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## THE COUNCIL, 08.10.15

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**Present:** Councillor Dilwyn Morgan (Chairman);

**Councillors:** Craig ab Iago, Endaf Cooke, Annwen Daniels, Anwen Davies, Dyfed Edwards, Elwyn Edwards, Trevor Edwards, Thomas Ellis, Alan Jones Evans, Aled Evans, Jean Forsyth, Simon Glyn, Gwen Griffith, Selwyn Griffiths, Alwyn Gruffydd, Siân Gwenllian, Annwen Hughes, Chris Hughes, John Brynmor Hughes, Sian Wyn Hughes, Jason Humphreys, Peredur Jenkins, Aeron M. Jones, Charles W. Jones, Dyfrig Jones, Elin Walker Jones, John Wynn Jones, Linda Wyn Jones, Sion Wyn Jones, Eryl Jones-Williams, Dilwyn Lloyd, Christopher O'Neal, Dewi Owen, Michael Sol Owen, William Tudor Owen, Caerwyn Roberts, John Pughe Roberts, W. Gareth Roberts, Mair Rowlands, Angela Russell, Dyfrig Siencyn, Gareth Thomas, Glyn Thomas, Ioan Thomas, Ann Williams, Eirwyn Williams, Elfed Williams, Gethin Glyn Williams, Gruffydd Williams, Hefin Williams, John Wyn Williams, Owain Williams, R. H. Wyn Williams, Mandy Williams-Davies and Eurig Wyn.

**Officers present:** Dilwyn Williams (Chief Executive), Morwena Edwards and Iwan Trefor Jones (Corporate Directors), Dafydd Edwards (Head of Finance Department), Geraint Owen (Head of Corporate Support Department), Iwan Evans (Head of Legal Services / Monitoring Officer), Rhun ap Gareth (Senior Solicitor / Deputy Monitoring Officer), Arwel E. Jones (Senior Manager – Democracy and Delivery), Llyr Beaumont Jones (Senior Manager – Economy and Community), Anthony Williams (Performance Officer) and Eirian Roberts (Member Support and Scrutiny Officer).

**Also present:-** Dr Einir Young (Chair of the Standards Committee)

**Apologies:** Councillors Stephen Churchman, Lesley Day, Gweno Glyn, Louise Hughes, Anne Lloyd Jones, Brian Jones, Eric Merfyn Jones, Beth Lawton, June E. Marshall, Dafydd Meurig, Linda Morgan, W. Roy Owen, Nigel Pickavance, Peter Read and Mike Stevens.

### 1. MINUTES

The Chairman signed the minutes of the previous meeting of the Council held on 9 July 2015 as a true record.

### 2. DECLARATION OF PERSONAL INTEREST

Councillor Aeron Jones declared a personal interest in item 12 on the agenda - Urgent Decision Notice by a Cabinet Member - as he was the manager of a company in Caernarfon that could benefit from the proposal in question.

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

The following members declared a personal interest in item 13(B) on the agenda – Notice of Motion from Councillor Ioan Thomas, for the reasons noted:-

- Councillor W. Tudor Owen – as he was the Chairman of the Gisda Board.
- Councillor Siân Gwenllian – as she was a member of the Gisda Management Board.
- Councillor Gwen Griffith – as she was the Chair of Mantell Gwynedd.
- Councillor Linda Wyn Jones – as she was a member of the Seren company.

The members were of the opinion that they were prejudicial interests, and they withdrew from the meeting during the discussions on those items.

### **3. CHAIRMAN'S ANNOUNCEMENTS**

#### **(1) Condolences**

Reference was made to the sudden death of Councillor Bob Wright who had represented the Pwllheli (South) Ward on this Council since 2008, and previously the Dwyfor District Council for many years prior to the re-organisation of local government in 1996. The Chairman read out a tribute to him which had been prepared by Councillor Peter Read, and condolences were extended to the family in their loss.

Condolences were also extended to the family of 20 year old Robin Llyr Evans from Llanbedrog who had died following a horrific accident in China.

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

The Council stood as a mark of respect.

#### **(2) Speedy Recovery**

A speedy recovery was wished to Councillor Linda Morgan who was currently receiving treatment and also to Councillors Peter Read and Louise Hughes following recent ill-health.

