CYNGOR SIR YNYS MON / ISLE OF ANGLESEY COUNTY COUNCIL	
MEETING:	**Standards Committee**
DATE:	**19th February 2016**
TITLE OF REPORT:	**To receive the report of the Adjudication Panel for Wales, dated 1st September 2015, in relation to County Councillor Peter Rogers**
PURPOSE OF THE REPORT:	**To decide duration of suspension**
REPORT BY:	**Monitoring Officer**
CONTACT OFFICER:	**Lynn Ball, lbxcs@anglesey.gov.uk 01248 752586**

1. ENCLOSURES

Enclosure 1	Public Services Ombudsman for Wales Report dated 24th July 2014, redacted
Enclosure 2	Minutes of Standards Committee, 19th December 2014
Enclosure 3	Adjudication Panel for Wales Report dated 11th September 2015 and Adjudication Panel for Wales Report dated 17th December 2015
Enclosure 4	Code of Conduct
Enclosure 5	Sanctions Guidance Adjudication Panel for Wales
Enclosure 6	Local Government Investigations (Functions of Monitoring Officers and Standards Committees) Wales Regulations 2001
Enclosure 7	Written submissions from Councillor Rogers
Enclosure 8	Written submission of the Public Services Ombudsman for Wales (if received)
Enclosure 9	Written submissions from Malltraeth Ymlaen Cyf on behalf of Councillor Rogers

2. BACKGROUND

2.1 This matter relates to a complaint submitted by Mr Richard Parry-Jones, the former Chief Executive of the Isle of Anglesey County Council, to the Public Services Ombudsman for Wales (PSOW), alleging that Councillor Peter Rogers, a member of the County Council, had failed to comply with the Council's Code of Conduct in respect of his role in the disposal of land owned by the Council adjacent to 6 Glandwr, Dwyran, Anglesey.

2.2 This complaint was first considered by the County Council's Standards Committee on the 19th December 2014, following a referral from the PSOW. The PSOW's Report to the Standards Committee is attached at **Enclosure 1**. The PSOW has authorised disclosure of his Report, as redacted.

2.3 At the meeting on the 19th December 2014 the Standards Committee concluded that Councillor Rogers had breached the Code of Conduct as a result of a close

personal association with a prospective purchaser of the land; such association being a long standing friendship, and family relationship, and that he had failed to disclose that interest as required under the Code of Conduct. When the Code was breached, the Standards Committee was satisfied that Councillor Rogers had acted in his official capacity The Committee therefore suspended Councillor Rogers from being a Councillor for a period of one month. The approved minutes of the 19th December 2014 are at **Enclosure 2**.

2.4 The decision to suspend was not implemented as Councillor Rogers appealed to the Adjudication Panel for Wales (APW) in a letter dated the 15th January 2015. Councillor Rogers appealed against the decision of the Standards Committee, particularly its conclusion that he had breached the Code of Conduct, and also its decision to suspend him for a period of one month. Councillor Rogers' ground of appeal was that his long-standing relationship with the prospective purchaser of the land was not as a result of business interests and consequently Councillor Rogers claimed that he had not therefore breached the Code of Conduct. Councillor Rogers also submitted to the APW that the suspension of one month did not properly take into account the harm that was done to Councillor Rogers and his family as a result of the matter being reported in the local press.

2.5 The APW heard the appeal on the 10th and 11th September 2015. The hearing took place in public, in Llangefni. The Decision Report of the APW is attached at **Enclosure 3**. The findings of fact made by the APW are set out in section 4 of **Enclosure 3**.

2.6 The APW conducted the appeal by way of a full rehearing of the allegations that Councillor Rogers had breached the Code of Conduct in various communications with Officers of the Council about the sale of the relevant land; that Councillor Rogers failed to declare a close personal association with the prospective purchaser and that Councillor Rogers had misused his position as a Member to gain an advantage for the purchaser.

3. DECISION OF THE APPEAL TRIBUNAL OF THE APW

3.1 The Tribunal found, by unanimous decision, that there had been a failure to comply with the Code of Conduct. The Tribunal found that between 29th May 2011 and the 2nd August 2013, Councillor Rogers was acting in his official capacity, and used his position improperly to confer an advantage upon and avoid a disadvantage to the prospective purchaser of the land and to potentially create a disadvantage for a member of the public who might have wished to express an interest in the land had it been sold on the open market and potentially disadvantage the other bidder in the original tender process.

3.2 The Tribunal found that Councillor Rogers was acting in his official capacity on a number of occasions when he spoke, wrote and attended meetings concerning the land at 6 Glandwr and had failed to consider whether he had a personal interest. The Tribunal found that between 29th March 2012 and 2nd August 2013, Councillor Rogers had a personal interest in all matters relating to the land adjoining 6 Glandwr by virtue of his close personal association with the prospective purchaser.

3.3 Having made those findings, pursuant to the Tribunal Procedure Rules, the Tribunal had two options, namely:-

- Endorse the penalty imposed by a relevant Standards Committee or

- Refer the matter back to the Standards Committee with a recommendation that a different penalty be imposed. The recommendation is not binding on the Committee.

3.4 The Tribunal decided unanimously to refer the matter back to the Standards Committee with a recommendation that Councillor Rogers be suspended for three months from being a member or co-opted member of the Isle of Anglesey Council.

4. THE OPTIONS NOW AVAILABLE TO THE STANDARDS COMMITTEE

4.1 The Standards Committee has limited options available and has no power to change the findings of fact of the Tribunal. The Standards Committee must only deal with the issue of sanction.

4.2 Regulation 9(2) of the Local Government Investigations (Functions of Monitoring Officers and Standards Committees) Wales Regulations 2001 provides that where a Tribunal refers a matter back to a Standards Committee, with a recommendation that a different penalty be imposed, the Standards Committee may impose the new penalty so recommended but must also decide whether or not it should, instead, uphold its original decision on sanction.

4.3 This is therefore the last stage in the process and it deals specifically, and exclusively, with the level of sanction which should be imposed based on the findings of fact/breach reached by the APW. The decision for the Standards Committee, therefore, is to decide whether or not to suspend Councillor Rogers for a period of one month, or to follow the recommendation of the APW and suspend Councillor Rogers for a period of three months.

4.4 Whichever period of suspension the Standards Committee decides, it will take effect on the day after the Standards Committee has reached its decision.

4.5 There is no further right of appeal except by way of judicial review to the High Court. An application for permission to bring judicial review will not stop time on the suspension in the way that the notice of appeal did.

5. PROCEDURE

5.1 The hearing will take place in public.

5.2 Councillor Rogers and the PSOW have been invited to attend, should they wish to do so. They are not required to do so.

5.3 The Monitoring Officer will present this Report to the Standards Committee.

5.4 There will be an opportunity for the Standards Committee, Councillor Rogers and the PSOW to ask any questions for clarification about the issue of sanction.

5.5 The Standards Committee will give consideration to any written submissions put forward by Councillor Rogers, or the PSOW, but limited to the issue of sanction only and having due regard to the two options available to the Standards Committee.

5.6 Oral submissions reflecting 5.5 will be allowed. Councillor Rogers may make submissions directly, or through any representative.

5.7 The Standards Committee will then have an opportunity to ask any questions for clarification on the issue of sanction only.

5.8 Councillor Rogers, or his representative, will have an opportunity to make any final closing comments.

5.9 The Committee will adjourn to a closed session to consider its decision.

5.10 The Monitoring Officer will not participate in 5.9 but will attend (and then leave) to give any specific advice requested. Any such advice given will be shared with Councillor Rogers, or his representative, and the PSOW.

5.11 The decision will be communicated, in public, at the end of the hearing or, in writing, should the Standards Committee require further time for deliberation. If the decision is communicated orally, then a written decision will be circulated later.

6. THE DECISION REQUIRED

6.1 To determine the level of suspension to be imposed on Councillor Rogers as a result of breaches of the Council's Code of Conduct, being either a period of suspension of one month, or a period of suspension of three months.

ATODIAD / ENCLOSURE 1

Ombudsman Ombwdsmon

PUBLIC SERVICES OMBUDSMAN FOR WALES
OMBWDSMON GWASANAETHAU CYHOEDDUS CYMRU

The investigation of a complaint against Councillor Peter S Rogers of the Isle of Anglesey County Council

A report by the
Public Services Ombudsman for Wales
Case: 201304118

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Introduction

Report by the Public Services Ombudsman for Wales on the investigation of a complaint made against Councillor Peter S Rogers of Isle of Anglesey County Council, of a breach of the Council's statutory code of conduct for members

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

Summary

Mr Parry-Jones, the Chief Executive of the Isle of Anglesey County Borough Council ("the Council") alleged that Councillor Peter Standing Rogers a member of the Council had breached the Code of Conduct for elected members when communicating with officers of the Council about the sale of a particular piece of land. In particular it was alleged that Councillor Rogers failed to declare that he had a close personal association with the prospective purchaser of the land. In addition it was alleged that Councillor Rogers had misused his position as member to gain an advantage for the prospective purchaser.

Having considered the allegations made the former Ombudsman determined that it was appropriate to start an investigation to determine whether Councillor Rogers's conduct had been contrary to paragraphs 7(a), 10(1), 11(1), 11(2)(a), 11(2)(b), 14(1)(a) and 14(1)(c)-(d) of the code.

The Ombudsman was satisfied that Councillor Rogers did have a close personal association with the prospective purchaser of the land by reason of a longstanding friendship and familial relationship. It was concluded that he should have considered and declared a personal interest whenever he spoke with or wrote to Officers of the Council concerning the sale and problems associated with it. Furthermore, the Ombudsman was satisfied that Councillor Rogers' personal interest in this matter became prejudicial in nature when he "involved" himself in discussions and written communication concerning the terms and conditions of the sale of the land.

In addition the Ombudsman concluded on balance that the evidence was suggestive that Councillor Rogers also used his position as a member to gain an advantage for his close personal associate. While Councillor Rogers' actions and involvement in the matter may have led to a financial advantage to the Council there would have a clear and undisputed advantage (as a consequence of the terms proposed) to Councillor Rogers' close personal associate.

The Ombudsman determined that the matter should be referred to the Monitoring Officer of the Council for consideration by the Council's Standards Committee.

24 July 2014

The complaint

1. On 1 November 2013 I received a complaint from Mr Richard Parry-Jones the Chief Executive Isle of Anglesey County Council that Councillor Peter Standing Rogers failed to observe the code of conduct for members of Isle of Anglesey County Council ("the Council"). It was alleged that Councillor Rogers failed to declare a personal and prejudicial interest when speaking with and writing to officers of the Council in relation to matters concerning the sale of land. It is alleged that he had a personal and prejudicial interest in this matter by reason of a close personal association with the prospective purchaser, Mr Patrick Geal. It has also been alleged that he used or attempted to use his position as councillor (when corresponding and discussing these matters) to gain an advantage for Mr Geal or disadvantage for the Council. A copy of the complaint is attached at Appendix 1.

Legal background

2. As required by Part III of the Local Government Act 2000 (the Act), The Isle of Anglesey County Council has adopted a code of conduct for members which incorporate the provisions of a model code contained in an order made by the Welsh Ministers. A copy of that code is at Appendix 2. Council members are required to sign an undertaking that, in performing their functions, they will observe the Council's code of conduct. Councillor Rogers gave such an undertaking on 3 May 2013. A copy of that declaration is attached at Appendix 2 also.

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

My investigation

4. Having considered the complaint as made , my predecessor concluded that it was appropriate to investigate whether Councillor Rogers had failed to comply with any of the following provisions of the Code of Conduct:

5. Paragraph 6(1)(a) – bringing the office of member into disrepute.

6. Paragraph 7(a) – using his position as member to create an advantage or disadvantage for himself or someone else.

7. Paragraph 10(1) – failing to consider whether he had a personal interest.

8. Paragraph 11(1) – failing to disclose a personal interest as a meeting in which business of the authority was considered.

9. Paragraph 11(2)(a) &(b) – failing to disclose a personal interest when making written or oral representations to officers of the authority.

10. Paragraph 14(1)(a),(c),(d) & (e) – failing to disclose a prejudicial interest at a meeting in which business of the authority was considered and leaving the room.

11. Councillor Rogers was informed of the intended investigation. A copy of the letter at Appendix 3.

12. During my investigation I have obtained copies of minutes and other documents from the Council.[1] My investigator has interviewed a number of Council officers and Mr Geal. Copies of all statements and documents referred to in this report are attached.[2] Some of the Appendices to this report have been redacted to exclude matters which are not related to the investigation or which contained confidential third party information.

13. I have put the evidence found by my investigation to Councillor Rogers, enabling him to review that evidence before responding to the questions which my investigator put to him during an interview on 4 June 2014.[3]

14. I have given Councillor Rogers the opportunity to comment on a draft of this report which included my provisional views and finding.

[1] Appendix 4
[2] Appendices 5-9 & 26-27
[3] Appendix 10

My guidance on the code of conduct

15. My predecessor issued guidance for members of local authorities in Wales on the model code of conduct in April 2010 ("my guidance") and revised guidance 2012. I include at Appendix 11 extracts of the guidance which are relevant to this complaint.

Events leading to the conduct

16. Councillor Rogers has been a member of the Council since 2004.

17. Mr Geal is the legal owner of the property referred to throughout this report as [redacted]Glandwr, Dwyran. The property is occupied by a tenant.

18. In 2011 Mr Geal expressed interest in purchasing a parcel of land adjoining his property from the Council.

19. In March 2011 Dafydd Owen, an officer with the Council's Estates Section sent a memo to the housing department to determine if it was willing to sell the land.[4]

20. On 1 September 2011 a consultation letter was sent to Councillor Rogers as local member for the area.[5]

21. The Council further delayed sending the tender documentation to Mr Geal whilst it determined whether the land was suitable to develop it itself and whether a planning application should be prepared.[6]

22. E-mail communication ensued between Mr Geal and Dafydd Owen, an officer with the Council's Estates Section in relation to the potential sale of the land by tender. Mr Geal was advised that the Council were making enquiries with the planning department as to alternative uses for the land. [7]

[4] Appendix 29
[5] Appendix 6 - exhibit DE 1. Councillor Rogers said that he did not receive this letter.
[6] Appendix 5
[7] Appendix 12

23. In an e-mail on 22 November 2011 Mr Geal wrote:

"I was speaking to my local Councillor, Peter Rogers, the (sic) other day. He says that he is surprised the tender has not been issued as the Council is looking for every penny it can get from surplus parcels of land."[8]

24. Mr Geal asked Councillor Rogers for assistance when the Council failed to issue the tender documentation.[9]

25. On 29 March 2012 Councillor Rogers wrote to the Head of Housing Services raising concerns about the Glandwr Estate in Dwyran in general. This estate is part of Councillor Rogers' constituency. In addition he wrote: "I enclose copies of e-mails regarding the purchase of which I am unaware of. I am sure that Mr Geal deserves a final response to the last e-mail which is dated as far back as November 2011."[10]

26. On 10 May 2012 Councillor Rogers wrote to the Chief Executive of the Council raising concerns about matters relating to the proposed sale of land to Mr Geal.[11] The Chief Executive responded to Councillor Rogers providing an update on the matter on 23 May 2012.[12]

27. On 30 May 2012 the Council's Estates Section was advised by a planning Liaison Officer from the Environment Agency that it has concerns about new development on this land due to flood risk. It advised that if the Council wished to pursue any potential development it would need a Flood Consequence Assessment.[13]

28. On 17 August 2012 Councillor Rogers submitted a corporate complaint to the legal section of the Council. He referred to the "unacceptable response" to his letter in May 2012 and the comments "to one of his constituents" as the nature of his complaint.[14] Councillor Rogers confirmed

[8] Appendix 9 - exhibit NPG 1
[9] Appendix 9
[10] Appendix 13
[11] Appendix 14
[12] Appendix 15
[13] Appendix 30
[14] Appendix 16

that he was referring to Mr Geal and the proposed sale of land to him.[15] The Council's customer care officer Beryl Jones responded to Councillor Rogers' complaint on 6 September 2012.[16]

29. In September 2012 Mr Geal's daughter married Councillor Rogers' son. Mr Geal and Councillor Rogers have a longstanding close friendship of more than 40 years, they live on neighbouring farms and see each other frequently.[17]

30. On 4 September 2012 the Council sent an invitation to tender to Mr Geal and one other neighbouring landowner. The position of the land is such that the Council was obliged to offer it to the neighbouring landowners only. Offers "in excess of £9,000" were placed on the land and the letter stated that this figure was intended to reflect the market value of the land "as a private garden only".[18]

31. On 25 September following receipt of the tender documentation an offer was received by the Council from Mr Geal in respect of the sale of the parcel of land. The offer of £10,751.00 was accepted by the Council on 28 September.[19] Another bid of £1,000 was received from a third party this was rejected by the Council.

32. A response to the matters raised by Councillor Rogers in his complaint was sent on 16 October 2012.[20]

33. On 18 October 2012 Councillor Rogers returned a satisfaction questionnaire to the Council in respect of the response to his complaint detailing his dissatisfaction with the response received including the response provided in relation to the issue of Mr Geal and his prospective purchase of the land.[21]

[15] Appendix 10
[16] Appendix 17
[17] Appendices 9 & 10
[18] Appendix 26 - exhibit DE 5
[19] Appendix 18
[20] Appendix 20
[21] Appendix 19

34. A disposal report in respect of the land was completed on 28 November 2012.[22] This report contains a term and condition of sale for use "as private garden only".

35. In January 2013 the solicitors acting for Mr Geal challenged the inclusion of the garden use only condition of sale.

36. On 22 May 2013 Councillor Rogers, Shan Lloyd Williams (Head of Housing) and Paul Lloyd Jones (Housing officer) visited the Glandwr estate to discuss some of Councillor Rogers' concerns about the estate. The subject of Mr Geal's prospective purchase was raised by Councillor Rogers with Paul Lloyd Jones.[23] Paul Lloyd Jones agreed to make enquiries and return to Councillor Rogers.[24]

37. On 24 May 2013 Councillor Rogers spoke on the telephone with Dylan Edwards, Principal Valuation Officer about the sale of the land to Mr Geal and the "new" conditions imposed by the Council.[25]

38. On 28 May 2013 Councillor Rogers e-mailed Paul Lloyd Jones regarding 6 Glandwr, Dwyran.[26]

39. On 4 June 2013 Councillor Rogers, Mr Geal, Dylan Edwards and Dafydd Owen met to discuss the sale of the land and the conditions of the transfer.[27] A number of matters were discussed during the meeting including the responsibility for the boundaries of the land, the garden use only condition and an error in the documents which in effect placed this condition over Mr Geal's existing property also. The outcome of the meeting is in dispute between the parties. Mr Geal and Councillor Rogers are of the view that all present agreed that the "garden use only" condition would be removed in its entirety and replaced with a "clawback" provision which would only come into effect if Mr Geal successfully obtained planning consent to develop the land.[28] In contrast Dylan Edwards and Dafydd Owen believed an

[22] Appendix 21
[23] Appendix 7
[24] ibid
[25] Appendix 6
[26] Appendix 7 – exhibit PLJ 1.
[27] Appendix 5 – exhibit DO 4.
[28] Appendix 9 & 10

agreement had been reached for the condition to remain insofar as the land was concerned and that Mr Geal would negotiate the removal of it in the future if and when he had firm plans as to the nature and extent of any development proposed.[29]

40. On 14 June 2013 Dafydd Owen sent a memorandum to the Deputy Chief Executive (legal department) referring to the meeting of 4 June and the matters agreed.[30]

41. Councillor Rogers e-mailed Dafydd Owen about the "Land at Glan Dwr (sic) Dwyran Re Mr Geal" on 24 June 2013 .[31] He expressed concern that the legal documentation provided by the Council following the meeting contained the same condition of sale concerning "garden use". He said " I am sure you will agree that the whole purpose of our meeting on 4 June was over this very point and we fully accepted (sic) the 'Claw Back'". Dafydd Owen responded on 27 June 2013 detailing his understanding of the terms agreed in the meeting.

42. On 4 July 2013 Councillor Rogers e-mailed Dafydd Owen about the sale of the land to Mr Geal and the conditions imposed. He said "your response is very puzzling ... you again moved the 'goal posts' ... your notes will clearly show that Mr Geal fully accepted the 'claw back' provision."[32]

43. Councillor Rogers e-mailed the deputy Chief Executive Bethan Jones on 17 July 2013.[33] The Head of Service (Property) Mike Barton responded and asked Councillor Rogers to confirm if he was acting on behalf of Mr Geal as his agent.[34] On 2 August 2013 Councillor Rogers e-mailed Mike Barton stating "you will fully understand my role, which is as a Councillor". [35]

44. In October 2013 Councillor Rogers was asked to attend a meeting with the Chief Executive and Monitoring Officer of the Council in relation to this matter. Councillor Rogers responded stating that he also wished for the Leader of the Council and Chair of the Standards Committee to attend.[36]

[29] Appendix 5 & 6
[30] Appendix 27- exhibit DO 6
[31] Appendix 5 – exhibit DO 5.
[32] Appendix 5 - exhibit DO 5
[33] Appendix 22
[34] Appendix 23
[35] Appendix 24
[36] Appendix 25

45. An informal meeting was held on 28 October 2013. Councillor Jones, the Chairman of the Council, Councillor Williams, the Leader of the Council and Mr Jones, Council Solicitor attended also. No formal minutes were taken and the Chair of the Standards Committee did not attend.

46. On 29 October 2013 the complaint was submitted by Mr Richard Parry-Jones.

47. On 12 March 2014 the investigation was referred to at a meeting of the Council's Standards Committee.[37]

48. On 13 March 2014 the Daily Post reported on the details of the investigation referred to during the meeting of the Standards Committee.[38]

What Councillor Rogers said

49. Councillor Rogers was interviewed on 4 June 2014 by my investigator. Councillor Rogers provided copies of additional documents he felt were relevant to the investigation.[39] His responses are summarised below.

50. Councillor Rogers said that he is a friend of Mr Geal's, that he has known him for at least 40 years and that they have a close personal association. He agrees with the comments in Mr Geal's statement about their relationship and confirmed that his son is married to Mr Geal's daughter.

51. Councillor Rogers confirmed that he had sent all letters, complaint forms and e-mails to the Council which contained reference to the proposed purchase by Mr Geal. He confirmed also that he spoke with an officer on the telephone about this and met with officers to discuss the matter on 4 June 2013. He said that he did not declare an interest on any occasion as he disputes that his friendship with Mr Geal gave rise to a declarable interest.

[37] A redacted version of the report to the Committee is attached at Appendix 31.
[38] A redacted version of the article is attached at Appendix 32.
[39] Appendix 10

52. Councillor Rogers said that he considers a number of people within his constituency to be close friends and would help them in the same way. He agreed however that his "friendship" with the Geal family may be closer in nature to that with some other constituents.

53. Councillor Rogers said that he only became involved in this matter when the Council's officers were delaying the production of tender documents to Mr Geal. He said that he was coincidentally dealing with other matters on the same estate and tagged his requests for progress onto these. He felt that it would benefit the Council and the residents of estate if the land were to be sold. He said that this would resolve one of the issues his constituents were facing on the estate. He said that he was not involved in the tender process itself (when matters finally progressed) or any negotiations about the value of the land.

54. Councillor Rogers said that there was no gain for him in this matter; the gain was for the Council. He said that he would definitely have declared an interest if he had been involved in the negotiations prior to the tender.

55. Councillor Rogers said that he became involved in the matter again in May 2013 once the tender process had been completed and Mr Geal discovered a problem with the legal documentation. He said that the documentation contained a condition about the use of the land for garden purposes only. According to Councillor Rogers this information was not contained in the pack sent to Mr Geal and upon which he had based his offer. He said that Mr Geal was hoping to develop the land as a garage or to extend his existing property. He said that Mr Geal was unhappy when the terms were unilaterally changed by the Council, this is the reason he sought Councillor Rogers' help.

56. Councillor Rogers said that he was aware from previous dealings with the Council's planners that there was an option to insert a "clawback" provision for the Council into the contract. Because of this (during the meeting), he asked the officers if this could be an option rather than putting the "garden use" only condition in the transfer document. He said that they discussed this and all agreed that this was a sensible approach. Councillor Rogers accepted that the removal of the "garden use" only condition would benefit Mr Geal, as he would then be able to proceed with his development plans but said that this suggestion was mostly for the benefit of the Council.

He said that his overwhelming motivation in suggesting the "clawback" was that the Council would not be prejudiced if the land was developed in the future and would ultimately make a financial gain if this happened. Councillor Rogers expressed the view that Mr Geal would be "mad" to attempt to develop the land particularly in view of the planning concerns identified by the Council prior to the release of the tender documentation. Councillor Rogers expressed concern that Dafydd Owen's contemporaneous note did not mention the clawback agreement and that both officers original statements did not refer to this.

57. Councillor Rogers said that Dafydd Owen was aware of his connection to Mr Geal, as he had attended the same school as his daughter in law. He said that the wedding of their children was discussed at some point in the meeting with Dafydd Owen. He said that for this reason he does not think that it would have been necessary for him to declare an interest even if he had thought that he had one.

58. Councillor Rogers said that he then went on to communicate with the various officers by e-mail because although a new transfer document had been produced, the condition was still present and did not contain any reference to the "clawback". He said that he was trying to get them to honour the agreement made so that the purchase could be completed.

59. Councillor Rogers said that he did not seek a dispensation from the Standards Committee of the Council to be involved in matters concerning Mr Geal's prospective purchase of the land.

60. Councillor Rogers said that when he met with the Chief Executive to discuss this matter in October 2013, the Chair of the Council was summoned from the corridor to attend the meeting. Councillor Rogers expressed the view that the current complaint against him is malicious and vexatious. He considers that it has been brought because he has exposed maladministration and failings in the services provided by the Council in unrelated matters.

61. Councillor Rogers said that the sale of the land is now nearing completion. The Council have following negotiations with Mr Geal amended the legal documentation to include a "clawback" or "overage" clause.[40]

[40] Enquiries with the Council have established that an "overage" clause had been agreed and that it is in the process of negotiating the finer points with Mr Geal's representatives. Appendix 28

62. Councillor Rogers said that he was annoyed that details of this investigation had been made public by the Council's Standards Committee in March 2014. He said that he is a well known public figure in the area with a high profile and that whilst his name was not specified; he considers that his identity could be ascertained from the information provided.

63. Councillor Rogers referred to a football match he recently attended when two former Councillors made reference to the subject matter of the complaint and land transactions with the Council.[41] Councillor Rogers expressed concern that the details of the investigation were not being held in confidence by all parties.

64. When responding to the draft version of this report Councillor Rogers asked that the fact that the details of the complaint had been placed in the public domain prior to the conclusion of the investigation be highlighted. In particular he expressed frustration that he has been advised on numerous occasions not to discuss the complaint with anyone outside of the investigation and yet information has been disclosed by the Council. Councillor Rogers said that in his position allegations of dishonesty are "damaging and hurtful". Councillor Rogers referred to reputational damage experienced in a previous investigation.

65. Councillor Rogers said that he is concerned with the discrepancies in the statements of Mr Edwards and Mr Owen. He said that Mr Edwards has been "dishonest" in paragraphs 4 and 5 of his statement of 30 June 2014.[42] He said that Mr Owens' statement of 3 July 2014[43] "casts serious doubt" on the accuracy of his contemporaneous note. Councillor Rogers said that it was "understandable" that his tone and comments "changed" in the e-mails sent to officers after the meeting of 4 June 2013 as it became obvious that no progress had been made following the "very congenial" meeting which took place. He said that Mr Owen's comment in his statement of 3 July 2014 that "a clawback could not be put in the purchase document" contradicts the discussions during the meeting, the actions of the Council in a previous transaction and the current status with Mr Geal's transaction.

[41] Appendix 10 (interview with Cllr Rogers Part 2 Page 18 of 32) & Appendix 33
[42] Appendix 26
[43] Appendix 27

66. Councillor Rogers referred to the e-mail correspondence provided following the interview on 4 June 2014 (see Appendix 10) which he considers are "vital" to his defence of this complaint. He said that he believes that the Chief Executive is pursuing this matter because of his "continued efforts to expose the incompetence which is rife in [the Council] and in particular in the Legal and Property sections".

67. Councillor Rogers' full response to the draft report is attached at Appendix 34.

Disputed fact

68. Was the "garden use only" condition included in the original invitation to tender issued to Mr Geal?

Analysis of Evidence

Was the "garden use only" condition included in the original invitation to tender issued to Mr Geal

69. Councillor Rogers' said that the "garden use" only condition was not included in the original tender pack issued to Mr Geal. Mr Geal said that the restriction had not been disclosed to him previously.

70. The letter issued with the tender pack to Mr Geal on 4 September 2012 refers to the value placed on the land as a reflection the market value of land for use "as private garden only". The tender pack documents comprised of the invitation letter, plan of showing available for purchase, a form of tender for completion by the interested parties and a pre printed envelope for use with the sealed tender offer. The pack does not appear to have contained any other documents detailing the terms and conditions of the transaction. Mr Geal and the third party submitted their tenders on this basis.

Conclusions

Did Councillor Rogers' close personal association with Mr Geal give rise to a personal interest?

71. Both Councillor Rogers and Mr Geal[44] accept that they have a close personal association by reason of their long standing friendship and more recently the marriage of their respective children. They have referred to each other as "friends" of over 40 years. Councillor Rogers accepted that his friendship with Mr Geal was closer than that with other constituents who he has assisted.

72. However, Councillor Rogers is of the view that he did not have a personal interest in the matter concerning the sale of land to Mr Geal, regardless of the nature of the association between them. Councillor Rogers also said that he did not consider whether he had an interest as he was not involved in the negotiations for the purchase price, he did not benefit from the sale and because he was seeking to act in the best interests of the Council.

73. Mr Geal said that he made Councillor Rogers aware of his interest in purchasing the land and the difficulties encountered in obtaining the relevant documentation from the Council. Councillor Rogers confirmed that he was happy to help him as he would for anyone else. Councillor Rogers proceeded to write to senior officers within the Council, submit a corporate complaint and related documents to the Council concerning this matter in 2012.

74. In 2013 Councillor Rogers attended a meeting with the officers concerned and Mr Geal and became involved in e-mail correspondence and discussions with various officers about the sale of the land at Glandwr. Councillor Rogers said that he was acting in his role as member at all relevant times.

75. The code[45] requires members to consider whether they have an interest in all matters and whether the code requires them to disclose it. The obligation to consider the code rests with the member concerned. An officer's knowledge of personal circumstances is not capable of releasing a member

[44] Appendix 9
[45] Paragraph 10(1)

from this obligation. Paragraph 11 of the code sets out the various ways for members to declare a personal interest when they have deemed it appropriate to do so.

76. A member should regard themselves as having a personal interest in any business of their authority if a decision upon it might reasonably be regarded as affecting the well being or financial position of a person with whom they have a close personal association.[46] Close personal associates include people such as close friends, business associates and close relatives.[47]

77. Mr Geal intended to purchase the parcel of land adjoining his existing property at Glandwr in the hope that he could develop this land. He said that he submitted a tender price significantly higher than the other interested party and recognised that the land would have been of little value to him with the "garden use only" condition. A personal interest can arise where the affect on the close personal associate is positive or negative. It follows therefore that the need to disclose an interest arises in any situation where a close personal associate has the potential to gain or lose from a matter under consideration.[48] Clearly Mr Geal had the potential to gain or lose from this transaction.

78. Having considered the evidence available to me I have taken the view that Councillor Rogers did have a declarable personal interest in all matters concerning Mr Geal and his prospective purchase of the land. In addition to the recent association by marriage has strengthened the close association and longstanding friendship. The purchase of the land would inevitably have affecting Mr Geal's wellbeing, as he was hoping to acquire a beneficial interest as owner of the land. I am satisfied that Councillor Rogers ought to have been aware of the existence of this interest. The fact that Mr Geal's tender was significantly higher than that received from other interested party does not in my view detract from this.

79. Councillor Rogers should have considered at all times whether his association with Mr Geal gave rise to an interest under the code, he acknowledged in interview that he did not do so. His conduct in this respect is therefore suggestive of a breach of paragraph 10(1) of the code.

[46] Paragraph 10(2)(c)(i)
[47] Ombudsman's Guidance – Appendix11
[48] ibid

80. It follows that there were at least twelve occasions when it would have been appropriate for Councillor Rogers to make either an oral or written disclosure of this interest. It is therefore my view that Councillor Roger's actions in failing to make any such declaration as described above may have breached paragraphs 11(1), 11(2)(a) and (b) of the Code of Conduct.

81. I turn now to consider whether Councillor Rogers' personal interest would also have been prejudicial in nature. A personal interest will also be prejudicial where a member of the public with knowledge of the relevant facts would reasonably think that a member's personal interest was so significant that it would be likely to prejudice their judgement of the public interest in the matter.[49]

82. Councillor Rogers and Mr Geal said that there was a considerable delay on the Council's part in the production of tender documentation in respect of the land. Mr Geal expressed his interest in purchasing the land in 2011, the documentation was not however produced until September 2012. The officers interviewed explained that there were delays in the initial stages as the Council had to firstly consider whether to develop the land itself prior to it being released for sale, periodic updates were provided to Mr Geal in 2011.[50]

83. Councillor Rogers said that his actions in referring to the matter and others affecting the estate in 2012 in written correspondence and as a corporate complaint was aimed at preventing any further delay, he said that it was "embarrassing". The evidence is suggestive that there were delays in the production of the tender pack, there is a suggestion that even when issued it did not contain all of the necessary documentation. Mr Geal said that after his offer was accepted the legal documentation contained glaring errors and the garden use only condition was added. Councillor Rogers said that there was a clear benefit to the Council in selling this land as it would also resolve other issues being faced by the residents of the estate.

84. Councillor Rogers said that his subsequent involvement in the matter from May 2013 onwards was aimed at resolving the confusion which had arisen following the production of the legal documentation to complete the sale. Mr Geal said that the "garden use only" restriction was not specified in the invitation to tender and was introduced by the Council in the legal

[49] Paragraph 12(1)
[50] Appendix 5 – exhibit DO 1

documentation. A contrary view has been expressed by the officers of the Council and the tender invitation letter specifically made reference to "use as private garden land".[51]

85. At this stage he discussed the matter on the telephone, met with officers and thereafter e-mailed a number of officers in reference to the conditions of sale. Councillor Rogers said that he was acting in the public interest on each occasion. Councillor Rogers accepted that there would have been a benefit to Mr Geal if the sale of the land had proceeded, particularly if the "garden use only" condition was removed from the legal documentation as suggested by him.

86. Councillor Rogers did not at any time seek or obtain a dispensation from the Standards Committee of the Council relating to this matter.

87. There are a number of relevant factors which need to be taken into consideration, specifically the perceived delay in the production of documentation, the value of the offer made by Mr Geal and the misunderstanding between the parties as to the outcome of the meeting with the officers in June 2013. While Councillor Rogers may have been motivated in part by his desire in part to ensure that the Council acquired funds by reason of the sale of land and to resolve the general concerns he had about the estate, it would appear that he was also motivated to assist his friend. I consider that a member of the public with knowledge of the relevant facts would find it very difficult to understand how, given his relationship with Mr Geal, his proposal of the "clawback" and comments in the subsequent e-mail correspondence that he could possibly be objective about the matter from 24 May 2013 onwards. It appears to me that the nature and effect of his involvement in the matter changed. At this point he was no longer simply asking officers to respond to Mr Geal or provide the relevant documentation he is now involving himself in the specific terms and conditions of the sale. He discussed the matter on the telephone, attended the meeting, where he suggested the use of a "clawback" and subsequently tried to resolve the confusion which arose by e-mail, I am of the view that this was direct and specific involvement in the matter.

[51] Appendix 6

88. I am therefore satisfied on balance that Councillor Rogers' conduct in proceeding to be involved in matters concerning the prospective sale of the land from 24 May 2013 onwards is suggestive in my view of a breach of paragraph 14(1)(a), (c), (d) & (e) of the code.

Did Councillor Rogers misuse his position as a member of the Council to create an advantage for Mr Geal?

89. Councillor Rogers accepted that he was acting in his capacity as a councillor at all times when he was liaising directly with officers about the issue and that he was seeking to help Mr Geal. He accepted that actions would have had some benefit to Mr Geal but that felt it was far outweighed by the benefit to the Council in progressing with the sale of the land.

90. In 2012 Councillor Rogers submitted written comments to the Council on four separate occasions which referred to the proposed sale of land to Mr Geal. On 22 May 2013 he spoke to an officer during a site visit about the delay and on 24 May 2013 spoke to Dylan Edwards about the conditions of sale. He then met with officers and Mr Geal to specifically discuss the sale of land and the conditions contained in the legal documentation.
Councillor Rogers confirmed that he did not consider whether he had an interest on any of these occasions and whether the Code required him to declare it. In terms of the meeting he said that he suggested the "clawback" provision as a means of resolving Mr Geal's concerns over the "garden use only" condition as he was aware of its use in another transaction.

91. Mr Geal said that Councillor Rogers "brokered the deal to be fair to [him] and the Council". One of the officers' said that he perceived Councillor Rogers as a "neutral" party at the meeting on 4 June 2013.

92. As indicated above the evidence concerning the terms agreed at the meeting is in dispute. Mr Geal and Councillor Rogers said that they left in the belief that the "garden use only" condition would be removed and that a clawback provision would be inserted into the legal documentation. In contrast the officers said that the agreement reached was to continue to sell on the basis of "garden use only" however they recognised that Mr Geal could return to the Council when his development plans were finalised to attempt to

negotiate the removal of this condition for an agreed uplift. Dylan Edwards described this as an "overage clause" and said that it would typically be used in a transaction of this nature.[52]

93. Having considered the evidence obtained during this investigation it appears that there may be some difference of opinion between Councillor Rogers, Mr Geal and the officers in the Estates Section about the definition of a "clawback" condition. As indicated above Mr Geal and Councillor Rogers appear to favour the term "clawback" whereas the officers use the term "overage" to describe the type of clause proposed by Councillor Rogers during the meeting.

94. Councillor Rogers then went on to e-mail officers on five subsequent occasions specifically about this matter. In some of his e-mails he seeks to challenge the Dafydd Owen's interpretation of matters agreed at the meeting. He said that the subsequent e-mail correspondence from Councillor Rogers about the terms agreed gave the impression that he was acting in Mr Geal's best interests only.[53] Councillor Rogers then proceeded to raise this matter with the deputy Chief Executive and engaged in further e-mail correspondence about this matter with the Head of Service.

95. I am satisfied that the evidence is suggestive on balance that Councillor Rogers used his position as a member of the Council to gain an advantage for his close personal associate Mr Geal from May 2013 onwards. Firstly, by speaking with Dylan Edwards about the "new" conditions on 24 May, at the meeting on 4 June 2013 and thereafter in e-mails to Dafydd Owen, when he was specifically seeking to reverse the Council's decision to incorporate the "garden use only" clause in the legal documentation for the sale of land. Whilst it is recognised that there is some dispute as to the exact terms of the agreement reached in the meeting I do not consider that Mr Geal would have had the same means or opportunity to pursue the possible solution of a "clawback" or "overage" but for Councillor Rogers' involvement and use of his position as a member of the Council. While I am mindful that Councillor Rogers's proposal of the clawback would have led to a financial advantage to the Council there can be no dispute that there would have been a beneficial interest to Mr Geal if the transaction had completed. There can be no doubt that if Councillor Rogers' efforts in seeking to remove the condition in the

[52] Appendix 6
[53] Appendix 5

legal documentation have proved been successful in the first instance Mr Geal would then have had the advantage of being able to develop the land albeit subject to planning consent. In my view Councillor Rogers' involvement at this stage was also capable of disadvantaging the other bidder for the land. It is possible that the other bidder may have increased their offer in response to the tender invitation if the "garden use" only condition had not been part of the terms of sale. It follows therefore that Councillor Rogers' actions as described above may have also breached paragraph 7(a) of the Code of Conduct.

96. In reaching my conclusions on this matter I have also taken into consideration the fact that the sale now appears to be progressing with the inclusion of an "overage" clause. This will clearly result in a financial benefit to the Council if Mr Geal successfully obtains planning consent and proceeds to develop the land. While I recognised that this outcome may have been facilitated by Mr Geal's legal representatives in recent months, this does not in my view detract from the fact that the use of this type of clause was initially at Councillor Rogers' suggestion. In consequence when the matter does complete Mr Geal is likely to be in a more advantageous position than he may have been but for Councillor Rogers' involvement. I do however recognise that the position of the land is such that there is limited detriment impact associated with his actions. Nevertheless, Councillor Rogers' direct and specific involvement in this matter is in my view contrary to the principles of selflessness and objectivity to which elected members must have regard when undertaking their role as members.

97. Finally, I share Councillor Rogers' concern that details of the investigation were discussed at a recent meeting of the Council's Standards Committee and subsequently reported in the media. I acknowledge that there is a need for the Standards Committee to receive updates on matters of this nature and any update is given in good faith in view of the fact that my investigations are generally conducted in private. I have drawn this issue to the attention of the Council. Nevertheless, while this is a factor which Councillor Rogers may wish to raise in mitigation, I am satisfied that he was not specifically identified in the information disclosed.

Finding

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

Professor Margaret Griffiths
Acting Ombudsman 24 July 2014

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

Tel: 01656 641150
Fax: 01656 641199
E-mail: ask@ombudsman-wales.org.uk
Follow us on Twitter: @OmbudsmanWales

Appendix 1

Ombudsman
PUBLIC SERVICES OMBUDSMAN FOR WALES

Code of conduct complaint form

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

A Your details

Your name in full: Richard Parry Jones [Chief Executive Isle of Anglesey County Council]

Address and postcode: Isle of Anglesey County Council

Council Offices

LLANGEFNI, Anglesey LL77 7TW

P.S.O.W.
- 1 NOV 2013
P.S.O.W.

E-mail: rpjce@anglesey.gov.uk

Daytime contact number: 01248 752175 Mobile number:

B Who are you complaining about?

Name of the member (or members) you consider has (have) broken the code of conduct

Councillor Peter Rogers

Name of their authority

Isle of Anglesey County Council

C How do you think they have broken the code of conduct?

Please tell us what evidence you have for claiming that the member has broken the code of conduct (you can get copies of the code from the authority). Give as much detail as possible and continue on a separate sheet if you need to. Please attach copies of any relevant correspondence, documents and so on.

Councillor Peter Rogers has involved himself in the sale of Council owned land at Glandwr, Dwyran, Anglesey. He claims to have done so in his capacity as local Member, on behalf of an elector, Mr Patrick Geal. However, it now transpires that Mr Geal's daughter is married to Councillor Rogers' son.

I believe that there is a reasonable basis for concluding that, throughout the period during which Councillor Rogers has been dealing with this matter, he has had a personal interest under paragraph 10(2)(c)(i) of the Members' Code of Conduct.

Despite the close personal association between Councillor Rogers and Mr Geal, Councillor Rogers has failed to disclose that interest to Officers when dealing with the sale (removal of a proposed restrictive covenant in the transfer) Councillor Rogers may have converted his personal interest into a prejudicial interest within the meaning of paragraph 12(1) of the Code and in breach of paragraph 14(1)(a), (c), (d) and (e).

Councillor Rogers' attempt to influence Officers to remove the restrictive covenant would have created a benefit for the purchaser and a detriment for the Council (and the public). The land is to be sold as garden land (the price reflecting this) with a restrictive covenant limiting the use to which the land may be put without the covenant being lifted; for which a further financial consideration would need to be negotiated. There is no prohibition against development of the site for another dwelling, and the response of the Environment Agency raises only a rebuttable presumption against development. A suitable expert's report might well overreach that concern.

Continue over the page

Code of conduct complaint form

Continued

Copies of relevant documents are attached, including a file summary prepared by the Council's Property Section, as well as exchange of e-mails, which gives some indication of Councillor Rogers' involvement. Should the Ombudsman decide to pursue this investigation then detailed statements will be required from the relevant Property and Housing Officers, as well as the Council's Deputy Chief Executive, and Corporate Complaints Officer, all of whom have had dealings with Councillor Rogers in connection with this issue.

D When did the incident take place?

To the best of my knowledge the breaches began on the 29th March 2012 with the most serious concern being Councillor Rogers' email to Mr Dafydd V Owen dated 4th July 2013

E Are there any witnesses who can confirm what you say? If so, give their full names, addresses and phone numbers.

Ms Shan Williams, Head of Service, Housing - email slwhp@anglesey.gov.uk tel: 01248 752201

Mr Mike Barton, Head of Service, Property - email mbxht@anglesey.gov.uk tel: 01248 752304

Mrs Bethan Jones, Deputy Chief Executive - email bejce@anglesey.gov.uk tel: 01248 752185

Beryl Jones, Customer Care Officer - email bjxcs@anglesey.gov.uk tel: 01248 752588

I understand and accept that my identity and the details of my complaint will be passed on to the member who I am making a complaint against and that they may become public knowledge. I confirm that I am prepared to give spoken evidence in public in support of my complaint to the authority's Standards Committee, or any case tribunal which may be appointed to consider any report which the Ombudsman may issue if he decides to investigate my complaint.

Signature Richard Parry Jones Date 29 / 10 / 13

Please send this filled-in form to:

Public Services Ombudsman for Wales

1 Ffordd yr Hen Gae

Pencoed CF35 5LJ

Phone: 0845 601 0987 (local call rate) Fax: 01656 641199

8502

Mike Barton

From: June Williams
Sent: 05 August 2013 08:51
To: Mike Barton
Subject: FW: Land at Glan Dwr Dwyran Re Mr P Geal

Mike

See message below from Cllr. Peter Rogers in response to your letter. I'd be grateful if you would please let me have a copy of your response.

Diolch
June

From: Bethan Jones
Sent: 05 August 2013 08:40
To: June Williams
Subject: FW: Land at Glan Dwr Dwyran Re Mr P Geal

Bethan Jones
Dirprwy Prif Weithredwr / Deputy Chief Executive
Cyngor Sir Ynys Môn / Isle of Anglesey County Council
Swyddfa'r Sir / County Offices
Llangefni
Ynys Môn / Anglesey
LL77 7TW

01248 752185

From: Peter Rogers
Sent: 02 August 2013 15:19
To: Mike
cc: Bethan Jones
Subject: FW: Land at Glan Dwr Dwyran Re Mr P Geal

Mr Barton
Very mystified by your letter received today requesting that I advise you if I am acting on behalf of Mr Geal as his agent with respect to this proposed transaction.I am afraid I just don't see the relevance of the question at this time.May I remind you that you have been asked to review the file and history of this case by the Deputy Chief Executive Ms Bethan Jones and I am sure if you do that you will fully understand my role, which is as a Councillor. This case has been ongoing for over 2 years and you should appreciate that it all resolves around my desire to tidy up this Estate-the disposal of this land is only part of this.You will see a recent E- Mail from Housing enquiring from me whether I have made any progress on the sale of this land.They will not move until a decision has been made. It is very concerning the time it is taking you and your Officers to respond to anything and this will be very self evident when you review this file. It certainly does not make pleasant reading.

Regards
Peter

From: Peter Rogers
Sent: 17 July 2013 12:03
To: Bethan H. Jones
Subject: FW: Land at Glan Dwr Dwyran Re Mr P Geal

B31

Dear Ms Jones
This matter has now been ongoing for over 12 months I would appreciate any support you could give to bring it to some sought of conclusion for everyones sake,

Regards
Peter

From: Peter Rogers
Sent: 04 July 2013 17:03
To: Dafydd V. Owen
[redacted]
Subject: RE: Land at Glan Dwr Dwyran Re Mr P Geal

Dear Mr Owen.

Your response is very puzzling.You have an offer for the land of £10,000 more than the under bidder.You had been advised by Planning that there was no chance of the Council building on the plot because it is on a flood plain.There was no tender document available, which could almost be seen as unlawful and yet you then accepted the tender bid and then for some reason attempted to put conditions on the sale which of course should have been on the tender document and would have of course made a significant difference to the final offer.We then had a very good meeting with Mr Geal in your office and which your notes of that meeting will show, that the sale would go on and almost £11000 would be paid into our funds.But alas,in your last E-mail you again moved the 'goal posts'.Surely you dont want Mr Geal after parting with £11000 to then open negotiations with you to lift the garden land restriction for a building footprint and parking area.Surely our conduct in the sale of this area of land does not give any confidence that our word is to be trusted.There has to be some formal recording of the ability to be able to lift/or apply to lift the restriction in the future.You notes will clearly show that Mr Geal fully accepted the 'claw-back' provision.It was also noted that as the land was on a flood plain,the 'claw back' would be less' as planning costs would be greater.

Regards
Peter

From: Dafydd V. Owen
Sent: 27 June 2013 09:48
To: Peter Rogers
Subject: RE: Land at Glan Dwr Dwyran Re Mr P Geal

Dear Councillor Rogers

Apologies for the delay in responding, I have been away on leave.

As discussed during the meeting, the land is to currently be sold as garden land in its entirety. If Mr Geal decides to build an extension to his current property in the future, which would require a piece of this land to facilitate the extension, then we will be open to begin discussions/negotiations to lift the garden land restriction on the area of land required ie building footprint and parking area as was discussed in the meeting.

Should you require any further information the please don't hesitate to contact me.

Regards
Dafydd Owen

Swyddog Prisio Cynorthwyol/Assistant Valuation Officer
Adran Eiddo/Property Department
Cyngor Sir Ynys Mon/Isle of Anglesey County Council
Ffon/tel: 01248 752245
Ebost/email: DafyddVOwen@anglesey.gov.uk

From: Peter Rogers
Sent: 24 June 2013 13:18

B32

To: Dafydd Y. Owen
[redacted]
Subject: Land at Glan Dwr Dwyran Re Mr P Geal

Dear Dafydd
I have just seen the revised transfer plan for the above land and am concerned that clause 12.2 states again that the restriction to use the property solely as a private garden for the use [redacted] Glandwr along with the restriction not to build or develop on the property remains in place. I am sure you will agree that the whole purpose of our meeting on the 4 June was over this very point and we fully accepted the 'Claw Back'
I would urge you to speak to Mr Tim Rhodes urgently to clarify the correct position and enable this matter to be concluded as soon as possible.
Regards

Peter

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

ffôn / tel: (01248) 752308 ffacs / fax: (01248) 724839

Gofynnwch am - Please ask for: Mr. Mike Barton

ffôn / tel: (01248) 752304

E-Bost - E-mail: pam@anglesey.gov.uk
Ein Cyf - Our Ref. MB/LTJ/ 021.33
Eich Cyf - Your Ref.

30th July 2013

Councillor Peter Rogers
Bodrida
Brynsiencyn
Ynys Môn
LL61 6NZ

Dear Councillor Rogers

Land at Glan Dwr, Dwyran: Mr. P Geal

I refer to your recent e-mail correspondence to the Deputy Chief Executive regarding the above, which I have been requested to review.

I have recently been on annual leave but am now in the process of reviewing the file and history with regard to this case. I would note that in this instance, as the land in question is held within the Housing Portfolio, the Property Service is acting on the instructions of the Housing Service in this matter.

In the meantime I would be grateful if you would advise me if you are acting on behalf of Mr. Geal as his agent with respect to this proposed transaction.

Yours sincerely

MIKE BARTON
HEAD OF SERVICE (PROPERTY)

B34

Land adjacent to [redacted] Glandwr, Dyran

Meeting @ 10am between 4/6/2013

Dylan Edwards 10ACC
Dafydd Owen 10ACC
Peter Rogers Councillor
Mr Patrick Geal purchaser

Mr Geal Expressed concer regarding caxil trying to impose terms after tender process had been completed. TDE explained that boundary responsibility is a standard issue with all disposals. Mr Geal also expressed concern that the legal documents sent by legal implied that 'garden only' restrictive covenant would extend to their property ie, the whole of [redacted] Glandor. TDE explained that 10ACC did not have the right to impose such terms and that we would contact Legal to amend the documents

DO

B35

Dafydd V. Owen

From: Dafydd V. Owen
Sent: 30 May 2013 09:17
To: 'Patrick Geal'
Subject: RE: Land at [redacted] Glandwr, Dwyran

Mr Geal

We confirm this is fine with us. We are located in the Rova Cabins where the Planning Department is. Please ask in reception when you arrive.

Thanks
Dafydd

From: Patrick Geal [redacted]
Sent: 29 May 2013 14:22
To: Dafydd V. Owen
Subject: RE: Land at [redacted] Glandwr, Dwyran

Thanks for the offer of a meeting.

I have spoken to Peter Rogers and I would like a meeting, I suggest 10am on Tuesday the 4th June.

Patrick Geal
[redacted]

From: DafyddVOwen@anglesey.gov.uk
[redacted]
Subject: Land at [redacted] Glandwr, Dwyran
Date: Wed, 29 May 2013 09:13:31 +0000

Mr Patrick Geal

I write with reference to your application to purchase the above land adjacent to your property.

We have been contacted by Councillor Peter Rogers who has made a few enquiries with regards to the process. We would suggest that we arrange a meeting with yourself and Councillor Rogers if you wish, at our offices to discuss any matter which you are concerned about.

We are free any time for a meeting apart from Friday 31st and Monday 3rd.

Regards
Dafydd Owen

Swyddog Prisio Cynorthwyol/Assistant Valuation Officer
Adran Eiddo/Property Department
Cyngor Sir Ynys Mon/Isle of Anglesey County Council
Ffon/tel: 01248 752245
Ebost/email: DafyddVOwen@anglesey.gov.uk

B36

Dafydd V. Owen

From: Dafydd V. Owen
Sent: 29 May 2013 11:32
To: Peter Rogers
Subject: F[redacted] Glandwr Dwyran

Dear Councillor Rogers

I have sent an e-mail to Mr Patrick Geal asking if he and yourself would be available to meet with myself and my colleague Mr Dylan Edwards to discuss the above. Any time and date is suitable with ourselves except for this Friday 31st May and Monday 3rd June.

We would be grateful if you could consult with Mr Geal on an appropriate time and date for a meeting.

Thanks

Dafydd Owen

Swyddog Prisio Cynorthwyol/Assistant Valuation Officer
Adran Eiddo/Property Department
Cyngor Sir Ynys Mon/Isle of Anglesey County Council
Ffon/tel: 01248 752245
Ebost/email: DafyddVOwen@anglesey.gov.uk

From: T Dylan. Edwards
Sent: 29 May 2013 09:16
To: Dafydd V. Owen
Subject: FW: [redacted] Glandwr Dwyran

From: Paul Lloyd Jones
Sent: 29 May 2013 09:11
To: T Dylan. Edwards
Subject: FW [redacted] Glandwr Dwyran

Please see reply from Cllr Rogers

From: Peter Rogers
Sent: 28 May 2013 10:02
To: Paul Lloyd Jones
Subject: [redacted] Glandwr Dwyran

Dylan should be aware that he needs to respond to the Client but I am more than happy to help.I am sure he needs to resolve this by return so serious are the consequences of any further delay.

Thanks
Peter

On 28 May 2013, at 15:13, "Paul Lloyd Jones" <PaulLloydJones@anglesey.gov.uk> wrote:

Good afternoon Peter,

B37

Following our meeting at Glandwr yesterday, I have made some enquiries with Dylan Edwards, Principal Valuation Officer, with regards to the sale of the land adjacent to [redacted] Glandwr.

Due to the amount of work already carried out with regards to this sale, Dylan has said he would contact you and answer any queries you may have.

If you have any other queries regarding council owned dwellings, please feel free to contact me direct.

Thanks

Paul Jones
Swyddog Rheoli Tai / Housing Management Officer
Gwasanaethau Tai / Housing Services
Cyngor Sir Ynys Môn / Isle of Anglesey County Council
Ffôn / Phone : 01248 752298
www.ynysmon.gov.uk / www.anglesey.gov.uk

B38

Dafydd V. Owen

From: T Dylan. Edwards
Sent: 29 May 2013 09:16
To: Dafydd V. Owen
Subject: FW: [redacted]andwr Dwyran

From: Paul Lloyd Jones
Sent: 29 May 2013 09:11
To: T Dylan. Edwards
Subject: FW: [redacted]landwr Dwyran

Please see reply from Cllr Rogers

From: Peter Rogers
Sent: 28 May 2013 10:02
To: Paul Lloyd Jones
Subject: Re: [redacted]landwr Dwyran

Dylan should be aware that he needs to respond to the Client but I am more than happy to help.I am sure he needs to resolve this by return so serious are the consequences of any further delay.

Thanks

Peter

On 23 May 2013, at 15:13, "Paul Lloyd Jones" <PaulLloydJones@anglesey.gov.uk> wrote:

Good afternoon Peter,

Following our meeting at Glandwr yesterday, I have made some enquiries with Dylan Edw[redacted]s, Principal Valuation Officer, with regards to the sale of the land adjacent to [redacted]Glandwr.

Due to the amount of work already carried out with regards to this sale, Dylan has said he would contact you and answer any queries you may have.

If you have any other queries regarding council owned dwellings, please feel free to contact me direct.

Thanks

Paul Jones
Swyddog Rheoli Tai / Housing Management Officer
Gwasanaethau Tai / Housing Services
Cyngor Sir Ynys Môn / Isle of Anglesey County Council
Ffôn / Phone : 01248 752298
www.ynysmon.gov.uk / www.angelsey.gov.uk

B39

T Dylan. Edwards

From: Mandy M. Parry
Sent: 24 May 2013 09:53
To: T Dylan. Edwards
Subject: galwad ffôn

Peter Rogers yn gofyn am air y.â gwerthiant tŷ [redacted] Glandwr, Dwyran – [redacted]

diolch

SPOKE TO MR ROGERS.

HE IS CONCERNED ABOUT THE 'NEW' CONDITIONS WE HAVE INSERTED E.G.

1) RESPONSIBILITY FOR BOUNDARIES
2) GARDEN USE ONLY RESTRICTION.

I TOLD HIM WE WOULD LOOK OVER THE FILE, SPEAK TO LEGAL AND GIVE HIM A CALL TUESDAY (28TH MAY) TO ARRANGE A MEETING.

I HAVE LOOKED AT THE FILE AND IT IS CLEAR THAT "GARDEN USE ONLY" IS IN BOTH THE INSTRUCTIONS FROM HOUSING AND IN THE TENDER LETTERS.

[redacted]

B40

Dafydd V. Owen

From: T Dylan. Edwards
Sent: 23 May 2013 15:25
To: Dafydd V. Owen
Subject: FW: [redacted]Glandwr Dwyran

Daf,

Fedri di ffonio Mr Rodgers ar ôl siarad efo Legal.

Diolch,

Dylan

From: Paul Lloyd Jones
Sent: 23 May 2013 15:14
To: Peter Rogers
Cc: Shan Lloyd. Williams; T Dylan. Edwards
Subject: [redacted]andwr Dwyran

Good afternoon Peter,

Following our meeting at Glandwr yesterday, I have made some enquiries with Dylan Edwards, Principal Valuation Officer, with regards to the sale of the land adjacent to [redacted] Glandwr.

Due to the amount of work already carried out with regards to this sale, Dylan has said he would contact you and answer any queries you may have.

If you have any other queries regarding council owned dwellings, please feel free to contact me direct.

Thanks

Paul Jones
Swyddog Rheoli Tai / Housing Management Officer
Gwasanaethau Tai / Housing Services
Cyngor Sir Ynys Môn / Isle of Anglesey County Council
Ffôn / Phone : 01248 752298
www.ynysmon.gov.uk / www.angelsey.gov.uk

B41

Ein Cyf / Our Ref: [redacted]

Eich Cyf / Your Ref: TR/SO/PR-016560-TR

Elwyn Jones Co.

Cyfreithwyr ~ Solicitors

Enw Masnachol/Trading Name of:
Parry Davies Clwyd-Jones & Lloyd

125 High Street, Bangor,
Gwynedd LL57 1NT
www.pdcll.com
Dx No: 18771 Bangor 1
Tel: 01248 370224
Fax: 01248 352313

15th January 2013

Mr Tim Rhodes
Solicitor
Isle of Anglesey County Council
DX 701771
LLANGEFNI

16 JAN 2013

Dear Sirs,

Re: Land at Glandwr Estate, Dwyran, Anglesey

We are instructed to act on behalf of Mr Nigel Patrick Geal and [redacted] in the proposed purchase of land at Glandwr Estate, Dwyran, Anglesey. We note that legal documents were sent to our clients' address, therefore we would be grateful if you could please kindly note that the address for service will be the address on our headed paper.

We have received a number of other documents from our clients to include your letter dated 4th September 2012, letter dated 28th September 2012, copy Form of Tender dated 25th September 2012, and a copy fax dated 25th May 2012 sent by Mr Richard Parry Jones, Chief Executive and addressed to Councillor Peter Standing Rogers.

We also had a telephone conversation with your Mr Dafydd Owen on the 3rd September 2012 concerning the land in question. During our conversation we were informed that the council had carried out preliminary searches on the land, however it was revealed that the land may have been liable to flooding therefore the council did not pursue their planning application.

We also note in the faxed letter dated 25th May 2012 that "planning had confirmed that the existing policy allowed for a single plot within or on the edge of a settlement, subject to usual development control criteria",

Partneriaid/Partners:
Geraint Clwyd-Jones B.A. Hons.
Aled W. Jones LL.B Hons.
Nia Wyn Lloyd LL.B. Hons.
Lena Rees Davies LL.B. Hons.
Sion Gwyn LL.B. Hons.

Ymgynghorwyr/Consultants:
Elinor C. Davies LL.B. Hons
Myrddin W. Owens
Peter Egan LL.B. Hons
Gwynfor Jones LL.B. Hons.
Gareth Parry B.A. Hons

Rheolwr Practis/Practice Manager :
Joanne Lloyd

Cyfreithwyr Cynorthwyol/ Assistant Solicitors:
Peter C. Davies LL.B. Hons.
Winifred M. Jones LL.B. Hons.
Cathrin Bleri Roberts LL.B. Hons.
Sophie Parry LL.B. Hons.
Natalie Geal LL.B. Hons.
Laura Cunnaghan LL.B. Hons.
Zoe Baker LL.B. Hons.
Lisa Clwyd-Jones LL.B Hons

Hefyd yn - Also at:
Amlwch 01407 831777
Benllech 01248 852782
Caernarfon 01286 673381
Llangefni 01248 723106
Pwllheli 01758 703000

Level

B42

On the basis of the information to hand, our clients submitted their tender on the 25th September 2012.

By a letter dated 28th September 2012, the council wrote to our clients to confirm that they had been successful in their tender, however a number of terms and conditions were thereafter imposed.

Of most concern to our clients was condition number 3, "the land shall be used as a private garden only and shall be included within the curtilage of [redacted]landwr, Dwyran." Further, condition number 6 stated "no development/building/structure in whole or part shall be erected on the land".

Those conditions have been further included in the draft Transfer, in particular clause 12.2.

We would be grateful if you could please kindly explain why the council seeks to impose restrictive covenants upon the use of the land.

We look forward to hearing from you.

Yours faithfully,

Elwyn Jones & Co

Elwyn Jones & Co.

B43

ENVIRONMENT AND TECHICAL SERVICES DEPARTMENT

DISPOSAL REPORT

	DISTRIBUTION:	REF.:	
A.	Managing Director - Legal Section	Ref:	Iona Jones
B.		Ref:	
C.		Ref:	
D.	File	Ref:	45 HE 08 000

COMMITTEE:	TICK(✓)	DATE
Executive Committee		
Smallholdings Panel		
Head of Service (Property)	✓	28/11/2012

STATUTORY POWERS:

NAME AND ADDRESS OF THE PURCHASER: Mr Patrick Geal [redacted]

SOLICITOR(S): [redacted]

SURVEYOR(S):

1. **DESCRIPTION AND SITUATION**

   Land forming part of the Glandwr Estate in the town/village and community of Dwyran in

   the County of Ynys Môn which may be identified by reference to OS sheet 4465

   and is more particularly shown outlined in red on the attached plan.

2. **AREA** 450m2 square meters or thereabouts

3. **NATURE OF INTEREST** Freehold with vacant possesion.

B44

4. **RESTRICTIONS/LIABILITIES** (See 7 below)

5. **AGREED PRICE** £10,751 (ten thousand seven hundred and fifty one pounds)

6. **(A) SURVEYORS FEES:** N/A

(B) SOLICITORS FEES: £317.00

7. **TERMS AND CONDITIONS OF SALE:**

1. The land to be sold is shown edged in red on the enclosed location plan.

2. The purchase price will be £10,751.00 (ten thousand seven hundred and fifty one pounds).

3. The land shall be used as private garden only and shall be included within the curtilage of [redacted]landwr, Dwyran.

4. The purchaser shall be responsible for the erection and future maintenance of the boundaries marked with a "T" the specification of which shall be agreed with the County Council prior to commencement.

5. The boundaries shall be erected within a period of 6 (six) months from completion of the transfer.

6. No development / building / structure in whole or part shall be erected on the land.

7. The purchaser shall be responsible for obtaining all necessary permissions (if any) for the proposed use of the land.

8. The right of access to all site services, recognised or not, is to be retained by the Council and all other relevant service authorities.

9. The purchaser shall be responsible for the payment of their own together with the Council's legal and surveyor's fees in connection with this transfer.

Date 28/12/2012

p.p. M.Barton

Head of Service (Property)

B45

PROPERTY DISPOSAL PROGRESS SHEET

PROPERTY: LAND ADJACENT TO [redacted]GLANDWR, DWYRAN

VALUATION:	£10,751.00 (Ten thousand seven hundred and fifty one)
DATE OF VALUATION:	28th September 2012
PRINCIPLE TERMS:	Freehold with vacant possession
MARKETING METHOD:	Section 1.8 AMP
METHOD OF DISPOSAL:	Tender

APPLICANT

NAME:	Mr Patrick Gaal
ADDRESS:	[redacted]
PROPOSED USE:	Garden land only
LOCAL MEMBER:	Councillor Peter Rogers
DATE SENT:	1st September 2011
DATE RETURNED:	No response
COMMENTS:	Assume no objections
PORTFOLIO MEMBER:	Councillor Bob Parry
DATE SENT:	9th September 2011
DATE RETURNED:	14th September 2011
COMMENTS:	No objections to disposal

COMMENTS BY SERVICE DEPARTMENT:	Housing Department has no objection to disposing the land
OFFICER'S RECOMMENDATIONS:	Sell the land

B46

APPROVAL: _____ DATE: 28/11/12

Mike Barton – Head of Service (Property)

EXECUTIVE COMMITTEE:

RESOLUTION REQUIRED: Y / N

DATE OBTAINED:

CONSIDERATION/COMMENTS:

OFFER MADE: 25th September 2012

ACCEPTED: 28th September 2012

INSTRUCTIONS TO COUNTY SOLICITOR:

TRANSACTION COMPLETED:

Y WEITHDREFN GWYNO A CHANMOLIAETH GORFFORAETHOL
THE CORPORATE COMPLAINTS & COMPLIMENTS PROCEDURE

HOLIADUR/QUESTIONNAIRE

10 OCT 2012

I'W GWBLHAU GAN Y SWYDDFA
TO BE COMPLETED BY THE OFFICE

ENW'R ACHWYNYDD
NAME OF COMPLAINANT Cllr. P. S. Rogers

CYFEIRIAD
ADDRESS Bolrhos, Brynsiencyn LL61 6NZ.

Y GWASANAETH(AU) Y CYFEIRIWYD Y GWYN IDDI
THE SERVICE(S) TO WHICH THE COMPLAINT WAS REFERRED

Housing / Property

ENW'R SWYDDOG PERTHNASOL
NAME OF RELEVANT OFFICER Bjss.

I'W GWBLHAU GAN YR ACHWYNYDD
TO BE COMPLETED BY THE COMPLAINANT
(LLE FO'N BERTHNASOL, RHOWCH GYLCH O AMGYLCH YR ATEB SYDD FWYAF PRIODOL YN EICH BARN CHI)
(WHERE RELEVANT, PLEASE CIRCLE THE ANSWER WHICH IS MOST APPROPRIATE IN YOUR OPINION)

PA MOR FODLON OEDDECH CHI GYDA SAFON YR YMDRINIAETH O'CH CWYN GAN Y CYNGOR HWN?
HOW SATISFIED WERE YOU WITH THE STANDARD OF THE INVESTIGATION OF YOUR COMPLAINT BY THIS COUNCIL?

~~BODLON IAWN~~ VERY SATISFIED | ~~BODLON~~ SATISFIED | ANFODLON IAWN VERY DISSATISFIED

OS OEDDECH CHI'N ANFODLON IAWN, BETH YW'R RHESYMAU AM HYNNY?
IF YOU WERE VERY DISSATISFIED, WHAT WERE THE REASONS FOR THIS?

Why did I ever make a complaint if I had received a letter dated Sept 1st 2011. Why on earth did Mr Hood Will NOT respond to my letter of 29 March 2012 and then give details of that letter when I made claim for rent. My real concern is the failure to respond to my letter. I would be very grateful if you would accompany me on a site visit to the estate and see exactly what progress has been made since my letter. That is

RMJ 10 – Holiadur/Questionnaire

B48

ER EFALLAI CHI FOD YN FODLON IAWN GYDAG YMDRINIAETH Y CYNGOR O'CH CWYN NEU ER EICH BOD O BOSIBL, YN FODLON GYDA'R YMDRINIAETH O'CH CWYN, A FYDDECH CYSTAL Â NODI UNRHYW ELFENNAU O'R YMDRINIAETH Y TEIMLWCH CHI Y GELLID FOD WEDI EU CYFLAWNI'N WELL. ALTHOUGH YOU MAY HAVE BEEN VERY SATISFIED WITH THE COUNCIL'S INVESTIGATION INTO YOUR COMPLAINT, OR HAVE BEEN SATISFIED WITH THE INVESTIGATION, WOULD YOU KINDLY NOTE ANY ELEMENTS OF THE INVESTIGATION WHICH YOU FEEL COULD HAVE BEEN BETTER ACCOMPLISHED

Fully aware that was better fully discussed a response and action.

PA MOR FODLON OEDDECH CHI GYDA PHRYDLONDEB YR YMDRINIAETH O'CH CWYN GAN Y CYNGOR HWN?
HOW SATISFIED WERE YOU WITH THE PUNCTUALITY OF THE INVESTIGATION INTO YOUR COMPLAINT BY THE COUNCIL?

~~BODLON IAWN~~ ~~VERY SATISFIED~~ | BODLON SATISFIED | ANFODLON IAWN VERY DISSATISFIED

A FYDDECH CHI CYSTAL Â NODI UNRHYW SYLWADAU ERAILL YR HOFFECH CHI EU GWNEUD YNG NGHYSWLLT YR YMDRINIAETH YMA
WOULD YOU KINDLY NOTE ANY OTHER COMMENTS WHICH YOU WISH TO MAKE IN RESPECT OF THIS INVESTIGATION

You need to commence the investigation again. I feel was original letter was positive and fully discussed a response and some actions.

ARWYDDWYD/SIGNED _____ DYDDIAD/DATE _____

DAFYDD OWEN - Re: Cwyn gan Y Cyngh. Peter Rogers - Dwyran Estate

From: DAFYDD OWEN
To: Jones, Beryl
Date: 06/09/2012 12:11
Subject: Re: Cwyn gan Y Cyngh. Peter Rogers - Dwyran Estate

Hi Beryl

Ma hwn yn edrych yn lawn o'n rhan i. Un newidiad bychan, June 2012 a nid September 2012 wnaeth yr Asiantaeth Amgylchedd gadarnhau fod y tir mewn 'flood risk area'.

Diolch
Dafydd

>>> Beryl Jones <BerylJones@anglesey.gov.uk> 06/09/2012 11:48 >>>
Gweler ynghlwm ateb i'r gwyn a ddarbyniwyd 20.8.12 –

Oes modd i chi edrych dros y llythyr a cadarnhau eich bod yn hapus gyda'r cynnwys.

Diolch

Beryl

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Mae'r neges e-bost hon a'r ffeiliau a drosglwyddyd ynghlwm gyda hi yn gyfrinachol ac efallai bod breintiau cyfreithiol ynghlwm wrthynt. Yr unig berson sydd i hawl i'w darllen, eu copio a'u defnyddio yw'r person y bwriadwyd eu gyrru nhw ato. Petaech wedi derbyn y neges e-bost hon mewn camgymeriad yna, os gwelwch yn dda, rhowch wybod i'r Rheolwr Systemau yn syth gan ddefnyddio'r manylion isod, a pheidiwch datgelu na chopio'r cynnwys i neb arall.

Mae cynnwys y neges e-bost hon yn cynrychioli sylwadau'r gyrrwr yn unig ac nid o angenrheidrwydd yn cynrychioli sylwadau Cyngor Sir Ynys Mon. Mae Cyngor Sir Ynys Mon yn cadw a diogelu ei hawliau i fonitro yr holl negeseuon e-bost trwy ei rwydweithiau mewnol ac allanol.

B50

ADRAN RHEOLWR GYFARWYDDWR/
DEPARTMENT OF THE MANAGING DIRECTOR

LYNN BALL LL.B., (Hons.)Cyfreithiwr/Solicitor
CYFARWYDDWR GWASANAETHAU CYFREITHIOL A PHWYLLGORAU/SWYDDOG MONITRO / DIRECTOR OF LEGAL AND COMMITTEE SERVICES / MONITORING OFFICER

CYNGOR SIR YNYS MON /
ISLE OF ANGLESEY COUNTY COUNCIL
Swyddfa'r Sir / Council Offices
LLANGEFNI
Ynys Môn / Anglesey
LL77 7TW

DX: 701771 – LLANGEFNI

ffôn / tel: (01248) 752588
ffacs / fax: (01248) 752132

E-Bost – E-mail: bjxcs@anglesey.gov.uk

Ein Cyf – Our Ref. BJ/CCO/338
Eich Cyf – Your Ref.

Cllr. Peter S. Rogers,
Bodrida,
Brynsiencyn,
Anglesey,
LL61 6NZ.

06.09.12

Dear Cllr. Rogers,

CORPORATE COMPLAINTS AND COMPLIMENTS PROCEDURE – letter to the Chief Executive in May 2012 re: Glandwr Estate, Dwyran.

Further to your complaint dated 17th August 2012, I have made enquires and can now respond in full.

I will deal with each point made on the complaint form individually:-

1. **No apology on behalf of staff for ignoring your letter of 29.3.12.**

Your letter dated 29.3.12 concerning the Glandwr Estate in Dwyran made reference to a stub wall, a tenant whose behaviour is not acceptable and an area of land adjacent to the estate.

I am advised that there is a note on file that you spoke to Mr Rob Trystan Owen on 4.4.12 and he explained to you that he had been to visit the estate following receipt of your letter and that he had explained the situation to you as regards the tenant and the stub wall.

To provide you with an update, Mr Owen advised that the situation as regards the tenant continues to be monitored and the car park / stub wall is to be repaired in the near future.

As regards the plot of land adjacent to the estate and Mr Geal's offer to purchase the land following a review of the file in this matter I would report as follows:-

September 1st 2011 - letter sent to both applicants informing them that likely method of disposal would be tender, subject to Local Member, Portfolio Member and Head of Service consultations. A letter was sent to yourself as the Local Member on the same day providing you with 7 days to give your observations but there is no record of a response on file.

BS1

September 9th 2011 - letter sent to Cllr Bob Parry the Portfolio Member providing 7 days to give observations. Reply received 14th September saying he supported the application.

