

At: Aelodau'r Cabinet

Dyddiad: 19 Medi 2018

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Annwyl Gynghorydd

Fe'ch gwahoddir i fynychu cyfarfod y **CABINET, DYDD MAWRTH, 25 MEDI 2018 am 10.00 am yn SIAMBR Y CYNGOR, NEUADD Y SIR, RHUTHUN.**

Yn gywir iawn

G Williams

Pennaeth Gwasanaethau Cyfreithiol, AD a Democrataidd

## **AGENDA**

### **RHAN 1 – ESTYNNIR GWAHODDIAD I'R WASG AC AELODAU'R CYHOEDD FOD YN BRESENNOL YN Y RHAN YMA O'R CYFARFOD**

#### **1 YMDDIHEURIADAU**

#### **2 DATGANIADAU O FUDDIANT**

Aelodau i ddatgan unrhyw gysylltiad personol neu gysylltiad sy'n rhagfarnu yn y busnes a nodwyd i'w ystyried yn y cyfarfod hwn.

#### **3 MATERION BRYS**

Hysbysiad o eitemau y dylid, ym marn y Cadeirydd, eu hystyried yn y cyfarfod fel materion brys yn unol ag Adran 100B(4) o Ddeddf Llywodraeth Leol 1972.

#### **4 COFNODION (Tudalennau 7 - 16)**

Derbyn cofnodion cyfarfod y Cabinet a gynhaliwyd ar 26 Mehefin 2018 (copi'n amgaeedig).

**5 ARDAL GWELLA BUSNES Y RHYL** (Tudalennau 17 - 62)

Ystyried adroddiad (**sy'n cynnwys atodiad cyfrinachol**) gan y Cynghorydd Hugh Evans, yr Arweinydd ac Aelod Arweiniol yr Economi a Llywodraethu Corfforaethol (copi'n amgaeedig) yn rhoi'r wybodaeth ddiweddaraf i'r Cabinet ynglŷn â datblygu Ardal Gwella Busnes y Rhyl, ac yn ceisio cymeradwyaeth i'w sefydlu.

**6 AMRYWIO CONTRACTAU CANOLFANNAU AILGYLCHU GWASTRAFF O'R CARTREF CYNGOR SIR DDINBYCH** (Tudalennau 63 - 68)

Ystyried adroddiad gan y Cynghorydd Brian Jones, Aelod Arweiniol Prifffyrdd, Cynllunio a Theithio Cynaliadwy (copi'n amgaeedig) ynglŷn â threfniadau gweithredu tair Canolfan Ailgylchu Gwastraff o'r Cartref y Cyngor yn y dyfodol.

**7 POLISI'AU CYFLOGAETH** (Tudalennau 69 - 216)

Ystyried adroddiad gan y Cynghorydd Mark Young, Aelod Arweiniol dros Safonau Corfforaethol (copi'n amgaeedig) yn argymhell mabwysiadu nifer o bolisi'au cyflogaeth.

**8 ADRODDIAD BLYNYDDOL RHEOLI'R TRYSORLYS 2017/18** (Tudalennau 217 - 242)

Ystyried adroddiad gan y Cynghorydd Julian Thompson-Hill, Aelod Arweiniol Cyllid, Perfformiad ac Asedau Strategol (copi'n amgaeedig) yn rhoi'r wybodaeth ddiweddaraf i'r Cabinet ynglŷn â pherfformiad y swyddogaeth rheoli trysorlys ac yn dangos cydymffurfiad y Cyngor â chyfyngiadau'r trysorlys a'r Dangosyddion Darbodus yn ystod 2017/18.

**9 ADRODDIAD CYLLID** (Tudalennau 243 - 260)

Ystyried adroddiad gan y Cynghorydd Julian Thompson-Hill, Aelod Arweiniol Cyllid, Perfformiad ac Asedau Strategol (copi'n amgaeedig) ynglŷn â'r sefyllfa ariannol ddiweddaraf a'r cynnydd a wnaed o ran y strategaeth y cytunwyd arni ar gyfer y gyllideb.

**10 BLAENRAGLEN WAITH Y CABINET** (Tudalennau 261 - 266)

Derbyn Blaenraglen Waith y Cabinet sy'n amgaeedig, a nodi'r cynnwys.

**RHAN 2 - MATERION CYFRINACHOL**

## CAU ALLAN Y WASG A'R CYHOEDD

Argymhellir yn unol ag Adran 100A (4) o Ddeddf Llywodraeth Leol 1972, bod y Wasg a'r Cyhoedd yn cael eu cau allan o'r cyfarfod tra bydd yr eitem ganlynol o fusnes yn cael ei hystyried, oherwydd ei bod yn debygol y bydd gwybodaeth eithriedig yn cael ei datgelu fel y'i diffinnir ym mharagraffau 12, 13 ac 14 o Ran 4, Atodlen 12A y Ddeddf.

### **11 DEWISIADAU AR GYFER GORFODI RHAG TROSEDDAU AMGYLCHEDDOL** (Tudalennau 267 - 278)

Ystyried adroddiad cyfrinachol gan y Cyngorydd Tony Thomas, Aelod Arweiniol Tai, Rheoleiddio a'r Amgylchedd (copi'n amgaeedig) ynglŷn â'r dewisiadau ar gyfer gorfodi amgylcheddol yn y sir.

### **12 DARPARU SAFLEOEDD SIPSIWN A THEITHWYR** (Tudalennau 279 - 314)

Ystyried adroddiad cyfrinachol gan y Cyngorydd Tony Thomas, Aelod Arweiniol Tai, Rheoleiddio a'r Amgylchedd (copi'n amgaeedig) ynglŷn â chynigion ar gyfer lleoliadau safleoedd preswyl a safleoedd tramwy i Sipsiwn a Theithwyr, ynghyd â materion cysylltiedig o ran cynllunio, ariannu a chyfathrebu.

### **13 CASTELL BODELWYDDAN, BODELWYDDAN** (Tudalennau 315 - 334)

Ystyried adroddiad cyfrinachol gan y Cyngorydd Julian Thompson-Hill, Aelod Arweiniol Cyllid, Perfformiad ac Asedau Strategol (copi'n amgaeedig) yn ceisio cymeradwyaeth y Cabinet o delerau gwerthu'r buddiant rhydd-ddaliadol yng Ngwesty Castell Bodelwyddan a rhan o'r ystâd, yn unol â'r manylion yn yr adroddiad.

### **14 TIR YN NHIRIONFA, FFORDD GALLT MELYD, RHUDDLAN** (Tudalennau 335 - 350)

Ystyried adroddiad cyfrinachol gan y Cyngorydd Julian Thompson-Hill, Aelod Arweiniol Cyllid, Perfformiad ac Asedau Strategol (copi'n amgaeedig) yn ceisio cymeradwyaeth i ddiwygio telerau penderfyniad blaenorol y Cabinet ynglŷn â gwerthu'r safle.

## **AELODAETH**

### **Y Cyngorwyr**

Hugh Evans  
Bobby Feeley  
Huw Hilditch-Roberts  
Richard Mainon

Tony Thomas  
Julian Thompson-Hill  
Brian Jones  
Mark Young

**COPIAU I'R:**

Holl Gynghorwyr er gwybodaeth  
Y Wasg a'r Llyfrgelloedd  
Cynghorau Tref a Chymuned



## Cod Ymddygiad Aelodau

## DATGELU A CHOFRESTRU BUDDIANNAU

Rwyf i,  
(enw)

\*Aelod /Aelod cyfetholedig o  
(\*dileuer un)

**Cyngor Sir Ddinbych**

**YN CADARNHAU** fy mod wedi datgan buddiant **\*personol / personol a sy'n rhagfarnu** nas datgelwyd eisoes yn ôl darpariaeth Rhan III cod ymddygiad y Cyngor Sir i Aelodau am y canlynol:-  
(\*dileuer un)

Dyddiad Datgelu:

Pwyllgor (nodwch):

Agenda eitem

Pwnc:

Natur y Buddiant:

(Gweler y nodyn isod)\*

Llofnod

Dyddiad

Noder: Rhowch ddigon o fanylion os gwelwch yn dda, e.e. 'Fi yw perchennog y tir sy'n gyfagos i'r cais ar gyfer caniatâd cynllunio a wnaed gan Mr Jones', neu 'Mae fy ngŵr / ngwraig yn un o weithwyr y cwmni sydd wedi gwneud cais am gymorth ariannol'.

Mae tudalen hwn yn fwriadol wag

## CABINET

Cofnodion cyfarfod o'r Cabinet a gynhaliwyd yn Siambr y Cyngor, Neuadd y Sir, Rhuthun, Dydd Mawrth, 26 Mehefin 2018 am 10.00 am.

## YN BRESENNOL

Y Cynghorwyr Hugh Evans, Arweinydd ac Aelod Arweiniol yr Economi a Llywodraethu Corfforaethol; Bobby Feeley, Aelod Arweiniol Lles ac Annibyniaeth; Huw Hilditch-Roberts, Aelod Arweiniol Addysg, Plant a Phobl Ifanc; Brian Jones, Aelod Arweiniol Prifffyrdd, Cynllunio a Theithio Cynaliadwy; Richard Mainon, Aelod Arweiniol Datblygu Seilwaith Cymunedol; Tony Thomas, Aelod Arweiniol Tai, Rheoleiddio a'r Amgylchedd; Julian Thompson-Hill, Aelod Arweiniol Cyllid, Perfformiad ac Asedau Strategol, a Mark Young, Aelod Arweiniol Safonau Corfforaethol.

**Arsylwyr:** Y Cynghorwyr Meirick Davies, Mabon Ap Gwynfor, Rhys Thomas ac Emrys Wynne

## HEFYD YN BRESENNOL

Prif Weithredwr (JG); Cyfarwyddwyr Corfforaethol: yr Economi a'r Parth Cyhoeddus (GB); a Chymunedau (NS); Penaethiaid Gwasanaeth: Gwasanaethau'r Gyfraith, AD a Democrataidd (GW), Gwella Busnes a Moderneiddio (AS) a Swyddog Cyllid / A.151 (RW); Rheolwr Tîm Cynllunio Strategol (NK); Rheolwr Adain Cludiant i Deithwyr (PD); Swyddog Arweiniol - Eiddo a Stoc Tai Corfforaethol (DL); Rheolwr Yswiriant a Risg (CJ) a Gweinyddwr Pwyllgorau (KEJ).

### 1 YMDDIHEURIADAU

Ni chafwyd unrhyw ymddiheuriadau.

### 2 DATGAN CYSYLLTIAD

Datganodd yr aelodau canlynol gysylltiad personol ag eitem 9 ar y rhaglen – Adroddiad Cyllid (Alldro Ariannol 2017/18)-

Y Cyngorydd Meirick Davies - Llywodraethwr Ysgol Cefn Meiriadog ac Ysgol Trefnant

Y Cyngorydd Emrys Wynne – Llywodraethwr Ysgol Borthyn

### 3 MATERION BRYD

Ni chodwyd unrhyw faterion brys.

### 4 COFNODION

Cyflwynwyd cofnodion cyfarfod y Cabinet a gynhaliwyd ar 22 Mai 2018.

Tynnodd yr Arweinydd sylw at y cwestiynau a godwyd mewn perthynas â Chynllun Strategol y Gymraeg mewn Addysg a oedd yn adlewyrchu lefel uchel o graffu a fyddai'n well mewn pwyllgor archwilio. Gan fod y Cabinet yn fforwm gwneud penderfyniadau gofynnodd i'r aelodau ganolbwyntio ar argymhellion yr adroddiad a bod unrhyw eitem sydd angen ei graffu'n fanylach yn cael ei gyfeirio drwy'r broses archwilio.

**PENDERFYNWYD** y dylid cymeradwyo cofnodion y cyfarfod a gynhaliwyd ar 22 Mai 2018 fel cofnod cywir ac y dylai'r Arweinydd eu llofnodi.

## **5 GWELEDIGAETH A STRATEGAETH DWF AR GYFER ECONOMI GOGLEDD CYMRU: TREFNIADAU LLYWODRAETHU**

Cyflwynodd y Cynghorydd Hugh Evans yr adroddiad ynglŷn â'r Cytundeb Llywodraethu sy'n ofynnol er mwyn ffurfioli trefniadau cyfansoddiadol Bwrdd Uchelgais Economaidd Gogledd Cymru, a rhoi pwerau gwneud penderfyniadau iddynt o fewn y terfynau rhagnodedig.

Darparwyd rhywfaint o wybodaeth gefndir ynglŷn â chymeradwyaeth cydweithrediadau blaenorol er mwyn mabwysiadu'r Weledigaeth Twf a datblygu Cynnig Bergen Twf. Roedd y cam nesaf yn gofyn am gymeradwyaeth ar gyfer cam cyntaf y Cytundeb Llywodraethu gan chwe awdurdod lleol Gogledd Cymru-ceisiwyd cymeradwyaeth y Cabinet am ei fod yn ymwneud â threfniadau gweithredol yn amodol ar gymeradwyaeth y Cyngor Llawn ar gyfer y trefniadau anweithredol. Roedd y Cytundeb Llywodraethu cyntaf yn ymwneud â'r cam paratoadol a datblygiadol hyd at ganol mis Gorffennaf 2019. Wedi hynny byddai angen cymeradwyo Cytundeb Llywodraethu manylach i fynd i'r afael â cham gweithredu a darparu'r prosiect.

Croesawodd y Cabinet y cynnydd o ran datblygu'r Cynnig Twf a phwysleisio bod angen trefniadau llywodraethu cadarn, yn enwedig wrth symud ymlaen i'r ail gam o flaenoriaethu prosiectau yn y rhanbarth a'r cyfraniadau ariannol. Mewn ymateb i gwestiynau cafwyd yr ymatebion canlynol gan yr Arweinydd a Phennaeth Gwasanaethau'r Gyfraith, AD a Democrataidd -

- nodwyd aelodaeth y Bwrdd a oedd yn cynnwys cynrychiolwyr o'r chwe awdurdod lleol, dwy brifysgol, dau goleg addysg bellach a Chyngor Busnes Merswy Dyfrdwy Gogledd Cymru a chadarnhau'r darpariaethau sydd ar waith ar gyfer eilydd enwebedig a chynrychiolwyr ychwanegol i sicrhau parhad.
- Cadarnhawyd mai model cydbwyllgor yw'r mwyaf priodol o ran llywodraethu ar hyn o bryd ond gofynnwyd i Lywodraeth Cymru greu model sy'n fwy priodol gan mai dim ond yr awdurdodau lleol sydd â hawliau pleidleisio ac nid oes darpariaeth o'r fath ar gyfer y partneriaid.
- Ymhelaethwyd ar y map llywodraethu a oedd yn cynnwys fforwm budd-ddeiliaid gyda chynrychiolwyr o'r sectorau perthnasol a monitro'r Bwrdd ac eglurwyd y byddai'r ail gam yn cynnwys sefydlu nifer o is-grwpiau amrywiol.
- eglurwyd y darpariaethau yn Atodiad 1 (Polisi Dirprwyaeth), pwynt 21 a oedd yn ymwneud â materion achlysurol gydag unrhyw brif faterion yn cael eu cadw'n ôl fel y nodwyd yn y tabl.

- cynghorwyd bod pob awdurdod lleol yn cael eu cynrychioli ar y Bwrdd gan eu Harweinydd a byddai penderfyniadau'n cael eu llunio'n unol â'r trefniadau llywodraethu a gytunwyd gydag atebolrwydd clir.
- Eglurwyd bod cyllid o £50,000 wedi'i ymrwymo i symud ymlaen â'r gwaith cychwynnol ond byddai angen ystyried buddsoddiad pellach wrth i faterion symud ymlaen ac wrth i gostau prosiectau posibl a chyfraniadau ariannol ddod yn fwy eglur
- eglurwyd y trefniadau craffu a fyddai'n golygu craffu lleol yng nghanm cyntaf y Cytundeb Llywodraethu gyda'r posibilrwydd o graffu'n rhanbarthol yn yr ail gam.
- eglurwyd cyd-destun y Cynllun Datblygu Lleol o ran prosiectau posibl yn y dyfodol gyda Bodelwyddan wedi'i nodi fel blaenoriaeth ar gyfer yr ardal –nid oedd effaith ar y trefniadau presennol o ganlyniad i'r Cytundeb Llywodraethu.

### **PENDERFYNWYD –**

- Nodi a chroesawu'r cynnydd ar ddatblygiad y Cynnig Bargaen Twf;*
- Cymeradwyo cam cyntaf y Cytundeb Llywodraethu yn amodol ar gymeradwyaeth y Cyngor o'r trefniadau anweithredol h.y. trefniadau ar gyfer Craffu;*
- Cyflwyno drafft terfynol Cynnig Bargaen Twf i'r Cyngor i'w adolygu a'i gymeradwyo ym mis Medi / Hydref cyn y cam o lunio penawdau'r telerau gyda'r ddau Lywodraeth;*
- Y rhoddir yr awdurdod i'r Prif Weithredwr, Cyfarwyddwr Corfforaethol: Economi a'r Parth Cyhoeddus a Phennaeth y Gwasanaethau'r Gyfraith, AD a Democrataidd, mewn ymgynghoriad â'r Arweinydd, i benderfynu ar delerau terfynol y Cytundeb Llywodraethu'n unol â'r drafft sydd ynghlwm â'r adroddiad hwn, a*
- Bod y Cabinet yn cymeradwyo'r trefniadau gweithredol a nodwyd yn y Cytundeb Llywodraethu ac yn argymhell bod y Cyngor yn cymeradwyo eu cynnwys yn y Cyfansoddiad ynghyd â'r trefniadau anweithredol yn ymwneud â Chraffu.*

## **6 ADRODDIAD PERFFORMIAD Y CYNLLUN CORFFORAETHOL – CHWARTER 4 – 2017-18**

Cyflwynodd y Cyngorydd Julian Thompson-Hill yr adroddiad a oedd yn rhoi diweddariad i aelodau ar gyflawni Cynllun Corfforaethol 2017 - 22 ar ddiwedd chwarter 4 o 2017/18.

Roedd yr adroddiad yn cynnwys dwy brif elfen -

- Crynodeb Gweithredol – yn nodi cyflawniadau / eithriadau allweddol gyda dau ddarn o sylwebaeth ar gyfer pob blaenoriaeth:  
Statws Perfformiad a Chynnydd Rhaglen
- Adroddiad chwarterol llawn – wedi'i gynhyrchu o System Rheoli Perfformiad Verto ac yn darparu asesiad yn seiliedig ar dystiolaeth o'r sefyllfa bresennol.

Roedd eglurhad ar gyfer Statws Perfformiad a Chynnydd Rhaglen pob blaenoriaeth wedi'i gynnwys yn yr adroddiad gyda materion allweddol yn cael sylw a'u trafod ymhellach yn y cyfarfod. Roedd dau faes wedi'u hasesu fel Coch: Nid oedd Blaenoriaeth ar gyfer Gwella (1) Cymunedau Gwydn a (2) Pobl Ifanc o dan reolaeth uniongyrchol y Cyngor gyda mwy o gyfranogiad gan bartneriaid allanol. Disgwylir lefelau perfformiad isel ar y cam cynnar hwn ond dros amser disgwylir i'r lefelau perfformiad a rhaglen gyfateb â chanlyniad statws 'da' o leiaf. Cyfeiriwyd hefyd at y trefniadau llywodraethu a rôl y Byrddau Rhaglen wrth asesu briffiau prosiect ac achosion busnes.

Wrth ystyried yr adroddiad, trafododd yr Aelodau'r materion canlynol –

- eglurwyd y dulliau adrodd ar gyfer monitro perfformiad a chynnydd o ran cyflawni'r Cynllun Corfforaethol, roedd hyn yn cynnwys adroddiadau i'r Cabinet, Pwyllgorau Archwilio, Pwyllgor Llywodraethu Corfforaethol a'r Uwch Dîm Arweinyddiaeth.
- Darparodd y Cynghorydd Bobby Feeley ragor o wybodaeth am faterion yn ymwneud â'i phortffolio gan gynnwys datblygiadau tai gofal ychwanegol a fyddai'n lleihau'r niferoedd sy'n aros mewn cartrefi gofal preswyl; prosiect i ddarparu mwy o gefnogaeth i ofalwyr; adborth cadarnhaol ar gyfer y Pwynt Mynediad Sengl a Thimau Ardal i gefnogi annibyniaeth pobl, ac ystod o waith arall sydd ar y gweill i gymell gwelliannau
- Eglurodd y Cynghorydd Brian Jones fod y Strategaeth Priffyrdd wedi bod yn destun proses graffu gadarnhaol ac roedd darlun o waith stryd yn cael ei gyflwyno i'r Grwpiau Ardal Aelodau; adroddodd hefyd ar gynnydd y rhaglen triniaeth wyneb ffordd.
- Roedd y Cynllun yn fwriadol uchelgeisiol a heriol ac roedd wedi'i alinio ag amcanion y Bwrdd Gwasanaethau Cyhoeddus o ran blaenoriaethu Cymunedau Gwydn a Chlymu Cymunedau; ychwanegodd y Prif Weithredwr bod y Cynllun wedi derbyn blaenoriaeth a darparwyd sicrwydd o ran ei ddarpariaeth yn y dyfodol.
- Cwestiynodd y Cynghorydd Mabon ap Gwynfor y statws perfformiad derbyniol ar gyfer Clymu Cymunedau o ystyried cyflwr annerbyniol ffordd B4401 a diffyg gweithredu i fynd i'r afael â'r pryderon hynny. Eglurwyd y dull o asesu a meincodi perfformiad yn erbyn awdurdodau eraill yng Nghymru- fodd bynnag cydnabuwyd bod darnau o ffordd a oedd yn is na'r safonau hyn. Cytunodd y Cynghorydd Brian Jones y byddai'n olrhain y mater o ran B4401 ac anogodd yr unigolion i gofrestru digwyddiadau ar system CRM.
- cadarnhaodd y swyddogion bod y ffigwr cyffredinol ar gyfer tai cyngor newydd yn cynnwys prynu cyn-dai cyngor yn ôl a chytuno y byddant yn egluro'r mater mewn adroddiadau yn y dyfodol.
- Gofynnodd y Cynghorydd Rhys Thomas i'r Cabinet ystyried, er bod yr adroddiad yn cael ei fesur yn erbyn targedau cenedlaethol cyffredinol, roedd meysydd yn tanberfformio mewn cymunedau unigol ac na ddylid diystyru'r rhain.

**PENDERFYNWYD** bod y Cabinet yn derbyn yr adroddiad ac yn nodi'r cynnydd o ran cyflawni'r Cynllun Corfforaethol ar ddiwedd chwarter 4 o 2017/18.

## **7 SEFYDLU SYSTEM BRYNU DDEINAMIG AR GYFER GWASANAETHAU CLUDO TEITHWYR**

Cyflwynodd y Cynghorydd Brian Jones yr adroddiad yn ceisio cymeradwyaeth i ddechrau proses gaffael i sefydlu system brynu ddeinamig (DPS) ar gyfer cludiant i weithredu cludiant i ddysgwyr a gwasanaethau bws lleol ar draws Sir Ddinbych.

Byddai'r system yn disodli'r broses dendro draddodiadol gyda system gaffael sy'n fwy effeithlon, yn cefnogi anghenion busnes y cyngor a chynorthwyo i ddarparu gwerth am arian. Nid oedd cost ychwanegol o ganlyniad i'r System newydd a byddai'n galluogi'r cyngor i dendro am wasanaethau fel y caniateir yn y gyllideb.

Cyfeiriodd y Rheolwr Cludiant i Deithwyr at y trafodaethau gyda gwasanaethau gofal cymdeithasol oedolion a cheisio cymeradwyaeth y Cabinet i ychwanegu'r gwasanaeth hwn at fframwaith y System newydd ar yr amod bod yr holl ddogfennau gofynnol wedi'u paratoi erbyn terfyn amser Gorffennaf 2018. Canmolodd y Cynghorydd Bobby Feeley y broses newydd a chefnogi'r diwygiad i gynnwys gwasanaethau gofal cymdeithasol oedolion, ac fe gefnogwyd hyn gan y Cabinet.

**PENDERFYNWYD** bod y Cabinet yn –

- (a) *Cymeradwyo dechrau'r broses gaffael i sefydlu System Brynu Ddeinamig (DPS) ar gyfer cludiant i ddysgwyr a gwasanaethau bws lleol;*
- (b) *Awdurdodi Pennaeth y Gwasanaethau Priffyrdd a'r Amgylchedd i benodi cyflenwyr i'r System DPS yn ystod ei defnydd, ar yr amod bod y cyflenwyr yn diwallu'r meini prawf cymhwyso ar gyfer eu penodi; ac i dynnu cyflenwyr nad ydynt eisiau bod arno bellach neu nad ydynt yn bodloni'r meini prawf cymhwyso i fod yn rhan o'r DPS;*
- (c) *Awdurdodi Pennaeth y Gwasanaethau Priffyrdd a'r Amgylchedd i gynnal cystadlaethau bychan o dan y System yn ystod ei defnydd a dyfarnu contractau fel bo'r angen; a*
- (d) *Chadarnhau y gellir ymestyn y trefniadau i gludiant gofal cymdeithasol oedolion.*

## **8 SEFYDLU FFRAMWAITH CYNNAL A CHADW TAI GWAG**

Cyflwynodd y Cynghorydd Julian Thompson-Hill yr adroddiad oedd yn ceisio cymeradwyaeth i ddechrau proses gaffael a llunio contract i benodi nifer o gontractwyr i fframwaith i ymgymryd â gwaith adnewyddu i eiddo domestig gwag sy'n eiddo i'r cyngor (sy'n cael eu hadnabod fel unedau gwag).

Byddai darparu fframwaith yn lleihau'r costau a'r amser a dreulir yn cyflawni gwaith ar dai gwag a chredir mai dyma'r datrysiad mwyaf manteisiol. Roedd yr adroddiad yn cynnwys manylion llawn a manyleb y fframwaith arfaethedig gan gynnwys rhaniad pris 60% ac ansawdd 40% gyda gwerth disgwylidig o £11m dros bedair

blynedd. Roedd posibilrwydd caffael cydweithredol wedi'i ystyried ond wedi'i ddiystyru yn yr achos hwn oherwydd y gwahaniaethau mewn anghenion.

Darparodd Prif Swyddog - Eiddo a Stoc Tai Corfforaethol yr atebion canlynol i'r cwestiynau-

- ymhelaethodd ar yr adnoddau mewnol sydd ar gael i ymgymryd â gwaith ar dai gwag a oedd yn tueddu i ganolbwyntio ar waith adweithiol ac roedd yn destun adolygiad ar hyn o bryd
- Eglurodd y rhesymau dros y rhaniad 60% pris a 40% ansawdd a chydabod bod y prisiau yn tueddu i fod yn debyg ond byddai ansawdd yn cael ei fonitro drwy'r fframwaith – byddai'r broses newydd yn lleihau'r amser a dreulir ar y broses dendro ac yn caniatáu mwy o amser i ganolbwyntio ar ansawdd ac adolygu costau.
- pwysleisiodd bod angen contractwyr sydd wedi'u lleoli yn yr ardal leol a chyflogi preswylwyr Sir Ddinbych drwy gyfres o gynlluniau budd cymunedol gyda'r nod o wneud y mwyaf o'r twf economaidd lleol a disgwylir ymateb da gan contractwyr lleol
- cadarnhaodd cyfartaledd o 250 o eiddo gwag y flwyddyn ac eglurodd bod yr unedau gwag yn rhai dros dro sy'n aros am waith i wella eu safon ar gyfer tenantiaid newydd
- cydnabuwyd manteision y safonau ansawdd newydd ar gyfer tai cyn eu gosod ond roedd yr amser cyfnewid wedi cynyddu o ganlyniad; roedd disgwyliad y byddai'r amser cyfnewid yn lleihau ymhellach o dan y fframwaith newydd

**PENDERFYNWYD** bod y Cabinet yn cymeradwyo dechrau'r broses gaffael i sefydlu fframwaith a phenodi contractwyr ar gyfer y gwaith amrywiol.

Ar y pwynt hwn (11.30am) cymerodd yr aelodau egwyl am luniaeth.

## **9 ADRODDIAD ARIANNOL (SEFYLLFA ARIANNOL DERFYNOL 2017/18)**

Cyflwynodd y Cynghorydd Julian Thompson-Hill yr adroddiad ar y sefyllfa alldro referniw terfynol ar gyfer 2017/18 a'r driniaeth arfaethedig o gronfeydd wrth gefn a balansau.

Tywyswyd yr aelodau drwy fanylion yr adroddiad a'r atodiadau. Yn fyr, roedd y sefyllfa alldro derfynol ar gyllidebau corfforaethol a gwasanaeth (gan gynnwys ysgolion) yn danwariant o £1.244m (0.7% o'r gyllideb referniw net). Roedd y prif feysydd i'w nodi wedi cael eu hamlygu ac yn cynnwys gwell sefyllfa ariannol ar gyfer ysgolion (sefyllfa diffyg ariannol net o £0.343m, i lawr o £1.056m y llynedd), ynghyd â phwysau ar Wasanaethau Cymorth Cymunedol; Addysg a Gwasanaeth Plant a Gwasanaethau Priffyrdd a'r Amgylchedd, a thrafodwyd y materion hynny ymhellach yn y cyfarfod. Cyfeiriwyd at y trosglwyddiadau i ac o'r cronfeydd wrth gefn a glustnodwyd a chafodd nifer o drafodion diwedd y flwyddyn eu hargymell i'w cymeradwyo hefyd. Tynnwyd sylw hefyd at y sefyllfa o ran arenillion o Dreth y Cyngor. O ystyried y sefyllfa gyffredinol o fewn gwasanaethau ac argaeledd cyllid corfforaethol, cynigiwyd bod y gwasanaethau yn dwyn ymlaen y tanwariant net a restrir fel balansau gwasanaethau ymrwymedig er mwyn helpu i gyflawni strategaeth cyllideb 2018/19 a bodloni ymrwymadau sy'n bodoli eisoes.



Canolbwyntiodd y drafodaeth ar y meysydd canlynol -

- Gwasanaethau Addysg a Phlant – cafwyd trafodaeth ac eglurhad am y pwysau y mae'r gwasanaeth yn ei wynebu a'r ansicrwydd o ran costau lleoliadau y tu allan i'r sir a oedd yn cael effaith sylweddol ar y gyllideb ac y tu hwnt i reolaeth y Cyngor.  
Nodwyd bod hyn yn broblem genedlaethol ledled Cymru a'r DU ac roedd gwaith archwilio ar y gweill yn rhanbarthol i ystyried opsiynau i ddatblygu darpariaeth yn lleol er bod anghenion rhai o'r plant yn gymhleth iawn. Roedd uno'r Gwasanaethau Addysg a Phlant wedi darparu cyfleoedd i sefydlu mesurau ymyrraeth gynnar ac atal wrth weithio gyda phlant a phobl ifanc er mwyn ceisio atal yr anghenion rhag dwysau a darparu rhywfaint o wydnwch gan ddibynnu'n llai ar ddarpariaeth statudol.
- Ysgolion – Cydnabuwyd y pwysau yr oedd yr ysgolion yn eu hwynebu ond darparwyd sicrwydd bod prosesau cynllunio ariannol cadarn yn eu lle i gefnogi ysgolion gan arwain at welliant o ran y sefyllfa ariannol ar gyfer ysgolion gyda sefyllfa diffyg net llai o dros £300mil o gymharu â'r flwyddyn flaenorol.  
Gan fod gan rhai ysgolion falansau mawr gofynnwyd i Fforwm Cyllideb Ysgolion adolygu'r polisi ynglŷn â balansau ysgolion. Tynnwyd sylw at rôl bwysig y Cyrff Llywodraethu o ran rheoli ysgolion, yn enwedig o ran yr heriau ariannol y byddai'r ysgolion yn eu hwynebu yn y dyfodol.
- cytunodd y Pennaeth Cyllid y byddai'n darparu manylion i'r Cynghorydd Mark Young ynglŷn ag incwm blyneddol o'r mast ffôn symudol ar y Tŵr Awyr yn y Rhyl.  
Roedd incwm o'r fath yn cael ei gynnwys yn y gyllideb ar gyfer y gwasanaeth sy'n gyfrifol am yr ased.

Nododd y Cabinet bod y sefyllfa alldro cyffredinol yn dda o ystyried yr amgylchiadau presennol a chanmolodd yr Arweinydd y modd y cynhaliwyd y gwasanaethau o dan bwysau ac i safon uchel a diolchwyd i'r swyddogion am hynny.

**PENDERFYNWYD** bod y Cabinet yn –

- (a) *nodi'r sefyllfa alldro refeniw derfynol ar gyfer 2017/18;*
- (b) *cymradwyo'r driniaeth arfaethedig o gronfeydd a balansau wrth gefn fel y manylir yn yr adroddiad ac yn Atodiadau 1, 2 a 3 a*
- (c) *nodi manylion y trosglwyddiadau i ac o Gronfeydd Wrth Gefn a Glustnodwyd fel y nodwyd yn Atodiad 4.*

## 10 ADRODDIAD CYLLID

Cyflwynodd y Cynghorydd Julian Thompson-Hill adroddiad yn rhoi manylion ynglŷn â'r sefyllfa ariannol ddiweddaraf a'r cynnydd a wnaed yn erbyn y strategaeth gyllid y cytunwyd arni. Darparodd y crynodeb canlynol o sefyllfa ariannol y Cyngor –

- roedd cyllideb refeniw net y Cyngor ar gyfer 2018/19 yn £194.418m (£189.252m yn 2017/18)

- Rhagwelir y bydd gorwariant o £1.210 miliwn ar gyllidebau gwasanaeth a chorfforaethol
- nododd arbedion ac effeithiolrwydd a gytunwyd o £4.6m gan gynnwys y rhai a gyflawnwyd eisoes gan dybio y byddai'r holl effeithiolrwydd/ arbedion gwasanaeth yn cael eu darparu - byddai unrhyw eithriadau yn cael eu hadrodd i'r Cabinet pe bai angen
- amlygwyd y risgiau ar hyn o bryd a'r gwahaniaethau mewn perthynas â meysydd gwasanaeth unigol, a
- darparwyd diweddariad cyffredinol ar y Cyfrif Refeniw Tai, y Cynllun Cyfalaf Tai a'r Cynllun Cyfalaf (gan gynnwys elfen y Cynllun Corfforaethol).

Holodd yr Arweinydd ynglŷn â'r pwysau parhaus a nodwyd yn yr Adran Prifffyrdd a'r Amgylchedd yn ymwneud â'r diffyg incwm o ganlyniad i faint y gwaith a'r ad-daliadau gan Asiantaeth Cefnffyrdd Gogledd a Chanolbarth Cymru. Cadarnhaodd y Cynghorydd Brian Jones nad oedd y lefelau incwm blaenorol yn bosibl bellach ac roedd y gwasanaeth yn adolygu'r mater. Ychwanegodd y Pennaeth Cyllid y byddai'r pwysau yn cael ei ystyried fel rhan o broses cyllideb 2019/20. Mewn ymateb i gwestiwn gan y Cynghorydd Bobby Feeley, darparodd y Cynghorydd Huw Hilditch-Roberts sicrwydd y gellir cynnwys cyllid i fynd i'r afael â'r angen ar gyfer mwy o ofod awyr agored yn Ysgol Stryd y Rhos yng Nglasdir o fewn y gyllideb arian at raid heb unrhyw gostau ychwanegol.

**PENDERFYNWYD** bod y Cabinet yn nodi'r cyllidebau a bennwyd ar gyfer 2018/19 a'r cynnydd a wnaed yn erbyn y strategaeth gyllidol a chytunwyd arni.

## 11 RHAGLEN GWAITH I'R DYFODOL Y CABINET

Cyflwynwyd Rhaglen Gwaith i'r Dyfodol y Cabinet i'w hystyried a nodwyd y byddai gwerthusiad opsiynau ar gyfer darpariaeth gorfodaeth troseddau amgylcheddol yn y sir yn y dyfodol yn cael ei ychwanegu at raglen waith mis Medi.

**PENDERFYNWYD** Nodi Rhaglen Gwaith i'r Dyfodol y Cabinet.

### Gwahardd y wasg a'r cyhoedd

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

## 12 DYRANNU CONTRACT GWASANAETHAU YSWIRIANT

Cyflwynodd y Cynghorydd Julian Thompson-Hill adroddiad cyfrinachol yn ceisio cymeradwyaeth i ddyfarnu contract yswiriant y Cyngor i'r darparwyr a enwyd fel y nodwyd yn yr adroddiad.

Roedd contract yswiriant presennol y Cyngor yn dod i ben ar 30 Gorffennaf 2018 ac roedd angen contract newydd o'r dyddiad hwn ymlaen. Roedd manylion y rhaglen yswiriant wedi'u cynnwys yn yr adroddiad ynghyd â gwerthusiad o'r tendrau a gyflwynwyd ac roedd yr argymhellion yn seiliedig ar yr opsiwn mwyaf economaidd.

Nodwyd nad oedd yswiriant yn faes sy'n addas ar gyfer caffael mewn cydweithrediad oherwydd gofynion unigol. Ymhelaethodd y swyddogion ar y broses dendro a gwerthuso mewn ymateb i'r cwestiynau ac roedd y Cabinet yn falch o nodi y gellir arbed costau o ystyried amodau presennol y farchnad heb unrhyw fwllch mewn darpariaeth na chynnydd mewn tâl atodol.

**PENDERFYNWYD** bod y Cabinet yn –

- (a) *Dyfarnu'r contract i'r ddau ddarparwr yswiriant a nodwyd ar gyfer Eitemau 1-6 fel y nodwyd yn yr adroddiad ar gontract tair blynedd gyda'r opsiwn bod y Cyngor yn ymestyn am ddwy flynedd arall ac opsiwn arall bod y Cyngor yn ymestyn am ddwy flynedd arall wedi hynny yn dibynnu ar amodau'r farchnad (fel y nodir yn yr Adroddiad Argymhellion Dyfarnu Contract sydd ynghlwm yn Atodiad 1 yr adroddiad), ac*
- (b) *Awdurdodi Pennaeth Gwasanaethau'r Gyfraith, AD a Democrataidd i gytuno a llunio contract priodol gyda phob yswiriwr er mwyn penodi yswiriwr fel darparwr yswiriant y Cyngor.*

Daeth y cyfarfod i ben am 12.30pm.

Mae tudalen hwn yn fwriadol wag

Adroddiad i'r: Cabinet

Dyddiad y Cyfarfod: 25 Medi 2018

Aelod / Swyddog Arweiniol: Hugh Evans / Emlyn Jones

Awduron yr Adroddiad: Mike Horrocks a Nicola Caie

Teitl: Ardal Gwella Busnes (AGB) Y Rhyl

## 1. Am beth mae'r adroddiad yn sôn?

Mae'r adroddiad yn sôn am ddatblygiad Ardal Gwella Busnes y Rhyl a hwylusir gan y Cyngor fel rhan o'i waith i gefnogi cymuned fusnes gryfach yn y dref.

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

- Diweddaru'r Cabinet am ddatblygiad Ardal Gwella Busnes (AGB) y Rhyl.
- Cadarnhau nad yw'r AGB yn gwrthdaro ag unrhyw bolisiau presennol sy'n gysylltiedig â chylch yr AGB.
- Cytuno ar safle pleidleisio o ran eiddo sy'n perthyn i Gyngor Sir Ddinbych yng nghanol y dref.

## 3. Beth yw'r Argymhellion?

- a) Bod y Cabinet yn cadarnhau eu bod wedi darllen, deall ac ystyried yr Asesiad o Effaith ar Les (Atodiad 1) fel rhan o'u hystyriaethau.
- b) Bod y Cabinet yn nodi cynnwys y Cynllun Busnes AGB (Atodiad 2) ac argymhelliad y Swyddog nad oes unrhyw sail i roi fetó o dan Ddeddfwriaeth AGB Cymru (2005) (Atodiad 3) gan nad yw'n gwrthdaro ag unrhyw bolisiau lleol presennol nac yn gosod baich anghymesur ar fusnesau penodol yn yr ardal.
- c) Bod y Cabinet yn cytuno i gefnogi sefydlu'r AGB trwy bleidleisio 'o blaid' ym mhleidlais yr AGB mewn perthynas â phob un eiddo ardrethadwy cymwys sydd gan y Cyngor yn yr AGB.
- d) Os cytunir ag (c) uchod, bod y Cabinet yn cytuno i ddirprwyo awdurdod i'r Cyfarwyddwr Corfforaethol: Economi a Pharth Cyhoeddus i fwrw pleidleisiau mewn perthynas â phob eiddo ardrethadwy cymwys sydd gan y Cyngor yn yr AGB.

## 4. Manylion yr Adroddiad

- 4.1 Mae AGB yn fodel sefydledig ac mae dros 200 ohonynt wedi cael eu sefydlu ledled y DU gyda'r mwyafrif ohonynt yng nghanol trefi. Mae Ardal Gwella Busnes yn rhoi pŵer i fusnesau lleol ddod at ei gilydd, penderfynu pa welliannau yr hoffent eu gwneud mewn ardal ddaearyddol ddifiniedig a chodi arian i gyflawni'r gwelliannau hynny. Fel arfer mae Ardaloedd Gwella Busnes yn cael eu rhedeg fel cwmnïau di-elw ac yn cael eu rheoli gan y busnesau sy'n eu hariannu.
- 4.2 Ni chyfyngir ar y prosiectau na'r gwasanaethau y gellir eu darparu trwy AGB. Yr unig orfodaeth yw bod yn rhaid iddo fod yn rhywbeth sy'n ychwanegu at wasanaethau a ddarperir gan awdurdodau lleol. Fel rhan o broses yr AGB mae gofyn i'r Cyngor gwblhau datganiadau gwasanaeth sylfaenol sy'n gosod allan lefelau presennol darpariaethau gwasanaeth ym mhob ardal AGB boed yn ddarpariaeth statudol neu anstatudol (enghraifft yn Atodiad 4).
- 4.3 Mae'r broses o ddatblygu AGB yn cynnwys ymgynghori'n ddwys â busnesau ac o hynny fe gynhyrchir Cynnig ar gyfer AGB ac fe gynhelir pleidlais 28 diwrnod trwy'r post lle bydd busnesau'n pleidleisio 'o blaid' neu 'yn erbyn' y cynnig. Y Cynnig ar gyfer yr AGB yw'r ddogfen allweddol y mae busnesau yn pleidleisio arni. Mae'n gosod allan sut y bydd yr AGB yn gweithio (incwm arfaethedig, gwariant, ardal AGB a mesurau perfformiad) a sut y caiff yr Ardoll AGB ei wario yn y dref.

