that the use of such a photograph in the given context gives the impression that the Council endorses or is connected in some way with your business, which is not the case. Accordingly, I'd request that you cease using immediately this photograph and any others which include the Council's Mayoral Chains of Office in connection with any business conducted by yourself; and for the avoidance of doubt photographs showing the Mayoral Chains of Office are only to be used in private provided that there is no risk

of bringing the Council and your Office as a Councillor into disrepute. Please confirm when you have taken the appropriate action.

You'll be mindful of the provisions of the Council's Members' Code of Conduct and in particular paragraph 18.2.6 which provides as follows:

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As you'll appreciate paragraph 18.2.6 applies at all times in any capacity in respect of conduct by a Councillor.

I'd suggest that you reflect on the above and seriously consider discontinuing trading until you are in receipt of an appropriate planning permission for a change of use for A3 purposes (if at all).

Should you continue to trade without the appropriate change of use planning permission in place I will be obliged to consider referring this matter to the Public Services Ombudsman for Wales as a complaint of a potential breach of the Council's Members' Code of Conduct.

Please note that I am sharing a copy of this email with your Group Leader for his consideration and action as he deems appropriate.

Please advise me by 12:00noon on 20 June of your intended course of action.

\* This is dependent upon the legal makeup of the business in question.

Regards,

Debbie Marles  
Monitoring Officer/Head of Legal and Democratic Services / Pennaeth Gwasanaethau Cyfreithiol  
Director's Office - Resources / Swyddfa'r Cyfarwyddwr - Adnoddau  
Vale of Glamorgan Council / Cyngor Bro Morgannwg  
tel / ffôn: 01446 709402  
e-mail / e-bost: [DMarles@valeofglamorgan.gov.uk](mailto:DMarles@valeofglamorgan.gov.uk)

*Consider the environment. Please don't print this e-mail unless you really need to.  
Ystyriwch yr amgylchedd. Peidiwch ag argraffu'r neges hon oni bai fod gwir angen.*

Visit our Website at [www.valeofglamorgan.gov.uk](http://www.valeofglamorgan.gov.uk)  
Ewch i'n gwefan yn [www.bromorgannwg.gov.uk](http://www.bromorgannwg.gov.uk)

Find us on Facebook / Cewch ddod o hyd i ni ar Facebook  
Follow us on Twitter / Dilynwch ni ar Twitter

Correspondence is welcomed in Welsh or English / Croesewir Gohebiaeth yn y Gymraeg neu yn Saesneg.

**EXHIBIT DM11**

**Meeting Attendance Note**

**DM/Cllr L Rowlands (LR)**

**26 June 2019**

- DM returned LR's call.
- LR advised quite upset with DM's 25 June email after he had done what DM had asked – having resigned as Director and removed name from the Planning and Building Regulation Applications.
- DM referred to her earlier email and meeting when she had suggested in the given circumstances (particularly his role on Planning Committee and that he was a Member of the Council) that the business ceased trading; and that this had not occurred. It was LR's decision to resign as Director and remove his name from the Applications.
- LR advised that he had tried to convince Sam to cease trading but it had no effect; he had explained that the only person effected was himself and that he was trying not to get upset.
- LR requested DM in the strongest terms to set out in an email the steps that may arise if the matter was referred to the Ombudsman so that he could share it with Sam.
- LR advised that he was still trying to tell Sam to close.
- [REDACTED]
- [REDACTED]

**DM**

Change of Interest - July 2019  
RMI2

VALE of GLAMORGAN



## MEMBERS' CODE OF CONDUCT

## REGISTER OF MEMBERS' INTERESTS

### Notification of any Changes to Registered, Financial and Other Interests

The law, and the Council's Code of Conduct, require you to declare personal interests. Some personal interests have to be recorded by you in the statutory public register, and have to be updated by you within 28 days of any change. (There is an exemption from having to declare 'sensitive information', the Monitoring Officer can advise you about this)

Please provide details of changes to your interests that the Members' Code of Conduct requires you to register in the spaces provided below. Please state 'None' in the spaces where no changes have taken place. Please remember that you still have to declare at a meeting any relevant interests (including those in this Register) where they relate to matters under consideration at a meeting – please see the Council's Code of Conduct for guidance.

I,.....Leighton Rowlands.....of (address)

... [REDACTED] .....

a Member of the Vale of Glamorgan Council ('the Authority') GIVE NOTICE that I have the following changes to my interests registered by you:

**SECTION 1: FINANCIAL INTERESTS**

(a) Give details of any employment or business carried on by you.

I was a former Director of SLR Hospitality CFY from March 2019 – 19 June 2019. I currently have shares within the Company

Councillor for the Vale of Glamorgan Council & Barry Town Council

(b) State the name of the person who employs or has appointed you, the name of any firm in which you are a partner, and/or the name of any company for which you are a remunerated Director.

I was a former Director of SLR Hospitality CFY from March 2019 – 19 June 2019. No remuneration

(c) State the name of any person, (other than a county council, county borough council, community council, fire authority or National Park authority), who has made a payment to you either in respect of your election or any other expenses incurred by you in carrying out your duties as a Member.

Vale of Glamorgan Conservatives & Conservative Party in Wales

(d) State the name of any corporate body which has a place of business or land in the Council's area,

(i) in which you hold a position of general control or management and / or

(ii) in which you have a beneficial interest in a class of securities of that body that exceeds a nominal value of £25,000 or one hundredth of the total issued share capital of that body.

N/A

(e) Describe any contract for goods, services or works made between the Council and yourself or a firm in which you are a partner, a company of which you are a remunerated Director, or a body of the description specified in paragraph (d) above.

N/A

(f) Give the address or other description (sufficient to identify the location) of any land in which you have a beneficial interest\* and which is in the area of the Council.

SLR Hospitality is currently at 6 St Nicholas Road, Barry CF62 6QW  
(Legal paper has not be executed)

\* This means being the owner, landlord or tenant of land or property (including your home), other than under a trust.

(g) Give the address or other description (sufficient to identify the location) of any land where the landlord is the Council and the tenant is a firm in which you are a partner, a company of which you are a remunerated Director, or a body of the description specified in paragraph (d) above.

SLR Hospitality is currently at 6 St Nicholas Road, Barry, cf62 6qw  
(Legal paper has not be executed) & No remunerations has been received

(h) Give the address or other description (sufficient to identify the location) of any land in the Council's area in which you have a licence (whether alone or jointly with others) to occupy for 28 days or longer.

6 St Nicholas Road, Barry, CF62 6QW

## SECTION 2: OTHER INTERESTS

State whether you are a member of, or hold a position of general control or management in any:

(a) body to which you were appointed or nominated by the Council as its representative.

South Glamorgan Health Council

**Standing Advisory Council on Religious Education**

**(b) public authority or body exercising functions of a public nature**

Trustee of Vale Youth Forum

**(c) company, industrial and provident society, charity or body directed to charitable purposes**

Patron of the Vale of Glamorgan Agricultural society

Trustee of the Vale Youth Forum

Hon President of the Vale of Glamorgan Brass Band

President of the Vale Referee society

Member of the Barry Male Voice Choir

**(d) body whose principal purposes includes the influence of public opinion or policy**

**(e) Trade Union or professional association**

**(f) private club, society or association operating within the Authority area.**

Vale of Glamorgan Conservative Party  
Conservative Way Forward

**DECLARATION**

**I have not omitted information that ought to be given in this notice and  
have not provided information that is materially false or misleading.**

**I agree to give further notice in writing to the Authority's Monitoring  
Officer of any change to the interests specified above within 28 days of  
my becoming aware of it.**

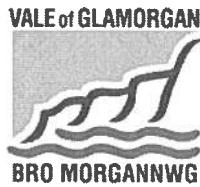
**Signed** L. Rowlands

**Date** 29<sup>th</sup> July, 2019

**RECEIVED**

**Monitoring Officer D. Marles**

**Date** 29<sup>th</sup> July, 2019



## MEMBERS' CODE OF CONDUCT

## REGISTER OF MEMBERS' INTERESTS

### Notification of any Changes to Registered, Financial and Other Interests

The law, and the Council's Code of Conduct, require you to declare personal interests. Some personal interests have to be recorded by you in the statutory public register, and have to be updated by you within 28 days of any change. (There is an exemption from having to declare 'sensitive information', the Monitoring Officer can advise you about this)

*Please provide details of changes to your interests that the Members' Code of Conduct requires you to register in the spaces provided below. Please state 'None' in the spaces where no changes have taken place. Please remember that you still have to declare at a meeting any relevant interests (including those in this Register) where they relate to matters under consideration at a meeting – please see the Council's Code of Conduct for guidance.*

I,...Leighton Rowlands.....of (address)  
[Redacted]

a Member of the Vale of Glamorgan Council ('the Authority') GIVE  
NOTICE that I have the following changes to my interests registered by  
you:

**SECTION 1: FINANCIAL INTERESTS**

(a) Give details of any employment or business carried on by you.

N/A

(b) State the name of the person who employs or has appointed you, the name of any firm in which you are a partner, and/or the name of any company for which you are a remunerated Director.

N/A

(c) State the name of any person, (other than a county council, county borough council, community council, fire authority or National Park authority), who has made a payment to you either in respect of your election or any other expenses incurred by you in carrying out your duties as a Member.

Welsh Conservative Party, Vale of Glamorgan Conservatives, Conservative Councillors Association

(d) State the name of any corporate body which has a place of business or land in the Council's area,

(i) in which you hold a position of general control or management  
**and / or**

(ii) in which you have a beneficial interest in a class of securities of that body that exceeds a nominal value of £25,000 or one hundredth of the total issued share capital of that body.

Deputy Chairman Political of the Vale of Glamorgan Conservatives who rents out an office at 50 Holton Road, Barry, CF63 4HE

- (e) Describe any contract for goods, services or works made between the Council and yourself or a firm in which you are a partner, a company of which you are a remunerated Director, or a body of the description specified in paragraph (d) above.

N/A

- (f) Give the address or other description (sufficient to identify the location) of any land in which you have a beneficial interest\* and which is in the area of the Council.

50 Holton Road, Barry, CF63 4HE (Vale Conservatives are a tenant)

\* This means being the owner, landlord or tenant of land or property (including your home), other than under a trust.

- (g) Give the address or other description (sufficient to identify the location) of any land where the landlord is the Council and the tenant is a firm in which you are a partner, a company of which you are a remunerated Director, or a body of the description specified in paragraph (d) above.

N/A

- (h) Give the address or other description (sufficient to identify the location) of any land in the Council's area in which you have a licence (whether alone or jointly with others) to occupy for 28 days or longer.

N/A

## **SECTION 2: OTHER INTERESTS**

**State whether you are a member of, or hold a position of general control or management in any:**

- (a) body to which you were appointed or nominated by the Council as its representative.

South Glamorgan CHC  
Standing Advisory Council on Religious Education (SACRE)

|   |
|---|
| (b) public authority or body exercising functions of a public nature  |
| (c) company, industrial and provident society, charity or body directed to charitable purposes<br><br>Member of Barry Male Voice Choir<br>Patron of the Vale Agricultural Society |
| (d) body whose principal purposes includes the influence of public opinion or policy  |
| (e) Trade Union or professional association   |
| (f) private club, society or association operating within the Authority area.<br><br>Vale of Glamorgan Conservative Party<br>Conservative Way Forward                             |

**DECLARATION**

**I have not omitted information that ought to be given in this notice and  
have not provided information that is materially false or misleading.**

**I agree to give further notice in writing to the Authority's Monitoring  
Officer of any change to the interests specified above within 28 days of  
my becoming aware of it.**

**Signed                            L. Rowlands**

**Date 11.03.2020**

**RECEIVED**

**Monitoring Officer**

**Date**

## PLANNING COMMITTEE

Extract from  
Minutes of  
Planning  
Committee -

31.7.19

Minutes of a meeting held on 31<sup>st</sup> July, 2019.

Present: Councillor J.C. Bird (Chairman); Councillor B.T. Gray (Vice-Chairman); Councillors L. Burnett, Mrs. C.A. Cave, Mrs. P. Drake, V.P. Driscoll, S.T. Edwards, N.P. Hodges, Dr. I.J. Johnson, G.C. Kemp, P.G. King, A.C. Parker, L.O. Rowlands, N.C. Thomas, Mrs. M.R. Wilkinson and E. Williams.

Also present: Councillor M.J.G. Morgan.

| Name of Speaker   | Planning Application No. and Location                               | Reason for Speaking                                 |
|-------------------|---|---|
| Mr. W. Stonehouse | 2018/01155/FUL - Tregolan House, Bradford Place, Penarth            | Objector to the application or their representative |
| Mr. L. Jones      | 2018/01155/FUL - Tregolan House, Bradford Place, Penarth            | The applicant or their representative               |
| Mr. J. Lawrence   | 2018/01383/FUL - St. Pauls Church and Hall, St. Pauls Avenue, Barry | Objector to the application or their representative |
| Mrs. M. Bennett   | 2018/01383/FUL - St. Pauls Church and Hall, St. Pauls Avenue, Barry | Objector to the application or their representative |
| Mr. S. Harries    | 2018/01383/FUL - St. Pauls Church and Hall, St. Pauls Avenue, Barry | The applicant or their representative               |
| Mrs. R. Taylor    | 2019/00385/FUL - 16 Tair Onen, Welsh Donats                         | The applicant or their representative               |
| Mr. G. Hooper     | 2019/00435/RG3 - Whitmore High School, Port Road West, Barry        | The applicant or their representative               |
| Mr. G. Sutton     | 2019/00520/TPO - Site of Existing Waitrose, Palmerston Road, Barry  | The applicant or their representative               |

Councillor M.J.G. Morgan spoke on the following application in his capacity as local Ward Member, 2019/00385/FUL - 16 Tair Onen, Welsh St. Donats.

## ANNOUNCEMENT -

Prior to the commencement of the business of the Committee, the Chairman read the following statement:

"May I remind everyone present that the meeting will be broadcast live via the internet and a recording archived for future viewing."

No.

**MINUTES -**

**RESOLVED - T H A T** the minutes of the meeting held on 26<sup>th</sup> June, 2019 be approved as a correct record subject to an acknowledgement that the fourth ~~public~~ speaker at the meeting was a Mr. C. Pike and not Hike as set out in the minutes.

**DECLARATIONS OF INTEREST -**

Councillor L. Burnett declared an interest in respect of Application No. 2019/00435/RG3 - Whitmore High School, Port Road West, Barry. The nature of the interest was that it could be argued that as Cabinet Member for Education it may be viewed that Councillor Burnett was biased in favour of the application. Therefore, following advice from the Council's Monitoring Officer, Councillor Burnett withdrew from the meeting when the item was considered.

Councillor Mrs. C.A. Cave declared an interest in relation to Application No. 2019/00548/FUL - 4 Old Hall, High Street, Cowbridge. The nature of the interest was that Councillor Cave was the applicant for the application. Councillor Cave withdrew from the meeting when the item was considered.

Councillor Dr. I.J. Johnson declared an interest in respect of Application No. 2019/00435/RG3 - Whitmore High School, Port Road West, Barry. The nature of the interest was that Councillor Dr. Johnson was an LEA Governor of the school with an exemption under the Council's Code of Conduct.

Councillor G.C. Kemp declared an interest in respect of Application No. 2019/00439/FUL - 6 St. Nicholas Road, Barry. The nature of the interest was that Councillor Kemp had recently developed a professional interest in the application. Councillor Kemp withdrew from the meeting whilst the item was being considered.

Councillor A.C. Parker declared an interest in respect of Application No. 2019/00385/FUL - 16 Tair Onen, Welsh St. Donats. The nature of the interest was that Councillor Parker was the agent for the applicant. Councillor Parker withdrew from the meeting whilst the item was being considered.

Councillor L.O. Rowlands declared an interest in respect of Application No. 2019/00439/FUL - 6 St. Nicholas Road, Barry. Councillor Rowlands declared a personal and prejudicial interest as the former Director of SLR Hospitality with shares in the company and an interest in the land at St. Nicholas Road. Councillor Rowlands withdrew from the meeting whilst the item was being considered.

**SITE INSPECTIONS (MD)-**

**RESOLVED - T H A T** the attendance of the following Councillors at the site visits indicated below on 26<sup>th</sup> June, 2019 be noted:

No.

2019/00439/FUL

(165)

Received on 25 June 2019

**APPLICANT:** Mr. Samuel Lewis SLR Hospitality, 6, St. Nicholas Road, Barry, Vale of Glamorgan, CF62 6QW

**AGENT:** Mr. Samuel Lewis SLR Hospitality, 6, St. Nicholas Road, Barry, Vale of Glamorgan, CF62 6QW

**6, St. Nicholas Road, Barry**

Change of use of the property from A1 (Retail) to A3 (Food and Drink) to setup as a coffee shop during the day and a wine bar during the evening

**RESOLVED** -

- (1) T H A T planning permission for the retention of the change of use be refused.
- (2) T H A T the Head of Legal Services be authorised to serve an Enforcement Notice under Section 172 of the Town and Country Planning Act 1990 (as amended) to require:
  - (i) The cessation of the unauthorised use of the building as a coffee shop and wine bar.
- (3) T H A T in the event of non-compliance with the Notice, authorisation is also sought to take such legal proceedings as may be required.

**REFUSED**

1. Having regard to the Policies MD2 – Design of New Development, MD5 – Development within Settlement Boundaries and ENV7 – Environmental Protection of the Vale of Glamorgan Local Development Plan 2011-2026, as well as the advice and guidance set out in Planning Policy Wales (10th Edition) and Technical Advice Note 11 – Noise, the change of use would result in unacceptable levels of noise and disturbance from the playing of music, flow of patrons and other comings and goings, that would adversely affect the amenity of neighbouring occupiers at unsociable hours.

No.

Reasons for decision

The decision to recommend refusal of planning permission has been taken in accordance with Section 38 of The Planning and Compulsory Purchase Act 2004, which requires that, in determining a planning application the determination must be in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan for the area comprises the Vale of Glamorgan Adopted Local Development Plan 2011-2026.

It is considered that the decision complies with the Council's well-being objectives and the sustainable development principle in accordance with the requirements of the Well-being of Future Generations (Wales) Act 2015.

# **Appendix 29**

## TRANSCRIPT

**FOR:** Ombudsman for Wales

**PN No:** 7689

**TITLE:** Transcript LM 201902891

**TYPE:** Interview

**CONVENTION:** Verbatim

**AUDIO LENGTH:** 110 minutes

**TRANSCRIBER:** EST/DW1

**AT:** ESSENTIAL SECRETARY LTD

**COMPLETION DATE:** 02.09.2020

**TRANSCRIBER'S NOTES:**

*Any difficulties experienced, accents and general comments*

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|                          |      |                      |     |
|--------------------------|------|----------------------|-----|
| NUMBER OF UNCLEARs       | 3    | NUMBER OF INAUDIBLES | 5   |
| SPELL CHECK PERFORMED    | Yes  | PROOFING PERFORMED   | Yes |
| AUDIO QUALITY            | Good |                      |     |
| SPEAKER RELATED ISSUES   | None |                      |     |
| EQUIPMENT RELATED ISSUES | None |                      |     |
| TERMINOLOGY ISSUES       | None |                      |     |
| OTHER COMMENTS           | None |                      |     |

---

Please find attached your completed transcript.

Whilst every effort is made to ensure that the attached transcript is an accurate record of your audio recording, sometimes difficulties are encountered in understanding technical words, people speaking with a foreign accent and in some cases when somebody is speaking from a crowded room with a lot of background noise and from mobile phones.

Where we have had difficulty understanding words we have indicated this as [unclear] with the appropriate time stamp, or simply attempted to spell the word phonetically but followed it with [ph].

Councillors Name:

## Public Services Ombudsman Wales Interview Record

Date: 18/08/20..... Venue:....Telephone interview

Interviewing Officer(s): Louise Morland.....

Interviewee: Councillor Rowlands.....

Others Present: None.....

---

CR: Hello.

LM: Hello, is that Councillor Rowlands?

CR: It is yeah.

LM: Hello Councillor Rowlands, it's Louise Morland from the Ombudsman's Office.

CR: Oh hi.

LM: Hi, um, obviously I'm ringing you today, because we've discussed doing a ... a telephone interview. Um, basically what ... what will happen is I have a little bit of a preamble to go through, um, and then I'll ask you some questions. Um, are you ... are you ... and obviously I understand that you know, you've found this a difficult situation, are you happy to ... to go ahead and do that with me this morning?

CR: Yeah, get it over and done with.

LM: Yeah, yeah okay, I think that's a plan. Well, we've got, you know, we can take as much time as is necessary, um, you know, if you need to have a stop, we can do that. I'll explain some of that in this preamble section anyway. Um, okay, so if you're happy to continue at this stage, I'll ... I'll just go through this, er, and then as I said, we'll get to the questions. If you want to stop and ask me anything at any time, please do, okay.

CR: Yeah.

LM: Okay, so the date is 18 August, 2020, and the time is 10.30. This is an interview in relation to a complaint made by Councillor Neil Moore, against

Case Reference:



# Decisions, Motions and Amendments

May 2017



Senior Lawyer



# Who makes planning decisions?

- Local Planning Authority: delegated or committee
- Welsh Government – Call ins
- Welsh Government – national infrastructure projects
- National Parks
- Appeals – the Planning Inspectorate
- And there is the role of the courts



# Planning decisions 1990 and 2004 Acts

The LPA “may grant planning permission, either unconditionally or subject to such conditions as they think fit, or they may refuse planning permission”.

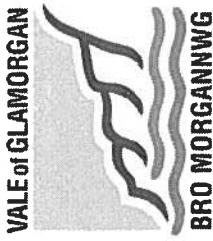
They “shall have regard to the provisions of the development plan, so far as material to the application, and to any other material considerations”.

**Town and Country Planning Act 1990, section 70**



# Decisions

- Must be ones Committee is empowered to take.
- Requirement to give reasons for refusal (for applicant's benefit if appealing)
- By a majority of those present – with option of Chair's casting vote.



## Decision-making: Key points for Committee

- the policies in the development plan
- other relevant policy considerations
- the results of technical consultation
- all other views – if material
- on its own merits, and in its particular context
- come to a view in the light of officer assessment and recommendation, public speakers and the debate



# Overtures/different decisions

- Perfectly acceptable for Councillors come to a decision different to the recommendation
- **PROVIDED THAT** it can be justified on planning grounds, based on the Plan and other material considerations
- Committee must give justified planning reasons for decision - it **can't be left to officers to work out later**
- Reasons must be proposed by the Committee but officers can help phrase and put in the correct language if it is considered that they can be justified.

# Approvals

- A planning authority can grant permission unconditionally, or ‘*subject to such conditions as they see fit*’ (and/or a S106 obligation)
- PPW - use of conditions where can make an otherwise unacceptable development, acceptable
- Courts have determined that certain legal principles must be observed:
  - Planning purposes only
  - Not be unreasonable/ ultra vires



# Planning Conditions

- PPW - a condition must satisfy 6 tests:
  - necessary,
  - relevant to planning
  - relevant to the development permitted
  - enforceable
  - precise; and
  - reasonable in all other respects
- Planning Policy Guidance sets out these tests and key considerations in Circular – 16/14 – (model conditions annex)



# Planning conditions

- ‘Grampian’ (type) conditions:
  - delayed unless a particular event has occurred
- All planning permissions are subject to time limits (usually 5 years) for implementation, beyond which they lapse
- Outline and Reserved matters permissions are different
  - 2 years to submit details (reserved matters); and
  - 3 years to implement.



# Reasons for conditions

- the LPA must “state clearly and precisely their full reasons for each condition imposed, specifying all policies and proposals in the development plan which are relevant to the decision”.
- must be as specific as possible – what does “to safeguard the interests of residential amenity” or “to enable the local planning authority to control the development” actually mean?
- there is a right of appeal against conditions – so explain and justify



# Refusing permission

- are the reasons **lawful** (which includes being generally “reasonable”)?
- could you mount a credible case on appeal? Is there a sufficient “**evidential basis**” for the decision?
- would anyone reading the decision – especially the applicant – readily understand **why** permission has been refused?



# Refusing permission

- are you able to describe the harm that would result if the development went ahead? And why conditions would not be sufficient to mitigate that harm?
- is it clear what the policy support is for the decision?
- have all the other material considerations been given the appropriate weight?



# Motions

- Reports from Planning Officers will have recommendations.
- Committee member ‘proposes’ a motion (normally officer’s recommendation).
- Needs to be seconded (by another member or the meeting)



# Amendments

- After a motion has been seconded then an amendment can be moved.
- Basically proposes a change to a motion
- Sometimes an amendment can be accepted by the proposer (friendly/ altered)
- If amendment is seconded then it is debated ahead of the motion.



# Amendments

- Must be relevant to the original motion.
- Voted upon one at a time, in order they are proposed.
- If lost then debate on original motion continues.
- If carried then the original motion becomes the substantive motion.



# Amendments

- Amendments can:
  - Leave out words
  - Leave out words and insert others
  - Refer any motion, or issue or part of an issue to an appropriate body (If this is moved then no other amendment can be moved).
- Amendments cannot:
  - Amount to a direct negative of a motion or nullify the original motion.



# Running Order of Committee

- The running order will be as follows :
  - At the meeting, the Planning Officer will present the report.
  - Those objecting to the applications will be asked to make their representations. Members of the Committee who wish to ask points of clarification may do so at the end of the allocated period, however, they should not interrupt or otherwise question the speaker(s) in any way.
  - Any Councillors of the Vale of Glamorgan Council not on Planning Committee will then be entitled to address the Committee, subject to a time limit of 3 minutes per Councillor



# Running Order of Committee

- Those supporting the application will then be asked to make their representations. Members of the Committee who wish to ask points of clarification may do so at the end of the allocated period, however, they should not interrupt or otherwise question the speaker(s) in any way.
- The Council's Officers may then comment on the representations made and the merits of the application.
- The Committee will proceed to debate the application and make a decision. The Planning Officer may be asked by the Chairman to address any issues raised during the debate.
- The minutes of the meeting will include the reasons for the decision.



# Public speaking at Planning Committee

- Public, applicants and agents, Community Councillors, and ward Councillors who are not on planning committee can register to speak (applications must be made prior to 5 pm on the Tuesday before committee).
- Each individual speaker will be allowed no more than 3 minutes to address the Committee with a maximum of 6 minutes in total if 2 or more wish to speak.
- A maximum period of 6 minutes will be allowed for those registered to speak for or against an application and if more than two persons register to speak the 6 minutes allocated will be split evenly between those persons.
- Those addressing the Committee will not be allowed to hand out any documentation to Members and there will be no presentations.

# **Appendix 15**

**Case Ref:** 201902891

**Created by** Manon Jones **on** 23/08/2019 14:02:30

**Title:** HOME - link to webcast of Planning Cttee mtg on 27.09.18

**Activity Date:** 23/08/2019

**Body:**

Internal File Note

<https://www.youtube.com/watch?v=ATOFVIOv1rQ> (from 1:31)

## PLANNING COMMITTEE

Minutes of a meeting held on 27<sup>th</sup> September, 2018.

Present: Councillor B.T. Gray (Chairman); Councillor V.P. Driscoll (Vice-Chairman); Councillors J.C. Bird, L. Burnett, Mrs. C.A. Cave, Mrs. P. Drake, N.P. Hodges, Dr. I.J. Johnson, P.G. King, Mrs. R. Nugent-Finn, A.C. Parker, R.A. Penrose, L.O. Rowlands, N.C. Thomas, Mrs. M.R. Wilkinson, E. Williams and Ms. M. Wright.

| Name of Speaker | Planning Application No. and Location          | Reason for Speaking               |
|-----------------|--|-----------------------------------|
| Mr. R. Hathaway | 2018/00730/FUL – 6 Salmons Wood, Graig Penllyn | Applicant or their representative |
| Mrs. C. Roache  | 2018/00730/FUL – 6 Salmons Wood, Graig Penllyn | Applicant or their representative |

### 354 ANNOUNCEMENT –

Prior to the commencement of the business of the Committee, the Chairman read the following statement:

“May I remind everyone present that the meeting will be broadcast live via the internet and a recording archived for future viewing.”

### 355 MINUTES –

RESOLVED – T H A T the minutes of the meeting held on 6<sup>th</sup> September, 2018 be approved as a correct record.

### 356 DECLARATIONS OF INTEREST –

Councillor V.P. Driscoll declared an interest in respect of Application No. 2018/00761/FUL – Sports Nutrition Supplements, 50A Holton Road, Barry. The nature of the interest was that Councillor Driscoll was the Director of the company that owned 50A Holton Road, Barry. Councillor Driscoll withdrew from the meeting whilst this application was being considered.

### 357 SITE INSPECTIONS (MD) –

RESOLVED – T H A T the attendance of the following Councillors at the site inspections indicated below on 6<sup>th</sup> September, 2018 be noted:

Apologies were received for both site (a) and site (b) from Councillors J.C. Bird, Mrs. C.A. Cave, N.P. Hodges, Dr. I.J. Johnson, P.G. King, A.C. Parker and E. Williams.

Apologies were received for site (b) only from Councillors Mrs. P. Drake, V.P. Driscoll (Vice-Chairman), Mrs. R. Nugent-Finn, Mrs. M.R. Wilkinson and the Local Ward Member for Sully.

- |  |   |
|--|---|
| (a) Knoll Cottage, 54 Cog Road,<br>Sully | Councillor B.T. Gray (Chairman);<br>Councillor V.P. Driscoll (Vice-Chairman);<br>Councillors Mrs. P. Drake,<br>Mrs. R. Nugent-Finn, R.A. Penrose,<br>N.C. Thomas and Mrs. M.R. Wilkinson.<br>Also present: Councillor K.P. Mahoney. |
| (b) Pancross Farm, Llancarfan            | Councillor B.T. Gray (Chairman);<br>Councillors R.A. Penrose and<br>N.C. Thomas.<br>Also present: Councillor G.C. Kemp.   |

**358 BUILDING REGULATION APPLICATIONS AND OTHER BUILDING CONTROL MATTERS DETERMINED BY THE HEAD OF REGENERATION AND PLANNING UNDER DELEGATED POWERS (HRP) –**

RESOLVED –

- (1) T H A T the passed building regulation applications as listed in Section A of the report be noted.
- (2) T H A T the rejected building applications as listed in Section B of the report be noted.
- (3) T H A T the serving of Notices under Building (Approved Inspectors Etc.) Regulations 2000, as listed in Section C of the report, be noted.

**359 PLANNING APPLICATIONS DETERMINED BY THE HEAD OF REGENERATION AND PLANNING UNDER DELEGATED POWERS (HRP) –**

RESOLVED – T H A T the report on the following applications as determined under the above delegated powers be noted:

**Decision Codes**

|  |  |
|--|--|
| A - Approved   | O - Outstanding (approved subject to the approval of Cadw OR to a prior agreement) |
| C - Unclear if permitted (PN)                          | B - No observations (OBS)  |
| EB EIA (Scoping) Further information required          | E Split Decision   |
| EN EIA (Screening) Not Required                        | G - Approved the further information following "F" above (PN)                      |
| F - Prior approval required (PN)                       | N - Non Permittal (OBS - objections)   |
| H - Allowed : Agricultural Condition Imposed : Appeals | NMA - Non Material Amendments  |
| J - Determined by NAFW                                 | Q - Referred to Secretary of State for Wales                                       |

|                                       |   |
|---------------------------------------|---|
| L - Approved <u>AND</u> refused (LAW) | (HAZ)                                     |
| P - Permittal (OBS - no objections)   | S - Special observations (OBS)            |
| R - Refused                           | U - Undetermined                          |
|                                       | RE - Refused (Enforcement Unit Attention) |
|                                       | V - Variation of condition(s) approved    |

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|---------------------|---|--|
| 2013/00018/2/C<br>D | A<br>Jeff White Motors Limited,<br>Gileston Road, St. Athan     | Discharge of Conditions 5 -<br>Lighting Scheme, 8 -<br>Disabled Parking Spaces<br>and 9 - Cycle Parking.<br>Planning Permission ref.<br>2013/00018/FUL : Change<br>of use to class A1 retail.  |
| 2014/00933/4/C<br>D | A<br>Land at Pentre Meyrick                                     | Discharge of Conditions 5-<br>Schedule of Materials, 6-<br>Details of Sheds and 7-<br>Further Details of<br>Enclosures - Development<br>of 13 affordable homes and<br>associated works.  |
| 2017/00476/2/C<br>D | A<br>Westhaven 3 (Dockside<br>Quay), Barry Waterfront,<br>Barry | Development of the site<br>known as Dockside Quay<br>for residential<br>development, A3 units and<br>associated infrastructure<br>works, parking, and<br>landscaping at Dockside<br>Quay, Barry Waterfront<br>Discharge Conditions 17<br>and 18. |

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| 2017/01203/1/C<br>D | A | Cog Moors Wastewater Treatment Works, Cardiff Road, Dinas Powys   | Discharge of Condition 3 - Lighting details. Planning Permission ref. 2017/01203/FUL : Change of use of land as an extension to the existing wastewater treatment works site and to the compensatory dormouse habitat and for the construction of an Advanced Anaerobic Digestion (AAD) Plant, together with associated landscaping and mitigation measures and the formation of a temporary construction compound at Cog Moors Wastewater Treatment Works (WwTW), Cardiff Road, Dinas Powys at Cog Moors Wastewater Treatment Works, Cardiff Road, Dinas Powys. |
| 2018/00095/FUL      | A | Parcel of private open land (designated for garages), land bordered by the rear of houses in Goscombe and Pembridge Drives, Penarth | Construction of a single storey garage in rendered breeze block and profile roof on the allocated plot on the designated private land belonging to owners of flats in Gainsborough Court.  |
| 2018/00112/FUL      | A | 15, Highbridge Close, Sully   | Proposed single storey rear extension, with proposed alterations to boundary treatment.  |
| 2018/00121/FUL      | A | Land adjacent to Castria, Llancarfan  | Stables.   |
| 2018/00169/FUL      | A | Romilly Buildings, Broad Street, Barry  | Demolition of No. 1 Romilly Buildings to create a beer garden and alterations to the front elevation of No. 2 and No. 3 Romilly Buildings with internal alterations.   |

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| 2018/00331/FUL       | A | Lougher Moor, Morfa Lane,<br>Llantwit Major       | Removal of condition 3 of<br>Planning Permission<br>2016/00169/FUL.  |
| 2018/00379/FUL       | A | 10, Redbrick Crescent,<br>Barry                   | Single storey rear<br>extension.   |
| 2018/00517/FUL       | A | Post Office, 9, Cornerswell<br>Road, Penarth      | Installation of Bank of<br>Ireland ATM. ATM to be<br>installed at LHS of main<br>entrance (when viewed<br>from outside).   |
| 2018/00547/FUL       | A | 1, Bridge House,<br>49, Plymouth Road,<br>Penarth | Replace existing white<br>painted wooden frame<br>single pane windows with<br>new upvc white woodgrain<br>effect double glazed<br>windows. Lounge -<br>Replace 4 x wooden single<br>pane fixed unit windows<br>460mm x 650mm; Main<br>Bedroom- replace 2 x<br>wooden single pane fixed<br>unit windows 460mm x<br>720mm; Second Bedroom-<br>Replace 2 x wooden single<br>pane casement widow with<br>astragal bar 840mm x<br>680mm. All replacement<br>windows will be of a "like<br>for like" basis within the<br>manufacturing limits. |
| 2018/00553/FUL       | A | 30, Golwg Y Coed, Barry                           | Raising the level of the<br>garden with the aid of<br>gabion retaining walls<br>along with increasing the<br>height of the rear fence.   |
| 2018/00557/1/N<br>MA | A | 30, Golwg Y Coed, Barry                           | The new windows,<br>rooflights, and doors will be<br>in anthracite grey rather<br>than the white as stated on<br>the drawings previously.<br>Planning Permission<br>2018/00557/FUL :<br>Proposed single storey<br>rear extension and awning.   |

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| 2018/00595/FUL       | A | 24, Tair Onen, Cowbridge                          | Change of use from Natural Resources Wales storage yard to garden and provision of single garage.   |
| 2018/00607/FUL       | A | Penllyn Estate Farm,<br>Llwynhelig, Nr. Cowbridge | Erection of a new building to house a farm shop, cafe and associated facilities along with a new carpark and private access track from the A48. The access track is a replica of information already provided to Council and being considered under a different planning application, it exits the A48 off the proposed new roundabout. |
| 2018/00610/1/N<br>MA | A | Cliff House, Llancarfan                           | Realignment of the horse exercise area to have the boundary run parallel with the hedge line of the field.  |
| 2018/00611/FUL       | A | 2, Evenlode Avenue,<br>Penarth                    | Demolition of existing property. Construction of four bedroom detached house, with integral double garage. Formation of driveway and parking. Removal of trees bounding Lavernock Road.   |
| 2018/00613/LBC       | A | Yr Hen Felin Wynt,<br>Windmill Close, Wick        | Replacement of existing windows of the windmill tower. 2. Replacement of existing front door of the windmill tower. 3. Lime plaster of internal walls. 4. Painting of attached house in off white.  |

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| 2018/00617/FUL | R | 3. Heol Y Mynydd, Welsh St. Donats       | Revised plans for a double-storey extension to side of property, comprising of family room (kitchen / dining / living area) on ground floor, and master bedroom and bathroom on first floor.                           |
| 2018/00633/FUL | A | Hiraeth, Trepit Road, Wick               | Single storey timber framed glazed extension to West gable elevation of existing dwelling off existing hard standing. Change of land use to incorporate development within residential curtilage and garden extension. |
| 2018/00638/ADV | A | Land at Sycamore Cross, Bonvilston       | Post mounted single panel sign located at far end of site overlooking A48.   |
| 2018/00643/FUL | A | Larkfield, St. Andrews Road, Dinas Powys | Proposed demolition of existing dwelling and construction of new detached replacement dwelling.  |
| 2018/00645/LAW | A | 76, Wordsworth Avenue, Penarth           | Extension to the rear of the existing property.  |
| 2018/00651/FUL | A | 63, Burdons Close, Wenvoe                | Remove garage doors and replace with UPVC double glazed window to match house.   |
| 2018/00684/FUL | A | 10, Park Road, Penarth                   | Alterations to the rear and side of building, to include increase in height of rear wall, alterations to the existing materials and removal of glass pavilion.   |
| 2018/00692/FUL | A | Swyn Y Mor, Main Road, Ogmore By Sea     | Rear balcony.  |

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| 2018/00695/FUL | A | 3, Uppercliff Drive, Penarth                              | Change of Use, dwelling to house 3 students and 2 staff.  |
| 2018/00697/CAC | A | 23, Station Road, Dinas Powys                             | Replacement garage at rear of property, and works in connection therewith.  |
| 2018/00705/FUL | A | Llancarreg, Beach Road, Southerndown                      | Variation of Conditions 2 and 4 of Planning Permission<br>2018/00049/FUL relating to Plan Specifications and Materials Details.                               |
| 2018/00711/FUL | R | 2, Fairleigh, Michaelston Le Pit Road, Michaelston Le Pit | Single storey extension to provide ground floor WC.   |
| 2018/00712/FUL | A | 16, Cherwell Road, Penarth                                | Part demolition of existing garage and proposed two storey side extension, single storey rear extension and first floor rear extension.                       |
| 2018/00713/FUL | A | 8, Porlock Close, Ogmore By Sea                           | Erection of wooden gazebo in rear garden.   |
| 2018/00715/FUL | A | 52, Althorp Drive, Penarth                                | Demolition of existing single storey annexe and construction of new two storey house extension with Juliet balcony to front.                                  |
| 2018/00717/LAW | A | 46, Porlock Drive, Sully                                  | Proposed dormer loft conversion.  |
| 2018/00720/FUL | R | 14, Town Mill Road, Cowbridge                             | Proposed amendments to planning approval 2017/00527/FUL to provide for disabled access from porch to sun room and increase in size of sun room roof lanterns. |
| 2018/00722/FUL | A | 29, Sea View Drive, Ogmore by Sea                         | Proposed loft conversion - roof extension.  |

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| 2018/00724/FUL | A | 4, Old Cogan Hall Cottages, Sully Road, Penarth    | Single storey side extension.  |
| 2018/00728/FUL | A | 83, Lavernock Road, Penarth                        | Construction of a ground floor rear extension together with the construction of a front dormer roof extension, two gable build-ups, and a rear dormer roof extension with balcony.             |
| 2018/00733/FUL | A | 2, Llandilo Close, Dinas Powys                     | Detached two storey dwelling to the side of no. 2, Llandilo Close as Approved 2016/01453/FUL. Dwelling proposed to be moved 600 mm to the west.  |
| 2018/00734/FUL | A | 91, Llanmaes Road, Llantwit Major                  | Reclad existing front dormer and change roof profile. Reclad and extend existing rear dormer, to include internal alterations. Alterations to form bay window to ground floor front elevation. |
| 2018/00736/FUL | A | 28, Cwm Barry Way, Barry                           | Erection of single storey rear and side extension to existing kitchen.   |
| 2018/00737/FUL | A | The Crooked Shoard, 2, High Street, Llantwit Major | Demolition of existing single storey side extension and proposed replacement single storey side extension.   |
| 2018/00738/FUL | A | 7, Kemeys Road, Rhoose                             | Proposed 2 bedroom self-contained annex.   |
| 2018/00740/FUL | A | Flat, 161, Holton Road, Barry                      | Change of use of the 1st and 2nd floors from class C3 to class D1 to form a non-residential education and training centre.   |

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| 2018/00743/FUL | A | 81, Murlande Way, Rhoose                                | First floor extension to side of existing dwelling with balcony to rear.   |
| 2018/00744/FUL | A | 147, Plymouth Road, Penarth                             | First floor side extension with balcony, rear ground level roof canopy over terrace, attic conversion with front elevation gable roof and balcony and rear dormer. |
| 2018/00748/FUL | A | 165, Plymouth Road, Penarth                             | Front and rear dormers.  |
| 2018/00750/FUL | A | 6, St. Cyres Road, Penarth                              | Proposed rear balcony with external staircase to serve kitchen/dining room.  |
| 2018/00752/FUL | A | 29, Coleridge Avenue, Penarth                           | New entrance porch and single storey rear extension.   |
| 2018/00754/FUL | R | Ishton Barn, Lon Cwrt Ynyston, Leckwith                 | Rear extension and front hall extension.   |
| 2018/00756/FUL | A | Barn adjacent to The Hawthorns, Penllyn Road, Llanharry | Refurbishment of stone built granary into a 3 bedroom holiday property with car parking and adjacent gardens.  |
| 2018/00758/FUL | A | Brent Knoll, 7, Clevedon Avenue, Sully                  | Single storey side extension in place of existing garage and conservatory, and new sun terrace to rear at first floor level with external staircase.               |
| 2018/00765/FUL | A | 39, Mountjoy Avenue, Penarth                            | Orangery extension to rear elevation.  |
| 2018/00771/ADV | A | 13, Beacon House, Ffordd Y Mileniwm, Barry              | Fitting of fret cut PVC letters to front elevations.   |

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| 2018/00774/FUL | A | Pleasant View Farm,<br>Sigingstone   | Replacement dwelling of<br>fire damaged property.<br>Amendment to previous<br>approval 2017/00241/FUL.  |
| 2018/00775/FUL | A | Land to the North of Clive<br>Road, Barry Waterfront -<br>South Quay Waterside,<br>Barry | Provision of an electric<br>substation at South Quay,<br>Barry Waterfront.  |
| 2018/00777/FUL | A | 6, Whitcliffe Drive, Penarth   | Revision to planning<br>application ref<br>2018/00037/FUL to include<br>additional windows to side<br>elevations.   |
| 2018/00781/FUL | A | 34, Marine Drive, Barry  | Proposed ground floor, first<br>floor and roof extensions,<br>creation of first floor terrace<br>to front and other<br>alterations to property.   |
| 2018/00783/FUL | A | 20A, Barons Close,<br>Llantwit Major   | Proposed single storey<br>extension.  |
| 2018/00784/FUL | A | 20B, Barons Close,<br>Llantwit Major   | Proposed single storey<br>side extension.   |
| 2018/00785/FUL | A | 23, Station Road, Dinas<br>Powys   | Proposed alterations and<br>single storey extension to<br>rear of the property.   |
| 2018/00786/FUL | A | Coedhirion, 8, Walston<br>Road, Wenvoe   | Rear extension to, and<br>internal/external<br>refurbishment of, the<br>existing dwelling, including<br>demolition of single storey<br>extension at front, bay<br>window, single storey flat<br>roofed extension at rear<br>and ancillary garage<br>building at rear. |

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| 2018/00797/FUL | A | 10, Maes Lindys, Rhoose Point, Rhoose                   | Removal of existing conservatory and erection of orangery to rear of property. Extend at first floor with extension above existing garage by removal of lean to roof and create first floor and roof to match existing. |
| 2018/00798/FUL | A | 30, Borough Avenue, Barry                               | Single storey side extension and front porch.   |
| 2018/00803/FUL | A | The Homestead, 4, Church Rise, Wenvoe                   | Erect a conservatory to the rear elevation.   |
| 2018/00804/FUL | A | 3, Chaucer Close, Penarth                               | Two storey side and rear extension with single storey rear extension, single storey front extension and internal alterations.   |
| 2018/00805/FUL | A | 6, Swanbridge Farm, St. Marys Well Bay Road, Swanbridge | 2 Storey oak framed extension to rear plus associated works.  |
| 2018/00812/FUL | A | 34, Heath Avenue, Cogan, Penarth                        | Single storey brick porch to the front elevation.   |
| 2018/00813/FUL | A | 14, Bedwas Place, Penarth                               | Single storey rear extension, with internal and external alterations.   |
| 2018/00819/FUL | A | Four Bells Inn, Rock Road, St. Athan                    | Extensions and alterations to an existing building, change of use from Manager's Accommodation to guest rooms on the first floor.   |

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| 2018/00821/FUL | A | 2, Channel View, Ogmore By Sea | The construction of a single storey timber cladded extension to adjoin the existing single storey extension and main house. Internal alterations to be carried out to make the spaces merge and create an open-plan living / kitchen area. |
| 2018/00854/FUL | A | 2, Rosebery Place, Penarth     | Demolish existing conservatory. Construct new single storey extension in place.  |
| 2018/00865/FUL | A | 45, Plassey Street, Penarth    | Demolition of existing two storey rear annex and the construction of new single and two storey rear extension.   |
| 2018/00872/LAW | A | 27, Myrtle Close, Penarth      | Single storey extension to side and rear of building.  |
| 2018/00898/LAW | A | 8, Meadowvale, Barry           | Extension for disabled client.   |

## 360 APPEALS (HRP) –

## RESOLVED –

- (1) THAT it be noted that no planning appeals had been received.
- (2) THAT it be noted that no enforcement appeals had been received.
- (3) THAT the Planning Appeal decisions as detailed in Section C of the report be noted.
- (4) THAT it be noted that no Enforcement Appeals decisions had been received.
- (5) THAT the statistics relating to the appeals for the period April 2018 – March 2019 as detailed in Section E of the report be noted.

## 361 TREES (HRP) –

(i) Delegated Powers –

RESOLVED – T H A T the following applications determined by the Head of Regeneration and Planning under delegated powers be noted:

A - Approved  
E Split Decision

R - Refused

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| 2018/00656/TPO | A | Trees to the rear of 10-15, Clos Llanfair, Wenvoe      | Works to tree covered by TPO Number 7 of 2015 – Group 1 – Crown lift branches to 5 metres above ground – Tree 2401 – Crown lift and Tree 2402 – Crown reduction. |
| 2018/00741/TCA | A | Parkmount, Bridgeman Road, Penarth                     | 30% all over crown reduction on an Evergreen Oak Tree situated in the rear garden.   |
| 2018/00788/TPO | A | Rear of The Scout Hall, Highwalls Road, Dinas Powys    | Work to Sycamore tree protected under TPO Number 10 of 2014 – T1.  |
| 2018/00795/TPO | A | Port Road woodland, opposite Bryn Hafren School, Barry | Works to trees in TPO 04, 1951.  |
| 2018/00827/TCA | A | Brown Lion House, Llanmaes                             | Work to 9 trees in the Llanmaes Conservation area – Crown thinning/ lifting / reduction to 6 trees and removal of 3 trees.                                       |

## 362 GENERAL PLANNING MATTERS (HRP) –

(i) Annual Performance Report of the Vale of Glamorgan Local Planning Authority for 2017/18

The Operational Manager for Planning and Building Control presented the report, the purpose of which was to apprise Members of the Planning Committee of the content of this year's Annual Performance Report (APR) which was submitted annually to Welsh Government in October. The Vale of Glamorgan APR was attached at Appendix A to the report.

The APR started by providing some context to the Vale of Glamorgan's planning service and the key areas of change over recent years. It included the results of the Council's annual Customer Satisfaction Survey which was sent to all applicants and agents issued a planning decision last year. The results demonstrated the Council was performing better than average in terms of customer satisfaction with 67% of respondents being satisfied overall with how the Council handled their application (an improvement on last year's 61%).

The report then set out the Council's performance across a range of indicators, and showed how it compared to other Local Planning Authorities in Wales during the same period (2017/18) and how the Council compared against the Welsh Government's benchmarks, where they had them. Generally, the Council was performing very well across the range of performance indicators. In particular its performance against the policy indicators had improved in the report following the adoption of the Local Development Plan.

The Operational Manager for Planning and Building Control informed the Committee that the Planning Department had processed 1, 173 planning reports in the last year, which was over 100 applications per Officer, and referred the Committee to pages 28 and 29 of the papers which provided key statistics for the last year. The Officer stated that the Council continued to be successful in negotiating S106 agreements and during this period, a total of 28 planning permissions had been granted which had been subject to Section 106 agreements. The value of the financial contributions in these legal agreements totalled £8.1m and they related to a range of developments including major residential developments.

Finally, the Operational Manager for Planning and Building Control drew the Committees attention to page 41 of the papers, which referred to the submission of the Annual Monitoring Report in 2018. The Officer noted that this should read 2019, to provide a full year of monitoring data.

A Member welcomed the report and sought clarification on the section on page 28 of the papers that suggested withdrawing the requirement to advertise planning applications in the local press to minimise costs, and on page 29 of the papers which referred to vacancies in the planning team. The Member also commented that page 44 of the papers detailed an indicator regarding the percentage of decisions made against officer advice, which he considered an interesting measure as it implied that Councillors should not vote against officer recommendations. Finally, the Member requested an update on Council's work on the Community Infrastructure Levy.

In response to the Member's query on suggesting Welsh Government withdraw the requirement to advertise planning applications in the local press, which cost the Council around £30,000 per annum, the Operational Manager for Planning and Building Control stated that the Council was considering cost saving measures, and the Head of Regeneration and Planning stated that this would be legislation catching up with technology and stated that interested persons primarily received notification of an application through other means.

In response to the question on vacancies within the Planning Team, the Operational Manager, Development Management stated that the secondment was being held

open as a cost saving measure, and confirmed that one of the Planning Students from the Planning School of Cardiff University had been moved to the Council's Enforcement Department, which was providing a good opportunity for succession planning.

Finally, in response to the question on Community Infrastructure Levy contributions raised by the Council, the Head of Regeneration and Planning stated that the Council was waiting to see how legislation developed, and noted that the Council was successful in negotiating Section 106 agreements, which was much better for the Local Authority and its residents, as this particular fund could be targeted whereas Community Infrastructure Levy would have to be distributed across the Vale of Glamorgan.

The Committee then discussed Indicator 9 on page 44 of the report papers, which detailed the percentage of Member made decisions against officer advice. A Member stated that it was a duty as a Councillor to challenge officer decisions where she saw fit, and the Head of Regeneration and Planning confirmed that this indicator was just a Welsh Government measure and was not included as a steering figure.

Finally, a Member sought more information on the enforcement data report, the figures of which were discussed on page 38 of the report papers, and sought clarification on the described inaccuracies. In response, the Operational Manager confirmed that the problem was with the return data submitted by the Council, which was open to interpretation how it could be measured, and the updated data was now more accurate.

**RESOLVED – T H A T** the content of the Annual Performance Report attached at Appendix A to the report be noted and its submission to Welsh Government in October be endorsed, subject to the amendment that the submission of the Annual Monitoring Report be in October 2019.

Reason for decision

To inform Members of the Planning Committee of the content of the Annual Performance Report attached at Appendix A and to satisfy the Council's obligation to submit the APR to Welsh Government.

**363 PLANNING APPLICATIONS (HRP) –**

Having considered the applications for planning permission, and where necessary, the observations of interested parties, it was

**RESOLVED – T H A T** in pursuance of the powers delegated to the Committee, the following applications be determined as indicated and any other necessary action be taken.

**2018/00730/FUL** Received on 2 July 2018

(P. 95)

David Reade, c/o Agent

Mr. Robert Hathaway Plan R Ltd., 39, Merthyr Mawr Road, Bridgend, CF31 3NN

### **6, Salmons Wood, Graig Penllyn**

New dwelling within rear garden of 6, Salmons Wood including access and parking

**REFUSED** (Written Representations)

1. The proposal represents an incongruous form of residential development, out of keeping with the existing pattern of development at this edge of village location, which would cause unacceptable harm to the character and appearance of the surrounding undeveloped and unspoilt rural landscape, including the Upper & Lower Thaw Valley Special Landscape Area. This would also detract from the visual and general amenities of the area, including the impact on the quiet enjoyment of an existing public right of way, all contrary to Policies SP1 – Delivering the Strategy, SP10 – Built and Natural Environment, MG17 – Special Landscape Areas, MD1 – Location of New Development, MD2 – Design of New Development, and MD5 – Development within Settlement Boundaries of the Vale of Glamorgan Adopted Local Development Plan 2011-2026; Supplementary Planning Guidance on Design in the Landscape; and national guidance contained in Planning Policy Wales, TAN12 – Design and TAN16 – Sport, Recreation and Open Space.

#### **Reason for decision**

The decision to recommend refusal of planning permission has been taken in accordance with Section 38 of The Planning and Compulsory Purchase Act 2004, which requires that, in determining a planning application the determination must be in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan for the area comprises the Vale of Glamorgan Adopted Local Development Plan 2011-2026.

It is considered that the decision complies with the Council's well-being objectives and the sustainable development principle in accordance with the requirements of the Well-being of Future Generations (Wales) Act 2015.

**2016/00927/FUL** Received on 22 August 2018

(P. 51)

Mr. Rhys Williams c/o agent

Mrs. Arran Dallimore C2J Architects & Town Planners, Unit 1a, Compass Business Park, Pacific Road, Ocean Park, Cardiff, CF24 5HL

### **33, Holton Road, Barry**

Proposed conversion and extension of existing property to form ground floor commercial units with 7 affordable one bedroom apartments at ground, first and second floors. On site cycle parking, and refuse storage facilities

APPROVED subject to the following condition(s):

1. The development hereby permitted shall be begun before the expiration of five years from the date of this permission.

Reason:

To comply with the requirements of Section 91 of the Town and Country Planning Act 1990.

2. The development shall be carried out in accordance with the following approved plans and documents: AL(00)04D and AL(00)03 C

Reason:

For the avoidance of doubt as to the approved development and to accord with Circular 016:2014 on The Use of Planning Conditions for Development Management.

3. A schedule of materials to be used in the construction of the development hereby approved, including replacement windows and doors, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be completed in accordance with the approved details prior to the first beneficial use of the development.

Reason:

To safeguard local visual amenities, as required by Policies SP1 (Delivering the Strategy) and Policy MD2 (Design of New Development) of the Local Development Plan.

4. The implemented drainage scheme for the site should ensure that all foul and surface water discharges separately from the site and that land drainage run-off shall not discharge, either directly or indirectly, into the public sewerage system.

Reason:

To prevent hydraulic overloading of the public sewerage system, pollution of the environment and to protect the health and safety of existing residents and ensure no detriment to the environment and to comply with the terms of Policy MD2 of the Local Development Plan.

5. Any part of the windows in the eastern elevation facing No. 35 Holton Road that is below 1.7m in height above the level of the floor in the room that it serves shall be obscurely glazed to a minimum of level 3 of the "Pilkington"

scale of obscuration and fixed pane at the time of installation, and so retained at all times thereafter.

Reason:

To ensure that the privacy and amenities of adjoining occupiers are safeguarded, and to ensure compliance with Policies SP1 (Delivering the Strategy) and MD2 (Design of New Developments) of the Local Development Plan.

6. The cycle provision shown on the approved plans shall be completed prior to the first beneficial occupation of any of the flats hereby approved and thereafter kept free of obstruction and available for the parking of cycles associated with the development.

Reason:

To ensure that satisfactory parking for cycles is provided on site to serve the development, and to ensure compliance with the terms of Policy MD2 of the Local Development Plan.

7. The amenity area as shown on plan AL(00)03 C shall be kept freely available for use at all times for the occupants of all of the flats hereby approved.

Reason:

To provide suitable shared amenity space, in accordance with Policy MD2 (Design of New Developments) of the Local Development Plan.

8. A Traffic Regulation Order to partially remove the extent of the parking restrictions along the side of the site on Lombard Street (as per the attached plan and highlighted in red) to provide an additional potential on-street parking space shall be fully implemented prior to the first beneficial use of any of the flats hereby approved.

Reason:

To provide additional on-street parking provision, in accordance with Policies SP1 (Delivering the Strategy) and MD2 (Design of New Developments) of the Local Development Plan.

9. The residential units hereby approved shall be delivered by a Housing Association Partner (Hafod Housing, Newydd Housing, United Welsh Housing or Wales & West Housing) of the Vale of Glamorgan Council and only be occupied as affordable housing that meets the definition of affordable housing in Annex B of the Welsh Government Technical Advice Note 2 on Affordable Housing, or any future guidance that replaces it.

**Reason:**

In order to ensure that the site delivers appropriate provision of affordable housing to meet the identified need and to ensure compliance with the terms of Policies SP1 (Delivering the Strategy), SP4 (Affordable Housing Provisions), MG4 (Affordable Housing) and MD4 (Community Infrastructure and Planning Obligations) of the Local Development Plan.

10. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing within 2 days to the Local Planning Authority, all associated works must stop, and no further development shall take place until a scheme to deal with the contamination found has been submitted to and approved in writing by the Local Planning Authority. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme and verification plan must be prepared and submitted to and approved in writing by the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be submitted to and approved in writing by the Local Planning Authority. The timescale for the above actions shall be agreed with the LPA within 2 weeks of the discovery of any unsuspected contamination.

**Reason:**

To ensure that any unacceptable risks from land contamination to the future users of the land, neighbouring land, controlled waters, property and ecological systems are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy / Policies SP1 (Delivering the Strategy) / MD7 (Environmental Protection) of the Local Development Plan.

11. Any aggregate (other than virgin quarry stone) or recycled aggregate material to be imported shall be assessed for chemical or other potential contaminants in accordance with a scheme of investigation which shall be submitted to and approved in writing by the Local Planning Authority in advance of its importation. Only material approved by the Local Planning Authority shall be imported. All measures specified in the approved scheme shall be undertaken in accordance with Pollution Control's Imported Materials Guidance Notes. Subject to approval of the above, sampling of the material received at the development site to verify that the imported soil is free from contamination shall be undertaken in accordance with a scheme and timescale to be agreed in writing by the LPA.

**Reason:**

To ensure that the safety of future occupiers is not prejudiced in accordance with Policy / Policies SP1 (Delivering the Strategy) / MD7 (Environmental Protection) of the Local Development Plan.

### Reason for decision

The decision to recommend planning permission has been taken in accordance with Section 38 of The Planning and Compulsory Purchase Act 2004, which requires that, in determining a planning application the determination must be in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan for the area comprises the Vale of Glamorgan Adopted Local Development Plan 2011-2026.

Having regard to Policies SP1 – Delivering the Strategy, SP4 – Affordable Housing Provision, SP6 – Retail, SP10 – Built and Natural Environment, MG4 – Affordable Housing, MG14 – Non A1 Retail Uses within Town and District Retail Centres, MD 2 – Design of New Development, MD3 – Provision for Open Space, MD4 – Community Infrastructure and Planning Obligations, MD 5 – Development within Settlement Boundaries, MD6 – Housing Densities and MD7 – Environmental Protection of the Vale of Glamorgan Local Development Plan 2011 – 2026, the Affordable Housing, Barry Development Guidelines, Parking Standards, Planning Obligations and Residential and Householder Development SPG's and national advice and guidance contained in Planning Policy Wales (2016) and TAN2 – Affordable Housing, TAN12 – Design, TAN16 – Sport, Recreation and Open Space and TAN18 – Transport, it is considered that the proposals are acceptable, by reason of their appropriate design, materials and scale, with no detrimental impact to the character and visual amenities of the area, the amenities of neighbouring occupiers and acceptable parking and amenity space arrangements.

It is considered that the decision complies with the Council's well-being objectives and the sustainable development principle in accordance with the requirements of the Well-being of Future Generations (Wales) Act 2015.

