

THE COUNCIL THURSDAY, 19 DECEMBER 2019

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

**Councillors:** Menna Baines, Freya Bentham, Dylan Bullard, Stephen Churchman, Steve Collings, Annwen Daniels, R. Glyn Daniels, Elwyn Edwards, Alan Jones Evans, Aled Evans, Dylan Fernley, Peter Antony Garlick, Selwyn Griffiths, Alwyn Gruffydd, Annwen Hughes, John Brynmor Hughes, Judith Humphreys, Aled Wyn Jones, Anne Lloyd Jones, Berwyn Parry Jones, Elin Walker Jones, Elwyn Jones, Eric Merfyn Jones, Gareth Jones, Keith Jones, Kevin Morris Jones, Sion Jones, Eryl Jones-Williams, Cai Larsen, Dilwyn Lloyd, Dafydd Meurig, Dilwyn Morgan, Dafydd Owen, Dewi Owen, W. Roy Owen, Jason Parry, Rheinalt Puw, Peter Read, Dewi Wyn Roberts, Elfed P. Roberts, Gareth A. Roberts, John Pughe Roberts, Mair Rowlands, Paul Rowlinson, Angela Russell, Dyfrig Siencyn, Ioan Thomas, Hefin Underwood, Catrin Wager, Cemlyn Williams, Eirwyn Williams, Gareth Williams, Gruffydd Williams and Owain Williams.

**Also in attendance:** Dilwyn Williams (Chief Executive), Iwan Evans (Head of Legal Services / Monitoring Officer), Geraint Owen (Head of Corporate Support Department / Head of Democracy Service), Rhun ap Gareth (Senior Solicitor / Deputy Monitoring Officer), Dewi Morgan (Assistant Head of Finance – Revenue and Risk), Vera Jones (Democracy and Language Service Manager) and Eirian Roberts (Democratic Services Officer).

**1. APOLOGIES**

Councillors Craig ab Iago, Anwen Davies, Gareth Griffith, Louise Hughes, R. Medwyn Hughes, Aeron M. Jones, Charles Wyn Jones, Huw Wyn Jones, Linda A. W. Jones, Linda Morgan, Nigel Pickavance, W. Gareth Roberts, Mike Stevens, Gareth Thomas, Elfed Williams and Gethin Glyn Williams.

**2. MINUTES**

The Chair signed the minutes of the previous meeting of the Council held on 3 October 2019 as a true record.

**3. DECLARATION OF PERSONAL INTEREST**

Members had received a briefing note from the Monitoring Officer in advance regarding item 8 - Council Tax Reduction Scheme 2020/21, and Item 9 - Council Tax: Discretionary powers to allow discounts and / or raise a premium 2020/21.

- (1) Councillor Stephen Churchman declared a personal interest in item 8 on the agenda - Council Tax Reduction Scheme 2020/21 - because his home benefited from the scheme due to the family income.

The member was not of the opinion that it was a prejudicial interest, and he did not withdraw from the meeting during the discussion on the item.

- (2) The following members declared a personal interest in item 9 on the agenda - Council Tax Discretionary powers to allow discounts and / or raise a premium 2020/21:

- Councillor Menna Baines – as she was a joint owner of an empty property.
- Councillor Alwyn Gruffydd – as he owned an empty property.

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- Councillor Peredur Jenkins – because he rented out two properties.
- Councillor Aled Wyn Jones – because a close relative had a second home in Caernarfon.
- Councillor Dewi Wyn Roberts – as he had a close connection with a second home owner in Gwynedd.
- Councillor Angela Russell – because she worked for people who owned second homes.

The members were of the opinion that they were prejudicial interests, and they withdrew from the meeting during the discussion on the item.

- (3) Rhun ap Iaroh (Senior Solicitor / Deputy Monitoring Officer) declared a personal interest in item 9 on the agenda - Council Tax: Discretionary Powers To Allow Discounts and / or Raise a Premium 2020/21, because his sister owned a second home in Gwynedd and paid a premium.