October 2011 - Enquiries made with Planning Department to ascertain whether the land would be suitable as a building plot. Reply received 3rd November confirming that there might be potential for building plot. Details then passed on to Housing for their observations. Mr Geal informed by e-mail 9th December that there would be a delay in the process due to further enquiries being made about the land.

23rd May 2012 - Housing confirmed that outline planning permission should be sought before any further sale negotiations, and asked the Property Department (Architects) to prepare a planning application on their behalf. Both applicants informed of the decision by letter the same date.

September 2012 - Environment agency subsequently confirmed that land is in a flood risk area, and that it would be difficult to obtain planning permission. The application is to therefore proceed as before between both interested parties. We currently have an ongoing query with the Legal Section before we can progress with preparing the tender documents, once this is sorted out we will contact the applicants accordingly.

2. No action taken on the e-mail making reference to yourself

As noted above, a letter was sent to you, as the Local Member on 1.9.11 asking for your observations on the sale of the land.

3. Complete failure to instruct staff to respond to your concerns

It is accepted that no formal acknowledgement was sent to your letter dated 29.3.12 but as is noted above, action was taken on the concerns expressed in your letter.
On receipt of your letter in May, the Chief Executive sent a Memorandum to the Head of Service – Housing dated 22.5.12 requesting that she investigate the matter. A response was subsequently sent to you dated 25.5.12.

4. Failure to instigate disciplinary proceedings against staff involved

From the information received, there do not appear to be any failings that would warrant the instigation of disciplinary proceedings.

I trust that the above fully explains the situation and that you can see that your concerns have been addressed.

If your Complaint is now resolved please inform me and also complete the enclosed questionnaire and return in the envelope provided.

If you continue to be dissatisfied with this initial response to your Complaint and you wish to take your Complaint to the next stage (Stage 2) you need to indicate that in writing to me within the next 15 working days. If I do not hear from you within that period I shall therefore assume that the matter is complete and I shall close my file.

Yours sincerely

Beryl Jones
Customer Care Officer

DAFYDD OWEN - RE: Tender for land a [redacted] Glandwr, Dwyran

From: Beryl Jones <BerylJones@anglesey.gov.uk>
To: "Dafydd V. Owen" <DVOHT@anglesey.gov.uk>
Date: 22/08/2012 10:25
Subject: RE: Tender for land at [redacted] Glandwr, Dwyran

Diolch yn fawr,

Beryl

From: DAFYDD OWEN [mailto:DVOHT@anglesey.gov.uk]
Sent: 22 August 2012 10:20
To: Beryl Jones
Subject: RE: Tender for land at [redacted] Glandwr, Dwyran

Hi Beryl

Wedi cael golwg ar y ffeil bore ma a dwin cadarnhau y canlynnol:

September 1st 2011 - letter sent to both applicants informing them that likely method of disposal would be tender, subject to Local Member, Portfolio Member and Head of Service consultations. A letter was sent to Local Member Peter Rogers on the same day providing him with 7 days to give his observations. No response received.

September 9th 2011 - letter sent to Cllr Bob Parry the Portfolio Member providing 7 days to give observations. Reply received 14th September saying he supported the application.

October 2011 - Enquiries made with Planning Department to ascertain whether the land would be suitable as a building plot. Reply received 3rd November confirming that there might be potential for building plot. Details then passed on to Housing for their observations. Mr Geal informed by e-mail 9th December that there would be a delay in the process due to further enquiries being made about the land.

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Environment agency subsequently confirmed that land is in a flood risk area, and that it would be difficult to obtain planning permission. The application is to therefore proceed as before between both interested parties. We currently have an ongoing query with the Legal Section before we can progress with preparing the tender documents, once this is sorted out we will contact the applicants accordingly.

I trust this is of assistance to you, however should you require any further information then please don't hesitate to contact me.

Regards
Dafydd
2245

>>> Beryl Jones <BerylJones@anglesey.gov.uk> 21/08/2012 16:25 >>>
Diolch – ydy'n bosib i chdi ffonio fi plis – un neu ddau gwestiwn cyn y medraf ynateb i PR.

Diolch

Beryl
2588

From: DAFYDD OWEN [mailto:DVOHT@anglesey.gov.uk]
Sent: 21 August 2012 16:23
To: Beryl Jones
Subject: Re: Tender for land a [redacted] andwr; Dwyran

B54

Beryl

Mi rydym wedi derbyn dau gais i brynnu tir wrth yr uchod. Mi gafodd o i'w ohurio gan fod yr adran tai yn gweld potensial am ganiatad cynlluniо yno. Wedi derbyn cyngor pellach, mae wedi dod i'r fai gan yr asiantaeth amgylchedd fod y tir mewn ardal sydd o dan fygwth am llifogydd. Mi rydym felly am barhau i gynnig y tir tender rhwng a ddau barti gwreiddiol. Mi gelth y dogfennau priodol i'w gyrru allan cyn dlwedd yr wythnos.

Diolch
Dafydd

>>> Beryl Jones <BerylJones@anglesey.gov.uk> 21/08/2012 16:00 >>>
Dafydd,
Wedi cael cwyn gan y Cyngh Peter Rogers ynglyn a'r uchod.

Oes modd i chi adael i mi wybod beth yw'r sefyllfa diweddaraf plis?

Diolch

Beryl

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Mae cynnwys y neges e-bost hon yn cynrychioli sylwadau'r gyrrwr yn unig ac nid o angenrheidrwydd yn cynrychioli sylwadau Cyngor Sir Ynys Môn. Mae Cyngor Sir Ynys Mon yn cadw a diogelu ei hawliau i fonitro yr holl negeseuon e-bost trwy ei rwydweithiau mewnol ac allanol.

****

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Mae cynnwys y neges e-bost hon yn cynrychioli sylwadau'r gyrrwr yn unig ac nid o angenrheidrwydd yn cynrychioli sylwadau Cyngor Sir Ynys Môn. Mae Cyngor Sir Ynys Môn yn cadw a diogelu ei hawliau i fonitro yr holl negeseuon e-bost trwy ei rwydweithiau mewnol ac allanol.

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BSS

F

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 Y Anglesey
LL77 7TW
(01248) 752300 f (01248) 724839
Gofynnwch am / Ask For: Mr Dafydd Owen
(01248) 752245
E-bost / E-mail: dvoht@ynysmon.gov.uk

Ein Cyf. / Our Ref DVO/45HE08000
Eich Cyf. / Your Ref

Cllr Perter Rogers
Bodrida
Brynsiencyn
Anglesey
LL61 6NZ

1st September 2011

Annwyl Cynghorydd Rogers

PAR: TIR WRTH [redacted] LANDWR, DWYRAN

Amgaeaf fanylion sy'n ymwneud â gwerthiant yr uchod.

Hoffwn petaech cystal â chyflwyno unrhyw sylwadau a fo gennych ar y cais, ar y ffurflen amgaeëdig, o fewn y 7 diwrnod nesaf. Os oes gennych unrhyw ymholiad peidiwch â phetruso i gysylltu â fi. Os byddwn heb glywed gennych yn yr amser yma, fyddai'n cymryd yn ganiataol eich fod yn cefnogi'r cais a dim sylwadau i'w gwneud.

Yr eiddoch yn gywir,

Dear Councillor Rogers

RE: LAND ADJACENT TO [redacted] LANDWR, DWYRAN

Please find enclosed details in respect of the disposal of the above.

I should be obliged to receive any observations you may wish to make on the application, on the attached form, within the next 7 days. If you have any queries please do not hesitate to contact me. Should I not hear from you within this time period I will assume that you support the application and do not have any comments to make.

Yours sincerely,

DVO

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

B56

Mr Dafydd Edwards
Isle of Anglesey County Council
Council Offices
LLANGEFNI
Ynys Mon
LL77 7TW

Ein cyf/Our ref: NT/2012/113473/01-L01
Eich cyf/Your ref:

Dyddiad/Date: 30 May 2012

Annwyl Mr Edwards / Dear Mr Edwards

PROPOSED RESIDENTIAL DEVELOPMENT GLANDWR, DWYRAN, ANGLESEY

Thank you for your enquiry with regard to the above received at our office 24th May 2012.

We have concerns regarding any new development on this land due to flood risk. The site is at risk from both tidal flooding and fluvial/pluvial flooding due to tide locking.

There is a history of flooding in the area, although we do not have any details of flooding occurring on the site in question. As with any development proposal within a flood risk area the applicant should provide a Flood Consequence Assessment in support of any planning application. We would advise that a FCA be carried out by a competent person and should address all the sources of flooding and ensure compliance with TAN 15 Development and Flood Risk (July 2004). In the absence of a FCA we would object to a development on this site.

As stated above, the site is at risk from tidal inundation and as such any new residential proposal would need to flood free for the design flood event with an allowance for climate change. This would require raising the site/floor levels. However due to flooding from the un named watercourse to the rear, this land raising would displace flood waters which could have an impact on third parties. This would be un acceptable unless land is lowered to compensate for the infilling.

We would therefore suggest that if you wish to pursue with any potential development on this land then a Flood Consequence Assessment should be compiled to ensure that the flood risk associated with the proposal is acceptable to all parties. The TAN 15 can be viewed at

http://wales.gov.uk/topics/planning/policy/tans/tan15/;jsessionid=xq2kN25QnIywv4pTkxMKLiKhnGrGf64lBvThPQ2oT2CTHJkLbNW5!-342831487?lang=en

B57

Yn ddiffuant / Yours sincerely

MISS RUTH PRICHARD
Planning Liaison Officer/Swyddog Cydlynu Cynllunio

Delalu uniongyrchol/Direct dial 01248 48 4067
Ffacs uniongyrchol/Direct fax 01248 670561
E-bost uniongyrchol/Direct e-mail Ruth.Prichard@Environment-Agency.gov.uk

B58

End

Dafydd J. Rowlands

From: Yvonne Jones
Sent: 24 May 2012 11:49
To: Dafydd J. Rowlands
Subject: FW: CYNGHORYDD PETER ROGERS - ACHOS MR PATRICK GEAL
Attachments: Nodynre Mr Geal.docx

From: Yvonne Jones
Sent: 24 May 2012 11:19
To: 'CAROL ROBERTS'
Subject: RE: CYNGHORYDD PETER ROGERS - ACHOS MR PATRICK GEAL

Hi Carol

Gweler ynghlwm plis ymateb Dafydd Rowlands

From: CAROL ROBERTS [mailto:CAROLROBERTS@ANGLESEY.GOV.UK]
Sent: 22 May 2012 15:13
To: Shan Lloyd. Williams
Cc: Yvonne Jones
Subject: CYNGHORYDD PETER ROGERS - ACHOS MR PATRICK GEAL
Importance: High

Shan,

CYNGHORYDD PETER ROGERS - ACHOS MR PATRICK GEAL

Atodaf i'ch sylw gopi o oheblaeth a dderbyniais gan y Cynghorydd Peter Rogers ar 10 Mai yn cwyno am ddiffyg ymateb i'w ymholiadau mewn perthynas â'i etholwr Patrick Geal, Dwyran.

A fyddai'n bosibl i chi edrych i mewn i'r mater gynted â phosibl os gwelwch yn dda a rhoi gwybod i mi beth yw'r camau a gymerir gennych i ddatrys y sefyllfa.

Richard Parry Jones
Prif Weithredwr

BS9

Annwyl Syr,

CYNGHORYDD PETER ROGERS - ACHOS MR PATRICK GEAL

I refer to your e-mail of 22nd May, 2012 together with enclosures in respect of the above.

The parcel of land in question forms a part of Glandwr Estate in Dwyran and falls under the ownership of the Housing Department. Please note that the parcel of land has been the subject of interest from potential purchasers, including Mr Geal, since the autumn of last year. These applications to purchase were received and dealt with by colleagues in Property Services.

Following due consideration, Housing Services confirmed that there was no objection in principle to the proposed sale of surplus land at Glandwr.

As part of the consultation process, and before any formal agreement to sell the land was made, Property Services sought the views of the Planning Department before proceeding any further. Subsequently, Planning confirmed that existing policy allows for a single plot within or on the edge of a settlement, subject to usual development control criteria.

Following a meeting between officers of Housing and Property held on 27th April, 2012 the following actions were agreed:

- The Council would seek Planning Permission for a single dwelling on the surplus parcel of land prior to any future disposal. In this respect, Housing Services will instruct the Council's Design Team to prepare an outline planning application during the course of this week.
- Property Services will notify all applicants that no further action will be taken until such time as the proposed planning application has been approved or refused. The original applicants are to be kept informed of developments.

I trust the above clarifies the current position in connection with this parcel of land

B60

Dafydd J. Rowlands

From:	Dafydd J. Rowlands
Sent:	23 May 2012 15:45
To:	Gareth W. Thomas
Cc:	Dafydd V. Owen (DVOHT@anglesey.gov.uk)
Subject:	Land at Glandwr, Dwyran
Attachments:	Glandwr, Dwyran.pdf; Fwd: land at Glandwr, Dwyran

Gareth

I refer to our earlier telephone conversation in respect of the parcel of land highlighted on the attached pdf. Plan.

Recently, 2 residents of Glandwr have expressed an interest in purchasing the land in question. At the time, Housing Services confirmed that we would have no objection in principle to the proposed disposal. However, during the consultation process prior to any sale, the attached email was received from Planning indicating that a single plot development would appear to be acceptable in principle.

In view of the above, and following a meeting with Property Services, we are of the opinion that Outline Planning Consent should be sought before any further sale negotiations.

I would be grateful if you could further explore the feasibility of a single plot development and, if considered feasible, prepare a Planning Application on our behalf. Housing Services will pay all reasonable costs in connection with this instruction.

If you require any further information please do not hesitate to contact me.

Thank you in anticipation of your assistance.

Dafydd

B61

Dafydd J. Rowlands

From: NIA JONES <NIAJONES@ANGLESEY.GOV.UK>
Sent: 03 November 2011 15:23
To: Dafydd V. Owen
Subject: land at Glandwr, Dwyran

Dafydd,

Thank you for your memo dated 26th October regarding the above.

I regret that I have had no opportunity to view the site and cannot currently access Google Earth so my comments are 'blind'.

Dwyran is a Listed Settlement under Policy 50 of the Ynys Mon Local Plan. The Policy allows the erection of single plots within or on the edge of the settlement. Judging from the location plan, a single plot configured to reflect existing dwellings at Glan Dwr would be acceptable in principle subject to usual development control criteria eg access, drainage, no issues of overlooking or loss of privacy etc. The land is located within the development boundary of the stopped UDP. I do not however consider that an acceptable layout could be achieved for multiple units without unacceptably affecting the amenities and privacy of existing and proposed occupiers.

There is no objection in principle to the use of the land as an extension of curtilage to the existing property but planning permission will be required.

Kind regards,

Nia

Nia Jones
Arweinydd Tim -Team Leader
Gwasanaeth Cynllunio - Planning Service
Cyngor Sir Ynys Mon - Isle of Anglesey County Council Swyddfa'r Sir, Llangefni, Ynys Mon-Anglesey, LL77 7TW.
Tel:(01248) 752421 Fax:(01248) 752430 nixpl@ynysmon.gov.uk

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Mr R Parry Jones

Chief Executive

Isle of Anglesey County Council.

ADRAN PRIF WEITHREDWR
10 MAY 2012
CHIEF EXECUTIVE'S DEPT

Dear Mr R Parry Jones

consultation with the local member' which is just not true. I would suggest this shows nothing but contempt to my constituent.On the 29 March I wrote to Ms Lloyd Williams Head of Housing raising concerns about the E- mail and problems on the Glandwr Estate which has neither been acknowledged or responded to.I understand because of the work load, the earliest I can make an appointment to resolve this matter is 14 days.Please note the date of the first E- email is the 11 September.

I would be very grateful for your early intervention, so that both Mr Geal and I can have a full response.

Yours Sincerely,

Peter Rogers

C. Committee responsible for Housing.

B63

Peter,

The details you require re the sale of land at Dwyran.

Patrick Geal
[redacted]

From: [redacted]
To: dyfed@anglesey.gov.uk
Subject: RE: Tender for Land a[redacted]landwr Dwyran
Date: Tue, 22 Nov 2011 10:10:16 +0000

Dafydd,

[redacted]

In the meantime, the land remains a problem to me and I am increasingly concerned that vermin will get in the houses when the cold weather comes in.

I would appreciate that if the land is not tendered soon you send pest control round to make sure the place is free of vermin.

Many thanks.

Patrick Geal
[redacted]

Date: Wed, 9 Nov 2011 09:43:15 +0000
From: DVohra@anglesey.gov.uk
To: [redacted]
Subject: RE: Tender for Land at [redacted]landwr Dwyran

Mr Patrick Geal

[redacted]

information once we are in a position to do so.

Thanks
Dafydd

>>> Patrick Geal [redacted] 07/11/2011 18:41 >>>
Dafydd,

I did not receive any papers, were they sent?

Patrick Geal
[redacted]

B64

Date: Wed, 26 Oct 2011 09:45:55 +0100
From: [redacted]
To: [redacted]
Subject: Re: Tender for Land at [redacted] Glandwr Dwyran

Mr Geal

I apologise for the delay in sending out the documents, but I have been away. Consultations have now been completed and I confirm that I will send the documents out before the end of this week.

Should you require further information then please do not hesitate to contact me.

Regards
Patrick

[redacted]

What is the latest with this?

Patrick Geal
[redacted]

Date: Mon, 12 Sep 2011 10:27:52 +0100
From: [redacted]
To: [redacted]
Subject: Re: Tender for Land at [redacted] Glandwr Dwyran

Mr Patrick Geal

Thank you for your e-mail confirming that you are still interested in purchasing the above land.

I would expect that the tender documents be sent out in the next couple of weeks, subject to successful consultations with the Local Member and Portfolio Member.

Should you need any further information, then please do not hesitate to contact me on the detail in my letter.

[redacted]

>>> Patrick Geal [redacted] 11/09/2011 10:19 >>>
Thank you for letter reference DVG/45[redacted]000 dated 1st September 2011 advising that you intend to issue tenders for the piece of land adjacent to [redacted] Glandwr in Dwyran.

I confirm that I am interested and look forward to receiving the relevant documents in due course.

It would be useful to be advised when you hope to issue the tenders.

Patrick Geal

****

B65

CYNGOR SIR YNYS MÔN	ISLE OF ANGLESEY COUNTY COUNCIL
ODDI WRTH :	AT :
FROM : Environment and Technical Services	TO : Director of Housing and Social Services
DYDDIAD : DATE : 15/03/11	DYDD EDIG : DATED :
CYF : REF : DVO/45HE080000	EICH CYF : YOUR REF :

FAO: DAFYDD J ROWLANDS

RE: LAND AT GLANDWR, DWYRAN

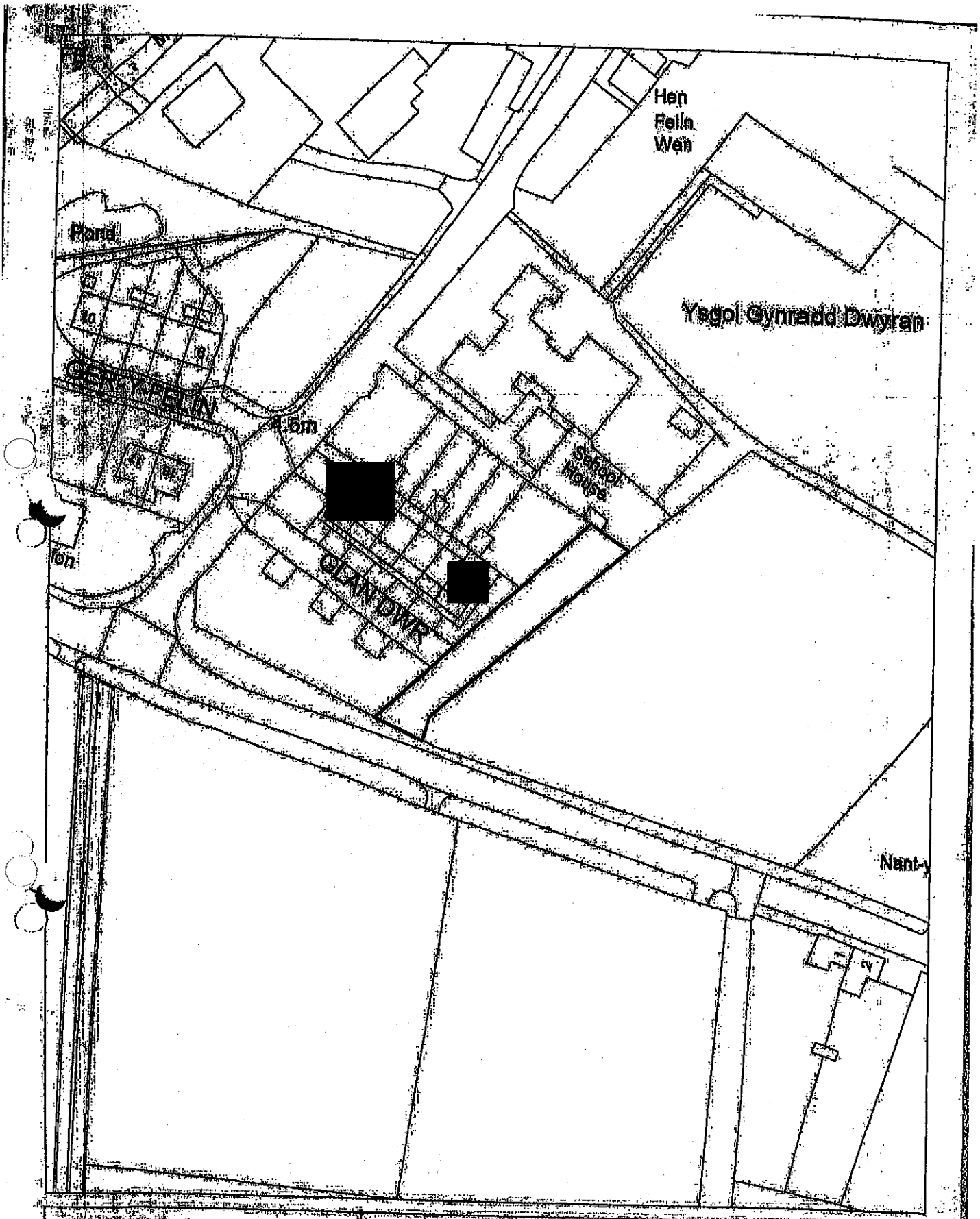
We have received an enquiry about the possibility of purchasing the land shown red on the attached plan for garden land.

I would be grateful if you could confirm as soon as practicably possible whether the Housing Dept. is willing to sell the land.

pp M.BARTON
HEAD OF SERVICE (PROPERTY)

CYNGOR SIR YNYS MÔN
ISLE OF ANGLESEY COUNTY COUNCIL
REC'D 17 MAR 2011
GWASANAETHAU TAI
HOUSING SERVICES

B66



CYNGOR SIR YNYS MÔN
ISLE OF ANGLESEY COUNTY COUNCIL
Swyddfeydd Sir
LLANGEFNI
Ynys Môn - Anglesey
LL77 7TW

CYNGOR SIR YNYS MÔN
ISLE OF ANGLESEY COUNTY COUNCIL

Eiddo / Property/Land at Glandwr, Dwyran
Drawn by/Lluniwyd gan:
Date/:

© Hawlfraint y Goron. Dibrint gan hawl
LA100023412, 2008.
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LA100023412, 2008.

B67



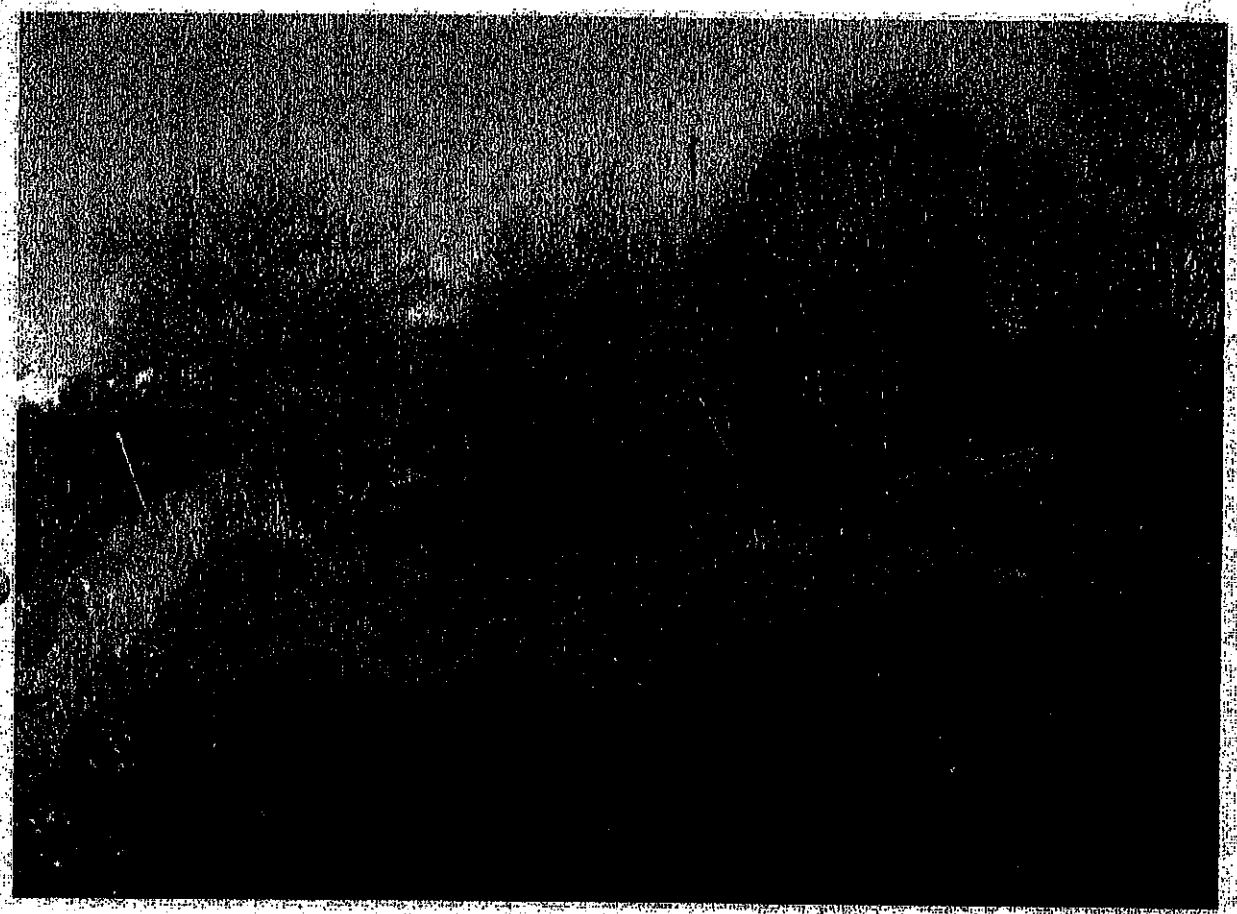


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B69





3780





B7.1

CYNGOR SIR
YNYS MÔN
ISLE OF ANGLESEY
COUNTY COUNCIL

RICHARD PARRY JONES, M.A.
Prif Weithredwr
Chief Executive

CYNGOR SIR YNYS MÔN
ISLE OF ANGLESEY COUNTY COUNCIL
Swyddfa'r Sir
LLANGEFNI
Ynys Môn - Anglesey
LL77 7TW

Gofynnwch am - Please ask for: Carol Roberts

ffôn / tel (01248) 752102 ffacs / fax (01248) 750839

E-Bost - E-mail: rpjed@ynysmon.gov.uk
Ein Cyf - Our Ref. RPJ/CR
Eich Cyf - Your Ref.

Councillor Peter Standing Rogers
Bodrida
BRYNSIENCYN
Ynys Môn
LL61 6NZ

25 May 2012

Dear Councillor Rogers,

GLANDWR ESTATE, DWYRAN

The parcel of land in question forms a part of Glandwr Estate in Dwyran and falls under the ownership of the Housing Department. Please note that the parcel of land has been the subject of interest from potential purchasers, including Mr Geal, since the autumn of last year. These applications to purchase were received and dealt with by colleagues in Property Services.

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Following a meeting between officers of Housing and Property held on 27th April, 2012 the following actions were agreed:

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- Property Services will notify all applicants that no further action will be taken until such time as the proposed planning application has been approved or refused. The original applicants are to be kept informed of developments.

I trust the above clarifies the current position in connection with this parcel of land.

Yours sincerely,

Richard Parry Jones

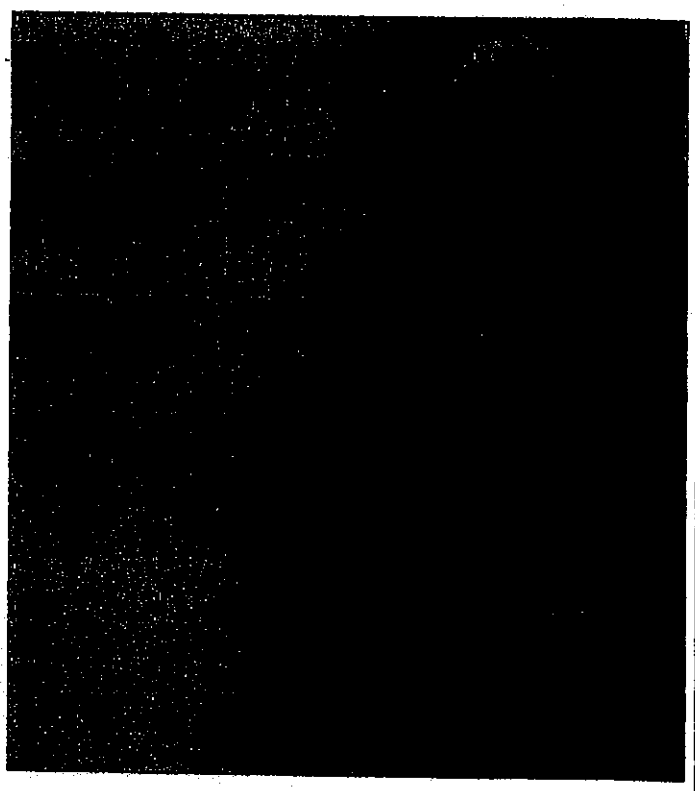
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Richard Parry Jones
Chief Executive

Bangor & Anglesey Mail
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Page: 5

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Ruling coalition has one less member as maverick leaves



THE honeymoon for the new council is over after four months.

High profile maverick councillor, Peter Rogers quit Anglesey council's ruling Independent group on Monday morning.

In May many eyebrows were raised when Cllr Rogers who represent Bro Aberffraw, decided to join Cllr Ieuan Williams independent group.

At the time he claimed he joined to try and bring a semblance of togetherness to the council as it faces dark financial times.

Since being elected for the first time in 2004, Cllr Rogers, a former Conservative North Wales list AM, always maintained a distance from the various groups and factions that have ruled in Llangefni.

Cllr Rogers said: "It's been purgatory, no-one seems to realise the problems we are in.

"In some services we have officers who don't understand the policies, if I'd get involved then I would be subject to group discipline.

"There are one or two in the cabinet who should not be there, the leader needs to shake it up.

"Bring in some new blood, and also prove that not speaking Welsh should not bar someone from holding a portfolio as it seems to.

"We should have been able to fire on all cylinders straight away but there's been a lack of leadership and it's just been a frustrating few months, nothing has happened, there's been no change.

"Everything is too slow and there's a lack of communication.

Cllr Rogers added: "Next year we will be putting the Council Tax up again by a huge amount and I fear that people in the streets will start questioning whether they are getting value for money.

[redacted]

Cllr Rogers is not the only unhappy councillor, several have told *The Mail* that they are being criticised for taking too long discussing planning applications and that criticism of officers is not tolerated, making it hard to discuss departmental problems.

Anglesey Council Leader, Cllr Ieuan Williams, said: "I'm disappointed that Peter has come to this decision, but we remain committed to working closely with him in the future.

"Whilst members will have their political differences from time to time, my priority is to work with colleagues across the County Council in the best interests of the people of Anglesey."

At the moment, The Independent/Labour/Lib Dem coalition has 17 members, Plaid Cymru have 12 and there is one unaffiliated member.

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"Monitoring Officer" means the officer designated under S.5(1) of the Local Government and Housing Act 1989.

Part 5 Codes and Protocols

5.1 Members' Code of Conduct

5.2 Officers' Code of Conduct

5.3 Protocol for Member/Officer Relations

5.4 Bullying and Harassment Policy

5.5 Whistleblowing Policy

5.6 Policy for the Prevention of Fraud and Corruption

5.7 Concerns and Complaints Policy

5.8 Political Management Protocols

5.9 Protocol on Gifts and Hospitality

5.1 Members' Code of Conduct

This is the Model Code of Conduct adopted by the County Council on 09.05.2008 in accordance with the draft supplied by the Welsh Assembly Government, incorporating the compulsory training requirement described in Part 2 – General Provisions paragraph 4(e).

Part 1 - Interpretation

1. (1) In this code

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

(a) is a member of any committee or Subcommittee of the authority, or

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

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

Author: Legal Services, Deputy Chief Executive's Office, Isle of Anglesey County Council
legalpolicy@anglesey.gov.uk

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

(a) of the relevant authority,

(b) of any executive or board of the relevant authority,

(c) of any committee, Subcommittee, joint committee or joint Subcommittee of the relevant authority or of any such committee, Subcommittee, joint committee or joint Subcommittee of any executive or board of the authority, or

(d) where members or officers of the relevant authority are present other than a meeting of a political group constituted in accordance with regulation 8 of the Local Government (Committees and Political Groups) Regulations 1990 (1),

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

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

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

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

(a) a county council,

(b) a county borough council,

(c) a community council,

(d) a fire and rescue authority constituted by a scheme under section 2 of the Fire and Rescue Services Act 2004(2) or a scheme to which section 4 of that Act applies,

(2) 2004 c.21.

(e) a National Park authority established under section 63 of the Environment Act 1995(3);

(3)1995 c.25.

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

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

(2) In relation to a community council, references to an authority's monitoring officer and an authority's standards committee are to be read, respectively, as references to

Author: Legal Services, Deputy Chief Executive's Office, Isle of Anglesey County Council
legalpolicy@anglesey.gov.uk

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the monitoring officer and the standards committee of the county or county borough council which has functions in relation to the community council for which it is responsible under section 56(2) of the Local Government Act 2000.

Part 2 - General Provisions

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

(a) whenever you conduct the business, or are present at a meeting, of your authority;

(b) whenever you act, claim to act or give the impression you are acting in the role of member to which you were elected or appointed;

(c) whenever you act, claim to act or give the impression you are acting as a representative of your authority; or

(d) at all times and in any capacity, in respect of conduct identified in paragraphs 6(1)(a) and 7.

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

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

(a) on another relevant authority, or any other body, which includes a police authority or Local Health Board you must, when acting for that other authority or body, comply with the code of conduct of that other authority or body; or

(b) on any other body which does not have a code relating to the conduct of its members, you must, when acting for that other body, comply with this code of conduct, except and insofar as it conflicts with any other lawful obligations to which that other body may be subject.

4. You must —

(a) carry out your duties and responsibilities with due regard to the principle that there should be equality of opportunity for all people, regardless of their gender, race, disability, sexual orientation, age or religion;

(b) show respect and consideration for others;

(c) not use bullying behaviour or harass any person; and

(d) not do anything which compromises, or which is likely to compromise, the impartiality of those who work for, or on behalf of, your authority.

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(e) attend at least one training session on this code of conduct during each full term of office, such attendance to take place during the six months following election in the case of those members elected to the County Council for the first time and those having been re-elected but without continuity of office.

5. You must not —

(a) disclose confidential information or information which should reasonably be regarded as being of a confidential nature, without the express consent of a person authorised to give such consent, or unless required by law to do so;

(b) prevent any person from gaining access to information to which that person is entitled by law.

6. (1) You must —

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

(b) report, whether through your authority's confidential reporting procedure or direct to the proper authority, any conduct by another member or anyone who works for, or on behalf of, your authority which you reasonably believe involves or is likely to involve criminal behaviour (which for the purposes of this paragraph does not include offences or behaviour capable of punishment by way of a fixed penalty);

(c) report to the Public Services Ombudsman for Wales and to your authority's monitoring officer any conduct by another member which you reasonably believe breaches this code of conduct;

(d) not make vexatious, malicious or frivolous complaints against other members or anyone who works for, or on behalf of, your authority.

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

7. You must not —

(a) in your official capacity or otherwise, use or attempt to use your position improperly to confer on or secure for yourself, or any other person, an advantage or create or avoid for yourself, or any other person, a disadvantage;

(b) use, or authorise others to use, the resources of your authority —

(i) imprudently;

(ii) in breach of your authority's requirements;

(iii) unlawfully;

(iv) other than in a manner which is calculated to facilitate, or to be conducive to, the discharge of the functions of the authority or of the office to which you have been elected or appointed;

(v) improperly for political purposes; or

(vi) improperly for private purposes.

8. You must —

(a) when participating in meetings or reaching decisions regarding the business of your authority, do so on the basis of the merits of the circumstances involved and in the public interest having regard to any relevant advice provided by your authority's officers, in particular by —

(i) the authority's head of paid service;

(ii) the authority's chief finance officer;

(iii) the authority's monitoring officer;

(iv) the authority's chief legal officer (who should be consulted when there is any doubt as to the authority's power to act, as to whether the action proposed lies within the policy framework agreed by the authority or where the legal consequences of action or failure to act by the authority might have important repercussions);

(b) give reasons for all decisions in accordance with any statutory requirements and any reasonable additional requirements imposed by your authority.

9. You must —

(a) observe the law and your authority's rules governing the claiming of expenses and allowances in connection with your duties as a member;

(b) avoid accepting from anyone gifts, hospitality (other than official hospitality, such as a civic reception or a working lunch duly authorised by your authority), material benefits or services for yourself or any person which might place you, or reasonably appear to place you, under an improper obligation.

Part 3 - Interests

Personal Interests

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

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

(a) it relates to, or is likely to affect —

(i) any employment or business carried on by you;

(ii) any person who employs or has appointed you, any firm in which you are a partner or any company for which you are a remunerated director;

(iii) any person, other than your authority, who has made a payment to you in respect of your election or any expenses incurred by you in carrying out your duties as a member;

(iv) any corporate body which has a place of business or land in your authority's area, and in which you have a beneficial interest in a class of securities of that body that exceeds the nominal value of £25,000 or one hundredth of the total issued share capital of that body;

(v) any contract for goods, services or works made between your authority and you or a firm in which you are a partner, a company of which you are a remunerated director, or a body of the description specified in sub-paragraph (iv) above;

(vi) any land in which you have a beneficial interest and which is in the area of your authority;

(vii) any land where the landlord is your authority and the tenant is a firm in which you are a partner, a company of which you are a remunerated director, or a body of the description specified in sub-paragraph (iv) above;

(viii) any body to which you have been elected, appointed or nominated by your authority;

(ix) any —

(aa) public authority or body exercising functions of a public nature;

(bb) company, industrial and provident society, charity, or body directed to charitable purposes;

(cc) body whose principal purposes include the influence of public opinion or policy;

(dd) trade union or professional association; or

Author: Legal Services, Deputy Chief Executive's Office, Isle of Anglesey County Council
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(ee) private club, society or association operating within your authority's area,

in which you have membership or hold a position of general control or management;

(x) any land in your authority's area in which you have a licence (alone or jointly with others) to occupy for 28 days or longer;

(b) a member of the public might reasonably perceive a conflict between your role in taking a decision, upon that business, on behalf of your authority as a whole and your role in representing the interests of constituents in your ward or electoral division; or

(c) a decision upon it might reasonably be regarded as affecting—

(i) your well-being or financial position or that of a person with whom you live, or any person with whom you have a close personal association;

(ii) any employment or business carried on by persons as described in 10(2)(c)(i);

(iii) any person who employs or has appointed such persons described in 10(2)(c)(i), any firm in which they are a partner, or any company of which they are directors;

(iv) any corporate body in which persons as described in 10(2)(c)(i) have a beneficial interest in a class of securities exceeding the nominal value of £5,000; or

(v) any body listed in paragraphs 10(2)(a)(ix)(aa) to (ee) in which persons described in 10(2)(c)(i) hold a position of general control or management,

to a greater extent than the majority of —

(aa) in the case of an authority with electoral divisions or wards, other council tax payers, rate payers or inhabitants of the electoral division or ward, as the case may be, affected by the decision; or
(bb) in all other cases, other council tax payers, ratepayers or inhabitants of the authority's area.

Disclosure of Personal Interests

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

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

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[redacted]

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

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

(a) details of the personal interest;

(b) details of the business to which the personal interest relates; and

(c) your signature

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

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

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

Prejudicial interests

[redacted]

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(would reasonably regarded as so significant that it is likely to prejudice your judgement of the public interest)

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

(a) relates to —

(i) another relevant authority of which you are also a member;

(ii) another public authority or body exercising functions of a public nature in which you hold a position of general control or management;

(iii) a body to which you have been elected, appointed or nominated by your authority;

(iv) your role as a school governor (where not appointed or nominated by your authority) unless it relates particularly to the school of which you are a governor;

(v) your role as a member of a Local Health Board where you have not been appointed or nominated by your authority;

(b) relates to —

(i) the housing functions of your authority where you hold a tenancy or lease with your authority, provided that you do not have arrears of rent with your authority of more than two months, and provided that those functions do not relate particularly to your tenancy or lease;

(ii) the functions of your authority in respect of school meals, transport and travelling expenses, where you are a guardian, parent, grandparent or have parental responsibility (as defined in section 3 of the Children Act 1989) of a child in full time education, unless it relates particularly to the school which that child attends;

(iii) the functions of your authority in respect of statutory sick pay under Part XI of the Social Security Contributions and Benefits Act 1992, where you are in receipt of, or are entitled to the receipt of such pay from your authority;

(iv) the functions of your authority in respect of an allowance or payment made under sections 22(5), 24(4) and 173 to 176 of the Local Government Act 1972, an allowance or pension under section 18 of the Local Government and Housing Act 1989 or an allowance or payment under section 100 of the Local Government Act 2000;

(c) your role as a community councillor in relation to a grant, loan or other form of financial assistance made by your community council to community or voluntary organisations up to a maximum of £500.

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

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Overview and Scrutiny Committees

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

(a) that business relates to a decision made (whether implemented or not) or action taken by your authority's executive, board or another of your authority's committees, Subcommittees, joint committees or joint Subcommittees; and

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

Participation in Relation to Disclosed Interests

[redacted]

[redacted]

(i) where sub-paragraph (2) applies, immediately after the period for making representations, answering questions or giving evidence relating to the business has ended and in any event before further consideration of the business begins, whether or not the public are allowed to remain in attendance for such consideration; or

(ii) in any other case, whenever it becomes apparent that that business is being considered at that meeting;

(b) not exercise executive or board functions in relation to that business;

[redacted]

[redacted]

[redacted]

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

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allowed to attend the meeting for the same purpose, whether under a statutory right or otherwise.

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

(a) you are required to attend a meeting of an overview or scrutiny committee, by such committee exercising its statutory powers; or

(b) you have the benefit of a dispensation provided that you —

(i) state at the meeting that you are relying on the dispensation; and

(ii) before or immediately after the close of the meeting give written notification to your authority containing —

(aa) details of the prejudicial interest;

(bb) details of the business to which the prejudicial interest relates;

(cc) details of, and the date on which, the dispensation was granted; and

(dd) your signature.

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

Part 4 - The Register of Members' Interests

Registration of Financial and Other Interests and Memberships and Management Positions

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

(a) your authority's code of conduct being adopted or the mandatory provisions of this model code being applied to your authority; or

(b) your election or appointment to office (if that is later),

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

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

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

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

Sensitive information

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

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

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

Registration of Gifts and Hospitality

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

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Appendix 2

DATGANIAD DERBYN SWYDD

DECLARATION OF ACCEPTANCE OF OFFICE

Yr wyf fi /
I

PETER ROGERS

a minnau wedi fy ethol i swydd Aelod Cyngor Sir Ynys Môn /
having been elected to the office of Member of Isle of Anglesey County Council

YN DATGAN fy mod yn cymryd arnaf fy hun y swydd honno, ac y byddaf yn cyflawni dyletswyddau'r swydd yn briodol ac yn ffyddlon hyd eithaf fy marn a'm gallu /
DECLARE that I take that office upon myself, and will duly and faithfully fulfil the duties of it according to the best of my judgement and ability.

YR WYF YN YMRWYMO i barchu'r côd ymddygiad a ddisgwylir oddi wrth Aelodau Cyngor Sir Ynys Môn ac sy'n bodoli am y tro ac a allai gael ei adolygu o dro i dro /
I UNDERTAKE to observe the code for the time being as to the conduct which is expected of Members of Isle of Anglesey County Council and which may be revised from time to time.

Llofnodwyd / Signed .....

Dyddiad / Date 3.5.13

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

.....

SWYDDOG PRIODOL Y CYNGOR / PROPER OFFICER OF THE COUNCIL

-*-*-*-*-*-*-*-*-*-*-*-*-*-*-

Pan wneir y datganiad gerbron person arall a awdurdodwyd gan Adran 83(3) o Ddeddf Llywodraeth Leol 1972, dylid datgan, yn lle hynny, yn rhinwedd pa swydd y mae'r person hwnnw'n derbyn y datganiad. /
Where the declaration is made before any other person authorised by Section 83(3) of the Local Government Act 1972, state instead the capacity in which that person takes the declaration.

CC-7506-RMJ/48508

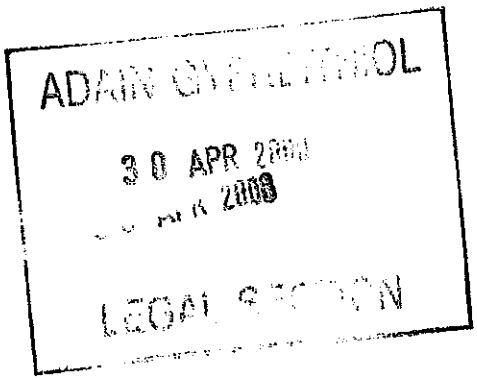
I, (1) Peter S. Rogers
the time being as to the conduct which is expected of members of (2) Anglesey County Council and which may be revised from time to time.

Yr wyf i, (1) ..... yn ymrwymo i barchu'r cod ymddygiad a fydd yn bodoli ar y pryd, a ddisgwylir oddi wrth aelodau (2) ..... ac a allai gael ei adolygu o bryd i'w gilydd.

Signed / Llofnodwyd: Peter S. Rogers Date / Dyddiad: 30 April 2008

(1) Insert the name of the person making this declaration. Mewnosoder enw'r person sy'n gwneud y datganiad.

(2) Insert the name of the authority/council. Mewnosoder enw'r awdurdod/cyngor.



"Monitoring Officer" means the officer designated under S.5(1) of the Local Government and Housing Act 1989.

Part 5 Codes and Protocols

5.1 Members' Code of Conduct

5.2 Officers' Code of Conduct

5.3 Protocol for Member/Officer Relations

5.4 Bullying and Harassment Policy

5.5 Whistleblowing Policy

5.6 Policy for the Prevention of Fraud and Corruption

5.7 Concerns and Complaints Policy

5.8 Political Management Protocols

5.9 Protocol on Gifts and Hospitality

5.1 Members' Code of Conduct

This is the Model Code of Conduct adopted by the County Council on 09.05.2008 in accordance with the draft supplied by the Welsh Assembly Government, incorporating the compulsory training requirement described in Part 2 – General Provisions paragraph 4(e).

Part 1 - Interpretation

1. (1) In this code

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

(a) is a member of any committee or Subcommittee of the authority, or

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

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

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

(a) of the relevant authority,

(b) of any executive or board of the relevant authority,

(c) of any committee, Subcommittee, joint committee or joint Subcommittee of the relevant authority or of any such committee, Subcommittee, joint committee or joint Subcommittee of any executive or board of the authority, or

(d) where members or officers of the relevant authority are present other than a meeting of a political group constituted in accordance with regulation 8 of the Local Government (Committees and Political Groups) Regulations 1990 (1),

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

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

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

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

(a) a county council,

(b) a county borough council,

(c) a community council,

(d) a fire and rescue authority constituted by a scheme under section 2 of the Fire and Rescue Services Act 2004(2) or a scheme to which section 4 of that Act applies,

(2) 2004 c.21.

(e) a National Park authority established under section 63 of the Environment Act 1995(3);

(3)1995 c.25.

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

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

(2) In relation to a community council, references to an authority's monitoring officer and an authority's standards committee are to be read, respectively, as references to

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the monitoring officer and the standards committee of the county or county borough council which has functions in relation to the community council for which it is responsible under section 56(2) of the Local Government Act 2000.

Part 2 - General Provisions

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

(a) whenever you conduct the business, or are present at a meeting, of your authority;

(b) whenever you act, claim to act or give the impression you are acting in the role of member to which you were elected or appointed;

(c) whenever you act, claim to act or give the impression you are acting as a representative of your authority; or

(d) at all times and in any capacity, in respect of conduct identified in paragraphs 6(1)(a) and 7.

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

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

(a) on another relevant authority, or any other body, which includes a police authority or Local Health Board you must, when acting for that other authority or body, comply with the code of conduct of that other authority or body; or

(b) on any other body which does not have a code relating to the conduct of its members, you must, when acting for that other body, comply with this code of conduct, except and insofar as it conflicts with any other lawful obligations to which that other body may be subject.

4. You must —

(a) carry out your duties and responsibilities with due regard to the principle that there should be equality of opportunity for all people, regardless of their gender, race, disability, sexual orientation, age or religion;

(b) show respect and consideration for others;

(c) not use bullying behaviour or harass any person; and

(d) not do anything which compromises, or which is likely to compromise, the impartiality of those who work for, or on behalf of, your authority.

(e) attend at least one training session on this code of conduct during each full term of office, such attendance to take place during the six months following election in the case of those members elected to the County Council for the first time and those having been re-elected but without continuity of office.

5. You must not —

(a) disclose confidential information or information which should reasonably be regarded as being of a confidential nature, without the express consent of a person authorised to give such consent, or unless required by law to do so;

(b) prevent any person from gaining access to information to which that person is entitled by law.

6. (1) You must —

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

(b) report, whether through your authority's confidential reporting procedure or direct to the proper authority, any conduct by another member or anyone who works for, or on behalf of, your authority which you reasonably believe involves or is likely to involve criminal behaviour (which for the purposes of this paragraph does not include offences or behaviour capable of punishment by way of a fixed penalty);

(c) report to the Public Services Ombudsman for Wales and to your authority's monitoring officer any conduct by another member which you reasonably believe breaches this code of conduct;

(d) not make vexatious, malicious or frivolous complaints against other members or anyone who works for, or on behalf of, your authority.

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

7. You must not —

(a) in your official capacity or otherwise, use or attempt to use your position improperly to confer on or secure for yourself, or any other person, an advantage or create or avoid for yourself, or any other person, a disadvantage;

(b) use, or authorise others to use, the resources of your authority —

(i) imprudently;

(ii) in breach of your authority's requirements;

(iii) unlawfully;

(iv) other than in a manner which is calculated to facilitate, or to be conducive to, the discharge of the functions of the authority or of the office to which you have been elected or appointed;

(v) improperly for political purposes; or

(vi) improperly for private purposes.

8. You must —

(a) when participating in meetings or reaching decisions regarding the business of your authority, do so on the basis of the merits of the circumstances involved and in the public interest having regard to any relevant advice provided by your authority's officers, in particular by —

(i) the authority's head of paid service;

(ii) the authority's chief finance officer;

(iii) the authority's monitoring officer;

(iv) the authority's chief legal officer (who should be consulted when there is any doubt as to the authority's power to act, as to whether the action proposed lies within the policy framework agreed by the authority or where the legal consequences of action or failure to act by the authority might have important repercussions);

(b) give reasons for all decisions in accordance with any statutory requirements and any reasonable additional requirements imposed by your authority.

9. You must —

(a) observe the law and your authority's rules governing the claiming of expenses and allowances in connection with your duties as a member;

(b) avoid accepting from anyone gifts, hospitality (other than official hospitality, such as a civic reception or a working lunch duly authorised by your authority), material benefits or services for yourself or any person which might place you, or reasonably appear to place you, under an improper obligation.

Part 3 - Interests

Personal Interests

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

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

(a) it relates to, or is likely to affect —

(i) any employment or business carried on by you;

(ii) any person who employs or has appointed you, any firm in which you are a partner or any company for which you are a remunerated director;

(iii) any person, other than your authority, who has made a payment to you in respect of your election or any expenses incurred by you in carrying out your duties as a member;

(iv) any corporate body which has a place of business or land in your authority's area, and in which you have a beneficial interest in a class of securities of that body that exceeds the nominal value of £25,000 or one hundredth of the total issued share capital of that body;

(v) any contract for goods, services or works made between your authority and you or a firm in which you are a partner, a company of which you are a remunerated director, or a body of the description specified in sub-paragraph (iv) above;

(vi) any land in which you have a beneficial interest and which is in the area of your authority;

(vii) any land where the landlord is your authority and the tenant is a firm in which you are a partner, a company of which you are a remunerated director, or a body of the description specified in sub-paragraph (iv) above;

(viii) any body to which you have been elected, appointed or nominated by your authority;

(ix) any —

(aa) public authority or body exercising functions of a public nature;

(bb) company, industrial and provident society, charity, or body directed to charitable purposes;

(cc) body whose principal purposes include the influence of public opinion or policy;

(dd) trade union or professional association; or

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(ee) private club, society or association operating within your authority's area,

in which you have membership or hold a position of general control or management;

(x) any land in your authority's area in which you have a licence (alone or jointly with others) to occupy for 28 days or longer;

(b) a member of the public might reasonably perceive a conflict between your role in taking a decision, upon that business, on behalf of your authority as a whole and your role in representing the interests of constituents in your ward or electoral division; or

((c) a decision upon it might reasonably be regarded as affecting —

(i) your well-being or financial position, or that of a person with whom you live, or any person with whom you have a close personal association;

(ii) any employment or business carried on by persons as described in 10(2)(c)(i);

(iii) any person who employs or has appointed such persons described in 10(2)(c)(i), any firm in which they are a partner, or any company of which they are directors;

(iv) any corporate body in which persons as described in 10(2)(c)(i) have a beneficial interest in a class of securities exceeding the nominal value of £5,000; or

(v) any body listed in paragraphs 10(2)(a)(ix)(aa) to (ee) in which persons described in 10(2)(c)(i) hold a position of general control or management,

to a greater extent than the majority of —

(aa) in the case of an authority with electoral divisions or wards, other council tax payers, rate payers or inhabitants of the electoral division or ward, as the case may be, affected by the decision; or
(bb) in all other cases, other council tax payers, ratepayers or inhabitants of the authority's area.

Disclosure of Personal Interests

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

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

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

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

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

(a) details of the personal interest;

(b) details of the business to which the personal interest relates; and

(c) your signature

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

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

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

Prejudicial Interests

12. (1) Subject to sub-paragraph (2) below, where you have a personal interest in any business of your authority you also have a prejudicial interest in that business if the interest is one which a member of the public with knowledge of the relevant facts

Would reasonably regard as so significant that it is likely to prejudice your judgement of the public interest.

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

(a) relates to —

(i) another relevant authority of which you are also a member;

(ii) another public authority or body exercising functions of a public nature in which you hold a position of general control or management;

(iii) a body to which you have been elected, appointed or nominated by your authority;

(iv) your role as a school governor (where not appointed or nominated by your authority) unless it relates particularly to the school of which you are a governor;

(v) your role as a member of a Local Health Board where you have not been appointed or nominated by your authority;

(b) relates to —

(i) the housing functions of your authority where you hold a tenancy or lease with your authority, provided that you do not have arrears of rent with your authority of more than two months, and provided that those functions do not relate particularly to your tenancy or lease;

(ii) the functions of your authority in respect of school meals, transport and travelling expenses, where you are a guardian, parent, grandparent or have parental responsibility (as defined in section 3 of the Children Act 1989) of a child in full time education, unless it relates particularly to the school which that child attends;

(iii) the functions of your authority in respect of statutory sick pay under Part XI of the Social Security Contributions and Benefits Act 1992, where you are in receipt of, or are entitled to the receipt of such pay from your authority;

(iv) the functions of your authority in respect of an allowance or payment made under sections 22(5), 24(4) and 173 to 176 of the Local Government Act 1972, an allowance or pension under section 18 of the Local Government and Housing Act 1989 or an allowance or payment under section 100 of the Local Government Act 2000;

(c) your role as a community councillor in relation to a grant, loan or other form of financial assistance made by your community council to community or voluntary organisations up to a maximum of £500.

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

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Overview and Scrutiny Committees

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

(a) that business relates to a decision made (whether implemented or not) or action taken by your authority's executive, board or another of your authority's committees, Subcommittees, joint committees or joint Subcommittees; and

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

Participation in Relation to Disclosed Interests

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

(a) withdraw from the room, chamber or place where a meeting considering the business is being held —

(i) where sub-paragraph (2) applies, immediately after the period for making representations, answering questions or giving evidence relating to the business has ended and in any event before further consideration of the business begins, whether or not the public are allowed to remain in attendance for such consideration; or

(ii) in any other case, whenever it becomes apparent that that business is being considered at that meeting;

(b) not exercise executive or board functions in relation to that business;

(c) not seek to influence a decision about that business;

(d) not make any written representations (whether by letter, facsimile or some other form of electronic communication) in relation to that business; and

(e) not make any oral representations (whether in person or some form of electronic communication) in respect of that business or immediately cease to make such oral representations when the prejudicial interest becomes apparent.

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

Author: Legal Services, Deputy Chief Executive's Office, Isle of Anglesey County Council
legalpolicy@anglesey.gov.uk

allowed to attend the meeting for the same purpose, whether under a statutory right or otherwise.

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

(a) you are required to attend a meeting of an overview or scrutiny committee, by such committee exercising its statutory powers; or

(b) you have the benefit of a dispensation provided that you —

(i) state at the meeting that you are relying on the dispensation; and

(ii) before or immediately after the close of the meeting give written notification to your authority containing —

(aa) details of the prejudicial interest;

(bb) details of the business to which the prejudicial interest relates;

(cc) details of, and the date on which, the dispensation was granted; and

(dd) your signature.

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

Part 4 - The Register of Members' Interests

Registration of Financial and Other Interests and Memberships and Management Positions

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

(a) your authority's code of conduct being adopted or the mandatory provisions of this model code being applied to your authority; or

(b) your election or appointment to office (if that is later),

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

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

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

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

Sensitive information

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

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

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

Registration of Gifts and Hospitality

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

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legalpolicy@anglesey.gov.uk

Appendix 3

Ombudsman
Ombwdsmon
PUBLIC SERVICES OMBUDSMAN FOR WALES
OMBWDSMON GWASANAETHAU CYHOEDDUS CYMRU

COPY

Our ref: 201304118 AG/AP
Your ref:
Date: 27 November 2013

Ask for: Annie Ginwalla
01656 644201
Annie.Ginwalla@ombudsman-wales.org.uk

Councillor Peter S Rogers
Bodrida
Brynsiencyn
LLANFAIRPWLLGWYNGYLL
LL61 6NZ

Dear Councillor Rogers

Code of conduct complaint made by Mr Richard Parry-Jones

The Ombudsman has now decided to investigate the complaint made against you by Mr Richard Parry-Jones, of which you were informed on 1 November 2013. I have been asked to carry out the investigation. You need not respond to this letter if you do not wish to. However if you do comment on the complaint at this stage, your comments may be disclosed to the complainant, or in any subsequent proceedings.

If my investigation finds that there is a case to answer, I will in due course put to you the evidence I have found and any questions which appear relevant in the light of it.

I have written to notify the Monitoring Officer of Isle of Anglesey County Council of this investigation and have asked for any relevant information.

Please be aware that the Ombudsman considers that the disclosure of details of this complaint to the local press or media may itself be a breach of the Code. You are therefore advised not to discuss this complaint with anyone other than your representative.

Yours sincerely

Annie Ginwalla
Investigator

Appendix 4

CYNGOR SIR
YNYS MÔN
ISLE OF ANGLESEY
COUNTY COUNCIL

ADRAN Y DIRPRWY PRIF WEITHREDWRAIG
DEPARTMENT OF THE DEPUTY CHIEF EXECUTIVE

LYNN BALL LL.B., (Hons.)Cyfreithiwr/Solicitor
PENNAETH SWYDDOGAETH (BUSNES Y CYNGOR) / SWYDDOG MONITRO
HEAD OF FUNCTION (COUNCIL BUSINESS) / MONITORING OFFICER

CYNGOR SIR YNYS MON /
ISLE OF ANGLESEY COUNTY COUNCIL
Swyddfa'r Sir / Council Offices
LLANGEFNI
Ynys Môn / Anglesey
LL77 7TW

DX: 701771 – LLANGEFNI

ffôn / tel: (01248) 752563
ffacs / fax: (01248) 752132
E-Bost – E-mail: APXCE@anglesey.gov.uk

Ein Cyf – Our Ref. AP/SO/CC-017339-AP
Eich Cyf – Your Ref. 20130411 8AG/AP

Annie Ginwalla, Investigator
Public Services Ombudsman for Wales
1 Ffordd yr Hen Gae
Pencoed
Bridgend
CF35 5LJ

P.S.O.W.
29 NOV 2013
P.S.O.W.

28 November, 2013

Dear Ms Ginwalla

RE: CODE OF CONDUCT COMPLAINT AGAINST PETER S ROGERS OF ISLE OF ANGLESEY COUNTY COUNCIL BY MR RICHARD PARRY JONES

Thank you for your letter of the 27th November 2013.

Please find attached the following documents as requested by you:

1. Copy of the Council's Code of Conduct
2. Copy of the complaint submitted by Councillor Rogers on 17th August 2012 (not 17th May 2012 as per your letter)

There was not a contemporaneous note of the meeting between Councillor Rogers and Paul Jones on 22nd May 2013, however, Paul Jones recalled the meeting and has since sent me an email setting out the contents of their discussion at the meeting. I attach this for your information. The further e-mails sent by Paul were irrelevant and therefore have not been attached here.

I also confirm that Dylan Edwards, Paul Lloyd Jones and Dafydd Owen are happy to be interviewed by you should this be necessary.

Please find their contact details below.

Please let me know if you need any further information from me.

Yours sincerely

Awena Parry
Solicitor Corporate Governance

CC-017339-AP/193689

Dylan Edwards
Dafydd Owen
Paul Lloyd Jones

[redacted]

CYNGOR SIR
YNYS MÔN
ISLE OF ANGLESEY
COUNTY COUNCIL

Constitution: 5.1 members' code of conduct

This is the Model Code of Conduct adopted by the County Council on 09.05.2008 in accordance with the draft supplied by the Welsh Assembly Government, incorporating the compulsory training requirement described in Part 2 – General Provisions paragraph 4(e).

Part 1 - Interpretation

1. (1) In this code

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

(a) is a member of any committee or Subcommittee of the authority, or

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

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

"meeting" ("cyfarfod") means any meeting -

(a) of the relevant authority,

(b) of any executive or board of the relevant authority,

(c) of any committee, Subcommittee, joint committee or joint Subcommittee of the relevant authority or of any such committee, Subcommittee, joint committee or joint Subcommittee of any executive or board of the authority, or

(d) where members or officers of the relevant authority are present other than a meeting of a political group constituted in accordance with regulation 8 of the Local Government (Committees and Political Groups) Regulations 1990 (1),

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

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

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

"relevant authority" ("awdurdod perthnasol") means -

(a) a county council,

(b) a county borough council,

(c) a community council,

(d) a fire and rescue authority constituted by a scheme under section 2 of the Fire and Rescue Services Act 2004(2) or a scheme to which section 4 of that Act applies,

(2) 2004 c.21.

(e) a National Park authority established under section 63 of the Environment Act 1995(3);

(3)1995 c.25.

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

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

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

Part 2 - General Provisions

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

(a) whenever you conduct the business, or are present at a meeting, of your authority;

(b) whenever you act, claim to act or give the impression you are acting in the role of member to which you were elected or appointed;

(c) whenever you act, claim to act or give the impression you are acting as a representative of your authority; or

(d) at all times and in any capacity, in respect of conduct identified in paragraphs 6(1)(a) and 7.

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

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

(a) on another relevant authority, or any other body, which includes a police authority or Local Health Board you must, when acting for that other authority or body, comply with the code of conduct of that other authority or body; or

(b) on any other body which does not have a code relating to the conduct of its members, you must, when acting for that other body, comply with this code of conduct, except and insofar as it conflicts with any other lawful obligations to which that other body may be subject.

4. You must -

(a) carry out your duties and responsibilities with due regard to the principle that there should be equality of opportunity for all people, regardless of their gender, race, disability, sexual orientation, age or religion;

(b) show respect and consideration for others;

(c) not use bullying behaviour or harass any person; and

(d) not do anything which compromises, or which is likely to compromise, the impartiality of those who work for, or on behalf of, your authority.

(e) attend at least one training session on this code of conduct during each full term of office, such attendance to take place during the six months following election in the case of those members elected to the County Council for the first time and those having been re-elected but without continuity of office.

5. You must not -

(a) disclose confidential information or information which should reasonably be regarded as being of a confidential nature, without the express consent of a person authorised to give such consent, or unless required by law to do so;

(b) prevent any person from gaining access to information to which that person is entitled by law.

6. (1) You must -

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

(b) report, whether through your authority's confidential reporting procedure or direct to the proper authority, any conduct by another member or anyone who works for, or on behalf of, your authority which you reasonably believe involves or is likely to involve criminal behaviour (which for the purposes of this paragraph does not include offences or behaviour capable of punishment by way of a fixed penalty);

(c) report to the Public Services Ombudsman for Wales and to your authority's monitoring officer any conduct by another member which you reasonably believe breaches this code of conduct;

(d) not make vexatious, malicious or frivolous complaints against other members or anyone who works for, or on behalf of, your authority.

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

7. You must not -

(a) in your official capacity or otherwise, use or attempt to use your position improperly to confer on or secure for yourself, or any other person, an advantage or create or avoid for yourself, or any other person, a disadvantage;

(b) use, or authorise others to use, the resources of your authority -

(i) imprudently;

(ii) in breach of your authority's requirements;

(iii) unlawfully;

(iv) other than in a manner which is calculated to facilitate, or to be conducive to, the discharge of the functions of the authority or of the office to which you have been elected or appointed;

(v) improperly for political purposes; or

(vi) improperly for private purposes.

8. You must -

(a) when participating in meetings or reaching decisions regarding the business of your authority, do so on the basis of the merits of the circumstances involved and in the public interest having regard to any relevant advice provided by your authority's officers, in particular by -

(i) the authority's head of paid service;

(ii) the authority's chief finance officer;

(iii) the authority's monitoring officer;

(iv) the authority's chief legal officer (who should be consulted when there is any doubt as to the authority's power to act, as to whether the action proposed lies within the policy framework agreed by the authority or where the legal consequences of action or failure to act by the authority might have important repercussions);

(b) give reasons for all decisions in accordance with any statutory requirements and any reasonable additional requirements imposed by your authority.

9. You must -

(a) observe the law and your authority's rules governing the claiming of expenses and allowances in connection with your duties as a member;

(b) avoid accepting from anyone gifts, hospitality (other than official hospitality, such as a civic reception or a working lunch duly authorised by your authority), material benefits or services for yourself or any person which might place you, or reasonably appear to place you, under an improper obligation.

Part 3 - Interests

Personal Interests

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

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

(a) it relates to, or is likely to affect -

(i) any employment or business carried on by you;

(ii) any person who employs or has appointed you, any firm in which you are a partner or any company for which you are a remunerated director;

(iii) any person, other than your authority, who has made a payment to you in respect of your election or any expenses incurred by you in carrying out your duties as a member;

(iv) any corporate body which has a place of business or land in your authority's area, and in which you have a beneficial interest in a class of securities of that body that exceeds the nominal value of £25,000 or one hundredth of the total issued share capital of that body;

(v) any contract for goods, services or works made between your authority and you or a firm in which you are a partner, a company of which you are a remunerated director, or a body of the description specified in sub-paragraph (iv) above;

(vi) any land in which you have a beneficial interest and which is in the area of your authority;

(vii) any land where the landlord is your authority and the tenant is a firm in which you are a partner, a company of which you are a remunerated director, or a body of the description specified in sub-paragraph (iv) above;

(viii) any body to which you have been elected, appointed or nominated by your authority;

(ix) any -

(aa) public authority or body exercising functions of a public nature;

(bb) company, industrial and provident society, charity, or body directed to charitable purposes;

(cc) body whose principal purposes include the influence of public opinion or policy;

(dd) trade union or professional association; or

(ee) private club, society or association operating within your authority's area,

in which you have membership or hold a position of general control or management;

(x) any land in your authority's area in which you have a licence (alone or jointly with others) to occupy for 28 days or longer;

(b) a member of the public might reasonably perceive a conflict between your role in taking a decision, upon that business, on behalf of your authority as a whole and your role in representing the interests of constituents in your ward or electoral division; or

(c) a decision upon it might reasonably be regarded as affecting -

(i) your well-being or financial position, or that of a person with whom you live, or any person with whom you have a close personal association;

(ii) any employment or business carried on by persons as described in 10(2)(c)(i);

(iii) any person who employs or has appointed such persons described in 10(2)(c)(i), any firm in which they are a partner, or any company of which they are directors;

(iv) any corporate body in which persons as described in 10(2)(c)(i) have a beneficial interest in a class of securities exceeding the nominal value of £5,000; or

(v) any body listed in paragraphs 10(2)(a)(ix)(aa) to (ee) in which persons described in 10(2)(c)(i) hold a position of general control or management,

to a greater extent than the majority of -

(aa) in the case of an authority with electoral divisions or wards, other council tax payers, rate payers or inhabitants of the electoral division or ward, as the case may be, affected by the decision; or
(bb) in all other cases, other council tax payers, ratepayers or inhabitants of the authority's area.

Disclosure of Personal Interests

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

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

(a) written representations (whether by letter, facsimile or some other form of electronic communication) to a member or officer of your authority regarding that business, you should include details of that interest in the written communication; or

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

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

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

(a) details of the personal interest;

(b) details of the business to which the personal interest relates; and

(c) your signature

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

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

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

Prejudicial Interests

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

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

(a) relates to -

(i) another relevant authority of which you are also a member;

(ii) another public authority or body exercising functions of a public nature in which you hold a position of general control or management;

(iii) a body to which you have been elected, appointed or nominated by your authority;

(iv) your role as a school governor (where not appointed or nominated by your authority) unless it relates particularly to the school of which you are a governor;

(v) your role as a member of a Local Health Board where you have not been appointed or nominated by your authority;

(b) relates to -

(i) the housing functions of your authority where you hold a tenancy or lease with your authority, provided that you do not have arrears of rent with your authority of more than two months, and provided that those functions do not relate particularly to your tenancy or lease;

(ii) the functions of your authority in respect of school meals, transport and travelling expenses, where you are a guardian, parent, grandparent or have parental responsibility (as defined in section 3 of the Children Act 1989) of a child in full time education, unless it relates particularly to the school which that child attends;

(iii) the functions of your authority in respect of statutory sick pay under Part XI of the Social Security Contributions and Benefits Act 1992, where you are in receipt of, or are entitled to the receipt of such pay from your authority;

(iv) the functions of your authority in respect of an allowance or payment made under sections 22(5), 24(4) and 173 to 176 of the Local Government Act 1972, an allowance or pension under section 18 of the Local Government and Housing Act 1989 or an allowance or payment under section 100 of the Local Government Act 2000;

(c) your role as a community councillor in relation to a grant, loan or other form of financial assistance made by your community council to community or voluntary organisations up to a maximum of £500.

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

Overview and Scrutiny Committees

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

(a) that business relates to a decision made (whether implemented or not) or action taken by your authority's executive, board or another of your authority's committees, Subcommittees, joint committees or joint Subcommittees; and

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

Participation in Relation to Disclosed Interests

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

(a) withdraw from the room, chamber or place where a meeting considering the business is being held -

(i) where sub-paragraph (2) applies, immediately after the period for making representations, answering questions or giving evidence relating to the business has ended and in any event before further consideration of the business begins, whether or not the public are allowed to remain in attendance for such consideration; or

(ii) in any other case, whenever it becomes apparent that that business is being considered at that meeting;

(b) not exercise executive or board functions in relation to that business;

(c) not seek to influence a decision about that business;

(d) not make any written representations (whether by letter, facsimile or some other form of electronic communication) in relation to that business; and

(e) not make any oral representations (whether in person or some form of electronic communication) in respect of that business or immediately cease to make such oral representations when the prejudicial interest becomes apparent.

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

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

(a) you are required to attend a meeting of an overview or scrutiny committee, by such committee exercising its statutory powers; or

(b) you have the benefit of a dispensation provided that you -

(i) state at the meeting that you are relying on the dispensation; and

(ii) before or immediately after the close of the meeting give written notification to your authority containing -

(aa) details of the prejudicial interest;

(bb) details of the business to which the prejudicial interest relates;

(cc) details of, and the date on which, the dispensation was granted; and

(dd) your signature.

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

Part 4 - The Register of Members' Interests

Registration of Financial and Other Interests and Memberships and Management Positions

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

(a) your authority's code of conduct being adopted or the mandatory provisions of this model code being applied to your authority; or

(b) your election or appointment to office (if that is later),

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

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

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

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

Sensitive information

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

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

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

Registration of Gifts and Hospitality

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

Last update: 16 May 2013

Isle of Anglesey County Council

- Council Offices
- Llangefni
- Anglesey
- LL77 7TW
- Tel: (01248) 750057

(URL=/empty-nav/find-us/)

More Contact Information (URL=/contact-us/)

CYNGOR SIR
YNYS MÔN
ISLE OF ANGLESEY
COUNTY COUNCIL

ADAIN GYFREITHIOL

2 3 AUG 2012

LEGAL SECTION

Y Weithdrefn Gwyno a Chanmoliaeth Gorfforaethol

The Corporate Complaints and Compliments Procedure

AT: SWYDDOG GOFAL CWSMER (SGC)
TO: CUSTOMER CARE OFFICER (CCO)

CWYN YW: Mynegiant o anfodlonrwydd ynghylch gwasanaeth y Cyngor, sef anfodlonrwydd y mae angen ymateb iddo pan fo'r anfodlonrwydd heb ei ddatrys yn y pwynt cyswllt a dim trefn apelio arall ar gael neu pan fo trefn apelio arall wedi ei llwyr ddefnyddio.
SYLWER: Y pwynt cyswllt yw'r Swyddog sydd wedi bod yn ymwneud â'r mater y cwynir yn ei gylch neu oruchwyliwr.

A COMPLAINT IS: An expression of dissatisfaction with a Council service which requires a response, which has not been resolved at the point of contact and for which there is no alternative appeal procedure or where the alternative appeal procedure has been exhausted.
N.B. The point of contact shall mean the officer who has had conduct of the matter which is the subject matter of the complaint, or a supervisor.

