



Complete Agenda

Chief Executive's Department
Swyddfa'r Cyngor
CAERNARFON
Gwynedd
LL55 1SH

Meeting

THE COUNCIL

Date and Time

1.00 pm, THURSDAY, 5TH OCTOBER, 2017

*** NOTE**

This meeting will be webcast

<http://www.gwynedd.public-i.tv/core/portal/home>

Location

Siambur Dafydd Orwig, Council Offices, Caernarfon, Gwynedd, LL55 1SH

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(DISTRIBUTED 27/09/17)

**Dilwyn Williams
Chief Executive**

www.gwynedd.llyw.cymru

WEDNESDAY, 27 SEPTEMBER 2017

Dear Councillor,

MEETING OF GWYNEDD COUNCIL – THURSDAY, 5 OCTOBER 2017

YOU ARE HEREBY SUMMONED to attend a meeting of **GWYNEDD COUNCIL** which will be held at **1.00 pm** on **THURSDAY, 5TH OCTOBER, 2017** in **SIAMBR DAFYDD ORWIG, COUNCIL OFFICES, CAERNARFON, GWYNEDD, LL55 1SH, COUNCIL OFFICES, CAERNARFON** to consider the matters mentioned in the following agenda.

Yours faithfully,

A handwritten signature in blue ink, appearing to read 'Dewi Sillan'.

Prif Weithredwr/Chief Executive

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

Plaid Cymru - Siambr Dafydd Orwig
Independent – Siambr Hywel Dda
Llais Annibynnol Gwynedd – Ystafell Daron
Llais Gwynedd – Ystafell Gwyrfai
Liberal-Labour - Ystafell Llyfni

AGENDA

1. APOLOGIES

To receive any apologies for absence

2. MINUTES

5 - 22

The Chairman shall propose that the minutes of the previous meetings of the Council held on 15th June, 2017 and 28th July, 2017 be signed as a true record. (attached)

3. DECLARATION OF PERSONAL INTEREST

To receive any declaration of personal interest.

4. THE CHAIRMAN'S ANNOUNCEMENTS

To receive any Chairman's announcements.

5. CORRESPONDENCE, COMMUNICATIONS OR OTHER BUSINESS

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

6. URGENT ITEMS

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

7. QUESTIONS

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

8. STANDARDS COMMITTEE ANNUAL REPORT

23 - 35

To receive the report of the Chair of the Standards Committee

9. STANDARDS COMMITTEE MEMBERSHIP

36

Appoint Elected Members to the Standards Committee

10. ARRANGEMENTS FOR FUTURE SAVINGS

A Presentation by the Chief Executive

11. ELECTORAL REFORM IN LOCAL GOVERNMENT IN WALES - CONSULTATION RESPONSE

37 - 44

To present the report of the Deputy Leader

12. DISTRICT AUDITOR'S ANNUAL REPORT 45 - 67
Presenting the Welsh Audit Office's Annual Report

13. STRATEGIC SAFEGUARDING PANEL ANNUAL REPORT 68 - 78
To receive the Report of the Cabinet Member for Children and Young People

14. THE COUNCIL'S POLITICAL BALANCE 79 - 81
To receive the report of the Head of Democratic Services

15. LEISURE FACILITIES - ESTABLISHING A COUNCIL CONTROLLED COMPANY 82 - 98

To receive the report of the Cabinet Member for Housing Leisure and Culture

Appendices separate for Committee members only.

The documents are exempt under Paragraphs 14 and 16 of Schedule 12A of The Local Government ACT 1972. (Information relating to financial, business and legal matters).

The front report will be open but the Appendices include information which is commercially and legally sensitive. That is because releasing the full appendices would permit suppliers who are independent of the Council to come to conclusions about the financial performance and management fees of the various delivery models. As a consequence, publication could undermine any future procurement exercise and open the Council to financial risk. It also includes legal advice which is subject to legal privilege.

16. NOTICES OF MOTION

THE COUNCIL, 15.06.17

Present: Councillor Annwen Daniels (Chair);
Councillor Annwen Hughes (Vice-chair).

Councillors: Craig ab Iago, Menna Baines, Freya Hannah Bentham, Dylan Bullard, Stephen Churchman, Steve Collings, R.Glyn Daniels, Anwen Davies, Elwyn Edwards, Aled Evans, Dylan Fernley, Peter Antony Garlick, Simon Glyn, Gareth Wyn Griffith, Selwyn Griffiths, John Brynmor Hughes, Louise Hughes, R.Medwyn Hughes, Judith Humphreys, Nia Jeffreys, Peredur Jenkins, Aeron M.Jones, Aled Wyn Jones, Anne Lloyd Jones, Berwyn Parry Jones, Charles W.Jones, Elin Walker Jones, Elwyn Jones, Eric Merfyn Jones, Huw Wyn Jones, Keith Jones, Kevin Morris Jones, Linda A.W.Jones, Sion Wyn Jones, Eryl Jones-Williams, Cai Larsen, Beth Lawton, Dilwyn Lloyd, Dafydd Meurig, Dilwyn Morgan, Linda Morgan, Dafydd Owen, Dewi Owen, W.Roy Owen, Jason Wayne Parry, Nigel Pickavance, Rheinallt Puw, Peter Read, Dewi Wyn Roberts, John Pughe Roberts, W.Gareth Roberts, Mair Rowlands, Paul Rowlinson, Angela Russell, Dyfrig Siencyn, Gareth Thomas, Ioan Thomas, Catrin Wager, Eirwyn Williams, Elfed Williams, Gareth Williams, Gethin Glyn Williams, Gruffydd Williams and Owain Williams.

Also in attendance: Dilwyn Williams (Chief Executive), Morwena Edwards and Iwan Trefor Jones (Corporate Directors), Dafydd Edwards (Head of Finance Department), Geraint Owen (Head of Corporate Support Department), Iwan Evans (Head of Legal Services / Monitoring Officer), Rhun ap Gareth (Senior Solicitor / Deputy Monitoring Officer), Sion Huws (Senior Solicitor - Corporate), Arwel E. Jones and Janet Roberts (Senior Managers - Corporate Support), Vera Jones (Democracy Manager) and Eirian Roberts (Member Support Officer).

Apologies: Councillors Alan Jones Evans, Alwyn Gruffydd, Sian Wyn Hughes, Edgar Wyn Owen, Elfed P. Roberts, Gareth A.Roberts, Mike Stevens, Hefin Underwood and Cemlyn Williams.

1. MINUTES

The Chair signed the minutes of the Council's Annual Meeting held on 18 May, 2017 as a true record.

2. DECLARATION OF PERSONAL INTEREST

With reference to item 9 on the agenda - Review of Gwynedd Electoral Boundaries, the Monitoring Officer explained that he was not of the opinion that the report represented an interest as it was a consultation on a matter that would not come into force for five years and that any effect was subject to a number of other factors being present.

Councillor Peter Read declared a personal interest in item 19(A) on the agenda – a Notice of Motion by him regarding the distribution of wheelchairs in north Wales as he was a service user.

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.

The following members declared a personal interest in item 19(C) on the agenda – Notice of Motion from Councillor Glyn Daniels regarding the new Blaenau Ffestiniog hospital, for the reasons noted:-

- Councillor Linda Ann Jones as she was a member of the Blaenau Ffestiniog Hospital Defence Committee, representing people with learning disabilities in the Blaenau area.
- Councillor Glyn Daniels as he was a member of the Defence Committee.
- Councillor Gareth Thomas as his company had undertaken work for the Health Board at the beginning of the consultation process.
- Councillor Elin Walker Jones as she was employed by the Health Service.

The members were not of the opinion that they were prejudicial interests, and they did not withdraw from the meeting during the discussion on the item.

3. CHAIR'S ANNOUNCEMENTS

(1) Condolences

Condolences were expressed to Councillor Alwyn Gruffydd on the recent loss of his father. It was noted that Mr E.H.Griffiths had been a very active member of Gwynedd and Dwyfor Councils in his day and Councillor Owain Williams paid tribute to him.

Condolences were also expressed to the family of Irfon Williams of Bangor, a cancer campaigner and founder of the Hwl i Fyw/Fighting Chance campaign.

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

The Council stood as a mark of respect.

(2) Congratulations

Everyone from Gwynedd who had been successful at this year's Urdd Eisteddfod recently was congratulated.

(3) Note

It was noted that the Introduction to the Library Service Pack had been left in the members' pigeon holes and everyone was asked to collect them before leaving at the end of the meeting.

It was explained that, though not every Council member had a library in his/her ward, the service was preparing an on-line digital offer, which was available to Gwynedd residents who had internet access. It was also noted that the service's mobile library visited a great number of rural wards and the Home Service was available to those who were house-bound.

4. URGENT ITEM - MEMBERSHIP OF THE POLICE AND CRIME PANEL

This item had not been 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 because a seat on the Panel had become vacant and that a member of the panel needed to be appointed as soon as possible.

The Chair noted:-

- As reported at the last full Council meeting, that the Council was required to identify one member of the Plaid Cymru Group and one member of the Independent Group to represent the Council on the Police and Crime Panel.
- Further to Councillor Dilwyn Morgan's nomination as a member of the panel, he had resigned from the appointment due to work pressures and, therefore, the Plaid Cymru Group seat on the panel had become vacant.

RESOLVED to nominate Councillor Peter Read (Plaid Cymru) as a member of the Police and Crime Panel for the period until the next local government elections.

5. QUESTIONS

(1) Question by Councillor Aeron Jones

"What does the Council propose to do about the caravans and vans which park overnight on the beaches at Dinas Dinlle, on land at y Foryd, where 'No Overnight Parking' signs have been erected, but are being ignored by visitors?"

Response by the Cabinet Member for Economic Development, Councillor Ioan Thomas (and also on behalf of the Cabinet Member for the Environment, Councillor Dafydd Meurig).

(The Cabinet Member's written response to the original question had been distributed to the members in advance).

"We do not encourage visitors to use these sites for overnight parking. Practically, it is difficult for the Council to take immediate enforcement action to remove vehicles, due to the timescales involved in serving notices, and then presenting an application for a possession order in the local county court.

Supplementary question by Councillor Aeron Jones.

"How much assurance can the Cabinet Member give that the owners of these vans do not pour their chemical toilet waste and waste water in these spots and that they will be penalised for overnight parking in future?"

Response by the Cabinet Member for Economic Development, Councillor Ioan Thomas.

"I will discuss with the Cabinet Member for the Environment and the relevant officers to provide a full answer in due course, but I understand your concerns."

(2) Question from Councillor Sion Jones

"How will the Leader ensure equality and opportunities to work for Gwynedd Council, particularly for women?"

Response by the Leader, Councillor Dyfrig Siencyn.

(The Leader's written response to the original question had been distributed to the members in advance).

"Clearly, everyone is in agreement here that we want to promote equality across either sex or any boundaries or race, etc., and our policies reflect this. The Council is currently undertaking work to seek to identify opportunities to promote the role of women within the Council and, therefore, we are very aware that things need to be improved, as in several fields. The Deputy Leader, who is responsible for equality and human resources, will be involved with this work and will report on progress and the developments with the questionnaires, etc., that we have developed recently. She has also drawn my attention to the cross-party local government commission which looks at the role of women in local government and she will be very eager to contribute to that discussion and to learn from any recommendations it may have."

A supplementary question by Councillor Sion Jones.

"Of the 10 Cabinet Members, how many are men and how many are women?"

Response by the Leader, Councillor Dyfrig Siencyn.

"There is one woman, namely the Deputy Leader, and nine men. I am very pleased of my party's record where women are in question. I have a Deputy Leader who is a woman; we have a female Chair of the Council and a female Vice-chair of the Council. We have a female Assembly Member in Arfon. We have a female Member of Parliament in Dwyfor / Meirionnydd, and not only that, but she is the Leader of Plaid in Westminster. Our party's Leader is a woman. Where is the Labour Party's record compared with Plaid Cymru's excellent record in this field? I am surprised that he is asking the question, but there is a serious aspect to this. Being a Cabinet Member is not easy for everyone. It requires a more-or-less full-time commitment and that, of course, restricts people's ability to commit to the work, particularly women. I am very aware of this from experience in the last term of working with Mandy Williams-Davies, who was a busy mother and worked extremely hard as a Cabinet Member while trying to support her family at the same time. I believe that we do have room to improve, and I look forward to seeing what the findings of the cross-party commission are because I believe that we need to give more support to young families, to young women and indeed to pay people a fair salary for working on the Cabinet, which is also a barrier for people when committing to the Cabinet's work. Therefore, I very much look forward to working with Councillor Sion Jones to develop the role of women in the Council. Of course, he does not have a woman in his group even, so that is a problem for him straight away. We are in agreement that we need to promote the role of women and I commit to doing my best to do so. One step I will be taking will be asking women to shadow some of the Cabinet's work so that we can offer roles to them in the future."

6. GWYNEDD PERFORMANCE REPORT 2016/17

The Leader, Councillor Dyfrig Siencyn, submitted a report which recommended that the Council approved the document as a balanced, fair and accurate reflection of the Council's performance in 2016/17, and to adopt the report.

The Leader thanked the officers that had been involved with the work.

The Leader and relevant officers responded to questions / observations from the members in relation to:-

- The percentage of the Council's procurement expenditure that goes to companies with headquarters in Gwynedd.
- The format and implementation of the Gwynedd Citizens' Panel and focus groups.
- The variances from year to year in the average number of calendar days taken to provide the Disabled Facilities Grant. It was explained that this was an indicator which could be difficult to manage as the work tended to be substantial work which would take time to plan and that delays could also occur. The Leader agreed to scrutinise the situation if the performance was not as good as it had been.
- Concern that work pressures had led to an increase in staff sickness absences. It was noted that, though this Council remained in the highest quartile, this was something to keep an eye on and it was suggested that there was room for a scrutiny committee to look at this also.
- The substantial increase in the investment to the county via projects and the concern that it would not be possible to sustain this level of investment in the future as a result of losing European funding.

RESOLVED to approve the report as a balanced, fair and accurate reflection of the Council's performance in 2016/17, and to adopt the report.

7. REVIEW OF GWYNEDD ELECTORAL BOUNDARIES

The Chair of the Audit and Governance Committee, Councillor R. Medwyn Hughes, submitted a report inviting the Council to submit observations to the Boundary Commission on its review of Gwynedd Council's electoral boundaries.

He also referred to the content of the additional paper distributed to the members which updated the Council on proposals for the Bangor City area and proposals for the Pen Llŷn area following local discussions.

An amendment was proposed and seconded that more consideration should be given to the Pen Llŷn Area and the Bangor Area due to the unique circumstances in those areas, namely the number of taxpayers who lived in some of the areas in Pen Llŷn, many who paid full tax and more; Bangor wards, which had a high number of students which again were not considered in this paper and the Marchog ward, which was a Communities First area, and therefore unique again.

The Chief Executive explained that the timetable did not allow for more consideration of the specific proposals as the Council's response needed to reach the Boundary Commission by the following morning.

In response to an observation that the community councils had not given much response to the review, the Senior Manager - Corporate Support explained that this had been because of the difficulties with the timetable, which bridged the electoral period for those councils, as with this Council. He noted that every community council had received a letter from the Commission and that this Council had contacted community councils in the areas which were specifically affected by the proposals.

In response to the amendment, the Senior Manager - Corporate Support noted that he could include the points regarding the unique situation of the Pen Llŷn and Bangor areas in the letter to the Commission.

It was noted that the Independent Group had submitted some additional observations to its assistant at the group meeting that morning and it was agreed that the Senior Manager - Corporate Support would contact the officer to obtain those observations.

With the Council's agreement, the proposer withdrew his amendment as the substance of the amendment would be incorporated in the Council's response to the review.

RESOLVED

(a) To approve the Audit and Governance Committee's recommendation that no change should be proposed to the following constituencies:-

- **Arfon – Arllechwedd, Bethel, Deiniolen, Dewi (Bangor), Gerlan, Glyder (Bangor), Groeslon, Llanberis, Llanrug, Ogwen, Pentir, Penygroes, Tregarth and Mynydd Llandygai, Waunfawr, Felinheli.**
- **Dwyfor – Abererch, Cricieth, Dolbenmaen, Efail Newydd / Buan, Llanystumdwy, Nefyn, Porthmadog (East), Porthmadog (West), Porthmadog (Tremadog), Pwllheli (South), Pwllheli (North).**
- **Meirionnydd – Aberdyfi, Barmouth, Brithdir and Llanfachreth / Ganllwyd / Llanelltyd, Bowydd and Rhiw, Corris and Mawddwy, Dolgellau (South), Dolgellau (North), Penrhyndeudraeth, Bala.**

(b) To approve the specific proposals recommended by the Audit and Governance Committee (*and highlighted in full in the report - paragraphs 9.1 - 9.9*) in relation to the following constituencies:-

- **Caernarfon Town Area**
- **Ffestiniog Area**
- **Tywyn Area**
- **Trawsfynydd, Harlech, Dyffryn Ardudwy and Llanbedr Area**
- **Llanrug Area**
- **Llanllyfni, Talysarn and Nantlle Area**
- **Clynnog, Trefor and Llithfaen Area**
- **Penllyn Area**
- **Llanegryn, Brynchrug and Friog Area**

(c) To approve the proposals recommended for the Llanwnda, Groeslon and Carmel Area as a result of consultation with the relevant local members (*and highlighted in full in the report - paragraph 8.3*).

(ch) To approve the proposals recommended for the Bangor Area following further discussions with the City Council and Bangor local members, namely:-

- **Pentir, Dewi and Glyder constituencies to remain as they currently are.**
- **Marchog Constituency (1,559) to remain as it currently is including keeping two members due to the size of the ward and also owing to**

the nature of the deprived community which increases the work load of any member representing the constituency.

- Merge the Menai and Garth constituencies (1,439) but again pressing for two members here owing to the workload as a result of the presence of thousands of students in the area and the fact that the University intends to introduce a new system of trying to get more students to vote locally.
- Split the Deiniol ward around Glanrafon and the Cathedral with the north-eastern side of it joining the Hirael ward to create a constituency of approximately 1,200 and the south-western part of it, including Cae Llepa, joining the Hendre ward to create a constituency of approximately 1,250.

(d) To approve the proposals drawn up for the Abersoch, Aberdaron, Botwnnog, Tudweiliog, Morfa Nefyn and Llanbedrog Area as a result of consultation with local members in the Llŷn area, namely:-

- A constituency for the Llanbedrog community extending from Penrhos to the Coed y Fron cross-road, Mynytho, which includes Llanbedrog (768) and Mynytho up to Coed y Fron (approx. 450)(single-member constituency with approximately 1,218 electors).
- Another constituency for the Llanengan community from the Coed y Fron cross-road which will include the rest of Llangian (approx. 53 electors beyond Mynytho), Llanengan (333) and Abersoch (523) as a one-member constituency with approximately 909 electors.
- Merge the constituencies of Aberdaron (733) and Botwnnog (724) to create a new constituency of 1,457 electors (two entire Community Councils).
- Merge the constituencies of Tudweiliog (660) and Morfa Nefyn and Edern (897) to create one new constituency of 1,557 electors (two entire Community Council areas).

