



Complete Agenda

Democracy Service
Council Offices
CAERNARFON
Gwynedd
LL55 1SH

Meeting

THE COUNCIL

Date and Time

1.00 pm, THURSDAY, 7TH OCTOBER, 2021

*** NOTE ***

This meeting will be webcast

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

Location

Virtual Meeting - Zoom

Contact Point

Eirian Roberts

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(DISTRIBUTED 29/09/21)

Geraint Owen
Head of Democracy Service

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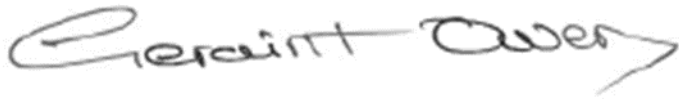
WEDNESDAY, 29 SEPTEMBER 2021

Dear Councillor,

MEETING OF GWYNEDD COUNCIL – THURSDAY, 7 OCTOBER 2021

YOU ARE HEREBY SUMMONED to attend a virtual Zoom meeting of **GWYNEDD COUNCIL** which will be held at **1.00 pm** on **THURSDAY, 7TH OCTOBER, 2021** to consider the matters mentioned in the following agenda.

Yours faithfully,

A handwritten signature in black ink, appearing to read 'Geraint Owen', with a stylized flourish at the end.

Head of Democracy Services

AGENDA

1. APOLOGIES

To receive any apologies for absence

2. MINUTES

6 - 25

The Chair shall propose that the minutes of the meetings of the Council held on the following dates be signed as true records:-

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

3. DECLARATION OF PERSONAL INTEREST

To receive any declaration of personal interest.

4. THE CHAIR'S ANNOUNCEMENTS

To receive any Chair's announcements.

5. URGENT ITEMS

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

6. QUESTIONS

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

7. GWYNEDD COUNCIL'S DIVERSITY DECLARATION

26 - 28

To submit the report of the Cabinet Member for Corporate Support.

8. LOCAL GOVERNMENT AND ELECTIONS (WALES) ACT 2021 - 29 - 31 UPDATE FOR HYBRID MEETINGS

To submit the report of the Cabinet Member for Corporate Support.

9. AMENDMENTS TO THE INTER AUTHORITY AGREEMENT OF 32 - 44 THE WALES PENSION PARTNERSHIP

To submit the report of the Chair of the Pensions Committee.

10. REGULATION OF SEX ESTABLISHMENTS - LOCAL 45 - 50 GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982

To submit the report of the Cabinet Member for Environment.

11. REVIEW OF GWYNEDD ELECTORAL BOUNDARIES

Report to follow.

12. NOTICES OF MOTION

(A) NOTICE OF MOTION BY COUNCILLOR ELWYN EDWARDS

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

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

(B) NOTICE OF MOTION BY COUNCILLOR CATRIN WAGER

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

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

(C) NOTICE OF MOTION BY COUNCILLOR GRUFFYDD WILLIAMS

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

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

(CH) NOTICE OF MOTION BY COUNCILLOR KEVIN MORRIS JONES

In accordance with the Notice of Motion received under Section 4.20 of the Constitution, Councillor Kevin Morris Jones will propose as follows:-

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

Agenda Item 2

EXTRAORDINARY MEETING OF THE COUNCIL Monday, 28 June 2021

EXTRAORDINARY MEETING OF THE COUNCIL MONDAY, 28 JUNE 2021

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

Councillors: Craig ab Iago, Menna Baines, Beca Brown, Dylan Bullard, Stephen Churchman, Steve Collings, Annwen Daniels, R.Glyn Daniels, Anwen Davies, Elwyn Edwards, Aled Evans, Dylan Fernley, Peter Antony Garlick, Gareth Wyn Griffith, Selwyn Griffiths, Alwyn Gruffydd, John Brynmor Hughes, Louise Hughes, R.Medwyn Hughes, Judith Humphreys, Nia Jeffreys, Aeron M.Jones, Aled Wyn Jones, Anne Lloyd Jones, Berwyn Parry Jones, Elin Walker Jones, Gareth Tudor Morris Jones, Huw Wyn Jones, Keith Jones, Kevin Morris Jones, Eryl Jones-Williams, Cai Larsen, Beth Lawton, Dafydd Meurig, Dilwyn Morgan, Linda Morgan, Dewi Owen, Edgar Owen, W.Roy Owen, Nigel Pickavance, Rheinallt Puw, Peter Read, Dewi Wyn Roberts, Elfed P.Roberts, John Pughe Roberts, Paul Rowlinson, Angela Russell, Dyfrig Siencyn, 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: Dafydd Gibbard (Chief Executive), Iwan Evans (Monitoring Officer), Geraint Owen (Head of Democracy Service), Gareth Jones (Assistant Head of Environment Department), Dewi Morgan (Assistant Head on behalf of the Statutory Finance Officer), Vera Jones (Democracy and Language Manager) and Eirian Roberts (Democracy Services Officer).

1. APOLOGIES

Councillors:- Alan Jones Evans, Annwen Hughes, Peredur Jenkins, Eric Merfyn Jones, Linda A.W.Jones, Dilwyn Lloyd, Dafydd Owen, Jason Parry, Gareth A.Roberts and Mair Rowlands.

2. DECLARATION OF PERSONAL INTEREST

No declarations of personal interest were received.

3. THE CHAIRMAN'S ANNOUNCEMENTS

Condolences were extended to the following:-

- Councillor Peredur Jenkins and his family on the recent loss of his wife.
- The family of Gerald Williams, Yr Ysgwrn, Trawsfynydd – who looked after Hedd Wyn's home over the years.
- The family of Sian Rhys Elis, Social Worker in the Children Department.

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

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

Best wishes for a speedy recovery were extended to Councillors Louise Hughes, Alan Jones-Evans and Beth Lawton.

The Welsh Football Team was congratulated on their success in the Euros Competition, and best wishes were extended to the Danish team for the rest of the competition.

4. URGENT ITEMS

None to note.

5. JOINT LOCAL DEVELOPMENT PLAN

It was noted, that in accordance with section 4.12.1 (d) of the Constitution, a letter had been received from Cllr Gruffydd Williams, signed by five other councillors, requesting this extraordinary meeting of the Council to discuss, review and update the Joint Local Development Plan in terms of planning policies and the Welsh language in the context of the housing crisis that exists within the county.

Councillor Gruffydd Williams was invited to explain the matter being submitted before the meeting. He noted:-

- That he wished to thank everyone involved in facilitating this extraordinary meeting of the Council.
- That the reason for convening this meeting was highlighted daily in the newspapers and in all types of media, as well as being currently the subject of conversations throughout the county, namely the housing crisis for local people in our communities.
- That there were plenty of houses in the county, but the prices were beyond the reach of local people and this in turn deprived those people of their basic right to live in their community.
- That nobody, not even this Council, had managed to seriously address this emergency. There had been recognised reports over the years that offered a solution to the problem, but nothing had been done, and there was concern that nothing would come from the recent reports and recommendations either, unless this Council demanded change.
- When the Joint Local Development Plan was adopted four years ago, following the Chair's casting vote, concerns were voiced about the impact of the Plan on our communities where the Welsh language continues to be a viable language. Unfortunately, the shortcomings highlighted at that time have become more evident, if not totally realised by now.
- Although the work of reviewing the policies would commence next month as is required in accordance with the procedure, it will be a shock for many to realise how lengthy the time-frame is to hold such a review.
- During the meeting when the Plan was adopted in 2017, the Cabinet Member vowed at the time that any harm to the Welsh language could be reduced by strengthening the Supplementary Planning Guidance on the Welsh Language, and that the Cabinet would establish a special scrutiny committee to get to grips with the matter. Following 15 meetings and more with the officers, the concerns were confirmed that the Supplementary Guidance was pointless, unless it was used for windfall applications.
- The Cabinet Member also vowed at that meeting that the Plan would be monitored annually, and that it would be possible to change the policies within 4 years, if it was seen that they were not working. However, the Council was misled in 2017, as there would be an additional period of 3.5 years before any changes would be realised.
- The Plan is a dead document, and the Welsh language will also die, unless this Council undertakes radical and far reaching decisions.
- The Cabinet's recommendation to the Council in December 2020 was to retain the council tax premium on second homes at 50%, but through pressure from individual members, the Council was forced to go into consultation, and in the end the Council determined to increase the premium to 100%, namely the maximum permitted according to the Local Government Finance Act 1992. Therefore, the ball was back in the First Minister's court, and we anxiously awaited his report at the end of this month.
- Although the Council's research jointly with the Government on controlling the use of housing as holiday homes is to be praised, it should be questioned why

EXTRAORDINARY MEETING OF THE COUNCIL Monday, 28 June 2021

this vitally important report focused on a third of the problem that faces our communities, disregarding the other two thirds of the problem, namely the holiday home issue.

- That members of the Council who were not Cabinet members felt that their voice and suggestions were being completely ignored by the Leadership and by the officers involved with the Plan.
- That this Council, in light of the terrible crisis that exists, needs to get to grips with the work of reviewing the Plan without delay, ignoring the 3.5 year instruction, and pool all its energy and resources to ensure that the essential changes are realised within six months.
- That the Leader had stated previously that the clear and firm wish of Gwynedd Council was to use every measure possible to seek a response to the housing crisis that faces the county's residents in our communities. This is the opportunity to achieve this, as our language, our identity and our communities are in the balance.

Councillor Gruffydd Williams proposed the following:-

"That this Council looks urgently at the Local Development Plan (approved 28.7.2017) with a view to reviewing and updating it in terms of planning policies and the Welsh language. It would be desirable to give particular priority to this, going past what is noted as the usual monitoring period within the Plan itself and to submit proposals which correspond to Dr Simon Brooks' report "Second Homes - Developing New Policies in Wales", which was commissioned by Welsh Government.

Following the Pandemic and the fact that there will be no Wylfa B, such meeting is expected to address the changes needed to comply with the Wales Well-being Act, a more equal Wales and a Wales of vibrant culture and thriving Welsh language.

In light of the housing crisis and the impact of this on the Welshness of communities, we ask the Council as follows:-

- 1. to approve the implementation of the recommendations in Dr Simon Brooks' report;*
- 2. to urgently review the suitability of the Anglesey and Gwynedd Joint Local Development Plan, in light of the current circumstances, for example the Wylfa B development and the Well-being of Future Generations Act;*
- 3. to invite relevant observations from the councillors and the public on how the Plan can be revised and adapted by a specific time.*
- 4. to establish a committee to weigh-up the observations and propose any modifications to the Plan.*
- 5. to hold an extraordinary meeting of the Council to discuss the approval of any modifications within 6 months to today, and request that the Isle of Anglesey Council consider similar steps to the above."*

As a point of order on the proposal, the Monitoring Officer explained that:-

- The time-frame to review the Plan was a matter that the Full Council would have to agree upon. The first step of the process was to submit a Delivery Agreement before the Council for adoption. The Delivery Agreement was a project management tool, that set out the timetable to produce the Plan following the statutory regulations.
- The timetable currently noted in the report reflected what was in the Government's guidance regarding the possible timetable, and it was a goal.
- That it was not legally possible to come to a conclusion on amendments to the Plan within a period of 6 months, as the system did not allow for such a limited timetable in terms of the range of work and the consultation requirements and the engagement arrangements that had to be followed. Therefore, it was

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emphasised that setting a period of 6 months to come back to the Council with modifications to the plan was not an appropriate proposal.

