

# Appendix

## 32K



CYNGOR SIR  
YNYS MÔN  
ISLE OF ANGLESEY  
COUNTY COUNCIL

Cllr. E. Schofield  
Olgra  
Marianglas  
Ynys Môn  
LL73 8PL

ADRAN RHEOLWR CYFARWYDDWR \*  
DEPARTMENT OF THE MANAGING DIRECTOR

Lynn Ball LL.B. (Hons), Solicitor  
Cyfarwyddwr Gwasanaethau Cyfreithiol  
a Swyddog Monitro \*  
Director of Legal Services and Monitoring Officer  
CYNGOR SIR YNYS MÔN \*  
ISLE OF ANGLESEY COUNTY COUNCIL.  
Swyddfa'r Sir \* Council Offices  
LLANGFNI  
Ynys Môn \* Anglesey  
LL77 7TW

DX: 701771 - LLANGFNI

Gofynnwch am \* Ask For: Siôn Caffell  
☎ 01248 752116 ☎ (01248) 752132  
E-bost \* E-mail: scx1h@anglesey.gov.uk  
Ein Cyf. \* Our Ref R/592  
Eich Cyf. \* Your Ref

1<sup>st</sup> November 2007

Dear Cllr. Schofield,

Freedom of Information Act (FOIA) request and Data Protection Act (DPA) Subject Access Request.

I am responding to your letter dated 8<sup>th</sup> October 2007 in which you requested information relating to an auction held on 19 July 2007 at which the Council purchased a property known as Craigwen.

The relevant material held by the Council concerning the auction is as follows:

A) Prior to the auction

1. Undated hand written file note concerning date of auction.
2. Fax from Morgan Evans dated 20 May 2007 to Gwilym enclosing details of Craigwen.
3. Sketch plan by Highways dated 30 May 2007 showing the frontage on to the road needed to provide access to the Council's land.
4. Letter to Melfyn Williams dated 31 May 2007 from Mike Barton, headed: *Re: Land adjacent to Maes Mona, Amlwch*, which included a plan showing the boundary between the Council's land and Craigwen.
5. Memo from David Ellis to Arthur Owen dated 8 June 2007 headed: *RE: Land adjacent to Maes Mona, Amlwch*, enclosing an undated file note addressed to Dave headed: *Re: Craigwen/Maes Mona land Amlwch*.
6. Memo from Gwilym Williams to Corporate Director Environment and Technical Services dated 29 June 2007 headed: *RE: Land adjacent to Maes Mona, Amlwch and Craigwen, Bull Bay Road, Amlwch*.
7. Notice of meeting of the Executive (Extraordinary) 16 July 2007
  - i) Notice of meeting,
  - ii) Agenda,
  - iii) Report (Enclosure A). Submitted with the report were:
  - iv) details of Craigwen prepared by The Property People,
  - v) a copy of the memorandum noted at A6 above, and,
  - vi) a copy of a plan showing boundaries of Craigwen and the land owned by the Council.
8. Notice of the Decisions of the Meeting of the Executive held on 16 July 2007
9. Minutes of the Executive held on 16 July 2007

B) On the day of the auction

1. Email exchanges between Einir Thomas and Lynn Ball dated 19 July 2007 headed: *Re: Proposed Property acquisition in Amlwch Auction 19<sup>th</sup> July 2007.*
2. Copy of Payment Voucher.
3. Note dated 12/9/2007 by Gwilym E. Williams

C) Since the auction up to the date of your request

1. Memo from M Barton to Managing Director dated 25 July 2007 headed: *RE: Craigwen and land adjacent (Formerly known as Caeau Ceinion) Bull Bay Road, Amlwch.*
2. Undated file note by Gwilym Williams headed: *Time Table for Purchase of Craigwen, Bull Bay Road, Amlwch.*
3. Undated file note by Gwilym Williams headed: *Additional information on purchase of Craigwen, Amlwch.*
4. Email exchanges between Robyn Jones and June Williams dated 10 August 2007 headed: *Re: Materion a Godwyd gan Cyng Schofield – 8.8.07* (The enclosure referred to by Robyn is item B1 above).
5. Email from Gwilym Williams to Mike Barton dated 14 August 2007 headed: *Purchase of Craigwen, Bull Bay Road, Amlwch.*
6. Memo from M Barton to Wyn Rhys Jones dated 15 August 2007 headed: *RE: Land adjacent to Maes Mona, Amlwch – Craigwen, Bull Bay Road, Amlwch.* (The attached plan was item A3 above).
7. Notice of meeting The Executive 10 September 2007, Agenda, Enclosure B.
8. Relevant part of the minutes of the Executive 10 September 2007.
9. Email from Gethin Jones to Sion Tecwyn dated 12 September 2007 headed: *Sylw Ocsiwn.*
10. Shorthand note 1, 12/9/07, by Gethin Jones of a telephone conversation with Sion Tecwyn.
11. Shorthand note 2, 12/9/07, by Gethin Jones of a telephone conversation with Sion Tecwyn.
12. Email from Sion Tecwyn to Gethin Jones dated 12 September 2007 headed: *Craig Wen Amlwch.*
13. Email from Gethin Jones to Lynn Ball dated 12 September 2007 headed: *Fwd: Craig Wen Amlwch.*
14. File note on enquiries by Sion Tecwyn.
15. Email from Gethin Jones to Sion Tecwyn dated 12 September 2007 headed: *Re: Craig Wen Amlwch.*
16. Shorthand note 3, 21/9/07, by Gethin Jones of a telephone conversation with Sion Tecwyn.
17. Shorthand note 4, 21/9/07, by Gethin Jones of a telephone conversation with Sion Tecwyn.
18. Shorthand note 5, 24/9/07, by Gethin Jones of a telephone conversation with Elgan Hearn.
19. Email from Gethin Jones to Elgan Hearn dated 24 September 2007 headed *Craigwen.*
20. Shorthand note 6, 25/9/07, by Gethin Jones of a telephone conversation with

Elgan Hearn.

21. Email from Gethin Jones to Elgan Hearn dated 1 October 2007 headed: *Arwerthiant ty.*
22. Enclosure NG submitted to the County Council held on 18 September 2007.
23. Minutes of the County Council held on 18 September 2007.
24. File note by Derek Jones concerning a meeting with Cllrs Phil Fowlie and Elwyn Schofield on 24 September 2007.
25. Copy of article in the Holyhead and Anglesey Mail of 26 September 2007 headed: *Inquiry into council's land auction purchase.*
26. Memo from Lynn Ball to Derrick Jones dated 1 October 2007 headed: *Our meeting on the 25<sup>th</sup> of September 2007.* The memo is marked Strictly Private & Confidential.

The items numbered B2; C4, 10 -18, and 25 contain direct references to you and in normal circumstances would be disclosable to you under a DPA Subject Access Request, subject to any exemptions from disclosure under that Act. However, by the time you made your request most of this information was already in the public domain and as a consequence is no longer private personal data and is disclosable to anyone under the FOIA. These items are now disclosed to you under the provisions of that Act.

You are also directly referred to in items numbered C24 and 26 above. Item C24 is disclosed to you under Section 7(1)(c)(i) of the DPA.

Item C26 does contain some information of which you are the focus and so is personal data under the DPA. The content, however, is legal advice given by the Monitoring Officer to the Managing Director and can be exempt from disclosure under Section 10 of Schedule 7. This section provides that *personal data are exempt from the subject information provisions if the data consist of information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.* The Monitoring Officer has agreed that the advice given under item one can be disclosed to you and so I have provided a copy of this item, under Section 7(1)(c)(i) of the DPA, with the remaining items redacted. The email from Sion Tecwyn referred to is item C13 in the above list. That part of the redacted information identified as '3.' contains third party personal data which is further exempt from disclosure under Sections 40(2) and 40(3)(a)(i) of the FOIA where disclosure would contravene any one of the data protection principles. Disclosure would constitute unfair processing and would contravene the first data protection principle as none of the conditions set out in Schedule 2 of the DPA are met.

Items A6, 7.iii and 7.v are supplied to you with commercially sensitive information redacted. Item A7.iii is marked 'Confidential – Not for publication'. Now that the matter has been concluded this general restriction no longer applies to all of the information but you should note that if you have access to a full copy of this report the estimates of value still remain confidential. This information is withheld in accordance with Section 43 of the FOIA. A public interest test is required.

The valuation is commercially sensitive information and was prepared to indicate what the likely increase in value would be of the adjacent land already in Council ownership if the purchase of Craigwen took place. In favour of disclosure I have considered that disclosure of the valuation to the public would facilitate public understanding of why the Council wished to purchase Craigwen and what the benefit of doing so would be. In favour of non disclosure I have considered that the Council will seek to sell part, or all, of the property assets referred to in these items and that there is a public interest in ensuring that a proper price is received for all Council property disposed of. Premature disclosure of the valuation is likely to prejudice, or adversely affect, the Council's ability to secure the best available outcome for the community it serves from the sale and development of the land. For this reason I have concluded that it is not in the

public interest to disclose the valuation information at this time.

Item C23 is not supplied to you as this item is exempt from disclosure under Section 22 of the FOIA as this item is intended for future publication. The purpose of the exemption is to ensure that individual requests do not dictate publication timetables or force premature publication. This exemption is subject to a public interest test. In favour of disclosure I have considered the following:

1. There is a clear public interest in knowing what business the County Council has transacted in the name of the public by its elected public representatives.
2. There is a legal requirement that a proper record is kept of business transacted

In favour of nondisclosure I have considered the following:

3. Only Members of the Council can collectively approve the minutes as a proper record. Until they have been adopted as a proper record they have no legal status.
4. Public disclosure to any person in advance of general disclosure to other persons at the same time could give an unfair advantage to some and disadvantage others.
5. The meeting was open to the public.

I have concluded that knowledge of the business transacted by the Council meeting on 18 September 2007 is already in the public domain and the meeting was open to the public, however, it would not be in the public interest to release the minutes before they would normally be released. To do so would undermine the authority of the Members of the Council who alone have the collective power to approve them as a proper record or to correct them so that, as amended, they become the proper record. It is expected that the minutes will be circulated to Members on, or about, 6 December 2007.

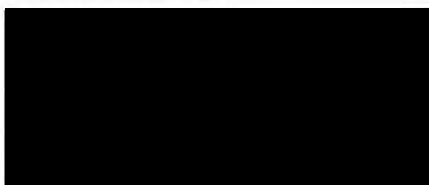
Item B1. In this item Einir Thomas refers to an "exceptional circumstances" procedure that might need to be invoked to make the payment. In the event the transaction took place sufficiently early during the day not to require the use of this procedure. For your information I have included a copy of the procedure which is headed: *Isle of Anglesey County Council: Financial Department – Duties and responsibilities of cheque releasing officers – Annex: Exceptional Circumstances* (identified as X1 in the enclosures).

I return your cheque for £20.00 and request that you send me one for £10.00 which is the amount due for processing a Data Protection Subject Access Request.

If you are unhappy with the decision made to withhold information in relation to your request you may ask for an internal review. Please address your correspondence to the Complaints Officer, Managing Director's Department, Council Offices, Llangefni, Ynys Môn LL77 7TW (E-mail: [LEGALPOLICY@anglesey.gov.uk](mailto:LEGALPOLICY@anglesey.gov.uk)).

If you are not content with the outcome of any internal review you have the right to apply directly to the Information Commissioner, Wycliffe House, Water Lane, Wilmslow SK9 5AF (E-mail [data@dataprotection.gov.uk](mailto:data@dataprotection.gov.uk))

Yours Sincerely,



Siôn Caffell

Swyddog Gwybodaeth Corfforaethol  
Corporate Information Officer

Williams & Goodwin

By Auction

Graigwen

Ball Bay Road

Amwlch

10.00am Thursday 24/05/07.  
31st

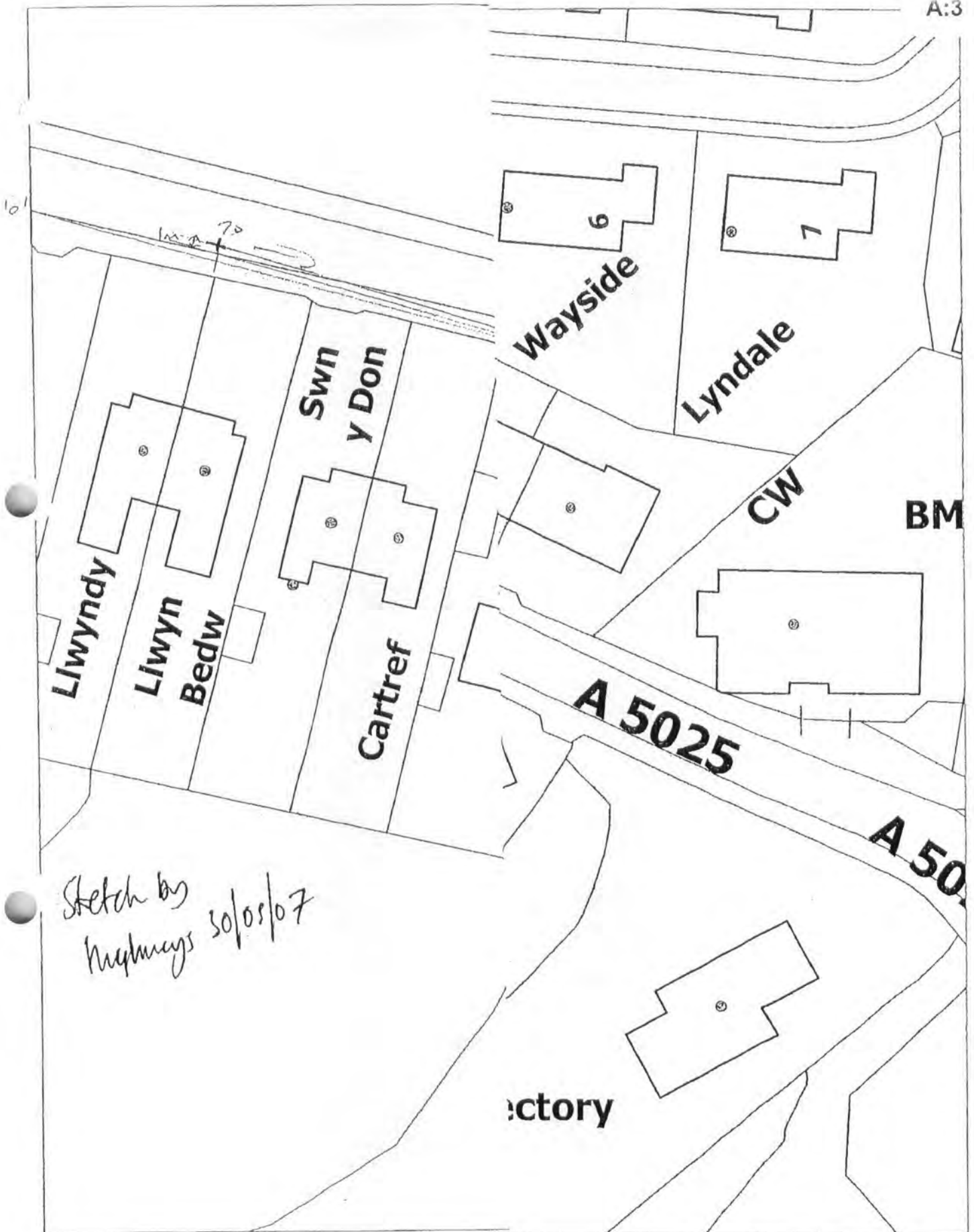
peg out boundary.

obtain details from Jones (legal)

01248 753939 - Caven.

to confirm

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CYNGOR SIR  
YNYS MÔN  
ISLE OF ANGLESEY  
COUNTY COUNCIL

CYNGOR SIR Y  
ISLE OF ANGLE  
Swyddfa'r Sir  
LLANGFNÍ  
Ynys Môn • Angl  
LL77 7TW

1/500

Atgynfyddir y map hwn o ddiwyddiadau Ordnance Survey gyda characterau y Ordnance Survey a'r tan Ffônol Llyfrau a'r Harfodol © Harfodol y Goron. Hwn ni ydychi chi'n gyswllt i'r tan Ffônol y Goron a gall hysbysu i'r ydychi chi'n hysbysu i'r tan Ffônol y Goron. LA10002412, 2006.