(dd) To authorise the officers to submit the proposals, together with the additional points made during the discussion, to strengthen the case for the aforementioned proposals.

8. 2016/17 ANNUAL REPORT OF THE DIRECTOR OF SOCIAL SERVICES

The Statutory Director of Social Services submitted her annual report for 2016/17.

In her presentation, the Director provided an overview of how social services had been provided over the past year and the main priorities for 2017/18. She noted that the report was an attempt to provide an assessment of the effectiveness of social services for adults, children and families in Gwynedd.

She took advantage of the opportunity to thank all staff for their tireless and committed work once again this year. She particularly thanked Marian Parry Hughes (Head of Children and Families Department), Aled Davies (Head of Adults, Health and Well-being Department) and Llinos Edwards (Senior Executive Officer) who had worked closely with her in creating the annual report. She also thanked the members of the Services Scrutiny Committee for their work and constructive observations and the Cabinet Members in the care field, Councillors W.Gareth Roberts and Mair Rowlands for their support over the year. She also noted that she looked forward to working with

Councillor Dilwyn Morgan, who had taken over as portfolio member for children and young people.

The Deputy Leader, Councillor Mair Rowlands, thanked the Director for all her support during her time as Cabinet Member for Children and Young People, and she also thanked all the staff of social services, who carried out very difficult work. She also thanked the foster parents and wished her successor, Councillor Dilwyn Morgan, well as he took over the portfolio.

Following the presentation, the Director responded to questions / observations from members in relation to:-

- The need to create more specific measures for children with autism.
- The importance of early intervention.
- The increase in the number of children coming into care.
- The difficulties in accessing Derwen services.
- The risks which faced the service and the effect of the cuts.
- The importance of respite care.

The Director and her staff were thanked for all their work over the course of the year.

9. SCRUTINY ANNUAL REPORT 2016/17

The Chair of the Scrutiny Forum, Councillor Angela Russell, submitted the Scrutiny annual report for 2016/17. She thanked Councillor Beth Lawton, Chair of the Services Scrutiny Committee and the other scrutiny chairs for their work and noted that it was important that the new committees built on the good work achieved, while doing more advance scrutiny. She also thanked all members of the scrutiny committees over the past five years and Arwel Ellis Jones (Senior Manager - Corporate Support), Vera Jones (Democracy Manager), Gareth James (Member Support and Scrutiny Manager) and the rest of the Member Support Team for all their assistance.

10. APPOINTMENT OF ELECTED AND COMMUNITY MEMBERS TO THE STANDARDS COMMITTEE

The Deputy Leader, Councillor Mair Rowlands, submitted a report on the process of appointing Elected Members and Community Committee Members to the Standards Committee, and invited the Council to accept the recommendation of the Business Group to appoint Councillor Dewi Roberts, Abersoch, as an Elected Member of the Committee. She also noted that two vacancies remained on the committee for elected members.

She also referred to the content of the additional paper distributed to the members which reported on the discussions of the Standards Committee Panel, which had met on 12 June, to interview candidates for the post of Community Committee Member of the Standards Committee. She noted:-

- That interviews had been held by a panel of three Independent Members including the Chair of the Standards Committee.
- That seven Community Councillors, who had been nominated by their councils, had been interviewed.
- Following careful and thorough consideration of all applications, the Panel had decided to recommend appointing Mr Richard Parry Hughes, who had been nominated by Llannor Community Council, to the post.

RESOLVED

- (a) **To appoint Councillor Dewi Roberts, Abersoch, to act as Elected Member of the Standards Committee for the Council term.**
- (b) **To appoint Mr Richard Parry Hughes as a Community Member of the Standards Committee for the term of the Community Council.**

11. APPOINTMENT OF A LAY MEMBER TO THE AUDIT AND GOVERNANCE COMMITTEE

The Chair of the Audit and Governance Committee, Councillor R. Medwyn Hughes, submitted a report on the process of appointing a Lay Member to the Audit and Governance Committee.

He also referred to the content of the additional paper distributed to the members which reported on the discussions of the Panel, which had met on 13 June, to interview candidates for the post. He noted:-

- That interviews had been held by a panel which included the Chair of the Council, the Chair of the Audit and Governance Committee and the Cabinet Member for Finance, advised by the Statutory Finance Officer and the Monitoring Officer.
- That three candidates had been interviewed for the role of Lay Member on the Audit and Governance Committee and following careful and thorough consideration of the applications, the Panel had decided to recommend appointing Mrs Sharon Warnes to the post.

In response to an enquiry regarding the role of the lay member on the committee, the Monitoring Officer explained that there was a statutory requirement that at least one lay member served on the Audit Committee and that the objective of the legislation was to bring an independent voice to the committee's discussions.

RESOLVED to appoint Mrs Sharon Warnes as a Lay Member of the Audit and Governance Committee for a period of four years.

12. CABINET PORTFOLIOS

The Monitoring Officer submitted a report formally stating that the Constitution had been amended as a result of the appointment of the new Cabinet and the reshuffling of Portfolios.

RESOLVED to accept the report.

13. THE ANNUAL REPORT OF THE HEAD OF DEMOCRATIC SERVICES 2016/17

The Head of Corporate Support Department submitted his annual report on behalf of the Democratic Services Committee in relation to the support that had been developed, and was being developed, for members.

The Head thanked the chairs of the committee over the previous Council term, former Councillors T.G. Ellis and Lesley Day and Councillor Dewi Owen and also Councillor Anne Lloyd Jones who had been Vice-chair for three years.

14. APPOINTMENT OF CHAIR TO THE DEMOCRATIC SERVICES COMMITTEE

The Council was invited to appoint a chair for the Democratic Services Committee for 2017/18.

RESOLVED to elect Councillor Dewi Roberts as Chair of the Democratic Services Committee for 2017/18.

15. DESCRIPTION OF ROLES

The Deputy Leader, Councillor Mair Rowlands, submitted a report inviting the Council to adopt a series of 'descriptions of roles' for the roles noted below:-

- Cabinet Member
- Council Leader and Deputy
- A member of Gwynedd Council (applicable to all members)
- A member of the Audit Committee
- Chair of the Audit Committee
- A member of a Scrutiny Committee
- Chair of a Scrutiny Committee
- A member of the Democratic Services Committee
- Chair of the Democratic Services Committee
- A member of the Standards Committee
- Chair of the Standards Committee
- A member of the Licensing Committee
- Chair of the Licensing Committee
- A member of the Planning Committee
- Chair of the Planning Committee
- Chair of the Council
- Opposition Leader and Deputy

RESOLVED to adopt the 'description of roles' for the roles listed above.

16. SCRUTINY CHAIRMANSHIPS BASED ON THE COUNCIL'S POLITICAL BALANCE

The Leader, Councillor Dyfrig Siencyn, submitted a report on the need to identify which groups were to appoint Chairs to which committees and recommending orally that the chairmanships were to be distributed as follows:-

- Care Scrutiny Committee – Chair – Independent; Vice-chair – Independent
- Communities Scrutiny Committee – Chair – Plaid Cymru; Vice-chair – Independent
- Education and Economy Scrutiny Committee – Chair – Independent; Vice-chair – Plaid Cymru

RESOLVED to adopt the above allocation of chairmanships.

17. NOTICES OF MOTION

- (1) Submitted - the following notice of motion by Councillor Peter Read, in accordance with Section 4.20 of the Constitution and it was seconded:-

"There is a need to review the system of distributing wheelchairs in north Wales in light of several cases where these chairs are not suitable for the individual. Though this work is not a direct responsibility of the Council,

we do have a responsibility to listen to the concerns of the County's vulnerable citizens.

Proposal

That the Council refers the question of the suitability of arrangements to provide wheelchairs to the residents of Gwynedd for consideration on the scrutiny programme."

RESOLVED to adopt the motion.

- (2) 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 encourages the County's schools to display our national flag - namely the Red Dragon, on school grounds or buildings. This practice is already undertaken by several of our schools - but not all of them by far."

The Monitoring Officer explained that the wording of the proposal was a little different to the written notice received from the member, which read as follows:-

"That the Council asks the Cabinet Member for Education to consider encouraging the County's schools to display our national flag - namely the Red Dragon, on school grounds or buildings. This practice is already undertaken by several of our schools - but not all of them by far."

The Council consented for the proposer to amend the wording of his original proposal by omitting the words "*asks the Cabinet Member for Education to consider*".

Support was expressed to the proposal by several members, but it was also stressed that it was the work which happened on the classroom floor which contributed most to promoting the awareness of a Welsh identity.

RESOLVED to adopt the amended motion.

- (3) Submitted - the following notice of motion by Councillor Glyn Daniels, in accordance with Section 4.20 of the Constitution and it was seconded:-

"I propose that Gwynedd Council supports the Hospital Defence Committee and the residents of Blaenau Ffestiniog to press on the Betsi Cadwaladr University Health Board and relevant authorities to ensure that appropriate and necessary facilities are provided in the new hospital being built in the town.

With this I mean facilities that are usually found in local hospitals, such as a x-ray unit, minor injuries unit and a sufficient number of beds for inpatients. Given that Blaenau Ffestiniog is the third largest town in Gwynedd and also that the response of the vast majority of residents in a recent referendum insisted that the town deserved to be treated in a better way, I believe that there is no reason why the Council should not support this proposal."

The Monitoring Officer referred to a court case last year which had gone to a Judicial Review hearing as a result of a motion submitted to the Council and noted that decisions on notices of motion were significant decision, and that they were no different to other decisions taken by the Council in terms of status or significance. He explained that the Council must make its decisions based on evidence and facts, but that he was not of the opinion that the evidence necessary for the Council to reach a conclusion on the nature of the health provision in Blaenau Ffestiniog had been presented in this case.

In light of the aforementioned guidance, it was suggested that the matter should be referred to the Care Scrutiny Committee, and to invite representatives of the Health Board and the Defence Committee to attend the committee to present evidence.

An amendment was proposed and seconded that the matter should be referred immediately to the Care Scrutiny Committee to be discussed as soon as possible.

Several members expressed their support for the amendment, despite concerns being stated also regarding the workload of the Care Scrutiny Committee.

It was noted that time was of the essence for the Council, if it was to put pressure on the Health Board and the Chair of the Care Scrutiny Committee, Councillor Eryl Jones-Williams, expressed his willingness to convene an extraordinary meeting of the committee to address this matter urgently.

RESOLVED to refer the matter immediately to the Care Scrutiny Committee and to discuss it as soon as possible.

The meeting commenced at 1.00pm and concluded at 3.25pm.

CHAIR

THE COUNCIL, 28.07.17

Present: Councillor Annwen Daniels (Chair);
Councillor Annwen Hughes (Vice-chair).

Councillors: Craig ab Iago, Menna Baines, Freya Hannah Bentham, Dylan Bullard, Stephen Churchman, Steve Collings, R.Glyn Daniels, Anwen Davies, Elwyn Edwards, Alan Jones Evans, Aled Evans, Dylan Fernley, Peter Antony Garlick, Simon Glyn, Gareth Wyn Griffith, Selwyn Griffiths, Alwyn Gruffydd, John Brynmor Hughes, Louise Hughes, R.Medwyn Hughes, Sian Wyn Hughes, Peredur Jenkins, Aeron M.Jones, Aled Wyn Jones, Anne Lloyd Jones, Berwyn Parry Jones, Charles W.Jones, Elin Walker Jones, Elwyn Jones, Eric Merfyn Jones, Huw Wyn Jones, Kevin Morris Jones, Linda A.W.Jones, Sion Wyn Jones, Cai Larsen, Dilwyn Lloyd, Dafydd Meurig, Linda Morgan, Dafydd Owen, Dewi Owen, Edgar Wyn Owen, W.Roy Owen, Jason Wayne Parry, Rheinallt Puw, Dewi Wyn Roberts, Elfed P. Roberts, W.Gareth Roberts, Mair Rowlands, Paul Rowlinson, Angela Russell, Dyfrig Siencyn, Mike Stevens, Gareth Thomas, Ioan Thomas, Hefin Underwood, Cemlyn Williams, Eirwyn Williams, Elfed Williams, Gareth Williams, Gethin Glyn Williams, Gruffydd Williams and Owain Williams.

Officers present: Dilwyn Williams (Chief Executive), Geraint Owen (Head of Corporate Support Department), Iwan Evans (Head of Legal Services / Monitoring Officer), Rhun ap Gareth (Senior Solicitor / Deputy Monitoring Officer), Ffion Madog Evans (Senior Finance Manager), Arwel E. Jones (Senior Manager Corporate Support), Vera Jones (Democratic Services Manager) and Lowri Haf Evans (Member Support Officer).

Also:- Dafydd Wyn Williams (Head of Environment Department), Gareth Jones (Senior Manager Planning and Environment) and Nia Haf Davies (Planning Manager (Gwynedd and Anglesey Joint Planning Policy Unit).

1. APOLOGIES:

Apologies were received from Councillors Judith Humphreys, Nia Jeffreys, Keith Jones, Eryl Jones-Williams, Beth Lawton, Dilwyn Morgan, Nigel Pickavance, Peter Read, Gareth A.Roberts, John Pughe Roberts and Catrin Wager.

2. DECLARATION OF PERSONAL INTEREST

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

3. CHAIRMAN'S ANNOUNCEMENTS (Vice-chair presenting)

(1) Condolences

Condolences were expressed to Councillor Glyn Daniels and Councillor Annwen Daniels following the recent loss a father and father-in-law.

The Council stood as a mark of respect.

(2) Congratulations

To everyone from the County who had been successful at the Royal Welsh Show during the week.

To Arfon Pugh from Harlech on completing the challenge of shearing 900 sheep in 24 hours. 1,030 sheep had been sheared within the time and a substantial amount of money, which currently stands at approximately £15,000, had been raised towards the Tenovus charity.

To Sian Ellis Williams, Civic and Member Support Officer on being made a Member of the Victorian Order (MVO) in the Queen's Birthday Honours list recently.

4. CORRESPONDENCE, COMMUNICATIONS OR ANY OTHER BUSINESS

None to note

5. URGENT ITEMS

None to note

6. GWYNEDD AND ANGLESEY JOINT LOCAL DEVELOPMENT PLAN

Submitted – the report by the Cabinet Member for the Environment, recommending that the Council approved the Joint Local Development Plan as amended by the Inspector's binding changes.

An explanation was given of the content of the report and attention was drawn to an error in the map of Llanrug in the paper version. He explained that the report was detailed and confirmed that it satisfied and complied with the legislative requirements (Planning Act (Wales) 2015, Planning and Compulsory Purchase Act 2004, Town and Country Planning (Local Development Plans) Regulations 2005, Planning Policy Wales and the Local Development Plan Manual (2015)).

Adopting the Plan would set out detailed policies to manage developments up to 2026; facilitating the provision of new developments needed to meet the needs of local communities; enabling the Council to achieve its housing and economic development strategies. Refusing would leave the Authority without an adequate plan or policies to protect the County's lands and would give Developers an opportunity to appeal against a decision to refuse based on the fact that a Plan / Policies were not in place.

It was highlighted that, based on local evidence, the Plan's housing policies were planning for 3712 houses for the Gwynedd Planning Authority area between 2011 and 2026. With the Plan already in its sixth year, it was confirmed that this figure included homes which have already been built or which have received planning permission. The residual figure for the remainder of the Plan period will be 1366 which is an average of 137 new homes a year.

When comparing the old strategy with the new Plan, it was reported that the old strategy tended to focus on large development within our towns but that this plan now focused on smaller allocations. Attention was also drawn to the pioneering policies which had been included in the Plan.

It was proposed and seconded that the Council:

- i. adopted the Gwynedd and Anglesey Joint Local Development Plan 2011 to 2026 as amended by the changes recommended by the Inspector in his report about the Examination (dated 30 June 2017)
- ii. published the adopted Plan, the Adoption Statement, the final SA/SEA Report and the HRA report
- iii. gave delegated powers to officers to correct any typing and grammatical errors, deal with any minor matters or errors, as well as any other necessary presentational matters and consequential changes (which are required in response to recommended changes in accordance with paragraph 1.10 in the Inspector's report), before publishing the final Gwynedd and Anglesey Joint Local Development Plan
- iv. that the Supplementary Planning Guidance, which were adopted to support policies in the existing development plans, continue to be material planning consideration in determining planning applications, where appropriate, until they were superseded or were withdrawn.

In response to concerns voiced to him that the new supplementary planning guidance intended to be established were not adequately reflected in the proposal, the Cabinet Member proposed to add clause v to the recommendation to address this, namely

- v. That the Supplementary Planning Guidelines identified in Appendix 9 of the Plan would be prepared, giving priority to:
 - Maintaining and Creating Unique and Sustainable Communities SPG
 - Affordable Housing SPG
 - Local Market Housing SPG
 - Type and Mix of Housing SPG
 - Planning Obligations SPG,
 in accordance with the Plan's monitoring framework time-frame.

During the discussion, the following observations were noted in objection to the recommendation:

- That the Plan did not do enough to save the Welsh language - that there was a risk of losing the language. That the Plan had not scientifically measured the impact on the Welsh language and no evidence had been submitted to monitor the impact on the language
- That no changes had been made to the housing figures agreed following the publication of the 2011 census which had shown a reduction of 4% in the number of Welsh-speakers. That information requested in relation to the impact of development on the language since 2011 had not been received and without this information, the Council was not in a position to accept the Plan.
- That 1700 representations had been proposed during the 2015 consultation - many of which were objections, but many had been disregarded as the Council claimed that there was no robust evidence to support them.
- That the risks of adopting were higher than the need.
- That the details and evidence contained in an independent report regarding the Plan's detrimental impact on the language had not been considered.
- That it needed to be refused and an opportunity sought to adapt the Plan appropriately and submit an enterprising and pioneering plan which would be suitable for our Welsh-speaking communities.
- That the County's identity would be in jeopardy if we were to accept an inappropriate, destructive plan which lacked imagination.

- That there had been insufficient consideration to keeping the number of houses down and ensuring enough affordable houses.
- That the scheme had not given enough consideration to social fairness.
- That the response was not forceful enough for the residents of Gwynedd.
- That there were too many open market houses
- That the rural areas were deprived of housing
- That there had not been enough consultation with the public
- That new members had not had an opportunity to consider and understand the information in full
- That threats from Welsh Government resulted in making poor decisions. That the Council found itself in a position of being forced to make a difficult decision. If the Council were to refuse, Welsh Government would adopt the Plan on its behalf. This wasn't good enough.
- That the Plan delivered on the orders from Welsh Government and undermined local democracy

During the discussion, the following observations were noted in favour of the recommendation:-

- That the Plan responded to the demand for new houses for local people in Gwynedd. That much of the County's housing stock was in a poor condition. That this was an opportunity to hold innovative and pioneering discussions with housing associations on the plan's direction. That the ambition was to improve the standard of living for the residents of Gwynedd with good quality housing.
- That the Plan was unique - it contained robust and pioneering policies in the interests of our communities.
- That the plan should be adopted in full because without a development plan, we would have no control over sites outside development boundaries which would lead to negative social and linguistic effects. Refusing would harm the language more
- That it was accepted that the plan was not perfect, but that the report was a live document with an opportunity for it to be adapted annually, as required, by holding regular discussions, reviewing and monitoring. Consequently, for example, it would be possible to increase the number of affordable housing, if required.
- That it was possible to create unique supplementary planning guidance for Gwynedd which would protect our communities, not kill them.
- That the Plan tackled significant challenges - building houses to satisfy local needs, strengthening rural and urban communities, protecting the environment and creating economic opportunities.
- That speaking for the use of the Welsh language across all Welsh Authorities remained a priority. The future of the Welsh language relied on good jobs locally, our schools' language policy and the status of the language in communities.
- If Gwynedd Councillors did not accept the responsibility, the responsibility would be thrown back to Cardiff to the Minister who wasn't as sympathetic.

