



# Complete Agenda

Corporate Leadership Team  
Council Offices  
CAERNARFON  
Gwynedd  
LL55 1SH

Meeting

**THE COUNCIL**

Date and Time

**1.00 pm, THURSDAY, 19TH DECEMBER, 2019**

**\* NOTE \***

**This meeting will be webcast**

[https://gwynedd.public-i.tv/core//en\\_GB/portal/home](https://gwynedd.public-i.tv/core//en_GB/portal/home)

Location

**Siambr Dafydd Orwig, Council Offices, Caernarfon, Gwynedd, LL55 1SH**

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(DISTRIBUTED 12/12/19)

**Dilwyn Williams  
Chief Executive**

[www.gwynedd.llyw.cymru](http://www.gwynedd.llyw.cymru)

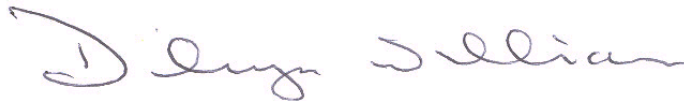
**THURSDAY, 12 DECEMBER 2019**

Dear Councillor,

**MEETING OF GWYNEDD COUNCIL – THURSDAY, 19 DECEMBER 2019**

**YOU ARE HEREBY SUMMONED** to attend a meeting of **GWYNEDD COUNCIL** which will be held at **1.00 pm** on **THURSDAY, 19TH DECEMBER, 2019** in **SIAMBR DAFYDD ORWIG, COUNCIL OFFICES, CAERNARFON, GWYNEDD, LL55 1SH**, to consider the matters mentioned in the following agenda.

Yours faithfully,

A handwritten signature in cursive script, appearing to read 'Dewi Sillia'.

Prif Weithredwr/Chief Executive

The following rooms will be available for the political groups during the morning:-

Plaid Cymru - Siambr Dafydd Orwig

Independent – Siambr Hywel Dda

Llais Gwynedd – Ystafell Llyfni

United Independent Group for Gwynedd – Ystafell Menai

# AGENDA

**1. APOLOGIES**

To receive any apologies for absence

**2. MINUTES**

6 - 13

The Chairman shall propose that the minutes of the previous meeting of the Council held on 3<sup>rd</sup> October, 2019 be signed as a true record. (attached)

**3. DECLARATION OF PERSONAL INTEREST**

To receive any declaration of personal interest.

**4. THE CHAIRMAN'S ANNOUNCEMENTS**

To receive any Chairman's announcements.

**5. CORRESPONDENCE, COMMUNICATIONS OR OTHER BUSINESS**

To receive any correspondence, communications or other business brought forward at the request of the Chairman.

**6. URGENT ITEMS**

To note any items which are urgent business in the opinion of the Chairman so they may be considered.

**7. QUESTIONS**

To consider any questions the appropriate notice for which have been given under Section 4.19 of the Constitution.

**8. COUNCIL TAX REDUCTION SCHEME 2020/21**

14 - 18

To submit the report of the Cabinet Member for Finance (attached).

**9. COUNCIL TAX: DISCRETIONARY POWERS TO ALLOW DISCOUNTS AND / OR RAISE A PREMIUM 2020/21**

19 - 23

To submit the report of the Cabinet Member for Finance (attached).

**10. GWYNEDD COUNCIL'S RESPONSE TO THE LOCAL GOVERNMENT AND ELECTIONS (WALES) BILL - NOVEMBER 2019**

24 - 31

To submit the report of the Council Leader (attached).

**11. CLIMATE CHANGE EMERGENCY PLAN** 32 - 50

To consider the report of the Council Leader (attached).

**12. A REVIEW OF SCRUTINY ARRANGEMENTS** 51 - 72

To consider the report of the Chair of the Audit and Governance Committee (attached).

**13. RE-APPOINTMENT OF INDEPENDENT MEMBERS TO THE STANDARDS COMMITTEE** 73

To consider the report of the Monitoring Officer (attached).

**14. NOTICES OF MOTION**

**(A) NOTICE OF MOTION BY COUNCILLOR GRUFFYDD WILLIAMS**

In accordance with the Notice of Motion received under Section 4.20 of the Constitution, Councillor Gruffydd Williams will propose as follows:-

“The Council notes:

- That the annexation of territories by the occupying power is strictly forbidden under international law, and so would constitute a war crime.
- That annexing the Palestinian Territories would derail any future chances for a peaceful 'Two State Solution' by permanently encircling the remaining territories in the West Bank.
- That the Palestinian right to self determination in their own country has been asserted by numerous UN resolutions that have been ignored by Israel.
- That the State of Israel must end its occupation of the Palestinian Territories, in-line with UN resolutions, and allow for the creation of a Palestinian state in order to avoid creating a 21<sup>st</sup> century apartheid.

This council;

- Acknowledges that continuing to occupy Palestinian Territories is unlawful.

The Council calls upon:

- The Westminster and Welsh Assembly governments to fully recognise the right of the Palestinians to have their own state.
- The International community to put diplomatic pressure on the State of Israel to end its illegal occupation and not to annex further territory.”

**(B) NOTICE OF MOTION BY COUNCILLOR OWAIN WILLIAMS**

In accordance with the Notice of Motion received under Section 4.20 of the Constitution, Councillor Owain Williams will propose as follows:-

“That the Council urges our schools to teach pupils the national anthem in its entirety. Additionally, that we urge our Senedd to contact all other county councils so that they comply with this motion.”

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## THE COUNCIL THURSDAY, 3 OCTOBER 2019

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**Present:** Councillor Edgar Wyn Owen (Chair);  
Councillor Simon Glyn (Vice-chair).

**Councillors:** Menna Baines, Freya Bentham, Stephen Churchman, Annwen Daniels, R. Glyn Daniels, Anwen Davies, Elwyn Edwards, Alan Jones Evans, Aled Evans, Dylan Fernley, Peter Antony Garlick, Selwyn Griffiths, Annwen Hughes, Louise Hughes, R. Medwyn Hughes, Judith Humphreys, Aeron M. Jones, Aled Wyn Jones, Charles W. Jones, Elwyn Jones, Eric Merfyn Jones, Gareth Jones, Huw Wyn Jones, Kevin Morris Jones, Linda A.W. Jones, Sion Jones, Eryl Jones-Williams, Cai Larsen, Dilwyn Lloyd, Dilwyn Morgan, Dafydd Owen, Dewi Owen, Jason Parry, Rheinallt Puw, Dewi Wyn Roberts, Elfed P. Roberts, Gareth A. Roberts, John Pughe Roberts, Mair Rowlands, Paul Rowlinson, Angela Russell, Dyfrig Siencyn, Mike Stevens, Gareth Thomas, Catrin Wager, Cemlyn Williams, Eirwyn Williams, Elfed Williams, Gareth Williams, Gethin Glyn Williams and Owain Williams.

**Also in attendance:** Dilwyn Williams (Chief Executive), Morwena Edwards (Corporate Director), Dafydd Edwards (Head of Finance Department), Iwan Evans (Head of Legal Services / Monitoring Officer), Geraint Owen (Head of Corporate Support Department / Head of Democracy Service), Dafydd Wyn Williams (Head of Environment Department) (for item 7), Rhun ap Gareth (Senior Solicitor / Deputy Monitoring Officer), Vera Jones (Democracy and Language Service Manager) and Eirian Roberts (Democratic Services Officer).

### 1. APOLOGIES

Councillors Craig ab Iago, Dylan Bullard, Gareth Griffith, Alwyn Gruffydd, John Brynmor Hughes, Nia Jeffreys, Peredur Jenkins, Anne Lloyd Jones, Berwyn Parry Jones, Elin Walker Jones, Keith Jones, Beth Lawton, Dafydd Meurig, Linda Morgan, W. Roy Owen, Nigel Pickavance, Peter Read, W. Gareth Roberts, Ioan Thomas, Hefin Underwood and Gruffydd Williams.

### 2. MINUTES

The Chair signed the minutes of the previous meeting of the Council held on 18 July 2019 as a true record.

### 3. DECLARATION OF PERSONAL INTEREST

No declarations of personal interest were received from any members present.

### 4. THE CHAIR'S ANNOUNCEMENTS

Condolences were expressed to the family of the former Councillor and Chairman of this Council, William Arthur Evans, who died in August.

Condolences were also expressed to the family of Elain Heledd, headteacher of Ysgol Llanegryn, who had passed away recently.

It was also noted that the Council wished to sympathise with everyone within the county's communities who had recently lost loved ones.

The Council stood as a mark of respect.

The following were congratulated:-

- Guto Dafydd on winning the Chair and the Daniel Owen Memorial Prize at this year's Conwy County National Eisteddfod.
- Everyone else from Gwynedd who had been successful, or who had been honoured at the Eisteddfod, including the former Chief Executive, Geraint R. Jones, who became a Fellow of the Eisteddfod.

Paula Sky Tunnandine, a member of staff at the Pavilion Centre, Harlech, was wished well on her forthcoming trip to Hawaii to compete in an Ironman competition, having recently won the Welsh Ironman competition.

**5. CORRESPONDENCE, COMMUNICATIONS, OR ANY OTHER BUSINESS**

None to note.

**6. URGENT ITEMS**

None to note.

**7. QUESTIONS**

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

**(1) Question from Councillor Dylan Fernley**

"What steps does this Council propose to take to promote use of public transport by employees? Should we incentivise bus use and punish car use for those who live on bus routes. Surely, paying people to drive a car when there is adequate public transport is wrong."

**Response from the Leader, Councillor Dyfrig Siencyn, in the absence of the Cabinet Member for the Environment)**

"We welcome this question, and there is certainly scope to reduce officer journeys and consider more cost effective and sustainable transport to travel around our County

As a first step, we are currently reviewing the public transport network across Gwynedd and will be highlighting opportunities to travel between Council area offices.

At the same time the Welsh Government is reviewing the Trawscymru service with a view to increasing frequency between Aberystwyth and Bangor. A fast service is planned between Dolgellau and Bangor at peak times, i.e. the bus will not stop in villages which will make this more attractive to workers.

The Council and Arriva have been working together to offer a cheaper ticket for Gwynedd Council staff which encourages employees to travel by bus in the Bangor, Caernarfon and Bethesda areas where the company operates."

**Supplementary Question from Councillor Dylan Fernley**

"What are we going to do about this situation?"

**Response from the Leader, Councillor Dyfrig Siencyn, in the absence of the Cabinet Member for the Environment)**

"Thank you for challenging us as a Council to examine the matter. It is a valid question - why can't we devise arrangements that encourage, both workers and councillors, to use buses instead of cars, and I believe that there is scope for us to look at this. One significant problem, of course, as somebody who lives in a very rural area, is that public transport is often not fit for purpose when trying to reach meetings on time, etc., and it possible that we should examine our bus timetables and arrange our meetings to suit those timetables. I believe that there is scope for us to work on that. But, ultimately, there is a need for significant investment in a public transport system that is sustainable and carbon-neutral if possible. This means that significant investment is needed, and I would support this."

**(2) Question from Councillor Paul Rowlinson**

"It is now five years since the Council passed the motion below (09.10.2014):

*"Following the latest attacks by the Israeli State on the territory of the Palestinians living in the Gaza Strip, this Council calls for a trade embargo with Israel and condemns the over-reaction and savageness used.*

*Furthermore, we confirm and underline this Council's decision to stop investing in Israel or in that country's establishments.*

*We believe that if Gwynedd leads the way there is hope that other councils in Wales and beyond will follow our example."*

*During the discussion:-*

- The proposal was supported and the member was congratulated for bringing the matter before the Council.*
- It was noted that it was important that Gwynedd Council looked out on the world and that it tried to influence to the best of its ability on a situation like this.*
- It was emphasised that it must be made clear that the proposal condemned the Israeli State and not the Jewish religion."*

Can the Leader update us on how the Council has implemented the motion? For instance, had the Council consequently negotiated or rejected any investments or trade; had the Council avoided investing or trading with companies that operated in Israel; had any legal matters or any other difficulties arisen in relation to the implementation of this policy; and had the Council ensured that all its contractors implemented the policy?"

**Response from the Leader, Councillor Dyfrig Siencyn**

"Some of us will remember this motion, and the outcome. The Council has not invested in funds in Israel as they did not meet the financial criteria set out in the Investment Strategy adopted by the Council.

Following the passing of this motion in 2014, its legality was challenged by the Jewish Human Rights Watch in the High Court. Similar legal challenges were brought against Swansea and Leicester Councils. The Court determined in favour of the Council on the basis that the motion had not had affected our investment decisions. Despite this, the law is clear that the Council is not permitted to award or terminate a contract on the basis of the National or territorial origin of the contractor, the supply or service.

To summarise, therefore, in response to the question, we are acting in accordance with the decision, but, in so doing, we must be vigilant that we do not do anything that is illegal."



**Supplementary question from Councillor Paul Rowlinson**

"Are you aware of any other councils which have followed our example, and, if so, which ones?"

**Response by the Leader, Councillor Dyfrig Siencyn**

"Evidently, we are aware of Swansea Council and Leicester Council, as they were part of the same hearing as us in that judicial review. We are also aware that public bodies in London, East Sussex, Canterbury, Winchester, Bristol, Sheffield, Edinburgh and Dublin City Council have called for a trade embargo with Israel, and that a number of councils in countries across Europe have acted in a similar manner.

**(3) Question from Councillor Aeron Jones**

"How does the Cabinet Member responsible for children and young people foresee the Social Services Department coping with the challenges facing our children and young people in the future due to the uncertainty happening across Wales and Britain currently?"

**Response from the Cabinet Member for Children and Families, Councillor Dilwyn Morgan**

"A very open-ended question. I could keep you here for several hours praising the work of the Children's Service, etc., but I wish to take advantage of the opportunity to update you and highlight some matters that currently pose a challenge to us in the service. If I had more time, I would update you on what is happening in the Children's Service, and the message I wish to convey is that I would appreciate and welcome any enquiries from members about the Children's Service because, ultimately, it is a responsibility that lies with us all, as we are all corporate parents. Therefore, I hope that this message is clearly conveyed to you.

However, I will move on, and take the opportunity before my formal answer, to list some of the challenges that currently face us. I am certain that you are all aware of the overall increase in demand for the department's services, and there is an almost daily increase in the number of looked after children. The lack of suitable foster and residential placements for children and young people who need to be placed away from their family home leads to an increase in unmanaged placements, which are placements that we have to find at the last minute for children to ensure their safety. One example I can give you is the service having to make over 130 telephone calls to try to find accommodation for one young girl; nobody was willing to accept her, and she had to be accommodated over the weekend in a house with our staff. Therefore, here is another challenge that faces us. The increase in the complexity of cases, with a number of children coming to our attention late in the day, i.e. they are not on our radar, and suddenly, something happens within the family and these children come under our care. Therefore, this is a significant challenge. Another challenge is that other agencies shy away from their responsibilities because of a lack of resources at this time of austerity. Therefore, this is an additional challenge facing the Children's Service. Another challenge that we are currently facing, which is timely for me to report on, is the challenge and expectation set by Welsh Government to reduce the numbers of looked after children and young people, with a focus on local authorities. We all agree that we need to move towards a reduction, but the Government is currently trying to insist upon setting a target for us, a specific figure for the reduction in the number of children each year. We are one of the five councils in Wales that have currently rejected this as we feel that it places our children in a position that we

wish to avoid, and it also places additional pressure on our staff. Therefore, this is another of our current challenges. There are increasing demands on our social workers during care cases. Courts set timetables upon them, which creates significant difficulties in relation to assessing children and individuals. For the first time in over a decade we are starting to see the side effects due to a failure to appoint staff to posts. This is an increasing concern to use and, naturally, we are trying to do something to address this challenge.

The Children and Supporting Families Service have responded to new challenges, for example Child Sexual Exploitation, Child Criminal Exploitation, Harmful and problematic sexual behaviour through working closely with our partners to develop practice that increases staff members' skills to deal with these complex areas of work. We are part of a regional and national network that contribute to new developments and we lead on many aspects of service delivery, for example, safeguarding. We have foreseen that we need to develop specific services for some of these challenging areas, and we have plans in place. For example, to develop a multi-agency team to work within harmful sexual behaviour, and we are currently running a pilot programme for the region in relation to developing effective child protection practice. The service is confident that they identify needs and challenges effectively and are ambitious to develop new plans to meet and respond to those challenges. Gwynedd Children's Services have been successful in maintaining a stable workforce for a number of years, and professional staff are staying within the service, developing experience and confidence in their daily work. We offer opportunities for staff to develop in the area of work and invest in professional training and development. The staff in the service are experienced on every level of leadership – as noted in the Care Inspectorate Wales report following an inspection of Gwynedd Children's Services in August 2018 – we saw *that Gwynedd Children's Services have significant strengths, and they have a committed and stable workforce who are responding to an increasing workload in relation to complexities and volume. ...Staff showed commitment to ensuring the best outcomes for children and their families.*

#### **Supplementary question from Councillor Aeron Jones**

"Is the Cabinet Member able to confirm that there are no more families currently suffering from this Council's maladministration as happened to Mr and Mrs A as they are defined in a recent Ombudsman's report, as their child is now an adult and it is now too late for them to receive the assistance that was needed at that time? Apparently, we have experts here on autism, who failed to provide what Mr and Mrs A's child needed."

