THE COUNCIL 6/12/18

Present: Councillor Annwen Hughes (Chair);
Councillor Edgar Wyn Owen (Vice-chair).

Councillors: Craig ab Iago, Menna Baines, Freya Hannah Bentham, Annwen Daniels, 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, R.Medwyn Hughes, Sian Wyn Hughes, Judith Humphreys, Nia Jeffreys, Peredur Jenkins, Aeron M.Jones, Aled Wyn 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, Linda Morgan, Dafydd Owen, Dewi Owen, W.Roy Owen, Jason Parry, Rheinallt Puw, Peter Read, Dewi Wyn Roberts, Elfed P.Roberts, Gareth A.Roberts, John Pughe Roberts, W.Gareth Roberts, Mair Rowlands, Paul Rowlinson, Angela Russell, Mike Stevens, Gareth Thomas, Ioan Thomas, Hefin Underwood, Catrin Wager, Cemlyn Williams, 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), Iwan Evans (Head of Legal Services / Monitoring Officer), Geraint Owen (Head of Corporate Support Department), Dafydd Wyn Williams (Head of Environment Department), Rhun ap Gareth (Senior Solicitor / Deputy Monitoring Officer), Vera Jones (Democracy Manager) and Eirian Roberts (Member Support Officer).

1. APOLOGIES

Councillors Dylan Bullard, Stephen Churchman, Louise Hughes, Anne Lloyd Jones, Dilwyn Morgan and Dyfrig Siencyn.

2. MINUTES

The Chairman signed the minutes of the Council meeting held on 4 October and the extraordinary meeting held on 25 October 2018 as a true record.

3. DECLARATION OF PERSONAL INTEREST

Members had received a briefing note from the Monitoring Officer in advance regarding item 8 – Council Tax Reduction Scheme 2019/20, and Item 9 – Council Tax: Discretionary Powers to Allow Discounts and / or Raise a Premium.

Members were reminded to return their declaration of interest forms.

(1) The following members declared a personal interest in item 8 on the agenda - Council Tax Reduction Scheme 2019/20 for the reasons noted:-

- Councillor Alwyn Gruffydd as he owned an empty property.
- Councillor Dewi Roberts as he had a close connection with a second home owner in Gwynedd.
- Councillor Catrin Wager as she received a council tax reduction.

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.

(2) The following members declared a personal interest in item 9 on the agenda - Council Tax Discretionary Powers To Allow Discounts and / or Raise a Premium.

- Councillor Alwyn Gruffydd as he owned an empty property.
- Councillor Peredur Jenkins – because he rented out two properties for which he was responsible.
- Councillor Linda Ann Jones – as her mother's house was empty.
- Councillor Aled Wyn Jones – because a close relative had a second home in Caernarfon.
- Councillor Dewi Wyn Roberts – as he had a close connection with a second home owner in Gwynedd.
- Councillor Angela Russell – because she worked for people who owned second houses.
- Councillor Gethin Glyn Williams – as many of his family members owned second homes.

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

Councillor Gareth Thomas also declared a personal interest in this item because his daughter had an empty house. He later retracted that interest during the meeting as he remembered that the house had since been sold. Thus, he did not withdraw from the meeting during the discussion on the item.

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

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

4. THE CHAIRMAN'S ANNOUNCEMENTS

Condolences were expressed to the following:-

- Councillor Dafydd Meurig on the loss of his mother-in-law.
- Family of the former Councillor, Henry Jones of Cricieth.

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

The Council stood as a mark of respect.

It was noted that many people had recently been unwell. Well wishes were sent with hopes of a swift recovery.

It was noted that the most flavoursome lamb in Wales status had been awarded to the Welsh mountain lamb at the Builth Wells Winter Fair. This was a great boost to the agriculture industry in the uplands of Gwynedd and it proved that our products were as good as the best in the country. Everyone associated with this success was congratulated.

