

At a Meeting of Pembroke Dock Town Council held at Pater Hall, Pembroke Dock on Thursday, 4th September, 2003 at 6.30 p.m.

PRESENT:

Councillor Mrs. P.E.M. Folland, Mayor
Councillors D. Brinn, W.J. Davies,
Mrs. P.E. George, P.G. Gwyther,
K.C. Higgs, D.L. Jones, S. Perkins,
Mrs. V.M.J. Roach, R.G. Watts,
P. Weatherall

IN ATTENDANCE:

Mr. T.R. Edwards, Town Clerk
Mrs. P.E. Prout, Secretary

The Meeting was opened with Prayer.

85. WELCOME TO COUNCILLOR D. BRINN

The Mayor extended a welcome to Councillor D. Brinn who was attending his first Council Meeting.

86. WELCOME – COUNCILLOR W.J. DAVIES

The Mayor welcomed back Councillor W.J. Davies who was attending his first meeting after his recent hospitalisation.

87. CONGRATULATIONS – TOWN CLERK

The Mayor on behalf of Council congratulated Mr. T.R. Edwards, Town Clerk on the occasion of his recent marriage.

88. MAYOR'S REPORT

The Mayor, Councillor Mrs. P.E.M. Folland informed the Council of her engagements since the last meeting.

ND

89. **MINUTES**

PROPOSED by Councillor S. Perkins
SECONDED by Councillor R. Watts

RESOLVED –

That the Minutes of the Meeting held on the 24th July, 2003 be adopted as circulated subject to the following amendments:-

90. **MATTERS ARISING FROM THE MINUTES**

(a) **Minute 66 – Ferry Terminal**

Councillor R. Watts stated that he had checked both UK and European legislation and verified that under current rules it is not incumbent upon ferry ports to provide parking for freight.

(b) **Minute 69(d) – Britannia Road – Opposite Catholic School – Parking**

The Mayor stated that the vehicles were now back at the above location and suggested that the Police visit the above area in the near future.

(c) **Minute 69(c) – Site of former Albion Garage**

Councillor R. Watts stated that although planning permission had not be granted for the above site the foundations were in.

RESOLVED –

That Pembrokeshire County Council be advised of the Council's concern that although the Council had not received a planning decision the foundations had been constructed.

(d) **Minute 69(i) – Llanion Cemetery – Complaints**

Councillor Mrs. P.E. George referred to the report by the Area Technician, Pembrokeshire County Council who had stated that there were no problems found with the standard of grass cutting at the above Cemetery. Councillor George stated that she had received numerous complaints regarding the fact that the grass is not removed after cutting. The present standard of maintenance of the Cemetery is not acceptable and should be reviewed.

RESOLVED –

That Pembrokeshire County Council be requested to include removal of grass cuttings at the above Cemetery.

(e) Minute 69(o) – Weed Spraying – Town/Flower Bed – Imble Lane

Councillor Mrs. V.M.J. Roach stated that the flower border on Top Road/Imble Lane had now been removed but the pavement required re-surfacing were the border had been sited. A border sited at the top of Queen Street/corner of Wellington Street urgently required attention.

RESOLVED –

- (1) That Pembrokeshire County Council be requested to resurface the pavement were the border had been sited at the above location.
- (2) That Pembrokeshire County Council be requested to carry out maintenance work at the border sited at the top of Queen Street/corner of Wellington Street.

(f) Minute 69(p) – Port Hotel – Future

Councillor Mrs. V.M.J. Roach referred to the continued occupation of the grounds of the hotel by itinerants, caravans, etc. A joint meeting with Social Services, Housing and the occupants is to be held to complete an assessment of the position. It is hoped that the site would be vacated in the near future and sealed off as requested by the owner.

(g) Minute 72(71) – Local Government Act, 2000 – Disclosure and Registration of Interests

The Town Clerk stated that he had received only eight completed forms and requested that Members would return their forms to the Office as soon as possible.

(h) Minute 72(75) – NHS Dentists in Pembrokeshire

Councillor P. Weatherall stated that one of the NHS dentist surgeries in the Town would be closed later in September, 2003 but that the patients had been transferred to a practice in Pembroke.

(i) Minute 72(77) – Unsociable Behaviour – Park and Queen Streets

Councillor S. Perkins reported that the residents report all incidents of unsociable behaviour to the Police. Meetings had also been held with Mr. N. Ainger MP and Ms Christine Gwyther AM but the situation had not improved.

(j) Minute 73(84) – Essex Road

The Town Clerk reported that a letter had been received from Pembrokeshire County Council which stated a children playing sign would only be used in conjunction with a recognised play area. The signs would not be used on Essex Road.

The question of introducing double yellow lines was put to residents on the 1st August, 2003. The initial response to the proposal was mixed. A review of the replies would be made later to see if the measure is to be advertised for a traffic order.

(k) Minute 76© - Military Cemetery – Head Stones – Vandalism

Councillor Mrs. V.M.J. Roach stated that after a recent visit to the above Cemetery she was appalled to see that the seat which had been donated by Do It All had its arm rests broken off, also there were a number of empty beer cans littering the cemetery.

Councillor R. Watts stated that headstones are being vandalised, beer cans littered, dogs fouling, litter and garden waste being deposited in the Cemetery. He stated that the War Graves Commission had been advised of the appalling condition of the Cemetery.

RESOLVED –

That Radio Pembrokeshire and the Western Telegraph be requested to report on the condition of the Cemetery and the acts of vandalism in an attempt to raise public awareness and to report such matters to the Police.

91. MINUTES OF THE SPECIAL MEETING

PROPOSED by Councillor P.G. Gwyther
SECONDED by Councillor R.G. Watts

RESOLVED –

That the Minutes of the Special Meeting held on the 5th August, 2003 be adopted as circulated subject to the following amendments:-

92. MATTERS ARISING FROM THE MINUTES

Minute 83 – Albion Square Centenary Lamp and Monument

The Town Clerk reported that Councillor D.L. Jones, Mrs. V.M.J. Roach and R.G. Watts had met with Mr. Sanderson-Duckett, Area Maintenance Manager to discuss the above matter on the 7th August, 2003. It was agreed that steel bollards should be erected on each corner in order to attempt to curtail the skateboards and that the Council would make a contribution of £500 towards the cost.

Councillor Mrs. V.M.J. Roach stated that young persons were recently skateboarding around St. John's Memorial.

RESOLVED –

- (1) That the Council confirm the above decision.
- (2) That the Schools in Town be requested to inform pupils of the historical significance of the war memorials in an attempt to stop skateboarding activities being carried out.

93. REPORT OF TOWN CLERK

MATTERS DEAL WITH DURING RECESS

92. Planning Matters

The following planning applications were received and Ward Members consulted:-

523/03	W.H.R. & S.E. Davies Sunnymead Chapel Road Llanreath Pembroke Dock	Adjacent to Sunnymead, Chapel Road, Llanreath – Residential Development
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**Recommendation of Ward Members – Refuse – no details
given of units proposed. Possible overdevelopment and
extreme access problems.**

527/03	Mr. & Mrs. G. Bertos 69 High Street Pembroke Dock	Land south of West Winds, Llanreath – One Dwelling
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Recommendation of Ward Members – Approve subject to satisfactory access

528/03	South Haven Construction Stockwell Road Pembroke Dock	17 Charles Thomas Avenue - Detached Garage
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Recommendation of Ward Members – No objection

529/03	Mr. R. Farrelly 2 Lawnswood Saundersfoot	Land at Bellevue Terrace – Erection of Starter Homes
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Recommendation of Ward Members – No objection

547/03	Mr. & Mrs. H. Owen 30 Market Street Pembroke Dock	Land south of, 23 Market Street – Erection of Dwelling
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Councillor Mrs. V.M.J. Roach declared her interest in the above application.

Recommendation of Ward Members – No objection

548/03	Draig Developments c/o Ken Morgan Design The Studio Little Greenway Crinow	Housing Development, King William Street – Residential Development of 3 units
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Recommendation of Ward Members – No objection

93. Proposed Mini Roundabout – Bush Street/Meyrick Street

The Town Clerk enclosed at Appendix "A" a letter from Pembrokeshire County Council which requested the Council's views on the possible provision of a mini-roundabout at this location.

