

---

# THE COUNCIL, 22/05/08

---

**Present:** Councillor Evie Morgan Jones (Chair)  
Councillor Anne Lloyd Jones (Vice-chair)

**Councillors:** R Anderson, S W Churchman, Anwen Davies, E T Dogan, Dyfed Edwards, Dylan Edwards, Elwyn Edwards, Huw Edwards, Trevor Edwards, T G Ellis, Alun Wyn Evans, Jean Forsyth, Simon Glyn, K Greenly-Jones, Gwen Griffith, Margaret Griffith, Selwyn Griffiths, Alwyn Gruffydd, Siân Gwenllian, Christopher Hughes, Huw Price Hughes, Louise Hughes, Sylvia Humphreys, O P Huws, Aeron M Jones, Anne Lloyd Jones, Brian Jones, Charles Jones, Dai Rees Jones, Dyfrig Wynn Jones, Eric Merfyn Jones, John Gwilym Jones, J R Jones, John Wynn Jones, Linda Wyn Jones, R L Jones, Eryl Jones-Williams, P.G.Larsen, Dewi Lewis, Dewi Llewelyn, Dilwyn Lloyd, June Marshall, Keith Marshall, J W Meredith, Llinos Merks, Linda Morgan, Dewi Owen, W.Roy Owen, W Tudor Owen, Arwel Pierce, Peter Read, Dafydd W Roberts, Caerwyn Roberts, Glyn Roberts, Gwilym Euros Roberts, Ieuan Roberts, John Pughe Roberts, Liz Saville Roberts, Siôn Selwyn Roberts, Trevor Roberts, W Gareth Roberts, Dyfrig Siencyn, Ioan Thomas, Guto Rhys Tomos, Ann Williams, Gethin Glyn Williams, Gwilym Williams, J.W.Williams Owain Williams, R H Wyn Williams and Robert J Wright.

**Also present:** Harry Thomas (Chief Executive), D P Lewis (Strategic Director - Care), Dewi V Rowlands (Strategic Director - Environment), Dafydd Edwards (Head of Finance), Dilys Phillips (Monitoring Officer/Head of Administration and Public Protection), Geraint George (Head of Policy and Performance), Gareth Wyn Jones (Senior Legal and Administrative Manager), Arwel Ellis Jones (Senior Manager - Policy and Operational), Aled Davies (Head of Planning and Transport), Huw Williams (Head of Gwynedd Consultancy) and Eleri Parry (Senior Committee Officer)

**Apologies:** Councillors Alan Jones Evans and W Penri Jones

## 1 PRAYER

The meeting was opened with a prayer by Councillor Huw Edwards

The prayer was followed with an address from the 2007/08 Chair.

## 2 CHAIR

Councillor Evie Morgan Jones was elected Chair for 2008/2009.

Councillor Evie Morgan Jones signed a declaration accepting the office of Gwynedd Council Chair for 2008/2009.

## 3 VICE-CHAIR

Councillor Anne Lloyd Jones was elected Vice-chair 2008/2009.

Councillor Anne Lloyd Jones signed a declaration accepting the office of Gwynedd Council Vice-chair for 2008/2009.

#### **4 MINUTES**

The Chairman signed the minutes of the previous Council meeting held on 2008 February as a true record.

#### **5 DECLARATION OF PERSONAL INTEREST**

The following declared a personal interest in the following items due to the reasons noted and they withdrew from the chamber during the discussion thereon:-

- (i) Councillor Brian Jones in the item on Appointment of Members to the Standards Committee since he worked closely with the members nominated for re-election as independent members on the Standards Committee.
- (ii) Councillor Len Jones in the item on Appointment of Members to the Standards Committee since he knew one of the members nominated for re-election as an independent member on the Standards Committee.

#### **6 CHAIRMAN'S ANNOUNCEMENTS**

- (i) Sympathy was extended to the following in their bereavement:-

- The family of Councillor Ernest Williams. Councillor Ernest Williams joined the former Ffestiniog Civic Council when he was only twenty one years old and was later a member and Chair of Ffestiniog Town Council. Over the years he was a Member of Meirionnydd District Council and Chair of that Council during 1993/94. He was the current Chairman of the Labour Group on Gwynedd Council. He had no difficulty working with members of other groups on the Council and his ability, his commitment and affability was respected by all.
- The family of former Councillor R O Lewis, Tywyn. Former Councillor Richard Owen Lewis saw a long career as a member of the former Meirionnydd District Council and this Council – he was Chair of the Meirionnydd Council in 1976/77 – the fact that he went to the Chair only a few years after establishing the Council in 1974 was a reflection on his success as a politician.

