
THE COUNCIL 17/05/12

Present: Councillor Selwyn Griffiths (Chairman)
Councillor Huw Edwards (Vice-chairman)

Councillors: Craig ab Iago, Stephen Churchman, Endaf Cooke, Anwen Davies, Lesley Day, Eddie Dogan, David G. Edwards, Dyfed Edwards, Elwyn Edwards, Trevor Edwards, T.G. Ellis, Alan Jones Evans, Aled Ll. Evans, Jean Forsyth, Gweno Glyn, Simon Glyn, Gwen Griffith, Alwyn Gruffydd, Sian Gwenllïan, Annwen Hughes, John B. Hughes, Louise Hughes, Jason Humphreys, Peredur Jenkins, Aeron M. Jones, Anne Ll. Jones, Brian Jones, Charles W. Jones, Dyfrig W. Jones, Elin Walker Jones, Eric M. Jones, John W. Jones, Linda W. Jones, Llywarch Bowen Jones, Sion W. Jones, Eryl Jones-Williams, Dilwyn Lloyd, Dafydd Meurig, Dilwyn Morgan, Linda Morgan, Christopher James O'Neal, Dewi Owen, Michael Sol Owen, W. Roy Owen, W.Tudor Owen, Nigel Pickavance, Peter Read, Caerwyn Roberts, John Pughe Roberts, Liz Saville Roberts, W. Gareth Roberts, Mair Rowlands, Angela Russell, Dyfrig Siencyn, Mike Stevens, Gareth Thomas, Ioan Thomas, Paul Thomas, Ann Williams, Eirwyn Williams, Elfed W. Williams, Gethin G. Williams, Gruffydd Williams, Hefin Williams, John W. Williams, Owain Williams, R.H. Wyn Williams, Mandy Williams-Davies, Robert J. Wright, Eurig Wyn

Also present: Harry Thomas (Chief Executive), Dilwyn O. Williams, Dafydd Lewis and Iwan Trefor Jones (Corporate Directors), Dilys Phillips (Monitoring Officer/Head of Democracy and Legal Department), Dafydd Edwards (Head of Finance Department), Geraint George (Head of Strategic and Improvement Department), Arwel Ellis Jones (Senior Manager – Corporate Commissioning Service), Vera Jones (Members Manager – Democracy Service), Sion Huws (Propriety Officer), Eleri Parry (Committees Team Leader) and Gwyn Parry Williams (Committee Officer).

Apologies: Councillors Chris Hughes and June Marshall

The meeting was opened with a prayer from Councillor T.G. Ellis.

The prayer was followed with an address by the Former Councillor, John Gwilym Jones, Chairman for 2011/12.

1. CHAIRMAN

Councillor Selwyn Griffiths was elected as Chairman for 2012/2013.

Councillor Selwyn Griffiths signed a declaration accepting the post of Chairman of Gwynedd Council for 2012/13.

2. VICE-CHAIRMAN

Councillor Huw Edwards was elected as Vice-chairman for 2012/13.

Councillor Huw Edwards signed a declaration accepting the post of Vice-chairman of Gwynedd Council for 2012/13.

3. MINUTES

The Chairman signed the minutes of the Council meeting held on 1 March 2012 as a true record.

4. DECLARATION OF PERSONAL INTEREST

- i) Prior to the commencement of the meeting, the Monitoring Officer had circulated a guidance note amongst the members regarding the item on "Members' Salaries".

It was explained that every member had a personal interest in this item under the Code of Conduct but it was not a prejudicial interest. The interest had to be declared by signing the appropriate form but they were allowed to participate in the discussion and to vote.

- ii) All members present at the meeting declared a personal interest in the Item "Members' Salaries" as they all received a salary as members of the Council.

The members were of the opinion that it was not a prejudicial interest and they participated fully in the discussion on the item.

- iii) Councillor Caerwyn Roberts declared a personal interest in the Urgent Notice of Motion regarding "Creating Marine Conservation Zones" as he was the Chairman of the Pen Llŷn a'r Sarnau SAC Liaison Group.

The member was of the opinion that it was a prejudicial interest, and he withdrew from the meeting during the discussion on the item.

- iv) Councillor Mandy Williams-Davies declared a personal interest in the Urgent Notice of Motion regarding "Creating Marine Conservation Zones" as her husband was involved with the document.