RESOLVED -

That the Council advise Pembrokeshire County Council that the possible provision of a mini-roundabout at the above location be refused.

94. Parking Bays – Upper Meyrick Street

The Town Clerk enclosed at Appendix "B" a letter from Pembrokeshire County Council regarding a request that consideration be given for further echelon bays on Upper Meyrick Street, from the Adult Education Centre to the remainder of the west side of the street. If the Council had no adverse comments the views of the residents would be sought before the measure is progressed further.

RESOLVED -

That Pembrokeshire County Council be advised that the Council approve the parking bays in the above location subject to the views of the residents being sought.

95. Unsociable Behaviour – Park Street and Queen Street

The Town Clerk referred to the debate at the Council Meeting on the 24th July, 2003 and enclosed at Appendix "C" a further letter from the Community Safety Officer, Pembrokeshire County Council.

RESOLVED -

That the Community Safety Officer, Pembrokeshire County Council be requested to provide the Council with an up-date in the above matter.

**96. Donation
Pembroke Dock Pensioners Friendship Club**

The Town Clerk reported that a request for a donation from the above Club had been received and was enclosed at Appendix "D." Audited accounts had been received. Members were reminded that a donation of £100 had been made in March, 2002.

RESOLVED -

That the Council give a donation of £100 to the Pembroke Dock Pensioners Friendship Club.

97. Battle of Britain Sunday

The Town Clerk reported that an invitation had been received from the RAFA to the annual Battle of Britain Service, which will be held on Sunday, 21st September, 2003 at St. John's Church. The service starts at 11.30 a.m. The Mayor will lay a wreath on behalf of the Town at 11.15 a.m.

98. The Tanyard Youth Project

The Town Clerk reported that an invitation had been received from the above Youth Project for Councillors to attend the annual General Meeting of the Trust on Wednesday, 10th September, 2003 at 7.00 p.m. The Guest Speaker will be Christine Gwyther AM.

99. Pembrokeshire Coast National Park – Seminar

The Town Clerk reported that an invitation had been received for the Council to send two representatives to attend a Community Council Seminar on Saturday, 20th September, 2003 at the Merin Theatre, Haverfordwest. Registration and coffee will be from 9.30 a.m. with the Seminar commencing at 10.00 a.m. a buffet lunch will also be provided.

The Town Clerk reminded Members that in May, 2003 Councillors Mrs. P.E.M. Folland and S. Perkins with Councillor Mrs. V.M.J. Roach as reserve had been appointed to attend the above Seminar.

100. Proposed Variation of Evening Surgeries at Dimond Street, Pembroke Dock and Castlegate, Pembroke

The Town Clerk reported that a letter had been received from the Pembrokeshire Community Health Council in respect of the above matter which was enclosed at Appendix "E." Members would note that the Council's opinion upon the proposal was sought within ten day/s. The Community Health Council had been informed that the Council were in recess during August and requested an extension of time in order that this matter can be discussed at this Meeting.

RESOLVED –

That the Council have no objection to the variation of evening surgeries at Dimond Street, Pembroke Dock.

101. Joint Unitary Development Plan

The Town Clerk reported that in advance of the forthcoming Public Inquiry, a further copy of the JUDP had been received, and was available for inspection.

This copy rectified drafting errors and to accommodate representations received.

102. Ferry Lane/Bush Hill

The Town Clerk referred to the Council Meeting on the 24th July, 2003 when it was resolved to request Pembrokeshire County Council to consider reducing the speed limit at Ferry Lane and Bush Hill from 40 mph to 30 mph. Enclosed at Appendix "F" was the response received.

RESOLVED –

That the Police be requested to provide details of the number of accidents at the junctions with Top Road, Bush Street and London Road which had occurred since the acceleration lane at Top Road had been removed.

103. Homeless Strategy for Pembrokeshire

The Town Clerk reported that a copy of the draft Homeless Strategy for Pembrokeshire had been received from Pembrokeshire County Council and was available for inspection by Members. This can be viewed at www.pembrokeshire.gov.uk. Any comments on this document to be forwarded in writing by Friday, 27th September, 2003.

104. Milford Haven Port Authority

The Town Clerk reported that a copy of the Annual Report and Accounts for the above Authority for 2002 had been received and was available for inspection by Members.

105. Planning Applications

The following applications had been received and was submitted for consideration by Council:-

566/03	Morbaine Ltd. The Finlan Centre Hale Road Widnes, Cheshire	Land at, London Road – Variation of condition no.8 of planning permission 98/0010/PA
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PROPOSED by Councillor P. Weatherall
SECONDED by Councillor Mrs. P.E. George

RESOLVED –

That the Council have no objection to the application.

570/03	Mr. W.I.H. Jenkins Priory Farm Pembroke	81 Bush Street – Certificate of Lawfulness – property divided into two flats
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PROPOSED by Councillor R.G. Watts
SECONDED by Councillor P. Weatherall

RESOLVED –

That the Council have no objection to the application

573/03 Mr. & Mrs. G. Hart Plot 49, The Point, Pennar –
 25 Park Street New Residential Dwelling
 Pembroke Dock

PROPOSED by Councillor P.G. Gwyther
SECONDED by Councillor R.G. Watts

RESOLVED –
That the Council have no objection to the application

576/03 Pembroke Dock Museum Trust Former Mechanics Institute –
 c/o Gun Tower Museum Change of use to museum and
 Front Street educational use (D1)
 Pembroke Dock

(Councillors Mrs. P.E. George and R.G. Watts declared their respective interest in the above application and took no part in the discussion and did not vote).

PROPOSED by Councillor Mrs. V.M.J.. Roach
SECONDED by Councillor S. Perkins

RESOLVED –
That the Council have no objection to the application.

618/03 Mr. & Mrs. Jordan 7 Connaught Way, Llanion –
 7 Connaught Way Extend Conservatory
 Llanion
 Pembroke Dock

PROPOSED by Councillor S. Perkins
SECONDED by Councillor K.C. Higgs

RESOLVED –
That the Council have no objection to the application

627/03 Morbaine Ltd. Land at London Road –
 The Finlan Centre Non food retail development with
 Hale Road associated parking and servicing
 Widnes facilities
 Cheshire

PROPOSED by Councillor S. Perkins
SECONDED by Councillor R.G. Watts

RESOLVED –
That the Council have no objection to the application.

630/03	Mr. & Mrs. James 2 Cheriton Road Pennar Pembroke Dock	2, Cheriton Road, Pennar – Extension to form disabled bedroom and shower room
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PROPOSED by Councillor S. Perkins
SECONDED by Councillor P. Weatherall

RESOLVED –
That the Council have no objection to the application.

106. Planning Decisions

The following decisions had been received from Pembrokeshire County Council in respect of current planning applications:-

286/03 – Victoria Hall, Nelson Street, Pennar – Residential development (outline) –

Approved

357/03 – 18 Ferry Road, Pennar – Two storey extension to rear of house to provide dining room and extra bedroom – **Approved**

374/03 – The Old Brewery, Upper Meyrick Street – Amendments to 00/0915/PA revised elevations – **Approved**

386/03 – Plot F, St. Patricks Hill – New residential dwelling - **Approved**

107. Planing Matter

Publicity for Planning Applications – Ref. No. 03/0494/PA

The Town Clerk reproduced at Appendix “G” a copy of a letter received from Mr. D. Donnachie, 31 Essex Road, Pembroke Dock for consideration by Council. Members were reminded that the application was deferred at the Council Meeting on the 5th August, 2003.

(Councillor K.C. Higgs declared his interest in the above application and took no part in the discussion and did not vote).

RESOLVED –

That the Council fully support Mr. Donnachie’s request that the bathroom and bedroom windows of the property be different to the style shown in the plans i.e. possibly Velux windows which allow light and would not overlook the rear of the property.

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94. **SUPPLEMENTARY REPORT OF TOWN CLERK**

108. **The Pater Hall Charitable Trust**

The Town Clerk reported to Members that he had written to the National Association of Local Councils for advice on a number of issues concerning the possible formation of a Pater Hall Charitable Trust. A reply had now been received and was enclosed at Appendix "H" together with my original letter. Copies had also been sent to Mr. Huw Morgan and Mr. Alex Allison.