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01248750146

Wednesday, 30<sup>th</sup> May, 2007

Morning Gwilym

Sorry there was nothing on your notice board about comps.

Plot details and Craigwen details attached.

Pages (including this one) - 6



# Morgan Evans

Auctioneers ————— Valuers ————— Estate Agents

## CRAIGWEN BULL BAY ROAD, AMLWCH, ISLE OF ANGLESEY LL68 9EA

An Imposing 6 Bedroom Gentleman's Residence

Having 4 reception rooms. Built circa 1898 with many original features having been retained to include deep skirting boards, high ceilings, fireplaces, stained glass windows and impressive tiled hallways.

With both front and rear driveways.

Craigwen is set within established lawned gardens with an enclosed former vegetable plot garden/orchard with box hedge beds and cold frame.

The rear driveway provides ample off road parking and access to double and single garages with additional storage sheds.

### OFFERS IN THE EXCESS OF £395,000



Viewing: Strictly by appointment through the Agent

Head Office : 28 Church Street, Llangefni, Anglesey LL77 7DU - 01248 723303  
www.morganevans.com - info@morganevans.com

**Location:**

Located with walking distance of the Port Town of Amlwch offering a range of shopping facilities, sports centre, both primary and secondary schools. The Bull Bay Golf Course is also situated within approximately 1 mile.

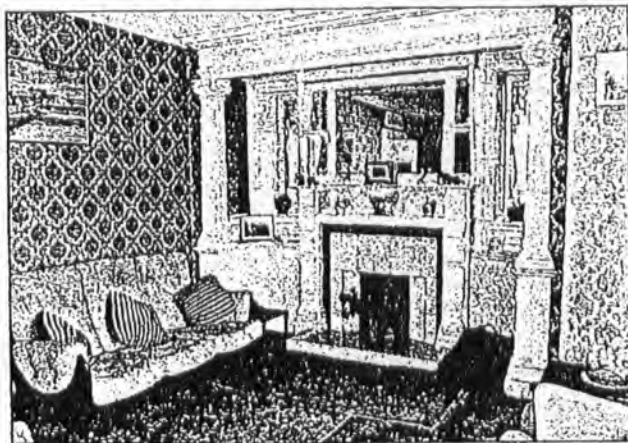
**Directions:** From our Llangefni Office, proceed through Llanerchymedd to Amlwch (B5111). On entering Amlwch proceed left at the roundabout onto Bull Bay Road and continue over Zebra Crossing, and just before the Catholic Church on the right, Craigwen will be seen on the left hand side.

**Accommodation:**

**Open Vestibule Entrance:** With decorative wrought iron canopy. Leading to an impressive front entrance doorway with stained glass panels to either side.

**Entrance Hallway:** Black and white Terrazo tiled floor. Deep coved ceiling with ceiling roses. High skirting boards. Picture rail. Dado rail.

**Lounge:** 15' 6 x 17' 9 (4.72m x 5.41m)  
Attractive open fireplace recess with decorated timber framework with central Adam style open fireplace with tiled inset and original mirrored top with decorative stained glass windows to either side. Dado rail. Picture rails. Coved ceiling. 3 sash bay windows with window seats to bay.



**Dining Room:** 13' 5 x 15' 4 (4.09m x 4.67m)  
Attractive timber Adam style fireplace with tiled inset and hearth. Picture rail. Dado rail. Window to bay. Sash windows.

**Partitioned Kitchenette off:** With Belfast sink. Sash window. Recess archway. (Which could easily be Opened up to enlarge the Dining Room)

**Inner Hallway:** Staircase to first floor. Storage heater. Tiled flooring. Archway leading to:

**Study:** 13' 2 x 12' 2 (4.01m x 3.71m)  
Attractive marble fireplace with tiled inset and hearth. Picture rail. Dado rail. Coved ceiling. Walk-in shelved cupboard. 2 Sash windows each looking out over the garden.

**Lobby:** With under-stairs storage cupboard beneath main staircase. Built-in storage cupboard.

**Back staircase.**

**Pantry:** 4' 2 x 9' 4 (1.27m x 2.84m)  
Timber topped working surface. Glazed fronted wall cupboard. Open display shelving. Quarry tiled floor. Sash window. Slate work top. Built-in cupboards (mesh fronted).

**Cloakroom:**  
Low flush W.C. Black and white Terrazo tiled flooring.

**Breakfast Room:** 12' 3 x 11' 9 (3.73m x 3.58m)  
Solid fuel AGA with tiled splashback. Sash window overlooking gardens. Recess for refrigerator, Deep skirting boards. Fluorescent light. Quarry tiled flooring. Built-in storage cupboard to side. Opening through to:

**Kitchen:** 8' 6 x 7' 7 (2.59m x 2.31m)

Double drainer sink set on base cupboard with range of original base cupboards with timber working surfaces. Bank of open shelving. Gas point, Glazed china display cupboard. Double glazed window.

**Passageway:** With under-stairs storage cupboard. Quarry tiled floor. Rear door to open back porch.

**Utility Off:** Housing feature original wash boiler with open fire below and well water pump. Slate slab. Plumbing for washing machine with hot and cold feed. Separate hot and cold water taps. Gas point, Cast-iron fireplace. Quarry tiled floor.

**Impressive Main Staircase:** Leads from main hallway.

**First Floor Landing:** With glazed central ceiling panel.

**Master Bedroom :** 15' 11 x 17' 9 (4.85m x 5.41m)  
Wash hand basin. Sash Bay window. Feature cast-iron fireplace (presently boarded over), High coved ceiling. Deep skirting boards.

Bedroom 2: 12' 0 x 13' 11 (3.66m x 4.24m)  
Wash hand basin. Feature cast-iron fireplace. Sash window overlooking garden.

Back Bedroom 3: 12' 6 x 12' 11 (3.81m x 3.94m)  
Wash hand basin, coved ceiling, cast iron fireplace.

Bedroom 4: 8' 4 x 8' 8 (2.54m x 2.64m)  
Sash window.

Bedroom 5: 13' 0 x 0' 0 (3.96m x 0.00m) ;  
Sash window overlooking front garden. Cast-iron fireplace. Coved ceiling.

Combined Bathroom/W.C: 13' 0 x 0' 0 (3.96m x 0.00m)  
Pedestal wash hand basin. Panelled bath. Low flush W.C. Half tiled walls.

Opposite Landing: Built-in shelved storage cupboard. Storage heater.

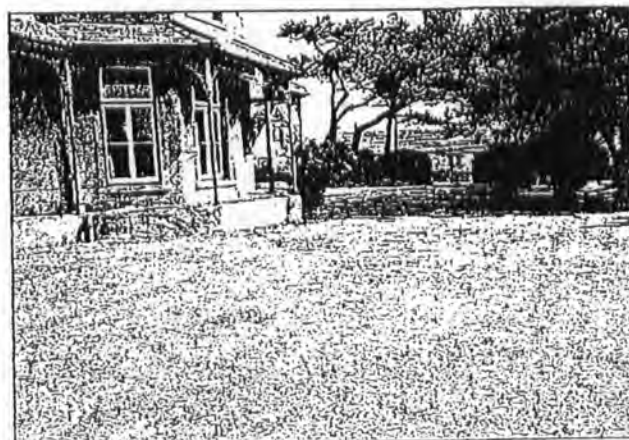
Separate W.C: Half timbered walls. Sash window.

Attic Bedroom 6: 12' 10 x 10' 7 (3.91m x 3.23m)  
double glazed windows.

Dressing Room/Possible

Single Bedroom: 9' 9 x 5' 4 (2.97m x 1.63m)  
Bank of built-in wardrobes to include airing cupboard. Double glazed window looking out over the former vegetable garden.

Outside: Double front wrought iron gates lead to gravelled driveway to the front main entrance. The gardens are well established and laid to lawn with mature shrubbery. Side gateway leads to enclosed former vegetable garden presently laid to lawn with box hedging with brick built cold frame.



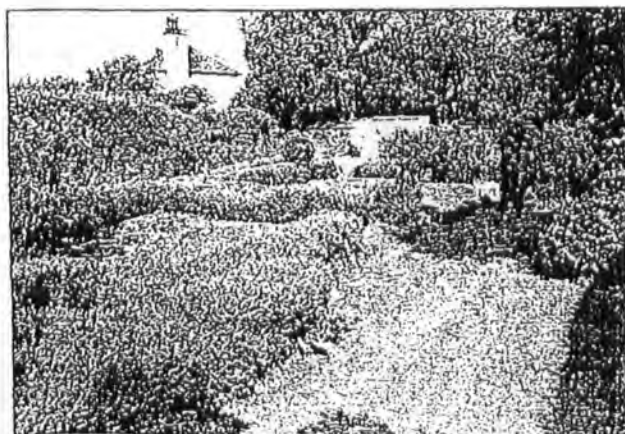
Rear vehicular driveway leads to Tarmacadamed yard area with former W.C. presently used as store. Double and Single Garages. Fuel store.

Tenure: We assume to be Freehold

Services: Mains Water, Electricity, Gas and Drainage.

Rateable Value: We understand from our verbal enquiries with the Local Authority that the property is in:  
Band: G : Amount Payable for 2005/2006 : £1,549.87

Prepared: 12th June, 2006



MIKE BARTON B.Sc., C.Eng., M.I.C.E.  
 Pennaeth Gwasanaeth (Eiddo)  
 Head of Service (Property)  
 CYNGOR SIR YNYS MÔN  
 ISLE OF ANGLESEY COUNTY COUNCIL

Swyddfa'r Sir  
 LLANGEFNI  
 Ynys Môn • Anglesey  
 LL77 7TW

☎ (01248) 752300    v (01248) 724839

Gofynnwch am • Ask For : Mr. David John Ellis  
 ☎ 01248 752308

E-bost • E-mail: DJEHP@ynysmon.gov.uk

Bin Cyf. • Our Ref    11UL10000Let01

Eich Cyf. • Your Ref

31 May 2007

Mr. Melfyn Williams  
 Williams and Goodwin  
 23 Church Street  
 Llangefni  
 Anglesey  
 LL77 7DU

Dear Sir

**RE: Land adjacent to Maes Mona, Amlwch**

We write with reference to your meeting with Mr. David Ellis of the Estates Department on the 31<sup>st</sup> May 2007 and confirm the following points were discussed and agreed –

1. The boundary between the Council's land and Craigwen, Amlwch is as shown on the attached plan. The boundary line matches what is on the Council's and Craigwen's title deeds.
2. A clause is to be inserted within the conditions of sale for Craigwen that a fence is to be erected within 3 (three) months of the purchase date. The specification is agreed to be a stock proof fencing with tanalised timber posts.

Although the point was not discussed in the above meeting, we would also be grateful for your observations as to the future maintenance of the boundary fence.

Yours faithfully,



p.p. MIKE BARTON  
 PENNAETH GWASANAETH (EIDDO)  
 HEAD OF SERVICE (PROPERTY)



<p>Ystad Gwyifa (Gwyifa Estate)</p> <p>8808</p> <p>8500</p> <p>Ystad (Gwyifa Estate)</p> <p>Und</p> <p>BM 35.49m</p> <p>16</p> <p>14</p> <p>12</p> <p>FFOR</p> <p>Car Park</p> <p>PCs</p> <p>9</p> <p>Vicarage</p> <p>0092</p> <p>0092</p> <p>11UL10000</p> <p>13.5m</p> <p>37.0m</p> <p>12.6m</p> <p>Carreg Fisol</p> <p>Craigwen</p> <p>Hall</p> <p>Hall</p> <p>Craigwen</p> <p>Wayside</p> <p>Lyndale</p> <p>CW</p> <p>A 5025</p> <p>A 5025</p> <p>A 5025</p> <p>8500</p> <p>8808</p> <p>Pond</p> <p>Ystad Gwyifa (Gwyifa Estate)</p> <p>Bryn Eithin</p> <p>Llwyny</p> <p>Llwyn Bedw</p> <p>Swn y Don</p> <p>Carter</p> <p>Monarfon</p>	<p>GRADDFASCAL</p> <p>1:1000 @ A4</p> <p>DYDDIADDATE</p> <p>May 2007</p> <p>Reproduced from Ordnance Survey LandLine Plus data with the permission of the controller of Her Majesty's Stationery Office. Ordnance Survey and LandLine Plus are registered trademarks.</p>	<p>Land adjacent to Maes Mona, Amlwch</p> <p>PROPERTY REF. 11UL10000</p>	<p>CYNGOR SIR YNYS MńN ISLE OF ANGLESEY COUNTY COUNCIL</p> <p>Cyngor Sir Ynys Môn (Prifysgol, Trafnidiaeth ac Eiddo) Prifysgol, Trafnidiaeth ac Eiddo Corporate Director (Prifysgol, Trafnidiaeth ac Eiddo) Swyddfa'r Sir, Llangefeli, Ynys Môn LL77 7TW</p> <p>GWASANAETHAU EIDDO PROPERTY SERVICES</p>
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## CYNGOR SIR YNYS MÔN - ISLE OF ANGLESEY COUNTY COUNCIL

ODDI WRTH/FROM: Mr. David Ellis	AT/TO: Mr. Arthur Owen
DYDDIAD/ DATE: 08 June 2007	EICH CYF/YOUR REF:
CYF/REF: 11UL10000mem01	DYDDIEDIG/DATED:
PEM:	COPI I/COPY TO:

**RE : Land adjacent to Maes Mona, Amlwch**

In relation to the Council's proposed interest in purchasing Craigwen, Amlwch, I refer to the attached comments made by Gwilym Williams and also make the following observations –

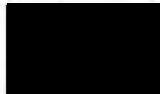
1. As stated in Gwilym Williams' notes, the property does not hold any kind of ransom value to the Council. The property may present an opportunity to unlock the land to the rear, however, this alone is not enough for to consider paying a ransom value figure.
2. In order to confirm whether accessing any potential development through the grounds of the dwelling is possible, the observations of the Highways Section were sought. This included the stipulation that the dwelling was to be retained. The Highways Section confirmed that it would be possible to create an access way, albeit, at the expense of some of the property's outbuildings.
3. In the process of looking at Craigwen it was discovered that the property was on the market this time last year at offers in excess of £395,000. As the property did not sell at the time, it can be assumed that it was over valued or perhaps the owner had expected too high a price for it. Based on this information, it is unlikely that bidding in the forthcoming auction will reach this level.
4. It is considered necessary to invite the Planning Section and also the owners of the land to be unlocked, the Housing Department, to provide their observations on what potentially can be achieved should the Council go ahead and purchase Craigwen. It also needs to be agreed which department will be purchasing the property. This will have an effect on whether the property will be retained and used as a residential home for instance, or whether the property will be surplus to requirement once access to the land has been facilitated. It will also affect how the property

CYNGOR SIR YNYS MÔN - ISLE OF ANGLESEY COUNTY COUNCIL

is transferred to the Housing Department. For instance does the property transfer for the price paid or does the department involved have to maximize the value and hold Housing to ransom. ?

I trust the above and the attached is of use in deciding whether the Council should peruse its interest in purchasing the property.

Regards



David Ellis

Dave,

Re: Craigwen/Maes Mona land Amlwch.

The following are my general observations :-

My initial thought is that the question of ransom value does not come into the equation here. The owner of Craigwen wishes to sell and we might buy. We could certainly be classed as a special purchaser and could afford to pay a figure in excess of the market value.

