

To: Members of the Corporate  
Governance Committee

Date: 13 November 2015

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Dear Councillor

You are invited to attend a meeting of the **CORPORATE GOVERNANCE COMMITTEE** to be held at **9.30 am** on **WEDNESDAY, 18 NOVEMBER 2015** in **CONFERENCE ROOM 1A, COUNTY HALL, RUTHIN.**

Yours sincerely

G. Williams  
Head of Legal, HR and Democratic Services

## **AGENDA**

### **PART 1 - THE PRESS AND PUBLIC ARE INVITED TO ATTEND THIS PART OF THE MEETING**

#### **1 APOLOGIES**

#### **2 DECLARATION OF INTERESTS**

Members to declare any personal or prejudicial interests in any business identified to be considered at this meeting.

#### **3 URGENT MATTERS**

Notice of items, which in the opinion of the Chair should be considered at the meeting as a matter of urgency pursuant to Section 100B(4) of the Local Government Act 1972.

#### **4 MINUTES (Pages 5 - 20)**

To receive the minutes of the Corporate Governance Committee meeting held on the 28<sup>th</sup> September, 2015.

## **PART 2 - CONFIDENTIAL ITEM**

It is recommended in accordance with Section 100A(4) of the Local Government Act 1972, that the Press and Public be excluded from the meeting during consideration of the following items of business because it is likely that exempt information (as defined in paragraphs "14 and 18" of Part 4 of Schedule 12A of the Act) would be disclosed.

### **5 YSGOL MAIR, RHYL - INTERNAL AUDIT REPORT (Pages 21 - 46)**

To consider a confidential report by the Head of Internal Audit (copy enclosed) on a recent Internal Audit report on Ysgol Mair, Rhyl that received a 'Low' assurance rating.

### **6 PFI UPDATE (Pages 47 - 52)**

To consider a confidential report by the Chief Finance Officer, which provides an update on the PFI transaction (copy enclosed).

## **PART I**

### **7 BUDGET PROCESS 2015/16 (Pages 53 - 84)**

To consider a report by the Chief Finance Officer, which provides an update on the process to deliver the revenue budget for 2016/17 (copy enclosed).

### **8 CORPORATE RISK REGISTER (Pages 85 - 114)**

To consider a report by the Strategic Planning Team Manager (copy enclosed) on the management of Corporate Risk, and revision of the Corporate Risk Register.

### **9 NATIONAL CONSULTATION ON FREEDOM OF INFORMATION (Pages 115 - 124)**

To consider a report by the Corporate Information Manager (copy enclosed) which provides Denbighshire's proposed response to a consultation on the Freedom of Information Act 2000.

### **10 COUNCIL CONSTITUTION (Pages 125 - 126)**

To consider a report by the Head of Legal, HR and Democratic Services (copy enclosed) which provides an update on the future adoption of a new model constitution for Wales.

**11 CORPORATE FLEET MANAGEMENT - INTERNAL AUDIT REPORT**

(Pages 127 - 146)

To consider a report by the Head of Internal Audit (copy enclosed) details the recent Internal Audit report on Corporate Fleet Management that received a 'Low' assurance rating.

**12 CORPORATE GOVERNANCE COMMITTEE - SELF ASSESSMENT**

To receive a presentation from the Head of Internal Audit on the Corporate Governance Committee Self-Assessment.

**13 CORPORATE GOVERNANCE COMMITTEE WORK PROGRAMME** (Pages 147 - 150)

To consider the committee's forward work programme (copy enclosed).

**MEMBERSHIP**

**Councillors**

Ann Davies  
Stuart Davies  
Peter Duffy

Alice Jones  
Jason McLellan  
Barry Mellor

**Lay Member**

Paul Whitham

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## CORPORATE GOVERNANCE COMMITTEE

Minutes of a meeting of the Corporate Governance Committee held in Conference Room 1a, County Hall, Ruthin on Monday, 28 September 2015 at 9.30 am.

### PRESENT

Councillors Ann Davies, Stuart Davies, Peter Duffy, Jason McLellan (Chair), Barry Mellor (Vice-Chair) and Mr Paul Whitham (Lay Member).

Councillors Hugh Evans, Hugh Carson Irving and Julian Thompson-Hill attended as observers.

### ALSO PRESENT

Corporate Director: Communities (NS), Head of Legal, HR and Democratic Services (GW), Head of Internal Audit (IB), Chief Finance Officer (RW), Interim Head of Finance and Assets (JG), Finance Assurance Manager (SG), Principal Manager- Business Support (TW), Senior Auditor (LH), Programme Manager Procurement (TB), Corporate Complaints Officer (CO), Wales Audit Office Representatives (GB, AV and GE) and Committee Administrator (CIW).

#### 1 APOLOGIES

Apologies for absence were received from Councillors Alice Jones.

#### 2 DECLARATION OF INTERESTS

No Members declared any personal or prejudicial interests in any business identified to be considered at the meeting.

#### 3 URGENT MATTERS

No items were raised which in the opinion of the Chair, should be considered at the meeting as a matter of urgency pursuant to Section 100B(4) of the Local Government Act, 1972.

#### 4 MINUTES

The Minutes of a meeting of the Corporate Governance Committee held on the 27<sup>th</sup> July, 2015.

Matters arising:-

10. WAO Report – Financial Resilience of Councils in Wales:- In response to a question from Mr P. Whitham, it was explained that the local report would be presented to the January, 2016 meeting of the Corporate Governance Committee.

**RESOLVED** – *that, subject to the above, the minutes be received and approved as a correct record.*

## 5 CORPORATE SAFEGUARDING

A report by the Head of Internal Audit (HIA) had been circulated previously.

The HIA explained that the report provided details of the recent Internal Audit Report (IAR) on Corporate Safeguarding which had received a 'Low' assurance rating. The key message arising from the Internal Audit Report (IAR), Appendix 1, had been that while the Council had measures in place to manage safeguarding, these were not robust and had not been embedded across all the Council's functions.

There was a necessity for Safeguarding to be perceived as a 'corporate' area, rather than just an area for Social Services or Education. There was therefore a need for the Council to raise awareness through relaunching the Corporate Safeguarding Policy, and ensuring that its Elected Members and officers were sufficiently trained.

The IAR included an Action Plan which raised 12 areas for improvement. The Corporate Safeguarding Panel (CSP) had assumed ownership of the Action Plan through the Corporate Director: Communities, and actions, responsibilities and timescales had been agreed to address all of the issues.

The Chair expressed concern that the measures in place to manage safeguarding had not been embedded corporately across all of the Council's functions.

In response to a question from Mr P. Whitham, it was felt that as risks had been identified at a corporate level, and with a view to creating corporate awareness, there should be an entry in the Corporate Risk Register in respect of this issue. The Corporate Director: Communities (CDC) referred to the risk around safeguarding and the understanding of the differential between safeguarding and statutory duties relating to the protection of vulnerable adults and children. It was explained that the issue of Corporate Safeguarding did not relate to the statutory duty governing Social Services and Education but related to a general risk. She emphasised that the Committee would need to decide whether the broad reaching responsibilities of Safeguarding, and the controls and mitigations which make reference to the CSP, Action Plan and responsibilities of improving awareness and ownership, had been contained within the action.

The HIA confirmed that since the undertaking of the audit, and implementation of the Action Plan, the Corporate Risk Register had been amended and would be subject to the respective actions.

Councillor H.H. Evans, Lead Member for Corporate Safeguarding, referred to the importance of keeping separate the Statutory Duties relating to Social Services and Education, and emphasised the need to assume responsibility corporately for safeguarding even though this aspect was not perceived as a Statutory Responsibility. It was explained that he had assumed responsibility and ownership for Corporate Safeguarding, and that some of the issues of concern highlighted by Internal Audit had already been addressed. The Committee were provided with an

assurance that the profile of Corporate Safeguarding would be elevated, and Councillor Evans confirmed that he would be leading on the amalgamation of Children's Social Care Services and Education. He also suggested that it would be beneficial if he was included as a member of the Safeguarding Panel, with a view to monitoring the response of the Authority in taking ownership of Corporate Safeguarding and reacting to expectations.

During the ensuing discussion the following issues were highlighted and responses provided by officers:-

- the management of Safeguarding within each Department, and the adoption of best practice and a uniform approach within the Authority.
- the introduction of an audit by the Corporate Safeguarding Panel with a view to creating consistency within respective Departments.
- reference was made to the views expressed in the WAO Review of Corporate Safeguarding arrangements in Welsh Councils, and the recognition of the journey being undertaken. The CDC agreed that a link to the Wales Audit Office Review of Corporate Safeguarding Arrangements in Welsh Councils could be circulated to Members of the Committee.
- details of the provision of Safeguarding training for both Elected Members and officers.
- an outline of the impact of the changes experienced, and the robust nature of the Statutory services provided by the Authority.

The WAO Representative (GB) referred to the National Report and confirmed that the Authorities policies were in place and fit for purpose. He also made reference to Action Plan and the need and importance of progressing its implementation.

During the ensuing discussion Members agreed that a progress report be included in the Committee's forward work programme for January, 2016, with a view to assessing the impact of the implementation of the Action Plan.

In response to a question from the Chair, the CDC made reference to the mandatory training programme, and the training provision scheduled for the next three Council Briefing sessions. The areas to be covered to include:-

- An introduction to Safeguarding and Protection.
- Child sexual exploitation.
- Lessons learned from other Authorities.

It was explained that the following the final briefing session a Task and Finish Group would be established of Members and officers to examine lessons learned from other local authorities where there had been safeguarding issues and the various self assessment / baseline toolkits available. This information could then be utilised to undertake a self-assessment against the respective findings. The Chair emphasised the importance of learning lessons from the experiences of other Authorities.

**RESOLVED** – that Corporate Governance Committee:-

- (a) receives the Internal Audit report.
- (b) notes the assurance that the Action Plan within the report is being implemented effectively and within the agreed timescales.
- (c) requests that a link to the WAO Review of Corporate Safeguarding Arrangements in Welsh Councils be circulated to Members of the Committee, and
- (d) agrees that a progress report be included in the Committee's forward work programme for January, 2016, with a view to assessing the impact of the implementation of the Action Plan.

**(NS, IB to Action)**

## **6 PROCUREMENT TRANSFORMATION PROGRAMME**

A report by the Interim Head of Finance and Assets (IHFO) had been circulated previously.

Councillor J. Thompson-Hill introduced the report and explained that in May, 2015 the Interim Head of Finance, Assets and Housing had presented a verbal update on procurement and outlined that to address these, and other short-comings identified in the procurement activity, a wider programme of transformation would be required.

The report outlined the structure and content of the transformation programme to provide reassurance that issues would be addressed and new structures and processes put in place to improve performance in relation to procurement. It was explained that the main driver of the Procurement Transformation Programme would be the development and delivery of the revised Procurement Strategy.

With the aid of a Powerpoint presentation the Programme Manager Procurement (PMP) provided Members with background details pertaining to:-

- the importance of procurement.
- seeing the big picture.
- identification of external and internal challenges.
- reasons for the need for change.
- transforming Procurement and the Transformation of:-
  - The Procurement Strategy.
  - Effective use of Technology.
  - Local Supplier Development.
  - Up-skilled workforce.
  - Headlines from MMT survey.
  - Organisational Structure.
- Priorities for Action – med-term.
- NPS: Headlines.

As requested at by the Committee in May the IHFA provided information and statistics on the National Procurement Service (NPS) established by WG, and details of the contracts procured through the NPS.



The IHFA explained that issues and short-comings previously identified would be addressed and rectified through the delivery of the Procurement Transformation Programme. New, more robust arrangements had been put in place to ensure the effective delivery of the Procurement Transformation Programme. This incorporated the appointment of a dedicated Programme Manager to direct the transformational change required in the way the council procures goods, services and works. The approach was expected to have the key outcomes of:-

- saving money through more effective and efficient procurement;
- delivering more and better community benefits through the procurement process;
- providing more and better support to local businesses to improve the quality of bids they submit and improve their chances of winning council contracts.

The programme would be organised into 5 distinct projects which would include a Strategy Document, Use of Technology, Local Supplier Development, Upskilling the workforce and Organisational Structure. It would be directed by a high level transformation board who would monitor and direct the delivery of the programme, and the key roles and membership had been identified. More comprehensive details of the programme and governance structures had been incorporated in Appendix 1, and key milestones had been highlighted.

Confirmation was provided that the knowledge of procurement within the Authority had not previously met expectations, and Councillor P.C. Duffy expressed the view that previous procurement activities and policies could have resulted in significant financial implications on the Authority.

During the ensuing discussion the following salient points were raised and responses and information provided:-

- Details were provided by the WAO Representatives in respect of the national study on procurement being undertaken by the WAO.
- The importance of accurate and transparent lines of reporting.
- The need and significance of involving Economic Development the process.
- An outline of the need to include small businesses in the process and the methods to be adopted to achieve this requirement. The IHFA referred to the registration of categories incorporated in the new system, which would assist with the local engagement of small businesses.
- The duty of the Council to achieve best value, which did not necessarily coincide with best price.
- An increase in the need for awareness of the procurement process, and the provision of training for officers in respect of the contract procedure rules.

Mr P. Whitham referred to statistics and the impact of timescales pertaining to staff numbers and the provision of training, particular reference being made to the provision of training in relation to the revised CPRs. He also suggested that consideration might be afforded to the provision of informed training for Elected Members to providing an understanding and knowledge of the process. In response to a question from Mr Whitham, the PMP outlined the challenges relating

to the introduction of technology, and confirmed that consideration had been given to the provision of hard copies of back up documentation.

During the ensuing discussion the Chair confirmed his membership of the Transformation Board, and agreed to liaise with the HLHRDS regarding the inclusion of a future progress report on the Committee's forward work programme.

**RESOLVED** – *that, subject to the above, the Corporate Governance Committee:-*

- (a) receives the report and endorses the recommendations made, and*
  - (b) agrees that the Chair and HLDS liaise regarding the inclusion of a future progress report on the Committee's forward work programme.*
- (JG, TB, and GW to Action)**

## **7 BUDGET PROCESS 2015/16**

A report by the Chief Finance Officer (CFO), which provided an update on the process to deliver the revenue budget for 2015/16 and 2016/17, had been circulated previously.

Councillor J. Thompson-Hill, assisted by the CFO and Finance Assurance Manager (FAM), provided a detailed summary of the report which outlined the process to deliver the revenue budget for 2016/17, and the following salient points were highlighted:-

- The potential remaining budget gap of £730k based on the latest planning assumptions in the Medium Term Financial Plan.
- Some proposals included in Phase 5 did not yet have estimated values attached and were currently being developed.
- Member's proposals to be included in the Phase 5 proposals.
- The latest progress with the budget setting process having been detailed in a table included in the report
- The forecast budget gap for 2016/17 had been set at approximately £8.8m with proposals totalling £4m having been approved.
- No indication received of the settlement in respect of the Revenue Support Grant.
- The exact impact of the Summer Budget announcements on devolved administration budgets would not be clear until the publication of the UK Government Spending Review on the 25<sup>th</sup> November, which would determine the level of the Block Grant to Wales.
- Implications of the probable late announcement of the Draft Settlement had been outlined in the report, together with, the current timetable Appendix 1.
- All proposals were being assessed to determine the budget impact in 2016/17.
- The focus of assessments, as outlined in the report, had been to identify potential areas of saving for 2016/17 and 2017/18, and provide some assurance about the value for money. The analysis would feed into the next revision of the Medium Term Financial Plan which was currently being drafted.

- The latest budget process chart had been enclosed as Appendix 1 and a revised version enclosed as Appendix 2.
- A review of Council reserves and provisions would be completed during September or October.

In reply to a question from Councillor S.A. Davies, the Committee agreed that the issues raised relating to the pensions fund, and the approximate increase of 8%, should be referred to the Budget Workshop for discussion. The CFO reminded Members that this was subject to a statutory process and to a triannual evaluation. The HLHRDS provided details of the legal aspect and outlined the relevant framework.

During the ensuing discussion the following issue were raised and responses provided:-

- Details of the impact of the Capital Finance Budget was provided by the CFO, particular reference being made to the Corporate Plan, termination of the PFI contract and buy-out of the Housing Account subsidy system.
- Confirmation was provided by the CFO that a review of all reserves and provisions was currently being undertaken with a view to presenting a report to Cabinet, and an update report to the Budget Workshop, in November, 2015.
- An update on the progress and projected savings to be realised from the termination of the PFI contract was provided by the CFO. He confirmed that the projected savings identified would be delivered as previously indicated.

***RESOLVED*** – *that Corporate Governance Committee receives and notes the contents of the report on the latest update.*  
***(RW to Action)***

## **8 APPROVAL OF STATEMENT OF ACCOUNTS 2014/15**

A report by the Chief Finance Officer (CFO) had been circulated previously.

Councillor J. Thompson-Hill and the CFO introduced the report. It was explained that the Council had a statutory duty to produce a Statement of Accounts (SA) which complied with approved accounting standards. The audited accounts had to be formally approved by Elected Members on behalf of the Council.

The Finance Assurance Manager (FAM) provided background detail pertaining to the process and confirmed that the financial statements for 2014/15 had been approved, subject to audit, by the CFO on the 25<sup>th</sup> June, 2015. The draft accounts had been presented to the Committee on the 23<sup>rd</sup> July, 2015 as agreed at its meeting in May.

The Accounts and Audit Regulations require that the Council formally approves the audited accounts, containing the external auditor's opinion, by the end of September.

The SA had been produced in compliance with the International Financial Reporting Standards (IFRS). The Chartered Institute of Public Finance and Accountancy (CIPFA) produced the IFRS based Code of Practice on Local Authority Accounting,

and the Council had produced the 2014/15 Accounts in compliance with the Code Accounting Standards. The Accounts included an unqualified audit opinion and audit certificate.

Details of the International Financial Reporting Standards had been included in the report. The Accounts would be made available for audit as required and had been open to public inspection. They had been audited by the WAO who had presented an overview of their findings and assessment of the process in the report to the Committee.

The audit process resulted in some technical adjustments and other corrections and amendments, and details had been presented in the Auditor's report.

The FAM provided a summary of SA and the following areas were highlighted:-

- Page 21 – Transfers to and from Reserves.
- Page 80 – Members Allowances.
- Page 83 - Explanatory Foreward.
- Page 84 - Final Revenue Outturn and the £1.3m underspend.
- Page 85 - Capital Summary.
- Pages 94, 95 – Movement of Revenue.
- Page 97 – Income and Expenditure Account.
- Page 99, 100 – Balance Sheet.
- Page 143 – Usable Reserves.
- Page -
- Page 155 – Reconciliation of Service Block Income and Expenditure and Work undertaken with Welsh Government.
- Page 160 – Members Allowances.
- Page 161, 164 – Officers' Remuneration and Exit Packages.

The WAO Representative (AV) referred to Appendix 2, "Audit of Financial Statements, Denbighshire County Council 2014/15", and invited Members attention to the Contents table on Page 239 of the report, which included some of the issues to be reported prior to their approval, particular reference was made to:-

- the Auditor General intention to issue an unqualified audit report on the Council's Financial Statements.
- the opinion that the accounting statements and related notes give a true and fair view of the financial position of Denbighshire County Council as at the 31<sup>st</sup> March 2015, and of its income and expenditure for the year then ended. That they had been properly prepared in accordance with the Code of Practice on Local Authority Accounting in the United Kingdom 2014-15.
- the Status of the Audit and details pertaining to areas of work which had been outstanding but had now been completed.
- details of the proposed Audit Report, as set out in Appendix 2.
- significant issues arising from the audit and the provision of assurance that the process had been open and transparent.
- the draft financial statements having been prepared to a good standard.

- confirmation that identified misstatements had all been adjusted and corrected.
- an expression of appreciation was extended to staff who had been cooperative and helpful.
- details of the four recommendations, particular reference being made to the valuation process of the Authority's fixed assets, and the amount of reserves and provisions.
- confirmation of the independence of the WAO Audit team.

The Chair expressed his appreciation for the work undertaken by the CFO and his officers, and the Wales Audit Office.

In response to a question from Mr P. Whitham, the WAO Representative provided details of possible future timescales in relation to the reference made to earlier closure of Local Authority accounts in future years.

**RESOLVED** – *that Corporate Governance Committee:-*

- (a) *the Statement of Accounts 2014/15, Appendix 1 to the report, be approved*
- (b) *the Chair and Chief Finance Officer sign the Accounts and the Letter of Representation.*

**(RW, SG to Action)**

## **9 ANNUAL TREASURY MANAGEMENT REPORT 2014/15 - UPDATE 2015/16**

A report by the Chief Finance Officer (CFO), on Treasury Management (TM), had been circulated previously.

It was explained by the CFO that the Annual TM Report 2014/15, Appendix 1, was about the Council's investment and borrowing activity during 2014/15. It also provided details of the economic climate at that time and indicated how the Council complied with its Prudential Indicators. The TM Update Report, Appendix 2, provided details of the Council's TM activities during 2015/16.

The term 'treasury management' included the management of the Council's borrowing, investments and cash flow. Approximately £0.5bn passes through the Council's bank accounts every year. The Council's outstanding borrowing at 31<sup>st</sup> March, 2015 was £144.77m, at an average rate of 5.40%, and the Council held £28.6m in investments at an average rate of 0.62%.

It had been agreed by Council that the governance of TM be subjected to scrutiny by the Corporate Governance Committee. Part of the role being to receive an update on the TM activities twice a year and to review the Annual TM Report for 2014/15.

The TM team would provide reports and training to the Corporate Governance Committee in accordance with the timetable incorporated in the report. It was explained that TM was a complex area which took time to understand fully and regular updates were provided. It had therefore been deemed that the Corporate Governance Committee was more appropriate than Council to receive these

updates so that the required amount of time and commitment could be devoted to this area.

The Committee was required to have a certain level of understanding in this area and this was achieved through regular updates and training sessions.

The role of the Committee in the TM process included:-

- To understand the Prudential Indicators
- To understand the impact of borrowing on the revenue position
- To understand the wider drivers impacting on the Council's TM activities
- To ensure that the Council always acts in a prudent manner in relation to its TM activities

The purpose of the Annual TM Report had been incorporated in Appendix 1, and the TM update report, Appendix 2, provided details pertaining to:-

- External economic environment
- Risks
- Activity
- Controls
- Future Activity

TM was a vital part of the Council's work which involved looking after significant sums of cash. It required a sound strategy and appropriate controls to safeguard the Council's money, to ensure that reasonable returns on investments were achieved and that debt was effectively and prudently managed. The Council had adopted the revised CIPFA Code of Practice and it was a requirement of that Code for the Committee receive an update on the TM activities twice a year, and to review an Annual TM Report.

The CFO referred to the implications arising from the Banking Reform Act 2014, implemented in January, 2015, and explained that banks were no longer able to rely on government bail-outs if they got into difficulty. He also made reference to the Capital Financing Requirement and the PFI transaction pertaining to County Hall, Ruthin, and provided details of the projected savings to be achieved. Members agreed that an update report on the PFI transaction be presented to the November, 2015 meeting of the Committee.

Following further discussion,

**RESOLVED** – that Corporate Governance Committee:-

- (a) receives and notes the contents of the report.
- (b) notes the performance of the Council's Treasury Management function during 2014/15 and its compliance with the required Prudential Indicators as reported in the Annual TM Report 2014/15, Appendix 1.
- (c) notes the TM update report, Appendix 2, and
- (d) requests an update report on the PFI transaction be presented to its November, 2015 meeting.

*(RW to Action)*

**10 YOUR VOICE ANNUAL REPORT**

A report by the Principal Manager Business Support (PMBS), which provided an overview of the feedback received via Denbighshire's customer feedback policy "Your Voice" during the period the 1<sup>st</sup> April, 2014 to the 31<sup>st</sup> March, 2015, had been circulated previously.

Councillor H.C. Irving introduced the report which incorporated an overview of the volumes and types of feedback received during 2014/15, which would enable the Committee to agree that the Council had a robust system in place for dealing with customer feedback. It also provided information regarding the Public Service Ombudsman for Wales' Annual Report and the accompanying letter.

It was explained that responsibility for corporate complaints had transferred from the Head of Customers and Education Support to the Principal Manager - Business Support (PMBS), and the team which managed Social Services complaints.

The PMBS explained that the report had retained its format, as previously agreed by the Committee, and invited the Committees views as to whether the information provided was appropriate and adequate to enable the Committee to ensure that the process was robust and fit for purpose.

A summary of the report and Headlines for 2014/15, Appendix 1, included:-

- A total of 411 complaints had been recorded – a decrease of 19% compared to the previous year's total of 510. Changes in the way complaints were recorded had accounted for this in part.
- Overall performance for the year had been 91 of stage 1 complaints responded to within the Your Voice timescales. This had not meet the corporate target of 95%.
- Overall performance for the year had been 84% of stage 2 complaints responded to within the Your Voice timescales. This had not meet the corporate target of 95%.
- The number of complaints successfully dealt with at stage 1 had increased to 93%.
- A total of 708 compliments had been recorded resulting in a decrease of 5% compared to the previous year's total of 749.
- A total of 76 suggestions had been recorded, an increase of 13% compared to the previous year's total of 67.

It was confirmed that 29 complaints had been made to the Ombudsman during 2014/15 which was higher than the Welsh Local Authority average, as indicated in

Appendix 2. One Section 21 report had been issued regarding a Protection of Vulnerable Adults investigation. Appendix 3 provided a summary of the complaint.

Two complaints of Members breaching their code of conduct had been made during 2014/15. Both complaints had been closed after initial consideration, as indicated in Appendix 4.

Mr P. Whitham highlighted the importance of incorporating details of trends within the report, and providing comparisons pertaining to present and past information.

In reply to a question from Councillor J.A. Davies, it was confirmed that the number of compliments received each year was greater than that of complaints, and it was acknowledged that lessons could also be learnt from compliments received.

The Chair expressed concern regarding a possible element of a duplication of work as this matter had been considered by the Performance Scrutiny Committee (PSC), and suggested that consideration be afforded to the most appropriate reporting channel. The HIA provided details of the Committee's Terms of Reference, and the HLHRDS explained that the Committee would require an assurance that the system was being monitored robustly and appropriately.

The Committee agreed that future reports be presented to the PSC, and the HLHRDS agreed that the Corporate Governance Committee's Terms of Reference be amended accordingly. Reference was made to the business item, Corporate Governance Committee – Terms of Reference Update, included on the Committee's forward work programme for consideration at the November meeting.

The HLHRDS suggested that it would be appropriate that if the PSC detected a trend which was a corporate issue rather than a service issue, then the matter be referred, by the Scrutiny Chairs and Vice Chairs Group (SCVCG), to the Corporate Governance Committee for consideration. Members agreed that the SCVCG be requested to provide an annual briefing note on trends relating to complaints received.

The WAO Representative AV referred to the Annual Governance Statement which incorporated the provision of assurances presented to the Corporate Governance Committee. These included many areas and incorporate the complaints process.

Following further discussion, it was:-

**RESOLVED** – *that Corporate Governance Committee:-*

- (a) receives and notes the contents of the report.*
- (b) agrees that future reports be presented to the Performance Scrutiny Committee, and the Terms of Reference of the Committee be amended accordingly.*
- (c) agrees that any trends detected, which were a corporate issue rather than a service issue, be referred by the Scrutiny Chairs and Vice Chairs Group to the Corporate Governance Committee for consideration, and*



(d) requests that the SCVCG provides an annual briefing note on trends on complaints received.

**(TW, COG, GW to Action)**

## **11 MONITORING OF COUNCIL FUNDED SERVICE PROVIDERS**

A report by the Head of Business Improvement and Modernisation (HBIM), which provided an opportunity to comment on and contribute to the draft framework for setting up and monitoring Council Funded Service Providers (CFSPs), had been circulated previously.

The Head of Internal Audit (HIA) introduced the report and confirmed that the draft document had been considered by the Corporate Executive Team on the 21<sup>st</sup> September 2015, when minor amendments had been made which included a request for further detail of the organisations affected by the new framework.

A final draft version of the document would be presented to SLT on the 1<sup>st</sup> October, 2015 prior to being formally adopted and launched later that month. The risks addressed by the new framework had been summarised and incorporated in the report.

The HIA explained that the new framework would ensure that the Council had a robust mechanism to monitor governance, financial performance, operational performance and the use of Council funds. He provided a detailed summary of the draft document, Appendix 1, 'Framework for Delivering Services with Council-funded Service Providers' and provided further detail on the following areas:-

- Why we need a framework
- Some 'must dos'
- The role of senior management and Elected Members
- Council representation on CFSPs
- Details of requirements for setting up, monitoring and reporting on CFSPs
- Appendices providing more detailed guidance on business cases, legal agreements and service level agreements.

During the ensuing discussion the following issues were raised and responses provided:-

- The distinction between the role and responsibilities of a landlord in comparison to an organisation providing services on behalf of the Authority.
- The benefits realised from having Elected Members on the Board of an organisation which provides a service for, or on behalf of, the Authority.
- Problems which could arise if the relationship between a respective company or organisation and the Authority was strained. The duties of Elected Members as Directors of a Board could then become indistinct, and impair their role of being an effective voice for the Authority.
- The importance of the Authority not relying exclusively on Elected Members, as Board Members, to monitor any negative activities of the respective organisation or company.

- The need for proper monitoring arrangements to address any negative activities.
- The framework to provide an understanding of expectations, for both the respective organisations and Members, prior to the commencement of any agreements or legal documentation.
- The definition was provided in respect of landlord and tenant arrangements, and the management of leased properties in the ownership of the Authority.
- In response to a question regarding the possible provision of awareness training for Members and middle managers, details were provided of the work being undertaken by the HIA.
- Details of the auditing arrangements were provided by the HIA, particular reference being made to the Audit Plan.
- Reference was made to the possible difficulties which could be encountered in implementing and applying the new framework with regard to existing agreements.

Following further discussion, it was:-

**RESOLVED** – *that Corporate Governance Committee:-*

- (a) *receives and notes the contents of the report, and*
- (b) *endorses the draft framework.*

**(IB to Action)**

## **12 CORPORATE GOVERNANCE COMMITTEE WORK PROGRAMME**

The Corporate Governance Committee's Forward Work Programme (FWP) (previously circulated) was presented for consideration.

The Committee confirmed the Corporate Governance Committee Forward Work Programme subject to the inclusion of the following reports:-

18<sup>th</sup> November, 2015:- PFI Update.

27<sup>th</sup> January, 2016:- Corporate Safe Guarding Update.

**RESOLVED** – *that, subject to the above, the Committee approves the Forward Work Programme.*

**(CW to Action)**

Meeting ended at 13.30 p.m.

By virtue of paragraph(s) 14, 18 of Part 4 of Schedule 12A of the Local Government Act 1972.

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By virtue of paragraph(s) 14, 18 of Part 4 of Schedule 12A  
of the Local Government Act 1972.

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By virtue of paragraph(s) 14 of Part 4 of Schedule 12A  
of the Local Government Act 1972.

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**Report To: Corporate Governance Committee**

**Date of Meeting: 18<sup>th</sup> November 2015**

**Lead Member / Officer: Councillor Julian Thompson-Hill**

**Report Author: Richard Weigh, Chief Finance Officer**

**Title: Budget Process 2016/17**

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**1. What is the report about?**

The report gives an update on the process to deliver the revenue budget for 2016/17.

**2. What is the reason for making this report?**

To provide an update of the latest position.

**3. What are the Recommendations?**

To consider the latest update and comment as appropriate.

**4. Report details**

The latest progress with the budget setting process was presented to a member budget workshop on 26<sup>th</sup> October 2015 and is summarised in the list below. The presentation (enclosed) detailed the following

- Impact of the Summer Budget
- UK Spending Review (due 25<sup>th</sup> November 2015) and the possible impact for devolved administrations
- The impact of national policies to protect elements of council budgets
- Key budget planning assumptions with the -4% cash reduction to the council's revenue budget settlement being the most significant
- The impact of the final settlement being more or less than -4%
- The impact of Council Tax planning assumptions and context
- The risks around the future funding of specific revenue grants
- Changes to the budget timetable to accommodate the late draft local government budget settlement (due 9<sup>th</sup> December rather than early October)
- Assurance that any budget proposals going forward to Council for approval in December (i.e. drafted before the budget settlement announcement) would be efficiency measures and not cuts to services or increases in fees and charges.

	<b>£'000</b>
<b>Revised Savings Target</b>	8,003
<b>Savings Agreed</b>	
Phase 1	870
Phase 2	1,785
Phase 3	-
Phase 4	1,290
<b>Total Proposals</b>	<b>3,945</b>
<b>Estimated Gap</b>	<b>-4,058</b>

The latest budget planning

assumptions were discussed and are summarised below. The budget gap assumes the Settlement is set at -4%.

So far, proposals totalling approximately £2m have been identified for inclusion in Phase 5 and intended to be taken to Council for approval in December. The reason for taking these proposals for approval before the Settlement announcement is that they are efficiency or modernisation measures, or adjusting budgets to match expenditure or risk.

Explanation of the key assumptions applied to the budget process was provided and highlighted that the most significant of these is the level of Settlement to local authorities in the form of Revenue Support Grant. Every percentage change to the Settlement value equates to approximately £1.4m. At this stage, there is no indication of the level of likely Settlement. Analysis of the UK Summer Budget suggests that the Block Grant to Wales could be broadly flat in cash terms over the next two years, partly as a consequence of 'protected' areas of expenditure forming a significant part of the overall 'Block' of funding devolved (mainly health and schools). Therefore, the issue in Wales is the policy at a national level that will inform the distribution of funding between local government and health.

The Draft Settlement for Local Government in Wales is usually published early in October but it will not be issued until 9<sup>th</sup> December as a consequence of the UK Government Spending Review not being published until 25<sup>th</sup> November. The Spending Review will determine the level of the Block Grant to Wales.

The late announcement of the Draft Settlement will mean that the budget timetable may need to be refined. The council has to set its budget in time to allow the production and distribution of Council Tax bills in March. Depending on the level of Settlement, it is probable that an extra meeting of the full council will be required to finalise the budget in February.

The Final Local Government Settlement will not be published until 2<sup>nd</sup> March 2015. Assurances have been provided that there should be no negative movement between the Draft and Final Settlement values. Usually, there are minor data changes between the two but assurances have been provided that these will have been factored into the Draft. Therefore, the council's final budget and Council Tax will have to be set based on the Draft Settlement. Initial legal advice suggests that this is acceptable as long as the Final Settlement is not significantly different from the Draft. The final Welsh Government budget will not be put before the Senedd until 8<sup>th</sup> March.

Appendix 2 is a letter from Welsh Government/WLGA outlining the timetable and some of the issues. The timetable does present some risks if settlement values change significantly or if there are problems agreeing the budget at a national level. This is being kept under review.

**5. How does the decision contribute to the Corporate Priorities?**

Effective management of the council's budgets and delivery of the agreed budget strategy underpins activity in all areas, including corporate priorities.

**6. What will it cost and how will it affect other services?**

The council may need to deliver savings and other measures of approximately £8.8m next financial year.

**7. What are the main conclusions of the Equality Impact Assessment (EqIA) undertaken on the decision?**

An EqIA will be completed for all relevant proposals as the process develops.

**8. What consultations have been carried out with Scrutiny and others?**

Previous reports have highlighted in detail the significant consultation process undertaken to deliver the 2015/16 and 2016/17 budgets.

**9. Chief Finance Officer Statement**

This remains a difficult process with some tough decisions to make along the way. The engagement and support of elected members in the decision making process and scrutiny of the process is crucial.

The aim of the budget process is to ensure that the council delivers a balanced budget. Built into the process are a number of review points to ensure that it remains on track and it can be amended if not. The uncertainty over the level and timing of the Settlement means that the budget gap estimated may change for 16/17 but this must be viewed in the context of the likelihood that negative Settlements will continue in the medium term. The late notification this year poses some risks but these are currently thought to be manageable.

**10. What risks are there and is there anything we can do to reduce them?**

The budget process itself is a risk management measure with the aim of identifying, assessing and agreeing budget proposals in a planned and timely way. The process as outlined includes scope to review and amend if necessary.

Risk management of the budget process is a key consideration of the Corporate Governance Committee and specific risks have been raised in previous reports. As each proposal is identified, the financial and service risks are identified and highlighted at budget workshops as they are being developed.

**11. Power to make the Decision**

Local authorities are required under Section 151 of the Local Government Act 1972 to make arrangements for the proper administration of their financial affairs.

# Budget Workshop

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**26<sup>th</sup> October 2015**

**Richard Weigh**

**Chief Finance Officer**

# Overview

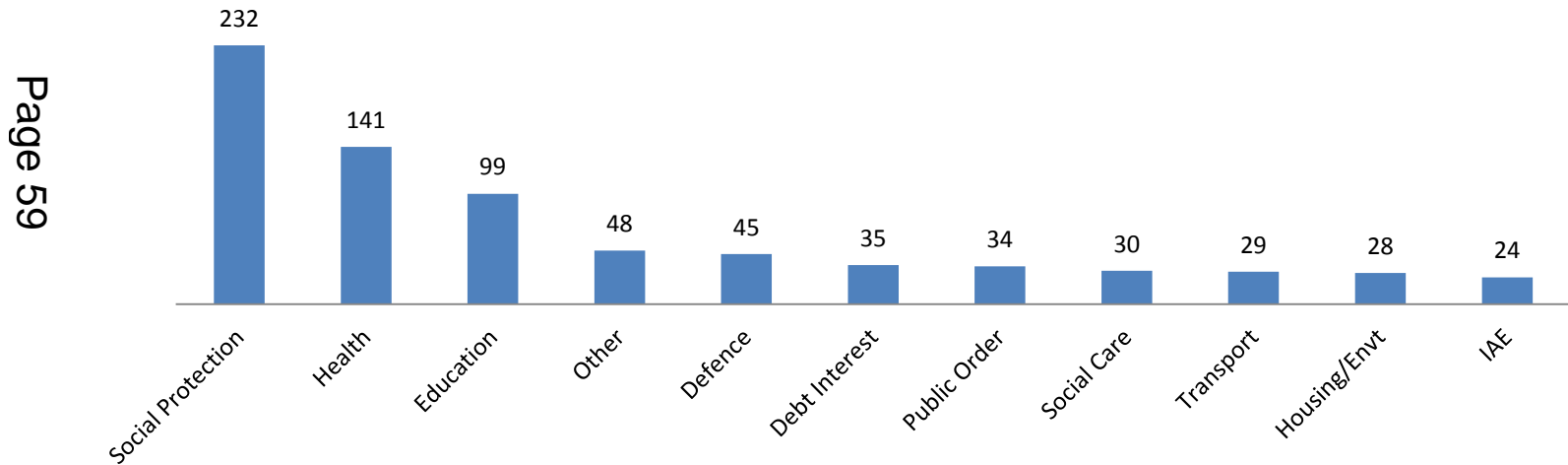
- Financial Context
- National Issues and Priorities
- Constraints
- Financial Planning Assumptions
- Council Tax
- Savings Target & Scenarios
- Phase 5 Proposals
- Budget Timetable



# Financial Context

- UK Budgeted Expenditure 2015/16

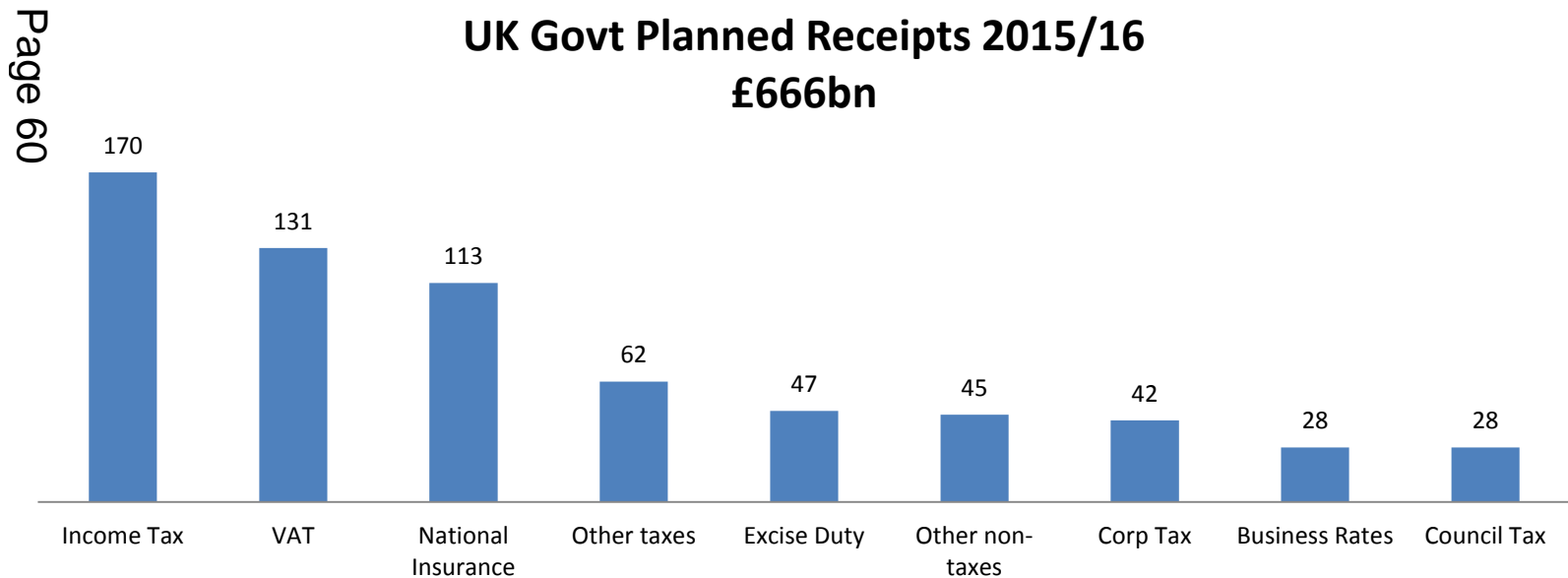
UK Govt. Spending Plans 2015/16  
£743bn



Source :Budget March 2015 HM Treasury

# Financial Context

- UK Budgeted Income 2015/16



Source :Budget March 2015 HM Treasury

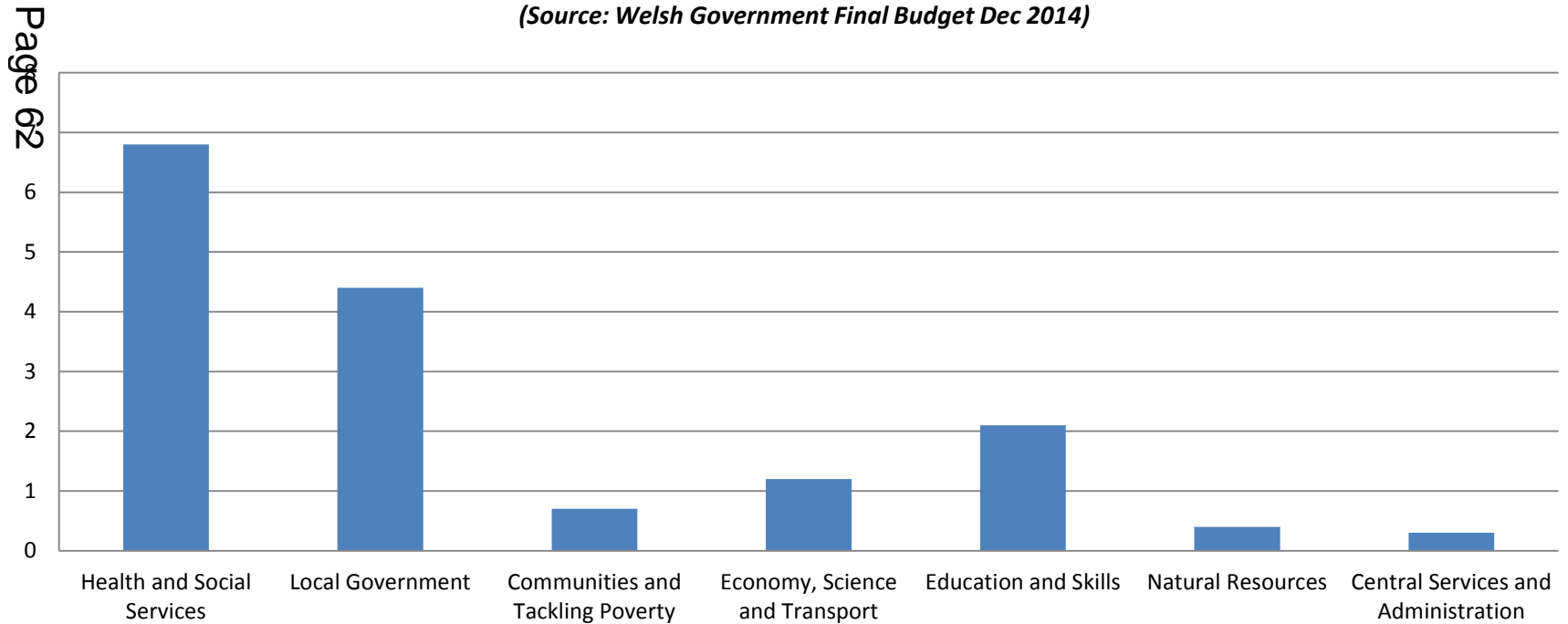
# Financial Context

- Summer Budget 2015 Headlines:
  - £16bn Departmental Savings (27%)
  - £12bn Welfare
  - £5bn Tax avoidance measures
  - Budget surplus by 2019/20
  - Protection for education, increases to NHS, defence and international aid
- Impact for devolved administrations?

