



At: Aelodau'r Cyngor Sir

Dyddiad: Dydd Llun, 29 Ebrill 2013

Rhif Union: 01824712589

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Annwyl Gynghorydd

Fe'ch gwahoddir i fynychu cyfarfod y **CYNGOR SIR, DYDD MAWRTH, 7 MAI 2013** am **10.00 am** yn **SIAMBR Y CYNGOR, NEUADD Y SIR, RHUTHUN LL15 1YN.**

Yn gywir iawn

G Williams  
Pennaeth Gwasanaethau Cyfreithiol a Democrataidd

## AGENDA

### RHAN 1 – GWAHODDIR Y WASG A'R CYHOEDD FOD YN BRESENNOL AR GYFER Y RHAN YMA O'R CYFARFOD

#### 1 YMDDIHEURIADAU

#### 2 DATGAN CYSYLLTIAD

Aelodau i ddatgan cysylltiad personol neu niweidiol ag unrhyw eitem sy'n cael ei hystyried yn y cyfarfod hwn.

#### 3 CADEIRYDD Y CYNGOR SIR

Penodi Cadeirydd y Cyngor Sir ar gyfer 2013 / 14.

#### **4 IS-GADEIRYDD Y CYNGOR**

Penodi Is-Gadeirydd y Cyngor ar gyfer 2013 / 14.

#### **5 MATERION BRYD FEL Y'U CYTUNWYD GAN Y CADEIRYDD**

Unrhyw eitem y dylid, ym marn y Cadeirydd, ei hystyried yn y cyfarfod fel mater brys dan Adran 100B(4) Deddf Llywodraeth Leol 1972.

#### **6 COFNODION (Tudalennau 5 - 16)**

Derbyn cofnodion cyfarfod y Cyngor Sir a gynhaliwyd ar 9 Ebrill, 2013 (copi wedi ei amgáu).

#### **7 COMISIYNYDD YR HEDDLU A THROSEDD**

Winston Roddick, Comisiynydd yr Heddlu a Throsedd, yn sôn wrth yr Aelodau am ei swydd a'i waith.

#### **8 MESUR LLYWODRAETH LEOL (CYMRU) 2011 (Tudalennau 17 - 36)**

Ystyried adroddiad Pennaeth Gwasanaethau Cyfreithiol a Democrataidd (copi wedi ei amgáu) ar y cynnydd sydd wedi ei wneud wrth weithredu'r Mesur a derbyn barn yr Aelodau ynglŷn â'r ffordd ymlaen o ran y materion sydd angen eu gweithredu.

#### **9 POLISIÂU A GWEITHDREFNAU DIOGELU DATA A RHYDDID GWYBODAETH. (Tudalennau 37 - 90)**

Ystyried adroddiad y Dirprwy Swyddog Monitro (copi wedi ei amgáu) ar ddarparu Polisiâu a Gweithdrefnau Rhyddid Gwybodaeth a Diogelu Data diwygiedig i'r Cyngor.

#### **10 EFFEITHLONRWYDD YN Y GWEITHLU**

Ystyried adroddiad y Pennaeth Adnoddau Dynol (copi i ddilyn) ar yr arbedion sydd eu hangen i gyflawni amcanion Effeithlonrwydd yn y Gweithlu sydd wedi eu nodi yn y gyllideb ac ystyried y camau gweithredu i weithredu'r arbedion hynny.

#### **11 ADRODDIAD BLYNYDDOL PWYLLGOR ARCHWILIO'R CYNGOR (Tudalennau 91 - 116)**

Ystyried adroddiad y Grŵp Cadeiryddion ac Is-Gadeiryddion Archwilio / y Cydlynnydd Archwilio a'r Swyddog Gwasanaethau Democrataidd (copi wedi ei amgáu) er mwyn i'r Cyngor ystyried Adroddiad Blynnyddol 2012 / 13 y Pwyllgorau Archwilio.

## **12 RHAGLEN WAITH I'R DYFODOL Y CYNGOR SIR (Tudalennau 117 - 122)**

Ystyried rhaglen waith i'r dyfodol y Cyngor (copi wedi ei amgáu).

### **AELODAETH**

#### **Y Cynghorwyr**

Ian Armstrong  
Raymond Bartley  
Brian Blakeley  
Joan Butterfield  
Jeanette Chamberlain-Jones  
William Cowie  
Ann Davies  
James Davies  
Meirick Davies  
Richard Davies  
Stuart Davies  
Peter Duffy  
Peter Arnold Evans  
Hugh Evans  
Bobby Feeley  
Carys Guy  
Huw Hilditch-Roberts  
Martyn Holland  
Colin Hughes  
Rhys Hughes  
Hugh Irving  
Alice Jones  
Huw Jones  
Pat Jones

Gwyneth Kensler  
Geraint Lloyd-Williams  
Margaret McCarroll  
Jason McLellan  
Barry Mellor  
Win Mullen-James  
Bob Murray  
Peter Owen  
Dewi Owens  
Merfyn Parry  
Paul Penlington  
Arwel Roberts  
Gareth Sandilands  
David Simmons  
Barbara Smith  
David Smith  
Bill Tasker  
Julian Thompson-Hill  
Joe Welch  
Cefyn Williams  
Cheryl Williams  
Eryl Williams  
Huw Williams

#### **COPIAU I'R:**

Y Wasg a'r Llyfrgelloedd  
Cynghorau Tref a Chymuned

Mae tudalen hwn yn fwriadol wag

## CYNGOR SIR

Cofnodion cyfarfod o'r Cyngor Sir a gynhaliwyd yn Council Chamber, County Hall, Ruthin LL15 1YN, Dydd Mawrth, 9 Ebrill 2013 am 10.00 am.

## YN BRESENNOL

Y Cynghorwyr Ian Armstrong, Raymond Bartley (Is-Gadeirydd), Brian Blakeley, Joan Butterfield, Jeanette Chamberlain-Jones (Cadeirydd), William Cowie, Ann Davies, James Davies, Meirick Davies, Richard Davies, Peter Duffy, Hugh Evans, Bobby Feeley, Carys Guy, Huw Hilditch-Roberts, Martyn Holland, Colin Hughes, Rhys Hughes, Hugh Irving, Alice Jones, Huw Jones, Pat Jones, Gwyneth Kensler, Margaret McCarroll, Jason McLellan, Barry Mellor, Win Mullen-James, Bob Murray, Peter Owen, Dewi Owens, Merfyn Parry, Paul Penlington, Arwel Roberts, Gareth Sandilands, David Simmons, Barbara Smith, David Smith, Bill Tasker, Julian Thompson-Hill, Joe Welch, Cefyn Williams, Eryl Williams a/ac Huw Williams

## HEFYD YN BRESENNOL

Prif Weithredwr (MM); Cyfarwyddwyr Corfforaethol: Uchelgais Economaidd a Chymunedol (RM); Cwsmeriaid (HW) a Moderneiddio a Lles (SE); Pennaeth y Gwasanaethau Cyfreithiol a Democrataidd (RGW); Pennaeth Cyllid ac Asedau (PM), Rheolwr Gwasanaethau Adnoddau Dynol (CR), Rheolwr Gwasanaethau Democrataidd (SP), Swyddog Gwasanaethau Democrataidd (RH) a Gweinyddwr Pwyllgorau (KEJ).

## PWYNTIAU SYLW

Bu i'r Cadeirydd -

- longyfarch Adran Addysg y Cyngor ar dderbyn Gwobr Ddyngarwch gan yr Uchel Siryf i gydnabod y gwaith aruthrol a wnaed wrth sefydlu Cronfa Waddol Cymuned Sir Ddinbych
- longyfarch y Cynghorydd Huw Williams ar dderbyn Gwobr y Grwpiau Cymunedol a Gefnogir gan Fusnes gan yr Uchel Siryf i gydnabod ei gyfraniad i Grŵp Cymunedol y Rhyl.
- ddangos anrheg a gyflwynwyd i'r awdurdod gan Ddirprwyaeth o Tsiena yn ystod eu hymweliad canfod ffeithiau diweddar â Chanolfan Optic Llanelwy.

## TEYRNGED DAWEL

Cyfeiriodd Y Cynghorydd Julian Thompson-Hill at farwolaeth y cyn Brif Weinidog, y Farwnes Thatcher, a gofyn i'r Cyngor sefyll mewn munud o dawelwch fel arwydd o barch at y swydd y bu'n ei dal. Safodd y rhai oedd yn dymuno cymryd rhan a rhoi teyrnged dawel.

## 1 YMDDIHEURIADAU

Y Cynghorwyr Stuart Davies, Peter Evans, Geraint Lloyd-Williams a Cheryl Williams

## 2 DATGAN CYSYLLTIAD

Bu i'r Cynghorwyr Meirick Davies, Hugh Evans, Carys Guy, Huw Hilditch-Roberts, Barry Mellor, David Simmons a Bill Tasker gyhoeddi cysylltiad personol â'r eitem ynglŷn â "Thoriadau Effeithlonrwydd yn y Gweithlu" (Eitem rhif 6 ar y Rhaglen).

## 3 MATERION BRYN FEL Y'U CYTUNWYD GAN Y CADEIRYDD

**Diweddariad Tywydd Garw/Eira** – Cafwyd diweddariad gan y Cynghorydd David Smith ynglŷn â'r gwaith a wnaed yn ystod y tywydd garw a'r eira diweddar a fu'n effeithio ar rannau o'r sir. Talodd deyrnged i'r gwaith caled a wnaed gan swyddogion a gwasanaethau rheng flaen, a weithiodd yn ddiflino mewn amgylchiadau eithafol ynghyd â chontractwyr lleol a gwirfoddolwyr. Gwnaed sylw arbennig ynglŷn â Mike Hitchings, Pennaeth Gweithrediadau a Tim Towers, Rheolwr Adain am eu hymdrechion yn cydlynu gwaith ar y priffyrdd. Cymeradwyodd yr Aelodau'r ffordd yr oedd y Cyngor wedi ymateb i'r tywydd eithafol gan gyfeirio at eu profiadau personol o'r gwaith da a wnaed o fewn eu cymunedau eu hunain. Mynegodd yr Aelodau eu diolch i bawb a fu ynghlwm â'r gwaith ac yn dilyn cynnig gan y Cynghorydd Smith -

***PENDERFYNWYD** bod y Cyngor yn cofnodi'n swyddogol eu diolchgarwch i swyddogion am eu gwaith caled yn ymateb i'r tywydd gwael yn ddiweddar.*

## 4 DYDDIADUR Y CADEIRYDD

Cyfeiriodd y Cadeirydd ar yr ymrwymadau dinesig yr ymgwymerodd â nhw ar ran y Cyngor dros gyfnod 16 Chwefror – 25 Mawrth 2013 (cafodd manylion am y rhain eu cylchredeg yn flaenorol). Diolchodd i'r Cynghorydd Bill Cowie am fod yn gydymaith iddi'r wythnos flaenorol yng Nghyngerdd Pasg y Gwasanaeth Cerddoriaeth yn Llanelwy. Cyfeiriodd yr Is-Gadeirydd, y Cynghorydd Ray Bartley, at ei ymweliad â digwyddiad Ensembles Sir Ddinbych ym mis Mai a chafwyd gwybod ganddo fod Band Pres Ysgolion Sir Ddinbych yn cystadlu ym Mhencampwriaeth Agored Bandiau Pres y DU ym Manceinion a dymunodd yn dda iddynt.

***PENDERFYNWYD** nodi'r digwyddiadau a fynychwyd gan y Cadeirydd a'r Is-Gadeirydd.*

## 5 COFNODION

Cyflwynwyd cofnodion cyfarfod y Cyngor a gynhaliwyd ar 26 Chwefror 2013.

### **Cywirdeb -**

Tudalen 10 Eitem Rhif 6 Adborth o Gyfarfod gyda BIPBC – Gofynnodd y Cynghorydd Gwyneth Kensler i ychwanegu'r canlynol at y cofnodion "...cytunwyd diwygio'r penderfyniad **i'r hyn a gynigiwyd gan y Cynghorydd Gwyneth Kensler fel a ganlyn...**"

Nododd y Cynghorydd Alice Jones fod cyfeiriad at y cwestiwn sydd heb ei ateb ynglŷn â Gwasanaethau Brys yn Ysbyty Glan Clwyd wedi cael ei adael allan. Cytunodd y Cyfarwyddwr Corfforaethol Moderneiddio a Lles i fynd ar drywydd y mater gyda BIPBC.

Tudalen 12 Eitem Rhif 8 Gosodiadau Treth y Cyngor a Materion Cysylltiedig - Gofynnodd y Cynghorydd Gwyneth Kensler am gael gwared â'r geiriau "yn unfrydol" fel bod y cofnod yn ymddangos fel a ganlyn "**PENDERFYNWYD** bod y Cyngor yn cymeradwyo'r argymhellion canlynol..."

#### **Materion yn codi -**

Tudalen 8 Eitem Rhif 6 Adborth o'r Cyfarfod gyda BIPBC – Cafwyd diweddariad gan y Cyfarwyddwr Corfforaethol Moderneiddio a Lles (CCMLI) ynglŷn â'r cynnydd sydd wedi ei wneud hyd yma. Yn seiliedig ar ddatblygiadau diweddar roedd yn ymddangos fod bwriadau'r Cyngor wedi cael eu gweithredu gan y Cyngor lechyd Cymuned. Ychwanegodd y Prif Weithredwr fod y cyfalaf o £27m a glustnodwyd ar gyfer Sir Ddinbych ers hynny wedi cael ei gynnwys o fewn y Cynllun Cyfalaf ac o'r herwydd fod rhagor o sicrwydd wedi cael ei roi. Adroddodd y CCMLI hefyd ynglŷn â'r mecanwaith ar gyfer adeiladu ymhellach ar y ddeialog ynglŷn â drafft y cylch gorchwyl ac ynglŷn â sefydlu Fforwm Strategol lechyd a Gofal Cymdeithasol ar sail sirol fel y cytunwyd yn flaenorol gan y Cyngor. Roedd aelodaeth o'r fforwm honno eto i'w phenderfynu'n derfynol ac roedd yr aelodau etholedig yn awyddus i fod yn rhan o'r broses honno ac i gael eu cynnwys. O ganlyniad i'r diddordeb ymhlith yr aelodau, cytunodd y CCMLI i baratoi adroddiad ynglŷn â sefydlu'r fforwm ac ynglŷn â'i haelodaeth ac awgrymodd y Cynghorydd Gwyneth Kensler y dylid trafod y mater yng nghyfarfod yr Arweinyddion Grwpiau cyn ei gyflwyno'r ffurfiol i'r Cyngor Sir.

#### **PENDERFYNWYD -**

- (a) *yn ddibynnol ar yr hyn y sonnir amdano uchod, gadarnhau cofnodion y cyfarfod a gynhaliwyd ar 26 Chwefror 2013 fel cofnod cywir a bod y Cadeirydd yn eu llofnodi;*
- (b) *cyflwyno adroddiad ynglŷn â sefydlu'r Fforwm Strategol lechyd a Gofal Cymdeithasol ger bron cyfarfod yr Arweinyddion Grwpiau i'w ystyried cyn ei gyflwyno'n ffurfiol i'r Cyngor Sir.*

## **6 EFFEITHLONRWYDD Y GWEITHLU**

Cyflwynodd y Cynghorydd Barbara Smith, yr Aelod Arweiniol dros Foderneiddio a Pherfformiad yr adroddiad (a gafodd ei gylchredeg yn flaenorol) oedd yn manylu ar yr arbedion sydd angen eu gwneud er mwyn cyflawni'r toriadau effeithlonrwydd yn y gweithlu a ddynodwyd yn y Gyllideb ac ar y broses a gynigiwyd ar gyfer gweithredu'r arbedion hynny tra bo'r Cyngor yn methu â dod i gytundeb gwirfoddol gyda'r undebau llafur. Nododd ei bod hi wedi cael gwybod ei bod yn fwriad gan yr undebau llafur i nodi fod anghydfod ynglŷn â'r broses.

Cydnabu'r Cynghorydd Hugh Evans fod gan yr aelodau benderfyniad anodd i'w gwneud mewn perthynas â'r effaith ar staff ac eglurodd y rhesymeg sydd wrth

wraidd yr argymhellion a'r mesurau er mwyn sicrhau y byddai'r isaf eu cyflog yn cael eu hamddiffyn yn briodol. Tynnodd sylw at y ffaith fod cynigion i gael gwared ar y lwfans defnyddwyr car hanfodol yn gyson â sefyllfa awdurdodau eraill yng Nghymru a bod 16 ohonynt eisoes wedi cael gwared ar y lwfans. Pe gelwir proses o anghydfod cenedlaethol, teimlai y dylai'r Cyngor gymryd rhan lawn ynddi ac nid oedd unrhyw fwriad i roi'r gorau i drafod gyda'r undebau llafur yng ngoleuni'r argymhellion. Fel y gallai'r aelodau wneud penderfyniad gwybodus gofynnodd am eglurder ynglŷn â'r broses i sicrhau ei bod yn glir, yn dryloyw ac yn deg â staff.

Bu i'r Prif Weithredwr dywys yr aelodau trwy'r adroddiad mewn manylder a sôn ymhellach am yr hinsawdd ariannol sydd ohoni, am yr angen i wneud arbedion yn y gweithlu, am yr ymgynghori a'r trafod estynedig oedd wedi digwydd ac am y rhesymau y tu ôl i'r ffordd fwriedig o weithredu. Cyflwynodd fanylion ynglŷn â'r pecyn terfynol sydd wedi ei gynnig ar gyfer toriadau effeithlonrwydd yn y gweithlu sy'n cynnwys y canlynol -

- cael gwared â statws/cydnabyddiaeth defnyddiwr car hanfodol
- newid cyfraddau milltiroedd i fod yn unol â chyfraddau Cyllid a Thollau Ei Mawrhydi sydd yn 45c y filltir.
- lleihau'r cyfnod o dalu am filltiroedd aflonyddu o 4 blynedd i flwyddyn.
- lleihau'r cyfnod o amddiffyn cyflog o 3 blynedd i flwyddyn

Wrth fanylu ar y camau nesaf roedd y Prif Weithredwr yn awyddus i bwysleisio fod y cynigion yn rhesymol yn yr hinsawdd ariannol sydd ohoni a chefnogodd yr argymhellion y manylir arnynt o fewn yr adroddiad. Gofynnodd i'r Cyngor wneud penderfyniad gan dynnu sylw at y goblygiadau o ran cost fyddai'n deillio o unrhyw oedi.

Tra'i bod yn derbyn bod angen gwneud arbedion, nododd y Cynghorydd Joan Butterfield mai ased fwyaf gwerthfawr y Cyngor oedd ei staff a'u bod hwythau hefyd yn wynebu cyfnod anodd yn ariannol a'u bod wedi eu digalonni a bod eu gwerth wedi cael ei ddibrisio. Nid oedd yn cytuno gyda'r dull gweithredu arfaethedig i roi'r arbedion effeithlonrwydd gweithlu sydd wedi eu dynodi ar waith ac roedd yn teimlo y dylid gwneud mwy i ennyn derbyniad ar y cyd trwy gytundeb cyfeillgar. Nododd ei bod yn aelod o'r Cydbwyllgor Ymgynghorol Lleol (CBYLI) gan nodi mai'r fforwm hwn yw'r lle mwyaf priodol i gael trafodaeth ystyrlon ynglŷn â'r pwnc. O ganlyniad fe gynigiodd, ac eiliwyd ei chynnig gan y Cynghorydd Barry Mellor, y dylid cyfeirio'r mater at y CBYLI i'w drafod ymhellach ac ymgynghori yn ei gylch yn y cyfarfod a gynhelir ar 24 Ebrill a bod adroddiad pellach yn mynd ger bron y Cyngor ar 7 Mai er mwyn gallu gwneud penderfyniad.

Cafwyd llawer o gefnogaeth i gynnig y Cynghorydd Butterfield a manteisiodd yr aelodau ar y cyfle i leisio eu pryderon ynglŷn â'r effaith ar staff a nodi mai cytundeb ar y cyd ynglŷn â'r newidiadau arfaethedig fyddai'n cael ei ffafrio ganddynt er mwyn cyflawni'r arbedion effeithlonrwydd angenrheidiol. Ceisid gwybodaeth bellach hefyd ynglŷn â'r dulliau gweithredu y mae awdurdodau eraill yng Nghymru wedi eu defnyddio pan fo cynigion tebyg eisoes wedi cael eu rhoi ar waith a allai gyfoethogi trafodaeth ac amlygu'r arfer orau mewn achosion pan lwyddwyd cael cytundeb ar y cyd. Lleisiodd aelodau'r CBYLI eu pryderon nad oedd y cynigion effeithlonrwydd terfynol wedi cael eu dwyn ger bron y fforwm i'w hystyried nac ychwaith y cynigion



amgen a awgrymwyd gan yr undebau llafur er mwyn cyflawni'r arbedion angenrheidiol. Gwnaed cais i'r wybodaeth hon gael ei chynnwys hefyd yn yr hyn a gyflwynir ger bron y CBYLI er mwyn cyfrannu ymhellach at y drafodaeth.

O ystyried y cwestiynau a ofynnwyd ynglŷn ag eglurder y broses, cytunodd Y Cynghorydd Hugh Evans y dylid trafod y mater yn y CBYLI cyn argymhell penderfyniad terfynol i'r Cyngor a chwestiynodd beth fyddai goblygiadau gohirio'r penderfyniad i roi'r cynigion ar waith. Awgrymodd y Cynghorydd Butterfield y dylid defnyddio arian a oedd wedi ei roi i'r naill ochr i ariannu codiad i staff yn 2012/13. Eglurodd y Pennaeth Cyllid ac Asedau fod y dyraniad hwnnw eisoes wedi cael ei ddefnyddio i ariannu toriadau effeithlonrwydd gweithlu a chofrestru awtomatig ar gyfer pensiynau.

Cynigiodd y Cynghorydd Win Mullen-James bleidlais wedi ei chofnodi ynglŷn â chynnig y Cynghorydd Butterfield ac yn dilyn cytuno ar y nifer angenrheidiol o aelodau, cynhaliwyd pleidlais wedi ei chofnodi. Pleidleisiodd pob aelod a oedd yn bresennol o blaid y cynnig a **PHENDERFYNWYD** -

*Cyfeirio'r mater at y Cydbwyllgor Ymgynghorol Lleol i'w drafod ymhellach ac ymgynghori yn ei gylch yn y cyfarfod a gynhelir ar 24 Ebrill a bod adroddiad pellach yn mynd ger bron y Cyngor ar 7 Mai er mwyn gallu gwneud penderfyniad.*

Ar y pwynt hwn (11.50 a.m.) cymerodd y Cyngor egwyl.

## **7 POLISI A GWEITHDREFNAU ADNODDAU DYNOL (AD)**

Cyflwynodd y Cynghorydd Barbara Smith, Aelod Arweiniol dros Foderneiddio a Pherfformiad adroddiad (a gafodd ei gylchredeg yn flaenorol) yn argymhell mabwysiadu polisiau a gweithdrefnau newydd a diwygiedig er mwyn cydymffurfio gyda newidiadau deddfwriaethol a'r arfer orau mewn perthynas â -

- Recriwtio a Dethol
- Darparu Geirda Cyflogaeth
- Secondiadau
- Gweithdrefn Gweithwyr Asiantaethol

Amlygodd y Rheolwr Gwasanaethau Adnoddau Dynol (RhGAD) y prif newidiadau i bolisiau a gweithdrefnau yn dilyn ymgynghori gyda rheolwyr ac undebau llafur. Trafododd yr Aelodau nifer o faterion gyda'r RhGAD yn ymwneud â pholisiau unigol a chwestiynu hefyd beth yw swyddogaeth y Cydbwyllgor Ymgynghorol Lleol (CBYLI) yn y broses. Ymatebodd y RhGAD fel a ganlyn -

- pe na bai gan yr undebau llafur wrthwynebiad i'r newidiadau polisi/gweithdrefnol, roedd cytundeb eisoes yn ei le i hepgor mynd â'r mater ger bron y CBYLI a chyflwyno diwygiadau'n uniongyrchol i'r Cyngor.
- cydnabu y gallai peidio ag ymateb i ymgeiswyr aflwyddiannus am swyddi ddenu peth beirniadaeth ond roedd y broses yn golygu costau sylweddol ac yn cymryd llawer o amser swyddogion. Mewn perthynas â recriwtio ar y we cytunodd i ystyried y posibilrwydd o ymateb i ymgeiswyr yn electronig.

- o ran y prosesau i adnabod dogfennaeth ffug cytunodd i roi ystyriaeth bellach i'r mater er mwyn gallu rhoi rhagor o sicrwydd.
- cadarnhaodd fod archwiliadau'n cael eu cynnal i sicrhau fod y gwiriadau angenrheidiol wedi cael eu cynnal fel rhan o'r broses recriwtio mewn ysgolion
- nododd yr awgrym i newid y polisi fel y byddai angen i bob aelod o'r panel recriwtio ddilyn hyfforddiant cydraddoldeb. Mae hyfforddiant recriwtio yn cael ei drefnu gogyfer â rheolwyr canol a gellid newid y polisi yn y dyfodol pe bai'r Cyngor yn fodlon y gallai ddiwallu'r meini prawf.

**PENDERFYNWYD** bod y Cyngor yn derbyn ac yn mabwysiadu'r polisiau a'r gweithdrefnau newydd a diwygiedig mewn perthynas â Recriwtio a Dethol, Darparu Geirda Cyflogaeth, Secondiadau a Gweithwyr Asiantaethol.

## 8 TREFNIADAU I ETHOL CADEIRYDD AC IS-GADEIRYDD YN Y CYNGOR BLYNYDDOL

[Dygwyd yr eitem hon yn ei blaen o fewn trefn y rhaglen gyda chydsyniad y Cadeirydd]

Cyflwynodd Pennaeth y Gwasanaethau Cyfreithiol a Democrataidd yr adroddiad (a gafodd ei gylchredeg yn flaenorol) yn ceisio cytundeb i ethol y Cadeirydd a'r Is-Gadeirydd sydd wedi eu cynnig gogyfer â blwyddyn cyngor 2013/14 yn ffurfiol yng nghyfarfod blynyddol y Cyngor ar 7 Mai 2013. Roedd yn gofyn am enwebiadau i'r ddwy swydd.

**Ethol Cadeirydd** – Cynigiodd y Cynghorydd Hugh Evans, ac eiliwyd ei gynnig gan y Cynghorydd David Smith, i enwebu'r Cynghorydd Ray Bartley yn gadeirydd gogyfer â blwyddyn cyngor 2013/14. Ni wnaed unrhyw enwebiad arall. Diolchodd y Cynghorydd Bartley i'r aelodau am eu cefnogaeth a chafodd ei longyfarch ar ei enwebiad.

**Ethol Is-Gadeirydd** – Cynigiodd y Cynghorydd Julian Thompson-Hill, ac eiliwyd ei gynnig gan y Cynghorydd David Smith, i enwebu'r Cynghorydd Dewi Owens yn Is-Gadeirydd ar gyfer blwyddyn cyngor 2013/14. Cynigiodd y Cynghorydd Joan Butterfield, ac eiliwyd ei chynnig gan y Cynghorydd Bob Murray, i enwebu'r Cynghorydd Brian Blakeley yn Is-Gadeirydd. Cynigiodd y Cynghorydd Gwyneth Kensler, ac eiliwyd ei chynnig gan y Cynghorydd Huw Jones, i enwebu'r Cynghorydd Arwel Roberts yn Is-Gadeirydd.

Yn unol â Chyfansoddiad y Cyngor cynhaliwyd pleidlais gudd ar gyfer ethol yr Is-Gadeirydd arfaethedig a chafwyd gwared ag enw'r Cynghorydd Arwel Roberts. Cynhaliwyd pleidlais gudd arall a chafodd y Cynghorydd Brian Blakeley ei enwebu yn Is-Gadeirydd arfaethedig ar gyfer blwyddyn cyngor 2013/14. Diolchodd y Cynghorydd Blakeley i'r aelodau am eu cefnogaeth a bu i'r Cynghorwyr Dewi Owens ac Arwel Roberts ei longyfarch ar ei enwebiad.