Provided we do not show our hand, I do not think we would have to pay a significant figure over the market value of the property. Therefore let say the market value is £330,000, at auction we would only have to consider paying £500 to £1,000 above the highest under bidder.

What we need to establish is how high we are prepared to go at auction.

The auction will be subject to a reserve price and the auctioneer will reserve the right to bid up to the reserve price on behalf of the vendor. Once the reserve price has been reached the auctioneer will not bid any further and the property will be declared to be on the market and there to be sold to the highest bidder.

The problems which may be encountered are:-

- (a) No one bids, the reserve is not reached and the property is withdrawn. We may then have to show our hand.
- (b) The auctioneer is alerted to our interest and recommends to his client that the reserve is set at a high figure, to enable him to bid up to a higher reserve and forcing us to pay a higher price.



CYNGOR SIR YNYS MON

ISLE OF ANGLESEY COUNTY COUNCIL

ODDI WRTH :  
 FROM: GWILYM WILLIAMS  
 (PRINCIPAL VALUER)

AT :  
 TO : CORPORATE DIRECTOR  
 ENVIRONMENT AND TECHNICAL  
 SERVICES

DYDDIAD :  
 DATE: 29 JUNE 2007

DYDDIEDIG :  
 DATED :  
 EICH CYF :  
 YOUR REF:

CYF :  
 REF: GW/CAJ11JUL10000 *Pem 61621*

RE: LAND ADJACENT TO MAES MONA, AMLWCH AND CRAIGWEN, BULL BAY ROAD, AMLWCH

Further to our meeting on the 28th June, 2007 when the above properties were discussed.

Having looked at the deed plan for our land and the most recent O.S. plan, our land ownership probably extends to approximately 3.72 acres.

The land is valued in our Asset Valuation Register at £10,000 as grazing land with no access for development. The basis of the valuations is 'market value'.

I am of the opinion if the land was placed on the open market, it would realise a significantly higher figure. Any investor/speculator would be more than happy to pay a figure in the region of [REDACTED]

The value of the land with adequate access and planning permission for residential development would be dependant on the density allowed per acre and the percentage requirement for affordable units. [REDACTED]

On comparison of a price per acre of residential development land the value of the land with planning permission would lie in the region of [REDACTED] per acre [REDACTED].  
 On the basis of a comparable price per plot it would lie in the region of [REDACTED] per plot [REDACTED].

Based on the above, the increase in value of the land in buying Craigwen is estimated at [REDACTED]

The above figures are provided as a guide only and on the limited information to hand.

**GWILYM WILLIAMS**  
**PRINCIPAL VALUER**



CYNGOR SIR  
YNYS MÔN  
ISLE OF ANGLESEY  
COUNTY COUNCIL

Derrick M. Jones, C.P.F.A.  
Rheolwr Gyfarwyddwr/Managing Director  
Swyddfeydd y Cyngor/Council Offices  
LLANGEFNI  
Ynys Môn/Anglesey  
LL77 7TW

RHYBUDD O GYFARFOD	NOTICE OF MEETING
<b>PWYLLGOR GWAITH (ARBENNIG)</b>	<b>THE EXECUTIVE (EXTRAORDINARY)</b>
<b>DYDD LLUN 16 GORFFENAF 2007 → 1:00pm ←</b>	<b>MONDAY 16 JULY 2007 → 1:00pm ←</b>
<b>YSTAFELL BWYLLGOR 1 SWYDDFEYDD Y CYNGOR LLANGEFNI</b>	<b>COMMITTEE ROOM 1 COUNCIL OFFICES LLANGEFNI</b>
Rheolwr Gwasanaethau Pwyllgor MR JOHN GOULD Committee Services Manager (01248) 752515	

**MÔN YMLAEN (ANNIBYNNOL)/ANGLESEY FORWARD (INDEPENDENT)**

Mrs B. Burns, MBE, W. J. Chorlton, J. M. Davies, Kellth Evans, D. R. Hughes, H. Eifion Jones,  
G. Winston Roberts, OBE, John Williams.

**RADICAL ANNIBYNNOL / RADICAL INDEPENDENTS**

H. W. Thomas.

**COPI'ER GWYBODAETH/COPY FOR INFORMATION:**

I weddill Aelodau'r Cyngor Sir/To the remaining Members of the County Council

*no agenda sent to other members.*

*Bydd aelod sydd ddim ar y Pwyllgor Gwaith yn cael gwahoddiad i'r cyfarfod i siarad (ond nid i bleidleisio) os ydy o/hl wedi gofyn am gael rhoddi eitem ar y rhaglen dan Reolau Gwelthdrefn y Pwyllgor Gwaith. Efallai y bydd y Pwyllgor Gwaith yn ystyried ceisiadau gan aelodau sydd ddim ar y Pwyllgor Gwaith i siarad ar faterion arall.*

*A non-Executive member will be invited to the meeting and may speak (but not vote) during the meeting, if he/she has requested the item to be placed on the agenda under the Executive Procedure Rules. Requests by non-Executive members to speak on other matters may be considered at the discretion of the Executive Committee.*

## AGENDA

1. DECLARATION OF INTEREST.

To receive any declaration of interest from any Member or Officer in respect of any item of business.

2. URGENT MATTERS CERTIFIED BY THE MANAGING DIRECTOR (OR HIS APPOINTED OFFICER).

No urgent matters at the time of dispatch of this agenda.

3. EXCLUSION OF THE PRESS AND PUBLIC.

To consider adopting the following:-

"Under Section 100(A)(4) of the Local Government Act 1972 the press and public will be excluded from the meeting during discussion on the following items as it involves the likely disclosure of exempt information as defined in Paragraphs 8 & 9 of Schedule 12A of the said Act".

4. PROPOSED ACQUISITION

To submit a report by the Corporate Director (Environment & Technical Services) (ENCLOSURE 'A')

## PAPUR/ENCLOSURE 'A'

Tynnir sylw'r holl aelodau sy'n derbyn y rhaglen yma l'r eltem ganlynol ac l Baragraffau 10.2 a 10.3 o'r Rheolau Gwelthdrefn Mynediad at Wybodaeth sydd wedl eu cynnwys yng Nghyfansoddlad y Cyngor sy'n cadarnhau fod yr adroddlad amgaeedlg yn gyfrinachol, ac nad oes hawl cyhoeddi'r adroddlad heb ganlatâd yr Awdurdod, ac at gymal 5 y Côd Ymddyglad l Aelodau sy'n rhwystro Aelodau rhag datgelu gwybodaeth gyfrinachol heb ganlatâd penodol person sydd a'r awdurdod l roddi canlatâd o'r fath, neu oni bal fod rheidrwydd cyfreithiol arno/arnl l wneud hynny.

The attention of every member who receives this agenda is drawn to the following item and Paragraphs 10.2 and 10.3 of the Access to Information Rules contained within the Constitution of the Council which confirms that the annexed report is given in confidence and cannot be made public without the consent of the Authority, and to Clause 5 of the Members' Code of Conduct which prevents Members from disclosing information given in confidence without the express consent of a person authorised to give consent, or unless required by law to do so.

**CYNGOR SIR YNYS MÔN**  
**ISLE OF ANGLESEY COUNTY COUNCIL**

<b><u>PWYLLGOR/COMMITTEE</u></b>	PWYLLGOR GWAITH ARBENNIG/ SPECIAL EXECUTIVE COMMITTEE
<b><u>DYDDIAD/DATE</u></b>	16 GORFFENNAF 2007/16 JULY 2007
<b><u>TEITL YR ADRODDIAD/ TITLE OF REPORT</u></b>	TIR CYFAGOS I STRYD MONA, AMLWCH/LAND ADJACENT TO MONA STREET, AMLWCH
<b><u>PWRPAS/PURPOSE</u></b>	YSTYRIED PRYNU EIDDO YN AMLWCH TO GIVE CONSIDERATION TO THE PURCHASE OF PROPERTY TO THE AMLWCH
<b><u>ADRODDIAD GYDA REPORT BY</u></b>	CYFARWYDDWR CORFFORAETHOL (GWASANAETHAU AMGYLCHEDD A THECHNEGOL) /CORPORATE DIRECTOR (ENVIRONMENT & TECHNICAL SERVICES)
<b><u>GWEITHREDU/ACTION</u></b>	CYTUNO i BRYNU'R EIDDO A NEILLTUO'R ARIAN TO AGREE THE PURCHASE OF THE PROPERTY AND BUDGET ALLOCATION

1. Cefndir

1.1 Mae'r Cyngor yn berchennog ar ddarn o dir union ger Maes Mona a'r tir hwnnw'n addas i godi tai arno a dangosir ef yma gyda llinell goch o'i gwmpas ar y cynllun amgaeedig. Rhyw fymryn dan 4 acer yw mesur y tir ac o'r herwydd gellid codi arno o

1. Background

1.1 The Council own land adjacent to Maes Mona that is suitable for housing development and this is shown edged in red on the attached plan. The land is just under 4 acres and as such is capable of accommodating about 50 houses. The only access to the land is through the existing Maes Mona estate, however the

gwmpas 50 o dai. Yr unig fynedfa ato yw honno ar draws stad Maes Mona, ond nid yw'r ffordd yn addas i wasanaethu unrhyw fwriad yn y dyfodol - hefyd nid oes modd datblygu'r tir heb ddarparu mynedfa addas.

1.2 Yn y lle cyntaf prynwyd y tir hwn gan Gyngor Bwrdeistref Ynys Môn oddi ar Dilys M Jones ar 12 Mawrth, 1980. Credir bod y tir yn rhan o Bortffolio Cyffredinol y Cyngor o dir ac nid yw dan unrhyw gyfyngiad y Gwasanaethau Tai.

1.3 Yn ddiweddar daeth yr eiddo hwnnw a amlinellwyd mewn gwyrdd ar y cynllun sydd ynghlwm (Eiddo A) ar y farchnad a bydd yn cael ei werthu mewn arwerthiant ar 19 Gorffennaf, 2007; credir bod yma gyfle i'r Cyngor roddi rhagor o sylw iddo.

## 2. Posibilrwydd Datblygu

2.1 Cafwyd sylwadau Gwasanaethau Cynllunio a'r Gwasanaeth Priffyrdd ar bosibilrwydd datblygu y ddau eiddo - sef y tir sy'n eiddo i'r Cyngor a'r eiddo sydd ar werth.

2.2 Cafwyd gair o gadarnhad gan y Gwasanaethau Cynllunio bod y 4 acer mewn llecyn addas i'w ddatblygu ac mae y tu mewn i Ffiniau Datblygu Amlwch. Mae'n debyg y bydd y broblem ddraenio yn cael ei datrys unwaith y bydd Dwr Cymru yn darparu gwaith newydd i drin carthion; fodd bynnag, mae sicrhau mynedfa addas i'r tir yn broblem. Mae'r

roadway network is not suitable to serve any future proposal and the land is not capable of being developed without securing a suitable access.

*see above, if no "suitable roadway" why purchase.*

1.2 The land was originally purchased by the Isle of Anglesey Borough Council from a Dilys M Jones on the 12 March, 1980. The land is considered to be within the Council's General Portfolio of land and not under any Housing Services restriction.

1.3 A property (Property A) edged in green on the attached plan has recently come on the market and will be sold at auction on the 19 July, 2007 and this is considered an opportunity which the Council should explore further.

*how much exploring took place?*

## 2. Development Potential

2.1 The views of both the Planning and Highways Services have been obtained to test the development potential of both the existing land owned by the Council and the property available for sale.

2.2 Planning Services have confirmed that the 4 acres is in a suitable area for development being located within the Amlwch Development Boundary. The foul drainage problems are likely to be resolved with the building of the new sewage work by Dwr Cymru, however, suitable access to the land is a problem. The Highway Service have confirmed that the existing access and highway network is not suitable to serve any new development.

*what about surface water.*

Gwasanaeth Priffyrdd yn cadarnhau nad yw'r fynedfa bresennol na'r rhwydwaith priffyrdd yn ddigon da i wasanaethu unrhyw ddatblygiad newydd.

2.3 Yn y cyfamser mae'r Gwasanaeth Priffyrdd wedi edrych ar ffyrdd eraill o ddarparu mynedfa a hynny trwy brynu Eiddo A. Mae'r Gwasanaeth Priffyrdd wedi ystyried dau bosibilrwydd; yn gyntaf darparu mynedfa trwy ddymchwel y ty ar Eiddo A; yn ail darparu mynedfa newydd gan adael y ty ar ei draed. Cred yr Adain Briffyrdd bod modd darparu mynedfa addas i wasanaethu datblygiad tai ar y 4 acer heb orfod dymchwel y ty ond buasai'n rhaid clirio rhai adeiladau allanol.

### 3. Sylwadau'r Gwasanaeth Tai

3.1 Mae'r Gwasanaeth Tai yn cydnabod bod angen tai yn Amlwch y tu allan i'r sector preifat / marchnad agored. Credant hwy y buasai datblygu'r tir a chael yr elfen 30% o Dai Fforddiadwy arferol yn gymorth i liniaru yr anghenion tai yn ardal Amlwch.

3.2 Hefyd cred y Gwasanaeth Tai y buasai'r ty sy'n rhan o Eiddo A yn ddefnyddiol i ddatrys anghenion yr ardal a buasent yn croesawu'r cyfle i ystyried hyn petai'r ty yn cael ei brynu.

2.3 The Highway Service has looked at the alternative means of access which the purchase of Property A would give. The Highway Service has considered two alternatives which were a new access having demolished the house on Property A or a new access leaving the house intact and available. The Highway view is that a suitable access could be formed to serve a housing development on the 4 acres without the need to demolish the existing house but would require clearance of some outbuildings.

### 3. Housing Services' Views

*What number do we have waiting for houses at Amlwch.*

3.1 Housing Services have acknowledged that there is a need for housing in the Amlwch area beyond that of the private/open market sector. They consider that the development of the land and the usual 30% Affordable Housing element would help alleviate the existing housing need in the Amlwch area.

3.2 Housing Services consider that the existing house which forms part of Property A could have a useful role in helping to tackle need in the area and they would welcome an opportunity to consider this further if the house were to be purchased.

*What need? why doesn't Housing Dept buy it?*

4. Posibiliadau i'r Cyngor

4.1 Gwneud dim. Buasai hyn yn gadael tir y cyngor heb fynedfa addas a chred y swyddogion y buasai hyn yn cyfateb i golli cyfle.

4.2 Bod y Cyngor yn prynu Eiddo A i bwrpas darparu mynedfa addas a chaniatau cyfle i ddatblygu'r tir yn y tu cefn.

4.3 Petai'r Cyngor yn llwyddo i brynu Eiddo A, gallai wedyn ystyried dyfodol y ty sydd yno a'r rhain yw'r posibiladau -

- (i) gwerthu'n syth,
- (ii) cael trafodaeth gyda'r Gwasanaeth Tai i sefydlu beth yw'r anghenion

5. Materion Ariannol

5.1 Bydd Eiddo A yn cael ei werthu mewn arwerthiant ar 19 Gorffennaf 2007 a'r amcangyfrif o'i werth yw £280,000 - £300,000.

5.2 Yng nghyswllt 3.72 acer o dir i godi tai yn ardal Amlwch gydag elfen 30% o dai fforddiadwy - amcangyfrifir bod y gwerth yn £1,260,000. Ond gwerth y tir hwn wedi'i gloi a'i gaethlwio yw rhyw £93,000.

5.3 Felly mae'r cynnydd yng nghwerth y tir hwnnw sydd eisoes yn eiddo i'r Cyngor yn rhyw £1,167,000.

Ynghlwm mae manyllon am farn Uwch Brisiwr y Cyngor.

4. Options Available to the Council

4.1 Do nothing. This would result in the council's land remaining without a suitable access and is considered by officers to be a lost opportunity.

