

THE COUNCIL THURSDAY, 12 MAY 2016

Present: Councillor Eric Merfyn Jones (Chair);
Councillor Annwen Daniels (Vice-chair);

Councillors: Stephen Churchman, Anwen Davies, Lesley Day, Dyfed Edwards, Elwyn Edwards, Trevor Edwards, Thomas Ellis, Aled Evans, Gweno Glyn, Simon Glyn, Gwen Griffith, Selwyn Griffiths, Alwyn Gruffydd, Sian Gwenllian, Annwen Hughes, John Brynmor Hughes, Sian Wyn Hughes, Peredur Jenkins, Aeron M.Jones, Aled Wyn Jones, Anne Lloyd Jones, Brian Jones, Charles W.Jones, Elin Walker Jones, John Wynn Jones, Linda A. W.Jones, Sion Wyn Jones, Eryl Jones-Williams, Beth Lawton, Dilwyn Lloyd, June E.Marshall, Dafydd Meurig, Dilwyn Morgan, Linda Morgan, Dewi Owen, Michael Sol Owen, W. Roy Owen, William Tudor Owen, Nigel Pickavance, Peter Read, Caerwyn Roberts, Gareth A .Roberts, John Pughe Roberts, W. Gareth Roberts, Mair Rowlands, Angela Russell, Dyfrig Siencyn, Mike Stevens, Gareth Thomas, Ioan Thomas, Hefin Underwood, Ann Williams, Eirwyn Williams, Elfed Williams, Gruffydd Williams, John Wyn Williams, Owain Williams, R.H. Wyn Williams, Mandy Williams-Davies and Eurig Wyn.

Also in attendance: Dilwyn Williams (Chief Executive), Iwan Trefor Jones (Corporate Director), Dafydd Edwards (Head of Finance Department), Geraint Owen (Head of Corporate Support Department), Iwan Evans (Head of Legal Services / Monitoring Officer), Rhun ap Gareth (Senior Solicitor / Deputy Monitoring Officer), Arwel E. Jones (Senior Manager – Democracy and Delivery) and Eirian Roberts (Member Support and Scrutiny Officer).

Apologies: Councillors: Craig ab Iago, Endaf Cooke, Gwynfor Edwards, Alan Jones Evans, Jean Forsyth, Chris Hughes, Louise Hughes, Jason Humphreys, Dyfrig Jones, Christopher O'Neal, Glyn Thomas, Gethin Glyn Williams and Hefin Williams.

The Council was addressed by Councillor Dilwyn Morgan, Chair for 2015/16.

1. CHAIR

Councillor Eric Merfyn Jones was elected as Chair for 2016/2017.

Councillor Eric Merfyn Jones signed a declaration accepting the post of the Chair of Gwynedd Council for 2016/2017.

2. VICE-CHAIR

Councillor Annwen Daniels was elected as Vice-chair for 2016/17.

Councillor Annwen Daniels signed a declaration accepting the post of Vice-chair of Gwynedd Council for 2016/17.

3. MINUTES

The Chair signed the minutes of the previous meetings of the Council held on the following dates as a true record.

- (i) 3 March 2016
- (ii) 18 March, 2016 (extraordinary meeting)

4. DECLARATION OF PERSONAL INTEREST

Members had received a guidance note from the Monitoring Officer in advance regarding item 14 on the agenda – Members' Salaries.

As a consequence of the nature of the report on Members' Salaries, and in order to comply with the requirements under the Code of Conduct, the Chair declared a personal interest in the item on behalf of all members present but as it was not a prejudicial interest, members would have the right to participate in the discussion and to vote on the matter.

5. CHAIR'S ANNOUNCEMENTS

(1) Condolences

Condolences were expressed to the following:-

- Councillor John Brynmor Hughes on the death of his mother.
- Councillor Linda A. W. Jones on the death of her mother.