**2018/00641/FUL** Received on 30 May 2018

(P. 70)

Mrs. Charlotte Cope 3, Norman Cottages, Michaelston Le Pit Road, Michaelston Le Pit, CF64 4HP

Mrs. Charlotte Cope 3, Norman Cottages, Michaelston Le Pit Road, Michaelston Le Pit, CF64 4HP

#### **3, Norman Cottages, Michaelston Le Pit Road, Michaelston Le Pit**

Application to retain the property as built - Fully render the property due to damage to existing finish during building works which meant we were not able to retain the existing finish and replace existing roof tiles with different tiles due to a roof leak and no availability of roof tiles to match the existing roof

**REFUSED** (Written Representations)

1. That planning permission for the retention of the works as built be refused.
2. That the Head of Legal and Democratic Services be authorised to serve an Enforcement Notice under Section 172 of the Town and Country Planning Act

1990 (as amended) to require:

- (i) Removal of the smooth render finish from all elevations of the existing dwelling, making good and repairing of the exposed brick and painting of the exposed brick.
  - (ii) Removal of the roof tiles on the existing dwelling and replacement with a suitable alternative.
  - (iii) Completion of all roofslopes of the extension in accordance with the scheme of development approved by virtue of application 2016/01172/FUL.
3. In the event of non-compliance with the Notice, authorisation be granted to take such legal proceedings as may be required.

#### Reason for decision

The works to tile the roof and complete the existing dwelling house with a smooth render, as well as the works to complete the extension in a smooth render are considered to be out of keeping with the prevailing materials found in the pairs of Rural District Council Houses, which dominate the context to the application site and all of which are identified as positive buildings within the Michaelston Le Pit Conservation Area, the character and appearance of which it is desirable to preserve or enhance. The development is, therefore, considered to be harmful to the character and appearance of the dwelling itself and that of the surrounding area, and neither preserves nor enhances the Michaelston Le Pit Conservation Area. Having regard to the duty imposed under section 72 (1) of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990, the development is considered to conflict with policies SP1 – Delivering the Strategy, SP10 – Built and Natural Environment, MD2 –Design of New Development, MD5 – Development Within Settlement Boundaries, and MD8 – Historic Environment of the Vale of Glamorgan Adopted Local Development Plan 2011-2026 and the Council's adopted Supplementary Planning Guidance on Residential & Householder Development, as well as Technical Advice Note 12 on Design, Technical Advice Note 24 on The Historic Environment and Planning Policy Wales (Edition 9).

**2018/00655/FUL** Received on 31 May 2018

(P. 83)

Ms. Tara R. Garmston, 168, White Farm, Barry, Vale of Glamorgan, CF62 9EW

Ms. Tara R. Garmston, 168, White Farm, Barry, Vale of Glamorgan, CF62 9EW

#### **1, Lombard Buildings, Lombard Street, Barry**

Change of use from A1 to D1 to a children's nursery, providing day care for babies and children aged 0-12

APPROVED subject to the following condition(s):

1. The development shall begin no later than five years from the date of this decision.

Reason:

To comply with the requirements of Section 91 of the Town and Country Planning Act 1990.

2. The development shall be carried out in accordance with the following approved plans and documents:

Site Location Plan  
Proposed layout

Reason:

For the avoidance of doubt as to the approved development and to accord with Circular 016:2014 on The Use of Planning Conditions for Development Management.

3. The use shall only be carried out within the hours of 8am to 6pm on Mondays to Friday.

Reason:

To ensure that the amenity of local residents is not detrimentally impacted, and to ensure compliance with the terms of Policies SP1 (Delivering the Strategy) and MD2 (Design of New Developments) of the Local Development Plan.

Reason for decision

The decision to recommend planning permission has been taken in accordance with Section 38 of The Planning and Compulsory Purchase Act 2004, which requires that, in determining a planning application the determination must be in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan for the area comprises the Vale of Glamorgan Adopted Local Development Plan 2011-2026.

Having regard to Policy SP1 –Delivering The Strategy, Policy MD 2 – Design of New Development, Policy MD 5 – Development Within Settlement Boundaries and Policy MD7 – Environmental Protection of the Vale of Glamorgan Adopted Local Development Plan 2011-2026, and the advice contained within the Council's Supplementary Planning Guidance on Residential and Householder Development and Parking Guidelines, Planning Policy Wales 9th Edition, Technical Advice Note 11 – Noise and Technical Advice Note 12- Design, the development is considered acceptable in terms of its principle, scale, design, impact on neighbours and parking.

It is considered that the decision complies with the Council's well-being objectives and the sustainable development principle in accordance with the requirements of the Well-being of Future Generations (Wales) Act 2015.

2018/00761/FUL Received on 20 July 2018

Mr. Glenn White BC18 Ltd, Unit C, Avondale Business Park, Cwmbran, NP44 1XE  
Mr. Glenn White BC18 Ltd, Unit C, Avondale Business Park, Cwmbran, NP44 1XE

**Sport Nutrition Supplements, 50A, Holton Road, Barry**

Change of use of premises to A3 (Food and Drink) for use as a micropub serving cask ales and craft beers

APPROVED subject to the following condition(s):

1. The development shall be carried out in accordance with the following approved plans and documents:

Floor Plans received 27 June 2018

Reason:

For the avoidance of doubt as to the approved development and to accord with Circular 016:2014 on The Use of Planning Conditions for Development Management.

2. Customers are not permitted on the premises outside the hours of 11:00 to 23:00 on any day.

Reason:

To ensure that residential amenity is safeguarded and to ensure compliance with the terms of Policies SP1 (Delivering the Strategy), MD2 (Design of New Developments) and MD7 (Environmental Protection) of the Local Development Plan.

3. No hot food items shall be prepared, served or sold from the premises at any time.

Reason

To ensure that the amenities of neighbours are safeguarded and to ensure the development accords with Policies SP1 (Delivering the Strategy) and MD7 (Environmental Protection) of the Local Development Plan.

Reason for decision

The decision to recommend planning permission has been taken in accordance with Section 38 of The Planning and Compulsory Purchase Act 2004, which requires that, in determining a planning application the determination must be in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan for the area comprises the Vale of Glamorgan Adopted Local Development Plan 2011-2026.

Having regard to Policies SP1 – Delivering the Strategy, SP6 – Retail, MG14 – Non A1 Retail Uses within Town and District Retail Centres, MD2 – Design of New Development, MD5 – Development within Settlement Boundaries and MG7 – Environmental Protection of The Vale of Glamorgan Local Development Plan 2011 – 2026, and the advice and guidance contained within Planning Policy Wales (ED.9) and The Vale of Glamorgan Town Centre Framework (2014), it is considered that the proposed use would not cause material harm to the retail function and character of the Holton Road District Centre, the visual amenity of the street scene, residential amenity or parking and highway safety.

It is considered that the decision complies with the Council's well-being objectives and the sustainable development principle in accordance with the requirements of the Well-being of Future Generations (Wales) Act 2015.

2018/00761/FUL

Received on 20 July 2018

Mr. Glenn White BC18 Ltd, Unit C, Avondale Business Park, Cwmbran, NP44  
1XE

Mr. Glenn White BC18 Ltd, Unit C, Avondale Business Park, Cwmbran, NP44  
1XE

### **Sport Nutrition Supplements, 50A, Holton Road, Barry**

Change of use of premises to A3 (Food and Drink) for use as a micropub serving cask ales and craft beers

#### **REASON FOR COMMITTEE DETERMINATION**

The application is required to be determined by Planning Committee under the Council's approved scheme of delegation because a current Councillor of the Vale of Glamorgan Council has a personal interest in the application site.

#### **EXECUTIVE SUMMARY**

This planning application seeks permission to retain a change of use of unit 50A, Holton Road, from A1 (Retail) to A3 (Food and Drink). It is a ground floor unit located within a large property on the corner of Thompson Street, facing on to Holton Road. It is within the defined Primary Shopping Frontage of the Holton Road district centre.

The key matters to consider are the principle of the change of use, the impact upon neighbouring amenity, parking and the visual impact.

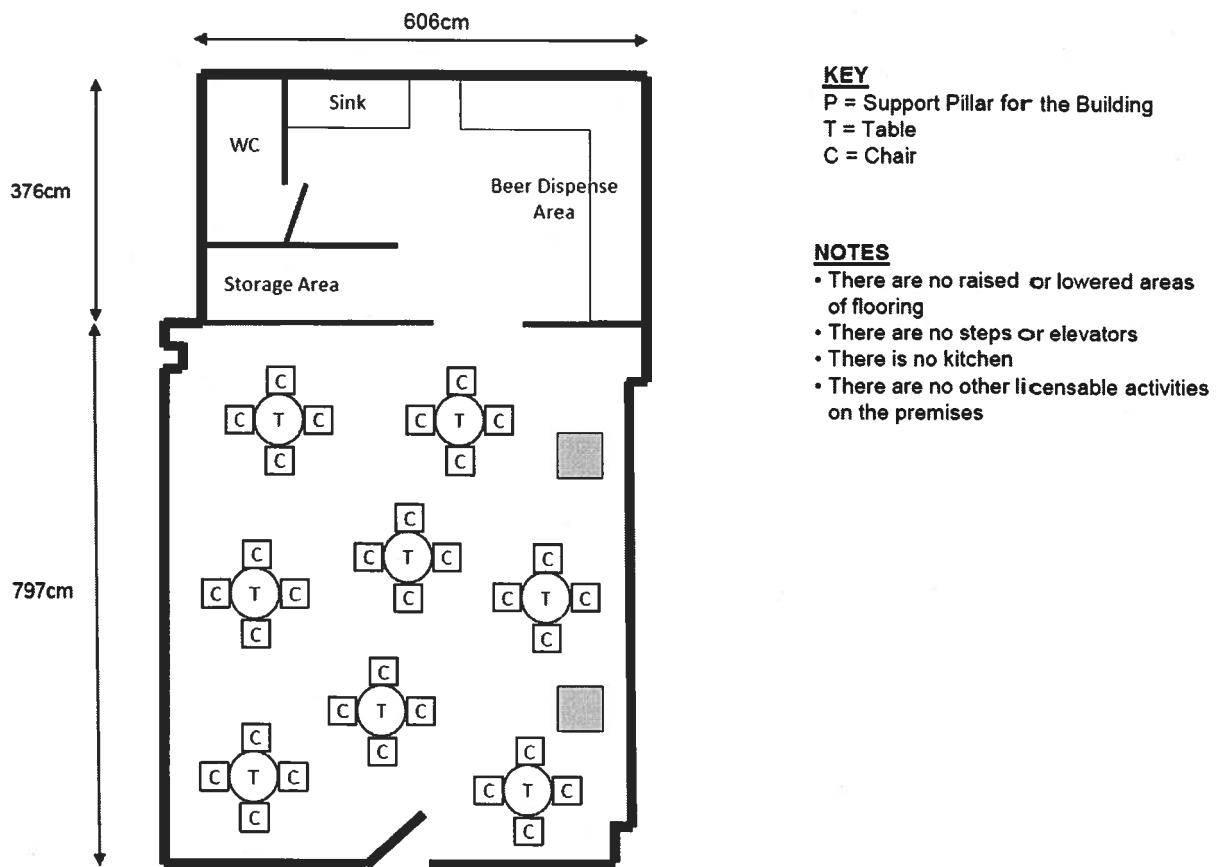
Barry Town Council did not object. Shared Regulatory Services did not object subject to conditions. There was one representation made to the application, objecting to the delegated determination of the application.

The report outlines that Policy MG14 of the LDP seeks to protect and retain A1 uses in town centres, but change of use to other commercial use is supported by the thrust of national planning policy and has material considerations in its favour. It concludes that the visual impact and impact upon parking and highway safety is acceptable, whilst the impact neighbouring amenity is acceptable subject to conditions restricting opening hours and the sale and service of hot food. It is therefore recommended that the planning application be granted.

#### **SITE AND CONTEXT**

The application site is located at No.50a Holton Road, within the settlement of Barry. It is located within the Holton Road District Retail Centre and is part of the Primary Shopping Frontage. The unit is part of a prominent three storey end of terrace corner building which currently comprises several commercial units and offices on the upper floors. Unit A fronts Holton Road and is a retail unit (Class A1), last lawfully occupied by a retailer of sports nutrition products. The shop frontage is largely glazed, framed with brown upvc and a red brick stallriser. The site is shown on the plan below:





The application proposes opening hours of 11am until 11pm each day.

#### PLANNING HISTORY

1990/00040/FUL, Address: 50, Holton Road, Barry, Proposal: Refurbish 1st and 2nd floor accommodation to office use and replace shop window fronts and upper floors, Decision: Approved

1990/00425/FUL, Address: 50, Holton Road & Workmens Club, Thompson Street, Barry, Proposal: Development of ground floor retail units and office units on Thompson Street, Decision: Approved

1998/00526/FUL, Address: 50, Holton Road, Barry, Proposal: Change of use of shop, basement, first and second floors - previously A3 and B1 uses to Class C1 for proposed use by the YMCA, Decision: Refused

2015/00861/FUL, Address: 50, Holton Road, Barry, Proposal: Renewal and replacement of shop fronts, Decision: Approved

2018/00117/FUL, Address: Land at the rear of 50, Holton Road, Barry, Proposal: Construction of block of retail units with apartments above, Decision: undetermined

## CONSULTATIONS

1. Barry Town Council did not object to the principle of the change of use subject to planning and environmental health conditions and requirements being satisfied.
2. Environmental Health (Pollution) recommended that the use of the premises be controlled by condition alongside a restriction on the preparation of hot food, premises opening hours to be restricted to 11:00 and 23:00 and deliveries to between 07:00 and 22:00.
3. Castleland Ward Councillors did not comment on the application.
4. The Council's Operational Manager for Regeneration commented: "*Town centres are seeing a very considerable change with many national chains closing stores. Holton Road has recently seen a spike in closures and there is a risk of this escalating if premises are left empty, impacting on footfall and hence on remaining businesses. I would support a flexible approach to a change of use here which will occupy the unit and contribute to the evening economy of the centre, which is an aim of the Town Centres Framework.*"

## REPRESENTATIONS

The neighbouring properties were consulted on 26 July 2018.

A site notice was also displayed on 9<sup>th</sup> August 2018.

One representation was received objecting to the application being determined under delegated powers because of a Councillor's interest in the property.

## REPORT

### Planning Policies and Guidance

#### **Local Development Plan:**

Section 38 of The Planning and Compulsory Purchase Act 2004 requires that in determining a planning application the determination must be in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan for the area comprises the Vale of Glamorgan Adopted Local Development Plan 2011-2026, which was formally adopted by the Council on 28 June 2017, and within which the following policies are of relevance:

#### **Strategic Policies:**

POLICY SP1 – Delivering the Strategy

POLICY SP6 – Retail

#### **Managing Growth Policies:**

POLICY MG14 – Non A1 Retail Uses within Town and District Retail Centres

## **POLICY MG14 -**

### **NON-A1 RETAIL USES WITHIN TOWN AND DISTRICT RETAIL CENTRES**

Proposals for non-A1 retail uses at ground floor level within the town and the district centres will be permitted where:

1. They would not result in more than 35% of non-A1 retail uses within the primary shopping frontage;
2. They would not result in more than 50% of non-A1 retail uses within the secondary shopping frontage;
3. They would not create an over concentration of non-A1 retail uses within the centre;
4. They complement the character of the existing centre, benefit the daytime economy and maintain an attractive shop frontage; and
5. They would not prevent the beneficial use or reuse of upper floors.

Within the town and district retail centre boundaries, proposals for the conversion of a ground floor existing A1 unit to a non-A1 use will only be permitted where it can be demonstrated that the unit has been appropriately marketed and that the proposed use would have no unacceptable impact on the role and function of the retail centre.

### **Managing Development Policies:**

POLICY MD2 - Design of New Development

POLICY MD5 - Development within Settlement Boundaries

POLICY MD7 - Environmental Protection

In addition to the Adopted LDP the following policy, guidance and documentation supports the relevant LDP policies.

### **Planning Policy Wales:**

National planning policy in the form of Planning Policy Wales (Edition 9, 2016) (PPW) is of relevance to the determination of this application.

10.3.6: "*To assess retail and commercial centre performance local planning authorities should monitor their health and recognise the signs of decline or structural change. There may be many causes of decline ranging from national or local economic circumstances, competition with other centres or changes in local shopping habits. Local planning authorities should use the strategy in their development plan to manage decline in a retail and commercial centre or to take action to regenerate it. In some situations over emphasis on A1 uses in either primary or secondary areas may undermine a centre's prospects, potentially leading to high vacancy rates. In such circumstances local planning authorities should consider how non-A1 uses may play a greater role in retail and commercial centres to increase diversity and reduce vacancy levels.*"

### **Supplementary Planning Guidance:**

In addition to the adopted Local Development Plan, the Council has approved Supplementary Planning Guidance (SPG). Some SPG documents refer to previous adopted UDP policies and to ensure conformity with LDP policies, a review will be carried out as soon as is practicable following adoption of the LDP. The Council considers that the content and guidance of the adopted SPGs remains relevant and has approved the continued use of these SPGs as material considerations in the determination of planning applications until they are replaced or otherwise withdrawn. The following SPG are of relevance:

- Parking Standards

### **Other relevant evidence or policy guidance:**

- Welsh Government Circular 016/2014: The Use of Planning Conditions for Development Management
  - Vale of Glamorgan Council Town Centre Framework (2014)
- 3.5 *Habits have radically changed over the last 20 years. In terms of retail, the rise of internet shopping, the increased role of supermarkets and impact of time-poor shoppers have changed the field of competition for town centres and also the things which shoppers value. Many shoppers now value convenience and benefit from a range of tools at their disposal with which to compare products and prices. Vital, vibrant town centres are the heart of sustainable communities, and they are core to a healthy and prosperous Welsh Economy National Assembly for Wales Enterprise and Business Committee, Regeneration of Town Centres.*
- 3.6 *In addition to shopping, the increasing popularity of eating-out and drinking has seen town centres accommodate an increased number of these types of leisure services , as well as acting as hubs for visitors/ tourists and the town's working population. These changing habits have meant that town centres can no longer just be considered as retail centres and indeed their future viability is likely to depend on their ability to provide a greater diversification of functions in reaction to people's changing habits and expectations.*
- 3.8 *The impact of the recent recession has meant that many town centre retailers are experiencing pressure from falling consumer spending (as people choose to save rather than spend) and rising costs, meaning retailer's margins are being squeezed. This has meant that vacancy rates have increased more quickly. Vacant floorspace in town centres in the UK in 2011 accounted for 12.02%, compared with 9.21% in 2006 (GOAD). In the Vale of Glamorgan, vacant floorspace within identified centres has remained close to 9% between 2007 and 2011, although this average figure disguises significant variations in vacancies between individual areas.*

- 4.60 *We recommend that new uses should be encouraged. Specific focus should be placed upon vacant units and upper floors for housing; encouraging new convenience floorspace (to service people living in the centre); and the introduction of leisure, tourism, cultural and community related uses (to service new residents living in the centre, and visitors looking for more than just shops). Such leisure uses could include more cafes and restaurants as well as art galleries and possibly community space. To achieve this, the Council will need to be flexible in land use planning terms as the encouragement of new business may generate its own small niche areas.*

### **Well-being of Future Generations (Wales) Act 2015**

The Well-being of Future Generations Act (Wales) 2015 places a duty on the Council to take reasonable steps in exercising its functions to meet its sustainable development (or wellbeing) objectives. This report has been prepared in consideration of the Council's duty and the "sustainable development principle", as set out in the 2015 Act. In reaching the recommendation set out below, the Council has sought to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs.

#### **Issues**

The main issues for consideration in the assessment of this application are the principle of the change of use, the impact upon residential amenity, visual impact and parking/highways issues.

#### **Principle of the development**

Policy MG14 of the Local Development Plan is relevant to the determination of this application. It states that proposals for non-A1 uses at ground floor will only be permitted where the resultant concentration of non-A1 uses within the primary shopping frontage is no greater than 35%, the unit has been appropriately marketed and there would be no unacceptable impact on the role and function of the retail centre. The most recent retail survey of Holton Road was undertaken in July 2018 and identified that 61% of the primary shopping frontage comprised A1 units, meaning the concentration of non-A1 units within primary shopping frontage already exceeds the policy threshold.

It has been stated by the applicant that the property has been marketed in a conventional manner via a high street estate agent, for over 12 months. No evidence has been provided to support this assertion. The building has been incidentally been observed as being vacant for some months and a 'to let' board to this effect has been visible on the premises. It has been very recently occupied by the applicant on an unauthorised basis and so the marketing of the property has now clearly ceased.

The proposals, as noted above, are therefore technically contrary to the criteria of Policy MG14, insofar that it would contribute to an existing 'over provision' of non-A1 uses within the Primary Shopping area of the Town Centre. It must be noted, however, that national policies and guidance are also material to the determination of this application. Planning Policy Wales states:

*"Local planning authorities should use the strategy in their development plan to manage decline in a retail and commercial centre or to take action to regenerate it. In some situations over emphasis on A1 uses in either primary or secondary areas may undermine a centre's prospects, potentially leading to high vacancy rates. In such circumstances local planning authorities should consider how non-A1 uses may play a greater role in retail and commercial centres to increase diversity and reduce vacancy levels."*

Holton Road has experienced a recent spike in closures. The Vale of Glamorgan Town Centre Framework noted vacancy rates close to 9% in the Vale centres between 2007 and 2011, with a vacancy rate of 10% in Holton Road in 2012. The latest retail monitoring exercise undertaken in July 2018 noted a vacancy rate of 13.9% in Holton Road (13% within the Primary Retail Frontage). There have been further closures since this exercise was undertaken and a genuine risk that the vacancies will result in a decline in footfall within the centre. It is therefore considered that a more flexible approach, as advocated by Planning Policy Wales and The Vale of Glamorgan Town Centre Framework, should be adopted where the proposed uses are commercial in nature, have an active street frontage and contribute to footfall within the centre (particularly day time footfall).

While it has not been demonstrated that the premises has been marketed for the 12 months referred to in Policy MD14, given the reported lack of interest for letting as an A1 unit, together with the number of vacant units elsewhere in the centre, it is considered unlikely that a tenant would have been found in having advertised it for an extended period of time. In addition, two large national retailers are also currently advertising 'closing down' sales. In this context it is considered that the use would contribute positively to the town centre and would not have a critically harmful impact on retail function.

Notwithstanding the policy position, it is considered on balance that the proposed change of use is acceptable in principle and would not cause material harm to the retail function and character of the Holton Road District Centre, given the other material considerations in favour of the development. The proposal must also comply with the relevant criteria Policies MD2, MD5 and MD7, which relate to the visual impact and impact on the character of the property and street scene, residential amenity as well as the impact on highway safety and parking. These matters are assessed as follows:

#### Residential Amenity

The proposed use falls within the A3 Class, being a form of public house. The applicant has stated that is was proposed to serve beers and cask ales alone, with no hot food provided or live or amplified music being played. It is nevertheless relevant to consider the potential impact arising from such activities, should the nature of the proposed use change or new occupiers take over. It has been noted that live music is currently being advertised at the premises.

There are no recorded residential uses within the application building or its adjoining neighbour. It is consequently unlikely that there would be significant issues arising from the proposed use in relation to noise to other adjoining units. If music was to be played, then it is possible that some instances of breakout noise to Holton Road could occur. There would, however, be adequate control over potential nuisance through conditions restricting the hours of operation, alongside existing Environmental Health legislation and Licencing requirements. The site is located within a district centre with many commercial units nearby. It is not considered necessary and reasonable to restrict hours of delivery, particularly as there is no such restriction in place for the existing retail unit.

The service of hot food would require the provision of suitable extraction equipment. The restriction in use to a 'micropub' would be difficult to define and enforce, but in this case a restriction in hours and hot food provision provides sufficient safeguards in relation to neighbouring amenity.

#### Parking and Highway Safety

The existing unit is not served by off street parking. The existing A1 use would require a single operational parking space according to the guidance within the Parking Standards SPG, whereas the proposed use as a pub would require seven spaces. In considering the practical implications to the highway network, there are some parking opportunities available along Holton Road (time restricted to 6pm) for short visits (and parking on Thompson Street and other surrounding streets), while the location within the centre of Barry provides several public transport options available in addition to the car for planned longer visits. It is considered that there is unlikely to be a material increase in traffic generation, congestion or parking as a result of this development that would be detrimental to highway safety or the free flow of traffic.

#### Visual Impact

No changes to the existing shop front are proposed as part of this application and the proposals are therefore considered acceptable in relation to the visual impact.

A rebranding of the shop front is noted to have occurred in support of the new use, comprising of a new fascia advert and an etched glass effect vinyl window advert. Such adverts typically benefit from deemed or express consent under the Town and Country Planning (Control of Advertisements) Regulations, 1992, but nevertheless do not form part of these proposals.

#### REASON FOR RECOMMENDATION

The decision to recommend planning permission has been taken in accordance with Section 38 of The Planning and Compulsory Purchase Act 2004, which requires that, in determining a planning application the determination must be in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan for the area comprises the Vale of Glamorgan Adopted Local Development Plan 2011-2026.

Having regard to Policies SP1 – Delivering the Strategy, SP6 – Retail, MG14 – Non A1 Retail Uses within Town and District Retail Centres, MD2 – Design of New Development, MD5 – Development within Settlement Boundaries and MG7 – Environmental Protection of The Vale of Glamorgan Local Development Plan 2011 – 2026, and the advice and guidance contained within Planning Policy Wales (Ed.9) and The Vale of Glamorgan Town Centre Framework (2014), it is considered that the proposed use would not cause material harm to the retail function and character of the Holton Road District Centre, the visual amenity of the street scene, residential amenity or parking and highway safety.

It is considered that the decision complies with the Council's well-being objectives and the sustainable development principle in accordance with the requirements of the Well-being of Future Generations (Wales) Act 2015.

### RECOMMENDATION

#### APPROVE subject to the following condition(s):

1. The development shall be carried out in accordance with the following approved plans and documents:

Floor Plans received 27 June 2018

Reason:

For the avoidance of doubt as to the approved development and to accord with Circular 016:2014 on The Use of Planning Conditions for Development Management.

2. Customers are not permitted on the premises outside the hours of 11:00 to 23:00 on any day.

Reason:

To ensure that residential amenity is safeguarded and to ensure compliance with the terms of Policies SP1 (Delivering the Strategy), MD2 (Design of New Developments) and MD7 (Environmental Protection) of the Local Development Plan.

3. No hot food items shall be prepared, served or sold from the premises at any time.

Reason

To ensure that the amenities of neighbours are safeguarded and to ensure the development accords with Policies SP1 (Delivering the Strategy) and MD7 (Environmental Protection) of the Local Development Plan.

**NOTE:**

1. This permission does not purport to grant consent for the display of any advertisements which require consent under the Town and Country Planning (Control of Advertisements) Regulations, 1992.

Please note that this consent is specific to the plans and particulars approved as part of the application. Any departure from the approved plans will constitute unauthorised development and may be liable to enforcement action. You (or any subsequent developer) should advise the Council of any actual or proposed variations from the approved plans immediately so that you can be advised how to best resolve the matter.

In addition, any conditions that the Council has imposed on this consent will be listed above and should be read carefully. It is your (or any subsequent developers) responsibility to ensure that the terms of all conditions are met in full at the appropriate time (as outlined in the specific condition).

The commencement of development without firstly meeting in full the terms of any conditions that require the submission of details prior to the commencement of development will constitute unauthorised development. This will necessitate the submission of a further application to retain the unauthorised development and may render you liable to formal enforcement action.

Failure on the part of the developer to observe the requirements of any other conditions could result in the Council pursuing formal enforcement action in the form of a Breach of Condition Notice.

# **Appendix 16**

# The Vale of Glamorgan Council Cyngor Bro Morgannwg

Dock Office, Barry Docks, Barry CF63 4RT

Tel: 01446 700111 Fax: 01446 704847

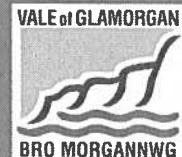
Email: developmentcontrol@valeofglamorgan.gov.uk

Swyddfa'r Doc, Dociau'r Barri, Y Bari CF63 4RT

Ffôn: 01446 700111 Ffacs: 01446 704847

Ebost: developmentcontrol@valeofglamorgan.gov.uk

[www.valeofglamorgan.gov.uk](http://www.valeofglamorgan.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. Site Details

|                |                   |
|----------------|-------------------|
| Number         | 6                 |
| Suffix         |                   |
| Property name  |                   |
| Address line 1 | St Nicholas' Road |
| Address line 2 |                   |
| Town/city      | Barry             |
| Postcode       | CF62 6QW          |

Description of site location must be completed if postcode is not known:

|              |        |
|--------------|--------|
| Easting (x)  | 310428 |
| Northing (y) | 167238 |

Description

[Large empty text area for description]

#### 2. Applicant Details

|                |            |
|----------------|------------|
| Title          | Mr         |
| First name     | Leighton   |
| Surname        | Rowlands   |
| Company name   |            |
| Address line 1 | [REDACTED] |
| Address line 2 | [REDACTED] |
| Address line 3 |            |
| Town/city      | [REDACTED] |
| Country        | [REDACTED] |
| Postcode       | [REDACTED] |

## 2. Applicant Details

Primary number

Secondary number

Email address

Are you an agent acting on behalf of the applicant?

Yes  No

## 3. Agent Details

No Agent details were submitted for this application

## 4. Site Area

What is the site area?

Scale

Does your proposal involve the construction of a new building which would result in the loss or gain of public open space?

Yes  No

## 5. Description of the Proposal

Please describe the proposed development including any change of use

The purpose of the application to is change the current usage A1 to A3 to setup a coffee shop during the day and a wine bar during the evening. The thing that would give the business the edge over similar businesses and products in the local area would be there is no other establishment within the local area; there would be better products on sales and a better customer service then similar business with in the area. We want to offer an experience for people rather than just drinking, we want people to relax and enjoy it after a hard day work or somewhere just to unwind. The three main objective of the business will be to provide establishment that can offer the customer a quiet and peaceful place to relax and enjoy a quite drink and socialise during the day and evening. To offer the customer a unique experience. To put Barry on the map for fine quality of wine and socialising with the new development happening we would like to be the first to offer this experience so we can establish ourselves before others take advantage.

Has the work or change of use already started?

Yes  No

## 6. Existing Use

Please describe the current use of the site

The current site is currently a retail shop selling children toys.

Is the site currently vacant?

Yes  No

Does the proposal involve any of the following?

Land which is known or suspected to be contaminated 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.

Does your proposal involve the construction of a new building?

Yes  No

## 7. Materials

Does the proposed development require any materials to be used in the build?

Yes  No

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

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

Yes  No

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

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

Please show details of any existing or proposed rights of way on or adjacent to the site, as well as any alterations to pedestrian and vehicle access, on your plans or drawings.

## 9. Vehicle Parking

Is vehicle parking relevant to this proposal?  Yes  No

## 10. 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 design, demolition and construction - Recommendations'

## 11. Assessment of Flood Risk

Is the site within an area at risk of flooding?  Yes  No

Refer to the Welsh Government's Development Advice Maps website.

If the proposed development is within an area at risk of flooding you will need to consider whether it is appropriate to submit a flood consequences assessment. Refer to Section 6 and 7 and Appendix 1 of Technical Advice Note 15: Development and Flood Risk.

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

From 7 January 2019, all new developments of more than 1 dwelling house or where the construction area is 100 square metres or more, require Sustainable Drainage Systems (SuDS) for surface water designed and built in accordance with the Welsh Ministers' Statutory SuDS Standards. SuDS Schemes must be approved by your local authority acting in its SuDS Approving Body (SAB) role. Please contact your local authority for details of how to apply.

How will surface water be disposed of?

- Sustainable drainage system
- Existing water course
- Soakaway
- Main sewer
- Pond/lake

## 12. Biodiversity and Geological Conservation

To assist in answering the following questions refer to the help text. The help text provides 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 help text, 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

## 12. Biodiversity and Geological Conservation

c) Features of geological conservation importance

- Yes, on the development site  
 Yes, on land adjacent to or near the proposed development  
 No

### Supporting information requirements

Where a development proposal is likely to affect features of biodiversity or geological conservation interest, you will need to submit, with the application, sufficient information and assessments to allow the local planning authority to determine the proposal.

Failure to submit all information required will result in your application being deemed invalid. It will not be considered valid until all information required by the local planning authority has been submitted.

Your local planning authority will be able to advise on the content of any assessments that may be required.

## 13. Foul Sewage

Please state how foul sewage is to be disposed of:

- Mains Sewer  
 Septic Tank  
 Package Treatment plant  
 Cess Pit  
 Other  
 Unknown

Are you proposing to connect to the existing drainage system?

- Yes  No  Unknown

## 14. Waste Storage and Collection

Do the plans incorporate areas to store and aid the collection of waste and have arrangements been made for the separate storage and collection of recyclable waste?

- Yes  No

If Yes, please provide details:

We will recycle as much of the waste of possible and will store it within the building until collection day. Welcome will use the Vale of Glamorgan business waste service to aid with the collection

## 15. Trade Effluent

Does the proposal involve the need to dispose of trade effluents or trade waste?

- Yes  No

If Yes, please describe the nature, volume and means of disposal of trade effluents or waste

The site will be recycling most of its trade waste, it will be mostly glass bottles, the expected volume will be 200 bottles a week and these would be collected via the Vale of Glamorgan council business collection service or a private waste company.

## 16. Residential/Dwelling Units

Does your proposal include the gain, loss or change of use of residential units?

- Yes  No

## 17. All Types of Development: Non-Residential Floorspace

Does your proposal involve the loss, gain or change of use of non-residential floorspace?

- Yes  No

## 18. Employment

Will the proposed development require the employment of any staff?

- Yes  No

Please complete the following information regarding employees:

## 18. Employment

| Type               | Full-time | Part-time | Equivalent number of full-time |
|--------------------|-----------|-----------|--------------------------------|
| Proposed employees | 2         | 2         |                                |

## 19. Hours of Opening

Are Hours of Opening relevant to this proposal?

Yes  No

If known, please state the hours of opening (e.g. 15:30) for each non-residential use proposed:

| Use                 | Monday to Friday                     | Saturday                             | Sunday and Bank Holidays             | Unknown |
|---------------------|--------------------------------------|--------------------------------------|--------------------------------------|---------|
| A3 - Food and drink | Start Time: 08:00<br>End Time: 23:00 | Start Time: 08:00<br>End Time: 23:30 | Start Time: 08:00<br>End Time: 23:00 |         |

## 20. 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:

The site will be a coffee shop during the day which will serve coffee so a coffee machine will be installed and fridge/coolers will be installed. In the evening it will be a wine bar so bar taps will be installed. Also solar noise reduction air conditioning.

Is the proposal for a waste management development?

Yes  No

If this is a landfill application you will need to provide further information before your application can be determined. Your waste planning authority should make it clear what information it requires on its website

## 21. Renewable and Low Carbon Energy

Does your proposal involve the installation of a standalone renewable or low-carbon energy development?

Yes  No

## 22. Hazardous Substances

Is any hazardous waste involved in the proposal?

Yes  No

## 23. Neighbour and Community Consultation

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

Yes  No

## 24. 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

## 25. Pre-application Advice

Has pre-application advice been sought from the local planning authority about this application?

Yes  No

## 26. Authority Employee/Member

With respect to the Authority, is the applicant or agent one of the following:

- (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

If Yes, please provide details of the name, relationship and role:

The application is being made by elected member of the council Cllr Leighton Rowlands and his business partner Sam Lewis who is a member of staff in the sports and development department

## 27. Ownership Certificates

Certificate of Ownership - Certificate B - Town and Country Planning (Development Management Procedure) (Wales) Order 2012

I certify/the applicant certifies that I have/the applicant has given the requisite notice to everyone else (as listed below) who, on the day 21 days before the date of this application, was the owner (owner is a person with a freehold interest or leasehold interest with at least seven years left to run) of any part of the land or building to which this application relates.

Owner/Agricultural Tenant

|                    |            |
|--------------------|------------|
| Name of Owner      | [REDACTED] |
| Number             | [REDACTED] |
| Suffix             |            |
| House Name         |            |
| Address line 1     | [REDACTED] |
| Address line 2     |            |
| Town/city          | [REDACTED] |
| Postcode           | [REDACTED] |
| Date notice served | 26/03/2019 |

Person role

- The applicant
- The agent

|                  |            |
|------------------|------------|
| Title            | Mr         |
| First name       | Leighton   |
| Surname          | Rowlands   |
| Declaration date | 16/04/2019 |

Declaration made

## 28. Agricultural Holding Certificate Town and Country Planning (Development Management Procedure) (Wales) Order 2012

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

Person role

The applicant  The agent

|       |    |
|-------|----|
| Title | Mr |
|-------|----|

**28. Agricultural Holding Certificate Town and Country Planning  
(Development Management Procedure) (Wales) Order 2012**

|                  |            |
|------------------|------------|
| First name       | Leighton   |
| Surname          | Rowlands   |
| Declaration Date | 16/04/2019 |

Declaration made

**29. Declaration**

I/we hereby apply for planning permission as described in this form and the accompanying plans/drawings and additional information. I confirm that, to the best of my knowledge, any facts stated are true and accurate and any opinions given are the genuine opinions of the persons giving them.

|                                  |            |
|----------------------------------|------------|
| Date (cannot be pre-application) | 16/04/2019 |
|----------------------------------|------------|

# **Appendix 17**

Date/Dyddiad: 7 May 2019

Ask for/Gofynnwch am: Mr. Ceiri Rowlands

Telephone/Rhif ffon: (01446) 704654

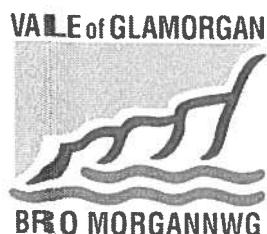
Your Ref/Eich Cyf:

My Ref/Cyf: P/DC/CR/2019/00439/FUL

e-mail/e-bost: Planning@valeofglamorgan.gov.uk

The Vale of Glamorgan Council  
Dock Office, Barry Docks, Barry CF63 4RT  
Tel: (01446) 700111

Cyngor Bro Morgannwg  
Swyddfa'r Doc, Dociau'r Barri, Y Barri CF63 4RT  
Ffôn: (01446) 700111  
[www.valeofglamorgan.gov.uk](http://www.valeofglamorgan.gov.uk)



Mr Leighton Rowlands



Dear Sir/Madam

**Town and Country Planning Act, 1990 (as amended)**

**Application No. 2019/00439/FUL**

**Location : 6, St. Nicholas Road, Barry**

**Proposal : Change of use of the property from A1 (Retail) to A3 (Food and Drink) to setup as a coffee shop during the day and a wine bar during the evening**

**Notification of Receipt of Application**

Your application at the above location has been received and has been registered as valid on 25 April 2019. If I find in the course of consideration that your application is in fact invalid because it does not comply with the statutory requirements then I shall advise you as soon as possible. The application will then only be re-registered once the application is made valid.

You can view the application on-line at the following web address:

<http://www.valeofglamorgan.gov.uk/living/planning.aspx>. By accessing the online planning register from this web page you will be able to view all the submitted applications forms and plans and other related information usually one working day from the date of this notification.

Your application has been allocated to Mr. Ceiri Rowlands. Please be aware that case officers will not generally be available without a prior appointment. However, a duty officer service is provided for general enquiries. The Division also operates a voice mail system and any message left will be answered promptly. Please note that all documentation submitted as part of the application will be made available for public consultation.

If by the 20 June 2019:

- (a) you have not been informed your application is invalid,
- (b) you have not been informed that your fee cheque has been dishonoured,
- (c) you have not been given a decision notice in writing, or
- (d) you have not agreed in writing to extend the period in which the decision may be given,

you should contact the Planning Department to check the progress of your application. In addition if you do not agree in writing to extend the determination period for the application, you may be entitled to appeal to the Welsh Government in accordance with the Town and Country Planning Act, 1990, unless the application has already been referred by the Authority to the Welsh Assembly Government.

Appeals must be made on a form which is obtainable from the Planning Inspectorate,  
Crown Buildings, Cathays Park, Cardiff. CF10 3NQ (Tel: 02920 823796).

Yours faithfully

A horizontal black redaction mark consisting of three thick horizontal lines.

Victoria Robinson

**Operational Manager Development Management**

## ADVISORY NOTE FOR APPLICANTS / AGENTS

### How We Deal With Planning Applications

1. When the Council receives your planning application, it is checked to make sure that it is correctly completed and therefore valid. The application is registered and the Council as Local Planning Authority has 8 or 16 weeks from the date of registration to consider the application, unless a longer time period is agreed by you.
2. The planning application is assigned to a case officer who will publicise your application. This can entail either writing to adjoining neighbours, putting up a site notice or publishing a notice in the press. All applications and supporting information are published on the Council's on-line Planning Register which can be found on the Council's web site. It should be noted that members of the public are given 21 days to make any comments in respect of your planning application.
3. The Town or Community Council will also be consulted together with statutory and non-statutory consultees as necessary.
4. The case officer will need to make a site visit to assess the site and to establish any impact the proposal may have on adjoining properties and the surrounding area. You should be aware that the case officer might well make a photographic record of the site to assist in this assessment.
5. The case officer examines the comments from members of the public and consultees. The case officer may ask you to amend your scheme or provide additional information. In some cases, it may be necessary to advise your neighbours / consultees of the amendments in which case additional time for comments is allowed.
6. The majority of planning applications are determined by the Head of Service and Operational Manager, under powers delegated to them by the Council. More complex applications are considered by the Planning Committee. In both instances, a report is prepared outlining the main planning issues and responses received. If you wish to clarify the proposed method of determination, please contact the case officer or alternatively check the Council's web site.
7. If the Planning Committee considers the application, there is a provision for public speaking at the meeting; this extends to applicants and their agents. Advisory notes which explain the process and how to register to speak are available on the Council's Web Site.
8. When the planning application has been determined, a decision notice will be sent to you or your agent (where applicable). It is important that you study this document carefully as there may be certain conditions attached in the event of planning permission being granted. You will need to comply with all conditions and therefore you are advised to keep the notice in a safe place for future reference, as there is a charge for additional copies. In the event of your planning application being refused, the decision notice will provide reasons for the decision and you will also be advised of your right of appeal.
9. If you wish to make any changes to the proposal after planning permission has been granted, you are advised to contact the Development Control Team. Amendments will always require consideration by the Local Planning Authority and, depending on their nature, may be possible through the Non-Material Amendments (Please see web site for guidance) procedure or alternatively a fresh planning application may be required (this will depend on the size and complexity of the amendments).
10. Please note that if you commence development in advance of planning permission being granted or do not carry out the development in accordance with the approved plans, such development will constitute unauthorised work.

*Should you have any queries regarding the above or wish to check the progress on your planning application, please contact the case officer check on-line on the Council's web site.*

# **Appendix 18**



JUN  
14

## Opening Night

Public · Hosted by The Watering Hole Barry



Interested



Going



Share



More

417 going or interested, including [REDACTED]

Fri, 14 Jun at 7:30 PM-Sat, 15 Jun at 12:00 am  
BST

Tomorrow

The Watering Hole, St Nicholas Road, CF62 6QW

ABOUT

DISCUSSION



Say something...



Details



# **Appendix 19**

**SLR Hospitality CYF**



**Wednesday 19<sup>th</sup> June 2019**

**RE: Resigning as a Director of the company**

**Dear Mr Lewis,**

I'm writing to you this evening to inform you that I'm resigning as a company director of the above company. The reason for this is that the Watering Hole opened up without planning and put myself as a councillor in a difficult situation. And as you would be aware Councillors must stick to the code of conduct. I did not agree the opening date and therefore I feel I need to resign, I will seek advice in relation to the planning application on the withdrawal of it or whether it can the name can be changed. I will update you tomorrow.

I will be sending a copy of this letter to the Monitoring officer of the council and the leader of the Conservative Group. In addition I will keep her updated in relation to the planning application.

I will not be re-joining the company in the future.

As a legal obligation the company as in yourself as you're the remaining director you need to fill out TM01 to end to Companies House. This must be done tomorrow.

**Kindest Regards**

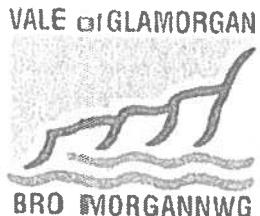
**LEIGHTON ROWLANDS**

**Leighton Rowlands**

# **Appendix 20**

Date/Dyddiad: 21 June 2019  
Ask for/Gofynnwch am: [REDACTED]  
Telephone/Rhif ffon: (01446) 706142

My Ref/Cyf: P/DC/MBM/ENF/2019/0161/PC  
e-mail/e-bost: mbayona-martinez@valeofglamorgan.gov.uk  
Cyngor Bro Morgannwg  
Swyddfa'r Doc, Dociau'r Barri, Y Barri CF63 4RT  
Tel: (01446) 700111  
Ffôn: (01446) 700111  
[www.valeofglamorgan.gov.uk](http://www.valeofglamorgan.gov.uk)



Mr Leighton Rowlands  
[REDACTED]

Dear Sir,

**Town and Country Planning Act 1990 (as amended)**  
**Breach: Change of use to coffee shop/wine bar without planning permission**  
**Location: The Watering Hole, 6, St. Nicholas Road, Barry**

The Council's Planning Enforcement Unit has received a report of a potential change of use from A1 to A3 at The Watering Hole, 6, St. Nicholas Road, Barry. Accordingly, the Local Planning Authority is obligated to undertake an investigation into the allegations.

I am aware that a planning application, reference 2019/00439/FUL, is currently being assessed for the change of use of the above-mentioned address from A1 to A3. However, as no decision has yet been made the use of the site for A3 purposes would currently be considered unauthorised and a breach of planning control.

Failure to resolve this breach of planning control may result in formal enforcement action being pursued against you. Your co-operation would, therefore, be appreciated in order to avoid the need for such action.

Irrespective of the above, it is in your interest to contact me immediately on 01446 706142 to discuss the issues raised in this letter.

Yours faithfully,

[REDACTED]  
for Operational Manager Development Management

**Disclaimer:** Nothing in this letter should be taken as binding the Council in the future exercise of any of its powers, other than where it is indicated that a decision has been made by a Committee of the Council or under delegated powers.

# **Appendix 21**

**Ceri Rowlands & Victoria Robinson  
Planning Department  
Vale of Glamorgan Council  
Dock Offices  
Barry  
CF63 4RT**

**Dear Ceri, Victoria**

**Please find attached planning application from 6 St Nicholas Road. The application is should now be put in Sam Lewis names as I have resigned from the Business and has no involved in it anymore.**

**I note that you have also written to me separately in respect of an enforcement case regarding an allegation that the use has already commenced. As I'm no longer part of the business are no longer the main point of contact in regard to this matter would be Mr Samuel Lewis. Also I believe there is a building regulation application in my name if this can changed to Sam or withdrawn please action this immediately**

**The fact that after advise that the business cease trade and I tried my best to action this as per the monitoring officer advise I was unable to continue as a director as I was not being listen too.**

**I would never want to bring the council into dispute.**

**Kindest Regards**

**Mr Leighton Rowlands**

**From:** Robinson, Victoria L.  
**To:** Planning  
**Cc:** Rowlands, Cefn  
**Subject:** FW: 2019/00439/FUL - 6 St. Nicholas Road, Barry - planning application for change of use  
**Date:** 25 June 2019 13:01:30  
**Importance:** High

---

Please can these supersede the previous application forms, the applicant's details updated on DEF and the application re-started with today's date?

Thanks

Victoria Robinson  
Operational Manager for Planning and Building Control / Rheolydd Gweithredol - Rheoli Datblygu  
Regeneration and Planning / Adfywio a Chynllunio  
Vale of Glamorgan Council / Cyngor Bro Morgannwg  
tel / ffôn: 01446 704661  
mob / sym: 07860526606  
e-mail / e-bost: [VLRobinson@valeofglamorgan.gov.uk](mailto:VLRobinson@valeofglamorgan.gov.uk)

*Consider the environment. Please don't print this e-mail unless you really need to.*  
*Ystyriwch yr amgylchedd. Pediwch ag argraffu'r nages hon oni baï fod gwir angen.*

Visit our Website at [www.valeofglamorgan.gov.uk](http://www.valeofglamorgan.gov.uk)  
Ewch i'n gwefan yn [www.bromorganwsg.gov.uk](http://www.bromorganwsg.gov.uk)

Find us on Facebook / Cwch ddiad o hyd i ni ar Facebook  
Follow us on Twitter / Dilysnwch ni ar Twitter

Correspondence is welcomed in Welsh or English / Croesewir Gohebiaeth yn y Gymraeg neu yn Saesneg.

---

**From:** Rowlands, Leighton O (Cllr)  
**Sent:** 25 June 2019 12:37  
**To:** Robinson, Victoria L  
**Cc:** Rowlands, Cefn; Marles, Debbie  
**Subject:** RE: 2019/00439/FUL - 6 St. Nicholas Road, Barry - planning application for change of use  
**Importance:** High

Good Afternoon,

As per our discussion Victoria I have received the planning application from Sam but I believe he has sent one in the post yesterday. But because this was urgent matter and I have stressed over it this morning I has requested that an electronic copy be sent to me so I can forward you my letter that I have resigned as director of the company on 19<sup>th</sup> June 2019. And that no action should take towards me

I hope this put the matter to bed, I do not want anything to do the application or business ideally I would have preferred to cease trade until the application was approved but I was unsuccessful in persuading my business partner.

Kindest Regards

Cllr Leighton Rowlands

---

**From:** Robinson, Victoria L  
**Sent:** 24 June 2019 10:55  
**To:** Rowlands, Leighton O (Cllr)  
**Cc:** Rowlands, Cefn; Marles, Debbie  
**Subject:** 2019/00439/FUL - 6 St. Nicholas Road, Barry - planning application for change of use

Dear Cllr Rowlands,

Further to our discussions on the above application, which was submitted in your name as applicant, I can advise that I am satisfied that the applicant's name can be amended to another person whilst the application remains undetermined. If you would like to pursue this course of action, please submit an amended application form with the new details and correct any of the certificates of ownership on the form to take account of the amended circumstances. Please supply a cover letter also confirming your request to change the applicant details and we will supersede the previous application forms.

[https://webarchive.nationalarchives.gov.uk/20141204031153/http://www.planningportal.gov.uk/uploads/appPDF/26950Form004\\_wales\\_en.pdf](https://webarchive.nationalarchives.gov.uk/20141204031153/http://www.planningportal.gov.uk/uploads/appPDF/26950Form004_wales_en.pdf)  
You will note, we have also written to you separately in respect of an enforcement case regarding an allegation that the use has already commenced. If you are no longer the main point of contact in regard to this matter, please respond to that letter accordingly so we can update our records and liaise with the correct person.

Kind regards,

Victoria Robinson  
Operational Manager for Planning and Building Control / Rheolydd Gweithredol - Rheoli Datblygu  
Regeneration and Planning / Adfywio a Chynllunio  
Vale of Glamorgan Council / Cyngor Bro Morgannwg  
tel / ffôn: 01446 704661  
mob / sym: 07860526606  
e-mail / e-bost: [VLRobinson@valeofglamorgan.gov.uk](mailto:VLRobinson@valeofglamorgan.gov.uk)

*Consider the environment. Please don't print this e-mail unless you really need to.  
Ystyriwch yr amgylchedd. Peidiwch ag argraffu'r neges hen oni ba i fod gwir angen.*

**Visit our Website at [www.valeofglamorgan.gov.uk](http://www.valeofglamorgan.gov.uk)  
Ewch i'n gwefan yn [www.bromorgannwg.gov.uk](http://www.bromorgannwg.gov.uk)**

**Find us on Facebook / Cewch ddog o hyd i ni ar Facebook  
Follow us on Twitter / Dilynwch ni ar Twitter**

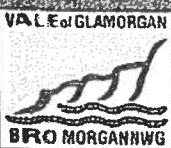
**Correspondence is welcomed in Welsh or English / Croesewir Gohebiaeth yn y Gymraeg neu yn Saesneg**

# The Vale of Glamorgan Council

# Cyngor Bro Morgannwg

Dock Office, Barry Docks, Barry CF63 4RT  
Tel: 01446 700111 Fax: 01446 704847  
Email: developmentcontrol@valeofglamorgan.gov.uk

Dock Office, Dockau, Barry, CF63 4RT  
Tel: 01446 700111 Fax: 01446 704847  
Email: developmentcontrol@valeofglamorgan.gov.uk



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

You can complete and submit this form electronically via the Planning Portal by visiting [www.planningportal.gov.uk/apply](http://www.planningportal.gov.uk/apply)

### 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.

Please complete using block capitals and black ink.

It is important that you read the accompanying guidance notes as incorrect completion will delay the processing of your application.

#### 1. Applicant Name and Address

|  |                                 |                                 |
|--|---------------------------------|---------------------------------|
| Title: <b>MR</b>                             | First name: <b>Samuel</b>       |                                 |
| Last name: <b>LEWIS.</b>                     |                                 |                                 |
| Company (optional): <b>SLR HOSPITALITY .</b> |                                 |                                 |
| Unit: <b>[REDACTED]</b>                      | House number: <b>[REDACTED]</b> | House suffix: <b>[REDACTED]</b> |
| House name:                                  |                                 |                                 |
| Address 1: <b>[REDACTED]</b>                 |                                 |                                 |
| Address 2: <b>[REDACTED]</b>                 |                                 |                                 |
| Address 3:                                   |                                 |                                 |
| Town: <b>[REDACTED]</b>                      |                                 |                                 |
| County: <b>VALE OF GLAMORGAN</b>             |                                 |                                 |
| Country: <b>WALES.</b>                       |                                 |                                 |
| Postcode: <b>[REDACTED]</b>                  |                                 |                                 |

#### 2. Agent Name and Address

|                          |                                 |                                 |
|--------------------------|---------------------------------|---------------------------------|
| Title: <b>[REDACTED]</b> | First name: <b>[REDACTED]</b>   |                                 |
| Last name:               |                                 |                                 |
| Company (optional):      |                                 |                                 |
| Unit: <b>[REDACTED]</b>  | House number: <b>[REDACTED]</b> | House suffix: <b>[REDACTED]</b> |
| House name:              |                                 |                                 |
| Address 1:               |                                 |                                 |
| Address 2:               |                                 |                                 |
| Address 3:               |                                 |                                 |
| Town:                    |                                 |                                 |
| County:                  |                                 |                                 |
| Country:                 |                                 |                                 |
| Postcode:                |                                 |                                 |

#### 3. Description of the Proposal

Please describe the proposed development, including any change of use:

**Change from A1 to A3 - cafe and wine Bar .**

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

Yes

No

**10th APRIL 2019 .**  
(date must be pre-application submission)

If Yes, please state the date when building, work or use were started (DD/MM/YYYY): **BARRY .**

Has the building, work or change of use been completed?

Yes

No

If Yes, please state the date when the building, work or change of use was completed: (DD/MM/YYYY): **14th JUNE 2019**

(date must be pre-application submission)

#### 4. Site Address Details

Please provide the full postal address of the application site.

Unit:  House number:  House suffix:

House name:

Address 1:

Address 2:

Address 3:

Town:

County:

Postcode (optional):

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

Easting:  Northing:

Description:

#### 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

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)

#### 8. Neighbour and Community Consultation

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

If Yes, please provide details:

#### 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).

Please tick if the full contact details are not known, and then complete as much as possible:

Officer name:

Reference:

Date (DD/MM/YYYY):  
(must be pre-application submission)

Details of pre-application advice received?

#### 7. Waste Storage and Collection

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

If Yes, please provide details:

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

If Yes, please provide details of the name, relationship and role

# The Vale of Glamorgan Council Cyngor Bro Morgannwg

Dock Office, Barry Docks, Barry CF63 4RT  
Tel: 01446 700111 Fax: 01446 704847  
Email: developmentcontrol@valeofglamorgan.gov.uk

Syddol i'r DDC: Diolch i'r Barri Y Barri CF63 4RT  
Ffôn: 01446 700111 Ffacs: 01446 704847  
E-bost: developmentcontrol@valeofglamorgan.gov.uk



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

You can complete and submit this form electronically via the Planning Portal by visiting [www.planningportal.gov.uk/apply](http://www.planningportal.gov.uk/apply)

### 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.

Please complete using block capitals and black ink.

It is important that you read the accompanying guidance notes as incorrect completion will delay the processing of your application.

#### 1. Applicant Name and Address

|                     |                         |               |        |    |
|---------------------|-------------------------|---------------|--------|----|
| Title:              | MR                      | First name:   | Samuel | go |
| Last name:          | Lewis                   |               |        |    |
| Company (optional): | SLR HOSPITALITY .C.Y.F. |               |        |    |
| Unit:               | House number:           | House suffix: |        |    |
| House name:         |                         |               |        |    |
| Address 1:          |                         |               |        |    |
| Address 2:          |                         |               |        |    |
| Address 3:          |                         |               |        |    |
| Town:               |                         |               |        |    |
| County:             |                         |               |        |    |
| Country:            |                         |               |        |    |
| Postcode:           |                         |               |        |    |

#### 2. Agent Name and Address

|                     |               |               |  |  |
|---------------------|---------------|---------------|--|--|
| Title:              |               | First name:   |  |  |
| Last name:          |               |               |  |  |
| Company (optional): |               |               |  |  |
| Unit:               | House number: | House suffix: |  |  |
| House name:         |               |               |  |  |
| Address 1:          |               |               |  |  |
| Address 2:          |               |               |  |  |
| Address 3:          |               |               |  |  |
| Town:               |               |               |  |  |
| County:             |               |               |  |  |
| Country:            |               |               |  |  |
| Postcode:           |               |               |  |  |

#### 3. Description of the Proposal

Please describe the proposed development, including any change of use:

Change from A1 to A3 for a cafe and Bar in the evening.

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

Yes

No

If Yes, please state the date when building, work or use were started (DD/MM/YYYY):

16<sup>th</sup> April 14

(date must be pre-application submission)

Has the building, work or change of use been completed?

Yes

No

If Yes, please state the date when the building, work or change of use was completed: (DD/MM/YYYY):

4<sup>th</sup> June 19

(date must be pre-application submission)

#### 4. Site Address Details

Please provide the full postal address of the application site.

Unit: [REDACTED] House number: [REDACTED] House suffix: [REDACTED]

House name:

Address 1: [REDACTED]

Address 2: [REDACTED]

Address 3: [REDACTED]

Town: BARRY

County: VALE OF GLAMORGAN

Postcode (optional): [REDACTED]

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

Easting: [REDACTED]

Northing: [REDACTED]

Description:

Shop unit on St Nicholas  
ROAD.

#### 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

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)/drawing(s)

[REDACTED]

#### 8. Neighbour and Community Consultation

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

Yes  No

If Yes, please provide details:

Previous Application Consulted  
with Neighbours.

#### 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).

Please tick if the full contact details are not known, and then complete as much as possible:

Officer name:

*Stefan Persson*

Reference:

[REDACTED]

Date (DD/MM/YYYY):  
(must be pre-application submission)

[REDACTED]

Details of pre-application advice received?

[REDACTED]

#### 7. Waste Storage and Collection

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

Yes  No

If Yes, please provide details:

Back room will store waste  
of Bottles and General Waste.

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

Yes  No

If Yes, please provide details:

Separate wheelie bins.

#### 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

If Yes, please provide details of the name, relationship and role

Member of Staff.

## 12. Foul Sewage

Please state how foul sewage is to be disposed of:

- Mains sewer  Cess pit  Package treatment plant  
 Septic tank  Other

Are you proposing to connect to the existing drainage system?  Yes  No

If Yes, please include the details of the existing system on the application drawings and state references for the plan(s)/drawing(s):

## 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 a 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  Existing watercourse  
 Soakaway  Pond/lake  
 Main sewer

## 14. Biodiversity and Geological Conservation

To assist in answering the following questions refer to the guidance notes on the Planning Portal website (see "Local level requirements and additional documentation"). The notes provide 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

## Supporting Information Requirements

Where a development proposal is likely to affect features of biodiversity or geological conservation interest, you will need to submit, with the application, sufficient information and assessments to allow the local planning authority to determine the proposal.

Failure to submit all information required will result in your application being deemed invalid. It will not be considered valid until all information required by the Local Planning Authority has been submitted.

Your Local Planning Authority will be able to advise on the content of any assessments that may be required.

## 15. Existing Use

Please describe the current use of the site:

Retail Shop

Is the site currently vacant?  Yes  No

If Yes, please describe the last use of the site:

When did this use end (if known)? (DD/MM/YYYY)  N/A (date where known may be approximate)

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

If you have answered 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 may need to provide a full Tree Survey, at the discretion of your local planning authority. If a Tree Survey is required, this and the accompanying plan should be submitted alongside your application. Your local planning authority should make clear on its website what the survey should contain, in accordance with the current 'BSS837: Trees In relation to design, demolition and construction - Recommendations'.

## 17. Trade Effluent

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

If Yes, please describe the nature, volume and means of disposal of trade effluents or waste

## 10. Materials

If applicable, please state what materials are to be used externally. Include type, colour and name for each material:

|   | Existing<br>(where applicable) | Proposed | Not<br>applicable                   | Don't<br>Know                       |
|---|--------------------------------|----------|-------------------------------------|-------------------------------------|
| Walls                                       |                                |          | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| Roof  |                                |          | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| Windows                                     |                                |          | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| Doors                                       |                                |          | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| Boundary treatments<br>(e.g. fences, walls) |                                |          | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| Vehicle access and<br>hard-standing         |                                |          | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| Lighting                                    |                                |          | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| Others<br>(please specify)                  |                                |          | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |

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:

Statement plan all read privately.