# Financial Context

## Welsh Govt. Budget 2015.16 £15.9bn

*(Source: Welsh Government Final Budget Dec 2014)*



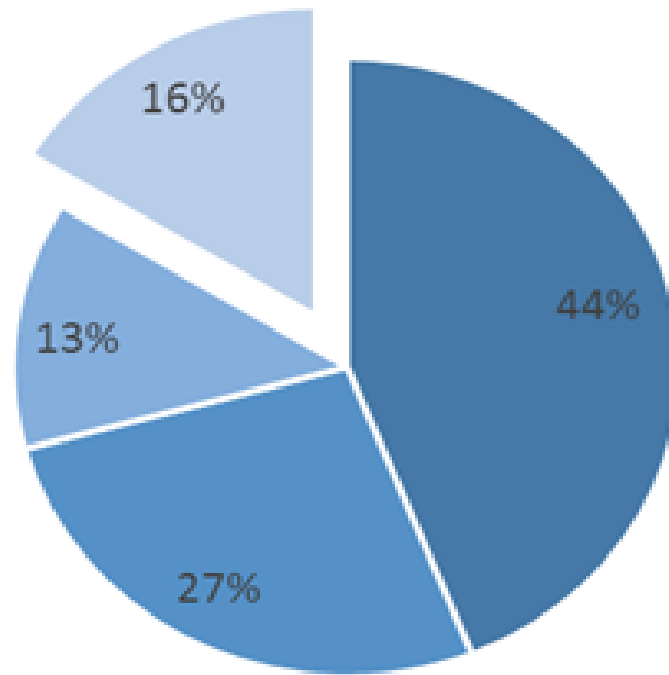
# Stargazing

- Barnett consequential and funding floor mechanism indicate a flat cash settlement to Wales (the Block Grant)
- So, can we expect a flat cash settlement to Councils?
- Unlikely.....

# National Issues

- NHS waiting times, standards, cancer drugs, A&E.....
- Nuffield – flat cash to the NHS would mean a funding gap of £3.6bn in real terms by 2025
- Protection for Schools and social care?

# Welsh Councils – Revenue Expenditure



■ Education ■ Social Services ■ Fixed Budgets ■ Other

# Denbighshire Budget

	£'000	% of Net Budget
<b>Net Council Revenue Budget 15/16</b>	<b>184,756</b>	
<b>Protected &amp; Non-Discretionary Elements</b>		
Schools	63,303	34.3
Social Care	40,503	21.9
Capital Financing	12,945	7.0
Precepts & Levies	4,361	2.4
Corporate (Inc CTRS, Supplementary Pension, PFI)	17,263	9.3
	<b>138,375</b>	<b>74.9</b>
<b>Other Services</b>		
Communication, Marketing & Leisure	5,444	2.9
Customers & Education Support	2,751	1.5
School Improvement & Inclusion	3,901	2.1
Business Improvement & Modernisation	3,623	2.0
Legal, HR & Democratic Services	2,414	1.3
Finance & Assets	5,051	2.7
Highways & Environmental Services	18,134	9.8
Planning & Public Protection	2,364	1.3
Economic & Business Development	831	0.4
Corporate Plan	1,868	1.0
	<b>46,381</b>	<b>25.1</b>
<b>Total</b>	<b>184,756</b>	<b>100</b>



# Constraints

- 'Controllable' expenditure less than a 1/5<sup>th</sup> of the total of council budgets at a national level
- These are the budgets most susceptible to general and specific grant cuts
- Councils in Wales much more reliant on specific grants than Scotland or England so cuts to grants will have a bigger impact

# Budget Assumptions 16/17

- **Settlement -4%**
- Pay 1% average
- Pensions 8% average
- NI Changes (in 16/17) 26%
- Other corporate assumptions including insurance, fire levy, energy, welfare reform, etc.
- Council tax capped at 5%

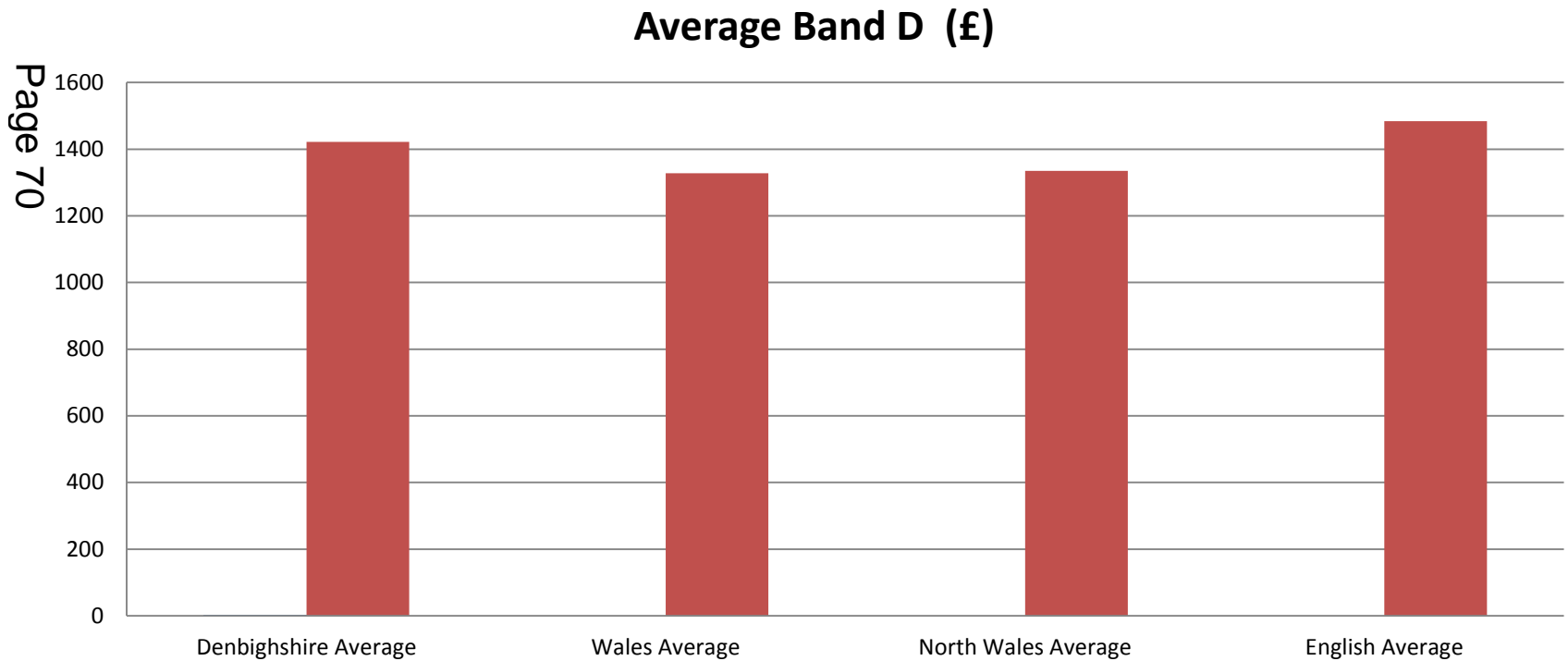
# Council Tax Impact

## ● Council Tax Rise – Assumption 2.75%

	<u>Increase</u>	<u>Gross</u>	<u>C/Tax</u>	<u>Net</u>	<u>Budget</u>		<u>Avg Band D</u>
		<u>Increase</u>	<u>Benefit</u>	<u>Increase</u>	<u>Impact</u>		<u>Annual</u>
	<u>%</u>	<u>£'000</u>	<u>£'000</u>	<u>£'000</u>	<u>£'000</u>		<u>Impact</u>
Page 69	0.00%	0	0	0	-876.83		0
	2.00%	850.26	-212.57	637.70	-239.14		£27.60
	2.50%	1,062.83	-265.71	797.12	-79.71		£34.50
	<b>2.75%</b>	<b>1,169.11</b>	<b>-292.28</b>	<b>876.83</b>	<b>0.00</b>		£37.95
	3.00%	1,275.39	-318.85	956.54	79.71		£41.40
	3.50%	1,487.96	-371.99	1,115.97	239.14		£48.30
	4.00%	1,700.52	-425.13	1,275.39	398.56		£55.20
	4.50%	1,913.09	-478.27	1,434.81	557.98		£62.10
	5.00%	2,125.65	-531.41	1,594.24	717.41		£69.00

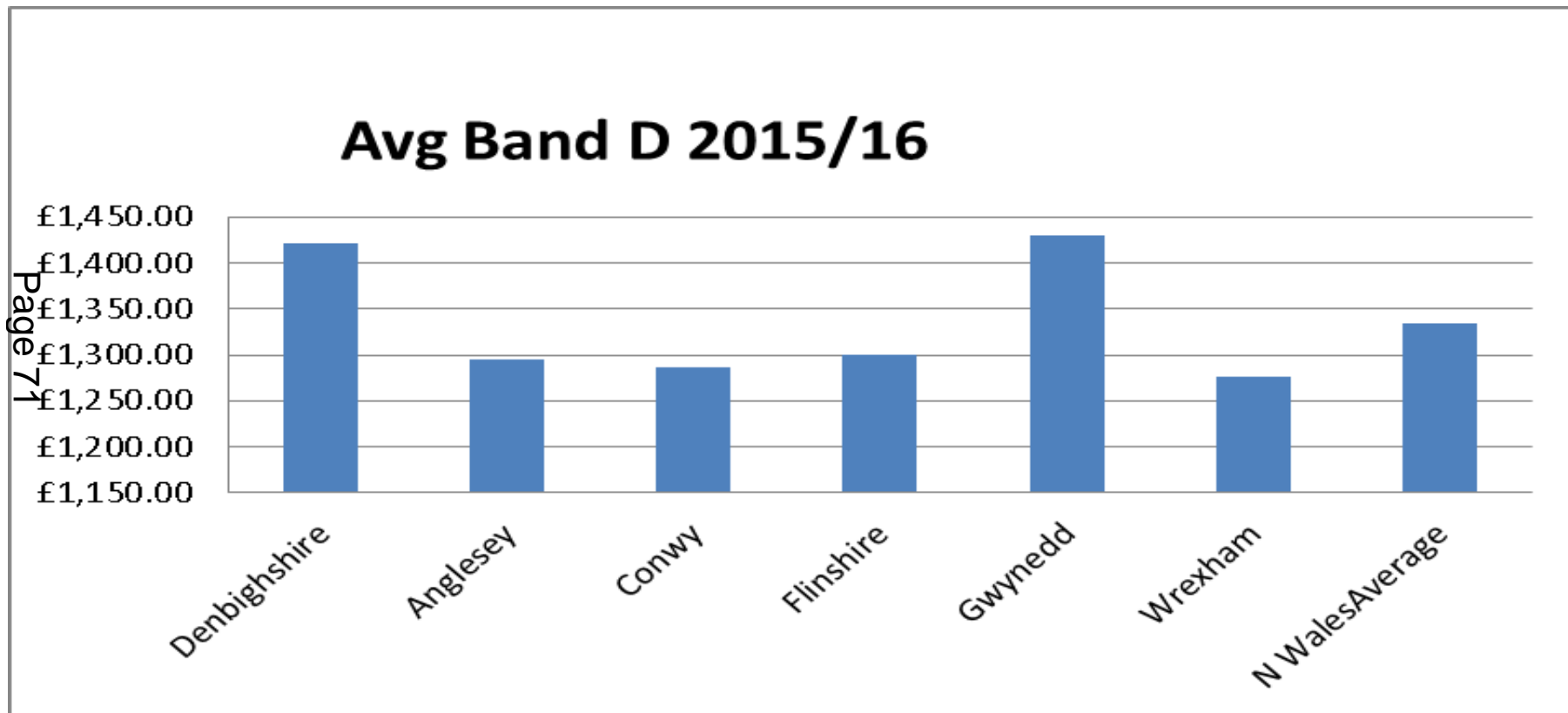
# Council Tax

- Council Tax in context:



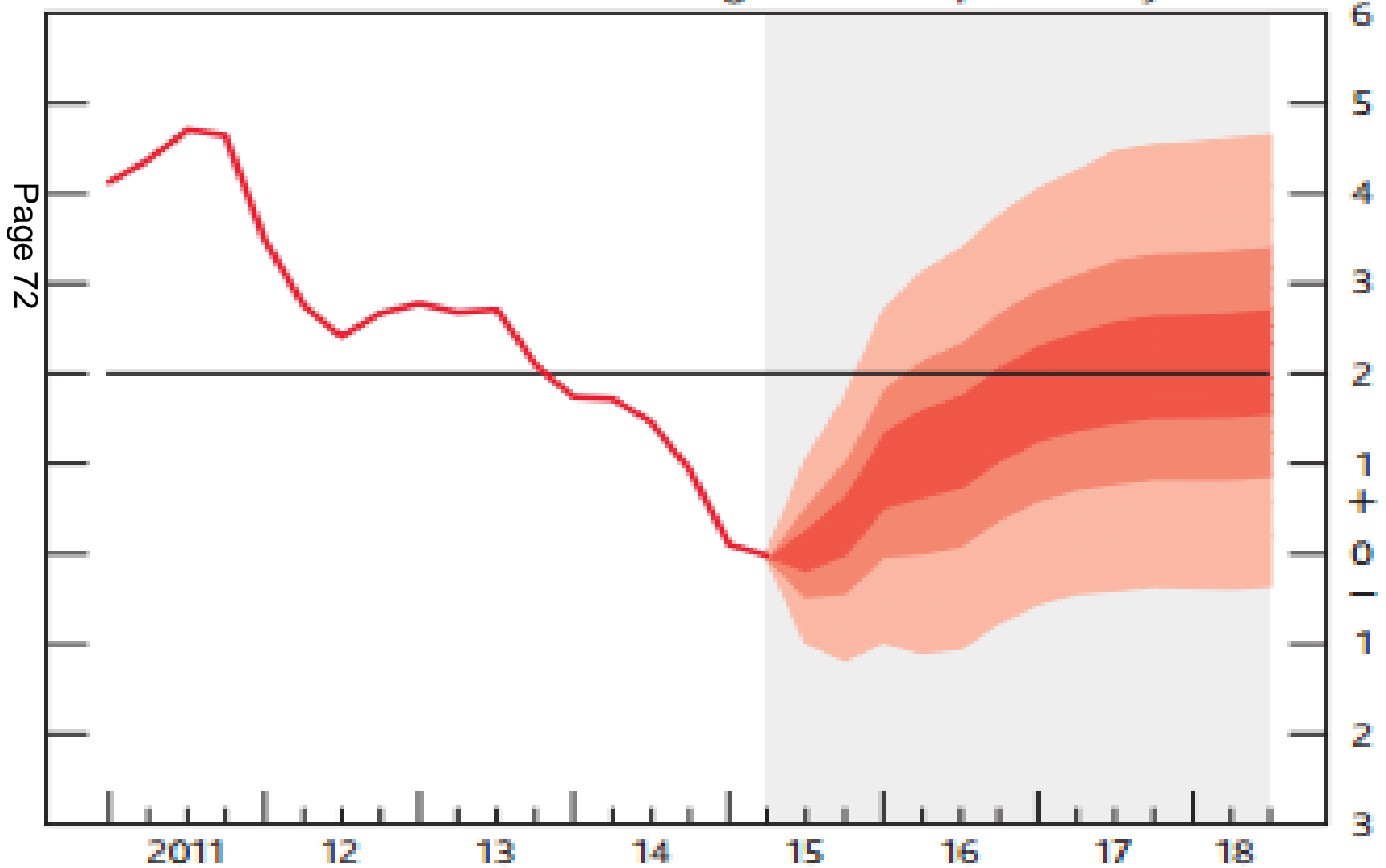
# Council Tax

- Council Tax in Context



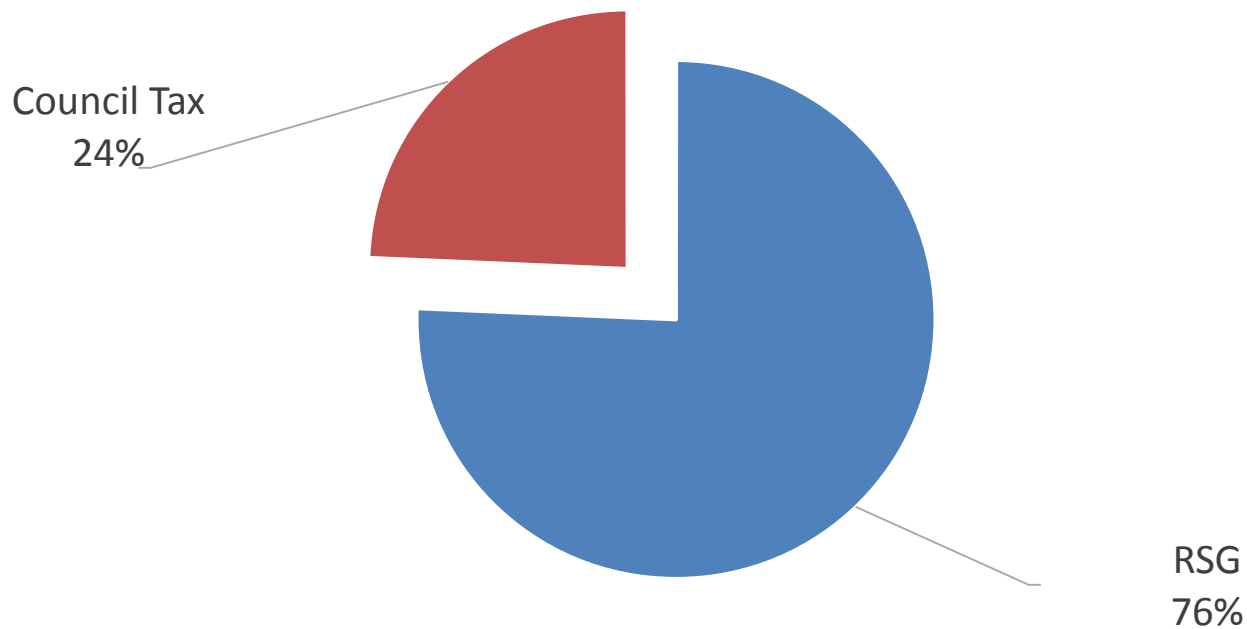
# Council Tax: Link to Inflation?

Percentage increase in prices on a year earlier



# Revenue Settlement is the crucial element:

Net Council Revenue Budget Funding



# Medium Term Financial Plan

		<b>2016/17</b>
		<b>£'000</b>
<b>Revised Savings Target</b>		<b>8,003</b>
<b>Proposed</b>		
Phase 1		870
Phase 2		1,785
Phase 3		-
Phase 4		1,290
Phase 5		
<b>Total Proposals</b>		<b>3,945</b>
<b>Gap</b>		<b>-4,058</b>



# Settlement Scenarios

		Budget Gap
	Base Case - 4%	4.058
	-3%	2.658
	-2%	1.258
	-1%	0
	-5%	5.458

# Revenue Grants

- Council received £35m of specific revenue grant in 2014/15
- WG departments modelling reductions over the next three years
- Better RSG settlement may well be at the expense of direct revenue grants
- Won't be announced on settlement date (9<sup>th</sup> December)

# Phase 5 Proposals

- Workshops will present efficiencies and proposals for cuts or increases to fees and charges
- No decisions on cuts or fees and charges made before the settlement
- Aim to take approximately £2m of efficiencies to Council in December
- If further cuts not necessary for 16/17 – they will be for 17/18!

# Budget Timetable

- Settlement at least 2 months later than usual
- Will be a one-year settlement – no further indications until after the election
- May require additional council meeting to approve the final council tax report
- Public engagement – not productive at this stage given the type of proposals being considered
- 17/18 will be more difficult and require a new budget process

# Budget Timetable

- Next Budget Workshops
  - 10<sup>th</sup> November
  - 14<sup>th</sup> December
- Settlement Announcement due 9<sup>th</sup> December
- Approve efficiency related proposals at Council in December
- Final Council approval in February – possible extra meeting required

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Leighton Andrews AC / AM  
Y Gweinidog Gwasanaethau Cyhoeddus  
Minister for Public Services



Llywodraeth Cymru  
Welsh Government

Councillor Bob Wellington  
Arweinydd Cymdeithas  
Llywodraeth Leol  
Cymru (CLILC)  
Leader, WLGA



Ein cyf/Our ref: MA-P-LA-0378-15

Leaders, County and County Borough Councils  
Police and Crime Commissioners

26 October 2015

Dear all,

The Minister for Finance and Government Business recently set out the timing of the Welsh Government's Budget process for the 2016-17 financial year in light of the UK Government's Spending Review announcement, scheduled for 25 November 2015.

Our officials have met and considered the implications for the timing of the Local Government settlement and Local Authorities budget setting in light of the same. We are writing jointly to inform you of the outcome of the discussions.

An appropriate amount of time has to be built around the announcement of the UK Spending Review to allow for the National Assembly to scrutinise the Welsh Budget. Whilst we recognise that this creates difficulties for the timing of Local Government budget-setting, the proposed timetable, at Annex A, does not result in any legal or financial impediment to the process.

However, it is also recognised that the timetable does present challenges. Each Authority will therefore need to give consideration to the implications of the timetable for its own budget setting exercise.

Bae Caerdydd • Cardiff Bay  
Caerdydd • Cardiff  
CF99 1NA

English Enquiry Line 0300 0603300  
Llinell Ymholiadau Cymraeg 0300 0604400  
[Correspondence.Leighton.Andrews@wales.gsi.gov.uk](mailto:Correspondence.Leighton.Andrews@wales.gsi.gov.uk)

Rydym yn croesawu derbyn gohebiaeth yn Gymraeg. Byddwn yn ateb gohebiaeth a dderbynnir yn Gymraeg yn Gymraeg ac ni fydd gohebu yn Gymraeg yn arwain at oedi.

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We welcome receiving correspondence in Welsh. Any correspondence received in Welsh will be answered in Welsh and corresponding in Welsh will not lead to a delay in responding.

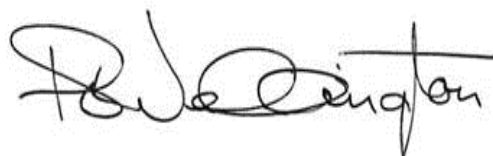
Particular considerations arising from the timetable which need to be taken into account include the following.

- ◆ The detailed allocations of Revenue Support Grant and redistributed Non-Domestic Rate Income published in the Provisional Settlement announcement, and subject to the statutory consultation process, will reflect all the information normally available by Final Settlement stage including updated tax-base information. This should provide a firmer basis for planning than is normally the case at the Provisional Settlement stage.
- ◆ The Provisional Settlement will include the available information on specific grants. The later budget will however have implications for decisions about individual specific grants. It is therefore to be expected that comprehensive data on all grants is unlikely to be available at the time of the Provisional Settlement. Work will continue after the provisional announcement to provide as comprehensive a picture of Welsh Government funding as early as practically possible.
- ◆ It may not be possible to publish some of the more detailed analysis underpinning the settlement allocations, such as the breakdown of SSAs and the indicator data at the same time as the settlement. The underpinning analysis will be published as soon as possible after 9 December.

Our officials will continue to liaise as the timetable develops.

Handwritten signature of Leighton Andrews in black ink, with a horizontal line underneath.

**Leighton Andrews AC / AM**  
Y Gweinidog Gwasanaethau Cyhoeddus  
Minister for Public Services

Handwritten signature of Bob Wellington in black ink.

**Councillor Bob Wellington**  
Leader of the WLGA  
Arweinydd Cymdeithas  
Llywodraeth Leol  
Cymru (CLILC)



## Proposed Budget Timetable for 2016-17

Date	Activity
25 November	UK Government Spending Review Announcement
8 December (last week of Autumn term)	Publish Welsh Government Draft Budget 2016-17
9 December	Publish Provisional Local Government Settlement Begin formal consultation on the Settlement
9 February	Debate on Draft Budget 2016-17
14 February	Indicative deadline for levying bodies (eg. National Parks Authorities and Fire and Rescue Authorities) to inform Principal Authorities of proposed levies
29 February	Indicative deadline for precepting bodies (ie. Police and Crime Commissioners and Community Councils) to inform Principal Authorities of precepts
1 March	Publish Welsh Government Final Budget 2016-17
2 March	Publish Final Local Government Settlement
8 March	Move Final Welsh Budget 2016-17 for Debate
9 March <sup>(a)</sup>	Move Final Settlement for Debate
10 March	Indicative deadline for Principal Authorities to set budgets and Council Tax for forthcoming year.

(a) Debate on Final Settlement can only take place after Final Budget has been approved.

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Report To: **Corporate Governance Committee**

Date of Meeting: **18 November 2015**

Lead Member / Officer: **Julian Thompson-Hill/Alan Smith, Head of Business Improvement & Modernisation**

Report Author: **Liz Grieve, Strategic Planning Team Manager**

Title: **Corporate Risk Register Review, October 2015**

## **1. What is the report about?**

- 1.1 The management of Corporate Risk, including the October 2015 revision to the Corporate Risk Register.

## **2. What is the reason for making this report?**

- 2.1 This report summarises how the Corporate Risk register is monitored and managed and therefore represents an annual report for Corporate Governance Committee to consider how Corporate Risk is managed in the Authority.
- 2.2 A formally updated version of the Corporate Risk Register was agreed at Cabinet Briefing in October 2015 and will be presented for consideration at Performance Scrutiny on 10 December 2015.
- 2.3 The report also alerts the committee to the review of the Corporate Risk management methodology in light of the Well-being of Future Generations Act

## **3. What are the recommendations?**

- 3.1 Corporate Governance Committee to note how Corporate Risk is managed in the Authority and make any comments on the process.

## **4. Report details**

- 4.1 The Corporate Risk Register enables the council to manage the likelihood and impact of risks that it faces by evaluating the effect of any current mitigating actions, and recording deadlines and responsibilities for further action that should enable tighter control.
- 4.2 The Corporate Risk Register has been developed by, and is owned by, the Corporate Executive Team. The process for reviewing the Corporate Risk Register is as follows:
  - Services are encouraged to review their risk registers twice per year (according to the Corporate Risk Management methodology) prior to each Corporate Risk Register review, and also prior to their Service Performance Challenge meetings. Any issues or queries are discussed in the Service Performance Challenge meetings.

- The Strategic Planning Team analyses all service risk registers to identify any risks of corporate significance, or any risk themes emerging across services.
  - Updates on current corporate risks are collected from risk owners, and updates on mitigation actions are collected from action owners.
  - Individual meetings are held with the Chief Executive and Directors to discuss the risks for which they are lead. Consideration is given to whether the risk remains, whether the scores are accurate, and whether any new risks under their jurisdiction need to be included.
- 4.3 The Corporate Risk Register is formally reviewed twice yearly by Cabinet and CET. However, any significant new or escalating risks are brought to the attention of CET (via the Strategic Planning Team) as and when they are identified. CET then take a view as to whether that risk should be included in the Corporate Risk Register.
- 4.4 Following each formal review of the Corporate Risk Register (twice per year), the revised document is presented to Performance Scrutiny. See Appendix 1 and 2 for the latest documents and background information presented to Cabinet Briefing in October.
- 4.5 Actions identified to address corporate risks are included in Service Plans (where appropriate), which enables Performance Scrutiny Members to monitor progress. Any performance issues in relation to the delivery of these activities should be highlighted as part of the Service Performance Challenge process.
- 4.6 The council’s Internal Audit function provides independent assurance on the effectiveness of the internal control procedures and mechanisms in place to mitigate risks across the council. It also offers independent challenge to ensure the principles and requirements of managing risk are consistently adopted throughout the council. Internal Audit Services also use information from our service and corporate risk registers to inform its forward work programme.
- 4.7 The Well-being of Future Generations Act requires us to consider our work using the five principles of sustainable development, and the way we consider and manage risk will need to be reviewed in line with the new legislation. This review will take place as part of the implementation of the new Act which comes into force in April 2016, and members will be fully involved.

## **5 How does the decision contribute to the Corporate Priorities?**

- 5.1 The purpose of the Corporate Risk Register is to identify the potential future events that may have a detrimental impact on the council’s ability to deliver its objectives, including its corporate priorities. The identified controls and actions are therefore crucial to the delivery of the corporate priorities.

## **6 What will it cost and how will it affect other services?**

6.1 The cost of developing, monitoring and reviewing the Corporate Risk Register is absorbed within existing budgets.

**7 What are the main conclusions of the Equality Impact Assessment (EqIA) undertaken on the decision? The completed EqIA template should be attached as an appendix to the report.**

7.1 This Corporate Risk Register documents identified risks, and current and proposed mitigating actions. The process of developing and reviewing the document itself does not impact adversely on any people with protected characteristics. However, any new process, strategy or policy arising as a result of a mitigating action should be equality impact assessed at service delivery level.

**8 What consultations have been carried out with Scrutiny and others?**

8.1 Details of the consultation process to review the Corporate Risk Register are contained in paragraph 4.2.

8.2 A report is due to be presented to Scrutiny Chairs & Vice Chairs meeting in December to introduce how Scrutiny may wish to incorporate the requirements of the Well-being of Future Generations Act into their work. The review of risk management will be included in this discussion.

**9 Chief Finance Officer Statement**

9.1 There are no financial implications arising from the process outlined in this report for developing, monitoring and reviewing the Corporate Risk Register.

**10 What risks are there and is there anything we can do to reduce them?**

10.1 The main risk associated with the risk management process is that the registers are not regularly reviewed and do not therefore become a dynamic and meaningful management tool. However, the process is fully integrated into the council's performance management framework, which should mitigate against this.

**11 Power to make the Decision**

11.1 Local Government Act 2000.

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## Appendix 1

The main changes made to the Corporate Risk Register are listed below, along with any points of note:

- i. DCC001: *'The risk of a serious safeguarding error where the council has responsibility, resulting in serious injury or death'*. A number of new actions are planned which are in the action plan created following a review by the Internal Audit service
- ii. DCC006: *'The risk that the economic and financial environment worsens beyond current expectations, leading to additional demand on services and reduced income'*. This risk continues to be closely monitored and a number of actions are in place this year to help to manage the extra challenge of a delayed notification of our settlement
- iii. DCC007: *'The risk that critical or confidential information is lost or disclosed'*. A significant number of risk reduction actions have been undertaken: the information security policy is in place and the e-learning package is in place and has been rolled out. It is proposed, therefore, that this risk can now be managed at service level.
- iv. DCC011: *'The risk of an ineffective response to a severe weather, contamination, or public health event'*. The major incident handbook is expected to be finalised by the end of this year. Once this has been done it is hoped that the residual risk likelihood can be downgraded to 'rare', but should remain at 'possible' for now
- v. No change to DCC012: *'The risk of a significantly negative report(s) from external regulators'*.
- vi. DCC013 has been reworded as follows *'The risk of significant liabilities resulting from alternative models of service delivery'*. This wording encompasses the variety of service delivery models that are currently in place or being explored. The framework for governance arrangements is currently being implemented and until it is fully embedded the residual risk score should be maintained.
- vii. No change to DCC014: *'The risk of a health & safety incident resulting in serious injury or the loss of life'*.
- viii. DCC016: *'The risk that the impact of welfare reforms is more significant than anticipated by the council'*. While this remains an area of uncertainty and, therefore, a risk for the Council, we have some confidence, based on monitoring impacts in pilot areas, that we are well prepared. The establishment of the Tackling Poverty Group will give us greater understanding and assurance in this area.

- ix. DCC017: *'The risk that the ICT framework does not meet the organisation's needs'*. Several new control measures are in place, but Phase 2 of the ICT strategy is to be completed. Successful delivery of the strategy will increase our confidence still further.
- x. No change to DCC018: *'The risk that programme and project benefits are not fully realised'*.
- xi. No change to DCC019: *'The risk that the availability of the Welsh Government's match-funding contribution towards Band A of the 21st Century Schools programme is not in line with the timescales for Denbighshire's work programme'*.
- xii. DCC021: *'The risk that effective partnerships and interfaces between BCU Health Board and Denbighshire County Council (DCC) do not develop, leading to significant misalignment between the strategic and operational direction of BCUHB and DCC'*. We remain very concerned about developments in this area despite a number of control measures in place and feel that the residual risk score should be increased to 'almost certain' with a 'very high' impact.
- xiii. DCC027: *'The risk that the decisions that are necessary to enable the delivery of a balanced budget are not taken or implemented quickly enough'*. This continues to be a challenge and despite the ongoing progress of the Freedom & Flexibilities program, with Member involvement in its operation, a more sensitive political environment suggests that the residual risk score remains as 'possible' with a 'very high' impact.
- xiv. No change to DCC028: *'The risk that the services that we scale back have a greater positive or negative impact than we anticipated'*. We believe that it is still too early to revise the residual risk.
- xv. No change to DCC029: *'Risk of successful challenge that we are illegally depriving people of their liberty'*. We continue to keep a watching brief on legal challenges to the case law.
- xvi. New Risk: DCC030: *'The risk that appropriate capacity and skills to sustain service and corporate performance is not available'*. This concerns the succession planning work that the Chief Executive is undertaking, and the associated risk of being able to effectively respond to policy and legislation. Control measures are in place and actions are being planned to manage the risk and the proposed residual risk is 'possible' with a 'medium' impact.
- xvii. Emerging Risk: There is a new risk concerning Protection of Vulnerable Adults (POVA) arrangements which has been raised by CSSIW. The risk is currently being scoped through consultation and advice and further details will be made available to Cabinet Briefing.



## Risks

## Risks

00001 The risk of a serious safeguarding error where the council has responsibility, resulting in serious harm or death

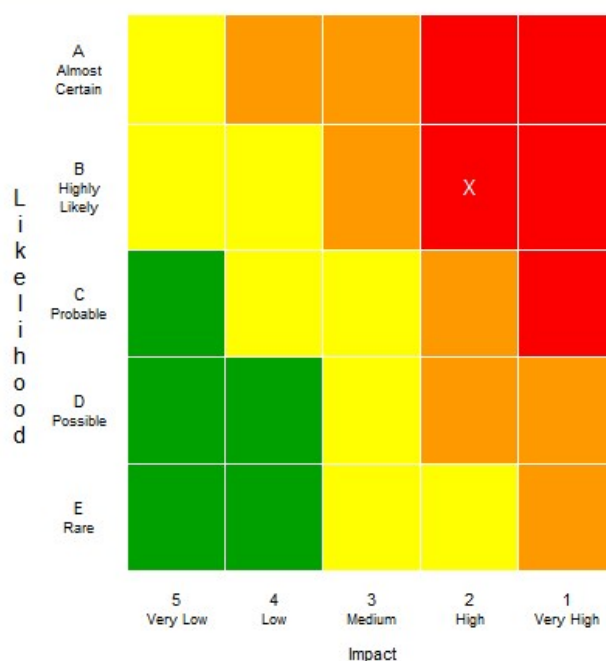
## Description

This risk - concerning children and vulnerable adults - is increasing as the environment is changing, with growing expectations around our duties in relation to 3rd party provision. The cumulative impact of reducing resources across the public sector may impact agencies' ability to appropriately recognise safeguarding risks which may also create extra pressures for the Local Authority.

## Impact / Consequences

1. Significant reputational loss.
2. Possible intervention by Welsh Government.
3. Legal/compensation costs.

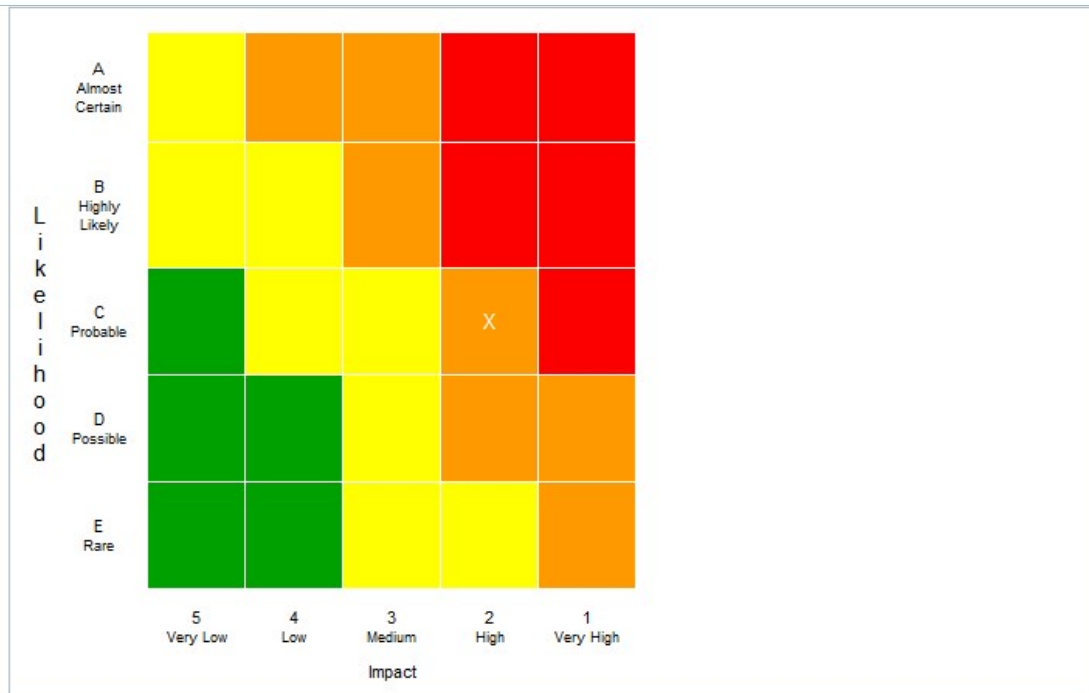
## Inherent Risk



## Controls to Manage Risk (in place)

1. Safeguarding policy & procedures are in place
2. Corporate Safeguarding Training Programme.
3. Wales Interim Policy & Procedures for the Protection of Vulnerable Adults from Abuse.
4. Framework of self-assessment for schools in relation to safeguarding has been established.
5. Section 28 Audits, and annual reporting requirement for services to demonstrate how they are discharging their duties in relation to safeguarding.
6. Section 28 audit tool in place for voluntary sector to ensure safeguarding practices are in place.
7. Compliance with safeguarding practises is part of the annual HR audit of schools.
8. Regional arrangements for safeguarding a) children and b) vulnerable adults are in place. The regional safeguarding boards set priorities and actions regionally, eg training and policies & procedures.
9. Middle Managers Conference focussing on Safeguarding, November 2014
10. Risk assessments in place for recruiting staff who require a DBS check and/or references
11. Safeguarding policy review has taken place with Schools and new guidance has been developed

## Residual Risk



## Further Actions

00050 Task and Finish Group to be established to consider local risks associated with Child Sexual Exploitation, and lessons learned from Rotherham and elsewhere

Action Due Date

31/12/2015

Person Responsible

Nicola Stubbins

00058 Review of the Corporate Safeguarding Panel

Description

The Panel's terms of reference will be circulated and reviewed to confirm that the roles and responsibilities detailed are still relevant.