**PENDERFYNWYD** cynnig y Cynghorydd Ray Bartley yn Gadeirydd a'r Cynghorydd Brian Blakeley yn Is-Gadeirydd ar y Cyngor Sir ar gyfer blwyddyn gyngor 2013/14 a'u hethol yn ffurfiol yng nghyfarfod blynyddol y Cyngor ar 7 Mai 2013.

## 9 DIWEDDARIAD AR GYNIGION AR GYFER CARCHAR NEWYDD

Cyflwynodd y Cynghorydd Hugh Evans, yr Arweinydd a'r Aelod Arweiniol dros Ddatblygu Economaidd yr adroddiad (a gafodd ei gylchredeg yn flaenrol) yn ceisio cytundeb y Cyngor i gefnogi Bwrdd Arweinyddiaeth Rhanbarthol Gogledd Cymru yn ei ymrwymiad i geisio carchar yng Ngogledd Cymru. Roedd yr adroddiad yn rhoi crynodeb o'r datganiad diweddar a wnaed gan y Weinyddiaeth Gyfiawnder mewn perthynas â pholisi carchardai a chafodd yr aelodau wybod am y camau gweithredu a gytunwyd gan Fwrdd Arweinyddiaeth Rhanbarthol Gogledd Cymru ac am y cynigion gogyfer â'r camau nesaf y dylid eu cymryd.

Cyflwynodd y Cynghorydd Evans beth gwybodaeth gefndirol yn ymwneud â'r cynigion i adeiladu carchar newydd gydag oddeutu 2000 o lefydd yng Ngogledd Orllewin Lloegr, yn Llundain neu yng Ngogledd Cymru ynghyd â gwybodaeth am y gwaith y mae Bwrdd Arweinyddiaeth Rhanbarthol Gogledd Cymru yn ei wneud i hyrwyddo lleoli'r carchar yng Ngogledd Cymru.

Tra'u bod yn gefnogol i'r egwyddor o fod â charchar yng Ngogledd Cymru, mynegodd y Cyngorwyr Cefyn Williams, Gwyneth Kensler, Alice Jones, Bill Tasker a Colin Hughes amheuaeth ynglŷn â maint y carchar newydd arfaethedig gan nodi y byddent yn ffafrio carchar llai o faint yn yr ardal. Mynegwyd pryderon ynglŷn ag ymarferoldeb carchar mawr; anawsterau rheoli amgylchedd mor fawr; methiannau sydd wedi eu cofnodi mewn carchardai mwy o faint a arweiniodd at feithrin diwylliant ac awyrgylch afiach i garcharorion, a'r amser teithio i ymwelwyr. Dywedodd y Prif Weithredwr fod maint a graddfa'r carchar newydd y tu hwnt i reolaeth y Cyngor ac mai'r unig gynnig sydd wedi ei wneud yw cynnig ar gyfer carchar newydd gyda lle ynddo i 2000 o garcharorion. Rhoddodd yr aelodau ystyriaeth i'r buddion helaeth i'r ardal a ddeuai'n sgil carchar newydd, yn enwedig o ran yr economi, o ran buddsoddiad sylweddol yn y rhanbarth a chreu swyddi. Ar y cyfan, roedd yr aelodau'n ystyried bod datganiad y Gweinidog yn cynnig cyfle a rhoesant eu cefnogaeth i'r Bwrdd Rhanbarthol wrth iddynt geisio sicrhau carchar yn yr ardal.

**PENDERFYNWYD** bod y Cyngor yn cytuno i gefnogi Bwrdd Arweinyddiaeth Rhanbarthol Gogledd Cymru yn ei ymrwymiad i geisio carchar yng Ngogledd Cymru ac i roi sêl eu bendith i'r cynigion a amlinellir ym mharagraff 4.12 yr adroddiad.

## 10 PENODI HYRWYDDWR DIGARTREFEDD

Cyflwynwyd adroddiad gan Bennaeth y Gwasanaethau Cyfreithiol a Democrataidd (a gafodd ei gylchredeg yn flaenrol) yn ymwneud â phenodi Hyrwyddwr Digartrefedd. Roedd cais wedi cael ei wneud ar i'r Cyngorwyr nodi a oeddent yn dymuno cael eu hystyried ar gyfer y swyddogaeth honno a derbyniwyd un CV oddi wrth y Cynghorydd Bill Tasker

**PENDERFYNWYD** penodi'r Cynghorydd Bill Tasker i swydd Hyrwyddwr Digartrefedd.

Ar y pwynt hwn (1.10 pm) cymerodd y Cyngor egwyl dros ginio gan aildechrau am 1.45 pm.

**11 AMSERLEN PWYLLGOR 2013/13, ADOLYGIAD BLYNYDDOL CYDBWYSEDD GWLEIDYDDOL, PENODI CADEIRYDDION CRAFFU A LWFANSAU I AELODAU CYFETHOLEDIG GYDA PHLEIDLAIS**

Cyflwynodd y Rheolwr Gwasanaethau Democrataidd adroddiad (a gafodd ei gylchredeg yn flaenorol) yn gofyn i'r Cyngor wneud penderfyniad ynglŷn â nifer o faterion yn ymwneud â threfniadaeth cyfarfodydd y Cyngor Sir. Roedd yr adroddiad yn cynnwys pedair rhan yn ymwneud â:

- amserlen cyfarfodydd 2012/13
- cydbwysedd gwleidyddol pwyllgorau
- penodi cadeiryddion y pwyllgorau archwilio
- gosod cap posibl ar gyfanswm nifer y cyfarfodydd y gall aelodau cyfetholedig sydd â phleidlais hawlio taliad ar eu cyfer

Eglurwyd fod amserlen arfaethedig cyfarfodydd y Cyngor gogyfer â 2012/13 wedi cael ei llunio yn unol â'r hyn yr oedd yr aelodau wedi nodi eu bod yn ei ffafrio mewn arolwg o farn aelodau ac aelodau cyfetholedig ynglŷn ag amseroedd a lleoliadau cyfleus i gynnal cyfarfodydd.

Nododd y Cynghorydd Joe Welch nad oedd cytuno ar ddyddiadau yn ystod mis Ebrill ond yn rhoi mis o rybudd ynglŷn â dyddiadau cyfarfodydd ym mis Mai, a oedd yn anodd iawn i aelodau gydag ymrwymadau proffesiynol y mae'n rhaid addasu ar eu cyfer, a gwnaeth gais ar i ddyddiadau cyfarfodydd gael eu trefnu gogyfer ag oes y Cyngor er mwyn caniatáu i aelodau gynllunio'u dyddiaduron. Roedd y Cynghorydd Paul Penlington yn anfodlon fod cyfarfodydd wedi cael eu hamserlennu yn ystod y dydd, gan nodi oherwydd yr oedi a fu wrth ei benodi i'r Cyngor na fedrodd gofnodi ei fod yn ffafrio cyfarfodydd mis nos. Awgrymodd y Cadeirydd fod y drafodaeth ynglŷn ag amserlennu cyfarfodydd wedi bod yn rhygnu ymlaen ers nifer o flynyddoedd, ond ei bod yn eglur bob tro yr ymgynghorir ag aelodau mai cyfarfodydd yn ystod y dydd sy'n cael eu ffafrio.

Cydnabu'r aelodau fod y gofyn sydd ar y Cyngor i adolygu cydbwysedd gwleidyddol pwyllgorau yn flynyddol, ac i benodi cadeiryddion pwyllgorau archwilio, yn rhywbeth y gallai'r grwpiau gwleidyddol benderfynu yn ei gylch yn unol â'r model ar gyfer cydbwysedd gwleidyddol a amlinellir yn Atodiad 3 yr adroddiad.

Gofynnwyd i'r Cyngor am eu barn ynglŷn â gosod cap posibl ar y nifer o ddyddiau y gellid talu treuliau ar eu cyfer i aelodau cyfetholedig â phleidlais, ac, yn dilyn trafodaeth, cytunodd yr aelodau nad oes angen gosod cap ar daliadau o fewn y cyd-destun presennol, er y byddai hynny i'w adolygu yn y dyfodol.

**PENDERFYNWYD -**

- (a) *bod y Cyngor yn cymeradwyo amserlen cyfarfodydd 2013/14;*

- (b) *bod y Cyngor yn nodi'r gofynion o ran cydbwysedd gwleidyddol ac yn cyfeirio penodi aelodau i bwyllogorau priodol at y grwpiau gwleidyddol;*
- (c) *bod y Cyngor yn cyfeirio penodi cadeiryddion y pwyllgorau archwilio at y grwpiau gwleidyddol, ac*
- (d) *nad yw'r Cyngor yn gosod terfyn ar y nifer o ddyddiau y gellir talu treuliau ar eu cyfer i aelodau cyfetholedig, yn ddibynnol ar adolygiad yn y dyfodol.*

## **12 CYNLLUN CORFFORAETHOL 2012-2017, DOGFEN GYFLAWNI BLWYDDYN 2**

Cyflwynodd y Cynghorydd Barbara Smith, Aelod Arweiniol dros Foderneiddio a Pherfformiad, adroddiad (a gafodd ei gylchredeg yn flaenorol) yn cyflwyno Dogfen Gyflawni Blwyddyn 2 gogyfer â Chynllun Corfforaethol 2012-17, oedd yn rhoi crynodeb o'r prif brosiectau sydd i'w gweithredu wrth ddatblygu Blaenoriaethau Corfforaethol y Cyngor.

Mynegodd y Cynghorydd Gwyneth Kensler bryder mewn perthynas â sut bo'r ailstrwythuro diweddar a wnaed i'r gwasanaeth Adfywio, Cefnogi Busnes a Thwristiaeth yn cefnogi'r Flaenoriaeth Gorfforaethol o 'ddatblygu'r economi leol' a chynigiodd y dylai hyn fod yn destun i'w archwilio. Awgrymodd y Cynghorydd Joan Butterfield, mewn perthynas â hyn, mai ychydig iawn o gynnydd oedd wedi ei wneud o ganlyniad i'r newidiadau a wnaed i brosiect Y Rhyl yn Symud Ymlaen.

Roedd y Cynghorydd Hugh Evans, Arweinydd y Cyngor, yn derbyn fod cynnydd wedi bod yn araf ond roedd yn ffyddiog fod y prosiect yn symud i'r cyfeiriad cywir. Nododd y Prif Weithredwr mai cyfrifoldeb y Penaethiaid Gwasanaeth oedd ailstrwythuro gwasanaethau ond roedd yn derbyn y deuai budd o gael pwyllgor archwilio i edrych ar effaith y newidiadau sefydliadol ar ddarpariaeth gwasanaeth. Gwnaed trefniadau eisoes i'r Pwyllgor Archwilio Partneriaethau dderbyn adroddiadau'n rheolaidd gan brosiect Y Rhyl yn Symud Ymlaen, ond cytunwyd y dylid cyfeirio eitem ynglŷn ag ailstrwythuro'r gwasanaeth Adfywio, Cefnogi Busnes a Thwristiaeth at y Grŵp Cadeiryddion ac Is-gadeiryddion Archwilio i'w ddyrannu. Estynnodd y Prif Weithredwr hefyd wahoddiad i'r aelodau ddod i gyfarfod ag ef i drafod unrhyw amheuan sydd ganddynt ynglŷn ag ailstrwythuro gwasanaethau.

Nododd y Cynghorydd Alice Jones ei bod hi'n anhapus fod yr ardaloedd arfordirol yn derbyn symiau mawr mewn buddsoddiad pan fo'r cymunedau gwledig yn derbyn cymharol ychydig gefnogaeth ar gyfer adfywio, ac eglurodd y Cynghorydd Hugh Evans y dylai ymestyn y Cynlluniau Tref yn 'Gynlluniau Ardal' fynd beth o'r ffordd tuag at gyfarch hyn. Roedd y Cynghorydd Arwel Roberts yn amheus o effeithlonrwydd cynhwysedd y Cynlluniau Ardal i gyfarch materion penodol gan nodi llain flêr o dir yn Rhuddlan fel enghraifft. Nododd y Cynghorydd Evans y gallai pob rhan o Sir Ddinbych gael budd o ddatblygu economaidd, a bod y Cynlluniau Ardal yn ffurfio un o'r camau cyntaf wrth 'ddatblygu economi leol'. Pe na bai'r Cynlluniau Ardal yn effeithiol wrth weithio tuag at Flaenoriaethau Corfforaethol y Cyngor, dywedodd y Cynghorydd Evans y byddai angen ailymweld â nhw.

**PENDERFYNWYD -**

- (a) *bod y Cyngor yn cymeradwyo drafft terfynol Dogfen Gyflawni Blwyddyn 2 Cynllun Corfforaethol 2012 – 17, a*
- (b) *bod y Cyngor yn argymhell i Grŵp Cadeiryddion ac Is-Gadeiryddion Archwilio eu bod yn amserlennu eitem ynglŷn ag ailstrwythuro'r Gwasanaeth Adfywio, Cefnogi Busnes a Thwristiaeth i'w harchwilio.*

### **13 RHAGLEN GWAITH I'R DYFODOL Y CYNGOR**

Cyflwynodd Pennaeth y Gwasanaethau Cyfreithiol a Democrataidd (PGCD) Raglen Gwaith i'r Dyfodol y Cyngor.

Nododd y Cynghorydd Barbara Smith fod Gweithdy Hyfforddi Aelodau wedi ei drefnu ar yr un diwrnod â chyfarfod Briffio'r Cyngor ar 22 Ebrill, ond bod hwn yn ddigwyddiad ar wahân a fyddai'n cael ei gynnal yn y bore cyn cyfarfod Briffio'r Cyngor yn y prynhawn.

Nododd y PGCD, fel y cytunwyd yn gynharach yn y cyfarfod, y byddai'r eitem ynglŷn â'r Toriadau Effeithlonrwydd Gweithlu yn cael ei chyfeirio at y Cydbwyllgor Ymgynghorol Lleol cyn dod yn ôl ger bron Cyfarfod Blynnyddol y Cyngor Sir ar 7 Mai.

***PENDERFYNWYD*** yn ddibynnol ar yr uchod, i nodi cynnwys Rhaglen Gwaith i'r Dyfodol y Cyngor.

#### **Gwahardd y wasg a'r cyhoedd**

***PENDERFYNWYD*** dan ddarpariaethau Adran 100A Deddf Llywodraeth Leol 1972, gwahardd y Wasg a'r Cyhoedd o'r cyfarfod ar gyfer yr eitemau busnes canlynol ar y sail y byddai gwybodaeth eithriedig yn debygol o gael ei datgelu fel y'i diffinnir ym Mharagraffau 14 Rhan 4 Atodlen 12A y Ddeddf.

### **14 CYNLLUN CYFALAF 2012/13 - 2015/16 AC ARGYMHELLION Y GRŴP BUDDSODDI STRATEGOL**

Cyflwynodd Y Cynghorydd Julian Thompson-Hill, Aelod Arweiniol Cyllid ac Asedau, adroddiad cyfrinachol a oedd yn rhoi diweddariad ynglŷn â datblygiadau o dan Gynllun Cyfalaf 2012/13 – 2015-16, ac yn manylu ar y bidiau cyfalaf sydd wedi eu hargymhell gan y Grŵp Buddsoddi Strategol i'w cynnwys yn y Cynllun Cyfalaf.

Tynnodd y Cynghorydd Thompson-Hill sylw'r Aelodau at y sefyllfa ddiweddaraf yn ymwneud â dymchwel yr Honey Club yn y Rhyl, yr oedd y Cyngor wedi cytuno'i warantu, ac wedi disgwyl i'r gwaith fod yn dechrau ar y safle erbyn canol Ebrill. Roedd pob prif brosiect arall yn driw i'w hamserlen. Yna cyfeiriwyd yr Aelodau at Atodiad 4, a oedd yn rhoi manylion ynglŷn â'r prosiectau a argymhellwyd gan y Grŵp Buddsoddi Strategol er mwyn rhyddhau'r £11.76m o arian cyfalaf sydd ar gael ar gyfer 2013/14, ac eithrio derbyniadau cyfalaf sydd yn yr arfaeth.

Mewn ymateb i gwestiynau gan yr aelodau, cadarnhaodd y Cynghorydd Thompson-Hill -

- bod y targed i godi £8m o dderbyniadau cyfalaf dros 4 blynedd ar y trywydd iawn
- bod y Cyngor yn parhau i weithio gyda'r prif ddatblygwr ar safle'r Honey Club, ac na fu unrhyw arwydd i awgrymu'n wahanol
- nad yw'r arian sydd wedi ei ddyrannu i'r rhaglen gyfalaf Priffyrdd wedi ei ddsbarthu ar sail gyfartal, ond wedi ei bennu gydag ystyriaeth i wybodaeth dechnegol ynglŷn â'r brys i atgyweirio ffyrdd unigol, a drefnwyd trwy gyfrwng Grwpiau Ardal yr Aelodau.
- bod y Cyngor yn gweithio'n agos gydag Alliance Leisure wrth ddatblygu Canolfan Hamdden Rhuthun, ac yn cydnabod bod eu cynllun busnes sydd wedi ei seilio ar gynyddu'r aelodaeth yn ddichonadwy.
- mai cyfanswm cost yr ymateb brys i'r tywydd gaeafol diweddar oedd £170k, gan nodi fod cais am gymorth ariannol gan Lywodraeth Cymru wedi ei wneud mewn perthynas â gwariant yr aed iddo wrth ymateb i'r eira ac i'r llifogydd ym mis Tachwedd.
- fod cofrestr o adeiladau yn Sir Ddinbych sy'n cynnwys asbestos ar gael
- fod safle Costigan yn y Rhyl wedi cael ei brynu, ei adnewyddu a'i roi yn ôl ar y farchnad

Holodd y Cynghorydd Dewi Owens pam fod y bwriad i adeiladu rhwystr gwrthdrawiad ar hyd canol y ffordd ar yr A525 rhwng Rhuddlan a Llanelwy wedi ei restru yn y Cynllun Cyfalaf, ag yntau'n meddwl fod y mater wedi cael ei ddatrys. Cafwyd eglurhad gan y Cynghorydd David Smith, Aelod Arweiniol y Parth Cyhoeddus fod arian wedi ei ddyrannu i'r prosiect hwn ar argymhelliad adroddiad y crwner i wrthdrawiad angheuol ar y ffordd hon ddeng mlynedd yn ôl, ond nad oedd yr arian hwn wedi ei wario, a gall fod ar gael i'w ailddyrrannu pe gweithredir ar y cynnig i ostwng y cyfyngiad cyflymder ar hyd y darn hwn o'r ffordd.

**PENDERFYNWYD** fod y Cyngor yn nodi'r sefyllfa ddiweddaraf ynglŷn ag elfen 2012/13 y Cynllun Cyfalaf, ac yn cymeradwyo argymhellion y Grŵp Buddsoddi Strategol i ddyrannu arian cyfalaf fel y nodir yn Atodiad 4a yr adroddiad.

Bu i'r Cynghorydd Jason McLellan longyfarch Clwb Pêl-Droed Tref Prestatyn ar gyrraedd Rownd Derfynol Cwpan Cymdeithas Bêl-Droed Cymru, ble byddant yn chwarae yn erbyn Dinas Bangor.

Daeth y cyfarfod i ben am 3:20pm.

Mae tudalen hwn yn fwriadol wag



**Adroddiad i'r: Cyngor Sir**

**Dyddiad y Cyfarfod: 7 Mai 2013**

**Aelod / Swyddog Arweiniol: Y Cyng. Barbara Smith/ Pennaeth y Gwasanaethau Cyfreithiol a Democrataidd**

**Awdur yr Adroddiad: Pennaeth y Gwasanaethau Cyfreithiol a Democrataidd**

**Teitl: Mesur Llywodraeth Leol Cymru 2011**

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**1. Beth yw byrdwn yr adroddiad?**

Mesur Llywodraeth Leol Cymru 2011 (y Mesur) a'r cynnydd a wnaed wrth weithredu'r Mesur.

**2. Beth yw'r rheswm am lunio'r adroddiad hwn?**

Rhoi gwybod i'r Aelodau am y cynnydd a wnaed mewn perthynas â gweithredu'r Mesur a cheisio safbwyntiau'r Aelodau ar y ffordd ymlaen mewn perthynas â'r materion hynny sy'n aros i gael eu gweithredu.

**3. Beth yw'r Argymhellion?**

Bod yr Aelodau'n ystyried cynnwys yr adroddiad.

**4. Manylion yr adroddiad.**

4.1 Mae nodyn briffio manwl mewn perthynas ag amryw ddarpariaethau'r Mesur ynghlwm fel Atodiad 1.

4.2 Mae 10 rhan i'r Mesur fel sydd wedi'u gosod yn yr Atodiad. Y rhai mwyaf perthnasol ar gyfer yr adroddiad hwn yw Rhannau 1, 5 a 6.

4.3 Mae Rhan 1 yn dwyn y teitl "Cryfhau'r Ddemocratiaeth Leol". Yn y rhan hon mae mesurau i hyrwyddo a chefnogi aelodaeth awdurdodau lleol. Mae gofyn ar i'r Cyngor holi aelodau etholedig mewn perthynas ag amser a lleoliad y cyfarfodydd. Mae'r arolwg hwn wedi'i gwblhau a dynododd y canlyniadau ffafriaeth i gynnal y cyfarfodydd yn Rhuthun yn ystod y dydd. Gwnaed gwaith pellach gan rai rheolwyr i'r Prif Weithredwr a fydd yn adrodd i'r Uwch Dîm Arweinyddiaeth ac i'r Aelodau mewn perthynas ag amser a lleoliad y cyfarfodydd.

4.4 Mae Llywodraeth Cymru wedi sicrhau hefyd bod rhywfaint o arian ar gael trwy gyfrwng grantiau yn ystod y flwyddyn hon i gynorthwyo'r Cyngorau i ddarparu gweddarddedu yn eu cyfarfodydd. Nid yw hyn yn rhan o'r Mesur ond gallai gynorthwyo wrth wneud cyfarfodydd yn fwy hygyrch i'r cyhoedd.

- 4.5 Mae'r Mesur yn ei gwneud hi'n bosibl i aelodau allu bod mewn cyfarfodydd o bell. Nid yw'r ddarpariaeth hon ar waith eto ond mae arian grant ar gael i gynorthwyo ei gweithredu pan ddaw i rym. Mae'n debygol o ddod i rym yn nes ymlaen yn ystod y flwyddyn galendr hon. Bydd hyn yn golygu na fydd cyfarfod heb gworwm os oes cyfleusterau ar gael sy'n galluogi i aelod, nad ydyw yn yr ystafell lle cynhelir y cyfarfod, fynychu o bell.
- 4.6 Cyflawnir hyn pan fydd aelod sy'n mynychu o bell yn gallu gweld a chlywed y rhai sy'n siarad yn y cyfarfod a gall y rhai sy'n bresennol yn lleoliad y cyfarfod glywed a gweld yr aelod sy'n mynychu o bell. Mae angen mynd i'r afael â materion llywodraethol a thechnolegol cyn y gellir rhoi hyn ar waith.
- 4.7 Mae'r Rhan hon yn gofyn hefyd am roi trefniadau yn eu lle i aelodau unigol lunio adroddiad blynyddol ar eu gweithgareddau fel aelod. Rhaid i'r awdurdod wneud trefniadau i gyhoeddi'r adroddiadau blynyddol hyn. Rhaid i'r awdurdod ystyried y cyfarwyddyd a roddwyd gan Weinidogion Cymru. Cyhoeddwyd cyfarwyddyd drafft ar ddiwedd yr hydref 2012 ac fe'i ystyriwyd gan y Pwyllgor Gwasanaethau Democrataidd. Mae disgwyl fersiwn derfynol y cyfarwyddyd. Bwriadwn ddarparu templed i aelodau a fydd yn cael ei lenwi ymlaen llaw gyda gwybodaeth megis ystadegau presenoldeb. Bydd aelodau'n cwblhau eu hadroddiad ar eu gweithgareddau. Bydd rhaid inni eu harchwilio yn erbyn y cyfarwyddyd ac yna trefnu'u cyhoeddi ar [modern.gov](http://modern.gov).
- 4.8 Mae'r Mesur yn gofyn hefyd i awdurdodau lleol sicrhau eu bod yn darparu cyfleoedd hyfforddi a datblygu rhesymol ar gyfer eu haelodau. Dylai pob aelod gael y cyfle hefyd i dderbyn adolygiad o'u hanghenion hyfforddi a datblygu bob blwyddyn. Mae'r cyfarwyddyd yn awgrymu y dylai fod gan bob aelod ei gynllun datblygiad personol ei hun. Mae'n argymhell bod gan y Pwyllgor Gwasanaethau Democrataidd gyfrifoldeb cyffredinol am benderfynu ar yr hyn y dylid ei ystyried yn hyfforddiant rhesymol. At hynny, argymhellir bod y Pwyllgor Gwasanaethau Democrataidd yn cynnig y lefel briodol o arian y dylid ei ryddhau i brynu hyfforddiant allanol. Cynhelir Gweithdy i Aelodau ar 22 Ebrill i ystyried materion mewn perthynas â hyfforddiant a datblygiad.
- 4.9 Mae a wnelo Rhan 5 y Mesur â dirprwyo swyddogaethau i bwyllgorau ac aelodau unigol. Ceir darpariaeth i wneud y meini prawf ar gyfer sefydlu pwyllgorau ardal yn fwy hyblyg ac i ddirprwyo grymoedd gwneud penderfyniadau iddynt.
- 4.10 Ceir darpariaeth hefyd i'r Arweinydd allu gwneud trefniadau i aelod anweithredol wneud penderfyniadau dirprwyedig mewn perthynas â swyddogaeth weithredol. Gall y Cyngor hefyd ddirprwyo penderfyniadau mewn perthynas â swyddogaethau anweithredol i aelodau anweithredol. Ni ellir ymarfer y pwerau hyn ond mewn perthynas â ward y Cyngorydd ei hun neu mewn perthynas â chorff allanol y cawsant eu penodi iddo. Gall gweinidogion Cymru wneud Gorchymyn sy'n penodi swyddogaethau na ddylid eu dirprwyo a gallent gyhoeddi cyfarwyddyd. Nid ydynt wedi gwneud y naill beth na'r llall eto.

- 4.11 Mae Rhan 6 yn cyfeirio at Graffu. Rhoddir grym i weinidogion Cymru wneud rheoliadau fyddai caniatáu i ddau neu fwy o awdurdodau sefydlu cydbwyllgor craffu. Cyhoeddwyd Rheoliadau a chyfarwyddyd drafft sy'n awgrymu y byddai angen cytundeb ffurfiol rhwng yr awdurdodau cyfrannog sy'n delio â materion gweinyddol cyn y gellid sefydlu'r fath bwyllgor. Gosodir manylion y rhain yn yr Atodiad.
- 4.12 Ceir darpariaethau sy'n gofyn ar i'r cyngorau sicrhau bod eu trefniadau craffu'n craffu gwasanaethau darparwyr gwasanaeth cyhoeddus yn eu hardal. Mae'r gofyn hwn yn ymestyn i gydbwyllgorau craffu. Gallai fod yn ofynnol i unigolion dynodedig ddarparu gwybodaeth a mynychu cyfarfodydd pwyllgor. Nid yw'r darpariaethau hyn mewn grym eto. Gallai Gweinidogion Cymru wneud Gorchymyn sy'n dynodi cyrff neu unigolion a fydd yn destun i'r craffu hwn. Nid oes Gorchymyn wedi'i wneud eto.
- 4.13 Mae cryn dipyn o bwyslais Rhan 6 y Mesur wedi'i fwriadu i gynyddu ymgysylltiad y cyhoedd yng ngwaith craffu. Mae cyfarwyddyd wedi'i gyhoeddi. Mae hyn yn awgrymu y dylid gwneud rhagor o ymdrech i wella ymwybyddiaeth y cyhoedd o rôl a swyddogaeth pwyllgorau craffu gan gynnwys sut gall dinasyddion a chymunedau helpu ffurfio a chyfrannu at Raglenni Gwaith i'r Dyfodol y pwyllgorau craffu (CSDd – pwyllgorau archwilio).
- 4.14 Mae'r Cyfarwyddyd yn argymhell bod awdurdodau'n datblygu mecanweithiau mewnol i alluogi aelodau'r cyhoedd i ymgysylltu'n well yng ngweithgareddau craffu. Gallai'r rhain gynnwys:
- y gallu i ofyn bod eitem yn cael ei rhoi ar agenda i'w hystyried gan bwyllgor craffu (ar yr amod ei bod o berthnasedd uniongyrchol i bwnc y Rhaglen Gwaith i'r Dyfodol).
  - cyflwyno tystiolaeth (ar lafar neu ar bapur) ger bron adolygiad neu ymchwiliad craffu sydd yn yr arfaeth neu ar y gweill.
  - cymryd rhan fel aelod cyfetholedig
  - cyflwyno tystiolaeth (ar lafar neu ar bapur) sy'n ymwneud â galw penderfyniad gweithredol i mewn
- 4.15 Mae'r cyfarwyddyd yn argymhell datblygu protocolau i gynnwys:
- trefniadau siarad cyhoeddus mewn Pwyllgor Craffu (CSDd – Pwyllgor Archwilio)
  - budd y cyhoedd – cyfarfod is-bwyllgor neu Grŵp Tasg a Gorffen
  - rheoli cais am graffu (sy'n cynnwys deisebau)
  - delio â cheisiadau am gyfetholiad cyhoeddus
- 4.16 Dywed y cyfarwyddyd fod Llywodraeth Cymru o'r gred fod gan y sector gwirfoddol rôl bwysig i'w chwarae wrth ddarparu mewnbyn i ymgysylltiad craffu gyda'r trydydd sector megis cynnwys ystyriaeth i gyfethol, cynnal cyfarfodydd rheolaidd rhwng cadeiryddion craffu (CSDd – archwilio) a

chynrychiolwyr y sector gwirfoddol a defnyddio rhwydweithiau'r sector gwirfoddol fel ffordd o roi gwybodaeth ac o ymgysylltu â dinasyddion difreiniedig.