## 11. Vehicle Parking

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

| Type of Vehicle                                  | Total Existing | Total proposed (including spaces retained) | Difference In spaces |
|--|----------------|--|----------------------|
| Cars   | 12             |  |                      |
| Light goods vehicles/<br>public carrier vehicles | 0              |  |                      |
| Motorcycles                                      | 0              |  |                      |
| Disability spaces                                | 0              |  |                      |
| Cycle spaces                                     | 0              |  |                      |
| Other (e.g. Bus)                                 | 0              |  |                      |
| Other (e.g. Bus)                                 | 0              |  |                      |

### 18. Residential Units (Including Conversion)

Does your proposal include the gain, loss or change of use of residential units?

Yes

No

If Yes, please complete details of the changes in the tables below:

#### Proposed Housing

| Market Housing        | Not known                | Number of Bedrooms |   |   |    |         | Total |
|-----------------------|--------------------------|--------------------|---|---|----|---------|-------|
|                       |                          | 1                  | 2 | 3 | 4+ | Unknown |       |
| Houses                | <input type="checkbox"/> |                    |   |   |    |         |       |
| Flats and maisonettes | <input type="checkbox"/> |                    |   |   |    |         |       |
| Live-work units       | <input type="checkbox"/> |                    |   |   |    |         |       |
| Cluster flats         | <input type="checkbox"/> |                    |   |   |    |         |       |
| Sheltered housing     | <input type="checkbox"/> |                    |   |   |    |         |       |
| Bedsit/studios        | <input type="checkbox"/> |                    |   |   |    |         |       |
| Unknown type          | <input type="checkbox"/> |                    |   |   |    |         |       |

Totals (a + b + c + d + e + f + g) =

#### Existing Housing

| Market Housing        | Not known                | Number of Bedrooms |   |   |    |         | Total |
|-----------------------|--------------------------|--------------------|---|---|----|---------|-------|
|                       |                          | 1                  | 2 | 3 | 4+ | Unknown |       |
| Houses                | <input type="checkbox"/> |                    |   |   |    |         |       |
| Flats and maisonettes | <input type="checkbox"/> |                    |   |   |    |         |       |
| Live-work units       | <input type="checkbox"/> |                    |   |   |    |         |       |
| Cluster flats         | <input type="checkbox"/> |                    |   |   |    |         |       |
| Sheltered housing     | <input type="checkbox"/> |                    |   |   |    |         |       |
| Bedsit/studios        | <input type="checkbox"/> |                    |   |   |    |         |       |
| Unknown type          | <input type="checkbox"/> |                    |   |   |    |         |       |

Totals (a + b + c + d + e + f + g) =

| Social Rented         | Not known                | Number of Bedrooms |   |   |    |         | Total |
|-----------------------|--------------------------|--------------------|---|---|----|---------|-------|
|                       |                          | 1                  | 2 | 3 | 4+ | Unknown |       |
| Houses                | <input type="checkbox"/> |                    |   |   |    |         |       |
| Flats and maisonettes | <input type="checkbox"/> |                    |   |   |    |         |       |
| Live-work units       | <input type="checkbox"/> |                    |   |   |    |         |       |
| Cluster flats         | <input type="checkbox"/> |                    |   |   |    |         |       |
| Sheltered housing     | <input type="checkbox"/> |                    |   |   |    |         |       |
| Bedsit/studios        | <input type="checkbox"/> |                    |   |   |    |         |       |
| Unknown type          | <input type="checkbox"/> |                    |   |   |    |         |       |

Totals (a + b + c + d + e + f + g) =

| Social Rented         | Not known                | Number of Bedrooms |   |   |    |         | Total |
|-----------------------|--------------------------|--------------------|---|---|----|---------|-------|
|                       |                          | 1                  | 2 | 3 | 4+ | Unknown |       |
| Houses                | <input type="checkbox"/> |                    |   |   |    |         |       |
| Flats and maisonettes | <input type="checkbox"/> |                    |   |   |    |         |       |
| Live-work units       | <input type="checkbox"/> |                    |   |   |    |         |       |
| Cluster flats         | <input type="checkbox"/> |                    |   |   |    |         |       |
| Sheltered housing     | <input type="checkbox"/> |                    |   |   |    |         |       |
| Bedsit/studios        | <input type="checkbox"/> |                    |   |   |    |         |       |
| Unknown type          | <input type="checkbox"/> |                    |   |   |    |         |       |

Totals (a + b + c + d + e + f + g) =

| Intermediate          | Not known                | Number of Bedrooms |   |   |    |         | Total |
|-----------------------|--------------------------|--------------------|---|---|----|---------|-------|
|                       |                          | 1                  | 2 | 3 | 4+ | Unknown |       |
| Houses                | <input type="checkbox"/> |                    |   |   |    |         |       |
| Flats and maisonettes | <input type="checkbox"/> |                    |   |   |    |         |       |
| Live-work units       | <input type="checkbox"/> |                    |   |   |    |         |       |
| Cluster flats         | <input type="checkbox"/> |                    |   |   |    |         |       |
| Sheltered housing     | <input type="checkbox"/> |                    |   |   |    |         |       |
| Bedsit/studios        | <input type="checkbox"/> |                    |   |   |    |         |       |
| Unknown type          | <input type="checkbox"/> |                    |   |   |    |         |       |

Totals (a + b + c + d + e + f + g) =

| Intermediate          | Not known                | Number of Bedrooms |   |   |    |         | Total |
|-----------------------|--------------------------|--------------------|---|---|----|---------|-------|
|                       |                          | 1                  | 2 | 3 | 4+ | Unknown |       |
| Houses                | <input type="checkbox"/> |                    |   |   |    |         |       |
| Flats and maisonettes | <input type="checkbox"/> |                    |   |   |    |         |       |
| Live-work units       | <input type="checkbox"/> |                    |   |   |    |         |       |
| Cluster flats         | <input type="checkbox"/> |                    |   |   |    |         |       |
| Sheltered housing     | <input type="checkbox"/> |                    |   |   |    |         |       |
| Bedsit/studios        | <input type="checkbox"/> |                    |   |   |    |         |       |
| Unknown type          | <input type="checkbox"/> |                    |   |   |    |         |       |

Totals (a + b + c + d + e + f + g) =

| Key worker            | Not known                | Number of Bedrooms |   |   |    |         | Total |
|-----------------------|--------------------------|--------------------|---|---|----|---------|-------|
|                       |                          | 1                  | 2 | 3 | 4+ | Unknown |       |
| Houses                | <input type="checkbox"/> |                    |   |   |    |         |       |
| Flats and maisonettes | <input type="checkbox"/> |                    |   |   |    |         |       |
| Live-work units       | <input type="checkbox"/> |                    |   |   |    |         |       |
| Cluster flats         | <input type="checkbox"/> |                    |   |   |    |         |       |
| Sheltered housing     | <input type="checkbox"/> |                    |   |   |    |         |       |
| Bedsit/studios        | <input type="checkbox"/> |                    |   |   |    |         |       |
| Unknown type          | <input type="checkbox"/> |                    |   |   |    |         |       |

Totals (a + b + c + d + e + f + g) =

| Key worker            | Not known                | Number of Bedrooms |   |   |    |         | Total |
|-----------------------|--------------------------|--------------------|---|---|----|---------|-------|
|                       |                          | 1                  | 2 | 3 | 4+ | Unknown |       |
| Houses                | <input type="checkbox"/> |                    |   |   |    |         |       |
| Flats and maisonettes | <input type="checkbox"/> |                    |   |   |    |         |       |
| Live-work units       | <input type="checkbox"/> |                    |   |   |    |         |       |
| Cluster flats         | <input type="checkbox"/> |                    |   |   |    |         |       |
| Sheltered housing     | <input type="checkbox"/> |                    |   |   |    |         |       |
| Bedsit/studios        | <input type="checkbox"/> |                    |   |   |    |         |       |
| Unknown type          | <input type="checkbox"/> |                    |   |   |    |         |       |

Totals (a + b + c + d + e + f + g) =

Total proposed residential units (A + B + C + D) =

Total existing residential units (E + F + G + H) =

TOTAL NET GAIN or LOSS of RESIDENTIAL UNITS (Proposed Housing Grand Total - Existing Housing Grand Total):

### 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

If you have answered Yes to the question above please add details in the following table:

| Use class/type of use |                                     | Not applicable           | Existing gross Internal floorspace (square metres) | Gross internal floorspace to be lost by change of use or demolition (square metres) | Total gross internal floorspace proposed (including change of use)(square metres) | Net additional gross internal floorspace following development (square metres) |
|-----------------------|-------------------------------------|--------------------------|--|---|---|--|
| A1                    | Shops                               | <input type="checkbox"/> |  |   |   |  |
|                       | Net tradable area:                  | <input type="checkbox"/> |  |   |   |  |
| A2                    | Financial and professional services | <input type="checkbox"/> |  |   |   |  |
| A3                    | Restaurants and cafes               | <input type="checkbox"/> |  |   |   |  |
| B1 (c)                | Light industrial                    | <input type="checkbox"/> |  |   |   |  |
| B2                    | General Industrial                  | <input type="checkbox"/> |  |   |   |  |
| B8                    | Storage or distribution             | <input type="checkbox"/> |  |   |   |  |
| C1                    | Hotels and halls of residence       | <input type="checkbox"/> |  |   |   |  |
| C2                    | Residential institutions            | <input type="checkbox"/> |  |   |   |  |
| D1                    | Non-residential Institutions        | <input type="checkbox"/> |  |   |   |  |
| D2                    | Assembly and leisure                | <input type="checkbox"/> |  |   |   |  |
| OTHER                 |                                     | <input type="checkbox"/> |  |   |   |  |
| Please Specify        |                                     | <input type="checkbox"/> |  |   |   |  |
| Total                 |                                     |                          |  |   |   |  |

In addition, for hotels, residential institutions and hostels, please additionally indicate the loss or gain of rooms

| Use class      | Type of use              | Not applicable           | Existing rooms to be lost by change of use or demolition | Total rooms proposed (including changes of use) | Net additional rooms |
|----------------|--------------------------|--------------------------|--|---|----------------------|
| C1             | Hotels                   | <input type="checkbox"/> |  |   |                      |
| C2             | Residential Institutions | <input type="checkbox"/> |  |   |                      |
| OTHER          |                          | <input type="checkbox"/> |  |   |                      |
| Please Specify |                          | <input type="checkbox"/> |  |   |                      |

### 20. Employment

Please complete the following information regarding employees:

|                    | Full-time   | Part-time | Total full-time equivalent |
|--------------------|-------------|-----------|----------------------------|
| Existing employees | 1 Sam Lewis | 0         |                            |
| Proposed employees | 1           | 2.        |                            |

### 21. Hours of Opening

Please state the hours of opening for each non-residential use proposed:

| Use | Monday to Friday | Saturday    | Sunday and Bank Holidays | Not known          |
|-----|------------------|-------------|--------------------------|--------------------|
|     | 10am - 11pm      | 10am - 12pm |                          |                    |
|     |                  |             | Not Known.               | <i>[Signature]</i> |
|     |                  |             |                          |                    |

### 22. Site Area

Please state the site area in hectares (ha)

Unknown

### 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:

|  |  |  |
|--|--|--|
|  |  |  |
|--|--|--|

Is the proposal a waste management development?  Yes  No

If the answer is Yes, please complete the following table:

|  | <input type="checkbox"/> Not applicable | The total capacity of the void in cubic metres, including engineering surcharge and making no allowance for cover or restoration material (or tonnes if solid waste or litres if liquid waste) | Maximum annual operational throughput in tonnes (or litres if liquid waste) |
|--|---|--|---|
| Inert landfill   | <input checked="" type="checkbox"/>     |  |   |
| Non-hazardous landfill   | <input checked="" type="checkbox"/>     |  |   |
| Hazardous landfill   | <input checked="" type="checkbox"/>     |  |   |
| Energy from waste incineration                                     | <input checked="" type="checkbox"/>     |  |   |
| Other incineration   | <input checked="" type="checkbox"/>     |  |   |
| Landfill gas generation plant                                      | <input checked="" type="checkbox"/>     |  |   |
| Pyrolysis/gasification   | <input checked="" type="checkbox"/>     |  |   |
| Metal recycling site   | <input checked="" type="checkbox"/>     |  |   |
| Transfer stations  | <input checked="" type="checkbox"/>     |  |   |
| Material recovery/recycling facilities (MRFs)                      | <input checked="" type="checkbox"/>     |  |   |
| Household civic amenity sites                                      | <input checked="" type="checkbox"/>     |  |   |
| Open windrow composting  | <input checked="" type="checkbox"/>     |  |   |
| In-vessel composting   | <input checked="" type="checkbox"/>     |  |   |
| Anaerobic digestion  | <input checked="" type="checkbox"/>     |  |   |
| Any combined mechanical, biological and/or thermal treatment (MBT) | <input checked="" type="checkbox"/>     |  |   |
| Sewage treatment works   | <input checked="" type="checkbox"/>     |  |   |
| Other treatment  | <input checked="" type="checkbox"/>     |  |   |
| Recycling facilities construction, demolition and excavation waste | <input checked="" type="checkbox"/>     |  |   |
| Storage of waste   | <input checked="" type="checkbox"/>     |  |   |
| Other waste management   | <input checked="" type="checkbox"/>     |  |   |
| Other developments   | <input checked="" type="checkbox"/>     |  |   |

Please provide the maximum annual operational throughput of the following waste streams:

|   |     |
|---|-----|
| Municipal                               |     |
| Construction, demolition and excavation | N/A |
| Commercial and industrial               |     |
| Hazardous                               |     |

If this is a landfill application you will need to provide further information before your application can be determined. Your waste planning authority should make clear what information it requires on its website.

### 24. Hazardous Substances

Does the proposal involve the use or storage of any of the following materials in the quantities stated below?  Yes  No  Not applicable

If Yes, please provide the amount of each substance that is involved:

|                        |                      |                               |                      |                              |                      |
|------------------------|----------------------|-------------------------------|----------------------|------------------------------|----------------------|
| Acrylonitrile (tonnes) | <input type="text"/> | Ethylene oxide (tonnes)       | <input type="text"/> | Phosgene (tonnes)            | <input type="text"/> |
| Ammonia (tonnes)       | <input type="text"/> | Hydrogen cyanide (tonnes)     | <input type="text"/> | Sulphur dioxide (tonnes)     | <input type="text"/> |
| Bromine (tonnes)       | <input type="text"/> | Liquid oxygen (tonnes)        | <input type="text"/> | Flour (tonnes)               | <input type="text"/> |
| Chlorine (tonnes)      | <input type="text"/> | Liquid petroleum gas (tonnes) | <input type="text"/> | Refined white sugar (tonnes) | <input type="text"/> |
| Other:                 | <input type="text"/> | Other:                        | <input type="text"/> |                              |                      |
| Amount (tonnes):       | <input type="text"/> | Amount (tonnes):              | <input type="text"/> |                              |                      |

## 25. Ownership Certificates

One Certificate A, B, C, or D, must be completed, together with the Agricultural Holdings Certificate with this application form  
**Certificate of Ownership – Certificate A**

### Town and Country Planning (Development Management Procedure) (Wales) Order 2012

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.

Signed - Applicant:

Or signed - Agent:

Date (DD/MM/YYYY):

**24.06.2019**

### Certificate of Ownership – Certificate B

### Town and Country Planning (Development Management Procedure) (Wales) Order 2012

I certify/ The applicant certifies that I have/the applicant has given the requisite notice to everyone else (as listed below) who, on the day 21 days before the date of this application, 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 this application relates.

| Name of Owner                 | Address | Date Notice Served |
|-------------------------------|---------|--------------------|
| As per previous Application . |         |                    |
|                               |         |                    |
|                               |         |                    |
|                               |         |                    |
|                               |         |                    |

Signed - Applicant:

Or signed - Agent:

Date (DD/MM/YYYY):

**24.06.2019**

### Certificate of Ownership – Certificate C

### Town and Country Planning (Development Management Procedure) (Wales) Order 2012

I certify/ The applicant certifies that:

- Neither Certificate A or B can be issued for this application
- All reasonable steps have been taken to find out the names and addresses of the other owners (*owner is a person with a freehold interest or leasehold interest with at least 7 years left to run*) of the land or building, or of a part of it , but I have/ the applicant has been unable to do so.

The steps taken were:

| Name of Owner | Address | Date Notice Served |
|---------------|---------|--------------------|
|               |         |                    |
|               |         |                    |
|               |         |                    |
|               |         |                    |
|               |         |                    |

Notice of the application has been published in the following newspaper  
(circulating in the area where the land is situated):

On the following date (which must not be earlier than 21 days before the date of the application):

| Signed - Applicant: | Or signed - Agent: | Date (DD/MM/YYYY): |
|---------------------|--------------------|--------------------|
|                     |                    |                    |

## 25. Ownership Certificates (continued)

### Certificate of Ownership - Certificate D

#### Town and Country Planning (Development Management Procedure) (Wales) Order 2012

I certify/ The applicant certifies that:

- Certificate A cannot be issued for this application
- All reasonable steps have been taken to find out the names and addresses of everyone else who, on the day 21 days before the date of this application, 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 to which this application relates, but I have/ the applicant has been unable to do so.

The steps taken were:

|            |  |
|------------|--|
| [Redacted] |  |
|------------|--|

Notice of the application has been published in the following newspaper (circulating in the area where the land is situated):

On the following date (which must not be earlier than 21 days before the date of the application):

|                     |                    |                    |
|---------------------|--------------------|--------------------|
| Signed - Applicant: | Or signed - Agent: | Date (DD/MM/YYYY): |
| [Redacted]          | [Redacted]         | [Redacted]         |

## 26. Agricultural Holdings

### Agricultural Holding Certificate

#### Town and Country Planning (Development Management Procedure) (Wales) Order 2012 Agricultural Land Declaration - You Must Complete Either A or B

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

|                     |                    |                    |
|---------------------|--------------------|--------------------|
| Signed - Applicant: | Or signed - Agent: | Date (DD/MM/YYYY): |
| [Redacted]          | [Redacted]         | [Redacted]         |

(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:

| Name of Tenant | Address    | Date Notice Served |
|----------------|------------|--------------------|
| [Redacted]     | [Redacted] | [Redacted]         |

|                     |                    |                    |
|---------------------|--------------------|--------------------|
| Signed - Applicant: | Or signed - Agent: | Date (DD/MM/YYYY): |
| [Redacted]          | [Redacted]         | [Redacted]         |

## 27. Planning Application Requirements - Checklist

Please read the following checklist to make sure you have sent all the information in support of your proposal. Failure to submit all information required will result in your application being deemed invalid. It will not be considered valid until all information required by the Local Planning Authority has been submitted.

The original and 3 copies of a completed and dated application form:

The original and 3 copies of the plan which identifies the land to which the application relates drawn to an identified scale and showing the direction of North:

The original and 3 copies of other plans and drawings or information necessary to describe the subject of the application:

Depending on the type and scale of proposed development, your application – in order to be validated – may also need to be accompanied by the following technical documents:

- Flood Consequences Assessment
- Biodiversity and Geological Conservation Assessment
- Tree Survey
- Coal Mining Risk Assessment
- Rural Enterprise Dwelling Appraisal
- Retail Impact Assessment
- Noise Assessment
- Transport Assessment

The guidance note available on the Planning Portal website (see "Local level requirements and additional documentation") and Welsh Government Circular 002/2012 will assist you in determining whether any of these assessments are necessary.

You should also note that your Local Planning Authority may have adopted 'Local Validation Requirements' for some major developments. Information on any "Local Validation Requirements" will be available on the Local Planning Authority's website.

## 28. Declaration

I/we hereby apply for planning permission as described in this form and the accompanying plans/drawings and additional information. I confirm that, to the best of my knowledge, any facts stated are true and accurate and any opinions given are the genuine opinions of the persons giving them.

Signed - Applicant:



Or signed - Agent:



Date (DD/MM/YYYY):

24.06.2014 (date cannot be pre-application)

## 29. Applicant Contact Details

Telephone numbers

Country code:

National number:

Extension number:

Country code:

Mobile number (optional):

Country code:

Fax number (optional):

Email address (optional):

## 30. Agent Contact Details

Telephone numbers

Country code:

National number:

Extension number:

Country code:

Mobile number (optional):

Country code:

Fax number (optional):

Email address (optional):

## 31. 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)

Agent

Applicant

Other (if different from the agent/applicant's details)

If Other has been selected, please provide:

Contact name:



Telephone number:



Email address:



# **Appendix 22**

**During a Meeting on 22 July 2019 between [REDACTED] (Head of Regional Internal Audit Service), [REDACTED] (Corporate Investigating Officer) and Councillor Leighton Rowlands the following comments (in part) were made:**

LR immediately stated that he was no longer a partner of the 'Watering Hole' and he and SL were no longer partners.

By reference to records held at Companies House, LR resigned his Director position, 19/06/19. (Paragraph 3.15).

LR stated that when he sat in on a meeting with....., he was asked about the possibility of obtaining planning permission and an alcohol licence for the old brewery site at St Nicholas Road.

LR stated he replied he believed it would be difficult due to the residential area the building was located. However, LR states he advised that they check with the Planning and Licensing Departments at the Council. (Paragraph 3.17).

LR added, a solicitor has drawn up a lease, however, LR has refused to sign the lease until the licensing and planning issues had been resolved, protecting both the Council's reputation and himself. (Paragraph 3.23).

The LR advised that he and SL obtained the keys to the St Nicholas Road property on 08/05/19. A licence to sell alcohol was issued to SL on 24/05/19. (Paragraph 3.25).

The application to change the usage from A1 to A3 remains outstanding. (Paragraph 3.26).

[REDACTED]

[REDACTED]

LR stated he did not want to open the 'Watering Hole' until change of use had been granted by planning. However, LR claims SL wanted to push on with the opening, as they were aware other locations had opened without change of use being granted, but granted retrospectively. LR stated he trusted SL's judgement, but SL had coerced LR into opening the 'Watering Hole' without the appropriate planning consent, opening for business on 14<sup>th</sup> June 2019.

LR gave the [REDACTED] as an example..... (Paragraph 3.29).

# **Appendix 23**

Date/Dyddiad: 9 September 2019  
Ask for/Gofynnwch am: [REDACTED]  
Telephone/Rhif ffon: (01446) 706142

The Vale of Glamorgan Council  
Dock Office, Barry Docks, Barry CF63 4RT  
Tel. (01446) 700111

My Ref/Cyf: P/DC/13633 /ENF/2019/0161/PC Cyngor Bro Morgannwg  
Swyddfa'r Doc, Dociau'r Barri, Y Barri CF63 4RT  
e-mail/e-bost: mbayona-martinez@valeofglamorgan.gov.uk Ffôn: (01446) 700111

[www.valeofglamorgan.gov.uk](http://www.valeofglamorgan.gov.uk)



Occupier  
[REDACTED]

**IMPORTANT**  
**THIS COMMUNICATION AFFECTS YOUR PROPERTY**

Dear Sir/Madam,

**SECTION 172 ENFORCEMENT NOTICE – MATERIAL CHANGE OF USE**  
**The Watering Hole, 6, St. Nicholas Road, Barry**

The Council have issued an Enforcement Notice ENF/2019/0161/PC (A) relating to the above-mentioned land and I now serve on you that Notice, in view of your interest in the land. You should read this Notice carefully together with the annex thereto which explains your right of appeal. Should you be in any doubt as to your position you are strongly urged to seek the advice of a Planning Consultant or a Solicitor.

If you wish to make an appeal, it must be made to the Welsh Ministers (via The Planning Inspectorate) **BEFORE** the Notice takes effect on 09/10/2019. If no appeal is made you must ensure that the required steps, for which you may be held responsible, are taken within the period specified in the Notice.

If you are in any doubt about what this Notice requires you to do you should get in touch immediately with the Case Officer, [REDACTED] at the Vale of Glamorgan Council, Dock Office, Barry CF63 4RT.

**DO NOT LEAVE YOUR RESPONSE UNTIL IT IS TOO LATE.**

Yours faithfully

[REDACTED]  
**On behalf of Operational Manager Development Management**

Encs.

# **Appendix 24**

## **Edgeworth, Harry**

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**From:** Sam Lewis <[REDACTED]>  
**Sent:** 13 October 2019 18:26  
**To:** Wales  
**Subject:** The Watering Hole, Vale of Glamorgan Council Appeal  
**Attachments:** Councilchangeofuse.pdf

For whom it may concern,

I am writing this appeal for several reasons. I am the business owner of the Watering hole Barry. A premium outlet in a affluent part of Barry. The average age at the Bar is 50. Our patrons are generally professional people. The Watering Hole Barry was previously run as SLR Hospitality which was run by myself and business partner Mayor of the county Leighton Rowlands. It is now solely owned by myself Sam Lewis.

When first acquiring the property from the landlord we knew what we had to do to obtain planning permission from A1 – A3 to convert the old derelict building into a community hub for locals. We met informally with the head of planning prior to putting in planning permission to discuss the site and we were advised of potential issues that we would be seen to be mitigating to which we did. These were ones such as having no drinking outside policy. Having no smoking area and also keeping our 12 space car park to exactly that. We were told that we would be able to open our premises prior to getting planning permission on the 14<sup>th</sup> of June. As it would be called into committee due to Leighton's position as a Tory Cllr.

Leighton decided to later leave the business due to advice from the county council. In doing so the name on the application was transferred to mine, without my knowledge initially. I was then informed on 24/07/2019 by an officer that it would be on the agenda in exactly 7 days from the email. Of course giving little time to organise true representation to which the officer had not met with me since the application had been transferred. On the 24/07/2019. I offered the officer cctv footage since opening to show that patrons leave and come quietly and that there had been very little disruption. I had no reply from this email.

30/07/2019. I asked to be able to speak and give representation at the appeal. This was refused. I also asked for several things to be added to the report or told to the committee after I managed to rush some type of representation. Again this was refused. On the 31/07/2019. I asked the officer for advice RE: appeal again this was ignored.

I attended the committee meeting as an audience member. I was not allowed representation or to talk.

The committee was very political in which the one party out weighed the other significantly. Leighton and his solicitor [REDACTED] had to leave and give no representation, whilst the fellow party councillors mocked and quiet honestly spoke of things that were not true. [REDACTED]

[REDACTED] In the report it stated that no representation was given by the house. But the officer from planning commented that. He cannot comment. Again leaving questions of integrity. The whole committee and issues of this have been hugely political and seems to be done as a stance by political parties and the Vale of Glamorgan Council.

The issues that were raised by the committee are things that are not issues within the premises. I have attached till logs to show evidence of the amount of trade my bar does. Parking was raised as an issue. We have only once ever filled our carpark since opening in June. Live music is played in the backroom of the premises which is double suspended ceiling with 600mm of insulation above. This is played once a week on a Saturday evening 8pm-9/9:30 depending on the act.

Our patrons are 90% locals that walk to our premises. One customer started a petition in regard for local residents only to sign if they support the business. We operate from 6PM throughout the week with closing being latest of 11PM. But in the week usually around 9/10, with trade. The Bar is only ever run by 1 person. (this shows demand and the amount of patron.) We are lucky to have 5 in at a time. This bar operates as a come and go for residents in which a micro pub would.

In regards to a micropub. The Vale of Glamorgan Council granted [REDACTED] a use of A1-A3 within a protected inner town area that had the so called same issues as ours.

It seems very typical behaviour by The Council.

I am appealing on the grounds of how the situation was handled by the officer, the council and the lack of being able to have representation. I also appeal on the ground that of which planning has been rejected. I feel that there has also been gross negligence.

I intend to appeal against the planning decision by this month separately.

Many Thanks

Sam Lewis

(Images show amount of items sold to show that our premises is not a fast moving selling bar).

I can provide any other evidence you require.

# **Appendix 25**



# The Planning Inspectorate

## Yr Arolygiaeth Gynllunio

### Penderfyniad ar yr Apêl

Ymweliad â safle a wnaed ar 07/01/20

gan Clive Nield BSc(Hon), CEng,  
MICE, MCIWEM, C.WEM

Arolygydd a benodir gan Weinidogion Cymru

Dyddiad: 18.02.2020

### Appeal Decision

Site visit made on 07/01/20

by Clive Nield BSc(Hon), CEng, MICE,  
MCIWEM, C.WEM

an Inspector appointed by the Welsh Ministers

Date: 18.02.2020

**Appeal Ref: APP/Z6950/C/19/3238684**

**Site address: Land and Building at The Watering Hole, 6 St Nicholas Road, Barry,  
CF62 6QW**

**The Welsh Ministers have transferred the authority to decide this appeal to me as the  
appointed Inspector.**

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
- The appeal is made by Mr Sam Lewis against an enforcement notice issued by The Vale of Glamorgan Council.
- The enforcement notice, numbered ENF/2019/0161/PC (A), was issued on 9 September 2019.
- The breach of planning control as alleged in the notice is, without planning permission, the material change of use of the Property from an A1 (Retail) use to an A3 (Food and Drink) use as a coffee shop and wine bar.
- The requirements of the notice are to cease the unauthorised use of the Property as an A3 (Food and Drink) use – as a coffee shop and wine bar.
- The period for compliance with the requirements is one month.
- The appeal is proceeding on the grounds set out in sections 174(2)(b) and (c) of the Town and Country Planning Act 1990 as amended. Since the prescribed fees have not been paid and no appeal has been made on ground (a), the application for planning permission deemed to have been made under section 177(5) of the Act as amended does not fall to be considered.

### Decision

1. It is directed that the enforcement notice be corrected by the deletion of "ENV7" in paragraph 4 and its substitution with "MD7". Subject to this correction, the appeal is dismissed, and the enforcement notice is upheld.

### Procedural Matters

2. Prior to issue of the enforcement notice, an application was made for planning permission for the change of use (ref. 2019/00439/FUL) but that was refused on 1 August 2019. No appeal has been made against that decision.
3. The Council has drawn my attention to a typographical error in the enforcement notice. In paragraph 4 reference has been incorrectly made to Policy ENV7 rather than to Policy MD7, though the terms of the policy are otherwise correct. I do not consider this has caused any prejudice to the Appellant, and I will correct the notice accordingly.

### **Appeal on Ground (b)**

4. The issue to be considered under ground (b) is whether the breach of planning control alleged in the notice has occurred as a matter of fact.
5. Although appealing on this ground, Mr Lewis has described his use of the premises as a bar with occasional music and has explained how it came to be opened in advance of gaining planning permission. The Council also provides evidence of operation of the bar, which Mr Lewis does not dispute. I am left in no doubt that the breach of planning control alleged in the notice (i.e. change of use from "retail" to "food and drink") has occurred as a matter of fact. Thus, the appeal on ground (b) fails.

### **Appeal on Ground (c)**

6. The issue to be consider under ground (c) is whether or not there has been a breach of planning control.
7. The Council has provided evidence that the previous lawful use of the appeal premises was Class A1 Retail use, and several nearby residents have provided more details of that use. Furthermore, Mr Lewis himself has said in his appeal statement "When first acquiring the property from the landlord we knew what we had to do to obtain planning permission from A1 – A3 to convert the old derelict building into a community hub for locals".
8. Clearly, there is no dispute that the previous lawful use of the premises was A1 Retail use, that the change of use amounts to development, and that it needs planning permission. Change of use from Class A1 to Class A3 is not permitted by the General Permitted Development or Use Classes Orders.
9. Although an application for planning permission for the necessary change of use was made, it was refused by a notice dated 1 August 2019. It does not benefit from any other permission. I conclude, as a matter of fact and degree, that there has been a breach of planning control, and the appeal on ground (c) is unsuccessful.

### **Other Matters**

10. Much of the submission made by Mr Lewis relates to planning merits or criticism of the Council's handling of the planning application. These are not matters that are before me in this appeal or relevant to grounds (b) and (c).

*Clive Nield*

Inspector

# **Appendix 26**

**WITNESS STATEMENT**

Statement of: Victoria Louise Robinson

Address: Vale of Glamorgan Council

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

Occupation/Position: Operational Manager for Planning and Building Control

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I, Victoria Robinson, of the Vale of Glamorgan Council make this statement in connection with a complaint made to the Public Services Ombudsman for Wales that Councillor Leighton Rowlands of the Vale of Glamorgan Council and Barry Town Council has breached the Code of Conduct for elected members. The facts in this statement come from my personal knowledge.

**1. Question 1. What is your position at the Council and how long you have held this position? Please provide a description of your role and duties.**

My position is Operational Manager for Planning & Building Control which I have held since October 2015. The main roles and responsibilities as Operational Manager with responsibility for Development Management, Planning Policy and Building Control are: responsibility for the budget and staff resources within the department, taking decisions on Planning and related matters (under the Council's scheme of delegation) and presenting recommendations on related matters to Council, Cabinet, Scrutiny and Planning Committee as appropriate. Providing leadership and guidance to all staff on work matters. Working with the development industry on planning matters in the Vale of Glamorgan and being lead contact for strategic and complex matters. Leading on Planning Policy matters for the Vale of Glamorgan Council. Liaison with elected members. Providing input and responding to the Corporate Plan and other Council / Corporate Priorities as required, preparing Service and Team Plans and Annual Performance Reports relating to the department. Representing the Council on national and regional forums such as Planning Officers Society for Wales and Cardiff Capital Region City Deal Housing Group.

**2. Question 2. Please see attached Exhibit DM06 (Email from Victoria Robinson to Debbie Marles' office dated 10 September 2019 12.02). Did you write and send this email to Debbie Marles' assistant? Please explain why?**

Yes I did write and send this email. I wrote it in response to a request from Debbie Marles as monitoring officer (via Shelley Beavis, Legal Assistant) regarding what advice Councillor Rowlands had received from the Planning Department about this issue.

**3. Question 3. The email in Exhibit DM06 says, 'I met Cllr Rowlands at pre-ap and discussed the proposal.' Please tell me –**

**i. How and when you first became aware of Councillor Rowlands' involvement with the Watering Hole?**

My first involvement in the matter and awareness of it was when I received a request for some advice from Councillor Rowlands via email on 26<sup>th</sup> March 2019 which stated:

*"I need some assist with doing a change of use planning application for a wine bar I'm looking to open. The shop is A1 I believe, and need it changed to A3. The location is 6 St Nicholas Road, Barry, CF62 6QW. Can myself and my partner come in and meet with you to discuss the process."*

I first became aware that the 'Watering Hole' was operating via a press inquiry where I was asked for comment (email received 9<sup>th</sup> June 2019).

**ii. What were you told at that time and by whom?**

As above.

**iii. The date you had the pre-ap meeting with Councillor Rowlands and why?**

The pre-ap meeting was held at my office (Dock Office, Barry) on Friday 29<sup>th</sup> March 2019 at 12.00 midday. It was arranged following his email request above for advice.

**iv. Was this a formal or informal meeting?**

It was an informal meeting.

**v. Did Councillor Rowlands request the meeting? If so, did he request it under his Councillor status?**

Yes, as above by email. The request was sent from his Councillor email and with his auto-signature shown below. However, it was clear that the request related to a personal matter and not something involving his role as a Councillor.

Cllr Leighton Rowlands

His Worship the Mayor for the Vale of Glamorgan Council

Vale of Glamorgan Council / Cyngor Bro Morgannwg

tel / ffôn: 01446 709853

e-mail / e-bost: [TheMayor@valeofglamorgan.gov.uk](mailto:TheMayor@valeofglamorgan.gov.uk)



Visit our Website at [www.valeofglamorgan.gov.uk](http://www.valeofglamorgan.gov.uk)

Ewch i'n gwefan yn [www.bromorgannwg.gov.uk](http://www.bromorgannwg.gov.uk)

Find us on Facebook / Cewch ddod o hyd i ni ar Facebook

Follow us on Twitter / Dilynwch ni ar Twitter

Correspondence is welcomed in Welsh or English/Croesawir Gohebiaeth yn y Gymraeg neu yn Saesneg.

*Consider the environment. Please don't print this e-mail unless you really need to.*

*Ystyriwch yr amgylchedd. Peidiwch ag argraffu'r neges hon oni bai fod gwir angen.*

**vi. Did the meeting take place before the planning permission application was submitted?**

Yes. The application (reference 2019/00439/FUL) was submitted approximately 3 weeks later on 17<sup>th</sup> April 2019.

**vii. What does the term 'pre-ap' stand for?**

'Pre-ap' is short form for 'pre-application advice' and it generally means the giving of planning and related advice on what the planning policies and key issues for consideration may be for a proposal. It is most commonly between the Council as Local Planning Authority and an applicant / developer in advance of submitting a formal planning application.

**viii. Was Samuel Lewis at the pre-ap meeting?**

Yes.

**ix. Did anyone else attend the pre-ap meeting, if so, please confirm who was there?**

No one else was in attendance.

**x. Is it normal process for the planning department to have a pre-ap meeting with planning permission applicants to discuss a proposal?**

Yes pre-application discussions are a normal part of the planning process although they do not happen in every case. It is not uncommon for applicants to seek some advice before submitting a planning application. This may be done in person, over the phone, or by email / letter. Pre-application meetings are less common, but do happen occasionally when requested and are provided at our discretion. Pre-application advice can be sought informally or formally.

**xi. Can a member of the public request a pre-ap meeting and if so who in the planning department would normally attend these?**

Yes – there is a formal pre-application process that anyone can follow and this can include a meeting if necessary (see website for further details) but is subject to a fee and a formal process.

[https://www.valeofglamorgan.gov.uk/en/living/planning\\_and\\_building\\_control/Planning/Planning-Applications/Make-a-Planning-Application.aspx](https://www.valeofglamorgan.gov.uk/en/living/planning_and_building_control/Planning/Planning-Applications/Make-a-Planning-Application.aspx)

In addition we will occasionally provide informal pre-application advice free of charge which may (albeit rarely) involve a meeting. When we receive such requests for informal pre-ap advice we will normally

direct the customer to the formal process. However, we will sometimes provide advice on simple matters informally over the phone, by email or in person at the Dock Office as general good customer service and in the interests of service efficiency. Occasionally we will have informal discussions with developers before they make formal pre-application submissions as a means to scope out the main issues before they put pen to paper. This is discretionary and will depend on the work demands and officer availability at the time as well as the nature of the project and its strategic benefit to the Vale of Glamorgan.

Any officer in the department may attend formal and informal pre-application meetings. Like all work matters, the seniority and experience of the officer will generally reflect the complexity or sensitivity of the development proposal. This will usually just be the planning officer, or sometimes a team of officers including other consultees like Highways or Drainage may attend (e.g. for major developments).

In this case, I felt that I should agree to meet Councillor Rowlands following his email request. This was in recognition of his role as a Councillor, who was also a Member of Planning Committee at that time. I felt it was important that he receive accurate advice from a senior officer about his proposal and to highlight any key areas of concern.

**4. Question 4. Please explain in as much detail as possible what was discussed at the pre-ap meeting with Councillor Rowlands?**

At the meeting Cllr Rowlands and his partner Samuel Lewis outlined their idea to open a 'wine-bar' in Barry. They had identified a premise at 6 St. Nicholas Road that was vacant and last used as a shop (use class A1). I advised that it would need planning permission for a change of use to A3 for a 'wine bar' or similar. I outlined the main planning policy context for the site and the type of proposal.

Specifically I advised that the site is located in Barry, but outside of a defined retail centre and as such there is no specific protection given to the retail (A1 use) of the building within Local Development Plan (LDP) policies (as there would be within defined retail centres). However, that the proposed change would be assessed against the other relevant policies, including Policy MD2 – Design of New Development, MD5 – Development within Settlement Boundaries and MD7 – Environmental Protection. These policies seek to ensure, among other things, that new development has no unacceptable impact on the amenity and character of the locality by way of noise, traffic congestion and parking. I highlighted that these were likely to be the main areas of concern having regard to the surrounding context of the site which included a number of residential properties in close proximity.

I advised at the meeting that the most likely significant issue would be noise issues associated with the use in a residential area. I advised they seek further advice in this regard from our Shared Regulatory Services department who act as a consultee for the Local Planning Authority in relation to noise matters.

I cannot recall having any discussion about opening prior to gaining planning permission or any conversation about licensing requirements.

Finally, I recall advising that the site was by no means certain of gaining planning permission (because of the constraints identified) and that I was aware of a number of other existing A3 premises that were already available and they may be best advised to consider one of those instead of this property. I further advised that the Council had secured a number of new A3 premises at the new Barry Waterfront development that would be available soon. There was no substantial discussion on this.

**5. Question 5. What advice did you provide to Cllr Rowlands?**

As above.

**6. Question 6. The email says - 'I advised he seek further advice in this regard from SRS.' Please explain**

**i. What SRS stands for, and what they do?**

Shared Regulatory Services (SRS) is a collaborative service formed between Bridgend, Cardiff and the Vale of Glamorgan Councils on 1st May 2015. The Service delivers a fully integrated service under a single management structure for trading standards, environmental health and licensing functions with shared governance arrangements ensuring full elected member involvement.

SRS act as a consultee for the Local Planning Authority in relation to environmental health matters such as noise and pollution control.

**ii. The type of advice SRS would be able to provide?**

They would be able to provide advice about their statutory provisions and what comments / concerns they may raise in relation to the proposed use within this residential area, and what mitigation might be appropriate with regard to noise, extraction, operating hours etc. within their area of expertise.

**iii. Why you advised Councillor Rowlands to seek further advice from SRS?**

As I had identified noise was likely to be a key consideration in the assessment of the change of use to a wine bar, given the proximity of residential properties, I suggested SRS are our consultees in this regard and may be able to provide additional pre-application advice on that issue. I would provide the same advice to any person with whom I was having pre-ap discussions for a similar proposal.

**iv. If Councillor Rowlands sought advice from SRS?**

I do not know.

**7. Question 7. Did Councillor Rowlands or any other attendee at the meeting mention the possibility of opening the Watering Hole without planning permission or before it was obtained? If so, please explain what was discussed?**

I cannot recall having any discussion about opening prior to gaining planning permission.

If I had been asked that question I am certain I would have advised against it given that I had identified potential pitfalls to securing planning permission, and recognising the potential conflict for Mr Rowlands as a Councillor. However, I do not believe there was any discussion on that.

**8. Question 8. Was there any discussion at the pre-ap meeting about whether the Watering Hole could open if a premises licence was in place before the change of use planning permission was obtained? If so, please explain what was discussed.**

As above I do not recall any conversation about licensing or opening before planning permission was secured.

**9. Question 9. What is the planning position when a business opens without the relevant change of use permission being determined?**

If this is a breach of planning permission it is usually investigated by the planning enforcement team. They will consider whether it is expedient to take immediate action to stop the breach (i.e. usually where there is an immediate and severe harm to amenity or the environment) and may serve a Stop or Enforcement Notice. They may conclude there is no breach, that the use is 'lawful' in planning terms or that it is not expedient to take action because there is no harm being caused.

However, in most cases, if a planning application is submitted, it is normal practice to await the outcome of that application before formal enforcement action is taken. If the use is deemed to be unacceptable through the planning application assessment, this will usually result in a dual recommendation report for refusal of the application and authorization to proceed with enforcement action to stop the breach.

Further helpful information on enforcement is available in WG's Development Management Manual (Annex 14) which gives guidance to Local Planning Authorities on these matters.

<https://gov.wales/development-management-manual>

**10. Question 10. Can a business open when they have received a licence but not planning permission? What are the consequences in doing this?**

The two systems are completely separate and stand alone. The granting of one does not imply the acceptability of the other and vice versa.

It is not illegal for a business to open when they have received a licence but not planning permission but it is a breach of planning permission. Planning law makes provision for a breach to become 'lawful' through retrospective planning permission if that development or use is acceptable in planning terms. Or (as in this case) if planning permission is refused an enforcement notice may be issued requiring the use to cease. Failure to comply with an enforcement notice is unlawful and can lead to prosecution.

Further helpful information on enforcement is available in WG's Development Management Manual (Annex 14) which gives guidance to Local Planning Authorities on these matters.

<https://gov.wales/development-management-manual>

**11. Question 11. Is this advice that planning officers would give? Did you give this advice to Councillor Rowlands or Samuel Lewis?**

This is the advice I would expect any officer to give if asked. I do not recall having any conversation to this effect with Councillor Rowlands or Samuel Lewis.

**12. Question 12. Following the pre-ap meeting did Councillor Rowlands or Sam Lewis seek any further advice from you regarding this matter? If so, please explain.**

Yes, once the application was submitted and the press became involved following complaints that the premises had opened and started operating without planning permission. I was contacted by Cllr Rowlands (but not Sam Lewis) because he wished to remove himself as 'applicant' from the planning application. I sought advice on this and confirmed that he could do this in writing. Thereafter he did write to the planning department withdrawing himself as applicant and advising he had no further involvement in the business. From memory, this was the limit of my discussions with him. As is usual, he would have had most discussions with the planning case officer (Mr Ceiri Rowlands).

**13. Question 13. Please explain when and how you first became aware that the Watering Hole had opened without planning permission?**

I first became aware that the 'Watering Hole' was operating via a press inquiry where I was asked for comment (email received 9<sup>th</sup> June 2019).

The enforcement team received a public complaint on 13th June 2019 from a local resident noting that they had seen social media accounts that the business planned to open without planning permission. Plus a further public complaint (also attached) on 15th June complaining that there were people drinking outside until the early hours of the morning of 15th June 2019, lights shining, noise and vehicle engines running.

**14. Question 14. Please explain what action you took once this was brought to your attention.**

An enforcement case was opened to investigate the matter they wrote to Cllr Rowlands (as the then applicant on the planning application) to advise we had opened a case and would be investigating the matter. Once we were advised of a change in applicant we corresponded with that person thereafter.

**15. Question 15. Did you have any other contact with Councillor Rowlands after the Watering Hole opened? If so, please explain what happened?**

Only as stated at Q.12.

**16. Question 16. The email in Exhibit DM06 says – 'As a Member of Planning Committee who has received training, and has been party to debates on similar matters, Cllr Rowlands should be aware that it is not breaking the law to undertake operational development or a change of use without planning permission but it is a breach of planning control and failure to comply with any subsequent enforcement notice requiring the breach to be remedied can be unlawful and enforced through the courts.' Please explain the type of training members of the Planning Committee receive, and how Councillor Rowlands has been 'party to debates on similar matters.'**

All Councillors receive general training (in the weeks following election) on planning matters and how they may be involved in such matters. Planning Committee members have more specific training relating to how the planning system works (including enforcement matters), what their role in it is and how they should carry out their duties both as a 'Ward Member' and as a Member of Planning Committee.

Planning committee meetings will often have enforcement reports seeking Member authorisation for enforcement action and therefore Cllr Rowlands will be familiar with such matters. He will also be familiar with considering 'retrospective' planning applications.

Planning Committee reports are available to view on our website for an indication of what Members have presented to them at such meetings.

In particular, I recall a similar application (in terms of it being a retrospective application for a similar use) in Holton Road, Barry. I recall during that debate that, despite approving the use because it was in a town centre location, several other Members of the Planning Committee expressed their concern that the use had started before securing the necessary planning permission. The application (reference 2018/00761/FUL) was considered by Committee on 27<sup>th</sup> September 2018, when Cllr Rowlands was in attendance. There was also a point of clarification about the difference between licensing and planning permission in this discussion. You can watch this debate on our webcast archive (at approximately 1 hour 32 minutes onwards) <https://www.youtube.com/watch?v=ATOFVIOv1rQ>

**17. Question 17. What is the current position in terms of planning enforcement at the Watering Hole?**

Following the refusal of the planning application, an enforcement notice was served requiring the use to cease. The property owner appealed the notice but the Planning Inspectorate resolved to uphold the Notice, giving a compliance period of 1 month from the date of the inspector's decision and therefore any activity that takes place on or after the 18/03/20 will be in breach of the Notice.

On 26<sup>th</sup> February 2020, Mr Sam Lewis advised in an email to the enforcement officer "We moved premises months ago."

I have not been to the site recently, but I understand the premises is closed and currently vacant (even before the Coronavirus lockdown) and is therefore in compliance with the enforcement notice.

**18. Question 18. Is the Watering Hole still operating as a business?**

Not as far as I know.

**19. Question 19. Please add any additional information you wish to, or anything else you would like to say regarding this matter?**

No.

---

Statement of truth:

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

Signed:



Dated: 21<sup>st</sup> May 2020

# **Appendix 27**

**WITNESS STATEMENT**

Statement of: Ceiri Rowlands

Address: Vale of Glamorgan Council

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

Occupation/Position: Senior Planning Officer

---

1. I, Ceiri Rowlands, of Vale of Glamorgan Council make this statement in connection with a complaint made to the Public Services Ombudsman for Wales that Councillor Leighton Rowlands of Vale of Glamorgan Council and Barry Town Council has breached the Code of Conduct for elected members. The facts in this statement come from my personal knowledge.

2. I am employed as a Senior Planning Officer in the Vale of Glamorgan Council and have held the position for a couple of years. I have been in the Council's planning department for approximately five years. I was the case officer dealing with the change of use planning application from A1 to A3 concerning the Watering Hole. In terms of our processes my role was to deal with the case day to day. I was responsible for receiving information, letters and the general assessment of the application, that sort of thing. Planning decisions are either delegated to my operational manager or are made by Planning Committee. Typically, a change of use would be automatically delegated to the operational manager in planning. This was not, however, as the application was made by a Councillor.

3. I recall that I initially met Councillor Rowlands and Samuel Lewis at the Council offices, around 24/25 April 2019, after the change of use planning application was submitted. I understand the application was submitted on 16 April 2019. I think I subsequently contacted Councillor Richards, I can't remember if it was before or after the meeting, but I had an email from Councillor Rowlands on the 25 April 2019 with information, so I think we met the day before. I didn't take notes of the meeting but recall he had dropped in to provide information to make the application valid. We had requested some additional information and he had come in to present or amend a couple of things on the planning application. I wouldn't say we discussed the merits of the application or the licensing or planning position at that stage, it was literally a five-minute meeting to get a sufficient level of information in to get the application validated.

4. I went out to the Watering Hole site on 10 May 2019, after the application was validated and registered, and put up a site notice as part of the public consultations. The site visit wasn't arranged but as it happened Councillor Rowlands and Sam Lewis were there at that point dealing with some sort of internal works. They took me round and we looked at the measurements of the internal rooms. While I can't remember exactly word for word what was said there was some discussion at that point about the planning process. As far as I can recall I advised them that the application was in the early stages and out for public consultation and consultation with specialist consultees. I think I said in

terms of the planning principles, when we look at changes of use, we look at existing use and whether it is afforded protection in policy. So, for retail use, in retail areas like high streets in particular, we have policies which guard against moves away from retail, but as it was, the site is not part of the high street and those policies would not be applicable. In terms of the principle, as far as that was concerned, it was therefore likely to be acceptable on those grounds. I explained consultation was ongoing with regard to other matters such as noise, with Environmental Health, Highways, as well as neighbours. I think I said with the parking side of things, and retention of the parking area, if they kept it in line with what was existing, there the likelihood was in that sort of location we would be okay with the parking numbers, but it was subject to consultation still at that stage.

5. I can't recall being directly asked whether they could open the business before they had planning permission, if they had a licence in place. I can't remember quite how but the conversation came around to that, but it did. I think it was implied, because Councillor Rowlands seemed concerned about the time scales more than pushing towards a certain outcome, or anything like that. From my recollection, I explained broadly the separate planning/licencing processes to Councillor Rowlands and Sam Lewis. I think I said that the internal works wouldn't need planning permission, in themselves, but if they opened and so implemented a change in use it would be a breach of planning control, but also that it was not an offence and so not something that was illegal. I explained that it would then notionally be open for the planning department to pursue enforcement action and, whilst we wouldn't necessarily do so while we were considering an application, there was a clearly a risk involved. In terms of whether I understood Councillor Rowlands had signed the lease at that point, although he may have touched on it, it was more the fact that they were in the building doing the work, so I think it was taken as said. That was the only meeting that I had with Councillor Rowlands before the matter went to planning committee and I subsequently recorded a note of the meeting on our system (Exhibit CR01).

6. I did ring Councillor Rowlands around 10 or 11 June 2019, in the week ahead of the actual opening, which at the time I didn't know was going to happen. I advised him that we had had an objection from our environmental health section, who had asked for extra information and raised objections regarding certain aspects. We left that conversation at that and I think he may have wanted to speak to them. I was going to clarify a couple of points that they'd raised, also but then the opening happened, and it didn't really go any further after that. I have no recollection during that conversation that Councillor Rowlands raised the intention to open on the 14 June 2019 with me, and I would have said something had it been raised. Although I think it was previously implied that he wanted to open during the meeting, it wasn't stated to me then that he had a certain date, or during the call that he was going to be opening later that week. I became aware that the Watering Hole opened on 14 June 2019 on the Monday following the opening due to complaints from members of the public.

7. In general terms, I can say that businesses do sometimes open without the relevant planning permission or change of use being determined. People sometimes make an assumption that something can be rectified, or people take risks sometimes. It does happen. The general position is, that I wouldn't be authorised to force someone to stop at that point. An enforcement notice would first have to be served on the basis that the use, or the building, or whatever it was unacceptable, essentially. It's a process where lack of planning permission is not illegal, but it comes under the council's control at that point, where permission is required. The biggest barrier, I find, is the general level of risk involved, because it's a lot of time, effort and money to put into something which could potentially be taken away at a later stage if that permission is not forthcoming. It only becomes an offence if you ignore an enforcement notice that would require the use to stop.

8. I deal with planning applications rather than enforcement, another officer deals with the enforcement aspect. I was the case officer for the planning application and dealt with the case up to, and concluding with, the planning committee decision at the end of July 2019. Leighton Rowlands was the original named applicant until a change of applicant was made to Sam Lewis around 25 June 2019. I understand this came about because at some point after the premises opened and before 25 June 2019, the matter was raised by our Monitoring Officer with Councillor Rowlands. I think as a consequence his name was removed from the directorship or ownership of the business, as well as the application. My involvement ended with the planning committee decision and the matter was then dealt with by the enforcement officer.

9. I am aware that an enforcement notice was served in September 2019 and Mr Lewis then submitted an appeal. I am also aware that we recently had a decision back on that, and the appeal was dismissed. It's also my understanding that the business ceased trading recently, although I am not sure exactly when that happened.

---

**Statement of truth:**

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

Signed:



Dated: 2.7.20

## EXHIBIT CR01

From: [REDACTED]  
To: Louise Morland  
Subject: [REDACTED] code case  
Date: 04 May 2020 16:23:41  
Attachments: [REDACTED] image001.png

---

Dear [REDACTED],

I'm having some trouble screenshotting the whole note, because the cursor needs to be active within the text box to scroll down. It reverts to the top once I click away from it and I don't think there's a means for me to make a direct printout of it either. If that's not good enough please let me know.

Number: 8 [REDACTED]

Title: Site Visit

Notes: 10.5.19

SV. SN placed on pole directly outside site.  
There was internal works taking place at the time, Cllr L Rowlands and partner (Sam Lewis?) were at the site.  
Internal measurements taken of two proposed public rooms- 6.84m x 9.5m (LHS) and 6.1m x 7.55m (RHS).  
I advised the application was likely acceptable in principle (i.e. COU from retail outside of a centre) and the application was awaiting consultations, etc. A conversation was had... nothing a premises licence application was also submitted and what...

Userid: Ceiri Rowlands

Created: 19/06/2019      Last Modified: 19/06/2019

Regards,

Ceiri Rowlands  
Uwch Swyddog Cynllunio / Senior Planning Officer  
Adfywio a Chynllunio / Planning and Regeneration  
Cyngor Bro Morgannwg / Vale of Glamorgan Council  
tel / ffôn: 01446 704654  
e-mail / e-bost: [cerowlands@valeofglamorgan.gov.uk](mailto:cerowlands@valeofglamorgan.gov.uk)



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Ewch i'n gwefan yn [www.bromorgannwg.gov.uk](http://www.bromorgannwg.gov.uk)

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[Follow us on Twitter / Dilynwch ni ar Twitter](#)

Correspondence is welcomed in Welsh or English / Croesewir Gohebiaeth yn y Gymraeg neu yn Saesneg.

**From:** [REDACTED] <[REDACTED]@ombudsman-wales.org.uk>  
**Sent:** 11 March 2020 15:25  
**To:** Rowlands, Ceiri <[cerowlands@valeofglamorgan.gov.uk](mailto:cerowlands@valeofglamorgan.gov.uk)>  
**Subject:** RE: 201902891

This email, created by [REDACTED]@ombudsman-wales.org.uk, has been securely delivered using Egress Switch and was decrypted on 11 March 2020 15:24:51

Dear Mr Rowlands

Thank you for your email of yesterday's date which includes your site notes. I wonder if you are able to provide a screenshot of your site notes from the system you use to record the notes.

Kind regards

[REDACTED]  
Investigation Officer/Swyddog Ymchwilio  
Tel/Ffôn: 01656 644206

**From:** Rowlands, Ceiri <[cerowlands@valeofglamorgan.gov.uk](mailto:cerowlands@valeofglamorgan.gov.uk)>  
**Sent:** 10 March 2020 14:02  
**To:** [REDACTED]@ombudsman-wales.org.uk  
**Subject:** RE: 201902891

Dear [REDACTED]

Further to our discussion, I've copied my site notes below:

10.5.19

*SV. SN placed on pole directly outside site.*

*There was internal works taking place at the time, Cllr L Rowlands and partner (Sam Lewis?) were at the site.*

*Internal measurements taken of two proposed public rooms- 6.84m x 9.5m (LHS) and 6.1m x 7.55m (RHS).*

*I advised the application was likely acceptable in principle (i.e. COU from retail outside of a centre) and the application was awaiting consultations etc. A conversation was had, noting a premises licence application was also submitted and what might occur if it was to open. I advised it would be a breach of planning (though not illegal), that we'd be unlikely to pursue enforcement action prior to determining the application, but that it would be at his own risk as enforcement action could be taken if the application was refused.*

*I was also asked regarding placing decking adjacent to the entrance - advised plans would need updating to form part of the application (would likely need consent in isolation). I was advised they would be amending the fascia sign, so I'd check the regs (though typically no application is needed for fascia signs on business premises).*

If you need any other information please let me know.

Regards,

Ceiri Rowlands  
Uwch Swyddog Cynllunio / Senior Planning Officer

Adfywio a Chynllunio / Planning and Regeneration  
Cyngor Bro Morgannwg / Vale of Glamorgan Council  
tel / ffôn: 01446 704654  
e-mail / e-bost: [cerowlands@valeofglamorgan.gov.uk](mailto:cerowlands@valeofglamorgan.gov.uk)



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Ewch i'n gwefan yn [www.bromorganwg.gov.uk](http://www.bromorganwg.gov.uk)

[Find us on Facebook / Cewch ddod o hyd i ni ar Facebook](#)  
[Follow us on Twitter / Dilnwch ni ar Twitter](#)

Correspondence is welcomed in Welsh or English / Croesewir Gohebiaeth yn y Gymraeg neu yn Saesneg.

**From:** [REDACTED] <[\[REDACTED\]@ombudsman-wales.org.uk](mailto:[REDACTED]@ombudsman-wales.org.uk)>  
**Sent:** 03 March 2020 10:54  
**To:** Rowlands, Ceiri <[cerowlands@valeofglamorgan.gov.uk](mailto:cerowlands@valeofglamorgan.gov.uk)>  
**Subject:** FW: 201902891

This email, created by [REDACTED] @ombudsman-wales.org.uk, has been securely delivered using Egress Switch and was decrypted on 03 March 2020 10:54:29

Thank you for your email and confirming your availability. I'm happy to carry out the interview between 1 – 2pm on Tuesday, 10 March. Shall I contact you on the number below?

Many thanks for putting aside some time for the interview.

Kind regards

[REDACTED]  
Investigation Officer/Swyddog Ymchwilio  
Tel/Ffôn: 01656 644206

**From:** Rowlands, Ceiri <[cerowlands@valeofglamorgan.gov.uk](mailto:cerowlands@valeofglamorgan.gov.uk)>  
**Sent:** 03 March 2020 10:33  
**To:** [REDACTED] <[\[REDACTED\]@ombudsman-wales.org.uk](mailto:[REDACTED]@ombudsman-wales.org.uk)>  
**Subject:** RE: 201902891

Dear [REDACTED]

I can do any of those times on Tuesday 10<sup>th</sup> PM. If you've no preference I'll say 1-2pm might suit me best.

