



Complete Agenda

Democracy Service
Council Offices
CAERNARFON
Gwynedd
LL55 1SH

Meeting

THE COUNCIL

Date and Time

1.00 pm, THURSDAY, 2ND DECEMBER, 2021

*** NOTE ***

This meeting will be webcast

https://gwynedd.public-i.tv/core//en_GB/portal/home

Location

Virtual Meeting - Zoom

Contact Point

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(DISTRIBUTED 24/11/21)

Geraint Owen
Head of Democracy Service

www.gwynedd.llyw.cymru

WEDNESDAY, 24 NOVEMBER 2021

Dear Councillor,

MEETING OF GWYNEDD COUNCIL – THURSDAY, 2 DECEMBER 2021

YOU ARE HEREBY SUMMONED to attend a virtual Zoom meeting of **GWYNEDD COUNCIL** which will be held at **1.00 pm** on **THURSDAY, 2ND DECEMBER, 2021** to consider the matters mentioned in the following agenda.

Yours faithfully,

A handwritten signature in black ink, appearing to read "Geraint Owen". The signature is written in a cursive style with a long, sweeping tail on the final letter.

Head of Democracy Services

AGENDA

1. APOLOGIES

To receive any apologies for absence

2. MINUTES

5 - 26

The Chair shall propose that the minutes of the previous meeting of the Council held on 7th October, 2021 signed as a true record.

3. DECLARATION OF PERSONAL INTEREST

To receive any declaration of personal interest.

4. THE CHAIR'S ANNOUNCEMENTS

To receive any Chair's announcements.

5. URGENT ITEMS

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

6. QUESTIONS

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

7. COUNCIL TAX REDUCTION SCHEME 2022/23

27 - 32

To submit the report of the Cabinet Member for Finance.

8. COUNCIL TAX: DISCRETIONARY POWERS TO ALLOW DISCOUNTS AND/OR RAISE A PREMIUM 2022/23

33 - 52

To submit the report of the Cabinet Member for Finance.

9. GWYNEDD COUNCIL'S DIVERSITY DECLARATION

53 - 59

To submit the report of the Chair of the Democratic Services Committee.

10. LOCAL GOVERNMENT AND ELECTIONS (WALES) ACT 2021 - ARRANGEMENTS FOR FUTURE COUNCIL MEETINGS

60 - 76

To submit the report of the Chair of the Democratic Services Committee.

11. LOCAL GOVERNMENT AND ELECTIONS (WALES) ACT 2021 -

77 - 81

AUDIT AND GOVERNANCE COMMITTEE

To submit the report of the Monitoring Officer.

12. APPOINTMENT OF NEW SECTION 151 OFFICER

Report to follow.

13. NOTICES OF MOTION

(A) NOTICE OF MOTION BY COUNCILLOR GETHIN GLYN WILLIAMS

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

Over the centuries the lands and resources of Wales have been used for extraction of all manner of commodities for the benefit of others. The latest 'commodity' being seized upon from our landscape is the potential in carbon, as investment companies from outside Wales are purchasing farms, gaining large Glastir Woodland Creation (GWC) grants and using the land for afforestation to offset their carbon emissions.

The council calls on the Welsh Government to:

- Urgently amend the eligibility of their GWC grant so that only active farmers in Wales are able to apply.**
- Introduce planning development legislation to enable local planning authorities such as Gwynedd to control afforestation projects.**

It is vital the Welsh Government moves to protect Wales' rural environment and resources for the benefit of a new Green circular economy and to strengthen Welsh industries, communities and services.

THE COUNCIL THURSDAY, 7 OCTOBER 2021

Present: Councillor Simon Glyn (Chair);
Councillor Elwyn Jones (Vice-chair).

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

Officers:

Dafydd Gibbard (Chief Executive), Iwan Evans (Monitoring Officer), Dafydd Edwards (Statutory Finance Officer), Geraint Owen (Head of Democracy Service), Carys Fon Williams (Head of Housing and Property Department), Gareth Jones (Assistant Head of Environment Department), Sion Huws (Senior Solicitor - Corporate), Vera Jones (Democracy and Language Manager), Gwenan Mai Roberts (Public Protection Manager) and Eirian Roberts (Democracy Services Officer).

1. APOLOGIES

Apologies were received from Councillors: Dylan Bullard, Annwen Daniels, Anwen Davies, Dylan Fernley, Louise Hughes, Linda Ann Jones, Linda Morgan, W. Roy Owen and Gareth Thomas.

2. MINUTES

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

- 28 June 2021 (Extraordinary Meeting)
- 8 July 2021

3. DECLARATION OF PERSONAL INTEREST

The Monitoring Officer explained that:

- In terms of item 9 (Amendments to the Inter Authority Agreement of the Wales Pension Partnership), being a member of the Pension Scheme did not constitute an interest.
- As item 12(c) (Notice of motion from Councillor Gruffydd Williams) was not involved with raising the level of Council tax premium, there was no need for those members who had declared an interest at the time of setting the premium to declare a connection in this case.

No declarations of personal interest were received.

4. THE CHAIR'S ANNOUNCEMENTS

Condolences were extended to the following:

- Councillor Edgar Wyn Owen as his brother had passed away recently.
- The family of Twm Bryn Jones, a young staff member from the Highways and Municipal Department.
- The family of Ann Rhydderch, the Council's former Chief Archivist and Heritage Officer.

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

The Council stood in silence as a mark of respect and remembrance.

Best wishes were extended to Councillors John Brynmor Hughes and Selwyn Griffiths, who had recently undergone surgery.

The following were congratulated:

- Councillor Gareth Griffith who had recently participated in the London Marathon to raise funds for the Children with Cancer UK charity.
- Elfyn Evans on his victory in the World Rally Championship in Finland and Councillor John Pughe Roberts was invited to say a few words.
- Everyone from Gwynedd who had been successful at the Alternative National Eisteddfod of Wales 2021, and especially Lleucu Roberts, Rhostryfan, on winning two of the main prizes, namely the Daniel Owen Memorial Prize and the Prose Medal.
- Megan Angharad Hunter, Penygroes on winning the Wales Book of the Year Award 2021, Literature Wales with her novel "Tu ôl i'r Awyr".

It was further noted that the High Sheriff's Charity Golf Day was recently held at Porthmadog Golf Club. It was explained that the aim of the event was to raise money for the High Sheriff's charities this year, namely Pact and the Duke of Edinburgh Award. It was noted that a group of young people, who were working with Nia Rees from Ysgol Eifionydd and members of the Gwynedd Youth Duke of Edinburgh Award, had been facilitators on the day, as part of their work for the award. As a thank you for their continuous work, this group was rewarded with a one-day golf lesson with Mark Pilkington, a professional golfer at the club. It was also noted that the Gwynedd Youth Service had a team sponsored by the Chairman of the Council competing on the day. This team, which included Tomos Dobson, Jamie Williams and Sion Endaf Parry, was one of 14 teams that participated on the day, with Andrew Owen, Youth Worker (Botwnnog and Glan y Môr Catchment Area) keeping track of all the scores. This Team won the competition and huge congratulations were extended to them.

5. URGENT ITEMS

None to note.

6. QUESTIONS

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

(1) Question from Councillor Mike Stevens

"Many members feel they were completely misled when we were forced to accept the Joint Local Development Plan (JLDP) in 2017. At the time we were told the plan was a living document that could be updated at any time. Now we are told the plan cannot be altered for three years. Given the desperate housing crisis and the massive housing shortage we now face what direction will be given to planning officers to be more flexible and not so draconian in their interpretation of planning guidelines to allow greater development?"

Response by the Leader, Councillor Dyfrig Siencyn

"I do not accept that members were misled in 2017 when they adopted the Joint Local Development Plan. The comprehensive report set out the annual monitoring arrangements which have been undertaken since its adoption. The concept of constant monitoring and review is built into the Local Plan process, an arrangement which was not part of previous development plan systems.

Annual monitoring reports have been prepared since the Plan was adopted, and considered against the monitoring framework. The first annual monitoring report was presented to the Communities Scrutiny Committee, of which you are a member, in 2019, and at the same time briefing sessions were arranged for all Members to communicate the findings of the report. In 2020 Welsh Government relaxed the statutory requirement to formally submit annual monitoring reports, due to the pandemic. However, the Council still produced a draft annual monitoring report which is on the Council's website and again, briefing sessions were arranged for all Members. The evidence from the annual monitoring reports did not support the need for an early review of the plan. It is now four years since the adoption of the Plan and there is therefore a legal requirement to undertake a review. Evidence from all the annual monitoring reports will feed into this process.

As reported to the Council in June 2021, there are steps which need to be followed in the review process in order to decide on changes to the Plan.

Whether they are members of the Planning Committee or Officers making delegated decisions planning decisions must be made in accordance with the adopted Local Development Plan unless material planning considerations indicate otherwise. That is the legal requirement.

The idea that a direction might be given to approach these decisions in any other way is merely inviting members and officers to act unlawfully. I also take exception to the statement that officers are inflexible or draconian in their advice. When such an allegation is made outside appropriate channels, with no reference to any evidence, it serves to unfairly undermine officers and the confidence to the public in the planning system and the control development."

A supplementary question by Councillor Mike Stevens

"The fact that the Local Development Plan fails the people of Gwynedd is clear from the crisis we are now facing. The plan, adopted in 2017, has seriously outdated because of the way the world has changed. Therefore, will you arrange an urgent Council meeting and that we put aside the fixed regulations in order to have a full and open discussion regarding the current crisis?"

Response by the Leader, Councillor Dyfrig Siencyn

"I have some sympathy with the frustration of Councillor Mike Stevens but, in essence, his complaint is against the planning system we have and, personally, I believe a radical reform is needed in that planning system. However, this is not on the agenda of the Government and even if it was, it would take years to develop.

The steps that we take to review the Local Development Plan are enforced upon us. They are statutory. You have seen the letters we have received from the Minister. We must adhere to the statutory process, namely Welsh Government guidelines, and this takes time. We have to, and this is the important point. I am sorry, but we have no choice. If we will not follow this system, and the threat is clear in the Minister's letter, then we may be in a position where the Minister states that our plans, or our adaptations, have no grounds, and we will not be able to take action. Therefore, we must do so, despite what we feel about the existing system. By the way, the review has commenced and meetings will be held at the beginning of November for all members for you to discuss the Local Development Plan matter. In addition to this, in terms of the problem of holiday and second homes, I do not believe that this can be resolved via the Local Development Plan, but via other matters. There is a need to review the Local Development Plan, but most importantly, and I believe that this is part of the democratic process, we must obtain everyone's opinions, the electors, any stakeholders. We cannot push something through alone or we will be at risk of failing to review the Local Development Plan. I am sorry to disagree with Councillor Mike Stevens with regards to this and I am certain that we can have a mature conversation about the matter in future."

(2) Question from Councillor Angela Russell

"I would like to ask a question about a matter regarding vaccinating children and young people against Covid-19.

Can I say, right at the outset, that this has nothing to do with whether one believes in Covid or not, or whether you believe in vaccinating or not. That is not what I am raising by asking this question. We must also remember that none of us at this meeting are medical experts in this complex field.

But I am going to ask here about our responsibility as councillors, and some of us are school governors also. I am extremely concerned about the issue of vaccinating children. As children and young people are offered the Covid vaccine, the experts tell us that this will reduce the disruption to children's education during the winter months, and will benefit those who live in the poorest areas, or who already suffer from health disorders.

It frightens me that children, under 18 years old, can take the vaccine without parental consent. Too young to legally have sex, to marry, to vote ... but it is okay for them to take the vaccine without consent. This worries me greatly.

I have been approached by many parents who are very concerned about the situation. I have advised them to write to the school expressing their concerns.

As a Governor of two schools, I am very much aware of my responsibilities as a Member of a Governing Board. Teachers have to obtain parental consent to give tablets to children, to apply sun cream, etc.

In loco parentis – the school is responsible.

- What is our responsibility as Governors, who are Members of the Governing Boards of these schools, and responsible for the school and its children?
- What is our responsibility should something, great or small, go wrong if a child is harmed by the vaccine?

- What is the Governing Board's responsibility at such time, and us as Governors?"

Response from the Cabinet Member for Education, Councillor Cemlyn Williams

"I am not going to repeat the whole written response, but the first paragraph fundamentally states that the vaccination programme is run by NHS Wales and the Welsh Government. It was their decision to introduce a vaccination programme for 12-15 year olds.

There is some background information in the written response, but to respond particularly to Councillor Angela Russell, the last paragraph elaborates on the role of schools and governors, namely that even though schools, and also governors in this context of course, can agree to undertake on-site immunisation services and help to distribute information, they are not responsible for securing parental or child consent, assessing Gillick competence or mediating between parents and children who may disagree about whether or not to consent. This is the role of the school nurses, who have the expertise and experience to handle such issues. Registered nurses are professionally accountable."

A supplementary question by Councillor Angela Russell

"GPs have been receiving over £25 for both Covid vaccines and I understand that there is an extra £10 for vaccinating children. Therefore, will this go over £35 per child for both vaccines, and who received the money for vaccinating thousands of children - the school nurse, the school, Gwynedd Council or Betsi Cadwaladr Health Board? Many parents will keep their children at home. Absences will be high. How much additional funding will be available in the budget for home-schooling?"

Response from the Cabinet Member for Education, Councillor Cemlyn Williams

"As far as the budget is in the question, I am unaware of any additional cost for Gwynedd Council. Betsi Cadwaladr Health Board is undertaking this and I have further information about that. As I noted in the response to the original question, Betsi Cadwaladr Health Board does not intend to introduce these vaccinations in schools. The Board notes "at this time, we do not intend to vaccinate this age group in school clinics, but we will continue to review this decision. The intention is to mainly use vaccination centres on weekends and during the evenings, and a parent will be expected to accompany their child to give consent". Therefore, unless the situation changes, there will be no responsibility on schools or governors regarding the role of vaccinations, and as I have already noted, only trained nurses will be responsible for securing parental or child consent."

(3) Question from Councillor Gruffydd Williams

"In the 2017 full Council meeting, the Local Development Plan was narrowly passed by the casting vote of the Chair. At the time, a number of members who had voted both in favour and against expressed the view that it was flawed. The Leadership stated that this was a live Plan and that it could be changed. At that time, should it not have been vital for the Leadership and the Officers to inform members of the Council that the review process which would take place in 4 years time was going to take an additional 3 and a half years?"

Response from the Deputy Leader, Councillor Dafydd Meurig

"This question is similar to the earlier question by Councillor Mike Stevens regarding the process of drawing up a Local Development Plan. To an extent, I share the frustration that we are in a very cumbersome and statutory planning system, and that so much work is involved with every step in order to deliver, and this is also true of the monitoring and reviewing process. It is a system that has been set in statute. I hope that everyone has had an opportunity to read the written response and apart from that, I cannot add much more to that, only to share the frustration regarding the planning system."

Supplementary question from Councillor Gruffydd Williams

"Given that each of the 65 indicators in the recent monitoring report state that no further action is needed, rather than what would be expected in the midst of a housing crisis, namely a suggestion to change the policies, then it follows that there will be no change to policies during the review period. In that case, is this not a stagnant plan that justifies itself via vague statistics and dooms our communities and the Welsh language to their demise and, therefore, in light of the fact that the Leadership has led us to an inescapable swamp, should they consider their position and resign?"