- 4.17 Mae'r Mesur yn gwahardd unrhyw aelod o bwyllgor craffu (CSDd – pwyllgor archwilio) rhag pleidleisio ar gwestiwn mewn cyfarfod os rhoddwyd chwip y blaid i'r aelod mewn perthynas â'r cwestiwn hwnnw. Dylid darparu rheolau sefydlog i aelodau ddatgan unrhyw chwip bleidiol ym mhob cyfarfod.

Os effeithir ar benderfyniad y pwyllgor craffu (CSDd – pwyllgor archwilio) yn faterol trwy fynd yn groes i'r rhan hon, dylid trin y penderfyniad fel petai heb gael ei wneud. Effeithir yn faterol ar benderfyniad os pleidleisiodd un neu'n fwy o aelodau'r pwyllgor yn groes i'r rhan hon a phe bai eu pleidleisiau wedi cael eu diystyru byddai'r penderfyniad wedi cael ei effeithio arno.

**5. Sut mae'r penderfyniad yn cyfrannu at y Blaenoriaethau Corfforaethol?**

Nid yw darpariaethau'r Mesur yn cyfrannu'n uniongyrchol at y blaenoriaethau corfforaethol.

**6. Beth fydd y gost a sut bydd yn effeithio ar wasanaethau eraill?**

Nid yw'n glir eto beth fydd costau darpariaethau'r Mesur. Bydd tipyn yn dibynnu ar y penderfyniadau a wneir o ran ei weithrediad a'r adnoddau angenrheidiol o ganlyniad i hynny.

**7. Pa ymgynghoriadau a gynhaliwyd ac a Sgriniwyd yr Asesiad Effaith Cydraddoldeb?**

Dechrau'r ymgynghori gydag aelodau yw'r adroddiad hwn.

**8. Datganiad y Prif Swyddog Cyllid**

Nid oes angen un.

**9. Pa risgiau sydd ac a oes unrhyw beth y gallwn ni ei wneud i'w lleihau?**

Ceir risg o her i'r Cyngor os na fydd wedi gweithredu rhai o ddarpariaethau'r Mesur yn gywir neu os bydd yn methu ystyried y cyfarwyddyd a gyhoeddwyd gan y gweinidogion.

**10. Y Grym i wneud y Penderfyniad**

- 10.1 Ni cheisir penderfyniad

### Local Government Wales Measure 2011

The Measure was passed by the Assembly and received Royal Assent on 10<sup>th</sup> May 2011.

The Measure contains 179 sections which are divided into 10 parts.

#### The Measure

- Part 1**        Strengthening Local Democracy
- Part 2**        Family Absence for Members of Local Authorities
- Part 3**        Available Governance Arrangements
- Part 4**        Changes to Executive Arrangements
- Part 5**        Local Authority Functions: Discharge by Committees and Councillors
- Part 6**        Overview and Scrutiny
- Part 7**        Communities and Community Councils
- Part 8**        Members: Payment and Pensions
- Part 9**        Collaboration and Amalgamation
- Part 10**      General

The Measure has 4 Schedules.

- Schedule 1    Change from Alternative to Executive Arrangements
- Schedule 2    The Independent Remuneration Panel
- Schedule 3    Payments and Pensions: Minor and consequential amendments
- Schedule 4    Repeals and Revocations

The Measure did not come into force in its entirety on receipt of Royal Assent. Much of the provisions are enabling in that they allow Welsh Ministers to issue formal guidance and regulations.

There are 21 pieces of guidance provided for in the Measure most of which are yet to be published.

#### **Part 1 – Strengthening Local Democracy**

##### Sections 1 – 22

##### Chapter 1 – Promoting and Supporting Membership of Local Authorities

Sections 1 – 3 provide for the conduct of a survey of councillors and unsuccessful candidates in the local government elections which asks prescribed questions regarding gender, age, language, race, disability, sexual orientation, religion, health, education and employment.

Each Council must conduct the survey and submit the responses to Welsh Government who must publish the results within 12 months. We are awaiting publication of the 2012 survey results.

Section 4 is not yet in force. This section seeks to enable members to attend meetings remotely. There are provisions regarding standing orders for remote attendance. Local authorities must have regard to guidance issued by Welsh Ministers. No guidance has yet been issued.

Section 5 requires each local authority to make arrangements for individual members to make an annual report about their activities as a member. There is also a requirement for each authority to make arrangements for each executive member to make an annual report about their activities as an executive member.

The authority must make arrangements for publication of these annual reports.

The authority must have regard to guidance given by Welsh Ministers. Draft guidance was issued in late autumn 2012 and considered by the Democratic Services Committee. The final version of the guidance is awaited. We propose providing a template for members which will be pre-populated with information such as attendance statistics. Members will complete their report on their activities. We will have to check them against the guidance and then arrange to publish on modern.gov.

Section 6 requires each local authority to have regard to guidance given by Welsh Ministers about the times at which meetings of the authority are held.

The guidance suggest that local authorities should not simply hold meetings at the times and locations as they always have done out of inertia. The rule of thumb should be that meetings will be held at times, intervals and locations which are convenient to its members. Members should be surveyed at least once each term, preferably after each election.

A survey has been conducted and repeated due to a relatively low response. The outcome of the survey will be fed into work being done by officers for the Chief Executive in respect of meeting times and locations. The responses to the survey indicate no appetite for change.

Section 7 requires local authorities to secure the provision of reasonable training and development opportunities for its members. Each member should also have the opportunity to have a review of their training and development needs on an annual basis. If a member decides to have an annual review, the review should include an opportunity to have an interview with someone they consider to be suitably qualified to advise about the training and development needs of a member.

The council is required to have regard to guidance issued by Welsh Ministers. The guidance suggests that a non exhaustive list of areas to which training should be considered would include:

Induction  
Role and functions of the executive; the Council and others  
Overview and Scrutiny  
Information Technology  
Code of Conduct  
Role of a Councillor as a local member  
Public Engagement  
Equality and diversity

The guidance suggests each member has their own personal development plan. It recommends that the Democratic Services Committee has overall responsibility for deciding what should be regarded as reasonable training. It is further recommended that the Democratic Services Committee proposes the appropriate level of funding to be made available for the purchase of external training. The guidance recommends having a published development strategy and suggests that the WLGA Charter could be used for guidance purposes.

It is for the authority to determine who could be considered a suitably qualified person to conduct annual review interviews.

Some authorities have group leaders conducting interviews with their members. Some have the interviews conducted by the Leader and executive members. Other authorities may choose officers to conduct the interviews. Some authorities engage external consultants.

## Chapter 2 - Local Authority Democratic Services

Section 8 requires the authority to designate one of its officers to discharge the 'democratic services functions' set out in Section 9 and be known as the 'Head of Democratic Services'.

Section 9 sets out the 'democratic services functions'. These are:

- providing support and advice to committees including joint and sub committees
- promoting the role of the authority's overview and scrutiny committees
- providing support and advice to the authority's overview and scrutiny committees and the members of those committees
- providing support and advice to the democratic services committee and its members
- provide support and advice in relation to the functions of the overview and scrutiny committees to members, members of the executive and officers.
- provide support and advice to each member of the authority in carrying out the role of member
- to make reports and recommendations in respect of any of:

- (i) the number and grades of staff required to discharge democratic services functions
- (ii) the appointment of staff to discharge democratic services functions
- (iii) the organisation and proper management of staff discharging democratic services functions

In December 2012 the Democratic Services Committee designated the Democratic Services Manager as Head of Democratic Services.

Section 10 enables Welsh Ministers to make regulations requiring local authorities to include prescribed provisions relating to the management of staff supporting the democratic services functions and to make modifications to any standing orders relating to the management of staff.

'Management of staff' does not include appointment or dismissal of, or the taking of disciplinary actions against staff.

No such regulations have yet been made.

Section 11 requires each authority to appoint a democratic services committee to designate a Head of Democratic Services, to review the adequacy of provision by the authority of staff, accommodation and other resources to discharge democratic services functions and make reports and recommendations in relation to that provision.

Council appointed a Democratic Services Committee in May 2012.

Sections 12 – 19 deal with membership, proceedings and frequency of meetings of the Democratic Services Committee.

Section 20 prevents the delegation of functions relating to the appointment of the Head of Democratic Services and the appointment of Democratic Services Committee, or considerations by Council of a report of the Democratic Services Committee.

Section 21 requires that the Head of Democratic Services is a politically restricted post.

Section 22 is an interpretation section.

## **Part 2 – Family Absence for Members of Local Authorities**

Section 23 – 33 enable members to be absent from meetings of the authority during a period of family absence.

Family absence includes:

- maternity absence
- newborn absence
- adopter's absence



new adoption absence

parental absence

The Welsh Ministers may make regulations as to the conditions to be satisfied in order to qualify for these absences. Local authorities must have regard to guidance issued by Welsh Ministers. To date no regulations or guidance have been issued.

The effect of these provisions will be that a member cannot be disqualified for non attendance if the period of non attendance included a period of family absence.

Section 33 provides for an amendment to be made to the Local Government Act 2000 to alter the limit on the size of an executive to be breached if temporary executive members are appointed to cover a period of family absence. There is no obligation to appoint an additional member.

### **Part 3 – Available Governance Arrangements**

Section 34 abolished the Mayor and Council Manager form of executive arrangements.

Section 36 makes consequential amendments to legislation.

This Part does not directly affect Denbighshire.

### **Part 4 – Changes to Executive Arrangements.**

#### Chapter 1 – Adopting a different form of executive

Sections 37 – 47 provide for a simplified process whereby an authority which is operating executive arrangements may vary or replace the arrangements for a different form of executive. This may be done only once in each electoral cycle.

If the proposed change is to a form of executive arrangements which involves an elected Mayor the proposals must include provision for a referendum. A referendum must not be held where the proposal is to change to any other form of executive arrangements. The sections set out the publications and approval processes to be followed.

If a referendum is required and the result of it is a rejection of the proposal then the authority must publish the fact that the proposal was rejected and continue to operate its existing executive arrangements.

#### Chapter 2 – Other variations of existing executive arrangements

Sections 48 – 54 make provision for the process by which an authority may make variations to its existing executive arrangements without actually changing the form of the executive.

## **Part 5 – Local Authority Functions: Discharge by Committees and Councillors**

Section 55 amends the existing provisions of Section 18 Local Government Act 2000. Section 18 of the 2000 Act provides for the creation of area committees to discharge functions in respect of part of the authority's area. Section 55 of the Measure amends Section 18 to create more flexibility.

Under Section 55 an area committee is able to discharge functions in respect of part of the area of the authority where that part consists of one or more electoral divisions, all of the members elected for those divisions are entitled to be members but no others, and either the area covered is less than one half of the area of the authority or the population of that part is less than one half of the total population of the authority.

Section 56 provides for a Leader to be able to make arrangements for a non executive member of the authority to exercise an executive function. The Council may make arrangements for a non executive member to exercise a non executive function.

A non executive member may only exercise functions in respect of the electoral division for which they are elected or in relation to their official membership on an outside body.

Welsh Ministers may make an order specifying functions which are not to be the subject of such arrangements. They may also issue guidance to which the Leader must have regard.

Section 57 makes consequential amendments to other legislation.

The Welsh Ministers have issued guidance in respect of Section 56. The guidance seeks to outline potential positive benefits from delegating functions to elected members both within their role as ward members and as the Council's official representative on outside bodies. It refers to the value of members being 'the voice of the community in the Council and the voice of the Council in the community'.

The intent behind the provision is to give a wider range of opportunities to make effective use of elected members' representational role. The guidance suggests that Council's may wish to use the provision to create 'on the job' learning opportunities for non executive members on outside bodies.

Although Section 56 gives broad powers to delegate any function some are more appropriate than others. Planning, licensing or social care divisions are clearly inappropriate. Suggestions in the guidance of areas which may be suitable are functions such as having power to effect repairs or improvements to streets e.g. road calming measures or street lighting. Powers to discharge and oversee youth activities within their area may be appropriate.

Factors to consider when delegating powers are set out in the guidance for members:

What value can be added?

What specific local problems will be able to be tackled as a result?

Would councillors need additional support such as legal advice on the discharge of delegated functions?

How will members be supported if their decisions are challenged e.g. by way of judicial review?

How will these delegated decisions be publicly recorded?

For others:

The need to work closely with members to develop their knowledge and skills

Providing advice to ensure delegated powers are used effectively

How to implement decisions made under these delegations

The development of appropriate recording of discussions made

The Constitution would need to be amended

Any decisions made by non executive members using delegated functions should be subject to the same Call-in procedures as relate to other executive functions.

The guidance suggests that councils look at similar delegation powers that were introduced in England under the Local Government and Public Involvement in Health Act 2007.

Some options used in England were:

- establishing enabling powers in the constitution for the purpose of delegating powers to non executive members to be used as and when needed
- using delegated powers to tackle specific area based issues in response to local challenges

It is for each council to decide the extent to which they wish to use Section 56. The guidance advises that a protocol is developed by the council to decide when and under what conditions a function will be delegated to a non executive member. Councils should take into account the need to avoid possible allegations of favouring members of a particular political persuasion.

In multi member wards, councils should make sure that the same arrangements apply for each elected member or to none. The guidance suggests that in multi member wards, powers should be used jointly.

There are obvious resource implications to support the bureaucracy of preparing delegated decision reports, ensuring consultation regarding decisions and publicising the record of decisions of 47 members. There is also an issue of consistency.

## **Part 6 – Overview and Scrutiny**

### Chapter 1 – Overview and Scrutiny Committees

Section 58 provides that the Welsh Ministers may make regulations under which any two or more local authorities may appoint a joint overview and scrutiny committee. Excluded from this are crime and disorder matters.

In setting up a joint scrutiny committee councils must have regard to guidance issued by the Welsh Ministers.

The Welsh Government has prepared draft regulations and guidance. The publication of the final versions of these documents are awaited.

The draft regulations provide that where two or more authorities appoint a joint scrutiny committee they must enter into an agreement which identifies matters about which the committee may make reports and recommendations. The agreement should also set out the number of members, their term of office, the duration of the committee, procedure for withdrawal and the provision of officer support to the committee.

The draft regulations provide that there must be an equal number of members from each appointing authority and that no executive members may be on the committee. Political balance rules do not apply but each authority must ensure as far as practicable that the members it appoints reflect the balance of the appointing authority.

The regulations further provide that arrangements for the appointment of a Chair and Deputy Chair may be made in the agreement referred to above. These arrangements may include the duration of the term of the Chair and the rotation of the Chair among the authorities.

The Chair is entitled to a payment in accordance with the Independent Remuneration Panel's recommendations. The payment should be comparable to the payment made to a chair of an overview and scrutiny committee of the local authority that appoints them. In Denbighshire's case this would be a senior salary at the level paid to Scrutiny Chairs.

This will have an impact on the total number of senior salaries paid by an authority.

Meetings of joint scrutiny committees will be subject to the same access to information rules as other public meetings of the council.

Joint scrutiny committees can co-opt members. They cannot co-opt elected members of a local authority whether or not that authority is a partner in the joint committee. Co-optees may not vote. The agreement referred to above must include arrangement that enable any member of a joint scrutiny committee to refer relevant matters to it.

Where a joint scrutiny committee makes a report or recommendations to any of the appointing authorities or their executives it may publish the report and may require the authority/authorities or executive(s) to consider and respond and publish that response. Any publication of a report or response must have regard to the access to information rules.

The draft guidance suggests that joint scrutiny enables councillors to view issues from a wider perspective leading to a more thorough exploration of the topics under consideration. The learning and exchange of good practice can stimulate members and officers to review and enhance their home scrutiny methods.

Other benefits are the ability to bring new sources of information and a fresh eye to developments as well as reducing duplication.

The guidance makes clear that the effectiveness of joint scrutiny will be dependent upon the reasons for it and the issue it intends to address.

Examples are given of where a joint committee may be appropriate. These include:

- ongoing monitoring of a joint service delivery mechanism
- investigating a topic that may require a regional response (e.g. waste management or sustainable development)
- sharing scrutiny resources to investigate a similar topic of high interest or importance to more than one authority.

The following questions should be considered in deciding whether or not to establish a joint scrutiny committee:

- 1 Does the topic involve the work of a strategic partner or partnership body whose services cover more than one area?
- 2 Does the issue or service affect residents across more than one council area or concern a particular population's needs e.g. fuel poverty, road safety, climate change, services for disabled people, old people etc.
- 3 What form of joint scrutiny committee could reasonably be resourced? Care must be taken that the objectives are proportionate to resources.

The guidance strongly recommends a project management approach. A feasibility study should be done by likely participants to define areas of mutual interest, the type of scrutiny intended and the resource required to support it.

Joint scrutiny committees may be established on an ad hoc basis which may be suitable for pre decision scrutiny or consultation. Standing committees may be more useful in monitoring services or decisions over the medium to long term.

It is intended that joint overview and scrutiny committees should be able to Call-in an executive decision of the participating councils which has been made but not implemented.

Procedures should be developed whereby an executive decision can only be called in if it is supported by an equal proportion of the participating councils. It is suggested that at least half the membership of the joint committee be required to initiate a Call-in.

It is suggested that the costs of supporting joint scrutiny be shared by participating councils. There will be a considerable amount of officer support required for administration, research and advice.

Sections 59, 60 and 61 amend the Local Government Act 2000 to require councils to ensure that their scrutiny arrangements scrutinise the services of public service providers in their area. This requirement extends to joint scrutiny committees. Designated persons can be required to provide information and to attend committee meetings.

Sections 59 and 60 are not yet in force.

Section 61 enables Welsh Ministers to make an order designating bodies or persons as designated persons. No order has yet been made. Only individuals or bodies who provide the public with services, goods or facilities in the exercise of functions of a public nature or which are wholly or partly funded by public money may be designated. Local authorities can not be designated.

Section 62 provides that a local authority must make arrangements for people who live and work in its area to bring to the attention of the relevant scrutiny committee their views on any matter under consideration by the committee. The committee must take into account any views brought to its attention in this way. In making arrangements a council must have regard to guidance issued by the Welsh Ministers.

The guidance suggest that in order to enable the public to engage better with scrutiny people should first be informed about the scrutiny functions and programmes of planned work.

Stronger efforts should be made to raise public awareness of the role and function of scrutiny committees including how citizens and communities can help shape and contribute to scrutiny committee Forward Work Programmes.

Councils may wish to adopt multi method communication strategies as some of the issues dealt with by scrutiny may be of little interest to the public at large and of great interest to relatively small groups of people.

Some local authorities have developed dedicated websites or areas on their websites for scrutiny issues. The guidance sets out some of the types of information that could be included on scrutiny web pages. It also encourages the use of social media as a tool for networking and communicating information.

It is recommended that authorities develop internal mechanisms to better enable members of the public to engage in scrutiny activity. These may include:

- the ability to request that an item be placed on an agenda for consideration by a scrutiny committee (providing this is of immediate relevance to a topic on the Forward Work Programme).
- submit evidence (oral or written) to a planned or ongoing scrutiny review or investigation
- participate as a co-opted member
- submit evidence (oral or written) relating to a Call-in of an executive decision

These arrangements may include some form of public spending or developing reports summarising written submissions.

Scrutiny committees would still be able to refuse to include items on their agendas but should produce a rationale for their decision. This could be based on the criteria used to formulate the Forward Work Programme.

The guidance recommends the development of protocols to cover:

- public speaking arrangements at Scrutiny Committee
- public interest – Sub Committee or Task and Finish Group meeting
- managing a request for scrutiny (including petitions)
- dealing with requests for public co-option

Section 77 gives Welsh Ministers the power to make regulations requiring information about the exercise of a scrutiny committee's functions to be made public. No regulations have yet been made but they may include reference to committee Forward Work Programmes. Forward Work Programmes could be included on a dedicated web page. Scrutiny committees are recommended to send copies of their Forward Work Programmes to

Police and Crime Panels  
 Fire and Rescue Authorities  
 Community Health Councils  
 Youth Councils  
 Communities First Groups  
 National Parks  
 Town and Community Councils  
 Local County Voluntary Councils

in order to stimulate interest within these groups.

The guidance suggests that authorities may wish to develop arrangements for the public to be able to speak at Call-in meetings.

The guidance says that Welsh Government believes that the voluntary sector has an important role to play in providing input to scrutiny engagement with the third sector as could include consideration of co-option, regular meetings between scrutiny chairs and voluntary sector representatives and use of voluntary sector networks as a means to inform and engage disenfranchised citizens.

If a member of the public brings views to the attention of a scrutiny committee then those views must be taken into account. The guidance suggest that, as an example, where a member of the public requests that an issue be considered by scrutiny, and it is considered reasonable and appropriate, then a report detailing the submission is considered at the next meeting of the relevant committee. Good practice should suggest that the person who submitted the issue is invited to attend the meeting to present their views to members in person.

Section 63 of the Measure amends Section 21A Local Government Act 2000 to enable any councillor to refer to scrutiny a matter which relates to the discharge of any function of the council or which affects the whole or part of the electoral area which the councillor represents. The Welsh Government has issued guidance on such councillor calls for action. This should be understood to be a last resort with issues being raised at a scrutiny meeting after other avenues have been explored. It is anticipated that a Ministerial Order will be made to exclude certain matters from these provisions but no Order has yet been made.

If a scrutiny committee receives a referral it may choose to do any of the things that it might normally do with a new item. In considering what to do the committee may have regard to anything the member may already have done with regard to the matter and any representations the member may make as to why the committee should take the matter up. Before it is escalated to a full scrutiny committee meeting, councillors should first consider what else could be done to resolve a community issue e.g. informal/formal discussions with officers or other committees, asking questions at Full council, arranging public meetings, submitting a motion to Full Council etc.

This chapter also contains provisions at Section 66 – 75 about the appointment of chairs of scrutiny committees. The Council's Constitution was amended and the relevant appointments of Chairs made in May 2012 in accordance with guidance issued by the Welsh Ministers.

Section 76 requires a local authority to have regard to guidance issued by Welsh Ministers in deciding whether to exercise the function of co-opting members to scrutiny committees.

The guidance suggests that the contribution of co-opted members on to committees can significantly strengthen their effectiveness. It is considered by Welsh Government that co-option is an important tool in achieving 'buy in' from representative groups and individuals that may otherwise be disengaged from local decision making processes. Welsh Government considers the inclusion of a broader range of specialist community representatives and service users in scrutiny exercises is advantageous and send a message about citizen centred services and partnership working.

Any appointment of co-optees should be informed by scrutiny Forward Work Programmes and the outcomes elected members are seeking to achieve. Consideration should be given as to whether co-option is the most appropriate way for some groups or individuals. It may be better in some circumstances to have stakeholders inviting an expert advisor to Task and Finish Groups or to be invited to a scrutiny meeting.



Councils may wish to think about several strategies to identify co-optees such as:

- approaching Town and Community Councils to nominate representatives for co-option
- advertising in local press
- approach voluntary sector or local business forums for nominations
- write to complementary agencies such as Community Health Councils
- invite former co-optees with specific interest or expertise to attend scrutiny meetings in an advising capacity in respect of relevant items.

To assist recruitment of co-optees it is suggested that outline role descriptions be prepared to help clarify expectations and identify relevant competencies.

It is recommended that co-optees should be able to represent the interests of the population that receives services and/or contribute expert knowledge and skills and/or live or work in the county.

It is recommended that co-optees should not exceed 1/3 of the total membership of a committee.

Co-optees may be appointed for the life of the committee, until such time as the committee decides to terminate the appointment or for the purpose of a particular review.

Co-optees should adhere to the Code of Conduct and be given appropriate training.

The Measure does not grant additional voting rights to co-optees.

Section 78 prohibits any member of a scrutiny committee from voting on a question at a meeting if the member has been given a party whip in respect of that question. Standing orders should provide for members to declare any party whip at each meeting.

If the decision of the scrutiny committee is materially affected by a breach of this section, the decision is to be treated as if it had not been made. A decision is materially affected if one or more members of the committee voted in breach of the section and if their votes had been disregarded the decision would have been affected.

Section 79 gives Welsh Ministers power to give a local authority guidance or direction about its scrutiny committee structure. No guidance or direction has yet been made. An authority must comply with a directive and must have regard to guidance.

Guidance or direction may relate to the number of scrutiny committees an authority has and the functions of each of these.

## **Chapter 2 – Audit Committees**

Sections 81 – 87 deal with the requirement to establish an Audit Committee, its functions, membership and the frequency of meetings. Councils must have regard to guidance issued by Welsh Ministers.

In May 2012 Denbighshire amended its Constitution to designate the Corporate Governance Committee as its Audit Committee. The membership, appointment of Chair and terms of reference comply with the Measure and guidance.

## **Part 7 – Communities and Community Councils**

### **Chapter 1**

#### Sections 88 – 99

This chapter deals with the calling of community meetings and the requirements for demanding a community poll and responding to the outcome of such a poll.

### **Chapter 2**

#### Sections 100 – 115

This chapter deals with the conditions and procedure for community meetings to apply for the establishment, dissolution or grouping together of community councils.

### **Chapter 3**

#### Sections 116 – 117

This chapter deals with the process by which vacancies on community councils may be filled by co-option.

### **Chapter 4**

#### Sections 118 – 121

This chapter deals with the appointment of community youth representatives to community councils. They can appoint no more than two people aged between 15 and 26 whom they consider represent the interests of those who live, work or receive education and training in the community area who are under 26 years of age.

### **Chapter 5**

#### Sections 122-125

This requires each principal Council to publish a report every fifteen years which describes what the council has done in the previous fifteen years to discharge its duty to keep the whole of their area under review in accordance with the Local Government Act 1972.

Arrangements may be made with the Local Government Boundary Commission for Wales for them to discharge this function.

## **Chapter 6**

### Sections 126 – 128

This chapter extends the well being power in the Local Government Act 2000 to community councils.

## **Chapter 7**

### Section 129

This provides power to the Welsh Ministers to pay a grant to a community council towards expenditure to be incurred by it.

## **Chapter 8**

### Sections 130 – 133 Model Charter Agreement

This chapter provides power for Welsh Ministers to make an order setting out a model charter agreement between a local authority and community councils. Welsh Ministers may direct a local authority and community councils to adopt a model charter agreement. This is enforceable by mandatory order on the application of the Welsh Ministers.

Before giving a direction the Welsh Ministers must consult the relevant councils.

## **Chapter 9**

### Sections 134-140 Schemes for Accreditation of Quality in Community Government

The Welsh Ministers may by Regulations provide for a scheme under which they may/must grant an accreditation of quality to a community council.