Thanks,

Ceiri Rowlands  
Uwch Swyddog Cynllunio / Senior Planning Officer  
Adfywio a Chynllunio / Planning and Regeneration  
Cyngor Bro Morgannwg / Vale of Glamorgan Council  
tel / ffôn: 01446 704654  
e-mail / e-bost: [cerowlands@valeofglamorgan.gov.uk](mailto:cerowlands@valeofglamorgan.gov.uk)

# **Appendix 28**

## **WITNESS STATEMENT**

Statement of: Debbie Marles

Address: Vale of Glamorgan Council

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

Occupation/Position: Monitoring Officer and Head of Legal and Democratic Services

---

1. I, Debbie Marles, of Vale of Glamorgan Council ("the Council"), make this statement in connection with a complaint made to the Public Services Ombudsman for Wales that Councillor Leighton Rowlands of Vale of Glamorgan Council and Barry Town Council has breached the Members' Code of Conduct. The facts in this statement come from my personal knowledge.
2. I am employed as the Monitoring Officer and Head of Legal and Democratic Services for the Council. I have held the position of Monitoring Officer for about five years and prior to that I was Deputy Monitoring Officer for approximately ten years. I'm also the Monitoring Officer for all Town and Community Councils that fall within the Vale of Glamorgan which includes Barry Town Council.
3. I first became aware of Councillor Rowlands' involvement with the Watering Hole at the point when the Watering Hole had opened. At this stage there was coverage in social media and concerns were being raised by local residents. I had not been contacted by Councillor Rowlands in advance of the opening of the Watering Hole, and in particular he had not sought guidance from me regarding his position in respect of the Members' Code of Conduct. I was provided with an article that appeared in a local magazine called Vale Life (Exhibit DM01) about an opening night at the Watering Hole.
4. As soon as I became aware of the matter, I sent an email to Councillor Rowlands, dated 18 June 2019 4.33pm, to set out my concerns in writing as I was of the view the matter warranted being documented rather than initially discussed via a meeting (Exhibit DM02), and I asked Councillor Rowlands to reflect on the situation. Councillor Rowlands sent me an email, dated 18 June 2019 18.29, and requested a meeting, which was arranged for the following day (Exhibit DM03).

Case reference number: 201902891

5. I had a further email from Councillor Rowlands on 19 June at 10.18 in which he said he would like to point out a press article dated 7 September 2018 from Wales Online about the Butterfly Collector (a micro pub trading in the Barry Town Centre) (Exhibit DM04). Councillor Rowlands indicated in relation to this article that the Council had said it was not unlawful to open in advance of obtaining planning permission, but that developers do so at their own risk, and he said that there seemed to be conflicting information.
6. I subsequently met Councillor Rowlands on 19 June 2019 and made an attendance note of the meeting (Exhibit DM05). Councillor Rowlands said at our meeting that he had sought advice from the Planning Department and it was his understanding that it was okay to open when the business had the alcohol licence. I don't recall Councillor Rowlands indicating which specific planning officers he had spoken to, however I have since seen correspondence from the Planning Department and note that Ceiri Rowlands had spoken to Councillor Rowlands concerning planning matters relating to the Watering Hole and that Victoria Robinson (Operational Manager for Planning and Building Control) had spoken briefly with Councillor Rowlands at the pre planning application stage (Exhibit DM06). There was coverage in the local media and Councillor Rowlands had referred to the advice that he said he had been given by officers in the Barry and District Newspaper.
7. During the meeting on 19 June 2019 with Councillor Rowlands, I suggested that the Watering Hole business should cease trading until the planning application had been determined. Following the meeting Councillor Rowlands asked me to indicate via email the position if the matter proceeded to investigation and was referred to the Standards Committee or Adjudication Panel for Wales as he indicated that he wished to use that information to encourage the Co-Director to cease trading. To assist Councillor Rowlands in this regard, I sent an email to Councillor Rowlands, dated 19 June 2019 at 17.45, giving an indication of what the potential sanctions could be if it was proved that there had been a breach of the Members' Code of Conduct (Exhibit DM07).
8. I received an email from Councillor Rowlands, dated 19 June 2019 at 18.26, with an attached copy of a letter (also dated 19 June) which Councillor Rowlands had sent to SLR Hospitality cyf with his resignation as a Director of the company (Exhibit DM08). Councillor Rowlands said in his letter to Sam Lewis that he had not agreed the business opening date, and he had been put in a difficult position by the business opening without planning permission
9. Following the meeting with Councillor Rowlands I carried out a search of Companies House which confirmed that Councillor Rowlands had ceased to be a Director of SLR Hospitality cyf with effect from 19 June 2019 (Exhibit DM09). I was also made aware that the Company had not ceased trading and I sent an email to Councillor Rowlands, dated 25 June 2019 at 10.07, to advise him of my concerns about the seriousness of the matter (Exhibit DM10). At that point I was minded myself to submit a complaint to the Ombudsman however, I did

not proceed with that course of action because it was brought to my attention that a complaint was going to be submitted by a senior member of the Council.

10. On 26 June 2019 I had a telephone conversation with Councillor Rowlands and made an attendance note of the call (Exhibit DM11). Councillor Rowlands mentioned in the call that he had tried to convince Sam Lewis (a Director of SLR Hospitality cyf) to cease trading but to no effect. I do not recall in that conversation that Councillor Rowlands elaborated on the circumstances which led to the business opening before the planning permission was determined.

11. I am aware that Planning Application No. 2019/00439/FUL relating to 6 St Nicholas Road, Barry was considered by the Council's Planning Committee on 31 July 2019 and the Resolution of Committee is as follows:

**"RESOLVED –**

- (1) T H A T planning permission for the retention of the change of use be refused.
- (2) T H A T the Head of Legal Services be authorised to serve an Enforcement Notice under Section 172 of the Town and Country Planning Act 1990 (as amended) to require:
  - (i) The cessation of the unauthorised use of the building as a coffee shop and wine bar.
- (3) T H A T in the event of non-compliance with the Notice, authorisation is also sought to take such legal proceedings as may be required." (Exhibit DM14).

In line with the above Resolution a section 172 Enforcement Notice was issued on 9 September 2019 in respect of the Watering Hole, which requested cessation of the unauthorised use of the property. I am also aware that an appeal was lodged against the Enforcement Notice, and as a result the Enforcement Notice was suspended for the duration of the appeal process. I can confirm that a decision was made by the Planning Inspectorate dated 18 February 2020, that the appeal was not upheld. With regards to the appeal and decision by the Planning Inspectorate, my understanding is that the only reference to the Company Director involved was Mr Lewis, as opposed to Councillor Rowlands, and Councillor Rowlands did not take part in the appeal.

12. It is my understanding that trading at the Watering Hole continued beyond 9 September 2019 and during the period of the appeal in respect of the Enforcement Notice. I also understand that the business ceased operating prior to 18 February 2020.

13. When I spoke to Councillor Rowlands, he advised me that the lease for the Watering Hole at 6 St Nicholas Road, Barry had not been executed and he was awaiting the resolution of the licensing and planning permission, but I wasn't updated any further on that point. With regards to Councillor Rowlands entry on the Council's Register of Interests dated 29 July 2019 (Exhibit DM12), Councillor Rowlands stated (in part) at section a) that "I was a former Director of SLR Hospitality cyf from March 2019-19 June 2019. I currently have shares

within the company" and at b) "I was a former Director at SLR Hospitality cyf from March 2019-19 June 2019. No remuneration". Councillor Rowlands also referred under sections f), g) and h) to having an interest in 6 St Nicholas Road, Barry. I can confirm this entry on the Register of Interests remained unchanged until 11 March 2020 (Exhibit DM13).

14. At a Planning Committee meeting on 31 July 2019 Councillor Rowlands also declared an interest as a former Director of SLR Hospitality cyf with shares in the company and an interest in the land at 6 St Nicholas Road, Barry (Exhibit DM14). It's my understanding that when Councillor Rowlands declared his interest at the Planning Committee meeting it was in recognition that even though he had not signed the lease, he had an interest or possible former interest in the land in his capacity as a Director of SLR Hospitality cyf.
15. Councillor Rowlands has been a member of the Council's Planning Committee since he was elected in May 2017. He has referred to the Butterfly Collector planning permission, which was a retrospective planning permission granted by Planning Committee on 27 September 2018 for a change of use from A1 to A3. Councillor Rowlands was a member of the Planning Committee at that time and attended the Planning Committee meeting on 27 September 2018. He would therefore have been aware of the criticism from the Planning Committee about businesses trading without the appropriate planning permission being in place.
16. Following Councillor Rowlands' election to the Vale of Glamorgan Council in May 2017 he undertook to abide by the Vale of Glamorgan Council's Members' Code of Conduct and received mandatory training delivered by myself as Monitoring Officer regarding the same. Also, Councillor Rowlands as a member of the Planning Committee received mandatory training on planning matters in advance of attending his first Planning Committee, to equip him in dealing with matters requiring determination by the Planning Committee. It was therefore of particular concern to me that Councillor Rowlands had had involvement with a business which had commenced trading without appropriate planning consent in place.

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Statement of truth:

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

Signed:

Dated: 11 June 2020

Case reference number: 201902891

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Councillor Leighton Rowlands, which alleges a breach of the Code of Conduct for members of the Vale of Glamorgan Council Barry Town Council. I'm Louise Morland, an investigator for the Public Services Ombudsman for Wales. And being interviewed by telephone is Councillor Leighton Rowlands.

Um, okay Councillor Rowlands, do you have anyone with you for support?

CR: No, no.

LM: Okay, so um, you were offered the option to have a friend or a representative at the interview, but you've chosen to attend alone?

CR: Yeah.

LM: Um, please confirm for the record that you're happy for the interview to take place without a friend or representative?

CR: Yeah, that's fine, yeah I'm happy.

LM: Great, great. Bear with me. Okay, and you've agreed to proceed with the telephone interview, um, as a face to face interview is not possible given the social distancing measures in place due to the ongoing Corona ... Corona virus, Covid 19 outbreak. Please confirm for the record that you're happy for the interview to take place via telephone, and you're happy to continue?

CR: Er, yes I'm happy.

LM: Great, just bear with me, I've got a tickly cough, hang on a second.

CR: That's okay.

LM: Sorry about that. Oh dear, this interview is being recorded, um, before making his final recommendation, the Ombudsman will provide you with a written transcript of the interview. If you have a legal representative or friend acting for you, who requires an additional copy of the transcript, it may be provided, although the Ombudsman does reserve the right to charge. And requests for an additional copy should be made to the Ombudsman's Data Protection Officer.

The interview's listed to last um, around about 2 hours, um, and can you confirm that you've allowed enough time to complete the interview?

CR: Er, yes.

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LM: Yes, great. And can you confirm you're well enough to answer questions today?

CR: Er, just about, yes.

LM: Are you ... are you absolutely sure, I don't want to ... you to be answering questions if you don't feel fit and well enough to do that?

CR: No, no, I think I'm well enough to answer the questions.

LM: Great okay. Er, and can you confirm that you've got everything with you that you might need during the interviews, such as reading glasses, medication, or anything else?

CR: Er, yes.

LM: Great, and can I ask that any mobile phones or other electronic devices which might interrupt us, are switched off or turned to silent, unless there's any pressing reason that might prevent you from doing so?

CR: Er yeah, the only thing on is my laptop, that we um ...

LM: Yeah okay, that's fine. Um, in the event you feel you need a comfort break or a break for any other reason, at any stage, let me know, and we can pause the recording and then carry on after that. Um, can you confirm that you've received the evidence file, which was enclosed with my letter to you, on 5 August, 2020?

CR: Er, yes.

LM: Great, and have you had the opportunity to familiarise yourself with the contents?

CR: Er yes.

LM: Great, and do you have a copy of it in front of you?

CR: I do, yes.

LM: Great okay. This interview is directed to you, um, Councillor Rowlands, as the elected member and it's expected that the answers will be your own. Um, I'm going to tell you a bit about the allegation which was made, and then I'll go through some questions relating to that. I'd ask that you listen to the questions carefully, and answer them as fully as you can. Er, and the questions are my opportunity to go over the issues I need to, and your answers are your opportunity to respond to the allegations and put your

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version of events as well, and provide the Ombudsman with any information which may assist him in reaching conclusions.

Um, please be aware that any information or evidence that you give to me today is likely to be detailed in or attended to any report that the Ombudsman may produce on his findings. And any such report may, depending on the findings made by the Ombudsman, be shared with the Standards Committee of the Local Authority, or the Adjudication panel for Wales, who may hold any hearing in public, and may also publish a report and appendices in the public domain.

You've been asked to undertake an interview today, because it's been alleged that your conduct may have brought the Vale of Glamorgan Council and Barry Town Council into disrepute, concerning a coffee shop, and also a wine bar known as The Watering Hole, which you were part director and owner of. And specifically in relation to the opening of those premises, before planning permission for change of use from retail to food and drink, was determined.

Um, do you understand the allegation that's been made?

CR: Er, I ... yes.

LM: Yes okay, great. So the Ombudsman's investigation, whether you've ... your conduct breached the code in respect of the following paragraph, which is 6 (1) (a): You must not conduct yourself in a manner which could reasonably be regarded as bringing an office or authority into disrepute. Um, do you have any questions or is there anything you want to say before we proceed with the interview?

CR: Er no.

LM: No okay, so if you're ready, um, I'll continue with the questions, are you happy for me to go ahead?

CR: Er yes.

LM: Great okay, so um, this is going to involve looking at some of the documents that you've received, and um, if you're able to go to, I think it's appendix 3 of the evidence file, now that should show as page 45 for you. Um, can you access that, can you get that up on your screen?

CR: Yes.

LM: Great, so that contains an email from the Clerk of Barry Town Council and a copy of the Code of Conduct for members of Barry Town Council. Er,

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then at page 47, there's a copy of your declaration, um, and acceptance of office, and undertaking to observe the Code of Conduct. Um, can you ... can you get to that document, can you access that document?

CR: Er yeah, I've got the Barry Town Council one, and ... and ...

LM: Great, so if we go to that one to start with, um, er, right, so can you confirm that it's your signature at the bottom of that document, and it's signed on 10 May, 2017, is that the one you've got in front of you?

CR: Yes.

LM: Great okay, so that's your um ... that's your signature there, yes?

CR: Yeah.

LM: Yeah great. So what date did you become a member of Barry Town Council?

CR: Well, I would imagine um, on this date, I ... the election was er, 4 May.

LM: Oh was it, right okay, 4 May? Yeah okay.

CR: Yeah.

LM: All right, so um, at that same appendix, page 48, there's a copy of the declaration of acceptance of office of Deputy Mayor, and undertaking to observe the Code of Conduct, um, can you access that one as well, can you see that one?

CR: Yeah.

LM: Can you confirm that's your signature at the bottom of that document, and you've signed it on 13 May 2019?

CR: Er yes I did.

LM: Is that 27 ... no, that's 2019.

CR: 2019, yeah.

LM: 1919 sorry, 2019, okay. All right, so if we go to appendix 4 of the evidence file, um, okay, um, that contains, that's page um, er, I've got that down as page 82, er, that contains an email from the Monitoring Officer at the Vale of Glamorgan Council, and at appendix 5, there's a copy of the Code of Conduct for the members of the Vale of Glamorgan Council. Um, at

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appendix 6, or it should be page 113, there's a copy of a declaration of acceptance of office and undertaking to preserve the Code of Conduct. Um, can you go to that document um, please, and confirm that's your signature at the bottom of that document, um, and that you've signed that? I think that one's 8 May 2017, yeah?

CR: Er, 8 May 2017, 20 ... yeah, that's fine.

LM: Yeah, and that's your signature yeah?

CR: Yeah

LM: great okay. Um, so I'm going to ask you the same question about what date you became a member of the Vale of Glamorgan Council, um, er, do you think that's the same as um, the Barry Town Council, you know, the election was on 4 May?

CR: Er, yeah, the election was on 4 May.

LM: Yeah okay. Okay, okay, so have you undertaken any training on the Code of Conduct?

CR: Er, I did when I was first elected, yeah, which was in 2017.

LM: Yeah, yeah. Okay, do you ... do you recall how soon it was after you were elected?

CR: Er, the training?

LM: Mm.

CR: No, I don't recall, it was a long time ago.

LM: Okay that's fine. Um, do you recall who ... who provided it?

CR: Um, I want to say Debbie Marles, the Returning Officer, but it might have been a few of them.

LM: Okay.

CR: Again, I don't recall who ... who did it.

LM: Okay. Okay, so can you explain your understanding of the paragraph of the code that relates to 6 (1) (a), which is you must not conduct yourself in a manner which could reasonably be regarded as bringing your office or authority into dis ... disrepute?

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CR: Um, can you repeat that again?

LM: Yeah, can you explain your understanding er, of the paragraph of the code, which is 6 (1) (a)? You must not conduct yourself in a manner which could reasonably be regarded as bringing your office or authority into disrepute?

CR: Um, well you shouldn't do anything to well, to cause embarrassment to the council or to an elected member, I believe, I think. So that's what I think that's what it means.

LM: Just bear with me. [coughs] Oh dear, I'm so sorry, tickly cough. Oh, would you er, is there anything else you want to add to that, or are you ... your understanding is that you shouldn't do anything to cause embarrassment to the um, authority, yeah?

CR: Er, yeah, that's what I ... I think it means, er, to be honest, I'm not 100% sure.

LM: No okay. And would you describe yourself as an experienced member?

CR: No.

LM: No okay. Are you, um, are you on committees at the moment?

CR: Um, yes I am, yeah.

LM: Okay so which committees do you ... are you currently a member of?

CR: Oh, um, 12. I'm on um, Housing Communities, I'm on um, [inaudible - 13:38] oh Environmental Regeneration, Planning and Licensing, um, er, Audit, um, that's all that I can remember, but I'm on quite a ... quite a few.

LM: Quite a few, yeah, yeah, no worries. Did you say you thought you were on 12?

CR: Yeah, I think I'm on 12.

LM: Okay, that's fine. Um, so in terms of the Planning Committee then, when did ... thinking your involvement in that, when did that start?

CR: Er, so I went on the Planning committee in 2017.

LM: Yeah.

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CR: Um, so as soon as I got ... well, actually it would have been after the AGM of the ... of the Council, I would imagine would be when I started.

LM: Yeah.

CR: Or when we had um, training, um, of the Planning.

LM: Yeah okay, do you remember when you had the training?

CR: Um, I think it was ... I would imagine it would be straight after the AGM, because I, for some reason I um, in my mind, I think Debbie Marles said, you can't go on Planning until you get the training, or something like that.

LM: Okay, yeah.

CR: Um, I ... I'm not 100% sure that was said, but for some reason in my mind, that ... I had that in my mind, that that was said.

LM: Yeah, that's fine, okay. And ... and um, okay, so what did it actually involve then, being on the Planning Committee, what do you do?

CR: Er, so on the Planning, so we approve um, Planning applications for um, building houses, um, changing of um, shops, well units, um, from A1 to A3, or A3 to whatever it is, any other measures. Trees as well, um ...

LM: Say that again, what was that, trees?

CR: Yeah, something to do with trees, yeah.

LM: Yeah, yeah okay. Okay, and what ... what ... what's your role there, as part of that committee?

CR: I'm just a member of the committee.

LM: Okay, so you ... you sort of collectively make the decisions about approving or not approving things?

CR: Yeah, I'm one of 17.

LM: Oh, one of 17, okay. Okay, and do you recall going on the training then, and what entailed?

CR: I ... I remember going on the training, um, but it was so long ago, um, and the training tends to be quite rushed, and sort of quite ... I think they use the term whistle stop tour.

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LM: Oh right, okay.

CR: So it's not sort of in depth training, um, and for someone who has dyslexia, it was quite difficult to understand, and obviously I've, you know, I have gone to like Planning Officers and ... and ... and er, the Returning Officers, to say, you know, I don't quite understand um, some of the concepts within er, within Planning, as in some of the terms they use, um, you know, and stuff like that. So I ... I'm still confused about Planning now, um, you know, and so ... so yeah.

LM: Yeah, have they ... have they helped you, given you any help with that at all?

CR: Um, they ... they do, do like sort of training on like when a new SGP, which is the supplementary planning guidance, I think that's what it's called, they do things like that when a new one comes up. But they don't do um, I don't think they've ever done a refresher course, um, you know, um, for members. You know, it's been three years since that training, um, and I've always called for you know, for us to have sort of more training, because it's not just me, there are other ... there are other members that I've had conversations with, who don't understand planning, or don't understand the Council. Um, so um, and nothing really tends ... tends to happen, um, you know, they ... they did say you know, there's online sources and stuff like that, but if someone was to collate it, that's quite difficult to do things online, without help, you know.

And I know councils are [unclear - 18:51] are stretched and stuff, and I know ... you know, I know my needs aren't really important in their eyes really, but in my eyes I think, you know, it is, and it's just ... you know, not just in relation to planning, in relation to scrutiny and various other um, committees and how the Council operate. So for the new member it's quite scary.

LM: Yeah, yeah, yeah, so we ... you've raised those issues about you know, being dyslexic and finding it difficult to understand, but they ... they haven't sort of made any adjustments for that, or ...?

CR: [REDACTED]

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well, we'll print the agendas off for you in yellow ... on yellow paper, and I said brilliant.

But that only started, I think it was last year or the year ... might have been the year before, um, you know, so I've sort of been struggling through it, until that point. And it's only now um, since lockdown that they um, sort of like the IT department have showed me how to change a PDF file's background, how to change the outlook layout and stuff like that. Um ...

LM: Make things easier.

CR: Oh yeah, it does ... it does make it um, a lot easier, but it's ... it's not just how it looks, it's the way reports are written and the way the Council jargon, as I call it, it's not in plain text, like a normal ... I'm not saying um, they're not normal, but like someone off the street can read, um, you know, and Council agendas are usually um, sent out seven days before, six days before, and I don't know if you've seen Council agendas. Some of them are like hefty books.

LM: Oh yes, yeah.

CR: You know, and I'm expected to read through all that within seven days, and I'm like well, I can't, and they say oh well, that's why we, you know, there's an executive summary at the front. And I go well, how am I meant to scrutinize something with, you know, with a summary sort of um, you know, all the details that you know, are sort of all hidden, um, and ... and you know, I've raised this many a time, but I just keep hitting a wall.

LM: Mm, and has that impacted working on the Planning Committee then, or ...?

CR: Yeah, I raised ... I raised it to um, the Planning Officers, to say you know, can I have an advance copy of the ... of the Planning agenda, before everyone else, or can ... or can you give everyone else it beforehand, um, you know, give us longer to read it, because I ... I ... I can't ... I don't understand what it says, in the reports. There was a phase where they did do it once, where they gave me a copy of a Planning report, which hadn't been signed off, and obviously they said don't um, you know, don't er, don't allow it to go anywhere else. And I said well of course, I won't allow it to go anywhere else, I said it's just purely for me to understand you know, and let me ... give me a bit longer to read it. But then, after that, it sort of stopped, um, and so yeah.

LM: Yeah okay. Um, and what about um, something like the Standards Committee, have you been involved in that at all?

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CR: Um, I was on the Standards um, Appointment Panel, um, when we did the interviews, I think that was ... I think that was 2018 I was on it. I think it's only met once, where we ... where we appointed someone to the Standards Committee, because they had ... I did go ... I did put my name forwards for Standards Committee last year, but obviously I was advised for my best interests, by the Officers, because of the complaint made to the Ombudsman, it would wise for me to come off it, and I said no, that's fine, I understand, you know.

LM: Yes okay, okay I understand that, so okay, so your involvement was only in terms of being on the Appointment Panel in 2018?

CR: Yeah, and um, and I haven't been on that since, um, I think it was last year's AGM, and then I put myself forward for the Standards Committee, but I've never been to a meeting, because obviously the complaint had been made against me, so I was advised to come off it.

LM: Yeah, okay, that's fine. Okay, so during ... during the um, the investigation, um, our investigation, you've provided comments regarding the events, um, of the complaint, um, in the evidence pile that's appendix 2, um, so that's um, so I think that's sort of page 43. Um, okay, um, you sent a letter in, that's dated 19 August 2019, um, to us. Can you confirm that ... that you wrote that letter?

CR: Er yes, I'm just looking for it now, I think you just went off, but I do remember sending in a letter.

LM: Yeah okay.

CR: Um, what page was it, it was page ...?

LM: I've got it down as page 43.

CR: 43, yeah, that's my letter yeah.

LM: That's your letter, great, okay. Is there anything else you want to say about that letter, or add to those comments, before I carry on?

CR: Um, just in relation to um, well I think I made it as clear as possible, but I couldn't make it into like a sort of strategic way of doing it, other than doing each point of Councillor Moore's complaints, one by ... like addressing them one by one, one by one, does that make sense?

LM: Yeah it does yeah.

CR: Um, so yeah, I ... I don't think there's any more I would like to add to it.

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LM: Okay, okay, that's fine, okay. Okay, so let ...let's turn to the events then to do with the planning application for the change of use of the Watering Hole, okay. So starting from the beginning, talk ... tell me about your recollection of events regarding that Planning Application, and what happened.

CR: So I um, I ... I was in discussion with um, of a friend, well I thought he was a friend, um ...

LM: Mm, this is Mr Lewis is it?

CR: Yeah, um, so we ... we discussed about opening up a bar, um, in Barry, and the um, the location was um, was going on the market, um, for rent, um, so you know, he was keen to do it, I was not overly excited to say the least, of doing it. Um, but I was sort of pushed into doing it, and I ... you know, I sort of wear my feelings, I sort of wear my feelings on my sleeves, and you know, I trust people. Um, you know, and I take them on face value, and he seemed you know, a genuine, nice person to do you know, business with.

So we met um ... I ... I ... so I asked to meet Victoria, to um, to you know, basically give it, you know, say look I ... we've got this idea, um, is this something you know, that the Council would sort of, not promote, but is it a good idea sort of thing?

LM: Yeah, yeah.

CR: Um, and um, so we ... so we had a meeting, um, which I ... I sort of understand that you know, people ... people who are thinking of doing stuff in Planning, um, tend to have um, pre application, um, meetings for ... or informal sort of meetings, to sort of get the gist of you know, is that what the Council is sort of planning, not planning to do, but are they, you know, did it fit within what their vision is?

So I sat down with Victoria, and I said you know, do you think this is a good idea? She said um, of course, opening the bar, um, any shops like that, in the Vale, is always a positive. Um, she was concerned about the location, um, of the um, of the bar, um, where she explained because it's outside of the retail um, district, so from my understanding, they've got zones in the Planning Department, so where you can build um, or convert um, retail shops and stuff like that, this just fell outside of that sort of district. Um, and I said right, okay, I said I ... I've sat in Planning meetings, where there have been changes of use, um, which I believe are outside of the ... the retail district.

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Um, I could be wrong, um, you know, it wasn't er, it wasn't that clear. Um, so she said she ...you know, it's one of those you know, sort of put a Planning Application in, and it either gets refused or approved, you know, and it's sort of ... it's your money, you know. And she sort of ... she did advise other places, like sort of down the waterfront, where it would be much more suited, and the rent there was um, a bit more expensive than what Mr Lewis was hoping for.

So I ... I ... I ... so I put an application, Planning application in, um, in my name, and in hindsight, it was um, I don't know, a silly thing to do, I ... I ... you know, it shouldn't ... I didn't know whether you know, I ... but I was like I said, Mr Lewis was sort of pushing me to put it in, because he said well, you sit on the Planning Committee. And I went yeah, but if I put a Planning Application in anyway, I would have to leave the room, and I can't be involved in it at all, as in you know, the sort of ... the ... the decision.

LM: Yeah, yeah.

CR: And I don't think he quite understood, I think his view on the Council was very much you know, them versus us sort of type attitude and ... which was difficult for me, because I was a ... I was a Councillor. And I said well, they do ... they put these checks and balances in, because they have to now, with ... and I sort of I didn't ... so I put the Planning application in, and I ... well, I got the um, the ... me and Mr Lewis um, signed an agreement with the ... the landlord, um, to say um, he would give us the keys, and not to um, to do anything to the building, which I was happy to do, like well you know, I'm not ... I don't want to do anything to the building until um, you know, we'd got Planning permission, and we got ... and the license, because if we don't get them, what's the point of having a building that I can't use for what I want it for?

LM: Yeah.

CR: And um, oh, so we wanted it for. Mr Lewis, I ... I went to the Council, to do some committees, came back to the property, and Mr Lewis and some of his friends started ripping partition walls down and stuff, to my horror ... horrifying, and I told him, I said to him, what are you doing, we've signed an agreement where we wouldn't do this? The landlord and the estate agent ... the estate agent was um, sort of ... sort of more sympathetic than the landlord, and I did apologise. I said look I did not want to um, start doing work on it, you know, and I went to Council meetings, come back and then um, it happened. I said, what am I meant to do?

You know, I can't ... I told him no, and he doesn't listen to me. So I ... um, at that point, again in hindsight, I could have pulled out, but again, I trusted

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and he sort of talked me around, in saying well it'll be fine. So the Planning Application went through ... was going through the Planning Committee.

I spoke to Ceiri Rowlands, no relation to me, um, as far as I'm aware. Um, and um, I know there were some documents missing, so I tried to supply, like I think it was um, layout of the building and stuff like that, missing, so I tried to supply him with them for as much as possible. Um, he came up to do some measurements, but also to put some notices up that a Planning Application had gone in.

And at that point I was at the building, sort of having an argument, not an argument, but a dispute with Mr Lewis, over certain things in relation to it, in relation to the bar. Um, and I ... and Mr Lewis was there, I asked Ceiri, I said can we ... can we open up, um, a bar, even though we've ... if we've got a license, without Planning Permission? And he said, well yes, because they're two separate processes, two complete ... you know, the two completely different applications.

You know you've got ... if you've been granted a license, then technically you can open ... you can you know, open up, if your bar has already ... there's already a bar, but because you're converting it, um, and he said something about retrospective Planning, and that's where I raised, I said well there has been cases where I have ... bars have been opened, without the change of use.

And I gave him one of Holten Road, and um, he said ... he said yeah, that ... that's an example. I remember being on that Planning Committee, um, when that was approved. Um, which I did take part in, and I did vote on that one. Um, I do remember the Planning Committee, well certain members of the Planning Committee were not happy, and the reason they weren't happy was again, they were using it as a political point scoring exercise, because the owner, or the landlord of the property, not the um, the tenant, um, in there, was a Conservative Counsellor, um, on the Planning Committee.

And it was used as a political football within the papers, saying you know, um, Conservative Counsellor and tenant you know, opened bar without Planning Permission, stuff like that. So it was used as a political point scoring exercise on that, on that case. So I was ... so when my application went in, I was obviously wary of that, and was adamant that I would not open the bar up until we had Planning and license in place, and I would not sign the lease in relation to it.

We got the license, um, so I was one step there, and I got my solicitor um, to draft up a memoranda, to say that um, until um, Planning um, until Planning is approved, I will not be ... I will not be signing a lease, um, you

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know, and ... and ... and if Planning is not approved, then I can vacate the building, um, straight away, um, as long as I ... as long as we were paying the rent, you know.

And the landlord's solicitor wasn't really happy in relation to that clause, um, and I said well, from my own you know, I didn't ... I said you know, I do not ... why would I want to open up without Planning Permission? Because you know, it's happened before, and I was wary about the political ... and again, Mr Lewis was like no, we're opening up, 14 June, um, and I was saying well no, we had a lot of falling out over it, and I came close to ... to leaving the company, um, but there was that sense of control.

[REDACTED]

Facebook, which I have no control on the Facebook page, he put on Facebook that we are opening on 14 June, and as you can imagine, I was not happy, and I tried and tried and I ... I should have just walked away. Um, and then yes, I was at the opening night, at the ... I was there at the opening night, um, because there was charities there, um, that we invited, um, local community groups, that ... I say we, that he invited, and it was only up to and a few of his friends who would be sort of working behind the bar.

Um, I was not happy ... again, I was not happy in how it was conducted on that night. Um, you know, and I did try to tell him that people should not be going outside with their drinks, because that's in breach of the license that he had. People should not ... you know, people should not be smoking outside, um, premises, um, because the license, I think the license also dictated that as well. Um, but again, I wasn't able to control ... I was trying to tell people, sorry, you have to come back in, you're not allowed.

They wouldn't listen, I tried to tell Mr Lewis that he's the designated license holder, um, and he said oh just leave them, you know, and he was always using the case, well this is my business, not yours, you know, even though [REDACTED], which he wanted every single penny of. And then um, obviously the newspaper, the Barry and District um, had possibly found out, I would imagine by some other Counsellors, who were probably whispering in their ... in their ear, so she was clearly waiting for the opening, um, the opening night, and also possibly um, you know, um, trying to get photos.

I understand two counsellors, two Plaid Cymru counsellors were knocking doors, [unclear - 40:39] couple of days before the opening night, I saw

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them walking along, knocking doors across the road, talking about ... and about the Planning Application. And I don't know what they were talking about, but I can imagine what they were saying to um, saying to them, saying to them.

So the one resident who probably wasn't happy about it, probably took the photos that the Barry & District had, and sent them, um, you know, and also used a nomina [ph], um, you know, to ... and sort of hid behind being anonymous, and stuff like that. Um, I, at the point, um, I had an email from er, Debbie Marles, I think it was 16 June, um, I was in ... I think I was in an audit committee, um, when she emailed me, so basically saying um, because of what happened, that you know, the bar has opened up without Planning Permission, she felt that I brought the Council into disrepute. At that point, in that meeting, I was horrified that she thought that. I didn't feel that I had brought ... brought the Council into disrepute, not you know, intentionally, um, you know, because I asked, you know, the Planning Officer, could you open up?

There was no clear answer, you know, and obviously I sat on Planning meetings where it happened before. And you know when I talked to relatives and friends about the ... so obviously they read the newspapers, even they got confused as well, saying well you can open up, and even they like, sort of like, we don't understand how it ... how it works either.

Er, so I emailed Debbie back, saying well okay, um, what ... what can I do to rectify this? You know, I do not want to bring the ... my office into disrepute, and I certainly did not want anything to get into the newspapers, that wasn't my intention at all. Um, you know, I wanted things to be done properly, um, and I literally had to spend that week sort of not ... I wouldn't use the word fire fighting, but sort of responding to reporters, and being harassed, um, by reporters, which is not a nice thing, when you have depression, and anxiety.

Um, I so she said right, you need to ... Debbie Marles wrote me an email, um, saying you need to send ... you need to close the business down, and I said okay, I'll speak to Sam, and I will ... and I used the word, I will try and get him to close it down until we have Planning Permission, and that's what I want, you know, that's what I wanted, and so I ... after my audit committee, I went straight up to the bar, I told them right, I have had an email from Debbie Marles, saying that I've brought my office into disrepute, which I do not want. You need to shut this down, and he replied no.

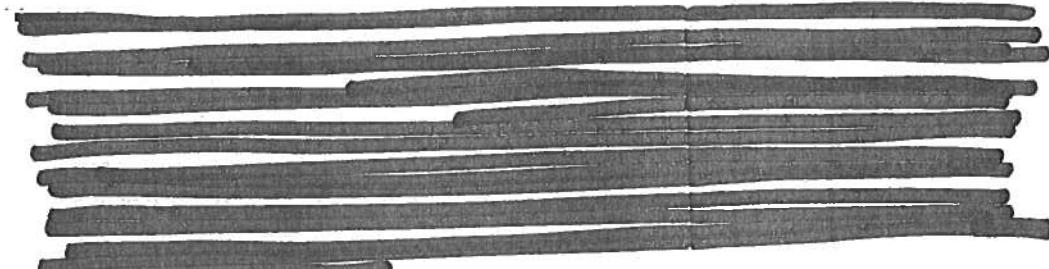
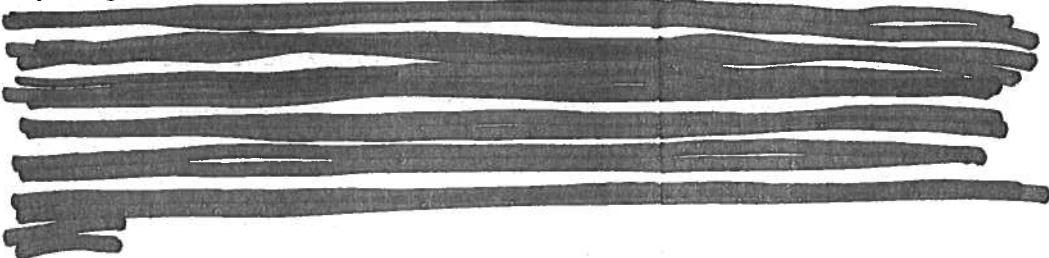
He said no. And I went, but don't you realise this is ... this is serious, you need to shut it down, and he said no, he said you know, you're not part of this business any more, and you know, um, go and do one basically. So I

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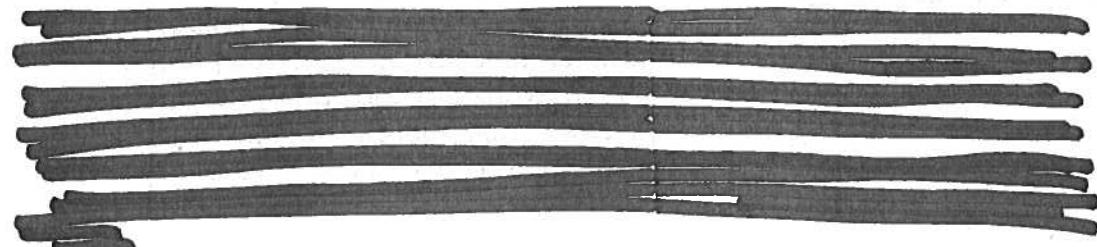
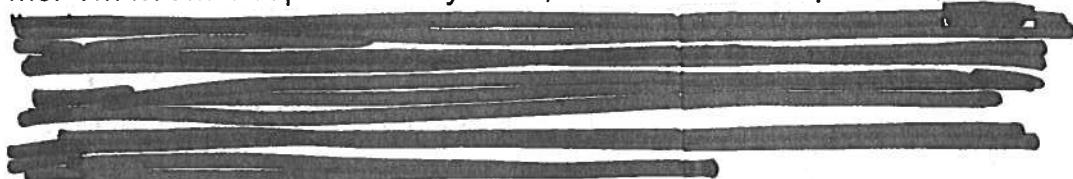
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asked Debbie Marles to write a stern email, um, just to show um, how serious it was, and that was purely to show to Mr Lewis that this is serious. Um, he didn't believe it... he didn't even look at it.

Um, so in that case, I withdrew the Planning Application and said to Mr Lewis to put in a Planning Application in, in his name, and as I'm not part of the business, I resigned with immediate effect, um, from the business, saying that um, he had made me an ... he ... he had ... he had put me in a difficult position, and bring ... and ... and the fact that he, you know, he ... I can't remember what I said, but I said you know, this is ... I don't want anything to do with this, and ... and that's when we sort of parted ways.



And ... and then that point I think it was around, before Christmas time, um, I was informed by the landlord that he had changed the locks, um, to the property, and I said well, that's fine, but that's got nothing to do with me. I'm ... I'm not part of it any more, I don't want to be part of it, [REDACTED]



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[REDACTED]

LM: Mm, okay.

CR:

[REDACTED]

LM: Okay, okay, that makes sense, okay, okay. Okay, oh that's quite helpful to ... to understand all that, okay. If I ... if I go through some um, ... is there anything else you want to add to that before I go through some other questions, or ...?

CR: Um, well, the only thing I want to really add is I'm not ... I'm not a bad person, I you know, I ... I ... I do stuff for other people, and I don't, you know, I don't expect favours, you know, I'm not one of those types of people, you do something for me, I'll ... you know if I do something, you know, I'm not that type of person. You know, I ... I do it because I care you know, and I ...

[REDACTED]

LM: Was he ... was he just a friend, or you know ...?

CR: He was in ... he was obviously ... he was just a friend, but I felt it was more ... I think it was more on my part, maybe I was hoping it would be more, but he ... he was ... he was straight, and so yeah.

LM: Yeah, yeah, no okay. All right, so um, right, so I'm just trying to clarify some of the things that you ... that you said there. Um, going back to that meeting then, with Victoria Robinson, this is sort of the pre app meeting, um, you said that she explained um, you know, issues about um, concerns and there may be alternative properties you could have, and all that. Did ... do you recall if um, did she advise you to seek any further advice from anyone? Like she ...

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CR: Yeah.

LM: Yeah, yeah, what did she ... yeah ...

CR: Yeah, so she went to ... she said you know, go to SRS to see um, see what ... see what they'd say in relation to ... um, I did speak to SRS.

LM: Okay.

CR: And they er, um, they said yeah, they had some concerns about noise, um, you know, and within the residential area, sort of, and I said well, there's pubs in residential areas across the country. Um, you know, and in Wales, um, I said ... I said as long as we can mitigate them, surely that's ... that is enough, as in you know, it's ... if you ... if they're saying right there's an issue in relation to noise, then I said, how do you go, you know, how ... not saying how do you go about mitigating it, but if we mitigated that, would ... not would they be happy, but would it um, sort of ease, that's the word I'm look ... make them ... make them happy, make them feel comfortable with ... with ... with the ...

... and um, so I told Mr Lewis that you know, we needed to mitigate noise, and this is why you know, we put ... I said no drinks outside, no smoking outside, keep the noise to being inside, no loud music, um, which I didn't want anyway, but again, he wanted it more like a sports bar. And I ... and I said ... I said you're just causing more issues. You know, you're not ... not that ... I don't want to make it um, an easy ride for me, I didn't, I wanted to be treated like every ... any other person, um, you know, who puts Planning Applications in. So ...

LM: Do you ... do you recall in that meeting with Victoria, whether there was any discussion about opening prior to Planning Permission?

CR: No, there was ... 100% definitely no um, discussion in relation that.

LM: No.

CR: Because at that point, um, Mr ... Mr Lewis and myself didn't really have an idea how long it would take to renovate it, didn't even know if we were going to get the ... the business loan that we were ... we got an application for. So at that point no.

LM: Okay, you know when you met um, Ceiri Rowlands, and um, and he came to site, and um, you had a discussion um, with him, on the site, um, was the discussion about opening without Planning Permission then?

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CR: Yeah there was.

LM: There was okay, can you remember what was said about that?

CR: Yeah, um, I remember it as clear as day. We were outside, um, of the um, outside the pub, and Mr Lewis er, came over, because I was talking to Ceiri, um, just in relation to he wanted some measurements and ... and stuff like that, um, so ... and I invited him, in to ... to get measurements and stuff, and um, you know, I think Mr Lewis said oh yeah, we're planning to open on 15 June, roughly ish. And ... and I ... and at that point I said to ... I said to Ceiri, um, could you just clarify in relation to opening up, without Planning Permission?

You know, I said, because he's got ... he's got a license, but we don't have Planning Permission. And that's where the conversation said well, um, you can ... you can do stuff, planning, you can put a fence up without Planning Permission, if it ... if it needs Planning Permission, you can put a fence up, um, but then you ... he you know ... if you don't get Planning Permission, then you'd be asked to obviously um, close it down. I says yes, I understand. I think I understand that.

Um, and I ... and I said ... and I said you're saying you'd ... he said, basically what he was saying was it's not as black and ... it's not black and white, it's a grey area, and it's ... you know, and I think I said then, oh so it's quite complicated. And that's why throughout the process then, of the application, I said right, we cannot open up until we have Planning, because it's not ... it's clear.

LM: Mm, did ... did he mention that it ... you know, if it ... I hear what you're saying, that it wasn't black and white, and yes, in theory you can open without Planning Permission, but did he mention it would be a breach to open without Planning Permission?

CR: He said ... he didn't say it would be a breach, no, um, because I put a Planning Application in, retrospective planning, so he said it wouldn't be a breach, um, at that point, because it's already ... it's a change of ... a change of use. Um, and that ... I sort of know, not that I sort of know, but I ... people have done stuff, and obviously um, someone complains and stuff, they've opened up without Planning Permission, and there's an enforcement investigation then, and it comes ... it comes to Planning and ... and at that point. But I think Mr ... Ceiri Rowlands, was like I think he said oh, the Planning ... we'll have to go to Planning Committee, and more than likely we'll go um, you know, around 30 June, um, he ... you know, he was hoping ... he said he was hoping to get it to that Planning Committee, um ... because you know, he ... so um, but I don't recollect him saying it would be ... it would um, there would be a breach.

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LM: Okay, okay, so um, and everything he has said, his statement is at appendix 11, I don't know if you can um, access that? Er, I've got that down as page 291.

CR: 291, yeah okay.

LM: Yeah okay, so I think in um, er, so at point five, he's saying I think I've said the internal works sort of about ... about just before halfway down, he's saying internal works wouldn't need Planning Permission in themselves, but if they opened and so implemented a change in use, it would be a breach of Planning, Planning Control, but also that it was not an offence, so not something that was illegal. Is that ... is that what you understood from that conversation, or you don't recall him mentioning Planning Control, it being a breach of Planning Control?

CR: Um, I do remember him saying about um, Planning Control, which was another um, thing that I didn't even know I had to get. So when I put the Planning Application in, and the internal ... and the design thing, internal works, at not one point did the Planning Department or the Building Control team say you need to get aBuilding Control application, until Mr er, Rowlands, as in Ceiri, um, said that, and I said, well I wasn't aware of that, so I went oh right okay, so I went to Building Control, filled out an application form.

Um, at that point I had a conversation with one of the Building Control teams, in relation to it, I said surely when a Planning Application comes through, Planning Department speaks to the Building Control Department, and they went no. We ... they don't tell us when Planning Applications come through, and I said so I ... I said I was not aware I needed Building Control application, and no one had told me until um, Mr Ceiri Rowlands said on that day, which also horrified me that I had been left not knowing something.

You know, I would have thought, from a Planning Authority they would advise applicants when an applicant comes forward, an application comes forward, saying oh well you need to go to um, Building Control, because you need a Building application. You know, I'm not ... I'm not a builder, I'm not a planner, you know, my dad's a builder, that's about it.

Him trying to get me to do any building work with ... it's not going to happen, because I'm not ... but ... and I just found it bizarre, that they've ... that they left me in that position and I was like, surely you know, a Counsellor has put their application form in, and you see that he doesn't have a Building Control application, that he hasn't spoken ... um, or I had spoken to SRS, um, you know, in relation to the noise and ... but it was

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very much like we'll leave it to you, sort mentality, which I know ... well I don't know, but I understand you know, they do offer moral support or app ... for people who want to put Planning Applications in, as in just general you know, advice.

You know and I would have expected then, like if I was a member of the public, to advise me that I needed Building Control.

LM: Yeah, I understand that, okay. So um, and at point six, he said ... he's saying I rang Councillor Rowlands around 10 or 11 June, in the week ahead of the actual opening, er, which I didn't know was going to happen at that time, and I think he already knew about some objection with Environmental Health or something like that. Um, do you recall that ... that telephone conversation at all?

CR: Yes, yeah, I do recall that conversation yeah.

LM: Yeah, yeah okay, and ... and did you mention um, that the business was going to open on the 14<sup>th</sup> at that time?

CR: Um, I might have done, I don't ... I don't recall, I can't remember to be honest, if I did, I might have done. Um, Mr Lewis was chopping and changing dates, left, right and centre, um, so I said ... I said there is ... I may have said oh, that 14 is roughly the date that he ... and I said Mr Lewis plan, or we plan to open. Um, but ...

LM: Do you mean you said that to Ceiri Rowlands, or ...?

CR: Yeah, I said that to Ceiri Rowlands, and I said look ...

LM: Do you know when you said that, was that when he visited the site or in the phone call, or ...?

CR: Oh at the phone call.

LM: All right, okay.

CR: Yeah.

LM: Okay, okay, all right, so ... so okay, so following those discussions then, what was your understanding about opening without the Planning Permission for the change of use?

CR: I ... I ... I thought I wasn't ... I thought I wasn't doing anything wrong.

LM: Okay.

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CR: Um, because you know, members of the public have done it you know, in the past, and there's examples of before of people doing it. Um, and it's sort of, like I said, it's sort of like a grey area, where it seems to be okay for one applicant, and another, not so okay for ... for another one. It seems ... the Planning Department and the Planning Committee is quite messy, because we've had applications come in, I don't know whether it's like opening up a kennel or something like, I can't remember what they were, and you know, that was ... you know, that was fine, and then in the next breath, there's something else, that you know, they go ... so it's not clear.

LM: No, did you understand at that point, that to open without the Planning Permission was a breach then of Planning?

CR: No, no, I ... I did not know it was um, a breach of planning. Um, I ... I ... I ... I didn't think it was, I don't know, I don't know, I ... I ...

LM: Did you understand there was a risk attached to sort of opening without Planning Permission?

CR: Certainly I understand there was a ... there was a risk because I was a Councillor. I'm sure ... I knew there was a risk and no doubt would have been used against me, for political point scoring, um, and ... and that's why I was ... I wasn't ... I wasn't ... I wasn't abusing my position, I was actually trying to protect the Council, in all of it.

LM: Yeah, so that ... so that ... that sort of being aware of that risk, that prompted you to consider your position, did it?

CR: Yeah, I did ... you know, that's why I'm saying in relation to um, you know, asking about um, you know, um, opening up without Planning Permission and getting clarity and I wasn't given much clarity, and ... you know, and I was like yeah, in all of it, I was trying to protect the Council, more than myself.

LM: Okay.

CR: Because I didn't want ... I ... I ... I didn't want news stories getting out, not that I intended for news stories to get out, I didn't want news stories to get out and stuff like that. And it wasn't me that was the driving force behind it, it was Mr Lewis. And yeah ...

LM: Okay yeah, so you ... you've obviously said ... you know, you've raised that issue about being on previous Planning Committee meetings when change of use has been considered and you've raised that um, instance, I think there was um, a meeting on 27 September 2018, where Councillors

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were ... were critical of a similar situation re change of use, and opening without Planning Permission, did ... did you consider that at all, before the opening?

CR: Um, yeah I did, because um, I told Mr Lewis, I said, well just look at what happened to that, you know, and I said the reason that got into the newspaper, because he was a Councillor, and I said look, you know, I said, it would be very bad for the ... look very bad for the Council, it looks bad for myself, also looks bad for the business as well. And I said ... and that's why I was adamant to him, do not open up ... you know, let's not open up the town [ph], but he was again, at it ... at it all the time.

And to be honest with you, I should have just left. But how can you leave, how you know ... I think he sort of played on my ... he knew I had um, um, anxiety and depression, because he knew of past relationships that I'd had. And I think he was playing on my sort of hidden tensions and my goodwill and my good nature. Um, and I would say I was coerced.

LM: Yeah, yeah, so you use the word coerced?

CR: I would use the word coerced yeah.

LM: Okay, and did that involve ... was that just a sort of um, [sighs] um, in terms of ... and like you say playing on your good intentions, or was it sort of more than that?

CR: It was ... it was mentally as ... he ... he ... he probably ... he probably knew that I liked him in that sort of way. Um, so he probably played on that.

LM: Okay that's fine. So ... so you found yourself in that position then, and it's pre-opening and ... and um, you're obviously um, concerned about your role and the Council and ... and all those things. So did you seek any advice from anyone about that, in advance of the opening?

CR: No.

LM: Okay, or ... or any guidance from anybody about it, no?

CR: No.

LM: No, is there any reason why you didn't do that?

CR: Because I trusted Mr Lewis.

LM: Okay.

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CR: That he knew what he was doing, and I should have actually got advice, legal advice.

LM: Yeah okay. And did you think about going to the Monitoring Officer at all, or ...?

CR: No, no, um, I ... I ... no, I don't ... I should have, but I ... I didn't.

LM: No, that's fine. Okay, so um, yes I was going to ask you about the meeting with ... with Mark Thomas on 22 July, but you've explained that came about because of um, a complaint somebody else raised about something else, is that correct, have I understood that correctly?

CR: Yeah.

LM: Okay, okay, okay, so there are some notes of that meetings, that's appendix 19, and it's page 402, um, er, yeah, 402, okay. Um, so you've obviously given them some explanations about what's happened there. Um, so the second ... are you on that page, page 402?

CR: Yeah.

LM: Okay, so the second paragraph down, they've made a note and it says when you sat in on the meeting, and then there's a lot of dots, he was asking about the possibility of you obtaining Planning Permission and an alcohol licence, so the brewery side. Um, and he stated it had been ... he believed it would be difficult in the residential area the building located. Just ... just for my understanding then, what was that actually about, what was the meeting ... sat on the meeting with who, and who was asked about the possibility of obtaining Planning Permission?

CR: Oh, so this was in relation to um, so yeah, a complaint was made to Debbie Marles, in relation to apparently I used the complainant um, words, not my own, corrupt. Um, so er, because um, er, Debbie Miles was dealing with the Ombudsman, not the Ombudsman, the complaint, I think she was ... I think she thought it would be better if it went to the audit panel.

LM: Okay, so that paragraph is actually relating to that ... that complaint?

CR: Yeah.

LM: Yeah okay, right, that's ... so it's kind of a separate, outside matter, that's fine. Okay, so the next paragraph down, it refers to a solicitors' drawn up a lease, but you've refused to sign the lease until licensing and Planning

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issues have been resolved. Um, did ... did ... did you ever sign the lease for ...?

CR: No.

LM: No okay, okay, but you were ... yeah, go on, sorry, go on.

CR: And now just obviously, well the landlord thinks I've signed the lease, but I ... I remember I did not sign the lease, because it was purely because of that, um, issue.

LM: How does he think you've signed the lease then, if you didn't sign the lease, if you see what I mean?

CR: No, I ... I ... to be honest I don't know how he thinks I'd signed the lease. He um, I said ... I've told him many occasions, provide proof that I've signed the lease, and then you know, it's settled, but he's never provided me proof. And to be honest, he ... he sort of just let it go, because he's [inaudible - 74:18] trying to chase Mr Lewis up for payment, so um, and stuff like that, and you know, yeah.

LM: Okay, and you said ... you said that there was um, yeah, so the solicitor drafted a memo until Planning approved, er, you would not sign the lease, okay. Was there any other sort of agreement then, I think you said something about agreement about not doing anything to the property or something, was there anything else you signed at all, or ...?

CR: Yeah, it was um, I can't remember what they called it, but it was a ... it was a two week um, live document, where we said we wouldn't do anything, you know, wouldn't do anything to alter the um, the inside. But me and Mr Lewis signed it, and I remember it as clear as day, I left it in the building, um, on a ... on a shelf, thinking I'll leave it there, um, and I had no intention of doing anything to the building, um, because the er, the landlord wanted two weeks rent.

Um, so I ... so the um, estate agents drafted up this one page document, I signed it, and then um, goes off to a Council meeting, comes back, and the place has been demolished inside. And I had a hissy fit and mental breakdown.

LM: Okay, okay, okay, and then still referring to that note, um, I think you stated at that time, at the meeting, you still owned a 50% share holding, was that correct? Did you ... so we're talking about 22 July, at that time, were you still a shareholder then, how did that work?

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CR: Yeah, so I resigned ... yeah, I resigned as a Director of the company, and I was a shareholder, and ... and I was advised by my solicitors, not to sign over any shares, because that's your only sort of way of getting your money back, um, that you've invested in it. Um, so I did put in to um, I did advise um, Debbie and obviously Mark about that, um, saying ... you know, and the reason why I was still a shareholder, purely to get my money back.

LM: Okay.

CR: And so yeah.

LM: What's the current position with that then, what happened with the shareholding?

CR: I'm no longer a shareholder.

LM: Yeah okay, when ... when did that end?

CR: Um, August I think it might have been.

LM: So August 2019, yeah?

CR: Yeah.

LM: Yeah.

CR: Yeah, because I've had no ... I've had no money.

LM: No, that was the next thing I was going to ask you about, about the financial arrangements regarding that shareholding then. So did you see any financial gain from it at all?

CR: No, not ... not one penny.

LM:

CR:

LM: Did you do that?

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CR: [REDACTED]

LM: Have you got any sort of documentation regarding the shareholding agreement and you know, what it was, and it ending and that sort of thing?

CR: I probably do somewhere, I think it's on Company's House, um, because I've noticed the change, I'd noticed the club last year, that he now owns 100% of SLR, which is the holding company. Um, as in 100%, he ... he ... he was ... he resigned in July, just before the Planning Application was going ... no, he resigned, I can't remember the actual timeline, but I ... he ... no, that was it, it went to Planning, and then the next day he resigned as a Company Director. Because the Planning, I understood the Planning Department, the Planning Committee decided to put enforcement against him.

Um, so he resigned, whether he resigned because he thought, well you can't put enforcement against someone who um, who has resigned from the company. Um, and actually I ... I ... when I saw that, I did raise it with the Planning Department, when I ... when ... when I found ... when they determined the enforcement action, I was ... I was like well, I still have shares in that company, will you be coming ... I asked would you be coming for enforcement against me, if I've got shares? And they went no, because you're not the applicant, we go ... they go ... they sort of go after the applicant who made the application.

So ... and I said well, just to advise you, he's resigned from the company, so does he ... and I said does he think he's not going to get enforcement or something like that? So I advised the Council Enforcement team that that had happened, and then I think in August, he brought the ... um, he lost the appeal I think, of the Inspectorate, and now has come back as a 100% Director of the company.

LM: Okay. So ... so you didn't get any sort of remuneration yourself, or dividends or ...?

CR: No, nothing.

LM: And did you work in the business at all, or ...?

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Councillors Name:

CR: Um, I did one ... I did that ... I did one, that one opening night.

LM: Yeah okay.

CR: And then I didn't even ... I didn't have any ... because it um, he used to take the money out from the till, and take home, not to leave it on site. Um, and I said um, oh, because I said oh, shall we ... not shall we split the money, but you know, make sure the profit ... you know, make sure I get half of the profits and you get half. He said, no, no, no, so I'll take it home. Um, so he took it all home, and I never actually saw any ... any of the money.

LM: Okay, so on that ... that opening night then, um, um, okay, so ... so ... so I think you said earlier that ... that you ... you attended because of the charities and that sort [ph] and that sort of thing. Did ... did you consider how publicity or a photograph might reflect on your position or the Council's, when the premises had opened without Planning Permission?

CR: No, no I didn't, I didn't think about it, I didn't, no.

LM: No okay.

CR: I, yeah, I didn't.

LM: Okay, or did you consider how public and local residents might feel about the premises opening without the Planning Permission, and the impact for them?

CR: No, um, I um, I wanted to consult the um, the residents, um, you know, try ... and I wanted them to sort of try and get them on board, and try to get them involved in the you know, um, you know, not ... not to keep on side, but to you know, ex ... you know, if they have any concerns, to sort of let us know, but Mr Lewis did not want to, because he said that will just cause more issues.

LM: Okay, okay, okay. Okay, and the publicity then, on Facebook, um, I think there was a photo of you, I know you've explained this in the letter, but wearing the Mayor's chains and the caption Meet our Team, um, and I think you said you didn't know about that, is ... what happened around that, how did that end up being put on the site, did you know anything about it beforehand at all?

CR: No, um, so obviously me and Mr Lewis attended an awards um, ceremony, I think it was Pro Radio to [inaudible - 84:36]. And at that point, um, I um, my consort um, wasn't available, um, so I ... I took a guest, because I never used to like to go to these things on my own, because of my anxiety

Case Reference:

Councillors Name:

and I'm not very good at um, small talk with people. Um, so they took a photo, and then he showed me ... he showed me the website, and he said oh, I've used this post.

And I went you can't use that photo, and he said why? And I said because it's the Mayor's chains, it looked like it ... you know, that's ... one, you need permission, um, to use a photo of the Mayor, and I'm not giving you permission to use it, um, and two it looks like the Vale of Glamorgan Council is in ... is endorsing our business. I said no, take it down, take it down straight away.

Um, he didn't take it down straight away, which then lead to someone screen shotting it, and then sending it to the papers, to Debbie Marles. Which then, Debbie Marles called me in, and obviously asked me about it, and I said I did not know that was going on the website, um, as soon as I knew, it ... I wanted it down. Um, so ... so yeah.

LM: Yeah, that's okay. So okay, so after the opening night, um, you've explained what happened there, did you ... did you go back there again after that?

CR: I ... I ... I did go back there, um, because obviously I had a ... you know, I owned 50, 50% of it, um, but um ... and I did until er ... because at that point I did not know that I was in breach of um ... or bringing the Council into disrepute, I ... I didn't think anything of it, and then when Debbie Marles um ... I spent most of my time fighting the press. Um, so when Debbie Marles sent my email, that's when I went back up there, to ... to say you need to um, close it down, and he wouldn't have anything of it, and that's when I resigned.

And I ... I continued to go back up there, purely for him to close it ... like say close it down, and he said well, you're not Director any more, I said, well I'm a shareholder. And as a shareholder, I have a right, I have the right to tell you to close it down, and he said as a 50% shareholder, I have a right to tell you I'm not shutting it down. And it was sort of like that, at loggerheads, um, and in the end, I ... I stopped ... I stopped going there.

So he banned me um, from going there, so um, which is fine by me, and that's when I started um, sending ... getting my solicitor to start sending him letters, which he ignored, and telephone calls, emails.

LM: Do ... do you have any ev ... I know you said that you know, you felt coerced into going ahead without the Planning Permission, and opening and all that sort of thing, and you ... you disagreed with that, um, wasn't what you wanted, do you have any sort of copies of emails or screen shots of texts that ... that ... between you and him, that would demonstrate that?

Case Reference:

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CR: I ... probably not, no, because I just wanted to get him out of my life.

LM: Okay, okay, that's fine.

CR: I should have kept them.

LM: Yeah, and um, yeah, and going back to the ... the shareholding thing, do you have anything where you said that you want to get rid of your shareholding, you want to relinquish that to him, is there any sort of written correspondence or anything about that?

CR:

LM: Yeah okay, that's fine. If you think you can provide copies of anything that would demonstrate you know, relinquishing the shareholding or anything that demonstrates those sort of discussions between you and Mr Lewis, that would be helpful, if you were willing to provide them.

CR: Yeah, I can try and get my solicitor to send over the um, send them over, um, but yeah, he um, would only ... he never had a reply back from him, so it's just a one way.

LM: Yeah I understand, I understand that, but it would be helpful to see that I think, if you're willing to provide a copy, if possible.

CR: Yeah, I'll try and locate a copy of what was sent.