4.2 The Council pursue the purchase of Property A for the purpose of securing a suitable access to allow the development of the land to the rear to take place.

4.3 The Council, if successful in the purchase of Property A, could thereafter consider the future of the existing house with alternative actions including -

- (i) immediate sale,
- (ii) discussion with Housing Services to establish need

5. Financial Issues

5.1 Property A is to be sold at auction on the 19th July 2007 and has a guide price of £280,000 to £300,000.

5.2 The value of 3.72 acres and housing land in the Amlwch area with some 30% Affordable element is estimated to be [REDACTED]. The "land locked" value is some [REDACTED].

5.3 The increase in the value of the existing land owned by the Council is some [REDACTED].

The detail of the Council's Principal Valuer is attached.



5.4 Mae'r Cyfarwyddwr Corfforaethol - Cyllid yn dweud bod modd cyllido'r pryniant o'r Cynllun Cyfalaf mewn dwy ffordd a hynny'n dibynnu ar y defnydd a wneir o'r eiddo yn y pen draw -

(a) os yw'r tir yn cael ei werthu yn y dyfodol agos, yna mae digon o ystwythder yn y benthyciad digefnogaeth o'r cynllun cyfalaf i brynu'r tir, mewn enw'n cael ei gyllido trwy fenthyca, ac wedyn ad-dalu o'r derbynion cyfalaf ar ôl gwerthu.

(b) os ydyw rhan o'r tir neu'r cyfan ohono yn cael ei gadw gan y cyngor fel cymorth i ddarparu tai fforddiadwy yna mae modd cyllido'r pryniant o swm perthnasol heb ei ymrwymo y tu mewn i'r Cynllun Cyfalaf.

Nid oes raid penderfynu ar y dull cyllido tan ar ôl cwblhau'r pryniant.

## 6. Argymhelliad

6.1 Bod y Cyngor yn prynu Eiddo A a bod y Pwyllgor Gwaith yn penderfynu ar yr uchafswm bosib.

6.2 Os llwyddir i brynu bod y Cyngor, pan fo'n briodol, yn cyflwyno cais cynllunio i godi tai ar y tir ac wedyn symud i werthu'r safle ar y farchnad agored.

5.4 The Corporate Director - Finance advises that the purchase can be financed within the Capital Plan in either of two ways depending on the ultimate use -

(a) if the land should be resold in the near future, there is sufficient flexibility for unsupported borrowing within the capital plan to buy the land, nominally funded by borrowing, then to repay this from the capital receipt when sold.

(b) if all or part of the land should be retained by the council in order to assist with the provision of affordable housing, then it could be funded from the relevant uncommitted sum within the Capital Plan.

The ultimate means of financing in this case does not need to be determined until after these transactions have been completed.

## 6. Recommendation

6.1 That the Council pursue the purchase of Property A and that the Executive agree the upper limit of the budget.

6.2 That, if the purchase is successful, the Council should, at the appropriate time, submit a planning application for the housing development of the land and thereafter sell the site on the open market.

6.3 Os llwyddir i brynu, bod rhagor o sylw'n cael ei roddi i ddyfodol y ty presennol.

6.3 That, if the purchase is successful, to give further consideration to the use of the existing house.

Cyfarwyddwr Corfforaethol (Yr Amgylchedd a Thechnegol)  
5 Gorffennaf, 2007

Corporate Director (Environment and Technical)  
5th July, 2007

*Why the delay in calling Executive meeting? above date of report 5<sup>th</sup> July 07 Meeting 16 July.*

# the Property People™

By Auction (unless sold or withdrawn prior)

Lot 2



## Accommodation

OPEN VERANDA :

GROUND FLOOR

ENTRANCE HALL

LOUNGE 17'9 (5.4m) (into fireplace) x 16'8 (5.09m) (into bay)

DINING ROOM 15'7 (4.74m) x 13'5 (4.09m) utility area of 2.99m x 1.72

SITTING ROOM 13'11 (4.24m) x 12'2 (3.71m)

Understairs cloakroom

KITCHEN 12'3 (3.73m) x 11'10 (3.6m) kitchen area 2.33m x 2.84

FIRST FLOOR

LANDING staircase that leads down to the rear hall.

ROOM 1 7'8 (2.33m) x 9'8 (2.94m)

HOME OFFICE/STUDY 10'6 (3.21m) x 12'10 (3.91m)

FIRST FLOOR

BEDROOM 1 17'9 (5.41m) x 15'10 (4.82m)

BEDROOM 2 (FRONT) 16'7 (5.06m) x 13'7 (4.13m)

BEDROOM 3 (CENTRE) 12'0 (3.65m) x 14'0 (4.27m)



BEDROOM 4 (REAR) 12'11 (3.93m) x 12'5 (3.79m)

BATHROOM

BOXROOM

OUTSIDE Adjacent to the rear door is an L shaped wash house (3.24m x 3.70m) with tiled floor, sash style window to side, water pump which is a feature of the room but is no longer connected. Fireplace.

## Guide Price

£280,000-£300,000

## Location

Craig Wen, Bull Bay Road, Amlwch, Anglesey, LL68 9EA

## Description

First time on the market in 111 years! This imposing detached residence, has been in the same ownership since built circa, 1896. Standing in imposing grounds with tree line sweeping gravelled driveway, a range of outbuildings and a large paddock to the rear, that extends to around 1/2 an acre or so. The property offers many of its original charm and traditional sliding sash style windows, stained leaded glass windows, verandas, lawns, and a walled garden to the rear. It requires some upgrade and refurbishment works, but we would recommend that this is done sympathetically to further enhance the charm and style of this property. This would be an opportunity for investors or developers to look at the site.

## Directions

Travelling from the centre of Amlwch in the Bull Bay/Cemaes Bay direction the property is set back from the road on the left hand side just before the unusually shaped Catholic church on the right.

Llangefni  
23 Church Street 01248 75 1000  
llangefni@tppuk.com

Bangor  
39 High Street 01248 355 333  
bangor@tppuk.com

Holyhead  
1&2 Market Buildings 01407 760 500

Llandudno  
20 Madoc Street 01492 877 418  
llandudno@tppuk.com

Colwyn Bay  
15 Conway Road 01492 533324  
colwynbay@tppuk.com

Auction Team  
Call us for free advice 0845 087 1111

## Legal Contacts

Mr Cwyfan Hughes  
TR Evans Hughes,  
Victoria Chambers,  
Holyhead LL65 1UR  
Telephone: 01407 762204

CYNGOR SIR YNYS MON

ISLE OF ANGLESEY COUNTY COUNCIL

ODDI WRTH :  
FROM: GWILYM WILLIAMS  
(PRINCIPAL VALUER)

AT :  
TO : CORPORATE DIRECTOR  
ENVIRONMENT AND TECHNICAL  
SERVICES

DYDDIAD :  
DATE : 29 JUNE 2007

DYDDIEDIG :

DATED :

CYF :  
REF : GW/CAJ 11UL10000 *Pem 61621*

EICH CYF :

YOUR REF :

RE: LAND ADJACENT TO MAES MONA, AMLWCH AND CRAIGWEN, BULL BAY ROAD, AMLWCH

Further to our meeting on the 28th June, 2007 when the above properties were discussed.

Having looked at the deed plan for our land and the most recent O.S. plan, our land ownership probably extends to approximately 3.72 acres.

The land is valued in our Asset Valuation Register at £10,000 as grazing land with no access for development. The basis of the valuations is 'market value'.

I am of the opinion if the land was placed on the open market, it would realise a significantly higher figure. Any investor/speculator would be more than happy to pay a figure in the region of [REDACTED]

The value of the land with adequate access and planning permission for residential development would be dependant on the density allowed per acre and the percentage requirement for affordable units. [REDACTED]

On comparison of a price per acre of residential development land the value of the land with planning permission would lie in the region of [REDACTED] per acre [REDACTED].

On the basis of a comparable price per plot it would lie in the region of [REDACTED] per plot [REDACTED].

Based on the above, the increase in value of the land in buying Craigwen is estimated at [REDACTED]

The above figures are provided as a guide only and on the limited information to hand.

GWILYM WILLIAMS  
PRINCIPAL VALUER



**CYNGOR SIR  
YNYYS MńN  
ISLE OF ANGLESEY  
COUNTY COUNCIL**

CYNGOR SIR YNTYS MńN  
ISLE OF ANGLESEY COUNTY COUNCIL  
Swyddfa'r Sir  
LLANGEFNI  
Ynys Môn • Anglesey  
LL77 7TW

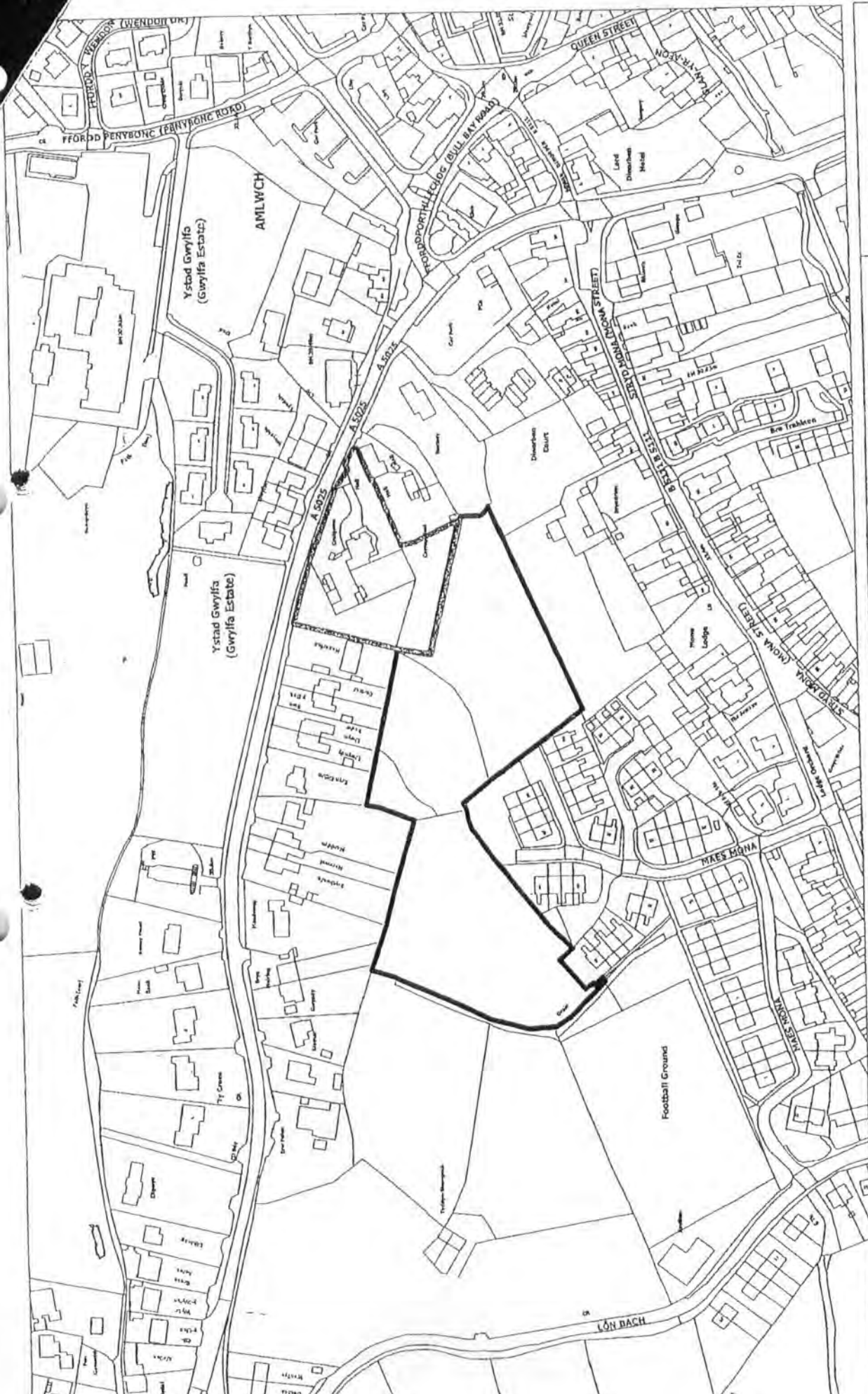
Land adjacent to Maes Mona, Amlwch

11 UL 10 000

1 : 2500

Eiddo / Property

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LA10023412, 2005.  
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# Notice of the Decisions of the Meeting of the Executive held at Committee Room 1, Council Offices, Llangefni on Monday 16th July, 2007.

This Notice is published at 5:00pm on Monday 23rd July, 2007. The deadline for the receipt of requests to call-in any decision must be made to the Managing Director by no later than 5:00pm on Monday 30th July, 2007. The decisions will become effective (if no valid call-in application is recorded) on Tuesday 31st July, 2007.

Present: Councillors W. J. Williams, MBE (Chairperson), J. M. Davies (Deputy Leader), K. Evans, D. R. Hughes, H. Eiflon Jones, H. W. Thomas, J. Williams.

Apology: Councillor Mrs B. Burns, MBE, W. J. Chorlton

(1:00pm - 1:15pm)

*Decision was enforced. Deliberate misleading admin audit trail, made, giving the impression that a "call in" could have been made up to the 31st July 2007. Note "No" procedure. property was bought on the 19th July 07.*

**CONFIDENTIAL ITEM**

<b>ITEM NUMBER AND SUBJECT MATTER</b>	4. PROPOSED ACQUISITION
<b>DECISION</b>	<p>RESOLVED</p> <ul style="list-style-type: none"> <li>To pursue the purchase of Property 'A' and that authority be given to the Corporate Director (Environment &amp; Technical Services) in consultation with the Corporate Director (Finance) to agree upon the upper limit of the budget as set out in the report.</li> <li>That authority be given to Officers, to submit at the appropriate time, a planning application for the housing development of the land and thereafter sell the land on the open market.</li> <li>That the Executive give further consideration to the use of the existing house.</li> </ul> <p><i>(Councillor G W. Roberts, OBE declared an interest in the matter and was not present at the meeting during any discussion or voting thereon).</i></p>
<b>REASON FOR THE DECISION</b>	To ensure the satisfactory development of Council owned land.
<b>RELEVANT SCRUTINY COMMITTEE</b>	n/a - In accordance with Para 4.5.16.10 of the Council Constitution.

# The Executive

## Minutes of the meeting held on 16 July, 2007

**PRESENT:** Councillor W. J. Williams, MBE (Chairperson)  
Councillor J.M.Davies (Deputy Leader)

Councillor K. Evans  
Councillor D. R. Hughes  
Councillor H. Eifion Jones  
Councillors H. W. Thomas  
Councillor J. Williams

**IN ATTENDANCE:** Managing Director  
Corporate Director (Environment & Technical Services)  
Head of Service (Finance)  
Committee Services Manager

**APOLOGY:** Councillors Mrs. B. Burns, MBE, W. J. Chorlton

### 1 DECLARATIONS OF INTEREST

*Did not declare what interest, he is not the local member: see electorate boundary.*

Councillor G. W. Roberts, OBE, declared an interest in Item 4 only of these minutes and was not present at the meeting during any discussion or voting thereon.

(Prior to the Leader vacating the Chair, the Committee agreed to the Council Chairperson chairing the remainder of the meeting).

### 2 URGENT MATTERS CERTIFIED BY THE MANAGING DIRECTOR (OR HIS APPOINTED OFFICER)

None to report.

### 3 EXCLUSION OF THE PRESS AND PUBLIC

Resolved that "Under Section 100(A)(4) of the Local Government Act 1972 the press and public be excluded from the meeting during discussion on the following item as it involved the likely disclosure of exempt information as defined in Paragraphs 8 & 9 of Schedule 12A of the said Act".

