

To: Members of the County Council

Date: 12 February 2019

Direct Dial: 01824706141

e-mail: democratic@denbighshire.gov.uk

Dear Councillor

You are invited to attend a meeting of the **COUNTY COUNCIL** to be held at **10.00 am** on **TUESDAY, 19 FEBRUARY 2019** in **COUNCIL CHAMBER, COUNTY HALL, RUTHIN LL15 1YN**.

Yours sincerely

G Williams
Head of Legal, HR and Democratic Services

AGENDA

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

1 APOLOGIES

2 DECLARATIONS OF INTEREST

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

3 URGENT MATTERS AS AGREED BY THE CHAIR

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

4 POLITICAL BALANCE IN CABINET (Pages 5 - 22)

To consider a report by the Head of Legal, HR & Democratic Services (copy attached) about the application of political balance to the composition of Cabinet.

5 ANNUAL CONSTITUTION REVIEW (Pages 23 - 110)

To consider a report by the Head of Legal, HR & Democratic Services (copy attached) to review the provisions of the Constitution.

- 6 NJC PAY REVIEW 2018-20** (Pages 111 - 130)
To consider a report by the HR Services Manager (copy attached) to approve the NJC Pay Review 2018-20.
- 7 COUNCIL TAX 2019/20 AND ASSOCIATED MATTERS** (Pages 131 - 142)
To consider a report by the Head of Finance (copy attached) to set levels of Council Tax for 2019/20
- 8 CAPITAL PLAN 2018/19 - 2021/22 AND RECOMMENDATIONS OF THE STRATEGIC INVESTMENT GROUP** (Pages 143 - 254)
To consider a report by the Head of Finance (copy attached) to provide Members with an updated Capital Plan including an update on major projects and the Corporate Plan.
- 9 TREASURY MANAGEMENT STRATEGY STATEMENT 2019/20 AND PRUDENTIAL INDICATORS 2019/20 - 2021/22** (Pages 255 - 284)
To consider a report by the Head of Finance (copy attached) to seek Council's approval of the Treasury Management Strategy Statement 2019/20 and Prudential Indicators 2019/20 – 2021/22
- 10 COUNTY COUNCIL FORWARD WORK PROGRAMME**
To consider the Council's forward work programme (copy to follow).

MEMBERSHIP

Councillors

Councillor Peter Scott (Chair)

Mabon ap Gwynfor
Brian Blakeley
Joan Butterfield
Jeanette Chamberlain-Jones
Ellie Chard
Ann Davies
Gareth Davies
Meirick Davies
Hugh Evans
Peter Evans
Bobby Feeley
Rachel Flynn
Tony Flynn
Huw Hilditch-Roberts
Martyn Holland

Richard Mainon
Christine Marston
Barry Mellor
Melvyn Mile
Bob Murray
Merfyn Parry
Paul Penlington
Pete Prendergast
Arwel Roberts
Anton Sampson
Glenn Swingler
Andrew Thomas
Rhys Thomas
Tony Thomas
Julian Thompson-Hill

Hugh Irving
Alan James
Brian Jones
Huw Jones
Pat Jones
Tina Jones
Gwyneth Kensler
Geraint Lloyd-Williams

Graham Timms
Joe Welch
Cheryl Williams
David Williams
Eryl Williams
Huw Williams
Emrys Wynne
Mark Young

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Report To: Full Council

Date of Meeting: 19th February 2019

Lead Member / Officer: Cllr Barry Mellor, Chair Corporate Governance Committee/Gary Williams, Head of Legal, HR and Democratic Services

Report Author: Gary Williams, Head of Legal, HR and Democratic Services

Title: Political Balance in Cabinet

1. What is the report about?

This report is about the application of political balance to the composition of the Cabinet.

2. What is the reason for making this report?

- 2.1 Council passed a Motion on 23rd October 2018 requesting that the Corporate Governance Committee consider options and present a report to the Full Council on 19th February, 2019 which outlines how the Constitution could be changed to remove the requirement for political balance in the Cabinet.

3. What are the Recommendations?

- 3.1 That Members consider the recommendation of the Corporate Governance Committee that the requirement for Cabinet to be politically balanced be removed from the Council's Constitution and replaced with provision for the Cabinet to be appointed by the Leader of the Council.

4. Report details

- 4.1 The Council is required by law to operate executive arrangements in accordance with Part II Local Government Act 2000 (the 2000 Act). Under these arrangements, the Council must have an "Executive". The Executive can take one of two forms.
- 4.2 One option is to have a directly elected Mayor who may appoint between two and nine more councillors to form the Executive with the Mayor. Before a Council can have a directly elected Mayor, it must hold a referendum on whether or not to operate this model of executive.
- 4.3 The second option is to have an Executive consisting of a councillor elected by the Council as Leader, together with between two and nine councillors who may be appointed either by the Leader, or by the Council. In Denbighshire this model of Executive is operated and is called Cabinet. The appointment of councillors to the Cabinet is by the Leader.
- 4.3 The 2000 Act specifically exempts Cabinet from being subject to the duty contained in s15 Local Government and Housing Act 1989 (the 1989 Act) to apply the rules of

political balance to its membership. This means that the Cabinet is not required by law to be politically balanced in its composition. The Council may, however, choose to apply some form of political balance if it wishes.

- 4.4 The current arrangements for the composition of the Cabinet are contained in Section 5 of the Council's Constitution as set out in Appendix 1 to this report. These provisions seek to apply some element of political balance to the Cabinet but do not reflect the absolute duty set out in the 1989 Act.
- 4.5 The starting point in the Constitution is that the Cabinet should be politically balanced. The intention behind this provision was that there be a Cabinet that reflected the political make-up of the Council and thereby the decision of the electorate. This was intended to provide for political stability.
- 4.6 The principles of political balance are only to be applied to political groups consisting of five or more members. By law, a political group may exist when a minimum of two members provide written notification that they are a political group and identify one of their number as group leader. The intention behind this provision was to provide for stability and discourage the splintering of groups by individual members in order to obtain seats on Cabinet and other bodies.
- 4.7 The model adopted by the Council provides that the Leader may appoint councillors to Cabinet subject to the principles of political balance set out above following consultation with Group Leaders. If any political group declines to take their seats on Cabinet the Leader may fill those vacancies without regard to the principles of political balance following further consultations with the other Group Leaders.
- 4.8 If at any time, a political group that has previously declined seats on Cabinet decides to take up those seats, the Leader must make such changes to the membership of the Cabinet as to ensure that the principles of political balance set out above are complied with.
- 4.9 If Council wishes to dispense with the requirement for the Cabinet to be politically balanced, then there are two possible models that are available to it. The first is that the Leader, once elected by Council, is free to appoint councillors to Cabinet without any formal restriction as to political balance. This is known as the "strong leader" model. The Leader could appoint councillors to Cabinet in a politically balanced way if he/she saw fit but would not be required to do so.
- 4.10 The second option is that the Council could elect a Leader and then elect members of the Cabinet. It would then be for the Leader to assign portfolios to those members. This election may be for the term of the Council or until each Annual Meeting. This is known as the "weak leader" model.
- 4.11 A brief check on the published constitutions of the unitary authorities in Wales reveals that of the twenty two councils, sixteen (including Denbighshire) have adopted the "strong leader" model. Six Councils have adopted the "weak leader" model. A table setting out which Councils have which form of Cabinet is attached as Appendix 2

- 4.12 Denbighshire is the only Council that has any formal requirement for the principles of political balance to apply.
- 4.13 The Corporate Governance Committee considered this matter at its meeting on 23rd January 2019. Following a detailed debate, the Committee voted by a majority that it would recommend to Council that the requirement for the Cabinet to be politically balanced should be removed.
- 4.14 The Committee considered further the merits of the “strong leader” and “weak leader” models as described in paragraphs 4.9 and 4.10 above. The Committee unanimously recommended that the “strong leader” model should be adopted, i.e. that the Leader should be able to appoint and remove Cabinet members.
- 4.15 A draft Section 5 to the Constitution is attached as Appendix 3 which reflects the position should the Council agree with the recommendation of the Corporate Governance Committee. The amendments to the existing section 5 are shown in red.

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

A fit for purpose modern constitution providing assurances on governance and decision making, ethical behaviour, and allowing the public and third parties to see who is the responsible decision maker on issues affecting them supports the Council in achieving its corporate priorities.

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

There are no direct costs associated with this report.

7. What are the main conclusions of the Well-being Impact Assessment?

There is no requirement for an assessment for this report.

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

The Corporate Governance Committee considered the options regarding the composition of Cabinet on 23rd January 2019. The Committee recommended that the requirement for political balance in the Cabinet be removed and that the “strong leader” model be adopted allowing the Leader to appoint and remove members of the Cabinet.

9. Chief Finance Officer Statement

There are no direct financial implications arising from the recommendation made in the report

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

There are no significant risks associated with this report

11. Power to make the Decision

Part II Local Government Act 2000

SECTION 5

5. THE CABINET

5.1 Introduction

The Cabinet is appointed to carry out all of the Council's functions which are not the responsibility of any other part of the Council, whether by Law or under this Constitution.

5.2 Form and Composition of the Cabinet

5.2.1 The Cabinet shall be politically balanced.

5.2.2 The rules of political balance in respect of the Cabinet will only apply to political groups which are comprised of 5 or more members of the Council.

5.2.3 The Cabinet will consist of the Leader together with 7 Councillors appointed to the Cabinet by the Leader after consultation with the leaders of the political groups which have 5 or more members.

5.2.4 In the event of a political group with 5 or more members declining, at the time when the Cabinet is being appointed, to take up any or all of its seats on the Cabinet the Leader may appoint councillors to fill the vacancies following further consultation with the Leaders of the other political groups with 5 or more members. The rules of political balance will not apply to the filling of such vacancies.

5.2.5 In the event of a political group which is entitled to a seat or seats in the Cabinet in accordance with paragraph 5.2.1 deciding to take up that seat or those seats (having previously decided not to do so), the Leader shall make such changes to the membership of the Cabinet as to ensure, so far as is reasonably possible, compliance with paragraph 5.2.1 above.

5.3 Leader

5.3.1 Election

The Leader will be a Councillor elected to the position of Leader by the Council in accordance with the provisions of Section 6 of this Constitution.

5.3.2 Term of Office

The Leader will hold office until the next ordinary election of Councillors.

5.3.3 Role of the Leader

The Leader will Chair meetings of the Cabinet and determine the portfolios of Members of the Cabinet. Further information is contained in Section 6.

5.4 **Deputy Leader**

- 5.4.1 The Leader will appoint a Deputy Leader to act as Leader in the Leader's absence and may also if he/she thinks fit remove the Deputy Leader from Office at any time.
- 5.4.2 The Deputy Leader may exercise all of the functions of the Leader where the position is vacant or where the Leader is absent or otherwise unable to act.

5.5 **Other Cabinet Members**

Other Cabinet Members will be Councillors appointed to the position of Cabinet Member by the Leader. Each Cabinet Member shall hold office until:

- 5.5.1 he/she resigns from that office; or
- 5.5.2 he/she is removed from that office by the Leader upon such notice (if any) as the Leader considers appropriate; or
- 5.5.3 he/she ceases to be a Councillor.

The Leader may at any time appoint a Cabinet Member to fill any vacancies.

5.6 **Delegation of Functions**

The Cabinet may exercise Executive Functions itself or may otherwise make arrangements to delegate responsibility for their discharge. The Cabinet may delegate Executive Functions to:

- 5.6.1 The Leader;
- 5.6.2 a Committee of the Cabinet (comprising executive Members only);
- 5.6.3 an individual Cabinet Member;
- 5.6.4 a joint committee;
- 5.6.5 Another local authority or the executive of another local authority;
- 5.6.6 A delegated Officer.

5.7 **Rules of Procedure and Debate**

The proceedings of the Cabinet shall take place in accordance with the Cabinet Procedure Rules in Section 5.8 below.

5.8 **Cabinet Procedure Rules**

5.8.1 **Meetings**

The Cabinet shall meet at least 10 times a year at such venues dates and times as shall be:

- (a) determined by the Cabinet; or

- (b) determined by the Chief Executive where possible after consultation with the Leader (or in his absence, the Deputy Leader or Deputy Leaders), being within 15 days following receipt of a written requisition signed by at least three members of the Cabinet stating the matter or matters to be considered at that meeting, or
- (c) exceptionally, determined by the Chief Executive where in his opinion, where possible after consultation with the Leader (or in his absence, the Deputy Leader or Deputy Leaders) there is an urgent matter or urgent matters which require the consideration of the Cabinet but no convenient meeting of the Cabinet has been arranged.

The Chief Executive shall maintain a diary of all future meetings of the Cabinet, and shall ensure that the dates of meetings of the Cabinet for the coming months are notified to all members of the Council and made available to the public.

5.8.2 Quorum

The quorum at any meeting of the Cabinet shall be 50% of the whole number of members, rounded down. For the avoidance of doubt the whole number of Members does not include vacancies.

5.8.3 Access to information

Meetings of the Cabinet shall be convened in accordance with the Access to Information Rules in Section 14 of this Constitution.

5.8.4 Chairing of Cabinet meetings

The Leader shall decide who chairs meetings of the Cabinet except that, in the absence of both the Leader and the Deputy Leader(s), the members of the Cabinet present shall choose a person to chair the meeting.

5.8.5 Public access

The Press and public shall be entitled to attend all meetings of the Cabinet except:

- (a) where the Cabinet resolves that the Press and public be excluded for the consideration of all or part of the consideration of a matter because the discussion of that matter is likely to result in the disclosure of exempt or confidential information, or
- (b) where the person chairing the meeting has ordered their removal in order to prevent disruption of the meeting.

5.8.6 Attendance by members who are not Cabinet members

5.8.6.1 Rights to attend

All Councillors have the right to attend Cabinet and Cabinet Committee meetings - therefore there is no restriction to observers attending except during consideration of any matter where the member having declared a personal and prejudicial interest would have been required by the Members' Code of Conduct to leave the meeting.

5.8.6.2 Rights to address meetings

There should be no automatic right for observers to speak on any issue. The right of someone who is not a Cabinet member to speak is solely at the discretion of the chair of the meeting.

Accordingly it would be helpful for any Councillor who is not a Cabinet member to inform the Chair, in advance of the meeting, of that Member's wish to address the meeting, together with an explanation of the reasons behind the request.

Cabinet Members will always be called to speak first on an item. Whilst the Chair has discretion as to who else should be called, it is expected that priority would be given to a request from a Chair of a Scrutiny Committee or the Chair of Corporate Governance Committee to speak on a matter that was of direct concern or interest to that committee.

5.8.6.3 Questions

Members who wish to ask formal questions of the Cabinet that are not related to items on the agenda should give at least three working days' notice of the question(s) upon which answers will be required.

5.8.7 Attendance by officers

The Statutory Officers of the Council, or their nominees, shall be entitled to attend all meetings of the Cabinet and to speak on issues affecting their statutory responsibilities.

Corporate Directors shall be responsible for ensuring that they are present or represented at meetings of the Cabinet when necessary in order to assist the Cabinet in the conduct of its business and enable the efficient discharge of the decisions of the Cabinet

5.8.8 Absence of Cabinet members

Substitutes are not permitted for Cabinet members. The absence of a Cabinet member for any reason shall not prevent consideration and determination of a matter.

5.8.9 Business to be transacted

At each meeting of the Cabinet the following business will be conducted:

- (a) consideration of the minutes of the last meeting;
- (b) declarations of interest, if any;
- (c) matters referred to the Cabinet (whether by a Scrutiny Committee or by the Council) for reconsideration by the Cabinet in accordance with the provisions contained in the Scrutiny Procedure Rules set out in Part 4 of this Constitution;
- (ch) consideration of reports from Scrutiny Committees; and

(d) matters set out in the agenda for the meeting including.

5.8.10 Consultation

All reports to the Cabinet from any member of the Cabinet or an officer on proposals relating to the budget and policy framework must contain details of the nature and extent of consultation with stakeholders and relevant Scrutiny Committees, and the outcome of that consultation. Reports about other matters will set out the details and outcome of consultation as appropriate. The level of consultation required will be appropriate to the nature of the matter under consideration.

Reports to the Cabinet will normally appear in the name of the Cabinet member incorporating advice from appropriate officers. Exceptions will include a report from a Statutory Officer. The originator of a report will ensure that draft reports are the subject of consultation with the Chief Executive and any relevant Corporate Directors and Heads of Service, including in all cases the Chief Finance Officer and the Monitoring Officer.

5.8.11 Cabinet Committees

These rules apply to Cabinet Committees, other than 5.8.1, 5.8.2 and 5.8.4

There are currently no cabinet committees however in the event that there shall be the quorum for a Cabinet Committee shall be two.

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Name of Authority	Cabinet appointed by Leader	Cabinet appointed by Council	Political balance requirement
Blaenau Gwent County Borough Council		Yes - annually	No
Bridgend County Borough Council		Yes - annually	No
Caerphilly County Borough Council	Yes		No
Carmarthenshire County Council	Yes		No
Ceredigion County Council	Yes		No
City and County of Swansea	Yes		No
City of Cardiff Council		Yes – for Council term	No
Conwy County Borough Council	Yes		No
Denbighshire County Council	Yes		Yes
Flintshire County Council	Yes		No
Gwynedd Council	Yes		No
Isle of Anglesey County Council	Yes		No
Merthyr Tydfil County Borough Council	Yes		No
Monmouthshire County Council	Yes		No
Neath Port Talbot Council		Yes - annually	No
Newport City Council	Yes		No
Powys County Council	Yes		No
Rhondda Cynon Taf County Borough Council	Yes		No
Torfaen County Borough Council		Yes - annually	No

Wrexham County Borough Council		Yes - annually	No
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SECTION 5**5. THE CABINET****5.1 Introduction**

The Cabinet is appointed to carry out all of the Council's functions which are not the responsibility of any other part of the Council, whether by Law or under this Constitution.

5.2 Form and Composition of the Cabinet

5.2.1 The Cabinet will consist of the Leader together with at least two but not more than seven other Councillors appointed to the Cabinet by the Leader.

5.3 Leader**5.3.1 Election**

The Leader will be a Councillor elected to the position of Leader by the Council in accordance with the provisions of Section 6 of this Constitution.

5.3.2 Term of Office

The Leader will hold office until the next ordinary election of Councillors.

5.3.3 Role of the Leader

The Leader will Chair meetings of the Cabinet and determine the portfolios of Members of the Cabinet. Further information is contained in Section 6.

5.4 Deputy Leader

- 5.4.1 The Leader will appoint a Deputy Leader to act as Leader in the Leader's absence and may also if he/she thinks fit remove the Deputy Leader from Office at any time.
- 5.4.2 The Deputy Leader may exercise all of the functions of the Leader where the position is vacant or where the Leader is absent or otherwise unable to act.