The member was of the opinion that it was a prejudicial interest, and he withdrew from the meeting during the discussion on the item.

5. CHAIRMAN'S ANNOUNCEMENTS

- i) Condolences were expressed to the following -

Councillor June Marshall and her family on the recent death of her father.

The family of Gwilym Humphreys, former Director of Education of the former Gwynedd County Council who had died recently. He won national acclaim for his glowing contribution to the field of bilingual education in Wales as a teacher; the first Headmaster of Ysgol Gyfun Rhydfelen; a school inspector and Gwynedd's Director of Education. After retiring he contributed much to committees of the University and the National Eisteddfod. He was also a Fellow of the National Eisteddfod.

Also, the Chairman expressed condolences to everyone else that had lost loved ones recently and the Council stood in silence as a mark of respect.

- ii) Members were congratulated on their success in the elections.

Also, Ysgol Abercaseg, Bethesda was congratulated on receiving an excellent report in each field following a recent Estyn inspection.

- iii) Best wishes were extended to the Eryri Urdd National Eisteddfod which would be held on the lands of Glynllifon at the beginning of June 2012 and those communities which had been responsible for collecting money towards the festival were congratulated.

6. URGENT ITEM

The Chairman agreed, under Section 100B (4)(b) Local Government Act 1972 to include a notice of motion regarding creating Maritime Conservation Zones as immediate action was needed.

7. LEADER OF THE COUNCIL

Councillor Dyfed Edwards was elected Leader of the Council.

The Leader gave a short address.

8. THE COUNCIL'S POLITICAL BALANCE

Submitted – the report of the Head of Democracy and Legal Department regarding the Council's political balance and associated issues.

Reported -

- a) The Council was required to ensure that its various arrangements reflected the strengths of the different political groups on the Council, namely, the constitution of its committees, its representation on the Snowdonia National Park Authority and the North Wales Fire and Rescue Authority, the allocation of chairmanships of the scrutiny committees along with political support and division of hours of members support officers. The Chairperson for the Democratic Services Committee had to be appointed from amongst the members who were not members of a political group represented on the executive. Also, two members had to be nominated, who did not want to be considered to serve on the Police Authority, to be members of the Joint-committee which would elect members of the Police Authority.
- b) The Council Business Group had considered the political balance on 16 May, 2012 and the Council Leader submitted the recommendations of the group to the Council.
- c) No candidates had been received for the vacant seat of Bryn-crug Ward and a by-election would be held on 14 June 2012. The political balance of the Council would be reviewed following the result of the by-election.

RESOLVED

- (i) To note that the current Constitution of the Council is as follows:-

Plaid Cymru	37
Independent	17
Llais Gwynedd	14
Labour	4
Liberal Democrats	2
Vacant Seat	1

- (ii) To unanimously adopt the seat allocations on Council committees in accordance with the table below -

	Number	Plaid Cymru	Independent	Llais Gwynedd	Labour	Lib Dems	One	Total
Council	75	37	17	14	4	2	1	75
Corporate	18	9	4	3	1	1		18
Communities	18	9	4	3	1	1		18
Services	18	9	4	3	1		1	18
Audit	18	9	4	4	1			18
		36	16	13	4	2	1	72
Democracy	15	7	3	3	1	1		15
Language	15	8	4	3				15
Planning	15	8	3	3	1			15
Central Licensing	15	7	4	3			1	15
Employment								
Appeals	7	3	1	1	1	1		7
		33	15	13	3	2	1	67
Pensions	7	3	2	1		1		7
Staff Joint								
Committee	11	6	2	2	1			11
SEN Joint								
Committee	7	3	2	1			1	7
Joint Planning								
Policy Committee	8	4	2	1	1			8
SACRE	7	3	2	2				7
		19	10	7	2	1	1	40
Committees Balance		88	41	33	9	5	3	179

- (iii) To delegate the power to the Monitoring Officer to make appointments to the committees on the basis of political balance and in accordance with the wishes of the political groups.

- (iv) To unanimously adopt the allocation of chairmanships and vice-chairmanships of the scrutiny committees on the basis of political balance as follows:-

Corporate Scrutiny Committee – Llais Gwynedd
 Communities Scrutiny Committee – Independent
 Services Scrutiny Committee – Plaid Cymru

- (v) To unanimously accept the allocation of the member support officers posts in accordance with the Council's political balance.