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

#### 4. THE CHAIR'S ANNOUNCEMENTS

The following were congratulated: Emma Quaeck and the DementiaGO team for being recognised in the Dementia Friendly Awards in London in November. Although they did not win the main award, it was an amazing achievement for them to reach the finals out of over 400 nominations.

Congratulations were also extended to our Members of Parliament for being re-elected in the recent general election.

Best wishes were extended Dafydd Edwards, Head of Finance Department, following his recent ill-health.

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

None to note.

#### 6. URGENT ITEMS

##### Absence of a member of the Council

This item was not included on the agenda; however, the Chair agreed that it could be discussed as an urgent item under Section 100B(4)(b) of the Local Government Act 1972 as the six-month succession period from the member's previous attendance date at a meeting of the authority would end on 15 January 2020, and there was no certainty that he could attend any meetings of the authority before then.

The Monitoring Officer explained that:

- Section 85 of the Local Government Act 1972 noted that if a member of the local authority was unable to attend any meeting of the authority for a successive six-month period from the date of his/her last attendance, the member would cease being a member of the authority.
- That the only exception to this was that the authority approved the absence.
- Councillor Nigel Pickavance had intended to attend this meeting of the Council; however, as he had been taken ill and had received medical advice not to come into contact with people, he was unable to attend.
- As the six-month succession period from the member's previous attendance date at a meeting of the authority would end on 15 January 2020, and as there

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was no certainty that he could attend any meetings of the authority before then, this meeting of the Council would have to deal with the situation.

- That he recommended that the Council approved an extension, due to the member's ill-health, until 31 March 2020 only.

**RESOLVED to approve the absence of Councillor Nigel Pickavance from meetings of the Council due to ill-health, until 31 March 2020, in accordance with Section 85 of the Local Government Act 1972, enabling him to continue to be a member of Gwynedd Council.**

### 7. QUESTIONS

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

#### (1) Question from Councillor Elin Walker Jones

"Gwynedd Consultancy often deals with high profile matters, and the work in Fairbourne is no exception. Fairbourne has received a great deal of attention in the press over the past months. As you are aware, the village is facing a threat because of matters relating to floods and climate change, which has led to a rise in sea levels. However, coastal defence work is only one element of the Consultancy's work. I wonder whether the Cabinet Member, Councillor Catrin Wager, could give us a taste of the work of the Consultancy?"

#### **Response from the Cabinet Member for Highways and Municipal, Councillor Catrin Wager.**

"Thank you very much to Councillor Elin Walker Jones for drawing attention to the work of the Consultancy, which is extremely important work. Very simply, I would say that there are two elements to the work of the Consultancy. The commercial work that the Consultancy undertakes is one element, which is the engineering work, where they work on contracts for external clients, including other councils, as well as carrying out work for Gwynedd Council. However, the other element of the work is to undertake our statutory flood duties within the Council, and I believe that you are specifically referring to this in your question. This is clearly an extremely important field, and I am glad to report that the Consultancy is undertaking quite pioneering work in the field. E.g. they have been working on projects of examining floods, not as an event in the location where it happens, but looking at the whole catchment area, and looking at how water flows and how we prevent the flow to ensure that our communities remain safe. There are two projects currently in the pipeline which relates to this type of work, in Gwyrfai and Ogwen. We are also obviously examining floods from the sea, and Gwynedd has a very long coastline, therefore this work is important as a large number of residents in our communities live along this coastline. The challenges we face in terms of climate change means that, even if we went down to zero carbon tomorrow, the sea levels will continue to rise. Therefore, it is very important that we begin to plan now for this rise in sea levels. And this is the work that the Consultancy does. They have been identifying communities that will face challenges, attempting to contact them and plan for the future of these communities. Therefore, very briefly, the work of the Consultancy is extremely important and we are attempting to look into the future and ensure that the residents of Gwynedd face at little risk as possible for the future."