Criteria for the award will be laid out in Regulations but may include:

- Percentage of members who were elected
- Qualifications and training of officers
- Training for members of the council
- Frequency of meetings and the publicity given to them
- Involving others in the work of the community council
- Encouraging persons to improve the well being of the community
- Annual reports
- Accounts

Regulations will set out how applications for accreditation may be made and the fees to be paid.

## **Part 8**

### Sections 141 – 160 Members' Payment and Pensions

The chapter provides for the Independent Remuneration Panel for Wales to continue.

The Panel must publish an annual report setting out the arrangements for the payments to be made to elected members.

A local authority must comply with the requirements imposed by the Panel's annual report.

The Panel can monitor the payments made by a local authority and can require the authority to provide it with information relating to those payments.

If Welsh Ministers are satisfied that a local authority has failed to comply with the Panel's requirements they may direct the authority to comply.

## **Part 9**

### Sections 161 – 171 Collaboration and Amalgamation

Section 161 provides that in deciding whether and how to exercise their collaboration functions under the Local Government Wales Measure 2009 a local authority must have regard to any guidance issued by the Welsh Ministers.

Section 162 grants the power to Welsh Ministers to make an order amalgamating two or three local government areas.

Before doing this they must be satisfied that effective local government is not likely to be achieved in a local government area by the exercise, by any of the local authorities, of their collaboration powers under the 2009 Measure or by the Welsh Ministers exercising their powers of support and direction under that Measure.

By making an amalgamation order the Welsh Ministers must consult the local authorities affected, community councils in the areas affected and such other persons as appear to the Welsh Ministers to be affected. A draft amalgamation order must be laid before the National Assembly for Wales.

The power to make the order is exercised by statutory instrument which must be approved by the National Assembly.

<b>Adroddiad ar gyfer:</b>	<b>Y Cyngor</b>
<b>Dyddiad y Cyfarfod:</b>	<b>7 Mai 2013</b>
<b>Aelod/Swyddog Arweiniol</b>	<b>Alan Smith, Pennaeth Cynllunio Busnes a Pherfformiad</b>
<b>Awdur yr Adroddiad:</b>	<b>Lisa Jones, Dirprwy Swyddog Monitro</b>
<b>Teitl:</b>	<b>Polisiâu Deddfwriaeth Gwybodaeth</b>

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## 1. Am beth mae'r adroddiad yn sôn?

Cyflwyno'r Polisiâu a'r Gweithdrefnau Rhyddid Gwybodaeth a Diogelu Data diwygiedig i'r Cyngor.

## 2. Beth yw'r rheswm dros lunio'r adroddiad hwn?

Roedd y Cyngor yn destun adroddiad Swyddfa Archwilio Cymru o ran ei weithdrefnau Llywodraethu Rheoli Gwybodaeth ac, yn fwy diweddar yn 2012, o ran Diogelu Data, Rhyddid Gwybodaeth a mynediad tîm archwilio mewnol y Cyngor at Wybodaeth Amgylcheddol. Un o'r argymhellion sy'n deillio o'r ddau adroddiad yw gallu'r Cyngor i wella ei bolisiâu ar gyfer y meysydd hyn.

## 3. Beth yw'r Argymhellion?

Bod y Cyngor yn:-

- (1) Cymeradwyo'r dogfennau polisi a'r gweithdrefnau.
- (2) Cymeradwyo'r diwygiadau i'r cynllun dirprwyo swyddogion o ran Panel Eithrio Hawl i Wybodaeth.
- (3) Dirprwyo swyddogaeth yr Uwch Swyddog Risg Gwybodaeth i'r Pennaeth Cynllunio Busnes a Pherfformiad a dirprwyo swyddogaeth y Swyddog Diogelu Data i'r Dirprwy Swyddog Monitro.
- (4) Awdurdodi'r Swyddog Monitro i ddiwygio'r Cyfansoddiad mewn perthynas ag argymhellion 2 a 3.

## 4. Manylion am yr Adroddiad

Nod y polisiâu diwygiedig yw darparu datganiad polisi eglur, lle bynnag bo hynny'n bosib, o ran Rhyddid Gwybodaeth a Diogelu Data, a gydnabyddir ar y lefel uchaf gan yr 'Addewid Gwybodaeth Bersonol'. Fodd bynnag, mae'r polisiâu'n treiddio'n ddyfnach na pholisiâu pur ac yn darparu canllaw gweithdrefnol i swyddogion, aelodau a'r cyhoedd ar y ffyrdd y bydd y Cyngor yn trin ceisiadau am wybodaeth ac yn prosesu data personol.

Roedd y swyddogion a fu'n drafftio'r polisïau wedi ystyried cael un polisi cynhwysfawr, fodd bynnag, gwelwyd bod y ddau drefniant yn cyferbynnu. Mae'r naill yn fesur sy'n diogelu preifatrwydd personol a'r llall yn sicrhau mynediad at wybodaeth. Serch hynny, mae rhannau yn gorgyffwrdd. Er enghraifft, mae ambell i wybodaeth bersonol yn ymwneud ag unigolion cyhoeddus fel aelod etholedig neu brif weithredwyr yn cael eu datgelu.

Mae'r rhyngwyneb yma rhwng dau faes cyfraith yn llinyn sy'n clymu'r ddau bolisi at ei gilydd. Fodd bynnag, mae'n haws eu deall fel polisïau ar wahân.

Mae goblygiadau torri'r gyfraith hon yn sylweddol; nid yn unig o ran hyder y cyhoedd yn y Cyngor a sut mae'n prosesu data, ond o ran y ddirwy lem (hyd at £500,000 mewn achos difrifol) y gallai'r Comisiynydd ei bennu.

Trefn gyfochrog i Ryddid Gwybodaeth yw Rheoliadau Gwybodaeth Amgylcheddol 2004 a bydd adolygiad y polisi hwnnw yn dod i ben yn ddiweddarach yn y flwyddyn oherwydd yr ymgyfreithiad yn ymwneud â mynediad at wybodaeth am briodiannau tir a'r camau gweithredu sy'n cael eu cymryd gan gwmnïau chwilio personol yn erbyn y mwyafrif o awdurdodau lleol yng Nghymru a Lloegr.

Fel rhan o'r strategaeth i wella ein rheolaeth o wybodaeth a symud yn nes tuag at reolaeth electronig o gofnodion a llif data syml, bydd yr aelodau, o graffu ar y polisïau, yn sylwi ar swyddogaeth y Tîm Rheoli Gwybodaeth ac ar swyddogaeth yr Uwch Swyddog Risg Gwybodaeth a'r Swyddog Diogelu Data.

Mae'n rhaid i'r Cyngor benodi Uwch Swyddog Risg Gwybodaeth ac mae disgwyl iddo/iddi ddeall sut gall nodau busnes strategol y Cyngor eu heffeithio gan risgiau gwybodaeth. Felly, mae'n rhesymegol i'r swydd hon fod o fewn adran sydd eisoes yn dal cofrestr risg corfforaethol ac yn gyfrifol am lywodraethu gwybodaeth. Bydd y Swyddog yma'n cyfrannu at Ddatganiad Blynyddol y Cyngor ar Lywodraethu Corfforaethol mewn perthynas â risgiau gwybodaeth, datblygu'r strategaeth risg gwybodaeth a'r fframwaith gofynnol.

At hyn, trwy gydol 2012 mae'r Comisiwn Ewropeaidd wedi diwygio llawer ar y rheolau diogelu data (Rheoliadau Diogelu Data Cyffredinol drafft 2012/0011) ac un o'r argymhellion yw y dylai pob corff cyhoeddus o 2014 ymlaen benodi un swyddog 'cymwys' i fod yn Swyddog Diogelu Data. Cynigir y dylid gwneud hyn yn defnyddio'r adnoddau presennol ac y dylai'r Cyngor hwn ddechrau cynllunio ar gyfer y trefniant newydd tra mae'r adolygiad o'r broses llywodraethu gwybodaeth yn cael ei gynnal. Bydd disgwyl i'r Uwch Swyddog Risg Gwybodaeth a'r Swyddog Diogelu Data gydweithio i ddatblygu'r strategaeth er mwyn iddi gael effaith ar y polisïau.

Mae'r polisïau diwygiedig sydd ynghlwm â'r adroddiad hwn hefyd yn ystyried bodolaeth a gwerth y Panel Eithrio Hawl i Wybodaeth sydd wedi ei ffurfio'n ddiweddar. Mae'r Panel hwn bellach â'r awdurdod i wneud penderfyniadau ar p'un ai yw Eithriad rhag datgelu yn briodol neu beidio yn hytrach na gadael i swyddogion y Cyngor benderfynu ar y mater. Mae'r penderfyniadau'n cael eu

gwneud gyda chefnogaeth o leiaf un swyddog hyddysg yn y gyfraith. Llywodraethu agored yw'r man cychwyn oni bai bod rheswm da iawn dros beidio â datgelu gwybodaeth a ofynnwyd amdani. Mae hyn yn adlewyrchu'r dull cyfreithiol yn y ddeddfwriaeth ac yn darparu cysondeb a chyfranoldeb er mwyn gwneud penderfyniadau. Bu i'r Panel dderbyn cymeradwyaeth y Cyngor Llawn ym mis Ebrill 2012 fel rhan o adolygiad y Cyfansoddiad.

Mae llywodraeth agored yn llywodraeth dda ac mae'r traddodiad o gyfrinachedd diangen yn dechrau diflannu ar lefel lleol a chanolog. Felly, mae'n hanfodol bod gennym ni broses gadarn yn ei lle sy'n hwyluso hyn ac yn parchu hawliau preifatrwydd personol.

#### **5. Sut mae'r penderfyniad yn cyfrannu at y Blaenoriaethau Corfforaethol?**

Bydd arferion gwell a gwell llywodraethu yn cyfrannu at y flaenoriaeth o fod yn Gyngor sy'n perfformio'n dda.

#### **6. Faint fydd yn costio a sut fydd yn effeithio ar wasanaethau eraill?**

Bydd y gwasanaethau sy'n prosesu data personol sensitif yn cael budd o gefnogaeth arbenigol ychwanegol, arbenigedd a hyfforddiant gan yr Uned Gwybodaeth Corfforaethol a sefydlwyd yn ddiweddar i sicrhau eu bod yn cydymffurfio â'u dyletswyddau tuag at gwsmeriaid.

Bydd y costau'n cael eu cwrdd yn defnyddio cyllidebau presennol. Rhagwelir y bydd hyfforddiant a chefnogaeth arbenigol gan y Tîm Gwybodaeth Corfforaethol yn cael ei ddarparu'n fewnol yn hytrach na drwy ymgynghorwyr allanol.

#### **7. Pa ymgynghoriadau a gynhaliwyd?**

Ymgynghorwyd gyda'r canlynol:

Swyddogion Rheoli Gwybodaeth pob gwasanaeth/maes  
Tîm yr Uned Rheoli Gwybodaeth  
Y Tîm Gweithredol Corfforaethol  
Yr Archwilwyr Mewnol

Mae'r Pwyllgor Llywodraethu Corfforaethol wedi derbyn adroddiad ar y polisiau cyn i'r Cyngor Llawn drafod yr eitem hon.

#### **8. Datganiad y Prif Swyddog Cyllid**

Ni does unrhyw oblygiadau cost uniongyrchol o ganlyniad l'r argymhellion yn yr adroddiad hwn. Polisiau gwybodaeth effeithiol yn gwella fframwaith llywodraethu cyffredinol y Cyngor.

**9. Pa risgiau sy'n bodoli ac a oes unrhyw beth y gallwn ei wneud i'w lleihau?**

Mae mwy o risg os na fyddwn yn gwella ein harferion yn y maes hwn.

**10. Pŵer i wneud y Penderfyniad**

Deddf Llywodraeth Leol 1972  
Deddf Rhyddid Gwybodaeth 2000  
Deddf Diogelu Data 1998



**DATA PROTECTION  
POLICY AND PROCEDURES**

DRAFT

**Version 4 – April 2013**

### **Foreword by the Chief Executive**

In delivering its services Denbighshire County Council will need to collect and process certain types of information about people including customers, service users, staff of the Council, school pupils and suppliers or providers of services to it. All such processing is subject to the Data Protection Act and this policy sets out the Council's intentions in fulfilling its obligations.

Transformational and shared services agendas have introduced ever increasing requirements for the sharing of personal data in order to improve effectiveness and efficiency. Clearly those in public services need to keep this information secure, but it goes much wider than appropriate security and requires a comprehensive approach to the collection, use, sharing and retention of personal information, in order to build public confidence. Combined with the reliance on fast changing ICT capabilities and storage of vast amounts of data, it is essential that Denbighshire County Council has this overarching document in plain language, which makes clear to the public the Council's approach to data protection and data sharing; and explains the rights of the individual in relation to the information we hold about them. Publishing a clear and explicit policy and having the right approach to raising awareness and skills of staff as they handle personal information, will be regarded as an integral element in promoting public trust in the way this Council handles the personal data entrusted to it.

We have all been made aware of high profile data breaches, and many officers who handle sensitive personal data will be aware of the Information Commissioner's powers to fine authorities up to £500,000 for severe breaches. Many of the reported breaches are however simply down to human error, such as inputting the incorrect fax number, emailing the wrong recipient or not checking personal data before it is posted, leaving sensitive documents in the car or not checking a person's identity over the phone. These errors can all be avoided by officers and members taking extra care in going about their duties and treating others' personal information, as they would their own.

The Council signed up to the Wales Accord on the Sharing of Personal Information (WASPI) in 2011 which applies to data sharing across multiple agencies. A number of underlying WASPI protocols have since been developed with our partners. In addition, in respect of any data processing generally, I am pleased to sign off the 'Personal Information Promise' set out overleaf, which will be registered with the Information Commissioner – it is a form of mission statement for the handling of personal information aimed at those whose personal information we hold. If a compliance problem occurs we will reflect on whether we are living up to this promise, and I urge all staff to read this promise as it puts the Data Protection Act obligations into straightforward language that we can all understand and put into practice.

## PERSONAL INFORMATION PROMISE

*I, Mohammed Mehmet, Chief Executive,  
on behalf of Denbighshire County Council  
promise that we will:*

1. Value the personal information entrusted to us and make sure we respect that trust;
2. Go further than just the letter of the law when it comes to handling personal information, and adopt good practice standards;
3. Consider and address the privacy risks first when we are planning to use or hold personal information in new ways, such as when introducing new systems;
4. Be open with individuals about how we use their information and who we give it to;
5. Make it easy for individuals to access and correct their personal information;
6. Keep personal information to the minimum necessary and delete it when we no longer need it;
7. Have effective safeguards in place to make sure personal information is kept securely and does not fall into the wrong hands;
8. Provide training to staff who handle personal information and treat it as a disciplinary matter if they misuse or don't look after personal information properly;
9. Put appropriate financial and human resources into looking after personal information to make sure we can live up to our promises; and
10. Regularly check that we are living up to our promises and report on how we are doing.

*Signed:*

*Dated:*

## **Introduction**

Denbighshire County Council shall at all times comply with its duties under the Data Protection Act 1998 and the rights of privacy and respect for personal and family life set out in Article 8 of the Human Rights Act 1998.

The Data Protection Act (the Act) places legal obligations on organisations who collect and use personal information and gives individuals certain rights of access. In addition, there are stricter requirements in the Act in respect of processing 'sensitive' personal data. Personal information can be held in any format eg electronic, paper records, CCTV or photographic images and the Act applies irrespective of how the information is held.

## **Responsibility for the Act**

The Council is committed to ensuring all staff comply with the Act. The Council has an appointed Data Protection Officer who is responsible for ensuring compliance with the Act, assisted by the Information Unit and the Councils Access to Information Panel. The Head of Business Planning & Performance is the appointed Senior Information Risk Officer. (SIRO) There is also a nominated Information Management Officer within each department. The Council's Officer Scheme of Delegation sets out clearly that all Heads of Service are responsible for compliance with the Act and the decisions of the Access to Information Panel regarding the release or withholding of information.

There is a separate policy in respect of the Freedom of Information Act and the Environmental Information Regulations. Where a request is received under the FOIA or the EIRs but in fact it falls within the Data Protection regime, the Council will automatically channel it through the appropriate policy, as it is required to do, as different exemptions and therefore, different legal rights apply in the circumstances.

## **Scope**

This policy applies to all personal information held in any recorded format such as email, paper, video, CCTV or photographic images and applies to all officers and members who process personal data on behalf of the council. It is a criminal offence to destroy personal information when the purpose of the destruction was to avoid disclosure following a request.

## **Adhering to the 8 principles of the Act**

The Data Protection regime is underpinned by certain fundamental principles, which form a code for the proper processing of personal data. Processing means anything we do with data; such as obtaining, copying, disclosing, altering, retaining or destroying information. If we cannot comply with all these 8 principles, we should not be processing the data. The principles are reproduced as set out in the legislation at Appendix 1, but are summarised in the following diagram: -

## 8 data protection principles

1. Personal information must be fairly and lawfully processed

2. Personal information must be processed for limited purposes

3. Personal information must be adequate, relevant and not excessive

4. Personal information must be accurate and up to date

5. Personal information must not be kept for longer than is necessary

7. Personal information must be secure

8. Personal information must not be transferred to other countries without adequate protection

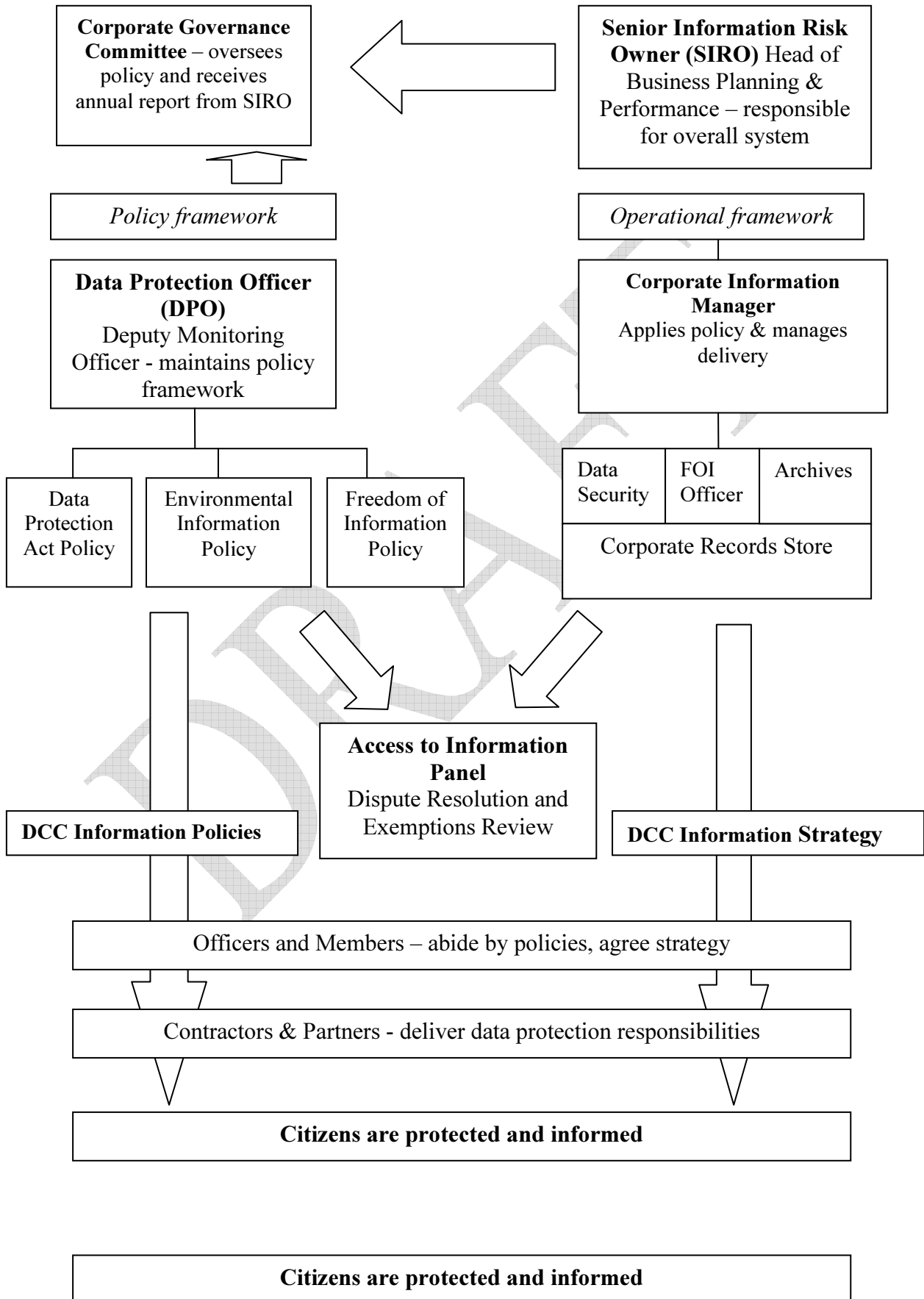
6. Personal information must be processed in line with the data subjects' rights

**ico.**  
Information Commissioner's Office

The Council will ensure that: -

- It has in place procedures for complying with the eight principles.
- All new staff receive appropriate data protection training on induction and that refresher training and guidance is provided periodically, so that they understand that they are contractually responsible for complying with the law and know how to process information in accordance with these 8 principles.
- Advanced level training is provided to those Officers who deal with highly sensitive personal information, such as social services. Training needs mapping will be conducted by the Information Unit, in conjunction with Service and Performance Managers to identify those officers who require regular advanced training on data protection and information sharing, to enable them to share with confidence and in accordance with WASPI where appropriate.
- Everyone managing and handling personal information are individually and collectively responsible for compliance with this policy.
- A failure to follow this policy by an officer may result in disciplinary action or even criminal prosecution in the case of a wilful and deliberate breach.
- That individuals are informed of the purposes for which their data will be used and that consent is sought for such use, where required under the Act.
- All appropriate, technical and organisational security measures to safeguard personal information will be put in place including encrypting or ensuring increased security settings of removable devices such as laptops or mobile phones and restricting the use of USB sticks in line with the Council's Information Security Policy.
- All staff are required to report data security incidents, including 'near misses' to their line manager who shall inform the SIRO.

# Information Management in Denbighshire



## **Individual's Rights**

Denbighshire County Council will ensure that individuals can exercise their rights as set out in the Act including :-

- the right to be informed that processing is being undertaken,
- the right of subject access to their personal information;
- the right to prevent processing of personal information in certain circumstances
- the right to rectify, block, erase or destroy inaccurate information.

These rights apply to all living, identifiable individuals on whom the Council processes personal information such as our customers, staff, residents or Councillors.

### Subject Access Requests

Section 7 of the Act provides the right for individuals to be told by the Data Controller (the organisation who determines the purposes for which and the manner in which personal information is processed)

- if we hold information about them,
- to ask what we use it for,
- to be given a copy of the information,
- to be given details of other organisations or people we disclose it to,
- to ask for incorrect data to be corrected,
- to ask us not to use personal information about them for direct marketing,
- to be compensated for damage or distress if we do not comply with the Act,
- to object to decisions made only by automatic means – for example where there is no human involvement and
- to ask the Information Commissioner's Office to investigate and assess whether we have breached the Act.

Denbighshire County Council will supply this information providing the request is in writing; sufficient information is given by the applicant to enable the Council to locate the information requested and a maximum



statutory fee of £10 is paid by the person making the enquiry in advance. All such requests must be logged with the corporate Information Unit. This fee may be waived in respect of social services customers accessing their social services records or employees of the Council who are accessing their personnel file.

Denbighshire County Council will respond to such requests within 40 calendar days of receipt, unless to do so would involve 'disproportionate effort' under Section 8 of the Act. There is no definition within the Act, but it is generally taken to mean that the effort the organisation would have to expend in complying with the requirement to provide a copy is disproportionate to the benefit to be derived by the individual in receiving it. As the right of access to ones own information is fundamental to data protection law, the circumstances where disproportionate effort can be relied upon, will be rare. Advice should be sought from the Information Unit in the first instance and a decision referred to the Access to Information Panel.

The Council will provide the information in a permanent format that is understandable to the applicant, unless the supply of such a copy would involve disproportionate effort, or the applicant agrees otherwise. Where this is the case, the Council will arrange for the applicant to inspect the records in person.

#### Social Services Records

Social Services have their own procedures for dealing with client access to personal files, in accordance with guidance issued by the National Assembly of Wales and if necessary can offer support, guidance or even counselling to service users where this is required whilst they inspect their records. If the client makes the request under Section 7 of the Act, this still needs to be logged with the Information Unit who will record the details of the request itself.

In accessing their file, social services clients *may* not be given access to parts of their file which also identify other people without that third party's agreement, even if they are related. Disclosure will depend on the context and whether information is already within knowledge. Seek advice if in doubt. Information provided to social services by another person (except a professional such as a social worker or doctor etc) if this was communicated in confidence, information which may be seriously harmful to the individual or others, or information held to detect crime or to prosecute offenders where its disclosure will affect these purposes; may be lawfully refused. Legal advice should be sought if there is any doubt regarding the disclosure and a reference to the Access to Information Panel may need to be made.

## Information Sharing

Information sharing is a complex area spanning many statutes and often the detail is hidden in secondary legislation (such as orders or statutory instruments). Decisions on whether to share information must be taken on a case-by-case basis and there could not be a blanket policy statement for officers or members to follow as this is likely to be unlawful. In addition, understanding what can legally constitute 'consent', is also fundamental.

However, the following statements should clarify previous common myths or misunderstandings regarding information sharing:

**The Data Protection Act does not prevent, neither should it be seen as a barrier, to lawful information sharing.**

**The Council is not legally required to have an Information Sharing Protocol in place, in order to share. The lack of an ISP should not be a reason for not sharing information that could help a practitioner deliver services to a person.**

**The Council has signed up to the Wales Accord on the Sharing of Personal Information (WASPI), however not every information sharing arrangement will need to be WASPI approved.**

**Consent is not a prerequisite to information sharing – but several legal regimes (including the Data Protection Act) confirm that the obtaining of valid consent will permit information to be shared lawfully.**

**Confidentiality you may owe to an individual, can, and in some circumstances, must be overridden, such as concerns that a vulnerable adult or child may be at risk of serious or significant harm. Follow the relevant procedures without delay.**

Over the page are seven golden rules for information sharing reproduced from the HM Government publication 'Information Sharing; Guidance for practitioners and managers' and available on the Department for Education website. These rules compliment the WASPI principles that the council has signed up to.

# Seven golden rules for information sharing

- 1. Remember that the Data Protection Act is not a barrier to sharing information** but provides a framework to ensure that personal information about living persons is shared appropriately
- 2. Be open and honest** with the person (and/or their family where appropriate) from the outset about why, what, how and with whom information will, or could be shared, and seek their agreement, unless it is unsafe or inappropriate to do so.
- 3. Seek advice** if you are in any doubt, without disclosing the identity of the person where possible.
- 4. Share with consent where appropriate** and, where possible, respect the wishes of those who do not consent to share confidential information. You may still share information without consent if, in your judgement, that lack of consent can be overridden in the public interest. You will need to base your judgement on the facts of the case.
- 5. Consider safety and well-being:** Base your information sharing decisions on considerations of the safety and well-being of the person and others who may be affected by their actions.
- 6. Necessary, proportionate, relevant, accurate, timely and secure:** Ensure that the information you share is necessary for the purpose for which you are sharing it, is shared only with those people who need to have it, is accurate and up-to-date, is shared in a timely fashion, and is shared securely.
- 7. Keep a record** of your decision and the reasons for it – whether it is to share information or not. If you decide to share, then record what you have shared, with whom and for what purpose.

## Requests from third parties (eg the Police) for an individual's personal information

Occasionally the Council will receive requests under the Act under s.29 or s.35 from other agencies or third parties such as the police, DWP or another Council, under these sections, to physically access or receive a copy of the information relating to an individual. These sections do not provide the Council with an automatic reason to disclose, as is explained below.

s.29 deals with several situations in which personal data is processed for the following 'crime and taxation' purposes:

- the prevention or detection of crime;
- the capture or prosecution of offenders; and
- the assessment or collection of tax or duty.