The information received would be considered by the Pater Hall Charitable Trust Sub-Committee on the 9th September, 2003. In the meantime, Members were requested to carefully study the contents of the advice given as there were some very important matters to be considered.

RESOLVED –

That this matter be considered at the Pater Hall Charitable Trust Sub-Committee on the 9th September, 2003.

109. **Sloggetts Hill, Pembroke Dock**

The Town Clerk enclosed at Appendix "T" a letter from Pembrokeshire County Council which requested the Council's views on the provision of a sign at the above location.

RESOLVED –

That the Council approve the provision of a sign at the above location.

110. **Pembrokeshire Crossroads Ltd.**

Notification has been received that the Annual General Meeting will be held on Thursday, 18th September, 2003 at 7.30 p.m. in the Withybush Conference Centre, Fishguard Road, Haverfordwest. Members are invited to attend.

111. **Planning Decisions**

The following decisions had been received from Pembrokeshire County Council in respect of current planning applications:-

215/03 - Land at Charles Thomas Avenue, London Road – Erection of 13 bungalows, 6 houses and 4 dormer bungalows – **Approved**

225/03 – Plot 1 land adj. Pembroke Haven Residential Home, Connaught Road – New bungalow – **Approved**

228/03 – Plot 2, Connaught Road, Llanion Park – Residential Bungalow – **Approved**

235/03 – Land rear of Brewery Street – 1 No. Dwelling – **Refused**

301/03 – Park House – Conversion of dwelling into 2 No. Units - **Approved**

376/03 – 3 Dimond Street – Change of use of first and second floor accommodation from residential to staff room/store and W.C. associated with existing ground floor retail use –
Approved

95. PATER PANTOMIME SOCIETY – DONATION

The Town Clerk reported that a letter had been received from the Pater Pantomime Society o
thanking the Council for their donation of £100.

96. REPORT OF FINANCIAL OFFICER

13. Payment of Accounts

The following accounts were paid out of meeting during recess:-

68. A. Johnstone – Honorarium – Computer Aid	£250.00
69. Lowless & Lowless – Fees – Charitable Turst	£325.50
70. Postage by Phone – Postage	£50.00
71. M. Roberts – Internal Audit	£100.00

The following accounts were submitted for payment:-

72. Pitney Bowes – Maintenance of Postage Meter	£11.74
73. Willowdale Flowers – Wreath (Memorial Service to Firemen)	£25.00
74. Hagemeyer – Lamps	£33.79
75. The Royal British Legion – Donation	£50.00
76. Impact Software – Telephone Support	£55.00
77. Mrs. A. Scourfield – Donation – Jason & Lucy Scourfield (Fencing)	£100.00
78. Kidde Fire Protection Services – Testing Emergency Lighting	£244.95
79. Postage by Phone – Postage	£50.00
80. Welsh Water – Pater Hall	£257.76

The Financial Officer requested that account No.72 be increased to £23.48 (two months) and
account no. 78 be amended to £244.59.

PROPOSED by Councillor Mrs. P.E. George
SECONDED by Councillor S. Perkins

RESOLVED -

That account nos. 68-80 be approved for payment.

14. Transfer to Imprest Account

The sum of £3,746.95 was transferred to the Imprest Account in respect of Salaries, Wages, Tax and National Insurance paid during the month of July, 2003 and £3,370.49 for August.

97. MATTERS RAISED VERBALLY

(a) Age Concern – Council Representation

Councillor Mrs. V.M.J. Roach stated that she had been requested by Age Concern to confirm as to whether she would be the Council's representative on their Committee.

RESOLVED –

That Councillor Mrs. V.M.J. Roach continue to be the Council's representative on the Age Concern Committee.

(b) Navy Tavern – Appearance

Councillor Mrs. V.M.J. Roach referred to the improved aesthetic appearance of the above property and it was

RESOLVED –

That the Clerk write to the owner of the Navy Tavern congratulating him on the improved appearance of the property.

(c) 80 Upper Meyrick Street – Refuse

Councillor Mrs. V.M.J. Roach referred to the refuse which is left out days in advance of collection.

RESOLVED –

That Pembrokeshire County Council be requested to investigate the above complaint.

(d) 190th Anniversary of the Town

Councillor K.C. Higgs expressed concern that a Public Meeting had been arranged in Pater Hall without Councillors knowledge by County Councillor B.J. Hall to discuss the 190th Anniversary of the Town next year. Reference was made to the fact that PLANED had also convened a Public Meeting to discuss the 190th Anniversary of the Town and clarification was sought.

The Town Clerk stated that he had been on annual leave and that a room at Pater Hall had been booked by Councillor Hall.

Councillor Mrs. P.E. George stated that along with Councillor D.L. Jones she had attended a meeting in County Hall with Councillor B.J. Hall to discuss the Anniversary celebrations.

Members expressed their concern that this matter should have been considered by them initially prior to the convening of a Public Meeting and that protocol had not been adhered to.

(e) Connacht Way to Pembroke Ferry – Road Reinstatement

Councillor K.C. Higgs reiterated his concern that the reinstatement of the tarmaced surface of the right of way leading to Pembroke Ferry had still not been undertaken, following footpath lighting works.

RESOLVED –

That Pembrokeshire County Council be requested to ensure that the designated footpath be tarmaced.

(f) 49 Gwyther Street – Weed Growth

Councillor W.J. Davies expressed his continued concern regarding the appalling appearance and weed growth at the above property.

RESOLVED –

That Pembrokeshire County Council be requested to undertake weed clearance at the above property as a matter of priority.

(g) Pembroke Ferry/Cleddau Bridge Roundabout Junction

Councillor S. Perkins referred to the danger experienced by motorists that visibility is not possible at the above location due to growth of trees. A Meeting had been held with Area Maintenance Manager, Pembrokeshire County Council who had advised that the trees had been planted by way of European funding. A speed limit would be introduced and it was hoped that this would assist in alleviating the present problem.

(h) Graving Dock

Councillor R.G. Watts advised Members that it is the intention of the Milford haven Port Authority to reinstate the Graving Dock from where the Victoria/Albert 3rd ship had been launched. This project would be in a two-three year timescale.

(i) Upper Laws Street – Traffic Problems

Councillor P. Weatherall stated that he had received numerous complaints from residents that articulated lorries travel up the above street due to lack of signposting and then have to reverse down it usually during the middle of the night which is causing noise nuisance to the residents.

RESOLVED –

That Pembrokeshire County Council be requested to reinstate road signs for ferry traffic on the south west corner of the junction with Bush Street.

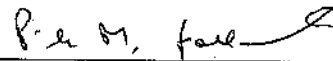
(j) Church Street – Pavement

Councillor D.L. Jones referred to the pavement which needed reinstatement on the Church Street/Bush Street junction.

RESOLVED –

That Pembrokeshire County Council be requested to reinstate the pavement at the above location.

The Meeting terminated at 8.30 p.m.



Mayor.

PEMBROKE DOCK TOWN COUNCIL

REPORT OF TOWN CLERK

4TH SEPTEMBER, 2003

Madam Mayor, Ladies and Gentlemen,

PART I - MATTERS DEALT WITH DURING RECESS

92. PLANNING MATTERS

The following planning applications were received and Ward Members consulted:-

523/03	W.H.R. & S.E. Davies Sunnymead Chapel Road Llanreath Pembroke Dock	Adjacent to Sunnymead, Chapel Road, Llanreath – Residential Development
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Recommendation of Ward Members – Refuse – no details given of units proposed. Possible overdevelopment and extreme access problems.

527/03	Mr. & Mrs. G. Bertos 69 High Street Pembroke Dock	Land south of West Winds, Llanreath – One Dwelling
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Recommendation of Ward Members – Approve subject to satisfactory access

528/03	South Haven Construction Stockwell Road Pembroke Dock	17 Charles Thomas Avenue - Detached Garage
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Recommendation of Ward Members – No objection

529/03	Mr. R. Farrelly 2 Lawnswood Saundersfoot	Land at Bellevue Terrace – Erection of Starter Homes
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Recommendation of Ward Members – No objection

547/03	Mr. & Mrs. H. Owen 30 Market Street Pembroke Dock	Land south of, 23 Market Street – Erection of Dwelling
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Councillor Mrs. V.M.J. Roach declared her interest in the above application.