#### **(3) Best Wishes**

Best wishes were extended to former councillors Eddie Dogan and Llywarch Bowen Jones who had had to give up their work as councillors due to ill-health.

Eddie Dogan had served local government for over forty years starting with the former Gwyrfa Council and he then had become a member of the Arfon Borough Council before being elected to represent the Dewi Ward on this Council in 1996. He had also been a member of Bangor City Council for 43 years. Llywarch Bowen Jones had been elected to represent the Llanaelhaearn Ward in 2012 and he had also been a valuable member of this Council.

It was noted that they would be sorely missed and that the Council would send its best wishes, along with its gratitude, to both.

It was noted that plans were in place to hold the Dewi and Llanaelhaearn by-elections on 19 November and the Pwllheli (South) by-election on 26 November.

Councillor Roy Owen and his family were also wished well following recent events and it was also noted that everyone's thoughts were with Councillor Eric Merfyn Jones and his family.

(4) Welcome

Councillor Sian Hughes, the new member for the Morfa Nefyn Ward, was welcomed to her first meeting of the Council.

(5) Congratulations

Elfyn Evans was congratulated on securing the best ever result for a Welshman in the World Rallying Championship. Elfyn Evans managed to be the runner-up in the Tour de Corse, namely the French round of the FIA World Rally Championship this year and he was wished every success in the Wales Rally GB on 12-15 November.

The National Team was congratulated for doing so well in the Rugby World Cup competition and they were wished well in their match against Australia the following Saturday. The National Football Team was also wished well in the Euro 2016 qualifying rounds in a key match against Bosnia-Herzegovina on the following Saturday night and it was noted that the Council took pride in the success of the members of both squads who had a close connection with Gwynedd.

(6) Note

It was noted that the draft proposals of the Independent Panel on Members' Salaries and Expenses was now available and that there was an intention to circulate the document through Rhaeadr and invite members to provide observations.

#### 4. **QUESTIONS**

##### **Question from Councillor Sion Jones**

"What is the Leader's view on wasting public money on external consultants?"

##### **Answer from Councillor Dyfed Edwards, Council Leader**

*(The Leader's written response had been circulated to members in advance.)*

“It is likely that all of us in the Chamber can state that we are not keen to see public money being wasted in any situation. I believe that all of us have work to do to ensure that any public expenditure is undertaken in the most appropriate and efficient manner. As the answer outlines, there is always a need to enquire about and scrutinise the Council’s expenditure and indeed that is the work of the scrutiny committees and the Audit Committee and the Audit Committee has decided to undertake a piece of work to examine expenditure on external consultants and that report will be available for members in due course. I do not anticipate what the outcome of that work will be but I have said that there is a need for us to commission work from external bodies and external agencies to assist us in the process. The examples I think about are those where the Council seeks to create change. Clearly, we must have an independent person to be involved in that work and we should not support both sides of the argument at the same time. That is not possible. The presence of independent people in the situation is required to ensure fairness for everyone and of course expenditure is associated with that. Let us see what results are achieved by the working group that is looking at this.”

### **A supplementary question by Councillor Sion Jones**

“The Leader states in his written response that if the specialist skills or necessary capacity is not available within the Council, that we will be using external consultants. I think that that is quite insulting. We have 7000 members of staff working for Gwynedd Council and I believe that there are fantastic skills in this Council to deal with the work that is required by these external consultants. Is the Leader willing to apologise for wasting public money?”

### **Answer from Councillor Dyfed Edwards, Council Leader**

“It is not insulting to recognise that we do not always have all the skills. Is this not the reality of the situation? We are not all experts on everything. There are situations where we require specialist support and advice. In that situation, is not ensuring that we receive the appropriate and suitable advice the responsible thing to do? Indeed, unless we do that, we could be challenged. The Wales Audit Office would be after us and there would be situations where we could be challenged. There is also a bit of reality involved, i.e. as we reduce the workforce, we do not have the capacity to do everything. That is impossible. There are not enough hours in the day to do everything and that is a by-product of facing cuts which means that we reduce staff numbers. With regards to public expenditure, I am not in favour of wasting money, whether it be at home or in any public organisation, and we must keep a close eye on it. If you want to look at public expenditure, and coming to a conclusion about the efficiency and effectiveness of that expenditure is a matter for everyone, visit the website of the Wales Audit Office. It is noted on the website what every public body has spent on consultants. The Welsh Government has spent millions on consultants. I am not saying that that is wasting money, but I draw your attention to the need for public bodies to spend money outside that body. I am not going to apologise for what the Council has done in terms of expenditure. Let us look at the report that is going to specifically examine expenditure on consultants in detail. Let us come to conclusions then. How can we come to a conclusion about the pattern of the Council’s expenditure without seeing the facts? I am astounded that a member can stand in the Chamber and make