- The Council could give planning officers a brief to proceed with the work as soon as possible.
- That the clause regarding establishing a committee was unnecessary as the joint committee that already exists would be reviewed as part of the process.

In response the Councillor Gruffydd Williams noted: -

- That he had requested for amendments to be made within a smaller time-frame as our communities did not have the expected 3.5 years to get to grips with this.
- That the Council had to direct all its resources into this, and to not take it for granted that it was not possible to undertake the work.
- A promise was given at the time when the Plan was adopted in 2017 that it would be possible to change it within 4 years, however, it was now understood that it took 7.5 years to make changes.
- The 3.5 years may be within the legal framework, but it was not within the moral framework to continue like this for another 3.5 years, in light of the housing crisis, the pandemic and the fact that there would be no Wylfa B.

The Chief Executive noted:-

- That everyone wished to see the process undertaken as soon as possible and he sympathised with the comments made. However, legal counsel had been received that it was not possible to achieve such a process within 6 months, and if the Council acted as quickly as that, it may be open to a challenge.
- The first step of the process would be to commence the Review Report. The second step would be to bring a timetable back to the Council for adoption, and planning officers were aware that there was an instruction from the members for them to do this as soon as possible.

Councillor Gruffydd Williams noted his wish to add to the proposal, namely that the Council should also write to the First Minister of Wales, Mark Drakeford, to press for the right to act within a shorter time-frame".

For clarification, the Monitoring Officer was asked to word the proposal: It was noted that the proposal was:-

"That this Council urgently addresses the Local Development Plan (approved 28.7.2017) with a view to review and update in relation to planning policies and the Welsh language. It would be desirable to give this particular priority, beyond what was noted as the normal monitoring period within the Plan itself, and introduce proposals that correspond to the report of Dr Simon Brooks "Second Homes - Developing New Policies in Wales", commissioned by Welsh Government.

Following the Pandemic, and the fact that Wylfa B will not be developed, it is expected that such a meeting will address the necessary changes required to comply with the Welsh Well-being Act, a More Equal Wales and a Wales with a vibrant culture and thriving Welsh language.

Therefore, in light of the housing crisis and the requirements of the Well-being of Future Generations Act, there is a need to move urgently to review the Local Development Plan; that this process gives full attention to the views of members and the community, and that the Council proceeds as soon as possible to prepare the Review Report, and submit a Delivery Agreement before the Council. Also, that the Council writes to the First Minister of Wales, Mark Drakeford, to press for the right to act within a shorter timeframe".

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Councillor Gruffydd Williams noted that he was satisfied with the wording of the proposal. The proposal was seconded.

The Cabinet Member for the Environment was then invited to respond. He noted:-

- That the Planning and Compulsory Purchase Act 2004 notes that a Local Development Plan needs to be reviewed four years following its adoption, and the Anglesey and Gwynedd Plan was adopted in July 2017.
- It was important to bear in mind that the procedure was statutory, and any statutory procedure had to follow the letter of the law.
- As part of the Review Report preparations, and when preparing the amended Joint Local Development Plan, full consideration would need to be given to the latest position regarding the Wylfa Newydd plan.
- That a full review of the Plan would take 3.5 years, and a short form review would take 1.5 years.
- That the Cabinet's response to Dr Simon Brooks' report, together with the research of the Joint Planning Policy Service on controlling the use of housing as holiday homes (that received unanimous approval from the Communities Scrutiny Committee in December last year) was attached to the report to the Council.
- That he supported the principle of commencing the work of reviewing the Plan without delay, however, the intention was for the review procedure to commence next month in any case.
- Although the process of producing planning policies could not be anticipated prior to the commencement of the review, and bearing in mind that an extensive section of Dr Simon Brooks' report was based on the work of the Gwynedd Council Planning Department, the proposals of Dr Brooks would receive full consideration.
- That the Cabinet had already resolved to support all the recommendations in Dr Brooks' report with modifications to recommendation number 7 - Short-term Holiday Accommodation and Business Rates.

The Assistant Head of Environment was invited to say a word. He noted:-

- That the report before the Council was a factual report and the process was statutory.
- That Government guidelines set out the relevant timetable, however, if it was possible to do the work quicker, officers would certainly try to do so, and bring a timetable before the full Council as a part of the Delivery Agreement.

Members were given an opportunity to ask questions and make observations. During the discussion, enthusiastic support was expressed for the proposal by many members. It was noted:-

- That this Council would never discuss such a major issue as the one that was before them today, and Councillor Gruffydd Williams was thanked for raising and presenting this important and timely matter with determination.
- That we have a housing pandemic in Gwynedd. In March 2020, acts were amended overnight as a result of the Covid emergency. Therefore, why could not the same thing happen here, as the current housing crisis was sufficient to be able to justify the demand for this in the strongest possible way?
- That housing numbers, especially the number of open market housing, had been a contentious issue with this Plan from the start, and with the open market and house prices as they were, it was difficult to believe that the majority of the houses built in the next months and years would be within reach of Gwynedd residents.

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- In accordance with Ffordd Gwynedd, this Council should place the people of Gwynedd at the heart of their decisions, however, it could not be certain that this was happening now.
- Four years ago when the Plan was adopted, the Cabinet Member at the time said that it would be monitored, and reviewed after 4 years, and if members were not content, it was possible to change matters before then if necessary. Why then was there no mention of the 3.5 years period at the time?
- That the county's young generation could not wait 3.5 years for the right to live at home, and it was hoped that it was possible to move forward urgently to modify the Plan.
- There was also an urgency to review the Plan as the term of the existing Council would end within approximately 10 months. The current Council had adopted the Plan, by one vote, and there was a duty on the current membership to do everything within their ability to adapt it in light of the totally unprecedented circumstances as a result of the impact of Brexit and Covid on the housing situation.
- That a lack of homes in our areas had been a problem for the last fifty years. The main pressure was on the most Welsh areas, and one could go so far as to say that there was an attempt here to kill our language and identity.
- A recent article in The Guardian summarised the situation by saying *"The underlying reason for Britain's lack of housing problem is not lack of supply, but that greed has been allowed to displace need."*
- The results of the 2021 Census would show an increase in Welsh speakers, thanks mainly to Welsh-medium schools in the south, but Welsh was not a community language in those areas, and the Welsh language had to be a community language to thrive.
- It was necessary to take ownership of this and do everything we can to ensure that the housing problem was solved once and for all, and to ask the Isle of Anglesey Council to follow the same path.
- Everyone needed to support the proposal and to move together in the same direction, taking people with us for the benefit of our communities.
- The disappearance of Wylfa B had left us with an open door plan, as there was no need now for the additional 8,000 houses permitted across Gwynedd and Anglesey.
- It was necessary to challenge the legal restrictions in terms of the time-frame.
- That our homes and chapels were being bought as second homes for vast amounts of money and that this was destroying our culture and language.
- Shouldn't members of the Council and Members of Parliament and Members of the Senedd who own second homes, or who have close relatives with second homes, declare this publicly?
- It was vital to extend the local market housing policy to more places, and throughout Gwynedd and Anglesey.
- Northumberland County Council was consulting on their draft local development plan, and were asking for a main residence condition on residential homes in some areas.
- It was understood that there were processes to be followed, however, they had to be mindful in case they might get lost in a mire of processes.
- That we have housing stock in the county, but a significant percentage of them were Airbnbs and holiday homes, and it was timely to pursue those owners who had transferred to Business Rates to avoid paying Council Tax, by also making the level of the Tax based on the number of people who stay in the houses.
- Although the Plan was an important document, and made a difference to the people of Gwynedd, it was now insufficient and unsuitable as a result of the disappearance of Wylfa B, the pandemic and the unprecedented increase in second home purchases.

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- As the highest number of Welsh speakers and vulnerable communities were here in Gwynedd, it would be a retrograde step on behalf of the Council to delay and not review the Plan urgently, regardless of the official protocol procedure regarding reviewing development plans.
- There was a lack of jobs that pay well in Gwynedd, and the pandemic had made the situation much worse, especially in the coastal areas.
- That holiday accommodation created huge problems with anti-social behaviour and noise affecting nearby properties.
- Thousands of people were on the Gwynedd waiting list for a house and had been for years, and every second home purchased took another house away from local people. There were examples even of local people living in tents, without a hope of buying or renting a house.
- Houses were selling for prohibitive prices, and some people were buying houses without even viewing them.
- This important matter united all the councillors, and everyone agreed that the situation was immoral.
- That a small part of the answer was the Local Development Plan, a part that would take a long time to act upon. However, there were three recommendations that the Government could act upon this year to control the crisis (namely consult regarding the possibility of making short-term accommodation exempt from being eligible for small business rate relief, create a new use class for short-term holiday accommodation and introduce a Mandatory Licensing Plan for holiday accommodation) and there was a need to bring pressure to bear on the Government to proceed immediately with this work.
- That it was difficult for local people who inherit property to get money to renovate those houses and pay the council tax premium on top of their mortgage/rent on their main residence.
- Why was it not possible to place a cap immediately on the number of holiday homes in any community?
- That it was disappointing that the climate change emergency had not been identified as a matter that will need full consideration as part of preparing the Review Report and when preparing the amended Plan. It was important that this was recognised in our planning policies now, if we wanted to secure thriving Welsh communities that we wish to see in the future.
- That the housing crisis was not a problem that Gwynedd Council could solve on its own. The Council had been lobbying in this field for years, and by now had gathered evidence to support our standpoint with quality research, and had received support from some other councils in Wales.

The Leader noted:-

- That this meeting was an opportunity for members to express their passion and concern regarding the situation that was common to all.
- That the discussion had highlighted how inflexible the planning system is, and what little power local government has when producing such a plan.
- He was very willing to write today to the First Minister of Wales to ask for a full review of the planning system.
- That it was important to have a discussion regarding what type of planning system they wished to see, and the Joint Local Development Plan was only part of the solution.
- That it was possible to have more influence in the field of second homes with the 3 recommendations referred to already during the discussion, and are possible to act upon soon.
- He had raised these matters recently with the First Minister of Wales at a meeting of the Welsh Local Government Association, and the First Minister expressed an interest in the matter, and vowed that he would visit us in Gwynedd sometime in the near future to have a further discussion on the matter.

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- The door was open in terms of the Welsh Government, and he would continue to knock on that door, until we get some sort of answer from them.
- He was willing to support the proposal as amended.

In response to a question from a member regarding what planning powers the Council has, the Chief Executive explained that it was a difficult question, as it cut across a substantial amount of different areas. However, the Council had played a very important role in the work of identifying the matters in these areas, and being able to use the tax regulations and the planning system to its full potential was part of the answers submitted to Welsh Government. A recent report to the Cabinet called on the Welsh Government to adopt a host of different recommendations, many of them stemmed directly from the Planning Department's work, via Dr Brooks' report. Despite this, the power was in the hands of the Welsh Government, and the Council's role was to press upon them to deliver and to act on our behalf, and every area of Wales, as soon as possible.

In his closing comments, Councillor Gruffydd Williams thanked members for their observations and support, and noted:-

- That he continued to be concerned regarding the fact that a timeframe cannot be confirmed, but where there was a will, it was possible to overturn the system in a very short period of time.
- That it was extremely important to change the planning act in order that it was compulsory to have planning permission to convert a dwelling-house into a holiday home or second home, and it was greatly hoped that the Welsh Government would consider this before the end of the month.
- However, we would be no further forward by imploring the Welsh Government to amend the acts and policies, while our back door in Gwynedd Council was wide open, and that it took 3.5 years to close that door.
- The process had to be accelerated and every way possible to change the system should be explored, and officers were encouraged to give full consideration to the observations, and to go hand in hand with members to be able to amend the policies.