- 4.4 Cyn y gellir sefydlu'r AGB, rhaid i ddau amod gael eu cyflawni; yn gyntaf, rhaid i fwyafrif y pleidleiswyr bleidleisio 'o blaid' ac yn ail mae'n rhaid i'r nifer sy'n pleidleisio 'o blaid' gynrychioli mwy na 50% o gyfanswm gwerth trethiannol yr holl bleidleisiau a fwriwyd. Os cyflawnir y ddau fwyafrif gellir sefydlu'r AGB a bydd pob busnes o fewn y ffin ddiffiniedig yn atebol am dalu'r ardoll p'un a wnaethant bleidleisio "o blaid" neu "yn erbyn" yn y bleidlais. Os caiff AGB ei sefydlu, bydd yn weithredol am uchafswm o bum mlynedd. Os yw'r AGB yn dymuno parhau ar ôl hynny, bydd yn rhaid llunio cynnig newydd a chynnal pleidlais arall.
- 4.5 Mae gan yr awdurdod lleol rôl statudol yn natblygiad a gweithrediad Ardaloedd Gwella Busnes sy'n cynnwys cynnal y bleidlais a chasglu a gorfodi'r ardoll. Mae'n rhaid i'r awdurdod hefyd gadarnhau nad yw'r AGB arfaethedig yn gwrthdaro â chynlluniau a rhaglenni'r ardal. Os yw'r awdurdod lleol yn credu fod trefniadau'r Ardal Gwella Busnes yn debygol o wrthdaro i raddau helaeth â pholisi presennol, neu os yw'n gosod baich ariannol ar dalwyr ardrethi neu fod baich yr ardoll yn annheg, gall benderfynu rhoi feto ar y cynigion<sup>1</sup>.
- 4.6 Ym mis Mai 2016 gwahoddodd Tîm Datblygu Economaidd a Busnes (DEB) y Cyngor fusnesau a chynghorau tref o bob rhan o'r sir i [ymweld ag AGB bresennol](#) er mwyn dysgu am y cyfleoedd a gyflwynir. Daeth tair tref ymlaen i ddechrau a phenderfynodd y Rhyl a Phrestatyn fynd ymlaen i archwilio'r buddion posibl ymhellach ond roedd busnesau Dinbych yn teimlo nad oedd yn addas iddyn nhw. Yn dilyn proses gaffael gystadleuol, penodwyd Mosaic Partnership ym mis Mawrth 2017 i weithio gyda busnesau yn y Rhyl a Phrestatyn i gynnal astudiaeth o ddichonoldeb sefydlu AGB a datblygu cynnig i bleidleisio arno wedi hynny. Yn dilyn hyrwyddiad cynllun Llywodraeth Cymru i annog datblygiad Ardaloedd Gwella Busnes, mae Tîm DEB y Cyngor wedi bod yn cefnogi cymuned fusnes Llangollen yn ddiweddar i wneud cais llwyddiannus am gyllid gan Lywodraeth Cymru.
- 4.7 Yn dilyn argymhelliad yn y cam dichonoldeb y byddai AGB yn ddichonadwy yn y Rhyl, mae Mosaic wedi creu Grŵp Gorchwyl o aelodau o'r gymuned fusnes leol. Emlyn Jones, Pennaeth y Gwasanaeth Cynllunio a Gwarchod y Cyhoedd yw cynrychiolydd CSDd. Mae'r Grŵp Gorchwyl, a gefnogir gan Mosaic, wedi cynnal ymgynghoriad gyda busnesau, ymchwil i'r farchnad a chynllunio prosiectau i ddatblygu Cynllun Busnes AGB, mae hyn wedi cynnwys trafodaethau wyneb yn wyneb, arolwg ar-lein a digwyddiadau / gweithdai ymgynghori yng nghanol y dref.
- 4.8 Mae crynodeb cynllun busnes wedi'i lunio (Atodiad 5) sy'n cynnwys ffin arfaethedig yr AGB a manylion y prosiectau arfaethedig. Mae'r gwaith o ymgysylltu â busnesau ynglŷn â chynnwys Cynllun Busnes yr AGB yn parhau, ond ar sail yr ymatebion hyd yma cynigir y bydd yr AGB yn cyflawni'r pethau canlynol yn y Rhyl:

Maes y Prosiect	Gweithgareddau Arfaethedig
<b>Glanhau a Chynnal a Chadw</b>	Archwilio, monitro a chraffu rhaglenni glanhau presennol ac ychwanegu gwerth a gwella'r rhain yn strategol lle bo hynny'n briodol.
<b>Cymorth Busnes</b>	Mentrau yn ymwneud â denu buddsoddiad cyhoeddus a busnesau newydd, gan fynd i'r afael â'r broblem adeiladau gwag a gostwng costau busnes.
<b>Diogel a Chroesawgar</b>	Gweithio gydag asiantaethau presennol i asesu manau problemus o ran diogelwch, yn ogystal ag ymddygiad gwrthgymdeithasol a chynllunio'n rhagweithiol i gydweithio gan ddefnyddio'r dechnoleg ddiweddaraf i ostwng problemau.
<b>Marchnata a Hyrwyddo</b>	Gweithio gyda phob rhanddeiliad i gyflwyno brand positif i'r Rhyl er mwyn newid y ddelwedd negyddol sydd gan y dref yn ôl pob tebyg.
<b>Dylanwad Strategol ac Eiriolaeth</b>	Lobïo llywodraethau lleol, datganoledig a chanolog yn effeithiol ar bolisi a chyllid megis ardrethi busnes, cludiant a chynllunio a datblygu yn ogystal â chael dylanwad go iawn ar ymddangosiad y Rhyl yn y dyfodol.

- 4.9 Yn y Rhyl, cynigir bod pob busnes cymwys yn talu ardoll o ryw 2% o werth ardrethol eu safle. Bydd busnesau bach sydd â gwerth ardrethol llai na £5,000, elusennau nad ydynt yn ennill unrhyw incwm masnachol, busnesau di-elw sy'n gwbl ddibynol ar danysgrifwyr a gwirfoddolwyr a busnesau sy'n disgyn i'r sectorau diwydiannol, gweithgynhyrchu, storfeydd a gweithdai yn cael eu heithrio rhag talu'r

<sup>1</sup> <https://www.legislation.gov.uk/wsi/2005/1312/regulation/12/made>

ardoll. Gall busnesau sy'n cael eu heithrio ddewis gwneud cyfraniad gwirfoddol sy'n rhoi hawl iddynt i'r holl brosiectau a gwasanaethau a amlinellir yn y Cynllun Busnes. Yn seiliedig ar yr ardoll arfaethedig o 2%, y refeniw a amcangyfrifir ar gyfer AGB y Rhyl yw £252,000 y flwyddyn.

- 4.10 Y dyddiad arfaethedig ar gyfer pleidlais yr AGB (dyddiad olaf y bleidlais) yw 22 Tachwedd 2018. Cyn y bleidlais bydd cynllun busnes terfynol yn cael ei anfon at bob pleidleisiwr cymwys yng nghylch yr AGB yn ogystal â'r Awdurdod Lleol.
- 4.11 Ar ôl adolygu'r cynigion ar gyfer yr AGB, mae'r swyddog yn argymhell nad oes unrhyw sail i roi feto ar y cynnig ar gyfer yr AGB yn unol â Deddfwriaeth AGB (Cymru) 2005.
- 4.12 Os bydd mwyafrif y pleidleisiau 'o blaid', bwriedir dechrau'r AGB ym mis Ebrill 2019 ac y bydd ei dymor cyntaf yn para 5 mlynedd. Caiff cwmni cyfyngedig drwy warant corfforedig ei sefydlu i gyflawni'r Cynllun Busnes / Cynigion. Bydd yn gyfrifol am gyflawni gwasanaethau'r AGB a bydd yn cyflogi staff fel sy'n briodol i weithredu rhaglen Bwrdd yr AGB o ddydd i ddydd.

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

- 5.1 O dan Thema 5 Strategaeth Uchelgais Economaidd a Chymunedol 2013-2023 y Cyngor (Trefi a Chymunedau sy'n Ffynnu) mae'r gwaith o ddatblygu AGB sy'n cael ei wneud gan y Tîm Datblygu Economaidd a Busnes yn ceisio cynorthwyo i wella balchder busnesau ac arweinyddiaeth yn ein trefi. Mae'n rhan o strategaeth hirdymor i ymgysylltu â'r gymuned fusnes er mwyn cynyddu perchnogaeth leol a dealltwriaeth o heriau / problemau ac – yn hanfodol – sicrhau'r adnoddau sy'n ofynnol i fynd i'r afael â nhw.
- 5.2 Mae gwaith yr AGB yn cefnogi nod Cynllun Corfforaethol y Cyngor i "weithio gyda phobl a chymunedau i feithrin annibyniaeth a chryfder", gan ddod â rhanddeiliaid at ei gilydd a datblygu partneriaeth i gefnogi gwelliannau yng nghanol y dref a fydd yn llesol i'r rheiny sy'n byw, yn gweithio ac ymweld â'r ardal.
- 5.3 Mae'r AGB arfaethedig yn darparu model sy'n gynaliadwy yn ariannol i gefnogi gwellhad parhaus Canol Tref y Rhyl. Mae'n cynnig cyfle arwyddocaol ar gyfer gwaith gwella cydweithredol gyda ffocws arbennig ar y materion hynny a osodir yn y Cynllun Busnes, gyda llawer ohonynt yn gydnaws â blaenoriaethau CSDd.
- 5.4 Mae'r AGB yn cyd-fynd i raddau helaeth â'r gwaith Cynllunio Meistr a wneir yn y Rhyl ar hyn o bryd dan arweiniad y cyngor.

## **6. Beth fydd cost hyn a beth fydd ei effaith ar wasanaethau eraill?**

- 6.1 Mae costau datblygu'r AGB yn cael eu talu gan gyllideb y Tîm Datblygu Economaidd a Busnes o fewn y Gwasanaeth Cynllunio a Gwarchod Y Cyhoedd.
- 6.2 Gwasanaethau Cyfreithiol, AD a Democrataidd
  - 6.2.1 Sefydlir Ardal Gwella Busnes yn unol â Rheoliadau Ardaloedd Gwella Busnes (Cymru) 2005<sup>2</sup>. Bydd gofyn i'r awdurdod lleol reoli'r broses bleidleisio ffurfiol, bydd y bleidlais yn cael ei chynnal trwy'r post ar gyfer pob busnes yng nghylch yr AGB sy'n atebol i dalu Ardoll yr AGB. Caiff ei gynnal gan Electoral Reform Services Ltd ar ran y Swyddog Canlyniadau. Bydd Cwmni'r AGB yn talu'r costau hyn (£1,810) os bydd yn llwyddiannus neu cyllideb y Tîm Datblygu Economaidd a Busnes os nad yw'r AGB yn llwyddiannus.
  - 6.2.2 O dan y ddeddfwriaeth AGB mae gofyn i'r Cyngor gasglu'r ardoll (bydd Civica yn ymgymryd â'r gwaith hwn yn Sir Ddinbych) ar ran y Cwmni AGB. Telir y costau hyn gan yr AGB. Bydd yr AGB a'r awdurdod lleol yn arwyddo Cytundeb Gweithredu er mwyn llywodraethu sut y caiff arian ardoll yr AGB ei gasglu, ei weinyddu a'i drosglwyddo i Gwmni'r AGB.
- 6.3 Y Cyngor fel talwr ardoll

<sup>2</sup> <https://www.legislation.gov.uk/wsi/2005/1312/contents/made>

- 6.3.1 Os bydd mwyafrif y pleidleisiau “o blaid” yn y bleidlais ac os sefydlir AGB yn y Rhyl, bydd y Cyngor yn atebol am dalu cyfraniad Ardoll yr AGB ar bob un o'i eiddo. Yn seiliedig ar ardoll o 2%, uchafswm posibl cost yr ardoll i Gyngor Sir Ddinbych fyddai £28,900 y flwyddyn er y disgwyliwn i hwn fod yn is.
- 6.3.2 Byddai cyfraniad y Cyngor yn helpu i greu cyfanswm cyllid o ryw £252,000 y flwyddyn i'w wario yng nghylch yr AGB ar brosiectau a flaenoriaethir gan y Gymuned Fusnes. Byddai pob £1 a gyfrannir gan y Cyngor yn eistedd ochr yn ochr â £7.72 o fuddsoddiad y sector preifat. Mae hyn yn cyfateb i enillion blyneddol o 779% ar fuddsoddiad. Gellir defnyddio cyllid a godir gan yr AGB i ysgogi cymorth grant ychwanegol gan ystod eang o ffynonellau.

## **7. Beth yw prif gasgliadau'r Asesiad o'r Effaith ar Les?**

- 7.1 Mae'r cynnig yn cyfrannu'n gadarnhaol at les cenedlaethau'r dyfodol, gweithio gyda sefydliadau partner a'r gymuned fusnes i gynyddu effeithiau cadarnhaol a lleihau effeithiau negyddol lle bo hynny'n bosibl.

## **8. Pa ymgynghoriadau a gynhaliwyd gyda'r Pwyllgorau Craffu ac eraill?**

- 8.1 Gwelir isod yr hyn a gyflawnwyd:

- Cynhaliwyd Astudiaeth Ddichonoldeb AGB lawn yn 2017 a oedd yn cefnogi datblygiad AGB yn y Rhyl, roedd ymgynghoriadau yn ystod y cyfnod dichonoldeb yn cynnwys:
  - Arolwg o fusnesau (ymatebodd 80)
  - 30 o gyfarfodydd wyneb yn wyneb gyda Rhanddeiliaid Allweddol a Busnesau
  - Arolwg o holl Fusnesau Cenedlaethol / Prif Swyddfeydd
  - 2 Weithdy Busnes
- Creu Grŵp Gorchwyl AGB o 10 o aelodau sy'n goruchwyllo datblygiad yr AGB ac sy'n cynnwys busnesau o bob un o sectorau busnes Canol y Dref yn ogystal ag asiantaethau cyhoeddus – mae hwn yn cyfarfod yn fisol.
- Dosbarthwyd Taflen Ffeithiau a newyddlen AGB at bob talwr ardoll posibl (548 o fusnesau) a datblygwyd gwefan AGB y Rhyl.<sup>3</sup>
- Mae ymweliadau a chyswllt personol â busnesau yn parhau
- Cyflwyniad i'r Uwch Dîm Arweinyddiaeth ym mis Gorffennaf 2017
- Cyfarfod briffio gyda'r Aelod Arweiniol, y Cynghorydd Hugh Evans ym mis Hydref 2017
- Cyflwyniadau i Grŵp Ardal Aelodau y Rhyl a Grŵp Cyfeirio y Rhyl
- Cyflwyniadau a Gweithdai yng nghyfarfodydd brecwast Grŵp Busnes Y Rhyl – Mawrth 2018, Gorffennaf 2018 a Hydref 2018.
- Cyfarfod gyda'r Rheolwr Gwasanaethau Democrataidd ym mis Gorffennaf 2018
- Mae datganiadau llinell sylfaen wedi cael eu cwblhau ar gyfer pob gwasanaeth gofynnol yng nghylch AGB y Rhyl ar y cyd â'r Penaethiaid Gwasanaeth.

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

Mae costau datblygu'r AGB yn cael eu hariannu. Os yw'n llwyddiannus bydd cost ychwanegol i'r cyngor a bydd yn rhaid iddo gael ei gynnwys fel pwysau cyllideb.

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

- 10.1 Gallai busnesau bleidleisio yn erbyn y cynigion ar gyfer AGB yn y bleidlais, os bydd mwyafrif y pleidleisiau "yn erbyn" ni sefydlir yr AGB a byddai hynny'n arwain at golli gwerth oddeutu £252,000 o refeniw y flwyddyn i'r ardal. I leihau'r risg hon mae'r Grŵp Gorchwyl yn creu Cynllun Busnes cadarn sydd wedi bod yn destun ymgynghoriad eang ac sy'n dangos gwerth am arian i holl dalwyr posibl yr ardoll.

## **11. Pŵer i wneud y Penderfyniad**

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<sup>3</sup> [www.rhylbid.co.uk](http://www.rhylbid.co.uk).



- 11.1 Adran 2, Deddf Llywodraeth Leol 2000. Y pŵer i ymgymryd â gweithgareddau i hyrwyddo lles cymdeithasol, economaidd neu amgylcheddol yr ardal.

Mae tudalen hwn yn fwriadol wag

# Development of Business Improvement District(s) in Rhyl & Prestatyn

## Wellbeing Impact Assessment Report

This report summarises the likely impact of a proposal on the social, economic, environmental and cultural well-being of Denbighshire, Wales and the world.

Assessment Number:	150
Brief description:	Exploring the feasibility of creating Business Improvement Districts within Rhyl and Prestatyn. Subject to a positive outcome from the feasibility stage we would then look to begin the development work and move towards the ballot and set up of the BID(s).
Date Completed:	Version: 0
Completed By:	
Responsible Service:	Planning & Public Protection
Localities affected by the proposal:	Prestatyn, Rhyl,

# IMPACT ASSESSMENT SUMMARY AND CONCLUSION

Before we look in detail at the contribution and impact of the proposal, it is important to consider how the proposal is applying the sustainable development principle. This means that we must act "in a manner which seeks to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs."

## Score for the sustainability of the approach

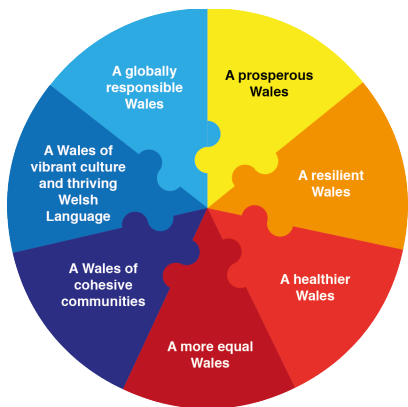
Could some small changes in your thinking produce a better result?  
(3 out of 4 stars)



Actual score: 17/ 24.

## Summary of impact

Wellbeing Goals



A prosperous Denbighshire	Positive
A resilient Denbighshire	Neutral
A healthier Denbighshire	Positive
A more equal Denbighshire	Neutral
A Denbighshire of cohesive communities	Positive
A Denbighshire of vibrant culture and thriving Welsh language	Neutral
A globally responsible Denbighshire	Neutral

## Main conclusions

The proposal contributes positively to the wellbeing of future generations, working with partner organisations and the business community to maximise positive effects and minimising negative effects where possible.

# THE LIKELY IMPACT ON DENBIGHSHIRE, WALES AND THE WORLD

## A prosperous Denbighshire

Overall Impact:	Positive
Justification for Impact:	The main purpose of the proposal is to engage and empower the business community to improve the trading condition within their town centre. This will improve business representation and give them a voice in issues affecting the economy of the area.

### Positive consequences identified:

Development of the BID is as much about, informing and educating businesses as it is on developing a coherent and robust business plan.

Throughout the feasibility stage, the business communities will have the opportunity to work together to identify common issues and opportunities through public meetings, workshops, a Steering Group and interviews.

If the BID progresses, the business plan will be developed with the business community to reflect their desires, which will then be delivered using the BID levy.

The purpose of the BID would be to improve the trading conditions within the Towns improving the prospects for new and existing jobs.

### Unintended negative consequences identified:

### Mitigating actions:

## A resilient Denbighshire

Overall Impact:	Neutral
Justification for Impact:	The development of the BID will have limited impact, however the actions delivered by the BID may, this is unknown at this early stage.

### Positive consequences identified:

BIDs work to minimise resource use and local inefficiencies

### Unintended negative consequences identified:

### Mitigating actions:

## A healthier Denbighshire

Overall Impact:	Positive
Justification for Impact:	Residents will be positively impacted on by having a healthy local business community

### **Positive consequences identified:**

There will be a knock on impact of a healthy business community for residents including jobs, access to services and improved neighbourhoods from initiatives delivered through BIDs plus having a generally more positive business community investing in the town.

### **Unintended negative consequences identified:**

### **Mitigating actions:**

## A more equal Denbighshire

Overall Impact:	Neutral
Justification for Impact:	The development of the BID will not have an impact, however the actions delivered by the BID may, this is unknown at this early stage.

**Positive consequences identified:**

**Unintended negative consequences identified:**

**Mitigating actions:**



## A Denbighshire of cohesive communities

Overall Impact:	Positive
Justification for Impact:	The BID model is dependant upon the business community voting to make it happen and being actively involved in the development, this will offer opportunities for them to have their say in its development.

### Positive consequences identified:

The development of the BID is an opportunity for the business community to take control of the issues affecting their town and develop a Business Plan to address these.

The BID model promotes resilience amongst the business community – giving them tools and resources to effect positive change and respond to their changing circumstances.

### Unintended negative consequences identified:

### Mitigating actions:

## A Denbighshire of vibrant culture and thriving Welsh language

Overall Impact:	Neutral
Justification for Impact:	

### Positive consequences identified:

Materials produced as part of the development process will be bilingual.

The proposal aims to support local independent businesses to flourish, enabling the county to maintain a key part of its unique identity.

### Unintended negative consequences identified:

### Mitigating actions:

## A globally responsible Denbighshire

Overall Impact:	Neutral
Justification for Impact:	Negatives are balanced against positives

### **Positive consequences identified:**

There will be opportunities for local suppliers throughout the development process (e.g. design and print) as well as opportunities in delivering projects identified by the BID.

### **Unintended negative consequences identified:**

Due to the specialist nature of the work, the consultant contracted to work on the development may be from outside the local area.

### **Mitigating actions:**

Promote local procurement

Mae tudalen hwn yn fwriadol wag

Document is Restricted

Mae tudalen hwn yn fwriadol wag

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WELSH STATUTORY INSTRUMENTS

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**2005 No. 1312**

**The Business Improvement Districts (Wales) Regulations 2005**

**Veto of BID proposals**

**12.**—(1) For the purposes of section 51(2) of the Act, the prescribed circumstances are that the relevant billing authority is of the opinion that the BID arrangements are likely —

- (a) to conflict to a material extent with any policy formally adopted by and contained in a document published by the authority (whether or not the authority is under a statutory duty to prepare such document); or
- (b) to be a significantly disproportionate financial burden on any person or class of persons (as compared to the other non-domestic ratepayers in the geographical area of the BID) and —
  - (i) that burden is caused by the manipulation of the geographical area of the BID or by the structure of the BID levy; and
  - (ii) that burden is inequitable.

(2) For the purposes of section 51(2) of the Act, the prescribed period is 15 working days from the day of the ballot.

(3) For the purposes of section 51(3) of the Act, the prescribed matters to which the relevant billing authority must have regard in deciding whether to exercise its veto are —

- (a) the level of support (as evidenced by the result of the BID ballot or re-ballot of a BID ballot, as the case may be) for the BID proposals;
- (b) the nature and extent of the conflict referred to in paragraph (1)(a);
- (c) in relation to paragraph (1)(b), the structure of the proposed BID levy and how the financial burden of the BID is to be distributed amongst ratepayers in the geographical area of the BID;
- (d) the extent to which the BID proposer discussed the BID proposals with the authority before submitting the BID proposals to the authority under regulation 4; and
- (e) the cost incurred by any person up to the end of the period prescribed in paragraph (2) in developing the BID proposals and canvassing in relation to the BID proposals.

Mae tudalen hwn yn fwriadol wag



## **Baseline Service Statement**

**Baseline Activity:** Public Conveniences  
**Head of Service:** Jamie Groves  
**Date:** 27/7/2018

<b>Number of Staff &amp; Equipment</b>	<p>14 full time staff and 2 seasonal staff supported by Contracts &amp; Facilities (C&amp;F) management team within the Facilities, Assets and Housing (FAH) Service.</p> <p>Three vans in use. Stores are located at Unit 5 Morfa Clwyd, Rhyl.</p>
<b>Specification</b>	<p><b><u>Daily Inspection and Cleansing</u></b></p> <ul style="list-style-type: none"> <li>• Daily Inspection and Cleaning</li> <li>• Each toilet block is inspected and cleaned two or three times per day, depending upon location and season</li> <li>• All cleaning materials used are environmentally friendly.</li> <li>• Toilets are well maintained inside and out.</li> <li>• Blockages and maintenance issues are attended to within same working day</li> <li>• Sanitary waste bins are provided and are emptied daily</li> </ul> <p><b><u>Accessible Toilets &amp; Baby Change Facilities</u></b></p> <p>Accessible toilets require a RADAR key to enter. RADAR is a national scheme.</p> <p>Locations of public conveniences with disabled and/or baby change facilities are listed on the Denbighshire County Council website.</p> <p><b><u>Opening Hours</u></b></p> <p>Listed on Denbighshire County Council website.</p>
<b>Performance Measure</b>	<ul style="list-style-type: none"> <li>• Income targets and income generation</li> <li>• Daily Inspection and Cleaning managed operationally day to day</li> <li>• Maintenance issues are attended to within same working day</li> <li>• Level of complaints and compliments received</li> </ul>

<b>Non - Compliance Procedure</b>	<ul style="list-style-type: none"> <li>• Performance issues raised through FAH Lead Officer Group (LOG) meetings and formal one to one between Lead Officer for C&amp;F and FAH Head of Service Management</li> <li>• Also raised through Cleaning Management Team meetings and formal one to one meetings between C&amp;F Lead Officer and Cleaning and Public Convenience Managers.</li> </ul>
<b>Existing Value of Contract</b>	DCC budget allocation for Public Conveniences £253,716
<b>Boundary Area</b>	Entire County Council area
<b>Suggested Additional BIDs Activity</b>	
<b>Estimated Cost of Additional BIDs Activity</b>	

Adroddiad i'r: Y Cabinet

Dyddiad y cyfarfod: 25 Medi 2018

Aelod / Swyddog Arweiniol: Cyngorydd Brian Jones, Aelod Arweiniol Priffyrdd, Cynllunio a Theithio Cynaliadwy / Tony Ward, Pennaeth Priffyrdd a'r Amgylchedd

Awdur yr Adroddiad: Tara Dumas, Rheolwr Gwastraff ac Ailgylchu / Helen Makin, Rheolwr Gweithrediadau Cyfreithiol a Chaffael

Teitl: Amrywio Contractau ar gyfer Canolfannau Ailgylchu Gwastraff Cartref CSDd

## 1. Am beth mae'r adroddiad yn sôn?

- 1.1 Rhaid i'r Cyngor ystyried y trefniadau gweithredu'r dyfodol ar gyfer ei dair Canolfan Ailgylchu Gwastraff Cartref (HRCs) yn Rhuthun, Dinbych a'r Rhyl er mwyn optimeiddio'r gwerth am arian ar gyfer y gwasanaeth cartref poblogaidd hwn. Mae'r adroddiad hwn yn gofyn i'r contract gael ei ymestyn ymhellach i archwilio cyfleoedd cydweithio gydag Awdurdodau Lleol eraill yng Ngogledd Cymru.

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

- 2.1 Ar 1 Ebrill, 2009, cytunodd y Cyngor i gontract saith mlynedd ar gyfer derbyn, cadw, trin a gwaredu ar wastraff cartref a gymerir i HRC Sir Ddinbych gan aelodau o'r cyhoedd. Ar hyn o bryd mae tri safle, un yn y Rhyl, un ar Ystâd Ddiwydiannol Colomendy yn Ninbych ac un ar Ystâd Lôn Parcwr, Rhuthun. Oherwydd perfformiad cryf y contractwr, galwyd am yr opsiwn i ymestyn y contract am dair blynedd. Daw'r contract i ben ar 31 Mawrth 2019 a rhaid i'r Cyngor benderfynu ar y model gweithredu ar gyfer y tri safle yn y dyfodol.

Mae angen penderfyniad bellach ynghylch a ddylid rhoi estyniad pellach i'r contractwr presennol, CAD Recycling, er mwyn galluogi Cyngor Sir Ddinbych i gymryd rhan mewn ymarfer gyda Rhaglen Newid Cydweithredol WRAP Cymru (gweler Atodiad 1) ac Awdurdodau eraill Gogledd Cymru. Bwriedir i'r prosiect ddechrau yn ddiweddarach y mis hwn a bydd yn nodi a oes cyfleoedd i wireddu arbedion o weithrediadau HRC ar draws y rhanbarth trwy gaffael a / neu resymoli gwasanaethau ar y cyd.

- Cost ymestyn y contract am 2 flynedd yw: £3,293,995 £ 3,293,995
- Cost ymestyn y contract am 3 blynedd yw: £4,940,993

## 3. Beth yw'r Argymhellion?

- 3.1 Bod y Cabinet yn cytuno i ymestyn y contract presennol am 2 flynedd (hyd at 31 Mawrth 2021) gan ganiatáu ar gyfer trydedd flwyddyn wrth gefn (hyd at 31 Mawrth 2022).

Bod y Cabinet yn awdurdodi'r Pennaeth Gwasanaethau Cyfreithiol a Democrataidd i gyhoeddi llythyr Amrywio Contractau i CAD Recycling i ymestyn y contract presennol 2 flynedd (hyd at 31 Mawrth 2021) gan ganiatáu ar gyfer trydedd flwyddyn wrth gefn (hyd at 31 Mawrth 2022). Mae hyn yn rhoi'r hyblygrwydd i ni gaffael gwasanaethau ar unrhyw adeg, pe bai'r Prosiect Cydweithio'n dod i ben yn gynharach na'r disgwyl. Mae hefyd yn darparu digon o amser i roi trefniant newydd yn ei le.

3.3 Bod y Pennaeth Priffyrdd a Gwasanaethau Amgylcheddol yn adrodd ar gynnydd a / neu ganlyniadau'r Prosiect Newid Cydweithredol i'r Pwyllgor Craffu dim hwyrach na Rhagfyr 2019, ynghyd ag argymhellion ynghylch yr opsiwn a ffafrir ar gyfer comisiynu gwasanaethau HRC yn y dyfodol.

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

4.1 Bydd Rhaglen Newid Cydweithredol WRAP Cymru yn gweithio gydag awdurdodau lleol yng Ngogledd Cymru dros y 12 mis nesaf i benderfynu a all arbedion fod yn bosibl trwy resymoli gwasanaethau ar draws ffiniau daearyddol a thrwy gaffael ar y cyd gydag awdurdodau lleol eraill. . Bydd cam cyntaf y gwaith hwn yn cael ei wneud o fis Medi 2018 ac mae'n cynnwys:

- Amlinelliad o gwmpas a methodoleg y prosiect
- Dewisiadau posibl a gosod paramedrau
- Datblygiad gwaelodlin - casglu data

4.2 Rhagwelir y bydd Swyddogion yn gallu adrodd ar ganlyniad y prosiect cydweithio dim hwyrach na Rhagfyr 2019. Bydd yr adroddiad yn nodi'r buddion (os o gwbl) o ymgymryd â chaffaeliad yr HRC rhanbarthol, a darparu opsiynau / argymhellion ynghylch sut y caiff y gwasanaethau eu pennu a'u prynu. Os canfyddir buddion ychwanegol o resymoli'r ddarpariaeth gwasanaeth bresennol, bydd yr adroddiad hefyd yn cynnwys achos busnes ar gyfer hyn, gan roi manylion sut y gellir ariannu'r gwaith gweithredu (e.e. darparu seilwaith newydd sydd wedi'i leoli'n strategol sy'n gwasanaethu mwy nag un awdurdod) a sut y caiff y costau eu dosrannu rhwng awdurdodau. Bydd yr adroddiad hefyd yn edrych ar yr opsiwn o barhau â HRC ar wahân i Gyngor Sir Ddinbych a'r opsiynau comisiynu o gwmpas hyn.

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

5.1 Amgylchedd: Deniadol ac wedi'i ddiogelu, cefnogi lles a ffyniant economaidd:

Mae CAD Recycling wedi dod yn gwmni newydd sylweddol i'r Marchnadoedd Diwydiant Gwastraff ac maent yn lleol, gyda phrif swyddfeydd yn Ninbych. Mae'r contract gyda'r Cyngor wedi eu galluogi i dyfu fel busnes, gan gynnig gwaith yn lleol, a chyfrannu at yr economi lleol. Fel rhan o'u hymrwymyiadau buddion cymunedol, maent yn parhau i ddarparu prentisiaethau a chyfleoedd cyflogaeth yn lleol. Pe bai'r estyniad i'r contract yn cael ei gymeradwyo, bydd y Prosiect Cydweithio yn nodi'r ffordd fwyaf effeithlon o gaffael gwasanaethau yn y tymor hwy ac yn ycyfamser mae'n cynnig gwerth am arian i'r Cyngor.

5.2 Cymunedau Cysylltiol: Mae cymunedau wedi eu cysylltu ac mae ganddynt fynediad at nwyddau a gwasanaethau lleol, ar-lein neu drwy gysylltiadau cludiant da: Mae'r tri

safle presennol yn cynnig cyfleoedd gwastraff ac ailgylchu lleol i breswylwyr a gwasanaeth effeithlon a hygyrch.

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

Bydd estyniad pellach o hyd at dair blynedd yn costio a £4.94M ychwanegol, gan ddod â chyfanswm gwerth contract rhwng 2009 a 2019 i £16.5M. Bydd gan yr HRC â chontract gyfanswm gwerth contract o £21.4M erbyn 31 Mawrth 2022.

Mae gan y Cyngor ddarpariaethau presennol i dalu am werth contract blyneddol. Nid yw CAD Recycling wedi cytuno i unrhyw fynegeio trwy gydol y cyfnod estynedig. Ni fydd unrhyw effaith ar unrhyw wasanaethau eraill. Bydd y gwaith sydd ei angen i ymgymryd â phrosiect cydweithredu'r HRC wedi'i gynnwys o fewn yr adnoddau presennol.

## **7. Beth yw prif gasgliadau'r Asesiad o Effaith ar Les?**

Nid oes angen Asesiad o Effaith ar Les gan nad oes newid i'r ddarpariaeth gwasanaeth bresennol a gynigir.

## **8. Pa ymgynghoriadau a gynhaliwyd gyda Chraffu ac eraill?**

Mae'r angen i edrych ar gyfleoedd cydweithio rhanbarthol ar gyfer gweithredu HRC wedi'i nodi trwy'r Grŵp Swyddogion Technegol a Chyd-bwyllgor Partneriaeth Trin Gwastraff Gweddilliol Gogledd Cymru. Byddai unrhyw newid sylweddol yn y ddarpariaeth gwasanaeth yn y dyfodol yn destun ymgynghoriad cyhoeddus ac ymgynghori â rhanddeiliaid perthnasol eraill.

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

- 9.1 O safbwynt ariannol, bydd estyniad tymor canolig y contract a argymhellir yn yr adroddiad hwn yn golygu bod costau'n cael eu cynnwys o fewn yr adnoddau presennol dros y cyfnod o 2 flynedd, a hefyd yn caniatáu'r amser i'r Cyngor i gymryd rhan yn y prosiect rhanbarthol y gobeithir y bydd yn canfod cyfleoedd ar gyfer arbedion wrth symud ymlaen. Gellir hefyd cadarnhau bod y camau arfaethedig yn cydymffurfio â Rheolau Gweithdrefn Ariannol a Chontract.

## **10. Pa risgiau sydd yna ac oes yna unrhyw beth y gallwn ei wneud i'w lleihau?**

- 10.1 Nid oes unrhyw risgiau gweithredol nac enw da yn cael eu rhagweld gan na fydd y gwasanaethau yn newid o ganlyniad i'r estyniad contract.
- 10.2 Mae'r risgiau allweddol canlynol wedi'u canfod a byddant yn cael eu rheoli gan yr Uned Caffael Cydweithredol a Gwasanaethau Cyfreithiol:
- Her gyfreithiol mewn perthynas â'r broses gaffael - mae'r contract yn cael ei ymestyn yn hytrach na dechrau proses gaffael. Y farn gyfreithiol yw mai'r estyniad yw'r ateb gorau yn ystod y cyfnod hwn o newid posibl trwy gydweithio rhanbarthol ar gyfer prosiect na ragwelwyd gan y Cyngor. Mae hefyd yn fwy tebygol na pheidio nad yw'n werth am arian i ymgymryd â chaffael rŵan ac ymrwymo i gontract tymor byr, wedi'i reoli gan fewnbwn cyngor cyfreithiol arbenigol o ran y broses ymestyn a llunio'r ddogfennaeth ofynnol;

- Her gyfreithiol mewn perthynas ag amrywio'r contract. Y cyngor yw bod gwerthoedd sy'n ymwneud â chyfanswm gwerth y contract a chyfanswm gwerth estyniad 3 blynedd yn gydnaws â Rheoliadau'r UE. Nid oes unrhyw amrywiad sylweddol gan nad ydym wedi cynyddu'r pris ac nid yw'r newid yn y fanyleb (yn ymwneud â bagiau bin du) wedi arwain at newid pris.
- Mae risg ariannol o dan y telerau contract presennol, mae costau gwaredu gwastraff cyffredinol y cartref (gwastraff bagiau du) a gymerir i'r HRC wedi'u cynnwys yn elfen ffi sefydlog y contract HRC. Yn 2019, bydd cyfleuster Ynni o Wastraff (EfW) y rhanbarth, Parc Adfer ar gael i drin gwastraff gweddilliol o gartrefi Sir Ddinbych. Mae arnom angen ffrydiau gwastraff penodol o'n HRC i wneud ein Tunelledd Isafswm Gwarantedig, ac yr ydym yn talu ffi benodol i weithredwyr EfW amdano. Felly, gallai methu â chyflwyno'r gwastraff hwn i Barc Adfer olygu ein bod ni'n talu ddwywaith ar gyfer trin gwastraff. Amod i'r estyniad contract yw bod yr holl wastraff gweddilliol sy'n deillio o'r HRC sy'n bodloni'r meini prawf ar gyfer triniaeth EfW ym MHarc Adfer yn cael ei gyflwyno gan CAD Recycling i orsaf drosglwyddo enwebedig. Bydd y Cyngor yn codi ar CAD am dderbyn y gwastraff hwn, ar gyfradd sy'n debyg i gyfraddau cyfredol y farchnad. Mae'n bwysig nodi bod CAD Recycling wedi cytuno i'r amod hwn, i'w fanylu yn y llythyr Amrywiad Contract.

## **11. Pŵer i wneud y Penderfyniad**

- 11.1 Mae'n ofynnol i'r Cabinet gytuno ar estyniad i'r contract hwn trwy reol 6.8.1 iv Rheolau Gweithdrefn Contractau'r Cyngor.

Mae gan y Cyngor hefyd bwerau i gyflwyno caffael a mynd i gontractau yn unol ag adran 111 Deddf Llywodraeth Leol 1972 (pŵer i ymgymryd ag unrhyw weithred i hwyluso, neu sydd yn ffafriol neu ddamweiniol, cyflawniad ei swyddogaethau yn llawn); adran 135 Deddf Llywodraeth Leol 1972 (pŵer i wneud rheolau sefydlog i lywodraethu mynd i gontractau), adran 112 Deddf Llywodraeth Leol 1972 (penodi gymaint o swyddogion ac sydd rhaid er mwyn cyflawni swyddogaeth y Cyngor); adran 3(1) Deddf Llywodraeth Leol 1999 (dyletswydd gyffredinol ar awdurdod gwerth gorau i wneud trefniadau i sicrhau gwelliant parhaus o ran y ffordd mae ei swyddogaethau'n cael eu cyflawni) ac adran 1 (2) Deddf Contractau Llywodraeth Leol 1997 (rhoi pŵer i awdurdodau lleol fynd i ystod eang o gontractau darparu asedau neu wasanaethau mewn cysylltiad â chyflawni eu swyddogaethau).

## **Atodiad 1: Rhaglen Newid Cydweithredol (CCP)**

**Mae Llywodraeth Cymru wedi cynnig cyfle i bob awdurdod lleol gymryd rhan mewn Rhaglen Newid Cydweithredol (CCP) i helpu i sicrhau bod Cymru'n bodloni'r targedau ailgylchu a nodir yn Tuag at Ddyfodol Di-wastraff a hefyd wedi'u cynnwys yn y Cynllun Sector Bwrdeistrefol.**

Mae'r Rhaglen yn agored i awdurdodau unigol a dylid ei ystyried hefyd fel offeryn allweddol ar gyfer galluogi gweithio mewn partneriaeth a chydweithio ar ddarparu gwasanaethau.

Nid yn unig y mae'r rhaglen yn ymwneud â sut y bydd awdurdodau yn cyflawni targedau, mae hefyd yn anelu at gefnogi rhannu syniadau ac arferion da yn effeithiol a all wella effeithlonrwydd o ran lleihau costau a gwella perfformiad. Mae hyn yn cynnwys gwasanaethau sy'n fwy amgylcheddol gynaliadwy, gydag effeithiau ecolegol ac ôl troed carbon is. Mae hefyd yn cynnwys gwasanaethau sy'n fwy cynaliadwy yn ariannol, gyda chostau net is o ran darparu gwasanaethau.

Cyflwynir y CCP trwy dîm penodol o WRAP Cymru. Mae gan y tîm WRAP ystod o wybodaeth, sgiliau a phrofiad i gyflwyno modelu, gwerthusiadau opsiynau, paratodau cynllun busnes, caffaeliadau a darpariaeth weithredol, gyda chymorth gan ymgynghorwyr lle bo'n briodol.

Mae staff WRAP Cymru yn brofiadol o ran modelu ariannol ac amgylcheddol ac ymhob agwedd o gasgliadau gwastraff ac ailgylchu, o gasgliadau ymyl y ffordd, gweithredu Cyfleusterau Deunyddiau drwodd at ganolfannau gwastraff ac ailgylchu gwastraff y cartref (HWRC) a depos.

Mae'r CCP yn darparu grantiau cyfalaf i gefnogi'r newidiadau i wasanaethau gan awdurdodau lleol, a gweinyddir y rhain gan Banel Gwobrwy a Gwerthuso'r CCP sy'n cynnwys swyddogion Llywodraeth Cymru a chynrychiolwyr CLILC a WRAP.

Mae tudalen hwn yn fwriadol wag



<b>Adroddiad i'r:</b>	Y Cabinet
<b>Dyddiad y Cyfarfod:</b>	25 Medi 2018
<b>Aelod / Swyddog Arweiniol:</b>	Y Cyngorydd Mark Young
<b>Awdur yr Adroddiad:</b>	Catrin Roberts / Andrea Malam
<b>Teitl:</b>	<b>Polisiâu Cyflogaeth</b>

## 1. Am beth mae'r adroddiad yn sôn?

**Mae chwe pholisi cyflogaeth wedi cael eu hargymhell i'r Cabinet i'w mabwysiadu gan y pwyllgor CBYLL.** Mae'r polisiâu wedi'u rhestru isod:

- Polisi Amser o'r Gwaith (Wedi cyfuno holl bolisiâu sydd yn cynnwys amser i ffwrdd)
- Polisi Rhianta (Wedi cyfuno polisi mamolaeth, tadolaeth, mabwysiadu, rhieni ac absenoldeb rhiant a rennir)
- Polisi Apeliadau Corfforaethol (polisi diwygiedig)
- Disgresiwn Cynllun Pensiwn Llywodraeth Leol a Pholisi Bandio (polisi diwygiedig)
- Polisi Ar alw, Galw allan a Chysgu (diwygiedig)
- Polisi mynd â Data Personol oddi ar Eiddo Cyngor Sir Ddinbych (Newydd)

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

I gael cymeradwyaeth gan y Cabinet i fabwysiadu'r polisiâu a restrwyd uchod.

## 3. Beth yw'r argymhellion?

Yr argymhellion yw bod y Cabinet yn cymeradwyo'r polisiâu a restrwyd uchod i'w mabwysiadu o fewn y Cyngor.

- 3.1 Bod y Pwyllgor yn cadarnhau ei fod wedi darllen, deall ac ystyried yr Asesiad o Effaith ar Les fel rhan o'i ystyriaeth.

## 4. Manylion yr Adroddiad

### Polisi Amser o'r Gwaith

Mae'r polisi hwn yn gyfuniad o'r holl bolisiâu sy'n berthnasol i unrhyw fath o amser i ffwrdd o'r gwaith. Mae'r polisi hefyd wedi ei ailfformatio i fformat dogfen fach, gyda swyddogaethau a chyfrifoldebau, terfynau amser a siart llif i'w defnyddio yn cael ei gynnwys yn awr.

Mae'r testun mewn coch yn nodi'r newidiadau arfaethedig gan AD er mwyn cadarnhau'r broses neu gysoni gyda newidiadau mewn deddfwriaeth. Mae'r testun wedi'i amlygu mewn gwyrdd yn nodi'r newidiadau a wnaethpwyd ar ôl y Cyd Gyfarfod

Corfforaethol gyda Chynrychiolwyr Undeb Llafur a chyfathrebu ar e-bost gyda'r Cyd Gyfarfod Corfforaethol.