His daughter Anne Lloyd-Jones was, by now, Vice-chair of the Council and sympathy was extended to her and the family in their loss.

- The family of Iona Banks – one of the characters of the Welsh soap opera 'Pobol y Cwm', a member of Theatr Cymru and a very popular actress.

Sympathy was also expressed with everybody else who had recently lost loved ones and the Council stood in silence as a mark of respect and sympathy.

#### **7 PRESENTATION BY THE NORTH WALES FIRE AND RESCUE AUTHORITY**

Colin Hanks, North Wales Deputy Chief Fire Officer, Richard Fairhead, Senior Fire Safety Officer, Terry Williams and Gareth Pritchard from the North Wales Fire and Rescue Authority were welcomed to the Council.

A presentation was given by Richard Fairhead on domestic accidental deaths caused by fire in North Wales.

The officer reported that the average number of deaths due to accidental fires was high in North Wales, compared with the rest of England and Wales and he expanded on the recent work undertaken by the Authority to seek to improve an understanding of the situation and reduce the number of deaths.

He explained that there was a number of contributory factors common to the majority of the deaths, that the majority of the individuals were known to other agencies and he emphasised that collaboration between agencies needed to be promoted in order to identify and assist individuals who were most liable to harm.

He expanded on various activities to identify and assist individuals who were most liable to harm.

Members were given an opportunity to ask questions and he was thanked by the Council Chair.

## **8 COUNCIL LEADER**

Councillor Dyfed Edwards was appointed Council Leader.

The new Leader gave a short address.

## **9 POLITICAL BALANCE**

Submitted – the report of the Head of Administration and Public Protection on the political balance of the Council and associated issues.

Reported

- (i) that the Council was required to ensure that its various procedures reflected the strengths of the various political groups on the Council, namely the constitution of its committees, its representation on the Snowdonia National Park Authority and the North Wales Fire and Rescue Authority, the allocation of chairmanships and vice-chairmanships of its committees as well as of the political assistance and the split in the assistants' hours.
- (ii) that these matters needed to be dealt with individually.

### **(A) Allocation of seats on Council committees and representation on the Snowdonia National Park Authority and the North Wales Fire and Rescue Authority**

The Business Group agreed to the allocation of seats on the Council's committees and the representation on the specific external bodies.

However, although the allocation was in accordance with the spirit of the legislation, since the arrangements did not mathematically reflect the Council's political balance, the Monitoring Officer explained that if the Council was to accept the allocation there had to be an unanimous decision in favour of the arrangements with no-one voting against – in order to prevent any challenge from the outside. If a member were to vote against the arrangements, she explained that the leaders would have to go back to the drawing board and allocate seats mathematically from anew.

**RESOLVED unanimously to:-**

- (i) **allocate seats on the Council's committees in accordance with the Head of Service's report (as noted in the table in paragraph (ii) of the resolution).**
- (ii) **allocate representation on the Snowdonia National Park Authority and the North Wales Fire and Rescue Authority in accordance with the Head of Service's report (as noted in the table in paragraph (vi) of the resolution)**

**(B) Political assistance and split in the assistants' hours**

It was noted that the Business Group agreed to the proposed arrangements.

**(C) Committee chairmanships and vice-chairmanships**

The Business Group agreed to the allocation of the majority of the chairmanships and vice-chairmanships. There was, however, no agreement on the chairmanship of the Children and Young People Scrutiny Committee, the Central Planning Committee and the Dwyfor Area Committee. Consequently, it was not possible to allocate the chairmanship of the Resources and Corporate Scrutiny Committee, the Employment Appeals Committee or the Meirionnydd Area Committee either and it was explained that the Council needed to decide on the allocations.

**The Chairmanship of Children and Young People**

The allocation of the chairmanship of the Children and Young People Scrutiny Committee to the Plaid Cymru group was proposed and seconded.

An amendment to allocate the chairmanship to the Llais Gwynedd group was proposed and seconded.

The amendment collapsed.