The personal data could be disclosed if the disclosure is for any of the above crime or taxation purposes and the above purposes are 'likely to be prejudiced' if the council did not disclose eg to the police or the inland revenue. The threshold for disclosure in these circumstances needs to be more than a mere risk of prejudice and needs to be a significant and weighty chance of prejudice to the above purposes. s.29 is a *discretionary* power, and does not of itself give the Council a reason to disclose in itself as the Council still needs a Schedule 2 (and Schedule 3 reason in respect of sensitive personal data) to disclose.

s.35 also provides a *discretionary* power to disclose only where the disclosure is necessary 'for or in connection with legal proceedings (including prospective proceedings); for obtaining legal advice or for establishing, exercising or defending legal rights. The mere fact this exemption may apply does not, of itself, provide the Council with justification to hand over personal data. The Council will still need a Schedule 2 reason in order to do so (and a Schedule 3 reason in the case of sensitive personal data). Even then, there may be a legitimate reason not to disclose if the information is private and confidential or because of the relationship the Council has with the individual.

The Council's usual standard approach in respect of applications under s.29 and s.35 will be to refuse disclosure unless the applicant obtains a court order; however if the department or service consider that disclosure is in fact necessary or may very well prejudice the crime or taxation purposes, then advice should be obtained prior to disclosure from Legal Services and guidance on whether the decision on disclosure should be referred to the Council's Access to Information Panel.

Applications that are made by the police should be on the standard police form [insert name/no] which must be signed off by a police officer of the rank of Sergeant or above. If the application is not received in this way, fully completed then it should be referred back to the applicant. It is essential that we have a full audit trail with reasons why the police consider the necessity test applies.

### **Emergency planning**

The guidance given on pages 10 and 11 on information sharing are equally applicable in the context of emergency planning and dealing with the provision of vital services in response to an emergency. The Data Protection Act 1998 does not prevent information being shared, and complements the Civil Contingencies Act 2004 – officers who require more detailed guidance may wish to consult the HM Government publication 'Data Protection and Sharing' – Guidance for Emergency Planners and Responders and take advice, if needed, from legal colleagues.

“The Data Protection Act 1998 is an important piece of legislation giving confidence to individuals that their personal data will be treated appropriately and that it will not be misused. It's job is to balance individuals' rights to privacy with legitimate and proportionate use of personal information by organisations. In the context of emergency planning – and, in particular, in the aftermath of an emergency – it is important to look at this balance critically and realistically. The public interest is highly likely to mandate the sharing of information to help both immediately affected individuals and the wider community in such circumstances. Indeed, our view is that emergency responders' starting point should be to consider the risks and the potential harm that may arise if they do not share information. We must all work within the law, but in the circumstances set out in this guidance, we feel that uncertainty should not be used as an excuse for inaction when it is clearly in the interest of individuals and the public at large to act positively”

Foreword by Baroness Ashton in HM Government's non statutory guidance 'Data Protection and Sharing' – Guidance for Emergency Planners and Responders.

Denbighshire County Council will adhere to this policy and have in mind the following broad brush, straightforward questions whilst planning and responding to an emergency. The following questions must be considered by officers in good faith and if so, they should have comfort that they have not breached the Act:

- Is it unfair to the individual to disclose their information?
- What expectations would they have in the emergency at hand?
- Is the Council acting for their benefit and is it in the public interest to share this information?

Following these broad principles in an emergency will mean the Council is very unlikely to have acted unlawfully.

### **Outsourcing personal data processing**

The Council frequently uses third party organisations to perform some of it's functions. Where such 'outsourcing' arrangements involve the processing of personal data, certain legal obligations arise.

It is important that the obligations imposed on the supplier (known as the data processor) should be set out in a written contract or letter. If the Council's Standard Corporate Terms and Conditions have been used – these are available from the Procurement Unit – then the obligations are already set out.

In the event that the standard terms of business have not been, or are not used, the service should be asking the supplier to sign a letter, a template is attached as Appendix 3.

In any event, where sensitive personal information is being disclosed to such third party organisations, services should ensure that the council's standard terms of business are signed up to by the contractor, in order to ensure the supplier is contractually bound by the same obligations as ourselves.

## **Introduction of new systems that affect personal information – what should the Council consider?**

In developing information systems or new business processes or changes to our existing processes, that involve personal information, Officers are strongly advised to consider the benefits of a Privacy Impact Assessment and to build in privacy-friendly solutions as part of modernising or introducing new systems. This is referred to by information professionals as 'Privacy by Design' and can be a useful tool to help identify risks and help the Council step up to the mark in how it handles personal information confidently.

Denbighshire County Council's Corporate Project Methodology now requires the Council to consider whether a Privacy Impact Assessment should be conducted in the early stages of a project and support is available for this via the Corporate Information Unit in conjunction with Legal Services if required. Even where the formal project methodology is not followed designing in privacy protections and data protection compliance will need to be addressed.

### **Data Protection or Privacy Notices**

Consent from the individual who is the subject of the data, is one condition that can legitimise the processing of personal data. In respect of 'sensitive' personal data, this consent needs to be express and not implied, if consent is relied upon. The Council may find the use in many circumstances where reliance on consent is used to provide the individual with a 'Data Protection Notice' (or sometimes referred to as a Privacy Notice or Statement'). This can be communicated verbally and verbal consent can be relied upon, although a signed form or some form of positive action such as accepting terms electronically by ticking a consent box, will be the most practical and reliable method. Customer Services for example at the first point of contact by telephone will give enquirers a verbal standard notice. Examples of Data Protection Notices, which will assist in complying with the First Data Protection Principle of fairness and the Second Principle of purpose, is set out below which can be adapted by a service to suit their specific needs. The basic legal requirement is that an individual is given at the point of collection, or as soon as possible after, a description of the Council's use of individual personal information. Further guidance is available if required from the Corporate Information Unit.

### Eg Online Library :

I UNDERSTAND that the information I have provided will be processed by Denbighshire County Council for the purpose of its online library catalogue and the monitoring and management of this service. I understand that the personal information I provide will be stored and processed in accordance with the Data Protection Act 1998 and that no third party recipients will be provided with my personal data without my consent, unless required by law.

I understand that I have the right to request a copy of the personal data held about me and to correct any inaccuracies.

### Eg School Transport collection of data

I UNDERSTAND that the information I have provided will be processed by Denbighshire County Council for the purpose of school transport provision, the monitoring and management of this service, including behavioural management and any anti social behaviour prevention programmes, fraud prevention and detection and any purpose related to this service provision. I understand that CCTV may be in use on some routes and that my child's footage and information will be stored and processed in accordance with the Data Protection Act 1998.

I CONSENT to the sharing of this information with other departments or Government Bodies and other organisations delivering a service that relates to the provision of school transport and its management and that they may contact me directly. I understand that I have the right to request a copy of the personal data held about me and my child and to correct any inaccuracies

### Eg Verbal notice given by an Enforcement Officer wearing HeadCams:

*"In order to comply with our data protection obligations I need to make you aware that this conversation and footage is being recorded by the body camera I am wearing. The information recorded, will be controlled and processed by Denbighshire County Council for the purpose of it's public protection and health and safety obligations to officers. The information that you provide will be retained only until any fixed penalty issued is discharged. You have the right to request a copy of the personal information held and to correct any inaccuracies. "*



If a Service is developing a website and is collecting personal information then a privacy policy will be required. See the Council's Privacy Policy in respect of Meifod Wood Products at Appendix 4 as an example. Services will be encouraged to draft a policy along similar lines in advance of submitting the policy to the Corporate Information Unit for checking compliance.

### **Data Security Breaches**

All data security breaches, including 'near misses', must be reported to the Line Manager responsible who shall immediately inform the Council's Senior Information Risk Officer who shall advise on the necessary steps that need to be taken to contain any resultant damage and inform individuals who may be affected. A central record of all breaches will be retained by this senior officer.

### **Oversight arrangements and review of policy**

This policy will be reviewed no later than February 2016. Compliance with this policy and related procedures will be monitored by the Corporate Information Unit working with the Information Management Officers from each service and the Access to Information Panel. Reports on the Corporate Information Unit and the Council's activities under all the Information Legislation are reported annually to the Council's Corporate Governance Committee whereby the Senior Information Risk Officer and the Data Protection Officer shall be in attendance.

### **Complaints**

A review of the Council's decision to *withhold* personal information where an applicant has made a subject access request, can be made to the Information Unit who will facilitate a review by the Access to Information Panel. If the decision is upheld, and the applicant remains unsatisfied they may appeal to the Information Commissioner's Office.

Any complaints by individuals about the way in which the Council has *handled* personal information (eg if it has lost personal information) will be dealt with through the 'Your Voice' Corporate Complaints or Social Services Complaints Policy depending on the nature of the information. Complaints forms are available from the Council's Offices. If the

complainant remains dissatisfied, a complaint can be made directly to the Information Commissioner. Appeals against the decision of the Information Commissioner can be made to the Information Tribunal.

### Contact details

Corporate Information Unit  
Denbighshire County Council  
46 Clwyd Street  
Ruthin  
Denbighshire  
LL15 1HP  
Email: [information@denbighshire.gov.uk](mailto:information@denbighshire.gov.uk)  
Tel no: 01824 707023

Your Voice,  
Denbighshire County Council  
County Hall  
Wynnstay Road  
Ruthin  
Denbighshire  
LL15 1YN  
Tel: 01824 706075  
SMS 07800140088  
Email: [your.voice@denbighshire.gov.uk](mailto:your.voice@denbighshire.gov.uk)  
Online: [www.denbighshire.gov.uk](http://www.denbighshire.gov.uk) and follow the links to the online form  
'Suggestions, compliments and complaints'

Information Commissioner  
Wycliffe House  
Water Lane  
Wilmslow  
Cheshire  
SK9 5AF

Tel 01625 545745  
[www.informationcommissioner.gov.uk](http://www.informationcommissioner.gov.uk)

Wales Accord on the Sharing of Personal Information  
WASPI Support Team  
Preswylfa  
Hendy Road  
Mold  
CH7 1PZ  
Tel: 01352 803398

Denbighshire County Council Senior Information Risk Officer (SIRO)  
Head of Business Planning & Performance  
Level 3  
County Hall,  
Wynnstay Road,  
Ruthin,  
Denbighshire  
LL15 1YN  
Tel: 01824 706000

Denbighshire County Council Data Protection Officer  
Deputy Monitoring Officer  
Legal and Democratic Services  
Level 2  
County Hall  
Wynnstay Road  
Ruthin  
Denbighshire  
LL15 1YN  
Tel: 01824 706275

## Appendix 1 – The 8 Data Protection Principles

- 1. Personal data shall be processed fairly and lawfully and, in particular, shall not be processed unless –**
  - (a) at least one of the conditions in Schedule 2 (of the Data Protection Act) is met, and**
  - (b) in the case of sensitive personal data, at least one of the conditions in Schedule 3 (of the Data Protection Act) is also met.**
- 2. Personal data shall be obtained only for one or more specified and lawful purposes, and shall not be further processed in any manner incompatible with that purpose or those purposes.**
- 3. Personal data shall be adequate, relevant and not excessive in relation to the purpose or purposes for which they are processed.**
- 4. Personal data shall be accurate and, where necessary, kept up to date.**
- 5. Personal data processed for any purpose or purposes shall not be kept for longer than is necessary for that purpose or those purposes.**
- 6. Personal data shall be processed in accordance with the rights of data subjects under this Act.**
- 7. Appropriate technical and organisational measures shall be taken against unauthorised or unlawful processing of personal data and against accidental loss or destruction of, or damage to, personal data.**
- 8. Personal data shall not be transferred to a country or territory outside the European Economic Area unless that country or territory ensures an adequate level of protection for the rights and freedoms of data subjects in relation to the processing of personal data.**

## Schedule 2

### **At least one of the following conditions must be met when processing personal data.**

1. The data subject has given his/her consent to the processing.
2. The processing is necessary—
  - (a) for the performance of a contract to which the data subject is a party, or
  - (b) for the taking of steps at the request of the data subject with a view to entering into a contract.
3. The processing is necessary for compliance with any legal obligation to which the data controller is subject, other than an obligation imposed by contract.
4. The processing is necessary in order to protect the vital interests of the data subject.
5. The processing is necessary—
  - (a) for the administration of justice,
  - (b) for the exercise of any functions conferred on any person by or under any enactment,
  - (c) for the exercise of any functions of the Crown, a Minister of the Crown or a government department, or
  - (d) for the exercise of any other functions of a public nature exercised in the public interest by any person.
6. (1) The processing is necessary for the purposes of legitimate interests pursued by the data controller or by the third party or parties to whom the data are disclosed, except where the processing is unwarranted in any particular case by reason of prejudice to the rights and freedoms or legitimate interests of the data subject.  
(2) The Secretary of State may by order specify particular circumstances in which this condition is, or is not, to be taken to be satisfied.

### Schedule 3

**At least one of the following conditions must be met when processing sensitive personal data in addition to meeting at least one condition from schedule 2.**

1. The data subject has given his/her explicit consent to the processing of the personal data.
2. (1) The processing is necessary for the purposes of exercising or performing any right or obligation which is conferred or imposed by law on the data controller in connection with employment.  
  
(2) The Secretary of State may by order—
  - (a) exclude the application of sub-paragraph (1) in such cases as may be specified, or
  - (b) provide that, in such cases as may be specified, the condition in sub-paragraph (1) is not to be regarded as satisfied unless such further conditions as may be specified in the order are also satisfied.
3. The processing is necessary—
  - (a) in order to protect the vital interests of the data subject or another person, in a case where—
    - (i) consent cannot be given by or on behalf of the data subject, or
    - (ii) the data controller cannot reasonably be expected to obtain the consent of the data subject, or
  - (b) in order to protect the vital interests of another person, in a case where consent by or on behalf of the data subject has been unreasonably withheld.
4. The processing—
  - (a) is carried out in the course of its legitimate activities by any body or association which—
    - (i) is not established or conducted for profit, and
    - (ii) exists for political, philosophical, religious or trade-union purposes,
  - (b) is carried out with appropriate safeguards for the rights and freedoms of data subjects,

- (c) relates only to individuals who either are members of the body or association or have regular contact with it in connection with its purposes, and
  - (d) does not involve disclosure of the personal data to a third party without the consent of the data subject.
- 5. The information contained in the personal data has been made public as a result of steps deliberately taken by the data subject.
- 6. The processing—
  - (a) is necessary for the purpose of, or in connection with, any legal proceedings (including prospective legal proceedings),
  - (b) is necessary for the purpose of obtaining legal advice, or
  - (c) is otherwise necessary for the purposes of establishing, exercising or defending legal rights.
- 7. (1) The processing is necessary—
  - (a) for the administration of justice,
  - (b) for the exercise of any functions conferred on any person by or under an enactment, or
  - (c) for the exercise of any functions of the Crown, a Minister of the Crown or a government department.(2) The Secretary of State may by order—
  - (a) exclude the application of sub-paragraph (1) in such cases as may be specified, or
  - (b) provide that, in such cases as may be specified, the condition in sub-paragraph (1) is not to be regarded as satisfied unless such further conditions as may be specified in the order are also satisfied.
- 8. (1) The processing is necessary for medical purposes and is undertaken by—
  - (a) a health professional, or
  - (b) a person who in the circumstances owes a duty of confidentiality which is equivalent to that which would arise if that person were a health professional.(2) In this paragraph “medical purposes” includes the purposes of preventative medicine, medical diagnosis, medical research, the provision of care and treatment and the management of healthcare services.
- 9. (1) The processing—
  - (a) is of sensitive personal data consisting of information as to racial or ethnic origin,

(b) is necessary for the purpose of identifying or keeping under review the existence or absence of equality of opportunity or treatment between persons of different racial or ethnic origins, with a view to enabling such equality to be promoted or maintained, and

(c) is carried out with appropriate safeguards for the rights and freedoms of data subjects.

(2) The Secretary of State may by order specify circumstances in which processing falling within sub-paragraph (1)(a) and (b) is, or is not, to be taken for the purposes of sub-paragraph (1)(c) to be carried out with appropriate safeguards for the rights and freedoms of data subjects.

10. The personal data are processed in circumstances specified in an order made by the Secretary of State for the purposes of this paragraph.



## Appendix 2

### ACCESS TO INFORMATION PANEL

#### Terms of Reference

Denbighshire County Council is committed to compliance with all information legislation, the Human Rights Act and the common law duty of confidentiality. The Council approved the formulation of a corporate Access to Information Panel in April 2012 and the panel member's obligations and powers are set out in the officer Scheme of Delegation contained within the Council's Constitution and adopted by Full Council.

#### Panel members:

##### Full Members:

- Corporate Director: (Chair)
- Head of Legal and Democratic Services & Monitoring Officer (Vice Chair)
- Head of Business Planning and Performance/Senior Information Risk Officer
- 2 x Heads of Service

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##### Advisory Members: .

- Corporate Information Manager
- Deputy Monitoring Officer/Data Protection Officer

The panel is quorate when at least one full member and one legally qualified member (who may be an advisory member) is in attendance.

The Archivist/Records Manager may deputise for the Corporate Information Manager.

#### Role and purpose

The purpose of the Access to Information Panel is to reach decisions on the disclosure or withholding of information following the receipt of a request for information under the Information Legislation, including disclosures under the Data Protection Act. The purpose of the Panel is not to provide an additional layer of bureaucracy, but to ensure consistency of approach in all areas of disclosure across the Council, with the emphasis on open government and transparency, in order to increase public confidence in the Council's decision making but also its obligations to protect personal information. It will also provide Services with the option of a reference to the Panel where they consider an exemption is applicable, against the views of the Corporate Information Team.

The Panel will make decisions on the following:

- Contentious, highly sensitive or very high profile exemption decisions.
- Requests for a review of an initial decision by a requestor.
- References from a Service who specifically wish the matter to be decided by the Panel.

The Panel will not make decisions on the following:

- Straightforward third party redactions of personal information.
- Exemptions which in the view of the Head of Legal and Democratic Services or his deputy, and the Corporate Information Team are clearly applicable to the request and will not require the commitment and attendance of the panel.

#### Terms of membership

It is a condition of the panel membership that all panel members attend training on the Information Legislation in order to understand and apply the exemptions properly.

A full panel member cannot delegate its responsibility to another Officer who is not a panel member.

Where a conflict of interest affects a panel member's decision making, they must advise the panel of this interest and not take part in the decision. They may take their 'hat' off as panel member and make representations from their Service, but they cannot vote on the issue.

Panel members shall keep confidential the personal details of the requestor and any confidential information they are privy to, in their capacity as panel members.

#### Quorum

The Panel shall only be quorate when at least one legally qualified officer is present and at least one other full panel member.

Wherever possible the Panel shall endeavour to reach a unanimous decision. Where this is not achieved, each member shall have one vote. Any matter will be decided by a simple majority of those members voting and present. In the event of an equilibrium the Chair shall have the casting vote.

#### Process and Procedures

A referral to the Access to Information Panel shall be through the Corporate Information Team, who will then make arrangements for the Panel to meet, taking into consideration the statutory time limits in which the Service needs to deal with the request.

Legal Services shall prepare the report for the panel outlining the issues, but the Panel shall be entitled to ask questions and consider factors outside of the report if they consider this relevant. Where recommended, Legal Services shall draft the response to the applicant. If due to shortness of time a written report is not available, legal advice may be given verbally at the Panel, and noted in the minutes.

The department wishing to rely on the exemption shall be invited to attend the panel, but their attendance is not mandatory.

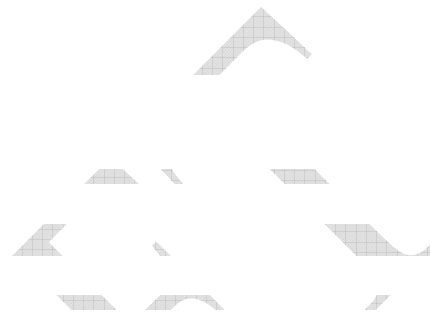
The Access to Information Panel members shall use their best endeavors to attend any urgent meetings where this is necessary and unavoidable; however reasonable notice must be given to Panel members. If appropriate, urgent decisions may be

made electronically, providing the request is not complex or necessitates the personal attendance of the department wishing to rely on the exemption.

### s.36 Decisions

The Head of Legal and Democratic Services is the sole panel member for s.36 decisions, who shall consult and itemize the issue before the panel, and take the panels' views into consideration, prior to a final decision under this section.

Version 3 April 2013



## Appendix 3

Dear Sirs,

### Compliance with the Data Protection Act 1998

Title of Service to be provided: [ \_\_\_\_\_ ]

As you will appreciate the Council needs to ensure it complies with its legal obligations under the Data Protection Act 1998 and in this regard we set out below the terms of the disclosure of personal data to you and our obligations to you under this arrangement. The law does not permit us to allow you to process such data unless we comply, and can demonstrate that we comply with certain requirements. This personal data will include [list the type of data to be disclosed] which we agree to disclose to you on the following terms.

#### 1) Security

You and we will take appropriate technical and organizational measures against unlawful and unauthorized processing of the personal data and against accidental loss, destruction of and damage to the personal data. In particular, you and we are required to:

- 1.1 keep the personal data strictly private and confidential;
- 1.2 minimise disclosure of the personal data to third parties to the fullest extent possible;
- 1.3 allow access to the personal data strictly on a 'need to know' basis and use appropriate access controls to ensure this requirement is satisfied;
- 1.4 ensure that any recipients of the personal data are subject to a binding duty of confidentiality in relation to the data.

#### 2) Personnel

You and we will take all reasonable steps to ensure the reliability of all personnel (whether employees or contractors) that may have access to the personal data and to ensure that they are adequately trained in the good handling of personal data.

#### 3) Instructions

You will only act in accordance with our instructions which are to provide you with the [names and addresses /insert type of data]in order to [specify what they will do with the data]

#### 4) Subcontractors

You and we are not permitted to subcontract any activity relating to this agreement that will involve a third party processing the personal data.

5) Transferring Data outside the EEA

You and we will not transfer the personal data to any territory outside the EEA without our prior written consent.

6) Retention of Personal Data

6.1 You and we will promptly amend or delete any personal data that you process for us for the purposes of this agreement.

6.2 You and we will retain the personal data only for as long as is necessary for the purposes of this agreement.

7) Ending this agreement

Either of us may end this agreement by giving [ ] days written notice to the other. When this arrangement ends you agree to destroy any personal data that we have disclosed for the purposes of this arrangement.

8) Law

This letter and the arrangement made under it will be governed by the law of England and Wales.

9) Third Party Rights

We agree that we enter into this arrangement for the benefit of ourselves and the individuals whose personal data you will process each of which will be entitled to enforce it. Other than that no other person shall be entitled to enforce it.

Please sign the enclosed copy of this letter to indicate your agreement to its terms.

Yours faithfully

.....  
Name

Job Title

For and on behalf of Denbighshire County Council

.....  
Name

Job Title/Authorised signatory

For and on behalf of [Insert supplier]

## Appendix 4

### **Meifod Wood Products Privacy Policy**

#### **1. Introduction and General Terms**

Meifod Wood Products is committed to protecting personal information when using this website. This privacy policy relates to our use of any personal information provided to us through this website. In order to provide you with the full range of services or products, we are sometimes required to collect information about you. This privacy policy explains the following:

- what information Meifod Wood Products may collect about you
- how Meifod Wood Products will use information we collect about you
- when Meifod Wood Products will use your details to contact you
- whether Meifod Wood Products will disclose your details to anyone else
- your choices regarding the personal information you have provided to us
- the use of cookies and how you can reject these cookies

As set out above Meifod Wood Products is committed to safeguarding your personal information. Whenever you provide such information, we are legally obliged to use your information in line with all laws concerning the protection of personal information, including the Data Protection Act 1998 and the Privacy and Electronic Communications Regulations 2003.

#### **2. What information will Meifod Wood Products collect about me or my clients?**

When you register with Meifod Wood Products to receive information or services or goods, we may ask for personal information about you or if you are registering on behalf of clients, about them. This can consist of information such as your name, email address, postal address, telephone or mobile number or date of birth. Different products or services we sell, may require different types of personal information, and in some circumstances, this may involve us holding sensitive personal data such as health and disability data. We will not ask you for information such as this unless this is necessary.

Cookies are used to store login information and order information. If you do not wish to use cookies you should disable them in your web browser. IP addresses are not collected.

### **3. How will Meifod Wood Products use the information collected about you?**

Meifod Wood Products will use the information collected for a number of purposes including the following:

- 'service administration purposes' which means that Meifod Wood Products may contact you for reasons connected with your current or previous orders. Eg product recalls or to advise you that delivery may be delayed.
- 'electronic direct marketing' which means that we may contact you by email from time to time with details of any new products or services which may be relevant to you if you have used our services previously. This is known as 'soft opt in' and the Regulations referred to in part 1 above allow this in these circumstances. If you have not used us before, we will always obtain your consent, before sending direct marketing communications by email.
- 'direct marketing' we may send information to you in the post from time to time. If you do not wish us to do so please advise us.

### **4. When will Meifod Wood Products contact me?**

We may contact you for the following purposes:

- in relation to any after sales service/care we provide.
- to invite you to participate in surveys about our services or goods
- for marketing purposes where you have specifically agreed to this.

### **5. Will Meifod Wood Products share my personal information with anyone else?**

We will keep your personal information confidential except where its disclosure is required or permitted by law (for example to government bodies or law enforcement agencies) and generally we will only use your personal information within Meifod Wood Products and not share this personal information within Denbighshire County Council's other internal departments without consent.

### **6. How long will Meifod Wood Products keep my personal information?**

We will hold your personal information on our system for as long as is necessary for the relevant service or as long as is relevant in any contract between ourselves and you. This time period will usually be in line with Denbighshire County Council's Corporate Retention Policy.

If you wish to have your details removed from our database, we will comply with your request eg to remove you from our electronic marketing database, but may need to keep your details for other purposes, depending on the reason why you provided us with that information. Eg should we need to recall a product you have purchased.

## **7. Can I find out what personal information Meifod Wood Products holds about me?**

Under the Data Protection Act an individual has the right to request a copy of the personal information that Meifod Wood Products holds about them and to have any inaccuracies corrected. The Council charges £10 for such information requests as is permitted under the data protection law and will require you to prove your identity. This is in order to protect your information from disclosure to third parties without your consent. We will use reasonable efforts to supply, correct or delete personal information about you on our files. Please address such requests to our Data Protection/Freedom of Information Officer, Denbighshire County Council, The Old Gaol, 46 Clwyd Street, Ruthin, Denbighshire, LL15 1HP

If you have any comments about this privacy policy please contact the General Manager, Meifod Wood Products, Unit 4,. Colomendy Industrial Estate, Denbigh, Denbighshire, LL16 5TA or telephone 01745 816900 or via email at [meifod.woodproducts@denbighshire.gov.uk](mailto:meifod.woodproducts@denbighshire.gov.uk)

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## Freedom of Information Policy and Procedures

The Freedom of Information Act 2000 ('the FOIA') provides individuals and organisations with the right to request information held by public authorities. The FOI Act gives two related qualified rights – the right to be told whether the information is held and the right to receive the information, subject to exemptions. The right of access applies regardless of the purpose of the application. It is referred to as 'applicant blind' and treats everyone consistently. Requests must be made in writing and the information must be provided to them within 20 working days, unless an exemption applies.

Denbighshire County Council is fully committed to the aims of the Freedom of Information Act and related legislation, and will make every effort to meet its obligations.

### **Purpose / objectives**

This policy outlines Denbighshire County Council's approach to responding to requests for information made under the FOIA. A separate policy exists for Data Protection Act (DPA) requests and requests for environmental information under the Environmental Information Regulations (EIR). Where a request is received under the FOIA and it in fact falls within the EIR or DPA regime, then the Council will automatically channel the request through the appropriate policy, as it is required to do, as different exemptions or exceptions apply in such circumstances and different legal rights apply.

### **Policy objectives**

- To provide a framework that fully endorses and adheres to the principles of Freedom of Information.
- To ensure consistency of approach in applying FOI principles, making FOI decisions and enforcing FOI exemptions.
- To ensure that the council meets the standards set out in the Lord Chancellor's Code of Practice under section 45 of FOIA, which provides guidance on the practice to be followed in handling requests for information.

- To act as a user's guide.
- The Council recognizes that although it is not legally binding, failure to comply with the Code of Practice may lead to failure to comply with the FOIA.
- To ensure consistency in publishing information via the Council's publication scheme and the Council's responses to FOI enquiries.
- To work towards the longer term vision of harnessing technology and publishing all information unless there is a lawful reason not to do so.

