

CYNGOR GWYNEDD



Report to a Meeting of Gwynedd Council's Cabinet

Date of Meeting:	18th January, 2022
Cabinet Member:	Councillor Nia Jeffreys
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Item Title:	Celebrating St. David's Day

1. DECISION SOUGHT

- a. For the purpose of celebrating our Patron Saint's Day, to recognise St. David's Day 2022 as an additional holiday for those Council staff who work in accordance with local government workers' conditions of service, to be financed in accordance with paragraph 2.10 of the report.
- b. Authorise officers to investigate possible options to establish such an arrangement as a permanent one and for this purpose to hold further discussions with the recognised trade unions whilst continuing to lobby for the support of the Westminster Government to devolve the power to establish bank holidays to Welsh Government.

2. BACKGROUND AND REASON FOR THE REQUIREMENT OF A DECISION

2.1 At a meeting of the full Council on the 7th October, 2021, it was resolved as follows:

- a. *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.*
- b. *That the Council calls on the 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.*

2.2 Annual leave is a contractual issue involving the employment of Council staff. This means that we are required, as the employer, to discuss the matter at a local level, as part of the local government workers' conditions of service, with representatives of the three recognised unions, namely Unison, GMB and Unite. In this respect, it is expected that the Council, as the employer, and the recognised trade unions reach a consensus on the way forward.

- 2.3 However, our school teachers' conditions of service is a matter that would need to be discussed at a national level and consequently it is not possible to establish St. David's Day as an additional holiday for teachers by securing a local agreement. On the other hand, the remainder of our schools' staff do work in accordance with the local government workers' terms and therefore any agreement made at a local level will be relevant to them.
- 2.4 In the context of that which can be agreed upon locally, officers have already brought the trade unions' attention to the proposal approved at full Council and have held an informal discussion on the options to be considered if the Cabinet concludes that an attempt should be made to establish an additional day's holiday. These are the options:
- Approve an additional day's annual leave to all relevant staff, to be taken annually on the 1st March or on the closest working day if the 1st March falls on the weekend – with those staff who would be required to work on that day able to take the additional day at another time during the year.
 - The Council already provides an additional day and a half on top of staff's annual leave entitlement. It is possible to propose that one day of that additional day and a half can be utilised for the purpose of ensuring a holiday on St. David's Day. It should be noted that on implementing this proposal, a significant percentage of Council staff would lose the current freedom to take that one day's leave at a time of their choosing.
 - The Unions submitted another option to be considered which is a combination of the previous two options i.e. that the Council finances an additional half day's leave whilst re-allocating the current additional half day's leave in order to establish St David's Day as a holiday for staff.
- 2.5 The annual cost to the Council of approving an additional day's leave in order to celebrate St. David's Day would be approximately £200,000 (approximately £100,000 if the option of the Council financing an additional half day's leave whilst re-allocating the current additional half day's leave was to be approved). These costs are primarily due to the requirement to employ casual staff in order to ensure service continuity during staff absences on the additional day's leave.
- 2.6 Obviously, there would be no requirement to ensure a formal agreement with the recognised trade unions in respect of the first option but there would be a need to provide a period of consultation with a view to ensuring a collective agreement with union representatives if the Cabinet favoured either of the other two options. This means that there would be insufficient time to introduce the possible amendment to the conditions of service by St. David's Day 2022.
- 2.7 This leads to one other short term option, which is the option recommended as the decision which is being sought, whereby the Cabinet approves an additional day's leave for this year only and establishes that day for the purpose of celebrating St. David's Day (with the exception of those staff who would be required to work on that day who would be able to take that day's leave at an alternative time during the year). This would lead to a one-off cost of approximately £200,000 but would also allow the necessary time in order to investigate possible options to establish such an arrangement as a permanent one by means of further discussions with the recognised trade unions.