### 4 PROPOSED ACQUISITION

Submitted - A report by the Corporate Director (Environment & Technical Services) on the proposed acquisition of a property on the Island.

Reported - That the decision to be taken by the Executive was urgent and that in accordance with Para 4.5.16.10 of the Council Constitution, the call-in procedure would not apply.

The Chairperson of the County Council had agreed both that the decision proposed was reasonable in all circumstances and to it being treated as a matter of urgency.

It was further reported that decisions taken as a matter of urgency must be reported to the next available meeting of the County Council, together with the reasons for urgency.

**RESOLVED**

- To pursue the purchase of Property 'A' and that authority be given to the Corporate Director (Environment & Technical Services) in consultation with the Corporate Director (Finance) to agree upon the upper limit of the budget as set out in the report.
- That authority be given to Officers, to submit at the appropriate time, a planning application for the housing development of the land and thereafter sell the land on the open market.
- That the Executive give further consideration to the use of the existing house.

The meeting concluded at 1:15p.m.

COUNCILLOR W. J. WILLIAMS, MBE  
CHAIRPERSON



B.  
REPORT (CS)

From: LYNN BALL  
To: THOMAS, EINIR  
Date: 19/07/2007 12:44:08  
Subject: Re: Proposed Property Aquisition in Amiwch Auction 19th July 2007

I've just read the procedure. I agree that, if necessary, we invoke para 2 iv.

Lynn

>>> EINIR THOMAS 19/07/2007 12:17:21 >>>  
Thanks Lynn.

I have just spoken to Arthur and Gwil. We reconfirmed the limit and discussed the practicalities of making the deposit payment.

Assuming the bid is successful: Because the auction is late in the afternoon, it means that we may need to make payment of the deposit outside normal office hours. To do this means we may need to cut some corners on our normal payment authorisation. We have an "exceptional circumstances" procedure that you and I need to agree to invoke.

>>> LYNN BALL 19/07/2007 11:50:50 >>>

As you know, Mike Barton has delegated authority to purchase but, in order to secure finance, a report was presented to the Executive in a meeting which took place on Tuesday the 17th July. <sup>16<sup>th</sup></sup>

I was not present at the meeting but later discovered that the Leader had declared an interest on this item, although no one seems to know what it was, and he vacated the Chair. Under the Constitution, Cllr J.M. Davies ought to have chaired. Had he not been present then the Exec ought to have selected another from among their number for the duration of the item.

However, the Leader put the Chair of the Council in the Chair of the Executive. Not only is this unconstitutional but it is contrary to statute ( s11 2000 Act ) and, therefore, the ensuing decision is open to challenge. It is likely that we have no lawful authority to bid at the auction.

Shortness of time meant that we could not remedy the defect by calling another Exec, as such a meeting would have fallen foul of the Access to Information Regs and might itself have been challengeable.

<sup>16<sup>th</sup> CORRECT</sup>  
On the afternoon of the 17th July I met with the MD and AWO to express these concerns. The safest course of action would be not to bid at the auction but, it was agreed by all three of us, that the potential benefit to the Council, and to the public, was so significant that it would justify continuing despite our misgivings about the process and the potential for challenge.

We therefore take responsibility for going ahead and confirm that Mike/Gwilyn are authorised to proceed in accordance the flawed decision of the Exec.

It would be helpful if AWO could get this decision ratified after the event. That will not cure the defect but it's the best we can do in the circumstances.

Hope this is enough comfort for you to proceed ?

Lynn



Brief notes prepared by Gwilym E. Williams in respect of the property auction held at the Carreg Mon Hotel, Llanfairpwll on Thursday 19<sup>th</sup> July, 2007.

I attended the auction accompanied by Dylan Edwards my Assistant Valuer.

The auction commenced at approximately 3.00 pm the auctioneer on the day was Mr Melfyn Williams a Director of Williams & Goodwin Estate Agents. In his opening address the auctioneer announced that each lot would be sold differently and he would not be declaring if a lot had reached its reserve and was on the market to be sold. Neither would he offer the property to be sold for the first, second, third and final time. He may knock a lot down with out giving any indication.

Such a statement by an auctioneer is most unusual and personally I have never come across it before. This declaration forced me to alter my intended plan for the auction, in that I would probably have to enter the bidding at an earlier stage than planned.

The first lot to be offered was Craigwen, Bull Bay Road, Amlwch. Dylan and I were stood at the rear of the auction room. The first bid was £200,000 and submitted by Mr. Schofield. Mr Schofield was seated at the rear of the room in front of me. I waited a good while before making a bid of £210,000. All subsequent bids were made between Mr. Schofield and myself. Mr. Schofield's final bid was £295,000, I then bid £300,000 and the property was knocked down to us.

Prior to auction a meeting took place between Mr. Arthur Owen the Corporate Director of Planning, Environment & Technical Services, Mr. David Elis Williams and myself to discuss the auction. At the meeting I expressed my opinion that the reserve price for the property was likely to be £280,000 to £300,000. I also stated that we were likely to secure the property for £300,000 to £320,000 provided that no developer came in to bid.

I was authorised to attend at the auction an bid up to a figure of £410,000 to secure the property in order to open up Council owned land to the rear of Craigwen.

The vendor could appoint the auctioneer or someone else to bid on her behalf, up to the reserve price. I presumed this may have been the case in this instance.

Gwilym E. Williams

C

CYNGOR SIR YNYS MÔN

ISLE OF ANGLESEY COUNTY COUNCIL

ODDI WRTH : Pennaeth Gwasanaeth  
(Eiddo)  
FROM : Head of Service  
(Property)

AT: MANAGING DIRECTOR  
TO : LEGAL SERVICE

DYDDIAD :  
DATE : 25 JULY 2007

DYDDIEDIG :  
DATED :

CYF:  
REF: 11UL10000/PEM64223/GEW/GW

EICH CYF :  
YOUR REF :

**RE: CRAIGWEN AND LAND ADJACENT (FORMERLY KNOWN AS CAEAU CEINION) BULL BAY ROAD, AMLWCH**

The Isle of Anglesey County Council purchased the above mentioned property at auction on the 19th July, 2007. The acquisition was approved by the Executive Committee at their meeting held on the 16th July, 2007.

The purchase price is £300,000 and it is confirmed that a £30,000 deposit was paid on the day to Williams and Goodwin the Auctioneers.

The proposed purchase of the property was kept as quiet as practically possible so as not alert anyone to our interest in the hope of minimising the price which we had to pay.

The auction pack was obtained through a third party and Alan Carr did look at the documents. Please find attached the complete auction pack together with the auction catalogue.

It is confirmed that payment of the fees paid relating to search certificates etc is in order. I would also draw your attention to condition 18 of the Auctioneers Notice to all prospective buyers contained in the catalogue, that we are liable for the payment of £150 inclusive of VAT upon exchange of contract in respect of a buyers administration charge.

*what about  
restriction  
Covenant*

With regards the vendors solicitors request that completion of the sale be brought forward to the 23rd August, 2007 I am agreeable to this. However, should you feel it necessary conditions 25 of the contract should be deleted from the contract.

pp M. BARTON  
HEAD OF SERVICE  
(PROPERTY)

Time Table for Purchase of Craigwen, Bull Bay Road, Amlwch.

- 9<sup>th</sup> July, 2007. – Meeting to discuss proposed purchase of Craigwen. – attended by Arthur Wyn Owen, Corporate Director Planning, Environment & Technical Services.  
David Elis-Williams, Corporate Director Finance.  
Gwilym Williams, Principal Valuer.
- 16<sup>th</sup> July, 2007. - Executive Meeting held in Committee Room1. See attached Resolution to pursue the purchase of the property Craigwen.
- 19<sup>th</sup> July, 2007. – Auction attended at Carreg Mon, Llanfairpwll by Gwilym Williams, Principal Valuer and Dylan Edwards, Assistant Valuer. Bidding on behalf of the Council was undertaken by Gwilym Williams and the purchase was secured with a final bid of £300,000 (three hundred thousand pounds).

Gwilym Williams

Additional information on purchase of Craigwen, Amlwch

I understand that a problem arose in or after the meeting and the issue was discussed between Mr Derrick Jones the M.D. and Lynn Ball when the matter was resolved. I do not have information regarding the nature of the issue, but no doubt Mr Jones will recall the matter and if need be can call Lynn Ball to refresh his memory of the incident.

Gwilym Williams



From: ROBYN JONES  
 To: WILLIAMS, JUNE  
 Date: Fri, Aug 10, 2007 12:14 pm  
 Subject: Re: Fwd: Materion a Godwyd gan Cyng Schofield - 8.8.07

Diolch, Mary.

>>> JUNE WILLIAMS 10/08/2007 12:09:55 >>>

'Rwy'n cadarnhau mai prynhawn dydd Mercher, 8ed, oedd ei gyfarfod gyda'r ddau aelod.

Mary Wyn Jones  
 Cynorthwy-ydd Personol Dros Dro i'r Rheolwr Gyfarwyddwr/  
 Temporary Personal Assistant to Managing Director  
 Cyngor Sir Ynys Môn/  
 Isle of Anglesey County Council  
 Ffôn/Tel. (01248) 752102  
 Ffacs/Fax. (01248) 750839

>>> ROBYN JONES 08/10/07 12:05pm >>>

Mary,

Allwch chi ofyn i Mr Jones pryd y cafodd ei gyfarfod efo Cyng Fowlie a Schofield, plls.

Fe siaradodd Mr Jones efo fi bore ddoe a deallais fod y cyfarfod wedi bod y prynhawn cynt, sef Dydd Mercher 8.8.07.

Diolch.

>>> ROBYN JONES 09/08/2007 11:03:17 >>>

Mr Jones,

Wedi cael cyfle i drafod rhain efo Lynn.

#### Pwyllgor Gwaith - Ocsiwn

Atoaf yr unig waith papur sydd gan Lynn ar y mater yma. Ni ofynwyd am ei chyngor cyn cyfarfod y PG ac ond trwy ddamwain y daeth yn ymwybodol o'r mater ac ar ol y cyfarfod oedd hynny.

Roedd cyfarfod y PG ar fore'r <sup>16<sup>th</sup></sup> 17eg a'r cyfarfod rhwng chi, Lynn ac Arthur Owen yn y p'nawn.

Fe ddylwn dynnu i'ch sylw fod y Cyngorydd Schofield wedi bidio i brynu'r eiddo yn yr ocsiwn ac yn erbyn y Cyngor. Mae ganddo, felly, ddirdeb yn y mater o dan y Cod Ymddygiad ac ni ddylai gymeryd rhan mewn unrhyw gyfarfod i drafod y mater. Mae hyn yn cynnwys cyfarfod anffurfiol efo swyddogion.

#### Polisi Manddaliadau

Nid ydym yn ymwybodol o pa bolisi gan y Cyngor mae'r Cyngorydd yn son amdanno. Fe fydda ni'n awgrymu eich bod yn gofyn iddo ysgrifennu atoch yn gwneud y gwyn ac iddo fanylu yn llawn yn ei lythyr pa bolisi a pryd y mabwysiadwyd gan y Cyngor Sir yn ogystal a beth sydd wedi digwydd yn groes i'r polisi yna, pryd a sut. Fe ddylai'r llythyr hefyd gyfeirio at unrhyw rannau o'r Cyfansoddiad sy'n berthnasol. Fe gofiwch i mi ddweud mewn cyd-destun arall mai "he who alleges must prove" ydi'r rheol.

Ar ol derbyn hynny'n ysgrifenedig fe allwn gael golwg ar y mater yn iawn.

Diolch.

From: GWILYM WILLIAMS  
To: BARTON, MIKE  
Date: 8/14/07 4:07PM  
Subject: Purchase of Craigwen, Bull Bay Road, Amlwch

Mike

Further to our brief discussion this morning when you mentioned that you would appreciate some general notes on progress in respect of the purchase. The general progress is as follows:-

1. The Executive Committee Meeting of the 16th July, 2007 resolved

Decision

- \* To pursue the purchase of property 'A' and that authority be given to the Corporate Director (Environment & Technical Services) in consultation with the Corporate Director (Finance) to agree upon the upper limit of the budget as set out in the report.
- \* That authority be given to Officers, to submit at the appropriate time, a planning application for the housing development of the land and thereafter sell the land on the open market.
- \* That the Executive given further consideration to the use of the existing house.

Reason for Decision

To ensure the satisfactory development of Council owned land.

2. The Auction took place at the Carreg Mon Hotel, Llanfairpwll and the Council were successful in securing the purchase of Craigwen for the sum of £300,000 which is considered to be very reasonable considering the importance of the property to the Council in relation to the adjacent development land.

3. Completion of the purchase is anticipated to take place on the 23rd August, 2007.

4. Arrangements are in hand for the submission of the requisite planning application.

I hope the above is generally what you required from me, but please let me know if you require any additional information.

Gwil

CYNGOR SIR YNYS MÔN

ISLE OF ANGLESEY COUNTY COUNCIL

ODDI WRTH : Gwilym Williams  
FROM :

AT: Wyn Rhys Jones  
TO :

DYDDIAD :  
DATE : 15 AUGUST 2007

DYDDIEDIG :  
DATED :

CYF:  
REF: 11UL10000/PEM67257/GEW/GW

EICH CYF :  
YOUR REF :

**RE: LAND ADJACENT TO MAES MONA, AMLWCH - CRAIGWEN, BULL BAY ROAD, AMLWCH**

The Council recently purchased Craigwen, Bull Bay Road, Amlwch at auction. Completion of the purchase is due to take place in the next 10 days or so.

The main purpose for purchasing the property was to unlock development land to the rear which is in our ownership. Craigwen is edged green on the attached 1:2500 o.s plan while our development land is edged red thereon.

Prior to purchasing Craigwen informal discussions took place between the Development Control section of Highways and ourselves, to ascertain whether an adequate access could be achieved through Craigwen without the need to demolish the dwelling, but at the same time allowing for residential development of the land to the rear. This was confirmed and a copy of the general access sketch plan is attached thereto.

I would be obliged if you could prepare the necessary plans and submit a planning application for the new access.



pp M. BARTON  
HEAD OF SERVICE  
(PROPERTY)

Copi tteil.

C:7



CYNGOR SIR  
YNYS MÔN  
ISLE OF ANGLESEY  
COUNTY COUNCIL

Derrick M. Jones, C.P.F.A.  
Rheolwr Gyfarwyddwr/Managing Director  
Swyddfeydd y Cyngor/Council Offices  
LLANGFNI  
Ynys Môn/Anglesey  
LL77 7TW

<b>RHYBUDD O GYFARFOD</b>	<b>NOTICE OF MEETING</b>
<b>PWYLLGOR GWAITH</b>	<b>THE EXECUTIVE</b>
<b>DYDD LLUN 10 MEDI 2007 ➔ 1:30pm ←</b>	<b>MONDAY 10 SEPTEMBER 2007 ➔ 1:30pm ←</b>
<b>YSTAFELL BWYLLGOR 1 SWYDDFEYDD Y CYNGOR LLANGFNI</b>	<b>COMMITTEE ROOM 1 COUNCIL OFFICES LLANGFNI</b>
Rheolwr Gwasanaethau Pwyllgor (MR. JOHN NICOL) Ld. Committee Services Manager (01248) 752515	

**MÔN YMLAEN (ANNIBYNNOL)/ANGLESEY FORWARD (INDEPENDENT)**  
Mrs B. Burns, MBE, W. J. Chorlton, J. M. Davies, Keith Evans, D. R. Hughes, H. Eifion Jones,  
G. Winston Roberts, OBE, John Williams.  
**RADICAL ANNIBYNNOL / RADICAL INDEPENDENTS**  
H. W. Thomas.