RESOLVED

That this Council urgently addresses the Local Development Plan (approved 28.7.2017) with a view to review and update in relation to planning policies and the Welsh language. It would be desirable to give particular priority to this, going past what is noted as the usual monitoring period within the Plan itself and to submit proposals which correspond to Dr Simon Brooks' report "Second Homes - Developing New Policies in Wales", which was commissioned by Welsh Government.

Following the Pandemic and the fact that there will be no Wylfa B, such meeting is expected to address the changes needed to comply with the Wales Well-being Act, a more equal Wales and a Wales of vibrant culture and thriving Welsh language.

Therefore, in light of the housing crisis and the requirements of the Well-being of Future Generations Act, there is a need to move urgently to review the Local Development Plan; that this process takes full attention of the views of members and the community, and that the Council proceeds as soon as possible to prepare the Review Report, and submit a Delivery Agreement before the Council. Also, that the Council writes to the First Minister of Wales, Mark Drakeford, to press for the right to act within a shorter timeframe.

The Chairman noted that the decision was unanimous, and he was extremely grateful to Councillor Gruffydd Williams for bringing the matter before them. He expressed his

EXTRAORDINARY MEETING OF THE COUNCIL Monday, 28 June 2021

hope that the Chief Executive, officers and Cabinet Members would respond in accordance with the desire to move forward as soon as possible, and as a matter of good practice, that members should receive an update on the position at the next Full Council meeting on 8 July.

The meeting commenced at 10.30 am and concluded at 12.10 pm

CHAIR

THE COUNCIL THURSDAY, 8 JULY 2021

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

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

Officers: Dafydd Gibbard (Chief Executive), Morwena Edwards (Corporate Director), Iwan Evans (Monitoring Officer), Dafydd Edwards (Statutory Finance Officer), Geraint Owen (Head of Corporate Support Department), Sion Huws (Senior Solicitor - Corporate), Vera Jones (Democracy and Language Manager) and Eirian Roberts (Democracy Services Officer).

Also in attendance: Dr Einir Young (Chair of the Standards Committee) (for item 7)

1. APOLOGIES

Councillors: Anwen Davies, Alan Jones Evans, Dylan Fernley, Louise Hughes, Eric Merfyn Jones, Peter Read, Mair Rowlands and Hefin Underwood.

2. MINUTES

The Chair signed the minutes of the annual meeting of the Council held on 13 May, 2021 as a true record.

3. DECLARATION OF PERSONAL INTEREST

The Chief Executive declared a personal interest in item 10 on the agenda – Electoral Registration Officer / Returning Officer - as the report referred to him, and withdrew from the Chamber during the discussion on the item.

4. THE CHAIRMAN'S ANNOUNCEMENTS

Best wishes for a speedy recovery were sent to Councillor Eric Merfyn Jones following his recent surgery.

Councillor Gwynfor Owen, the new member for Harlech / Talsarnau was congratulated and welcomed to the meeting.

Everyone from Gwynedd who had been competing and who had been successful at this year's Urdd Eisteddfod T was congratulated.

5. URGENT ITEMS

None to note.

6. QUESTIONS

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

(1) Question from Councillor Owain Williams

"What response will Gwynedd Council give to the presumptuous statement from the Westminster Government, and the Conservative Party in particular, namely their order to drape the 'Union Jack' flag on the side of the buildings of the 'Empire', namely the UK, here in Wales?"

Response from the Cabinet Member for Corporate Support, Councillor Nia Jeffreys

"These are not orders, but guidelines and encouragement to raise the Union Jack flag on buildings in British nations. The Council is responsible for raising banners on its own buildings, and we already have a policy for this. I have forwarded the details of this policy to members for information."

Supplementary Question from Councillor Owain Williams

"I ask this Council to contact the UK Prime Minister's Office and ask for an explanation and an apology for insulting and belittling our nation."

Response from the Cabinet Member for Corporate Support, Councillor Nia Jeffreys

"I also agree that the attitude is presumptuous and insulting. I believe we are doing everything within our ability within this Council. For example, British Ministers recently wanted to hold a 'UK Day' and wanted children to sing a particular song in schools about the union and the strength of the United Kingdom. I am very grateful to the Football Association of Wales for having the idea that children in Welsh schools could sing the national anthem on the same day, and I was very proud to see on the news and social media, following guidance from the Head of Education Department in Gwynedd, that children across Gwynedd schools did this. Therefore, as a Council I believe we do everything within our ability to promote our Welsh culture and identity."

(2) A question from Councillor Alwyn Gruffydd

"Bearing in mind that the 'Housing Action Plan' labels the Help-to-Buy Scheme as a "very popular" one and that the money invested in the scheme can be "recycled", and considering the cost associated with the construction of new housing, and that we cannot build ourselves out of this crisis in any case, is it necessary for the Council to promote a much broader use of equity provision schemes such as the 'Homebuy Wales' scheme, which is much more cost efficient and an alternative method to help people to live in their local areas?"

Response from the Cabinet Member for Housing, Councillor Craig ab Iago

"We are in the middle of a real housing crisis and each one of us have stories or examples in our wards of unfairness and house prices that are too high, or buildings being lost to people from outside Wales who wish to make a quick profit. The situation is becoming more desperate every day. We heard recently that our house prices had increased the most in Britain. These are things that we are all

concerned about and I would say that this is the highest priority for us all in terms of the things we need to resolve. And this is the Housing Action Plan - a way of responding to this from the housing aspect, and the plan has been produced for one purpose, namely to home local people. This is the ethos behind everything in the plan. It is totally innovative and we are leading on this throughout Britain as the plan exists wholly for that. However, we have built flexibility to the system. We are attempting to trial as many things as we can and we are going to undertake the work over the years. The plan mentioned by Councillor Alwyn Gruffydd is included in it. But of course, our response there is not going to resolve the problem until we tackle the planning aspect, and there is only one way to tackle this, and for some reason, it is clear to me that Welsh Government has no intention of doing so. You would expect this from the Westminster Government as they are not concerned about us at all, but you would not expect a lack of reply from Welsh Government! It is very difficult to understand why our Government would want to see our communities die, as is currently the case, and not responding at all. However, this is the situation we are now facing. The only thing we can do is continue to put pressure on them, and discuss this and keep it in the news as we have already done. Should they give us more funding on the housing side to invest in this, we would do so, as this is what we want to do. There is no lack of desire here to resolve the problem and to do more of what we are seeking to do, only a lack of resources at present."

A Supplementary Question from Councillor Alwyn Gruffydd

"Is it not time for this Council to start offering mortgages to local people?"

Response from the Cabinet Member for Housing, Councillor Craig ab Iago

"We have been discussing in the Department now for approximately eighteen months. There is more we can do, and we are also learning. We are not saying that everything is in the Housing Action Plan. We need to add more to it but, of course, there is a lack of funding, a lack of resources and a lack of time. But definitely, it is something that we have been discussing. There is no simple answer to this. We need to do so many different things as we can, but the answer is to resolve the planning aspect."

(3) Question from Councillor Beca Brown

"I would like an update on matters arising from the climate change emergency - what has happened so far, and what are the Council's plans following this?"

Response by the Leader, Councillor Dyfrig Siencyn

"This is the most important subject we can discuss these days, and as it is a corporate, cross-departmental matter, it is appropriate for me to answer the question.

You may remember that you received a report on the matter for a Council meeting on 19 December 2019, where we reported that the Cabinet had established a task-force to consider what needed to be done further in the field. The intention was also noted to draw up a whole-council Climate Change Action Plan.

It must be recognised that the work has lost momentum as a result of the Covid-19 crisis. The work undertaken by Council departments in the relevant fields (recycling, de-carbonisation, responding to flooding, biodiversity) etc. has obviously continued, but although officers have been working on a draft version, the timetable to publish the action plan has slipped.

However, we are aware of the importance of revisiting this field of work with urgency, and at its meeting in January 2021, the Cabinet resolved to establish a Climate Change Board to steer the work. It was also resolved to fund a project manager for a 12-month period initially in order to meet the basic element of coordinating all the work. An officer has been appointed to the post of the Climate Change Programme Manager and she has commenced in post this week.

The Climate Change Board will meet over the coming weeks in order to restart the work. The priority will be to draw up a work programme for the next six months, and this will include holding workshops with you as members in order to consider whether there are gaps in our draft action plan, and to update the plan for it to be published in its final form before the end of 2021."

A supplementary question by Councillor Beca Brown

"Will the public be able to provide an input as well?"

Response by the Leader, Councillor Dyfrig Siencyn

"This is important and we are aware that citizens are eager to participate in this discussion. As part of our regeneration strategy, we are about to commence an engagement plan or a conversation with our communities in the 13 well-being areas on a variety of subjects, and will ask them how they view their area in 2035, and ask them what are their priorities and concerns. We have not got all the answers and we are eager to receive feedback from local residents, and if there are ideas for operational plans, then we should be producing those plans on a joint basis. This is the first step on the journey, which is a comprehensive piece of work, and we have 10 officers who will start the work of visiting the well-being areas, and we are giving priority to this. If more resources will need to be provided, then we will deliver this. The first part of the process will involve speaking to our local councillors as they have a store of very valuable information about their communities and who within their communities are leading, or can contribute towards the discussion. This will start soon and I have a request here for all members, especially with a subject such as climate change, to consider what is taking place in our areas, and we are eager to hear your ideas in order to be able to collaborate with our communities."

(4) Question from Councillor Gruffydd Williams

"Given that there are three times more holiday homes than holiday units here in Gwynedd, and that the highest number of holiday homes in Wales are to be found here in Gwynedd, does the Leader not think that putting pressure on Welsh Government to pursue the three-point plan is a weak strategy?"

Response from the Leader, Councillor Dyfrig Siencyn

"No. Members are aware that the report by Dr Simon Brooks, "Second Homes: Developing Policies in Wales", is based to a great degree on very thorough research work by the Planning Department of this Council. I would like to take this opportunity to thank the planning officers who continue to work and research into these fields. The report of Dr Simon Brooks made 12 recommendations and at its meeting on 15 June, the Council Cabinet resolved to call on Welsh Government to take urgent action and to adopt all those 12 recommendations. The Government was also asked to strengthen the recommendation that sought to respond to the current situation where it is possible for a second home owner to avoid paying Council tax.

The Cabinet also called on the Government to prioritise the recommendations that would make the biggest difference, identifying the three that should be implemented with urgency.

Following the Cabinet's decision, I wrote to the First Minister calling on him to take action without delay. A copy of this letter is included as part of item 14(b) in the agenda of this Council.

We have received a response this morning by the Minister for Climate Change, Julie James MS. It is a lengthy and technical response, which essentially states that we must follow the existing guidelines and legislation, but we will share that response with all members as soon as we can."

Supplementary question from Councillor Gruffydd Williams

"Bearing in mind that the Government has now promised to address 2 of the 3 points he is calling for, does the Leader agree that it is now obvious that there is a need to address the broader and much more important matters, namely the issue of holiday homes?"