A vote was taken and the original proposal to allocate the chairmanship of the Children and Young People Scrutiny Committee to the Plaid Cymru group was carried.

**The Chairmanship of the Central Planning Committee**

The allocation of the chairmanship of the Central Planning Committee to the Plaid Cymru group was proposed and seconded.

An amendment to allocate the chairmanship to the Llais Gwynedd group was proposed and seconded.

The amendment collapsed.

A vote was taken and the original proposal to allocate the chairmanship of the Central Planning Committee to the Plaid Cymru group was carried.

**Dwyfor Area Committee**

The allocation of the chairmanship of the Dwyfor Area Committee to the Plaid Cymru group was proposed and seconded.

An amendment to allocate the chairmanship to the Llais Gwynedd group was proposed

and seconded.

The amendment collapsed.

A vote was taken and the original proposal to allocate the chairmanship of the Dwyfor Area Committee to the Plaid Cymru group was carried.

### **Resources and Corporate Scrutiny Committee, Employment Appeals Committee and the Meirionnydd Area Committee**

The allocation of the chairmanships of the Resources and Corporate Scrutiny Committee, the Employment Appeals Committee and the Meirionnydd Area Committee to the Llais Gwynedd Group was proposed, seconded and carried.

The chairmanships to which there was no previous agreement were to be allocated to the groups as follows:-

<b>Committee</b>	<b>Chairmanship</b>
Children and Young People	Plaid Cymru
Central Planning	Plaid Cymru
Dwyfor Area	Plaid Cymru
Resources and Corporate	Llais Gwynedd
Employment Appeals	Llais Gwynedd
Meirionnydd Area	Llais Gwynedd

**RESOLVED unanimously to allocate the list of the chairmanships and vice-chairmanships of the main committees in accordance with the table in resolution (iii) below.**

It was further reported that

- (i) an election had not been held in the Bowydd and Rhiw Ward on 1 May 2008 due to the sudden death of former Councillor Ernest Williams. A by-election would be held in the ward on 5 June 2008, and the Council's political balance would be reviewed following the receipt of the by-election results.
- (ii) It would be the Council itself appointing to the Council Board but since there had been no time for the groups to submit their nominations, power was sought for the Monitoring Officer to make the appointments based on the Council's political balance.

### **RESOLVED**

- (i) **To note and accept the Council amended political balance as follows :-**

Plaid Cymru	35
Independent	18
Llais Gwynedd	12
Liberal Democrats	5
Labour	4
- (ii) **To unanimously adopt the allocation of seats on the Council committees in accordance with the tables below:-**

## COUNCIL BOARD AND PRINCIPAL SCRUTINY COMMITTEE

	Plaid Cymru	Independent	Llais Gwynedd	Liberal Democrats	Labour
Council Board	7	4	2	1	1
Development (Principal Scrutiny Committee)	7	3	3	1	1

## OTHER SCRUTINY COMMITTEES

	Plaid Cymru	Independent	Llais Gwynedd	Liberal Democrats	Labour
Resources and Corporate	7	4	3	1	
Environment	7	4	2	1	1
Children and Young People	7	3	3	1	1
Care	7	4	2	1	1

## OTHER COMMITTEES

	Plaid Cymru	Independent	Llais Gwynedd	Liberal Democrats	Labour
Audit	7	4	3		1
Complaints	4	2	1		
Pensions	2	2	1	1	1
Central Planning	5	3	1	1	1
Central Licensing	5	3	2	1	
Local Joint-committee	5	2	2	1	1
SEN Joint-committee	3	1	1	1	1
SACRE	3	2	1	1	
Human Resources	6	2	2	1	
Employment Appeals	4	1	1		1
Charities	4	2	2	1	
Language	3	2	2		
Non-domestic Rates	3	1	1		
Introductory Tenancy	2	1			

- (iii) To unanimously adopt the allocation of chairmanships and vice-chairmanships of the main committees based on political balance in accordance with the tables below:-