Recommendation of Ward Members – No objection

548/03	Draig Developments c/o Ken Morgan Design The Studio Little Greenway Crinow Narberth	Housing Development, King William Street – Residential Development of 3 units
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Recommendation of Ward Members – No objection

PART II – CORRESPONDENCE

93. PROPOSED MINI ROUNDABOUT – BUSH STREET/MEYRICK STREET

I enclose at Appendix “A” a letter from Pembrokeshire County Council requesting the Council’s views on the possible provision of a mini-roundabout at this location.

Members’ instructions are requested.

94. PARKING BAYS – UPPER MEYRICK STREET

Enclosed at Appendix “B” is a letter from Pembrokeshire County Council regarding a request that consideration be given for further echelon bays on Upper Meyrick Street, from the Adult Education Centre to the remainder of the west side of the street. If the Council has no adverse comments the views of the residents will be sought before the measure is progressed further.

Members’ instructions are requested.

95. UNSOCIABLE BEHAVIOUR – PARK STREET AND QUEEN STREET

Further to the debate at the Council Meeting on the 24th July, 2003 I enclose at Appendix “C” a further letter from the Community Safety Officer, Pembrokeshire County Council.

**96. DONATION
Pembroke Dock Pensioners Friendship Club**

The request for a donation is enclosed at Appendix “D.” Audited accounts have been received. A donation of £100 was made in March, 2002.

97. BATTLE OF BRITAIN SUNDAY

An invitation has been received from the RAFA to the annual Battle of Britain Service, which will be held on Sunday, 21st September, 2003 at St. John's Church. The service starts at 11.30 a.m. The Mayor will lay a wreath on behalf of the Town at 11.15 a.m.

98. THE TANYARD YOUTH PROJECT

An invitation has been received from the above Youth Project for Councillors to attend the annual General Meeting of the Trust on Wednesday, 10th September, 2003 at 7.00 p.m. The Guest Speaker will be Christine Gwyther AM.

99. PEMBROKESHIRE COAST NATIONAL PARK – SEMINAR

An invitation has been received for the Council to send two representatives to attend a Community Council Seminar on Saturday, 20th September, 2003 at the Merin Theatre, Haverfordwest. Registration and coffee will be from 9.30 a.m. with the Seminar commencing at 10.00 a.m. a buffet lunch will also be provided.

100. PROPOSED VARIATION OF EVENING SURGERIES AT DIMOND STREET, PEMBROKE DOCK AND CASTLEGATE, PEMBROKE

A letter has been received from the Pembrokeshire Community Health Council in respect of the above matter which is enclosed at Appendix "E." Members will note that the Council's opinion upon the proposal was sought within ten days. The Community Health Council have been informed that the Council are in recess during August and requested an extension of time in order that this matter can be discussed at this Meeting.

101. JOINT UNITARY DEVELOPMENT PLAN

In advance of the forthcoming Public Inquiry, a further copy of the JUDP has been received, and is available for inspection.

This copy rectifies drafting errors and to accommodate representations received.

102. FERRY LANE/BUSH HILL

At the Council Meeting on the 24th July, 2003 it was resolved to request Pembrokeshire County Council to consider reducing the speed limit at Ferry Lane and Bush Hill from 40 mph to 30 mph. I enclose at Appendix "F" the response received.

103. HOMELESS STRATEGY FOR PEMBROKESHIRE

A copy of the draft Homeless Strategy for Pembrokeshire has been received from Pembrokeshire County Council and is available for inspection by Members. It can also be viewed at www.pembrokeshire.gov.uk. Any comments on this document should be forwarded in writing by Friday, 27th September, 2003.

104. MILFORD HAVEN PORT AUTHORITY

A copy of the Annual Report and Accounts for the above Authority for 2002 has been received and is available for inspection by Members.

PART III – PLANNING

105. PLANNING APPLICATIONS

The following applications have been received and is submitted for consideration by Council:-

566/03	Morbaine Ltd. The Finlan Centre Hale Road Widnes, Cheshire	Land at, London Road – Variation of condition no.8 of planning permission 98/0010/PA
570/03	Mr. W.I.H. Jenkins Priory Farm Pembroke	81 Bush Street – Certificate of Lawfulness – property divided into two flats
573/03	Mr. & Mrs. G. Hart 25 Park Street Pembroke Dock	Plot 49, The Point, Pennar – New Residential Dwelling
576/03	Pembroke Dock Museum Trust c/o Gun Tower Museum Front Street Pembroke Dock	Former Mechanics Institute – Change of use to museum and educational use (D1)
618/03	Mr. & Mrs. Jordan 7 Connaught Way Llanion Pembroke Dock	7 Connaught Way, Llanion – Extend Conservatory

627/03	Morbaine Ltd. The Finlan Centre Hale Road Widnes Cheshire	Land at London Road – Non food retail development with associated parking and servicing facilities
630/03	Mr. & Mrs. James 2 Cheriton Road Pennar Pembroke Dock	2, Cheriton Road, Pennar – Extension to form disabled bedroom and shower room

106. PLANNING DECISIONS

The following decisions have been received from Pembrokeshire County Council in respect of current planning applications:-

286/03 – Victoria Hall, Nelson Street, Pennar – Residential development (outline) – **Approved**

357/03 – 18 Ferry Road, Pennar – Two storey extension to rear of house to provide dining room and extra bedroom – **Approved**

374/03 – The Old Brewery, Upper Meyrick Street – Amendments to 00/0915/PA revised elevations – **Approved**

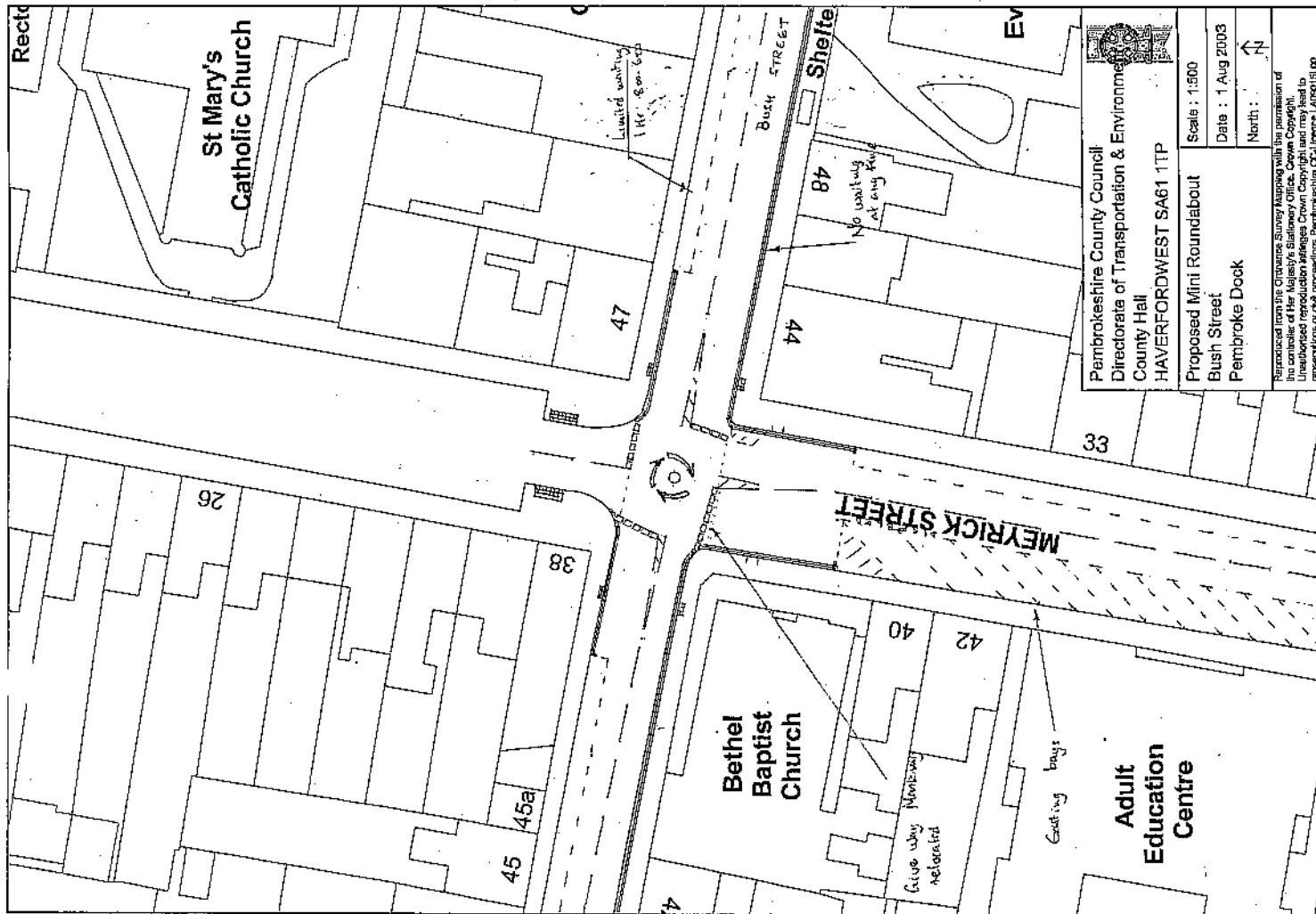
386/03 – Plot F, St. Patricks Hill – New residential dwelling - **Approved**