Response by the Leader, Councillor Dyfrig Siencyn

"We are disappointed to a large extent that the Government is not taking clear action, but we are pleased that they will hold the discussion with us, and I have already expressed my desire to be part of that conversation. I will refer to those matters we think are going to have the greatest impact on holiday homes, second homes, etc. and I can assure you that I will give this priority, and set our viewpoint as a Council very clearly. At a meeting yesterday with the Minister for Finance and Local Government, Rebecca Evans MS, the matter of rural housing was raised and she said that this was a priority for the Government. This is some kind of comfort for us and she will commence a virtual tour around the councils at the end of the month. I believe that a meeting has been arranged between her and me at the end of this month with the Chief Executive. Therefore, I will take every opportunity to press and ask the Government to take action as soon as possible, and I hope I can influence them."

7. THE STANDARDS COMMITTEE'S ANNUAL REPORT 2020/21

Dr Einir Young, Chair of the Standards Committee, was welcomed to the meeting to present the committee's annual report for 2020/21.

When presenting the report, it was noted that no complaints of breaching the Code of Conduct had been referred to the Standards Committee for a decision, and that this reflected well on the culture across the county. It was understood that some would be disappointed that the threshold for referral was too high, but as explained to the Council in the past, the Standards Committee did not decide which cases were referred to them. The Committee had noted the concern that had been raised previously by elected members with regard to this, and when the North Wales Standards Committee Forum would reconvene, this would be a topic for discussion.

Dr Einir Young thanked Committee members, the Monitoring Officer, the Senior Corporate Solicitor and the Democracy Service Officer for all their assistance.

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

A member expressed his disappointment in hearing that no investigation had been held again this year and he questioned whether the Ombudsman's Office offered value for money. He also suggested that it would be beneficial for councils to record their

meetings so that evidence would be available should any problems arise at any time. In response, it was noted that this was a matter that was raised annually at the Council meeting and that the public interest test was currently under consideration as part of the Code of Conduct review. It was explained that the test allowed the Ombudsman to attribute his resources to investigate matters in areas, such as health. However, this raised a question regarding the suitability of the model for community councils because, if the threshold was so high, should there not be a different model available that responded to the requirements of community councils, instead of them being measured in the same way as a county council or health authority? As a result, there was a need to hold this discussion as the review progressed.

Dr Einir Young was thanked for her presentation.

RESOLVED to accept the report.

8. GWYNEDD COUNCIL ANNUAL PERFORMANCE REPORT 2020/21

Submitted - a report by the Leader requesting that the Council approve and adopt Gwynedd Council's Performance Report 2020/21 as a clear, balanced and accurate picture of the Council's performance in 2020/21.

He thanked all staff members who had contributed to the work and especially the Council's Business Support Service Manager and Business Support Officer for gathering all the information and for preparing the report in such a coherent and interesting manner.

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

- Referring to page 46 of the agenda, which noted that the North Wales Growth Bid would lead to an investment of £1.1bn in the north Wales region over the next ten years, creating up to 4,000 jobs across north Wales, it was asked how much of this investment would be likely to come to Gwynedd. In response, it was noted that it was not believed there were specific targets for Gwynedd, but it was intended to monitor the situation and report back to the North Wales Economic Ambition Board on what would take place. It was explained that a number of projects were taking place across the region such as the digital projects that extended and improved digital connectivity across the entire region. The number of jobs had been determined for specific projects in Bangor University and Glynllifon and more details about those could be provided for members in the future.
- In light of the fact that Wylfa B was now very unlikely to take place, it was asked where the thousands of new jobs that were promised would be, and who would occupy the remaining 8,000 additional homes in Gwynedd and Anglesey. In response, it was explained that Wylfa B was not part of North Wales Economic Ambition Board projects, or included in their job figures. The changes as a result of whatever would happen to the Wylfa B site would be addressed in the review of the Local Development Plan, along with any other matters that are relevant to re-examine, such as the number of houses and the number of jobs.
- Referring to page 49 of the agenda, which referred to ensuring European funding to realise plans as part of the Creating High Value Jobs project, it was asked what impact Brexit would have on current and future investments. In response, it was noted that a number of projects were already in place that took advantage of European funds, and it was believed that these would continue until 2023. However, the funding in future would be much less than the £350m per week that had been promised by the British Government, and although the Shared Prosperity Fund was supposed to compensate for this, every county council across Britain had to compete for the small amounts available.

- Referring to pages 122-123 of the agenda, dissatisfaction was expressed that planning applications had taken an average of 89 days to reach a decision during 2020/21, and that one application had taken a whole year. As a result of raising the matter with the Department, it was added that it had become apparent that the officer dealing with the application was ill, and it was asked to what extent managers supervised officers who worked from home in terms of their well-being and mental health. In response, it was explained that no comments could be made on individual cases but members were asked to refer any such concerns to the attention of the Chief Executive. It was added that it was important to recognise that staff had been through a period of monumental change during the past eighteen months, and had coped fantastically with it to a very large degree. It was not believed that staff needed supervision in most cases as they were effortful and conscientious people who did their best at all times. However, they needed support, especially when working remotely and detached from their teams from day to day, and arrangements and support was in place to ensure that this occurred in every part of the Council.
- The reference to establishing an Autism Scheme in Gwynedd in the report of the Children and Supporting Families Department was welcomed, but it was noted that there was no mention of the scheme in the report of the Adults, Health and Well-being Department. In response, it was explained that the scheme had appeared in the report of the Children and Supporting Families Department as this Department would lead the work and challenge the performance of the cross-departmental Project Group (which included officers from the Children and Supporting Families Department and the Adults, Health and Well-being Department, along with partners such as Anglesey County Council and the Health Board). It was explained that the scheme lied within the Children and Supporting Families Department as the support needed to commence from the individual's childhood, but it was a whole life scheme as the individual transferred from the Children's Service to the Adult Service. Should members wish to know more about the activities and the project, and get the opportunity to share opinions and personal experiences in some cases, it was further noted that it could be arranged for them to meet with both Cabinet Members and relevant officers.
- It was asked whether or not Gwynedd was ready for the wave of mental health problems that would arise as a result of Covid. In response, it was noted that discussions were in the pipeline between the Council and the Health Board in an attempt to anticipate future demand. It was added that the Cabinet Member for Adults, Health and Well-being was very happy to arrange a meeting between members and relevant officers to have a better understanding. It was further noted that the increase in cases was highlighted through Council services with customers turning to the Council from all directions. For example, in the housing field, a serious increase had been seen over the past eighteen months in the number of people losing tenancies as a result of mental health problems, but the Council had managed to fund a new staff member in the Mental Health Team within the Health Service, who would be available specifically to help social housing tenants to protect their tenancies.
- Referring to page 61 of the agenda, the Education Department was congratulated on completing the work of establishing a new building for Ysgol y Garnedd in Bangor.
- Referring to page 103 of the agenda, it was asked how it could be certain that the success of the Council's strategy, rather than children being lost under the radar due to Covid, was responsible for the slight reduction in the number of looked-after children in 2020/21. In response, it was noted that the Council had been under pressure from Welsh Government to set targets for the number of looked-after children, but it had refused to do so as it was not believed that the target was suitable, and that the Council provided as required, rather than in order to reach any targets. The collaboration between the Education Department and the Children and Supporting Families Department was praised, and special gratitude was expressed to school staff for identifying and referring children who could have gone

under the radar due to Covid, to the Children's Service. It was further noted that the arrangements of the Department were very robust in terms of assessing the data in relation to referrals, e.g. were the referrals similar to the past year and to similar years? Also, a lot of triangulation work took place in order to see what the data told us. Nevertheless, it was difficult to know for certain that everything was coming in as it should as it was such an unprecedented period. It was noted further that many campaigns had been held to ensure that everyone in society, the staff and members kept their eyes open, and referred any matter of concern to the Referrals Team, and by collaborating with the police, and other key partners, it was hoped that the Council did everything it could to ensure that these safeguarding matters came to the Department's attention. Also, as part of the strategy to keep families together, high rates of children could stay with their parents, or extended family, instead of becoming looked-after.

- Referring to page 124 of the agenda, it was asked what was the latest situation in terms of recommencing the public transport services that had been cut during the Covid period, and the Welsh Government's plan in terms of improving public transport. In response, it was noted that the Deputy Minister for Climate Change, Lee Waters, MS had submitted a very ambitious transport plan to us, which disregarded the needs of rural areas. After making an observation on this, the Deputy Minister submitted an astonishing rural plan although he was unclear as to how it would be delivered. The situation in terms of the current service was unclear, but there was concern that the Government wished to centralise the bus service with Transport for Wales, and this did not raise much hope to improve the service in Gwynedd. It was further noted that the Environment Department had undertaken a piece of work prior to the pandemic examining the provision, such as when it would be possible to use a taxi or mini bus, rather than a bus that could carry 50 people. The pandemic had greatly affected the Department and the Government had largely subsidised this side of the work during the pandemic. The Government, via Transport for Wales, had been seeking to push forward with new schemes, but the whole picture so far in terms of what they had in mind was unclear. Any members having difficulties locally were asked to bring such evidence to the Department's attention.

RESOLVED to approve the report as an accurate, balanced and clear reflection of the Council's performance in 2020/21, and to adopt it.

9. LOCAL GOVERNMENT AND ELECTIONS (WALES) ACT 2021

The Cabinet Member for Corporate Support submitted a report inviting the Council to adopt arrangements to hold Council meetings in order to address the new requirements in Part 3 of the Local Government and Elections (Wales) Act 2021.

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

- It was noted that it was important to ensure that anyone with a particular interest in a matter was able to attend a virtual meeting and voice their opinion rather than watching a web-cast only. Also, a desire was stated to return to face-to-face meetings as soon as possible on the basis that virtual meetings were not convenient to make important decisions. In response, it was explained that the form of meetings would inevitably change as a result of this act, and that remote attendance would be part of the meetings as elected members had a statutory right to this. Arrangements to allow the public to participate in committee meetings were not currently part of the matter under consideration, and that those arrangements remained the same, but on a virtual basis. Work to move away from the interim system would involve identifying a pattern that worked best across the range of meetings, but it was emphasised that the electronic system

and the statutory rights that went hand in hand with it meant that this landscape would either way inevitably change and on a permanent basis.

- As hybrid meetings would be statutory in future, it was asked whether Welsh Government would contribute financially towards the substantial investment in Information Technology that would be required in order to realise this. In response, it was noted that an enquiry could be made to the Head of Finance Department and come back to the member with the financial information. It was also noted that there was an intention to start trialling the hybrid equipment during August in order to ensure that the provision was technically easy to use and responded to the requirements of bilingualism, voting matters, web-casting, etc.
- It was noted that it was important to continue to hold meetings virtually after restrictions eased, as this way of meeting saved time, travelling costs and vehicle emissions, and it also allowed members to be present from any location.
- On the contrary, it was noted that it was more difficult for members to get their points across strongly in virtual meetings and everyone was encouraged to support a return to the Chamber as soon as possible.
- It was suggested that meetings should continue to be held virtually but not all the time, and that it would be good for members to meet face-to-face occasionally.

RESOLVED

- (1) To adopt the arrangements and protocol to continue to meet virtually until they are reviewed in accordance with the report submitted to the Council.**
- (2) To approve the changes to the Constitution in Appendix B of the report to the Council.**

10. ELECTORAL REGISTRATION OFFICER / RETURNING OFFICER

The Monitoring Officer submitted a report inviting the Council to appoint an Electoral Registration Officer / Returning Officer, as the current post-holder had retired.