LM: Okay, okay, so then in terms of what happened after that, um, I understand that you obviously spoke with the Monitoring Officer, and then you've resigned, and you changed the Planning Application, did ... did Mr Lewis know about the change to the Planning Application?

CR: Yeah, yeah.

LM: Yeah?

CR: Yeah.

### **Case Reference:**

Councillors Name:

LM: Okay, okay, um, okay right, um, and were you aware of any enforcement decisions or outcomes of the appeal at all, or ...?

CR: No, um, I ... the ... obviously the enforcement, I ... I knew, because it's ... it was webcammed, not that I went on there to go and ... because I didn't, but you know, other um, you know, people ... people have said it was also in the paper, as well, so I knew there was enforcement action, um, and also I ... I had ... I had the report, I ... because I was part of the committee. So I looked ... I looked at the rec ... the Officer's recommendations, of um, while going to the report, and it said enforcement action, and I ... I know what Planning committees' like, they tend to go with Officer's recommendations , so I knew the enforcement action would be ... would be done, um, and um, part of me, at that point, was glad of the enforcement action.

LM: Yeah, yeah.

CR: Because I ... he needed something to kick him up the backside, and clearly that hadn't happened, um, and he's very ... he's very good at getting out of tight situations.

LM: Yeah I understand.

CR: By the looks of it, and in relation to the appeal, I knew he ... he had gone to appeal, um, because um, I think he put on Facebook, I saw um, he's ... he's sort of like trying to please the public that were going there, that I'd gone to appeal, and he was like mouth ... saying horrible things about the Council, um, and stuff like that. But I didn't know he lost the appeal, until I think it was early this year.

LM: Yeah okay. So considering your role then, as a Councillor and a member of the Planning Committee, do you think your conduct in opening the Watering Hole without Planning Permission was appropriate?

CR: Um, at the time, I didn't think it was not inappropriate, but in hindsight, I er, yeah, I wish it didn't happen.

LM: Yeah, I understand. Okay ...

CR: Because I love being a Councillor, and I love helping the public, and I like the charities, and I like being a public servant, and all I just wanted you know, rather than to, not like me, but not like me, I don't mind if they don't like me, but I just want the best for my area, and I've always wanted to be a Councillor, since ... since I did work experience in the Vale, like when I was 10, when I was in year 10, which I would have been 15, or 16. So being ... being a Councillor, Council, working in the Council, I've always ...

Councillors Name:

always wanted to do, um, and it's almost like my ... my dream's come true, but after this, I don't think it will be.

LM: No, it ... you know, it's ... I mean, it's difficult, isn't it, you know. I think, would you say faced with the same sort of circumstances again, you'd do things differently?

CR: Oh 100%, as in not to ... I have no intention in opening the bar, I have no intentions in doing anything wrong, you know.

LM: I do, I do, I do.

CR: I just want ... I just want a quiet life, where I can do nice things for people, that benefits the whole community, that's all I want to do. But you know, this whole visage ... visage, not even a word, er, the word, I can't think what the word is, um, but made me think do I really want to stand in 2022? You know, and the people out there, young people, who look up to me, and say look you know, he's a ... he's a good Councillor, he's a ... he's a young Councillor, but ... and it's about time we had some young people in there. And if I ... I don't know, the worst scenario that I've had in my mind, and I know it's always in my mind, is I get sent up, I get referred to the judicial review, and then sort of like sorry, no longer a Councillor any more, that's the worst ... my worst fear.

LM: Well I think after ... you know, I can understand you know, it's obviously, you know, that would be an anxious thing, but I think it's important you have your say, and you have you know, explain what happened, and I think it's helpful to do that. Um, you know, it's important to hear your voice and hear ... hear your view on things, you know, and then we can go ... we can go forward from there.

CR: Yeah, because even if the recommendation from the Ombudsman is to sort of like to censor me, for six months, or three months, again, that would get into the paper, again used for political point scoring, and again, my anxiety just will go through the roof.

LM: Well, that will be you know, it's helpful for us to know that, and that will be take into account as well, you know.

CR: I didn't intend ... I didn't intend to do anything wrong, and I'm sorry.

LM: Yeah, yeah, no I ... I ... I hear that, okay, I hear that. Um, okay, so do you ... do you think ... do you think your actions in respect of you know, your involvement in the matters were capable of bringing the office, either your office or the authority into disrepute, how do you feel about that?

Councillors Name:

CR: No, I don't think ... I don't think I have, um, myself personally, I could see how it could be, from other people's perspective, you know, and that's their opinion. But I don't think I have, I've tried to do everything to protect the Council, you know. Because obviously I'm a Councillor, and I was doing this, it might ... I'm sure other Councillors who've had Planning Permission for God's knows what, you know, I ... I'm sure they haven't had a rough time of it like I have.

LM: Mm, mm, I can see that.

CR: I think the ... I think it's just being used as a political point scoring exercise, and I ... I ... I have loads of respect for Councillor Moore, loads, you know, um, and you know, he ... he did support me once at um, um, another Councillor said about homophobic remarks towards another gay Councillor, who I'm good friends with, because we're the only two in the Council. And so we've got a bond, um, and I did feel that another Councillor's remarks were homophobic and I took offence.

So I did complain about that Councillor, and I had to obviously go to the Standards Committee, to um, to give my evidence, um, and ... and I had no one from my own group come and support me, but Councillor Moore was there, supporting Councillor [REDACTED] and he sort of supported me in a way. I know we're from different political parties, but I sort of ... I had respect for him and I don't know why he's doing this. Maybe he feels as leader of the Council he needs to ... to do it, and I can understand that.

Um, you know, and um, or maybe he's doing it because I'm in the marginal seat between Labour and Conservatives, I don't know. So um, yeah, yeah, and also he knew my family, which is even much more of a kick in the teeth, because he was good friend ... he was good friends with my Great Uncle, who's passed away. I just don't know why he would have put a complaint in against me. Um, on top of my [inaudible - 100:54] since the complaint went in, [REDACTED]

LM: Oh okay, right okay.

CR: [REDACTED]

LM: A difficult time?

CR: Yeah.

LM: Yeah okay.

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Councillor's Name:

CR: Yeah, in that I don't really want to do this any more.

LM: No, no, okay, okay. Is ... is there anything else you ... you want to say about the events, that you've not already covered?

CR: No, I think I've covered everything, I just want to say you know, I'm ... if it's seen that I have brought the office into disrepute, I'm sorry, I didn't mean to.

LM: That ... that's you know, I ...

CR: And I certainly won't you know, do anything ... I'm not saying I did it intentionally, but ...

LM: No.

CR: ... no, I'm ... I tend only to be ... I tend to only to be in the newspaper for good things, supporting my residents and stuff like that. Um, you know, this is ... it just hasn't damaged me, it's damaged my family as well, you know. My ... it hasn't helped my parents, it hasn't helped the relationship between me and my parents, you know, yeah.

LM: Okay, that's helpful to hear, to hear those things, okay. So are you content you've had a fair opportunity to say everything you want to say?

CR: I think I have yeah. There's nothing more I can say really.

LM: No, no, no, well I appreciate you being open and honest, it's really helpful. Um, I don't ... I don't have any other further questions for you, um, you know, if there's ... if there's anything else you want to say or add, you know, you could do that now. Otherwise I'll conclude the interview.

CR: You know, just ... I just ... I just want it all concluded.

LM: Of course yeah, yeah, yeah.

CR: Do we know ... oh, I don't know, when would it be ... because it's almost a year now, I'd like to ...

LM: Yeah, yeah, yeah, and I'm sorry about that, it's been um, that's been affected by a number of factors, and not helped obviously with the current situation. Um, but clearly you know, you know, we'll try and get it concluded as quickly as we possibly can.

CR: So what's the process now, as in that's what I would like to know?

Councillors Name:

LM: Yeah, what will happen now is obviously you get a transcript of the interview, so you can see that. I'll um, review all the evidence and information, and discuss it with a senior colleague. Er, and we then go forward in terms of um, writing up a report, which can be a letter report or a full report, which sets out all the information and findings. And you would get to see um, um, you know, if it's going to be a full report, you get to see a draft of that, um, for you to make comments on.

Um, I can't give you a timeframe, but obviously I hear what you're saying in terms of um, you know, it's going to help you ... the quicker it's concluded the better, is going to help you. Um, but I'll keep you updated as to where I am with it, will that be okay?

CR: Yeah, if you could ... it's sort of the not knowing is the big issue, and the ... I always think of these ... the worst scenario.

LM: Yeah.

CR: And the worst scenario I've thought of is I will not be a Councillor at the end of this year.

LM: Mm, mm, yeah, yeah.

CR: Um, yes.

LM: I can't sort of say either way, it's not my decision how it goes. I would try to encourage you not to think negatively if you see what I mean, because I don't think that will help you.



CR: Yeah.

LM: Um, you know, to take advantage of those things as well, I think ... I know it's difficult, but I think that can be beneficial.

CR: 

LM: Yeah, yeah, I think that's ...

CR:  has not worked here.

LM: No, did you go yesterday?

Councillors Name:

CR: [REDACTED]

LM: No, no, well it's ... it's ... it's good ... I really appreciate you engaging with the process, um, and that will help it move forward quicker for you as well.

CR: Yeah.

LM: Yeah okay. Um, right I have a little bit of um, just a little bit of an explanation to give you at the end, um, if you're happy for me to go through that now?

CR: Yeah, that's fine yeah.

LM: Okay right, so um, right, so as I've explained, the um, um, the recording will be transcribed and I'll send you a copy of that, okay. Um, and then what I need to do next is decide whether that completes the investigation or whether there's any further evidence required. And once I'm satisfied it's completed, er, it will be considered in detail okay, and a finding made.

Um, if we conclude there is evidence of a breach, then the Ombudsman has the option to determine that no action is required or um, or to make a referral to the Standards Committee, um, or to the Adjudication Panel for Wales.

If the referral is considered appropriate, a draft report will usually be shared with you, and you'll be given an opportunity to comment on the analysis of the evidence and finding proposed. If he concludes there is no evidence that a breach has occurred, then the report would bring an end to that. Um, in closing the interview, I'd like to take the opportunity to remind you that the Ombudsman's investigations are conducted in private, and I would therefore ask you not to discuss the evidence received, or that you have shared with me today, with anyone other than your representative or legal advisor. And this extends to the transcript and any draft report which may be issued to you also.

It's particularly important that you don't discuss matters relating to the complaint and the investigation, with anyone who maybe a witness or involved in the matter. Um, and you should be aware that any such disclosure may amount to a breach of code itself, okay. So that's everything, and there's um, nothing else that you want to add, if there's nothing else you want to add, I'll ... I'll conclude the interview, is that going to be okay?

Councillors Name:

CR: Yeah, that's fine.

LM: Okay, so it's now 12:18, thank you for your time Councillor Rowlands, I really appreciate it, and I'll write to you in due course, um, with a copy of the transcript of today's interview.

CR: Yeah.

LM: And hopefully I'll be in touch with you before too long, is that okay?

CR: Yeah, yeah, that's fine. I've got no holiday planned.

LM: You've got no holiday planned, did you say?

CR: Yeah, no, I've got no holiday plans, I've got no money to er ...

LM: No, no, no, okay, um, unfortunately I do have a ... I think I explained to you before, I do have a patch of unavoidable leave, which is um, which is coming up, but I will be ... so I ... essentially I maybe out of the office um, from about 24 September to the ... 24 August to 5 September, but I will write to you to explain when I will be here or not, is that okay?

CR: Yeah, that's fine.

LM: All right then, okay, thank you, thank you for your time today, I do appreciate it.

CR: No, thank you for the opportunity.

LM: All right, no worries, thank you, thanks, bye, bye.

CR: Thank you, bye now.

# **Appendix 30**

Our ref: 201902891  
201902956/LM/LS

Ask for: Louise Morland

 01656 644224

Date: 18 September 2020

 Louise.Morland  
@ombudsman-wales.org.uk

**PERSONAL & CONFIDENTIAL**

Councillor Neil Moore  
The Vale of Glamorgan Council  
Civic Offices  
Holton Road  
Barry  
CF63 4RU

**By email only**

Dear Councillor Moore

**Code of Conduct complaint made against Councillor Leighton Rowlands of Vale of Glamorgan Council (201902891) and Barry Town Council (201902956)**

The investigation into the complaint which you made against Councillor Rowlands of Vale of Glamorgan Council ("the Council") and Barry Town Council ("the Town Council") has now been concluded. The Ombudsman has delegated to me the task of determining the outcome. In reaching my conclusions, I have had an opportunity to consider the information you submitted in support of your complaint as well as the evidence gathered during the investigation.

**Summary of complaint**

You complained that Councillor Rowlands conduct concerning the opening of a coffee shop and wine bar in Barry called the Watering Hole breached the Code of Conduct for members and brought the Council and Town Council into disrepute.

**Investigation**

When determining how to proceed in an investigation of this kind, the Ombudsman applies a two-stage test. At the first stage, he will aim to establish whether there is direct evidence that a breach of the Code has occurred. At the second stage the Ombudsman considers whether an investigation or a referral to a standards

**Page 1 of 5**

committee or the Adjudication Panel for Wales is required in the public interest. This involves the consideration of a number of public interest factors such as whether the member has deliberately sought a personal gain at the public expense for themselves or others or misused a position of trust, whether an investigation is required to maintain public confidence in elected members and whether a referral is proportionate in the circumstances.

Any member of a relevant authority must observe the Code of Conduct whenever that member is acting in his official capacity.<sup>1</sup> The relevant paragraph of the Code in this case is paragraph 6(1)(a), which requires that members must not conduct themselves in a manner which could reasonably be regarded as bringing their office or authority into disrepute.<sup>2</sup> This paragraph applies even when a member is acting in their personal capacity.

### **Analysis of evidence**

The Watering Hole commenced trading on 14 June 2019 without the appropriate change of use planning permission for the premises being in place (A1 'retail' to A3 'food and drink'). At the time Councillor Rowlands was a Director of the company which owned the business. The opening of the Watering Hole was subject to objections from residents and negative publicity in the press, and a photograph of Councillor Rowlands wearing the Mayoral chains was used on the company's website.

You said that, as a member of the Council's Planning Committee, Councillor Rowlands had particular knowledge of planning permission requirements and the importance of adhering to planning regulations and, as he should be leading by example, his conduct had brought the Council and Town Council into disrepute.

Councillor Rowlands said that he became a joint director of SLR Hospitality (the owning company) with Mr Lewis in March 2019 and they obtained a loan (divided equally between them) to put into opening a bar in Barry. Councillor Rowlands said when they took on a retail premises in Barry, he submitted a planning application in April 2019 for a change of use from retail to food and drink. Councillor Rowlands said he made it clear to Mr Lewis at the time that as a member of the Planning Committee he could not be involved in the planning decision.

Councillor Rowlands said he found planning matters complicated and difficult to understand. He said that after he and Mr Lewis took on the premises, he sought advice from a planning officer as to whether they could open the bar without planning permission if they had a licence for alcohol. Councillor Rowlands was advised that licensing and planning permission were different processes and whilst it was not illegal to open the bar without planning permission, doing so could incur enforcement action and risk closure of the business. Councillor Rowlands said his understanding was that this was a grey area and he had not grasped that it would be a breach of planning control. Councillor Rowlands said he recalled having been on

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<sup>1</sup> Paragraph 2, The Code of Conduct for Members

<sup>2</sup> Paragraph 6(1)(a), The Code of Conduct for Members

a Council Planning Committee which retrospectively approved a similar change of use application, despite criticism from some members, and that as a result he was wary of finding himself in a similar situation. Councillor Rowlands said consequently he was adamant with Mr Lewis that he would not sign the lease or open the bar until the licence and planning permission were both in place. He also said however that once Mr Lewis obtained a licence, he insisted on going ahead with the opening.

Councillor Rowlands said with hindsight he should have left the business at that point, but he felt invested in both the business and his friendship with Mr Lewis. Councillor Rowlands said Mr Lewis published the image of him wearing the Mayoral chains without his permission, and when it was brought to his attention, he insisted it was taken down straight away, but unfortunately it was provided to the press before it was removed.

Councillor Rowlands said he attended the opening night on 14 June because Mr Lewis had invited charities and local community groups. Councillor Rowlands said he spent most of the evening trying to control the behaviour of attendees stopping them from going outside with alcohol, to prevent a breach of the licence requirements. Councillor Rowlands said he was horrified when following complaints from residents and publicity, the Monitoring Officer told him that his conduct had brought the Council into disrepute. He immediately agreed to ask Mr Lewis to close the business down until the planning permission was granted. Councillor Rowlands said that when he explained the seriousness of matters to Mr Lewis he did not listen and refused to shut the Watering Hole. Councillor Rowlands said, as a result, he resigned from SLR Hospitality with immediate effect, withdrew the planning application and parted ways with Mr Lewis. Councillor Rowlands said he spent the following week dealing with reporters which was very difficult and had a significant impact on him.

Councillor Rowlands said that he invested all his money from the loan in the business when it became clear that Mr Lewis had not been paying the bills. During the investigation, Councillor Rowlands provided the Ombudsman with the specific details of the financial arrangement. Councillor Rowlands said his solicitor advised him to retain his shares at that time to try and recoup some of his investment. Mr Lewis did not reimburse him, and he ceased being a shareholder in August 2019 losing the money he invested. Councillor Rowlands said he had had no remuneration from the business at all or any financial gain from the shares.

Councillor Rowlands said he had nothing to do with the business or planning processes after his resignation. Mr Lewis submitted a new planning application (which was not granted) and Mr Lewis dealt with the subsequent planning, enforcement and appeal processes. Councillor Rowlands said despite this he had been pursued by debtors and was still paying off the loan. He said he had lost a lot of money and the respect of his colleagues and constituents because of the situation.

Councillor Rowlands said he recognised that he should have sought appropriate advice and guidance about his role before the opening and would now do things very differently. Councillor Rowlands said he had tried to help Mr Lewis, but he felt his good intentions and goodwill had been taken advantage of and Mr Lewis had

played on his good nature. He said he had been naïve in not seeing this and the events had a significant impact on him, his family and his relationships.

Councillor Rowlands said he did not think at the time that his conduct was inappropriate, however with hindsight he recognised others might think his actions had brought his Office or the Council into disrepute. Councillor Rowlands said he valued his role as a Councillor greatly and he never intended to bring his Office or the Council into disrepute. He said he bitterly regretted the events and was extremely sorry.

As a member of the Council's Planning Committee and with knowledge of a similar change of use planning matter (which was retrospectively approved), Councillor Rowlands was aware of the criticism which could be levied at him and should have been mindful of the impact his behaviour would have on the Council. His conduct in failing to consider his situation appropriately or seek advice about his role and position, suggests a significant lack of judgement, and has the potential to impact on the mutual relationship of trust that exists between the Council and Town Council, its elected members and the public. The public rightly expects that those who serve in public office will uphold high standards in public office. It is the Ombudsman's view that Councillor Rowlands' actions brought his Office and the Council and Town Council into disrepute in breach of paragraph 6(1)(a) of the Code of Conduct.

The Ombudsman has carefully considered whether a referral to the local Standards Committee or the Adjudication Panel for Wales is required in the public interest. Whilst Councillor Rowlands was initially of the view that the planning position was a "grey" area, I am satisfied he received a clear explanation of the position. When the Monitoring Officer subsequently raised the matter with Councillor Rowlands, he took swift action to rectify matters and close the business down and, when this was unsuccessful, he resigned from SLR Hospitality with immediate effect, withdrew the planning application, and took no further part in the business or planning process and ultimately lost his investment.

Councillor Rowlands has acknowledged that his conduct was not appropriate, he has also expressed shame and remorse and explained the serious impact the events had on him, his reputation and family life. The Ombudsman recognises that Councillor Rowlands has been affected deeply by the events and in light of this and Councillor Rowlands' remorse the Ombudsman does not consider it likely that the Council's Standards Committee would impose a significant sanction upon Councillor Rowlands. The Ombudsman does not therefore consider that it is in the public interest to take any further action. However, the Ombudsman is grateful to you for bringing this matter to his attention. He is of the view that this investigation was necessary in the public interest because it is essential that the public maintains trust and confidence in the Council's planning process. As Councillor Rowlands remains a member of the Council's Planning Committee the Ombudsman is recommending that the Council provides refresher training on the potential for conflicts of interest to arise in planning matters for Councillor Rowlands.

If any future complaints of an alleged breach of the Code is made against Councillor Rowlands the Ombudsman will take this matter into account.

## **Finding**

Therefore, under Section 69(4) (b) of the Local Government Act 2000, my finding is that no action needs to be taken in respect of the matters investigated.

This letter is being sent only electronically. A hard copy will not be sent unless you ask for one. A copy of this letter will be sent to Councillor Rowlands, the Clerk to Barry Town Council and the Monitoring Officer of Vale of Glamorgan Council. If you do require a hard copy of this letter, please be advised that there may be a delay in sending it to you.

The file on your complaint will now be closed. We routinely destroy hard copies of complaint files after 2 years following the date on which a complaint is closed, unless there is an exceptional reason to keep the information for longer. We will destroy personal information held on electronic records after 10 years following the date on which the complaint is closed.

If you have not already done so, I would be grateful if you could complete customer satisfaction and equality questionnaires. These can be accessed at [www.ombudsman.wales/customersatisfaction](http://www.ombudsman.wales/customersatisfaction) If you would prefer paper copies please contact us.

Yours sincerely

A rectangular area of the document has been completely blacked out with a redaction marker, obscuring a handwritten signature.

**Katrin Shaw**  
Chief Legal Adviser & Director of Investigations

# **Appendix 31**

Date/Dyddiad 9 October 2020  
Ask for/Gofynnwch am Cllr N Moore  
Telephone/Rhif ffôn [REDACTED]  
Fax/Ffacs [REDACTED]  
Your Ref/Eich Cyf 201902891 and 201902956/LM/LS  
My Ref/Cyf [REDACTED]  
e-mail/e-bost [REDACTED]

The Vale of Glamorgan Council  
Civic Offices, Holton Road, Barry CF63  
4RU  
Cyngor Bro Morgannwg  
Swyddfeydd Dinesig, Heol Holton, Y Barri  
CF63 4RU  
[www.valeofglamorgan.gov.uk](http://www.valeofglamorgan.gov.uk)  
[www.bromorgannwg.gov.uk](http://www.bromorgannwg.gov.uk)



Mr N Bennett  
Public Services Ombudsman for Wales  
1 Ffordd yr Hen Gae  
Pencoed  
CF35 5LJ

Dear Mr Bennett

**RE: Code of Conduct Complaint against Councillor Leighton Rowlands of Vale of Glamorgan Council (201902891) and Barry Town Council (201902956)**

I write with regards to the above matters and more particularly the decision not to take any further action following the conclusion of your investigation into my complaint.

I note and welcome that you were satisfied that the first-stage test of establishing whether a breach of the Code had occurred was satisfied, and **indeed that you were satisfied that a breach of the Vale of Glamorgan Council's and Barry Town Council's Members' Code of Conduct had occurred.**

However, having considered your factsheet which provides the opportunity for Complainants to request a review of a decision, I formally request that you review the decision to take no further action.

I am concerned that some of the information / evidence before you has not been properly taken into account, or been given adequate weight when arriving at your decision, namely:

- Councillor Rowlands attended mandatory training on the Members' Code of Conduct, which was delivered by the Council's Monitoring Officer, therefore Councillor Rowlands would have been clear of the implications of his actions from a Members' Code of Conduct perspective. During that training, and since, the Monitoring Officer has encouraged Members to contact her with any Member Code of Conduct queries and adopts an "open door" approach. With this in mind, consideration should be given to why Councillor Rowlands sought advice from the Planners prior to opening the Watering Hole but from not the Monitoring Officer.
- Further to that, there was a previous issue similar to his position, at a previous Planning Committee meeting, when it was firmly reiterated that any Member with an interest should declare it and leave the meeting and take no part in any decision making. Therefore, Councillor Rowlands would have been very aware of the correct procedures.
- The level of negative publicity in the press and complaints from residents was significant and should not be underestimated. Councillor Rowlands himself acknowledges that following the opening of the Watering Hole he spent the week

"dealing with reporters which was very difficult". Similarly he indicates that he had "lost ... the respect of his colleagues and constituents because of the situation". I don't believe that this has been given sufficient weight when coming to the conclusion to take no further action.

- Reference is made in your letter dated 18 September 2020 to Councillor Rowlands not seeking advice about his role and position which "suggests a significant lack of judgement" – I agree with this comment, but suggest it further demonstrates a lack of regard, particularly in light of the mandatory training that he had received and previous examples being brought to all Members' attention.
- Councillor Rowlands has been a Member of the Vale of Glamorgan Council's Planning Committee since May 2017 and was in attendance at the Planning Committee when Members were highly critical of another business in Barry opening a micropub without first obtaining a change of use permission. Councillor Rowlands was fully aware that by opening the Watering Hole that this would have equated to a breach of planning control. Your letter refers to Councillor Rowlands having submitted a change of use application in April 2019 from retail to food and drink, which confirms that he was aware of the process.
- The Investigating Officer was satisfied that Councillor Rowlands received a clear explanation of the planning position, however despite this he still proceeded as a Company Director of SLF Hospitality Limited to commence trading.
- I don't think sufficient weight has been given to Councillor Rowlands knowledge and experience of planning matters particularly his knowledge about the Planning Committee's disapproval of a company that acted in the same way as his company did.
- Councillor Rowlands attended mandatory Planning training, as do all Members prior to sitting on the Planning Committee. As with the Monitoring Officer, the Planning department are accessible to provide guidance to applicants.
- It should also be highlighted that Councillor Rowlands was also a Barry Town Councillor, and that Council objected to the planning permission at a Planning Meeting on 29<sup>th</sup> May 2019 prior to the Vale of Glamorgan Planning Committee Meeting.
- Councillor Rowlands indicates that Sam Lewis (his Co-Director) insisted on going ahead with the opening of the business on 14 June 2019, however rather than Councillor Rowlands distancing himself he attended the opening night.
- It is suggested that the business ceased trading after the issues were brought to his attention. I do not believe that to have been investigated thoroughly. I am led to believe that it closed after it failed to obtain planning permission and following enforcement action being sanctioned.

- It appears that Councillor Rowlands made a financial loss on this business venture, however it will be appreciated that he sought to make a financial gain.
- The trigger and timing of the removal of the photograph of Councillor Rowlands wearing his mayoral chains as part of the promotional material for the business, I would suggest needs further re-examination, as I do not believe that Councillor Rowlands was proactive in removing the photograph independently but possibly only when it received media attention.

To sum up, there appear to me to be a number of contradictions in the evidence of Councillor Rowlands which need further exploring and added weight given, I would suggest, to those areas as highlighted above.

I am also particularly concerned how a decision of "no further action" when you were satisfied that a breach of the Vale of Glamorgan Council's and Barry Town Council's Members' Code of Conduct had occurred will be perceived by the public and other Councillors in a case where a County Councillor and Town Councillor has brought his office into disrepute by breach of paragraph 6(1)(a) of the Members' Code of Conduct, particularly in such a public way and involving non-compliance with planning control, albeit he is a Member of the Council's Planning Committee, who should lead by example rather than ignore the process which he is part of the decision-making Committee which determines such matters and the issuing of enforcement action when non-compliance occurs.

In light of the above I request that you review your decision to take no further action in this case.

Yours sincerely

A large rectangular area of the page has been completely blacked out with a redaction marker, obscuring a handwritten signature.

**Councillor N Moore / Leader of the Vale of Glamorgan Council**

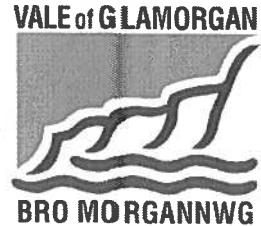
# **Appendix 32**

Date/Dyddiad: Monday 26<sup>th</sup> Oct 2020  
Ask for/Gofynnwch am: Cllr. Leighton Rowlands  
Telephone/Rhif ffôn: [REDACTED]  
Fax/Ffacs:  
Your Ref/Eich Cyf: 201902891/201902956/LM/CH  
My Ref/Cyf:  
e-mail/e-bost: [REDACTED]

The Vale of Glamorgan Council  
Members of the Council's Office  
Civic Offices, Holton Road, Barry, CF63 4RU  
Telephone: (01446) 700111

Cyngor Bro Morgannwg  
Swyddfa Aelodau'r Cyngor  
Swyddfeydd Dinesig, Heol Holton,  
Y Barri, CF63 4RU  
Ffôn: (01446) 700111

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Ms Louise Morland  
Ombudsman for Wales (Via Email)

Re: Code of Conduct complaint from Councillor N Moore.

Dear Ms Morland,

Thank you for informing me of the request of review of the decision made by the Ombudsman in relation to the complaint made against me by Councillor Moore and he feels that I have not suffered enough.

I'm deeply concerned that Councillor Moore has asked for this review. I feel this is now a vacuous by Councillor Moore and more of a political point scoring. I will address Councillor Moore's points.

Point One – Councillor Moore states I attended mandatory training on the Members Code of Conduct, which I did when I first got elected three years ago. But as I stated this was and I use officers words whistle stop tour, and as a new councillor there is a lot of information to take in it seems that training is always cramped in. I dispute the comment that the monitoring officer has encouraged members to contact her and open door approach I have never felt that. However since the decision I have undergone a review of the conduct and spoken to the Monitoring officer and feel more comfortable to approach the monitoring officer.

Point Two – When the planning permission came to Vale Planning I did declare an interest and left the room so this point is not really valid.

Point Three – He raises the point of the negative publicity as there was some mostly fuelled by other council members and one particular newspaper. As Councillor will know having a fair share of negative press and other members of group the newspapers do not give up and no doubt they have lost respect from colleagues and constituents so again this point is political point scoring.

Point Four – Councillor Moore states that I did not seek advice and lack of judgment about my role and he agrees but I'm sure that Councillor was not perfect when he was first elected and does Councillor Moore know every rule and advise given to him in training?

Point Six – I do dispute the position of planning and it was unclear, I did not want to proceed is opening and Councillor Moore would know that if you invest in a company it is not as simple to leave the company there is a legal process.

Point Nine – I'm a member of Barry Town Council but not a member of the planning committee there, I was not aware of their decision until it was put on the portal and they are consultation again I feel their decision was a political rather than planning issues.

Point 11 – I correct Councillor Moore in his suggestion about the ceasing trading I had requested my business partner to cease after the advise from the Monitoring officer but he refused so I left the company. So had nothing to do with it apart from shares which I was in legal dispute with it current director documents had been provided to prove this and I have never received anything from the company.

Point 13 – I dispute Councillor Moore argument that I only removed the photo when it had media attention, I was shown it on the website and got it removed straight away. So that argument does not stand up.

As I stated at the beginning instead of accepting the decision which I have and undergone extra training and conversations with the monitoring officer, I feel Councillor Moore would like to make it political and might think that I'm the Senedd Candidate for the Vale of Glamorgan which he could use.

Also he would like to me suffer even more does he not think I have suffered enough clearly not and he should reflect on his actions by asking for a review.

Yours Sincerely

Cllr Leighton Rowlands

# **Appendix 33**

Our ref: 201902891/  
201902956/SR/CH

Ask for: Sue Ryan

01656 644220

Date: 9 November 2020

Review.Request  
@Ombudsman.wales

**PERSONAL & CONFIDENTIAL**  
Councillor Leighton Rowlands  
[REDACTED]

By email only  
[REDACTED]

Dear Councillor Rowlands

**Code of Conduct complaint made by Councillor Neil Moore**

I write further to the letter from my colleague, Louise Morland, of 13 October 2020 advising that the Ombudsman had received a review request in respect of his investigation decision of 18 September.

Please find enclosed a copy of my letter to Councillor Neil Moore confirming the outcome of my review for your information.

A copy has also been sent to the Monitoring Officer of Vale of Glamorgan Council and to the Clerk to the Council of Barry Town Council.

Yours sincerely

[REDACTED]  
**Sue Ryan**  
Swyddog Adolygu ac Ansawdd Gwasanath  
Review & Service Quality Officer

Enc: Copy of letter to Complainant

Our ref: 201902891/  
201902956/SR/CH

Ask for: Sue Ryan

01656 644220

Date: 9 November 2020

✉ Review.request  
@Ombudsman.wales

## PERSONAL & CONFIDENTIAL

Councillor Neil Moore  
The Vale of Glamorgan Council  
Civic Offices  
Holton Road  
Barry  
CF63 4RU

By email only

Dear Councillor Moore

### Code of Conduct complaint against Councillor Leighton Rowlands

I write further to your letter of 9 October to the Ombudsman, Nick Bennett in which you asked for a review of the decision reached on this case as set out in Katrin Shaw's letter of 18 September. I understand that you are aware that the Ombudsman has passed it to me to consider in my role as his Review Officer.

I would first like to explain a little of my role and responsibilities. I am not involved in the assessment or investigation of cases carried out by this office. Instead, I act on the Ombudsman's behalf, and with his delegated authority, to determine whether there are grounds for him to overturn a decision previously taken on a case, or to re-open a closed file. However, I must make clear that I cannot re-open a closed case simply because a complainant disagrees with the decision previously reached.

I would first need to be satisfied that either significant new information had come to light which would directly impact on our findings or that it had been demonstrated that in reaching our decisions, or bringing an end to our enquiries, we did not properly take account of information that was available to us.

Once I have completed my review, if I decide that there are sufficient grounds to justify re-opening a case, my role does not include personally undertaking that work. Instead, I arrange for the most appropriate way for the case to be taken forward and will not be involved in any future decision making.

Turning to the outcome of your complaint against Councillor Rowlands, Mrs Shaw concluded the Ombudsman's investigation by reaching a finding under Section 69(4) (b) of the Local Government Act 2000. Mrs Shaw's letter details the evidence she considered, her application of the Ombudsman's 2 stage test and her conclusion that while Councillor Rowlands' actions brought his office and the Council and Town Council into disrepute, and he was therefore in breach of the Code of Conduct, it was not in the public interest to take any further action.

Your review request includes representations on information you believe Mrs Shaw has not considered, or did not give due weight to, when reaching her decision. I have reviewed our files and considered what you have said carefully. I have, in the interests of fairness, also obtained and considered comments from Councillor Rowlands on the matters raised in your review request.

Having done so, given the serious nature of the breach of the Code identified, I am of the view that we have not fully considered matters that are relevant to the Public Interest element of the Ombudsman's 2 stage test. I am therefore persuaded that there are issues raised by your review request that require further consideration by this office and that the most appropriate way for this to be done is through the re-opening of the investigation. This will allow us to formally gather and consider additional evidence on the points raised and will also allow Councillor Rowlands the opportunity for further comment.

I have therefore referred your file to the Investigation Team for the case to be re-opened and for this further work to take place. The Investigator, Ms Morland, will contact you in due course. I must emphasise that I cannot guarantee that this further consideration will lead to any particular outcome. Councillor Rowlands, the Monitoring Officer and the Clerk to Barry Town Council have also been informed of my decision.

I would like to take this opportunity to remind you that the Ombudsman's investigations are confidential and are conducted in private. You are therefore asked not to contact or discuss the details of the complaint with any potential witnesses or persons who may be involved in the matter, whether directly or indirectly, to avoid any prejudice to the investigation. Conduct of this kind may amount to a breach of the Code.

This concludes the review process. Please do not hesitate to contact me should you have any queries about the content of this letter.

Yours sincerely

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**Sue Ryan**  
Swyddog Adolygu ac Ansawdd Gwasanath  
Review & Service Quality Officer

# **Appendix 34**

Our ref: 202003631  
202003545/LM/LS

Ask for: Louise Morland

01656 644224

Date: 10 December 2020

Louise.Morland  
@ombudsman-wales.org.uk

**PERSONAL & CONFIDENTIAL**  
Councillor Leighton Rowlands  
[REDACTED]

By email only  
[REDACTED]

Dear Councillor Rowlands

**Code of Conduct complaint made by Councillor Neil Moore**

Further to the letter dated 9 November 2020 from my colleague, Ms Sue Ryan, with information regarding the outcome of Councillor Moore's review request, I am writing to let you know that the case has now been reopened and the Ombudsman has asked me to carry out the investigation.

As you will know the Ombudsman's previous investigations (201902891 and 201902956) into Councillor Moore's complaints reached a finding under Section 69(4) (b) of the Local Government Act which outlined that while your actions brought his office and the Council and Town Council into disrepute, and you were therefore in breach of the Code of Conduct, it was not in the public interest to take any further action.

Given Councillor Moore's representations in his review request, and the serious nature of the breach of the Code identified, the new investigation will consider matters that are relevant to the Public Interest element of the Ombudsman's 2 stage test. This will allow us to formally gather and consider additional evidence on the points raised and will also allow you the opportunity for further comment.

I appreciate that this matter has been very stressful for you. Please be assured that the Ombudsman will investigate the matter fairly and sensitively and you may contact me at any time to provide me with information as part of the investigation.

Page 1 of 2

I note that you have received appropriate support from the Council's Monitoring Officer, and I would encourage you to continue to use that support and liaise with the Monitoring Officer for any further assistance you require.

You need not respond to this letter if you do not wish to. However, any comments made at this stage will be taken into consideration. You should bear in mind that your comments may also be disclosed to the complainant or used in any subsequent proceedings.

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

I have written to notify the Monitoring Officer of Vale of Glamorgan Council and the Clerk to Barry Town Council of this investigation and have asked for any relevant information.

#### **Meeting your needs during our investigation**

Please let us know if you need us to adapt the way we communicate with you. If anything makes it difficult for you to engage with us during the investigation, for example, if you have a disability, please contact us to explain how this affects you.

We will consider whether your request is reasonable and appropriate in the circumstances. This is because we need to use public money carefully.

The Ombudsman's investigations are conducted in private. You are therefore asked not to contact or discuss the details of the complaint with any potential witnesses or persons who may be involved in the matter, whether directly or indirectly, to avoid any prejudice to the investigation. Conduct of this kind may amount to a breach of the Code.

If you consider that specific information should be considered, or witnesses should be contacted by the Ombudsman as part of this investigation please let me know and I will consider your request in light of the remit of the Ombudsman's investigation.

This letter is only being sent electronically. A hard copy will not be sent unless you ask for one.

Yours sincerely



**Louise Morland**  
Investigation Officer

# **Appendix 35**

**From:** [Marles, Debbie](#)  
**To:** [Louise Morland](#)  
**Subject:** FW: Complaint made to the Ombudsman - 202003631 [REF/x2/RO/vM/X8/]  
**Date:** 25 January 2021 17:11:02  
**Attachments:** [~WRD0000.jpg](#)  
[Cllr rowlands.docx](#)

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Dear Ms Moreland,

Further to our earlier email exchange and more particularly your letter dated 10 December 2020 please find attached a copy of my notes of the training session between Cllr Rowlands and myself dated 8 October 2020.

Please note that other than the minutes/notes of meetings previously provided during the course of the investigation undertaken by the Ombudsman's Office, that I do not hold any further minutes/notes of meetings between myself and Cllr Rowlands regarding the above matter.

Yours sincerely,

Debbie Marles  
Monitoring Officer/Head of Legal and Democratic Services / Pennaeth Gwasanaethau Cyfreithiol  
Director's Office - Resources / Swyddfa'r Cyfarwyddwr - Adnoddau  
Vale of Glamorgan Council / Cyngor Bro Morgannwg  
e-mail / e-bost: [REDACTED]

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[Find us on Facebook / Cewch ddod o hyd i ni ar Facebook](#)  
[Follow us on Twitter / Dilynwch ni ar Twitter](#)

Correspondence is welcomed in Welsh or English / Croesewir Gohebiaeth yn y Gymraeg neu yn Saesneg.

---

**From:** Louise Morland <[Louise.Morland@ombudsman-wales.org.uk](mailto:Louise.Morland@ombudsman-wales.org.uk)>  
**Sent:** 18 January 2021 11:09  
**To:** Marles, Debbie <[REDACTED]>  
**Cc:** [REDACTED]>  
**Subject:** RE: Complaint made to the Ombudsman - 202003631 [REF/x2/RO/vM/X8/]

Dear Ms Marles

Thank you for your email dated 15 January 2020. I understand that you are currently dealing with competing priorities and in the light of this I would be grateful if you could provide your response by 25 January.

Would it be possible to speak/meet via MS teams during the afternoon of 26 or 27 January 2020.

If that would be convenient and you could let me know a suitable time, I can send an MS teams invite.

Regards

Louise

**Louise Morland**  
Swyddog Ymchwilio / Investigation Officer  
Ffôn / Tel: 01656 644224

---

**From:** Marles, Debbie <[REDACTED]>  
**Sent:** 15 January 2021 18:46  
**To:** Louise Morland <[Louise.Morland@ombudsman-wales.org.uk](mailto:Louise.Morland@ombudsman-wales.org.uk)>  
**Cc:** [REDACTED]  
**Subject:** FW: Complaint made to the Ombudsman - 202003631 [REF/x2/RO/vM/X8/]

Dear Ms Morland,  
Please see the below email for your consideration.  
Regards,  
Debbie Marles  
Monitoring Officer/ Head of Legal and Democratic Services

---

**From:** Marles, Debbie <[REDACTED]>  
**Sent:** 15 January 2021 18:23  
**To:** Marles, Debbie <[REDACTED]>  
**Cc:** [REDACTED]  
**Subject:** RE: Complaint made to the Ombudsman - 202003631 [REF/x2/RO/vM/X8/]

Dear Ms Morland,  
Given a number of competing priorities that I am currently dealing with, I'd be grateful for a time extension to return to you by Monday 25 January 2021. If it would assist I'd also suggest ( in line with your request) that we speak/meet during the course of the afternoon of 25 January or soon thereafter subject to your availability. I'm copying my Secretary into this email to make the necessary telephone/meeting arrangements.  
Regards,  
Debbie Marles  
Monitoring Officer/ Head of Legal and Democratic Services

---

**From:** Marles, Debbie  
**Sent:** 12 January 2021 16:33  
**To:** 'Louise.Morland@ombudsman-wales.org.uk' <[Louise.Morland@ombudsman-wales.org.uk](mailto:Louise.Morland@ombudsman-wales.org.uk)>  
**Subject:** RE: Complaint made to the Ombudsman - 202003631 [REF/x2/RO/vM/X8/]

Dear Ms Morland,  
I apologise for the oversight on my part. I will consider this as a matter of urgency and return as a matter of priority.

Regards,  
Debbie Marles  
Monitoring Officer/ Head of Legal and Democratic Services

**From:** [Louise.Morland@ombudsman-wales.org.uk](mailto:Louise.Morland@ombudsman-wales.org.uk) <[Louise.Morland@ombudsman-wales.org.uk](mailto:Louise.Morland@ombudsman-wales.org.uk)>  
**Sent:** 12 January 2021 16:22  
**To:** Marles, Debbie <[REDACTED]>  
**Subject:** Complaint made to the Ombudsman - 202003631 [REF/x2/RO/vM/X8/]

Dear Ms Marles

**Our reference: 202003631 and 202003545**

Further to the email from my colleague Lisa Sheldon dated 10 December 2020 with a letter (and enclosures) regarding the above complaints. I note that from our records we do not appear to have received a response. I would therefore be grateful if you could contact me as soon as possible about this matter.

If you have any queries please contact me directly either by telephone on 01656 644224 or via email at [Louise.Morland@ombudsman-wales.org.uk](mailto:Louise.Morland@ombudsman-wales.org.uk).

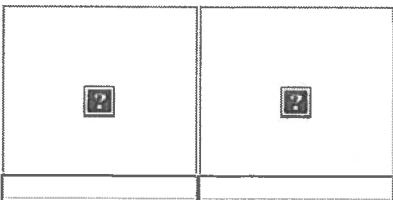
Yours sincerely

**Louise Morland**  
Swyddog Ymchwilio/Investigation Officer

Ffôn/Tel:01656 644224

--  
Public Services Ombudsman for Wales/Ombudsmon Gwasanaethau Cyhoeddus Cymru  
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Bridgend/Pen-y-Bont ar Ogwr  
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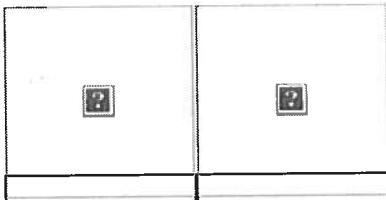
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All calls are recorded for training and reference purposes / Bydd pob galwad yn cael ei recordio ar gyfer dibenion hyfforddi a chyfeirio

Please consider the environment - do you really need to print this email?  
Ystyriwch yr amgylchedd ♦ a oes wir angen i chi argraffu♦r neges e-bost hon?

**Training Session via Microsoft Teams: Monitoring Officer and  
Councillor Leighton Rowlands**

**Dated : 8 October 2020**

- Introduction: the context and purpose of the training was outlined having regard to recent correspondence from the Ombudsman's Office (September 2020) and the recommendation that the Council provide refresher training to Cllr Rowlands on the potential for conflicts of interest to arise in planning matters.
- The Monitoring Officer provided Cllr Rowlands with an overview of the Members' Code of Conduct.
- There was a general discussion regarding Cllr Rowlands experience of dealing with planning matters which he indicated he found complicated and difficult to understand on occasions. It was highlighted that in such circumstances Cllr Rowlands should seek clarification from the relevant Planning Officers or alternatively the Monitoring Officer.
- It was highlighted that having regard to the specific matters before the Ombudsman that Cllr Rowlands was to regard any future matters submitted to the Council (including Planning Committee) by Sam Lewis or any Company in which he has an involvement to be matters in which Cllr Rowlands has a personal and prejudicial interest and he should take no part in the discussion on such matters nor vote on the same; and neither should he make any written or oral representations in respect of such matters.
- The Monitoring Officer highlighted the importance of Members of the Planning Committee leading by example and adhering to the Council's procedures and policies; and identifying any personal interests (including the nature of the same) and prejudicial interests when they exist. It was highlighted that if there was a need to take advice, this should be sought from the Monitoring Officer.
- It was highlighted that should Cllr Rowlands have a personal interest in a matter and he proposes to make written representations to a Member or Officer regarding that business, then he should include details of his interest in the written communication. Further if he intended to make oral representations to a Member or Officer, he should disclose the interest at the commencement of such representations, and confirm the representation and interest in writing within 14 days of the representation.
- There was a general discussion regarding Cllr Rowlands' receipt of agendas for Planning Committee, the reading time that he required to consider agendas, the need for reports to be printed ideally on yellow paper, arrangements for Cllr Rowlands to receive/collect agendas and the need to print plans rather than photocopy them. The Monitoring Officer agreed that she would liaise with her colleagues in Democratic Services to support Cllr Rowlands in this regard.
- There being no further queries at this stage the training session was closed.

# **Appendix 36**

**From:** Moore, Neil (Cllr)  
**To:** Louise Morland  
**Subject:** RE: Complaint made to the Ombudsman - 202003631 [REF/x2/RO/vM/X8/]  
**Date:** 03 February 2021 15:41:33  
**Attachments:** Re\_Ref\_Councillor\_Rowlands.msg  
Re\_The\_Watering\_Hole\_and\_Councillor\_Rowlands.msg  
The\_Watering\_Hole\_and\_Councillor\_Rowlands.msg  
Ref\_Councillor\_Rowlands.msg  
Councillor\_Leighton\_Rowlands.msg  
Screenshot\_(468).png  
Screenshot\_(469) - Copy.png  
Minutes\_Planning\_27th\_October\_2018.pdf  
**Importance:** High  
**Sensitivity:** Confidential

---

I am sorry for the inordinate delay in getting back to you, but I am afraid my time has been extremely busy, and I have issues with a family member being unwell.

To begin with I would like to make some points and recap on where I came from on this issue.

I understand that you know that Cllr Rowlands is the candidate for Cardiff South and Penarth Senedd elections.

I also assume that you are aware that Cllr Rowlands was at the Planning meeting when the issue of declarations was confirmed and that retrospective planning applications were not acceptable. Officers and Members made clear the responsibilities of Councillors and those applying for planning permission. This planning meeting took place on the 27th September 2018 where application 2018/00761/FUL was considered. If you look at the webcast from 1hr 35mins to the end, its clear committee were unhappy that the application was retrospective, especially as [REDACTED] owned the building. The members made it clear what they felt about retrospective applications, especially where members were concerned. Cllr Rowlands was present and can be seen in the [fuzzy] final frame of the committee. So, he was well aware of his responsibilities.

You will note that [REDACTED] left the meeting at 1:31:36 before the application was considered - for the business at 50a Holton Road and that it was a retrospective application for a use within the building owned by [REDACTED] and operated by Gareth Slattery of the Butterfly collector. This is the same Gareth Slattery who claims that Cllr Rowlands knew what he [Cllr Rowlands] was doing, in setting the business up without planning permission.

Discussion took place on the fact that this was an application where a Planning Member [Councillor] had an interest but also it was a 'retrospective application. Members clearly discussed the retrospective aspect of the application and this was made clear from 1:35 to the end of the recording. This was particularly the case at 1:39 [REDACTED] / 1:41 – 1:43 with comments [REDACTED] / 1:43 [REDACTED] / 1:44 [REDACTED] again commenting on the retrospective nature of the application. Also, at 1:47 it was stressed that the breach of policy was known [REDACTED]. Cllr Rowlands voted in favour [the Chairman declared a unanimous vote] and Cllr Rowlands can be seen to be present at 1:52.22, just before the end of the meeting. I also attach a copy of minutes of that meeting showing its membership and those present at the meeting.

<https://www.youtube.com/watch?v=ATOFVlOv1rQ>

I also understand that you are aware of the BBC's interest in Cllr Rowlands taking that position and that they are also aware of the ombudsman report and the fact that it's being reviewed by yourself.

I am not sure if you are aware of the involvement and comments from Gareth Slattery of the Butterfly Collector business. I attach some emails to the Monitoring Officer [copied to me] which include some screen grabs of his tweets for your information (4<sup>th</sup> attachment). It does give some background to the issues of the business in St Nicholas Road.

I also attach some screen grabs of the Facebook communication again where Gareth Slattery makes comments – he does mention that he wished he had been called as a witness. I am not sure if you have done so, but I raise it again for your information.

I believe that you should also be aware of the type of conduct that Cllr Rowlands carries out in scrutiny meetings and I refer to the link of the Scrutiny Committee Environment and Regeneration dated 20<sup>th</sup> October as an example. I could probably find more:

Please refer to the YouTube video at timings:

1:20 – 1:24 as examples of some issues where officers are called to account and their honesty is brought into question  
1:25 Cllr Rowlands shows his attitude for the Chair and disagreeing with Chair and not accepting the Chairs decision – being his usual self

1:27 Honesty of officers is again brought into question  
1:33 – 1:35 Cllr Rowlands has an argument with the Chair  
1:59 - Again Cllr Rowlands makes comments  
2:04 - Again comments questioning members  
2:27 – 2:36 again arguments with the Chair – not showing respect  
2:40 Cllr Rowlands again asks for guarantees on TRO's and challenges Cabinet member and Cabinet report details  
2:45 Chair wanted to take vote and again Cllr Rowlands interrupts the meeting and the Chair again had to chastise him  
2:46 Chair summed up asking for decorum etc and at 2:47 Cllr Rowlands again tried to interrupt but the chair closed the meeting.

<https://www.youtube.com/watch?v=0Gqc70qDBCc>

Again, my sincere apologies for not getting back but unfortunately my time is not my own.

If you want to contact me, please do so by email to set an appointment [if you could give some alternatives that would be good] or on the mobile phones listed below.

Currently I have cleared my diary to be available tomorrow afternoon and next Tuesday /Wednesday and Thursday afternoon.

I hope we can meet soon.

Regards

Neil Moore  
Councillor/Cynghorydd  
Executive Leader and Cabinet Member for Performance and Resources  
Arweinydd Gweithredol ac Aelod Cabinet Perfformiad ac Adnoddau  
Vale of Glamorgan Council / Cyngor Bro Morgannwg  


e-mail / e-bost: [NMoore@valeofglamorgan.gov.uk](mailto:NMoore@valeofglamorgan.gov.uk)

*Consider the environment. Please don't print this e-mail unless you really need to.  
Ystyriwch yr amgylchedd. Peidiwch ag argraffu'r neges hon oni bai fod gwir angen.*

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[Find us on Facebook / Cewch ddod o hyd i ni ar Facebook](#)  
[Follow us on Twitter / Dilynwch ni ar Twitter](#)

Correspondence is welcomed in Welsh or English / Croesewir Gohebiaeth yn y Gymraeg neu yn

Saesneg.

**From:** Louise.Morland@ombudsman-wales.org.uk <Louise.Morland@ombudsman-wales.org.uk>  
**Sent:** 12 January 2021 16:14  
**To:** Moore, Neil (Cllr) <NMoore@valeofglamorgan.gov.uk>  
**Subject:** Complaint made to the Ombudsman - 202003631 [REF/x2/RO/vM/X8/]

Dear Councillor Moore

**Our reference: 202003631 and 202003545**

Further to the email from my colleague Lisa Sheldon dated 10 December 2020 with a letter (and enclosure) regarding your complaint. I note that from our records we do not appear to have received a response. I would therefore be grateful if you could contact me as soon as possible about this matter.

If you have any queries in relation to the letter, please contact me directly either by telephone on 01656 644224 or via email at [Louise.Morland@ombudsman-wales.org.uk](mailto:Louise.Morland@ombudsman-wales.org.uk)

Yours sincerely

**Louise Morland**  
Swyddog Ymchwilio/Investigation Officer

Ffôn/Tel:01656 644224

--  
Public Services Ombudsman for Wales/Ombudsmon Gwasanaethau Cyhoeddus Cymru  
1 Ffordd yr Hen Gae  
Pencoed  
Bridgend/Pen-y-Bont ar Ogwr  
CF35 5LJ

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Mae'r e-bost hwn yn rhwym wrth yr amodau Cyfrinachedd, Cynnwys a Firysau a nodir ar [wefan](#) yr Ombudsmon.

All calls are recorded for training and reference purposes / Bydd pob galwad yn cael ei recordio ar gyfer dibenion hyfforddi a chyfeirio

Please consider the environment - do you really need to print this email?  
Ystyriwch yr amgylchedd a oes wir angen i chi argraffu neges e-bost hon?

**APPENDIX H i**

**From:** [REDACTED]  
**To:** Marles, Debbie  
**Cc:** [REDACTED] Moore, Neil (Cllr)  
**Subject:** Councillor Leighton Rowlands  
**Date:** 26 June 2019 16:10:28

---

Dear Deborah Marles,

I wish to book an appointment with yourself, As I have evidence the the above named Councillor as used his position as a Councillor/Mayor to gain a gift from his landlord at The Watering Hole Cafe and Wine Bar. Please could you spare me 5 minutes to show evidence to you, as it is on my social media messenger.

I am led to believe his is illegal and breaches councillor standards set out by The Vale of Glamorgan . As I have informed [REDACTED] I am fully aware that Councillor Rowlands we be informed.

Thank you

Gareth Slattery  
[REDACTED]

## APPENDIX H ii

**From:** [REDACTED]  
**To:** Marles, Debbie  
**Cc:** Moore, Neil (Cllr)  
**Subject:** Ref. Councillor Rowlands  
**Date:** 27 June 2019 13:12:05  
**Attachments:** Screenshot\_2019-06-26-19-42-05.png  
Screenshot\_2019-06-26-19-36-42.png  
Screenshot\_2019-06-26-19-36-06.png

---

Please look at screen shots on reverse order.

Questions need to be asked what relationship the property landlord/owner had with Councillor Rowlands prior to Councillor Rowlands being gifted this property rental?, how much discount he was gifted?,

The whole of his process stinks from [REDACTED] to the owner to Councillor Rowlands.

Why would a very savvy property owner offer a discounted rent to a new business with no experience in that business in favour of a consortium of business owners with experience and proven businesses in Barry if nothing was in it for him.....corruption and influence within the council I suspect.

Ignoring the fact Councillor Rowlands stole my intellectual property, after being consulted by my business partners and myself on an informal basis.

Should there be satisfactory replies to my questions, then fair enough.

I understand Councillor Rowlands influence and "Friends" within the inner sanctum of the Civic Offices will try and make my life, shall we say awkward. I will be taking my evidence to the Barry and District newspaper after your investigation and he public can decide if Councillor Rowlands is behaving in a way we as he citizens of The Vale of Glamorgan would expect out elected officials to behave.

There have been roundabout threats and intimidation on Facebook to the property owner that took pictures of over 25 people drinking illegally in a car park at the front of 6, St Nicholas Road

I know leave it to the council to investigate and act appropriately should corruption and gifting be taking place.

Gareth Slattery  
[REDACTED]



## System &amp; Notifications



Hi just to let you know me and [REDACTED] have decided to open a coffee/wine bar in Barry

3 APR AT 15:16

Good luck



Hopefully it will be ok. May as well jump in the deep end.

Where



st nicholas road

Where I looked at



Yes, but not the warehouse

And you have got it



Yes we progressing with the lease it being checked by the solicitors

It is going to cost you a fortune to sound proof the flat upstairs.....

Unless you have no music



Yeah we understand that we got quotes etc for that



3 APR AT 16:35

You've blocked Leighton

You can't message or call them in this chat, and you won't receive their messages or calls.

**UNBLOCK LEIGHTON****SOMETHING'S WRONG**



## System &amp; Notifications



Y

3 APR AT 16:35

We even asked you for advise...refetence the main building,  
suggest you return your key for the butterfly collector, trust with  
me means more than anything



And I gave you advise before we were thinking about it. But we  
took a punt on it. And yeah sure I will. It not personal Gareth, I  
hope don't have issue with it. And ofcourse I will return the key to  
you I don't want this turn sour I trust you and I hope you trust me

How can I trust you????



What I done to misplace your trust? I put an offer in and it was  
accepted I saw an opportunity and took. I have been a good  
friend to you and offered you advise at every stage.

It's underhand, you knew [REDACTED] and myself wanted the  
warehouse, yet you couldn't even tell us and your doing, and  
doing the same thing..I have told [REDACTED] and she agreed its  
underhand

3 APR AT 17:05

I thought you were my friend, yet you saw an opportunity when  
you knew your friends were going for it, yet you saw for to bid  
on the main building knowing full well we would not get the  
warehouse, your not a friend your an opportunist, if it has been  
someone I didn't know then fair enough..... but you....I trusted  
you. No longer



3 APR AT 17:18

You've blocked Leighton

You can't message or call them in this chat, and you won't receive their messages or calls.

**UNBLOCK LEIGHTON**

**SOMETHING'S WRONG**





## System &amp; Notifications



Gareth, this is not what you were doing. We are opening a wine shop like the bottle shop in Penarth we went to and coffees in the day. We don't offer what you do, it's not a micro environment and it's not underhand. [REDACTED] rang [REDACTED] the day it went up and [REDACTED] has been in talks with her the whole time. [REDACTED] has offered to go into business with you setting up other places many times. I know [REDACTED] the landlord and he knew I was looking and told me he wanted me in. It's not underhand because I'm telling you now weeks before opening, it's nothing like you've taken it, it won't effect your business. We want to remain friends and actually build a business partnership too. I have supported you fully throughout with printing, council stuff and working and would want to continue supporting you. We didn't bid [REDACTED] approached us and when [REDACTED] knew it was me even offered it cheaper. It's business Gareth not personal



3 APR AT 17:38

Fuck you leighton



Well that not very nice. I think you need time calm down

3 APR AT 20:06

Well done leighton, you and your underhand ways has alienated yourself from 200 people that use the butterfly collector, I have shown the transcript to the Butterfly Collector tonight that are regulars and they disgusted with you.....you really are scum, what you have done is not business it's being a cunt

4 APR AT 09:36

Your bar bill

[REDACTED] I only give credit terms to friends, please

You've blocked Leighton

You can't message or call them in this chat, and you won't receive their messages or calls.

**UNBLOCK LEIGHTON****SOMETHING'S WRONG**

## APPENDIX H iii

**From:** [REDACTED]  
**To:** Marles, Debbie  
**Cc:** Moore, Neil (Cllr)  
**Subject:** The Watering Hole and Councillor Rowlands  
**Date:** 05 July 2019 12:42:57

---

Dear Mrs Marles,

I have been awaiting your reply reference my previous email, I was wondering on what timescale you are working on, as I am wanting to give my evidence of a Councillor misusing their entrusted position to gain favour to The Barry and District Newspaper, I am really annoyed that Councillor Rowlands want to constantly play his victim card when this is not the case to The Glamorgan Gem to whom he has drip fed information since I have known him.

I would also like to know how many charitable organisations turned up on The Watering Holes opening night that received money from the Mayors foundation under Councillor Rowlands tenure, Barry Male Voice Choir and He Roundtable are 2 I know of, how many more????, This is a misuse of our money for personal gain.

Gareth Slattery  
[REDACTED]

## APPENDIX H iv

### Louise Morland

---

**From:** Moore, Neil (Cllr) <NMoore@valeofglamorgan.gov.uk>  
**Sent:** 06 July 2019 14:05  
**To:** gareth Slattery; Marles, Debbie  
**Subject:** Re: The Watering Hole and Councillor Rowlands

I acknowledge receipt of your email and will ensure you receive a response from the Monitoring Officer.

I believe the matter is being dealt with, but you also have a further option of contacting the Public Service Ombudsman.