5.5 Other Cabinet Members

Other Cabinet Members will be Councillors appointed to the position of Cabinet Member by the Leader. Each Cabinet Member shall hold office until:

- 5.5.1 he/she resigns from that office; or
- 5.5.2 he/she is removed from that office by the Leader upon such notice (if any) as the Leader considers appropriate; or
- 5.5.3 he/she ceases to be a Councillor.

The Leader may at any time appoint a Cabinet Member to fill any vacancies.

5.6 Delegation of Functions

The Cabinet may exercise Executive Functions itself or may otherwise make arrangements to delegate responsibility for their discharge. The Cabinet may delegate Executive Functions to:

- 5.6.1 The Leader;
- 5.6.2 a Committee of the Cabinet (comprising executive Members only);
- 5.6.3 an individual Cabinet Member;
- 5.6.4 a joint committee;
- 5.6.5 Another local authority or the executive of another local authority;
- 5.6.6 A delegated Officer.

5.7 Rules of Procedure and Debate

The proceedings of the Cabinet shall take place in accordance with the Cabinet Procedure Rules in Section 5.8 below.

5.8 Cabinet Procedure Rules

5.8.1 Meetings

The Cabinet shall meet at least 10 times a year at such venues dates and times as shall be:

- (a) determined by the Cabinet; or

- (b) determined by the Chief Executive where possible after consultation with the Leader (or in his absence, the Deputy Leader or Deputy Leaders), being within 15 days following receipt of a written requisition signed by at least three members of the Cabinet stating the matter or matters to be considered at that meeting, or
- (c) exceptionally, determined by the Chief Executive where in his opinion, where possible after consultation with the Leader (or in his absence, the Deputy Leader or Deputy Leaders) there is an urgent matter or urgent matters which require the consideration of the Cabinet but no convenient meeting of the Cabinet has been arranged.

The Chief Executive shall maintain a diary of all future meetings of the Cabinet, and shall ensure that the dates of meetings of the Cabinet for the coming months are notified to all members of the Council and made available to the public.

5.8.2 Quorum

The quorum at any meeting of the Cabinet shall be 50% of the whole number of members, rounded down. For the avoidance of doubt the whole number of Members does not include vacancies.

5.8.3 Access to information

Meetings of the Cabinet shall be convened in accordance with the Access to Information Rules in Section 14 of this Constitution.

5.8.4 Chairing of Cabinet meetings

The Leader shall decide who chairs meetings of the Cabinet except that, in the absence of both the Leader and the Deputy Leader(s), the members of the Cabinet present shall choose a person to chair the meeting.

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The Press and public shall be entitled to attend all meetings of the Cabinet except:

- (a) where the Cabinet resolves that the Press and public be excluded for the consideration of all or part of the consideration of a matter because the discussion of that matter is likely to result in the disclosure of exempt or confidential information, or
- (b) where the person chairing the meeting has ordered their removal in order to prevent disruption of the meeting.

5.8.6 Attendance by members who are not Cabinet members

5.8.6.1 Rights to attend

All Councillors have the right to attend Cabinet and Cabinet Committee meetings - therefore there is no restriction to observers attending except during consideration of any matter where the member having declared a personal and prejudicial interest would have been required by the Members' Code of Conduct to leave the meeting.

5.8.6.2 Rights to address meetings

There should be no automatic right for observers to speak on any issue. The right of someone who is not a Cabinet member to speak is solely at the discretion of the chair of the meeting.

Accordingly it would be helpful for any Councillor who is not a Cabinet member to inform the Chair, in advance of the meeting, of that Member's wish to address the meeting, together with an explanation of the reasons behind the request.

Cabinet Members will always be called to speak first on an item. Whilst the Chair has discretion as to who else should be called, it is expected that priority would be given to a request from a Chair of a Scrutiny Committee or the Chair of Corporate Governance Committee to speak on a matter that was of direct concern or interest to that committee.

5.8.6.3 Questions

Members who wish to ask formal questions of the Cabinet that are not related to items on the agenda should give at least three working days' notice of the question(s) upon which answers will be required.

5.8.7 Attendance by officers

The Statutory Officers of the Council, or their nominees, shall be entitled to attend all meetings of the Cabinet and to speak on issues affecting their statutory responsibilities.

Corporate Directors shall be responsible for ensuring that they are present or represented at meetings of the Cabinet when necessary in order to assist the Cabinet in the conduct of its business and enable the efficient discharge of the decisions of the Cabinet

5.8.8 Absence of Cabinet members

Substitutes are not permitted for Cabinet members. The absence of a Cabinet member for any reason shall not prevent consideration and determination of a matter.

5.8.9 Business to be transacted

At each meeting of the Cabinet the following business will be conducted:

- (a) consideration of the minutes of the last meeting;
- (b) declarations of interest, if any;
- (c) matters referred to the Cabinet (whether by a Scrutiny Committee or by the Council) for reconsideration by the Cabinet in accordance with the provisions contained in the Scrutiny Procedure Rules set out in Part 4 of this Constitution;
- (ch) consideration of reports from Scrutiny Committees; and

(d) matters set out in the agenda for the meeting including.

5.8.10 Consultation

All reports to the Cabinet from any member of the Cabinet or an officer on proposals relating to the budget and policy framework must contain details of the nature and extent of consultation with stakeholders and relevant Scrutiny Committees, and the outcome of that consultation. Reports about other matters will set out the details and outcome of consultation as appropriate. The level of consultation required will be appropriate to the nature of the matter under consideration.

Reports to the Cabinet will normally appear in the name of the Cabinet member incorporating advice from appropriate officers. Exceptions will include a report from a Statutory Officer. The originator of a report will ensure that draft reports are the subject of consultation with the Chief Executive and any relevant Corporate Directors and Heads of Service, including in all cases the Chief Finance Officer and the Monitoring Officer.

5.8.11 Cabinet Committees

These rules apply to Cabinet Committees, other than 5.8.1, 5.8.2 and 5.8.4

There are currently no cabinet committees however in the event that there shall be the quorum for a Cabinet Committee shall be two.

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Report To:	Full Council
Date of Meeting:	19th February 2019
Lead Member / Officer:	Hugh Evans, Leader/Gary Williams, Head of Legal, HR and Democratic Services
Report Author:	Gary Williams, Head of Legal, HR and Democratic Services
Title:	Annual Constitution Review

1. What is the report about?

This report is about the Council's Constitution and a review of its provisions, in particular, the application of political balance to the composition of the Cabinet.

2. What is the reason for making this report?

- 2.1 The Committee is as part of its terms of reference required to monitor and review the Council's Constitution. This report refers to the updates required to be made to the Council's Constitution to take into account decisions of Council and Cabinet and any legislative or operational changes that have taken place since the last review.

3. What are the Recommendations?

- 3.1 That Members note and approve the changes to the Constitution set out in Appendix 1.
- 3.2 That Members approve the amended terms of reference for the Corporate Governance Committee as set out in Appendix 2

4. Report details

- 4.1 In accordance with the Monitoring Officers' obligations to keep the Council's Constitution fit for purpose, and in accordance with the delegations made to the Monitoring Officer to update the Constitution following member decisions or new legislative duties or powers which the document should reflect, the following changes have been made and are reported to you:
- Updated the Officer Scheme of Delegation with legislation not previously captured;
 - Updated the Cabinet Scheme of Delegation following changes to portfolios
 - Following consultation with Standards Committee amended the procedure for dealing with conduct hearings.
 - Updated the Planning Committee membership to reflect the new number of members.

- Updated the Head of Highways and Environment scheme of delegation in order to implement and operate the Sustainable Drainage Body (SuDS) and the power to set the level of fixed penalty notices in accordance with the range legally set by the Welsh Government.

Extracts of those areas of the Constitution that have been amended are attached as Appendix 1. The relevant changes are shown in red.

- 4.2 The Corporate Governance Committee has discussed aspects of the CIPFA Practical Guidance for Audit Committees guidance document as part of the regular Internal Audit Update reports that it receives. At the meeting of the Committee held on 21st November 2018 members were informed that the Chief Internal Auditor had compared the Committee's current terms of reference with the guidance and had made some proposed alterations in order to comply with that guidance.

In addition to some minor changes, one aspect of the terms of reference that needed to be considered by the Committee was the reference at paragraph 7.1 to complaints. These are not currently reported to the Committee but are in fact reported to Performance Scrutiny. The Committee felt that the terms of reference should be amended to require that an annual report on the number and nature of the complaints received by the Council should be reported to it in order that it could be assured that there was an effective system of dealing with complaints and that any recurring themes arising out of individual complaints was being addressed from the corporate governance perspective. The Council's performance in the handling of complaints would remain a matter for Scrutiny.

There is attached at Appendix 2 a copy of a draft amended terms of reference with the changes shown in red.

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

A fit for purpose modern constitution providing assurances on governance and decision making, ethical behaviour, and allowing the public and third parties to see who is the responsible decision maker on issues affecting them supports the Council in achieving its corporate priorities.

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

There are no direct costs associated with this report.

7. What are the main conclusions of the Well-being Impact Assessment?

There is no requirement for an assessment for this report.

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

The Corporate Governance Committee considered the changes to the Constitution referred to in this report and agreed that they should be recommended to Council.

9. Chief Finance Officer Statement

There are no direct financial consequences of this report. However it is important that the Council has an up to date, fit for purpose Constitution which forms a key element of the council's governance framework.

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

There is a risk that without regular review the Constitution will become out of date and not fit for purpose.

11. Power to make the Decision

Section 2 Council Constitution

Part II Local Government Act 2000

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SCHEME OF DELEGATION FOR OFFICERS

1. Definition

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

2. General Provisions

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

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

- 2.4.3 if a decision is likely to have a significant impact on the Councils' profile, is likely to attract unfavourable comment in the news media, or may have substantial financial implications there will be a presumption in favour of referring it to members.
- 2.5 Functions are not delegated where:
- 2.5.1 they are reserved by law or by this Constitution to the Council
- 2.5.2 they may not by law be delegated to an Officer
- 2.5.3 they are reserved to a Cabinet Member or Members.
- 2.6 The powers listed in this Scheme shall be construed in conjunction with any powers delegated by any Committee.
- 2.7 The Chief Executive and Directors are authorised, in the absence of or inability to act of the Chief Officers reporting to them, to exercise all powers delegated from time to time to those Chief Officers except where specifically prevented from so acting by limitation of statute, professional qualification or where other arrangements have been made in the relevant delegation.
- 2.8 The Chief Executive and Directors are authorised to take or authorise in consultation with the relevant Committee or Sub-Committee Chair or Vice-Chair, or in their absence the Chair or Vice-Chair of the Cabinet, any action on any matter within the Terms of Reference of the relevant Committee or Sub-Committee which they consider to be of such urgency that it cannot await a meeting of that Committee or Sub-Committee provided that such action shall be reported for information to the next available meeting of the relevant Committee or Sub-Committee.
- 2.9 The Chief Executive and Directors are authorised to take or authorise in consultation with the Chair and Vice-Chair of the Cabinet, any action on any matter within the Terms of Reference of the Cabinet which they consider to be of such urgency that it cannot await a meeting of the Cabinet provided that such action shall be reported for information to the next available meeting of the Cabinet.
- 2.10 The relevant Director and each Head of Service is responsible for ensuring compliance with the Data Protection Act 1998, Freedom of Information Act 2000, Environmental Information Regulations 2004, Human Rights Act 1998, the Health and Safety at Work etc. Act 1974 and the Safeguarding of Vulnerable Groups Act 2006 (as amended by the Protection of Freedoms Act 2012) in so far as his/her service is concerned, including compliance with any decision of the Councils' Freedom of Information Exemptions Panel.

3. General Delegations

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

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

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

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

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

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

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

3.7 In consultation with Head of Legal, HR and Democratic Services. Where appropriate, each Chief Officer is authorised to act in relation to staffing matters in accordance with any relevant HR Policies and to appoint staff below Chief Officer level.

3.8 Each Chief Officer is entitled to submit planning applications in pursuance of approved schemes (but not the determination of the application)

3.9 To approve fees and charges, (and subject to any limit on such charge or fee set by statute) including any subsidies and concessions, in accordance with the policy adopted by Cabinet on the setting of Fees and Charges. Decisions on these matters are subject to the agreement of the Head of Finance and Assets, and subject to the provisions of the Local Government Act 2003 in respect of lawful charging and trading provisions. (this does not include fees and charges that are set by the Planning and Licensing Committees or Housing Rents which are set by reference to Housing Rents Setting Policy or subsequent amendment)

3.10 All Chief Officers may approve the submission of bids for grant funding and to accept any grant offered, subject to any funding requirement from the Council being contained within existing budgets. Where such a funding requirement cannot be

afforded from existing budgets, the consent of the Head of Finance and Assets must be obtained before a bid is made or a grant is accepted. Where appropriate, the advice of the Head of Legal, HR and Democratic Services should be sought on the terms and conditions of acceptance or submission of a grant.

- 3.11 In accordance with any policy adopted by the Cabinet on grants, to determine grants to other bodies or individuals (including determining parameters or criteria for decisions by Officers on such grants.
- 3.12 Subject to any specific restriction in writing, a function or power which may be discharged by a Chief Officer, may also be discharged by any person who holds a post which is a successor post to that of the original Chief Officer following any reorganisation, restructure or similar process including any changes made to the job titles of Chief Officer posts.
- 3.13 Any reference in this Scheme to any legislation or to any Council procedure or rule shall be deemed to include a reference to any successor legislation, procedure or rule as may be introduced or enacted by way of substitution, revision or amendment. This provision shall be interpreted as in addition to the provisions of paragraph 1.6
- 3.14 All Chief Officers exercise their delegated authority within their own area. However, due to the urgency of the circumstances, where the matter cannot wait and it is not practicable for a Corporate Director to exercise their authority under 2.7, another Chief Officer may carry out the delegation where there are not specific restrictions on them doing so.
- 3.15 If the Council acquires a new function it may be necessary for this to be reported to the Cabinet so that a decision can be taken on any new delegations to officers. However, in the absence of such a decision, the Chief Officer with responsibility for the relevant services shall be deemed to have full delegated authority to discharge the function on the Council's behalf in accordance with these General Provisions and Functions unless it is a function reserved to the Cabinet or a Committee of the Council.
- 3.16 In the event of a local government reorganisation, where an officer of any transferor authority was, before reorganisation day, specifically authorised to enter into a contract, prepare and execute a document (subject to contract procedural rules) or take any other action; if that contract is not entered into, document not executed, or as the case may be, action not taken before reorganisation day, the officer of the Council holding the corresponding office shall, on and after reorganisation day, be deemed to have the authority previously granted to the former officer.

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

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

- 4.2 Authorising Officers to undertake particular roles on behalf of the Council, where such authorisation is an executive function and has been delegated to the Head of Paid Service.
- 4.3 To represent the views of the Council in responding to consultations with the Council by any outside body.
- 4.4 As Returning Officer, to apply the annually agreed uplift in respect of election fees for local government purposes in consultation with colleagues in other authorities in North Wales.
- 4.5 Carrying out the following functions imposed on the Council by emergency planning regulations:-
- Civil Defence (General Local Authority Functions) Regulations 1993 - preparation, exercise and implementation of plans for civil defence purposes, including complying with directions from the designated Minister
 - Public Information for Radiation Emergencies Regulations 1992 - supplying information to the public in the event of a radiation emergency involving transport of radioactive substances
 - Pipelines Safety Regulations 1996 - preparation of and charges for a plan in respect of a major accident hazard pipeline
 - Control of Major Accident Hazards Regulations 1999 - preparation, testing and charges for off-site emergency plan for major accident hazards
- Radiation (Emergency Preparedness and Public Information) Regulations 2001 - preparation of, testing and charges for off-site emergency plan and supplying information to the public in the event of radiation emergencies involving premises.
- 4.6 To act on a day to day basis, as appropriate, as the Head of Paid Service and in the following areas:-
- Strategic Development and Leadership
 - Management of the Council as a whole
 - Performance Management of the Council as a whole
 - Service Modernisation and Continuous Improvement
 - Major Projects
 - Communication with the Media
 - Medium and Major Corporate Risks
 - External Relationships
 - Civil Contingency

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- 4.7 To act as an Authorised Officer for the purposes of the Regulation of Investigatory Powers Act 2000, in particular in respect of the acquisition of confidential private information within the meaning of this Act.
- 4.8 In consultation with the Leader of the Council, to give instructions for the flying of the relevant flag or flags on Council Offices on significant occasions either high in celebration or half mast as appropriate.
- 4.9 In the absence or inability of the Chief Executive to act he/she will designate a Corporate Director to exercise the above delegations and other functional responsibilities as he/she deems appropriate.

5. To the Head of Facilities, Assets and Housing.

- 5.1 To have responsibility for the operation, maintenance and strategy in respect of all Council facilities, assets, housing, leisure and library buildings and public conveniences, catering, civic arrangements relating to facility management and council allotments.
- 5.2 To act as the proper officer representing the Corporate Landlord and in the absence or inability of the Head of Facilities, Assets and Housing, such powers shall be delegated to the Deputy Officer (Lead Officer – Corporate Property and Housing Stock).
- 5.3 To institute and conduct civil proceedings for the recovery of monies (whether from tenanted premises or otherwise) owed to the Council in consultation with the Head of Legal, HR and Democratic Services.
- 5.4 To negotiate and settle rentals and other terms for short term licences, easements and wayleaves, including those required by statute upon terms agreed by statutory formula or otherwise, subject to appropriate consultation with Local Members.
- 5.5 To make home loss payments under the provisions of the Land Compensation Act 1973 (amount calculated by statutory formula related to rateable value)
- 5.6 To make disturbance payments under the provisions of the Land Compensation Act 1973.
- 5.7 In consultation with the Corporate Director: Economy and Public Realm, to negotiate the acquisition and/or disposal of land for all purposes, in conjunction with the Councils Asset Management Group and/or the Strategic Investment Group and subject to the results thereof being reported to all Members for information, where appropriate.
- 5.8 To value all property assets of the Council
- 5.9 To value properties for mortgage or grant and for other approved purposes, including the property assets of elderly persons entering the care of Social Services, where their assets are taken into consideration.

