
THE CABINET TUESDAY, 16 JULY 2024

Present-

Councillors: Dyfrig Siencyn, Beca Brown, Berwyn Parry Jones, Dafydd Meurig, Dilwyn Morgan, Elin Walker Jones, Paul Rowlinson and Menna Trenholme.

Also present-

Dafydd Gibbard (Chief Executive), Huw Dylan Owen (Statutory Director of Social Services), Geraint Owen (Corporate Director), Iwan Evans (Monitoring Officer), Dewi Aeron Morgan (Head of Finance Department) and Rhodri Jones (Democracy Services Officer).

- Item 6: Gareth Jones (Assistant Head of Environment Department), Heledd Fflur Jones (Planning Policy Team Leader) and Miriam Williams (Legal Officer of the Planning Department).
- Item 7: Ian Jones (Head of Corporate Support Department) and Delyth Gadlys Williams (Equality Advisor).
- Item 8: Daron Marged Owens (Senior Operational Manager - Gwynedd and Anglesey Community Safety Partnership).

1. APOLOGIES

The Cabinet Members and Officers were welcomed to the meeting.

Apologies had been received by Councillors Nia Jeffreys and Craig ab Iago.

2. DECLARATION OF PERSONAL INTEREST

There were no declarations of personal interest.

3. URGENT ITEMS

There were no urgent items.

4. MATTERS ARISING FROM OVERVIEW AND SCRUTINY

There were no matters arising from overview and scrutiny.

5. MINUTES

The minutes of the meeting held on 11 June 2024 were accepted as a true record.

6. ARTICLE 4 DIRECTION - OUTCOME OF THE PUBLIC ENGAGEMENT PERIOD AND THE DECISION TO CONFIRM

The report was submitted by Cllr Dafydd Meurig.

DECISION

1. The observations received during the public engagement period were considered and the Article 4 Direction dated 1 September 2024 without immediate effect (Appendix 2 of the report), was confirmed for the following uses, in accordance with the Public Notice:
 - a. Change of use from C3 (primary residence) to C5 (second home) or C6 (short-term holiday let) and specific mixed uses
 - b. Change of use from C5 (second home) to C6 (short-term holiday let) and specific mixed uses
 - c. Change of use from C6 (short-term holiday let) to C5 (second home) and specific mixed uses
2. To notify those affected in accordance with the requirements of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) and authorise the Head of Legal Services to impose conditions on the decision regarding the Article 4 Direction.
3. To delegate the right to the Head of Environment Department in consultation with the Head of Legal Services to make editorial adjustments to the public notice prior to its publication.

DISCUSSION

Some of Gwynedd's current housing crisis impacts were reported on, such as the fact that there were over 2000 applications for social housing. It was noted that this corresponded to approximately 4,500 individuals. It was reiterated that over 800 families had registered with Tai Teg to buy affordable housing and approximately 300 families were currently in emergency accommodation. It was emphasised that approximately 100 people presented themselves as homeless individuals every month.

It was explained that approximately 65% of Gwynedd residents had been priced out of the housing market in their communities, emphasising that there were some communities where over 90% were out of local people's reach. It was emphasised that Cyngor Gwynedd had implemented many projects to get to grips with the housing crisis. Reference was made to the Housing Action Plan and the premium for second homes and empty houses.

It was confirmed that there were over 7,000 holiday homes and holiday lets in the county, noting that this corresponded to 12% of the entire housing stock and it was considered that regulating changes through the planning system was a useful tool for the Council. Reference was made to a number of reports and information from national organisations and Dr Simon Brookes to support this consideration.

It was emphasised that the impact of approving the recommendations would be to impose the need for any house which was a primary residence to receive planning permission to change the use to become a second home or temporary holiday let. It was also noted that planning permission would be needed to convert a second home into a holiday let (or convert a holiday let into a second home). It was confirmed that no planning permission was required to convert a second home or holiday let into a primary residence. Attention was drawn to the fact that these regulations would only be relevant to houses in the Gwynedd Planning Authority Area and it did not affect houses within the Eryri National Park Planning Authority.

It was noted that the Report had been scrutinised by the Council's Communities Scrutiny Committee recently and reference was made to their observations and recommendations within the document.

Reference was made to the process of introducing the direction, noting that many steps had already been completed. It was explained that the first step was to decide on issuing a public notice of the intention to introduce Article 4. Reference was made to the justification paper to introduce the direction, drawing attention to the fact that it would affect the Whole Gwynedd Planning area instead of specified areas, following detailed consideration. It was emphasised that these options had not been implemented because of the risk of increase in the number of second homes and holiday lets in the communities beyond those specified areas. Justification was provided that the most effective method of tackling the housing crisis and fulfilling the needs of local people was to introduce the Direction to the whole planning area as presented in the report.