## **Aims**

This policy aims to ensure access to information held by the Council in order to promote greater openness, provide increased transparency of decision making and to build public trust and confidence. Access to information about decisions we take can help local people to influence local service provision. These aims will be balanced against the need to ensure the confidentiality of certain information, where disclosure would not be in the public interest. Many exemptions are subject to a 'public interest test' which can be a complex legal test to apply and requires a weighing up of the many factors in favour of disclosure, against those factors in favour of withholding. It is not simply a 'public curiosity' interest, it is often much more than this.

## **Key commitment to access to information**

Denbighshire County Council is committed to openness about the way in which it operates and makes decisions and will favour disclosure of information where possible. Where the application of the public interest test is required, if the public interest weighs greater in disclosure than in withholding, then the information should be released, and vice versa, it is a balancing exercise. This policy sets out the general principles that will be adopted by the Council in response to requests for information under the FOI Act.

## **Scope**

This policy applies to all recorded information held by Denbighshire County Council. Recorded can be on email, paper copy, video or photographic, closed session reports (ie part 2 papers), files or any form of 'recorded' information; held at the time the request is received. It is a criminal offence to destroy recorded information when the purpose of that destruction was to avoid disclosure following a request. The information is not the Officers or Members, it is the Council's. This policy applies to all employees and councillors, where the information held belongs to the Council.

The policy covers all requests for information except requests from individuals for their own personal data and normal 'business as usual' requests. A 'business as usual'

request is a request for information or services that a service area would expect to receive in its normal day to day operation. Any request that indicates it is a FOIA request cannot be treated as 'business as usual'. For example a request by a member of the public to view a public register will on the face of it be treated as 'business as usual' or a request for tourist information at a tourist centre will be business as usual, not a FOIA request.

We will make information available proactively through our website and publication scheme. The publication scheme includes a guide to information, which shows the types of information that we make available.

We will provide access to environmental information through the Environmental Information Regulations 2004 ('EIR'). Requests under the EIR will be dealt with in accordance with Denbighshire County Council's Environmental Information Regulations Policy. The law in this area emanates from a EU Directive, which states that Councils must over time, increasingly disseminate environmental information. The only method of realistically achieving this aim is to harness the use of technology to ensure public information is readily available which should reduce, in time the amount of requests a public authority deals with.

## **Validity**

To be valid under the FOI Act, requests:

- Must be in writing;
- Must clearly describe the information being sought;
- Can be made by an individual or an organisation;
- Can be made by letter, fax or email;
- Must be legible and
- Must contain the name of the applicant and a return address.

To be valid under the FOI Act requests do not:

- Have to be written in a special form;
- Need to mention the FOI Act; or
- Need to refer to "Freedom of Information".

## **Advice and assistance**

The Council has a duty to provide advice and assistance to applicants under Section 16 of the FOIA so far as it would be reasonable to expect the Authority to do so. The Council is committed to compliance with its public sector equality duties and in this

regard anyone who requires help or assistance eg by reason of disability or language barriers will be assisted by the FOI team to make their request under FOIA. The Council will offer advice and assistance to any person or organisation that wishes to make a request for information. The Council is committed to dealing with requests within the statutory guidelines, no more than 20 working days and more speedily if possible.

Any queries regarding this policy or access to information within the Council should be directed to:

Corporate Information Unit

46 Clwyd Street

Ruthin

Denbighshire

LL15 1HP

Email: [information@denbighshire.gov.uk](mailto:information@denbighshire.gov.uk)

Tel: 01824 707023

## **Roles and responsibilities**

### **Heads of Service**

- Responsible for ensuring operational compliance with this policy within their own service and their own Scheme of Delegation.
- Appoint Information Management Officers to be responsible for FOI requests.
- Ensure that officers with responsibilities for FOI requests are supported in their work in terms of commitment and resources.
- Ensure all staff comply with the agreed policy and procedures for FOI.
- Recognise FOI issues in service planning and resource allocation.

### **Corporate Information Unit**

- Provide advice and guidance on the FOI/EIR policy and procedures.
- Provide training in FOI/EIR issues.
- Log all the details of the request for information.
- Ensure that the electronic request for information system is kept fully up to date
- Coordinate requests for information in conjunction with coordinators (Information Management Officers)

- Consider whether the request for information is vexatious, repeated (i.e. the requester has asked for the same or similar information within the last 120 days) or likely to be expensive.
- Consider draft responses prepared and ensure that the information is being provided (subject to any exemptions under the FOI Act).
- Follow the procedure for handling sensitive FOI requests including any referral to the Access to Information Panel.
- In the event of an internal review, gather information about the handling of the original request and set up a review panel (the Access to Information Panel) to consider the complaint.
- Develop and maintain the corporate FOI policy and procedures.
- Publish an FOI Frequently Asked Questions Page on the Council's Website.
- Monitor and review the effectiveness of the policy and procedures.
- Identify and communicate any FOI issues to the Access to Information Panel.
- Maintain the Council's Publication Scheme.
- Report on compliance annually to the Council's Corporate Governance Committee in conjunction with the Senior Information Risk Officer and the Data Protection Officer.

## **Information Management Officers.**

- Ensure that requests for information are handled effectively in their Service, by coordinating requests.
- Ensure that he/she is the correct officer to progress the request; if not refer the request to the Corporate Information Unit as quickly as possible.
- Provide copies of the original request (if received through the Service) and the response to the Corporate Information Unit.
- Promote the policy and procedures within their service, reporting any difficulties to the Access to Information Panel.
- Ensure that the electronic request for information system is kept fully up to date.
- Consider whether the request for information is vexatious, repeated (i.e. the requester has asked for the same or similar information within the last 120 days) or likely to be expensive (over 18 hours of collation and retrieval). If the FOI coordinator considers the request to be any of these, they must immediately notify the Corporate Information Unit. A request which will require 18 hours or more collation and retrieval may need to be refused and the Corporate Information Unit will consider and progress this issue if necessary through the Access to Information Panel.

Information Management Officers will receive additional training and will be

responsible for providing guidance to staff throughout their Service on access to information in line with this Policy.

## The Head of Legal and Democratic Services

- Provide legal advice (when requested) on the legality of proposed responses.
- Be responsible for decision making in relation to any refusal of requests for information in line with the Access to Information Panel and its Terms of Reference. (The Panel's Terms of Reference are attached as Appendix A)
- Provide legal advice on the wording of refusal notices.
- In the event of an internal review, as a member of the Access to Information Panel, investigate the merits of the complaint and assist in providing an appropriate response to the complainant.
- The Head of Legal and Democratic Services is authorized to act as the "qualified person" under Section 36 of the FOI Act but will consult with the Access to Information Panel on the decision.

## All council employees

- Be aware of the FOI Act and what it means;
- To identify any request that falls under the FOI Act;
- Follow this policy and its procedures for handling FOI requests,
- Deal with all requests promptly and within 20 working days of receipt.
- Ensure that all requests are logged with their Information Management Officer or the Corporate Information Unit.
- Provide advice and assistance to persons making requests for information.
- Staff that deal with mainly environmental information (such as those employed in waste or planning units) should be aware that a request for environmental information can be made verbally, not in writing as in FOIA.
- **Be aware that once a request for information has been made, the information achieves a special status. It will then become a criminal offence to alter, deface, block, erase, destroy or conceal the information with the intention of preventing disclosure. The Council or the individual is liable to a fine not exceeding £5,000**

## FOI Act and Environmental Information Regulations (EIR)

The Council recognizes that there are many similarities between the two regimes and that requests for "environmental Information" must be answered in accordance with the EIR rather than the FOI Act.

It is possible that in some cases both regimes will be relevant. The Council will, when responding to such requests for information, endeavor to clearly identify which parts of the information fall under which regime.

## **Publication scheme**

The Council has adopted a Publication Scheme and is committed to updating and maintaining it to keep it current and relevant. The Publication Scheme contains documents, policies, plans and guidance used by the Council. The material contained within the Scheme is available on the Internet. Where charges are applied these will be stated in the Scheme.

## **Charging**

The Council is entitled to refuse to answer a request on the grounds of cost if it would amount to more than £450 to do so. This is equivalent to about two and half days of work (or 18 hours at the rate of £25 per hour of each officer's search time as prescribed in the Regulations).

When calculating whether answering a request would exceed this threshold, the Council will take account of the costs involved in the following activities:-

- Determining whether it holds the information,
- Locating and retrieving the information, or a document which may contain the information;
- Extracting the information from document(s) containing it (including editing).

In applying fees and charges the Council can take account of neither the costs of considering whether information is exempt under the Act nor possible expenses incurred in the issuing of Fee Notices.

If a request is estimated to cost less than the prescribed £450 limit, and there is no other basis on which it may be refused or otherwise dealt with, the Council will answer the request. The maximum fee that can be charged in these cases is limited to the specified costs of postage, printing and photocopying, referred to as 'disbursement costs', i.e. the costs of informing the applicant whether the Council holds the information, reproducing any document containing the information; and communicating the information to the applicant.

The Council, at its own discretion, will determine to waive all costs under £10 in respect of a single request made under the Freedom of Information Act 2000; however, above this sum full disbursement costs will be charged. This decision may be reviewed periodically.

If the Council chooses to answer a request that will cost more than the £450 threshold, the applicant will be contacted and advised what information will be available below that limit, i.e. it will be discussed with the applicant whether he/she would prefer to modify the request to reduce the cost in terms of officer's time.

If an applicant still wishes to proceed with the original request the maximum fee that may be charged is equivalent to the total estimated costs of:-

- Determining whether the Council holds the information, locating and retrieving the information, and extracting the information from a document containing it (prescribed cost of officers' time); and
- Informing the applicant whether the Council holds the data and communicating the information to the person making the request (disbursement costs).

If the applicant does not agree with the proposed fee, they can appeal through the Council's complaints procedure in the first instance.

Consecutive or Campaign Requests:-

1. These are where two or more requests for information are made to the Council by one person or by different persons who appear to be acting in concert or in pursuance of a campaign.
2. The rule is that the estimated cost of complying with these requests is deemed to be the total cost of complying with them all, i.e. where the cumulative cost becomes £450 or over, the Council could refuse to answer the particular request or charge for officers' time involved in servicing all of the requests. However, for this rule to apply the requests would need to relate to the same or similar information and be received within any period of 60 consecutive working days.



## **Transferring requests for information to another public authority**

If the Council receives a request for information that it does not hold, but knows is held by another public authority, it will provide as much assistance as possible to the applicant in transferring their request to the authority, which holds the information. This may be by simply directing them to the appropriate public authority.

If the Council holds any of the information that has been requested it will treat that part of the request as an FOI Act request and process it accordingly. At the earliest opportunity the Council will inform the applicant of the information it does not hold and provide reasonable assistance to enable them to locate it elsewhere.

If the applicant indicates to the Council that they do not object to the transfer of the request to the other public authority, the Council may transfer the request to the other authority direct. However the Council will notify the applicant if this is to be done.

All transfer of requests and contact with those who have requested information that is held by another public authority will be undertaken as soon as possible so that there is no undue delay. The time period for compliance with the request in respect of the part of information not held by Denbighshire County Council does not start until the public authority that does hold it receives that request.

## **Consultation with third parties**

The Council recognises that disclosure of information may affect the legal rights of a third party and this policy is written in accordance with the terms of the Data Protection Act 1998 and the Human Rights Act 1998. The Council further recognises that unless an exemption is provided for in the FOI Act there will be a requirement to disclose that information in response to a request.

If the consent of a third party is required prior to disclosure of information, the Council will, at the earliest opportunity, seek to consult with that third party with a view to seeking their consent to disclosure, unless such a consultation is not practical. The consultation may assist the Council in determining whether an exemption under the FOI Act applies to the information requested, or the views of the third party may assist the Council in determining where the public interest lies under section 2 of the FOI Act. A third party's refusal to consent to disclosure of information does not necessarily mean that information will not be disclosed. If the cost of consultation with the third party is disproportionate, consultation may not be undertaken. The Council will not undertake consultation if it does

not intend to disclose the information because of another exemption, or where the views of the third party would have no effect on the decision of the Council because no exemption applies.

## **Information provided in confidence**

Information provided in confidence by a third party is exempt information under section 41 of FOI Act if the disclosure of that information to the public would be an actionable breach of confidence by the person providing the information or any other person. The Council will only accept information from third parties on a confidential basis if that information would not otherwise be provided to the Council to assist the delivery of the Council's functions. The Council will not agree to hold information in confidence if it is not actually confidential in nature. If a person or organisation seeks to provide information in confidence they will be told if it cannot be treated confidentially.

## **Contracts**

The Council will not include contractual terms, such as confidentiality clauses, which purport to restrict the disclosure of information held by the Council in relation to the contract beyond the exemptions in the FOI Act. Unless an exemption under the Act applies in relation to any particular part of the contract, the Council will be obliged to disclose that information in response to a request regardless of the terms of any contract. Trade secrets might be classed as exempt information, so may information, which would prejudice the commercial interests of any person, including the Council. This exemption is subject to the public interest test i.e. whether the public interest in maintaining the exemption outweighs the public interest in disclosing it.

The Council will seek during the tendering process to discuss and agree with the contractor a schedule of information, which the contractor wishes not to be disclosed. However even if such a schedule is included, the restrictions on disclosure may subsequently be overridden by obligations under the FOI Act. Further, the public interest in releasing information may after passage of time, be in favour of disclosure.

If a nonpublic organisation contracts with the Council to provide a service that is a function of the Council then that organisation will be deemed to be part of the Council for the purposes of the FOI Act and, in relation to that service, will be subject to the terms of

the FOI Act. The Council will take into consideration the OGC/GPS Policy and Guidance on disclosure of procurement and post tender award information.

## **Refusal of request**

The Council recognises that there will always be some information which it must not disclose or which it is not in the public interest to disclose. In these cases the Council will ensure that applicants are given clear and accurate reasons for the refusal of their requests and assistance in finding relevant, alternative information. Applicants have the right to have the decision reviewed. Applicants will be informed of this right and may seek such a review if dissatisfied with the Council's response.

If the Council relies on an exemption to refuse a request for information the applicant will be notified of the appropriate exemption and why it applies. Appendix B sets out the main exemptions likely to apply to information held by the Council. If the reasoning behind the exemption, or the exemption itself, would result in the disclosure of information which would itself be exempt, then the Council may not provide that reason.

If the Council decides that the public interest in maintaining the exemption outweighs the public interests in disclosure, then this will be stated in the refusal letter together with the public interest factors, which have been considered, and which form a material part of the decision.

If a document contains exempt information, the Council will not refuse access to the whole document unless it is absolutely necessary to do so in order to ensure that exempt information is not disclosed. Where part of a document is exempt, normally only that part of the document containing the exempt information will be withheld.

The Council maintains a central record for monitoring purposes of all FOI Act requests and will proactively audit decisions to ensure that where information requests are refused, refusals are justified and reasonable.

## **Vexatious/repeated requests**

### **Repeat requests**

This is where a repeated request is received that is identical or substantially similar to a previous request from the same person, The Council will consider this as a repeated request. The Council is not obliged to comply with repeat requests for information, under the FOI Act unless a reasonable interval has elapsed between compliance with the previous request and the making of the current request. In reaching a decision about whether an application for access should be categorised, as a repeat request the Council will have regard to:

- The time that has elapsed since the previous request;
- Whether the request is identical or substantially similar to the previous request;
- Whether any relevant, new information has been generated since the previous request.
- A 'reasonable interval' will be deemed to be 120 working days.

Where a request is refused because it is considered repeated, the Council will issue a written notice within 20 working days of the request. The Council will send out a standard letter stating that the request has been declined on the grounds that it is repeated. The applicant will receive information about the Council's Internal Review Process. Details of the rights of appeal to the Information Commissioner will also be enclosed.

Where a notice has previously been issued to the applicant that the request is repeated, the Council will not issue a further notice.

## **Vexatious requests**

The Council is not obliged to comply with vexatious requests under the FOI Act.

The Council will apply the term 'vexatious' fairly and consistently. In determining whether a request should be refused because it is vexatious the Council will consider all the circumstances of the request, including:

- The context and history of requests submitted by an applicant;
- Repeat requests submitted by an applicant (see, 'Repeat Requests');
- Whether the request is likely to cause unjustified distress, disruption or irritation.
- Whether the request could fairly be seen as obsessive?
- Whether complying with the request imposes a significant burden?
- Whether an applicant is habitually and persistently submitting requests where there appears to be no reasonable grounds for them to do so
- Whether there is a strong likelihood that such requests are being made to intentionally cause harassment, cause distress to staff, divert resources or to disrupt the proper workings of the Council.

The Council is aware that the term 'vexatious' should be applied to the activities of the applicant and not to their nature or attitude. The Council will assess whether a request is vexatious based on the type of information requested and not on the identity of the applicant.

Where a request is refused on the grounds that it is deemed to be vexatious, a written notice from the Council will be issued within 20 working days of receipt of the request.

The Council will send out a standard letter stating that the request has been declined on the grounds that it is vexatious. The applicant will be notified of the internal procedures for dealing with a complaint. Details of the rights of appeal to the Information Commissioner will also be enclosed.

Where a notice has previously been issued to inform the applicant that the request has been classified as vexatious, the Council will neither acknowledge nor answer subsequent requests that are made on the same or similar subject.

Where a request is received and there is a chance it is merely vague rather than vexatious due to a lack of knowledge on the part of the applicant, the Council will clarify with the applicant what is actually required. This may be done by telephone or by providing a written request for clarification.

Where a request is suspected of being vexatious, the Access to Information Panel will meet to form a decision on whether the threshold for this exemption has been met, before any further action is taken.

## **Complaints**

The Council has an internal Access to Information Panel for dealing with complaints made in relation to the handling of requests for information under the FOI Act, including any review of the initial decision to refuse disclosure. Any person who is unhappy with the way in which the Council has handled their request for information may use this procedure. The Information Commissioner is unlikely to investigate any complaint about the Council's handling of an information request unless the complaints procedure has been exhausted.

A complaint may be made about the Council's failure to release information in accordance with its Publication Scheme, about requests that have not been properly handled, or where there is dissatisfaction with the outcome of a request. If, following a complaint, the decision is made to release information; the information will be made available at the earliest opportunity following notification of intended disclosure.

Complaints about the way in which information requests are handled should be directed to the Corporate Information Unit at:

Access to Information Feedback  
Corporate Information Unit, Denbighshire County Council  
46 Clwyd Street , Ruthin, Denbighshire. LL15 1HP

Email: [information@denbighshire.gov.uk](mailto:information@denbighshire.gov.uk)

If the decision to refuse disclosure is upheld or the internal Review procedure is exhausted and the applicant is still dissatisfied, they will be made aware of their right to apply for a review to the Information Commissioner at:

The Information Commissioner  
Wycliffe House  
Water Lane  
Wilmslow  
Cheshire  
SK9 5AF  
Tel No: 01625 545700

## **Monitoring and review**

Compliance with this policy and related procedures will be monitored by the FOI Team, working with the Information Management Officers from each service and by the Access to Information Panel. Reports on the panel and the Councils activities under FOIA are reported annually to the Council's Corporate Governance Committee.

Any deliberate breach of the FOI Act will be seen as misconduct and may result in disciplinary action

This policy will be reviewed no later than November 2015.

## ACCESS TO INFORMATION PANEL

### Terms of Reference

Denbighshire County Council is committed to compliance with all information legislation, the Human Rights Act and the common law duty of confidentiality. The Council approved the formulation of a corporate Access to Information Panel in April 2012 and the panel member's obligations and powers are set out in the officer Scheme of Delegation contained within the Council's Constitution and adopted by Full Council.

#### Panel members:

##### Full Members:

- Corporate Director: Economic and Community Ambition (Chair)
- Head of Legal and Democratic Services & Monitoring Officer (Vice Chair)
- Head of Business Planning and Performance/Senior Information Risk Officer
- 2 x Heads of Service

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##### Advisory Members:

- Corporate Information Manager
- Deputy Monitoring Officer/Data Protection Officer

The panel is quorate when at least one full member and one legally qualified member (who may be an advisory member) is in attendance.

The Archivist/Records Manager may deputise for the Corporate Information Manager.

#### Role and purpose

The purpose of the Access to Information Panel is to reach decisions on the disclosure or withholding of information following the receipt of a request for information under the Information Legislation, including disclosures under the Data Protection Act. The purpose of the Panel is not to provide an additional layer of bureaucracy, but to ensure consistency of approach in all areas of disclosure across the Council, with the emphasis on open government and transparency, in order to increase public confidence in the Council's decision making but also its obligations to protect personal information. It will also provide Services with the option of a reference to the Panel where they consider an exemption is applicable, against the views of the Corporate Information Team.

The Panel will make decisions on the following:

- Contentious, highly sensitive or very high profile exemption decisions.

- Requests for a review of an initial decision by a requestor.
- References from a Service who specifically wish the matter to be decided by the Panel.

The Panel will not make decisions on the following:

- Straightforward third party redactions of personal information.
- Exemptions which in the view of the Head of Legal and Democratic Services or his deputy, and the Corporate Information Team are clearly applicable to the request and will not require the commitment and attendance of the panel.

### Terms of membership

It is a condition of the panel membership that all panel members attend training on the Information Legislation in order to understand and apply the exemptions properly.

A full panel member cannot delegate its responsibility to another Officer who is not a panel member.

Where a conflict of interest affects a panel member's decision making, they must advise the panel of this interest and not take part in the decision. They may take their 'hat' off as panel member and make representations from their Service, but they cannot vote on the issue.

Panel members shall keep confidential the personal details of the requestor and any confidential information they are privy to, in their capacity as panel members.

### Quorum

The Panel shall only be quorate when at least one legally qualified officer is present and at least one other full panel member.

Wherever possible the Panel shall endeavour to reach a unanimous decision. Where this is not achieved, each member shall have one vote. Any matter will be decided by a simple majority of those members voting and present. In the event of an equilibrium the Chair shall have the casting vote.

### Process and Procedures

A referral to the Access to Information Panel shall be through the Corporate Information Team, who will then make arrangements for the Panel to meet, taking into consideration the statutory time limits in which the Service needs to deal with the request.

Legal Services shall prepare the report for the panel outlining the issues, but the Panel shall be entitled to ask questions and consider factors outside of the report if they consider this relevant. Where recommended, Legal Services shall draft the response to the applicant. If due to shortness of time a written report is not available, legal advice may be given verbally at the Panel, and noted in the minutes.

The department wishing to rely on the exemption shall be invited to attend the panel, but their attendance is not mandatory.



The Access to Information Panel members shall use their best endeavors to attend any urgent meetings where this is necessary and unavoidable; however reasonable notice must be given to Panel members. If appropriate, urgent decisions may be made electronically, providing the request is not complex or necessitates the personal attendance of the department wishing to rely on the exemption.

s.36 Decisions

The Head of Legal and Democratic Services is the sole panel member for s.36 decisions, who shall consult and itemize the issue before the panel, and take the panels' views into consideration, prior to a final decision under this section.

Version 3 April 2013

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## **Appendix B Exemptions from Disclosure**

### **Exemptions where the public interest test applies (Qualified Exemptions)**

- Information intended for future publication
- National Security
- Defence
- International relations
- Relations within the UK
- The Economy
- Investigations and proceedings conducted by public authority
- Law Enforcement
- Audit functions
- Formulation of government policy
- Prejudice to effective conduct of public affairs
- Communications with Her Majesty
- Health and Safety
- Environmental Information (accessed via the Environmental Information Regulations)
- Legal Professional Privilege
- Commercial Interests.

### **Exemptions where the public interest test does not apply (Absolute Exemptions)**

- Information accessible to the applicant by other means
- Court records
- Parliamentary privilege
- Prejudice to effective conduct of public affairs
- Personal information
- Information provided in confidence
- Prohibitions on disclosure where a disclosure is prohibited by an enactment or would constitute contempt of court.
- Information supplied by or relating to bodies dealing with security matters.

<b>Adroddiad i'r:</b>	<b>Cyngor Sir</b>
<b>Dyddiad y Cyfarfod:</b>	<b>7 Mai 2013</b>
<b>Aelod sy'n cyflwyno:</b>	<b>Cynghorydd Colin Hughes</b>
<b>Awdur yr Adroddiad:</b>	<b>Grŵp Cadeiryddion ac Is-Gadeiryddion Archwilio/ Cydlynnydd Archwilio a'r Swyddog Gwasanaethau Democrataidd</b>
<b>Teitl:</b>	<b>Adroddiad Blynyddol Pwyllgorau Archwilio'r Cyngor</b>

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## **1. Am beth mae'r adroddiad yn sôn?**

Adroddiad Blynyddol y Pwyllgorau Archwilio i'r Cyngor ar gyfer 2012/13.

## **2. Beth yw'r rheswm dros lunio'r adroddiad hwn?**

- 2.1 I gyflwyno adroddiad blynyddol am weithgareddau'r Pwyllgorau Archwilio yn 2012/13 i'r Cyngor.
- 2.2 I gydymffurfio ag Erthygl 6.3.7 o Gyfansoddiad y Cyngor sy'n amodi bod yn rhaid i'r pwyllgorau archwilio adrodd yn flynyddol i'r Cyngor llawn am eu gwaith a gwneud argymhellion ar gyfer rhaglenni gwaith i'r dyfodol a dulliau gweithio diwygiedig os yw'n berthnasol.

## **3. Beth yw'r Argymhellion?**

Bod y Cyngor yn ystyried Adroddiad Blynyddol y Pwyllgorau Archwilio ar gyfer 2012/13 ac yn rhoi sylwadau yn unol â hynny.

## **4. Manylion am yr Adroddiad**

- 4.1 Mae Cyfansoddiad Cyngor Sir Ddinbych yn amodi y bydd pwyllgorau archwilio'r Awdurdod yn adrodd yn flynyddol am eu gweithgareddau yn ystod y flwyddyn i'r Cyngor Sir.
- 4.2 Roedd y Grŵp Cadeiryddion ac Is-Gadeiryddion Archwilio (SCVCG) am gael yr Adroddiad Blynyddol eleni mewn fformat byrrach na'r blynyddoedd blaenorol, fel y gall y trigolion, yr aelodau a'r swyddogion gael trosolwg byr o sut y mae'r swyddogaeth archwilio yn gweithredu, y gwaith a wnaed gan bwyllgorau archwilio, a sut y gall trigolion gyfranogi at y broses archwilio. Mae crynodeb o'r argymhellion a wnaed gan bob un o'r tri phwyllgor archwilio, ac enghraifft o astudiaeth achos i ddangos sut y mae rhai materion wedi'u harchwilio, wedi'u cynnwys yn yr adroddiad hwn.
- 4.3 Yn y blynyddoedd diweddar, mae'r Adroddiad Blynyddol wedi cynnwys ffurflen sy'n galluogi'r cyhoedd gynnig meysydd neu wasanaethau i'w hystyried gan archwilio. Y rheswm dros gynnwys y ffurflen hon oedd ennyn diddordeb gan y cyhoedd a gwella eu cyswllt gydag archwilio, agwedd y mae'r mwyafrif o

awdurdodau lleol yn parhau i gael trafferth ag ef. Yn ystod y flwyddyn ddiwethaf mae llond llaw o drigolion wedi cysylltu ag archwilio i gynnig eitemau oedd yn eu barn nhw yn haeddu eu harchwilio. Gan y bydd cyswllt â'r cyhoedd yn ffurfio rhan bwysig o archwilio yn y dyfodol, yn unol â darpariaeth Mesur Llywodraeth Leol (Cymru) 2011, mae'r ffurflen hon wedi'i chynnwys yn yr Adroddiad Blynyddol unwaith eto eleni fel dull y gall y cyhoedd ei ddefnyddio i gysylltu ag archwilio. Mae manylion sut y gall y trigolion godi materion a/neu gymryd rhan yn y broses archwilio wedi'u cynnwys yn y prif adroddiad.

#### Hunanwerthuso

- 4.4 Yn y blynyddoedd diwethaf roedd yr SCVCG yn cynnal ymarfer hunanwerthuso er mwyn mesur effeithiolrwydd swyddogaeth archwilio'r Cyngor. Diben yr ymarfer hwn oedd canfod manau gwan a llunio mesurau i geisio eu datrys. Ond gan fod Sir Ddinbych, fel yr holl awdurdodau lleol eraill yng Nghymru eleni, yn cymryd rhan yn yr Astudiaeth Gwella Craffu a hwyluswyd gan Swyddfa Archwilio Cymru (WAO) penderfynwyd na fyddai cynnal hunanwerthusiad arall er diben yr Adroddiad Blynyddol yn ddefnydd da o adnoddau.