COPI ER GWYBODAETH/COPY FOR INFORMATION:

I weddill Aelodau'r Cyngor Sir/To the remaining Members of the County Council

*Bydd aelod sydd ddim ar y Pwyllgor Gwaith yn cael gwahoddlad i'r cyfarfod i siarad (ond nid i bleidleisio) os ydy o/hi wedi gofyn am gael rhoddi eitem ar y rhaglen dan Reolau Gweithdrefn y Pwyllgor Gwaith. Efallai y bydd y Pwyllgor Gwaith yn ystyried ceisiadau gan aelodau sydd ddim ar y Pwyllgor Gwaith i siarad ar faterion arall.*

*A non-Executive member will be invited to the meeting and may speak (but not vote) during the meeting, if he/she has requested the item to be placed on the agenda under the Executive Procedure Rules. Requests by non-Executive members to speak on other matters may be considered at the discretion of the Executive Committee.*

## A G E N D A

1. DECLARATION OF INTEREST.

To receive any declaration of interest from any Member or Officer in respect of any item of business.

2. URGENT MATTERS CERTIFIED BY THE MANAGING DIRECTOR (OR HIS APPOINTED OFFICER).

No urgent matters at the time of dispatch of this agenda.

3. EXCLUSION OF THE PRESS AND PUBLIC.

To consider adopting the following:-

"Under Section 100(A)(4) of the Local Government Act 1972 the press and public will be excluded from the meeting during discussion on Item 4 below as it involves the likely disclosure of exempt information as defined in Paragraph 12 of Schedule 12A of the said Act".

4. MINUTES OF THE EXECUTIVE 16th JULY 2007

(i) To submit for confirmation and signature, the minutes of the meeting of the Executive held on 16th July, 2007.  
(ENCLOSURE 'A')

(ii) To submit a report by the Director of Legal Services / Monitoring Officer  
(ENCLOSURE 'B')

5. MINUTES

To submit for confirmation and signature, the minutes of the meetings of the Executive held on the following dates:-

23 July, 2007 (ENCLOSURE 'C')

30 July, 2007 (ENCLOSURE 'CH')

Arising thereon:-

Item 2 SDS Successor Arrangements

To consider the fourth recommendation by the SDS Sub-Committee held earlier that day that the Executive "give power to act to the SDS Sub-Committee to determine all future applications for SDS Grant."

## PAPUR/ENCLOSURE 'B'

Tynnir sylw'r holl aelodau sy'n derbyn y rhaglen yma l'r eltem ganlynol ac l Baragraffau 10.2 a 10.3 o'r Rheolau Gwelthdrefn Mynediad at Wybodaeth sydd wedl eu cynnwys yng Nghyfansoddiad y Cyngor sy'n cadarnhau fod yr adroddiad amgaeedig yn gyfrinachol, ac nad oes hawl cyhoeddi'r adroddiad heb ganiatâd yr Awdurdod, ac at gymal 5 y Côd Ymddygiad l Aelodau sy'n rhwystro Aelodau rhag datgelu gwybodaeth gyfrinachol heb ganiatâd penodol person sydd a'r awdurdod l roddi caniatâd o'r fath, neu onl bal fod rheidrydd cyfreithiol arno/arni l wneud hynny.

The attention of every member who receives this agenda is drawn to the following item and Paragraphs 10.2 and 10.3 of the Access to Information Rules contained within the Constitution of the Council which confirms that the annexed report is given in confidence and cannot be made public without the consent of the Authority, and to Clause 5 of the Members' Code of Conduct which prevents Members from disclosing information given in confidence without the express consent of a person authorised to give consent, or unless required by law to do so.

*no mention of covenant restrictions*

ISLE OF ANGLESEY COUNTY COUNCIL	
COMMITTEE	EXECUTIVE
DATE	10 <sup>TH</sup> SEPTEMBER 2007
TITLE OF REPORT	PROPERTY ACQUISITION AT AUCTION ON THE 19 <sup>TH</sup> OF JULY 2007
PURPOSE OF REPORT	TO RATIFY A DECISION OF THE 16 <sup>TH</sup> JULY 2007
REPORT BY	THE MONITORING OFFICER

1. **BACKGROUND**

- A meeting of the Executive took place on the 16<sup>th</sup> of July 2007 in connection with the Council's proposed acquisition of a property at auction, to take place on the 19<sup>th</sup> of July 2007.
- The Executive unanimously supported the recommendation of Officers as set out in the Report of the Corporate Director (Environment and Technical Services).
- I was not present at the meeting but later discovered that the Leader, having declared an interest in the item, relinquished the Chair while the item was under consideration. In his absence the Executive ought to have been chaired by the Deputy Leader.
- However, that procedure was not followed and the item was dealt with while the Executive was chaired by the Chairperson of the Council; albeit that the Deputy Leader was present.

2. **ADVICE**

- The procedure which was followed not only failed to satisfy the requirements of the Council's Constitution but was also contrary to statute (Section 11(7) of the Local Government Act 2000). The decision arising from this unlawful procedure may therefore be challenged.

The defective procedure could not have been remedied by another meeting of the Executive as such a meeting would, by then, have fallen foul of the Access to Information Regulations; of itself raising the prospect of challenge.

Accordingly, I met with the Managing Director and the Corporate Director (Environment and Technical Services) to express my concerns. I advised that the safest course of action would be not to participate in the auction. However, given that the Executive was unanimous, the substantive decision was defensible, with a significant potential benefit to the Council and the public, it was agreed by the three Officers present that the course of action authorised by the Executive would continue despite the falling in the process and the potential for challenge.

- The auction went ahead on the 19th of July 2007 and the Council acquired the property. Regardless of any shortcomings in the way in which the Executive processed its decision, the Council became contractually obliged to the vendor

**CONFIDENTIAL - NOT FOR PUBLICATION**

and, at this point, I would advise that a properly constituted Executive ratify its earlier decision of the 16th of July 2007. For the avoidance of doubt, this will not remedy the flawed decision but is the best that can be done in the circumstances to mitigate that decision and to reflect the fact that the decision was rational, based on compelling reasoned arguments, and had the support of all the Executive Members present.

• However, I remain concerned about the following factors:

- that Section 11(7) of the Local Government Act 2000 was breached when this provision was specifically highlighted at the Annual Meeting of the Council on the 2<sup>nd</sup> of May 2007, in connection with the appointment of the Vice Chairperson of the Council;

- that Officers were put in the position of either having to prejudice the interests of the Council, and the public, or else to implement a decision they knew to be procedurally flawed. This is a particular concern given that no explanation has been forthcoming as to the reasons why these circumstances arose.

the Executive may have to explain its position in the event that this decision is challenged.

*Monitoring officer  
Duty not just to the  
Council but to  
uphold the law.*

### 3. RECOMMENDATION

- That a properly constituted Executive ratify its decision of the 16<sup>th</sup> July 2007.

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Document: 2007 09 10

## The Executive

### Minutes of the meeting held on 10 September, 2007

- PRESENT:** Councillor G. W. Roberts, OBE (Leader) (Chair)  
Councillor J. M. Davies (Deputy Leader)
- Councillor Mrs. B. Burns, MBE  
Councillor W. J. Chorlton  
Councillor K. Evans  
Councillor D. R. Hughes  
Councillor H. Eifion Jones  
Councillors H. W. Thomas  
Councillor J. Williams
- IN ATTENDANCE:** Managing Director  
Corporate Director (Finance)  
Corporate Director (Housing & Social Services)  
Director of Legal Services / Monitoring Officer  
Head of Service (Social Services) (Item 17 only)  
Head of Service (Policy) (Item 10 only)  
Head of Service (Finance) (Items 7 & 8 only)  
Carol Wyn (Policy & Strategy Officer) (Item 10 only)  
Committee Services Manager
- ALSO PRESENT:** Councillor P. S. Rogers (Item 15)

#### 1 DECLARATIONS OF INTEREST

Councillor G. W. Roberts, OBE, declared an interest in Item 4 of these minutes and was not present at the meeting during any discussion or voting thereon. The Deputy Leader took the Chair for this item.

#### 2 URGENT MATTER CERTIFIED BY THE MANAGING DIRECTOR - (OR HIS APPOINTED OFFICER)

None to report.

#### 3 EXCLUSION OF THE PRESS AND PUBLIC.

Resolved that under Section 100(A)(4) of the Local Government Act 1972 the press and public be excluded from the meeting during discussion on Item 4 below only as it involves the likely disclosure of exempt information as defined in Paragraph 12 of Schedule 12A of the said Act".

#### 4 MINUTES OF THE EXECUTIVE 16th JULY 2007

Submitted - Legal advice by the Director of Legal Service / Monitoring Officer with regard to the decision of the Executive held on 16th July, 2007 in connection with the Council's acquisition of a property at auction.

Resolved following consideration of the report of the Director of Legal Services / Monitoring Officer to approve the minutes and ratify the decision of the meeting of the Executive held on 16th July, 2007.

Next...

*Monitoring Officers Should explain why Exclude the public from knowing that an unlawful act had taken place by the Council*

*Shouldn't she have enacted Section 5 of the Local Government act.*

**From:** GETHIN JONES  
**To:** sion.tecwyn@bbc.co.uk  
**Date:** Wed, Sep 12, 2007 1:37 pm  
**Subject:** Sylw Ocsiwn

Annwyl Sion,

Dyma sylw'r Cyngor yn dilyn dy alwad bore ma.

Diolch  
Geth

**Dyweddodd llefarydd ar ran Cyngor Sir Ynys Môn:**

"Roedd cynrychiolydd o'r Cyngor Sir mewn ocsiwn cyhoeddus yng Ngwesty Carreg Môn, Llanfâlprwll, oherwydd diddordeb mewn prynu ty a fyddai'n gwella ein portffollo eiddo a'n gwarchod ein cronfa asedau presennol."

"Roedd yr ocsiwn yn un gyhoeddus, a doedd y Cyngor ddim yn ymwybodol pwy fyddai'n mynychu neu'n bidio. Yn wir, oherwydd natur ocsiynau, doedd y Cyngor chwaith ddim wedi gwneud ei diddordeb yn yr eiddo yn hysbys o flaen llaw."

"Lwyddodd y Cyngor ennill yr ocsiwn mewn proses bidio agored, ac rydym yn fodlon gyda'r pris terfynol dalwyd yn nhermau tegwch a gwerth am arian."

There's a complaint that Cllr Elwyn Schofield bid for a house against the Council. Elwyn Schofield as an individual bidding against the Council. Interested because there is special value to the house. Four acres of Council land. Access to it through the house.

Council bid. Elwyn Schofield bid.

£300k price. Suggestion that the Council had to pay more, and complaints that Elwyn Schofield knew the background of the property, and knew its worth?

Mr Tange

£ 7 acres to be sold  
to be sold / ES to be sold  
Cll.

£ 7 acres when  
it is

④ are added to

imperial design

£ 6 / ES

£300k design

£ L - h

7 copies of ES

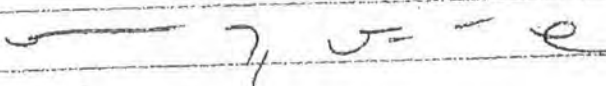

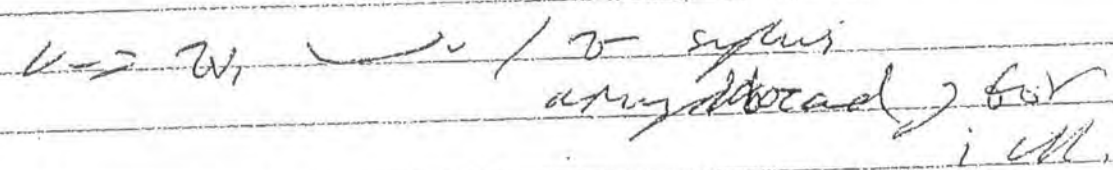

✓ added to

One other thing I wanted to ask. I've spoke to Elwyn Schofield. He says he did nothing wrong. He says he did not realised to the significance of the house to the Council.

He says that the decision to buy the house was unlawful. WJ not chair of the Executive.

Lynn Ball given that guidance.

Not correct.

Slon Tecwyn ①    
   
   
 modd ynddydd ym 1996; wnaeth i gyrru   
 ffrwyd ar ystod ystod   
 WJ 27 1996   
 L'B - 27 7 cyfarwydd   


**From:** "Sion Tecwyn" <sion.tecwyn@bbc.co.uk>  
**To:** "GETHIN JONES" <GJXCE@anglesey.gov.uk>  
**Date:** Wed, Sep 12, 2007 4:06 pm  
**Subject:** Craig Wen Amlwch

Councillor Schofield claims that the decision to try and purchase the property was illegal because the cabinet meeting was chaired by Cllr W.J Williams. As Chairman of the Council he should not be present at an Executive Board meeting. He also claims that the council Monitoring Officer warned the meeting on July 16 that such a decision would be illegal.

Sion Tecwyn 01248 374951

<http://www.bbc.co.uk/>

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Please note that the BBC monitors e-mails sent or received.

Further communication will signify your consent to this.

**From:** GETHIN JONES  
**To:** BALL, LYNN  
**Date:** Wed, Sep 12, 2007 4:35 pm  
**Subject:** Fwd: Craig Wen Amlwch

Dear Lynn,

Following our conversation a few minutes ago, here is a transcript of what Sion Tecwyn (BBC Cymru) said when he contacted me earlier this afternoon.

*I wanted to ask one other thing. I've spoke to Elwyn Schofield. He says he has done nothing wrong, and had not realised the relevance of the land to the Council.*

*He claims, however, that the manner in which the decision to buy the land was made was unlawful, as Cllr WJ Williams had been in the chair of the Exec. at the time. Lynn Ball had confirmed this through her advice.*

*Can I have a response to this?*

Diolch  
Gethin

>>> "Sion Tecwyn" <SION.TECWYN@BBC.CO.UK> 09/12/07 4:05 pm >>>  
Councillor Schofield claims that the decision to try and purchase the property was illegal because the cabinet meeting was chaired by Cllr W.J Williams. As Chairman of the Council he should not be present at an Executive Board meeting. He also claims that the council Monitoring Officer warned the meeting on July 16 that such a decision would be illegal.

X did not say this.

Sion Tecwyn 01248 374951

<http://www.bbc.co.uk/>

This e-mail (and any attachments) is confidential and may contain personal views which are not the views of the BBC unless specifically stated.

If you have received it in error, please delete it from your system.

Do not use, copy or disclose the information in any way nor act in reliance on it and notify the sender immediately.

Please note that the BBC monitors e-mails sent or received.

Further communication will signify your consent to this.

Your enquiry raised three issues:

"Sion Tecwyn" <[sion.tecwyn@bbc.co.uk](mailto:sion.tecwyn@bbc.co.uk)> 09/12/07 4:05 pm

- 1) Councillor Schofield claims that the decision to try and purchase the property was illegal because the cabinet meeting was chaired by Cllr W.J Williams.
- 2) As Chairman of the Council he should not be present at an Executive Board meeting.
- 3) He also claims that the council Monitoring Officer warned the meeting on July 16 that such a decision would be illegal.

*not the meeting but the MD AWO & FT.*

You received a fair and accurate reply to issues 2 and 3, namely:-

An Isle of Anglesey County Council spokesperson said:

"Any member of the Council, including those who are not members of the Executive, are entitled to attend formal meetings of the Executive, even when the press and public are excluded."

"The Monitoring Officer was not present at the Executive on July 16, 2007, and could not therefore have offered the advice as claimed by Cllr Schofield."

*did not claim this*

"On Monday, Sept 10th 2007, a report by the Monitoring Officer into matters relating to the meeting of July 16, 2007, was considered by the Executive. That report was subject to legal professional privilege, but copies were sent out to all members of the Council."