- 5.10 To recommend and negotiate rents and rent reviews and appropriate terms for all managed property, including any agricultural estate land and buildings, but not any property falling within the purview of the Housing department.
- 5.11 To negotiate and agree lease agreements, including rent reviews leased by and to the Council, subject to reports to any Asset Management Group and to Members, where appropriate.
- 5.12 To take action upon reports concerning mortgage defaulters.
- 5.13 To manage all allotment sites including the allocation of and the taking of action against tenants of untidy allotments.
- 5.14 To exercise the following powers in respect of property matters in consultation with and on terms and conditions agreed by the Head of Legal, HR and Democratic Services: -
- 5.14.1 Disposals of freehold interest in land up to the market value is up to £30k, to include disposals at an undervalue.
- 5.14.2 Disposals of freehold interest in land, including disposals at an undervalue (taking into account any local policy adopted), where the market value is between £30,001 and £1,000,000 (one million) in consultation with the S.151 Officer, the Monitoring Officer and the Lead Member.
- 5.14.3 To undertake all other disposals, following a decision by the Cabinet or the Lead Member in accordance with their delegated functions.
- 5.14.4 Granting leases at market value, or under market value (taking into account any local policy adopted), up to a rental commitment of £1,000,000 for the term; including renewal of leases not longer than the original lease. This delegation includes (but not limited to) all matters to do with agricultural estate leases and tenancies, and all other tenancies, wayleaves, easements, licences, change of user or assignments. This delegation includes powers to terminate tenancies and licences, and to sign tenancy agreements and licences, except:
- a) granting tenancies for agricultural estate. Officers to conduct interviews and make recommendations to the Lead Member.
- b) Notices to quit for tenants of agricultural estate, such decision to be taken by the Lead Member on advice from Officers.
- 5.14.5 Acquisitions of land by freehold or leasehold, up to a market value or rental commitment for the term of the lease up to £30,000 if funding is available.
- 5.14.6 Acquisitions of land by freehold or leasehold, up to a market value or rental commitment for the term of the lease from £30,001 and £1,000,000; if funding is available and in consultation with the Lead Member, S.151 Officer and the Monitoring Officer.
- 5.14.7 Purchase of land/easements for highway and drainage schemes and the making of stopping up orders, subject to a) the cost of the acquisitions being

available within the capital funding scheme or b) in cases where the acquisition is in order to facilitate the disposal of land and property under 6.31.1, the cost being covered by the capital receipts being generated.

- 5.14.8 The renewal of any lease or tenancy, subject to budget provision being available to continue to pay charges under the lease or tenancy.
- 5.14.9 To undertake all other acquisitions and taking of leases or tenancies, following a decision by Cabinet or the Lead Member in accordance with their delegated functions.
- 5.14.10 Miscellaneous powers in respect of property:
- The Service of Statutory Notices
 - Appropriation of property between services.
 - Lodging and settlement of rating appeals, including representation in the Valuation Tribunal
 - Other property management and emergency matters including granting consent for tenants improvements, reallocation and apportionment of milk quota and settlement of end of tenancy and dilapidation claims.
- 5.15 Authorising Officers to appear on the Authority's behalf to conduct proceedings in the Magistrates Court under s.223 Local Government Act 1972.
- 5.16 To act in accordance with any powers set out in the Council's Contract Procedure Rules.
- 5.17 Power to vary charges or to agree promotional packages or to introduce minor new charges to cover the cost of all departmental activities and facilities in compliance with s.19 Local Government (Miscellaneous Provisions) Act 1976 in relation to certain leisure functions.
- 5.18 Authority to accept or reject gifts, bequests or loans to the Council's Museum Service within the terms of the Policy
- 5.19 To comply with the Activity Centres (Young Persons Safety) Act 1995 and any regulations made thereunder, including holding any licence required by virtue of these provisions, or designating an appropriate Officer for such purposes.
- 5.20 To keep under review (and ensure relevant staff awareness) any safeguarding practices and procedures including registration (if required) with any Safeguarding Authorities and reporting matters on safeguarding to the Statutory Lead Director for Children and Young People and/or the Statutory Director of Social Services, where appropriate.
- 5.21 To have overall responsibility pursuant to the Health and Safety At Work etc. Act 1974 including carrying out any risk assessments and taking steps to minimise such risks to health and safety, or designating an appropriate Officer for such purposes in accordance with the Management of Health and Safety at Work Regulations 1999.

- 5.22 To ensure the provision of statutory youth services jointly with the Head of Education and Children's Services.
- 5.23 To ensure the provision of facilities and organized leisure time occupation connected with any training and education pursuant to the Council's duties as set out in the Learning and Skills Act 2000 in consultation with the Head of School Improvement and Inclusion.
- 5.24 To authorise in writing all officers of the Housing Services department who may from time to time be employed to discharge the specific duties and functions delegated to the Head of Facilities, Assets and Housing, subject to such officers being suitably qualified for the discharge of those duties and functions.

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

Legislation

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

- 5.25 To issue Certificates of Approval of Works carried out for works of improvement, repair, conversion and adaptations under Part I of the Housing Grants, Construction and Regeneration Act 1996, including payments by instalments.
- 5.26 To deal with all matters arising from applications for grants under Part 1 of the Housing Grants, Construction and Regeneration Act 1996 including approval and rejection of applications, subject to consultation with the Head of Finance in respect of financial aspects, and to any financial allocation available for this purpose in any one year not being exceeded.
- 5.27 To deal with all aspects of approval and payments for unforeseen work above currently agreed limits in respect of House Renovation Grants.
- 5.28 To administer the housing needs register (waiting list, transfer list etc.)
- 5.29 To let Council dwellings and to nominate to other social landlords including temporary non-secure lets, waiting list applicants, transfers, exchanges, key workers, tied tenancies and mobility schemes.
- 5.30 Not used.
- 5.31 To make determinations in respect of applicants considered unsuitable to be a tenant.
- 5.32 To sign and serve all relevant notices under the Housing Act, 1985 (and any other relevant Housing Acts) pertaining to:-
- The setting and collection of rents and charges
 - Varying terms and conditions of tenancies
 - All matters under the 'Right to Buy' Provisions (not otherwise specifically delegated)
 - Consultation with tenants
 - Right to Repair
 - Compensation for tenants' improvements
- 5.33 To sign and serve all relevant Notices to Quit, Notices Seeking Possession and, in consultation with the Head of Legal, HR and Democratic Services, authorise legal proceedings for Possession, Costs and Warrants of Execution and to secure the eviction of Secure, Demoted and Introductory tenants (if relevant).
- 5.34 To carry out or arrange for the carrying out of repairs and maintenance of all Council owned properties.
- 5.35 To carry out or arrange for the carrying out of repairs, improvements and adaptations in accordance with the Housing Capital programme or revenue estimates.
- 5.36 To authorise legal proceedings for nuisance in consultation with the Head of Legal, HR and Democratic Services and the Local Member(s)
- 5.37 To authorise Housing Officers to exercise the right of audience in the County Court under Section 60(2) of the County Courts Act 1984.

- 5.38 To exercise functions under the Anti-Social Behaviour Act 2003 or the Anti Social Behaviour Crime and Policing Act 2015 on behalf of the Council in its capacity as landlord, to deal with instances of anti-social behaviour.
- 5.39 To review decisions to seek an order for possession of dwelling houses let under introductory and demoted tenancies, in accordance with the Introductory Tenants (Review) Regulations 1997 and the Demoted Tenancies (Review of Decisions) (Wales) Regulations 2005.
- 5.40 In consultation with Local Members and the Lead Member to approve, where there are no objections, future disposal schemes in accordance with the Council's policy for the fencing in of open plan gardens on Council housing estates.
- 5.41 To act as the Authorised Officer under the Housing Act 2004.
- 5.42 To provide a Certificate of Housing Authority under the Schedule 15 Part iv of the Rent Act 1977
- 5.43 To issue a Certificate of Housing Authority under Schedule 4 Rent (Agriculture) Act.

6. To the Head of Finance

- 6.1 To undertake all duties assigned to him or her by Financial Regulations which relate to the provision of his/her service*
- 6.2 To act as Chief Finance Officer under s.151 of the Local Government Act 1972 and any other statutory functions assigned to the s.151 Officer.
- 6.3 To be the Proper Officer for the purpose of s.114 Local Government and Finance Act 1988 and the power to appoint a deputy to act in their absence.
- 6.4 To be the proper Officer for the purposes of s.115 and 146 Local Government Act 1972.
- 6.5 The right to sign a certificate that contracts comply with the Local Government (Contracts) Act 1997 and that a lease or contract does not constitute credit arrangements. *
- 6.6 Subject to a policy for such writing off having been established, to write to determine whether repayment of a grant may be waived, subject to the agreement of the Lead Member for Finance, where the amount of the repayment waived in an individual case exceeds 10k.
- 6.7 Nominate authorised officers under the Social Security Administration Act 1992 or subsequent amendment.
- 6.8 Nominate authorised officers under the Social Security Administration (Fraud) Act 1997.
- 6.9 Authorising Officers to appear on the Authority's behalf to conduct proceedings in the Magistrates Court under s.223 Local Government Act 1972.

- 6.10 Organising the Council's banking arrangements.
- 6.11 Authorising leasing arrangements.
- 6.12 Authorising the use of electronic financial systems to transfer money.
- 6.13 To institute and conduct civil proceedings for the recovery of monies owed to the Council in consultation with the Head of Legal, HR and Democratic Services.
- 6.14 To act as the Councils' Money Laundering Officer for the purposes of the Money Laundering Regulations 2003.
- 6.15 To act on a day to day basis in the following areas: -
- Accountancy (including Revenue budgeting and final accounts and Capital budgeting and final accounts)
 - Risk Management and Insurance
 - Creditor Payments
 - The Pension Scheme including the teacher's pension scheme
 - Treasury Management (including investments and borrowing for revenue and capital purposes and investment for funds for which the Council is custodian)
 - Payroll (including car allowances, expenses, employee benefits, income tax, national insurance and all other deductions)
 - Car Leasing/Purchase Scheme
 - Tax matters including the Councils income tax and VAT.
 - Council Mortgage Interest rate calculations
 - Revenues and Benefits
- 6.16 Determining the instalment dates for Council Tax and NNDR payments for financial years beginning in and after 2004.
- 6.17 To secure the safe custody of policies and to make claims under the Council's insurances.
- 6.18 To act as an Authorising Officer under the Regulation of Investigatory Powers Act 2000.
- 6.19 To authorise the write off of bad debts up to the amounts noted in the Financial Procedure Rules.
- 6.20 Authorising and managing petty cash payments.
- 6.21 Authorising the use of electronic financial systems to transfer money.

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- 6.22 To act as the Proper Officer in respect of the Proceeds of Crime Act 2002 and any regulations made thereunder.
- 6.23 To secure the safe custody of policies and to make claims under the Council's insurances.
- 6.24 To authorise investment decisions following recommendations from Strategic Investment Group and their terms of reference.

*may be exercised by the deputy s.151 Officer in the absence of the s.151 Officer.

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

- 7.1 To act as the Monitoring Officer under the Local Government and Housing Act 1989.
- 7.2 To authenticate Documents for Legal Proceedings.*
- 7.3 To institute and conduct all civil, criminal and administrative proceedings, (including settlement of claims out of Court) and tribunal hearings of a quasi-judicial nature (other than matters specifically delegated to another Officer).*
- 7.4 To secure the safe custody of policies and to make claims under the Council's insurances in conjunction with the S.151 Officer*
- 7.5 To maintain records, including Minutes and Conveyances, Leases, Mortgages and other securities.*
- 7.6 To authorise the settlement of all claims for compensation whether from tenants, Council employees or other members of the public where such claims are the result of damage caused by Council or allied services and are not covered by insurance.*
- 7.7 To affix the seal and execute documents on behalf of the Council. *
- 7.8 To serve all Notices under the Town and Country Planning Acts not otherwise specifically delegated.*
- 7.9 To issue warrants to the High Sheriff to deliver possession of properties included in confirmed Compulsory Purchase Orders, where the Council have served notice of entry but where the occupiers have refused to grant possession to the Council.*
- 7.10 To take all appropriate legal action to secure the eviction of 'squatters' from Council property that is to say any persons occupying such property without the Council's authority and in contravention of its policies governing the letting of the same, in consultation with the Head of Housing and the Head of Adult Services.*
- 7.11 To enter into Agreements with developers for the adoption of amenity areas on private housing estates.*
- 7.12 To apply to the Court for a Prohibition Order under the provisions of the Food Safety Act, 1990, in consultation with the Head of Planning, Regeneration and Regulatory Services.*

7.13 To issue and serve the following Notices under the provisions of the Housing Act, 1985, namely:-*

Notices requiring tenants to complete transactions (Sections 140 and 141).

7.14 To undertake and conclude all the necessary legal formalities in connection with the disposal of Council dwellings and to recover possession of Council dwellings in appropriate cases, pursuant to the provisions of the Housing Act, 1985.*

7.15 To serve all appropriate notices in connection with the Rents to Mortgage Scheme under the provisions of the Leasehold Reform, Housing and Urban Development Act, 1993. *

7.16 To exercise the powers of direction available to the Council under Section 77 of the Criminal Justice and Public Order Act, 1994, and also to make complaints to the Magistrates' Court on behalf of the Authority under Section 78 of the Act. *

7.17 To vary the fees payable under Part VA of the Local Government Act 1972 (Access to Information) *

7.18 To sign contracts for the acquisition and disposal of interests in land in accordance with the Council's policy. *

7.19 To sign and serve requisitions for information under Section 16 of The Local Government (Miscellaneous Provisions) Act, 1976. *

7.20 To negotiate, conclude and execute on behalf of the Council any document or agreement required to give effect to any decision taken by the Council, Cabinet, other Committee, Sub-Committee or Officer whether or not specifically so authorised by such decision. *

7.21 To exercise the Council's functions relating to the approval of premises under the Marriage Act 1994 and Marriages (Approved Premises) Regulations 1995 and the registration of civil partnerships under the Civil Partnerships Act 2004 in consultation with the Local Member)

7.22 To amend the Councils Constitution document to accord with decisions of the Council, Cabinet or Committees.

7.23 To authorise a Council Officer to appear on behalf of the Council in proceedings under section 60 of the County Courts Act 1984 and in the Magistrates Court under s.223 of the Local Government Act 1972.

7.24 To act as the Proper Officer for the purposes of s100B Local Government Act 1972 i.e. to exclude access by the public to reports in respect of which, in his/her opinion, the meeting is not likely to be open to the public.

7.25 In consultation with the members of the Access to Information Panel and the Deputy Monitoring Officer (together forming the FOI Exemptions Panel) to decide whether information may be withheld under exemptions contained in the Freedom of

Information Act 2000, the Data Protection Act 1998 or the Environmental Information Regulations 2004 on behalf of the Council.

7.26 To act as an Authorising Officer, in particular with regard to the surveillance of Council Staff and act as the Councils' Senior Responsible Officer under the Regulation of Investigatory Powers Act 2000; including reporting annually to the Council's Corporate Governance Committee on its RIPA activities.

7.27 To act as the Authority's 'qualified person' under s. 36 of the Freedom of Information Act 2000.

7.28 To act in accordance with any powers set out in the Council's Contract Procedure Rules and generally, as the senior leadership officer for procurement; and in accordance with any obligations set out therein.

7.29 To act on a day to day and be responsible for the strategic and operational delivery of the following areas:-

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

* in the absence or inability of the Head of Legal, HR and Democratic Services to act, the Deputy Monitoring Officer/Legal Services Manager or in their absence a **Team Leader for the Places or People Team, the Legal and Procurement Operations Manager and Deputy S.151 Officer/Chief Accountant** are authorised to exercise these functions.

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

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

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

8. To the Head of Planning and Public Protection

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

To have the power:-

8.1 To authorise in writing all officers of the Planning and Public Protection department and certain Housing Officers who may from time to time be employed to discharge the

specific duties and functions delegated to the Head of Planning and Public Protection, subject to such officers being suitably qualified for the discharge of those duties and functions.

- 8.2 To undertake inspections (including the inspection of a licence or operator records), authentications, investigations, interviews, sampling, testing (including the testing of vehicles), prohibitions and applications to court for prohibition orders, seizures (including the removal of plates upon expiry or revocation), detentions, recording, service of notices, (including suspension notices), notifications, waivers, transfers, authorisations, licensing, registrations and legal proceedings as are within the purview of the Planning and Public Protection department, including certain Housing Officers under the legislation applicable to it and set out below (as a non-exhaustive list), together with any regulations made thereunder, and any amendments or additions made to it, or any subsequent new or current functions which can properly be regarded as incidental to the functions of the Planning and Public Protection department and to exercise all other relevant powers or duties, including powers of entry provided under such legislation.

Legislation

Accommodation Agencies Act 1953
 Activity Centres (Young Persons Safety) Act 1995
 Administration of Justice Act 1970
 Agriculture (Miscellaneous Provisions) Act, 1968, 1972 and 1976
 Agriculture Act, 1970
 Agriculture Produce (Grading and Marking) Act, 1928
 Animal Boarding Establishments Act, 1963
 Animal Health Act 1998
 Animal Health Act 2002
 Animal Health Act, 1981
 Animal Health and Welfare Act, 1984
 Animal Welfare Act 2006
 Anti Social Behaviour Crime and Policing Act 2014
 Anti Social Behaviour Act 2003
 Anti-Terrorism, Crime and Security Act 2001
 Banking Act, 1987
 Breeding and Sale of Dogs (Welfare) Act 1999
 Breeding of Dogs Act, 1973 and 1991
 Building Act, 1984
 Burial Act 1857

Business Names Act, 1985
Cancer Act, 1939
Caravan Sites Act 1968
Caravan Sites and Control of Development Act, 1960
Celluloid and Cinematographic Film Act, 1922
Children and Families Act 2014
Children and Young Persons (Protection from Tobacco) Act, 1991
Children and Young Persons Act 1933
Christmas Day (Trading) Act 2004
Cinemas Act, 1985
Civic Amenities Act 1967
Civil Contingencies Act 2004
Clean Air Act, 1993
Clean Neighbourhoods and Environment Act 2005
Companies Act 2006
Companies Act, 1985
Consumer Credit Act, 1974
Consumer Credit Act, 2006
Consumer Protection Act, 1987
Consumer Rights Act 2015
Contaminated Land (Wales) Amendment Regulations 2012
Contaminated Land (Wales) Regulations 2006
Control of Horses (Wales) Act 2014
Control of Pollution (Amendment) Act, 1989
Control of Pollution Act, 1974
Copyright, Designs and Patents Act, 1988
Copyright, Etc and Trade Marks (Offences and Enforcement) Act, 2002
Corporate Manslaughter and Corporate Homicide Act 2007
County Courts Act 1984
Court and Legal Services Act, 1990
Crime and Disorder Act 1998
Criminal Attempts Act, 1981
Criminal Justice Act, 1988
Criminal Justice and Public Order Act 1994

Criminal Procedures and Investigations Act 1996
Crossbow Act, 1987
Dangerous Dogs Act, 1991
Dangerous Wild Animals Act 1976 (Modification) (No.2) Order 2007
Dangerous Wild Animals Act, 1976
Defective Premises Act 1972
Development of Tourism Act, 1969
Disability Discrimination Act 1995
Dog (Fouling of Land) Act 1996
Dogs (Amendment) Act 1928
Dogs Act, 1906
Energy Act, 1976
Energy Conservation Act, 1981
Enterprise Act 2002
Environment Act, 1995
Environmental and Safety Information Act, 1968
Environmental Protection Act, 1990
Estate Agents Act, 1979
European Communities Act, 1972
Explosives (Age of Purchase) Act, 1976
Explosives Act, 1875 and 1923
Factories Act, 1961
Fair Trading Act, 1973
Farm and Garden Chemical Act, 1967
Financial Services and Markets Act 2000
Fire Safety and Safety at Places of Sports Act 1987
Firearms Act 1968
Fireworks Act 2003
Fireworks Act, 1951
Food and Environmental Protection Act, 1985
Food Hygiene Rating (Wales) Act 2013
Food Safety Act, 1990
Forgery and Counterfeiting Act, 1981
Fraud Act 2006
Gambling Act 2005

