

THE COUNCIL THURSDAY, 14 DECEMBER 2017

Present: Councillor Annwen Daniels (Chair);
Councillor Annwen Hughes (Vice-chair).

Councillors: Craig ab Iago, Menna Baines, Freya Hannah Bentham, Dylan Bullard, Stephen Churchman, R. Glyn Daniels, Elwyn Edwards, Alan Jones Evans, Aled Evans, Dylan Fernley, Peter Antony Garlick, Gareth Wyn Griffith, Selwyn Griffiths, Alwyn Gruffydd, John Brynmor Hughes, R. Medwyn Hughes, Sian Wyn Hughes, Judith Humphreys, Nia Jeffreys, Peredur Jenkins, Aeron M. Jones, Aled Wyn Jones, Anne Lloyd Jones, Berwyn Parry Jones, Charles W. Jones, Elin Walker Jones, Elwyn Jones, Eric Merfyn Jones, Huw Wyn Jones, Keith Jones, Kevin Morris Jones, Linda A. W. Jones, Sion Wyn Jones, Eryl Jones-Williams, Cai Larsen, Beth Lawton, Dilwyn Lloyd, Dafydd Meurig, Dilwyn Morgan, Dafydd Owen, Dewi Owen, Edgar Wyn Owen, W. Roy Owen, Rheinallt Puw, Peter Read, Dewi Wyn Roberts, Elfed P. Roberts, John Pughe Roberts, Mair Rowlands, Paul Rowlinson, Angela Russell, Dyfrig Siencyn, Mike Stevens, Gareth Thomas, Ioan Thomas, Catrin Wager, Cemlyn Williams, Eirwyn Williams, Elfed Williams, Gethin Glyn Williams, Gruffydd Williams and Owain Williams.

Also in attendance: Dilwyn Williams (Chief Executive), Dafydd Edwards (Head of Finance Department), Iwan Evans (Head of Legal Services / Monitoring Officer), Rhun ap Gareth (Senior Solicitor / Deputy Monitoring Officer), Dewi Morgan (Senior Manager - Revenue and Risk), Vera Jones (Democracy Manager) and Eirian Roberts (Member Support Officer).

Apologies: Councillors Anwen Davies, Louise Hughes, Linda Morgan, Jason Parry, Gareth A. Roberts, W. Gareth Roberts, Hefin Underwood and Gareth Williams.

1. MINUTES

The Chair signed the minutes of the previous meeting of the Council held on 5 October, 2017 as a true record, subject to noting that Councillors Alwyn Gruffydd, Edgar Owen and Cemlyn Williams were present and amending the name of the Llais Annibynnol Gwynedd Group in the political balance table in item 12 to read "*Annibynnol Unedig Gwynedd / United Independent Group for Gwynedd*".

2. DECLARATION OF PERSONAL INTEREST

Members had received a briefing note from the Monitoring Officer in advance regarding item 8 - Council Tax Reduction Scheme 2018/19.

Members were reminded to return their declaration of interest forms.

The following members declared a personal interest in item 8 on the agenda - Council Tax Reduction Scheme 2018/19 for the reasons noted:-

- Councillor Eirwyn Williams - because his wife was disabled and received a tax reduction as a result.
- Councillor Dafydd Owen - because he received a housing allowance.
- Councillor Nia Jeffreys - because a close member of her family was affected by the scheme.
- Councillor Sian Wyn Hughes - because a close member of family received a single person allowance.
- Councillor Gruffydd Williams - because he received a single person discount.
- Councillor Sion Jones – because he received a single person discount.
- Councillor Mair Rowlands – because she received a single person discount.

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- Councillor Stephen Churchman – because he was of the opinion that his household was in receipt of council tax reduction (income based).

The members were not of the opinion that they were prejudicial interests, and they did not withdraw from the meeting during the discussion on the item.

3. CHAIR'S ANNOUNCEMENTS

Condolences were expressed to everyone from Gwynedd who had suffered a bereavement recently.