Response from the Deputy Leader, Councillor Dafydd Meurig

"I do not know what I can add to what I have already said. The document is not a defunct document. It is a live document and is currently being reviewed. Of course, things have changed during the last four years - there are changes in terms of Wylfa newydd, the impact of Brexit can be seen, the impact of Covid is seen and climate change is a factor. Major changes have taken place and there will be a review, and it is likely that a review will take some time as a result of the changes that have occurred. Therefore, I do not accept that. What is important as we proceed to review is that we all participate in that review, that all of us attend the awareness raising sessions for members, and that we all take part in the consultation period, and I believe that this is essentially important. Therefore, I do not accept that anyone was misled. There was comprehensive documentation in 2017 and it was absolutely clear what the guidance was regarding the review and monitoring system. Therefore, I cannot speak on behalf of people who, maybe, had not read the documents in full at the time, but certainly, I share the frustration regarding the system, but this is the system and I hope that all of us will participate in the process."

7. GWYNEDD COUNCIL'S DIVERSITY DECLARATION

The Leader submitted a report which recommended:

- That the Full Council adopted the Diversity Declaration in order to publicly state that Gwynedd Council encouraged and promoted diversity in democracy.
- Request that the Democratic Services Committee led on developing a full work programme to realise the declaration, submitting the work programme to the full Council at its next meeting on 2 December, 2021.

The Leader of the Independent Group was invited to say a few words, and then the Cabinet Member for Corporate Support elaborated on preparations to hold a Democracy Week in Gwynedd, that would commence on 18 October. She asked everyone to share the messages that would be tweeted and shared during the week, noting that it was intended to re-run the campaign in January after having an opportunity to learn lessons from the first campaign.

Members were then given an opportunity to make observations and ask questions. The following matters were raised by individual members:

- Concern was expressed that something major was wrong when so many members were elected to the Council unopposed, and that it could not be certain that what was being recommended would change the situation in terms of attracting people to stand for election.
- It was noted that the declaration was commendable and the campaign to try to get more diversity from different backgrounds to stand as councillors was welcomed.
- It was suggested that the declaration should include, not only women, young people, disabled people and ethnic minorities, but also people of colour and people with other characteristics that were included in the equality legislation, such as gender and sexual orientation. In response, the Cabinet Member for Corporate Support noted that she welcomed the observation and that she would ensure that the declaration was amended to reflect this important point. She would also ensure particular attention to this in the work programme that would be developed to support the declaration.
- It was noted that there was a clear role for political parties to reach out and hold events to raise awareness of councillors' work.
- Frustration was expressed that the delay in publishing Welsh Government's decision regarding electoral boundaries could have delayed the process of trying to attract a variety of candidates to stand for election in May 2022.
- It was suggested that a change of culture was needed within the Council to make it more dynamic, as it seemed that only a little was taking place in Gwynedd compared to some other counties, and it was enquired whether this was due to the attitude of senior officers towards some councillors.

RESOLVED to adopt the Diversity Declaration below and request that the Democratic Services Committee develop a work programme to support the declaration:

"This Council commits to being a Diverse Council. Therefore, we wish to reflect the community in which we live by, in the first instance, increase the number of females, young people, disabled and ethnic minority who stand in the elections to be a Gwynedd Councillor.

We agree to:

- ***Provide a clear public commitment to improving diversity in democracy***
- ***Demonstrate an open and welcoming culture to all, promoting the highest standards of behaviour and conduct***
- ***Promote actions as a Diverse Council ahead of the 2022 local elections***
- ***Work towards the standards set out in the Wales Charter for Member Support and Development***
- ***Demonstrate a commitment to a duty of care for Councillors***
- ***Consider how to provide flexibility in council business by reviewing our practical arrangements***
- ***Continue to encourage all members to take up the allowances and salaries to which they are entitled, particularly any reimbursement for costs of care, so that all members receive fair remuneration for their work and that the role of member is not limited to those who can afford it.***
- ***Work towards ensuring that councillors from under-represented groups are represented whenever possible in high profile, high influence roles."***

8. LOCAL GOVERNMENT AND ELECTIONS (WALES) ACT 2021 – UPDATE FOR HYBRID MEETINGS

The Cabinet Member for Corporate Support submitted a report updating the Council, following the approval of arrangements at the previous Council meeting on 8 July, 2021, to hold Council meetings in order to address the new requirements in Part 3 of the Local Government and Elections (Wales) Act 2021.

The Head of Democracy Services elaborated on the progress of background work noting that, although the original timetable had slipped slightly, work to upgrade the Dafydd Orwig and Hywel Dda Chambers to hold hybrid meetings in future had now been completed. He also noted that initial trials of the technology bode well but minor elements needed further attention.

Members were given an opportunity to make observations and ask questions.

A number of members referred to the advantages and disadvantages of a hybrid meeting system.

In terms of the advantages, it was noted that it would:

- Reduce costs and travel time to meetings.
- Reduce carbon emissions.
- Facilitate the participation of all types of different people, namely people who work, disabled people, carers etc.

In terms of the disadvantages, it was noted that:

- Members saw value in meeting on a face to face basis, and that they missed the conversation and sharing of experiences that occurred naturally before and after a meeting.
- A virtual or hybrid system would change the dynamic of meetings and that it was not possible to recognise body language etc.
- Joining a meeting remotely could be a lonely experience.

The following matters were raised by individual members:

- The need to spend £130,000 on developing the hybrid system was questioned. In response, it was explained that this amount was for the upgrade of 17 committee rooms across the county, and there was a need to ensure that we had a modern and reliable system in place. It was also noted that the majority of other councils faced the same level of costs.
- As teachers and children were now allowed to go to schools, it was enquired why councillors were not allowed to go to the Chamber to meet on a face-to-face basis? In response, it was explained that Welsh Government guidance was quite clear that we should work from home if possible, and until that guidance would change, it would not be possible to hold face-to-face meetings.
- It was noted that the Senedd and Westminster Parliament already met in a hybrid manner and the need to move forward with arrangements in Gwynedd as soon as possible was emphasised. In response, it was explained that Welsh Government had invested at a very early stage during the period, and that a large number of officers were working in the background. In terms of the progress of technical work, Gwynedd was about half way among Welsh councils, but the sooner the trialling work etc. could be undertaken, the better so that we would be in a position to act sooner, rather than later, should Government guidance change.
- Whilst accepting that the current Government guidance was for everyone to continue to work from home if possible, it was enquired whether we were truly aiming for a hybrid meeting or a face-to-face meeting of the full Council in March next year? In response, it was noted that we had managed to hold virtual meetings effectively for 18 months, and as the number of Covid cases was

increasing in our areas, there was a responsibility on us, as community leaders, to set an example until the situation had improved.

- It was suggested that it would be possible for the majority of meetings to be hybrid, but the full Council and meetings where confidentiality is important, such as appointment committees, should be on a face-to-face basis.
- In response to a question, it was confirmed that changes resulting from lockdown had enabled Council officers to learn a lot by holding a larger number of national meetings than ever before, and to have more of an influence than ever before by holding virtual meetings with the Government etc.
- It was enquired how much savings in travel costs had been achieved since the start of the pandemic. In response, it was confirmed that 2020-21 travel costs figures had been published on the website, and it was believed that the saving was close to £40,000.

RESOLVED to accept the report for information.

9. AMENDMENTS TO THE INTER-AUTHORITY AGREEMENT OF THE WALES PENSION PARTNERSHIP

The Chair of the Pensions Committee submitted a report asking the Council to approve amendments to the Inter-Authority Agreement of the Wales Pension Partnership as outlined in Appendix 1 of the report.

Members were given an opportunity to make observations and ask questions.

Members supported the proposal on the basis:

- The partnership had served the Gwynedd Pension Fund very well, and the changes would be of assistance to improve performance and the method of service delivery by the Wales Pension Partnership.
- As we were moving into the private market, there was a need to appoint a private market allocator with extensive experience and knowledge of private markets, and the potential advantages for the fund in the long-term would undoubtedly outweigh the costs of the appointment, which would fall on the partnership, and not Gwynedd.
- The selection of the scheme member representative from amongst members of the pension boards and the inclusion of such person on the joint committee would extend the decision-making process, by ensuring that all the scheme's members are included in the discussions.

RESOLVED to approve the amendments to the Inter-Authority Agreement of the Wales Pension Partnership as outlined in Appendix 1 of the report to the Council.

10. REGULATION OF SEX ESTABLISHMENTS – LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982

The Cabinet Member for the Environment submitted a report asking the Council to adopt powers to regulate sex establishments and associated requirements.

The Assistant Head of the Environment Department elaborated on the background information.

The Monitoring Officer noted that the third recommendation in the report needed to be rectified, which referred to delegating the matters of determining fees, setting standard conditions and a plan for processing applications to the '*Central Licensing Committee*', to read '*General Licensing Committee*'.

Members were given an opportunity to make observations and ask questions. Individual members submitted the following observations:

- The report was welcomed and gratitude was expressed to the Department that had been working urgently on this policy matter.
- It was emphasised that it was important to get the right to regulate this field and although low level establishments were in question, and they were very scarce in the county, if at all, it had to be ensured that sex shops continued to be modern places, that were friendly to women and couples, and not only for men, as they had been in the past.
- Although it was not anticipated that the Council would receive an application to license an adults' cinema in the current on-line digital age, it was noted that the ability to manage the type of products that could be exhibited in such an establishment was all important.
- Although it was not anticipated that sex entertainment premises would come to Gwynedd, it was noted that it was essential that we had powers in place to be able to protect the well-being and safety of women working in such establishments, as they were among the most vulnerable in society, and often very young.
- Although the current discussion had been instigated by an application to open a sex shop, it was noted that it was important to remember that the same relevant act here included sex entertainment premises. As a result, it was a requirement to consider the far-reaching implications of the discussion in case we had to face such applications in future.
- It was noted that sex establishments reinforced damaging cultural attitudes towards women, and normalised women being seen as sex objects, and that the link between seeing women as sex objects, dehumanising them and violence against women had been recognised. There was also a great deal of concern about the way women working for these businesses were treated and exploited. Reference was made to research that showed that women felt more forlorn and vulnerable in public spaces when sexual images of women were displayed there, along with other research work that showed that the cases of sexual harassment and violence against women increased in the vicinity of these businesses.
- Should the Council prohibit these businesses, it was suggested that this would send a clear message to the people of Gwynedd, which could reduce the damaging attitudes of men towards women, and this policy would be consistent with the Council's efforts to promote equality and consistent with the message being conveyed in our schools, namely that men should respect women.
- It was noted that the majority of women working in these businesses did so because of poverty, a lack of care and child care needs and that sex businesses profited from the deprivation within our communities.
- It was noted that it was also important for sex and relationship education in our schools to discuss these complex subjects and that we held awareness raising campaigns and worked on plans that created alternative paths for vulnerable women, in order to prevent women from having to work for these businesses in the first place.
- It was emphasised that we must do everything within our means as a Council to prevent all types of prejudice and violence against women, and we should follow the example of other councils by working towards a White Ribbon Accreditation, namely a declaration that the Council is committed towards tackling violence against women.
- It was enquired what would be the procedure in terms of further discussion and proposing of further action to manage the potential number of sex establishments, or to declare a complete objection to businesses of these type, following the regulation? In response, it was explained that the recommendation before the Council was to adopt a system that approved licensing or not, and in having this statutory discretion, a viewpoint stating that the Council would not

allow any at all could not be put forward. Dealing with any applications would be a matter for the General Licensing Committee.

- It was noted that closing these establishments would not ensure the safety of any woman or person, and that they should be regulated instead of being swept under the carpet.

RESOLVED

- **To adopt, county-wide, the provisions of Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982, as amended by the Crime and Policing Act 2009, to become operational no earlier than 1 December 2021.**
- **To instruct the Head of Legal Services to publish the statutory notices associated with the decision to adopt for two consecutive weeks, with the first no later than 28 days before the date when the decision to adopt comes into force.**
- **To delegate the matters of determining fees, setting standard conditions and a plan for processing applications to the Central Licensing Committee.**

11. REVIEW OF GWYNEDD ELECTORAL BOUNDARIES

The Leader submitted a report on the decision of Rebecca Evans MS, Minister for Finance and Local Government to accept the recommendations of the Local Democracy and Boundary Commission for Wales in relation to the county of Gwynedd.

Members were given an opportunity to make observations and ask questions. The following matters were raised by individual members:

- Although the Council had done everything it could to ensure that members' wishes were relayed to Welsh Government, it was noted that the Government had ignored those observations.
- It was noted that there was no specific reference in the report to some of the Dwyfor wards that were affected by these changes, and concern was expressed that 3 out of 6 seats would be lost in Dwyfor. In response, it was noted that the report before the Council was very brief, and information that had been received very late in the day, but that the full information was attached to it and also available on the members' intranet. It was noted that officers shared the frustration of members that the official decision had been received so late in the day, especially as the review had been carried out for nearly three years, but anyone was welcome to contact the Chief Executive or the Democracy and Language Services Manager to discuss any part of the review in particular.
- Frustration was expressed that the Bethel Ward was joining another ward. It was emphasised that multi-member wards were a step backwards for democracy and accountability and the change was questioned as the current system worked fine as electors knew who to contact. It was further noted that it was hoped the Council could reject the report. In response, it was noted that there was sympathy with the observations and that the frustration regarding the contents of the document was understood; however, the report was submitted to members for information only, and that the question should be referred to the Minister for Finance and Local Government.
- Tremendous disappointment was expressed that Bangor would lose 3 seats and 3 wards on the Council, and the need to retain, or even increase, the current number of councillors was emphasised in order to maintain the democracy of the city. As a university city, with very few students registering to vote, the demography of Bangor was very different to some other areas in the county, and the new wards proposed for Bangor were enormous considering the local population and the student population that lived in them.

- As a tourism area with a high number of holiday homes, it was noted that the demography of some parts of Pen Llŷn was also very different to other parts of the county, as very few second home owners registered to vote.
- It was noted that work pressures on the 69 members who would try to achieve the work of the current 75 members would be enormous. In response, it was noted there would be, perhaps an unfair, requirement for everyone to undertake more work, and that this was a requirement that had not been fully considered by the Boundary Commission or the Minister when reaching their decision.
- It was suggested that the Government could have taken advantage of this opportunity to introduce Proportional Representation. It would then make sense to have more wards and it would be a more democratic way of electing members. Potentially, one way of attracting more people from different backgrounds to the Council would be substantially cutting the number of councillors, and establishing a councillor's post as a full-time post.
- The decision to merge Llanfrothen with the Tremadog Ward to form a new 'Glaslyn' constituency was welcomed, as this meant that the number of electors would be more consistent with the Penrhyndeudraeth Ward. However, the member for the new ward would be part of the Meirionnydd Area Committee and the Dwyfor Area Committee and would have to attend 4 community council meetings.

RESOLVED to accept the report for information.