#### **Supplementary Question from Councillor Elin Walker Jones**

"Can you give us an update on what exactly is going on in Bangor?"

**Response from the Cabinet Member for Highways and Municipal, Councillor Catrin Wager.**

"Bangor is a community where the Consultancy has been working on a defences project in Hirael. They have already drawn up a long list of potential solutions for Bangor in future. This has gone out to public consultation, and we have now reached the point where we will be drawing up a short-list, where there will be a consultation on it once it is ready. Therefore, I hope that you will be part of this discussion."

**(2) Question from Councillor Aeron Maldwyn Jones**

In the absence of Councillor Aeron Maldwyn Jones, due to ill-health, the question was asked by Councillor Alwyn Gruffydd, who also took the opportunity to wish the member a full and speedy recovery.

"With the current mess within the Betsi Cadwaladr Board with regard to a shortage of doctors, nurses and general practitioners, may I ask the Portfolio Leader for Social Services what impact this will have on the most vulnerable residents in Gwynedd?"

**Response from the Cabinet Member for Adults, Health and Well-being, Councillor Dafydd Meurig:**

"I would also like to express my best wishes to Councillor Aeron Maldwyn Jones. Yes, it is a timely question with regard to the fact that Betsi Cadwaladr is in special measures. And, in reality, as you can see from the written response, this is the situation. Betsi Cadwaladr is not accountable to the Council and, currently, as it is in special measures, it is reporting directly to the Minister in Welsh Government. Therefore, we as a Council do not come across their measures or results, and we do not know exactly what is going on. However, I can assure you, on a Betsi Cadwaladr Western divisional level that we as Gwynedd and Anglesey Councils are working very closely with them to provide services of the highest quality in the region but in terms of Betsi Cadwaladr as a whole, I cannot respond on its behalf."

Councillor Alwyn Gruffydd noted his desire to ask a supplementary question on behalf of Councillor Aeron Maldwyn Jones, however the Monitoring Officer explained that there was no provision for a supplementary question unless the member himself was present.

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

The Cabinet Member for Finance, Councillor Ioan Thomas, submitted a report asking the Council to confirm the continuation of the current Local Scheme to provide assistance towards paying the Council Tax for the year commencing 1 April 2020.

**RESOLVED**

- (a) To continue the Council's Local Scheme for the year commencing 1 April 2020 as it was in 2019/20. Therefore the following conditions (i - iii below) regarding the continuation of the discretionary elements will apply:**
- (i) To implement a 100% disregard for war disablement pensions, and war widow pensions for both pensioners and working age claimants.**
  - (ii) Not to increase the extended reduction periods for pensioners and working age claimants from the standard four weeks in the Prescribed Scheme.**

(iii) **Not to increase the backdate period for pensioners and working age claimants from the standard three months contained within the Prescribed Scheme.**

(b) **Where appropriate, to delegate powers to the Head of Finance Department, in consultation with the Cabinet Member for Finance, to make minor amendments to the scheme for 2020/21, provided that it will not change the substance of the scheme.**

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

The Cabinet Member for Finance, Councillor Ioan Thomas, presented a report asking the Council for formal confirmation for 2020/21, of the previous decisions not to give discounts to second homes and not to give discounts on empty properties, and to raise a premium of 50% on such relevant properties.

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

- That a gap in the legislation meant that the owner of an empty property could state that the property was for sale in order to avoid paying the premium.
- That people were suffering, because it could take a year or longer to restore an old house, and it was asked whether the Council had looked into each case and allowed exceptions in special circumstances. To this end, an amendment was proposed and seconded to add a clause to the recommendation in the report, namely to request that the Cabinet looked at flexibility to consider a policy for a financial discount or aid for the owners of empty properties when the work of restoring them took longer than six months. As the Cabinet Member agreed to accept the amendment, he changed his proposal to this end, and the Council, without any discussion, showed its satisfaction with this tail to the proposal.
- That there was a need for a system that rewarded, and not penalised, landlords who invested in their properties.
- That there were three companies in Abersoch that advised people to convert houses into AirBnBs, without any type of planning control, and that the transfer of those houses from the Council Tax list to the Non-domestic Rates register meant that the Council was losing more money.
- That the members should receive updates on the number of houses that transferred to the Non-domestic Rates register.