	Committees	Chair	Vice-chair
1	Council Board	Plaid Cymru	Plaid Cymru
2	Development (Principal Scrutiny Committee)	Independent	Liberal Democrats
3	Resources and Corporate	Llais Gwynedd	Plaid Cymru
4	Environment	Plaid Cymru	Liberal Democrats
5	Children and Young People	Plaid Cymru	Independent
6	Care	Plaid Cymru	Llais Gwynedd
7	Audit	Independent	Plaid Cymru
8	Complaints	Independent	Plaid Cymru
9	Central Planning	Plaid Cymru	Independent
10	Central Licensing	Plaid Cymru	Independent
11	Pensions	Independent	Labour
12	Human Resources	Plaid Cymru	Independent
13	Employment Appeals	Llais Gwynedd	Plaid Cymru
14	Arfon Area	Labour	Plaid Cymru
15	Dwyfor Area	Plaid Cymru	Llais Gwynedd
16	Meirionnydd Area	Llais Gwynedd	Plaid Cymru

- (iv) to unanimously adopt the allocation of the posts of political assistants in accordance with the Council's political balance:-

- (v) to confirm the political assistants' hours as follows:-

Plaid Cymru - 30 hours  
 Independent - 15 hours  
 Llais Gwynedd - 10 hours

- (vi) to unanimously confirm political balance for external bodies as follows

	Plaid Cymru	Independent	Llais Gwynedd	Liberal Democrats	Labour
Snowdonia National Park	4	2	2	1	
Fire Authority	3	1			1

## 9 THE CODE OF CONDUCT FOR MEMBERS

Submitted – the report of the Monitoring Officer on the New Code of Conduct for the Members of Gwynedd Council.

It was reported that the Local Authorities Order (Model Code of Conduct)(Wales) 2008 issued a new model code of conduct for members. It was required to include everything in the model code, but it was possible to add other provisions provided that they were consistent with the model code.

Consideration was given to the new code from the Council's Standards Committee and it resolved to recommend to the Council to adopt the Model Code, along with other provisions involving the registration of gifts and hospitality.

In response to a member's grave concern that some aspects of the "Prejudicial Interests" could hamper a Councillor's work (e.g. when not representing the Council as a school governor), the Senior Legal and Administrative Manager explained that "Prejudicial Interests" was part of the Model Code and that the Council had to accept them. The members, however, were reminded of their right to make an application to the Standards Committee for dispensation in order to speak and vote on specific matters.

**RESOLVED to adopt the Model Code of Conduct, including the additions recommended by the Standards Committee, as the Gwynedd Council's Code of Conduct for Members.**

## 10 APPOINTMENT OF MEMBERS TO THE STANDARDS COMMITTEE

Submitted – the report of the Monitoring Officer on arrangements for the appointment to the Gwynedd Council Standards Committee.

It was reported that there was a total of eight members on the committee, namely three elected members from Gwynedd Council, one community member and four independent members.

The term of office of the elected members had come to an end with the recent local government elections and they were no longer members of the Council. The term of office of the community member had come to an end, too and according to regulations, it was not possible to appoint him for a further term. Details were given of proposed arrangements for appointing to these posts.

It was explained that the term of two independent members had come to an end, too but that it was possible to re-elect them for a further period of four years.

### **RESOLVED**

- (i) **To approve the arrangements described in the report of the Monitoring Officer for the appointment of elected members and the members of the community committee to the Standards Committee**
- (ii) **To re-elect Mr John Pollard and Mr Malcolm Jones as members of the Standards Committee to serve for a period of four years.**



**11 AMENDMENTS TO THE CONSTITUTION – DELEGATED POWERS**

Submitted – the report of the Head of Administration and Public Protection on amending the Council Constitution.

The Monitoring Officer reported that the Mid Wales Transportation Consortium (TraCC) needed to be added to a list of the Council's Sub-committees and to delegate to it power to act in relation to regional transport plans, along with giving officers power to implement enforcement rights in relation to environment offences and rights in relation to anti-social behaviour.