The following were congratulated:-

- The Vice-chair, Councillor Annwen Hughes, on becoming a Grandmother.
- Haf Thomas, Corporate Support Department, on winning the Community Champion Award in the Scottish Power Community Awards.
- Robin Williams, Brighter Foods, Tywyn, on winning the Entrepreneur of the Year in the SME (Small and Medium Enterprises) Awards recently.
- Iwan Roberts from Blaenau Ffestiniog on his success on becoming the Cycling World Triathlon Champion.
- Elfyn Evans from Dolgellau on winning the British Car Rally and finishing fifth in the world over the year.
- St. David's Leisure Ltd on their recent success on winning the Tourism Business of the Year award in the Daily Post Business Success Awards 2017.

Members were invited to nominate individuals or a team within the Council's workforce for the People's Award, as part of the Annual Council at its Best Awards Ceremony.

Attention was drawn to the note received from Councillor Dilwyn Morgan, Cabinet Member for Children and Young People, encouraging all members to attend the Corporate Parenting Training in Siambr Dafydd Orwig on the morning of 10 January, 2018.

Councillor Owain Williams paid tribute to the late John Albert Jones.

4. QUESTIONS

(The Cabinet Members' written response to the questions had been distributed to the members in advance).

(1) Question by Councillor Catrin Wager

"Following the recent attention to inappropriate behaviour in politics, what procedures does the Council have in place for reporting and dealing with matters of harassment amongst officers and Members?"

Response - The Deputy Leader, Councillor Mair Rowlands

"The emphasis within the Council is on seeking to ensure a working environment that avoids situations of harassment and the number of cases dealt with is low across the Council.

The Council has an individual Code of Conduct for Members and for Officers, as well as a Protocol on contact between Members and Officers. Respect and courtesy are essential foundations in order to protect the Council, its members and its employees.

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The 'Gwynedd Standard' for Members explains the standards expected of us and it includes a procedure for dealing with allegations that Members have been in breach of that protocol. The culmination of that procedure is to submit a case to a meeting of the Standards Committee but there are steps to be taken prior to that in order to try to identify a solution to the allegations made informally.

Similarly, the Code of Conduct for officers notes the need for them to deal with others in a sympathetic, efficient and impartial way. Furthermore, the Council's Local Conditions of Employment include policies and guidelines on Dignity at Work, Whistle-blowing, the Complaints Procedure and the Disciplinary Procedure.

Attempts are made to try to resolve some of the allegations made informally but the seriousness of some allegations leads to dealing with matters formally and, in extreme situations, to suspending an individual from work while an investigation is conducted.

Arrangements are made in all of these situations for support to be offered to individuals making the allegation as well as for those about whom the allegation is made. This is done by offering independent counselling services, occupational health and also, when both sides are in agreement, seeking to resolve the situation through mediation."

A supplementary question by Councillor Catrin Wager

"Outside the procedures you have discussed, does the Council have any protocol to attempt to encourage people to feel that they are safe to bring complaints of sexual harassment, in particular, forward?"

Response - The Deputy Leader, Councillor Mair Rowlands

"One procedure I referred to in the response was the whistleblowing procedure and I am glad to report that the awareness and the trust in this procedure has increased substantially over the past years. This allows one to make an anonymous complaint and I can declare that this is based on the results of an annual survey undertaken by the Internal Audit Unit. This happened as a result of concerns that had been voiced a few years ago regarding the lack of awareness of this process and there were cards that every member of staff received noting the details on whistleblowing. They are included in the appointment packs for new staff and we can share some with all of you here today. This is an example of something that every member of staff across the Council has received. Also, we have the Domestic Abuse Policy. This policy and training acknowledges that sexual abuse and harassment can happen anywhere, in the home and in the workplace, and the training raises this awareness. Information accompanies the policy and there are support agencies independent of the Council, such as Byw Heb Ofn, Women's Aid, but there are some of which I am aware, for example, RASAC (Rape and Sexual Abuse Centre) that are not there at present. I intend to ask the officers to consider including this and any other organisation that is suitable in the policy, because, as the Councillor has already referred to, maybe people do not feel comfortable reporting this to the Council at the time. Therefore, by having the support of an external organisation specialising in the field, this may possibly be of more assistance. But I am happy to continue discussions if there are any other ideas in terms of what we can do."