13. NOTICES OF MOTION

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

- 1. That the Council asks the Cabinet to consider officially recognising St David's Day by giving a day's leave to its workforce in order to celebrate our Patron Saint's Day on 1 March 2022 and every year thereafter.**
- 2. That the Council calls on Westminster Government to devolve to Welsh Government the power to create bank holidays for Wales (via the Banking and Financial Dealings Act 1971) - in the same manner as already happens in Scotland and Northern Ireland.**

The member set out the context for his motion by recounting some of the history of our patron saint and his significance to us Welsh, while also emphasising that the purpose of the motion was to try to reclaim some self-respect in terms of our distinctiveness and our national identity.

The Cabinet Member for Corporate Support noted:

- She fully agreed with the principle and supported the call to establish St David's Day as a bank holiday in Wales.
- In terms of the first part of the motion, should the Council grant an additional day's leave for staff, it was important to note that it would not be possible for the Council to grant that day to some staff, and not other staff who worked under the same employment terms and conditions. The additional day would have to be granted to those staff working on St David's Day in order to take it on another day during the year, and a cost would be associated with this should you wish to provide the additional day for this purpose. If there was a wish to use one of the current 1.5 additional day's leave provided by the Council to this end, a formal consultation with recognised trade unions would need to be undertaken, with a view to securing a collective agreement before action could be taken.
- In terms of the second part of the motion, she fully supported the call as it was disgraceful and an embarrassment that the right to create bank holidays had

been granted to the Scottish Government and the Northern Ireland Executive, but not to Welsh Government and she was ready to ensure that a letter would be submitted formally to the Westminster Government.

During the discussion, the following observations were submitted by individual members:

- It had been an insult to us for centuries that we did not have the right as a country to celebrate the day of our patron saint. Cost was still the argument but a bank holiday was an incredible boost for a rural economy and celebrating St David's Day should be part of the Council's post-Covid economic recovery programme.
- It had to be made clear that St David's Day should be a holiday for the whole nation, and not only the workforce.
- The Government and every other council in Wales should fight for this.
- This was an excellent idea but as Council staff enjoyed much better employment terms than employees in the private sector, the additional day's leave should be taken from their current annual leave entitlement.
- There was a duty on anyone living in Wales to support our patron saint, whatever their background and tradition.
- Care had to be taken that we did not discriminate between employees working within the Council and other employees associated with Council work, but employed by private companies, such as carers.
- The argument that schools needed to celebrate on 1 March did not carry weight. The date could fall on a Saturday or Sunday and it was possible for schools to celebrate on the nearest school day to St David's Day.

A registered vote was called for on the motion.

According to Procedural Rules, the following vote on the motion was recorded:

In favour (56) Councillors: Craig ab Iago, Menna Baines, Beca Brown, Stephen Churchman, Steve Collings, R.Glyn Daniels, Elwyn Edwards, Alan Jones Evans, Aled Evans, Peter Antony Garlick, Simon Glyn, Gareth Wyn Griffith, Selwyn Griffiths, Alwyn Gruffydd, Annwen Hughes, John Brynmor Hughes, R.Medwyn Hughes, Judith Humphreys, Nia Jeffreys, Peredur Jenkins, Aeron M.Jones, Aled Wyn Jones, Berwyn Parry Jones, Elin Walker Jones, Elwyn Jones, Eric Merfyn Jones, Gareth Tudor Morris Jones, Huw Wyn Jones, Keith Jones, Kevin Morris Jones, Eryl Jones-Williams, Cai Larsen, Dafydd Meurig, Dilwyn Morgan, Dewi Owen, Edgar Wyn Owen, Gwynfor Owen, Rheinallt Puw, Dewi Wyn Roberts, Elfed P.Roberts, Gareth A.Roberts, John Pughe Roberts, Mair Rowlands, Paul Rowlinson, Dyfrig Siencyn, Mike Stevens, Ioan Thomas, Hefin Underwood, Catrin Wager, Cemlyn Williams, Eirwyn Williams, Elfed Williams, Gareth Williams, Gethin Glyn Williams, Gruffydd Williams and Owain Williams.

Against (0)

Abstentions (0)

The Chair noted that the amendment had been carried.

RESOLVED to adopt the motion, namely:

1. **That the Council asks the Cabinet to consider officially recognising St David's Day by giving a day's leave to its workforce in order to celebrate our Patron Saint's Day on 1 March 2022 and every year thereafter.**
2. **That the Council calls on Westminster Government to devolve to Welsh Government the power to create bank holidays for Wales (via the Banking and Financial Dealings Act 1971) - in the same manner as already happens in Scotland and Northern Ireland.**

In response to a question from a member, the Monitoring Officer confirmed that Cabinet members had not prejudged their position in the Cabinet by voting on the matter, as the Cabinet would only be asked to consider the matter.

Councillor Dewi Roberts asked whether members with relatives employed by the Council should declare an interest. In response, the Monitoring Officer explained that, although they technically had an interest, the matter had now been discussed and passed, and it was the responsibility of members to determine whether or not they should declare.

(B) Submitted - the following notice of motion by Councillor Catrin Wager, in accordance with Section 4.20 of the Constitution, and it was seconded:

1. **That this Council wishes to declare a warm welcome to refugees from Afghanistan who have recently, or will shortly, be arriving in Gwynedd.**
2. **This Council supports the fundamental principles of:**
 - **Article 14 of the Universal Declaration of Human Rights 1948, which recognizes the right of persons to seek asylum from persecution in other countries, and the**
 - **1951 Convention Relating to the Status of Refugees and the 1967 Protocol Relating to the Status of Refugees.**
3. **The Council is concerned that the UK government's proposed New plan for Immigration does not uphold the principles outlined above, and objects to the criminalisation of the act of seeking refuge.**

The member set out the context to her motion, noting that:

- She was extremely pleased that this Council had been so willing to step in to offer a home for refugees from Afghanistan, and this was the right thing to do, in principle and morally.
- It was also important that we recognised the generosity of the county's residents, who had contributed goods and substantial funds via voluntary organisations in the county for the refugees.
- The Westminster Government did not view the situation in the same way, and that was why the Council had been asked to take a step further, and to recognise the fundamental right to flee, as defined by the 1951 Convention and 1967 Protocol.
- These rights were at risk of being undermined by the UK Government's New Plan for Immigration and the Nationality and Borders Bill, which had already had its first reading.
- Labelling refugees as offenders would not help the situation, and even more so, it was immoral and set a terrifying precedent regarding the way we treated our fellow man. It was an attempt to tear society apart and to turn a person in need against another, and we had to reject it.

These observations were reiterated by another member, and an amendment to the motion was proposed, namely that the Council also expressed its gratitude to the residents of Gwynedd for their immense generosity, and their willingness to support refugees over the years, and to the county's voluntary organisations such as Pobl i Bobl, Croeso Menai and Cefn for their exceptional work in this field. The amendment was seconded.

The proposer of the original proposal and the seconder agreed to amend the proposal on these grounds with the Council's consent.

Enthusiastic support was expressed for the amendment by many members.

RESOLVED to adopt the amendment, namely:

1. That this Council wishes to declare a warm welcome to refugees from Afghanistan who have recently, or will shortly, be arriving in Gwynedd.
 2. This Council supports the fundamental principles of:
 - Article 14 of the Universal Declaration of Human Rights 1948, which recognizes the right of persons to seek asylum from persecution in other countries, and the
 - 1951 Convention Relating to the Status of Refugees and the 1967 Protocol Relating to the Status of Refugees.
 3. The Council is concerned that the UK government's proposed New plan for Immigration does not uphold the principles outlined above, and objects to the criminalisation of the act of seeking refuge.
 4. This Council expresses its gratitude to the residents of Gwynedd for their immense generosity, and their willingness to support refugees over the years, and to the county's voluntary organisations such as Pobl i Bobl, Croeso Menai and Cefn for their exceptional work in this field.
- (c) Submitted - the following notice of motion by Councillor Gruffydd Williams, in accordance with Section 4.20 of the Constitution, and it was seconded:

That this Council, in light of the housing crisis caused by the increase in property prices, the increase in second homes and the influence of on-line short-term property letting platforms, request that the Cabinet earmarks all funds collected through the council tax premium on second homes / holiday homes on meeting the needs of the residents who live in the areas where the housing crisis is at its worst, namely in those areas where the majority of the tax premium is collected. Welsh Government encourages local authorities to use any additional revenue generated by charging the premium to assist with meeting the local housing needs, in accordance with the objectives of the premiums policy. Whilst accepting that the Council does not have to do this, it is the right thing to do, and it is what is expected by the majority of Council members and the wider public.

The member set out the context to his motion, noting that:

- At the Council meeting in December 2016, when a discussion was held on charging a 50% premium on second homes and vacant properties, an amendment was proposed that the majority of funds received from charging the premium should go towards helping young people in our communities to obtain an affordable home, and that this additional clause had motivated many councillors to vote for the amendment.
- The 2021-2027 Housing Action Plan earmarked a total of £23m in expenditure from Council tax premium funds, and although plans to reduce homelessness, to improve care accommodation and support for people with needs were totally worthy, it was a cause for concern that no finance had been earmarked for these elements from the Council's core or developing sources.
- It appeared that over £10m from the Council tax premium fund was earmarked for requirements beyond meeting the lack of housing crisis, although Welsh Government encouraged local authorities to use any additional returns generated by charging the tax premium to help to meet the housing needs of local residents.

The Cabinet Member for Housing expressed a strong objection to the proposal, noting that:

- The Council had adopted a Housing Strategy and Housing Action Plan valued at £77m in response to the housing crisis. Officers were implementing this by

housing local people in our communities in safe, green and affordable homes, and his role, as a Cabinet Member, was to challenge that day-to-day work.

- Despite the pandemic and the unprecedented increase in homelessness and the number of people on the housing waiting list, and loss of Head of Department, the Department managed to spend £1.4m on restoring empty homes, including several homes in the areas mentioned in the proposal. £500,000 was spent towards adapting homes for people with disabilities, an additional £1m was spent towards the 'Homebuy' scheme, four innovative pods were created for vulnerable adults and four youth support flats. Work was in the pipeline to develop 30 units for vulnerable individuals with approximately an extra £1m being spent on improving support for people in their homes. The Council was also in the process of constructing the first homes for decades, and was looking at land in order to develop housing across Gwynedd.
- The Department came to a conclusion on local need via consultation, and this should be the basis of housing decisions, not this proposal, which meant that the Council could only spend money in areas where the majority of the tax premium was collected.
- There was a great need in his own ward, and in other wards across the county, and public money should be spent where there was need, and not where funds were collected.

The observations of the Cabinet Member were supported by a number of other members who expressed their objection to the proposal. It was noted that:

- The principle that funds should be spent where the funds were charged was repugnant in terms of social fairness and in terms of progressive taxation principles, and by adhering to this principle to the utmost as a measure of where spending should occur, the implications would be completely contrary to the benefit of Wales, and to the benefit of Gwynedd. On a British level, the majority of public resources would be spent in London and South-east England; on a Wales level, the majority of the expenditure would be on the M4 corridor between Newport and Swansea, and on a Gwynedd level, the majority of the expenditure would be on the banks of the Menai Strait, and not in Meirionnydd and Dwyfor.
- Although it was recognised that there was a great need in the Western communities, there was a need for different types of housing in the urban communities, where thousands were on the waiting list for community housing and 3-4 generations had been on the list for years, and living under very difficult conditions.
- The proposal seemed to be a postcode lottery, and where would that end up considering all Council services? Should the Council consider such an extreme, and consider a policy of spending in communities where the Council collected the tax, some areas, which would clearly include a large number of rural areas in the county, would substantially lose out.
- The proposer noted that Welsh Government encouraged local authorities to use the premium yield to assist with meeting the local housing needs, but it was believed that 'local' in this context referred to the local authority, namely the whole of Gwynedd, and not parishes or communities in the county.
- It could be argued that the other side of the equation of charging a premium on a property also needed to be considered, namely that there were substantial losses to the tax base as a property changed from council tax to business tax. In general, these property losses and the income tax loss corresponded with the areas where premium income was at its highest, but clearly, the Council would not examine this on a parochial basis and consider spending less in those areas.
- Any councillor who supported this proposal would have to explain to their electors why housing was not being built in their ward.
- Wards, potentially deprived, that abutted areas with a high number of second homes, suffered more traffic and litter as a result, and that house prices were

also increasing in those wards. However, by adopting the proposal, those wards would not receive any premium funds.

- Adopting the proposal would mean that councillors would be parochial and compete against each other per ward for funds. Every member knew his/her own area, but no individual member understood the situation across the whole county. It was the role of the Cabinet Member and officers to understand this and to earmark the areas with the greatest need. The Cabinet Member could be fully entrusted to ensure that funding was spent as effectively as possible across the county in order to meet the need, and this would more than likely include areas where the lack of housing crisis was at its worst.
- The Welsh language resided in every corner of Gwynedd, and not only in Pen Llŷn, and there was a battle to retain the Welsh language as a community language in places such as Bangor.
- Everyone was on the same side and wanted to see local young people being given the right to live at home. There was also a housing crisis in the towns, possibly for different reasons, but the need was the same, and a fair solution was needed for all residents in the county.
- People purchased houses in Bangor, not to live in them, but as an investment to make a profit, and that this also created enormous problems.
- The members were hopeful that the Housing Strategy would address the housing crisis for local people in every part of Gwynedd, and the strategy should be supported and given an opportunity to work for the benefit of young people and local people across the county.
- What about the situation where the indigenous community had been pushed out to a neighbouring area? What about places where growth was taking place now in terms of second homes, such as the slate areas? Were they not going to be supported?

The proposal was supported by a number of other members. It was noted:

- There was a huge problem of a lack of homes in Dwyfor and Meirionnydd, and a lack of action by housing associations to construct rented housing for local people in areas such as Abersoch and Blaenau Ffestiniog.
- Some home-owners evicted their tenants in order to convert those houses into holiday homes.
- Some second home owners were more than willing to pay the premium, provided they could see that their money was going towards meeting housing needs in the area.
- The needs of the homeless, individuals with social needs etc. should be funded from the Council's core or developing sources.
- There was a lack of empty homes to be brought back into use and a lack of land for construction as a result of the restrictions of the Local Development Plan. Development boundaries needed to be extended and provision made, not only for the homeless, people with social needs and the disabled, but also for professional young people, who had been pushed out of the housing market.
- The Housing Action Plan did not refer to Tywyn or any place south of Barmouth.
- Shelter stated that there was no difference between a homeless person in Tudweiliog and a homeless person in Grangetown, Cardiff, but the one fundamental difference was that homelessness in Tudweiliog had a serious impact on the Welsh language in that village. As a result, specific attention was needed for Welsh-speaking areas.
- The proposer was campaigning impassionedly for his area and the right to live at home. The situation was very frustrating, and how much evidence was needed to prove that we faced a crisis? Something had to be done, and it was believed that the proposal provided a glimpse on how to fund this problem.
- There was a difference between the housing stock available in the rural areas and in urban areas. A house could still be purchased in a town for approximately

£100,000, but as well as being much more expensive, the housing stock available in the rural areas was also lower. Since the Cabinet had closed schools in Carmel and Fron, an increase had been seen in the number of holiday homes and AirBnB homes in the area, and the same thing would happen in Abersoch following the Cabinet's decision to close the village school.