Guard Dogs Act, 1975
Hallmarking Act 1973
Health Act 2006
Health and Safety at Work, etc. Act, 1974
Healthy Eating in Schools (Wales) Measure 2009
Hire Purchase Act, 1964
Home Safety Act 1961
Homelessness Act 2002
House to House Collections Act 1939
Housing Act 1985
Housing Act 1985 (as amended by the Local Government and Housing Act 1989)
Housing Act 1996
Housing Act 1996 (including amendments made under the Anti Social Behaviour Act 2003)
Housing Act 2004
Housing Grants Construction and Regeneration Act 1996
Housing (Wales) Act 2014
Insurance Brokers (Registration) Act, 1977
Insurance Companies Act, 1982
Intellectual Property Act 2014
Intoxicating Substances (Supply) Act, 1985
Knives Act, 1997
Landlord and Tenant Act 1985
Litter Act 1983
Law of Property (Miscellaneous Provisions) Act, 1989
Legislative and Regulatory Reform Act 2006
Licensing Act 2003
Local Government (Miscellaneous Provisions) Act, 1976 and 1982 (as amended)
Local Government (Wales) Act 1994
Local Government Act 1972
Local Government Act 2003
Local Government and Housing Act 1989
London Olympic and Paralympic Games Act 2006
Magistrates Court Act, 1980
Malicious Communications Act, 1988

Medicines Act, 1968
Mines and Quarries (Tips) Act 1969
Mines and Quarries Act, 1954
Mobile Homes (Wales) Act 2013
Mock Auctions Act, 1961
Motor Cycles Noise Act, 1987
Motor Vehicles (Safety Equipment for Children) Act, 1991
National Assistance (Amendment) Act 1951
National Assistance Act 1948
National Assistance Act 1951
Noise Act 1996
Noise and Statutory Nuisance Act 1993
Nurses Agencies Act, 1957
Offices, Shops and Railway Premises Act, 1963
Olympic Symbol etc (Protection) Act 1995
Opticians Act, 1989
Performing Animals (Regs) Act, 1925
Pet Animals Act, 1951
Petroleum (Consolidation) Act, 1928
Petroleum (Consolidation) Regulations 2014
Plant Health Act, 1967
Poisons Act, 1972
Police and Criminal Evidence Act 1984
Police, Factories, Etc (Miscellaneous Provisions) Act 1916
Pollution Prevention and Control Act 1999
Prevention of Damage by Pests Act, 1949
Prices Act, 1974 and 1975
Proceeds of Crime Act 2002
Property Misdescriptions Act, 1991
Protection Against Cruel Tethering Act, 1988
Protection from Eviction Act 1977
Protection from Harassment Act 1997
Protection of Animals (Amendment) Act, 1954
Protection of Animals (Anaesthetics) Act, 1954
Protection of Animals Act 2000

Protection of Animals Act, 1911 and 1934
Psychoactive Substances Act 2016
Public Health (Control of Diseases) Act, 1984
Public Health Acts, 1875, 1936 and 1961
Radioactive Substances Act 1993
Rag Flock and Other Filling Materials Act, 1951
Refuse Disposal (Amenity) Act 1978
Registered Designs Act, 1949
Regulation of Investigatory Powers Act 2000
Regulatory Enforcement and Sanctions Act 2008
Regulatory Reform (Fire Safety) Order 2005
Riding Establishments Acts, 1964 and 1970
Road Traffic (Consequential Provision) Act, 1988
Road Traffic (Foreign Vehicles) Act, 1972
Road Traffic Act, 1988 and 1991
Road Traffic Offenders Act, 1988
Safety of Sports Grounds Act 1975
Scotch Whisky Act, 1988
Scrap Metal Dealers Act 2013
Scrap Metal Dealers Act, 1964
Slaughter of Poultry Act, 1967
Smoke-Free Premises etc. (Wales) Regulations 2007
Social Services and Well Being Act (Wales) 2014
Solicitors Act, 1974
Sunbeds (Regulation) Act 2010 (Wales) Regulations 2011
Sunbeds (Regulations) Act 2010
Sunday Trading Act, 1994
Telecommunications Act, 1984
The European Communities Act 1972
The Products of Animal Origin (Import and Export) Regulations 1996 (as amended)
The Tobacco Advertising and Promotion Act 2002
The TSE (Wales) Regulations 2002 (As amended)
The Violent Crime Reduction Act 2006
Theatres Act, 1968
Theft Act, 1968 and 1978

- Timeshare Act, 1992
 - Town Police Clauses Act, 1847
 - Town Police Clauses Act, 1889
 - Trade Descriptions Act, 1968
 - Trade Marks Act, 1994
 - Trading Representation (Disabled Persons) Act, 1958 and 1982
 - Trading Schemes Act, 1996
 - Trading Stamps Act, 1964
 - Transport Act, 1982
 - Unsolicited Goods and Services Act, 1971 (as amended)
 - Vehicle (Crime) Act 2001
 - Vehicle (Excise) Act, 1971
 - Video Recordings Act, 1984
 - Water Act 2003
 - Water Act, 1989
 - Water Industry Act, 1991
 - Water Resources Act 1991
 - Water Resources Act 1991 (Amendment) (England and Wales) Regulations 2009
 - Weights and Measures Act, 1985
 - Weights and Measures etc. Act, 1976
 - Wildlife and Countryside Act, 1981
 - Young Persons (Employment) Acts, 1938 and 1964
 - Zoo Licensing Act, 1981
- 8.3. To arrange burials under Section 46 of the Public Health (Control of Disease) Act, 1984.
- 8.4 To discharge the duties imposed on the Council under the provisions of Section 149 of the Environmental Protection Act, 1990, and any amendments made thereon or any regulations made thereunder.
- 8.5 To ensure the appointment of a suitably qualified person who shall be designated The Chief Inspector of Weights and Measures for the Authority.
- 8.6 In consultation with the Head of Legal, HR and Democratic Services to authorise and commence legal proceedings in respect of those matters for which the Head of Service has operational responsibility including the decision to prosecute the obstruction of an authorised Officer exercising properly delegated powers under this scheme.
- 8.7 To nominate others to accompany officers in the course of their duty, as provided in the relevant legislation.

- 8.8 To provide a consumer advice and assistance service under the provisions of the Weights and Measures Act, 1985.
- 8.9 To authorise in writing Officers of the Planning and Public Protection department to issue Fixed Penalty Notices under Section 88 of the Environmental Protection Act, 1990, subject to those Officers being suitably trained to carry out the duties authorised.
- 8.10 To authorise in writing Officers of the Planning and Public Protection department to issue fixed penalty notices under Section 43 of the Anti Social Behaviour Act 2003 (graffiti) and Section 8 of the Noise Act 1996 (excessive noise), subject to such Officers being suitably trained and qualified to carry out the duties authorised.
- 8.11 To authorise in writing Officers of the Planning and Public Protection Services department to issue fixed penalty notices under Section 59 (offences under dog control order) and Section 73 (offences relating to audible intruder alarms) of the Clean Neighbourhoods and Environment Act 2005, subject to such Officers being suitably trained to carry out the duties authorised; or in the alternative and subject to any thresholds under the Contract Procedure Rules of the Council to enter into arrangements with third party suppliers to exercise such functions his or her behalf.
- 8.12 To undertake the gathering of evidence, issuing of Fixed Penalty Notices and allied action including legal proceedings in respect of offences relating to litter under the Environmental Protection Act 1990.
- 8.13 To issue Variations of Authorisations under Sections 10 and 11 of the Environmental Protection Act, 1990 and permits under Regulation 17 of the Pollution Prevention and Control Regulations 2000, which do not involve a substantial change in consultation with the Local Members.
- 8.14 To act as the Home Authority Officer for the Council.
- 8.15 To authorise designated Officers of the Planning and Public Protection department for the Purposes of Enforcement of the Intoxicating Substances (Supply) Act 1985 and the Psychoactive Substances Act 2016.
- 8.16 To maintain registers of Licences issued and to approve the grant or refusal of licences (and renewals if permitted under the legislation) under the following Acts, subject to any licence or decision that is reserved to the Licensing Committee as set out in Part 3 of the Constitution and within Council Policy:-
- Police, Factories etc. (Miscellaneous Provisions) Act, 1916
- and House to House Collections Act, 1939 (House to House and Street Collections)
- Charities Act 1992 (or such other legislation as may replace or supersede such Act)
- Local Government (Miscellaneous Provisions) Act 1982 (power to renew sex shop and cinema licence where no representations received and the power to deal with Street Trading Consent applications, in consultation with the Chair of Licensing Committee if no representations received).

- 8.17 To undertake inspections, investigations, interviews, service of notices, notifications, waivers, transfers, authorisations, licensing, registrations and legal proceedings as are within the purview of the Licensing Committee under the relevant legislation applicable thereto and to exercise all other relevant powers, including powers of entry provided under such legislation.
- 8.18 To approve the grant of licences under the Town Police Clauses Act, 1847 and 1889 and the Local Government (Miscellaneous Provisions) Act, 1976 Part II in respect of hackney carriages and private hire vehicles, operators and drivers in accordance with the Council's policies and to act as the Council's authorised officer for the purpose of Part II of the Act.
- 8.19 To refuse applications for Private Hire Vehicle Licences.
- 8.20 To enforce any provisions of the Licensing Act 2003.
- 8.21 To approve each advertisement to be displayed on Denbighshire Hackney Carriages.
- 8.22 To appoint Proper/Alternate Proper Officers for medical matters under all sections of the Public Health (Control of Diseases) Act 1984 and associated regulations.
- 8.23 To enforce the powers contained in the Products of Animal Origin (Third Country Imports) (Wales) Regulations 2009 and any other regulations made in relation to this function under the enabling legislation of the European Communities Act 1972
- 8.24 Power to appoint Officers as Inspectors under Section 19 (1) of the Health and Safety at Work, etc. Act, 1974.
- 8.25 Not used.
- 8.26 Powers in respect of registration and enforcement of motor salvage operators contained in The Vehicles (Crimes) Act 2001 (as remains in force) and the Scrap Metal Dealers Act 2013.
- 8.27 To enforce the powers contained in The Caravan Sites Act 1968
- 8.28 To license premises for acupuncture, tattooing, cosmetic piercing, electrolysis .and semi-permanent skin colouring
- 8.29 To authorise in writing Officers of the Planning and Public Protection department to issue Penalty Notices under the Smoke-Free Premises etc. (Wales) Regulations 2007, subject to those Officers being suitably trained to carry out the duties authorised.
- 8.30 To authorise the enforced sale of empty properties under the provisions of Part III of the Law of Property Act 1925 and Local Land Charges Act 1975.
- 8.31 Undertake inspections, investigations, interviews, recording, service of notices and legal proceedings as are applicable to the Licensing Act 2003, together with any regulations made thereunder, and any amendments or additions thereto and to exercise all other relevant powers, including powers of entry provided under such legislation, and to maintain registers of Licences issued thereunder.

- 8.32 The power to suspend and revoke licenses in respect of hackney carriages, private hire vehicles, private hire vehicle operators and hackney carriage/private hire vehicle drivers.
- 8.33 Approve all applications for the grant or transfer of a premises licence or club premises certificate where there are no relevant representations.
- 8.34 Approve all applications for a personal licence, variation of a designated premises supervisor or notices given in respect of an activity taking place under the authorisation of a temporary event notice where there is no police objection.
- 8.35 Determine whether a complaint is irrelevant, frivolous, vexatious, excluded or repetitive.
- 8.36 Determine all requests to be removed as a designated premises supervisor.
- 8.37 Determine whether a Hearing should take place pursuant to the Licensing Act 2003 if all parties are in agreement that no Hearing is necessary.
- 8.38 Request information from a party to clarify a point to be considered at a Hearing pursuant to the Licensing Act 2003 (Hearings) Regulations 2005.
- 8.39 To determine the following applications under the Gambling Act 2005 where no representations are received or where representations are withdrawn:
- Application for a premises licence
 - Application for a variation to a licence
 - Application for a provisional statement
 - Application for club gaming/club machine permits
- 8.40 To determine the following matters:
- Applications for permits other than club gaming/club machine permits
 - The cancellation of licensed premises gaming machine permits
 - Consideration of temporary use notice
- 8.41 To determine applications for a transfer of a licence where no representations are received from the Gambling Commission.
- 8.42 To give consent for the operation of loudspeakers under Schedule 2 of the Noise and Statutory Nuisance Act 1993.
- 8.43 To exercise the authority's functions under the Anti Social Behaviour Act 2014 (with the exception of the making of a Public Space Protection Order which shall be made by the relevant Lead Member).
- 8.44 To exercise the Authority's powers to deal with dangerous structures under the Building Act 1984.

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

8.46 The following delegations relate to Planning or other Applications:-

- 8.46.1.1 All types of planning or other applications on which Officers are recommending approval where 3 or less individual written objections have been received from different neighbours/residential properties raising material planning objections.
- 8.46.1.2 All types of planning or other application on which Officers are recommending refusal.
- 8.46.1.3 All types of prior determinations, neighbouring authority notifications, the need for Environmental Impact Assessments (screening and scoping opinions) and other notifications.
- 8.46.1.4 Authority to enter into agreements or obligations which arise from planning applications decided under delegated powers and power to discharge or modify such agreements or obligations.
- 8.46.1.5 Compliance cases which have been investigated by a Planning Compliance Officer and require no further action.
- 8.46.1.6 Authority to issue a notice under Section 215 of the Town and Country Planning Act 1990.
- 8.46.1.7 Authority to take all enforcement action authorized under the Town and Country Planning Act 1990, the Planning Hazardous Substances Act 1990 and the Planning (Listed Buildings and Conservation Areas) Act 1990 and the Planning and Compensation Act 2004 including (but without prejudice to the generality of the foregoing) the issue, variation and withdrawal of enforcement notices and listed contravention notices, breach of condition notices, completion notices, hazardous substances contravention notices, building preservation notices, urgent works notices and the carrying out of works in default and the recovery of expenses in connection therewith.
- 8.46.1.8 Decide the type of planning appeal, subject to consultation with the Local Ward Member(s), and undertake to defend the Council's position in accordance with the Protocol for Member Involvement in Planning Appeals.
- 8.46.1.9 To submit observations on behalf of the Council on external consultations or draft documents
- 8.46.1.10 Minor amendments to the terms of a Section 106 legal agreement where the substance of the authorised terms has not significantly altered, submit to informal consultation with the Local Ward Member(s).
- 8.46.1.11 Minor amendments to the working of planning conditions/notes to applicants on applications approved at Planning Committee, including minor amendments to Committee authorized enforcement notices where

the substance of the suggested condition/note to applicant/notice has not significantly altered, subject to informal consultation with the Local Ward Member(s).

8.46.1.12 To submit observations on behalf of the Council on the following pre-application stages of major renewable energy infrastructure projects:

- Responding to the Infrastructure Planning Commission (IPC's) environmental impact assessment (EIA) scoping opinion consultation.
- Responding to the developer's consultation on the draft Statement of Community Consultation (SoCC).
- Responding to the IPC's consultation on the adequacy of the developer's pre-application consultation.

8.46.1.13 .To make and serve Tree Preservation Orders and deal with applications for works to trees having a Tree Preservation Order or works to Trees in Conservation Areas. To confirm unopposed Tree Preservation Orders.

8.46.2 To carry out the following functions:

Listed Buildings*

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

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

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

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

- 8.46.6 To serve Breach of Condition Notices under Section 187A of the Town and Country Planning Act, 1990, subject to prior consultation with the Chair and Vice-Chair of the Planning Committee and the Local Member in line with the Member Officer Protocol. *
- 8.46.7 To deal with and respond to Telecommunication Development Notifications, in consultation with the Chair and Local Member whether or not objections are received.*
- 8.46.8 To pass or reject all plans deposited under Building Regulations for the time being in force, or s.16 Building Act 1984. ***
- 8.46.9 To arrange for the protection or demolition of dangerous structures, including the service of Notices under Section 77 and 78 of the Building Act, 1984. ***
- 8.46.10 To serve Notices, where appropriate under the relevant provisions of the Building Act 1984 and/or Section 16 of the Local Government (Miscellaneous) Provisions Act 1976 (including the service of notices in respect of demolitions under s.81 of the Building Act 1984) ***
- 8.46.11 Not used.
- 8.46.12 Not used.
- 8.46.13 To arrange and approve the numbering of houses and the naming of streets providing, where legislative provisions allow ***
- 8.46.14 To issue the standard completion certificates to certify that completed works are in accordance with Building Regulations.***
- 8.46.15 To negotiate and establish appropriate Building Control and Pre-Planning Application Advice fees and charges in response to market forces***
- 8.46.16 To take enforcement action in respect of non-compliance with the Building Regulations for the time being in force. ***
- 8.46.17 To determine applications under the Hedgerow Regulations 1997.*
- 8.46.18 To authorise other Officers to have the powers of entry under Section 95 of the Building Act, 1984 and Sections 196A, 214B and 324 of the Town and Country Planning Act, 1990.
- 8.46.19 To authorise other Officers to have the powers of entry under Section 88 of the Planning (Listed Buildings and Conservation Areas) Act, 1990 and Section 36 of the Planning (Hazardous Substances) Act, 1990.
- 8.46.20 To determine whether proposed developments require Appropriate Assessments and the giving of opinions on tests of likely significance, under the European Habitat Directive 1992, the Conservation (Natural Habitats, & c.) Regulations 1994 and any associated legislation/regulations, following

consultation with the Chair of the Planning Committee and relevant Local Members. **

8.46.21 To review annually the commuted sum payable for future maintenance of public open spaces in new housing developments and to set a new sum if it is deemed appropriate.