Gareth Langan of Dolgellau Cricket Club was congratulated on being awarded 'Volunteer of the Year' at the Wales Sports Awards in Cardiff recently. It was noted that Gareth was head coach, captain of the First Team and Club Chairman and that he was introducing cricket to the young people and women of the Dolgellau and Meirionnydd area.

Congratulations were also extended to everyone from the area who had been successful in various fields recently.

5. CORRESPONDENCE, COMMUNICATIONS, OR ANY OTHER BUSINESS

None to note.

6. URGENT ITEMS

None to note.

7. QUESTIONS

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

A question from Councillor Aeron Jones

"I would like the Cabinet Member for Planning to explain to the full Council if he intends to seek the opinion of a barrister specialising in planning matters regarding the development permitted by this Council's officers at Plas Pistyll and that this is done this month so that a Scrutiny Committee may then discuss and consider everything that is happening there".

Response from the Cabinet Member for the Environment, Councillor Dafydd Meurig

"Fundamentally, I believe that this is a question about the delegation powers of the Planning Committee, which is a matter for the full Council. I believe the Scrutiny Committee made its recommendation some time ago about changing the delegation arrangement and that the constitution of the Planning Committee was, consequently, approved by the Council. In terms of Plas Pistyll, there may be more to the question than what is on the paper by Councillor Aeron Jones. Because of the many comments I received about the decision involving Plas Pistyll, I commissioned someone to examine in detail how that decision was reached. A review of that procedure is now in draft form. I believe that it is now in the public domain as the Scrutiny Committee will be discussing the matter next week. This item is on that agenda and, to a greater extent, it is that report that will be used to help the scrutinisers reach a decision. In terms of using a barrister, this is a matter for the legal unit to decide. I do think, however, at a time of great financial challenge, that we must think twice before sending the scarce funds of Gwynedd taxpayers possibly out of the County. Therefore, this is something that should not be done flippantly, but I do believe that it is the legal department's place to determine when this is appropriate."

Supplementary question by Councillor Aeron Jones

"I once more ask the Cabinet Member to agree to call on the services of a fully independent barrister to see whether the Department is guilty of maladministration and has gone beyond its statutory powers.

Response from the Cabinet Member for the Environment, Councillor Dafydd Meurig

"I think I have already answered the question. I think it would be wise for us to await the contents of this report. This will be made public, if it has not already been made so, as it forms part of the Community Scrutiny Committee papers for next week. As to the matter of who may call on the service of a barrister and when that would be relevant and appropriate, I believe that this is a matter for the legal department. I do not know whether there is an officer from that side who would like to come in at this point. I do not, however, believe that this decision is mine to make.

A further explanation from the Monitoring Officer

"It is my role as Monitoring Officer to interpret the Constitution. That is constitutional, and the responsibility and accountability is the Monitoring Officer's - I cannot delegate it. As regards the scrutiny procedure, how it scrutinises is up to the Scrutiny Committee. However, if you wish to commission a legal opinion, you must be clear about what you want to commission, etc. Our role as professional solicitors is to provide the Council with professional and objective legal advice. This means every part of the Council, including scrutiny, the Full Council and the Cabinet. That is the role that underpins this."

8. COUNCIL TAX REDUCTION SCHEME 2019/20

The Cabinet Member for Finance, Councillor Peredur Jenkins, submitted a report asking the Council to confirm the continuation of the current Local Scheme to provide assistance towards paying the Council Tax for the year commencing 1 April 2018.

RESOLVED

(a) To continue the Council's Local Scheme for the year commencing 1 April 2019 as it was in 2018/19. Therefore the following conditions (i - iii below) regarding the continuation of the discretionary elements will apply:

(i) To implement a 100% disregard for war disablement pensions, and war widow pensions for both pensioners and working age claimants.

(ii) Not to increase the extended reduction periods for pensioners and working age claimants from the standard four weeks in the Prescribed Scheme.