- The greatest thing the Council could do to help young people would allow them to have mortgages, in accordance with its rights under the Local Government Act 1972.
- The purpose of the second homes pot was to help people in those communities where there was an excess of second homes, particularly in Dwyfor and Merionnydd, and the funding should only be earmarked for this.
- The coastal rural communities were rapidly being vacated. As things were going, Pen Llŷn would be a massive holiday park, and no local person would be able to afford to live there, if it was not for the financial boost from the premium funding.
- Although it was agreed with the core element of the proposal, it was suggested that, instead of '*all the funds*' collected from the premium should be spent in areas where the housing crisis is at its worst, that '*a high percentage*' or '*the vast majority*' of the funds should be spent in those areas.
- Those people who had transferred their properties from the council tax to the business rate needed to be contacted, and those who had benefited from the Covid grant to hospitality businesses.
- The discussion had highlighted the tensions between the largest towns and coastal rural areas of Dwyfor and Meirionnydd, where the problems existed. It was not believed that people in the towns fully realised the dimension of the problem in the rural communities that were under immense strain, and the situation had seriously worsened during the pandemic.

Some other members noted their intention to abstain their vote on the proposal. It was noted:

- Although the spirit of the proposal was understood, there were no boundaries for the housing crisis in the county, and it would be difficult for members to vote for the proposal and then face people in their ward, where there were equally worthy cases.
- It was unsurprising that some type of clear relationship was expected between the funding charged from the premium and plans in the areas that currently suffered the worst as a result of the second homes crisis, but it was very difficult to determine what was fair, what was the need and where was the need, as we had such a common housing problem across the county, and several aspects to this problem.
- Rather than disregarding the proposal entirely, all of this should be revisited in future, examining the exact relationship between collection and expenditure, and holding the discussion if it does not appear that there is a fair or commensurate investment in plans that address the fact that young people fail to obtain homes.
- Given the depth of the current housing crisis and the need for an urgent solution to the situation, a careful discussion was also needed on whether some of the funds to help the schemes should come from the Council's core sources and developing funds.
- The Housing Action Plan was promising, innovative and far-reaching, and it had to be given an opportunity to work.

In response to some of the observations, the Chief Executive noted:

- He fully sympathised with the fundamental point of the proposer, as everyone wished to see as many resources as possible being referred to provide more opportunities for our local residents to live in our communities.

- It was very early days in the lifespan of the Housing Action Plan (7 months into the 6-year plan), but very early successes could already be seen. For example, nearly 100 empty homes had been brought back into use by specifically using the premium funding, and there would certainly be successes in every part of the county, including areas along the western coast.
- The Housing Action Plan was a £77m plan and the income coming in from the premium was £23m. The Department would spend substantially more than this £23m on the types of schemes that members would wish to see being implemented. There was a specific scheme for £15m to repurchase housing from the market, which in itself was 75% of the premium income, but coming from a totally different source.
- The Housing Action Plan could not solve our entire housing situation and national changes were needed, including additional funding from the direction of the Government and changes on the planning side.
- The Council had done what it could in terms of using our own funding and drawing up an Action Plan, which was the envy of other councils across the country. A scrutiny report in approximately one year would show what it has achieved, and it was hoped that it would be a great success and making as much contribution as possible towards the situation.

An amendment was proposed that the '*vast majority*', instead of '*all*' the funds collected from the premium should be spent in areas where the housing crisis is at its worst.

The Monitoring Officer noted that the term '*vast majority*' was indefinite in terms of meaning, and he asked the proposer of the amendment to confirm whether he actually meant the '*majority*' of the funds.

A member noted that he envisaged a problem with the term '*vast majority*' and that he was also unhappy with '*all the funds*', and he suggested that a '*high percentage*' could possibly be a compromise, should the proposer of the original proposal be willing to accept this.

The Monitoring Officer asked for a seconder to the amendment, namely the '*majority*' of the funds.

The amendment proposer noted that he would withdraw his amendment, and seconded '*a high percentage*' of the funds.

The Chair explained that a proposal had not been made to this end.

An amendment was proposed and seconded that '*a high percentage*' of the funds collected from the premium should be spent in areas where the housing crisis is at its worst.

The amendment was discussed.

The Cabinet Member for Housing noted that it was unclear to him what he would be voting for, as there was no reference here to any specific figure.

Some other members noted:

- The amendment did not help the situation at all, and that it would be better to refuse the amendment and the proposal.
- It was agreed with the amendment as the purpose of the premium was to help young people in our communities to obtain an affordable home, and that there were other funding pots to respond to other things.

The Monitoring Officer noted that '*a high percentage*' was an open-ended term, and that he was unclear in terms of its meaning or significance.

A notice of a further amendment was given, namely that '70%' of the funds collected from the premium should be spent in areas where the housing crisis is at its worst.

Should the amendment carry and the matter referred to the Cabinet, the Chief Executive noted that it would be a matter for the Cabinet to interpret what was meant by '*a high percentage*', and he asked the amendment proposer if he wished to reconsider.

The proposer noted that he was still eager to put up the amendment, and the seconder confirmed that he would also stick to the amendment.

A vote was taken on the amendment and it fell.

An amendment was proposed and seconded that '70% of the funds collected from the premium should be spent in areas where the housing crisis is at its worst.

The amendment was discussed.

The Cabinet Member for Housing noted that it was unclear to him whether the amendment meant that 70% of the premium would be spent in 50.1% of areas where the housing crisis was at its worst.

The Chief Executive noted that, unfortunately, the original proposal did not define '*areas where [the premium was] collected*' and the proposer was asked to cast some light on this.

The proposer of the original proposal noted that it was difficult to define, but in terms of the affordability definition, it meant those areas where the vast majority of local people could not purchase a house. He added that 60% of Gwynedd residents could not buy a house, but in areas that he had in mind, the figure was now closer to 90%, and he did not believe that it was difficult to work out where the funds needed to be spent.

In terms of the areas and how to define them, the Chief Executive noted that the only specific thing that could be included was the areas that contributed the majority of the income, therefore, the percentage would have to be set at 50.1%.

The proposer and seconder of the amendment noted that they were satisfied with this explanation.

A member noted, no matter which way the Council would vote on the matter, that the Cabinet would ultimately make any decision.

It was enquired on what basis it could be stated that the majority of the premium funding was collected in the western coastal areas, because if second homes were converted into businesses, they did not pay the premium. Therefore, the people that would possibly be at a loss should the proposal be passed would be the people who contributed the most, and who subsidised people who had sold houses in those areas. In response, the Chief Executive referred to the '*An estimate of the sum of second home and empty house premium collected in parishes since April 2018*' paper that had been sent as background information to members before the meeting, explaining that approximately 12 of the highest communities on the list were included within the 51%.

The Cabinet Member for Housing expressed his wish to have as many communities as possible into this group, and he asked whether it would be possible for the percentage to be 50.1% rather than 51%.

For clarity, the Chief Executive noted that the wording of the amendment was:

"That this Council, in light of the housing crisis caused by the increase in property prices, the increase in second homes and the influence of on-line short-term property letting platforms, request that the Cabinet earmarks 70% of the funds collected through the council tax premium on second homes / holiday homes on meeting the needs of the residents who live in the areas where the housing crisis is at its worst, namely in those areas where 51% of the tax premium is collected. Welsh Government encourages local authorities to use any additional revenue generated by charging the premium to assist with meeting the local housing needs, in accordance with the objectives of the premiums policy. Whilst accepting that the Council does not have to do this, it is the right thing to do, and it is what is expected by the majority of Council members and the wider public."

As figures of the different areas changed from year to year, it was noted that some communities would move in and out of the 51%. However, housing schemes would take several years to realise, and it was enquired how the Cabinet would resolve that problem?

In response to a question, the Chief Executive elaborated on the individual communities that would receive 70% of the premium funds according to the figures of the last four years per annum, and on average.

The Leader noted that the discussion had led to a wholly unnecessary complexity and he recommended that the amendment and original proposal were refused.

A vote was taken on the amendment and it fell.

In his concluding observations, the proposer of the notice of motion noted:

- It was now evident from the discussion that the proposal would fall, but that additional funds raised from the premium was a separate funding pot.
- Over 90% of residents from Dwyfor and Meirionnydd, and some from areas in the vicinity of Llanberis, could not afford to live in their areas anymore.
- He had asked the Chief Executive and the Head of Housing and Property Department how much of the premium funds had been spent per parish, and he had received the answer that little expense had been spent from the council tax premium fund so far, and this despite the fact that the funds had been collected for four years.
- He wished to call for a registered vote on his original proposal so that all our residents could see how their representatives had voted on this critical vote to try to preserve our Welsh-speaking communities.

On a point of order, the Chief Executive noted that it was not possible to start spending the funds until the Housing Action Plan was in place, and it was expected that expenditure would substantially increase from now on.

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

In favour (15) Councillors: R.Glyn Daniels, Alwyn Gruffydd, John Brynmor Hughes, Aeron M.Jones, Gareth Tudor Morris Jones, Kevin Morris Jones, Dewi Wyn Roberts, Angela Russell, Mike Stevens, Hefin Underwood, Eirwyn Williams, Elfed Williams, Gareth Williams, Gruffydd Williams and Owain Williams.

Against (25) Councillors: Craig ab Iago, Beca Brown, Gareth Wyn Griffith, Annwen Hughes, R.Medwyn Hughes, Nia Jeffreys, Peredur Jenkins, Anne Lloyd Jones, Berwyn Parry Jones, Elin Walker Jones, Eryl Jones-Williams, Cai Larsen, Dafydd Meurig, Dilwyn Morgan, Dafydd Owen, Edgar Wyn Owen, Gwynfor Owen, Rheinallt Puw, W.Gareth

THE COUNCIL Thursday, 7 October 2021

Roberts, Mair Rowlands, Paul Rowlinson, Dyfrig Siencyn, Ioan Thomas, Catrin Wager and Cemlyn Williams.

Abstentions (13) Councillors: Menna Baines, Stephen Churchman, Elwyn Edwards, Alan Jones Evans, Aled Evans, Simon Glyn, Judith Humphreys, Aled Wyn Jones, Elwyn Jones, Keith Jones, Elfed P.Roberts, Gareth A.Roberts and Gethin Glyn Williams.

The Chair noted that the original proposal had fallen.

RESOLVED to reject the notice of motion.

(CH) The Chair noted that he would defer the following notice of motion submitted by Councillor Kevin Morris Jones, in accordance with Section 4.20 of the Constitution until the next meeting of the Full Council.

That this Council calls on Welsh Government to change the planning act in order that it is compulsory for any person wishing to convert a dwelling-house into a holiday home to receive planning permission to do so and that thresholds are set to restrict the numbers of holiday homes in any area.

The meeting commenced at 1.00 pm and concluded at 6.20 pm

CHAIR

MEETING:	Full Council
DATE:	2 December 2021
CABINET MEMBER:	Councillor Ioan Thomas, Finance Cabinet Member
TITLE:	COUNCIL TAX REDUCTION SCHEME 2022/23
OBJECTIVE:	Confirm the continuation of the current Local Scheme for providing assistance towards paying Council Tax for the year beginning 1 April 2022
CONTACT OFFICER:	Dewi Morgan, Assistant Head of Finance (Revenues and Risk)

1. INTRODUCTION

- 1.1 It is brought to the attention of Council members that there is a statutory requirement for this report to be presented to a Full Council meeting on an annual basis, even if there has been no change in the scheme since the previous year. That is the case this year – no change is recommended to the scheme approved by full Council on 3 December 2020.**
- 1.2 Members are also asked to note that this report is relevant to the Council Tax Reduction Scheme ONLY, a means-tested support scheme that must be formally claimed from the Benefit Service. This scheme, and this report, DO NOT apply to any other Council Tax discount or exemption scheme (e.g. single person discount, empty property replacement exemption, student housing).**

2. EXECUTIVE SUMMARY

- 2.1 The purpose of this report is to present arrangements for the implementation of the Council Tax Reduction Scheme and to approve it for 2022/23.**
- 2.2 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.**
- 2.3 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 2021/22) was adopted by the Full Council on 3 December 2020.**
- 2.4 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.**

2.5 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).

2.6 **The recommendations below are that the Gwynedd Council Local Scheme continues without revisions for 2022/23.** Detailed explanations and reasons behind the subsequent recommendations follow in the body of this report.

3. RECOMMENDATIONS

The full Council is asked to resolve formally:

3.1 **To continue the Council's Local Scheme for the year commencing 1 April 2022 as it was during 2021/22. 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.**

3.2 **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 2022/23, on condition that it will not change the substance of the scheme.**

4. BACKGROUND INFORMATION

4.1 In accordance with the Welfare Reform Act 2012, 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.

4.2 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.

4.3 The Gwynedd Council Local Scheme for 2021/22 was approved by the Full Council on 3 December 2020. 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.

5. 2022/23 REDUCTION SCHEME

- 5.1 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.
- 5.2 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**.
- 5.3 Therefore, the purpose of this report is to satisfy the requirement for the Council to consider whether to revise its local scheme.
- 5.4 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*)

- 5.5 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 2022/23 Financial Strategy. In November 2021, there were 28 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*)

- 5.6 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 2021/22 will be approximately £1,300. In 2021/21 up to mid-November, there were 18 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*)

- 5.7 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 2021/22 is estimated at £18,526, with 105 claims having been backdated to some extent in 2021/22 up to mid-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.

- 5.8 The recommendations above for 2022/23 are in line with current arrangements in 2021/22.**

6. CONSULTATION

- 6.1 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”.
- 6.2 In accordance with Regulation 18(6), further consultation is not necessary as there is no intention to change the Local Scheme this year.

7. EQUALITY IMPACT ASSESSMENT

- 7.1 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.
- 7.2 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.
- 7.3 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 2022/23 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.

8. RESOURCES

- 8.1 The costs of the Council Tax Reduction Scheme have been included in the grant 'settlement' to local authorities by the Welsh Government, but it should be noted that this settlement does not meet the whole costs of the Reduction Scheme.
- 8.2 The Council funds a proportion of the Scheme costs, which is the balance above the contribution 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.
- 8.3 Whilst local authorities receive a contribution towards the costs of the Scheme within the annual settlement, 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 2022/23 (according to notional allocation of the total Standard Spending Assessment (SSA) between services in the conditional settlement's tables) will not be known until the draft settlement is announced on 21 December.
- 8.4 The notional cost of Council Tax Reductions in Gwynedd in the settlement for 2020/21 was £8.541m, but at the start of the financial year it was estimated that the actual expenditure would be approximately £11m. As a result of the global pandemic and its damaging effect on the economy, there was a significant increase in the number of claimants during the 2020/21 financial year but by the end of the second quarter of 2021/22 the number had reduced to its pre-pandemic level:

	Caseload	Expenditure (full year effect)
31 March 2020	8,978	£9,516,565
30 September 2020	9,283	£10,006,243
31 March 2021	9,442	£10,128,772.
30 September 2021	8,898	£9,924,205

- 8.5 There is no choice other than to face the continuing cost of the Scheme, and the matter will be considered appropriately when drawing up the budget for 2021/22.

Local member's views

Not relevant

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.