In response to some of the above observations, and to questions asked, it was noted:

- That the regulations stated that an empty property that was for sale for a reasonable price was exempt from paying the premium for a year from the date it was placed on the market.
- That individual circumstances, where substantial work was required on a house, could be dealt with through another part of the legislation, and the Cabinet could look at suitable policies, in accordance with what was proposed as an amendment.
- That members and officers were still corresponding regularly with Welsh Government ministers and officers to press for change in the system which allowed properties used as self-serviced holiday units to be taxed through the Non-domiciliary Tax system, rather than the Council Tax system. There were many complexities with the planning system and the Council Tax system; however, with the support of the Welsh Local Government Association, the councils were attempting to negotiate a way forward. Therefore, it was suggested that the members let the officers continue to follow this route for the time being, and in due course to report back on the progress with the work.

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- Although the Council was losing money with each house that transferred to the Non-domestic Rates register, the premium for the houses that were still under Council Tax generated approximately £2.5m income per year for the Council, and the intention was to ultimately invest this funding in housing for local people. The current system was that people who were able to afford to pay for holiday homes were paying slightly more so that the Council could compensate for the fact that so many houses in Gwynedd were being converted into holiday homes. The income generated from the premium would not close the gap entirely, of course, but the whole idea was that the Council could use the premium to do something about the housing situation. The Head of Housing and Property Department was already in the process of drawing up a strategy to start addressing the problem, and a two-year resource had been harvested by the Council. A further report on this could be presented to the Audit and Governance Committee should members wish to receive more information.

### RESOLVED

(a) **RESOLVED** that the Council makes no changes to the scheme for 2020/21.

That is, for 2020/21:

- That Gwynedd Council allows **NO** discount on class A second homes in accordance with Section 12 of the Local Government Finance Act 1992.
  - That Gwynedd Council allows **NO** discount and **RAISES A PREMIUM OF 50%** on class B second homes in accordance with Section 12B of the Local Government Finance Act 1992.
  - That Gwynedd Council allows **NO** discount on homes that have been empty for 6 months or more and **RAISES A PREMIUM OF 50%** on homes that have been empty for 12 months or more in accordance with Section 12A of the Local Government Finance Act 1992.
- (b) To request that the Cabinet looked at flexibility to consider a policy for a financial discount or aid for the owners of empty properties when the work of restoring them took longer than six months.

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

The Leader, Councillor Dyfrig Siencyn, submitted a report that had been considered by the Cabinet at its meeting on 17 December 2019, seeking approval to the draft response which had been prepared on behalf of the Council to the Consultation on the Local Government and Elections (Wales) Bill - November 2019.

It was noted that the Cabinet had approved the draft response to be submitted to the Full Council for approval.

During the discussion the following matters were raised by individual members:

- There was agreement with the observation that another tier of government was unnecessary, and that voluntary collaboration was the way forward.
- It was noted that the second bullet point in the box "PART 1 - ELECTIONS" in paragraph 11 of the response was vague, as it firstly referred to supporting the concept of using a single transferable voting system, however it then stated that this Council preferred one-member wards. To this end, it was suggested that this paragraph be amended to note that the Council supported the concept of using a single transferable voting system; however, if the first past the post system was kept, that the Council supported one-member wards as this provided the strongest connection with the community. In response, it was noted that the message transferred to the Boundary Commission was that this Council preferred one-member wards. Should the voting method continue as it was, this is what the Council would support, and the response could be amended to reflect this.