8.46.22 To vary or revoke Tree Preservation Orders subject to prior consultation with and the agreement of the Local Member(s).**

8.46.23 To make all necessary arrangements to set up and convene meetings of the Design Panel and to expand the membership of the Panel as considered appropriate. **

8.46.24 To update from time to time:

- (a) the Building Cost Multipliers and Contributions as shown in the Council's approved Local Planning Guidance Note on Developer Contributions to Schools in line with Government advice;** and
- (b) the list of schools with a current shortage of places based on the Denbighshire Schools Organisation Plan.**

8.46.25 To exercise all the functions of the Council in respect of high hedges under the provisions of Part 8 of the Anti-Social Behaviour Act 2003 and any Regulations made thereunder, including authority to charge the maximum fee permissible under the relevant Regulations in connection with complaints made to the Council, or any concessionary rate in accordance with Council policies.**

In the absence or inability to act of the Head of Planning and Public Protection, these delegations may be exercised in accordance with the service's departmental delegations as agreed by the Head of Planning and Public Protection or by:

- * the Development Manager
- ** the Strategic Planning and Housing Policy Manager
- *** the Built Environment Manager

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

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

8.48 To deal with all matters arising from applications for grants under Part 1 of the Housing Grants, Construction and Regeneration Act 1996 including approval and rejection of applications, subject to consultation with the Head of Finance and Assets

in respect of financial aspects, and to any financial allocation available for this purpose in any one year not being exceeded.

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

To carry out the following functions in respect of car parks and highways:

- 8.50 To have responsibility for the management of the enforcement function for parking contraventions, both on-street and off-street and any other contraventions covered by the road traffic and traffic management legislation, including responsibility for setting parking charges and penalty charge levels.
- 8.51 To waive or amend car parking charges for special promotions.
- 8.52 To take all necessary action to provide additional temporary car parks as required, in consultation with the Local Member(s).
- 8.53 In consultation with the Local Member(s) to undertake all necessary action following consideration of objections to Off Street Parking Places Orders.
- 8.54 To act on a day to day basis and within the Scheme in the following areas relating to highways:-
- Agreements, deposits, licences, consents and enforcements under the Highways Act 1980 and all other relevant highways legislation.
 - Recovery of charges for licences for highway works
 - Service of all appropriate notices in respect of highway matters
 - Delegated functions under the Trunk Road Agency Agreement in accordance with the North East Wales Trunk Road Agency Partnership Agreement
 - Under Part VII A of the Highways Act 1980 and any adopted highway within the County, after consultation with the relevant Cabinet and Local Members.
 - Authority to determine the programme of revenue works (other than those included in the Council's capital programme and pre-programme schedules) for each financial year and to execute those works.
 - Authority to comment on behalf of the Council on proposals or draft Orders initiated by other public authorities for the extinguishment or diversion of highways or public footpaths.
 - To authorise the letting of contracts for works associated with highways, transportation and drainage, general engineering, land remediation, land reclamation, and building and construction, in accordance with Financial Regulations and the Contract Procedure Rules.
 - In consultation with the Head of Legal, HR and Democratic Services to sign and serve notices, give consents and take any other action, including authorising prosecutions for offences, as may be appropriate under any statute, including specifically the Highways Act, 1980, or any other legislation relating to

the Highway or other functions, duties and powers within the purview of the Highway Services department, and additionally, in consultation with the Head of Environment in so far as Local Rights of Way (as defined by Section 60(5) of the Countryside and Rights of Way Act 2000) are concerned.

- To undertake such functions as are within the purview of the Highway Services department and as are required of the Council under the Joint Trunk Road Agency Agreement with the National Assembly for Wales.
- To determine the commuted sum to cover the cost of maintenance, for a 10 year period, to be levied on developers who, as part of a development, create a highway verge.
- To select contractors to undertake works in relation to the various categories of work falling within the purview of the Highways and Infrastructure department from the approved Select List of Contractors, and acting on behalf of other clients using the department for such works, in accordance with Financial Regulations.
- To have the power to authorise (in writing) persons to enter onto land pursuant to, and for the purposes of, Sections 289 and 291 of the Highways Act 1980.
- To set the level of charges for the issuing of consents for highway works and obstructions and other matters pursuant to the Local Authorities (Transport Charges) Regulations 1998 and to apply discretionary annual adjustments to such charges in line with inflation.
- To set the level of charges for the issuing of consents for highway works and obstructions and other matters pursuant to the Local Authorities (Transport Charges) Regulations 1998 and to apply discretionary annual adjustments to such charges in line with inflation.
- To arrange for the making of temporary traffic regulation orders under the Road Traffic Regulation Act 1984 as amended.
- To approve the making of orders under S.21 Town Police Clauses Act 1847, following consultation with Local Members.
- Safe routes to schools
- Road safety, education and training
- Adoption of roads
- Traffic Regulations and/or Orders
- The undertaking of statutory consultations with the Police in relation to proposed Traffic Orders.
- Disabled Parking Orders.
- Provision of road markings, rails, barriers and signs not requiring Assembly approval.

In respect of economic and business development:

- 8.55 To authorise the establishment of a Business Loan Scheme in consultation with the s.151 Officer, Corporate Director: Economy and Public Realm; and in line with the terms of reference (where applicable) of the Council's Strategic Investment Group.
- 8.56 To authorise the establishment of a Business Development Grant Scheme in consultation with the s.151 Officer and the Corporate Director: Economy and Public Realm and in line (where applicable) with the terms of reference of the Council's Strategic Investment Group.

9. To the Head of Customers, Communications and Marketing

9.1 To act on a day to day basis and within this scheme in the following areas:

- Customer Services
- One Stop Shops
- Communications (external)
- Marketing
- Media Relationships
- Partnerships
- Library Services and Standards

10. To the Head of Highways and Environmental Services

10.1 To have power to operate cleansing and waste and grounds maintenance responsibilities within the purview of the Environment Department from time to time under the following legislation as amended or re-enacted or substituted with new legislation

- Control of Pollution Act 1974
- Criminal Damage Act 1971
- Environment (Wales) Act 2016
- Environmental Protection Act 1990
- Litter Act 1983
- Local Authority (Goods and Services) Act, 1970
- Local Government (Miscellaneous Provisions) Act 1976
- Local Government Act 1988
- Local Government Planning and Land Act 1980
- Refuse Disposal (Amenity) Act 1978
- Town and Country Planning Act 1990
- Transport Act 1968

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

- 10.19 To exercise, on behalf of the Council, the powers and duties arising from the statutory provisions relating to the service of notices for those functions for which he has responsibility including the amount of Fixed Penalty Notice to be levied under this scheme.
- 10.20 To approve from time to time the scale of charges recommended by the Council's Refuse Collection Contractor for the commercial refuse collection service and the price of charges recommended by the Refuse Collection Contractor for the sale or rental by the contractor of commercial refuse containers
- 10.21 To exercise the power to authorise the erection of stiles, etc, on footpaths and bridleways pursuant to Section 147 of the Highways Act 1980 in consultation with the Local Members concerned.
- 10.22 In consultation with the Head of Legal, HR and Democratic Services, to take action under Section 130 (protection of public rights in respect of highway) and Section 149 (removal of items deposited on a highway) of the Highways Act 1980, in relation to highways which are Local Rights of Way as defined in Section 60(5) of the Countryside and Rights of Way Act 2000.
- 10.23 To authorise in writing Officers of the Environment department to issue Fixed Penalty Notices under Section 33(1)(a) and Section 88 of the Environmental Protection Act, 1990, subject to those Officers being suitably trained to carry out the duties authorised.
- 10.24 To undertake the gathering of evidence, issuing of Fixed Penalty Notices and allied action including legal proceedings in respect of offences relating to litter and waste under the Environmental Protection Act 1990
- 10.25 To approve applications for grant aid under the Environmental Community Grants Scheme (or equivalent) in consultation with the appropriate Local Member(s).
- 10.26 To determine individual applications for an additional refuse bin for households of 5 or more persons.
- 10.27 To act on a day to day basis, and within the scheme of delegation in the following areas:-
- Agreements, deposits, licences, consents and enforcements under the Highways Act 1980 and all other relevant highways legislation.
 - Recovery of charges for licences for highway works
 - Recovery of costs for public footpath orders
 - Decisions on footpath diversion orders where there are no objections.
 - Enforcement in respect of deposits and obstructions on the highway
 - Highway nuisance
 - Surveys of public rights of way
 - Operation of the Councils' Advance Payment Code

- Service of all appropriate notices in respect of highway matters
- Drainage in respect of the highway
- Delegated functions under the Trunk Road Agency Agreement in accordance with the North East Wales Trunk Road Agency Partnership Agreement
- Maintenance of Highways (including Rights of Way)

10.28 Authority to determine the following applications:-

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

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

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

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

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

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

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

- 10.35 To authorise the letting of contracts for works associated with highways, transportation and drainage, general engineering, land remediation, land reclamation, and building and construction, in accordance with Financial Regulations and the Contract Procedure Rules.
- 10.36 To arrange for the making of permanent traffic regulation orders under the Road Traffic Regulation Act 1984 as amended and to consider objections to permanent traffic regulation orders in consultation with the Local Members.
- 10.37 In consultation with the Head of Legal, HR and Democratic Services to sign and serve notices, give consents and take any other action, including authorising prosecutions for offences, as may be appropriate under any statute, including specifically the Highways Act, 1980, or any other legislation relating to the Highway or other functions, duties and powers within the purview of the Highway Services department, and additionally, in consultation with the Head of Environment in so far as Local Rights of Way (as defined by Section 60(5) of the Countryside and Rights of Way Act 2000) are concerned.
- 10.38 To undertake inspections (including the inspection of a licence or operator records), authentications, investigations, interviews, sampling, testing (including the testing of vehicles), prohibitions, seizures (including the removal of plates upon expiry or revocation), detentions, recording, service of notices, (including suspension notices), notifications, waivers, transfers, authorisations, licensing, registrations and legal proceedings as are within the purview of the Highways and Environmental Services department under the legislation applicable and incidental to its functions, together with any regulations made thereunder, and any amendments or additions made to it, or any subsequent new functions which can properly be regarded as incidental to the functions of the department and to exercise all other relevant powers or duties, including powers of entry provided under such legislation.
- 10.39 To grant consent to Community Councils for the placing of seats within the highway under section 5 of the Parish Councils Act 1957.
- 10.40 To grant consent to the Post Office for the erection of post boxes within the highway, in consultation with Local Members.
- 10.41 To grant consent for the erection of telephone kiosks within the highway in consultation with Local Members.
- 10.42 To undertake such functions as are within the purview of the Highway Services department and as are required of the Council under the Joint Trunk Road Agency Agreement with the National Assembly for Wales.
- 10.43 To exercise the powers of the Council under Section 15 of the Clwyd County Council Act, 1985 where appropriate.
- 10.44 To authorise entry into Agreements under Section 278 of the Highways Act, 1980 were appropriate.

- 10.45 To authorise the making of applications to the Magistrates Court for the stopping up or diversion of highways under Section 116 of the Highways Act, 1980, in consultation with the Local Member(s).
- 10.46 In consultation with the Local Member(s) to undertake all necessary action following consideration of objections to Off Street Parking Places Orders.
- 10.47 To determine the commuted sum to cover the cost of maintenance, for a 10 year period, to be levied on developers who, as part of a development, create a highway verge.
- 10.48 To select contractors to undertake works in relation to the various categories of work falling within the purview of the Highways and Infrastructure department from the approved Select List of Contractors, and acting on behalf of other clients using the department for such works, in accordance with Financial Regulations.
- 10.49 To have the power to authorise (in writing) persons to enter onto land pursuant to, and for the purposes of, Sections 289 and 291 of the Highways Act 1980.
- 10.50 To set the level of charges for the issuing of consents for highway works and obstructions and other matters pursuant to the Local Authorities (Transport Charges) Regulations 1998 and to apply discretionary annual adjustments to such charges in line with inflation.
- 10.51 To authorise in writing Officers of the Highways and Infrastructure department to act for the purposes of enforcing Schedule 4 of the Environmental Protection Act 1990.
- 10.52 To serve written notices in accordance with the provisions of Part II of the Traffic Management Act 2004 on any Works Promoter or Contractor directly employed by the Council to prohibit or suspend planned works on any road within the County for any period of time where such prohibition secures the expeditious movement of traffic within the County.
- 10.53 To have the overall responsibility pursuant to the Transport Act 1968 for the proper operation and maintenance of the Council's transport fleet and to hold the relevant Operators Licence, or to designate an appropriate officer for such purpose.
- 10.54 To operate the testing of private hire and hackney carriage vehicles as well as operating a MOT service.
- 10.55 To exercise the function of making Public Path Extinguishment Orders under Section 118 of the Highways Act 1980 in consultation with the Local Members.
- 10.56 (i) To exercise the function of making Public Path Diversion Orders under Section 119 of the Highways Act 1980 and Section 257 of the Town and Country Planning Act 1990 in consultation with the Local Members.
- (ii) To formally abandon Public Path Diversion Orders made under Section 119 of the Highways Act 1980 or Section 257 of the Town and Country Planning Act 1990,

subject to the Local Member having no objection to the proposal with the power to decide proposals to which the Local Member objects remaining with the Council.

- 10.57 To enter into Public Path Creation Agreements under Section 25 of the Highways Act 1980 on behalf of the Council.
- 10.58 To exercise the function of determining applications for Definitive Map Modification Orders, in consultation with the Local Members concerned (except in respect of 'legal event orders' under Section 53(3)(a) of the Wildlife and Countryside Act 1981) and the Head of Legal, HR and Democratic Services.
- 10.59 To exercise the power to authorise the erection of stiles, etc, on footpaths and bridleways pursuant to Section 147 of the Highways Act 1980.
- 10.60 In consultation with the Head of Legal, HR and Democratic Services, to take action under Section 130 (protection of public rights in respect of highway) and Section 149 (removal of items deposited on a highway) of the Highways Act 1980, in relation to highways which are Local Rights of Way as defined in Section 60(5) of the Countryside and Rights of Way Act 2000.
- 10.61 To decide applications for free and assisted transport to schools and colleges (except pupils with special educational needs) in accordance with the Council's policies relating to home to school transport.
- 10.62 To set the level of charges for the issuing of consents for highway works and obstructions and other matters pursuant to the Local Authorities (Transport Charges) Regulations 1998 and to apply discretionary annual adjustments to such charges in line with inflation.
- 10.63 To arrange for the making of temporary traffic regulation orders under the Road Traffic Regulation Act 1984 as amended.
- 10.64 To approve the making of orders under S.21 Town Police Clauses Act 1847, following consultation with Local Members.
- 10.65 To exercise all the powers of the Council under the Land Drainage Act 1989 including the service of notices under the Act.
- 10.66 To administer the provisions of the New Roads and Street Works Act 1991 in respect of Streets, Street Works and Undertakers.
- 10.67 To determine applications (in consultation with the Head of Planning and Public Protection) for licences under s.115E of the Highways Act 1980 to use the highway for the provision of facilities for refreshments.
- 10.68 To have the overall responsibility pursuant to the Transport Act 1968 for the proper operation and maintenance of the Council's transport fleet and to hold the relevant Operators Licence, or to designate an appropriate officer for such purpose.
- ~~40.68~~10.69 To have overall responsibility in respect of the Council's Corporate Health and Safety department.

~~10.69~~10.70 ~~To have overall responsibility in respect of the Council's Corporate Health and Safety department. To have the power to establish and operate a Sustainable Drainage (SuDS) Approval Body (SAB) in accordance with Schedule 3 'Sustainable Drainage' of the Flood and Water Management Act 2010; and to implement all standards and obligations required under guidance and regulations made, or to be made, thereunder, including associated charging, fees and levies, required to deliver the activity.~~

11. To the Corporate Director: Communities

- 11.1 To act as the Council's Statutory Director of Social Services in accordance with Section 6 of the Local Authorities Social Services Act 1970 and in Part 8 of the Social Services and Well Being (Wales) Act 2014 in relation to the Council's Social Services functions and be accountable for the effective delivery of such functions having regard to the duties in Part 2 of the Social Services and Well Being (Wales) Act 2014
- 11.2 The overall performance and strategic management responsibility for Social Services is delegated to the Corporate Director: Communities as the Statutory Director.
- 11.3 As Statutory Director to maintain an overview of the full range of social services activities within the Authority and as the Officer responsible for the quality of services provided to fulfil the authority social services function including the following core responsibilities as set in Statutory Guidance on the Role and Accountabilities of the Director of Social Services 2009 and any subsequent Statutory Guidance or Code of Practice issued under s.145 of the Social Services and Well Being (Wales) Act 2014

- **Providing clear professional leadership across Social Services**

- Through the published Annual Report to Council, to ensure vision, strategic direction, priorities and improvement plans for social services are clear and help fulfil corporate plans and that awareness of the Director of Social Services role is raised amongst Councillors and what information Councillors can expect to receive in relation to the discharge of specific social services functions and the wider activities to promote well being of people with care and support needs
- To ensure coherence and integrated leadership across social services and education. .
- As a Member of the Regional Social Services Programme Board
- To engage in regional and national social services networks e.g. through ADSS, SSIA, NWSSIC.
- To ensure engagement of users of social services in bringing the Council closer to the community – shaping the delivery of priorities and services across the Council.
- To contribute to the vision and direction of the Council and ensure services seek to promote the well being of people with care and support needs.

- **Having direct access and reporting to, and advising, the Chief Executive and Councillors on Social Services matters and on the direction and**

actions the authority should take in fulfilling its Social Services responsibilities.

- To brief and advise Council, Cabinet, Scrutiny and the Chief Executive on high risk issues relating to social services, the contribution of social services to corporate programmes and the impact of corporate programmes on vulnerable groups.
 - As Statutory Director to report to the Cabinet, Lead Member and Scrutiny Committees in relation to the planning, delivery and performance of the Councils' social services functions, and to be accountable for the oversight and co-ordination of such functions.
 - To ensure the governance and relationship with the Chief Executive is subject to periodic review.
 - To ensure Councillors have clear advice on the level of resources required to enable the Council to effectively deliver its social services functions.
 - To identify and advise Councillors on priorities, challenges and risks across all aspects of social services including staffing issues affecting the Council's ability to discharge its statutory functions.
 - Briefing the Chief Executive and Councillors on high profile cases or matters likely to be of public concern.
 - To report to the Council on the detail of any inspection report
- **Ensuring that strong performance management arrangements are in place across Social Services and reporting at a corporate level and to Members on the authority's performance in respect of these;**
 - To receive defined performance and quality information on a monthly basis to enable overall performance management and quality assurance.
 - To intervene when financial position, performance or quality are below expected standards and improvement activity is not sufficiently timely or effective.
 - To undertake annual performance appraisals of the social services heads of service.
 - To be a principal point of contact with the Welsh Government and professional leads, the service and workforce regulators, audit and inspection bodies.
 - To be responsible for the reporting and communicating directly with the Welsh Government and the Care and Social Services Inspectorate for Wales; and the development and maintenance of productive relationships with other sectors and agencies as the lead officer on social services matters
 - To be responsible for ensuring the Chief Executive and Councillors that statutory functions laid on the Council have been carried out, and that proper information management and accurate records are kept;
 - To advise Councillors on strategies for improving methods of intervention, service provision, practice and use of resources.
 - To provide leadership on strategies to manage risk and co-operate with the full range of partners to work with families at the 'edge of care'.