MEETING:	Full Council
DATE:	2 December 2021
CABINET MEMBER:	Councillor Ioan Thomas Cabinet Member for Finance
TITLE:	COUNCIL TAX: DISCRETIONARY POWERS TO ALLOW DISCOUNTS AND/OR RAISE A PREMIUM
OBJECTIVE:	Formal ratification for 2022/23 of previous decisions not to allow any discounts for second homes and to disallow discount on empty properties, and to raise a Premium of 100% on relevant properties.
CONTACT OFFICER:	Dewi Morgan, Assistant Head of Finance (Revenues and Risk)

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, to be implemented from 1 April 2018. On 4 March 2021, the Council resolved to increase the Premium 100%, which is the maximum level allowed by legislation, for the 2021/22 financial year.

RECOMMENDATIONS

6. It is recommended that the Council makes **no change** to the scheme for 2022/23. That is, for 2022/23:
 - 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 100% 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 100% 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. At its meeting on 3 December 2020 the Council decided to defer a decision on the discounts and Council Tax premium for 2021/22 and asked Cabinet to consider the appropriateness of increasing the level of premium to up to 100%. The Cabinet was asked to undertake a consultation process on this basis, consider the relevant factors, and bring a further recommendation to the Council in March 2021 in accordance with Section 12, 12B and 12A of the Local Government Finance Act 1992.
16. Having considered the results of the public consultation and consideration of the relevant risks, on 4 March 2021 the Council decided that it would increase the level of premium to 100% on relevant properties. All background papers in relation to this decision can be found on Gwynedd Council's website:
<https://democracy.gwynedd.llyw.cymru/ielistdocuments.aspx?cid=130&mid=4215&ver=4>

17. 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.
18. The financial strategy for 2022/23, 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 2022/23.
19. 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.
20. A public consultation was undertaken in 2016 before making the first determination to raise a Premium, and again in 2020/21 following a request by the full Council to review the rate. Since there is no intention to change the arrangements for 2022/23, a further consultation at this stage is not necessary.

SECOND HOMES

21. 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.
22. 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.
23. There is no evidence either that raising the Premium has had any effect on the tourist industry since 2018.
24. 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.
25. Since 1 April 2014, a total of **2,405** 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.
26. The number of these transfers has increased year-on-year:

Financial Year	Number of transfers
2021(to 30/9/2021)	212
2020-21	506
2019-20	397
2018-19	454
2017-18	282
2016-17	199
2015-16	167
2014-15	188
Total	2405

27. Welsh Government are currently reviewing this situation and have undertaken a public consultation between August and November 2021. We await the results of this consultation and the Government's next steps.

EMPTY PROPERTY

28. 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*".
29. 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.
30. 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

31. 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.
32. 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.
33. A comprehensive Equality Impact Assessment was completed when considering the increase of the Premium in March 2021. Since then, the Public sector duty regarding socio-economic inequalities came into force in Wales on 31 March 2021, which is relevant to Gwynedd Council. The means that the Council, when making "strategic decisions" such as deciding priorities and setting objectives, must consider how its decisions might help to reduce the inequalities associated with socio-economic disadvantage. It would appear that the Premium rate on second homes and long-term empty dwellings is a "strategic decision" in accordance with these duties.
34. As noted in "Legislative Background" above, the powers to raise a premium was introduced by the Housing Act, with the fundamental expectation that those who can afford more than one property should assist local authorities financially to deal with housing problems in their areas, in particular the most vulnerable in society who cannot find a home.
35. When resolving in February 2021 to recommend to the full Council that the Premium level should be increased to 100%, members of the Cabinet noted that there was a housing crisis within the county. The principle that the Council was eager for residents to have homes in their own communities was emphasised, in order to ensure thriving communities. It was added that housing was a priority and that it was a requirement to ensure additional resources in order to implement the Housing Strategy.
36. We believe, therefore, that the core aim of the Premium is to reduce the inequalities associated with socio-economic disadvantage.
37. We do not believe that there are further specific equality issues that need to be brought to the attention of the Council when considering this issue, and following the addition of the

appropriate socio-economic considerations, we are of the opinion that the EIA remains valid. The revised assessment is included in the Appendix.

WELL-BEING OF FUTURE GENERATIONS (WALES) ACT 2015

38. 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.
39. 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
40. The current Premium funds the Council's Housing Action Plan, which is a proactive attempt to strengthen the sustainability of those communities within Gwynedd with a high number of second and long-term empty homes.
41. The Council's Housing Strategy sets out the vision of "Ensuring that the people of Gwynedd have access to a suitable Home of a high standard that is affordable and improves their quality of life".
42. The Strategy identifies five objectives that had to be sought if the Council was to achieve this vision:
1. No one is homeless in Gwynedd
 2. Social housing available to all who need one
 3. Everyone's home in Gwynedd is affordable to them
 4. Gwynedd Housing are environmentally friendly
 5. Homes having a positive influence on the health and well-being of the people of Gwynedd
43. The Housing Action Plan includes a number of projects that together set out to deliver these objectives.

USE OF THE PREMIUM YIELD

44. Since the Premium was introduced on 1 April 2018 the product has been placed in a specific fund set up to fund schemes from the Housing Strategy. The Housing Action Plan was adopted by the Council's Cabinet on 15 December 2020 and this plan sets out the intended use of this product:

<https://democratiaeth.gwynedd.llyw.cymru//documents/s27957/Eitem%206%20-%20Atodiad%20A%20-%20Cynllun%20Gweithredu%20Tai.pdf?LLL=1>

45. Prudent estimates included in the 2021/22 budget (after taking account of property transfers from the Council Tax regime, second homes moving back into main homes etc) indicate the expectation that an additional £3.9m of Premium products per annum will be available to the fund as a result of increasing the level of premium from 50% to 100%.

Local member's views

Not relevant

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. The report notes that a consultation process was undertaken in relation to the increase of the level of the Premium to 100% for 2021/22, the statutory maximum. As the recommendation does not deviate from this decision it is appropriate to conclude that there is no need to consult again.

Head of Finance:

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

Assessing the Impact on Protected Characteristics, the Welsh Language and Socio-Economic Disadvantage

For help to complete this form see the *How to Undertake an Equality Impact Assessment* leaflet. You are also welcome to contact Delyth Gadlys Williams, Policy and Equality Officer on ext. 32708 or DelythGadlysWilliams@gwynedd.llyw.cymru for further assistance.

The Council's is required (under the Equality Act 2010) to consider the effect any change in policy or procedure (or the creation of a new policy or procedure), has on people with protected equality characteristics. The Council also has a general duty to ensure fairness and foster good relations. A timely Equality Impact Assessment must be undertaken before making any decision on any relevant change (i.e. which has an effect on people with protected characteristics).

The Council is also required, under the requirements of the Welsh Language Standards (Section 44 of the Welsh Language (Wales) Measure 2011) to consider the effect of a change in any policy or procedure (or the creation of a new policy or procedure), in its opportunities for people to use Welsh and to ensure that Welsh is not treated less favourably than English. This document therefore ensures that these decisions protect and promote the use of the Welsh language.

From April 1st 2021 the Council has a duty to have due regard to tackling socio-economic disadvantage in strategic decisions.

1) Details

1.1. What is the name of the policy / service in question?

Council Tax Premium on Long-term Empty Dwellings and Second Homes

1.2 What is the purpose of the policy / service that is being created or amended? What changes are being considered?

Since April 2018 the Council has charged a premium of 50% on the Council Tax of second homes and long-term empty dwellings. A report was presented to the Council meeting on 3 December 2020 recommending that the Premium level be kept at 50% for the 2021/22 financial year. An amendment to this proposal, for the Cabinet to consider consulting on increasing the level of the premium to up to 100%, was tabled and passed. At its meeting on 15 December 2020, the Cabinet agreed to hold a public consultation on the proposal to

increase the Premium on Second Homes and Long-term Empty Properties up to 100% for the 2021/22 financial year.

Having considered relevant issues, including the housing situation within Gwynedd and the outcome of the public consultation, the Cabinet recommended increasing the level of Premium on second homes and long-term empty dwellings to 100% in 2021/22. This was adopted by the full Council on 4 March 2021.

I.3 Who is responsible for this assessment?

Dewi Morgan, Assistant Head of Finance (Revenues and Risk)

I.4 When did you commence the assessment? Which version is this?

15 December 2020. This assessment began after Cabinet decided that it would undertake a public consultation to ascertain public opinion on the proposal to change the Premium rate.

The assessment has been reviewed and updated in November 2021 to take account of the duty to have due regard to tackling socio-economic disadvantage in strategic decisions.

2) Action

2.1 Who are the stakeholders or partners you need to work with to undertake this assessment?

The Council has the power under the Local Government Finance Act 1992 (as amended) to adjust the Level of Premium by up to 100%. However, it is an explicit expectation that we should consult with the public and key stakeholders. A public consultation was held, with attention given in the local press and on social websites, and the Council wrote to owners of properties subject to the Premium.

The partners and key stakeholders were:

Gwynedd Residents

Taxpayers on empty properties and second homes

There was collaboration with several internal partners, e.g.:

Finance Department

Corporate Support Department

Gwynedd Council Cabinet Members

Full Council

2.2 What measures have you taken to engage with people with equality characteristics, regarding the Welsh language or with communities (either of place or of need) that live with socio-economic disadvantage?

We have endeavoured to identify individuals with protected characteristics as the public consultation asks respondents to inform us of any protected characteristics so that these can be taken into account in the development of the policy.

The consultation was public and the questionnaire was available to anyone to complete online. Two press releases raising awareness of it were issued, and social media was used to raise awareness.

The Council wrote to all households subject to the Premium with a letter drawing their attention to the consultation. Where the different correspondence address was recorded in the Council Tax system, this was used. The letter referred to the Council's website and the opportunity to complete the questionnaire there, but the Council's website stated that anyone could contact the Council if they wished to receive a paper copy of the consultation.

2.3 What was the result of the engagement?

A public consultation was held between 22 December 2020 and 1 February 2021. 6,213 responses were received on the formal questionnaire, as well as around 100 separate letters and messages expressing dissatisfaction with the proposal.

The views of those who responded were divided, but over 70% of respondents were against increasing the Premium level. In general, second home owners in particular were opposed to the proposed raising of any premium, while another significant proportion supported charging a premium of up to 100%.

Respondents' comments were sought on the impact of the Premium on a number of aspects of social issues. A number of those who opposed the increase indicated that they had owned their property in Gwynedd for several years, and were very fond of the area. On the other hand, some of those responding claimed that there was a racist motive behind the intention to increase the Premium as the Council is against people from outside Gwynedd and that it is racist. No evidence was submitted to support this view.

There are two different categories of properties subject to the Premium, namely second homes and long-term empty properties.

Very few people want to pay more tax, and there was vehement opposition from second home owners in particular. It stands to reason that increasing the level of premium would have a financial impact on these individuals, but there was no evidence that any protected group would be affected. However, a number of those who have responded to the enquiry claim that the policy of raising the Premium is racist, anti-English, although no discrimination exists when setting the premium.

The consultation included an equality questionnaire. This suggested that a higher proportion of second home owners than the general population are older people.

2.4 On the basis of what other evidence are you operating?

The Equality Act 2010 allows the Council to act positively towards some cohorts if there is evidence of need ("take action to meet the needs of people from protected groups where these differ from the needs of others"). Several studies by the Council have identified that there is a problem with the availability of housing for young families in Gwynedd, so we have identified a problem and are taking steps to deal with that. Young people have been priced out of the local housing market.

On 25 November 2020, there were:

- 4,718 dwellings subject to the Premium on second homes (Class B)
- 165 further second homes in Class B but not paying the Premium as they were subject to one of the statutory exemptions

- 811 properties within Class A where the occupation is prohibited for a period of at least 28 days in the relevant year and no Premium may be charged.

At the same time, 1,130 properties were subject to the Premium on long-term empty properties

Study on the Effect of Holiday Homes

A key consideration by the Council in voting on the amendment to postpone the decision on charging a premium in 2021/22 was the detailed report Holiday Homes Research Work that was submitted to the Cabinet meeting on 15 December 2020:

<https://democracy.gwynedd.llyw.cymru/documents/s27960/Item%208%20-%20Report%20Holiday%20Homes.pdf>

This follows a similar study carried out in 2013.

This report shows that the total number of holiday homes (second homes and self-catering holiday units) within Gwynedd continues to increase, and asks for the Cabinet's commitment to take decisive action to address the situation.

The study is the result of detailed research that has been undertaken over recent months, and highlights that there are a number of factors that influence Gwynedd's housing stock. It builds on studies that have been undertaken in the past and highlights that there are pressing issues that continue to need attention, and that the situation within Gwynedd communities, particularly those that attract visitors, is intensifying.

Whilst the scope of the study also extends to planning issues, leading attention is given to the financial incentive that exists of owning a holiday home as well as the taxation advantage that exists of meeting the legal thresholds for transferring property to the non-domestic rates regime (these properties are not subject to the premium).

Property Values

Second home Council Tax bands are generally higher than Gwynedd properties as a whole. In December 2020, 33.9% of Gwynedd's second homes were in Council Tax Band E or above, compared with 21.5% of Gwynedd properties overall. On the other hand, long-term empty property bands are lower. Only 17.8% of these properties are in band E or above.

One of the themes emerging from the consultation was that a number of second homes were a family home that had been inherited and retained by the family, or that the property had been owned by the family as a second home for a number of years.

2.5 Are there any gaps in the evidence that needs to be collected?

Apart from the sense of some respondents that Gwynedd Council is generally racist by considering raising the Premium and then increasing it, no evidence has been received to support that as studies have been undertaken suggesting that action is needed to address housing problems in rural areas of Gwynedd.

3) Identifying the Impact

3.1 The Council must give due regard to the effect any changes will have on people with the equality characteristics noted below. What impact will the new policy/service or the proposed changes in the policy or service have on people with these characteristics?