Where services are not represented currently on the Panel, Heads of Service have been contacted to identify officers who can attend. We will also establish whether services can provide a deputy if the service representative is unable to attend.

Service representatives will ensure that their service is aware of the existence of the Panel and that they are aware to use them as a point of contact.

The Panel will develop a forward work programme.

Action Due Date

30/11/2015

Person Responsible

Nicola Stubbins

00059 Heads of Service Communication

Description

A communication will be sent to ensure that Heads of Service consider safeguarding when reviewing their risk registers. A question on safeguarding will also be included in the service challenge.

Action Due Date

31/10/2015

Person Responsible

Nicola Stubbins

00060 Review Safeguarding Policy

Description

The Corporate Safeguarding Policy will be reviewed to ensure that it is up-to-date. The intention is to re-launch the Policy in April 2016 to take account of new legislation and guidance.

Action Due Date

30/04/2016

Person Responsible

Nicola Stubbins

00061 Develop a formal mechanism for recording and sharing safeguarding incidents and near misses

Description	<p>This is a standing item on the Corporate Safeguarding Panel agenda. We will also share case reviews where there is a corporate perspective for lessons learned.</p> <p>As part of the development of the CRM system, we will look at the feasibility of having a corporate system for recording safeguarding incidents.</p> <p>Service representatives will report any key messages from Panel meetings to members of staff within their services.</p>
Action Due Date	31/12/2015
Person Responsible	Nicola Stubbins

## 00062 Review recruitment procedures for key posts

Description	Determine the key posts within the Council that could have an impact on safeguarding. Then the Corporate Safeguarding Panel will review the process for these posts to ensure that there are adequate checks done, either by the Council or through an external body. Every new employee contract issued makes reference to safeguarding.
Action Due Date	31/10/2015
Person Responsible	Nicola Stubbins

## 00063 Corporate Safeguarding Training Package

Description	A corporate safeguarding training package is currently being developed by the Learning & Development Specialist (HR). It is hoped that this package will be piloted in October 2015.
Action Due Date	31/10/2015
Person Responsible	Catrin Roberts

## 00064 Highlighting Roles &amp; Responsibilities of Elected Members

Description	There are planned briefing sessions on safeguarding and Child Sexual Exploitation to County Council starting in November 2015. The Leader has agreed to include corporate safeguarding into his portfolio.
Action Due Date	31/03/2016
Person Responsible	Nicola Stubbins

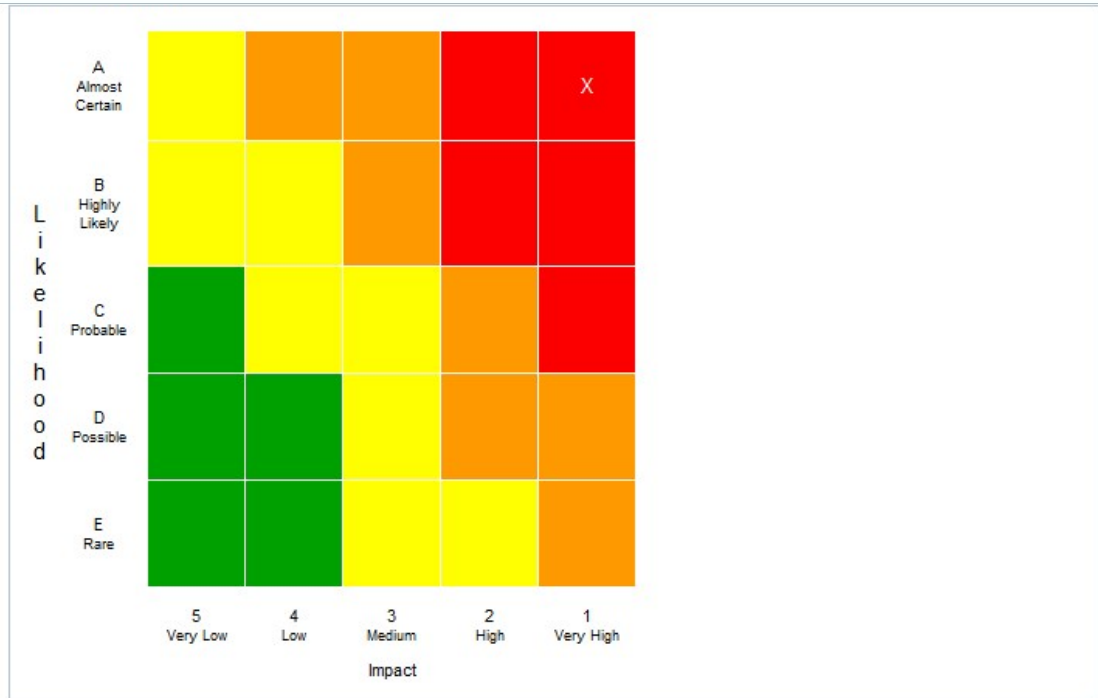
## 00065 Improve safeguarding arrangements with contractors

Description	<p>Key points to be addressed include:</p> <ul style="list-style-type: none"> <li>• Contractor DBS checks</li> <li>• Ensuring that Council staff responsible on site for the contractor and managing the tendering/contract process are clear of their responsibilities in respect of safeguarding</li> <li>• Ensure contracts terms and conditions (including JCT) in relation to DBS checks are appropriate</li> <li>• Ensure that self-assessment arrangements as part of contract management are appropriate</li> </ul>
Action Due Date	31/12/2015
Person Responsible	Nicola Stubbins
Lead Member(s)	Councillor Bobby Feeley
Active	Yes
Risk Owner	Nicola Stubbins

## 00006 The risk that the economic and financial environment worsens beyond current expectations, leading to additional demand on services and reduced income.

Description	The latest settlement was equal to the lowest anticipated, and the next one will probably also be very low, affecting our ability to effectively plan for the medium term. An added complication this year is the UK Government's Spending Review which is due in November, which means that our settlement will not be known in draft until January (usually November).
Impact / Consequences	The council suffers from a significant reduction in income, leading to an inability to deliver current levels of service provision.

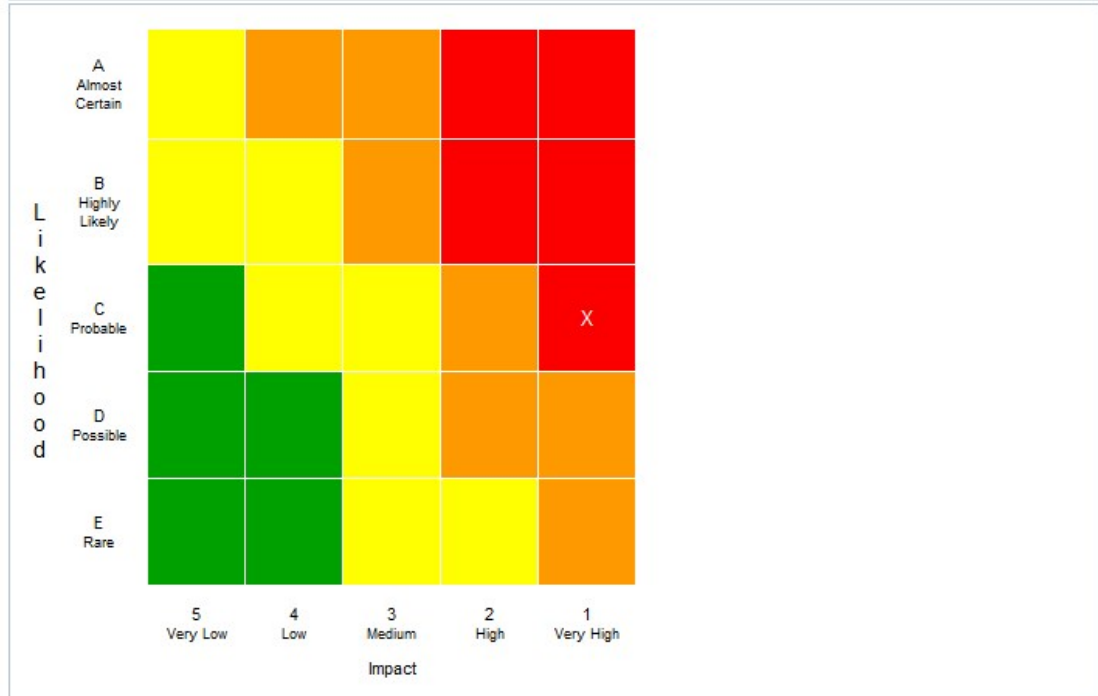
Inherent Risk



Controls to Manage Risk (in place)

1. The council has no control over the global economy or the WG settlement. Therefore the inherent risk score likely to remain high.
2. Annual, detailed budget setting process that considers economic environment
3. The Medium Term Financial Plan (MTFP) contains different scenarios to ensure it can deal with changes in the external environment, and is considered on a quarterly basis: it has revised its expectations further downwards.
4. Budget-setting process and Modernisation Board's activities raise awareness of implications of significantly reduced income due to the economic environment.
5. Quarterly financial planning meetings between services and management accountants are in place
6. Service's budgets are scrutinised by the Lead Member for Finance and the Head of Service during budget-setting talks.

Residual Risk



Further Actions

00026 Freedom & Flexibilities

Description

The Freedoms and Flexibilities process is in its second year and is being refined to take into account the timescales for budget settlement this year. Through the process so far we have identified and approved approximately half of the expected budget gap for 2016-17. Decisions on further savings will be tabled for January when the settlement figure is known.

Action Due Date

30/04/2016

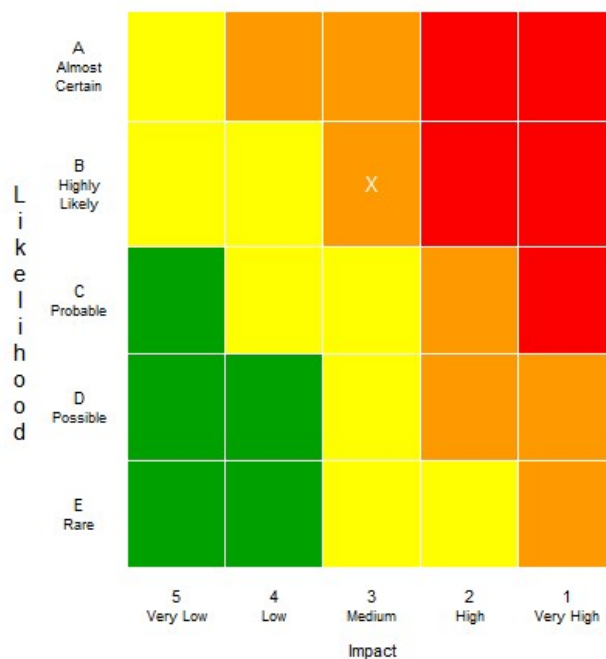
Person Responsible	Richard Weigh
Lead Member(s)	Councillor Julian Thompson-Hill
Active	Yes
Risk Owner	Mohammed Mehmet

00007 The risk that critical or confidential information is lost or disclosed.

#### Impact / Consequences

1. Reputational damage.
2. Criticism from external regulators (e.g. WAO conducting a review of information management across Welsh Authorities in 2012).
3. Fines from the Information Commissioner's Office (precedent of fines of up to £130k for single breach of Data Protection Act).

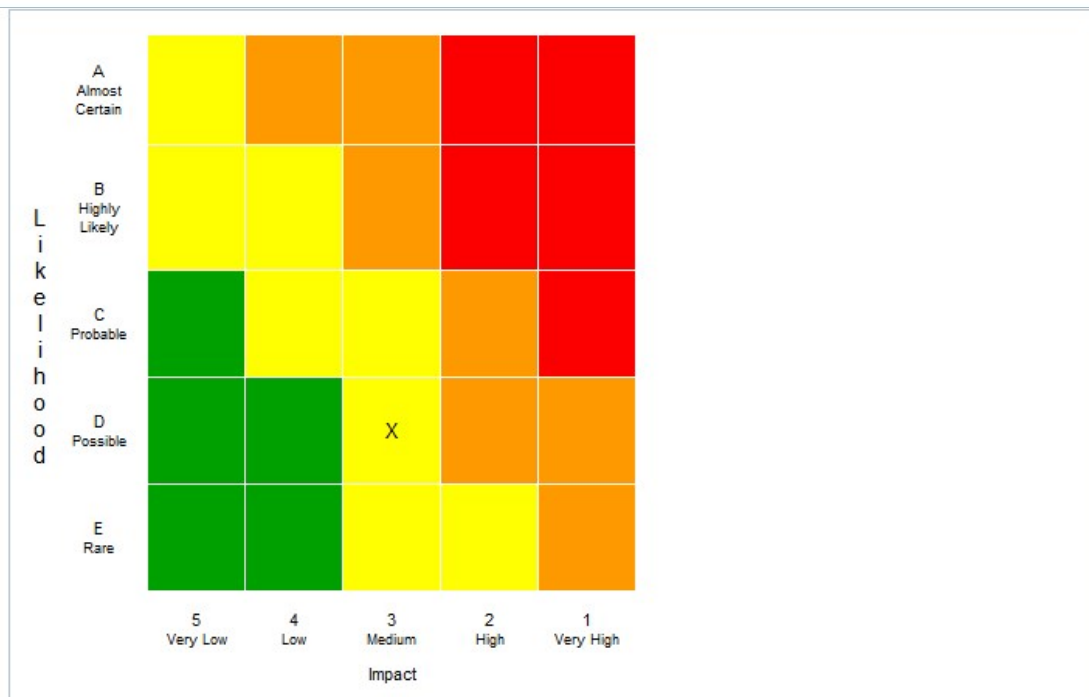
#### Inherent Risk



#### Controls to Manage Risk (in place)

1. The council has PSN accreditation
2. Retention schedules and file plans are incorporated into all EDRMS implementations.
3. Staff workshops delivered on good archiving practices.
4. Printer process now supports staff to collect printing when visiting the printer.
5. EDRMS project being rolled out.
6. Addresses are double-checked by a second member of staff when sending out sensitive information.
7. Information strategy in place.
8. Strategic Information Risk Officer in place who investigates breaches and creates and action plan for prevention after each one.
9. Enforcing the encryption of any removal media used to download information from our network.
10. Introduction of secure e-mail: Egress
11. Data Protection elearning completed by all office-based staff across the Council (currently at 91% completion rate)
12. Refresh of intranet pages
13. Privacy Impact Assessments introduced for council projects that involve processing of personal data
14. File amnesty day introduced
15. E-learning package is in place and is being rolled out

Residual Risk



Further Actions

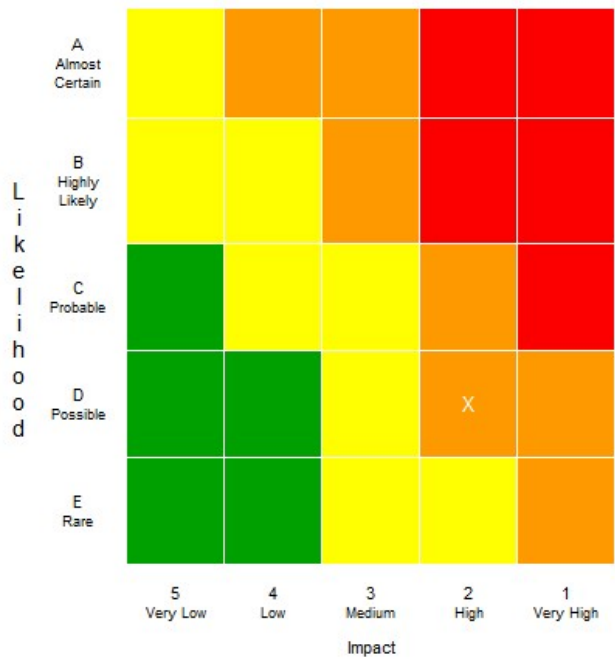
00027 Information security policy in place

Description	New information security policy
Action Due Date	30/04/2016
Person Responsible	Alan Smith
Lead Member(s)	Councillor Barbara Smith
Active	No
Risk Owner	Rebecca Maxwell

00011 The risk of an ineffective response to a severe weather, contamination, or public health event.

Description	Services plan for the impact of expected seasonal variations in weather, but severe weather events can impact on service delivery. Similarly, we put plans in place to monitor food, water and air quality, but any contaminations can impact on service delivery, as would any viral pandemics.
Impact / Consequences	<ol style="list-style-type: none"> <li>1. Significant disruption to core services.</li> <li>2. Serious injury or fatality due to road network closure, poisoning or infection.</li> <li>3. Reputational risk to the council if unable to deal with issues.</li> </ol>

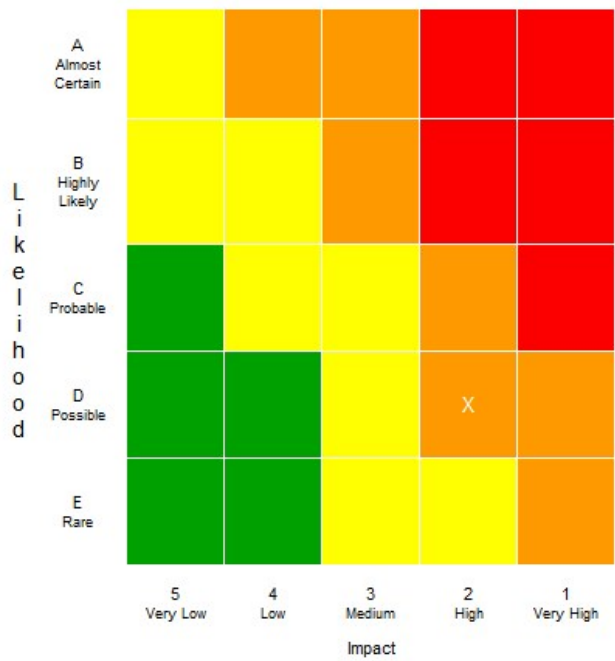
Inherent Risk



Controls to Manage Risk (in place)

1. The control environment in this area is the Regional Emergency Planning Service (Wrexham, Flintshire, Denbighshire, Conwy, Gwynedd and Anglesey), and local emergency management response groups have been established.
2. We also continually review our procedures for winter highways maintenance and flood response. Secondary rota established and operational.
3. Service disruption is minimised through our arrangements for business continuity and emergency planning, with separate Directors responsible for Response and Recovery.
4. There's an on-call rota in place for CET.
5. Emergency Planning Response report taken to Partnerships Scrutiny in June 2015

Residual Risk



Further Actions

00031 Vulnerable People mapping project

Description	Phase 1 is complete, moving to Phase 2
Action Due Date	31/03/2016
Person Responsible	Phil Gilroy

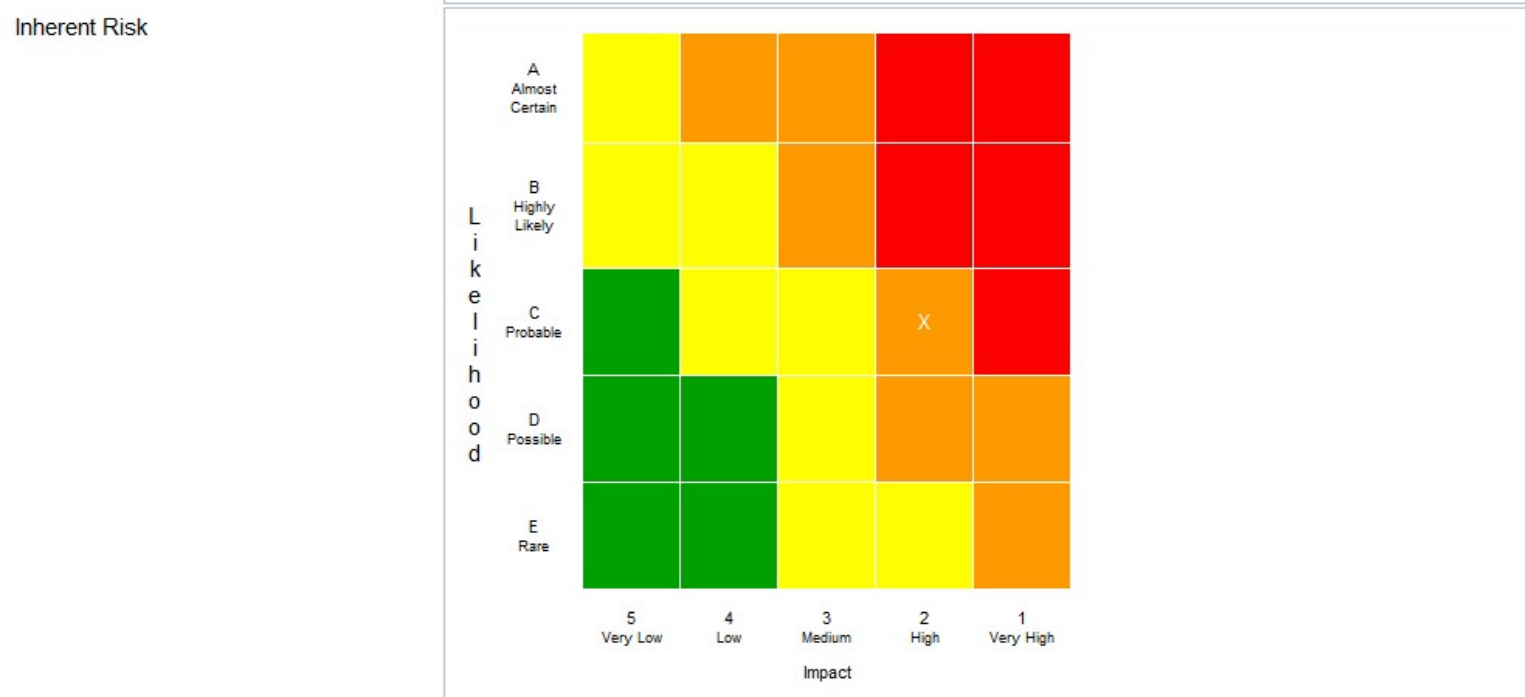
00032 Major incident handbook to be finalised

Action Due Date	31/12/2015
Person Responsible	Rebecca Maxwell
Lead Member(s)	Councillor David Smith
Active	Yes
Risk Owner	Rebecca Maxwell

00012 The risk of a significantly negative report(s) from external regulators.

Impact / Consequences

1. Reputational damage.
2. Potential intervention by the WG.
3. Significant resources may be required to be diverted to deliver immediate and substantial change.
4. Regulation we're subject to includes: CSSIW (Care and Social services Inspectorate Wales); WAO Office; Estyn; HSE (Health & Safety Executive); ICO (Information Commissioner's Office)



Controls to Manage Risk (in place)

1. The corporate performance management framework (PMF) is the main control in this area.
2. Head of Business Improvement & Modernisation, Strategic Planning Team Manager and Head of Audit meet monthly with Wales Audit Office to understand and respond to their concerns.
3. Regulators sit on Service Performance Challenges.
4. Reserch & Intelligence team creates Needs & Demands, and Comparative reports to support service self assessment and Service Performance Challenges.
5. Annual Governance Statement and Performance Self Assessment now combined.
6. In response to the most recent Annual Improvement Report from WAO we have developed a protocol for addressing recommendations from WAO national studies: services' response will be the subject of performance scrutiny and service challenge.



## Residual Risk



## Further Actions

00066 Review of Performance Management Framework

Description	The Performance Management Framework will be reviewed in line with the Wellbeing of Future Generations (Wales) Act.
Action Due Date	31/12/2015
Person Responsible	Alan Smith
Lead Member(s)	Councillor Hugh Evans
Active	Yes
Risk Owner	Rebecca Maxwell

00013 The risk of significant liabilities resulting from alternative models of service delivery

Description	Liabilities could arise due to financial, HR, safeguarding, or general management problems and could impact on the sustainability of service provision
Impact / Consequences	<ol style="list-style-type: none"> <li>1. Capital liabilities.</li> <li>2. Property Liabilities.</li> <li>3. Reduction in levels of service provided to the community, or increased revenue costs to continue delivery.</li> <li>4. Reputation damage to the council</li> </ol>

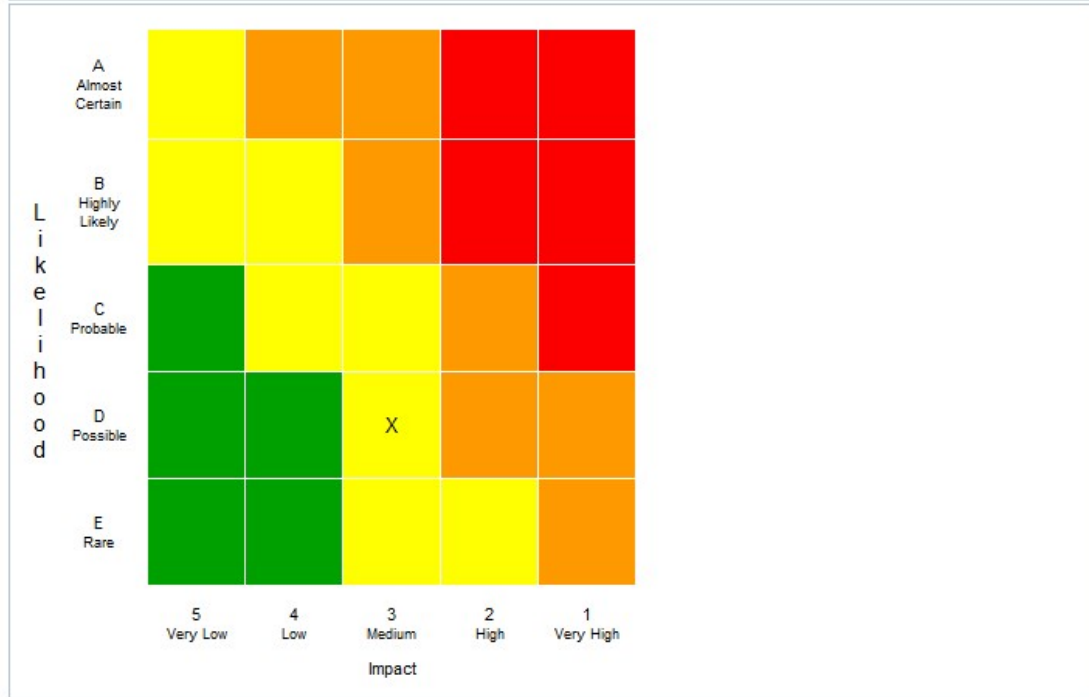
Inherent Risk



Controls to Manage Risk (in place)

1. Council is entitled to representation on Boards, and Heads of Service providing strategic advice to facilities.
2. Heads of Service advise DCC on any emerging issues and risks.
3. Financial support and/or subsidies being provided.
4. Processes are in place to manage relationships between DCC and Arm's Length organisations.
5. Intervention measures are exercised by DCC if relationships with Arm's Length organisations are difficult to manage.
6. Resources have been committed to improve financial monitoring of facilities and services

Residual Risk



Further Actions

00042 Develop a robust framework to monitor governance arrangements for Council Funded Service Providers

Description

Action Due Date

Person Responsible

A draft framework (incorporating recommendations from the Clwyd Leisure Lessons Learned report) has been accepted by CET with a couple of minor amendments: Corporate Governance Committee has also been consulted. Following meetings with Heads of Services and Middle Managers it will be officially adopted and launched.

31/01/2016

Ivan Butler

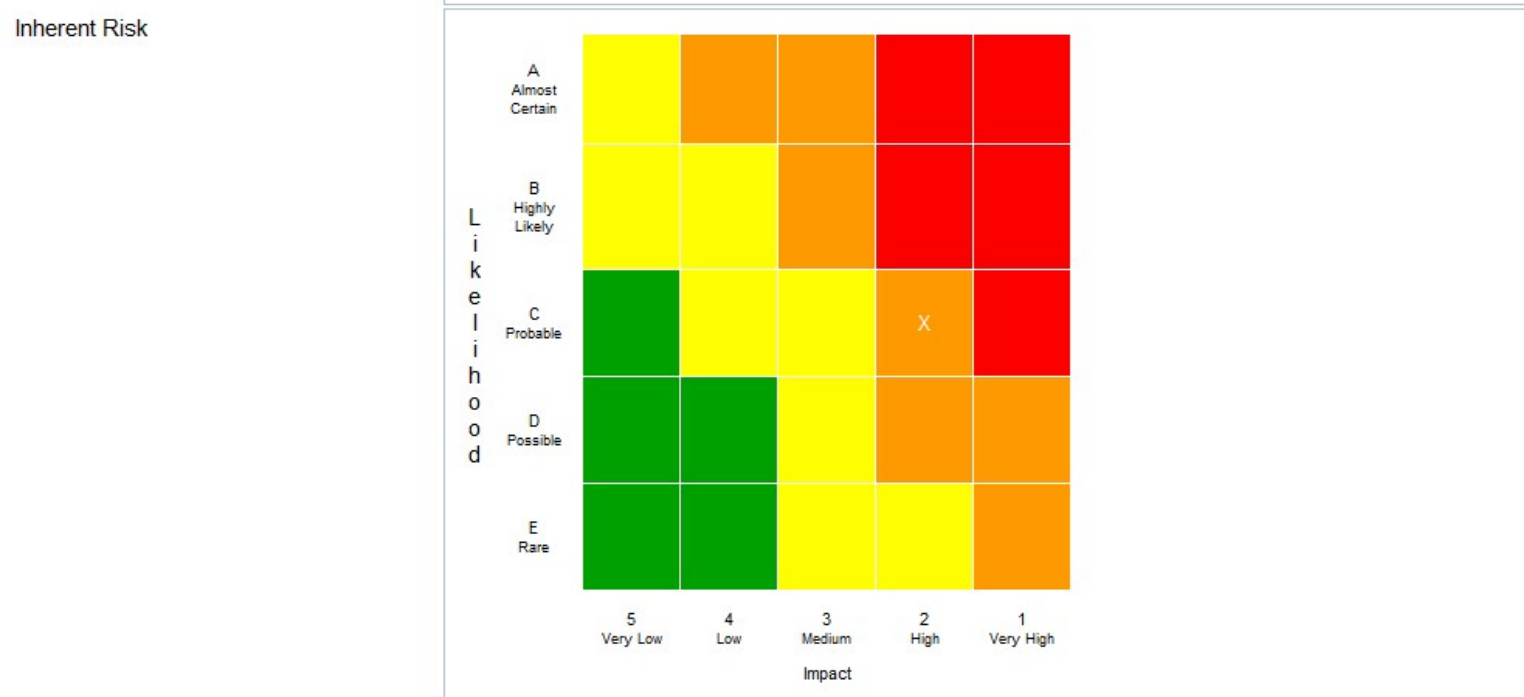
Lead Member(s)	Councillor Huw Jones
Active	Yes
Risk Owner	Mohammed Mehmet

00014 The risk of a health & safety incident resulting in serious injury or the loss of life.

**Description** This could be as a result of an ineffective H&S management system; inadequate fire control systems (infrastructure); or inadequate fire management planning.

**Impact / Consequences**

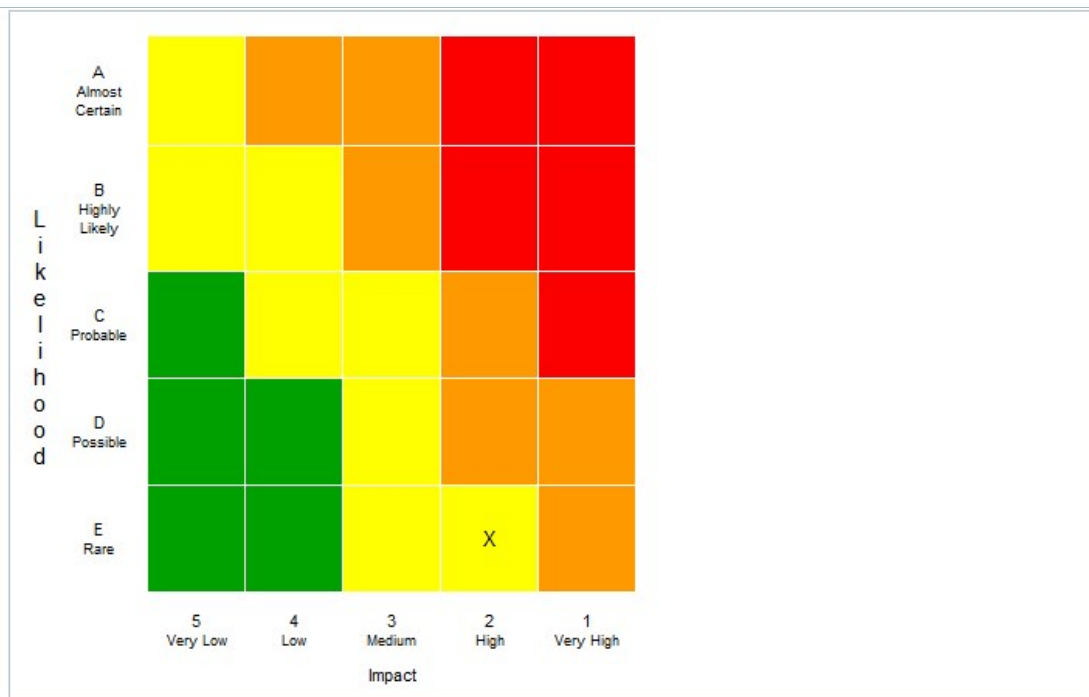
1. Serious injury or death of an employee and/or member of public.
2. Significant reputational damage
3. Substantial legal/compensation costs.
4. Criminal prosecution of senior staff.



**Controls to Manage Risk (in place)**

1. New H&S Committee established with representation from each service, plus meetings established with groups of services.
2. Strategic leadership provided by Corporate Director with responsibility for health and safety.
3. Improved efficiency through on-line & phone line incident reporting.
4. Council has existing Health and Safety Management System(s).
5. All DCC teams to identify their activities, consider the hazards associated with the work, describe how the risks are managed and then analyse any gaps in how they are managing the risks. These self analyses are now being monitored by the CH&S team who are going out into the workplaces and providing support, guidance and feedback where it is needed.
6. The H&S training program focuses on in-house provision that is targeted at DCC activities.
7. Strong Leadership process developed and in place across the organisation.
8. Links developed with Property Services to manage property-related fire risks
9. Middle managers have developed robust fire management system controls.
10. In-house training and meetings established to embed good practise.
11. Guidance and assistance provided to managers responsible for developing fire management systems.

Residual Risk



Further Actions

Lead Member(s)

Councillor Julian Thompson-Hill

Active

Yes

Risk Owner

Rebecca Maxwell

00016 The risk that the impact of welfare reforms is more significant than anticipated by the council.

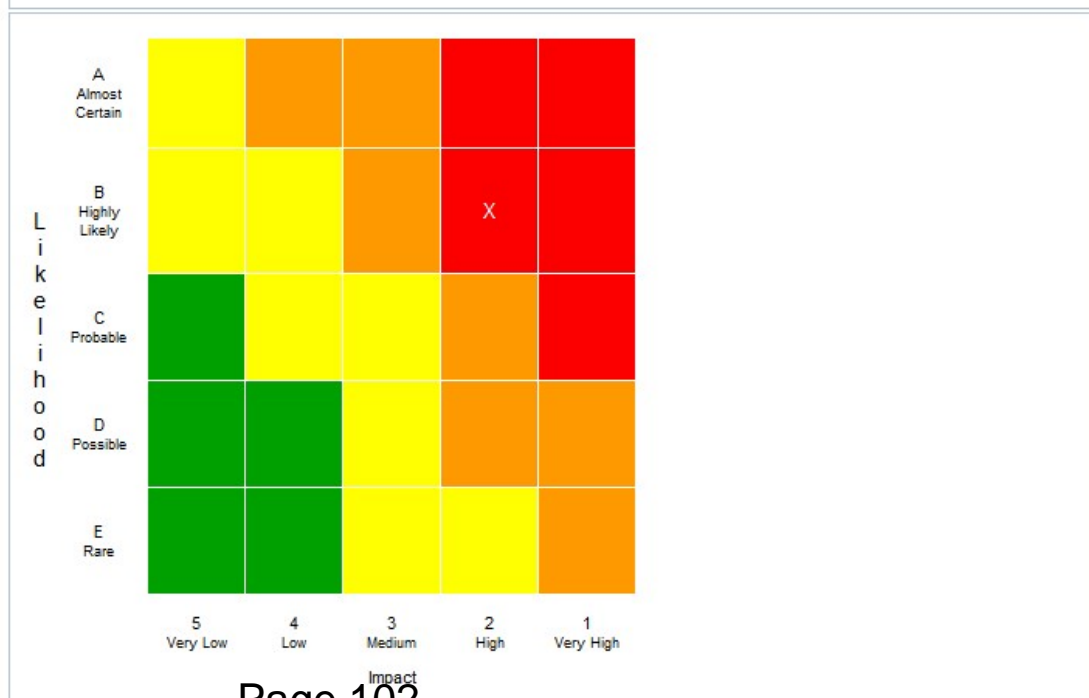
Description

Welfare reform has potentially significant implications for a large proportion of residents, and also on the council in terms of increased demand for services and reduced income. The actual impact is difficult to predict, although evidence from pilot sites elsewhere suggests that we are appropriately prepared.

Impact / Consequences

1. Potential increase in demand for services: e.g. homelessness and homelessness prevention services; housing (especially for stock which is currently scarce); benefits support / advice, etc.
2. Reduced income from rents and council tax payments with reduced cash flow and an increase in bad debt for the authority.
3. Increased recovery action and administrative costs.
4. Increase in tenants' rents.
5. Also an impact to Social Services due to Disability Living Allowance changes.
6. This could also impact on our ability to deliver our Corporate Priorities

Inherent Risk



Controls to Manage Risk (in place)

DCC Welfare Reform Group met from April 2012. This group is cross service (including Registered Social Landlords) to ensure that information is shared and pressures identified to support our customers. The recently formed Tackling Poverty Working Group is picking up on the agenda. Chair of Corporate Governance sits on the Tackling Poverty Working Group.

Residual Risk



Further Actions

Lead Member(s)

Councillor Hugh Irving

Active

Yes

Risk Owner

Nicola Stubbins

00017 The risk that the ICT framework does not meet the organisation's needs

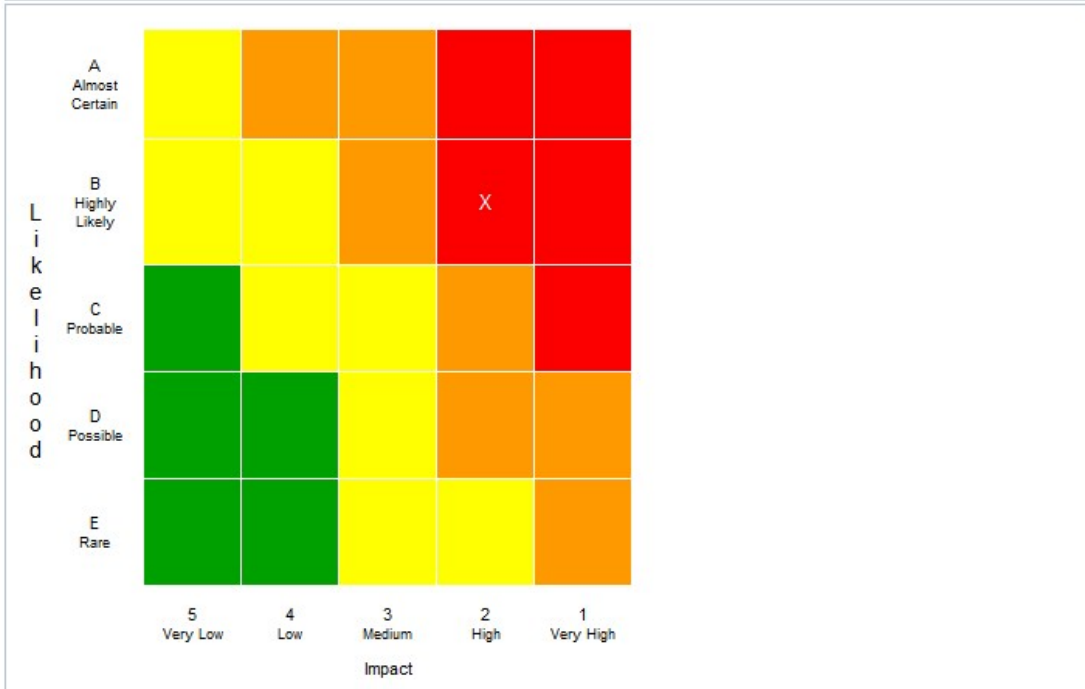
Description

If we do not invest in appropriate technology at the right price, this will hinder our capability to deliver the efficiencies and savings required for the Modernisation priority. The main risk here is around the organisation taking decisions to invest in IT infrastructure that is not effective in reducing overheads. This can happen for two reasons: 1) we don't understand the current and necessary ICT requirements, and 2) we don't accurately predict the anticipated benefits. This risk might also occur as a missed opportunity to capitalise on effective technology, if we unaware of the capability that some technology can bring.