- To ensure strategic arrangements are in place to provide for co-operation across the Council and with partners to effectively provide care and support services for all Looked After Children.
- **Ensuring that the authority has proper safeguards to protect vulnerable children and young people, adults and older people, and reporting at a corporate level and to Members on their effectiveness,**
 - Ensuring the effective operation and partnership working of the Local Safeguarding Children Board and Denbighshire Adult Protection Committee
 - To carry ultimate accountability across the Council for safeguarding children including ensuring safe employment practices and safeguarding arrangements within the Council and relevant partners.
 - To oversee and report to Councillors on the operation, monitoring and improvement of child and adult safeguarding systems within the Council
 - As a member of the Corporate Parenting Forum
- **Fulfilling overall responsibility for Social Services workforce planning, training and professional development.**
 - Ensuring employment arrangements for social care staff comply with Care Council Codes of Practice and that the overarching personnel and safe recruitment policies are in place and adhered to
 - To ensure integration of the social care workforce agenda with wider corporate and partnership workforce development agendas and collaborative workforce learning
 - To ensure high standards across the whole social care workforce and a whole sector workforce plan is in place.
 - To advise Councillors, partners and other providers where workforce shortfalls inhibit the Council's capacity to discharge statutory responsibilities; setting out actions necessary to rectify any such situation.
- **Ensuring that there are adequate arrangements in place for Social Services to work effectively with others, both within and outside the Authority, in fulfilling its Social Services functions and in contributing to the achievement of wider policy objectives.**
 - As a member of the LSB.
 - To act as Lead Officer for liaison with the NHS and the wellbeing agenda;
 - As a CPG member
 - As Lead Officer for regional social care and health/social care collaboration projects.
 - To lead and support continuous engagement and co-operation with inspectorates by all local authority officers.

← To develop effective arrangements to promote co-operation and interagency working.

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- To ensure that preventative services are provided or arranged specifically to address the care and support needs identified by the population assessment.
- To ensure effective information, advice and assistance services are available in supporting individuals to achieve their well being outcomes.

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

11.5 To keep the Statutory Director of Education apprised of key corporate decisions/actions which will impact or have possible implications for their Statutory Officer role.

11.6 To act as the Emergency Planning Lead for Social Services.

11.7 To act as Welsh Language lead in respect of the Welsh Language Standards Regulations 2015

12. To the Head of Community Support Services

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

- Adult services, including mental health, learning disabilities, older people, acquired brain injury and physical disabilities;
- Performance and Financial Management, including complaints and representations relating to social services for adults;
- Inter-agency and Partnership Working;
- Commissioning and contracting across all adult services.
- To act as Lead Officer in respect of Workforce Planning and Development across both Adult and Children's Social Services.
- The management of the complaints services across both Adult and Children's Services in accordance with any relevant complaints procedures and Directions.
- The safeguarding of vulnerable adults or adults at risk, in accordance with the current statutory and policy framework.

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

- Accommodation Agencies Act 1953
- Administration of Justice Act 1970
- Anti Social Behaviour Act 2003

- Care Act 2014
- Care Standards Act 2000
- Carers (Equal Opportunities) Act 2004
- Carers (Recognition and Services) Act 1995
- Carers Act 2000
- Carers and Disabled Children Act 2000
- Children and Young Persons Act 1933
- Chronically Sick and Disabled Persons Act 1970
- Community care (Delayed discharge) Act 2003
- County Courts Act 1984
- Crime and Disorder Act 1998
- Criminal Justice Act 1991
- Data Protection Act 1998
- Disabled Persons (Employment) Act 1958
- Disabled Persons (Services, Consultation and Representation) Act 1986
- Health Act 1999
- Health Act 2006
- Health and Social Care Act 2001 and 2008
- Health and Social Services and Social Security Adjudication Act 1983
- Health Services and Public Health Act 1968
- Homelessness Act 2002
- Housing (Wales) Act 2014
- Housing Act 1985
- Housing Act 1985 (as amended by the Local Government and Housing Act 1989)
- Housing Act 1996 (including amendments made under the Anti Social Behaviour Act 2003)
- Housing Act 2004
- Housing Grants, Construction and Regeneration Act 1996
- Local Government Act 1972
- Local Government Act 2000
- Mental Capacity Act 2005
- Mental Health (Wales) Measure 2010
- Mental Health Act 1983 and 2007
- National Assistance (Amendment) Act 1951
- National Assistance Act 1948
- National Health Service (Wales) Act 2006

- National Health Service Act 1977 and 2006
 - National Health Service and Community Care Act 1990
 - Nationality, Immigration and Asylum Act 2002
 - Noise Act 1996
 - Noise and Statutory Nuisance Act 1993
 - Protection from Eviction Act 1977
 - Public Health (Control of Disease) Act 1984
 - Safeguarding of Vulnerable Groups Act 2006
 - Social Care Charging (Wales) Measure 2010
 - Social Security Administration Act 1992
 - Social Services and Well Being Act 2014
 - Supplementary Benefits Act 1976
 - Violence against Women, Domestic Violence and Sexual Violence (Wales) Act 2015
 - Well Being of Future Generations (Wales) Act 2015
- 12.3 To act as the Senior Responsible Person for the purposes of the Care Standards Act 2000 and be the Lead Officer for DAPC and line manage POVA Co-Ordinator in accordance with 'In Safe Hands' guidance
- 12.4 In consultation with the Head of Finance and Assets and the Corporate Director Communities, to approve fee increase, within budgetary resources, for residential and nursing home provision following approval by Cabinet of the methodology of setting the fee.
- 12.5 The setting and administration of all charges levied in respect of social services for adults including the waiving of charges and subject to any limit on such charge or fee, set by statute.
- 12.6 The provision of improvements and adaptations to a disabled persons' home under section 2(1)(e) of the Chronically Sick and Disabled Persons Act 1970.
- 12.7 In consultation with the Head of Legal, HR and Democratic Services to institute proceedings in a Court or other Tribunal under the following Acts as amended or re-enacted.
- Health and Social Services and Social Security Adjudications Act 1983 Section 22
 - Insolvency Act 1986 Section 339,
 - Mental Capacity Act 2005
 - Mental Health Act 1959 Section 131
 - Mental Health Act 1983 Sections 29 and 30, Part V and VII and Section 130
 - National Assistance Act 1948 Section 47 and 56(3)

- Recovery in the County Court for debt matters arising from the provision of services rendered under Section 21 and 29 National Assistance Act 1948
- The High Courts' jurisdiction in respect of vulnerable adults who lack capacity.

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

- 12.8 To approve a Panel of suitable and willing persons to act as members in respect of independent reviews on complaints under procedures established under the National Health Service and Community Care Act 1990.
- 12.9 To respond at the formal stage on behalf of the Authority on complaints dealt with under proceedings established under the National Health Service and Community Care Act 1990.
- 12.10 To act as Guardian and decide upon the reception of persons into Guardianship of the Council under Section 7 and 37 of the Mental Health Act 1983.
- 12.11 To approve a package of Community Care in excess of the gross cost of Residential Placement for the registration category of the person concerned when the cost can be met by the budget holder.
- 12.12 To appoint Approved Mental Health Practitioners.
- 12.13 To respond on behalf of the Authority at the appeal stage following independent reviews and complaints under social services complaints procedures
- 12.14 To exercise the power to appoint Proper/Alternative Proper Officers for medical matters under the National Assistance Act 1948 and the National Assistance (Amendment) Act 1951.
- 12.15 To make decisions on consent under s.30 to 31(2) of the Anti Social Behaviour Act 2003 on dispersal of groups and removal of persons under 16 to their place of residence (jointly with the Head of Children and Family Services in respect of those under 16 who form part of such groups).
- 12.16 To keep the Statutory Director of Social Services apprised of key corporate decisions/actions which will impact or have possible implications for the Statutory Officer role.
- 12.17 To consult and keep apprised of key corporate decisions/actions relevant to the Councils' Older Peoples Champion and Lead Member, where appropriate.
- 12.18 To ensure service users are engaged in shaping priorities and delivery of adult social services.
- 12.19 To engage in regional and national networks relating to Adult Services.

- 12.20 To develop the annual Service Business Plan and contribute to ACRF
- 12.21 To develop and manage service risk registers and undertake any corporate Service Challenge process.
- 12.22 To commission and receive regular management information to enable strategic planning and operational management of the services.
- 12.23 To have overall responsibility for the annual budget agreed for Adult Services.
- 12.24 To report annually to Scrutiny and Council on adult protection procedures.
- 12.25 To act as Lead Officer for specific health/social care integration projects;
- 12.26 To be a CPG member;
- 12.27 To administer the Council's functions and responsibilities towards the Homeless under the provisions of the Housing Act 1985 and the Housing (Wales) Act 2014
- 12.28 To consider and determine any requests received by the Council pursuant to Section 8 of the Homelessness Act 2002 and the Housing Wales Act 2014 calling for a review of the suitability of accommodation offered by the Council.
- 12.29 To act as Lead Officer for regional social care and health/social care collaboration projects.

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

- 13.1 To act as the Statutory Director of Education appointed under s.532 of the Education Act 1996 or any re-enactment of that provision.
- 13.2 The strategic and operational management responsibility for Education and Children's Services is delegated to the Head of Education and Children's Services.
- 13.3 As Statutory Director for Education to maintain an overview of the full range of education services within the Authority and as the Officer responsible for the quality of services provided to fulfil the authority's education functions.
- 13.4 As Statutory Director to report directly to the Corporate Director: Communities and to report to Cabinet, Lead Members and Scrutiny and other relevant Committees in relation to the planning, delivery and performance of the Councils Education functions and be accountable for the oversight and co-ordination of such functions.
- 13.5 To be responsible for the reporting and communicating directly with the Welsh Government and (Estyn) on education matters and the development and maintenance of productive relationships with other related sectors and agencies.
- 13.6 To keep the Statutory Director of Social Services (Corporate Director: Communities) apprised of key corporate decisions/actions which will impact or have possible implications for their Statutory Officer role.

- 13.7 To grant and revoke licences to children of compulsory school age regarding child performances in accordance with the Children and Young Persons Act 1963 and the Children's (Performance) Regulations 1968 and any statutory modification thereof.
- 13.8 To supervise, prohibit and/or restrict the employment of children of compulsory school age pursuant to the Education Act 1996.
- 13.9 To act as the Statutory Lead Director for Children and Young People's Services under s.27 of the Children Act 2004.
- As Statutory Lead Director for Children and Young People to maintain an overview of the full range of children and young peoples' services and activities within the Authority and as the Officer responsible for the quality of services provided to fulfil the authority function including the following core responsibilities
 - **Ensuring effective cross sector partnership arrangements to improve the wellbeing of children and young people.**
 - As an LSB Member.
 - Ensuring planning for children, young people and their families is seen as a corporate and cross sector activity embedded in the achievement of agreed corporate and public sector priorities.
 - Ensuring planning is increasingly harmonized across North Wales, in conjunction with other Lead Directors.
 - **Production and publication of children and young people's plan.**
 - Ensuring Denbighshire's Big Plan meets statutory requirements relating to children and young people's planning.
 - **Clear governance arrangements for partnership planning, a focus on outcome measures and regular performance management.**
 - Ensuring effective mechanisms are in place to deliver jointly agreed outcomes for children and young people.
 - Leading the inspection processes relating to Children and Young Peoples' Partnership activity.
 - **Attention to implementation of the UN Convention on the Rights of the Child**
 - Championing children's rights across the Council, including the right of children and young people to have their voices heard.
 - Ensuring that the participation of children and young people is embedded in formal and informal education settings.
- 13.10 Jointly with the Head of Finance, to suspend the right of the governing body to have a delegated budget in circumstances permitted by the legislation.

- 13.11 To monitor and evaluate the performance of schools.
- 13.12 To deal with nominations for Local Education Authority governors, making an appointment in instances where a single suitable nomination is received for any vacancy or otherwise reporting to the Cabinet (or Lead Member as appropriate) for determination and appointment.
- 13.13 To establish temporary governing bodies.
- 13.14 To make necessary arrangements for the election of parent governors, teacher and staff governors and to determine any questions arising from the election process.
- 13.15 To consider any resolutions sent to him/her from an annual parents meeting and to respond accordingly.
- 13.16 To manage governor training.
- 13.17 To act on behalf of the Local Education Authority in any consultations initiated by the governors of any school, in relation to the times of school sessions and, if he/she considered it appropriate to do so, to require the governors to include his/her written comments on the proposals in the next governors' report to be prepared by the governors.
- 13.18 To determine and deal with all arrangements for the admission of pupils to community and voluntary controlled schools in accordance with the Council's policy, including authority to:-
- publicise information for parents of admission arrangements.
 - comply with parental preferences, with certain exceptions.
 - determine allocations of pupils to community and voluntary controlled primary and secondary schools, subject to the parental right of appeal.
- 13.19 To make arrangements to enable parents to appeal against decisions regarding admissions.
- 13.20 To appear or make written representations on behalf of the Authority in any appeal against a refusal to admit.
- 13.21 To respond to changes in pupil numbers by making appropriate accommodation available.
- 13.22 Subject to such determination being in accordance with an approved plan or policy, to determine whether to publish any statutory notices (other than in respect of closure of schools) and to take action on advertised proposals in light of any representations received and also to determine the Authority's decision in respect of school organisational proposals and school closure proposals in respect of which either there has been no objections or any objections received have been resolved.
- 13.23 To undertake any inspections, interviews, investigations, seizures, services of notices, notifications, authorisations, registrations and legal proceedings as are

within the purview of the department under the Education Reform Act 1988, together with any regulations made thereunder, any amendments or additions thereto and to exercise all relevant powers of entry if provided.

- 13.24 To determine applications and provide, where applicable, milk, meals and refreshments in accordance with the Council's policy.
- 13.25 To act on behalf of the LEA in any consultations initiated by the governors of any school, in relation to the times of school sessions, and if he/she considered it appropriate to do so, to require the governors to include his/her written comments on the proposals in the next governors' report to be prepared by the governors.
- 13.26 To appoint sufficient education practitioners and governors in accordance with the arrangements who may be called upon to be required to serve as members on future independent Appeal Panels.
- 13.27 To investigate complaints made under section 409 of the Education Act 1996
- 13.28 To determine any matters relating to the Council's policy regarding charges and remissions and to authorise the recovery of any sums owed to the Council.
- 13.29 To approve the acceptance of gifts on trust for education purposes.
- 13.30 To determine, where necessary in consultation with the trustee, applications received for financial support from charitable trust funds where the Authority is either itself trustee, or where the fund is administered on behalf of trustees.
- 13.31 To respond to changes in pupil numbers by making appropriate accommodation available.
- 13.32 To monitor the curriculum in all maintained schools and report on it as necessary
- 13.33 To set by agreement with schools, targets for pupil attainment.
- 13.34 To prepare a written statement of action to be taken in light of the report following an inspection of a maintained school.
- 13.35 To intervene to prevent the breakdown or continuing breakdown of discipline at a school, or where there is concern about standards of management.
- 13.36 To ensure that the performance management of teachers and head teachers is carried out according to Welsh Government directions and regulations and to monitor and evaluate the provision and performance of schools.
- 13.37 To investigate complaints made under Section 409 of the Education Act 1996.
- 13.38 To make or approve arrangements for the provision of work experience for pupils in their last year of schooling.
- 13.39 To manage and operate the Education Psychology Service.

- 13.40 To arrange appeals against exclusions and redirect excluded pupils.
- 13.41 To make arrangements to encourage and assist pupils to take advantage of the provisions for medical and dental inspections and treatment made for them.
- 13.42 To ensure cleanliness of pupils and to serve a notice on parents requiring cleanliness where appropriate.
- 13.43 To manage all aspects of schools without delegated budgets.
- 13.44 To inspect and maintain schools for the purposes of a Local Education Authority function.
- 13.45 To authorise persons at educational establishments to exercise the power of removal of persons from school premises who are causing a nuisance or disturbance.
- 13.46 To authorise Officers to appear on behalf of the Local Education Authority in proceedings being conducted in the Magistrates Court by Section 547 of the Education Act 1996 or any re-enactment of that provision.
- 13.47 To consider any resolutions sent to him/her from an annual parents meeting and to respond accordingly.
- 13.48 To deal with the staffing matters of community voluntary controlled and community special schools where the decision is that of the LA (rather than the governing body).
- 13.49 To determine the school term and holiday dates including in service training days for any community, community special or voluntary controlled schools.
- 13.50 To exercise powers under the Education Acts in accordance with the Code of Practice, to identify, assess and arrange provision for pupils special educational needs, including the admission of pupils to out of county schools (including non maintained special schools and independent schools providing for pupils with special education needs) and transport where appropriate, in accordance with the Council's Transport Policies.
- 13.51 To provide aids for use by pupils with special needs
- 13.52 To authorise officers to represent the Education Authority in tribunal proceedings dealing with special educational needs.
- 13.53 To make arrangements for the provision of suitable education otherwise than in school, in accordance with Section 319 of the Education Act 1996.
- 13.54 To make arrangements for the provision of suitable education at school or otherwise for children of compulsory school age who, by reason of illness, exclusion from school or otherwise, may not receive it unless such arrangements were made.
- 13.55 To recoup the costs of providing education for persons not belonging to the Council's own area.

- 13.56 To exercise the powers of the Education Authority, with the exception of initiating legal proceedings, under the Education Act 1996 and the Children Act 1989 in respect of school attendance orders, non school attendance and education supervision orders.
- 13.57 To ensure the provision of statutory youth services jointly with the Head of Facilities Assets and Housing. .
- 13.58 Jointly with the Statutory Director of Education to grant and revoke licences to children of compulsory school age regarding child performances in accordance with the Children and Young Persons Act 1963 and the Children's (Performance) Regulations 1968 and any statutory modification thereof.
- 13.59 To supervise, prohibit and/or restrict the employment of children of compulsory school age pursuant to the Education Act 1996.
- 13.60 To manage the provision of the youth support services in pursuance of the Learning and Skills Act 2000 in consultation with the Head of Facilities Assets and Housing.
- 13.61 To exercise those functions of the Council which relate to Children and Young People under the Crime and Disorder Act 1998 (as amended or re-enacted).
- 13.62 To give directions to admit a child to a specified school.
- 13.63 To undertake any inspections, interviews, investigations, seizures, services of notices, notifications, authorisations, registrations and legal proceedings as are within the purview of the department under the Education Reform Act 1988, together with any regulations made thereunder, any amendments or additions thereto and to exercise all relevant powers of entry if provided.
- 13.64 To exercise powers under the Education Act 2002 s.29(5) in respect of health and safety directions to governing bodies where the local authority is the employer.
- 13.65 To ensure all relevant Officers (and volunteers if relevant) are subject to the provisions (including any vetting and barring procedures) of the Safeguarding Vulnerable Groups Act 2006 and any subsequent amendment or regulations made under it.
- 13.66 To keep under review (and ensure relevant staff awareness) any safeguarding practices and procedures including registration (if required) with any Safeguarding Authorities and reporting matters on safeguarding to the Statutory Lead Director for Children and Young People and/or the Statutory Director of Social Services, where appropriate.
- 13.67 To maintain a Standing Advisory Council on Religious Education (SACRE) in accordance with the Councils Constitution.
- 13.68 To review and make Instruments of Government for maintained schools within the County where there is no disagreement with the draft Instrument.
- 13.69 To authorize persons at educational establishments to exercise the power of removal of persons from school premises who are causing a nuisance or disturbance

13.70 To determine questions as to who are to be considered parents of registered pupils.

13.71 The strategic and operational delivery and/or securing by the Council of personal social care services for children and young people including:

- appropriate contact and referral arrangements for service users and other agencies
- family support services to “children in need”
- child protection (safeguarding) services, including responsibilities under the United Nations Convention on the Rights of the Child.
- domiciliary care for children and young people who are disabled
- accommodation services for looked after children including fostering and residential care
- the full range of services required of an adoption agency whether through any Regional Adoption Service, or not as the case may be
- planning, commissioning contracting and performance management services
- strategic planning in conjunction with partner agencies
- the management of complaints and representation
- Partnership working including a role in the Local Safeguarding Children Board
- Ensuring the workforce needs of Children’s Services are identified and reflected in the workforce plans and that effective staffing structures are in place.