- (vi) To confirm the hours of the member support officers as follows:-
Plaid Cymru 30 hours
Independent 14 hours
Llais Gwynedd 11 hours
- (vii) To unanimously confirm the political balance for the external bodies as follows:-

Body:	Plaid Cymru	Independent	Llais Gwynedd	Labour	Liberal Democrats
Snowdonia National Park Authority	4	2	2	1	0
Fire and Rescue Authority	3	1	1	0	0

- (viii) To appoint Councillor Dewi Owen as Chairman of the Democratic Services Committee
- (ix) To nominate Councillors Sian Gwenllïan and John W. Williams on the Joint-committee which would be allocating seats on the Police Authority.

8. THE CONSTITUTION

- a) Submitted – the report of the Monitoring Officer on the Constitution.

The Monitoring Officer reported that the Council was required, in accordance with the Council's decision in October 2011 and the requirements of the Local Government (Wales) Measure 2011, to adopt the new Constitution which would introduce executive arrangements, namely a cabinet system.

She noted that the main change to the Council's arrangements were that decision making powers and implementing the vast majority of the authorities' functions would transfer from the Council to the Executive. The Council would decide on the budget and the policy framework, i.e. the Three Year Plan and a number of specific strategies. Also, the Council retained the power to appoint a Leader, to adopt or amend the Constitution, to set the chief officers' salaries policy and to make by-laws. She referred to the responsibilities of the Planning Committee, the Licensing Committee, the Pensions Committee and the Employment Appeals Committee. Everything else would be the responsibility of the Executive and there would be no power to refer up to the Full Council.

The Leader would decide on the number of members on the Executive and their portfolios and would inform the Council regarding this aspect. She noted that individual members of the Executive would have decision making powers in relation to matters within their portfolios, subject to certain restrictions. Any decision made by an individual member would be subject to the same arrangements as other Executive decisions,

namely, a full written report, the publication of a decision making notice and the power of call-in to a Scrutiny Committee.

She noted that the three scrutiny committees, and to some extent the Audit Committee, would have the role of calling to account the Executive and individual members of the Executive. The scrutiny committees would have the power of call-in in respect of the decisions of the Executive or individual members of the Executive under certain circumstances. The scrutiny committees would also have the duty of adding value to the Council's activities and the outcomes to residents of the county by undertaking studies on the effect of various policies on residents, monitoring the performance of various services and holding investigations into relevant subjects in order to present recommendations to the Executive.

With regard to the area committees, the Council decided to further consider moving to area forums. With the change to Executive arrangements, the area committees no longer had any decision making role. In March, the observations of the three areas on the arrangements were received but there had been no opportunity to discuss them and to come to a conclusion. Therefore, the discussion remains on the exact role and purpose of the area committees and how best to incorporate them into the Council's constitution. For that reason, the version of the Constitution submitted here did not include area committees and it was recommended that a further report be submitted before the Council in June in order to deal specifically with area committees.

Details were provided on the main changes to the Constitution.

- b) Members were invited to submit their observations.
- i) The Council Leader referred to part 3 of the Constitution, Responsibility for Functions and specifically the Employment Appeals Committee. He noted that incorrect wording had been included in the table "Miscellaneous Functions" and there was a need to amend the content to include the correct wording. The Monitoring Officer should be authorised to make the necessary correction.
- ii) In relation to Article 9 – Standards Committee and the term of office of members of the local authority on the committee of no more than four years or until the next ordinary local government election, whichever is the soonest, a member enquired whether new members needed to be appointed in 2016 considering that the term of the new Council would be five years.

In response, the Monitoring Officer informed the meeting that this regulation had been taken from a statutory regulation, however, during the period in question she anticipated that it could be revised to allow those members to continue to be members on the committee until the next election rather than having to undertake a change a year sooner.

She pledged that she would discuss the matter with the Welsh Government.

- iii) A member expressed dissatisfaction that under the new procedure there was no right to refer a matter from the Executive to the Full Council and he was of the opinion that this was undemocratic. He requested for this matter to receive further consideration in order to allow an ordinary member of the Council to have the right to refer the matter up.