**RESOLVED**

- (i) **To amend the Delegated Powers Scheme for Committees by adding TraCC to the list of committees and delegate to it the powers noted in Appendix 'A' of the report of the Head of Administration and Public Protection.**
- (ii) **To amend the Delegated Powers Scheme for Officers by adding to the Delegated Powers of the Head of Highways and Municipal, the powers and duties noted in Appendix 'A' of the report of the Head of Administration and Public Protection.**
- (iii) **To amend the Delegated Powers Scheme for Officers by adding to the Delegated Powers of the Strategic Director – Care, the power to give consent under Section 30 of the Anti-social Behaviour Act 2003.**

**12 NOTICES OF MOTION**

- (i) Submitted – the following notice of motion received from Councillor Owain Williams under Procedural Rule no. 13 along with a procedural notice under Procedural Rule 13(12), requesting that the motion be discussed in the Council instead of being referred initially to a committee:-

**RESOLVED to discuss the motion in this meeting.**

The following notice was proposed and seconded:-

**"Because of the strong demands from the local community as well as from businesses in the village, we ask this Council to support the call to incorporate the building of a roundabout beside the proposed by-pass in the village of Clynnog Fawr. There are two factors behind this call :-**

- (a) **The exit as it now stands in the proposed plans out of the village in the direction of Caernarfon would be highly dangerous.**
- (b) **The by-pass will isolate the village because the traffic will speed pass at 60 m.p.h., and more. The consequences of this will mean a big reduction in the number of visitors/motorists that call at the garage/shop. This could lead to closing down the business with a loss of 15 jobs, also losing a necessary service to a large area. It would also be a severe knock to the two hotels and would affect the newly opened History Centre as well as the historic Church.**

**Refusing this call would undermine all the efforts made to rejuvenate the local economy, to improve living standards and aspirations of the residents."**

- (ii) Letters received from local businesses urging the Council to adopt the notice of motion were distributed.
- (iii) Submitted – the written response of the Strategic Director – Environment to the notice of motion.

It was explained that a by-pass was intended to be built to the north-west of Clynnog with two accesses off the by-pass linking the village. There would be an additional carriageway on the highway at the south-western junction (Pwllheli side) to enable vehicles wishing to turn into the village when travelling in the Caernarfon direction to pull in and, thereby, preventing the obstruction of through traffic. The work, which was already under construction and was to be completed in June 2009, would be funded by the Assembly Government through a Transportation Grant at the cost of £20.5 million.

Previous discussions regarding the roundabout in Board and Council meetings were summarised. Reference was made to the long and complex statutory process involved with the scheme and details were given of the implications of changing the scheme.

- (iv) Strong support was expressed for incorporating a roundabout near the by-pass to the village of Clynnog. Many reiterated the concern regarding the safety of the current scheme and noted that a high level of accidents occurred under such circumstances – when cars turned right. They were also of the opinion that a roundabout was a method of controlling and calming traffic in general.

In addition, there was support for the proposal due to economic and social factors. It was noted that villagers had invested in the businesses and it was feared that businesses would dwindle and jobs would disappear.

- (v) The Director further explained that he understood the concerns of the community and businesses regarding the safety element and the effect on businesses. Detailed and careful attention was given to those concerns. There was, however, no justification for changing the scheme.

He detailed the reasons for refusing the proposal.

He reported that the by-pass had been designed to the highest possible national standards – in accordance with the approved guidelines and methodology for such a scheme. There was no evidence to justify changing the scheme. There was an opportunity to influence and intervene during the statutory process but not during the technical process.

In addition, there was no certainty that the scheme would be realised due to the possibility that additional land and planning permission would be needed and there was no certainty that they would be available. Reference was also made to possible delays in following the statutory process and the possibility of having to set a new agreement.

He emphasized that there would be an effective signage scheme on the new road in order to ensure that motorists were given an opportunity to take advantage of the village facilities, services and attractions.

He further explained that the Assembly would not be shouldering the cost of building a roundabout and that it would have to be funded from the Council's budget. He emphasised that the roundabout did not deserve priority over other county schemes which were already in the work programme.

- (vi) The Head of Finance explained that the schemes which were already in the work programme had been successful in the bidding process for capital funding and that the roundabout would be built at the expense of those schemes. He emphasized that funding was scarce and prudence was needed when spending public money.
- (vii) The Chief Executive was encouraging the members to give due attention to the Council officers' professional opinion and it was emphasised that resources needed to be prioritised strategically, giving consideration to any individual bid in the wider context of all the demands on the Council.
- (viii) In closing the discussion, Councillor Owain Williams urged for his proposal to be supported. He emphasised grave concerns regarding the safety of the current scheme. He also noted that the village of Clynnog had seen economic prosperity in recent years and there was great concern locally that the businesses would close with jobs and services disappearing unless a roundabout was built on the by-pass.