Regards

Cllr Neil Moore  
Labour Councillor for Cadoc Ward

Sent via Vale of Glamorgan Council corporate mobile email/ Wedi'i anfon o MDM corfforaethol Cyngor Bro Morgannwg Correspondence is welcomed in Welsh or English / Croesawir Gohebiaeth yn y Gymraeg neu yn Saesneg.

----- Original Message -----

**Subject:** The Watering Hole and Councillor Rowlands  
**From:** gareth Slattery [REDACTED]  
**Date:** 5 Jul 2019, 14:42  
**To:** "Marles, Debbie" [REDACTED]

Dear Mrs Marles,

I have been awaiting your reply reference my previous email, I was wondering on what timescale you are working on, as I am wanting to give my evidence of a Councillor misusing their entrusted position to gain favour to The Barry and District Newspaper, I am really annoyed that Councillor Rowlands want to constantly play his victim card when this is not the case to The Glamorgan Gem to whom he has drip fed information since I have known him. I would also like to know how many charitable organisations turned up on The Watering Holes opening night that received money from the Mayors foundation under Councillor Rowlands tenure, Barry Male Voice Choir and He Roundtable are 2 I know of, how many more????, This is a misuse of our money for personal gain.

Gareth Slattery  
[REDACTED]

## APPENDIX H v

### **Louise Morland**

---

**From:** Moore, Neil (Cllr) <NMoore@valeofglamorgan.gov.uk>  
**Sent:** 06 July 2019 14:14  
**To:** gareth Slattery; Marles, Debbie  
**Subject:** Re: Ref. Councillor Rowlands

I also acknowledge this email, which I understood was being dealt with.

I assure you the administration that I lead will ask the Monitoring Officer to respond and will not make your life awkward

Regards

Cllr Neil Moore  
Labour Councillor for Cadoc Ward

Sent via Vale of Glamorgan Council corporate mobile email/ Wedi'i anfon o MDM corfforaethol Cyngor Bro Morgannwg Correspondence is welcomed in Welsh or English / Croesawir Gohebiaeth yn y Gymraeg neu yn Saesneg.

----- Original Message -----

**Subject:** Ref. Councillor Rowlands  
**From:** gareth Slattery [REDACTED] >  
**Date:** 27 Jun 2019, 15:12  
**To:** "Marles, Debbie" [REDACTED]

Please look at screen shots on reverse order.

Questions need to be asked what relationship the property landlord/owner had with Councillor Rowlands prior to Councillor Rowlands being gifted this property rental?, how much discount he was gifted?,

The whole of his process stinks from [REDACTED] to the owner to Councillor Rowlands.

Why would a very savvy property owner offer a discounted rent to a new business with no experience in that business in favour of a consortium of business owners with experience and proven businesses in Barry if nothing was in it for him.....corruption and influence within the council I suspect.

Ignoring the fact Councillor Rowlands stole my intellectual property, after being consulted by my business partners and myself on an informal basis.

Should there be satisfactory replies to my questions, then fair enough.

I understand Councillor Rowlands influence and "Friends" within the inner sanctum of the Civic Offices will try and make my life, shall we say awkward. I will be taking my evidence to the Barry and District newspaper after your investigation and he public can decide if Councillor Rowlands is behaving in a way we as he citizens of The Vale of Glamorgan would expect out elected officials to behave.

There have been roundabout threats and intimidation on Facebook to the property owner that took pictures of over 25 people drinking illegally in a car park at the front of 6, St Nicholas Road

I know leave it to the council to investigate and act appropriately should corruption and gifting be taking place.

Gareth Slattery  
[REDACTED]

(11) Facebook

Q Search Facebook

Apps

Facebook

02:12:30

Leighton Rowlands

Shouldn't be allowed to run for arm

Tory candidate 'brought Vale of Glamorgan council into disrepute'

Leighton Rowlands was accused of improper conduct for opening a wine bar without planning...

BBC.COM

BBC NEWS

Gareth Slattery

Wish they would have called me as a witness I know he knew what he was doing as I ...

have the messages to prove so

Like Reply 1 d Edited

Write a public comment...

Press Enter to post.

Your shortcuts

View 5 more comments

7 comments 8 shares

Share

Comments

Like

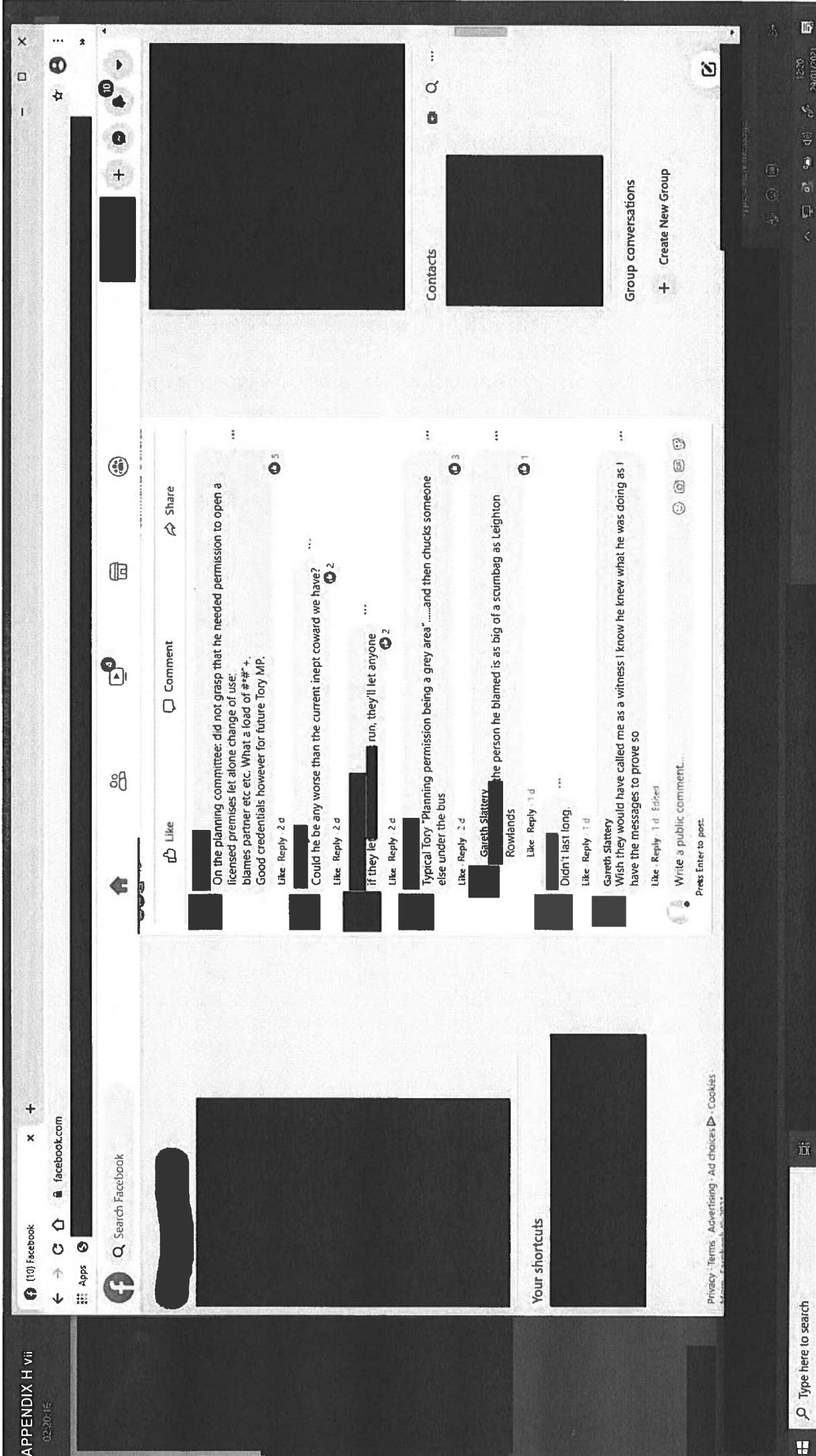
Comment

Group conversations

+ Create New Group

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## PLANNING COMMITTEE

Minutes of a meeting held on 27<sup>th</sup> September, 2018.

Present: Councillor B.T. Gray (Chairman); Councillor V.P. Driscoll (Vice-Chairman); Councillors J.C. Bird, L. Burnett, Mrs. C.A. Cave, Mrs. P. Drake, N.P. Hodges, Dr. I.J. Johnson, P.G. King, Mrs. R. Nugent-Finn, A.C. Parker, R.A. Penrose, L.O. Rowlands, N.C. Thomas, Mrs. M.R. Wilkinson, E. Williams and Ms. M. Wright.

| Name of Speaker | Planning Application No. and Location          | Reason for Speaking               |
|-----------------|--|-----------------------------------|
| Mr. R. Hathaway | 2018/00730/FUL – 6 Salmons Wood, Graig Penllyn | Applicant or their representative |
| Mrs. C. Roache  | 2018/00730/FUL – 6 Salmons Wood, Graig Penllyn | Applicant or their representative |

### 354 ANNOUNCEMENT –

Prior to the commencement of the business of the Committee, the Chairman read the following statement:

“May I remind everyone present that the meeting will be broadcast live via the internet and a recording archived for future viewing.”

### 355 MINUTES –

RESOLVED – T H A T the minutes of the meeting held on 6<sup>th</sup> September, 2018 be approved as a correct record.

### 356 DECLARATIONS OF INTEREST –

Councillor V.P. Driscoll declared an interest in respect of Application No. 2018/00761/FUL – Sports Nutrition Supplements, 50A Holton Road, Barry. The nature of the interest was that Councillor Driscoll was the Director of the company that owned 50A Holton Road, Barry. Councillor Driscoll withdrew from the meeting whilst this application was being considered.

### 357 SITE INSPECTIONS (MD) –

RESOLVED – T H A T the attendance of the following Councillors at the site inspections indicated below on 6<sup>th</sup> September, 2018 be noted:

Apologies were received for both site (a) and site (b) from Councillors J.C. Bird, Mrs. C.A. Cave, N.P. Hodges, Dr. I.J. Johnson, P.G. King, A.C. Parker and E. Williams.

Apologies were received for site (b) only from Councillors Mrs. P. Drake, V.P. Driscoll (Vice-Chairman), Mrs. R. Nugent-Finn, Mrs. M.R. Wilkinson and the Local Ward Member for Sully.

- |  |   |
|--|---|
| (a) Knoll Cottage, 54 Cog Road,<br>Sully | Councillor B.T. Gray (Chairman);<br>Councillor V.P. Driscoll (Vice-Chairman);<br>Councillors Mrs. P. Drake,<br>Mrs. R. Nugent-Finn, R.A. Penrose,<br>N.C. Thomas and Mrs. M.R. Wilkinson.<br>Also present: Councillor K.P. Mahoney. |
| (b) Pancross Farm, Llancarfan            | Councillor B.T. Gray (Chairman);<br>Councillors R.A. Penrose and<br>N.C. Thomas.<br>Also present: Councillor G.C. Kemp.   |

**358 BUILDING REGULATION APPLICATIONS AND OTHER BUILDING CONTROL MATTERS DETERMINED BY THE HEAD OF REGENERATION AND PLANNING UNDER DELEGATED POWERS (HRP) –**

**RESOLVED –**

- (1) T H A T the passed building regulation applications as listed in Section A of the report be noted.
- (2) T H A T the rejected building applications as listed in Section B of the report be noted.
- (3) T H A T the serving of Notices under Building (Approved Inspectors Etc.) Regulations 2000, as listed in Section C of the report, be noted.

**359 PLANNING APPLICATIONS DETERMINED BY THE HEAD OF REGENERATION AND PLANNING UNDER DELEGATED POWERS (HRP) –**

**RESOLVED – T H A T the report on the following applications as determined under the above delegated powers be noted:**

**Decision Codes**

|  |  |
|--|--|
| A - Approved   | O - Outstanding (approved subject to the approval of Cadw OR to a prior agreement) |
| C - Unclear if permitted (PN)                          | B - No observations (OBS)  |
| EB EIA (Scoping) Further information required          | E Split Decision   |
| EN EIA (Screening) Not Required                        | G - Approved the further information following "F" above (PN)                      |
| F - Prior approval required (PN)                       | N - Non Permittal (OBS - objections)   |
| H - Allowed : Agricultural Condition Imposed : Appeals | NMA - Non Material Amendments  |
| J - Determined by NAFW                                 | Q - Referred to Secretary of State for Wales                                       |

|                                       |   |
|---------------------------------------|---|
| L - Approved <u>AND</u> refused (LAW) | (HAZ)                                     |
| P - Permittal (OBS - no objections)   | S - Special observations (OBS)            |
| R - Refused                           | U - Undetermined                          |
|                                       | RE - Refused (Enforcement Unit Attention) |
|                                       | V - Variation of condition(s) approved    |

|                     |   |  |  |
|---------------------|---|--|--|
| 2013/00018/2/C<br>D | A | Jeff White Motors Limited,<br>Gileston Road, St. Athan     | Discharge of Conditions 5 -<br>Lighting Scheme, 8 -<br>Disabled Parking Spaces<br>and 9 - Cycle Parking.<br>Planning Permission ref.<br>2013/00018/FUL : Change<br>of use to class A1 retail.  |
| 2014/00933/4/C<br>D | A | Land at Pentre Meyrick                                     | Discharge of Conditions 5-<br>Schedule of Materials, 6-<br>Details of Sheds and 7-<br>Further Details of<br>Enclosures - Development<br>of 13 affordable homes and<br>associated works.  |
| 2017/00476/2/C<br>D | A | Westhaven 3 (Dockside<br>Quay), Barry Waterfront,<br>Barry | Development of the site<br>known as Dockside Quay<br>for residential<br>development, A3 units and<br>associated infrastructure<br>works, parking, and<br>landscaping at Dockside<br>Quay, Barry Waterfront<br>Discharge Conditions 17<br>and 18. |

|                     |   |   |  |
|---------------------|---|---|--|
| 2017/01203/1/C<br>D | A | Cog Moors Wastewater Treatment Works, Cardiff Road, Dinas Powys   | Discharge of Condition 3 - Lighting details. Planning Permission ref. 2017/01203/FUL : Change of use of land as an extension to the existing wastewater treatment works site and to the compensatory dormouse habitat and for the construction of an Advanced Anaerobic Digestion (AAD) Plant, together with associated landscaping and mitigation measures and the formation of a temporary construction compound at Cog Moors Wastewater Treatment Works (WwTW), Cardiff Road, Dinas Powys at Cog Moors Wastewater Treatment Works, Cardiff Road, Dinas Powys. |
| 2018/00095/FUL      | A | Parcel of private open land (designated for garages), land bordered by the rear of houses in Goscombe and Pembridge Drives, Penarth | Construction of a single storey garage in rendered breeze block and profile roof on the allocated plot on the designated private land belonging to owners of flats in Gainsborough Court.  |
| 2018/00112/FUL      | A | 15, Highbridge Close, Sully   | Proposed single storey rear extension, with proposed alterations to boundary treatment.  |
| 2018/00121/FUL      | A | Land adjacent to Castria, Llancarfan  | Stables.   |
| 2018/00169/FUL      | A | Romilly Buildings, Broad Street, Barry  | Demolition of No. 1 Romilly Buildings to create a beer garden and alterations to the front elevation of No. 2 and No. 3 Romilly Buildings with internal alterations.   |

|                      |   |   |  |
|----------------------|---|---|--|
| 2018/00331/FUL       | A | Lougher Moor, Morfa Lane,<br>Llantwit Major       | Removal of condition 3 of<br>Planning Permission<br>2016/00169/FUL.  |
| 2018/00379/FUL       | A | 10, Redbrick Crescent,<br>Barry                   | Single storey rear<br>extension.   |
| 2018/00517/FUL       | A | Post Office, 9, Cornerswell<br>Road, Penarth      | Installation of Bank of<br>Ireland ATM. ATM to be<br>installed at LHS of main<br>entrance (when viewed<br>from outside).   |
| 2018/00547/FUL       | A | 1, Bridge House,<br>49, Plymouth Road,<br>Penarth | Replace existing white<br>painted wooden frame<br>single pane windows with<br>new upvc white woodgrain<br>effect double glazed<br>windows. Lounge -<br>Replace 4 x wooden single<br>pane fixed unit windows<br>460mm x 650mm; Main<br>Bedroom- replace 2 x<br>wooden single pane fixed<br>unit windows 460mm x<br>720mm; Second Bedroom-<br>Replace 2 x wooden single<br>pane casement widow with<br>astragal bar 840mm x<br>680mm. All replacement<br>windows will be of a "like<br>for like" basis within the<br>manufacturing limits. |
| 2018/00553/FUL       | A | 30, Golwg Y Coed, Barry                           | Raising the level of the<br>garden with the aid of<br>gabion retaining walls<br>along with increasing the<br>height of the rear fence.   |
| 2018/00557/1/N<br>MA | A | 30, Golwg Y Coed, Barry                           | The new windows,<br>rooflights, and doors will be<br>in anthracite grey rather<br>than the white as stated on<br>the drawings previously.<br>Planning Permission<br>2018/00557/FUL :<br>Proposed single storey<br>rear extension and awning.   |

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|----------------------|---|---|---|
| 2018/00595/FUL       | A | 24, Tair Onen, Cowbridge                          | Change of use from Natural Resources Wales storage yard to garden and provision of single garage.   |
| 2018/00607/FUL       | A | Penllyn Estate Farm,<br>Llwynhelig, Nr. Cowbridge | Erection of a new building to house a farm shop, cafe and associated facilities along with a new carpark and private access track from the A48. The access track is a replica of information already provided to Council and being considered under a different planning application, it exits the A48 off the proposed new roundabout. |
| 2018/00610/1/N<br>MA | A | Cliff House, Llancarfan                           | Realignment of the horse exercise area to have the boundary run parallel with the hedge line of the field.  |
| 2018/00611/FUL       | A | 2, Evenlode Avenue,<br>Penarth                    | Demolition of existing property. Construction of four bedroom detached house, with integral double garage. Formation of driveway and parking. Removal of trees bounding Lavernock Road.   |
| 2018/00613/LBC       | A | Yr Hen Felin Wynt,<br>Windmill Close, Wick        | Replacement of existing windows of the windmill tower. 2. Replacement of existing front door of the windmill tower. 3. Lime plaster of internal walls. 4. Painting of attached house in off white.  |

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| 2018/00617/FUL | R | 3. Heol Y Mynydd, Welsh St. Donats       | Revised plans for a double-storey extension to side of property, comprising of family room (kitchen / dining / living area) on ground floor, and master bedroom and bathroom on first floor.                           |
| 2018/00633/FUL | A | Hiraeth, Trepit Road, Wick               | Single storey timber framed glazed extension to West gable elevation of existing dwelling off existing hard standing. Change of land use to incorporate development within residential curtilage and garden extension. |
| 2018/00638/ADV | A | Land at Sycamore Cross, Bonvilston       | Post mounted single panel sign located at far end of site overlooking A48.   |
| 2018/00643/FUL | A | Larkfield, St. Andrews Road, Dinas Powys | Proposed demolition of existing dwelling and construction of new detached replacement dwelling.  |
| 2018/00645/LAW | A | 76, Wordsworth Avenue, Penarth           | Extension to the rear of the existing property.  |
| 2018/00651/FUL | A | 63, Burdons Close, Wenvoe                | Remove garage doors and replace with UPVC double glazed window to match house.   |
| 2018/00684/FUL | A | 10, Park Road, Penarth                   | Alterations to the rear and side of building, to include increase in height of rear wall, alterations to the existing materials and removal of glass pavilion.   |
| 2018/00692/FUL | A | Swyn Y Mor, Main Road, Ogmore By Sea     | Rear balcony.  |

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| 2018/00695/FUL | A | 3, Uppercliff Drive, Penarth                              | Change of Use, dwelling to house 3 students and 2 staff.  |
| 2018/00697/CAC | A | 23, Station Road, Dinas Powys                             | Replacement garage at rear of property, and works in connection therewith.  |
| 2018/00705/FUL | A | Llancarreg, Beach Road, Southerndown                      | Variation of Conditions 2 and 4 of Planning Permission<br>2018/00049/FUL relating to Plan Specifications and Materials Details.                               |
| 2018/00711/FUL | R | 2, Fairleigh, Michaelston Le Pit Road, Michaelston Le Pit | Single storey extension to provide ground floor WC.   |
| 2018/00712/FUL | A | 16, Cherwell Road, Penarth                                | Part demolition of existing garage and proposed two storey side extension, single storey rear extension and first floor rear extension.                       |
| 2018/00713/FUL | A | 8, Porlock Close, Ogmore By Sea                           | Erection of wooden gazebo in rear garden.   |
| 2018/00715/FUL | A | 52, Althorp Drive, Penarth                                | Demolition of existing single storey annexe and construction of new two storey house extension with Juliet balcony to front.                                  |
| 2018/00717/LAW | A | 46, Porlock Drive, Sully                                  | Proposed dormer loft conversion.  |
| 2018/00720/FUL | R | 14, Town Mill Road, Cowbridge                             | Proposed amendments to planning approval 2017/00527/FUL to provide for disabled access from porch to sun room and increase in size of sun room roof lanterns. |
| 2018/00722/FUL | A | 29, Sea View Drive, Ogmore by Sea                         | Proposed loft conversion - roof extension.  |

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| 2018/00724/FUL | A | 4, Old Cogan Hall Cottages, Sully Road, Penarth    | Single storey side extension.  |
| 2018/00728/FUL | A | 83, Lavernock Road, Penarth                        | Construction of a ground floor rear extension together with the construction of a front dormer roof extension, two gable build-ups, and a rear dormer roof extension with balcony.             |
| 2018/00733/FUL | A | 2, Llandilo Close, Dinas Powys                     | Detached two storey dwelling to the side of no. 2, Llandilo Close as Approved 2016/01453/FUL. Dwelling proposed to be moved 600 mm to the west.  |
| 2018/00734/FUL | A | 91, Llanmaes Road, Llantwit Major                  | Reclad existing front dormer and change roof profile. Reclad and extend existing rear dormer, to include internal alterations. Alterations to form bay window to ground floor front elevation. |
| 2018/00736/FUL | A | 28, Cwm Barry Way, Barry                           | Erection of single storey rear and side extension to existing kitchen.   |
| 2018/00737/FUL | A | The Crooked Shoard, 2, High Street, Llantwit Major | Demolition of existing single storey side extension and proposed replacement single storey side extension.   |
| 2018/00738/FUL | A | 7, Kemeys Road, Rhoose                             | Proposed 2 bedroom self-contained annex.   |
| 2018/00740/FUL | A | Flat, 161, Holton Road, Barry                      | Change of use of the 1st and 2nd floors from class C3 to class D1 to form a non-residential education and training centre.   |

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| 2018/00743/FUL | A | 81, Murlande Way, Rhoose                                | First floor extension to side of existing dwelling with balcony to rear.   |
| 2018/00744/FUL | A | 147, Plymouth Road, Penarth                             | First floor side extension with balcony, rear ground level roof canopy over terrace, attic conversion with front elevation gable roof and balcony and rear dormer. |
| 2018/00748/FUL | A | 165, Plymouth Road, Penarth                             | Front and rear dormers.  |
| 2018/00750/FUL | A | 6, St. Cyres Road, Penarth                              | Proposed rear balcony with external staircase to serve kitchen/dining room.  |
| 2018/00752/FUL | A | 29, Coleridge Avenue, Penarth                           | New entrance porch and single storey rear extension.   |
| 2018/00754/FUL | R | Ishton Barn, Lon Cwrt Ynyston, Leckwith                 | Rear extension and front hall extension.   |
| 2018/00756/FUL | A | Barn adjacent to The Hawthorns, Penllyn Road, Llanharry | Refurbishment of stone built granary into a 3 bedroom holiday property with car parking and adjacent gardens.  |
| 2018/00758/FUL | A | Brent Knoll, 7, Clevedon Avenue, Sully                  | Single storey side extension in place of existing garage and conservatory, and new sun terrace to rear at first floor level with external staircase.               |
| 2018/00765/FUL | A | 39, Mountjoy Avenue, Penarth                            | Orangery extension to rear elevation.  |
| 2018/00771/ADV | A | 13, Beacon House, Ffordd Y Mileniwm, Barry              | Fitting of fret cut PVC letters to front elevations.   |

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| 2018/00774/FUL | A | Pleasant View Farm,<br>Sigingstone   | Replacement dwelling of<br>fire damaged property.<br>Amendment to previous<br>approval 2017/00241/FUL.  |
| 2018/00775/FUL | A | Land to the North of Clive<br>Road, Barry Waterfront -<br>South Quay Waterside,<br>Barry | Provision of an electric<br>substation at South Quay,<br>Barry Waterfront.  |
| 2018/00777/FUL | A | 6, Whitcliffe Drive, Penarth   | Revision to planning<br>application ref<br>2018/00037/FUL to include<br>additional windows to side<br>elevations.   |
| 2018/00781/FUL | A | 34, Marine Drive, Barry  | Proposed ground floor, first<br>floor and roof extensions,<br>creation of first floor terrace<br>to front and other<br>alterations to property.   |
| 2018/00783/FUL | A | 20A, Barons Close,<br>Llantwit Major   | Proposed single storey<br>extension.  |
| 2018/00784/FUL | A | 20B, Barons Close,<br>Llantwit Major   | Proposed single storey<br>side extension.   |
| 2018/00785/FUL | A | 23, Station Road, Dinas<br>Powys   | Proposed alterations and<br>single storey extension to<br>rear of the property.   |
| 2018/00786/FUL | A | Coedhirion, 8, Walston<br>Road, Wenvoe   | Rear extension to, and<br>internal/external<br>refurbishment of, the<br>existing dwelling, including<br>demolition of single storey<br>extension at front, bay<br>window, single storey flat<br>roofed extension at rear<br>and ancillary garage<br>building at rear. |

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| 2018/00797/FUL | A | 10, Maes Lindys, Rhoose Point, Rhoose                   | Removal of existing conservatory and erection of orangery to rear of property. Extend at first floor with extension above existing garage by removal of lean to roof and create first floor and roof to match existing. |
| 2018/00798/FUL | A | 30, Borough Avenue, Barry                               | Single storey side extension and front porch.   |
| 2018/00803/FUL | A | The Homestead, 4, Church Rise, Wenvoe                   | Erect a conservatory to the rear elevation.   |
| 2018/00804/FUL | A | 3, Chaucer Close, Penarth                               | Two storey side and rear extension with single storey rear extension, single storey front extension and internal alterations.   |
| 2018/00805/FUL | A | 6, Swanbridge Farm, St. Marys Well Bay Road, Swanbridge | 2 Storey oak framed extension to rear plus associated works.  |
| 2018/00812/FUL | A | 34, Heath Avenue, Cogan, Penarth                        | Single storey brick porch to the front elevation.   |
| 2018/00813/FUL | A | 14, Bedwas Place, Penarth                               | Single storey rear extension, with internal and external alterations.   |
| 2018/00819/FUL | A | Four Bells Inn, Rock Road, St. Athan                    | Extensions and alterations to an existing building, change of use from Manager's Accommodation to guest rooms on the first floor.   |

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| 2018/00821/FUL | A | 2, Channel View, Ogmore By Sea | The construction of a single storey timber cladded extension to adjoin the existing single storey extension and main house. Internal alterations to be carried out to make the spaces merge and create an open-plan living / kitchen area. |
| 2018/00854/FUL | A | 2, Rosebery Place, Penarth     | Demolish existing conservatory. Construct new single storey extension in place.  |
| 2018/00865/FUL | A | 45, Plassey Street, Penarth    | Demolition of existing two storey rear annex and the construction of new single and two storey rear extension.   |
| 2018/00872/LAW | A | 27, Myrtle Close, Penarth      | Single storey extension to side and rear of building.  |
| 2018/00898/LAW | A | 8, Meadowvale, Barry           | Extension for disabled client.   |

## 360 APPEALS (HRP) –

## RESOLVED –

- (1) THAT it be noted that no planning appeals had been received.
- (2) THAT it be noted that no enforcement appeals had been received.
- (3) THAT the Planning Appeal decisions as detailed in Section C of the report be noted.
- (4) THAT it be noted that no Enforcement Appeals decisions had been received.
- (5) THAT the statistics relating to the appeals for the period April 2018 – March 2019 as detailed in Section E of the report be noted.

## 361 TREES (HRP) –

(i) Delegated Powers –

RESOLVED – T H A T the following applications determined by the Head of Regeneration and Planning under delegated powers be noted:

A - Approved  
E Split Decision

R - Refused

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| 2018/00656/TPO | A | Trees to the rear of 10-15, Clos Llanfair, Wenvoe      | Works to tree covered by TPO Number 7 of 2015 – Group 1 – Crown lift branches to 5 metres above ground – Tree 2401 – Crown lift and Tree 2402 – Crown reduction. |
| 2018/00741/TCA | A | Parkmount, Bridgeman Road, Penarth                     | 30% all over crown reduction on an Evergreen Oak Tree situated in the rear garden.   |
| 2018/00788/TPO | A | Rear of The Scout Hall, Highwalls Road, Dinas Powys    | Work to Sycamore tree protected under TPO Number 10 of 2014 – T1.  |
| 2018/00795/TPO | A | Port Road woodland, opposite Bryn Hafren School, Barry | Works to trees in TPO 04, 1951.  |
| 2018/00827/TCA | A | Brown Lion House, Llanmaes                             | Work to 9 trees in the Llanmaes Conservation area – Crown thinning/ lifting / reduction to 6 trees and removal of 3 trees.                                       |

## 362 GENERAL PLANNING MATTERS (HRP) –

(i) Annual Performance Report of the Vale of Glamorgan Local Planning Authority for 2017/18

The Operational Manager for Planning and Building Control presented the report, the purpose of which was to apprise Members of the Planning Committee of the content of this year's Annual Performance Report (APR) which was submitted annually to Welsh Government in October. The Vale of Glamorgan APR was attached at Appendix A to the report.

The APR started by providing some context to the Vale of Glamorgan's planning service and the key areas of change over recent years. It included the results of the Council's annual Customer Satisfaction Survey which was sent to all applicants and agents issued a planning decision last year. The results demonstrated the Council was performing better than average in terms of customer satisfaction with 67% of respondents being satisfied overall with how the Council handled their application (an improvement on last year's 61%).

The report then set out the Council's performance across a range of indicators, and showed how it compared to other Local Planning Authorities in Wales during the same period (2017/18) and how the Council compared against the Welsh Government's benchmarks, where they had them. Generally, the Council was performing very well across the range of performance indicators. In particular its performance against the policy indicators had improved in the report following the adoption of the Local Development Plan.

The Operational Manager for Planning and Building Control informed the Committee that the Planning Department had processed 1, 173 planning reports in the last year, which was over 100 applications per Officer, and referred the Committee to pages 28 and 29 of the papers which provided key statistics for the last year. The Officer stated that the Council continued to be successful in negotiating S106 agreements and during this period, a total of 28 planning permissions had been granted which had been subject to Section 106 agreements. The value of the financial contributions in these legal agreements totalled £8.1m and they related to a range of developments including major residential developments.

Finally, the Operational Manager for Planning and Building Control drew the Committees attention to page 41 of the papers, which referred to the submission of the Annual Monitoring Report in 2018. The Officer noted that this should read 2019, to provide a full year of monitoring data.

A Member welcomed the report and sought clarification on the section on page 28 of the papers that suggested withdrawing the requirement to advertise planning applications in the local press to minimise costs, and on page 29 of the papers which referred to vacancies in the planning team. The Member also commented that page 44 of the papers detailed an indicator regarding the percentage of decisions made against officer advice, which he considered an interesting measure as it implied that Councillors should not vote against officer recommendations. Finally, the Member requested an update on Council's work on the Community Infrastructure Levy.

In response to the Member's query on suggesting Welsh Government withdraw the requirement to advertise planning applications in the local press, which cost the Council around £30,000 per annum, the Operational Manager for Planning and Building Control stated that the Council was considering cost saving measures, and the Head of Regeneration and Planning stated that this would be legislation catching up with technology and stated that interested persons primarily received notification of an application through other means.

In response to the question on vacancies within the Planning Team, the Operational Manager, Development Management stated that the secondment was being held

open as a cost saving measure, and confirmed that one of the Planning Students from the Planning School of Cardiff University had been moved to the Council's Enforcement Department, which was providing a good opportunity for succession planning.

Finally, in response to the question on Community Infrastructure Levy contributions raised by the Council, the Head of Regeneration and Planning stated that the Council was waiting to see how legislation developed, and noted that the Council was successful in negotiating Section 106 agreements, which was much better for the Local Authority and its residents, as this particular fund could be targeted whereas Community Infrastructure Levy would have to be distributed across the Vale of Glamorgan.

The Committee then discussed Indicator 9 on page 44 of the report papers, which detailed the percentage of Member made decisions against officer advice. A Member stated that it was a duty as a Councillor to challenge officer decisions where she saw fit, and the Head of Regeneration and Planning confirmed that this indicator was just a Welsh Government measure and was not included as a steering figure.

Finally, a Member sought more information on the enforcement data report, the figures of which were discussed on page 38 of the report papers, and sought clarification on the described inaccuracies. In response, the Operational Manager confirmed that the problem was with the return data submitted by the Council, which was open to interpretation how it could be measured, and the updated data was now more accurate.

**RESOLVED – T H A T** the content of the Annual Performance Report attached at Appendix A to the report be noted and its submission to Welsh Government in October be endorsed, subject to the amendment that the submission of the Annual Monitoring Report be in October 2019.

#### Reason for decision

To inform Members of the Planning Committee of the content of the Annual Performance Report attached at Appendix A and to satisfy the Council's obligation to submit the APR to Welsh Government.

#### 363 PLANNING APPLICATIONS (HRP) –

Having considered the applications for planning permission, and where necessary, the observations of interested parties, it was

**RESOLVED – T H A T** in pursuance of the powers delegated to the Committee, the following applications be determined as indicated and any other necessary action be taken.

**2018/00730/FUL** Received on 2 July 2018

(P. 95)

David Reade, c/o Agent

Mr. Robert Hathaway Plan R Ltd., 39, Merthyr Mawr Road, Bridgend, CF31 3NN

### **6, Salmons Wood, Graig Penllyn**

New dwelling within rear garden of 6, Salmons Wood including access and parking

**REFUSED** (Written Representations)

1. The proposal represents an incongruous form of residential development, out of keeping with the existing pattern of development at this edge of village location, which would cause unacceptable harm to the character and appearance of the surrounding undeveloped and unspoilt rural landscape, including the Upper & Lower Thaw Valley Special Landscape Area. This would also detract from the visual and general amenities of the area, including the impact on the quiet enjoyment of an existing public right of way, all contrary to Policies SP1 – Delivering the Strategy, SP10 – Built and Natural Environment, MG17 – Special Landscape Areas, MD1 – Location of New Development, MD2 – Design of New Development, and MD5 – Development within Settlement Boundaries of the Vale of Glamorgan Adopted Local Development Plan 2011-2026; Supplementary Planning Guidance on Design in the Landscape; and national guidance contained in Planning Policy Wales, TAN12 – Design and TAN16 – Sport, Recreation and Open Space.

#### **Reason for decision**

The decision to recommend refusal of planning permission has been taken in accordance with Section 38 of The Planning and Compulsory Purchase Act 2004, which requires that, in determining a planning application the determination must be in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan for the area comprises the Vale of Glamorgan Adopted Local Development Plan 2011-2026.

It is considered that the decision complies with the Council's well-being objectives and the sustainable development principle in accordance with the requirements of the Well-being of Future Generations (Wales) Act 2015.

**2016/00927/FUL** Received on 22 August 2018

(P. 51)

Mr. Rhys Williams c/o agent

Mrs. Arran Dallimore C2J Architects & Town Planners, Unit 1a, Compass Business Park, Pacific Road, Ocean Park, Cardiff, CF24 5HL

### **33, Holton Road, Barry**

Proposed conversion and extension of existing property to form ground floor commercial units with 7 affordable one bedroom apartments at ground, first and second floors. On site cycle parking, and refuse storage facilities

APPROVED subject to the following condition(s):

1. The development hereby permitted shall be begun before the expiration of five years from the date of this permission.

Reason:

To comply with the requirements of Section 91 of the Town and Country Planning Act 1990.

2. The development shall be carried out in accordance with the following approved plans and documents: AL(00)04D and AL(00)03 C

Reason:

For the avoidance of doubt as to the approved development and to accord with Circular 016:2014 on The Use of Planning Conditions for Development Management.

3. A schedule of materials to be used in the construction of the development hereby approved, including replacement windows and doors, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be completed in accordance with the approved details prior to the first beneficial use of the development.

Reason:

To safeguard local visual amenities, as required by Policies SP1 (Delivering the Strategy) and Policy MD2 (Design of New Development) of the Local Development Plan.

4. The implemented drainage scheme for the site should ensure that all foul and surface water discharges separately from the site and that land drainage run-off shall not discharge, either directly or indirectly, into the public sewerage system.

Reason:

To prevent hydraulic overloading of the public sewerage system, pollution of the environment and to protect the health and safety of existing residents and ensure no detriment to the environment and to comply with the terms of Policy MD2 of the Local Development Plan.

5. Any part of the windows in the eastern elevation facing No. 35 Holton Road that is below 1.7m in height above the level of the floor in the room that it serves shall be obscurely glazed to a minimum of level 3 of the "Pilkington"

scale of obscuration and fixed pane at the time of installation, and so retained at all times thereafter.

Reason:

To ensure that the privacy and amenities of adjoining occupiers are safeguarded, and to ensure compliance with Policies SP1 (Delivering the Strategy) and MD2 (Design of New Developments) of the Local Development Plan.

6. The cycle provision shown on the approved plans shall be completed prior to the first beneficial occupation of any of the flats hereby approved and thereafter kept free of obstruction and available for the parking of cycles associated with the development.

Reason:

To ensure that satisfactory parking for cycles is provided on site to serve the development, and to ensure compliance with the terms of Policy MD2 of the Local Development Plan.

7. The amenity area as shown on plan AL(00)03 C shall be kept freely available for use at all times for the occupants of all of the flats hereby approved.

Reason:

To provide suitable shared amenity space, in accordance with Policy MD2 (Design of New Developments) of the Local Development Plan.

8. A Traffic Regulation Order to partially remove the extent of the parking restrictions along the side of the site on Lombard Street (as per the attached plan and highlighted in red) to provide an additional potential on-street parking space shall be fully implemented prior to the first beneficial use of any of the flats hereby approved.

Reason:

To provide additional on-street parking provision, in accordance with Policies SP1 (Delivering the Strategy) and MD2 (Design of New Developments) of the Local Development Plan.

9. The residential units hereby approved shall be delivered by a Housing Association Partner (Hafod Housing, Newydd Housing, United Welsh Housing or Wales & West Housing) of the Vale of Glamorgan Council and only be occupied as affordable housing that meets the definition of affordable housing in Annex B of the Welsh Government Technical Advice Note 2 on Affordable Housing, or any future guidance that replaces it.

**Reason:**

In order to ensure that the site delivers appropriate provision of affordable housing to meet the identified need and to ensure compliance with the terms of Policies SP1 (Delivering the Strategy), SP4 (Affordable Housing Provisions), MG4 (Affordable Housing) and MD4 (Community Infrastructure and Planning Obligations) of the Local Development Plan.

10. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing within 2 days to the Local Planning Authority, all associated works must stop, and no further development shall take place until a scheme to deal with the contamination found has been submitted to and approved in writing by the Local Planning Authority. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme and verification plan must be prepared and submitted to and approved in writing by the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be submitted to and approved in writing by the Local Planning Authority. The timescale for the above actions shall be agreed with the LPA within 2 weeks of the discovery of any unsuspected contamination.

**Reason:**

To ensure that any unacceptable risks from land contamination to the future users of the land, neighbouring land, controlled waters, property and ecological systems are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy / Policies SP1 (Delivering the Strategy) / MD7 (Environmental Protection) of the Local Development Plan.

11. Any aggregate (other than virgin quarry stone) or recycled aggregate material to be imported shall be assessed for chemical or other potential contaminants in accordance with a scheme of investigation which shall be submitted to and approved in writing by the Local Planning Authority in advance of its importation. Only material approved by the Local Planning Authority shall be imported. All measures specified in the approved scheme shall be undertaken in accordance with Pollution Control's Imported Materials Guidance Notes. Subject to approval of the above, sampling of the material received at the development site to verify that the imported soil is free from contamination shall be undertaken in accordance with a scheme and timescale to be agreed in writing by the LPA.

**Reason:**

To ensure that the safety of future occupiers is not prejudiced in accordance with Policy / Policies SP1 (Delivering the Strategy) / MD7 (Environmental Protection) of the Local Development Plan.

Reason for decision

The decision to recommend planning permission has been taken in accordance with Section 38 of The Planning and Compulsory Purchase Act 2004, which requires that, in determining a planning application the determination must be in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan for the area comprises the Vale of Glamorgan Adopted Local Development Plan 2011-2026.

Having regard to Policies SP1 – Delivering the Strategy, SP4 – Affordable Housing Provision, SP6 – Retail, SP10 – Built and Natural Environment, MG4 – Affordable Housing, MG14 – Non A1 Retail Uses within Town and District Retail Centres, MD 2 – Design of New Development, MD3 – Provision for Open Space, MD4 – Community Infrastructure and Planning Obligations, MD 5 – Development within Settlement Boundaries, MD6 – Housing Densities and MD7 – Environmental Protection of the Vale of Glamorgan Local Development Plan 2011 – 2026, the Affordable Housing, Barry Development Guidelines, Parking Standards, Planning Obligations and Residential and Householder Development SPG's and national advice and guidance contained in Planning Policy Wales (2016) and TAN2 – Affordable Housing, TAN12 – Design, TAN16 – Sport, Recreation and Open Space and TAN18 – Transport, it is considered that the proposals are acceptable, by reason of their appropriate design, materials and scale, with no detrimental impact to the character and visual amenities of the area, the amenities of neighbouring occupiers and acceptable parking and amenity space arrangements.

It is considered that the decision complies with the Council's well-being objectives and the sustainable development principle in accordance with the requirements of the Well-being of Future Generations (Wales) Act 2015.

**2018/00641/FUL** Received on 30 May 2018

(P. 70)

Mrs. Charlotte Cope 3, Norman Cottages, Michaelston Le Pit Road, Michaelston Le Pit, CF64 4HP

Mrs. Charlotte Cope 3, Norman Cottages, Michaelston Le Pit Road, Michaelston Le Pit, CF64 4HP

**3, Norman Cottages, Michaelston Le Pit Road, Michaelston Le Pit**

Application to retain the property as built - Fully render the property due to damage to existing finish during building works which meant we were not able to retain the existing finish and replace existing roof tiles with different tiles due to a roof leak and no availability of roof tiles to match the existing roof

**REFUSED** (Written Representations)

1. That planning permission for the retention of the works as built be refused.
2. That the Head of Legal and Democratic Services be authorised to serve an Enforcement Notice under Section 172 of the Town and Country Planning Act

1990 (as amended) to require:

- (i) Removal of the smooth render finish from all elevations of the existing dwelling, making good and repairing of the exposed brick and painting of the exposed brick.
  - (ii) Removal of the roof tiles on the existing dwelling and replacement with a suitable alternative.
  - (iii) Completion of all roofslopes of the extension in accordance with the scheme of development approved by virtue of application 2016/01172/FUL.
3. In the event of non-compliance with the Notice, authorisation be granted to take such legal proceedings as may be required.

#### Reason for decision

The works to tile the roof and complete the existing dwelling house with a smooth render, as well as the works to complete the extension in a smooth render are considered to be out of keeping with the prevailing materials found in the pairs of Rural District Council Houses, which dominate the context to the application site and all of which are identified as positive buildings within the Michaelston Le Pit Conservation Area, the character and appearance of which it is desirable to preserve or enhance. The development is, therefore, considered to be harmful to the character and appearance of the dwelling itself and that of the surrounding area, and neither preserves nor enhances the Michaelston Le Pit Conservation Area. Having regard to the duty imposed under section 72 (1) of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990, the development is considered to conflict with policies SP1 – Delivering the Strategy, SP10 – Built and Natural Environment, MD2 –Design of New Development, MD5 – Development Within Settlement Boundaries, and MD8 – Historic Environment of the Vale of Glamorgan Adopted Local Development Plan 2011-2026 and the Council's adopted Supplementary Planning Guidance on Residential & Householder Development, as well as Technical Advice Note 12 on Design, Technical Advice Note 24 on The Historic Environment and Planning Policy Wales (Edition 9).

**2018/00655/FUL** Received on 31 May 2018  
(P. 83)

Ms. Tara R. Garmston, 168, White Farm, Barry, Vale of Glamorgan, CF62 9EW  
Ms. Tara R. Garmston, 168, White Farm, Barry, Vale of Glamorgan, CF62 9EW

#### **1, Lombard Buildings, Lombard Street, Barry**

Change of use from A1 to D1 to a children's nursery, providing day care for babies and children aged 0-12

APPROVED subject to the following condition(s):

1. The development shall begin no later than five years from the date of this decision.

Reason:

To comply with the requirements of Section 91 of the Town and Country Planning Act 1990.

2. The development shall be carried out in accordance with the following approved plans and documents:

Site Location Plan  
Proposed layout

Reason:

For the avoidance of doubt as to the approved development and to accord with Circular 016:2014 on The Use of Planning Conditions for Development Management.

3. The use shall only be carried out within the hours of 8am to 6pm on Mondays to Friday.

Reason:

To ensure that the amenity of local residents is not detrimentally impacted, and to ensure compliance with the terms of Policies SP1 (Delivering the Strategy) and MD2 (Design of New Developments) of the Local Development Plan.

Reason for decision

The decision to recommend planning permission has been taken in accordance with Section 38 of The Planning and Compulsory Purchase Act 2004, which requires that, in determining a planning application the determination must be in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan for the area comprises the Vale of Glamorgan Adopted Local Development Plan 2011-2026.

Having regard to Policy SP1 –Delivering The Strategy, Policy MD 2 – Design of New Development, Policy MD 5 – Development Within Settlement Boundaries and Policy MD7 – Environmental Protection of the Vale of Glamorgan Adopted Local Development Plan 2011-2026, and the advice contained within the Council's Supplementary Planning Guidance on Residential and Householder Development and Parking Guidelines, Planning Policy Wales 9th Edition, Technical Advice Note 11 – Noise and Technical Advice Note 12- Design, the development is considered acceptable in terms of its principle, scale, design, impact on neighbours and parking.

It is considered that the decision complies with the Council's well-being objectives and the sustainable development principle in accordance with the requirements of the Well-being of Future Generations (Wales) Act 2015.

**2018/00761/FUL** Received on 20 July 2018

Mr. Glenn White BC18 Ltd, Unit C, Avondale Business Park, Cwmbran, NP44 1XE  
Mr. Glenn White BC18 Ltd, Unit C, Avondale Business Park, Cwmbran, NP44 1XE

**Sport Nutrition Supplements, 50A, Holton Road, Barry**

Change of use of premises to A3 (Food and Drink) for use as a micropub serving cask ales and craft beers

**APPROVED subject to the following condition(s):**

1. The development shall be carried out in accordance with the following approved plans and documents:

Floor Plans received 27 June 2018

Reason:

For the avoidance of doubt as to the approved development and to accord with Circular 016:2014 on The Use of Planning Conditions for Development Management.

2. Customers are not permitted on the premises outside the hours of 11:00 to 23:00 on any day.

Reason:

To ensure that residential amenity is safeguarded and to ensure compliance with the terms of Policies SP1 (Delivering the Strategy), MD2 (Design of New Developments) and MD7 (Environmental Protection) of the Local Development Plan.

3. No hot food items shall be prepared, served or sold from the premises at any time.

Reason

To ensure that the amenities of neighbours are safeguarded and to ensure the development accords with Policies SP1 (Delivering the Strategy) and MD7 (Environmental Protection) of the Local Development Plan.

Reason for decision

The decision to recommend planning permission has been taken in accordance with Section 38 of The Planning and Compulsory Purchase Act 2004, which requires that, in determining a planning application the determination must be in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan for the area comprises the Vale of Glamorgan Adopted Local Development Plan 2011-2026.

Having regard to Policies SP1 – Delivering the Strategy, SP6 – Retail, MG14 – Non A1 Retail Uses within Town and District Retail Centres, MD2 – Design of New Development, MD5 – Development within Settlement Boundaries and MG7 – Environmental Protection of The Vale of Glamorgan Local Development Plan 2011 – 2026, and the advice and guidance contained within Planning Policy Wales (ED.9) and The Vale of Glamorgan Town Centre Framework (2014), it is considered that the proposed use would not cause material harm to the retail function and character of the Holton Road District Centre, the visual amenity of the street scene, residential amenity or parking and highway safety.

It is considered that the decision complies with the Council's well-being objectives and the sustainable development principle in accordance with the requirements of the Well-being of Future Generations (Wales) Act 2015.

# **Appendix 37**

## WITNESS STATEMENT

Statement of: Debbie Marles

Address: Vale of Glamorgan Council

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

Occupation/Position: Monitoring Officer and Head of Legal and Democratic Services

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1. I, Debbie Marles, of Vale of Glamorgan Council ("the Council"), make this statement in connection with a complaint made to the Public Services Ombudsman for Wales that Councillor Leighton Rowlands of the Vale of Glamorgan Council and Barry Town Council breached the Code of Conduct ("the Code") for elected members. The facts in this statement come from my personal knowledge.
2. I am employed as the Monitoring Officer and Head of Legal and Democratic Services for the Council. I have held the position of Monitoring Officer for about eight years and prior to that I was the Council's Deputy Monitoring Officer.
3. As the Monitoring Officer I cover statutory aspects of the role, part of which relates to the Code. That entails advising, training and supporting members with regard to their understanding of the Code and assisting members with its interpretation. I also have a role with regard to supporting the Standards Committee and dealing with enquires raised by the Ombudsman with regard to the Code.
4. I give mandatory training on the Code to all newly elected Members. I can confirm Councillor Leighton Rowlands received training on the Code in May 2017 as part of a suite of training offered to all new members at that time. Training on the Code is given as and when new members join the Council rather than annually.
5. I adopt an 'open door' approach for members and members know that they can seek guidance from me or one of my officers at any time should queries arise. Members do invariably seek clarification on interpretation of the Code and particularly with reference to their own particular circumstances and that is encouraged. I have regular email correspondence and telephone calls with members to assist with queries.

6. Members are made aware of the 'open door' approach in a variety of ways. For example, via all Council meeting agendas, including cabinet, scrutiny and other committee meetings. There is a standard item about this on agendas, which has been in place for a number of years, and I and my colleagues in Legal and Democratic Services regularly receive contact from members on Code of Conduct issues.
7. I would say that prior to the events in June 2019 I thought Councillor Rowlands was mindful of my role and the importance of the Members Code of Conduct and, as he is a member who does talk to me frequently, I was very surprised (when I became aware of the situation at that time) that he had not approached me earlier. I would also say he was very responsive when I did email him and spoke with him about it, and it seemed out of character that he had not approached me before taking such a significant step. Certainly, since the events he has liaised with me from time to time.
8. Following the opening of the Watering Hole and the complaints by members of the public, I had a meeting with Council Rowlands and I recall he told me he had attended the opening event and also that he intended to carry on drinking at the venue, or words to that effect. I recorded this point in an attendance note dated 19 June 2019 (Exhibit DM01). I would say I was quite surprised when Councillor Rowlands indicated he would continue to drink there.
9. I also recall that Councillor Rowlands mentioned to me a similar situation concerning a micro pub called the Butterfly Collector where the business had commenced trading prior to a change of planning use. My recollection is that Councillor Rowlands was not critical of this as such and appeared to feel that as it had happened previously it was almost like a precedent had been set and it was permissible.
10. At the time of the events Councillor Rowlands indicated to me that he was quite stressed and anxious. Whilst he didn't ask me for support at that time, I did offer it as I was concerned about some of the comments he was making. I recall that I recommended he contact our counselling service called Care First and gave him the contact details so that he could talk to somebody openly about the issues that were concerning him. I am not aware whether Councillor Rowlands took this up or not. Whilst Councillor Rowlands contacted me on 27 February 2021 regarding a recent press item, he has not approached me since the events in terms of needing further personal support
11. I contacted the Ombudsman's office on 2 October 2020 because I was aware of a concern raised by the complainant Councillor Neil Moore following the Ombudsman's decision to close the investigation regarding Councillor Rowlands breach of the Member's Code of Conduct with no further action. I felt it was appropriate to put the Ombudsman's office on notice of the complainant's concern and intention to ask about the matter being reconsidered.

12. Following the Ombudsman's decision letter, I instigated recommended training for Councillor Rowlands, which took place on 8 October 2020 and I recorded what was discussed in an attendance note (Exhibit DM02). I would say Councillor Rowlands response to the training was very positive and he interacted and engaged with me.
13. As well as discussing Code of Conduct issues in the training session we also discussed Planning matters and ways Councillor Rowlands could be supported. We talked about some difficulties in understanding some of the aspects of planning and I encouraged him to approach the Planners for assistance as they are keen to assist and support members. I explained to Councillor Rowlands that he could also speak to me as I have considerable experience of dealing with planning matters in the past, and that I also have an expert planning lawyer in my department, and I could source some guidance for him. We also talked about ways to assist Councillor Rowlands with accommodating the additional reading time that he needed and how that and different coloured paper would make it easier for him to absorb information.
14. I can confirm that I do not have any current concerns about Councillor Rowlands' conduct.

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Statement of truth:

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

Signed:  
Dated:

26.03.2021

**EXHIBIT DM01**

**Meeting Attendance Note**

**DM/Cllr L Rowlands**

**19 June 2019**

Meeting following on from my email dated 18.06.19 and LR's email of same date.

- I ran through key points of email, LR referred to 'advice' given by the Planning Department and it was his understanding that it was ok to open when had the alcohol Licence.
- I raised that SRS had raised the issue of Planning and LR had advised that he told SRS that he was aware of the Planning regime. As per my email my suggestion was to discontinue trading until the Planning matter had been addressed (if at all).
- LR [REDACTED] and wanted the problem to go away, that he had asked the other Director to close the business temporarily and take the 'financial hit' however he had refused. LR asked if he resigned as Director and removed name from the Planning Application whether that would be sufficient although he would continue to drink there.
- I mentioned that this would not address the fact that the premises had opened without appropriate change of use permission and would not result in the discontinuance of trade and that LR could always re-join the company at a later stage. I told LR that it was not my role to advise LR on company law matters and he should seek his own advice. By way of example I said that LR would want to have regard to the financial implications.
- LR advised with regard to the photo with himself wearing the Mayoral chains that he had requested its removal from the website when he became aware of it.
- [REDACTED]
- I suggested that the preferable course would be to discontinue trading, assist the Planners with providing them with the information they required to progress the application, the application wasn't on the agenda for Planning committee for June, however if the relevant information was available to be considered/dealt with, it may be possible for the matter to go before Committee in July.
- I reminded LR of the complaints and press interest that had been received, his membership of the Council's Planning Committee and Standards Committee.
- [REDACTED]
- [REDACTED]
- [REDACTED]

DM

## **EXHIBIT DM02**

### **Training Session via Microsoft Teams: Monitoring Officer and Councillor Leighton Rowlands**

**Dated : 8 October 2020**

- Introduction: the context and purpose of the training was outlined having regard to recent correspondence from the Ombudsman's Office (September 2020) and the recommendation that the Council provide refresher training to Cllr Rowlands on the potential for conflicts of interest to arise in planning matters.
- The Monitoring Officer provided Cllr Rowlands with an overview of the Members' Code of Conduct.
- There was a general discussion regarding Cllr Rowlands experience of dealing with planning matters which he indicated he found complicated and difficult to understand on occasions. It was highlighted that in such circumstances Cllr Rowlands should seek clarification from the relevant Planning Officers or alternatively the Monitoring Officer.
- It was highlighted that having regard to the specific matters before the Ombudsman that Cllr Rowlands was to regard any future matters submitted to the Council (including Planning Committee) by Sam Lewis or any Company in which he has an involvement to be matters in which Cllr Rowlands has a personal and prejudicial interest and he should take no part in the discussion on such matters nor vote on the same; and neither should he make any written or oral representations in respect of such matters.
- The Monitoring Officer highlighted the importance of Members of the Planning Committee leading by example and adhering to the Council's procedures and policies; and identifying any personal interests (including the nature of the same) and prejudicial interests when they exist. It was highlighted that if there was a need to take advice, this should be sought from the Monitoring Officer.
- It was highlighted that should Cllr Rowlands have a personal interest in a matter and he proposes to make written representations to a Member or Officer regarding that business, then he should include details of his interest in the written communication. Further if he intended to make oral representations to a Member or Officer, he should disclose the interest at the commencement of such representations, and confirm the representation and interest in writing within 14 days of the representation.
- There was a general discussion regarding Cllr Rowlands' receipt of agendas for Planning Committee, the reading time that he required to consider agendas, the need for reports to be printed ideally on yellow paper, arrangements for Cllr Rowlands to receive/collect agendas and the need to print plans rather than photocopy them. The Monitoring Officer agreed that she would liaise with her colleagues in Democratic Services to support Cllr Rowlands in this regard.
- There being no further queries at this stage the training session was closed.

# **Appendix 38**

## **TWITNESS STATEMENT**

Statement of: Councillor Neil Moore

Address: Vale of Glamorgan Council

Age if under 18: Over 18

Occupation/Position: Leader of the Vale of Glamorgan Council

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1. I, Councillor Neil Moore, of Vale of Glamorgan Council (“the Council”), make this statement in connection with a complaint made to the Public Services Ombudsman for Wales that Councillor Leighton Rowlands of Vale of Glamorgan Council and Barry Town Council breached the Code of Conduct (“the Code”) for elected members. The facts in this statement come from my personal knowledge.

2. This is my second term as Leader of the Council, I have been in this role for the last 2 years and a Councillor for 32 years. As Leader of the Council I have responsibilities for corporate finance and corporate management, and I lead the Council Cabinet. My role entails ensuring adherence to the principles on which we serve the public and that the Council operates as effectively and efficiently as possible.

3. Councillor Rowlands joined the Council in 2017, he is not a member of my party, but I know him through Council matters and meetings. He was Mayor of the Vale of Glamorgan Council in 2018/ 2019, Deputy Mayor of the Vale of Glamorgan Council in 2017/ 2018 and was Deputy Mayor of Barry Town Council from May 2019 – September 2020. He is a member of various committees and I

Case reference number: 202003631

know him through these roles. I also knew some of his relatives previously who were good friends of mine.

4. Councillor Rowlands should be fully aware of how to act as a Councillor, because everybody who comes into the Council has induction training, including Members' Code of Conduct, which incorporates how to conduct oneself as a Councillor, and the Nolan Principles and Standards in Public Life. Moreover, Councillor Rowlands was a member of the Standards Committee during 2019 - 20 so should be aware of the requirements to declare interests etc. Members should hold themselves to a higher standard than anyone else. I would say every member who comes onto the Council receives a very good grounding and base, and support is available for anybody who requires it. There is no excuse for any member not knowing what they should or should not do and there is no reason for a member not to have the knowledge, because adequate support or mentoring is available. There is no excuse for misunderstanding matters of conduct.

5. In my role I treat everybody fairly, equitably and with respect, and I give everybody an opportunity to say what they want to say, provided they do so in a manner which is becoming of a Councillor.

6. One of the reasons I asked for a review of the Ombudsman's decision was because I could not understand why, if there was a breach of the Code, no action was to be taken. To me, it seemed to disregard the Constitution and the Nolan Principles in Public Life. I was surprised that it was accepted that Councillor Rowlands was remorseful. In my experience he often says he is sorry and that he

Case reference number: 202003631

didn't realise what was doing and then repeats the behaviour on another occasion.

Councillor Rowlands has a depth of experience in politics. I understand that he has worked as an assistant to an MP, he has been a Councillor, the Deputy Mayor and Mayor of the Vale of Glamorgan Council and Deputy Mayor of Barry Town Council. He was more specifically, he been a Member of the Standards Committee. More recently he has been selected as a Candidate for the Senedd. I think the decision of the Ombudsman not to take any formal action brings into disrepute the Conduct requirements and appears to me to be disregarding the abiding principles of the standards required when in public life. I feel strongly that if an individual is found in breach of the Code of Conduct and there is no penalty, then what is the point of having any overseeing body. It leads to the obvious question - what is the point of the system or why report any matters in the future. It has certainly put me off doing so again.

7. After I made the initial complaint, a breach of the Code of Conduct was accepted by the ombudsman, who concluded that "no further action" should be considered against Cllr Leighton Rowlands, albeit the Ombudsman was satisfied that a breach of the Vale of Glamorgan Council's and Barry Town Council's Members' Code of Conduct had occurred. In my opinion, the Ombudsman's decision will be perceived by the public and other Councillors as being a pointless exercise. In my view Cllr Rowlands having brought both the Vale of Glamorgan Council and the Barry Town Council into disrepute the matter should have been taken seriously.

8. With regard to the matter as a whole I think the interpretation and decision made by the Ombudsman was wrong, the outcome was wrong, it throws a bad light on the system and I am disappointed in the process. I think if someone is proven to have brought the Council(s) into disrepute and nothing is actioned, then that is wrong and inadequate.

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Statement of truth: Neil Moore

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

Signed:

A horizontal black redaction mark covering what would be a handwritten signature.