Absenoldeb tosturiol (adran 5) ac absenoldeb Gofalwyr (adran 3) yn cael ei adolygu ar hyn o bryd fel rhan o'r Polisi 'rheoli Gofalwyr', felly mae geiriad y polisi gwreiddiol wedi'i fewnosod. Unwaith mae'r Polisi Anghenion Gofalwyr wedi cael ei drafod a'i gytuno arno yn y dyfodol agos bydd y geiriad yn y polisi hwn yn cael ei ddiwygio i gyd-fynd â hynny.

### Polisi Rhianta

Mae'r polisi hwn yn gyfuniad o'r holl bolisiau sy'n berthnasol â mamolaeth, tadolaeth, mabwysiadu, rhianta a chyflwyniad o absenoldeb rhiant a rennir. Mae'r polisi hefyd wedi ei ailfformatio i fformat dogfen fach, gyda swyddogaethau a chyfrifoldebau, terfynau amser a siart llif i'w defnyddio yn cael ei gynnwys yn awr.

Mae'r testun mewn coch yn nodi'r newidiadau arfaethedig gan AD er mwyn cadarnhau'r broses neu gysoni gyda newidiadau mewn deddfwriaeth. Mae'r testun wedi'i amlygu mewn gwyrdd yn nodi'r newidiadau a wnaethpwyd ar ôl y Cyd Gyfarfod Corfforaethol gyda Chynrychiolwyr Undeb Llafur a chyfathrebu ar e-bost gyda'r Cyd Gyfarfod Corfforaethol.

### Polisi Apêl Corfforaethol

Diwygiwyd y polisi i gynnwys yr holl resymau ar gyfer apêl. Mae'r polisi yn awr yn cynnwys y broses o apelio dan y Polisi Disgyblaeth a'r Polisi Presenoldeb yn y Gwaith. Cytunwyd ar eiriad penodol o ran cofnodi cyfarfodydd gyda'r undebau, ac fe gawsant eu mewnosod i'r polisi.

Mae'r polisi yn cadarnhau pan all weithiwr apelio a chynnwys swyddogaethau, chyfrifoldebau a therfynau amser apêl ac unrhyw gyfarfodydd apêl.

### Disgresiwn Cynllun Pensiwn Llywodraeth Leol a Pholisi Bandio

Gofynnwyd am eglurhad o fewn y polisi ynglŷn â rhyddhau pensiwn yn gynnar ar sail dosturiol ac ond yn berthnasol os nad oedd cost i'r cyngor. Mae'r polisi bellach wedi ei ddiwygio i adlewyrchu'r uchod.

Yn ogystal, ers cyflwyno'r CBYLL, mae Rheoliadau'r Cynllun Pensiwn Llywodraeth Leol (Diwygiad) 2018 wedi cael ei ryddhau ym mis Mai 2018 gan arwain at newidiadau ychwanegol yn y polisi. Amlygir y diwygiadau hyn o fewn y polisi.

### Polisi Ar alw, Galw allan a Chysgu

Mae diwygiadau wedi eu gwneud i dudalen 14 yn unol â'r trafodaethau cynnal a chadw SB7 yn ystod y gaeaf a gytunwyd arnynt gyda'r undebau llafur. Mae SB7 wedi cael eu gweithredu o 1 Tachwedd 2017.

### Polisi Mynd Â Data Personol Oddi Ar Eiddo Cyngor Sir Ddinbych

Efallai y bydd angen i Swyddogion Cyngor Sir Ddinbych (CSDd) fynd â data personol allan o'r swyddfa. Diben y polisi hwn yw nodi'r camau y mae'n rhaid i swyddogion eu dilyn wrth fynd â data personol oddi ar y safle, er enghraifft i gynnal ymweliadau yn y cartref, mynd i gyfarfodydd, paneli neu'r llys, neu weithio gartref. Bydd dilyn y polisi hwn o gymorth i leihau'r risg o dorri diogelwch yn ymwneud â data personol ac unrhyw ddirwy ddilynol.

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

Bydd pob un o'r polisiâu uchod yn cynorthwyo'r Blaenoriaethau Corfforaethol drwy sicrhau bod rheolwyr a gweithwyr yn ymwybodol o'u rhwymedigaethau yn unol â deddfwriaeth ac arfer da.

**Cymunedau Cryf - Diogelu data personol o'r pwys mwyaf wrth gefnogi cymunedau a phobl ddiamddiffyn.**

**Clymu Cymunedau - Mae'r polisiâu cysylltiedig yn cael eu rhoi ar wefan Sir Ddinbych fel bod gweithwyr a chymunedau yn gallu cael mynediad o gyfrifiaduron, gliniaduron, ipads/tabledi/ffonau clyfar eu hunain, neu o fewn llyfrgell gyhoeddus.**

Pobl Ifanc – Mynediad i bolisiâu trwy wefan Sir Ddinbych o bosib yn atynnu gweithwyr i weithio i'r cyngor, polisiâu Amser i Ffwrdd o'r Gwaith a Rhianta yn annog balans gwaith a bywyd a gallu cael seibiant gyrf a deithio, cael teuluoedd a dal i weithio ac ati. Mae hyn yn hyrwyddo Sir Ddinbych fel cyflogwr cyfeillgar i deuluoedd.

## **6. Faint fydd yn ei gostio a sut fydd yn effeithio ar wasanaethau eraill?** ***Nodiadau adran: Dylid meddwl am y meysydd canlynol o leiaf wrth ddrafftio'r adroddiad:***

Nid oes angen adnoddau ychwanegol, felly ni fydd unrhyw gostau ynghlwm wrth weithredu'r polisiâu hyn. Ni fydd unrhyw effaith benodol ar adran arbennig. Bydd y gweithdrefnau a pholisiâu yn berthnasol i bob aelod o staff (lle nodir).

## **7. Beth yw prif gasgliadau'r Asesiad o Effaith ar Gydraddoldeb?**

Gweler yr Asesiadau o Effaith ar Les ynghlwm. Mae'r holl bolisiâu wedi'u cynnwys yn yr adroddiad hwn yn berthnasol i holl weithwyr beth bynnag yw'r nodweddion gwarchodedig, a bydd yn cael ei ddefnyddio yn unol â deddfwriaeth a thelerau ac amodau cyflogaeth.

Mae'r Polisi Rhianta a'r Polisi Amser i Ffwrdd o'r Gwaith wedi cael eu hasesu ar gyfer effaith ar les fel rhan o grŵp/teulu o bolisiâu. Mae gan y ddau bolisi effaith gadarnhaol ar y staff hynny sydd â chyfrifoldebau gofalu. Mae canlyniadau eraill wedi'u nodi yn gyffredinol i fod yn bositif ac yn niwtral.

Mae'r Polisi Apeliadau Corfforaethol yn galluogi dull teg a chyson ar gyfer apelio yn erbyn proses. Cadarnhaodd yr asesiad o effaith ar les nad oedd unrhyw effeithiau negyddol yn gysylltiedig â'r polisi.

Mae'r Polisi Taliadau yn ôl Disgresiwn Cynllun Pensiwn Llywodraeth Leol a'r Polisi Amser i Ffwrdd o'r Gwaith wedi cael eu hasesu ar gyfer effaith ar les fel rhan o grŵp/teulu o bolisïau. Ar y cyfan, ystyrir y ddau bolisi i gael effaith positif a niwtral.

Mae Polisi mynd â Data Personol oddi ar Eiddo CSDd ar y cyfan wedi cael effaith niwtral ar les. **Mae'r asesiad effaith wedi tynnu sylw mai risg isel ar y cyfan sydd i wybodaeth bersonol/sensitif i gael ei golli neu fynd ar goll.**

## **8. Pa ymgynghoriadau a gynhaliwyd gyda Chraffu ac eraill?**

Mae'r Polisi Amser i Ffwrdd o'r Gwaith a'r Polisi Rhianta wedi eu trafod yn y Cyfarfod Corfforaethol ar y Cyd yn Ionawr 2017 a chytunwyd bod copïau yn cael eu hanfon ar e-bost i'r holl Gynrychiolwyr Undeb Llafur sydd yn rhan o'r CCC am sylwadau terfynol. Anfonwyd polisïau ar e-bost i CCC yn barod am y CCC ar 7 Mehefin a ni dderbyniwyd unrhyw sylwadau ar e-bost. Cafodd y polisïau eu hanfon ar e-bost ym mis Tachwedd 2017 ac unwaith eto yn Ebrill 2018 gydag adborth gan undebau llafur wedi'i gynnwys yn y polisïau a newidiadau yn cael eu cadw ar gofnod.

**Mae Polisi Taliadau yn ôl Disgresiwn Cynllun Pensiwn Llywodraeth Leol, Polisi Ar alw, Galw allan a Chysgu a Pholisi mynd â Data Personol oddi ar Eiddo Cyngor Sir Ddinbych wedi eu hanfon ar e-bost i CCC i wneud sylwadau yn Ebrill 2018. Dim sylwadau wedi'u derbyn gan yr undebau llafur mewn perthynas â'r tri pholisi.**

Mae'r holl bolisïau wedi'u cynnwys yn yr adroddiad hwn wedi'u cyflwyno i'r CBYLL ar 18 Mehefin 2018 a'r cytundeb oedd eu bod yn cael eu cyflwyno i'r Cabinet. Er nad oedd digon o aelodau yn bresennol i wneud cworwm (un Cynrychiolydd Undeb Llafur ddim yn bresennol) yn y cyfarfod CBYLL, derbyniwyd caniatâd ysgrifenedig gan yr union Gynrychiolydd Undeb Llafur hynny i gyflwyno'r holl bolisïau i'r Cabinet.

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

Amherthnasol.

## **10. Pa risgiau sydd yna ac oes yna unrhyw beth y gallwn ei wneud i'w lleihau?**

Mae'r risgiau yn gysylltiedig â pheidio â gweithredu'r polisïau ynghlwm yn unig. Mae'r fersiynau cyfredol o'r polisïau wedi dyddio o ran deddfwriaeth ac mae angen cadarnhad er mwyn sicrhau bod prosesau yn cael eu defnyddio'n gywir ac yn gyson gan reolwyr ac AD.

## **11. Pŵer i wneud y Penderfyniad**

Pŵer i wneud y penderfyniad yw a112 Deddf Llywodraeth Leol 1972.

# TIME OFF WORK POLICY

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## TIMESCALES

Type of leave	Leave allocated ( <i>pro rata for part-time employees</i> )	Paid/unpaid
Annual leave, Bank holidays and Purchasing additional leave	For entitlements, please use the annual leave calculator. For purchasing additional leave - up to 40 days available for purchase.	Paid
Career break	Up to 12 months	Unpaid
Carers leave	Up to 5 days (reasonable unpaid time for 'time off for dependants')	Paid
Christmas Eve leave	Up to half a day (unless Christmas Eve falls on a weekend)	Paid
Compassionate/Bereavement leave	1 day for the death of a family member if not involved in arranging the funeral, up to 3 days where the employees is involved in arranging the funeral (pro rata)	Paid
Disability leave	At the discretion of the manager	Paid
Emergency leave	Up to 2 days, see details on responsibility	Paid/Unpaid
Flexi leave	Maximum of 2 days every 6 weeks with sufficient hours	Paid
Interviews	Reasonable allowance depending on vacancy	Paid
Learning and development	See Learning and Development Policy	As left
Medical leave	Paid time off depends on the type of appointment	Paid/Unpaid
Military reservists, retained fire fighters & special constables	Up to a maximum of 2 weeks per year for training	Paid
Public duties	Up to 18 whole days or 36 half days per year based on circumstances	Paid
Staff Council	Reasonable time off	Paid
Unpaid leave	Reasonable	Unpaid
TOIL	Maximum of 2 days every 6 weeks with sufficient hours	Paid
Volunteering	Up to 5 days per year	Paid

# ROLES AND RESPONSIBILITIES

## HEAD OF SERVICE / DIRECTOR

- Consistently apply decision making regarding approval of leave throughout Service, bearing in mind the different circumstances
- Develop a culture where employees are supported in trying to achieve a work life balance
- Apply discretion in cases where exceptional circumstances may warrant this
- Support managers in carrying out their responsibilities for the maintenance of high performance standards from all employees
- Support managers/supervisors in managing absence levels and attendance in line with business needs

## COUNCILLORS

- To encourage a culture of work life balance and engagement with this policy.
- To ensure the council's policies are in line with best practice and legislation.

## LINE MANAGERS / SUPERVISORS

- Ensure staff are aware of their rights under this policy and support individuals to achieve a work-life balance
- Consistently apply the policy amongst all staff
- Assist in developing a supportive culture
- Be empathetic with employee needs at difficult times and apply discretion in line with business needs at times that warrant this
- To ensure they adhere to any timescales set out for various types of leave.

## HUMAN REOSURCES

- Consistently advise managers and employees on the process and policy
- Ensure the policy and procedure are current and fair, and in line with any legislative changes
- Provide advice and guidance regarding support measures and accessing them



## **EMPLOYEES**

- Adhere to any timescales set out in this policy or supporting guidance
- To be mindful of business needs and customer service requirements when requesting leave
- Actively and positively participate in measures implemented in order to support them
- Advise the supervisor/manager if there is particular support that will benefit them, and assist in accessing this
- To engage with managers in relation to their requirements for leave

\*Please note that any lists included within this policy are not exhaustive.

# 1. Annual leave, bank holidays & purchasing additional leave

## Annual Leave

All workers accrue annual leave based on their hours of work. The below tables outline the basic entitlement all workers have. For information on how to manage leave, calculating annual leave and all other queries/processes relating to annual leave and/or bank holidays, please refer to the **Annual Leave Guidance for Managers and Employees** on the intranet.

All employees working a pattern other than 7 hours 24 minutes per day, Monday to Friday, will receive their entitlement in hours and minutes. All leave is pro rata for part time workers, and/or part years. The annual leave year is the workers birth month for 12 months.

**The above does not take into consideration those members of staff who work in a residential establishment or who work condensed and does not give the calculations this will cause ambiguity**

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<b><u>NJC and Soulbury staff:</u></b>	Length of Continuous Service	Days	Hours and minutes
	Up to 5 years continuous service (basic leave)	21	155 hours 24 minutes
	Extra Statutory Holidays	+3	+22 hours 12 minutes
	Extra after 5 years continuous service	+4	+29 hours 36 minutes
	Extra after 10 years continuous service	+1	+7 hours 24 minutes
	Extra after 15 years continuous service	+1	+7 hours 24 minutes
	Extra after 20 years continuous service	+1	+7 hours 24 minutes
	<b>Total maximum entitlement</b>	<b>31</b>	<b>229 hours 24 minutes</b>

**Youth Workers:**

Length of Continuous Service	Days	Hours and minutes
Up to 5 years continuous service (basic leave)	30	222 hours
Extra Statutory Holidays	+3	+22 hours 12 minutes
Extra after 5 years continuous service	+5	+37 hours
<b>Total maximum entitlement</b>	<b>38</b>	<b>281 hours 12 minutes</b>

**Heads of Service and above:**

Length of Continuous Service	Days	Hours and minutes
Basic leave for all service lengths	30	222 hours
Extra Statutory Holidays	+2	+14 hours 48 minutes
<b>Total maximum entitlement</b>	<b>32</b>	<b>236 hours 48 minutes</b>

**Bank Holidays**

Full time and part time staff are entitled to statutory bank holidays. Part time staff are entitled to bank holidays pro rata to their hours worked and will receive at least the minimum entitlement or the number they work – whichever is greater. Please use the annual leave calculator attached to the **Annual Leave Guidance for Managers and Employees** to calculate a workers bank holiday allowance, should they be part time or have a working pattern that requires some bank holiday working. **Clarity is sought with regards to workers who may work condensed hours and work every bank holiday?**

**Extra Statutory Leave**

Full time and part time staff are entitled to 3 extra statutory days (22 hours 12 minutes pro rata to average contracted hours) in addition to the normal leave entitlement. In appropriate circumstances the council will determine, in consultation with the recognised trade unions, when extra statutory days are to be taken.

### **Purchasing Additional Leave**

Employee may purchase an additional 40 working days (equivalent to a maximum of 8 weeks of average contracted hours) within one leave year. Payment will be taken out your salary by payroll. For more information or to request to purchase additional leave, please see the **Annual Leave Guidance for Managers and Employees**.

### **Annual Leave and Relief/Supply/Casual Workers**

The Working Time Regulations 1998 states that “a worker is entitled in each leave year to a period of leave” which means that all employees and relief/supply workers of the council are entitled to receive annual leave proportionate to their hours worked. For more information on how this is calculated, please see the **Annual Guidance for Managers and Employees**.

## 2. Career break

A career break is when an employee decides to take an extended unpaid period of absence from work, up to a maximum of 12 months, in order to pursue other interests. Typically, career breaks are used for:

- caring for a child
- caring for a dependant
- training / study leave
- working abroad

Applications for other circumstances may be considered on an individual basis.

~~A career break may:~~

- ~~• enable employees to balance the competing demands of work and life away from work~~
- ~~• assist with recruitment and retention of trained and experienced employees~~
- ~~• enable employee development, increase motivation and enthusiasm~~

A minimum of 12 months continuous service is required and both full and part time employees may request a career break. Those who are **not** eligible for a career break are:

- Directors and Heads of Service
- employees working their probationary period
- agency workers
- employees on a fixed term or temporary contract
- casual, relief and volunteer workers
- apprentices and other traineeships

A career break is unpaid and is to be taken as a single period. Eligible employees will be allowed no more than 2 career breaks within a rolling 5 year employment timeframe.

Any requests for a career break for the purpose of working for another UK based company will be denied, as employees must not take paid employment within in the UK during their career break.

There is no automatic right to have a request for a career break to be granted, and managers will consider each request on a case by case basis. For full details on the application process please refer to the Career Break Guidance.

### 3. Carers leave

#### Paid Carers Leave

The definition of a carer is Carers are employees with significant caring responsibilities that have a substantial impact on their working lives. These employees are responsible for the care and support of disabled, elderly or sick partners, relatives or friends who are unable to care for themselves. Please note that this does not include day to day illnesses of dependants.

Their responsibilities may be:

- New Care
- Short Term Care
- Long Term Care
- Immediate/emergency care

Where a dependant is seriously ill, the authority can grant up to 5 days paid carers leave per annum. This should only be granted following consultation with the employee to understand fully what their requirements are, and following discussion with the appropriate Head of Service.

Managers should not automatically grant up to the 5 days leave. Careful consideration must be given to the circumstances and future prognosis for the dependant. It may be more appropriate to allow unpaid leave or annual/flexi/toil which would leave the 5 days paid carers leave to a later date when the employee's needs may be greater. Alternatively, the manager could agree a combination of annual/flexi/toil and unpaid/paid leave for example, the employee takes 2 days leave and the authority gives 2 days carers leave. Other special leave arrangements available or managing carers leave include carers' being able to purchase an additional 5 days leave in addition to the standard [Purchasing Additional Leave](#) arrangements, [Compassionate Leave](#) and also [Emergency Leave](#). Also for further information please see the Managing Carers' Leave Policy. (Hyperlink)

## 4. Christmas leave

### Christmas Eve

The Council recommends that an additional half day be granted on 24 December (Christmas Eve) when the 24 December is a working day. In most cases full time employees will be granted a half day's leave for the afternoon of Christmas Eve with an equivalent compensatory half day being granted to employees in services where closure is not an option.

Part time or job sharing employees will receive time for the afternoon of Christmas Eve on a pro rata basis to their contractual working hours.

### Designated public holidays

Over the Christmas period there are 3 designated public holidays:-

25<sup>th</sup> December – Christmas Day

26<sup>th</sup> December – Boxing Day

1<sup>st</sup> January – New Year's Day

Where these public holidays fall on a Monday to Friday, employees required to work on these days will be paid as per the usual bank holiday rates. As such, in addition to the payment, time off with pay shall be allowed at a later date.

Where these dates fall on a Saturday and/or Sunday, the government will designate alternative days in substitution for the public holidays which have fallen on the weekend. In such cases, employees required to work will be recompensed as per usual bank holiday rates, bearing in mind that they are only entitled to 3 days at the public/bank holiday rate. **Any days above this will be paid at the normal rate of pay for that day.**

**Where these dates fall on a Saturday and/or Sunday, and the employee is required to work on these days, the employee will receive bank holiday rates, bearing in mind that they are only entitled to 3 days at the public/bank holiday rate. Any days above this will be paid at the normal rate of pay for that day.**

**Fundamentally, public holidays will be paid as per the usual public holiday rates of pay, including time off with pay at a later date for the hours worked. Public holiday rate of pay will also be paid in those instances where an employee is required to work Christmas Day, Boxing Day and/or New Year's Day, where these days fall on a Saturday and/or Sunday, and they are not working on the alternate designated public holiday.**

Please see the below examples for clarity. The Government will usually confirm the public holiday and pay arrangements agreed for local councils each year. Where this is the case, the national agreement will be followed.

### **Example 1 - Where Christmas falls on a Saturday**

#### **Christmas working arrangements**

25<sup>th</sup> December (Christmas Day) – Saturday  
 26<sup>th</sup> December (Boxing Day) – Sunday  
 27<sup>th</sup> December – Monday designated substitute public holiday for Christmas Day  
 28<sup>th</sup> December – Tuesday designated substitute public holiday for Boxing Day

<b>No. of days employee due to Work</b>	<b>Saturday (25<sup>th</sup> Dec)</b>	<b>Sunday (26<sup>th</sup> Dec)</b>	<b>Monday (27<sup>th</sup> Dec)</b>	<b>Tuesday (28<sup>th</sup> Dec)</b>
All 4 days	Normal Hourly Rate	Normal Hourly Rate	Public Holiday Rate	Public Holiday Rate
3 days – 25 / 26 / 27	Normal Hourly Rate	Public Holiday Rate	Public Holiday Rate	
3 days – 25 / 27 / 28	Normal Hourly Rate		Public Holiday Rate	Public Holiday Rate
3 days – 26 / 27 / 28		Normal Hourly Rate	Public Holiday Rate	Public Holiday Rate
2 days – 25 / 26	Public Holiday Rate	Public Holiday Rate		
2 days – 25 / 27	Public Holiday Rate		Public Holiday Rate	
2 days – 26 / 27		Public Holiday Rate	Public Holiday Rate	
2 days – 26 / 28		Public Holiday Rate		Public Holiday Rate
2 days – 27 / 28			Public Holiday Rate	Public Holiday Rate
1 day – (any of the 4 days)	Public Holiday Rate	Public Holiday Rate	Public Holiday Rate	Public Holiday Rate

#### **New Year working arrangements**

1<sup>st</sup> January (New Year's Day) – Saturday  
 2<sup>nd</sup> January (Normal working day) – Sunday  
 3<sup>rd</sup> January – Monday designated substitute public holiday for New Year's Day

<b>No. of days employee due to Work</b>	<b>Saturday (1<sup>st</sup> Jan)</b>	<b>Sunday (2<sup>nd</sup> Jan)</b>	<b>Monday (3<sup>rd</sup> Jan)</b>
3 days	Public Holiday Rate	Normal Hourly Rate	Public Holiday Rate
2 days – 1 / 2	Public Holiday Rate	Normal Hourly Rate	
2 days – 1 / 3	Normal Hourly Rate		Public Holiday Rate
2 days – 2 / 3		Normal Hourly Rate	Public Holiday Rate



1 day – (any of the 4 days)	Public Holiday Rate	Normal Hourly Rate	Public Holiday Rate
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### **Example 2 – Where Christmas falls on a Sunday**

#### **Christmas Working Arrangements**

25<sup>th</sup> December (Christmas Day) – Sunday

26<sup>th</sup> December (Boxing Day) – Monday

27<sup>th</sup> December – Tuesday designated substitute public holiday for Christmas Day

No. of days employee due to Work	Sunday (25 <sup>th</sup> Dec)	Monday (26 <sup>th</sup> Dec)	Tuesday (27 <sup>th</sup> Dec)
All 3 days	Normal Hourly Rate	Public Holiday Rate	Public Holiday Rate
2 days – 25/26	Public Holiday Rate	Public Holiday Rate	
2 days – 25/27	Normal Hourly Rate		Public Holiday Rate
2 days – 26/27		Public Holiday Rate	Public Holiday Rate
1 day – (any of the 3 days)	Public Holiday Rate	Public Holiday Rate	Public Holiday Rate

#### **New Year Working Arrangements**

1<sup>st</sup> January (New Year's Day) – Sunday

2<sup>nd</sup> January – Monday designated substitute public holiday for New Year's Day

No. of Days Working	Sunday (1 <sup>st</sup> Jan)	Monday (2 <sup>nd</sup> Jan)
2 days	Normal Hourly Rate	Public Holiday Rate
1 day – (any of the 2 days)	Public Holiday Rate	Public Holiday Rate

## 5. Compassionate/Bereavement leave

### Compassionate leave

Under review.

### Bereavement leave

Paid leave of absence will be granted to employees who have suffered the bereavement of a family member. This is to be pro rata for employees.

A family member is defined as husband, wife, partner, parent, parent in law (to include partner's parents **where not married**), guardian, son or daughter, grandchild, grandparent (**to include great-grandparents**), brother and sister (**to include in law, and partners sibling where not married**), aunt or uncle. **This also includes these relationships where they are of a 'step' basis, i.e. stepfather, stepmother, stepsibling.**

A maximum of 3 days (pro rata) will be granted where the death is of a family member and the employee is personally involved in making the funeral arrangements. This includes time off to attend the funeral.

For employees who are not involved in the funeral arrangements, 1 day will normally be granted to attend the funeral with additional travelling time, if appropriate.

Any leave beyond 3 days must be agreed by the manager. This should normally be taken as annual leave and a compassionate approach towards granting leave should be adopted. If annual leave has already been exhausted, it may be necessary to allow leave to be taken from next year's entitlement. **Alternatively, flexi leave or TOIL may be granted where possible.** Unpaid leave may also be granted.

The Occupational Health service is available for advice and guidance on coping with bereavement.

## 6. Disability leave

Disability leave will only be considered where an individual's condition is likely to come under the Equality Act 2010. Occupational Health can advise if this is the case if unsure. A disability is defined as 'a physical or mental impairment that has a **substantial** and **long-term adverse** effect on a person's ability to carry out normal day-to-day activities'. Long term is defined as 12 months or more, and substantial is defined as more than minor e.g. person cannot dress themselves without assistance. Those diagnosed with HIV infection, cancer or multiple sclerosis will be considered as disabled from the day of their diagnosis.

High levels of sickness absence can in some cases be an indicator of an as yet unknown or undisclosed disability. Good practices on managing sickness absence and ensuring reasonable adjustments are made as quickly as possible will help to **both** improve attendance levels **and to support employees who may have a disability in the workplace**.

Disability leave is used for the purposes of rehabilitation, treatment and assessment, and is for a fixed period or periods of time that the employer and the employee know about in advance. In other words, **it is pre-planned and** there is a fixed end date for the leave. **It is not intended for when the employee is not well enough to come in to work**. Disability leave is also suitable for absences of a short period of time that are needed on a regular basis.

Examples of when disability leave may be appropriate are (this is not exhaustive and will be considered on a case by case basis):

- Treatment related to an employee's disability
- Physiotherapy specifically for a disability
- Dialysis treatment
- Having equipment fitted
- Blood tests for diabetes
- Chemotherapy treatments (including where the employee is signed off for short periods to avoid infection)
- Where, based on medical advice, it is not appropriate to remain at work/redeployed, while reasonable adjustments are made

Disability leave should be agreed on a discretionary basis by the Head of Service. During periods of disability leave an individual will in effect remain on full pay and will not be classed as being 'off sick'. Individual circumstances will determine how much paid time off is classed as reasonable. **Employees should look to also use annual leave, flexi leave, TOIL, where possible**.

It should be noted that every effort will be made to accommodate individuals who have a disability. However all employees need to maintain an acceptable level of attendance at work, in order for the Council to provide services to the public.

Please contact Occupational Health if you require any additional advice or guidance.

## 7. Emergency leave

### Level 1 - employee's responsibility

~~When the emergency is of a personal or domestic nature, the employee will be granted reasonable time off without pay to deal with it. Such examples would include a break in at home, illness of a family member or disruption to current childcare arrangements. Reasonable time off is usually classed as a maximum of 2 days.~~

An emergency of a personal or domestic nature such as a break in at home, illness of a family member or disruption to current childcare arrangements.

#### **Mobile/Flexible Workers**

Employees with the facility to work flexible will be granted reasonable time to work at home to deal with a level 1 emergency.

#### **Static/Desk Bound Employees**

Employees who are unable to work flexibly will be granted reasonable time off without pay.

Reasonable time is usually classed as a maximum of 2 days.

### Level 2 - neither the employer nor the employee's responsibility

#### The 1<sup>st</sup> day of absence

~~When the emergency is neither the responsibility of the council or the employee, the employee will be granted a half day off (or equivalent for part time staff) with pay and the remaining half day to be taken as unpaid, flexi or annual leave (this applies when a full day or shift is lost). Such examples may include extreme weather conditions (snow, flooding etc.), fuel crises or foot and mouth disease. Where the emergency occurs part way through a working day, the employee will be granted half of the remaining working time for the day, for example.~~

A **full time** employee has worked 3 hours:

7.24 (standard day) - 3.00 hours = 4.24 hours remaining.  $\frac{1}{2}$  of 4.24 is 2 hours 12 minutes.

~~The employee will be granted 2 hours 12 minutes paid leave and the remaining 2 hours 12 minutes will have to be taken as flexi, unpaid leave or be made up at a later date.~~

#### ~~The 2<sup>nd</sup> and subsequent days of absence~~

~~The second and subsequent days of absence will have to be taken as annual, flexi or unpaid leave. Employees who have sufficient flexi credit may take flexi leave to make up the remaining working time regardless of whether they have already taken flexi leave during the 6 week period.~~

#### ~~Level 3 – employer's responsibility~~

~~Where the emergency is solely the responsibility of the council for example, office heating system breaks down, the employee will be granted the time off with pay. Where the emergency occurs part way through the working day, the employee's time will be made up to a normal working day.~~

This would apply in cases where the emergency is neither the responsibility of the council or the employee and may include extreme weather conditions (snow, flooding etc.), fuel crises or foot and mouth disease.

Employees are expected to make every reasonable effort to reach their usual place of work and continue to work as normal provided they can do so safely without putting themselves and others at risk. Where the employees is unable to attend work or has left work early the following will apply:

#### ***Mobile/Flexible Employees***

Employees with the facility to work flexibly will be expected to work at a different location or at home and will not be reimbursed for any lost time.

#### ***Static/Desk Bound Employees***

Employees who are unable to work flexibly will be granted the following:

#### The 1<sup>st</sup> day of absence

Where an employee is unable to attend work, they will be granted a half day off (or equivalent for part time staff) with pay and the remaining half day to be taken as unpaid, flexi or annual leave (this applies when a full day or shift is lost).

Where the emergency occurs part way through a working day, the employee will be granted half of the remaining working time for the day, for example.

A full time employee has worked 3 hours:

7.24 (standard day) - 3.00 hours = 4.24 hours remaining.  $\frac{1}{2}$  of 4.24 is 2 hours 12 minutes.

The employee will be granted 2 hours 12 minutes paid leave and the remaining 2 hours 12 minutes will have to be taken as flexi, unpaid leave or be made up at a later date.

Employees, who have presented themselves at their normal place of work and that location remains open, but they are unable to carry out their duties due to health & safety reasons, will have their time made up to a normal working day.

The 2<sup>nd</sup> and subsequent days of absence

The second and subsequent days of absence will have to be taken as annual, flexi or unpaid leave. Employees who have sufficient flexi credit may take flexi leave to make up the remaining working time regardless of whether they have already taken flexi leave during the 6 week period.

Level 3 - employer's responsibility

This will apply where the emergency is solely the responsibility of the council for example, office heating system breaks down.

***Mobile/Flexible Employees***

Employees with the facility to work flexible will be expected to either work at a different location or at home and will not be reimbursed for any lost time.

***Static/Desk Bound Employees***

The employee will be granted the time off with pay. Where the emergency occurs part way through the working day, the employee's time will be made up to a normal working day.

N.B. Where the facilities required to work flexibly are not available e.g. car access, mobile/flexible employees will be granted time off as per a static/desk bound employee. This does not include situations where the employee has left their equipment at work.

## 8. Interviews

### Internal vacancies (including other local authority vacancies)

Where practical, reasonable time will be granted to employees who attend interviews/assessments within Denbighshire County Council during working hours. Reasonable time off with pay will also be granted for interviews or assessments for vacancies (to include secondments) within organisations covered by the Redundancy Modification Order.

### Vacancies with DCC Partnerships

Where a working partnership has been created between the council and an external organisation, reasonable time off with pay will be granted for interviews/assessments during normal working hours.

### External secondments

~~Where practical, reasonable time will be granted to employees who attend interviews/assessments during working hours.~~

### External vacancies

Employees wishing to attend interviews for vacancies external to the council, or outside of the above parameters, should use their own time to do so (e.g. annual leave or flexi leave).

### Employees affected by redundancy

Employees who have been served notice are officially “at risk” of redundancy will be granted reasonable time off work with pay to seek alternative employment and/or retraining opportunities. Please refer to the Redundancy policy for further details.

## 9. Learning & development

Employees undergoing training, studying or work related development may be eligible for an amount of paid time off to support their studies. This includes attendance on courses, additional study leave, examinations, or completing e-learning modules. To determine if an employee is eligible, and if so, the amount of time granted, please refer to the Learning and Development Policy.



## 10a. Medical – Elective

### IVF treatment

One cycle of IVF treatment needs around eight to ten attendances at a clinic which normally last about an hour at a time. IVF treatment **can be requested** by either a male or female person and on occasions it **may** ~~would~~ be necessary for both parties to attend a clinic for treatment at the same time. This policy applies equally to an employee whose partner is undergoing fertility treatment so that he/she is available to support them through the treatment.

~~At present there is no law governing the right to time off work specifically for fertility treatment. However, as a fair and reasonable employer, Denbighshire County Council will grant a set amount of paid time off within a twelve month period to undergo fertility treatment.~~ **Denbighshire council allows employees a set period of time off within a twelve month period in order to undergo fertility treatment.** This time off will be equivalent to 3 days (22.12 hours) pro rata. However, if excessive travel is required in order to undergo IVF treatment, consideration should be given to extending the time off to be equivalent to 5 days (37 hours) pro rata. Should any additional time off be required for IVF treatment within the same twelve month period, holiday entitlement or flexi leave can be considered as an option available to the employee.

The employee should notify their line manager as early as possible if they wish to take time off for fertility treatment and give as much notice as possible of the specific dates on which time off will be required. Managers should be aware that on occasion's employees undergoing IVF treatment are required to attend for appointment at short notice.

The employee will be asked to produce an appointment card or letter from a medical practitioner for each occasion on which time off is requested to undergo fertility treatment. ~~For full time employees, annual leave is normally taken in half or full days, with similar arrangements are in place for flexi leave and TOIL.~~ Where employees may need short periods of time off to undergo fertility treatment, leave can be taken in hours.

### Elective medical procedures and cosmetic enhancements

The decision to undertake elective medical procedure and/or cosmetic enhancements (including laser eye treatment) is a lifestyle choice and time needed for appointments and procedures must be the employee's own. This will include time off for recovery.

Annual leave, flexi leave or unpaid sick leave is to be used for these purposes. If unpaid sick leave is used for the purpose of undergoing an elective medical procedure and/or cosmetic enhancement, then the employee must produce a medical certificate and if eligible, maybe entitled to statutory sick pay. The only exception to this would be where medical advice (and evidence is provided from a medical practitioner accordingly) recommends that such treatment is essential for the health and wellbeing of the individual.

If an elective medical procedure or cosmetic enhancement procedure is required due to a potential health or psychological issue and is supported with written confirmation from a medical practitioner, reasonable time off with as paid sick leave would be granted under the Attendance at Work policy.

### **Gender reassignment**

~~Special rules under the Sex Discrimination Act 1975 govern those undergoing gender reassignment.~~ Employees undergoing this procedure should not be treated less favourably than they would be treated if absent due to sickness or injury. Employees undergoing gender reassignment would be granted time off as sick leave under the Attendance at Work policy and paid according to their Terms and Conditions of Employment.

### **Complications associated with treatment**

With each form of elective medical procedure as outlined above, there may be side effects or unforeseen medical complications as a result of treatment or procedures. In all cases, where an employee is too unwell to attend work due to a complication or side effect of treatment or a procedure, employees and managers must follow the usual sickness absence process, outlined in the Attendance at Work Procedure.

### **IVF**

~~Time off work due to the side effects of IVF treatment will be paid in line with the occupational sick pay scheme. The employee should report their absence in accordance with the Attendance at Work procedure.~~

### **Elective medical procedures and/or cosmetic enhancements**

~~Medical complications may arise out of an elective medical procedure and/or cosmetic enhancement treatment which prevent the employee returning to work on the expected date. The employee will be paid in line with the occupational sick pay scheme and should report their absence in accordance with the Attendance at work procedure.~~

### **Gender Reassignment**

~~In the event of medical complications arising out of gender reassignment procedure, time off work will be paid in line with the occupational sick pay scheme and the employee should report their absence in accordance with the Attendance at work procedure. All such absences must be supported by a fit note.~~

## 10b. Medical – Non-elective

Non elective appointments include GP, hospital, dentist and optician; this list is not exhaustive.

Employee's attending a planned **hospital appointment** should seek approval to attend prior to the appointment date. Managers can ask for proof of the appointment, failure to provide this may result in the employee having to take unpaid time off or annual leave. **Hospital appointments cannot be changed to suit the needs of the person the comment that an employee should seek approval is unacceptable it might be better to say "the employee should inform their manager as soon as possible of the appointment being made"**

If you are pregnant and attending **antenatal appointments** or if you are attending routine cancer screening you will be able to take the time off with pay.

### Employees on Flexi-time

Routine medical appointments, including dental appointments should be taken in the employee's own time, and be taken outside of the working day whenever possible.

#### **Appointments without pay (time not credited):-**

Where it is not possible to attend an appointment in their own time, employees are able to attend medical and personal appointments during the normal working day subject to adequate office cover. Employees are required to clock out for such appointments and will not be credited for this time.

#### **Appointments with pay (time credited):-**

Employees attending hospital appointments will be required to clock out for such appointments and will be credited for this time. Hospital appointments which are half a day or more will be classed as sick leave.

Employees attending routine cancer screening will be required to clock out for such appointments and will be credited for this time.

Employees who require time off to give blood to the National Transfusion Service will be required to clock out for such appointments and will be credited for this time (as long as the needs of the Service are met before the line manager agrees to the time off).

### **Employees not on Flexi-time**

Employees should endeavour to arrange routine medical appointments, including dental appointments, outside of normal working time. Where this is not possible, reasonable time off with pay will be granted.

Employees attending hospital appointments will be granted reasonable time off with pay for this time. Hospital appointments which are half a day or more will be classed as sick leave.

Employees attending routine cancer screening will be entitled to time off with pay.

Employees who require time off to give blood to the National Transfusion Service will be allowed reasonable paid time off (as long as the needs of the Service are met before the line manager agrees to the time off).

#### **Note**

~~Separate arrangements are in place for appointments concerned with fertility, maternity, adoption and surrogacy. Refer to the Elective medical procedures section of this policy and the Parental policy for further details.~~

~~For further details relating to time off to attend medical appointments please refer to the Attendance at work procedure.~~

## **11. Military reservists, retained fire-fighters & special constables**

~~Denbighshire County Council recognises that all military reservist employees have yearly training commitments and the potential for individuals to be called up for service in relation to military action. The Council is committed to working with employees to support them (within reason, and taking into account the needs of the organisation) during this process.~~

~~Further information relating to military reserve forces and our obligations as an employer can be found at;~~

Military reservists, retained fire-fighters and special constables will be granted paid leave of absence for mandatory annual training camp, up to a maximum of two weeks per year.

Retained fire-fighters who have to respond to an emergency during working hours will be able to do so using Emergency Leave, or Flexi/TOIL if they have sufficient hours. **What happens if they don't have emergency leave?**

For further information on military reserve forces and supporting their absence, please refer to the Military Reservists, Retained Fire Fighters and Special Constables Guidance.

## 12. Public duties

Employees can get time off work for certain public duties. There can be different payments and rights to time off dependent upon the public duty performed.

### Reasonable time off

Qualifying employees will be allowed reasonable time off to go to meetings or carry out duties. The amount of time off must be agreed between the employee and employer before taking any time off. Employers will be allowed to refuse time off if it is unreasonable, however, the law does not specify a set amount of time. What may be classed as reasonable will depend on:-

- how long the duties might take
- the amount of time the employee has already had off for public duties
- how the time off will affect the business
- Denbighshire CC can't refuse staff time off to do jury service.

### Who doesn't qualify for time off

Staff can't ask for time off work for public duties if they're:

- agency workers
- members of the police service or armed forces
- employed on a fishing vessel or a gas or oil rig at sea
- merchant seamen
- civil servants, if their public duties are connected to political activities restricted under their terms of their employment

**What relevance does the above have in relation to staff who work for Denbighshire**

Examples of public duties:

- a magistrate (also known as a justice of the peace)
- a local councillor
- a school governor
- a member of any statutory tribunal (e.g. an employment tribunal)
- a member of the managing or governing body of an educational establishment
- a member of a health authority
- a member of a school council or board in Scotland

- a member of the Education Workforce Council
- a trade union member (for trade union duties)

### Time off for Trade Union duties

The Trade Union and Labour Relations (Consolidation) Act 1992 (S168(1) and (2)) makes of provision for employees to be given the right for time off under various circumstances. Representatives will be permitted reasonable paid time off during working hours to carry out duties for one or more Union roles that are concerned with any aspect of collective bargaining and representation of individual members.

Please refer the Facilities Agreement on the Intranet for further details.

### Jury Service

If an employee is taking jury service, serving on public duties or undertaking public duties e.g. polling/count duties, they will be granted paid leave of absence.

### Attending court as a witness.

Paid leave will only be granted where the case is related to an employee's position or employment for Denbighshire County Council. cases. If you are attending a meeting as a witness for an employee, this

Cases that are not related to an employee's position or employment for Denbighshire County Council will have to be taken as annual leave, flexi leave, TOIL or unpaid leave.

## 13. Staff Council

Service representatives of the Staff Council may be required to take reasonable paid time away from their core duties to fulfil their role. This will include attendance at regular meetings for which adequate time will be provided. The full terms of reference can be found on the Staff Council page of the intranet.

## 14. Unpaid Leave, Flexi-leave & TOIL

### Unpaid leave

Unpaid leave is for when employees need to take short-term time off work but have possibly exhausted their annual leave, flexi leave/TOIL, carers leave etc. Requests for unpaid leave are required to be made in advance, and with agreement with the line manager.

Managers will approve requests for unpaid leave on a case by case basis and must be in-line with the needs of the business. Whilst the council will grant a reasonable period of unpaid leave within a 2 month period, this reasonableness will be determined by consideration of service operations, staffing needs, customer needs, and individual circumstances.

### Flexi-leave (Vision Time)

For senior posts, there will be an expectation that a reasonable number of hours will be worked over and above the contracted hours with no additional reimbursement.

For more detailed information regarding flexi time, please refer to the Flexible Working Policy and Guidance for Managers on the Intranet.

Employees who have reached their maximum credit on the flexi system will not automatically be able to claim and accrue TOIL for any further additional hours worked.

~~Employees on the flexi system are able to use accrued hours to take additional time off work. The flexi period runs on a 6 weekly cycle. Staff must ensure that they are not in a detriment for more than 2 cycles, and can only carry over 20 hours from one to the next, any hours accrued over and above this will be lost.~~

~~Staff can take up to 2 full days of flexi leave in every 6 week cycle. This can be taken in half or full days, in the same way as annual leave. Requests for flexi leave should follow the same process as annual leave. Staff may also work a 'short day' but must work a minimum of 4 and a half hours in these instances.~~

Employees leaving the council will not have excess flexi hours paid to them and every effort should be made to get to a zero balance.

