

# Appendix

## W

Our ref 1179/201000146

Your ref:

Date: 15 August 2011

Ask Mrs A Ginwalla  
for:



01656 644201



[annie.ginwalla@ombudsman-wales.org.uk](mailto:annie.ginwalla@ombudsman-wales.org.uk)

Mr David Aeron Lewis-Roberts  
28 Craig y Don  
Benllech Bay  
Isle of Anglesey  
LL74 8TB

Dear Mr Lewis-Roberts

Code of Conduct Investigation

I write further to our conversation earlier today.

As you are aware we have now received Councillor Durkin's responses to the Ombudsman's draft report.

The responses provided by Councillor Durkin have given rise to some questions concerning your statement of 27 October 2010 a copy of which is enclosed for your information.

It would assist my investigation if you could deal with the following questions;

- a. When did you first obtain an interest in the 9 acres of land lying to the north of Pant y Bugail, Tyn-Y-Gongl?
- b. When and how did you pay the deposit for the land?
- c. Your statement contains the following comment:  
*"I do own nine acres of land and this was declared at the time."*  
Please confirm when and how you made this declaration.

I would be grateful if you could provide your written answers to the questions by **22 August 2011**. I enclose a stamped addressed envelope for your convenience.

Yours sincerely

Annie Ginwalla  
Investigator

# Appendix

# X

**Case Ref:** 201000914 146

**Created by** Annie Ginwalla **on** 22/08/2011 10:33:24

**Title:** Telephone Conversation

**Category:** Telephone Call

**Activity Date:** 17/08/2011

**Body:**

Approx 16.55.

AMG returning Mr Lewis-Roberts's calls from earlier this afternoon.

Mr Lewis Roberts confirmed that he had received my letter containing the questions. He said that he was in the process of responding to the same but was confused by the question about his interest in the land. He mentioned that he had spoken to his solicitor about the matter and had also discussed it with Robyn Jones, Deputy MO at the Council. He queried whether we wanted to know about exchange or completion.

He said he completed on the land in May 2008 when he was no longer a councillor. I explained that we wanted to know about the deposit paid for the land. I explained that in a normal conveyancing transaction this generally meant exchange of contracts. He told me that he paid £2,000 cash in April 2007 and £1,000 cash per month thereafter to Dewi Roberts until the total sum of £15,000 was paid. In terms of his interest he said that he spoke to RJ also earlier today about this and that he [RJ] recalls being informed at the time about the acquisition of the land but that he advised today that there was no interest for Mr Lewis Roberts to declare as the 2004 Code did not contain the same requirements about interests as the current Code. Mr Lewis Roberts said that at the time as he had mentioned it to RJ then he felt that the interest was declared.

He said that he had some documents relating to the purchase and he would look through to confirm the dates accurately. I said that the Sale Agreement should contain the required information.

Mr Lewis-Roberts said he would respond in writing and send it through asap.

# Appendix

Y

28 Craig y Don.  
Benllech Bay.  
Isle of Anglesey.  
LL74 8TB.

Your Ref.:- 1179/201000146.

Dated 17th of August 2011.

E.E. O.W.  
22 AUG 2011  
O.W.

Reply to your Code of Conduct Requests

Dear Mrs Ginwalla.

Further to your letter of the 15th which I received today with requests from Barrie Durkin for information about our land at Sheperds Hill Tynyngogl which is our private matter only. I am advised that those questions are totally invalid as I was not required at the time to declare any land/property interest or information that is personal and private to us. I learnt about the non requirement when I went to declare our interest to the legal department so in effect I did declare to that department. As rightly said seeing that everyone knew about the land anyway as Barrie Durkin had tried to influence the TV programme Wales This Week so many times and tried to make an issue of the matter again and again.

I enclose the copy document from The Isle of Anglesey County Council showing that there was no requirement for any member to declare from 2004 until 2008. Since 2008 this has changed back to pre. 2004 and now there is a requirement to declare any land/property interests and information. Please note that Barrie Durkin has been a member since that 2008 date of requirement to declare.

Yours sincerely.