In response to a question regarding the implications of not adopting the plan and what the next steps would be considering the time-frame and costs, the Monitoring Officer noted that there was a duty placed on the Council to prepare a plan and attention was drawn to the risks of not adopting the plan which had been listed in the report. The Senior Planning and Environment Manager added that it would be difficult to control developments in future and prevent developments which would have an impact on our communities without a plan.

During the discussion, proposals were made to defer making a decision on grounds of:

- seeking more time to complete an independent linguistic assessment and accept more specialist information in the planning field.
- in order to invite the Minister to hold a public inquiry as they could not agree on the way forward and request written advice within the specialist planning law field on matters relating to the legality of the Plan.
- for Welsh Government to postpone the decision in order to share information with new Members and undertake further work on the supplementary planning guidance, particularly the language guidance
- to stand up and ask Welsh Government for additional time to improve the content of the plan.

In response to the proposals, the Monitoring Officer noted:

- That there was no legal obstacle to adopting the plan at the meeting.
- That there was a statutory duty on the Council to reach a decision on adopting the Plan within eight weeks of the date of receiving the Inspector's report (30 June 2017) unless the government had given its permission to extend the period. That such permission had not been received. Deferring for an indefinite period and beyond the eight weeks would not be in line with this statutory duty.
- Noting the binding status of the Inspector's report, that the Government would prioritise adoption and in relation to its response to similar situations in other councils, such an application was not likely to receive a favourable response.

In response to a question regarding why it was not possible to act under the Council's Constitution and second a proposal to defer the decision, the Monitoring Officer highlighted that the Constitution was subject to the law and that a proposal which would result in a decision contrary to the law could not be accepted.

In response to a question regarding whether an independent legal opinion on the legality of the Plan was worth the entire Council's consideration and that there was a right to implement this on grounds of failure to reach agreement, the Monitoring Officer noted, as he had advised the Council, that he would not deviate from the advice he had given to the committee.

A registered vote was called for on the amendment and over a quarter of members present voted in favour of this.

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

In favour (30)

Councillors Craig ab Iago, Steve Collings, Stephen Churchman, Annwen Daniels, Simon Glyn, Gareth Griffith, Annwen Hughes, John Brynmor Hughes, R.Medwyn Hughes, Sian Wyn Hughes, Peredur Jenkins, Anne Lloyd Jones, Berwyn Parry Jones, Huw Wyn Jones, Dafydd Meurig, Linda Morgan, Dafydd Owen, Dewi Owen, Edgar Owen, Rheinallt Puw, W.Gareth Roberts, Mair Rowlands, Paul Rowlinson, Angela Russell, Dyfrig Siencyn, Gareth Thomas, Ioan Thomas, Hefin Underwood, Cemlyn Williams and Gethin Glyn Williams.

Against (30)

Councillors Menna Baines, Dylan Bullard, Glyn Daniels, Anwen Davies, Elwyn Edwards, Alan Jones Evans, Aled Evans, Peter Garlick, Selwyn Griffiths, Alwyn Gruffydd, Louise Hughes, Aeron M Jones, Aled Wyn Jones, Charles Jones, Elin Walker Jones, Elwyn Jones, Kevin Morris, Linda Wyn Jones, Sion Jones, Cai Larsen, Dilwyn Lloyd, Roy Owen, Jason Parry, Elfed Roberts, Mike Stevens, Eirwyn Williams, Elfed Williams, Gareth Williams, Gruffydd Williams and Owain Williams.

Abstaining (4)

Councillors Freya Hannah Bentham, Dylan Fernley, Eric Merfyn Jones and Dewi Roberts.

As the result of the vote on the amendment was tied, the Chair used her casting vote in favour of the recommendation.

Resolved,

- i. **to adopt the Gwynedd and Anglesey Joint Local Development Plan 2011 to 2026 as amended by the changes recommended by the Inspector in his report about the Examination (dated 30 June 2017)**
- ii. **to publish the adopted Plan, the Adoption Statement, the final SA/SEA Report and the HRA report**
- iii. **to give delegated powers to officers to correct any typing and grammatical errors, deal with any minor matters or errors, as well as any other necessary presentational matters and consequential changes (which are required in response to recommended changes in accordance with paragraph 1.10 in the Inspector's report), before publishing the final Gwynedd and Anglesey Joint Local Development Plan**
- iv. **That the Supplementary Planning Guidance, which were adopted to support policies in the existing development plans, continue to be material planning consideration in determining planning applications, where appropriate, until they are superseded or are withdrawn.**
- v. **That the Supplementary Planning Guidelines identified in Appendix 9 of the Plan are prepared, giving priority to:**
 - **Maintaining and Creating Unique and Sustainable Communities SPG**
 - **Affordable Housing SPG**
 - **Local Market Housing SPG**
 - **Type and Mix of Housing SPG**
 - **Planning Obligations SPG,**

in accordance with the Plan's monitoring framework time-frame.

The meeting commenced at 2.00pm and concluded at 4.30pm.

Agenda Item 8

Meeting	The Full Council
Date	5 October 2017
Subject	Annual Report of the Standards Committee 2016/17
Author	Dr. Einir Young, Chair of the Standards Committee
Relevant Officer	Iwan Evans, Monitoring Officer

Background

- 1.** The Standards Committee is a statutory committee, which has been established to to promote and maintain high standards of conduct by the councillors and co-opted members of Gwynedd Council, and community and town councils in Gwynedd.
- 2.** To this end the Committee has decided to publish an annual report in order to explain it's and promote its work. The Committee also decided that the report should be presented formally to a meeting of the full Council.
- 3.** The Committee therefore presents this report for the Council's attention. The report will also be circulated to all the community and town councils.

Recommendation

- 4.** To accept the report

ANNUAL REPORT OF THE GWYNEDD COUNCIL STANDARDS COMMITTEE 2016 - 2017

FOREWORD BY THE CHAIR

In the foreword to last year's report I referred to the constitutional earthquake that occurred as a consequence of the decision to leave the European Union. Nobody could have imagined that so much attention would be given to 'fake news' and that it would be so difficult to distinguish between what's true and what isn't in the mass media and on social media.

On a Welsh and national level, there has been an increase in the number of hate crimes and an increase in the reports of political and social intolerance. We have seen a tendency to polarise opinion, which is fed by social media and 'national' tabloid papers, and the various groups feeding and sharing prejudices among each other without being able to communicate politely with each other.

It is within this climate that Gwynedd Council and the Standards Committee operates.

Fortunately, as you can see again this year, this report is not lengthy, which is a credit to the Council, its officers and its Elected Members alike. There has been emphasis on training, and we must thank the Monitoring Officer and his team for addressing this. This is no mean feat, given that there are 75 councillors and 64 Community Councils.

However, there is always room for improvement. The responsibilities on local government continue to increase and, as a Committee, we are on the same learning curve as you. I would like to encourage everyone to take advantage of the help and support available from the Council in order to ensure that the standards of public life in Gwynedd are maintained at all times.

We are in turbulent political times. I hope that Gwynedd will be able to show the way and lead by example over the coming months and years.

Dr Einir Young
Chair of the Standards Committee

FOREWORD BY THE MONITORING OFFICER

The report, on the threshold of local elections, reflects on the end of the County and Community Council terms. It is encouraging to see again that the number of complaints and investigations remains relatively low. This is not to suggest that the work of conducting and promoting conduct does not go on constantly. This means a permanent dialogue with members of the Council here and members and clerks of Community Councils, providing guidance and support. It must be acknowledged that an element of this work is about managing expectations in terms of intervention and enforcement. A combination of awareness of the rights of political expression under Article 10 of the Human Rights Convention, together with the Ombudsman's use of the public interest test to filter complaints, means that not all complaints or infringements of the Code will inevitably lead to a formal investigation process. However, the picture is generally positive with a large number of Members positively responding to the requirements of the Code and to the principles of the Gwynedd Standard.

*Iwan Evans
Monitoring Officer
Gwynedd Council*

INTRODUCTION

The Committee was established in 2001 under the Local Government Act 2000. The main role of the Committee is to promote and maintain high standards of conduct by the councillors and co-opted members of Gwynedd Council, and community and town councils in Gwynedd. It does so in many ways:

- Assisting the councillors and co-opted members to follow the Members' Code of Conduct
- Advising the authority regarding adopting or amending the Members' Code of Conduct
- Monitoring the implementation of the Members' Code of Conduct
- Advising, training or arranging training for councillors and co-opted members on matters relating to the Code of Conduct
- Determining complaints referred to it by the Public Services Ombudsman for Wales that members have breached the Code of Conduct
- Considering applications made by members for dispensations to allow them to participate in discussions despite them having a prejudicial interest under the Code
- Considering complaints referred to it under Gwynedd Council's local resolution procedure.
- Overseeing the Gwynedd Council Members Gifts and Hospitality Policy

MEMBERS OF THE COMMITTEE

Though the Standards Committee is one of the committees of Gwynedd Council, the majority of its membership does not have any connection with the Council or local government ('Independent Members'). It also has a member who represents the interests of the community councils ('Community Committee Member'), as well as three elected members from Gwynedd Council. The Chair and Vice-chair of the Committee must be Independent Members.

Independent Members



Margaret E Jones (member since 2012)

Originally from Llandrillo yn Rhos, Margaret has spent most of her life in Chwilog. She taught at Ysgol Abersoch for 32 years, including 14 as headmistress. She is a deacon in Eglwys yr Annibynwyr Siloh, Chwilog, was Chairman of the Council of the Union of Welsh Independents for 3 years and is also a former President of the Union. She was a member of Gwynedd Community Health Council and Vice Chairman until the reorganisation in 2010. She is also Chairman of the Chwilog Eisteddfod.



Dr Einir Young (member since 2012)

Born in the Rhondda and raised in Llanelli and Cwmtwrch Einir has been living in Gwynedd for almost thirty years. She lived in California for a while and has travelled extensively in Africa mainly, working with marginal communities in semi-arid regions. Wales is her current priority but the challenges faced by communities are similar. We need a long term vision and plan, to ensure that the actions we take are for good or prevent things from getting worse. Integration and collaboration is critical and possibly more important of all to involve everyone. These are the principles are encapsulated in the Wellbeing of Future Generations Act and as Bangor University's Director of Sustainability Einir and her Sustainability Lab team are promoting the ways of working promoted in the Act across the institution and beyond. Maintaining standards is as important to sustainability as recycling and saving energy and Einir Welcomes the opportunity to contribute to and chair Gwynedd's Standards Committee.

Amongst her many interests Einir is a passionate walker and she and her dog are currently walking the Wales Coastal Path with her sister.



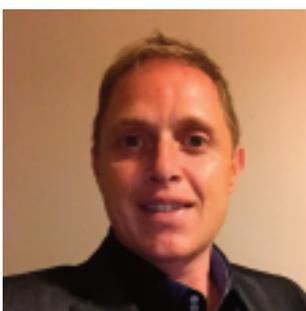
Jacqueline Hughes (member since 2015)

Jackie lives in Nantlle with her husband Ian, 3 daughters, grand daughter and a very lively dog. Originally from the Wirral, she qualified as a diagnostic radiographer in 1987 after studying at Guys Hospital School of Radiography. After settling in North Wales with her young family, she joined the staff at Ysbyty Gwynedd. Jackie's career in Bangor has advanced both as a radiographer and as an industrial relations representative. She is currently the Staff Side Chair for the Betsi Cadwaladr Health Board as well as being the local society representative for most of the radiographers in North Wales. She has been President of the Society and College of Radiographers and was instrumental in developing the response to the Francis Report, and subsequently a new code of conduct for radiographers. She believes that any one working in public life must maintain a high level of personal standards in order to be credible to the public.



David Wareing (member since 2015)

In 2014 David relocated from Lancashire to Groeslon following his retirement from Merseyside Police. He served for 26 years in a variety of roles with his last posting being to the Force Operations Department at HQ. This position involved the planning and delivery of large-scale public events, public safety during major Police operations and the reduction of police support to outside agencies through greater partnership working. David specialised in risk assessment and ensuring compliance of relevant Health and Safety legislation working within the legal framework. David represented Merseyside Police on all five Safety Advisory Groups that covered the Force Area. He firmly believes that the actions of those in public office must be both transparent and accountable.



Aled Jones (member since 2016)

Aled is originally from Lampeter, Ceredigion. He read Welsh and Geography at Aberystwyth University. Having graduated in 1999, he moved to Caernarfon to work for Cymen translation company. He became a joint-owner of the company in 2007 and now heads a team of 20 members of staff and employs over 15 other freelance translators. He lives in Bangor with Tegwen, and their two children Cai and Beca. He has a keen interest in sport and can often be seen on the touchline supporting Bethesda Rugby Club and Bangor City Football Club. As a result of his work as a simultaneous translator he is privy to observe conduct and standards at all levels of governance and to identify best practice.

Community Committee Member



Councillor David Clay (member since 2008)

David has been an elected member of Barmouth Town Council for 29 years and has held the position of Chair on 4 separate occasions. He is past Chair of the Meirionnydd Area Committee of One Voice Wales. Now retired, he was an hotelier in Barmouth for 30 years and was an active member of Mid Wales Tourism Council and in later years a Director of Mid Wales Tourism Partnership.

Gwynedd Council Members



Councillor Eryl Jones-Williams (member since 2011)

Eryl is a semi-retired freelance journalist who has represented Dyffryn Ardudwy and Talybont on Gwynedd Council since 2008. He is also a long-standing town and community councillor and has served as both Mayor and Chairman. He takes an active part in disability rights and is vice-chairman of the Meirionnydd Access Group as well as a member of the South Snowdonia Access Forum and the Betsi Cadwaladr University NHS Community Health Council. He is currently chairman of the Gwynedd Licensing Committee, where is able to draw on his experience as a former licensee. He is also the Carers' Champion for Gwynedd. A former Welsh Football referee his hobbies

includes golf at Royal St David's Harlech and Dolgellau.



Councillor Michael Sol Owen (member since 2012)

Michael lives in Pwllheli and has represented North Pwllheli on Gwynedd Council since May 2012. He holds a degree in Physics and Material Science and was managing director of a company in Pwllheli and also worked as a business consultant for the Assembly. He has been a member of Pwllheli Town Council for over 30 years and is chairman of the Pwllheli Youth Project charity. He is a former Chair of Gwynedd Council's Planning Committee and also serves on the Management Board of Cartrefi Cymunedol Gwynedd.



Councillor Lesley Day (member since 2014)

Les has been a Gwynedd Councillor since May 2012 and is a former Chair of the Democratic Services Committee. She has been a Bangor City Councillor since 1991 and is a past mayor, representing the Garth Ward in Bangor. She is a former member of Arfon Borough Council. Les' qualifications, career and hobby are all local government. She gained her local government public admin qualifications whilst working for Surrey County Council. Upon returning to her home town of Bangor she gained her local government financial qualifications whilst working for Gwynedd County Council. Les transferred to

Conwy County Borough Council on reorganisation in 1996. Les is the Chairman of Garth Community Centre and a governor of Ysgol Hirael.

The Monitoring Officer

The Council's Monitoring Officer, Iwan Evans, along with officers from the Legal Service and the Democratic Service support the Standards Committee in its work.

Contact Details

- Iwan Evans, Head of Legal Services and Monitoring Officer.
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THE COMMITTEE'S WORK DURING 2016-2017

The Committee's work over the year has included the following (the Committee's full work programme can be seen in **Appendix 1**):

Cases heard by the Standards Committee

No complaints that elected members had breached the Code of Conduct were referred to the Committee during the year

Other Complaints

The Committee is also informed of those complaints not referred to it for decision. Summaries can be found in **Appendix 2**.

Dispensations

The Code of Conduct for Members provides that a councillor cannot participate in a discussion if he/she has a 'prejudicial interest'. However, a member has a right to apply to the Committee for permission to participate despite having this interest, i.e. dispensation.

The Committee considered four applications for dispensation during this period. Two were granted whilst two were refused.

Training on the Code of Conduct

The Committee considered and advised on the training to be offered to members following the Local Government Elections in May 2017. Consequently, training was provided as part of the induction process for Gwynedd Council members and more detailed sessions will also be held. Training sessions are also to be offered to the town and community councils.

North Wales Standards Committee Forum

The North Wales Standards Committee Forum gives representatives of all north Wales authorities' standards committees the opportunity to meet. The purpose of the forum is to enable the area's standards committees to discuss and share ideas, good practices and resources and also provide a joint opinion on a national level. The Chair and Vice-chair of the Committee attend the meetings.

During the year Ceredigion and Powys Standards Committees submitted a request to join the Forum, a request which the Committee supported.