FFURFLEN GWYNO

COMPLAINT FORM

MATH O GWYN TYPE OF COMPLAINT	PERSONOL PERSONAL	YSGRIFEN WRITTEN	AELOD MEMBER	RHYNGRWYD INTERNET	FFÔN PHONE

ENW'R ACHWYNYDD
COMPLAINANT'S NAME Peter S. Rogers

CYFEIRIAD
ADDRESS Bodrina
Bryn Siencyn
Anglesey
LL61 6NZ

RHIF FFÔN
TELEPHONE NUMBER [redacted]

CYFEIRIAD E.BOST
E.MAIL ADDRESS PeterRogers@Anglesey.Co.U.K

SWYDDOG/AELOD DDERBYNIODD Y GWYN
OFFICER/MEMBER WHO RECEIVED THE COMPLAINT _____

DYDDIAD DERBYN
DATE RECEIVED _____

AMSER DERBYN
TIME RECEIVED _____

DYDDIAD DERBYN Y GWYN GAN Y SGC (os yn wahanol i'r uchod)
DATE RECEIVED BY CCO (if difference to the above) _____

DYDDIAD CYDNABOD DERBYN Y GWYN
DATE OF ACKNOWLEDGEMENT OF RECEIPT OF COMPLAINT _____

NATUR Y GWYN
NATURE OF COMPLAINT Unacceptable response to my letter in May. No apology on behalf of Rio staff for ignoring my letter to Head of Housing dated 29 march. For taking no action on the E-mail making reference to myself, which was not true, to one of my constituents. Complete failure to instruct staff to response to my concerns raised in the letter to the Head of Housing. Failure To instigate disciplinary proceedings again the staff involved
Copies of letter attached

LLOFNOD YR ACHWYNYDD
SIGNATURE OF COMPLAINANT Peter S. Rogers

DYDDIAD
DATE 17 August 2012

Mr R Parry Jones

Chief Executive

Isle of Anglesey County Council.

Dear Mr Richard Parry Jones

Enclosed copy E-mails which have not been resolved and 1 of which relates to my self regarding a 'consultation with the local member' which is just not true. I would suggest this shows nothing but contempt to my constituent.On the 29 March I wrote to Ms Lloyd Williams Head of Housing raising concerns about the E- mail and problems on the Glandwr Estate which has neither been acknowledged or responded to.I understand because of the work load, the earliest I can make an appointment to resolve this matter is 14 days.Please note the date of the first E- email is the 11 September.

I would be very grateful for your early intervention, so that both Mr Geal and I can have a full response.

Yours Sincerely,

Peter Rogers

CYNGOR SIR
YNYS MÔN
ISLE OF ANGLESEY
COUNTY COUNCIL

RICHARD PARRY JONES, M.A.
Prif Weithredwr
Chief Executive

CYNGOR SIR YNYS MÔN
ISLE OF ANGLESEY COUNTY COUNCIL
Swyddfa'r Sir
LLANGEFNI
Ynys Môn - Anglesey
LL77 7TW

Gofynnwch am - Please ask for: Carol Roberts

ffôn / tel (01248) 752102 ffacs / fax (01248) 750839

E-Bost - E-mail: rpjcd@ynysmon.gov.uk
Ein Cyf - Our Ref. RPJ/CR
Eich Cyf - Your Ref.

Councillor Peter Standing Rogers
Bodrida
BRYNSIENCYN
Ynys Môn
LL61 6NZ

25 May 2012

Dear Councillor Rogers,

GLANDWR ESTATE, DWYRAN

The parcel of land in question forms a part of Glandwr Estate in Dwyran and falls under the ownership of the Housing Department. Please note that the parcel of land has been the subject of interest from potential purchasers, including Mr Geal, since the autumn of last year. These applications to purchase were received and dealt with by colleagues in Property Services.

Following due consideration, Housing Services confirmed that there was no objection in principle to the proposed sale of surplus land at Glandwr.

As part of the consultation process, and before any formal agreement to sell the land was made, Property Services sought the views of the Planning Department before proceeding any further. Subsequently, Planning confirmed that existing policy allows for a single plot within or on the edge of a settlement, subject to usual development control criteria.

Following a meeting between officers of Housing and Property held on 27th April, 2012 the following actions were agreed:

- The Council would seek Planning Permission for a single dwelling on the surplus parcel of land prior to any future disposal. In this respect, Housing Services will instruct the Council's Design Team to prepare an outline planning application during the course of this week.
- Property Services will notify all applicants that no further action will be taken until such time as the proposed planning application has been approved or refused. The original applicants are to be kept informed of developments.

I trust the above clarifies the current position in connection with this parcel of land.

Yours sincerely,

Richard Parry Jones

Richard Parry Jones
Chief Executive

Susan Owen

From: Paul Lloyd Jones
Sent: 28 November 2013 12:27
To: Awena Parry
Subject: Glandwr Site Visit

On the 22nd May 2013, I attended a site visit to Dwyran to meet with the local Councillor, Peter Rogers, who wished to discuss a few issues he had with the area. Also present were Shan Williams, Head of Housing Services and Steven Pritchard, Maintenance Officer.

One of the areas we visited was the Glandwr estate, where Cllr Rogers had various concerns regarding ongoing repairs to a property, parking bays and the grassed area to the front and side of the estate. Cllr Rogers said that a farmer would drive over the grassed area and down the side of the houses in order to gain access to the neighbouring field. From here he would feed the animals in the field over the boundary fence / hedge row. Cllr Rogers requested that we possibly look at blocking the access to the grassed area in order to stop vehicles driving over the grass.

Rogers also said that the occupier of the end house, number [redacted] had submitted a request some time ago to purchase the plot of land to the side in order to extend his garden. Cllr Rogers said that it had been ongoing for a long time and the occupiers hadn't heard anything. Because we didn't have that information to hand, we informed Cllr Rogers that once we returned to the office we would make the necessary enquiries and would get back in touch with him so he could update the occupiers of numbe[redacted]

It was agreed with Cllr Rogers that due to the possible sale of the land, we would wait for that to be completed before addressing the issue of people driving over the grassed area.

On my return to the office I spoke to Dylan Edwards and explained that we had spoken to Cllr Rogers and he had raised concerns about the proposed sale of land. Dylan said that he would speak to Cllr Rogers direct and answer any queries he had. I e-mailed Cllr Rogers to confirm this action and received a number of replies from him over the following weeks. (I will forward these to you as well for your records.)

I trust this information will help, however if you require anything else please contact me.

Paul Jones
Swyddog Rheoli Tai / Housing Management Officer
Gwasanaethau Tai / Housing Services
Cyngor Sir Ynys Môn / Isle of Anglesey County Council
Ffôn / Phone : 01248 752298
www.ynysmon.gov.uk / www.angelsey.gov.uk

Appendix 5

B119

ACKNOWLEDGED

P.S.O.W.
- 6 FEB 2014
P.S.O.W.

Ombudsman Ombwdsmon
PUBLIC SERVICES OMBUDSMAN FOR WALES
OMBWDSMON GWASANAETHAU CYHOEDDUS CYMRU

WITNESS STATEMENT

Statement of: Dafydd Owen

~~Age if under 18:~~ Over 18 (if over 18 insert 'over 18')

Occupation: ...Assistant Valuation Officer.....

This statement (consisting of 4 page(s) each signed by me) is true to the best of my knowledge and belief.

Signature: [signature] Date: 5/2/2014

I Dafydd Owen, Assistant Valuation Officer with the Estates Section of the Property Department Isle of Anglesey County Council ("the Council") make this statement in support of a complaint made to the Ombudsman by the Chief Executive of the Council, Mr Richard Parry – Jones, concerning the conduct of Councillor Peter Standing Rogers, a member of the Council.

I have worked at the Council since January 2008, I was promoted to my current post in May 2012.The principal valuation officer is Dylan Edwards and I report to him as part of my duties. The Estates department are generally involved in transactions involving the sale of Council land.

Transactions of this nature are generally instigated by the receipt of a declaration of interest in a particular piece of land. We would then generally contact the Council department who owns the land to determine if they wish to sell. Once confirmation is received we would then consult with the legal department to ensure that there are no issues effecting the disposal of the land, local elected members for the area and portfolio members and the head of service. If no difficulties are encountered we can then proceed to make an offer on the land and agree terms with the prospective purchaser and all of the legal documents and processes can be completed.

Case reference number: 201304118

B120

In this particular case, declarations of interest were received from Mr Patrick Geal and another local landowner in the area in relation to a parcel of land at Glandwr, Dwyran. I do not recall specifically when or who was the first person to declare an interest in this land. In cases when there is a potential that other parties will be interested in or able to make use of a particular parcel of land we will notify to determine if there is any further interest before starting the process detailed above. I became involved in this matter in March 2011 when the initial enquiry was received.

As we had two interested parties in the land at Glandwr we felt that it would probably need to go to tender. In accordance with our usual practice we then proceeded to notify the local members, which included Councillor Rogers. We did not receive a response from Councillor Rogers in the relevant time period and so it was assumed that he did not have any objections to the transaction. We then went on to notify the portfolio member, who responded and did not raise any objection. The matter was then discussed with the Housing department who wanted to explore the possibility of obtaining planning consent on it as it may have been suitable for a building plot. Both interested parties were made aware. This process took a number of months to complete. I was involved in direct communication with Mr Geal at that time. I attach as exhibit "DO 1" as series of email communication with Mr Geal.

During this period I became aware that Councillor Rogers had complained to the Council about the length of time being taken to resolve this issue. I was contacted in August 2012 by Mrs Beryl Jones, the Corporate Complaints officer, for information about this case. I attach as exhibit "DO 2" copies of my email communication with her. I did not have any direct contact with Councillor Rogers at this time.

Eventually, the Council established that the land was actually in a "flood risk" area and determined that it would actually be very costly for the Council to apply for planning. In view of this we were notified that we could proceed with the sale of the land on the basis of "garden land" only. We duly notified the interested parties and confirmed that we would proceed on a tender basis.

Case reference number: 201304118

The tender bundle is comprised of a letter outlining the process and stipulating that it was to be sold as "garden land" only, a tender form is attached for completion by the prospective purchaser and an envelope for them to place their offer into. Mr Geal's tender was successful. The matter was then passed to legal for completion.

I later became aware that Mr Geal and Councillor Rogers were unhappy with the terms contained in the purchase document. In May 2013 I was asked by my line manager Dylan Edwards contact Councillor Rogers to arrange a meeting to discuss the terms that had been proposed. I attach as exhibit "DO 3" a series of emails I sent at this time, including direct email communication with Councillor Rogers.

On 4 June 2013, Dylan Edwards and I met with Mr Geal and Councillor Rogers. I attach as exhibit "DO 4" a copy of a handwritten note that I prepared immediately following the meeting.

I received further emails from Councillor Rogers about the matter on 24 June, 4 July 2013, which I attach as exhibits "DO 5".

I can confirm that Councillor Rogers did not make any form of declaration in any of the emails or at the meeting of 4 June 2013 relating to his relationship or any association with Mr Geal.

I am aware that Councillor Rogers and Mr Geal have a connection through marriage.

Signature: [signature]

Signature witnessed by: [signature]

AMANDA MOSTYN PARRY.

5/2/14.

Case reference number: 201304118

B123

P.S.O.W.
- 6 FEB 2014
P.S.O.W.

DO 1

B124

Peter,

The details you require re the sale of land at Dwyran.

Patrick Geal
[redacted]

[redacted]
To: dvoht@anglesey.gov.uk
Subject: RE: Tender for Land a[redacted] Glandwr Dwyran
Date: Tue, 22 Nov 2011 10:10:16 +0000

Dafydd,

I was speaking to my local Councillor, Peter Rogers, the other day. He says that he is surprised the tender has not been issued as the Council is looking for every penny it can get from surplus parcels of land.

In the meantime, the land remains a problem to me and I am increasingly concerned that vermin will get in the houses when the cold weather comes in.

I would appreciate that if the land is not tendered soon you send pest control round to make sure the place is free of vermin.

Many thanks.

Patrick Geal
[redacted]

Date: Wed, 9 Nov 2011 09:43:15 +0000
From: D[redacted]@anglesey.gov.uk
[redacted]
Subject: RE: Tender for Land at [redacted] Glandwr Dwyran

Mr Patrick Geal

I apologise for the delay in processing your enquiry, but we have made further enquiries with the Council's Planning Department with regards to possible alternative uses for the land. We will contact you with further information once we are in a position to do so.

Thanks
Dafydd

>>> Patrick Geal[redacted] 07/11/2011 18:41 >>>
Dafydd,

I did not receive any papers, were they sent?

Patrick Geal
[redacted]

B125

[redacted]

Date: Wed, 26 Oct 2011 09:45:55 +0100
From: DVOHT@anglesey.gov.uk
To: [redacted]
Subject: RE: Tender for Land at [redacted] Glandwr Dwyran

Mr Geal

I apologise for the delay in sending out the documents, but I have been away. Consultations have now been completed and I confirm that I will send the documents out before the end of this week.

Should you require further information then please do not hesitate to contact me.

Regards
Dafydd

>>> Patrick Geal [redacted] 24/10/2011 18:25 >>>
Dafydd

What is the latest with this?

Patrick Geal
[redacted]

Date: Mon, 12 Sep 2011 10:27:52 +0100
From: DVOHT@anglesey.gov.uk
To: [redacted]
Subject: RE: Tender for Land at [redacted] Glandwr Dwyran

Mr Patrick Geal

Thank you for your e-mail confirming that you are still interested in purchasing the above land.

I would expect that the tender documents be sent out in the next couple of weeks, subject to successful consultations with the Local Member and Portfolio Member.

Should you need any further information, then please do not hesitate to contact me on the detail in my letter.

Thanks
Dafydd Owen

>>> Patrick Geal [redacted] 11/09/2011 10:19 >>>
Thank you for letter reference DVO/45HE08000 dated 1st September 2011 advising that you intend to issue tenders for the piece of land adjacent to [redacted] Glandwr in Dwyran.

I confirm that I am interested and look forward to receiving the relevant documents in due course.

It would be useful to be advised when you hope to issue the tenders.

Patrick Geal

****

B126

[redacted]

DO 2

B127

DAFYDD OWEN - RE: Tender for land a[redacted]landwr, Dwyran

From: Beryl Jones <BerylJones@anglesey.gov.uk>
To: "Dafydd V. Owen" <DVOHT@anglesey.gov.uk>
Date: 22/08/2012 10:25
Subject: RE: Tender for land at [redacted]landwr, Dwyran

Diolch yn fawr.

Beryl

From: DAFYDD OWEN [mailto:DVOHT@anglesey.gov.uk]
Sent: 22 August 2012 10:20
To: Beryl Jones
Subject: RE: Tender for land a[redacted]landwr, Dwyran

Hi Beryl

Wedi cael golwg ar y ffeil bore ma a dwin cadarnhau y canlynnol:

September 1st 2011 - letter sent to both applicants informing them that likely method of disposal would be tender subject to Local Member, Portfolio Member and Head of Service consultations. A letter was sent to Local Member Peter Rogers on the same day providing him with 7 days to give his observations. No response received.

September 9th 2011 - letter sent to Cllr Hob Parry the Portfolio Member providing 7 days to give observations. Reply received 14th September saying he supported the application.

October 2011 - Enquiries made with Planning Department to ascertain whether the land would be suitable as a building plot. Reply received 3rd November confirming that there might be potential for building plot. Details then passed on to Housing for their observations. Mr Gleal informed by e-mail 9th December that there would be a delay in the process due to further enquiries being made about the land.

23rd May 2012 - Housing confirmed that outline planning permission should be sought before any further sale negotiations, and asked the Property Department (Architects) to prepare a planning application on their behalf. Both applicants informed of the decision by letter the same date.

Environment agency subsequently confirmed that land is in a flood risk area, and that it would be difficult to obtain planning permission. The application is to therefore proceed as before between both interested parties. We currently have an ongoing query with the Legal Section before we can progress with preparing the tender documents, once this is sorted out we will contact the applicants accordingly.

I trust this is of assistance to you, however should you require any further information then please don't hesitate to contact me.

Regards
Dafydd
2245

>>> Beryl Jones <BerylJones@anglesey.gov.uk> 21/08/2012 16:25 >>>
Diolch - ydy'n bosib i chdi ffonio fi plis - un new ddau gwestiwn cyn y medraf ymateb i P.R.

Diolch

Beryl
2588

From: DAFYDD OWEN [mailto:DVOHT@anglesey.gov.uk]
Sent: 21 August 2012 16:23
To: Beryl Jones
Subject: Re: Tender for land at [redacted]landwr, Dwyran

B128

Beryl

Mi rydym wedi derbyn dau gais i brynu tir yn yr ardal yn ddiweddar. Mi gafodd o i'w churo gan tad yr adran taf yn gweld potensial am gartrefi cynllunio yno. Wedi derbyn cynnig pellach, mae wedi dod i'r fei gan yr asiantaeth anghydfodol, felly fe mewn ardal sydd o dan fygwth am lifogydd. Mi rydym felly am barhau i gynnig y tir tender cyntaf a ddaw i'n dwylo gwreiddiol. Mi gaiff y dogfennau priodol i'w gyru allan cyn diwedd yr wythnos.

Diolch
Dafydd

>>> Beryl Jones <BerylJones@anglesey.gov.uk> 21/08/2012 16:00 >>>
Dafydd
Wedi cael cwyn gan y Cynghorydd Peter Rogers ynglyn a'r uchod.

Gas meddwl chi adael i mi wybod beth yw'r sefyllfa diweddaraf plis?

Diolch

Beryl

This email and any files transmitted with it are confidential and may be legally privileged. They may be read copied and used only by the intended recipient. If you have received this email in error please immediately notify the system manager using the details below, and do not disclose or copy its contents to any other person.

The contents of this email represent the views of the sender only and do not necessarily represent the views of Isle of Anglesey County Council. Isle of Anglesey County Council reserves the right to monitor all email communications through its internal and external networks.

Mae'r neges e-bost hon a'r ffeiliau a drosglwyddyd ynghlwm gyda hi yn gyfrinachol ac efallai bod breintiau cyfreithiol ynghlwm wrthynt. Yr unig berson sydd i'w darllen, eu copio a'u defnyddio yw'r person y bwriadwyd eu gyrru nhw ato. Petaech wedi derbyn y neges e-bost hon mewn camgymeriad yna, os gwelwch yn dda, rhowch wybod i'r Rheolwr Systemau yn syth gan ddefnyddio'r manylion isod, a pheidiwch a datgelu na chopio'r cynnwys i neb arall.

Mae cynnwys y neges e-bost hon yn cynrychioli sylwadau'r gynrwr yn unig ac nid o angenrheidrwydd yn cynrychioli sylwadau Cyngor Sir Ynys Mon. Mae Cyngor Sir Ynys Mon yn cadw a diogelu ei hawliau i fonitro yr holl negeseuon e-bost trwy ei rwydweithiau mewnol ac allanol.

****

This email and any files transmitted with it are confidential and may be legally privileged. They may be read copied and used only by the intended recipient. If you have received this email in error please immediately notify the system manager using the details below, and do not disclose or copy its contents to any other person.

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This email and any files transmitted with it are confidential and may be legally privileged. They may be read copied

B129

DO 3

B130

Dafydd V. Owen

From: Dafydd V. Owen
Sent: 29 May 2013 11:32
To: Peter Rogers
Subject: FW: [redacted]landwr Dwyran

Dear Councillor Rogers

I have sent an e-mail to Mr Patrick Seal asking if he and yourself would be available to meet with myself and my colleague Mr Dylan Edwards to discuss the above. Any time and date is suitable with ourselves except for this Friday 31st May and Monday 3rd June.

We would be grateful if you could consult with Mr Seal on an appropriate time and date for a meeting.

Thanks

Dafydd Owen

Swyddog Prisio Cynorthwyol/Assistant Valuation Officer
Adran Eiddo/Property Department
Cyngor Sir Ynys Môn/Isle of Anglesey County Council
Ffon/tel: 01248 752245
Ebost/email: DafyddVOwen@anglesey.gov.uk

From: T Dylan. Edwards
Sent: 29 May 2013 09:16
To: Dafydd V. Owen
Subject: FW: [redacted]landwr Dwyran

From: Paul Lloyd Jones
Sent: 29 May 2013 09:11
To: T Dylan. Edwards
Subject: FW: [redacted]landwr Dwyran

Please see reply from Cllr Rogers.

From: Peter Rogers
Sent: 28 May 2013 10:02
To: Paul Lloyd Jones
Subject: Re: [redacted]landwr Dwyran

Dylan should be aware that he needs to respond to the Client but I am more than happy to help.I am sure he needs to resolve this by return so serious are the consequences of any further delay.

Thanks

Peter

On 28 May 2013, at 15:13, "Paul Lloyd Jones" <PaulLloydJones@anglesey.gov.uk> wrote:

Good afternoon Peter,

B131

Dafydd V. Owen

From: Dafydd V. Owen
Sent: 29 May 2013 09:17
To: 'Patrick Geal'
Subject: RE: Land at [redacted] Glandwr, Dwyran

Mr Geal

We confirm this is fine with us. We are located in the Nova Cabins where the Planning Department is. Please ask in reception when you arrive.

Thanks
Dafydd

From: Patrick Geal [mailto:geal@talnary@hotmail.co.uk]
Sent: 29 May 2013 14:22
To: Dafydd V. Owen
Subject: RE: Land at [redacted] Glandwr, Dwyran

Thanks for the offer of a meeting.

I have spoken to Peter Rogers and I would like a meeting. I suggest 10am on Tuesday the 4th June.

Patrick Geal
[redacted]

From: DafyddVOwen@anglesey.gov.uk
To: [redacted]
Subject: Land at [redacted] Glandwr, Dwyran
Date: Wed, 29 May 2013 09:13:31 +0000

Mr Patrick Geal

I write with reference to your application to purchase the above land adjacent to your property.

We have been contacted by Councillor Peter Rogers who has made a few enquiries with regards to the process. We would suggest that we arrange a meeting with yourself and Councillor Rogers if you wish, at our offices to discuss any matter which you are concerned about.

We are free any time for a meeting apart from Friday 31st and Monday 3rd.

Regards
Dafydd Owen

Swyddog Prisio Cynorthwyol/Assistant Valuation Officer
Adran Eiddo/Property Department
Cyngor Sir Ynys Môn/Isle of Anglesey County Council
Ffon/tel: 01248 752245
Ebost/email: DafyddVOwen@anglesey.gov.uk

B132

DO 4

B133

Land adjacent to [redacted] Glandwr, Dyran

Meeting @ 10am between — Dylan Edwards 10AcC
4/6/2013 — [redacted] 10AcC
Peter Rogers Councillor
Mr Patrick Great purchaser

Mr Great Expressed concer regarding coxcil trying to impose terms after tender process had been completed. TDE explained that boundary responsibility is a standard ~~[illegible]~~ issue with all disposals. Mr Great also expressed concern that the legal documents sent by legal implied that 'garden only' restrictive covenant could extend to their property ie, no sheds of [redacted] Glandwr. TDE explained that 10Acc did not have the right to impose such terms and that we would comment legal to amend the documents

do

B134

DO 5

B135

From: Peter Rogers
Sent: 04 July 2013 17:03
To: D.Ddl V. Owen
[redacted]
Subject: RE: Land at Glan Dwr Dwyran Re Mr P Geal

Dear Mr Owen,

Your response is very puzzling. You have an offer for the land of £10,000 more than the under bidder. You had been advised by Planning that there was no chance of the Council building on the plot because it is on a flood plain. There was no tender document available, which could almost be seen as unlawful and yet you then accepted the tender bid and then for some reason attempted to put conditions on the sale which of course should have been on the tender document and would have of course made a significant difference to the final offer. We then had a very good meeting with Mr Geal in your office and which your notes of that meeting will show, that the sale would go on and almost £11000 would be paid into our funds. But again your letter would again moved the 'goal posts'. Surely you dont want Mr Geal after parting with £11000 to then open negotiations with you to lift the garden land restriction for a building footprint and parking area. Surely our conduct in the sale of this piece of land does not give any confidence that our word is to be trusted. There has to be some formal recording of the ability to be able to lift or apply to lift the restriction in the future. You notes will clearly show that Mr Geal fully accepted the 'claw back' provision. It was also noted that as the land was on a flood plain, the 'claw back' would be less as planning costs would be greater.

Regards
Peter

From: Dafydd V. Owen
Sent: 27 June 2013 09:48
To: Peter Rogers
Subject: RE: Land at Glan Dwr Dwyran Re Mr P Geal

Dear Councillor Rogers

Apologies for the delay in responding, I have been away on leave.

As discussed during the meeting, the land is to currently be sold as garden land in its entirety. If Mr Geal decides to build an extension to his current property in the future, which would require a piece of this land to facilitate the extension, then we will be open to begin discussions/negotiations to lift the garden land restriction on the area of land required ie building footprint and parking area as was discussed in the meeting.

Should you require any further information the please don't hesitate to contact me.

Regards
Dafydd Owen

Swyddog Prisio Cynorthwyol/Assistant Valuation Officer
Adran Eiddo/Property Department
Cyngor Sir Ynys Mon/Isle of Anglesey County Council
Ffon/tel: 01248 752245
Ebost/email: DafyddVOwen@anglesey.gov.uk

From: Peter Rogers
Sent: 24 June 2013 13:18

B136

To: Dafydd W. Owen
[redacted]
Subject: Land at Glan Llyn Llwyn Re Mr P Beal

Dear Dafydd
I have just seen the revised transfer plan for the above land and am concerned that clause 12.2 states again that the restriction to use the property solely as a private garden for the use of Glanclwr along with the restriction not to build or develop on the property remains in place. I am sure you will agree that the whole purpose of our meeting on the 4 June was over this very point and we fully accepted the 'Claw Back'
I would urge you to speak to Mr Tim Rhodes urgently to clarify the correct position and enable this matter to be concluded as soon as possible.
Regards

Peter

B137

Appendix 6

B138

Ombudsman
Ombwdsmon
PUBLIC SERVICES OMBUDSMAN FOR WALES
OMBWDSMON GWASANAETHAU CYHOEDDUS CYMRU

P.S.O.W.
10 FEB 2014
P.S.O.W.

WITNESS STATEMENT

Statement of: Dylan Edwards

Age if under 18: Over 18 (if over 18 insert 'over 18')

Occupation: Principal Valuation Officer.....

This statement (consisting of page(s) each signed by me) is true to the best of my knowledge and belief.

Signature: Date:

1. I Dylan Edwards, Principal Valuation Officer (Property Estates) at Isle of Anglesey County Council ("the Council") make this statement in support of a complaint made to the Ombudsman by the Chief Executive of the Council, Mr Richard Parry – Jones, concerning the conduct of Councillor Peter S Rogers, a member of the Council.

2. I initially became involved in the matter relating to the sale of land at Glandwr Estate, Dwyran, Llanfairpwlgwyngyll towards the end of 2011. I believe that this matter may have been on-going much earlier when my predecessor was involved; I did not have any involvement with the matter at that time.

3. Sometime towards the end of 2011, a member of my estates team, Dafydd Owen updated me on the ongoing issue of the application to purchase the land. I recall being aware that there would be possibly more than one interested party. I recall discussing him that the Council's policy in this situation is to openly advertise the potential sale; however, open marketing would not be required where only a small number of prospective purchasers may have an interest to make "purposeful use" of the land. Two such local landowners to the parcel of land were identified and Dafydd proceeded to

write to them. In this case the land at Glandwyr is neighboured by a large agricultural holding to the east, adjoins the end of a terraced residential property to the west and has a residential property to the north. I would therefore have advised Dafydd to write to the neighbouring residential landowners. Further interest was expressed by two parties, one being Mr Nigel Patrick Geal.

4. The Estates Department processes the sale of Council owned land on behalf of the Housing Department. We apply the Council's Asset Management Policy and Procedures, and advise on the appropriate method of disposal. In this situation when interest is expressed in the purchase of a parcel of land we make the initial enquiries as detailed above and would then notify the Housing Department to check whether they would be willing to sell. In this case the Housing Department responded that they were content to proceed but only if the land was sold with a condition for "garden use" only.

5. I can recall discussing this matter further with Dafydd whether given the size of the parcel of land the Council should consider developing this land itself. Dafydd then proceeded to make enquiries with the Council's architects who in turn consulted with the Planning Department, to see if the Council would be able to develop the plot itself. The response from the Planning Department was that it was in a flood plain and that it would not be considered as an individual stand-alone building plot. This process took some time to complete, and stopped the tender process whilst these options were considered.

6. Once all enquiries were completed Dafydd then proceeded with the informal tender process. This involved us writing to both parties giving them a time limit and an envelope to respond with prices for the land. The sealed envelopes were then returned and opened either by Highways or Legal Department as an independent section. A report is then completed and returned to our department for processing. I received the report initially and then distribute them back to the officer for processing; Mr Geal's tender was higher than the other one received. The Council's Asset Management Policy

and Procedures dictate that disposals at this level are decided by the Head of Service (Property) in consultation with the Local Member and the Portfolio Member informed. I attach as exhibit "DE 1" a copy of the letter sent to Councillor Rogers as the sole local member for the area at the time. This letter identifies the parcel of land to the interested parties. It gives them the opportunity to respond positively or negatively. It also states that if no response is received within a specified period that we will assume that the member does not have any comment to make. As far as I am aware Councillor Rogers did not respond to this consultation letter.

7. Both the successful and unsuccessful party would have been duly notified and the matter passed to the Council's solicitors to enable them to complete the transaction. The Estates Department involvement would generally cease at this point. We only become involved further where difficulties are encountered, as occurred in this case.

8. We subsequently became aware that there was a problem with the terms and conditions of sale being offered to Mr Geal and that Councillor Rogers was assisting him in his capacity as local member or possibly as an agent. Dafydd consulted with me about two issues. The first being the "garden use" only condition, this was clearly set out in the tender document. It was in all of the instructions with housing. The guide price that would have been sent with the tender was also indicative of the fact that it would be sold as "garden use" only. They were also concerned that the conditions of sale being imposed were also being imposed over the property attached to it, [redacted]Glandwr a property owned by Mr Geal. The second point was a concern about boundaries and the terms included about the responsibility for these boundaries. These issues halted the legal process and our department became involved to try to resolve the issues.

9. I spoke to Councillor Rogers about this matter on 24 May 2013, I attach as exhibit "DE 2" a copy of a contemporaneous handwritten note detailing our discussions. Councillor Rogers did not refer to his relationship with Mr Geal

and he did not declare an interest in the matter under discussion. Dafydd arranged for us to meet with Mr Geal and Councillor Rogers to discuss the issues further.

10. We met with them on 6 June 2013. During the meeting I showed them certain relevant documents on file; the instructions from Housing and a copy of the invitation to tender. I attach as exhibit "DE 3" a copy of the contemporaneous note made by Dafydd relating to the meeting. Councillor Rogers did not refer to his relationship with Mr Geal and he did not declare an interest in the matters under discussion at any point during the meeting. Mr Geal and Councillor Rogers appeared to accept the explanations provided and the issues seemed to be resolved.

11. Later that day a colleague alerted me to the fact that Mr Geal's daughter was married to Councillor Rogers' son .

12. I subsequently became aware that further communication was received from Councillor Rogers suggesting that the issues were still in contention. I have not had any further direct contact with Mr Geal or Councillor Rogers concerning this matter. However, I attach an email as exhibit "DE 4" on 17 July 2013 I sent to my line manager Mr Mike Barton seeking to update him on this matter.

13. To the best of my knowledge the transaction is yet to complete.

Signature:

Signature witnessed by:

AMANDA MOSTYN PARRY.

[redacted]

Case reference number: 201304118

B142

DE 1

B143

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 Ŷ Anglesey
LL77 7TW
(01248) 752300 f (01248) 724839
Gofynnwch am / Ask For : Mr Dafydd Owen
(01248) 752245
E-bost / E-mail: dvoht@ynysmon.gov.uk
Ein Cyf. / Our Ref DVO/45HE08000
Eich Cyf. / Your Ref

Cllr Peter Rogers
Bodrida
Brynsiencyn
Anglesey
LL61 6NZ

1st September 2011

Annwyl Cynghorydd Rogers

PAR: TIR WRTH [redacted]GLANDWR, DWYRAN

Amgaeaf fanylion sy'n ymwneud â gwerthiant yr uchod.

Hoffwn petaech cystal â chyflwyno unrhyw sylwadau a fo gennych ar y cais, ar y ffurflen amgaeedig, o fewn y 7 diwrnod nesaf. Os oes gennych unrhyw ymholiad peidiwch â phetruso i gysylltu â fi. Os byddwn heb glywed gennych yn yr amser yma, fyddai'n cymryd yn ganiataol eich fod yn cefnogi'r cais a dim sylwadau i'w gwneud.

Yr eiddoch yn gywir,

Dear Councillor Rogers

RE: LAND ADJACENT TO [redacted]GLANDWR, DWYRAN

Please find enclosed details in respect of the disposal of the above.

I should be obliged to receive any observations you may wish to make on the application, on the attached form, within the next 7 days. If you have any queries please do not hesitate to contact me. Should I not hear from you within this time period I will assume that you support the application and do not have any comments to make.

Yours sincerely,

DVO

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

2 letters

B144

CAIS AM GWERTHU EIDDO Y CYNGOR SIR

APPLICATION FOR SELLING COUNTY COUNCIL PROPERTY

Eiddo: Tir wrth [redacted] Glandr, Dwyran
Property: Land adjacent to [redacted] Glandwr, Dwyran

Ymgeisydd: [redacted]
Applicant: Mr Patrick Geal, [redacted]

Defnydd: Tir garddio ychwanegol
Use: Additional garden land

Sylwadau: Adran Tai gyda dim gwrthwyneblad i'r gwerthiant
Observations: Housing Department has no objections to the disposal

SYLWADAU'R AELOD LLEOL/LOCAL MEMBER'S OBSERVATIONS

* Cymeradwyaf y cais/I support the application
* Nid wyf yn cymeradwyo y cais/I do not support the application
(* dileer fel y bo'n briodol/delete as necessary)

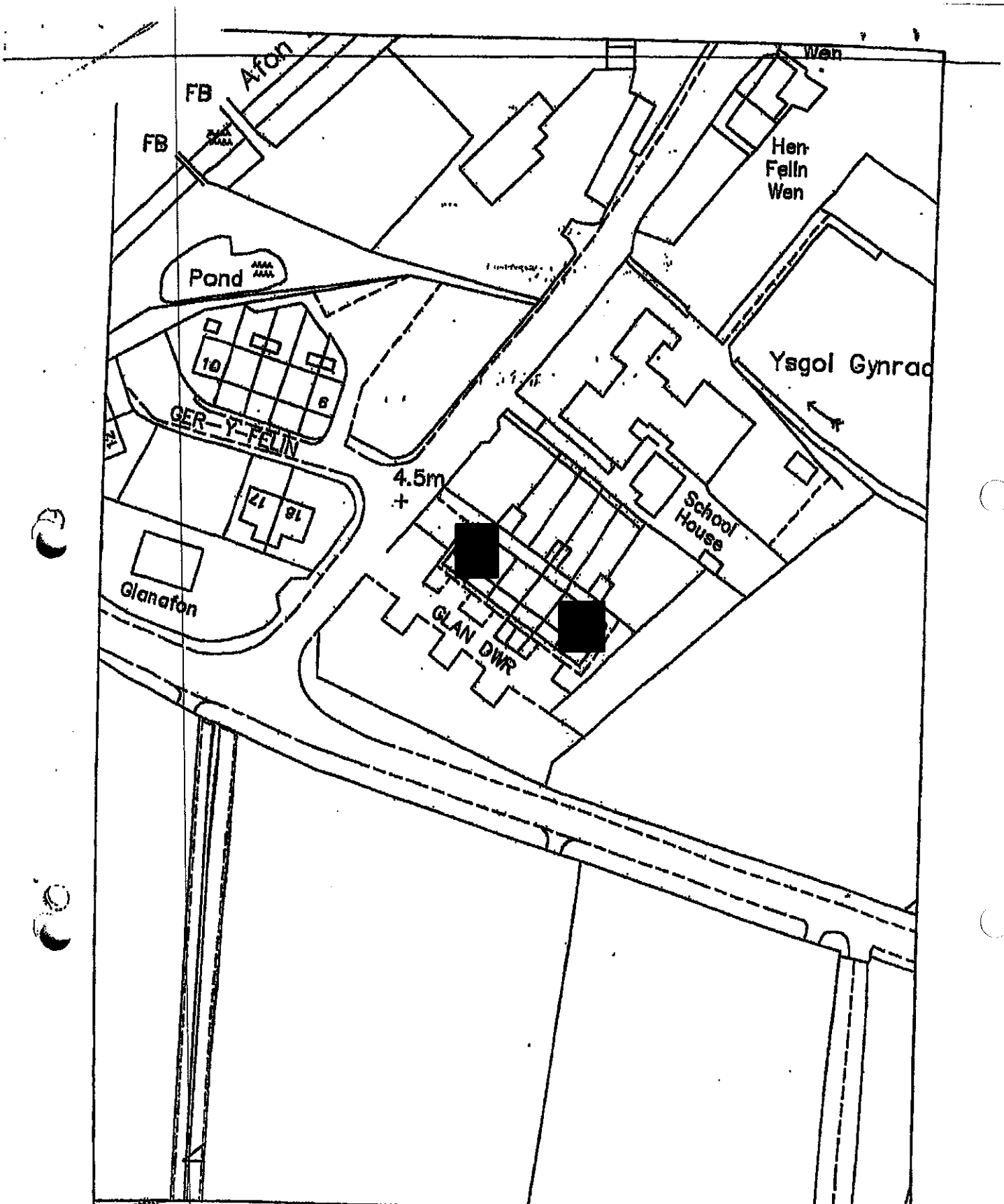
Sylwadau pellach:
Further observations:

Llofnod:
Signature:

Dyddiad:
Date:

Cyf: DVO/45HE08000
Ref:

B145



CYNGOR SIR
YNYS MÔN
ISLE OF ANGLESEY
COUNTY COUNCIL

GWASANAETHAU EIDDO
PROPERTY SERVICES

PROPERTY REF.
45HE08000

SCALE
1/1000

DATE
Sept. 2011

Glandwr Estate, Dwyran

B146

DE 2

B147

T Dylan. Edwards

From: Mandy M. Parry
Sent: 24 May 2013 09:53
To: T Dylan. Edwards
Subject: galwad ffôn

Peter Rogers yn gofyn am air y.ā gwarthlant tl[redacted] Glandwr, Bwytan [redacted]

dialch

Spoke to the Records.

He is concerned about the "new" conditions and hours involved etc.

1) Reinstatement to pre-change.
2) Opted out own Pension.

I told him we would look into this for him, speak to Lorna and then him and Rhodesy (Rhodri Mann) to arrange a meeting.

I have looked at the file and it is stated that "Standard Line only" and that the Pensions team should deal with the pension matter.

Mandy. 24/5/2013

B148

DE 3

B149

Land adjacent to [redacted] Glandwr, Dyran

Meeting @ 10am between Dylan Edwards 10AcC
4/6/2013 Dafydd Owen 10AcC
Peter Rogers Councillor
Mr Patrick Geal purchaser

Mr Geal Expressed concer regarding Cyngil trying to impose terms after tender process had been completed. TDE explained that boundary responsibility is a standard ~~terms~~ issue with all disposals. Mr Geal also expressed concern that the legal documents sent by legal implied that 'garden only' restrictive covenant could extend to their property ie, the shed at [redacted] Glandwr. TDE explained that 10AcC did not have the right to impose such terms and that we would contact legal to amend the documents

DO

B150

DE 4

B151

Mike,

I have personally reviewed the file and chaired an informal meeting in my office with Cllr Rogers, Mr Geal and Dafydd regarding this matter. The meeting went well and everyone was in amicable agreement at conclusion.

The main issue raised in the meeting was that the wording in the draft transfer document implied that a 'garden only' restriction was to be applied to the existing garden of number [redacted] Glandwr. This was clarified in the meeting that the restriction would only apply to the land being purchased along with clarification about boundary responsibility detail.

It was pointed out to Mr Rogers and Mr Geal that both our instructions from Housing and the forms of tender referred to the restricted 'garden only' use clause and that the tender was accepted on this basis. I went into further detail with Mr Geal about the possible future lifting of the said restriction for a premium, but that this was dependant on Planning Permission and the extent of the land he wished to develop (the footprint of the approved development).

This was all discussed and agreed at the meeting. Cllr Rogers email (dated 4th July) was received 'out of the blue' and the [redacted]ues seem to pre-date what was agreed at this meeting. No 'goal posts' have been moved and I'm concerned about [redacted] accusations being made.

For information; Mr Rogers was consulted on this as local member and it has since come to light that he is related to the applicant.

The only options available are:

1. Mr Geal accepts the offer available as per the informal tender.
2. He withdraws and we sell to the second highest tenderer. Mr Rogers has not been informed of the second tender price formally (but he is using this information in his argument).
3. We retain the land.

Dylan

From: Mike Barton
Sent: 17 July 2013 16:00
To: T Dylan. Edwards
Subject: FW: Land at Glan Dwr Dwyran Re Mr P Geal

[redacted]ylan,
Could you review the following please and advise on the background and best way forward. There are clearly some documents to refer to – tender document, notes of meeting, heads of terms, etc. Has the valuation been determined on the basis of garden use only?
Thanks, Mike

From: June Williams
Sent: 17 July 2013 14:06
To: Mike Barton
Subject: FW: Land at Glan Dwr Dwyran Re Mr P Geal

Mike

Please see attached emails below between Cllr. Peter Rogers and Dafydd V Owen in relation to the above.

I would be grateful if you would please ensure that this matter is dealt with appropriately and in a timely manner.

B152

Diolch,
June (on behalf of Bethan Jones)

From: Bethan H. Jones
Sent: 17 July 2013 13:59
To: Bethan Jones
Subject: FW: Land at Glan Dwr Dwyran Re Mr P Geal

Bethan Hywel Jones,
Rheolwr Uned Cefnogi Teuluoedd/Supporting Families Unit Manager,
Uned 1/Unit 1,
Canolfan Busnes Mon / Anglesey Business Centre,
Parc Busnes Bryn Cefni Business Park,
Llangefni, Ynys Mon.
LL77 7XA
Ffon: 01248751911
E-bost/email: BethanH.Jones@ynysmon.gov.uk

From: Peter Rogers
Sent: 17 July 2013 12:03
To: Bethan H. Jones
Subject: FW: Land at Glan Dwr Dwyran Re Mr P Geal

Dear Ms Jones
This matter has now been ongoing for over 12 months I would appreciate any support you could give to bring it to some sought of conclusion for everyones sake.
Regards
Peter

From: Peter Rogers
Sent: 04 July 2013 17:03
To: Dafydd V. Owen
[redacted]
Subject: RE: Land at Glan Dwr Dwyran Re Mr P Geal

Dear Mr Owen.
Your response is very puzzling.You have an offer for the land of £10,000 more than the under bidder.You had been advised by Planning that there was no chance of the Council building on the plot because it is on a flood plain.There was no tender document available, which could almost be seen as unlawful and yet you then accepted the tender bid and then for some reason attempted to put conditions on the sale which of course should have been on the tender document and would have of course made a significant difference to the final offer.We then had a very good meeting with Mr Geal in your office and which your notes of that meeting will show, that the sale would go on and almost £11000 would be paid into our funds.But alas,in your last E-mail you again moved the 'goal posts'.Surely you dont want Mr Geal after parting with £11000 to then open negotiations with you to lift the garden land restriction for a building footprint and parking area.Surely our conduct in the sale of this area of land does not give any confidence that our word is to be trusted.There has to be some formal recording of the ability to be able to lift/or apply to lift the restriction in the future.You notes will clearly show that Mr Geal fully accepted the 'claw-back' provision.It was also noted that as the land was on a flood plain,the 'claw back' would be less' as planning costs would be greater.
Regards
Peter

B153

Appendix 7

P.S.O.W.
30 JAN 2014
P.S.O.W.

Ombudsman
Ombwdsmon
PUBLIC SERVICES OMBUDSMAN FOR WALES
OMBWDSMON GWASANAETHAU CYHOEDDUS CYMRU

WITNESS STATEMENT

Statement of: Paul Lloyd Jones

Age if under 18: Over 18 (if over 18 insert 'over 18')

Occupation: ...Housing Officer.....

This statement (consisting of page(s) each signed by me) is true to the best of my knowledge and belief.

Signature: PJones Date: 29/1/2014

I Paul Lloyd Jones, Housing Officer with the Housing Department of Isle of Anglesey County Council ("the Council") make this statement in support of a complaint made to the Ombudsman by the Chief Executive of the Council, Mr Richard Parry – Jones, concerning the conduct of Councillor Peter Standing Rogers, a member of the Council.

I began working for the Council in April 2013. On 22 May 2013 I was asked by the Head of Housing, Shan Williams to attend a site visit in Dwyran. I believe that Shan Williams was meeting Councillor Peter Rogers at a new building site nearby and I was asked to join them afterwards at the Glandwr Estate. Prior to this time I had not met or had any contact or communication with Councillor Rogers.

I was introduced to Councillor Rogers who I understand is the local member for the area and we discussed a number of other housing related issues with him and Stephen Pritchard, Maintenance Officer was also asked to attend. Issues were raised about the parking bays in the area, ongoing repair to properties and the local farmers' access to the neighbouring field.

Case reference number: 201304118

During our discussions Councillor Rogers said that there was an ongoing issue with the sale of the piece of land adjoining the last property of the row [redacted]landwr. He explained that the people who owned the property had submitted a request some time ago to purchase the land in order to extend their garden, he mentioned that there were delays and that the parties involved had not heard anything from the officers. He said that he felt that the delay was embarrassing. I did not have any knowledge of this matter and did not have any information to hand but offered to make enquiries for Councillor Rogers when I returned to the office. I was advised by Shan Williams that Dylan Edwards would be the appropriate person to contact. I did not prepare a contemporaneous note of my attendance at the time.

When I returned to the office I emailed Dylan Edwards detailing the discussions with Councillor Rogers. I attach as exhibit "PLJ 1" a copy of an email I sent to Councillor Rogers on 23 May 2013 detailing the response received from Dylan Edwards to my enquiries.

I continued to correspond with Councillor Rogers concerning the other unrelated issues on the estate over the following weeks. The issue of the piece of land adjoining 6 Glandwr was only referred to in a further email on 19 July 2013, I forwarded the query to Dylan Edwards and once again advised Councillor Rogers of the response received. I attach as exhibit "PLJ 2" a redacted version of the email thread.

Signature:

Signature witnessed by:

Case reference number: 201304118

PLJ 1

Dafydd V. Owen

From: T Dylan. Edwards
Sent: 29 May 2013 09:16
To: Dafydd V. Owen
Subject: [redacted] Glandwr Dwyran

From: Paul Lloyd Jones
Sent: 29 May 2013 09:11
To: T Dylan. Edwards
Subject: FW: [redacted]landwr Dwyran

Please see reply from Cllr Rogers

From: Peter Rogers
Sent: 28 May 2013 10:02
To: Paul Lloyd Jones
Subject: Re: [redacted] Glandwr Dwyran

Dylan should be aware that he needs to respond to the Client but I am more than happy to help.I am sure he needs to resolve this by return so serious are the consequences of any further delay.

Thanks

Peter

On 23 May 2013, at 15:13, "Paul Lloyd Jones" <PaulLloydJones@anglesey.gov.uk> wrote:

Good afternoon Peter,

Following our meeting at Glandwr yesterday, I have made some enquiries with Dylan Edwards, Principal Valuation Officer, with regards to the sale of the land adjacent to [redacted]landwr.

Due to the amount of work already carried out with regards to this sale, Dylan has said he would contact you and answer any queries you may have.

If you have any other queries regarding council owned dwellings, please feel free to contact me direct.

Thanks

Paul Jones
Swyddog Rheoli Tai / Housing Management Officer
Gwasanaethau Tai / Housing Services
Cyngor Sir Ynys Môn / Isle of Anglesey County Council
Ffôn / Phone : 01248 752298
www.ynysmon.gov.uk / www.angelsey.gov.uk

Jones 29/1/2014

PLJ 2

Paul Lloyd Jones

From: Paul Lloyd Jones
Sent: 19 July 2013 15:34
To: Peter Rogers
Cc: Shan Lloyd. Williams; Bethan Jones
Subject: FW: Telephone Call

Afternoon Peter,

Please see the reply from Dylan with regards to the sale of land.

From: T Dylan. Edwards
Sent: 19 July 2013 15:28
To: Paul Lloyd Jones
Cc: Dafydd V. Owen
Subject: RE: Telephone Call

I assume you mean the land adjacent to [redacted]landwr?

Terms have been offered, but they are not agreed as far as I am aware. The matter was being reviewed by Mike Barton earlier this week. There is a dispute as the purchaser is of the opinion he tendered for the land without a restriction on development (but this is clearly included in the form of tender).

I will keep you informed of any developments.

Dylan

From: Paul Lloyd Jones
Sent: 19 July 2013 15:20
To: T Dylan. Edwards
Subject: FW: Telephone Call

Hi, do you have any news on the proposed sale of land in Dwyran?

Thanks

From: Peter Rogers
Sent: 19 July 2013 15:15
To: Paul Lloyd Jones
Cc: Bethan Jones; Shan Lloyd. Williams
Subject: RE: Telephone Call

#11

Paul

I am afraid there does not appear to be any progress over the sale of the land.

Regards

Peter

Jones 29/1/2014

Appendix 8

Ombudsman
Ombwdsmon
PUBLIC SERVICES OMBUDSMAN FOR WALES
OMBWDSMON GWASANAETHAU CYHOEDDUS CYMRU

WITNESS STATEMENT

P.S.O.W.
0 6 MAR 2014
P.S.O.W.

Statement of: Beryl Jones

Age if under 18: Over 18 (if over 18 insert 'over 18')

Occupation: ...Customer Care Officer.....

This statement (consisting of 2 pages each signed by me) is true to the best of my knowledge and belief.

Signature: B Jones Date: 5/3/14

I Beryl Jones, Customer Care officer at Isle of Anglesey County Council ("the Council") make this statement in support of a complaint made to the Ombudsman by the Chief Executive of the Council, Mr Richard Parry – Jones, concerning the conduct of Councillor Peter Standing Rogers, a member of the Council.

As part of my role I deal with corporate complaints and access to information requests.

In August 2012 Councillor Rogers submitted a complaint to the Council under the terms of the corporate complaints policy using the standard complaints form. This complaint was passed to me as the Customer Care officer, I attach as exhibit "BJ 1" a copy of the form received. Complaints from members are not generally submitted in this way, elected members usually follow alternative routes if they have concerns about council services on behalf of a constituent. I understand that Councillor Rogers was pursuing a number of issues concerning the Glandwr Estate with the Housing department and Chief Executives' office around this time and think he became aware of this procedure and decided to follow it also.

Case reference number: 201304118

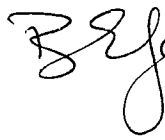
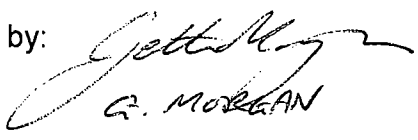
I registered the complaint and sent it to the appropriate services seeking a response to the issues raised. I emailed Dafydd Owen within the Estates section as the concerns raised related to the delays encountered by Mr Patrick Geal in the purchase of a parcel of land, and attach as "BJ 2" a copy of that email and the responses received.

Having received Dafydd's response I was able to put together a letter of response. I sent a draft version of this to Dafydd to check that I had conveyed the position correctly and attach a copy of this email exchange at "BJ 3". The response to the complaint which was sent to Councillor Rogers is attached at exhibit "BJ 4".

A copy of the complaint satisfaction form, which the Council used at that time, was sent with the response to Councillor Rogers. Councillor Rogers completed this form and returned it to me on 10 October 2013, a copy of this is attached at "BJ 5". At that time the Corporate Complaints Procedure was such that we could have convened a stage 2 panel to consider the complaint, but in this case we decided to go back and try to get a better response for Councillor Rogers. I attach as exhibit "BJ 6" a copy of the additional response provided to Councillor Rogers.

I did not have any direct communication with Councillor Rogers on this specific issue after this. I believe that Councillor Rogers continued to pursue this issue together with a number of others relating to the Glandwr Estate with the Head of Housing.

Although, I am now aware that Councillor Rogers has a close personal connection with Mr Geal, I was not aware at the time. Councillor Rogers did not refer to any connection or make a formal or informal declaration to me whilst I was in written communication with him in connection with his concerns about Mr Geal's purchase of the parcel of land.

Signature:  Signature witnessed by: 

Case reference number: 201304118

BJ 1

CYNGOR SIR
YNYS MÔN
ISLE OF ANGLESEY
COUNTY COUNCIL

ADAIN GYFREITHIOL

2 3 AUG 2012

LEGAL SECTION

Y Weithdrefn Gwyno a Chanmoliaeth Gorforaethol

The Corporate Complaints and Compliments Procedure

AT: SWYDDOG GOFAL CWSMER (SGC)
TO: CUSTOMER CARE OFFICER (CCO)

CWYN YW: Mynegiant o anfodlonrwydd ynghylch gwasanaeth y Cyngor, sef anfodlonrwydd y mae angen ymateb iddo pan fo'r anfodlonrwydd heb ei ddatrys yn y pwynt cyswllt a dim trefn apelio arall ar gael neu pan fo trefn apelio arall wedi ei llwyr ddefnyddio.
SYLWER: Y pwynt cyswllt yw'r Swyddog sydd wedi bod yn ymwneud â'r mater y cwynir yn ei gylch neu oruchwyliwr.

A COMPLAINT IS: An expression of dissatisfaction with a Council service which requires a response, which has not been resolved at the point of contact and for which there is no alternative appeal procedure or where the alternative appeal procedure has been exhausted.
N.B. The point of contact shall mean the officer who has had conduct of the matter which is the subject matter of the complaint, or a supervisor.

FFURFLEN GWYNO

COMPLAINT FORM

MATH O GWYN TYPE OF COMPLAINT	PERSONOL PERSONAL	YSGRIFEN WRITTEN	AELOD MEMBER	RHYNGRWYD INTERNET	FFÔN PHONE

ENW'R ACHWYNYDD
COMPLAINANT'S NAME Peter S. Rogers

CYFEIRIAD
ADDRESS Bodrina
Bryn Siencyn
Anglesey
LL61 6NZ

RHIF FFÔN
TELEPHONE NUMBER [redacted]

CYFEIRIAD E.BOST
E.MAIL ADDRESS peterrogers@anglesey.co.uk

SWYDDOG/AELOD DDERBYNIODD Y GWYN
OFFICER/MEMBER WHO RECEIVED THE COMPLAINT _____

DYDDIAD DERBYN
DATE RECEIVED _____

AMSER DERBYN
TIME RECEIVED _____

DYDDIAD DERBYN Y GWYN GAN Y SGC (os yn wahanol i'r uchod)
DATE RECEIVED BY CCO (if difference to the above) _____

DYDDIAD CYDNABOD DERBYN Y GWYN
DATE OF ACKNOWLEDGEMENT OF RECEIPT OF COMPLAINT _____

NATUR Y GWYN
NATURE OF COMPLAINT Unacceptable response to my letter in May. No apology on behalf of Pin staff for ignoring my letter to Head of Housing dated 29 march. For taking no action on the E-mail making reference to myself, which was not true, to one of my constituents. Complete failure to instruct staff to response to my concerns raised in the letter to the Head of Housing. Failure To instigate disciplinary proceedings against the staff involved
Copies of letter attached

LLOFNOD YR ACHWYNYDD
SIGNATURE OF COMPLAINANT Peter S. Rogers

DYDDIAD
DATE 17 August 2012

Mr R Parry Jones

Chief Executive

Isle of Anglesey County Council.

Dear Mr Richard Parry Jones

Enclosed copy E-mails which have not been resolved and 1 of which relates to my self regarding a 'consultation with the local member' which is just not true. I would suggest this shows nothing but contempt to my constituent.On the 29 March I wrote to Ms Lloyd Williams Head of Housing raising concerns about the E- mail and problems on the Glandwr Estate which has neither been acknowledged or responded to.I understand because of the work load, the earliest I can make an appointment to resolve this matter is 14 days.Please note the date of the first E- email is the 11 September.

I would be very grateful for your early intervention, so that both Mr Geal and I can have a full response.

Yours Sincerely,

Peter Rogers

CYNGOR SIR
YNYS MÔN
ISLE OF ANGLESEY
COUNTY COUNCIL

RICHARD PARRY JONES, M.A.
Prif Weithredwr
Chief Executive

CYNGOR SIR YNYS MÔN
ISLE OF ANGLESEY COUNTY COUNCIL
Swyddfa'r Sir
LLANGEFNI
Ynys Môn - Anglesey
LL77 7TW

Gofynnwch am - Please ask for: Carol Roberts

ffôn / tel (01248) 752102 ffacs / fax (01248) 750839

E-Bost - E-mail: rpjed@ynysmon.gov.uk
Ein Cyf - Our Ref. RPJ/CR
Eich Cyf - Your Ref.

Councillor Peter Standing Rogers
Bodrida
BRYNSIENCYN
Ynys Môn
LL61 6NZ

25 May 2012

Dear Councillor Rogers,

GLANDWR ESTATE, DWYRAN

The parcel of land in question forms a part of Glandwr Estate in Dwyran and falls under the ownership of the Housing Department. Please note that the parcel of land has been the subject of interest from potential purchasers, including Mr Geal, since the autumn of last year. These applications to purchase were received and dealt with by colleagues in Property Services.

Following due consideration, Housing Services confirmed that there was no objection in principle to the proposed sale of surplus land at Glandwr.

As part of the consultation process, and before any formal agreement to sell the land was made, Property Services sought the views of the Planning Department before proceeding any further. Subsequently, Planning confirmed that existing policy allows for a single plot within or on the edge of a settlement, subject to usual development control criteria.

Following a meeting between officers of Housing and Property held on 27th April, 2012 the following actions were agreed:

- The Council would seek Planning Permission for a single dwelling on the surplus parcel of land prior to any future disposal. In this respect, Housing Services will instruct the Council's Design Team to prepare an outline planning application during the course of this week.
- Property Services will notify all applicants that no further action will be taken until such time as the proposed planning application has been approved or refused. The original applicants are to be kept informed of developments.

I trust the above clarifies the current position in connection with this parcel of land.

Yours sincerely,

Richard Parry Jones

Richard Parry Jones
Chief Executive

CYNGOR SIR
YNYS MÔN
ISLE OF ANGLESEY
COUNTY COUNCIL

Pochida
Bryngleneyn.
29.3.12.

Shan Lloyd Williams
Head of Housing Services.

CYNGOR SIR YNYS MÔN
ISLE OF ANGLESEY COUNTY COUNCIL
2012

Dear Ms. Williams,

Re - Glandwr Estate Dwyran.

There are a few ongoing problems regarding this Estate. A few years ago we repaired the slub walls at the front of the houses caused by certain residen parking on the grass, unfortunately further damage has again been caused and I understand that we are nc again going to carry our repairs. I am sure you will agree that the offenders must be warned that vehicle must not be parked on the grass as there is adequa parking not only in the parking bays but also in a ca park across the road.

There is also problems with an area of land adjace to the estate which is being used as a dumping grou for rubbish and also in some circumstances as an access to an adjacent field with vehicles, If we need to retain this land notices need to be erected to prohibit use by vehicles.

I enclose copies of E-mails regarding the purchase of

which I am unaware of. I am sure that Mr. Geoff deserves a final response as the last e-mail is dated as far back as November 2011.
your officers are also dealing with a tenant BST Mgt whose behaviour is not acceptable

Yours sincerely
Peter S. Rogers.

Rob addressed issues + spoken to Cllr Rogers.

BJ 2

DAFYDD OWEN - RE: Tender for land at [redacted]Glandwr, Dwyran

From: Beryl Jones <BerylJones@anglesey.gov.uk>
To: "Dafydd V. Owen" <DVOHT@anglesey.gov.uk>
Date: 22/08/2012 10:25
Subject: RE: Tender for land at [redacted]Glandwr, Dwyran

Diolch yn fawr.

Beryl

From: DAFYDD OWEN [mailto:DVOHT@anglesey.gov.uk]
Sent: 22 August 2012 10:20
To: Beryl Jones
Subject: RE: Tender for land a[redacted]landwr, Dwyran

Hi Beryl

Wedi cael golwg ar y ffeil bore ma a dwin cadarnhau y canlynnol:

September 1st 2011 - letter sent to both applicants informing them that likely method of disposal would be tender, subject to Local Member, Portfolio Member and Head of Service consultations. A letter was sent to Local Member Peter Rogers on the same day providing him with 7 days to give his observations. No response received.

September 9th 2011 - letter sent to Cllr Bob Parry the Portfolio Member providing 7 days to give observations. Reply received 14th September saying he supported the application.

October 2011 - Enquiries made with Planning Department to ascertain whether the land would be suitable as a building plot. Reply received 3rd November confirming that there might be potential for building plot. Details then passed on to Housing for their observations. Mr Geal informed by e-mail 9th December that there would be a delay in the process due to further enquiries being made about the land.

23rd May 2012 - Housing confirmed that outline planning permission should be sought before any further sale negotiations, and asked the Property Department (Architects) to prepare a planning application on their behalf. Both applicants informed of the decision by letter the same date.

Environment agency subsequently confirmed that land is in a flood risk area, and that it would be difficult to obtain planning permission. The application is to therefore proceed as before between both interested parties. We currently have an ongoing query with the Legal Section before we can progress with preparing the tender documents, once this is sorted out we will contact the applicants accordingly.

I trust this is of assistance to you, however should you require any further information then please don't hesitate to contact me.

Regards
Dafydd
2245

>>> Beryl Jones <BerylJones@anglesey.gov.uk> 21/08/2012 16:25 >>>
Diolch – ydy'n bosib I chdi ffonio fi plis – un neu ddau gwestiwn cyn y medraf ynateb I PR.

Diolch

Beryl
2588

From: DAFYDD OWEN [mailto:DVOHT@anglesey.gov.uk]
Sent: 21 August 2012 16:23
To: Beryl Jones
Subject: Re: Tender for land a[redacted]landwr, Dwyran

Beryl

Mi rydym wedi derbyn dau gais i brynnu tir wrth yr uchod. Mi gafodd o i'w ohurio gan fod yr adran tai yn gweld potensial am ganiatad cynllunio yno. Wedi derbyn cyngor pellach, mae wedi dod i'r fai gan yr asiantaeth amgylchedd fod y tir mewn ardal sydd o dan fygwth am llifogydd. Mi rydym felly am barhau i gynnig y tir tender rhwng a ddau barti gwreiddiol. Mi geith y dogfennau priodol i'w gyrru allan cyn diwedd yr wythnos.

Diolch
Dafydd

>>> Beryl Jones <BerylJones@anglesey.gov.uk> 21/08/2012 16:00 >>>
Dafydd,
Wedi cael cwyn gan y Cyngh Peter Rogers ynglyn a'r uchod.

Oes modd i chi adael i mi wybod beth yw'r sefyllfa diweddaraf plis?

Diolch

Beryl

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Mae'r neges e-bost hon a'r ffeiliau a drosglwyddyd ynghlwm gyda hi yn gyfrinachol ac efallai bod breintiau cyfreithiol ynghlwm wrthynt. Yr unig berson sydd 'r hawl i'w darllen, eu copio a'u defnyddio yw'r person y bwriadwyd eu gyrru nhw ato. Petaech wedi derbyn y neges e-bost hon mewn camgymeriad yna, os gwelwch yn dda, rhowch wybod i'r Rheolwr Systemau yn syth gan ddefnyddio'r manylion isod, a pheidiwch datgelu na chopio'r cynnwys i neb arall.

Mae cynnwys y neges e-bost hon yn cynrychioli sylwadau'r gyrrwr yn unig ac nid o angenrheidrwydd yn cynrychioli sylwadau Cyngor Sir Ynys Mon. Mae Cyngor Sir Ynys Mon yn cadw a diogelu ei hawliau i fonitro yr holl negeseuon e-bost trwy ei rwydweithiau mewnol ac allanol.

****

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Mae cynnwys y neges e-bost hon yn cynrychioli sylwadau'r gyrrwr yn unig ac nid o angenrheidrwydd yn cynrychioli sylwadau Cyngor Sir Ynys Môn. Mae Cyngor Sir Ynys Môn yn cadw a diogelu ei hawliau i fonitro yr holl negeseuon e-bost trwy ei rwydweithiau mewnol ac allanol.

This email and any files transmitted with it are confidential and may be legally privileged. They may be read copied

BJ 3

DAFYDD OWEN - Re: Cwyn gan Y Cyngh. Peter Rogers - Dwyran Estate

From: DAFYDD OWEN
To: Jones, Beryl
Date: 06/09/2012 12:11
Subject: Re: Cwyn gan Y Cyngh. Peter Rogers - Dwyran Estate

Hi Beryl

Ma hwn yn edrych yn iawn o'n rhan i. Un newidiad bychan, June 2012 a nid September 2012 wnaeth yr Asiantaeth Amgylchedd gadarnhau fod y tir mewn 'flood risk area'.

Diolch
Dafydd

>>> Beryl Jones <BerylJones@anglesey.gov.uk> 06/09/2012 11:48 >>>
Gweler ynghlwm ateb i'r gwyn a dderbynlwyd 20.8.12 –

Oes modd I chi edrych dros y llythyr a cadarnhau eich bod yn hapus gyda'r cynnwys.

Diolch

Beryl

This email and any files transmitted with it are confidential and may be legally privileged. They may be read copied and used only by the intended recipient. If you have received this email in error please immediately notify the system manager using the details below, and do not disclose or copy its contents to any other person.

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Mae cynnwys y neges e-bost hon yn cynrychioli sylwadau'r gyrrwr yn unig ac nid o angenrheidrwydd yn cynrychioli sylwadau Cyngor Sir Ynys Mon. Mae Cyngor Sir Ynys Mon yn cadw a diogelu ei hawliau i fonitro yr holl negeseuon e-bost trwy ei rwydweithiau mewnol ac allanol.

BJ 4

ADRAN RHEOLWR GYFARWYDDWR/
DEPARTMENT OF THE MANAGING DIRECTOR

LYNN BALL LL.B., (Hons.)Cyfreithiwr/Solicitor
CYFARWYDDWR GWASANAETHAU CYFREITHIOL A PHWYLLGORAU/SWYDDOG MONITRO / DIRECTOR OF LEGAL AND COMMITTEE SERVICES / MONITORING OFFICER

CYNGOR SIR YNYS MON /
ISLE OF ANGLESEY COUNTY COUNCIL
Swyddfa'r Sir / Council Offices
LLANGEFNI
Ynys Môn / Anglesey
LL77 7TW

DX: 701771 – LLANGEFNI

ffôn / tel: (01248) 752588
ffacs / fax: (01248) 752132

E-Bost – E-mail: bjxcs@anglesey.gov.uk

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Eich Cyf – Your Ref.

Cllr. Peter S. Rogers,
Bodrida,
Brynsiencyn,
Anglesey,
LL61 6NZ.

06.09.12

Dear Cllr. Rogers,

CORPORATE COMPLAINTS AND COMPLIMENTS PROCEDURE – letter to the Chief Executive in May 2012 re: Glandwr Estate, Dwyran.

Further to your complaint dated 17th August 2012, I have made enquires and can now respond in full.

I will deal with each point made on the complaint form individually:-

1. **No apology on behalf of staff for ignoring your letter of 29.3.12.**

Your letter dated 29.3.12 concerning the Glandwr Estate in Dwyran made reference to a stub wall, a tenant whose behaviour is not acceptable and an area of land adjacent to the estate.

I am advised that there is a note on file that you spoke to Mr Rob Trystan Owen on 4.4.12 and he explained to you that he had been to visit the estate following receipt of your letter and that he had explained the situation to you as regards the tenant and the stub wall.

To provide you with an update, Mr Owen advised that the situation as regards the tenant continues to be monitored and the car park / stub wall is to be repaired in the near future.

As regards the plot of land adjacent to the estate and Mr Geal's offer to purchase the land following a review of the file in this matter I would report as follows:-

September 1st 2011 - letter sent to both applicants informing them that likely method of disposal would be tender, subject to Local Member, Portfolio Member and Head of Service consultations. A letter was sent to yourself as the Local Member on the same day providing you with 7 days to give your observations but there is no record of a response on file.

September 9th 2011 - letter sent to Cllr Bob Parry the Portfolio Member providing 7 days to give observations. Reply received 14th September saying he supported the application.

October 2011 - Enquiries made with Planning Department to ascertain whether the land would be suitable as a building plot. Reply received 3rd November confirming that there might be potential for building plot. Details then passed on to Housing for their observations. Mr Geal informed by e-mail 9th December that there would be a delay in the process due to further enquiries being made about the land.

23rd May 2012 - Housing confirmed that outline planning permission should be sought before any further sale negotiations, and asked the Property Department (Architects) to prepare a planning application on their behalf. Both applicants informed of the decision by letter the same date.

September 2012 - Environment agency subsequently confirmed that land is in a flood risk area, and that it would be difficult to obtain planning permission. The application is to therefore proceed as before between both interested parties. We currently have an ongoing query with the Legal Section before we can progress with preparing the tender documents, once this is sorted out we will contact the applicants accordingly.

2. No action taken on the e-mail making reference to yourself

As noted above, a letter was sent to you, as the Local Member on 1.9.11 asking for your observations on the sale of the land.

3. Complete failure to instruct staff to respond to your concerns

It is accepted that no formal acknowledgement was sent to your letter dated 29.3.12 but as is noted above, action was taken on the concerns expressed in your letter.
On receipt of your letter in May, the Chief Executive sent a Memorandum to the Head of Service – Housing dated 22.5.12 requesting that she investigate the matter. A response was subsequently sent to you dated 25.5.12.

4. Failure to instigate disciplinary proceedings against staff involved

From the information received, there do not appear to be any failings that would warrant the instigation of disciplinary proceedings.

I trust that the above fully explains the situation and that you can see that your concerns have been addressed.

If your Complaint is now resolved please inform me and also complete the enclosed questionnaire and return in the envelope provided.

If you continue to be dissatisfied with this initial response to your Complaint and you wish to take your Complaint to the next stage (Stage 2) you need to indicate that in writing to me within the next 15 working days. If I do not hear from you within that period I shall therefore assume that the matter is complete and I shall close my file.

Yours sincerely

Beryl Jones
Customer Care Officer

BJ 5

Y WEITHDREFN GWYNO A CHANMOLIAETH GORFFORAETHOL
THE CORPORATE COMPLAINTS & COMPLIMENTS PROCEDURE

HOLIADUR/QUESTIONNAIRE

10 OCT 2012

I'W GWBLHAU GAN Y SWYDDFA
TO BE COMPLETED BY THE OFFICE

ENW'R ACHWYNYDD
NAME OF COMPLAINANT Cllr. P. S. Rogers

CYFEIRIAD
ADDRESS Bolrhdc, Brynsiencyn, LL61 6NZ.

Y GWASANAETH(AU) Y CYFEIRIWYD Y GWYN IDDI
THE SERVICE(S) TO WHICH THE COMPLAINT WAS REFERRED

Housing / Property

ENW'R SWYDDOG PERTHNASOL
NAME OF RELEVANT OFFICER Mrs.

I'W GWBLHAU GAN YR ACHWYNYDD
TO BE COMPLETED BY THE COMPLAINANT
(LLE FO'N BERTHNASOL, RHOWCH GYLCH O AMGYLCH YR ATEB SYDD FWYAF PRIODOL YN EICH BARN CHI)
(WHERE RELEVANT, PLEASE CIRCLE THE ANSWER WHICH IS MOST APPROPRIATE IN YOUR OPINION)

PA MOR FODLON OEDDECH CHI GYDA SAFON YR YMDRINIAETH O'CH CWYN GAN Y CYNGOR HWN?
HOW SATISFIED WERE YOU WITH THE STANDARD OF THE INVESTIGATION OF YOUR COMPLAINT BY THIS COUNCIL?

BODLON IAWN VERY SATISFIED	BODLON SATISFIED	ANFODLON IAWN VERY DISSATISFIED

OS OEDDECH CHI'N ANFODLON IAWN, BETH YW'R RHESYMAU AM HYNNY?
IF YOU WERE VERY DISSATISFIED, WHAT WERE THE REASONS FOR THIS?

Why did I ever make a complaint if I had received a letter dated Sept 1st 2011. Why on earth did Mr Rhoad Will claim NOT respond to my letter of 29 march 2012 and then give details of this letter they now claim was sent. My real concern is the failure to respond to my letter

RMJ 10 – Holiadur/Questionnaire

I would be very grateful if you would accompany me on a site visit to the estate and see what progress has been made since my letter to Mr. That is

ER EFALLAI CHI FOD YN FODLON IAWN GYDAG YMDRINIAETH Y CYNGOR O'CH CWYN NEU ER EICH BOD O BOSIBL , YN FODLON GYDA'R YMDRINIAETH O'CH CWYN, A FYDDECH CYSTAL Â NODI UNRHYW ELFENNAU O'R YMDRINIAETH Y TEIMLWCH CHI Y GELLID FOD WEDI EU CYFLAWNI'N WELL.
ALTHOUGH YOU MAY HAVE BEEN VERY SATISFIED WITH THE COUNCIL'S INVESTIGATION INTO YOUR COMPLAINT, OR HAVE BEEN SATISFIED WITH THE INVESTIGATION, WOULD YOU KINDLY NOTE ANY ELEMENTS OF THE INVESTIGATION WHICH YOU FEEL COULD HAVE BEEN BETTER ACCOMPLISHED

Fully aware that my letter fully deserved a response and actions.

PA MOR FODLON OEDDECH CHI GYDA PHRYDLONDEB YR YMDRINIAETH O'CH CWYN GAN Y CYNGOR HWN?
HOW SATISFIED WERE YOU WITH THE PUNCTUALITY OF THE INVESTIGATION INTO YOUR COMPLAINT BY THE COUNCIL?

~~**BODLON IAWN**~~ ~~VERY SATISFIED~~	**BODLON** SATISFIED	~~**ANFODLON IAWN**~~ ~~VERY DISSATISFIED~~

A FYDDECH CHI CYSTAL Â NODI UNRHYW SYLWADAU ERAILL YR HOFFECH CHI EU GWNEUD YNG NGHYSWLLT YR YMDRINIAETH YMA
WOULD YOU KINDLY NOTE ANY OTHER COMMENTS WHICH YOU WISH TO MAKE IN RESPECT OF THIS INVESTIGATION

You need to commence the investigation again. I feel my original letter was very positive and fully deserved a response and some actions.

ARWYDDWYD/SIGNED _____ **DYDDIAD**/DATE _____

BJ 6

ADRAN RHEOLWR GYFARWYDDWR/
DEPARTMENT OF THE MANAGING DIRECTOR

LYNN BALL LL.B., (Hons.)Cyfreithiwr/Solicitor
CYFARWYDDWR GWASANAETHAU CYFREITHIOL A PHWYLLGORAU/SWYDDOG MONITRO / DIRECTOR OF LEGAL AND COMMITTEE SERVICES / MONITORING OFFICER

CYNGOR SIR YNYS MON /
ISLE OF ANGLESEY COUNTY COUNCIL
Swyddfa'r Sir / Council Offices
LLANGEFNI
Ynys Môn / Anglesey
LL77 7TW

DX: 701771 – LLANGEFNI

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Ein Cyf – Our Ref. BJ/CCO/336
Eich Cyf – Your Ref.

Cllr. Peter S. Rogers,
Bodrida,
Brynsiencyn,
Anglesey,
LL61 6NZ.

16.10.12

Dear Cllr. Rogers,

CORPORATE COMPLAINTS AND COMPLIMENTS PROCEDURE – letter to the Chief Executive in May 2012 re: Glandwr Estate, Dwyran.