Characteristics	What type of impact?*	In what way? What is the evidence?
Race (including nationality)	Positive	The policy of charging a premium is intended to address the situation that housing is not available to local people, and the impact is positive on this cohort.
	Negative	<p>The policy will affect people from outside Gwynedd and some respondents to the public consultation claim that the Policy would be racist as it targets people from outside Wales. However, there is no consideration of the race of the property owners when a premium is charged on second homes and long-term empty properties.</p> <p>The Premium is charged on all second homes and long-term empty properties without in any way discriminating on where the owners live or what their race or nationality is. However, we recognise that the public consultation shows that a significant proportion of second home owners identify themselves as English and therefore it is likely that the policy will have a negative financial impact on this cohort. However, the money will be used to develop the housing market for local People, which is a positive outcome.</p>
Disability	Insignificant	There is a small possibility of differentiation indirectly on the grounds of disability if a disabled person keeps an

		adapted property in Gwynedd as they cannot have a holiday elsewhere.
Sex	None	No impact has been identified
Age	Positive	<p>A 2013 study showed that the demographic makeup of communities with high proportions of second homes was different; in general, the resident population is 'older'. This affects the balance of communities and will have an impact on the future resilience and sustainability of these areas.</p> <p>It went on to note that the profiles of second home owners themselves suggested that they were generally middle-aged or retired, and richer than the national average. Shelter (2011) (Taking Stock, an assessment of under-utilisation of housing stock in England) estimated that 60% of second home owners nationally were aged between 45 and 60 compared with 40% across all owner-occupied in this age group. The responses from the current public consultation have suggested the same.</p> <p>Therefore, there is evidence that the financial losers are older, but it is expected that older people living in the relevant areas throughout the year will benefit as local society will be more resilient and sustainable.</p> <p>However, there is strong evidence that care providers face serious recruitment difficulties. Achieving community balance is vital to getting enough younger people to protect and care for older people, and the policy of raising a Premium is intended to help young people stay in the local area by being able to provide them with homes locally. Overall, therefore, the policy will have a positive impact as it helps young families to have a home. This will then have a more positive than negative impact on community balance.</p>
Sexual orientation	None	No impact has been identified
Religion or belief (or non-belief)	None	No impact has been identified
Gender reassignment	None	No impact has been identified
Pregnancy and maternity	None	No impact has been identified

Marriage and civil partnership	None	No impact has been identified
The Welsh language	Positive	<p>There will be an indirect impact on the language as the purpose of charging a premium is to encourage owners of long-term empty properties and second homes to return the property to the local housing stock, or to pay additional Council Tax. Premium yield to date have been used to meet local housing needs. Supporting the Welsh language is, therefore, a core part of this policy.</p> <p>In particular, there will be a positive impact on the balance of communities as premium products fund the Housing Action Plan which supports local families to buy an affordable home.</p>
Socio-Economic Disadvantage	Positive	<p>When resolving in February 2021 to recommend to the full Council that the Premium level should be increased to 100%, members of the Cabinet noted that there was a housing crisis within the county. The principle that the Council was eager for residents to have homes in their own communities was emphasised, in order to ensure thriving communities. It was added that housing was a priority and that it was a requirement to ensure additional resources in order to implement the Housing Strategy.</p> <p>The powers to raise a premium was introduced through the Housing (Wales) Act and the statutory guidelines note:</p> <p><i>The discretion given to local authorities to charge a premium is intended to be a tool to help local authorities to:</i></p> <ul style="list-style-type: none"> • <i>bring long-term empty homes back into use to provide safe, secure and affordable homes; and</i> • <i>support local authorities in increasing the supply of affordable housing and enhancing the sustainability of local communities.</i>

3.2 The Council has a duty under the 2010 Equality Act to contribute positively to a fairer society by promoting equality and good relations in its activities regarding the following characteristics – age, gender, sexual orientation, religion, race, gender reassignment, disability and pregnancy and maternity. The Council must give due attention to the way any change affects these duties.

General Duties of the Equality Act	Does it have an impact?*	In what way? What is the evidence?
Abolishing illegal discrimination, harassment and victimisation	No	
Promoting equal opportunities	Yes	This will provide equal opportunity for local people who are currently unable to afford a home. The current housing situation is unequal and the decision is intended to stabilise and rectify this situation.
Encouraging good relationships	Yes	<p>The policy of charging a Premium can promote good relationships with people within the communities of Gwynedd if the Policy gives them the opportunity to have a better home, or a first home, as the number of holiday homes and empty dwellings is found to have a detrimental effect on the ability of local people to have a place to live. A policy of charging a Council Tax Premium on second homes and empty dwellings can improve relationships if Gwynedd residents feel that the policy helps them to have a better chance of having a home in their local area.</p> <p>Some second home owners have claimed in their consultation response that increasing the level of the Premium will cause community ill feeling, but there is no evidence to support this claim. The current disparity is more likely to create resentment.</p>

3.3 How does your proposal ensure that you work in accordance with the requirements of the Welsh Language Standards (Welsh Language (Wales) Measure 2011), to ensure that the Welsh language is not treated less favourably than English and that you seize every opportunity to promote the Welsh language (beyond providing services bilingually) and increase opportunities to use and learn the language in the community?

As noted in 3.1 above, there will be a positive impact on the balance of communities as the premium yield funds the Housing Action Plan which supports local families to buy an affordable home.

3.4 What other measures or changes could you include to strengthen or change the policy / practice in order to have a positive impact on people's opportunities to use the Welsh language, and to reduce or prevent any adverse effects that the policy / practice may have on the Welsh language?

This is a taxation policy, and we believe that the current policy goes to the best of our legal and statutory ability in that regard in terms of a positive impact on the language.

3.5 How does the proposal show that you have had due regard to the need to address inequality caused by socio-economic disadvantage? (Note that this is about closing inequality gaps rather than just improving outcomes for everyone)?

The Council has adopted a Housing Action Plan in December 2020 which includes a range of projects in place to make use of Premium products to tackle socio-economic disadvantage. The underlying principle is that those who can afford several properties help the most vulnerable in society who cannot get homes at all. The projects in the Housing Action Plan that make use of Premium funding are:

- Supported housing for the homeless schemes
- Supported housing for homeless young people
- Self-contained units for individuals with intensive social needs
- Support packages for private landlords
- Accommodation and extra support in Arfon
- Build more social housing than what can be funded through the social housing grant
- Develop our own housing in order to increase the opportunities for Gwynedd residents to compete in the housing market.
- Consult with communities to establish their housing needs
- Self-build plots

- First Time Buyers' Grants to renovate empty houses
- Council Tax Exemption on empty houses for first time buyers
- Homebuy scheme
- Finding and purchasing land for building in the future
- Residential element in community regeneration schemes
- Set up a new Energy Conservation service for home-owners in order to contribute towards our aspiration to address the climate crisis.
- Innovative Housing Pilot Scheme
- Funding the financial deficit in business cases for innovative housing
- Supported housing – youth
- Extra care housing for the elderly
- Supported Housing – adults with profound needs
- Suitable homes for children with severe physical needs
- Frondeg, Caernarfon
- Interest-free loans to improve housing conditions
- One-stop shop for Housing matters

3.6 What other measures or changes might you include to strengthen or change the policy / practice to show that you have had due regard to the need to reduce disproportionate outcomes as a result of socio-economic disadvantage, in accordance with the Socio-Economic Act?

We believe that the policy already shows a total commitment to giving due regard to the need to reduce unequal outcomes as a result of socio-economic disadvantage and that other measures or changes are not needed.

4) Analysing the Results

4.1 Is the policy therefore likely to have a significant, positive impact on any of the above and what is the reason for this?

One of the main outcomes of the Premium is the funding of the Housing Action Plan. This scheme will address social disparity within Gwynedd. The Equality Impact Assessment completed during the preparation of the Housing Action Plan sets out the very positive steps that will result from the implementation of the Scheme, with the financial support of the Premium:

<https://democracy.gwynedd.llyw.cymru/documents/s27958/Item%206%20-%20Appendix%20B%20-%20Equality%20Impact%20Reprt.pdf>

The Premium is intended to aim to reduce inequality within the communities of Gwynedd, and contributes to that by funding specific projects.

Details of an assessment of the Well-being of Future Generations Act can be found in the body of the Cabinet report.

4.2 Is the policy therefore likely to have a significant, negative impact on any of the above and what is the reason for this?

The premium will be subject to two specific cohorts of the population, namely second home owners, and owners of long-term empty homes.

It should be noted that consultation responses, together with national studies strongly suggest that second home owners tend to be older people. A number of the consultation responses suggest that some of these older owners are "asset rich / cash poor". That is, they have bought the property for several years or inherited it, but their income is not necessarily high. This ultimately raises a very small amount of doubt if the Council is fulfilling its statutory duties, but that must be weighed against the poverty, unemployment and homelessness in rural Gwynedd. According to the Housing Action Plan, 59% of Gwynedd residents have been priced out of the market in Gwynedd.

A number of the responses to the public consultation have stated that this Policy is racist as it targets individuals living outside Wales. However, the Premium is charged to all properties that are second or long-term empty properties without considering ownership. A significant proportion of second home owners identify themselves as English, and increasing the Premium would have a negative financial impact on this cohort. However, the Equality Act 2010 states that this is legal if the policy is a proportionate means of achieving a legitimate aim, and in this case it is a means of realising a positive action, namely tackling the housing crisis for local people.

4.3 What should be done?

Choose one of the following:

Continue with the policy / service as it is robust	
Adapt the policy to delete any barriers	
Suspend and delete the policy as the detrimental impacts are too big	
Continue with the policy as any detrimental impact can be justified	✓

No further action at this time because it is too soon to decide, or there is insufficient evidence	
--	--

4.4 If continuing with the project, what steps will you take to reduce or mitigate any negative impacts?

There is some evidence that increasing the premium on second homes would be discriminate against a protected group, with data suggesting that second home owners tend to be older people and identify themselves as English. The policy in relation to Council Tax Premium is intended to recognise that long-term empty properties and second homes increase some of Gwynedd's social problems, and the owners should make a financial contribution to alleviate some of the disadvantages they cause.

There is a claim that the policy of raising the Premium is racist because of where second home owners live, but a number of those who have answered the consultation note that Welsh people own a property in Gwynedd while their main home is outside Wales. The Premium will be charged based on the characteristics of the property, not the characteristics of the owner and there is a positive impact if local families can afford to buy a property in their local area rather than having to move away to get a home. There is recognition that there is a negative financial impact on people living outside Gwynedd, with a large number of them identifying themselves as English. In line with the requirements of the Equality Act 2010, increasing the level of the Premium is a proportionate means of achieving a legitimate aim, which is to fund a Housing Action Plan that addresses some of the damage that second homes and empty dwellings cause to the communities of Gwynedd.

Individuals who are for and against raising the Premium have expressed dissatisfaction with the same question on the impact of the Premium on the economy (claiming to be "leading"), which suggests that the balance of questions is correct.

4.5 If you are not taking any further action to delete or reduce the negative impacts, explain why here.

The level of premium is ultimately a political issue, taken on the basis of the evidence available. Elected members will reach a decision on the appropriate balance between the additional cost to owners of second homes and long-term empty properties and the associated incentive of bringing properties back into use, against the social well-being that would result from the ability to realise specific schemes to address social disparity.

5) Monitoring

5.1 What steps will you take to monitor the impact and effectiveness of the policy or service (action plan)?

The setting of the Premium level will require an annual decision by the full Council. The Finance Department will continue to keep track of changes to the status of long-term empty properties and second homes, and act as necessary to assess if there are equality issues behind transfer to non-domestic rating.

GWYNEDD COUNCIL



Report to meeting of Gwynedd Council

DATE OF MEETING	2 nd December 2021
TITLE OF ITEM	Gwynedd Council's Diversity Declaration
PURPOSE	Adopt the work programme outlining the steps in order to realise the Gwynedd Council Diversity Statement.
RECOMMENDATION	Councillor Anne Lloyd Jones, Chair Democracy Services Committee
CABINET MEMBER	Councillor Nia Jeffreys
CONTACT OFFICER	Geraint Owen, Head of Democratic Services

1. THE DECISION SOUGHT

Adopt the work programme to support Gwynedd Council's Diversity Statement.

2. BACKGROUND AND RATIONALE

Foreword

1. At the Full Council meeting on 7 October 2021, Gwynedd Council adopted a Diversity Statement in order to state clearly and publicly our commitment in Gwynedd to diversity in democracy. The statement can be seen in **Appendix A**.
2. We must ensure that the Council is taking specific steps in an attempt to promote diversity in democracy and realise the above statement. The Council resolved to ask the Democratic Services Committee to lead on developing a full work programme in order to realise the statement as Committee members have already been leading in the field in Gwynedd for some years.
3. The work programme was discussed by the Democratic Services Committee on 16/11/2021. On the recommendation of the committee, it is presented to be adopted by the Full Council. The work programme is included in **Appendix B**.

3. ANY CONSULTATIONS HELD PRIOR TO RECOMMENDATION

3.1 VIEWS OF THE STATUTORY OFFICERS:

The Monitoring Officer:

I welcome the work programme proposed in the report, With the Statement it is a vehicle to highlight and build a culture and positive actions specifically for elected and aspiring members. It also melds with and supports the culture which is promoted though the Gwynedd Standard and the Code of Conduct.

Head of Finance:

Nothing to add with regards to financial propriety

APPENDIX A - Gwynedd Council Diversity Statement

This Council commits to being a Diverse Council. Therefore, we wish to reflect the community in which we live by increasing the number of females, young people, disabled people, people from the Black, Asian and minority ethnic communities and people who identify as LGBTQ+ who stand in the elections to be a Gwynedd Councillor.

We commit to

- *Provide a clear public commitment to improving diversity in democracy*
- *Demonstrate an open and welcoming culture to all, promoting the highest standards of behaviour and conduct*
- *Promote actions as a Diverse Council ahead of the 2022 local elections*
- *Work towards the standards set out in the Wales Charter for Member Support and Development*
- *Demonstrate a commitment to a duty of care for Councillors*
- *Consider how to provide flexibility in council business by reviewing our practical arrangements*
- *Continue to encourage all members to take up the allowances and salaries to which they are entitled, particularly any reimbursement for costs of care, so that all members receive fair remuneration for their work and that the role of member is not limited to those who can afford it.*
- *Work towards ensuring that councillors from under-represented groups are represented whenever possible in high profile, high influence roles.*

APPENDIX B - DRAFT WORK PROGRAMME

In committing to being a Diverse Council, we will:

Commitment	What are we going to do?	Timetable
<p><i>Provide a clear public commitment to improving diversity in democracy</i></p>	<p>Full Council adopts the diversity statement.</p> <p>Enquire with members about their experiences, including which obstacles they have faced and what additional steps can be taken to remove these obstacles. Building on the work already carried out with the group of Women Councillors.</p> <p>Update the 'being a councillor' page on the website, working with the elections team</p> <p>Hold a campaign, under the banner of the 'Democracy Week' in the first instance, to raise the public's awareness of the role of councillors, their role within the community and how to become a councillor. Develop a strapline for the week such as "do you want your voice to be heard? Why not stand as a Councillor?"</p> <p>Continue with the above 'marketing' campaign to raise awareness of the role of councillor, working with the elections team to draw attention to the benefits of voting, the voting rights of young people aged 16 and 17, and raising awareness of the Local Government elections at the same time. All of which with the intention of encouraging individuals to consider being a councillor.</p> <p>Continue to webcast meetings in order to be open and transparent. Consider developing ways of raising the public's awareness of the meetings being held and the items under consideration.</p>	<p>07/10/2021</p> <p>November/December 2021</p> <p>September/October 2021</p> <p>October 2021</p> <p>Ongoing</p> <p>Ongoing</p>
<p><i>Demonstrate an open and welcoming culture to all, promoting the highest standards of behaviour and conduct</i></p>	<p>Raise the awareness of the current political group leaders to the possibilities of promoting diversity in democracy and the requirements regarding promoting the standards of conduct from the highest level in accordance with the requirements of the Local Government and Elections (Wales) Act 2021, discussing the possibility of appointing Diversity Ambassadors within the political groups.</p> <p>Develop a comprehensive induction programme based on the Welsh Local Government Association induction framework to include training on the</p>	<p>September 2021 and November 2021</p> <p>April 2022</p>