#### **Response from the Cabinet Member for Children and Families, Councillor Dilwyn Morgan**

"We do not, and have never, claimed that we are perfect. Our workers deal with difficult situations that face families. They deal with children who are at risk. They deal with families who are at crisis point, and as I said, we do not claim to be perfect. But as the Cabinet Member for the service, and as Chair of the Safeguarding Strategic Panel and the Corporate Parenting Panel, I am totally confident that we have processes in place to examine cases such as this, and, more importantly, that we can learn from any such cases that have arisen. I believe that this element of learning is very important. Therefore, I wish to confirm that the safety and development of the children and young people of Gwynedd is a priority for us at all times, and that the voice of the child is a central part of this. In relation to commenting on the Ombudsman's report, it would be inappropriate for me to comment at the moment as there is more than one Ombudsman's case, and I am not certain to which one the member is referring."

**(4) Question from Councillor Sion Jones**

"The Bontnewydd and Caernarfon bypass is progressing quickly. Does the Cabinet Member agree with me that we need to ensure that any cycle route scheme resulting from 'Active Travel' is realized as soon as possible in the Bethel area, as the road developments cross the intended cycle route?"

**Response from the Leader, Councillor Dyfrig Siencyn, in the absence of the Cabinet Member for the Environment)**

"I am pleased that the long-awaited bypass scheme has finally commenced and it seems to be progressing well at the moment.

We had already identified the construction of a cycle and walking route between Bethel and Caernarfon and Llanrug and Caernarfon on our Active Travel Integrated Network Maps. Therefore, it has been our aspiration to see the path built

I agree with you that we now have a golden opportunity to make the scheme a reality as soon as possible following the construction of the bypass and I can confirm that the Environment Department is already in discussions with the Welsh Government to try to achieve this, also with plan to build a route between Llanrug and Caernarfon.

Ideally I would like to see the scheme built as part of the bypass scheme. As well as resulting in cost savings, building it as part of the larger scheme would reduce overall disruption to local traffic. We have already asked the Welsh Government if this is feasible and are awaiting their response."

**Supplementary Question from Councillor Sion Jones**

"May I ask the Leader and the Transportation Department to ensure that everything is ready and that any enquiries about funding or information that is required by the Government receive an immediate response to in order to ensure that progress happens as soon as possible?"

**Response from the Leader, Councillor Dyfrig Siencyn, in the absence of the Cabinet Member for the Environment)**

"I will meet the department to see what can be done to drive the scheme forward, which is something we all hope can be achieved."

**(5) Question from Councillor Louise Hughes**

"Once again, over the summer period, hundreds of vehicles were issued with parking tickets for parking on the side of the A4086 near Pen y Pass. Gwynedd Council has been aware of the problem for years, but to date no workable solutions have been put in place. We simply cannot continue fining visitors in this way. How does the Department propose to rectify the situation and put in place safe parking provisions?"

**Response from the Leader, Councillor Dyfrig Siencyn, in the absence of the Cabinet Member for the Environment)**

"There has been a significant increase in the number of visitors to the Northern Snowdonia area in recent years, particularly around Snowdon. This is of course encouraging from a tourism perspective but problems arise, especially on the busiest days when trying to cope with the numbers.

As many choose their personal vehicles to get to the Area and to travel around the attractions, dealing with the huge demand for parking is an almost impossible task. We have a responsibility to try and make our road network as safe as possible, which is why parking and speed restrictions are being imposed.

When considering the A4086 around Pen y Pass and Pen y Gwryd clearway prohibitions have already been implemented. I confirm that the signs comply with the Highway Code standards, but at times quite high numbers choose to park there. We have a responsibility to enforce, and we endeavour to do this to convey a message to others not to park there.

It is therefore it is essential that the Pen y Gwryd and Pen y Pass area are managed to the appropriate level, especially over holiday periods. The Department is aware of the comments on social media and of course there are two sides to this. Many of those who receive parking fines are often upset but the feelings of locals about the problems that illegal parking creates can be appreciated.

Discussions are ongoing with Snowdonia National Park Authority, Conwy County along with other partners, to try to encourage greater use of public transport and consider opportunities to create more parking capacity.”

## **8. GWYNEDD COUNCIL'S ANNUAL IMPROVEMENT PLAN 2018-19**

The following officers from the Wales Audit Office were welcomed to the meeting to give a brief presentation and then answer members' questions.

- Alan Hughes (Local Government Performance Audit Leader)
- Jeremy Evans (Local Government Performance Audit Manager)

Following the presentation, members were given an opportunity to ask questions on the report.

In response to the Well-being of Future Generations (Wales) Act 2015 Examinations (page 27 of the agenda), that detailed to which extent the Council had acted in accordance with the sustainable development principle when establishing the new Youth Service, concern was raised by a number of members about the Audit Office's conclusion that more work was needed by the Council to fully establish the five ways of working. The Auditors' observations that the service provision had been mostly driven by financial constraints rather than an understanding of long-term service demand, was questioned.

The former Cabinet member who had been responsible for instigating the process of re-organising the Youth Service emphasised that the purpose of the re-modelling was to establish a longer-term view, to consider how to modernise the service, making it sustainable and more suited to the needs of young people today and in future. She was also of the opinion that consideration had been given to the five ways of working and the well-being objectives, and she referred to the consultation with young people and collaboration with other local organisations involved with young people as examples of this.

The former Cabinet member and others' observations were echoed by the Leader, who emphasised the strong feeling among members that the Audit Office's conclusions were totally wrong. He argued that it could be stated that all the changes made by the Council over recent years had been motivated by financial cuts. In spite of this, the Council had found new ways of working that addressed the requirements of the Well-being Act, and the Youth Service was a classic example of this, and had been praised as being effective and innovative, and an example to be followed by other councils. He

added that what the members had heard undermined their trust in the Audit Office's ability to reach correct conclusions, and he called for a dialogue between the Council and the Audit Office on this specific point in order to move forward in future.

In response, the Local Government Performance Audit Manager noted that the Audit Office's viewpoint differed to the Council's opinion on this specific matter. He explained that discussions had been held with various officers within the Council as part of the process, and that the Audit Office's evidence was based on these interviews. He was also satisfied with the thoroughness of the work delivered during the year. However, he acknowledged that revisiting the situation could lead to a different opinion, and that consideration could be given to conducting a follow-up review on this issue in future. This work could include fuller discussions with officers, service users and the former Cabinet member.

Reference was made to the review of Local Government Services to Rural Communities: Community Assets Transfer (page 45 of the agenda). A question was asked about the rationale for transferring community assets to the community for next to nothing, which reduced the potential to generate an income for the County Council to enable it maintain existing services. In response, the Local Government Performance Audit Manager noted that he would take the question back to the project team that had been responsible for producing and developing the report's conclusions in the appendices to the Annual Improvement Report, and he would provide the member with a written response.

**RESOLVED to accept the Annual Improvement Report 2018/19, subject to further discussions on some of the items within the report.**

The meeting commenced at 2.30 pm and concluded at 3.30 pm

**CHAIRMAN**

# Agenda Item 8

<b>MEETING:</b>	<b>Full Council</b>
<b>DATE:</b>	<b>19 December 2019</b>
<b>CABINET MEMBER:</b>	<b>Councillor Ioan Thomas, Finance Cabinet Member</b>
<b>TITLE:</b>	<b>COUNCIL TAX REDUCTION SCHEME 2020/21</b>
<b>OBJECTIVE:</b>	<b>Confirm the continuation of the current Local Scheme for providing assistance towards paying Council Tax for the year beginning 1 April 2020</b>
<b>CONTACT OFFICER:</b>	<b>Dafydd L Edwards, Head of Finance</b>

## **1. EXECUTIVE SUMMARY**

- 1.1 The purpose of this report is to present arrangements for the implementation of the Council Tax Reduction Scheme and to approve it for 2020/21.
- 1.2 On 1 April 2013, as part of the UK Government's welfare reform programme, Council Tax Benefit was abolished and replaced by the Council Tax Reduction Scheme.
- 1.3 In accordance with the Council Tax Reduction Schemes and Prescribed Requirements (Wales) Regulations 2013 (2013/3029), every local authority must make a scheme in order to determine which reductions will be available as support towards paying the Council Tax. Gwynedd Council's current local scheme (i.e. for 2019/20) was adopted by the Full Council on 6 December 2018.
- 1.4 The Regulations insist that the Full Council must adopt the local Scheme every year, and must do so by 31 January before the start of the relevant financial year.
- 1.5 Under the local scheme, qualifying taxpayers may continue to receive a reduction up to 100% of their Council Tax bill (where in receipt of certain benefits).
- 1.6 **The recommendations below are that the Gwynedd Council Local Scheme continues without revisions for 2020/21.** Detailed explanations and reasons behind the subsequent recommendations follow in the body of this report.

## **2. RECOMMENDATIONS**

The full Council is asked to resolve formally:

- 2.1 To continue the Council's Local Scheme for the year commencing 1 April 2020 as it was during 2019/20. Therefore, the following conditions (a – c below) regarding the discretionary elements will continue:**
- a) To apply a 100% disregard for war disablement pensions, war widows' pensions and war widowers' pensions, for both pensioners and working age claimants.**
  - b) Not to increase the extended reduction periods for pensioners and working age claimants from the standard four weeks in the Prescribed Scheme.**
  - c) Not to increase the backdate period for pensioners and working age claimants from the standard three months contained within the Prescribed Scheme.**
- 2.2 Where appropriate, to delegate powers to the Head of Finance, in consultation with the Cabinet Member for Finance, to make minor amendments to the scheme for 2020/21, on condition that it will not change the substance of the scheme.**

## **3. BACKGROUND INFORMATION**

- 3.1** In accordance with the Welfare Reform Act 2013, since 1 April 2013, the responsibility for arranging support towards paying Council Tax, and the associated funding, has transferred from the DWP to local authorities in England, and to the Scottish Government and the Welsh Government.
- 3.2** The Council Tax Reduction Schemes and Prescribed Requirements (Wales) Regulations 2013 (SI 2013/3029) allow support up to 100% for claimants and the financing of some of the relevant cost.
- 3.3** The Gwynedd Council Local Scheme for 2019/20 was approved by the Full Council on 6 December 2018. The Regulations control the implementation of reduction schemes across the whole of Wales and are designed to ensure that each local authority consistently provides support for Welsh taxpayers.

#### 4. 2020/21 REDUCTION SCHEME

- 4.1 The Regulations (Regulation 18) state that **for each financial year, an authority must consider whether to revise its scheme** or to replace it with another scheme; the authority must make any revision to its scheme, or any replacement scheme, **no later than 31 January** in the financial year preceding that for which the revision or replacement scheme is to have effect.
- 4.2 The Regulations (Regulation 12) state that the function of making the scheme cannot be delegated to the Cabinet, and it **must be decided by the full Council**.
- 4.3 Therefore, the purpose of this report is to satisfy the requirement for the Council to consider whether to revise its local scheme.
- 4.4 There is limited discretion under the Prescribed Scheme for councils to consider the following 3 specific discretionary elements. Discretion can be used to make these elements more generous than the national scheme, but not less generous.

War disablement pensions, war widows' pensions and war widowers' pensions  
(*recommendation 2.1(a) above*)

- 4.5 There is discretion to increase the disregard for war disablement pensions, war widows' pensions and war widowers' pensions, for both pensioners and working age.

Presently, regulations provide that the first £10 of a weekly war disablement pension, war widows' pension and war widowers' pension are disregarded. However, local authorities have discretion to disregard up to 100% of the actual amount above the first £10. Since 1 April 1996 Gwynedd Council, as have the majority of other Welsh Authorities, resolved to disregard 100% of the war pensions above the £10. As a result, this sum has already been included within the base budget and in the 2020/21 Financial Strategy. At the end of November 2019, there were 37 claimants benefitting from this discretion.

It is recommended that this local discretion in Gwynedd continues.

Extended payment period for working age persons  
(*recommendation 2.1(b) above*)

- 4.6 There is discretion to increase the standard extended payment period of 4 weeks given to people after they return to work, when they have been in receipt of a relevant qualifying benefit for at least 26 weeks.

There is no limit on the maximum period they may be extended to, but to extend this period would have financial implications. The estimated expenditure in respect of the standard 4 week extended payments in 2019/20 will be approximately £10,000. In 2019/20 up to the end of November, there were 89 cases where "extended payments" had been awarded pursuant to the Prescribed Scheme.

It is recommended that the standard four week extended payment period contained within the Prescribed Scheme remains unaltered.



Backdating late applications  
(*recommendation 2.1(c) above*)

- 4.7 There is discretion to increase backdates for late applications beyond the standard three months. There is no limit on the maximum period they may be extended to. The cost of granting backdated claims (3 months) for 2019/20 is estimated at £11,500, with 98 claims having been backdated to some extent in 2019/20 up to the end of November.

The current Council Tax Reduction Scheme only allows backdating for a maximum period of 3 months. Extending this period would increase the cost of the Scheme.

It is recommended that there should be no increase in the backdate period from the standard 3 months contained within the Prescribed Scheme.

- 4.8 The recommendations above for 2020/21 are in line with current arrangements in 2019/20.**

**5. CONSULTATION**

- 5.1 Should the Council wish to revise its local scheme – in effect to amend the 3 areas of discretion described in paragraphs 4.5 to 4.7 – it would need to consult with “any persons who would have an interest”.
- 5.2 In accordance with Regulation 18(6), further consultation is not necessary as there is no intention to change the Local Scheme this year.

**6. EQUALITY IMPACT ASSESSMENT**

- 6.1 As noted in Part 4 of this report, in the context of the Prescribed Scheme that is in place for Council Tax Reduction across the whole of Wales, the local discretion available to local authorities is very limited apart from three very specific areas.
- 6.2 The Welsh Government has undertaken a detailed regulatory impact assessment, which includes equality impact assessment. A local Equalities Impact Assessment study was conducted in 2013, when the arrangements changed from Council Tax Benefit to the Council Tax Reduction Scheme, and at that time the decision to introduce the local scheme was taken whilst recognising that this is a prescribed scheme with the burden being borne by all groups.
- 6.3 The Council needs to consider, is if the decisions sought in 2.1 a) – c) effect anyone with one or more of the protected equality characteristics in a way that is different to the general population. Other than funding at Council level, the scheme proposed for 2020/21 does not contain any significant changes from the scheme which is operational since 2013. An assessment undertaken when preparing this report suggests that the conclusions of the 2013 assessment remain valid and that these limited decisions that are sought will not effect any of the protected groups in a way that is different to the general population.

## **7. RESOURCES**

- 7.1 The costs of the Council Tax Reduction Scheme have been included in the local government grant 'settlement' by the Welsh Government, but it should be noted that this settlement does not paying the Reduction Scheme in full.
- 7.2 The Council must fund any Scheme costs not included in the settlement, as well as inflation, which is not funded by the Government. In terms of inflation, the cost of support will increase in proportion with the increase in Council Tax.
- 7.3 Local authorities receive a contribution towards the costs of the scheme within the annual settlement, but since the establishment of the scheme in 2013, the settlement has not reflected the full actual cost. The notional cost of Council Tax Reductions in Gwynedd in 2019/20 (according to notional allocation of the total Standard Spending Assessment (SSA) between services in the conditional settlement's tables) is £8.829m, but it is estimated that the actual expenditure will be approximately £9.5m. There is no choice other than to face the continuing cost of the Scheme, and the matter will be considered appropriately and factored into the Financial Strategy that identifies the budgetary gap for 2020/21.
- 7.4 However, it should be noted that the Council's expenditure on the Council Tax Reduction Scheme is reducing. The overall number of applications are at their lowest level for the fourth year running across north and mid Wales, and in Gwynedd there has been a reduction of almost 10% over the period.

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### **Local member's views**

Not relevant

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### **Opinion of the Statutory Officers**

#### **Monitoring Officer:**

No observations to add from a propriety perspective.

#### **Head of Finance:**

I have collaborated with the Cabinet Member in the preparation of this report and I confirm the content.

<b>MEETING:</b>	<b>Full Council</b>
<b>DATE:</b>	<b>19 December 2019</b>
<b>CABINET MEMBER:</b>	<b>Councillor Ioan Thomas Cabinet Member for Finance</b>
<b>TITLE:</b>	<b>COUNCIL TAX: DISCRETIONARY POWERS TO ALLOW DISCOUNTS AND/OR RAISE A PREMIUM</b>
<b>OBJECTIVE:</b>	<b>Formal ratification for 2020/21 of previous decisions not to allow any discounts for second homes and to disallow discount on empty properties, and to raise a Premium of 50% on relevant properties.</b>
<b>AUTHOR:</b>	<b>Dafydd L Edwards, Head of Finance</b>

## EXECUTIVE SUMMARY

1. The Local Government Finance Act 1992 provides the Council with the discretion to charge full Council Tax, allow a discount of up to 50%, or to charge a Premium of up to an additional 100% on the Council Tax of certain classes of **second homes** and **long-term empty properties**.
2. The Council has resolved annually since 1998 to allow NO discounts to second homes.
3. The Council has resolved annually since 2009 to allow NO discounts in respect of properties that have been empty for 6 months or more.
4. Section 139 of the Housing (Wales) Act 2014 added Sections 12A and 12B to the Local Government Finance Act 1992 to include a discretionary right for Councils to raise an additional "Premium" of no more than 100% on dwellings that have been empty for 12 months or more (Section 12A) and relevant second homes (Section 12B).
5. On 8 December 2016, the Council resolved to raise a Premium of 50% on the Council Tax of relevant second homes and long-term empty dwellings for the 2018/19 financial year. The Council had to make its first determination to raise a "second homes Premium" at least one year before the start of the financial year to which it relates, but any subsequent determination only needs to be made before the start of the relevant financial year. On 6 December 2018, the Council resolved to continue with the scheme with no change for 2019/20.