such a statement when he is a member of the committee that has commissioned the work! Was the member present at the committee when a decision was made to commission the work? Perhaps he was not – no he was not! The Committee has commissioned the work and let us see what the result of that work will be before coming to any conclusions. Doing anything else would be total madness, if I may add.”

## **5. GWYNEDD COUNCIL PERFORMANCE REPORT 2014/15**

The Leader submitted a report which recommended that the Council approved the document as a balanced, fair and accurate reflection of the Council’s performance during 2014/15, and to adopt the report.

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

**RESOLVED to approve the report as a balanced, fair and accurate reflection of the Council’s performance in 2014/15, and to adopt the report.**

## **6. GWYNEDD OVERVIEW AND SCRUTINY ANNUAL REPORT 2014/15**

The annual reports of the three scrutiny committees for 2014/15 were submitted together with their work programmes for 2015/16.

### **Corporate Scrutiny Committee**

The Chairman of the Corporate Scrutiny Committee, Councillor Dyfrig Jones provided details on the terms of reference and work of the committee during 2014/15, and he thanked the Vice-chair, Councillor Jason Humphreys, members of the committee and officers for their support.

### **Services Scrutiny Committee**

In the absence of the Chairman and Vice-chair of the Services Scrutiny Committee, Councillor Alwyn Gruffydd provided details on the terms of reference and work of the committee during 2014/15, and he thanked the Chairman, Councillor Peter Read, the Vice-chair, Councillor Beth Lawton, members of the committee and officers for their support.

During the discussion the following matters were raised:-

- Reference was made to the very heavy workload of the Services Scrutiny Committee and the need to review the Constitution was noted so that the three scrutiny committees shared the work fairer. The Chairman of the Corporate Scrutiny Committee noted that the current system was based on a model that had been forced on the Council following the last election and that the Corporate Scrutiny Committee would support the attempt to ensure a better balance between the workloads of the different scrutiny committees.
- It was enquired whether the Leader and Cabinet were paying enough attention to the recommendations of the scrutiny committees? It was

suggested that the member should raise the point directly with the Leader and the Cabinet. It was further noted that the scrutiny committee had not been informed of how many times the Cabinet had accepted / refused their recommendations.

- The Vanguard project in Ysbyty Alltwn was praised and a wish was expressed to see Morwena Edwards, Corporate Director, drawing up a report to inform the people of Gwynedd of the pilot's success.
- It was noted that the scrutiny committee had asked on numerous occasions how much money was being spent on consultants, but it had not received a response.

### Communities Scrutiny Committee

The Chair of the Communities Scrutiny Committee, Councillor Angela Russell, provided details on the terms of reference and work of the committee during 2014/15, and she thanked the Vice-chairs during the year, Councillors Mandy Williams-Davies and Caerwyn Roberts, members of the committee and officers for their support.

The Leader thanked the chairs, vice-chairs and members of the three scrutiny committees for all their work and noted that the report clearly highlighted what topics had been scrutinised, what had been the purpose of the scrutiny and what had happened to the resulting recommendations.

## **7. ANNUAL REPORT OF GWYNEDD COUNCIL'S STANDARDS COMMITTEE 2014/15**

Dr Einir Young, Chair of the Standards Committee was welcomed to the Council to submit the annual report of the Standards Committee for 2014/15.

Dr Einir Young provided details about the main purpose of the committee of promoting and maintaining high standards of conduct by the councillors and co-opted members of Gwynedd Council and Gwynedd community and town councils and referred to the membership of the committee and the work that it had achieved during 2014/15. She thanked Gwilym Ellis Evans, who had been the Chairman of the committee for 10 years, for his diligent work and commitment and also Sam Soysa, who had been a Vice-chairman, before his time on the committee came to an end. She also thanked the Monitoring Officer and other officers who had supported the committee.