They went on to note that the second step was to conduct a public engagement period and it was confirmed that almost 4,000 responses had been received to this engagement. Attention was drawn to the third step of the process, which was analysing the responses. It was explained that the responses received in the public engagement period had received full consideration and had assisted officers to draw up themes to respond to comments.

Details were provided on many of the themes developed following positive and negative responses by referring to the following;

- **Theme 7 (Interfering with freedom, human rights, and being undemocratic and illegal)** - It was considered unfair to note that introducing the Direction was an undemocratic matter as a result of a public engagement period conducted for a period of six weeks. Additionally, it was confirmed that the information presented complied with legal advice to ensure that human rights, as well as public interest considerations, had been protected. It was considered that implementing the Direction would address the housing crisis by further protecting individuals' human rights. It was also emphasised that the Direction would not prevent development, but instead, would add the requirement for planning permission as described above. It was ensured that introducing the Direction was not an illegal action because a statutory right had been provided to the Council in order to approve it.
- **Theme 12 (Negative impact on property value)** - It was acknowledged that observations regarding the concern about homes losing their value had arisen repeatedly during the public engagement period. This was believed because there was a theory that the Direction would prevent individuals from selling their homes on the open market. Reassurance was given that this theory was incorrect and that there would be no barriers for anyone who wished to sell their homes or who would be eligible to buy homes within Cyngor Gwynedd's Planning Authority area. It was emphasised that the ability to do this would continue in accordance with the existing procedure but that the Direction would set restrictions by introducing a requirement to submit a planning application in order to convert into a holiday let or second home. It was reiterated that the Direction did not interfere with housing occupancy. It was confirmed that officers had researched other areas which already had these restrictions in place,

confirming that those areas, such as Edinburgh, had not experienced a drop in housing value following the introduction of the Direction.

- **Theme 3 (The wrong solution to the housing crisis)** - It was explained that many responses had suggested that building more houses would be a more effective way of resolving the housing crisis. It was noted that the Council was already acting to build new houses through the Local Development Plan which was currently developing well.
- **Theme 9 (Inheritance)** - Attention was drawn to the fact that many responses were concerned about the reduction in inheritance and a concern about inheriting. It was emphasised that the Direction would not impact inheritance issues unless the new owners wished to change the use of the building by submitting a planning application.
- **Theme 24 (Impacts and restrictions on the housing market)** - Concern was highlighted amongst responses that the Direction created two premiums on homes in principle by charging a premium on second homes, as well as the need for planning permission. It was noted that the aim of the Direction was to ensure that the use of residential homes was marketed to this end and that fees would not be charged after introducing the Direction until an application was made to convert a primary residence into a second home or holiday let.
- **Theme 11 (Mortgages)** - It was emphasised that officers had completed additional work to look into the concerns that introducing the Article 4 Direction would complicate or be grounds to prevent mortgage applications. It was explained that officers had met with UK Finance to discuss concerns, but it was explained that there was no robust evidential basis to the allegations. Furthermore, it was confirmed that officers had conducted additional discussions with local mortgage providers but that there was no evidence to support concerns. It was also mentioned that officers had contacted ten local authorities in England, who used a similar arrangement, but no response received had suggested that introducing the Direction would disrupt mortgages in the area. It was also noted that discussions with Edinburgh City Council and St Ives Council had not led to any evidence which suggested mortgage challenges.
- **Theme 16 (Does not protect the Welsh language)** - It was ensured that the impact on the language had been key to all arrangements and considerations during the process. It was noted that this was seen in the Justification Paper with further details in the Equality Impact Assessment.

Attention was drawn to the main objective of introducing the Direction, namely protecting the housing stock and the county's communities. It was hoped that introducing the Direction would lead to opportunities for people to live locally in their communities by creating a stable population to serve the area's services. It was believed that this objective was seen through all other themes developed from responses during the engagement period, Integrated Impact Assessment and the Justification Paper.

It was noted that accepting the recommendations would be the last step of the process and the Direction would be operational across Cyngor Gwynedd's Planning Authority area. It was mentioned that Eryri National Park was also considering introducing the Direction within its Planning Authority area, but it was emphasised that whether they implemented it or not was a decision for them to make.

The officers were thanked for their substantial research and thorough responses throughout the process and when preparing this report.

7. ANNUAL REPORT 2023-24, 2020-24 STRATEGIC EQUALITY PLAN

The report was submitted by Cllr Menna Trenholme.

DECISION

The Annual Report 2023-24, 2020-24 Strategic Equality Plan was approved and the content of the report was noted.