## RECOMMENDATIONS

6. It is recommended that the Council makes no change to the scheme for 2020/21. That is, for 2020/21:
  - That Gwynedd Council allows NO discount on class A second homes, under Section 12 of the Local Government Finance Act 1992.
  - That Gwynedd Council allows NO discount and RAISES A PREMIUM OF 50% on class B second homes, under Section 12B of the Local Government Finance Act 1992.
  - That Gwynedd Council allows NO discount on homes that have been empty for 6 months or more and RAISES A PREMIUM OF 50% on homes that have been empty for 12 months or more, under Section 12A of the Local Government Finance Act 1992.

## LEGISLATIVE BACKGROUND

7. Councils have a discretion under Section 12 of the Local Government Finance Act 1992 to grant discount, or not, to two classes of second homes (classes A and B) and to long term empty dwellings (class C). The discount can be 50%, a reduced percentage or no discount.
8. Section 139 of the Housing (Wales) Act added Sections 12A and 12B to the 1992 Act to include a discretionary right for Councils to raise an additional “Premium” of no more than 100% on dwellings that have been empty for 12 months or more (Section 12A) and second homes (Section 12B).
9. In the Council Tax (Prescribed Classes of Dwellings) (Wales) Regulations 1998 (SI 1998/105), 'second homes' have been categorised into two classes, A and B, while class C refers to empty properties:
  - ❑ **Class A** – A dwelling of which there is no resident, which is substantially furnished and the occupation of which is prohibited by law for a continuous period of at least 28 days in the relevant year;
  - ❑ **Class B** – A dwelling of which there is no resident, which is substantially furnished, and there is no limit on occupation by law.
  - ❑ **Class C** – A dwelling which is unoccupied and which is substantially unfurnished.
10. A “resident” in relation to any dwelling means an individual who has attained the age of 18 years and has their sole or main residence in the dwelling (Section 6(5) of the Local Government Finance Act 1992).
11. The Council Tax (Exceptions to Higher Amounts) (Wales) Regulations 2015/2068 (SI 2015/2068) exempts Class A second homes from paying the Premium.

## CURRENT POLICY AND INTENTION

12. The Council had resolved to allow NO discounts to second homes (classes A and B) in every year since receiving discretionary powers for these classes under the 1998 Regulations, and had also resolved to allow NO discounts for class C (empty properties) in every year since those regulations were amended for 2009/10.
13. Due to the changes that came into force as a result of the Housing (Wales) Act 2014, the matter was considered by the Full Council on 8 December 2016, which resolved to raise a Premium of 50% on class B second homes and on class C long-term empty properties (empty for 12 months or more) in 2018/19.
14. All background papers in relation to the first determination to raise a Premium are to be found on the Gwynedd Council website:  
<https://democracy.cyngor.gwynedd.gov.uk/ielistdocuments.aspx?cid=130&mid=1656&ver=4>
15. The Local Government Finance Act 1992 states that any determination with regards to Section 12, 12A and 12B must be made annually, by the full Council.
16. The Council had to make its first determination to raise a "second homes Premium" (class B) at least one year before the start of the financial year to which it relates. The “year’s notice” clause does not relate to long-term empty dwellings, nor to any determination on the second home Premium after the first determination.
17. The financial strategy for 2020/21, and the Council’s grant settlement from the Welsh Government, is based on continuation of the policy to allow NO discounts, and any change to that policy would need to be funded by the Council in 2020/21.

18. The regulations for setting the tax base have been written so that a decision to raise a Premium does not effect the Council's grant settlement from the Welsh Government.
19. A public consultation was undertaken in 2016 before making the first determination to raise a Premium. Since there is no intention to change the arrangements for 2020/21, a further consultation at this stage is not necessary.

## SECOND HOMES

20. When resolving in December 2016 to raise a Premium of the Council Tax of second homes in 2018/19, attention was given to detailed studies that had been undertaken on the effect of second homes on Gwynedd's communities. The result of that work was that second homes were having an adverse effect on communities. There is no evidence that the situation has changed since then.
21. The Gwynedd and Anglesey Joint Local Development Plan 2011-2026 notes (in part 6.4.96) that "*affordability is an issue across the Plan area*" and that "*evidence suggests that affordable need is greater in coastal villages particularly within the AONBs and along the Meirionnydd coast*". These are the areas with the greatest concentration of second homes.
22. There is no evidence either that raising the Premium has had any effect on the tourist industry in 2018 and 2019.
23. When the initial determination to raise the Premium was made, the risk was identified of an acceleration in the number of properties transferring to being self-catering units, that are subject to non-domestic rates, because the Valuation Office Agency has judged that they reached the necessary criteria. The transfer has accelerated, and the majority of properties that are transferring receive full Small Business Rates Relief, meaning that no tax is payable on them.
24. Since 1 April 2014, a total of **1,517** Gwynedd properties have been transferred from the Council Tax list to Non-Domestic Rates by virtue of being classified by the Valuation Office Agency as being Self-Catering Accommodation pursuant to Section 66(2BB) of the Local Government Finance Act 1988.
25. The number of these transfers has increased year-on-year:

Financial Year	Number of transfers
2019-20 (to 31/10/2019)	227
2018-19	454
2017-18	282
2016-17	199
2015-16	167
2014-15	188
<b>Total</b>	<b>1517</b>

26. Since this matter was last considered by the full Council in December 2018, Council members and officers have continued to correspond regularly with ministers and officials at Welsh Government to press the case for acting to change to arrangements, since this is eroding the public purse substantially. For example, during the year a report by the Chief Executive on the matter was presented to the WLGA's Rural Forum, where Gwynedd's stance was supported by the other rural authorities in Wales. Questions have also been raised on the floor of Y Senedd. Despite this, the Council's members and officers continue to await proposals by Welsh Government.

## **EMPTY PROPERTY**

27. In terms of empty houses, the Council states “*Houses that stand empty can cause nuisance and damage to neighbouring houses. They are also a waste because they could be used as homes*”.
28. Since April 2009, long term empty dwellings have been charged 100% council tax, following either an exempt period of 6 months, or an extended 12 month period of exemption if undergoing major renovation. Since April 2018, this has increased to 150% council tax for properties that have been empty for 12 months or more. Revoking the Premium, or allowing a discount, would provide an unfortunate incentive for owners to keep dwellings empty. The Empty Property Strategy includes the Council exercising its discretion to charge at least 100% council tax on long term empty dwellings, as an incentive for these dwellings to be reoccupied.
29. One of the Council’s main priorities (Improvement Priority 4) is “Access to a suitable home”. This includes a programme within the Council’s Plan 2018-23 to improve the provision of suitable and affordable housing.

## **EQUALITY IMPACT ASSESSMENT**

30. As with all far-reaching decisions, the Council must give due consideration to its statutory duties to carry out equality impact assessments under the Equality Act 2010 and the Welsh Public Sector Equality Duties 2011 and to all other relevant considerations.
31. The initial decision to introduce a Premium was made in December 2016, following consideration of an Equality Impact Assessment that had been carried out in accordance with the statutory requirements on the Council. This assessment is reviewed when the annual decision regarding the premium is made. We do not believe that there are specific equality issues that need to be brought to the attention of the Council when considering this issue, and are of the opinion that the EIA remains valid.
32. The Equality Impact Assessment that was completed at the time of originally introducing the Premium is found here:

<https://democracy.gwynedd.llyw.cymru/documents/s8778/Council%20Tax%20Premium%20-%20Appendix%204.pdf>

## **WELL-BEING OF FUTURE GENERATIONS (WALES) ACT 2015**

33. There is a duty to act in accordance with the sustainable development principle, which is to try to ensure that the needs of the present are met without compromising the ability of future generations to meet their needs. When acting in accordance with this general duty the Council needs to consider the importance of the long term impact, being integrated and inclusive, collaboration and prevention in developing and implementing the proposal.
34. In accordance with the requirement of the Act, Gwynedd Council (in collaboration with Isle of Anglesey County Council) has developed well-being objectives. These are:
  - Communities which thrive and are prosperous in the long-term
  - Healthy and independent residents with a good quality of life

35. When the original decision to raise a Council Tax Premium was made in 2016, assurance was given that consideration had been given to these matters. The contents of that report showed that the recommendation to raise a Premium had been made in the context of a proactive approach to strengthening the sustainability of those communities within Gwynedd with high number of second homes and long-term empty properties. The substantial research work that had been made in the years before the Housing (Wales) Act 2014 came into force, and then before the initial decision to raise the Premium, showed that introducing the Premium on second homes and long-term empty properties would contribute to realising the objective of having Communities which thrive and are prosperous in the long-term. It is noted in particular that the decision to raise a Premium was made in the context of responses to public consultation and in order to take steps to reduce depopulation in many communities within Gwynedd.

### **USE OF THE PREMIUM YIELD**

36. The Budget for 2019/20 was approved by the full Council on 7 March 2019. In doing so, the Council resolved to earmark the Council Tax Premium yield in 2019/20 in a specific reserve to be used to finance the Council's Housing Strategy, which aims to provide housing for young people in our communities. £2.03m had been earmarked in the original budget for 2018/19, and it is estimated that the Council will receive £2.7m of additional income in 2019/20 by charging the Premium.
37. It is estimated that the yield of the Premium will continue to be approximately £2.7m per annum.
38. The full Council will consider the 2020/21 Budget on 5 March 2020, which will include further information on the use of this Council Tax Premium Fund.

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### **Local member's views**

Not relevant

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### **Opinion of the Statutory Officers**

#### **Monitoring Officer:**

As noted in the report the Council needs to take a determination for the forthcoming financial year. It's appropriate that the decision in relation to Council Tax Discounts and Premiums are considered by the full Council.

#### **Head of Finance:**

I have collaborated with the Cabinet Member in the preparation of this report and I confirm the content.

## GWYNEDD COUNCIL



### Report to a meeting of Gwynedd Council

<b>Date of meeting:</b>	<b>19 December 2019</b>
<b>Title of Item:</b>	<b>Gwynedd Council's Response to the Local Government and Elections (Wales) Bill - November 2019</b>
<b>Relevant Member:</b>	<b>Councillor Dyfrig Siencyn Council Leader</b>
<b>Contact Officers:</b>	<b>Geraint Owen, Head of Democratic Services Iwan Evans, Head of Legal Services</b>

#### 1. BACKGROUND

- 1.1 A copy of the draft report that will be considered by the Council Cabinet at its meeting on 17 December 2019 is presented.
- 1.2 Following the Cabinet's considerations on 17 December, the Leader will present the Cabinet's recommendation to the meeting of the Council in order to enable the Council to consider a final response to Welsh Government.

#### DECISION SOUGHT:

- 1.3 Approve the draft response as a basis for the response to the consultation on the Bill.
- 1.4 To delegate the right to the Leader to respond on behalf of the Council and amend the draft response in accordance with the Council's comments.

#### 2. OBSERVATIONS OF THE STATUTORY OFFICERS

##### Monitoring Officer:

See the observations on the document for the Cabinet

##### Statutory Finance Officer:

See the observations on the document for the Cabinet



# GWYNEDD COUNCIL CABINET



## Report to a meeting of Gwynedd Council Cabinet

**Date of meeting:** 17 December 2019  
**Cabinet Member:** Councillor Dyfrig Siencyn  
**Contact Officer:** Geraint Owen, Head of Corporate Support Department  
Iwan Evans, Head of Legal Services  
**Contact Telephone Number:** 01286 679335  
**Title of Item:** Gwynedd Council's Response to the Local Government and Elections (Wales) Bill - November 2019

### 1. THE DECISION SOUGHT

- 1.1. The Cabinet's approval to the draft response which has been prepared on behalf of the Council to the Consultation on the Local Government and Elections (Wales) Bill - November 2019, for submission to the Full Council for approval on 19 December 2019.

### 2. THE REASON FOR THE NEED FOR A DECISION

- 2.1. There was a need to ensure an agreement on the content of the Council's response to the Bill and that the Cabinet had been given an opportunity to provide input on the content.

### 3. PRESENTATION AND RELEVANT CONSIDERATIONS

- 3.1 The Local Government and Elections (Wales) Bill - November 2019 has been published for consultation. The deadline to respond to the consultation is 3 January 2019. A link to the full details is available below - [there is no need to print.](#)

[Link](#)

### 4. NEXT STEPS AND TIMETABLE

- 4.1. By approving the plan, it is intended to submit it for adoption at the next full meeting of the Council on 19 December 2019.

### 5. ANY CONSULTATIONS UNDERTAKEN PRIOR TO RECOMMENDING THE DECISION

- 5.1. Observations were requested, including the

#### 5.2. Views of the Statutory Officers:

##### i. Monitoring Officer:

I have co-authored this report.

## **ii. Head of Finance Department:**

The Local Government and Elections (Wales) Bill proposes a comprehensive legislation which will affect several aspects of local government governance. As the response notes, financial implications will unavoidably stem from some of these requirements. For example, there is a strong possibility that some of the Incorporated Joint-committees will require significant administrative support. I note that the requirement for a significant increase in the number of lay members on the Audit and Governance Committee remains from the previous Bill published in 2015. At the time, the Committee members expressed concerns about this, and there is no reason to think that their opinion has changed in the interim.

Part 8 of the Bill refers to Local Government Finance, and local taxation specifically. I have no objection to the proposals in Part 8, as these are positive developments in local taxation.”

## **Appendices**

Gwynedd Council’s observations on the November 2019 consultation – draft response



**LOCAL GOVERNMENT AND ELECTIONS (WALES) BILL**  
**GWYNEDD COUNCIL'S OBSERVATIONS ON THE NOVEMBER 2019**  
**CONSULTATION**

INTRODUCTION

1. The Local Government and Elections (Wales) Bill - November 2019 has been published for consultation. The deadline to respond to the consultation is 3 January 2019.
2. Gwynedd Council welcomes the opportunity to offer observations; however, before turning to these observations, the Council wishes to make some basic and key points.
3. We would like to note that the proposed timetable for consultation is extremely tight and unfair to enable us to give full and fair consideration to a complex legal document, especially as there are considerable implications for local government to implement some elements of the Bill. Whilst we accept that elements have already been discussed along the way with this Bill, the general election will inevitably influence the scope of the political discussions that can be held, and the availability of the specialist officers in the field to offer advice as they are involved with the election's preparation work. Additionally, the period following 12 December up to 3 January is short in light of the Christmas holidays.
4. Another element that requires specific attention is the recognition of the need for additional Resources to implement some elements of the Bill. It must be noted that there is a clear additional cost attached to some elements, such as the webcasting of meetings.
5. We will not propose observations on each individual field within the existing time constraint. We have supported the vast majority of the content in previous responses, and we emphasise our previous opinion and response for those fields.
6. Our main observations and concern on this occasion relates to **Part 5 of the Bill - Collaboration by Principal Councils**, namely the creation of the Corporate Joint Committees (CJC).

7. Mainly, it is felt that creating Corporate Joint Committees based on the model in the Bill would create another tier of local government, with the effect that democracy and decisions are distanced further away from the citizen. The Bill does not provide clarity on how and in what way functions that do not belong to an Executive would be met in the system. This includes adopting the Policy and Finance Framework. Effective collaboration is based on a clear business case for merging, but also on a concept and agreement by the Councils regarding the strategic direction. This is a key element of the success of collaboration which does not manifest itself in constitutional or legislative documents. The typical characteristic of a joint committee, compared to a regional authority, is the accountability to the mother authorities. It would be required for the arrangements to satisfy this, especially so if the corporate joint committees have strategic and financial powers. Without this, it would go against the spirit of the Bill of attempting to encourage and promote access to Local Government and participation and influencing decisions.
8. The flipside of this is the concern about the role of the Leaders in existing authorities in relation to such arrangements, especially the great deal of pressure that would inevitably be on their shoulders. Collaborative models e.g. School Improvement Services, mean that the membership of the Joint Committees would consist of the relevant Cabinet members who are directly accountable to their Authorities for the Service. As noted above, the model inevitably weakens this accountability with this direct contact.
9. It should also be noted that we are of the opinion that what is offered in the context of corporate joint committees is not flexible enough. For example, the request to identify the footprint we wish to work on would create difficulty in itself. Collaboration across North Wales would not necessarily be the best solution for every field. We already collaborate along the West coastline with regard to some developments, and with Anglesey on other matters. The Bill does not have sufficient flexibility to adapt to local needs and the best local arrangements. We do not argue that experience of collaboration has identified aspects where the legislative provision could be improved. This includes joint arrangements to appoint and set salaries, retain assets and implement legal rights. There is an opportunity in this legislation to provide a governance option which could support and strengthen existing successful collaboration arrangements. However, we believe that binding the solutions to a stringent structure that is formed through legislation creates a risk that we will weaken the existing collaboration by shifting focus and obscuring accountability.
10. Essentially, we are of the opinion that any such arrangements should begin at grass roots level, i.e. through the local authorities and the community councils. Local Authorities must be clear of the benefit of establishing arrangements, and local ownership to identify the best way forward is key. Otherwise, there is a feeling that this is a reorganisation of local government through the back door, and we strongly oppose to this.

