

Y CABINET

9 IONAWR 2023

RHYBUDD GYNNIG DYDD GŴYL DEWI

Y Pwrpas:

I ystyried Rhybudd Gynnig a gyfeiriwyd at y Cabinet gan y Cyngor Sir ar 28 Medi 2022

PENDERFYNIADAU ALLWEDDOL SYDD EU HANGEN:

Cytuno ar symud ymlaen y Rhybudd o Gynnig a gyfeiriwyd at y Cabinet gan y Cyngor Sir:-

“Mae'r Cyngor hwn:

- Yn galw ar Lywodraeth San Steffan i ddatganoli i Lywodraeth Cymru yr awdurdod dros benderfynu ar wyliau banc yng Nghymru (drwy'r Ddeddf Bancio a Thrafodion Ariannol 1971) yn yr un modd â'r hyn sy'n digwydd ar hyn o bryd yn yr Alban a Gogledd Iwerddon, a gofyn i holl Gyngorau Cymru wneud cais tebyg drwy Gymdeithas Llywodraeth Leol Cymru.
- Yn nodi bod cefnogaeth gyhoeddus ar gyfer creu gŵyl y banc ar Ddydd Gŵyl Dewi yng Nghymru, a bod Llywodraeth Cymru wedi gofyn droeon i Lywodraeth y DU ddatganoli'r pwerau angenrheidiol.
- Yn gofyn i'r Cabinet ymchwilio i'r posibilrwydd a'r goblygiadau o ran dynodi Dydd Gŵyl Dewi fel diwrnod ychwanegol o absenoldeb â thâl i'w staff ar y 1af o Fawrth yn flynyddol.
- Yn gofyn i'r Cabinet ystyried sut y gall y Cyngor gefnogi dathliadau Dydd Gŵyl Dewi ymhellach ar 1 Mawrth a thua'r amser hwnnw, gan weithio ar y cyd â Chyngorau Tref a Chymuned a phartneriaid allweddol eraill i sicrhau budd diwylliannol ac economaidd.”

Y Rhesymau:

Rhybudd Gynnig a gyfeiriwyd at y Cabinet gan y Cyngor Sir ar 28 Medi 2022

Angen i'r Cabinet wneud penderfyniad - Oes

Angen i'r Cyngor wneud penderfyniad - Amherthnasol

YR AELOD O'R CABINET SY'N GYFRIFOL AM Y PORTFFOLIO:- Cyng Philip Hughes, Yr Aelod Cabinet dros Drefniadaeth a'r Gweithlu

Enw Pennaeth y Gwasanaeth:

Paul Thomas

Prif Weithredwr Cynorthwyol

PRThomas@carmarthenshire.gov.uk

Awdur yr Adroddiad:

Llinos Jenkins

Swyddog Cymorth y Cabinet

llsjenkins@carmarthenshire.gov.uk

**EXECUTIVE SUMMARY
CABINET
9TH JANUARY 2023**

ST DAVID'S DAY NOTICE OF MOTION

The Notice of Motion agreed at County Council -

This Council:

- a. Calls on the Westminster Government to devolve to the Welsh Government the authority for deciding on bank holidays in Wales (through the Banking & Financial Dealings Act 1971) in the same way as at present in Scotland and Northern Ireland, and that we ask all Councils in Wales to make a similar request through the Welsh Local Government Association.*
- b. Notes that there is public support for the creation of a bank holiday on St. David's Day in Wales, and that the Welsh Government has on numerous occasions asked the UK Government to devolve the necessary powers.*
- c. Asks Cabinet to investigate the possibility and implications of denoting St David's Day as an additional day of paid leave for its staff on March 1st annually.*
- d. Asks Cabinet to consider how the Council can further support St. David's Day celebrations on and around March 1st, working in conjunction with Town and Community Councils and other key partners to deliver cultural and economic benefits."*

Extra Statutory Holiday for St David's Day

We are aware that the creation of a public or bank holiday is a matter of statute that falls under the responsibility of Westminster Government we are also aware that Welsh Government has been lobbying Westminster for the responsibility to be devolved to Wales but this has so far been resisted, although our previous Leader had written to Welsh Government to ask for an all Wales approach to St David's Day. Fundamentally, it is important to note that without the agreement of Westminster Government or devolved powers to Welsh Government any re-designation of the existing bank/public holidays or creation of a new one is without funding for the additional costs as a consequence.

Whilst the Council can consider introducing an additional statutory day's leave locally through its Pay Policy as has been done in Gwynedd, without the agreement of Westminster Government or devolution to Welsh Government, this is unfunded. Gwynedd in its introduction of the additional statutory day to celebrate St David's day, commented that the funding would come from 'surplus corporate funds'. Their Deputy Leader, Dafydd Meurig, also confirmed that the Council was unable to include Teachers as their Terms and Conditions were agreed nationally. It should also be noted that at a time of austerity, there would be public perception to consider with the Council giving more time off to staff in addition to the extra day's leave that has already been agreed for NJC staff as part of this year's pay award. Additionally, an extra day's leave has been granted for the King's Coronation.

It's also important to point out that due to the national terms of teachers' contracts, that as it currently stands, the Council would not have the authority to allocate an additional day's leave to the Authority's teachers as Teachers Terms and conditions are agreed at a national level.

Conversely, teaching assistants and support staff would receive an extra day's leave as they are employed under Local Government NJC terms and conditions, and these can be agreed locally. Were these support staff, such as catering and cleaning operatives, to take the day's leave, then this would likely result in some schools having to close by default.

It is however a consideration the Council will be mindful of and will consult with the Welsh Local Government Association and Welsh Government in terms of consistency in approach across Wales on this matter.

The notional cost of applying the extra Statutory day is circa £350k for NJC employees. Were Teaching staff to also be included, then the quantum would be circa £700k.

DETAILED REPORT ATTACHED?

NO

IMPLICATIONS

I confirm that other than those implications which have been agreed with the appropriate Directors / Heads of Service and are referred to in detail below, there are no other implications associated with this report:

Signed: Paul Thomas, Assistant Chief Executive

Policy, Crime & Disorder and Equalities	Legal	Finance	ICT	Risk Management Issues	Staffing Implications	Physical Assets
NONE	YES	YES	NONE	NONE	YES	NONE

Legal

Cabinet has the constitutional ability to grant an additional day's leave for NJC and JNC staff with the exception of Teachers, where this is decided upon nationally.

Finance

There is significant additional cost to the County Council of treating St David's day as an extra Statutory Holiday. It is estimated that the cost of applying the extra Statutory day would be £350K for the NJC staff (Non Teaching Staff).

If Teaching staff were also included, then the quantum would be in the region £700k.

Staffing Implications

If adopted, then the additional day's leave would be included the NJC/JNC leave entitlement.

CONSULTATIONS

I confirm that the appropriate consultations have taken in place and the outcomes are as detailed below

Signed: Paul Thomas

1.Scrutiny Committee

Not applicable

2.Local Member(s)

Not applicable

3.Community / Town Council

Not applicable

4.Relevant Partners

Not applicable

5.Staff Side Representatives and other Organisations

Not applicable

CABINET MEMBER PORTFOLIO HOLDER(S) AWARE/CONSULTED:- YES

**Section 100D Local Government Act, 1972 – Access to Information
List of Background Papers used in the preparation of this report:**

Title of Document	File Ref No.	Locations that the papers are available for public inspection
Minutes of the County Council meeting held 28th September 2022		Minute 11.1