Dr Einir Young was thanked for submitting the report.

## **8. CONSULTATION ON THE DRAFT DIRECTIONS BY THE WELSH GOVERNMENT TO THE REVIEW BY THE LOCAL DEMOCRACY AND BOUNDARY COMMISSION WALES**

Councillor Tom Ellis, Chairman of the Democratic Services Committee, submitted a report by the Head of Democratic Services which noted that as part of its programme of local government reform, that the Welsh Government would require the Local Democracy and Boundary Commission Wales to conduct reviews of

electoral arrangements for proposed new local authority areas. The Council was asked to consider the recommendations of the Democratic Services Committee together with the committee's view on the changes proposed for the 2017 elections.

A member expressed a lack of confidence in the whole process on the grounds that bribing councillors with an additional year without any mandate and on full pay indicated how low the process had sunk.

#### **RESOLVED**

- (a) To submit the observations on the contents of the Draft Directions to the Boundary Commission that have been summarised in Appendix A of these minutes.**
- (b) To write to the Welsh Government to state the view that it would be inappropriate to implement the proposed changes for the 2017 elections with such a fundamental change in the boundaries to follow so soon with the reorganisation.**

#### **9. CABINET MEMBER DECISION NOTICE**

The Cabinet Member for Economy submitted a report for information noting that a Cabinet Member Decision Notice had been submitted regarding the Proposed Bangor and Caernarfon Business Improvement District (BID) - Gwynedd Council voted that it was an urgent decision in accordance with section 7.25.2 of the Constitution so that the call-in procedure would not apply in this case to ensure that the Council could submit votes before the closing date. She noted that this procedure allowed for a decision to be made with the agreement of the Chair of the Council but it would be required to report on that to the next meeting of the Council. Agreement from the Chair of the Council had been received in that the decision was an urgent matter and that the proposed decision was reasonable under the circumstances.

During the discussion:-

- The fact that a scheme was in place was welcomed and the Cabinet Member was thanked for her work.
- It was noted that the central Government in England had decided that local councils in England would get to keep all of the business rate for it to be invested locally and a suggestion was made that the Welsh Government should be contacted to ask for the same conditions to be introduced in Wales. The Chief Executive responded that a scrutiny committee would have to look at this first in order to see whether or not such a system in Wales would lead to benefits for Gwynedd.

**RESOLVED to note the report for information.**

## 10. NOTICES OF MOTION

- (a) The following notice of motion was submitted by Councillor Elin Walker Jones, in accordance with Section 4.20 of the Constitution and it was seconded.

**“I call upon my fellow councillors to support a request to write to John Penrose, MP to request a change in the legislation to allow us who wish to be identified as Welsh rather than British, to be identified as such on the Electoral Roll, passports and any other relevant official documentation.**

**Recently, an Electoral Enquiry Form was sent to every home in Gwynedd. One of the things registered on the Form is nationality; however, a Welsh person does not have the right to register as Welsh. The Form is sent by our Council to every home in Gwynedd, and although the Council is responsible for administering the Electoral Roll in Gwynedd, it is a system which implements a statutory procedure to hold elections. The system must be followed in order to maintain the electoral roll in order to ensure that the citizens of Gwynedd have the right to vote.**

**Gwynedd is not responsible for the system. Welsh Government is not responsible for the system. In order to change the system, we must contact John Penrose, MP, the Government whip, the Lords Commissioner from Her Majesty’s Treasury and Parliamentary Secretary (Minister for Constitutional Reform).**

**I call upon my fellow councillors to support the right of Welsh people to call themselves Welsh. I call upon my fellow councillors to express support in order for us, as Gwynedd Council, to write to John Penrose to change the legislation.”**

The motion was supported.

**RESOLVED to accept the motion.**

- (b) The following notice of motion was submitted by Councillor Ioan Thomas, in accordance with Section 4.20 of the Constitution and it was seconded.