#### Astudiaeth Gwella Craffu Swyddfa Archwilio Cymru

- 4.5 Dechreuodd Astudiaeth Gwella Craffu'r WAO – 'Craffu Da? Cwestiwn Da!' - yn niwedd haf 2012. Yn ystod tymor yr hydref 2012 roedd yn rhaid i'r 22 awdurdod lleol yng Nghymru gwblhau ymarfer hunanwerthuso ac asesu eu hunain yn erbyn 27 cwestiwn. Roedd y cwestiynau hyn wedi'u rhannu'n dri chategori gwahanol yn delio â'r amgylchedd y mae craffu/archwilio yn gweithredu ynddo, arferion craffu/archwilio ac effaith craffu/archwilio yn fewnol yn y Cyngor ac yn allanol. Roedd yn rhaid dyfarnu pob cwestiwn gan nodi a oedd trefniadau craffu/archwilio'r Cyngor yn 'rhwystro', yn darparu 'cefnogaeth rhannol', 'cefnogaeth bositif neu 'gefnogaeth sylweddol' i graffu/archwilio effeithiol. Cadarnhaodd ein hunanwerthusiad ni bod trefniadau craffu/archwilio'r Cyngor yn gyffredinol yn darparu 'cefnogaeth bositif' i graffu/archwilio effeithiol. Roedd rhai cwestiynau yn cael eu dyfarnu fel 'darparu cefnogaeth sylweddol i graffu/archwilio effeithiol' a rhai yn 'darparu cefnogaeth rhannol i graffu/archwilio effeithiol'. Nid oedd unrhyw un yn 'rhwystro'. Roedd y rhan fwyaf o'r cwestiynau derbyn dyfarniad o ddarparu 'cefnogaeth bositif'. Dyma hefyd oedd y dyfarniad ar y tri chategori unigol.
- 4.6 Mae Astudiaeth y WAO wedi'i rhannu'n chwe cham. Yng Ngham 4 o'r Astudiaeth, roedd Tîm Cyfnewid Dysgu gan Gymheiriaid (PLET), wedi'i ffurfio gan aelodau a swyddogion etholedig o awdurdod lleol arall, yn arsyllu dau gyfarfod craffu/archwilio a chyfarfod cadeiryddion ac is-gadeiryddion craffu/archwilio cyn cwblhau holiadur asesu'r un peth ar weithrediad craffu/archwilio'r awdurdod. Roedd gan bob PLET fynediad at hunanwerthusiad yr awdurdod yr oeddent ei werthuso. Gwnaed asesiad cymheiriaid Sir Ddinbych gan Gyngor Sir y Fflint. Roedd tîm PLET o Sir Ddinbych yn gwneud asesiad cymheiriaid ar swyddogaeth craffu/archwilio Cyngor Bwrdeistref Sirol Wrecsam.
- 4.7 Rydym bellach yng Ngham 5 yr Astudiaeth. Rhoddwyd adborth i'r awdurdodau am ganfyddiadau cychwynnol asesiadau timau PLET Gogledd

Cymru mewn gweithdy ar 29 Ebrill. Mae'n deg dweud bod asesiad Sir y Fflint o'n trefniadau craffu/archwilio fel y nodwyd yn y gweithdy yn adlewyrchu ein dyfarniad cyffredinol ni, bod ein trefniadau yn darparu 'cefnogaeth bositif' i graffu/archwilio effeithiol. Er bod eu dyfarniadau ar rai o'r cwestiynau yn wahanol i'n rhai ni, roeddent hefyd yn cadarnhau bod rhai o'n trefniadau'n darparu 'cefnogaeth sylweddol' i graffu/archwilio effeithiol ac nid oedd unrhyw drefniant yn 'rhwystro' gwaith craffu/archwilio. I gwblhau Cam 5 yr Astudiaeth gofynwyd i PLET Sir Ddinbych gwblhau hunanasesiad arall ac wrth wneud hynny bydd y Tîm yn ystyried ei hunanasesiad cyntaf ac asesiad cyfoedion Sir y Fflint. Yn ogystal â hyn, bydd yn rhaid llunio cynllun gweithredu yn nodi sut yr ydym am fynd i'r afael â'r meysydd y gallai elwa o gael eu cryfhau. Bydd y Cynllun Gweithredu'n cael ei gyflwyno i'r SCVCG i'w ystyried a'i gymeradwyo cyn ei weithredu.

- 4.8 Bydd Astudiaeth y WAO yn dod i ben drwy gyhoeddi adroddiad cryno cenedlaethol yn hydref 2013. Bydd yn amlygu'r ardaloedd o arferion da ledled Cymru a bydd awdurdodau lleol yn gallu ei ddefnyddio fel dogfen gyfeiriol yn y dyfodol.

#### Mesur Llywodraeth Leol (Cymru) 2011

- 4.9 Mae Rhan 6 Mesur Llywodraeth Leol (Cymru) 2011 yn cyflwyno nifer o bwerau a dyletswyddau ar bwylgorau archwilio awdurdodau lleol. Y prif ddyletswyddau a phwerau sy'n effeithio archwilio yw:

- **dyletswydd** i ymgynghori â'r dinasyddion ac ystyried eu barn am faterion polisi mawr;
- **dyletswydd** i gyhoeddi rhaglenni gwaith i'r dyfodol pwyllgorau archwilio'r Cyngor; a
- **dyletswydd** i Weithredwyr y Cyngor i ymateb i'r adroddiadau a'r argymhellion a wnaed gan y pwyllgorau archwilio
- **dyletswydd** i archwilio mudiadau eraill sy'n darparu gwasanaeth cyhoeddus i drigolion yr ardal.
- **pŵer** i sefydlu pwyllgorau craffu/archwilio ar y cyd gydag awdurdodau lleol eraill;
- **pŵer** i gyfethol rhai nad ydynt yn aelodau o'r Cyngor fel aelodau o bwylgorau craffu/archwilio awdurdodau lleol.

Bydd Cyngorwyr yn ystyried adroddiad ar Fesur Llywodraeth Leol (Cymru) 2011, a'r cynnydd gyda'i weithrediad hyd yn hyn, yn gynharach ar raglen y cyfarfod presennol. Er bod rheoliadau a chanllawiau drafft ar gael mewn perthynas â sefydlu trefniadau craffu/archwilio ar y cyd, nid yw'r rheoliadau a chanllawiau drafft mewn perthynas â pha fudiadau allanol sy'n darparu gwasanaethau i drigolion lleol y gall y Cyngor gymell i ymgysylltu â chraffu/archwilio wedi'u darparu eto (cyfeirir at y mudiadau hyn fel 'pobl benodedig' yn y Mesur). Nes y bydd Rheoliadau o'r fath wedi'u cymeradwyo a bod dogfennau Canllawiau terfynol ar gael ni fydd archwilio yn gallu defnyddio unrhyw un o'r dyletswyddau na'r pwerau a roed iddynt.

## 5. **Sut mae'r penderfyniad yn cyfrannu at y Blaenoriaethau Corfforaethol?**

Bydd archwilio effeithiol yn gymorth i'r Cyngor ddarparu y blaenoriaethau corfforaethol yn unol ag anghenion cymunedau a dymuniadau trigolion.

**6. Beth fydd yn ei gostio a sut bydd yn effeithio ar wasanaethau eraill?**

6.1 Mae cyhoeddi yr Adroddiad Blynyddol yn ffurfio rhan o ddarparieth adroddiadau pwyllgor rheolaidd sy'n cael eu hanfon i'r cynghorwyr sir a derbynwyr eraill, felly nid oes unrhyw gostau ychwanegol wrth ei gyhoeddi. Bydd yr Adroddiad Blynyddol yn cael ei ddsbarthu i fannau'r Cyngor megis llyfrgelloedd, Siopau Un Alwad, canolfannau hamdden a chynghorau tref a chymuned, gyda fersiwn electronig yn cael ei hanfon i holl gynghorau ysgol y Sir. Bydd ar gael ar fewnwyd a gwefan y Cyngor hefyd.

6.2 Bydd unrhyw gostau a geir mewn perthynas â'r pwerau newydd a roed i bwyllgorau archwilio gan Fesur Llywodraeth Leol (Cymru) 2011 yn cael ei ariannu o gyllideb bresennol y Cyngor ar gyfer costau democrataidd. Bydd unrhyw gostau a gyfyd o gynnal pwyllgorau craffu/archwilio ar y cyd gydag awdurdodau lleol eraill yn cael eu trafod gyda'r awdurdod lleol perthnasol a'u cynnwys yn y cyllidebau presennol.

**7. Beth yw prif gasgliadau'r Asesiad o Effaith ar Gydraddoldeb a gynhaliwyd am y penderfyniad?**

Dylai archwilio effeithiol o bolisiâu, dulliau gweithredu a phenderfyniadau'r Cyngor liniaru'r risg o unrhyw effaith gwrthwynebus ar bobl sy'n rhannu nodweddion wedi'u diogelu.

**8. Pa ymgynghoriadau a gynhaliwyd gydag Archwilio ac eraill?**

Mae Aelodau o Grŵp Cadeiryddion ac Is-Gadeiryddion Archwilio wedi bod yn rhan o ddrafftio'r Adroddiad Blynyddol ac ymgynghorwyd â hwy am ei gynnwys.

**9. Datganiad y Prif Swyddog Cyllid**

Nid oes goblygiadau ariannol arwyddocaol o ganlyniad i'r adroddiad hwn. Fel y nodwyd ym mharagraff 6 uchod bydd unrhyw gostau yn ymwneud â chynhyrchu'r Adroddiad yn cael eu cynnwys yn y cyllidebau presennol a bydd unrhyw gost wrth sefydlu pwyllgorau craffu/archwilio ar y cyd yn amodol ar drafodaethau rhwng yr awdurdodau perthnasol.

**10. Pa risgiau sy'n bodoli ac a oes unrhyw beth y gallwn ei wneud i'w lleihau?**

Ni chanfuwyd unrhyw risg mewn perthynas ag ystyriaeth Adroddiad Blynyddol y Pwyllgorau.

**11. Pŵer i wneud y Penderfyniad**

Mae Erthygl 6.3.7 o Gyfansoddiad y Cyngor yn amodi bod yn rhai i bwyllgorau archwilio'r Cyngor adrodd yn flynyddol i'r Cyngor ynglŷn â'u gweithgareddau.

**Swyddog Cyswllt:**  
Y Cydlynnydd Archwilio

Ffôn: 01824 712554

# *Denbighshire County Council*

*Annual Report of the Scrutiny Committees*

*2012 / 2013*





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## ***Foreword***

Denbighshire County Council's Scrutiny Committees examine the work of the Council across a range of topics to help ensure the delivery of quality services for the County's residents. In this Annual Report of the Scrutiny Committees we give a summary of our activities during 2012/13.

We welcome public attendance at our meetings and we'd like to encourage residents to attend and contribute to our work in reviewing Council services so that we can make sure that we are dealing with the issues that are most important to the community. If you have an issue relating to a particular service that the Council delivers, which concerns you personally or the community in which you live or work, Scrutiny can assist in driving improvement in that service.

If you feel that there is a topic that we should look at, please let us know by completing the 'Scrutiny Request Form' or by contacting the Scrutiny Co-ordinator on 01824 712554.

We hope that this document gives an interesting insight in to our work and we look forward to hearing from you.

## **The Scrutiny Chairs and Vice-Chairs Group**

## **Introduction**

### **What is scrutiny?**

Scrutiny is a key part of the Council's political structure and plays a vital role in improving the services that the people of Denbighshire use. Many of the Council's important decisions are taken by the Cabinet, a group of elected councillors who make decisions about policy and procedures.

Scrutiny Committees give the other councillors an opportunity to review the Cabinet's decisions, make recommendations, and examine a range of topics that affect Denbighshire's residents and visitors to help ensure that Denbighshire County Council realises its ambition of being an excellent Council, close to its community.




### **Scrutiny in Action**

In addition to the active role of Scrutiny Committees in developing policies and reviewing performance, they also have the responsibility of holding the Cabinet to account on the decisions they make.

If a Scrutiny Committee believes that an issue should be looked at in more depth before a decision is implemented, it can request a review under the "Call-In" procedure which will allow Scrutiny Committees to formulate alternative proposals.

### **How does scrutiny work?**

Scrutiny acts as a 'critical friend' to the Council's leadership, driving improvement in public services and enabling the concerns of the public to be heard. The Council's scrutiny work is undertaken by three thematic, cross-cutting scrutiny Committees, meeting every 6 weeks and comprising members from all political parties/groups on the Council:

-  Communities Scrutiny Committee
-  Partnerships Scrutiny Committee
-  Performance Scrutiny Committee



## *The last 12 months of Scrutiny in Denbighshire*

Since the election of the new Council in May 2012, the three scrutiny committees have been active in reviewing Council policy and performance and have played an important role in improving Council services in the challenging economic circumstances that face the Council.

In addition to the work undertaken at formal scrutiny committee meetings, each committee has nominated representatives to take part in a variety of internal 'groups', tasked with working with officers to discharge corporate functions and improve services more directly. In participating in groups such as the Strategic Investment Group, the School Standards Monitoring Group, the Conwy and Denbighshire Collaboration Programme Board

and the Corporate Equalities Group, scrutiny members have had the opportunity to shape, develop and monitor policy through alternative means, complementing the work undertaken by the committees at their regular meetings.

Each of the scrutiny committees have appointed members to serve on the different Service Performance Challenge Groups. In circumstances where there have been concerns with a service's performance or where a change in funding policy has been recommended, the Chair of the Performance Scrutiny Committee and the committee's performance lead have met with the relevant Head of Service and appropriate officers to examine matters in closer detail.

### **Training**

Following the election of the new Council scrutiny training was offered to new and previously elected members, informing members of the role of scrutiny in the Council's governance and giving guidance on techniques for effective scrutiny.



### **All Wales Scrutiny Improvement Study**

Denbighshire has been participating in a comparative assessment study facilitated by the Wales Audit Office to develop the scrutiny function for local councils across Wales. The exercise has encompassed an initial self-assessment of scrutiny in Denbighshire, a regional workshop to compare assessments, and a sequence of observational 'learning exchange' visits between councils – with Denbighshire visiting Wrexham, and Flintshire visiting Denbighshire as part of an exchange programme.

The results of the study are expected to be made available for Summer/Autumn 2013 and any recommendations for improving scrutiny in Denbighshire can be taken forward.

### Local Government (Wales) Measure 2011

The Local Government (Wales) Measure has granted local authorities the ability to hold joint scrutiny committees with other councils. The joint scrutiny committees will have the capacity to scrutinise organisations delivering public services, although the list of 'designated persons' (organisations) that this specifically incorporates is yet to be finalised.

Scrutiny committees in Wales now have a duty to consult with residents on major policy issues and measures to engage local communities with the scrutiny of the Council have progressed. The Forward Work Programme of each scrutiny committee is

now accessible to members of the public through the scrutiny page of Denbighshire's website. Leaflets explaining the function of scrutiny and inviting the submission of topics for consideration have also been circulated to schools, libraries, leisure centres, council reception areas, One Stop Shops and to town and community councils. It is hoped that by improving awareness of the work undertaken by the scrutiny committees, and making it easier for residents of Denbighshire to propose issues for scrutiny, that scrutiny of the Council will be enhanced through closer relevance to the needs and priorities of local communities.



## Membership

### Communities Scrutiny Committee



The Communities Scrutiny Committee examines issues that directly affect the residents of Denbighshire and the communities that they live in, reviewing services across the Council to make sure that the best possible standards are delivered in education, social services, highway maintenance and keeping the County's streets clean.

Huw  
Hilditch-Roberts (Chair of the Communities Scrutiny Committee)



James  
Davies



Peter  
Evans



Carys  
Guy-Davies



Rhys  
Hughes



Win  
Mullen-James



Bob  
Murray



Joe  
Welch



Cefyn  
Williams



Cheryl  
Williams



Huw  
Williams  
(Vice-Chair)

In the last 12 months the Communities Scrutiny Committee has provided an effective forum for consultation; reviewing and developing policy and strategies across a broad range of Council services. The committee has also participated in exercises which have taken the committee's work beyond its regular formal meetings, directing a number of initiatives to improve Council services which fall within the Communities Scrutiny Committee's remit. This has included: setting up a working group to review provision of bus services in the wake of central government funding cuts, helping develop the anti-dog fouling strategy, monitoring the development and implementation of the Rhyl Going Forward programme, and reviewing the terms of the grass cutting arrangements with private contractors to ensure that local community interests were respected. A comprehensive list of the issues considered by the Communities Scrutiny Committee, and the recommended outcomes put forward by the committee are included overleaf.

## Summary of Communities Scrutiny Committee resolutions 2012/13

14th Jun 2012	<ul style="list-style-type: none"> <li>• Scrutinised a report on the <b>Estyn Adult Community Education Inspection</b></li> <li>• Commissioned a working group to review the <b>provision of bus services</b> following a reduction in central funding</li> <li>• Acted as a key consultee in the development of the <b>Anti-Dog Fouling Strategy</b></li> <li>• Endorsed the progress made in implementing the <b>Single Access Route To Housing (SARTH)</b> collaborative project</li> </ul>
16th Jul 2012	<ul style="list-style-type: none"> <li>• Reviewed the progress in <b>allocating additional funds to Special Educational Needs in Primary Schools</b></li> <li>• Supported a proposal for formal consultation on <b>the review of day care services in north Denbighshire</b>, specifying local member involvement</li> <li>• Supported the <b>allocation of resources for major infrastructure projects</b> but recommended the amendment of the consultation process to include a more pro-active approach to engaging third parties in understanding major infrastructure projects</li> <li>• Recommended that any future <b>member area funding</b> should be administered by local 'Member Area Groups' and aligned to support the delivery of town plans and rural projects</li> </ul>
13th Sep 2012	<ul style="list-style-type: none"> <li>• Offered a perspective on the <b>Rhyl Going Forward Strategy</b>, emphasising the importance of co-ordinating the strategy with the wider economic regeneration agenda, with a recommendation to Cabinet that the Rhyl Going Forward Programme Board's mandate be widened to enable the strategy to target the development of sustainable employment opportunities in the area</li> </ul>
25th Oct 2012	<ul style="list-style-type: none"> <li>• Supported the <b>programme for grass cutting</b> followed in 2012 to be used again in 2013, and commissioned a working group to review the terms of the grass cutting contracts offered to external contractors</li> <li>• Examined the Council's <b>plans for winter maintenance</b> and agreed that the contingency preparations were adequate</li> <li>• Reviewed the progress of <b>highway capital maintenance works</b> and their impact on local communities</li> <li>• Discussed and supported the Council's plans for <b>bringing planning closer to the community</b> through close communication and consultation with town/community councils</li> </ul>
6th Dec 2012	<ul style="list-style-type: none"> <li>• Endorsed the operational changes made under the <b>review of heritage and arts assets</b></li> <li>• Scrutinised the changes to the <b>Supporting People Strategy and Spend Plan</b></li> <li>• Assisted in developing the measures included in the <b>Community Covenant with the Armed Forces</b></li> </ul>
17th Jan 2013	<ul style="list-style-type: none"> <li>• Monitored the development of <b>Town Plans</b> and supported the introduction of Area Plans to identify priorities in Denbighshire's rural communities</li> <li>• Requested that the 'Safety Advisory Group' provide clarification of a number of issues in relation to the Council's plans for managing the impact of the <b>Etape Cymru</b> cycling race prior to the submission of a report to Cabinet</li> <li>• Considered an update on the <b>Rhyl Going Forward</b> project, requesting more specific details of the income generation forecast, and agreed to invite representatives from Alliance Leisure to a Council Briefing session in order to look at the Council's strategic leisure partnership</li> <li>• Withheld support for the recommendation stemming from the <b>review of day care services</b> in the north of the county, pending further information relating to the full business case for the review, a financial and service impact assessment, estimated transport costs, and third sector involvement</li> <li>• Scrutinised the Council's <b>Asset Management Strategy</b></li> </ul>
28th Feb 2013	<ul style="list-style-type: none"> <li>• Evaluated the problems encountered during the <b>implementation of the X2 recycling scheme</b> in the South of the County, recommending improvements in communication and organisation for similar Council projects in the future</li> <li>• Recommended the development of special issue-led Member Area Group meetings for residents to attend as part of a review of the mechanisms for <b>engaging the community</b> in the Council's work</li> </ul>

	<ul style="list-style-type: none"> <li>Considered the potential benefits and implications of the proposed <b>Community Infrastructure Levy</b></li> </ul>
2 <sup>nd</sup> Apr 2013	<ul style="list-style-type: none"> <li>Supported the process outlined for expanding Town Plans to the broader <b>Area Plans</b></li> </ul>
18th Apr 2013	<ul style="list-style-type: none"> <li>Received the latest update of the progress made in achieving the work stream objectives of the <b>Rhyl Going Forward</b> project</li> <li>Reviewed the draft <b>Play Sufficiency Assessment</b> and Action Plan and supported the commitment to play development in Denbighshire</li> <li>Received a report which gave an update following the implementation of the <b>Anti - Dog Fouling Campaign</b> in February</li> </ul>





### Case Study: Etape Cymru 2013

The Etape Cymru is a closed-road cycle race that partially takes place in the south of Denbighshire, with the 100 mile route passing through Llangollen, Llandegla and the Horseshoe Pass. Following the considerable difficulties experienced by both local residents and participants when the Etape Cymru race was first run in September 2011, the Council officers tasked with facilitating the race were keen to ensure member participation in preparations for future events. Prior to submitting a report to Denbighshire's Cabinet seeking approval to temporarily close a number of roads being used in the race, the officers requested that the Communities Scrutiny Committee consider, comment and advise on how existing arrangements could be improved in order to minimise inconvenience for local residents and businesses, and to ensure that the benefits of hosting such a high profile event in Denbighshire could be realised.

The Communities Scrutiny Committee had provided their conditional support for the closure of roads in south Denbighshire to allow the event to take place in 2012 based on the satisfaction of a number of stipulations, which included; a guarantee that the Horseshoe Pass would be re-opened to traffic by 11:00am, consultation with local communities businesses affected by the road closure, and close monitoring of the race's impact both before and after the event taking place. The Committee received an update of the preparations made for the race in respect of these conditions at their meeting in April 2012.

The race took place on 9<sup>th</sup> September 2012 and the race organisers 'Human Race', as well as the 'Safety Advisory Group' of Police, Ambulance, Emergency Services and highways officers from both Denbighshire and Wrexham Councils, had reported on the event's success, citing high levels of participant satisfaction and an estimated boost of £129k to the local economy. The Safety Advisory Group met for a debrief meeting in November and recommended that further improvements in communication in 2013 would augment the successes of the previous year's event.

In January 2013 the Communities Scrutiny Committee received an update report from Denbighshire officers in order to identify areas for improvement in organising the race in 2013. A number of issues were raised in respect of event planning and monitoring, relating to communication, promotion, marshalling provision, risk assessment, liability in case of accident and the validity of income generation figures. The issues were referred to the Safety Advisory Group, with their response informing a report submitted to Cabinet in February 2013, which requested Cabinet approval for the temporary closure of roads to allow the race to take place in September 2013.

The participation of the Communities Scrutiny Committee as a key consultee in developing plans for the Etape Cymru, and in monitoring the race's impact on local communities, have helped ensure that local interests are respected when organising events on this scale. This has enabled organisers to turn an event that was heavily criticised at its inception, into a successful annual race that brings visitors and investment in to the county.

In the coming months, the Communities Scrutiny Committee will also be looking at...

23 <sup>rd</sup> May 2013	Local Housing Strategy, Town Plans, Control of Caravan Sites, Food Safety Review
4 <sup>th</sup> July 2013	Rhyl Going Forward Programme, Supporting People Strategy, Condition of Highways, Local Housing Strategy,

## Membership

### Partnerships Scrutiny Committee



The Partnerships Scrutiny Committee is responsible for reviewing the provision of council services delivered in conjunction with external partners in the public and private sector, with their work encompassing health, social services, economic development and community safety. The Partnerships Scrutiny Committee is also the Council's designated 'Crime and Disorder Committee'.

Brian  
Blakeley (Chair of the Partnerships Scrutiny Committee)



Joan  
Butterfield



Ann  
Davies



Meirick  
Lloyd-Davies



Alice  
Jones  
(Vice-Chair)



Pat  
Jones



Margaret  
McCarroll



Dewi  
Owens



Merfyn  
Parry



Bill  
Tasker



Huw  
Williams

The Partnerships Scrutiny Committee meet to review and scrutinise the effectiveness of arrangements for service delivery in partnership with private sector contractors and other public bodies. Over the last year the Committee has been involved in the development of social care policy, monitored the proposed integration of highways services, and conducted an in-depth examination of the proposals to reorganise healthcare in North Wales. Details of the Partnerships Scrutiny Committee's activity and the decisions made in 2012-13 are included overleaf.