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- It was noted that the Council was still awaiting to hear back from the Boundary Commission after submitting the response to its proposals, and there remained a lack of clarity in relation to the Bangor wards and some areas of the Llŷn Peninsula. In response, it was noted that the matter was still in the hands of the Minister. It was also explained that if the Bill was legislated upon before the next County Council elections, and consequently the number of voters increased to include young people aged 16 and 17, this could change, regardless of the considerations of the Boundary Commission. It was further noted that the Bill provided for one-member wards, and should this be legislated upon, it was likely that the proposals of the Commission would need to be revisited, as they included two-member wards and were therefore not in-keeping with the Act. On this basis, it was not believed that any benefit would come from requesting an early decision from the Minister on the response to the Commission's proposals, because the new legislation, in due course, could overturn some of the issues that the Council did not agree with in the proposals of the Boundary Commission. It was further noted that it was technically possible to have a single transferable voting system in one-member wards as well, although this would not fulfil the aim of the system, namely to reflect the percentage of people who voted for each party.
- It was noted that a single transferable voting system in one-member system would not be particularly contributory, and 3-4 member wards would be required for it to be truly contributory. In response, it was explained that the single transferable voting system in one-member wards ultimately ensured that the majority of the constituents in that ward supported the person being elected. However, it was acknowledged that if a party gained a particular percentage of the vote throughout the whole of Gwynedd, this would not ensure that they had the same percentage of seats on the Council. For this to happen, multi-member wards would be required. It was suggested that this needed to be examined further, and to amend it if required in order to ensure consistency in the responses.
- Support was expressed to the draft response, subject to the advice given as this affected various wards in various areas.
- It was suggested that larger sized wards were required, with a higher salary so that people would fulfil the work on a full-time basis.

### **RESOLVED**

**(a) To approve the draft response to the consultation on the Bill.**

**(b) To delegate the right to the Leader to respond on behalf of the Council, and adapt the draft document to reflect the observations of the Council.**

## **11. CLIMATE CHANGE EMERGENCY PLAN**

The Leader, Councillor Dyfrig Siencyn, submitted a report which noted the steps taken by the Council thus far in response to the proposal considered in the meeting of the Council on 7 March 2018, with regard to climate change.

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

- That the Council could do small things to help the situation, such as ensure that resources were available to charge electric cars in the Council's car parks, and progress with Active Travel in order to enable people to cycle to work safely.
- Members of all political groups should be part of the taskforce set up by the Cabinet to consider what further work needed to be done in order to achieve the aim of ensuring a zero-carbon county.
- A cycle track should be created alongside each new road constructed. Solar panels should be placed on all new houses that were constructed, as well as a system to reuse rainwater.

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- That Greta Thunberg, the young girl from Sweden, had brought all of this to a worldwide platform and, although the population of Wales was only 3 million and the world population was approximately 7 billion, there were small things that could be done here in Wales and in Gwynedd, e.g. plant more trees and install more solar panels, where it would not impact the landscape.
- That this was a very good plan and that the Council needed to be very ambitious in this field, as climate change would impact the future of our young people.

In response to some of the above observations, and to questions asked, it was noted:

- That the Council intended to invest £465,000 in installing 84 vehicle charging points across the county, but that there were some difficulties with the grid. Discussions were already ongoing with regard to this, and it was important that the discussions continued. It was also good to hear that the Government had allocated funding in its draft budget for climate change matters and, although the investment was possibly not sufficient, it was at least a step in the right direction.
- That the taskforce set up by the Cabinet would consult in full with every member of the Council on their action plan so that everyone could take part in the discussion and put proposals forward. Everyone who had already proposed ideas were thanked.
- That there was reference to statutory matters such as the need for new houses to meet the highest possible energy efficiency standards in the template in Appendix 1 of the report. The requirements of the existing building regulations were quite high, however they should be revisited to examine whether they went far enough. However, it was important to bear in mind that there was an additional cost associated with these matters.
- It was hoped that it would be possible to work with the private sector across all aspects of the work, bearing in mind that the private sector was ahead of the public sector with regard to this.
- That ensuring national guidance was crucial to realise the aim.