I am in receipt of your completed questionnaire relating to my response to you dated 7.9.12 regarding the above matter.

Further to the points raised by yourself I have made further enquiries and would respond as follows:-

1. Letter dated 1.9.11 – all that can be said here is that there is a copy letter addressed to you as the Local Member on file but obviously you never received that letter and we can only apologise for this.
2. No response to your letter 29.3.12 – the fact that the issues raised in your letter were discussed with you (i.e. stub wall and tenant) on 4.4.12 by Mr Rob Trystan Owen indicates that Ms Lloyd Williams received your letter and acted upon the contents. Ms Lloyd Williams also states that she has checked again this week and confirms that the situation continues to be monitored by Mr. Owen and I believe that he himself has sent you e-mail confirmation of this.

Ms Lloyd Williams also confirms that she takes all complaints very seriously and confirms that lessons learned from complaints are used to improve services and she is also available to speak to Elected Members and members of the public to listen to and discuss any complaints that there may be.

Ms Lloyd Williams had asked me to let you know that she is more than willing to meet with you on site should you so wish. Please contact Mrs Yvonne Jones on [redacted] with suitable dates and she will make the necessary arrangements.

I trust that the above now fully explains the situation.

Yours sincerely

Beryl Jones
Customer Care Officer

Appendix 9

B185

Ombudsman Om

PUBLIC SERVICES OMBWDSMON GWASANAETHAU CYHOEDDUS CYMRU

P.S.O.W.
15 APR 2014
P.S.O.W.

WITNESS STATEMENT

Statement of: Nigel Patrick Geal

Age if under 18: Over 18 (if over 18 insert 'over 18')

Occupation: Joiner and builder

This statement (consisting of 4 page(s) each signed by me) is true to the best of my knowledge and belief.

Signature: Date: 7-4-14

I Nigel Patrick Geal of [redacted] nys Mon make this statement in connection with an investigation by the Public Services Ombudsman for Wales into the conduct of Councillor Peter Standing Rogers of Isle of Anglesey County Borough Council.

I have known Councillor Rogers for about 40 years. I used to work on his farm as a contractor. We have done a lot with him over the years. He is also our local County Councillor. I was previously on the Community Council and he would attend those meetings as County representative. Councillor Rogers is now my daughter's father in law. My daughter [redacted] married his son in September 2012. He also lives in a neighbouring farm approximately one mile away from me.

I see Councillor Rogers almost every day. He is my friend as well as my daughter's father in law. I would say that he is a close personal associate of mine. I do not consider him to be a relative of mine in the strictest sense. I frequently meet him on the road as he lives so close but he also comes to the house frequently if he wants something or if I want something. Some days we may see each other several times and others we may not see each other for a few days. We see each other frequently at the moment as we have recently become grandparents. We meet at my daughter's farm most days currently.

Case reference number: 201304118

B186

I asked Councillor Rogers for assistance when I failed to get Council officers to respond to my tenant's concerns over vermin on a piece of Council land next to the house [redacted]Glan Dwr, Dwyran. I asked Councillor Rogers to intervene as he is well known for helping his constituents get the Council to respond. I involved Councillor Rogers again when Council officers failed to progress a proposed sale of the land in question.

I initially involved him in 2011 when there was a problem at [redacted]Glan Dwr (I had recently bought this property and let to a family) with vermin coming from the adjacent land where fly tipping was a problem. I got Councillor Rogers involved as my local councillor to try and get the Council officers to act, when my tenant and I failed to get a response from them. I believe that my tenant also got Councillor Rogers involved when the problem persisted.

Whilst this matter was ongoing I asked the Council if the land, which is at the side of the property, was available for purchase and the Council confirmed it could be. I made Councillor Rogers aware of my interest. I emailed the Council on several occasions, on 22 November 2011 I e-mailed to ask that they sort out the vermin if a sale was not imminent, and referred to the fact that I had spoken with my local Councillor on the matter. I attach as exhibit "NPG 1" a series of email correspondence between myself and the officer dealing with the matter at the Council which highlights the Council Officers' lack of action and hence the need to involve my local councillor.

I confirmed my interest in purchasing the land again in June 2012. Tenders were finally issued in September 2012 and I submitted my bid on the 27th September 2012. My tender was accepted by the Council on 28th September 2012 but the documentation received from the Council included a number of restrictions on use to be placed on the land, which had not been disclosed to me previously; especially the need to include the garden of [redacted]lan Dwr in a development restriction. I was obviously concerned as I should have been made aware pre-tender given the cost implications of such restrictions. I did contact the Council pre tender for a copy of the Tender Pack, which was referred to in the tender invitation in relation to the Case reference number: 201304118

Council's valuation, in case there were conditions to consider, to be advised that I had been issued with everything; there wasn't a legal pack. My solicitors have now been instructed to resolve the contractual issues with the Council to complete a purchase.

With matters not progressing I asked Councillor Rogers to help again in May 2013. He did and the Council officers invited me to meet with them to discuss the issues.

A meeting was arranged for 4 June 2013. I attended the meeting along with Councillor Rogers, Dylan Edwards and Dafydd Owen from the Council. The meeting was informal and I am not aware of minutes being issued.

As far as I can recall Councillor Rogers did not make a formal declaration about our friendship or the marriage of our children. I do not think that he needed to do so, as I believe that Dafydd Owen was aware of the association, I do recall some discussion about my daughter's wedding to Councillor Rogers' son with Dafydd Owen, after the meeting, as he knows my daughter well.

The issues for discussion were the restrictive covenants contained in the proposed transfer document which make the land of little value to me. I tendered on the assumption of garden land value, which would have not only resolve the vermin problem, but also so that I could then build on my existing land and a piece of the purchased land. This is the reason why I put in such a high tender at £10,751 compared to the other tender which I believe was around a £1,000.

I asked the officers in the meeting why they were putting restrictions on it; there was some discussion about other land sold in the vicinity without a similar restriction and a claw back provision.

Whilst I was content to take the chance that I may not get planning on it to build in the future, the restriction would prevent me even applying. Councillor Rogers suggested that the Council could include a "clawback" as a condition of sale as included in other land sales by the Council, where there was a development potential, I agreed to this as a way forward and the meeting concluded.

There was no gain for him and essentially little gain for me as the "clawback" would inevitably cost me if I were to develop the land. The only gain in his suggestion would be to the Council. Councillor Rogers brokered this deal to be fair to me and the Council.

Subsequent to the meeting revised contract documents were issued to my solicitors but did not reflect the agreement reached at the meeting. My solicitors have requested, but are still waiting for, the Council to issue amended documentation on the basis of the terms agreed at this meeting. As this matter is now with my solicitors I have not involved Councillor Rogers further but do update him as to progress from time to time when we meet up.

Signature: 

Signature witnessed by: 

Case reference number: 201304118

B189

NPG 1

B190

Date: Wed, 26 Oct 2011 09:43:55 +0100
From: DVOHT@anglesey.gov.uk
To: [redacted]
Subject: Re: Tender for Land at [redacted] Glandwr Dwyran

Mr Geal

I apologise for the delay in sending out the documents, but I have been away. Consultations have now been completed and I confirm that I will send the documents out before the end of this week.

Should you require further information then please do not hesitate to contact me.

Regards
Dafydd

>>> Patrick Geal [redacted] 24/10/2011 18:25 >>>
Dafydd

What is the latest with this?

Patrick Geal
[redacted]

Date: Mon, 12 Sep 2011 10:27:52 +0100
From: DVOHT@anglesey.gov.uk
[redacted]
Subject: Re: Tender for Land at [redacted] Glandwr Dwyran

Mr Patrick Geal

Thank you for your e-mail confirming that you are still interested in purchasing the above land.

I would expect that the tender documents be sent out in the next couple of weeks, subject to successful consultations with the Local Member and Portfolio Member.

Should you need any further information, then please do not hesitate to contact me on the detail in my letter.

Thanks
Dafydd Rowlands

>>> Patrick Geal [redacted] 11/09/2011 10:19 >>>
Thank you for letter reference DVO/45HE08000 dated 1st September 2011 advising that you intend to issue tenders for the piece of land adjacent to [redacted] Glandwr in Dwyran.

I confirm that I am interested and look forward to receiving the relevant documents in due course.

It would be useful to be advised when you hope to issue the tenders.

Patrick Geal

****

B191

Peter,

The details you require re the sale of land at Dwyran.

Patrick Geal
[redacted]

Fro[redacted]
To: dvoht@anglesey.gov.uk
Subject: RE: Tender for Land at [redacted]landwr Dwyran
Date: Tue, 22 Nov 2011 10:10:16 +0000

Dafydd,

I was speaking to my local councillor, Peter Rogers, the other day. He says that he is surprised the tender has not been issued as the council is looking for every penny it can get from surplus parcels of land.

In the meantime, the land remains a problem to me and I am increasingly concerned that vermin will get in the houses when the cold weather comes in.

I would appreciate that if the land is not tendered soon you send pest control round to make sure the place is free of vermin.

Many thanks.

Patrick Geal
[redacted]

Date: Wed, 9 Nov 2011 09:43:15 +0000
From: DVOHT@anglesey.gov.uk
To: [redacted]
Subject: RE: Tender for Land at [redacted]landwr Dwyran

Mr Patrick Geal

I apologise for the delay in processing your enquiry, but we have made further enquiries with the Council's Planning Department with regards to possible alternative uses for the land. We will contact you with further information once we are in a position to do so.

Thanks
Dafydd

>>> Patrick Geal[redacted]07/11/2011 18:41 >>>
Dafydd,

I did not receive any papers, were they sent?

Patrick Geal
[redacted]

B192

[redacted]

NPG 2

B193

Page 4

Purchase of Land at [redacted]lan Dwr, Dwyran
Record of events

Date	From	To	Format	Description
1 Sep 2011	YMC	PG	Letter	Advising of intention to tender
1 Sep 2011	PG	YMC	e-mail	Declaration of interest
2 Sep 2011	YMC	PG	e-mail	Confirmed tenders to be issued within 2 weeks , subject to consultation with Cllrs
4 Oct 2011	PG	YMC	e-mail	Checking progress
6 Oct 2011	YMC	PG	e-mail	Confirming tenders to be issued by the end of the week
7 Nov 2011	PG	YMC	e-mail	Follow up to check if tenders sent
9 Nov 2011	YMC	PG	e-mail	Land to be reviewed for development potential before issuing tenders.
2 Nov 2011	PG	YMC	e-mail	Asking for YMC to clear land if not disposing, mentioning Cllr PR had been contacted
3 May 2012	YMC	PG	Letter	Update as to sale
3 Jun 2012	PG	YMC	e-mail	Confirmation of interest
4 Sep 2012	YMC	PG	Letter	Tender invitation
6 Sep 2012	PG	YMC	Telephone	Requesting Tender Pack as noted in invitation to assess any restrictions
7 Sep 2012	YMC	PG	e-mail	Confirming tender pack comprised of the docs received ie. No legal pack
7 Sep 2012	PG	YMC	e-mail	Reply to confirm that the tender invitation refers to a reserve of £9,000 as detailed in the tender pack.
7 Sep 2012	**PG**	**YMC**	**Tender**	**Submitted in the sum of £10,751 unrestricted**
8 Sep 2012	**YMC**	**PG**	**Letter**	**Tender acceptance including restrictions as to use etc which were not noted prior to tender**
2 Nov 2012	PG	YMC	e-mail	Request for contract conditions
5 Jan 2013	PG	EJ&Co	Letter	Solicitors appointed to act
5 Jan 2013	EJ&Co	YMC	Letter	Querying covenants
1 Feb 2013	EJ&Co	YMC	Letter	Chasing response
8 Apr 2013	YMC	EJ&Co	Letter	Response explaining why covenants were required
9 May 2013	YMC	PG	e-mail	**Advising Cllr PR has been making enquiries about process and suggesting a meeting**
3 Jun 2013	YMC	EJ&Co	Letter	Chasing reply from EJ&Co
4 Jun 2013	PG/YMC	**with Cllr PR**	Meeting	To discuss restrictions, claw back as suggested by Cllr PR agreed for any of the land purchased if developed
3 Jul 2013	EJ&Co	YMC	e-mail	Chasing up revised contracts following meeting
0 Oct 2013	EJ&Co	YMC	Letter	Follow up to e-mail for revised contracts

Appendix 10

Councillors Name: Peter Rogers

Ombudsman Ombwdsmon
PUBLIC SERVICES OMBUDSMAN FOR WALES
OMBWDSMON GWASANAETHAU CYHOEDDUS CYMRU

Public Services Ombudsman Wales
Interview Record

Date: 4th June 2014 Venue: Not stated.

Interviewing Officer(s): Annie Ginwalla (AG)

Rhiannon Williams (RW)

Others Present: Councillor, Peter Rogers (PR)

AG: Right, okay. I'm going to go through my preamble again, I am sorry. This is the start of an interview with Councillor, Peter Rogers of Anglesey Council. The date is, erm, Wednesday, the 4th of June 2014. It's approximately eleven thirteen. Erm, interview being conducted by Annie Ginwalla, Investigator with the Public Services Ombudsman. Also present in the room is Rhiannon Williams, Investigator for Public Services Ombudsman. Thank you Councillor Rogers for coming along today. Erm, as I explained to you we are recording the interview. Er, it looks like the machine is actually working now, so fingers crossed we should be okay. I, generally we estimate that our interview is going to take about two hours, but it depends on, how in-depth and what, the nature of the information that's provided to us, but at any point if you want to have a pause because you've mentioned to me previously that you need to get a message to somebody about a meeting that you've got later this afternoon, then certainly give me the nod, we'll press pause and you can pop out to do that. Erm, can I just confirm that you're well enough to attend and answer my questions today?

PR: Yes.

AG: You've had the bundle of documentation that was sent to you with my letter on the 16th of April, you subsequently picked it up from the Council because I incorrectly addressed it or our computer system did and I didn't notice, so I do apologise for that. Erm, you were also offered the option of having a friend here with you at the interview today, but you've obviously chosen to come alone. Erm, can you just confirm for the record that you're happy to proceed with the interview on your own today without somebody present?

PR: Of course I am, of course I am.

AG: Thank you. Okay, so if I just explain why you've been asked to attend today. Erm, as you're aware an allegation has been made, erm, this allegation being that you failed to declare a personal and prejudicial interest when speaking with or writing to Officers of the Council in relation to the matters concerning the sale of land which is neighbouring a property known a [redacted] landwr in Dwyran. It's alleged that you had a personal and prejudicial interest in this matter, erm, by reason of a close, personal association you had with the prospective purchaser, a Mr Nigel Patrick Geal. Its also been alleged that you've used or attempted to use your position as a Councillor to gain an advantage for Mr Geal or a disadvantage for the Council, erm, and it follows therefore that, erm, by reason of the alleged actions or inaction, erm, that your conduct may have breached the Code of Conduct for elected members and the paragraphs that we're looking at today are 6(1)(a), 7(a), 10 (1), 11 and 14. Do you understand the allegations that have been made against you? Thank you. If you don't mind Councillor, I'm going to take my jacket off, it's quite warm in this room and I'm just recovering from quite a nasty cold, so at points I might start sniffling, erm, so there we are. Are you comfortable? Okay, right. Sorry, just before I made reference to my jacket, I asked you if you understood the allegations that have been made and you nodded your head rather than speak.

PR: Er, yeah, that is correct. I do understand the details.

AG: Yeah, so just for the benefit of the recording.

PR: Yeah, I've read the allegations, yeah.

AG: Lovely, thank you. Can you just confirm for me when you became a member of the Council?

PR: I think it was probably about 2003.

AG: 2003.

PR: It could be 2004.

AG: Right and if I just show you a document. This is a declaration of acceptance of office ...

PR: Er, it's probably on the back.

AG: ... signed on the 3rd of May last year, 2013. Can I just confirm that that is your signature?

PR: Yeah, yeah of course it is.

AG: Yeah and, erm, and by signing this you agreed to be bound by the terms of the Code of Conduct?

PR: Yeah.

AG: Thank you. Just again, once again, for the benefit of the recording, can I ask you to confirm your understanding of, erm, the paragraphs for the Code that I've referred to? So if you're happy we'll go through them one by one and you just tell me what those particular paragraphs mean to you. I have got a copy of the Code here. Would it be, would it assist you to?

PR: No, I think I've got it here ...

AG: There, that's it on the back there.

PR: Yeah.

AG: Okay, so the first paragraph we'll have a look at is paragraph 6(1)(a) ...What does that paragraph mean to you Councillor?

PR: Is that page, which, what page is that, sorry?

AG: Erm.

PR: Two thousand, two hundred and?

AG: Two hundred and three ...

PR: That isn't marked unfortunately.

AG: Oh, right.

PR: So it's two, so you.

AG: 6(1)(a).

PR: 6(1)(a), yeah. What do I understand by that?

AG: Yeah.

PR: Exactly about bringing your office or authority into disrepute, yeah.

AG: Okay, thank you. We'll go on to 7(a) now please which is, erm, just underneath, same page, two hundred and three.

PR: Yeah.

AG: Yeah.

PR: 7(a) again?

AG: 7(a) please ...

PR: And you, yeah to use your position improperly or to confer or secure for yourself or for others or any other person an advantage or creating, or avoid to serve, a disadvantage.

AG: These are quite self-explanatory aren't they?

PR: Yeah.

AG: Thank you. Right, if we go to 10 (1), the top of page two hundred and five ...

PR: Yeah.

AG: So this reads, you must in all matters consider whether you have a personal interest. So you understand that that means ...

PR: Yeah, fully.

AG: ... all Council, er, or all matters that you're involved in?

PR: Yeah.

AG: Absolutely, then into 10, it's the section there on two hundred and six that's highlighted which is 10(2)(c)(i).

PR: Yeah.

AG: So if you just tell me what that means to you ...

PR: Your wellbeing or financial position or that of a person with whom you live or any person with whom you have a close, personal association. Yeah, I understand that.

AG: Yeah, so the obligation to, erm, declare an interest in those ...

PR: Absolutely.

AG: ... circumstances.

PR: Yeah.

AG: Yeah.

PR: Yeah.

AG: 11(1), further down the page.

PR: Yeah, where you have a personal interest in any business of your authority and you attend a meeting which the business is considered. You must disclose orally to that meeting the nature of the interest before. Yeah.

AG: Okay and then 11(2)(a) which is just over the page, applies exactly the same criteria, but in respect of written representation.

PR: Yeah.

AG: So you understand that?

PR: Yeah.

AG: Okay, then 12. Sorry, this is quite, erm. 12 is at the bottom of page two.

PR: Yeah, where you have a personal interest, any business, you also have a prejudicial interest in that business if the interest is one which a member of the public with the knowledge of the relevant facts would reasonably regard as so significant it is likely to prejudice your judgement of the public interest.

AG: Yeah, so where this comes in is where people have the personal interest, but if the personal interest is such that a member of the public would make that assessment if you like ...

PR: Yeah, I don't have any problem with that.

AG: ... then the interest becomes prejudicial in that manner.

PR: Yeah.

AG: 14 (1), two hundred and nine.

PR: Well I have a prejudicial interest in any business, the authority, unless you have obtained a dispensation from your authority Standards Committee, withdraw from the room, chamber or place where a meeting, the business is being held.

AG: Yeah and then (c)?

PR: Not to seek to influence a decision about the business. Not to make any written representation whether by letter, facsimile or other form in relation to that business and not make any oral representation in respect of that business or immediately cease to make sure representation with the prejudice interest becomes apparent.

AG: So that's just following on, where your interests are prejudicial, obviously in a meeting environment, you know without, if you haven't got dispensation ...

PR: Yeah.

AG: ... you should be leaving the room, but it also shows that it's equally as applicable when you're writing or corresponding ...

PR: Yeah.

AG: ... with somebody by e-mail or speaking to them on the phone or in a face to face, er, situation ...

PR: Yeah.

AG: ... and you're happy with that?

PR: Yeah, absolutely.

AG: Thank you, okay. In terms of training on the Code Councillor, do you recall what training you had recently perhaps?

PR: I don't to be quite honest. I can't say exactly that I've been on too much training on that.

AG: Right.

PR: I mean I've, you know I've done the Code of Conduct, er, in previous positions.

AG: Yeah.

PR: I understand the Code of Conduct or I thought I understood the Code of Conduct, yeah.

AG: Okay, I have a training schedule that you had.

PR: Yeah, I accept all that. That's there.

AG: That is okay is it? I just wanted to check with you, but.

PR: Yeah, I'm not going to, I have no idea. I mean it's bound to be right.

AG: You're quite happy with that? Lovely.

PR: jeepers, creepers yes.

AG: Okay. Right, okay now I'm just going to ask you to tell me a little bit about your relationship or your involvement with Mr Geal. Now I'm going to refer to him as Nigel Patrick Geal, but you might know him as Patrick, is that correct?

PR: Yeah.

AG: Can you tell me a bit about that please?

PR: Yeah, I mean its, er, I've lived here for about forty years ...

AG: Yeah.

PR: ... been in business for about forty years. I would have known Patrick when he was twelve or thirteen I suppose and I've, and he would have been involved, but yeah, I would have known him that length of time.

AG: For that length of time.

PR: I was also, when I was in the Welsh Assembly I drew down a twelve thousand pound grant for him, erm, for his business. I was also involved in bringing the three phase electricity there, but I've done numerous, many things for lots of other people as well. I've had a close, there's no disputing that I don't have a close relationship, you know for instance when his daughter lost her boyfriend of sixteen or seventeen, he was a bit of a star on the television, he fell in a tragic death in a skiing holiday ...

AG: Oh, dear.

PR: ... and she was just doing her GCSE's, you can imagine the turmoil that was there. Patrick will say the first people that were there were [redacted] and Peter.

AG: Yeah.

PR: In the same way when I had heart surgery two years ago when we came home all the food on the table was from Patrick and [redacted], so I do have, there's no, I'm not disputing anything.

AG: Okay.

PR: I have a very close, very ...

AG: A close.

PR: ... strong, but you know we've, I see him you know on the roads very often ...

AG: Yeah.

PR: ... yeah of course I have, but I have a close relationship with many people and I would find it, in fact all those houses in that [Caer y Felin] (ph) I would have a relationship with them all. I mean I could give you instances of the five houses there where I have supported. You've got one person there with three kids, he's adopted two children, was dispossessed of his house, erm, because he couldn't pay the mortgage, he lost his job at Anglesey. I managed to get him re-housed there, I'd got that fellow, [ph], there was work that I've done for him with his house renovations and I've got a, I mean I've been here for forty years. I've been involved in public life. I've been, yeah I've been here for forty years, I, you know I'm, I do a lot of things for, I mean I'm very involved with a lot of people.

AG: Okay.

PR: I have a very close relationship ...

AG: Okay, in terms.

PR: ... but I have a close, yeah you're the question, I have a relationship, I have a close relationship with the Geals.

AG: Would you consider that your relationship with the Geals is closer than that with say the chap, erm, who was dispossessed of his house?

PR: Well probably because it's a longer relationship because I've known him when he was a child ...

AG: Yeah.

PR: ... you know, I mean he, er, yeah I remember him coming to drive combines for [name of place 11:43]. I, yes there would be, yes you're right about that.

AG: Right, okay. You mentioned that when you were an AM you got him a grant for his business. What was that? Sorry, just.

PR: That was a European grant for; he's a very, very skilled, erm, operator. His, I mean his business is quite amazing ...

AG: Right.

PR: ... you know all the County, the Conwy Council, he's, er, very, very highly regarded in the building because of the business.

AG: Yeah, carpenter ...

PR: Yes, he's a ...

AG: ... is he, yeah?

PR: ... yeah joiner and manufacturer ...

AG: Right.

PR: ... but he's, he does everything and he came to me at that stage for funding and I went through that with him and we were able to draw down a grant to put some band saws and some electrical equipment there ...

AG: Right, okay.

PR: ... but I also dealt with, er, bringing three phase electricity because of the position where it was, it was very essential you know for a stronger supply of electricity and I was very much involved with Scottish Power over that, but that wasn't, I would have given him,

whether I'd been a friend of his or a close, I would have done, given him exactly the same sort of.

AG: You'd have done that anyway?

PR: Yeah, exactly.

AG: Yeah.

PR: Of course I would have done.

AG: Okay, erm, so in terms of the Geal's then, erm, you would describe yourselves as friends ...

PR: Gosh, yes.

AG: ...family friends, yeah?

PR: Yeah, gosh.

AG: Absolutely, erm, and am I right in believing, in thinking that your children, your respective children are married to each other?

PR: Unbelievably, yes, yeah, unbelievably, yeah to think just, I mean my son was away ...

AG: Yeah.

PR: ... he was in Chester, yeah it was and they met and they got married.

AG: Brilliant.

PR: Yeah.

AG: Erm, when did they get married?

PR: September the 1st I think it was or September the, it's about the same time as this started.

AG: As all of this, okay and I'm assuming that they were in a relationship prior to that?

PR: Well yeah of course they were ...

AG: Yeah.

PR: ... but I mean it wasn't that long, but that doesn't make any difference.

AG: No.

PR: No, that doesn't make any difference.

AG: No.

PR: No, they were, yeah.

AG: Okay, erm, do you socialise together?

PR: He doesn't drink.

AG: Right.

PR: I don't, I'm not saying I'm a heavy drinker, but ...

AG: No, I didn't want to imply.

PR: ... I mean I go to, I mean I went to his; yeah I've been to his wife's party and his party. I mean I wouldn't say, yes of course we, yeah I mean I don't, when you say socialise you're saying, he doesn't socialise a lot because he works ...

AG: He works a lot.

PR: ... he's up about four o'clock in the morning.

AG: Gosh.

PR: He's an amazing bloke; I mean he's crazy ...

AG: Yeah.

PR: ... but, er, yeah, I mean I, when you say do I socialise with him, yeah I mean I don't go out with him on a Saturday night ...

AG: Yeah.

PR: ... you know it's on very special occasions, you know birthday or I mean [redacted] or his fiftieth birthday, he had a fiftieth birthday, yeah, but you're asking me socialising, I mean you're talking about a Friday night and a Saturday night.

AG: Yeah, are you out every week together?

PR: Yeah, no, we don't.

AG: Do you visit each other's houses?

PR: No, not, you see we're, we go to each other's houses, but we, I don't, we don't go there for a meal and they come to us for a meal in that respect. We're terribly close ...

AG: Yeah.

PR: ... you know we know each other very well, but we don't, no.

AG: Okay, can you tell me?

PR: I run quite a big business myself.

AG: Yeah, well what is your business Councillor?

PR: I'm farming.

AG: Oh, right.

PR: Yeah, I mean we're, I mean, you know I, we employ people as well, I mean it's a pretty you know, yeah I mean.

AG: Have you ever employed Mr Geal?

PR: No.

AG: No.

PR: No.

AG: I suppose with his trade it's different.

PR: Sorry, he's made the odd thing for me.

AG: Yeah.

PR: Sorry, you know he's made the odd window for me.

AG: Right, okay.

PR: I'm sure he's, I'm sure he made some windows for [redacted] [ph] and I think a long time ago, yeah.

AG: Right.

PR: I don't employ him as such.

AG: Okay, can you tell me about your involvement in the attempted purchase? I think that's the best way to describe it isn't it of Glandwr, er, the land at Glandwr.

PR: I mean you've seen, I mean you've seen all the e-mails ...

AG: Um.

PR: ... and you know you're competent people in Cardiff, you would fully understand that the incompetence there of failing to respond on the time factor was pretty appalling ...

AG: Um.

PR: ... and there is no defence for what's gone on on that, the length of time. I originally, you'll see that my, I don't know how far your records go back. I originally, when I first became an assembly member, when I first became a Councillor, my first concern was the state of the estate, the estate, the stud walls were up and down, it was right on the main road and it was, it didn't show a good standard of Anglesey Council's housing ...

AG: Yeah.

PR: ... and I.

AG: So that is social housing this particular estate?

PR: Well its, no ...

AG: Not anymore?

PR: ... it isn't, not social housing, no.

AG: Right.

PR: It was rented, it was, a lot of them now are sold aren't they?

AG: Yeah.

PR: But no it was Council ...

AG: It was Council owned?

PR: ... owned ...

AG: Right.

PR: ... and what I, and the problem was was that they were parking vehicles, there was a scrap man there ...

AG: Um.

PR: ... a fellow called . [ph] who was parking his vehicles on the grass, they'd knocked the walls down because they couldn't get into the car park, so they knocked the walls down and I, the first, one of the first things I did when I became a Councillor, because I come from that village, I'm a school Governor of that school and I got onto the Council and I said we need to set an example and they tidied the estate up for me, they put the stud walls back up again ...

AG: Yeah.

PR: ... and, you know and that was the interest that I had there was to get the stud walls back, then I had some more problems there with some windows or something, but then eventually we had trouble again, he was then starting to sell cars off the grass.

AG: Is this [ph]?

PR: Yeah, this is ...

AG: Yeah.

PR: ... [ph]. I mean that's another, you know when this is all finished I'll be taking all this on, but, erm, I hope I've got it, but, er, don't worry, I haven't got, erm.

AG: Take your time, there's no rush at all.

PR: Yeah, I mean it was quite appalling. You know that as a Councillor you're not allowed to run a business. I wasn't bothered about, all I was bothered about was, I can't stand to see our property being abused you know and I give a great, er, when you came in to thank everybody today you would have seen social housing ...

AG: Um.

PR: ... er, on the right hand side which has been developed in the last two or three years before we went into the railway bridge, you won't remember it, but on the right hand side that's social housing and one of the big things you've always got is that you're going to be bringing people in from Manchester and other places and destroy the place, but the standards that we've set there, the Council, there are trees there, there's not a bit of damage, there's no wrecked cars, there's nothing. As soon as the first person is allowed to step out of line ...

AG: Um.

PR: ... everybody else starts to dump rubbish and to abuse it and that's, I always use that, of any problems I have in this estate, I say just look what we've done, what the Council have done in Llangefni, they've set a standard and we don't just leave it. This is the sort of stuff that we were.

AG: For the benefit of the recording, Councillor Rogers is showing me some photographs today which I, is that the Dwyran road that we're?

PR: Yeah, this is where we are.

AG: Yeah.

PR: Sorry, I can show you exactly now. This is the house.

AG: Yes and it's that, it's the land to the side.

PR: Yeah, that is right.

AG: So we've got an area of green land for the benefit of the recording in front and you can see a ...

PR: And you've got the main.

AG: ... vehicle if you like parked.

PR: Yeah and you've got a main road, the main road that goes in front of this.

AG: Right, I see.

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PR: So it's a terrific, to sell things it's terrific.

AG: And is this the wall that was knocked down?

PR: No.

AG: No, at the side.

PR: No, I'm very sorry, the stud wall is here.

AG: Yeah.

PR: The stud wall is there.

AG: Oh, I see.

PR: But if, for your interest you will see that I started writing about this I think in 2011.

AG: Yeah.

PR: I think about the last month it's been finally put there.

AG: Right.

PR: If you, I mean the, anyhow that's another story. That's where he's got the van for sale ...

AG: Oh, right.

PR: ... and it's illegal to run a business from there.

AG: Again, Councillor Rogers is showing me a photograph of a van marked, erm, for two and a half thousand pounds on the green ...

PR: But you'll see that.

AG: ... in front of the properties again.

PR: But you will see that I've made complaints to the Managing Director and to the complaints in the, you've, about this problem that I've had there ...

AG: Yeah.

Ombudsman Ombwdsmon
PUBLIC SERVICES OMBUDSMAN FOR WALES
OMBWDSMON GWASANAETHAU CYHOEDDUS CYMRU

PR: ... and if I'm telling you sitting here today that its only just been addressed now, we're talking two or three years that its taken to do that, they're just laughing at me.

AG: Yeah.

PR: But what they've done worse is they've now extended the car park for this fellow, [ph] to put his vehicles there ...

AG: Right.

PR: ... and they've put huge, big bollards, they've given him extra parking space and ...

AG: Right.

PR: ... I've got a problem in another estate, I'm not going to confuse you because you're going to get lost, but in Mathtreath (ph) we have a huge problem now with a big estate there and they can't turn ambulances, they can't turn refuge and I've had them out there and they said look Peter there's no money to alter it and I'm trying to get the tenants now, the private tenants to put in entrances to their own, so they can get the cars off the road to do it ...

AG: Right.

PR: ... but the Council say there's no money Peter, we haven't got it. I accept that there's no money. How do we suddenly find this in the last six months, money to extend this car park and to put all this when all I wanted was that [ph] was to adhere to the rules ...

AG: To the rules of the tenancy, yeah.

PR: ...

AG:

PR: Now we're going to get some examples now. There's the stud walls.

AG: Oh, that's the wall.

PR: Yeah, that's my real, that was my real concern and there was oil, there was bits of stuff, all I wanted to do, look, I mean look is that acceptable on the main road?

AG: Um.

PR: You know money that we're spending. This is what was breaking my heart.

AG: Yeah.

PR: I wasn't picking on anybody.

AG: Okay, again for the benefit of the recording Councillor Rogers is showing me a number of photographs which show vans parked up on green verges, chairs, sweeping brush perhaps, erm ...

PR: But just so that you can know and you're giving me all the time in the world which I'm very grateful of, one of the Council people went there and I haven't, I don't think I've got it here now and complained about that. He then sent me photographs of another estate, the other side of the road saying we can't find anything wrong about your complaints and they sent me photographs of the wrong estate ...

AG: Right.

PR: ... and said that it was fine, they've got nothing there and they'd spoken to people, but they will not, you know the incompetence of what has gone on in the last three years is just unbelievable.

AG: Okay, well thank you for sharing that with me and the photos are helpful to put things into context. If we can go back now to the prospective purchase by Mr Geal. If you can tell me about that.

PR: Yeah, quite right. So, anyhow the start of it you'll see my original letter, I think it was 2011, I think it was, I can't remember now, its there somewhere.

AG: The first letter I've got ...

PR: Well.

AG: ... is a letter to Shan Lloyd Williams.

PR: Ah, good.

AG: Yeah.

PR: What date is that?

AG: 23rd of March 2012.

PR: Yeah, that's the one. That's the one, sorry.

AG: If I go to ...

PR: Yeah.

AG: ... number one.

PR: And that really.

AG: The handwritten note, er, handwritten letter, yeah?

PR: Yeah, that's right.

AG: So if you go from there then.

PR: Yeah, that's where it all starts ...

AG: Yeah.

PR: ... and I thought that my letter was quite reasonable, I think that I say in that.

AG: You're talking about the wider issues on the Glandwr estate at that point ...

PR: Yeah.

AG: ... as well aren't you?

PR: Yeah ...

AG: That, I've got a better copy of that here. You've got your section there ...

PR: Yeah and that there's also a problem with the area, the land adjacent to the estate which is being used as a dumping ground for rubbish.

AG: Yeah.

PR: And then the next thing is we have a fellow from up the road who then is renting the land there and he goes across this with a vehicle.

AG: Right.

PR: So these photographs here ...

AG: Yeah.

PR: ... we've got a bloke now going across this grass to feed sheep through here, across here.

AG: Right, to the neighbouring farmland is it?

PR: Just a bit of land ...

AG: Yeah.

PR: ... he's got some scrub land there ...

AG: Right.

PR: ... so about three or four acres, then he goes to feed sheep, so he's taking this every day across.

AG: Like a track or something on it is it?

PR: Yeah and then climbing over the fence, climbing over the fence ...

AG: Yeah.

PR: ... so that, what I wanted was, I think I say in that, didn't I ask there that ... Yeah, that's right, if we were to retain this land notices need to be erected to prohibit use of the vehicles and what I was saying is to keep off the grass, that's all I was asking was to put signs there and then they're prohibited from going on the grass, that's all I wanted.

AG: Yeah, you go on here then to say I enclose e-mails regarding ...

PR: Regarding the purchase.

AG: ... the purchase of.

Councillors Name: Peter Rogers

PR: Yeah, which they say.

AG: Is that the purchase of Mr ...

PR: Yeah, that's right.

AG: ... the land that Mr Geal wanted to use?

PR: That's right.

AG: Right.

PR: Yeah, which I'm.

AG: Unaware of. Erm, I'm sure that Mr Geal deserves a final response to that last e-mail, erm ...

PR: But that's November.

AG: ... in November 2000.

PR: Which I.

AG: That's when he's chasing the pack, is that?

PR: No, we haven't got to that.

AG: Right, okay.

PR: We haven't, no we haven't got to that.

AG: Alright, okay.

PR: It's a pretty, sorry.

AG: That's okay. No, it's helpful for you to put it into context for me.

PR: Yeah, sorry. I am writing now in March 2012.

AG: Yeah.

PR: I'm concerned that they haven't responded to him, November 2011.

AG: Right and how did, how were you aware of this?

PR: Because he told me this when I was there together, he said that well they're going to sell the land, they're going to sell. So I said well that will resolve the problem.

AG: Yeah.

PR: That will resolve the problem. The next thing is, about twelve months down the line, I'm sure it must be twelve months, they then decided, they were humming and erring, humming and erring, it was making no progress. They then said we're going to build there which was terrific.

AG: Yeah.

PR: The Council were then going to build a house there which will resolve my problem all together wouldn't it because they'd put a house on there and that was it, I was finished.

AG: Um, so in terms of Mr, you were aware of Mr Geal then in March 2012. When approximately do you think he would have come to you for help on that matter?

PR: Oh, he didn't come to me for.

AG: Oh, he didn't come to you for help, he just mentioned it to you?

PR: He just mentioned it.

AG: He mentioned it.

PR: He didn't come to me to help until we got into this mess.

AG: Later on?

PR: Well yeah, they were sealed tenders, I was nothing to do with the tender.

AG: Okay, well we'll come to that then.

PR: Yeah, sorry.

AG: So we. No, I just want to make sure that we remember the salient times so that you can give me as much information ...

PR: Yeah.

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AG: ... as possible. So we've got our very first letter here to Shan Lloyd Williams and then after that in.

PR: And then I start making complaints then to the Managing Director.

AG: Yeah, so we've got a letter to the Managing Director.

PR: I don't make any progress.

AG: And, so the letter to the Managing Director is in May. Is it, am I right in thinking this is this letter?

PR: Yeah, that's correct.

AG: Yeah and that's your ...

PR: Yeah.

AG: ... it was signed and sent ...

PR: Yeah.

AG: ... by you? And again this time you enclose copies of e-mails. These are the e-mails from Mr Geal.

PR: Well yeah it was, but it.

AG: These ones ... The November e-mails ...

PR: I think they were.

AG: ... to show that he's still waiting?

PR: No, I'm not really sure to be quite honest.

AG: Right.

PR: I'm terribly sorry, I'm not.

AG: Oh, no, that's fine.

PR: I'm not really sure.

AG: Yeah.

PR: I thought they were e-mails relating to my stud walls ...

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AG: Right.

PR: ... and the, yeah I'm sure that this all ties in with him trying to say that we've had meetings there and they've done this or they've done that.

AG: Right.

PR: Er, the, also the bit about, they sent me the photographs sort of saying there was nothing wrong with the.

AG: Because the two issues have kind of overlapped at points haven't they, yeah?

PR: They've all, they're all, yeah and what happened then was they said they had written to me about this land. I never.

AG: And you never received that?

PR: No, I didn't receive that, that was a letter, if I'd had the letter, I would, there's no point in me saying I didn't receive the dash thing.

AG: And you make that point in your complaint form don't you?

PR: Yeah, I wouldn't do. Yeah, that's right, I wouldn't have any, I wouldn't be trying to tell them I haven't had it ...

AG: Yeah.

PR: ... but I mean, but when you, I mean whose, who are they going to believe with the incompetence that you can see? I mean any authority which is handled ... and it gets worse and worse and worse you know and I'll tell you this much now, I've got masses of it there ...

AG: Yeah.

PR: ... where they're not responding to correspondence, you know we've got a Code of Practice you know ...

AG: Yeah.

PR: ... and we're not adhering to it.

Case Reference:

B219

AG: In terms of this letter, these are the e-mails that they've provided to me that they said that accompanied this letter. So is it possible that you sent?

PR: Well if you, if they, if you say that ...

AG: Yeah.

PR: ... if you say that it must be that. I thought there were other e-mails. I didn't think that ...I don't believe they are.

AG: Right.

PR: I'll tell you why. I would suggest this shows nothing but contempt for my constituents. On the, I wrote to Miss Lloyd Williams, Head of Housing, raising concerns about the e-mail and the problems at Glandwr estate and neither have been acknowledged or responded to. I don't think it's the work, the earliest I can make an appointment to resolve the matter is fourteen days. I don't, I'm not going to dispute that today, but I don't believe ... No, I'm terribly sorry.

AG: That's okay, that's fine. Do you think you would be able to locate the e-mails that you believe you sent?

PR: Well I'm going to show; yeah I'm not denying anything at the moment. I will have to look.

AG: Have a look for me.

PR: Yeah, to see what you think I sent.

AG: Okay, er, well to see what you, yeah that would be helpful ...

PR: Yeah.

AG: ... for me, but just to clarify in this letter you do make reference to Mr Geal and his purchase of the land.

PR: Yeah, fine.

AG: Yeah.

PR: We'll leave that for a second.

AG: Okay and the letter with Shan as well, again there's reference to the prospective purchase and Mr Geal and you accept that there is reference to Mr Geal in there?

PR: Yeah, that's right.

AG: Okay.

PR: Yeah, because I'd seen it then that I'd been mentioned that I'd had a letter. Well I hadn't had the letter ...

AG: Yeah.

PR: ... and that's what made me jump.

AG: Okay, of course. So we were talking about the transaction or the attempt at a transaction. Now this is your opportunity if you want to talk me through it ...

PR: Ah, sorry.

AG: ... and I will bring the letters in as and when ...

PR: Yeah.

AG: ... or we can, if you would prefer, I can go through each document and then talk about the context of it.

PR: Well shall I just give you a broad outline of what I think ...

AG: Yeah and then we'll go through the specifics.

PR: ... and then you can challenge me?

AG: Well I'm not ...

PR: Yeah.

AG: ... I'm just gathering information.

PR: Yeah.

AG: It's not seeking to challenge ...

PR: Yeah.

AG: ... just to gather information.

PR: Yeah, from my, from, I'm going to give you a broad outlook and then you can come ...

AG: Yeah.

PR: ... you come back at me. What I understood it was was that there was a tremendous length of time before the e-mails were being answered about the, selling the land or not selling the land or selling the land then eventually, quite rightly, somebody said well just a minute, we can get planning from the Council ...

AG: Yeah.

PR: ... which is a jolly good idea ...

AG: Yeah.

PR: ... you know we're in desperate need of housing or social housing, we should, and that would end my problem immediately because I didn't have any, once I had a house there or a building there it would stop him going ...

AG: Driving over.

PR: ... through it and that was it. They then went, they probably took about, I don't know six or nine months before that and then it suddenly surfaced again that it was back on the market ...

AG: Yeah.

PR: ... or they were going to sell it and they got two. I don't think I was involved in anything at all with that then.

AG: Okay.

PR: I didn't even know about it until I'd heard that he'd bought it I think ...

AG: Right.

PR: ... that he had it for a, yeah that's right and the difference, I knew the tender was a huge difference and he'd had the tender and then that was when he came to me was with the problem ...

AG: Yeah.

PR: ... of the tender document ...

AG: Yeah.

PR: ... you know you will see numerous, er, mentions there in some of those e-mails to the fact that they haven't sent a proper pack with all the conditions on it and that's what he was trying to get and when eventually it did come ...

AG: Yeah.

PR: ... the, er, again it was nothing to do with me because it was, er, his, well his daughter was the Lawyer ...

AG: Um.

PR: ... and she was handling it, so it was nothing to do with me, I wasn't even involved in it.

AG: Yeah.

PR: I mean I wasn't involved with it, that's what I can't understand, I wasn't involved in it at all, its.

AG: But then once the.

PR: No, that's right.

AG: Yeah.

PR: You're quite right.

AG: Yeah.

PR: You're quite right, then they said, and he said well you know we've got to this situation and so then I e-mailed them and they offered me a meeting, fair enough.

AG: Yeah.

PR: Can I just tell you at this stage and I'll tell you where the problem is in this, I don't think that the Managing Director understood the clause ...

AG: Um.

PR: ... in the, what's the word for the clause, the, er?

AG: Restricted covenant?

PR: Yeah, well no not the restricted covenant, the, erm.

AG: The.

PR: Jeepers creepers.

AG: Garden use only?

PR: No. Sorry, it'll come to me in a second. The ... So, I mean and I'll tell you the reason why I understood it or why I was aware of it, its when you buy a piece of land and you get planning on it afterwards.

AG: It wasn't claw back?

PR: Claw back. I'm very sorry.

AG: That's okay.

PR: I'm getting excited.

AG: If you could explain it to me that would be good as well.

PR: I am going to and I'm also going to explain to you why I know about it. About five months previous to that there was a property, two acres of land in Dwyran with planning for two houses on it which was put up for tender in exactly the same way. Erm, two acres of land with planning for, er, potential building land ...

AG: Yeah.

PR: ... farmland, potential building and it was put up offers in excess of twenty three thousand. I'm almost sure I'm right. I was absolutely amazed that we could be selling land at twenty three thousand, two acres, you know I've bought land at nearly ten thousand pound an acre ...

AG: Um.

PR: ... you know farming. This was going at twenty three thousand pound and eight for two acres, the recommended guide price. I don't know, he paid about thirty, twenty something, twenty seven or

something with two houses on it. I rang them up immediately because it was in my patch and they said Peter come in and talk about it and I went in to talk about it, I met the same, I'm sure I met the same two fellows and we sat round the same room and they explained to me the claw back and they said if he gets building for a hundred houses he's got to pay this much back on the claw back. I was completely happy because our position as a County Council is we safe ...

AG: You safeguard it.

PR: ...we safe guard it, but I was very grateful that I'd had that meeting and I understood it so that when Patrick then had this, with this and he came to me and he said well they've put all these restrictions that wasn't in the, it wasn't in the legal document. Now they didn't have a legal document, they just had a pack in which, mainly about the fencing and these other things and they'd also made another mistake and they also wanted to include his own garden and the house that he owned which was pretty serious. So I then rang, because I'd spoken to them before, I said look can we come and have a, yeah and you'll see the correspondence, we went for a meeting. I mean you will be more aware than I am when this eventually is, goes to the adjudication panel, wherever its going to go, whoever's telling the truth and I will tell you now that those people who, that fellow that were in that meeting with me are not telling the truth and I'll tell you why. I'm making a very serious allegation here and I'll tell you why. You'll, I've read Patrick's statement and he is adamant that we shook hands over the claw back. There was no benefit to me of having the claw back.

AG: Um.

PR: If he got building he had to pay the claw back.

AG: Yeah.

PR: There's also evidence that Patrick then immediately after that meeting where we had agreed, we'd agreed everything, we shook hands. I mean one of the boys is, jeepers I know him as well as Patrick his parents, the boy whose made the complaint against me. They knew that [redacted] and [redacted] had got married. It was him that, because it says in there doesn't it, my colleague has now told me.

AG: Yeah.

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PR: We talked about the wedding there. I know I didn't, you know that we talked, it was open, it was common knowledge ...

AG: Right.

PR: ... that we were there, but the reason I'm saying now is is that those two statements will just not stand cross-examination I'll tell you because I will also say, if you look at the notes of the meeting, I mean the scribbled notes of the meeting ...

AG: Yeah.

PR: ... they are not relevant to what we discussed that day.

AG: Right.

PR: I mean can you believe me? Can, or you believe me what the, er, what the panel are going to believe. If, I'd already been in there three or four months before because I was so infuriated about giving land away at that price ...

AG: Yeah.

PR: ... and to have found out about the claw back and I was so happy that I understood it.

AG: Yeah.

PR: I then, that was the only reason I went there was to put a claw back on that so that Patrick, if he, I mean he must be mad to want to and get planning isn't he? I'll tell you why, the Council were going to build themselves ...

AG: Um.

PR: ... and they went and took advice from the planning, Nia Jones Jones, you've seen what Nia said, but they took, it was on a flood plain, well if you're going to get over a flood pit its going to cost you a lot of money to do it, but that, so be it, but the Council had already examined that. I thought we, I thought that they were going; they began and threw it in. Patrick then wants to go and buy it ...

AG: Um.

PR: ... for a garden. I mean the price of a garden is out of all proportion at ten thousand, ten thousand for a piece of garden, you know he.

AG: Um, so did he just want it as a garden?

PR: No.

AG: No.

PR: Well, I mean lets be fair about it, A) it would improve his access wouldn't it?

AG: Yeah.

PR: B) you could put a garage in it couldn't he?

AG: Uh-huh.

PR: Or B) he could put a little bit, you, I mean you can't really see it from those things, but the house is here ...

AG: Yeah.

PR: ... and the piece of land is there.

AG: To the side isn't it?

PR: You could put something on the side of it couldn't you?

AG: Like an extension ...

PR: You could make, a little bit couldn't you?

AG: ... or something, yeah?

PR: And in fact you might not even need to encroach on the piece he was buying, you might be able to, I don't know, I haven't looked at it.

AG: Um.

PR: I mean you could squeeze it in. No, he had, I mean the bloke's bright ...

AG: Um.

PR: ... you know and he saw the thing and that's what it was, but he was upfront, he said and that's why, the whole reason why we went there

was to look at putting the claw back and we were all covered weren't we?

AG: So in terms of the claw back, had it been put in and had it worked? What and Mr Geal had decided to develop the land in some way, if I'm understanding this correctly, he would then have had to have compensated the Council in same way?

PR: That's right, it's a percentage.

AG: So they would have worked out the value ...

PR: Yeah, absolutely.

AG: ... and then asked for a percentage back from him?

PR: Absolutely, if it was worth fifty thousand pounds or a hundred thousand pounds he would have had to pay ...

AG: Yeah.

PR: ... you know a proportion of that back again.

AG: And in exchange if you like or because they were doing this claw back, technically there would be no need for the restrictive covenant and that could come out then I'm assuming?

PR: No, absolutely.

AG: Yeah.

PR: Absolutely.

AG: Yeah.

PR: So when I said that you know you, I think I might probably, I was pretty cross and I wrote an e-mail and I forget what I said now, but they just change their thing completely. I hadn't, and the notes, the scribbled notes there don't, show exactly they hadn't understood. We shook hands on it on the claw back.

AG: Whose suggestion was the claw back?

PR: I.

AG: It was yours?

PR: Well yeah to cover it ...

AG: Yeah.

PR: ... so we could cover, we, well I think, yeah of course it was mine.

AG: So in your eyes where would the benefit of the it lay then, with the claw back?

PR: It's the Council.

AG: With the Council.

PR: We weren't losing anything, but I would, you and I wouldn't be mad enough to think we could get building on a, you've got to have some bloke like Patrick Geal to think that he could get planning ...

AG: Yeah.

PR: ... on a flood pain.

AG: Do you accept that there would have been some benefit to him had he, not having this restrictive covenant although he would have had to have paid in the long run, but not having this restrictive covenant would enable him to do something if he was mad enough, in your phrase, to do something of some benefit?

PR: Well he's got to be mad enough ...

AG: Yeah.

PR: ... he's got to be mad enough to try it hasn't he, the cost?

AG: Yeah.

PR: Jeepers, he's a businessman.

AG: Yeah.

PR: I mean, but there was, but we were covered, what else could we do with it?

AG: Yeah, so in terms of.

PR: All I was interested in was blocking the, was blocking that to stop.

AG: So clear benefit for the Council?

PR: Yeah.

AG: Benefit for the estate because of this chap?

PR: Yeah.

AG: And benefit for Mr Geal in terms of being able to develop the land?

PR: Well yeah only if he was successful.

AG: Yeah.

PR: Whose, I mean if I was.

AG: But it at least opened the door for him to try.

PR: Yeah.

AG: You accept that, yeah?

PR: And don't we have a duty to do that? Don't we have a duty to allow people to try to put some money in the economy?

AG: Okay, that's helpful. So you go to your meeting, shake hands.

PR: Terrific.

AG: Everybody goes away happy.

PR: Terrific.

AG: And what happens then?

PR: Nothing for a minute does it until I start getting cross again because nothing's happening ...

AG: Yeah.

PR: ... and then it comes through which is completely back to where we were before we had the meeting. There was no point in having the meeting.

AG: Because they sent out exactly the same transfer document?

PR: Absolutely. I mean it was crazy, I mean it; you know we were exactly back where we started and then it just goes from worse to worse.

AG: So was there an expectation that there would be reference to this claw back in the transfer document?

PR: Good gosh, yes.

AG: Or would there be a separate agreement ...

PR: Yeah, no.

AG: ... set up? How would that ...

PR: No, you've ...

AG: ... have worked in logistics?

PR: ... got in one.

AG: Yeah.

PR: You've got it in one, but what the worst thing is because of the incompetence of the legal and the property in Ynys Mon Council, the last thing you wanted to do was to buy the property and then to put in the claw back ...

AG: Yeah.

PR: ... and then to, I mean they were so slow. If you're going to invest in something, I mean you know you know very well now that, er, the money that he's, he hasn't bought it yet, but that could have been benefiting the economics of that area couldn't it?

AG: Yeah.

PR: It would have given him work, it would have given another house or improvement or if he hadn't been successful, you know at least people would have been, you know the planners and people like that would have all been paid, he would have had to pay Anglesey County Council.

AG: Yeah.

PR: You've got to keep things going.

AG: So you send a series of e-mails afterwards then ...

PR: Yeah.

AG: ... trying to get things moving again ...

PR: Ah, this is when I'm in trouble.

AG: ... and trying?

PR: This is when I'm in trouble.

AG: Erm, and the situation is still in stalemate I believe?

PR: Unbelievable.

AG: Still no progress, but I take it you're not involved anymore?

PR: Well I can't do anything. I've got something far worse here. I've got something far worse here which I'll show you, far worse and that is against property and legal again and that is the reason why they're trying to stop this. If you knew how many times I've been reported in the last three or four years ...

AG: Um.

PR: ... it's just unbelievable. I've got some e-mails there, I'll show you. I mean it's just, it's wicked what they're doing to me.

AG: Right, okay. Obviously you have full opportunity to do that, erm.

PR: I'll show you on a road scheme there ...

AG: Yeah.

PR: ... and then nothing has happened to that since, because I've stopped doing it, but you'll see, you will be horrified at that ...

AG: Okay.

PR: ... and that involves Barton and it involves Highways, it involves property.

AG: Right, okay. Well what I propose then which might be a sensible way of doing it. If I take you through each of the documents ...

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PR: Yeah, fine.

AG: ... and we deal with the Mr Geal stuff then I'll give you the floor if you like and you can tell me.

PR: Yeah, what time is it now, so that I could just?

AG: Let me just check, yeah.

RW: Yeah, its five to twelve.

AG: Five to twelve.

PR: Could I just go and make a quick telephone call?

RW: its 12:05

AG: Yeah, for the benefit of the recording, I'm just going to press pause so that Councillor Rogers can make his telephone call and I'll restart the tape when you arrive back ...

PR: Okay, I'm just going to go to the gents as well if that's alright?

AG: ... in the room. Yes, no problem.

PR: I don't want you to think I've done a runner.

AG: Okay, you've got two minutes. No, I'm.

I have read and agree the above as mine.
The answers I have given are true and accurate to the best of my knowledge and belief.

Signed: Date:

Case Reference:

B233

Councillors Name:

Ombudsman Ombwdsmon
PUBLIC SERVICES OMBUDSMAN FOR WALES
OMBWDSMON GWASANAETHAU CYHOEDDUS CYMRU

Public Services Ombudsman Wales
Interview Record

Date: 4 June 2014 Venue: Business Centre Anglesey County Council

Interviewing Officer (s): Annie Ginwalla AG

Rhiannon Williams (RW)

Others Present: Councillor Peter Rogers (PR)

AG: Recording resumed at 12 o'clock, Councillor Rogers is now back in the room.

PR: Yeah.

AG: Right Councillor Rogers are you happy to continue?

PR: Yeah, I am happy to continue.

AG: Lovely.

PR: All I want to do, to say is right at the beginning of this, the complaint has come through the Chief Executive.

AG: Yeah.

PR: He's made the complaint and he's, and I'm going to explain later on why, what's going on, but this is, this is what he wrote to me and I thought this was a very nice letter.

AG: Right.

PR: Erm ...

AG: Have I had that...

PR: You probably have, haven't you? Well it says there ... [pause]

AG: No I haven't had that.

PR: You can have a copy of that.

B234 Case Reference:

Councillors Name:

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AG: Lovely thank you.

PR: What I was going to say here is I thought that it was fine, erm he's saying that I'm in receipt of documents forwarded by the council's monitoring office which without prejudice seems to indicate that you have possibly breached the Members Code of Conduct and I'd like the opportunity to discuss the matter briefly with you at the earliest convenience and inform you of the steps I need to take to respond to the allegations. It is also my intention to include the monitor... that was fair enough. When it did take place, when it did take place, the meeting.

AG: Yeah.

PR: The meeting took place he not only involved the monitoring officer, he grabbed in the corridor the Chairman of the Council a fellow called Gwilym Jones and he brought the leader of the council in as well, you know that it's confidential.

AG: Right.

PR: It should have been confidential. Gwilym said to me, and I don't have any, I don't belong to any groups and Gwilym Jones said to me Peter I couldn't understand what was going on, he just grabbed me, in sheer panic to come into a room to interview Peter Rogers. And he said I just didn't understand what was going on, why he grabbed me.

AG: Yeah.

PR: To do that. Fair enough, but the thing was that from that letter you would have thought that I wasn't in, in serious trouble at that stage, they were looking at it, yet you will see that the date of the interview, the following day you got the, so it was sent, all the documents had been prepared and you were to see. I think the interview was, if you were the 1st November, it was 30th October or something.

AG: So this was the 29th of erm October, so the day before, the 28th.

PR: It was, I'm sure it was the 28th and I'm almost sure I can confirm that, but what I'm saying is that I thought you know that was a pretty fair letter, you know that we were going to discuss it, but he wasn't interested in listening to anything at all.

AG: Right.

PR: But the Chairman said I couldn't understand it Peter what he's rushing out ...

Case Reference:

B235

Councillors Name:

Ombudsman Ombwdsmon
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AG: Was it minuted?

PR: No.

AG: No.

PR: But you know I'm sure it must go through other people's heads that this, you know there are other alternatives than going straight to the Ombudsman. Anyhow, that, you've given me, that's fine, I'm prepared now to let you speak.

AG: No, that's helpful so, thank you because I wasn't aware ...

PR: No.

AG: Right, okay, so just before we had our break we were just touching on the fact that Mr Geals purchase hasn't progressed any further but you haven't been involved since the last ...

PR: I'm not involved in anything, now.

AG: I think the last email I've got is the 2nd August 2013 and I'm assuming you haven't been involved since that point?

PR: No I'm sure that would be right.

AG: Okay. Okay what I propose to do now Councillor if you're happy we're going to look at each of the documents. So we've looked at number 1, so erm the letter from, to Shan and then the letter to Richard Parry Jones. So then we'll, now we'll go on to look at your complaint form. So I've got, it's probably if we refer to my bundle isn't it, because you can see what I've got, if you move closer, erm is that the, no number 2 is down here, do forgive me. So we've got your complaint form here, that's received by the legal section on 20th August 2012 perhaps ...

PR: Yeah I would accept that.

AG: Yeah, for the benefit of the recording the erm stamp isn't very clear but it's certainly a 2 at the start and sometime in the 20's in the August.

PR: I accept that it's the 20th...

AG: Because you've dated it on 17th August, so this is your, your complaint form that you've sent through, through the ordinary council complaints process. When I interview Miss Jones, Beryl Jones, she indicated that that it was quite unusual for a member to use this route, why did you use this route to complain?

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PR: How else could I have done it, I've been complaining, I've got masses of stuff I've been complaining, I don't make any ... I now for the last six months, whenever I write to emails I CC to the Chief Executive, the Deputy Chief Executive and the Leader of the Council.

AG: Right.

PR: And it's quite sad you know what's going on, I've got all that, I've got it all and that will have to come out as well.

AG: So had you not done the, completed the complaint form what would you have ... so what options were open to you.

PR: Can I, can I also tell you that for some reason I became the erm, erm the customer service champion for Ynys Mon, that has never been recognised, it's not on any website I've never been used in any form at all but I got it by mistake in a scrutiny committee. I don't think anybody would have, but I became a ... I don't have any power, you will see reports, the people, the other people who are champions for the elderly, and champions for this, they all do things, but my role is completely not there, so when you say why didn't I do it another way, I mean ...

AG: I'm not criticising I'm just asking.

PR: No, no, I'm sorry I wasn't, that is the reason and what I'm telling now is that I've got so much trouble in community councils I'm saying it is no good to keep writing you know 50 to 60 pence a stamp to ask and ask, you have now got to go on the thing and get the complaint form and then we can start to get them registered and understand. I've just written now to the leader, to the three of them this last week to tell them that I've been to four community councils this last week, one school governors and the whole thing, and every time there has been, there has been an item on the customer service of Ynys Mon council and so fair enough the leader of the council has now written to me to give him examples, the other two haven't, the managing director I haven't heard anything from him, but I am now going to give him details of what the concerns are but it's jolly embarrassing, every meeting that I go to we're getting this, because we're not adhering. We're spending you know we've, I'm going off the track sorry ...

AG: No it's okay.

PR: But we're spending so much money looking at a charter, I sit on that committee on this charter which is common sense, you in your organisation have a responsibility to your clients or to your customers and you know it has to be adhered to, if you don't want to adhere to it, but if

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you've got top management who are not doing it, you cannot expect the unders to do it and that's what I'm trying to tell them they're not doing.

AG: Okay. So this is your complaint form.

PR: Yeah.

AG: can you tell me what prompted you to send the complaint forms, you've sent your two letters, had your letter response and you sent this over then.

PR: Well they ignored my letter, I mean ... I mean if ... I mean housing is a disaster.

AG: We've got a reference here, unacceptable response to my letter in May. That's your letter to Richard Parry Jones.

PR: Yeah. Yeah but she didn't respond to it did she?

AG: Sian was March. Richard Parry Jones in May.

PR: I don't think she, I don't think Shan replied did she?

AG: I'm not entirely sure, I think that's the letter she says she sent but she didn't ...

PR: No, no, no ...

AG: Is that right?

PR: No that letter, aren't you lucky to have come here today to have all of this ... sorry no I think the letter from, was from Property to the Portfolio member for property and also to the local councillor asking them if you had any objection to the selling of the land. No I don't think it was, Sian didn't respond.

AG: I see.

PR: So then I wrote to the Managing Director to make a complaint, so you're saying, I then made a complaint to the Managing Director.

AG: Okay and then making reference to myself, so that's you as the local member which was not true and to one of my constituents ...

PR: I didn't realise that ...

AG: Which constituent are you referring to here, is that Mr Geal?

PR: Yeah. So that's when I saw this letter that he sent to me, I just hadn't had it unfortunately.

AG: So that's the ... we're consulting with you, and planning on selling this land.

PR: That's right, yeah, yeah.

AG: So that letter, okay so you were saying that you ...

PR: I mean this is worse now, it goes complete failure to instruct staff to respond to my concerns raised in the letter to the Head of Housing, they've only just been done, just been done this last month.

AG: So this goes onto the other issues, so this form if you like is a hybrid it encompasses both aspects.

PR: Oh yeah.

AG: So the bits that I've highlighted, this particular bit here about, that's Mr Geal.

PR: You are correct. The other ...

AG: The other is about the other issues on the Glyndwr Estate, so you accept that part of this complaint form does refer to Mr Geal purchase.

PR: Yeah. That's right.

AG: Okay ... let me make sure I'm going through my list properly, bear with me Councillor ...

PR: But the unacceptable response to my letters doesn't solely deal with Geal, no ...

AG: It's the letters in general.

PR: This one does doesn't it, which is not ...

AG: That section there, but you're concerned about the other issues as well?

PR: No that's right, yeah, yeah I don't think it was there, yeah ...

AG: Okay so that's two ... number three then is the questionnaire so they respond to your complaint and you complete the standard questionnaire back detailing your satisfaction or otherwise so we've got here very

dissatisfied, so again we've got reference here, so we say about not responding to the letter for 29th March, that's Shan Lloyd Williams.

PR: Yeah.

AG: And a real concern about failure to respond to my letter, I would be grateful if you could accompany me on a site visit to the estate, so this is mainly dealing with the Glandwr issues isn't it.

PR: Yes, it is, yeah.

AG: But the, there are underlying tones with Mr Geal because that was included in the original letter which you're referring to.

PR: Yeah, because as you've already realised if I could, if somebody would build a house there my problem with the going on the grass and using it as a thoroughfare would have been over.

AG: Was going. Okay so you accept that you've sent this as well. So that's that one.

PR: Yeah.

AG: Right we'll go to an email now but actually before we go to the email I think I'm going to, I'm going to come out of context of my questions a little bit because I think it will help us. I've got a statement here from Mr Paul Lloyd Jones, now you've had a copy of this statement, now Paul Lloyd Jones is a housing officer and he comes out to see you on the Glyndwr Estate about the wider issues and during the course of the discussions with him and I think it's Shan Lloyd Williams again, the matter of Mr Geal purchase comes up according to him. Are you, do you recall having the discussion with him.

PR: Yeah, we're bound to be because, it was bound to be because they were, they'd already sent us a letter, I think I would have known about that letter by then, wouldn't I?

AG: This would have been May, May 2013, so yes, you would have.

PR: Yeah, so it was common knowledge that, but I mean that, I'm not sure whether at that when they put it into planning to build their own house but anyhow ... go on, carry on.

AG: So Paul says that you had a chat and during the course of having a chat he told, you told him that there was an on-going issue with a sale of a piece of land adjoining that property.

Councillors Name:

Ombudsman Ombwdsmon
PUBLIC SERVICES OMBUDSMAN FOR WALES
OMBWDSMON GWASANAETHAU CYHOEDDUS CYMRU

PR: Yeah, because it was all, that sale of the land was all part of clearing up the estate, if I can get rid of the land, if they didn't want to put signs up to stop him, if they got rid of the land it would stop the blokes dumping the rubbish there.

AG: Yeah, absolutely. So do you accept that the property you're referring was Mr, was the prospective purchase by Mr Geal, did you make any formal declaration to Paul to say you know I know Mr Geal very well, he's a close friend of mine or any declaration of interest.

PR: I'm sure I didn't ...

AG: Is there any reason?

PR: Well yeah because I wouldn't have, at that time, I might have to check that but I'm not sure, we'd already tried planning for ourselves had we, I wasn't interested in who had it, I wasn't bothered who had it.

AG: I think this is probably around, when we ... this is before the transfer issue comes up, because that's, I think this is while Mr Geal might have still been waiting for the documents or just received them, so you're not technically involved there, but ...

PR: Do you know what date this is?

AG: This is May 2012 ...

PR: Oh no, the tender wasn't until 2013...

AG: Oh 2013 sorry, May 2013. Yeah, 2013 ... yeah 2013.

PR: So his tender document was 12 was it?

AG: Yes, sorry, forgive me I got confused there.

PR: 12 was it?

AG: Yeah 2013, so May, so this is, Mr Geal would have already had the stuff by now.

PR: What, what are you asking me now, that, what benefit for me to declare interest then, it was a sealed tender, he'd already bought the dashed thing, I wasn't involved in it.

AG: But you were asking....

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Case Reference:

Councillors Name:

Ombudsman Ombwdsmon
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PR: But he was asking me about ... and I was saying until we know if it's been sold that will get over the problem, you know if it's sold...

AG: Erm, so he says here ...

PR: Course I said it was embarrassing ...

AG: It says here you mentioned that there were delays and the parties involved had not heard anything from the officers, he said that he felt the delay was embarrassing, I did not have any knowledge ...

PR: Of course he wouldn't he'd only just joined us, he only started, yeah ...

AG: Yeah, that's it, but offered to make enquiries for him.

PR: Which he did do, yes.

AG: Yeah so you accept that you had this conversation with him and don't dispute anything that he says there at all.

PR: Oh good gosh no.

AG: And you didn't make any formal declaration to him to see ...

PR: I didn't see any point it in, well not point, I don't see any reason why I would have made it, he'd bought it on a sealed tender, what date was this now.

AG: this is May 2013. 22nd May ...

PR: This is, yeah, I mean you could, yeah this is before, we had the meeting in June didn't we?

AG: Yes, you had the meeting in June.

PR: I mean there was nothing to do, what benefit was it to me, I mean in all fairness, I know you're asking me but to what benefit, he'd bought something on a secret thing, you know he'd put a bid in it for it and bought it and all I was interested as the local councillor was to get the dashed thing finished.

AG: Get it finished. Okay ... The next thing ...

PR: There was no benefit to me anyhow, the only benefit to, I think I put it somewhere, all I'm interested in doing is tidying the estate up, I've told you what my reasons were.

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AG: Okay thank you. Next then we have an email of 24th June, this is where we start getting ...

PR: Yeah, yeah.

AG: Yeah, into communication with Dafydd Owen.

PR: Yeah.

AG: Number 8 ... so it starts here and it comes onto this page and so the 24th June so this is where now the plans, or the transfer document has come out I think.

PR: Well if I hadn't, if we hadn't agreed, what I'm saying is, is their statement of that meeting are not true at all both of them and the notes, otherwise I wouldn't have been, it says that the, I wouldn't have gone for that, I wouldn't have been barking up another tree.

AG: So you accept you sent this email to him.

PR: Of course I do, of course I do.

AG: and it was to voice your disagreement?

PR: Yeah, I hadn't at that stage seen the notes of the meeting, I hadn't seen, I've seen their statements now, I can't believe it.

AG: So again this is in relation to Mr Geal property although there was obviously no declaration or mention of anything in this.

PR: No course there isn't, course there isn't.

AG: I will ... because I'm doing things out of order I'm going to jump back now ...

PR: I'm not surprised ... well no there's a lot of things that have gone on, you're covering a big area.

AG: I'm just making sure, I should have tried to keep it in date order, but I dealt with the letters and email and then I dealt with the personal ...

PR: No, no I side tracked you off.

AG: No, no that's fine, right okay so we are going to jump back in time shortly, two days after you saw Paul on the estate and Paul said I'll look into it for you, you speak with Dylan Edwards on the telephone, 24th May, this is his note of the conversation.

PR: Yeah.

AG: He says that you're concerned about the new conditions erm that have been imposed such as responsibility for boundaries and the garden use restriction. I told him I would look over the file, speak to legal and call him on Tuesday 28th May to arrange a meeting. I've looked at the file and it is clear that garden use only in both the ... something from housing and in the tender letters. So you had that conversation with him, do you accept that you spoke to him on that day?

PR: I'm sure, I can't remember I'm sure I did.

AG: and you spoke to him about Mr Geal matter and you didn't make any form of declaration on that occasion.

PR: No, no...

AG: He then gets Dafydd, I'm getting confused between Dafydd and Dylan.

PR: Dafydd Owen.

AG: Yeah, Dafydd Owen then to ring you or to make arrangements for the meeting with you, doesn't he. So ... we then go to the meeting can we just have a brief look at the meeting note. Okay so there's a meeting between yourself, Dylan, Dafydd and Mr Geal and where did you have that meeting?

PR: In their office.

AG: In the porta cabins

PR: Yeah, that's right, over there, yeah ...

AG: Okay and you've obviously told me broadly what you recall was discussed and I'll just read out for the benefit of the recording what Dafydd Owen I believe has written this, he's recorded.

PR: Mhm.

AG: Mr Geal expressed concern regarding Council trying to impose terms after tender process had been completed. Erm Dylan Edwards explained the boundary responsibility is a standard issue with all disposals. Mr Geal also expressed concern that the legal document sent by legal implied that garden only restrictive covenant would extend to their property so that's what you said about including [redacted] Glandwr. Erm Dafydd, no Dylan Edwards explained that the council did not have the right to impose such terms and that he would contact legal to amend the document. So there's

no mention about the claw back here, but you specifically recall that the claw back was discussed.

PR: That was the whole, that was the whole idea of the meeting.

AG: Yeah and obviously Mr Geal himself has made reference to the claw back in his statement.

PR: I can't understand that, I can't understand when they've done that, I mean that's rubbish, I mean we shook hands, we all knew each other, I mean I met Dylan before when I went to clarify the bit about claw back on the other land.

AG: Right. So you accept that you went to this meeting on the 4th of the 6th, and you discussed the Glandwr land.

PR: Of course I did, yeah.

AG: Yeah, and you say that, you know you said you had a conversation with Dafydd Owen because he knows your daughter, not your daughter sorry, you know Mr Geal daughter and you talked about the wedding, was that during the course of the meeting, before the meeting or after the meeting?

PR: Yeah I think it was when we first went to the meeting.

AG: Yeah, right and was everybody present when you were having that discussion?

PR: Yeah, I'm sure it was, yeah ... but anyway jeepers ... we live in a small area, you know Anglesey is a very, you know it's the same as the Llyn Peninsula, everybody knows everybody, I mean the Owen family are big farmers in Caerwen, you know I'm not sure whether his brother or his cousin didn't combine for us this year. I'm not just saying that but you know we're all inter linked all over the place it's just amazing.

AG: Right okay. So ... you didn't make any formal declaration at this point then?

PR: I didn't make any formal, I didn't even think I mean look you know obviously ... I mean a meeting to me is a meeting, it is a meeting, that wasn't a meeting, there was no notes, there was no minutes, nobody asked me have you got anything to declare, normally we're reminded if we got to a meeting, the Chairman says you know has anybody got anything to declare, yeah any apologies or anything to declare, it wasn't a meeting as such, you know it wasn't ... no I didn't, no I didn't , I didn't think it was necessary.

AG: And in this type of environment. You know I appreciate what you're saying Councillor but at the beginning we touched on the Code and we looked at paragraph 10(1), which says about the obligation to consider whether you have an interest that applies in all matters ...

PR: Well it was going to be my defence that I didn't have an interest in it at all you know and ... yeah ...

AG: yeah that's fine, but I'm just ...

PR: You're reminding me ... where is it again, tell me?

AG: In all matters, you must in all matters consider whether you have an interest.

PR: I don't have an interest.

AG: Okay so ... are you saying that you didn't even consider or you just, you considered it and didn't think you had one.

PR: How deep is that ...

AG: Sorry to be so technical and ...

PR: You know in hindsight now, you know hindsight is a great thing, you're going through it all and looked at it, at the dashed thing, but I still can't see why, you know I mean this could have happened in a far different way than bringing all you people in here as it's pretty serious, I mean it's going to be pretty serious, and if you think that, and you'll be more, you'll be more aware than I am, the incompetence of some of these dates and the delays that they've shown, and I've shown you some of that other stuff there, I mean it's unbelievable what's going on, you know, so if I've made a slight mistake I tell you want there's a lot of people that have made a lot far worse mistakes than I've made, but I didn't have, I don't have any interest in it at all. You know it's alright saying he's my friend, you know he's been my friend for, only for, only for, you wouldn't be questioning me like this, unless, only that my son has now married his daughter.

AG: You've suggested that you were friends, close friends ...

PR: But jeepers I'm close friends with everybody ... I'm a farmer I'm on the road all the time, we stop and chat.

AG: We'll come back to that now in a minute, don't worry. Let's finish going through the documents and then we'll come to that series of questions and then you'll be able to tell, to discuss that issue ...

PR: You mean to tell me now that because I was a friend I ought to have declared it? I have relationships with everybody.

AG: I think the phrase is a close personal associate, erm so it's somebody that you're closer to than any other ordinary constituent.