RESOLVED

- (1) To appoint the Chief Executive as Electoral Registration Officer for every constituency and part of a constituency within the County, in accordance with Section 8(2A) of the Representation of the People Act 1983.**
- (2) To appoint the Chief Executive as Returning Officer for the election of councillors to the Council and the election of community councillors within the County in accordance with Section 35(1A) of the Representation of the People Act 1983.**

11. SCRUTINY ANNUAL REPORT 2020/21

Submitted - the scrutiny annual report for 2020/21 by the Chair of the Scrutiny Forum, Councillor Beth Lawton. She thanked the scrutiny chairs and vice-chairs and all scrutiny members for their work during the year. She also thanked the heads of department and the Democracy Service officers for supporting the members and drawing up the report.

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

It was noted that there was no reference in the report to the Planning and the Welsh Language Scrutiny Investigation, and a request was made for information on the Council website as it did not seem to be there at present.

On behalf of the Cabinet Members, the Cabinet Member for Children and Young People thanked the scrutiny committee members, stating how important their role was in the process of maintaining the services from day-to-day. He also thanked those members who were part of the performance challenging meetings for their support and input.

The Chair of the Scrutiny Forum was thanked for all her work and guidance, and for submitting the report on behalf of the scrutiny chairs.

RESOLVED to accept the report.

12. THE COUNCIL'S POLITICAL BALANCE

The Head of Democracy Services submitted a report reviewing the Council's political balance following:

- A by-election in the Harlech / Talsarnau ward following the resignation of former Councillor, Freya Bentham, Independent Group;
- The election of Councillor Gwynfor Owen in the Harlech / Talsarnau ward, Plaid Cymru Group.

It was noted that a short video clip could be viewed on the members' intranet site explaining how the committee seat allocation formula worked.

RESOLVED

- (1) Adopt the seats allocation noted in Appendix A of these minutes.**
- (2) Delegate the authority to the Head of Democratic Services to make appointments to the committees on the basis of political balance, and in accordance with the wishes of the political groups.**

13. NOTICES OF MOTION

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

"That Gwynedd Council supports the United Nations Treaty on the Prohibition of Nuclear Weapons."

The proposer of the motion noted that several anti-nuclear weapon groups and organisations had submitted letters of support to the motion. He set out the context for his motion underlining that the United Kingdom was one of the few countries that had not signed the United Nations Treaty on the Prohibition of Nuclear Weapons that had come into force on 22 January, 2021. He added that Gwynedd Council could show humanitarian leadership by supporting the motion in order for the Westminster Government and politicians from other parties to understand that there was a principled and moral objection to nuclear weapons in Wales.

Strong support was expressed by members on the following grounds:

- As the British Government had not participated in the discussions, they did not have an opportunity to shape the Treaty and that they were short-sighted to it.
- The clauses in Article 1 of the Treaty, which involved control and prohibition, refuted the argument of the British Government that signing the Treaty would not bring us closer to a world without nuclear weapons. Should every country sign and adhere to these principles, we would live in a world that was free of nuclear weapons.

In light of the viewpoint of the British Government on the matter, an amendment was proposed and seconded to add the following to the motion:

"...and also call on the British Government to commit to the United Nations Treaty on the Prohibition of Nuclear Weapons."

The proposer of the original motion agreed to amend the motion on these lines with the Council's consent.

During the discussion on the amendment, it was noted that we live in an unstable world with growing global inequality. Covid had hit us hard and climate change already led to the displacement of people and threatened food networks. In the unstable world of this day and age, Governments more than ever needed to continue to take action towards nurturing peace, rather than supporting and investing in nuclear weapons.

A vote was taken on the amendment and it carried.

As the amendment was accepted, the Monitoring Officer explained that the original motion had been amended and that a further vote was needed on the wording of the amendment, rather than the wording of the original. The majority voted in favour of the motion.

RESOLVED to adopt the motion, namely:

That Gwynedd Council supports the United Nations Treaty on the Prohibition of Nuclear Weapons, and also calls on the British Government to commit to the United Nations Treaty on the Prohibition of Nuclear Weapons.

14. RESPONSES TO PREVIOUS NOTICES OF MOTION

Submitted, for information:

- (a) Letters from the UK Government Minister for Welfare Delivery and the Welsh Government Minister for Social Justice in response to Councillor Elin Walker-Jones' notice of motion to the 4 March, 2021 meeting regarding Universal Basic Income.
- (b) Letters to the First Minister for Wales (i) in response to Dr Simon Brooks' report "Second Homes – Developing New Policies in Wales", and (ii) calling for an earlier review of the Joint Local Development Plan following the Extraordinary Council meeting on 28 June, 2021.

The meeting commenced at 1.00 pm and concluded at 3.10 pm

CHAIR

APPENDIX A – ALLOCATION OF SEATS ON COMMITTEES

A	Plaid Cymru	Independent	Llais Gwynedd	Propel Group	United Independent Group for Gwynedd	Individual Member	Total
Education and Economy Scrutiny Committee	10	5	1	1	1	0	18
Communities Scrutiny Committee	10	5	2		0	1	18
Care Scrutiny Committee	10	5	1	1	0	1	18
Audit and Governance	10	5	1		1	1	18

B	Plaid Cymru	Independent	Llais Gwynedd	The National Party	United Independent Group for Gwynedd	Individual Member	Total
Democratic Services	8	4	1	1	1		15
Planning	8	4	1		1	1	15
Central Licensing	8	4	1		0	2	15
Language	8	4 (down from 5)	2 (up from 1)		1		15
Chief Officers Appointment	8	4	1	1	0	1	15
Employment Appeals	4	2	1		0		7
Number of seats	84	42	12	4	5	7	154

C	Plaid Cymru	Independent	Llais Gwynedd	The National Party	United Independent Group for Gwynedd	Individual Member	Total
Pensions	4	2	0		0	1	7
Local Joint Consultative Committee	6	3	1		1		11
SACRE	4	1	0	1	0	1	7
Joint Planning Policy Committee	4	2	1		0		8

Total seats	102	50	14	5	6	9	186
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GWYNEDD COUNCIL



Date of meeting:	7 th October, 2021
Title of Item:	Gwynedd Council's Diversity Declaration
Purpose:	Present the Council's Diversity Declaration for adoption by the Council and arrange for a work programme to be developed to support the declaration.
Cabinet Member:	Councillor Dyfrig Siencyn, Council Leader
Contact Officer:	Geraint Owen, Head of Democracy Services

Report to meeting of Gwynedd Council

1. DECISION SOUGHT

It is recommended that the Full Council adopt the Diversity Declaration below and request that the Democratic Services Committee develop a work programme to support the declaration.

2. BACKGROUND AND REASONS

Foreword

1. Gwynedd Council has been supportive of the agenda to promote diversity in democracy with numerous steps taken over the years to try and persuade more people from different backgrounds to stand in local elections.
2. With the Wales Government elections looming in May 2022, it is timely to state publicly that Gwynedd Council promotes diversity in democracy. We are eager to ensure that the elected members of Gwynedd Council are a fair and rational representation of society in Gwynedd, and therefore encourage individuals from all backgrounds to stand in the elections.
3. The Democracy Services Committee has led on the improvements with the preparatory work prior to the 2017 local elections, and further work to be undertaken prior to the 2022 elections. In addition, a specific project was included in the Council's Equality Plan, 2016-20, with the work now continuing on a day to day basis.

4. In addition, political Leaders from all authorities in Wales have been working with the Wales Local Government Association to identify a number of possible steps to be taken to further promote diversity - some at a National level, others at a political level, and others at a local level. Work will progress on the national level with the political leaders.
5. The Council is eager to adopt a Diversity Declaration in order to make a clear and public statement of the Council's commitment to diversity in democracy.

Diversity Declaration

6. Note the declaration below:

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

We agree to

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

Work programme

7. Obviously, we must ensure that the Council is taking specific steps in an attempt to promote diversity in democracy and realise the declaration. As noted above, the Democratic Services Committee has led on developments for some years, therefore it is reasonable to ask them to lead on the development of a full work programme in order to realise the declaration.
8. Work is already being undertaken to move the agenda forwards, and includes close collaboration with the 16 and 17 year old franchise project. Also, arrangements are being developed for Gwynedd democracy week, to be held during the week commencing 18th October. A series of messages will appear on social media in an attempt to encourage

individuals to stand as a Councillor. The week will culminate in an opportunity for prospective applicants to attend a virtual Q&A session on 26th October.

9. Obviously, the political groups have a specific role in promoting diversity in democracy, and a discussion was held on the matter at the latest Business Group meeting.
10. Therefore, it is recommended that the Democratic Services Committee gives further attention to the work programme at its meeting on 16th November 2021, and to submit the full work programme to the Full Council on 2nd December, 2021.

3. ANY CONSULTATIONS HELD PRIOR TO RECOMMENDATION

3.1 VIEWS OF THE STATUTORY OFFICERS:

The Monitoring Officer:

I support the adoption of the statement which sets a range of principles and aims in order to promote and support participation in our democratic bodies. The creation of an associated work programme will support the realisation of these aims.

Head of Finance:

Nothing to add from a financial propriety perspective.

GWYNEDD COUNCIL



Report to a meeting of Gwynedd Council

Date of meeting:	7 October 2021
Title of Item:	Local Government and Elections (Wales) Act 2021 – update for hybrid meetings.
Purpose:	To submit an update to the full Council following the adoption of arrangements to hold Council meetings in order to address the new requirements in Part 3 of the Act at its meeting on 08/07/2021
Cabinet Member:	Councillor Nia Jeffreys
Contact Officer(s):	Geraint Owen, Head of Democracy Services

1. THE DECISION SOUGHT

It is recommended that the Full Council accepts the report for information.

2. BACKGROUND AND RATIONALE

Foreword

1. At the Full Council meeting on 8 July 2021, the Council resolved to adopt interim arrangements to continue to hold virtual meetings only during the period from May 2021 onwards, until noted otherwise. Members will also remember that a protocol and relevant amendments to the constitution were adopted.
2. The report in July noted that work was underway to develop arrangements to hold hybrid meetings, whilst also ensuring the safety of Councillors and officers when it is timely to return to the chambers.
3. It was noted that an update on the work would be presented to the Full Council on 7 October 2021.

Support from the Cabinet

4. In addition, further support was received from the Cabinet in order to move forward with the hybrid meetings agenda. At the Cabinet meeting on 27 July 2021, it was agreed to use the £130,000 from the 'Recovery Arrangements Fund as a result of Covid19' to fund schemes to enable hybrid meetings and remote attendance at Council meetings in accordance with the requirements of the Local Government and Elections (Wales) Act 2021.

Update

5. As was reported in July, amendments to the act mean that arrangements must be adopted (and published) which will allow people to attend a meeting from different places. In other words, remote attendance to meetings must be allowed. Such meetings could be held virtually only (our current arrangements) or a combination of meetings held at a venue but with some members attending remotely. It was noted that the term "hybrid" is used to describe meetings that are held in this way.
6. Specific project work has been established to progress the work. The first obvious step is to develop the necessary technology to offer hybrid meetings. This work has commenced at Siambr Dafydd Orwig and Siambr Hywel Dda during September.
7. Following the practical work of upgrading the technology and the chambers, relevant officers will receive training in order to operate the technical aspects of holding hybrid meetings, whilst also continuing to run a full programme of committee meetings as usual. In addition the systems will be tested in order to ensure that the technology meets the basic requirements of
 - being easy for staff and councillors to use (and anyone else likely to be using it)
 - meeting bilingual and webcasting requirements
8. Note that we foresee some challenges to overcome, such as the voting arrangements. We will work on solutions to the challenges.
9. The next step will be to run a pilot of the arrangements with specific committees to allow Councillors to trial the arrangements and receive some training. As reported in July, the Head of Democracy Services, in consultation with the Chairs of individual committees, can agree to hold a pilot scheme of any proposed arrangements. The intention is to proceed with this element during the Autumn term.