Impact / Consequences

If we decide to invest in technology that does not sufficiently contribute to our Modernisation agenda, not only are we likely to miss our targets, but we're also going to waste money

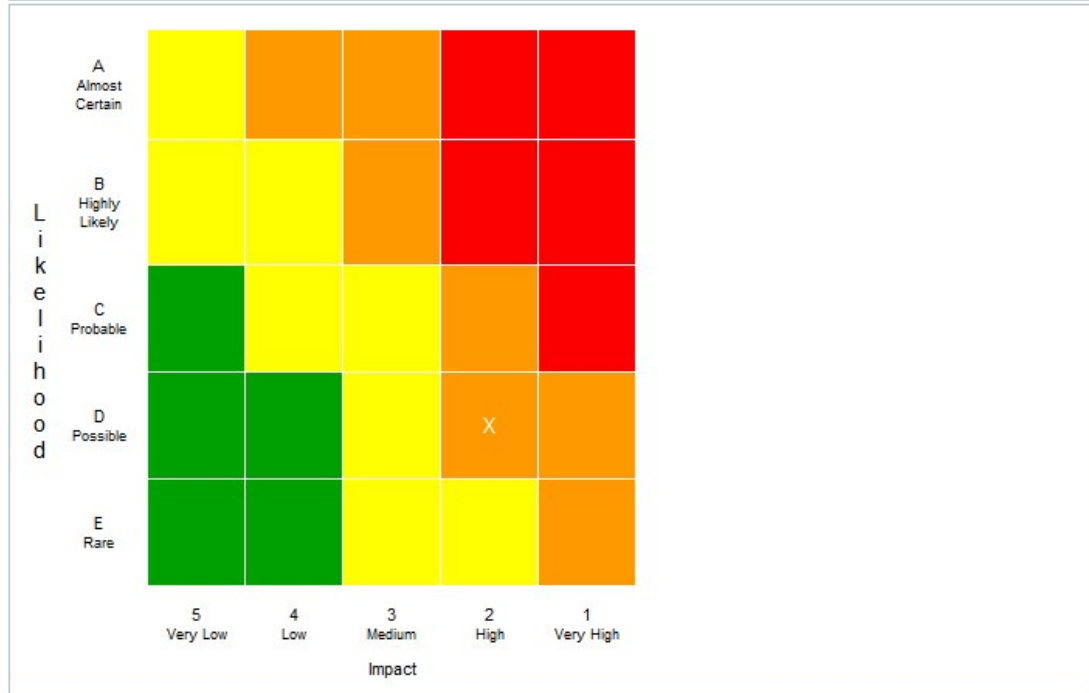
Inherent Risk



Controls to Manage Risk (in place)

1. All decisions for investment taken at Capital Investment Strategy group.
2. ICT now part of the Business Improvement & Modernisation service, and structures have been realigned to provide a more customer-focussed service.
3. ICT Business Partners work with services to forecast their ICT needs.
4. Hardware rollout complete.
5. Migration to MS Enterprise complete
6. Business Support Review phase 1 bringing PARIS and Open Housing into ICT Structure complete
7. Telephony strategy rollout in progress.

Residual Risk



Further Actions

00035 New telephony system to be rolled out

Action Due Date	31/12/2016
Person Responsible	Alan Smith

00055 Business Support Review Phase 2: Review all service-based ICT systems and maintenance agreements

Action Due Date	31/12/2016
Person Responsible	Alan Smith

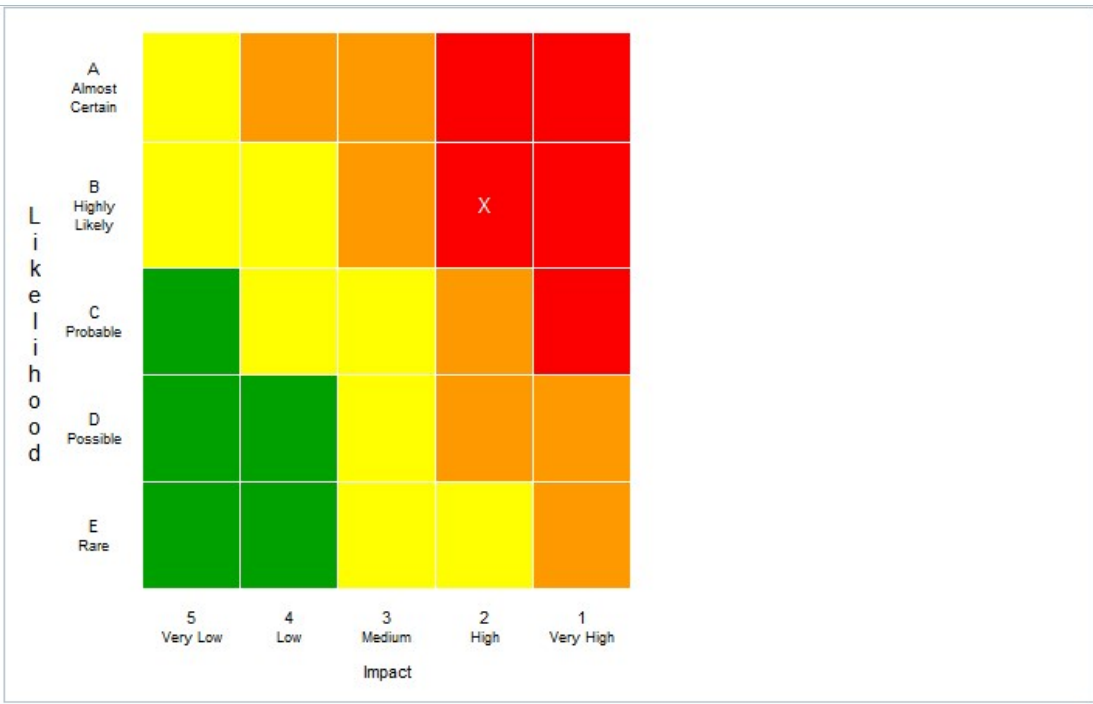
00056 Phase 2 of the ICT Strategy to be completed

Action Due Date	31/10/2015
Person Responsible	Alan Smith
Lead Member(s)	Councillor Barbara Smith
Active	Yes
Risk Owner	Mohammed Mehmet

00018 The risk that programme and project benefits are not fully realised.

Description	The council currently does not consistently deliver all benefits from projects. Some of the issues include: inconsistent management; resistance to change; staff behaviour and processes not changing as planned. Programmes to be mindful of include: Economic & Community Ambition; Modernisation; Social Services Modernisation; Modernising Education; Coastal Facilities, and Rhyl Going Forward.
Impact / Consequences	The forecast changes that were alluded to in business cases do not materialise and, hence, neither do their benefits

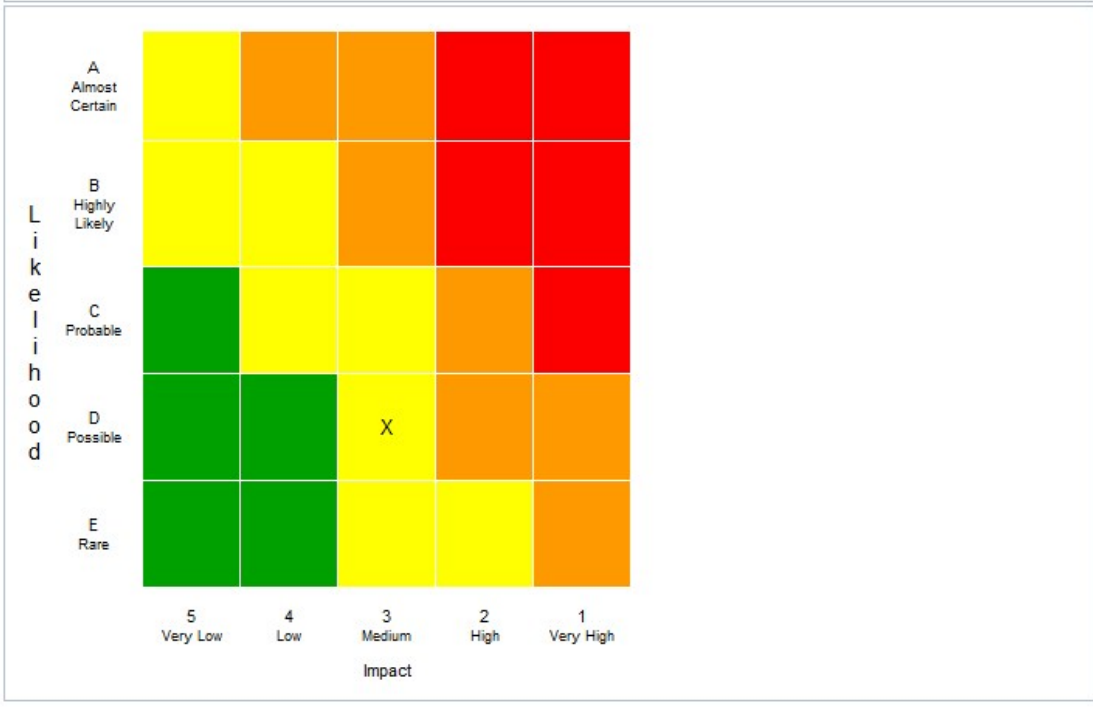
Inherent Risk



Controls to Manage Risk (in place)

1. Corporate Programme Office established.
2. Leadership Strategy in place
3. Programme Manager in place for the Modernisation priority (to co-ordinate projects).
4. Modernisation Board can track projects and their benefits.
5. Introduction of Verto to record benefit tracking.
6. Change toolkits, together with factsheets, are on the intranet to support managers.
7. Finance remove savings from budgets to ensure financial savings are delivered.
8. Denbighshire Way Change Management Guidance has been developed
9. CET reviews key projects every three months

Residual Risk



Further Actions

Lead Member(s)  
Active  
Risk Owner

Councillor Barbara Smith
Yes
Mohammed Mehmet

00019 The risk that the availability of the Welsh Government's match-funding contribution towards Band A of the 21st Century Schools programme is not in line with the timescales for Denbighshire's work programme.

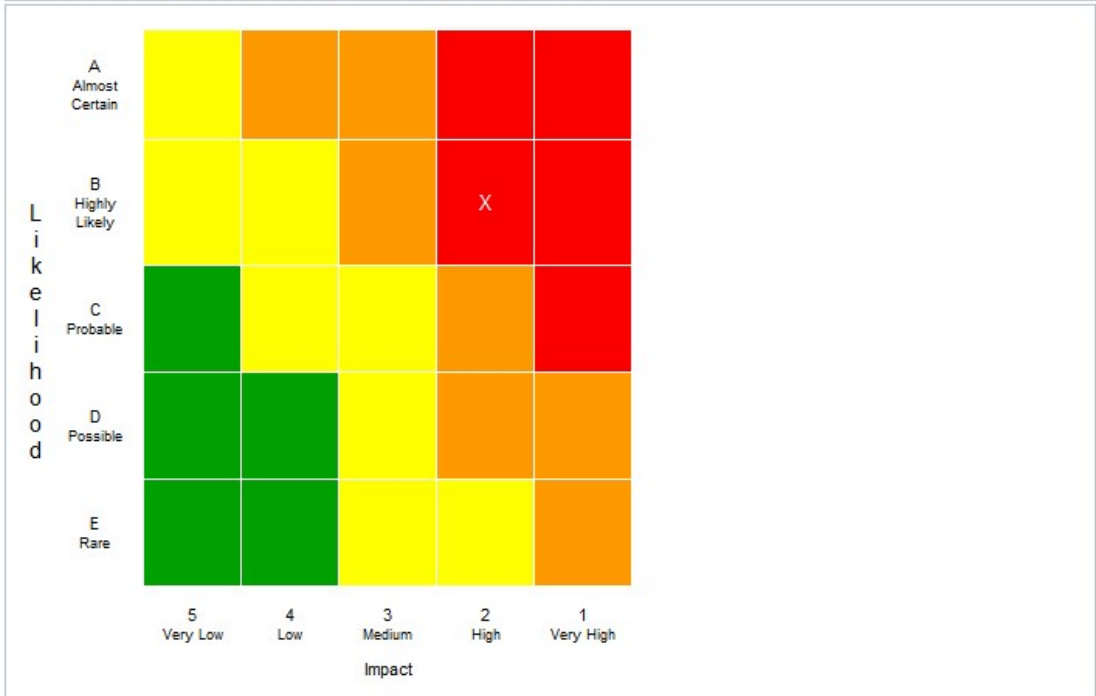
Description

Projects within the 21st Century Schools Programme are planned throughout the financial year, but rely on match-funding being available from the Welsh Government.  
If the WG's financial contribution is not received as anticipated, it can affect the timing of each project, which can impact on the overall programme.

Impact / Consequences

Delays in delivering the 21st Century Schools Programme.

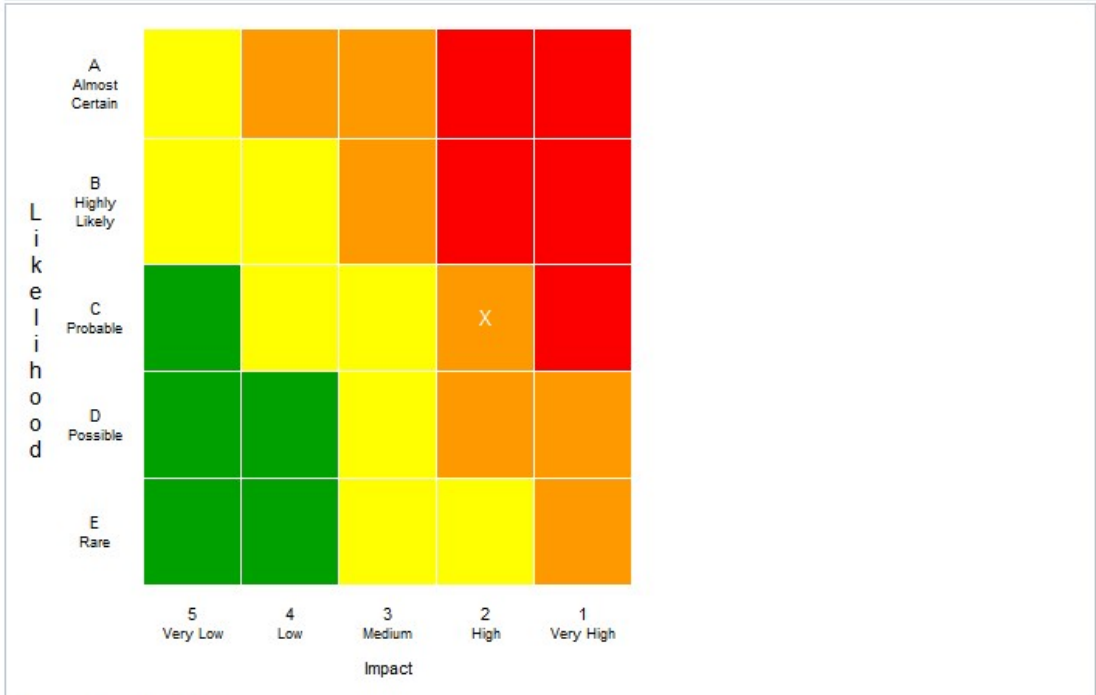
Inherent Risk



Controls to Manage Risk (in place)

1. Regular liaison with WG and Strategic Investment Group to review progress of individual projects and the overall financial management of the longterm programme to identify potential risks in funding profiles.
2. Establishment of a formal programme approach to manage the delivery of the 21st Century Schools programme.
3. Projects over £5m in value are scoped out according to the Welsh Government's five case business model at development stage.
4. Project at £5m or less are scoped out inline with the Welsh Government's business justification case documentation.
5. Modernising Education Programme Board established, to meet monthly in the short term.
6. SRO, Head of Service and Programme Manager have arranged for regular gateway review support from WG's Programme and Projects department (independent from WG's 21st Century Schools team)

Residual Risk



Lead Member(s)

Councillor Eryl Williams



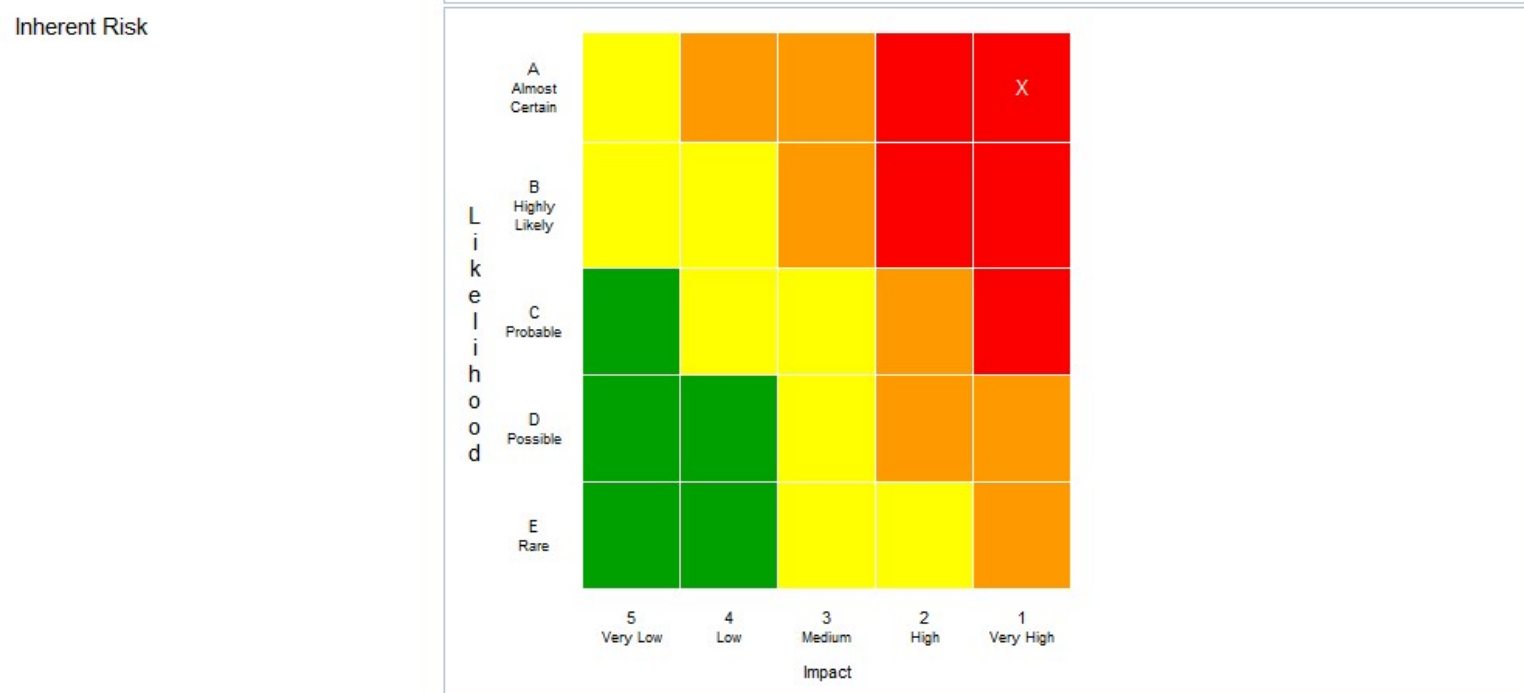
Active	Yes
Risk Owner	Nicola Stubbins

00021 The risk that effective partnerships and interfaces between BCU Health Board and Denbighshire County Council (DCC) do not develop, leading to significant misalignment between the strategic and operational direction of BCU and DCC

**Description**  
 Now that BCUHB has been placed in special measures there is increased political and regulatory scrutiny. This is resource intensive and further detracts from effective partnership working.

**Impact / Consequences**

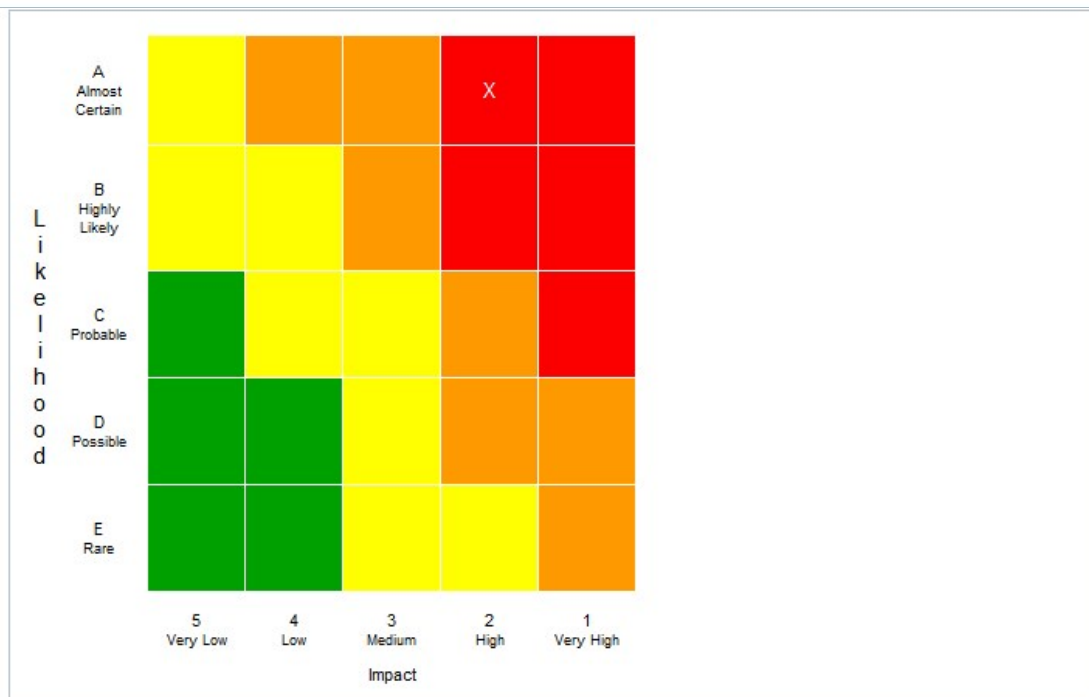
1. Inefficient services
2. Gaps in service provision
3. Delays/failure to deliver joint projects
4. Reputational damage
5. Ability to meet new statutory duties - Wellbeing of Future Generations Bill, Social Services and Wellbeing Act



**Controls to Manage Risk (in place)**

1. Establishment of a Denbighshire Health and Social Care Board, of which BCU is a member.
2. DCC presence in Key meetings and Boards looking at implementing integrated new approaches although there is a notable lack of progress on the integration agenda
3. Denbighshire Joint Locality Forum established.
4. Nicola Stubbins appointed Associate Member of BCUHB Board
5. Cllr Bobby Feeley appointed Independent Member (Local Authority) of BCUHB Board
6. NWWISIC has reviewed its governance arrangements in partnership with BCUHB. Establishment of a 'Leadership Forum', chaired by Wrexham LA Chief Executive, attended by senior management of BCUHB and Directors of Social Services
7. BCUHB Area Director has been appointed
8. Locality Structure is bedding in
9. Regional work is underway to support the six local authorities and their partners prepare effectively for the implementation of the Social Services and Well being act.

Residual Risk



Further Actions

Lead Member(s)

Councillor Bobby Feeley

Active

Yes

Risk Owner

Nicola Stubbins

00027 The risk that the decisions that are necessary to enable the delivery of a balanced budget are not taken or implemented quickly enough

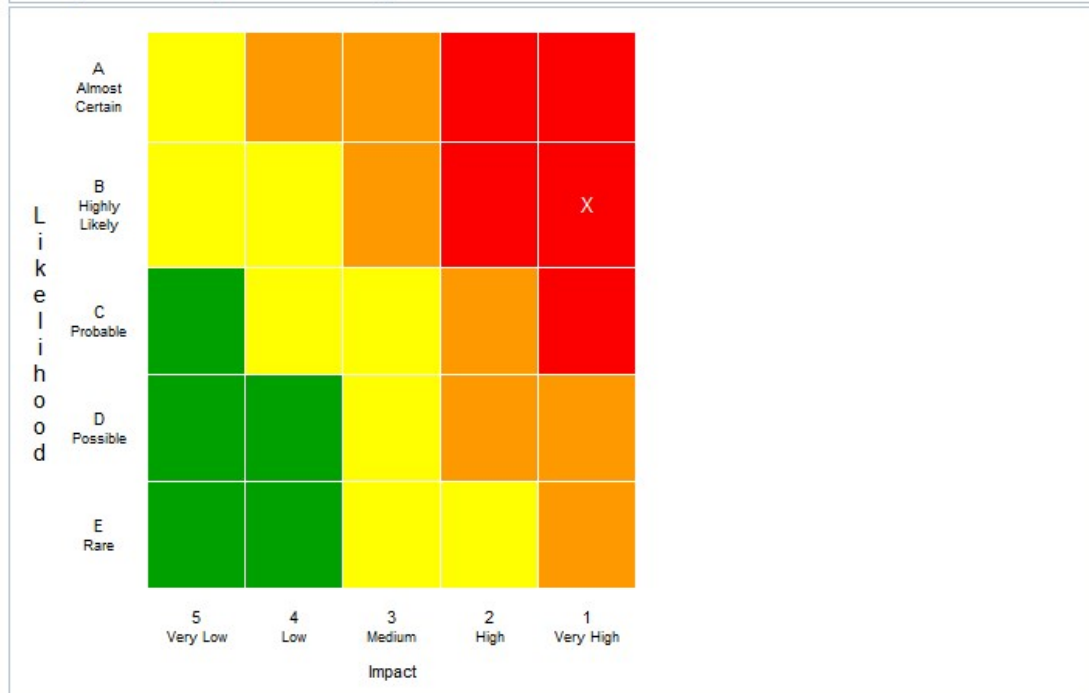
Description

As our settlement reduces, we need to develop and gain approval for plans as to where to stop spending in our budget. Any plans require the approval of Council, and must be implemented in a timely manner that complies with legislation. While the Freedoms and Flexibilities process has been successful to date there is still a substantial saving to be made by the Local Authority in 2016-2017 and the political environment is becoming increasingly sensitive.

Impact / Consequences

Denbighshire overspends on its budget

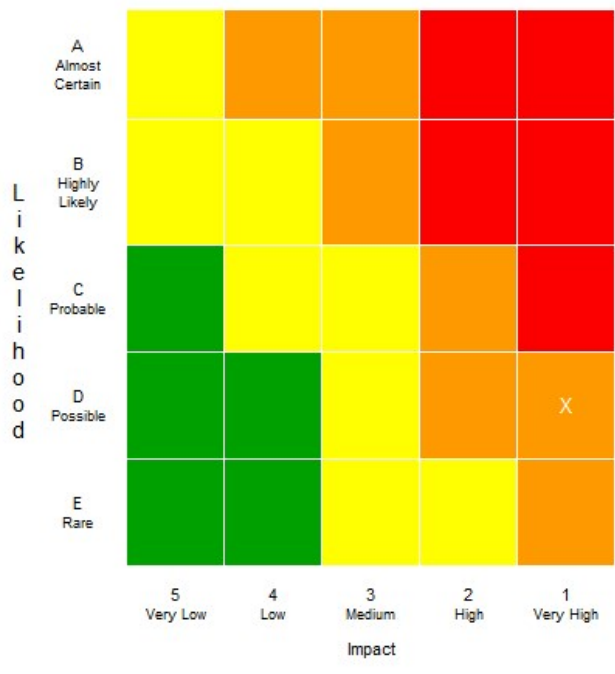
Inherent Risk



Controls to Manage Risk (in place)

1. Freedom & Flexibilities programme involves Members, so they understand that difficult decisions are necessary, and they are involved with developing the proposals. This should make them more likely to support the recommendations made.
2. As decisions are becoming harder then lead in times are becoming longer.
3. Services have delivered savings earlier than budgeted which has created a short-term financial cushion.

Residual Risk



Further Actions

Lead Member(s)  
Active  
Risk Owner

Cllr Hugh Evans  
Yes  
Mohammed Mehmet

00028 The risk that the services that we scale back have a greater negative impact than we anticipated

Description  
Impact / Consequences

When deciding where to make budget cuts, we endeavour to ensure the quality of key services. There is a risk that we haven't identified the correct services as being 'key', and/or that the changes we make are more disruptive than we anticipated

1. Services that are important for our residents are no longer available
2. Performance in important areas of our business (for our residents) deteriorates
3. Reinstatement/correction in performance is difficult and slow to achieve
4. Reputation can suffer if performance deteriorates
5. Reputation can suffer if messages are not managed

Inherent Risk



Controls to Manage Risk (in place)

1. Impact Assessments are undertaken
2. Cover reports for all decisions ask for risks and benefits to be articulated

Residual Risk



Further Actions

00057 A Scrutiny Task and Finish Group to be established to monitor impacts

Action Due Date	30/09/2015
Person Responsible	Gary Williams
Lead Member(s)	Cllr Hugh Evans
Active	Yes
Risk Owner	Mohammed Mehmet

00029 Risk of successful challenge that we are illegally depriving people of their liberty

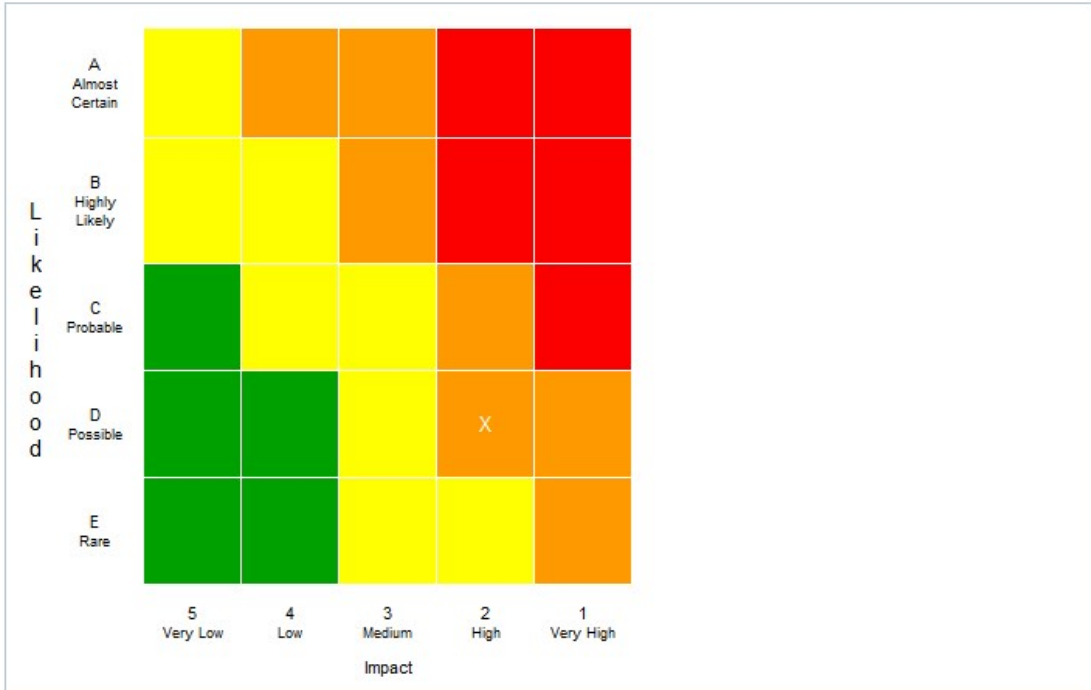
Description

There is the potential for future legal challenges following the recent Supreme Court ruling on deprivation of liberty. The court ruled that all people who lack the capacity to make decisions about their care and residence and, under the responsibility of the state, are subject to continuous supervision and control and lack the option to leave their care setting are deprived of their liberty. The ruling overturned previous judgements that had defined deprivation of liberty more restrictively. This means that many people are likely to have been deprived of their liberty unlawfully and without safeguards in settings including care homes and supported living placements. This is likely to result in a significant increase in DOLS case numbers regarding care home placements, and also applications to the Court of Protection to authorise deprivations of liberty in supported living. We are already beginning to see the impact of the ruling in Denbighshire.

Impact / Consequences

Legal challenge, reputational damage, financial costs

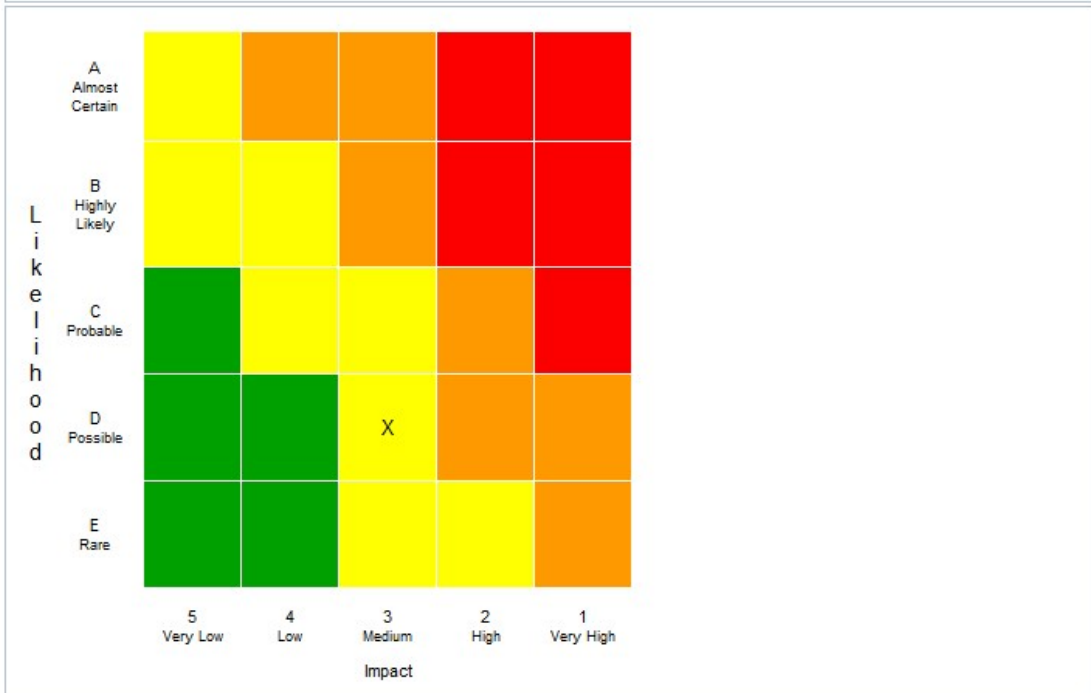
Inherent Risk



Controls to Manage Risk (in place)

- 1 Every provider has received a letter describing our pragmatic approach
- 2 Five more staff members have been trained as Best Interest Assessors
- 3 Increased signatory capacity
- 4 The 'Cheshire West ruling' is being challenged and we are keeping a watching brief
- 2 Five more staff members have been trained as Best Interest Assessors; a further group is about to start training
- 3 Increased signatory capacity

Residual Risk



00044 Reviewing

Description	Continue to assess everyone in residential care that we need to
Action Due Date	31/03/2016
Person Responsible	Phil Gilroy

00045 Training

Description	Further Best Interest Assessor Training to be delivered.
Action Due Date	31/12/2015
Person Responsible	Nicola Stubbins & Phil Gilroy
Lead Member(s)	Bobby Feeley
Active	Yes
Risk Owner	Nicola Stubbins

00030 The risk that appropriate capacity and skills to sustain service and corporate performance is not available

Description	The current structure of the Senior Leadership Team has been built on the strength and experience of current postholders. As the number of posts at CET and SLT has reduced there is a concentration of key roles that are critical to the successful delivery of services. There is a risk that individuals with particular skill sets would be difficult to replace, and the threat of local government reorganisation contributes to difficulties in recruitment due to the uncertainty it creates.																																																				
Impact / Consequences	Reputational damage Declining performance																																																				
Inherent Risk	<table border="1"> <tr> <td rowspan="5">L i k e l i h o o d</td> <td>A Almost Certain</td> <td>5</td> <td>4</td> <td>3</td> <td>2</td> <td>1</td> </tr> <tr> <td>B Highly Likely</td> <td>5</td> <td>4</td> <td>3</td> <td>2</td> <td>1</td> </tr> <tr> <td>C Probable</td> <td>5</td> <td>4</td> <td>3 (X)</td> <td>2</td> <td>1</td> </tr> <tr> <td>D Possible</td> <td>5</td> <td>4</td> <td>3</td> <td>2</td> <td>1</td> </tr> <tr> <td>E Rare</td> <td>5</td> <td>4</td> <td>3</td> <td>2</td> <td>1</td> </tr> <tr> <td colspan="2"></td> <td>5</td> <td>4</td> <td>3</td> <td>2</td> <td>1</td> </tr> <tr> <td colspan="2"></td> <td>Very Low</td> <td>Low</td> <td>Medium</td> <td>High</td> <td>Very High</td> </tr> <tr> <td colspan="2"></td> <td colspan="5">Impact</td> </tr> </table>	L i k e l i h o o d	A Almost Certain	5	4	3	2	1	B Highly Likely	5	4	3	2	1	C Probable	5	4	3 (X)	2	1	D Possible	5	4	3	2	1	E Rare	5	4	3	2	1			5	4	3	2	1			Very Low	Low	Medium	High	Very High			Impact				
L i k e l i h o o d	A Almost Certain		5	4	3	2	1																																														
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Controls to Manage Risk (in place)	Greater opportunities for Middle Managers to 'act up' to key posts in order to gain experience at a more senior level Appointment of more senior Middle Managers Leadership Strategy is in place																																																				

Residual Risk



Further Actions

00067 Planned retirements at SLT level

Description	Planning is in place for the retirement of two heads of service and risks are being monitored at service level
Action Due Date	30/04/2017
Person Responsible	Rebecca Maxwell & Nicola Stubbins

00068 Succession Planning Challenge at Service Challenge

Description	Heads of Service are being tested on their succession plans through Service Challenge
Action Due Date	31/03/2016
Person Responsible	Rebecca Maxwell
Lead Member(s)	Hugh Evans
Active	Yes
Risk Owner	Mohammed Mehmet

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Report To: Corporate Governance Committee  
Date of Meeting: 18<sup>th</sup> November 2015  
Lead Member / Officer: Head of Service – Business Improvement & Modernisation  
Report Author: Corporate Information Manager  
Title: Freedom of Information Act Consultation

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## 1. What is the report about?

To provide the Committee with Denbighshire County Council's proposed response to a consultation on the Freedom of Information Act 2000.

## 2. What is the reason for making this report?

The Corporate Governance Committee has shown a keen interest in the way the Council is managing the workload associated with handling Freedom of Information requests. It is thought that the Committee would appreciate a copy of the Council's proposed response and to have an opportunity to input into it before being submitted (by 20<sup>th</sup> November).

## 3. What are the Recommendations?

To note the Council's proposed consultation response and to provide any comments to be incorporated.

## 4. Report details

The Freedom of Information Act 2000 ("the Act"), commenced in January 2005, provides an enforceable right to access recorded information held by around 100,000 public sector organisations. The Act's intended objectives, on parliamentary introduction, were to: 'transform the culture of Government from one of secrecy to one of openness'; 'raise confidence in the processes of government, and enhance the quality of decision making by Government'; and to 'secure a balance between the right to information...and the need for any organisation, including Government, to be able to formulate its collective policies in private'.

The Act also provides for guidance through a code of practice to help to ensure that important records of the decision-making process are retained as part of the historic background to government. The Act does not apply to requests for environmental information as those requests are considered under the Environmental Information Regulations 2004 (or, in Scotland, the Environmental Information (Scotland) Regulations 2004), which implement the EU Directive on Access to Environmental Information. The Act also does not apply to requests for

one's own personal data as those requests are considered under the subject access provisions of the Data Protection Act 1998.

The Act gives requesters a statutory right to find out if a public authority holds information and, within a framework of limits and safeguards for sensitive information, to be provided with access to it. The limits and safeguards within the Act include exemptions for certain types of information, derogations so that some information falls outside the scope of the Act, provisions to prevent requests which are too costly or which are vexatious, and a power for a Cabinet Minister, acting collectively with the rest of Cabinet, to veto the release of information.

After ten years of the Act's operation, the Independent Commission on Freedom of Information was established on the 17th July. The terms of reference for the Commission were set out by the Cabinet Office:

*“The Commission will review the Freedom of Information Act 2000 (‘the Act’) to consider whether there is an appropriate public interest balance between transparency, accountability and the need for sensitive information to have robust protection, and whether the operation of the Act adequately recognises the need for a ‘safe space’ for policy development and implementation and frank advice. The Commission may also consider the balance between the need to maintain public access to information, and the burden of the Act on public authorities, and whether change is needed to moderate that while maintaining public access to information.”*

The Commission is clear that its terms of reference require it to look carefully at the implications for the Act and at the practical operation of the Act as it has developed over the last ten years in respect of the deliberative space afforded to public authorities. The Commission is also interested in the balance between transparency and the burden of the Act on public authorities more generally. The Commission is particularly focused on the following questions:

- Question 1: What protection should there be for information relating to the internal deliberations of public bodies? For how long after a decision does such information remain sensitive? Should different protections apply to different kinds of information that are currently protected by sections 35 and 36?
- Question 2: What protection should there be for information which relates to the process of collective Cabinet discussion and agreement? Is this information entitled to the same or greater protection than that afforded to other internal deliberative information? For how long should such material be protected?
- Question 3: What protection should there be for information which involves candid assessment of risks? For how long does such information remain sensitive?
- Question 4: Should the executive have a veto (subject to judicial review) over the release of information? If so, how should this operate and what

safeguards are required? If not, what implications does this have for the rest of the Act, and how could government protect sensitive information from disclosure instead?