(2) Congratulations

The following were congratulated:

- Councillor Alan Jones Evans and his wife on their recent marriage.
- Councillor Christopher O'Neal and his wife on the birth of their twins - two little girls.
- Councillor Sian Gwenllian and Lord Elis-Thomas on their election as Assembly Members. Councillor Sian Gwenllian provided a brief address thanking her fellow members and officers for every assistance and support throughout the last few years.
- Arfon Jones on his election as North Wales Police Crime Commissioner.

6. ANNUAL REPORT OF THE WALES AUDIT OFFICE

Huw Lloyd Jones and Jeremy Evans from the Wales Audit Office were welcomed to the meeting.

Submitted – Gwynedd Council's Annual Improvement Report 2015-16, along with an advance report from the Head of Corporate Support setting out the context.

The Leader provided brief guidance and then Huw Lloyd Jones was invited to provide a verbal presentation on the Annual Improvement Report 2015-16.

In his presentation, Huw Lloyd Jones explained that the report was not an attempt to provide a fully comprehensive picture of the Council's work but rather to summarise all the auditing work completed during the year in Gwynedd, along with the observations of Estyn, the Care and Social Services Inspectorate Wales and the Welsh Language Commissioner. He provided an outline of the main reasons which had led to the opinion of the Auditor General that the Council was likely to make arrangements to ensure continuous improvements for 2016/17 and he elaborated on the main findings of the three themes of work, namely performance in some specific fields, the manner in which the Council used its resources and aspects of governance.

Questions/observations were invited from the members. Several issues were raised, including:-

- The requirement to ensure continuous improvements in a period of cuts.
- The fees charged by the Audit Officer for their work.

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- The accountability of the Trunk Road Agency and the need for the Minister to also be more accountable and transparent and not to prevent Gwynedd employees of the Trunk Road Agency from responding directly to enquiries from residents and local councillors.
- The present division between the work of the Cabinet and scrutiny.
- The potential advantages of an arrangement of a Shadow Cabinet/Shadow Cabinet Members.
- The challenge facing the Services Scrutiny Committee considering that approximately 75% of the Council's budget was spent in the fields scrutinised by that committee.
- Satisfaction from being given to understand that the Council continued to improve in priority fields and that it had robust financial management arrangements in place.
- Acknowledgement that there were weaknesses in the scrutiny arrangements, the recommendations for improvement and the timetable for that.
- Satisfaction that the national report recommendation of 2015-16 regarding developing effective leaders and recruiting the best talent recognised the problem of attracting leaders of quality.
- Slower progress than what was expected in the field of special education.

Huw Lloyd Jones and Jeremy Evans were thanked for their guidance to members on how to improve Gwynedd.

7. THE REFERENDUM ON MEMBERSHIP OF THE EUROPEAN UNION

The Head of Legal Services /Monitoring Officer withdrew from the meeting because of his statutory function as Monitoring Officer.

Submitted - the Leader's report report which:-

- (a) Sought the Council's viewpoint on the matter of the referendum on membership of the European Union and specifically the question regarding whether or not there would be more benefit for Gwynedd residents of remaining a member of the European Union.
- (b) Recommended that the Council stated that it was of the opinion that Gwynedd residents would derive more benefits by remaining a member of the European Union.

Further to the content of the report, the Leader noted:-

- Gwynedd had benefited by £158m from European funds since 2000 and this had created an investment of £300m for the county during this period.
- He did not believe that it would have been possible for Gwynedd to attract these amounts of funding from any other source.
- Some of the projects in Gwynedd that had benefited from European funding included Pont Briwet (worth approximately £20m); Plas Heli, Pwllheli (approximately £9m); Blaenau Ffestiniog Rejuvenation Scheme (£4.5m); Snowdonia Centre of Excellence (£4.5m); Llwyddo'n Lleol (equal to £3.2m investment for Gwynedd).