The first issue which you raised was, at the time of your enquiry and response thereto, governed by legal professional privilege and, therefore, the County Council could not and did not comment. However, this prohibition was removed by Resolution of the full Council at its Meeting on Tuesday the 18<sup>th</sup> of September 2007. As soon as the Meeting concluded the Monitoring Officer asked that a copy of her Report, addressing your first enquiry, be sent out to you and all the other parties who had received the Agenda but not the Report.

The Council's Monitoring Officer is satisfied that she has acted properly, in good faith, and within the limits imposed by her professional duties as Solicitor to the Council.

*Monitoring Role*

Will you now withdraw your allegation that she deliberately sought to mislead you?

*different*

*No FOI record given prior to this memo. indicating <sup>accusation</sup> that Monitoring officer had deliberately mislead Sion Tecwyn*

**From:** GETHIN JONES  
**To:** Tecwyn, Sion  
**Date:** Wed, Sep 12, 2007 5:27 pm  
**Subject:** Re: Craig Wen Amlwch

Annwyl Sion,

Mae ddrwg gen i fod yr ymateb yma yn yr iaith fain. Newydd gael o ac heb wedi cael cyfle i'w gyfleithu.

**An Isle of Anglesey County Council spokesperson said:**

**"Any member of the Council, including those who are not members of the Executive, are entitled to attend formal meetings of the Executive, even when the press and public are excluded."**

**"The Monitoring Officer was not present at the Executive on July 16, 2007, and could not therefore have offered the advice as claimed by Cllr Schofield."**

**"On Monday, Sept 10th 2007, a report by the Monitoring Officer into matters relating to the meeting of July 16, 2007, was considered by the Executive. That report was subject to legal professional privilege, but copies were sent out to all members of the Council."**

Diolch  
Geth

>>> "Sion Tecwyn" <sion.tecwyn@bbc.co.uk> 09/12/07 4:05 pm >>>  
Councillor Schofield claims that the decision to try and purchase the property was illegal because the cabinet meeting was chaired by Cllr W.J Williams. As Chairman of the Council he should not be present at an Executive Board meeting. He also claims that the council Monitoring Officer warned the meeting on July 16 that such a decision would be illegal.

Sion Tecwyn 01248 374951

<http://www.bbc.co.uk/>

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Further communication will signify your consent to this.



I'm not very happy with the response I got re: Elwyn Schofield.

It's pretty close to lies. The legal section has misled me. Explanation?

21 Sion Tecwyn v V J 7 minutes

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314	401
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327	

I'm still not happy. Misleading. Still said what she said at a different time.

I'll pass it on to my boss, but I'm not going to make a fuss about it.

Want to be fair to Elwyn Schofield.

1<sup>st</sup> question asked: unlawful. Still feel should have said.

She did not say that. "That's my point"

I was correct in what I said and the Council's monitoring officer knows that.

I know there are times when you can't make a comment. One can't make a comment that isn't clear. That gives a misleading impression.

④

21/9/07

S.T.

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**Note 5: 24/9/07**

Elgan Hearn, Holyhead & Anglesey Mail

I've got a number of questions about Graigwen.

- 1) Is there an investigation going on into the circumstances surrounding the sale of Graigwen, Amlwch?
- 2) Have officers made an official complaint about Cllr Elwyn Schofield interfering in the process? [Bidding against the Council. There's an allegation that he contacted an officer in planning to see if the Council had an interest in Graigwen because of the land behind it. My source alleges that Elwyn Schofield was going after Graigwen so he could hold the Council to ransom].
- 3) Has the Managing Director interviewed Elwyn Schofield about Graigwen?
- 4) What is the Council going to do with Graigwen now? Keep the land they need to access and sell the house or do something with the house?

(5)

24-9-07.

~~11/2/07~~  
~~11/3/07~~

Elly 2' questions of about  
Graig Wen.

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~~b.~~

From: GETHIN JONES  
To: Hearn, Elgan  
Date: Mon, Sep 24, 2007 5:04 pm  
Subject: Craigwen

Atebion i dy ymholiad bore ma.

Diolch  
Gethin

1) The Council's external auditors are conducting a review of the process leading up to the acquisition of Craigwen.

2) We are not aware of any official complaint from an officer, and would welcome any additional information regarding this.

3) See 1 above.

4) The Council has yet to make a formal decision.

*not correct see Exec decision*

Wanted to come back on one point. Question 2.

I wonder has there someone come forward with concerns. Gone to the Monitoring Officer. Raised concerns. Complained but nothing official?

*Handwritten notes:*  
Hester  
Barnard  
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25-9-07 Elgan  
V C 6 2 (1) h // qu 2:

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G 6 w, yg?

From: GETHIN JONES  
To: Hearn, Elgan  
Date: Mon, Oct 1, 2007 10:26 am  
Subject: Arwerthiant ty

Ateb I dy gwestiwn diwethaf di.

Geth

Any concerns expressed would have been referred to the Council's external auditors.

**PAPUR/ENCLOSURE 'NG'**

Tynnir sylw'r holl aelodau sy'n derbyn y rhaglen yma i'r eitem ganlynol ac i Baragraffau 10.2 a 10.3 o'r Rheolau Gweithdrefn Mynediad at Wybodaeth sydd wedi eu cynnwys yng Nghyfansoddiad y Cyngor sy'n cadarnhau fod yr adroddiad amgaeedig yn gyfrinachol, ac nad oes hawl cyhoeddi'r adroddiad heb ganiatâd yr Awdurdod, ac at gymal 5 y Côd Ymddygiad i Aelodau sy'n rhwystro Aelodau rhag datgelu gwybodaeth gyfrinachol heb ganiatâd penodol person sydd a'r awdurdod i roddi caniatâd o'r fath, neu oni bai fod rheidrwydd cyfreithiol arno/arni i wneud hynny.

The attention of every member who receives this agenda is drawn to the following item and Paragraphs 10.2 and 10.3 of the Access to Information Rules contained within the Constitution of the Council which confirms that the annexed report is given in confidence and cannot be made public without the consent of the Authority, and to Clause 5 of the Members' Code of Conduct which prevents Members from disclosing information given in confidence without the express consent of a person authorised to give consent, or unless required by law to do so.



**ISLE OF ANGLESEY COUNTY COUNCIL**

**COMMITTEE**

COUNTY COUNCIL

**DATE**

18TH SEPTEMBER 2007

**TITLE OF REPORT**

PROPERTY ACQUISITION AT AUCTION ON 19TH JULY 2007

**PURPOSE**

TO REPORT WITH REGARD TO AN URGENT DECISION IN ACCORDANCE WITH CLAUSE 4.5.16.10 OF THE CONSTITUTION

**REPORT BY**

HEAD OF SERVICE (PROPERTY)

**ACTION**

TO APPROVE THE REPORT

**1.0 BACKGROUND**

- 1.1 Following consideration in relation to a prospective purchase at auction of land which would be of strategic value to the authority, the need for a formal decision and budget for the purpose was identified.
- 1.2 Following a meeting of relevant officers on 9th July 2007 the need for an urgent decision of the Executive was identified to ensure that officers had authority to proceed at the auction on 19th July 2007.
- 1.3 A report was submitted by the Corporate Director Environment and Technical Service to a meeting of the Executive held on 16th July 2007.
- 1.4 The Council's Monitoring Officer raised concern regarding the manner in which the meeting was conducted and subsequently the issue is scheduled to be reported to the Executive on 10th September 2007. A copy of that report is appended and the Executive's decision is to be reported to the County Council meeting.

**MIKE BARTON**  
**HEAD OF SERVICE PROPERTY/PENNAETH GWASANAETH EIDDO**

Report prepared by Mike Barton, Head of Service Property  
020.40/021.33/MB/EL

DJ's meeting with Phil Fowlie/Elwyn Schofield on Tuesday, 24 September, 2007,  
(Following Paddy French/Wales this Week on Ynys Môn the Monday evening before)  
regarding his involvement in the Amlwch Auction.

1. DJ stated it had come to his notice that ES had made contact with our Planning Department prior to the auction. ES had clearly stated that he had no way of knowing of the Council's interest in the property - his only 'awareness' of any link was the papers from the Auctioneer which identified the boundary to Council fields. No other information source was stated during our telephone conversation the Friday before (discussing Elgan Hearne's questions on the matters to the County Council and ES). ES acknowledged then that he had made contact, but initially refused to elaborate further until -
  1. needed to know the source of this information
  2. he had sight of the 'report'.
2. Following discussions (general) on a number of topics, eventually ES confirmed -
  - Had an interest in the Amlwch property which he wished to acquire
  - Due to this, obviously wished to see were there any matters affecting the property
  - Contacted Dewi Francis Jones in the Planning Department to ascertain this
  - Dewi telephoned back confirming there was nothing from a planning perspective to affect the property
  - Garden was the main area of concern - previously had had planning and this had now lapsed.
3. DJ now arranging report from LB/Dept. to confirm matters.
4. ES also stated that he had also told Phil Fowlie of events as they happened and had full knowledge.

SEPTEMBER 26, 2007

# Inquiry into council's land auction purchase

A PROBE into the circumstances surrounding the acquisition by the council of a property in Amlwch is taking place.

The council's executive committee took the decision on July 16 to fund a bid for Craig Wen, Bull Bay Road, Amlwch, which was auctioned at the Carrig Môn Hotel, Llanfairpwll, on July 19. This was in order to secure access to council-owned land behind Craig Wen.

At the auction the council won the bid for Craig Wen at £300,000 but had been opposed during the bidding by Cllr Eirwyn Schofield.

At last Tuesday's full council meeting property portfolio holder Cllr Hefin Thomas wanted the discussions to be made public.

In a report to the council made public following a vote amongst members, monitoring officer Lynne Ball, raised concern regarding the manner in which the executive meeting was conducted.

Council leader Cllr Gareth Winston Roberts had declared an interest on July 16, and in his

absence the committee was chaired by Cllr WJ Williams, chairman of the council, when it should have been the deputy leader.

Ms Ball recommended the executive re- ratify the decision with the proper member chairing the committee.

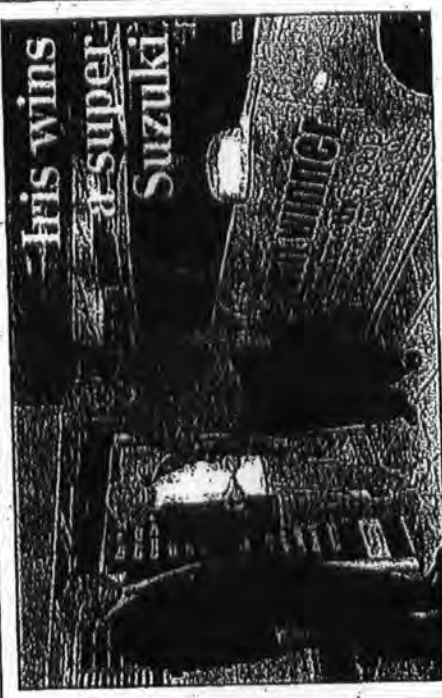
Leader of the Independent Radicals group, Cllr John Arthur Jones has written to auditors PriceWaterhouseCoopers asking them to investigate the sale.

Cllr Jones said: "The perception is that there was inside knowledge of the fact that the ownership of the house was significant to the land owned by the council. There are serious concerns with this and their concerns can only be examined after proper investigation."

Cllr Schofield, leader of the Original Independents said: "The investigation is into the way the council executive came to their decision. I've always been well aware of the need to live within rules."

A BEAUMARIS woman beat the odds to become a swift winner with Suzuki GB and the Pentraeth Group.

Iris Hickman was chosen from a list of 300 customers, all of whom had purchased a new or used car from the Pentraeth



Iris wins a super Suzuki

Group during August.

After being picked as the winner, Mrs Hickman opted to upgrade to an automatic version.

Pictured are Ian Price, sales manager of Suzuki GB with winner Iris Hickman from Beaumaris and Pentraeth Group director Ken Jones.

## Case adjourned for second opinion on woman who stabbed her partner

# Woman may be sent to psychiatric unit

AN Anglesey woman who stabbed her partner should be detained under the Mental Health Act, a consultant forensic psychologist has

By STAFF REPORTER

Cole who appeared in the dock at Mold Crown Court last Friday was told that she would have to remain in custody in

and has since been awaiting sentence.

An earlier hearing was told that Anglesey man Lee Jamie Clarkson felt tremendous pain as he walked down stairs at his home.

But Lee Jamie Clarkson later called friends on his mobile telephone, said that he had been stabbed, and crawled out of the house.

Despite his warnings not to call, the

### Newsfile

**Chance to use your creativity**

A FREE art course for pupils and members of the community starts on Monday, October 1, between 3.30-4.30pm, for 10 weeks at Ysgol Syr Thomas Jones, Amlwch, with Islwyn Williams. An opportunity for you to put your creative skills to work! Everyone welcome.

■ For more information phone 07867790816.

**Stiring event**

HOLYHEAD Gateway Club is holding a coffee morning on Saturday, September 29, at the Jesse Hughes Centre (old National School) Rhos y Gaer Terrace, Holyhead. The coffee morning is in aid of Macmillan Cancer Support, and is part of their 'Make a Big Stir' campaign. It will start at 10.30am. All are welcome.

**Help Africa trip**

A FASHION show to fund an African charity trip will take place on October 1 at Llangeini high school.

Starting at 6.30pm, cash raised will fund charity work soon to be carried out by Tim Africa, who are heading to Tanzania.

■ Tickets cost £4 for adults and £2.50 for children under the age of 11.

**Promises sale**

LLANGENI WI will be holding an auction of promises at the T.C. Simpson Hall, Lôn y Felin, on Saturday, September 29, 10-11am viewing, 1 auction.

# 1 on to

CYNGOR SIR YNYS MÔN - MEMORANDWM MEWNOL  
ISLE OF ANGLESEY COUNTY COUNCIL - INTERNAL MEMORANDUM

ADAIN GYFREITHIOL  
LEGAL SECTION

ADRAN RHEOLWR GYFARWYDDWR  
MANAGING DIRECTOR'S DEPARTMENT

**STRICTLY PRIVATE & CONFIDENTIAL**

AT/TO :	Mr Derrick Jones Rheolwr Gyfarwyddwr/Managing Director Isle of Anglesey County Council	ODDIWRTH / FROM	RHEOLWR GYFARWYDDWR/ MANAGING DIRECTOR - (Adain Gyfreithiol/Legal Section) Lynn Ball
EICH CYF : YOUR REF:		EIN CYF : OUR REF:	LB/MJ/CC-11132-LB
DYDDIEDIG : DATE :		DYDDIEDIG : DATE :	1 <sup>st</sup> October 2007

I SYLW / FOR THE ATTENTION OF :  
COPI I / COPY TO :

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**OUR MEETING ON THE 25<sup>TH</sup> OF SEPTEMBER 2007**

Following our meeting on the 25<sup>th</sup> of September 2007 you asked me to provide a written response to three of the issues which you raised in our discussion, namely:-

1. **The suggestion that Councillor Schofield has breached the Code of Conduct for elected members.**

This relates to information given to Sion Tecwyn (BBC Wales News) by Councillor Schofield and relayed to the Council's Press Officer in an "e" mail from Sion Tecwyn dated the 12<sup>th</sup> of September 2007, a copy of which is attached.

While inaccurate in some respects, the "e" mail clearly refers to the Report put before the Executive on the 10<sup>th</sup> of September 2007, copies of which were sent out to all Councillors with the Agenda. The Agenda, and the Report, made it clear that the item was likely to be considered with the press and public excluded and the Executive took a decision to that effect. A copy of the Agenda, Report and Minutes are attached.

As you know, this exclusion was later lifted by the full Council on the 18<sup>th</sup> of September and on that date it became a public domain document. However, at the time when Councillor Schofield provided the information to the BBC it was still subject to legal professional privilege and the Councillor would have been well aware of that fact.