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

(b) Where appropriate, to delegate powers to the Head of Finance Department, in consultation with the Cabinet Member for Finance, to make minor amendments to the scheme for 2019/20, on condition that it will not change the substance of the scheme.

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

Councillor Gruffydd Williams withdrew from the meeting because of an interest.

Councillor Gareth Thomas, despite declaring an interest in this item at the beginning of the meeting, stated that he would revoke that interest. Thus, he

would not withdraw from the meeting during the discussion.

Because of the personal interest of the Cabinet Minister for Finance, Councillor Peredur Jenkins, in this matter, the Deputy Leader, Councillor Dafydd Meurig, presented the report asking the Council for formal confirmation for 2019/20, of the previous decisions not to give discounts to second homes and not to give discounts on empty properties, and to raise a premium of 50% on such relevant properties.

The following points were raised by individual members:-

- In response to an enquiry, it was confirmed that the intention for 2019/20 was also to allocate all the remaining funds from the Tax Premium to a specific fund to use for Council priorities, including providing houses for young people.
- An enquiry was made as to the amount of additional funding the 50% premium had generated for the Council. In response, it was noted that the most recent estimation predicted a sum of approximately £2.7m compared with the £2m initially anticipated. However, it would not be possible to predict how many houses would transfer from the council tax arrangement to business rates between now and the end of March, or the amount of tax burden that would be back-dated.
- It was noted, although the principle of charging a premium was to be applauded, that the arrangement was lacking, as some owners were transferring their property to business rates, qualifying for full relief from non-domestic tax, and were receiving Council services free of charge. It was suggested that no one was policing this, and a need to review the situation was emphasised. It was also noted that, if everyone paid 100% rates, the Council would be in a far better financial position.
- In response to an enquiry about the insufficient policing work carried out by the District Valuer's Officer, it was explained that this body, like all other public bodies, was finding it difficult to cope with its responsibilities because of a lack of resources. It was noted, although attempts had been made to influence Welsh Government for many years to change arrangements so that it was no longer possible to change a property into a business without planning permission, it had fallen on deaf ears. However, some other councils had become cognisant of the situation and, by getting more councils to support Gwynedd's standpoint on this, it was hoped that there would be results before long. It was added that the Valuer's Officer did not do enough to police property that transferred to the business rates list. However, the ability to influence the Valuer's Officer was even less than the ability to influence Welsh Government as this was part of HMRC, an agent of the Westminster Government. The Council continued to draw the Valuer's Officer's attention to houses on the business list that were not genuinely available to let, and was currently following up on those cases.
- Concern was expressed that property owners who had transferred their properties to the business rates list were living in those houses and were getting refuse collections free of charge. It was emphasised that a clear report was needed showing whether the plan was costing the Council money, and whether the Council benefited from it; as the more people transferred, the less money the Council would receive. The Chief Executive explained that transfers to business rates would not lead to a continuous loss of funds, since the Council would receive additional grants if houses moved to non-domiciliary tax rates, but that the ability to charge a premium would be lost. He added that the Rural Forum had asked Gwynedd to report on this matter and it was hoped that the nine rural authorities on the forum would be supportive of taking this forward. In response to the comment about refuse collections, it was confirmed that

the Refuse Service treated houses that had transferred to non-domiciliary tax as businesses in relation to refuse collection. A member added that she had also raised concerns about refuse collections and that she had seen evidence that the Council Tax Service informed the Municipal Service every time a property transferred.

RESOLVED that the Council makes no changes to the scheme for 2019/20. That is, for 2019/20:

- **That Gwynedd Council allows NO discount on class A second homes in accordance with Section 12 of the Local Government Finance Act 1992.**
- **That Gwynedd Council allows NO discount and RAISES A PREMIUM OF 50% on class B second homes in accordance with Section 12B of the Local Government Finance Act 1992.**
- **That Gwynedd Council allows NO discount on homes that have been empty for 6 months or more and RAISES A PREMIUM OF 50% on homes that have been empty for 12 months or more in accordance with Section 12A of the Local Government Finance Act 1992.**

10. LOCAL DEMOCRACY AND BOUNDARY COMMISSION - FINAL RECOMMENDATIONS REPORT

In the absence of the Leader, Councillor Dyfrig Siencyn, the Deputy Leader, Councillor Dafydd Meurig, presented the report requesting that the Council approve Gwynedd Council's response to the Boundaries Commission and Wales Local Democracy final recommendations report (November 2018) as noted in Appendix A of the report.