Employees should ensure they have sufficient credit hours to cover leave. Flexi leave must not be taken if there are insufficient credit hours. Time accrued under the flexi scheme cannot be converted to time off in lieu.

### **Time off in Lieu (TOIL)**

Time off in lieu (TOIL) is another way of reimbursing employees for hours worked over and above their contracted hours. Examples of when TOIL may be appropriate may be (this list is not exhaustive and it will be manager's discretion whether TOIL is appropriate):

- Planned evening meetings
- Training which involved long days or overnight travel
- Short periods of time worked as an extension of a normal working day

It will only be hours worked over and above the employee's contracted hours which are not reimbursed through any other means e.g. paid overtime that will be claimed as time off in lieu.

Time off in lieu will be accrued as plain time, regardless of when it is worked and a minimum of ½ hour must be worked before time off in lieu can be claimed.

The TOIL period runs on a 6 weekly cycle, and up to 20 hours of TOIL can be carried over from one TOIL period to the next. Hours in excess of 20 hours at the end of the 6 week period will be lost. Within a 6 week period, employees can take up to the equivalent of 2 days TOIL leave and this can be taken as whole or half days. Requests for TOIL leave should follow the same process as annual leave.

Where it is not possible, due to business reasons, to allow an employee to take 2 days TOIL leave during the 6 week period, and as a result of which the employee loses hours in excess of 20 hours, the amount lost should be repayable to the employee based on their basic hourly rate. This will only apply in cases where the employee has been unable to take TOIL due to business reasons. It will not apply to those who have had their 2 days TOIL but still had hours in excess of 20 at the end of the settlement period, or when employees have not taken the excess hours even though the business would have allowed them to.



Employees should ensure they have sufficient credit hours to cover requested leave. TOIL leave must not be taken if there are insufficient credit hours. Time accrued under the flexi scheme cannot be converted to time off in lieu.

Employees who have reached their maximum credit on the flexi system will not automatically be able to claim and accrue TOIL for any further additional hours worked.

Employees leaving the council should make every effort to achieve a zero balance. If this is not possible, then credit hours up to a maximum of 20 hours will be repayable to the employee at their basic rate. No enhancement will be payable for this time.

Credit hours are also not transferable from one service to another.

## 15. Volunteering

The council recognises that some employees wish for an opportunity to develop professional and personal skills whilst helping local people, **the community** or improving the environment. By encouraging voluntary activities, Denbighshire County Council demonstrates that they value their employees, local groups and community of Denbighshire.

It is expected that employee volunteering will normally take place in non-work time, which includes unpaid lunch breaks. However, there is management discretion should any time spent volunteering need to take place during the working day. Up to the equivalent of 5 days paid time off per calendar year can be allowed for ~~participation in volunteering activities~~ for training or attending meetings with the volunteering organisation. This is pro rata for part time employees.

For employees who are new to volunteering and for certain types of on-going projects, there may be a requirement for some initial training, 2 paid working days can be taken as time off for this one off volunteering activity **in addition to the 5 days as set out above.**

~~For full time employees, annual leave is normally taken in half or full days. Similar arrangements are in place for flexi leave and TOIL.~~ Where volunteers may need short periods of time off, leave can be taken in hours.

Note that this does not cover the statutory duty to allow employees time off for public duties. See Public duties.

Mae tudalen hwn yn fwriadol wag

# Family Friendly Policies

## Wellbeing Impact Assessment Report

This report summarises the likely impact of a proposal on the social, economic, environmental and cultural well-being of Denbighshire, Wales and the world.

Assessment Number:	365
Brief description:	Flexible Working Policy Managing Carers Leave Policy Parental Leave Policy (maternity, paternity, adoption, shared) Time off Work Policy
Date Completed:	Version: 0
Completed by:	
Responsible Service:	Legal, HR & Democratic Services
Localities affected by the proposal:	Whole County,

# IMPACT ASSESSMENT SUMMARY AND CONCLUSION

Before we look in detail at the contribution and impact of the proposal, it is important to consider how the proposal is applying the sustainable development principle. This means that we must act "in a manner which seeks to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs."

## Score for the sustainability of the approach

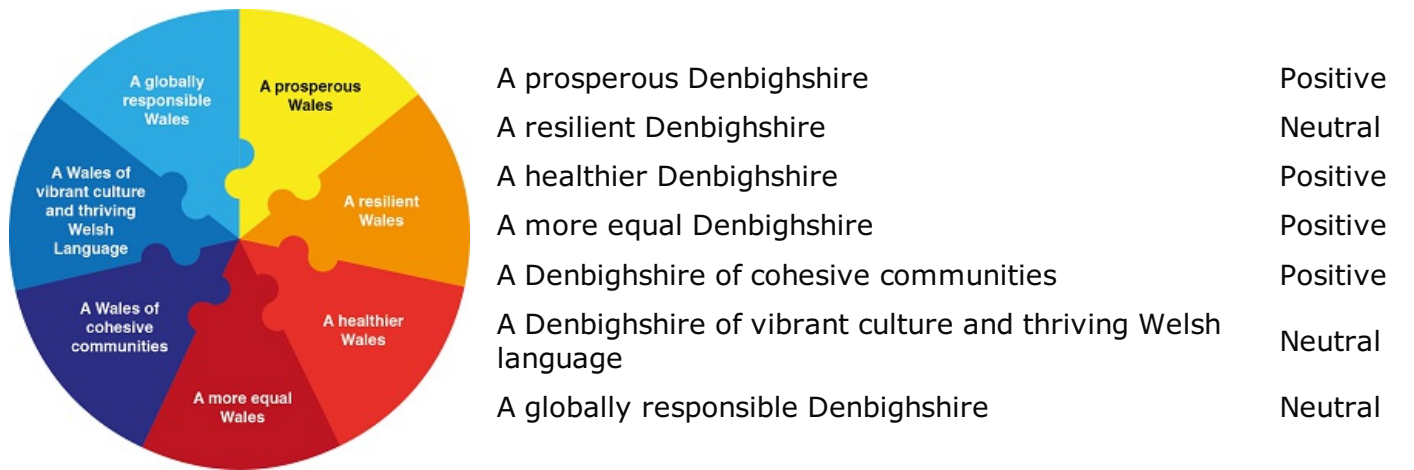
Could you do more to make your approach more sustainable?



Actual score : 16 / 24.

## Summary of impact

Wellbeing Goals



## Main conclusions

# THE LIKELY IMPACT ON DENBIGHSHIRE, WALES AND THE WORLD

## A prosperous Denbighshire

Overall Impact	Positive
Justification for impact	Overall, the policies provide a mechanism for those with caring and parental responsibilities to remain in work/learning and build skills within the community through facilitating learning/upskilling. Providing a better work life balance and the ability to pursue other opportunities and life skills (e.g. military reservists, on call fire fighter) whilst retaining paid employment

### Positive consequences identified:

Flexible working policy encourages the use of alternative methods of working which in turn promotes less travel - working from home, hot desking closer to home/meetings, Jabber, video calling etc. Less cars and congestion in rural/towns - less emissions etc By providing family friendly leave enables families to utilise local services and spend in local shops outside of your normal weekend hours.

More opportunities for some to continue in employment e.g. working parents utilise the flexible working and time off work policies

Facilitates staff to upskill whilst remaining in employment e.g. magistrates, reservists, volunteering, career breaks, courses/qualifications etc.

The policies facilitate working parents and carers to continue in employment/learning, whilst balancing their family needs. Facilitating family friendly policies can encourage parents to return to work and access local Childcare, therefore increasing demand

### Unintended negative consequences identified:

Career break, maternity and paternity leave could potentially increase the carbon due to extra travel Less people spending within local shops and communities due to them not being in the office locality. By providing leave employers may attract additional costs to cover the vacated posts.

Less jobs available for new starters in the local area as more people are able to remain in work due to increased retention

The Council could lose skills for a temporary period whilst employees are on leave. Maybe a delay in skills and training being acquired due to the time off work.

More pressure on childcare providers to provide flexible childcare outside of the traditional working day

### Mitigating actions:

N/A

## A resilient Denbighshire

Overall Impact	Neutral
Justification for impact	As above

### Positive consequences identified:

Flexible working means more working at home, therefore buildings can be closed

**Unintended negative consequences identified:**

Increased energy usage from people working from home/alternative locations

**Mitigating actions:**

n/a

**A healthier Denbighshire**

Overall Impact	Positive
Justification for impact	As above

**Positive consequences identified:**

Allows people to have a healthy work life balance e.g. work around health appointments, exercise classes, children's social activities, healthy hobbies etc.

Allowing a good work life balance, could mean that there is more time to prepare fresh, home cooked meals, or grow your own vegetables.

Allows people to have a healthy work life balance e.g. exercise classes, children's social activities, and exploring outside areas, healthy hobbies, and local community groups etc.

Allows people to have a healthy work life balance, which all reduces stress and improve emotional and mental well-being e.g. exercise classes, children's social activities, and exploring outside areas, healthy hobbies, and local community groups etc.

Family Friendly policies allow easier access to healthcare appointments and services during their normal operating time frames

**Unintended negative consequences identified:**

Some people can experience social isolation when not in work, which can impact on emotional and mental well-being

**Mitigating actions:****A more equal Denbighshire**

Overall Impact	Positive
Justification for impact	As Above

**Positive consequences identified:**

All family friendly policies are applicable to all employees and provide an equal opportunity for all staff and exceed the minimum legislative requirements

The policies allow for staff to be able to accommodate appointments and programmes in a flexible manner (e.g. smoking cessation, caring for a chronic condition with medical appointments)

The family friendly policies enable an employee to retain their employment and reduce benefit claims

**Unintended negative consequences identified:****Mitigating actions:**

## A Denbighshire of cohesive communities

Overall Impact	Positive
Justification for impact	As above

### Positive consequences identified:

The time off work policies can encourage participation in volunteer schemes to build a cohesive community

### Unintended negative consequences identified:

### Mitigating actions:

## A Denbighshire of vibrant culture and thriving Welsh language

Overall Impact	Neutral
Justification for impact	

### Positive consequences identified:

### Unintended negative consequences identified:

### Mitigating actions:

## A globally responsible Denbighshire

Overall Impact	Neutral
Justification for impact	

### Positive consequences identified:

### Unintended negative consequences identified:

### Mitigating actions:

Mae tudalen hwn yn fwriadol wag



# PARENTAL POLICIES

## (MATERNITY, PATERNITY, ADOPTION, PARENTAL AND SHARED)

Tudalen 109

<b>Date agreed &amp; Implemented:</b>	20.09.2011
<b>Agreed by:</b>	<b>Full Council</b>
<b>Review date:</b>	
<b>Frequency:</b>	

Ver	Status	Date	Reason for Change	Authorised
1.0			Updated legislation and amalgamated maternity, paternity, adoption and parental leave policies together	

**Contents Page**

- 1. Maternity
- 1. Paternity
- 2. Adoption
- 3. Parental leave
- 4. Shared parental leave

## ROLES & RESPONSIBILITIES

### Head of Service/Director

- To ensure all staff are aware of the parental policy and their obligations under it.
- Develop a culture where staff are encouraged to openly discuss their work life balance preferences.
- Ensuring a consistent and fair process is followed for staff.
- Support managers in carrying out their responsibilities under this policy.
- Consider requests for discontinuous Shared Parental Leave on a case by case basis in line with both employee and business needs.

### Councillors

- To encourage a culture of work life balance and engagement with this policy.
- To ensure the council's policies are in line with best practice and legislation.

### Line Managers/Supervisors

- Support individuals in their decisions for periods of leave when becoming new parents.
- Work collaboratively with staff to ensure their needs are met with regards to childcare, whilst also meeting business needs.
- Respond to requests for leave promptly, sensitively and in line with this policy.
- Ensure staff are fully aware of these procedures, as well as notice periods and information we expect to receive from them.
- Consistently apply the policy amongst all staff.
- Assist in developing a supportive culture.
- Undertake risk assessments for those employees who are pregnant, ideally through each trimester of their pregnancy.
- To ensure any employees on Maternity, Paternity, Adoption, Parental or Shared Parental Leave are kept as fully informed of changes or important matters as if they were still in the workplace (i.e. consultations etc.).
- To keep in touch with their employees when taking extended periods of absence.

### Human Resources

- Advise managers and employees on the process and policy.
- Ensure the policy and procedure are current and fair.
- Provide advice and guidance regarding support measures and accessing them.

### **Employees**

- To be discuss with their manager their needs as early on as possible.
- To be open with their manager to ensure that thorough risk assessments are carried out and temporary adjustments can be considered if needed.
- To comply with all the timescales set out as far as reasonably possible.
- To provide the information requested of them in a timely fashion.
- To work with managers to decide on work life balance support measures that suit both them and the business needs.
- To keep in touch with their manager when taking extended periods of absence.

### **Trade Union Representatives**

- To support their members/colleagues in line with this policy where requested.
- To make representations on their behalf and provide them with advice.

\*Please note that any lists contained within this policy are not exhaustive

# 1. Prior to Maternity Leave

## Timescales

When/Time	Action required
After 12 weeks pregnant or as soon as possible	Tell their Manager and discuss their intentions: to return, to defer the decision or not to return
After 20 weeks pregnant	Ask their Doctor or midwife for a maternity certificate (MATB1) showing when the baby is due. <b>This must be the original MATB1</b>
During or before the 15th week before the EWC (Expected week of childbirth)	Complete the appropriate Application for Maternity Leave form confirming when they intend to commence maternity leave. Within 28 days Payroll will confirm acknowledgement in writing
After 29 weeks pregnant (11 <sup>th</sup> week before the EWC)	Commence maternity leave if they have chosen to do so
During maternity leave	If the employee wishes to return early (before 52 weeks) then 8 weeks' notice is required in writing to their Manager.
52 weeks from the beginning of the week in which maternity leave started	Latest time by which the employee has a right to return to their job.

## Maternity Leave

All pregnant employees are entitled to take up to one year's (52 weeks) maternity leave, regardless of length of service with the employer. This is made up of 26 weeks Ordinary Maternity Leave and 26 weeks Additional Maternity Leave. Additional Maternity Leave immediately follows Ordinary Maternity Leave and there must be no gap between the two.

All pregnant employees, regardless of their length of service, are entitled to a period of 26 weeks Ordinary Maternity Leave, providing that certain notification requirements are met;

To apply for Ordinary Maternity Leave, the pregnant employee must write to her manager before the end of the 15th week before the week her baby is due (around 25 weeks pregnant) confirming:

- That she is pregnant
- The expected week of childbirth as stated on MAT B1 certificate
- The date she intends to start her leave

### **Ordinary Maternity Leave**

Ordinary Maternity Leave can start no earlier than the beginning of the 11th week before the expected week of childbirth. A woman has a right to change the date she starts her maternity leave as long as she gives 28 days' notice to her employer. A woman has the right to work right up to the day of the birth if she wishes. However, if she is absent from work because of a pregnancy related reason in the four weeks before the expected week of childbirth, her maternity leave will start automatically from the first date of absence.

### **Additional Maternity Leave**

All pregnant employees have the right to an additional period of maternity leave. This additional period of leave begins at the end of Ordinary Maternity Leave, for 26 weeks totalling 52 weeks maternity leave.

### **Time off for Antenatal Care**

All pregnant employees, regardless of their length of service with the council, are entitled to reasonable paid time off to keep appointments for antenatal care made on the advice of a doctor, midwife or health visitor.

Except in the case of a first appointment to obtain a certificate, the woman must be prepared to show, on request from her employer, a certificate from a doctor, midwife or health visitor confirming that she is pregnant and also an appointment card or some other document showing that an appointment has been made.

Fathers and partners of pregnant women who are in a qualifying relationship are entitled to unpaid time off to attend two ante-natal appointments (up to a maximum of 6.5 hours per appointment).

Employees and agency workers who are considered to be in a qualifying relationship for the purposes of this new statutory right include:

- a pregnant woman's husband, partner or civil partner, i.e. if she's in a same-sex relationship
- the father of the child
- the parent of the child; and
- intended parents in a surrogacy situation who meet specified conditions

Intended parents in a surrogacy case who meet the conditions set out under the Human Embryology and Fertilisation Act 2008 will also have the right to unpaid leave to attend up to two antenatal appointments.

### **Averaging Maternity pay**

Employees eligible for Occupational Maternity Pay, i.e. the half pay element, are able to decide to have this money averaged out for the period of week 7 to 39. Statutory pay must be paid when it is due. Please discuss this with Payroll, as this will affect your Tax and NI payments, and means that some staff will benefit from this option, but some staff will not. Please see 1f for details on Maternity pay.

### **Completing a risk assessment**

Managers should carry out a risk assessment for woman who are pregnant, as soon as possible. It may be that more than one risk assessment is required as employee progresses through the trimesters of pregnancy. This needs to be done in conjunction with the employee, and reasonable adjustment may need to be implemented to accommodate the employee's needs during her pregnancy. A risk assessment prior to returning should also be carried out.

## During Maternity Leave

### Entitlement to Maternity Pay

Employees, both full and part-time **and teaching and non-teaching**, who are pregnant or have just given birth are entitled to a maximum of 39 weeks Statutory Maternity Pay (SMP) if:

- They have worked for their employer for a continuous period of at least 26 weeks ending with the qualifying week, which is 15 weeks before the expected week of childbirth.
- Their average weekly earnings in the eight weeks up to and including the qualifying week must have been at least equal to the lower earnings limit for National Insurance contributions.

Employees with less than 26 weeks of continuous service by the end of the 15<sup>th</sup> week before the expected week of confinement, or whose earnings are less than the minimum earnings limit for NI in the relevant period, do not qualify for SMP and instead may be entitled to Maternity Allowance instead. This is paid direct to the woman by the Social Security/Jobcentre Plus Offices. Employees will be issued with a SMP 1 form which confirms why they do not qualify, to enable them to approach the relevant agency to discuss entitlement to Maternity Allowance.

She must notify her employer in writing no later than the end of the 15th week before the week her baby is due, or as soon as reasonably practicable.

- That she is pregnant
- The expected week of childbirth as stated on MAT B1 certificate
- The date she intends to start her leave
- **The date she intend to return (if averaging pay)**

She can give notice for SMP at the same time as for Maternity Leave. To qualify for SMP only, she must give at least 28 days' notice of the date she expects her SMP to start as well as medical evidence of her pregnancy.

She can change her leave dates if she gives 28 days' notice.



### **What are the rates of Maternity Pay for NJC staff?**

The first six weeks of Statutory Maternity Pay are paid at 90% of the employee's average weekly earnings.

Qualifying employees then receive the next 12 weeks paid at  $\frac{1}{2}$  pay which is supplemented by SMP standard rate, or 90% of the woman's average weekly earnings if lower. To qualify for this  $\frac{1}{2}$  pay period, employees must have completed one full year Local Government Service at the 11th week before the Expected Week of Confinement.

The  $\frac{1}{2}$  pay must be paid back if employee does not return to work for a 3 month period following the end of her Maternity Leave.

Employees who have over 26 weeks continuous service by the end of the 15th week before the expected week of confinement, but less than one year's service, will be paid the SMP standard rate, or 90% of the woman's average weekly earnings if lower, during those 12 weeks.

The remaining 21 weeks are paid at the SMP standard rate, or 90% of the woman's average weekly earnings, if lower.

### **Over one year's NJC service table:**

Weeks 1 - 6	90% of average weekly earnings (based on an average of the employees last 8 weeks gross earnings)	Ordinary Maternity Leave period (week 1 – 26)
Weeks 7 – 18	12 weeks half pay (if eligible) + standard rate SMP	
Weeks 19 – 39	21 weeks at standard rate SMP (or 90% of the employee's average weekly earnings if lower)	Additional Maternity Leave period (week 27 – 52)

Weeks 40 – 52	Unpaid	
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### **26 weeks to one year's NJC service table**

Weeks 1 - 6	90% of average weekly earnings (based on an average of the employees last 8 weeks gross earnings)	<i>Ordinary Maternity Leave period (week 1 – 26)</i>
Weeks 7 – 39	21 weeks at standard rate SMP (or 90% of the employee's average weekly earnings if lower)	
Weeks 40 – 52	Unpaid	<i>Additional Maternity Leave period (week 27 – 52)</i>

### **What are the rates of Maternity Pay for Teachers?**

Qualifying teacher are paid the first four weeks of Statutory Maternity Pay at 100% of the employee's average weekly earnings. To qualify, teachers must have completed one full year Local Government Service at the 11th week before the expected week of confinement.

Teachers then receive the next 2 weeks paid at 90% of their average weekly earnings.

The 12 weeks after this are paid at ½ pay plus SMP, unless to combination of the two amounts (SMP + ½ pay) exceeds full pay in which case there are deductions. This period is subject to the same qualifying rules as above, meaning the employee must have over one year's continuous service to receive this.

The remaining 21 weeks are paid at the SMP standard rate, or 90% of the woman's average weekly earnings, if lower.

The full pay and ½ pay elements must be paid back if the teacher does not return to work for a 13 week period following the end of her Maternity Leave.

Employees who have over 26 weeks continuous service by the end of the 15th week before the expected week of confinement, but less than one year's continuous service will be paid the 90% of their average earnings for the first 6 weeks, and SMP standard rate, or 90% of the woman's average weekly earnings if lower, for the next 33 weeks.

**Over one year's Teachers service table:**

Weeks 1 – 4	4 weeks full pay (offset against payments made by way of SMP or MA)	Ordinary Maternity Leave period (week 1 – 26)
Weeks 5 – 6	90% pay (off-set by payments made by way of SMP or MA)	
Weeks 7 – 18	Half pay* without deduction <b>except</b> by the extent to which the combined pay and SMP (or MA) exceeds full pay	
Weeks 19 – 39	Statutory Maternity Pay	Additional Maternity Leave period (week 27 – 52)
Weeks 40 – 52	Unpaid (max 13 weeks)	

**26 weeks to one years' Teacher service table:**

Weeks 1 – 6	90% of average weekly earnings (off-set by payments made by way of SMP or MA)	Ordinary Maternity Leave period (week 1 – 26)
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Weeks 7 – 39	Statutory Maternity Pay	<i>Additional Maternity Leave period (week 27 – 52)</i>
Weeks 40 - 52	Unpaid	

### **Pension Scheme**

Pension contributions will automatically continue to be deducted from Maternity pay during the period of **paid Maternity Leave**. This will be based on the amount of pay received by the employee during this time. The council will continue to make their employer contributions at the employee's usual rate of pay. During the period of unpaid **Maternity Leave** no pension will be paid, however, at the end of the maternity leave the employee can decide to pay contributions for the unpaid period.

This must be arranged in writing within 30 days of the employee returning to work after Additional Maternity Leave and the employer will provide details of the amount that the individual would have to pay back to cover the gap in pension contributions.

This is applicable to contributions to both the LGPS and Teachers Pensions

### **Miscarriage, **termination** and stillbirth**

Absence due to miscarriage, **termination** or stillbirth before the start of their 24<sup>th</sup> week of pregnancy will be treated as normal sickness absence and the employee will be entitled to contractual sick pay.

If miscarriage or stillbirth occurs from after the start of their 24<sup>th</sup> week of pregnancy, the employee will be entitled to receive maternity leave **and SMP**.

### **Early births**

Maternity leave will start the day after the birth if the baby is born early.

### **Keeping in Touch Days (KIT Days)**

During the maternity leave period an employer may make reasonable contact with an employee, and in the same way an employee may make contact with her employer. The frequency and nature of the contact will depend on the circumstances such as, the nature of the work and the employee's post or changes at the workplace that might affect the employee on her return.

Employees may, by agreement with their employer, do up to ten days' work or training, known as 'Keeping in Touch Days' under their contract of employment during the maternity leave period. **There is no obligation on either the employer to offer KIT days, or for the employee to work KIT days. However, KIT days can be used for work related training, normal day to day work, or appraisal interviews.** The type of work that the employee undertakes on 'Keeping in Touch Days' and the payment will be by agreement between the employer and the employee prior to the start of maternity leave. KIT days will not include the two weeks immediately after the birth of the baby.

**Work done on a KIT day will count as a whole keeping-in-touch day, regardless of the time actually worked.**

### **Employment rights during Maternity Leave**

**Employee rights are not affected during Maternity leave, meaning they continue to accrue their continuous service and annual leave. Please see the Annual Leave Guidance for Managers and Employees for details on accruing and taking annual leave during and after a period of maternity leave.**

# 1. Returning from Maternity Leave

An employee on maternity leave can return to work at the end of her maternity leave and does not normally need to inform her manager prior to the date of return. However, if she wishes to change the date of her return she should give at least 8 weeks' notice in writing. It is unlawful for a woman to return to work within 2 weeks of giving birth (4 weeks for factory workers).

At the end of Maternity Leave, an employee must return from Maternity Leave with their seniority, pension rights and similar rights as they would have if they had not been absent, regardless of whether any additional leave has been taken. This means that the whole of the Maternity Leave period must count, for example, for the purpose of accruing the service needed for an increase to annual leave, and service related pay increments.

If an employee does not return to work after her maternity leave, her absence should be regarded as unauthorised absence and the normal disciplinary rules would apply. Employees who do not return within 3 months must pay all Occupational Maternity Pay back to the council.

## Completing a risk assessment & breastfeeding

Prior to returning, managers should complete a risk assessment with the employee. Consideration should be given to women who wish to continue to breastfeed during their return, as they must be able to express in a clean, safe, and quiet area with a fridge to store the milk. This may require implementing temporary reasonable adjustments. Employees who wish to express during the working day have the right to do so, but must clock out during this time.

## 2. Paternity Leave

### Timescales

When/time	Action required
As soon as they know their partner is pregnant, or matched with a child for adoption	Tell their Manager and discuss their intentions: to return, to defer the decision or not to return
During or before the 15th week before the expected week of childbirth / 7 days prior to placement	Inform Manager of intention to take paternity leave
28 days prior to expected week of childbirth / placement	Notify manager of intention to take paternity pay
2 weeks	Maximum time off; either 2 weeks Paternity leave, or 1 week Paternity and 1 week Maternity Support Leave

### Paternity Leave

Paternity leave is for employees who have responsibility for bringing up the child, including the biological father, the mother's husband or partner (including same sex couples). To qualify, employees must have at least 26 weeks' continuous service by the end of the 15th week before the expected week of birth (or the week in which a match is made with a child for adoption) and continue to work for their employer until the baby's birth.

A qualifying employee can take either one or two consecutive weeks, beginning on any day of the week, to care for a new-born or adopted child and support the mother or adoptive parent. This cannot be taken as odd days and only one period of leave may be taken, even if the pregnancy results in more than one child.

The employee can choose to take paternity leave from the date of the baby's birth or later as long as leave is taken within 56 days of the birth. If the birth is premature, the leave can be taken within 56 days of the expected date of birth.

### Paternity Pay

Statutory Paternity Pay (SPP) will be paid for the period of Paternity leave, providing the following apply:

- The employee has been in employment with the council for at least 26 weeks by the end of the 15th week before the due birth date.
- The employee's average weekly earnings are above the lower limit for National Insurance contributions

Employees must notify their employer of the day on which they expect to start their paternity leave and whether they wish to take 1 or 2 weeks leave, on or before the 15th week before the expected week of childbirth (or within 7 days of matching a child for adoption). If this is not possible, the employer must be notified as soon as is reasonably practicable. Employees must complete a self-certificate as evidence of their eligibility for paternity leave. The same procedure acts as evidence for paternity pay (certificates available from HR or [www.hmrc.gov.uk/forms/sc3.pdf](http://www.hmrc.gov.uk/forms/sc3.pdf)).

For paternity pay, employees must notify their employer at least 28 days before they expect their pay period to start (or as soon as is reasonably practicable).

### **Stillbirth**

Absences relating to parents wishing to take time off work to support their partner due to miscarriage, termination or stillbirth before the start of the 24<sup>th</sup> week of pregnancy, will be treated as normal requests for leave (albeit the requests for such absences may be at short-notice) and the employee will need to take annual leave/flexi/TOIL/unpaid leave.

If miscarriage or stillbirth occurs after the start of the 24<sup>th</sup> week of pregnancy the employee will be entitled to receive paternity leave and pay as outlined above.

### **What is Maternity Support Leave?**

Please note that those on Teachers terms and conditions are **not** eligible for Maternity Support Leave.

Maternity Support Leave is for the husband/partner, civil partner/same sex partner or nominated carer of an expectant mother. A nominated carer is the person nominated by the mother as her primary provider of support at or around the time of birth and may be a relative or someone who has a caring relationship with the mother and/or child.

Eligible staff are entitled to one week's leave (pro-rata for staff working less than full-time) with **full** pay at or around the time of the birth. Requests for this leave should be made on the Maternity Support Leave form by staff and should be countersigned by the mother. **These requests will need to be made as soon as possible, no later than the usual notice periods required for requesting annual leave.**

### **Blending Paternity Leave and Maternity Support Leave**

Currently green book conditions allow 1 week Maternity Support leave (MSL) on full pay. Employees who qualify for both MSL and Paternity Leave will be entitled to one week's MSL at full pay and one week's Paternity Leave in accordance with the current rate of



Statutory Paternity Pay (SPP), pro-rata for part-time staff. This can be taken as a single two-week block, or as two separate week-long blocks.

### **Time off for Antenatal care**

Fathers and partners of pregnant women who are in a qualifying relationship are entitled to unpaid time off to attend two ante-natal appointments (up to a maximum of 6.5 hours per appointment).

### 3. Adoption Leave

#### Timescales

When/Time	Action required
As soon as they know they have been matched	Tell their Manager and discuss their intentions: to return, to defer the decision or not to return
During or before the 15th week before the expected date of placement	Complete the appropriate Application for Adoption Leave form confirming when they intend to commence adoption leave. Within 28 days Payroll will confirm acknowledgement in writing
28 days prior to placement/date of change	Employee needs to give 28 days notice to change their adoption leave dates
14 days prior to placement	Commence adoption leave if they have chosen to do so
During adoption leave	If the employee wish to return early (before 52 weeks) then 8 weeks' notice is required in writing to their Manager.
52 weeks from the beginning of the week in which adoption leave started	Latest time by which the employee has a right to return to their job.

#### Adoption Leave

Eligible employees who are matched with a child for adoption are entitled to take up to one year's (52 weeks) adoption leave. This is made up of 26 weeks Ordinary Adoption Leave and 26 weeks Additional Adoption Leave.

Where a couple adopt, only one will qualify for adoption leave and pay. The other will be able to take Paternity Leave if they meet the eligibility criteria.

The scheme does not apply to adoption by existing foster carers or step families.

#### Ordinary Adoption Leave

All employees who adopt are entitled to a period of 26 weeks ordinary adoption leave and 26 additional adoption leave, regardless of length of service with the employer.

To take advantage of Ordinary Adoption Leave, the employee must inform the employer of their intention to take adoption leave when they are matched with a child producing documentation from the adoption agency stating:-

- The date they were notified of having been matched with the child
- The date on which the child is expected to be placed for adoption or the actual date of placement (if this has already happened)

There must be no gap between Ordinary Adoption Leave and Additional Adoption Leave.

Ordinary Adoption Leave can start no earlier than fourteen days prior to placement. An employee has a right to change the date that Ordinary Adoption Leave is to start as long as 28 days notice is given to the employer.

### **Additional Adoption Leave**

All employees have the right to an additional period of adoption leave. This additional period of leave for 26 weeks begins at the end of Ordinary Adoption Leave, totalling 52 weeks adoption leave.

### **Averaging Adoption pay**

Employees eligible for Occupational Adoption Pay, i.e. the half pay element, are able to decide to have this money averaged out for the period of week 7 to 39. Statutory pay must be paid when it is due. Please discuss this with Payroll, as this will affect your Tax and NI payments, and means that some staff will benefit from this option, but some staff will not.

### **Employment rights during Adoption Leave**

Employee rights are not affected during Adoption leave, meaning they continue to accrue their continuous service and annual leave. Please see the Annual Leave Guidance for Managers and Employees for details on accruing and taking annual leave and Adoption Leave.

# During Adoption Leave

## Entitlement to Adoption pay

The employee must notify their manager in writing no later than the end of the 15th week before the week the date of placement is due, or as soon as reasonably practicable, when they intend the adoption leave to begin. The employee can give notice for Statutory Adoption Pay at the same time as for Adoption Leave.

To qualify for Statutory Adoption Pay only, they must give at least 28 days' notice of the date they expect Statutory Adoption Pay to start as well as evidence of placement for adoption. Leave dates may be changed with 28 days' notice.

Employees, both full and part-time, **and teachers and non-teachers**, who are matched with a child for adoption and intend to take advantage of adoption leave are entitled to a maximum of 39 weeks Statutory Adoption Pay (SAP) if:

- They have worked for their employer for a continuous period of at least 26 weeks ending with the week in which they are notified of having been matched with the child.
- Their average weekly earnings must be at least equal to the lower earnings limit for National Insurance contributions.

Where possible, an employee must give at least 28 days' notice of the date on which they want their Statutory Adoption Pay to start.

An employee can change their mind about when they want their leave to start as long as they give at least 28 days' notice before the original date or the new date they want leave to start, whichever is the later.

An employee must notify the employer no later than the fourteen days before the date of placement, or as soon as reasonably practicable.

- That they are matched with a child for adoption from an adoption agency
- When the expected week of placement will be (in writing)
- When they intend the adoption leave to begin (in writing)

## What are the rates of Adoption Pay for NJC staff?

The first six weeks of Statutory Adoption Pay are paid at 90% of the employee's average weekly earnings.

Qualifying employees then receive the next 12 weeks paid at ½ pay which is supplemented by SAP standard rate, or 90% of their average weekly earnings if lower. To qualify for this ½ pay period, employees must have completed one full year Local Government Service at the 11th week before the date of adoption placement.

The ½ pay must be paid back if employee does not return to work for a 3 month period following the end of their Adoption Leave.

Employees who have over 26 weeks continuous service by the end of the 15th week before the date of the adoption placement, but less than one year's service, will be paid the SAP standard rate, or 90% of their average weekly earnings if lower, during those 12 weeks.

The remaining 21 weeks are paid at the SAP standard rate, or 90% of their average weekly earnings, if lower.

**Over one year's NJC service table:**

Weeks 1 - 6	90% of average weekly earnings (based on an average of the employees last 8 weeks gross earnings)	Ordinary Adoption Leave period (week 1 – 26)
Weeks 7 – 18	12 weeks half pay (if eligible) + standard rate SAP	
Weeks 19 – 39	21 weeks at standard rate SAP (or 90% of the employee's average weekly earnings if lower)	
Weeks 40 – 52	Unpaid	Additional Adoption Leave period (week 27 – 52)

**26 weeks to one year's NJC service table**

Weeks 1 - 6	90% of average weekly earnings (based on an average of the employees last 8 weeks gross earnings)	<i>Ordinary Adoption Leave period (week 1 – 26)</i>
Weeks 7 – 39	21 weeks at standard rate SAP (or 90% of the employee's average weekly earnings if lower)	
Weeks 40 – 52	Unpaid	<i>Additional Adoption Leave period (week 27 – 52)</i>

**What are the rates of Adoption Pay for Teachers?**

Qualifying teachers are paid the first four weeks of Statutory Adoption Pay at 100% of the employee's average weekly earnings. To qualify, teachers must have completed one full year Local Government Service at the 11th week before the date of adoption placement.

Teachers then receive the next 2 weeks paid at 90% of their average weekly earnings.

The 12 weeks after this are paid at  $\frac{1}{2}$  pay plus SAP, unless the combination of the 2 amounts (SAP +  $\frac{1}{2}$  pay) exceeds full pay in which case there are deductions. This period is subject to the same qualifying rules as above, meaning the employee must have over one year's continuous service to receive this.

The remaining 21 weeks are paid at the SAP standard rate, or 90% of their average weekly earnings, if lower.

The full pay and  $\frac{1}{2}$  pay elements must be paid back if the teacher does not return to work for a 13 week period following the end of their Adoption Leave.

Employees who have over 26 weeks continuous service by the end of the 15th week before the date of adoption placement, but less than one year's continuous service will be paid the 90% of their average earnings for the first 6 weeks, and SAP standard rate, or 90% of their average weekly earnings if lower, for the next 33 weeks.

**Over one year's Teachers service table:**

Weeks 1 – 4	4 weeks full pay (offset against payments made by way of SAP)	<i>Ordinary Adoption Leave period (week 1 – 26)</i>
Weeks 5 – 6	90% pay (off-set by payments made by way of SAP)	
Weeks 7 – 18	Half pay* without deduction <b>except</b> by the extent to which the combined pay and SAP exceeds full pay	
Weeks 19 – 39	Statutory Adoption Pay	<i>Additional Adoption Leave period (week 27 – 52)</i>
Weeks 40 – 52	Unpaid (max 13 weeks)	

**26 weeks to one years' Teacher service table:**

Weeks 1 – 6	90% of average weekly earnings (off-set by payments made by way of SAP)	<i>Ordinary Adoption Leave period (week 1 – 26)</i>
Weeks 7 – 39	Statutory Adoption Pay	

Weeks 40 - 52	Unpaid	<i>Additional Adoption Leave period (week 27 – 52)</i>
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### **Pension Scheme**

Pension contributions will automatically continue to be deducted from Adoption pay during the period of paid Adoption Leave. This will be based on the amount of pay received by the employee during this time. The council will continue to make their employer contributions at the employee's usual rate of pay. During the period of unpaid Adoption Leave no pension will be paid, however, at the end of the adoption leave the employee can decide to pay contributions for the unpaid period.

This must be arranged in writing within 30 days of the employee returning to work after Additional Adoption Leave and the employer will provide details of the amount that the individual would have to pay back to cover the gap in pension contributions.

This is applicable to contributions to both the LGPS and Teachers Pensions

### **Keeping in Touch Days (KIT Days)**

During the adoption leave period an employer may make reasonable contact with an employee, and in the same way an employee may make contact with their employer. The frequency and nature of the contact will depend on the circumstances such as, the nature of the work and the employee's post or changes at the workplace that might affect the employee on their return.

Employees may, by agreement with their employer, do up to ten days' work or training, known as 'Keeping in Touch Days' under their contract of employment during the adoption leave period. There is no obligation on either the employer to offer KIT days, or for the employee to work KIT days. However, KIT days can be used for work related training, normal day to day work, or appraisal interviews. The type of work that the employee undertakes on 'Keeping in Touch Days' and the payment will be by agreement between the employer and the employee prior to the start of adoption leave.

Work done on a KIT day will count as a whole keeping-in-touch day, even if it is only for half an hour or so.

### **Employment rights during Adoption Leave**

Employee rights are not affected during Adoption leave, meaning they continue to accrue their continuous service and annual leave. Please see the Annual Leave Guidance for Managers and Employees for details on accruing and taking annual leave during and after a period of adoption leave.



## Returning from Adoption Leave

An employee simply returns 52 weeks after the adoption leave commenced. However, the employee must give at least 8 weeks' notice if they intend to return to work before the end of the full adoption leave period (i.e. 52 weeks).

At the end of Ordinary Adoption Leave, an employee has the right to return to the same job with the same terms and conditions, unless a redundancy situation has arisen, in which case s/he is entitled to be offered a suitable alternative vacancy.

An employee who returns to work after Additional Adoption Leave is entitled to have the same job and the same terms and conditions as if s/he had not been absent, unless:

- A redundancy situation has arisen during the absence period; or
- There is some other reason why it is not reasonably practicable to take them back in their original job

In which case, the employee is generally entitled to be offered suitable alternative work.

## 4. Parental Leave

### Timescales

When/Time	Action required
18 weeks	Total unpaid time off granted as Parental Leave per child
21 days' prior to taking leave	Employees must give at least 21 calendar days' notice of their intention to take Parental Leave
1 week after request	Managers to advise employees by no later than 7 calendar days if their request for leave must be postponed.
4 weeks	Maximum amount of time taken per year <b>(unless the employer agrees otherwise)</b>
1 week	Parental leave to be taken in blocks of a week, unless child is disabled

### Parental Leave

Parental Leave regulations specify that parental leave applies only for children born after 15<sup>th</sup> December 1999, the date the regulations came into force. There is **no** entitlement for parental leave to be paid.

An employee who has completed one year's service and having or expecting to have parental responsibility for a child **(including adopted child)** up until the **child's 18<sup>th</sup> birthday**. Those with 'parental' responsibility include, parents, foster parents, adopters and guardians.

~~When a child for whom Disability Living Allowance has been awarded, parental leave can be taken up until the child is 18 years old.~~

~~Where the child is adopted, parental leave can be taken up to the child's 18<sup>th</sup> birthday.~~

Parental leave applies to each child. Therefore if an employee has twins, they will be entitled to 36 weeks parental leave.

### Entitlement to Parental Leave

Parental leave is unpaid. The child must be under 18. **The total 18 week's entitlement is for the entire period, not per year.** Parental leave applies to each child not to an individual's job.

**Example**

An employee is entitled to 18 weeks. They've used 10 with a previous employer. They can use up to 8 weeks with their new employer if they are eligible.

Child	Entitlement
For each child	18 weeks up to their 18th birthday
For each adopted child	18 weeks up to their 18th birthday
For each child who qualifies for Disability Living Allowance	18 weeks up to their 18th birthday

One week's parental leave is equal to the length of time that an employee is normally required to work in a week. This means that an employee who usually works Monday to Friday is equal to 5 days. For an employee who usually works Mondays and Tuesdays only, a week is equal to 2 days.

If the employee's working pattern varies from week to week, you must calculate an average working week as a fraction of the period for which the employee is required to work in a year.

**Giving notice to take Parental Leave**

Employees must give a minimum of 21 working days' notice in writing.

**Postponement of Parental Leave**

Parental leave can be postponed if the operation of the business would be unduly disrupted. Leave shall not be postponed for more than 3 months except in exceptional circumstances.

Managers will notify the employee within 7 days of receiving a request for parental leave the reasons for the postponement specifying the date on which the agreed period of leave will begin and end.

Postponement **may not** be used where employees in the particular circumstances outlined below have requested parental leave:

Following Paternity Leave & Maternity Support Leave	The unpredictability of timing of childbirth will also have implications for notice. It is recommended that employees expecting to take paternity leave or maternity support leave should discuss their likely requirements for parental leave.
Following Maternity & Adoption Leave	Where parental leave is taken as a full time block of leave following maternity/adoption leave, an employee will not be required to refund monies paid under maternity/adoption leave payment unless he/she does not return to council employment for a period of at least three months after the end of the parental leave period.
At the time of Adoption	At times prior to adoption or following adoption leave where the parent is required to be at home by the adoption process.

### **Flexible Parental Leave**

Employees can take a maximum of 4 weeks parental leave in any year in respect to any individual child however a single block of 18 weeks may be considered in special circumstances.

Employees are required to take parental leave in multiples of one week, unless the child is disabled, in which case it can be taken as individual days.

### **Returning to work**

At the end of parental leave, an employee has the right to return to the same job with the same terms and conditions, unless a redundancy situation has arisen, in which case the employee is entitled to be offered a suitable alternative vacancy.