Therefore, when Councillor Schofield made the disclosure to the BBC, it was in relation to material he had received in confidence and which was covered by paragraph 5.1.2.5(l) of the Code of Conduct. A copy of the relevant extract is attached.

In the circumstances, it is quite clear that Councillor Schofield breached the Code of Conduct. However, while there are aggravating features, there are also mitigating features to be taken into account.

Councillor Schofield's actions are aggravated by the fact that he made his disclosure to the media when he knew that his own conduct, in the same matter, was the subject of a complaint and investigation by the Council's external Auditors. Furthermore, the disclosure was retaliatory, rather than defensive, in that the information disclosed, concerning the decision of the Executive on the 16th of July 2007, was not relevant to the allegations against Councillor Schofield. It was obviously done on a "tit for tat" basis and therefore he cannot reasonably claim that it was done in good faith or to defend himself from criticism. It was done to deflect criticism from him and therefore an improper motive may reasonably be attributed.

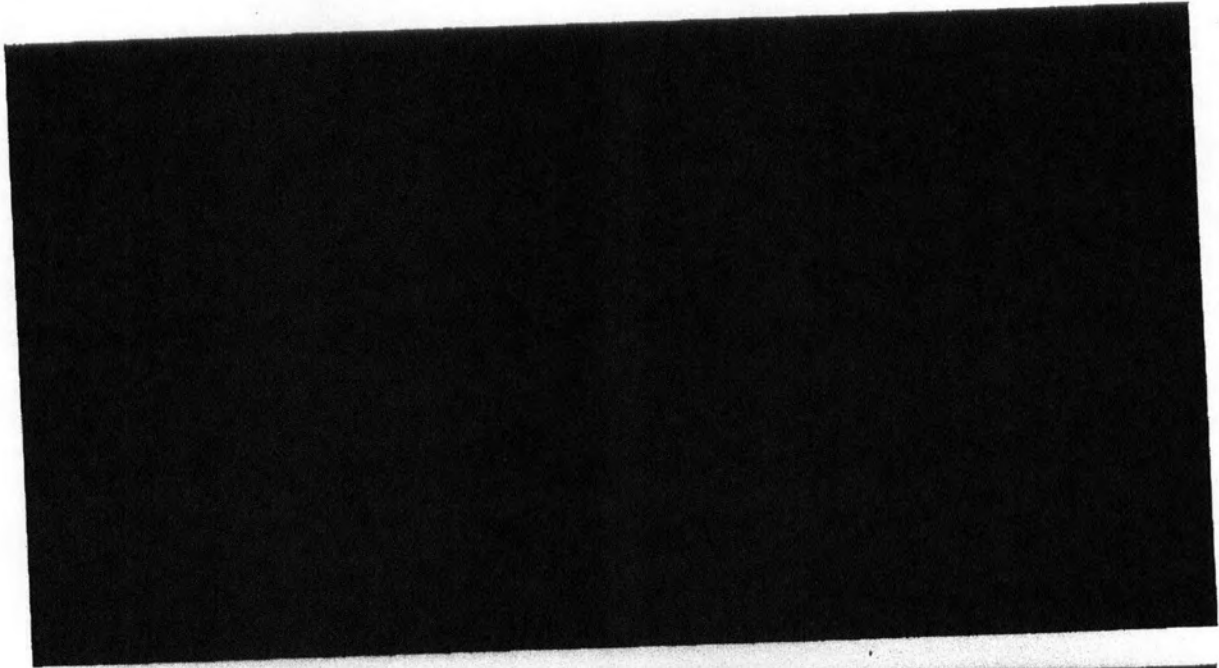
However, on the mitigating side of the equation is the issue of prejudice to the Council. In other words, what harm has been done by Councillor Schofield's disclosure? The only person likely to benefit from the legal advice, by being alerted to the fact that he may have a cause of action against the Council, is Councillor Schofield himself. Sharing that information with the media has not changed that situation or increased the prospect of challenge to the Executive's decision.

This view is supported further by the fact that the full Council itself lifted the embargo on my Report by its decision of the 18th of September.

It is my opinion that, if this matter were the subject of a formal complaint to the Ombudsman, it is more likely than not that he would conclude that Councillor Schofield has breached the Code but that no further action is required in all the circumstances.

2. Councillor Schofield's claim that Councillor John Arthur Jones has breached the Code of Conduct by disclosing, while interviewed on television and radio, the expected increase in the value of the Council's land as a result of the acquisition of Craigwen





3.



.....  
LYNN BALL  
CYFARWYDDWR GWASANAETHAU CYFREITHIOL A PHWYLLGORAU/SWYDDOG MONITRO  
DIRECTOR OF LEGAL AND COMMITTEE SERVICES/MONITORING OFFICER



ISLE OF ANGLESEY COUNTY COUNCIL : FINANCE DEPARTMENT  
DUTIES AND RESPONSIBILITIES OF CHEQUE RELEASING OFFICERS

ANNEXE : EXCEPTIONAL CIRCUMSTANCES

1. The main body of the Duties and Responsibilities of Cheque Releasing Officers Document refers to rules and guidelines for normal working days. As part of the Finance Department Business Continuity Plan exceptional circumstances have been defined where certain parts of the Duties and Responsibilities of Cheque Releasing Officers Document and the Treasury Systems Document / Treasury Management Practices Document may be disapplied.
2. The exceptional circumstances are :
  - i. Banking days which are official council holidays ( but only where, because of unforeseen transactions, failure of prearranged transactions or other reasons, officers have reason to believe that the overdraft limit or the net credit level may be breached)
  - ii. Industrial action affecting the attendance of Cheque Releasing Officers
  - iii. Emergencies defined by the Managing Director or the Emergency Planning Team affecting the attendance of Cheque Releasing Officers
  - iv. Other circumstances approved by the Chief Financial Officer or his/her deputy and the Monitoring Officer or his/her deputy
3. In these exceptional circumstances Cheque Releasing Officers should keep as close as possible to the guidance in the Duties and Responsibilities of Cheque Releasing Officers Document and the Treasury Systems Document / Treasury Management Practices Document. As a minimum :
  - i. Any two Cheque Releasing Officers may release payments even when they have arranged, approved or certified the transaction
  - ii. Any two of the Corporate Director (Finance), the Head of Service (Finance) and the Accountancy Manager may temporarily authorise additional Cheque Releasing Officers
4. When the Exceptional Circumstances Procedures have been used, the following should be informed as soon as possible:
  - i. The Corporate Director (Finance) (or the Monitoring Officer if the Corporate Director (Finance) made the decision to invoke the procedures)
  - ii. The Head of Service (Audit)

Approved by	DGEW	Updated	
Date	25/10/01	Date	





CYNGOR SIR  
YNYS MÔN  
ISLE OF ANGLESEY  
COUNTY COUNCIL

Cllr. E. Schofield  
Olgra  
Marianglas  
Ynys Môn  
LL73 8PL

ADRAN RHEOLWR CYFARWYDDWR •  
DEPARTMENT OF THE MANAGING DIRECTOR

Lynn Ball LL.B. (Hons), Solicitor  
Cyfarwyddwr Gwasanaethau Cyfreithiol  
a Swyddog Monitro •  
Director of Legal Services and Monitoring Officer  
CYNGOR SIR YNYS MÔN •  
ISLE OF ANGLESEY COUNTY COUNCIL  
Swyddfa'r Sir • Council Offices  
LLANGFNI  
Ynys Môn • Anglesey  
LL77 7TW

DX: 701771 - LLANGFNI

Gofynnwch am • Ask For : Siôn Caffell

☎ 01248 752116 ☎ (01248) 752132

E-bost • Email: [scx1h@anglesey.gov.uk](mailto:scx1h@anglesey.gov.uk)

Ein Cyf. • Our Ref R/592

Eich Cyf. • Your Ref

2<sup>nd</sup> November 2007

Dear Cllr. Schofield,

Freedom of Information Act (FOIA) request and Data Protection Act (DPA) Subject Access Request.

Further to my letter to you dated 1<sup>st</sup> November 2007 I enclose the cheque which should have been sent with it and apologise for the oversight.

I also enclose four more items that are relevant to your request. For your convenience I have numbered them so that you can inter-file them with those sent earlier if you want to keep everything in sequence.

A:6.1 Email from David Elis-Williams to awopl [Arthur Owen] dated 2 July 2007  
headed: *Land adjacent to Maes Mona, Amlwch.*

A:6.2 Email from David Elis-Williams to lbxc [Lynn Ball] dated 5 July 2007 headed:  
*Land adjacent to Maes Mona, Amlwch.*

A:6.3 Email from Lynn Ball to David Elis-Williams dated 6 July 2007 headed: *Re: Fwd:  
Land adjacent to Maes Mona, Amlwch.*

C:5.1 Email from David Elis-Williams to dmjce [Derrick Jones] dated 14 August 2007  
headed: *Fwd: Proposed Property acquisition in Amlwch Auction 19<sup>th</sup> July 2007.*

Item A:6.3 contains information which is unrelated to this matter and has no connection with yourself. This item is disclosed to you with that information redacted as it contains third party personal data which is exempt from disclosure under Sections 40(2) and 40(3)(a)(i) of the FOIA where disclosure would contravene any one of the data protection principles. Disclosure would constitute unfair processing and would contravene the first data protection principle as none of the conditions set out in Schedule 2 of the DPA are met.

The Meetings of the Executive held on 16<sup>th</sup> July 2007 and 10<sup>th</sup> September 2007, and the County Council held on 18<sup>th</sup> September 2007 were recorded. I have listened to the recordings and I can confirm that you are not named in connection with the auction. The recordings are relevant to your request in that they are concerned with the decision to purchase Craigwen, however, you have specifically requested that the information be supplied to you in the form of photo-copies. No transcripts exist of these recordings that I can supply in paper form and you are already aware that the FOIA limits access to items held at the time a request is made and does not require the Council to make transcripts for you. I can provide copies of these recordings as sound files on a CD-Rom on payment of £1.00 for the copy. Please advise if you wish me to do this and make the necessary payment. Alternatively you can make an appointment to listen to the recordings in my office as you have done on a previous occasion.

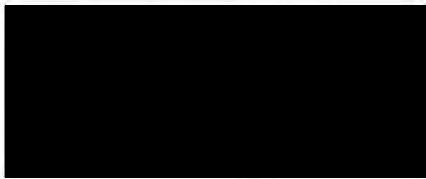
A report prepared by David Elis-Williams, headed: *Treasury Management Policy and Strategy*, makes reference in paragraph 3.3 to the 'acquisition of property, Amlwch – Executive 16 July - £300k'. This report was put before the Executive on 10<sup>th</sup> September 2007 and the County Council held on 18<sup>th</sup> September 2007. This report is already accessible to you as it was sent to all Members in the usual way which means it is exempt from disclosure to you again under Section 21 of the FOIA (Information accessible to the applicant by other means).

As far as I am aware no other relevant material is held by the Council but should any come to my notice I will provide it to you.

If you are unhappy with the decision made to withhold information in relation to your request you may ask for an internal review. Please address your correspondence to the Complaints Officer, Managing Director's Department, Council Offices, Llangefnï, Ynys Môn LL77 7TW (E-mail: LEGALPOLICY@anglesey.gov.uk).

If you are not content with the outcome of any internal review you have the right to apply directly to the Information Commissioner, Wycliffe House, Water Lane, Wilmslow SK9 5AF (E-mail data@dataprotection.gov.uk)

Yours Sincerely,



Siôn Caffell

Swyddog Gwybodaeth Corfforaethol  
Corporate Information Officer

From: DAVID ELIS-WILLIAMS  
To: awopl  
Date: 02/07/2007 17:34:11  
Subject: Land adjacent to Maes Mona, Amlwch

Thanks for the hard copy draft report.

It mentions an auction on 19 July. Presumably you intend to have a special Executive meeting to discuss this, and would recommend that they seek consent to use the procedure for an urgent decision. This would be required if the action you recommend can be authorised in time.

I confirm that arrangements under the prudential code would in principle allow such a 'invest-to-save' transaction if it can be shown that the value added to the land makes a net surplus on the deal and with minimal risk. However, in order to be able to support this I would need to see a firm opinion from the Valuer supporting the land values and also addressing the issue of risk. This is lacking so far - can it be supplied?

The arrangements under the prudential code are equally available to the HRA as to the Council Fund. If this land is in the HRA then the HRA can 'borrow' the additional budget and the HRA would reaps the windfall gain. So it is wrong to imply that the HRA has no budget to purchase the land (3.1) but later (6.1) that a budget can be found elsewhere.

A windfall gain to the HRA be beneficial in supporting the business plan to achieve WHQS. Because it is intended anyway to transfer supported borrowing from the Council Fund to the HRA, the benefit could ultimately be to the Council Fund if the amount of the transfer was to be correspondingly reduced in future years.

Also, the deal would be at its simplest if we then re-sell the land whose value has increased to pay back the original investment. Para 6.2 in the report suggests that we would not re-sell. If this were the case we would need to make internal appropriations which might (potentially) be scored against housing's budget for affordable housing. This is where it gets technical and we would need to look in to the appropriate accounting treatment before offering final advice on whether this is within the capital plan

Ultimately if it can be proven that there is an economic case to do this, it can be done. The technical accounting issues will need to be resolved here. But I don't think the report as drafted is sufficient - it may be easier to arrange a meeting (with valuer, and housing) to redraft.

CC:

151, CYLLID; lbxcs

**From:** DAVID ELIS-WILLIAMS  
**To:** lbxcs  
**Date:** 05/07/2007 17:28:08  
**Subject:** Fwd: Land adjacent to Maes Mona, Amlwch

I understand you wanted to speak to me but got the message this will be Monday now.

In relation this issue (below) I have now seen the valuer's advice and it looks the proposal is essentially sound. However there is an urgency issue - AWO seemed to think today he could get a special Exec without notice on Monday while the members were around! I imagine it will require a special Exec with notice later in the week + an agreement from the Council Chair to treat it as urgent and not requiring call-in.

>>> DAVID ELIS-WILLIAMS 02/07/2007 17:34:11 >>>

Thanks for the hard copy draft report.

It mentions an auction on 19 July. Presumably you intend to have a special Executive meeting to discuss this, and would recommend that they seek consent to use the procedure for an urgent decision. This would be required if the action you recommend can be authorised in time.

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From: LYNN BALL  
To: ELIS-WILLIAMS, DAVID  
Date: 06/07/2007 12:37:05  
Subject: Re: Fwd: Land adjacent to Maes Mona, Amlwch

I like Arthur's reinterpretation of St Matthew - when 2 or 3 are gathered together in my name there shall be an Executive - nice try.

An Exec has to be called with three clear days notice. The Chair of the Council will have to agree that the urgency of the implementation precludes call in. It's also advisable to inform the Chair of the relevant scrutiny committee as soon as possible.



Lynn

>>> DAVID ELIS-WILLIAMS 05/07/2007 17:28:08 >>>

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**From:** DAVID ELIS-WILLIAMS  
**To:** dmjce  
**Date:** 14/08/2007 12:10:08  
**Subject:** Fwd: Proposed Property Aquisition in Amlwch Auction 19th July 2007

We did not have an opportunity to complete our discussion on this matter last week but for the record can I please register the following points.

The 'section 151' officer has a duty to prevent the authority making unlawful payments, which implies a degree of consultation about proposed payments which are suspect. Therefore I would have expected the section 151 officer to be invited to the meeting on 17 July which discussed this matter. I was on leave at the time but Einir Thomas was acting as section 151 officer (I always arrange a delegation of the role if I'm absent from work for more than a day) so she should have been asked.

I have discussed with Lynn Ball and we have agreed that a further report will be put to the Executive to point out the flawed procedure and ask for a ratification of the decision.

SION CAFFELL - Re: Fwd: Land adjacent to Maes Mona, Amlwch

CC: JONES, DERRICK; OWEN, ARTHUR