Commitment	What are we going to do?	Timetable
	<p>Code of Conduct (including respect towards others), and Equality and diversity (including self-awareness and conduct).</p> <p>Continue to develop a training programme annually in consultation with the Democratic Services Committee in order to offer continuous development.</p>	April 2022
<p><i>Promote actions as a Diverse Council ahead of the 2022 local elections</i></p>	<p>Hold a programme of on-line activities during the Gwynedd democracy week in order to promote the role of Councillors and raise awareness of Local Government elections and encourage individuals to consider standing (an ongoing programme starting in October 2021, repeated at various intervals)</p> <p>Offer a question and answer session for people who are considering standing for election to conclude the Gwynedd democracy week. It will include an explanation of the role of councillor, expectations, commitment, opportunities, support etc. Videos of various councillors sharing their experiences are likely to be a part of the event.</p> <p>Offer observations as part of the consultation to the candidate survey, and then encourage every individual standing to respond to the Welsh Government survey.</p> <p>Attend a diversity in democracy workshop held by the Welsh Local Government Association in order to learn from a panel experienced in supporting some of the groups which have traditionally been under-performing, particularly in politics. Adjust the work programme following the above if relevant.</p>	<p>October 2021 and January 2022</p> <p>October 2021 and January 2022</p> <p>November 2021 March/April 2022</p> <p>November 2021</p>
<p><i>Work towards the standards set out in the Wales Charter for Member Support and Development</i></p>	<p>Develop a full induction and training programme as noted above.</p> <p>Consider developing mentoring and/or shadowing arrangements as part of the programme to support new Councillors.</p>	<p>April 2022</p> <p>April 2022</p>
<p><i>Demonstrate a commitment to a duty of care for Councillors</i></p>	<p>Consider holding specific training for new Councillors on lone working, personal safety, work-life balance, bullying and social media as part of the induction programme over the course of the first year.</p>	April 2022

Commitment	What are we going to do?	Timetable
	<p>Continue to offer mental well-being and further support sessions for members.</p> <p>Provide advice and guidance on practical matters in terms of setting out your workspace properly - information on the councillors' intranet site.</p> <p>Offer an opportunity for Councillors who wish to note an official address rather than a home address on the website.</p> <p>Raise the awareness of political leaders of the duty under the Local Government and Elections (Wales) Act 2021 regarding promoting good conduct.</p>	<p>Now / On-going</p> <p>Now / On-going</p> <p>Now / On-going</p> <p>November 2021</p>
<p><i>Consider how to provide flexibility in council business by reviewing our practical arrangements</i></p>	<p>Implement hybrid meetings and fully virtual meetings in order to make better use of Councillors' time.</p> <p>Hold a survey following the 2022 election on the timing of the Council's main committees.</p> <p>Consider school holiday periods (avoiding them where possible) when creating the Council's annual meetings calendar, consulting with the Democratic Services Committee before submitting to the full Council for adoption.</p> <p>Ensure training and assistance for Councillors to have the technical skills to be able to take part in virtual and/or hybrid meetings.</p>	<p>Currently developing</p> <p>2022/23</p> <p>Annual</p> <p>on-going</p>
<p><i>Continue to encourage all members to take up the allowances and salaries to which they are entitled, particularly any reimbursement for costs of care, so that all members receive fair remuneration for their work and that the role of member is not limited to those who can afford it.</i></p>	<p>Information about financial remuneration to be a part of the sessions for the public during the democracy week, information on our website, and information in the Councillors' handbook which is being developed for the induction sessions.</p> <p>Salaries are paid automatically to Councillors in accordance with the Adjudication Panel for Wales, unless an individual Councillor notes differently.</p> <p>Councillors are reminded regularly of the reimbursement of care costs that is available - via the newsletter of the Chair of the Democratic Services Committee and by political Group Leaders.</p>	<p>October 2021</p> <p>Ongoing</p> <p>Ongoing</p>

Commitment	What are we going to do?	Timetable
<i>Work towards ensuring that councillors from under-represented groups are represented whenever possible in high profile, high influence roles.</i>	Work with political group leaders to ensure that consideration is given to under-represented groups for high profile, high influence roles.	2022/23

Agenda Item 10

CYNGOR GWYNEDD



Date of meeting:	2 December, 2021
Title:	Local Government and Elections (Wales) 2021
Purpose:	To approve the arrangements for future Council meetings to address the new requirements in Part 3 of the Local Government and Elections (Wales) Act 2021.
Recommendation by:	Councillor Anne Lloyd Jones, Chair of Democracy Services Committee
Cabinet Member:	Councillor Nia Jeffreys
Contact Officers:	Geraint Owen, Head of Democracy Services and Iwan Evans, Monitoring Officer

Report to Full Council meeting

1. THE DECISION SOUGHT

It is recommended that the Full Council

- **Adopt the arrangements for future Council meetings in accordance to the principles noted in paragraph 9 of the report, with meetings of the Full Council, Planning Committee and scrutiny Committees held from a location (hybrid) with the remainder remaining virtual meetings.**
- **Confirm the responsibility of implementing a start date to the Head of Democracy Services in consultation with the Monitoring Officer, Chair of Democracy Services Committee and Council Chair, following the lifting of the current restrictions.**

2. BACKGROUND AND REASON

Background.

1. Part 3 of the Local Government and Elections (Wales) Act 2021
 - Allows for remote access for participants in formal democratic meetings.

- Permits formal democratic meetings to be held at a location or virtually with public access to committees via electronic arrangements
 - Places expectations to publish our arrangements for holding formal democratic meetings
 - Places expectations to Web-cast democratic meetings (regulations are expected which will establish the range of requirement).
2. Several reports have been submitted on various elements already, and the Full Council has adopted the interim arrangements at its meeting on 8 July 2021. An update was submitted to the Full Council meeting on 7 October outlining the practical arrangements (adapting the chambers in order to hold hybrid meetings) and the other steps that need to be achieved in order to proceed with the work.
 3. The report on 7 October noted the need to establish a Committees Framework which would outline which meetings will continue to be held virtually and which meetings will be held at a location a a hybrid meeting.

Meetings and Committees Operating framework.

4. We are reminded in the document 'Interim Statutory Guidance on Multi-location Meetings' published by Welsh Government in May 2021 that the general purpose of amending the act to allow remote access was "... to achieve greater accessibility and improved public participation in local government." It also states that "The convenience of participants and the efficient operation of relevant authorities themselves is important but the needs of the public will come first when these decisions are being made." Any arrangements established will have to meet the requirements contained in the statutory guidance.
5. Deciding on the arrangements to be established is a matter of discretion. The statutory guidance outlines the considerations to be evaluated in order to draw a conclusion. Local democracy and the requirements of the public are fundamental and leading considerations in deciding on arrangements. The framework is also based on the basic principles established by the Democracy Services Committee, which can be seen in the table below.

Meetings and Committees Operating Framework Principles

- ✓ We need to build on the success of the virtual meetings which have been held over the past eighteen months.
- ✓ We need to continue to ensure that our Democracy arrangements are transparent for the people of Gwynedd and open for all.
- ✓ We should strive to hold most meetings virtually in order to:
 - Contribute to the carbon reduction agenda by reducing travelling for Councillors and Officers, particularly as the Council has declared a climate emergency.
 - Promote diversity in Democracy by encouraging the flexibility of remote access to virtual meetings and thereby attracting more people who work and young parents
 - Use Councillors' and Officers' time more sensibly by reducing travelling requirements
 - Reduce travelling costs
 - Promote positive behaviour and participation

What is being proposed?

6. A Framework for the Council's formal meetings is submitted in accordance with the requirements of the Act. It is probably sensible to develop an internal framework noting expectations for other meetings of which Councillors are a part, such as internal meetings, regional and national meetings and training in the future.
7. As already noted, the requirements of the Act mean that meetings may be held entirely virtually or by providing remote access where a specific location such as the Chamber has been identified (namely a hybrid meeting).
8. It is important that we do not slip back to the old arrangements because of custom and lose sight of the principles noted above. It is also important to remember our success over the past eighteen months. We have managed to hold every committee effectively, virtually, in both languages, and are now web-casting many of them.

This is our opportunity as a Council to innovate and set sustainable operating expectations for the future.

9. In order to develop the framework on robust foundations, the Democracy Services Committee supported the simple principle as follows:

- a) **to hold formal committee meetings virtually wherever possible.**
- b) **to hold hybrid meetings when there is a high level of public interest.**

10. Members will remember that the basis for selecting the committee meetings to be web-cast were the meetings of highest public interest. The Full Council, Cabinet and Planning Committee meetings were identified originally, with web-casting arrangements later extended to Scrutiny Committee also. It is recommended that the same arrangements be followed to identify the committees that are to be held as hybrid.
11. It is a matter for the Cabinet to decide upon its own arrangements. The Cabinet have already established that their meetings will be held at a location in the future, being the “hybrid” arrangements. The basis for the allocation is in accordance to that noted, with the discussions and decisions in the meetings identified being of high public interest.
12. Holding the meetings at locations, along with webcasting provides the fullest range of opportunities to gain access to discussions. It will also be noted that the draft report recommends for a range of committees to be held through virtual meetings only. Therefore, as a Meetings Framework, it reflects the aims of the Well-being of Future Generations Act (Wales) 2015.
13. A table outlining the impact of the recommendation on a committee by committee basis can be seen in **Appendix A**. It is recognised that there would be exceptions to the arrangements, such as the first meetings following elections. Also, it will be necessary to review our arrangements within a reasonable time-frame.
14. Where meetings are held as hybrid, it is recommended that Councillors seriously consider whether they have to travel to the location, bearing in mind that the circumstances in the chambers and offices will not be the same as they were previously.

Access to the Public

15. Alongside the above arrangements, it is necessary to ensure and state how we intend to ensure access to the public to our committees. For virtual committees, public access will be provided by watching the web-cast or by contacting to gain alternative access. Details will be provided on the front of the agenda as currently happens.
16. For hybrid meetings, where a specific location is noted, the public will be able to gain access to the back of the chamber. If the meeting is also web-cast, public access will also be provided via the web-cast.

Equality Act 2010

17. The Council is subject to a duty under the 2010 Equality Act to give due attention to the need to remove illegal discrimination, harassment and oppression, along with any other behaviours prohibited under the provisions of the Act. In addition, there is a need to increase equal opportunities and foster good relationships between those with protected characteristics and those who do not have protected characteristics (the General Equality Duty). In accordance with the requirement in Wales, and in order to address this duty, an Equality Impact Assessment has been prepared and updated for hybrid meetings. It is appended in **Appendix B** and did not find impacts which would lead to changing the recommendation.

Consultations

18. We have listened to the observations which have been offered by you as Councillors in various meetings and in response to the recent questionnaire. It is fair to conclude that there are 75 different responses from you as Councillors for the ideal situation in the future when discussing individual committees, with everyone considering their own personal situation.
19. We have also received observations from the people of Gwynedd. At the Planning Committee, observations were received stating that the current arrangements allowing people to attend virtually or record a video clip to be played at the committee are an improvement on the previous arrangements as they are more convenient for the people of Gwynedd. On the contrary, others have expressed their frustration in watching meetings via web-cast only as it does not offer the same experience as attending the public gallery in a chamber as Members are not as aware of the presence of the public when reaching decisions.
20. Whilst the framework seeks to respond to the main messages which have been voiced in recent months, the emphasis is on ensuring a sustainable framework for

the future, whoever will be elected as Councillors after May 2022, based on the above principles and the statutory guidance.

Timetable

21. As reported to the full Council meeting on 7 October 2021, the above is one element of the work of preparing for future meetings. As well as developing a local Meetings Framework (which will be recommended to the full Council on 2 December 2021) it is necessary to continue with the technological and practical developments, all of which are subject to the Government's guidelines in relation to coronavirus.
22. A robust technical infrastructure is needed in order to ensure the success of the hybrid arrangements. The chambers have been upgraded since the end of September this year, but we have come across a few minor obstacles during testing. We are currently working with the company to try to overcome these obstacles as soon as possible. In addition, we must ensure that participants are able to take part fully in proceedings whichever way they attend the meeting. We must also ensure that the Cabinet's arrangements for making decisions are robust in order to ensure the public's confidence in our democracy arrangements.
23. Furthermore, we presume that participating in a hybrid meeting, and particularly chairing a hybrid meeting, will be a very different experience and will require different and new skills. It will be necessary to identify good practice for chairing such meetings and offer training for Councillors.
24. In addition, there is currently no change to Welsh Government's guidelines that everyone should continue to work from home wherever possible; therefore, the recommendation does not propose implementing the arrangements until those guidelines allow this.
25. As a result of the above, it is impossible to give a start date for the new arrangements. If the recommendation is approved, we will report further in order to state formally when it is possible for the new arrangements to come into force.
26. Members of the Democracy Services Committee have discussed the principles for the committee framework and present the arrangements to be adopted by the Full Council.

3. ANY CONSULTATIONS UNDERTAKEN PRIOR TO RECOMMENDING THE DECISION

- 3.1 The Democracy Services Committee was consulted on the framework at their meeting on 16/11/2021. In addition, as the arrangements for Cabinet meetings

are separate, the Cabinet decided on their arrangements at their meeting on 09/11/2021.

3.2 VIEWS OF THE STATUTORY OFFICERS:

The Monitoring Officer:

I have contributed to the report and therefore have no further comments with regards to propriety.

Head of Finance:

Appropriate resources have been prioritised in order to ensure that suitable support will be in place for hybrid working by the relevant meetings, if that is the decision of the Council.

APPENDICES:

Appendix A - Committee Framework for the future

Appendix B - Equality Impact Assessment

APPENDIX A

Committee Framework for the Future

Type of meeting	Committees in question
Hybrid	<ul style="list-style-type: none">• Full Council• Cabinet• Planning• Scrutiny
Virtually only	<ul style="list-style-type: none">• Democratic Services Committee• Audit and Governance Committee• Standards Committee• Language Committee• SACRE• Local Joint Consultative Committee• Pensions Committee• Chief Officers Appointment Committee *• Central/General Licensing Committee (and the Central and General Licensing Sub-committees)• Joint Planning Policy Committee• Any sub-committee
Possible exceptions	<p>Employment Appeals Committee (dependent on the individual's request).</p> <p>Chief Officers Appointment Committee - consideration when interviews are held - virtual otherwise</p> <p>Committees and Sub-Committees where quasi-judicial hearings are held</p>

Porthmadog/Pwllheli/Aberdyfi/Barmouth Harbour Consultative Committees will be considered at a later date.

Equality Impact Assessment

For help to complete this form see the *How to Undertake an Equality Impact Assessment* leaflet. You are also welcome to contact Delyth Gadlys Williams, Policy and Equality Officer on ext. 32708 or DelythGadlysWilliams@gwynedd.llyw.cymru for further assistance.

The Council's is required (under the Equality Act 2010) to consider the effect any change in policy or procedure (or the creation of a new policy or procedure), has on people with protected equality characteristics. The Council also has a general duty to ensure fairness and foster good relations. A timely Equality Impact Assessment must be undertaken before making any decision on any relevant change (i.e. which has an effect on people with protected characteristics).

I Details

I.1 What is the name of the policy / service in question?

Remote attendance and Access to the Public Project.

Local Government and Elections (Wales) Act 2021 requires the Council to provide remote attendance for elected members and Access to the public to see and hear proceedings at public meetings.

I.2 What is the purpose of the policy/ Service that is being created or amended? What chances are being considered?

