

RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL

MUNICIPAL YEAR 2015-2016

STANDARDS COMMITTEE
28TH APRIL 2016

	AGENDA ITEM NO.3(a)
APPLICATION FOR DISPENSATION - COUNTY BOROUGH COUNCILLOR P. WASLEY	

REPORT OF THE MONITORING OFFICER

Author : Mr. P. J. Lucas (Tel: 01443 424105)

1. PURPOSE OF REPORT

- 1.1 To enable the Committee to decide whether or not to grant a dispensation to County Borough Councillor Paul Wasley. The requested dispensation would enable him to make representations (both orally and in writing) in relation to business in which he has previously declared a personal and prejudicial interest namely planning matters relating to the development of land adjacent to The Meadows, Tonyrefail.

2. RECOMMENDATION

- 2.1 To decide whether or not to grant a dispensation to County Borough Councillor Paul Wasley. The requested dispensation would enable him to make representations (both orally and in writing) in relation to business in which he has previously declared a personal and prejudicial interest namely planning matters relating to the development of land adjacent to The Meadows, Tonyrefail (Applicant – Lewis Homes).

3. BACKGROUND

- 3.1 Paragraph 14 of the Members' Code of Conduct sets out the procedures to be followed regarding participation in meetings when a Member has declared a personal and prejudicial interest.
- 3.2 Paragraph 14(1)(d) and 14(1)(e) of the Code stipulates that where a Member has a prejudicial interest in any business of their authority they must not seek to make written or oral representations in relation to that business.
- 3.3 However the participation by a Member in any business which is prohibited by Paragraph 14 is not a failure to comply with the Code if the Member has acted in accordance with a dispensation from the prohibition granted by the Standards Committee in accordance with regulations.

- 3.4 The relevant regulations are the Standards Committee (Grant of Dispensations) (Wales) Regulations 2001 (the 'Regulations'). The Regulations set out the circumstances in which dispensations may be granted.
- 3.5 County Borough Councillor Paul Wasley has previously declared a personal and prejudicial interest in relation to business considered at Development Control Committees concerning the development of land adjacent to The Meadows, Tonyrefail (Applicant – Lewis Homes) (the 'Development'). His prejudicial interest was declared on the basis that he owns a property, built as part of phase 1 of the Development, and which was bought from the applicant in 2006.
- 3.6 As part of his application Councillor Wasley has submitted a letter dated 24th March 2016 addressed to the Committee which is attached at Appendix 1 to this report for your consideration.
- 3.7 Prior to submission of his application I advised Councillor Wasley that in light of his declared prejudicial interest, and email correspondence I had sight of, he should not seek to influence a decision about that business to which his interest relates nor make any written representations (whether by letter, facsimile or some other form of communication) in relation to that business unless he has obtained a dispensation from the Standards Committee which enables him to do so. In his email correspondence Councillor Wasley requested a meeting with a Planning officer to agree a construction procedure and raised queries in respect of the satisfaction of conditions as well as requesting two applications at the Development be called in.
- 3.8 I also acknowledged to Councillor Wasley that whilst I understood this would restrict his ability to represent his constituents (whom he had indicated have raised concerns with him about the Development) he could in advance of an application for dispensation being considered by the Committee make arrangements for another elected Member to act and make representations on his constituents behalf. I understand Councillor Wasley has now arranged for a Member to do so.
- 3.9 In his application Councillor Wasley considers that to exclude his ability to participate in any matters arising from business concerning the Development disadvantages the community and the Council.
- 3.10 Councillor Wasley wishes to seek a dispensation which would enable him to make representations (both orally and in writing) in relation to business in which he has previously declared a personal and prejudicial interest namely planning matters relating to the Development.
- 3.11 The grounds stipulated within the Regulations and upon which Councillor Wasley believes that a dispensation should be granted are as follows:-
- "my participation would not damage public confidence"
 - "the interest is common to me and a significant proportion of the general public"; and
 - "the participation of the Member in the business to which the interest relates is justified by the Member's particular role or expertise."

- 3.12 For the avoidance of doubt Cllr Wasley is not seeking to be able to vote on the above mentioned matters, which may be considered by the Development Control Committee in the future, and for which he now seeks a dispensation from the Committee.
- 3.13 It is now for the Committee to decide whether or not to grant a dispensation to County Borough Councillor Paul Wasley with regards to the details of his application.

RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL

LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985

LIST OF BACKGROUND PAPERS

STANDARDS COMMITTEE

28th APRIL 2016

BACKGROUND PAPERS

APPLICATION FOR DISPENSATION COUNTY BOROUGH COUNCILLOR P.WASLEY	Officer to contact: Mr.P.J.Lucas Tel: 01443 424105
--	---

Freestanding Matter

**Linsdale.
Gwern Heulog.
Coedely.
RCT. CF398BJ**

24/3/2016.

Application seeking Dispensation to undertake my
Full duties as County Borough Councillor RCT at
Tonyrefail East Ward during construction of Highfields.

FTAO. The Standards Committee RCTCBC.