Summary of Partnerships Scrutiny Committee resolutions 2012/13

31 <sup>st</sup> May 2012	<ul style="list-style-type: none"> <li>Submitted observations as part of the Council's formal response to the <b>Sustainable Social Services: A Framework for Action and Social Services (Wales) Bill</b> and endorsed the formation of a Denbighshire Modernising Social Services Board</li> <li>Reviewed the <b>Social Services Annual Report 2011/12</b> prior to the submission of the report to County Council</li> <li>Considered the <b>regional and national Supporting People Programme changes</b> and provided comments for inclusion in the Council's consultation response</li> <li>Acknowledged the amendments made to the Partnership Agreement for the <b>Safer Communities Regional Board for North Wales</b> and supported the scheduling of a workshop for developing guidance for the scrutiny of regional partnerships</li> </ul>
12 <sup>th</sup> Jul 2012	<ul style="list-style-type: none"> <li>Agreed to support a <b>joint scheme for the provision of local primary mental health support services</b> which would be monitored through regular reports</li> <li>Looked at the <b>tendering and award process for the Families First Programme funding</b> from April 2012</li> <li>Monitored the <b>New Work Connections</b> project's success in supporting disadvantaged people to gain access to education, training and employment</li> <li>Examined the Council's Economic Ambition Strategy and supported the creation of an Economic Ambition Board for North Wales as part of the Council's commitment to <b>regional collaboration on economic development</b></li> </ul>
27 <sup>th</sup> Sep 2012	<ul style="list-style-type: none"> <li>Received a presentation from Professor Michael Scott, the Vice-Chancellor of Wrexham's Glyndwr University, regarding the provision of <b>higher education in North-East Wales</b>. The Committee acknowledged the important role the University played in developing skills to drive the local economy, and recommended that the Council support the research and teaching undertaken at the University</li> <li>Looked at the work of the <b>Community Safety Partnership</b> in the Committee's role as the designated Crime and Disorder Committee, identifying issues such as anti-social behaviour, CCTV and a number of policing matters for further attention</li> <li>Reviewed the arrangements for the development of the <b>North East Wales Hub food waste project</b> following a change to the preferred bidder</li> <li>Examined and commented on the <b>Local Safeguarding Children Board's Annual Report</b> for 2011-12, and supported the Board's identified 'key priorities' for 2012-13</li> </ul>
11 <sup>th</sup> Oct 2012	<ul style="list-style-type: none"> <li>At this specially arranged meeting the Committee supported the Conwy and Denbighshire Highways and Infrastructure Collaboration Programme Board's recommendation not to continue with the planned <b>integration of Conwy and Denbighshire's Highways Services</b>, recommending to Cabinet that other opportunities for reducing costs and rationalising management through collaboration should be explored, short of full integration.</li> </ul>
8 <sup>th</sup> Nov 2012	<ul style="list-style-type: none"> <li>Received the <b>Annual Report on Adult Protection in Denbighshire</b>, acknowledging the importance of protecting vulnerable adults, and recommending that organised visits to community living schemes are arranged for members of the Committee</li> <li>Reviewed the arrangements for the <b>joint out of hours emergency duty service</b> providing emergency social services across North-East Wales</li> <li>Analysed the <b>Post-Pembrokeshire Safeguarding Action Plan</b>, based on the recommendations stemming from the review of allegations of professional abuse of children in Pembrokeshire, and recognised the role that the Local Safeguarding Children Board plays in monitoring child protection across Denbighshire and Conwy.</li> <li>Provided observations on the <b>Strategic Youth Justice plan</b> prior to its submission to the Youth Justice Board</li> </ul>
29 <sup>th</sup> Nov	<ul style="list-style-type: none"> <li>Discussed <b>the impact of NHS services on local residents</b> with representatives from Betsi Cadwaladr</li> </ul>

2012		University Health Board, with the discussion covering the BCUHB Service Review, locality working, public health and children, children's services and child and adolescent mental health services.
5 <sup>th</sup> Dec 2012		<ul style="list-style-type: none"> <li>The Committee met again for a special meeting in order to explore the options available for closer internal and external <b>collaboration for Highways Services</b>, following the decision of Cabinet for the Council not to proceed with the original plan to fully integrate these services with Conwy. The Committee supported the recommendation to Cabinet for the integration of Highways and Infrastructure with Environmental Services, with further internal and external collaboration to take place at sub-service level.</li> </ul>
20 <sup>th</sup> Dec 2012		<ul style="list-style-type: none"> <li>Reviewed the performance of the Local Service Board in delivering <b>The BIG Plan</b></li> <li>Monitored the development and operation of the <b>North Wales Commissioning Hub</b> for high-cost, low-volume social care placements</li> </ul>
31 <sup>st</sup> Jan 2013		<ul style="list-style-type: none"> <li>Looked at a report detailing the progress made in establishing the <b>Regional School Effectiveness and Inclusion Service</b> for North Wales</li> <li>Supported the adoption of the <b>North Wales Carers Information and Consultation Strategy 2012-15</b></li> <li>Examined the provision for commissioning and monitoring <b>independent care services</b></li> <li>Received an update on the delivery of the <b>Families First Programme</b></li> </ul>
14 <sup>th</sup> Mar 2013		<ul style="list-style-type: none"> <li>Reviewed the <b>capacity of the Adult Safeguarding Service</b> to deal with an increase in referrals</li> <li>Agreed to support the regional approach to setting <b>residential care fees</b> for 2013/14</li> <li>Recommended that Cabinet adopt the final business plan to establish a <b>regional emergency planning service</b></li> <li>Recommended that Cabinet accept the outline business case for the development of a passenger transport service for North Wales, in order for the full business case for the collaborative project to be progressed</li> </ul>
25 <sup>th</sup> Apr 2013		<ul style="list-style-type: none"> <li>At this meeting dedicated to the <b>November 2012 Floods</b> the Committee received an update on the progress of on-going investigations in to the causes of the flooding, endorsed the recommendations stemming from the examination of the recovery procedures implemented to deal with the consequences of the flooding, and recommended the development of a local flood risk management strategy as well as a multi-agency group to manage waterways to mitigate flood risk</li> </ul>

### Case Study: 'Healthcare in North Wales is Changing' - Betsi Cadwaladr University Health Board Service Review

The Betsi Cadwaladr University Health Board (BCUHB) published proposals for restructuring the delivery of health services in North Wales in July 2012, and as part of the consultation process Denbighshire County Council was asked to provide a formal response. The Partnerships Scrutiny Committee regularly receive update reports from representatives of BCUBH, so the Committee decided to establish a working group of members and officers to examine the proposals in detail and identify the practical implications that the proposed changes would have on the residents of Denbighshire. The working group was supported by Sally Ellis, the Corporate Director: Demographics, Wellbeing and Planning, and consulted with the Lead Member for Social Care and Children's Services, Councillor Bobby Feeley, the Chair of the North Wales Community Health Council, former county councillor Christine Evans, and a number of other councillors able to offer a valuable perspective on the delivery of healthcare services.

The working group first met on 20<sup>th</sup> July 2012, the day after the proposals had been published, and agreed to allocate aspects of the proposals to members of the working group to enable closer and more specific scrutiny. Having been able to examine the proposals in detail the working group identified over 50 separate points that merited challenge, encompassing the capacity of reorganised services to maintain standards, the adequacy of consultation, financial viability, transitional arrangements, transportation, the impact on areas losing services, and planned timescales for implementation. The group was able to condense these points in to 12 key questions that were addressed to representatives of BCUHB when they attended County Council on 11<sup>th</sup> September 2012.

The debate at County Council informed Denbighshire's final consultation response which specified the need for a Strategic Group to be developed to monitor the implementation in Denbighshire, the importance of alternative services being in place prior to the cessation of existing services, a proposal for a joint hub across the Denbigh Infirmary and Ruthin Hospital sites, and specific support for the Minor Injuries Service in Llangollen.

Following the consultation the BCUHB published their final report 'Healthcare in North Wales is Changing' on 18<sup>th</sup> January 2013, which included provision for the transition between the closure of Prestatyn Community Hospital and the opening of the new facility at the Royal Alexandra Hospital in Rhyl. However, the BCUHB were not able to adopt Council's other main proposals. The working group met again to review the final report and raised a number of further issues in respect of the implementation that were submitted to BCUHB and incorporated in to a report for County Council. The group also resolved to ensure that an article was included in 'County Voice' in order to explain to residents how health services could be accessed following the review.

The creation of the working group to focus on a specific issue enabled members and officers to thoroughly examine the impact of significant changes to the provision of healthcare in North Wales, and helped to ensure that the effect of these changes on the residents of Denbighshire were properly considered prior to the implementation of the review's recommendations.

In the coming months, the Partnerships Scrutiny Committee will also be looking at...

10 <sup>th</sup> June 2013	Regular meeting with BCUHB representatives
18 <sup>th</sup> July 2013	New Work Connections, BIG Plan, Collaborative Domiciliary Care
26 <sup>th</sup> September 2013	Higher Education in North-East Wales, Hub Food Waste Project, Community Safety Partnership, Regional Collaboration on Economic Development, Coleg Cambria

## *Membership*

### Performance Scrutiny Committee



The Performance Scrutiny Committee monitors the Council's business planning and operational performance, reviewing corporate and financial strategies to ensure that the Council is governed effectively and delivers quality services for Denbighshire's residents.

Colin  
Hughes (Chair of the Performance Scrutiny Committee)



Ian  
Armstrong



Bill  
Cowie



Richard  
Davies



Meirick  
Lloyd-Davies



Huw  
Hilditch-Roberts



Geraint  
Lloyd-Williams



Peter  
Owen



Dewi  
Owens



Arwel  
Roberts  
(Vice-Chair)



Gareth  
Sandilands

In 2012-13 the Performance Scrutiny Committee has played an important role in the development of Denbighshire County Council's corporate policies, offering a valuable perspective and helping to ensure that services achieve results for Denbighshire's residents. The Committee has reviewed the key plans for discharging the Council's corporate functions, monitored the performance of services in meeting their operational targets, and driven improvements in the delivery of education in Denbighshire

A summary of the Committee's work at each of its meetings over the last year is included overleaf.

## Summary of Performance Scrutiny Committee resolutions 2012/13

28 <sup>th</sup> Jun 2012	<ul style="list-style-type: none"> <li>Participated in the development of the <b>Estyn Action Plan</b> which followed the recent inspection of the Council's education services</li> <li>Considered a report on the outcomes of the <b>Building Capacity in Schools</b> project</li> <li>Looked at the <b>Corporate Performance Report for Quarter 4</b> and decided to establish a working group of members to meet regularly with the Head of Internal Audit and Corporate Improvement officers to monitor performance against the agreed indicators</li> <li>Received an update on recent <b>performance standards revealed through the complaints process</b></li> </ul>
26 <sup>th</sup> Jul 2012	<ul style="list-style-type: none"> <li>Monitored the Council's performance against its budget strategy as detailed in the <b>Finance Report 2012/13</b>, and identified areas of budgetary pressure for further consideration</li> <li>Examined a report which detailed recent developments under the <b>Capital Plan</b> and recommended that immediate action be taken to ensure that the safety issues relating to the demolition of the Honey Club in Rhyl were resolved as soon as possible</li> </ul>
6 <sup>th</sup> Sep 2012	<ul style="list-style-type: none"> <li>Reviewed the delivery of <b>Post-16 Education</b> in Denbighshire, seeking further clarification of issues relating to charges for transportation and provision for students with disabilities</li> <li>Received a report on <b>Schools' Financial Positions</b> and accepted assurances from the Head of Internal Audit that robust procedures were in place to assist schools in financial difficulty</li> <li>Approved the framework for the <b>School Funding Formula</b>, subject to the final consultation document being presented to the Committee later in the year prior to its submission to Cabinet</li> </ul>
20 <sup>th</sup> Sep 2012	<ul style="list-style-type: none"> <li>Scrutinised the Council's draft <b>Corporate Plan</b> at a specially arranged meeting prior to its submission to Cabinet, emphasising the importance of community consultation on the Corporate Plan's impact, the need for further development of the town plans and recommending a number of amendments.</li> </ul>
18 <sup>th</sup> Oct 2012	<ul style="list-style-type: none"> <li>Reviewed the findings of the <b>Foundation Phase and provisional exam and teacher assessment results</b></li> <li>Looked at the consultation proposal document for the new <b>School Funding Formula</b> prior to its issue to schools, and requested an update when the consultation closed</li> <li>Considered a report outlining the resources available to ensure <b>compliance with planning resolutions</b></li> <li>Received a report which provided an update on recent <b>performance standards revealed through the complaints process</b> and gave an overview of the measures being implemented to improve customer service across the Council</li> <li>Discussed the <b>Annual Performance Review Report 2011/12</b>, assessing how well the Council had performed in the previous year against the targets set</li> </ul>
29 <sup>th</sup> Nov 2012	<ul style="list-style-type: none"> <li>Analysed the <b>Corporate Risk Register</b> and acknowledged the recent amendments</li> <li>Noted the suggestions made in the Wales Audit Office's <b>Improvement Assessment Letter</b>, one of the key external regulatory reports</li> <li>Received an update report on <b>performance standards revealed through the complaints process</b></li> <li>Considered the <b>Libraries Service's Annual Report</b>, which detailed performance against CyMAL's assessment framework, endorsing the work being undertaken to improve aspects of service that fell below national standards</li> <li>Supported the approach undertaken in the <b>review of licensing policies</b> for taxis and private hire vehicles</li> </ul>
10 <sup>th</sup> Jan 2012	<ul style="list-style-type: none"> <li>Observed a presentation from the Principal and Director of <b>Coleg Llandrillo</b> which gave an overview of the performance of the college's students from Denbighshire aged between 16 and 19</li> <li>Studied the <b>Key Stage 4 and Post-16 examination results</b> for Denbighshire schools, commending improvements in Denbigh High School in particular</li> <li>Reviewed the progress in implementing the <b>Estyn Action Plan</b></li> </ul>

21 <sup>st</sup> Feb 2012	<ul style="list-style-type: none"> <li>Considered the latest update of <b>performance standards revealed through the complaints process</b></li> <li>Noted the recent amendments to the <b>Corporate Risk Register</b>, emphasising the importance of effective governance monitoring of collaborative projects</li> <li>Received the draft baseline report for the <b>Corporate Plan 2012-17</b> and agreed to establish a sub-group of the committee to review quarterly performance reports in detail in advance of their presentation at formal scrutiny committee meetings</li> <li>Supported the introduction of a pilot project to look at the feasibility of fitting <b>speed limiting devices</b> to Council vehicles</li> </ul>
11 <sup>th</sup> Apr 2012	<ul style="list-style-type: none"> <li>Looked at the latest quarterly progress update under the <b>Corporate Plan 2012/13</b> and recommended that the process for measuring progress be reviewed by the Cabinet and Corporate Improvement Officers</li> <li>Supported the proposals put forward following the <b>review of the Service Challenge process</b></li> <li>Agreed to support the arrangements for providing <b>CCTV in Denbighshire</b> and requested information to illustrate the nature and location of incidents recorded on CCTV</li> </ul>

### Case Study: Service Performance Leads

Following a review of the role of Scrutiny in driving the continued improvement of the Council's services, it was recommended that the Performance Scrutiny Committee assign each of the Committee's members to one of the Council's services to act as the Scrutiny Performance lead for that service. Each member has been responsible for the working with the Head of Service to monitor the performance of their designated service, ensuring a specific and consistent scrutiny perspective in supervising service operational performance.

The Scrutiny Performance Leads are crucial to the Service Performance Challenge meetings, which give an opportunity for members, lead members and senior officers to look in detail at the performance of each service. Each Scrutiny Performance Lead also has the authority to call a meeting with the Head of their allocated Service if they have concerns with any aspect of service delivery.

The introduction of designated Service Performance Leads has given an extra dimension to the Performance Scrutiny Committee's work, and both the Communities Scrutiny Committee and the Partnerships Scrutiny Committee have also decided to nominate members to participate in the Service Performance Challenge process.

In the coming months, the Performance Scrutiny Committee will also be looking at...

16 <sup>th</sup> May 2013	Cefndy Enterprises, Annual Council Reporting Framework, WAO Improvement Report, 'Your Voice' Complaints Performance
20 <sup>th</sup> June 2013	Corporate Plan Q4, Corporate Risk Register, Estyn Action Plan, Review of Council Publications
19 <sup>th</sup> September 2013	Annual Performance Review Report, Licensing Matters, Exam Results and Teacher Assessments, Corporate Plan Q1, 'Your Voice' Complaints Performance



## ***The Year Ahead***

The Scrutiny Committees are looking forward to another busy 12 months, reviewing the Council's policies and performance and supporting improvements to service provision at a time when Council services face ever increasing financial pressures.

Some of the most prominent issues that scrutiny will be reviewing over the next year include the Rhyl Going Forward Programme, the BIG Plan, Town and Area Plans and regional collaboration – in addition to the Committees' role in scrutinising, developing and monitoring service performance across the Council.

The push for closer collaboration between public sector organisations in recent years has seen the introduction of provision for joint scrutiny committees under the Local Government (Wales) Measure 2011, which is expected to be enhanced when the Welsh Government publishes its formal guidance in the coming months as to which 'designated persons' (organisations) can be formally summoned to attend local government scrutiny committee meetings.

The Scrutiny Committees are also awaiting the findings of the Wales Audit Office's Scrutiny Improvement Study, which promises to establish 'best practice' procedures and techniques for local government scrutiny across Wales, and will also provide a critical assessment of how effective Denbighshire's scrutiny arrangements are.

The Council's Scrutiny Committees hope that developing public awareness and participation over the next 12 months will increase the effectiveness of Scrutiny in assisting with Denbighshire County Council's goal of being *an excellent council, close to the community*.



## ***How can residents participate in Scrutiny?***

### **Would you like scrutiny to look at a particular issue?**

You can raise an issue for consideration by one of Denbighshire County Council's scrutiny committees by filling out the Scrutiny Request Form (overleaf). The Chairs and Vice-Chairs of the three scrutiny committees meet every 6 weeks to decide how to allocate the work of the scrutiny committees and will consider if any issue should be examined in detail by one of the committees, or if another course of action should be pursued. This can range from a referral to the service responsible, to full scrutiny of the issue by one of the scrutiny committees, or even the establishment of a specialist 'task and finish group' set up to investigate and report on a particular issue.

### **Would you like to attend a meeting of a scrutiny committee?**

Denbighshire County Council's scrutiny committee meetings are generally open to the public, and residents of Denbighshire and the general public are encouraged to attend. A list of upcoming scrutiny committee meetings and the issues to be discussed are available on the 'Scrutiny' page of the Council's website.

If you wish to participate in the discussion on a particular issue you will require the permission of the Chair of the committee (further details below).

Occasionally some items being discussed by a committee will contain confidential information and cannot be discussed in the usual public forum. Any such items (referred to as 'Part II') will be clearly identified when the meeting papers are published, and the Chair of the committee meeting discussing a 'Part II' item will make it clear that the meeting should continue without the press and public in attendance in order to avoid divulging confidential information.

### **Would you like to speak to a committee on an item being discussed?**

Members of the public are very welcome to attend scrutiny committee meetings but will require the permission of the Chair of the committee if they wish to speak or make representations at a committee meeting. If you wish to submit evidence to a committee or offer a perspective as a 'witness' in the discussion of an item, please contact the Scrutiny Co-ordinator in advance of the meeting so that this can be facilitated and any paperwork can be circulated to members of the committee.

Occasionally scrutiny committees may wish to 'co-opt' an individual with particular experience or expertise to become a temporary member of the committee or ask them to contribute to an inquiry as an expert witness.

### **Keeping up to speed with decisions made by Denbighshire's scrutiny committees**

You can keep track of what is being discussed at each scrutiny committee meeting, as well as any other public Council meeting, by visiting the 'meetings' page of the Council's website. The latest 'work programme' for each of the scrutiny committees is available with the meeting papers for each meeting and the confirmed agenda for each meeting will usually be available 5 - 7 days before the meeting is due to take place.

The minutes of previous scrutiny meetings and a record of the decisions made are also available on the Council's website.

Further advice or information is available by contacting the Scrutiny Co-ordinator, Rhian Evans on [rhian.evans@denbighshire.gov.uk](mailto:rhian.evans@denbighshire.gov.uk) (01824 712554) or the Democratic Services Officer, Rhys Hughes, on [rhys.a.hughes@denbighshire.gov.uk](mailto:rhys.a.hughes@denbighshire.gov.uk) (01824 712575).

*SCRUTINY REQUEST FORM*

Is there something you would like scrutiny to have a look at?

Please give a brief description of the topic you would like to be considered by one of the Scrutiny Committees and why you think it should be considered

Would you like to attend a meeting of a Scrutiny Committee?

**YES/NO**

It would be useful if you could give us the following details so that we may respond to your request

Your name:

Address:

Postcode:

Email:

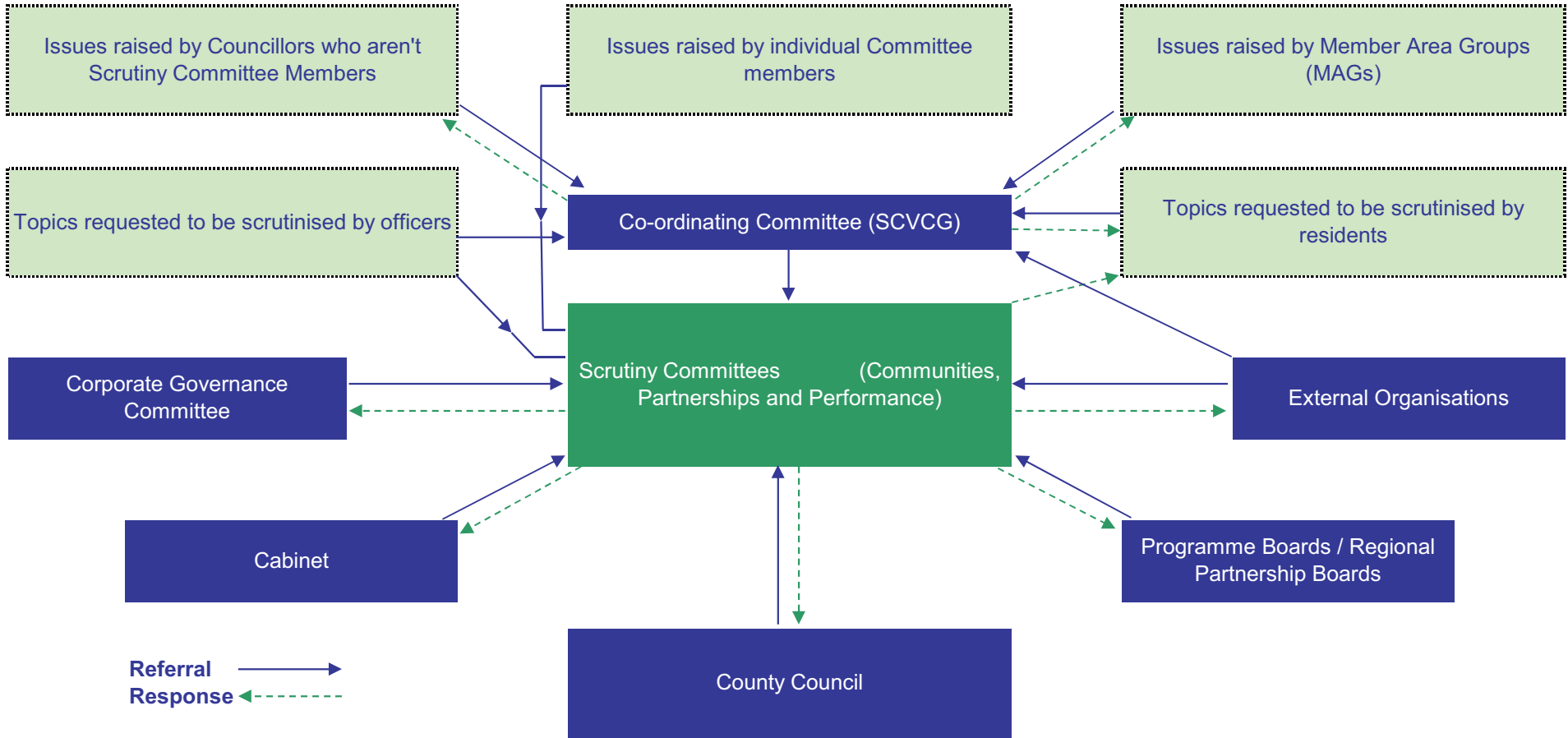
Telephone number:

*PLEASE RETURN THIS FORM TO: SCRUTINY CO-ORDINATOR, LEGAL AND DEMOCRATIC SERVICES, COUNTY HALL, WYNNSTAY ROAD, RUTHIN LL15 1YN*



**Scrutiny Referral and Interface Chart**

Tudalen 116



Rhaglen Gwaith i'r Dyfodol y Cyngor Sir

Cyfarfod	Eitem (disgrifiad / teitl)		Pwrpas yr adroddiad	A oes angen penderfyniad gan y Cyngor (oes/na)	Awdur – Aelod Arweiniol a swyddog cyswllt
4 Mehefin	1	Y CDLI: Adroddiad yr Arolygydd	Cynghori'r aelodau ar y casgliadau yn adroddiad yr Arolygydd ac un ai mabwysiadu'r CDLI cadarn yn ffurfiol, neu pe bai'r Arolygydd yn credu bod y CDLI yn gadarn, cytuno adolygu'r CDLI Adneuol	Oes	Cyng Eryl Williams / Graham Boase / Angela Loftus
	2	Adroddiad yr Ymchwilyr ar y Llifogydd	Ystyried canfyddiadau'r adroddiad ar lifogydd yn Sir Ddinbych	I'w gadarnhau	Cyng David Smith / Rebecca Maxwell
<b>Briffio'r Cyngor</b> 24 Mehefin	1	Datblygiad Arfordirol Y Rhyl/ Prestatyn ac Alliance Leisure	Darparu'r newyddion diweddaraf ar gynnydd gyda'r datblygiad ac i egluro'n fanwl y trefniadau fframwaith rhwng Alliance Leisure a'r Cyngor	Amh.	Jamie Groves / Alastair McNab
	2	Llifogydd a Chynllunio Rhag Argyfwng		Amh.	Rebecca Maxwell

Rhaglen Gwaith i'r Dyfodol y Cyngor Sir

Tudalen 118

Cyfarfod	Eitem (disgrifiad / teitl)	Pwrpas yr adroddiad	A oes angen penderfyniad gan y Cyngor (oes/na)	Awdur – Aelod Arweiniol a swyddog cyswllt
	3	Comisiynydd Pobl Hŷn Cymru	Briffio'r aelodau ar waith y Comisiynydd	Amh. Cyng Bobby Feeley / Sally Ellis
	4	Cyflwyniad ar y Rhaglen Moderneiddio	Cael cyflwyniad ar y Rhaglen Moderneiddio	Amh. Cyng Barbara Smith / Sally Ellis
<b>9 Gorffennaf</b>	1	Fframwaith Adrodd Blynyddol y Cyngor (swyddogaethau gwasanaethau cymdeithasol)	Mae'n ofyniad statudol bod yr Adroddiad Blynyddol yn cael ei gyflwyno i'r Cyngor Llawn bob blwyddyn.	Oes Cyng Bobby Feeley / Sally Ellis / Craig Macleod
	2	Sefyllfa Derfynol y Gyllideb a Chanlyniadau Refeniw 2012/13	Cael Sefyllfa Derfynol y Gyllideb a Chanlyniadau Refeniw 2012/13	Oes Cyng Julian Thompson-Hill / Paul McGrady
<b>Briffio'r Cyngor – Cyllideb 15 Gorffennaf</b>	Wedi'i gadw ar gyfer gweithdy cyllideb i'r Cyngor cyfan			Cyng Julian Thompson-Hill / Paul McGrady
<b>10 Medi</b>				
<b>Briffio'r Cyngor</b>	1	Strategaeth Adfywio (Dim mwy o eitemau i'w		Amh. Rebecca Maxwell

Rhaglen Gwaith i'r Dyfodol y Cyngor Sir

Cyfarfod	Eitem (disgrifiad / teitl)	Pwrpas yr adroddiad	A oes angen penderfyniad gan y Cyngor (oes/na)	Awdur – Aelod Arweiniol a swyddog cyswilt
16 Medi		hychwanegu i'r sesiwn hwn)		
8 Hydref – dyddiad ychwanegol os oes angen	1	Adolygu Perfformiad Blynyddol 2012-13	Adolygu drafft terfynol Adolygiad Perfformiad Blynyddol y Cyngor 2012-13 a chymeradwyo'r ddogfen i'w chyhoeddi cyn y terfyn amser statudol o 31 Hydref, 2013	Cyng Barbara Smith / Tony Ward
<b>Briffio'r Cyngor – Cyllideb</b> 21 Hydref		Wedi'i gadw ar gyfer gweithdy cyllideb i'r Cyngor cyfan		Cyng Julian Thompson-Hill / Paul McGrady
<b>5 Tachwedd</b>				
<b>Briffio'r Cyngor –</b> 18 Tachwedd	1	Adnoddau Naturiol Cymru	Ystyried materion sy'n ymwneud â'r corff newydd a rheoli adnoddau naturiol	Amh. Rebecca Maxwell
<b>3 Rhagfyr</b>	1	Y diweddaraf ar y gyllideb ddrafft ar gyfer 2014 / 15	Ystyried y newyddion diweddaraf ar y gyllideb ddatblygol	Na Cyng Julian Thompson-Hill / Paul McGrady

Rhaglen Gwaith i'r Dyfodol y Cyngor Sir

Cyfarfod	Eitem (disgrifiad / teitl)	Pwrpas yr adroddiad	A oes angen penderfyniad gan y Cyngor (oes/na)	Awdur – Aelod Arweiniol a swyddog cyswllt
<b>Briffio'r Cyngor – Cyllideb</b> 9 Rhagfyr	Wedi'i gadw ar gyfer gweithdy cyllideb i'r Cyngor cyfan			Cyng Julian Thompson-Hill / Paul McGrady
<b>Briffio'r Cyngor</b> 27 Ionawr				
<b>4 Chwefror</b>				
<b>25 Chwefror</b>	1	Prif Gynllun Canllaw Cynllunio Atodol ar gyfer Ysbyty Gogledd Cymru		Graham Boase
<b>8 Ebrill</b>				
<b>Briffio'r Cyngor</b> 28 Ebrill				
<b>13 Mai</b>				



Rhaglen Gwaith i'r Dyfodol y Cyngor Sir

Cyfarfod	Eitem (disgrifiad / teitl)	Pwrpas yr adroddiad	A oes angen penderfyniad gan y Cyngor (oes/na)	Awdur – Aelod Arweiniol a swyddog cyswllt
<b>CYFARFOD BLYNYDDOL</b>				

Nodyn i Swyddogion – Terfynau Amser Adroddiadau i'r Cyngor Llawn

<i>Cyfarfod</i>	<i>Terfyn Amser</i>	<i>Cyfarfod</i>	<i>Terfyn Amser</i>	<i>Cyfarfod</i>	<i>Terfyn Amser</i>
<i>Mai</i>	<b>22 Ebrill</b>	<i>Mehedin</i>	<b>20 Mai</b>	<i>Gorffennaf</i>	<b>25 Mehefin</b>

Diweddarwyd 18/4/2013 - SP

Rhaglen Gwaith y Cyngor.doc

Mae tudalen hwn yn fwriadol wag