11. There are some further matters on other headings that I would like to bring to your attention below.

#### **PART 1 - ELECTIONS**

Observations - overall, we support these principles.

- We support the proposal to extend the right to vote, but there is a need to ensure that adequate resources are provided to Electoral Registration Officers to implement and promote the change.
- We support the concept of using a single transferable voting system. However, we do not consider that the need in Section 12 is necessary, and undermines the Council's stance that one-member wards provide the strongest link with the community. The Bill provides for one-member Wards in Section 6(2)(b) and recommending the format and nature of the wards should be a matter for the boundaries review by the Local Democracy and Boundary Commission.
- Likewise, we welcome the principle that should act to increase Electoral Registration. However, as it is limited to the Welsh Senedd and Local Government elections, it will not be relevant to UK elections or referenda. Such experience in the canvassing stage shows that there is scope for confusion with electors unless the registration process avoids becoming complicated. We presume that a similar risk derives from having such a two-track process, and this needs to be addressed.
- Whilst we understand the principle of attempting to ensure that the pool of people who stand extends and expands, we have a specific concern about this element. We believe it to be unwise to give staff employed by the authority the ability to stand in the election of the Council they work for.

#### **PART 2 - GENERAL POWER OF COMPETENCE**

Observations -

- We welcome the principle, but the restrictions around legislation that already exist should be addressed. It is a shame that the opportunity to expand on the power in England has not been taken by reducing the restrictions. Experience from England suggests that the power in this form, although useful, has not been a medium for significant change in the activities of Councils. However, Section 35 provides scope to develop the use of the General Power through the Minister. It is hoped that willingness and flexibility to use this system can be seen to support the work of Local Authorities.
- We also agree that these powers are necessary to secure Competent Community Councils, and they are going to be of assistance to ensure collaboration. However, there is a need to also consider what happens to community councils who are not competent. The work of reviewing town and community councils should perhaps take place first.

#### **PART 3 - PROMOTING ACCESS TO LOCAL GOVERNMENT**

Observations -

- The principle of encouraging residents to participate when the Council makes decisions is supported by Gwynedd Council. This already happens extensively through duties to consult, engage and implement legislation such as the Well-being of Future Generations (Wales) Act 2015. Consequently, it is considered on one level that placing a specific statutory duty for all decisions is unnecessary as the requirements

highlighted below mean that the voice of the resident is an integral part of substantial or significant decisions. Additionally, by placing a statutory duty, every decision will have an additional requirement on Cabinet or Officer level to demonstrate how the duty is addressed. We are concerned that the significance of placing the requirement in broad statutory duty terms has not been fully weighed-up.

- The Bill requests that the Strategy states the following: (d) methods of promoting and facilitating processes where local people can participate, or to authorities associated with the council, for a decision before, and after, it is made; "associated authorities" Snowdonia National Park Authority or a Community Council.

The associated authorities are independent corporations from the Principal Council and are the subject of their own statutory governance arrangements.

The justification for this element of the duty has not manifested itself and sets new and significant requirements on Principal Councils with regard to intervention in the governance of these bodies. In Gwynedd's case, this e.g. means 64 Community councils.

- Whilst we agree with the principle of gaining access to meetings (via webcasting), specific attention needs to be given to the necessary additional resources in order to complete the task. The estimation of £12k per year is too low to cope with the additional requirements from the Act, e.g. additional locations and ensuring bilingual provision.
- Again, we support the provision of flexibility to the Councils with regard to the arrangements for remote attendance, but there are Resource implications to ensure a quality bilingual provision.

#### **PART 4 - LOCAL AUTHORITY EXECUTIVES, MEMBERS, OFFICERSE AND COMMITTEES**

Observations -

- We agree that being able to appoint assistants (from amongst members) to members of the Executive, who could act on their behalf from time to time would possibly encourage diversity. However, there is doubt regarding to the way it would work in practice, especially as political opinion can differ. Also, in terms of securing a salary for them, *the measure states that they are not members of the Executive, therefore based on current annual letters, a salary cannot be paid. Do restrictions such as membership of a Scrutiny Committee apply to them?* Similarly, the element of permitting job sharing for members of the Executive would certainly encourage diversity. However, it could be challenging in practice e.g. if political views differed between both members who share a job, and could create confusion.
- We agree with the role for political leaders to promote standards within members of their group. It would be a medium to have the discussion in advance and resolve issues. It must be appreciated that the stance of the courts in cases such as Calver\* on Article 10 sets the threshold in terms of member on member complaints.
- The bill gives the power to make it a requirement for authorities to appoint overview and scrutiny joint committees when services are provided jointly. The right to establish such Committees already exist. The argument in favour of enforcement is not highlighted here as any collaboration arrangements between Local Authorities would inevitably deal with scrutiny arrangements, with the existing arrangements acting as the contingency option.

**PART 5 - COLLABORATIVE WORKING BY PRINCIPAL COUNCILS**

- See the observations already included in the main messages of our response.

**PART 6 - PERFORMANCE AND GOVERNANCE OF PRINCIPAL COUNCILS**

Observations -

- Our main observations are around the proposed option for the role and membership of the Audit and Governance Committee, mainly regarding increasing the number of lay members to a third of the committee membership. While we agree that there are benefits of having lay members on the committee, we do not agree that a third of the committee membership need to be lay members. Each individual local authority should be allowed to determine the percentage of lay members on the committee.

**PART 7 - MERGERS AND RESTRUCTURING OF PRINCIPAL AREAS**

Observations -

- In responses to previous consultations, we have already stated that we should be clear what the benefits are of any collaboration before proceeding to establish any arrangements. This is true of regional or sub-regional collaboration. The same principle exists for merging local Authorities on a voluntary or mandatory basis or through any governance arrangements. See our observations in the report itself.

**PART 8 - PERFORMANCE AND GOVERNANCE OF PRINCIPAL COUNCILS**

Observations -

- We welcome the proposal to change the primary legislation so that the Non-domestic Rates multiplier increases annually with the increase in the CPI index rather than the RPI index. In practice, this will mean that secondary legislation will not need to be introduced annually, as has happened in previous years, to have the same effect. The change should mean a lower annual increase in the Non-domestic Rates bills. The billing authorities and Welsh Government alike have been frustrated with the lack of general powers that have been available for billing authorities to get to grips with Non-domestic Rates avoidance. The powers contained in the Bill will assist in reducing such avoidance, while strengthening the public purse somewhat. As a billing authority, Gwynedd Council supports this proposal.
- On the contrary, the Bill also adapts the Local Government Finance Act 1992 to revoke the powers for local authorities to apply to commit an individual to prison for non-payment of Council Tax. These powers have already been revoked through regulations, and we acknowledge that the purpose of this further change is to include it in primary legislation, which will be more difficult to reverse in future. While there may be a slight reduction in the collection rate as a result, we do not oppose what is proposed.”

## GWYNEDD COUNCIL



### Report to a meeting of the Council

**Date of the meeting:** 19 December 2019  
**Report by** Councillor Dyfrig Siencyn, Leader  
**Title:** Climate Change Emergency Plan

#### Background

1. At its meeting on the 7 March 2019 the Council considered a motion relating to climate change and it resolved to do our utmost to ensure that the county remains a vibrant, viable and sustainable home for our children and their children for generations to come. In order to do this we would:
  - Declare a Climate Emergency
  - Commit to taking decisive action to reduce carbon emissions and strive for a zero-carbon future
  - Look for innovative means to achieve zero carbon targets.
  - Report back within 6 months on positive steps the Council has taken to reduce carbon emissions.
  - Call on Welsh Government and the Westminster Government to provide the requisite powers and resources to achieve the target of a carbon-free Gwynedd by 2030.
2. In accordance with the request, this report outlines the steps which the Council has taken to date.
3. **It is important to note that this report is merely where we have hitherto reached and does not reflect where we wish to be.** However, in the current financial climate it is important that we take some time to establish those actions which will have the greatest impact in order to achieve the greatest benefit from any investment we will need to make.
4. Attached at Appendix 1 is a table noting the activities already undertaken by the Council to reduce our carbon footprint and to adapt our communities to protect them from the effects which are likely to arise.



5. In relation to the footprint itself, the graph in Appendix 2 shows the reduction already achieved since we started our plan in 2010.
6. By the end of 2018 we had reduced our footprint by 39%. This varies according to the source of carbon use, with the footprint arising from street lighting reducing by 59%; the footprint arising from buildings by 43% but the footprint from our fleet only falling 20%.
7. It can be seen that the Council has already undertaken a considerable amount of work to reduce our carbon footprint and to adapt our communities to meet the future consequences of climate change.
8. However, despite these efforts, we know that there is much more to be done if we are to achieve the aim of a zero carbon county.
9. The Cabinet has established a task force to consider what more needs to be done in order to achieve that aim and the intention is to establish a Climate Change Action Plan which will detail those additional actions which we would wish to take beyond those actions already undertaken by us. This will include what we can do to reduce the county's carbon footprint as well as the Council's own carbon footprint.
10. In order to give structure to our consideration of what more we could do, we are considering a document which was released by the Friends of the Earth, and we will also be considering work being undertaken by Natural Resources Wales at a regional level to illustrate the further opportunities which are available to us.
11. The document in Appendix 1 follows the headings contained in the Friends of the Earth document and it notes our current position in relation to that document. It is effectively a baseline of where we are today.
12. The intention for the next 3 months is to consult on the potential content of the Climate Change Action Plan before the end of the financial year so that the plan can be included as part of the Council's Corporate Plan.
13. Each member of the Council will have a role to play in considering how best to reduce our carbon footprint and how to adapt in order to cope with the consequential effects of climate change and as we conduct those conversations with our communities we look forward to everyone playing their part in that process.
14. The Council is asked to receive the report, noting the steps taken so far and our intentions for the future.

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**Statutory Officers' Observations****Monitoring Officer**

The report provides an appropriate up date to the Council following its decision in March. No observations to add in relation to propriety.

**Head of Finance**

It is clear that what Gwynedd Council needs to do to tackle the Climate Change Emergency will mean significant and significant changes in behaviour. This may, in the long term, involve a change in direction in our day-to-day expenditure as well as investments in capital schemes. Of course, the requirements of the Well-being of Future Generations (Wales) Act already compel us to think about the long-term effects of our decisions, including spending decisions. As this report is intended to set a benchmark, it does not place an additional spending commitment on the Council in and of itself, but the impact of the climate crisis will be an ongoing consideration when preparing future financial strategies

# FRIENDS OF THE EARTH : Developing and Nature Emergency Action Plan

## PUTTING OUR CLIMATE AT THE HEART OF DECISION MAKING

NUMBER	Action/Description	Comments
1	Require councillors to identify whether the recommendations put to them would help or hinder climate, air pollution and nature plans.	It is inevitable that Councillors consider the consequences of climate on the environment when making decisions and the requirements of the Well-being of Future Generations Act mean that we must consider any decisions in the context of whether they are sustainable or not. We need to consider further whether and how to place the same emphasis as we place on equality issues say.
2	Identify both a councillor at cabinet level and a lead officer as Climate and Nature Champions who are required to publish a bi-annual independent and audited report to the public on progress in meeting climate change and nature targets.	The Council has an Environment Department with a cabinet member responsible for leading the activities of that department. However it is recognised that having declared a climate emergency all Council Department will have to play their part and we will need to consider the arrangements for ensuring that it happens. The task force will need to consider the appropriate management arrangements to fit in with the Council's recognised procedures. The Council's current activity to reduce carbon and adapt communities is reported through our performance management arrangements rather than by reporting separately.

3	Use additional decision-making approaches for complicated or contentious choices (such as representative Citizen Assemblies/Citizen Juries, participatory mapping and budgeting, etc).	Our current representative democracy works on the basis that it is elected representatives who are responsible for representing the wishes of their constituents. That said, we use Citizen Panels and consult widely on issues where there are far reaching consequences on the decisions that need to be made. Obviously, in this field we will need to include our communities in any discussions if we are going to get the county's citizens to own any activity which will need to be undertaken if we are to reduce the county's carbon footprint, but ultimately the elected members will have to take the necessary decisions.
4	Set interim and measurable targets for Gwynedd to achieve net zero greenhouse reductions and meet nature restoration goals.	Our aspiration is to reach net zero greenhouse reductions and meet nature restoration goals, but the Ffordd Gwynedd principles encourage us to not set a specific target by a specific time (as one cannot reasonably anticipate how long it will take to do the right things). However, our principles also note that we should measure our progress towards achieving the aim and periodically assess whether progress is sufficient. This should not affect our ambition in this area.
5	Align all Gwynedd statutory and non-statutory plans, policies and guidance with respective carbon reduction pathways and nature restoration plans, including procurement.	<p>Our procurement deliberations always consider the impact of our purchases on the environment. In addition, there is scope here, by means of the planning policies of our Joint Local Development Plan, which presumes in favour of sustainable development, to ensure that appropriate consideration is given to all environmental matters, where relevant, so that other developments do not have a detrimental impact on our environment and climate. See sections 6.2 and 6.5 of the Joint Local Development Plan:</p> <p>See also the link to Supplementary Planning Guidance - Maintaining and Creating Distinctive and Sustainable Communities. Also, there is a need to consider national and European guidelines and legislation in the context of our environment and climate change. Robust arrangements are in place to ensure that statutory bodies such as the Council act in a responsible way themselves, but can also ensure the compliance of others.</p>

<b>6</b>	Review and improve how we involve citizens in our existing decision-making processes.	Understanding our residents' needs and priorities is an important issue for Gwynedd Council. As we develop the action plan we will ensure that we include our communities in the necessary conversations which we will need to have in order to gain that understanding, and as we are aiming to reduce the county's overall carbon footprint, ensuring ownership of our programme by the county's residents will mean that they will have to be part of the process. Ultimately however, the elected members will have to make the decisions.
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#### RAISING MONEY

NUMBER	Action/Description	Comments
7	Introduce a workplace car parking levy and/or similar initiative to fund sustainable transport.	The Council did consider charging officers for parking several years ago and it was very difficult to implement at the time as the Unions did not agree to its implementation. Having said that, there is nothing wrong if we as a Council encourage our officers to use more environmentally-friendly ways of travelling to work. Indeed, the Departments have a great deal of influence to ensure that journeys for work purposes are only undertaken when it is only absolutely necessary and in an environmentally-friendly way. In addition, the Council is looking to change its fleet of small travelling vehicles, within the next five years, to electric cars. The Council's first electric car was officially introduced on 14 November 2019. Charging points are being installed at the Council's offices and depots. Therefore, plans are in place to ensure a more environmentally-friendly Council fleet.
8	Raise money from the UK Municipal Bonds Agency for low carbon infrastructure.	If we need to invest, there are a number of funding sources available to the Council and the real matter to be considered is that we are able to repay any loan rather than the source of that loan.

<p><b>9</b></p>	<p>Use legal and planning mechanisms such as Section 106 agreements, Community Infrastructure Levy and other mechanisms to fund climate actions and nature restoration projects.</p>	<p>106 Agreements enable planning authorities to restrict land use / development (e.g. for affordable housing), and to ensure financial contributions to mitigate any negative impact as a result of a development. This could include a contribution towards local services or environmental restoration work, where planning reasons provide justification. See section 6.1 of the Joint Local Development Plan, which refers to Infrastructure and developer contributions.</p> <p>See also a link to the Supplementary Planning Guidance on Planning Obligations:</p>
<p><b>10</b></p>	<p>Implement licensing of the private rented sector to cover enforcement costs of minimum energy efficiency standards</p>	<p>When new houses are built, a definite standard is set under building control legislation. The Council can verify these standards to ensure that the new buildings are insulated to the highest standards. It is a different matter when a building already exists, and although the Council itself ensures that its buildings are insulated to the highest standards, it is very difficult for the Council to force landlords to insulate their properties. The Council intends to encourage landlords and residents in general to insulate their houses, not only to have a positive impact on the environment, but also to save our residents a great deal of money. Plans exist, such as “Cynllun Nyth”, which is run under the auspices of the Welsh Government and there are opportunities for landlords and residents here to obtain more effective boilers that insulate their homes relatively cheaply.</p>

**PROTECT THE MOST VULNERABLE**

NUMBER	Action/Description	Comments
11	Identify the most vulnerable people in the areas most at risk of flooding and high heat levels and target adaptation policies, actions and spending to these areas.	Climate change has a major impact on our weather of course and on sea levels, the effects of which are already apparent to us now. It is likely to become worse in the future. Flooding is obviously one substantial area of risk for citizens in the most vulnerable areas and the Council is doing considerable work on the issue in conjunction with National Resources Wales, to plan for those communities under threat. Considerable public attention has been given to the pioneering work undertaken in Fairbourne of course but that work will have to be extended to other areas in due course. One of the lessons learned in Fairbourne is that the current legislative framework is inappropriate to enable us to deal with the problems faced and we will be campaigning to change that position. It should also be noted that the Council is also the statutory flooding authority that reports on the practical and physical steps that could be taken to protect property and communities. The service is also working on a risk management plan for the rest of Gwynedd, based on river catchment areas. Over the next 10 years we intend to invest over £2m of our resources to try and attract Government Grants in order to undertake works on defences in 6 areas in Gwynedd. Water shortage is an issue that needs to be considered, as well as fires that ignite on lands that are unusually dry. There is a need to be alert to these issues. It is likely that we are going to experience extended periods of higher temperatures as seen in France during the summer of 2019. Some people find it very difficult to cope with this, in particular young children and the elderly, and therefore, there is a need to consider the Council's role in this and how we can act alongside others to care for our residents.
12	Ensure that voices of the most vulnerable communities are also represented in council decision-making and council-citizen deliberations	The Council holds information on the locations of our vulnerable adults, and the Adults, Health and Well-being Department and the health service maintain contact with them. The Council therefore feels that these people's voices are being heard.