During the discussion, it was noted:-

- This was the most important issue which had faced the UK in a generation.
- Businesses in Wales had access to 500,000 customers in the European Union. Thus far, this had been tariff-free but if the UK left the EU, a tariff would be imposed on all the trade going to and from Europe such as exports and imports which would mean an added cost for the consumer, higher costs for businesses and damage to the economy.

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- 71% of businesses which were members of the CBI stated that membership of the European Union had had a positive effect on businesses and 67% of all members which were small and medium businesses were also of the same opinion.
- It could also be argued that we received £10 for every £1 we paid the European Union, not necessarily directly as cash but in the form of benefits stemming from trading with the European Union, e.g. low prices, growth of jobs and commerce.
- Remaining in the EU could create 75,000 additional jobs in the EU over the next 15 years.
- An independent assessment had calculated that 190,000 jobs in Wales had trading links with the EU, namely one in eight jobs.
- In Wales, more than 50,000 were employed in agriculture and agriculture was one of the main winners through the Common Agriculture Policy.
- Leaving the EU would lead to a loss of all the grants and would mean more costly imports and exports. Also, there could be a possible tariff of 40% on farming.
- The amount paid to the European Union was very small compared with what was paid for other essential services, but the gains in commercial terms and job opportunities were far greater than what it cost.
- There was a need to strengthen the powers of the Committee of the Regions and the Leader and new Assembly Member for Arfon were called upon to present the message to the Welsh Government that there was a need for pressure to come from the Welsh Senedd to strengthen the power and influence of the Committee of the Regions.
- Wales was part of the European economic block and it was important to maintain the block and strengthen it.
- European funding was a trigger for communities to take responsibility for themselves.
- Wales had been designated as a European Entrepreneurship Area in 2017 and as two of every three jobs in the private sector in Europe were in medium or micro-businesses, similar to Gwynedd, giving attention to the type of businesses found in Gwynedd on a European platform would have a positive effect.

The recommendation of the report was seconded.

A registered vote was called for on the proposal.

In accordance with the Procedural Rules, the following vote was recorded:

In favour: (48) Councillors – Stephen Churchman, Annwen Daniels, Anwen Davies, Dyfed Edwards, Elwyn Edwards, Thomas Ellis, Aled Evans, Gweno Glyn, Simon Glyn, Gwen Griffith, Selwyn Griffiths, Alwyn Gruffydd, Annwen Hughes, Sian Wyn Hughes, Peredur Jenkins, Aled Wyn Jones, Anne Lloyd Jones, Brian Jones, Charles W.Jones, Elin Walker Jones, Eric Merfyn Jones, John Wynn Jones, Sion Wyn Jones, Beth Lawton, Dilwyn Lloyd, June E.Marshall, Dafydd Meurig, Dilwyn Morgan, Linda Morgan, Dewi Owen, Michael Sol Owen, William Tudor Owen, Caerwyn Roberts, Gareth A.Roberts, John Pughe Roberts, W. Gareth Roberts, Mair Rowlands, Dyfrig Siencyn, Gareth Thomas, Ioan Thomas, Hefin Underwood, Ann Williams, Gruffydd Williams, John Wyn Williams, Owain Williams, R.H.Wyn Williams, Mandy Williams-Davies and Eurig Wyn.

Against: (3) Councillors – John Brynmor Hughes, Peter Read and Mike Stevens.

Abstaining: (5) Councillors – Lesley Day, Aeron M. Jones, Eryl Jones-Williams, Nigel Pickavance, Angela Russell and Elfed Williams.

RESOLVED to state that this Council is of the opinion that more benefit will be derived from remaining a member of the European Union for residents of Gwynedd.

8. AMENDMENTS TO THE MODEL CODE OF CONDUCT

Submitted - the report of the Monitoring Officer inviting the Council to adopt a series of amendments to some key elements of the current Code of Conduct as a consequence of the introduction of the Local Authorities (Model Code of Conduct) (Wales) (Amendment) Order 2016 on 1 April 2016.