(2) Question from Councillor Eryl Jones-Williams

"Has Gwynedd Council gone too far with its cuts and efficiency savings to leave Departments under-staffed, causing the remaining staff members to have an overbearing workload and having to work extra hours to catch up?"

Response - The Deputy Leader, Councillor Mair Rowlands

"At the last Council meeting in October, you will remember that the Chief Executive presented details regarding how the Council will be facing further cuts in the grant that can be expected from Welsh Government over the coming years.

At the time, he noted that the Council had saved £61.5 million over the last 12 years and warned that the Council would be facing a further financial deficit of up to £24.4 million over the next four years.

Unfortunately, this is the reality of the financial situation facing every Local Authority and it is unrealistic to expect the same level of service as in the past in such a financial climate. The Council made difficult, but necessary, decisions following the Gwynedd Challenge consultation and again, more presentations will be coming to the Council in due course regarding the cuts to come.

The suggestion made by the Councillor regarding the need to ensure that the cuts and savings do not lead to excessive pressure on staff is an important one. The number of staff employed by the Council has reduced from 6,285 in 2015 to 5,828 at the beginning of the current financial year - a reduction of 457 across all services.

Furthermore, the number of days lost due to sickness in 2016/17 has increased to nine days per head, from 8.44 days per head in the previous year and a keen eye needs to be kept on any longer-term trend in this context. As Cabinet Member, I am keeping a close eye on this in the performance challenging meetings that some scrutiny members are attending as well. Having said that, I also note that the level of sickness absence within the Council remains one of the lowest amongst Welsh local authorities. The Council has invested in the support given to maintain the health and well-being of staff and this investment, one of our most important resources, has been shielded from recent cuts and savings.

Maintaining the balance between working within the budget and ensuring service continuity, while protecting the physical and mental well-being of the people responsible for doing so, is difficult but the individual Cabinet members are fully aware of this need for balance and receive regular feedback from heads and managers regarding the performance and the capacity to deliver.

The Council's financial strategy has been recognised by the Wales Audit Office as prudent and robust while Welsh Government's Corporate Health Standard assessors have awarded the Council with the Gold Level for the third successive time recently, on grounds of the support provided to promote and facilitate the health and well-being of staff.

It is acknowledged that the commitment of Council staff to serve the people of Gwynedd is strong and that there are numerous examples of those staff going the extra mile in their efforts. What's important to us, as Council Members, is to support this work and to be realistic in our expectations of what can be achieved within the current financial climate."

A supplementary question from Councillor Eryl Jones-Williams

"Who is looking into this and how is this carried out?"

Response - The Deputy Leader, Councillor Mair Rowlands

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"As I tried to explain in the response, there are a number of different ways. Obviously, heads of department and senior managers have to keep an eye on the situation and the Cabinet Members have a responsibility to ensure that a balance is struck. Also, as I mentioned, every Cabinet Member has performance challenging meetings. For example, I referred to the sickness levels. That is something that comes to my performance challenging meeting, but obviously, there are other things that could be scrutinised at the other meetings by Cabinet Members, but if you, as members, are aware of anything or if you see any substantial pressure, please convey this to us as Cabinet Members for the relevant portfolio fields. We would welcome any further information."

(3) Question from Councillor Sion Jones

"How did the Cabinet Member come to a decision about choosing Councillors to serve on the Board of Cartrefi Cymunedol Gwynedd (CCG)?"

Response - Cabinet Member for Housing, Leisure and Culture, Councillor Craig ab Iago

"Initially, all members fill in a form noting their areas of interest, and therefore I consider this first of all. I then look at people's experience and see what they would be able to offer CCG. Then, I try to obtain some kind of balance, so that I tick every box and I believe that I have managed to do so. So, we have a geographical balance and gender balance, with 2 and 2. I wanted to make sure that there was some kind of consistency with what we were doing before, so we have some with experience as well as new blood, namely 2 and 2 again. Also, there is political balance, with one from the Labour Liberal Group, one from the Independent Group and two from the Plaid Cymru Group. I have also got older and younger people, so I believe that I have taken everything into consideration - I hope that you agree. There are 75 of us on the Council, and only room for 4 on the Board. I have done my best."

A supplementary question by Councillor Sion Jones

"Is the Cabinet Member willing to reconsider and re-organise the members every two years?"