THE STANDARDS COMMITTEE'S WORK PROGRAMME 2016-17

18 April 2016

- Undertaking Self-Assessment and formulating a Work Programme for the upcoming year
- Considering the amendments to the Code of Conduct
- Considering the process of placing the Register of Members' Interests on-line
- Deciding on two applications for dispensations

27 June 2016

- Approving the Standards Committee's Annual Report for 2015/16
- Reviewing the arrangements for members to attend committee and community council meetings as observers

3 October 2016

- Considering the arrangements for the Local Government Elections 2017
- Discussing the proposed local resolution procedure for community councils
- Considering the Annual Report of the Ombudsman 2015/16

23 January 2016

- Approving the process for appointing members to the Committee following the Local Government Elections
- Considering a request to extend the North Wales Standards Committee Forum
- Receiving an update on the Register of Members's Interests
- Deciding on two applications for dispensations

Appendix 2

The Committee was informed of the following decisions by the Ombudsman in relation to allegations that county and community and town councillors had breached the Code of Conduct:

Allegation	Decision
<p>That a councillor had falsely accused the complainant (a fellow town councillor) of making derogatory, discriminatory and ageist remarks about her at a town council meeting, which were subsequently published in a local newspaper.</p>	<p>No investigation. The Ombudsman was not persuaded that an investigation was in the public interest although it was a “borderline decision”. The Ombudsman wrote to the councillor to remind her to consider her obligations under the Code of Conduct.</p>
<p>That the councillor had distributed misleading information about the complainant (a fellow town councillor) stating that she had voted at a meeting of the planning committee. She was not a member of the committee but attended as an observer only.</p>	<p>No investigation. The councillor had not been present at the meeting but on the basis of the evidence available it was not unreasonable for an individual to assume that the complainant had been involved in the planning committee in relation to the item in question. She had also taken the opportunity to clarify her position in a newspaper article. It was not in the public interest to investigate the complaint. The information handed out was broadly of a political nature and was not disrespectful or offensive in tone.</p>
<p>The councillor had harassed the complainant (a fellow town councillor) by making an unfounded complaint to the Ombudsman the he was guilty for harassing him. He had also used council stationery when doing so. He also alleged that the councillor had failed to declare an interest</p>	<p>No investigation. The Ombudsman had previously decided not to investigate eth harassment complaint and nothing would be gained in re-opening the matter. The councillor was undertaking council business when his concerns about harassment came to light. Whilst the councillor had left the meeting in question he had not openly informed the council of the reason for doing so, which is required under the code. An investigation would not be in the public interest but the Ombudsman would remind the councillor of his duties under the code. Ombudsman has investigated - no evidence that the code had been breached.</p>

Allegation	Decision
Complaint that a town councillor had failed to declare a prejudicial interest on several occasions and had taken part in meetings	Ombudsman has investigated - no evidence that the code had been breached.
Complaint that a town councillor had failed to declare a prejudicial interest on several occasions and had taken part in meetings.	Following an investigation, the Ombudsman decided that the councillor's conduct could be a breach of the Code, but that there was no public interest in referring the matter to the Standards Committee or the Adjudication Panel for Wales, bearing in mind that the councillor had since resigned from the council.
Complaint that a county councillor had failed to declare a prejudicial interest in a matter before a committee for a decision.	No investigation. Complainant had not submitted sufficient evidence to support his complaint.
That a county council member of the Planning Committee had not behaved with probity and impartiality when deciding upon an application.	No investigation. The complainant had not presented any evidence to support his complaint.
That a county council member had behaved inappropriately in supporting a planning application in his constituency at a meeting of the Planning Committee	No investigation. The councillor was not a member of the committee and he had declared an interest that was non-prejudicial. He was entitled to speak and to express his views on the application as a local member.

Agenda Item 9

Meeting	The Full Council
Date	5 October 2017
Subject	Appointment of Elected Members to the Standards Committee
Cabinet Member	Deputy Leader: Cllr. Mair Rowlands
Author	Iwan Evans, Monitoring Officer

Background

1. The membership of the Standards Committee is made up as follows:
 - 5 'Independent Members' (i.e. members without any connection with local government).
 - 1 'Community Committee Member, who is a member on any of Gwynedd's community councils (but not a member of Gwynedd Council).
 - 3 elected members from Gwynedd Council
2. The Council appointed one elected member to the Committee in June but two seats remain vacant. Consequently, I wrote again to all members of the Council inviting applications, and presented the applications to the Council's Business Group for consideration. The purpose of this report is to present the Business Group's recommendation to Full Council, which has the power to make the appointment.
3. Members are not appointed on the basis of political balance but by reference to the criteria set down by the Council, namely that must possess the following qualities and skills:
 - Listening skills;
 - Ability to understand and weigh up evidence;
 - Ability to come to an objective view and explain that view by reference to the evidence;
 - Team working skills;
 - Respect for others and an understanding of diversity issues;
 - Discretion;
 - Personal integrity
4. Two applications were received, from Councillors Beth Lawton and Anne Lloyd-Jones. The Business Group decided that both applicants met the criteria and were worthy of being appointed to the Committee.

Recommendation

5. That **Councillors Beth Lawton and Anne Lloyd-Jones** are appointed to serve as Elected Members on the Gwynedd Standards Committee until the ordinary local government elections next following their appointment.

MEETING	COUNCIL
DATE	6 October 2017
SUBJECT	Consultation Document - Electoral Reform in Local Government in Wales
CABINET MEMEBR	Councillor Mair Rowlands
AUTHORS	Iwan Evans – Head of Legal Services Geraint Owen – Head of Corporate Support
PURPOSE	To present a draft response to the consultation document.

1. The Welsh Government have published a consultation document relating to the electoral arrangements for Local Government. It seeks feedback on a number of ideas for reforming electoral and electoral registration arrangements in Wales. This follows from the consultation undertaken some 8 months ago on proposals in the White Paper “Local Government – Resilience and Renewal”, which included a range of proposals in relation to future organization of local government but also touched on electoral matters.
2. The time table for responding sets a closing date of 10 October
3. As part of the consideration given to this document it was circulated to all Council members seeking feedback. Although no direct response was received, the draft has been considered by Cabinet members and incorporates their suggestions. You will also note that some key matters were considered as part of the response to the White Paper, which was submitted in March of this year.

RECOMMENDATION

That the Council the Council approves the draft response in Appendix 1 to be submitted to the Welsh Government in response to the consultation.

Background Document

Welsh Government – Consultation Document Electoral Reform in Local Government in Wales –
18 July 2017

<https://consultations.gov.wales/consultations/electoral-reform-local-government-wales>

APPENDIX 1

GENERAL OBSERVATIONS:

Gwynedd Council welcomes the opportunity to offer observations on the consultation. It is fair to note that the Council agrees with a number of the principles contained in the paper to try to promote inclusion and participation in elections and democracy generally. The concepts about reducing the voting age and seeking arrangements to make it easier for people to vote in various ways and from various locations, particularly electronically, are concepts which can only be agreed with.

However, whilst agreeing with these commendable principles, there are several factors, which require further attention before we can be confident to support them. We will elaborate in the answers provided for each question, but, in general, the developments are subject to ensuring that any changes (particularly in relation to electronic registering and voting arrangements) are genuinely accessible for electors, ensuring security and public confidence in the vote. It must also be noted that the consultation introduces a number of various ideas in a separate way but which, in reality, overlap or co-depend on other concepts to be evaluated in full.

Q1 - Do you agree that the qualifying age for voting in Welsh local government elections should be lowered to 16?

The Council has already stated in its response to the White Paper "Local Government - Resilience and Renewal" that it is in favour of this.

Q2 – Should EU citizens who move to Wales once the UK has left the EU continue to acquire the right to vote?

Q3 – Should voting rights be extended to all legal residents in Wales, irrespective of their nationality or citizenry?

Q4 – EU and Commonwealth citizens can stand for election to local government in Wales. Should this continue and be extended to all nationalities made eligible to vote?

Clearly, the nature of an individual's residency within an area is relevant to the right to vote. However, as a general principle, the Council supports the concept that individuals who reside within an area should have the opportunity to contribute to democratic processes which relate to the services that are used and received and contributed to.

Q5 – Should Electoral Registration Officers have a greater range of sources available to them to assist citizens to be added to the register?

Q6 – Which data sources do you think should be used by Electoral Registration Officers?

Data sources such as the Department for Work and Pensions are currently used to verify individual Registration applications. Additional sources would clearly be a way of facilitating the work. However, these are required to be relevant and reliable to be able to place an individual on a statutory electoral register ensuring that the nature and boundaries of responsibilities to improve and amend an application are clear. Access to reliable sources, given the duty to register, opens the door to a discussion on automatic registration and the Council would welcome this dialogue.

Q7 – Should a wider range of local authority staff be empowered to assist citizens to obtain registration through access to the local government register and have the ability to amend it?

Q8 – What controls should be put in place to ensure the Electoral Registration Officer maintains overall control of the register?

It is already possible to use alternative staff resources subject to ensuring that the arrangements are robust and under the supervision of the Electoral Registration Officer ("ERO") who has ultimate responsibility for the register. Any control measures should be suitable to satisfy the ERO that he or she meets his/her personal statutory duties. It is not considered that this needs to be the subject of legislation.

Q9 – Should the individual registration rules be relaxed to allow for block registrations in certain circumstances, protecting the right to vote for populations otherwise at risk of exclusion?

This would of course be a move from a pure individual registration system and assurances would be needed that the individuals who are part of the "block" intend to register in the area in question and that the information is complete and accurate. Consideration also needs to be given to what is meant by "block", the criteria for forming it and where exactly the responsibility for administering it would lie. This ties in to the discussion on automatic registration in Q6 above.

Q10 – Should we place a duty on Electoral Registration Officers to consider whether any individual groups within their electoral area should be specifically targeted in registration campaigns?

This is already part of the work of the ERO. It cannot be seen how placing a specific duty would add to this.

Q11 – Should we introduce arrangements so that agencies who are aware of people moving have a duty to inform the Electoral Registration Officers?

There is a risk in these processes that the ERO will receive data of various relevance from many sources and will be duty-bound to respond to and verify each one. The principle is fundamentally acceptable but detailed consideration needs to be given to the relevance and value of the source. For example, issues such as Council tax and benefits could be relevant as changes are likely to be long-term. On the contrary, in the context of other agencies, changes could be short-term and unstable producing unnecessary requirements to evaluate information.

Q12 – What are your views on the development of a single electronic register for Wales?

It is difficult to evaluate the advantages and disadvantages of providing such a system without reaching a conclusion regarding matters such as electronic voting which would be a relevant consideration and also the nature of the system's administration. Generally, the advantages are not immediately apparent neither is the role and value of local knowledge in the administration of the register.

Q13 – Do you agree that individual principal councils should be able to choose their voting system?

Q14 – Do you agree that a constitutional change such as this should be subject to a two-thirds majority?

The Council has already stated in its response to the White Paper "Local Government - Resilience and Renewal" that it is of the opinion that there should be a single voting system for Local Government in Wales. The discussion on what electoral system would be most suitable to address Local Government needs is welcomed. Given its viewpoint on the concept of optional systems, it is of the opinion that it is a matter for the Government to legislate rather than by local referendum.

Q15 – Do you agree that the term of local government in Wales should be set at five years?

Agree

Q16 – Do you agree in principle with the desirability of reforming the voting system to encourage greater participation?

Q17 – Are there other initiatives not covered below which might be taken to enable greater participation in elections in Wales?

Naturally, any reforms which encourage more people to participate are welcomed. It is acknowledged that any changes need to bring clear benefits, be genuinely accessible to electors and ensure security and public confidence in the vote.

Q18 – Should councils be able to choose to use all-postal voting at council elections?

Q19 – Should it be subject to pilot exercises first?

Q20 – Should councils be able to operate all-postal voting in an individual ward or a number of wards within a council area?

Trials on such a system are currently underway and it would be appropriate to give consideration to the results of this work. The range of voting methods available to individuals must also be evaluated. The significant resource implications involved with holding a postal vote only in any election larger than an individual ward alone cannot be ignored. In addition, it is noted that a postal vote only will reduce the choice for electors of and a decision to participate (contrary to the following proposals) and to move to this direction would need to address this.

Q21 – Should electronic voting be enabled at local elections?

Q22 – Should remote voting be enabled at local elections?

The public's faith in an electronic voting system would need to be ensured. The postal and proxy voting systems currently offer flexibility to electors. It must also be ensured that any developments of new systems tie in and align with any other alternative systems which would continue to ensure the robustness of the process.

Q23 – Should electronic counting be introduced for local elections in Wales?

Subject to the system being transparent and that it provides assurances of the accuracy of the counting from the beginning and that the public's confidence in the system remains, there is no objection to such a direction. The resource implications of moving to this system would need to be addressed.

Q24 – Should mobile polling stations be enabled at local elections?

It is difficult to see what the value of such a system, as the one outlined would be as it would involve substantial use of resources and could possibly have the effect of reducing the voting window due to its mobile nature.

Q25 – Should we enable returning officers to make use of polling places in addition to fixed polling stations?

This would need to be considered in the context of voting arrangements which allow voting in ad-hoc locations. The existing system is based on a register within the voting area and specific station and we would have to move away from this system or to a comprehensive electronic system.

Q26 – Should we enable local elections to be held on more than one day and on days other than a Thursday?

There are substantial resource implications of holding elections on more than one day as stations would need to be staffed for each period. A voting period beyond 07:00 - 22:00 on a particular day could only be held practicably within an electronic voting system. However, the Council is the view that consideration should be given to the practicality of holding elections on alternative days such as Saturdays or Sundays.

Q27 – Should consideration be given to simplifying postal voting procedures and literature?

Q28 - How do you think the process could be simplified?

There is still room to give consideration to simplifying the information submitted. However, experience of processing postal votes has not highlighted that there is evidence that the basic requirement of providing a date of birth and signature in itself is being misunderstood. Again, there is a need to strike a balance to ensure that assurances and propriety are not lost through over-simplifying.

Q29 – Should electors attending a polling station be required to produce ID before they are allowed to vote? If so, what types of identification should be accepted?

Q30 – Do the advantages of requiring ID outweigh the risk of deterring voters?

The ID method would need to be clear to electors, easy to check and adequate to identify an individual. Several questions arise in terms of checking, refusing and more basic issues around individuals who do not have ID documents e.g. drivers' licence, passport or utility bill in their names. There is a risk that it would cause an obstacle which could have a more marked impact on some groups of individuals than others also. Therefore, in the opinion of the Council, a clear case in favour of creating such a requirement would be needed and ensuring that it does not create an unacceptable obstacle to the right to cast a vote.

Q31 – Do you agree that it should no longer be necessary to publish a candidate’s home address in election literature, including anything published electronically?

Accept that individuals could be given a choice.

Q32 – Do you agree that each candidate should be required to provide a personal statement for inclusion on a website provided by the authority to whom they are seeking election?

This is a matter for the individual candidate. It also places a requirement on the Returning Officer to ensure that inappropriate or illegal matters are not placed on such a statement.

Q33 – Do you agree that it should not be permissible to serve both as an Assembly Member and councillor?

The Council has already stated in its response to the White Paper "Local Government - Resilience and Renewal" that it agrees with this.

Q34 – Do you agree that candidates should be required to disclose a party affiliation if they have one?

The Council has already stated in its response to the White Paper "Local Government - Resilience and Renewal" that it agrees with this.

Q35 – What sort of evidence should be required to suggest there is an undisclosed party affiliation?

Evidence of membership of a political party would be needed on the relevant date or dates.

Q36 – Should any council staff below senior level be able to stand for election to their own authority?

The Council would support the right for members of staff who are not subject to political restrictions to stand for election. However, the nature of a councillor's function and role e.g. as an employer, leads to the conclusion that a successful candidate should resign from that employment in accordance with the Scottish system.

Q37– Is there still justification for councils to keep a list of those other than senior officers who should be politically restricted?

The nature of some posts which are not "Senior Officers" but which work in public and politically contentious forums means that the line should reflect the nature of the duties of the post.

Q38 – Do you agree that the statutory chief executive role should include that of returning officer?

Q39 – Do you agree that any addition to salary in recognition of returning officer duties should be a matter for the local authority to determine?

The role of the Executive Returning Officer is of course a personal, statutory, independent responsibility which falls to the individual rather than the Local Authority. By moving to a system as suggested, it appears that this independence and the perception of independence would be superseded and would significantly affect the nature of the role and this accountability in the context of Welsh elections.

Q40 – Should Welsh Government move to a system of calculating Assembly election costs on an agreed formula, based on the size of electorate?

The existing system works on a similar principle. The election is administered on the principle that it is held appropriately with the necessary resources for achieving this. The only resource available to the Returning Officer for national elections and referenda is that provided via this system. Of course, it is entirely appropriate to ensure that any expenditure is reasonable and in accordance with the requirements. It is suggested that this procedure needs to permit paying a total which is within the formula immediately and only an audit for applications for additional payments.

Q41 – Should Welsh prisoners be allowed to register to vote and participate in Welsh local government elections? If so, should it be limited to those sentenced to less than twelve months, four years, or any sentence length?

Q42 – By what method should prisoners cast a vote?

Q43 – At what address should prisoners be registered to vote?

Any system needs to address the decision of the European Court of Justice on the rights of prisoners to vote. The Council does not have a particular opinion on this matter. However, any voting rights should be for the voting area where the individual had been registered which would maintain the link with the area.

Q44 - We would like to know your views on the effects that electoral reform would have on the Welsh language, specifically on opportunities for people to use Welsh and on treating the Welsh language no less favourably than English. What effects do you think there would be? How could positive effects be increased, or negative effects be mitigated?

Q45 - Please also explain how you believe the proposed options could be formulated or changed so as to have positive effects or increased positive effects on opportunities for people to use the Welsh language and on treating the Welsh language no less favourably than the English language, and no adverse effects on opportunities for people to use the Welsh language and on treating the Welsh language no less favourably than the English language.

It is an expectation that the system treats the Welsh language entirely equally in accordance with the requirements of the law. The Welsh language should not be an option to be chosen on any document or front page but entirely equal with English until the need to choose a language arises. This should mean that it would be possible to receive a seamless service in Welsh including in Polling Stations.

Q46 - We have asked a number of specific questions. If you have any related issues which we have not specifically addressed, please use this space to report them:

Please note your observations here:

Responses to consultations may be made public, on the internet or in a report. To keep your response anonymous (including email addresses) tick the box.

MEETING	FULL COUNCIL
DATE	5 OCTOBER 2017
TITLE	GWYNEDD COUNCIL ANNUAL IMPROVEMENT REPORT 2016-17
PURPOSE	PRESENTATION OF THE REPORT TO THE FULL COUNCIL
AUTHOR	GERAINT OWEN, HEAD OF CORPORATE SUPPORT
CABINET MEMBER	COUNCILLOR DYFRIG SIENCYN, COUNCIL LEADER
RECOMMENDATION	ACCEPT THE REPORT

1.0 BACKGROUND

- 1.1 The 2016-17 Gwynedd Council Annual Improvement Report by the Auditor General summarises the audit work undertaken in the Council by the Wales Audit Office since the publication of the last report in March 2016.
- 1.2 It should be noted that this report is not a full review of all the Council's arrangements or Services.
- 1.3 On the basis of the work undertaken by the Wales Audit Office and other regulators, the Auditor General states whether or not the Council is likely to make arrangements to ensure continuous improvement for 2016-17.
- 1.4 In the opinion of the Auditor, "The Council is meeting its statutory requirements in relation to continuous improvement" whilst adding "based on, and limited to, the work carried out by the Wales Audit Office and relevant regulators, the Auditor General believes that the Council is likely to comply with the requirements of the Local Government Measure (2009) during 2017-18".
- 1.5 The Report states that the Auditor General did not make any formal recommendations to improve but he did make some proposals for improvement as noted in the report.
- 1.6 Officers from the Wales Audit Office will give a presentation on the key points to the Council.
- 1.7 There will be an opportunity for members to ask questions to Wales Audit Office officers in relation to the Report's content.

2.0 RECOMMENDATION

Members are asked to accept the Report.