Next steps

10. Alongside the steps noted above, we will be required to establish a protocol on how to hold hybrid meetings (similar to the protocol for holding virtual meetings adopted by the Council on 08/07/2021). As part of the work it will be required to establish the Council's policy with regards to which committees and which types of committee meetings can be virtual and which will be held as a hybrid meeting. This will build upon the initial work carried out by the Democracy Services Committee on 18/02/2021 which supported continuing to hold some Council meetings virtually only with others being held as hybrid

meetings. In addition, continued consideration must be given to the regulations and guidance in place with regards to the coronavirus – see 12 below.

11. The Democracy Services Committee will discuss the draft protocols at its meeting in November 2021. The Cabinet will discuss and adopt its own arrangements as required. Subject to the technical and practical developments, the intention is to present the draft protocols to the Full Council meeting in December. It is anticipated that we will require a trial period for arrangements, which will be reviewed within a sensible timeframe.
12. Note that all the developments are subject to Coronavirus regulations which are relevant to our decisions regarding attending offices. When the All Wales Alert Level was reduced to '0' at the beginning of August, there was no change to Welsh Government guidance and it was clear that everyone should continue to work from home if possible. At the moment, for us here at Gwynedd Council, there is no change to the working arrangements already in place. A risk assessment for attending the workplace safely is being created for officers who are required to attend the office to trial the new technology, however this could result in potential slippages to the work programme. Continued consideration must be given to the national guidance as the situation is reviewed.

3. ANY CONSULTATIONS UNDERTAKEN PRIOR TO RECOMMENDING THE DECISION

- 3.1 The Democracy Services Committee was consulted on the interim arrangements at its meeting on 29/06/2021. In addition, as the Cabinet's arrangements are separate, the interim proposals were reported to the Cabinet on 06/07/2021. The interim arrangements were adopted by the full Council on 08/07/2021.

3.1 STATUTORY OFFICERS' OBSERVATIONS:

Monitoring Officer:

I have had the opportunity to advise on this matter as part of the project in relation to the new Act. No observations to add in relation to propriety.

Statutory Finance Officer:

I confirm that the Cabinet agreed to fund £130k to the scheme from the 'Recovery Arrangements Fund as a result of Covid19' during the meeting held on 27th July.

The IT service has worked with the Democracy and Language Service to ensure sustainable developments for hybrid meetings for the future. The report notes the progress to date in accordance to the work programme and is a true reflection of the current developments.

Agenda Item 9

MEETING:	FULL COUNCIL
DATE:	7 OCTOBER 2021
SUBJECT:	AMENDMENTS TO THE INTER AUTHORITY AGREEMENT OF THE WALES PENSION PARTNERSHIP
PURPOSE:	TO SEEK APPROVAL TO AMEND THE INTER AUTHORITY AGREEMENT OF THE WALES PENSION PARTNERSHIP
CONTACT OFFICER:	DAFYDD L EDWARDS, HEAD OF FINANCE
RELEVANT MEMBER:	COUNCILLOR PEREDUR JENKINS, CHAIR, PENSIONS COMMITTEE
CABINET MEMBER:	COUNCILLOR IOAN THOMAS, FINANCE CABINET MEMBER

RESOLUTION SOUGHT

To accept the amendments to the Inter Authority Agreement for the Wales Pension Partnership

INTRODUCTION

1. The Wales Pension Partnership (WPP) is a Local Government Pension Scheme (LGPS) investment pool, comprising of assets from all eight LGPS funds in Wales.
2. The existence and subsequent development of the WPP occurred following a Ministry of Housing, Communities and Local Government (MHCLG) investment reform mandate announced in November 2015, intended to achieve investment management fee savings through scaled investment. The eight LGPS funds in Wales had previously moved to collaborate in order to secure greater diversification and more dependable investment returns.
3. The WPP is now fully operational and is governed by the Joint Governance Committee (JGC) which comprises of an elected member of each of the eight funds in Wales, normally the Chair of the Pensions Committee. This governance arrangement is set out within the Inter Authority Agreement (IAA) which was initially approved by the Council in March 2017.
4. Since the IAA's initial approval, amendments are now required in accordance with pooling developments and emerging best practices.

WALES PENSION PARTNERSHIP

5. The WPP is now well established and operating as envisaged by MHCLG since its commencement in 2017. The WPP's most recent Annual Update as at 31st March highlighted the following key developments:
- i) The WPP have now established eight investment sub-funds across Equity and Fixed Income asset classes, with further sub-funds planned for launch in 2021 and 2022.
 - ii) A total of £9.4 billion has been pooled, with a further £5.2 billion passive investments held under a pooled arrangement.
 - iii) Gwynedd Pension Fund has successfully pooled 81% of its assets as at 31st March 2021.
 - iv) The governance structure of the pool is now fully operational and specialist advisors support the WPP in respect of investment management, voting, engagement and legal services. A number of policy documents have been established and published on the WPP website covering all aspects of investment, governance and risk management.

Further information regarding the Wales Pension Partnership may be found here:

<https://www.gwyneddpensionfund.wales/en/Investments/Wales-Pension-Partnership.aspx>

<https://www.walespensionpartnership.org/>

6. Following JGC support and approval of the changes referred to within points 7 and 8 of this report, the WPP now seek approval from each of its eight constituent authorities, i.e. full Council approval, in order to proceed and implement these changes.

AMENDMENTS TO THE INTER AUTHORITY AGREEMENT (IAA)

7. The two main amendment areas are as follows:

- Allocator appointment for the Private Market Alternatives sub-funds – Following the receipt of professional advice, the JGC have agreed that a specialist 'Allocator' with extensive experience and knowledge of Private Markets should be appointed. Any future appointments/ terminations of the Allocator role will require JGC approval.
- A scheme member representative to be on the JGC as a co opted, non voting member – Following receipt of legal advice, it was decided at the JGC meeting on 10 December 2020 that there should be a co-opted (non-voting) pension board scheme member representative on the JGC.

8. With these changes requiring constituent authority approval, officers undertook a review of the IAA and other minor changes have been made to update and align the IAA with the work currently carried out by the WPP. All amendments are included in Appendix 1 – Amendments to the Agreement section of the attached document.

RECOMMENDATION

9. The Council is asked to approve the amendments to the Inter Authority Agreement as outlined in Appendix 1.

Opinion of the Statutory Officers

Monitoring Officer:

The recommendations have been the subject of specialist legal advice. I have no observations to add in relation to propriety.

Head of Finance:

I have worked together with others in preparation of the report and amendments and I confirm that the content is fit for purpose.

Amendment to the Inter-Authority Agreement between

Carmarthenshire County Council	(1)
City & County of Swansea Council	(2)
City of Cardiff Council	(3)
Flintshire County Council	(4)
Gwynedd Council	(5)
Powys County Council	(6)
Rhondda Cynon Taff County Borough Council	(7)
Torfaen County Borough Council	(8)

By

- (1) **CARMARTHENSHIRE COUNTY COUNCIL** of County Hall, Carmarthen, Carmarthenshire, SA31 1JP
- (2) **CITY & COUNTY OF SWANSEA COUNCIL** of The Guildhall, Swansea, SA1 4PE
- (3) **THE COUNTY COUNCIL OF THE CITY AND COUNTY OF CARDIFF** of County Hall, Atlantic Wharf, Cardiff, CF10 4UW
- (4) **FLINTSHIRE COUNTY COUNCIL** of County Hall, Mold, Flintshire, CH7 6NA.
- (5) **GWYNEDD COUNCIL** of Shirehall Street, Caernarfon, Gwynedd LL55 1SH
- (6) **POWYS COUNTY COUNCIL** of County Hall, Llandrindod Wells, Powys, LD1 5LG
- (7) **RHONDDA CYNON TAFF COUNTY BOROUGH COUNCIL** of The Pavilions, Clydach Vale, Tonypany, CF40 2XX
- (8) **TORFAEN COUNTY BOROUGH COUNCIL** of Civic Centre Pontypool Torfaen NP46YB

(together referred to as the “**Constituent Authorities**” and individually as a “**Constituent Authority**”)

1 BACKGROUND

- 1.1 The Constituent Authorities are all councils responsible for the administration of local government within their areas as set out in the Local Government Act 1972. The Department for Communities and Local Government in its letter dated 23 November 2016 confirmed that the Constituent Authorities have been granted permission for each Constituent Authority to continue to collaborate with every other Constituent Authority to form a pool of assets in respect of each of their respective funds under the LGPS.
- 1.2 The Constituent Authorities entered into the Agreement to create a formal joint committee pursuant to section 101 and section 102 of the Local Government Act 1972 by Deed dated 26 June 2017. The Agreement in clause 34 allows for amendment of its terms provided that the amendment is made in writing and is signed on behalf of all the Constituent Authorities by duly authorised representatives.
- 1.3 This Amendment is made under clause 34 in order to amend the Agreement to:
 - (a) allow the participation of a co-opted member in the Joint Governance Committee; and
 - (b) allow for a number of changes which support the development and effectiveness of the pooling collaboration.

AGREED TERMS

2 INTERPRETATION

- 2.1 In this Amendment terms shall have the same meaning as set out in the Agreement where:
 - (a) **Agreement** means the deed titled Inter-Authority Agreement made between the Constituent Authorities on 26 June 2017.
 - (b) **Amendment** means this document amending the terms of the Agreement.

3 COMMENCEMENT

This Amendment shall take effect on [] 2021. For the avoidance of doubt, this Amendment is only effective when each Constituent Authority has signed it in accordance with clause 34 of the Agreement.

4 AMENDMENT OF THE AGREEMENT

The Agreement is amended as set out in Schedule 1 to this Amendment.

5 SEVERANCE

5.1 If any provision or part-provision of the Agreement or this Amendment is or becomes invalid, illegal or unenforceable, it shall be modified to the minimum extent necessary to make it valid, legal and enforceable. If such modification is not possible, the relevant provision or part-provision shall be deemed deleted. Any modification to or deletion of a provision or part-provision under this clause shall not affect the validity and enforceability of the rest of this Agreement.

5.2 If one Constituent Authority gives notice to the other Constituent Authorities of the possibility that any provision or part-provision of this Agreement is invalid, illegal or unenforceable, the Constituent Authorities shall negotiate in good faith to amend such provision so that, as amended, it is legal, valid and enforceable, and, to the greatest extent possible, achieves the intended result of the original provision.

6 COUNTERPARTS

This Amendment may be executed in any number of counterparts by the Constituent Authorities, all of which taken together, shall constitute one and the same agreement, and any Constituent Authority (including any duly authorised representative of a Constituent Authority) may execute this Amendment by executing a counterpart.

Schedule 1

Amendments to the Agreement

The following amendments are made to the Agreement:

1 CLAUSE 1 INTERPRETATION

- 1.1 In clause 1, the following definition is inserted at the start of the list of definitions:

Allocator means the, one or more, allocator for [private market] asset classes who will facilitate the preferred investment structure and select sub-managers, underlying funds and/or direct investments for the purposes of the Pooling Collaboration appointed by the Joint Governance Committee.