107. PLANNING MATTER PUBLICITY FOR PLANNING APPLICATIONS – REF.NO. 03/0494/PA

Reproduced at Appendix “G” is a copy of a letter received from Mr. D. Donnachie, 31 Essex Road, Pembroke Dock for consideration by Council.

T.R. EDWARDS

Town Clerk



Cyngor Sir Penfro - Pembrokeshire County Council

APT XIX "A"

BRYN PARRY-JONES, A.L. (Town)
Chief Executive
R. BARRETT-EVANS, R.A. (Gen. Mgr.)
Director of Development
Pembrokeshire County Council
County Hall, HAVERFORDWEST,
Pembrokeshire, SA61 1TP
DX 9839 HAVFORDWEST
Telephone 01437 764551
Fax 01437 773394

www.pembrokeshire.gov.uk

Please reply to Transportation
and Environment Directorate

- 6 AUG 2003

WED/JFM/14113

Mr J Price

01437 - 775088 (Fax 01437 - 775008)

4 August 2003

Mr T R Edwards (Clerk)
Pembroke Dock Town Council
Pater Hall
Lewis Street
Pembroke Dock
Pembrokeshire
SA72 6DD

Dear Mr Edwards

Proposed Mini Roundabout Bush Street / Meyrick Street, Pembroke Dock

The suggestion has been made of introducing a mini roundabout at the above junction. The recorded injury accidents for 2000 - 2002 have three slight injury collisions with one event in each year.

Enclosed is a plan of the proposal and I would appreciate your views on this matter in due course.

Yours sincerely

W B Davies
Head of Infrastructure Management

Enclosure.





Your ref
Ext ref
My ref
By agreement
These ask for
Copied on
Telephone
Date
Dyland

WBD/JPB/4113
Mr J Price
01437 - 775008 (Fax 01437 - 775009)
4 August 2003

BRYN PARRY-JONES, M.A. (Hon)
Chief Executive
R. BARRETT-EVANS, B.Sc. (Hon) MSc
Director of Development
Pembroke Dock Town Council
County Hall, Haverfordwest,
Pembroke Dock, SA61 1TP
DX 9035 HAVERFORDWEST
Telephone 01437 74551
Fax 01437 77534

www.pembroke-dock.gov.uk
Please reply to Transportation
and Environment Directorate

Mr T R Edwards (Clerk)
Pembroke Dock Town Council
Pater Hall
Lewis Street
Pembroke Dock
Pembroke Dock
SA72 6DD

- 6 AUG 2003

Dear Mr Edwards

Parking Bays - Upper Meyrick Street, Pembroke Dock

A resident has requested consideration of further echelon bays being marked on this road. You will be aware that the lower section of the street has bays set at an angle to the kerbline outside the Adult Education Centre. The enclosed plan indicates the proposal to extend these bays to the remainder of the west side of the road. If you have no adverse comments then the views of other residents will be sought before the measure is progressed.

Yours sincerely

W B Davies

W B Davies
Head of Infrastructure Management

Enclosure.

Pembroke Dock Town Council
Directorate of Transportation & Environment
County Hall
HAVERFORDWEST SA61 1TP

Scale: 1:1250
Date: 4 Aug 2003
North: ↑

Accident Record
1.1.2000 - 31.12.2002
Pembroke Dock

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APPENDIX "C"

[illegible]

www.pembrokeshire.gov.uk

- 6 AUG 2003

Mr T R Edwards
Town Clerk
Pembroke Dock Town Council
Council Offices
Pater Hall
Pembroke Dock
SA72 6DD

Dear Mr Edwards

Thank you again for your letter dated 31st July 2003.

Since I wrote to you last time we have convened a group of representatives from Police, Youth Offending Team (YOT) and myself within Community Safety.

I can confirm that the individuals subject to Acceptable Behaviour Contracts in March will be visited and reviewed by the YOT. Appropriate interventions will be put in place for these young people. For two individuals we are looking at putting a case to the courts regarding an Anti Social Behaviour Order, again in the meantime members of the YOT will be working with these two youngsters to enable them the opportunity to curtail their behaviour.

The group will also be meeting in the next couple of weeks to monitor progress.

I hope that this is satisfactory but please do not hesitate to contact me for further information on the above number.

Yours sincerely

W. Thompson.

Sally Thompson
Community Safety Officer

Your ref
Each confirmed

My ref
If unconfirmed

Please ask for
Confirmation in

Telephone
Extn

Date
Dy/dm/yr

INVESTOR IN PEOPLE
EUPDSCDDWE MOWN POTEI

**Pembroke Dock Pensioners
Friendship Club.**

- 8 AUG 2003

**Chair Person
Mrs DM. Vernon.**

**Vice Chair Person
Mrs R. Trask.**

**Treasurer
Mrs EM. Williams.**

44, Lewis Street,
Pembroke Dock,
Pemb.
SA 72 6 DD.

August 4, 2003.

MR. Roland Edwards.
Town Clerk.
Pembroke Dock Town Council,
Peter Hall.
Pembroke Dock.
Pemb.
SA 72 6 DD.

Dear Sir:

Re: Pembroke Dock Friendship Club.

The Committee of the above organisation have requested that I approach the Town Council with a view of being granted a donation for the Club. There are some 80 pensioner members meeting on a weekly basis from Pembroke Dock area. The meetings provide speakers an opportunity to give advice on benefits available such as Social Security, heating benefits etc. In addition it provides some light entertainment, bingo, slides of distant travel. There is a coach trip monthly for which the members pay for the fares but the Club always has to subsidise the cost. Twice a year a meal is provided plus a Christmas lunch and the cost of this is met by the Club. They in turn do have a raffle and a few coffee mornings to boost the funds.

Any financial help that could be considered would be greatly appreciated thus helping to defray expenses involved in keeping the pensioners catered for in our area.

Yours sincerely,

E.M. Williams
E.M. Williams
Treasurer.

**PEMBROKESHIRE COMMUNITY HEALTH COUNCIL
CYNGOR IECHYD CYMUNED PENFRO**

5 Picton Place, Havertfordwest, Pembrokeshire, West Wales, SA61 2LE
Tel/fax: 01437 765816 e-mail: pembche@cic.wales.nhs.uk
www.pallenhelp.wales.nhs.uk

15 August 2003

ACW/MEJ

Mr T R Edwards
Town Clerk
Pembroke Dock Town Council
Peter Hall
Lewis Street
Pembroke Dock
SA72 6DD

Dear Mr Edwards

**PROPOSED VARIATION OF EVENING SURGERIES AT DIMOND STREET
PEMBROKE DOCK AND CASTLEGATE PEMBROKE**

Please be advised that Drs Helliwell, Evans, and Bury of Dimond Street, Pembroke Dock, have requested permission to amend the times of the evening surgeries in both Pembroke and Pembroke Dock from 5.30pm - 6.30pm to 5.00pm - 6.00pm, thus starting and finishing 30 minutes earlier.