**BUILDINGS**

NUMBER	Action/Description	Comments
13	Retrofit council-owned properties with high levels of insulation.	The Council has taken action to insulate the majority of its buildings to a high standard, including schools. Most of the work was carried out between 2011 and 2017, including bedroom insulation at 300mm, wall cavities, heating and hot water pipes. The cost comes to £344,293.11. We are still working on upgrading the insulation of boiler houses (valves etc.). We cannot separate the savings from the impact of other schemes but it has certainly made a substantial contribution to a 43% reduction of in our buildings' emissions.
14	Help energy companies target fuel poor or vulnerable households with energy efficiency measures.	The Council needs to consider how we can work collaboratively with companies to be more effective in this area
15	Enforce minimum energy efficiency standards in the private rented sector.	The Council is unaware of any powers it has to compel the private rented sector to insulate their properties, as this does not appear to be one of their current requirements. Having said this, of course, this sector will be encouraged in respect of the schemes available to assist them from Welsh Government, via the Nyth scheme.
16	Require higher standards than current national standards for privately built new homes.	It is very difficult for the Council to demand standards that exceed the required national/legislative requirements. Having said this, there is a real need to attempt to influence developers to build to the highest possible standards in terms of the quality of the houses they build, and certainly the insulation standards and modern heating techniques that do not use fossil fuels.
17	Enforce building standards.	This is most certainly being done through the Building Regulations Service.
18	Require homes built on council land to be extremely energy efficient, using the Passivhaus standard or similar.	There has been no significant building of houses on council land for some time, but with the advent of our new Housing Strategy, we will need to ensure that any housing built on our land in future meets the highest possible practicable energy efficiency standards.



19	Develop a heating and energy efficiency strategy for the area.	We are on the verge of the third phase of the Carbon Management Programme originally drawn up with the Carbon Trust during 2008-09, which began in 2010. Phase 1 of the Carbon Management Programme was completed in 2015, securing a 26% reduction in CO2 emissions compared with the baseline for 2005 - 06. Phase 2 will be completed at the end of March 2019 and to date, it has led to a 39.3% reduction in our CO2 emissions, compared with the 2005-06 baseline. In the third phase, emphasis will be placed on large-scale renewable energy generation. An area heating plan was considered as part of the original Carbon Programme in conjunction with other establishments but it proved uneconomically viable to implement in even our most populous area.
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## TRANSPORT

NUMBER	Action/Description	Comments
20	Enable the rapid shift to electric vehicles by installing Electric Vehicle (EV) charging points.	The Council is pursuing grant aid and intends to invest its own resources in establishing charging points across the county. A start will be made in 2020 by investing £465k to establish 84 charging points across the county in the first instance.
21	Prioritise transport investment into cycling, walking, trams and public transport, such as electric buses.	Welsh Government is certainly encouraging more plans in relation to Active Travel and Gwynedd Council, over the years, has been very successful in creating cycling and walking paths across the County. In terms of public transport, the Council has not seen direct investment from Welsh Government; however, the TrawsCymru Service has indeed improved throughout the County in terms of its quality and frequency. Having said that, these buses are not yet electric; plans are being considered in relation to using hydrogen vehicles with a report commissioned to consider the use of hydrogen vehicles for the Sherpa bus services in northern Snowdonia.

22	Put in place Clean Air Zones, with charging if needed.	This is an issue that should be considered by the Council, but as it does not have very large towns and cities, air quality is not a significant issue, and this may well be unnecessary at the moment.
23	Reduce car use through measures such as promoting car-sharing. Re-regulating bus services and constraining road space.	The Council certainly sees a role for itself in this respect, in encouraging residents to car share, use buses, etc. For the Council's business journeys, we are already encouraging officers to reduce these journeys, if possible by reducing their travelling budgets and ensuring that greater use is made of facilities such as video conferencing.
24	Require all taxis to be electric through licensing.	The Council is unaware of any powers it has to enforce taxis to be electric vehicles. In this respect, the Council's probable role is to ensure that charging points are available across the County in order to enable businesses such as taxi companies and residents to invest in electric vehicles in the confidence that they will have a place to charge their cars.
25	Deliver a rapid transition of the council's own fleet to electric.	As noted in number 20, the Council is in the process of installing charging points and in time the fleet vehicles and vans will be replaced with electric vehicles. It is an interesting issue to consider in terms of larger vehicles, e.g. bin lorries, gritters, etc. and the solution here may be hydrogen vehicles. The Council, along with other partners, is already considering the practicality of this.
26	Require deliveries to the council to be by electric vehicles.	The Council does not demand that goods deliveries are made by electric vehicles, but the hope is that this will become more cost-effective for companies as time goes on. The Council is aware that there will not be a substantial change in carbon emissions from using electric cars, and there are other, less desirable environmental side-effects to electric vehicles. The Council is in discussions with electricity companies in terms of the challenges facing us to ensure that there is enough electricity available when there are more electric vehicles on our roads.
27	Introduce differential charges for parking permits or other car related charges.	Vehicle tax certainly charges a differential cost for users of vehicles that pollute more. Currently, it is very difficult to differentiate between vehicles in our car parks based on pay and display; however we could look into other situations where we could consider a differential fee.

28	Reduce the need to own and use a car through managing developments in the local plan	This is obviously going to be more difficult in a rural area. Reducing the need for car ownership is a very interesting issue and innovative schemes have been developed in at least two communities within the County; in the Ogwen area and in the Abergynolwyn area, where community electric vehicles are available for hire at a relatively reasonable price for use on occasions when people genuinely need a vehicle. This may be one model that the Council could influence and encourage other communities to follow.
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**POWER**

NUMBER	Action/Description	Comments
29	Identify areas suitable for renewable energy in the local plan.	The process of assessing the Joint Local Development Plan has included research to assess the capacity of the landscape in terms of developments such as renewable energy and the Plan includes specific policies relating to renewable energy and sustainable developments. See section 6.2 of the Plan:
30	Switch street lighting to well-designed and well directed LED lights.	70% of street lighting has now been replaced with LED lights and plans are afoot to replace the remaining 30%. This would mean a reduction of 1,540 tonnes of carbon emissions after the completion of all work. The Department will then consider replacing illuminated signs.
31	Reduce energy used by the local authority in its own estate.	<p>An ambitious project to significantly reduce carbon emissions and energy costs has saved Gwynedd Council over £4 million since it was established in 2010. The Council's Carbon Management Plan has seen a number of improvements across the authority which has led to huge reductions in CO2 emissions as well as delivering £4,062,958 in savings.</p> <p>Now, thanks to a combination of different projects including installing more energy-efficient lighting in buildings and street lights; insulation projects; fuel cells and a number of energy saving technologies for IT equipment, its carbon footprint has reduced by a phenomenal 39.3% during this period. Since 2010, there has been particular focus on cutting CO2 emissions in Buildings' energy, which are down by 43%.</p>

32	Require the integration of renewable energy such as solar thermal, PV or heat pumps in local authority developments and, as much as possible, within private sector developments.	We have already installed PV systems on 58 of our buildings, in addition to the installation of Biomass Boilers in 5 Buildings.
33	Support the development of renewable energy and energy storage.	The Council has already invested in electricity generation as noted above. We intend to identify further suitable sites within the Council's ownership for new proposed renewable energy schemes in order to proceed with further investigations for undertaking such schemes.
34	Oppose fracking and other fossil fuel extraction, and where opposition on fracking has been overturned, support peaceful protest.	Not applicable.
35	Divest from fossil fuels and invest in renewable energy projects.	The authority does not invest its own money in corporate entities. The Pension Fund has to comply with strict investment rules but they have recently decided to invest 12% of the Fund in a Low Carbon Investment Fund.

#### WASTE

NUMBER	Action/Description	Comments
36	Send zero waste to landfill or incineration.	Since August this year, all of Gwynedd's residual waste is sent to a waste treatment site (Parc Adfer). Therefore, nothing is sent to landfill. The site is in the commissioning phase, but when fully operational it will generate 17 MW of electricity for the national grid and enough power to run the site itself.
37	Use food waste according to the food waste hierarchy of prevent, reuse, recycle, and ensure remaining non-recyclable biodegradable waste to generate biogas.	For seven years, the GwyrAD anaerobic digestion site has been treating food waste collected from the homes and businesses of Gwynedd. This local site in Gwynedd treats the food and generates 0.5 MW for the National Grid. The site can handle 11,000 tonnes of food, with 7,500 tonnes collected by Gwynedd. We still have room to improve in order to divert more food as only approximately 60% of food is collected.

38	Adopt circular economy waste policies in relevant plans and contracts.	It is most certain a Council priority to have a circular economy.
39	Promote community sharing and reuse.	The service promotes re-use in our recycling centres by working locally with the third sector and with the private sector. An innovative plan is being implemented this year on extending the materials that can be recycled.
40	Ban the use of single-use plastic in council offices and premises	The Council has a policy on the use of single-use plastics

#### INFLUENCING OTHERS

NUMBER	Action/Description	Comments
41	Ensure the Sub-national Transport Body strategy is in-line with carbon budgets.	The Council is represented at a Cabinet Member and Head of Department level on the Regional Transportation Groups for North and Mid Wales. Certainly, the issue of low-carbon vehicles and transportation is very high up on the agenda and taken seriously by Welsh Government.
42	Use council memberships of Local Enterprise Partnerships to ensure all their decisions are in-line with the climate reduction pathway and nature restoration plans.	There is no LEP in North Wales but the North Wales Economic Ambition Board has the opportunity to invest in order to facilitate economic growth across the region. One of the programmes is the Smart Access to Energy programme which includes a package of projects which position North Wales as one of the UK's leading areas for low carbon energy creation and production, along with innovative small scale smart local energy networks. Delivering these projects should ensure that North Wales has high quality modern infrastructure in order to facilitate sustainable growth in the low carbon energy sector.

43	Provide particular support to SME businesses to access funds and expertise for reducing carbon pollution.	We will need to investigate the opportunities that exist for financial aid. The County Council has collaborated with businesses in Gwynedd to encourage less plastic as part of the 'Plastic-free Towns' scheme. A positive response was received, e.g. from Bonta Deli and Palace Street Pantri, to cut down on their plastic use. There is a new business on Castle Square, The Sustainable Weigh, which is completely plastic-free and sustainable and sets a great example to other businesses.
44	Use influence with schools and others to ensure that meals are delivered in accordance with the official Eatwell Guide on healthy eating and the majority of options on menus are healthy and plant-based, with less and better meat.	Buying local is a matter of high priority for Gwynedd; reducing food miles is something to encourage and having local and seasonal produce is seen as sensible and healthy. The Council's Keeping Benefits Local plan tries to maximise the contracts that are awarded to local companies by helping and encouraging them to tender for food and other contracts

#### LAND USE

NUMBER	Action/Description	Comments
45	Double tree cover on council-owned land, update local planning strategies to double tree cover across the Local Authority area, and ensure existing trees are properly protected in order to store carbon, support nature, improve soils and water quality, and aid flood protection and urban design.	<p>The Council has prepared a Biodiversity Duty Plan which meets the duty to sustain biodiversity and promote the resilience of ecosystems. Projects and work programmes are being established and implemented in accordance with the principles of Natural Resources Management and an ecosystems mindset.</p> <p>The Tir a Môr Llŷn project is an example of such a scheme, which combines habitat management, collaboration with landowners to reduce the pollution that reaches rivers and ends up in the seas, piloting sustainable farming methods and improved access opportunities. The project is innovative as it integrates the work on the land and on the sea, thus it is possible to expand and strengthen partnership working across the Pen Llŷn a'r Sarnau SAC. <a href="#">Link</a>.</p>

		<p>The Council owns substantial lands, including woodlands and lands that have been identified and designated as nature reserves and wildlife sites. Woodlands are important assets for recreation but a lack of resources hinders effective management. Through the Planning process and Tree Preservation Orders (<a href="#">link</a>), the Council preserves trees and woodlands of biodiversity and landscape value.</p> <p>Recently, the Ash Dieback disease has spread to Gwynedd which will lead to the loss of a large number of mature trees, thus having a detrimental impact on species and the landscape's appearance. In 2020, the Council will prepare an Ash Dieback Action Plan (<a href="#">link</a>) in response to the challenge and to prepare for replanting and restoring habitats.</p>
<p>46</p>	<p>Protect existing local green spaces, green belt and locally designated nature sites.</p>	<p>Green spaces and lands designated as nature reserves and wildlife sites are ways to reconnect people with nature and they are resources that contribute to the physical and mental well-being of the County's residents. Nevertheless, it is a challenge to maintain and manage them effectively in the current financial climate with greater emphasis being placed on engaging with organisations within local communities to encourage them to take "ownership" of the lands. The grant-funded Community Woodlands project has shown the appreciation within communities of their natural assets, and the interest they have in caring for them. See progress report.</p> <p>The Llŷn Area of Outstanding Natural Beauty (AONB) designation enables the Council to take steps to protect and maintain the quality of the landscape and environment and through the Sustainable Development Fund, communities and local organisations receive support to implement projects that are important to them. The Snowdonia National Park Authority also has a key role to play in this respect of course as it covers a significant part of the county.</p>

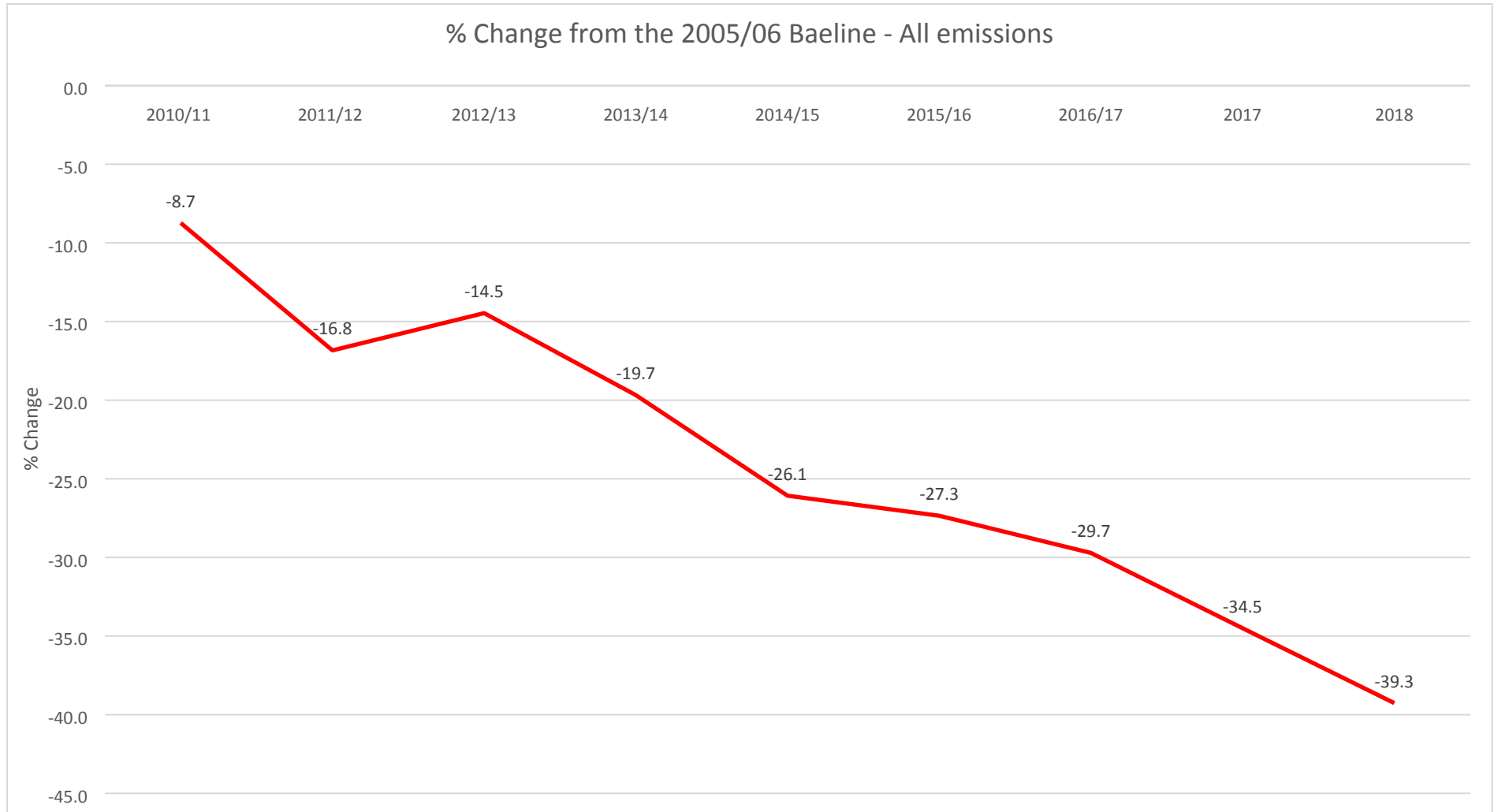
47	Manage council-owned land and road verges to increase biodiversity and drawdown carbon pollution, including through reduced pesticide use and increased planting of wildflowers.	In terms of managing our own lands, cutting grass verges is work that needs to be done in order to ensure safety; however, this has been adapted to ensure that biodiversity is protected so far as reasonably possible. In 2020 the Council will start to adapt their cutting programmes in order to promote biodiversity and wild flowers at the side of our county roads. WE are also developing an exciting project in partnership with the Community Gardens and Farms Charity which will facilitate communities' ability to grow indigenous wild flowers to be planted on our road verges (subject to a succesful grant application)
48	Develop new quality green spaces in areas where they don't exist, particularly in neighbourhoods where people are particularly vulnerable to heatwaves and/or are deprived of nature.	Grants become available occasionally to create green spaces, and Gwynedd Council does indeed take advantage of these. Of course, these spaces also need to be maintained and a resource is needed to do it, and this issue would be addressed when applying for the grants in question.
49	Produce a nature and ecosystem restoration plan to reverse and restore habitats and species and ecosystem quality and function.	There is a need to protect the landscape of Gwynedd and its special environment. Our eco-systems are facing substantial challenges, not only from the climate, but also due to disease. One disease that currently exists is Ash Dieback.