David Lewis-Roberts

P.S.:- PLEASE CONFIRM RECEIPT OF THIS LAST COMMUNICATION

# Appendix

# Z



Cynghorydd D A Lewis Roberts  
28 Craig y Don  
Benllech Bay  
Ynys Môn, LL74 8TB

Ms Julie Openshaw  
2580

joxcs@anglesey.gov.uk  
JO/MJ/

26.8.2004

Annwyl Aelod

**DATGANIAD O FUDDIANNAU**

Mae yna ddatblygiadau pwysig sydd wedi eu deddfu gan Gynulliad Cenedlaethol Cymru yn cymryd lle ar 1 Medi 2004.

Yn y llythyr hwn egluraf yn fyr y newidiadau. Os oes gennych gwestiwn neu eisiau trafod unrhyw fater buaswn yn ddiolchgar pe baech yn rhoi ffôn i mi neu i Meirion Jones (2563).

Y gofynion presennol yw:-

1. Mae bob Aelod yn gorfod rhoi rhybudd cyffredinol ynglŷn â buddiannau ariannol uniongyrchol ac anuniongyrchol, h.y. y ffurflen a gwblhawyd gennych yn ddiweddar (adrannau 19 a 31 o Ddeddf Llywodraeth Leol a Thai 1989).
2. Datganiadau o fuddiannau ariannol yn gorfod cael eu gwneud mewn cyfarfodydd ar lafar a thrwy gwblhau ffurflen (adrannau 94-98 a 105 o Ddeddf Llywodraeth Leol 1972).
3. Datganiadau o fuddiannau personol mewn cyfarfodydd yn gorfod cael eu gwneud ar lafar a thrwy gwblhau ffurflen

Dear Member

**DECLARATION OF INTERESTS**

Important developments enacted by the National Assembly for Wales are to take place on 1<sup>st</sup> of September 2004.

In this letter I briefly explain the changes. If you have a question or wish to discuss any matter please telephone me or Meirion Jones (2563).

The present requirements are:-

1. Each Member must give the general notice regarding direct and indirect pecuniary interest, i.e. the form that you recently completed (section 19 and 31 of the Local Government and Housing Act 1989).
2. Disclosure of pecuniary interests must be made at meetings verbally and by completion a form (sections 94-98 and 105 of the Local Government Act 1972).
3. Disclosure of personal interests at meetings must be made verbally and by completing a form (paragraph 5.1.3.7 of

(paragraff 5.1.3.7 o Gôd Ymddygiad yn y the Code of Conduct in the Constitution).  
Cyfansoddiad).

4. Cofrestr o fuddiannau Aelodau (adran 81(1) o Ddeddf Llywodraeth Leol 2000) yn cynnwys ffurflenni ym mharagraff 3 uchod, ac isod (datganiad gwirfoddol o flaen llaw).

4. Register of Members' interests (section 81(1) of the Local Government Act 2000) including forms in paragraph 3 above, and also below (voluntary advance disclosure).

Mae Cynulliad Cenedlaethol Cymru wedi gwneud Gorchymyn i ddatgymhwyso 1 a 2 uchod.

The National Assembly for Wales has made an Order to disapply 1 and 2 above.

**Felly gydag effaith o 1/09/2004 y darnau gweithredol yn unig fydd 3 a 4 uchod.**

**Therefore with effect from 1/09/2004 the operative parts will be 3 and 4 above only.**

Defnyddir ffurflenni newydd fel a ganlyn:-

New forms are to be used as follows:-

Par: Paragraff 3 uchod:-

Amgaeaf gopi o'r ffurflen newydd a fydd yr unig ffurflen a fydd yn cael ei defnyddio yn holl Gyfarfodydd y Cyngor.

Re: Paragraph 3 above:-

I enclose a copy of the new form which will be the only form used in all Council Meetings.