This Council has been asked for its opinion upon this variation in hours which would effectively allow more flexibility to the GPs without any overall reduction in patient services. We recognise that one of the senior partners in this practice is on long-term sick leave and that this modification to the evening surgery schedule would make the GP working day somewhat more attractive for any prospective locum that might be engaged to assist in the surgery. There is no overall loss in patient surgery hours. On this basis from my perspective the request does indeed seem a reasonable one.

An urgent decision has to be reached in this matter however and accordingly I would respectfully seek your Council's opinion upon this proposal within the next ten days.

Thank you for your assistance in this matter.

Yours sincerely

A C Warlow

A C Warlow
Chief Officer to the Council

Your ref
Encl. referred
My ref
By agreement
Please ask for
Confirmation on
Telephone
Date
Daytime

14 AUG 2003

WB06/PJ06/4303

Mr J Price

01437 - 775088 (Fax 01437 - 775008)

13 August 2003

Mr T R Edwards (Clerk)
Pembroke Dock Town Council
Pater Hall
Lewis Street
Pembroke Dock
Pembrokeshire
SA72 6DD

Dear Mr Edwards

Ferry Lane / Bush Hill, Pembroke Dock

I refer to your letter of 29 July to Mr H E Roberts who has now left the Council.

I note your request to convert the 40mph limit on Bush Hill and Ferry Lane to a 30mph limit. 30 mph limits have been introduced where areas have sufficient continuous development. The presence of properties, driveways and other features influence motorists and a local speed limit is seen as appropriate and is respected.

Where development is more scattered 40mph or 50mph limits can be used. These limits would be set with the expectation of voluntary compliance so the road geometry and the environment through which the road passes would be factors in setting a limit.

In the case of Bush Hill and Ferry Lane the level of speed has been set at 40 mph and it would not appear appropriate to seek the reduction to 30 mph.

Yours sincerely

W B Davies
Head of Infrastructure Management



APPEJ
BRYN PARRY-JONES, M.A. (UK)
Chief Executive
R. BARRETT-EVANS, B.Sc., B.A. (UK)
Director of Development
Pembrokeshire County Council,
County Hall, Haverfordwest,
Pembrokeshire, SA61 1TP
DX 9095 HAVERTFORDWEST
Telephone 01437 764381
Fax 01437 775384
www.pembrokeshire.gov.uk

Please reply to Transportation
and Environment Directorate



Cyngor Sir Penfro - Pembrokeshire County Council

31 ESSEX ROAD
LLANION PARK
PEMBROKE DOCK
PEMBROKESHIRE
SA72 6ED

8 August 2003

Town Clerk
Pembroke Dock Town Council
Lewis Street
PEMBROKE DOCK
Pembrokeshire

Dear Sir/Madam,

PUBLICITY FOR PLANNING APPLICATIONS
REFERENCE NO. 03/0494/PA

Further to the above, please find enclosed copy of letter sent to the Director of Development for perusal of the Council Members as we feel this is a very important matter.

Thank you for your kind attention.

Yours faithfully,

D. Donachie
For the family at 31 Essex Road

APPENDIX "G"

19 AUG 2003

31 ESSEX ROAD
LLANION PARK
PEMBROKE DOCK
PEMBROKESHIRE
SA72 6ED

8 August 2003

Pembrokeshire County Council
County Hall
HAVERFORDWEST
Pembrokeshire
SA61 1TP

FOR THE ATTENTION OF DIRECTOR OF DEVELOPMENT

Dear Sirs

PUBLICITY FOR PLANNING APPLICATIONS
REFERENCE NO. 03/0494PA

With reference to the above, we have written to yourselves many times regarding the development of the site north of Essex Road, the reason being our obvious concern regarding the design of the properties.

We fully understand that we cannot stand in the way of the building of the property in the proposed location but as you have invited comments we feel that we would like to express our main concern which is that the type of windows on the upper floor facing the rear of our property will cause complete invasion of our privacy.

As you are aware, we have taken professional advice on this matter and attached a copy of his report, which has already been submitted to yourselves in previous correspondence. This measure was taken following the problems already being encountered by our neighbours south of the first six properties to be built. From this professional advice we understand that since the plans were proposed for these properties, a Human Rights Act by the European Convention of Human Rights which requires respect for private life and the home has come into being and Local Authorities must take into account the privacy issues and in turn Courts have a duty to interpret English Law in conformity with the Convention.

To accommodate the above privacy we would ask that the Bathroom and Bedroom windows of the said proposed property be different to the style shown in the plans i.e.

possibly Velux windows which allow light in and would not overlook the rear of our property. Failing this, we would strongly request suitable screening between the properties.

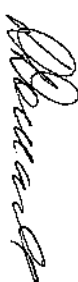
We understand that with the introduction of Velux windows it would differ in design to the previous properties but as these are not of uniform design anyway, it should not cause any aesthetic problems. Furthermore, six properties already causing privacy problems should not allow the seventh to follow suit.

Other than the properties mentioned above, we cannot find any other dwellings in the locality which are designed and built with windows which allow privacy invasion on such levels. We therefore implore you to arrive at a compromise in the design which will be satisfactory to all parties.

We feel that it is somewhat difficult sometimes to visualise proposed developments and resulting problems without first hand viewing and in this particular case especially, a Site meeting by the Planning Committee would be beneficial and we would happily agree to such a site viewing being held on our property because we feel this matter is so important.

Please would you reply with your comments to our objections before final decisions are made by yourselves.

Yours faithfully,



D. Donachie
For the family at 31 Essex Road

c.c. Members of P.C.C. Planning Committee and Pembroke Dock Town Council
Enc.

Principal: CHARLES E.L. HOPKINSON B.Sc., M.R.I.C.S., I.R.R.V.

THE ESTATE OFFICE
HIGH STREET

SAUNDERSFOOT
PEMBROKESHIRE SA69 9EJ
TELEPHONE (01834) 812793

FACSIMILE (01834) 813151
YOUR REF

OUR REF CELH/MOC

Mr D. Donachie,
31 Essex Road,
Pembroke Dock,
Pembrokeshire.

3rd September 2002

Dear Mr Donachie,

RE: Development to the rear of 31 Essex Road

Further to my recent attendance at your above mentioned property, I am writing to confirm our general observations in respect of the ongoing development to the north of your property which has caused problems for your neighbours to the west, with similar problems likely to be encountered in respect of the properties to be constructed directly to the north and north-east.

You have given us to understand that initially planning consent was granted for some nine bungalows to the rear, the construction of which would not totally obliterate the views you currently enjoy over the Haven waterway. We are given to understand that subsequently the design of the properties was amended to dormer bungalows reducing the number to seven, five of which have been constructed, with the sixth currently in the course of construction. As a result of the redesign the views you currently enjoy over the Haven waterway will be totally obliterated which naturally therefore has the implication in the diminution in value of your property, coupled with the complete loss of privacy within your rear garden and upon rear elevation.

We understand that no detailed planning consent applies to Plot 7 and whilst one can not object in respect of the loss of view you do have the right to object in respect of the loss of privacy, whereby you have made us aware of problems currently being experienced by your neighbours where the loss of privacy acts both ways to and from the new properties.

...

Having already granted consent for the construction of six dormer bungalows it would be difficult for planning officers of Pembrokeshire County Council to object in the event of a dormer bungalow being sited upon Plot 7 as somewhat of a precedent may well have set with regard to the earlier properties constructed, however the issue of loss or privacy should be taken in to consideration. Normally, where outline applications have been approved, detailed design is left to the planning officers by way of delegated powers, however where objections are raised then the said application should be placed before the planning committee and it is then the planning committee's decision at the end of the day as to whether or not the application would be approved.

In this respect, we would recommend that you contact your local councillor, Susan Perkins, and acquaint her with the problems currently being experienced by your neighbours and which you are likely to experience in due course as a result of the construction of properties to the north. However, she may not be a member of the planning committee and one may have to speak alternatively with one of the three other councillors who represent the Pembroke Dock wards, either Vivian Hay, Brian Hall or Anthony Wilcox.