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

- Adoption & Children Act 2002
- Adoption (intercountry Aspects) Act 1999
- Anti Social Behaviour Act 2003
- Care Standards Act 2000
- Carers (Equal Opportunities) Act 2004
- Carers (Recognition and Services) Act 1995
- Carers Act 2000
- Carers and Disabled Children Act 2000
- Childcare Act 2006
- Children & Young Persons Act 1969
- Children (Leaving Care) Act 2000
- Children Act 1989
- Children Act 2004
- Criminal Justice Act 1991
- Data Protection Act 1998

Disabled Persons (Employment) Act 1958
 Disabled Persons (Services, Consultation and Representation) Act 1986
 National Health Service and Community Care Act 1990
 Nationality, Immigration and Asylum Act 2002
 Public Health (Control of Disease) Act 1984
 Safeguarding of Vulnerable Groups Act 2006

- 13.73 The administration of all charges levied in respect of personal social services for children and young people including the waiving of charges.
- 13.74 The provision of financial assistance under sections 17 & 24 of the Children Act 1989 and the Children (Leaving Care) Act 2000.
- 13.75 In consultation with the Head of Legal, HR and Democratic Services to institute proceedings in a Court or other Tribunal under the following Acts as amended or re-enacted:
- Adoption and Children Act 2002
 - Children Act 1989 Sections 25, 31, 34, 39, 43, 44, 45, 48(9), 50, 70, 94, 100, 102 and Schedule 2 Paragraph 19 and Schedule 3 Paragraph 6(3).
- Any other function of the Council in relation to the provision of personal social services which involves an application to a Court or other Tribunal including the prosecution of offences or which requires the execution of any document having effect in law.
- 13.76 To respond at the formal stage on behalf of the Authority on complaints dealt with under proceedings established under the Children Act 1989
- 13.77 To agree the accommodation of children under the Children Act 1989 and the provision of support generally under Part 3 Children Act 1989.
- 13.78 To give the necessary consents to appropriate matters relating to children the subject of Care Orders to the Authority including the giving of consent for medical treatment and obtaining passports and holiday consent for children the subject of Care Orders.
- 13.79 To decide upon recommendations of the Foster Care and Adoption Panels.
- 13.80 To respond on behalf of the Authority at the appeal stage following independent reviews and complaints under the procedures established under the Children Act 1989
- 13.81 To make arrangements for the provision of suitable education at school or otherwise for children of compulsory school age who, by reason of illness, exclusion from school or otherwise, may not receive it unless such arrangements were made.
- 13.82 To give consent to private law orders including residence orders and special guardianship where appropriate.

- 13.83 Power to exercise the functions and make decisions in relation to the Fostering Services for Children- Payment for Skills 2005 Policy in respect of:
- Fostering allowance rates
 - Festival, Birthday and Holiday allowances
 - Weekly residence order allowances
 - Freezing/unfreezing levels of allowances and fees to foster carers registered on the Foster Carers Register.
- 13.84 To make decisions on dispersal of groups and removal of persons under 16 to their place of residence under the Anti Social Behaviour, Crime and Policing Act 2015 /Anti Social Behaviour Act 2003 as appropriate.
- 13.85 Leadership and improvement of the well being of children as defined in s.25 (2) Children Act 2004
- 13.86 To keep the Statutory Director of Social Services apprised of key corporate decisions/actions which will impact or have possible implications for the Statutory Officer role.
- 13.87 To act as Senior Responsible Person for the purposes of the Care Standards Act 2000 and Lead Officer for child protection and safeguarding systems in accordance with 'Working Together' guidance.
- 13.88 To be the Lead Officer for the LSCB.
- 13.89 To be the Lead Officer for the Corporate Parenting Forum.
- 13.90 To engage in regional and national networks relating to Children's Services.
- 13.91 To report annually to Scrutiny and Council on the effectiveness of child protection procedures.
- 13.92 To have overall responsibility for the annual budget agreed for Children Services.
- 13.93 To develop the annual Service Business Plan and contribute to ACRF.
- 13.94 To develop and manage service risk registers and undertake any corporate service challenge process.
- 13.95 To commission and receive regular management information to enable strategic planning and operational management of services.
- 13.96 To ensure services are planned and delivered effectively across adults and children services and across children's services and education services.
- 13.97 To ensure that children in need and their families are engaged in shaping priorities and delivery of children's services.

13.98 To act as Lead Officer for specific health/social care integration projects affecting children and young people.

14. To the Corporate Director: Economy and Public Realm

14.1 To act as an Authorising Officer under the Regulation of Investigatory Powers Act 2000

15. To the Head of Democratic Services

15.1 To act on a day to day basis as Head of Democratic Services and to ensure proactive support to the democratic process and elected members in accordance with the Constitution.

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

15.3 To manage the Council's Democratic Services provision and in particular:

- Provide the Council with support and advice in relation to its meetings, Committees and members of those Committees
- Any joint committee which the Council is responsible for organising,
- In relation to the functions of the Authority's scrutiny committees.

15.4 To promote the roles of the Authority's Scrutiny Committees.

15.5 To carry out duties as required under the Family Absence for Members of Local Authorities (Wales) Regulations 2013.

15.6 Any other functions prescribed by the Welsh Ministers to the Head of Democratic Services.

16 To the Head of Business Improvement and Modernisation

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

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

Ensuring effective management and administration of relevant funding streams.

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

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

16.2 Preparation for inspection.

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

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

16.5 Ensuring corporate engagement and consultation strategies include listening to children and young people.

16.6 Ensuring Equality Impact assessments are carried out.

16.7 Ensuring Privacy Impact Assessments are carried out.

16.8 To act as a member of the Council's Access to Information Panel.

16.9 To act as the Council's Senior Information Risk Officer and reporting annually to the Council's Corporate Governance Committee.

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

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

16.10 To act on a day to day basis and be responsible for the operational and strategic delivery of services in the following areas:-

- Internal Audit
- Access to Information
- Records Management and Archives
- ICT services
- Business Transformation
- Modernisation Agenda
- Corporate Programme Office
- Performance Management
- Partnerships and Communities (including engagement)
- Equalities
- Information Security
- Service planning and strategic plans

17 To the Legal Services Manager/Deputy Monitoring Officer

17.1 To act as the Council's Data Protection Officer reporting annually in conjunction with the Senior Information Risk Officer (SIRO) to the Corporate Governance Committee.

Appendix 2(a) to Section 13

Responsibility for Executive Functions

The Cabinet is responsible for discharge of Executive Functions and may delegate those functions as set out in Section 5 of this Constitution.

The table below indicates how the Leader has allocated portfolios (lead responsibilities) for particular Executive Functions among individual Members of the Cabinet.

Key Decisions will be taken collectively by the Cabinet.

Appendix 2(b) sets out those decisions which have been delegated to individual Cabinet Members. If there is uncertainty as to whether a matter falls within a particular portfolio, the Leader will make a determination as to which is the relevant Cabinet Member.

The Leader can make urgent decisions in the absence of the appropriate portfolio holder.

Name	Portfolio	Main Functional Areas
<p>Councillor Hugh H Evans OBE</p>	<p>Leader and Lead Member for the Economy and Corporate Governance</p>	<p>Lead Member responsible for: Economy, Employability and Skills; Tourism; Major Projects; Future Generations Act; Rhyl Regeneration; Corporate Governance; External Relationships; Regional Lead, Local and Regional Economic Strategy; Work with local businesses, Strategic Partnerships; Management of Cabinet.</p> <p>Member of: Member of: Rhyl Waterfront Project Board, Strategic Employment Sites Executive Group; Strategic Investment Group; Procurement Transformation Board; Destination Management Liaison Group; Destination Partnership; North Wales Regional Leadership Board; North Wales Economic Ambition Board; Public Services Board; Member of the WLGA Council and WLGA Executive Committee</p>
<p>Councillor Julian Thompson-Hill</p>	<p>Deputy Leader and Lead Member for Finance, Performance and Strategic Assets</p>	<p>Lead Member responsible for: Revenue and Capital Budgets and Financial Legislation, Treasury Management, Housing Revenue Account; Corporate Risk, Revenue and Benefits, Welfare Reform Benefits;</p>

		<p>Assets Strategy, Corporate Plan, Overall Performance of the Council and Strategic Planning, Health and Safety, Procurement, Internal Audit; Management of the Council's physical assets; Contracts and Facilities; Arm's length Companies; Clwydian Range and Dee Valley Area of Outstanding Natural Beauty Joint Committee.</p> <p>Member of: Chair of Strategic Investment Group; Strategic Employment Sites Executive Group; Procurement Transformation Board; Member of the WLGA Council, North Wales Residual Waste Project Board; CLAW; Education Site Board; Service Challenge; Rhyl Waterfront Project; Asset Management Group; Chair of Agricultural Estate Group.</p>
Councillor Bobby Feeley	Lead Member for Well-being and Independence	<p>Lead Member responsible for: Adult Social Care, Extra Care Housing, Supported Independent Living, Homelessness; Lead on NHS matters and partnership with BCUHB; Integration of Social Services and Health, Leisure Services, <u>Culture & Heritage, Clwydian Range and Dee Valley Area of Outstanding Natural Beauty Joint Committee.</u></p> <p>Older People Champion</p> <p>Member of: National Social Care Partnership Board; National & Regional Social Services Policy Group; Part 9 Board, Ageing Well in Denbighshire; Creating an Active Denbighshire Group.</p>
Councillor Huw Hilditch-Roberts	Lead Member for Education, Children and Young People	<p>Lead Member responsible for: Education; GwE, Children's Services, Youth Services, Welsh Language.</p> <p>Member of: North Wales Education Consortium (GwE), Denbighshire Leadership Partnership Board; Modernising Education Board; Schools Budget Forum; Schools Standards Monitoring Group; Welsh in Education Strategic Group; Education Site Board;</p>

		Menter Iaith Sir Ddinbych; Early Years Partnership Board; Corporate Safeguarding Board; Corporate Parenting Forum.
Councillor Brian Jones	Lead Member for Highways, Planning and Sustainable Travel	<p>Lead Member responsible for: Highways; Fleet Management; Waste & Recycling; Flood Risk Management; Traffic, Parking and Road Safety; Sustainable Transport Solutions; Land Use Planning (including LDP), Building Control, Built Conservation.</p> <p>Member of: North Wales Transport Advisory Forum; North and Mid Wales Trunk Road Agency; North Wales Residual Waste Project Board; LDP Steering Group.</p>
Councillor Richard Mainon	Lead Member for Developing Community Infrastructure	<p>Lead Member responsible for: new approach to engaging the public, introducing improved customer care systems and overseeing digital futures; Libraries; Website Development, Communications and Marketing, Reputation management; Business Transformation; ICT; Developing community infrastructure, City, Town and Community Councils, Third Sector; Armed Forces</p> <p>Armed Forces Champion.</p> <p>Member of: Strategic Investment Group; Family Information Services Steering Group; Armed Forces Covenant Working Group; Third Sector Liaison Group; Central Mailroom Project Board; EDRMS Project Board; CRM Project Board</p>
Councillor Tony Thomas	Lead Member for Housing, Regulation and the Environment	<p>Lead Member responsible for: Delivery of the Housing Strategy (inc Council Housing, Affordable Housing, Gypsy & Traveller provision, Private Sector Housing, Empty Homes, Housing Grants/Loans, Housing Enf); Public Protection (inc. Environmental Health, Trading Standards, Licensing); Clean &</p>

		<p>Tidy Streets; Public Realm; Environment Crime (inc. littering, dog fouling, fly tipping etc); Environment Initiatives; Countryside (inc. AONB, Nature Conservation, Biodiversity);</p> <p>Member of: Strategic Housing Partnership; WLGA Regional Cabinet Members Housing Network; Refugee Forum; Gypsy & Traveller Working Group; West Rhyl Housing Improvement Board; Clwydian Range and Dee Valley Area of Outstanding Natural Beauty Joint Committee.</p>
Councillor Mark Young	Lead Member for Corporate Standards	<p>Lead Member responsible for: HR & partnership with Unions; Equalities and Diversity, Anti-Poverty; Safeguarding; Corporate Parenting; Emergency Planning and Response; Community Safety; Legal and Democratic Services, Member Training and Development.</p> <p>Member of: Community Safety Partnership; North Wales Safer Communities Board; CCTV Partnership Board; YJS Board; Management Corporate Safeguarding Board; Corporate Parenting Board; Tackling Poverty Board; Welsh in Education Strategic Group; LJCC and Joint Council for Wales; WLGA Member Training; National Joint Council for Local Government Services; Corporate Equalities Group</p>

APPENDIX 2(b) MEMBER SCHEME OF DELEGATION

Delegations to Cabinet Members

Key decisions will be determined by the Cabinet collectively; **non-key** decisions which relate to a particular Cabinet member portfolio will be determined by the individual Cabinet member.

A key decision is defined as:-

- The Council incurring expenditure or making savings that are significant in its budget for the service or function relating to the decision and/ or
- Having a significant effect on communities living or working in a particular area and/or

PROCEDURE FOR DEALING WITH ALLEGATIONS MADE AGAINST COUNCILLORS AND REFERRED TO THE STANDARDS COMMITTEE

Introduction

1. This document sets out the procedure that the Council's Standards Committee will follow where it is required to make decisions about the conduct of Councillors following investigations by the Public Services Ombudsman for Wales or the Council's Monitoring Officer under Part III of the Local Government Act 2000 and related regulations. If there is any conflict between this document and any statutory requirements then those statutory requirements will prevail.

Interpretation

2. In this procedure:
 - (a) 'the Act' means the Local Government Act 2000
 - (b) 'the Council' means Denbighshire County Council
 - (c) 'the Code of Conduct' means the code of conduct for members adopted by the Council or the community councils within the Council's area in 2008 in accordance with section 51 of the Act, including any revisions
 - (ch) 'the Complainant' means any person who made any allegation which gave rise to the investigation
 - (d) the 'Investigating Officer' means the person who conducted an investigation into any alleged breach of the Code of Conduct and produced the investigation report, being either the Ombudsman (or a person acting on his or her behalf) or the Monitoring Officer or Deputy Monitoring Officer.
 - (dd) an 'investigation report' means a report on the outcome of an investigation into any alleged breach of the Code of Conduct produced either by the Ombudsman under section 71(2) of the Act or by the Monitoring Officer under the Regulations.
 - (e) 'the Member' means any person who is the subject of an investigation into any alleged breach of the Code of Conduct
 - (f) 'the Monitoring Officer' means the officer for the time being appointed by the Council under section 5 of the Local Government and Housing Act 1989
 - (ff) 'the Ombudsman' means the Public Services Ombudsman for Wales
 - (g) 'the Regulations' means the Local Government Investigations (Functions of Monitoring Officers and Standards Committees) (Wales) Regulations 2001 as amended
 - (ng) 'the Standards Officer' means the officer for the time being appointed by the Council to support the work of the Standards Committee

Summary of the procedure

3. Under section 69 of the Act, the Ombudsman may investigate any alleged breach of the Code of Conduct by members or co-opted members (or former members or co-opted members) of the Council or a community council in the Council's area.
4. Under section 70(4) of the Act, where the Ombudsman ceases such an investigation before it is completed, he or she may refer the matters which are the subject of the investigation to the Monitoring Officer. The Monitoring Officer will then investigate matters in accordance with the Regulations before reporting and, if appropriate, making recommendations to the Standards Committee.
5. Alternatively, under section 71(2) of the Act, where the Ombudsman decides after investigating that it is appropriate, he or she will produce a report on the outcome of the investigation and send it to the Monitoring Officer and the Council's Standards Committee. The Monitoring Officer will then consider the report of the Ombudsman in accordance with the Regulations, before, if appropriate, making recommendations to the Standards Committee.
6. The Standards Committee will then make an initial determination either:
 - (a) that there is no evidence of any failure to comply with the Code of Conduct, or
 - (b) that the Member should be given the opportunity to make representations, either orally or in writing
7. Where the Member is given an opportunity to make representations, the Standards Committee will convene a hearing to consider any response made by the Member and it must determine under regulation 9(1) of the Regulations either that:
 - (a) there is no evidence of any failure to comply with the Code of Conduct and that therefore no action needs to be taken,
 - (b) the Member has failed to comply with the Code of Conduct but that no action needs to be taken in respect of that failure
 - (c) the Member has failed to comply with the Code of Conduct and should be censured, or
 - (ch) the Member has failed to comply with the Code of Conduct and should be suspended or partially suspended from being a member or co-opted member of his/her authority for a period not exceeding six months.

and take any such action accordingly.

Underlying Principles

The Council's Standards Committee will always have in mind that every case is different and requires deciding on its own particular facts and circumstances.

Following a finding that the Code of Conduct has been breached, the Committee must exercise its own judgment as to the relevant sanction in line with the nature and impact of

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the breach, and any other relevant factors. They must also ensure that the sanctions take account of the following underlying principles in order to ensure that their decisions support the overall ambitions of the ethical framework.

Fairness

The Committee should take account and seek to find an appropriate balance between the various interests of the Respondent, the Complainant, other interested parties to a case, the Ombudsman, the authority, the electorate and the wider public.

Public interest

Whilst seeking to ensure that the sanction imposed is appropriate, fair and proportionate to the circumstances of the case, the Committee should consider the reputation of and public confidence in local democracy as more important than the interests of any one individual.

Proportionality

The Committee will take account of the good practice identified in the Ombudsman's Guidance and Code of Conduct Casebook in order to assist their sense of proportionality when determining the sanction appropriate to the scale and/or nature of the breach.