In response, the Monitoring Officer stated that as a consequence of the requirements of legislation, the Executive would have the decision making power and implementation powers for the vast majority of the Council's functions and, therefore, it would not be possible for the Full Council to change any decision made by the Executive. However, reference was made in the Constitution to the power to call-in a matter from the Executive to the scrutiny committee and then the scrutiny committee had the power to refer the matter to the Full Council. It was not possible for the decision of the Full Council to replace the decision of the Executive and the Executive would then need to reconsider the matter.

- iv) A member referred to the reference in the Constitution that the Chair of the Scrutiny Committee and any two members of that committee needed to submit a notice to call-in any decision made by the Executive. The member submitted an amendment, namely, that any three members of the scrutiny committee had the right to call-in a matter.

In response, the Monitoring Officer noted that it was not a statutory requirement for the Chair of the Scrutiny Committee and any two members of that committee to do this and it would be possible to change this if they so wished.

A member was of the opinion that the Chair of the Scrutiny Committee should be afforded some status and the member believed that the chair would respect the wishes of the remainder of members of the committee and, therefore, what was noted in the constitution should be adhered to.

Another member agreed with the amendment since this method was more democratic and some of the other members agreed with this.

The amendment that any three members of the scrutiny committee had the right to call-in a matter fell.

- v) A member enquired whether it would be possible for harbour committees to report back to the Communities Scrutiny Committee.

In response, the Monitoring Officer stated that it would be possible for the Communities Scrutiny Committee to scrutinise the work of these committees but in terms of formal reporting back they must do so to the Executive.

- vi) A member noted that no reference had been made in the Constitution to an observation made by him already regarding whether those members who worked full-time should be members of the Executive.

In response, the Monitoring Officer stated that there was no legal or constitutional reason precluding a member of the Executive from holding another post. She noted that there was a clear expectation in the report of the panel examining members' salaries that members of the Executive undertook their work on a full-time basis but this was not the same as stating that they could not hold another function.

- vii) A member enquired how it would be possible for her to have a detailed discussion on issues that were important to her electors in light of the change to the Cabinet system.

In response, the Council Leader stated that the Full Council convened five times a year but in order to represent the electors more effectively, perhaps additional meetings of the Council would need to be convened. He agreed with the observation of the member and channels were needed to address the issues that were crucial to electors. He noted the possibility of members of the Executive holding regular surgeries and they would be open to any member to attend.

RESOLVED

- (a) To adopt the supplementary sections of the Constitution to supersede the corresponding sections in the former Constitution.**
(b) To submit a further report to the Council in June on the area committees.
(c) To authorise the Monitoring Officer to make the necessary corrections to the "Miscellaneous Functions" of the Employment Appeals Committee

9. MEMBERS' SALARIES

- a) Submitted - the report of the Head of Democracy and Legal Department on members' salaries.

The Head reported that the salaries of councillors for 2012/13 and the subsequent years were to be paid in accordance with the decisions of the Independent Remuneration Panel for Wales. The Panel had published its report detailing the salaries in December 2011 and the decisions of the Panel would come into force following the elections in May when the following salaries would be payable -

Ordinary Councillor	£13,175 (Basic Salary)
Council Leader	£47,500 (Senior Salary)
Deputy Council Leader	£33,460 (Senior Salary)
Cabinet Member	£28,780 (Senior Salary)
Committee Chairman	£21,910 (Senior Salary)
Political Group Leader	£16,920 (Senior Salary)
Chairman of the Council	£21,375 (Civic Salary)
Vice-chairman of the Council	£16,625 (Civic Salary)

The Council did not have the right to change these amounts and individual members had the right to waive the whole or part of their salary should they so wish. It was noted that there were five categories of members eligible to receive senior salaries, namely, the Council Leader, Deputy Leader of the Council, Cabinet Member, Committee Chairman and Political Group Leader and the number of senior salaries payable was limited to 18. The new Council had to decide which posts were eligible to receive the senior salaries.

The opinion of the Members' Services Group was sought on the allocation in March 2012 as part of the preparations for the new Council and the Working Group's recommendation was to pay the senior salaries to the Council Leader and up to nine members of the Cabinet, including any Deputy Leader, Chairs of the three Scrutiny Committees and the Audit Committee, the Planning Committee and the Licensing Committee. This brought the total salaries paid to 16. It was recommended not to allocate the two senior salaries that remained for the time being until the Constitution of the new Council and the workload of the various committees was clear and to review the matter during the year.