An employee who returns to work after Parental Leave is entitled to have the same job and the same terms and conditions as if he/she had not been absent, unless:

- A redundancy situation has arisen during the absence period; or
- There is some other reason why it is not reasonably practicable for the employer to take him/her back in his/her original job

In which case, the employee is generally entitled to be offered suitable alternative work

# Shared Parental Leave

## Timescales

When/Time	Action required
As soon as they know they are (or their partner is) pregnant/matched to a child for adoption purposes	Tell their Manager and discuss their intentions: to return, to defer the decision or not to return
8 weeks prior to taking and Shared Parental Leave or Pay	Employee must notify their manager of their request/intention to take Shared Parental Leave / Pay at least 8 weeks prior. Any new start dates agreed must also be agreed at least 8 weeks before taking the first day off
14 days after giving notice	Manager/HR to confirm period of leave if 1 continuous block requested. Alternatively if discontinuous periods requested, Managers have 14 days to respond with either refusal or suggest possible alternatives. Managers also have 14 days to request further evidence
14 days after request for further evidence	Employees must provide the evidence requested within 14 days of being asked to do so
15 days after initial request/notification for leave submitted	Employee can withdraw their request for discontinuous periods of leave up to 15 days after their initial request, should it be refused (this then will not count towards their right to 3 requests for leave)
19 days after initial request/notification for leave submitted	Employees have until the 19 <sup>th</sup> day after they originally requested discontinues periods of leave to decide on a new start date for taking SPL as 1 continuous block.

## Shared Parental Leave

Shared Parental Leave (SPL) enables eligible parents to choose how to share the care of their child/children during the first year of birth or adoption for those due to be born or placed for adoption on or after 5 April 2015. The purpose is to give parents more flexibility in considering how to best care for, and bond with their child.

Shared Parental Leave gives employees with caring responsibilities for babies or newly adopted children the opportunity to share up to 50 weeks' leave should they wish to do so. Parents taking shared parental leave can take leave as a 'continuous' block. This is a statutory right and this type of request cannot be refused.

Eligible employees are also entitled to submit up to three 'periods of leave' notices to take the leave as separate 'discontinuous' blocks, returning to work in between blocks. Such leave will be considered and requires council agreement. **For example, parent one has the first 3 months off, then returns to work whilst parent two has 3 months off, then parent one takes another block of 3 months off when parent two returns to work etc. Parents may also choose to take their periods of Shared Parental Leave off at the same time as each other.**

Employees and managers should where possible have an informal discussion prior to employees giving formal notification of intention to take shared parental leave so that statutory and contractual entitlements to other types of leave and pay can be discussed, and to ensure that plans for any discontinuous periods of leave can be considered as early as possible.

Requests for Shared Parental Leave which are not made in accordance with the statutory notification requirements will be given reasonable consideration, but may not be granted.

### **Eligibility for Shared Parental Leave**

Shared Parental Leave can only be used by two people:

- The mother/adopter **and**
- The father of the child (in the case of birth) or the spouse, civil partner or partner of the child's mother/adopter.

Both parents must share the main responsibility for the care of the child at the time of the birth/placement for adoption. Additionally an employee seeking to take Shared Parental Leave must satisfy each of the following criteria:

- the mother/adopter of the child must be/have been entitled to statutory maternity/adoption leave, or at least statutory maternity/adoption pay, or maternity allowance, and must have ended or given notice to reduce any maternity/adoption entitlements
- the employee must still be working for the Denbighshire County Council during each period of Shared Parental Leave
- have been working for at least 26 weeks continuously by the end of the 15<sup>th</sup> week before the expected week of confinement/date of adoption placement.
- the employee must correctly notify the service of their entitlement and provide evidence as required

**During the 66 weeks before the week the baby's due (or the week you're matched with your adopted child) your partner must:**

- **have been working for at least 26 weeks (they don't need to be in a row)**
- **have earned at least £390 in total in 13 of the 66 weeks (add up the highest paying weeks, they don't need to be in a row)**

## **Shared Parental Leave entitlement**

After the birth of a child it is compulsory to take two weeks' maternity leave (four weeks for new mothers who work in a factory), so in **these** cases, working parents will have the opportunity to split 50 weeks of SPL.

Shared Parental Leave is in addition to the statutory right to two weeks' paternity leave for fathers and partners. Eligible employees wishing to take paternity leave must do so **before** taking any Shared Parental Leave.

The number of weeks available is calculated using the mother's/adopter's entitlement to maternity/adoption leave, which allows them to take up to 52 weeks' leave. If they reduce their maternity/adoption leave entitlement then they and/or their partner may opt-in to the Shared Parental Leave system and take any remaining weeks as Shared Parental Leave.

A mother/adopter may reduce their entitlement to maternity/adoption leave by returning to work before the full entitlement of 52 weeks has been taken, or they may give notice to curtail their leave at a specified future date.

If the mother/adopter is not entitled to maternity/adoption leave but is entitled to Statutory Maternity Pay (SMP), Statutory Adoption Pay (SAP) or Maternity Allowance (MA), they must reduce their entitlement to less than the 39 weeks. If they do this, their partner may be entitled to up to 50 weeks of Shared Parental Leave. This is calculated by deducting from 52 the number of weeks of SMP, SAP or MA taken by the mother/adopter.

Shared Parental Leave can commence as follows:

- The mother can take Shared Parental Leave after she has taken the legally required two weeks of maternity leave immediately following the birth of the child
- The adopter can take Shared Parental Leave after taking at least two weeks of adoption leave
- The father/partner/spouse can take Shared Parental Leave immediately following the birth/placement of the child, but may first choose to exhaust any paternity leave entitlements (as the father/partner cannot take paternity leave or pay once they have taken any Shared Parental Leave or Shared Parental Pay).

Where a mother/adopter gives notice to curtail their maternity/adoption entitlement then the partner can take leave while the mother/adopter is still using their maternity/adoption entitlements.

Share Parental Leave will generally commence on the employee's chosen start date specified in their leave booking notice, or in any subsequent variation notice. If the employee is eligible to receive it, Statutory Shared Parental Pay (ShPP) may be paid for some, or all, of the SPL period. See 'Statutory Shared Parental Pay' below.

Shared Parental Leave must be taken in blocks of at least one week and must end no later than one year after the birth/placement of the child. Any SPL not taken by the first birthday or first anniversary of placement for adoption is lost

### **Giving notice to take Shared Parental Leave**

Employees who wish to take Shared Parental Leave must notify the council in writing at least **eight weeks** before the start date of the first period of Shared Parental Leave.

The written notice must contain the following information:

- Your name and the other parent's name
- The start and end dates of the mother's or main adopter's maternity/adoption leave (or the start and end dates of the statutory maternity/adoption pay or maternity allowance period if the mother/main adopter is not entitled to statutory leave)
- The expected date of birth/placement and the actual date of birth/placement if the written notice is given after the birth/placement
- The amount of Shared Parental Leave and Shared Parental Pay available and an indication of how much each parent intends to take (this may be varied by a subsequent written notice signed by both parents)
- An indication of the start and end dates of the periods of Shared Parental Leave and Shared Parental Pay that you intend to take. This indication is not binding and can be amended at a later date.
- A declaration that you meet the conditions for entitlement to Shared Parental Leave, the information provided is accurate and that you will notify the council immediately if you cease to meet the conditions for entitlement.
- A declaration from the other parent containing his or her name, address and National Insurance number, confirmation that s/he meets the employment and earnings conditions, consents to the amount of leave the employee intends to take and will immediately inform you if s/he ceases to satisfy the employment and earnings conditions.
- Partner declaration as below

### **Giving notice to take Shared Parental Pay**

In addition to what must be included in the notice of entitlement to take Shared Parental Leave (above), any notice that advises of an entitlement for Shared Parental Pay must include:

- the start and end dates of any maternity/adoption pay or maternity allowance
- the total amount of Shared Parental Pay available, the amount of Shared Parental Pay the employee and their partner each intend to claim, and a non-binding indication of when the employee expects to claim Shared Parental Pay



- a signed declaration from the employee confirming that the information they have given is correct, that they meet, or will meet, the criteria for Shared Parental Pay and that they will immediately inform the council should they cease to be eligible.
- partner declaration as below

### **Partner declaration**

Any notice to take Shared Parental Leave and/or Shared Parental Pay must be accompanied by a signed declaration from the employee's partner confirming:

- their agreement to the employee claiming Shared Parental Pay and for the council to process any Shared Parental Pay payments to the employee;
- (in the case whether the partner is the mother/adopter) that they have reduced their maternity/adoption pay or maternity allowance;
- (in the case whether the partner is the mother/adopter) that they will immediately inform their partner should they cease to satisfy the eligibility conditions.

### **Giving notice to take a specific period**

In practice, at least the first period of Shared Parental Leave will be identified in the initial notice of entitlement and intention to take Shared Parental Leave. You are entitled to submit a maximum of a further two 'period of leave' notices. Each notice must be given at least eight weeks before the start of a period of leave, stating the dates of the leave and the dates on which Shared Parental Pay will be claimed, if applicable.

If the first 'period of leave' notice is given prior to the birth of a child, the notice may express the start date in relation to the date of birth, for example 'starting two weeks after the baby is born for a period of four weeks'.

### **Requesting further evidence of eligibility**

Denbighshire County Council may, within 14 days of the Shared Parental Leave entitlement notification being given, request:

- the name and business address of the partner's employer (where the employee's partner is no longer employed or is self-employed their contact details must be given instead)
- in the case of biological parents, a copy of the child's birth certificate (or, where one has not been issued, a declaration as to the time and place of the birth)

- in the case of an adopted child, documentary evidence of the name and address of the adoption agency, the date on which they were notified of having been matched with the child and the date on which the agency expects to place the child for adoption

In order to be entitled to Shared Parental Leave, the employee must produce this information within 14 days of the employer's request.

### **Fraudulent claims**

Denbighshire County Council can, where there is a suspicion that fraudulent information may have been provided or where Denbighshire County Council has been informed by the HMRC that a fraudulent claim was made, investigate the matter further in accordance with the council's disciplinary policy, without acting in a discriminatory manner in relation to any of the protected characteristics defined in the Equality Act 2010.

### **Varying a period of leave**

You are entitled to submit a request to vary a period of leave in the following ways:

- vary the start or end date as long as the variation is requested at least eight weeks before the original start date and the new start date
- vary or cancel the amount of leave requested at least eight weeks before the original start date
- request that a single period of leave become a discontinuous period of leave, or vice versa.

A variation will count as one of your three periods of leave notices unless:

- it is made as a result of the child being born earlier or later than the expected week of childbirth
- the company has requested the variation
- the company has agreed to accept more than three period of leave notices.

The usual eight-week notice requirement may be modified if your child is born early and the new start date for the period of leave is the same length of time following the birth as in the original notice. In this case notice to vary the start date should be given as soon as reasonably practicable after the birth of the child.

### **Responding to/confirming a Shared Parental Leave notification**

Once HR receives the 'period of leave' notice, it will be dealt with as soon as possible. A response will be provided no later than the 14th day after the request was made.

If a continuous period of leave is requested in each 'period of leave' notice, you will be entitled to take that period of leave and this will be confirmed in writing by HR.

If more than one period of leave (a discontinuous periods of leave) is requested in a 'period of leave' notice, your manager will seek to accommodate the request but this cannot be guaranteed. Your manager will discuss the request with you to determine if it can be accommodated. All requests for discontinuous leave will be carefully considered on a case-by-case basis, weighing up the potential benefits to the employee and to the service against any adverse impact to the business. Agreeing to one request will not set a precedent or create the right for another employee to be granted a similar pattern of Shared Parental Leave. If it cannot be accommodated, there may be an alternative pattern of leave which can be agreed, or the request may be refused. The manager's decision will be confirmed in writing.

If no agreement is reached or a discontinuous period is refused within 14 days of the period of leave notice being submitted you can:

- take the discontinuous periods of leave requested in one continuous block, beginning on the original start date
- take the continuous block starting on a new date, as long as the new date is later than the original start date, and you notify the company of the new date within five days of the two week period referred to above (i.e. 19 days after the original notification was given)
- withdraw the request without detriment at any time up to the 15th day after it was originally made. If the request is withdrawn in these circumstances it will not count as one of your three requests.

If the employee chooses to take the leave in a single continuous block, the employee has until the 19th day from the date the original notification was given to choose when they want the leave period to begin. The leave cannot start sooner than eight weeks from the date the original notification was submitted. If the employee does not choose a start date then the leave will begin on the first leave date requested in the original notification.

The employee will be informed in writing of the decision as soon as is reasonably practicable, but no later than the **14th day** after the 'period of leave' notification was made. The request may be granted in full or in part: for example, the service may propose a modified version of the request.

# During Shared Parental Leave

## **Statutory Shared Parental Pay**

Eligible employees may be entitled to up to 37 weeks Statutory Shared Parental Pay (ShPP) while taking Shared Parental Leave. The amount of weeks available will depend on the amount by which the mother/adopter reduces their maternity/adoption pay period or maternity allowance period.

Shared Parental Pay may be payable during some or all of Shared Parental Leave, depending on the length and timing of the leave.

Any Shared Parental Pay due will be paid at a rate set by the Government for the relevant tax year.

In addition to meeting the eligibility requirements for Shared Parental Leave, an employee seeking to claim Shared Parental Pay must further satisfy each of the following criteria:

- the mother/adopter must be/have been entitled to Statutory Maternity Pay, Statutory Adoption Pay or Maternity Allowance and must have reduced their maternity/adoption pay period or maternity allowance period
- the employee must intend to care for the child during the week in which Shared Parental Pay is payable
- the employee must have an average weekly earnings for the period of eight weeks leading up to and including the 15th week before the child's expected due date/matching date are not less than the lower earnings limit in force for national insurance contributions
- the employee must remain in continuous employment until the first week of Shared Parental Pay has begun
- the employee must give proper notification in accordance with the rules set out below.

Where an employee is entitled to receive Shared Parental Pay they must, at least eight weeks before receiving any Shared Parental Pay, give their line manager written notice advising of their entitlement to Shared Parental Pay. To avoid duplication, if possible, this should be included as part of the notice of entitlement to take Shared Parental Leave.

## **Terms and conditions during Shared Parental Leave**

During the period of Shared Parental Leave, the employee's contract of employment continues in force and they are entitled to receive all their contractual benefits, except for salary. Contractual annual leave entitlement will continue to accrue.

Pension contributions will continue to be made during any period when the employee is receiving Shared Parental Pay but not during any period of unpaid Shared Parental Leave. Employee contributions will be based on actual pay, while the council's contributions will be based on the salary that the employee would have received had they not been taking Shared Parental Leave.

Shared Parental Leave is granted in addition to an employee's normal annual holiday entitlement. Employees are reminded that holiday should, wherever possible, be taken in the year that it is accrued. Where a Shared Parental Leave period overlaps two leave years the employee should consider how their annual leave entitlement can be used to ensure that it is not untaken at the end of the employee's holiday year. **The same principles apply as with maternity and adoption leave, as set out in the Annual Leave Guidance for Managers and Employees.**

### **Contact during Shared Parental Leave**

Before an employee's Shared Parental Leave (SPL) begins, the manager will discuss the arrangements for them to keep in touch during their leave. The council reserves the right in any event to maintain reasonable contact with the employee from time to time during their SPL. This may be to discuss the employee's plans to return to work, to ensure the individual is aware of any possible promotion opportunities, to discuss any special arrangements to be made or training to be given to ease their return to work or simply to update them on developments at work during their absence.

### **Shared Parental Leave in Touch days**

An employee can agree to work for the council (or attend training) for up to 20 days during Shared Parental Leave without bringing their period of SPL to an end or impacting on their right to claim Shared Parental Pay for that week. These are known as 'Shared Parental Leave in touch days' (SPLIT). Any work carried out on a day or part of a day shall constitute a day's work for these purposes.

The council has no right to require the employee to carry out any work, and is under no obligation to offer the employee any work, during the employee's SPL. Any work undertaken is a matter for agreement between the service and the employee. An employee taking a SPLIT day will receive full pay for any day worked. If a SPLIT day occurs during a week when the employee is receiving Shared Parental Pay, this will be effectively 'topped up' so that the individual receives full pay for the day in question. Any SPLIT days worked do not extend the period of SPL.

An employee, with the agreement of the service, may use SPLIT days to work part of a week during SPL. The service and the employee may use SPLIT days to effect a gradual return to work by the employee towards the end of a long period of SPL or to trial a possible flexible working pattern.

## Returning to work after Shared Parental Leave

The employee will have been formally advised in writing by the council of the end date of any period of Shared Parental Leave. The employee is expected to return on the next working day after this date, unless they notify the council otherwise. If they are unable to attend work due to sickness or injury, the council's normal arrangements for sickness absence will apply. In any other case, late return without prior authorisation will be treated as unauthorised absence.

If the employee wishes to return to work earlier than the expected return date, they may provide a written notice to vary the leave and must give the council at least eight weeks' notice of their date of early return. **This will count as one of the employee's notifications.** If they have already used their three notifications to book and/or vary leave then the council does not have to accept the notice to return early but may do if it is considered to be reasonably practicable to do so.

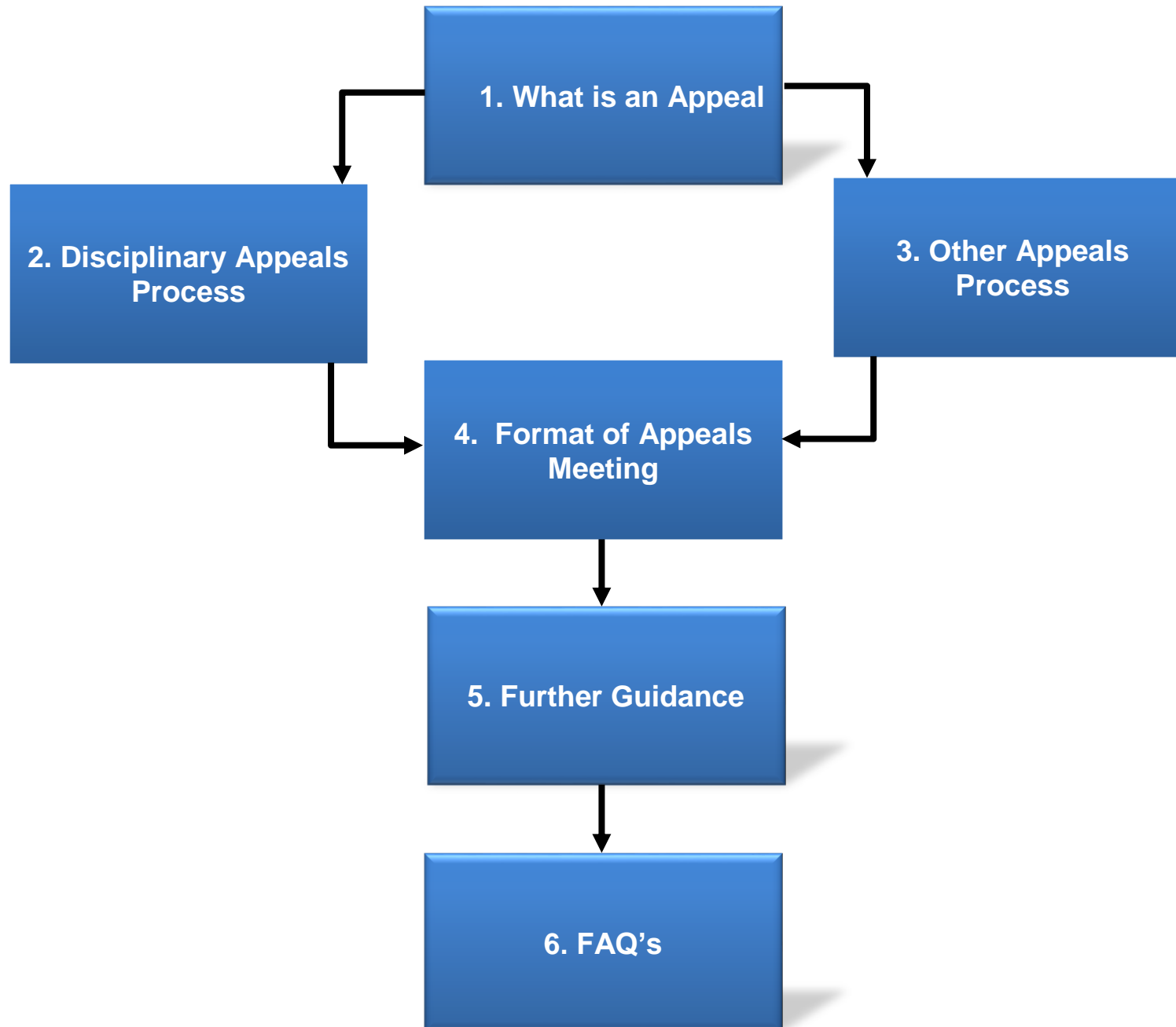
On returning to work after SPL, the employee is entitled to return to the same job if the employee's aggregate total statutory maternity/paternity/adoption leave and SPL amounts to 26 weeks or less. The same job is the one they occupied immediately before commencing maternity/paternity/adoption leave and the most recent period of SPL, on the same terms and conditions of employment as if they had not been absent.

If their maternity/paternity/adoption leave and SPL amounts to 26 weeks or more in aggregate, the employee is entitled to return to the same job they held before commencing the last period of leave or, if this is not reasonably practicable, to another job which is both suitable and appropriate and on terms and conditions no less favourable.

If the employee also takes a period of unpaid parental leave of four weeks or less this will have no effect on the employee's right to return and the employee will still be entitled to return to the same job as they occupied before taking the last period of leave if the aggregate weeks of maternity/paternity/adoption and SPL do not exceed 26 weeks.

If a parent takes a period of five weeks of unpaid parental leave, even if the total aggregate weeks of maternity/paternity/adoption and SPL do not exceed 26 weeks, the employee will be entitled to return to the same job they held before commencing the last period of leave or, if this is not reasonably practicable, to another job which is suitable and appropriate and on terms and conditions no less favourable.

# CORPORATE APPEALS POLICY





# TIMESCALES

Employee lodges appeal	Within 10 working days of the date of notification of a decision
Confirmation of appeal, detailing timescales and information required	Within 5 working days of receiving the appeal
Appeal meeting arranged	Within a reasonable time and not longer than 30 working days from receipt of the employee's appeal
Employee informed of date of appeal	At least 5 working days before the appeal meeting
Employee required to provide details of appeal, their representative and witnesses	At least 5 working days before the appeal meeting
Employee provided with management evidence	At least 5 working days before the appeal meeting
Employee advised of outcome of appeal	Confirmation in writing within 5 working days of the appeal meeting

\*For the purpose of timescales, 'days' are classed as working days and are based on a full time week (Mon-Fri) and not contracted days of an employee

# ROLES AND RESPONSIBILITIES

## Employee responsibilities

Ensure all forms and required paperwork is submitted within given timescales/deadlines.

If the employee intends to bring a representative or calling any witnesses to the appeal meeting, it is their responsibility to ensure that they inform them of meeting time, dates, and locations to confirm their attendance **and provide them with all necessary paperwork.**

The employee should ensure that they are fully prepared for the appeal meeting and should liaise with their representative prior to the meeting to ensure they are aware of their role.

## Appeal Officer/Panel Responsibilities

The role of the Appeal Panel/Appeal Officer is to conduct the meeting in an honest and objective manner. In the case of an appeal against a dismissal the convened Appeal Panel the same responsibilities apply. See **Appeals Policy Following Disciplinary Dismissals.**

The Appeal Officer is usually the manager's manager, an equivalent manager or a more senior manager than the manager who fulfilled the role of Deciding Officer in the original meeting. They should not have had direct involvement in the case previously. However, direct involvement does not mean 'prior knowledge' of the case, but rather, active involvement in key decisions that have been made in relation to the case.

The Appeal Panel/Appeal Officer should refer to the appropriate policy (disciplinary, grievance for example), to ensure that the correct process has been followed. The Appeal Panel/Appeal Officer should also liaise with the clerk to the original hearing who will provide administrative support, take notes as necessary and assist with the following where appropriate:-

- Ensuring that the procedure is followed and that timescales are adhered to, making sure that the employee is aware of these.
- Reminding the employee that they have the right to be accompanied and that they need to name their representative in advance of the meeting.

## HR Responsibilities

If the employee is appealing against a dismissal a HR Business Partner will be in attendance at the appeal meeting and also have involvement in convening the appeal meeting. The purpose of their attendance would be to ensure procedure was correctly followed and to provide impartial advice on policy and employment law issues raised by either side during the course of the meeting. HR will not necessarily be in attendance at all Appeal meetings, although general support is available if required.

HR will review this policy and ensure it is up to date in line with any legislative or organisation changes.

# 1. What is an appeal?

An appeal may be lodged by an employee against a management decision in the following circumstances:

- Dismissal following unsatisfactory progress during the probationary period
- Dismissal for Gross Misconduct
- First and Final warnings
- Ill health dismissal
- Outcome of a grievance
- Penalty issued following a capability hearing
- Redundancy
- Any stage of the formal attendance procedure
- Any other dismissal

An employee may also appeal against a decision following an application for the following:

- Any applications made within the council's Flexible Working Policy
- Secondment
- Redeployment

This policy has been developed to ensure that an appeal to any decision taken against a Denbighshire County Council employee is conducted in an honest and objective manner, taking into account the original decision and how reasonably the council's policies had been applied.

## **Notification of appeal**

Grounds for appeal should be reasonable. Employees can make an appeal against a decision/matter/outcome if they believe:

- The finding was unreasonable in view of the evidence produced
- There is new evidence available which was not available at the time of the original meeting
- There were serious procedural irregularities
- Insufficient regard was given to mitigating factors

The appeal must be lodged in writing within 10 working days (See timescales section) of receiving official notification of the decision, by completing the Notification of Appeal form. See **Notification of Appeal Form Template**. If the appeal is lodged after the 10 day deadline, the manager should confirm with HR the next course of action. In exceptional circumstances, and only with genuine good reason, an additional 5 working days (See timescales section) may be granted, but after this time, the right of appeal is lost

In their written notification of appeal, the employee should make clear:

- If it is the decision and/or the level of sanction or the process which is being appealed against
- Exact grounds for the appeal, including a full explanation of why they are appealing

## 2. Appeals Process following a Disciplinary Dismissal

### Appeal panel and role

Where there is an appeal against a dismissal following a disciplinary, then a two Head of Service/Director Panel and a HR Business Partner will be convened. The Panel must nominate one Panel member to take the role of Chairperson for the meeting.

The role of the Panel is to conduct the meeting in an honest and objective manner. Equal consideration has to be given to the submissions of the Deciding Officer and the employee and regard for the reasonableness of the disciplinary decision already taken. A properly conducted appeal meeting may correct a previously flawed disciplinary process and care must be taken to ensure that the Panel's decision is one that it can reasonably take, having regard for the range of disciplinary sanctions available.

The Panel must have regard for the fact that in the event of a decision to dismiss, an employment tribunal hearing may be convened at a later date. In such circumstances, the tribunal will consider the reasonableness of the employer's actions including the appeal process. The Panel must therefore consider all aspects of the case, seek more information if appropriate, and have regard for any new information that has been presented, even if not presented or known at the original disciplinary meeting. If the Panel is not satisfied with the disciplinary process, and a full re-hearing has not taken place, it may be appropriate to refer the matter for further investigation and/or a new disciplinary meeting.

Further details on the reasonableness test are shown below. All Appeal Panel members, where appropriate, must have regard also for this aspect. They must be satisfied that their decision is warranted, in terms of the misconduct or unsatisfactory performance that has occurred.

The reasonableness of an employer's actions, as may be tested by an Employment Tribunal, relates to a range of issues including:

- Has an appropriate investigation been undertaken?
- Have the appropriate procedural steps been followed?
- Is there a genuine belief in the actions of the individual?
- Are there reasonable grounds for that belief?
- Are there any mitigating circumstances to be considered on the part of the individual?

Please refer to the Disciplinary Policy for further details on the correct Disciplinary process to be followed and subsequent possible outcomes.

### 3. All other appeals other than dismissals issued under the disciplinary policy

#### Appeal Officer and their role

The Appeal Officer is usually the manager's manager, an equivalent or a more senior manager than the manager who fulfilled the role of Deciding Officer in the original meeting. However, for any stage 3 absence dismissals, under the attendance at work procedure, the appeal must be heard by another Head of Service or Director.

The role of the Appeal Officer is to conduct the meeting in an honest and objective manner. Equal consideration has to be given to the submissions of the Deciding Officer and the employee and regard for the reasonableness of the decision already taken. A properly conducted appeal meeting may correct a previously flawed process.

The Appeal Officer will determine the procedure for how the appeal will be heard as follows:

If the grounds for appeal are regarding a specific part of the original case, the Appeal Officer will consider that specific part, and the appeal will not be a re-hearing of the whole case.

If the grounds for appeal are that the original hearing procedure was flawed the case may be re-heard by the Appeal Officer.

If the appeal is against a decision to refuse flexible working the Appeal Officer will consider the original application and the manager's reasons for refusing.

## 4. Format of Appeal Meeting

The Chair of the Appeal Panel/Appeal Officer will introduce all those present and confirm the purpose, format and ground rules of the meeting and confirm whether any information has been presented, and whether the new information can be presented at the appeal.

The Chair of the Appeal Panel/Appeal Officer will check that the employee is accompanied by a trade union representative or **Denbighshire County Council** colleague. If not, it will be confirmed that this is from choice.

If required the meeting may be adjourned at any time. This may be appropriate if new facts emerge or matters raised need clarification. It may be necessary to reconvene the meeting at a later date. If no adjournment is necessary, the employee and their representative will be given the chance to summarise their points.

### Who attends an Appeal Meeting?

- The Appeal Panel/Appeal Officer
- The employee that has submitted the appeal
- Trade Union / colleague representative
- The deciding officer of the original hearing
- Witnesses if applicable
- HR Business Partner in the case of Disciplinary dismissal appeals
- Possibly a HR representative where required for appeals other than those arising from a disciplinary dismissal
- An Administrator for the meeting

### Appeal meeting part 1 – Employee presents their appeal

- a) The employee or their representative will present their information, calling witnesses if applicable and/or referring to any prepared witness statements.
- b) The Appeal Panel/Appeal Officer may ask questions of the employee or their representative and/or question any witnesses if applicable, or further refer to the statements.
- c) The Deciding Officer may ask questions of the employee or their representative and/or question any witnesses if applicable, or further refer to the statements.
- d) The Appeal Panel/Appeal Officer may interject for points of clarification.

### Appeal meeting part 2 – Deciding Officer presents their decision



- a) The Deciding Officer of the original meeting will present their information, calling witnesses if applicable and/or referring to any prepared witness statements.
- b) The Appeal Panel/Appeal Officer may ask questions of the Deciding Officer, or further refer to the statements.
- c) The employee may ask questions of the Deciding Officer and/or question any witnesses if applicable, or further refer to the statements.
- d) The **Appeal Panel/Appeal Officer** may interject for points of clarification.

Witnesses may be released from the meeting upon conclusion of their evidence, at the discretion of the Appeal Panel/Appeal Officer.

### **Appeal meeting part 3 – Overall summary**

- a) The Deciding Officer will be asked to give his/her summary.
- b) The Employee **or their representative** will be asked to give their summary.
- c) The Chair of the Appeal Panel/Appeal Officer will ask if both sides are satisfied that they have said all they have to say.
- d) The Chair of the Appeal Panel/Appeal Officer will thank the employee, their representative and the Deciding Officer of the original meeting and ask them to leave

### **Appeal meeting part 4 – Making a decision**

The Appeal Panel/Appeal Officer will consider the evidence as presented, consulting as they wish with the notes made by the administrator to the appeal.

If the employee is appealing the decision **to dismiss due to a disciplinary**, the Appeal Panel/Appeal Officer should consider:

1. If the case had been sufficiently investigated, and if so,
2. If it was reasonable, on the balance of probabilities, for the original meeting to conclude that misconduct had been substantiated, and if so,
3. **Was the outcome within the range of reasonable actions to take**

If the employee is appealing the level of the action imposed **following a disciplinary**, the Appeal Panel/Appeal Officer should consider the facts as put to the appeal meeting and determine what level of action is appropriate. **This will be the same greater or or a lesser response than that imposed at the original meeting.**

**If the employee is appealing for a reason other than as a result of a disciplinary, the Appeal Officer should consider whether the correct process had been followed, the fairness and reasonableness of the case to date, and whether the outcome fell into the range**

of reasonable outcomes of that particular situation. As outlined in the paragraph above, the outcome will be the same or lesser than imposed at the original meeting.

The Chair of the Appeal Panel/Appeal Officer may recall all parties and announce the decision(s) to the parties personally. Alternatively, the Chair of the Appeal Panel/Appeal Officer may prefer not to recall the two sides but to defer their decision and respond later in writing.

If the Appeal Panel/Appeal Officer have decided that reinstatement is the outcome of the appeal meeting, then this must be carefully considered where there is a breakdown in relationships.

If the employee's appeal is against a refusal for flexible working, the Appeal Panel/Appeal Officer should consider the business reasons for the original decision.

The decision of the appeal meeting will be final and will be confirmed in writing to all parties including the employee's representative within 5 working days\* of the appeal meeting. The administrator to the meeting will assist the panel in this correspondence.

There is no further right of appeal against the decision after an appeal has been heard.

Copies of all notes and correspondence related to the appeal should be forwarded to HR.

## 5. Further Guidance

### Administration prior to appeal meeting

HR will confirm receipt of the appeal in writing, within 5 working days (See timescales section).

The employee will be informed in writing of the appeal meeting and their right to be accompanied at the appeal by an employee representative, trade union official or colleague. See **Invitation to Appeal Meeting Letter Template**. The representative can participate in the meeting, but they cannot answer questions on behalf of the employee.

The appeal meeting will be held within a reasonable timescale, usually within 10 working days (see timescales section) of receipt of the appeal. However, in more complex cases this may be extended to within 30 working days.

At least 5 working days (See timescales section) prior to the meeting the employee will be:

- given written notice of the meeting time and place
- informed how the case will be heard and by whom
- provided with any additional new management information / evidence that will be considered at the meeting.

At least 5 working days (See timescales section) prior to the meeting the employee will need to provide the Appeal Panel/Appeal Officer with the following:

- confirmation that they will be attending the meeting
- any additional details to support their appeal
- the details of their representative
- the details of any witnesses

It is the responsibility of the employee to ensure that their representative and their witnesses are available to attend the meeting. The **Appeal Panel/Appeal Officer** may either rely on the **written outcome of the original hearing** or arrange for the witnesses to attend the appeal meeting.

Provision will be made for any reasonable adjustments to accommodate the needs of a person with disabilities at the meeting, provided reasonable notice is given to the **Appeal Panel/Appeal Officer** responsible prior to the meeting. This may include holding the meeting in an accessible room, providing an interpreter, additional equipment or allowing extra breaks.

### **Postponement and failure to attend appeal meeting**

Postponement and failure to attend an appeal meeting will follow the same guidance as noted in the standard policy statements

### **Notes during the appeal meeting**

An administrator may attend the appeal meeting to take notes.

These notes will be for the purpose of the Appeal Panel/Appeal Officer and to prepare agreed minutes of the meeting. These notes will not be available for distribution to any other party.

The notes should be typed up and distributed within 5 working days (See timescales section) of the appeal. The original notes and a copy of the typed notes should be placed on the employee's HR file.

Normal procedure will be that appeal meetings will be recorded using voice recording equipment supplied by Denbighshire County Council. If the employee does not wish to give their consent to the Appeal Panel / Appeal Officer using the voice recording equipment then they will need to inform the Appeal Officer / Appeal Panel 5 days before the meeting.

Any recording will be treated as personal data under the General Data Protection Regulation (GDPR) in accordance with the (GDPR) principles.

### **Documents to be considered at the appeal**

Wherever possible information from the original meeting, which is not disputed, should be agreed and circulated in advance of the appeal being heard.

Any intention by any party to present new evidence/witnesses during the appeal meeting, which were not considered at the original meeting, should be submitted to the administrator of the appeal at least 2 working days (See timescales section) before the appeal meeting. The Chair of the Appeal Panel/Appeal Officer will have the final decision whether such information can be presented.

### **Other Considerations**

The Appeal Panel/Appeal Officer should consider the following:

- Making an appeal is likely to be a distressing experience for the employee.
- If the employee becomes upset or distressed allow time for them to regain their composure. If necessary adjourn and reconvene at a later date.
- During the meeting frustrations and anger may be vented. However abusive language or behaviour should not be tolerated.
- Whether the appeal could be a result of a legitimate attempt by the employee's manager to manage their performance, or if there are any other ongoing issues or concerns which could have led to the appeal, or have an impact on it.
- Arranging for the original Investigating Officer and any other relevant participants to be available to attend the meeting should further information or clarity be required.
- Allowing the employee time to state their case clearly.
- Ensuring that any new evidence introduced is included in the appeal meeting documentation

### **Witnesses**

Witnesses to an incident may provide important information about the facts leading to the incident under discussion.

Both the Deciding Officer and the employee can call witnesses.

The Deciding Officer / employee will initially need to approach the witnesses to confirm they are willing to provide evidence. Any witnesses called by either party will not be subject to any detriment for either attending or declining to attend an Appeal meeting.

A minimum of 5 working days (See timescales section) before the meeting the Deciding Officer / employee should provide the Appeal Panel/Appeal Officer with the details of any witnesses they intend to call. The Chair of the Appeal Panel/Appeal Officer will ensure that the employee is supplied with any evidence from the management case, including witness statements, which the Appeal Panel/Appeal Officer will be using.

It is the Deciding Officer / employee's responsibility to ensure that their witnesses are available to attend the meeting. Witnesses will only be in attendance to give their evidence and will not be present for the entire meeting. Witnesses may be questioned by the Appeal Panel/Appeal Officer, the Deciding Officer, the employee or their representative.

Rooms should be made available for witnesses to wait in before they are called to the meeting. Witnesses called upon by the employee should be kept separate to witnesses called upon by the Deciding Officer for the duration of the meeting. Every effort will be made to provide witnesses with timescales.

It is not always necessary to request that witnesses attend an appeal meeting as decisions can be made using witness statements alone.

### **Right for time off to be a witness**

An employee who has been called a witness is entitled to reasonable time off to fulfil that role, by prior arrangement with their manager. This should include time to confer with their colleague or manager before the meeting and to attend the meeting.

The manager has the right to refuse if not given sufficient notice or if unable to cover the absence. However they should not unreasonably prevent the employee from attending.

Employees do not have to accept a request to be a witness and they should not be pressurised to do so, however they should be encouraged to co-operate as much as possible to ensure a fair and reasonable process.

## 6. Frequently Asked Questions (FAQs)

### What should I expect if I am called as a witness to a meeting?

If you are asked to attend a meeting, the employer and employee must be allowed to verify and question you about the information you have provided. In general, you should only be called to a meeting if further clarification of your written statement is required.

If you are a witness for an employee you will be questioned by the Appeal Panel/Appeal Officer who may ask you to clarify certain aspects of your statement, including your version of events.

As a witness, as part of the management case, the employee who has made the appeal can also ask you questions.

It is important that you refer only to the facts of the case and as far as possible refer to actual words or actions.

Different witnesses may have different versions of what happened and the Appeal Panel/Appeal Officer must weigh up the evidence.

### What if I do not agree with the appeal decision?

The decision of the Appeal Panel/Appeal Officer is final in accordance with Denbighshire County Council's appeal process. If you do not accept the appeal decision you could seek advice from an external expert.

### What if relations have broken down between my manager and I? Do I have to stay in the same job whilst the appeal is going on?

It is important to remain as professional as possible **and in most cases it would be expected for the employee and manager to remain as they are during the short duration of the appeal. However, it is sometimes appropriate to** be temporarily assigned to another role within your department or be managed by a different manager in the short term **but this would not be on a permanent basis.** Mediation may also be a consideration. You should discuss the situation with your manager or if not possible, a more senior manager.

### What if my union representative, work colleague or myself are not available on the day scheduled for the appeal meeting?

If there are genuine reasons why you or your representatives are unable to attend on the scheduled date, one further date will be arranged. Should this delay have an impact on timescales, your agreement to extend the meeting beyond the time limit will be expected. **When requesting a re-arrangement of the meeting, you should specify when you are available.**

If you fail to attend more than once without reasonable cause, the manager hearing your appeal can decide to proceed in your absence on the basis of the information available. You will be notified of the decision in writing.

**Will I be given enough time to prepare my case?**

Each appeal request will be dealt with on a case-by-case basis. Your manager will ensure that you are allowed time to prepare for your case.

**What if I am appealing because I feel I have been treated unfairly in my original hearing?**

You should give specific examples of the treatment you believe to be unfair within your appeal form. The Appeal Panel/Appeal Officer will consider all the information presented during the appeal and will make an impartial decision in conjunction with the appropriate council policies. A HR Specialist or Business Partner may also attend the Appeal to provide clarity on council policy and ensure that correct procedure is followed

**Can the Appeal Officer/Panel consider new or related incidents that come to light in the appeal meeting?**

The Appeal Panel/Appeal Officer can only consider matters considered during the original case. If substantial new information comes to light during the meeting this will need to be referred for separate investigation as a new case - in line with the relevant policy or procedure.



# Corporate Appeals Policy

## Wellbeing Impact Assessment Report

This report summarises the likely impact of a proposal on the social, economic, environmental and cultural well-being of Denbighshire, Wales and the world.

Assessment Number:	231
Brief description:	Updating and reviewing the Corporate Appeals Policy. Appeals mechanism for any Employee Relations matters
Date Completed:	25/04/2017 14:58:53 Version: 1
Completed By:	Elin Hughes
Responsible Service:	Legal, HR & Democratic Services
Localities affected by the proposal:	Whole County,

# IMPACT ASSESSMENT SUMMARY AND CONCLUSION

Before we look in detail at the contribution and impact of the proposal, it is important to consider how the proposal is applying the sustainable development principle. This means that we must act "in a manner which seeks to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs."

## Score for the sustainability of the approach

Does it need more thought?

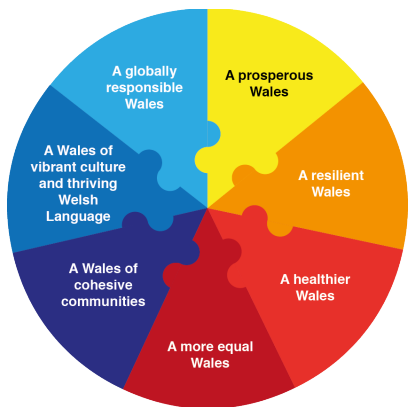
(1 out of 4 stars)



Actual score: 8/ 24.

## Summary of impact

Wellbeing Goals



A prosperous Denbighshire	Positive
A resilient Denbighshire	Neutral
A healthier Denbighshire	Positive
A more equal Denbighshire	Positive
A Denbighshire of cohesive communities	Neutral
A Denbighshire of vibrant culture and thriving Welsh language	Positive
A globally responsible Denbighshire	Positive

## Main conclusions

Further discussion will take place with the corporate improvement team regarding the suitability of the Well-being Impact Assessments

# THE LIKELY IMPACT ON DENBIGHSHIRE, WALES AND THE WORLD

## A prosperous Denbighshire

Overall Impact:	Positive
Justification for Impact:	Ensuring fair and consistent process for the employees of DCC, many of whom are residents of Denbighshire. The fair process will ensure reputation as a fair employer

**Positive consequences identified:**

One of the largest employers in the area. Ensuring we have fair and equitable policies for our employees securing jobs for the long term and maintaining good retention rates.