Dated: 16<sup>th</sup> March 2021

# **Appendix 39**

## TRANSCRIPT

**FOR:** Ombudsman for Wales

**PN No:** 8160

**TITLE:** Cllr Leighton Rowlands

**TYPE:** Interview

**CONVENTION:** Verbatim

**AUDIO LENGTH:** 95 minutes

**TRANSCRIBER:** ESI/RWO/ABO

**AT:** ESSENTIAL SECRETARY LTD

**COMPLETION DATE:** 05.08.2021

**TRANSCRIBER'S NOTES:**

*Any difficulties experienced, accents and general comments*

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|                          |                                   |                      |     |
|--------------------------|-----------------------------------|----------------------|-----|
| NUMBER OF UNCLEARs       | 10                                | NUMBER OF INAUDIBLES | 4   |
| SPELL CHECK PERFORMED    | Yes                               | PROOFING PERFORMED   | Yes |
| WORD COUNT               | 14,656                            | PAGES                | 41  |
| AUDIO QUALITY            | Fair. Several breaks in recording |                      |     |
| SPEAKER RELATED ISSUES   | None                              |                      |     |
| EQUIPMENT RELATED ISSUES | None                              |                      |     |
| TERMINOLOGY ISSUES       | None                              |                      |     |
| OTHER COMMENTS           | None                              |                      |     |

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Please find attached your completed transcript.

Whilst every effort is made to ensure that the attached transcript is an accurate record of your audio recording, sometimes difficulties are encountered in understanding technical words, people speaking with a foreign accent and in some cases when somebody is speaking from a crowded room with a lot of background noise and from mobile phones.

Where we have had difficulty understanding words we have indicated this as [unclear] with the appropriate time stamp, or simply attempted to spell the word phonetically but followed it with [ph].

Councillors Name: Cllr Leighton Rowlands

## Public Services Ombudsman Wales Interview Record

Date: 28.07.2021                  Venue: Remote

Interviewing Officer(s): Louise Morland

Others Present: Cllr Leighton Rowlands

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LM: There we go. It says, it says it's recording, okay?

LR: Yeah.

LM: Okay, great stuff. Right, let's just enlarge that screen. Okay, the date is Wednesday the 28<sup>th</sup> of July 2021 and the time is just before 11 o'clock. This is an interview in relation to a complaint made by Councillor Neil Moore against Councillor Leighton Rowlands, regarding a breach of the Code of Conduct for Members of the Vale of Glamorgan Council and Barry Town Council. I'm Louise Morland, an Investigator for the Public Services Ombudsman for Wales, and being interviewed via MS Teams today is Councillor Leighton Rowlands. Do you have anyone with you for support there, Councillor Rowlands?

LR: Er, I don't, no.

LM: No, okay. Um, so you were offered the option to have a friend at the interview with you, but you've chosen to attend alone. Can you just confirm for the record that you're happy for the interview to take place, without anyone else present?

LR: That's correct, yeah.

LM: Yeah, okay. So, you've agreed to proceed with an MS Teams recorded interview, as a face-to-face interview isn't possible, given the social distancing measures in place due to the ongoing coronavirus COVID-19 outbreak. Please can you confirm for the record that you're happy for the interview to take place via MS Teams, and you're happy to carry on with it today?

LR: Yeah, I'm happy to carry on.

Councillors Name: Cllr Leighton Rowlands

- LM: Great. So, the interview's being recorded with your consent. Before making his final recommendations, the Ombudsman can provide you with a written transcript of the interview. If you have a legal representative or a friend acting for you, who requires an additional copy of the transcript, it may be provided – although the Ombudsman does reserve the right to charge. Requests for an additional copy should be made to the Ombudsman's Information Governance Manager. The interview's anticipated to last about one or two hours. Can you confirm that you've allowed enough time to complete the interview?
- LR: Er, I have – though I do have deliveries coming in.
- LM: Do you?
- LR: Yeah.
- LM: Right.
- LR: So if someone knocks on the door or something, I may have to postpone.
- LM: That's okay. No worries, that's fine. Um, and can you confirm that you're well enough to answer questions today?
- LR: Er, yes, yeah.
- LM: Yeah, great. And you've everything with you that you might need during the course of the interview, such as reading glasses or medication, or anything else?
- LR: That's correct, yeah.
- LM: Great, okay. Can I ask that any mobile phones, or other electronic devices which might interrupt us, are switched off or turned to silent – unless there's any pressing reason that might prevent you from doing that?
- LR: No, no, that's fine. Just turned the sound off on the laptop.
- LM: Great, okay. So in the event that you need a comfort break, or a break for any other reason at any stage – i.e. a delivery or whatever – let me know and we can pause the recording, and then resume, okay? Can you confirm that you've received the Evidence File, which was sent via email to you on the 11<sup>th</sup> of June, I believe, which is ... er, comprises of about seventy-eight pages of documents?

Councillors Name: Cllr Leighton Rowlands

LR: Er, yes. I do, yeah.

LM: Okay, and have you had the opportunity to have a look at that and familiarise yourself with it?

LR: Er, I have, yes.

LM: Great, and do you have a copy of it with you, in front of you?

LR: I have an electronic copy on my laptop.

LM: Fine, yeah. That's great, okay. So, the interview's directed to you as the elected member and it's expected the answers will be your own. I'm going to tell you a bit about the complaint, and then I'll go through some questions relating to that – and I'd ask that you listen to the questions carefully and answer them as fully as you can. Um, the questions are my opportunity to cover the issues I need to, and your answers are your opportunity to respond to the matters we discuss today and provide the Ombudsman with any information which may assist him in reaching his conclusions. Um, please be aware that any information or evidence that you give to me today is likely to be detailed in, or appended to, any report that the Ombudsman may produce on his findings, and any such report may, depending on the finding made by the Ombudsman, be shared with the Standards Committee of the Local Authority or the Adjudication Panel for Wales, who may ... They may hold any hearing in public and may also publish the report and appendices in the public domain. Do you have any questions for me, before we carry on?

LR: No, no, that's ...

LM: Okay. So as you'll know, the Ombudsman previously investigated a complaint from Councillor Moore against you, which alleged that you may have brought the Vale of Glamorgan Council and Barry Town Council into disrepute, concerning a coffee shop or wine bar known as The Watering Hole, which you were part-director and owner of, and specifically regarding the opening of the premises before planning permission for change of use from retail to food and drink was determined. The Ombudsman reached a finding on that complaint under Section 69.4b of the Local Government Act, which outlined that while your actions brought your office and the Council and Town Council into disrepute, and you were therefore in breach of paragraph 6.1a of the Code of Conduct, it was not in the public interest to take any further action. Councillor Moore, as you will know, requested a review of the decision and, given his representations in his Review Request and the serious nature of the breach of the Code identified, this investigation is considering matters that are relevant to

the public interest element of the Ombudsman's two-stage test, and this has allowed us to formally gather and consider additional evidence on the points Councillor Moore raised. You've been asked to undertake an interview today, to allow you the opportunity for further comment on that information, okay? So, is there anything you want to say before we carry on with the rest of the questions?

LR: Er, no. Just, yeah, carry on.

LM: Yeah? Yeah, okay. Okay, so ... Right, so if we, if we ... Er, just to start with, if we turn to Appendix A, which is in the Evidence File that was sent to you – um, and that's Councillor Moore's Review Request. Um, I'll go through the points he's made – and Appendix C, which was your response. Um, if there's anything you want to add, just before I do that, let me know now, or I'll carry on.

LR: No, no. Carry on, yeah.

LM: Yeah, okay. So, okay, you may consider you've addressed some of these points in your previous interview and response. I wanted to give you the opportunity to comment again, if you'd like to, okay? So, I'm going to go through them one-by-one. Um, so Point 1 in his Review Request ... Er, let's just go to Point 1. Okay, he's bullet-pointed them, but I've got them down as numbers, so it makes it easier. So, he says:

"Councillor Rowlands attended mandatory training on the Members' Code of Conduct, which was delivered by the Council's Monitoring Officer, therefore Councillor Rowlands would have been clear of the implications of his actions from a Members' Code of Conduct perspective. During that training, and since, the Monitoring Officer has encouraged members to contact her with any Member Code of Conduct queries and adopts an open-door approach. With this in mind, consideration should be given to why Councillor Rowlands sought advice from the planners prior to opening The Watering Hole, but not from the Monitoring Officer."

So is there anything you want to say about that, in addition to what you've already provided in your response?

LR: Er, so just in relation to that, we did obviously have mandatory training, and as I think I've said before ...

LM: Yeah.

LR: Er, the training was – and I use the Officer's words – 'a whistle-top, a whistle- ... a whistle-stop tour'.

LM: Yeah.

LR: You know, it's very PowerPoint-heavy. Um, you know, in the mornings. Um, so it doesn't go down ... You know, I don't know if you know planning stuff, but it's not as clear as black and white. Er, there's grey areas. You know, er, I don't think ... You know, I don't think any Councillor, Councillor understands the planning system, because none of us – unless you're an architect – none of us are planners, none of us are architects or ... only a select few. So, you know, the training isn't, in my view, friendly. Isn't, you know ... It's not dumbed down, you know. Um, so even though I had mandatory training, there hasn't been refresher courses – until, obviously, it was recommended that I would have one in October, which I did. Um, I think it was more to do with the Code of Conduct, rather than the planning, but I raised planning stuff to the Monitoring Officer in October about that. Er, it's only now the Council are looking at refresher courses – but these refresher courses should have been throughout the Council term, not a year before an election. And I think I remember ... I went on the Democratic Services Committee, um, where many officers ... er, many Councillors said the presentation, it was PowerPoint-heavy, it wasn't ... you know, it wasn't user friendly and that. So, it just backs up ... It's not just me who felt like it.

LM: No.

LR: But other Councillors won't say it. And I raised having mandatory ... I've raised many times to have refreshers, to the officers. But you know, they just haven't. So, that's ...

LM: No.

LR: Er, it's only now they've started, because we're coming up to an election.

LM: Yeah, and ... Okay. So, yes, I hear what you're saying there and ... Um, so in terms of what Councillor Moore is saying ... So he's sort of asking why you might have sought advice from planners prior to the opening of The Watering Hole, but not from the Monitoring Officer. Um, is there any specific reason why you didn't approach the Monitoring Officer at the time?

LR: At the time, I didn't think it was a breach of the Members' Code of Conduct.

LM: Okay. .

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LR: Or I didn't think it would come into it at all, at that particular point.

LM: No.

LR: Er, you know, I was doing what any other applicant was doing: taking advice from the planners.

LM: Yeah.

LR: Um, and I did tell them to treat me like they would treat a member of the public putting in a planning application, um, but at that point I didn't feel, you know, there would be, there would be a breach of Members Code of Conduct as I was trying to do everything in my power to do it correctly. Is it my fault that the sys... the Council's system, um, isn't, um – the word I'm looking for, isn't fluid in how it operates, um, you know it's very difficult to get a straight answer from, er, from officers. Um, you know, at the end of the day the officers are there to support Councillors not the other way round.

LM: Mm, mm. Yeah, okay. So it ...

LR: In relation to that point ...

LM: Sorry.

LR: I was going to say, in relation to not ... taking Monitoring Officers advice, at that particular point I didn't think that I would have to seek her advice.

LM: No. No.

LR: Um, but, yeah.

LM: Yeah, okay, okay. Um, yeah, I mean, with the benefit of hindsight, do you think you should have?

LR: Oh yes, most definitely, yeah.

LM: Yeah.

LR: Yeah, yeah.

LM: Yeah. Okay. So, with point ... if we move onto Point 2 then. So he says:

"So further to that there was a previous issue to his position at a previous Planning Committee meeting when it was firmly

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reiterated that any member with an interest should declare it and leave the meeting and take no part in any decision making. Therefore, Councillor Rowlands would have been very aware of the correct procedures."

Is there any comment you want to make with regard to that?

LR: Yeah. Um, I did declare an interest when my planning app... when the planning application came in.

LM: Yeah.

LR: It wasn't mine, it was changed to my partner, my business partner, um, and I did declare an interest and I left the room.

LM: Yeah.

LR: If he's, if he's on about the planning app... a similar planning application, that point I, I wasn't really planning to, to do anything, so that was, that's, that's non-existent.

LM: Yeah.

LR: I was planning ... I do think ... you know, I may have been looking to open a bar at that point but I don't think I'd formally put in a planning application in when that application came in as far as I can remember.

LM: Yeah.

LR: So why would I declare an interest on something that I have no interest to declare.

LM: Yeah. Okay. Yeah, okay. So, yeah, if we move to Point 3 then. So he says:

"The level of negative publicity in the press and complaints from residents was significant and should not be underestimated. Councillor Rowlands himself acknowledges that, following the opening of The Watering Hole, he spent the week, quote: 'Dealing with reports which was very difficult' – un quote. Similarly, he indicates that he had, quote: 'Lost the respect of his colleagues and constituents because of the situation' – un quote."

And he goes onto say:

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"I don't believe that this has been given sufficient weight when coming to the conclusion to take no further action."

So, yeah, in terms of the negative, the negative publicity in the press and complaints from residents, um, do you have any comments that you, you want to make about that?

LR: Er, in relation, as we know, er, being a Councillor or even running for the Senedd attracts press. Um, and, and I ... how do I know that it wasn't Councillor Moore or any other Councillor who were enticing or inflaming, um, the, the, you know, inflaming. I think opposition parties, there were Councillors who were blaming, er, inflaming the situation. Er, but, that's the level, you know, that's, that's politics that, you know, your opposition will try and get negative press for you. Um you know, and, and that had happened, that had happened recently which I'm sure we'll come onto later on.

LM: Yeah, yeah.

LR: Um, so, you know, the fact that, you know, I was a Councillor, that's why it created, you know, negative press. If I was a normal person, um, I don't think it would have received, er, as much negative publicity. So, that's all I prefer to say on that one.

LM: Yeah, yeah. And did you, did you, I mean, in terms of the negative, negative publicity for obviously the Council, Council and your, your role regarding what, what happened, did you regret that and did you consider the effect of opening before the planning permission was in place on the, on the local residents?

LR: Um, I, I, at the point of, I think at the point in the planning application I did make a point to my business partner to say we should consult with the local residents. Um, and he said no. And I said, well, you know, there's no harm, er, and like I said before, coercion, you know, at that particular point, um, I, I just sort of accept... accepted it and said well, you don't have to, um, er, consult with the residents.

LM: No.

LR: They, they have their chance when the application goes in. There weren't many complaints, there was a couple of complaints, um, on I think during the application process, um, that I saw opposition Councillors actually knocking doors opposite the, the establishment before it was open, actively trying to get people to write in and complain.

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LM: Mm, mm, yeah. Yeah. Do, do you re... regret that negative publicity and, you know, any complaints from local residents, you know?

LR: Oh yeah, of course I, I ... of course I regret the negative publicity. It wasn't nice for me, it wasn't nice for my family, um, and it certainly wasn't nice to my grandparents who unfortunately have passed away.

LM: Mm, I'm sorry.

LR: So, you know, they ... you know, the last year for them has been [inaudible-00:17:54] [break up of recording] through the press, not very nice for them on their deathbed.

LM: No. No, I understand. No, and I'm sorry about your, your loss with your family, you know, difficult time for people. Yeah. Okay. So, in Point 4 he goes onto say:

"Reference is made in your letter dated 18<sup>th</sup> September 2020 to Councillor Rowland not seeking advice about his role and position which, quote: 'Suggests a significant lack of judgement.' I agree with this comment but suggests it further demonstrates a lack of regard, particularly in light of the mandatory training that he had received and previous examples being brought to all members attention."

Do, do you think there was a lack of regard on your part as well as a lack of judgement in not seeking advice and guidance in the light of the mandatory training that you'd had?

LR: I guess I do, um, yeah, I think I do, um ... lack of judgement, um, and, you know, yes, I should have been paying more attention to it. But, like I said, mandatory training, no matter what it is, Code of Conduct, Planning, you know, it's done within a week or two weeks, you know, and it's death by power point). How, how can anyone expect anyone to ... who, who's new, and not like Councillor Moore who's been a Councillor since 1997 for, or 92 – can't remember when he was elected, you know, he's had years of public ... training, he's had years of experience, us, us new Councillors haven't, you know, we get elected and then we're chucked in the deep end, here's your mandatory training, um, and then that's it, get on with it.

LM: Mm, mm.

LR: You know, I, I've known Councillors who, still now, don't understand the planning process, me being one of them. I still, even though I had, um, a conversation with Debbie Marles, the Monitoring Officer about

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the Code of Conduct training I mentioned, you know, there are still bits of the planning system that I just don't understand.

LM: Mhm.

LR: Because the training is, I don't think, satisfactory.

LM: No.

LR: How can, how can, you know, he say, you know, in light of mandatory training, you know, um, and that's been brought to all ... I think, if you asked a survey to all Councillors how many of you remember the training back four years ago, they'll go I don't know.

LM: Yeah. Yeah, yeah. So, so you think, I mean, his comment that there was a, a, um, in not seeking advice about your role and position, it suggests, it suggested, it further demonstrated a lack of regard. Would you say there was a lack of regard on your part?

LR: Er, I would say there is part of a lack of regard on my part, but also, as I've said, it's not easy to seek advice ...

LM: No. No.

LR: ... er, from officers.

LM: No.

LR: They're very, very closed – I'm not saying the Monitoring Officer is, is a closed person, I'm not saying that at all ...

LM: No.

LR: ... but you send an email you don't get a response.

LM: Yeah.

LR: And what you do get is probably not what you're, you're asking for. So, you know, it's a two-way here, it is a two-way system, it's not just oh, well, you, you could have got advice. Yeah, but, if I did get advice the advice, you know, would have, should have ... it only seems to be more of a reactive than sort of a proactive. Um, so, so yeah. But I, I, I ... there was, um, I wouldn't say a lack of seeking advice, I think I should have. And in hindsight ... and I do, I do now ...

LM: Mm, mm.

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LR: ... seek, I do seek advice in relation to everything now.

LM: Yeah.

LR: Um, if the officers ... I'm probably one of the worst Councillors now that contacts them constantly.

LM: Mm. Well, that's ... it's not a bad thing.

LR: Maybe that's beneficial then.

LM: Yes, yeah, that's not a negative thing I think, you know, it's probably a good thing. Um, okay. So in Point 5 he says:

"Councillor Rowlands has been a member of the Vale of Glamorgan Council's Planning Committee since May 2017 and was in attendance at the Planning Committee when members were highly critical of another business in Barry opening at micro pub without first obtaining a change of use permission. Councillor Rowlands was fully aware that by opening the Watering Hole this would have equated to a breach of planning control. Your letter refers to Councillor Rowlands having submitted a change of use application April 2019 from retail to food and drink which confirms that he was aware of the process."

So, is there anything you want to say about that particular point?

LR: Yeah. In relation to the Planning Committee, members are highly critical, um, there were some members who were highly critical, er, and I think I know the reason why they were highly critical, because the Landlord ... not the person who owns the pub but the Landlord who own the building, is a Conservative Councillor. So, why wouldn't they not be critical. You know, and, and if you look at the recordings, the only people who were critical were the Labour group. Obviously, I think some other Councillors, um, in, on their ... as, as ... I think as the officer might have said, um, I may have to look back at it, you know, there's nothing stopping you opening up when you have retrospective planning apparently, though, um, you know, you can – and I think she did say, you know, that, that is purely up to the person who wants to, um, who wants to open it up, um, you know, and, at that particular point, I, I wanted planning permission to go forward, er, before opening up, but I was vetoed by the other company director, and basically we were getting into arguments about it, um, and, and it was wouldn't turn out nasty but it would ... let's just say unsavoury things would have been said to each other. Um, and again I, I felt I

was coerced in doing it, um, and I've learnt now not ... well, I try not to be coerced or just be careful in what, um, in my feelings towards them. Because I do have, I do have my heart on my hand, I take people at face value and, and I hope that people, you know, take me at face value, but I'll do anything for anyone obviously within the, within the law. Er, and, um, you know, yeah, all I, all I ask is respect and friendship. So, so, yes.

LM: So, I mean, I think his, his ... I think the angle he's coming from is that because you were at that meeting and you were aware of being in that meeting, obviously other members were critical, um, so what that, what had happened in that situation, the retrospective change of use, you know, was frowned upon. So you would have had an awareness of that with your own situation in terms of the planning permission, and that should have, you know, affected how you went forward with it. Do you ...

LR: And I, and that's why ... and, as I've just said then, you know, I didn't want to open the place up without the planning going through. I was only one half of the business. You know, what I should have done, and I regret it, should have left the company in a much quicker, sooner, you know, as soon as that was happening. Um, unfortunately, I'm not saying that I had a lot of money invested, but it was something that I wanted to do and something to fall back on if I don't become a Councillor again.

LM: Mm, mm.

LR: But, you know, um, if I'm elected out next year then I have no job.

LM: Mm, mm. Yeah. Okay. Were you, um, ever openly critical of the individual who, you know, um, effectively did the same thing, you know, of that situation in that planning meeting, were you ever openly critical of the individual who, who sort of flouted the planning laws in the same way?

LR: Er, I don't believe I did, was openly critical. I don't think I spoke on the application. So, no, I wasn't openly critical, because, at that point, I didn't know it was against planning law ...

LM: No.

LR: ... to open without change of use, you know. Um, did he know he had to have change his use – probably not. You know, that's not one, you know, that's not ... when, when you put an app... you fill out a planning application, they don't actually ... the planners don't actually tell you, you need building regs or you need this, you need that, um,

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they just look at the plan and that's it, they don't actually say well, you need, you need to seek, er, building regs sent as well, um, you need to seek a change of use, no matter what it is, if you want to change it into a house, into a shop. You know, it, it ... like I said, the planners are not very, um, forthcoming ...

LM: No, okay.

LR: ... um, to members of the Council or even members of the public.

LM: Yeah.

LR: You know, I'm sure if you ask any member of the public what they think of the Planning Department, them I'm sure you'll get, um, a few words said.

LM: Mm. Okay, okay. Um, so at Point 6 he says:

“The Investigating Officer was satisfied that Councillor Rowlands received a clear explanation of the planning position. However, despite this, he still proceeded as a company director of SLF Hospitality Limited to commence trading.”

LM: Um, and your, your respon... in your response you said:

“I do dispute the position of planning and it was unclear. I did not want to proceed, er, this opening and Councillor Moore would know that if you invest in a company it's not as simple to leave the company, there is a legal process.”

So, I mean, your, your view was that the advice that you were given was not clear?

LR: Yes.

LM: Yeah, yeah. And, and why is that specifically, what was not clear?

LR: Er, what was not clear was, um, first of all did I need building control. I think, at that particular ... er, when, when we were doing building works on, on, on the property, um, it was brought to my attention when the ... one of the officers came along to say you haven't got building control. I went but I haven't been told I have to have building ... I'm not a builder, I'm not a planner, I'm not an architect, you know, and I said I didn't know, and as soon as I found I had to have building control I was straight down at the Council obviously filling out a planning application and paying, and paying the fee to, to put building control in.

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LM: Okay.

LR: When I was putting the form in, or when I put the form in why didn't the Planning Officer say to me do you have building control, have you put your building control in, have you done this, have you done that. You know, they should be there to assist applicants, they're, they're not.

LM: Do, do you think the, the advice they gave about whether you should open before the planning permission was in place was clear?

LR: No.

LM: No.

LR: I, I remember it, um, it was at the property and basically I, I said can I open up, we've got a licence, can I open up even though I've got a planning application in, er, and he basically, he was ... he said well, technically you can do it because you have retrospective planning, but if you don't get the planning permission passed them you would then have to put it back to how it was. I went right, okay. But that's on, that's up to you, Councillor Rowlands, you know, and I would imagine the officer would say the same thing to a member of the public. You know, it's up to you to, to decide.

LM: So, so you're saying that, that, um, your understanding was that you could open without the planning permission.

LR: Mhm.

LM: It could be decided retrospectively and that there was a risk attached to that?

LR: There would have been a risk attached as in putting it back, not in breach of the Members Code of Conduct.

LM: Yeah, okay. Okay. So, if we go onto Point 7, he says:

"I don't think sufficient weight has been given to Councillor Rowlands knowledge and experience of planning matters, particularly his knowledge about the planning committee's disapproval of a company that acted in the same way as his company did."

Right, is there anything you want to say about that? Hello?

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LR: Er, no, sorry, just reading the sheet again.

LM: Yeah. Sorry, right, yeah. No worries.

LR: That's basically repeating what I just said, he's repeat ... he's, for the last three points he's been repeating the same point.

LM: Yeah.

LR: But in a different way.

LM: Yeah.

LR: So, I, I ... there's nothing more I can say on that particular point.

LM: Okay, that's fine. Um, so then Point 8, let's see, er, let's go down to ... right:

"Councillor Rowlands attended mandatory planning training as do all members prior to sitting on the Planning Committee. As with the Monitoring Officer the Planning Department are accessible to provide guidance to applicants."

I mean, you may feel you've already covered that point ...

LR: Yeah, I've covered that point as well.

LM: Yeah. That point as well. Okay. It should also be highlighted ... so the next one is:

"It should also be highlighted that Councillor Rowlands was also a Barry Town Councillor and that Cou... and that Council objected to the planning permission at a Planning meeting on the 29<sup>th</sup> of May 2019 prior to the Vale of Glamorgan Planning Committee meeting."

And I think you've said in your response, you said:

"I'm a member of Barry Town Council but not a member of the Planning Committee there. I was not aware of their decision until it was put on the portal and they are consultation again. I feel their decision was political rather than planning issues."

Okay.

LR: Yeah.

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LM: Yeah. So when were you aware of the Barry Town Council Planning Committee's decision, was that ...

LR: Er, as I said, when it was put on the, um ...

LM: Yeah.

LR: ... on the portal.

LM: Okay. So, that went on, on the 30<sup>th</sup> of May. Um, and, and I think their portal notes the decision as, quote: 'Objection for the following reason – 1), the proposed development would have a detrimental effect upon the amenities that local residents currently enjoy due to possible noise, disturbance and traffic levels.' Okay, so, what consideration did you give to the impact of, of Barry Town Council's objection in opening the business?

LR: Um, so at that particular point, er, I raised, um, the, obviously there was no, um, drinking outside, um, as one to mitigate, and also, we would close at a certain time, ten o'clock, er, in the evening. Um, and also we would have put in soundproofing, or that was my idea of putting in soundproofing ...

LM: Yeah.

LR: ... to help the situation. Um, you know, I, I didn't envisage the bar to be loud ...

LM: Yeah.

LR: ... it was meant to be a sort of quiet place where you just go after a day's work and have a quiet drink, it's not, it's not going to be, I didn't envisage it to be like loads of people in there ...

LM: No.

LR: ... um, because I didn't want people to be standing up.

LM: Yeah.

LR: So, that was my, er, considerations ...

LM: Yeah.

LR: ... er, to do it.

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LM: Did, did you, did you think about, you know, obviously if you're on the Town Council and, you know, you're a member and your role in that, in that capacity and ... that they've objected to something and then going ahead with it as well, because I think the opening was on the 14<sup>th</sup> of June, wasn't it, that that might impact on your position as a Councillor?

LR: The fact that Barry Town Council is only a statutory, um, consultee, so like a resident, um, Planning Department could overturn that, and say that, you know, as long as there's mitigating factors I would imagine, um, it's fine. Um, and, like I said, after that point I was obviously raising to my business partner that we shouldn't open.

LM: Yeah.

LR: But he continued to carry on. And then, maybe, in hindsight, that's a point I should have left.

LM: Yeah. Yeah.

LR: But it's not as easy as that.

LM: No. No. Okay. Okay. So then, in his next point he says:

"Councillor Rowlands indicates that his co-director insisted on going ahead with the opening of the business on 14<sup>th</sup> of June 2019. However, rather than Councillor Rowlands distancing himself he attended the opening night."

Any comment about that?

LR: I did attend the opening night, er, along with many charities that attended, along as, as well as other Labour Party members who attended, there were three Labour Party members who were there on that night. So that's a bit hypocritical, er, Councillor Moore when his own, um, his own members turned up as well.

LM: Yeah. Yeah. Did you have concerns about what the repercussions might be if you'd gone ahead with this opening, you'd attended the opening night and then the planning permission got overturned... you know, it wasn't accepted, did you ... how that might reflect on you?

LR: That point, um, I didn't have concerns, no.

LM: No.

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LR: Because I didn't think it would be, er, such a big event and, you know, it was, you know, I, I just wanted it a ... I think they call it soft opening where it's just family and friends, something like that, you know, ask their opinion and stuff, but unfortunately, again, I was overturned and when I got there, because I think I had just finished a Council meeting or something, I was horrified about the number of people there, like to manage, I spent most of my night trying to manage the quietness and stuff like that.

LM: Yeah. Yeah. Did you recognise as it was going on that it could be an issue?

LR: Er, yes I did at that point recognise and I did have a go at my co-director later on in the evening and also, um, the following morning.

LM: Yeah.

LR: But, you know, um, he promised a number of things. He knew how to, to play me.

LM: Mm, yeah. Okay. So Point 11 he says:

"It's suggested that the business ceased trading after the issues were brought to his attention. I do not believe that to have been investigated thoroughly, I'm led to believe that he closed after it failed to obtain planning permission and following enforcement action being sanctioned."

Um, and I think you've answered that point as well, you've said:

"I correct Councillor Moore in his suggestion about the ceased trading. I had requested my business partner to cease after the advice from Monitoring Officer but he refused so I left the company. So I had nothing to do with it apart from shares which I was in legal dispute with its current director. Documents have been provided to prove this, and I've never received anything from the company."

So, I think, I mean, effectively you, you've answered that in that point but also at your interview, you know, you said that after, um, after, after you left you didn't have anything else to do with the company. Is there anything else you want to add to that?

LR: Er, no, that's basically it. Um, the Monitoring Officer, um, had advised there could be a breach of Members Code of Conduct. Um, I asked her then at that point, you know, what can I do to ratify it, er, because I didn't want to bring the Council into disrepute, or myself. She said

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one option is to cease trading, and if that doesn't happen leave the company. I, as I said, tried to cease trading, that couldn't happen so I left the company straight away, and then, like I said, there was, I was in legal dispute over the shares, um, and the monies owned through a business loan that I got out.

LM: Okay. Okay. So, Point 12 he says:

"It appears that Councillor Rowlands made a financial loss on this business venture. However, it will be appreciated that he sought to make a financial gain."

Is there any comment you want to make about that?

LR: So, you open a bar up but you don't want to make a financial gain.

LM: Mhm.

LR: So, what ... obviously, I would want to make a financial gain, you know. All the Councillors who, who have land or who own a business, are they making financial gains, I'm sure they are. So, what's that, what's that got to do with this. I see no reason why that point ... again, it's a political point.

LM: Okay.

LR: Doesn't he want people to do well.

LM: Yeah. Yeah. Okay. So, Point 13 he says:

"The trigger and timing of the removal of the photograph of Councillor Rowlands wearing his Mayoral chains as part of the promotional material for the business I would suggest needs further re-examination as I do not believe that Councillor Rowlands was proactive in removing the photograph independently, but possibly only when it received media attention."

And you've, er, responded saying:

"I dispute Councillor Moore's argument that I only removed the photo when it had media attention. I was shown it on the website and got it removed straightaway so that argument does not stand up."

So, I don't know if you're able just to outline the timeframes for me for when the photo was posted and the business opened and then there

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was some media interest, just so we get a better picture of what happened when?

- LR: I think, um, the website was launched, um, or was in the development stage, um, but I think I'm led to believe that someone had taken a screenshot of it and reported it to the Monitoring Officer when they saw it. Um, at that point, um, I, I ... when I saw the website, um, I said you can't use that photo because it would entice that the Council's endorsing the business and all that stuff, so it needs to be removed. So, I did get it removed. Um, it doesn't ... unfortunately that person who took the screenshot was much quicker than I was.
- LM: Yeah. Do you remember sort of when that, when that happened, what sort of timeframe it was?
- LR: Um, I don't unfortunately, no.
- LM: No.
- LR: No.
- LM: Was it pre the opening?
- LR: Yes.
- LM: Do you know ... I mean, was it like a week before or a two weeks or longer?
- LR: I think it was maybe, maybe a month before.
- LM: Oh, okay.
- LR: It, it was, it was a long time before, er, before the actual opening.
- LM: Okay.
- LR: So, yeah.
- LM: And, and so, in terms of when that image was available on the internet, on the website, and it being taken down, how long was that timeframe?
- LR: Er, so it went up and think it was taken down in a few, a few hours.
- LM: Oh, right, okay.

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LR: Because, when I noticed the photo, um, it's actually a photo that I don't actually own.

LM: Okay.

LR: It actually belongs to Bro Radio.

LM: Okay.

LR: And that was another reason it had to be removed because I said we don't have permission to use that photo because it doesn't belong to us.

LM: Okay. Okay. And it was your business partner that did ... put it up?

LR: Website, yeah.

LM: Yeah. Put it up and used the photo, yeah. And he hadn't consulted you beforehand?

LR: No, hadn't consulted me, um, you know, so ... and as soon as I saw, as soon as I saw it, um, I told him it had to be removed, and obviously it took him time to get it removed. Well, I know it was done within a couple of hours.

LM: Yeah, okay.

LR: I said the last thing you would want is Bro Radio ... um, I didn't think of the Council at that particular ... well, I did because I knew it would be, you know, endorsing the business, but Bro Radio could technically say we have legal right over that photo.

LM: Yeah. Okay.

LR: There was a lot of things that were done that I wasn't consulted, I'd just like to point that out.

LM: Yeah. Okay, that's fine. I'm just making notes in case, you know, the recording, something goes wrong with it, you know. Okay. So in, in your, in your response, which was Appendix C, er, which is at Appendix C, um, to the review request, you've, you've written a letter, a letter to us, um, and that's dated 26<sup>th</sup> of October 2020. And you've said, um, I think at the bottom of that letter you say that you've undergone extra training and conversations with the Monitoring Officer. So just outline for me what the training and conversations with the Monitoring Officer have, have, er, covered?

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LR: Um, so basically it was a Code of Conduct training, er, but I asked questions about, um, family, um, stuff on planning, like just to clarify, you know, declare an interest type of stuff, um, because I said my grandmother owns a garage, um, and also my auntie lives in a Council house, and my grandmother also lives in a Council house, I said do I need to declare an interest.

LM: Yeah.

LR: Not in relation to planning but at any point, and she said, I think ... if you feel that they're your immediate family then I would recommend you do, um, but if, if you don't class them as immediate family, like your auntie, then that, that would be, you know, that would be up to you whether you feel like you have a prejudicial or personal interest. Um, again, that was never told in the Code of Conduct training in 2017, about family living in Council houses. If my, if I lived in a Council house and my parents lived in a Council house then, yes, I, I would understand I would have to because it's ... I also asked about Council Tax, I don't pay Council Tax but my parents do, do you have to declare an interest, and she said no because Council Tax is exempt, everyone pays it apart from you because you live at home. Um, so there was that type of conversation I was like trying to clarify, you know, um, personal and judicial type stuff. Um, in the same way, you know, I mentioned, you know, if a family member, um, a planning application come through, again would I have to declare an interest, and it would be a matter for me whether I felt they were a person, my immediate family or a distant member of my family. I think, when I spoke to the Monitoring Officer on that particular point, um, I said I think it's just better if I just declare an interest even if I know the person going forward just to cover, just to make sure I'm, I'm covered.

LM: And that, and that training was given as a result of the, the finding on the previous investigation, yeah. So ...

LR: Yeah. And it was very helpful because it was, it was one to one training and I could ask questions that I ... I suffer from anxiety so in a training session I wouldn't want to discuss matters like my, you know, my family lives in a Council house, my grandmother lives in a Council house and stuff, because they don't want people to know that she does.

LM: And did it reflect on the breach that had been found, you know, in terms of the ...

LR: (Nodding head)

LM: Yeah.

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LR: Yeah. It's, yeah, yeah. Um, so we, so we spent a good, good hour and a half I think it was, might be a bit shorter, I can't remember, but, no, it was a good session.

LM: Okay. Okay. So how would you describe the impact of that, that breach being found on you and your confidence and that sort of thing?

LR: Er, got, it's got worse. Um, I'm afraid to, you know, stand up to, um, to, to stand up for my residents sometimes. I, you know, I had a question at full Council, to Councillor Moore about allegations of bullying in his party, and I had, I had to, you know, it was an important question that I felt needed to be asked, um, and I just, I, I ... it hit me, I'm not co... I, I'm even worse now with confidence. I feel that I've been harassed, bullied, intimidated by Councillor Moore through this process, the fact that he wants it re-opened up, you know, and he claims that he knew a friend of mine, which he does, he knew my great uncle who passed away years ago. And, why would he do something like this, you know. You know, I, I respected Councillor Moore when I first, er, got elected, um, because there was an issue about homophobia and, unfortunately in my party, some of my colleagues were not forthcoming, but Councillor Moore was because one of his members, or should I say ex-members raised the complaint as well, um, and I felt, you know, he, he supported me then. And then, all of a sudden, er, you know, when we went into opposition and I was challenging him on various ... as I should as a Councillor, he didn't like it. And I think sometimes he gets goaded on by his colleagues. So, um, I want to continue as a Councillor hopefully, but as, as I, as I raised my question before Council on Monday, bullying or intimidation in any form, be it to a Councillor or, or a member of staff, should not be tolerated and, even the slightest, you know, the slight... the slightest thing can trigger someone's anxiety, you know.

LM: Okay.

LR:

LM: Mm, okay. And, when did you reach that sort of point, is that ...

LR: Er, would have been August / September time, and then it got, er, it got worse, um ...

LM: This last year or the year before?

LR: Er, it was ... no, it wasn't last year, it was the year before.

LM: So 2019?

LR: 2019, yeah.

LM: Yeah.

LR:

[REDACTED]

LM: I'm sorry about that, I'm sorry, it's a difficult time. Okay.

LR: Yeah. Yeah, it has, and, and then, obviously the re-opening of the case in October last year, you know, and the fact that the BBC managed to get hold of it. [REDACTED] So, yeah.

LM: Mm, I'm sorry. Yeah. Do you think then ... I mean, I hear everything you're saying about the impact of things for you. Um, and how does that work with, with standing for the Senedd then, you know?

LR: So stand... standing for the Senedd was a completely different, um, thing. First of all, I was hoping I would get elected in the Senedd, and, at the end of the day, the party needed someone to stand, I've always wanted to stand for the Senedd, um, and, you know, the party knew, um, of the investigation because it was made public, um, and they didn't seem that there was an issue.

LM: Okay.

LR: Um, because, to them it just looked like political point scoring.

LM: Yeah.

LR: And isn't it funny how the report gets leaked, you know, in January before the Senedd election. And I think, I think I phoned you on a few occasions and, you know, um, I still don't understand how that report got leaked. I'm led to believe that Councillor Moore told one of his ex-members that, um, I leaked it. So he was going around telling people that I was the one, why would I leak an investigation against myself with the damage me personally but also my family members.

LM: You said obviously the party knew about the investigation, but that didn't stand in the way of them wanting to, to put you up for the Senedd?

LR: No, no, they, they've been ... it was, it wasn't, er, it wasn't significant.

LM: No.

LR: You know, and also the investigation was still going on, so ...

LM: Yeah. And then you ... they knew about that before you stood for the Senedd, is that right?

LR: That's correct, yeah.

LM: Yeah.

LR: I have, obviously I had informed my leader at the time.

LM: Yeah.

LR: Um, and then, also, in the application they ask, and I did say there's an ongoing investigation, I can't go into too much detail.

LM: Yeah.

LR: But, you know, this is what it is.

LM: Yeah.

LR: Um, it's only a select few within the party that know, um, be it the leader, um, and the approvals committee.

LM: Yeah. Did you, did you think that, that standing ... I mean, obviously because it's a, you know, it's a high profile thing, isn't it, that it would draw adverse publicity or criticism because of the investigation?

LR: Er, no, because I didn't think it would be going out in the public domain. I didn't ... leak.

LM: No.

LR: Er, and nor did my party think it would leak. And also, they ... there's a lot worse things that other members have done that have not made, you know, have not stopped them ...

LM: No.

LR: ... standing, be it from whichever party.

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LM: Yeah. Do you think it was sort of in the public interest for it to be publicised?

LR: Not until the investigation was over.

LM: Okay.

LR: As far as I was concerned the investigation was ongoing and still should remain confidential as in the letter.

LM: Yeah.

LR: Um, so, as far as I'm concerned it wasn't, it wasn't for the public interest for it to be leaked. When the investigation is over, whatever the decision is, then that is up to the, the Ombudsman to decide whether it's in the public interest.

LM: Yeah.

LR: Um, I don't think it is in the public interest, I don't think members of the public ... I don't know, I'm not, I'm not the Ombudsman.

LM: No. Okay, okay, that's fine. So, if we can go to Appendix H then, I think that's Page 28 in the, in the bundle, um, which is Councillor Moore's ... it's an email he sent in. Um, so he's outlined a number of things in this email and we've spoken about the Senedd, standing for the Senedd and the press report. And he states, um, where does he state in this. So he, he's talking again about this Planning Committee meeting on the 27<sup>th</sup> of September 2018 where the, the application was considered, that, that other members were critical of, okay, and he's saying, um, you were present, Councillor Rowlands was present, and he was ... so he was well aware of his responsibilities, I think he's turn, in turn he's saying, as I've said before, you know, because they were critical you were aware that it could be a, a topic that could be criticised. And you may feel you've already commented sufficiently on that, but I just wanted to raise that in case there was anything else you wanted to say about it?

LR: Er, no, I refer back to my comments.

LM: Yeah.

LR: Er, as in the people who were critical knew who owned the building.

LM: Yeah. Yeah. Okay.

LR: Because that was, that was also in the press as well.

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LM: Yeah. And he also says, um, he mentions Gareth Slattery and who claims that Councillor Rowlands knew what he – as in Councillor Rowlands – was doing in setting up the business without planning permission. Um, do you, do you want to just expand on that, about Gareth Slattery and why he would ... whether that was the case?

LR: Er, yeah. So, in relation to him, um, he felt that, you know, he, he was discussing, doing the same thing that I plan to do, er, but he was sort of, sort of dragging his feet and stuff like that and it was actually my business partner who said why don't we just do it, and I ... well, I haven't really opened a bar before and, you know, and I, I ... it took me a good few days to think over. I said why not, you know, um, I seen no, no harm in doing it. Um, and then, because of that, and as you'll probably see further down, he made obviously unpleasant comments and also made, er, a vendetta against me, um, and got his, er, people who drink in his pub to berate me down the street, er, to boo me to make me feel intimidated. Er, so he had his own vendetta. So, um, I would like to clarify that over the last month or so, um, Mr Slattery has actually came up to me and apologised and I obviously apologised to him, and he said look, what's happenedwhat happened, let's forget about it, um, and, and, you know, let's move on with that. So, I think a few people had a, had a word with him to say look, don't you think this two year vendetta is, is up now, you've made your point. So, in the last couple of weeks we, you know, I, I, um, obviously I walk past because the office is literally right above the pub where I'm working. Um, he ... you know, I say hello to him and we, we have, you know, er, brief conversations about ... well, mostly him sort of, you know, what Tory propaganda are you spouting out now and stuff like that.

LM: Mm. So, essentially then, that came about because of a sort of a competitive business idea, or business model ...

LR: Yeah.

LM: ... that he felt you had taken over or, or pushed forward before ... to his, you know, in a way that wasn't going to help him. And he ... what Councillor Moore is saying is:

“Gareth Slattery claims that Councillor Rowlands knew what he was doing in setting the business up without planning permission.”

Do you think you did know what you were doing in setting the business up without planning permission?

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LR: Well, I, I knew I had to have planning permission for change of use, but what I'm saying is the process, it was the planning, the planning process and whether it was .. it's not whether it's clear or not, I'm like, as I say, is it black or white – no, it's not, it's grey. You can do that or well, oh well, mm, you know, you get that type of mentality. So it's not the fact that I didn't know, I knew you had to have a change of use, but it was the sort of the process of how it was, how it was done, um, and I, I, in relation to opening it up, I think I made myself quite clear a few times I had not wanted to open up before planning, and it's, um, I keep using the word coercion.

LM: Mm, okay, that's fine. Right. So, the other thing, um, the other thing he raises is, um, right, he says – so we're on Page 29, at the bottom of Page 29, third paragraph.

"I believe you should also be aware of the type of conduct that Councillor Rowlands carries out in scrutiny meetings, and I refer to the link of the Scrutiny Committee Environment Regeneration dated 20<sup>th</sup> of October, as example – I could probably find more."

So he goes onto say that, um, basically your, your conduct in the meetings is, is, is, is, you know, he finds it inappropriate. Is there anything you want to say about that, do you ...

LR: Yeah. Um, what, what's that got to do with me opening a bar up?

LM: Mm, okay.

LR: That has nothing to do with this at all. Um, so, I would like to address, um, if it is, if he wants it considered. At that particular Scrutiny Committee we were discussing a, um, a policy, um, and the Chair, who is obviously a Labour Chair, because they held that committee, um, was bringing in the Cabinet, er, Cabinet members quite a lot. Um, now, correct me if I'm wrong, but scrutiny indicates scrutinising, not, not being told or having a meeting of Cabinet members, you know, and I, I got clarification from the Monitoring Officer, to say, um, am I correct in saying Cabinet members should only brought, be brought in with the gift of the Scrutiny Committee, so, she says, er, if Scrutiny happy to bring in the Cabinet member for such and such and if Scrutiny says yeah, they're brought in. By this point the Chair was basically saying, um, Cabinet member, did you not say anything; Cabinet member, did you not say anything, and another Cabinet member, did you not say anything. So we weren't ... the members of Scrutiny weren't actually scrutinising, and I held my hand up virtually,

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um, and is it my fault that the Chair can't see, um, that my hand is ... that's not, that's not my fault, that's a democratic services issue, um, they're there to support the meeting and to advise the Chair that someone has their hand up if the Chair can't see who has their hand up. So I got, I did get a bit agitated and I said, I'm sorry Chair, but I had my hand up for the last five to ten minutes and you're bringing in Cabinet members, you haven't asked them, you haven't asked the committee to bring them in, and she said Councillor Rowlands, er, you know, and ... and I'm said I'm sorry, you know, at the end of the day that's why I'm on the Scrutiny Committee, to scrutinise and to challenge the Chair if I think that she's doing something contradictory to the constitution. I still believe she still does. Er, but I, I refer to my, er, you know, the, um, er, you know, where he says, um, basically my, my conduct and stuff, he may want to have a conversation with his own colleagues about conduct before criticising mine, um, because I could also present links, um, to other Councillors who berate me, er, or tried to shut me down when I'm trying to make a, er, a comment. Um, it happened at the Planning meeting a couple of weeks ago where they were criticising a colleague of mine who did not turn up to the Planning meeting, and there was four or five of them criticising this Councillor, and he wasn't even there to defend himself, and so I, I just said hang on a second, you know full well if you call something in you don't have to be here to give evidence, you know, that's up to the Councillor who called it in, you know, er, and I said I've just literally spent ten minutes listening to four Councillors, and then I got shut down saying has this got anything to do with the application, Councillor Rowlands. No, but I've just spent ten minutes listening to four Councillors berate some... berate another Councillor that has nothing to do with a planning app... planning application, and, and they literally said if it's not to do with the application then sh... and that is the sort of conduct that this administration has. They don't like to be challenged when they know full well, yeah.

LM: Do, do you think you are robust in meetings? I mean, I know you said earlier that you feel, you know, the whole, um, previous investigation and the finding, you know, has impacted on your confidence, um, but, you know, do you think you, you are still, despite that, robust at meetings, you know, do you think that's ... or is there a disparity in that behaviour.

LR: It, it's a disparity. If it's something that I feel that is wrong then I'm probably a bit more passionate... passionate about, and, you know, and, and maybe I do become a bit more, um, robust, but, um, in relation to things that I don't know, you know, I don't ask many questions at Scrutiny or, or any meeting, um, because I just feel oh, well, it's probably a stupid question or I'll probably get berated or shut down if I ask it, you know, and ... um, so it, it sort of comes and goes. Um,

but, this particular meeting and the Planning meeting, um, they were two things that I felt should not be accepted and they were, I feel, intimidating, um, and also bullying. Um, it's funny how one of the Labour Party members has decided to leave because of it.

LM: Okay. Um, do, do you mean because of behaviour in general or because of something that's happened with you, or ...

LR: Er, because, um, he's accused, er, the leader and deputy leader, um, of bullying, intimidation and, er, racism.

LM: Okay.

LR: Er, which has only just come out. Er, there seems to be, er, institution... institutional bullying within the Council. They may not class it as bullying, they probably class it as they should have a thicker skin, but, if you look at some of the, er, some of the recordings of Council meetings and stuff like that, there's only certain Councillors that get berated.

LM: Yeah.

LR: Or have smart, smart remarks made.

LM: Yeah.

LR: Including Councillor Moore who, who does it quite regularly.

LM: Okay. Okay.

LR: But, like I said, I don't know what it's got to do with me opening up, but that would be up to yourself.

LM: Okay. So, in ... if we go to, um, his witness statement – that's Appendix I and it's Page, er, what have I got, Page 68, okay. So in Paragraph 4 of his, his witness statement he says ...

LR: Page ...

LM: Page ... yeah, it's the paragraph is actually on Page 70.

LR: 70.

LM: Um ...

LR: Yeah, I've got it.

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LM: Yeah. So at the bottom of Paragraph 4 he's saying – last few sentences:

"There is no excuse for any member not knowing what they should or should not do, and there is no reason for a member not to have the knowledge because adequate support or mentoring is available. There is no excuse to misunderstanding matters of conduct."

Do ... is there anything you want to say about that, or ...

LR: Yeah. Maybe Councillor Moore should, er, get some advice about, er, his conduct at full council meetings where [where he tried, it sounded, or looked to me, um, and it was the other, another Cabinet member trying to belittle the Welsh language over sort of, you know. So, again, you know, um, we all make mistakes, um, and, you know, there are many times which I think other Councillors should get advice, not just be me.

LM: Yeah.

LR: And, you know, maybe he should tell, maybe he should have a word with some of his own Councillors before spouting.

LM: Yeah.

LR: Or, not spouting, um, what's the word I'm looking for when you're trying to tell someone else to do something but you're not willing to do, can't remember ...

LM: Yeah.

LR: But you know ...

LM: Yeah. Okay. And in Paragraph 6, so still Page 70, Paragraph 6. Okay, bottom of Page 70, er, Paragraph 6 it, it's saying:

"In my experience he – as in he's referring to you – often says he is sorry and that he didn't realise what, what was doing, and then repeats behaviour on another occasions. Councillor Rowlands has a depth of experience in politics. I understand that he had worked, has worked as an assistant to an MP, he has been a Councillor, the Deputy Mayor and Mayor of the Vale of Glamorgan Council and Deputy Mayor of Barry Town Council. He was more specifically ... he'd been – I'm just quoting what he's written – a member of the Standards Committee."

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LR: I was, I was a member of the Standards Committee but I didn't actually go a Standards Committee because of obviously this happened, I was, I was a member of the Standards Committee appoint... appointments panel.

LM: Okay.

LR: So, to get it correct, Councillor Moore, I was on the appointments panel and I was on the member Standards ... I was on the Members Standard... Members Standards Committee but never actually went to a first meeting because it was advised that I, from Democratic Services and their Legal Officer, because of this I should not be put on ... I should come off Standards which I said, no, I, I'm happy to do that and I did immediately come off it.

LM: Okay. Alright.

LR: Um, in relation to [inaudible-01:15:34], you know, yes, this is, um, you know, it is politics, he also has an understanding of politics as well, um, and also knows a lot, um, but what the Council does and what an FP does and what a Senedd member does, is they're completely different, um, you know, and ... but, I think in principle, um, you know, and for him to say I'm sorry to say that I'm sorry all the time, um, if I've done something wrong I admit, you know, I'm, I'm sorry and I hope I learn from that, but, you know, um, and I'll go back to the one where I did apologise to the Chair after the, um, my outburst, er, but I've no comment, um, from a private WhatsApp group that the Labour Party had, um, which was given to me, um, some questions in relation to their conduct as well should, should be investigated, or calling another Councillor Nutty Fudge is not appropriate. And also to mention me twenty-three times, um, they seem to have a vendetta against me. Maybe they don't want me to be a Councillor.

LM: Okay.

LR: As I challenge them when I need to challenge them, um, and I put the day I'm elected to represent the people I represent for the greater good of the public.

LM: So, where you said you often say you're sorry and you didn't realise what you were doing, and then repeat the behaviour on another occasion, do you think that's a ...

LR: So, I'll use an example, that obviously [unclear-01:17:31] the Chair, I did apologise by saying the reason why, um, and I hope she's learnt from that as well, er, which I think she has to an extent. But it

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happened again at a Planning meeting where they berated a Councillor for not turning up, what's that got to do with planning applications, I felt it was my duty to raise that and I got shut down. So I'll ...

LM: Um ...

LR: Go on?

LM: Go on, sorry, go on.

LR: So, you know, I'll continue to challenge the Council or their members when I think they're doing something wrong. And, you know, they ... and the reason ... I don't get, I don't get agitated or, you know, it's just, it's like they're allowed to do it, we can berate another colleague and stuff like that, but when I want to challenge them saying you shouldn't be doing this, they go no, it's got nothing to do with the application. Well, no, it hasn't. Well, don't say anything. But you've just spent ten minutes talking about a Councillor that has nothing to do with the application.

LM: Mm. Is that, is that political opponents or people from your own party or ...

LR: Political opponents.

LM: Mm, okay.

LR: It happens, it happens all the time. And ...

LM: And, and, how do you think other perceive you or, or your approach?

LR: They probably perceive me, um, abrupt. I'm not abrupt, I'm, I'm just .. I, I'm passionate and when I think something's wrong, or I feel that something is wrong, then I, I would challenge it, and if I prove that actually I was wrong then I'd say I'm sorry, I thought I was right from my understanding of the constitution.

LM: Yeah.

LR: You know. Um, but I think you get that with every politician, if they think they're, they're right but then they've chosen ... oh no, then of course they're going to, um, say sorry. So, you know, if politicians didn't say sorry once in a while, we'd be [unclear-01:19:42].

LM: Yeah, okay.

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LR: We are human.

LM: Yeah.

LR: Get it wrong.

LM: Yeah. And in Paragraph 8 he says, Paragraph 8, right. He says at the end of that, he says:

“I think he’s someone who’s proven to have brought the Council into disrepute, and nothing is actioned and that is wrong and in... ina... and inadequate.”

Is there anything you want to say about that comment?

LR: Yeah. So, um, if, er, so with this institutional bullying and the, er, Monitoring Officer decides that, um, well, it's, it's a party matter, is it a party matter – well, I don't think it is, if Councillors are bullying other Councillors or a Councillor feels intimidated and bullied, then that should be investigated. Um, but it's not been investigated, I understand that the Councillor has written to the Ombudsman and we'll see what comes out of that but for him to say, you know, um, interpret... what was it, er, I think if someone's proven to have brought the Council into disrepute, then it's wholly inadequate. Well, if he's brought his Council into disrepute I hope he says those words as well.

LM: Okay. Okay, alright. So, let's go to the Monitoring Officer's statement which is Appendix J, that's Page 74. And, um, okay, so she says, if we go to Paragraph 7, that's Page 75 actually, she said, she would say:

“I would say that prior to the events in June 2019 I thought Councillor Rowlands was mindful of my role and the importance of the members Code of Conduct, and, as he is a member who does talk to me frequently I was very surprised when I became aware of the situation at the time that he had not approached me earlier. I would also say he was very responsive when I did email him and spoke with him about it, and it seemed out of character that he'd not approached me before taking such a significant step. Certainly since the events he has liaised with me from time to time.”

LR: Yeah.

LM: Would you, would you say that, that what happened in, in, in you not approaching her at that time was out of character, it was ...

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LR: Um, I wouldn't say, no, because I didn't think that I would need to approach her.

LM: Okay.

LR: And then, when I was made aware by, by Debbie – I was actually in the Scrutiny Committee, I took immediate action.

LM: Yeah.

LR: Um, but at that, you know, um, I do try to seek advice where poss... but if I didn't feel that it was a breach of members – at the time I didn't think it was, why would, why would I go to see the Monitoring Officer. If she's happy for me come to her all the time then I will.

LM: Yeah.

LR: You know, and, you know, er, since, um, all this, I have been going to the Monitoring Officer about certain stuff.

LM: Yeah.

LR: Um, and back then I don't think, I don't think any Councillor feels that an officer has an open door.

LM: No.

LR: Um, you know, and we don't want to be contacting them over minor ... I'm not saying this is a minor issue ...

LM: No.

LR: ... but little things, because they're struggling as it is.

LM: Yeah.

LR: So, that, that's where I'd be coming in if I'm not ... you know, um, yeah.

LM: Yeah. Yeah, that's, that's fair enough, okay. And then Paragraph 8 she says:

"Following the opening of the Watering Hole and the complaints by members of the public, I had a meeting with Councillor Rowlands and I recall him telling me he had attended the opening event and also that he intended to carry on drinking at the venue, or words to that effect. I recorded this point in an

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attendance note dated 19<sup>th</sup> of June 2019 and I would say I was quite surprised when Councillor Rowlands indicated he would continue to drink there."

I mean, did you suggest to her that you would carry on drinking there?

LR: Well, at this particular, at this particular time obviously I had a lot invested in there, um, and being part of the bus... being ... owning half of the business, why wouldn't I go in there, but I was purely going in there to keep an eye on my business partner, I know it sounds wrong ... but I was keeping an eye on him, whether I drank a can of coke or something like that, you know, at the end of the day I was trying to sort it out, er, and I was going back and forwards to the venue trying to sort things out with him.

LM: Did, did she, you know, at that time she obviously advised you to, um, cease trading and if that wouldn't ... you know, if that wasn't possible then to resign, and you did that, did she pass any comment when you indicated that you would continue to drink there, did she say ...

LR: No, no. Um, and I think I may have made the point of saying well, obviously I'll be going back there to, you know, I have a vested interest, um, and legal, so why wouldn't I go back there to try and sort that. When I did go back there he wasn't there so why would I ... and I didn't stay, I just went back there. You know, if, if you're trying to sort a legal thing out, why wouldn't you try to mediate first rather than getting solicitors involved, and at that point I had to get the solicitors involved and I did stop going there, um, I think I stopped going there after ... I think I only went there three or four times after to try and sort it out, so ... but no advice was given to say I don't recommend you go back there.

LM: Okay. And, and did you, did you ... I mean, as she's phrased it, you know, you indicated you continued to drink there, did you, um, outline that, that you would, you felt you, you, you still had an investment in it so you needed to be there to keep an eye on ... did you say that to her at that meeting, do you remember?

LR: I, I don't think, I probably didn't say that, but it was more the lines well, well I probably said, you know, I've got a vested interest, I'm trying to sort it out, hence why I would go in after.

LM: Yeah.

LR: But I don't remember saying I would drink in the venue – I might have done, I could stand corrected, but ..

LM: Okay.

LR: But, yeah.

LM: Yeah, okay. So, okay, since all the events and everything, I mean, you've said, you know, you're very mindful now about seeking advice and guidance, and have you done that with the MO since the events about different things?

LR: Yeah, I have. Um, a prime example is, er, emergency powers where there was a Cabinet decision made, and before, um, I, I went to the officers to say why is this policy been passed, um, I, I don't think it's gone to the previous Scrutiny Committee, um, and then they looked into it and they realised it didn't actually, um, get passed, they had to use emergency powers. I raised this to the Monitoring Officer, I think a colleague of mine, um, from the Llafur Labour Party had also raised concerns in session and he also went to the Monitoring Officer. So, yeah, I have gone to the Monitoring Officer if I ... to ask, not to ask advice but to sort of say is my line of thinking correct or not, and if it's not, um, you know, if she says I'm satisfied everything's, you know, but then me then asking her, well I'm not satisfied that it's gone [unclear-01:27:57], where do I go from here, in putting in a complaint. Again, I haven't really had a response in relation to that. I know members of the public have also gone to the Monitoring Officer in relation to this one particular policy. So I have, I have gone to the Monitoring Officer, um, on stuff, um, but I try to go to the officer first because I don't really want to bother her too much, but if I feel that I need to, and I, I do now, I feel, you know, I can go there. So, yeah, she, she has been helpful.

LM: That's good, okay. Okay, so, so in the light then of, of all the events and everything, and, and in particular your, your role as, you know, the Mayor of the Vale of Glamorgan, Deputy Mayor of the Vale of Glamorgan, Deputy Mayor of Barry Town Council, standing for the Senedd, etc., how do you think your conduct... your breach and your status in those roles might reflect in the eyes of the public in terms of what has happened?

LR: Well, there was, um, you know, there was obviously some public backlash, but nothing has done anything. And then, when I stood in the Senedd, er, and also, um, so what I do with my ward, people are aware of, um, the breach of, um, the apparent members Code of Conduct now, but also opening the bar, and they're just like we don't care because you're a good Councillor and you actually do things, you know, when you want, you know, when we complain to you you're on it straight away, you know, and I said, but what happens if the Labour Party uses it against me. They go well, that's disgusting if they do

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that. Er, they've got previous for it, er, they did it to my colleague, um, you know, so he wrote, um, er, a cla... he got Face ... er, Myspace, um, or whatever it's called, [unclear-01:30:04] [break up of recording] and put some stuff on it literally the day before the elect... the night of the election they decided to put a leaflet that had words on there – there was no branding on there, there was no printing, which they had like the Sully Football Club deliver which had young children – there was words on it that were not appropriate for six and seven year olds. And they, they, they have reco... they have, um, previous of, of doing it, um, and that's why I think the labour party member who'd left recently has felt that, that, you know, it's toxic.