PR: [unclear 0.23.54]

AG: I think that's the intention behind that phrase in the code, it can be somebody that's friend or foe, erm in that situation, somebody you know this is just a hypothetical argument.

PR: But you've lived life, you've lived life, jeepers, you tell me what I've gained out of this in anyway and what Geal gained out of it in anyway from me, because nothing's happened about the dashed thing, I mean it's, and there's so much, I mean these two evidences that, well I'll let you decide that for yourself, you have a look what Geal has said and what I have said about that meeting just doesn't bear resemblance of their recollection of that.

AG: Okay, thank you. Right so we've done that one, we've done the email to Dafydd Owen and then we go 4th July then, so we're coming toward the end now.

PR: You've done well.

AG: [laughs] 4th July erm you write to Dafydd Owen again by email.

PR: Yeah

AG: Again we're referring to the land at Dwyran and specifically Mr Geal again this is discussion now about the claw back and ... and you say at the foot here, your notes will clearly show that Mr Geal fully accepted the claw back position.

PR: Erm, I wouldn't make that statement unless we'd done it, would I ... do you see what I mean about the evidence they've given, I don't understand how they're going to stand up before a barrister and defend what they've said there.

AG: Okay, absolutely, okay so in terms of this email you're referring to Mr Geal, your corresponding with an officer and you make no reference to any declaration or anything like that.

PR: No I wrote to Mrs Jones and she's the deputy chief executive.

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Councillors Name:

Ombudsman Ombwdsmon
PUBLIC SERVICES OMBUDSMAN FOR WALES
OMBWDSMON GWASANAETHAU CYHOEDDUS CYMRU

AG: That's my next one, again we have a reference of Mr Geal, and erm just asking for support in bringing the matters to a head, really aren't you?

PR: Wouldn't anybody with common sense want to bring it to a conclusion?

AG: I ...

PR: We're short of money, we haven't had the money yet. We could have had £11,000 we haven't had it yet.

AG: We've got another email here then on the 19th July, you corresponded with Paul Lloyd Jones and I think you correspond about other matters on the Dwyran Estate, oh the Glandwr, erm, because this section and been redacted out because it deals with other matters.

PR: Something else, yeah ..

AG: So here again you just say ...

PR: But you know what Paul was saying don't you, Paul was saying we can't move on with the stud walls and everything until we've resolved that, have you had any news, have you had any news?

AG: Oh right.

PR: I'm not saying it's there.

AG: Oh no, no,

PR: It could be here, I don't know where it is but what Paul says, we can't move on Peter with the mess on the estate until we've resolved, have you got any news?

AG: I haven't got an email to that effect, would you be able to dig that out for me?

PR: I'll find that for you, well I'll do my best I'll tell you ... [pause] ... so that's started to go off again then.

AG: Mm. [pause] ... Okay so if you could have a look for that, that would be helpful and also I think the other thing I asked you to do, I don't know if I need you to get you to make a note of it, when you sent that letter, the original letter to Richard Parry Jones, you believe that there might be another set of emails that were attached to it rather than the ones that have been produced to me so if you could check on that, that would be really helpful.

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Councillors Name:

PR: That letter to Parry Jones was in 2000 and ...

AG: Yeah 2012 ...

PR: Yeah it was May wasn't it?

AG: Yeah May 2012, so the emails that we've referred to as being enclosed that would be really helpful. [pause] ... and then our final email as you'll be pleased to know is this one on the 2nd August when you emailed Mike Barton.

PR: Yeah, yeah.

AG: Again we're referencing the land of Mr Geal and asking, and you're saying, as you're acting in your capacity as a councillor and you want this resolved.

PR: I was even under pressure from Paul wasn't I, Paul was saying you know I'm going to show you that email.

AG: Yeah, that would be helpful to see.

PR: Yeah Paul is saying we can't until we've sorted the land out, that's why I was being pushed on.

AG: Okay so you accept that you sent this email and ...

PR: Yeah I accept everything yeah.

AG: Yeah, were you still in communication with Mr Geal about all of this, at that time?

PR: What date are we now?

AG: We're in August 2013

PR: Just a minute ...

AG: so you had a meeting in June and ...

PR: I still see him, he's working not far from us, I see him going past, yeah ...

AG: Still in conversation about this particular issue ...

PR: I don't talk about the dashed issue.

AG: Not any more.

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PR: No I don't ... you've no idea of the problems that it's caused, you know the publicity, I wrote to Mr Tyndall he hasn't responded to me either you know about that.

AG: That's why I rang you, because obviously Mr Tyndall isn't with us any longer, we have an acting Ombudsman and the acting Ombudsman asked me to speak to you directly so that was our, our response when I rang you to explain what had happened there.

PR: Who is the acting....

AG: Professor Griffiths, Professor Margaret Griffiths.

PR: Oh, thank you ...

AG: Yeah, she felt it would be prudent for me to come back to you straight away as I was able to resolve the issues on the telephone for you.

PR: I mean that was appalling wasn't it for former councillors to be at a football match to say about buying a piece of land on the football pitch and they wouldn't be messing about with the legal office and goodness knows what, that's the, I mean it's, anyhow that's it ... we'll have to face it all but all I want is a quick, I don't want to be waiting for another 2 years to go before the panel.

AG: Okay, well I've just going to proceed to ask you a few questions now. So we've gone through the meeting when you met up with Dylan and, erm what's the other one called, Dafydd, sorry I get them confused a lot.

PR: You've done jolly well.

AG: And you say that Dafydd has had Dylan's notes ...

PR: Yeah, Dafydd ...

AG: Yeah DO Dafydd Owen's note doesn't bear any resemblance to what was discussed.

PR: Absolutely note.

AG: Did you make any notes about it, did Mr Geal, do you know?

PR: No, no, do we look as though we make notes ...

AG: Erm, well no.

PR: Well we shook hands on it all, it was such a friendly dashed meeting, I just can't understand all this animosity that's come out now, it's all because they didn't do what they were going to do and now ... but I've got something else that I'll show you in a minute...

AG: Okay. Erm, okay so when thinking of all these emails and the one telephone conversation and the two times that you've met officers in relation to this, I think I've counted 13 incidents if you like and that's the easiest phrase to catalogue them under.

PR: Yeah.

AG: When you were writing, emailing, speaking on the phone or speaking in person, did you consider whether you had a personal interest in the matter in accordance with ...

PR: Never.

AG: So you recall I said 10(1) requires you to consider at all times....

PR: Yeah.

AG: At all times in all matters whether you have an interest in it, and you're saying that you didn't.

PR: Well if I did I would have done it wouldn't I? It's not good me saying ... it's no good me telling you that I'm a bloody fool that I did think about it, but I decided to disobey it.

AG: Right so you didn't think about.

PR: No, no.

AG: So it's been alleged that you did have a personal and prejudicial interest because of the close personal association with Patrick Geal and you agree that none of the emails and at no point when you discussed anything with any of the offers have you made any form of declaration to that effect, and you haven't applied to the standards committee for dispensation or anything like that. Okay ... my question to you councillor is that do you accept that you had a personal interest in the issue, the sale issue, pursuant to paragraph 10(2)(c)(i) ...

PR: To save you reading it all out, I'm bound to say no, it's pretty obvious.

AG: Can you, I'm going to ask you to repeat why you feel you didn't have an interest?

PR: Because I wasn't, when you're talking about, where is it again, what ...

AG: 10(2)(c)(i) – if you, it's in this bundle here ...

PR: Sorry I know where it is ... 200 and what?

AG: So it should be on page ... there ...

PR: Your wellbeing or financial position...

AG: Wellbeing, or that of a personal associate, a close personal associate ...

PR: No I don't, I don't, no he was paying above the market price for it, it was a sealed tender, I, I had no involvement in the price all I was trying to do was to conclude the negotiations but I wasn't involved in anything.

AG: So not involved in the negotiation ...

PR: Or the price.

AG: So ...

PR: In fact if anything I was, I was supporting the council in putting the claw back on it and insisting on the claw back and yet for some reason the councillor failed to even, erm acknowledge that in the notes of the meeting, I mean the notes of the meeting are completely incorrect.

AG: So just for my understanding had you been involved in the negotiation or the price or something like that, do you think that then you would have had an interest.

PR: Oh yes, yes, of course you would have done ...

AG: Right so it's the fact that ...

PR: I wouldn't have got involved would I?

AG: That's my question to you.

PR: Jeepers, creepers, jeepers creepers I'm ...

AG: So the distinction is because you're trying to progress things and move things along, that, that's what makes the distinction, am I understanding you correctly.

PR: Yeah, course it is.

AG: Yeah, so you mentioned to me that you suggested the claw back, do you think that's a greater extent of involvement other than just trying to get the officers gee things along and move things up, because you made an academic ...

PR: They got me so infuriated about the way that they were carrying on, I mean it's just not acceptable I mean, I mean it's just not acceptable the conduct that's gone on in this case, the time factors, you know people are either away getting married or away on leave I just can't believe it.

AG: So in terms of, you said the distinction would have come had you been involved in the negotiation or the price.

PR: I wouldn't have touched it.

AG: Do you think proposing the claw back and talking through the claw back is technically negotiation, things like that?

PR: Well it was a way of safeguarding the council's asset and that's, in the same way I make the point now that two months or three months previous I'd been there, rung up and had a meeting to understand the sale of the land in Dwyran that didn't concern me, but I was concerned about our assets you know the assets that we've got, and that was concerning me.

AG: Okay, but I'm not ...

PR: I don't understand, you know, I have had all sorts of positions in life, I don't know whether you've seen, a magistrate and all this, I've got a heck a lot to lose to mess about with a bit of money...

AG: Well obviously the suggestion is not that there's a financial gain to yourself it's the financial gain or the wellbeing gain to the close personal associate that the interest is tagged onto if you like.

PR: I don't understand how anybody can think there's a personal gain for him.

AG: But he's still acquiring land.

PR: but he's not buying it on the cheap.

AG: But regardless he is still involved in a purchase ...

PR: I think there's got to be, some evidence that he was trying to diddle or do something and damned we weren't doing that at all, it was a sealed tender.

Councillors Name:

AG: That's not the suggestion I'm making to you I'm just saying that by virtue of the fact that he was your friend, he's trying to buy land from the council do you think that a prudent councillor would feel that they have an interest in that context.

PR: I think a prudent councillor would be concerned to make sure that we were realising our assets and that's what I'm doing and I've got lots of locations that I'm going on now where we've got property that have been up for sale for 3 years and we're not even marketing them.

AG: Okay, my questions now are going to be sounding very repetitive and you're going to be saying exactly the same response to me, and I beg your forgiveness before I start but I have to put these questions to you.

PR: Good for you, good for you.

AG: Do you accept that by failing to declare a personal interest in, erm on each occasion that you've written to, spoken to or met with any of the officers of the council that your actions have breached paragraphs 11(1) and 11(2) of the code. So if we recall 11(1) requires you where you're discussing things, to make an oral declaration and 10(2)(a), where you're writing ...

PR: I'm not going to, my defence is always going to be that I was going to start to safeguard the incompetence of what we were showing as an authority in our correspondence in our dealing with this, I want to bring it to a speedy conclusion because my only interest was to tidy up that estate, and I've got a record previously when I first became a councillor and I think that is very commendable that one of my first actions was to try and get those stud walls built up because it was on the main road and I thought it look awful with all the weeds growing and I did that, and it reverted back again as it is and now he's got away with that again. You've seen the photographs, he's running a business there which he's not allowed to, I told him he'd use the race card and he did use the race card, they then went and told him that it was Peter Rogers that was complaining, he came knocking on my door, hammering on my door one day, upsetting my wife, about me, and when I take it up and make a complaint against the council they say well you were seen there with the council officers he's bound to know that you were making, and I wasn't at all, it's them that have told, told me.

AG: Just out of interest are there any other ward members for this area?

PR: There is now, but not ...

AG: Not at that stage ...

B254

Case Reference:

PR: Just a minute, no, no, no you're okay, there was, we've now, as you quite rightly say we've got multiple wards and that came in last may didn't it, so you've got to get involved with that.

AG: So from May 2013 who would become your ward ...

PR: Somebody called Anne Griffiths.

AG: Anne Griffiths and prior to that, you were the only councillor of the ward.

PR: Yeah, that's right, that's right otherwise I could have got her to do it and that's what we do now ... not do now, that's what we have done, I'm not saying ...

AG: You would have done if you had an interest ...

PR: Oh ...

AG: Sorry I don't want to .... Yeah.

PR: Yeah.

AG: Okay but you didn't after May when you went to the meeting in the June, you didn't think to involve ...

PR: Oh just a minute, we're on the wrong ...

AG: May 2013, June 2013 when you had the meeting, you said that ...

PR: Oh she was May wasn't she, May 2013, so when are you going back to now?

AG: When you met with Dylan and she would have been in place then, but you didn't refer the matter to her or anything?

PR: No, yeah, you're right.

AG: Okay I'm going to go into these series of questions, I know what your response is going to be but I have to ask you ... do you accept that your personal interest may have also been prejudicial by virtual of paragraph 12(1) of the code, i.e. that an independent observer with knowledge of all the facts and knowing about your friendship, the growing family relationship if you like between yourself and Mr Geal would consider that your judgement and public interest could have been prejudiced in anyway.

PR: I don't believe so.

Councillors Name:

AG: No? Okay ... do you accept that your actions in corresponding with, speaking to, or meeting with officers of the council in relation to a matter in which you had, in which it is alleged that you had a personal and prejudicial interest your conduct may have also breached paragraphs 14(1)(a),(c) and (d) and (e) and that's the requirement for you to, unless you have got dispensation to either withdraw from the room, not seek to influence a decision, not make written represent and to not make oral representations.

PR: No.

AG: Do you accept that your actions in corresponding with, speaking to or meeting with officers of the council in relation to a matter in which it's alleged that you had a personal and prejudicial interest was an attempt to use your position as a councillor improperly to confer or secure an advantage for another person, namely Mr Geal in breach of paragraph 7a of the code.

PR: I don't see any advantage at all in Mr Geal nothings happened anyhow because it's still in abeyance so I don't understand how they can be levelling that at me.

AG: So no advantage, you don't think he would have obtained an advantage from it, even though you recognise that there was a potential for benefit if he was able to develop the land.

PR: But he was going to pay the going price for it ...

AG: so that's where the distinction come from?

PR: Yeah, he was paying the going price, it wasn't a knock down price, I wasn't pleading on the price, I was safeguarding the council.

AG: So making the suggestion about the claw back and taking the restrictive covenant away ...

PR: What's a restrictive covenant?

AG: The garden use only.

PR: Yeah, yeah but we were covering ...

AG: You were taking that out, that was the plan wasn't it?

PR: Yeah but we were covering ourselves by a claw back.

AG: By putting the claw back in ... so ...

B256

Case Reference:

PR: I wasn't going there to take that off without the claw back, the claw back had got to be there.

AG: So that was the quid pro quo if you like then?

PR: that's right, so nobody was going to lose, we've got a piece of land that we don't want, that's causing us a nuisance.

AG: So erm am I correct in understanding then that you're saying there was equally an advantage to the council?

PR: Well I think it's more of, of, well we've got a piece of land that's surplus to requirement, we can't use it ourselves, it's more than that, it is an advantage to the council

AG: The final question you'll be pleased to know is do you accept that your actions in failing to declare personal and prejudicial interest and using your position as a member of the council, allegedly using it in an attempt to bring an advantage that Mr Geal could be regarded as bringing the role as member or the council into disrepute.

PR: No I don't I've just given you the reason it wasn't any advantage, the advantage was to the council to get a better price in case he was able to get, I mean the defence of this is on a flood plain, just because Geal think that he can get at that, doesn't mean anything you probably know more about planning than I do, if you want to go and tackle it on a flood plain...

AG: Rhiannon is the planning expert [laughs]

PR: But I'm right aren't I, on the flood plain, I'm not ...

RW: I'm afraid the land is used these days, planning permission is granted for development on flood plains, it does happen.

PR: Oh yeah without any doubt on stilts and things like that, but I mean it's a pretty, there's no getting away that the answer to all this was for us as an authority to have got our own planning and to have gone down that line, you know we were controlling it, we would have a better idea than anybody.

RW: Obviously I can't comment.

PR: No of course you can't, I don't expect ...

RW: Whether planning permission would ever have been granted for that ...

PR: No I'm not ...

AG: So had the council done that, though you'd have been happy with that outcome anyway wouldn't you?

PR: Isn't there an email there saying that all I want to do is tidy the estate up, there's an email there that says that ...

AG: I think it's in the letter isn't it ...

PR: All I want to do is tidy the estate up, my reasons were completely justifiable.

AG: The floor is now yours councillor ...

PR: No I will bore you to death, [laughs], I'm going to give you now why, you know and I'm not expecting you to say yes or no, but you know there were other ways of dealing with this. Okay? I don't expect you to say anything at all, but there are other ways of dealing with this. I've already told you about the way that it was done, grabbing the Chairman of the council, I don't expect you to read all this, but this is over a contract to put a water main into a small holding which we were selling. Erm ... and there was no water there and they went out to tender and they had three or four tenders. They let it out to the lowest tender, the tender, it was about, I think it was 30 or 50,000, £35,000 I think it was the tender was, I've got all the, I had to almost draw teeth to get all this information off all these people, off property and I think ... the ... what happened was when they were in the middle of this they closed the road, which was a jolly good idea, you know you're not able to close roads generally but if you're putting a, you know digging through the middle of the road, half a mile, it's much easier to close the road completely and put diversions but the first, what happened was the cross the road that I use and they didn't put proper signage there at night, they've just put a road plate on it, which a motorcyclist or somebody else could have gone down into the trench and as the local councillor somebody stopped at my house and said Peter it is dangerous up there what they've done, I went up to look at it, I rang Highways the next day and said there is concern that they're not doing road management correctly, that they've only put one. "oh we've got an inspector and he's quite happy but he'll go out to have a look". Anyhow he went to have a look, in the meantime he went to have a look, the next thing is the contractor is then shouting about me, and makes a complaint against me for putting some road passing places, I own the land along there, and that a car had damaged itself and I was being sued, and he reported it to Highways, and they rang me up and I said look, come and have a look what I've done, I have heard nothing about anybody going to sue me and I object to your officer telling the contractor that it was me that made the complaint. I reported the complaint but it was from a constituent who was using and it damn lethal what they were doing, a

road plate is a steel plate as big as this, you've got a trench in the road they put it across...

AG: Over the top?

PR: But they didn't have enough barriers on the side and that was the problem, anyhow, no complaint did come in. He said that I'd made passing places, I said that I haven't made passing places, what I've done is open gateways and put in hard core, I've hired a vibrating roller and we've put filler on it and levelled it all off. The next thing is Highways come, there's a complaint Peter you've got to do something about this and I said well go and take photographs and he went took photographs and said perfectly alright, nothing's ... it was a vindictive thing that went on, anyhow it went from bad to worse because after they put the road in, after they didn't it, it was quite obvious that subsidence was pretty horrendous on the trench and they obviously had not, in my opinion, obviously not backfilled anyhow, I wrote numerous times to them and that's the documents there now, this is all the same, the same time, and it's all to do with property this is before they start on me on that, but all of that, eventually I got the Highways to come out, they've agreed that there wasn't the correct thickness of tarmac put on it, but any, they've got a contract within three years they can rectify it. Anyhow they then came, the water board came to, one of the things is when you're making trenches, is that you take everything in the road because of subsidence you take it all way and put sub base and two lots of sub base, what they'd done in fact was they hadn't put any sub base so they just put the stuff back in and it sunk, but they wouldn't accept it, and these are my photographs because when they came to, when they came to, to the water board came, they exposed it, and I mean this is the road, see how it's, this, that's the level of the road, look at the ... it's appalling, look at this, you know this is a £35,000 contract, the water's running, it's worse now than it was, but they're saying there's something in the clause that they can re do it again. Now, these are the evidence, there is no, no, you probably won't understand it but there is no base in there, it's just the soil that's gone back, you know it's just the soil that's gone back and that's the reason why it's sunk, you see, this is the stuff that's come out. Anyhow I've been going on about that for about 2 or 3 months and they wouldn't do anything about it other than make allegations against me, and eventually the final thing is, and this is when I had to pack in, because I've got all this trouble with you ... I mean this went on, these are all these emails relating to this ...

AG: Right.

PR: I attach the email to Mr Barton, you've got Mr Barton there haven't you, it has taken one month for Mr Barton to respond, it is now nearly two

B259

months since my last email ... this is Barton, this is this bloke and it goes on, following our meeting in site. That started in October, because the whole thing started I think, I mean it's just ... when did I say what date that was, it's July, June ... anyhow we got right up now to November and I've been fighting it for that length of time. You people will understand that if you're doing a job of £35,000 the Highway inspector is responsible for the work, so he comes with a camera at every stage of development, he takes photographs, it's like a foundation for a house, you take the photos, to make sure you've dug deep enough, so he would have photographs, they don't have to do that.

AG: Right.

PR: What I was asking for is to go and core drill to see if the stuff is there. This is, this is, this is November... yeah the 4th November, Dear Dewi, that's the Highways bloke, very grateful you took time to come out and inspect the reinstatement in view of my photographic evidence. I'm afraid the subsidence is far greater than you're accepting and certain the images confirm that the vast majority of work is unacceptable and raises very serious concerns in how this contract is being monitored. You may remember that my first involvement was my concern over the lax traffic management plan arrangement put in place by the contract which resulted in Alan Jones breaching my confidentiality and naming me as the Complainant. Alan Jones is the inspector, which infuriated Mr , he's the contractor, for him to damn me to all and sundry and also resulted in ringing you to make a complaint against me for improving gate way access off the high way which he claimed had caused damage to a car and I was to be held responsible. You quite rightly immediately despatched Alan with a camera to collect evidence for the alleged damage to the high way. In reality I have greatly improved the high way at my own cost which you have now appreciated. So ... that was, that was ... you know this is November, yeah ... in your email you make reference to the fact that sand and not P gravel was used although P gravel was detailed in the schedule, I fully appreciate that neither would affect subsidence. You also state that photographs show a bitumen depth of between 75-100 and the schedule clearly details 100, surely a breach of contract, the question must be asked about the 430mm of sub base and subsidence and you are aware that my photographs show this. I'm not entirely sure what the role or involvement that Mr Barton took in this contract, but his failure to cooperate or respond to my emails in an acceptable time has not helped and I will make sure that you will agree that the contribution of Thomas Huws, he again works for property, needs to be challenged. For him to claim that I feel Councillor Rogers only made these allegations at this stage and there is no proof that the contractor has carried out the work to the required specification is ridiculous. Emails will show that I've been trying to get answers because

of the subsidence from Mr Barton since June, we're now in November. This was a £35,000 contract and I'm sure you will agree that if subsidence is the result of the contract not being properly scrutinised by the authority it is a very serious consequence that will follow. I intend now to request the Chief Executive to instruct an engineer to investigate. That was in November, November 14th I got this back. Dear Peter, I apologise for the delay in responding, I've been busy trying to find 1 ½ million ... to try and bring this matter to an end I will arrange for an contractor to take cores within the excavation but I will wait until the work at Pentre Berrow involving a road closure is complete as it may affect the diversion road for some residents... I wouldn't read too much into my comments on the presumed depth based on a photograph, it is not possible to scale accuracy from a photo, I have spoken to the contractor and he is perfectly willing to undertake remedial work now but unless there is a deterioration to the point that the trench becomes a category one defect it is advantageous for the council to wait another 12 months. As regard to the erm field entrance I agree they're a benefit to the road and I confirm that I've already requested additional passing places as a Highway gain from another property close by. But he then says that I will now arrange for core drilling and it's never happened.

AG: Right.

PR: And what I'm saying is that is, that is the reason for all this ...

AG: Right.

PR: So I haven't bothered with that now because I want to get this sorted.

AG: Sorted, yeah ... Okay ...

PR: Because that's a big contract.

AG: Yeah, yeah okay thank you ...

PR: Perhaps I'm wrong but why don't they show me that I'm wrong, why don't they do the core drillings, but they will have the evidence in photographic evidence.

AG: Yeah, so ... if I understand you correctly you're suggesting that because of the issues that you've highlighted, this has kind of been brought to the front.

PR: Absolutely.

AG: With that being said.

B261

PR: They know that I'm not going to move now, but I mean you try and explain how two officers can meet Patrick Geal and myself on the claw back and not a mention of it in that, and it's quite, and you know from my emails, the claw back, you know I... I'm not imagining it two months later, and you know Patrick Geal is not imagining it, and that was the thing. No I've had a very fair healing, hearing, I'm sorry I've bored you so much but ...

AG: No not at all. Rhiannon is there anything you wanted to pick up on at all?

RW: No ...

AG: You know you've cooperated fully with me and so I am grateful to you, what we will do now is go back to the office, the discs will hopefully have worked and ...

PR: I hope they have, I don't want to have go through all that again.

INT1: I sincerely hope they have, but I don't profess this to be a verbatim record of what you've said I'm afraid.

AG: So erm I will send off for the transcript, the transcripts usually take about 2 weeks to come through.

PR: Yeah fine.

AG: I'll send you a copy for your records. You are entitled to have a copy of the disc as well should you wish to do so, and I'm going to give you a notice now that explains how you can request that. Once the transcript is received the documents are then bundled if you like and referred to the Ombudsman so that she can make her decision. So ...

PR: How long will it take do you think?

AG: Well it's a priority case, in terms of, well because I'm going on holiday, so it's a priority in my work load for me to achieve before the summer if I can. So erm the matter will be referred to the Ombudsman as soon as I can do so, and erm she'll reach a determination thereafter.

PR: Mm.

AG: I don't know if you're aware the Ombudsman has four options available to her, she can making a finding of no evidence of breach at all, if she considers the evidence, considers the information from you and decides that no there is no evidence of breach she'll make a finding on that basis, the second option she can follow is that no action should be taken so that arises in circumstances that she thinks that perhaps there was a breach but there were mitigating circumstances or this is hypothetical now, the

councillor has acknowledged the breach and has apologised and so there's actually no benefit in proceeding because there isn't going to be a sanction if the matter were to go before a hearing and in those circumstances she'll determine that no action needs to be taken. The third option is to refer the matter to the standards committee so that the matter can be determined by the standards committee of the authority and the final option which you alluded to earlier is the adjudication panel for Wales. I cannot say at this stage what ...

PR: No, no I know.

AG: Way she'll decide, she's got all those options available to her and she will you know reach a fair and reasoned decision on the basis of the information that's provided and I will ensure that the transcript accurately reflects everything you've said to me today, erm ... if she is going to go down the option of the standards committee or the adjudication panel for Wales she will issue a draft report first and you will be privy to that document, in fact you're the only person that gets to see it and you'll be given the opportunity to comment on that, so you'll either hear from us with a final decision or a draft decision depending on which direction she's decided to take the matter. Is that okay? In the meantime if you could look for those two documents for me.

PR: I've written that down, I've written it down.

AG: That would be, and the sooner you can get those over to me the better.

PR: Yeah, I will do.

AG: That would be really helpful and if at any point you have any questions please feel free to contact me.

PR: If I'd apologised I might have got away with it.

AG: I'm not saying anything.

PR: None of you are even looking at me, you've all put your eyes down ... I didn't think that I had the opportunity to have ... no of course, no ... no it's okay that's fine. That's it.

AG: Right I'm going to get you to sign here for me, this is the notice that explains how you can obtain a copy of the CD should you wish to do so, in the meantime I'm going to stop the recording and I'm going to get the discs so I can label those, so ... Councillor Rogers thank you very much for your cooperation, the time is now 1pm and I'm going to stop the recording.

Ombudsman Ombwdsmon
PUBLIC SERVICES OMBUDSMAN FOR WALES
OMBWDSMON GWASANAETHAU CYHOEDDUS CYMRU

Councillors Name:

PR: It's the 3rd is it today?

AG: 4th ...

I have read and agree the above as mine.
The answers I have given are true and accurate to the best of my knowledge and belief.

Signed: Date:

B264

Case Reference:

Annie Ginwalla

From: Peter Rogers [PETERROGERS@anglesey.gov.uk]
Sent: 04 June 2014 14:20
To: Annie Ginwalla
Subject: Correspondence to and from Paul Lloyd Jones

Dear Ms Ginwalla
I am still trying to locate other E- mails.

Regards

Peter

From: Stephen H. Owen
Sent: 19 July 2013 15:49
To: Peter Rogers
Cc: Shan Lloyd. Williams; Steven Pritchard; Paul Lloyd Jones
Subject: FW: Telephone Call

Good afternoon Councillor Rogers,

In regard to your e mail to Paul Jones I can confirm the following:

Following a complaint from I : of , Dwyran I visited the property at 10:00am on Wednesday 10th July with Steven Pritchard the Area Maintenance Inspector.

After speaking to I a full inspection of the window was carried out whereby I hacked off a corner of the reveal.

was informed at the time that the problem was down to poor workmanship and I personally would ensure that the issue would be resolved to everybody's satisfaction.

No plasterer was asked to attend the day after or since. I can only presume it was part of the original works order raised. I will be raising this with the BMU.

The work to repair and seal the reveal will be carried out w/c the 29th July when the Area Inspector returns from leave so he can personally supervise the works.

Extra works has been promised to reskim and replace the skirting in the hallway.

was left happy with the proposed works and left my contact details so he can contact me direct if he so wishes.

Kindest Regards,

Stephen Owen
Uwch Swyddog Technegol
Senior Technical Officer
Adran Tai a Gwasanaethau Cymunedol
Housing & Community Services Department
01248 752216

B265

From: Paul Lloyd Jones
Sent: 19 July 2013 15:20
To: Stephen H. Owen
Subject: FW: Telephone Call

From: Peter Rogers
Sent: 19 July 2013 15:15
To: Paul Lloyd Jones
Cc: Bethan Jones; Shan Lloyd. Williams
Subject: RE: Telephone Call

Paul
Thank you for the progress report on the new door for .I understand from ' that 2 Council Employees did turned up this week and removed all the plaster from around a window and discovered that no silicon had been used to seal the frame and that was the problem.Next day a plasterer turned up to plaster around the window!Yet nobody had been to seal the frame first.It is going to be deeply embarrassing if an audit trail is ever ordered into the ongoing problems on this estate.
I am afraid there does not appear to be any progress over the sale of the land.
Regards
Peter

From: Paul Lloyd Jones
Sent: 16 July 2013 09:58
To: Peter Rogers
Subject: RE: Telephone Call

Good morning Peter,

Just to keep you informed with : and his doors, I understand that Steven Owen from our repairs department has been out and visited last week to discuss the door replacement. has been told that the doors are on order and will be fitted as soon as possible, which he was happy with.

Have you heard any more with regards to the sale of the land?

Paul

From: Peter Rogers
Sent: 24 June 2013 13:12
To: Paul Lloyd Jones
Subject: RE: Telephone Call

B266

Fully Agree.

I just want a tidy estate.

Regards
Peter

From: Paul Lloyd Jones
Sent: 24 June 2013 12:23
To: Peter Rogers
Subject: RE: Telephone Call

Hi,

It is something that I will look into.

Would it be beneficial to wait until the proposed sale of the land to progress further? At least then we can look at what land is left and move forward from there.

What I would like to do is involve the residents in our consultation and seek their views about the best use of the grass area.

From: Peter Rogers
Sent: 24 June 2013 11:20
To: Paul Lloyd Jones
Subject: RE: Telephone Call

Good Morning
Thank you I can now report back to the reason for the delay.I hope you agree that the next task after the doors is to start laying the law down about the state of the estate.I had requested KEEP OFF THE GRASS signs as a start-is this possible?I fully accept that we are not going to change things overnight but I am sure you will agree we need to make a start.
Regards

Peter

From: Paul Lloyd Jones
Sent: 24 June 2013 09:37
To: Peter Rogers
Subject: FW: Telephone Call

Sorry for the delay, but I'm still awaiting confirmation from our repairs department on the date of the doors. From what I have been told, the doors are being made to measure hence why it can take up to a few months to produce and install.

thanks

From: Paul Lloyd Jones
Sent: 17 June 2013 10:42
To: Peter Rogers
Subject: RE: Telephone Call

Morning Peter,

I will make some enquiries for you and get back to you as soon as possible.

From: Peter Rogers
Sent: 16 June 2013 20:19

B267

To: Paul Lloyd Jones
Subject: FW: Telephone Call

From: Peter Rogers
Sent: 16 June 2013 20:12
To: Paul Lloyd Jones
Subject: FW: Telephone Call

Are you in a position to respond?
Regards
Peter

From: Peter Rogers
Sent: 31 May 2013 14:29
To: Peter Rogers
Subject: RE: Telephone Call

Another visit from .He claims he has rung housing and he was told no doors for 3 months and nothing can be done until an Inspector has seen the door!Copy correspondence over 18 months seems to suggest ortherwise.
I look forward to your response

Peter
P S I understand that

From: Peter Rogers
Sent: 29 May 2013 19:48
To: Paul Lloyd Jones
Subject: RE: Telephone Call

I have forwarded telephone number to ; he has even apologised to myself for being so rude.I now hope we can make progress and start to tidy the estate up, which has always been my big concern.I also have an appointment with Property over the proposed sale of the land at n[redacted] which if progressed will stop that vechicle access on the grass.
I now look forward to a good working relationship with yourself.
Many Thanks

Peter

From: Paul Lloyd Jones
Sent: 29 May 2013 15:27
To: Peter Rogers
Subject: RE: Telephone Call

I have made some enquiries with the repairs department and it appears that inspections have been arranged with , but when they turn up at the property nobody is home.

I understand that the latest repair to inspect the porch for leaks, ...: actually left the porch unlocked to allow access for the inspectors. They have identified the problem and on the 21/05/2013, instructions were passed to a contractor to carry out the work.

I would recommend that contacts our repairs department direct on 08081685652 with his concerns as they would be able to give him answers direct.

I have also been informed that as a part of the on-going door replacement scheme, property has been identified as requiring new external doors. These doors have been ordered and will be fitted in the near future. I would recommend that contacts our repairs department direct to make arrangements for the new doors.

B268

Thanks

From: Peter Rogers
Sent: 29 May 2013 14:48
To: Paul Lloyd Jones
Subject: RE: Telephone Call

I have already had 3 visits from of Dwyran following our meeting outside his house last week!Your records will show that we have work outstanding for well over 18 months on his property.
Please advise how we resolve the situation?
Regards
Peter

From: Paul Lloyd Jones
Sent: 24 May 2013 16:38
To: Peter Rogers
Subject: Telephone Call

Afternoon Peter,

rry I've been out most of the day and only had your voice mail, I've tried ringing you at home but no answer. Unfortunately, I have to leave work soon, so I will try and ring you after the bank holiday weekend

Thanks

Paul Jones
Swyddog Rheoli Tai / Housing Management Officer
Gwasanaethau Tai / Housing Services
Cyngor Sir Ynys Môn / Isle of Anglesey County Council
Ffôn / Phone : 01248 752298
www.ynysmon.gov.uk / www.angelsey.gov.uk

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Mae'r neges e-bost hon a'r ffeiliau a drosglwyddyd ynghlwm gyda hi yn gyfrinachol ac efallai bod breintiau cyfreithiol ynghlwm wrthynt. Yr unig berson sydd 'r hawl i'w darllen, eu copio a'u defnyddio yw'r person y bwriadwyd eu gyrru nhw ato. Petaech wedi derbyn y neges e-bost hon mewn camgymeriad yna, os gwelwch yn dda, rhowch wybod i'r Rheolwr Systemau yn syth gan ddefnyddio'r manylion isod, a pheidiwch datgelu na chopio'r cynnwys i neb arall.
Mae cynnwys y neges e-bost hon yn cynrychioli sylwadau'r gyrrwr yn unig ac nid o angenrheidrwydd yn cynrychioli sylwadau Cyngor Sir Ynys Mon. Mae Cyngor Sir Ynys Mon yn cadw a diogelu ei hawliau i fonitro yr holl negeseuon e-bost trwy ei rwydweithiau mewnol ac allanol.

CYNGOR SIR YNYS MÔN ISLE OF ANGLESEY COUNTY COUNCIL

PETER STANDING ROGERS
Cynghorydd - Councillor

Bodrida
BRYNSIENCYN
Ynys Môn - Anglesey
LL61 6NZ

ffôn / tel: (01248) 430241

E-bost: prxau@ynysmon.gov.uk
E-mail: prxau@anglesey.gov.uk

Ein Cyf - Our Ref.
Eich Cyf - Your Ref.

17.6.2014

Ms Annie Ginwalla.

Investigator Ombudsman Office

Pencoed

Dear Ms Ginwalla

Following your E- mail I now enclose further copy E –mails relevant to your investigation into complaints made against me by the Chief Executive of Anglesey County Council. Unfortunately I can not find any E- mails stored on my computer prior to October 2012 which You really required to give you an understanding how long I have been involved with issues on this Estate.

If I can be any further assistance please contact me.

Yours Sincerely

Peter Rogers

Peter S. Rogers.

P.S.O.W.
18 JUN 2014
P.S.O.W.

B270

RE: Confidentiality

Peter Rogers
Sent: 17 October 2013 12:56
To: Dafydd J. Rowlands
Cc: Bethan Jones; Colin J. Edwards; KennethHughes@anglesey.co.uk; Lesley A. Roberts

Dear Dafydd
Are you yet in a position to my to respond to my E-mail dated the 2 October. I would suggest that you need to familiarise yourself with the present available car parking on this small estate, so you can fully appreciate my concern that a Senior Housing Officer can even contemplate extending this parking area. Where ever is the funding coming from?
I very much look forward to you response
Peter

STILL NO RESPONSE !

From: Dafydd J. Rowlands
Sent: 03 October 2013 15:51
To: Peter Rogers
Cc: Bethan Jones; Colin J. Edwards; KennethHughes@anglesey.co.uk
Subject: RE: Confidentiality

Dear Councillor Rogers

I am not familiar with or aware of the outcome of discussions and meetings that you have held with officers of the Housing Service in connection with Glandwr Estate.

In view of the above, I am unable to comment further until I have discussed the background with Shan Williams, Head of Service. I will contact you again after Shan returns from annual leave.

My Regards

Dafydd

STILL NO RESPONSE !

From: Peter Rogers
Sent: 02 October 2013 17:10
To: Dafydd J. Rowlands
Cc: Bethan Jones; Colin J. Edwards; KennethHughes@anglesey.co.uk
Subject: FW: Confidentiality

Dear Dafydd
How on earth can the Senior Housing Officer even consider sourcing funding for Glandwr Estate to improve parking? The residents of Morawelon, Aberffraw will certainly need an explanation following our meeting there. Their concerns related to allowing free movement for emergency and refuse services and yet there was no money available.
The improvements for Glandwr Estate is solely to accommodate a car lot for the sale of cars and scrap-an ideal frontage situated on the main A4080. Is the Senior Housing Officer aware that Council House Tenants are not allowed to run businesses from Council Houses. We have units available to rent specifically for this very purpose.
I look forward to your observations.
Regards
Peter

From: June Williams on behalf of Bethan Jones
Sent: 27 September 2013 11:44

To: Peter Rogers
Subject: RE: Confidentiality

Dear Councillor Rogers

I refer to your email of 17th September in relation to your concerns about Glandwr Estate in Dwyran and apologise for not responding sooner. Following consultation with the Head of Service Housing, I can now confirm the following:-

Following the receipt of a copy of your letter dated 29 March 2012, Shan Williams did follow up on the contents of your letter, and hence there was a visit from the Estate Management Officer and Technical Inspector during the week commencing 16th September.

There have been a number of visits to the Glan Dwr Estate, following a site visit with yourself on 22nd May, 2013, when an action plan was agreed in relation to the trailer being parked on the grass in front of the estate and damage to the stub walls and parking bays. In attendance at that meeting were: Shan Williams, Councillor Rogers, Paul Lloyd Jones [Estate Management Officer] and Steven Pritchard [Technical Inspector]. Through walking around the estate, and pointing out where the repairs work was required, it was clear from the visit to any of the households who were at home, that you were discussing the concerns with Officers.

The trailer has now gone, . is still parking on the grass verge, however, arrangements are in place to extend the parking area and for bollards to be placed around the grassed area to ensure that parking is no longer possible at that location. has advised he is content with this arrangement.

In relation to the walls being knocked down there has been a mutual agreement on works to rectify the issues, these works have been authorised by the Senior Housing Officer and currently prices are being sourced for the specific work required.

The Head of Housing is confident that this work will satisfy all tenants, residents of private housing and yourself, as local Councillor, and finally restore the estate to a satisfactory standard.

From speaking to the Officers, the Head of Housing confirms that although there had been general reference to yourself as the local Councillor during a conversation between . ... and Paul Jones, there has not been a breach of confidentiality in this instance, as it was clear from the site visit on the 22/05/13 that the parking issues had been discussed by the parties who were present.

I can confirm that the Head of Housing is content that there has been no breach of confidentiality in this instance.

Bethan Jones
Dirprwy Prif Weithredwr / Deputy Chief Executive
Cyngor Sir Ynys Môn / Isle of Anglesey County Council
Swyddfa'r Sir / County Offices
Llangefni
Ynys Môn / Anglesey
LL77 7TW

01248 752185

From: Peter Rogers

B272

Sent: 17 September 2013 15:55
To: Bethan Jones
Subject: Confidentiality

Dear Bethan
At our meeting a fortnight ago I gave you a copy letter that I had sent to the Head of Housing on the 29 March 2012 regarding concerns I had about Glandwr Estate in Dwyran. Eventually I involved Mr Richard Parry Jones and finally made an official Complaint- all to no avail with no progress at all. I think you would agree from my many recent E- mails that I have copied you in, that you should now be as familiar with the problems as myself I [redacted] I had made. I am sure that Ms Shan Williams will confirm that her Officers are terrified of this tenant because [redacted] because of a complaint

Unfortunately I was not home when he called. Could you please confirm that these Officers are perhaps at the very least guilty of breaching my confidentiality.
There are now 2 vans parked on grass at Glandwr Estate with for sale signs on! You know and I know that you are not allowed to run a business from a council house-I urge you again to read my copy letter dated 29 March 2012 again and understand the purpose of my letter. You will remember that Ms Lloyd Williams explained at the meeting that the Housing Officer involved then[he had attempted to fob me off, by sending me photographs of an entirely different estate claiming it proved it was not untidy]was no longer with us and as a result things were now better. What she did not explain was that I have now discovered he has had a promotion to a Co Ordinator with the Team Around the Family.
I look forward to your response.
Kind Regards

Peter

B273

RE: New Water Main B4419 Bryn Celnwen Llangaffo

Peter Rogers
Sent: 18 November 2013 18:02
To: Dewi R. Williams
Cc: Ieuan Williams; Richard Dew; Bethan Jones; Richard P. Jones

Dear Dewi
Thank you for your response and particularly the acceptance that that my work in improving gateways and providing passing places has benefitted the highway at my cost. Certainly the conduct of your Inspector and the Contractor in reporting me in the first place and then claiming damage to a vehicle is of great concern. I am very pleased that you arranging for core drilling to confirm the presence of sub base.Certainly my photographs cast serious doubt on this. I wonder if your photographs showing the depth of bitumen are any more revealing.

Regards
Peter

No Response 1.

From: Dewi R. Williams
Sent: 14 November 2013 10:56
To: Peter Rogers
Cc: Ieuan Williams; Richard Dew; Bethan Jones; Richard P. Jones
Subject: RE: New Water Main B4419 Bryn Celnwen Llangaffo

Dear Peter,

Apologies for the delay in responding, but I've been busy trying to find £1.8 million saving in Highways and Waste for 2014/15.

To try and bring the matter to an end I'll arrange for a contractor to take cores within the excavation, but I will wait until the work at Pentre Berw involving the road closure is complete, as it may affect the diversion route for some residents. I wouldn't read much into my comment on the presumed depth based on a photograph, as it's not possible to scale accurately from a photograph.

I've spoken to the contractor and he is perfectly willing to undertake remedial works now, but unless there is a deterioration to the point that the trench becomes a Category 1 defect, it is advantageous for the Council to wait another 12 months.

As regards the field entrances / passing places I agree that they are a benefit to the road user and confirm that I have requested additional passing places as a highway gain from a planning application from a property nearby.

Regards,

Dewi

From: Peter Rogers
Sent: 04 November 2013 21:50
To: Dewi R. Williams
Cc: Ieuan Williams; Richard Dew; Bethan Jones; Richard P. Jones
Subject: RE: New Water Main B4419 Bryn Celnwen Llangaffo

Dear Dewi
Very grateful that you took the time to come and inspect the reinstatement and view my photographic evidence.

I am afraid the subsidence is far greater than you are accepting and certainly visual appearances confirm that the vast majority of the work is unacceptable and raises very serious concerns as to how this contract has been monitored.
You may remember that my first involvement was my concern over the lax traffic management plan arrangement put in place by the Contractor which resulted in Alan Jones breaching my confidentiality and naming me as the complainant, which infuriated [redacted] for him to damn me to all and sundry and it also resulted in him ringing you to make a complaint against me for improving gateway accesses off the highway and which he claimed had caused damage to a car and I was to be held responsible for this so called damage. You quite rightly immediately dispatched Alun with a camera to collect evidence of the alleged damaged to the Highway. In reality I had greatly improved the Highway, at my own cost and you fully accepted that.
In your E- mail you make reference to the fact that sand and not pea gravel was used although pea gravel was detailed in the schedule I fully appreciate that neither would affect subsidence.You also state that photographs show a bitumen depth of between75mm and 100mm when the schedule clearly details 100mm surely a serious breach of contract. Questions must also be asked about the 430mm sub base, as detailed again in the schedule.Obviously the make up of the backfill would be the critical factor of any subsidence and as you are aware my photographs don't show any sub base present.
I am not entirely sure what the role or involvement Mr Barton took in this contract but his failure to co-operate or respond to my E- mails in an acceptable time has not helped and I am sure you will agree that the contribution of Thomas Hughes needs to be challenged.For him to claim that "I feel that Councillor Rogers has only made these allegations at this stage and there is no proof that the contractor has not carried out the work to the required specification" is ridiculous.E- mails will show that I have been trying to get answers, because of the subsidence, from Mr Barton since before June.

This was a £35000 contract and I am sure you will agree that if the subsidence is the result of the contract not being properly scrutinised by the Authority, it is obvious that very serious consequences will now follow.
I intend to now request that The Chief Executive Mr R Parry Jones instructs an Independent Engineer to investigate this contract.

Regards
Peter

From: Dewi R. Williams
Sent: 25 October 2013 16:25
To: Peter Rogers
Cc: Ieuan Williams; Richard Dew; Bethan Jones; Richard P. Jones
Subject: RE: New Water Main B4419 Bryn Ceinwen Llangaffo

Dear Peter,

Following on from our meeting on site yesterday, I have further discussed your concerns with Mr Alan Jones, Streetworks and [redacted] the contractor for the works. Hopefully the following comments will clarify the situation and allay your fears:-

1 Levels of the reinstatement - whilst the vast majority of the reinstatement level is fine there is a length either side and across the crossroads where there is a depression along which rainwater will run. This has been identified previously by Alan Jones, along with a short section at the far end of the trenching works. As the works carry a two year guarantee I have agreed with the contractor that he will revisit to correct the defect, but we have also agreed that this should be done towards the end of the guarantee in case any other defects arise. Due to the weakness of the existing road the contractor had to use a 'Rockwheel' for excavation rather than excavating by conventional means tp protect the existing road. Naturally, the existing road condition would have made it more difficult to compact the reinstatement and heavy compaction plant could not be used.

2 Lack of pea gravel in reinstatement by Dŵr Cymru manhole – whilst the original documents may have specified

B275

pea gravel, it is not suitable to be placed below alcathene pipes, as used by Dŵr Cymru, with the required material being building sand. Alan Jones and can confirm that building sand was placed below the pipe for its whole length, what sand remained at the end of the contract (8 tonnes or so) was given by the contractor to the farmer where he kept his cabin etc as a gesture of good will.
The pipe was laid at a depth of 500mm to 600mm and was then raised at the point where it connected to the Dŵr Cymru manhole. No sand was placed in the 3 metres or so up to the manhole as Dŵr Cymru themselves had to undertake the connection and testing works, hence the lack of sand / pea gravel in your photographs by the manhole.

3 Depth of construction of reinstatement – photographs confirm a bitumen depth in the region of 75 mm to 100mm thick within the reinstatement, whereas the depth of bitumen surfacing on the existing road varies between 25mm and 50mm; considerably less than one would expect for a B road. Whilst the road in question is classified as a B road (B4419) it is only a historic B road in that it was the road linking to the old ferry across the Menai from the Mermaid to Caernarfon. The B4419 actually reappears for a short length in the town of Caernarfon. If the road was classified today, it would be a Class 3.

4 Alan Jones' relationship with the contractor – as we discussed on site, your concerns regarding this matter are totally unfounded. I would go so far as to say that I know better than Alan, in that he has undertaken work for both the Waste section in transporting soil improver from the Penhesgyn IVC and considerable works for my Footpaths section. I also know Alun from his work as Chairman of Tyddyn Môn and can vouch for his honesty and integrity.

I hope the above allays your fears and helps to bring this matter to a close.

Dewi

From: Peter Rogers
Sent: 22 October 2013 17:04
To: Richard P. Jones
Cc: Ieuan Williams; Richard Dew; Bethan Jones; Dewi R. Williams
Subject: FW: New Water Main B4419 Bryn Ceinwen Llangaffo

Dear Mr Jones
Certainly very damaging responses from your staff to my concerns over the reinstatement of the road surface following the laying of the new water main. In pouring rain I immediately with a camera and a spirit level went to the site and recorded the subsidence which I will now have available. The photographs will I am sure show very clearly the rain water following the reinstated trench like a canal.
Very disappointed that in the E- mail from Thomas Hughes, he claims that I have only made the allegation at this stage and there is no proof that the Contractors have not carried out the work to the require specification. I am sure you will agree that he would have much more credibility had he in fact inspected the site with Alun Jones as he had indicated in his E- mail and based his opinion on facts.
It is very unfortunate that Alun Jones was the inspector who made the report, as I have previously raised concerns regarding his relationship with the contractor over this contract. To have concluded that the trench may now be in a better condition than the rest of the road is just very unfortunate.

Regards
Peter

From: Mike Barton
Sent: 22 October 2013 10:24
To: Richard P. Jones; Peter Rogers
Cc: Bethan Jones; Ieuan Williams; Richard Dew; Carol Roberts; Arthur Owen
Subject: RE: New Water Main B4419 Bryn Ceinwen Llangaffo

B27b

Richard,
I attach copy of an email I sent to Bethan regarding this and following dialogue with the Highways Service.
Mike

From: Richard P. Jones
Sent: 21 October 2013 13:31
To: Peter Rogers
Cc: Bethan Jones; Ieuan Williams; Richard Dew; Mike Barton; Carol Roberts
Subject: RE: New Water Main B4419 Bryn Ceinwen Llangaffo

Dear Councillor Rogers,
I acknowledge receipt of your message and will be contacting Mr Mike Barton and Mr Dewi Williams for an update before I can respond to you in detail.
Kind regards,
Richard.

From: Peter Rogers
Sent: 17 October 2013 22:43
To: Richard P. Jones
Cc: Bethan Jones; Ieuan Williams; Richard Dew
Subject: FW: New Water Main B4419 Bryn Ceinwen Llangaffo

Dear Mr Jones
Attached copy E- mail to Mr Barton. It was taking one month for Mr Barton to respond but it is now nearly 2 months since this last E- mail. I am sure you will appreciate the seriousness of my allegations and therefore the urgency for Mr Barton to reply. Property services have contributed to the cost of this job and as such we all have a responsibility to the Ratepayers of Ynys Mon for value for money.
Regards
Peter

From: Peter Rogers
Sent: 06 September 2013 16:24
To: Mike Barton
Cc: Bethan Jones; Dewi R. Williams
Subject: RE: New Water Main B4419 Bryn Ceinwen Llangaffo

Dear Mr Barton
Many thanks for finally getting the information to me. 7 days ago Welsh Water exposed the laid pipes to ascertain what fitting they required and then reinstated with tarmac ! During this last week they arrived again and again exposed the pipe work and I presume then made the connection and re - tarmaced yet again! You will note in the work schedule in Section 1 under Bryn Ceinwen in note 4,5 and 6 it states ' all pipework to be tested for leaks prior to backfilling' it must be questionable whether this even occurred.
You are already aware that the reinstated road has already showing signs of subsidence in many places and from photographs I have taken this week of the trench I am concerned that the pea gravel or the GSB1 does not appear to be visible.
You are now advising me, that the council has not been party to any instructions given to the contractor and the responsibility for the work rests with the purchaser of Bryn Ceinwen.I am very sorry, I find this extremely strange.
I would have thought that the granting of any licence to dig up the highway would have been subject to rigid inspection and control by a Highway Inspector from Anglesey County Council.

B277

You really need to speak with Mr Dewi Williams and arrange for an early inspection of this road- my photographs are available if they will assist.
I look forward to an early response

Peter

From: Mike Barton
Sent: 05 September 2013 12:36
To: Peter Rogers
Cc: Bethan Jones; Dewi R. WilliamsA
Subject: RE: New Water Main B4419 Bryn Ceinwen Llangaffo

Dear Councillor Rogers,
I apologise for the delay in responding to you on this matter. The relevant Officer has been on annual leave following his recent marriage and I now have information which I can provide for you.

The responsibility for providing the new water main was placed upon the purchaser of Bryn Ceinwen under the terms of the conveyance as part of the sale agreement. Under this agreement the authority would make a contribution towards installing an extra pipe to supply the bare land that remains in the Council's ownership at Bryn Ceinwen. In order to facilitate this work within a reasonable period of time the authority has assisted the purchaser with the preparation of documents and also with the tendering process. The Council has not been party to the instructions issued to the contractor and the responsibility for this work remains with the purchaser, not with the Property Service.
I attach copy of the documents provided by the Council to the purchaser for subsequent use. The purchaser has taken the subsequent decisions including the appointment of the contractor to carry out the necessary works and he remains responsible for payments to the contractor, etc.

If there is a problem with the reinstatement I suggest, by copy of this email to Dewi Williams, that the Highways Service should take up the matter with the party who has obtained the relevant Highways Licences to carry out the works, and which I assume would be the contractor.

Mike

From: Peter Rogers
Sent: 07 August 2013 15:15
To: Mike Barton
Cc: Bethan Jones; Dewi R. Williams
Subject: New Water Main B4419 Bryn Ceinwen Llangaffo

Dear Mr Barton
You will remember that in June I was very concerned about the standard of work that you arranged on this road and and you were party to correspondence between myself and Head of Highways Mr Dewi Williams and in fact you responded to some of my questions.I then requested a copy of the work schedule which I have still not received because concerns were raised with me over the laying of the the mains,the back filling and making good the road surface.I am afraid the present visual road surface finish is raising much concern.
I would be very grateful if you could now forward me the work schedule that the contractors were working to.

Regards
Peter

B278

Aberffraw & Dwryan
Rachel Smith
Sent: 11 October 2013 17:55
To: Peter Rogers
Cc: Lesley A. Roberts; Shan Lloyd. Williams

Dear Councillor Rogers

I write further to yesterday's email from Lesley Roberts in relation to the above matters and confirm as follows:-

..... Dwyran – Following discussions with both Mr ! Mrs . Dwyran and their neighbours at Dywran, it has been agreed that the occupants of be given permission to erect a fence at the rear of their garden on the border of the land pertaining to the dwelling. have been instructed to write in formally to the maintenance department outlining their full proposals and measurements for the fence, and if Housing are in agreement , consent will be given for the fence to be put up. A letter confirming this action has been sent to Mr and Mrs . on the 8th October 2013 by Paul Jones, Housing Management Officer. I am hopeful that this course of action will bring the matter to a satisfactory conclusion between both households.

, Aberffraw – I visited the flats and 2 of the dwellings on Wednesday last with Carwyn George, Housing Management Officer. There had been some improvements in relation to the condition of the communal areas and gardens. The sheds, however at the back of flats are still packed with rubbish. Letters have gone out again today to the tenants advising that if they do not clear the sheds within the next 7 days, the Council will clear and dispose of the contents and bill the tenants accordingly. Once the sheds have been cleared, new locks will be placed on them to ensure use for the tenants only.

If I can be of any further assistance, please do not hesitate to contact me.

Thank you

Rachel

Rachel Smith
Senior Housing Officer 01248 752158

B279

Re: , glandwr

Peter Rogers
Sent: 19 December 2012 15:50
To: Yvonne Jones

Many thanks- not sure you need an inspector unless he has drainage rods,as I am sure it is a simple problem.Because of his obvious distress I even offered to go with my owm rods and clear the blockage for him but he declined my assistance.
Do you have any record of work to be done on this property at least 12 months ago including a new door which was leaking?

Regards

Peter Rogers
>>> Yvonne Jones <YvonneJones@anglesey.gov.uk> 12/18/12 2:09 PM >>>
Councillor Rogers,

Further to your telephone call please be advised that arrangements will be made for an inspector to visit the property this week.

Thank you

Yvonne Jones
Ysgrifenyddes i Pennaeth Gwasanaethau Tai / Secretary to the Head of Housing Services
Gwasanaethau Tai, Adran Gymuned / Housing Services, Community Department
Cyngor Sir Ynys Môn / Isle of Anglesey County Council
Rhif Ffôn / Tel - 01248 752203

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Mae'r neges e-bost hon a'r ffeiliau a drosglwyddyd ynghlwm gyda hi yn gyfrinachol ac efallai bod breintiau cyfreithiol ynghlwm wrthynt. Yr unig berson sydd 'r hawl i'w darllen, eu copio a'u defnyddio yw'r person y bwriadwyd eu gyrru nhw ato. Petaech wedi derbyn y neges e-bost hon mewn camgymeriad yna, os gwelwch yn dda, rhowch wybod i'r Rheolwr Systemau yn syth gan ddefnyddio'r manylion isod, a pheidiwch datgelu na chopio'r cynnwys i neb arall.

Mae cynnwys y neges e-bost hon yn cynrychioli sylwadau'r gyrrwr yn unig ac nid o angenrheidrwydd yn cynrychioli sylwadau Cyngor Sir Ynys Mon. Mae Cyngor Sir Ynys Mon yn cadw a diogelu ei hawliau i fonitro yr holl negeseuon e-bost trwy ei rwydweithiau mewnol ac allanol.

B280

CYNGOR SIR
YNYS MÔN
ISLE OF ANGLESEY
COUNTY COUNCIL

RICHARD PARRY JONES, M.A.
Prif Weithredwr
Chief Executive

CYNGOR SIR YNYS MÔN
ISLE OF ANGLESEY COUNTY COUNCIL
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E-Bost-E-mail: richardparryjones@anglesey.gov.uk

Ein Cyf - Our Ref. RPJ/CR
Eich Cyf - Your Ref.

Councillor Peter S Rogers
Bodrida
BRYNSIENCYN
Ynys Môn
LL61 6NZ

25 September 2013

STRICTLY PRIVATE AND CONFIDENTIAL

Dear Councillor Rogers,

COMPLAINT RE: MEMBERS CODE OF CONDUCT

I write to inform you that I am in receipt of documents forwarded to myself by the Council's Monitoring Officer, which without prejudice, seems to indicate that you have possibly breached the Members Code of Conduct.

I should like the opportunity to discuss this matter briefly with you, at your earliest convenience, and to inform you of the steps I need to take in response to the allegations. It would also be my intention to include the Monitoring Officer in these discussions.

Please could you confirm with Mrs Carol Roberts [01248 752102] at this Office your preference regarding a date and time for the meeting.

Yours sincerely,

Richard Parry Jones

Richard Parry Jones
Chief Executive

Copy: Head of Function Legal and Administration / Monitoring Officer

B281

From: Rob Trystan Owen <RobTrystanOwen@anglesey.gov.uk>
To: PETER ROGERS <PRXAU@anglesey.gov.uk>
CC: "Shan Lloyd. Williams" <ShanLloydWilliams@anglesey.gov.uk>, Yvonne Jones <YvonneJones@anglesey.gov.uk>
Date: Tuesday - October 16, 2012 2:41 PM
Subject: FW: Glandwr estate, dwyran

Dear Councillor Rogers,

I reply in relation to your enquiry made to Shan Williams - Head of Services (Housing).

I can confirm that I have this morning visited the Glandwr Estate and inspected the grass / parking area. On arrival to the estate I could not see any issues which may be of any concerns to the residents / tenants of the estate, as there was no parked vehicles or could I see any rubbish in the grass area, waste ground. There appeared to be trailer at the back of No. which belonged to a private resident, it was understood they were carrying out repairs to their property and intended to dispose of the waste by the week. Please see the attached photographs taken of the Estate today, for your attention.

I should add that Housing Services have received complaints in the past relating to our tenants at No. , allegations which were found to be untrue, inspections are regularly carried out and the property and gardens are found to be tidy at all times. In my findings, I found that the tenants of the private property, No. had discarded of unwanted rubbish in the garden for a long period of time, the matter was reported to Waste Management and the actual Landlord, who dealt with the situation promptly. It was also noted that the same private tenants (No.) had caused further upset to the residents of the estate, by burning unwanted household items and timber in their back garden which had caused a great deal of smoke and fumes to enter individual properties, North Wales fire service was called to attend the fire. No further action was taken. I can again confirm that our tenants were not at fault.

Parking areas No. - No. _: Our maintenance Department are aware of the repairs needed to the individual parking bay walls, which I can confirm that they will be repaired in due course. I did note that one of the private residents had stored tyres in their parking bay which will be discussed with them directly and they will be informed to remove them as a matter of urgency.

The matter will be closely monitored by Housing Services. hope I have answered your enquiry, If I can be of any further assistance, please do not hesitate to contact me.

Kind regards

B282 These photographs are not of the estate (Glandwr Estate) but

Rob

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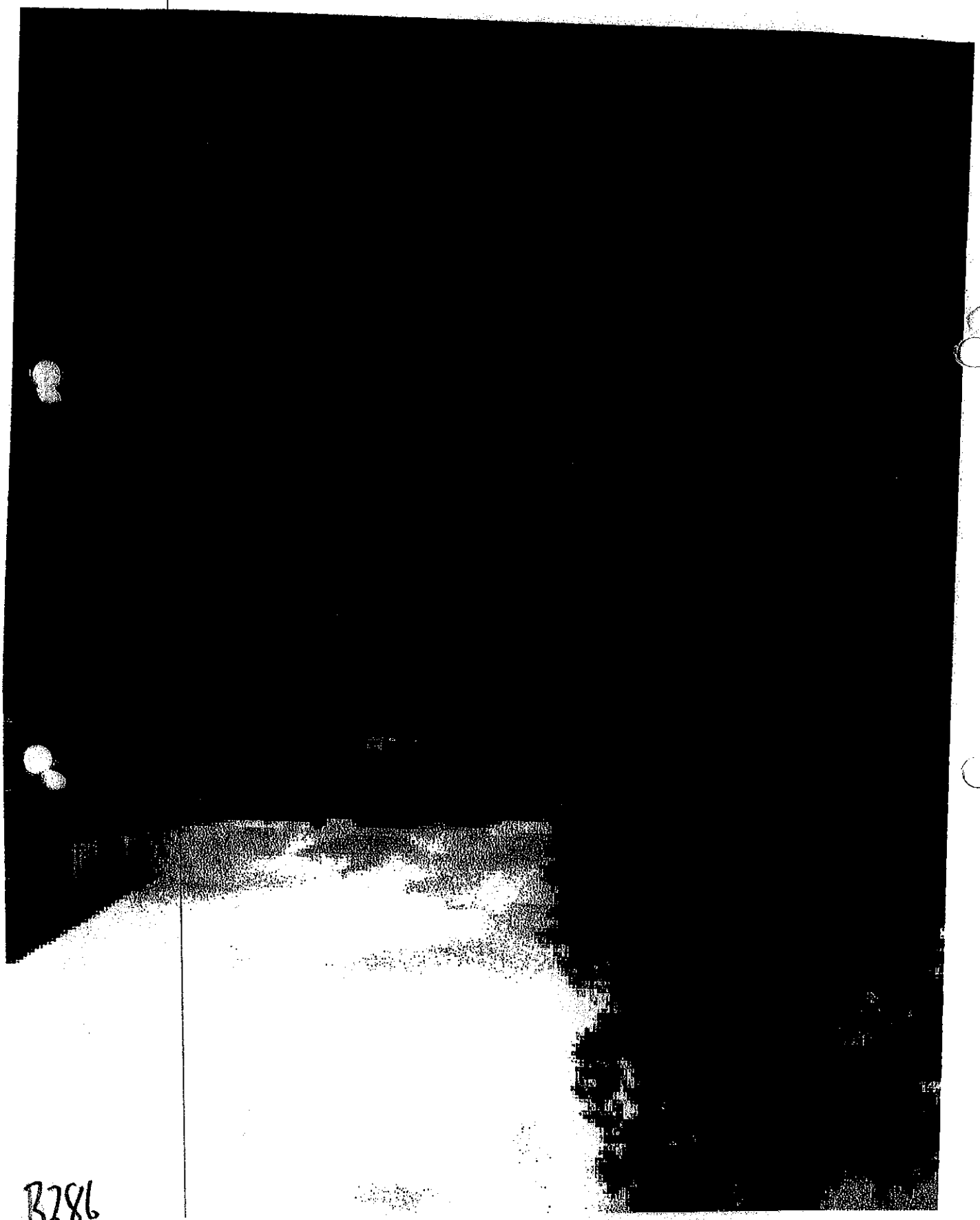
Mae'r neges e-bost hon a'r ffeiliau a drosglwyddyd ynghlwm gyda hi yn gyfrinachol ac efallai bod breintiau cyfreithiol ynghlwm wrthynt. Yr unig berson sydd 'r hawl i'w darllen, eu copio a'u defnyddio yw'r person y bwriadwyd eu gyrru nhw ato. Petaech wedi derbyn y neges e-bost hon mewn camgymeriad yna, os gwelwch yn dda, rhowch wybod i'r Rheolwr Systemau yn syth gan ddefnyddio'r manylion isod, a pheidiwch datgelu na chopio'r cynnwys i neb arall.

Mae cynnwys y neges e-bost hon yn cynrychioli sylwadau'r gynrwr yn unig ac nid o angenrheidrwydd yn cynrychioli sylwadau Cyngor Sir Ynys Mon. Mae Cyngor Sir Ynys Mon yn cadw a diogelu ei hawliau i fonitro yr holl negeseuon e-bost trwy ei rwydweithiau mewnol ac allanol.

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FW: Telephone Call

Stephen H. Owen

Sent: 19 July 2013 15:49
To: Peter Rogers
Cc: Shan Lloyd. Williams; Steven Pritchard; Paul Lloyd Jones

Good afternoon Councillor Rogers,

In regard to your e mail to Paul Jones I can confirm the following:

Following a complaint from of Dwyran I visited the property at 10:00am on Wednesday 10th July with Steven Pritchard the Area Maintenance Inspector.

After speaking to a full inspection of the window was carried out whereby I hacked off a corner of the reveal.

was informed at the time that the problem was down to poor workmanship and I personally would ensure that the issue would be resolved to everybody's satisfaction.

No plasterer was asked to attend the day after or since. I can only presume it was part of the original works order raised. I will be raising this with the BMU.

The work to repair and seal the reveal will be carried out w/c the 29th July when the Area Inspector returns from leave so he can personally supervise the works.

Extra works has been promised to reskim and replace the skirting in the hallway.

was left happy with the proposed works and left my contact details so he can contact me direct if he so wishes.

Kindest Regards,

Stephen Owen
Uwch Swyddog Technegol
Senior Technical Officer
Adran Tai a Gwasanaethau Cymunedol
Housing & Community Services Department
01248 752216

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From: Paul Lloyd Jones
Sent: 19 July 2013 15:20
To: Stephen H. Owen
Subject: FW: Telephone Call

From: Peter Rogers
Sent: 19 July 2013 15:15
To: Paul Lloyd Jones
Cc: Bethan Jones; Shan Lloyd. Williams
Subject: RE: Telephone Call

Paul
Thank you for the progress report on the new door for .I understand from that 2 Council Employees did turned up this week and removed all the plaster from around a window and discovered that no silicon had been used to seal the frame and that was the problem.Next day a plasterer turned up to plaster around the window!Yet nobody had been to seal the frame first.It is going to be deeply embarrassing if an audit trail is ever ordered into the ongoing problems on this estate.
I am afraid there does not appear to be any progress over the sale of the land.
Regards
Peter

From: Paul Lloyd Jones
Sent: 16 July 2013 09:58
To: Peter Rogers
Subject: RE: Telephone Call

Good morning Peter,

Just to keep you informed with . and his doors, I understand that Steven Owen from our repairs department has been out and visited . last week to discuss the door replacement. has been told that the doors are on order and will be fitted as soon as possible, which he was happy with.

Have you heard any more with regards to the sale of the land?

Paul

From: Peter Rogers
Sent: 24 June 2013 13:12
To: Paul Lloyd Jones
Subject: RE: Telephone Call

Fully Agree.

B289

I just want a tidy estate.

Regards
Peter

From: Paul Lloyd Jones
Sent: 24 June 2013 12:23
To: Peter Rogers
Subject: RE: Telephone Call

Hi,

It is something that I will look into.

Would it be beneficial to wait until the proposed sale of the land to progress further? At least then we can look at what land is left and move forward from there.

What I would like to do is involve the residents in our consultation and seek their views about the best use for the grass area.

From: Peter Rogers
Sent: 24 June 2013 11:20
To: Paul Lloyd Jones
Subject: RE: Telephone Call

Good Morning
Thank you I can now report back to the reason for the delay.I hope you agree that the next task after the doors is to start laying the law down about the state of the estate.I had requested KEEP OFF THE GRASS signs as a start-is this possible?I fully accept that we are not going to change things overnight but I am sure you will agree we need to make a start.
Regards

Peter

From: Paul Lloyd Jones
Sent: 24 June 2013 09:37
To: Peter Rogers
Subject: FW: Telephone Call

Sorry for the delay, but I'm still awaiting confirmation from our repairs department on the date of the doors. From what I have been told, the doors are being made to measure hence why it can take up to a few months to produce and install.

thanks

From: Paul Lloyd Jones
Sent: 17 June 2013 10:42
To: Peter Rogers
Subject: RE: Telephone Call

Morning Peter,

I will make some enquiries for you and get back to you as soon as possible.

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From: Peter Rogers
Sent: 16 June 2013 20:19
To: Paul Lloyd Jones
Subject: FW: Telephone Call

From: Peter Rogers
Sent: 16 June 2013 20:12
To: Paul Lloyd Jones
Subject: FW: Telephone Call

Are you in a position to respond?
Regards
Peter

From: Peter Rogers
Sent: 31 May 2013 14:29
To: Peter Rogers
Subject: RE: Telephone Call

Another visit from .He claims he has rung housing and he was told no doors for 3 months and nothing can be done until an Inspector has seen the doorICopy correspondence over 18 months seems to suggest ortherwise.
I look forward to your response

Peter
P S I understand that Mr Lock cannot read or write

From: Peter Rogers
Sent: 29 May 2013 19:48
To: Paul Lloyd Jones
Subject: RE: Telephone Call

I have forwarded telephone number to -he has even apologised to myself for being so rude.I now hope we can make progress and start to tidy the estate up, which has always been my big concern.I also have an appointment with Property over the proposed sale of the land at no 6, which if progressed will stop that vechicle access on the grass.
I now look forward to a good working relationship with yourself.
Many Thanks

Peter

From: Paul Lloyd Jones
Sent: 29 May 2013 15:27
To: Peter Rogers
Subject: RE: Telephone Call

I have made some enquiries with the repairs department and it appears that inspections have been arranged with , but when they turn up at the property nobody is home.

I understand that the latest repair to inspect the porch for leaks, actually left the porch unlocked to allow access for the inspectors. They have identified the problem and on the

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21/05/2013, instructions were passed to a contractor to carry out the work.

I would recommend that contacts our repairs department direct on 08081685652 with his concerns as they would be able to give him answers direct.

I have also been informed that as a part of the on-going door replacement scheme, property has been identified as requiring new external doors. These doors have been ordered and will be fitted in the near future. I would recommend that contacts our repairs department direct to make arrangements for the new doors.

Thanks

From: Peter Rogers
Sent: 29 May 2013 14:48
To: Paul Lloyd Jones
Subject: RE: Telephone Call

I have already had 3 visits from .. .. of Dwyran following our meeting outside his house last week
Your records will show that we have work outstanding for well over 18 months on his property.
Please advise how we resolve the situation?
Regards
Peter

From: Paul Lloyd Jones
Sent: 24 May 2013 16:38
To: Peter Rogers
Subject: Telephone Call

Afternoon Peter,

Sorry I've been out most of the day and only had your voice mail, I've tried ringing you at home but no answer. Unfortunately, I have to leave work soon, so I will try and ring you after the bank holiday weekend

Thanks

Paul Jones
Swyddog Rheoli Tai / Housing Management Officer
Gwasanaethau Tai / Housing Services
Cyngor Sir Ynys Môn / Isle of Anglesey County Council
Ffôn / Phone : 01248 752298

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RE: Response to e-mails received 4th October.

Peter Rogers
Sent: 17 October 2013 16:58
To: Lesley A. Roberts
Cc: Shan Lloyd. Williams; Bethan Jones; KennethHughes@anglesey.co.uk; Richard P. Jones; Ieuan Williams

Dear Lesley
I don't think that in your position as Customer Services Team Leader we should expect you to personally respond to E- mails that have been sent to various Housing Staff Members who for some reason have failed to respond. Your role must be to enforce the Customer Care Charter and failure of Housing Staff to adhere to that should lead to disciplinary action. Some of my E- mails relate to problems that have existed over an 18 months period and they are now no further to be being resolved. The problems of . Aberffraw date back to the end of June and Dwyran to the 31 August without any response at all.
You will note from the copy E- mails that after sheer frustration I started to copy in Ms Bethan Jones, which eventually did result in a meeting with Ms Shan Williams but I am afraid in hindsight nothing much has improved. I am afraid the responses which you have somehow managed to glean from the members of Staff involved are not acceptable or worse still are incorrect.
Thankyou for trying
Peter

From: Lesley A. Roberts
Sent: 10 October 2013 18:01
To: Peter Rogers
Cc: Shan Lloyd. Williams; Rachel Smith; Wendy E. Williams
Subject: Response to e-mails received 4th October.

Dear Councillor Rogers,

Following my acknowledgement of emails on Monday, I have updated myself with the various matters to which you have enquired.

In relation to the Glandwr Estate, as the Technical Services Manager Dafydd Rowlands stated in his e-mail, Shan Williams has been dealing with this matter. Shan informs me that there was a meeting on site with yourself and two other Officers in May 2013, where an action plan was agreed in relation to the improvements required. In the meantime the Senior Officer you enquired about is Stephen Owen, Senior Technical Inspector. I can see from the contents of e-mails (23rd September) that he has responded fully to issues relating to the Repairs and Maintenance section. He has forwarded other estate management issues to the Senior Housing Management Officers, Wendy Williams and Rachel Smith. Steps are currently being taken to address your concerns, Elspeth Moncur, supported by her manager Wendy will be organising the cleaning of the estate and addressing other issues that you have mentioned.