**Unintended negative consequences identified:**

**Mitigating actions:**

## A resilient Denbighshire

Overall Impact:	Neutral
Justification for Impact:	The appeals policy does not have an impact on any of the above criteria

**Positive consequences identified:**

**Unintended negative consequences identified:**

**Mitigating actions:**

## A healthier Denbighshire

Overall Impact:	Positive
Justification for Impact:	Fair process for staff. Will help to ensure the health and wellbeing of the workforce

### Positive consequences identified:

Fair process for staff. Will help to ensure the health and wellbeing of the workforce  
Fair process for staff. Will help to ensure the health and wellbeing of the workforce  
Access to Occupational Health services for all employees of DCC

### Unintended negative consequences identified:

Can be an emotive situation for those involved in an employee relation process

### Mitigating actions:

Minimise the negatives by having a fair and consistent process in place

## A more equal Denbighshire

Overall Impact:	Positive
Justification for Impact:	Having a policy in place to potentially appeal against dismissal gives people the opportunity to remain in employment and reduce their risk of poverty

### Positive consequences identified:

Fair and consistent process for all

Having a policy in place to potentially appeal against dismissal gives people the opportunity to remain in employment and reduce their risk of poverty

### Unintended negative consequences identified:

May be a lack of understanding of the policy by some groups. Potential language barrier. Lack of accessibility in different format

### Mitigating actions:

## A Denbighshire of cohesive communities

Overall Impact:	Neutral
Justification for Impact:	appeals policy has no impact on communities

**Positive consequences identified:**

**Unintended negative consequences identified:**

**Mitigating actions:**

## A Denbighshire of vibrant culture and thriving Welsh language

Overall Impact:	Positive
Justification for Impact:	Bilingual policy and supporting documents. Opportunity to go through the process in preferred language

### Positive consequences identified:

Bilingual policy and supporting documents. Opportunity to go through the process in preferred language  
Bilingual policy and supporting documents. Opportunity to go through the process in preferred language

### Unintended negative consequences identified:

Limited availability of Welsh speakers

### Mitigating actions:

by providing Welsh courses to staff - increases the number of Welsh speakers



## A globally responsible Denbighshire

Overall Impact:	Positive
Justification for Impact:	Ensuring fair employment practices for our workforce and sharing good practice with the rest of the county and wider

### Positive consequences identified:

Ensuring fair employment practices for our workforce and sharing good practice with the rest of the county and wider

### Unintended negative consequences identified:

### Mitigating actions:

Mae tudalen hwn yn fwriadol wag

# LOCAL GOVERNMENT PENSION SCHEME DISCRETIONS AND BANDING POLICY

This document is subject to the policy statement included in the Employee Handbook

To view FAQs click [here](#)

To provide feedback on this document please click [here](#)

Tudalen 175

<b>Date agreed &amp; Implemented:</b>	
<b>Agreed by:</b>	
<b>Review date:</b>	
<b>Frequency:</b>	

<i>Ver</i>	<i>Status</i>	<i>Date</i>	<i>Reason for Change</i>	<i>Authorised</i>
V1	Agreed	01/04/14	New Regulations 01/04/14	Sophie Vaughan
V1.2		10/08/17	Review	Sophie Vaughan

<b>Version</b>	<b>Date</b>	<b>Amendment</b>
V1.2	22/06/18	<ul style="list-style-type: none"> <li>Changes in accordance with LGPS (Amendment) Regulations 2018 to deferred members accessing their pensions without consent from former employers with actuarial reductions being applied when necessary</li> </ul>

1. What is this policy?

2. Contribution Banding  
Process

3. ~~Awarding Additional  
Pension~~

4. Flexible Retirement

5. Early Payment of  
Pension Benefits at the  
Request of the Employee

6. Shared Additional  
Voluntary Contributions

7. 85 Year Rule

8. Transfer of Pension  
Rights

9. ~~Active Council Members  
and Pre 1.04.08 Scheme  
Leavers~~

10. Definitions

# 1. What is this Policy?

## **Discretions Policy**

The regulations of the Local Government Pension Scheme require every employer, under Regulation 60(1) of the LGPS (Administration) Regulations 2013 and Regulation 66(1) of the LGPS (Administration) Regulations 2007 to:

- (i) issue a written policy statement on how it will exercise the various discretions provided by the scheme,
- (ii) keep it under review and
- (iii) revise it as necessary.

This document meets these requirements stating the regulation requirement and the organisation decision on these.

These discretions are subject to change, either in line with any change in regulations or by due consideration by the Authority. These provisions do not confer any contractual rights.

## 2. Contribution Banding Process

Denbighshire County Council will determine the employee's pensionable pay contribution banding on the 1<sup>st</sup> April each year in accordance with Regulation 9(3) of the LGPS Regulations 2013.

Each April contribution banding will be allocated as follows:

- Current Relief / Casual Employees band allocation will be based on their actual pensionable earnings from the previous financial year.
- Current employees will be allocated by their contractual salary on the 1<sup>st</sup> April and will include additional hours worked in the previous financial year. This will be annualised for staff who do not have a whole years' service.
- New starters after April will be allocated by their contractual salary and relief / casual will be allocated to the lowest band. (currently 5.5% )
- Employees who participate in a salary sacrifice scheme that is not recognised by the Local Government Pension Scheme (e.g. Car Sacrifice Schemes) will have their contributions calculated on their reduced salary. Childcare Vouchers, **Salary Sacrifice Shared Cost Additional Voluntary Contributions** or Cycle to Work are not affected as they are currently recognised by Local Government Pension Scheme.

Details of the percentages and salary band ranges that decide the pension contributions that members pay can be found on the Pay & Reward Intranet Page.

## 3. ~~LGPS Regulations 2013, Regulation 31 – Awarding Additional Pension~~

~~This regulation allows an employer to resolve to award a member additional pension of not more than £6500 a year payable from the same date as his / her pension is payable under any other provisions of the Regulations.~~

~~The Council can augment a members service made redundant/retiring in the interest of efficiency on or before the 31st March 2014.~~

~~The employees have 6 months to make this request and the discretion is deleted on 30th September 2014.~~

### **Statement of Policy**

~~Denbighshire County Council will not award additional pension nor augment service for leavers prior to 31st March 2014.~~

**Review** – ~~The Council may review its policy at any time.~~

## 4. LGPS Regulations 2013 Regulation 30(6) 30(8) – Flexible Retirement

A member of the pension scheme who has attained the age of 55 and with his/her employer's consent, reduces the hours he / she works, or the grade in which he/she is employed, may make a request in writing to the Pension Fund to receive all or part of his/her benefits under the Benefits Regulations. However, payment of the benefits cannot be made without the employer's consent.

If the benefits are reduced in accordance with guidance issued by the Government Actuary, the employer may agree to waive, in whole or in part, any such reduction.

### **Statement of Policy**

Any employee request for flexible retirement will be considered on a case by case basis on its own merits following full consideration of all financial and service delivery implications. The reduction should be a minimum of 20% of their current salary and the employee must retire fully within 2 years of taking flexible retirement.

Denbighshire has the discretion to waive in full or in part any employee actuarial reductions. Where there is a capital cost to the employer it is unlikely that the request will be agreed unless these costs can be offset by financial savings. Each case will be decided based upon its individual merits.

This does not preclude younger employees under 55 years of age requesting flexible working but without the payment of their retirement benefits.

**Review** - The Council may review its policy at any time.



## 5. LGPS (Benefits, Membership and Contributions) Regulations 2013 Regulation 30(5), 30(8), ~~30A(3)? and 30(2)~~ - Early Payment of Pension Benefits at the Request of the Employee.

When a member of the pension scheme leaves employment before he/she is entitled to the immediate payment of retirement benefits, once he/she has attained the age of 55 he/ she may choose to receive payment of them immediately without consent from his/her employer, and their retirement benefits will be actuarially reduced.

If the benefits are reduced in accordance with guidance issued by the Government Actuary, the employer may agree to waive, in whole or in part, any such reduction on compassionate grounds.

~~The Council will consider former employees (deferred members before April 2014) who are over the age of 55 and who request access to their retirement benefits, if there is no cost to the employer and they can demonstrate they meet the criteria of compassionate grounds which is determined by the HR Manager~~

The Council can grant an application for early payment of a suspended tier 3 ill health pension on or after age 55 and before age 60 made under regulation 30A(3)

### Statement of Policy

It is the policy of Denbighshire County Council to consider each case to waive ~~any reduction of benefits of early release of pension~~ on its own merits:-

~~(i) If there is no cost to Denbighshire County Council and the benefits are actuarially reduced and;~~

(ii) If there are compelling, compassionate\* reasons to do so and;

~~If Denbighshire County Council agrees to permit early release of deferred benefits for reasons other than compassionate grounds,~~  
Any actuarial reduction will be applied to the person's accrued pension benefits to take account of the fact that the benefits are being paid early.

~~Denbighshire County Council will not waive any actuarial reduction for early payment on compassionate grounds~~

**Review** - The Council may review its policy at any time

## 6. LGPS Regulations 2013 Regulation 17 (1) – Shared Additional Voluntary Contributions

Where the member's employing authority contributes to the scheme, the additional voluntary contributions arrangement is to be known as a shared cost additional voluntary contributions arrangement and contributions to it as "SCAVCs".

### Statement of Policy

Denbighshire County Council will not contribute towards a shared cost additional voluntary contributions scheme.

**Review** - The Council may review its policy at any time.

## 7. Amended LGPS (Transitional Provisions, Savings and Amendment) Regulations 2018 2014, Schedule 2 – 85 Year Rule

"The '85 Year Rule', where members whose age plus length of membership in the current and earlier schemes is equal to 85 years or more can be activated for individual members prior to age 60. In the case of Early Retirement, the cost of which can be waived in full or in part, by the employer.

It provides that members between the ages of 55 and 59 who choose to take early pension under the 1997 and 2007 Regulations, may also benefit from the 'rule of 85' with their employer's consent."

### Statement of Policy

Denbighshire County Council has the discretion to waive reductions in full, or in part, and will consider each case on its own merits with a full business case to be approved by the Head of Service, Head of Finance and Head of Legal, HR and Democratic Services.

**Review** - The Council may review its policy at any time.

## 8. LGPS Regulations 2013 Regulation 100(6) – Transfer of Pension Rights

If a scheme member wishes to transfer a previous pension benefits into the LGPS he/she must opt to do so within 12 months of joining the LGPS or such longer period as the employer may allow.

### **Statement of Policy**

Denbighshire County Council will not consider extending the time limit for a transfer in of previous pension rights which is more than twelve months after joining.

## **9. Local Government Pension Scheme Regulations 1997 (as amended) in relation to active councillor members and pre 1.4.08 scheme leavers. Regulation 31 (2), 31(5) & 31(7A)**

The Council can allow a post 31/3/98 or pre 1/4/08 leaver the option to request early payment of benefits on or after age 50/55 and before age 60 which will be considered on a case-by-case basis.

The Council can allow a councillor member the option to request early payment of benefits on or after age 50/55 and before age 60 which will be considered on a case-by-case basis

With regard to the early payment of benefits made in accordance with Regulation 31 (2) the Council could waive the actuarial reduction of benefits, under 31(5) if there are compelling compassionate\* reasons to do so.

Any early payment of benefits between age 50/55 may also be subject to an unauthorised payments charge, an unauthorised payments surcharge under the Finance Act 2006 and a scheme sanction charge, these charges are in addition to any actuarial reductions.

Councillor optants out and pre 1/4/08 employee optants out can request payment of benefits at normal retirement date.

### **Statement of Policy**

It is the policy of Denbighshire County Council to consider each case of to agree to early release of pension only if early release of pension on its own merits:-

(i) If there is no cost to Denbighshire County Council and the benefits are actuarially reduced, and;

(ii) If there are compelling, compassionate\* reasons to do so.

## 10. Definitions

\*Definition of compelling, compassionate reasons:

(i) The member can clearly demonstrate that they have a dependent, who is in need of the member's constant supervision due to a long term illness and as a result the member is suffering from severe financial hardship OR

(ii) There is another substantial reason (not relating to caring for an ill dependant) where the member can demonstrate that they are facing very severe, on-going financial hardship and will be doing so on a long term basis.

In exceptional circumstances, and only with the prior approval of Denbighshire County Council, the Council may vary the terms of this policy on an individual basis, and consider each case on its merits. The list is subject to statute, regulations and Denbighshire County Council policy. It may be varied in the future as necessary. Each discretion will be dealt with independently.

# Pay & Reward Policies

## Wellbeing Impact Assessment Report

This report summarises the likely impact of a proposal on the social, economic, environmental and cultural well-being of Denbighshire, Wales and the world.

Assessment Number:	358
Brief description:	The application of Pay & reward Policies -Travel Policy - Acting Up, Honoraria and Ex Gratia Policy - Early Termination of Employment Policy - Flexible Retirement Policy - LGPS Discretions & Banding Policy - Standby, Oncall and Sleeping In Policy - Market Supplement Policy - Model School Pay Policy - Pay Policy Statement
Date Completed:	09/01/2018 15:30:59 Version: 1
Completed by:	Sophie Vaughan
Responsible Service:	Legal, HR & Democratic Services
Localities affected by the proposal:	Whole County,

# IMPACT ASSESSMENT SUMMARY AND CONCLUSION

Before we look in detail at the contribution and impact of the proposal, it is important to consider how the proposal is applying the sustainable development principle. This means that we must act "in a manner which seeks to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs."

## Score for the sustainability of the approach

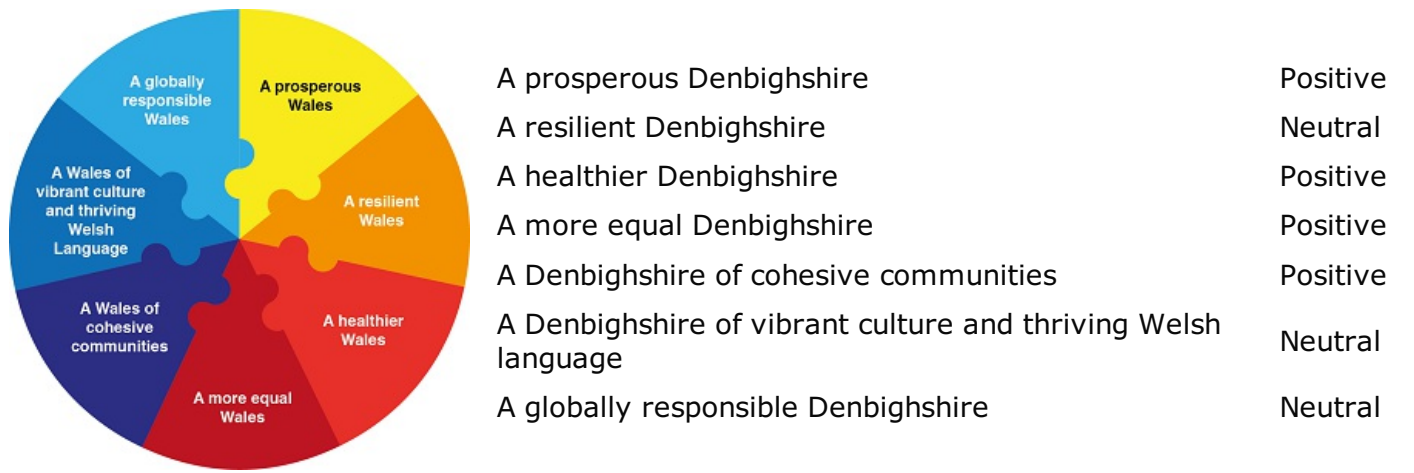
Could you do more to make your approach more sustainable?



Actual score : 16 / 24.

## Summary of impact

Wellbeing Goals



## Main conclusions

That fair and equitable Pay and Reward Policies contribute to the Wellbeing of our communities

# THE LIKELY IMPACT ON DENBIGHSHIRE, WALES AND THE WORLD

## A prosperous Denbighshire

Overall Impact	Positive
Justification for impact	As above

### Positive consequences identified:

Travel and Subsistence Policy encourages use of pool cars, car sharing and alternative methods of holding meeting (Jabber, Webcam, Skype) Encourages home working rather than travel. This in turn reduces the carbon footprint of the County.

Providing policies that allow for competitive rates of pay and employment practices encourage employees who reside in Denbighshire to stay in the local area, which will keep the money in the County and improve the economy and attract new businesses. This will also attract and retain people from other areas to work and live in the County

Pay and Reward Policies provide a means of attracting and retaining staff for the long term by providing fair and equitable employment

### Unintended negative consequences identified:

The encouragement of alternative methods of travel i.e. buses, could mean that we are less time efficient as a Council. Home working can mean that there is less spend in local petrol stations  
Home working also means that there is less local spend in the towns where offices are located i.e. lunches

Restrictions in the budget of DCC mean that the favourable terms and conditions mean that we can employ less staff than and potentially cheaper to contract out to employers

### Mitigating actions:

By minimising the negatives this can negatively impact the positives and vice versa.

## A resilient Denbighshire

Overall Impact	Neutral
Justification for impact	As above

### Positive consequences identified:

By encouraging different methods of transport for meetings, such as pool cars, buses, car share and alternative ways of meeting such as jabber, skype etc, the fuel consumption of the County will reduce. Also the energy used in the Council offices.

### Unintended negative consequences identified:

Less spend in local petrol stations, which impacts on the economy. Use of power in employees homes may increase due to increased home working

### Mitigating actions:

None Applicable

## A healthier Denbighshire

Overall Impact	Positive
Justification for impact	As above

### Positive consequences identified:

By providing fair pay enables people to invest in their physical and mental wellbeing, through diet and exercise and social interaction through work.

By providing fair pay it allows employees to access and choose to purchase good quality, healthy food.

By providing fair pay and the opportunities to manage work life balance through Flexible Retirement, employees can choose to go to the gym or partake in other leisure and social activities

By providing fair pay enables people to invest in their mental wellbeing, through financial wellbeing, diet and exercise and social interaction through work.

By working some employees may choose to take on private medical insurance

### Unintended negative consequences identified:

The use of disposable income could be used for risk taking behaviours

The use of disposable income could be used for purchasing unhealthy food e.g. take away restaurants

The use of disposable income could be used for risk taking behaviours

### Mitigating actions:

Our risk is people making poor decisions, which could be tackled through education of employees

## A more equal Denbighshire

Overall Impact	Positive
Justification for impact	As above

### Positive consequences identified:

All Pay and Reward policies are written to comply with equality legislation

Providing fair terms and conditions and pay in employment and good pension can assist in addressing health inequalities in the area over the long term

Providing fair terms and conditions and pay in employment and good pension can assist in tackling poverty in the area over the long term

### Unintended negative consequences identified:

### Mitigating actions:

None Applicable

## A Denbighshire of cohesive communities



Overall Impact	Positive
Justification for impact	As Above

**Positive consequences identified:**

If poverty is reduced by fair pay, then this will have a positive impact on communities and individuals by making them safer

Fair pay policies could increase the amount of disposable income being spent in the area, which could mean businesses are more attracted to the area reducing empty buildings etc.

**Unintended negative consequences identified:**

**Mitigating actions:**

Not Applicable

## A Denbighshire of vibrant culture and thriving Welsh language

Overall Impact	Neutral
Justification for impact	N/A

**Positive consequences identified:**

**Unintended negative consequences identified:**

**Mitigating actions:**

N/A

## A globally responsible Denbighshire

Overall Impact	Neutral
Justification for impact	N/A

**Positive consequences identified:**

**Unintended negative consequences identified:**

**Mitigating actions:**

N/A

Mae tudalen hwn yn fwriadol wag



# Policy -Standby, On-call and Sleeping-in Arrangements v2.3

Tudalen 191



Policy – Standby, On-call and Sleeping in Arrangements

Policy approved by	Date approved	Date implemented	Policy owner	Review date
Full council	06/01/13	03/12/14		3/12/18

Prior to contacting Human Resources regarding the content of this policy, it is recommended that you refer to the most up to date version on the intranet and the relevant guides.

As is the case with all intranet documents, this policy is subject to regular review due to legislative and policy changes. The latest versions of all Human Resource documents can be found on the HR intranet pages.

Version No.	Date approved	Approved by	Amendment
v1.0	06/01/13	Sophie Vaughan	Clarification on session length. FAQs expanded upon
v1.1	03/12/14	Sophie Vaughan	Increase in Sleep In Rate. Clarification on session length
V2.0	15/01/15	Catrin Roberts	Further clarity around Sleep In rate
v2.1	30/03/16	Sophie Vaughan	In line with National Living Wage
v2.2	25/10/17	Andrea Malam	Reformatting
v2.3	14/12/17	Sophie Vaughan	Amendments to SB7 and update rates

Updated 19/2

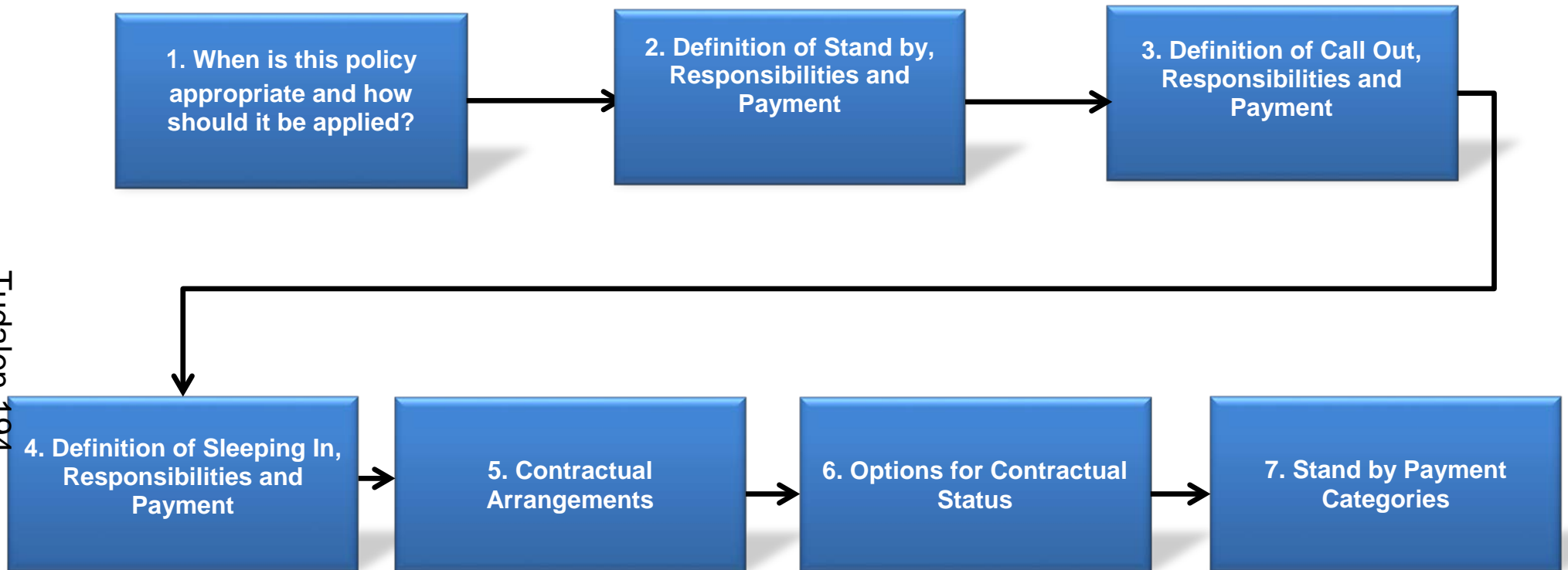
## **ROLES AND RESPONSIBILITIES**

### **Line Managers:**

To ensure that employees are awarded the correct and appropriate rate in accordance with the disturbance and duties they undertake whilst on Standby, Call Out or Sleeping In

### **HR and Pay and Reward Specialist:**

To provide advice, guidance and regularly review Stand by, Call Out and Sleep In Payments to ensure that the policy is fairly and equitably applied across the council.



# 1. When is this policy appropriate and how should it be applied?

Denbighshire County Council recognises that the world of work has changed considerably in recent years and can no longer be considered a 9 a.m. to 5 p.m. operation. Some local government services in any case **must** be available outside these hours, or even on a 24 hours basis, due to client requirements or the need to safeguard community health and safety.

There are a series of different options of Stand by Payments set corporately, available to employing departments to use which can be found in Section 7.

Depending upon the exact nature of the post, the employing department would then be able to choose from the options in Section 7 and apply the one that is the most appropriate to their circumstances.

In order to ensure that equal pay considerations are not compromised, Section 7 details set criteria for which options are appropriate in which circumstances. Departments will not be able to create 'new options' without joint corporate agreement to varying the policy, i.e. the available options are to be controlled centrally.

## 2. Definition of Standby, Responsibilities and Payment

Standby rotas enable a pool of staff to be established who are able to respond to a variety of service requirements outside their normal office hours at relatively short notice. Compensation packages for standby and call-out will reflect the diversity of these requirements and arrangements.

### Responsibilities of Employees on Standby

There is a requirement for an employee 'on standby' to be 'ready at all times for duty' outside of their normal office/operational hours for a specific occasion or time, or over a period of time.

The employee must be contactable by landline, mobile or pager as appropriate, during the period of standby. Should the need arise, they must be available for duty and prepared and able to carry it out from home or a location outside work or attend work or other location as appropriate. They must therefore stay within easy travelling distance of any location at which they may reasonably be required to attend.

Carrying out any duties while on standby will be in accordance with the normal rules, disciplines and conventions of attending work. This includes being in a fit and sober condition in line with local applicable policies on alcohol and driving

## Payment

Payment for being on standby should reflect the actual level of inconvenience or disruption to the employees' normal home life that is incurred in the particular circumstances of each service's requirements. This will include:

- i) Any restriction on the employees' location or movement during periods of standby
- ii) The actual period spent undertaking standby duties
- iii) When standby takes place (e.g. weekends, rest period, and bank holidays may attract enhanced rates)

Details of payment method are included in Section 7. The payment will include a minimum of 30 minutes working time.

The length of a session is dependent on the service that you work in and will be clarified by your Manager. Normally a full session will up to 16 hours, the normal period of time that the office is closed for. If the period of standby is less than 8 hours then the payment will be halved accordingly.

## Equipment

Employees required to be contactable outside of their normal place of work will be given a mobile phone. In exceptional circumstances, the council will pay towards the landline rental at the rate for a standard BT landline.

The cost of any work related calls made on the employee's landline will be reimbursed for the actual cost of the call.

The principle of Single Status will apply in the supply of such equipment so that employees are treated equally on the basis of the organisation's requirements for carrying out standby duty.

## Contractual Arrangements

Standby arrangements may be contractual or voluntary. However, where statutory obligations are being fulfilled or emergency situations responded to the principle should generally be that relevant employees are contractually required to participate in appropriate periods of standby duty. This would apply to:

- Building Control Officers
- Highways employees re Winter Maintenance
- Emergency Planning Officers
- Homelessness Officers



- Environmental Health Officers
- Adult Services
- Animal Health Officers

## **Implementation**

Contractual status will be implemented for all new employees and for existing employees where it is already a contractual requirement. Where standby duties are currently undertaken on a voluntary basis, this will only change to be contractual if the employee agrees. Otherwise it will remain as a voluntary arrangement.

Consideration should be given for changes in personal circumstances which may affect an employee's ability to carry out standby duties.

## **Last Minute Standby Arrangements**

While standby rotas will generally be set up in advance, there will still need to be flexibility to deal with unexpected situations. On occasions last minute standby arrangements may need to be put in place for example in emergencies, or in connection with project go-live dates.

# **3. Definition of Call Out, Responsibilities and Payment**

An employee will be considered to have been 'called out' if they are called upon to return to work to undertake any work either during a period of standby or not. This work may be undertaken through:

- Attendance at a place of work
- Attendance at an alternative location
- Carrying out work from home (e.g. by giving advice over the 'phone or logging in to systems remotely)
- Carrying out work at any other location (e.g. by giving advice over the 'phone)
- Making arrangements for others to attend or otherwise deal with an issue

## **Responsibilities of Employees Called Out**

If an employee on formal standby is required to undertake any work during this period, they will be expected to be able to undertake the normal range of duties commensurate with their post, along with any other duties as necessary and appropriate.

Carrying out duties will be in accordance with the normal rules, disciplines and conventions of attending work. This includes being in a fit and sober condition in line with local applicable policies on alcohol and driving.

## **Payment**

Standby allowances will include up to 30 minutes “working time” during the stand by period.

Payments will be paid as overtime pay for a guaranteed minimum of 2 hours in accordance with SB5 in the payment table.

If an employee is called out again within the 2 hour period, then this will be classed as one call out. If an employee has returned home from one call out and receives a subsequent call out after the expiry of the two hour period, this will be classed as a new call out and the employee will receive another minimum payment of 2 hours.

However, employees experiencing multiple call-outs in one period of standby should not receive a payment higher than they would have had if they had worked continuously for the same period of time.

## **Travelling Time and Costs**

All travelling time will be covered within the call out period. Call out will commence when the employee leaves home to when they return home.

Travel costs will be reimbursed via the usual mileage rate.

## **Rest Periods**

The Working Time Regulations 1998 include limits on maximum hours worked and specify minimum rest periods following a period of duty. Rest periods for staff which are called out must conform to the guidelines of the Working Time Regulations and in accordance effective Health and Safety practice. They may also vary according to:

- The time of day or night that the employee is called out
- The length of the call out(s)
- The number of call outs
- The extent of disruption to continuous sleep

Further information on rest periods can be found using the following internet links <https://www.gov.uk/maximum-weekly-working-hours> and <https://www.gov.uk/drivers-hours>.

## 4. Definition of Sleeping In, Responsibilities and Payment

Staff may be required to 'sleep in' at clients or work establishments in order to be immediately on hand should a situation arise that requires their attention.

### Responsibilities of Employees' 'Sleeping in'.

There is a requirement for an employee 'sleeping in' to be ready for duty (when woken, if asleep) whenever the need arises during the specified period.

The officer will be required to be able to undertake the full range of their normal duties, along with any others that are necessary and appropriate.

Carrying out 'sleeping in' duty will be in accordance with the normal rules, disciplines and conventions of attending work. This includes being in a fit and sober condition in line with local applicable policies on alcohol and driving.

### Payment

Payment for 'sleeping in' aims to compensate for:

- i) The disruption to the employees' normal home life that is incurred in having to be away from home; and
- ii) The disruption to a normal night's sleep that is incurred or is likely to be incurred within the particular establishment

Payment will be a fixed allowance of £57.60 based on an 8 hour sleep in session (to increase in line with the national living wage rates). This will be the same for all persons who undertake the duty, regardless of their basic pay rate. If an employee works a session different to 8 hours then the payment will be increased or decreased accordingly e.g. 10 hours x £6.50 = £65.00 per session. Please ensure payroll are informed if this is the case. A session will include up to 30 minutes "work time".

If the disturbance results in an employee supporting a service user for more than 3 hours (aggregate) then the whole sleep in period becomes a waking night and will be paid at the contractual hourly rate, which then replaces the sleep in rate.

## Rest Periods

The Working Time Regulations 1998 include limits on maximum hours worked and specify minimum rest periods following a period of duty. Periods of time asleep when on 'sleeping in' duty count as working time under the directive. Rest periods for staff which are 'sleeping in' must conform to the guidelines of the Working Time Regulations and in accordance with effective Health and Safety practice. They may also vary according to:

- The time of day or night that the employee is required to undertake duties during the 'sleep in' period
- The total length of time that the employee is required to undertake duties during the 'sleep in' period
- The number of times that the employee is required to undertake duties during the 'sleep in' period
- The extent of disruption to continuous sleep

Further information on rest periods can be found using the following internet link <https://www.gov.uk/maximum-weekly-working-hours>.

## 5. Contractual Arrangements

It is envisaged that job descriptions will explicitly state what type of standby duties have to be performed, and what category of payment is to be applied. Contracts will have to be explicit about whether these arrangements are contractually binding (see Section 6 for more information).

Similar rules should also apply to overtime duties

Contractual status will be implemented for all new employees and for existing employees where it is already a contractual requirement. Where standby duties are currently undertaken on a voluntary basis, this will only change to be contractual if the employee agrees. Otherwise it will remain as a voluntary arrangement.

Consideration should be given for changes in personal circumstances which may affect an employee's ability to carry out standby duties.

## 6. Options for Contractual Status

The employing department would need to specify which category the duties fall into.

Tudalen 201

OPTIONS FOR CONTRACTUAL STATUS (of Standby / Availability Duty)		
REF	DESCRIPTION	EXAMPLES
<b>C1: Mutually binding</b>	Where the employee is contracted to provide set amounts of standby provision, and the Council is contracted to (always) provide payment for these standby duties. PAID (in full) WHEN OFF-SICK OR ON -LEAVE	Examples of where this might be used include;  Areas where the council and the employee as part of their duties are obliged to provide statutory services outside of their normal work hours (e.g. certain posts in Adult Services where they are required to standby in line with statutory obligations)
<b>C2: Unilaterally binding</b>	Where the employee is contracted to participate in standby arrangements as/when the employer REQUIRES them to do so, i.e. under the general circumstances referred to in the appointment letter or contract of employment. PAID (in full) WHEN OFF-SICK OR ON -LEAVE	Examples of where this might be used include;  Areas where the council is obliged to provide statutory services outside their normal work hours, (e.g. highways workers who are required to standby for winter maintenance activities or social services employees who are required to standby in order to attend to clients' needs).
<b>C3: Mutually voluntary</b>	Where the Council can seek volunteers for standby duty, and employees are permitted to volunteer their services. NOT PAID WHEN OFF-SICK OR ON -LEAVE	Either party can withdraw from the arrangements by giving reasonable notice. However, volunteers will normally offer their services for prescribed 'tours of duty', which they will then be expected to complete.

## 7. Stand by Payment Categories

### WORK CATEGORIES

The employing department would need to specify which category the duties fall into.

DESCRIPTION / CRITERIA	DUTIES (to be reflected in payment system chosen)	Suggested payment types
<p><b>SB1: 'Listed'</b></p> <ul style="list-style-type: none"> <li>When somebody's telephone number is listed as a possible contact, but there is no duty to 'remain contactable'</li> </ul> <p>Most weeks the on call person would not expect to receive any calls.</p> <p>There will be occasional, short term or ad hoc circumstances where an informal standby arrangement may be considered appropriate.</p>	<p>If any calls were to be received – they would have to be dealt with, including passing on any messages/work instructions to others.</p> <ul style="list-style-type: none"> <li>Decide to attend work or other location if necessary and / or</li> <li>Decide if there is a need for someone else to attend work or other location, either instead, or in addition to them;</li> <li>Contact any additional employees if necessary and agreed with Contact Officer</li> <li>Clearly instruct or agree with the 'Contacting Officer' the action being / to be taken, including that the 'Contacting Officer' makes arrangements for someone else to deal with the matter entirely.</li> <li>In an informal standby arrangement the responsibility for making alternative arrangements will rest with the Contacting</li> </ul>	<p>NONE - should be a requirement of the general contract of employment.</p>

	Officer where the employee is unavailable or unable to respond.	
<b>SB2: 'Contactable'</b> <ul style="list-style-type: none"> <li>When somebody has to be 'contactable' by telephone during their period of duty, but there is generally very little disruption during out of hours periods</li> <li>Most weeks the on call person would not expect to receive any calls.</li> <li>Will not be expected to take action as a result of the call</li> </ul>	As above –plus: <ul style="list-style-type: none"> <li>They are required to be 'contactable' whilst on their specified 'tour of duty'.</li> <li>They can expect to be contacted on occasions, but most weeks they would not receive any calls.</li> </ul>	<ul style="list-style-type: none"> <li>£10.52 per session (normally 12-16 hours) (regardless of normal grade)</li> <li>Only paid for the weeks when the duty is required to be performed</li> <li>Include up to 30 minutes "work time"</li> </ul>
<b>SB3: 'On-Standby'</b> <ul style="list-style-type: none"> <li>When somebody has to be 'contactable' and they expect to receive several calls per week.</li> </ul> Higher level of calls than SB2 Likely to have to take some action as a result Unlikely to be called into work	As above - plus: <ul style="list-style-type: none"> <li>Most weeks the on call person would expect to receive (and deal with) several calls.</li> </ul>	<ul style="list-style-type: none"> <li>£21.06 per session (normally 12-16 hours)(regardless of normal grade)</li> <li>Only paid for the weeks when the duty is undertaken</li> <li>Include up to 30 minutes "work time"</li> </ul>
<b>SB4: 'Standby – with actions'</b> <ul style="list-style-type: none"> <li>When somebody has to be 'contactable', they expect to receive calls that will have to be dealt with.</li> <li>Most weeks the on call person would expect to receive several calls.</li> <li>Are likely to be called into work</li> </ul>	As above, plus: <ul style="list-style-type: none"> <li>The person on standby is expected to perform certain planned actions whilst not in work (e.g. taking operational decisions based on weather conditions etc.)</li> </ul>	<ul style="list-style-type: none"> <li>£26.32 per session (normally 12-16 hours)(regardless of normal grade)</li> <li>Only paid for the weeks when the duty is undertaken</li> <li>Include up to 30 minutes "work time"</li> </ul>
<b>SB5: Call Out</b> <ul style="list-style-type: none"> <li>Employees required to return to work whether or not they were already on a period of standby</li> </ul>	<ul style="list-style-type: none"> <li>Attendance at a place of work</li> <li>Attendance at an alternative location</li> <li>Carrying out work from home (e.g. by giving advice over the 'phone or logging in to systems remotely)</li> </ul>	<ul style="list-style-type: none"> <li>Payments will be paid as overtime pay for a guaranteed minimum of 2 hours.</li> <li>If an employee is called out again within the 2 hour period, then this will be classed as one call out.</li> <li>If an employee has returned home from one call out and receives a subsequent call out</li> </ul>

	<ul style="list-style-type: none"> <li>Carrying out work at any other location (e.g. by giving advice over the 'phone)</li> <li>Making arrangements for others to attend or otherwise deal with an issue</li> </ul>	<p>after the expiry of the two hour period, this will be classed a new call out and the employee will receive another minimum payment of 2 hours.</p> <p>However, employees experiencing multiple call-outs in one period of standby should not receive a payment higher than they would have had if they had worked continuously for the same period of time.</p>
<b>SB6: Sleeping-In arrangements</b> <ul style="list-style-type: none"> <li>Employees required to sleep on the premises</li> </ul>	<ul style="list-style-type: none"> <li>There is a requirement for an employee 'sleeping in' to be ready for duty (when woken, if asleep) whenever the need arises during the specified period.</li> <li>The requirements of the working time directive need to be considered</li> </ul>	<ul style="list-style-type: none"> <li>Payment will be a fixed allowance of £60.00 based on a 8 hour sleep in (to increase in line with the national living wage) same for all persons who undertake the duty (regardless of their basic pay rate. If different to 8 hours then the payment will be increased or decreased accordingly e.g. 10 hours x £7.50 = £75.00 per session. Please ensure payroll are informed if this is the case.</li> <li>Only paid for the nights when the duty is required to be performed</li> <li>Include up to 30 minutes "work time"</li> </ul>
<b>SB7: Stand-by (Winter Maintenance Actions)</b> <ul style="list-style-type: none"> <li>Persons on winter maintenance rotas and expected to return to work at short notice.</li> </ul>	<ul style="list-style-type: none"> <li>The person on stand-by is expected to attend the depot and carry out designated winter maintenance duties.</li> </ul>	<ul style="list-style-type: none"> <li>£15.00 per session (normally 12-16 hours) (Monday – Friday)</li> <li>£22.50 per session (normally 12-16 hours) (Saturday and Sunday and bank holidays)</li> <li>Only paid for the period on Retrospectively payments of SB4 instead of SB7 will be paid in the following circumstances: <ul style="list-style-type: none"> <li>- When "No Action" has been posted by the Duty Forecaster for call out in the morning shift (11:00pm until 07:00am) and then subsequently reverses the original decision and calls the operatives to attend the depots</li> <li>- If an "Action" has been called and subsequently cancelled and then, in the same shift, re-instated and the men called back to the depot. rota.</li> </ul> </li> </ul>



## Frequently Asked Questions (FAQs)

### **Are standby arrangements contractual or voluntary?**

Some standby arrangements are contractual and will be included in your Statement of Terms & Conditions, or will be an implied term due to the length of time you have been undertaking standby duties. Where standby is contractual you will be expected to undertake the duties in accordance with your contract.

In other cases, standby arrangements will be voluntary where your manager will ask the team for volunteers to undertake the duties. You as an employee would have the right not to undertake the standby duties.

### **I am on Standby, if I get 'called out', what is the expected duration of the call-out, and what happens if I work beyond the expected call out duration?**

It is impossible to predict how long a call out duration will be. However, you will be paid call out (SB5), which is a minimum of 2 hours pay at overtime rate in accordance with your grade regardless of whether the call out is less than 2 hours. Should you work over the two hours call-out you will be paid for any additional time accrued at overtime rate in accordance with your grade.

### **I have been called out multiple times within a two hour period, will I get paid for each call out, or will this be classed as just one call out?**

If you are called out again within the 2 hour period, then it will be classed as one call out.

If you have returned home from one call out and receive a subsequent call out after the expiry of the two hour period, this will be classed a new call out and you will receive another minimum payment of 2 hours.

However, if you experience multiple call-outs in one period of standby you should not receive a payment higher than you would have had if you had worked continuously for the same period of time.

### **If I have to travel during a call out, can I reclaim this?**

Yes, any mileage costs are to be reclaimed via the normal process unless you are using a council vehicle.

### **My personal circumstances have changed, can this be considered when being requested to carrying out standby duties?**

If you are unable to undertake standby duties, then you must speak to your manager immediately. If it is a contractual arrangement then the manager will need to look to see whether the requirement to undertake standby duties can be removed.

**There is an expectation within my department that employees are on standby and sometimes called out, but it's not in my contract, so can I refuse?**

This depends on whether it has been normal practice for you to undertake standby duties and therefore the requirement has become an implied term to your contract. This means that although it not included within your contract, custom and practice means that it expected by both parties and therefore becomes contractual.

Rather than refuse it would be more beneficial to speak to your manager to see what arrangements can be agreed.

**How do I receive payment for being called out?**

You will need to complete a Standby/Call Out Timesheet and submit to Payroll on a monthly basis. Timesheets are available from your Manager or the Payroll Department.

**Are Stand by Payments Superannuable?**

If you participate in a Stand by rota that is contractual then your standby payments and any call outs relating to that stand by period are superannuable or Pensionable.

Should you be in a voluntary stand by arrangement then any payments as a result of the stand by rota would not be superannuable, although this is set to change in April, 2014 when the Local Government Pensions Regulations change and non-contractual overtime and payments become superannuable/pensionable.

**What happens if I keep getting disturbed during my Sleep In?**

If you are disturbed and the total time disturbed totals 3 hours or more (not including the 30 minutes work included in the Sleep In payment) then the Sleep In will be classed and paid as a waking night shift and you will be paid in accordance with your normal contractual hourly rate.

**How long is a Standby Session?**

The length of a session is dependent on the service that you work in and will be clarified by your Manager. Normally a full session will up to 16 hours, the normal period of time that the office is closed for. If the period of standby is less than 8 hours then the payment will be halved accordingly.

**What will I get paid if I am on Standby on a Bank Holiday?**

You will receive the normal standby rate (i.e. SB1- SB4), but should you be disturbed during the standby session beyond the 30 minutes working time, SB5 will receive in addition to your normal hourly rate of pay, plain time for any hours worked. In addition, at a later date, time off with pay will be allowed for the hours worked.

# **TAKING PERSONAL DATA OFF COUNCIL PREMISES POLICY**

Denbighshire County Council (DCC) officers may need to take personal data out of the office. The purpose of this policy is to set out the steps to be followed by officers when taking personal data offsite, for example, to conduct home visits, attend meetings, panels or court, or to work from home. Following this policy will help to reduce the risk of a security breach involving personal data and any subsequent fine.

For ease of reference, throughout this policy, the term 'personal data' includes 'sensitive personal data'.

## **Circumstances in which personal data can be taken off site**

In order to ensure the security of the information, and the safety and welfare of the service user, the following points must be complied with:

- Personal data should only be taken off DCC premises when absolutely necessary and for the shortest possible time.
- Only the absolute minimum amount of personal data is to be taken out of the office. Relevant papers should be removed from the file where this is possible rather than the entire file being taken.
- Where a substantial amount of personal data is to be taken off site, then the officer must have approval from his/her line manager.
- Preference should always be given to accessing personal data remotely using digital means rather than taking data off site in other formats, such as on paper. Digital access should be done through CAG access the Council's Systems.
- Where notes have been taken by an officer working off site, they must be written up onto the appropriate Council System as soon as reasonably possible. Once they have been formally written up, the informal notes should be securely destroyed. Please note that all concurrent notes taken during investigation, assessment or proceedings, should be securely destroyed upon completion of proceedings or once a case is closed.