Response - Cabinet Member for Housing, Leisure and Culture, Councillor Craig ab Iago

"Firstly, we appoint Councillors to the Board. I agree that there is a need for clear representation on the Board from among the tenants, but this is not my role. My role is to appoint wise people who will try and collaborate with CCG to get the best for the residents of Gwynedd, and I believe that I have succeeded. There are now plenty of opportunities in CCG to appoint tenants, or possibly a tenant would be able to buy a share in the company and then that person has the opportunity to voice an opinion, but it is not my role to appoint the tenants' representatives. If Councillor Sion Jones has any issues he would like to raise, I have not heard about them thus far. I have seen the emails he sent and the campaign on Twitter and Facebook, but he has not contacted me at all. I am certain that the four members who are present are open to listen to what he has to say regarding the concerns of the tenants as it is very important and this is why CCG is there. But they have not raised anything with me that has been raised by the Councillor. If it is the Councillor's wish for me to consider this every two years, I am happy to do so. At present, I am happy with the people who are there. If any of them wish to step down at any time, that is another issue, and I will consider the successive member at that time."

(4) Question from Councillor Mike Stevens

"What is the delay in implementing the new protocol for officers responding to members' communications, e.g. letters, e-mails or phone calls?"

Response - The Deputy Leader, Councillor Mair Rowlands

"Section 21 of the Council's constitution contains the Protocol on Member and Officer Relations and it includes guidance on the provision of advice and information to members by officers together with the time-scale for responding. The Council adopted the Protocol in its current form in 2014 as part of a review of the Constitution.

The protocol is in the process of being reviewed at present. At the same time, a guidance and explanatory note for officers, which will contain simple principles on responding to enquiries from elected members, is also being developed alongside the protocol. It is likely that the guidance will contain clear principles, including dealing with members in a respectful way, responding as promptly as possible etc.

The review of the Protocol on Member / Officer Relations has been led by the Standards Committee and, as well as a consultation with members, it will also be considered by the Democratic Services Committee in the spring with the intention of reporting on any adaptations to the Council in May. And this is due to the current schedule of committee meetings.

A supplementary question by Councillor Mike Stevens

"Can we have a clear time-scale and guidance regarding how they should respond to members?"

Response - The Deputy Leader, Councillor Mair Rowlands

"In terms of the protocol itself, it will probably already be done and implemented, before the Democratic Services Committee discusses it in May. Also, the guidelines will have been developed, which are more specific, and refer to the exact amount of time we would expect an officer to take to respond. I have not personally received as many complaints as that regarding a lack of response from officers, but to be honest, over the years, I'm sure that I myself have experienced this and I would welcome anyone to approach me with more complaints. The Democratic Services Committee is also looking at the matter and a request will be sent out to ask for examples of this. Therefore, please forward anything. As a result of the question I have just answered for Councillor Eryl Jones-Williams, we also have to take into account the reality of the situation and the pressure that Council staff can face, but I agree that they need clearer guidance so that they are aware of the protocol."

5. COUNCIL TAX REDUCTION SCHEME 2018/19

The Cabinet Member for Finance submitted a report asking the Council to confirm the continuation of the current Local Scheme to provide assistance towards paying the Council Tax for the year commencing 1 April 2018.

The Cabinet Member for Children and Young People drew attention to work being carried out in the Corporate Parenting Panel in terms of introducing a Council Tax exemption to young people who were leaving care. The exemption did not fall within this scheme, however, an item would be presented before the Cabinet, and the Cabinet Member for Finance was thanked for his assistance with the work.

The Cabinet Member for Finance explained that it would be possible to present a Council Tax exemption for young people who were leaving care to the Cabinet for a subsequent decision after work was carried out to cost an appropriate impact assessment and after it had been considered at the Corporate Parenting Panel. As it was not expected for the relevant cost to be prohibitive, the Finance Department would be happy to act regardless of the panel's recommendation to the Cabinet.