Par: Paragraff 4 uchod:-

Amgaeaf 2 ffurflen, un yn Gymraeg (Hysbysiad gan Aelod Awdurdod Lleol o Fuddiannau Ariannol ac Eraill) a'r llall yn y Saesneg (Notification by Member of a Local Authority of Financial and Other interests). Nid oes gorfodaeth gyfreithiol arnoch i gwblhau naillai un ffurflen na'r llall oni bai eich bod yn dymuno gwneud cais am ganiatad arbennig, ac yn yr achos hwnnw mae cwblhau'r ffurflen yn orfodol.

Re: Paragraph 4 above:-

I enclose 2 forms, one in Welsh (Hysbysiad gan Aelod Awdurdod Lleol o Fuddiannau Ariannol ac Eraill) and the other in English (Notification by Member of a Local Authority of Financial and Other interests). There is no legal obligation for you to complete either form unless you wish to make an application for dispensation, in which case completion of this form is obligatory.

Mae yna angen i Aelodau roi gwybod i'r Swyddog Monitro am unrhyw newid yn y buddiannau cofrestredig o fewn mis i hynny ddigwydd.

There is a requirement for Members to notify the Monitoring Officer of any change to the interest registered within one month of their occurrence.

Mae gan y Cyngor y cofrestrau canlynol i Aelodau:-

The Council also has the following registers for Members:-

1. Aelodaeth o Glybiau a Chymdeithasau

1. Memberships of Clubs and Societies

2. Rhoddion a Lletygarwch

Mae'n rhaid i chi gofrestru'r mater "pan fydd gwerth yr eitem neu'r budd yn uwch na'r swm y bydd yr Awdurdod o dro o dro yn ei bennu". Mae'r swm cyfredol yn £20.00.

2. Gifts and Hospitality

You need to register the matter "where the value of the item or benefit exceeds such amount as the authority shall from time to time determine". The present amount is £20.00.

Mae y rhain yn cael eu cadw gan John Gould, Rheolwr Gwasanaethau Pwyllgor. Amgaeaf ffurflenni priodol i'ch defnydd. Os

These are kept by John Gould, the Committee Services Manager. I enclose relevant forms for your use. Please contact

ydych eisiau gweld eich ffurflen gyfredol John Gould or me should you wish to see  
hoffwn pe baech yn cysylltu gyda John your current form.  
Gould neu fi.

Yn gywir / Yours sincerely

JULIE OPENSHAW  
CYFARWYDDWRAIG GWASANAETHAU CYFREITHIOL / SWYDDOG MONITRO  
DIRECTOR OF LEGAL SERVICES / MONITORING OFFICER

# Appendix

## A2

**CYNGOR SIR YNYS MON**

**FFURFLEN DATGAN A CHOFRESTRU BUDDIANT PERSONOL**

Enw'r Aelod: DAVID LEWIS-ROBERTS

Cyfarfod: Planning & Orders Committee

Dyddiad: 9/4/08

Amser y Datganiad: 1.06 ITEM 6.3

Eitem (rhif ac enw): FRITH SHEPHERDS HILL  
TYNYGONGL BEOCLWED

**DATGANAF DRWY HYN** fod gennyf fuddiant personol dan Gôd Ymddygiad y Cyngor a fabwysiadwyd dan adran 51 Deddf Llywodraeth Leol 2000.

Manylion y buddiant personol:

Being the local member  
and only today being appointed to  
the PLANNING COMMITTEE

Gadewais y cyfarfod pan drafodwyd yr eitem (ticiwch y blwch)

Arwyddwyd .. [redacted] ..

Dyddiad 9/4/08



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**To accept the officer's report and recommendation of refusal:** Councillors Eurfryn Davies, Arwel Edwards, Glyn Jones

The reason given for approval was that the proposal would not have a detrimental affect or a cumulative affect on the AONB.

**In accordance with the Council's Constitution the application was automatically deferred to the next meeting to allow officers to prepare a report on the reasons for approving the application.**

## 6.3 DEPARTURE APPLICATION

**30C636A OUTLINE APPLICATION FOR THE ERECTION OF A DWELLING AND DOUBLE GARAGE AND THE INSTALLATION OF A 'BIOTANK' SEWAGE TREATMENT TANK ON LAND ADJACENT TO FFRITH, SHEPHERDS HILL, TYNYGONGL**

*Councillor D Lewis Roberts declared that he would speak as a local member on this application but that he would not vote thereon.*

The Head of Development Control stated that this application was brought for determination by the Committee at the request of the local member before the protocol on dealing with departure applications under the delegation scheme was introduced. The officer considered the application a clear departure and contrary to policies. Whilst there was an intention to include Shepherds Hill as a settlement in the UDP, the process was stopped **before** its inclusion. On 5 March, it was decided to visit the site and this took place on 19 March, 2008.