The Leader, Deputy Leader, Chief Executive, and officers were thanked for all their work in this field and members expressed strong support for the Council's response to the report based on the fact that:

- The intention to merge the wards of Bethel and Y Felinheli concentrated on the number of electors only, and did not consider the very different nature of those communities.
- Bangor members were unanimous in their opposition to the reduction in the number of councillors that would represent the city, from ten to six, and that this substantial reduction would create many problems, especially considering the student population in Bangor and the importance of the city for many organisations, especially in the fields of education and health.
- Merging the wards of Garth, Menai, Hendre and a part of Deiniol would create an enormous word with many problems with litter, parking, houses in multiple occupation, and so on, which would create a substantial burden for the two local members.
- Combining the areas of Maesgeirchen, Hirael and part of the commercial district of the High Street would be unwise as the nature and needs of the three areas were very different.

It was also suggested that we should ask the Commission to revisit the Council's original proposals based on meeting the average needs per member, and also on a strong awareness of the local area and the best solution for local people.

RESOLVED - to approve Gwynedd Council's response to the final recommendations report of the Local Democracy and Boundary Commission for Wales (November 2018) as noted in Appendix A to the report.

11. URGENT CABINET DECISION

The Cabinet Member for Corporate Support, Councillor Nia Jeffreys, presented a report, for information only, on the Cabinet's urgent decision, in accordance with part 7.25.2 of the Constitution, to approve a drafft of the Local Impact Statement for the Wylfa Newydd Development Consent Order inquiry, as the statement had to be submitted to the inquiry by 4 December 2018.

12. NOTICES OF MOTION

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

"The Council expresses concern about the Welsh Government's proposals, "Brexit and our land: Securing the future of Welsh farming".

The Council welcomes the Welsh Government's commitment, outlined in its consultation document, to support farm businesses to be more competitive. The Council also supports the intention to provide financial support in recognition of the incalculable additional value that farming provides to rural areas and to Wales as a whole.

However, the Council opposes the Welsh Government's current proposals, that could undermine the viability of our rural communities and damage the landscape, society and linguistic profile of Wales.

The Council therefore supports the Leader's response to the consultation on behalf of the Council setting forth the following requirements:

- to provide a stable environment for farm businesses as they adapt to the inevitable changes in market conditions post Brexit by maintaining the current structure of direct funding to farms for as long as appropriate, with the exception of measures to simplify the administration of the current system.
- to only proceed with any changes after this period on the basis of detailed research and modelling at a sufficiently small spatial level to ensure that they result in positive outcomes for farmers, the rural economy and communities and the Welsh language, with due consideration of differing land uses;
- to include support to maintain food production as a core component of any future system of payments and ensure that any funding provided in recognition of the wider value farming provides is additional and broadly defined to reflect the economic, social and cultural value of farming as well as its role in protecting and enhancing the natural environment.
- to guarantee that support is only provided to those who actively work on and manage the land, with a focus on small and medium family farms.
- to provide ring-fenced money for investment in rural development, especially to support projects responding to the economic challenges facing rural Wales. This funding should be directed to those areas where the economic impact of peripherality is greatest."

Members noted the following observations –

- Although the 'Brexit and our Land' document initially seemed to be well thought out; reading on, however, it actually contained very few details. There was concern about the effect Brexit would have on smaller farmers and hill farmers, especially from understanding that farmers would have to compete for funding with other bodies within the field of environmental

protection. Farmers, especially those who ran smaller farms and hill farms, were already under pressure and there was no desire to see that increasing. Also, although the document acknowledged the contribution farmers made to our society, it did not address this correctly.