- b) Members were invited to submit their observations.
- i) A member requested that consideration should be given to the possibility of paying an allowance to the Chairman of the Democratic Services Committee also.

In response, the Council Leader stated that the workload of the committee was unclear at the moment but the matter could be given further consideration during the year.

RESOLVED

**a) To allocate senior salaries to the following posts -
Council Leader**

Deputy Leader if there is one

Cabinet Members

Chairs of the three Scrutiny Committees

Chairman of the Audit Committee

Chairman of the Planning Committee

Chairman of the Licensing Committee

b) To review during the year whether the remaining two senior salaries are to be allocated.

10. APPOINTING A LAY MEMBER TO THE AUDIT COMMITTEE

- (a) Submitted - the report of the Monitoring Officer on appointing a lay member to the Audit Committee.

The Monitoring Officer explained that it was a requirement, in accordance with the Local Government (Wales) Measure 2011, for the Council to appoint an Audit Committee to monitor and scrutinise financial matters, risk management and corporate governance. and it

was necessary to have at least one lay member on the committee and up to a third of the membership could be lay members. Any lay member had a right to vote and would receive a co-opted member's salary of £198 per day.

The Members Services Working Group had considered the matter and it was recommended that an Audit Committee should be established of 18 elected members and one lay member. It was also recommended that elected representation should be on the basis of political balance.

No specific procedure was designated for appointing the lay member to the committee. It was suggested in the draft guidance of the Welsh Government that there should be public advertisements and it was suggested also that the individual appointed should be independent of the Council without any business connections with it and he / she should also possess a knowledge of local government. It was suggested that an individual whose political colours were known should not be appointed. Details were provided of the criteria for appointing the lay member.

It was recommended that an advertisement should be placed in the local/ regional press for a declaration of interest from those who wished to serve as lay members on the Audit Committee and the Council's Business Group should consider the applications and submit a recommendation to the Full Council who would then appoint a member to serve on the committee for a term of five years.

- (b) Members were invited to make observations.
 - i) In relation to the criteria, a member proposed an amendment, namely, ordinary members from political parties should not be precluded from being lay members of the Audit Committee but individuals whose political colours were known were exempted.
 - ii) Another member disagreed with the amendment and was of the opinion that a lay member on the committee should not be connected with any political party.

The amendment was passed.

RESOLVED

- (a) To adopt the attached criteria for a lay member serving on the Audit Committee except for amending the relevant wording to reflect the above amendment.**
- (b) To approve the appointment procedure recommended above.**

11. DATES OF COUNCIL MEETINGS IN 2012/13

Submitted – the dates of Council meetings for 2012/13 for adoption.

RESOLVED to adopt the dates of Council meetings for 2012/13.

12. NOTICE OF MOTION

In accordance with Procedural Rule 13, it was reported that An urgent notice of motion had been submitted, along with a procedural motion, in accordance with Procedural Rule 13 (12), by Councillor W. Gareth Roberts, requesting that the matter be discussed at the full Council without being referred to committee:-

RESOLVED to discuss the proposal at this meeting.

The following motion was proposed and seconded:-

“ That Gwynedd Council is very uneasy with the Welsh Government's consultation proposals to create Marine Conservation Zones around the Gwynedd coast because of their implications for the fishing and tourism industries and that we ask the relevant Cabinet Member to give urgent attention to the Council's response to the consultation”.

The member reported that he had brought the proposal before the meeting because of the Welsh Government's proposal to create Marine Conservation Zones in Wales with consultation on ten of the proposed zones taking place at the moment with four of these zones located around the shores of Gwynedd.

Another member suggested that the word “uneasy” in the proposal should be amended to “dissatisfied” and the proposer agreed to this.

A member referred to a public meeting to discuss the matter to be held that evening in the Sailing Club in Pwllheli.

Several members noted that creating these zones would certainly affect the livelihood of fishermen.

RESOLVED to state that Gwynedd Council is very dissatisfied with the Welsh Government's consultation proposals to create Marine Conservation Zones around the Gwynedd coast because of their implications for the fishing and tourism industries and to ask the relevant Cabinet Member to give urgent attention to the Council's response to the consultation.

The meeting commenced at 1.00pm and concluded at 2.45pm.

CHAIRMAN