Councillor D Lewis-Roberts stated that he distributed a copy of the transcript to members prior to the meeting. He referred to Policies HP5 and PPW para 9.2: 18 March 2007. There were 27 properties in close proximity to one another and the Planning Inspector recognised "10 or more" to comprise a cluster. The Local Plan states that a more flexible approach should be adopted.

In response to a question by Councillor RL Owen the officer confirmed this application to be premature.

Councillor Eurfryn Davies questioned whether the approach road had been adopted and Councillor D Lewis-Roberts stated that whilst it was a private road its surface had been tarmacked.

Councillor J Arthur Jones compared this one with a planning appeal in Penmon in August 2007 when the inspector allowed an appeal on the edge of a hamlet as it formed a minor extension. Policy HP5 broadly follows similar criteria. This was a logical rounding off of a cohesive group. He read excerpts from MIPPs and concluded that the application conformed with WAG's policies and guidances - it would not have a detrimental effect and the site was appropriate for development.

Councillor Thomas Jones found Planning Inspectors' findings inconsistent at times.

Councillor John Chorlton found there to be no reason to refuse the application.

The Development Control Manager stated that this could not be considered under Policy 50 (listed settlements) as Shepherds Hill was not a recognised settlement in the stopped UDP. The officer reminded members that a previous application and others were previously refused.

Councillor Glyn Jones proposed accepting the officer's report and recommendation of refusal, this was seconded by Councillor Eurfryn Davies.

Voting was as follows:

**To accept the officer's report and recommendation of refusal:** Councillors Eurfryn Davies, Arwel Edwards, Glyn Jones, Thomas Jones, Bryan Owen, RL Owen.

**To approve the application, contrary to the officer's recommendation:** Councillors John Chorlton, J Arthur Jones, WJ Williams MBE

**It was RESOLVED to accept the officer's report and to refuse the application for the reasons given.**

[Next](#)

Rhif Cais / *Application No:* **38C246**  
Cyf Grid / *Grid Ref:* SH **358 912**  
Swyddog / *Officer:* **Joanne Roberts**  
Ymgeisydd / *Applicant :* **Mr Tom Torr**  
Bwriad / *Proposal:* **Cais amlinellol ar gyfer codi bynglo arwahan ar dir ger / Outline application for the erection of a detached bungalow on land adjacent to**  
Lleoliad / *Location:* **Pensarn, Llanfechell, LL68 0UF**

Rhif Cais / *Application No:* **34C569**  
Cyf Grid / *Grid Ref:* SH **459 757**  
Swyddog / *Officer:* **Sioned Mai Morgan**  
Ymgeisydd / *Applicant :* **HBOS Plc**  
Bwriad / *Proposal:* **Cais llawn ar gyfer gosod peiriant ATM yn / Full application for the installation of an ATM Machine at**  
Lleoliad / *Location:* **1B, Church Street, Llangefni, LL77 7DU**

Rhif Cais / *Application No:* **30C636A**  
Cyf Grid / *Grid Ref:* SH **502 833**  
Swyddog / *Officer:* **David Pryce Jones**  
Ymgeisydd / *Applicant :* **Lt. Cdr. M. K. Day**  
Bwriad / *Proposal:* **Cais amlinellol ar gyfer codi annedd preswyl, a garej ddwbl ynghyd a gosod tanc trin carffosiaeth 'biotank' ar dir ger / Outline application for the erection of a dwelling, and double garage and the installation of a 'biotank' sewage treatment tank on land adjacent to**  
Lleoliad / *Location:* **Ffrith, Shepherds Hill, Tynyngogl**