RESOLVED to adopt the amendments to the Code of Conduct for Members in accordance with the report.

9. ANNUAL REPORT BY THE CHAIR OF THE DEMOCRATIC SERVICES COMMITTEE WITH REGARDS TO SUPPORT FOR MEMBERS

(a) Councillor Thomas G. Ellis, Chair of the Democratic Services Committee, submitted the annual report, updating the members on the support that was available, the developments that had been realised and those which were ongoing.

(b) It was reported that there was a need to appoint a Chair for 2016/17.

RESOLVED to elect Councillor Thomas G. Ellis as Chair of the Democratic Services Committee for 2016/17.

10. MEMBERS' SALARIES

Submitted - the report of Councillor Thomas G. Ellis, Chairman of the Democratic Services Committee, on behalf of a sub-group of the Committee, recommending the way forward in respect of elected members' salaries.

Referring to the recommendation to keep the level of salaries of Cabinet Members and Committee Chairs on Level 1, an amendment was proposed and seconded to reduce the salaries levels to Level 2, on the grounds that this would save approximately £40,000 to be spent in other fields and showed the residents of the county that the Council was willing to share the pain of the current period of austerity.

Some members expressed their objection to the amendment on the grounds that:-

- Although there was always room to examine the salaries of all members, it would be a mistake to separate the Cabinet Members' duties from the salary as the duties would remain the same but the salaries would be reduced.
- Cabinet Members had been appointed to the posts on a full-time basis and some had given up other jobs or had had to make special arrangements to be able to take on the role.
- This was not the time to review salaries but rather at the beginning of the Council's new term.
- If there was a desire to re-visit salaries, then all members' salaries should be examined and not Cabinet Members' salaries only.

A vote was taken on the amendment and it fell.

Referring to the recommendation not to pay the higher salary to the Chair of the Employment Appeals Committee hereafter, the current Chair of the Employment Appeals Committee (who would be standing down this month), expressed his objection to the recommendation on the grounds that:-

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- The Committee acted on behalf of 6,000 - 7,000 Council employees and had to make very difficult and emotional decisions e.g. dismissing staff.
- The number of meetings had increased with the committee convening at least once a month and sometimes twice a month.
- The meetings were all-day meetings and one meeting had continued for two days and another meeting had gone from 9.30am until 7.00pm.
- The sub-group which had examined members' salaries had not discussed the workload with him or with members of the Committee before forming their recommendation.
- If the Council was willing to refuse the recommendation, he was willing to propose that the sub-group should undertake more research on the issue which would include questioning the chairs and members of the Employment Appeals Committee and the Pensions Committee regarding the workload.

The amendment to retain the current arrangements because of the workload of the Employment Appeals Committee was proposed and seconded.

During the discussion on the amendment, it was noted:-

- Additional work facing the Chair of the Pensions Committee could lead to 17 meetings a year, including an overnight stay on some occasions and it could mean committing to at least 19 days in this respect.
- Members of the Pensions Committee had to undertake continuous training and assessments.
- It was anticipated that the sub-group had examined in detail the workload associated with both roles and had made comparisons and had come to an understanding.
- The Chair of the Pensions Committee had much work to do outside the committee and it was not only a matter of the number of meetings.

In response to a query regarding the accuracy of the figures in the report in terms of the number of meetings of the Employment Appeals Committee, the Head of Corporate Support confirmed that four meetings had been held in 2015-16, although one day per month had been earmarked for holding an urgent hearing if needed.

It was noted, although the majority of meetings of the Employment Appeals Committee were cancelled, that tended to happen at the last minute after members had completed all the preparatory work.

A vote was taken on the amendment to retain the current arrangement and it fell.

A vote was taken on the original proposal not to pay higher salaries to the Chairman of the Employment Appeals Committee hereafter and it was carried.

