



**Jonathan Edwards AS/MP
Rhodri Glyn Thomas AC / AM**

Dwyrain Caerfyrddin a Dinefwr
Carmarthen East & Dinefwr



Mr. Mark James – Chief Executive
Carmarthenshire County Council
County Hall
Carmarthen
SA31 1JP

Our ref: CED/CJH

5th October 2012

Dear Mr. James,

Press release by Carmarthenshire County Council on Friday 14th September entitled “Sainsbury to open two new stores”.

1. It is regrettable that we have been forced into a situation where we have no alternative but to write to you and present an official complaint against the actions of the Council Leader, Councillor Kevin Madge, and to seriously question the role Council Officers and staff may have played in assisting in what we consider a partisan political activity.
2. The above mentioned press release issued by the County Council regarding the Welsh Government’s decision to call-in planning applications E/25041 and S/23696 – proposed developments for Sainsbury’s stores in Llandeilo and Cross Hands respectively is, as you should know, loaded with misleading statements, inaccurate information and false accusations against us. Having since read correspondence you have personally had with Council members since the press release was issued, we are disappointed to learn that such a press release was sanctioned by your office.
3. Given the large volume of inaccuracies in the press release, we have thought it more efficient to list specific points in this letter which we trust will assist the Public Services Ombudsman and Monitoring Officer in considering the breaches of protocol and enable the Monitoring Officer and Service Improvement Manager to investigate our concerns.
4. As you will know despite being two separate planning applications, the press release has grouped the applications together and unless specific towns are mentioned, the comments of the Council Leader relate at all times to both planning applications. The Leader’s comments and the additional explanatory notes of the press release refer to planning applications in the plural.
 - a) The press release states: **“Plaid Cymru’s AM and MP are trying to stop a £60million investment with the creation of around 1,200 jobs in the Tywi and Gwendraeth Valleys...”**
 - b) The press release states: **“MP Jonathan Edwards and Rhodri Glyn Thomas AM have asked for the Sainsbury’s planning applications to be called in, which has now jeopardised the developments which mean major investment in Carmarthenshire.”**
5. These comments are not only defamatory but are factually incorrect. On **no** occasion have we asked the Welsh Government to call-in planning application S/23696 (Cross Hands). If you refer to the planning report which was made for Welsh Ministers to consider the calling-in of the applications, you will note

that our names are noted in requesting a call-in of the E/25041 (Llandeilo) application. The report notes: ***“The majority of requests relate to the application at Llandeilo (E25041) and includes requests from Jonathan Edwards MP and Rhodri Glyn Thomas AM”***

6. Furthermore, Welsh Government planning officials have confirmed to us that only The Co-Operative store and three individuals requested the call-in of the Cross Hands application. These officials also confirmed that Liberal Democrat Assembly Member, William Powell requested the Llandeilo application to be called-in. Curiously the press release only noted our names and that of Plaid Cymru. To consciously ignore the Liberal Democrat politician is undoubtedly a politically motivated action and the use of public resources for such activity is a fundamental breach of policy. Additionally, in an email to Councillor Darren Price on 24th September you note that you had given thought to whether the press release was entirely political prior to its release. Could you inform us why the decision was made to not include the Liberal Democrat Assembly Member? We believe the political neutrality of staff has been compromised in preparing that press release and that public resources have been used for political gain.
7. In an e-mail to Councillor Tyssul Evans on 2nd October you state that the use of the plural of the word ‘applications’ in our initial ***response*** on 14th September to the Council’s press release justifies the Council Leader’s comments. However you chose to ignore the fact that we issued a further press notice on 18th September which clarified our position and that we had not commented on the Cross Hands application. Despite this clarification, the Council Leader via the press and you personally via e-mails, have continued to try to justify the press release on the false basis that we requested the call-in of both applications.
8. We find it astonishing that you believe the use of a plural ***after*** the council had already issued the press release, justifies the Council’s misunderstanding of a Welsh Government report the Council saw ***before*** it issued the press release in the first place.
9. We would therefore be grateful to know what checks had been undertaken to confirm the Leader’s evidence before you approved the press release as you have since notified a Councillor that you had not seen that evidence until some ten days later. We would also welcome clarification as to what justification the council had to associate us with the Cross Hands development considering our use of the plural (which seems to be the Council’s main justification for the press release) did not come until after the Council’s press release was issued.
10. Following the Council’s publication of the press release, we sought to confirm, via the Welsh government, who had actually requested the call-in of both applications. We received confirmation in less than one hour. But a letter from the Welsh government notifying the Council that these applications would be called-in was dated 20th July 2012 - some eight weeks before you approved the publication of the press release. Conveniently the press release was issued on the first day of the Plaid Cymru national party conference and we have no hesitation in stating our belief that given the decision to wait eight weeks before releasing the press statement, the Council intentionally set out to issue the statement in coordination with our conference – yet another example of the politicisation of the Council.

c) The press release states: ***“At Cross Hands, the investment includes the remediation of a derelict building and contaminated site providing land for housing, including affordable homes, a new doctor’s surgery, health centre and care home.”*** The Council Leader goes on to say ***“All this is now at risk. I was shocked to hear that our own AM and MP are responsible for asking for these plans to be called in by the Welsh Government”***.