In accordance with Procedural Rule 19 (6) the following vote was recorded:-

**For (28)**

Councillors R Anderson, S W Churchman, Anwen Davies, Trevor Edwards, T G Ellis, Jean Forsyth, Simon Glyn, Alwyn Gruffydd, Christopher Hughes, Louise Hughes, Sylvia Humphreys, Aeron M Jones, Eric Merfyn Jones, John Gwilym Jones, J R Jones, Dilwyn Lloyd, Keith Marshall, Llinos Merks, Dewi Owen, Peter Read, Dafydd W Roberts, Gwilym Euros Roberts, Siôn Selwyn Roberts, Guto Rhys Tomos, Gethin Glyn Williams, Gwilym Williams, Owain Williams and Robert J Wright.

**Against (39)**

Councillors E T Dogan, Dyfed Edwards, Dylan Edwards, Elwyn Edwards, Huw Edwards, Alun Wyn Evans, Gwen Griffith, Margaret Griffith, Selwyn Griffiths, Siân Gwenllian, Huw Price Hughes, O P Huws, Anne Lloyd Jones, Brian Jones, Charles Jones, Dai Rees Jones, Dyfrig Wynn Jones, Evie Morgan Jones, John Wynn Jones, Linda Wyn Jones, R L Jones, P.G.Larsen, Dewi Lewis, Dewi Llewelyn, Linda Morgan, W Tudor Owen, Arwel Pierce, Caerwyn Roberts, Glyn Roberts, Ieuan Roberts, John Pughe Roberts, Liz Saville Roberts, Trevor Roberts, W Gareth Roberts, Dyfrig Siencyn, Ioan Thomas, Ann Williams, J. W. Williams and R H Wyn Williams

**Abstentions (3)**

Councillors Eryl Jones-Williams, June Marshall and W Roy Owen

The Chairman reported that the motion had lost.

**RESOLVED not to adopt the motion.**

- (ii) Submitted – a notice of motion received under Procedural Rule no. 13, from fifteen members, under Procedural Rule no. 18(2), along with a procedural notice under Procedural Rule 13(12) requesting that the motion be discussed in the Council instead of being referred to a committee first of all:-

**RESOLVED to discuss the motion in this meeting.**

The following motion was proposed and seconded:-

**“We call on Gwynedd Council to reconsider the Council Board decision of 11 March 2008 in item 11, “Gwynedd Unitary Development Plan – Response to Inspectors report” .**

**Specifically, we call on the Council to amend the Board’s decision to confirm modifications to Policy B10 of the Unitary Development Plan. The effect of the Board’s decision would be that most of the Gwynedd side of the Menai Straits area will no longer be a Landscape Conservation Area. New evidence suggests that the landscape value of this area may be higher than previously thought. We therefore propose that the Council adopts the “precautionary principle” which would retain the LCA designation until a thorough scientific assessment of the landscape value has been carried out”**

Submitted – the written response of the Strategic Director – Environment to the notice of motion.

The Head of Service explained that scientific evidence had not been found to justify acting differently to the original resolution and that the independent Inspector confirmed this view point.

He emphasised that adopting the motion could increase risks to the Council in terms of getting a policy context in place and thereby hampering the exercising of its strategic objectives. It was suggested instead that a landscape assessment be revisited soon in the process of preparing the Local Development Plan.

Following the officer’s response, Councillor June Marshall noted that she did not wish to hamper the Unitary Development Plan’s journey and that she was prepared to consider other methods to alleviate the concerns and protect the area from any unacceptable development through the Local Development Plan process.

With the Council’s agreement she withdrew her motion.

The following new motion was proposed and seconded:-

**“That the Council takes regard of the concerns and strong feelings of the residents of Gwynedd to the proposal that the Gwynedd side of the Menai Straits will lose its designation as a Landscape Conservation Area. In order to respond to these concerns, the Council will act to ensure protection from any unacceptable development in the area through the Local Development Plan by:**

- **Making this area a priority when preparing the Local Development Plan;**
- **Ensuring that sufficient funding is available to carry out a full assessment of the landscape value of this area and by using a robust and approved methodology;**
- **Confirming that there will be full public consultation throughout the process.”**

**RESOLVED to adopt the motion and to authorise the Strategic Director – Environment to act thereon.**

The meeting commenced at 2:00 p.m. and concluded at 5:00p.m.

