

HOLYWELL TOWN COUNCIL

CYNGOR TREF TREFFYNNON

Minutes of the proceedings of a meeting of the Holywell Town Council held in the Council Chamber, Bank Place Offices, Holywell on Tuesday 20th March 2007.

PRESENT: Councillor E.B. Palmer (Deputy Mayor) (in the Chair).
Councillors: S.R. Baker, P.J. Curtis, Mrs. R. Dolphin, J. Griffiths,
Mrs. E. Humphreys, P. Jones, D.W. Jones, B.P. Lambert, G.I. Lloyd, J. Neen,
H.G. Roberts,
A.D. Williams and P.A. York.

APOLOGIES FOR ABSENCE were received from Councillors Mrs. K. Davies (Mayor), R.A. Roberts and D.R. Wilkes.

IN ATTENDANCE: J.A. Jones (Clerk), M. Roberts (Town Centre Manager).

127. 2480 (HOLYWELL) SQUADRON ATC

The Deputy Mayor welcomed Flight Lieutenant Bob Blythe of 2480 (Holywell) Squadron ATC who had requested to attend the meeting to advise Members of the Squadron's activities and current situation.

Flight Lieutenant Blythe thanked the Council for supporting the ATC in the past and in particular for the recent donation.

He gave a detailed talk on the Squadron's activities and referred to the qualifications etc which the cadets could obtain and stressed that there were many youngsters to be proud of.

Flight Lieutenant Blythe was congratulated by several Members for the excellent work being done with these youngsters which would stand them in good stead for the future, such as discipline, teamwork etc.

He answered several questions raised by Members and was thanked by the Deputy Mayor for his informative address and advised that the Council would be delighted to continue working with the Squadron in the future.

128. MAYOR'S REMARKS

The Deputy Mayor referred to the opening of the Lidl Store but Members were advised by Councillor P.J. Curtis that there had been delays and the opening was now scheduled for Thursday 19th April 2007.

He advised Members that Councillor D.R. Wilkes had had a successful operation and wished him a speedy and full recovery.

129. MINUTES

RESOLVED:

That the minutes of the proceedings of the following meetings be approved as correct records:

Council Meeting held on 20 February 2007

Town Centre Sub-Committee held on 26 February 2007

130. PLANNING APPLICATIONS

042722 Erection of 3 No. detached dwellinghouses and construction of retaining wall – land at Holway Cottage Farm, Holway Road, Holywell

Members were advised that this application had been withdrawn.

041878 Demolition of existing garage and rebuilding as a bedroom and en-suite extension – 7 Moor Lane, Holywell

No objections provided sufficient car parking spaces were provided and there would be no detriment to the amenities of neighbouring properties.

042868 Erection of two storey side extension – 9 Ffordd Dwyfor, Greenfield

Supported.

042794 Restoration of elevations to former historic appearance – 31 High Street, Holywell

Fully supported

131. FLINTSHIRE DEVELOPMENT PLANS – POSITION STATEMENT

Members received a copy of the Flintshire Development Plan Position Statement November 2006 which clarified the relationship between the various land use plans currently in use by Flintshire County Council to determine planning applications.

132. ACCOUNTS

132.1. Accounts for Payment

RESOLVED:

That the following accounts be passed for payment:-

<u>Voucher</u>	£
3903 J.A. Jones – Postages and Petty Cash	100.00 [^]
3904 Mrs. M. Edwards – wages - 24/02/07	185.44 ^{****}
3905 M. Roberts – Picture Frame and Advert	20.95 [^]
3906 Viking Direct – Stationery	372.21 [^]
3907 Alpha Business Centre – Photocopier Maintenance	117.50 [^]
3908 Impact Communications – Town Centre Management	1,300.00 ^{**}
3909 Mrs. M. Reed – Secretarial Expenses – March	39.00 ^{***}
3910 J.A. Jones – Salary – March	1,040.75 ^{***}
3911 Inland Revenue – PAYE/Nat Ins – March	642.38 ^{***}
3912 J.A. Jones – Travel	129.28 ^{***}
3913 Public Works Loan Board – Loan Instalment	2,607.70 ^{**^}
3914 Flintshire CAB – Donation	1,000.00 ^{**}
3915 British Gas Trading Ltd – Gas Supplies	<u>919.44^{****}</u>
	8,474.65

Powers to make payments:-

- * The Local Authorities (Allowances for Members of Community Councils) (Wales) Regulations 2003
- ** Local Government Act 1972 S.137
- *** Local Government Act 1972 S.112, 151
- **** Local Government Act 1972 S.133
- ^ Local Government Act 1972 S.111
- ^^ Local Government Act 1972 S.144, 145
- ^^^ Local Government (Miscellaneous Provisions) Act 1976 S.19
- ^^^ Local Government Act 1972 S.143, 111
- *^ Local Government Act 1972 S.140, 111
- **^ Local Government Act 1972 S.176
- **^^ Local Government Act 1972 S.13
- **^^ Local Government Act 1972 S.34
- **^^ Local Government (Misc. Provisions) Act 1953
- ^^** Local Government Act 1972 S174

132.2. Income Received

Members received the schedule of income circulated with the agenda.

133. TOWN CENTRE MANAGER'S REPORT – MARCH

Members received the Town Centre Manager's report for March and he responded to Members' queries on refuse in the town centre, footfall counting projects etc.

Councillor P.J. Curtis reported on a meeting held with representatives of Flintshire County Council regarding current highway problems particularly at the junction of Penymaes Road and the Ring Road and which he considered would be increased following the completion of the new Lidl and Tesco stores.