- Question 5: What is the appropriate enforcement and appeal system for freedom of information requests?
- Question 6: Is the burden imposed on public authorities under the Act justified by the public interest in the public's right to know? Or are controls needed to reduce the burden of FoI on public authorities? If controls are justified, should these be targeted at the kinds of requests which impose a disproportionate burden on public authorities? Which kinds of requests do impose a disproportionate burden?

### **Denbighshire's Freedom of Information Act Consultation Response**

Denbighshire County Council (The Council) has compiled the following response to question 6, as it's believed that this represents the most pertinent issue for the Council.

The Council firmly supports the view that that public authorities should be transparent and accountable for their decisions and as part of this the public has a right to request information being held. The Council also believes that the burden being placed upon public authorities under the Act is fast reaching a level where controls are urgently needed to reduce the associated workload before they become overwhelming.

The burden from the Act is diverting valuable staff time away from providing core services to an arguably less important task. This is adding further strain to local authorities who are having to maintain core services whilst experiencing significant budget cuts.

The Council has been experiencing year on year increases in information requests being received. When the Freedom of Information Act came into being during 2005, the Council received 500 such requests. This figure increased to 1150 requests in 2014.

Attempts have been made to reduce the burden, particularly through publishing more information, but this has had little impact with each request being ever so slightly different. Being a Welsh local authority also means that everything published to the website must be bilingual, which increases this workload.

The Council has found that many requests involve several hours of work but which often fall below the £450 charging threshold (Section 12). Additionally, redaction of documents can take several hours' even days in some cases but at present, the Act does not allow this work to be included within the timescale threshold.

Within large and diverse public sector organisations, such as local authorities, information is rarely held centrally but often spread across multiple service areas in various databases or other media. These types of requests often take the most amount of time, as they involve multiple officers from across multiple teams to determine whether the information is held, locating it, retrieving it, extracting it and then bringing the information together to provide a single coherent response.

For the reasons stated above, Denbighshire County Council's would encourage the Commission to amend the Freedom of Information Act to include provision for public authorities to charge a nominal fee of say £20, for each request. It is also recommended that the appropriate limit (Section 12) is reduced from 18 to 10 hours. Section 12 should also be amended to include time spent on redaction.

It is believed that introducing these changes would reduce the burden for public authorities to a more manageable and proportionate level whilst maintaining the public's statutory rights of information access.

**5. How does the decision contribute to the Corporate Priorities?**

N/A

**6. What will it cost and how will it affect other services?**

N/A

**7. What are the main conclusions of the Equality Impact Assessment (EqIA) undertaken on the decision? The completed EqIA template should be attached as an appendix to the report**

There is nothing arising from the EqIA that will impact on individuals with protected characteristics.

**8. What consultations have been carried out with Scrutiny and others?**

SLT, Directors and key Officers from across the Council were invited to contribute to the consultation.

**9. Chief Finance Officer Statement**

The response proposed highlights the additional burdens the Act places on the Council and offers sensible suggestions that may help to reduce them.

**10. What risks are there and is there anything we can do to reduce them?**

N/A

**11. Power to make the Decision**

N/A

Freedom of Information Consultation  
18<sup>th</sup> November 2015

Equality Impact Assessment

# Freedom of Information Consultation

**Contact:** Craig Berry. Business Improvement & Modernisation  
**Updated:** 18/11/15

## 1. What type of proposal / decision is being assessed?

Other

## 2. What is the purpose of this proposal / decision, and what change (to staff or the community) will occur as a result of its implementation?

Provide the Committee with the Council's proposed response to a consultation on the Freedom of Information Act.

## 3. Does this proposal / decision require an equality impact assessment? If no, please explain why.

*Please note: if the proposal will have an impact on people (staff or the community) then an equality impact assessment **must** be undertaken*

No	It depends on what, if any, changes are made to the Freedom of Information Act
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## 4. Please provide a summary of the steps taken, and the information used, to carry out this assessment, including any engagement undertaken

*(Please refer to section 1 in the toolkit for guidance)*

<Type here>

## 5. Will this proposal / decision have a positive impact on any of the protected characteristics (age; disability; gender-reassignment; marriage and civil partnership; pregnancy and maternity; race; religion or belief; sex; and sexual orientation)?

*(Please refer to section 1 in the toolkit for a description of the protected characteristics)*

No impact.

**6. Will this proposal / decision have a disproportionate negative impact on any of the protected characteristics (age; disability; gender-reassignment; marriage and civil partnership; pregnancy and maternity; race; religion or belief; sex; and sexual orientation)?**

None

**7. Has the proposal / decision been amended to eliminate or reduce any potential disproportionate negative impact? If no, please explain why.**

No

**8. Have you identified any further actions to address and / or monitor any potential negative impact(s)?**

No

Action(s)	Owner	By when?
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**9. Declaration**

Every reasonable effort has been made to eliminate or reduce any potential disproportionate impact on people sharing protected characteristics. The actual impact of the proposal / decision will be reviewed at the appropriate stage.

Review Date: 30.10.15

Name of Lead Officer for Equality Impact Assessment	Date
<Craig Berry, Corporate Information Manager	<30.10.15>

**Please note you will be required to publish the outcome of the equality impact assessment if you identify a substantial likely impact.**

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**Report To:** Corporate Governance Committee

**Date of Meeting:** 18<sup>th</sup> November 2015

**Lead Member / Officer:** Gary Williams, Monitoring Officer/Head of Legal, HR and Democratic Services.

**Report Author:** Lisa Jones/Gary Williams

**Title:** Council Constitution

## **1. What is the report about?**

1.1 To provide the Committee with an update on the future adoption of a new model constitution for Wales.

## **2. What is the reason for making this report?**

2.1 The Corporate Governance Committee terms of reference require any intended changes to the Council Constitution to be considered first before formal adoption by the Full Council.

## **3. What are the Recommendations?**

3.1 That the Corporate Governance Committee note the contents of the report and provide comment on the proposed changes prior to wider consultation with members

## **4. Report details.**

4.1 Members of the Committee will recall a previous report in July 2015 which considered proposed amendments to the Articles of the Constitution, proposals regarding the delegation of decision making to Cabinet members and amendments to the Officer Employment Rules.

4.2 This report seeks members' views on proposed amendments to the Officer Scheme of Delegation. The proposed scheme is attached as Appendix 1 to the report. The scheme has been updated to reflect changes in the senior management structure of the Council and the transfer of responsibilities that have taken place as a result. It is intended to present a report to Cabinet in December to seek their approval of the scheme in order that the executive function delegations have been appropriately authorised.

4.3 The Constitution Working Group met on 13<sup>th</sup> October to consider the codes and protocols contained in Part 5 of the Constitution. In particular the Group considered in detail the Protocol on Member/Officer Relations. An amended version of the protocol is attached as Appendix 2 to this report.

4.4 The Committee has in the past considered potential amendments to its own terms of reference. In particular there has been discussion of potential areas of work that could be transferred to the Standards Committee. Ultimately the Committee's view was that it did not want to transfer areas of work to that Committee. There have however been matters that have been discussed at Committee such as risk management and complaints where there has been some concern that there is potential duplication in the role of this Committee and that of Scrutiny. A proposed amended terms of reference for this committee is attached at Appendix 3 for discussion which attempts to provide an updated version and reflect those discussions.

4.5 It is intended to hold a member workshop to brief the wider membership on the changes that have been considered by the Committee and seek their views before taking a report to Council in February 2016 to seek approval of the amended Constitution.

## **5. How does the decision contribute to the Corporate Priorities?**

5.1 A fit for purpose modern constitution will contribute to the priority of becoming a high performing Council providing assurances on governance and decision making, ethical behaviour, robust contracting and partnership rules and allowing the public and third parties to see who is the responsible decision maker on issues affecting them.

## **6. What will it cost and how will it affect other services?**

6.1 There are no direct costs associated with this report.

## **7. What consultations have been carried out?**

7.1 To date only the Councils Constitution Working Group, this Committee and SLT have been involved in the debate on the key proposals in the new constitution.

## **8. Chief Finance Officer Statement**

8.1 There are no significant financial implications arising from the report.

## **9. What risks are there and is there anything we can do to reduce them?**

9.1 There is a risk that a Constitution that is not amended to keep up to date with corporate and legislative changes ceases to be fit for purpose.

## **10. Power to make the Decision**

10.1 The Local Government Act 2000 requires all councils to have a constitution.

# DRAFT

## **SCHEME OF DELEGATION FOR OFFICERS**

### **1. Definition**

- 1.1 In this scheme, 'Chief Officer' means the Chief Executive, Corporate Director and Head of Service.
- 1.2 'Departmental Delegated Scheme' means that scheme which is held and managed by the Chief Officer and sets out the sub-delegations (where appropriate) made by that Chief Officer to those Officers who form part of his or her service or where there is indirect responsibility for the delivery of some of that service, in the event the officer receiving the sub-delegation does not sit within that particular Chief Officer's service.
- 1.3 Any reference to an Act in this scheme includes reference to any amendment thereto, or re-enactment thereof, of any order or secondary legislation made under it.
- 1.4 Function or power means all relevant functions, powers and duties of the Council, whether under any specific legislation identified in the scheme or not expressly referred to in it, but by implication, given the nature of the function itself as the case may be.
- 1.5 Any reference to a Chief Officer or officers being delegated to carry out or perform any functions in this scheme shall be deemed to include a reference to performing any other functions, even if not specifically referred to, which are necessary or incidental to, or required to facilitate or be conducive to the performance of the function in question.
- 1.6 Subject to any specific restriction in writing, a function or power which may be discharged by a Chief Officer or Officer, may also be discharged by any person formally acting up into that post or interim post holders.
- 1.7 Subject to any specific restriction in writing, a function or power which may also be discharged by any person who is deputizing (whether on a full, part time or an absence basis) for that post.
- 1.8 Any interpretation of this Scheme of Delegation shall be in accordance with the Council's wish that the powers granted to officers under the scheme shall not be construed restrictively.

### **2. General Provisions**

- 2.1 Under this scheme, each Chief Officer is authorised to act on behalf of the Council in relation to any matter within the service areas for which they are responsible. Any exercise of delegated powers shall comply with, and be subject to :-

- 2.1.1 Any statutory provisions
  - 2.1.2 The Councils overall policy and budget framework
  - 2.1.3 Protocol on Member/Officer Relations, the Officers Code of Conduct and where appropriate in liaison with local members.
  - 2.1.4 The Constitution and relevant Rule of Procedure
  - 2.1.5 Financial Regulations
  - 2.1.6 Contract Procedure Rules
  - 2.1.7 The duty of achieving Best Value and Continuous Improvement
  - 2.1.8 Agreed arrangements for recording the decisions.
  - 2.1.9 The taking of and compliance with any legal or other professional advice.
  - 2.1.10 Have regard to sustainability generally and the well-being of current and future generations.
- 2.2 Where the exercise of delegated powers is likely to affect more than one service, the Chief Officer must consult with any other Chief Officer whose service may be so affected.
- 2.3 Without prejudice to his/her delegated powers or to that of the relevant Committee, and in appropriate circumstances only, each Chief Officer should, when exercising his/her powers : -
- 2.3.1 keep the Cabinet fully informed, in particular members of the Cabinet who are the Portfolio Holders for the service area in question and also have due regard to any comments made in the relevant scrutiny committee regarding the matter in question.
  - 2.3.2 ensure, where appropriate, that he/she consults with/or informs the local member(s) in advance;
  - 2.3.3 ensure that he/she consults with/or informs, where appropriate, the Chief Executive. Before exercising a delegated power, each Chief Officer must consider whether the decision is one that should be referred to the appropriate Committee for input or referred to the Cabinet, or appropriate Committee or sub-Committee.
- 2.4 In deciding whether to refer a matter to the Cabinet, Committee or sub-Committee the Chief Officer shall have regard to the following considerations:-
- 2.4.1 day to day decisions on technical or professional issues will normally be taken without reference to Members.
  - 2.4.2 the views of the local member, Portfolio Holder and Chief Executive must be taken into account, where appropriate.
  - 2.4.3 if a decision is likely to have a significant impact on the Councils' profile, is likely to attract unfavourable comment in the news media, or may have substantial financial implications there will be a presumption in favour of referring it to members.

- 2.5 Functions are not delegated where:
- 2.5.1 they are reserved by law or by this Constitution to the Council
  - 2.5.2 they may not by law be delegated to an Officer
  - 2.5.3 they are reserved to a Cabinet Member or Members.
- 2.6 The powers listed in this Scheme shall be construed in conjunction with any powers delegated by any Committee.
- 2.7 The Chief Executive and Directors are authorised, in the absence of or inability to act of the Chief Officers reporting to them, to exercise all powers delegated from time to time to those Chief Officers except where specifically prevented from so acting by limitation of statute, professional qualification or where other arrangements have been made in the relevant delegation.
- 2.8 The Chief Executive and Directors are authorised to take or authorise in consultation with the relevant Committee or Sub-Committee Chair or Vice-Chair, or in their absence the Chair or Vice-Chair of the Cabinet, any action on any matter within the Terms of Reference of the relevant Committee or Sub-Committee which they consider to be of such urgency that it cannot await a meeting of that Committee or Sub-Committee provided that such action shall be reported for information to the next available meeting of the relevant Committee or Sub-Committee.
- 2.9 The Chief Executive and Directors are authorised to take or authorise in consultation with the Chair and Vice-Chair of the Cabinet, any action on any matter within the Terms of Reference of the Cabinet which they consider to be of such urgency that it cannot await a meeting of the Cabinet provided that such action shall be reported for information to the next available meeting of the Cabinet.

2.10 The relevant Director and each Head of Service is responsible for ensuring compliance with the Data Protection Act 1998, Freedom of Information Act 2000, Environmental Information Regulations 2004, Human Rights Act 1998, the Health and Safety at Work etc. Act 1974 and the Safeguarding of Vulnerable Groups Act 2006 (as amended by the Protection of Freedoms Act 2012) in so far as his/her service is concerned, including compliance with any decision of the Councils' Freedom of Information Exemptions Panel.

### **3. General Delegations**

3.1 Each Chief Officer (having consulted with the relevant Portfolio Holder where appropriate) is authorised to take any action necessary to protect or promote the Councils interests, subject to the restrictions in 2 above.

3.2 Without prejudice to the generality of the provisions in 2 above, this includes exercising his/her professional judgment to take such decisions as are necessary to implement the Councils policies and to promote the management and delivery of the services which are his/her responsibility.

3.3 Any powers granted to a Chief Officer may be discharged either in his/her absence by such Officers as may be authorised by him/her in accordance with any general or specific instructions given. In the absence of the Chief Officer, any Officer appointed by him/her to deputise on his/her behalf may also authorise the exercise of delegated powers, subject to any statutory provision preventing any deputy from acting. For the avoidance of doubt such authorizations may not be granted to persons who are not Officers of the Council unless there is an arrangement facilitating joint working with the relevant person's employing authority. Such authorisations under this paragraph shall include authorization to issue and sign statutory notices in the name of the relevant chief officer or other person with delegated functions.

It shall be the responsibility of the Chief Officer to maintain an up to date list of Departmental Delegations where this is appropriate. Where a Chief Officer holds such a Departmental Scheme of Delegation, this shall be provided to the Monitoring Officer on an annual basis and changes notified within 25 days to enable the Monitoring Officer to keep the central register updated.

3.4 Authority to serve requisitions for information under the Local Government (Miscellaneous Provisions) Act 1976 or other enabling legislation.

3.5 Each Chief Officer is authorised to manage assets, vehicles and equipment belonging to the Service for which he/she has responsibility.

3.6 Each Chief Officer is authorised to act on financial matters, in accordance with the Financial Regulations and Contract Procedure Rules.

3.7 In consultation with Head of Legal, HR and Democratic Services. where appropriate, each Chief Officer is authorised to act in relation to staffing matters

in accordance with any relevant HR Policies and to appoint staff below Chief Officer level.

- 3.8 Each Chief Officer is entitled to submit planning applications in pursuance of approved schemes (but not the determination of the application)
- 3.9 To approve fees and charges, (and subject to any limit on such charge or fee set by statute) including any subsidies and concessions, in accordance with the policy adopted by Cabinet on the setting of Fees and Charges. Decisions on these matters are subject to the agreement of the Head of Finance and Assets, and subject to the provisions of the Local Government Act 2003 in respect of lawful charging and trading provisions. (this does not include fees and charges that are set by the Planning and Licensing Committees or Housing Rents which are set by reference to Housing Rents Setting Policy or subsequent amendment)
- 3.10 All Chief Officers may approve the submission of bids for grant funding and to accept any grant offered, subject to any funding requirement from the Council being contained within existing budgets. Where such a funding requirement cannot be afforded from existing budgets, the consent of the Head of Finance and Assets must be obtained before a bid is made or a grant is accepted. Where appropriate, the advice of the Head of Legal, HR and Democratic Services should be sought on the terms and conditions of acceptance or submission of a grant.
- 3.11 In accordance with any policy adopted by the Cabinet on grants, to determine grants to other bodies or individuals (including determining parameters or criteria for decisions by Officers on such grants.
- 3.12 Subject to any specific restriction in writing, a function or power which may be discharged by a Chief Officer, may also be discharged by any person who holds a post which is a successor post to that of the original Chief Officer following any reorganisation, restructure or similar process including any changes made to the job titles of Chief Officer posts.
- 3.13 Any reference in this Scheme to any legislation or to any Council procedure or rule shall be deemed to include a reference to any successor legislation, procedure or rule as may be introduced or enacted by way of substitution, revision or amendment. This provision shall be interpreted as in addition to the provisions of paragraph 1.6
- 3.14 All Chief Officers exercise their delegated authority within their own area. However, due to the urgency of the circumstances, where the matter cannot wait and it is not practicable for a Corporate Director to exercise their authority under 2.7, another Chief Officer may carry out the delegation where there are not specific restrictions on them doing so.
- 3.15 If the Council acquires a new function it may be necessary for this to be reported to the Cabinet so that a decision can be taken on any new delegations to officers. However, in the absence of such a decision, the Chief Officer with

responsibility for the relevant services shall be deemed to have full delegated authority to discharge the function on the Council's behalf in accordance with these General Provisions and Functions unless it is a function reserved to the Cabinet or a Committee of the Council.

3.16 In the event of a local government reorganisation, where an officer of any transferor authority was , before reorganisation day, specifically authorised to enter into a contract, prepare and execute a document (subject to contract procedural rules) or take any other action; if that contract is not entered into, document not executed, or as the case may be, action not taken before reorganisation day, the officer of the Council holding the corresponding office shall, on and after reorganisation day, be deemed to have the authority previously granted to the former officer.

#### **4. To The Chief Executive (Head of Paid Service)**

4.1 Any decision, whether it is normally the responsibility of the Cabinet, Cabinet committee or individual Cabinet Member, where the decision has to be taken immediately in response to a major civil emergency as defined in the Major Emergency Management Plan.

4.2 Authorising Officers to undertake particular roles on behalf of the Council, where such authorisation is an executive function and has been delegated to the Head of Paid Service.

4.3 To represent the views of the Council in responding to consultations with the Council by any outside body.

4.4 As Returning Officer, to apply the annually agreed uplift in respect of election fees for local government purposes in consultation with colleagues in other authorities in North Wales.

4.5 Carrying out the following functions imposed on the Council by emergency planning regulations:-

- Civil Defence (General Local Authority Functions) Regulations 1993 - preparation, exercise and implementation of plans for civil defence purposes, including complying with directions from the designated Minister
- Public Information for Radiation Emergencies Regulations 1992 - supplying information to the public in the event of a radiation emergency involving transport of radioactive substances
- Pipelines Safety Regulations 1996 - preparation of and charges for a plan in respect of a major accident hazard pipeline



- Control of Major Accident Hazards Regulations 1999 - preparation, testing and charges for off-site emergency plan for major accident hazards

Radiation (Emergency Preparedness and Public Information) Regulations 2001 - preparation of, testing and charges for off-site emergency plan and supplying information to the public in the event of radiation emergencies involving premises.

4.6 To act on a day to day basis, as appropriate, as the Head of Paid Service and in the following areas: -

- Strategic Development and Leadership
- Management of the Council as a whole
- Performance Management of the Council as a whole
- Service Modernisation and Continuous Improvement
- Major Projects
- Communication with the Media
- Medium and Major Corporate Risks
- External Relationships
- Civil Contingency

4.7 To act as an Authorised Officer for the purposes of the Regulation of Investigatory Powers Act 2000, in particular in respect of the acquisition of confidential private information within the meaning of this Act.

4.8 In consultation with the Leader of the Council, to give instructions for the flying of the relevant flag or flags on Council Offices on significant occasions either high in celebration or half mast as appropriate.

4.9 In the absence or inability of the Chief Executive to act he/she will designate a Corporate Director to exercise the above delegations and other functional responsibilities as he/she deems appropriate.

## **5. To the Head of Finance and Assets**

5.1 To undertake all duties assigned to the Head of Finance and Assets by Financial Regulations which relate to the provision of his/her service.

5.2 To authorise the write off of bad debts up to the amounts noted in the Financial Procedure Rules.

5.3 Authorising Officers to appear on the Authority's behalf to conduct proceedings in the Magistrates Court under s.223 Local Government Act 1972.

5.4 Authorising and managing petty cash payments.

- 5.5 Authorising the issue of Credit/Purchase Cards.
- 5.6 Authorising the use of electronic financial systems to transfer money.
- 5.7 To institute and conduct civil proceedings for the recovery of monies owed to the Council in consultation with the Head of Lega, HR and Democratic Services.
- 5.8 To act as the Proper Officer in respect of the Proceeds of Crime Act 2002 and any regulations made thereunder.
- 5.9 To secure the safe custody of policies and to make claims under the Council's insurances.
- 5.10 To negotiate and settle rentals and other terms for short term licences, easements and wayleaves, including those required by statute upon terms agreed by statutory formula or otherwise, subject to appropriate consultation with Local Members.
- 5.11 To make home loss payments under the provisions of the Land Compensation Act 1973 (amount calculated by statutory formula related to rateable value)
- 5.12 To make disturbance payments under the provisions of the Land Compensation Act 1973.
- 5.13 In consultation with the Corporate Director: Economy and Public Realm, to negotiate the acquisition and/or disposal of land for all purposes, in conjunction with the Councils Asset Management Group and subject to the results thereof being reported to all Members for information, where appropriate.
- 5.14 To value all property assets of the Council
- 5.15 To value properties for mortgage or grant and for other approved purposes, including the property assets of elderly persons entering the care of Social Services, where their assets are taken into consideration.
- 5.16 To recommend and negotiate rents and rent reviews and appropriate terms for all managed property, including any agricultural estate land and buildings, but not any property falling within the purview of the Housing department.
- 5.17 To negotiate and agree lease agreements, including rent reviews leased by and to the Council, subject to reports to any Asset Management Group and to Members, where appropriate.
- 5.18 To take action upon reports concerning mortgage defaulters.

- 5.19 To exercise the following powers in respect of property matters in consultation with and on terms and conditions agreed by the Head of Legal, HR and Democratic Services: -
- 5.19.1 Disposals of freehold interest in land up to £30k at market value, where there is no objection from local member(s) or the Lead Member
  - 5.19.2 To undertake all other disposals, following a decision by the Cabinet or the Lead Member in accordance with their delegated functions.
  - 5.19.3 Granting leases up to £50k a year at market value and renewal of leases not longer than the original lease. This delegation includes (but not limited to) all matters to do with agricultural estate leases and tenancies, and all other tenancies, wayleaves, easements, licences, change of user or assignments. This delegation includes powers to terminate tenancies and licences, and to sign tenancy agreements and licences, except:
    - a) granting tenancies for agricultural estate. Officers to conduct interviews and make recommendations to the Lead Member.
    - b) Notices to quit for tenants of agricultural estate, such decision to be taken by the Lead Member on advice from Officers.
  - 5.19.4 Acquisitions of land by lease up to £50k a year, if funding is available and there is no objection from the Lead Member.
  - 5.19.5 Purchase of land/easements for highway and drainage schemes and the making of stopping up orders, subject to a) the cost of the acquisitions being available within the capital funding scheme or b) in cases where the acquisition is in order to facilitate the disposal of land and property under 6.31.1, the cost being covered by the capital receipts being generated.
  - 5.19.6 The renewal of any lease or tenancy, subject to budget provision being available to continue to pay charges under the lease or tenancy.
  - 5.19.7 To undertake all other acquisitions and taking of leases or tenancies, following a decision by Cabinet or the Lead Member in accordance with their delegated functions.
  - 5.19.8 Miscellaneous powers in respect of property:
    - The Service of Statutory Notices
    - Appropriation of property between services.
    - Lodging and settlement of rating appeals, including representation in the Valuation Tribunal
    - Other property management and emergency matters including granting consent for tenants improvements, reallocation and

apportionment of milk quota and settlement of end of tenancy and dilapidation claims.

- 5.19.9 To determine the policy for uniform grants and the determination of applications.
- 5.20 To authorise in writing all officers of the Housing Services department who may from time to time be employed to discharge the specific duties and functions delegated to the Head of Housing Services, subject to such officers being suitably qualified for the discharge of those duties and functions.
- 5.21 To undertake inspections, investigations, interviews, sampling, prohibitions, seizures, detentions, recording, service of notices, (including suspension notices), notifications, waivers, transfers, authorisations, licensing, registrations and legal proceedings as are within the purview of the Housing department under the legislation applicable thereto set out below, together with any regulations made thereunder, and any amendments or additions thereto and to exercise all other relevant powers, including powers of entry provided under such legislation.

### **Legislation**

Accommodation Agencies Act 1953  
Administration of Justice Act 1970  
Anti Social Behaviour Act 2003  
Children and Young Persons Act 1933  
County Courts Act 1984  
Crime and Disorder Act 1998  
Health Act 2006  
Homelessness Act 2002  
Housing Act 1985 (as amended by the Local Government and Housing Act 1989)  
Housing Act 1996 (including amendments made under the Anti Social Behaviour Act 2003)  
Housing Act 2004  
Housing (Wales) Act 2014  
Housing Grants, Construction and Regeneration Act 1996  
Local Government Act 1972  
National Assistance Act 1948  
National Assistance (Amendment) Act 1951  
Noise Act 1996  
Noise and Statutory Nuisance Act 1993  
Protection from Eviction Act 1977  
Social Services and Well Being (Wales) Act 2014

- 5.22 To issue Certificates of Approval of Works carried out for works of improvement, repair, conversion and adaptations under Part I of the Housing Grants, Construction and Regeneration Act 1996, including payments by instalments

- 5.23 To deal with all matters arising from applications for grants under Part 1 of the Housing Grants, Construction and Regeneration Act 1996 including approval and rejection of applications, subject to consultation with the Head of Finance and Assets in respect of financial aspects, and to any financial allocation available for this purpose in any one year not being exceeded.
- 5.24 To deal with all aspects of approval and payments for unforeseen work above currently agreed limits in respect of House Renovation Grants.
- 5.25 To administer the housing needs register (waiting list, transfer list etc.)
- 5.26 To let Council dwellings and to nominate to other social landlords including temporary non-secure lets, waiting list applicants, transfers, exchanges, key workers, tied tenancies and mobility schemes.
- 5.27 To administer the Housing Benefit Scheme as it relates to Local Authority Dwellings under the provisions of the Social Security Act, 1986.

## **6. To the Chief Finance Officer/S.151 Officer**

- 6.1 To act as Chief Finance Officer under s.151 of the Local Government Act 1972 and any other statutory functions assigned to the s.151 Officer.
- 6.2 To be the Proper Officer for the purpose of s.114 Local Government and Finance Act 1988 and the power to appoint a deputy to act in their absence.
- 6.3 To be the proper Officer for the purposes of s.115 and 146 Local Government Act 1972.
- 6.4 The right to sign a certificate that contracts comply with the Local Government (Contracts) Act 1997 and that a lease or contract does not constitute credit arrangements.
- 6.5 Subject to a policy for such writing off having been established, to write to determine whether repayment of a grant may be waived, subject to the agreement of the Lead Member for Finance, where the amount of the repayment waived in an individual case exceeds 10k.
- 6.6 Nominate authorised officers under the Social Security Administration Act 1992 or subsequent amendment.
- 6.7 Nominate authorised officers under the Social Security Administration (Fraud) Act 1997.

- 6.8 Authorising Officers to appear on the Authority's behalf to conduct proceedings in the Magistrates Court under s.223 Local Government Act 1972.
- 6.9 Organising the Council's banking arrangements.
- 6.10 Authorising leasing arrangements.
- 6.11 Authorising the use of electronic financial systems to transfer money.
- 6.12 To institute and conduct civil proceedings for the recovery of monies owed to the Council in consultation with the Head of Legal, HR and Democratic Services.
- 6.13 To act as the Councils' Money Laundering Officer for the purposes of the Money Laundering Regulations 2003.
- 6.14 To act on a day to day basis in the following areas: -
- Accountancy (including Revenue budgeting and final accounts and Capital budgeting and final accounts)
  - Risk Management and Insurance
  - Creditor Payments
  - The Pension Scheme including the teachers pension scheme
  - Treasury Management (including investments and borrowing for revenue and capital purposes and investment for funds for which the Council is custodian)
  - Payroll (including car allowances, expenses, employee benefits, income tax, national insurance and all other deductions)
  - Car Leasing/Purchase Scheme
  - Tax matters including the Councils income tax and VAT.
  - Council Mortgage Interest rate calculations
  - Internal Audit
  - Strategic Procurement
- 6.15 Determining the instalment dates for Council Tax and NNDR payments for financial years beginning in and after 2004.
- 6.16 To secure the safe custody of policies and to make claims under the Council's insurances.
- 6.17 To act as an Authorising Officer under the Regulation of Investigatory Powers Act 2000.

## **7. To the Head of Legal, HR and Democratic Services**

- 7.1 To act as the Monitoring Officer under the Local Government and Housing Act 1989.
- 7.2 To authenticate Documents for Legal Proceedings.\*

- 7.3 To institute and conduct all civil, criminal and administrative proceedings, (including settlement of claims out of Court) and tribunal hearings of a quasi-judicial nature (other than matters specifically delegated to another Officer).\*
- 7.4 To secure the safe custody of policies and to make claims under the Council's insurances.\*
- 7.5 To maintain records, including Minutes and Conveyances, Leases, Mortgages and other securities.\*
- 7.6 To authorise the settlement of all claims for compensation whether from tenants, Council employees or other members of the public where such claims are the result of damage caused by Council or allied services and are not covered by insurance.\*
- 7.7 To affix the seal and execute documents on behalf of the Council. \*
- 7.8 To serve all Notices under the Town and Country Planning Acts not otherwise specifically delegated.\*
- 7.9 To issue warrants to the High Sheriff to deliver possession of properties included in confirmed Compulsory Purchase Orders, where the Council have served notice of entry but where the occupiers have refused to grant possession to the Council.\*
- 7.10 To take all appropriate legal action to secure the eviction of 'squatters' from Council property that is to say any persons occupying such property without the Council's authority and in contravention of its policies governing the letting of the same, in consultation with the Head of Housing and the Head of Adult Services.\*
- 7.11 To enter into Agreements with developers for the adoption of amenity areas on private housing estates.\*
- 7.12 To apply to the Court for a Prohibition Order under the provisions of the Food Safety Act, 1990, in consultation with the Head of Planning, Regeneration and Regulatory Services.\*
- 7.13 To issue and serve the following Notices under the provisions of the Housing Act, 1985, namely:-\*
 

Notices requiring tenants to complete transactions (Sections 140 and 141).
- 7.14 To undertake and conclude all the necessary legal formalities in connection with the disposal of Council dwellings and to recover possession of Council dwellings in appropriate cases, pursuant to the provisions of the Housing Act, 1985.\*
- 7.15 To serve all appropriate notices in connection with the Rents to Mortgage Scheme under the provisions of the Leasehold Reform, Housing and Urban

Development Act, 1993. \*

- 7.16 To exercise the powers of direction available to the Council under Section 77 of the Criminal Justice and Public Order Act, 1994, and also to make complaints to the Magistrates' Court on behalf of the Authority under Section 78 of the Act. \*
- 7.17 To vary the fees payable under Part VA of the Local Government Act 1972 (Access to Information) \*
- 7.18 To sign contracts for the acquisition and disposal of interests in land in accordance with the Council's policy. \*
- 7.19 To sign and serve requisitions for information under Section 16 of The Local Government (Miscellaneous Provisions) Act, 1976. \*
- 7.20 To negotiate, conclude and execute on behalf of the Council any document or agreement required to give effect to any decision taken by the Council, Cabinet, other Committee, Sub-Committee or Officer whether or not specifically so authorised by such decision. \*
- 7.21 To exercise the Council's functions relating to the approval of premises under the Marriage Act 1994 and Marriages (Approved Premises) Regulations 1995 and the registration of civil partnerships under the Civil Partnerships Act 2004 in consultation with the Local Member)
- 7.22 To amend the Councils Constitution document to accord with decisions of the Council, Cabinet or Committees.
- 7.23 To authorise a Council Officer to appear on behalf of the Council in proceedings under section 60 of the County Courts Act 1984 and in the Magistrates Court under s.223 of the Local Government Act 1972.
- 7.24 To act as the Proper Officer for the purposes of s100B Local Government Act 1972 i.e. to exclude access by the public to reports in respect of which, in his/her opinion, the meeting is not likely to be open to the public.
- 7.25 In consultation with the members of the Access to Information Panel and the Deputy Monitoring Officer (together forming the FOI Exemptions Panel) to decide whether information may be withheld under exemptions contained in the Freedom of Information Act 2000, the Data Protection Act 1998 or the Environmental Information Regulations 2004 on behalf of the Council.
- 7.26 To act as an Authorising Officer, in particular with regard to the surveillance of Council Staff and act as the Councils' Senior Responsible Officer under the Regulation of Investigatory Powers Act 2000.
- 7.27 To act as the Authority's 'qualified person' under s. 36 of the Freedom of Information Act 2000.



7.28 To act as the Senior Responsible Officer regarding security breaches holding the central record of all security breaches whether electronic or manual records.

7.29 To act on a day to day basis in the following areas:-

- Legal Services
- Elections/Electoral Registration
- Member Support and Services
- Committee and Democratic Services (jointly with the Head of Democratic Services)
- Translation

\* in the absence or inability of the Head of Legal and Democratic Services to act, the Deputy Monitoring Officer or in their absence a Principal Solicitor is authorised to exercise these functions.

7.30 To prepare and maintain a list of those posts which are considered to be politically restricted under the provisions of the Local Government and Housing Act 1989.

7.31 To review and update the Councils Constitution from time to time, to include any incidental changes emanating from amended, substituted or new legislation, any restructure of the organisation and where appropriate to reflect the provisions of paragraph 3.15 of this Scheme.

7.32 To ensure the Council's decision making processes are robust.

## **8. To the Head of Planning and Public Protection**

The following delegations relate to public protection and regulatory functions:-

To have the power:-

8.1. To authorise in writing all officers of the Planning and Public Protection and Housing department who may from time to time be employed to discharge the specific duties and functions delegated to the Head of Planning and Public Protection, subject to such officers being suitably qualified for the discharge of those duties and functions.

8.2 To undertake inspections (including the inspection of a licence or operator records), authentications, investigations, interviews, sampling, testing (including the testing of vehicles), prohibitions, seizures (including the removal of plates upon expiry or revocation), detentions, recording, service of notices, (including suspension notices), notifications, waivers, transfers, authorisations, licensing, registrations and legal proceedings as are within the purview of the Planning and Public Protection and Housing department under the legislation applicable to it and set out below (as a non-exhaustive list), together with any regulations made thereunder, and any amendments or additions made to it, or any subsequent new

or current functions which can properly be regarded as incidental to the functions of the Planning and Public Protection department and to exercise all other relevant powers or duties, including powers of entry provided under such legislation.

### **Legislation**

Activity Centres (Young Persons Safety) Act 1995  
Agriculture Produce (Grading and Marking) Act, 1928  
Agriculture (Miscellaneous Provisions) Act, 1968, 1972 and 1976  
Agriculture Act, 1970  
Animal Boarding Establishments Act, 1963  
Animal Health and Welfare Act, 1984  
Animal Health Act, 1981  
Animal Health Act 1998  
Animal Health Act 2002  
Animal Welfare Act 2006  
Anti Social Behaviour Crime and Policing Act 2014  
Anti-Terrorism, Crime and Security Act 2001  
Protection of Animals Act 2000  
Banking Act, 1987  
Breeding of Dogs Act, 1973 and 1991  
Building Act, 1984  
Business Names Act, 1985  
Cancer Act, 1939  
Caravan Sites and Control of Development Act, 1960  
Celluloid and Cinematographic Film Act, 1922  
Children and Young Persons (Protection from Tobacco) Act, 1991  
Christmas Day (Trading) Act 2004  
Cinemas Act, 1985  
Clean Air Act, 1993  
Clean Neighbourhoods and Environment Act 2005  
Companies Act, 1985  
Consumer Credit Act, 1974  
Consumer Credit Act, 2006  
Consumer Protection Act, 1987  
Consumer Rights Act 2015  
Control of Pollution Act, 1974  
Control of Pollution (Amendment) Act, 1989  
Copyright, Designs and Patents Act, 1988  
Copyright, Etc and Trade Marks (Offences and Enforcement) Act, 2002  
Court and Legal Services Act, 1990  
Criminal Attempts Act, 1981  
Criminal Justice Act, 1988  
Crossbow Act, 1987  
Dangerous Dogs Act, 1991  
Dangerous Wild Animals Act, 1976  
Development of Tourism Act, 1969  
Disability Discrimination Act 1995  
Dogs Act, 1906  
Dog (Fouling of Land) Act 1996

Energy Conservation Act, 1981  
Energy Act, 1976  
Enterprise Act 2002  
Environmental Protection Act, 1990  
Environment Act, 1995  
Environmental and Safety Information Act, 1968  
Estate Agents Act, 1979  
European Communities Act, 1972  
Explosives Act, 1875 and 1923  
Explosives (Age of Purchase) Act, 1976  
Factories Act, 1961  
Fair Trading Act, 1973  
Farm and Garden Chemical Act, 1967  
Firearms Act 1968  
Fireworks Act, 1951  
Fire Safety and Safety at Places of Sports Act 1987  
Financial Services and Markets Act 2000  
Food Safety Act, 1990  
Food and Environmental Protection Act, 1985  
Forgery and Counterfeiting Act, 1981  
Fraud Act 2006  
Gambling Act 2005  
Guard Dogs Act, 1975  
Hallmarking Act 1973  
Health Act 2006  
Health and Safety at Work, etc. Act, 1974  
Hire Purchase Act, 1964  
House to House Collections Act 1939  
Insurance Brokers (Registration) Act, 1977  
Insurance Companies Act, 1982  
Intoxicating Substances (Supply) Act, 1985  
Knives Act, 1997  
Law of Property (Miscellaneous Provisions) Act, 1989  
Legislative and Regulatory Reform Act 2006  
Licensing Act 2003  
Local Government (Miscellaneous Provisions) Act, 1976 and 1982 (as amended)  
London Olympic and Paralympic Games Act 2006  
Magistrates Court Act, 1980  
Malicious Communications Act, 1988  
Magistrates Court Act, 1980  
Medicines Act, 1968  
Mines and Quarries Act, 1954  
Mines and Quarries (Tips) Act 1969  
Mock Auctions Act, 1961  
Motor Cycles Noise Act, 1987  
Motor Vehicles (Safety Equipment for Children) Act, 1991  
Noise Act, 1996  
Noise and Statutory Nuisance Act, 1993  
Nurses Agencies Act, 1957  
Offices, Shops and Railway Premises Act, 1963

Olympic Symbol etc (Protection) Act 1995  
Opticians Act, 1989  
Performing Animals (Regs) Act, 1925  
Pet Animals Act, 1951  
Petroleum (Consolidation) Act, 1928  
Plant Health Act, 1967  
Poisons Act, 1972  
Police, Factories, Etc (Miscellaneous Provisions) Act 1916  
Pollution Prevention and Control Act 1999  
Prices Act, 1974 and 1975  
Prevention of Damage by Pests Act, 1949  
Property Misdemeanors Act, 1991  
Protection of Animals Act, 1911 and 1934  
Protection of Animals Act 2000  
Protection of Animals (Amendment) Act, 1954  
Protection of Animals (Anaesthetics) Act, 1954  
Protection Against Cruel Tethering Act, 1988  
Public Health Acts, 1875, 1936 and 1961  
Public Health (Control of Diseases) Act, 1984  
Rag Flock and Other Filling Materials Act, 1951  
Refuse Disposal (Amenity) Act 1978  
Registered Designs Act, 1949  
Regulation of Investigatory Powers Act 2000  
Regulatory Reform (Fire Safety) Order 2005  
Riding Establishments Acts, 1964 and 1970  
Road Traffic (Consequential Provision) Act, 1988  
Road Traffic (Foreign Vehicles) Act, 1972  
Road Traffic Act, 1988 and 1991  
Road Traffic Offenders Act, 1988  
Safety of Sports Grounds Act 1975  
Scotch Whisky Act, 1988  
Scrap Metal Dealers Act, 1964  
Slaughter of Poultry Act, 1967  
Smoke-Free Premises etc (Wales) Regulations 2007  
Sunbeds (Regulations) Act 2010  
Solicitors Act, 1974  
Sunday Trading Act, 1994  
Telecommunications Act, 1984  
Theatres Act, 1968  
The TSE (Wales) Regulations 2002 (As amended)  
The Products of Animal Origin (Import and Export) Regulations 1996 (as amended)  
The European Communities Act 1972  
The Tobacco Advertising and Promotion Act 2002  
The Violent Crime Reduction Act 2006  
Theft Act, 1968 and 1978  
Timeshare Act, 1992  
Town Police Clauses Act, 1847  
Town Police Clauses Act, 1889  
Trade Descriptions Act, 1968  
Trade Marks Act, 1994

Trading Representation (Disabled Persons) Act, 1958 and 1982  
Trading Schemes Act, 1996  
Trading Stamps Act, 1964  
Transport Act, 1982  
Unsolicited Goods and Services Act, 1971 (as amended)  
Video Recordings Act, 1984  
Vehicle (Crime) Act 2001  
Vehicle (Excise) Act, 1971  
Water Act, 1989  
Water Industry Act, 1991  
Weights and Measures etc. Act, 1976  
Weights and Measures Act, 1985  
Wildlife and Countryside Act, 1981  
Young Persons (Employment) Acts, 1938 and 1964  
Zoo Licensing Act, 1981

**Housing related legislation:**

Accommodation Agencies Act 1953  
Administration of Justice Act 1970  
Children and Young Persons Act 1933  
County Courts Act 1984  
Crime and Disorder Act 1998  
Health Act 2006  
Homelessness Act 2002  
Housing Act 1985 (as amended by the Local Government and Housing Act 1989)  
Housing Act 1996 (including amendments made under the Anti Social Behaviour Act 2003 and Anti Social Behaviour Crime and Policing Act 2014)  
Housing Act 2004  
Housing (Wales) Act 2014  
Housing Grants, Construction and Regeneration Act 1996  
Local Government Act 1972  
National Assistance Act 1948  
National Assistance (Amendment) Act 1951  
Noise Act 1996  
Noise and Statutory Nuisance Act 1993  
Protection from Eviction Act 1977  
Social Services and Well Being Act (Wales)2014

- 8.3. To arrange burials under Section 46 of the Public Health (Control of Disease) Act, 1984.
- 8.4 To discharge the duties imposed on the Council under the provisions of Section 149 of the Environmental Protection Act, 1990, and any amendments made thereon or any regulations made thereunder.
- 8.5 To ensure the appointment of a suitably qualified person who shall be designated

The Chief Inspector of Weights and Measures for the Authority.