**“That Gwynedd Council:-**

**(1) Recognises and supports the good work that Gwynedd has done in terms of providing a range of accommodation and/or support services for vulnerable people to help them to retain or regain their place in the community in Gwynedd.**

**(2) Supports the continuation of the Supporting People preventative programme funded by Welsh Government to assist and support vulnerable people and people on the periphery to live independently and with dignity in their communities by providing support with housing and Council services.**



**(3) Calls upon Welsh Government to protect the Supporting People grant, rather than reduce it further.**

**(4) Supports a joint campaign between Cymorth Cymru and Community Housing Cymru “Let’s Keep on Supporting People”, to protect the Supporting People grant.**

**(5) Invites the Welsh Assembly Regional and Constituency Members to support this proposal.”**

The motion was supported.

**RESOLVED to accept the motion.**

- (c) Submitted, for information, a letter from Alun Cairns, MP, Parliamentary Under-Secretary of State for Wales, in response to Councillor Wyn Williams’s notice of motion to the previous meeting regarding devolving the powers of the Crown Estate.

**RESOLVED to note the letter with disappointment.**

The meeting commenced at 1.00pm and concluded at 2.30pm.

**Appendix A****Question 1: Do you think the suggested ratio provides for effective and convenient local government?**

No. The ratio is completely inappropriate for a rural dispersed area. At the moment, the current ratio for Gwynedd as a county is 1,089 with Gwynedd wards ranging between 480 and 2,428 electors with the two largest having two members.

An approach of using a simple ratio regarding the number of electors does raise concerns. That pays no regard to the workload of local councillors that can arise from students who have not registered, seasonal population arising from tourism and second homes.

It also goes completely against the direction that the Welsh Government sets out in its consultation document (Reforming Local Government – Power to Local People” which talks of the importance of “Councillor-led community governance”. It is difficult to see how councillors can cope with this challenging role on top of their institutional responsibilities as committee members etc. if they are to serve such large electorates.

If such a move did take place, there would have to be a move to a system of full-time councillors in order to shoulder that workload.

**Question 2: Do you think there is a minimum number of councillors required to ensure the effective and democratic working of a local authority? If so, what is it and why?**

Some minimum is required for effective democracy but the sort of figures noted are far too small. Within the Cabinet system, with a need for about 10 members on a cabinet, that leaves the rest of the Council’s work (Scrutiny, Audit, Planning, Licensing etc.) on too small a number of councillors placing unreasonable pressures on them. The minimum number of members should be at least 45-50 members.

The above comments are based on views of the current councils’ workload. That would obviously increase significantly following re-organisations in areas such as Planning and Licensing, with the number of applications requiring attention increasing.

The other issue to consider is that the allocation of seats to political groups may prove more complex on councils with smaller numbers. It could be harder to fill seats and the burden on a small group of councillors could increase.

**Question 3: Do you think a minimum number of elected members per local authority should be specified in the Draft Directions?**

Yes, as explained in the answer to Question 2. The Draft Directions should recognise the governance needs of running a modern council. However, once that has happened, each council should be considered separately considering the circumstances of the individual council. Travelling times should be considered (for travelling to meetings in addition to travelling to see electors within the ward) in addition to the need to have wards that reflect natural communities.

**Question 4: Do you think that there should be a cap on the maximum number of elected members per local authority? If so, what do you think the maximum number should be and why?**

There is certainly some sense in having a cap but that should reflect the area of the individual council.

**Question 5: Do you agree that each ward within a local authority area should have roughly the same number of electors per elected member?**

No. The nature of wards is so varied, even within individual councils. As a result, it is not sensible to do so. It is quite appropriate to have a range for the purposes of the Boundary Commission but the Commission must have the freedom to make exceptions if the nature of a natural community means that it would not be sensible to link it with another area.

On a related point, it is recommended that multi-member wards should be avoided since having one member per ward is simpler for residents and councillors.

**Question 6: What effect should the particular characteristics of an area have on the number of councillors needed to represent the population?**

They should be the main considerations and they should be very influential. If councils are to reflect the characteristics of their areas, all the characteristics of the area (population, travelling distances, the nature of natural communities etc.) should influence the decision.

**Question 7: Do you agree that commonly used Welsh language names for wards do not also need an English language equivalent? If not, do you think that each ward should have an English and Welsh name?**

Agree that there is no need for a corresponding English name for wards that have familiar Welsh names.