RESOLVED

- (a) To keep the salary levels of Cabinet Members on Level 1 (based on consideration given to the workload and equal responsibilities to the work areas) and to retain the salary levels of Committee Chairs on Level 1 (based on consideration given to workload the geographical nature of the county and the need to travel to meetings etc.)**
- (b) Based on the information considered by the sub-group, to pay a higher salary to the Chair of the Pensions Committee as a result of the work and additional requirements that would be coming to the Chair of that committee as a consequence of the changes.**
- (c) To be able to implement the above, as the Council is restricted in paying only 18 higher salaries, a higher salary would not be paid to the Chair of the Employment Appeals Committee henceforth.**

11. THE COUNCIL'S POLITICAL BALANCE

Submitted - the report of the Leader detailing the annual review of the Council's political balance.

It was explained that the allocation of seats on committees (Appendix A of the report) was consistent with what had been adopted on 3 March, 2016 and to approve the recommendation because the regulations had not been fully implemented, the Council would have to approve them without objection (as had been done in the past).

RESOLVED

(a) To adopt the allocation of seats on the Council's committees in accordance with the table below –

SCRUTINY COMMITTEES

	Plaid Cymru	Independent	Llais Gwynedd	Labour	Liberal Democrats	Individual Member
Corporate	9	5	2	1	1	
Communities	10	5	1	1	1	
Services	10	4	2	1		1
Audit	10	5	2	1		

OTHER COMMITTEES

	Plaid Cymru	Independent	Llais Gwynedd	Labour	Liberal Democrats	Individual Member
Democratic Services	8	4	2	1		
Language	8	4	2	1		
Planning	8	4	1	1	1	
Central Licensing	8	5	2			
Employment Appeals	3	1	1	1		1
Chief Officers Appointment	8	4	1	1	1	

Number of seats	82	41	16	9	4	2	154
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	Plaid Cymru	Independent	Llais Gwynedd	Labour	Liberal Democrats	Individual Member
Pensions	3	2	0	1	1	
Local Joint Consultative Committee	6	2	1	2		
Special	3	2	1			1

Educational Needs Joint Committee						
Joint Planning Policy Committee	4 (3 seats and one substitute)	2	1	1		
SACRE	4	2	1			

Total seats	102	51	20	13	5	3	194
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- (a) To delegate the power to the Head of Democratic Services to make appointments to the committees on the basis of political balance and in accordance with the wishes of the political groups.
- (b) To allocate the chairpersonships of scrutiny committees on the basis of political balance as follows:-

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

12. NOTICES OF MOTION

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

"That the Council asks Gwynedd Council's Cabinet to consider reviewing its policy regarding the allocation of contracts to food suppliers in our schools and the priority it gives to small local companies.

The logic behind this is the fact that they allege that they give priority to small local companies rather than large companies. This is crucially important as some companies supply imported food, especially meat. The importance of being able to trace the source of every type of meat cannot be over-emphasised, given the difficulties and dangers for children and adults of eating contaminated meat e.g. mad cow disease. Arguing that the price of meat supplied by large companies is cheaper is futile and cynical, therefore what price is placed on the safety and health of our children."

A member called on the proposer to delete the second paragraph of his proposal, on the grounds that:-

- Its content was factually inaccurate as there was clear information about the source of all meat on the labels these days.
- Making an allegation that it was possible for the Council to bypass all the strict regulations regarding the sale of meat was completely unreasonable.

The proposer noted that he was unwilling to delete the second paragraph.

An amendment was proposed and seconded to delete the second paragraph and to amend the first paragraph as follows:-

"That the Council asks Gwynedd Council's Cabinet to increase their efforts to keep the benefit local and to collaborate with and empower small local companies to compete for tenders."