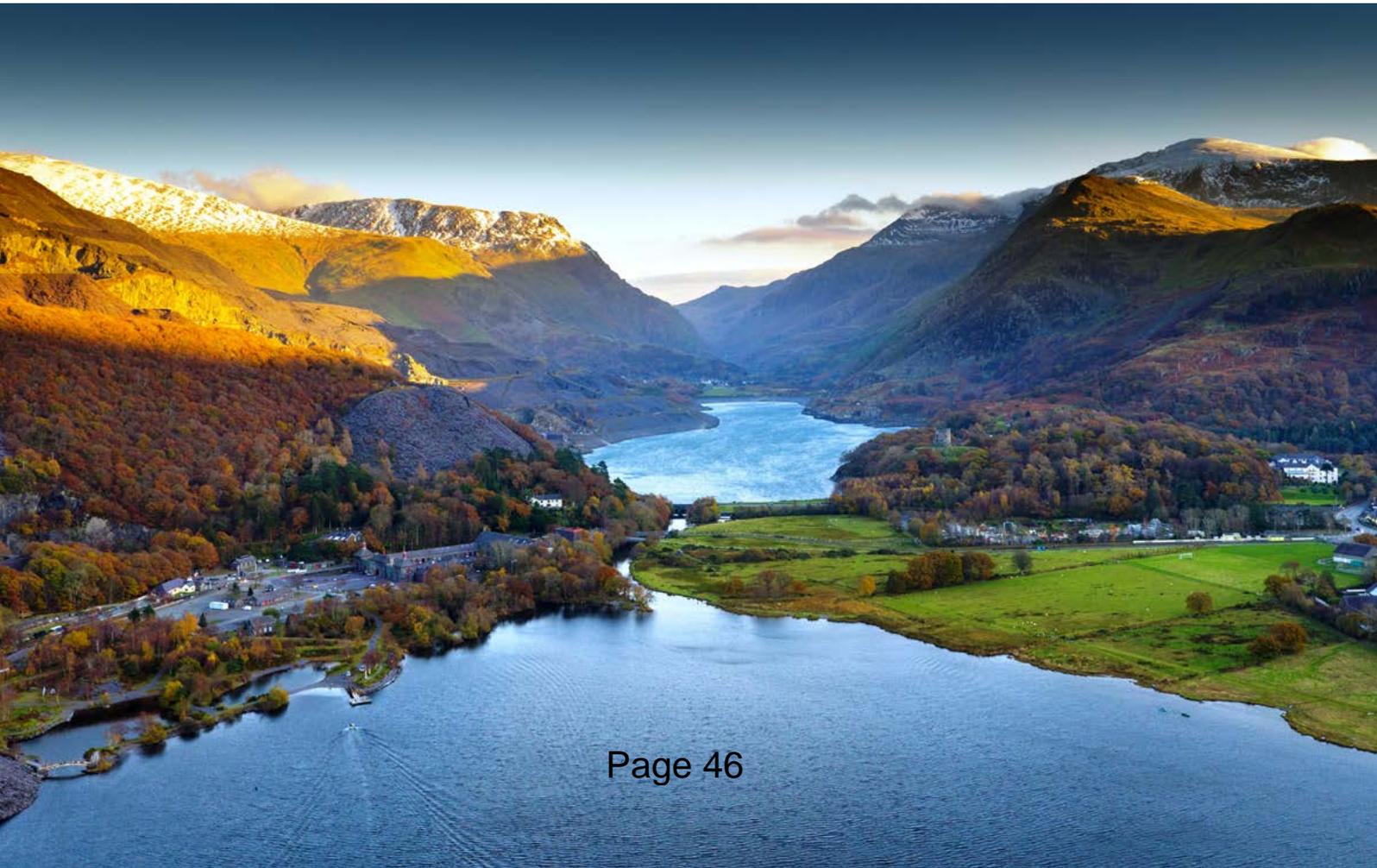


WALES AUDIT OFFICE
SWYDDFA ARCHWILIO CYMRU

Annual Improvement Report 2016-17 – Gwynedd Council

Issued: June 2017

Document reference: 334A2017



This Annual Improvement Report has been prepared on behalf of the Auditor General for Wales by Paul Goodlad and Jeremy Evans under the direction of Huw Rees.

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The Auditor General is independent of government, and is appointed by Her Majesty the Queen. The Auditor General undertakes his work using staff and other resources provided by the Wales Audit Office, which is a statutory board established for that purpose and to monitor and advise the Auditor General. The Wales Audit Office is held to account by the National Assembly.

Together with appointed auditors, the Auditor General audits local government bodies in Wales, including unitary authorities, police, probation, fire and rescue authorities, national parks and community councils. He also conducts local government value for money studies and assesses compliance with the requirements of the Local Government (Wales) Measure 2009.

Beyond local government, the Auditor General is the external auditor of the Welsh Government and its sponsored and related public bodies, the Assembly Commission and National Health Service bodies in Wales.

The Auditor General and staff of the Wales Audit Office aim to provide public-focused and proportionate reporting on the stewardship of public resources and in the process provide insight and promote improvement.

We welcome correspondence and telephone calls in Welsh and English. Corresponding in Welsh will not lead to delay. Rydym yn croesawu gohebiaeth a galwadau ffôn yn Gymraeg a Saesneg. Ni fydd gohebu yn Gymraeg yn arwain at oedi.

Mae'r ddogfen hon hefyd ar gael yn Gymraeg. This document is also available in Welsh.

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Summary report

2016-17 performance audit work

- 1 In determining the breadth of work undertaken during the year, we considered the extent of accumulated audit and inspection knowledge as well as other available sources of information including Gwynedd Council's (the Council) own mechanisms for review and evaluation. For 2016-17, we undertook improvement assessment work at all councils under three themes: governance, use of resources, and improvement planning and reporting. At some councils, we supplemented this work with local risk-based audits, identified in the Audit Plan for 2016-17.
- 2 The work carried out since the last Annual Improvement Report (AIR), including that of the relevant regulators, is set out in [Exhibit 1](#).

The Council is meeting its statutory requirements in relation to continuous improvement

- 3 Based on, and limited to, the work carried out by the Wales Audit Office and relevant regulators, the Auditor General believes that the Council is likely to comply with the requirements of the Local Government Measure (2009) during 2017-18.

Recommendations and proposals for improvement

- 4 Given the wide range of services provided by the Council and the challenges it is facing, it would be unusual if we did not find things that can be improved. The Auditor General is able to:
 - make proposals for improvement – if proposals are made to the Council, we would expect it to do something about them and we will follow up what happens;
 - make formal recommendations for improvement – if a formal recommendation is made, the Council must prepare a response to that recommendation within 30 working days;
 - conduct a special inspection, and publish a report and make recommendations; and
 - recommend to ministers of the Welsh Government that they intervene in some way.
- 5 During the course of the year, the Auditor General did not make any formal recommendations. However, a number of proposals for improvement have been made and these are repeated in this report. We will monitor progress against them and relevant recommendations made in our national reports ([Appendix 3](#)) as part of our improvement assessment work.

Audit, regulatory and inspection work reported during 2016-17

Exhibit 1: audit, regulatory and inspection work reported during 2016-17

Issue date	Brief description	Conclusions	Proposals for improvement
Governance			
March 2017	<p>Good governance when determining service changes Review of the Council's governance arrangements for determining service changes.</p>	<p>Gwynedd Council's governance arrangements for service change are sound and improving, better supporting effective decision-making We came to this conclusion because:</p> <ul style="list-style-type: none"> • service changes are planned and implemented within a clear strategic framework; • governance and accountability arrangements for determining the need for, and nature of, service changes are generally clearly defined and well understood; • business cases are well structured and informative, but the review and challenge of service delivery options by scrutiny committees is not always timely; • stakeholder engagement is comprehensive and wide-ranging; • arrangements to monitor, assess and report the impact of service changes continue to strengthen; and • annual self-assessments of the Council's governance arrangements are risk-based and promote continuous improvement. 	<p>The Council's governance arrangements for significant service change could be strengthened by:</p> <p>P1 Scrutiny committees having the opportunity to review and challenge service change business cases in a timely manner before a final decision is made by Cabinet.</p>

Issue date	Brief description	Conclusions	Proposals for improvement
Use of resources			
December 2016	<p>Annual audit letter 2015-16 Letter summarising the key messages arising from the Auditor General's statutory responsibilities under the Public Audit (Wales) Act 2004 and his reporting responsibilities under the Code of Audit Practice. The Annual Audit Letter is in Appendix 2 of this report.</p>	<ul style="list-style-type: none"> the Council complied with its responsibilities relating to financial reporting and use of resources; I am satisfied that the Council has appropriate arrangements in place to secure economy, efficiency and effectiveness in its use of resources; I issued a certificate confirming that the audit of the accounts has been completed on 30 September 2016; and my work to date on certification of grant claims and returns has not identified significant issues that would impact on the 2016-17 accounts or key financial systems. 	None

Issue date	Brief description	Conclusions	Proposals for improvement
March 2017	<p>Savings planning Review of the Council's financial savings arrangements, including how well it is delivering the required savings and whether it has robust approaches to plan, manage and deliver budget savings, at a pace that supports financial resilience.</p>	<p>The Council has an effective and well-considered savings planning approach, which is supporting future financial resilience</p> <p>We came to this conclusion because:</p> <p>Savings achievement 2015-16</p> <ul style="list-style-type: none"> the Council has reported achievement of 91% of its planned 2015-16 savings in-year and can demonstrate that individual savings have been delivered. <p>Financial planning arrangements</p> <ul style="list-style-type: none"> the Council has strong financial planning arrangements in place supported by well-considered savings plans. <p>Savings Plan 2016-17</p> <ul style="list-style-type: none"> the Council has detailed savings plans and is forecasting that 93% of its 2016-17 savings plan will be achieved. 	<p>P1 Strengthen financial planning arrangements by:</p> <ul style="list-style-type: none"> ensuring that delivery timescales in business cases are robust; and establishing a more corporate approach to identifying income opportunities.

Issue date	Brief description	Conclusions	Proposals for improvement
Local risk-based performance audit			
October 2016	<p>Asset Management Review of the Council's land and building assets, including sites occupied by the Council to deliver its services and sites where the Council acts as landlord to public and private sector bodies.</p>	<p>Gwynedd Council's approach to property asset management supports robust and effective decision-making and improvement</p> <p>We came to this conclusion because:</p> <ul style="list-style-type: none"> • property asset management is based on a clear vision which takes account of local needs and supports Council priorities, although joint asset management with partners is underdeveloped; • the Council has effective arrangements for managing its land and property assets; • the Council routinely engages with stakeholders when managing its assets; and • the Council's approach to performance management is promoting continuous improvement. 	<p>The Council, together with its partners, does not have a systematic approach to joint asset planning</p> <p>P1 The Council should take the lead on reopening discussions with local and regional partners about developing a systematic approach to joint asset planning, including opportunities to:</p> <ul style="list-style-type: none"> • agree and use joint performance management systems; • set up joint property service provider bodies; and • set up joint property holding bodies.

Issue date	Brief description	Conclusions	Proposals for improvement
October 2016	<p>Information Technology Review</p> <p>Review of the extent to which the Council's arrangements for developing, using and supporting technology are likely to support continuous improvement.</p>	<p>Having improved since 2011 the Council's ICT Service is now better placed to support the Council's aims and ambitions, but governance is not sufficiently robust</p> <p>We came to this conclusion because:</p> <ul style="list-style-type: none"> • information technology governance arrangements are not applied consistently or robustly enough to support effective planning and investment, though the Council recognises the importance of IT to achieving its Ffordd Gwynedd vision; • the Council's previous IT Strategy established structures, infrastructure and service management processes, and this has enabled the ICT Service to focus the new strategy on supporting the Council's Ffordd Gwynedd vision; and • there have been major improvements in the Council's ICT Service since the last Wales Audit Office review in 2011. 	<p>P1 Review the IT Governance Group's terms of reference and membership to ensure it is effective in agreeing priorities and making recommendations to senior managers and Members. In addition, the group needs to ensure consistency in the:</p> <ul style="list-style-type: none"> • prioritisation model for IT projects; • development of business cases for all IT projects; • application of post implementation reviews for all IT projects; and • application of the Council's adopted project management approach for all major IT projects. <p>P2 Raise the profile of the IT Governance Group ensuring it meets on a regular basis and its agenda, minutes and actions / recommendations are published.</p> <p>Proposals for Improvement – IT Strategy</p> <p>P3 Ensure awareness of the new IT Strategy is raised across the Council.</p> <p>P4 Improve ownership and responsibility for the IT Strategy across the ICT Service by ensuring service plans and individual appraisals have clear links to the strategy.</p> <p>P5 Provide regular IT Strategy progress updates to senior managers and Members.</p> <p>Proposals for Improvement – ICT Service</p> <p>P6 Develop a comprehensive ICT Service Plan aligned to the new IT Strategy.</p>

Issue date	Brief description	Conclusions	Proposals for improvement
November 2016	<p>People Strategy Review of the extent to which the Council has effective people management arrangements in place to manage and whether the Council uses its workforce in a way that helps it achieve its strategic objectives.</p>	<p>Gwynedd Council is seeking to establish an effective people strategy that links with the Ffordd Gwynedd vision, but challenges remain</p> <p>We reached this conclusion because:</p> <ul style="list-style-type: none"> • the Council is developing its approach to ensuring people management will support its vision but it has not yet sought formal approval or submitted the People Strategy to scrutiny by Members; • the Council has a set of people management policies and guidance notes in place but they do not yet fully align with the draft People Strategy; • whilst the Council does not have a workforce plan it is developing one; and • the Council has developed a business partner model where managers take a higher profile in people management but it is not applied consistently and it is unclear how HR risks are managed. 	<p>P1 Ensure full Member ownership through scrutiny and formal approval of the People Strategy.</p> <p>P2 Update all people management policies and managers' guide to reflect the new People Strategy.</p> <p>P3 Put in place a comprehensive corporate workforce plan.</p> <p>P4 Roll out the new appraisal process to all staff.</p>

Issue date	Brief description	Conclusions	Proposals for improvement
January 2017	<p>Risk Management A risk based assessment of the Council's corporate arrangements.</p>	<p>The Council is making good progress in strengthening its risk management arrangements enabling them to better support robust and effective decision-making.</p>	<p>The Council's risk management arrangements would benefit from:</p> <ul style="list-style-type: none"> • developing a risk summary or risk tracking document as part of its Corporate Risk Register; • introducing greater consistency about the identification and management of risk in papers and reports presented to Members; • having more explicit regard to the concept of 'risk appetite' in its approach to risk management; • introducing a Risk Strategy and Operations Manual to accompany the Council's refreshed arrangements; and • training officers and Members on risk management as part of a wider awareness raising initiative.
Improvement planning and reporting			
April 2016	<p>Wales Audit Office annual improvement plan audit Review of the Council's published plans for delivering on improvement objectives.</p>	<p>The Council has complied with its statutory improvement planning duties.</p>	None
November 2016	<p>Wales Audit Office annual assessment of performance audit Review of the Council's published performance assessment.</p>	<p>The Council has complied with its statutory improvement reporting duties.</p>	None

Issue date	Brief description	Conclusions	Proposals for improvement
Reviews by inspection and regulation bodies			
June 2016	<p>National inspection of care and support for people with learning disabilities</p> <p>A joint inspection by the Care and Social Service Inspectorate Wales and Healthcare Inspectorate Wales. The purpose of the inspection was to assess the success of local authority social services in achieving the outcomes that matter to people</p>	<p>The report can be accessed via these links: Full report: National inspection of care and support for people with learning difficulties - GWYNEDD COUNCIL Easy Read version of the report</p>	<p>Easy Read Recommendations:</p> <p>P1 Gwynedd Council needs to make good plans for the future. This means:</p> <ul style="list-style-type: none"> • the Council needs to know what people with learning disabilities need. • Council leaders must take the lead. • the Council must work closely with people with learning disabilities and their family carers. Some people will need support from advocacy services to do this. • the Council must work closely with service providers. • the Council must plan with the Health Board how to choose and buy services together in the future. <p>P2 The Council needs a way to check that it is keeping people safe.</p> <p>P3 The Council needs to check it is supporting the rights of people who may need their freedom limited.</p> <p>P4 The Council needs to make sure staff get the right advice, support and supervision.</p> <p>The inspection report also included a range of recommendations for Betsi Cadwaladr University Health Board to address.</p>

Appendix 1 - Status of this report

Status of this report

The Local Government (Wales) Measure 2009 (the Measure) requires the Auditor General to undertake a forward-looking annual improvement assessment, and to publish an annual improvement report, for each improvement authority in Wales. Improvement authorities (defined as local councils, national parks, and fire and rescue authorities) have a general duty to 'make arrangements to secure continuous improvement in the exercise of [their] functions'.

The annual improvement assessment considers the likelihood that an authority will comply with its duty to make arrangements to secure continuous improvement. The assessment is also the main piece of work that enables the Auditor General to fulfil his duties. Staff of the Wales Audit Office, on behalf of the Auditor General, produce the annual improvement report. The report discharges the Auditor General's duties under section 24 of the Measure, by summarising his audit and assessment work in a published annual improvement report for each authority. The report also discharges his duties under section 19 to issue a report certifying that he has carried out an improvement assessment under section 18 and stating whether (as a result of his improvement plan audit under section 17) he believes that the authority has discharged its improvement planning duties under section 15.

The Auditor General may also, in some circumstances, carry out special inspections (under section 21), which will be reported to the authority and Ministers, and which he may publish (under section 22). An important ancillary activity for the Auditor General is the co-ordination of assessment and regulatory work (required by section 23), which takes into consideration the overall programme of work of all relevant regulators at an improvement authority. The Auditor General may also take account of information shared by relevant regulators (under section 33) in his assessments.

Appendix 2 - Annual Audit Letter

Annual Audit Letter

Dilwyn Williams
Cllr Dyfed Wyn Edwards
Gwynedd Council,
Shirehall Street
Caernarfon
LL55 1SH

Dear Dilwyn and Dyfed

Annual Audit Letter Gwynedd Council 2015-16

This letter summarises the key messages arising from my statutory responsibilities under the Public Audit (Wales) Act 2004 and my reporting responsibilities under the Code of Audit Practice.

The Council complied with its responsibilities relating to financial reporting and use of resources.

It is the Council's responsibility to:

- put systems of internal control in place to ensure the regularity and lawfulness of transactions and to ensure that its assets are secure;
- maintain proper accounting records;
- prepare a Statement of Accounts in accordance with relevant requirements; and
- establish and keep under review appropriate arrangements to secure economy, efficiency and effectiveness in its use of resources.

The Public Audit (Wales) Act 2004 requires me to: provide an audit opinion on the accounting statements;

- review the Council's arrangements to secure economy, efficiency and effectiveness in its use of resources; and
- issue a certificate confirming that I have completed the audit of the accounts.

Local authorities in Wales prepare their accounting statements in accordance with the requirements of the CIPFA/LASAAC Code of Practice on Local Authority Accounting in the United Kingdom. This Code is based on International Financial Reporting Standards. On 30 September 2016 I issued an unqualified audit opinion on the accounting statements confirming that they present a true and fair view of the Council's and the Pension Fund's financial position and transactions. My report is contained within the Statement of Accounts. The key matters arising from the accounts audit (for both the Council and Pension Fund) were reported to members of the Audit Committee in my Audit of Financial Statements report on the 29 September 2016, and I do not need to bring anything to your attention in this letter.