- 2.8 Even if the Cabinet did not wish to proceed to establish a permanent arrangement at this point, the approval of one day's additional leave for this year would follow the path recently taken by some other public organisations e.g. Snowdonia National Park, Conwy Council.
- 2.9 By resolving to initially establish an additional day's holiday for this year only, it would also provide the opportunity to identify possible further options to those three which have already been identified, as noted in paragraph 2.4 of this report. It must be acknowledged that there is a cost to realising these options and this period over the coming months will provide an opportunity to also identify any other additional possible options.
- 2.10 For this year, as highlighted in the Head of Finance's comments, it is possible to fund the cost of realising this proposal from net underspend. However, if a permanent arrangement is to be realised for the following years, a specific provision will be required within the Council's revenue budget. Since we have not as yet fully investigated all options and established the costs associated with those options, a permanent resolution is not possible at this point. Therefore, following the establishment of all the possible options, the Cabinet will need to evaluate the cost of realising a permanent arrangement against other Council priorities.
- 2.11 Again, in this context, Cabinet members are reminded that it would not be possible to include teachers since the Council has no power to amend those conditions of service at a local level. Obviously, if we were to establish an additional day's holiday on a permanent basis, then we would wish to include teachers in such an arrangement. It is therefore also recommended that the Council should persist in calling on the Westminster Government to devolve power to Welsh Government for the purpose of establishing bank holidays in Wales.
- 2.12 It can be confirmed that the equality implications have been assessed and that the recommendation put forward is compatible with the Council's duty under the Equality Act 2010.

3. REASONING AND JUSTIFICATION FOR RECOMMENDING THE DECISION

- 3.1 At its meeting on the 7 October, 2021, the Council also called on the Westminster Government to devolve the power to establish bank holidays in Wales to the Welsh Government, as is already the case in Scotland and Northern Ireland in terms of the Scottish and Northern Irish Governments. The Council Chair subsequently wrote to the Westminster Government and a response was received on the 10th December, 2021 from the Under-Secretary at the Department for Business, Energy and Industrial Strategy which noted that the Westminster Government had no plans to change current arrangements for establishing bank holidays in Wales (see the correspondence in appendix 1 & 2).
- 3.2 On the basis of this extremely disappointing response, it is evident that the current Westminster Government has no intention, at this moment in time, to devolve this power and it will not therefore be possible to respond positively to the full Council's wishes by means of a decision by Welsh Government for the time being.

- 3.3 Consequently, the recommendations are submitted to the Cabinet as the only current practical possibilities of establishing St. David's Day 2022 as a holiday for Council staff.

4. NEXT STEPS AND TIMETABLE

If the Cabinet favours the option to establish St. David's Day as an additional holiday for 2022 only and is keen to further consider options for the longer term, it will be possible to immediately adjust staff's annual leave entitlements for the current year whilst also conducting further discussions with the recognised trade unions in respect of future arrangements, with a view to report on the recommendations in June of this year.

5. ANY CONSULTATIONS UNDERTAKEN PRIOR TO RECOMMENDING THE DECISION

Monitoring Officer:

The report notes that the recommendation stems from a request to the Cabinet by the Full Council on the 7th of October to consider designating St David's Day a staff holiday. As the decision is a Cabinet matter there is no obligation to implement this Council decision and the Cabinet must give appropriate consideration to the recommendation. The reasoning for a one-off recommendation is set out and acknowledges the further consultation and discussion requirements in order to establish a permanent arrangement if desired. I'm content that the recommendation is appropriate.

Head of Finance:

I can confirm that officers from the Finance Department have assisted the author of the report in identifying the costs that the Council would face in designating St David's Day as a holiday for the workforce and I am satisfied that the financial information as set out in the report is a fair reflection of those estimates.

The Revenue Budget 2021/22 - End of November 2021 Review report, which is a separate item on this meeting's agenda, states that the pressures on a number of budgets of a Corporate nature are not as great as anticipated this year and a decision is sought to transfer the net underspend on these budgets to the Financial Strategy Support Fund. This transfer, if permitted by Cabinet, would significantly exceed the costs of designating St David's Day as a holiday for the workforce. It would therefore be appropriate and reasonable to compensate from the Financial Strategy Support Fund those departments that would see a one-off increase in their costs as a result of this decision, as necessary. On the other hand, if the Cabinet were to decide not to transfer the underspend it would still be available to be used for this purpose.