- Welsh Government and Gwynedd Council were killing off small farms by refusing to allow young people to build houses on family farms. Nevertheless, permission was being granted to those who wished to convert barns and cow-sheds into visitor accommodation and so on.
- The proposal did not tell the whole story as Central Government had had schemes in place to help farmers since the end of the Second World War. Some farmers also received £250,000 a year in grant money. This did not help small and medium sized farmers, and 90% of the grant that came to Wales went to fund fewer than 10% of them. There was a desire to see the sum that large farms received being capped, and whilst accepting that Welsh Government intended to revisit the plan, this also needed to be reviewed.
- It was more difficult for hill farmers as they had no choice but to farm sheep, in contrast to lowland farmers who could milk and who were able to diversify, e.g. grow crops.

RESOLVED to adopt the motion.

(2) Submitted - the following notice of motion by Councillor Judith Humphreys, in accordance with Section 4.20 of the Constitution, and it was seconded:-

"The Council notes that:

- That a substantial majority of the population of Gwynedd voted to remain in the EU.
- In Gwynedd and in Wales, jobs, wages and future prospects are at risk as a result of the UK's exit from the European Union
- The potential of the UK not reaching a deal with the European Union on the terms of its exit risks immediate and irreparable economic and social damage, with regards to issues including, but not limited to, the rights of European citizens in the UK and UK citizens in the European Union, the supply of food and access to medicines.
- Westminster is failing to protect Welsh jobs, wages and future prospects by negotiating continued membership of the European Single Market or Customs Union following any exit from the European Union.
- Since the original vote to leave the European Union there has been greater clarity on how our exit from the bloc would affect the people of Wales.
- Proper democratic process requires the people of Wales to have the opportunity to cast an informed vote regarding our future relationship with the European Union following the negotiations on the matter.

The Council Proposes that:

- A UK-wide referendum should be held on the UK's future relationship with the European Union following any deal on the UK's exit, or in the event of negotiations not leading to an agreement on the terms of the UK's exit from the European Union.
- The referendum should include the option to stay in the European Union."

Members noted the following observations –

- The people's vote was held in 2016 and the decision was made to leave the European Union. There was no point referring to unfounded facts and

figures. Brexit would happen next year and it would eventually be successful. Everyone had to support this now. The decision had been made and there was no turning back.

- There was no argument about the desire behind the proposal, but we had to beware of what we wished for, as holding a second referendum would make the situation far messier.
- That the people of Wales voted in the 1970s to be part of the European Union, they never got to choose whether they wanted to be part of the British Union. Over recent years, society's right wing had rejected the idea of being European, but if everyone backed this, it might have worked.
- Despite voting to leave the European Union in 2016, that result was based on a fantasy that was sold to people. It was said that we would be able to enjoy all the benefits of being part of Europe without any of the responsibilities that this entailed. We were now facing the implications of this. There would be substantial restrictions on our rights to trade. The 700 trading agreements we had throughout Europe would disappear, or would have to be renegotiated, and there was significant threat to most large employers in Gwynedd that traded with Europe. We would control the movement of the population from one country to another, but it is we who would suffer most as a result of this.
- It was asked whether the Council would have a right to vote on this proposal as there were people in Gwynedd who had voted in favour of leaving the European Union. In response, the Monitoring Officer explained that it was appropriate for the Council to have an opinion on this proposal.

RESOLVED to adopt the motion.

13. RESPONSE TO A PREVIOUS NOTICE OF MOTION BY COUNCILLOR CATRIN WAGER

A letter from the Home Office in response to Councillor Catrin Wager's notice of motion to the 4th October, 2018 meeting regarding immigrant detention was submitted for information.

The Chair wished everyone a Merry Christmas and a Happy New Year.

The meeting commenced at 1.00 pm and concluded at 2.50 pm

CHAIRMAN