RESOLVED

- (a) **To continue to implement the Council's Local Scheme for the year commencing 1 April 2018 as it was in 2017/18. Therefore the following conditions (i - iii below) regarding the continuation of the discretionary elements will apply:**
- (i) **To implement a 100% disregard for war disablement pensions, and war widow pensions for both pensioners and working age claimants.**
 - (ii) **Not to increase the extended reduction periods for pensioners and working age claimants from the standard four weeks in the Prescribed Scheme.**
 - (iii) **Not to increase the backdate period for pensioners and working age claimants from the standard three months contained within the Prescribed Scheme.**
- (b) **Where appropriate, that the Council delegates powers to the Head of Finance Department, in consultation with the Cabinet Member for Finance, to make minor amendments to the scheme for 2018/19, on condition that it will not change the substance of the scheme.**

6. AMENDING THE CONSTITUTION

The Chair of the Audit and Governance Committee submitted a report asking the Council to adopt the amendments to the Constitution.

Reference was made to the need to make two minor amendments to Paragraph 4.20.4 in the Appendix, namely:-

- Sub-paragraph (i) - Change the word '*improper*' to '*inappropriate*' in the English version.
- Sub paragraph (ii) - Correct the first words to read "Er gwaethaf (i) *ni* osodir"

In reference to Paragraph 4.20.4, which discussed checking notices of motion for propriety, some members questioned the need for the word '*amhriodol (inappropriate)*' in Sub-paragraph (i) on the grounds that it undermines the rights of members and that the words '*anghyfreithlon (illegal)*' and '*allan o drefn (irregular)*' encompassed everything. In response, the Monitoring Officer explained that '*amhriodol (inappropriate)*' in this context referred to a notice of motion which discussed the personal details of someone or libellous matters of a proposal that was factually incorrect. He would be concerned about removing this as the Constitution stated clearly what the subject of a proper notice of motion could be and that every proposal needed to be filtered against this in order to ensure that the Council did not make an illegal decision. He also noted that the work that was taking place with members in an attempt to improve the wording of their proposals was positive intervention as it was a way of removing any impropriety in order to allow those proposals to be taken forward.

RESOLVED to amend the Constitution in line with the report, with the minor amendments to Paragraph 4.20.4 as noted and subject that the amendment to Paragraph 9.12.3 becomes operational following the Council's annual meeting in 2018.

7. URGENT CABINET DECISION

The Deputy Leader submitted a report, for information, regarding an urgent Cabinet decision on 24 October, 2017 to approve an application to amend the lease of the Welsh Highland Railway Station, Caernarfon, to approve the sale of food and retail and waiving the requirement for a resulting increased premium in the document. It was explained that it had been a requirement to make an urgent decision in accordance with Section 7.25.2 of the Constitution to exempt the matter from the procedure of calling in to scrutiny to ensure that the Council could provide a decision to the company within the grant timetable.

RESOLVED to accept and note the report

8. NOTICES OF MOTION

- (1) Submitted - the following notice of motion by Councillor Owain Williams, in accordance with Section 4.20 of the Constitution, and it was seconded:-

"That Gwynedd Council calls for arrangements to be made for Welsh history to be given priority in history lessons in all schools in Wales. The current situation of basic failings in teaching our own history and identity is unacceptable.

We therefore call upon Welsh Government to take the necessary steps to correct this failing without delay."

The Cabinet Member for Education referred to the development of the new national curriculum, A Successful Future, that would likely lead to a broader choice for teachers in terms of what they would teach. However, the resources were not currently available to teach Welsh history, and he proposed an amendment to the proposal as follows:-

- To add *"The development of the Successful Future curriculum was an opportunity to rectify this step and there will be a need to develop bilingual essential resources to enable teachers to teach Welsh history to the children"* as a second paragraph.
- To include the words *"including developing bilingual resources"* after the word essential in the final paragraphs.

The amendment was seconded.

Many members expressed their support to the amendment by noting:-

- That the timetable in terms of obtaining Welsh resources for the new curriculum was a general complaint across all subjects.
- That there was a generation of teachers who had not received this education about Welsh history themselves and that there was a need to raise this awareness as well as train teachers in the field.
- Advantage should be taken of the resources and expertise of the Welsh History Department, Bangor University, to help develop the curriculum.
- That Welsh Government provided Welsh textbooks for schools, but that no Welsh textbooks had reached Gwynedd secondary schools. Those members who were school governors were called upon to demand that their schools used the provision that was already available in order to teach through the medium of Welsh.