It is also worth noting that the Council lead on the preparation of the accounts of the GwE Joint Committee and also prepared Annual Returns for the Gwynedd Harbours, the Special Educational Needs Joint Committee (SEN) and the Joint Planning Policy Joint Committee (JPP). On 30 September 2016:

- I issued an unqualified opinion on GwE Joint Committee's accounts confirming that they present a true and fair view of the Committee's financial position and transactions; and
- I confirmed that the information contained in the annual returns for Gwynedd Harbours and the SEN and JPP Joint Committees was in accordance with proper practices.

The key matters arising from these audits were reported to the relevant committees where appropriate. Again, I do not need to bring anything to your attention in this letter.

I am satisfied that the Council has appropriate arrangements in place to secure economy, efficiency and effectiveness in its use of resources.

My consideration of the Council's arrangements to secure economy, efficiency and effectiveness has been based on the audit work undertaken on the accounts as well as placing reliance on the work completed under the Local Government (Wales) Measure 2009. The Auditor General will highlight areas where the effectiveness of these arrangements has yet to be demonstrated or where improvements could be made when he publishes his Annual Improvement Report.

I issued a certificate confirming that the audit of the accounts has been completed on 30 September 2016.

My work to date on certification of grant claims and returns has not identified significant issues that would impact on the 2016-17 accounts or key financial systems.

The financial audit fee for 2015-16 is currently expected to be in line with the agreed fee set out in the Annual Audit Plan.

Yours sincerely

A handwritten signature in black ink that reads "I C Howse". The letters "I" and "C" are stylized and connected to the word "Howse".

Ian Howse

For and on behalf of the Auditor General for Wales

Appendix 3 - National report recommendations 2016-17

National report recommendations 2016-17

Exhibit 2: national report recommendations 2016-17

Summary of proposals for improvement relevant to local government, included in national reports published by the Wales Audit Office, since publication of the last AIR

Date of report	Title of review	Recommendation
August 2016	Financial Resilience of Local Authorities in Wales 2015-16	<p>In our report of 2014-15 (The Financial Resilience of Councils in Wales, April 2015) we made a number of recommendations for local authorities. Many of these recommendations remained relevant and required further work from authorities to address them during 2016-17. In addition, we also made the following recommendations based on our more recent review:</p> <p>R1 Local authorities should strengthen their financial-planning arrangements by:</p> <ul style="list-style-type: none"> • developing more explicit links between the Medium Term Financial Plan (MTFP) and its corporate priorities and service plans; • aligning other key strategies such as workforce and asset management plans with the MTFP; • developing comprehensive multi-year fully costed savings plans which underpin and cover the period of the MTFP, not just the forthcoming annual budget; • categorising savings proposals so that the shift from traditional-type savings to transformational savings can be monitored over the period of the MTFP; and • ensuring timescales for the delivery of specific savings proposals are realistic and accountability for delivery is properly assigned. <p>R2 Local authorities should develop corporate income generation and charging policies.</p> <p>R3 Local authorities should ensure that they have a comprehensive reserves strategy, which outlines the specific purpose of accumulated useable reserves and the impact and use of these in the MTFP.</p> <p>R4 Local authorities should develop key performance indicators to monitor the MTFP.</p> <p>R5 Local authorities should ensure that savings plans are sufficiently detailed to ensure that members are clear as to what the plans are intended to deliver and that the delivery of those plans can be scrutinised appropriately throughout the year.</p> <p>R6 Local authorities should ensure that corporate capacity and capability are at a level that can effectively support the delivery of savings plans in the MTFP at the pace required.</p>

Date of report	Title of review	Recommendation
October 2016	<u>Community Safety in Wales</u>	<p>The seven recommendations within this report required individual and collective action from a range of stakeholders – the Welsh Government, Home Office Wales Team, police and crime commissioners, public service board members and local authorities:</p> <p>R1 Improve strategic planning to better coordinate activity for community safety by replacing the existing planning framework with a national strategy supported by regional and local plans that are focused on delivering the agreed national community-safety priorities.</p> <p>R2 Improve strategic partnership working by formally creating effective community-safety boards that replace existing community-safety structures that formalise and draw together the work of the Welsh Government, police forces, local authorities, health boards, fire and rescue authorities, WACSO and other key stakeholders.</p> <p>R3 Improve planning through the creation of comprehensive action plans that cover the work of all partners and clearly identify the regional and local contribution in meeting the national priorities for community safety.</p> <p>R4 Review current grant-funding arrangements and move to pooled budgets with longer-term funding commitments to support delivery bodies to improve project and workforce planning that focuses on delivering the priorities of the national community-safety strategy.</p> <p>R5 Ensure effective management of performance of community safety by:</p> <ul style="list-style-type: none"> • setting appropriate measures at each level to enable members, officers and the public to judge progress in delivering actions for community-safety services; • ensuring performance information covers the work of all relevant agencies; and • establishing measures to judge inputs, outputs and impact to be able to understand the effect of investment decisions and support oversight and scrutiny. <p>R6 Revise the systems for managing community-safety risks and introduce monitoring and review arrangements that focus on assuring the public that money spent on community safety is resulting in better outcomes for people in Wales.</p> <p>R7 Improve engagement and communication with citizens through public service boards in:</p> <ul style="list-style-type: none"> • developing plans and priorities for community safety; • agreeing priorities for action; and • reporting performance and evaluating impact.

Date of report	Title of review	Recommendation
November 2016	<u>Charging for Services and Generating Income by Local Authorities</u>	<p>This report made eight recommendations, of which six required action from local authorities. Recommendations R4 and R6 required action from the Welsh Government and Welsh Local Government Association:</p> <p>R1 Develop strategic frameworks for introducing and reviewing charges, linking them firmly with the Medium Term Financial Plan and the Corporate Plan.</p> <p>R2 Review the unit and total costs of providing discretionary services to clearly identify any deficits and, where needed, set targets to improve the current operating position.</p> <p>R3 Use the impact assessment checklist whenever changes to charges are considered.</p> <p>R4 Identify opportunities to procure private sector companies to collect charges to improve efficiency and economy in collecting income.</p> <p>R5 Improve management of performance, governance and accountability by:</p> <ul style="list-style-type: none"> • regularly reporting any changes to charges to scrutiny committee(s); • improving monitoring to better understand the impact of changes to fees and charges on demand, and the achievement of objectives; • benchmarking and comparing performance with others more rigorously; and • providing elected members with more comprehensive information to facilitate robust decision making. <p>R6 Improve the forecasting of income from charges through the use of scenario planning and sensitivity analysis.</p>

Date of report	Title of review	Recommendation
January 2017	<u>Local Authority Funding of Third Sector Services</u>	<p>This report made three recommendations, of which two required action from local authorities. Recommendation R3 required action from the Welsh Government:</p> <p>R1 To get the best from funding decisions, local authorities and third sector bodies need to ensure they have the right arrangements and systems in place to support their work with the third sector. To assist local authorities and third sector bodies in developing their working practices, we recommend that local authority and third sector officers use the Checklist for local authorities effectively engaging and working with the third sector to:</p> <ul style="list-style-type: none"> • self-evaluate current third sector engagement, management, performance and practice; • identify where improvements in joint working is required; and • jointly draft and implement an action plan to address the gaps and weaknesses identified through the self-evaluation. <p>R2 Poor performance management arrangements are weakening accountability and limiting effective scrutiny of third sector activity and performance. To strengthen oversight of the third sector, we recommend that elected members scrutinise the review checklist completed by officers, and regularly challenge performance by officers and the local authority in addressing gaps and weaknesses.</p>

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Agenda Item 13

Annual Report of the Strategic Safeguarding Panel

2016/17

1. Introduction

- 1.1 The Members will be aware that the Council gives high priority to safeguarding and has included it within the Strategic Plan. The Members will be also be aware that the Strategic Children and Adults Safeguarding Panel was established to provide assurance to the Cabinet and the Statutory Director of the efficiency of our safeguarding and protection arrangements as a Council.
- 1.2 Therefore, the purpose of this report is to provide an overview of the Panel's work for 2016/17 along with a summary of the opinion of external inspectors of our arrangements. In addition, it will also summarise our intentions for 2017/18 for information.
- 1.3 Councillor Mair Rowlands chaired the Panel during the year and she was supported by Morwena Edwards, the Statutory Director with responsibility for safeguarding. Councillor Gareth Roberts and Councillor Gareth Thomas are also Panel Members due to their responsibilities within adults and childrens services. In terms of Officers, a number of Heads of Department are Panel members (such as Education, Adults, Children and Corporate Support) and the Monitoring Officer is also a member of the panel.
- 1.4 An Operational Group exists to support the work of the panel. The purpose of this Group is to implement the work programme and deal with operational matters. The Group's membership includes the safeguarding champions from each of the Council's departments. The Chair of the Operational Group also serves on the Strategic Panel.
- 1.5 The main focus of the above arrangements is to ensure that the Council's corporate safeguarding procedures are effective and robust. It is worth noting that there is also an intention to expand the Panel's focus and responsibility to include counter terrorism duties, recognising and preventing radicalization duties, modern slavery requirements, domestic violence requirements and Social Inclusion Requirements. This will ensure that the Panel has an overview of the wider safeguarding agenda which exists to make best use of the safeguarding operational group and the officers who are champions in the above fields.
- 1.6 Other arrangements exist, such as the Regional Safeguarding Boards for Children and Vulnerable Adults, to deal with specialised issues within the field. These Boards are statutory and operate across agencies, with specific and legal responsibilities. The Council has a responsibility to contribute to these Boards regionally in terms of implementation. At the end of this report there is a link to the Annual Reports of these Safeguarding Boards.
- 1.7 The Corporate Director is required to consistently and regularly report upon Safeguarding matters to members. It is our intention to report upon the progress within the safeguarding field every six months. This report looks at the 2016/17 period. The next Progress report will be submitted to members in November/December 2017 and the annual report will be submitted in May 2018.

2. What has been achieved during the 2016/17.

Field of work	Action / Result	Status
D1- Ensure Whole Council Ownership in the Safeguarding Field		
Review Policies and procedures every year	<p>Every department has reviewed its departmental policies.</p> <p>Review of the Corporate Policy has not been completed as we are still awaiting the publication of part seven of the Social Services and Well-being Act's code of practice.</p>	Task has slipped to the 2017-18 work programme
Ensure that arrangements are in place for measuring the impact of the corporate safeguarding arrangements	<p>Encouraging corporate ownership of the safeguarding field is one of the authority's priorities. Since adopting the Corporate Safeguarding Policy and departmental Safeguarding policies, we have ensured that operating in accordance with the policy impacts on safeguarding children and vulnerable adults. An impact measurement framework had been drawn up and submitted to the Panel.</p> <p>A Task Group has also been established to review the Corporate Policy's measures and a collecting/reporting procedure will be introduced within the Strategic Plan for 2017/18.</p>	Has been achieved. Work programme continuing.
Hold awareness raising sessions in the field and monitor their impact	<p>A comprehensive programme to raise awareness has taken place during the year including distributing posters, use of social media. A departmental analysis of the staff who have read and accepted the Safeguarding policy has been undertaken and the designated managers have continuously promoted the policy. A CSE safeguarding reminder session has also been arranged.</p> <p>A training programme has also been arranged that meets the needs of raising awareness in the fields of counter radicalization, CSE, Safeguarding children and adults, safe recruitment and the Social Services and Well-being Act (2014).</p>	Has been achieved
Hold an annual audit of compliance with the policy	An audit of the Understanding and Awareness of Safeguarding has been completed by the	Has been fully achieved

	audit unit which measured the levels of awareness across groups of different jobs across the Council. This year's Audit has shown that there has been an increase in awareness level of the Safeguarding Policy and Procedures.	
Monitor contract arrangements (staff and provisions) in terms of safeguarding and strengthen procedures as needed	A DBS audit was completed by the audit unit during the year.	Has been achieved
Ensure that scrutiny Members are aware of the Safeguarding Strategic Panel	Arrangements are in place for Scrutiny Members to receive a report from the Panel every six months.	Has been achieved
D2 Safeguarding Children and Young People		
Ensure that the Council's arrangements coincide with the regional strategy which is being developed on a multi-agency level	The Council is continuing to contribute to the regional work in terms of developing the CSE action plan. A task and finish group, which is led by the police has been established to look at arrangements across the region and in order to identify areas that could be strengthened and improved upon. We are confident that our operational arrangements in the field coincide with the guidelines and procedures and we contribute to the regional action plan.	Has been achieved
Ensure that the Council, as far as possible, understands the demand for services and CSE trends in Gwynedd	The Children and Supporting Families Department has developed systems to collect and store data about cases of CSE in Gwynedd.	Has been achieved. Work programme continuing
Improve the understanding and awareness of individuals and key groups within this specific field, including how to identify the signs.	Training was conducted by an expert in the field, Dr Helen Beckett, and the work is continuing throughout the year to review the SERAF assessment. The Regulatory Department has now introduced a requirement for taxi drivers to complete CSE safeguarding and awareness training before they receive their licence. This complies with the requirements of the regional CSE plan and the local requirement.	Has been achieved
Acknowledge that the risk is higher for looked after children, and work with the Corporate Parenting Panel to try to safeguard the most vulnerable children.	The Children and Supporting Families Department has developed its information systems; this means that the department can better identify the numbers of looked after children who are at risk of CSE; those who need initial work to avoid risks increasing and	Work programme continuing

	remedial work to safeguard them.	
Conduct an annual audit of safeguarding and governance arrangements within the department and schools.	A routine annual audit of safeguarding and governance arrangements in place within the department. The department receives a Governors' Annual Report from every school. These reports feed into the education department's annual safeguarding business plan. A number of other audits have been conducted during the year.	Work programme continuing
Create a training programme to meet the needs of the annual audit.	An 'Practice Improvement Group' has also been established to review the audit's findings and designs ways to improve our practice.	Has been achieved
Implement a work programme in accordance with the recommendations of the annual audit and also consider any opportunities for improvement.	A training programme is in place based on the findings of the annual audits.	Has been achieved, work programme is in place.
D3- Safeguarding Vulnerable Adults		
Develop a wide range of different methods for individuals to be heard.	A range of different methods for individuals to be heard need to be developed in response to the Winterbourne Report's recommendations in addition to the Older People's Commissioner's report "Where to Call Home" The Safeguarding and Quality Assurance Unit's work programme refers to engagement work with service users and carrying out an audit of experiences. We will be working with service users to ensure that sustainable safeguarding plans are in place which are suitable for their needs. The Quality Assurance Officers will engage with residents, individuals who receive home care and their families to get feedback and to identify lessons to be learned.	Work programme in place for 2017/18
Identify whether there is appropriate use of advocacy and try to respond to any shortcomings.	In addition to the above, identifying whether there is appropriate use of advocacy and trying to respond to any shortcomings is needed. The Advocacy service is extensively used when carrying out DoLS work, but it should be ensured that advocacy is offered to individuals who are under the Safeguarding procedure and receiving Services in the Adults field.	Work programme in place for 2017/18

<p>Provide evidence that the corporate groups can demonstrate that they listen to the voices of vulnerable adults.</p>	<p>The Operational Panel for Safeguarding Children and Adults is a Corporate group which meets every quarter. The Panel discusses matters such as Safeguarding and how the Department can take responsibility for listening to the voices of vulnerable adults. The work of reviewing the Corporate Safeguarding Policy will begin in May.</p> <p>A meeting was held with a CSSIW officer at the beginning of March 2017 and, in acknowledging that there was work to do and a challenge ahead of us, the plans for the Safeguarding and Quality Assurance Team were described as 'exciting' changes. This feedback is very encouraging at the beginning of a period of change.</p>	<p>Has been achieved.</p>
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3. External Inspections received during the period

3.1 Review of 'A Place to Call Home' (Older People's Commissioner)

During the year, the Adults, Health and Well-being Department has responded to the recommendations in the report of the Older People's Commissioner, 'A Place to Call Home'. Our response shows that we are on the right path but, like every other authority, there is still work to be done, and a range of different methods for individuals to be heard need to be developed. The Safeguarding and Quality Assurance Unit's work programme refers to engagement work with service users and carrying out an audit of experiences. The unit will be working with service users to ensure that sustainable safeguarding plans are in place which are suitable for their needs. The Quality Assurance Officers will engage with residents, individuals who receive home care and their families to get feedback and to identify lessons to be learned.

3.2 Annual Letter 2016/17 (Care and Social Services Inspectorate Wales)

The Council received the Inspectorate's Annual Letter 2016/17 on 13 June. They have made reference to Safeguarding. The Inspectorate recognise the progress that has been made in the adult safeguarding field and in the Learning Disabilities field.

3.3 Annual Letter 2015/16 (Care and Social Services Inspectorate Wales)

You will be aware the Inspectorate's Annual Letter 2015 referred to the need to improve the Adults, Health and Well-being Department's vulnerable adult's arrangements and this work has already been identified and incorporated into the strategic plan. The Adults Department has put robust arrangements in place during the year in order to ensure expertise and full

understanding of all the issues involving safeguarding. This enables the Council to be proactive in order to respond appropriately and effectively to concerns as they arise. There has been a general increase in cases involving safeguarding issues recently, however, from discussions with other Authorities within the region, it is clear that we are all in a similar situation. The unit will be fully established by June 2017 and a comprehensive work programme has been developed.

3.4 Inspectorate Report on Services for Adults with Learning Disabilities

In June 2016, the Inspectorate published a report on services for adults with learning disabilities. Since the publication of the report, the Learning Disabilities Service has made substantial progress to modernise the service following the inspection and has jointly developed a clear vision with service users and their families. An exciting programme is in place to ensure a sustainable provision for adults with learning disabilities for the future. The new service has been designed to assist citizens to focus on their strengths and on what they can achieve safely on their own. The Council has secured funding from Welsh Government's Intermediate Fund to develop the new model of service provision that will benefit adults with learning disabilities, located at the Arfon Leisure Centre initially.

4. Practice Reviews

4.1 Wales has developed a Child Practice Review (CPR) framework to improve the culture of learning from child protection cases. 'Brief' or 'extended' reports are in place depending on the circumstances of the child in question. The reports focus on improving practice. During this period, Gwynedd has had two extended practice case reviews (ECPR). Both reviews have ended. The full reports will be available on the North Wales Safeguarding Board's website soon. Full Action Plans have been compiled for both reviews following reconsiderations and achievements against the action plans are being reviewed by the Regional Board, the Statutory Team are also monitoring achievements in order to ensure reflection and learning from the incidents and reviewing practice where needed. The Strategic Safeguarding Panel reviews learning from each Practice Review to ensure that the Council takes necessary actions.

4.2 Likewise, Adult Safeguarding Practice Reviews (APR) are conducted on behalf of the North Wales Safeguarding Adults Board. They are also a method that enables every partner agency to note the lessons that can be learnt from especially complicated or difficult cases of Adult Safeguarding and implement changes to services in response to these lessons. Gwynedd currently has 1 APR case which is about to close (APR Gwynedd 1). This case's full report will be available on the Regional Board's website soon and as with Child Practice Reviews, the Panel will review the learning to ensure the Council takes the necessary actions.

5. The intention looking forward - 2017 and beyond

5.1 As is stated at the beginning of this report, the Council has prioritised and promoted the Safeguarding field within the Strategic Plan by ensuring that it receives cross-departmental consideration and attention from the whole Council - rather than being seen as a responsibility for some departments only. The Safeguarding project will continue to receive attention in the 2017/18 Strategic Plan.