- 8.6 In consultation with the Head of Legal, HR and Democratic Services to authorise and commence legal proceedings in respect of those matters for which the Head of Service has operational responsibility including the decision to prosecute the obstruction of an authorised Officer exercising properly delegated powers under this scheme.
- 8.7 To nominate others to accompany officers in the course of their duty, as provided in the relevant legislation.
- 8.8 To provide a consumer advice and assistance service under the provisions of the Weights and Measures Act, 1985.
- 8.9 To authorise in writing Officers of the Planning, Regeneration and Regulatory Services department to issue Fixed Penalty Notices under Section 88 of the Environmental Protection Act, 1990, subject to those Officers being suitably trained to carry out the duties authorised.
- 8.10 To authorise in writing Officers of the Planning, Regeneration and Regulatory Services department to issue fixed penalty notices under Section 43 of the Anti Social Behaviour Act 2003 (graffiti) and Section 8 of the Noise Act 1996 (excessive noise), subject to such Officers being suitably trained and qualified to carry out the duties authorised.
- 8.11 To authorise in writing Officers of the Planning, Regeneration and Regulatory Services department to issue fixed penalty notices under Section 59 (offences under dog control order) and Section 73 (offences relating to audible intruder alarms) of the Clean Neighbourhoods and Environment Act 2005, subject to such Officers being suitably trained to carry out the duties authorised.
- 8.12 To undertake the gathering of evidence, issuing of Fixed Penalty Notices and allied action including legal proceedings in respect of offences relating to litter under the Environmental Protection Act 1990.
- 8.13 To issue Variations of Authorisations under Sections 10 and 11 of the Environmental Protection Act, 1990 and permits under Regulation 17 of the Pollution Prevention and Control Regulations 2000, which do not involve a substantial change in consultation with the Local Members.
- 8.14 To act as the Home Authority Officer for the Council.
- 8.15 To authorise designated Officers of the Planning, Regeneration and Regulatory Services department for the Purposes of Enforcement of the Intoxicating Substances (Supply) Act 1985.
- 8.16 To maintain registers of Licences issued and to approve the grant or refusal of licences (and renewals if permitted under the legislation) under the following Acts, subject to any licence or decision that is reserved to the Licensing Committee as set out in Part 3 of the Constitution and within Council Policy:-

Police, Factories etc (Miscellaneous Provisions) Act, 1916  
and House to House Collections Act, 1939 (House to House and Street  
Collections)  
Charities Act 1992 (or such other legislation as may replace or supersede such  
Act)

Local Government (Miscellaneous Provisions) Act 1982 (power to renew sex shop  
and cinema licence where no representations received and the power to deal with  
Street Trading Consent applications, in consultation with the Chair of Licensing  
Committee if no representations received)

- 8.17 To undertake inspections, investigations, interviews, service of notices,  
notifications, waivers, transfers, authorisations, licensing, registrations and legal  
proceedings as are within the purview of the Licensing Committee under the  
relevant legislation applicable thereto and to exercise all other relevant powers,  
including powers of entry provided under such legislation.
- 8.18 To approve the grant of licences under the Town Police Clauses Act, 1847 and  
1889 and the Local Government (Miscellaneous Provisions) Act, 1976 Part II in  
respect of hackney carriages and private hire vehicles, operators and drivers in  
accordance with the Council's policies and to act as the Council's authorised  
officer for the purpose of Part II of the Act.
- 8.19 To refuse applications for Private Hire Vehicle Licences.
- 8.20 To enforce the provisions of the Licensing Act 1964, as amended by the Criminal  
Justice and Police Act 2001, relating to the sale of alcohol to children.
- 8.21 To approve each advertisement to be displayed on Denbighshire Hackney  
Carriages.
- 8.22 To appoint Proper/Alternate Proper Officers for medical matters under all sections  
of the Public Health (Control of Diseases) Act 1984 and associated regulations.
- 8.23 To enforce the powers contained in the Products of Animal Origin (Third Country  
Imports) (Wales) Regulations 2002.
- 8.24 Power to appoint Officers as Inspectors under Section 19 (1) of the Health and  
Safety at Work, etc. Act, 1974.
- 8.25 To authorise designated Officers of the Planning, Regeneration and Regulatory  
Services department for the purposes of Enforcement of the Intoxicating  
Substances (Supply) Act 1985.
- 8.26 Powers in respect of registration and enforcement of motor salvage operators  
contained in The Vehicles (Crimes) Act 2001.
- 8.27 To enforce the powers contained in The Caravan Sites Act 1968

- 8.28 To license premises for acupuncture, tattooing, cosmetic piercing, electrolysis .and semi-permanent skin colouring
- 8.29 To authorise in writing Officers of the Planning, Regeneration and Regulatory Services department to issue Penalty Notices under the Smoke-Free Premises etc. (Wales) Regulations 2007, subject to those Officers being suitably trained to carry out the duties authorised.
- 8.30 To authorise the enforced sale of empty properties under the provisions of Part III of the Law of Property Act 1925 and Local Land Charges Act 1975 be delegated to the Head of Housing and Public Protection.
- 8.31 Undertake inspections, investigations, interviews, recording, service of notices and legal proceedings as are applicable to the Licensing Act 2003, together with any regulations made thereunder, and any amendments or additions thereto and to exercise all other relevant powers, including powers of entry provided under such legislation, and to maintain registers of Licences issued thereunder.
- 8.32 The power to suspend and revoke licenses in respect of hackney carriages, private hire vehicles, private hire vehicle operators and hackney carriage/private hire vehicle drivers.
- 8.33 Approve all applications for the grant or transfer of a premises licence or club premises certificate where there are no relevant representations.
- 8.34 Approve all applications for a personal licence, variation of a designated premises supervisor or notices given in respect of an activity taking place under the authorisation of a temporary event notice where there is no police objection.
- 8.35 Determine whether a complaint is irrelevant, frivolous, vexatious, excluded or repetitive.
- 8.36 Determine all requests to be removed as a designated premises supervisor.
- 8.37 Determine whether a Hearing should take place pursuant to the Licensing Act 2003 if all parties are in agreement that no Hearing is necessary.
- 8.38 Request information from a party to clarify a point to be considered at a Hearing pursuant to the Licensing Act 2003 (Hearings) Regulations 2005.
- 8.39 To determine the following applications under the Gambling Act 2005 where no representations are received or where representations are withdrawn:
- Application for a premises licence
  - Application for a variation to a licence
  - Application for a provisional statement
  - Application for club gaming/club machine permits



8.40 To determine the following matters:

- Applications for permits other than club gaming/club machine permits
- The cancellation of licensed premises gaming machine permits
- Consideration of temporary use notice

8.41 To determine applications for a transfer of a licence where no representations are received from the Gambling Commission.

8.42 To give consent for the operation of loudspeakers under Schedule 2 of the Noise and Statutory Nuisance Act 1993.

8.43 To exercise the authority's functions under Chapter 1 Violent Crime Reduction Act 2006 (Drinking Banning Orders) and Section 15 (Power to impose charges on licence holders in zones)

8.44 To exercise the Authority's powers to deal with dangerous buildings under the Building Act 1984.

8.45 To lodge objections in consultation with the Chair and Vice-Chair of the Licensing Committee and the Local Member regarding a Vehicle Operating License.

8.46 The following delegations relate to Planning functions:-

To have the power:

8.46.1 In cases where:

- (a) No adverse comments have been received; and
- (b) Objections have been resolved by discussion and negotiation.

A. To approve all types of application submitted under the Town and Country Planning Act 1990, discharge conditions attached to planning permissions and agree minor amendments to previously approved proposals\* provided that:-

- (i) they accord with the provisions of the appropriate development plan, other adopted policy guidance or development brief
- (ii) they comply with all relevant adopted local authority standards
- (iii) in all cases the Head of Planning and Public Protection considers it prudent to exercise his delegated authority, failing which he shall report the matter to Committee.

Subject

- (i) where the Head of Planning and Public Protection deems it

appropriate in accordance with planning policies and guidance to the prior completion of agreements securing controls over the development or financial contributions/works for the benefit of the community and

- (ii) to such conditions as the Head of Planning and Public Protection deems it appropriate to impose on the grant permission.

B To refuse all types of application submitted under the Town and Country Planning Act 1990 where he is satisfied that the proposals are contrary to the provisions of the appropriate development plan, planning policy guidance and circulars, do not comply with relevant adopted local authority standards or would be contrary to established planning practice and would cause demonstrable harm to an interest of acknowledged importance.\*

Provided that:-

- (i) the decision would not conflict with any representations received within the consultation period.
- (ii) in all cases the Head of Planning and Public Protection considers it prudent to exercise his delegated authority failing which he shall report the matter to the Committee.
- (iii) the Local Member(s) have been notified of the intention to refuse the application.

To DETERMINE as appropriate the following categories of application pursuant to the Planning Acts.\*

Determinations as to whether or not planning permission is required in consultation with the Head of Legal HR and Democratic Services

8.46.2. To CARRY OUT the following functions:

- (a) Appeals\*

To conduct appeals against the decisions of the Local Planning Authority

- (b) Tree Preservation

- (i) To initiate and, where no written objections are received, Orders confirm Tree Preservation Orders.
- (ii) To deal with notifications for works to trees in Conservation Areas. Where there are objections and the intention is to permit the works, this power to be exercised in consultation with the Chair and Vice-Chair of the Planning Committee.

- (iii) To determine applications for works, including felling to trees subject to Tree Preservation Orders. When there are objections to felling and the relevant Head of Service is minded to permit the works, this power to be exercised in consultation with the Chair and Vice-Chair of the Planning Committee and relevant Local Members.

(c) Listed Buildings\*

- (i) To determine applications for internal works only to buildings listed as of Special Architectural or Historic Interest of Grade II.
- (ii) To pass to CADW, with observations on behalf of the Council, applications for alterations/extensions to buildings listed Grade II.
- (iii) To determine applications for demolition of unlisted buildings in Conservation Areas.
- (iv) To determine within the guidelines laid down by the Council, applications for grant aid in respect of buildings of special architectural or historic interest.\*\*

8.46.3. To deal with and respond to all agriculture and forestry notifications whether or not objections are received, within the 28 days allowed, in consultation with the Chair of the Planning Committee and the Local Member(s) for the area concerned.\*

8.46.4. To determine deemed consent applications under the Planning (Hazardous Substances) Act, 1990 in consultation as necessary with the relevant Chief Officer with such Housing responsibilities.

8.46.5. To determine, following notification, whether the prior approval of the Council will be required for the demolition of buildings which are not already protected by listed building and conservation area legislation and in cases where it is determined that approval is required to approve the application unless objections to the proposal have been received.\*

8.46.6 To determine applications for Certificates of Lawfulness of Existing Use or Development and Certificates of Lawfulness of Proposed Use or Development under Sections 191 and 192 respectively of the Town and Country Planning Act, 1990, in consultation with the Head of Legal HR and Democratic Services.\*

8.46.7. To issue Enforcement Notices under Section 172 and to vary and withdraw Enforcement Notices under Section 173A of the Town and Country Planning Act 1990 and to issue Listed Building Enforcement Notices and to vary and withdraw such Notices under Section 38 of the Planning (Listed Buildings and Conservation Areas) Act 1990 subject to prior consultation with the Chair and Vice-Chair of the Planning Committee, the Local Member(s) and the Head of Legal, HR and

Democratic Services.\*

- 8.46.8. To serve Breach of Condition Notices under Section 187A of the Town and Country Planning Act, 1990, subject to prior consultation with the Chair and Vice-Chair of the Planning Committee, the Local Member(s) and the Head of Customer Services.\*
- 8.46.9 To serve Planning Contravention Notices under Section 171C of the Town and Country Planning Act, 1990 and to hear and determine any representations made as a result.\*
- 8.46.10 To serve Notices under Section 215 of the Town and Country Planning Act, 1990, in respect of land adversely affecting the amenity of a neighbourhood ('Untidy Land Notices') subject to prior consultation with the Chair and Vice-Chair of the Planning Committee, the Local Member(s) and the Head of Legal, HR and Democratic Services.\*
- 8.46.11 To deal with and respond to Telecommunication Development Notifications, in consultation with the Chair and Local Member whether or not objections are received.\*
- 8.46.12 To approve or reject all plans which comply or which do not comply with the Building Regulations for the time being in force or the Building Act 1984. \*\*\*
- 8.46.13. To arrange for the protection or demolition of dangerous structures, including the service of Notices under Section 78 of the Building Act, 1984. \*\*\*
- 8.46.14. To serve Notices under the Building Act 1984 and Section 16 of the Local Government (Miscellaneous) Provisions Act 1976.\*\*\*
- 8.46.15. Appeal against notice requiring works under Section 102 of the Building Act, 1984.
- 8.46.16. To grant consents for building over sewers. \*\*\*
- 8.46.17. To arrange and approve the numbering of houses and the naming of streets. \*\*\*
- 8.46.18. To issue the standard completion certificate as approved by the Council certifying that works are in accordance with the Building Regulations.\*\*\*
- 8.46.19. To negotiate and establish appropriate Building Control and Pre-Planning Application Advice Fees in response to market forces. \*\*\*
- 8.46.20. To take enforcement action in respect of non-compliance with the Building Regulations for the time being in force. \*\*\*

- 8.46.21. To determine applications under the Hedgerow Regulations 1997.\*
- 8.46.22. To authorise other Officers to have the powers of entry under Section 95 of the Building Act, 1984 and Sections 196A, 214B and 324 of the Town and Country Planning Act, 1990.
- 8.46.23. To authorise other Officers to have the powers of entry under Section 88 of the Planning (Listed Buildings and Conservation Areas) Act, 1990 and Section 36 of the Planning (Hazardous Substances) Act, 1990.
- 8.46.24. To decide on whether proposed developments require Environmental Impact Assessment, including decisions on whether environmental statements are needed and the giving of screening and scoping opinions, under the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999, following consultation with the Chair of the Planning Committee and having informed the relevant Local Members.\*
- 8.46.25. To determine whether proposed developments require Appropriate Assessments and the giving of opinions on tests of likely significance, under the European Habitat Directive 1992, the Conservation (Natural Habitats, & c.) Regulations 1994 and any associated legislation/regulations, following consultation with the Chair of the Planning Committee and relevant Local Members. \*\*
- 8.46.26. To review annually the commuted sum payable for future maintenance of public open spaces in new housing developments and to set a new sum if it is deemed appropriate.
- 8.46.27. To vary or revoke Tree Preservation Orders subject to prior consultation with and the agreement of the Local Member(s).\*\*
- 8.46.28. To make all necessary arrangements to set up and convene meetings of the Design Panel and to expand the membership of the Panel as considered appropriate. \*\*
- 8.46.29. To update from time to time:
- (a) the Building Cost Multipliers and Contributions as shown in the Council's approved Local Planning Guidance Note on Developer Contributions to Schools in line with Government advice;\*\* and
  - (b) the list of schools with a current shortage of places based on the Denbighshire Schools Organisation Plan.\*\*
- 8.46.30. To exercise all the functions of the Council in respect of high hedges under the provisions of Part 8 of the Anti-Social Behaviour

Act 2003 and any Regulations made thereunder, including authority to charge the maximum fee permissible under the relevant Regulations in connection with complaints made to the Council, or any concessionary rate in accordance with Council policies.\*\*

In the absence or inability to act of the Head of Planning and Public Protection, these delegations may be exercised by:

- \* the Development Control Manager
- \*\* the Planning Policy Manager
- \*\*\* the Building Control Manager

In the absence or inability to act of the Head of Planning and Public Protection and the other three officers referred to above that these delegations may be exercised by the Corporate Director – Economy and Public Realm.

8.47 To issue Certificates of Approval of Works carried out for works of improvement, repair, conversion and adaptations under Part I of the Housing Grants, Construction and Regeneration Act 1996, including payments by instalments

8.48 To deal with all matters arising from applications for grants under Part 1 of the Housing Grants, Construction and Regeneration Act 1996 including approval and rejection of applications, subject to consultation with the Head of Finance and Assets in respect of financial aspects, and to any financial allocation available for this purpose in any one year not being exceeded.

8.49 To deal with all aspects of approval and payments for unforeseen work above currently agreed limits in respect of House Renovation Grants.

## **9. To the Head of Communication, Marketing and Leisure**

9.1 Power to vary charges or to agree promotional packages or to introduce minor new charges to cover the cost of all departmental activities and facilities in compliance with s.19 Local Government (Miscellaneous Provisions) Act 1976 in relation to certain leisure functions.

9.2 Authority to accept or reject gifts, bequests or loans to the Council's Museum Service within the terms of the Policy.

9.3 To comply with the Activity Centres (Young Persons Safety) Act 1995 and any regulations made thereunder, including holding any licence required by virtue of these provisions, or designating an appropriate Officer for such purposes.

9.4 To ensure all relevant Officers (and volunteers if relevant) are subject to the provisions (including any vetting and barring procedures) of the Safeguarding

Vulnerable Groups Act 2006 and any subsequent amendment or regulations made under it.

- 9.5 To keep under review (and ensure relevant staff awareness) any safeguarding practices and procedures including registration (if required) with any Safeguarding Authorities and reporting matters on safeguarding to the Statutory Lead Director for Children and Young People and/or the Statutory Director of Social Services, where appropriate.
- 9.6 To have overall responsibility pursuant to the Health and Safety At Work etc Act 1974 including carrying out any risk assessments and taking steps to minimise such risks to health and safety, or designating an appropriate Officer for such purposes in accordance with the Management of Health and Safety at Work Regulations 1999.
- 9.7 To ensure the provision of statutory youth services jointly with the Head of School Improvement and Inclusion.
- 9.8 To ensure the provision of facilities and organized leisure time occupation connected with any training and education pursuant to the Council's duties as set out in the Learning and Skills Act 2000 in consultation with the Head of School Improvement and Inclusion.

## **10. To the Head of Highways and Environment Services**

- 10.1 To have power to operate cleansing and waste and grounds maintenance responsibilities within the purview of the Environment Department from time to time under the following legislation as amended or re-enacted or substituted with new legislation
  - Litter Act 1983
  - Refuse Disposal (Amenity) Act 1978
  - Environmental Protection Act 1990
  - Town and Country Planning Act 1990
  - Criminal Damage Act 1971
  - Control of Pollution Act 1974
  - Local Authority (Goods and Services) Act, 1970
  - Transport Act 1968
  - Local Government (Miscellaneous Provisions) Act 1976
  - Local Government Act 1988
  - Local Government Planning and Land Act 1980
- 10.2 To initiate Horticultural schemes within the Council's estimates.
- 10.3 To organise floral displays for Civic and Charitable functions.

- 10.4 To manage all allotment sites including the allocation of and the taking of action against tenants of untidy allotments.
- 10.5 To manage all cemeteries controlled by the Council.
- 10.6 To supervise and manage the Countryside Service and Country Parks including maintenance of park, amenity areas and children's playgrounds and all other outdoor recreation facilities, including pavilions and changing accommodation incidental thereto.
- 10.7 To exercise the Council's powers to deal with dangerous trees pursuant to Section 23 and Section 24 of the Local Government (Miscellaneous Provisions) Act 1976.
- 10.8 To make arrangements for the collection of domestic and commercial waste and for its safe disposal.
- 10.9 To prepare a plan of the Council's arrangements for recycling and to provide litter bins
- 10.10 To grant consents to Community Councils for the placing of litter bins within the highway.
- 10.11 To institute action for the cleansing of street litter and refuse, including publicity for litter campaigns.
- 10.12 In consultation with the Head of Legal, HR and Democratic Services, to authorise the institution of legal proceedings in respect of those matters for which the Head of Environment has operational responsibility.
- 10.13 To maintain the public register for the principal litter authority.
- 10.14 To take action to control abandoned vehicles and trolleys, to remove fly posting and graffiti.
- 10.15 To classify various types of waste for collection and disposal and streets requiring cleansing
- 10.16 The prohibition of street parking to facilitate street cleansing.
- 10.17 With the Head of Planning and Public Protection to control and monitor closed disposal sites to prevent pollution or environmental nuisance.
- 10.18 To carry out the Council's functions and duties in connection with the collection, reclamation, recycling and disposal of waste, street cleaning and litter, including the negotiation of terms for commercial waste collection.
- 10.19 To determine in consultation with Local Members applications for the temporary use of land under the control of the Environment Department for periods not exceeding one year.
- 10.20 To exercise, on behalf of the Council, the powers and duties arising from the statutory provisions relating to the service of notices for those functions for which he has responsibility.
- 10.21 To approve from time to time the scale of charges recommended by the Council's Refuse Collection Contractor for the commercial refuse collection



- service and the price of charges recommended by the Refuse Collection Contractor for the sale or rental by the contractor of commercial refuse containers
- 10.22 To exercise the power to authorise the erection of stiles, etc, on footpaths and bridleways pursuant to Section 147 of the Highways Act 1980 in consultation with the Local Members concerned.
- 10.23 In consultation with the Head of Legal HR and Democratic Services, to take action under section 143 (removal of structures on a highway) Section 130 (protection of public rights in respect of highway) and Section 149 (removal of items deposited on a highway) of the Highways Act 1980, in relation to highways which are Local Rights of Way as defined in Section 60(5) of the Countryside and Rights of Way Act 2000.
- 10.24 To authorise in writing Officers of the Environment department to issue Fixed Penalty Notices under Section 88 of the Environmental Protection Act, 1990, subject to those Officers being suitably trained to carry out the duties authorised.
- 10.25 To undertake the gathering of evidence, issuing of Fixed Penalty Notices and allied action including legal proceedings in respect of offences relating to litter under the Environmental Protection Act 1990
- 10.26 To approve applications for grant aid under the Environmental Community Grants Scheme (or equivalent) in consultation with the appropriate Local Member(s).
- 10.27 To determine individual applications for an additional refuse bin for households of 5 or more persons.
- 10.28 To act on a day to day basis, and within the scheme of delegation in the following areas:-
- Agreements, deposits, licences, consents and enforcements under the Highways Act 1980 and all other relevant highways legislation.
  - Recovery of charges for licences for highway works
  - Recovery of costs for public footpath orders
  - Decisions on footpath diversion and extinguishment orders where there are no objections.
  - Enforcement in respect of deposits and obstructions on the highway
  - Highway nuisance
  - Safe routes to schools
  - Road safety, education and training
  - Surveys of public rights of way
  - Adoption of roads
  - Traffic Regulations and/or Orders
  - The undertaking of statutory consultations with the Police in relation to proposed Traffic Orders.
  - Disabled Parking Orders.
  - Operation of the Councils' Advance Payment Code
  - Service of all appropriate notices in respect of highway matters
  - Drainage in respect of the highway
  - Provision of road markings, rails, barriers and signs not requiring Assembly approval.

- Delegated functions under the Trunk Road Agency Agreement in accordance with the North East Wales Trunk Road Agency Partnership Agreement
- Maintenance of Highways (including Rights of Way)

10.29 Authority to determine the following applications:-

- Under the New Roads and Street Works Act 1991
- The deposit of contractors skips on the highway
- To obtain consent under Section 1 of the Local Government (Miscellaneous Provisions) Act 1976 in respect of erection of flagpoles and the positioning of cut or tub trees on the highway
- In respect of proposed public footpath Orders where they are unopposed
- Under Part VII A of the Highways Act 1980 and any adopted highway within the County, after consultation with the relevant Cabinet and Local Members.
- From Public Utilities to undertake work on the highway
- In relation to activities in pedestrianised areas and adopted highways, in consultation with Local Members.
- Unopposed applications for stopping up orders.
- To authorize the making of road traffic regulation orders and to determine residents parking schemes, disabled parking spaces, parking orders, waiting restrictions, weight limits, speed limits, bus and other priority lanes and traffic calming measures.

10.30 Authority to take action under section 230 Highways Act 1980, in relation to urgent repairs to private streets.

10.31 Authority to determine the programme of revenue works (other than those included in the Council's capital programme and pre-programme schedules) for each financial year and to execute those works.

10.32 Authority to comment on behalf of the Council on proposals or draft Orders initiated by other public authorities for the extinguishment or diversion of highways or public footpaths.

10.33 To receive all notices and information from water undertakers, and to maintain the registers in accordance with the Reservoirs Act 1975.

10.34 To undertake all necessary action under the Reservoirs Act 1975 in connection with enforcement.

10.35 In consultation with the Local Member to select bus stop sites and to select suitable sites for the erection of bus shelters, and grant consent to Community Councils for the erection of bus shelters within the highway under Section 4 of the Local Government (Miscellaneous Provisions) Act 1953.

10.36 To authorise the letting of contracts for works associated with highways, transportation and drainage, general engineering, land remediation, land

reclamation, and building and construction, in accordance with Financial Regulations and the Contract Procedure Rules.

- 10.37 To arrange for the making of permanent traffic regulation orders under the Road Traffic Regulation Act 1984 as amended and to consider objections to permanent traffic regulation orders in consultation with the Local Members.
- 10.38 In consultation with the Head of Legal HR and Democratic Services to sign and serve notices, give consents and take any other action, including authorising prosecutions for offences, as may be appropriate under any statute, including specifically the Highways Act, 1980, or any other legislation relating to the Highway or other functions, duties and powers within the purview of the Highway Services department, and additionally, in consultation with the Head of Environment in so far as Local Rights of Way (as defined by Section 60(5) of the Countryside and Rights of Way Act 2000) are concerned.
- 10.39 To authorise the issue of an enforcement notice, stop notice and temporary stop notice under the Town and Country Planning Act where urgent action is required to protect the amenities of local residents and the surrounding area.
- 10.40 To undertake inspections (including the inspection of a licence or operator records), authentications, investigations, interviews, sampling, testing (including the testing of vehicles), prohibitions, seizures (including the removal of plates upon expiry or revocation), detentions, recording, service of notices, (including suspension notices), notifications, waivers, transfers, authorisations, licensing, registrations and legal proceedings as are within the purview of the Highways and Environmental Services department under the legislation applicable and incidental to its functions, together with any regulations made thereunder, and any amendments or additions made to it, or any subsequent new functions which can properly be regarded as incidental to the functions of the department and to exercise all other relevant powers or duties, including powers of entry provided under such legislation.
- 10.41 To grant consent to Community Councils for the placing of seats within the highway under section 5 of the Parish Councils Act 1957.
- 10.42 To grant consent to the Post Office for the erection of post boxes within the highway, in consultation with Local Members.
- 10.43 To grant consent for the erection of telephone kiosks within the highway in consultation with Local Members.
- 10.44 To undertake such functions as are within the purview of the Highway Services department and as are required of the Council under the Joint Trunk Road Agency Agreement with the National Assembly for Wales.
- 10.45 To have responsibility for the management of the enforcement function for parking contraventions, both on-street and off-street and any other contraventions covered by the road traffic and traffic management legislation,

but excluding responsibility for setting parking charges and penalty charge levels.

- 10.46 To waive or amend car parking charges for special promotions.
- 10.47 To take all necessary action to provide additional temporary car parks as required, in consultation with the Local Member(s).
- 10.48 To exercise the powers of the Council under Section 15 of the Clwyd County Council Act, 1985 where appropriate.
- 10.49 To authorise entry into Agreements under Section 278 of the Highways Act, 1980 where appropriate.
- 10.50 To authorise the making of applications to the Magistrates Court for the stopping up or diversion of highways under Section 116 of the Highways Act, 1980, in consultation with the Local Member(s).
- 10.51 In consultation with the Local Member(s) to undertake all necessary action following consideration of objections to Off Street Parking Places Orders.
- 10.52 To determine the commuted sum to cover the cost of maintenance, for a 10 year period, to be levied on developers who, as part of a development, create a highway verge.
- 10.53 To select contractors to undertake works in relation to the various categories of work falling within the purview of the Highways and Infrastructure department from the approved Select List of Contractors, and acting on behalf of other clients using the department for such works, in accordance with Financial Regulations.
- 10.54 To have the power to authorise (in writing) persons to enter onto land pursuant to, and for the purposes of, Sections 289 and 291 of the Highways Act 1980.
- 10.55 To set the level of charges for the issuing of consents for highway works and obstructions and other matters pursuant to the Local Authorities (Transport Charges) Regulations 1998 and to apply discretionary annual adjustments to such charges in line with inflation.
- 10.56 To authorise in writing Officers of the Highways and Infrastructure department to act for the purposes of enforcing Schedule 4 of the Environmental Protection Act 1990.
- 10.57 To serve written notices in accordance with the provisions of Part II of the Traffic Management Act 2004 on any Works Promoter or Contractor directly employed by the Council to prohibit or suspend planned works on any road within the County for any period of time where such prohibition secures the expeditious movement of traffic within the County.

- 10.58 To have the overall responsibility pursuant to the Transport Act 1968 for the proper operation and maintenance of the Council's transport fleet and to hold the relevant Operators Licence, or to designate an appropriate officer for such purpose.
- 10.59 To operate the testing of private hire and hackney carriage vehicles as well as operating a MOT service.
- 10.60 To exercise the function of making Public Path Extinguishment Orders under Section 118 of the Highways Act 1980 in consultation with the Local Members.
- 10.61 (i) To exercise the function of making Public Path Diversion Orders under Section 119 of the Highways Act 1980 and Section 257 of the Town and Country Planning Act 1990 in consultation with the Local Members.
- (ii) To formally abandon Public Path Diversion Orders made under Section 119 of the Highways Act 1980 or Section 257 of the Town and Country Planning Act 1990, subject to the Local Member having no objection to the proposal with the power to decide proposals to which the Local Member objects remaining with the Council.
- 10.62 To enter into Public Path Creation Agreements under Section 25 of the Highways Act 1980 on behalf of the Council.
- 10.63 To exercise the function of determining applications for Definitive Map Modification Orders, in consultation with the Local Members concerned (except in respect of 'legal event orders' under Section 53(3)(a) of the Wildlife and Countryside Act 1981) and the Head of Legal, HR and Democratic Services.
- 10.64 To exercise the power to authorise the erection of stiles, etc, on footpaths and bridleways pursuant to Section 147 of the Highways Act 1980.
- 10.65 In consultation with the Head of Legal, HR and Democratic Services, to take action under Section 130 (protection of public rights in respect of highway) and Section 149 (removal of items deposited on a highway) of the Highways Act 1980, in relation to highways which are Local Rights of Way as defined in Section 60(5) of the Countryside and Rights of Way Act 2000.
- 10.66 To decide applications for free and assisted transport to schools and colleges (except pupils with special educational needs) in accordance with the Council's policies relating to home to school transport.
- 10.67 To set the level of charges for the issuing of consents for highway works and obstructions and other matters pursuant to the Local Authorities (Transport Charges) Regulations 1998 and to apply discretionary annual adjustments to such charges in line with inflation.

- 10.68 To arrange for the making of temporary traffic regulation orders under the Road Traffic Regulation Act 1984 as amended.
- 10.69 To approve the making of orders under S.21 Town Police Clauses Act 1847, following consultation with Local Members.
- 10.70 To exercise all the powers of the Council under the Land Drainage Act 1989 including the service of notices under the Act.
- 10.71 To administer the provisions of the New Roads and Street Works Act 1991 in respect of Streets, Street Works and Undertakers.
- 10.72 To determine applications (in consultation with the Head of Planning and Public Protection ) for licences under s.115E of the Highways Act 1980 to use the highway for the provision of facilities for refreshments.
- 10.73 To have the overall responsibility pursuant to the Transport Act 1968 for the proper operation and maintenance of the Council's transport fleet and to hold the relevant Operators Licence, or to designate an appropriate officer for such purpose.

## **11. To the Corporate Director – Communities**

- 11.1 To act as the Council's Statutory Director of Social Services in accordance with Section 6 of the Local Authorities Social Services Act 1970 and in Part 8 of the Social Services and Well Being (Wales) Act 2014 in relation to the Council's Social Services functions and be accountable for the effective delivery of such functions having regard to the duties in Part 2 of the Social Services and Well Being (Wales) Act 2014
- 11.2 The overall performance and strategic management responsibility for Social Services is delegated to the Corporate Director :Communities as the Statutory Director.
- 11.3 As Statutory Director to maintain an overview of the full range of social services activities within the Authority and as the Officer responsible for the quality of services provided to fulfil the authority social services function including the following core responsibilities as set in Statutory Guidance on the Role and Accountabilities of the Director of Social Services 2009 and any subsequent Statutory Guidance or Code of Practice issued under s.145 of the Social Services and Well Being (Wales) Act 2014
  - **Providing clear professional leadership across Social Services**
    - Through the published Annual Report to Council, to ensure vision, strategic direction, priorities and improvement plans for social services are clear and help fulfil corporate plans and that awareness of the Director of Social Services role is raised amongst Councillors and what

information Councillors can expect to receive in relation to the discharge of specific social services functions and the wider activities to promote well being of people with care and support needs

- To ensure coherence and integrated leadership across social services and education. .
  - As a Member of the Regional Social Services Programme Board
  - To engage in regional and national social services networks e.g. through ADSS, SSIA, NWSSIC.
  - To ensure engagement of users of social services in bringing the Council closer to the community – shaping the delivery of priorities and services across the Council.
  - To contribute to the vision and direction of the Council and ensure services seek to promote the well being of people with care and support needs.
- **Having direct access and reporting to, and advising, the Chief Executive and Councillors on Social Services matters and on the direction and actions the authority should take in fulfilling its Social Services responsibilities.**
    - To brief and advise Council, Cabinet, Scrutiny and the Chief Executive on high risk issues relating to social services, the contribution of social services to corporate programmes and the impact of corporate programmes on vulnerable groups.
    - As Statutory Director to report to the Cabinet, Lead Member and Scrutiny Committees in relation to the planning, delivery and performance of the Councils' social services functions, and to be accountable for the oversight and co-ordination of such functions.
    - To ensure the governance and relationship with the Chief Executive is subject to periodic review.
    - To ensure Councillors have clear advice on the level of resources required to enable the Council to effectively deliver its social services functions.
    - To identify and advise Councillors on priorities, challenges and risks across all aspects of social services including staffing issues affecting the Council's ability to discharge its statutory functions.
    - Briefing the Chief Executive and Councillors on high profile cases or matters likely to be of public concern.
    - To report to the Council on the detail of any inspection report
  - **Ensuring that strong performance management arrangements are in place across Social Services and reporting at a corporate level and to Members on the authority's performance in respect of these;**
    - To receive defined performance and quality information on a monthly basis to enable overall performance management and quality assurance.

- To intervene when financial position, performance or quality are below expected standards and improvement activity is not sufficiently timely or effective.
- To undertake annual performance appraisals of the social services heads of service.
- To be a principal point of contact with the Welsh Government and professional leads, the service and workforce regulators, audit and inspection bodies.
- To be responsible for the reporting and communicating directly with the Welsh Government and the Care and Social Services Inspectorate for Wales; and the development and maintenance of productive relationships with other sectors and agencies as the lead officer on social services matters
- To be responsible for ensuring the Chief Executive and Councillors that statutory functions laid on the Council have been carried out, and that proper information management and accurate records are kept;
- To advise Councillors on strategies for improving methods of intervention, service provision, practice and use of resources.
- To provide leadership on strategies to manage risk and co-operate with the full range of partners to work with families at the 'edge of care'.
- To ensure strategic arrangements are in place to provide for co-operation across the Council and with partners to effectively provide care and support services for all Looked After Children.
- 
- **Ensuring that the authority has proper safeguards to protect vulnerable children and young people, adults and older people, and reporting at a corporate level and to Members on their effectiveness,**
  - Ensuring the effective operation and partnership working of the Local Safeguarding Children Board and Denbighshire Adult Protection Committee
  - To carry ultimate accountability across the Council for safeguarding children including ensuring safe employment practices and safeguarding arrangements within the Council and relevant partners.
  - To oversee and report to Councillors on the operation, monitoring and improvement of child and adult safeguarding systems within the Council
  - As a member of the Corporate Parenting Forum
- **Fulfilling overall responsibility for Social Services workforce planning, training and professional development.**
  - Ensuring employment arrangements for social care staff comply with Care Council Codes of Practice and that the overarching personnel and safe recruitment policies are in place and adhered to
  - To ensure integration of the social care workforce agenda with wider corporate and partnership workforce development agendas and collaborative workforce learning
  - To ensure high standards across the whole social care workforce and a whole sector workforce plan is in place.



- To advise Councillors, partners and other providers where workforce shortfalls inhibit the Council's capacity to discharge statutory responsibilities; setting out actions necessary to rectify any such situation.
- **Ensuring that there are adequate arrangements in place for Social Services to work effectively with others, both within and outside the Authority, in fulfilling its Social Services functions and in contributing to the achievement of wider policy objectives.**
  - As a member of the LSB.
  - To act as Lead Officer for liaison with the NHS and the wellbeing agenda;
  - As a CPG member
  - As Lead Officer for regional social care and health/social care collaboration projects.
  - To lead and support continuous engagement and co-operation with inspectorates by all local authority officers.
  - To develop effective arrangements to promote co-operation and interagency working
  - To ensure the Council and it's partners develop a strategic approach to prevention, including developing a co-operative approach to the planning, development, procurement and delivery of services.
  - To ensure that preventative services are provided or arranged specifically to address the care and support needs identified by the population assessment.
  - To ensure effective information, advice and assistance services are available in supporting individuals to achieve their well being outcomes.

11.4 To act as an Authorised Officer under the Regulation of Investigatory Powers Act 2000.

11.5 To keep the Statutory Director of Education and the Statutory Lead Director for Children and Young People's Services (?) apprised of key corporate decisions/actions which will impact or have possible implications for their Statutory Officer role.

## **12. To the Head of Community Support Services**

12.1 The strategic and operational delivery and/or securing by the Council of Personal Social Services for Adults.

- Adult services, including mental health, learning disabilities, older people, acquired brain injury and physical disabilities;
- Performance and Financial Management, including complaints and representations relating to social services for adults;
- Inter-agency and Partnership Working;
- Commissioning and contracting across all adult services.

- To act as Lead Officer in respect of Workforce Planning and Development across both Adult and Children’s Social Services.
- The management of the complaints services across both Adult and Children’s Services in accordance with any relevant complaints procedures and Directions.
- The safeguarding of vulnerable adults or adults at risk, in accordance with the current statutory and policy framework.