**CAMPAIGNING**

NUMBER	Action/Description	Comments
50	Work with other local authorities and allies to secure more regulatory powers, fundraising powers and finance to deliver on our aspirations (for example, as those identified by Friends of the Earth), and join forces with others to push for a national climate action plan that is commensurate with the climate and nature emergency.	Gwynedd Council works with many other bodies to ensure that we care for and protect our important environment, and attempt to reduce the impact on climate change. As a member of the Gwynedd and Anglesey Public Sector Board we have established a Climate Change Sub Group to assess whether there are things which we could as public sector bodies do better together and we will also try and influence projects being undertaken at a regional level through our membership of the North Wales Economic Ambition Board and the North Wales Leadership Group. We will continue to do so democratically and will continue to seek resources to ensure that we are able to act alongside others to reach this important goal.

% Change from the 2005/06 Baeline - All emissions



## GWYNEDD COUNCIL



### Report to a meeting of Gwynedd Council

<b>Date of meeting:</b>	<b>19 December 2019</b>
<b>Title of Item:</b>	<b>A review of Scrutiny arrangements</b>
<b>Relevant Member:</b>	<b>Councillor John Brynmor Hughes, Audit and Governance Committee Chair</b>
<b>Contact Officer:</b>	<b>Geraint Owen Head of Democratic Services</b>

#### 1. THE DECISION SOUGHT

The Council is asked to:

- Continue with the current arrangements, namely Option 1, 3 scrutiny committees, with Housing and Property Department matters being scrutinised by the Care Scrutiny Committee in accordance with the recommendation of the Audit and Governance Committee.
- Subject to the decision above, adopt minor amendments to the Constitution as set out in Appendix 1 to the report on the recommendation of the Monitoring Officer.

#### 2. BACKGROUND AND RATIONALE

##### 2.1 INTRODUCTION

- 2.1.1 See a copy of the report on the review of scrutiny arrangements submitted to the Audit and Governance Committee for consideration on 28 November 2019 in **Appendix A**.
- 2.1.2 All Members are asked to pay attention to the content of this report in order to understand the reasons for reviewing our existing scrutiny arrangements, the considerations when reviewing, the original options by the working group that carried out the review, the thorough consultation that has taken place and the final options considered.
- 2.1.3 At a meeting of the Audit and Governance Committee, it was determined to recommend to the Full Council to continue with the current scrutiny arrangements, namely Option 1 - three scrutiny committees.
- 2.1.4 As part of the recommendation as well, the decision of the Audit and Governance Committee should be noted, namely that matters of the Housing and Property

Department are scrutinised by the Care Scrutiny Committee on the basis that health and care issues are now linked to housing.

## **2.2 CONSTITUTIONAL ISSUES**

2.2.1 In light of any change in our scrutiny arrangements, it will be required to amend the Council's Constitution to reflect the new arrangements.

2.2.2 Subject to the decision of the Council on the arrangements, the full Council is asked to adopt minor amendments to the Constitution as set out in **Appendix 1** to the report on the recommendation of the Monitoring Officer.

## **3. ANY CONSULTATIONS UNDERTAKEN PRIOR TO RECOMMENDING THE DECISION**

### **3.1 STATUTORY OFFICERS' OBSERVATIONS:**

#### **Monitoring Officer:**

I have had an opportunity to contribute to the report and the proposed amendments to the Constitution, which I have drafted. On the basis of the recommended option I have no further comments to add in relation to propriety.

#### **Statutory Finance Officer:**

The options for the future of the scrutiny function were the subject of discussions at the meeting of the Audit and Governance Committee in November 2019. I am satisfied that there are no financial obligations to the decision sought.

**SECTION 7****7. SCRUTINY COMMITTEES****7.3 Role, Scope and Membership**

The role, scope and Membership of the Scrutiny Committees are described in the table below:

<b>Committee and Membership</b>	<b>Role and Scope</b>
<p>Education and Economy Scrutiny Committee</p> <p>18 members</p>	<p>To scrutinise matters relating to <b>the functions of the</b>: education and the economy</p> <ul style="list-style-type: none"> <li>• Education <b>Department</b></li> <li>• <b>Economy and Communities Department</b></li> <li>• Pathway to employment</li> <li>• Regeneration</li> <li>• <b>GwE</b></li> <li>• <b>North Wales Economic Ambition Board</b></li> </ul>
<p>Communities Scrutiny Committee</p> <p>18 members</p>	<p>To scrutinise matters relating <b>to the functions of the</b>: wider community such as</p> <ul style="list-style-type: none"> <li>• Environment <b>Department</b></li> <li>• <del>Transportation and Community Transport</del></li> <li>• Waste and Re-Cycling</li> <li>• Carbon Footprint Reduction</li> <li>• <b>Highways and Municipal Department</b></li> <li>• <b>Gwynedd Consultancy</b></li> <li>• Local Development Plan</li> <li>• <b>Crime and Disorder</b></li> <li>• Public Services Board</li> </ul>

<p>Care Scrutiny Committee</p> <p>18 members</p>	<p>To scrutinise matters relating to <b>the functions of the</b> care services such as:</p> <ul style="list-style-type: none"> <li>• Older people and adults</li> <li>• <b>Adults, Health and Well-Being Department</b></li> <li>• <b>Children and Supporting Families Department</b></li> <li>• Children and Young Persons</li> <li>• Health</li> <li>• Housing <b>and Property Department</b></li> </ul>
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## 7.10 Role of the Chair and the Scrutiny Committees

7.10.1 ~~The role of the Chair of the Scrutiny Committees will be essential in implementing the new method of working.~~ The Chairs and Vice Chairs will individually and collectively through the Scrutiny Forum liaise with the Cabinet. The Scrutiny Forum will supervise **take an overview of** the Work Programme, **advise on the prioritisation of items** and identify cross cutting themes arising from the various Scrutiny Committees.

7.10.2 In summary, therefore, the Chair will:

- (a) be accountable for delivering the work;
- (b) will meet regularly to monitor Work Programmes;
- (c) will liaise with the Cabinet on issues affecting the Scrutiny Work Programme; and
- ~~(d) report to the four standing business meetings of the Council on progress in implementing the new methods of working.~~

7.10.3 “Scrutiny Forum” means a meeting of the Chairs and Vice Chairs of the Scrutiny Committees to undertake roles ascribed to it in this Section 7.

## 7.11 Work Programme

7.11.1 The individual Scrutiny Committees will put forward items for their Work Programmes and in doing so they should take into account wishes of Members of that Committee who are not Members of the largest political group on the Council. It may also consider urgent and unforeseen matters not included in the Work Programme. ~~However, the overall scrutiny Work Programme shall be agreed by the Scrutiny Forum who will report back to the Committees.~~

7.11.2 There will be a “Winnowing” procedure where any matter which has been registered for consideration will initially be discussed with the relevant Service Department to consider whether it is capable of resolution without formal scrutiny and thereafter with the relevant Cabinet Member. If the matter cannot be resolved it will then be the subject of a discussion between the Cabinet Member and the Chair of the relevant Scrutiny Committee to consider the value of scrutinising the matter before being considered by Scrutiny Forum to **determine consider** whether or not to include it in the Work Programme.

7.15 **Number of Scrutiny Committees and Appointment of Scrutiny Groups** **What will be the Number and Arrangements for Scrutiny Committees?**

7.15.1 The Council will have 3 Scrutiny Committees set out in the table in Section 7.3 **to be appointed in accordance with the Councils arrangements**, and will appoint to them as it considers appropriate from time to time. The Scrutiny Committees may appoint smaller groups or working groups **of members on a task and finish basis** to carry out detailed **investigations or** examination of particular topics **defined by the Committee** for report back to them. **They will report back to the Committee. A maximum of 5 members may be appointed by the Committee to serve on the group.** Such groups may be appointed for a fixed period **to carry out their terms of reference** on the expiry of which they shall cease to exist **unless extended by the Committee. The membership must include representation from no less than two separate political groups. The Scrutiny Forum will advise the Committees on the prioritisation of resources to support the working groups.**

## **7.20 Reports from the Scrutiny Committees**

7.20.1 All formal reports and recommendations from the Scrutiny Committees will be submitted to the Head of Democratic Services for consideration by the Cabinet (if the proposals are consistent with the existing Budget and Policy Framework), or to the Council as appropriate (eg if the recommendation would require a departure from or a change to the agreed Budget and Policy Framework). These Committee recommendations can include recommendations from investigations or scrutiny working groups.

<b>MEETING</b>	AUDIT AND GOVERNANCE COMMITTEE
<b>DATE</b>	28 NOVEMBER 2019
<b>TITLE</b>	A REVIEW OF SCRUTINY ARRANGEMENTS
<b>AUTHOR(S)</b>	Geraint Owen (Head of Democratic Services) Vera Jones (Democracy and Language Manager)
<b>PURPOSE</b>	To formulate a recommendation to the full Council, at its next meeting, on a new scrutiny model for May, 2020

## BACKGROUND

- At its meeting on 2 March 2017, the Full Council adopted the current scrutiny arrangements. Under the current arrangements, there are three Scrutiny Committees as well as a role to scrutinise corporate matters by the Audit and Governance Committee. Scrutiny investigations are held, where approximately five members of a Scrutiny Committee investigate a specific matter in a series of informal meetings, before submitting a report to the Scrutiny Committee with recommendations for the attention of Cabinet Members.
- A review of the current scrutiny arrangements was carried out because:
  - We received observations that scrutiny did not add value, that our current arrangements are developing slowly, and a feeling that things could be done better
  - up to 50% of scrutiny committee items are items for information to Members of the specific scrutiny committee
  - there are vacant seats on many of our scrutiny committees (over the past months) as Members were not eager to sit on scrutiny committees
  - seeking continuous improvement by reviewing and challenging our arrangements is a good thing, we have pledged to do this as the new arrangements were adopted in March 2017 and that Wales Audit Office supports this.
- A working group of members and officers was set up to review the arrangements. The working group's membership consisted of Councillors Simon Glyn, Nia Jeffreys, Beth Lawton, Dyfrig Siencyn along with Aled Davies (Head of Adults, Health and Well-being Department), Geraint Owen (Head of Democratic Services), Sioned Williams (Head of Economy and Community Department) and Dilwyn Williams (Chief Executive).
- The working group concluded that the purpose of scrutiny should be defined in order to ensure a joint understanding of the purpose of scrutiny in Gwynedd. The definition is noted below:

**TO FACILITATE DRIVING IMPROVEMENT IN SERVICES FOR THE PEOPLE OF  
GWYNEDD**

This will be done constructively by:

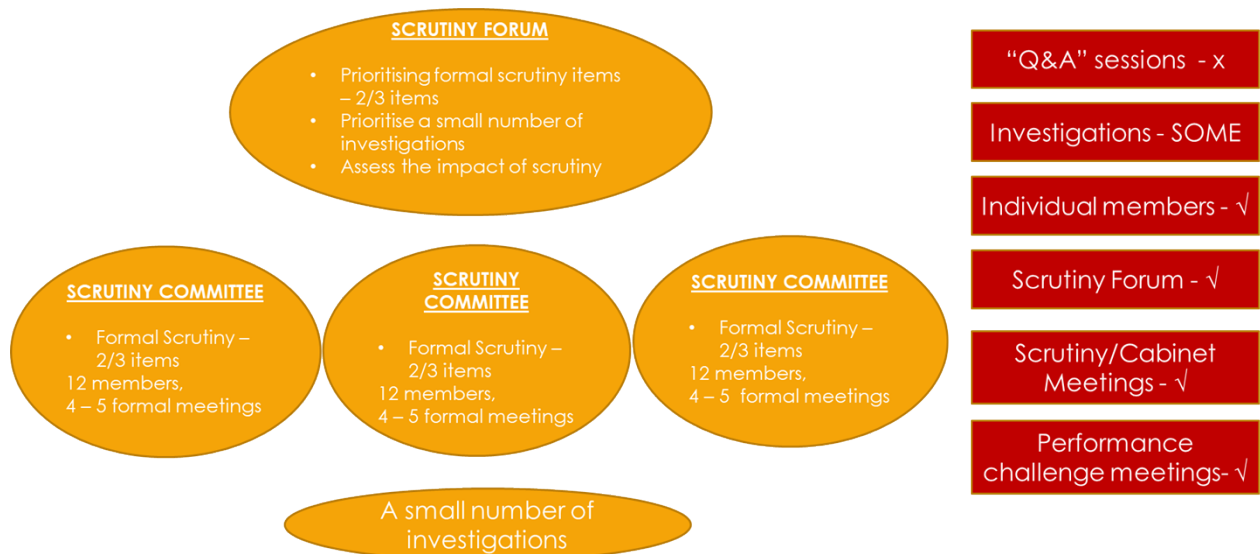
- Investigating concerns regarding the quality of our services
- Acting as a Critical Friend, and ensuring that appropriate attention is given to the citizen's voice
- Identifying good practice and weaknesses
- Holding the Cabinet and its members to account
- Review or scrutinise, decisions or actions, that are not the responsibility of the Cabinet



The definition is based on the Centre for Public Scrutiny’s best practice. It does not redefine the statutory requirement in the Local Government Act 2000, but rather confirms the ethos of Scrutiny in Gwynedd.

**DRAWING UP OPTIONS**

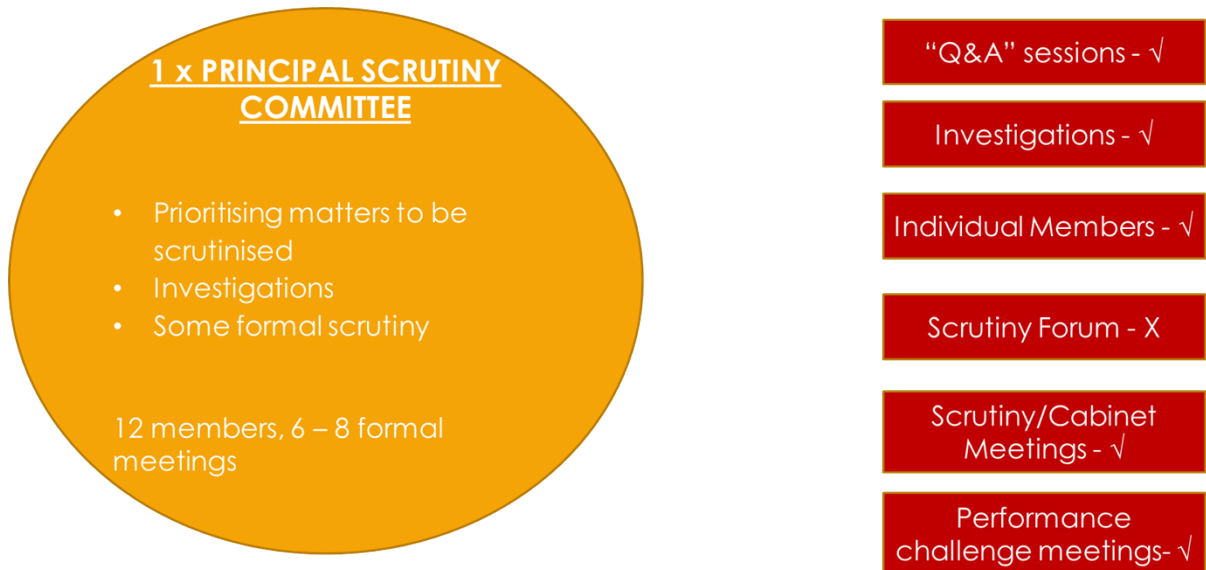
5. The working group was of the opinion, given the matters noted in 2 above, that there is room to improve our current arrangements, with the hope that it would lead to better services for the people of Gwynedd.
6. In attempting to draw up options to improve our scrutiny arrangements and ensure that scrutiny fulfils the purpose, attention was given to the following principal considerations:
  - Information sharing arrangements with all members
  - The advantages and disadvantages of formal scrutiny arrangements in a committee
  - The advantages and disadvantages of investigations
  - Resources and time
7. Three options were drafted for consideration:
  - Option 1 - Three Scrutiny Committees (Adapt the current arrangements)



This option would adapt the current arrangements with three Scrutiny Committees of 12 members compared to the 18 members at present. The Audit and Governance Committee would continue to have the role of scrutinising corporate matters. A small number of investigations would be undertaken due to the resources required to support the work of the Committees.