LM: Okay.

LR: And there is ...

LM: But you feel, you feel, since the events and the breach and everything else you've had the support of ...

LR: I've had the support of my family and my colleagues in the party, and one or two, er, the indep... one of the independent canvassers now, he has supported me, but also, I've had the support of residents as well who maybe don't care, you know, you've done something wrong, er, we all do something wrong once, um, but does that make you not a, you know, a, a bad Councillor. No, because you're the only one of the active Councillors we know in the Vale, um, and I, I know why he wanted it opened, we're going into local government elections next year. By the time this is determined they'll probably sit on it and then, you watch, next year there'll be some ... first of all they'll put it in the paper, they'll get it in the paper, and then they'll start drafting leaflets and stuff.

LM: Okay. Okay, I don't think I've got really any more, more questions. Is there anything else you'd like to, to clarify about what you, you've said today, or ...

LR: No, I think, um, I think that's it, and, like I say, you know, you've been very understanding and very patient.

LM: That's okay. No, I, I appreciate it. Well, I appreciate the co-operation, it's, it's very helpful. Um, do you think you, you've had a fair opportunity to say everything you want to say, er, about the matter?

LR: I think I have, yeah.

LM: Yeah, okay. Okay. Alright, okay. Well, in which case, um, if there's nothing else you want to, to say, er, and I've got no further questions,

Councillors Name: Cllr Leighton Rowlands

um, that will conclude the interview. So I'll just go through the closing procedure if that's alright with you ...

LR: Yeah.

LM: ... and explain what happens, and then I'll, I'll switch off the recording. So, you're, you're happy you don't want to say anything else?

LR: Er, yeah, yeah.

LM: Yeah, okay. So, so, yeah, as I say, I'll need to save the recording and then I've got to ask for it to be transcribed, and once I've got that back I can send you a copy of the transcript if you want one. Um, and what I need to do next then is decide whether that completes the investigation or whether there's any further evidence required. Um, and once I'm satisfied that the investigation is completed it'll be considered in detail and a finding made, okay. So we have the option to determine that no action is required or to make a referral to the Standards Committee of the local authority or to the Adjudication Panel for Wales, and if a referral's considered appropriate a draft report will usually be shared with you and you'll be given an opportunity to comment on the analysis of the evidence and the finding proposed, okay. So, um, I'd like, in closing the interview the, I'd like to take the opportunity to remind you that the Ombudsman's investigations are conducted in private and I'd therefore ask you not to discuss the evidence received or that you've shared with me today with anyone other than your representative or legal advisor – this extends to the transcript and any draft report which may be issued to you as well. It's particularly important that you don't discuss matters relating to the complaint and investigation with anyone who may be a witness or involved in the matter, and you should be aware that any such disclosure or interference may amount to a breach of the Code.

So, that's everything and if there's nothing else you want to add, I'll conclude the interview and stop the recording, is that okay with you?

LR: Yeah, that's fine.

LM: Alright. Well, thank you for your co-operation, I really appreciate it, and the time you've given today, and, um, I'll write to you in due course, okay.

LR: Okay.

LM: Um, and I'll hopefully try and get things concluded as quickly as we can, okay?

Councillors Name: Cllr Leighton Rowlands

LR: Yeah. Thank you very much.

LM: Alright, thank you for your time, I'm going to switch off the recording then. Alright, thank you.

LR: Thank you. Bye.

LM: Thanks. Bye, bye.

# **Appendix 40**



## The Code of Conduct for members of local authorities in Wales

Guidance from the  
Public Services Ombudsman for Wales  
for members of county and county borough councils,  
fire and rescue authorities, and  
national park authorities

## **1. Introduction**

The Local Government Act 2000 created a new ethical framework for local government in Wales. It created a power for the National Assembly for Wales to issue a model code of conduct to apply to members and co-opted members of all relevant authorities in Wales. This power was transferred to the Welsh Ministers by the Government of Wales Act 2006. On 1 April 2016, Welsh Ministers issued the current Model Code of Conduct which all relevant authorities are required to adopt.

Authorities were required to adopt the Code in its model form in its entirety, but could make additions to the Code, provided these were consistent with the Model. This was intended to give certainty to members and the public as to what standards are expected. It helps to ensure consistency throughout relevant authorities, avoiding confusion for members on more than one authority and for the public.

Standards committees of principal councils are required to assist members and co-opted members of their authorities, together with members of town and community councils in their area, to observe the Code and to arrange for advice and training to be provided. I strongly recommend that all members should attend training and take advice where it is offered. I support individual authorities which require members to attend training on the Code before they can join certain decision-making bodies such as planning committees.

As a member, when you sign your declaration of acceptance of office, you are confirming that you will observe the Code. It is your personal responsibility to ensure that you understand your obligations under the Code and act in a way which shows that you are committed to meeting the high standards of conduct that are expected of you as a member. Ultimately you are responsible for the decisions you take and can be held to account for them. However, this does not imply that you can take decisions which breach the Code or contrary to advice simply because the decision is yours to take. This guidance explains the constraints you are expected to act within to ensure members of the public can be confident in the way in which authorities in Wales reach their decisions.

It is my role as Public Services Ombudsman for Wales to independently investigate serious complaints that members of local authorities in Wales have breached the Code. In determining whether to investigate a complaint or whether to continue an investigation of a breach of the Code I will use a two stage test. At the first stage, I will aim to establish whether there is direct evidence that a breach actually took place. The level of proof that is required is on the balance of probabilities. If that evidential test is met, at the second stage, I will consider whether an investigation or a referral to a standards committee or the Adjudication Panel for Wales is required in the public interest. Some of the public interest factors that I will consider are set out below. These factors are not exhaustive and the weight to be attached to each will vary according to the facts and merits of each case.

Public interest factors include:

- the seriousness of the breach

- whether the member deliberately sought personal gain for themselves or another person at the public expense
- whether the circumstances of the breach are such that a member has misused a position of trust or authority and caused harm to a person
- whether the breach was motivated by any form of discrimination against the victim's ethnic or national origin, gender, disability, age, religion or belief, sexual orientation or gender identity
- whether there is evidence of previous similar behaviour on the part of the member
- whether the investigation or referral to a standards committee or the Adjudication Panel for Wales is required to maintain public confidence in elected members in Wales
- whether investigation or referral to a standards committee or the Adjudication Panel for Wales is a proportionate response, namely, whether it is likely that the breach would lead to a sanction being applied to the member (I will take account of the outcomes of previous cases considered by standards committees across Wales and the Adjudication Panel for Wales), and whether the use of resources in carrying out an investigation or hearing by a standards committee or the Adjudication Panel for Wales would be regarded as excessive when weighed against any likely sanction.

I have a wide discretion as to whether to begin or continue an investigation. I have revised the two stage test adopted by my predecessor in order to provide greater clarity on how I will usually exercise my discretion and to secure a degree of consistency and certainty in the decisions that I reach.

The process I use for investigating complaints is summarised on my website at [www.ombudsman-wales.org.uk](http://www.ombudsman-wales.org.uk)

### **Local Resolution Process**

Most local authorities across Wales have implemented local resolution procedures to deal with low level complaints which are made by a member against a fellow member. These arrangements are proving to be effective at resolving many of these kinds of complaints. Typically these complaints continue to be about alleged failures to show respect and consideration for others as required by paragraph 4(b) of the Code or the duty not to make vexatious, malicious or frivolous complaints against other members under paragraph 6(1) (d) of the Code. Whilst a member may still complain directly to me about a fellow member if the matter being complained about concerns paragraphs 4(b) and 6(1)(d), I am very likely to refer the matter back to the Council's Monitoring Officer for consideration under this process. In my view such complaints are more appropriately resolved informally and locally in order to speed up the complaints process and to ensure that my resources are devoted to the investigation of serious complaints.

<sup>1</sup>The Conduct of Members (Principles) (Wales) Order 2001 SI 2001 No.2276 (W.166)

The aim of local resolution is to resolve matters at an early stage so as to avoid the unnecessary escalation of the situation which may damage personal relationships within the authority and the authority's reputation. The process may result in an apology being made by the member concerned. However, where a member has repeatedly breached their authority's local protocol then I would expect the Monitoring Officer to refer the matter back to me. If I see a pattern of similar complaints being made to me by the same members I will consider this to be a serious matter and decide whether the persistent reporting of such complaints is conduct which in itself should be investigated as a potential breach of the Code.

When I have investigated a complaint I may refer the matter to a standards committee or the Adjudication Panel for Wales for determination. This will depend on the nature of and individual circumstances of the alleged breach. When issuing my report I will reflect on and analyse the evidence gathered and draw my conclusions as to whether it is suggestive that a breach of the Code has occurred. However the authority to make a determination of breach rests solely with a standards committee or the Adjudication Panel for Wales.

### **Standards Committee**

Standards committees are made up of independent lay members and of elected members of the authority. When I refer a case to a standards committee its role is to decide whether a member has breached the Code and whether a sanction should be imposed. In my view, hearings should be conducted in public unless there are valid reasons for not doing so to promote public confidence in standards in public life. Where a standards committee concludes that a member or co-opted member has failed to comply with the relevant authority's code of conduct, it may determine that:

- no action needs to be taken in respect of that failure
- the member or co-opted member should be censured which takes the form of a public rebuke, or
- the member or co-opted member should be suspended or partially suspended from being a member of that authority for a period not exceeding six months or if shorter, the remainder of the member's term of office.

A member may seek the permission of the President of the Adjudication Panel for Wales to appeal against the determination of a standards committee to it.

### **The Adjudication Panel for Wales**

When I refer a case to the Adjudication Panel for Wales its role is also to determine whether a member has breached the Code and whether a sanction should be imposed. In addition, it will consider any appeals where permission has been obtained against the determination of a standards committee. The powers available to the Panel when it determines that a member

or co-opted member has failed to comply with the Code are:

- to disqualify the respondent from being, or becoming, a member of the relevant authority concerned or any other relevant authority for a period of up to five years
- to suspend or partially suspend the respondent from being a member or co-opted member of the relevant authority concerned for up to 12 months, or
- to take no action in respect of the breach. In such cases the Panel may deem it appropriate to warn the member as to their future conduct. Where such a warning has been recorded it is likely to be taken into account during any future hearing where the member is found again to have failed to follow the provisions of the Code.

Where either a standards committee or the Panel suspends or partly suspends a member or co-opted member that member is still subject to the Code, in particular the provisions set out in paragraphs 6(1)(a) (bringing the office of member or authority into disrepute) and paragraph 7 (improperly using the position of member).

## **The Principles**

The Local Government Act empowered the National Assembly to issue principles to which you must have regard in undertaking your role as a member. The Code is based on these principles which are designed to promote the highest possible standards. These principles draw on the 7 Principles of Public Life which were set out in the Nolan Report "Standards of Conduct in Local Government in England, Scotland and Wales". Three more were added to these: a duty to uphold the law, proper stewardship of the Council's resources and equality and respect for others.

Members elected to local authorities give generously of their time and commitment for the benefit of their communities. The principles provide a framework for channelling your commitment in a way which will reflect well on you and your authority, and which will give your communities confidence in the way that your authority is governed.

The individual sections of the Code are designed to support the implementation of the Principles. For example, the Selflessness principle is covered by Section 7 of the Code – Selflessness and Stewardship.<sup>1</sup> The current principles were set out in a statutory instrument and are detailed below.

### **1. Selflessness**

Members must act solely in the public interest. They must never use their position as members to improperly confer an advantage on, or to avoid a disadvantage for, themselves or to improperly confer an advantage or disadvantage on others.

### **2. Honesty**

Members must declare any private interests relevant to their public duties and take steps to

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<sup>1</sup> The Conduct of Members (Principles) (Wales) Order 2001 SI 2001 No.2276 (W.166)

resolve any conflict in a way that protects the public interest.

### **3. Integrity and Propriety**

Members must not put themselves in a position where their integrity is called into question by any financial or other obligation to individuals or organisations that might seek to influence them in the performance of their duties. Members must on all occasions avoid the appearance of such behaviour.

### **4. Duty to Uphold the Law**

Members must act to uphold the law and act on all occasions in accordance with the trust that the public has placed in them.

### **5. Stewardship**

In discharging their duties and responsibilities members must ensure that their authority's resources are used both lawfully and prudently.

### **6. Objectivity in Decision-making**

In carrying out their responsibilities including making appointments, awarding contracts, or recommending individuals for rewards and benefits, members must make decisions on merit. Whilst members must have regard to the professional advice of officers and may properly take account of the views of others, including their political groups, it is their responsibility to decide what view to take and, if appropriate, how to vote on any issue.

### **7. Equality and Respect**

Members must 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.

### **8. Openness**

Members must be as open as possible about all their actions and those of their authority. They must seek to ensure that disclosure of information is restricted only in accordance with the law.

### **9. Accountability**

Members are accountable to the electorate and the public generally for their actions and for the way they carry out their responsibilities as a member. They must be prepared to submit

themselves to such scrutiny as is appropriate to their responsibilities.

## **10. Leadership**

Members must promote and support these principles by leadership and example so as to promote public confidence in their role and in the authority. They must respect the impartiality and integrity of the authority's statutory officers and its other employees.

The principles are not part of the Model Code of Conduct, and failure to comply with the Principles is not of itself, therefore, indicative of a breach of the Code. However, it is likely that a failure, for example, to adhere to the principle concerning equality and respect would constitute a breach of the requirements of paragraphs 4(a) and 4(b) of the Code in respect of equality of opportunity and respect.

In any event, the Principles offer a sound basis for your conduct in office and I encourage members to have regard to them **at all times**.

### **Deciding when the Code applies to you**

#### **See paragraphs 2 and 3**

**Consider conduct in your  
public & private life**

Members are entitled to privacy in their personal lives, and many of the provisions of the Code only apply to you when you are acting in your role as member or acting as a representative of your authority. However, as there may be circumstances in which your behaviour in your private life can impact on the reputation and integrity of your authority, some of the provisions of the Code apply to you at all times.

When reaching a decision as to whether the Code applies to you at a particular time I will have regard to the particular circumstances and the nature of your conduct at that time.

Before considering your obligations under the Code you should first consider whether the Code applies and, if so, what provisions.

#### **When does the Code apply?**

- **Whenever you act in your official capacity**, including whenever you are conducting the business of your authority or acting, claiming to act, or give the impression you are acting, in your official capacity as a member or as a representative of your authority
- **At any time**, if you conduct yourself in a manner which could reasonably be regarded as bringing your office or your authority into **disrepute** or if you use or **attempt to use your position to gain an advantage or avoid a disadvantage** for yourself or any other person or if you **misuse your authority's resources**.

Where you act as a representative of your authority on another relevant authority, or any other body, you must, when acting for that other authority, comply with their code of conduct. When you are nominated by your authority as a trustee of a charity you are obliged

when acting as such to do so in the best interests of that charity, in accordance with charity law and with the guidance which has been produced by the Charity Commission (see its website: [www.charity-commission.gov.uk](http://www.charity-commission.gov.uk)).

If you are acting as a representative of your authority on another body, for example on the board of a housing association, which does not have a code of conduct relating to its members, you must comply with your authority's own Code unless it conflicts with any legal requirements that the other body has to comply with.

If you refer to yourself as councillor, the Code will apply to you. This applies in conversation, in writing, or in your use of electronic media. There has been a significant rise in complaints to me concerning the use of Facebook, blogs and Twitter. If you refer to your role as councillor in any way or comments you make are clearly related to your role then the Code will apply to any comments you make there. Even if you do not refer to your role as councillor, your comments may have the effect of bringing your office or authority into disrepute and could therefore breach paragraph 6(1)(a) of the Code.

The Welsh Local Government Association has produced useful guidance on social media entitled "Social Media: A Guide for Councillors". The guidance aims to provide you with a clearer idea about how you can use social media, the possible pitfalls and how to avoid them. It is available on their website at [www.wlga.gov.uk](http://www.wlga.gov.uk) or by calling 029 2046 8600.

If you are nominated by your authority as the director of a company (a stock transfer housing association for example) you are obliged to act in the best interests of the company. If it has a code of conduct for its directors you must abide by it. If it does not, you must comply with your authority's Code, except on the rare occasions where it conflicts with any legal obligations the company may have.

If you are suspended from office for any reason, you must still observe those elements of the Code which apply, particularly as set out in paragraph 2(1)(d), while you are suspended.

### **Example**

Councillor B was nominated by a county borough council to serve as a board member of a stock transfer housing association. The Chief Executive of the housing association copied all board members into a confidential e-mail to the Chief Executive of the Council. Councillor B admitted sending the e-mail to the local press and said that he had done so because he felt that his duty as a councillor over-rode his duty as a board member of the housing association. Councillor B was found to have breached paragraph 3(a) of the Council's Code by disclosing the e-mail in breach of the board's own code of conduct. He was also found to have brought his office and authority into disrepute by making a

misleading statement that "he recently had to withdraw" from the board of the housing association when he had been removed with immediate effect for the serious breach of

confidentiality.

**Example**

An on-line poll about a person accused of murder which contained inappropriate language was set up using Councillor B's council-provided laptop, internet access and his council e-mail address. Councillor B said he personally had not set up the poll. However, as the Council had provided him with the laptop he was responsible for it. He also made disparaging comments about housing benefit claimants on his Facebook page when responding to a request for advice in his councillor role. The Adjudication Panel found that Councillor B had acted in his official capacity because he had used his council-provided equipment and e-mail address.

Therefore, he could reasonably be regarded as representing himself as a councillor.

Information that you produce in your official capacity is liable to be subject to the disclosure requirements of the Freedom of Information Act, and your authority may be required to release it in response to a request. If you do not provide the information to the relevant officer of your authority on request, you will be in breach of the Code.

Your authority needs to decide whether to disclose information or whether it may be covered by an exemption. Even if you believe that information you hold is exempt, you must provide it to your authority's relevant officer to allow the authority to reach a decision. As well as being a breach of the Code, it is a criminal offence if information is destroyed after a Freedom of Information Act request has been received.

### **Example**

A leader of a county council refused to give the Council's Information Officer a letter he had written to the Wales Audit Office on behalf of the Council's Executive. As a result the Council could not respond appropriately to a Freedom of Information Act request which resulted in a complaint being made to the Information Commissioner's Office. The member continued to refuse to disclose the letter despite having received clear and unequivocal advice from the Information Officer. His refusal led to an adverse finding from the Information Commissioner's Officer. The Adjudication Panel found that the member had breached paragraphs 5(b) and 6(1)(a) (disrepute) in respect of this matter and other related matters. By the time the case was considered by the Panel the member had resigned from office. He was disqualified from holding office for 12 months.

### **Disrepute**

#### **See paragraph 6(1)(a)**

**Any conduct unbecoming  
of a member can constitute  
disrepute**

You must not behave in a way which could reasonably be regarded as bringing your office or authority into disrepute **at any time**. As a member, your actions and behaviour are subject to greater scrutiny than those of ordinary members of the public. You should be aware that your actions in both your public and private life might have an adverse impact on your office or your authority. You should also ensure that you do not engage in any behaviour that may prejudice an investigation undertaken by me or your Monitoring Officer as this may also constitute disrepute.

Dishonest and deceitful behaviour will bring your authority into disrepute, as may conduct which results in a criminal conviction, especially if it involves dishonest, threatening or violent behaviour, even if the behaviour happens in your private life. Making unfair or inaccurate criticism of your authority in a public arena might well be regarded as bringing your authority into disrepute. Inappropriate e-mails or social media posts might well bring the office of member into disrepute.

As outlined in the case example on page 17 above, you must also conduct

yourself in an appropriate manner with others within the confines of a council's building, regardless of whether your conduct is likely to be in the public domain.

### **Example**

A community councillor had been abusive to a shop proprietor and two members of her staff and had attempted to obtain a discount on a private purchase by saying it was being bought on behalf of the Community Council, and when his request for a discount was refused he had made threats against the business. The Adjudication Panel found that the member had brought the office of member into disrepute and suspended him for 9 months.

## **Reporting breaches of the Code**

### **See paragraph 6(1)(c)**

If you reasonably believe that a breach of the Code has occurred, you must report it to your Monitoring Officer. There is no longer a need to report the matter to me. In order to have a reasonable belief that a breach has occurred, you will need to have direct evidence which supports this. If you are in doubt as to whether a breach has occurred, you should consult your Monitoring Officer as soon as possible. Where the breach is a very minor or technical one, or where there is no clear evidence that a breach occurred, your Monitoring Officer may suggest that the matter would be more appropriately dealt with through the authority's local resolution process.

In the most serious of cases or where the local resolution process breaks down or is unsuitable your Monitoring Officer may, as an exception, decide to refer them to me directly or on your behalf. In most other cases you will be advised you to do so.

Nonetheless, the decision as to whether to investigate a breach rests with me. The balance of any doubt should always favour reporting. It is helpful if you specify which aspect of the Code you believe has been breached.

In determining whether to investigate a complaint of a breach I will use the two stage test that I have outlined on pages 7 and 8 above. You should ensure that you provide any evidence you have available when you make a complaint including minutes of meetings, correspondence, contemporaneous notes or e-mails. If there are other individuals who have witnessed the alleged breach, you should let us know who they are. This latter point is especially important because if I only have one person's word against another's, I may not be able to conclude with sufficient certainty that there is enough evidence to warrant pursuing the matter.

To report such matters, you can contact my office by phone at 0845 6010987, by e-mail to [ask@ombudsman-wales.org.uk](mailto:ask@ombudsman-wales.org.uk) or via the website at [www.ombudsman-wales.org.uk](http://www.ombudsman-wales.org.uk). A special leaflet on making complaints about alleged breaches of the Code is available on

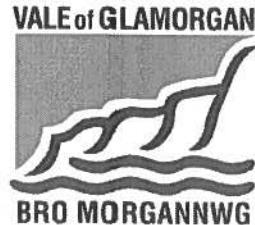
# **Appendix 41**

Date/Dyddiad: 14<sup>th</sup> Oct 2021  
Ask for/Gofynnwch am: Cllr. Leighton Rowlands  
Telephone/Rhif ffôn: [REDACTED]  
Fax/Ffacs:  
Your Ref/Eich Cyf:  
My Ref/Cyf:  
e-mail/e-bost: [REDACTED]

The Vale of Glamorgan Council  
Members of the Council's Office  
Civic Offices, Holton Road, Barry, CF63 4RU  
Telephone: (01446) 700111

Cyngor Bro Morgannwg  
Swyddfa Aelodau'r Cyngor  
Swyddfeydd Dinesig, Heol Holton,  
Y Barri, CF63 4RU  
Ffôn: (01446) 700111

[www.valeofglamorgan.gov.uk](http://www.valeofglamorgan.gov.uk)  
[www.bromorgannwg.gov.uk](http://www.bromorgannwg.gov.uk)



14 October 2021

Dear Lisa,

**Code of Conduct Complaint made by Councillor Neil Moore**

Thank you for your letter of 29 September 2021 and copy of the Ombudsman's report into his investigations.

I am disappointed that the Ombudsman intends to refer the matter to the Vale of Glamorgan Standards Committee for consideration, having previously determined that no further action was required.

I submit that the decision to re-open the investigation was flawed, and there were not legal grounds to do so. I therefore request that this investigation be discontinued, and the findings of the initial investigation, which I accept in full, are allowed to stand.

**THE REVIEW**

In her letter to Councillor Moore of 9 November 2020 (Appendix 33), the Ombudman's Review and Service Quality Officer made clear the circumstances in which it would be appropriate to review a decision taken by the Ombudsman are limited.

In this letter, she emphasised that she "*cannot re-open a closed case simply because a complainant disagrees with the decision previously reached*".

Instead, she would need to be satisfied that one of two conditions had been met:

1. "*Significant new information had come to light which would directly impact [the Ombudsman's] findings*" or
2. "*It had been demonstrated that in reaching our decision, or bringing an end to our enquiries, we did not properly take account of information that was available to us*".

Please reply to home address: [REDACTED]  
Anfonwch eich ateb i'r cyfeiriad cartref:

Correspondence is welcomed in Welsh or English/Croesawir Gohebiaeth yn y Gymraeg neu yn Saesneg

I submit that the case should not have been reopened because neither of these conditions were met.

With regard to the first condition, in his request that the decision be reviewed, Cllr Moore did not offer any new evidence that would directly impact the Ombudsman's findings. All of the information Cllr Moore provided had already been available to and considered by the Ombudsman, so this condition has not been met.

As regards the second condition, Cllr Moore did submit that information before the Ombudsman had not been taken into account, or given adequate weight when arriving at the decision. However, these submissions are unfounded.

I will address each of Cllr Moore's submissions in turn:

- ***Councillor Rowlands attended mandatory training on the Members' Code of Conduct, which was delivered by the Council's Monitoring Officer, therefore Councillor Rowlands would have been clear of the implications of his actions from a Members' Code of Conduct perspective. During that training, and since, the Monitoring Officer has encouraged Members to contact her with any Member Code of Conduct queries and adopts an "open door" approach. With this in mind, consideration should be given to why Councillor Rowlands sought advice from the Planners prior to opening the Watering Hole but from not the Monitoring Officer.***

This does not satisfy the condition. I do not dispute that I did not consult the Monitoring Officer, as I made clear in my interview with Louise Morland on 18 August 2020 (Appendix 29). My dealings with the Monitoring Officer were given extensive consideration on pages 3 and 4 of the initial report. In fact, it is made clear that I was co-operative, and took "*swift action*" to try and rectify matters. Sufficient weight and consideration was given to this. The investigation should therefore not have been reopened on these grounds.

- ***Further to that, there was a previous issue similar to his position, at a previous Planning Committee meeting, when it was firmly reiterated that any Member with an interest should declare it and leave the meeting and take no part in any decision making. Therefore, Councillor Rowlands would have been very aware of the correct procedures.***

This was considered in detail in the Ombudsman's initial report (pages 2, 3 and 4). Therefore, this information was properly taken into account, and the condition is not met.

- ***The level of negative publicity in the press and complaints from residents was significant and should not be underestimated. Councillor Rowlands himself acknowledges that following the opening of the Watering Hole he spent the week "dealing with reporters which was very difficult". Similarly he indicates that he had "lost ... the respect of his colleagues and constituents because of the situation". I don't believe that this has been given sufficient weight when coming to the conclusion to take no further action.***

- This was considered in detail in the Ombudsman's initial report (pages 2, 3 and 4). Given that the Ombudsman emphasised the "*significant impact*" this had on me, this information was properly taken into account, and the condition is not met.
- Reference is made in your letter dated 18 September 2020 to Councillor Rowlands not seeking advice about his role and position which "suggests a significant lack of judgement" – I agree with this comment, but suggest it further demonstrates a lack of regard, particularly in light of the mandatory training that he had received and previous examples being brought to all Members' attention.**
- Councillor Rowlands has been a Member of the Vale of Glamorgan Council's Planning Committee since May 2017 and was in attendance at the Planning Committee when Members were highly critical of another business in Barry opening a micropub without first obtaining a change of use permission. Councillor Rowlands was fully aware that by opening the Watering Hole that this would have equated to a breach of planning control. Your letter refers to Councillor Rowlands having submitted a change of use application in April 2019 from retail to food and drink, which confirms that he was aware of the process.**
- I don't think sufficient weight has been given to Councillor Rowlands knowledge and experience of planning matters particularly his knowledge about the Planning Committee's disapproval of a company that acted in the same way as his company did.**
- Councillor Rowlands attended mandatory Planning training, as do all Members prior to sitting on the Planning Committee. As with the Monitoring Officer, the Planning department are accessible to provide guidance to applicants.**

In his initial findings, the Ombudsman had sufficient regard for all of these factors. It is discussed in detail on pages 2, 3 and 4 of the initial report, and the facts are not in dispute. However, in light of the remorse I have shown, the impacts of the situation on my mental wellbeing, reputation and family life, and that is it unlikely the Standards Committee would impose a significant sanction, it was not in the public interest to take further action. Therefore, this information was properly taken into account, and the condition is not met.

- The Investigating Officer was satisfied that Councillor Rowlands received a clear explanation of the planning position, however despite this he still proceeded as a Company Director of SLF Hospitality Limited to commence trading.**

This was considered in detail on pages 2 and 3 of the initial report. Therefore, the condition is not met.

- It should also be highlighted that Councillor Rowlands was also a Barry Town Councillor, and that Council objected to the planning permission at a Planning Meeting on 29th May 2019 prior to the Vale of Glamorgan Planning Committee Meeting.**

Representations made by Barry Town Council in regard to the application are irrelevant. I was not involved in any decisions taken by that Council in regard to this application, and nor should I have been given my involvement in the business. The condition is not met.

- ***Councillor Rowlands indicates that Sam Lewis (his Co-Director) insisted on going ahead with the opening of the business on 14 June 2019, however rather than Councillor Rowlands distancing himself he attended the opening night.***

My reasons for attending (that charities and local community groups would be present) are set out in the Ombudsman's initial report. This was information was properly taken into account and the condition is not met.

- ***It is suggested that the business ceased trading after the issues were brought to his attention. I do not believe that to have been investigated thoroughly. I am led to believe that it closed after it failed to obtain planning permission and following enforcement action being sanctioned.***

As was established in the Ombudsman's initial report, I resigned from the business when Mr Lewis refused to close the Watering Hole. I am not responsible for Mr Lewis' actions after I left the business and so they are not relevant. Therefore, the condition is not met.

- ***It appears that Councillor Rowlands made a financial loss on this business venture, however it will be appreciated that he sought to make a financial gain.***

The financial arrangements of the business were considered in detail on page 3 of the initial report. It is confirmed that I provided the Ombudsman with "***specific details***" of them during the investigations. It was therefore given adequate consideration and the test is not met.

- ***The trigger and timing of the removal of the photograph of Councillor Rowlands wearing his mayoral chains as part of the promotional material for the business, I would suggest needs further re-examination, as I do not believe that Councillor Rowlands was proactive in removing the photograph independently but possibly only when it received media attention.***

Cllr Moore has provided no evidence of this. The condition to reopen the case is not met by Cllr Moore's assertion. In any case, in paragraph 87 of his final report, the Ombudsman rejected this allegation.

- ***I am also particularly concerned how a decision of "no further action" when you were satisfied that a breach of the Vale of Glamorgan Council's and Barry Town Council's Members' Code of Conduct had occurred will be perceived by the public and other Councillors in a case where a County Councillor and Town Councillor has brought his office into disrepute by breach of paragraph 6(1)(a) of the Members' Code of Conduct, particularly in such a public way and involving non-compliance with planning control, albeit he is a Member of the Council's Planning Committee, who should lead by example rather than***

Please reply to home address: [REDACTED]

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***ignore the process which he is part of the decision-making Committee which determines such matters and the issuing of enforcement action when non-compliance occurs.***

In coming to this decision, the Ombudsman considered the swift action I took to rectify matters and close the business, my shame and remorse, and the impacts the situation had on my mental wellbeing, my reputation and family life. The fact the Standards Committee would not impose a significant sanction was also emphasised. The Ombudsman was therefore correct to decide not to take further action. Sufficient regard was given to these circumstances and the condition is not met.

Cllr Moore did therefore not provide any reasonable grounds for the investigation to be reopened, and his request should have been rejected.

#### **OTHER CONSIDERATIONS**

I would also like to emphasise my view that Cllr Moore's request was politically motivated, largely due to the fact that we are members of different political parties. Indeed, Cllr Moore may well have considered it in his party's interest for the matter to be referred to the Standards Committee, despite it being in neither the public interest, nor the interests of natural justice, to do so. This is best illustrated by the fact that sensitive details of the complaint and review, which were supposed to at that stage remain confidential, were leaked to the press.

I would also emphasise the impacts that this investigation has had on my mental wellbeing. I have admitted my errors in relation to this incident and have shown remorse and contrition. Over two years have now passed since the initial complaint was made, and the decision to reopen the investigation, after I accepted the Ombudsman's initial conclusions without complaint, has caused me great stress and anxiety. The impacts of confidential information relating to the case appearing in the press have exacerbated these worries.

#### **CONCLUSION**

For the reasons outlined above, I remain of the view that the Ombudsman was correct in his initial conclusions. I accept that my actions were wrong, and I have offered an apology and have shown full remorse and contrition. The Ombudsman was right to take these factors into account, alongside the fact that no significant sanction would likely be imposed by the Standards Committee. It is therefore in the interests of natural justice and fairness that the initial findings should stand. The recommendations following Cllr Moore's review request, which does not satisfy the necessary grounds and which I believe was politically motivated, should be discarded.

I would be grateful if you would confirm to me the intended course of action as soon as possible, as I will need to consult my legal representatives and consider next steps.

Thank you for taking the time to consider my response.

Please reply to home address: [REDACTED]  
Anfonwch eich ateb i'r cyfeiriad cartref:

Correspondence is welcomed in Welsh or English/Croesawir Gohebiaeth yn y Gymraeg neu yn Saesneg

Kind regards,

Cllr Leighton Rowlands

## Schedule of Unused Material held by PSOW

| <b>Code of Conduct Investigation</b><br><b>Accused Member: Councillor Rowlands</b><br><b>Council: Vale of Glamorgan Council and Barry Town Council</b> |  | <b>PSOW Case Ref:</b><br><b>Ref 202003631 &amp; 202003545</b> |
|--|--|---|
| <b>No</b>  | <b>Description of Material</b>   | <b>Relied upon</b>  |
| 1.   | WorkPro Record 23 08 19<br>'HOME – press articles'   | Information is the same as in Appendix 1                      |
| 2.   | WorkPro Record 23 08 19<br>'HOME - Planning Committee Minutes and Report 27.09.18'   | Information is the same as in Appendices 15 and 36, H viii    |
| 3.   | WorkPro Record 23 08 19<br>'HOME – minutes of planning Committee 31.07.19'   | Information is the same as in Appendix 28 Exhibit DM14        |
| 4.   | WorkPro Record 23 08 19<br>'HOME – article re: Cllr V Driscoll'<br>Press article on similar business opening   | No  |
| 5.   | WorkPro Record 16 09 19 (202003545)<br>'BTC – Cllr Rowlands Declarations of Interests'   | No – not relevant   |
| 6.   | WorkPro Record 19 09 19<br>ENC - Minutes of Planning Committee - 270918'   | Information is the same as in Appendix 36, H viii             |
| 7.   | WorkPro Record 01 10 19<br>'HOME ENC = Licensing Update on the Watering Hole' - Email from MO with copy of Enforcement letter to S Lewis dated 28 09 19 regarding premises licence | No – not relevant   |
| 8.   | WorkPro Record 23 10 19<br>'HOME – Watering Hole Facebook comments (23.10.19)'<br>FB Posts Sept – Oct 19   | No – not relevant   |
| 9.   | WorkPro Record 10 03 20<br>'Tel Call with CR – Witness Statement'<br>Recorded interview for statement purposes   | Summarised in statement – Appendix 27                         |
| 10.  | WorkPro Record 10 03 20  | Summarised in statement – Appendix 28                         |

|     |  |  |
|-----|--|--|
|     | 'Tel Call with DM – Witness Statement'<br>Recorded interview for statement purposes  |  |
| 11. | WorkPro Record 01 05 20<br>'10a OUT – Draft Witness Statement MO (Debbie Marles)   | No – Unsigned draft  |
| 12. | WorkPro Record 04 05 20<br>'LRAplicationFormNoPersonal Data'   | Information is the same as in Appendix 16                                |
| 13. | WorkPro Record 04 05 20<br>'ENF 20190161 LPA Statement' Council's statement regarding Mr Lewis's appeal'   | No - not relevant  |
| 14. | WorkPro Record 06 05 20<br>'10a OUT – Draft Witness Statement Ceiri Rowlands'  | No - Unsigned draft  |
| 15. | WorkPro Record 11 05 20<br>'10a OUT – Victoria Robinson - Draft Witness Statement/Questions'   | No - Unsigned draft  |
| 16. | WorkPro Record 04 06 20<br>'IN – Witness Ceiri Rowlands – CR written statement amendments (003)'   | No – amendments to draft   |
| 17. | WorkPro Record 05 06 20<br>'Witness Ceiri Rowlands – Amended statement for approval'   | No – unsigned draft  |
| 18. | WorkPro Record 14 08 20<br>'HOME – MEM Telephone recording Cllr Rowlands with Louise Morland' Re arranging interview                                       | No - not relevant  |
| 19. | WorkPro Record 19 08 20<br>'HOME – MEM Telephone recording Cllr Rowlands with Louise Morland' Recorded Interview   | Transcript available in Appendix 29                                      |
| 20. | WorkPro Record 02 09 20<br>'HOME – Member Interview Transcript' Original Transcript  | Minor amendments made to interview transcript - available at Appendix 29 |
| 21. | WorkPro Record 13 10 20<br>'ENC – MEM Notification of review request received' Letter advising Cllr Rowlands of the review request                         | No - not relevant  |
| 22. | WorkPro Record 27 11 20<br>'HOME – Links to Planning Meeting and Planning Portal' Links to the meeting on 27 09 18, 31 07 19, and BTC decision on 29 05 19 | Information is the same as in the appendices.                            |

|     |  |  |
|-----|--|--|
| 23. | WorkPro Record 28 01 21<br>'Home – Interview MO'<br>Recorded interview for statement purposes                                      | Summarised in statement<br>– Appendix 37                                 |
| 24. | WorkPro Record 28 01 21<br>'IN – Acc Member – MO's email'<br>Email between Cllr R and MO regarding report leaked to press          | No – not relevant  |
| 25. | WorkPro Record 25 02 21<br>'Home – Link to MS Teams Code interview COMPL'<br>Recorded interview for statement purposes             | Summarised in statement<br>– Appendix 38                                 |
| 26. | WorkPro Record 26 02 21<br>'10a OUT – Draft Witness Statement MO (Debbie Marles)'  | No – Unsigned draft  |
| 27. | WorkPro Record 04 03 21<br>'10a OUT – Draft Witness/Compl Cllr Moore Statement'  | No – Unsigned draft  |
| 28. | WorkPro Record 04 03 21<br>'OUT – Witness/Compl Cllr Moore – Exhibits NM01-NM06'   | Duplicated in Appendix 36  |
| 29. | WorkPro Record 04 03 21<br>'IN – COMPL – Statement Incorrect'<br>Email from Cllr Moore   | No   |
| 30. | WorkPro Record 16 03 21<br>'IN – COMPL – Revised witness statement'<br>Email from Cllr Moore explaining revised statement          | No   |
| 31. | WorkPro Record 19 03 21<br>OUT – COMPL – Response to revised statement'<br>PSOW response to Cllr Moore regarding revised statement | No   |
| 32. | WorkPro Record 02 08 20<br>HOME – Link to Interview Case 202003631 Cllr Rowlands'<br>Recorded Interview                            | Transcript available in Appendix 39                                      |
| 33. | WorkPro Record 16 08 20<br>'Interview case 202003631 Cllr Leighton Rowlands 28.07/2021'<br>Original transcript                     | Minor amendments made to interview transcript - available at Appendix 39 |

## Schedule of Sensitive Unused Material held by PSOW

| <b>Code of Conduct Investigation</b><br><b>Accused Member: Councillor Rowlands</b><br><b>Council: Vale of Glamorgan Council and Barry Town Council</b> |   | <b>PSOW Case Ref:</b><br><b>Ref: 202003631 &amp; 202003545</b>  |
|--|---|---|
| No   | Description of Material   | Sensitive   |
| 1.   | WorkPro Record 19 09 19<br>ENC – First Planning Enforcement complt  | Yes - Contains personal information re complainants   |
| 2.   | WorkPro Record 19 09 19<br>'ENC - Combined Planning and enforcement file (1)'<br>Documentation relating to the Planning application | Yes - Contains personal information re complainants – relevant information extracted and included in appendices |
| 3.   | WorkPro Record 19 09 19<br>'ENC - Combined Planning and enforcement file (2)'<br>Documentation relating to the Planning application | Yes - Contains personal information re complainants – relevant information extracted and included in appendices |
| 4.   | WorkPro Record 19 09 19<br>'ENC Licensing File (1)'<br>Documentation relating to the Licensing application                          | Yes - Contains personal information re complainants – relevant information extracted and included in appendices |
| 5.   | WorkPro Record 19 09 19<br>'ENC - Licensing File (2)'<br>Documentation relating to the Licensing application                        | Yes - Contains personal information re complainants – relevant information extracted and included in appendices |
| 6.   | WorkPro Record 03 12 19<br>'IN – Member - providing contact details for ex business partner'  | Yes – contains personal telephone number  |
| 7.   | WorkPro Record 15 09 20<br>'IN – Acc Member – Financial Details (Redacted)'<br>Bank statements                                      | Yes - contains Acc Member's personal financial information  |

## **Witness Contact Details – 202003631 & 202003545**

### **Witnesses listed in order they appear in Report Appendices**

- 1. Ms Victoria Robinson - Operational Manager for Planning**  
Vale of Glamorgan Council  
01446 704661  
[vlrobinson@valeofglamorgan.gov.uk.](mailto:vlrobinson@valeofglamorgan.gov.uk)
- 2. Mr Ceiri Rowlands - Senior Planning Officer, Planning and Regeneration,**  
Vale of Glamorgan Council  
01446 704654  
[cerowlands@valeofglamorgan.gov.uk](mailto:cerowlands@valeofglamorgan.gov.uk)
- 3. Ms Debbie Marles – Monitoring Officer**  
Vale of Glamorgan Council  
01446 709402  
[DMarles@valeofglamorgan.gov.uk](mailto:DMarles@valeofglamorgan.gov.uk)
- 4. Cllr Neil Morre – Leader of the Council**  
Vale of Glamorgan Council  
01446 709469  
[NMoore@valeofglamorgan.gov.uk](mailto:NMoore@valeofglamorgan.gov.uk)

## **PROCEDURE FOR DEALING WITH ALLEGATIONS MADE AGAINST COUNCILLORS AND REFERRED TO THE STANDARDS COMMITTEE**

### **1. INTRODUCTION**

This document sets out the procedure that the Council's Standards Committee will follow where it is required to make decisions about the conduct of Councillors following investigations by the Public Services Ombudsman for Wales or the Council's Monitoring Officer under Part III of the Local Government Act 2000 and related regulations. If there is any conflict between this document and any statutory requirements then those statutory requirements will prevail.

### **2. INTERPRETATION**

In this procedure:

- 2.1 the "Act" means the Local Government Act 2000;
- 2.2 the "Council" means Vale of Glamorgan Council;
- 2.3 the "Code of Conduct" means the code of conduct for members adopted by the Council or the community councils within the Council's area in 2008 in accordance with section 51 of the Act, including any revisions;
- 2.4 the "Complainant" means any person who made any allegation which gave rise to the investigation;
- 2.5 the "Investigating Officer" means the person who conducted an investigation into any alleged breach of the Code of Conduct and produced the investigation report, being either the Ombudsman (or a person acting on his or her behalf) or the Monitoring Officer;
- 2.6 an "investigation report" means a report on the outcome of an investigation into any alleged breach of the Code of Conduct produced either by the Ombudsman under s71(2) of the Act or by the Monitoring Officer under the Regulations;
- 2.7 the "Member" means any person who is the subject of an investigation into any alleged breach of the Code of Conduct;
- 2.8 the "Monitoring Officer" means the officer for the time being appointed by the Council under section 5 of the Local Government and Housing Act 1989;
- 2.9 the "Ombudsman" means the Public Services Ombudsman for Wales;
- 2.10 the "Regulations" means the Local Government Investigations (Functions of Monitoring Officers and Standards Committees) (Wales) Regulations 2001 as amended;

2.11 the “Standards Officer” means the officer for the time being appointed by the Council to support the work of the Standards Committee.

3. **SUMMARY OF THE PROCEDURE**

- 3.1 Under section 69 of the Act, the Ombudsman may investigate any alleged breach of the Code of Conduct by Members or Co-Opted Members (or former Members or co-opted Members) of the Council or a community council in the Council’s area.
- 3.2 Under section 70(4) of the Act, where the Ombudsman ceases such an investigation before it is completed, he/she may refer the matters which are the subject of the investigation to the Monitoring Officer. The Monitoring Officer will then investigate matters in accordance with the Regulations before reporting and, if appropriate, making recommendations to the Standards Committee.
- 3.3 Alternatively, under section 71(2) of the Act, where the Ombudsman decides after investigating that it is appropriate, he/she will produce a report on the outcome of the investigation and send it to the Monitoring Officer and the Council’s Standards Committee. The Monitoring Officer will then consider the report of the Ombudsman in accordance with the Regulations, before, if appropriate, making recommendations to the Standards Committee.
- 3.4 The Standards Committee will then make an initial determination either:
  - 3.4.1 that there is no evidence of any failure to comply with the Code of Conduct; or
  - 3.4.2 that the Member should be given the opportunity to make representations, either orally or in writing.
- 3.5 Where the Member is given an opportunity to make representations, the Standards Committee will convene a hearing to consider any response made by the Member and it must determine under regulation 9(1) of the Regulations either that:
  - 3.5.1 there is no evidence of any failure to comply with the Code of Conduct and that therefore no action needs to be taken;
  - 3.5.2 the Member has failed to comply with the Code of Conduct but that no action needs to be taken in respect of that failure;
  - 3.5.3 the Member has failed to comply with the Code of Conduct and should be censured; or
  - 3.5.4 the Member has failed to comply with the Code of Conduct and should be suspended or partially suspended from

being a member or co-opted Member of his/her authority for a period not exceeding six months

and take any such action accordingly.

4. **INVESTIGATIONS BY THE MONITORING OFFICER (REFERRALS UNDER SECTION 70(4) OF THE ACT)**

- 4.1 Where the Ombudsman ceases his/her investigation before it is completed and refers the matters which are the subject of the investigation to the Monitoring Officer under section 70(4) of the Act, the Monitoring Officer must:
  - 4.1.1 conduct and investigation; and
  - 4.1.2 report, and if appropriate, make recommendations to the Council's Standards Committee.
- 4.2 The Monitoring Officer will investigate in accordance with the Regulations and may follow such procedures as he or she considers appropriate in the circumstances of the case.
- 4.3 After concluding an investigation, the Monitoring Officer must:
  - 4.3.1 produce a report on the findings of his or her investigation and, if appropriate, may make recommendations to the Standards Committee;
  - 4.3.2 send a copy of the report to the Member; and
  - 4.3.3 take reasonable steps to send a copy of the report to the Complainant.
- 4.4 The Standards Committee will consider the Monitoring Officer's report and any recommendations in accordance with the procedure set out below.

5. **INVESTIGATIONS BY THE OMBUDSMAN (REFERRALS UNDER SECTION 71(2) OF THE ACT)**

- 5.1 Where the Ombudsman completes his or her investigation and sends a report to the Monitoring Officer and the Council's Standards Committee under section 71(2) of the Act, the Monitoring Officer must consider the Ombudsman's report and, if appropriate, make recommendations to the Council's Standards Committee.
- 5.2 The Standards Committee will consider the Ombudsman's report together with any recommendations made by the Monitoring Officer in accordance with the procedure set out below.

## **6. THE FIRST MEETING OF THE STANDARDS COMMITTEE - INITIAL DETERMINATION**

6.1 After the Monitoring Officer has:

- 6.1.1 produced an investigation report in accordance with paragraph 4.3; or
- 6.1.2 considered the Ombudsman's investigation report in accordance with paragraph 5.1

he/she will arrange for a meeting of the Standards Committee to be convened as soon as possible and for a copy of the investigation report, together with the Monitoring Officer's recommendations (if any), to be sent to each of the members of the Standards Committee.

6.2 Notice of the time and place of the meeting will be given in accordance with Part VA of the Local Government Act 1972 as amended by the Standards Committees (Wales) Regulations 2001.

6.3 If the investigation report is produced by the Ombudsman, the Monitoring Officer will advise the Standards Committee. If the investigation report is produced by the Monitoring Officer, the Standards Officer or some other suitably qualified person will advise the Standards Committee.

6.4 The business of the Standards Committee meeting will be limited to considering the investigation report and the Monitoring Officer's recommendations (if any) and to making an initial determination either:

- 6.4.1 that there is no evidence of any failure to comply with the Code of Conduct; or
- 6.4.2 that the Member should be given the opportunity to make representations,

either orally or in writing in respect of the findings of the investigation and any allegation that he or she has failed, or may have failed, to comply with the Code of Conduct.

## **7. AFTER THE FIRST MEETING OF THE STANDARDS COMMITTEE**

7.1 Where the Standards Committee decides that there is no evidence of any failure to comply with the Code of Conduct, the Standards Officer will accordingly notify the Member, the Complainant and the Ombudsman.

7.2 Where the Standards Committee decides that the Member should be given the opportunity to make representations, the Standards Officer will notify the Member of the Committee's decision and the

procedure which the Committee proposes to adopt to receive and consider any representations that he or she may wish to make.

8. **PREPARING FOR THE HEARING TO CONSIDER THE MEMBER'S REPRESENTATIONS**

- 8.1 The Standards Officer, in consultation with the Chair of the Standards Committee, will write to the Member to propose a date for a hearing to consider any representations that the Member may wish to make and to ask the Member to respond in writing within 14 days to confirm whether he/she:
  - 8.1.1 is able to attend the hearing;
  - 8.1.2 wants to make representations, whether orally or in writing and if so, to include any written representations in his or her response;
  - 8.1.3 disagrees with any of the findings of fact in the investigation report, and if so, which matters he or she disagrees with and the reasons for any disagreements;
  - 8.1.4 wants to appear before the Committee in person or be represented at the hearing by a solicitor, barrister or any other person, in accordance with his/her right under the Regulations;
  - 8.1.5 wants to give evidence to the Standards Committee, either orally or in writing;
  - 8.1.6 wants to call relevant witnesses to give evidence to the Standards Committee;
  - 8.1.7 wants any part of the meeting to be held in private;
  - 8.1.8 wants any part of the investigation report or other relevant documents to be withheld from the public
- 8.2 The Standards Officer will notify the Investigating Officer of the proposed hearing date and ask whether he or she will be attending the hearing.
- 8.3 The Standards Officer will send a copy of the Member's response under paragraph 8.1 to the Investigating Officer and will ask him/her to confirm in writing within seven days whether he/she:
  - 8.3.1 has any comments on the Member's response;
  - 8.3.2 wants to be represented at the hearing;
  - 8.3.3 wants to call relevant witnesses to give evidence to the Standards Committee;

- 8.3.4 wants any part of the meeting to be held in private; and
  - 8.3.5 wants any part of the investigation report or other relevant documents to be withheld from the public.
- 8.4 The Standards Officer will write to the members of the Committee, the Member and the Investigating Officer at least two weeks before the hearing to:
  - 8.4.1 confirm the date, time and place for the hearing;
  - 8.4.2 summarise the allegation;
  - 8.4.3 outline the main facts of the case that are agreed;
  - 8.4.4 outline the main facts which are not agreed;
  - 8.4.5 note whether the Member or the Investigating Officer will attend or be represented at the hearing;
  - 8.4.6 list those witnesses, if any, who will be asked to give evidence;
  - 8.4.7 enclose the investigation report, any relevant documents, the Member's response and any further response from the Investigating Officer; and
  - 8.4.8 outline the proposed procedure for the meeting.

## 9. **POWERS OF THE STANDARDS COMMITTEE**

- 9.1 The Standards Committee may, in accordance with the requirements of natural justice, conduct the meeting in the manner it considers most suitable to the clarification of the issues before it and generally to the just handling of the proceedings. It must so far as appears to it appropriate seek to avoid formality and inflexibility in its proceedings. The Standards Committee will decide factual evidence on the balance of probabilities.
- 9.2 The Member or the Investigating Officer may be represented or accompanied whether or not legally qualified but if in any particular case the Standards Committee is satisfied that there is a good reason, it may refuse to permit a particular person to assist or represent a party at the hearing.
- 9.3 The Standards Committee may take legal advice from a Council officer appointed for this purpose at any time during the meeting or while they are considering the outcome. The substance of any legal advice given to the Committee will be shared with the Member and the Investigating Officer if they are present.

9.4 Where appropriate, and in accordance with the Regulations, the Standards Committee has power to censure the Member, or suspend or partially suspend the Member for a period not exceeding six months.

## **10. PROCEDURE AT THE HEARING**

- 10.1 The hearing will be held in public unless the Standards Committee is persuaded that there is a good reason to exclude the public.
- 10.2 The Chairman and Vice-Chairman of the Standards Committee will determine whether a hearing and associated documentation pursuant to the Procedure for Dealing with Allegations Made Against Councillors and Referred to the Standards Committee ("The Procedure") are to be considered under Part I or Part II of an Agenda having regard to the circumstances of the matter, the Procedure and the provisions of Section 100A(4) of the Local Government Act 1972 [Standards Committee: 23<sup>rd</sup> November 2015, Minute No. 599(6)].
- 10.3 The procedure at the meeting shall be as set out below, subject to the Chair making such changes as he or she thinks fit in order to ensure a fair and efficient hearing.

### **10.4 Introduction**

The Chair of the Standards Committee will introduce those persons present and will explain the manner and order of proceedings

### **10.5 First Stage - Preliminary Procedural Issues**

The Standards Committee will then resolve any issues or disagreements about how the hearing should continue, which have not been resolved during the prehearing process.

### **10.6 Second Stage - Making Findings of Fact**

The Standards Committee will then consider whether or not there are any significant disagreements about the facts contained in the investigation report.

10.6.1 If there is a disagreement as to the facts:

- (a) the Investigating Officer, if present, will be invited to make any necessary representations to support the relevant findings of fact in the investigation report;
- (b) the Investigating Officer may call any necessary supporting witnesses to give evidence, with the Standards Committee's permission and the Committee shall give the Member an opportunity to challenge any

evidence put forward by any witness called by the Investigating Officer;

- (c) the Member will then be invited to make representations to support his or her version of the facts;
- (d) the Member may call any necessary witnesses to give evidence, with the Standards Committee's permission and the Committee shall give the Investigating Officer an opportunity to challenge any evidence put forward by any witness called by the Member.

10.6.2 At any time, the Standards Committee may question any of the people involved or any of the witnesses.

10.6.3 If the Member disagrees with any relevant fact in the investigation report, without having given prior notice of the disagreement, he or she must give good reasons for not mentioning it before the hearing. If the Investigating Officer is not present, the Standards Committee will consider whether or not it would be in the public interest to continue in his or her absence. After considering the Member's explanation for not raising the issue at an earlier stage, the Committee may then:

- (a) continue with the hearing, relying on the information in the investigation report;
- (b) allow the Member to make representations about the issue, and invite the Investigating Officer to respond and call any witnesses, as necessary; or
- (c) postpone the hearing to arrange for appropriate witnesses to be present, or for the Investigating Officer to be present if he or she is not already.

10.6.4 At the conclusion of the representations as to matters of fact, the Standards Committee will retire to deliberate in private on the representations, after which the Chair of the Standards Committee will announce their findings of fact.

10.7 **Third Stage - Deciding whether the Member has failed to comply with the Code**

10.7.1 The Standards Committee will then consider whether, based on the facts it has found, the Member has failed to comply with the Code.

10.7.2 The Standards Committee will invite the Investigating Officer to make representations as to whether or not, based

on the facts the Committee has found, the Member has failed to comply with the Code of Conduct.

- 10.7.3 The Standards Committee will invite the Member to respond to the representations of the Investigating Officer and to make representations as to whether or not, based on the facts the Committee has found, he or she has failed to comply with the Code of Conduct.
- 10.7.4 The Standards Committee may, at any time, question anyone involved on any point they raise in their representations.
- 10.7.5 The Member will be invited to make any final relevant points.
- 10.7.6 The Standards Committee will retire to deliberate in private on the representations and decide whether or not the Member has failed to comply with the Code of Conduct, after which the Chair of the Standards Committee will announce their findings.

#### **10.8 Fourth Stage - Action to be Taken**

- 10.8.1 If the Standards Committee decides that the Member has not failed to comply with the Code of Conduct, it will formerly record that there is no evidence of any failure by the Member to comply with the Code of Conduct and that therefore no action needs to be taken.
- 10.8.2 If the Standards Committee decides that the Member has failed to comply with the Code of Conduct it will invite the Member and the Investigating Officer to make representations as to:
  - (a) whether or not the Committee should apply a sanction; and
  - (b) what form any sanction should take.
- 10.8.3 The Standards Committee will retire to deliberate in private on the representations and decide either that:
  - (a) no action needs to be taken in respect of the failure to comply with the Code of Conduct;
  - (b) the Member should be censured; or
  - (c) the Member should be suspended or partially suspended from being a member or Co-Opted Member of his or her authority for a period not exceeding six months,

after which the Chair of the Standards Committee will announce their decision.

- 10.8.4 After making a decision the Standards Committee will instruct the Standards Officer to confirm the decision and the reasons for the decision in writing and to send a copy of the written decision (including details of the Member's right of appeal) to the Member, the Complainant and the Ombudsman as soon as reasonably practicable.

## **11. FAILURE TO MAKE REPRESENTATIONS / ATTEND THE HEARING**

- 11.1 If the Member fails to make representations, the Standards Committee may:
  - 11.1.1 unless it is satisfied that there is sufficient reason for such failure, consider the investigation report and make a determination in the Member's absence; or
  - 11.1.2 give the Member a further opportunity to make representations.
- 11.2 If a party fails to be present or represented at a hearing, the Standards Committee may, if it is satisfied that the party was duly notified of the hearing and that there is no good reason for such absence:
  - 11.2.1 hear and decide the matter in the party's absence; or
  - 11.2.2 adjourn the hearing.

## **12. ILLNESS OR INCAPACITY**

If the Standards Committee is satisfied that any party is unable, through physical or mental sickness or impairment, to attend the hearing and that the party's inability is likely to continue for a long time, the Standards Committee may make such arrangements as may appear best suited, in all the circumstances of the case, for disposing fairly of the matter.

## **13. SUSPENSION**

A period of suspension or partial suspension will commence on the day after:

- 13.1 the expiry of the time allowed to lodge a notice of appeal to an appeals tribunal under the Regulations (ie within 21 days of receiving notification of the Standards Committee's determination);
- 13.2 receipt of notification of the conclusion of any appeal in accordance with the Regulations;

- 13.3 a further determination by the Standards Committee made after receiving a recommendation from an appeals tribunal under the Regulations,

whichever occurs last.

#### **14. REFERRAL BY AN APPEALS TRIBUNAL**

- 14.1 Where the Standards Committee determines that the Member has failed to comply with the Code of Conduct, the Member may appeal against the determination to an appeals tribunal drawn from the Adjudication Panel for Wales.
- 14.2 An appeals tribunal may endorse the decision of the Standards Committee, refer a matter back to it recommending it impose a different penalty, or overturn the decision.
- 14.3 If:
  - 14.3.1 the Standards Committee determines that the Member failed to comply with the Code of Conduct;
  - 14.3.2 the Member appeals to an appeals tribunal drawn from the Adjudication Panel for Wales; and
  - 14.3.3 the said tribunal refers the matter back to the Standards Committee with a recommendation that a different penalty be imposed,

the Standards Committee shall meet as soon as reasonably practicable to consider the recommendation of the appeals tribunal and will determine whether or not it should uphold its original determination or accept the recommendation.

- 14.4 After making its determination the Standards Committee will instruct the Standards Officer to confirm the decision and the reasons for the decision in writing and to send a copy of the written decision to the Member, the Complainant, the Ombudsman and the president of the Adjudication Panel for Wales as soon as reasonably practicable.

#### **15. PUBLICATION OF THE STANDARDS COMMITTEE'S REPORT**

- 15.1 The Standards Committee will cause to be produced within 14 days after:
  - 15.1.1 the expiry of the time allowed to lodge a notice of appeal under the Regulations, or
  - 15.1.2 receipt of notification of the conclusion of any appeal in accordance with the Regulations, or

- 15.1.3 a further determination by the Standards Committee made after receiving a recommendation from an appeals tribunal under the Regulations,

whichever occurs last, a report on the outcome of the investigation and send a copy to the Ombudsman, the Monitoring Officer, the Member and take reasonable steps to send a copy to the Complainant.
- 15.2 Upon receipt of the report of the Standards Committee, the Monitoring Officer shall:
  - 15.2.1 for a period of 21 days publish the report on the Council's website and make copies available for inspection by the public without charge at all reasonable hours at one or more of the Council's offices, where any person shall be entitled to take copies of, or extracts from, the report when made so available;
  - 15.2.2 supply a copy of the report to any person on request if he or she pays such charge as the Council may reasonably require, and
  - 15.2.3 not later than seven days after the report is received from the Standards Committee, give public notice, by advertisement in newspapers circulating in the area and such other ways as appear to him or her to be appropriate, that copies of the report will be available as provided by paragraphs 15.2.1 and 15.2.2 above, and shall specify the date (being a date not more than seven days after public notice is first given) from which the period of 21 days will begin.

## 16. **COSTS**

The Standards Committee has no power to make an award of any costs or expenses arising from any of its proceedings.