12.2 In particular, to exercise those functions of the Council which relate to personal social services for adults under the appropriate Sections of the following Acts as amended or re-enacted as set out in the below non exhaustive list, having regard to any Statutory Guidance, Directions and Regulations issued thereunder:-

- National Assistance Act 1948
- Disabled Persons (Employment) Act 1958
- Data Protection Act 1998
- Health Services and Public Health Act 1968
- Chronically Sick and Disabled Persons Act 1970
- Supplementary Benefits Act 1976
- Mental Health Act 1983 and 2007
- Mental Health (Wales) Measure 2010
- Mental Capacity Act 2005
- Health and Social Services and Social Security Adjudication Act 1983
- Public Health (Control of Disease) Act 1984
- Housing Act 1985
- Disabled Persons (Services, Consultation and Representation) Act 1986
- National Health Service and Community Care Act 1990
- National Health Service (Wales) Act 2006
- Criminal Justice Act 1991
- Social Security Administration Act 1992
- Carers (Recognition and Services) Act 1995
- Health Act 1999
- Local Government Act 2000
- Care Standards Act 2000
- Health and Social Care Act 2001 and 2008
- Nationality, Immigration and Asylum Act 2002
- Safeguarding of Vulnerable Groups Act 2006
- National Health Service Act 1977 and 2006
- Carers and Disabled Children Act 2000
- Carers Act 2000
- Carers (Equal Opportunities) Act 2004
- Community care (Delayed discharge) Act 2003
- Data Protection Act 1998
- Social Care Charging (Wales) Measure 2010
- Nationality, Immigration and Asylum Act 2002
- Social Care (Charging) Wales Measure 2010
- Social Services and Well Being Act 2014

- 12.3 To act as the Senior Responsible Person for the purposes of the Care Standards Act 2000 and be the Lead Officer for DAPC and line manage POVA Co-Ordinator in accordance with 'In Safe Hands' guidance
- 12.4 In consultation with the Head of Finance and Assets and the Corporate Director Communities, to approve fee increase, within budgetary resources, for residential and nursing home provision following approval by Cabinet of the methodology of setting the fee.
- 12.5 The setting and administration of all charges levied in respect of social services for adults including the waiving of charges and subject to any limit on such charge or fee, set by statute.
- 12.6 The provision of improvements and adaptations to a disabled persons' home under section 2(1)(e) of the Chronically Sick and Disabled Persons Act 1970.
- 12.7 In consultation with the Head of Legal, HR and Democratic Services to institute proceedings in a Court or other Tribunal under the following Acts as amended or re-enacted.
- National Assistance Act 1948 Section 47 and 56(3)
  - Mental Health Act 1959 Section 131
  - Mental Health Act 1983 Sections 29 and 30, Part V and VII and Section 130
  - Health and Social Services and Social Security Adjudications Act 1983 Section 22
  - Mental Capacity Act 2005
  - Insolvency Act 1986 Section 339,
  - Recovery in the County Court for debt matters arising from the provision of services rendered under Section 21 and 29 National Assistance Act 1948
  - The High Courts' jurisdiction in respect of vulnerable adults who lack capacity.

Any other function of the Council in relation to the provision of personal social services for adults which involves an application to a Court or other Tribunal including the prosecution of offences or which requires the execution of any document having effect in law.

- 12.8 To approve a Panel of suitable and willing persons to act as members in respect of independent reviews on complaints under procedures established under the National Health Service and Community Care Act 1990.
- 12.9 To respond at the formal stage on behalf of the Authority on complaints dealt with under proceedings established under the National Health Service and Community Care Act 1990.
- 12.10 To act as Guardian and decide upon the reception of persons into Guardianship of the Council under Section 7 and 37 of the Mental Health Act 1983.

- 12.11 To approve a package of Community Care in excess of the gross cost of Residential Placement for the registration category of the person concerned when the cost can be met by the budget holder.
- 12.12 To appoint Approved Mental Health Practitioners.
- 12.13 To respond on behalf of the Authority at the appeal stage following independent reviews and complaints under social services complaints procedures
- 12.14 To exercise the power to appoint Proper/Alternative Proper Officers for medical matters under the National Assistance Act 1948 and the National Assistance (Amendment) Act 1951.
- 12.15 To make decisions on consent under s.30 to 31(2) of the Anti Social Behaviour Act 2003 on dispersal of groups and removal of persons under 16 to their place of residence (jointly with the Head of Children and Family Services in respect of those under 16 who form part of such groups).
- 12.16 To keep the Statutory Director of Social Services apprised of key corporate decisions/actions which will impact or have possible implications for the Statutory Officer role.
- 12.17 To consult and keep apprised of key corporate decisions/actions relevant to the Councils' Older Peoples Champion and Lead Member, where appropriate.
- 12.18 To ensure service users are engaged in shaping priorities and delivery of adult social services.
- 12.19 To engage in regional and national networks relating to Adult Services.
- 12.20 To develop the annual Service Business Plan and contribute to ACRF
- 12.21 To develop and manage service risk registers and undertake any corporate Service Challenge process.
- 12.22 To commission and receive regular management information to enable strategic planning and operational management of the services.
- 12.23 To have overall responsibility for the annual budget agreed for Adult Services.
- 12.24 To report annually to Scrutiny and Council on adult protection procedures.
- 12.25 To act as Lead Officer for specific health/social care integration projects;
- 12.26 To be a CPG member;
- 12.27 To act as Lead Officer for regional social care and health/social care collaboration projects.

12.28 To authorise in writing all officers of the Housing Services department who may from time to time be employed to discharge the specific duties and functions delegated to the Head of Housing Services, subject to such officers being suitably qualified for the discharge of those duties and functions.

To undertake inspections, investigations, interviews, sampling, prohibitions, seizures, detentions, recording, service of notices, (including suspension notices), notifications, waivers, transfers, authorisations, licensing, registrations and legal proceedings as are within the purview of the Housing department under the legislation applicable thereto set out below, together with any regulations made thereunder, and any amendments or additions thereto and to exercise all other relevant powers, including powers of entry provided under such legislation as set out in the non-exhaustive list below:

### **Housing Legislation**

Accommodation Agencies Act 1953  
Administration of Justice Act 1970  
Anti Social Behaviour Act 2003  
Children and Young Persons Act 1933  
County Courts Act 1984  
Crime and Disorder Act 1998  
Health Act 2006  
Homelessness Act 2002  
Housing Act 1985 (as amended by the Local Government and Housing Act 1989)  
Housing Act 1996 (including amendments made under the Anti Social Behaviour Act 2003)  
Housing Act 2004  
Housing (Wales) Act 2014  
Housing Grants, Construction and Regeneration Act 1996  
Local Government Act 1972  
National Assistance Act 1948  
National Assistance (Amendment) Act 1951  
Noise Act 1996  
Noise and Statutory Nuisance Act 1993  
Protection from Eviction Act 1977

12.29 To administer the Housing Benefit Scheme as it relates to Local Authority Dwellings under the provisions of the Social Security Act, 1986.

12.30 (i) To administer the Council's functions and responsibilities towards the Homeless under the provisions of the Housing Act 1985 and the Housing (Wales) Act 2014

(ii) To consider and determine any requests received by the Council pursuant to Section 8 of the Homelessness Act 2002 and the Housing Wales Act 2014 calling for a review of the suitability of accommodation offered by the Council.

(iii) To make determinations in respect of applicants considered unsuitable to be a tenant.

12.31 To sign and serve all relevant notices under the Housing Act, 1985 (and any other relevant Housing Acts) pertaining to:-

The setting and collection of rents and charges  
Varying terms and conditions of tenancies  
All matters under the 'Right to Buy' Provisions (not otherwise specifically delegated)  
Consultation with tenants  
Right to Repair  
Compensation for tenants' improvements

To sign and serve all relevant Notices to Quit, Notices Seeking Possession and, in consultation with the Head of Legal and Democratic Services, authorise legal proceedings for Possession, Costs and Warrants of Execution and to secure the eviction of Secure, Demoted and Introductory tenants (if relevant) as a result of:-

- \* Non-payment of rent
- \* Breaches of tenancy agreement

12.32 To carry out or arrange for the carrying out of repairs and maintenance of all Council owned properties.

12.33 To carry out or arrange for the carrying out of repairs, improvements and adaptations in accordance with the Housing Capital programme or revenue estimates.

12.34 To authorise legal proceedings for nuisance in consultation with the Head of Legal and Democratic Services and the Local Member(s)

12.35 To authorise Housing Officers to exercise the right of audience in the County Court under Section 60(2) of the County Courts Act 1984.

12.36 To exercise functions under the Anti-Social Behaviour Act 2003, on behalf of the Council in its capacity as landlord, to deal with instances of anti-social behaviour.

12.37 To review decisions to seek an order for possession of dwelling houses let under introductory and demoted tenancies, in accordance with the Introductory Tenants (Review) Regulations 1997 and the Demoted Tenancies (Review of Decisions) (Wales) Regulations 2005.

12.38. In consultation with Local Members and the Lead Member to approve, where there are no objections, future disposal schemes in accordance with the Council's policy for the fencing in of open plan gardens on Council housing estates (with the Head of Finance and Assets being responsible for negotiating and agreeing terms for any disposals).

12.39 To act as the Authorised Officer under the Housing Act 2004

12.40 To provide a Certificate of Housing Authority under the Schedule 15 Part iv of the Rent Act 1977

12.41 To issue a Certificate of Housing Authority under Schedule 4 Rent (Agriculture) Act.

### **13. To the Head of Education and Children's Services**

13.1 To act as the Statutory Director of Education appointed under s.532 of the Education Act 1996 or any re-enactment of that provision.

13.2 The strategic and operational management responsibility for Education and Children's Services is delegated to the Head of Education and Children's Services.

13.3 As Statutory Director for Education to maintain an overview of the full range of education services within the Authority and as the Officer responsible for the quality of services provided to fulfil the authority's education functions.

13.4 As Statutory Director to report directly to the Corporate Director: Communities and to report to Cabinet, Lead Members and Scrutiny and other relevant Committees in relation to the planning, delivery and performance of the Council's Education functions and be accountable for the oversight and co-ordination of such functions.

13.5 To be responsible for the reporting and communicating directly with the Welsh Government and (Estyn) on education matters and the development and maintenance of productive relationships with other related sectors and agencies.

13.6 To keep the Statutory Director of Social Services (Corporate Director: Communities) apprised of key corporate decisions/actions which will impact or have possible implications for their Statutory Officer role.

13.7 To grant and revoke licences to children of compulsory school age regarding child performances in accordance with the Children and Young Persons Act 1963 and the Children's (Performance) Regulations 1968 and any statutory modification thereof.

13.8 To supervise, prohibit and/or restrict the employment of children of compulsory school age pursuant to the Education Act 1996.

13.9 To act as the Statutory Lead Director for Children and Young People's Services under s.27 of the Children Act 2004.

- As Statutory Lead Director for Children and Young People to maintain an overview of the full range of children and young people's services and

activities within the Authority and as the Officer responsible for the quality of services provided to fulfil the authority function including the following core responsibilities

- **Ensuring effective cross sector partnership arrangements to improve the wellbeing of children and young people.**
  - As an LSB Member.
  - Ensuring planning for children, young people and their families is seen as a corporate and cross sector activity embedded in the achievement of agreed corporate and public sector priorities.
  - Ensuring planning is increasingly harmonized across North Wales, in conjunction with other Lead Directors.
- **Production and publication of children and young people's plan.**
  - Ensuring Denbighshire's Big Plan meets statutory requirements relating to children and young people's planning.
- **Clear governance arrangements for partnership planning, a focus on outcome measures and regular performance management.**
  - Ensuring effective mechanisms are in place to deliver jointly agreed outcomes for children and young people.
  - Leading the inspection processes relating to Children and Young Peoples' Partnership activity.
- **Attention to implementation of the UN Convention on the Rights of the Child**
  - Championing children's rights across the Council, including the right of children and young people to have their voices heard.
  - Ensuring that the participation of children and young people is embedded in formal and informal education settings.

13.10 Jointly with the Head of Finance and s.151 Officer, to suspend the right of the governing body to have a delegated budget in circumstances permitted by the legislation.

13.11 To monitor and evaluate the provision and performance of schools.

13.12 To monitor the curriculum in all maintained schools and report on it as necessary.

13.13 To set by agreement with schools, targets for pupil attainment.

13.14 To prepare a written statement of action to be taken in light of the report following an inspection of a maintained school.

13.15 To intervene to prevent the breakdown or continuing breakdown of discipline at a school, or where there is concern about standards of management.



- 13.16 To ensure that the performance management of teachers and headteachers is carried out according to Welsh Government directions and regulations and to monitor and evaluate the provision and performance of schools.
- 13.17 To investigate complaints made under Section 409 of the Education Act 1996.
- 13.18 To make or approve arrangements for the provision of work experience for pupils in their last year of schooling.
- 13.19 To manage and operate the Education Psychology Service.
- 13.20 To arrange appeals against exclusions and redirect excluded pupils.
- 13.21 To make arrangements to encourage and assist pupils to take advantage of the provisions for medical and dental inspections and treatment made for them.
- 13.22 To ensure cleanliness of pupils and to serve a notice on parents requiring cleanliness where appropriate.
- 13.23 To manage all aspects of schools without delegated budgets.
- 13.24 To inspect and maintain schools for the purposes of a Local Education Authority function.
- 13.25 To authorise persons at educational establishments to exercise the power of removal of persons from school premises who are causing a nuisance or disturbance.
- 13.26 To authorise Officers to appear on behalf of the Local Education Authority in proceedings being conducted in the Magistrates Court by Section 547 of the Education Act 1996 or any re-enactment of that provision.
- 13.27 To consider any resolutions sent to him/her from an annual parents meeting and to respond accordingly.
- 13.28 To deal with the staffing matters of community voluntary controlled and community special schools where the decision is that of the LA (rather than the governing body).
- 13.29 To determine the school term and holiday dates including in service training days for any community, community special or voluntary controlled schools.
- 13.30 To exercise powers under the Education Acts in accordance with the Code of Practice, to identify, assess and arrange provision for pupils special educational needs, including the admission of pupils to out of county schools (including non maintained special schools and independent schools providing for pupils with special education needs) and transport where appropriate, in accordance with the Council's Transport Policies.

- 13.31 To provide aids for use by pupils with special needs
- 13.32 To authorise officers to represent the Education Authority in tribunal proceedings dealing with special educational needs.
- 13.33 To make arrangements for the provision of suitable education otherwise than in school, in accordance with Section 319 of the Education Act 1996.
- 13.34 To make arrangements for the provision of suitable education at school or otherwise for children of compulsory school age who, by reason of illness, exclusion from school or otherwise, may not receive it unless such arrangements were made.
- 13.35 To recoup the costs of providing education for persons not belonging to the Council's own area.
- 13.36 To exercise the powers of the Education Authority, with the exception of initiating legal proceedings, under the Education Act 1996 and the Children Act 1989 in respect of school attendance orders, non school attendance and education supervision orders.
- 13.37 To ensure the provision of statutory youth services jointly with the Head of Leisure, Libraries and Community Development.
- 13.38 Jointly with the Statutory Director of Education to grant and revoke licences to children of compulsory school age regarding child performances in accordance with the Children and Young Persons Act 1963 and the Children's (Performance) Regulations 1968 and any statutory modification thereof.
- 13.39 To supervise, prohibit and/or restrict the employment of children of compulsory school age pursuant to the Education Act 1996.
- 13.40 To manage the provision of the youth support services in pursuance of the Learning and Skills Act 2000 in consultation with the Head of Leisure, Libraries and Community Development
- 13.41 To exercise those functions of the Council which relate to Children and Young People under the Crime and Disorder Act 1998 (as amended or re-enacted).
- 13.42 To give directions to admit a child to a specified school.
- 13.43 To undertake any inspections, interviews, investigations, seizures, services of notices, notifications, authorisations, registrations and legal proceedings as are within the purview of the department under the Education Reform Act 1988, together with any regulations made thereunder, any amendments or additions thereto and to exercise all relevant powers of entry if provided.
- 13.44 To exercise powers under the Education Act 2002 s.29(5) in respect of health and safety directions to governing bodies where the local authority is the employer.

- 13.45 To act as the Deputy Statutory Officer for Education in the absence of, or inability to act, by the Statutory Director of Education.
- 13.46 To ensure all relevant Officers (and volunteers if relevant) are subject to the provisions (including any vetting and barring procedures) of the Safeguarding Vulnerable Groups Act 2006 and any subsequent amendment or regulations made under it.
- 13.47 To keep under review (and ensure relevant staff awareness) any safeguarding practices and procedures including registration (if required) with any Safeguarding Authorities and reporting matters on safeguarding to the Statutory Lead Director for Children and Young People and/or the Statutory Director of Social Services, where appropriate.
- 13.48 To maintain a Standing Advisory Council on Religious Education (SACRE) in accordance with the Councils Constitution.
- 13.49 To review and make Instruments of Government for maintained schools within the County where there is no disagreement with the draft Instrument.
- 13.50 To authorize persons at educational establishments to exercise the power of removal of persons from school premises who are causing a nuisance or disturbance
- 13.51 To determine questions as to who are to be considered parents of registered pupils.
- 13.52 The strategic and operational delivery and/or securing by the Council of personal social care services for children and young people including:
- appropriate contact and referral arrangements for service users and other agencies
  - family support services to “children in need”
  - child protection (safeguarding) services, including responsibilities under the United Nations Convention on the Rights of the Child.
  - domiciliary care for children and young people who are disabled
  - accommodation services for looked after children including fostering and residential care
  - the full range of services required of an adoption agency whether through any Regional Adoption Service, or not as the case may be
  - planning, commissioning contracting and performance management services
  - strategic planning in conjunction with partner agencies
  - the management of complaints and representation
  - Partnership working including a role in the Local Safeguarding Children Board

- Ensuring the workforce needs of Children’s Services are identified and reflected in the workforce plans and that effective staffing structures are in place.

13.53 In particular, to exercise those functions of the Council which relate to personal social services for children and young people, under the appropriate Sections of the following Acts as amended or re-enacted having regard to any Statutory Guidance issued thereunder:

Disabled Persons (Employment) Act 1958  
 Children & Young Persons Act 1969  
 Children Act 1989  
 Adoption (intercountry Aspects) Act 1999  
 Children (Leaving Care) Act 2000  
 Adoption & Children Act 2002  
 Children Act 2004  
 Safeguarding of Vulnerable Groups Act 2006  
 Public Health (Control of Disease) Act 1984  
 Disabled Persons (Services, Consultation and Representation) Act 1986  
 Carers (Recognition and Services) Act 1995  
 National Health Service and Community Care Act 1990  
 Criminal Justice Act 1991  
 Anti Social Behaviour Act 2003  
 Carers and Disabled Children Act 2000  
 Care Standards Act 2000  
 Nationality, Immigration and Asylum Act 2002  
 Carers Act 2000  
 Carers (Equal Opportunities) Act 2004  
 Data Protection Act 1998

13.54 The administration of all charges levied in respect of personal social services for children and young people including the waiving of charges.

13.55 The provision of financial assistance under sections 17 & 24 of the Children Act 1989 and the Children (Leaving Care) Act 2000.

13.56 In consultation with the Head of Legal, HR and Democratic Services to institute proceedings in a Court or other Tribunal under the following Acts as amended or re-enacted:

- Adoption and Children Act 2002
- Children Act 1989 Sections 25, 31, 34, 39, 43, 44, 45, 48(9), 50, 70, 94, 100, 102 and Schedule 2 Paragraph 19 and Schedule 3 Paragraph 6(3).

Any other function of the Council in relation to the provision of personal social services which involves an application to a Court or other Tribunal including the prosecution of offences or which requires the execution of any document having effect in law.

- 13.57 To respond at the formal stage on behalf of the Authority on complaints dealt with under proceedings established under the Children Act 1989
- 13.58 To agree the accommodation of children under the Children Act 1989 and the provision of support generally under Part 3 Children Act 1989.
- 13.59 To give the necessary consents to appropriate matters relating to children the subject of Care Orders to the Authority including the giving of consent for medical treatment and obtaining passports and holiday consent for children the subject of Care Orders.
- 13.60 To decide upon recommendations of the Foster Care and Adoption Panels.
- 13.61 To respond on behalf of the Authority at the appeal stage following independent reviews and complaints under the procedures established under the Children Act 1989
- 13.62 To make arrangements for the provision of suitable education at school or otherwise for children of compulsory school age who, by reason of illness, exclusion from school or otherwise, may not receive it unless such arrangements were made.
- 13.63 To give consent to private law orders including residence orders and special guardianship where appropriate.
- 13.64 Power to exercise the functions and make decisions in relation to the Fostering Services for Children- Payment for Skills 2005 Policy in respect of:
- Fostering allowance rates
  - Festival, Birthday and Holiday allowances
  - Weekly residence order allowances
  - Freezing/unfreezing levels of allowances and fees to foster carers registered on the Foster Carers Register.
- 13.65 To make decisions on dispersal of groups and removal of persons under 16 to their place of residence under the Anti Social Behaviour, Crime and Policing Act 2014.
- 13.66 Leadership and improvement of the well being of children as defined in s.25 (2) Children Act 2004
- 13.67 To keep the Statutory Director of Social Services apprised of key corporate decisions/actions which will impact or have possible implications for the Statutory Officer role.
- 13.68 To act as Senior Responsible Person for the purposes of the Care Standards Act 2000 and Lead Officer for child protection and safeguarding systems in accordance with 'Working Together' guidance.
- 13.69 To be the Lead Officer for the LSCB.

- 13.70 To be the Lead Officer for the Corporate Parenting Forum.
- 13.71 To act as the Emergency Planning Lead for Social Services.
- 13.72 To engage in regional and national networks relating to Children's Services.
- 13.73 To report annually to Scrutiny and Council on the effectiveness of child protection procedures.
- 13.74 To have overall responsibility for the annual budget agreed for Children Services.
- 13.75 To develop the annual Service Business Plan and contribute to ACRF.
- 13.76 To develop and manage service risk registers and undertake any corporate service challenge process.
- 13.77 To commission and receive regular management information to enable strategic planning and operational management of services.
- 13.78 To ensure services are planned and delivered effectively across adults and children services and across children's services and education services.
- 13.79 To ensure that children in need and their families are engaged in shaping priorities and delivery of children's services.
- 13.80 To act as Lead Officer for specific health/social care integration projects;
- 13.81 To be a CPG member.

#### **14. To the Head of Customers and Education Support**

- 14.1 In consultation with the Head of School Improvement and Inclusion, to monitor and evaluate the performance of schools.
- 14.2 To deal with nominations for Local Education Authority governors, making an appointment in instances where a single suitable nomination is received for any vacancy or otherwise reporting to the Cabinet (or Lead Member as appropriate) for determination and appointment.
- 14.3 To establish temporary governing bodies.
- 14.4 To make necessary arrangements for the election of parent governors, teacher and staff governors and to determine any questions arising from the election process.

- 14.5 To consider any resolutions sent to him/her from an annual parents meeting and to respond accordingly.
- 14.6 To manage governor training.
- 14.7 To act on behalf of the Local Education Authority in any consultations initiated by the governors of any school, in relation to the times of school sessions and, if he/she considered it appropriate to do so, to require the governors to include his/her written comments on the proposals in the next governors' report to be prepared by the governors.
- 14.8 To determine and deal with all arrangements for the admission of pupils to community and voluntary controlled schools in accordance with the Council's policy, including authority to:-
- publicise information for parents of admission arrangements.
  - comply with parental preferences, with certain exceptions.
  - determine allocations of pupils to community and voluntary controlled primary and secondary schools, subject to the parental right of appeal.
- 14.9 To make arrangements to enable parents to appeal against decisions regarding admissions.
- 14.10 To appear or make written representations on behalf of the Authority in any appeal against a refusal to admit.
- 14.11 To respond to changes in pupil numbers by making appropriate accommodation available.
- 14.12 Subject to such determination being in accordance with an approved plan or policy, to determine whether to publish any statutory notices (other than in respect of closure of schools) and to take action on advertised proposals in light of any representations received and also to determine the Authority's decision in respect of school organisational proposals and school closure proposals in respect of which either there has been no objections or any objections received have been resolved.
- 14.13 To undertake any inspections, interviews, investigations, seizures, services of notices, notifications, authorisations, registrations and legal proceedings as are within the purview of the department under the Education Reform Act 1988, together with any regulations made thereunder, any amendments or additions thereto and to exercise all relevant powers of entry if provided.
- 14.14 To determine applications and provide, where applicable, milk, meals and refreshments in accordance with the Council's policy.
- 14.15 To act on behalf of the LEA in any consultations initiated by the governors of any school, in relation to the times of school sessions, and if he/she

considered it appropriate to do so, to require the governors to include his/her written comments on the proposals in the next governors' report to be prepared by the governors.

- 14.16 To appoint sufficient education practitioners and governors in accordance with the arrangements who may be called upon to be required to serve as members on future independent Appeal Panels.
- 14.17 To investigate complaints made under section 409 of the Education Act 1996
- 14.18 To determine any matters relating to the Councils policy regarding charges and remissions and to authorise the recovery of any sums owed to the Council.
- 14.19 To approve the acceptance of gifts on trust for education purposes.
- 14.20 To determine, where necessary in consultation with the trustee, applications received for financial support from charitable trust funds where the Authority is either itself trustee, or where the fund is administered on behalf of trustees.
- 14.21 To respond to changes in pupil numbers by making appropriate accommodation available.
- 14.22 To direct the use of school premises in the County and voluntary schools for community use outside school hours.

## **15. To the Corporate Director: Economy and Public Realm**

- 15.1 To act as an Authorising Officer under the Regulation of Investigatory Powers Act 2000.
- 15.2 To make decisions, including exemptions, under the Contract Procedure Rules 10.2, 25.3, 25.4, 31.1 and 31.4 in relation to contracts where the Council acts as agent for the National Assembly for Wales in respect of trunk roads.
- 15.3 Subject to the establishment of criteria for allocation of such sums and to consultation with local members and the Head of Housing Services, to allocate to appropriate schemes to supplement the Social Housing Grant commuted sums from a s.106 Planning Agreement relating to affordable housing.
- 15.4 Subject to the establishment of criteria for allocation of such sums and to consultation with the local members and the Head of Leisure, Libraries and



Community Development, agreeing the use of such sums from s.106 Planning Agreements in respect of open space and play facilities.

15.5 [nb further delegations to be included]

## **16. To the Head of Democratic Services**

17.1 To ensure proactive support to the democratic process and elected members in accordance with the Constitution.

17.2 To manage the Council's services for Members and in connection with this to take all necessary steps to secure compliance with the Local Government Act 1972 Part VA (access to meetings and documents of the Council, its Committees and Sub-Committees).

17.3 To manage the Council's Democratic Services provision.

## **17. To the Head of Business Improvement and Modernisation**

17.1 Ensuring underpinning work to enable production and delivery of effective children and young people's plan is carried out – including ongoing needs assessment, consultation, commissioning.

17.2 Ensuring statutory requirements and timescales for children and young people's planning are met

17.3 Ensuring effective management and administration of relevant funding streams.

17.4 Ensuring outcomes based performance management framework in place for Big Plan and children and young people elements to ensure the impact of partnership is measured.

17.5 Ensuring annual completion of National Service Framework Self Assessment Audit Tool.

17.6 Preparation for inspection.

17.7 Ensuring effective reporting to LSB and appropriate Scrutiny Committee(s) on agreed joint programmes and projects.

17.8 Ensuring the voice of children and young people is embedded in the preparation and implementation of the Big Plan and in monitoring impact.

- 17.9 Ensuring corporate engagement and consultation strategies include listening to children and young people.
- 17.10 The Councils Officer with delegated responsibility for the procurement of all ICT equipment in accordance with the Councils Contract Procedure Rules.
- 17.11 Ensuring Equality Impact assessments are carried out.
- 17.12 Ensuring Privacy Impact Assessments are carried out.
- 17.13 To act as a member of the Council's Access to Information Panel.
- 17.14 To act as the Council's Senior Information Risk Officer
- 17.15 To act on a day to day basis in the following areas:
- Internal Audit
  - Access to Information
  - Records Management and Archives
  - ICT services
  - Business Transformation
  - Modernisation Agenda
  - Corporate Programme Office
  - Performance Management
  - Partnerships and Communities (including engagement)
  - Equalities
  - Information Security
  - Service planning and strategic plans

## Protocol for Member/Officer Relations

### 1. Introduction

- 1.1. The purpose of this protocol is to guide Members and Officers of the Council in their relations with one another and to promote the high standards in public office which are essential for successful local government.
- 1.2. This protocol seeks to offer guidance on some of the issues which most commonly arise. It is hoped, however, that the approach which it adopts to these issues will serve as a guide to dealing with other issues.
- 1.3. This protocol seeks to promote greater clarity and certainty. If it is followed it should ensure that Members receive objective and impartial advice and that Officers are protected from accusations of bias and undue influence.

### 2. Principles

- 2.1 This Protocol is based on the following principles:-
  - An understanding by both Members and Officers of the requirements of each other's functions.
  - Mutual respect for each other's time and priorities.
  - Courtesy and sensitivity at all times.
  - Honesty and integrity in all dealings to foster co-operation and trust.
  - Professional and cordial relationships avoiding over familiarity
- 2.2 It also seeks to reflect the principles underlying the respective Codes of Conduct which apply to Members and Officers. The shared object of these codes is to enhance and maintain the integrity (real and perceived) of local government and the Codes therefore demand very high standards of personal conduct.
- 2.3 The Council's Code of Conduct for Members states at paragraph 4:-

'You must -

  - a) carry out your duties and responsibilities with due regard to the principle that there should be equality of opportunity for all people, regardless of their gender, race, disability, sexual orientation, age or religion.
  - b) show respect and consideration for others
  - c) not use bullying behaviour or harass any person, and
  - d) not do anything which compromises or which is likely to compromise, the impartiality of those who work for, or on behalf of, your authority'.

2.4 The statutory Code of Conduct for Officers which is incorporated in their conditions of employment, states:-

‘Mutual respect between qualifying employees and members is essential to good local government and working relationships should be kept on a professional basis’.

‘Qualifying employees of relevant authorities should deal with the public, members and other employees sympathetically, efficiently and without bias’.

### **3. Roles and Responsibilities**

3.1 Local authority Officers are employed by and are responsible to the Council as a whole. They owe a duty to each and every Member and not to a political group, even if it is in a majority. They also have a wider duty to the public as a whole.

3.2 In carrying out their duties, Officers have the right to expect from Members:

- Respect for officer neutrality
- Respect for their person
- An understanding of their roles and workloads when making requests for assistance
- Reasonable standards of courtesy
- Respect for confidential advice and guidance.

3.3 Members undertake many different roles. Broadly these are:

- Members are involved in scrutinising decisions and holding decision makers to account on behalf of their communities.
- Members represent their electoral division and are advocates for the citizens who live in the area.
- Members are involved in active partnerships with other organisations as community leaders.
- Members contribute to the decisions taken in Full Council and in its various bodies on which they serve, as well as joint committees, outside bodies and partnership organisations.
- Members help develop and review policy and strategy.
- Members monitor and review policy implementation and service quality.
- Members are involved in quasi-judicial work through their Membership of regulatory committees.
- Members express political values and support the policies of the party or group to which they belong (if any).

3.4 In carrying out their duties Members will be supported by Officers and have the right to expect from them:

- Full, impartial advice and information.
- Accurate, well written advice in concise and easily understood formats and language to enable decisions to be taken, the decision maker(s) to be held to account and information be provided to advise individual people with enquiries, problems or grievances.
- For the above to be provided in the Member's preferred language of communication.
- Respect for their person.
- Respect for the confidential nature of information and views.

#### **4. The Relationship**

4.1 Mutual respect is essential to good local government. Officers and Members should have good working relationships, whilst being aware that close personal relationships can damage this relationship and prove embarrassing for other Officers and Members.

4.2 Members should not put officers under inappropriate pressure to act in accordance with the Member's wishes.

4.3 Officers must at all times feel free to offer professional opinion and advice which may be contrary to the opinion of the Member.

4.4 It is not acceptable for a Member to bully or harass an Officer. Any action against an Officer would be considered as bullying or harassing if the intention was to improperly or unfairly influence the Officer's opinion or actions.

4.5 It is not appropriate for Members to raise matters relating to conduct and capability of any Officer publicly in a meeting, the press, or by other means e.g. e-mail or internet. Members should use the Council's internal procedures to resolve such issues. For the avoidance of doubt Members who are unable to resolve differences in an appropriate manner with the Officer concerned should raise the matter with the Officer's Head of Service or Corporate Director. If the Member remains dissatisfied with the response received the Chief Executive should be advised.

4.6 Other than when carrying out statutory functions in respect of Members' conduct, Officers should not raise matters publicly relating to the conduct or capability of any Member either at a meeting, in the press or by other means e.g. e-mail, internet or social media.

4.7 'Publicly' includes in this context e-mailing large groups of people on the Council's internal e-mail system e.g. all Councillors.

## **5 Relationships between Officers, Chairs and Cabinet Members**

- 5.1 It is clearly important that there should be a close working relationship between Cabinet Members and the Director, Head of Service, any other senior officers of those services which fall under a Cabinet Member's portfolio. However, such relationships should never be allowed to become so close, or appear to be so close, as to bring into question the Officer's ability to deal impartially with other Members or political groups.
- 5.2 Whilst the Chair of a committee or Lead Member will routinely be consulted as part of the process of drawing up the agenda for a forthcoming meeting, it must be recognised that in certain circumstances the Chief Executive, Corporate Director or Head of Service will be under a duty to submit a report on a particular matter.
- 5.3 Whilst it is the duty of officers to assist the Cabinet in the delivery of its responsibilities it is necessary for the Leader and Cabinet to observe the independence of the management function of the authority from the decision making function.
- 5.4 Whilst Officers should always seek to assist any Member in discharging their responsibilities, the Officer must not in doing so, go beyond the bounds of whatever authority they have been given by their Head of Service.
- 5.5 A Corporate Director, Head of Service or Lead Member will always be fully responsible for the contents of any report submitted in his/her name. Officers writing reports on behalf of Lead Members will always consult the Lead Member on the content of the report.

## **6 Officer advice to political groups**

- 6.1 Directors or Heads of Service may properly be called upon to advise the chairs or spokespersons of political groups, but they should attend group meetings only in exceptional circumstances and in such a case the other political groups should be informed of the advice given.
- 6.2 Certain points must be clearly understood by all those participating in this type of process, Members and Officers alike. In particular:-
  - Officer support in these circumstances must not extend beyond providing information and advice in relation to matters of Council business. Officers must not be involved in advising on matters of political group business;
  - political group meetings are not empowered to make decisions on behalf of the Council. Conclusions reached at such meetings do not rank as Council decisions and it is essential that they are not interpreted or acted upon as such; and
  - similarly, where Officers provide information and advice to the chair or spokesperson of a political group in relation to a matter of Council business, this cannot act as a substitute for providing all necessary information and advice to Members when the matter in question is considered by a decision

making body.

- 6.3 Any particular cases of difficulty or uncertainty in this area of Officer advice to political groups should be raised with the Chief Executive who will discuss them with the relevant Group Leaders.

## **7 Officer attendance at meetings not organised by the Council**

- 7.1 Officers will advise formal meetings of the Council, informal meetings of Members of the Council, and other meetings organised by or on behalf of the Council.
- 7.2 In no circumstances should Officers be attending public meetings of a political nature organised by politicians external to the Council in order to represent the political view or programme of the Council.
- 7.3 Where any Officer or Member receives an invitation for the Council to be represented at a public meeting organised other than by the Council, they should refer that invitation to the Cabinet Support Staff who will liaise with the Leader as to the most appropriate Member representation.
- 7.4 The Leader will determine whether or not the meeting is one at which the Council should be represented, and if so, which Member or Members of the Cabinet should attend.
- 7.5 If no Cabinet Member is available to attend, then the Leader will determine whether to request that the meeting be rearranged or whether the organiser should be informed that no Member is available to attend.
- 7.6 A Cabinet Member may require briefing and support to fulfil their role in attending such a meeting. Officers will provide advice and assistance to the Member in preparing for attendance at such a meeting.
- 7.7 At some events, it will be appropriate for the Member to be accompanied by a suitably Senior Officer, such as a Corporate Director or Head of Service. At other events, it will be sufficient for other staff to accompany them.
- 7.8 The relevant Head of Service/Director should be consulted by the Leader as to whether attendance by an Officer is necessary and should advise the Leader which (if any) Officer will be present.
- 7.9 The foregoing provisions do not prevent appropriate Officers attending meetings of City, Town and Community Councils in accordance with the provisions of the Charter between those Councils and the County Council. Any Officer attending such a meeting should liaise with the relevant Lead Member.

## **8 Support services to Members and political groups.**

- 8.1 The only basis on which the Council can lawfully provide support services (e.g. stationery, typing, printing, photocopying, transport, etc.) to Members is to assist them in discharging their role as Members of the Council. Such support services must therefore be used only on Council business. They should never be

used in connection with party political or campaigning activity or for private purposes.

## **9 Members in their Ward Role and Officers**

- 9.1 The Council accepts that Members need to be aware of significant developments within their local electoral divisions if they are to be effective in their roles as spokespersons on behalf of their local communities.
- 9.2 In consequence, Senior Officers as well as the Leader, Portfolio Holders, and Chairs and Vice Chairs are expected to notify local Members of significant matters that are not the subject of a report to Council, Cabinet or Committee, but which relate specifically to the local Member's electoral division or which may have a material impact in the area of which the electoral division forms a part.
- 9.3 'Significant matters' include matters or items that are of concern to the general public and local electoral division member(s).
- 9.4 In particular, the local Member(s) should, where appropriate, be invited to relevant meetings. If local Members do not attend such meeting for whatever reason, they should be advised by the convenor of the meeting (provided the meeting is convened by the Council or its officers) of any significant outcome. Similarly, local Members will also be informed of significant matters raised by the Town or Community Council within their area.
- 9.5 Whenever the Council undertakes any form of consultation exercise on a local issue, the ward Members should be notified at the outset of the exercise
- 9.6 Before Officers exercise delegated powers under the Scheme of Delegation they shall consider whether their decision is likely to have a significant impact upon the Council's profile or have significant financial implications, if it is there will be a presumption in favour of referring the matter to Members.
- 9.7 In any event when exercising delegated powers Officers will, where appropriate, keep the Cabinet fully informed, in particular the relevant Portfolio Holder, have regard to any comments from the relevant Scrutiny Committee and ensure that they consult with/inform the local Member in advance.
- 9.8 The Council has developed a Member Events Calendar which is accessible by all Members. An 'event' is an activity undertaken by the Council which is visible to members of the public, and may have an effect on them and/or their daily lives. Officers must ensure that the Calendar is populated with relevant information. Members must take responsibility to inform themselves of activity taking place within their areas by reference to the Calendar.

## **10 Members' access to information and buildings**

- 10.1 Members can approach any department to request any information, explanation and advice as they may reasonably need to assist them in discharging their role as Members. A request for information may be made on behalf of a constituent, but any request for personal information should be authorised in writing by that



constituent. Approaches should normally be directed to the Head of Service or another Senior Officer of the service.

- 10.2 A Member should always contact beforehand any Officer that he/she wishes to see. This will ensure that the Officer is available and prepared to answer the Member's questions in order to make the most effective use of the meeting.
- 10.3 A Member should always call at reception and ask for the Officer. This is a matter of personal safety as it is essential in case of fire that the name of everyone in the building is known.
- 10.4 Officers should always ensure, bearing in mind the reasonable calls of their other duties, that they respond to a reasonable request for information relevant to a member's work or a request for a meeting.
- 10.5 Contact between Members and Officers should only take place at agreed offices or other meeting locations. Members and Officers should not arrange meetings at their respective homes.
- 10.6 Telephone contact between Members and Officers should be restricted to normal office hours. Only exceptionally should Members and Officers contact each other outside these times and such contact should be restricted to Directors and Heads of Service.
- 10.7 Members are entitled to have access to the Council Chamber, Committee rooms and all other public areas of the Council's buildings.
- 10.8 Members who are not in pursuit of their duties as a Councillors have the same rights of access to Council buildings and premises as any other member of the public.
- 10.9 A Member has the right to enter "staff only" areas only with the express authorisation of the relevant Corporate Director or Head of Service.

## **11 Members' rights to inspect Council documents.**

- 11.1 In addition to their rights under the Freedom of Information Act 2000, Members have a statutory right to inspect any Council document which contains material relating to any business which is to be transacted at a Council, committee or sub-committee meeting. This right applies irrespective of whether the Member is a member of the committee or subcommittee concerned and extends not only to reports which are to be submitted to the meeting, but also to any relevant background papers. This statutory right does not extend to information falling within paragraphs 12 to 18, 23, 24, and 26 of Part 4 of Schedule 12A of the Local Government Act 1972. However, the common law right (see below) could override this restriction in certain cases.
- 11.2 The common law right of Members is much broader and is based on the principle that any Member has a prima facie right to inspect Council documents so far as his/her access to the documents is reasonably necessary to enable the Member properly to perform his/her duties as a Member of the Council. This principle is

commonly referred to as the “need to know” principle.

- 11.3 The exercise of this common law right depends upon the Member's ability to demonstrate that he/she has the necessary "need to know". In this respect a Member has no right to "a roving commission" to examine documents of the Council. Mere curiosity is not sufficient. Contents of personal files e.g. social service assessments, adoption and child protection papers, SEN statements, personnel files will definitely not be available for access under a right to know except in limited cases e.g. the Member who sits on adoption and fostering panel. If a Member's motive for seeing documents is indirect, improper or ulterior access will be refused. The crucial question is the determination of the "need to know". This question must initially be determined by the particular Head of Service whose department holds the document in question (with advice from the Head of Legal and Democratic Services). In the event of a dispute, the question falls to be determined by the Head of Legal and Democratic Services and on appeal to the Chief Executive.
- 11.4 In some circumstances (e.g. a cabinet or committee member wishing to inspect documents relating to the functions of that committee) a Member's "need to know" will normally be presumed. In other circumstances (e.g. a Member wishing to inspect documents which contain personal information about third parties) a Member will normally be expected to justify the request in specific terms and in the light of data protection legislation.
- 11.5 Further and more detailed advice regarding Members' rights to inspect Council documents may be obtained from the Head of Legal and Democratic Services.
- 11.6 Finally, any Council information provided to a Member must only be used by the Member for the purpose for which it was provided i.e. in connection with the proper performance of the Member's duties as a Member of the Council. The Council's Code of Conduct for Members states at paragraph 5:-

'You must not:

- (a) disclose confidential information or information which should reasonably be regarded as being of a confidential nature, without the express consent of a person authorised to give such consent, or unless required by law to do so'.