The Scrutiny Forum (meeting of Scrutiny Chairs and Vice Chairs), liaison meetings between Cabinet members and Scrutiny Forum members would continue, and the arrangement of 2 members of a Scrutiny Committee attending Cabinet Members' performance challenge meetings would also continue.

• Option 2 - One Principal Scrutiny Committee

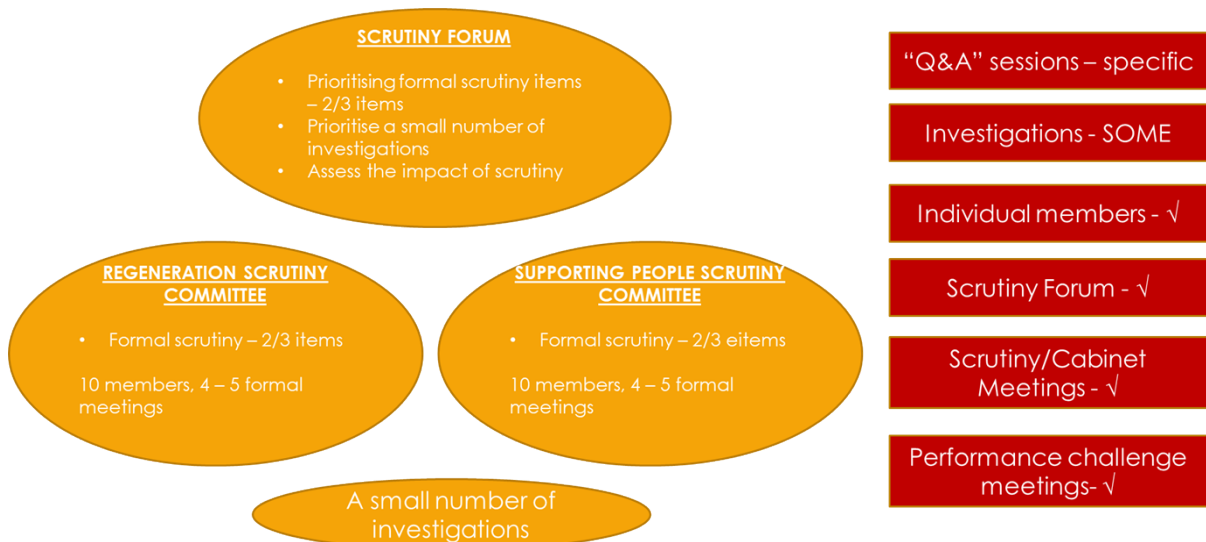


This option would establish a single Principal Scrutiny Committee of 12 members who would scrutinise the most important elements of the Executive's work (Cabinet and officers) across all Council services. As well as managing all of the Council's scrutiny work and commission and coordinating a series of Scrutiny Investigations and Scrutiny Working Groups, that will consider subjects in detail and draw-up recommendations for improvement, and propose them to the relevant Cabinet Members. The majority of the scrutiny work will take place through investigations or task and finish groups.

Informal "question and answer" sessions would be held to share information with all members outside scrutiny arrangements. Up to 20 sessions a year with 2 sessions per year per Cabinet Member and Head of Department.

Liaison meetings would be held between Cabinet Members and members of the Principal Scrutiny Committee and a member of the Principal Scrutiny Committee would attend Cabinet Members performance challenge meetings.

• Option 3 - Two Scrutiny Committees



This option would establish two Scrutiny Committees with 10 members on each Committee. As with Option 1, the Audit and Governance Committee would continue to have the role of scrutinising corporate matters and a small number of investigations would be undertaken due to the resources required to support the work of the Committees.

Arrangements to ensure the sharing of information with all Members would also be a core part of the arrangements to support this option, but only for specific subjects.

The Scrutiny Forum (meeting of Scrutiny Chairs and Vice Chairs), liaison meetings between Cabinet Members and Scrutiny Forum members would continue, and the arrangement of 2 members of a Scrutiny Committee attending Cabinet Members' performance challenge meetings would also continue.

## CONSULTATION

8. Two sessions were arranged to seek the views of all Members on the options that had been developed. The Members who attended the workshops (26 in total) were asked about the advantages and disadvantages per option. A summary of the responses have been included per option in Appendix 1 of this report.
9. Every member who was present was asked which option they preferred, and why. In the first workshop, most members preferred Option 2 (One Principal Scrutiny Committee) with most members in the second workshop preferring Option 1 (Three Scrutiny Committees). Some members preferred Option 3.
10. Here is a summary of the members' reasons for preferring a specific option:

### Option 1

- This is the best way to achieve the best for the people of Gwynedd, but I am still concerned about the number of vacant seats.
- The members have a right to ask officers already, therefore there is no benefit in changing the scrutiny arrangements.
- The current arrangements do work, improve somewhat on what we have, and abolishing the Scrutiny Forum should be considered.
- It gives the power to the scrutiny committees, and the Cabinet Members must take notice. Concerned about capacity to hold investigations with only 12 members, keep to 18.
- This option provides room for more Members on a Committee.
- Option 2 is too similar to a shadow cabinet, but with room to change the current membership to 15 members rather than 18, and have Education and Social Services together.
- Option 2 places too much of a burden on members of the Principal Scrutiny Committee, and not enough of an opportunity for all Members.

### Option 2

- We need to change the way we scrutinise. Investigations are beneficial as everyone gets an opportunity to ask informally and get to the root of things to get a better understanding. Also, it is a better way of prioritising the right matters to be scrutinised. However, commitment is required by all Members.
- The "Question and Answer" sessions are available to all members and it is an opportunity to learn more about a wide range of various fields, rather than the field of one scrutiny committee alone.
- There is potential for the "Q&A" sessions to be informal scrutinising, but with the possibility of referring matters on to formal scrutiny.
- Investigations have brought more value than formal scrutiny - this is the way forward.
- It must be ensured that the workload is not too heavy for 12 members.

### Option 3

- Two committees seem more sensible, but there is still room to have some information through the specific sessions. We are unable to maintain the current arrangements as Members are unwilling to participate fully.
  - This is what currently attracts me
11. Observations were received from some members in the workshops in relation to their wish to return to previous governance arrangements. It must be borne in mind that Gwynedd Council has been implementing Cabinet and Scrutiny arrangements since 2012 in accordance with the requirements of the Local Government (Wales) Measure 2011. Therefore, it is not possible to return to previous governance arrangements. The scrutiny review keeps within the Measure's legal requirements.
  12. A consultation was also held with the Corporate Management Group (Heads of Department). They had no specific observations per option, but they wished to convey the following general messages:
    - That an informal dialogue between Members and Heads of Department is beneficial, and that they have seen the value of having such arrangements
    - That there is room to refine the arrangements for identifying and prioritising matters for scrutiny, and that there is room for members to be more clear on what exactly needs to be scrutinised and why
    - That they are willing to operate within any of the scrutiny system options
  13. At a meeting of the Scrutiny Forum (a meeting consisting of the Chairs and Vice-chairs of the Scrutiny Committees) on 24 October 2019, consideration was given to the observations received as part of the consultation. Members of the working group were invited to the meeting in order to discuss the observations and address specific matters, such as the responsibility fields of the Scrutiny Committees, the role of the Scrutiny Forum, the number of members on committees and the number of meetings per option.
  14. At the meeting, a discussion was held on the options. The observations varied, although they tended to favour option 1.

## THE OPTIONS

15. The details of the options, along with the advantages and disadvantages per option, are included in Appendix 1 of this report. Following the observations received on the options during the consultation period, and the discussion at the Scrutiny Forum meeting, the options have been amended. One major change is that the number of committee members under each option has increased to 18.
16. At the Scrutiny Forum meeting, it was agreed that the Communities Scrutiny Committee would scrutinise Housing and Property Department matters under Option 1. As a result of receiving comments following the meeting, a discussion was arranged between the Chair and Vice-Chair of the Care Scrutiny Committee along with the Chair and Vice-Chair of the Communities Scrutiny Committee, to discuss which committee should scrutinise Housing and Property Department matters under Option 1.
17. Prior to the above meeting, a discussion was held at the Care Scrutiny Committee's Informal Session on 14 November 2019. At the meeting the view was noted that the Care Scrutiny Committee would be best placed to scrutinise housing and property matters for the following reasons:
  - Housing issues e.g. homelessness, children, vulnerable adults etc, are issues that affect people, and so it makes more sense to include them in the care field.
  - Members of the Care Scrutiny Committee already have expertise in the field, as this Committee has been scrutinising housing matters for many years.
  - Although property issues have historically been going to the Communities Scrutiny Committee, very little property work needs to be scrutinised anyway. There is a lot more emphasis on the housing side.

The Head of the Housing and Property Department was present at the meeting and supported the above view with support for the position also noted by the Head of the Adults, Health and Well-being Department.
18. A discussion took place between the Chair and Vice-Chair of the Care Scrutiny Committee together with the Chair of the Communities Scrutiny Committee on 14 November. The Chair of the Communities Scrutiny Committee had no objection in principle to the Care Scrutiny Committee scrutinising housing and property matters.
19. Members of the Communities Scrutiny Committee have not had the opportunity to discuss the matter. The next meeting of the Communities Scrutiny Committee will be held on 5 December 2019.
20. For information, the areas of responsibility of the Communities Scrutiny Committee under Option 1 would be those of the Environment Department, Highways and Municipal Department, Gwynedd Consultancy, the Local Development Plan, Crime and Disorder and the Public Services Board.

21. The Scrutiny Committees' areas of responsibility have been divided in order to ensure that a Cabinet Member reports to one Scrutiny Committee. The Audit and Governance Committee is asked to consider which scrutiny committee should scrutinise Housing and Property Department matters.
22. The constitution will need to be amended to incorporate any changes, the way this is done depends on which option is adopted at the Full Council meeting on 19 December 2019. If the Monitoring Officer considers that they are minor changes, he will make the changes, however should significant changes be required, a further report would be submitted for approval to the Full Council meeting on 5 March 2020.

### **RESOURCES TO SUPPORT SCRUTINY**

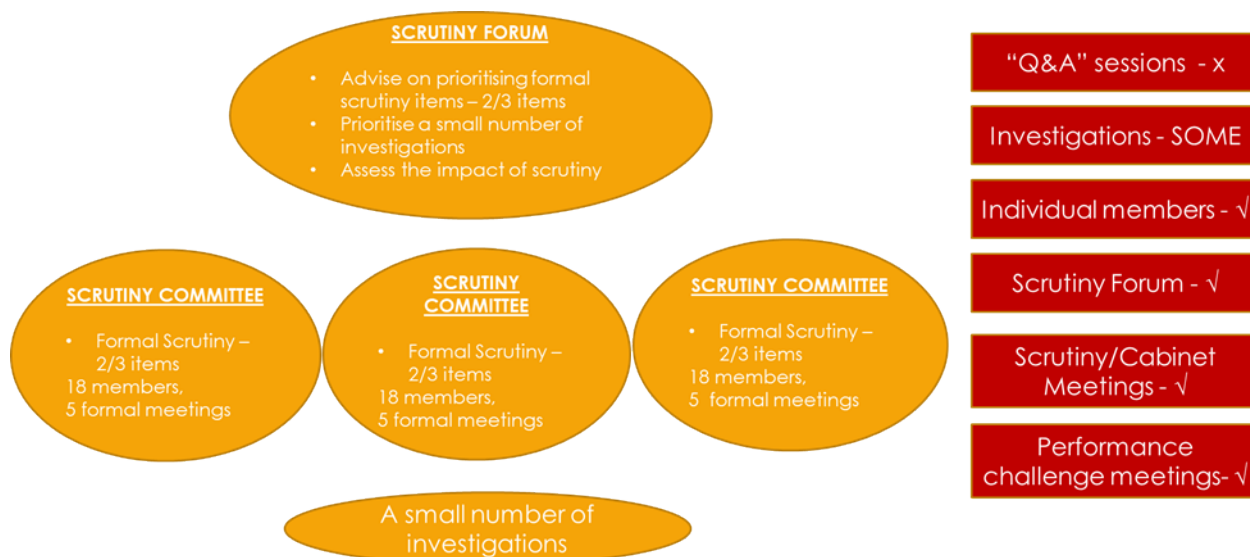
23. As the Head of Democratic Services (Head of Corporate Support Department) I have already identified the need to strengthen the support to scrutiny, and have proceeded to restructure within the Service in order to support this element.
24. Now, support is offered to the scrutiny element from the Democracy and Language Manager (a proportion of the officer's time), Senior Language and Scrutiny Advisor (half of the officer's time spent on scrutiny), and a Scrutiny Advisor (full-time). Also, there are three Business Support Officers available to lead on scrutiny investigations.

### **RECOMMENDATION**

25. The Audit and Governance Committee is asked to:
  - consider the options,
  - consider which scrutiny committee should scrutinise the Housing and Property Department's matters under Option 1, either the Communities Scrutiny Committee or the Care Scrutiny Committee,
  - consider whether one option predominates, and make a recommendation to be submitted to the Full Council on 19 December 2019.

## APPENDIX 1

### **OPTION 1 - THREE SCRUTINY COMMITTEES (ADAPT THE CURRENT ARRANGEMENTS)**



#### **A - INFORMATION SHARING**

1. There would be no new arrangements for sharing information with this option. Individual Members would have to make their own enquiries for information.
2. Neither would there be arrangements for sessions on specific subjects.

#### **B - ROLES**

3. SCRUTINY FORUM - The role of the Scrutiny Forum is essential, with the Chairs and Vice-chairs taking an overview of all the Council's scrutiny work in their informal Forum, and challenging each other to ensure that the right matters are prioritised. The role of the Scrutiny Forum will be as follows:

- Advise to **PRIORITISE** scrutiny items (Majority being formal scrutiny with a small number of investigations) and challenge the basis of identifying matters to scrutinise.
- Identify the most effective scrutiny method within the resources available (formal scrutiny / investigation)
- The Forum will also have a role to identify matters that need specific attention through the information sharing arrangements.
- Assess the contributions of the individual committees and assess the **IMPACT** of the scrutiny work, and review our scrutiny arrangements on an ongoing basis.

4. The role of the Scrutiny Committees will be as follows:

- Scrutinise formal items at a meeting - there would be a maximum of 2-3 items per meeting.
- A small number of investigations will be held. The investigations will follow the same format as recommended for the Principal Scrutiny Committee. With an opportunity for other members to participate, unless a sufficient number of members of the relevant scrutiny committee state an interest to be part of an investigation. With an aim to ensure political representation from the various groups on every investigation.
- Pre-scrutiny - No investigation is required but independent input is required when developing. A small group of members give their independent view to the Cabinet Member on the developments as they progress, and report on the recommendations of the Task and Finish Group to the Committee.
- Every committee will review the **impact** of their scrutiny work on an ongoing basis with the Chair to report that to the Scrutiny Forum.

### **C - PRACTICAL ARRANGEMENTS**

<b>FIELD</b>	<b>ARRANGEMENTS</b>
The responsibility fields of the Committees	<b>Education and Economy Scrutiny Committee</b> (Education Department, Economy and Community Department, GwE and the North Wales Economic Ambition Board)
	<b>Communities Scrutiny Committee</b> (Environment Department, Highways and Municipal Department, Gwynedd Consultancy, Housing and Property Department, Local Development Plan, Crime and Disorder and the Public Services Board)
	<b>Care Scrutiny Committee</b> (Adults, Health and Well-being Department, Children and Supporting Families Department and Health)
	<b>Audit and Governance Committee</b> (Corporate Support Department, Finance Department, Leadership Team, Legal Service and Corporate Plans, e.g. the Council Plan)
Membership	18 per committee Subject to the political balance* Co-opted members on the Education and Economy Scrutiny Committee
Chairmanship	Subject to the political balance**
Meetings	5 informal meetings per year



Identifying matters to be scrutinised	Keep a register on the scrutiny log
	Members of the Committee and individual Members able to identify matters - refer to the Chair
	Performance challenge meetings - Members of the committee attending with a responsibility for reporting back to the committee
	Informal meetings between the Chair/Vice-chair, the relevant Cabinet Member and the relevant Head of Department
	Scrutiny Forum Meeting/all Cabinet Members

\*The allocation of seats and chairmanships of the Scrutiny Committees, without any change to the political balance or to the numbers of any other Committee, would be the same as the current situation.

5. Formal contact with the Cabinet - There is also room to improve our arrangements for submitting recommendations to the Cabinet Member. Every item (be it an investigation or a committee item) will have ensured clear recommendations and will note the explanation behind these recommendations.
- Those recommendations will be formally submitted to the Cabinet Member after the Committee Members approve them.
  - If a matter has been scrutinised and is then submitted to Cabinet, there will be a need to refer to the Scrutinisers' recommendations formally as part of the report.
  - The right to submit a formal report to the Cabinet or to a Cabinet Member could also be used, requesting a response within the timescale noted in the constitution, should the need arise.