Originally, the project aimed to ensure that we were able to

- a) hold virtual meetings (without any physical presence in a meeting room)
- b) ensure that elected members could take part in committee meetings by remote attendance should they wish to do so.

By September 2020 the project moved towards ensuring that the public were able to Access virtual meetings by seeing and/or hearing proceedings in our main committee meetings as it was a Council priority.

Presently, as it is a requirement of the Local Government and Elections (Wales) Act 2021 we are working towards

- Ensuring that elected members are able to take part remotely when a meeting is held in a specific location (subject to covid-19 restrictions).
- Access to the public to see and hear proceedings at public meetings

1.3 Who is responsible for this assessment?

Vera Jones, Democracy Services and Language Manager - on behalf of the Remote Attendance Project Board

1.4 When did you commence the assessment? Which version is this?

- The first assessment started in June 2020 in preparation for our first virtual meetings due to the covid pandemic.
- The assessment was reviewed in June 2021 to reflect further developments within the project, namely developments with regards to hybrid meetings. (Version 2)
- The assessment was reviewed again in October 2021. The need to update the assessment over the coming months whilst testing the hybrid arrangements was identified. (Version 3)

2) Action

2.1 Who are the partners you need to work with to undertake this assessment?

Councillors
IT Service
Property Department
Staff

2.2 What measures have you taken to engage with people with equality characteristics?

1. Informal discussions were undertaken with Gwynedd Councillors prior to the commencement of our first virtual meetings using Teams and prior to using Zoom – in particular non Welsh speakers.
2. Arrangements for committee meetings (and others) in the future were discussed with the Democracy Services Committee on 18/02/2021 and in addition all members were asked for comments as part of the satisfaction survey in June 2021.
3. Interim arrangements, being to continue with virtual meetings only, were adopted in July 2021 (Cabinet – 07/07/21, Full Council – 09/07/21)

2.3 What was the result of the engagement?

1. The original provision was adapted from Teams to Zoom following comments by elected members that the translation provision offered via Zoom offered a fairer and simpler Service for Welsh speakers and non-Welsh speakers, with all involved attending the same meeting and instructions much simpler to follow. The changes were made following assurance of the Security issues regarding the technology.
2. A number of members have noted the benefits of virtual meetings, especially with regards to
 - Contributing to the carbon reduction agenda by reducing travelling
 - Promoting diversity in Democracy by encouraging the flexibility of remote access to virtual meetings and thereby attracting more people who work and young parents
 - Using Councillors' time more sensibly by reducing travelling requirements
 - And reducing travelling costs
3. In addition, numerous comments have been made by Councillors in various meetings about meeting arrangements in the future, with most noting the need for a combination of virtual meetings and hybrid meetings.

2.4 On the basis of what other evidence are you operating?

The project was started primarily in response to the covid-19 pandemic and the requirement to continue with democratic arrangements whilst adhering to restrictions to stay at home and not attend the Office (including the Council chamber).

The restrictions with regards to “work from home where possible” remain in place. In addition, we must respond to the requirements of the Local government and Elections (Wales) 2021 Act to

- Ensure that elected members are able to take part remotely when a meeting is held in a specific location (subject to covid-19 restrictions).
- Access to the public to see and hear proceedings at public meetings

2.5 Are there any gaps in the evidence that needs to be collected?

Consultations with people with additional needs e.g. sight and hearing impairments to ensure that the provision is suitable for their needs.

Further consultation will be required following the establishment of hybrid arrangements.

3) Identifying the Impact

3.1 The Council has to give due regard to the effect any changes will have on people with the equality characteristics noted below. What impact will the new policy/service or the proposed changes in the policy or service have on people with these characteristics? You are welcome to include any other characteristics if you wish

Characteristics	What type of impact?*	In what way? What is the evidence?
Race (including nationality)	Positive / negative / none	No impact has been identified
The Welsh language	Positive	<p>a) Virtual meetings Positive effect on the Welsh and English language by using Zoom as the provision for virtual meetings as meetings continue to be held through the medium of Welsh with the simultaneous translation Service easily available to those who require it.</p> <p>b) Remote Attendance We will need to ensure that simultaneous translation service is available to anyone who attends a meeting (be it in the location or remote attendance). We are currently working on a hybrid solution.</p> <p>c) Public Access Public access is available through webcasting, which is available in Welsh and English.</p>
Disability	Positive / negative / none	<p>Autism – Some may experience a positive effect due to less anxiety compared with being in a Chamber. On the other hand, it can be a negative experience if the time on screen is too long, but individuals are able to choose to leave.</p> <p>Mental Health conditions – it can be a positive experience for some who experience conditions such as anxiety by making it easier to take part in meetings without the camera on and not feeling additional pressure. It may affect negatively for some without the human contact leading to raised anxiety.</p>

		<p>Visual impairment – too much screen time could lead to a negative effect.</p> <p>Hearing impairment – a positive impact as remote attendance allows for the individual to adjust sound levels or use earphones to eliminate background noise.</p> <p>Physical impairment – positive effect as the need for a specific location and the need to travel are eliminated.</p>
Sex	Positive / negative / none	No impact has been identified
Age	Positive / negative / none	It is probable that some may feel a positive effect of remote attendance without having to leave their homes.
Sexual orientation	Positive / negative / none	No impact has been identified
Religion or belief (or non-belief)	Positive / negative / none	No impact has been identified
Gender reassignment	Positive / negative / none	No impact has been identified
Pregnancy and maternity	Positive / negative / none	<p>Positive effect for pregnant women and breast-feeding mothers with remote attendance should they wish, without having to travel to a specific location.</p> <p>Positive effect on parents by reducing the time taken to travel to meetings by ensuring parents are able to access remotely.</p>
Marriage and civil partnership	Positive / negative / none	No impact has been identified

3.2 The Council has a duty under the 2010 Equality Act to contribute positively to a fairer society by promoting equality and good relations in its activities regarding the following characteristics – age, gender, sexual orientation, religion, race, gender reassignment, disability and pregnancy and maternity. The Council must give due attention to the way any change affects these duties.

General Duties of the Equality Act	Does it have an impact?*	In what way? What is the evidence?
Abolishing illegal discrimination, harassment and victimisation	No	
Promoting equal opportunities	Yes	<p>Virtual Meetings. Positive effect as there is more discipline in virtual meetings with equal opportunity for all to speak. Individuals can also choose to take part with their cameras off.</p> <p>Remote attendance. Yes, positive effect as above. However, until hybrid solution is in place we will not know if there are equal opportunities for all or will those attending remotely feel ignored.</p> <p>Access to the public – the new arrangements will lead to improved and simpler access to the public to hear and view committee meetings ensuring transparency in our democratic arrangements. Individuals will not be required to travel to specific locations at a specific time.</p> <p>On the other hand, there may be a negative effect as the provision available is dependent on access to a computer and the web. Individuals without the provisions are able to use the computers at their local library (subject to covid restrictions).</p>
Encouraging good relationships	Yes and no	<p>Virtual meetings and remote attendance could be positive in encouraging good relationships as it enables some to participate in meetings who would not be able to do so otherwise.</p> <p>On the other hand, there is a conception that forming good and new relations through virtual means could be more challenging due to the lack of informal networking.</p>

4) **Analysing the results**

4.1 **Is the policy therefore likely to have a significant, positive impact on any of the equality characteristics or the General Duty and what is the reason for this?**

As noted above, the changes outlined above have enabled the Council's democratic arrangements, including holding committees who make key decisions, to continue during the pandemic.

The changes to enable meetings to be held virtually or hybrid, ensuring that elected members can Access remotely is likely to have a positive impact on a number of the equality characteristics as noted in 3.1 – mainly for pregnant females, breastfeeding mothers and individuals with a physical impairment of mental health condition.

In addition, arrangements for ensuring Access to the public through webcasting or other means enable more of Gwynedd residence to Access democratic proceedings leading to improved transparency.

4.2 **Is the policy therefore likely to have a significant, negative impact on any of the equality characteristics or the General Duty and what is the reason for this?**

We acknowledge that there are two sides to every story, with the possible negative effects outlined in 3.1 above.

However, the Equality Impact Assessment has not identified impacts which would lead to a change in the recommendation.

4.3 **What should be done?**

Choose one of the following:

Continue with the policy / service as it is robust	✓
Adapt the policy to delete any barriers	
Suspend and delete the policy as the detrimental impacts are too big	

Continue with the policy as any detrimental impact can be justified	
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4.4 What steps will you take to reduce or mitigate any negative impacts?

Possible negative effects have been outlined in 3.1 above and will receive due consideration as the developments proceed.

The work will be reviewed often with updates reported to the Full Council.

4.5 If you are not taking any further action to delete or reduce the negative impacts, explain why here.

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5) Monitoring

5.1 What steps will you take to monitor the impact and effectiveness of the policy or service (action plan)?

The Local Government and Elections (Wales) 2021 Act clearly states the requirement for the Council to publish our arrangements for committee meetings and access to the public. Interim arrangements were presented to the Full Council in July 2021, with a review of the arrangements to be presented in December 2021.

GWYNEDD COUNCIL



Report to a Meeting of Gwynedd Council

DECISION SOUGHT

Item Title : Local Government and Elections (Wales) Act 2021 – Governance and Audit Committee

Purpose: To report on the changes to the Constitution in relation to the governance and Audit Committee and seek a decision on the future size of the Committee.

Report Author : **Monitoring Officer**

Cabinet Member: **Cllr Nia Jeffreys**

It is recommended that the Council

- 1. Notes the changes made to the Constitution made by the Monitoring officer in Appendix 1.**
- 2. Confirms the recommendation of the Governance and Audit Committee to set the total membership of the Committee at 12 elected members and 6 Lay Members for May 2022.**

BACKGROUND

1. There are specific changes to the Audit and Governance Committee's functions and make up in the Act:
 - The name of the Committee changes to the Governance and Audit Committee
 - It assumes a role in relation to the complaints systems
 - It is given specific functions in relation to the new performance management arrangements in Part 6 of the Act.
 - The membership of the Committee will need to change for May 2022 so that 1/3 of the membership will be independent members.
 - The chair of the Committee must be appointed from amongst the lay membership

CONSTITUTION

2. The highlighted changes are all statutory and take effect on the dates stated above. Appendix 2 sets out the main changes to the Constitution which I have made under paragraph 2.6.3. of the Constitution. The provision which are yet to come into force will be established for May 2022/

2.6.3 Legislative Change

Any part of the Constitution may be amended by the Monitoring Officer where such amendment is required to be made so as to comply with any legislative provision. Such amendments shall take effect when the Monitoring Officer so decides or the legislation (where relevant) so provides. Such changes shall be reported to the next Full Council meeting for information.

MEMBERSHIP OF THE GOVERNANCE AND AUDIT COMMITTEE

3. The requirement for the one third lay members including the chair (which come into force in 5TH May 2022) will need to be incorporated into the Constitution to come into force at the appropriate time. A lay member means a person;
 - who is not a member or officer of a local authority,
 - has not been a member or an officer of a local authority at any time within twelve months before the appointment,
 - is not married to or is a civil partner of a member or officer of a local authority
4. This gives rise to the issue of the appropriate size of the Committee. Currently there are 18 elected members of the Committee together with a single independent member. On this basis there would be 6 lay members and 12 elected members of the committee from May 2022.
5. The recruitment process for the lay members of the Committee is already in train. This was in response to an opportunity to participate in an extensive WLGA advertising campaign. The process for appointing was established by the Council in 2017. In summary following a press advert a Panel which includes the Chair of the Council, Chair of the Governance and Audit Committee and the Cabinet Member for Finance advised by the Heads of Finance and Legal would undertake the interview process. The Panel would then make a recommendation to the Council to appoint the lay members for term of four years. It is intended so that the appointments can be recommended to the Council in March. This will allow for the establishment of the Committee in time for the coming into force of the requirement.
6. Before the process can be completed there needs to be a decision as to the future overall size of the Committee. There are a number of options of course. A report was presented to the Governance and Audit Committee on the 18th of November and having regard to the current size of Scrutiny Committees the recommendation of the Committee was to appoint a committee with a total of 18 members, 6 lay members and 12 elected members.

VIEWS OF THE STATUTORY OFFICERS:

The Monitoring Officer:

Report Author

Head of Finance:

I have worked with the author in the preparation of this report and confirm that an appropriate process is in train to recruit lay members for the Governance and Audit Committee (in time for May 2022). I believe that the Committee's recommendation to Council regarding the number of members is sensible and practical.

Appendix 1

SECTION 13 PART 1

THE GOVERNANCE AND AUDIT COMMITTEE

- Details of the composition of this committee are included in Section 9 of the Constitution.
- The tables below list the specific functions in The Local Authorities (Executive Arrangements) (Functions and Responsibilities) (Wales) Regulations 2007 (namely functions that are not to be the responsibility of the authority's Executive) which have been delegated to the committee. The headings, numbers and letters correspond to those in the Regulations.
- The third column notes whether or not the function has been delegated onwards to a principal officer. Further details on the rights of the principal officer, including any restriction on the right to act are to be found in the Schemes for Delegation to Officers in Appendix 3 to Section 13 of the Constitution.

Functions that cannot be the responsibility of the Executive.

FF. Various Functions

Function	Provision of Act or Statutory Instrument	Delegation - (subject to any restrictions in the Scheme for Delegation to Officers)
1. The duty to approve an authority's statement of its accounts, income, expenditure and balance sheet or its record of its proceeds and payments (as it happens).	Accounts and Audit Regulations (Wales) 2005	

Functions under the Local Government Measure (Wales) 2011

The committee is responsible for fulfilling the following statutory functions under Section 81 of the Local Government Measure (Wales) 2011 as amended:

- review and scrutinise the authority's financial matters,
- make reports and recommendations in relation to the authority's financial matters.
- review and assess the authority's risk management, internal control **performance assessment** and corporate governance arrangements,
- make reports and recommendations to the authority regarding the adequacy and effectiveness of those arrangements,
review and assess the authority's ability to handle complaints effectively.
-

- (f) **make reports and recommendations in relation to the authority's ability to handle complaints effectively,".**
- (g) inspect the authority's internal and external audit arrangements, and
- (h) review the financial statements prepared by the authority.
- (g) **Undertake the further functions of the Governance and Audit Committee under Chapter 1 of Part 6 of the Local Government and Elections (Wales) Act 2021 (performance and governance of principal councils)**

Other Functions

The committee will also be responsible for fulfilling the following functions:-

- (i) to promote internal audit, establishing a timetable to conduct review control, develop an anti-fraud culture and review financial operations;
- (ii) to focus the Council's audit resources by agreeing on audit plans and monitoring the provision of audit;
- (iii) to monitor audit performance by ensuring that officers' work is on schedule, that audit reports are produced on time and that they are responded to in the same way, monitoring the completion of the accounts and ensuring action on audit recommendations;
- (iv) to consider observations and concerns on individual services at a county level, on the basis of reports by Council officers, the Audit Commission or the District Auditor and monitor the response and actions on the recommendations and findings.
- (v) Review and scrutinise matters relating to the councils internal operation such as corporate strategies, partnerships, engagement, business transformation and workforce efficiency arrangements and the functions carried out by the Finance Department, Corporate Support Department and Leadership team.