In relation to your e-mail: maisonette flats at , Aberffraw. Stephen Owen responded to your maintenance issues via e-mail on the 23rd of September, these issues are currently being dealt with and any necessary work should be completed by the end of October. An update since his e-mail dated 23rd September is that the Building Maintenance Unit has had access to number and have changed the ball valve. He has forwarded your Housing Management enquiries in this e-mail to Rachel Smith, Senior Housing Management Officer. Rachel will contact you with an update of actions taken shortly.

Mr and Mrs , Dwyran. Stephen Pritchard (Technical Inspector for the Dwyran area) has been liaising with the parties involved and it is my understanding that a verbal agreement has been reached in order to resolve any issues relating to the garden/land. Rachel Smith, the Senior Housing Management Officer will be writing to both parties to confirm the proposals discussed. I have asked Rachel to e-

FW: Mr and Mrs ,Dwyran.

Peter Rogers
Sent: 04 October 2013 09:36
To: Lesley A. Roberts
Cc: Bethan Jones; KennethHughes@anglesey.co.uk

First E- mail and again no reply!

From: Peter Rogers
Sent: 30 August 2013 11:30
To: Shan Lloyd. Williams
Cc: Bethan Jones
Subject: Mr and Mrs ,Dwyran.

Dear Shan
I have just had a very distressed and tearful Mrs on the phone following a visit by one of your Officers yesterday, in relation to a dispute over a garden, which Mr and Mrs took over some 28 years ago. The other party have I understand have only lived here for the last year or so and live on a private estate It would appear that your Officer has shown a lack of respect to Mrs or any understanding of the true facts.
Mrs was however full of praise for the support shown by your Mrs Rachel Smith which was very pleasing to hear.
I am now going to visit the garden to have a full understanding of the dispute. In the meantime after making some enquiries, it may be necessary for you to arrange an early apology and your Officers to established the true facts before any further confrontation.

Many Thanks
Peter

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CYNGOR SIR
YNYS MÔN
ISLE OF ANGLESEY
COUNTY COUNCIL

Shan Ll Williams, MSc (Econ) MCIH
Pennaeth Gwasanaeth Tai
Head of Housing Services

CYNGOR SIR YNYS MÔN
ISLE OF ANGLESEY COUNTY COUNCIL
Swyddfa'r Sir
LLANGEFNI
Ynys Môn - Anglesey
LL77 7TW

ffôn / tel: (01248)752200 ffacs / fax: (01248) 752233
ffôn testun yn unig / text phone only:
(01248) 750602

Gofynnwch am - Please ask for: Nerys Henighan

ffôn / tel (01248) 752264 ffacs / fax (01248)752243

E-Bost - E-mail: shohp@anglesey.gov.uk
Ein Cyf - Our Ref.
Eich Cyf - Your Ref.

Dwyran,
Anglesey,
LL61 6PH.

07/08/2012

Dear

Re: New Front Door

I write in reply to your letter dated the 25th July in regard to the above.

I can confirm that you are on the door replacement list and our contractor will be in contact with you in due course to measure up.

If you have any further questions please do not hesitate to contact Mr Alan Hillier on 01248 752239.

Yours sincerely,

Stephen Owen
Senior Technical Officer

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CYNGOR SIR
YNYS MÔN
ISLE OF ANGLESEY
COUNTY COUNCIL

Shan Ll Williams, MSc (Econ) MCIH
Pennaeth Gwasanaeth Tai
Head of Housing Services

CYNGOR SIR YNYS MÔN
ISLE OF ANGLESEY COUNTY COUNCIL
Swyddfa'r Sir
LLANGEFNI
Ynys Môn - Anglesey
LL77 7TW

ffôn / tel: (01248)752200 ffacs / fax: (01248) 752243
ffôn testun yn unig / text phone only: (01248) 750602

Gofynnwch am - Please ask for: Mr Dafydd Rowlands

ffôn / tel (01248) 752240 ffacs / fax (01248) 752243

E-Bost - E-mail: drxhp@anglesey.gov.uk
Ein Cyf - Our Ref. DJR/DHJ/WHQS
Eich Cyf - Your Ref.

Y Tenant / The Tenant
Glandwr
DWYRAN
Ynys Môn
LL61 6RW

Ionawr / January 2012

Annwyl Syr / Fadam

YNG: CONTRACT GOSOD DRYSAU NEWYDD 2011/2012

Mae'n bleser gennyf gadarnhau bod eich eiddo chi, yn amodol ar arolwg, wedi cael ei gynnwys yn y rhaglen uchod ar gyfer eleni.

Mae'r drysau newydd, sy'n effeithlon o ran ynni ac sy'n cydymffurfio gyda safonau diogelwch cyfredol, yn rhan o'n strategaeth i sicrhau cydymffurfiaeth gyda Safonau Ansawdd Tai Cymru.

Bydd y contractwr a benodwyd gennym, sef yr Uned Cynnal Adeiladau, yn ymweld â chi yn y dyfodol agos gyda manylion am y rhaglen yn cynnwys y dyddiadau y bwriedir gosod y drysau. Hefyd, gellwch ddewis lliw ar gyfer eich drws ffrynt.

Gobeithio y bydd yr uchod wrth eich bodd ond petai angen ychwaneg o wybodaeth arnoch, yna cysylltwch os gwelwch yn dda gyda'r Ganolfan Alwadau Trwsio a Chynnal ar 01248 752230 / 752237 / 752238.

Dear Sir / Madam

RE: DOOR REPLACEMENT CONTRACT 2011/2012

I am pleased to confirm that your property is, subject to survey, included in this year's above mentioned programme.

The new doors, which are energy efficient and comply with current safety and security standards, form part of our strategy for compliance with the Welsh Housing Quality Standards.

Our appointed contractor, namely the Building Maintenance Unit, will visit you in the near future with detailed programme information which will include proposed installation dates. You will also have a choice of colours to select from for your front door.

I trust the above is to your satisfaction, but should you require further information, please contact the Repair and Maintenance Call Centre on 01248 752230 / 752237 / 752238.

Yr eiddoch yn gywir / Yours faithfully

D J Rowlands

D J ROWLANDS
RHEOLWR GWASANAETHAU TECHNEGOL / TECHNICAL SERVICES MANAGER

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Annie Ginwalla

From: Annie Ginwalla
Sent: 01 July 2014 11:33
To: 'Peter Rogers'
Subject: RE: Complaint against Cllr Peter Rogers

Dear Councillor Rogers,

I acknowledge receipt of your email.

The contents of which are noted. I will place a copy of it with your transcript so that it forms part of your evidence in this case.

Kind regards,

Annie Ginwalla
Investigator/Ymchwilydd

Public Services Ombudsman for Wales/Ombwdsmon Gwasanaethau Cyhoeddus Cymru
1 Ffordd yr Hen Gae
Pencoed
Bridgend/Pen-y-bont ar Ogwr
CF35 5LJ

Tel/Ffôn: 01656 644201
Fax/Ffacs: 01656 641199
www.ombudsman-wales.org.uk
www.ombwdsman-cymru.org.uk

From: Peter Rogers [mailto:PETERROGERS@anglesey.gov.uk]
Sent: 30 June 2014 17:39
To: Annie Ginwalla
Subject: Complaint against Cllr Peter Rogers

Dear Ms Ginwalla.
One of my first concerns that I raised with you on the Wednesday morning were the statements made by Mr Dylan Edwards and Mr Dafydd Owen and in particular in relation to their meeting with myself and Patrick Geal and the notes of that meeting made by Mr Owen. It is very conspicuous that there is no mention in the notes or in the statements of any mention of 'claw back' which is really very pivotal to the complaint and really my defence in that I was safeguarding the Councils assets in getting Mr Owen and Mr Edwards to agree to it- so much so that we all even shook hands on it.
You will recall that I also made you aware that I was convinced that the Chief Executive, who you will remember made the complaint against me, was unaware of the meaning of the phrase 'claw back' and the advantage to the Council on any future successful planning approval. You in fact asked me to clarify the meaning of ,claw back, that morning. You will also remember that I told you previously that following the sale of potential development land in my area for just over £30000. I on my own volition requested a meeting with Mr Edwards and Mr Owen for an explanation on the very low asking price for 2 acres and it was only following this meeting then that I understood what An Overage or Claw back Agreement was and how it protected the Councils interest on any further future planning applications.
There are 2 E- mails from myself to Mr Owen on the 24 June and the 4 July 2013 in which I make specific mention of 'claw back' and in the first I say "you will agree that the whole purpose of our meeting on the 4th June was over this very point and we fully accepted the 'claw back' "which would suggest that it must have been discussed at the meeting more so as Mr Patrick Geal has also confirmed the same in his statement. I refer you back to the notes of

the meeting 4 June. You will see from these that there is not a mention of the agreement over safeguarding the Councils interests by the use of a 'claw back' and surely the questions must be asked the reason why. From Mr Geals statement and my own account and in subsequent E- mails from myself to Mr Owen it is very obvious that the 'claw back' was discussed and fully accepted by everyone.
What happens next was amazing. On the 17 July 2013 the deputy Chief Executive Ms Bethan Jones contacted Mr Mike Barton Head of Property and asked him to "please ensure that this matter is dealt with appropriately and in a timely manner" He in turn E-mails Mr Dylan Edwards on the 17 July for him to advise on the background and the best way forward. You will then see from Mr Edwards reply that he then divulges "For information; Mr Rogers was consulted on this as a local member and it has since come to light that he is related to the applicant ".You will remember that Mr Geal confirmed in his statement that the wedding was discussed at the Meeting on the 4 June. Surely Mr Edwards had ample time to have raised this before or better still asked me if I thought it was necessary for me to declare an interest. Again does he make reference to the possibility of a 'claw back' provision, again, absolutely no. He then states to his Director the only options available are:

1 Mr Geal accepts the offer available as per the informal tender

2 He withdraws and we sell to the second highest tenderer. Mr Rogers has been informed of the second tender price formally[but he is using this information in his argument]

3 We retain the land.

I would now suggest that it is now imperative ,that as part of your investigation into this complaint against me, you seek confirmation from the Complainant ,which of the 3 OPTIONS the Council finally decided to proceed with and what is the current position regarding the sale of the land.
Finally it is very important that you recognise that the date of complaint by the Chief Executive Oct 29 was when the Property Dept and Housing Dept were under immense pressure from me over the 'New Water Main B4419 Bryn Ceinwen' which for some reason has never been resolved. In their last E-mail they had agreed to do core drillings to confirm that sub base had been used which still has not been done. You have in your bundle 5 pages of these E-mails under the heading 'New Water Main B4419 Bryn Ceinwen Llangaffo'.This contract was for £35000.

Yours Sincerely

Peter Rogers

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Mae cynnwys y neges e-bost hon yn cynrychioli sylwadau'r gyrrwr yn unig ac nid o angenrheidrwydd yn cynrychioli sylwadau Cyngor Sir Ynys Mon. Mae Cyngor Sir Ynys Mon yn cadw a diogelu ei hawliau i fonitro yr holl negeseuon e-bost trwy ei rwydweithiau mewnol ac allanol.

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Appendix 11

B298

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OMBWDSMON GWASANAETHAU CYHOEDDUS CYMRU

Appendix 11

My guidance on the code of conduct

I issued revised guidance for members of local authorities in Wales on the Model Code of Conduct in September 2012 ("my guidance").[1] I include below extracts of the guidance which are relevant to this complaint.

Using your position improperly
Paragraph 7(a)

Members must not use, or attempt to use, their position improperly to the advantage or disadvantage of themselves or anyone else. This paragraph applies at all times and not just when they are carrying out their duties as a member. Members should not use, or attempt to use, their public office either for their or anybody else's personal gain or loss.

Personal and prejudicial interests
Paragraph 10

The elements of the Code which cover personal and prejudicial interests give rise to many questions from members. They are designed to safeguard the principles of selflessness and objectivity. They are intended to give members of the public confidence that decisions are being taken in their best interests, and not in the best interests of members of authorities or their close personal associates.

Personal interests relate to issues where a member or a close personal associate may have some link to a matter under discussion. These interests become prejudicial where an informed independent

[1] http://www.ombudsman-wales.org.uk/uploads/publications/466.pdf

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observer could conclude that the interest would influence a members vote, or their decision.

Close personal associates include people such as close friends, colleagues with whom a member has particularly strong connections, business associates and close relatives. It does not include casual acquaintances, distant relatives or people they simply come in contact with through their role as member or their work in the local community.

At meetings, members must declare that they have a personal interest, and the nature of that interest, before the matter is discussed or as soon as it becomes apparent to you except in limited circumstances. Members must declare any interest orally if discussing a matter with the Clerk, an officer or another Member as soon as they become aware of the interest and subsequently confirm it in writing within 14 days.

Prejudicial Interests
Paragraph 12

If a member declares a personal interest they can remain in the meeting, speak and vote on the matter, unless their personal interest is also a prejudicial interest.

A members personal interest will also be a prejudicial interest in a matter if a member of the public, who knows the relevant facts, would reasonably think their personal interest is so significant that it is likely to prejudice their judgement of the public interest. There are exemptions to this which are contained in paragraph 12(2) of the

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Ombudsman Ombwdsmon
PUBLIC SERVICES OMBUDSMAN FOR WALES
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Code of Conduct.

What is so significant that it is likely to prejudice a members judgement?

If a reasonable member of the public with knowledge of all the relevant facts would think that a members judgement of the public interest might be prejudiced, then they will have a prejudicial interest. This is an objective test. A member must decide not whether they would take the decision without prejudice, but whether they would be seen as doing so.

Some general principles must be remembered when applying this test. Members should clearly act in the public interest and not in the interests of any close personal associates. Members are a custodian of the public purse and the public interest and their behaviour and decisions should reflect this responsibility.

Even where members have a prejudicial interest, the Code supports their role as a community advocate and enables them in certain circumstances to represent their community and to speak on issues important to them and to the member.

If a member has a **prejudicial interest** in a matter being discussed at a meeting, they must, having declared their personal interest in the matter, leave the room (or any other venue in which the meeting is being held including, for example, the location of a site meeting), **unless members of the public are allowed to make representations, give evidence or answer questions about the matter**, by statutory right or otherwise. If that is the case, they

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can also attend the meeting for that purpose. However, they must immediately leave the room or chamber once the period for considering representations has finished, and before any discussion on the item begins, even if members of the public are allowed to remain. Members cannot remain in the public gallery to observe the vote on the matter.

In addition, members must not seek to influence a decision in which they have a prejudicial interest. This rule is similar to their general obligation not to use their position as a member improperly to their or someone else's advantage or disadvantage. This means that as well as leaving meetings where the item is discussed, members should also not write or make any oral representations about the matter.

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Appendix 12

Peter,

The details you require re the sale of land at Dwyran.

Patrick Geal
[redacted]

From: [redacted]
To: dvoht@anglesey.gov.uk
Subject: RE: Tender for Land at [redacted] Glandwr Dwyran
Date: Tue, 22 Nov 2011 10:10:16 +0000

Dafydd,

I was speaking to my local Councillor, Peter Rogers, the other day. He says that he is surprised the Tender has not been issued as the Council is looking for every penny it can get from surplus parcels of land.

In the meantime, the land remains a problem to me and I am increasingly concerned that vermin will get in the houses when the cold weather comes in.

I would appreciate that if the land is not tendered soon you send pest control round to make sure the place is free of vermin.

Many thanks.

Patrick Geal
[redacted]

Date: Wed, 9 Nov 2011 09:43:15 +0000
From: DVOHT@anglesey.gov.uk
To: [redacted]
Subject: RE: Tender for Land at [redacted] Glandwr Dwyran

Mr Patrick Geal

I apologise for the delay in processing your enquiry, but we have made further enquiries with the Council's Planning Department with regards to possible alternative uses for the land. We will contact you with further information once we are in a position to do so.

Thanks
Dafydd

>>> Patrick Geal [redacted] 07/11/2011 18:41 >>>
Dafydd,

I did not receive any papers, were they sent?

Patrick Geal
[redacted]

Date: Wed, 26 Oct 2011 09:45:55 +0100
From: DVOHT@anglesey.gov.uk
To: [redacted]
Subject: RE: Tender for Land at [redacted] Glandwr Dwyran

Mr Geal

I apologise for the delay in sending out the documents, but I have been away. Consultations have now been completed and I confirm that I will send the documents out before the end of this week.

Should you require further information then please do not hesitate to contact me.

Regards
Dafydd

>>> Patrick Geal [redacted] 24/10/2011 18:25 >>>
Dafydd,

What is the latest with this?

Patrick Geal
[redacted]

Date: Mon, 12 Sep 2011 10:27:52 +0100
From: DVOHT@anglesey.gov.uk
To: [redacted]
Subject: Re: Tender for Land at [redacted] Glandwr Dwyran

Mr Patrick Geal

Thank you for your e-mail confirming that you are still interested in purchasing the above land.

I would expect that the tender documents be sent out in the next couple of weeks, subject to successful consultations with the Local Member and Portfolio Member.

Should you need any further information, then please do not hesitate to contact me on the detail in my letter.

Thanks
Dafydd Owen

>>> Patrick Geal [redacted] 11/09/2011 10:19 >>>
Thank you for letter reference DVO/45HF08000 dated 1st September 2011 advising that you intend to issue tenders for the piece of land adjacent to [redacted] Glandwr in Dwyran.

I confirm that I am interested and look forward to receiving the relevant documents in due course.

It would be useful to be advised when you hope to issue the tenders.

Patrick Geal

****

Appendix 13

B306

CYNGOR SIR
YNYS MÔN
ISLE OF ANGLESEY
COUNTY COUNCIL

Rhodda
Penyslencyn.
29.3.12.

Shan Lloyd Williams
Head of Housing Services.

CYNGOR SIR YNYS MÔN
ISLE OF ANGLESEY COUNTY COUNCIL
... 2012

Dear Ms. Williams,

Re - Glandwr Estate Dwyran

There are a few ongoing problems regarding this Estate. A few years ago we repaired the slub walls at the front of the houses caused by certain residen parking on the grass, unfortunatly further damage has again been caused and I understand that we are nc again going to carry our repairs. I am sure you will agree that the offenders must be warned that vehicle must not be parked on the grass as there is adequa parking not only in the parking bays but also in a ca park across the road.

There is also problems with an area of land adjace to the estate which is being used as a dumping grou for rubbish and also in some circumstances as an access to an adjacent field with vehicles, If we need to retain this land notices need to be erected to prohibit use by vehicles.

I enclose copies of e-Mails regarding the purchase of

B307

which I am unaware of. I am sure that Mr. Gread deserves a final response as the last e-mail is dated as far back as November 2011.
Your officers are also dealing with a tenant Est whose behaviour is not acceptable Mgt

Yours sincerely
Peter S. Rogers.

Rob acknowledged issues + spoken to Cllr Rogers.

B308

Appendix 14

B309

Mr R Parry Jones

Chief Executive

Isle of Anglesey County Council.

ADRAN PRIF WEITHREDWR
10 MAY 2012
CHIEF EXECUTIVE'S DEPT

Dear Mr Richard Parry Jones

Enclosed copy E-mail's which have not been resolved and 1 of which relates to my self regarding a 'consultation with the local member' which is just not true. I would suggest this shows nothing but contempt to my constituent.On the 29 March I wrote to Ms Lloyd Williams Head of Housing raising concerns about the E- mail and problems on the Glandwr Estate which has neither been acknowledged or responded to,I understand because of the work load, the earliest I can make an appointment to resolve this matter is 14 days.Please note the date of the first E- email is the 11 September.

I would be very grateful for your early intervention, so that both Mr Geal and I can have a full response.

Yours Sincerely,

Peter Rogers

C. Commissioner responsible for Housing.

B310

Peter,

The details you require re the sale of land at Dwyran.

Patrick Geal
[redacted]

From: [redacted]
To: dvoht@anglesey.gov.uk
Subject: RE: Tender for Land at [redacted] Glandwr Dwyran
Date: Tue, 22 Nov 2011 10:10:16 +0000

Dafydd,

I was speaking to my local Councillor, Peter Rogers, the other day. He says that he is surprised the tender has not been issued as the council is looking for every penny it can get from surplus parcels of land.

In the meantime, the land remains a problem to me and I am increasingly concerned that vermin will get in the houses when the cold weather comes in.

I would appreciate that if the land is not tendered soon you send pest control round to make sure the place is free of vermin.

Many thanks.

Patrick Geal
[redacted]

Date: Wed, 9 Nov 2011 09:43:15 +0000
From: DVOHT@anglesey.gov.uk
To: [redacted]
Subject: RE: Tender for Land at [redacted] Glandwr Dwyran

Mr Patrick Geal

I apologise for the delay in processing your enquiry, but we have made further enquiries with the Council's Planning Department with regards to possible alternative uses for the land. We will contact you with further information once we are in a position to do so.

Thanks
Dafydd

>>> Patrick Geal [redacted] 07/11/2011 18:41 >>>
Dafydd,

I did not receive any papers, were they sent?

Patrick Geal
[redacted]

B311

Date: Wed, 26 Oct 2011 09:45:55 +0100
From: DVOHT@anglesey.gov.uk
To: [redacted]
Subject: RE: Tender for Land at [redacted] Glandwr Dwyran

Mr Geal

I apologise for the delay in sending out the documents, but I have been away. Consultations have now been completed and I confirm that I will send the documents out before the end of this week.

Should you require further information then please do not hesitate to contact me.

Regards
Dafydd

>>> Patrick Geal [redacted] 4/10/2011 18:25 >>>
Dafydd,

What is the latest with this?

Patrick Geal
[redacted]

Date: Mon, 12 Sep 2011 10:27:52 +0100
From: DVOHT@anglesey.gov.uk
To: [redacted]
Subject: RE: Tender for Land at [redacted] Glandwr Dwyran

Mr Patrick Geal

Thank you for your e-mail confirming that you are still interested in purchasing the above land.

I would expect that the tender documents be sent out in the next couple of weeks, subject to successful consultations with the Local Member and Portfolio Member.

Should you need any further information, then please do not hesitate to contact me on the detail in my letter.

Thanks
Dafydd Owen

>>> Patrick Geal [redacted] 1/09/2011 10:19 >>>
Thank you for letter reference DVO/45HE08000 dated 1st September 2011 advising that you intend to issue tenders for the piece of land adjacent to [redacted] Glandwr in Dwyran.

I confirm that I am interested and look forward to receiving the relevant documents in due course.

It would be useful to be advised when you hope to issue the tenders.

Patrick Geal

****

B312

[redacted]

Appendix 15

CYNGOR SIR
YNYS MÔN
ISLE OF ANGLESEY
COUNTY COUNCIL

RICHARD PARRY JONES, M.A.
Prif Weithredwr
Chief Executive

CYNGOR SIR YNYS MÔN
ISLE OF ANGLESEY COUNTY COUNCIL
Swyddfa'r Sir
LLANGEFNI
Ynys Môn - Anglesey
LL77 7TW

Gofynnwch am - Please ask for: Carol Roberts

ffôn / tel (01248) 752102 ffacs / fax (01248) 750839

E-Bost - E-mail: rpjed@ynysmon.gov.uk
Ein Cyf - Our Ref. RPJ/CR
Eich Cyf - Your Ref.

Councillor Peter Standing Rogers
Bodrida
BRYNSIENCYN
Ynys Môn
LL61 6NZ

25 May 2012

Dear Councillor Rogers,

GLANDWR ESTATE, DWYRAN

The parcel of land in question forms a part of Glandwr Estate in Dwyran and falls under the ownership of the Housing Department. Please note that the parcel of land has been the subject of interest from potential purchasers, including Mr Geal, since the autumn of last year. These applications to purchase were received and dealt with by colleagues in Property Services.

Following due consideration, Housing Services confirmed that there was no objection in principle to the proposed sale of surplus land at Glandwr.

As part of the consultation process, and before any formal agreement to sell the land was made, Property Services sought the views of the Planning Department before proceeding any further. Subsequently, Planning confirmed that existing policy allows for a single plot within or on the edge of a settlement, subject to usual development control criteria.

Following a meeting between officers of Housing and Property held on 27th April, 2012 the following actions were agreed:

- The Council would seek Planning Permission for a single dwelling on the surplus parcel of land prior to any future disposal. In this respect, Housing Services will instruct the Council's Design Team to prepare an outline planning application during the course of this week.
- Property Services will notify all applicants that no further action will be taken until such time as the proposed planning application has been approved or refused. The original applicants are to be kept informed of developments.

I trust the above clarifies the current position in connection with this parcel of land.

Yours sincerely,

Richard Parry Jones

Richard Parry Jones
Chief Executive

Appendix 16

B315

ADAIN GYFREITHIOL

2 2 AUG 2012

LEGAL SECTION

CYNGOR SIR
YNYS MÔN
ISLE OF ANGLESEY
COUNTY COUNCIL

Y Weithdrefn Gwyno a Chanmoliaeth Gorfforaethol

The Corporate Complaints and Compliments Procedure

AT: SWYDDOG GOFAL CWSMER (SGC)
TO: CUSTOMER CARE OFFICER (CCO)

CWYN YW: Mynegiant o anfodlonrwydd ynghylch gwasanaeth y Cyngor, sef anfodlonrwydd y mae angen ymateb iddo pan fo'r anfodlonrwydd heb ei ddatrys yn y pwynt cyswllt a dim trefn apelio arall ar gael neu pan fo trefn apelio arall wedi ei llwyr ddefnyddio.
SYLWER: Y pwynt cyswllt yw'r Swyddog sydd wedi bod yn ymwneud â'r mater y cwynir yn ei gylch neu oruchwyliwr.

A COMPLAINT IS: An expression of dissatisfaction with a Council service which requires a response, which has not been resolved at the point of contact and for which there is no alternative appeal procedure or where the alternative appeal procedure has been exhausted.
N.B. The point of contact shall mean the officer who has had conduct of the matter which is the subject matter of the complaint, or a supervisor.

FFURFLEN GWYNO

COMPLAINT FORM

MATH O GWYN TYPE OF COMPLAINT	PERSONOL PERSONAL	YSGRIFEN WRITTEN	AELOD MEMBER	RHYNGRWYD INTERNET	FFÔN PHONE

ENW'R ACHWYNYDD
COMPLAINANT'S NAME Peter S. Rogers

CYFEIRIAD
ADDRESS Bobrina
Bwlch Siencyn
Awelfryn
LL61 6NZ

RHIF FFÔN
TELEPHONE NUMBER [redacted]

CYFEIRIAD E.BOST
E.MAIL ADDRESS PETER.ROGERS@AWELFRYN.CO.UK

B316

SWYDDOG/AELOD DDERBYNIODD Y GWYN
OFFICER/MEMBER WHO RECEIVED THE COMPLAINT _____

DYDDIAD DERBYN
DATE RECEIVED _____

AMSER DERBYN
TIME RECEIVED _____

DYDDIAD DERBYN Y GWYN GAN Y SGC (os yn wahanol i'r uchod)
DATE RECEIVED BY CCO (if difference to the above) _____

DYDDIAD CYDNABOD DERBYN Y GWYN
DATE OF ACKNOWLEDGEMENT OF RECEIPT OF COMPLAINT _____

NATUR Y GWYN
NATURE OF COMPLAINT Unacceptable response to my letter in May. No apology on behalf of Rio staff for ignoring my letter to Head of Housing dated 29 march. For taking no action on the E-mail making reference to myself, which was not true, to one of my Constituents. Complete failure to instruct staff to response to my Concerns raised in the letter to the Head of Housing. Failure To instigate disciplinary proceedings against the Staff involved
Copies of letter attached

LLOFNOD YR ACHWYNYDD
SIGNATURE OF COMPLAINANT Pat S. Rogers

DYDDIAD
DATE 17 August 2012

RM19 – Flurflen Gwyno/Complaint form

B317

Appendix 17

ADRAN RHEOLWR GYFARWYDDWR/
DEPARTMENT OF THE MANAGING DIRECTOR

LYNN BALL LL.B., (Hons.)Cyfreithiwr/Solicitor
CYFARWYDDWR GWASANAETHAU CYFREITHIOL A PHWYLLGORAU/SWYDDOG MONITRO / DIRECTOR OF LEGAL AND COMMITTEE SERVICES / MONITORING OFFICER

CYNGOR SIR YNYS MON /
ISLE OF ANGLESEY COUNTY COUNCIL
Swyddfa'r Sir / Council Offices
LLANGEFNI
Ynys Môn / Anglesey
LL77 7TW

DX: 701771 – LLANGEFNI

ffôn / tel: (01248) 752588
ffacs / fax: (01248) 752132

E-Bost – E-mail: bjxcs@anglesey.gov.uk

Ein Cyf – Our Ref. BJ/CCO/336
Eich Cyf – Your Ref.

Cllr. Peter S. Rogers,
Bodrida,
Brynsiencyn,
Anglesey,
LL61 6NZ.

06.09.12

Dear Cllr. Rogers,

CORPORATE COMPLAINTS AND COMPLIMENTS PROCEDURE – letter to the Chief Executive in May 2012 re: Glandwr Estate, Dwyran.

Further to your complaint dated 17th August 2012, I have made enquires and can now respond in full.

I will deal with each point made on the complaint form individually:-

1. **No apology on behalf of staff for ignoring your letter of 29.3.12.**

Your letter dated 29.3.12 concerning the Glandwr Estate in Dwyran made reference to a stub wall, a tenant whose behaviour is not acceptable and an area of land adjacent to the estate.

I am advised that there is a note on file that you spoke to Mr Rob Trystan Owen on 4.4.12 and he explained to you that he had been to visit the estate following receipt of your letter and that he had explained the situation to you as regards the tenant and the stub wall.

To provide you with an update, Mr Owen advised that the situation as regards the tenant continues to be monitored and the car park / stub wall is to be repaired in the near future.

As regards the plot of land adjacent to the estate and Mr Geal's offer to purchase the land following a review of the file in this matter I would report as follows:-

September 1st 2011 - letter sent to both applicants informing them that likely method of disposal would be tender, subject to Local Member, Portfolio Member and Head of Service consultations. A letter was sent to yourself as the Local Member on the same day providing you with 7 days to give your observations but there is no record of a response on file.

September 9th 2011 - letter sent to Cllr Bob Parry the Portfolio Member providing 7 days to give observations. Reply received 14th September saying he supported the application.

October 2011 - Enquiries made with Planning Department to ascertain whether the land would be suitable as a building plot. Reply received 3rd November confirming that there might be potential for building plot. Details then passed on to Housing for their observations. Mr Geal informed by e-mail 9th December that there would be a delay in the process due to further enquiries being made about the land.

23rd May 2012 - Housing confirmed that outline planning permission should be sought before any further sale negotiations, and asked the Property Department (Architects) to prepare a planning application on their behalf. Both applicants informed of the decision by letter the same date.

September 2012 - Environment agency subsequently confirmed that land is in a flood risk area, and that it would be difficult to obtain planning permission. The application is to therefore proceed as before between both interested parties. We currently have an ongoing query with the Legal Section before we can progress with preparing the tender documents, once this is sorted out we will contact the applicants accordingly.

2. No action taken on the e-mail making reference to yourself

As noted above, a letter was sent to you, as the Local Member on 1.9.11 asking for your observations on the sale of the land.

3. Complete failure to instruct staff to respond to your concerns

It is accepted that no formal acknowledgement was sent to your letter dated 29.3.12 but as is noted above, action was taken on the concerns expressed in your letter.
On receipt of your letter in May, the Chief Executive sent a Memorandum to the Head of Service – Housing dated 22.5.12 requesting that she investigate the matter. A response was subsequently sent to you dated 25.5.12.

4. Failure to instigate disciplinary proceedings against staff involved

From the information received, there do not appear to be any failings that would warrant the instigation of disciplinary proceedings.

I trust that the above fully explains the situation and that you can see that your concerns have been addressed.

If your Complaint is now resolved please inform me and also complete the enclosed questionnaire and return in the envelope provided.

If you continue to be dissatisfied with this initial response to your Complaint and you wish to take your Complaint to the next stage (Stage 2) you need to indicate that in writing to me within the next 15 working days. If I do not hear from you within that period I shall therefore assume that the matter is complete and I shall close my file.

Yours sincerely

Beryl Jones
Customer Care Officer

Appendix 18

B322

PROPERTY DISPOSAL PROGRESS SHEET

PROPERTY: LAND ADJACENT TO [redacted] GLANDWR, DWYRAN

VALUATION:	£10,751.00 (Ten thousand seven hundred and fifty one)
DATE OF VALUATION:	28th September 2012
PRINCIPLE TERMS:	Freehold with vacant possession
MARKETING METHOD:	Section 1.8 AMP
METHOD OF DISPOSAL:	Tender

APPLICANT

NAME:	Mr Patrick Geal
ADDRESS:	[redacted]
PROPOSED USE:	Garden land only [redacted]

LOCAL MEMBER:	Councillor Peter Rogers
DATE SENT:	1st September 2011
DATE RETURNED:	No response
COMMENTS:	Assume no objections

PORTFOLIO MEMBER:	Councillor Bob Parry
DATE SENT:	9th September 2011
DATE RETURNED:	14th September 2011
COMMENTS:	No objections to disposal

COMMENTS BY SERVICE DEPARTMENT:	Housing Department has no objection to disposing the land
OFFICER'S RECOMMENDATIONS:	Sell the land

B323

APPROVAL: _____ DATE: 28/11/12

Mike Barton – Head of Service (Property)

EXECUTIVE COMMITTEE:

RESOLUTION REQUIRED: Y / N

DATE OBTAINED:

CONSIDERATION/COMMENTS:

OFFER MADE: 25th September 2012

ACCEPTED: 28th September 2012

INSTRUCTIONS TO COUNTY SOLICITOR:

TRANSACTION COMPLETED:

B324

Appendix 19

B325

Y WEITHDREFN GWYNO A CHANMOLIAETH GORFFORAETHOL
THE CORPORATE COMPLAINTS & COMPLIMENTS PROCEDURE

HOLIADUR/QUESTIONNAIRE

I'W GWBLHAU GAN Y SWYDDFA
TO BE COMPLETED BY THE OFFICE

ENW'R ACHWYNYDD
NAME OF COMPLAINANT Cllr. P. S. Rogers

CYFEIRIAD
ADDRESS Bolrhos, Brynsiencyn, LL61 6NZ.

Y GWASANAETH(AU) Y CYFEIRIWYD Y GWYN IDDI
THE SERVICE(S) TO WHICH THE COMPLAINT WAS REFERRED
Housing / Property

ENW'R SWYDDOG PERTHNASOL
NAME OF RELEVANT OFFICER B Jones.

I'W GWBLHAU GAN YR ACHWYNYDD
TO BE COMPLETED BY THE COMPLAINANT
(LLE FO'N BERTHNASOL, RHOWCH GYLCH O AMGYLCH YR ATEB SYDD FWYAF PRIODOL YN EICH BARN CHI)
(WHERE RELEVANT, PLEASE CIRCLE THE ANSWER WHICH IS MOST APPROPRIATE IN YOUR OPINION)

PA MOR FODLON OEDDECH CHI GYDA SAFON YR YMDRINIAETH O'CH CWYN GAN Y CYNGOR HWN?
HOW SATISFIED WERE YOU WITH THE STANDARD OF THE INVESTIGATION OF YOUR COMPLAINT BY THIS COUNCIL?

BODLON IAWN VERY SATISFIED	BODLON SATISFIED	ANFODLON IAWN VERY DISSATISFIED

OS OEDDECH CHI'N ANFODLON IAWN, BETH YW'R RHESYMAU AM HYNNY?
IF YOU WERE VERY DISSATISFIED, WHAT WERE THE REASONS FOR THIS?

Why did I ever make a complaint if I had received a letter dated Sept 1st 2011. Why on earth did Mr Hood will claim NOT respond to my letter of 2nd March 2012 and then give details of this letter they now claim was sent. My real concern is the failure to respond to my letter

RMJ 10 – Holiadur/Questionnaire

I would be very grateful if you would accompany me on a site visit to the estate and see around what progress has been made since writing my letter to Mr Hood. That is

B326

ER EFALLAI CHI FOD YN FODLON IAWN GYDAG YMDRINIAETH Y CYNGOR O'CH CWYN NEU ER EICH BOD O BOSIBL., YN FODLON GYDA'R YMDRINIAETH O'CH CWYN, A FYDDECH CYSTAL A NODI UNRHYW ELFENNAU O'R YMDRINIAETH Y TEIMLWCH CHI Y GELLID FOD WEDI EU CYFLAWNI'N WELL. ALTHOUGH YOU MAY HAVE BEEN VERY SATISFIED WITH THE COUNCIL'S INVESTIGATION INTO YOUR COMPLAINT, OR HAVE BEEN SATISFIED WITH THE INVESTIGATION, WOULD YOU KINDLY NOTE ANY ELEMENTS OF THE INVESTIGATION WHICH YOU FEEL COULD HAVE BEEN BETTER ACCOMPLISHED

Fully aware that was better public document on response and action.

PA MOR FODLON OEDDECH CHI GYDA PHRYDLONDEB YR YMDRINIAETH O'CH CWYN GAN Y CYNGOR HWN?
HOW SATISFIED WERE YOU WITH THE PUNCTUALITY OF THE INVESTIGATION INTO YOUR COMPLAINT BY THE COUNCIL?

~~BODLON IAWN VERY SATISFIED~~ BODLON SATISFIED ANFODLON IAWN VERY DISSATISFIED

A FYDDECH CHI CYSTAL A NODI UNRHYW SYLWADAU ERAILL YR HOFFECH CHI EU GWNEUD YNG NGHYSWLLT YR YMDRINIAETH YMA
WOULD YOU KINDLY NOTE ANY OTHER COMMENTS WHICH YOU WISH TO MAKE IN RESPECT OF THIS INVESTIGATION

I am used to communicate the investigations again, I feel was unusual better was was punctuality and public document a response and some actions.

ARWYDDWYD/SIGNED _____ DYDDIAD/DATE _____

B327

Appendix 20

ADRAN RHEOLWR GYFARWYDDWR/
DEPARTMENT OF THE MANAGING DIRECTOR

LYNN BALL LL.B., (Hons.)Cyfreithiwr/Solicitor
CYFARWYDDWR GWASANAETHAU CYFREITHIOL A PHWYLLGORAU/SWYDDOG MONITRO / DIRECTOR OF LEGAL AND COMMITTEE SERVICES / MONITORING OFFICER

CYNGOR SIR YNYS MON /
ISLE OF ANGLESEY COUNTY COUNCIL
Swyddfa'r Sir / Council Offices
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ffôn / tel: (01248) 752588
ffacs / fax: (01248) 752132

E-Bost – E-mail: bjxcs@anglesey.gov.uk

Ein Cyf – Our Ref. BJ/CCO/336
Eich Cyf – Your Ref.

Cllr. Peter S. Rogers,
Bodrida,
Brynsiencyn,
Anglesey,
LL61 6NZ.

16.10.12

Dear Cllr. Rogers,

CORPORATE COMPLAINTS AND COMPLIMENTS PROCEDURE – letter to the Chief Executive in May 2012 re: Glandwr Estate, Dwyran.

I am in receipt of your completed questionnaire relating to my response to you dated 7.9.12 regarding the above matter.

Further to the points raised by yourself I have made further enquiries and would respond as follows:-

1. Letter dated 1.9.11 – all that can be said here is that there is a copy letter addressed to you as the Local Member on file but obviously you never received that letter and we can only apologise for this.
2. No response to your letter 29.3.12 – the fact that the issues raised in your letter were discussed with you (i.e. stub wall and tenant) on 4.4.12 by Mr Rob Trystan Owen indicates that Ms Lloyd Williams received your letter and acted upon the contents. Ms Lloyd Williams also states that she has checked again this week and confirms that the situation continues to be monitored by Mr. Owen and I believe that he himself has sent you e-mail confirmation of this.

Ms Lloyd Williams also confirms that she takes all complaints very seriously and confirms that lessons learned from complaints are used to improve services and she is also available to speak to Elected Members and members of the public to listen to and discuss any complaints that there may be.

Ms Lloyd Williams had asked me to let you know that she is more than willing to meet with you on site should you so wish. Please contact Mrs Yvonne Jones on 01248 752203 with suitable dates and she will make the necessary arrangements.

I trust that the above now fully explains the situation.

Yours sincerely

Beryl Jones
Customer Care Officer

Appendix 21

B331

ENVIRONMENT AND TECHICAL SERVICES DEPARTMENT

DISPOSAL REPORT

	DISTRIBUTION:	**REF.:**	
A.	**Managing Director - Legal Section**	**Ref:**	**Iona Jones**
B.		**Ref:**	
C.		**Ref:**	
D.	**File**	**Ref:**	**45 HE 08 000**

COMMITTEE:	**TICK(✓)**	**DATE**
Executive Committee		
Smallholdings Panel		
Head of Service (Property)	✓	28/11/2012

STATUTORY POWERS:

NAME AND ADDRESS OF THE PURCHASER: Mr Patrick Geal [redacted]

SOLICITOR(S): [redacted]

SURVEYOR(S):

1. **DESCRIPTION AND SITUATION**

   Land forming part of the Glandwr Estate in the town/village and community of Dwyran in

   the County of Ynys Môn which may be identified by reference to OS sheet 4465

   and is more particularly shown outlined in red on the attached plan.

2. **AREA** 450m2 square meters or thereabouts

3. **NATURE OF INTEREST** Freehold with vacant possession.

B332

4. **RESTRICTIONS/LIABILITIES** (See 7 below)

5. **AGREED PRICE** £ 10,751 (ten thousand seven hundred and fifty one pounds)

6. **(A) SURVEYORS FEES:** N/A

(B) SOLICITORS FEES: £317.00

7. **TERMS AND CONDITIONS OF SALE:**

1. The land to be sold is shown edged in red on the enclosed location plan.

2. The purchase price will be £10,751.00 (ten thousand seven hundred and fifty one pounds).

3. The land shall be used as private garden only and shall be included within the curtilage of [redacted] Glandwr, Dwyran.

4. The purchaser shall be responsible for the erection and future maintenance of the boundaries marked with a "T" the specification of which shall be agreed with the County Council prior to commencement.

5. The boundaries shall be erected within a period of 6 (six) months from completion of the transfer.

6. No development / building / structure in whole or part shall be erected on the land.

7. The purchaser shall be responsible for obtaining all necessary permissions (if any) for the proposed use of the land.

8. The right of access to all site services, recognised or not, is to be retained by the Council and all other relevant service authorities.

9. The purchaser shall be responsible for the payment of their own together with the Council's legal and surveyor's fees in connection with this transfer.

Date 28/12/2017

.....

p.p. M.Barton

Head of Service (Property)

B333

Appendix 22

Mike Barton

From: June Williams
Sent: 05 August 2013 08:51
To: Mike Barton
Subject: FW: Land at Glan Dwr Dwyran Re Mr P Geal

Mike

See message below from Cllr. Peter Rogers in response to your letter. I'd be grateful if you would please let me have a copy of your response.

Diolch
June

From: Bethan Jones
Sent: 05 August 2013 08:40
To: June Williams
Subject: FW: Land at Glan Dwr Dwyran Re Mr P Geal

Bethan Jones
Dirprwy Prif Weithredwr / Deputy Chief Executive
Cyngor Sir Ynys Môn / Isle of Anglesey County Council
Swyddfa'r Sir / County Offices
Llangefni
Ynys Môn / Anglesey
LL77 7TW

01248 752185

From: Peter Rogers
Sent: 02 August 2013 15:19
To: Mike
Cc: Bethan Jones
Subject: FW: Land at Glan Dwr Dwyran Re Mr P Geal

Mr Barton
Very mystified by your letter received today requesting that I advise you if I am acting on behalf of Mr Geal as his agent with respect to this proposed transaction.I am afraid I just don't see the relevance of the question at this time.May I remind you that you have been asked to review the file and history of this case by the Deputy Chief Executive Ms Bethan Jones and I am sure if you do that you will fully understand my role, which is as a Councillor. This case has been ongoing for over 2 years and you should appreciate that it all resolves around my desire to tidy up this Estate-the disposal of this land is only part of this.You will see a recent E- Mail from Housing enquiring from me whether I have made any progress on the sale of this land.They will not move until a decision has been made. It is very concerning the time it is taking you and your Officers to respond to anything and this will be very self evident when you review this file. It certainly does not make pleasant reading.

Regards
Peter

[redacted]**rom:** Peter Rogers
ent: 17 July 2013 12:03
o: Bethan H. Jones
ubject: FW: Land at Glan Dwr Dwyran Re Mr P Geal

[redacted]

Dear Ms Jones
This matter has now been ongoing for over 12 months I would appreciate any support you could give to bring it to some sought of conclusion for everyones sake.

Regards
Peter

From: Peter Rogers
Sent: 04 July 2013 17:03
To: Dafydd V. Owen
Cc: [redacted]
Subject: RE: Land at Glan Dwr Dwyran Re Mr P Geal

Dear Mr Owen.

Your response is very puzzling.You have an offer for the land of £10,000 more than the under bidder.You had been adviced by Planning that there was no chance of the Council building on the plot because it is on a flood plain.There was no tender document available, which could almost be seen as unlawful and yet you then accepted the tender bid and then for some reason attempted to put conditions on the sale which of course should have been on the tender document and would have of course made a significant difference to the final offer.We then had a very good meeting with Mr Geal in your office and which your notes of that meeting will show, that the sale would go on and almost £11000 would be paid into our funds.But alas,in your last E-mail you again moved the 'goal posts'.Surely you dont want Mr Geal after parting with £11000 to then open negotiations with you to lift the garden land restriction for a building footprint and parking area.Surely our conduct in the sale of this area of land does not give any confidence that our word is to be trusted.There has to be some formal recording of the ability to be able to lift/or apply to lift the restriction in the future.You notes will clearly show that Mr Geal fully accepted the 'claw-back' provision.It was also noted that as the land was on a flood plain,the 'claw back' would be less' as planning costs would be greater.

Regards
Peter

From: Dafydd V. Owen
Sent: 27 June 2013 09:48
To: Peter Rogers
Subject: RE: Land at Glan Dwr Dwyran Re Mr P Geal

Dear Councillor Rogers

Apologies for the delay in responding, I have been away on leave.

As discussed during the meeting, the land is to currently be sold as garden land in its entirety. If Mr Geal decides to uild an extension to his current property in the future, which would require a piece of this land to facilitate the extension, then we will be open to begin discussions/negotiations to lift the garden land restriction on the area of land required ie building footprint and parking area as was discussed in the meeting.

Should you require any further information the please don't hesitate to contact me.

Regards
Dafydd Owen

Swyddog Prisio Cynorthwyol/Assistant Valuation Officer
Adran Eiddo/Property Department
Cyngor Sir Ynys Mon/Isle of Anglesey County Council
Ffon/tel: 01248 752245
Ebost/email: DafyddVOwen@anglesey.gov.uk

From: Peter Rogers
Sent: 24 June 2013 13:18

Appendix 23

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

ffôn / tel: (01248) 752300 ffacs / fax: (01248) 724839

Gofynnwch am - Please ask for: Mr. Mike Barton

ffôn / tel: (01248) 752304

E-Bost - E-mail: pem@anglesey.gov.uk
Ein Cyf - Our Ref. MB/LTJ/ 021.33
Eich Cyf - Your Ref.

30th July 2013

Councillor Peter Rogers
Bodrida
Brynsiencyn
Ynys Môn
LL61 6NZ

Dear Councillor Rogers

Land at Glan Dwr, Dwyran: Mr. P Geal

I refer to your recent e-mail correspondence to the Deputy Chief Executive regarding the above, which I have been requested to review.

I have recently been on annual leave but am now in the process of reviewing the file and history with regard to this case. I would note that in this instance, as the land in question is held within the Housing Portfolio, the Property Service is acting on the instructions of the Housing Service in this matter.

In the meantime I would be grateful if you would advise me if you are acting on behalf of Mr. Geal as his agent with respect to this proposed transaction.

Yours sincerely

MIKE BARTON
HEAD OF SERVICE (PROPERTY)

Appendix 24

Mike Barton

From: June Williams
Sent: 05 August 2013 08:51
To: Mike Barton
Subject: FW: Land at Glan Dwr Dwyran Re Mr P Geal

Mike

See message below from Cllr. Peter Rogers in response to your letter. I'd be grateful if you would please let me have a copy of your response.

Diolch
June

From: Bethan Jones
Sent: 05 August 2013 08:40
To: June Williams
Subject: FW: Land at Glan Dwr Dwyran Re Mr P Geal

Bethan Jones
Dirprwy Prif Weithredwr / Deputy Chief Executive
Cyngor Sir Ynys Môn / Isle of Anglesey County Council
Swyddfa'r Sir / County Offices
Llangefni
Ynys Môn / Anglesey
LL77 7TW

01248 752185

From: Peter Rogers
Sent: 02 August 2013 15:19
To: Mike
Cc: Bethan Jones
Subject: FW: Land at Glan Dwr Dwyran Re Mr P Geal

Mr Barton
Very mystified by your letter received today requesting that I advise you if I am acting on behalf of Mr Geal as his agent with respect to this proposed transaction.I am afraid I just don't see the relevance of the question at this time.May I remind you that you have been asked to review the file and history of this case by the Deputy Chief Executive Ms Bethan Jones and I am sure if you do that you will fully understand my role, which is as a Councillor. This case has been ongoing for over 2 years and you should appreciate that it all resolves around my desire to tidy up this Estate-the disposal of this land is only part of this.You will see a recent E- Mail from Housing enquiring from me whether I have made any progress on the sale of this land.They will not move until a decision has been made. It is very concerning the time it is taking you and your Officers to respond to anything and this will be very self evident when you review this file. It certainly does not make pleasant reading.

Regards
Peter

From: Peter Rogers
Sent: 17 July 2013 12:03
To: Bethan H. Jones
Subject: FW: Land at Glan Dwr Dwyran Re Mr P Geal

Appendix 25

Annie Ginwalla

From: Peter Rogers [PETERROGERS@anglesey.gov.uk]
Sent: 17 June 2014 21:46
To: Annie Ginwalla
Subject: FW: Meeting with the Chief Executive and the Monitoring Officer

Categories: Red Category

Dear Ms Ginwalla
I failed to included this exchange of E- mails between the Chief Executives P A and myself prior to my meeting with him and other Officials prior to his complaint being made to you, in the bundle I have posted to you. One of the other Officials who attended this meeting was the Chairman of the Council, who expressed his surprise to me later in being summoned from the corridor by the Chief Executive to the meeting.

Yours Sincerely

Peter Rogers

From: Peter Rogers
Sent: 22 October 2013 08:49
To: Carol Roberts
Subject: RE: Meeting with the Chief Executive and the Monitoring Officer

Dear Carol
That will be fine, following the Corporate Scrutiny Meeting. Because I involved the Chief Executive in the ongoing problems of The Glandwr Estate right at the start, it could well be that he now has a conflict of interest in this complaint, with this in mind I would request that the leader of the Council and the Chairman of the Standards Committee also attend.

Kind Regards
Peter

From: Carol Roberts
Sent: 21 October 2013 13:49
To: Peter Rogers
Subject: RE: Meeting with the Chief Executive and the Monitoring Officer

ar Councillor Rogers,

Apologies for the delay in contacting you further to re-arrange your meeting with the Chief Executive and the Monitoring Officer.

Would Monday, 28th of October be convenient for you? – to follow the Corporate Scrutiny Committee scheduled for 2.00 p.m. The meeting to be held in the Chief Executive's Office.

Kind regards,

Carol

Carol Roberts
Cynorthwy-ydd Personol i'r Prif Weithredwr / PA to the Chief Executive
Cyngor Sir Ynys Môn / Isle of Anglesey County Council
Ffon / Tel: 01248 752102
CarolRoberts@anglesey.gov.uk

From: Carol Roberts
Sent: 03 October 2013 12:05
To: Peter Rogers
Subject: Meeting with the Chief Executive and the Monitoring Officer
Importance: High

Dear Councillor Rogers,

Further to our telephone conversation earlier this week regarding your availability on Thursday, 10th October to meet with the Chief Executive and the Monitoring Officer.

Unfortunately it is not possible to convey the meeting which was scheduled for 1.15 p.m. on the 10th – I will contact you early next week to discuss a mutual date and time for the meeting.

I apologise for the inconvenience.

Kind regards,

Carol

Carol Roberts
Cynorthwy-ydd Personol i'r Prif Weithredwr / PA to the Chief Executive
Cyngor Sir Ynys Môn / Isle of Anglesey County Council
Ffon / Tel: 01248 752102
CarolRoberts@anglesey.gov.uk

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The contents of this email represent the views of the sender only and do not necessarily represent the views of Isle of Anglesey County Council. Isle of Anglesey County Council reserves the right to monitor all email communications through its internal and external networks.
Mae'r neges e-bost hon a'r ffeiliau a drosglwyddyd ynghlwm gyda hi yn gyfrinachol ac efallai bod breintiau cyfreithiol ynghlwm wrthynt. Yr unig berson sydd 'r hawl i'w darllen, eu copio a'u defnyddio yw'r person y bwriadwyd eu gyrru nhw ato. Petaech wedi derbyn y neges e-bost hon mewn camgymeriad yna, os gwelwch yn dda, rhowch wybod i'r Rheolwr Systemau yn syth gan ddefnyddio'r manylion isod, a pheidiwch datgelu na chopio'r cynnwys i neb arall.
Mae cynnwys y neges e-bost hon yn cynrychioli sylwadau'r gyrrwr yn unig ac nid o angenrheidrwydd yn cynrychioli sylwadau Cyngor Sir Ynys Mon. Mae Cyngor Sir Ynys Mon yn cadw a diogelu ei hawliau i fonitro yr holl negeseuon e-bost trwy ei rwydweithiau mewnol ac allanol.

Appendix 26

B344

Ombudsman
Ombwdsmon
PUBLIC SERVICES OMBUDSMAN FOR WALES
OMBWDSMON GWASANAETHAU CYHOEDDUS CYMRU

WITNESS STATEMENT

Statement of:

Age if under 18: over 18 (if over 18 insert 'over 18')

Occupation: ...Local Authority Employee

This statement (consisting of 2 page(s) each signed by me) is true to the best of my knowledge and belief.

Signature: [signature] Date: 30/06/2014.

1. I Dylan Edwards, Principal Valuation Officer (Property) at Isle of Anglesey County Council ("the Council") make this statement in support of a complaint made to the Ombudsman by the Chief Executive of the Council, Mr Richard Parry – Jones, concerning the conduct of Councillor Peter S Rogers, a member of the Council. This statement should be read in conjunction with previous my statement in respect of this matter.

2. Paragraph 10 of my previous statement states in error that I met with Councillor Rogers and Mr Geal in relation to the sale of land at Glandwr on 6 June 2013. The date of the meeting was 4 June 2013.

3. As stated in my previous statement Mr Geal was concerned about the terms of the sale of land. One of which was the "garden use" only condition. We discussed this issue and the possibility of future development on the land. Mr Geal did not have any plans or proposals for development with him. We discussed the prospect of release from the "garden use" only condition at some time in the future. My recollection of the discussions was that we would proceed with the sale on the original conditions i.e. as "garden use" only, but if Mr Geal returned to the Council with definite plans for development in the

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
t(01248) 752300 f (01248) 724839
Gofynnwch am / Ask For : Mr Dafydd Owen
t(01248) 752245
E-bost / E-mail: dvoht@ynysmon.gov.uk
Ein Cyf. / Our Ref DVO/45 HE 08 000
Eich Cyf. / Your Ref

Mr Patrick Geal
Felin Bach
Dwyran
Anglesey
LL61 6AX

4th September 2012

Dear Sir,

RE: LAND ADJACENT TO NO [redacted] GLANDWR, DWYRAN

Thank you for your interest in the above. As there are separate parties which have declared interest in purchasing land within the Council's ownership adjoining their property, we are obliged to offer the land in question to both parties.

We therefore confirm that the land edged red is to be offered by way of a sealed tender, whereby each party is to forward to the Council their bid for the lands, in the envelope provided. Attached is a tender pack and we should remind you that the closing date is set at 12 noon on Thursday 27th September 2012. The appropriate form and envelope must be used.

As you will see from the enclosed tender pack, "offers in excess of £9,000 (nine thousand pounds) have been placed on the lands. As an explanatory note, this figure reflects the market value of the land for use as a private garden only. The Council are obliged to obtain market value for the lands in accordance with its Asset Management and Disposal Policy.

We look forward to receipt of your bid by 12 noon on Thursday 27th September 2012.

Yours faithfully,

DVO

p.p. MIKE BARTON
HEAD OF SERVICE (PROPERTY)

WITHOUT PREJUDICE AND SUBJECT TO CONTRACT

B346

future, we would then consider the release of the condition and he would in turn pay an "uplift" if successful. This is what I would describe as an "overage clause".

4. I did not agree to a "clawback" provision. My understanding of a clawback is that they apply to matters such as grant applications and not sale transactions of this nature.

5. Councillor Rogers and Mr Geal may have used the term clawback during the meeting.

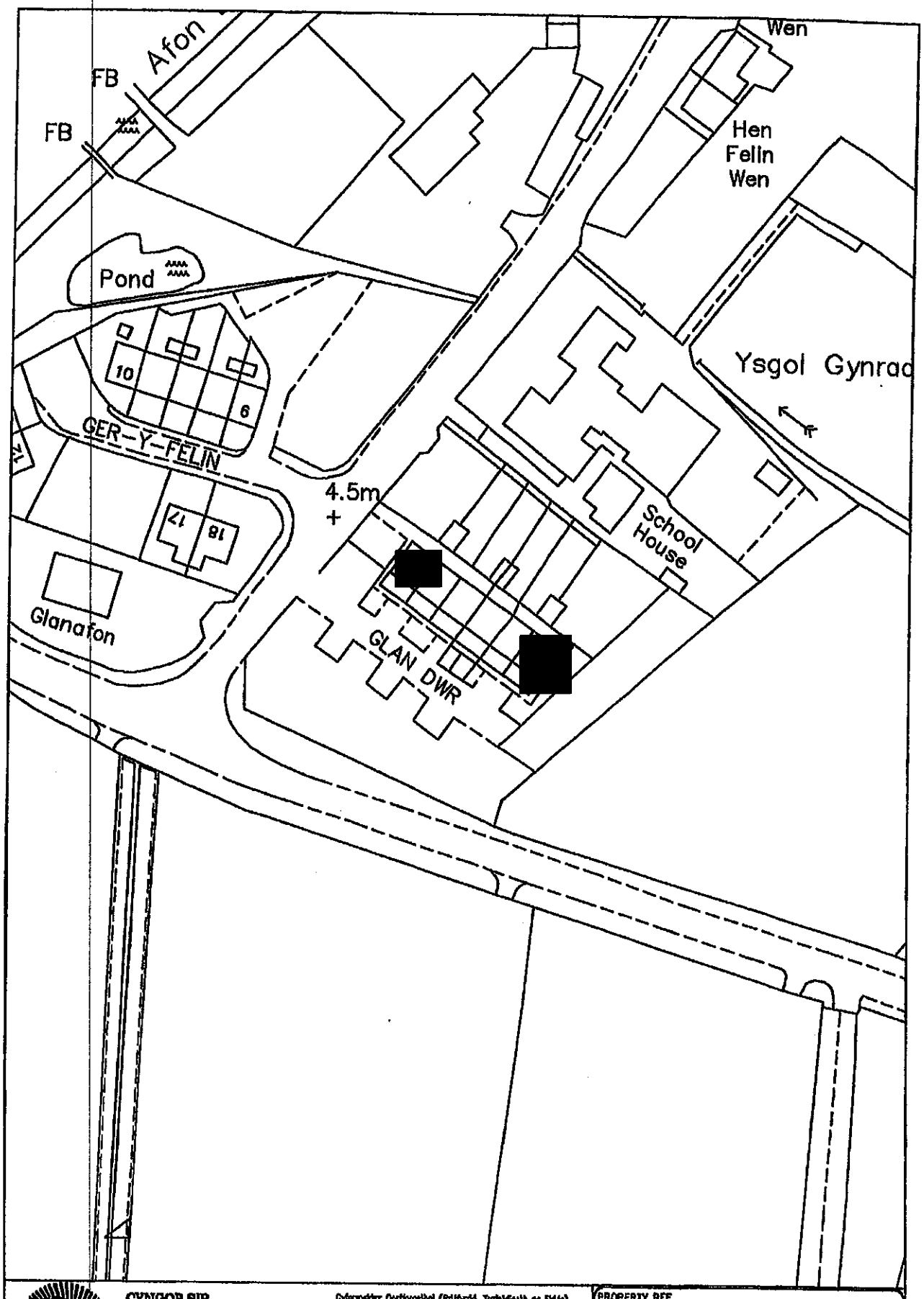
6. I attach as exhibit DE 5 a copy of the original tender invitation sent to Mr Geal. This document clearly details that the land would be sold as "garden use" only.

Signature: Signature witnessed by:

PTO

Case reference number: 201304118

63450



CYNGOR SIR
YNYS MÔN
ISLE OF ANGLESEY
COUNTY COUNCIL

Cyfarwyddwr Corfforaethol (Priffyrdd, Trafnidiaeth ac Eiddo)
Corporate Director (Highways, Transportation and Property)
Swyddfeydd Sir, Llangefni, Ynys Môn LL77 7TW

GWASANAETHAU EIDDO
PROPERTY SERVICES

PROPERTY REF.
45HE08000

SCALE.
1/1000

DATE
August 2012

B347

Adain Eiddo / Property Section
Cyngor Sir Ynys Mon / Anglesey County Council
Swyddfa'r Sir / Council Offices
Llangefni
Ynys Môn / Anglesey LL77 7TW

FFURFLEN AR GYFER TENDRO **FORM OF TENDER**

		LAND ADJACENT TO NO [redacted] GLANDWR, DWYRAN	
Enw		.....	*Name*
Cyfeiriad		....	*Address*
Rhif Ffon		.....	*Telephone Number*
Pris a Gynnigir Mewn Ysgrifen		£ _____.____ (_____ _____)	*Offer Submitted* *In Writing*
Arwyddwyd		.....	*Signed*
Dyddiad		.....	*Date*
Dyddiad Cau - Hanner Dydd		**Thursday 27th September 2012**	*Closing Date* *- noon on*

B368

Y mae Cyngor Sir Ynys Môn yn cadw'r hawl i wrthod unrhyw dendr a dderbynnir

Tender: Land adjacent to No [redacted] Glandwr, Dwyran

Closing Date & Time:
12:00 Noon on Thursday 27th September 2012
Received By:.....
Date & Time received:.....

Environment and Technical Services Department
Cyngor Sir Ynys Môn - Isle of Anglesey County Council.
Council Offices,
LLANGEFNI,
Ynys Môn, LL77 7TW.

For the attention of: Susan Morris

Tender: Land adjacent to No [redacted] landwr, Dwyran

Closing Date & Time:
12:00 Noon on Thursday 27th September 2012
Received By:.....
Date & Time received:.....

Environment and Technical Services Department
Cyngor Sir Ynys Môn - Isle of Anglesey County Council.
Council Offices,
LLANGEFNI,
Ynys Môn, LL77 7TW.

For the attention of: Susan Morris

B349

Appendix 27

Ombudsman
Ombwdsmon
PUBLIC SERVICES OMBUDSMAN FOR WALES
OMBWDSMON GWASANAETHAU CYHOEDDUS CYMRU

WITNESS STATEMENT

Statement of: Dafydd Owen

Age if under 18: Over 18 (if over 18 insert 'over 18')

Occupation: .....Assistant Valuation Officer.....

This statement (consisting of 2 page(s) each signed by me) is true to the best of my knowledge and belief.

Signature: [signature] Date: 03/04/2014

---

1. I Dafydd Owen, Assistant Valuation Officer with the Estates Section of the Property Department at Isle of Anglesey County Council ("the Council") make this statement in support of a complaint made to the Ombudsman by the Chief Executive of the Council, Mr Richard Parry – Jones, concerning the conduct of Councillor Peter Rogers, a member of the Council. This statement should be read in conjunction with previous my statement of 5 February 2014 in respect of this matter.

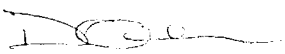
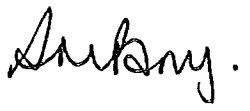
2. As mentioned in my previous statement I met with Councillor Rogers and Mr Geal with my colleague Dylan Edwards. Mr Geal wanted to discuss some issues he had with the wording of the transfer document. These were that the transfer was drafted to suggest the "garden land" only restriction was also to be over his existing property. We agreed to ask the legal department to amend it to make it clear that [redacted]Glandwr was not to be affected by this restriction. There was also an issue as far as I can recall with the maintenance obligations for the boundaries. Again this was something which was easy to resolve and could be changed by the legal department.

3. Mr Geal also wanted to know if he could build on the land that he was intending to buy in the future. Dylan advised him that this may be possible and that he could negotiate with us when he had his proposals worked out.

4. The issue of a "clawback" was discussed. Mr Geal was advised that we would not be able to put a clawback clause in the transfer. He was told that if he wanted to lift the restrictive covenant i.e. "garden land" only restriction he would have to negotiate a fee with the Council for this in the future. He was clearly advised that a "clawback" could not be put in the purchase documents. All matters appeared to be resolved and the meeting ended.

5. Councillor Rogers was actively engaged in the conversations about the restrictions. I got the impression during the meeting that he was acting in the best interests of both Mr Geal and the Council. However, the tone and comments made in his subsequent emails gave me the impression that he more for Mr Geal.

6. Following the meeting I instructed the legal department to amend the terms in the documentation about the boundaries and to ensure the restriction did not affect the property already owned by Mr Geal. I attach as exhibit "DO 6" a copy of the memo sent 14 June 2013.

Signature:  Signature witnessed by 

F

CYNGOR SIR YNYS MÔN	ISLE OF ANGLESEY COUNTY COUNCIL
ODDI WRTH :	AT :
FROM : Corporate Director (Sustainable Development)	TO : Deputy Chief Executive (Legal)
DYDDIAD : DATE : 14 June 2013	DYDDIEDIG : DATED :
CYF : DVO/45 HE 08 000	EICH CYF : YOUR REF :

FAO: Tim Rhodes – Solicitor

RE: LAND ADJACENT TO [redacted]GLANDWR, DWYRAN

I write with reference to our discussion on the 14th June 2013 regarding the above.

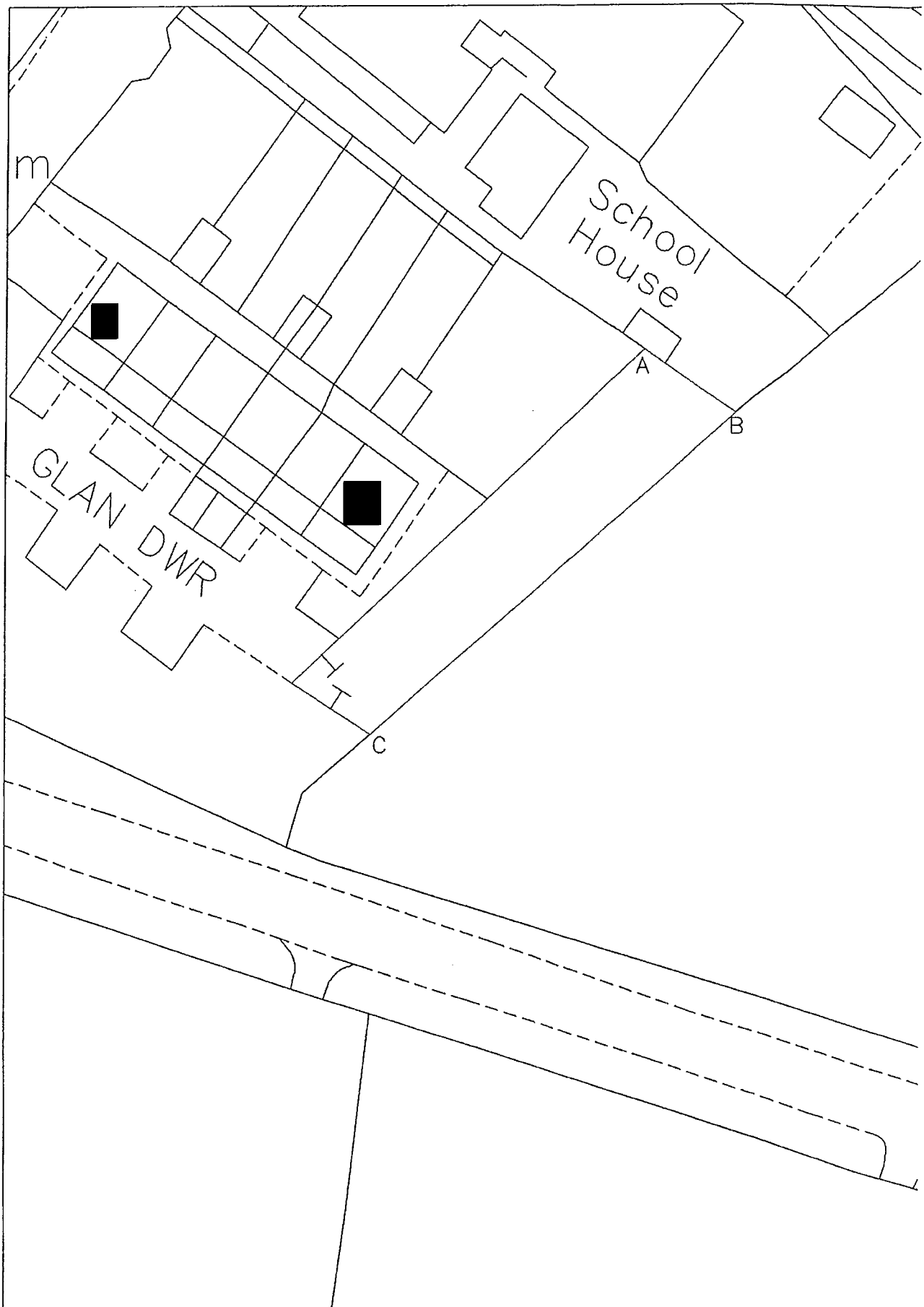
Please find attached location plan of the above with the land to be disposed of outlined in red. I confirm that the boundaries marked AB and BC are to be Party Wall boundaries between the purchaser and the adjoining property owners, and the boundaries marked with a 'T' are to be the responsibility of the purchaser.

Following a meeting with the purchaser Mr Geal he has also expressed concern that the wording of the clause relating to garden land use only would also apply to his current property [redacted]Glandwr, Dwyran. I would be grateful if you would review the wording and make any amendments if necessary so that it only applies to the land shown outlined in red, and forward to the purchaser.

Thank you in advance for your co-operation.

DVO

pp MIKE BARTON
PENNAETH GWASANAETH (EIDDO) / HEAD OF SERVICE (PROPERTY)



CYNGOR SIR
YNYS MÔN
ISLE OF ANGLESEY
COUNTY COUNCIL

Cyfarwyddwr Corfforaethol (Priffyrdd, Trafnidiaeth ac Eiddo)
Corporate Director (Highways, Transportation and Property)
Swyddfa'r Sir, Llangefni, Ynys Môn LL77 7TW

GWASANAETHAU EIDDO
PROPERTY SERVICES

PROPERTY REF.
45HE08000

SCALE.
1/500

DATE
June 2013

Land adjacent to 6 Glandwr, Dwyran

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Appendix 28

Annie Ginwalla

From: Awena Parry [AwenaParry@anglesey.gov.uk]
Sent: 01 July 2014 14:56
To: Annie Ginwalla
Cc: Lynn Ball
Subject: Re: Ombudsman Investigation

Hi Annie

This is the response I received from our property lawyer to your query:-

The matter hasn't completed yet. We have inserted an overage clause and are negotiating the finer points. My last correspondence was on 4th June.

Does this help?

I am away from the office on leave from today until the 28th July so please contact Lynn in my absence.

Thanks

Awena

Sent from my iPad

n 1 Jul 2014, at 12:14, "Annie Ginwalla" <Annie.Ginwalla@ombudsman-wales.org.uk> wrote:

> Case ref: 201304118
>
> Dear Awena,
>
> Hope you are well.
>
> The Ombudsman is currently considering the evidence gathered in this case and we hope to be able to give you a further update shortly.
>
> In the meantime I would be grateful if you could ascertain whether the proposed sale of the land, which is the subject matter of this complaint, has proceeded or is close to doing so. If so, please can you confirm whether the terms of the legal documentation are the same as originally drafted or whether a "clawback" or "overage" clause has been added.
>
> I look forward to hearing from you.
>
> Kind regards,

Annie Ginwalla
Investigator/Ymchwilydd

Public Services Ombudsman for Wales/Ombwdsmon Gwasanaethau Cyhoeddus Cymru
1 Ffordd yr Hen Gae
Pencoed
Bridgend/Pen-y-bont ar Ogwr
CF35 5LJ

Tel/Ffôn: 01656 644201
Fax/Ffacs: 01656 641199
www.ombudsman-wales.org.uk
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Mae'r neges e-bost hon a'r ffeiliau a drosglwyddyd ynghlwm gyda hi yn gyfrinachol ac efallai bod breintiau cyfreithiol ynghlwm wrthynt. Yr unig berson sydd 'r hawl i'w darllen, eu copio a'u defnyddio yw'r person y bwriadwyd eu gyrru nhw ato. Petaech wedi derbyn y neges e-bost hon mewn camgymeriad yna, os gwelwch yn dda, rhowch wybod i'r Rheolwr Systemau yn syth gan ddefnyddio'r manylion isod, a pheidiwch datgelu na chopio'r cynnwys i neb arall.

Mae cynnwys y neges e-bost hon yn cynrychioli sylwadau'r gyrrwr yn unig ac nid o angenrheidrwydd yn cynrychioli sylwadau Cyngor Sir Ynys Mon. Mae Cyngor Sir Ynys Mon yn cadw a diogelu ei hawliau i fonitro yr holl negeseuon e-bost trwy ei rwydweithiau mewnol ac allanol.