## **12 Correspondence, including e-mail.**

- 12.1 Correspondence between an individual Member and an Officer should not normally be copied by the Officer to any other Member.
- 12.2 This restriction will not normally apply to Cabinet matters where the Cabinet as a whole will need to be informed of matters which will be of concern to all or several Cabinet Members.
- 12.3 Where exceptionally it is necessary to copy the correspondence to another Member, this should be made clear to the original Member. In other words, a system of 'silent copies' should not be employed.
- 12.4 E-mail should not be used by Officers or Members in such a way that it may be regarded as intimidating or exerting influence e.g. a Member copying to all

Members a critical e-mail addressed to an Officer before that Officer has had the opportunity to respond.

- 12.5 Official letters on behalf of the Council should be sent out either in the name of the appropriate portfolio holder or in the name of the appropriate Officer.
- 12.6 Lead Members will be advised by their Senior Officers as to when a response from themselves rather than an Officer is the more appropriate.
- 12.7 Letters which create obligations or give instructions on behalf of the Council should never be sent out over the name of a Member.

### **13 Press releases**

- 13.1 From time to time Members will be called upon to provide comments for the press relating to the work of the Council.
- 13.2 No remark will be attributed to a Member who has not first cleared that remark.

### **14 Breaches of the Protocol.**

- 14.1 Breaches of this protocol may lead to disciplinary action in the case of Officers or, in the case of Members, an allegation to the Ombudsman that they have breached the Code of Conduct, or reference to the Council's Standards Committee.
- 14.2 If a Member should be dissatisfied with the conduct of an Officer, he/she should in the first place discuss the matter with the relevant Head of Service in order to try to resolve the matter. The Council's disciplinary procedures will not necessarily be relevant and/or appropriate in all circumstances but the relevant Head of Service will resort to these procedures in appropriate cases. When dealing with a matter the Head of Service could, depending on the circumstances, consult with the Chief Executive, the Monitoring Officer, the Chairman of the Council or the leader of the relevant political group.
- 14.3 Similarly, if an Officer is dissatisfied with the conduct of a Member he/she should also raise the matter with his/her Head of Service in order to try to resolve the matter with the Member without the need to resort to the formal procedures that could lead to the Standards Committee.
- 14.4 Should the Officer continue to be dissatisfied, he/she can refer his complaint to the procedure adopted by the Council for the local resolution of complaints about Members and this ultimately could lead to reprimand by the Standards Committee. However, this does not supersede the Officer's right, as any other individual, to make an official complaint that a Member has breached the code of conduct to the Public Services Ombudsman for Wales.

## CORPORATE GOVERNANCE COMMITTEE

### Terms of Reference

The Corporate Governance Committee's terms of reference are set out below and it will be for the Committee to determine how to exercise these functions. The Committee may require any Member or Officer of this Council to attend before it to answer questions and may invite other persons to attend meetings of this Committee.

#### 1. Responsibilities in respect of the Council's Constitution

1.1 To continually monitor and review on an annual basis the operation of the Constitution and where appropriate make proposals for changes to ensure that the Constitution continues to:

- enable the Council to provide clear leadership to the community in partnership with citizens, businesses and other organisations;
- enable decisions to be taken efficiently and effectively;
- ensure that those responsible for decision making are clearly identifiable to local people and that they explain the reasons for decisions;
- create effective means of holding decision-makers to public account;
- ensure that no one will review or scrutinise a decision in which they were directly involved;
- support the active involvement of the citizens in the process of local authority decision-making;
- help Members represent their constituents more effectively; and
- provide a means of improving the delivery of services to the community.

1.2 In undertaking this task, the Corporate Governance Committee may:

- observe meetings of different parts of the Member and Officer structure;
- undertake an audit trail of a sample of decisions;
- record and analyse issues raised by Councillors, Officers, the public and other relevant stakeholders; and
- compare practices in this Council with those in other comparable authorities, or national examples of best practice.

#### 2 Responsibilities in respect of corporate governance

2.1 Review the Council's arrangements for corporate governance and agree necessary actions to ensure compliance with best practice.

- 2.2 Monitor the Council's compliance with its own and other published standards and controls.
- 2.3 Oversee the production of the Council's Annual Governance Statement and recommend its adoption.
- 2.4 Refer issues for action to other Council committees as deemed appropriate and request responses to ensure that issues are followed up.
- 2.5 Provide an annual report to Council on the Committee's performance and effectiveness.
- 2.6 Monitor the attendance of Members at meetings with guidance from the Monitoring Officer.
- 2.7 Consider any matters referred by other Council Committees regarding Corporate Governance issues revealed through the work of those Committees.

### **3 Responsibilities in respect of internal & external audit**

- 3.1 Consider the audit planning strategies of the internal and external auditors, including the external audit fee.
- 3.2 Consider the annual reports and opinions of the internal and external auditors.
- 3.3 Consider individual internal audit and external regulator reports including but not limited to those from the Wales Audit Office, the Office of Surveillance Commissioners and the Information Commissioner's Office.
- 3.4 Review progress in delivering the Internal Audit Strategy.
- 3.5 Consider management's response to issues raised by the internal auditor and external regulators and, where appropriate, request a response from management.
- 3.6 Review the performance of the internal and external auditors on an annual basis
- 3.7 Hold periodic private meetings with the internal and external auditors in order to oversee such arrangements.

### **4 Responsibilities in respect of the financial accounts**

- 4.1 Review, scrutinise and approve the Council's Annual Statement of Accounts, ensuring that proper accounting policies have been followed and that all concerns arising from the financial statement or the audit are brought to the attention of the Council through reports and recommendations.

- 4.2 To keep under review the Council's Financial Regulations and Contract Procedure Rules and all other corporate directions concerning financial control including the use of delegated decisions in respect of contract awards and exemptions from tendering.
- 4.3 Scrutinise the Council's Treasury Management Strategy Statement and the Annual Report on Treasury Activities before approval by Council in February and Cabinet in September respectively.
- 4.4 Receive on a six monthly basis, reports on Treasury Management to ensure that the Committee is updated on the latest developments in the Council's treasury activities.
- 4.5 Review the Council's risk exposure and its ability to manage risk in relation to its treasury management activities.

## **5 Responsibilities in respect of risk management**

- 5.1 Monitor the effective development and operation of risk management within the Council including reviewing the integrity of any risk management systems and making reports and recommendations to the Council on the adequacy and effectiveness of those arrangements.

## **6 Responsibilities in respect of fraud & corruption**

- 6.1 Monitor Council policies and procedural arrangements for Officers and Members to raise concerns in confidence, about possible wrongdoing in financial reporting and other matters, including appropriate follow up action.
- 6.2 Review the Council's policy and procedures for detecting fraud and corruption.
- 6.3 Review the Council's systems and controls for the prevention of bribery and receive reports on non-compliance.
- 6.4 Receive, on a quarterly basis, summary reports of all suspected irregularities, including any instances of fraud and corruption, from the Head of Internal Audit & Risk Management.

## **7 Responsibilities in respect of indemnities**

- 7.1 Consider the level of professional representation of a Member under the terms of the form of indemnity to Members and Officers approved by Council on 23 September 2008 subject to a maximum sum of £20,000.

## **8 Membership of the Corporate Governance Committee**

- 8.1 Six Councillors, of whom one shall be the Vice-Chair of Council, politically balanced. Members may not be Chair of Council, Cabinet members or Scrutiny Committee members.
- 8.2 One 'independent' lay member, who is not either a Councillor or an Officer or the spouse or civil partner of a Councillor or an Officer of this Council or any other relevant authority as defined in the Local Government Act 2000; nor a former Councillor or Officer of this Council.



**Report To:** Corporate Governance Committee

**Date of Meeting:** 18 November 2015

**Lead Member / Officer:** Ivan Butler – Head of Internal Audit

**Report Author:** Ivan Butler – Head of Internal Audit

**Title:** Internal Audit Report – Corporate Fleet Management

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## **1. What is the report about?**

This report is to inform the Committee of a recent Internal Audit report on Corporate Fleet Management that received a 'Low' assurance rating.

## **2. What is the reason for making this report?**

The Committee receives an Internal Audit Progress report for each meeting that includes details of Internal Audit reports issued. These are normally 'High' or 'Medium' assurance reports. When we issue a 'Low' or 'No' assurance rating in a report, the Committee will receive the report as part of its agenda to ensure that it is fully aware of the report and can discuss the improvements to be implemented with the relevant manager.

## **3. What are the Recommendations?**

The Committee comments on the Internal Audit report and agrees the assurance it needs that the action plan within the report is being implemented effectively and within the agreed timescales.

## **4. Report details**

The full Internal Audit report is included as Appendix 1 to this covering report. The key issues arising from the report are:

- an out of date Transport Policy;
- the need to improve communication with service users;
- improvements needed to some processes, procedures and policies within the service;
- the need to seriously consider investment in a new fleet management system;
- improvements required when employees are appointed, to ensure that their eligibility to drive is checked during the recruitment process;
- ensuring that lessons learned are always considered in the event of incidents and near misses; and
- improvements needed to fuel management.

Before the issue of the final audit report we held an 'escalation meeting' with the Head of Highways and Environmental Services, Corporate Director: Economic and Community Ambition, Lead Cabinet Member and senior managers to discuss the audit report and agree an action plan.

**5. How does the decision contribute to the Corporate Priorities?**

There is no decision required on this report.

**6. What will it cost and how will it affect other services?**

There are no costs attached to this report.

**7. What are the main conclusions of the Equality Impact Assessment (EqIA) undertaken on the decision?**

This report does not require a decision or proposal for change, so there is no impact on people who share protected characteristics.

**8. What consultations have been carried out with Scrutiny and others?**

The report has been discussed at an 'escalation meeting' as mentioned above that included the Lead Cabinet Member.

**9. Chief Finance Officer Statement**

There are no financial implications attached to this report.

**10. What risks are there and is there anything we can do to reduce them?**

The risks relating to this report are shown in Appendix 1, within the action plan accompanying the audit report.

**11. Power to make the Decision**

There is no decision required on this report.

**Denbighshire Internal Audit Services**  
Caledfryn, Smithfield Road, Denbigh LL16 3RJ

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# Corporate Fleet Management

October 2015



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## Purpose & Scope of Review





We carried out this review to provide assurance for the Annual Internal Audit Report, Annual Governance Statement and Head of Service.

The review covered the following areas:

- Strategy
- Procurement
- Maintenance
- Running of fleet
- Disposal

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## Assurance Rating (Based on areas reviewed)

	High Assurance	Risks and controls well managed
	Medium Assurance	Risks identified but are containable at service level
	Low Assurance	Risks identified that require meeting with Corporate Director/Lead Member
	No Assurance	Significant risks identified that require member / officer case conference

## Audit Opinion

Fleet Services strives to make sure that the Council maintains its Operator's Licence, which is critical for delivering the majority of customer-facing services e.g. winter maintenance and refuse collection. While we have found several areas where the service is managed well, the nature and number of issues that we have raised has resulted in our low assurance rating.

Communication between Fleet and its key service users has improved in recent years and it accepts that there is scope for further improvement, e.g. by finalising the Transport Policy and communicating it to all relevant employees throughout the Council.

Procurement of vehicles is managed well, applying Contract Procedure Rules and using framework agreements to comply with EU Regulations; however, Fleet and service users must work together to arrange for the timely replacement of vehicles using the most economic means.

Fleet Services administers and delivers the repair and maintenance of the Council's vehicles within the timeframe agreed with the Traffic Commissioner. It has a high MOT pass rate and low risk rating from the Driver and Vehicle Standards Agency (DVSA).

A programme of driver training is in place; however, insurance claims for incidents and near misses involving Council vehicles in certain services were not reviewed to identify training needs and reduce the risk of recurrence. In addition, sample testing shows that services are not evidencing driver licence checks at the time of staff recruitment, despite this being a requirement of the Recruitment Procedure. Licence checks do occur before employees are permitted to drive a Council vehicle.

Management and control of fuel needs strengthening to minimise loss, theft or waste. Also, recharging of fuel overhead costs is not reflective of the actual costs and is resulting in some services being charged excessively.

The Fleet Management System (Fleetmaster) records all relevant vehicle details. Despite this, Fleet Services has outgrown the system, a particular issue being that the vendor no longer supports the system. There are opportunities to streamline fleet maintenance processes, improve management information and automate recharges to services by using a more modern fleet management system.

# Action Plan

**Audit Review of:** Fleet Management

**Date:** October 2015

### Corporate Risk/Issue Severity Key

	<b>Critical</b> - Significant CET and Cabinet intervention
	<b>Major</b> - intervention by SLT and/or CET with Cabinet involvement
	<b>Moderate</b> - Containable at service level. Senior management and SLT may need to be kept informed

Risk/ Issue No.	Risk/Issue	Action	Who	When
Page 201 1.	The Transport Policy is out of date and was removed from the intranet for this reason. Without effective communication of each driver's responsibility and acceptable use of Council vehicles, there is a risk that non-compliance is not taken seriously. Communication is needed at all levels of the organisation, supported by the Senior Leadership Team (SLT) to ensure that it is read and applied by all employees.	The Waste & Transport Manager will present the revised Transport Policy at a SLT meeting to promote staff awareness and get senior management buy-in.	Waste & Transport Manager	December 2015
2.	Ineffective identification of vehicles reaching the end of their economic life can lead to unnecessary costs e.g. extra maintenance work needed and leasing to replace vehicles that are no longer serviceable.	Lists of vehicles will be reviewed at Fleet & Service Review meetings to identify vehicles that are reaching an end of their economic life. An assessment on the continued use or replacement will be identified and recorded.  (Meetings with Street Scene, Building Services, Street Lighting and Housing Services have taken place, with Waste Services, Countryside Services and Social Services left to do).  Service users will be trained on how to interpret and use the monthly management information report, which will help them to understand which vehicles are no longer economical to maintain.	Waste & Transport Manager / Fleet Performance Manager	January 2016

Risk/ Issue No.	Risk/Issue	Action	Who	When
3.	Although it has improved, communication between Fleet Services and service users (and vice versa) is causing avoidable service downtime. Fleet Services has recently started to meet key service user representatives to discuss performance and recurring issues. Periodic meetings should be arranged with all fleet user services, with a set agenda and a record kept of the agreed actions for both parties.	Fleet & Service Review meetings are scheduled, a standard agenda is defined (although additional agenda items can be added), and minutes are now formally recorded.	Waste & Transport Manager / Fleet Performance Manager	December 2015
4.	Few formal agreements are in place with Fleet Services' external customers to protect its cash flow and contractual position by stipulating a cooling off period for ending a maintenance arrangement.	A trigger of £15,000 will be introduced, whereby when an external customer's work exceeds this defined value, a service level agreement will be issued (to include provision for 30-day notice of service break).	Fleet Performance Manager	December 2015
5.	Fleet Services has limited policies and procedures in place to guide consistent practices, support business continuity, and health and safety or fraud investigation. This includes, but is not limited to: <ul style="list-style-type: none"> <li>• guidance for new workshop employees; and</li> <li>• disposal of vehicles i.e. redeployment, available methods for disposal, treatment of proceeds from sales, and capture the reason and approval for the disposal.</li> </ul>	Current policies and procedures in place include: <ul style="list-style-type: none"> <li>• Health and safety – risk assessments, safe working procedures are in place.</li> <li>• Toolbox talks are regularly provided to staff (and recorded).</li> <li>• New employees are inducted via use of the corporate induction form.</li> </ul> This will be supplemented by: <ul style="list-style-type: none"> <li>• As part of the induction process, new employees will be required to read health and safety procedures and sign to evidence this. This will incorporate emergency procedures, accident reporting and first aid.</li> <li>• Disposal of vehicles will be incorporated into the Transport Policy (see Risk/Issue 1).</li> </ul>	Waste & Transport Manager / Fleet Performance Manager / Fleet Maintenance Manager	October 2015
6.	The Fleetmaster system is a legacy system with limited vendor support and its reporting function is weak. There is an opportunity to streamline the workshop's paper-heavy processes and reduce non-productive time through using a more modern fleet management system.	A business case for a new system will be developed (ICT to be part of any subsequent procurement). Funding streams e.g. Modernisation Board will be investigated to cover the purchase cost.  If agreed, a new fleet management system will be implemented to replace the existing Fleetmaster system.	Waste & Transport Manager / Fleet Performance Manager / ICT	April 2016  April 2017

Risk/ Issue No.	Risk/Issue	Action	Who	When
7.	Although two thirds of the employees that drive a Council vehicle have completed a form (D796) allowing Fleet Services to check their driving licence validity, there is no evidence that managers check driver licences as part of the recruitment and selection process for a post that involves driving. This is necessary to show that the Council only employs individuals who are competent to carry out their roles.	As per Risk/Issue 1, the Transport Policy will be updated to clarify roles and responsibilities for carrying out driver licence checks.  Online driving licence checks will be introduced as part of the recruitment process. All new members of staff will be asked to complete the D796 form at the time of appointment i.e. when other checks are carried out on work references and eligibility to work in the UK.	Waste & Transport Manager/Fleet Performance Manager / Head of Legal, HR & Democratic Services	December 2015  In place (HR process introduced)
8.	Details of incidents and near misses captured in insurance claims are not always reviewed to prevent recurrence. This would help the Council to take action to reduce the risk of such incidents recurring and safeguard the public and employees from potential harm. This issue was raised in our previous audit 2010/11.	As per Risk/Issue 1, the Transport Policy will be updated to include the requirement for drivers of corporate vehicles to report incidents in such a way that it will trigger a review and remedial action where necessary.  Employees and line managers will be reminded that the Incident Management Database (on the intranet) should be completed following an incident involving a Council vehicle. The accident management procedure will be set out at each Fleet & Service Review meeting.  The Corporate Road Risk Advisor will review insurance claim forms relating to road traffic incidents to ensure that all are captured on the Incident Management Database. If any are missed, Health and Safety will escalate with the relevant line manager and, if it is a recurring problem, the Head of Service.	Waste & Transport Manager/ Fleet Performance Manager  Waste & Transport Manager / Services  Corporate Road Risk Advisor	December 2015  In place  October 2015
9.	Council vehicles over 12 years of age are not being maintained in line with the VOSA Guide to Maintaining Roadworthiness. This states that vehicles over 12 years of age should have safety checks every 6 weeks, as they are more prone to defects. The Council must notify the Traffic Commissioner if maintenance is done less often, giving the reason.	The Council has spoken with the Traffic Commissioner regarding this point and he is satisfied with the inspection frequency regime currently in place (given the Council's excellent maintenance procedures and records).	Fleet Performance Manager	Complete





Risk/ Issue No.	Risk/Issue	Action	Who	When
13.	Controls over fuel cards needs strengthening to reduce the Council's risk of fuel cards being misused. Fuel Card Acceptance forms should clearly state that fuel purchased using the fuel card is solely for business reasons.	As per Risk/Issue 11, a fuel management procedure will be implemented and all members of staff will be required to sign a declaration that they have read it and agree to its contents. This will be rolled out to new employees and existing employees when fuel cards are renewed.	Fleet Performance Manager	In place

## Background & Context

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The Council's Fleet Services is responsible for the procurement, maintenance, disposal and legal administration of all Council vehicles. The service deals with approximately 360 vehicles ranging from small vans and cars to 32 tonne refuse trucks, ensuring that all are roadworthy and in a safe condition. The Council is required to hold an Operator's Licence ('O' Licence), which the Traffic Commissioners regulate and imposes strict legal requirements on the way the Council operates and manages its fleet of vehicles.

The Waste & Transport Manager is responsible for the management of Fleet Services and is supported by the Assistant Fleet Manager (named person on the 'O' Licence). The day-to-day management of the vehicle workshop is the responsibility of the Fleet Maintenance Manager with nine mechanics and three other personnel employed to undertake the servicing and maintenance of all the Council's fleet.

We undertook our previous audit review in March 2011, also covering grey fleet. We identified 18 significant weaknesses in the systems of internal control. Despite our follow up reviews of agreed actions, two issues from our previous audit remain outstanding and we highlight these instances in our report.

## Review Outcomes & Risks Arising

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### Strategy, Policies & Procedures

<b>Opinion</b>	Although there have been some improvements, communication between Fleet Services and service users lacks direction to steer effective working practices.
<b>Key Area Managed Well</b>	Although not documented, the Council's strategy is to maintain its stock of fleet in accordance with the Operator's Licence, while reducing the costs associated with fleet e.g. by rationalising existing vehicle stock. This formed part of an external consultant review (through a profit share arrangement), which achieved £200k in savings. Further work to make savings through fuel management has yet to be determined.
<b>Key Area Managed Well</b>	Fleet provision is mainly funded through prudential borrowing or through revenue or grant if available. Very few services make use of a recent framework agreement for hiring vehicles, which may be more efficient where vehicles are used infrequently. (See Risk / Issue 2)
<b>Key Area Managed Well</b>	Fleet Services has increased its level of external work in recent years to offset the reduction in Council fleet size, so costs are maintained as low as possible.
<b>Risk/Issue 1 Major</b>	<p>The Transport Policy is a key document for setting responsibilities and outlining requirements to comply with driving legislation (UK &amp; EU) and the Operator's Licence. The policy, dated 2006, is out of date and, as it was removed from the intranet, it is not available for employees who are required to read it, despite the fact that they are required to sign a declaration that they have read the Policy.</p> <p>Communication is needed at all levels throughout the Council with the backing of SLT to make sure that non-compliance is taken seriously.</p>
<b>Risk/Issue 2 Major</b>	There are inconsistent arrangements within Council services for replacing fleet vehicles. Ineffective identification of the vehicles that are reaching the end of their economic life may lead to unnecessary costs e.g. additional repair and maintenance, and short-term leasing. Individual services are responsible for deciding which vehicles to procure and dispose of, and Fleet Services facilitates this process. (See Appendix 1 for "Age Profile of Council Fleet Vehicles")
<b>Risk/Issue 3 Moderate</b>	Although there is evidence of better communication between Fleet Services and service users, there is still negative feedback from both sides about lack of notification, which causes avoidable service downtime. Fleet Services has started to meet key service user representatives to discuss performance and recurring issues. Periodic meetings should be arranged with all fleet user services, with a set agenda and a record kept of the agreed actions.
<b>Risk/Issue 4 Moderate</b>	Few formal agreements are in place with the Fleet Services' external customers. Where an external customer's work is above a certain value, the Council should seek to formalise the agreement to protect its cash flow and contractual position by specifying a cool off period, e.g. 30 days' notice, to terminate the maintenance arrangement.
<b>Risk/Issue</b>	Fleet Services has few written procedures in place to guide consistent

**5**  
**Moderate**

working practices, support business continuity and assist health and safety and fraud investigations. For example, at the time of our review, a new employee was due to start in the workshop; however, little written guidance is available to support induction training to ensure that they are sufficiently aware of relevant health and safety precautions (e.g. HSG 261: Health & Safety in Motor Vehicle Repair and Associated Industries) before being allowed into the workshop.

# Procurement & Disposal

<p><b>Opinion</b></p>	<p><b>Procurement is managed well overall. The disposal procedure should be documented to aid transparency and provide a proper audit trail.</b></p>
<p><b>Key Area Managed Well</b></p>	<p>The Assistant Fleet Manager facilitates the procurement of vehicles on behalf of all Council services, which ensures that it is done consistently. Each procurement exercise involves an evaluation of suitability and involves the users to gain their views.</p>
<p><b>Key Area Managed Well</b></p>	<p>Our testing of recent purchases confirmed that tendering is applied in line with the Council’s Contract Procedure Rules and EU Procurement Regulations. Various central contracts are available to purchase vehicles using nationally agreed prices, thus benefiting from economies of scale.</p>
<p><b>Key Area Managed Well</b></p>	<p>Various options are available to services for financing vehicle purchases. Prudential borrowing is the most popular option, with a few purchased using revenue and grants. A framework agreement for hired vehicles has recently been established, which could offer a more cost-effective option for short-term fleet requirements e.g. school minibuses. We suggest that Fleet Services reviews how the Council could make better use of this.</p>
<p><b>Key Area Managed Well</b></p>	<p>Fleet Services is a member of the Freight Transport Association, the Association of Care Fleet Officers and Institute of Road Traffic Engineers – Accredited Workshop. This enables sharing of good practice.</p>
<p><b>Key Area Managed Well</b></p>	<p>Our testing of recent vehicle disposals confirmed that all proceeds from sale were credited to the Fleet Services general ledger cost code. (See Risk / Issue 5 relating to recharging proceeds from sales)</p>
<p><b>Link with Risk/Issue 5 Moderate</b></p>	<p>There is no clear policy or procedures in place for disposal of vehicles. This should consider:</p> <ul style="list-style-type: none"> <li>• accounting for proceeds received from the sale of vehicles i.e. credit Fleet Services for offsetting its overhead costs, or refund the service that bought the vehicle;</li> <li>• whether vehicles should be redeployed before disposal;</li> <li>• which disposal methods are available to use and under which circumstances i.e. sale to other organisations, private sale to employees or sale by auction; and</li> <li>• clarifying the reason why each vehicle was disposed of, and who gave authorisation for this.</li> </ul>

# Maintenance

**Opinion** Good maintenance arrangements are in place, and replacing the legacy fleet management system should streamline the service and reduce non-productive time of maintenance staff.

**Key Area Managed Well** Fleet Services schedules the maintenance programme for all Council vehicles in line with the requirements of the Operator’s Licence. There is clear notification and ample warning to the driver when vehicles are due for inspection.

**Key Area Managed Well** The Council maintains a valid Operator’s Licence. As per the Scheme of Delegation, the Head of Highways & Environmental Services has responsibility to hold the Operator’s Licence or delegate it to an appropriate officer. The Assistant Fleet Manager is the named licence holder, given that he is suitably qualified to undertake the role i.e. holds a Transport Manager Certificate of Professional Competence.

**Key Area Managed Well** Fleet Services is proud of its MOT first time pass rate, which at 97.18% is higher than the national average (85.15%). A good process is in place to ensure that all fleet vehicles have a current MOT and licence.

**Key Area Managed Well** The DVSA uses the Operator Compliance Risk Score system to decide which vehicles should be inspected during roadside checks. The Council has a low risk score and, as a result, its most recent report (27 May 2015) shows “no vehicle encounters were found for licence”.

**Key Area Managed Well** Mechanics receive regular training, either delivered by the supplier as part of the procurement of new vehicles, or internally through Toolbox Talks, which highlights current issues.

**Key Area Managed Well** The Fleet Management System (Fleetmaster) is an accurate record of the fleet assets that the Council owns. It retains a mechanical history of all vehicles, including safety inspections and servicing dates, and service repair costs.

**Risk/Issue 6 Moderate** The Fleetmaster system has several weaknesses that could be resolved with a more modern system:

- The supplier no longer supports the system and so there will be no further enhancements to it.
- It provides limited management information. For example, the system was unable to produce a report showing vehicles that did not make their scheduled safety inspection appointment. We also raised this issue as part of our previous audit of Fleet Services in 2010/11.
- There is an opportunity to streamline the fleet maintenance process, which is currently very paper-heavy and time-consuming to administer.
- There is poor integration with other Council IT Systems e.g. general ledger. Fleet Services must manually process recharges, and reports from service users suggest that this is often causing delays to budget monitoring information.

## Running

### Opinion

**General running of vehicles is managed well; however, significant weaknesses surrounding driver competence and maintenance of older vehicles could potentially put the Council at risk of serious reputation damage.**

### Key Area Managed Well

Sample testing confirms that drivers and mechanics have the appropriate qualifications to undertake their roles. The Assistant Fleet Manager monitors driving licence endorsements of existing members of staff (who have completed the relevant consent form) using a dedicated system, 'LICENCECHECK'. (See Risk / Issue 7 relating to lack of driving licences checks during the recruitment and selection process).

### Key Area Managed Well

Tachographs record drivers' hours and the Assistant Fleet Manager checks these to ensure that the drivers are taking sufficient breaks to adhere to EU rules and GB domestic rules. The Freight Transport Authority checks drivers' hours periodically. Any infringements, although rare, are discussed with the driver and supervisor.

### Key Area Managed Well

A tracker system is installed into most fleet vehicles (with the exception of some older vehicles owned by schools), which enables prompt reporting of defects. It also acts as a useful tool for monitoring driving and to investigate complaints received.

### Key Area Managed Well

A contract is in place for spare parts and tyres. The National Procurement Service is looking to set up a national framework agreement soon.

### Key Area Managed Well

Suitable breakdown recovery arrangements are in place.

### Key Area Managed Well

The Corporate Risk and Insurance Manager arranges insurance for fleet vehicles and the Council is good at recovering the cost of damage repair work from the insurer or third party. The Fleet Administration Officer updates the Motor Insurance Database with details of any vehicle that the Council uses for longer than two weeks to comply with the EU Motor Insurance Directive.

### Risk/Issue 7 Major

Despite it forming part of the Interview Assessment Form Checklist, there is no evidence that managers check driver licences as part of the recruitment and selection process for a post that involves driving.

Once in post, Fleet Services check driving licences before handing over the driver's tracker fob and ask them to complete the D796 form so that the Council can check driving licence validity directly with the DVLA. At the time of our review, two thirds of drivers had given their consent to this.

We suggest that consent is sought at the time of appointment along with other checks, such as references and eligibility to work in the UK. This is to ensure that the Council employs persons who are eligible to drive and are able to carry out their roles effectively.

**Risk/Issue  
8  
Major**

The Corporate Road Risk Advisor reacts to road traffic incidents logged via the Health and Safety Incident Management Database by performing a post-incident driver assessment and driver training. However, several collisions resulting in insurance claims were not captured on the database and, as a result, there is no evidence that an assessment or training was provided to reduce the risk of recurrence. We raised a similar issue as part of our previous audit of Fleet Services in 2010/11.

**Risk/Issue  
9  
Moderate**

The VOSA Guide to Maintaining Roadworthiness states that vehicles and trailers over 12 years of age should have safety inspections every 6 weeks, as defects and annual MOT failure rate is more likely. (See Appendix 1 for a diagram showing VOSA's "Guide to Safety Inspection Intervals") Our sample testing confirmed that this interval has not been applied to the relevant Council fleet and, at the time of our review, the Traffic Commissioner has not been notified as such.



# Fuel Management

**Opinion** There are several weaknesses surrounding the management of fuel.

**Key Areas Managed Well** Fleet Services receives fuel usage reports from bunkered fuel and fuel cards (used at garages), which enables monitoring.

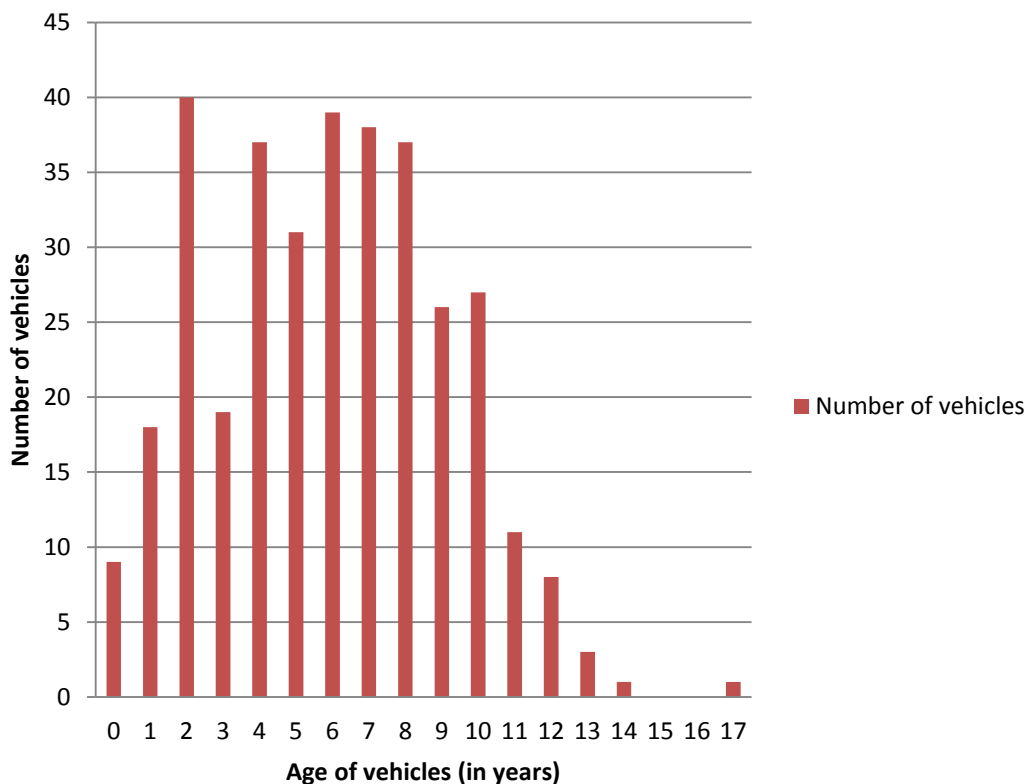
**Risk/Issue 10 Moderate** Recharge of fuel management cost seems excessive given that administration of fuel has been streamlined. This arrangement no longer reflects the costs of the process and services are being charged disproportionately.

**Risk/Issue 11 Moderate** The Council spends nearly £1m a year on fuel yet there is little evidence of a campaign to promote efficient fuel use e.g. through altering driver style, inflating tyres correctly. Although information is available through the tracker system and fuel reports, these are not currently used to propel effective action to reduce fuel use.

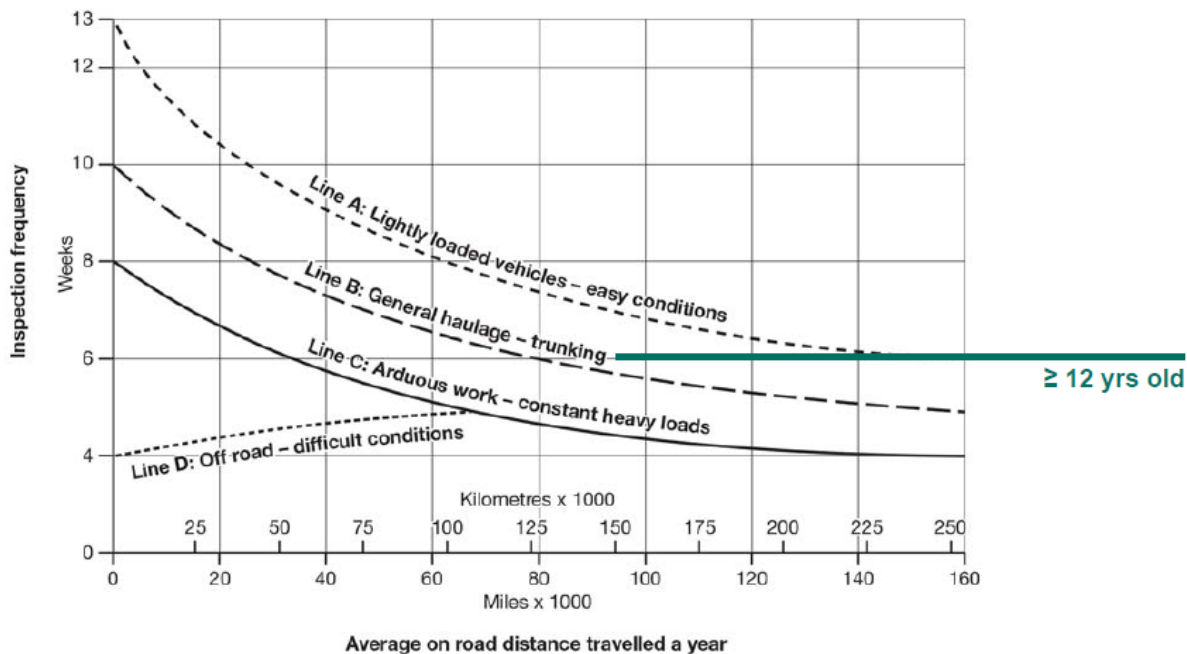
**Risk/Issue 12 Moderate** Stock checks are not carried out periodically to ensure that all fuel is accounted for and to identify any loss, waste or theft.

**Risk/Issue 13 Moderate** The Fuel Card Acceptance form does not clearly state that fuel purchased using the fuel card should be used solely for business reasons.

### Age Profile of Council Vehicles



### Guide to Safety Inspection Intervals



Source: VOSA Guide to Maintaining Roadworthiness.

## Report Recipients

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- Corporate Director: Economic and Community Ambition
- Head of Highways & Environmental Services
- Waste & Transport Manager
- Assistant Fleet Manager
- Fleet Maintenance Manager
- S151 Officer
- Lead Member for Public Realm
- Chair – Performance Scrutiny Committee
- Lead Member for Finance, Corporate Plan & Performance
- Corporate Governance Committee
- Scrutiny Coordinator
- Lead Officer, Destination, Marketing & Communication

## Key Dates

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Review commenced	June 2015
Review completed	August 2015
Reported to Corporate Governance Committee	18 November 2015
Proposed date for 1st follow up review	January 2016

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## Corporate Governance Committee Forward Work Programme

<b>27 Jan 2016</b>		<b>Standing Items</b>	
	1	Issues Referred by Scrutiny Committees	Scrutiny Coordinator / Rhian Evans
	2	Recent External Regulatory Reports Received	Head of Business, Planning and Performance / Alan Smith, Keith Amos
	3	Internal Audit Progress Report	Head of Internal Audit / Ivan Butler, Cllr Julian Thompson-Hill
	4	Feedback on Corporate Equality Meeting – verbal	
	5	Forward Work Programme	
		<b>Reports</b>	
	6	Budget Process 2016/17	Chief Finance Officer / Richard Weigh
	7	Annual Improvement Report - Update	Chief Finance Officer / Richard Weigh
Page 217	8	Financial Resilience of Councils in Wales - Update	Chief Finance Officer / Richard Weigh
	9	Treasury Management Report	Chief Finance Officer / Richard Weigh
	10	Corporate Governance Committee Annual Report	Cllr Jason McLellan
	11	Corporate Safeguarding Update	Head of Internal Audit / Ivan Butler
<b>23 Mar 2016</b>		<b>Standing Items</b>	
	1	Issues Referred by Scrutiny Committees	Scrutiny Coordinator / Rhian Evans
	2	Recent External Regulatory Reports Received	Head of Business, Planning and Performance / Alan Smith, Keith Amos
	3	Internal Audit Progress Report	Head of Internal Audit / Ivan Butler, Cllr Julian Thompson-Hill
	4	Feedback on Corporate Equality Meeting – verbal	
	5	Forward Work Programme	
		<b>Reports</b>	
	6	Budget Process 2016/17	Chief Finance Officer / Richard Weigh

## Corporate Governance Committee Forward Work Programme

<b>27 Apr 2016</b>		<b>Standing Items</b>	
	1	Issues Referred by Scrutiny Committees	Scrutiny Coordinator / Rhian Evans
	2	Recent External Regulatory Reports Received	Head of Business, Planning and Performance / Alan Smith, Keith Amos
	3	Internal Audit Progress Report	Head of Internal Audit / Ivan Butler, Cllr Julian Thompson-Hill
	4	Feedback on Corporate Equality Meeting – verbal	
	5	Forward Work Programme	
		<b>Reports</b>	
	6	Budget Process 2016/17	Chief Finance Officer / Richard Weigh
	7	Internal Audit Annual Report	Head of Internal Audit / Ivan Butler
Page 218	8	Internal Audit Annual Assurance Plan 2015/16	Head of Internal Audit / Ivan Butler
	9	Governance Improvement Plan and Draft Annual Governance Statement 2015/16	Head of Internal Audit / Ivan Butler
	10	Annual Financial Audit Outline of Accounts and Notification of the Certification of Accounts	Chief Finance Officer / Richard Weigh
<b>15 June 2016</b>		<b>Standing Items</b>	
	1	Issues Referred by Scrutiny Committees	Scrutiny Coordinator / Rhian Evans
	2	Recent External Regulatory Reports Received	Head of Business, Planning and Performance / Alan Smith, Keith Amos
	3	Internal Audit Progress Report	Head of Internal Audit / Ivan Butler, Cllr Julian Thompson-Hill
	4	Feedback on Corporate Equality Meeting – verbal	
	5	Forward Work Programme	
		<b>Reports</b>	
	6	Budget Process	Chief Finance Officer / Richard Weigh

## Corporate Governance Committee Forward Work Programme

<b>13 July 2016</b>		<b>Standing Items</b>	
	1	Issues Referred by Scrutiny Committees	Scrutiny Coordinator / Rhian Evans
	2	Recent External Regulatory Reports Received	Head of Business, Planning and Performance / Alan Smith, Keith Amos
	3	Internal Audit Progress Report	Head of Internal Audit / Ivan Butler, Cllr Julian Thompson-Hill
	4	Feedback on Corporate Equality Meeting – verbal	
	5	Forward Work Programme	
		<b>Reports</b>	
	6	Budget Process 2016/17	Chief Finance Officer / Richard Weigh
	7	Child Practice Review	Head of Children and Family Services / Leighton Rees
Page 21	8	Draft Statement of Accounts	Chief Finance Officer / Richard Weigh
	9	WAO Annual Improvement Report 2015/16	Wales Audit Office
<b>21 Sep 2016</b>		<b>Standing Items</b>	
	1	Issues Referred by Scrutiny Committees	Scrutiny Coordinator / Rhian Evans
	2	Recent External Regulatory Reports Received	Head of Business, Planning and Performance / Alan Smith, Keith Amos
	3	Internal Audit Progress Report	Head of Internal Audit / Ivan Butler, Cllr Julian Thompson-Hill
	4	Feedback on Corporate Equality Meeting – verbal	
	5	Forward Work Programme	
	6	Treasury Management Annual Report	Chief Finance Officer / Richard Weigh
		<b>Reports</b>	
	6	Budget Process 2016/17	Chief Finance Officer / Richard Weigh

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