### **Ch - THE OPINION OF THE MEMBERS AT THE WORKSHOPS**

<b><u>THE ADVANTAGES OF OPTION 1</u></b>	<b><u>THE DISADVANTAGES OF OPTION 1</u></b>
<ul style="list-style-type: none"> <li>• Committees have demonstrated that they can be effective as they focus on a specific subject</li> <li>• It is required to empower and refine the current arrangements (but without the accountability to the Scrutiny Forum)</li> <li>• The number of Committee meetings - more meetings happening more frequently</li> <li>• More members being able to participate as there are three Committees</li> <li>• Chair/Vice-chair able to meet with the relevant Cabinet</li> </ul>	<ul style="list-style-type: none"> <li>• A 'set piece' element in Committees</li> <li>• Keep to the Committees - not everyone gets an opportunity to be a part of every field</li> <li>• Is it sustainable? Members failing to turn up.</li> <li>• A lot of work for scrutiny members</li> <li>• Members currently not feeling part of Council arrangements</li> <li>• Scrutiny Investigations - not as swift as they should be, not open for all Council members to be</li> </ul>

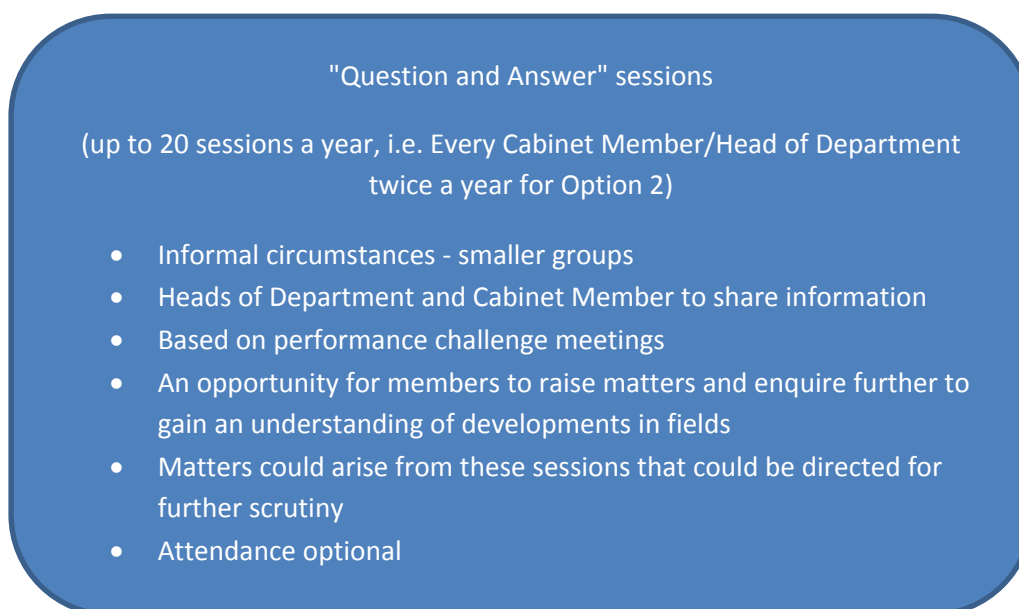
<p>Member and Head of Department</p> <ul style="list-style-type: none"> <li>• Investigation work (despite the small numbers) bringing better outputs</li> <li>• Members more likely to be part of investigations as they "belong" to the Committee</li> <li>• Room to invite members who are not on the relevant scrutiny Committee into any investigation</li> <li>• The role of the Scrutiny Forum has been good</li> <li>• Expertise per field to members of the specific Committee</li> <li>• Scrutiny Forum - an overview of matters across all scrutiny matters and challenge each other</li> </ul>	<p>part of them, fewer investigations being held</p> <ul style="list-style-type: none"> <li>• A small number of investigations</li> <li>• The Role of the Scrutiny Forum - dislike the prioritisation role by the Scrutiny Forum</li> <li>• No "Question and Answer" opportunity</li> </ul>
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## OPTION 2 - ONE PRINCIPAL SCRUTINY COMMITTEE



### A - INFORMATION SHARING

1. This option would be based on establishing information sharing arrangements for all members outside scrutiny arrangements, informal "Question and Answer" sessions.
2. HOW?



### B - ROLES

3. It is recommended that the role of the Principal Scrutiny Committee will be as follows:

- to take an overview of the scrutiny work across the Council and **PRIORITISE** items to scrutinise and identify the most effective way of scrutinising.
- The **majority** of the scrutiny work will take place through **investigations/task and finish groups**, but with some formal scrutiny as well.
- Formal scrutiny - There will be some formal scrutiny, e.g. items to report formally to the committee where there is no need for an investigation; however, there remains a need to hold the Cabinet Member to account for a lack of progress. The Committee would also need to scrutinise specific matters such as Crime and Disorder, the Local Development Plan, the North Wales Economic Ambition Board, GwE and the Public Services Board.
- Pre-scrutiny - No investigation is required but independent input is required when developing. A small group of members give their independent view on the developments as they progress, and report on the recommendations of the Task and Finish Group to the Committee.
- The Principal Scrutiny Committee would have a role to review the **impact** of scrutiny on an ongoing basis and to review the arrangements to the future.

4. As the investigations are integral to this option, the following arrangements are highlighted:

#### **Scrutiny Investigations**

- A small group of members (a maximum of five - with an aim to ensure political representation from the various groups on every investigation.)
- One member of the Principal Committee to serve on every investigation - in line with their field of responsibility
- EVERY member could be part of investigations (the Principal Scrutiny Committee would need to appoint which members are a part of the investigations, along with a brief and clear timetable.)
- It **MUST** be ensured that every investigation or formal scrutiny item comes to a conclusion with
  - Clear recommendations that are evidence-based, and
  - A clear reason behind every recommendation (i.e., the "why" we need to recommend this)
- All investigations to formally report back to the Committee

- Investigations will be prioritised in accordance with the needs, not according to numbers.

### **Task and Finish Groups**

- There will be some matters that could be dealt with through the medium of one or two meetings alone. These are called Task and Finish groups.

## **C - PRACTICAL ARRANGEMENTS**

<b>FIELD</b>	<b>ARRANGEMENTS</b>
The responsibility fields of the Principal Committee	Scrutinise the most important elements of the Executive's work (Cabinet and officers) across all Council services, manage all of the Council's scrutiny work and commission and coordinating a series of Scrutiny Investigations and Scrutiny Working Groups that will consider subjects in detail and draw-up recommendations for improvement and propose them to the relevant Cabinet Members.
Membership	18 per committee Subject to the political balance* Education co-opted Members
	a) Every Member of the Principal Scrutiny Committee would be responsible for a specific field. b) The members would attend the performance challenge meeting relevant to their field of responsibility. c) The Member(s) would lead the investigation in the field (where possible or acting as a contact person). ch) Every Member (be a member of the Principal Scrutiny Committee or not) would be required to be a part of an investigation or a Task and Finish Group.
Chairmanship	Subject to the political balance**
Meetings	6 - 8 informal meetings per year
Identifying matters to be scrutinised	Keep a register on the scrutiny log Members of the Committee and individual Members able to identify matters - refer to the Chair Performance challenge meetings - Members of the committee attending with a responsibility for reporting back to the committee "Question and Answer" sessions Scrutiny Forum Meeting/all Cabinet Members

\*Should the Principal Committee be established today, without any change to the political balance or to the numbers of any other committee, then the membership of the Principal Scrutiny Committee would likely be as follows - Plaid Cymru Group (10), Independent Group (5), Llais Gwynedd Group (2), Gwynedd United Independents (1) and Individual Members (0).

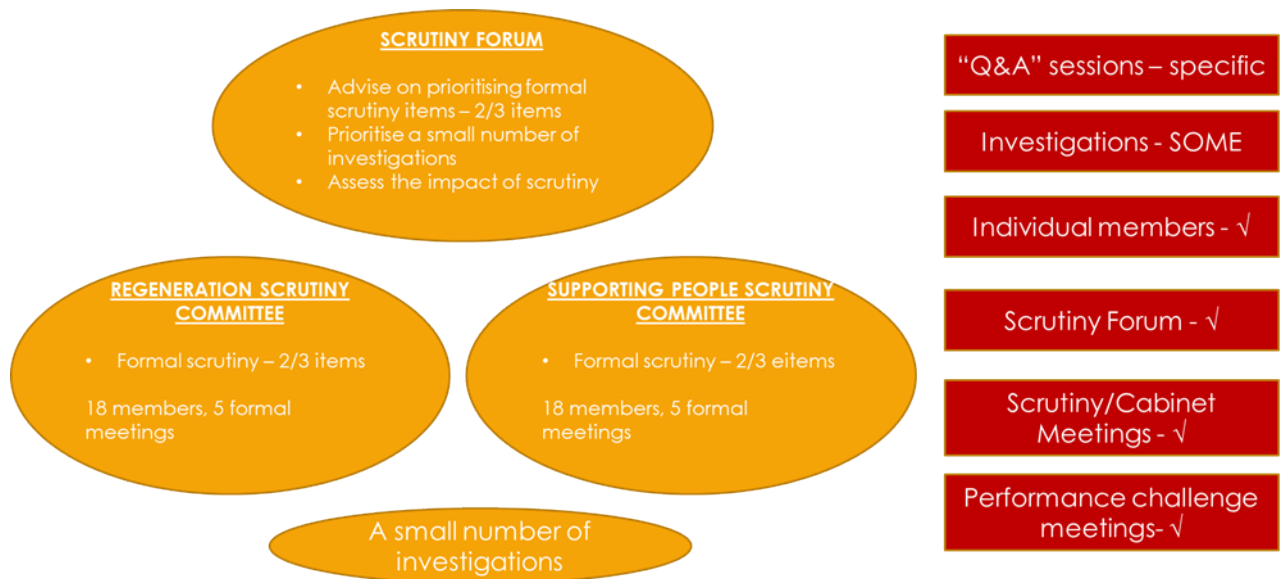
\*\* Likewise, the Chairmanship of the Committee is designated to the Independent Group. If the political balance would continue to be the same after two years, the Chairmanship would remain with the Independent Group.

5. Formal contact with the Cabinet - In the same way as what was noted in option 1, there is room to tighten the formal contact with the Cabinet.

### **Ch - THE OPINION OF THE MEMBERS AT THE WORKSHOPS**

<b><u>THE ADVANTAGES OF OPTION 2</u></b>	<b><u>THE DISADVANTAGES OF OPTION 2</u></b>
<ul style="list-style-type: none"> <li>• "Question and Answer" sessions are available to all</li> <li>• The Cabinet Member submitting information to the Council has been good - similar to the "Question and Answer" Session</li> <li>• "Question and Answer" - divide into small groups so that members can have their say</li> <li>• Prioritising the most important issues</li> <li>• Enthusiastic members</li> <li>• An opportunity for members to commit to a specific field</li> <li>• Better scrutiny in small groups</li> <li>• Investigations - go into more detail and get a better impact and recommendations (impact seen)</li> <li>• Tying with performance challenge would be beneficial</li> <li>• More investigations</li> </ul>	<ul style="list-style-type: none"> <li>• Considerable work and time pressure on members of the Principal Scrutiny Committee - doing the work of the Scrutiny Forum, members leading on the investigations and work on specific fields</li> <li>• The burden on the Committee Chair</li> <li>• The work of three Scrutiny Committees into one Scrutiny Committee</li> <li>• Workload - need expertise in work fields</li> <li>• Fewer Members participating in the scrutiny procedure</li> <li>• Other Members taking a step back</li> <li>• Difficult to get other members to be part of scrutiny investigations</li> </ul>

## OPTION 3 - TWO SCRUTINY COMMITTEES



### A - INFORMATION SHARING

1. Arrangements to ensure that information is shared with **all Members** would be an integral part of the arrangements to support this option as well, but for specific SUBJECTS only.
2. HOW?

The information sharing sessions would take place for specific subjects only in this option, e.g. Growth Deal sessions, awareness of developments in the Education field, planning sessions, etc. that have been held this year.

### B - ROLES

3. **SCRUTINY FORUM** - The role of the Scrutiny Forum is essential, with the Chairs and Vice-chairs taking an overview of all the Council's scrutiny work in their informal Forum, and challenging each other to ensure that the right matters are prioritised. The role of the Scrutiny Forum will be as follows:

- Advise to **PRIORITISE** scrutiny items (Majority being formal scrutiny with a small number of investigations) and challenge the basis of identifying matter to scrutinise.
- Identify the most effective scrutiny method within the resources available (formal scrutiny / investigation)
- There will also be a role for the Forum to consider and prioritise matters requiring specific attention as a result of the information sharing arrangements, by prioritising which specific subjects would receive attention.

- Assess the contributions of the individual committees and assess the **IMPACT** of the scrutiny work, and review our scrutiny arrangements on an ongoing basis.

4. The role of the Scrutiny Committees will be as follows:

- Scrutinise formal items at a meeting - there would be a maximum of 2-3 items per meeting.
- A small number of investigations will be held. The investigations will follow the same format as recommended for the Principal Scrutiny Committee, with an opportunity for all Members to participate. With an aim to ensure political representation from the various groups on every investigation
- Pre-scrutiny - No investigation is required but independent input is required when developing. A small group of members give their independent view to the Cabinet Member on the developments as they progress, and report on the recommendations of the Task and Finish Group to the Committee.
- Every committee will review the **impact** of their scrutiny work on an ongoing basis with the Chair to report that to the Scrutiny Forum.

### **C - PRACTICAL ARRANGEMENTS**

<b>FIELD</b>	<b>ARRANGEMENTS</b>
The responsibility fields of the Committees	<b>Regeneration Scrutiny Committee</b> (Economy and Community Department, Environment Department, Highways and Municipal Department, Gwynedd Consultancy, Housing and Property Department, Local Development Plan, the North Wales Economic Ambition Board and Crime and Disorder).
	<b>Supporting People Scrutiny Committee</b> (Education Department, Adults, Health and Well-being Department, Children and Supporting Families Department, Health, GwE and the Public Services Board)
	<b>Audit and Governance Committee</b> (Corporate Support Department, Finance Department, Leadership Team, Legal Service and Corporate Plans, e.g. the Council Plan)
Membership	18 per committee Subject to the political balance*
	The <b>Supporting People</b> Scrutiny Committee would be responsible for looking at the education field specifically and so the co-opted education members would serve on this committee.



Chairmanship	Subject to the political balance**
Meetings	5 formal meetings per year
Identifying matters to be scrutinised	Keep a register on the scrutiny log
	Members of the Committee and individual Members able to identify matters - refer to the Chair
	Performance challenge meetings - Members of the committee attending with a responsibility for reporting back to the committee
	Informal meetings between the Chair/Vice-chair, the relevant Cabinet Member and the relevant Head of Department
	Scrutiny Forum Meeting/all Cabinet Members

\* If the committees would be established today, without any change to the political balance or to the numbers of any other committee, then the membership of the Principal Scrutiny Committee would likely be as follows -

<b>18 members</b>	Plaid Cymru	Independent	Llais Gwynedd	Gwynedd United Independents	Individual Members	TOTAL
Regeneration Scrutiny Committee	10	5	2	1	0	18
Supporting People Scrutiny Committee	10	6	1	0	1	18

Similarly, the Chairmanship of the Committees would be allocated as follows - Independent Group - 1, Plaid Cymru Group - 1

5. Formal contact with the Cabinet - In the same way as what was noted in option 1, there is room to tighten the formal contact with the Cabinet.

### **Ch - THE OPINION OF THE MEMBERS AT THE WORKSHOPS**

<b>THE ADVANTAGES OF OPTION 3</b>	<b>THE DISADVANTAGES OF OPTION 3</b>
<ul style="list-style-type: none"> <li>• "Fudge" - middle of the road between both options - works to some extent</li> <li>• Share the workload between two committees</li> <li>• Education and care scrutiny work in one Committee</li> <li>• Scrutiny Forum - an overview of matters across the Scrutiny Committees</li> </ul>	<ul style="list-style-type: none"> <li>• Workload - Education and Care together is too much</li> <li>• The Scrutiny Forum prioritising differently to the wishes of members</li> </ul>

<b>COMMITTEE</b>	<b>The Council</b>
<b>DATE :</b>	<b>19 December 2019</b>
<b>TITLE</b>	<b>Re- appointment of Independent Members to the Standards Committee</b>
<b>AUTHOR</b>	<b>Iwan Evans, Monitoring Officer</b>

## **Background**

1. There are five 'independent members' (i.e. members without any connection with local government) on the Council's Standards Committee. The committee also includes a member representing the community councils and three elected members from Gwynedd Council.
2. The terms of office of two of the independent members - Einir Young and Margaret E. Jones have come to an end.
3. The relevant regulations (The Standards Committees (Wales) Regulations 2001) allow independent members to be re-appointed for one further consecutive term not exceeding four years. Both members are eligible for re-appointment and have expressed their willingness to serve for a further term. Re-appointing them would mean that the committee will not lose the experience and expertise they have gained during their service.
4. Whilst a statutory process of advertising and interviewing must be undertaken when appointing new independent members, it is not necessary to do so when re-appointing members.

## **Recommendation**

5. To re-appoint Einir Young and Margaret E. Jones as independent members of the Standards Committee for a further term.

## **Statutory Officers' Comments**

### **Monitoring Officer**

Author of the report

### **Head of Finance**

Nothing to add from the perspective of financial propriety.