- 1.2 In clause 1, following the definition of “Constituent Authorities”, the following definitions are inserted:

Contact List means the document circulated periodically by the Host Authority setting out relevant contact details for each of the Constituent Authorities.

Co-opted Member means a person, nominated by a Constituent Authority or the Pension Board of a Constituent Authority, and appointed as a Co-opted Member of the Joint Governance Committee by the Members; who is not an elected member of a Constituent Authority but is a Pension Member Representative of a Constituent Authority.

- 1.3 In clause 1 (and throughout the document thereafter, but including the contents pages), the definition “Host Council” is changed to “**Host Authority**” but retains its meaning throughout the document, being:

Host Authority means the Constituent Authority appointed in accordance with clause 7 and whose duties are described within that clause.

- 1.4 In clause 1, the definition of Member is delete and replaced by the following definition:

Member means each of the elected members of the Constituent Authorities nominated to be Members of the Joint Governance Committee in accordance with clause 3.3(a).

- 1.5 In clause 1, following the definition of “Pension Board”, the following definition is inserted:

Pension Member Representative means a person appointed to a Pension Board as a member representative further to regulation 107(2)(b) of the Local Government Pension Scheme Regulations 2013.

2 CLAUSE 3

- 2.1 Clause 3.3 is delete and replaced by the following:

3.3 The membership of the Joint Governance Committee shall be:

(a) one elected member nominated by each of the Constituent Authorities, provided that the nominated person is an elected member of that Constituent Authority and a member of that Constituent Authority’s pensions committee (or equivalent body) for the purposes of the Local Government Pension Scheme Regulations 2013; and

(b) one Co-opted Member appointed by decision of the Members (or a sub-group of the Members where such a sub-group is formed to consider the candidates), and which Co-opted Member shall be selected from a pool of candidates nominated by each of the Constituent Authorities or their Pension Boards.

- 2.2 Clause 3.4 is delete and replaced by the following:

- 3.4 For the purposes of clause 3.3, each Constituent Authority may appoint a named deputy for each Member, which deputy must be an elected member of the same Constituent Authority and the same Constituent Authority's pension committee (or equivalent body) for the purposes of the Local Government Pension Scheme Regulations 2013 as the Member for whom they are acting as deputy; and

3.4 A In the case of the Co-opted Member, a deputy shall be appointed by decision of the Members (or a sub-group of the Members where such a sub-group is formed to consider the candidates), and which deputy for the Co-opted Member shall be selected from a pool of candidates nominated by each of the Constituent Authorities or their Pension Boards.

- 2.3 A new clause 3.8 as follows is inserted:

- 3.8 The Co-opted Member shall be invited to and is expected, where possible, to attend all training provided to Members under clause 3.7.

3 CLAUSE 31

- 3.1 Clause 31.1 is amended by deleting the words "Schedule 1" and replacing them with "the Contact List".

4 SCHEDULE 1

- 4.1 In Schedule 1, the content of the schedule is held delete and replaced by the following:

As of [date], the Host Authority maintains a list of the relevant contact details for each of the Constituent Authorities. This will be issued periodically by the Host Authority to the Constituent Authorities and is also available on request.

5 SCHEDULE 2

- 5.1 In Schedule 2, new items are added to the numbered list as follows:

12. Nomination of a Co-opted Member to the Joint Governance Committee (except where that role is carried out by a Pension Board, in which case it is reserved to that Pension Board) .

13. Approval of changes to the terms of reference of the Joint Governance Committee as set out in Schedule 4.

6 SCHEDULE 4

- 6.1 In Schedule 4 Joint Governance Committee – Terms of Reference the bullet points are replaced with numbering.

- 6.2 In Schedule 4, item 8 is held delete and replaced by the following:

8. From time to time reviewing policies in respect of environmental, social and governance matters and where appropriate make recommendations to the Constituent Authorities as to any changes deemed necessary.

- 6.3 In Schedule 4, item 13 is held delete and replaced by the following:

13. Monitoring the implementation and effectiveness of the policies described in Schedule 5 and initiating reviews of these where required.

- 6.4 In Schedule 4, item 19 is held delete and replaced by the following:

19. Agreeing criteria for the evaluation of bids or tenders for any procurement of the Operator (including for the avoidance of doubt, a replacement Operator) to be put forward for the approval of the Constituent Authorities.

6.5 In Schedule 4, new items are inserted as follows:

20. Any reference in this schedule to the Joint Governance Committee taking any action including agreeing, approving or making recommendations, shall be determined subject to the voting provisions set out in Schedule 6.
21. Approval of an appointment of an Allocator following a recommendation by the OWG, reviewing the performance of an Allocator(s), and reporting on the performance of the Allocator(s) to the Constituent Authorities.
22. Approval of the termination of the appointment of an Allocator following a recommendation by the OWG.

7 SCHEDULE 5

7.1 In Schedule 5, the existing wording is held delete and replaced by the following:

The Joint Governance Committee, with the support of the OWG, will formulate, review and revise on an ongoing basis policies and procedures as deemed appropriate to support robust and effective governance arrangements for the Pooling Collaboration, including the following (which for the avoidance of doubt, is non-exhaustive):

- (a) Responsible Investment Policy
- (b) Climate Risk Policy
- (c) Voting Policy
- (d) Training Policy & Plans
- (e) Communication Policy
- (f) Governance Decision Matrix
- (g) Risk Policy and Risk Register
- (h) Conflict of Interest and Procedure Policy
- (i) Rebalancing and Alteration Policy
- (j) Responsibilities Matrix
- (k) Complaints Policy
- (l) Whistleblowing Policy
- (m) Breaches and Errors Policy
- (n) Business Continuity Plan

8 SCHEDULE 6

8.1 Paragraph 1 of Schedule 6 is held delete and replaced by the following:

1 MEMBERSHIP

1.1. The membership of the Joint Governance Committee shall consist of one Member per Constituent Authority and one Co-opted Member.

1.2 No substitutes other than deputies shall be allowed.

8.2 A new section 1A, ROLE OF THE CO-OPTED MEMBER, is inserted following section 1 of schedule 6 as follows:

1A ROLE OF THE CO-OPTED MEMBER

1A.1 The primary role of the Co-opted Member is to provide scheme member representation on the Joint Governance Committee.

1A.2 The Co-opted Member is entitled to attend all meetings of the Joint Governance Committee, including exempt items, to be provided with copies of all papers, and to speak on any item during meetings of the Joint Governance Committee.

1A.3 The Co-opted Member may ask the Chair to include any matter on the agenda which they consider should be discussed by the Joint Governance Committee.

8.3 Clause 2.3 is amended in the first line by insertion of the words 'executive summaries of' following 'agendas,'.

8.4 Clause 2.4 is held delete and replaced by the following:

2.4 The Joint Governance Committee may decide to allow remote participation in meetings via video-conference or any similar medium having regard to any applicable guidance issued from time to time by the Welsh Government. Any Member or Co-opted Member attending by video-conference shall be held to be in attendance at the meeting for the purposes of this Schedule.

8.5 Paragraph 2.5 of Schedule 6 is held delete and replaced by the following:

2.5 A meeting of the Joint Governance Committee may be called by a proper officer of the Host Authority on the request of the Chair. Members and the Co-opted Member must declare any conflict of interest in respect of any business being conducted at the meeting which would likely to be regarded to prejudice the exercise of a person's function as a participant in the meeting.

8.6 Paragraph 2.6 of Schedule 6 is held delete and replaced by the following:

2.6 The Chair is responsible for the running of meetings. The Chair shall invite Members and the Co-opted Member expressing a desire to speak in turn. All discussion and debate shall be held through the Chair and the Chair may draw a discussion to a vote at any time where they consider that every Member and the Co-opted Member has been given a fair opportunity to speak.

8.7 Sub-paragraph 2.9(a) of Schedule 6 is held delete and replaced by the following:

Where any item to be discussed forms exempt information, the Chair shall move that the public and press are excluded from the meeting for the duration of the discussion and voting on that item. The Co-opted Member is entitled to remain in the meeting and shall not be excluded. Motions to exclude the press and public do not require to be seconded and shall be determined by simple majority vote of the Members present.

8.8 Paragraph 6.2 of Schedule 6 is held delete and replaced by the following:

6.2 A Member or the Co-opted Member may raise a point of order at any time. The Chair will hear them immediately. A point of order may only relate to an alleged breach of the provisions of this Schedule, or the law or other competent authority. The Member or Co-opted Member must indicate the provision or law or regulation and the way in which he/she considers it has been broken. The ruling of the Chair on the matter will be final. The Chair may take advice on the point of order from the appropriate officer.

8.9 Section 7 of Schedule 6 is held delete and replaced by the following:

7 VOTING

7.1 The Chair shall seek consensus wherever possible however where a vote is required the provisions of this section shall apply.

- 7.2 Each Member present will have one vote and voting will be by means of a show of hands or such other method as the Chair may decide is appropriate in the circumstances, including a roll call. The Co-opted Member may not vote. In the event of a tied vote, the Chair shall have a second or casting vote.
- 7.3 All decisions will be determined by simple majority of Members present.
- 7.4 In the event that a vote is taken, the voting positions and any abstentions of Members will be recorded in the minutes.
- 8.10 Paragraph 8.1 of Schedule 6 is held delete and replaced by the following:
- 8.1 The Joint Governance Committee shall form such sub-committees and working groups as it considers expedient to performing its function. The Joint Governance Committee shall at the time of forming sub-committees or working groups set out the remit of the sub-committees or working groups, what the sub-committees or working groups are required to deliver and the timescale for that delivery.. The Co-opted Member may be a member of any sub-committee or working group.

Paragraph 8.4 of Schedule 6 is held delete and replaced by the following:

- 8.4 Working groups may invite any person who is not a Member or Co-opted Member to join the group in order to assist in carrying out its function.

9 SCHEDULE 8

- 9.1 In Schedule 8, letters a-o are replaced with numbers 1-17.
- 9.2 In Schedule 8, the following items are inserted after item 14 (with semi-colons and full stops updated accordingly):
15. establishing sub-groups and/or working groups of the OWG if the OWG consider such sub-group or working group would assist the effectiveness of the OWG to progress a particular project or workstream;
16. reviewing, formulating or evaluating governance arrangements and policies for the Pooling Collaboration (including for the avoidance of doubt the policies and procedures described in Schedule 5);
18. managing the procurement process for the procurement of an Allocator, or the replacement of an Allocator, including determining the criteria for the evaluation of bids or tenders;
19. monitoring and reviewing the performance of the Allocator(s) in meeting relevant objectives, service levels and key performance targets.

IN WITNESS whereof the parties have executed this Agreement on the date and year first above written.