5.2 **D1 Ensure whole Council ownership in the safeguarding field**

5.3 The purpose of the project is to ensure that there is corporate ownership of the safeguarding agenda and that we have effective procedures to safeguard children and vulnerable adults in Gwynedd. Work to raise the awareness of Council staff and members regarding this agenda is ongoing work to ensure that everyone is aware that safeguarding children and vulnerable adults from abuse is a responsibility that falls on everyone.

5.4 By the end of March 2018, we will have:

- Reviewed our policies and procedures to address legislative changes
- Monitored the impact of our actions via the annual awareness survey and the contracts inspection, implemented any recommendations and continued to raise awareness and provide training in the safeguarding field

5.5 D2 Safeguarding children and young people

5.6 The purpose of this project is to continually improve the safeguarding arrangements and culture for children and young people. We will ensure that safeguarding policies and procedures are clearly understood by everyone working within the Education field and respond to the CSE risk across north Wales.

5.7 By the end of March 2018, we will have further strengthened the safeguarding procedures and culture within the field of Education, by:

- Conducting an annual audit of safeguarding and governance arrangements within the department and schools
- Continuing to improve the understanding and awareness of individuals and key groups within this specific field, including how to identify the signs
- Continuing to update the training programme to meet the needs of the annual audit
- Implementing a work programme in accordance with the findings and recommendations of the annual audit and also consider any opportunities for improvement.

5.8 By the end of March 2018, we will have reviewed the Council's arrangements for responding to the risk of Child Sexual Exploitation (CSE) by:

- Ensuring that the Council's arrangements coincide with the regional strategy which is being developed on a multi-agency level.
- Continuing to maintain arrangements to collect information about the number of cases, risk and compliance levels and safeguarding processes in the field in order to be aware of the nature of the demand in the field. Improving the understanding and awareness of individuals and key groups within this specific field, including how to identify the signs
- Establishing a multi-agency operational panel to look at individual cases in the field of CSE in order to agree on action that needs to be taken to safeguard individual children and young people. This panel will add value to front-line day to day intervention

5.9 D3 Safeguarding Vulnerable Adults

5.10 The purpose of the project is to continually improve the safeguarding arrangements and culture within the adults field.

5.11 By the end of March 2018, the project will be implementing the aforementioned work programme, and in doing so, will have ensured that we are:

- Developing a range of different methods for individuals to be heard
- Identifying whether there is appropriate use of advocacy and trying to respond to any shortcomings
- Providing evidence that the corporate groups can demonstrate that they listen to the voices of vulnerable adults

6. Strategic Safeguarding Panel for the Future

6.1 You will be aware that there is an intention to expand the Strategic Safeguarding Panel's field of work to include counter terrorism and preventing radicalization duties, modern slavery requirements, domestic violence requirements and Social Inclusion Requirements. This will ensure that the Panel has an overview of the wider safeguarding agenda which exists and makes best use of the safeguarding operational group and the officers who are champions in the above fields. Although these areas have not received the Panel's attention during the year, the following information gives an overview of the areas in question.

6.2 CONTEST / PREVENT

6.3 The UK Government's Counter Terrorism and Safety Act 2015 introduces a duty on local authorities, schools and colleges as part of their role, to give due attention to the need to prevent people from being attracted to terrorism. The UK Government's PREVENT strategy is one of the four 'CONTEST' strands, the Home Office's broader counter-terrorism strategy, and mainly relates to preventing people from becoming terrorists or from supporting terrorists and violent extremism. The PREVENT strategy specifically:

- Responds to the ideological challenge of terrorism and the threat we face from those who promote it.
- Prevent individuals from being attracted to terrorism and ensuring they receive appropriate advice and assistance.
- Work with other sectors and institutions where there is a danger of radicalization that needs to be addressed.

6.4 The Regional 'CONTEST' Board, which is a multi-agency board with representation from Gwynedd Council, is in place. Morwenna Edwards, Corporate Director represents Gwynedd on the 'CONTEST' Board. The Gwynedd and Anglesey Community Safeguarding Partnership has the responsibility to supervise 'PREVENT' programmes within the partnership's services.

6.5 The PREVENT strategy includes developing a wide range of activities including practical assistance, advice and support and during incidents and programmes supporting individuals and institutions to offset malicious ideologies. During the 2016/17 year a comprehensive training programme has been carried out within Gwynedd schools, with most of our schools' staff completing safeguarding children training (level 1 or 2) which includes modules on radicalization.

- 6.6 The 2017/18 PREVENT work programme will focus on running this training for Council staff on every level. E-learning modules have been prepared by the Home Office and have been shared with the Learning and Development Department, and are available to the Council's staff. It will need to be ensured that these learning programmes are available for the Council's workforce.
- 6.7 In addition it is a statutory requirement for us to conduct 'CHANNEL' panels which are multi-agency meetings that focus on supporting people early on who have been recognised as being at risk of being attracted to terrorism. The panel works in a multi-agency method to identify individuals, assess a dangerous nature and develop effective and appropriate ways to support the individuals. In Gwynedd, 'CHANNEL' Panels arrangements are in place and it is encouraging to report that not one referral has reached the need for 'CHANNEL' intervention.

6.8 Violence against Women, domestic abuse and Sexual Violence

- 6.9 The Violence against Women, Domestic Violence and Sexual Violence (Wales) Act came into force in 2015. The aim of the act is to improve the response of the public sector in Wales to abuse and violence of this kind. The Act specifically places responsibilities upon Councils to establish a Regional operational structure. To this end, the Regional Strategic Board has been established with Morwenna Edwards, Corporate Director representing the Council on the Board. The Board has appointed a 'Regional Advisor', as is required in the Act and they are now working on a regional transformation program which means that local officers will move to be part of a regional team.
- 6.10 One of the main responsibilities as a result of the Act is the national training framework. The Framework includes six training groups. All public service's professions will belong to one of these groups and it every member of the Council's workforce is required to receive the relevant training. The Welsh Government expected Councils to have completed 50% of the training by the end of the year. This was not achieved for various of reasons including the standard of the Welsh language learning materials being inadequate in addition to technical matters. The Council is working with the Welsh Government to try to overcome these obstacles. Disseminating the training will be a priority for 2017/18.

6.11 Modern Slavery

- 6.12 The Modern Slavery agenda is once again a field of work which is receiving a much higher profile. A regional group leads on this field and Gwynedd Council contributes to this North Wales Group. During the year the Senior Housing Manager, Arwel Owen has been appointed as the Council's Single Point of Contact (SPOC). It is early days for the Regional and training has been arranged for group members in order to better understand how to identify and respond to the problem. The intervention's emphasis is on working together and priority for 2017/18 will be to extend the understanding of specific groups of staff within the Council which are likely to come across modern slavery. In addition, e-learning modules are available to provide training for the whole workforce.

6.13 Social Inclusion

- 6.14 The Welsh Government will be releasing a new Community Inclusion Plan in the coming months. It is likely that Social Inclusion's current themes will continue to be a priority with the 'PREVENT' agenda and changing demographic receiving more attention. North Wales Police and the Police Commissioner (PCC) have published their plan for 2017-18 which includes their Social Inclusion priorities which are Modern Slavery, Safe Communities and 'PREVENT'. The North Wales Safeguarding Communities Board will be considering and deciding upon their priorities for 2017/18.

7. Conclusion

- 7.1 This report is presented in order to give an overview of the activities happening within the safeguarding field within the Council. The emphasis of the work is on the fact the safeguarding is a corporate responsibility and not something for the Education Department and Social Services Department only.
- 7.2 Last year's achievements regarding the work programme highlights the Strategic Panel and Operational Group's activity and the hard work which has been done in terms of continuing to improve our corporate safeguarding and protection arrangements. External audits and practice reviews have generally given positive feedback. They have also highlighted elements which could be improved. The specific cases raised also offer opportunities to learn and to improve and review our arrangements.

MEETING	FULL COUNCIL
DATE	5 October 2017
TITLE OF THE REPORT	THE COUNCIL'S POLITICAL BALANCE
PURPOSE	To review the Council's Political Balance
RECOMMENDATION	Review the political balance as noted below
AUTHOR	Geraint Owen, Head of Democratic Services

1. INTRODUCTION

1.1 During the last Council meeting held on 15th June 2017, the political constitution of the Council was noted as follows:-

Plaid Cymru	41
Independent	24
Llais Gwynedd	6
Labour/Liberal	2
Individual Member	2

Total **75**

1.2 Since then, there have been some changes resulting in the review of the political balance. The changes are as follows:

The two individual members have formed a new group, Llais Annibynnol Gwynedd.

Councillor Louise Hughes has become a member of Llais Annibynnol Gwynedd Group (previously Independent Group).

1.3 To summarise, following the changes noted, the political constitution of the Council is as follows:

Plaid Cymru	41
Independent	22
Llais Gwynedd	6
Liberal/Labour	2
Llais Annibynnol Gwynedd	3

Total **75**

2. ALLOCATION OF SEATS ON COMMITTEES

2.1 To remind members, the four main rules included in the Local Government and Housing Act 1989 in relation to the allocation of seats are noted here:-

- 2.2 (a) Every seat on a committee cannot be allocated to the same political group;
- (b) The majority of seats on a committee must be allocated to a political group if the number of persons who are members of that group constitute a majority of the Council's members;
- (c) Subject to paragraphs (a) and (b) above, the number of seats on ordinary committees allocated to each political group will be the same as the proportion of all seats that members of that group has on the Council;
- (ch) Subject to paragraphs (a), (b) and (c) above, the number of seats on a committee allocated to each political group will be the same proportion of seats on the committee as the number of seats that members of that group has on the Council.

The Council is expected to adhere to the rules as far as practically possible.

- 2.3 In order to ensure that these rules are adhered to, the Council has been dealing with committees in different blocks in the past. This makes it easier to ensure that rule (c) in paragraph 2.2 above is adhered to.

3. CHANGES TO SEATS ALLOCATED ON COMMITTEES

- 3.1 The changes mean that Llais Annibynol Gwynedd Group gains a seat on the Audit and Governance Committee at the expense of the Independent Group.
- 3.2 Also, Llais Annibynol Gwynedd Group gains a seat on the Planning Committee at the expense of the Independent Group. (see Appendix A).
- 3.3 The Council is asked to adopt the political balance.

APPENDIX A - ALLOCATION OF SEATS ON COMMITTEES

A	Plaid Cymru	Independent Group	Llais Gwynedd	Lib/Lab	Llais Annibynnol Gwynedd	Total
Education and Economy Scrutiny Committee	10	5	2	0	1	18
Communities Scrutiny Committee	10	5	2	1	0	18
Care Scrutiny Committee	10	6	1	0	1	18
Audit and Governance	10	5	1	1	1	18

B	Plaid Cymru	Independent Group	Llais Gwynedd	Lib/Lab	Llais Annibynnol Gwynedd	Total
Democratic Services	8	5	1	0	1	15
Planning	8	4	1	1	1	15
Central Licensing	8	5	1	1	0	15
Language	8	5	1	0	1	15
Chief Officers Appointment	8	5	2	0	0	15
Employment Appeals	4	2	1	0	0	7
Number of seats	84	47	13	4	6	154

C	Plaid Cymru	Independent Group	Llais Gwynedd	Lib/Lab	Llais Annibynnol Gwynedd	Total
Pensions	4	2	0	1	0	7
Local Joint Consultative Committee	6	3	1	0	1	11
SACRE	4	3	0	0	0	7
Joint Planning Policy Committee	5	2	1	0	0	8
Total seats	103	57	15	5	7	187

Agenda Item 15

Meeting	Full Council
Date	5 th of October 2017
Title	Establishing a Council Controlled Company
Author	Sioned Williams, Head of Economy & Communities
Member	Councillor Craig ab Iago
Purpose	Present the business case and recommendation to establish a Council Controlled Company in order to provide leisure facilities within the County.

1 The decision sought

- 1.1 To approve the business case for establishing a Gwynedd Council controlled Company to provide leisure facilities.
- 1.2 Authorise the establishment of a Gwynedd Council controlled Company in accordance with the form outlined within the business case to provide leisure facilities

2 Introduction

- 2.1 The report before you today outlines the basis for recommending the establishment of a Council Controlled Company to provide leisure facilities within the County.
- 2.2 In December 2014 the Full Council approved a series of savings targets including £1.05m of savings to be realised by 2018/19 through implementing changes within the service. The service has realised approximately £800k of savings and are confident of achieving a further £100k, but finding the remaining £150k without impacting the level of service is proving difficult.
- 2.3 This option provides an opportunity to achieve the necessary efficiency savings without impacting citizens. If we do not take any action, and taking into account the serious financial situation facing local government, it's likely that we would have to rationalise a number of leisure facilities, or significantly increase fees.
- 2.4 On the 26th of September the Education and Economy Scrutiny Committee scrutinised the business case and presented their comments to the Cabinet on the 3rd of October.
- 2.5 The Cabinet's recommendation will be presented during the Full Council's meeting.

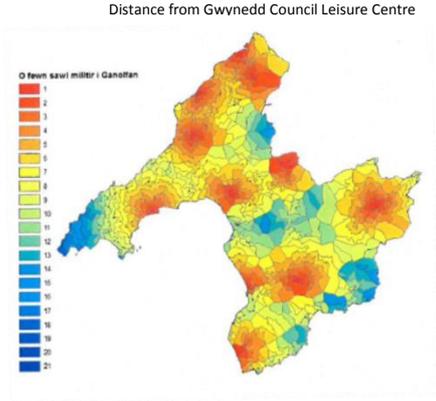
3 Background

- 3.1 On the 1st of November the Cabinet commissioned a piece of work to look at possible business models for providing leisure facilities. The aim was to identify significant savings whilst providing the same or better services to citizens.
- 3.2 The Communities Scrutiny Committee received a taste of the options that were being considered on the 24th of January and they noted that they would welcome seeing the business case in September 2017.
- 3.3 Over the last few months work has been carried out to identify the possible options and assess their advantages and any disadvantages. The following options were reviewed:
- 3.3.1 Do Nothing
 - 3.3.2 Continue to provide the services ourselves and find more efficiency savings and/or income
 - 3.3.3 Establish a new charity
 - 3.3.4 Establish a Community Benefit Company
 - 3.3.5 Establish a Community Benefit Society ('Staff Mutual')
 - 3.3.6 Establish a Council Controlled Company
 - 3.3.7 Establish a Local Authority Trading Company
 - 3.3.8 Open market procurement
 - 3.3.9 Transfer the service to another body
- 3.4 Legal advice was received on the models and, based on the risks involved with some of the options, 3 models were considered further which were Do Nothing, Open market procurement and establishing a Council Controlled Company. Officers are now of the opinion that they have sufficient information regarding the implications and risks to be able to recommend a model for the future.
- 3.5 The purpose of this report is to outline the basis for recommending that a new Council controlled Company be established in order to ensure the continuation of current services.
- 3.6 Implementing the proposed model will allow the service to achieve the savings target that the Council approved in December 2014 as well as contributing further savings to the Financial Strategy.

4 The current situation

- 4.1 The Council provides 12 Leisure Centres across the County with approximately 17,000 members and 1.5 million visits a year.

4.2 The current provision means that 27% of Gwynedd’s population live within a mile of a leisure centre and that no dwellings live more than 18 miles.

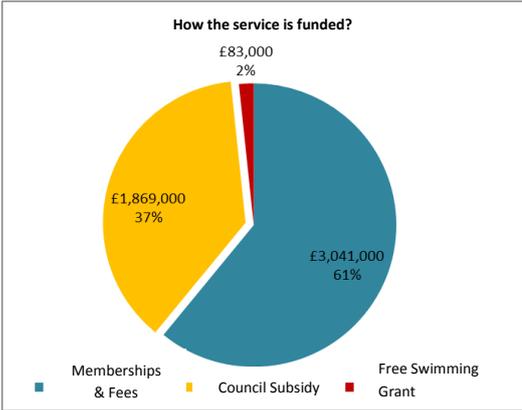


4.3 The current membership equates to almost 14% of the population of Gwynedd.

4.4 Of the 17,000 members, 55.4% are children from 0 to 16 years old, 27% are Adults aged between 24 to 60, and 9.3% are aged 65 and over.

4.5 The service’s gross spend is almost £5m per annum (excluding central re-charges) but it attracts £3.1m of income primarily from membership and entrance fees. The Council therefore subsidises the service by £1.9m per annum. Since 2014/15 this subsidy has reduced by £900k, which equates to a reduction of 33%.

4.6 Back in December 2014 the Council requested the service save approximately £1.05m between 2015 and 2018. As in previous years the service has responded by trying to ensure as little impact as possible on the people of Gwynedd through the introduction of new efficiency measures to reduce costs and increasing income by attracting new members.



4.7 To date, the service has achieved £800k of the target of £1.05m but finding the remaining sum is proving difficult within the timetable and current delivery model. If the proposed plan is approved the service will have achieved the savings target of £1.05m and additional savings (approximately £400k) will be available for the current Financial Strategy.

5 Why change?

5.1 It’s important to acknowledge that the case for change is not a reflection of the service’s performance; it’s a reflection of the unprecedented financial pressure on local government.

5.2 The case for changing our delivery model is based on the conclusion that the service cannot find the necessary savings without closing a number of leisure centres or increase membership and entrance fees on significant scale. Work has therefore been done to assess if there is a feasible and acceptable model which can achieve savings whilst providing the same or better service.

- 5.3 Members will be aware that our financial planning forecasts that this financial pressure is likely to continue over the next 3 years with even the optimistic scenario requiring £11.8m by 2020/21, and the worst scenario requiring £24m. Taking into account that the Council has already achieved £31m over the last 4 years, including £5m worth of service cuts, it's likely that finding more savings without impacting the people of Gwynedd will be even more difficult.
- 5.4 Over the last 3 years the Leisure Service have reduced the net spend by 33% by increasing income through attracting new members and achieving a series of efficiency measures to reduce spend.
- 5.5 Bearing in mind also that our leisure facilities are ageing; some of the buildings were built in the 1960s. It's only natural for repairs and maintenance costs to increase on these types of buildings but it's imperative that we continue to invest to ensure that the offer continues to be attractive to citizens. If we don't keep up with changes and new user requirements there is a real danger that we won't achieve our purpose of supporting and inspiring the people of Gwynedd to live a healthy life.
- 5.6 This work aligns closely to the Wellbeing of Future Generations Act as we attempt to implement the best model for 'ensuring a modern, fit for purpose service, inclusive and sustainable service that supports and inspires the people of Gwynedd to live a healthy life.
- 5.7 In light of the financial pressure and the uncertainty that this creates in terms of the sustainability of services there is an increasing pattern where authorities are considering whether there are more resilient models of providing services. One of the main attractions in relation to leisure services is that some bodies are eligible for tax relief which in turn releases savings and/or funds to re-invest in services.
- 5.8 The service currently spends over £0.5m a year in non-domestic taxes; transferring the service to a body that is eligible for tax relief would therefore lead to significant savings in the cost of the provision. Critically, this in theory, would not impair the level and standard of service currently offered to citizens.
- 5.9 The implications of this are that the Council would be commissioning another body to provide services on its behalf. The business case has assessed the exact implications of the different delivery models and have evaluate them against the following criteria:
- 1) The same or better service at a reduced cost of at least £500k by 2019.
 - 2) Access to alternative forms of funding
 - 3) Ability to promote and safeguard the Welsh language within the leisure and sport sector in Gwynedd
 - 4) More efficient use of Council subsidy against spending objectives
 - 5) Flexibility to respond to new challenges
 - 6) Maximise contribution towards the Council's strategic objectives.