## **Means and mode of transport**

- Alternative secure digital methods should be considered for situations where accessing the Council's Systems remotely is not possible e.g. encrypted memory sticks or DCC issued laptops and iPads.
- Paper records must be transported in a receptacle, which fully closes (locks / zips / clips shut), and which is made of a non-transparent material.

- When transporting paper records on public transport, for example, by bus or train then the records must be kept with the officer and not placed on luggage racks.
- When transporting paper records by a vehicle then these should be stored out of sight in a locked car boot. This also applies to electronic media such as laptops. Officers should remain vigilant when opening car doors, boots, etc. to ensure that records do not fall out of the vehicle or blow away.
- Personal data should not be reviewed or discussed by officers in places where it could be seen, or conversations overheard, by a member of public, for example, on public transport or in cafes.

### **Working from home**

- Care must be taken when working from home to ensure that personal data is not visible to other members of the household and that work related conversations are held out of earshot of other household members.
- Personal data must be stored in the officer's home in a safe place, which is out of sight.
- Personal data must be returned to DCC premises the next time the officer is due in the office.

### **Information security incidents**

If an officer becomes aware of any information security related incident, then the officer must immediately inform his or her line manager who should in turn inform the ICT Servicedesk. DCC's Information Security Breach Procedure will then be followed.

### **Policy statement**

This policy is underpinned by DCC's Information Security Policy.

Failure to adhere to this procedure may be regarded as serious and any breach may render an employee liable to action under the Council's Disciplinary Procedure, which may include dismissal.

# Personal Data Policy

## Well-being Impact Assessment Report


This report summarises the likely impact of the proposal on the social, economic, environmental and cultural well-being of Denbighshire, Wales and the world.

Assessment Number:	442
Brief description:	Policy on taking personal data off council premises.
Date Completed:	Version: 0
Completed by:	
Responsible Service:	Business Improvement & Modernisation
Localities affected by the proposal:	Not Applicable,
Who will be affected by the proposal?	Staff
Was this impact assessment completed as a group?	No

# IMPACT ASSESSMENT SUMMARY AND CONCLUSION

Before we look in detail at the contribution and impact of the proposal, it is important to consider how the proposal is applying the sustainable development principle. This means that we must act "in a manner which seeks to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs."

## Score for the sustainability of the approach

 ( 2 out of 4 stars ) Actual score : 17 / 30.

## Implications of the score

Does not really apply to this policy.

## Summary of impact

Well-being Goals

A prosperous Denbighshire

A resilient Denbighshire

A healthier Denbighshire

A more equal Denbighshire

A Denbighshire of cohesive communities

A Denbighshire of vibrant culture and thriving Welsh language

A globally responsible Denbighshire

Neutral

Neutral

Neutral

Positive

Neutral

Neutral

Neutral



## Main conclusions

The implementation of this policy will not have an impact on well-being goals. The aim of the policy is more about reducing the risk associated with Council staff losing sensitive information.

The Policy was developed with input from the Council's Information Governance Group, which consists of representatives from across each service.

## Evidence to support the Well-being Impact Assessment

- ☐ We have consulted published research or guides that inform us about the likely impact of the proposal
- ☒ We have involved an expert / consulted a group who represent those who may be affected by the proposal
- ☐ We have engaged with people who will be affected by the proposal

# THE LIKELY IMPACT ON DENBIGHSHIRE, WALES AND THE WORLD

## A prosperous Denbighshire

<b>Overall Impact</b>	Neutral
<b>Justification for impact</b>	This particular policy will not have an impact on the local economy
<b>Further actions required</b>	

### Positive impacts identified:

<b>A low carbon society</b>	None
<b>Quality communications, infrastructure and transport</b>	None
<b>Economic development</b>	None
<b>Quality skills for the long term</b>	Data protection
<b>Quality jobs for the long term</b>	None
<b>Childcare</b>	None

### Negative impacts identified:

<b>A low carbon society</b>	None
<b>Quality communications, infrastructure and transport</b>	None
<b>Economic development</b>	None
<b>Quality skills for the long term</b>	None
<b>Quality jobs for the long term</b>	None
<b>Childcare</b>	None

## A resilient Denbighshire

<b>Overall Impact</b>	Neutral
<b>Justification for impact</b>	This particular policy will not have an impact on resilience in Denbighshire
<b>Further actions required</b>	Tudalen 211

**Positive impacts identified:**

<b>Biodiversity and the natural environment</b>	None
<b>Biodiversity in the built environment</b>	None
<b>Reducing waste, reusing and recycling</b>	Reduce paperwork
<b>Reduced energy/fuel consumption</b>	None
<b>People's awareness of the environment and biodiversity</b>	None
<b>Flood risk management</b>	None

**Negative impacts identified:**

<b>Biodiversity and the natural environment</b>	None
<b>Biodiversity in the built environment</b>	None
<b>Reducing waste, reusing and recycling</b>	None
<b>Reduced energy/fuel consumption</b>	None
<b>People's awareness of the environment and biodiversity</b>	None
<b>Flood risk management</b>	None

**A healthier Denbighshire**

<b>Overall Impact</b>	Neutral
<b>Justification for impact</b>	This particular policy will not have an impact on the health in the county.
<b>Further actions required</b>	

**Positive impacts identified:**

<b>A social and physical environment that encourage and support health and well-being</b>	None
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<b>Access to good quality, healthy food</b>	None
<b>People's emotional and mental well-being</b>	None
<b>Access to healthcare</b>	None
<b>Participation in leisure opportunities</b>	None

#### Negative impacts identified:

<b>A social and physical environment that encourage and support health and well-being</b>	None
<b>Access to good quality, healthy food</b>	None
<b>People's emotional and mental well-being</b>	None
<b>Access to healthcare</b>	None
<b>Participation in leisure opportunities</b>	None

### A more equal Denbighshire

<b>Overall Impact</b>	Positive
<b>Justification for impact</b>	The implementation of this Policy should reduce the risk of information about such individuals going missing or lost
<b>Further actions required</b>	

#### Positive impacts identified:

<b>Improving the well-being of people with protected characteristics. The nine protected characteristics are: age; disability; gender reassignment; marriage or civil partnership; pregnancy and maternity; race; religion or belief; sex; and sexual orientation</b>	Reduced risk of information about such individuals going missing or lost
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<b>People who suffer discrimination or disadvantage</b>	Reduced risk of information about such individuals going missing or lost
<b>Areas with poor economic, health or educational outcomes</b>	None
<b>People in poverty</b>	Reduced risk of information about such individuals going missing or lost

#### Negative impacts identified:

<b>Improving the well-being of people with protected characteristics. The nine protected characteristics are: age; disability; gender reassignment; marriage or civil partnership; pregnancy and maternity; race; religion or belief; sex; and sexual orientation</b>	None
<b>People who suffer discrimination or disadvantage</b>	None
<b>Areas with poor economic, health or educational outcomes</b>	None
<b>People in poverty</b>	None

### A Denbighshire of cohesive communities

<b>Overall Impact</b>	Neutral
<b>Justification for impact</b>	The implementation of this policy will not have an impact on cohesive communities.
<b>Further actions required</b>	

#### Positive impacts identified:

<b>Safe communities and individuals</b>	None
<b>Community participation and resilience</b>	None

<b>The attractiveness of the area</b>	None
<b>Connected communities</b>	None

**Negative impacts identified:**

<b>Safe communities and individuals</b>	None
<b>Community participation and resilience</b>	None
<b>The attractiveness of the area</b>	None
<b>Connected communities</b>	None

### A Denbighshire of vibrant culture and thriving Welsh language

<b>Overall Impact</b>	Neutral
<b>Justification for impact</b>	The implementation of this policy will not have an impact on welsh language
<b>Further actions required</b>	

**Positive impacts identified:**

<b>People using Welsh</b>	None
<b>Promoting the Welsh language</b>	None
<b>Culture and heritage</b>	None

**Negative impacts identified:**

<b>People using Welsh</b>	None
<b>Promoting the Welsh language</b>	None
<b>Culture and heritage</b>	None

### A globally responsible Denbighshire

<b>Overall Impact</b>	Neutral
<b>Justification for impact</b>	The implementation of this policy should not have an impact
<b>Further actions required</b>	

**Positive impacts identified:**

<b>Local, national, international supply chains</b>	None
<b>Human rights</b>	Greater protection of sensitive information
<b>Broader service provision in the local area or the region</b>	None

**Negative impacts identified:**

<b>Local, national, international supply chains</b>	None
<b>Human rights</b>	None
<b>Broader service provision in the local area or the region</b>	None

<b>Adroddiad i'r:</b>	Y Cabinet
<b>Dyddiad y cyfarfod:</b>	25 Medi 2018
<b>Aelod / Swyddog Arweiniol:</b>	Y Cyngorydd Julian Thompson-Hill
<b>Awdur yr Adroddiad:</b>	Richard Weigh, Pennaeth Cyllid
<b>Teitl:</b>	Adroddiad Rheoli Trysorlys Blynyddol 2017/18 (Atodiad 1)

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

- 1.1 Mae'r adroddiad yn sôn am weithgarwch buddsoddi a benthyca'r Cyngor yn ystod 2017/18. Mae hefyd yn rhoi manylion am yr hinsawdd ariannol ar yr adeg honno ac yn dangos sut y cydymffurfiodd y Cyngor â'i Ddangosyddion Darbodus.
- 1.2 Mae'r term 'rheoli trysorlys' yn cynnwys rheoli benthyciadau, buddsoddiadau a llif arian y Cyngor. Mae tua £0.5bn yn mynd drwy gyfrifon banc y cyngor bob blwyddyn. Swm benthyca'r cyngor heb ei dalu ar 31 Mawrth 2018 oedd £206.19m ar gyfradd gyfartalog o 4.41% ac roedd gan y cyngor £12.6m mewn buddsoddiadau ar gyfradd gyfartalog o 0.28%.

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

- 2.1 Prif ddiben yr adroddiad hwn yw darparu'r wybodaeth ddiweddaraf i aelodau ar berfformiad dull rheoli'r trysorlys ac i ddangos cydymffurfiaeth â therfynau'r trysorlys a'r Dangosyddion Darbodus yn 2017/18.

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

- 3.1 Bod aelodau'n nodi perfformiad swyddogaeth Rheoli Trysorlys y Cyngor yn ystod 2017/18 a'i fod yn cydymffurfio â'r Dangosyddion Darbodus fel y nodir yn yr Adroddiad Blynyddol ar Reoli Trysorlys 2017/18 (Atodiad 1).
- 3.2 Bod y Cabinet yn cadarnhau eu bod wedi darllen, deall ac wedi ystyried yr Asesiad o Effaith ar Les (Atodiad 2 yr adroddiad) fel rhan o'i ystyriaethau.

## **4 Manylion yr Adroddiad**

- 4.1 Mae'r adroddiad yn nodi manylion gweithgareddau rheoli trysorlys y Cyngor ac yn darparu trosolwg o'r cefndir economaidd ar gyfer y flwyddyn. Mae'r adroddiad hefyd yn nodi goblygiadau risg penderfyniadau a thrafodion y trysorlys ac yn cadarnhau bod y gweithgareddau yn cydymffurfio â therfynau'r trysorlys a'r Dangosyddion Darbodus.

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

- 5.1 Mae penderfyniadau buddsoddi a benthyca da yn galluogi i adnoddau ychwanegol gael eu hatgyfeirio at wasanaethau eraill y Cyngor.

## **6 Faint fydd hyn yn ei gostio a sut y bydd yn effeithio ar wasanaethau eraill?**

- 6.1 Amh.

## **7 Beth yw prif gasgliadau'r Asesiad o Effaith ar Les?**

- 7.1 Dylai cynllunio ariannol a gwneud penderfyniadau sicrhau y rhoddir ystyriaeth briodol i ofynion Deddf Llesiant Cenedlaethau'r Dyfodol ac yn benodol, ystyriaeth briodol i effaith hirdymor penderfyniadau ariannol, gan gynnwys y cyfnod ad-dalu a chostau oes gyfan penderfyniadau buddsoddi cyfalaf, cynigion cyllideb â'u heffaith wedi'i asesu'n briodol a strategaethau dyled a buddsoddiad hirdymor (rheoli trysorlys). Mae egwyddorion pwyll, fforddiadwyedd a chynaliadwyedd eisoes wedi'u cynnwys o fewn gofynion y Cod Darbodus a dylent fod yn sail i gynllunio ariannol a gwneud penderfyniadau.
- 7.2 Yng nghyd-destun rheoli'r trysorlys, mae'r gofynion presennol i asesu ac adrodd ar effeithiau hirdymor penderfyniadau buddsoddi a benthyca, gan ddefnyddio dangosyddion darbodus a chynllunio dyled hirdymor, yn cefnogi nodau cynaliadwyedd y Ddeddf Llesiant.
- 7.3 Mae adroddiad yr Asesiad o Effaith ar Les wedi'i gynnwys yn Atodiad 2 ac yn dangos sut mae strategaeth Rheoli Trysorlys effeithlon yn hyrwyddo nodau lles y Ddeddf.

## **8 Pa ymgynghoriadau a gynhaliwyd gyda Chraffu ac eraill?**

- 8.1 Mae'r Cyngor wedi ymgynghori â'i gynghorwyr trysorlys, Arlingclose Ltd.
- 8.2 Mae'r Pwyllgor Llywodraethu Corfforaethol wedi derbyn yr wybodaeth ddiweddaraf ar weithgareddau Rheoli Trysorlys y flwyddyn ac wedi adolygu'r adroddiad hwn cyn ei gyflwyno i'r Cabinet.

## **9 Datganiad y Prif Swyddog Cyllid**

- 9.1 Mae a wnelo Rheoli Trysorlys ag edrych ar ôl symiau sylweddol o arian parod, felly mae'n rhan hanfodol o waith y Cyngor. Mae'n gofyn am strategaeth gadarn a rheolaethau priodol i ddiogelu arian y Cyngor, er mwyn sicrhau enillion rhesymol ar fuddsoddiadau a bod dyled yn cael ei reoli'n effeithiol ac yn ddoeth.
- 9.2 Mae gan y Cyngor ymrwymïadau parhaus i'r Cynllun Corfforaethol a gymeradwywyd yn 2012. Er bod disgwyl i'r cynllun redeg am 5 mlynedd, bydd rhai o'r prosiectau yn dod i ben yn 2020/21 a rhagwelir y bydd angen i'r Cyngor fenthylg i ariannu'r buddsoddiad hwn.
- 9.3 Cymeradwyodd y Cyngor y Cynllun Corfforaethol newydd ar gyfer 2017 – 2022 ym mis Hydref 2017. Mae unrhyw gynigion newydd wedi cael eu hystyried yn y strategaeth RhT gan ei fod yn hanfodol bod swyddogaeth RhT

gryf ac effeithiol gan y Cyngor i ategu'r buddsoddiad hwn a phob gweithgarwch arall.

## **10 Pa risgiau sydd ac a oes unrhyw beth y gallwn ei wneud i'w lleihau?**

- 10.1 Mae Rheoli Trysorlys ynddo'i hun yn risg, ond mae'r Cyngor yn monitro ac yn rheoli'r risgiau hyn fel yr amlinellir yn y prif adroddiad. Fodd bynnag, mae'n amhosibl cael gwared ar y risgiau hyn yn gyfan gwbl. Caiff strategaeth a gweithdrefnau rheoli trysorlys y cyngor eu harchwilio'n flynyddol ac roedd adolygiad yr archwiliad mewnol diwethaf yn gadarnhaol ac ni chodwyd unrhyw faterion sylweddol.

## **11 Pŵer i wneud y Penderfyniad**

- 11.1 Mae Rheoliadau Awdurdodau Lleol (Cyllid Cyfalaf a Chyfrifyddu) (Cymru) yn ei gwneud hi'n ofynnol i awdurdodau lleol ystyried Cod Ymarfer Sefydliad Siartredig Cyllid Cyhoeddus a Chyfrifyddiaeth ar Reoli Trysorlys sy'n penderfynu ar y gofyniad i'r Cabinet dderbyn adroddiad blynyddol ar weithgareddau'r trysorlys yn ystod y flwyddyn ariannol flaenorol.

Mae tudalen hwn yn fwriadol wag



# **Appendix 1**

## **DENBIGHSHIRE COUNTY COUNCIL**

### ***ANNUAL TREASURY MANAGEMENT REPORT 2017/18***

**Richard Weigh  
Head of Finance**

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## **1. Background**

- 1.1 The Council's treasury management activity is underpinned by CIPFA's Code of Practice on Treasury Management ("the Code"), which requires local authorities to produce Prudential Indicators annually and a Treasury Management Strategy Statement on the likely financing and investment activity. The Code also recommends that members are informed of treasury management activities at least twice a year. Reports are presented twice a year to the Corporate Governance Committee which is the committee with responsibility for the scrutiny of the Council's treasury policy, strategy and activity, as well as the annual report made to cabinet and the report to full council for approval of the annual treasury strategy.
- 1.2 Treasury management is defined as: "The management of the local authority's investments and cash flows, its banking, money market and capital market transactions; the effective control of the risks associated with those activities; and the pursuit of optimum performance consistent with those risks."
- 1.3 The Council has borrowed and invested substantial sums of money and is therefore exposed to financial risks including the loss of invested funds and the revenue effect of changing interest rates. This report covers treasury activity and the associated monitoring and control of risk.

## **2. Economic Background**

- 2.1 The outlook for the UK economy remained uncertain, however, latest estimates showed that GDP, helped by an improving global economy, grew by 1.8% in 2017, the same level as in 2016. This was a far better outcome than the majority of forecasts following the EU Referendum in June 2016, but it also reflected the international growth momentum generated by the increasingly buoyant US economy and the re-emergence of the Eurozone economies.
- 2.2 The inflationary impact of rising import prices, a consequence of the fall in sterling associated with the EU referendum result, resulted in year-on-year CPI rising to 3.1% in November before falling back to 2.7% in February 2018. Consumers felt the squeeze as real average earnings growth, i.e. after inflation, turned negative before slowly recovering. The labour market showed resilience as the unemployment rate fell back to 4.3% in January 2018. The inherent weakness in UK business investment was not helped by political uncertainty following the surprise General Election in June and by the lack of clarity on Brexit.
- 2.3 The Bank of England's Monetary Policy Committee (MPC) increased Bank Rate by 0.25% in November 2017. It was significant in that it was the first rate rise in ten years, although in essence the MPC reversed its August 2016 cut following the referendum result. The February *Inflation Report* indicated the MPC was keen to return inflation to the 2% target over a more

conventional (18-24 month) horizon with 'gradual' and 'limited' policy tightening.

### **3. Borrowing Activity**

3.1 The table below shows the level of the Council's borrowing from the Public Works Loan Board (PWLB) at the start and the end of the year.

	Balance at 01/04/2017 £000	Maturing loans £000	Premature repayments £000	New Borrowing £000	Balance at 31/03/2018 £000
Fixed rate loans – Public Works Loan Board (PWLB)	184,726	4,534	0	0	180,192
<b>Total borrowing</b>	<b>184,726</b>	<b>4,534</b>	<b>0</b>	<b>0</b>	<b>180,192</b>

3.2 The Council's strategy in 2017/18 was to internally borrow to fund its borrowing requirement.

3.3 The Council has also been accessing temporary borrowing from other local authorities at very low rates to cover short-term cash flow requirements.

3.4 As a result of this temporary borrowing, the average rate on the Council's debt decreased from 4.94% at 1 April 2017 to 4.41% at 31 March 2018.

3.5 Annex A shows how interest rates for borrowing have moved over the course of the year.

### **4. Investment Activity**

4.1 The Council held cash balances of £12.6m at the end of 2017/18. These represent the Council's Balances and Reserves (after internal borrowing and working cash balances are accounted for) and also where money has been borrowed before capital expenditure is incurred.

4.2 The Welsh Government's Investment Guidance requires local authorities to focus on security (keeping the money safe) and liquidity (making sure the Council never runs out of cash) as the primary objectives of a prudent investment policy. The Council's aim was to achieve a return on investments in line with these principles. The return is important but is a secondary consideration and the priority is the security of the sums invested.

4.3 The table below shows the level of the Council's investments at the start and the end of the year.

	Balance at 01/04/2017 £000	Investments Raised £000	Investments Repaid £000	Balance at 31/03/2018 £000
<b>Investments</b>	<b>1,200</b>	<b>223,700</b>	<b>212,300</b>	<b>12,600</b>

- 4.4 The Council's investment income for the year was £0.017m compared to £0.032m in 2016/17 which meant that the low interest rates available in the market continued to have a significant impact on the investment return earned by the Council.
- 4.5 Security of capital remained the Council's main investment objective. This was maintained by following the Council's counterparty policy as set out in its Treasury Management Strategy Statement for 2017/18 which defined "high credit quality" organisations as those having a long-term credit rating of A- or higher if domiciled in the UK or a foreign country with a sovereign rating of AA+ or higher.

### **Unsecured Bank Deposits**

- 4.6 Conventional bank deposits have become riskier because of a lower likelihood that the UK and other governments will support failing banks. As the Banking Reform Act 2014 was implemented in the UK from January 2015, banks were no longer able to rely on government bail-outs if they got into difficulty. They would be required instead to bail themselves out by taking a proportion of investors' deposits to build up their capital. This new risk has been termed 'bail-in' risk and is potentially a greater risk to investors than the 'bail-out' risk of the past.
- 4.7 Given the increasing risk and continued low returns from short-term unsecured bank investments, the Council has only held a minimal amount of investments for short-term cash flow purposes and has placed a far greater emphasis on investing with the UK Government's Debt Management Office and other local authorities in order to minimise these risks.

### **Credit Risk Management**

- 4.8 Counterparty credit quality was assessed and monitored with reference to the following:
- credit ratings (minimum long-term counterparty rating of A- across rating agencies Fitch / S&P / Moody's);
  - analysis of funding structure and susceptibility to bail-in;
  - credit default swap prices;
  - financial statements;
  - information on potential government support;
  - share prices.

### **Liquidity Management**

- 4.9 In keeping with the WG's Guidance on Investments, the Council maintained a sufficient level of liquidity through the use of overnight deposits and instant access call accounts. The Authority uses purpose-built cash flow forecasting software to determine the maximum period for which funds may prudently be

committed.

## **Yield**

- 4.10 The Council sought to achieve the best return balanced against its objectives of security and liquidity. The UK Bank Rate was increased from 0.25% to 0.50% on 2 November 2017. Short term money market rates also remained at very low levels which had a significant impact on investment income.
- 4.11 All investments made during the year complied with the Council's agreed Treasury Management Strategy, Prudential Indicators, Treasury Management Practices and prescribed limits. Maturing investments were repaid to the Council in full and in a timely manner.

## **5. Compliance with Prudential Indicators**

- 5.1 The Council can confirm that it has complied with its Prudential Indicators for 2017/18, which were set in February 2017 as part of the Council's Treasury Management Strategy Statement. Details can be found in Annex B.
- 5.2 In compliance with the requirements of the CIPFA Code of Practice this report provides members with a summary report of the treasury management activity during 2017/18. None of the Prudential Indicators have been breached and a prudent approach has been taken in relation to investment activity with priority being given to security and liquidity over yield.

## **6. Money Laundering Update**

- 6.1 The Council is alert to the possibility that it may become the subject of an attempt to involve it in a transaction involving the laundering of money. Accordingly, it maintains procedures for verifying and recording the identity of counterparties and reporting suspicions, and will ensure that relevant staff are properly trained.
- 6.2 The Head of Finance has been appointed as the Money Laundering Reporting Officer. There haven't been any cases of money laundering reported since the start of Denbighshire to date and the risk to the Council is considered to be minimal.

**Interest Rates 2017/18**

Public Works Loan Board (PWLB) borrowing rates and UK Money Market rates during the year were:

Example PWLB Borrowing rates (The rate at which the Council could borrow money from the Government)

<b>Start Date</b>		<b>Length of Loan</b>	
	<b>1yr %</b>	<b>19½-20 yrs %</b>	<b>49½-50 yrs %</b>
03-Apr-17	1.06	2.75	2.56
29-Sep-17	1.34	2.94	2.72
29-Mar-18	1.67	2.75	2.49

Example Bank Rate, Money Market rates (The rate at which the Council could invest with banks)

<b>Date</b>	<b>Bank Rate %</b>	<b>7-day Investment Rates %</b>	<b>1-month Investment Rates %</b>	<b>6-month Investment Rates %</b>
03-Apr-17	0.25	0.11	0.13	0.37
29-Sep-17	0.25	0.11	0.13	0.37
29-Mar-18	0.50	0.36	0.39	0.70

**Compliance with Prudential Indicators 2017/18****1 Estimated and Actual Capital Expenditure**

- 1.1 This indicator is set to ensure that the level of proposed investment in capital assets remains within sustainable limits and, in particular, to consider the impact on the Council Tax and in the case of the HRA, housing rent levels.

<b>Capital Expenditure</b>	<b>2017/18 Estimated February 2017 £000</b>	<b>2017/18 Revised February 2018 £000</b>	<b>2017/18 Outturn March 2018 £000</b>
Non-HRA	30,477	41,026	38,604
HRA	10,058	11,045	9,000
<b>Total</b>	<b>40,535</b>	<b>52,071</b>	<b>47,604</b>

- NB The figures for the February estimate were produced early in January but due to the nature of capital expenditure, some of the major schemes have slipped and this expenditure will now be incurred in 2018/19.

**2 Estimated and Actual Ratio of Financing Costs to Net Revenue Stream**

- 2.1 This is an indicator of affordability and demonstrates the revenue implications of capital investment decisions by highlighting the proportion of the revenue budget required to meet the borrowing costs associated with capital spending. The financing costs include existing and proposed capital commitments.

<b>Ratio of Financing Costs to Net Revenue Stream</b>	<b>2017/18 Estimated February 2017 £000</b>	<b>2017/18 Revised February 2018 £000</b>	<b>2017/18 Outturn March 2018 £000</b>
Financing Costs	12,864	12,962	12,965
Net Revenue Stream	189,252	189,252	189,252
<b>Non-HRA Ratio</b>	<b>6.80%</b>	<b>6.85%</b>	<b>6.85%</b>
Financing Costs	6,602	6,261	5,985
Net Revenue Stream	14,864	14,566	14,566
<b>HRA Ratio</b>	<b>44.42%</b>	<b>42.98%</b>	<b>41.09%</b>

**3 Capital Financing Requirement**

- 3.1 The Capital Financing Requirement (CFR) measures the Council's underlying need to borrow for a capital purpose. In order to ensure that over the medium term net borrowing will only be for a capital purpose, the Council ensures that net external borrowing does not, except in the short term, exceed the CFR in the preceding year plus the estimates of any additional CFR for the current and next two financial years. Performance during 2017/18 is demonstrated in the following table:



<b>Capital Financing Requirement</b>	<b>2017/18 Estimated February 2017 £000</b>	<b>2017/18 Revised February 2018 £000</b>	<b>2017/18 Outturn March 2018 £000</b>
Non-HRA	186,054	181,333	182,589
HRA	74,215	71,769	69,931
<b>Total</b>	<b>260,269</b>	<b>253,102</b>	<b>252,520</b>
<b>Borrowing</b>	<b>205,192</b>	<b>205,192</b>	<b>206,192</b>

NB The outturn figures are taken from the pre-audited Statement of Accounts 2017/18 so they may be subject to change.

#### **4 Authorised Limit and Operational Boundary for External Debt**

##### **Summary Table:**

<b>2017/18</b>	<b>31/03/2018 £000</b>
<b>External Borrowing</b>	206,192
<b>Internal Borrowing</b>	46,328
<b>Operational Boundary</b>	235,000
<b>Authorised Limit</b>	240,000

- 4.1 **Operational Boundary:** This limit is set to reflect the Council's best view of the most likely prudent (i.e. not worst case) levels of borrowing activity.
- 4.2 **Authorised Limit:** This is the maximum amount of external debt that can be outstanding at one time during the financial year. The limit, which is expressed gross of investments, is consistent with the Council's existing commitments, proposals for capital expenditure and financing and with its approved treasury policy and strategy and also provides headroom over and above for unusual cash movements.
- 4.3 The levels of debt are measured on an ongoing basis during the year for compliance with the Authorised Limit and the Operational Boundary. The Council maintained its total external borrowing and other long-term liabilities within both limits; at its peak this figure was £207.2m. In addition to external borrowing, the Council uses its own reserves and balances to fund capital expenditure and this is known as internal borrowing as shown in the table above.

## 5 Upper Limits for Fixed Interest Rate Exposure and Variable Interest Rate Exposure

- 5.1 These indicators allow the Council to manage the extent to which it is exposed to changes in interest rates. The exposures are calculated on a net basis i.e. fixed rate debt net of fixed rate investments. The upper limit for variable rate exposure allows for the use of variable rate debt to offset exposure to changes in short-term rates on the portfolio of investments.

	<b>2017/18 Estimated %</b>	<b>2017/18 Actual Peak Exposure %</b>
<b>Upper Limit for Fixed Rate Exposure</b>	100	100
<b>Upper Limit for Variable Rate Exposure</b>	40	0

## 6 Maturity Structure of Fixed Rate borrowing

- 6.1 This indicator is to limit large concentrations of fixed rate debt needing to be replaced at times of uncertainty over interest rates and is designed to protect against excessive exposures to interest rate changes in any one period, in particular in the course of the next ten years.
- 6.2 It is calculated as the amount of projected borrowing that is fixed rate maturing in each period as a percentage of total projected borrowing that is fixed rate.

<b>Maturity structure of fixed rate borrowing</b>	<b>Upper limit %</b>	<b>Lower limit %</b>	<b>Actual Borrowing as at 31/03/2018 £000</b>	<b>Percentage of total as at 31/03/2018 %</b>
under 12 months	30	0	30,390	14.74
12 months and within 24 months	30	0	4,372	2.12
24 months and within 5 years	30	0	12,455	6.04
5 years and within 10 years	30	0	12,804	6.21
10 years and above	100	50	146,171	70.89
<b>Total</b>			<b>206,192</b>	<b>100.00</b>

**7 Total principal sums invested for periods longer than 364 days**

- 7.1 This indicator is set in order to allow the Council to manage the risk inherent in investments longer than 364 days. For 2017/18 this limit was set at £10m. The Council did not have any investments which exceeded 364 days during 2017/18 because the policy was to limit investments to a shorter period than 1 year.

**8 Adoption of the CIPFA Treasury Management Code**

- 8.1 The Council confirms its adoption of the CIPFA Code of Treasury Management at its Council meeting on 26 March 2002. The Council has incorporated the changes from the revised CIPFA Code of Practice into its treasury policies, procedures and practices.

**GLOSSARY - Useful guide to Treasury Management Terms and Acronyms**

<b>BANK OF ENGLAND</b>	UK's Central Bank
<b>BANK RATE</b>	Bank of England Interest Rate (also known as Base Rate)
<b>CPI</b>	Consumer Price Index – a measure of the increase in prices
<b>RPI</b>	Retail Price Index – a measure of the increase in prices
<b>DMO</b>	Debt Management Office – issuer of gilts on behalf of HM Treasury
<b>FSA</b>	Financial Services Authority - the UK financial watchdog
<b>GDP</b>	Gross Domestic Product – a measure of financial output of the UK
<b>LIBID</b>	London Interbank Bid Rate - International rate that banks lend to other banks
<b>LIBOR</b>	London Interbank Offer Rate – International rate that banks borrow from other banks (the most widely used benchmark or reference for short term interest rates)
<b>PWLB</b>	Public Works Loan Board – a Government department that lends money to Public Sector Organisations
<b>MPC</b>	Monetary Policy Committee - the committee of the Bank of England that sets the Bank Rate
<b>LONG TERM RATES</b>	More than 12 months duration
<b>SHORT TERM RATES</b>	Less than 12 months duration
<b>BOND (GENERAL)</b>	An investment in which an investor loans money to a public or private company that borrows the funds for a defined period of time at a fixed interest rate
<b>GOVERNMENT BOND</b>	A type of bond issued by a national government generally with a promise to pay periodic interest payments and to repay the face value on the maturity date
<b>CORPORATE BOND</b>	A type of bond issued by a corporation to raise money in order to expand its business

**COVERED BOND**

A corporate bond issued by a financial institution but with an extra layer of protection for investors whereby the investor has recourse to a pool of assets that secures or “covers” the bond if the financial institution becomes insolvent

**GILT**

A bond that is issued by the British government which is classed as a low risk investment as the capital investment is guaranteed by the government

**REPO**

A repurchase agreement involving the selling of a security (usually bonds or gilts) with the agreement to buy it back at a higher price at a specific future date  
For the party selling the security (and agreeing to repurchase it in the future) it is a REPO  
For the party on the other end of the transaction e.g. the local authority (buying the security and agreeing to sell in the future) it is a reverse REPO

**FTSE 100**

Financial Times Stock Exchange 100 - An index composed of the 100 largest companies listed on the London Stock Exchange which provides a good indication of the performance of major UK companies

Mae tudalen hwn yn fwriadol wag

# Annual Treasury Management Report 2017/18

## Well-being Impact Assessment Report

This report summarises the likely impact of the proposal on the social, economic, environmental and cultural well-being of Denbighshire, Wales and the world.

Assessment Number:	148
Brief description:	A review of the Treasury Management activities for 2017/18
Date Completed:	06/09/2018 10:15:07 Version: 8
Completed by:	Rhys Ifor Jones
Responsible Service:	Finance
Localities affected by the proposal:	Whole County,
Who will be affected by the proposal?	Proposals have little or no direct impact on the vast majority of residents as the strategy involves managing the Council's investments and borrowing.
Was this impact assessment completed as a group?	No

## IMPACT ASSESSMENT SUMMARY AND CONCLUSION

Before we look in detail at the contribution and impact of the proposal, it is important to consider how the proposal is applying the sustainable development principle. This means that we must act "in a manner which seeks to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs."

### Score for the sustainability of the approach

★ ★ ★ ★ ( 3 out of 4 stars ) Actual score : 20 / 30.

### Implications of the score

An efficient Treasury Management strategy ensures that the Council is maximising the use of its resources in order to guarantee the sustainability of the approach in the long term.

### Summary of impact

#### Well-being Goals

A prosperous Denbighshire

A resilient Denbighshire

A healthier Denbighshire

A more equal Denbighshire

A Denbighshire of cohesive communities

A Denbighshire of vibrant culture and thriving Welsh language

A globally responsible Denbighshire

Positive

Positive

Neutral

Neutral

Neutral

Neutral

Neutral



### Main conclusions

An effective Treasury Management strategy ensures that the Council's investment and borrowing decisions will contribute towards the goal of maximising income and minimising costs which supports efficient service delivery.

### Evidence to support the Well-being Impact Assessment

- ☒ We have consulted published research or guides that inform us about the likely impact of the proposal
- ☐ We have involved an expert / consulted a group who represent those who may be affected by the proposal
- ☐ We have engaged with people who will be affected by the proposal



# THE LIKELY IMPACT ON DENBIGHSHIRE, WALES AND THE WORLD

## A prosperous Denbighshire

<b>Overall Impact</b>	Positive
<b>Justification for impact</b>	An effective Treasury Management strategy ensures that the Council's investment and borrowing decisions will contribute towards the goal of maximising income and minimising costs which supports efficient service delivery.
<b>Further actions required</b>	Sound financial planning and efficient long term treasury management strategies ensure that the positive impact of this report on the County's prosperity is maximised.

### Positive impacts identified:

<b>A low carbon society</b>	
<b>Quality communications, infrastructure and transport</b>	Financial planning and decision making ensures that proper consideration of the long term impact of financial decisions is given, including the payback period and whole life costs of capital investment decisions, properly impact assessed budget proposals and long term debt and investment (treasury management) strategies.
<b>Economic development</b>	The Treasury Management strategy and Prudential Indicators ensure that the Council's cash is safeguarded as much as possible by making investments in banks recommended in the annual strategy statement.
<b>Quality skills for the long term</b>	The strategy ensures that the Council's borrowing is monitored and is within set limits and is affordable. It identifies current financing requirements for the Capital Plan and estimates the proposed capital requirements for the next three financial years.
<b>Quality jobs for the long term</b>	Sound investment and borrowing decisions relating to the Council's cash will maximise the Council's income within the guidelines set in the Treasury Management strategy.
<b>Childcare</b>	The Prudential Indicators are a statutory requirement which demonstrate the affordability of our plans and contribute towards the overall financial wellbeing of Denbighshire.

### Negative impacts identified:

<b>A low carbon society</b>	
<b>Quality communications, infrastructure and transport</b>	
<b>Economic development</b>	
<b>Quality skills for the long term</b>	
<b>Quality jobs for the long term</b>	
<b>Childcare</b>	

## A resilient Denbighshire

<b>Overall Impact</b>	Positive
<b>Justification for impact</b>	A sound Treasury Management strategy ensures that the Council's cash is secure and new borrowing is affordable. It also enables the Council to react quickly to market volatility by continual monitoring of the financial institutions throughout the year.
<b>Further actions required</b>	Good investment decisions will help the Council to develop more efficient working practices which will use less resources which will help to maximise the positive impact of this report on the County's resilience.

### Positive impacts identified:

<b>Biodiversity and the natural environment</b>	
<b>Biodiversity in the built environment</b>	
<b>Reducing waste, reusing and recycling</b>	Good investment decisions will help the Council to develop more efficient working practices which will use less resources.
<b>Reduced energy/fuel consumption</b>	The strategy is set at the start of the financial year but it is monitored carefully throughout the year to ensure that the Council reacts quickly to any market volatility and the impact on the banking institutions.
<b>People's awareness of the environment and biodiversity</b>	
<b>Flood risk management</b>	

### Negative impacts identified:

<b>Biodiversity and the natural environment</b>	
<b>Biodiversity in the built environment</b>	
<b>Reducing waste, reusing and recycling</b>	
<b>Reduced energy/fuel consumption</b>	
<b>People's awareness of the environment and biodiversity</b>	
<b>Flood risk management</b>	

## A healthier Denbighshire

<b>Overall Impact</b>	Neutral
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<b>Justification for impact</b>	Proposals have little or no direct impact on the vast majority of residents as the strategy involves managing the Council's investments and borrowing.
<b>Further actions required</b>	The impact of this report is neutral in this particular area so this is not applicable.

#### Positive impacts identified:

<b>A social and physical environment that encourage and support health and well-being</b>	
<b>Access to good quality, healthy food</b>	
<b>People's emotional and mental well-being</b>	
<b>Access to healthcare</b>	
<b>Participation in leisure opportunities</b>	The strategy contributes to the overall financial health of Denbighshire and therefore supports the delivery of the annual budget.

#### Negative impacts identified:

<b>A social and physical environment that encourage and support health and well-being</b>	
<b>Access to good quality, healthy food</b>	
<b>People's emotional and mental well-being</b>	
<b>Access to healthcare</b>	
<b>Participation in leisure opportunities</b>	

### A more equal Denbighshire

<b>Overall Impact</b>	Neutral
<b>Justification for impact</b>	A good treasury management strategy contributes to the overall financial resilience of the Council and supports the on-going work of the Authority without impacting on residents.
<b>Further actions required</b>	The impact of this report is neutral in this particular area so this is not applicable.

#### Positive impacts identified:

<b>Improving the well-being of people with protected characteristics. The nine protected characteristics are: age; disability; gender reassignment; marriage or civil partnership; pregnancy and maternity; race; religion or belief; sex; and sexual orientation</b>	
<b>People who suffer discrimination or disadvantage</b>	
<b>Areas with poor economic, health or educational outcomes</b>	
<b>People in poverty</b>	An efficient treasury management strategy contributes to the financial resilience of the Council and supports service delivery.

#### **Negative impacts identified:**

<b>Improving the well-being of people with protected characteristics. The nine protected characteristics are: age; disability; gender reassignment; marriage or civil partnership; pregnancy and maternity; race; religion or belief; sex; and sexual orientation</b>	
<b>People who suffer discrimination or disadvantage</b>	
<b>Areas with poor economic, health or educational outcomes</b>	
<b>People in poverty</b>	

<b>Overall Impact</b>	Neutral
<b>Justification for impact</b>	A good treasury management strategy contributes to the overall financial resilience of the Council and supports the on-going work of the Authority without impacting on residents.
<b>Further actions required</b>	The impact of this report is neutral in this particular area so this is not applicable.

**Positive impacts identified:**

<b>Safe communities and individuals</b>	
<b>Community participation and resilience</b>	
<b>The attractiveness of the area</b>	
<b>Connected communities</b>	

**Negative impacts identified:**

<b>Safe communities and individuals</b>	
<b>Community participation and resilience</b>	
<b>The attractiveness of the area</b>	
<b>Connected communities</b>	

## A Denbighshire of vibrant culture and thriving Welsh language

<b>Overall Impact</b>	Neutral
<b>Justification for impact</b>	A good treasury management strategy contributes to the overall financial resilience of the Council and supports the on-going work of the Authority. It has no direct impact on the language and the culture because any treasury management decisions are based on the treasury strategy and advice from financial consultants.
<b>Further actions required</b>	The impact of this report is neutral in this particular area so this is not applicable.

**Positive impacts identified:**

<b>People using Welsh</b>	
<b>Promoting the Welsh language</b>	
<b>Culture and heritage</b>	

**Negative impacts identified:**

<b>People using Welsh</b>	
<b>Promoting the Welsh language</b>	
<b>Culture and heritage</b>	

**A globally responsible Denbighshire**

<b>Overall Impact</b>	Neutral
<b>Justification for impact</b>	A good treasury management strategy contributes to the overall financial resilience of the Council and supports the on-going work of the Authority. It has no direct impact on the local area.
<b>Further actions required</b>	The impact of this report is neutral in this particular area so this is not applicable.

**Positive impacts identified:**

<b>Local, national, international supply chains</b>	
<b>Human rights</b>	All investments are undertaken from national institutions in line with the strategy and financial advice. The strategy determines the institutions with the minimum credit rating which the Authority is permitted to invest with.
<b>Broader service provision in the local area or the region</b>	All borrowing is undertaken from central Government as detailed in the strategy and in line with other local authorities.

**Negative impacts identified:**

<b>Local, national, international supply chains</b>	
<b>Human rights</b>	
<b>Broader service provision in the local area or the region</b>	

<b>Adroddiad i'r:</b>	Cabinet
<b>Dyddiad y cyfarfod:</b>	25 Medi 2018
<b>Aelod / Swyddog Arweiniol:</b>	Y Cyng. Julian Thompson-Hill / Richard Weigh, Pennaeth Cyllid
<b>Awdur yr Adroddiad:</b>	Steve Gadd, Prif Gyfrifydd
<b>Teitl:</b>	<b>Adroddiad Cyllid (Awst - 2018/19)</b>

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

Mae'r adroddiad yn rhoi manylion am gyllideb refeniw ac arbedion y Cyngor fel y cytunwyd arnynt ar gyfer 2018/19. Mae'r adroddiad hefyd yn rhoi diweddariad cryno o'r Cynllun Cyfalaf yn ogystal â'r Cyfrif Refeniw Tai a'r Cynllun Cyfalaf Tai.

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

Pwrpas yr adroddiad yw rhoi diweddariad ar sefyllfa ariannol bresennol y cyngor, a chadarnhau'r cyllidebau gwasanaeth y cytunwyd arnynt ar gyfer 2018/19.

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

Argymhellir y camau gweithredu canlynol:

- 3.1 Bod Aelodau'r Cabinet yn nodi'r cyllidebau a bennwyd ar gyfer 2018/19 a'r cynnydd yn erbyn y strategaeth y cytunwyd arni.
- 3.2 Bod Aelodau'r Cabinet yn cymeradwyo diddymu dyled hanesyddol sy'n gyfanswm o £26k.