This email has been processed by Smoothwall Anti-Spam - www.smoothwall.net

Appendix 29

CYNGOR SIR YNYS MÔN	**ISLE OF ANGLESEY COUNTY COUNCIL**
ODDI WRTH :	AT :
FROM : Environment and Technical Services	TO : Director of Housing and Social Services
DYDDIAD : DATE : **15/03/11**	DYDDIEDIG : DATED :
CYF : REF : **DVO/45HE08000**	EICH CYF : YOUR REF :

FAO: DAFYDD J.ROWLANDS

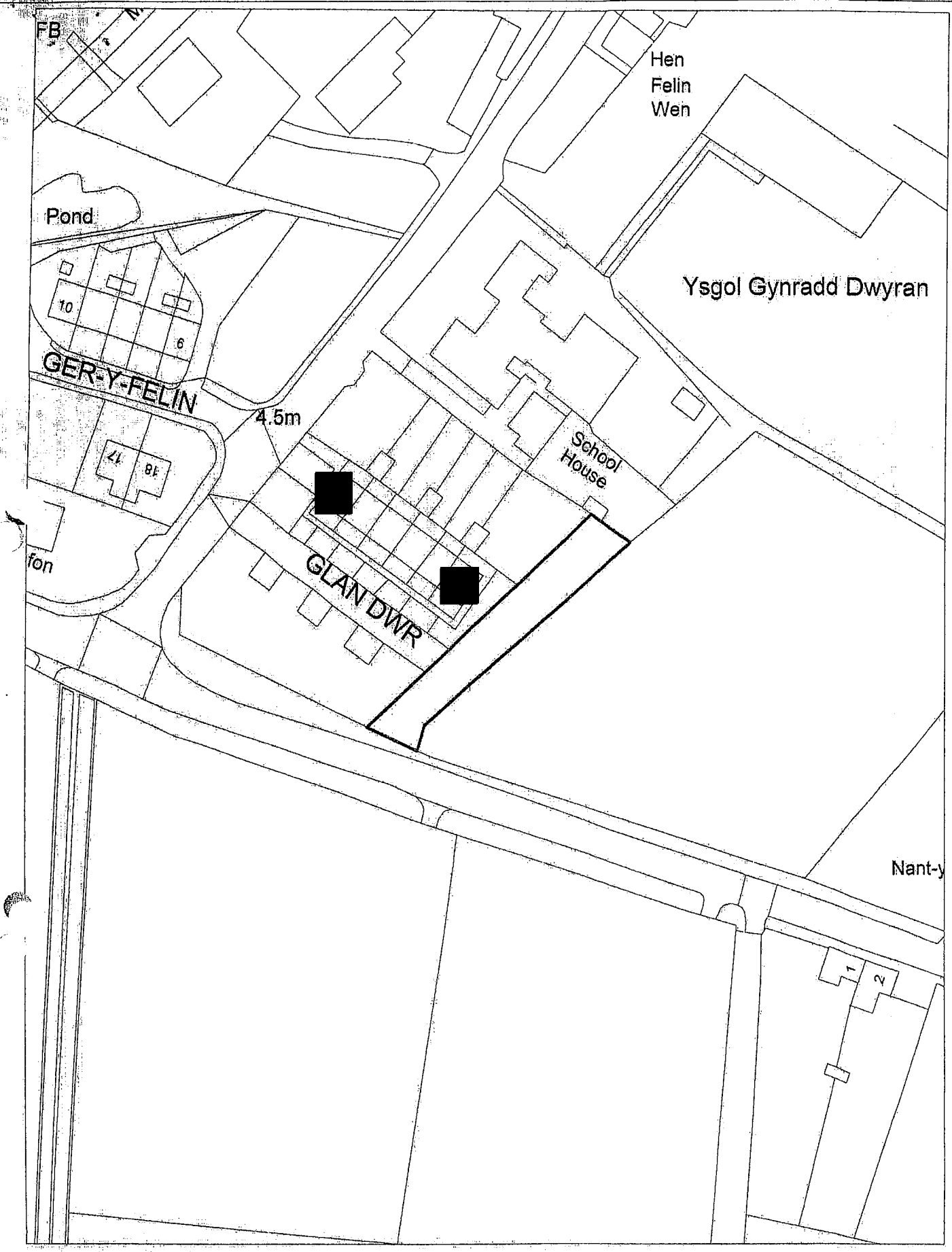
RE: LAND AT GLANDWR, DWYRAN

We have received an enquiry about the possibility of purchasing the land shown red on the attached plan for garden land.

I would be grateful if you could confirm as soon as practicably possible whether the Housing Dept. is willing to sell the land.

pp M.BARTON
HEAD OF SERVICE (PROPERTY)

CYNGOR SIR YNYS MON
ISLE OF ANGLESEY COUNTY COUNCIL
REC. 17 MAR 2011
GWASANAETHAU TAI
HOUSING SERVICES



CYNGOR SIR
YNYS MÔN
ISLE OF ANGLESEY
COUNTY COUNCIL

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

Eiddo / Property:Land at Glandwr, Dwyran
Drawn by:1/1000
Date:

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Appendix 30

Mr Dafydd Edwards
Isle of Anglesey County Council
Council Offices
LLANGEFNI
Ynys Mon
LL77 7TW

Ein cyf/Our ref: NT/2012/113473/01-L01
Eich cyf/Your ref: .

Dyddiad/Date: 30 May 2012

Annwyl Mr Edwards / Dear Mr Edwards

PROPOSED RESIDENTIAL DEVELOPMENT GLANDWR, DWYRAN, ANGLESEY

Thank you for your enquiry with regard to the above received at our office 24th May 2012.

We have concerns regarding any new development on this land due to flood risk. The site is at risk from both tidal flooding and fluvial/pluvial flooding due to tide locking.

There is a history of flooding in the area, although we do not have any details of flooding occurring on the site in question. As with any development proposal within a flood risk area the applicant should provide a Flood Consequence Assessment in support of any planning application. We would advise that a FCA be carried out by a competent person and should address all the sources of flooding and ensure compliance with TAN 15 Development and Flood Risk (July 2004). In the absence of a FCA we would object to a development on this site.

As stated above, the site is at risk from tidal inundation and as such any new residential proposal would need to flood free for the design flood event with an allowance for climate change. This would require raising the site/floor levels. However due to flooding from the un named watercourse to the rear, this land raising would displace flood waters which could have an impact on third parties. This would be un acceptable unless land is lowered to compensate for the infilling.

We would therefore suggest that if you wish to pursue with any potential development on this land then a Flood Consequence Assessment should be compiled to ensure that the flood risk associated with the proposal is acceptable to all parties. The TAN 15 can be viewed at

http://wales.gov.uk/topics/planning/policy/tans/tan15/;jsessionid=xq2kN25Qnjywy4pTkxMKLlKhnGrGf54lBvThPG2qT2CTHJkLpNW5l-342331487?lang=en

Cont/d..

Yn ddiffuant / Yours sincerely

MISS RUTH PRICHARD
Planning Liaison Officer/Swyddog Cydlynu Cynllunio

Deialu uniongyrchol/Direct dial 01248 48 4067
Ffacs uniongyrchol/Direct fax 01248 670561
E-bost uniongyrchol/Direct e-mail Ruth.Prichard@Environment-Agency.gov.uk

End

Appendix 31

CWYNION CYFOES I AC YMHOLIADAU GAN YR OMBWDSMON – "O" -YNGLŶN Â CHYNGHORWYR CYNGOR SIR YNYS MÔN

UP TO DATE COMPLAINTS TO AND INVESTIGATIONS BY THE OMBUDSMAN – "O" -REGARDING ISLE OF ANGLESEY COUNTY COUNCILLORS DIWEDDARIAD / UPDATED– [X]

PWYLLGOR SAFONAU – 12.03.2014 – STANDARDS COMMITTEE

Enw'r Cynghorydd **Name of Councillor**	**Enw'r Achwynydd** **Name of Complainant**	**Cyfeirnod y Ffeil** **File Reference** **(i) Un ni/Ours** **(ii) "O"**	**Dyddiad y Gŵyn - "O"** **Complaint date - "O"**	**Disgrifiad Byr o'r Gŵyn** **Description of Complaint**	**Adrannau'r Côd** **Sections of the Code**	**Canlyniad Ymholiad "O" a'r dyddiad neu'r sefyllfa gyfredol** **Result of "O" Investigation and date or the current situation**
1. Cynghorydd Sir / County Councillor	Prif Weithredwr / Chief Executive	(i) 017339 (ii) 201304118	29.10.13	Delio gyda mater pan roedd yna fuddiant personol ac o bosib bod hwnnw wedi mynd yn fuddiant sydd yn rhagfarnu / Dealing with a matter when there was a personal interest which may then have become a prejudicial interest. Honnir bod y cynghorydd wedi bod yn gysylltiedig â gwerthu darn o dir yr oedd y Cyngor yn berchen arno. Dywed ef mai helpu etholwr a oedd yn ceisio prynu'r tir ydoedd, fodd bynnag, honnir bod yr etholwr â chyswllt personol agos gyda'r Cynghorydd ac o'r herwydd, mae'n bosib fod ganddo ddiddordeb personol yn unol â pharagraff 10(2)(c)(i) y Côd Ymddygiad i Aelodau ac y dylai fod wedi datgelu'r diddordeb hwnnw oherwydd mae'n debygol o fod yn ddiddordeb sy'n rhagfarnu yn unol â pharagraff 12(1).	Rhan / section 10(2)(c) (i) 14(1)(a), (c), (d) and (e)	17.01.2014 – Ymchwilydd "O" wedi bod yn adeiladau'r Cyngor i gynnal cyfweliadau gyda swyddogion ac rydym yn disgwyl am ddiweddariad pellach. 17.01.2014 – "O" investigator attended council premises to conduct interviews with officers and we await a further update.

Enw'r Cynghorydd Name of Councillor	Enw'r Achwynydd Name of Complainant	Cyfeirnod y Ffeil File Reference (i) Un ni/Ours (ii) "O"	Dyddiad y Gŵyn - "O" Complaint date - "O"	Disgrifiad Byr o'r Gŵyn Description of Complaint	Adrannau'r Côd Sections of the Code	Canlyniad Ymholiad "O" a'r dyddiad neu'r sefyllfa gyfredol Result of "O" Investigation and date or the current situation
				The allegations are that the councillor was involved in the sale of land owned by the Council. He claims to have been providing assistance to a elector in attempting to purchase the land, however, it is alleged that the elector is of a close personal association to the councillor and so he may have a personal interest under paragraph 10(2)(c)(i) of the Members' Code of Conduct which should have been disclosed as it is likely to be a prejudicial interest of paragraph 12(1).		
	C					

Appendix 32


DAI

No: 50,146

Thursday March 13 2014

Councillor in land deal probe

THE ombudsman is investigating a councillor's role in the purchase of local authority-owned land on Anglesey by someone with whom it's alleged he had a "close personal association".

Another member of the council is being investigated for alleged "bullying and harassing" of a community councillor, the standards committee heard.

PAGE 11

DAILY POST March 13, 2014

'Bullying' and land sale claims probed by ombudsman

By RHODRI BARKER

Separate allegations against councillors

COMPLAINTS relating to a councillor's role in the purchase of local authority-owned land on Anglesey and another member's alleged "bullying and harassing" behaviour are being looked into by Wales' Public Services Ombudsman.

One of the two complaints relates to a county councillor who allegedly helped a person with whom he had a "close personal association" to buy council-owned land.

Investigators will soon visit Anglesey council premises for the second time to continue the probe into the allegation, which was made by the local authority's chief executive.

A report seen by Anglesey Council's standards committee yesterday says: "The allegations are that the councillor was involved in the sale of land owned by the council. He claims to have been providing assistance to an elector in attempting to purchase the land, however, it is alleged that the elector is of a close personal association to the councillor and so he may have a personal interest under paragraph 10(2)(c)(i) of the Members' Code of Conduct which should have been disclosed as it is likely to be a prejudicial interest of paragraph 12(1)."

According to the report, which updated members on the ombudsman's investigations, the alleged action constitutes "dealing with a matter when there was a personal interest which may then have become a prejudicial interest".

The local authority expects a further update from the ombudsman in the near future.

The second complaint against an Anglesey county councillor alleges that he or she behaved "in a bullying and harassing way" towards a community councillor. This complaint is the subject of an investigation by the ombudsman, after a decision not to investigate was reversed following an appeal by the complainant.

The county councillor is alleged to have pointed and shouted at the community councillor during a meeting of the community council, and to have "committed acts of deliberate misrepresentation".

Appendix 33

CYNGOR SIR
YNYS MÔN
ISLE OF ANGLESEY
COUNTY COUNCIL

BODRIDA
BRYNSIENCYN
ANGLESEY
LL61 6NZ

18 JULY 2014

Ms Annie Ginwalla

Investigator Ombudsman Office

Pencoed

Dear Ms Ginwalla

Following our telephone conversation yesterday I am now responding in writing to your report into your investigation into the complaint made against me the Chief Executive of Anglesey County Council. I have in the main 3 areas of concern.

1 In every item of correspondence that I have received from you it is marked Private and Confidential and then it goes on to remind me that divulging details of the complaint to the press is a breach of the code. I have made you aware on two occasions when it was plainly obvious that the Council have breached this and caused my family and In particular my wife, much distress-I can assure you that being a former High Sheriff ,a Local Magistrate and Chairman of the Bench and a former Welsh Assembly Member and now a County Councillor and successful business man allegations relating to dishonesty is very damaging and hurtful. I understood that you on 2 occasions following my contact with you contacted the Council regarding these breaches. I would now request that all correspondence relating to these breaches should be in the file for the benefit of the Standards Committee to aid them in their eventual deliberations. I enclose a copy from a BLOG which gives you an illustration of the damage that was inflicted on me by a previous complainant breaching this confidentiality and which went completely unpunished.

2 You are I know are fully aware that my real concern are the discrepancies in the statements made by myself and Mr Geal and those given on behalf of the Council by their Mr Edwards and Mr Owen which are further compounded in my view by the additional statements by Mr Edwards and Mr Owen enclosed with your draft report. Points 3 4 and 5 in Mr Edwards latest statement are particularly relevant and his point under 4 and 5 have to be seen as dishonest. Mr Owen's additional statement is more acceptable but must cast serious doubts on the accuracy of his notes which he claims he made following our meeting on the 4 June 2013 and these can be found with his original statement and marked DO4.I take great comfort in the points he makes under 5 regarding his impression that I was acting in the best interests of both the Council and for my constituent Mr Geal . I am sure that it is fully understandable that my tone and comments made in subsequent E- mails would change when it became obvious that no progress was forthcoming following this very congenial meeting which had ended with handshakes all round and some banter about the marriage of our respective son and daughter. It must also be of great concern that in this additional statement by Mr Owen dated on 3 July 2014 it includes under his Point 4 "He was clearly

advised that "clawback" could not be put in the purchase document." Yet I understand that this is exactly what has now happened and Mr Owen would have been aware of this as would have been the Senior Valuation Officer Mr Edwards when he made his additional statement and in particular his reference to his understanding of "Clawback" which I would suggest now needs some explanation by Mr Edwards. It is also very important for you to be reminded of a previous meeting I had held with Mr Edwards and Mr Owen over the sale of some other land in my constituency land and the provision of "Clawback" in that transaction details of which I have included in my statement.

3 I have included many copy E- mails which I feel are vital in my defence to this complaint against me by the Chief Executive which I believe is being pursued because of my continued efforts to expose the incompetence that is rife in this Authority and in particular in the Legal and Property sections and I very much hope that the Standards Committee will pay due regard to these.

Yours Sincerely

Peter S. Rogers

Peter S Rogers

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The Druid's Oath



Fulfilling an ancient oath, the Druid has returned to defend Anglesey at the moment of it's greatest peril. Not against Roman invaders but political incompetence, mal- administration & economic mismanagement.

Druid Testimonials

"one of the best political blogs in Wales" - **WalesHome.org**

"extremely well written and a useful addition to the Welsh Blogosphere" - **Dylan Jones-Evans**

"Fortunately the Island has the ever impressive Druid ... if only every Welsh seat had a Druid" - **Daran Hill**

"The Druid's arguments

WEDNESDAY, 14 APRIL 2010

++ Peter Rogers being investigated by Public Services Ombudsman ++

From BBC News:

A parliamentary candidate in Ynys Môn is being investigated by the Public Services Ombudsman for Wales after a complaint by North Wales Police.
Peter Rogers, an independent, is also a local councillor and represents Anglesey council on North Wales Police Authority.
The complaint follows an incident at Holyhead Police station when Mr Rogers accompanied a constituent.
Mr Rogers has confirmed that he has no plans to stand down as a candidate.
He has also threatened to make an official complaint of his own about the way the police were dealing with the matter.
Mr Rogers told BBC Wales: "I'm disappointed that this information has been leaked to the media at a time when I'm a candidate in the election.
No comment
"The ombudsman must be allowed to conduct his investigation without being hampered by politically motivated leaks."
A spokesperson for Anglesey council said: "We can confirm that a complaint has been made by North Wales Police regarding Councillor Peter Rogers and that the ombudsman is investigating the matter."
A spokesman for North Wales Police authority said: "We can confirm that a complaint is being considered by the ombudsman."
The ombudsman's office confirmed that they have received a complaint about Mr Rogers and are currently investigating.
Albert Owen, the Labour parliamentary candidate in the Ynys Môn constituency, said: "I don't know the details and have no comment to make"
John Wyn Jones, press officer for Plaid Cymru Ynys Môn, speaking on behalf of the party's parliamentary candidate Dylan Rees, said "Mr Rogers has proved to be a politician who is unable to work with other people, whether it be the Conservative party or his colleagues in local

must be undermined and contested, as they are quite frequently incorrect or misinformed" - **Welsh Ramblings**

Druid Archive

▼ 2010 (160)
  ► May (30)

government.
"This isolation means that he is unable to deliver for the people he represents."
A Conservative party spokesman said: "This a matter for Mr Rogers, North Wales Police and the Public Services Ombudsman. It would not be appropriate to comment at this stage."

Posted by The Druid of Anglesey at 19:11
Labels: Anglesey / Ynys Môn , General Election , Peter Rogers

Appendix 34

Bodrida Bryn Siencyn Anglesey ll61 6nz Your Ref201304118

5 May 2014

P.S.O.W.
- 7 MAY 2014
P.S.O.W.

Mr Peter Tyndall

Public Services Ombudsman For Wales

Dear Mr Tyndall

Code of Conduct Complaint by Anglesey County Council against Councillor Peter Rogers.

This case has already been reported in the North Wales Daily Post without actually naming me, details had been taken from the agenda of the Councils Standards Committee. The complaint would now appear to be common knowledge amongst my fellow Councillors and in fact one Community Councillor is fully briefed on the very serious allegations against me. On Saturday night at a football match 2 former Leaders of the Council and now no longer Councillors told me they were interested in buying a little plot of land but they wanted it to be legitimate and would not be running up and down stairs to the Legal Officer Ms Lynn Ball about it. The former Councillor making the biggest noise was Ex Councillor Philip Fowlie whom you have been involved with previously.

I have received a total of 3 Letter from your Ms Annie Ginwalla since the complaint was lodged on 1st of November and everyone of them includes a warning that the Ombudsman considers that disclosure of details of the complaint by myself to any one other than my Legal Advisor may be a breach of the code under pharagraph5[a] and [7a].

I would be very grateful if you could now confirm that it is only me that is subject to this 'gagging' clause and does not include the council complainants. It is also very unfortunate that your Office saw fit to send a bulky package addressed to Councillor Rogers enclosing details and statements relating to the complaint clearly marked Ombudsman to Anglesey County Councils Office where it lay in the main office until I returned from my holiday. The staff even commented that they never remember correspondence from your Office ever arriving previously addressed to a councillor. The messages left on my phone stated the package was from the Ombudsman. I can confirm that I have never previously received correspondence other than to my home address.

Yours Sincerely

Peter S. Rogers

Cllr Peter Rogers

ATODIAD / ENCLOSURE 2

STANDARDS COMMITTEE

Minutes of the meeting held on 19 December 2014

PRESENT: **Independent Members**

Mr. Michael Wilson (Chair)
Mr. Islwyn Jones (Vice-Chair)

Mrs. Denise Harris Edwards
Mr. Leslie Lord
Mrs. Dilys Shaw

Representing the County Council

Councillor Trefor Lloyd Hughes, Dafydd R. Thomas

IN ATTENDANCE: Legal Advisor (Mr. Peter Keith-Lucas of Bevan Brittan LLP),
Committee Officer (MEH).

ALSO PRESENT: Ms. Annie Ginwalla and Ms. Rhiannon Williams – Public Services Ombudsman for Wales;
Councillor Peter Rogers

Witnesses
(when called to give evidence)

Principal Valuation Officer,
Technician

APOLOGIES: None

1 DECLARATION OF INTEREST

No declaration of interest made by a Member or Officer.

2 MINUTES

The minutes of the meeting held on 11 September, 2014 were confirmed as correct.

3 EXCLUSION OF THE PRESS AND PUBLIC

The Legal Advisor stated that it is a presumption that Hearings are taken in public unless there is an overriding reason to hold them in private. The private issue in respect of this Hearing is the land transaction and the evidence by Mr. Geal. The Chair asked Councillor Rogers who confirmed that he had no objection to the hearing proceeding in public, subject to Mr. Geal's view in respect of his own evidence. Accordingly the Committee resolved not to exclude the press and public, but to reserve a decision in respect of Mr. Geal's evidence until he was present and then to seek his view in respect of his own evidence.

It was agreed that the Hearing to be taken in public.

4 REPORT

Submitted – a report by the Public Service Ombudsman for Wales (PSOW) investigating a complaint raised by the Chief Executive in relation to alleged breaches of the Members' Code of Conduct in respect of his involvement in the disposal by the County Council of an area of land at Dwyran and a chronology of events and Issues List prepared by Mr. Keith-Lucas and previously provided to all parties.

The Chair outlined the procedure for the Hearing and all present agreed to the procedure as set out in the Agenda.

Councillor Rogers made submissions as to why the allegations should be dismissed without a hearing, including the Investigating Officer's involvement in a previous matter, the absence of additional officer evidence and Councillor Rogers' concern at the propriety of other Council actions. The PSOW's representative explained that she had no involvement in another matter other than that she had been aware that a colleague had had a telephone conversation with Councillor Rogers. Mr. Keith-Lucas advised that none of the matters submitted invalidated the hearing and that the Committee should determine the allegations purely on the facts which could only be evidenced by a hearing. The Committee resolved to proceed with the hearing.

The Chair invited Ms. Ginwalla (representing the Public Service Ombudsman for Wales) formally presented her report outlining the key issues of the complaint received by the previous Public Service Ombudsman for Wales and the alleged breach of the Code of Conduct in his failure to record his personal and prejudicial interest in matters relating to the sale of land at 6 Glandwr, Dwyran. Having considered the complaint the former Ombudsman decided that there was sufficient evidence to start an investigation. Evidence was gathered from Officers of the Council together with email, letters, correspondence in respect of this matter. A statement was also obtained by Mr. Geal. The Ombudsman was satisfied that there was a close relationship with Councillor Rogers and Mr. Geal between March 2012 and August 2013. The relationship was enhanced with a marriage between the children of both parties in 2013.

Members of the Standards Committee and Councillor Rogers were given an opportunity to question Ms. Ginwalla and a question and answer session entailed.
2 Officers from the Estates Management Section gave evidence as witnesses to the Committee and Members of the Standards Committee and Councillor Peter Rogers were given an opportunity to question the Officers.

Following a recess for lunch, Councillor P. Rogers stated that Mr. Geal would give evidence as a witness to the Standards Committee. The Chair asked Mr. Geal if he was happy to give evidence in public. Mr. Geal said he was happy do so. Accordingly, the Committee resolved to continue in open session.
Members of the Standards Committee and Councillor Rogers were given an opportunity to question Mr. Geal.

The Chair invited Councillor Rogers to address the Standards Committee. Members of the Standards Committee and the representative from the Public Services Ombudsman for Wales were given an opportunity to question Councillor Rogers.

The Standards Committee retired to private session to make a decision on whether or not the Code had been breached.

The Committee determined as follows :-
(a) That Councillor Rogers had been acting in his capacity as a member of Isle of Anglesey County Council at all material times and so was subject to the Council's Code of Conduct;

(b) That his relationship with Mr. Geal was such as to amount to a close personal association from before the date of Councillor Rogers first involvement in this matter in March 2012, and that, as the land transaction affected the well-being of Mr. Geal, accordingly Councillor Rogers had a personal interest in the land transaction from that date;

(c) That Councillor Rogers, on his own admission, had not considered whether he had a personal interest in the transaction, contrary to Paragraph 10(1) of the Code of Conduct, had not disclosed that personal interest in correspondence or at any meeting, and accordingly had failed to comply with Paragraphs 11(1) and 11(2)(a) of the Code of Conduct, and had failed to notify the Monitoring Officer of this personal interest, contrary to Paragraph 11(4);

(d) That Councillor Rogers relationship with Mr. Geal did not materially change through the period of this matter, despite the wedding between the 2 families in September 2013;

(e) That throughout the transaction Councillor Rogers sought to facilitate the land transaction for the benefit of both Mr. Geal and the County Council, and did not seek to advantage Mr. Geal at the Council's expense. Accordingly, his personal interest was never such that it might reasonably have been perceived as likely to prejudice his perception of the public interest, and so it did not amount to a prejudicial interest;

(f) That Councillor Rogers did not at any time use his position to put unreasonable pressure on any officer or with any wrongful intent. Further, the Committee found that there was no financial advantage to Mr. Geal in changing from restrictive covenant to an overage arrangement, and accordingly found that he had not improperly used his position to seek to confer any advantage on Mr. Geal.

The Committee then resumed and the Chairman advised Councillor Rogers that the Committee now had to determine whether to impose any sanction and, if so, what would be an appropriate sanction, and sought representations from Ms. Ginwalla and Councillor Rogers.

The Committee retired to private session to consider the issue of sanction.

The Committee took into account the fact that there had been no financial benefit to Mr. Geal, or financial detriment to the Council. They recognised that Councillor Rogers had throughout been seeking to resolve wider estate matters and had apologised for failing to identify that he had a personal interest in the transaction, but were concerned at his criticism of the Investigating Officer.

The Committee determined as follows :-

- **To suspend Councillor Rogers from being a Member of the County Council for a period of 1 month;**
- **To express to the Chief Executive the Committee's concern at the apparent leaking from within the County Council of the information as to the making and nature of the complaint;**
- **To express to the Chief Executive the Committee's concern that this land transaction took so long to resolve. The 2 County Council representatives of the Standards Committee will seek to meet the Chief Executive on this point to**

see whether it is possible to introduce some system of targets for completion of these transactions, as this order of delay is not only frustrating to the prospective purchaser but potentially damaging to the authority at a time when it needs to generate income;

- **To recommend that, wherever an invitation to tender for land is sent out by or on behalf of the County Council, that invitation must contain full particulars of the land to be sold and of the terms and conditions upon which it is to be sold, including any restrictive covenants and fees, to enable prospective purchasers to determine exactly what it is that the County Council is seeking to sell and to enable the prospective purchaser to raise any queries and to make a firm bid for the property.**

The Committee resumed and the Chair advised Councillor Rogers of the Committee's resolution.
]

MR. MICHAEL WILSON
CHAIR

ATODIAD / ENCLOSURE 3

PANEL DYFARNU CYMRU
ADJUDICATION PANEL FOR WALES

NOTICE OF DECISION

TRIBUNAL REFERENCE NUMBER: APW/003/2014-015/AT

APPELLANT: Councillor Peter Rogers

RELEVANT AUTHORITY(IES): Isle of Anglesey Council

1. An Appeal Tribunal convened by the President of the Adjudication Panel for Wales has considered an appeal by Cllr Rogers against the decision of the Isle of Anglesey Council's Standards Committee that he had breached the Isle of Anglesey Council's code of conduct and should be suspended for a period of 1 month.

2. The Standards Committee's determination followed its consideration of a report by the Public Services Ombudsman for Wales ("the Ombudsman") under the terms of sections 69(4)(c) and 71(2) of the Local Government Act 2000 and the Local Government Investigations (Functions of Monitoring Officers and Standards Committees) (Wales) Regulations 2001.

3. The allegations were that Cllr Rogers had breached the Isle of Anglesey Council's Code of Conduct when communicating with officers of the Council about the sale a particular piece of land. That Councillor Rogers failed to declare a close personal association with the prospective purchaser of the land; and that Councillor Rogers had misused his position of member to gain an advantage for the prospective purchaser.

4.1 At a hearing on Thursday 10 September and Friday 11 September 2015 at the Llangefni County Court and Family Court, Glanhwfa Road, Llangefni, Isle of Anglesey, LL77 7EN the Appeal Tribunal found by unanimous decision that Cllr Rogers failed to comply with the Isle of Anglesey Council's Code of Conduct.

4.2 Paragraph 7(a) of the Code of Conduct states that "You must not – (a) in your official capacity or otherwise, use or attempt to use your position improperly to confer on or secure for yourself, or any other person, an advantage or create or avoid for yourself, or any other person, a disadvantage."

4.3 The Appeal Tribunal found that Cllr Rogers, from 22 May 2013 until 2 August 2013, was acting in his official capacity and, through his interventions with officers of the Council, used his position improperly to confer an advantage upon and avoid a disadvantage to Mr Geal, and potentially create a disadvantage for any member of the public who might have wished to express an interest in the land

adjoining 6 Glandwr, Dwyran had it been sold on the open market, and, in particular, the individual who was the under bidder in the Council's original tender process.

4.4 Paragraph 10(1) of the Code of Conduct states that "You must in all matters consider whether you have a personal interest, and whether this code of conduct requires you to disclose that interest."

4.5 The Appeal Tribunal found that, between 29 March 2012 and 2 August 2013, Cllr Rogers was acting in his official capacity on each occasion that he spoke, wrote and attended meetings concerning the land adjoining 6 Glandwr, had failed to consider whether he had a personal interest.

4.6 Paragraph 10(2) of the Code of Conduct states that "You must regard yourself as having a personal interest in any business of your authority if (c) a decision upon it might reasonably be regarded as affecting (i) your wellbeing or financial position or that of a person with whom you live or any person with whom you have a close personal association; (ii) Any employment of business carried on by persons described in 10(2)(c)(i)."

4.7 The Appeal Tribunal found that, between 29 March 2012 and 2 August 2013, Cllr Rogers did have a personal interest in all matters relating to the land adjoining 6 Glandwr by virtue of his close personal association with Mr Geal.

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

4.9 The Appeal Tribunal found that Cllr Rogers attended meetings on 22 May 2013 and 4 June 2013 regarding the land adjoining 6 Glandwr. He did not declare his personal interest at any point during those meetings.

4.10 Paragraph 11(2)(a) of the Code of Conduct states that " Where you have a personal interest in any business of your authority and you make written representations (whether by letter, facsimile or some other form of electronic communication) to a member or officer of your authority regarding that business, you should include details of that interest in the written communication."

4.11 The Appeal Tribunal found that Cllr Rogers wrote and emailed officers of the Council on 10 May, 17 August and 10 October 2012, and 28 May, 24 June, 4 July, 17 July, 19 July and 2 August 2013 regarding the land adjoining 6 Glandwr. At no point in those communications did he declare a personal interest in the matter.

4.12 Paragraph 11(2)(b) of the Code of Conduct states that " Where you have a personal interest in any business of your authority and you make oral representations (whether in person or some form of electronic communication) to a member or officer of your authority regarding that business, you should disclose the interest at the commencement of such representations, or when it becomes

apparent to you that you have such an interest, and confirm the representation and interest in writing within 14 days of the representation."

4.13 The Appeal Tribunal found that Cllr Rogers spoke to officers of the council on 24 May 2013 regarding the land adjoining 6 Glandwr. At no point in those telephone communications did he declare a personal interest in the matter nor did he write subsequently to confirm that interest.

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

4.15 Paragraph 14(1) of the Code of Conduct states that "where you have a prejudicial interest in any business of your authority you must, unless you have obtained a dispensation from your authority's standards committee –

(a) withdraw from the room, chamber or place where a meeting considering the business is being held -

(i) where sub-paragraph (2) applies, immediately after the period for making representations, answering questions or giving evidence relating to the business has ended and in any event before further consideration of the business begins, whether or not the public are allowed to remain in attendance for such consideration; or

(ii) in any other case, whenever it becomes apparent that that business is being considered at that meeting;

(b) not exercise executive or board functions in relation to that business;

(c) not seek to influence a decision about that business;

(d) not make any written representations (whether by letter, facsimile or some other form of electronic communication) in relation to that business; and

(e) not make any oral representations (whether in person or some form of electronic communication) in respect of that business or immediately cease to make such oral representations when the prejudicial interest becomes apparent."

4.16 The Appeal Tribunal found that Cllr Rogers had a prejudicial interest on 10 May and 17 August 2012, and at all times between 22 May and 2 August 2013 in dealing with matters relating to the land adjoining 6 Glandwr. He failed to withdraw from meetings on 22 May and 4 June 2013 and, on other occasions during that time, sought to influence a decision about the land adjoining 6 Glandwr.

5. The Appeal Tribunal accordingly decided by unanimous decision to refer the matter back to the Standards Committee with a recommendation that Cllr Rogers

should be suspended for 3 months from being a member or co-opted member of Isle of Anglesey Council.

6. The Isle of Anglesey Council and its Standards Committee are notified accordingly.

Signed..... Date.....11th September 2015

Kate Berry
Chairperson of the Appeal Tribunal

Ian Blair
Panel Member

Juliet Morris
Panel Member

PDC / APW

PANEL DYFARNU CYMRU
ADJUDICATION PANEL FOR WALES

Ms L Ball
Monitoring Officer
Isle of Anglesey County Council
Council Offices
Llangefni
LL77 7TW

Your ref
Our Ref: zA972192

17 December 2015

Dear Ms Ball,

LOCAL GOVERNMENT ACT 2000 – APPEAL AGAINST THE DECISION OF A STANDARDS COMMITTEE – COUNCILLOR PETER ROGERS, ISLE OF ANGLESEY COUNCIL

TRIBUNAL REF. NO. APW/003/2014-015/AT

I refer to the above and enclose a copy of the tribunal's reasoned Decision Report, a copy of which has been sent to Councillor Rogers today.

Please contact me if you have any questions.

Yours sincerely

pp. **LEON MILLS**
Registrar to the Panel

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18 DEC 2015
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DECISION REPORT

TRIBUNAL REFERENCE NUMBER: APW/003/2014-015/AT

APPEAL AGAINST STANDARDS COMMITTEE DETERMINATION IN RELATION TO AN ALLEGED BREACH OF THE CODE OF CONDUCT

APPELLANT: Councillor Peter Rogers

RELEVANT AUTHORITY(IES): Isle of Anglesey Council

1. INTRODUCTION

1.1 An Appeal Tribunal convened by the President of the Adjudication Panel for Wales has considered an appeal by Cllr Rogers against the decision of the Isle of Anglesey County Council's Standards Committee that he had breached the Isle of Anglesey code of conduct and should be suspended for a period of 1 month.

1.2 A hearing was held by the Appeal Tribunal at 10.00am on Thursday 10 September 2015 and Friday 11 September 2015 at the Llangefni County Court and Family Court, Glanhwfa Road, Llangefni. The hearing was open to the public.

1.3 Cllr Rogers attended and was represented by Mr John Stevenson.

1.3.1 On behalf of Cllr Rogers Mr Stevenson made an application for an adjournment of the hearing. He cited four reasons, namely that Cllr Rogers had been given insufficient notice of the hearing, that it was an inappropriate venue and would identify Cllr Rogers as a criminal, that Cllr Rogers had not had the facility to call witnesses, and that there were no translation facilities available.

1.3.2 The application was refused. The Tribunal Procedure Rules at para 4.37 provide for 7 days notice of an adjourned hearing. Cllr Rogers had been advised on the 24th August 2015 of the new hearing date, well within this timescale. The Tribunal was a judicial process and thus the County Court buildings were an appropriate venue. Cllr Rogers had been served with the bundle of court evidence on the 30th June 2015 and had had sufficient time to consider if he wished to call any additional evidence. Although translation facilities were not immediately available, the Registrar took immediate action to rectify this and the facilities would be available in time for the witness who had requested them.

2. PRELIMINARY DOCUMENTS

2.1 Appeal Against Decision of Standards Committee

2.1.1 In a letter dated 15 January 2015, the Adjudication Panel for Wales received an appeal from Cllr Rogers against the determination of the Isle of Anglesey Standards Committee on 19 December 2014 that he had breached the Isle of Anglesey code of conduct and should be suspended for a period of 1 month.

2.1.2 The Standards Committee's determination followed its consideration of a report by the Public Services Ombudsman for Wales ("the Ombudsman") under the terms of sections 69(4)(c) and 71(2) of the Local Government Act 2000 and the 'Local Government Investigations (Functions of Monitoring Officers and Standards Committees) (Wales) Regulations 2001.

2.1.3 The allegations were: that Cllr Rogers had breached paragraphs 7(a), 10(1), 11(1), 11(2)(a), 11(2)(b), 14(1)(a) and 14(1)(c)-(d) of the Isle of Anglesey Council's code of conduct when communicating with officers of the Council about the sale a particular piece of land; that Councillor Rogers failed to declare a close personal association with the prospective purchaser of the land, Nigel Patrick Geal ("Mr Geal"); and that Councillor Rogers had misused his position of member to gain an advantage for the prospective purchaser.

2.1.4 The circumstances leading to alleged breach are set out in paragraph 4 below.

2.1.5 At a hearing of the Standards Committee on the 19th December 2015 at which Cllr Rogers participated, he made submissions that the allegations should be dismissed because of the Investigating Officer's involvement in a previous matter, the absence of some officer evidence, and Cllr Rogers concerns about the propriety of other Council actions.

2.1.6 The Standards Committee found that Cllr Rogers had acted in his official capacity and had a personal interest by virtue of his relationship with Mr Geal. In failing to declare this interest he had breached paragraphs 10(1), 11(1), 11(2)(a) and 11(4) of the code of conduct. The Committee suspended Cllr Rogers for two months, the term being reduced to one month due to mitigating factors.

2.1.7 Cllr Rogers appealed the decision on the grounds that he did not have a longstanding relationship with Mr Geal through business interests, and that he had not breached paragraph 11(2)(a) of the code. He also submitted that the suspension of 1 month did not properly take into account the harm done to himself and his family which followed the leaking of details of the matter to the press.

2.2 The Ombudsman's Written Representations

2.2.1 In a letter dated the 18th March 2015 the Ombudsman said that the Standards Committee determination on personal interests was based on a wider consideration than simply business association and arose because of social relationships, friendship and the marriage of Cllr Roger's and Mr Geal's respective children. Cllr Rogers did not explain why he believed that he did not have a

personal interest, despite having acknowledged this and apologised at the committee hearing. The Ombudsman considered that Cllr Rogers had misunderstood or misinterpreted the decision of the Standards Committee which did not imply that he had no personal interest to declare. His complaint about the leaking of information, and the conduct of the Investigating Officer, as well as his assertion that the original complaint was vexatious were relevant to sanction and not to a finding on breach.

3 ORAL SUBMISSIONS

3.1 The Appeal Tribunal heard oral evidence and submissions as follows.

3.2 Ms Annie Ginwalla on behalf of the Ombudsman

3.2.1 Ms Ginwalla summarised the Investigation Report and drew the Tribunal's attention to the relevant statements and to the conclusions set out on pages 17 – 24 of the Investigation Report. She emphasised that the obligation to consider the code rested with the member concerned and could not be discharged by an officer. She referred the Tribunal to the duty that a member has to consider whether they have an interest in all matters and at all relevant times. She asked the Tribunal to consider the findings of the report set out in paragraph 87 in considering whether Cllr Rogers had a personal and prejudicial interest.

3.3 Mr Dafydd Owen

3.3.1 Mr Owen confirmed his two written statements as a truthful account of the facts. He reconfirmed that his clients, the Housing Department, had instructed that the land should be sold for garden use only.

3.3.2 Responding to questions from Mr Stevenson he said selling the plot as garden land affected the value. He provided a second statement to clarify the outcome of the meeting on the 4th June which he felt had been a positive one. He did not know Cllr Rogers personally but did know Mr Geal's daughter from school and was aware of the marriage and the relationships between the families. He said that it was not his responsibility to challenge a councillor but he had told his line manager after the meeting about their relationship. Initially he thought Cllr Rogers was just trying to get things moving but Cllr Rogers then progressed to trying to influence officers to change the terms and conditions of the sale.

3.4 Mr Dylan Edwards

3.4.1 Mr Edwards confirmed that his two written statements were a truthful account of the facts.He recalled two main issues at the meeting on the 4th June: clarifying that the land was sold for garden use only, and identifying boundary responsibilities. Mr Geal said that he wished to develop the site and was advised that he would have to seek planning consent. The guide price in the tender pack reflected the restriction on garden use. If there was no such restriction the value would have increased to £60000. He e-mailed Mike Barton and set out his recollection of the meeting. He did not agree an overage clause in the meeting.

3.4.2 Responding to questions from Mr Stevenson he confirmed that as the Principal Valuation Officer he was responsible for managing the Council's property

on land sales. The Council gave a guide price in the tender pack. It was a small parcel of land to be sold with restrictions and valued at less than £10000. If the value was greater than this the land would be sold on the open market. He was not aware of the relationship between Cllr Rogers and Mr Geal until after the meeting. He did not speak to Cllr Rogers about this but he did tell his line manager Mike Barton. At the time of the meeting he believed Cllr Rogers was acting as a local member and was not aware that he had an interest. He thought the meeting was held to clarify some misunderstandings of the purchaser.

3.5 Mr Patrick Geal

3.5.1 Mr Geal confirmed his written statement as a truthful account of the facts. He confirmed that he had received a letter from Mike Barton dated the 4th September 2012 which stated that the land was valued for use as a private garden only. He also confirmed that he had received a number of other documents including legal correspondence between his solicitors and the council legal department. He said that he had bought the land as garden use only but that he had intentions to develop it. He confirmed that the meeting on the 4th June 2013 dealt with two issues – boundary liabilities and a confusion about restrictions on his own property. He said that the land was of little value to him with restrictions.

3.5.2 Responding to questions from Mr Stevenson he said that he had approached Cllr Rogers in his capacity as his local councillor, not to gain an advantage. He was shocked by the tender documents. Cllr Roger was an honest broker and had suggested the overage clause. He did not know the price he had bid for the land. He disagreed with Mr Edwards valuation of £60000 which he thought was a silly price.

3.6 Mr Richard Parry Jones

3.6.1 Mr Parry-Jones confirmed his written statement as a truthful account of the facts but clarified that he had retired as Chief Executive and was no longer employed by the council. He said that he submitted the complaint to the Ombudsman as it was his public duty. The matter was drawn to his attention. It was for the Ombudsman to investigate the issues. Having looked at the facts he had before him he believed that Cllr Rogers may have breached the code. He was aware of Cllr Rogers interest in this land in 2012 as he had submitted a corporate complaint. During the summer of 2013 there was some talk in the council about a personal connection with the purchaser and he became aware of the details about 6 months before he submitted the complaint.

3.6.2 It was his expectation that councillors were aware of the code and if in doubt they should seek advice from the Monitoring Officer. After May 2013 there was a formal procedure if there was a personal interest so that a fellow councillor could act.

3.6.3 So far as the land sale was concerned he accepted that there had been unfortunate delays. The council had carried out an investigation which found delay by both parties. He said that he understood the frustration, but he was also of the view that this was not about a failure of a council service but concerned a private transaction between seller and purchaser.

3.6.4 He accepted that as an Independent member Cllr Rogers did not have a supportive group but he could have approached the Leader for assistance. He treated every councillor the same. As an officer of a public authority he had no choice but to act to ensure the council was seen as open and unbiased.

3.6.5 He regretted the disclosure of confidential matters. Despite an internal investigation there was no evidence of the source of the breach. He completely rebutted the assertion that he had acted maliciously, and said that there was never any personal animosity against Cllr Rogers who he respected. He was not under any political pressure, but felt that it was his duty to make the complaint and he would have been happy to accept the decision of the Ombudsman.

3.7 Cllr Peter Rogers

3.7.1 Cllr Rogers made the following oral submissions:

3.7.2 Cllr Rogers confirmed that his written statement was a truthful account of the facts. He confirmed that he had lived in the area for forty years and had many friends through social and chapel relationships. He understood the difference between honesty and dishonesty. He has found this case difficult because it has damaged his reputation. He had not acted dishonestly and had never sought financial gain.

3.7.3 He confirmed his friendship with Mr Geal, and said he was as close to him before as after the marriage of their children. He acted for him in his capacity as a local councillor. He said everyone in the council knew of his relationship with Mr Geal and that there were so many opportunities for someone to advise him if he was acting inappropriately.

3.7.4 When he met with officers in June 2013 the deal was done. There were legal costs being incurred and Mr Geal thought he could save on solicitor's letters. Cllr Rogers confirmed that he had an understanding of the use of overage/clawback clauses because they had been used by the council in another sale of property in his village. He was amazed by the delay and it was his suggestion to insert an overage provision in the land sale at 6 Glyndwr.

3.7.5 He referred the Tribunal to his written statement where he outlined a number of instances where he had complained about council decisions and officers. He felt that the present complaint had been used as a diversionary tactic to draw attention away from other matters. It had never crossed his mind that he was doing anything wrong.

3.7.6 The 4th June meeting was the most important. He considered that the contemporaneous note had only limited accuracy. He was extremely angry which is why he wrote to the Deputy Chief Executive.

3.7.7 Responding to questions from Ms Ginwalla he said that he had not received the consultation letter of the 1st September 2011. He had written to the Housing officer on the 29th March 2012 of his own accord. He was not pushing for the land to be sold to Mr Geal but simply wanted to get matters sorted.

4. FINDINGS OF FACT

4.1 The Appeal Tribunal found the following **undisputed** material facts:

4.1.1 Councillor Peter Standing Rogers ("Cllr Rogers") first became a councillor in May 2004. He was subsequently re-elected and signed a declaration of acceptance of office and undertaking to comply with the Council's code of conduct on the 3rd May 2013.

4.1.2 On the 1st November 2013 Mr Richard Parry-Jones (Chief Executive of the Isle of Anglesey Council) made a complaint to the Public Service Ombudsman ("Ombudsman") that Cllr Rogers had failed to declare a personal and prejudicial interest when writing and speaking to officers about the sale of council land. He further complained that Cllr Rogers had used or attempted to use his position as a councillor either to obtain an advantage for the landowner Mr Geal, or to disadvantage the council.

4.1.3 Nigel Patrick Geal ("Mr Geal") is the legal owner of property known as 6 Glandwr Dwran, ("the property") which is occupied by a tenant.

4.1.4 Mr Geal and Cllr Rogers have known each other for 40 years. They both accept that they are friends and see each other almost daily, as they live close to each other on neighbouring farms. They visit each other's homes. Mr Geal's daughter married Cllr Rogers's son in September 2012. Cllr Rogers is Mr Geal's local councillor.

4.1.5 In early 2011 Mr Geal experienced problems with vermin at the property and, in contact with council officers he made enquiries about purchasing adjacent council land. Between 1st September 2011 and the 3rd June 2012 there was an exchange of a number of e-mails between Mr Geal and officers concerning this potential sale. In one of these e-mails on the 2nd November 2011 Mr Geal indicated that he had contacted his councillor Cllr Rogers.

4.1.6 On the 1st September 2011 a consultation letter was sent to Cllr Rogers about the proposed sale.

4.1.7 On the 29th March 2012 Cllr Rogers wrote to the Head of Housing Services (Shan Lloyd Williams) about a number of issues on the Glandwr estate, and included copy e-mails concerning Mr Geal's proposed purchase, seeking a response.

4.1.8 On the 10th May 2012 Cllr Rogers wrote to the Chief Executive complaining about a failure to respond to his letter of the 29th March, and asking for his intervention. The Chief Executive responded on the 23rd May 2012.

4.1.9 Cllr Rogers submitted a corporate complaint on the 17th August 2012 referring to the "unacceptable response" to his letter in May, and "taking no action on e-mails making reference to myself which were not true". The complaint was investigated and Cllr Rogers received a response from Beryl Jones on the 6th September 2012 containing an account of officers' actions and a determination that there were no failings which merited disciplinary action.

4.1.10 On the 4th September 2012 Mr Geal and a neighbouring landowner were both invited to tender for the sale land on the Glandwr estate. The letter of invitation asked for offers in excess of £9000 with a market value reflecting usage as a "private garden only". Mr Geal offered £10751 which considerably exceeded the only other tender of £1000.

4.1.11 Cllr Rogers completed a questionnaire on the 10th October 2012 indicating dissatisfaction with the outcome of his complaint, and stating that his real concern was the failure to respond to his original letter. This was responded to by Beryl Jones on the 18th October 2012 and Cllr Rogers was subsequently offered a meeting with the Head of Housing Services.

4.1.12 Mr Geal instructed solicitors on the proposed sale/tender and they wrote to council officers on his behalf about the "garden use" condition on January 2013.

4.1.13 On the 22nd May 2013 Cllr Rogers met the Head of Housing Services, and a housing officer Paul Lloyd Jones at the Glandwr estate to discuss a number of issues and problems on the estate. No notes were made of this meeting. Cllr Rogers asked about the sale of land to Mr Geal, and he subsequently spoke to the Principal Valuation Officer Dylan Edwards on the 24th May about the conditions of sale.

4.1.14 On the 4th June 2013 Cllr Rogers, Mr Geal, Dylan Edwards and Dafydd Owen met to discuss the sale land and the conditions of the sale. There are no agreed minutes of the meeting, but there is a contemporaneous note made by Dafydd Owen. This note does not reference a significant matter in contention, namely whether a "clawback clause" could be agreed in the sale.

4.1.15 Cllr Rogers e-mailed Dafydd Owen on two separate occasions between 24th June and the 4th July 2013 querying what had been discussed and agreed during the meeting on the 4th June. Finally he e-mailed the deputy Chief Executive Bethan Jones on the 17th July 2013 asking for her support in bringing the matter to a conclusion.

4.1.16 Following a query from Mike Barton (Head of Property Services) on the 2nd August 2013 concerning his status in the matter Cllr Rogers replied that "you will fully understand my role, which is as a councillor".

4.1.17 During the period between 1st September 2011 and the 2nd August 2013 there were numerous contacts between Cllr Rogers and officers about the sale of the land at the Glandwr estate, by e-mail, telephone, and face to face contact. Cllr Rogers made no reference at any time of his relationship with Mr Geal.

4.1.18 After the complaint was lodged and investigated by the PSOW reports appeared in the local press, in particular in the Daily Post on the !3th March 2014. The reports did not name Cllr Rogers. Cllr Rogers wrote to the Investigating Officer Annie Ginwalla on the 18th July 2014 to raise this issue and the difficulties it had caused him.

4.2 The Appeal Tribunal found the following **disputed** material facts:

4.2.1 The nature and extent of Cllr Roger's relationship with Mr Geal and in particular whether it constituted a close association within the meaning of the code of conduct.

4.2.2 The capacity in which Cllr Rogers was acting in this matter.

4.2.3 Whether Cllr Roger's intervention was for the benefit of the Council or for Mr Geal - in particular whether the discussion on the "clawback provision" was primarily to ensure no prejudice to the Council or for the benefit and convenience of Mr Geal.

4.2.4 What was discussed and agreed at the meeting on the 4th June 2013.

4.2.5 The points during the period 1st September 2011 and 2nd August 2013 when there was an obligation on Cllr Rogers to consider whether he had a declarable interest be it personal or prejudicial.

4.2.6 Whether the complaint made by the Chief Executive was malicious.

4.2.7 Whether officers of the Council were aware at any time of any relationship between Cllr Rogers and Mr Geal.

4.2.8 Whether Cllr Rogers received the consultation letter of the 1st September 2011.

4.2.9 Whether Dylan Edwards had any previous knowledge of the use of "clawback clauses" by the Council in earlier land sales. In particular whether the legal agreement produced at the Standards Committee hearing has any relevance to the evidence given by officers.

4.3 The Appeal Tribunal found the following in respect of the disputed facts:

4.3.1 The Ombudsman has given guidance on who may be considered a close personal associate which includes "close friends, colleagues with whom you have a particularly strong connection and close relatives". It does not include, amongst others, "people you simply come into contact with through your role as a member or your work in the local community". In written evidence Cllr Rogers accepted that he has such a close relationship with Mr Geal. Mr Geal similarly confirmed his longstanding friendship which was cemented by the marriage in 2012 of their two children. In his oral evidence Cllr Rogers reconfirmed this relationship, saying that he had never sought to dispute the close association.

4.3.2 The Appeal Tribunal found that Cllr Rogers relationship with Mr Geal did constitute a close association within the meaning of the code of conduct.

4.3.3 All of the evidence, both written and oral, supported the fact that, during the period between September 2011 and August 2013, Cllr Rogers was acting in his official capacity as a councillor on each occasion that he spoke, wrote or attended meetings concerning the land at 6 Glandwr. In particular when he was questioned about his status by Mr Mike Barton Cllr Rogers responded by e-mail dated the 2nd August 2013 stating "you will fully understand my role which is as a councillor".

The Appeal Tribunal therefore found that during the relevant period Cllr Rogers was acting in his official capacity.

4.3.4 Cllr Roger's written evidence which he confirmed as a correct and true record of his interview with the Investigating Officer recognised that Mr Geal could obtain some benefit from the purchase of the land at 6 Glandwr. He confirmed that the land would improve access to the property, allow the opportunity to build a garage, or use the additional land to extend the original building. Mr Geal confirmed in his oral evidence that he had sought to purchase the land with the clear intention of seeking to develop it, and that the land was of little value to him with the restrictive covenant, and that the replacement of this with an overage (clawback) clause was Cllr Roger's suggestion. Cllr Rogers additionally volunteered in his oral evidence that his intervention, through the facilitation of meetings between Mr Geal and officers, was a possible way of mitigating legal costs for Mr Geal. The removal of the restrictive covenant and replacement with an overage clause has allowed Mr Geal the opportunity to develop the land subject to any planning constraints, and has also allowed the purchase to proceed without the land being reoffered for sale on the open market. The fact that the insertion of the overage clause into the transfer might also benefit the council does not detract from the various benefits which accrued to Mr Geal successfully concluding this land transaction without any restrictions placed upon usage.

4.3.5 The Appeal Tribunal found that Cllr Roger's intervention benefited both the Council and Mr Geal. Cllr Rogers was seeking a solution which offered some financial protection for the Council but, on his own admission, he failed to consider the extent of the benefit which would accrue to Mr Geal and to take this into account when considering his own position when meeting and corresponding with officers.

4.3.6 The conflicting views about what was discussed and agreed at the meeting on the 4th June arose from a lack of clarity in the documents within the original tender pack, and a misunderstanding by both Mr Geal and Cllr Rogers of the legal status of the tender submitted by Mr Geal, which was an offer to purchase the land at 6 Glandwr at a price that was acceptable to the Council. Mr Geal had been advised by Mike Barton on the 4th September 2012 that offers were sought in excess of £9000, reflecting a market value of the land "for use as a private garden only". The Tribunal noted the legal correspondence which makes it clear that a draft contract and transfer were sent to Mr Geal's solicitors on the 17th September 2012 reflecting this condition. In oral evidence Dylan Edwards explained that this tender process was only authorised for small plots of land with limited interest from parties and which were valued at less that £10000. If the land use was unrestricted the valuation would increase and necessitate the land being sold on the open market. Mr Geal's solicitors sought clarification on the 15th January 2013 as to why the land was subject to restrictions. On the 18th April the Council's solicitor wrote back "If Mr Geal wishes to purchase the land without user restriction the council would be statutorily obliged to market the property on the open market". Other issues relating to boundaries and a misconception of the land affected by the restriction were addressed in a further letter dated 19th June 2013. Therefore during the period between May and June 2013 when Cllr Rogers had an exchange of e-mail with officers and the meeting of the 4th June took place there was also an exchange of legal correspondence setting out the position. The accounts of Dafydd Owen and Dylan Edwards of the meeting on the 4th June are supported by

contemporaneous notes and an undated e-mail sent by Mr Edwards to his line manager Mike Barton, in which he confirms that there was some discussion during the meeting about the possible future lifting of restrictions on the land "for a premium". In his oral evidence Mr Edwards confirmed that any such decision would be a matter for legal colleagues. Both Cllr Roger's and Mr Geal's oral evidence on this point were unclear. Mr Geal confirmed that he obtained clarification about boundaries, and that the restrictions only applied to the additional land he sought to purchase. Cllr Rogers said that he was angry that the meeting had not resolved the issue and resulted in the removal of the restrictions.

4.3.7 The Appeal Tribunal found that the balance of the evidence and the written documentation and in particular the legal correspondence supported the accounts given by officers that although there was clearly some discussion no agreement was entered into at the meeting on the 4th June 2013 about the insertion of an overage clause.

4.3.8 Cllr Rogers accepted in his oral evidence that, during the period 1st September 2011 to 2nd August 2013 he had a continuing obligation to consider whether he had a declarable interest, be it personal or prejudicial, on each occasion that he wrote, spoke, or met with officers concerning the sale of the land at 6 Glandwr. He further confirmed that he had not given any consideration to this obligation.

4.3.9 Cllr Rogers has contended from the start of this matter that the original complaint by the Chief Executive was malicious. During the investigation by the Ombudsman he identified a number of matters where he was in conflict with council officers and departments, and that the present complaint was some form of retribution for his criticism. He provided no corroborating evidence for the assertion. The complainant Mr Parry-Jones in his oral evidence provided an explanation for his submission of the complaint. He said that once the issues were brought to his attention he had a professional and ethical obligation to forward the facts to the Ombudsman for investigation. He stated that he respected Cllr Rogers and believed that Cllr Rogers respected him. He explicitly rejected any malicious intent.

4.3.10 The Appeal Tribunal found that the complaint lodged by the Chief Executive Mr Parry-Jones was not malicious.

4.4.11 Oral evidence, which was not challenged by Cllr Rogers, confirmed that Dafydd Owen was aware of Cllr Rogers relationship with Mr Geal by virtue of a family friendship. Dylan Edwards became aware of the relationship shortly after the meeting on the 4th June 3013 and advised his line manager Mike Barton in an e-mail on the 17th July 2013. This prompted Mr Barton to seek clarification from Cllr Rogers on the 2nd August about his status in the matter. Mr Parry–Jones said that he had been aware of Cllr Rogers interest in the land since the 10th May 2012 but was not aware of his connection to Mr Geal until six months prior to the submission of his complaint in October 2013.

4.4.12 The Appeal Tribunal accepted this evidence and found that different council officers were aware at different times of the relationship between Cllr Rogers and Mr Geal.

4.4.13 The Appeal Tribunal accepted Cllr Roger's evidence that he had not received the letter dated 1st September 2011.

4.4.14 The document produced at the Standards Committee hearing was not a legal document. It was an estate agent's particulars concerning the sale on the open market of land and buildings which were entirely unconnected to the sale of the land at 6 Glyndwr. Dylan Edward's oral evidence was that he was aware of the use of overage/clawback clauses by the council, but that he was not directly involved in the drafting of such clauses which were dealt with by the legal department. Both Dylan Edwards and Dafydd Owen were very clear in their oral evidence of their respective professional roles and the role of the council's legal department.

4.4.15 The link between the marketing of the land referred to in the estate agent's advertisement and these two officers is tenuous, The Appeal Tribunal found that that it had no relevance to their credibility as witnesses.

5. FINDINGS OF WHETHER MATERIAL FACTS DISCLOSE A FAILURE TO COMPLY WITH THE CODE OF CONDUCT

5.1 The Appellant's Submissions

5.1.1 Mr Stevenson, as representative for Cllr Rogers, argued that hindsight was a wonderful thing. Cllr Rogers was acting as a councillor for the best interests of the Council. He referred to a consultation document that had recently been issued by the Ombudsman which proposed a two stage test for the investigation of complaints, one of which was a public interest test considering matters such as the seriousness of the breach, harm to third parties, whether there was personal gain or discrimination. He asked the Tribunal to consider how the situation would appear to the "man on the Clapham omnibus". The Chief Executive had apparently failed to refer the matter to the Ombudsman for some months. At no time had Cllr Rogers sought to influence the council. He simply wished to get the best deal. He was wearing two hats and acting in the best interests of the council.

5.2 The Ombudsman's Submissions

5.2.1 Ms Ginwalla argued that the evidence supported a finding that Cllr Rogers has breached the code through his failure to properly consider whether he had a declarable interest from the first trigger point on 29th March 2011. His longstanding relationship with Mr Geal gave rise to further breaches of the code as he had a personal interest in the matter on 13 separate incidents when he either e-mailed, spoke by telephone or met with officers to discuss the sale of the land at 6 Glyndwr up until August 2013.

5.2.2 The Tribunal was referred to the definition of prejudicial interest within the Code and the Ombudsman's guidance. The Ombudsman's function is to promote high standards in public life. During the meeting on the 4th June Cllr Roger's intervention was a significant attempt to change the approach of the Council for the benefit of Mr Geal. There had been considerable public interest in land transfers in Anglesey. Cllr Rogers was lobbying on behalf of one of the bidders. The under bidder had no knowledge of his involvement. An independent member of the public

could have considered his actions from the 24th May onwards to be prejudicial. His conduct had breached paragraphs 14(1)(a), (c), (d) and (e) of the code of conduct.

5.3 Appeal Tribunal's Decision

5.3.1 On the basis of the findings of fact, the Appeal Tribunal found by a unanimous decision that there was a failure to comply with the Isle of Anglesey County Council's code of conduct.

5.3.2 Paragraph 7(a) of the Code of Conduct states that "You must not – (a) in your official capacity or otherwise, use or attempt to use your position improperly to confer on or secure for yourself, or any other person, an advantage or create or avoid for yourself, or any other person, a disadvantage."

5.3.3 The Appeal Tribunal found that Cllr Rogers, from 29 May 2011 until 2 August 2013, was acting in his official capacity and, through his interventions with officers of the Council, used his position improperly to:

i) confer an advantage upon and avoid a disadvantage to Mr Geal, and
ii) potentially create a disadvantage for any member of the public who might have wished to express an interest in the land adjoining 6 Glandwr Dwyran had it been sold on the open market, and
iii) in particular, potentially disadvantage the individual who was the under bidder in the Council's original tender process.

5.3.4 Paragraph 10(1) of the Code of Conduct states that "You must in all matters consider whether you have a personal interest, and whether this code of conduct requires you to disclose that interest."

5.3.5 The Appeal Tribunal found that, between 29 March 2012 and 2 August 2013, Cllr Rogers was acting in his official capacity on each occasion that he spoke, wrote and attended meetings concerning the land adjoining 6 Glandwr, and had failed to consider whether he had a personal interest. The obligation is the sole responsibility of the councillor and the knowledge or actions of officers are irrelevant to whether the code of conduct has been breached.

5.3.6 Paragraph 10(2) of the Code of Conduct states that "You must regard yourself as having a personal interest in any business of your authority if (c) a decision upon it might reasonably be regarded as affecting (i) your wellbeing or financial position or that of a person with whom you live or any person with whom you have a close personal association; (ii) Any employment of business carried on by persons described in 10(2)(c)(i)."

5.3.7 The Appeal Tribunal found that, between 29 March 2012 and 2 August 2013, Cllr Rogers did have a personal interest in all matters relating to the land adjoining 6 Glandwr by virtue of his close personal association with Mr Geal.

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

5.3.9 The Appeal Tribunal found that Cllr Rogers attended meetings on 22 May 2013 and 4 June 2013 regarding the land adjoining 6 Glandwr. He did not declare his personal interest at any point during those meetings.

5.3.10 Paragraph 11(2)(a) of the Code of Conduct states that " Where you have a personal interest in any business of your authority and you make written representations (whether by letter, facsimile or some other form of electronic communication) to a member or officer of your authority regarding that business, you should include details of that interest in the written communication."

5.3.11 The Appeal Tribunal found that Cllr Rogers wrote and emailed officers of the Council on 10 May, 17 August and 10 October 2012, and 28 May, 24 June, 4 July, 17 July, 19 July and 2 August 2013 regarding the land adjoining 6 Glandwr. At no point in those communications did he declare a personal interest in the matter.

5.3.12 Paragraph 11(2)(b) of the Code of Conduct states that " Where you have a personal interest in any business of your authority and you make oral representations (whether in person or some form of electronic communication) to a member or officer of your authority regarding that business, you should disclose the interest at the commencement of such representations, or when it becomes apparent to you that you have such an interest, and confirm the representation and interest in writing within 14 days of the representation."

5.3.13 The Appeal Tribunal found that Cllr Rogers spoke to officers of the council on 24 May 2013 regarding the land adjoining 6 Glandwr. At no point in those telephone communications did he declare a personal interest in the matter nor did he write subsequently to confirm that interest.

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

5.3.15 Paragraph 14(1) of the Code of Conduct states that "where you have a prejudicial interest in any business of your authority you must, unless you have obtained a dispensation from your authority's standards committee –

(a) withdraw from the room, chamber or place where a meeting considering the business is being held -

(i) where sub-paragraph (2) applies, immediately after the period for making representations, answering questions or giving evidence relating to the business has ended and in any event before further consideration of the business begins, whether or not the public are allowed to remain in attendance for such consideration; or

(ii) in any other case, whenever it becomes apparent that that business is being considered at that meeting;

(b) not exercise executive or board functions in relation to that business;

(c) not seek to influence a decision about that business;

(d) not make any written representations (whether by letter, facsimile or some other form of electronic communication) in relation to that business; and

(e) not make any oral representations (whether in person or some form of electronic communication) in respect of that business or immediately cease to make such oral representations when the prejudicial interest becomes apparent."

5.3.16 The Appeal Tribunal found that Cllr Rogers had a prejudicial interest on 10 May and 17 August 2012, and at all times between 22 May and 2 August 2013 in dealing with matters relating to the land adjoining 6 Glandwr. He failed to withdraw from meetings on 22 May and 4 June 2013 and, on other occasions during that time, sought to influence a decision about the land adjoining 6 Glandwr.

5.3.17 The Appeal Tribunal accordingly decided by unanimous decision to endorse the determination of the Isle of Anglesey Standards Committee that Cllr Rogers had breached the Isle of Anglesey's code of conduct.

6. SUBMISSIONS ON ACTION TO BE TAKEN

6.1 The Appellant's Submissions

6.1.1 Mr Stevenson said that Cllr Rogers had taken responsibility for his actions and did not seek to blame others. His intervention in the case was not a whim but was informed by a climate of distrust and fear within the council. It is wonderful to have the gift of hindsight. He should have taken advice from the Monitoring Officer but who could he have turned to within the council given the climate of distrust? The Code of Conduct was introduced to address corruption. Cllr Rogers did not involve himself in this matter for personal gain. He was simply sick and tired of the hassle and embarrassment caused by the delays in the sale. There was no detriment to the general public, and indeed the main beneficiary of his involvement was the public purse. The Council should have been grateful to him and not subjected him to an investigation. The punishment should fit the crime and he asked the Appeal Tribunal to refer the matter back to the Standards Committee with a recommendation for a reprimand and additional training.

6.2 The Ombudsman's Submissions

6.2.1 The Ombudsman's representative did not wish to make direct representations on the sanction but asked the Appeal Tribunal to weigh up the seriousness of the breaches and their impact on public confidence in public life. She argued that Article 10 of the Human Rights Act was not engaged on the facts of the case. There were mitigating factors in that Cllr Rogers was not motivated by personal gain and there was no real financial detriment to the public purse. However Cllr Rogers was a very experienced councillor who should have a good understanding of his ethical obligations. He had sought to blame others for the current hearing and had not fully accepted his own liability. Indeed in the course of

the appeal he had apparently retracted the apology given at the Standards Committee.

6.3 The Monitoring Officer Submissions

6.3.1 The Monitoring Officer provided an explanation of the sanction that had been imposed by the Standards Committee. They had sought to lay down a marker so that other councillors would have regard to the importance of declaring an interest. They took into account a number of mitigating factors, namely that there was no improper intention, the restrictive covenant and the overage clause would broadly have the same effect, the authority had not conducted the land transaction properly, the meetings with officers had mitigated legal fees, and finally Cllr Rogers involvement had happened progressively over a period of time.

6.3 Appeal Tribunal's Decision

6.3.1 The Appeal Tribunal when considering the sanctions to impose had regard to paragraph 4.72 of the Tribunal Procedure Rules which provide that they
a) may endorse any penalty by a relevant standards committee or
b) refer the matter back to the standards committee with a recommendation that a different penalty be imposed. The recommendation is not binding on the committee.

6.3.2 The Appeal Tribunal also had regard to its own guidance on sanctions and took into account the following matters.

6.3.3 In mitigation Cllr Rogers had a long history of public service, including a number of years as a councillor. He had not sought to obstruct the investigation. There had been no financial disadvantage to the Council, and arguably a benefit.

6.3.4 However the Tribunal did consider that there were a number of aggravating factors.
a) They noted that during the course of the hearing Cllr Rogers repeatedly said that he was disappointed that officers had never raised their concerns with him over his connection with Mr Geal. However he had been advised by the then Chief Executive of the Council, the Ombudsman in the course of the investigation, and the Standards Committee that his behaviour constituted a breach of the code of conduct.
b) Cllr Rogers gave no indication during the course of the hearing that he accepted that he had a declarable interest and pursued his allegation that the complaint was lodged from malice.
c) He had sought to blame the Investigating Officer for pursuing the complaint.
d) The Tribunal noted that the apology he gave to the Standards Committee was not repeated, and appeared to have been withdrawn.
e) Although there was no financial detriment to the Council, in acting for Mr Geal Cllr Rogers ignored the very real potential detriment to other members of the public and in particular the under bidder who lost the opportunity of purchasing the land on the same basis as Mr Geal.

6.3.5 Despite Cllr Rogers experience as a councillor he exhibited a limited understanding and regard for his obligations under the code of conduct. It was

noted that he had been the subject of an earlier complaint which had occurred in the same time frame, where he had also been found to be in breach of the code.

6.3.6 The breaches of the code of conduct occurred over a protracted period of time between March 2012 and August 2013, and he had consistently failed to consider whether he had any personal interests which should be declared.

6.3.7 The Tribunal considered whether Article 10 of the Human Rights Act was engaged and decided that the facts of the case did not involve any restriction of Cllr Rogers right to free speech save those that are properly contained within the code itself under the provisions governing the duty to declare and withdraw from meetings.

6.3.8 The Appeal Tribunal accordingly decided by unanimous decision to refer the matter back to the Standards Committee with a recommendation that Cllr Rogers should be suspended for 3 months from being a member or co-opted member of Isle of Anglesey Council.

6.3.9 The Isle of Anglesey County Council and its Standards Committee are notified accordingly.

Signed..... Date... 1st December 2015

Ms Kate Berry
Chairperson of the Appeal Tribunal

Mr Ian Blair
Panel Member

Ms Juliet Morris
Panel Member

ATODIAD / ENCLOSURE 4

a) The Chief Officer's salary or, in the case of a Chief Officer engaged by the Authority under a contract for services, payments made by the Authority to the Chief Officer for those services,

b) Any bonuses payable by the Authority to the Chief Officer,

c) Any charges, fees or allowances payable by the Authority to the Chief Officer,

d) Any benefits in kind to which the Chief Officer is entitled as a result of the Chief Officer's office or employment,

e) Any increase in or enhancement of the Chief Officer's pension entitlement where the increase or enhancement is as a result of a resolution of the Authority,

f) Any amounts payable by the Authority to the Chief Officer on the Chief Officer ceasing to hold office under or be employed by the Authority, other than amounts that may be payable by virtue of any enactment.

Part 5 Codes and Protocols

5.1 Members' Code of Conduct

5.2 Officers' Code of Conduct

5.3 Protocol for Member/Officer Relations

5.4 Bullying and Harassment Policy

5.5 Whistleblowing Policy

5.6 Policy for the Prevention of Fraud and Corruption

5.7 Concerns and Complaints Policy

5.8 Political Management Protocols

5.9 Protocol on Gifts and Hospitality

5.1 Members' Code of Conduct

This is the Model Code of Conduct adopted by the County Council on 09.05.2008 in accordance with the draft supplied by the Welsh Assembly Government, incorporating the compulsory training requirement described in Part 2 – General Provisions paragraph 4(e).

Part 1 - Interpretation

1. (1) In this code

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

(a) is a member of any committee or Subcommittee of the authority, or

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

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

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

(a) of the relevant authority,

(b) of any executive or board of the relevant authority,

(c) of any committee, Subcommittee, joint committee or joint Subcommittee of the relevant authority or of any such committee, Subcommittee, joint committee or joint Subcommittee of any executive or board of the authority, or

(d) where members or officers of the relevant authority are present other than a meeting of a political group constituted in accordance with regulation 8 of the Local Government (Committees and Political Groups) Regulations 1990 (1),

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

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

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

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

(a) a county council,

(b) a county borough council,

(c) a community council,

(d) a fire and rescue authority constituted by a scheme under section 2 of the Fire and Rescue Services Act 2004(2) or a scheme to which section 4 of that Act applies,

(2) 2004 c.21.

(e) a National Park authority established under section 63 of the Environment Act 1995(3);

(3)1995 c.25.

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

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

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

Part 2 - General Provisions

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

(a) whenever you conduct the business, or are present at a meeting, of your authority;

(b) whenever you act, claim to act or give the impression you are acting in the role of member to which you were elected or appointed;

(c) whenever you act, claim to act or give the impression you are acting as a representative of your authority; or

(d) at all times and in any capacity, in respect of conduct identified in paragraphs 6(1)(a) and 7.

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

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

(a) on another relevant authority, or any other body, which includes a police authority or Local Health Board you must, when acting for that other authority or body, comply with the code of conduct of that other authority or body; or

(b) on any other body which does not have a code relating to the conduct of its members, you must, when acting for that other body, comply with this code of conduct, except and insofar as it conflicts with any other lawful obligations to which that other body may be subject.

4. You must —

(a) carry out your duties and responsibilities with due regard to the principle that there should be equality of opportunity for all people, regardless of their gender, race, disability, sexual orientation, age or religion;

(b) show respect and consideration for others;

(c) not use bullying behaviour or harass any person; and

(d) not do anything which compromises, or which is likely to compromise, the impartiality of those who work for, or on behalf of, your authority.

(e) attend at least one training session on this code of conduct during each full term of office, such attendance to take place during the six months following election in the case of those members elected to the County Council for the first time and those having been re-elected but without continuity of office.

5. You must not —

(a) disclose confidential information or information which should reasonably be regarded as being of a confidential nature, without the express consent of a person authorised to give such consent, or unless required by law to do so;

(b) prevent any person from gaining access to information to which that person is entitled by law.

6. (1) You must —

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

(b) report, whether through your authority's confidential reporting procedure or direct to the proper authority, any conduct by another member or anyone who works for, or on behalf of, your authority which you reasonably believe involves or is likely to involve criminal behaviour (which for the purposes of this paragraph does not include offences or behaviour capable of punishment by way of a fixed penalty);

(c) report to the Public Services Ombudsman for Wales and to your authority's monitoring officer any conduct by another member which you reasonably believe breaches this code of conduct;

(d) not make vexatious, malicious or frivolous complaints against other members or anyone who works for, or on behalf of, your authority.

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

7. You must not —

(a) in your official capacity or otherwise, use or attempt to use your position improperly to confer on or secure for yourself, or any other person, an advantage or create or avoid for yourself, or any other person, a disadvantage;

(b) use, or authorise others to use, the resources of your authority —

(i) imprudently;

(ii) in breach of your authority's requirements;

(iii) unlawfully;

(iv) other than in a manner which is calculated to facilitate, or to be conducive to, the discharge of the functions of the authority or of the office to which you have been elected or appointed;

(v) improperly for political purposes; or

(vi) improperly for private purposes.

8. You must —

(a) when participating in meetings or reaching decisions regarding the business of your authority, do so on the basis of the merits of the circumstances involved and in the public interest having regard to any relevant advice provided by your authority's officers, in particular by —

(i) the authority's head of paid service;

(ii) the authority's chief finance officer;

(iii) the authority's monitoring officer;

(iv) the authority's chief legal officer (who should be consulted when there is any doubt as to the authority's power to act, as to whether the action proposed lies within the policy framework agreed by the authority or where the legal consequences of action or failure to act by the authority might have important repercussions);

(b) give reasons for all decisions in accordance with any statutory requirements and any reasonable additional requirements imposed by your authority.

9. You must —

(a) observe the law and your authority's rules governing the claiming of expenses and allowances in connection with your duties as a member;

(b) avoid accepting from anyone gifts, hospitality (other than official hospitality, such as a civic reception or a working lunch duly authorised by your authority), material benefits or services for yourself or any person which might place you, or reasonably appear to place you, under an improper obligation.