During the discussion on the amendment, the Cabinet Member for the Economy noted:-

- This was not a matter of choice, but a legal business process and although it would have been an easy option for Gwynedd to purchase on a north Wales level, the Council had succeeded in their business case to move away from that as the arrangement did not suit the smaller scale businesses in the county.
- Furthermore, the county was divided into smaller sections to provide an opportunity for businesses to tender and there had been sessions to meet the buyer etc., to raise awareness and considerable work had been undertaken by officers of this Council to empower the businesses.
- It was not legally possible for the Council to include in a contract that the company received the work because it was a local company but it was possible to deviate from the arrangements by giving them favourable conditions.
- The second paragraph of the original proposal was unjustified and raised concerns amongst parents of children in the schools.
- Although some small companies had lost contracts, there was a local company in Gwynedd which had also been awarded the contract and this type of statement in public documents by the Council was an insult to their professionalism and their opportunity to grow within this county.

Some points were raised by other members also, such as:-

- It was possible to trace the source of all meat in this country and encouragement and support should be provided to local businesses to enable them to tender successfully for local business.
- It was possible for the Council to give more points to local businesses but there no strong commitment had been given that the produce used would be locally sourced.
- There was a need to retain and support small businesses by prioritising the support which they needed.
- There was a need to examine which contracts had been awarded to companies outside the county and to ensure that in future suppliers within the county will have the capacity and commitment to the work.
- The Council should not give the work out to any suppliers without seeing the appropriate passports.
- There was a need to support small companies and would it not be fairer to share the cake rather than award the contract in its entirety to one company.
- The Council had a duty to operate pro-actively and to ensure that we purchased locally.
- The principle of supporting local businesses should be continued as far as possible and to ensure also that the foods which reached the schools were safe for the children.
- Food regulations in this country meant that the food was of a very high quality.
- This Council was amongst the best in Wales in terms of purchasing locally and was eager to ensure an even better performance.

A vote was taken on the amendment and it was carried.

The proposer proposed an amendment to the original notice of motion to add to the proposal that the Cabinet looked into the source of meats and monitored that source.

The amendment was seconded.

In response, members noted that detailed arrangements were already in place to monitor the source of meats.

A vote was taken on the amendment and it fell.

A vote was taken on the original proposal and it was carried.

RESOLVED that the Council asks Gwynedd Council's Cabinet to increase their efforts to keep the benefit local and to collaborate with and empower small local companies to be able to compete for tenders.

- (b) Submitted - the following notice of motion by Councillor Elwyn Edwards, in accordance with Section 4.20 of the Constitution and it was seconded:-

"Following the Council's decision on 18/3/16 to monitor and assess the Welsh language situation (from 2011) in the context of the Local Development Plan, that this Council invites Anglesey Council to participate fully in the work."

A member noted –

- It was important to note completely clearly that implementing the decision of the extraordinary meeting of the Council was to endorse the Joint Local Development Plan process and this did not mean interfering in the statutory process or undermining it in any way.
- Implementing the decision was not going against the legal position or the Council's constitutional position or changed anything in terms of the position of the statutory requirements.
- Rather, implementing the decision would be an all-important and crucial addition to the process by gathering key evidence that would be a means of understanding what effect housing developments since 2011 (since the beginning of the lifespan of the Plan), have had on the Welsh language.
- Receiving this information was completely necessary as housing developments since 2011 had not been monitored or reviewed.
- That this decision had been made on 18 March and it was reasonable to invite Anglesey Council to do the same.
- He supported the plan and suggested that the work commenced now.

The Cabinet Member for Planning noted that the mechanism was already in place to implement what had been requested and the work would commence fairly soon and, therefore, he welcomed the proposal.

RESOLVED following the Council's decision on 18/3/16 to monitor and assess the position of the Welsh language (from 2011) in the context of the Joint Local Development Plan, that this Council invites Anglesey Council to participate fully in the work."

The Chair thanked everyone for their support and the officers who had provided support for the meeting.

The meeting commenced at 1.00 pm and concluded at 3.55 pm

CHAIRMAN