6 Summary of the evaluation

6.1 The appendices that accompany the business case detail the options that were considered.

6.2 Following initial work it was concluded that further work should concentrate on validating the business case for establishing a Council Controlled Company and to benchmark that option against that of continuing to provide the service internally or the option of procuring an external provider (“outsourcing”).

6.3 This initial conclusion was based on the models that satisfy the criteria and that officers therefore concentrate their time on the options that are most likely to achieve the objectives.

6.4 It’s not as straightforward as saying that one model will provide a better or worse service to citizens but it’s fair to say that some models are likely to provide a better fit in terms of the Council’s priorities, policies, strategies and principles. A rather simple example of this is outsourcing to a private operator which could mean that a commercial and financial ethos could come at the expense of social objectives. For example, there would be a natural expectation, at some point, for any financial surplus be distributed as private profit instead of the local community.

6.5 The table below summarises the evaluation of the options:

KEY CRITERIA	FUTURE DELIVERY OPTIONS		
	OPTION 1: IN HOUSE	OPTION 5: EXTERNALISATION	OPTION 6: GC CONTROLLED COMPANY
SAME OR BETTER SERVICE AT A REDUCED COST	*		
BETTER ACCESS TO ALTERNATIVE FUNDING			
ABILITY TO PROMOTE AND SAFEGUARD THE WELSH LANGUAGE WITHIN THE SPORT AND LEISURE SECTOR IN GWYNEDD			
MORE EFFICIENT USE OF COUNCIL SUBSIDY AGAINST SPENDING OBJECTIVES			
FLEXIBILITY TO ADAPT AND MEET NEW CHALLENGES			
MAXIMISE CONTRIBUTION TOWARDS GWYNEDD COUNCIL’S STRATEGIC OBJECTIVES			

KEY: GREEN = MEETS THE CRITERIA, AMBR = PARTLY MEETS CRITERIA, RED = FAILS TO MEET

6.6 The evaluation of options within the business case concludes that the service cannot achieve the necessary savings by remaining ‘in-house’ (Option 1) without closing some leisure centres or increase service fees on a significant scale (~20% plus) which could impact usage.

6.7 The option of outsourcing (Option 5) is most likely to achieve the most savings, on the assumption that there are interested providers within the market. The majority of the savings would derive from tax relief but it’s likely that there would be more of a drive to increase income and reduce spends also.

6.8 However, the option of outsourcing would mean a significant change and the Council's control would be significantly less compared to the other options. Despite prejudicing the market to some extent, there is more of a cultural risk with that direction, predominantly regarding the Welsh language and to some of the Council's other policies and principles.

6.9 From the options, establishing a Council Controlled Company (Option 6) involves the least amount of change. This options provides an opportunity to achieve tax savings of £585k per annum from the first year in operation whilst keeping the service's identity, culture and core principles.

6.10 The Council would be the sole owner of the Company and a management board would be appointed by the Council to manage the Company; in the short term users and citizens shouldn't see a difference in the provision but, in the future, the natural aim would be to develop and improve the service continuously.

6.11 Its estimated that annual net savings of £585k could be achieved but a one off figure of between £170k and £240k should be allocated in order to establish the Company over a period of 9 months.

6.12 Assuming therefore that the Council does not wish to close centres and cut services then remaining 'in-house' is not a viable option for the future. Of the available models the options of a Council Controlled Company strikes the best balance in terms of achieving the necessary savings and keeping the service's current identity.

7 Outline of how the Company would look and work

7.1 Company formation

7.1.1 Its intended the Company be limited by guarantee with the Council being the sole owner (i.e the only shareholder)

7.1.2 The Council would create the Company's articles and memorandum of association which will be based on a philanthropic and not for profit purpose.

7.1.3 The Council will appoint a Board of Directors (on a voluntary basis) who will be responsible for delivery within the Company's constitution. The Board will consist of 5 to 7 directors; it's likely that they will be a combination of elected members and Council Officers.

7.1.4 Its possible to introduce other layers of governance including for example an Advisory Board or Stakeholder Boards.

7.1.5 The Board of Directors will appoint and employ a Managing Director for the Company; that person will be responsible for the day to day management of the Company.

7.2 The Council's control over the Company

7.2.1 The Council will commission the service through a service contract which will specify the exact services and outcomes the Company will be required to deliver services for a fee (i.e. a similar sum to the current net subsidy minus the identified savings). The contract will address the Council's expectations for the level of service and detail on matters such as:

- i) The payment made to the Company for providing the service
- ii) Minimum service provision
- iii) Structure of fees
- iv) Language Policy
- v) Performance Standards
- vi) Quality standards

7.2.2 The Council will lease the leisure centres to the Company on a 'peppercorn' basis. The lease will detail both the Council and Company's responsibilities in relation to use of the buildings including any limitations or exclusions.

7.2.3 In accordance with the business case, the intention would be to have a 10 year contract. The contract will include specific mechanisms for any variations, whether that be in relation to service changes or the value of the contract for example, and it would of course include the ability to terminate the contract.

7.2.4 The council would form the Company's constitution which details the rules for running the Company. Operational management would be in the hands of the Directors, who have responsibilities over the Company in accordance with Company Law. However, as noted above, in addition to a shareholder role the service contract will ensure the Council has control over the services that are to be provided.

7.2.5 The Company would be required to report on its performance, similar to a Council department. The Council would additionally approve the Company's annual business plan, which details the activities, developments and outcomes over the year or years to come.

7.2.6 Ultimately however the Council retains control as it can appoint or remove the Board of Directors and/or change the Company's constitution.

7.3 Impact on users and services

7.3.1 The Council would ask the Company to provide the same services as currently offered, except where the Company can identify any improvements to the service.

7.3.2 Essentially, service users should not see any real difference, especially in the short term.

7.4 Impact on the workforce

7.4.1 Staff who currently work for the service would transfer to the Company's employment and they would receive the same terms and conditions as they currently receive. It's unlikely that any support staff from central services would be eligible for transfer.

7.4.2 TUPE regulations will protect the workforce's terms and conditions and the Company cannot change these for reasons relating to the transfer itself. The Company would be required to be a member of the Local Government Pension fund as they will be required to ensure a comparable pension scheme for TUPE transferees.

7.4.3 In relation to any new appointments by the Company the Code of Practice on Workforce Matters 2014 by Welsh Government ensures that new workers, in general, do not receive less favourable terms and conditions compared to staff that have transferred.

7.4.4 Since the Cabinet's decision to look at this area, staff and the Trade Unions have received regular newsletters along with a series of meetings to share information and answer any questions. To date, meetings have been positive with an open and supportive attitude towards the recommendation of establishing a Company.

7.5 Procurement implications

7.5.1 The business case is based on a Council Controlled Company that also meet the Teckal exemption criteria. Teckal derives from a European Case which is now established within legislation which means, subject to specific criteria, the Council can award a contract directly to the Company without an open market procurement.

7.5.2 There are two main parts to the criteria; the Council's control over the Company must be similar to the control that it has over one of its departments and that at least 80% of its turnover comes from the Council. The recommended option satisfies those requirements.

7.6 Financial and Taxation implications

7.6.1 The savings from this model derive from non-domestic rates and VAT exemptions; these exemptions are available to bodies that have a philanthropic and not for profit purpose. At this moment, local authorities are not eligible.

7.6.2 The Council would achieve those savings by adjusting the contract value to reflect those savings to the Company, but there will additionally be variation clauses within the contract. It is estimated that the subsidy (i.e net spend) will reduce from £1.869m to £1.282m by 2019/20.

7.6.3 The Council will not transfer any significant capital financial risk as part of the contract or leases and will only transfer limited revenue risk, especially in the early years. The contract will identify this in detail.

7.6.4 In relation to new income streams then this is likely to be limited to any income that can be attracted within the Teckal limits. Furthermore, it's likely that the most efficient means of borrowing would be through Council, as the Company would not own its assets.

7.6.5 There will be one off costs associated with establishing the Company. These would be mainly legal costs associated with establishing the constitution and governance arrangements, prepare service contracts and leases, TUPE process etc. It's estimated that the one off set-up costs could be between £170k and £240k, but every effort will be made in order to minimize costs.

7.6.6 Following recent re-structuring the department can contribute £50k to the Company start-up costs in addition to addressing a marginal increase of £49k in operational expenditure, which would otherwise need to be deducted from the savings. .

7.6.7 By implementing this model the department will have achieved the remainder of the savings targets (£150k) that the Council approved back in December 2014. This would also leave a contribution of £435k to the current financial strategy and the specific assumption of £526k that was to derive from implementing and alternative delivery model.

7.6.8 The following annual savings profile is anticipated:

	2017/18	2018/19	2019/20	2020/21	Total
Permanent Net Savings Profile	£0	£146,804	£440,411	£0	£587,214

7.7 Property implications

7.7.1 The Council would lease the buildings for a peppercorn rent and the leases will terminate when the service contract terminates. The leases will specify the Council's and Company's responsibilities with further detail in the contract. These could include for example, commitments to invest and performance requirements on both parties. At the end of the contract any property, including equipment, would return to the Council

7.7.2 The majority of buildings repairs and maintenance responsibilities would remain the responsibility of the Council due to VAT implications.

7.8 Impact on central support services

7.8.1 The Company would be expected to buy back central support services from the Council for the foreseeable future; this is on the basis that the central costs are fixed and that the transfer would not be of sufficient size to achieve any Council savings.

7.8.2 The services will be provided through a service contract which specifies the services to be provided.

7.9 Culture

7.9.1 One of the attractions of the proposed model is that it allows us to protect the identity of the service and the things that the people of Gwynedd value about the service.

7.9.2 The Council will be delegating operational management to the Company. The Board of Directors will be required to protect the interests of the Company which could mean the Company taking a more commercial view on some aspects of the business. This empowers the Company to achieve the specified outcomes as it sees best but the proposed model also provides transparency and an element of control on how those outcomes are to be achieved.

8 Equality assessment

8.1 When evaluating the options consideration was given to the relevance of equality responsibilities and each equality group (protected characteristics).

8.2 The full equality assessment can be found in Appendix 1. The aim of the proposal is to 'Ensure a modern, fit for purpose, inclusive and sustainable service that inspires and supports the people of Gwynedd to live a healthy life' and the proposed model provides every opportunity to achieve that.

8.3 If the recommendation is approved the assessment will be re-visited to verify any conclusions and assumptions made to ensure compliance with the Act.

9 Proposed implementation timetable

9.1 Approving the case at this meeting will allow the Service to implement decisively and without delay and make a significant contribution to the Financial Strategy and, critically, without impacting Services and the people of Gwynedd.

9.2 If the recommendation is approved in October this year the Company could be operational in the 3rd quarter of 2018/19.

9.3 From October onwards work would begin to create the necessary legal documentation, develop and verify the Company's accounts along with the creation of a business plan. Before the Company is operational and staff are transferred the Company will be required to present its business plan for the approval of the Council. It's recommend that specialist consultants are appointed to support this work.

10 Legal

10.1 The right to create a company derives from the wellbeing power in the Local Government Act 2000 section 2(1) allows the Council to form a company if it is of the opinion that it is likely to promote or improve the economic, social or environmental wellbeing of the area.

10.2 In the attached appendices, the external consultants refer to a Court case being considered. By now the decision in *London Borough of Ealing –v- HMRC* has been given by the European Court of Justice. How this decision is applied and impacts on the VAT situation will not be clear until such time as HMRC has decided on its response to the findings and / or any relevant VAT appeals. As a result, Officers will need to keep this situation under review and will commission further work to ensure that the Council has the best advice on the matter. However, given the wider financial context it is considered that that the current position does not justify suspending the recommendations.

11 Conclusions and recommendations

11.1 This work highlights the scale of financial savings that the service has achieved over the last few years whilst ensuring the least possible impact on the people of Gwynedd.

11.2 One of the main conclusions from this work is that it cannot identify the necessary savings without transferring the provision or close a number of centres.

11.3 From the available options, establishing a Council controlled Company is the option that strikes the best balance in terms of achieving savings and protecting the current culture and principles. This option also allows the Council to keep an element of control and influence within this essential sector. Implementing this option also addresses our responsibilities under the Wellbeing of Future Generations Act (Wales) 2015 in terms of supporting the service's sustainability and the provision for the people of Gwynedd. In doing this it supports the Council's long term objectives across a range of strategic priorities.

12 Appendices

12.1 Appendix 1 – Equality Impact Assessment

12.2 EXEMPT - Appendix 2 – Main report and appendices

Equality Impact Assessment

1 Details

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

Leisure Delivery Model

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

The aim of the proposed scheme is to implement the best delivery model for 'Ensuring a modern, fit for purpose, inclusive and sustainable service that will inspire and support the people of Gwynedd to live a healthy life'

The main objective is to realise financial savings but providing the same range of services to the same or better standard.

- i) Do Nothing
- ii) Continue to provide the services ourselves and find more efficiency savings and/or income
- iii) Establish a new charity
- iv) Establish a Community Benefit Company
- v) Establish a Community Benefit Society ('Staff Mutual')
- vi) Establish a Council Controlled Company
- vii) Establish a Local Authority Trading Company
- viii) Open market procurement
- ix) Transfer the service to another body

The impact on services and users will form part of the assessment criteria when evaluating different models. If there is a decision to implement an alternative model it will partly be based on the need to ensure there is no negative impact on service users. However, there is always an element of risk with any transfer of responsibility and those risks will be assessed as part of the evaluation process. It's very likely therefore that it will be necessary to re-visit this assessment during and at the end of the evaluation process and if the conclusion is to implement an alternative model.

In the event of a transfer then there would be an impact on staff in the sense that staff (along with their terms and conditions) would transfer to a new body. TUPE regulations (Transfer of Undertakings (Protection of Employment)) provides protection to staff terms and conditions. Yet again however there is an element of risk as part of any transfer of responsibilities but the risk is considered minimal at this point in time.

1.3 Who is responsible for this assessment?

Robin Evans, Project Manager

1.4 When was the assessment done? What version is this?

24/05/17, first version

2) Implementation

2.1 Who are the partners that must be involved in undertaking this assessment?

Service users
Potential service users
The workforce
Elected members

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

Currently:

No impact is anticipated on service users but it would be appropriate to re-visit this need at the end of options evaluation process in order to verify any conclusions or assumption made. Public consultation is not considered necessary as no impact is anticipated.

Since announcing the intention to consider these options the Senior Manager has released 2 newsletters that briefs staff on the intention, the reasons for considering change and the possible implications involved with the change. Those newsletters invite questions and comments from staff but none have been received to date.

The Senior Manager has also visited every Leisure Centres to meet the staff and outline the proposed scheme. In general the only questions raised were in relation to continued employment.

The intention is to continue with the engagement arrangements in line with the timing of key milestones within the evaluation period and decision making process.

The newsletter has been shared with the Trade Unions and there is open invitation for an initial briefing meeting. To date a meeting has been held with one of the Trade Unions and there is an agreement to continue with the updates as during the evaluation period and decision making process.

Previously:

Evidence was collected as part of the Gwynedd Challenge Consultation

2.3 What were the results of the consultation?

No questions have been received by staff.

The evidence collected as part of the Gwynedd Challenge process conveyed the importance of the service to citizens. At the moment however no impact is anticipated for staff and users.

2.4 On what evidence are you basing implementation?

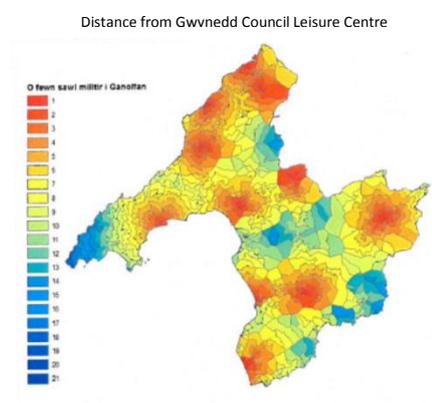
The Council provides 12 Leisure Centres across the County with approximately 17,000 members and 1.5 million visits a year.

The current provision means that 27% of Gwynedd's population live within a mile of a leisure centre and that no dwellings live more than 18 miles.

The current membership equates to almost 14% of the population of Gwynedd.

Of the 17,000 members, 55.4% are children from 0 to 16 years old, 27% are Adults aged between 24 to 60, and 9.3% are aged 65 and over.

The service's gross spend is almost £5m per annum but it attracts £3.1m of income primarily from membership and entrance fees. The Council therefore subsidises the service by £1.9m per annum. Since 2014/15 this subsidy has reduced by £900k, which equates to a reduction of 33%.



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

There is a need to re-visit the need for more evidence at the end of the evaluation process and before any decision to implement.

3) Identifying the impact

3.1 What impact will the new or changed policy/service have on people with equality characteristics?

Characteristics	What sort of impact?	In what way? What is the evidence ?
Race (including nationality)	None	We don't anticipate any changes to the services being offered. If we decide to implement an alternative model, the Council will ensure that the needs of different characteristics will have the same consideration as present. We do not expect any impact on people with specific
The Welsh language	None	

		equalities. However, if an impact is highlighted at any point during development of the scheme, this assessment will be revisited.
Disability	None	
Gender	None	
Age	None	
Sexual orientation	None	
Religion or beliefs (including no beliefs)	None	
Gender reassignment	None	
Pregnancy and maternity	None	
Marriage and civil partnership	None	

3.2 Does the policy or service address these General?

Equality Act General Responsibilities	Impact	In what way? What is the evidence ?
Removal of illegal discrimination, harassment and victimisation	None	We don't anticipate any changes to the services being offered. If we decide to implement an alternative model, the Council will ensure that the needs of different characteristics will have the same consideration as present. We do not expect any impact on people with specific equalities. However, if an impact is highlighted at any point during development of the scheme, this assessment will be revisited.
Promote equal opportunities	None	
Foster good relationships	None	

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 Responsibilities and what is the reason for this?

No impact identified at this stage

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

No impact identified at this stage

4.3 What should be done?

Choose one of the following:

Continues with the policy / service as it is robust	X
Amend the policy to remove any barriers	
Prevent and remove the policy as the damaging impact is to substantial	
Continue with the policy as the damaging impact can be justified	

4.4 What steps will you take to reduce or mitigate the negative impacts?

N/A

4.5 If you are not reducing or mitigating negative impacts, explain why here.

N/A

5) Monitoring

5.1 What steps will you be taking to monitor the impact or effectiveness of the policy or service (implementation plan)?

Assessment to be updated as required.