Dear Ladies and Gentlemen of The Standards Committee,

I have been instructed by The Monitoring Officer to apply for this Special Dispensation, by him taking a cautious stance on Para 14 of The Code of Conduct. Since being elected in 2012, I have been extremely cautious to observe the demands placed on me, by The Code of Conduct and associated Protocols of The RCTCBC Constitution. At every point my Interest/s have been declared. Under these circumstances, no criticism can be levelled at our Authority in that area, for me placing a second pair of eyes, where we evidence to have run staff down and will have very very little input on monitoring this development. All in the public interest.

All planning applications have now been determined by RCT Planning Committee, of which I was a component part, for this portion of land.

At all instances, I declared a Personal and Prejudicial Interest, as I bought a property from the Developer in 2006.[Phase 1].

Substantial monies changed hands, so someone could have garnered, that I may favour/dis-advantage The Developer.

The basis of my declaration, was to uphold the reputation of this Authority, the planning system and of course myself and family.

I ask you to consider that my ability to represent my Community is seriously eroded by my exclusion not to be able to act in the matters of Highfield.

This is an extremely difficult development, emplaced high above the valley floor, with a very small access point, evidenced within our own Highways and Transportation Consultation, as having poor, non-conforming visibility at that point.

There is also a serious issue regarding the presence of Coal Mines and old workings to address. I am bitterly disappointed that even though The Coal Authority should have been a Statutory Consultee, as this land is registered as a High Risk Development Area, they were excluded a decision I find somewhat confusing.

The Developer has chosen not to use our RCT Development Control Inspectors, favouring a 3rd Party Inspector, therefore I, as Local Member, am well placed to inform RCT Planning/Development Control of any issues which may arise.

This is why I requested The Conditions emplaced by RCT Planning, and the agreed sequence of Development which should include an access route via The Village of Coedely, hopefully avoiding Tonyrefail, as Elizabeth Street and Penygarreg Rd, is heavily used due to Cwmlai Primary/Nursery and Pre-Nursery School activity.

At every opportunity RCT Planning has chosen not to include me in the discussions around these issues.

Public Records including Ombudsmans Report No: 200901839, clearly evidence this developer has scant respect for adhering to Planning Conditions, the report to which I refer states in part:-

....." that it was less than satisfactory for the Council[RCTCBC] to impose conditions, and then fail to monitor and pursue compliance with their terms when they were breached".....and again by concluding....." However I hope that The Council takes notice of my comments and re-considers its practice of not monitoring/enforcing pre-commencement or time framed conditions".

On reading the list of circumstances a dispensation could/would be issued I would ask Committee to please look at:

(d) & (e) & (f) and issue a Special Dispensation to me to enable me to represent my Community, and The Council to my fullest extent, as I do in all other issues as the Elected Member to Tonyrefail East Ward.

I would add in conclusion, Tonyrefail East has two Councillors, the other Cllr has a Personal and Prejudicial Interest, which renders him unable to undertake any issues which may arise with this Developer or myself.

I would be pleased to appear at Committee, to make my case personally.

Yours Sincerely.



RCT County Borough Councillor Tonyrefail East Ward.

(encs)

To/At: Phil Bristow – Development Control
(Planning), 2nd Floor, Sardis House

My Ref/Fy Nghyf: 15/1460/AR &
S6/EST/428
Tel. Ext/Est. Ffôn: 4885

Your Ref/Eich Cyf: 15/1460/16

From/Odd Wrth: Alan Rees - Highways Development
Control & Adoptions, 5th Floor,
Sardis House

Date/Dyddiad: 2nd December 2015

**OBSERVATIONS OF THE HIGHWAYS AND TRANSPORTATION SECTION IN
RESPECT OF DEVELOPMENT AFFECTING PRESENT OR PROPOSED
HIGHWAYS**

1. APPLICANT

Lewis Homes, c/o Mr Mathew Gray (Agent), Asbri Planning Ltd., Unit 9, Oak Tree Court, Cardiff Gate Business Park, Cardiff, CF23 8RS.

2. DESCRIPTION AND LOCATION OF PROPOSED DEVELOPMENT

Reserved matters for 74 no. dwellings, highways infrastructure and associated works at:-

LAND ADJACENT TO THE MEADOWS, COEDEL, TONYREFAIL, PORTH,
CF39 8BS

3. APPLICATION DETAILS

- i. Reserved matters permission is sought for this proposed residential development.
- ii. Outline approval under application 11/0996 was granted on 23/03/13 in respect of the whole site.
- iii. Full application 11/1001 was granted on 23/03/13 in respect of the construction of 54 dwellings and associated works to the north eastern half of the site.
- iv. The 74 dwellings subject of this application 15/1460 covers the remaining part of the development site.
- v. This site has been allocated up to 150 dwellings in the adopted Local Development Plan.
- vi. The residential units consist of thirty 2-bed, thirty-one 3-bed and thirteen 4 bed dwellings.

4. HIGHWAY ASSESSMENT

i. Access Leading To The Site

The visibility at the junction of Gwern Heulog with Tylcha Fach is substandard however application 11/1001 conditioned improvements to be undertaken to the junction prior to beneficial occupation of any dwellings.

This page intentionally blank