We would recommend that representations be made to the planning department of the county council at an early date both in respect of the detailed consent for Plot 7 and the potential further development to the north-east as whilst there is a requirement to post planning applications on notices upon site, invariably upon development sites the same can go missing and one may miss out on the opportunity of objecting against an application, however it is essential that one seeks the support of your local councillor as at planning committee stage obviously whilst councillors have to take account of the planning officer's recommendations considerable weight may be placed upon an objection raised by the local councillor and further support of your neighbours both to the west who are currently experiencing problems and to the east, would give further credence to your objection.

It is extremely difficult to quantify the diminution in value as a result of the construction of dormer bungalows to the north of your property however the added problems currently being experienced with regard to the loss of privacy only adds insult to injury and under current planning legislation one has the right to privacy within your own property and you are correct in pursuing the matter further.

I am taking the opportunity of enclosing herewith my account, however if I can be of any further assistance to you then please do not hesitate to contact me.

Yours sincerely,

Charles E.L. Hopkinson

Charles E.L. Hopkinson

Enc.

PEMBROKE DOCK TOWN COUNCIL

REPORT OF FINANCIAL OFFICER

4TH SEPTEMBER, 2003

Madam Mayor, Ladies and Gentlemen,

13. PAYMENT OF ACCOUNTS

The following accounts were paid out of meeting during recess:-

68	A. Johnstone - Honorarium - Computer Aid	£250.00
69	Lowless & Lowless - Fees - Charitable Trust	£352.50
70	Postage By Phone - Postage	£50.00
71	M. Roberts - Internal Audit	£100.00

The following accounts are submitted for payment

72	Pitney Bowes - Maintenance of Postage Meter	£11.74
73	Willowdale Flowers - Wreath (Memorial Service to Firemen)	£25.00
74	Hagemeyer - Lamps	£33.79
75	The Royal British Legion - Donation	£50.00
76	Impact Software - Telephone Support	£55.00
77	Mrs. A. Scourfield - Donation - Jason and Lucy Scourfield (Fencing)	£100.00
78	Kidde Fire Protection Services - Testing Emergency Lighting	£244.95
79	Postage by Phone - Postage	£50.00
80	Welsh Water - Pater Hall	£257.76

14. TRANSFER TO IMPREST ACCOUNT

The sum of £3,746.95 was transferred to the Imprest Account in respect of Salaries, Wages, Tax and National Insurance paid during the month of July, 2003 and £3,370.49 for August.

W.A. VINCENT

Financial Officer

PEMBROKE DOCK TOWN COUNCIL

SUPPLEMENTARY REPORT OF TOWN CLERK

4TH SEPTEMBER, 2003

Madam Mayor, Ladies and Gentlemen,

108. THE PATER HALL CHARITABLE TRUST

I have previously informed Members that I had written to the National Association of Local Councils for advice on a number of issues concerning the possible formation of a Pater Hall Charitable Trust. A reply has now been received and is enclosed at Appendix "H" together with my original letter. I have also sent copies to Mr. Huw Morgan and Mr. Alex Allison.

The information received will be considered by the Pater Hall Charitable Trust Sub-Committee on the 9th September, 2003. In the meantime, I should be grateful if Members would carefully study the contents of the advice given as there are some very important matters to be considered.

109. SLOGGETTS HILL, PEMBROKE DOCK

I enclose at Appendix "T" a letter from Pembrokeshire County Council requesting the Council's views on the provision of a sign at the above location.

110. PEMBROKESHIRE CROSSROADS LTD.

Notification has been received that the Annual General Meeting will be held on Thursday, 18th September, 2003 at 7.30 p.m. in the Withybush Conference Centre, Fishguard Road, Haverfordwest. Members are invited to attend.

111. PLANNING DECISIONS

The following decisions have been received from Pembrokeshire County Council in respect of current planning applications:-

215/03 - Land at Charles Thomas Avenue, London Road – Erection of 13 bungalows, 6 houses and 4 dormer bungalows – **Approved**

225/03 – Plot 1 land adj. Pembroke Haven Residential Home, Connaught Road – New bungalow – **Approved**

228/03 – Plot 2, Connaught Road, Llanion Park – Residential Bungalow – **Approved**

235/03 -- Land rear of Brewery Street -- 1 No. Dwelling -- **Refused**

301/03 -- Park House -- Conversion of dwelling into 2 No. Units - **Approved**

376/03 -- 3 Dimond Street -- Change of use of first and second floor accommodation from residential to staff room/store and W.C. associated with existing ground floor retail use -- **Approved**

T.R. EDWARDS

Town Clerk

- 1 SEP 2003

P EMBROKESHIRE
A SSOCIATION of
L OCAL
C OUNCILS

Secretary & Treasurer:

Godfrey Elcock, "KayGee", 12 Elm Park, Crundale, Haverfordwest. SA62 4DN
tel: 01437.763739 or 07989. 674658 (mobile) email: gselcock@yahoo.co.uk

30th August 2003.

T.R.Edwards
Town Clerk,
Pembroke Dock Town Council,
Pater Hall,
PEMBROKE DOCK.
SA72 6DD

Dear Mr Edwards,


Re: Pater Hall, Pembroke Dock.

I refer to your letter of the 31st July 2003 concerning the future of the above hall.

I now enclose a reply I have received from NALC on this matter which I hope you will find useful in your consideration of the future management of this hall.

If I can be of any further assistance please let me know.

Sincerely,



Secretary.

encl:

GS Elcock

From: Ian Mark <ian.mark@nalc.gov.uk>
To: Pembrokeshire ALC <gselcock@yahoo.co.uk>
Sent: 28 August 2003 12:41
Subject: Pembroke Dock Town Council - Pater Hall, Pembroke Dock, Establishing a Charitable Trust
FAO: Godfrey Elcock

Godfrey

Thank you for your letter dated 4th August 2003 together with enclosure.

In principle there is nothing to prevent the community council transferring ownership of the premises to a charitable trust.

However there are a number of issues which must be investigated/borne in mind which could effect that general principle.

Firstly when considering the disposal of land it is always necessary to ascertain the statutory power under which it is held, in order to be satisfied it can be transferred without restriction. The council will also need to establish whether the land is subject to a trust or restrictive covenants. In practical terms this will entail perusing all relevant deeds, conveyances, minutes and resolutions to confirm the status and see if any of the aforementioned apply in this instance.

As you will be aware where property is disposed of the council must obtain the best price reasonably obtainable unless the Secretary of State consents to a lower figure (s.127 Local Government Act 1972).

Notwithstanding this provision it is unwise to rely on s.127 to dispose of land on terms which could not be justified as being in the public interest and in accordance with the council's obligations as trustee of the public funds. Despite s.127 challenge can still be made at audit or through judicial review in the High Court.

I reiterate that ordinarily disposals of land must be at the best price reasonably obtainable. Therefore if the Secretary of State's consent cannot be obtained the council will need to comply with this provision. To demonstrate that the best price has been obtained usually requires a professional valuation.

I note the council has already taken advice on this matter the upshot of which was that the establishment of a charitable trust is the best way forward because it opens up greater access to grant funding. Whilst this may be true I do think the council needs to think very carefully about the proposal because by transferring ownership of the premises to a charitable trust the council will loose what appears to be an important asset for good. Basically, a local council has an obligation to utilise all property / assets within its ownership in the best interests of the inhabitants of the community. In the circumstances it should in my view weigh up the pros and cons of the proposal bearing the above in mind. As disposing of the premises is a fairly major step it may be prudent for the community council to consider carrying out some form of consultation with the local inhabitants. Whilst the council is not under any statutory obligation to do this it may still be a useful exercise.

In reaching its decision I do think the council needs to bear ALL relevant criteria in mind not just the fact access to grant funding is made easier. The council itself has the capability to take out a loan to pay for the refurbishment and keeping the premises in council ownership

30/08/03

together with an appropriate loan arrangement may infact be in the best interests of the community.

As an aside if the Town Council intends to continue operating from Pater Hall then if ownership is transferred it will have to seek a lease from the charitable trust to remain in occupation.