134. TRAVELLERS' SITES

The Clerk reported that he had received copies of letters etc from the Clerk of Bagillt Community Council, from various sources expressing concerns regarding the establishment of a permanent caravan site on land adjacent to Bagillt Road, Holywell. Many Holywell residents had also expressed extreme concern regarding this illegal development.

Councillor S.R. Baker advised that as the County Councillor for the Ward he had been in constant contact with Flintshire County Council and informed Members that the matter was being dealt with by the County Council and was following the required legal processes. He gave an extensive report to members which included the following information:-

- The encampment, including the importation of materials onto the site, is a breach of planning control for the purposes of the Town and Country Planning Act 1990.
- The primary responsibility to remedy that breach of planning control is upon the landowner. The latest information from HM Land Registry shows the registered proprietors to be certain citizens of the US.
- Whilst the itinerants are not – presently – the owners of the site it is understood that they are taking steps to assume legal ownership.
- Such ownership does not give any rights to develop the land for any purpose without appropriate planning consent.
- If the landowner does not remedy the breach of planning control, the most effective remedy for Flintshire County Council is to seek an injunction, under the relevant provisions of the Town and Country Planning Act, requiring the site to be vacated and restored. This course of action is in progress.

- Despite various uninformed comments to the contrary, the occupiers of the land in this case are legally deemed to be gypsies, and special considerations apply when land has been occupied by gypsies.
- A House of Lords case in 2003 has made it clear that, before applying to the Court for an injunction, local planning authorities must, as well as assessing the planning situation, carry out an assessment of the personal circumstances of those occupying the land. It will then be a matter for the Court, taking account of all the relevant circumstances (which will include any effect upon the residential amenity of other property owners) whether or not what the authority is applying for is proportionate; in other words, fair and reasonable.
- A full planning assessment has been carried out, and on the basis of that assessment the breach of planning control is considered serious enough to justify an injunction application. This assessment included an ecological inspection.
- In addition to this planning assessment, visits to the site have been made by
 1. The Council's Equalities Policy Officer who is coordinating other necessary actions.
 2. Health Visitors who completed their final visit yesterday.
 3. Social Services and Housing.
 4. Education Welfare who have one further follow-up visit to make this week.
- Once all assessments have been concluded, County solicitors will then be in a position to seek legal counsel's advice as to the merits of any case to be presented to the court, and the likely prospects of success. To avoid delays, arrangements have been in hand for a barrister to be on standby to pursue the matter.
- If counsel advises that the prospects of success are reasonable, it should be possible to get a hearing before a judge within a matter of a few days.
- Although the assessments of the itinerants' needs are being expedited, I cannot give you any firm indication of a timetable as we are very much in the hands of the lawyers and the judges. It is worth mentioning that if an injunction is obtained the only sanction for non-compliance is imprisonment for contempt of court. The practical reality of enforcing any injunction will figure in determining whether or not any such injunction will be granted.

It is appropriate that I comment upon various allegations that have been made to the effect that the County Council is either failing, or refusing to take action regarding the breach of planning control which has taken place. I have to say these allegations are totally without foundation.

Councillor Baker added that Flintshire County Council Officers could not have done more to address the issue and acted promptly since they were first made aware of it on 1st or 2nd March 2007.

Councillor Baker was congratulated and fully supported on his actions and report by various Members.

Several Members expressed their concern regarding the development but appreciated that the legal process had to be followed which does take some time and would frustrate local residents who were seeking urgent action.

RESOLVED:

- (1) That Councillor Baker be fully supported and thanked for pursuing the issue.
- (2) That the legal process be allowed to take its course.
- (3) That the Council write to Flintshire County Council expressing their concerns regarding planning, environmental, health & safety and highway issues.

135. LOCAL SERVICE BOARDS/LOCAL SERVICE REQUIREMENTS – CONSULATIVE BOARD

RESOLVED:

That the document be received.

136. FLINTSHIRE YOUTH AND COMMUNITY SERVICE – HOLYWELL SUMMER ACTIVITIES

Members considered a letter from the Assistant County Youth and Community Officer requesting the Council to consider contributing £650 to the Summer Activities Programme (11-18 year olds).

The Clerk advised that there was £170 available in the budget for 2007/08 and Members did not support the scheme last year owing to low numbers in previous years.

RESOLVED:

That the Council do not contribute to the Summer Activities Programme 2007.

137. THE SMOKE-FREE PREMISES ETC (WALES) REGULATIONS

Members received the information, circulated with the agenda, regarding the new 'Smoke-Free Premises etc (Wales) Regulations.

138. HOUSING SUMMIT – 22 MARCH 2007

Members considered an invitation from the Interim Head of Customer and Housing Services, Flintshire County Council, to a Housing Summit scheduled to be held at the Beaufort Palace Hotel, New Brighton, Mold on Thursday 22nd March 2007 from 10am to 4pm.

Members were informed that the County Councillors serving on the Town Council would be attending the meeting.

RESOLVED:

That the invitation be received.

139. EXCLUSION OF PUBLIC AND PRESS

RESOLVED:

That in view of the confidential nature of the business to be discussed, press and public be excluded for agenda item 11 – CCTV Scheme.

140. CCTV SCHEME

Members received a confidential report from the Manager of the CCTV Unit and welcomed the information contained therein and in particular proof that the cameras were effective.

RESOLVED:

That the Clerk obtains further information on the outcome of the various incidents.

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Mayor