11. Again, not only does the Council Leader perpetuate the fiction that we have asked for the Cross Hands application, with its associated developments, to be called-in, we consider these comments to be an intentional distortion of the truth in an attempt to mask the comment of the Welsh Government’s retail policy advisors who state the County Council had not fully considered the accumulative impact both retail stores would have and thus causing delay.

12. The Council Leader chooses to completely ignore the fact that the planning applications were referred to the Welsh Government by the County Council itself in accordance with the Town and Country Planning (Shopping Development) (England and Wales) (No.2) Direction 1993. You will too recall our correspondence in March this year when you personally informed us that these applications will be presented to the Welsh Government for consideration under the Shopping Directive. Indeed the County Council issued a press release on 30th March 2012 following the applications gaining approval from the Planning Committee which stated the applications would be passed to the Welsh Government for consideration.
13. To therefore insinuate that the only reason that both applications were called-in by the Welsh Government was because of our request on the Llandeilo application is a gross misrepresentation of the facts. We would therefore be grateful to learn why this press release was sanctioned when it contained misleading information.
14. In your e-mail to Councillor Tyssul Evans on 14th September you note that the Leader has evidence that we had asked for the applications to be called in, ***“without discussing the matter with the Council at any time.”*** This is also factually incorrect.
- i. The Head of Planning received a letter from Rhodri Glyn Thomas dated 16th March 2011.
 - ii. The Head of Planning received a letter from Rhodri Glyn Thomas dated 14th February 2012 which was acknowledged.
 - iii. The Head of Planning received a letter from Jonathan Edwards dated 14th February 2012 which was acknowledged.
 - iv. You as Chief Executive received a letter from Rhodri Glyn Thomas dated 27th March 2012 to which you replied.
 - v. You as Chief Executive received a letter from Jonathan Edwards dated 27th March 2012 to which you replied.
15. It must be noted that in each piece of the above correspondence we only refer to planning application E/25041 (Llandeilo). Again we would welcome comments on why the press release was sanctioned given that a justification of the press release has been proven to be inaccurate.
- d) The press release states: ***“It is inconceivable and inexcusable that Jonathan Edwards and Rhodri Glyn Thomas are deliberately trying to sabotage these developments.”***
16. Again we note the factually incorrect association with the Cross Hands development, but are further concerned by the way in which the Council Leader has been allowed to use public resources to issue such defamatory comments. These comments are not fitting of a local authority Leader.
17. The latest twist in this sorry saga is of course your refusal, without referral to the Council Chair, to rule the Plaid Cymru group motion presented last Friday out of order as it did not have a date. We appreciate that Standing Orders state a date to which the motion is intended should be noted, but your decision has done nothing but perpetuate the opinions of some county residents that the council has lost all sense of openness and willingness to debate.
18. In conclusion, this was a press release written by Council staff and/or officers, on the instruction of the Leader, having consulted and sought approval from your department.
19. We accept that our position as national representatives is open to political challenge. We would always welcome political debate which relate to the issue. But the Council and Council Leader has on this occasion lost all sense of genuine political opinion and has instead opted to use public resources to issue factually incorrect information.

20. It has been three weeks since the press release was issued and despite us requesting a public debate, no answer has been forthcoming and despite the Council Leader's comments proven to be incorrect, they have not been withdrawn.
21. The Council Leader and the subsequent dismal attempts to justify the factually incorrect press release have brought the authority into disrepute. The integrity of the Leader and trust in senior officers has diminished by the publication of this disingenuous press statement.
22. The authority's resources have been used for political purposes and have been used other than a manner which is conducive to the office of Leader. Serious questions have consequently been raised by officers' ability to deal impartially with other members and other party groups.
23. The Council Leader has this week accused us of "playing a game of smoke and mirrors". We stand firmly by our decision to request the call-in of the Llandeilo application and have not once shied away from that action. The Council should accept it got it wrong or be considered a disgraced Executive for the remainder of this term.

Yours,



Jonathan Edwards MP



Rhodri Glyn Thomas AM

*Copy to: Monitoring Officer – Carmarthenshire County Council
 Mr. Peter Tyndall – Public Services Ombudsman for Wales
 Councillor Kevin Madge – Leader of Carmarthenshire County Council*

Swyddfa'r Etholaeth / Constituency Office
37, Stryd y Gwynt / 37, Wind Street
Rhydaman / Ammanford
Sir Gaerfyrddin / Carmarthenshire
SA18 3DN
☎ 01269 597 677 F: 01269 591 334