THE COMMON SEAL of)
 Carmarthenshire County Council)
 was affixed hereto in the)
 presence of:-)
 Authorised Officer

THE COMMON SEAL of)
Council of the City and County of Swansea)
was affixed hereto in the)
presence of:-)
Authorised Officer

THE COMMON SEAL of)
County Council of the City and County of Cardiff)
was affixed hereto in the)
presence of:-)
Authorised Officer

THE COMMON SEAL of)
Flintshire County Council)
was affixed hereto in the)
presence of:-)
Chair / Legal Services Manager / Chief Officer Governance

THE COMMON SEAL of)
Gwynedd County Council)
was affixed hereto in the)
presence of:-)
Authorised Officer

THE COMMON SEAL of)
Powys County Council)
was affixed hereto in the)
presence of:-)

Authorised Officer

THE COMMON SEAL of)
Rhondda Cynon Taf County Borough Council)
was affixed hereto in the)
presence of:-)

Authorised Officer

THE COMMON SEAL of)
Torfaen County Borough Council)
was affixed hereto in the)
presence of:-)

Authorised Officer

MEETING	THE COUNCIL
DATE	7 OCTOBER 2021
TITLE	REGULATION OF SEX ESTABLISHMENTS – LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982
PURPOSE	TO ADOPT POWERS TO REGULATE SEX ESTABLISHMENTS AND ASSOCIATED REQUIREMENTS
CABINET MEMBER	COUNCILLOR GARETH GRIFFITH
CONTACT OFFICER	GWENAN MAI ROBERTS, LICENSING AND POLLUTION CONTROL MANAGER (PUBLIC PROTECTION)

1. BACKGROUND INFORMATION

- 1.1 Licensing Authorities that wish to regulate sex establishments in their area are required to adopt the provisions of Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 (the "1982 Act"), as amended by the Crime and Policing Act 2009 (the "2009 Act").
- 1.2 Adopting Schedule 3 of the 1982 Act is optional and usually happens when a proposal to open such a business is submitted for the first time. Historically, Bangor was the only place where an application was received and a licence was issued to open such a business.
- 1.3 The 1982 Act came into force in 1982. Between 1982 and 1996, deciding whether to adopt Schedule 3 was a matter for the former district and borough councils. Evidence from the minutes of the former council's show that only the Arfon Borough Council decided to adopt Schedule 3, with the decision becoming operational on 1 August 1983. There is no evidence that the Dwyfor District Council or Meirionnydd District Council ever resolved to adopt Schedule 3 between the 1982 Act coming into force and the dissolution of those authorities at the time of local government reorganisation in 1996.
- 1.4 It also appears that there is no evidence that Gwynedd Council, since its establishment in 1996, has ever decided to adopt Schedule 3 either. The only area in the county where the Council is permitted to licence under Schedule 3 is the Arfon area (namely the area of the former Arfon Borough Council). This is as a result of powers inherited by the Council from the former Arfon Borough Council at the time of reorganisation, powers that derive from the decision made by the former authority to adopt within the boundaries of Arfon.
- 1.5 In addition, since the Arfon Borough Council decided to adopt in 1983, Schedule 3 has been amended by section 27 of the 2009 Act to include the ability to license sex entertainment premises. As the amendment was optional and was introduced following the decision made to adopt, the Council's regulation powers in Arfon under Schedule 3 do not currently include the ability to regulate sex entertainment premises.
- 1.6 The General Licensing Committee considered the need to adopt such a procedure and to undertake a public consultation on this at its meeting on 19 July 2021. At that meeting, the Committee approved undertaking the process to consider adopting Schedule 3 as amended by the 2009 Act, to ensure that a system is in place for the regulation and licensing of sex establishments across the county.
- 1.7 In addition, the Committee authorised the Head of Environment Department to undertake a 28-day consultation process, commencing on 26 July 2021. When the consultation period ended, another report was submitted to the General Licensing Committee on 13 September to consider the responses to the consultation, and to make a final decision regarding the recommendation to the Full Council.

- 1.8 The unanimous decision of the Committee was to recommend to the Full Council to adopt the powers, as well as associated recommendations on the statutory notice, the date when the adoption comes into force, and to delegate powers to the General Licensing Committee to determine fees, standard conditions and an application-processing plan.

What will the adoption of powers mean?

- 1.9 Adopting the powers in Schedule 3 as amended across the county would enable the Council to regulate and license sex establishments. Sex establishments can include:
- Sex shops (selling goods of a sexual nature)
 - Sex cinema (showing films with substantial sexual content)
 - Sex entertainment premises (business premises that hold live entertainment of a sexual nature, often and regularly)
- 1.10 Adoption would also enable the Council to impose standard conditions on sex establishment licences and to charge a reasonable fee in relation to them.
- 1.11 Finally, adoption would enable the Council to take enforcement action in relation to the following offences (the maximum penalty upon conviction by the Magistrates Court is noted in brackets):
- the use of any building, vehicle, boat or stall as a sex establishment, except when this is in accordance with a Council-issued licence (unlimited fine);
 - making false statements in relation to an application for a sex establishment licence (unlimited fine);
 - failure of the licence holder to display their licence without a reasonable excuse (a fine that does not exceed level 3 on the standard scale, which is currently £1,000.00).
- 1.12 A decision has been made to prioritise the recommendation to the Full Council to adopt the procedure, as a company has submitted an application with the intention of opening a sex shop in Barmouth, which has highlighted the gap in the licensing system.

2 PUBLIC CONSULTATION

- 2.1 The public consultation was launched on 26 July 2021 and it ended on 23 August 2021.
- 2.2 A press statement was released and an awareness-raising campaign of the consultation was held on the Authority's social media accounts. E-mail messages were sent to key stakeholders, inviting them to contribute to the consultation, including North Wales Police and town/community councils. In addition, a questionnaire was placed on the website in order to facilitate public participation in the consultation.
- 2.3 An e-mail was received from North Wales Police confirming that they had no objection, as well as an e-mail from Cricieth Town Council.
- 2.4 A total of 102 responses were received to the questionnaire. Amongst these responses, responses were received from individuals, seven members of Gwynedd Council, two town council clerks and one business:
- 2.4.1 Forty of the responses were supportive of the principle to adopt, 19 objected and the rest were incomplete.
- 2.4.2 Among those who objected, 15 of them made observations:
- Three responders were of the opinion that there was no need to adopt a procedure, as there was no need to regulate such shops in Gwynedd, as it was unlikely that many applications or demand would exist for such establishments.
 - Another individual noted that some counties did not choose to regulate sex shops.

- Four responders felt that adopting the procedure was a waste of public funding.
- Eight responders noted their objection on moral grounds or they considered that the procedure was a way of normalising the exploitation of young women. Some were concerned that the procedure would lead to children being influenced inappropriately and that licensed establishments would encourage prostitution.
- One was of the opinion that regulatory powers would be ineffective.

2.5 In general, a clear majority (68%) of the complete responses received were in favour of adopting Schedule 3 in order to obtain a procedure for the regulation of sex establishments.

2.6 Given the response to the public consultation, the unanimous decision of the General Licensing Committee and the fact that the objective here is to give powers to the Council to regulate sex establishments, it is believed that there is a sound basis for the Full Council to proceed to approve the recommendation to adopt Schedule 3, as well as the associated recommendations.

3. NEXT STEPS

3.1 If the Full Council makes a decision in line with the recommendations of the General Licensing Committee:

- It is anticipated that the decision to adopt will come into force in December 2021
- that the Head of Legal Services will make arrangements for statutory notices to be published as soon as possible in a local newspaper for two consecutive weeks, with the first no later than 28 days before the date when the decision to adopt comes into force.
- This Committee will reconvene in November 2021, before the date when the decision to adopt comes into force, in order to determine fees, set standard conditions and a plan for processing applications.

4. EQUALITY AND WELL-BEING ASSESSMENTS

4.1 The equality assessment that was prepared in accordance with the requirements of the 2010 Equality Act, is attached. This assessment is an update following the public consultation, and was submitted to the General Licensing Committee on 13 September 2021. Whilst the assessment as updated addresses matters raised in the consultation, it was concluded that no valid reason had been disclosed so as not to continue with the process of recommending adoption, and so it is recommended to press on with this process.

4.2 The proposal will give the Licensing Authority an opportunity to promote equal opportunities and the socio-economic duty, by establishing a procedure where establishments are regulated and have to operate lawfully.

4.3 In addition, in accordance with the recommendations of the Well-being of Future Generations (Wales) Act 2015, the Licensing Authority has considered the principles of the legislation, and specifically the five ways of working. The updated well-being assessment is also attached.

5. RECOMMENDATION

5.1 That the Full Council:

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

VIEWS OF THE STATUTORY OFFICERS

Monitoring Officer: The reports highlights the process followed with the support of Legal Services. It is important that the Council has due regard to the Impact Assessment and the results of the consultation when coming to a view on the recommendations.

Head of Finance: Nothing to add from a financial propriety perspective.

APPENDICES

Appendix 1: Equality and well-being impact assessment

APPENDIX 1

THE EQUALITY AND WELL – BEING IMPACT ASSESSMENT - ADOPTION OF A SYSTEM TO REGULATE SEX SHOPS

In accordance with the 2010 Equality Act, this report has considered the equality and well-being impact of the proposal as follows:

Race: No impact identified

The Welsh Language: No impact identified

Disability: No impact identified

Gender: Positive impact identified. A substantial number of women work in sexual entertainment venues. The licensing procedure will mean that these establishments are regulated, which will assist to tackle any immoral or illegal employment practices (e.g. modern slavery), that this cohort of workers would be more likely to be exposed to in these posts. One responder noted that regulating sex establishments could possibly have a positive impact on reducing violence against women.

Age: Positive impact identified. In general, young adults would be most likely to work as performers in sexual entertainment venues. The licensing procedure will mean that these establishments are regulated, which will assist to tackle any immoral or illegal employment practices (e.g. modern slavery), that this cohort of workers would be more likely to be exposed to in these posts. In addition, a licensing procedure will enable the Licensing Authority to prevent such establishments in sensitive locations (e.g. near schools), thus assisting to protect the most important cohort in our society by protecting children from harm; and ensuring that conditions are imposed on licences to prevent access to young individuals.

Sexual orientation: No impact identified.

Religion or belief: Positive impact identified. A licensing procedure will enable the Licensing Authority to prevent such establishments in sensitive locations (e.g. near places of worship), thus helping to reduce a detrimental impact on the religious practices of individuals.

Gender reassignment: No impact identified.

Pregnancy and maternity: No impact identified.

Marriage and civil partnership: No impact identified; although one responder was of the opinion and noted that sex is a sign of love in a relationship and that it was not something to exploit in a business.

The proposal will give the Licensing Authority an opportunity to promote equal opportunities and the socio-economic duty, by establishing a procedure where establishments are regulated and have to operate lawfully.

Observations were received from some responders, noting that the proposal gave an opportunity to regulate a safe space for individuals from the LGBTQ+ community

As no negative impact has been identified, it is recommended to proceed with the proposal.

1. in terms of Well-being:

In accordance with the recommendations of the Well-being of Future Generations (Wales) Act 2015, this report has considered the principles of the legislation, and specifically the concept of the five ways of working as shown below:

Long term - Once a decision is made to adopt, a permanent procedure will be in place that will enable the licensing and regulation of sex establishments across the county. In the long term, this will contribute to the responsible planning of such establishments, and thus contribute to more

responsible attitudes and respect towards the protection of our communities and an understanding of the need to consider the impact on others.

Prevent - Adoption will enable the Council to keep control of establishments of this nature, helping to prevent any social harm deriving from them or activities that would enable modern slavery.

Integration - The consultation process addresses the features of a number of organisations (Gwynedd Council, the Police, community and town councils, the county's residents in general, the sex establishment industry). It will also contribute towards the objectives of the Police in terms of tackling modern slavery and the Council's ambition of seeing communities that succeed and thrive.

Collaboration - Any decision to adopt would be as a result of a consultation with the above.

Inclusion - A public consultation will take place before a final decision is made on the matter.

This equality assessment has been reviewed and updated following the public consultation, and before reporting back to the meeting on the 13 September 2021 of the General Licensing Committee for the second time. The updated parts are underlined.