**RESOLVED to accept the report noting the steps taken thus far, and the future intentions.**

### **12. A REVIEW OF SCRUTINY ARRANGEMENTS**

The Chair of the Audit and Governance Committee, Councillor John Brynmor Hughes, submitted a report asking the Council to:

- Pay attention to the content of the report on a review of scrutiny arrangements submitted to the Audit and Governance Committee on 28 November in order to understand the reasons for reviewing our existing scrutiny arrangements, the considerations when reviewing, the original options by the working group that carried out the review, the thorough consultation that had taken place and the final options considered.
- Accept the recommendation of the Audit and Governance Committee to continue with the current arrangements, namely Option 1, three scrutiny committees, with Housing and Property Department matters to be scrutinised by the Care Scrutiny Committee.

In response to an enquiry by a member, it was confirmed that by choosing Option 1, the number of members on the individual scrutiny committees would remain at 18.

It was noted that the three existing scrutiny committees made very important decisions that affected the lives of the people of Gwynedd; however, they often did not have enough time to scrutinise these matters thoroughly. On the other hand, the task groups provided the opportunity to fully scrutinise matters, to understand all relevant aspects properly and scrutinise thoroughly, and to come to meaningful conclusions. On this



basis, an amendment was proposed and seconded to choose Option 2, namely One Principal Committee, that would manage all Council scrutiny work, with a vast proportion of the scrutiny work being completed through investigations or task and finish groups, and reviewing the process after a period of time.

A vote was taken on the amendment (Option 2) and it fell.

A vote was taken on the original proposal (Option 1) and it was carried.

**RESOLVED**

**(a) To continue with the current arrangements - Option 1, namely three scrutiny committees, with Housing and Property Department matters to be scrutinised by the Care Scrutiny Committee in accordance with the recommendation of the Audit and Governance Committee.**

**(b) To adopt minor amendments to the Constitution as noted in Appendix 1 of the report at the recommendation of the Monitoring Officer.**

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

The Monitoring Officer submitted a report noting that the membership term of two independent members on the Standards Committee, namely Einir Young and Margaret E. Jones, had ended, and recommended that the Council re-appointed them for one further successive period of no more than four years, as authorised by the Standards Committees (Wales) Regulations 2001.

Both members were thanked for their work on the committee.

**RESOLVED to re-appoint Einir Young and Margaret E. Jones as independent members of the Standards Committee to serve for a further four-year term.**

**14. NOTICES OF MOTION**

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

**“This Council notes:**

**- That the annexation of territories by the occupying power is strictly forbidden under international law, and so would constitute a war crime.**

**- That annexing the Palestinian Territories would derail any future chances for a peaceful 'Two State Solution' by permanently encircling the remaining territories in the West Bank.**

**- That the Palestinian right to self-determination in their own country has been asserted by numerous UN resolutions that have been ignored by Israel.**

**- That the State of Israel must end its occupation of the Palestinian Territories, in-line with UN resolutions, and allow for the creation of a Palestinian state in order to avoid creating a 21st century apartheid.**

**The Council:**

**- Acknowledges that continuing to occupy Palestinian Territories is unlawful.**

**This Council calls on:**

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**- The Westminster and Welsh Assembly Governments to fully recognise the right of the Palestinians to have their own state.**

**- The International community to put diplomatic pressure on the State of Israel to end its illegal occupation and not to annex further territory.”**

**RESOLVED to adopt the motion.**

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

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

**RESOLVED to adopt the motion.**

The meeting commenced at 1.00 pm and concluded at 2.40 pm

**CHAIRMAN**