Part 3 - Interests

Personal Interests

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

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

(a) it relates to, or is likely to affect —

(i) any employment or business carried on by you;

(ii) any person who employs or has appointed you, any firm in which you are a partner or any company for which you are a remunerated director;

(iii) any person, other than your authority, who has made a payment to you in respect of your election or any expenses incurred by you in carrying out your duties as a member;

(iv) any corporate body which has a place of business or land in your authority's area, and in which you have a beneficial interest in a class of securities of that body that exceeds the nominal value of £25,000 or one hundredth of the total issued share capital of that body;

(v) any contract for goods, services or works made between your authority and you or a firm in which you are a partner, a company of which you are a remunerated director, or a body of the description specified in sub-paragraph (iv) above;

(vi) any land in which you have a beneficial interest and which is in the area of your authority;

(vii) any land where the landlord is your authority and the tenant is a firm in which you are a partner, a company of which you are a remunerated director, or a body of the description specified in sub-paragraph (iv) above;

(viii) any body to which you have been elected, appointed or nominated by your authority;

(ix) any —

(aa) public authority or body exercising functions of a public nature;

(bb) company, industrial and provident society, charity, or body directed to charitable purposes;

(cc) body whose principal purposes include the influence of public opinion or policy;

(dd) trade union or professional association; or

(ee) private club, society or association operating within your authority's area,

in which you have membership or hold a position of general control or management;

(x) any land in your authority's area in which you have a licence (alone or jointly with others) to occupy for 28 days or longer;

(b) a member of the public might reasonably perceive a conflict between your role in taking a decision, upon that business, on behalf of your authority as a whole and your role in representing the interests of constituents in your ward or electoral division; or

(c) a decision upon it might reasonably be regarded as affecting —

(i) your well-being or financial position, or that of a person with whom you live, or any person with whom you have a close personal association;

(ii) any employment or business carried on by persons as described in 10(2)(c)(i);

(iii) any person who employs or has appointed such persons described in 10(2)(c)(i), any firm in which they are a partner, or any company of which they are directors;

(iv) any corporate body in which persons as described in 10(2)(c)(i) have a beneficial interest in a class of securities exceeding the nominal value of £5,000; or

(v) any body listed in paragraphs 10(2)(a)(ix)(aa) to (ee) in which persons described in 10(2)(c)(i) hold a position of general control or management,

to a greater extent than the majority of —

(aa) in the case of an authority with electoral divisions or wards, other council tax payers, rate payers or inhabitants of the electoral division or ward, as the case may be, affected by the decision; or

(bb) in all other cases, other council tax payers, ratepayers or inhabitants of the authority's area.

Disclosure of Personal Interests

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

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

(a) written representations (whether by letter, facsimile or some other form of electronic communication) to a member or officer of your authority regarding that business, you should include details of that interest in the written communication; or

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

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

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

(a) details of the personal interest;

(b) details of the business to which the personal interest relates; and

(c) your signature

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

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

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

Prejudicial Interests

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

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

(a) relates to —

(i) another relevant authority of which you are also a member;

(ii) another public authority or body exercising functions of a public nature in which you hold a position of general control or management;

(iii) a body to which you have been elected, appointed or nominated by your authority;

(iv) your role as a school governor (where not appointed or nominated by your authority) unless it relates particularly to the school of which you are a governor;

(v) your role as a member of a Local Health Board where you have not been appointed or nominated by your authority;

(b) relates to —

(i) the housing functions of your authority where you hold a tenancy or lease with your authority, provided that you do not have arrears of rent with your authority of more than two months, and provided that those functions do not relate particularly to your tenancy or lease;

(ii) the functions of your authority in respect of school meals, transport and travelling expenses, where you are a guardian, parent, grandparent or have parental responsibility (as defined in section 3 of the Children Act 1989) of a child in full time education, unless it relates particularly to the school which that child attends;

(iii) the functions of your authority in respect of statutory sick pay under Part XI of the Social Security Contributions and Benefits Act 1992, where you are in receipt of, or are entitled to the receipt of such pay from your authority;

(iv) the functions of your authority in respect of an allowance or payment made under sections 22(5), 24(4) and 173 to 176 of the Local Government Act 1972, an allowance or pension under section 18 of the Local Government and Housing Act 1989 or an allowance or payment under section 100 of the Local Government Act 2000;

(c) your role as a community councillor in relation to a grant, loan or other form of financial assistance made by your community council to community or voluntary organisations up to a maximum of £500.

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

Overview and Scrutiny Committees

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

(a) that business relates to a decision made (whether implemented or not) or action taken by your authority's executive, board or another of your authority's committees, Subcommittees, joint committees or joint Subcommittees; and

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

Participation in Relation to Disclosed Interests

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

(a) withdraw from the room, chamber or place where a meeting considering the business is being held —

(i) where sub-paragraph (2) applies, immediately after the period for making representations, answering questions or giving evidence relating to the business has ended and in any event before further consideration of the business begins, whether or not the public are allowed to remain in attendance for such consideration; or

(ii) in any other case, whenever it becomes apparent that that business is being considered at that meeting;

(b) not exercise executive or board functions in relation to that business;

(c) not seek to influence a decision about that business;

(d) not make any written representations (whether by letter, facsimile or some other form of electronic communication) in relation to that business; and

(e) not make any oral representations (whether in person or some form of electronic communication) in respect of that business or immediately cease to make such oral representations when the prejudicial interest becomes apparent.

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

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

(a) you are required to attend a meeting of an overview or scrutiny committee, by such committee exercising its statutory powers; or

(b) you have the benefit of a dispensation provided that you —

(i) state at the meeting that you are relying on the dispensation; and

(ii) before or immediately after the close of the meeting give written notification to your authority containing —

(aa) details of the prejudicial interest;

(bb) details of the business to which the prejudicial interest relates;

(cc) details of, and the date on which, the dispensation was granted; and

(dd) your signature.

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

Part 4 - The Register of Members' Interests

Registration of Financial and Other Interests and Memberships and Management Positions

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

(a) your authority's code of conduct being adopted or the mandatory provisions of this model code being applied to your authority; or

(b) your election or appointment to office (if that is later),

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

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

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

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

Sensitive information

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

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

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

Registration of Gifts and Hospitality

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

ATODIAD / ENCLOSURE 5

PDC / APW

PANEL DYFARNU CYMRU
ADJUDICATION PANEL FOR WALES

Sanctions Guidance

Appeal against the Decision of a Standards Committee

Appeal Tribunals - Overview

Where an appeal tribunal decides that an appellant has failed to comply with the relevant authority's code of conduct, the tribunal must decide whether the sanction imposed by the relevant standards committee is the appropriate one.

The functions of an appeals tribunal are governed by the following regulations:

Local Government Investigations (Functions of Monitoring Officers and Standards Committees) (Wales) Regulations 2001, SI 2001 o. 2281 (the 2001 Regulations)

The action upon which the appeal tribunal decides will be directed towards upholding and improving the standards of conduct expected of members of the various bodies to which the code of conduct applies. Thus, the action will be designed both to discourage or prevent the particular appellant from any future non-compliance and to discourage similar action by others.

Sanctions

Whilst this section contains broad guidance on the sanction that might be imposed, the actual term imposed may need to be varied upwards or downwards to take account of aggravating or mitigating factors. Examples (not exhaustive) of such factors are given at the back of this booklet.

Appeal tribunals should also take account of the actual consequences that have followed as a result of the member's actions, while at the same time bearing in mind what the possible consequences may have been even if they did not come about.

This guidance does not include a firm tariff from which to calculate what length of sanction should be applied to particular breaches of the code.

Paragraph 9 of the 2001 Regulations provides that where a standards committee determines that a member or co-opted member has failed to comply with the relevant authority's code of conduct, it may determine that:

a. no action needs to be taken in respect of that failure;

b. the member or co-opted member should be censured; or

c. the member or co-opted member should be suspended or partially suspended from being a member of that authority for a period not exceeding six months.

Paragraph 12 of the 2001 Regulations provides that an appeals tribunal must:

a. uphold the determination of the standards committee that there has been a breach of the code of conduct and either:
    i. endorse any penalty imposed by the standards committee, or
    ii. refer the matter back to the standards committee with a recommendation that a different penalty be imposed; or
b. overturn the decision of the standards committee that there has been a breach.

Given that an appeals tribunal that finds a breach of the code of conduct must either endorse the sanction imposed by the standards committee or recommend that a different sanction be imposed, it is considered that the only sanctions available to a tribunal are those that can be applied by the standards committee itself. nder paragraph 9(2) of the 2001 Regulations, an appeal tribunal's recommendation is not binding upon the standards committee.

Suspension

Where the circumstances are sufficiently grave that in order to reassure the public and impress upon the appellant the severity of the matter and the need to avoid repetition, suspension is the appropriate sanction.

Factors that may lead to this option include:

a. concern that the appellant's actions have brought the body on which he or she serves, or the public service generally, into disrepute.
b. concern as to the likelihood of further failures to comply with the code of conduct by the appellant.

Partial Suspension

This option might be appropriate where there is concern that the appellant is judged to have difficulty in understanding or accepting the limitation placed on his or her actions by the code of conduct in relation to a particular matter or area of activity, but the difficulty does not affect the appellant's ability to act properly in relation to other matters. Suspending the appellant from exercising some particular function or having particular responsibilities (such as being a member of a particular committee or sub-committee), may in the view of the appeals tribunal provide an adequate safeguard against such a future breach, whilst leaving the appellant able to make an effective contribution to the other work of the body.

Partial suspension may also be seen as an effective sanction in respect of an appellant exercising executive functions for the body to which the code of conduct applies.

Censure

Censure may be appropriate in circumstances where an appeals tribunal finds that there has been a breach of the code of conduct, but the circumstances are such that a suspension, or partial suspension, is not warranted. This might include, for example:

a. a minor but deliberate breach of the code which has not brought the body on which the member serves, or the public service generally, into disrepute.

b. a minor breach where the member fully accepts that the behaviour was inappropriate and/or has taken clear steps to mitigate the breach.

No Action Needs to be Taken in Respect of a Failure

Circumstances where such a decision may be appropriate include:

a. an inadvertent failure to abide by the code of conduct.

b. an acceptance that despite the lack of suspension or partial suspension, there is not likely to be any further failure to comply on the part of the appellant.

Possible relevant factors that may need to be taken into account in determining the appropriate sanction

Mitigating Factors

An honestly held (although mistaken) view that the action concerned did not constitute a failure to follow the provisions of the code of conduct, particularly where such a view has been formed after taking appropriate advice.
Substantiated evidence that the member's actions have been affected by ill-health.
Previous record of good service.
Short length of service or inexperience in a particular role.
Recognition by the member that there has been a failure to follow the code; co-operation in rectifying the effects of that failure; an apology to affected persons where that is appropriate; self-reporting of the breach by the member.
Co-operation with the investigating officer and standards committee/Adjudication Panel.
Compliance with the code since the events giving rise to the adjudication.
Actions which may have involved a breach of the code, but which had some beneficial effect for the public interest.
Provocation.
Heat of the moment debate in council chamber.

Aggravating Factors

Deliberate personal or political gain (for the member or others) at public expense by exploiting position as a member.
Repeated breaches.
Misusing powers or using public funds for political gain.
Actions brought the council or public service into disrepute.
Dishonesty.
An intentional breach of the code.
Continuing to deny the facts despite clear contrary evidence; challenging investigation and adjudication to the end.
Seeking unfairly to blame other people.
Persisting with a pattern of behaviour that involves repeatedly failing to abide by the provisions of the code.

Failing to heed appropriate advice or warnings, or previous findings of a failure to follow the provisions of the code.

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PDC / APW

PANEL DYFARNU CYMRU
ADJUDICATION PANEL FOR WALES

Sanctions Guidance

Reference from the Public Services Ombudsman for Wales

Action to be taken by a Case Tribunal

Section 75(10) of the Local Government Act 2000 (the 2000 Act) provides a power for the President of the Adjudication Panel to issue guidance on how tribunals drawn from the Panel are to reach decisions. This guidance is issued in accordance with that power and applies to how case tribunals are to reach decisions after a finding has been made that there has been a failure to follow the provisions of a code of conduct. The guidance is not prescriptive. The decision to be made in each case is a matter for the case tribunal and will, in a large part, depend on the particular facts and circumstances as found by the tribunal.

The powers available to a case tribunal are set out in section 79 of the 2000 Act and in essence are:

a. To disqualify the member from being, or becoming, a member of the relevant authority concerned or any other relevant authority.
b. To suspend or partially suspend the respondent from being a member or co-opted member of the relevant authority concerned.
c. To do none of the above.

Although not expressly provided for by the statute, if the case tribunal decides not to suspend or disqualify a respondent it might be appropriate to warn the member as to future conduct. Where such a warning has been recorded, this is likely to be taken into account should the member be found again to have failed to follow the provisions of a code of conduct as a result of some later action.

In the case of a suspension or disqualification, the case tribunal will also need to consider the period over which such a sanction should apply:

a. a period of disqualification must not exceed 5 years.
b. a period of suspension or partial suspension must not exceed one year or the remainder of the respondent's term of office if shorter.

In the case of a partial suspension the case tribunal will need to decide from what activity the respondent is to be suspended.

The Aims of the Case Tribunal

The action on which the case tribunal decides will be directed toward upholding and improving the standard of conduct expected of members of the various bodies to which the code of conduct applies, as part of the process of fostering public confidence in local democracy. Thus, the action will be designed both to discourage or prevent the particular respondent from any future non-compliance, but also to discourage similar action by others.

Whilst this section contains broad guidance on the period of disqualification or suspension that might be imposed, the actual term imposed may need to be varied upwards or downwards to take account of aggravating or mitigating factors. Such factors may at times also be sufficient to persuade the case tribunal to impose a suspension where a disqualification would otherwise have been considered appropriate and vice versa. Examples (not exhaustive) of mitigating and aggravating factors are given in the appendix.

Case tribunals should also take account of the actual consequences that have followed as a result of the member's actions, while at the same time bearing in mind what the possible consequences may have been even if they did not come about.

This guidance does not include a firm tariff from which to calculate what length of disqualification or suspension should be applied to particular breaches of the code.

Disqualification

Disqualification is the most severe of the options open to the case tribunal. Factors which may lead to this option include one or more of the following:

a. The respondent having deliberately sought personal gain (for either herself/himself or some other person) at the public expense, by exploiting his/her membership of the authority that is subject to the code of conduct.
b. The respondent having deliberately sought to misuse his or her position in order to disadvantage some other person.
c. The respondent having deliberately failed to abide by the code of conduct, for example as a protest against the legislation of which the code forms part. Members of relevant authorities are expected to uphold the law.
d. Repeated breaches of the code of conduct by the respondent.
e. Misusing power within the authority or public resources for political gain.
f. Misusing the relevant authority's property.
g. ringing the authority seriously into disrepute.

There may be other factors not listed above which also merit disqualification. or will disqualification always be appropriate even if the listed factors are present.

A short period of disqualification may be appropriate when the respondent is no longer a member in circumstances where, had he or she been a member, suspension would have been the likely sanction. This would ensure that a member

does not return to service as a councillor earlier than the period for which he or she would have been suspended had he or she not resigned.

Disqualification may be imposed as an alternative to suspension in order to avoid an authority being inquorate or the electorate left without adequate representation. Disqualification would allow by-elections to take place, whereas this would not be possible if the member concerned was suspended.

Case tribunals should take into account that disqualification is likely to involve a financial impact upon the member, who will lose any entitlement to allowances.

The law imposes an automatic disqualification for five years on any member who is subject to a term of imprisonment for three months or more (whether suspended or not). That a Court has imposed a lesser sanction does not mean that a five-year disqualification is inappropriate. If the case tribunal is of the view that the member concerned is unfit to hold public office and is unlikely to become fit over the next five years, then it may well be appropriate to impose such a disqualification. or, if the matter does come before a case tribunal, should the view be taken that because a Court has imposed a sentence of 3 months imprisonment or longer that the maximum disqualification should automatically be imposed. The same facts as might give rise to such an outcome from criminal proceedings might not usually attract a five-year disqualification by a case tribunal.

Local Elections

Generally the length of a disqualification is likely to be the same whether elections are due imminently, or at some future time. There may sometimes be occasions when the timing of a case tribunal and the time when a disqualification might expire will result in the penalty having a disproportionate effect. Case tribunals should be willing to hear submissions as to why the length of disqualification should be varied in such circumstances.

The High Court has suggested that case tribunals should be reluctant to interfere with the democratic will of the electorate. This comment was made in circumstances where the member concerned had been re-elected since the events giving rise to his or her appearance before the case tribunal and where the electorate, who could be taken to have knowledge of those events, had nevertheless re-elected the member. ut in another decision the High Court has recognised that Parliament has expressly provided case tribunals with such a power and that such interference may be a necessary price to pay for the need to maintain public trust and confidence in the local democratic process. This may at times mean disqualifying members whose conduct has shown them to be unfit to fulfil the responsibilities which the electorate have vested in them.

Suspension

Suspension is appropriate where the circumstances are not so serious as to merit disqualification, but sufficiently grave to give rise to the need to reassure the public and impress upon the respondent the severity of the matter and the need to avoid

repetition. A suspension of less than a month is not likely to have such an effect.

Factors which may lead to this option include:

a. The respondent's actions have brought the member's office or authority into disrepute without either being found in breach of any other paragraph of the code, or being found to have committed a criminal offence punishable by at least three months imprisonment.

b. The likelihood of further failures to comply with the code of conduct by the respondent. (If there were such failures to comply after a period of suspension then it is highly likely that a future case tribunal faced with a reference about that further breach will opt to disqualify the respondent.)

Where the respondent has brought the authority into disrepute, the tribunal will wish to consider whether the extent of the damage to the authority is so serious as to warrant a disqualification.

Whereas a disqualification will apply to membership of all authorities to which the 2000 Act applies, suspension will be limited to precluding the respondent from participating as a member of the authority whose code has been found to have been broken. If the facts giving rise to a breach of the code are such as to render the respondent entirely unfit for public office, then disqualification rather than suspension is likely to be the more appropriate sanction.

A member who is suspended will be denied payment of allowances during the period of suspension. This is a factor that case tribunals should take into account.

Suspension is not an option if the member has resigned or has not been re-elected to the particular authority.

Partial Suspension

This option might be appropriate where there is a concern that the respondent is judged to have difficulty in understanding or accepting the limitation placed on his or her actions by the code of conduct in relation to a particular matter or area of activity, but the difficulty does not affect the respondent's ability to act properly in relation to other matters. Suspending the respondent from exercising some particular function or having particular responsibilities (such as being the holder of a particular office or a member of a particular committee or sub committee) may in the view of the case tribunal provide an adequate safeguard against such a future breach, whilst leaving the respondent able to make an effective contribution to the other work of the body

Partial suspension may also be seen as an effective sanction in respect of a respondent exercising executive functions for the body to which the code of conduct applies.

A member who is partially suspended will be denied payment of allowances in respect of the responsibilities or duties from which the member is suspended.

A Decision Not to Impose Disqualification, Suspension or Partial Suspension

Circumstances where such a decision may be appropriate include:

a. an inadvertent failure to abide by the code of conduct.
b. an acceptance that despite the lack of suspension or partial suspension, there is not likely to be any further failure to comply on the part of the respondent.
c. the absence of any harm having been caused or the potential for such harm as a result of the failure to comply with the code of conduct.

Action to be taken by an Interim Case Tribunal

The powers available to an interim case tribunal are set out in section 78(1) of the 2000 Act. In essence, they are either not to suspend the respondent or to suspend him or her wholly or partially from being a member or co-opted member of the authority concerned.

Any suspension will be for not more than six months or (if shorter) the remainder of the member's term of office.

In the case of a partial suspension the interim case tribunal will need to decide from what activity the respondent is to be suspended.

The Aims of the Interim Case Tribunal

The interim case tribunal will be concerned to balance factors such as:

a. Allowing an investigation of the respondent's conduct to proceed as effectively and expeditiously as possible.
b. Ensuring that the business of the authority concerned can proceed with as little disruption as possible during the investigation.
c. Recognising that no definitive finding has yet been made on the validity of the allegations about the respondent.
d. Maintaining the reputation of the authority concerned.
e. Protecting the authority concerned from legal challenge

Suspension or partial suspension of the respondent by an interim case tribunal should not be seen as a disciplinary measure against the respondent. To take disciplinary action would be premature at the stage of an interim case tribunal.

No Suspension or Partial Suspension

Suspension or partial suspension is unlikely if the interim case tribunal is of the view that even if the allegation(s) were substantiated, the case tribunal would be unlikely to suspend, partially suspend or disqualify the respondent, unless there are

compelling reasons why the investigation cannot effectively proceed without such suspension.

Even where it is likely that, if substantiated, suspension or partial suspension would result, interim case tribunals will be reluctant to suspend or partially suspend a respondent unless there is a compelling argument that it is in the public interest for such suspension to take place in advance of the completion of the investigation and a later reference to a case tribunal.

Suspension or Partial Suspension

Suspension or partial suspension is likely to be appropriate if there is legitimate concern that the respondent may interfere with evidence or with witnesses relevant to the matter under investigation.

There may also be concern that the business of the authority concerned cannot effectively be carried on if the respondent were to continue whilst the allegation against him or her remained unresolved. If, for example, the allegations are accompanied by, or themselves provoke, a breakdown in relations between the respondent and other members of the authority concerned, or with key staff of the authority concerned, then it may be appropriate to order the suspension or partial suspension of the respondent.

Some allegations may raise issues of such gravity as to lead to a loss of public confidence in the authority concerned if the respondent were to continue in office whilst the allegations remained unresolved. Suspension or partial suspension would be appropriate in such circumstances.

The interim case tribunal will usually seek to take the minimum action to ensure the proper functioning of the authority concerned, the maintenance of public confidence and the effective completion of the investigation. Thus the complete suspension of the respondent will be an option chosen only if those aims cannot be met by the interim case tribunal either making no order for suspension, or making an order for partial suspension.

Partial suspension may be particularly appropriate in respect of a respondent exercising executive functions for the body to which the code of conduct applies. Partial suspension in such circumstances could safeguard public confidence in the authority and enable the authority to function effectively without depriving the constituents of representation by the respondent.

Possible relevant factors that may need to be taken into account in determining the appropriate sanction

Mitigating Factors

An honestly held (although mistaken) view that the action concerned did not constitute a failure to follow the provisions of the code of conduct, particularly where such a view has been formed after taking appropriate advice.
Substantiated evidence that the member's actions have been affected by ill-health.

Previous record of good service.
Short length of service or inexperience in a particular role.
Recognition by the member that there has been a failure to follow the code; co-operation in rectifying the effects of that failure; an apology to affected persons where that is appropriate; self-reporting of the breach by the member.
Co-operation with the investigating officer and standards committee/Adjudication Panel.
Compliance with the code since the events giving rise to the adjudication.
Actions which may have involved a breach of the code, but which had some beneficial effect for the public interest.
Provocation
Heat of the moment debate in council chamber.

Aggravating Factors

Deliberate personal or political gain (for the member or others) at public expense by exploiting position as a member.
Repeated breaches.
Misusing powers or using public funds for political gain.
Actions brought the council or public service into disrepute.
Dishonesty.
An intentional breach of the code.
Continuing to deny the facts despite clear contrary evidence; challenging investigation and adjudication to the end.
Seeking unfairly to blame other people.
Persisting with a pattern of behaviour that involves repeatedly failing to abide by the provisions of the code.
Failing to heed appropriate advice or warnings, or previous findings of a failure to follow the provisions of the code.

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ATODIAD / ENCLOSURE 6

CYNULLIAD CENEDLAETHOL CYMRU

OFFERYNNAU STATUDOL

2001 Rhif 2281 (Cy. 171)

LLYWODRAETH LEOL, CYMRU

Rheoliadau Ymchwiliadau Llywodraeth Leol (Swyddogaethau Swyddogion Monitro a Phwyllgorau Safonau) (Cymru) 2001

NODYN ESBONIADOL

(Nid yw'r nodyn hwn yn rhan o'r Rheoliadau.)

Mae adran 51 o Ddeddf Llywodraeth Leol 2000 ("Deddf 2000") yn gosod dyletswydd ar awdurdodau lleol i fabwysiadu codau ynghylch yr ymddygiad a ddisgwylir oddi wrth eu haelodau a'u haelodau cyfetholedig.

O dan adran 69 o Ddeddf 2000 caiff Comisiynydd Lleol yng Nghymru ymchwilio i unrhyw doriad honedig gan aelodau neu aelodau cyfetholedig (neu gyn-aelodau neu gyn-aelodau cyfetholedig) o god ymddygiad awdurdod lleol yng Nghymru.

Pan fydd Comisiynydd Lleol yng Nghymru yn rhoi'r gorau i ymchwiliad o'r fath cyn iddo gael ei gwblhau (o dan adran 70(4) o Ddeddf 2000) gall gyfeirio'r mater sy'n destun yr ymchwiliad at swyddog monitro'r awdurdod lleol perthnasol.

Fel arall, pan fydd Comisiynydd Lleol yng Nghymru yn dyfarnu ar ôl ymchwiliad (o dan adran 71(2) o Ddeddf 2000) ei bod yn briodol, rhaid iddo gyfeirio'r mater at swyddog monitro'r awdurdod perthnasol, llunio adroddiad ar ganlyniad yr ymchwiliad a'i anfon at y swyddog monitro a Phwyllgor Safonau'r awdurdod.

NATIONAL ASSEMBLY FOR WALES

STATUTORY INSTRUMENTS

2001 No. 2281 (W. 171)

LOCAL GOVERNMENT, WALES

Local Government Investigations (Functions of Monitoring Officers and Standards Committees)(Wales) Regulations 2001

EXPLANATORY NOTE

(This note is not part of the Regulations.)

Section 51 of the Local Government Act 2000 ("the 2000 Act") imposes a duty upon local authorities to adopt codes of the conduct which is expected of their members and co-opted members.

Under section 69 of the 2000 Act a Local Commissioner in Wales may investigate any alleged breach by members or co-opted members (or former members or co-opted members) of the code of conduct of a local authority in Wales.

Where a Local Commissioner in Wales ceases such an investigation before it is completed (under section 70(4) of the 2000 Act) he or she may refer the matter subject to the investigation to the monitoring officer of the relevant local authority.

Alternatively, where a Local Commissioner in Wales determines after investigating (under section 71(2) of the 2000 Act) that it is appropriate, he or she shall refer the matter to the monitoring officer of the relevant authority, produce a report on the outcome of the investigation and send it to the monitoring officer and the authority's Standards Committee.

Mae adran 73 o Ddeddf 2000 yn galluogi Cynulliad Cenedlaethol Cymru i wneud rheoliadau sy'n pennu sut y dylid ymdrin â materion o'r fath sy'n cael eu cyfeirio.

Mae'r Rheoliadau hyn yn darparu y bydd swyddog monitro'r awdurdod perthnasol:

(a) yn ymchwilio i'r materion a gyfeirir o dan adran 70(4) cyn cyflwyno adroddiad ac, os yw'n briodol, gwneud argymhellion i Bwyllgor Safonau'r awdurdod perthnasol, neu

(b) os bydd mater wedi'i gyfeirio o dan adran 71(2), bydd yn ystyried adroddiad y Comisiynydd Lleol yng Nghymru cyn gwneud argymhellion, os yw'n briodol, i Bwyllgor Safonau'r awdurdod perthnasol.

Bydd y Pwyllgor Safonau yn gwneud dyfarniad cychwynnol wedyn naill ai:

(a) nad oes dim tystiolaeth o fethu â chydymffurfio â'r cod ymddygiad, neu

(b) bod rhaid rhoi cyfle i unrhyw berson sy'n destun yr ymchwiliad ymateb, naill ai ar lafar neu'n ysgrifenedig.

Ar ôl ystyried unrhyw ymateb a wneir gan unrhyw berson o'r fath rhaid i'r Pwyllgor Safonau ddod i'r casgliad:

(a) nad oes dim tystiolaeth o fethu â chydymffurfio â'r cod ymddygiad ac na ddylid cymryd dim camau pellach,

(b) bod yna dystiolaeth o fethu â chydymffurfio â'r cod ymddygiad ond na ddylid cymryd dim camau pellach, neu

(c) bod yna dystiolaeth o fethu â chydymffurfio â'r cod ymddygiad ac y dylai aelod neu aelod cyfetholedig (neu gyn-aelod neu gyn-aelod cyfetholedig) gael ei geryddu neu ei atal,

a chymryd unrhyw gamau o'r fath yn unol â hynny.

Mae penderfyniad y Pwyllgor Safonau yn ddarostyngedig i hawl i apelio i dribiwnlys apelau a dynnir o blith Panel Dyfarnu Cymru.

Caiff tribiwnlys apelau gadarnhau dyfarniad y Pwyllgor Safonau, cyfeirio mater yn ôl iddo gan argymell y dylai osod cosb wahanol, neu wrth-droi'r dyfarniad.

Mae'r Rheoliadau yn darparu hefyd fod adroddiad ar ganlyniad yr ymchwiliad yn cael ei lunio a'i gyhoeddi.

Section 73 of the 2000 Act enables the National Assembly for Wales to make regulations specifying how such referred matters are to be dealt with.

These Regulations provide that the monitoring officer of the relevant authority:

(a) will investigate matters referred under section 70(4) before reporting and, if appropriate, making recommendations, to the relevant authority's Standards Committee, or

(b) where a matter has been referred under section 71(2), he or she will consider the report of the Local Commissioner in Wales, before, if appropriate, making recommendations to the relevant authority's Standards Committee.

The Standards Committee will then make an initial determination either:

(a) that there is no evidence of a failure to comply with the code of conduct, or

(b) that any person who is the subject of the investigation must be given an opportunity to respond, either orally or in writing.

After considering any response made by any such person the Standards Committee must conclude that:

(a) there is no evidence of a failure to comply with the code of conduct and no further action should be taken,

(b) there is evidence of a failure to comply with the code of conduct but no further action should be taken, or

(c) there is evidence of a failure to comply with the code of conduct and a member or co-opted member (or former member or co-opted member) should be censured or suspended,

and take any such action accordingly.

The decision of the Standards Committee is subject to a right of appeal to an appeals tribunal drawn from the Adjudication Panel for Wales.

An appeals tribunal may endorse the determination of the Standards Committee, refer a matter back to it recommending it impose a different penalty, or overturn the determination.

The Regulations also provide for a report upon the outcome of the investigation to be produced and published.

2001 Rhif 2281 (Cy. 171)

LLYWODRAETH LEOL, CYMRU

Rheoliadau Ymchwiliadau Llywodraeth Leol (Swyddogaethau Swyddogion Monitro a Phwyllgorau Safonau) (Cymru) 2001

Wedi'u gwneud	*21 Mehefin 2001*
Yn dod i rym	*28 Gorffennaf 2001*

Mae Cynulliad Cenedlaethol Cymru, drwy arfer y swyddogaethau a roddwyd iddo gan adran 73(1) o Ddeddf Llywodraeth Leol 2000(**a**) yn gwneud y Rheoliadau canlynol:

Enw, cychwyn a chymhwyso

1.-(1) Enw'r Rheoliadau hyn yw Rheoliadau Ymchwiliadau Llywodraeth Leol (Swyddogaethau Swyddogion Monitro a Phwyllgorau Safonau) (Cymru) 2001 a deuant i rym ar 28 Gorffennaf 2001.

(2) Mae'r Rheoliadau yn gymwys i awdurdodau perthnasol yng Nghymru yn unig.

Dehongli

2. Yn y Rheoliadau hyn:

ystyr "awdurdod perthnasol" ("*relevant authority*") yw:

- cyngor sir,
- cyngor bwrdeistref sirol,
- cyngor cymuned(**b**),

(a) 2000 p.22.

(b) Yn rhinwedd adran 56(7) o Ddeddf Llywodraeth Leol 2000 mae unrhyw swyddogaeth sy'n arferadwy yn rhinwedd darpariaethau'r Rheoliadau hyn gan Bwyllgor Safonau awdurdod perthnasol neu mewn perthynas ag ef, sef awdurdod perthnasol sy'n gyngor cymuned i gael ei harfer gan neu mewn perthynas â'r canlynol; pwyllgor safonau'r cyngor sir neu'r cyngor bwrdeistref sirol y mae'r cyngor cymuned wedi'i leoli yn ei ardal; neu pan fydd pwyllgor safonau'r cyngor sir neu'r cyngor bwrdeistref sirol hwnnw wedi penodi is-bwyllgor, yr is-bwyllgor hwnnw.

2001 No. 2281 (W. 171)

LOCAL GOVERNMENT, WALES

Local Government Investigations (Functions of Monitoring Officers and Standards Committees)(Wales) Regulations 2001

Made	*21st June 2001*
Coming into force	*28th July 2001*

The National Assembly for Wales, in exercise of the functions given to it by section 73(1) of the Local Government Act 2000(**a**) makes the following Regulations:

Name, commencement and application

1.-(1) These Regulations are called the Local Government Investigations (Functions of Monitoring Officers and Standards Committees)(Wales) Regulations 2001 and they come into force on the 28th July 2001.

(2) The regulations apply to relevant authorities in Wales only.

Interpretation

2. In these Regulations:

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

- a county council,
- a county borough council,
- a community council(**b**),

(a) 2000 c.22.

(b) By virtue of section 56(7) of the Local Government Act 2000 any function which by virtue of provisions of these Regulations is exercisable by or in relation to the Standards Committee of a relevant authority which is a community council is to be exercisable by or in relation to; the standards committee of the county council or county borough council in whose area the community council is situated; or where that county council or county borough council's standards committee has appointed a sub-committee, that sub-committee.

- awdurdod tân a gyfansoddwyd gan gynllun cyfuno o dan Ddeddf Gwasanaethau Tân 1947(**a**), ac

- awdurdod Parc Cenedlaethol a sefydlwyd o dan adran 63 o Ddeddf yr Amgylchedd 1995(**b**); ac

ystyr "Deddf 2000" ("the 2000 Act") yw Deddf Llywodraeth Leol 2000.

Swyddogaethau swyddogion monitro

3.-(1) Pan fydd unrhyw fater yn cael ei gyfeirio at swyddog monitro awdurdod perthnasol o dan adran 70(4) o Ddeddf 2000, rhaid i'r swyddog monitro mewn perthynas â'r mater hwnnw:

(a) cynnal ymchwiliad; a

(b) cyflwyno adroddiad ac, os yw'n briodol, gwneud argymhellion i Bwyllgor Safonau'r awdurdod perthnasol.

(2) Pan fydd unrhyw fater yn cael ei gyfeirio at swyddog monitro awdurdod perthnasol o dan adran 71(2) o Ddeddf 2000, rhaid i'r swyddog monitro ystyried unrhyw adroddiad sy'n cael ei anfon ato gan Gomisiynydd Lleol yng Nghymru ac, os yw'n briodol, gwneud argymhellion i Bwyllgor Safonau'r awdurdod perthnasol.

Ymchwiliadau

4.-(1) Wrth gynnal ymchwiliad o dan Reoliad 3(1)(a) uchod caiff y swyddog monitro ddilyn unrhyw weithdrefnau y mae'n barnu eu bod yn briodol yn amgylchiadau'r achos ac yn benodol fe gaiff:

(a) holi unrhyw berson ynghylch unrhyw beth y mae'n credu ei fod yn angenrheidiol er mwyn cyflawni'r ymchwiliad,

(b) ei gwneud yn ofynnol i unrhyw berson roi unrhyw wybodaeth, esboniad neu ddogfennau iddo y mae'n barnu eu bod yn angenrheidiol,

(c) ei gwneud yn ofynnol i unrhyw aelod neu aelod cyfetholedig neu swyddog awdurdod perthnasol ymddangos ger ei fron at ddibenion paragraff (a) a (b) uchod.

(2) Wrth gynnal yr ymchwiliad, gall y swyddog monitro gael ei gynorthwyo gan unrhyw berson.

(3) Caiff y swyddog monitro sicrhau cyngor arbenigol neu gyngor arall hefyd pan fydd eu hangen oddi wrth unrhyw berson sy'n arbennig o gymwys ym marn y swyddog i'w gynorthwyo wrth gynnal yr ymchwiliad.

(a) 1947 p.41.

(b) 1995 p.25.

- a fire authority constituted by a combination scheme under the Fire Services Act 1947(**a**), and

- a National Park authority established under section 63 of the Environment Act 1995(**b**); and

"the 2000 Act" ("Deddf 2000") means the Local Government Act 2000.

Functions of monitoring officers

3.-(1) Where any matter is referred to the monitoring officer of a relevant authority under section 70(4) of the 2000 Act, the monitoring officer must in respect of that matter:

(a) conduct an investigation; and

(b) report, and if appropriate make recommendations, to the Standards Committee of the relevant authority. (2) Where any matter is referred to the monitoring officer of a relevant authority under section 71

(2) of the 2000 Act, the monitoring officer must consider any report sent to him or her by a Local Commissioner in Wales and, if appropriate, make recommendations to the Standards Committee of the relevant authority.

Investigations

4.-(1) When conducting an investigation under Regulation 3(1)(a) above the monitoring officer may follow such procedures as he or she considers appropriate in the circumstances of the case and in particular may:

(a) make such enquiries of any person as he or she thinks necessary for the purposes of carrying out the investigation,

(b) require any person to provide him or her with such information, explanation or documents as he or she considers necessary,

(c) require any member or co-opted member or officer of a relevant authority to appear before him or her for the purposes of paragraph (a) and (b) above.

(2) In conducting the investigation, the monitoring officer may be assisted by any person.

(3) The monitoring officer may also where necessary obtain expert or other advice from any person who is in his or her opinion particularly qualified to assist in conducting the investigation.

(4) Where a person has attended before the monitoring officer or provided information or

(a) 1947 c.41.

(b) 1995 c.25.

(4) Pan fydd person wedi dod gerbron y swyddog monitro neu wedi rhoi gwybodaeth neu gymorth at ddibenion yr ymchwiliad yn unol â pharagraffau (1) neu (2) uchod, caiff y swyddog monitro, yn ddarostyngedig i awdurdodiad y Pwyllgor Safonau, dalu i'r person hwnnw:

(a) unrhyw symiau ar gyfer treuliau a dynnwyd yn briodol ganddo, a

(b) unrhyw lwfansau i'w ddigolledu am ei golled amser,

a bennir gan Gynulliad Cenedlaethol Cymru.

(5) Pan fydd person wedi rhoi cyngor yn unol â pharagraff (3) uchod, caiff y swyddog monitro dalu unrhyw ffioedd neu lwfansau a dynnwyd i'r person hwnnw yn ddarostyngedig i'r uchafsymiau a nodir yng nghynllun lwfansau'r awdurdod perthnasol.

Cyfyngiadau ar ddatgelu gwybodaeth

5.-(1) Rhaid peidio â datgelu gwybodaeth a sicrhawyd gan swyddog monitro wrth gynnal ymchwiliad oni bai:

(a) bod y datgelu yn cael ei wneud er mwyn galluogi swyddog monitro neu bwyllgor safonau i gyflawni eu swyddogaethau o dan y Rheoliadau hyn;

(b) bod y datgelu yn cael ei wneud er mwyn galluogi Comisiynydd Lleol yng Nghymru i gyflawni ei swyddogaethau;

(c) bod y person y mae'r wybodaeth yn ymwneud ag ef wedi cydsynio i'w datgelu;

(ch) bod yr wybodaeth wedi'i datgelu o'r blaen i'r cyhoedd gydag awdurdod cyfreithlon;

(d) mai datgelu at ddibenion achos troseddol mewn unrhyw ran o'r Deyrnas Unedig yw'r datgelu ac na chafwyd yr wybodaeth o dan sylw o ganlyniad i ymholiadau personol i'r person sy'n destun achos troseddol o dan Reoliad 4 uchod; neu

(dd) bod y datgelu yn cael ei wneud i'r Comisiwn Archwilio at ddibenion unrhyw swyddogaeth sydd gan Gomisiwn Archwilio neu Archwilydd o dan Ddeddf y Comisiwn Archwilio 1998(**a**).

(2) Yn y Rheoliad hwn, a Rheoliad 4 uchod, mae unrhyw gyfeiriad at ddogfennau yn cynnwys cyfeiriad at wybodaeth a ddelir trwy gyfrwng cyfrifiadur neu ar unrhyw ffurf electronig arall.

Adroddiadau

6. Ar ôl cwblhau ymchwiliad, rhaid i'r swyddog monitro:

(a) lunio adroddiad ar gasgliadau ei ymchwiliad ac, os yw'n briodol, caiff wneud argymhellion i Bwyllgorau Safonau'r awdurdod perthnasol o

(a) 1998 p.18.

assistance for the purposes of the investigation in accordance with paragraphs (1) or (2) above, the monitoring officer may, subject to the Standards Committee's authorisation, pay to that person

(a) such sums in respect of expenses properly incurred by him or her, and

(b) such allowances by way of compensation for the loss of his or her time, as may be determined by the National Assembly for Wales.

(5) Where a person has given advice in accordance with paragraph (3) above, the monitoring officer may pay to that person such fees or allowances incurred subject to the maxima set out in the relevant authority's allowances scheme.

Restrictions on disclosure of information

5.-(1) Information obtained by a monitoring officer when conducting an investigation must not be disclosed unless:

(a) the disclosure is made for the purposes of enabling a monitoring officer or standards committee to perform their functions under these Regulations;

(b) the disclosure is made for the purpose of enabling a Local Commissioner in Wales to carry out his or her functions;

(c) the person to whom the information relates has consented to its disclosure;

(d) the information has previously been disclosed to the public with lawful authority;

(e) the disclosure is for the purposes of criminal proceedings in any part of the United Kingdom and the information in question was not obtained as a result of personal enquiries of the person subject to the criminal proceedings under Regulation 4 above; or

(f) the disclosure is made to the Audit Commission for the purposes of any function of the Audit Commission or an auditor under the Audit Commission Act 1998(**a**).

(2) In this Regulation and in Regulation 4 above, any reference to documents includes a reference to information held by means of a computer or in any other electronic form.

Reports

6. After concluding an investigation, the monitoring officer must:

(a) produce a report on the findings of his or her investigation and, if appropriate, may make recommendations to the Standards Committee of the relevant authority concerned,

(b) send a copy of the report to any person who is

(a) 1998 c.18.

dan sylw,

(b) anfon copi o'r adroddiad at unrhyw berson sy'n destun yr ymchwiliad, ac

(c) cymryd camau rhesymol i anfon copi o'r adroddiad at unrhyw berson a wnaeth unrhyw honiad a arweiniodd at yr ymchwiliad.

Swyddogaethau'r Pwyllgor Safonau

7. Ar ôl cael adroddiad ac unrhyw argymhellion oddi wrth y swyddog monitro, neu adroddiad oddi wrth Gomisiynydd Lleol yng Nghymru ynghyd ag unrhyw argymhellion gan y swyddog monitro, rhaid i'r Pwyllgor Safonau ddyfarnu naill ai:

(a) nad oes dim tystiolaeth o unrhyw fethu â chydymffurfio â chod ymddygiad yr awdurdod perthnasol o dan sylw a rhaid iddo hysbysu unrhyw berson sy'n destun yr ymchwiliad, unrhyw berson a wnaeth unrhyw honiad a arweiniodd at yr ymchwiliad a'r Comisiynydd Lleol yng Nghymru yn unol â hyn; neu

(b) bod unrhyw berson sy'n destun yr ymchwiliad yn cael cyfle i gyflwyno sylwadau, naill ai ar lafar neu'n ysgrifenedig, mewn perthynas â chasgliadau'r ymchwiliad ac unrhyw honiad ei fod wedi methu, neu y gallai fod wedi methu, â chydymffurfio â chod ymddygiad yr awdurdod perthnasol.

Gweithdrefn a Phwerau Pwyllgorau Safonau

8.-(1) Yn ddarostyngedig i unrhyw ddarpariaeth bendant yn y Rheoliadau hyn neu yn Rheoliadau Pwyllgorau Safonau (Cymru) 2001(**a**), mater i Bwyllgor Safonau'r awdurdod perthnasol fydd penderfynu ar yr arferion a'r weithdrefn sydd i'w dilyn wrth arfer ei swyddogaethau o dan y Rheoliadau hyn.

(2) Caiff Pwyllgor Safonau'r awdurdod perthnasol ei gwneud yn ofynnol i'r swyddog ymchwilio ddod ger ei fron pan fydd yn ystyried unrhyw sylwadau a gyflwynir gan unrhyw berson sy'n destun yr ymchwiliad (neu os na chyflwynir unrhyw sylwadau o'r fath, ar unrhyw adeg resymol), er mwyn cyflwyno ei adroddiad neu esbonio unrhyw un o'r materion sydd wedi'i gynnwys ynddo (ond nid fel arall).

(3) Ym mharagraff (2) uchod, ystyr "swyddog ymchwilio" yw:

(a) yn achos ymchwiliad a wnaed gan Gomisiynydd Lleol yng Nghymru neu ar ei ran ac a gyfeiriwyd at swyddog monitro'r awdurdod perthnasol o dan adran 71(2) o Ddeddf 2000, y person a gynhaliodd yr ymchwiliad; neu

(b) yn achos ymchwiliad a gyfeiriwyd ato o dan adran 70 (4) o Ddeddf 2000, swyddog monitro'r awdurdod perthnasol.

(a) OS 2001/2283 (Cy.172).

the subject of the investigation, and

(c) take reasonable steps to send a copy of the report to any person who made any allegation which gave rise to the investigation.

Functions of the Standards Committee

7. After receiving a report and any recommendations from the monitoring officer, or a report from a Local Commissioner in Wales together with any recommendations of the monitoring officer, the Standards Committee must determine either:

(a) that there is no evidence of any failure to comply with the code of conduct of the relevant authority concerned and must notify any person who is the subject of the investigation, any person who made any allegation which gave rise to the investigation and the Local Commissioner in Wales accordingly; or

(b) that any person who is the subject of the investigation should be given the opportunity to make representations, either orally or in writing in respect of the findings of the investigation and any allegation that he or she has failed, or may have failed, to comply with the relevant authority's code of conduct.

Procedure and Powers of Standards Committees

8. -(1) Subject to any express provision in these Regulations or in the Standards Committees (Wales) Regulations 2001(**a**), the practice and procedure to be followed in exercising its functions under these Regulations shall be for the Standards Committee of the relevant authority to decide.

(2) The Standards Committee of the relevant authority may require the investigating officer to attend before it when considering any representations made by any person who is the subject of the investigation (or if no such representations are made, at any reasonable time), for the purpose of the presenting his or her report or explaining any of the matters contained in it (but not otherwise).

(3) In paragraph (2) above, "investigating officer" means:

(a) in the case of an investigation undertaken by or on behalf of a Local Commissioner in Wales and referred to the monitoring officer of the relevant authority under section 71(2) of the 2000 Act, the person who conducted the investigation; or

(b) in the case of an investigation referred to him or her under section 70 (4) of the 2000 Act, the monitoring officer of the relevant authority.

(4) If any person who is the subject of the investigation fails to make representations in accordance with Regulation 7(b) above, the Standards

(a) SI 2001/2283 (W.172).

(4) Os nad yw unrhyw berson sy'n destun yr ymchwiliad yn cyflwyno sylwadau yn unol â Rheoliad 7(b) uchod, fe all y Pwyllgor Safonau:

(a) oni bai ei fod wedi'i fodloni bod rheswm digonol dros y methiant hwnnw, ystyried adroddiad y swyddog monitro a gwneud dyfarniad yn absenoldeb y person hwnnw; neu

(b) rhoi cyfle ychwanegol i'r person hwnnw gyflwyno sylwadau.

(5) Pan fo'n briodol, ac yn unol â darpariaethau'r Rheoliadau hyn, mae gan y Pwyllgor Safonau bŵer i geryddu unrhyw aelod neu aelod cyfetholedig (neu gyn-aelod neu gyn-aelod cyfetholedig) o'r awdurdod perthnasol, neu i atal neu i atal yn rhannol aelod neu aelod cyfetholedig am gyfnod heb fod yn fwy na chwe mis.

(6) Rhaid i unrhyw gyfnod atal neu atal yn rhannol ddechrau ar y diwrnod:

(a) ar ôl i'r amser a ganiateir i gyflwyno hysbysiad apêl o dan Reoliad 10(2) isod ddod i ben,

(b) ar ôl i hysbysiad ynghylch casgliad unrhyw apêl yn unol â Rheoliad 12(a)(i) neu (b) isod ddod i law, neu

(c) ar ôl dyfarniad pellach gan y Pwyllgor Safonau a wnaed ar ôl cael argymhelliad gan dribiwnlys apelau o dan Reoliad 12(a)(ii) isod,

p'un bynnag sy'n digwydd olaf.

Dyfarniadau'r Pwyllgor Safonau

9.-(1) Ar ôl ystyried unrhyw sylwadau, rhaid i Bwyllgor Safonau ddyfarnu:

(a) nad oes dim tystiolaeth o unrhyw fethu â chydymffurfio â chod ymddygiad yr awdurdod perthnasol ac felly nad oes angen cymryd dim camau mewn perthynas â'r materion sy'n destun yr ymchwiliad;

(b) bod aelod neu aelod cyfetholedig (neu gyn-aelod neu gyn-aelod cyfetholedig) o awdurdod perthnasol wedi methu â chydymffurfio â chod ymddygiad yr awdurdod perthnasol ond nad oes angen cymryd dim camau mewn perthynas â'r methiant hwnnw;

(c) bod aelod neu aelod cyfetholedig (neu gyn-aelod neu gyn-aelod cyfetholedig) o'r awdurdod perthnasol wedi methu â chydymffurfio â chod ymddygiad yr awdurdod ac y dylai gael ei geryddu; neu

(ch) bod aelod neu aelod cyfetholedig o awdurdod perthnasol wedi methu â chydymffurfio â chod ymddygiad yr awdurdod ac y dylai gael ei atal neu ei atal yn rhannol rhag bod yn aelod neu'n aelod cyfetholedig o'r awdurdod hwnnw am gyfnod heb fod yn fwy na chwe mis.

Committee may:

(a) unless it is satisfied that there is sufficient reason for such failure, consider the monitoring officer's report and make a determination in that person's absence; or

(b) give that person a further opportunity to make representations.

(5) Where appropriate, and in accordance with the provisions of these Regulations, the Standards Committee has power to censure any member or co-opted member (or former member or co-opted member) of the relevant authority, or suspend or partially suspend a member or co-opted member for a period not exceeding 6 months.

(6) Any period of suspension or partial suspension shall commence on the day after:

(a) the expiry of the time allowed to lodge a notice of appeal under Regulation 10(2) below,

(b) receipt of notification of the conclusion of any appeal in accordance with Regulation 12(a)(i) or (b) below, or

(c) a further determination by the Standards Committee made after receiving a recommendation from an appeals tribunal under Regulation 12(a)(ii) below,

whichever occurs last.

Determinations of the Standards Committee

9.-(1) After considering any representations, a Standards Committee must determine:

(a) that there is no evidence of any failure to comply with the code of conduct of the relevant authority and that therefore no action needs to be taken in respect of the matters which are the subject of the investigation;

(b) that a member or co-opted member (or former member or co-opted member) of a relevant authority has failed to comply with the relevant authority's code of conduct but that no action needs to be taken in respect of that failure;

(c) that a member or co-opted member (or former member or co-opted member) of the relevant authority has failed to comply with the authority's code of conduct and should be censured, or

(d) that a member or co-opted member of a relevant authority has failed to comply with the authority's code of conduct and should be suspended or partially suspended from being a member or co-opted member of that authority for a period not exceeding six months.

(2) Where an appeals tribunal drawn from the Adjudication Panel for Wales makes a recommendation in accordance with Regulation 12

(2) Pan fydd tribiwnlys apelau a dynnir o blith aelodau Panel Dyfarnu Cymru yn gwneud argymhelliad yn unol â Rheoliad 12(a)(ii) isod y dylid gosod cosb wahanol, rhaid i'r Pwyllgor Safonau ddyfarnu hefyd a ddylai gadarnhau ei ddyfarniad gwreiddiol neu beidio, neu dderbyn yr argymhelliad.

(3) Ar ôl gwneud dyfarniad yn unol â pharagraff (1) neu (2) uchod rhaid i'r Pwyllgor Safonau hysbysu unrhyw berson sy'n destun yr ymchwiliad, unrhyw berson a wnaeth unrhyw honiad a arweiniodd at yr ymchwiliad a'r Comisiynydd Lleol yng Nghymru yn unol â hynny, gan roi'r rhesymau dros y penderfyniad.

(4) Ar ôl gwneud dyfarniad yn unol â pharagraff (2) uchod rhaid i'r Pwyllgor Safonau hefyd hysbysu llywydd Panel Dyfarnu Cymru.

Yr hawl i apelio

10.-(1) Pan fydd Pwyllgor Safonau yn dyfarnu o dan Reoliad 9(1) uchod fod person wedi methu â chydymffurfio â chod ymddygiad yr awdurdod perthnasol o dan sylw, caiff y person hwnnw apelio yn erbyn y dyfarniad i dribiwnlys a dynnir o blith aelodau Panel Dyfarnu Cymru

(2) Rhaid cychwyn yr apêl drwy gyflwyno hysbysiad ysgrifenedig cyn pen 21 diwrnod ar ôl cael hysbysiad am ddyfarniad y Pwyllgor Safonau i'r cyfeiriad hwn:

Yr Is-adran Moderneiddio Llywodraeth Leol
Cynulliad Cenedlaethol Cymru
Parc Cathays
Caerdydd
CF10 3NQ

(3) Rhaid i'r hysbysiad apêl nodi:

(a) y seiliau dros yr apêl; a

(b) a yw'r person sy'n rhoi'r hybysiad apêl yn cydsynio neu beidio i'r apêl gael ei chynnal drwy gyfrwng sylwadau ysgrifenedig.

Apelau

11.-(1) Bydd apelau sy'n deillio o ddyfarniad Pwyllgor Safonau yn cael eu cynnal:

(a) gan dribiwnlys apelau sy'n cynnwys o leiaf dri aelod o Banel Dyfarnu Cymru,

(b) drwy gyfrwng gwrandawiad llafar oni bai bod pob person sydd wedi rhoi hysbysiad apêl yn cydsynio i'r apêl gael ei chynnal drwy gyfrwng sylwadau ysgrifenedig yn unol â Rheoliad 10(3)(b) uchod.

(2) Mae llywydd Panel Dyfarnu Cymru (neu yn ei absenoldeb y dirprwy lywydd) i benodi aelodau unrhyw dribiwnlys apelau, ac fe gaiff y llywydd neu'r

(a)(ii) below that a different penalty should be imposed, the Standards Committee must also determine whether or not it should uphold its original determination or accept the recommendation.

(3) After making a determination in accordance with paragraph (1) or (2) above the Standards Committee must notify any person who is the subject of the investigation, any person who made any allegation which gave rise to the investigation and the Local Commissioner in Wales accordingly, giving reasons for the decision.

(4) After making a determination in accordance with paragraph (2) above the Standards Committee must also notify the president of the Adjudication Panel for Wales.

Right of appeal

10.-(1) Where a Standards Committee determines under Regulation 9(1) above that a person has failed to comply with the code of conduct of the relevant authority concerned, that person may appeal against the determination to an appeals tribunal drawn from the Adjudication Panel for Wales.

(2) The appeal must be instigated by giving notice in writing within 21 days of receiving notification of the Standard Committee's determination to this address:

Local Government Modernisation Division
National Assembly for Wales
Cathays Park
Cardiff
CF10 3NQ

(3) The notice of appeal must specify:

(a) the grounds for appeal; and

(b) whether or not the person giving notice of appeal consents to the appeal being conducted by way of written representations.

Appeals

11.-(1) Appeals from a determination of a Standards Committee will be conducted:

(a) by an appeals tribunal consisting of not less than three members of the Adjudication Panel for Wales,

(b) by way of an oral hearing unless every person who has given notice of appeal consents to the appeal being conducted by way of written representations in accordance with Regulation 10(3)(b) above.

(2) The president of the Adjudication Panel for Wales (or in his absence the deputy president) is to appoint the members of any appeals tribunal, and the president or deputy president may be a member of a tribunal.

dirprwy lywydd fod yn aelod o dribiwnlys.

(3) Ni chaiff aelod o Banel Dyfarnu Cymru fod yn aelod o dribiwnlys apelau a dynnwyd o blith y Panel sydd i ddyfarnu ar fater sy'n ymwneud ag aelod neu aelod cyfetholedig (neu gyn-aelod neu gyn-aelod cyfetholedig) o awdurdod perthnasol ar unrhyw adeg, os yw'r aelod o'r Panel o fewn y cyfnod o bum mlynedd sy'n dod i ben bryd hynny, wedi bod yn aelod neu'n swyddog o'r awdurdod neu'n aelod o unrhyw bwyllgor, is-bwyllgor, cyd-bwyllgor neu gyd-is-bwyllgor i'r awdurdod.

(4) Rhaid i aelod o Banel Dyfarnu Cymru y mae ganddo fuddiant uniongyrchol neu anuniongyrchol mewn unrhyw fater sy'n destun apêl sy'n cael ei chynnal gan dribiwnlys apelau, neu'n debyg o fod yn destun apêl o'r fath:

(a) datgelu natur ei fuddiant i lywydd y Panel, a

(b) peidio â bod yn aelod o'r tribiwnlys apelau sy'n ystyried apêl mewn perthynas â'r mater hwnnw.

(5) Yn ddarostyngedig i unrhyw ddarpariaeth bendant yn y Rheoliadau hyn, bydd yr arferion a'r weithdrefn sydd i'w dilyn gan dribiwnlysoedd apelau a dynnir o blith aelodau Panel Dyfarnu Cymru yn rhai y bydd llywydd y Panel, ar ôl ymgynghori â Chynulliad Cenedlaethol Cymru, yn penderfynu arnynt.

Casgliadau tribiwnlys apelau

12. Rhaid i dribiwnlys apelau:

(a) cadarnhau dyfarniad Pwyllgor Safonau'r awdurdod perthnasol fod unrhyw berson a oedd yn destun yr ymchwiliad wedi torri'r cod ymddygiad a naill ai:

(i) cymeradwyo unrhyw gosb a osodwyd, neu

(ii) cyfeirio'r mater yn ôl i'r Pwyllgor Safonau gydag argymhelliad bod cosb wahanol yn cael ei gosod;

neu,

(b) gwrth-droi dyfarniad Pwyllgor Safonau'r awdurdod perthnasol bod unrhyw berson wedi torri'r cod ymddygiad,

a rhaid iddo roi gwybod i unrhyw berson sy'n destun yr ymchwiliad, y Comisiynydd Lleol yng Nghymru a Phwyllgor Safonau'r awdurdod perthnasol yn unol â hyn, gan roi'r rhesymau dros y penderfyniad.

Cyhoeddi

13.-(1) Rhaid i Bwyllgor Safonau drefnu bod y canlynol yn cael ei wneud o fewn 14 diwrnod:

(a) ar ôl i'r amser a ganiateir i gyflwyno hysbysiad apêl o dan Reoliad 10(2) uchod ddod i ben,

(b) ar ôl i hysbysiad o gasgliad unrhyw apêl yn

(3) A member of the Adjudication Panel for Wales may not at any time be a member of an appeals tribunal drawn from the Panel which is to adjudicate on a matter relating to a member or co-opted member (or former member or co-opted member) of a relevant authority if, within the period of five years ending with that time, the member of the Panel has been a member or an officer of the authority or a member of any committee, sub-committee, joint committee or joint sub-committee of the authority.

(4) A member of the Adjudication Panel for Wales who is directly or indirectly interested in any matter which is, or is likely to be, the subject of an appeal conducted by an appeals tribunal:

(a) must disclose the nature of his interest to the president of the Panel, and

(b) may not be a member of the appeals tribunal which considers an appeal in relation to that matter.

(5) Subject to any express provision in these Regulations, the practice and procedure to be followed by appeals tribunals drawn from the Adjudication Panel for Wales will be such as the president of the Panel, after consultation with the National Assembly for Wales, will decide.

Conclusions of an appeals tribunal

12. An appeals tribunal must:

(a) uphold the determination of the relevant authority's Standards Committee that any person who was subject to the investigation breached the code of conduct and either:

(i) endorse any penalty imposed, or

(ii) refer the matter back to the Standards Committee with a recommendation that a different penalty be imposed;

or,

(b) overturn the determination of the relevant authority's Standards Committee that any person has breached the code of conduct,

and must inform any person subject to the investigation, the Local Commissioner for Wales and the Standards Committee of the relevant authority accordingly, giving reasons for the decision.

Publication

13.-(1) A Standards Committee must cause to be produced within 14 days after:

(a) the expiry of the time allowed to lodge a notice of appeal under Regulation 10(2) above,

(b) receipt of notification of the conclusion of any appeal in accordance with Regulation 12(a)(i) or (b) above, or

(c) a further determination by the Standards

unol â Rheoliad 12(a)(i) neu (b) uchod ddod i law, neu

(c) ar ôl dyfarniad pellach gan y Pwyllgor Safonau a wnaed ar ôl cael argymhelliad gan dribiwnlys apelau o dan Reoliad 12(a)(ii) uchod,

p'un bynnag sy'n digwydd olaf, adroddiad ar ganlyniad yr ymchwiliad ac anfon copi at y Comisiynydd Lleol yng Nghymru, swyddog monitro'r awdurdod perthnasol o dan sylw, unrhyw berson sy'n destun yr ymchwiliad a chymryd camau rhesymol i anfon copi at unrhyw berson a wnaeth unrhyw honiad a arweiniodd at yr ymchwiliad.

(2) Ar ôl i adroddiad y Pwyllgor Safonau ddod i law, rhaid i swyddog monitro'r awdurdod perthnasol:

(a) am gyfnod o 21 diwrnod gyhoeddi'r adroddiad ar wefan yr awdurdod perthnasol a threfnu bod copïau ar gael i'w harchwilio gan y cyhoedd yn ddi-dâl ar bob adeg resymol mewn ùn neu ragor o swyddfeydd yr awdurdod, lle bydd gan unrhyw berson hawl i gymryd copïau o'r adroddiad pan drefnir iddo fod ar gael felly, neu i gymryd detholiadau ohono,

(b) darparu copi o'r adroddiad i unrhyw berson ar gais os bydd yn talu unrhyw dâl y bydd yr awdurdod perthnasol yn gofyn yn rhesymol amdano, ac

(c) erbyn saith diwrnod fan bellaf ar ôl i'r adroddiad dod i law oddi wrth y Pwyllgor Safonau, rhoi hysbysiad cyhoeddus, drwy hysbyseb mewn papurau newydd sy'n cylchredeg yn yr ardal ac mewn unrhyw ffyrdd arall sy'n ymddangos iddo eu bod yn briodol, y bydd copïau o'r adroddiad ar gael fel y darperir ar ei gyfer gan is-baragraffau (a) a (b) uchod, a rhaid iddo bennu'r dyddiad (sef dyddiad nad yw'n fwy na saith diwrnod ar ôl i'r hysbysiad cyhoeddus gael ei roi gyntaf) pan fydd y cyfnod o 21 diwrnod yn dechrau.

Cynrychiolaeth

14. Caiff person sy'n cyflwyno sylwadau llafar i Bwyllgor Safonau neu sy'n apelio yn erbyn penderfyniad gan Bwyllgor Safonau i dribiwnlys apelau sy'n cael ei dynnu o blith aelodau Panel Dyfarnu Cymru ymddangos gerbron y Pwyllgor neu'r tribiwnlys yn bersonol neu gael ei gynrychioli -

(a) gan gwnsler neu gyfreithiwr, neu

(b) gan unrhyw berson arall y mae'n ei ddymuno.

Costau

15.-(1) Ni fydd gan Bwyllgor Safonau awdurdod perthnasol unrhyw bŵer i ddyfarnu unrhyw gostau neu dreuliau sy'n codi o unrhyw un o'i achosion.

(2) Fel rheol rhaid i dribiwnlys apelau beidio â gwneud gorchymyn yn dyfarnu costau neu dreuliau, ond, yn ddarostyngedig i baragraff (3), caiff wneud

Committee made after receiving a recommendation from an appeals tribunal under Regulation 12(a)(ii) above,

whichever occurs last, a report on the outcome of the investigation and send a copy to the Local Commissioner in Wales, the monitoring officer of the relevant authority concerned, any person subject to the investigation and take reasonable steps to send a copy to any person who made any allegation which gave rise to the investigation.

(2) Upon receipt of the report of the Standards Committee, the monitoring officer of the relevant authority shall:

(a) for a period of 21 days publish the report on the relevant authority's website and make copies available for inspection by the public without charge at all reasonable hours at one or more of the authority's offices, where any person shall be entitled to take copies of, or extracts from, the report when made so available,

(b) supply a copy of the report to any person on request if he or she pays such charge as the relevant authority may reasonably require, and

(c) not later than 7 days after the report is received from by the Standards Committee, give public notice, by advertisement in newspapers circulating in the area and such other ways as appear to him or her to be appropriate, that copies of the report will be available as provided by sub-paragraphs (a) and (b) above, and shall specify the date (being a date not more than seven days after public notice is first given) from which the period of 21 days will begin.

Representation

14. A person who makes oral representations to a Standards Committee or who appeals against a decision of a Standards Committee to an appeals tribunal drawn from the Adjudication Panel for Wales may appear before the Committee or tribunal in person or be represented by -

(a) counsel or a solicitor, or

(b) any other person he or she desires.

Costs

15.-(1) The Standards Committee of a relevant authority shall have no power to make an award of any costs or expenses arising from any of its proceedings.

(2) An appeals tribunal shall not normally make an order awarding costs or expenses, but may, subject to paragraph (3) , make such an order:-

(a) yn erbyn person os yw o'r farn fod y person hwnnw wedi gweithredu'n wacsaw neu'n flinderus, neu fod ei ymddygiad wrth fynd ar drywydd apêl yn hollol afresymol;

(b) oherwydd gohirio gwrandawiad.

(3) Rhaid peidio â gwneud unrhyw orchymyn o dan baragraff (2)(a) uchod yn erbyn person heb roi cyfle i'r person hwnnw gyflwyno sylwadau yn erbyn gwneud gorchymyn o'r fath.

(a) against a person if it is of the opinion that that person has acted frivolously or vexatiously, or that his or her conduct in pursuing an appeal was wholly unreasonable;

(b) as a result of the postponement or adjournment of a hearing.

(3) No order shall be made under paragraph (2)(a) above against a person without that person having been given an opportunity to make representations against the making of such an order.

Llofnodwyd ar ran Cynulliad Cenedlaethol Cymru o dan adran 66(1) o Ddeddf Llywodraeth Cymru 1998(**a**).

Signed on behalf of the National Assembly for Wales under section 66(1) of the Government of Wales Act 1998(**a**).

21 Mehefin 2001

21st June 2001

D. Elis-Thomas

Llywydd y Cynulliad Cenedlaethol

The Presiding Officer of the National Assembly

(a) 1998 p.38.

(a) 1998 c.38.

OFFERYNNAUSTATUDOL

2001 Rhif 2281 (Cy. 171)

LLYWODRAETH LEOL, CYMRU

Rheoliadau Ymchwiliadau Llywodraeth Leol (Swyddogaethau Swyddogion Monitro a Phwyllgorau Safonau) (Cymru) 2001

STATUTORY INSTRUMENTS

2001 No. 2281 (W. 171)

LOCAL GOVERNMENT, WALES

Local Government Investigations (Functions of Monitoring Officers and Standards Committees)(Wales) Regulations 2001

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ATODIAD / ENCLOSURE 7

FOR THE ATTENTION OF THE STANDARDS COMMITTEE

Sirs/Madam,

I thank you for affording me the opportunity of submitting representations relating to the findings of the Adjudication Panel for Wales.

May I at the outset declare that I have always jealously guarded my personal integrity, and that it was my stubborn pride in so doing that clouded my judgement. With the benefit of hindsight, I fully accept that I was in clear breach of the Code of Conduct in that I failed to declare my relationship with Mr Geal. In such a close knit community such as Anglesey that relationship would be well known to a significant number of people, including numerous members of the authorities' staff, though I do not use that as any form of excuse for my failure.

The Isle of Anglesey Standards Committee afforded me a very fair hearing, and showed a clear understanding of the issues that I was raising relating to the sale of the land in question. More importantly, they fully accepted that at no time did I seek any pecuniary advantage to either myself or any other party.

It is probable with the benefit of hindsight, that I should have accepted the committee's decision and not have proceeded to appeal it. However, at the time I had been the subject of some seven or eight investigations, which culminated in placing extensive strain which impacted not only on myself, but on my wife and other family members. I was convinced that I was the subject of a witch hunt, for nothing more than diligently carrying out my responsibilities to my electorate in defending their interests.

I take comfort from the comments of the Ombudsman's representative in not wishing to make any direct representation on the original sanction (para 6.2.1). Regarding the Human Rights Act, I should have realised that it is intended for the protection of foreign criminals, asylum seekers and the harassment of British servicemen, and not the free speech of the indigenous population.

I accept the Monitoring Officers submissions as outlined at 6.3.1.

[The next section of the Appeal Tribunal's decision is incorrectly numbered; it should be 6.4 and not 6.3 as printed – an innocent mistake whilst working to a tight timescale?]

At 6.4.3 they find no pecuniary interest.

At 6.4.4 they find a number of what they refer to as aggravating factors, but I find their observations at 6.4.4e as really perverse. Having already concluded that there was no pecuniary interest, they refer to the potential detriment of the under bidder. Clearly if at any time an officer formed an opinion that the prospective purchaser might gain any fiscal advantage, they should have consulted any other party who might have displayed an interest to acquaint him/her of that fact so as to ensure that they were in no way complicit in the creation of that advantage.
I can only assume that they have taken heed of the evidence of an officer who declared on oath that the land was worth £60K with planning permission. I discovered the original intent was indeed to sell the land with the benefit of planning consent, but this was abandoned after

receiving the Environment Agency's declaration that the land was on the river Braint Flood Plain. Misleading if not dishonest evidence?

There is one very strong legal point that both myself, the Standards Committee and the Appeal Tribunal have failed to pick up on.
That is the letter of the 2nd of August 2013 to me from Mr Mike Barton (Head of Property Services), and the officer who I understand initiated the investigation. I gave him an honest answer that I was acting as a councillor. His letter in no way cautioned me that my reply could be used against me in legal proceedings. In legal terms that is deemed as "entrapment" as it could be validly argued that he was acting as agent provocateur when he made the enquiry.

In conclusion, I request that the Standards Committee take heed of two issues:-

1) That Natural Justice prevails. Unreasonable delays are a factor that is contrary to *Natural Justice. This investigation features major delays in reaching a conclusion* which were in no way attributable to me.
   The Appeal was heard in early September 2015 (10th & 11th) some nine months after the original hearing. Judgement was issued on the day but it took a <u>further 12 weeks</u> to before the reasoned judgment was issued, and a further month to communicate it to the authority. The Adjudicating Panels performance time frame stipulates 30 days.
   In fairness, I have raised this point with Ms Ball the Monitoring Officer, who rightly informed me that the delay was not attributable to her, and that she would forward my grievance to the Adjudication Panel for Wales direct. I have no doubt that she has done so, but I have neither received an acknowledgment nor a response.
   I was also denied an opportunity to call three vital witnesses at the September hearing.

2) To seek the guidance of the committee on how as an unaffiliated Independent Member, can I fully represent my electorates interests, without having to constantly look over my shoulder when I uncover incompetence on the part of an officer of the authority, without the constant fear of a reference to the Ombudsman. This latter statement I make with the full knowledge that the majority of officers are efficient and diligent in their duties. Sadly, it is the thin skinned individuals that appear to have the least competence.

I accept that I am at the mercy of the committee but I appeal that you exercise your powers and disregard the recommendations of the Appeal's Tribunal which you are at full liberty to do so. Should you see you way clear to doing so, it will enable me to do what I was elected to do, that is to serve my electorate to the best of my ability, by ensuring value for money. The Code of Conduct was primarily introduced to address corruption, a factor that I have always abhorred.
Thank you,

Peter S. Rogers

Peter Rogers.

ATODIAD / ENCLOSURE 8

DIM SYLWADAU WEDI EU DERBYN

NO SUBMISSIONS RECEIVED

ATODIAD / ENCLOSURE 9

Malltraeth Ymlaen 'cyf'

Bodorgan Community Centre
BODORGAN
Ynys Mon
LL62 5AB

Your ref: M B/MWJ/CC-017471-AP

26th November 2015

Mr Michael Wilson
Chairman
Standards Committee
Isle of Anglesey County Council
Council Offices
LLANGEFNI
Anglesey
LL77 7TW

ADAIN GYFREITHIOL
27 NOV 2015
LEGAL SECTION

Dear Sir,

Re: Cllr. Peter Rogers, Bro Aberffraw Ward.

Thank you for your letter of the 20th November, acknowledging receipt of my letter of the 6th November.
I thank you for your willingness to include that letter in the "public bundle" and I give my full consent for that, and also to include this confirmatory response. For that purpose I enclose another copy of the letter of the 6th November with no "restriction" endorsed on it.
I reiterate my belief that standards in public life are of utmost importance, but they will only be achieved when full transparency exists and democracy take precedent over bureaucracy,

Yours faithfully,

D G Jones – Chairman (for and on behalf of Malltraeth Ymlaen).

Malltraeth Ymlaen 'cyf'

Bodorgan Community Centre
BODORGAN
Ynys Mon
LL62 5AB

6th November 2015

Mr Michael Wilson
Chairman
Standards Committee
Isle of Anglesey County Council
Council Offices
LLANGEFNI
Anglesey
LL77 7TW

Dear Sir,

Re: Cllr. Peter Rogers, Bro Aberffraw Ward.

Sir, I respectfully write to you in my capacity as chair of the Bodorgan community group, Malltraeth Ymlaen to express our serious concerns about the possibility of your committee accepting the perverse recommendations of the Adjuration Panel for Wales. To deny the electorate of the full services of an honest and hardworking elected representative for what amounts to nothing more than technical trivia would be a travesty of natural justice and an insult to democracy, or at least what is left of it.

My understanding of the position is (and I stand to be corrected if wrong) is that Cllr Rogers failed to disclose a personal involvement whilst trying to resolve issues relating to a land transaction. It appears that he had an extremely fair hearing in front of your committee on the 19th December 2014.
Your findings that he did fail to declare an interest cannot be faulted, but you also found that he "facilitated the land transaction for the benefit of both Mr Geal and the Council, and did not seek to advantage Mr Geal at the Council's expense".
Clearly, you found that there was no pecuniary interest, and hence resolved that "it did not amount to a prejudicial interest".

My understanding is that the issue arose from officer failings, and my understanding is that a Councillors role is to scrutinise and highlight failings within an authority. I find it a bit "rich" that officers who dislike their failures exposed can utilise the ombudsman to rid themselves of elected members who are prepared to challenge and expose them.

Having regard to the fact that the ombudsman has revised his guidance to local authorities, and that an incident of this nature would not now be investigated, I respectfully request that you consider the electorate of Bro Aberffraw during your deliberations, and exercise your

Malltraeth Ymlaen 'cyf'

power to disregard the recommendations of the Adjudication Panel. I would even suggest that you review your own decision and substitute a strong censure rather than suspension.

Whilst I fully understand the needs for standards in public life, there must be a balance where a technical breach which amounts to no prejudicial interest can impact on the needs of the electorate which chose that member, or natural justice is totally disregarded.
In conclusion, I wish to stress that Cllr Rogers has no knowledge of our intentions to write to you, and has to the best of my knowledge and belief never suggested such action,

Yours faithfully,



D G Jones – Chairman (for and on behalf of Malltraeth Ymlaen).