## 4. **Manylion yr Adroddiad**

Mae'r adroddiad yn crynhoi cyllideb refeniw'r Cyngor ar gyfer 2018/19 fel y nodwyd yn **Atodiad 1**. Cyllideb refeniw net y Cyngor yw £194.418 miliwn (£189.252 miliwn yn 17/18). Rhagwelir y bydd gorwariant o £0.811 miliwn ar gyllidebau gwasanaeth a chorfforaethol (gorwariant o £1.210miliwn yn yr adroddiad diwethaf. Mae'r naratif o amgylch y risgiau a'r rhagdybiaethau presennol sy'n sail i'r asesiad hwn yn cael eu hamlinellu yn Adran 6.

Roedd cyllideb 2018/19 angen nodi a chytuno ar arbedion ac effeithlonrwydd o £4.6 miliwn. Mae'r tabl isod yn rhoi crynodeb o sut cafodd y targed arbedion ei gyflawni. Gellir cadarnhau bod y £2 filiwn o ganlyniad i newidiadau yn y Ddarpariaeth Isafswm Refeniw a'r £1 miliwn o arbedion corfforaethol ehangach eisoes wedi eu cyflawni. Cytunwyd ar effeithlonrwydd gwasanaeth o £1.2 miliwn ac arbedion o £0.4 miliwn fel rhan o'r gyllideb a dangosir yn **Atodiad 2**. Gan fod yr arbedion effeithlonrwydd yn ffurfio rhan o 'fusnes fel arfer' ar gyfer gwasanaethau yna tybir y bydd y rhain yn cael eu cyflawni. Bydd unrhyw eithriad yn cael ei adrodd wrth y Cabinet. Bydd yr arbedion gwasanaeth yn cael eu monitro'n agos dros y misoedd nesaf ac adroddir ar gynnydd i'r Cabinet.

Arbedion/Effeithlonrwydd y cytunwyd ar gyfer 2018/19	£000	%oed
Newidiadau i IsafswmDarpariaeth Refeniw	2,000	43%
Arbedion Corfforaethol a nodwyd yn 2017/18	1,000	22%
Effeithlonrwydd Gwasanaeth (gweler Atodiad 2)	1,200	26%
Arbedion Gwasanaeth (Gweler Atodiad 2)	411	9%
Cyfanswm	4,611	100%

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

Mae rheoli cyllidebau refeniw a chyfalaf y Cyngor yn effeithiol a chyflawni'r strategaeth gyllidebol y cytunwyd arni yn sylfaen i weithgarwch ym mhob maes, gan gynnwys blaenoriaethau corfforaethol.

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

Mae naratifau gwasanaethau pwysig yn egluro amrywiant a risgiau i'w gweld yn y paragraffau isod.

**Ar hyn o bryd rhagwelir y bydd Cwsmeriaid, Cyfathrebu a Marchnata** yn gorrario £49,000 (adroddwyd £50,000 ym mis Mehefin). Mae'r pwysau i raddau helaeth yn sgil y costau staff a rhagwelir yn ymwneud â llenwi dros gyfnodau mamolaeth.

**Ar hyn o bryd rhagwelir y bydd Priffyrdd a'r Amgylchedd** yn gorrario £98,000 (adroddwyd £132,000 yn y cyfarfod Cabinet diwethaf) sy'n ymwneud â diffyg a rhagwelir yn yr incwm ar gyfer y tîm Prosiectau Mawr. Mae hon wedi bod yn broblem dros y blynyddoedd diwethaf. Mae'r prif reswm dros y diffyg incwm yn ymwneud â chyfanswm y gwaith ac ad-daliad gan Asiantaeth Cefnffyrdd Gogledd a Chanolbarth Cymru. Mae'r gostyngiad ers yr adroddiad diwethaf yn ymwneud â gostyngiad wedi'i gynllunio mewn costau staff asiantaeth. Dylid hefyd nodi'r meysydd pryder a ganlyn:

- **Cludiant i'r Ysgol** – bydd y gwasanaeth yn derbyn arian ychwanegol yn dilyn blwyddyn lawn o weithredu'r polisi cludiant diwygiedig. Bydd hyn yn ddigonol i ddarparu'r gwasanaeth am nifer cyfartalog o ddyddiau fesul blwyddyn academiaidd. Ni fydd effaith cynnydd prisiau mewn blwyddyn yn hysbys nes bydd y contractau ar gyfer blwyddyn academiaidd 2018/19 wedi eu cwblhau ym mis Medi ac adroddir i'r Cabinet ym mis Hydref.
- **Gwastraff** – Mae llawer o wahanol bwysau yn effeithio ar y gwasanaeth gwastraff sydd wedi eu codi yn y Bwrdd Cyllideb. Mae rhan fwyaf y pwysau yn ymwneud â ffioedd contractau newydd ar gyfer y contract gwastraff ailgylchadwy cymysg. Bydd y pwysau yn 2018/19 yn cael ei gyllido o Gronfa Wrth Gefn Gwastraff ac mae pwysau ar y gyllideb o £850k wedi'i gynnwys yn y Cynllun Ariannol Tymor Canolig ar gyfer 2019/20. Mae adolygiad manwl o'r arbediad gwasanaeth HES SP001: Gwasanaeth Cludo Gwastraff Masnach drwy gontractwr allanol yn cael ei gynnal ar hyn o bryd i asesu a yw'r arbediad wedi'i gyflawni'n llawn.

Ar hyn o bryd rhagwelir y bydd **Addysg a Gwasanaeth Plant** yn gorrario o £1.204 miliwn (£1.027 miliwn yn adroddiad mis Mehefin). Mae'r symudiad o £0.177 yn ymwneud â'r meysydd canlynol:

- £34k o gynnydd mewn costau o Awdurdod Lleol cyfagos yn ymwneud ag 1 disgybl
- Costau gadael o £15k nawr yn cael eu rhagweld o ganlyniad i doriad mewn arian grant gan Lywodraeth Cymru.



- £98k yn ymwneud â chynnydd mewn costau maethu a remandio o fewn Gwasanaethau Plant
- £30k o gostau tiwtor Addysg yn y Cartref o ganlyniad i benderfyniad tribiwnlys sy'n ymwneud ag un achos.

Mae Gwasanaethau Plant yn parhau i fod yn faes risg uchel oherwydd natur gyfnewidiol niferoedd achosion a phwysau chwyddiannol ar gostau lleoliadau. Gall pob lleoliad unigol fod yn arbennig o ddurud ac felly gall unrhyw gynnydd mewn niferoedd gael effaith fawr ar y gyllideb. Fodd bynnag, mae amcanestyniad y canlyniad terfynol yn cynnwys yr holl leoliadau cyfredol y tu allan i'r sir a ragwelir i amserlenni realistig. Mae lleoliadau Addysg Tu Allan i'r Sir ac adenillon yn llai na'r hyn oedd yn y gyllideb yn sgil y gostyngiad yn niferoedd y disgyblion o Awdurdodau Lleol eraill sy'n mynd i ddarpariaeth ysgolion arbennig y Cyngor. Cafodd y ddau bwysau yma eu cyllido'r llynedd drwy'r defnydd a gynlluniwyd o gronfeydd wrth gefn penodol a chawsant eu hystyried fel rhan o broses gyllidebol 18/19 a chytunwyd ar y pwysau ariannu o £750,000 gan y Cyngor ar 30 Ionawr. Mae'r gorwariant a adroddwyd yn cynnwys y cyfraniad hwn i'r gyllideb a chydabyddir fod angen rhagor o waith i asesu goblygiadau ariannol y pwysau hyn ar y Cynllun Ariannol Tymor Canolig ar gyfer 2019/20 a'r tu hwnt.

**Rhagwelir y bydd y Gwasanaethau Cymorth Cymunedol** yn cydbwysu'i gyllideb wedi i gyllideb ychwanegol o £750,000 gael ei dyrannu ar gyfer 2018/19 a'r cynllun o ddefnyddio cronfeydd wrth gefn. Mae gorwariant o fewn y Gwasanaeth Iechyd Meddwl a Gwasanaethau Darparwyr Mewnol yn parhau i fod yn feysydd lle mae pwysau mawr. Mae'r Cynllun Ariannol Tymor Canolig yn cynnwys gofyniad cyllideb dybiedig o £500,000 yn ychwanegol y flwyddyn er bod gwaith pellach yn mynd yn ei flaen i asesu'r goblygiadau ariannol llawn a nodi gweithredoedd i helpu lliniaru effaith y pwysau hyn.

**Ysgolion** - Bydd y sefyllfa o ran Balansau Ysgolion yn dal i gael ei monitro'n agos, gydag adroddiadau i'r Aelodau bob mis. Mae Cyllid Addysg yn gweithio'n agos iawn gydag ysgolion i ddatblygu cynlluniau cadarn ac, yn ogystal, mae prif ac uwch swyddogion Addysg a Chyllid yn cyfarfod yn rheolaidd i adolygu'r cynlluniau hynny a chymryd unrhyw gam gweithredu yn ôl yr angen. Roedd y gyllideb a gytunwyd gan y Cyngor ar gyfer 2018/19 yn ddiweddar yn cynnwys buddsoddiad ychwanegol o £1.8 miliwn yng nghyllidebau dirprwyedig ysgolion. Mae lefel y balansau ysgol a ddygwyd ymlaen i 2018/19 yn falans diffyg net o £0.343miliwn, sy'n welliant o £0.713miliwn ar y balansau a ddygwyd ymlaen o 2016/17. Ar ddiwedd Awst, mae'r amcanestyniad ar gyfer balansau ysgol yn falans diffyg net o £0.957miliwn, sy'n gynnydd yn y diffyg a ragwelir o £0.614miliwn ar y balansau a ddygwyd ymlaen o 2016/17. Rhagwelir y bydd tanwariant o £52k yn y gyllideb heb ei dirprwyo o ganlyniad i danwariant ar gontractau TGCh.

**Y Cyfrif Refeniw Tai** Mae'r sefyllfa refeniw ddiweddaraf yn tybio y bydd gostyngiad mewn balansau ar ddiwedd y flwyddyn o £795 mil, sy'n £165mil yn fwy na'r gostyngiad o £630mil yn y gyllideb. Felly rhagwelir y bydd balansau'r Cyfrif Refeniw Tai yn £1.572 miliwn ar ddiwedd y flwyddyn. Mae'r gyllideb gyfalaf o £10.2 miliwn yn cael ei rhannu rhwng gwelliannau arfaethedig i'r stoc dai bresennol (£6 miliwn) a datblygiadau tai newydd (£4 miliwn).

**Corfforaethol** – Ar hyn o bryd amcangyfrifir y bydd cronfeydd corfforaethol wrth gefn sy'n gyfanswm o £500mil ar gael i'w rhyddhau er mwyn cyllido gorwariant y

gwasanaeth. Bydd hyn yn golygu y byddwn yn cyfyngu'r lefel o'r Balansau sydd angen eu defnyddio.

**Rheoli'r Trysorlys** - Ar ddiwedd mis Awst, roedd cyfanswm benthyciadau'r cyngor yn £208.753 miliwn ar gyfradd gyfartalog o 4.49%. Roedd balansau buddsoddi yn £5.6 miliwn ar gyfradd gyfartalog o 0.54%.

Mae crynodeb o **Gynllun Cyfalaf** y Cyngor ynghlwm yn **Atodiad 3**. Mae'r cynllun cyfalaf a gymeradwywyd yn £55.8 miliwn ac mae'r gwariant hyd yma yn £13.5 miliwn. Mae **Atodiad 4** yn cynnwys diweddariad ar y prif brosiectau sydd wedi eu cynnwys yn y Cynllun Cyfalaf cyffredinol.

**Materion Eraill** – Roedd yna ddyled yn ddyledus i'r Awdurdod am grant wedi'i orhawlio ac am waith i eiddo yn dyddio yn ôl i 2011. Er y gwnaed taliadau yn erbyn y ddyled mae yna falans o £26,481.43 sy'n ddyledus. Gwnaed pob ymdrech i adfer y ddyled ond cydnabyddir bellach na dderbynnir mwy o arian ac argymhellir bod y ddyled yn cael ei diddymu. Oherwydd oed y ddyled, mae'r Adran Gyllid wedi darparu ar gyfer y ddyled hon am nifer o flynyddoedd. Mae hyn yn golygu na fydd diddymu'r ddyled hon yn cael unrhyw effaith ar y gyllideb refeniw gan y gellir diddymu'r ddyled yn erbyn y ddarpariaeth. Mae'r ddyled hon yn fwy na'r terfyn dirprwyedig o £20 mil i'r Swyddog Adran 151 ei gymeradwyo ac felly mae angen cymeradwyaeth y Cabinet.

#### **7. Beth yw prif gasgliadau'r Asesiad o'r Effaith ar Les?**

Cafodd Asesiadau o'r Effaith ar Les ar gyfer yr arbedion yn Atodiad 2 a'r cynnydd yn Nhreth y Cyngor ei gyflwyno i'r Cyngor ar 30 Ionawr. Roedd asesiad ar gyfer y newid i bolisi Isafswm Darpariaeth Refeniw wedi'i gynnwys yn yr adroddiad i'r Cyngor ym mis Medi 2017.

#### **8. Pa ymgynghoriadau a gynhaliwyd gyda Chraffu ac eraill?**

Yn ogystal â'r adroddiadau rheolaidd i'r Pwyllgor Llywodraethu Corfforaethol, mae proses y gyllideb wedi ei hystyried gan gyfarfodydd y Tîm Gweithredol Corfforaethol, yr Uwch Dîm Arweinyddiaeth, Briffio'r Cabinet a Briffio'r Cyngor. Cynhaliwyd gweithdai cyllideb rheolaidd gydag aelodau etholedig i archwilio cyllidebau gwasanaeth ac ystyried y cynigion o ran y gyllideb. Hysbyswyd yr holl aelodau o staff am y broses o osod y gyllideb ac ymgynghorwyd yn llawn â staff sy'n cael eu heffeithio neu bwriedir gwneud hynny, yn unol â pholisïau a gweithdrefnau Adnoddau Dynol y Cyngor. Ymgynghorwyd ag Undebau Llafur drwy'r Cydbwyllgor Ymgynghorol Lleol.

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

Mae'n bwysig bod gwasanaethau'n parhau i reoli cyllidebau'n ddoeth a bod unrhyw arian dros ben o fewn y flwyddyn yn cael ei ystyried yng nghyd-destun y sefyllfa ariannol tymor canolig, yn arbennig o ystyried graddfa'r gostyngiadau y mae'n ofynnol eu gwneud yn y gyllideb yn ystod y ddwy neu dair blynedd nesaf.

Mae pwysau penodol yn parhau i fod yn amlwg yn y cyllidebau gofal cymdeithasol (Oedolion a Phlant) serch y buddsoddiad ychwanegol o £1.5 miliwn at ei gilydd ar gyfer 2018/19. Bydd sefyllfa'r ddau wasanaeth yn cael ei monitro'n ofalus a'i hystyried ymhellach fel rhan o broses y gyllideb 2019/20.

Bydd balansau ysgolion yn parhau i gael eu hadolygu'n ofalus. Mae Cyllid Addysg yn gweithio'n agos iawn gydag ysgolion i ddatblygu cynlluniau cadarn ac, yn ogystal, mae prif ac uwch swyddogion Addysg a Chyllid yn cyfarfod yn rheolaidd i adolygu'r cynlluniau hynny a chymryd unrhyw gam gweithredu yn ôl yr angen.

**10. Pa risgiau sydd yna ac oes yna unrhyw beth y gallwn ei wneud i'w lleihau?**

Mae hwn yn parhau yn gyfnod ariannol heriol a bydd methu cyflawni'r strategaeth a gytunwyd o ran y gyllideb yn rhoi pwysau ychwanegol ar wasanaethau yn y blynyddoedd ariannol presennol ac yn y dyfodol. Bydd monitro a rheoli'r gyllideb yn effeithiol yn helpu i sicrhau bod y strategaeth ariannol yn cael ei chyflawni.

**11. Pŵer i wneud y Penderfyniad**

Mae'n ofynnol i awdurdodau lleol o dan Adran 151 Deddf Llywodraeth Leol 1972 wneud trefniadau ar gyfer gweinyddu eu materion ariannol yn briodol.

Mae tudalen hwn yn fwriadol wag

## Appendix 1

### DENBIGHSHIRE COUNTY COUNCIL REVENUE BUDGET 2018/19

Aug-18	Net Budget	Budget 2018/19			Projected Outturn							Variance
	2017/18 (Restated)	Expenditure	Income	Net	Expenditure	Income	Net	Expenditure	Income	Net	Net	Previous Report
	£'000	£'000	£'000	£'000	£'000	£'000	£'000	£'000	£'000	£'000	%	£'000
Customers, Communications and Marketing	2,971	3,450	-658	2,792	3,234	-393	2,841	-216	265	49	1.76%	50
Education and Children's Service	12,955	27,986	-13,781	14,205	26,853	-11,444	15,409	-1,133	2,337	1,204	8.48%	1,027
Business Improvement and Modernisation	4,613	5,337	-806	4,531	5,408	-877	4,531	71	-71	0	0.00%	0
Legal, HR and Democratic Services	2,623	3,964	-1,328	2,636	4,099	-1,503	2,596	135	-175	-40	-1.52%	0
Facilities, Assets and Housing	6,931	23,813	-15,828	7,985	22,493	-14,508	7,985	-1,320	1,320	0	0.00%	0
Finance	2,914	5,353	-2,187	3,166	5,728	-2,562	3,166	375	-375	0	0.00%	0
Highways and Environmental Services	17,514	31,224	-12,739	18,485	31,835	-13,252	18,583	611	-513	98	0.53%	132
Planning and Public Protection	3,001	5,945	-2,976	2,969	5,858	-2,889	2,969	-87	87	0	0.00%	0
Community Support Services	32,356	52,096	-17,066	35,030	46,401	-11,371	35,030	-5,695	5,695	0	0.00%	0
<b>Total Services</b>	<b>85,878</b>	<b>159,168</b>	<b>-67,369</b>	<b>91,799</b>	<b>151,909</b>	<b>-58,799</b>	<b>93,110</b>	<b>-7,259</b>	<b>8,570</b>	<b>1,311</b>	<b>1.43%</b>	<b>1,210</b>
Corporate	18,942	54,947	-36,424	18,523	54,947	-36,424	18,523	-500	0	-500	-2.70%	0
Precepts & Levies	4,525	4,569	0	4,569	4,569	0	4,569	0	0	0	0.00%	0
Capital Financing	12,965	11,361	0	11,361	11,361	0	11,361	0	0	0	0.00%	0
<b>Total Corporate</b>	<b>36,432</b>	<b>70,877</b>	<b>-36,424</b>	<b>34,453</b>	<b>70,877</b>	<b>-36,424</b>	<b>34,453</b>	<b>-500</b>	<b>0</b>	<b>-500</b>	<b>-1.45%</b>	<b>0</b>
<b>Council Services &amp; Corporate Budget</b>	<b>122,310</b>	<b>230,045</b>	<b>-103,793</b>	<b>126,252</b>	<b>222,786</b>	<b>-95,223</b>	<b>127,563</b>	<b>-7,759</b>	<b>8,570</b>	<b>811</b>	<b>0.64%</b>	<b>1,210</b>
<b>Schools &amp; Non-delegated School Budgets</b>	<b>66,942</b>	<b>76,279</b>	<b>-8,113</b>	<b>68,166</b>	<b>77,033</b>	<b>-8,305</b>	<b>68,728</b>	<b>754</b>	<b>-192</b>	<b>562</b>	<b>0.82%</b>	<b>0</b>
<b>Total Council Budget</b>	<b>189,252</b>	<b>306,324</b>	<b>-111,906</b>	<b>194,418</b>	<b>299,819</b>	<b>-103,528</b>	<b>196,291</b>	<b>-7,005</b>	<b>8,378</b>	<b>1,373</b>	<b>0.71%</b>	<b>1,210</b>
<b>Housing Revenue Account</b>	<b>315</b>	<b>16,309</b>	<b>-15,679</b>	<b>630</b>	<b>16,474</b>	<b>-15,679</b>	<b>795</b>	<b>165</b>	<b>0</b>	<b>165</b>		<b>0</b>

Mae tudalen hwn yn fwriadol wag

## Summary of Agreed Savings - 2018/19

Ref	RAYG	Saving Title	2018/19 £000
BIM SP001	Yellow	ICT - revisions to staffing structure	-52
HES SP001	Amber	Deliver Trade Waste service via external contractor	-252
HES SP001	Yellow	Deletion of Archaeologist post following retirement	-42
LHD SP001	Yellow	End additional funding for external events from Civic budget (£4.5k)	-5
PPP SP001	Green	Reduce Small Business Development Grant Budget	-60
			<b>-411</b>

## Summary of Agreed Efficiencies - 2018/19

Ref	RAYG	Efficiency Title	2018/19 £000
CCM E001	Green	Restructure of Library Management Team (Year 2 of restructure)	-15
CCM E002	Green	Savings on Tourist Information Centres	-7
CCM E003	Green	Net saving on new Library Management System	-5
CCM E004	Green	Streamlining of cleaning and caretaking costs across all Libraries/OSS	-11
CCM E005	Green	Reduce County Voice Marketing budget	-2
CCM E006	Green	Reduce spend on 'What's On' publication	-5
CCM E007	Green	Reduction of relief staff in libraries/OSS	-10
CCM E008	Green	Reduction of book fund	-10
BIM E001	Green	Management Restructure	-46
BIM E002	Green	Digital Records Bureau budget	-3
BIM E003	Green	Reduction in project management of non funded projects	-13
BIM E004	Green	Corporate Plan budget reduction	-1
BIM E005	Green	Reduction in Strategic Planning budget	-4
BIM E006	Green	Staffing reduction in Audit (retirement)	-6
BIM E007	Green	Domestic Abuse - saving due to service becoming Regional	-1
HES E001	Yellow	Review current arrangements for disposing of green waste	-60
HES E002	Green	Review streetworks charges	-14
HES E003	Green	Removal of current subsidy to Bodelwyddan Castle Trust	-100
HES E004	Green	Removal of electronic bus service information at bus stops	-10
FAH E001	Green	Not replacing 2 admin / support posts in Property	-75
FAH E002	Green	Housing to pick up 50% of a Community Youth Worker post	-17
FAH E003	Green	Community Resource Centre (co-location of Housing and Youth)	-10
FAH E004	Green	Not replacing one post in Property	-29
FAH E005	Green	Facilities Management contracts	-10

Ref	RAYG	Efficiency Title	2018/19 £000
FAH E006	Green	Public Toilets	-20
FAH E007	Green	Design & Construction - new model	-30
FAH E008	Green	Water Hygiene testing	-15
LHD E001	Green	£500 Net Saving - Postage Cost Reduction, HR	-1
LHD E002	Green	Reduce Reference Books Cost, Legal	-3
LHD E003	Green	Restructuring within Legal service	-17
LHD E004	Green	Increase income - review external fees, Legal	-2
LHD E005	Green	Increase income - market services to T&CC & Others, HR	-1
LHD E006	Green	End subscriptions to election and electoral law publications (£1.9k)	-2
LHD E007	Green	Vacancy Management Policy	-7
LHD E008	Green	Review of Admin Support in Legal Services	-30
PPP E001	Green	Improved income collection rate - Environmental Enforcement Fines	-20
PPP E002	Green	Business & Performance Admin. Support	-22
PPP E003	Green	Computer License renewal	-11
PPP E004	Green	Economic & Business Development (EBD) contribution towards Love Rhyl element of Rhyl Perceptions campaign, which comes to and end March 2018	-10
FIN E001	Green	5% proposed efficiency on an external contract	-13
FIN E002	Green	Vacancy Management	-20
FIN E003	Green	Non-replacement of Grade 9 Vacancy	-47
CSS E001	Green	Delete a Service Manager Post	
CSS E002	Yellow	Restructure Provider Services Management Team	-80
CSS E003	Green	Learning Disability Respite Review	-10
CSS E004	Yellow	Court of Protection Team	-28
CSS E005	Green	Deletion of a managerial post resulting from a vacancy	-61
CSS E006	Green	Social Care Workforce Development Plan Training Grant Budget Supplement	-11
CSS E007	Green	Reduced spend on ancillary items eg mobile phones, printing etc	-10
CSS E008	Yellow	Review Care Packages	-74
CSS E009	Green	Deferred Charges on care home client properties	-50
ECS E001	Green	Reduction in historic pension recharges	-36
ECS E002	Green	Release of Pooled Scheme Contingency held in non-delegated budgets due to withdrawal of Pooled Scheme (School Budget Forum decision)	-79
ECS E003	Green	Reduction in DBS checks (budget held in non-delegated budgets)	-8
ECS E004	Green	Reduction based on underspends in 2016/2017 on budgets such as subscriptions, licences and professional fees.	-18
			<b>-1,200</b>



**Denbighshire County Council - Capital Plan 2018/19 - 2021/22**  
**Position to end August 2018**

**APPENDIX 3**

**Capital Expenditure**

Total Estimated Payments - Other

Total Estimated Payments - Major Projects:

Housing Improvement Grants

Rhyl, New 3-16 Catholic School

Ysgol Llanfair, New School

Ysgol Carreg Emlyn, New School

Highways Maintenance

East Rhyl Coastal Defence Scheme

Rhyl Waterfront and Waterpark

Contingency

**Total**

**Capital Financing**

**External Funding**

**Receipts and Reserves**

**Prudential Borrowing**

**Unallocated Funding**

**Total Capital Financing**

2018/19 ORIGINAL ESTIMATE £000s	2018/19 LATEST ESTIMATE £000s	2019/20 LATEST ESTIMATE £000s	2020/21 LATEST ESTIMATE £000s	2021/22 LATEST ESTIMATE £000s
9,355	15,425	329	200	0
1,416	1,556			
	13,636	8,313	373	
	4,637	157		
	3,663	697		
3,070	4,722			
2,634	1,093	2,017		
10,721	10,577	530		
500	493	500	500	500
<b>27,696</b>	<b>55,802</b>	<b>12,543</b>	<b>1,073</b>	<b>500</b>
12,184	16,811	7,773	4,834	4,834
2,908	9,993	153		
12,604	28,998	8,951	573	0
0	0	(4,334)	(4,334)	(4,334)
<b>27,696</b>	<b>55,802</b>	<b>12,543</b>	<b>1,073</b>	<b>500</b>

Note: 2018-19 Original Estimate is the position as approved by Council on 20th February 2018

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## Appendix 4 - Major Capital Projects Update - September 2018

Rhyl Harbour Development	
Total Budget	£10.639m
Expenditure to date	£10.579m
Estimated remaining spend in 2018/19	£ 0.060m
Future Years estimated spend	£ 0.000m
Funding	WG £2.545m; WEFO £5.899m; Sustrans £0.700m: RWE £155k; WREN/NRW £83k and DCC £1.257m
<p><b>Narrative:</b></p> <p>Now that the bridge has been operational for a few years, the maintenance schedule needs to be revised to ensure that the bridge is properly maintained for the longer term. The Corporate Executive Team (CET) have previously considered a report regarding the maintenance regime and agreed in-principle to amend the maintenance schedule, pending a decision about the long term funding.</p> <p>When the revised bridge maintenance contract has been agreed with Dawnus Construction Ltd, the final account for the bridge will be negotiated and this will complete the project. In the meanwhile the necessary maintenance is being undertaken to keep the bridge in working order. Additional costs were incurred during 2017/18 for both reactive maintenance and breakdowns. The new maintenance regime needs to be agreed and implemented so changes can be made and future breakdowns avoided.</p> <p>Options were presented in an updated report to CET on 30<sup>th</sup> April 2018 and further information was supplied to CET for their meeting on 11<sup>th</sup> June 2018 where approval was given to proceed with the new bridge maintenance arrangements.</p> <p>The preferred subcontractors have been agreed to and Dawnus Construction are arranging the sub contracts. The Council and Dawnus are preparing the amendment to the Contract to ensure response time, reporting and quality of service is improved.</p> <p>The first full annual maintenance will take place in October and this will also address outstanding issues which require repair/replacement.</p>	
Forecast In Year Expenditure 18/19	£0.060m

<b>21<sup>st</sup> Century Schools Programme - Rhyl New School</b>	
Total Budget	£23.824m
Expenditure to date	£23.761m
Estimated remaining spend in 18/19	£ 0.063m
Future Years estimated spend	£ 0.000m
Funding	DCC £10.135m; WG £13.689m
<p><b>Narrative:</b></p> <p>The project has provided a new school building for Rhyl High School to accommodate 1,200 pupils in mainstream education and approximately 45 pupils from Ysgol Tir Morfa, the community special school in Rhyl. The works have also included some extensive refurbishment to the exterior of the Leisure Centre.</p> <p>There are now just a small number of snags and defects to be completed, and a schedule for the final completion is expected from the contractor. An amount of retention has been retained in respect of these items.</p> <p>The BREEAM excellent certification has now been achieved.</p>	
Forecast In Year Expenditure 18/19	£0.063m

<b>21<sup>st</sup> Century Schools Programme – Glasdir</b>	
Total Budget	£11.246m
Expenditure to date	£10.997m
Estimated remaining spend in 18/19	£0.249m
Future Years estimated spend	£0.000m
Funding	DCC £2.598m; WG £8.648m
<p><b>Narrative:</b></p> <p>This project has delivered a new shared school building site for Rhos Street School and Ysgol Penbarras at Glasdir, Ruthin.</p> <p>Since April 2018, the schools have been using their new site. The new facilities have been received very positively by pupils, parents, teachers and governors of both schools.</p> <p>Several snagging items were addressed over the summer holidays and the Council's Design, Construction and Maintenance team are supervising the de-snagging of defects as part of the overall project programme. This work is ongoing and will continue until March 2019.</p>	
Forecast In Year Expenditure 18/19	£0.818m

<b>21<sup>st</sup> Century Schools Programme – Ysgol Carreg Emlyn</b>	
Total Budget	£5.059m
Expenditure to date	£1.524m
Estimated remaining spend in 18/19	£2.838m
Future Years estimated spend	£0.697m
Funding	WG £0.221m; DCC £4.838m
<b>Narrative:</b>  <p>This scheme is within the Band A proposals for 21st Century Schools Programme. The project will provide a new school building on a new site in Clocaenog and allow the two existing sites to be declared surplus.</p> <p>Good progress has been made over the summer with the installation of the Structural Insulated Panels (SIP's) now complete. A panel signing ceremony was held on the 7<sup>th</sup> September to mark the completion of the SIP installation, with pupils, staff, Community Councillors and County Councillors in attendance.</p> <p>In the coming weeks the windows will be installed to make the building watertight in preparation for the mechanical and electrical and internal works as well as continuation of the external works.</p> <p>The temporary relocation works for the overhead power line by Scottish Power and the relocation of the BT line have now been completed. The relocation of the Welsh Water main will be planned into the construction programme once dates of the works have been confirmed with the contractor.</p> <p>It is envisaged the new school will open in the Spring of 2019.</p>	
Forecast In Year Expenditure 18/19	£3.663m

<b>21<sup>st</sup> Century Schools Programme – Ysgol Llanfair</b>	
Total Budget	£5.369m
Expenditure to date	£1.817m
Estimated remaining spend in 18/19	£3.349m
Future Years estimated spend	£0.203m
Funding	WG £0.180m; DCC £5.189m
<b>Narrative:</b>  <p>This scheme is within the Band A proposals for 21st Century Schools Programme.</p> <p>The project will provide a new school building on a new site in Llanfair DC.</p> <p>The Slab and block works have now been completed. The installation of the Structural Insulated Panels (SIP's) commenced on site at the start of September. A panel signing ceremony was held on the 13<sup>th</sup> September to mark the main building construction, with pupils, staff, the Diocese of St Asaph, local members and Welsh Government representatives in attendance.</p> <p>In the coming weeks work will continue to progress on the installation of the SIP's for the school building. Following the completion of the SIP's, the roof and windows will be installed to make the building watertight in preparation for the mechanical and electrical and internal works.</p> <p>It is envisaged that the new bilingual church school will open in the summer term of 2019.</p>	
Forecast In Year Expenditure 18/19	£4.637m

<b>21<sup>st</sup> Century Schools Programme – Ysgol Glan Clwyd</b>	
Total Budget	£16.763m
Expenditure to date	£16.412m
Estimated remaining spend in 18/19	£ 0.351m
Future Years estimated spend	£ 0.000m
Funding	DCC £5.302m; WG £11.461m
<p><b>Narrative:</b></p> <p>This scheme is within the Band A proposals for 21st Century Schools Programme. The project has delivered an extended and refurbished Ysgol Glan Clwyd to accommodate a long term capacity of up to 1,250 pupils via a new three storey extension, partial demolition of existing buildings and refurbishment of the retained buildings. The project has also seen extensive landscaping, with creation of new outdoor hard and soft landscaped areas including a new sports field, extended and rationalised car park and coach parking area.</p> <p>Phase 1, a new three storey extension was completed and handed over for occupation by the school from January 2017.</p> <p>The first two sections of the old buildings following remodelling and refurbishment, comprising Phases 2a and 2b were handed over on 9<sup>th</sup> May 2017 and 28<sup>th</sup> June 2017 respectively. Part of Phase 2b included the new Visitors Car Park and the new Main Reception.</p> <p>The final main section of remodelling and refurbishment of the old buildings, Phase 2c, was completed on 4<sup>th</sup> September 2017 and handed back to the school ready for the start of the new academic year.</p> <p>Remaining internal works to create the new Leisure Centre facility and the final three rooms for the school were completed and handed over on 13<sup>th</sup> October 2017; at the same time the new Car Park and Coach Area and remaining external landscaping were also completed and handed over.</p> <p>The final activities saw the old Tennis Courts resurfaced and fenced to create a Multi-Use Games Area and clearance of the Contractors site offices and compound; this work was completed and a final handover occurred on Friday 10<sup>th</sup> November 2017.</p> <p>The School and Leisure Centre have returned to business as usual.</p> <p>As part of dealing with any Defects in association with the 12 month Defects Periods for each of the Phase/Sub Phase sectional completions, Phase 2 internal defects were rectified over the summer school holidays along with the bulk of the Phase 2 external defects. The final issue of the BREEAM Certification associated with the project is still awaited and is anticipated within the next couple of months following an update from the Contractor.</p>	
Forecast In Year Expenditure 18/19	£0.353m

<b>21<sup>st</sup> Century Schools Programme – Rhyl 3-16 Faith School</b>	
Total Budget	£23.813m
Expenditure to date	£3.602m
Estimated remaining spend in 18/19	£11.525m
Future Years estimated spend	£8.686m
Funding	WG £5.541m; DCC £18.272m
<b>Narrative:</b> This scheme is within the Band A proposals for 21st Century Schools Programme.  Work on site is progressing well with the structural steel frame starting to go up. The metal deck is 30% complete and concrete is 25% complete on the floor.  A beam signing ceremony is due to take place at the end of September.  The temporary governing body is working hard on developing the logo and consultation will soon start on the school uniform.	
Forecast In Year Expenditure 18/19	£13.637m

<b>Rhyl Waterfront and Waterpark</b>	
Total Budget	£23.367m
Expenditure to date	£16.169m
Estimated remaining spend in 18/19	£ 6.668m
Future Years estimated spend	£ 0.530m
Funding	WG £5.354m; DCC£16.013m; Rhyl Town Council £2.000m
<b>Narrative:</b> Work on site with SC2 is well advanced and progressing well, and the marketing campaign is beginning to ramp up. The Waterpark is still on schedule to complete in January 2019 and open prior to Easter 2019.  Works on the Travelodge and Marstons are progressing well. Marstons is on schedule to complete at the end of September 2018, and the hotel in January 2019.  Unit C on the Children's Village has now been demolished with the help of Welsh Government pipeline funding. The site will be refurbished along with the public realm work on other areas of the Children's Village. Proposals are currently being drawn up alongside the refurbishment of Unit A.  The refurbishment of the Children's Village Car Park is due to start on site this month and reopen to the public in February 2019. A full environmental clean is required prior to the commencement of construction work, and this started in early September.	
Forecast In Year Expenditure 18/19	£10.577m



## Rhaglen Gwaith i'r Dyfodol y Cabinet

Cyfarfod	Eitem (disgrifiad / teitl)		Pwrrpas yr Adroddiad	Angen penderfyniad y Cabinet (oes/nac oes)	Awdur - Aelod Arweiniol a Swyddog Cyswllt
<b>30 Hydref</b>	1	Uned Caffael Cydweithredol	Ystyried estyniad i drefniadau cydweithio gyda Chyngor Sir y Fflint	Oes	Y Cyng. Julian Thompson-Hill / Lisa Jones / Helen Makin
	2	Adroddiad Ariannol	Rhoi'r wybodaeth ddiweddaraf i'r Cabinet am sefyllfa ariannol bresennol y Cyngor	I'w gadarnhau	Y Cyng. Julian Thompson-Hill / Richard Weigh
	3	Prosiectau Blaenoriaeth Cynnig Twf Gogledd Cymru	Cefnogi'r blaenoriaethau rhanbarthol ar gyfer trafodaethau Cynnig Twf gyda'r Llywodraeth	Oes	Cynghorydd Hugh Evans/ Graham Boase
	4	Eitemau o'r Pwyllgorau Archwilio	Ystyried unrhyw faterion a godwyd gan y Pwyllgor Archwilio at sylw'r Cabinet	I'w gadarnhau	Cydlynnydd Craffu
<b>20 Tachwedd</b>	1	Cynllun Corfforaethol 2017-2022 (Chwarter 2)	Adolygu'r cynnydd yn erbyn y fframwaith rheoli perfformiad	I'w gadarnhau	Y Cyng. Julian Thompson-Hill / Nicola Kneale
	2	Adroddiad Ariannol	Rhoi'r wybodaeth ddiweddaraf i'r Cabinet am sefyllfa ariannol bresennol y Cyngor	I'w gadarnhau	Y Cyng. Julian Thompson-Hill / Richard Weigh

## Rhaglen Gwaith i'r Dyfodol y Cabinet

Cyfarfod	Eitem (disgrifiad / teitl)		Pwrrpas yr Adroddiad	Angen penderfyniad y Cabinet (oes/nac oes)	Awdur - Aelod Arweiniol a Swyddog Cyswllt
	3	Ail-lansio Rhaglen Adfywio'r Rhyl	Cefnogi trefniadau'r dyfodol ynglŷn ag adfywio'r Rhyl.	Oes	Cynghorydd Hugh Evans/ Graham Boase
	4	Eitemau o'r Pwyllgorau Craffu	Ystyried unrhyw faterion a godwyd gan y Pwyllgor Craffu at sylw'r Cabinet	I'w gadarnhau	Cydlynnydd Craffu
<b>18 Rhagfyr</b>	1	Adroddiad Ariannol	Rhoi'r wybodaeth ddiweddaraf i'r Cabinet am sefyllfa ariannol bresennol y Cyngor	I'w gadarnhau	Y Cyng. Julian Thompson-Hill / Richard Weigh
	2	Model Gwastraff ac Ailgylchu Cyngor Sir Ddinbych	Ceisio cymeradwyaeth i ddatblygu/gweithredu model newydd ar gyfer gwasanaeth gwastraff ac ailgylchu, yn amodol ar gadarnhad o gyllid gan Lywodraeth Cymru	Oes	Cyng. Brian Jones / Tony Ward / Tara Dumas
	3	Fframwaith Adeiladu Gogledd Cymru 2	Penodi contractwyr ar gyfer y prosiect	Oes	Tania Silva
	4	Eitemau o'r Pwyllgorau Craffu	Ystyried unrhyw faterion a godwyd gan y Pwyllgor Craffu at sylw'r Cabinet	I'w gadarnhau	Cydlynnydd Craffu

## Rhaglen Gwaith i'r Dyfodol y Cabinet

Cyfarfod	Eitem (disgrifiad / teitl)		Pwrrpas yr Adroddiad	Angen penderfyniad y Cabinet (oes/nac oes)	Awdur - Aelod Arweiniol a Swyddog Cyswllt
<b>22 Ionawr 2019</b>	1	Adroddiad Ariannol	Rhoi'r wybodaeth ddiweddaraf i'r Cabinet am sefyllfa ariannol bresennol y Cyngor	I'w gadarnhau	Y Cyng. Julian Thompson-Hill / Richard Weigh
<b>26 Chwefror 2019</b>	1	Adroddiad Ariannol	Rhoi'r wybodaeth ddiweddaraf i'r Cabinet am sefyllfa ariannol bresennol y Cyngor	I'w gadarnhau	Y Cyng. Julian Thompson-Hill / Richard Weigh
	2	Eitemau o'r Pwyllgorau Craffu	Ystyried unrhyw faterion a godwyd gan y Pwyllgor Craffu at sylw'r Cabinet	I'w gadarnhau	Cydlynnydd Craffu
<b>26 Mawrth 2019</b>	1	Adroddiad Ariannol	Rhoi'r wybodaeth ddiweddaraf i'r Cabinet am sefyllfa ariannol bresennol y Cyngor	I'w gadarnhau	Y Cyng. Julian Thompson-Hill / Richard Weigh
	2	Eitemau o'r Pwyllgorau Craffu	Ystyried unrhyw faterion a godwyd gan y Pwyllgor Craffu at sylw'r Cabinet	I'w gadarnhau	Cydlynnydd Craffu

## Rhaglen Gwaith i'r Dyfodol y Cabinet

Cyfarfod	Eitem (disgrifiad / teitl)		Pwrrpas yr Adroddiad	Angen penderfyniad y Cabinet (oes/nac oes)	Awdur - Aelod Arweiniol a Swyddog Cyswllt
<b>30 Ebrill 2019</b>	1	Adroddiad Ariannol	Rhoi'r wybodaeth ddiweddaraf i'r Cabinet am sefyllfa ariannol bresennol y Cyngor	I'w gadarnhau	Y Cyng. Julian Thompson-Hill / Richard Weigh
	2	Eitemau o'r Pwyllgorau Craffu	Ystyried unrhyw faterion a godwyd gan y Pwyllgor Craffu at sylw'r Cabinet	I'w gadarnhau	Cydlynnydd Craffu
<b>28 Mai 2019</b>	1	Cytundeb Llywodraethu Cynnig Twf Gogledd Cymru 2	Cymeradwyo'r trefniadau llywodraethu mewn perthynas â gweithredu'r fargen dwf.	Oes	Cyng. Hugh Evans / Graham Boase / Gary Williams
	2	Adroddiad Ariannol	Rhoi'r wybodaeth ddiweddaraf i'r Cabinet am sefyllfa ariannol bresennol y Cyngor	I'w gadarnhau	Y Cyng. Julian Thompson-Hill / Richard Weigh
	3	Eitemau o'r Pwyllgorau Craffu	Ystyried unrhyw faterion a godwyd gan y Pwyllgor Craffu at sylw'r Cabinet	I'w gadarnhau	Cydlynnydd Craffu

## Rhaglen Gwaith i'r Dyfodol y Cabinet

### Nodyn i swyddogion - Dyddiadau Cau Adroddiadau i'r Cabinet

<i>Cyfarfod</i>	<b><i>Dyddiau Cau</i></b>	<i>Cyfarfod</i>	<b><i>Dyddiau Cau</i></b>	<i>Cyfarfod</i>	<b><i>Dyddiau Cau</i></b>
<i>Medi</i>	<b><i>11 Medi</i></b>	<i>Hydref</i>	<b><i>16 Hydref</i></b>	<i>Tachwedd</i>	<b><i>6 Tachwedd</i></b>

Diweddarwyd 13/09/18 - KEJ

Rhaglen Gwaith i'r Dyfodol y Cabinet.doc

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