Turning to the specific questions which have been raised I would say as follows:

1) I confirm the council would indeed be able to transfer some of the accumulated reserves to the Trust. In the first instance it may be able to do so under section 19 Local Government (Miscellaneous Provisions) Act 1976 as long as the criteria therein can be satisfied. I do not know what uses the premises are put to but if, for example, it is used by clubs or societies having athletic social or recreational objects then to my mind reliance can be placed on the same (section 19 (1) (d) and 19 (3) refers).

If section 19 is not appropriate then the council will have no option but to rely on s.137 LGA 1972 providing ofcourse the usual criteria can be satisfied. The council must also realise that utilising section 137 would instantly place a limit on the amount of contribution that can be made.

2) The council must realise that it needs to retain enough staff to perform its functions as a local authority. It will be for the Trust to employ its own staff in relation to the Pater Hall and those staff would in my view be responsible for carrying out all administrative duties. In short the council and the Trust would each pay for their own staff costs. For the avoidance of doubt the Town Council would no longer precept for any staff employed by the Trust.

It may be appropriate for certain members of the councils current staff to in effect transfer to the Trust. In my view this would apply to the Caretaker/Handyman and Cleaner.

Where a business or undertaking, or part of it, is transferred between employers there may be employment implications, often of considerable complexity. In such cases general employment law makes provision for the protection of the rights of those employed in the undertaking transferred.

The principal legislation is the Transfer of Undertakings (Protection of Employment) Regulations 1981 ('TUPE'). Where 'TUPE' applies the employees automatically become employees of the new employer as if the contracts of employment were originally made with the new employer; and the new employer ordinarily takes over all employment liabilities of the old employer.

Employees are entitled to object to their contract being transferred to the new employer but , in doing so, normally lose the right to claim their was a dismissal unless they can show that the transfer would have involved a substantial and detrimental change in working conditions.

If either the new or the old employer dismisses an employee solely or mainly because of the transfer of an undertaking or part of it, the dismissal is considered unfair.

However if the main reason for dismissal, by either employer, is an economic, technical or organisational one entailing changes in the workforce, an employment tribunal may consider it to be fair. That is likely if the tribunal also finds that the employer acted reasonably in treating the reason as sufficient to justify dismissal.

The ' TUPE ' Regulations have been the subject of a great deal of frequently inconsistent judicial analysis. It is therefore widely acknowledged that this is an extremely complex area of law and I can only give the most basic of advice in the course of this response.

In order to decide whether TUPE applies the council will firstly need to confirm whether the following criteria applies to Pater Hall (ie the part of the organisation to be transferred) :-

- a) that it is separate and severable from the remainder of the council ;
- b) that it is a going concern both before and after the transfer, continuing with the same work, though under new ownership ; and
- c) it is under the control of the new owner after the transfer.

As an alternative to the above the council could consider entering into a contract for the provision of services with the Trust whereby the arrangement currently in place would effectively remain the same.

3) I confirm that the Trust would ordinarily become responsible for payment of all such costs. However if the council take a lease of the premises I am sure the Trust will seek to recover some of those costs under the terms of the same.

Finally, if the council decides to proceed with the proposal it will need to instruct an independent firm of solicitors (with requisite experience) to act on its behalf as NALC is not resourced to undertake this 'type' of work.

I hope the above advice is of assistance.

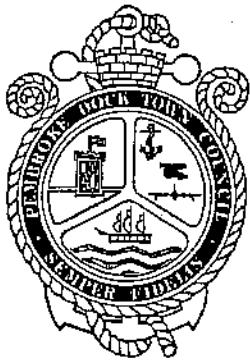
Ian Mark
SENIOR LEGAL EXECUTIVE

National Association of Local Councils
109 Great Russell Street
London
WC1B 3LD

T: 020 7290 0310
F: 020 7436 7451
www.nalc.gov.uk

Cardiff Conference October 2003 - Have you booked yet? Please see attached link www.nalc.gov.uk/conference or email conference@nalc.gov.uk for details.

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PEMBROKE DOCK TOWN COUNCIL

Town Clerk
T.R. EDWARDS

Financial Officer
MRS. W.A. VINCENT

Council Offices
Pater Hall
Pembroke Dock
SA72 6DD

Telephone: Pembroke 01646 684410
Fax: 01646 622788

(Office hours 9.00 am - 1.00 pm, Mon - Fri.)

31st July, 2003

Mr. G. Elcock,
Secretary & Treasurer,
Pembrokeshire Association of Local Councils,
12 Elm Park,
Crundale,
HAVERFORDWEST,
SA62 4DN.

Dear Mr. Elcock,

Re: The Pater Hall, Pembroke Dock

The Town Council proposes to carry out alterations and refurbishment of the Pater Hall which it currently owns. The works involve the installation of disabled access facilities, the re-location of the Town Clerk's Office to the ground floor, windows replacement and new acoustic ceilings in the Main Hall. The lowest tender received including professional fees, is £371,000.

As a Town Council with precepting and borrowing powers, the sources of grant aid are limited and following advice received, the Council has resolved to establish a Pater Hall Charitable Trust to administer the Pater Hall. A Sub-Committee has been elected to consider relevant details such as registering charitable trust status, Memorandum and Articles of Association. As a Trust, additional funding opportunities will be available.

At this early stage, there are a number of issues on which I require advice and I should be grateful to receive your opinion on the following financial matters:-

(1) Town Council Reserves

Over a number of years, the Town Council has accumulated cash reserves in order to carry out essential improvements to the Pater Hall. At the 31st March, 2003 balances and reserves amounted to £163,753.

If Pater Hall Charitable Trust is formed and ownership of the Pater Hall transferred to the Trust can the Town Council transfer some of their reserves to the Trust as a matchfunding contribution towards the proposed works.

(2) Staff Costs

The Town Council staff consists of a Town Clerk, Financial Officer, Secretary, Caretaker/Handyman and a Cleaner. All the posts are part-time. The duties of the Caretaker and Cleaner are solely connected with the Pater Hall. The administrative duties e.g. bookings, payment etc., are carried out at present by the Town Clerk, as part of his Council duties. All staff are currently paid by the Town Council. If a Trust is formed, can the present position continue or will the Trust be required to pay staff costs. If so, can the Town Council continue to precept for staff costs in connection with the Pater Hall.

(3) Pater Hall Maintenance

Likewise, Pater Hall costs e.g. rates, insurance, heating, lighting and maintenance are currently met by the Town Council out of the annual precept and letting income. If a Trust is established can the Town Council continue to precept to pay these outgoings or to transfer to the Trust.

I look forward to receiving your opinion on these matters. I have also requested the advice of the Council's External Auditor on these matters.

Yours sincerely;

Town Clerk.

Your ref
Eich cyfeirnod
My ref
Fy nghyfeirnod
Please ask for
Gofynnwch am
Telephone
Ffôn
Date
Dyddiad

WBD/DM/GM/

Mr D Morgan, Network Manager
01437 775990 Fax: 01437 768848

28 August, 2003

BRYN PARRY-JONES, M.A. (Oxon)
Chief Executive

Prif Weithredwr

R. BARRETT-EVANS, B.Sc. (Est. Man) MRICS
Director of Development

Cyfarwyddwr Datblygu

Pembrokeshire County Council,
County Hall, HAVERFORDWEST,
Pembrokeshire, SA61 1TP

Cyngor Sir Penfro,
Neuadd y Sir, HWLFFORDD,
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Please reply to Transportation & Environment Directorate

Mr T R Edwards
Clerk to Pembroke Dock Town Council
Council Offices
Pater Hall
Pembroke Dock
Pembrokeshire
SA72 6DD

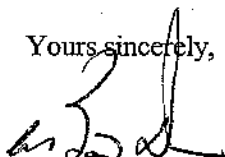
Dear Mr Edwards,

re. Sloggetts Hill, Pembroke Dock

I have recently been requested to provide a name plate for the hill highlighted on the attached plan.

It has been known in the past as "Sloggetts' Hill", but I would be grateful for the views of your members before providing a sign.

Yours sincerely,



W B Davies
Head of Infrastructure Management



Cyngor Sir Penfro - Pembrokeshire County Council