The proposer of the original motion agreed to amend the motion along the lines mentioned with the permission of the Council and the seconder.

A vote was taken on the amended motion, and it was carried.

RESOLVED that Gwynedd Council calls for arrangements to be made for Welsh history to be given priority in history lessons in all schools in Wales. The current situation of basic failings in teaching our own history and identity is unacceptable.

The development of the Successful Future curriculum is an opportunity to rectify this step and there will be a need to develop bilingual essential resources to enable teachers to teach Welsh history to the children.

We therefore call upon Welsh Government to take the necessary steps, including developing bilingual resources, to correct this failing without delay."

- (2) Submitted - the following notice of motion by Councillor Craig ab Iago, in accordance with Section 4.20 of the Constitution, and it was seconded:-

"The Council notes:

That the Universal Credit, which is a responsibility of the Tory Westminster Government, is deficient and causes hardship for the most needy families and individuals in our society. It is feared that a substantial increase in payments in arrears will lead to more people becoming homeless and more pressure on our services.

The Welsh Labour Government in Cardiff has not placed enough political pressure on Westminster to devolve the welfare system to Wales. We strongly believe that the benefits system should be devolved entirely to Wales; but, in the meantime, the administration of the welfare system could be devolved to Wales, as is the case in Scotland, in order to provide flexibility to mitigate the effects of this unjust tax."

Many members expressed their support to the motion by noting:-

- That the effort made to simplify the procedure was to be applauded, but that the reality was very different to the concept.
- That the responses of many charities to universal credit and the statistics of the food bank charities outlined the impact of the changes on the most vulnerable and poor within society.
- That anyone who is concerned about the less fortunate, or who has any kind of social conscience, or who were concerned about the long-term impact on the Council and its staff, should support this motion.
- That there was a need to devolve the system, not just in terms of administration, but that we should be given the right to create our own benefits system so that an answer that would work for the people of Wales was found.
- That the new arrangements affected landlords as well and created uncertainty for everyone.

RESOLVED to adopt the motion.

- (3) Submitted - the following notice of motion by Councillor Dyfrig Siencyn, in accordance with Section 4.20 of the Constitution, and it was seconded:-

"The Council expresses its considerable concern at the way the Spanish Government has imprisoned 10 elected members of the Catalanian

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Government. Such persecution is an attack on full democratic processes and undermines the European Union's governance principles. Since there are a number of Catalonians living in Gwynedd, we call upon the Westminster Government to follow the example set by the National Assembly for Wales by clearly stating its objection to this miscarriage of justice and to send a message to the Spanish Government noting that its behaviour is incompatible with human rights principles."

The member explained that the original wording of his proposal called on Welsh Government to express its objection to the situation and send a message to the Spanish Government, but as the motion had been issued before the Assembly had taken a vote on the matter, he wished to amend the proposal and call on the Westminster Government to follow the example of the National Assembly for Wales by acting along those lines.

The Council allowed the proposer to amend his motion.

Many members expressed their support to the amended motion by noting:-

- That the Spanish police had used serious violence to prevent people from expressing their views and that the basic principle that every nation had the right to make a decision on its own fate should be supported.
- That the motion was an opportunity to acknowledge the awful way that peaceful Catalonians were treated for exercising their democratic rights to vote.
- That such persecution was an attack on democratic processes and undermined the European Union's governance arrangements.

It was noted that a Rally to support Catalonia was to be held at 6:30pm that evening on Castle Square, Caernarfon.

A vote was taken on the amended motion, and it was carried.

RESOLVED that the Council expresses its considerable concern at the way the Spanish Government has imprisoned 10 elected members of the Catalanian Government. Such persecution is an attack on full democratic processes and undermines the European Union's governance principles. Since there are a number of Catalonians living in Gwynedd, we call upon the Westminster Government to follow the example set by the National Assembly for Wales by clearly stating its objection to this miscarriage of justice and to send a message to the Spanish Government noting that its behaviour is incompatible with human rights principles.

The Chair wished everyone a Merry Christmas and a Happy New Year.

The meeting commenced at 1.00 pm and concluded at 2.40 pm

CHAIRMAN