DISCUSSION

Members were reminded that this annual report noted the progress made against 5 equality objectives as noted in the Council's 2020/24 Equality Plan. It was reiterated that this was the final annual report of the plan and therefore relevant information was provided regarding the whole plan period, as well as noting how the equality objectives would be implemented in the future.

Pride was expressed that the majority of the action points noted within the five equality objectives had been completed within the period of the plan despite the adjustments made to the schedules due to the pandemic. It was acknowledged that many of the equality objectives and action points were some which needed long-term consideration and they were objectives for the 2024-28 Equality Plan which had already been approved by the Cabinet. It was emphasised that any work which had not been completed during the 2020-24 Equality Plan period had been included among objectives of the current plan.

Attention was drawn to training for Members on their responsibility for equality, which was available within the Council, confirming that many sessions had now been held. However, it was acknowledged that not all members had attended them and, therefore, reference was made to a recording of the session which was available for the Elected Members to watch. It was emphasised that continuous attention was given to the number of Members who attended this training as it was a core element of the training plan. It was ensured that officers had contacted the Leaders of Political Groups to encourage their members to attend the training.

8. CAERNARFON, PWLLHELI AND CRICIETH PSPO

The report was submitted by Cllr Dilwyn Morgan

DECISION

- a) The introduction of a new Public Spaces Protection Order (PSPO) was approved for Caernarfon, Pwllheli and Cricieth for a period of three years, in accordance with the draft Proposed Order attached to the report.
- b) The Head of Adults, Health and Well-being Department was authorised to undertake the introduction of the Proposed Order in Caernarfon, Pwllheli and Cricieth.

DISCUSSION

The members were reminded that only Local Authorities had the right to introduce a Public Spaces Protection Order (PSPO) in an area in accordance with the Anti-Social Behaviour, Crime and Policing Act 2014. It was reiterated that the purpose of the PSPO was to deal with a specific problem or nuisance in specific areas.

It was reported that officers had received substantial evidence which reflected the scale and impact of anti-social behaviour in areas in Caernarfon, Pwllheli and Cricieth following the Cabinet's approval in December 2023 to approve a process of considering the introduction of a PSPO. Following consideration of the necessary evidence, they were satisfied that anti-social behaviour in these areas reached the criteria to justify the imposition of a brand new safety order. This was highlighted as the behaviour had been having a continuous detrimental impact on people's quality of life in the proposed communities, as well as being unreasonable in its nature.

It was explained that the report had collected the results of a recent public consultation on the introduction of a new PSPO in areas of Gwynedd held on 26 February for a period of six weeks. It was noted that this public consultation, and the work of considering the introduction of a PSPO derived from many requests from the Police, Town Councils and Local Members for intervention. It was confirmed that this consultation had been shared on social media, the press and by collaborating with the Town Councils. It was noted that it was possible to take part in the consultation online or on paper, as well as contacting officers directly to provide observations. It was reported that 112 full responses had been presented as part of the consultation.

The responses to the consultation were analysed and it was noted that the relevant Town Councils, Local Members and the police had expressed continuous support to introducing a PSPO in the proposed areas in Caernarfon, Pwllheli and Cricieth as presented in Appendix 2 of the Report. It was acknowledged that the proposed areas had been drawn up in order to be practical to police and enforce the order, whilst also responding to as many consultation responses as possible.

The details of the new PSPO were presented which prohibited behaviour that caused disturbance or fear, alcohol consumption following a request to stop and loitering in a state of intoxication. It was emphasised that it was only when people who drank alcohol caused antisocial behaviour or were likely to cause antisocial behaviour that officers would enforce this prohibition. It was confirmed that it was not a crime to drink alcohol in a PSPO area but that it was a crime to not comply with a request to give up or surrender alcohol.

Details of the Equality Impact Assessment were reported on, by acknowledging that a wide range of observations had been provided to concerns about the possible impact on economic disadvantage. It was believed that introducing a PSPO would have a positive impact on the areas as it would make the locations more pleasurable and less threatening, as well as create a sense of pride in the community. However, the need to consider the potential negative impact was acknowledged as it would restrict access to areas and reduce opportunities to socialise as well have a disproportionate impact on people with mental health problems or who misused substances. It was emphasised that officers had consulted with the Equality Officer to ensure that there was no

unfairness. It was confirmed that it was considered that introducing an order would reduce general inequality as they would make the proposed areas safer for everyone.

It was confirmed that a PSPO was part of a wider procedure to protect communities and gratitude was expressed to all partners who had collaborated closely with Cyngor Gwynedd and Isle of Anglesey County Council to protect areas, communities and residents.

The meeting commenced at 1.00pm and concluded at 2.40pm.

CHAIR