Consistency

The Committee will aim to achieve consistency in their sanctions in order to maintain the credibility of the ethical framework. They will take account of the good practice identified by the Ombudsman in addition to the Sanctions Guidance produced and adopted from time to time by the Adjudication Panel for Wales.

Equality and impartiality

The Committee will maintain in its conduct and the application of this procedure the capacity for objective, independent and impartial decision-making, free from prejudice and partiality, in order to uphold its responsibilities.

Human Rights (Articles 6 and 10)

The Committee must ensure that its processes and practices respect human rights. In particular, tribunals must ensure that they consider the relevance of Articles 6 and 10 of the European Convention on Human Rights in their deliberations. These articles enshrine the right to a fair hearing and freedom of expression.

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Investigations by the Monitoring Officer (referrals under section 70(4) of the Act)

8. Where the Ombudsman ceases his or her investigation before it is completed and refers the matters which are the subject of the investigation to the Monitoring Officer under section 70(4) of the Act, the Monitoring Officer must:-
 - (a) conduct an investigation; and

- (b) report, and if appropriate make recommendations to the Council's Standards Committee
9. The Monitoring Officer will investigate in accordance with the Regulations and may follow such procedures as he or she considers appropriate in the circumstances of the case.
 10. After concluding an investigation, the Monitoring Officer must:
 - (a) produce a report on the findings of his or her investigation and, if appropriate, may make recommendations to the Standards Committee,
 - (b) send a copy of the report to the Member, and
 - (c) take reasonable steps to send a copy of the report to the Complainant.
 11. The Standards Committee will consider the Monitoring Officer's report and any recommendations in accordance with the procedure set out below.

Investigations by the Ombudsman (referrals under section 71(2) of the Act)

12. Where the Ombudsman completes his or her investigation and sends a report to the Monitoring Officer and the Council's Standards Committee under section 71(2) of the Act, the Monitoring Officer must consider the Ombudsman's report and, if appropriate, make recommendations to the Council's Standards Committee.
13. The Standards Committee will consider the Ombudsman's report together with any recommendations made by the Monitoring Officer in accordance with the procedure set out below.

The first meeting of the Standards Committee – Initial Determination

14. After the Monitoring Officer has:
 - (a) produced an investigation report in accordance with paragraph 10; or
 - (b) considered the Ombudsman's investigation report in accordance with paragraph 12

s/he will arrange for a meeting of the Standards Committee to be convened as soon as possible and for a copy of the investigation report, together with the Monitoring Officer's recommendations (if any), to be sent to each of the members of the Standards Committee.

15. Notice of the time and place of the meeting will be given in accordance with Part VA of the Local Government Act 1972 as amended by the Standards Committees (Wales) Regulations 2001.
16. If the investigation report is produced by the Ombudsman, the Monitoring Officer will advise the Standards Committee. If the investigation report is produced by the Monitoring Officer, the Standards Officer or some other suitably qualified person will advise the Standards Committee.

17. The business of the Standards Committee meeting will be limited to considering the investigation report and the Monitoring Officer's recommendations (if any) and to making an initial determination either:-
- (a) that there is no evidence of any failure to comply with the Code of Conduct, or
 - (b) that the Member should be given the opportunity to make representations, either orally or in writing in respect of the findings of the investigation and any allegation that he or she has failed, or may have failed, to comply with the Code of Conduct.

After the first meeting of the Standards Committee

18. Where the Standards Committee decides that there is no evidence of any failure to comply with the Code of Conduct, the Standards Officer will accordingly notify the Member, the Complainant and the Ombudsman.
19. Where the Standards Committee decides that the Member should be given the opportunity to make representations, the Standards Officer will notify the Member of the Committee's decision and the procedure which the Committee proposes to adopt to receive and consider any representations that he or she may wish to make.

Preparing for the hearing to consider the Member's representations

20. The Standards Officer, in consultation with the Chair of the Standards Committee, will write to the Member to propose a date for a hearing to consider any representations that the Member may wish to make and to ask the Member to respond in writing within 14 days to confirm whether s/he:
- (a) is able to attend the hearing
 - (b) wants to make representations, whether orally or in writing and if so, to include any written representations in his or her response
 - (c) disagrees with any of the findings of fact in the investigation report, and if so, which matters he or she disagrees with and the reasons for any disagreements;
 - (ch) wants to appear before the Committee in person or be represented at the hearing by a solicitor, barrister or any other person, in accordance with his/her right under the Regulations
 - (d) wants to give evidence to the Standards Committee, either orally or in writing;
 - (dd) wants to call relevant witnesses to give evidence to the Standards Committee;
 - (e) wants any part of the meeting to be held in private;
 - (f) wants any part of the investigation report or other relevant documents to be withheld from the public
21. The Standards Officer will notify the Investigating Officer of the proposed hearing date and ask whether he or she will be attending the hearing.

22. The Standards Officer will send a copy of the Member's response under paragraph 20 to the Investigating Officer and will ask him/her to confirm in writing within 7 days whether s/he:
- (a) has any comments on the Member's response
 - (b) wants to be represented at the hearing;
 - (c) wants to call relevant witnesses to give evidence to the Standards Committee;
 - (ch) wants any part of the meeting to be held in private; and
 - (d) wants any part of the investigation report or other relevant documents to be withheld from the public.
23. The Standards Officer will write to the members of the Committee, the Member and the Investigating Officer at least two weeks before the hearing to:
- (a) confirm the date, time and place for the hearing;
 - (b) summarise the allegation;
 - (c) outline the main facts of the case that are agreed;
 - (ch) outline the main facts which are not agreed;
 - (d) note whether the Member or the Investigating Officer will attend or be represented at the hearing;
 - (dd) list those witnesses, if any, who will be asked to give evidence;
 - (e) enclose the investigation report, any relevant documents, the Member's response and any further response from the Investigating Officer; and
 - (f) outline the proposed procedure for the meeting.

Powers of the Standards Committee

24. The Standards Committee may, in accordance with the requirements of natural justice, conduct the meeting in the manner it considers most suitable to the clarification of the issues before it and generally to the just handling of the proceedings. It must so far as appears to it appropriate seek to avoid formality and inflexibility in its proceedings. The Standards Committee will decide factual evidence on the balance of probabilities.
25. The Member or the Investigating Officer may be represented or accompanied whether or not legally qualified but if in any particular case the Standards Committee is satisfied that there is a good reason, it may refuse to permit a particular person to assist or represent a party at the hearing.
26. The Standards Committee may take legal advice from a Council officer appointed for this purpose at any time during the meeting or while they are considering the outcome. The substance of any legal advice given to the Committee will be shared with the Member and the Investigating Officer if they are present.

27. Where appropriate, and in accordance with the Regulations, the Standards Committee has power to censure the Member, or suspend or partially suspend the Member for a period not exceeding 6 months.

Procedure at the hearing

28. The hearing will be held in public unless the Standards Committee is persuaded that there is a good reason to exclude the public.
29. The procedure at the meeting shall be as set out below, subject to the Chair making such changes as he or she thinks fit in order to ensure a fair and efficient hearing.

Introduction

30. The Chair of the Standards Committee will introduce those persons present and will explain the manner and order of proceedings

First stage: Preliminary procedural issues

31. The Standards Committee will then resolve any issues or disagreements about how the hearing should continue, which have not been resolved during the pre-hearing process.

Second stage: Making findings of fact

32. The Standards Committee will then consider whether or not there are any significant disagreements about the facts contained in the investigation report.
33. If there is a disagreement as to the facts:-
- (a) the Investigating Officer, if present, will be invited to make any necessary representations to support the relevant findings of fact in the investigation report.
 - (b) the Investigating Officer may call any necessary supporting witnesses to give evidence, with the Standards Committee's permission and the Committee shall give the Member an opportunity to challenge any evidence put forward by any witness called by the Investigating Officer.
 - (c) the Member will then be invited to make representations to support his or her version of the facts.
 - (ch) the Member may call any necessary witnesses to give evidence, with the Standards Committee's permission and the Committee shall give the Investigating Officer an opportunity to challenge any evidence put forward by any witness called by the Member.
34. At any time, the Standards Committee may question any of the people involved or any of the witnesses.
35. If the Member disagrees with any relevant fact in the investigation report, without having given prior notice of the disagreement, he or she must give good reasons for

not mentioning it before the hearing. If the Investigating Officer is not present, the Standards Committee will consider whether or not it would be in the public interest to continue in his or her absence. After considering the Member's explanation for not raising the issue at an earlier stage, the Committee may then:

- (a) continue with the hearing, relying on the information in the investigation report
- (b) allow the Member to make representations about the issue, and invite the Investigating Officer to respond and call any witnesses, as necessary; or
- (c) postpone the hearing to arrange for appropriate witnesses to be present, or for the Investigating Officer to be present if he or she is not already.

36. At the conclusion of the representations as to matters of fact, the Standards Committee will retire to deliberate in private on the representations, after which the Chair of the Standards Committee will announce their findings of fact.

Third stage: Deciding whether the Member has failed to comply with the Code

37. The Standards Committee will then consider whether, based on the facts it has found, the Member has failed to comply with the Code.

38. The Standards Committee will invite the Investigating Officer to make representations as to whether or not, based on the facts the Committee has found, the Member has failed to comply with the Code of Conduct.

39. The Standards Committee will invite the Member to respond to the representations of the Investigating Officer and to make representations as to whether or not, based on the facts the Committee has found, he or she has failed to comply with the Code of Conduct.

40. The Standards Committee may, at any time, question anyone involved on any point they raise in their representations.

41. The Member will be invited to make any final relevant points.

42. The Standards Committee will retire to deliberate in private on the representations and decide whether or not the Member has failed to comply with the Code of Conduct, after which the Chair of the Standards Committee will announce their findings.

Fourth stage: Action to be taken

43. If the Standards Committee decides that the Member has not failed to comply with the Code of Conduct, it will formally record that there is no evidence of any failure by the Member to comply with the Code of Conduct and that therefore no action needs to be taken.

44. If the Standards Committee decides that the Member has failed to comply with the Code of Conduct it will invite the Member and the Investigating Officer to make representations as to:

- (a) whether or not the Committee should apply a sanction; and
- (b) what form any sanction should take.

45. The Standards Committee will retire to deliberate in private on the representations and decide either that:

- (a) no action needs to be taken in respect of the failure to comply with the Code of Conduct,
- (b) the Member should be censured or
- (c) the Member should be suspended or partially suspended from being a member or co-opted member of his or her authority for a period not exceeding six months,

after which the Chair of the Standards Committee will announce their decision.

46. As part of its deliberations the Committee will have regard to the Sanctions Guidance published and adopted from time to time by the Adjudication Panel for Wales.

The Committee will follow a five step process in determining sanction:

1. assess the seriousness of the breach and any consequences for individuals and/or the council
2. identify the broad type of sanction that the Committee considers most likely to be appropriate having regard to the breach;
3. consider any relevant mitigating or aggravating circumstances and how these might affect the level of sanction under consideration;
4. consider any further adjustment necessary to ensure the sanction achieves an appropriate effect in terms of fulfilling the purposes of the sanctions;

~~46. 5. confirm the decision on sanction and include, within the written decision, an explanation of the Committee's reasons for determining the chosen sanction in order to enable the parties and the public to understand its conclusions. After making a decision the Standards Committee will instruct the Standards Officer to confirm the decision and the reasons for the decision in writing and to send a copy of the written decision (including details of the Member's right of appeal) to the Member, the Complainant and the Ombudsman as soon as reasonably practicable.~~

Failure to make representations / attend the hearing

47. If the Member fails to make representations, the Standards Committee may:

- (a) unless it is satisfied that there is sufficient reason for such failure, consider the investigation report and make a determination in the Member's absence; or

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- (b) give the Member a further opportunity to make representations

48. If a party fails to be present or represented at a hearing, the Standards Committee may, if it is satisfied that the party was duly notified of the hearing and that there is no good reason for such absence -

- (a) hear and decide the matter in the party's absence; or
- (b) adjourn the hearing.

Illness or incapacity

49. If the Standards Committee is satisfied that any party is unable, through physical or mental sickness or impairment, to attend the hearing and that the party's inability is likely to continue for a long time, the Standards Committee may make such arrangements as may appear best suited, in all the circumstances of the case, for disposing fairly of the matter.

Suspension

50. A period of suspension or partial suspension will commence on the day after:

- (a) the expiry of the time allowed to lodge a notice of appeal to an appeals tribunal under the Regulations (i.e. within 21 days of receiving notification of the Standards Committee's determination);
- (b) receipt of notification of the conclusion of any appeal in accordance with the Regulations;
- (c) a further determination by the Standards Committee made after receiving a recommendation from an appeals tribunal under the Regulations,

whichever occurs last.

Referral by an Appeals Tribunal

51. Where the Standards Committee determines that the Member has failed to comply with the Code of Conduct, the Member may appeal against the determination to an appeals tribunal drawn from the Adjudication Panel for Wales.

52. An appeals tribunal may endorse the decision of the Standards Committee, refer a matter back to it recommending it impose a different penalty, or overturn the decision.

53. If:

- (a) the Standards Committee determines that the Member failed to comply with the Code of Conduct;
- (b) the Member appeals to an appeals tribunal drawn from the Adjudication Panel for Wales; and

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- (c) the said tribunal refers the matter back to the Standards Committee with a recommendation that a different penalty be imposed,

the Standards Committee shall meet as soon as reasonably practicable to consider the recommendation of the appeals tribunal and will determine whether or not it should uphold its original determination or accept the recommendation.

54. After making its determination the Standards Committee will instruct the Standards Officer to confirm the decision and the reasons for the decision in writing and to send a copy of the written decision to the Member, the Complainant, the Ombudsman and the president of the Adjudication Panel for Wales as soon as reasonably practicable.

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Publication of the Standards Committee's report

55. The Standards Committee will cause to be produced within 14 days after:

- (a) the expiry of the time allowed to lodge a notice of appeal under the Regulations, or
- (b) receipt of notification of the conclusion of any appeal in accordance with the Regulations, or
- (c) a further determination by the Standards Committee made after receiving a recommendation from an appeals tribunal under the Regulations,

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whichever occurs last, a report on the outcome of the investigation and send a copy to the Ombudsman, the Monitoring Officer, the Member and take reasonable steps to send a copy to the Complainant.

56. Upon receipt of the report of the Standards Committee, the Monitoring Officer shall:

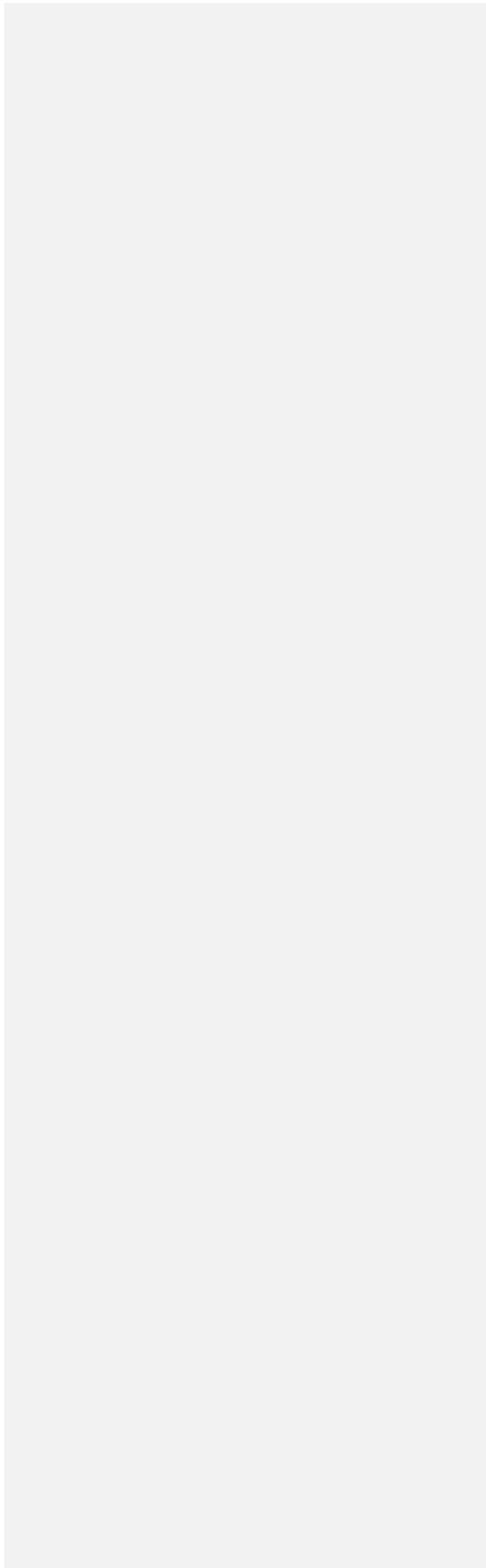
- (a) for a period of 21 days publish the report on the Council's website and make copies available for inspection by the public without charge at all reasonable hours at one or more of the Council's offices, where any person shall be entitled to take copies of, or extracts from, the report when made so available,
- (b) supply a copy of the report to any person on request if he or she pays such charge as the Council may reasonably require, and
- (c) not later than 7 days after the report is received from the Standards Committee, give public notice, by advertisement in newspapers circulating in the area and such other ways as appear to him or her to be appropriate, that copies of the report will be available as provided by sub-paragraphs (a) and (b) above, and shall specify the date (being a date not more than seven days after public notice is first given) from which the period of 21 days will begin.

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Costs

57. The Standards Committee has no power to make an award of any costs or expenses arising from any of its proceedings.

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RESPONSIBILITY FOR COUNCIL FUNCTIONS

The following committees shall be standing committees of the County Council.

PLANNING COMMITTEE

Terms of Reference

The functions to be discharged by the Planning Committee include those functions listed in Table 2 of Part 3 of this Constitution and more particularly the following functions, powers and duties.

To exercise the Council's functions set out below relating to town and country planning and development control together with certain miscellaneous functions as specified in Regulation 2 of and Schedule 1 to the Local Authorities Executive Arrangements (Functions and Responsibilities)(Wales) Regulations 2001.

Town and Country Planning and Development Control Functions and Miscellaneous Functions

1. Power to require information as to interests in land.
2. Duty to give notice etc. of applications for planning permission.
3. Power to determine applications for planning permission
4. Power to decline to determine application for planning permission.
5. Power to grant planning permission for development already carried out.
6. Power to grant or refuse planning permission for development without complying with conditions to which previous planning permission is subject.
7. Power to enter into agreement regulating development of use of land.
8. Power to serve a completion notice
9. Power to serve a planning contravention notice, breach of condition notice or stop notice
10. Power to issue an enforcement notice and enforce planning control (including planning obligations and the power to require the proper maintenance of land), advertising control and listed building control (including the exercise of the power to prevent deterioration and damage to listed buildings)
11. Power to apply for an injunction restraining a breach of planning control
12. Power to authorise entry onto land
13. Power to enter into agreement for the execution of highway work

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14. Powers relating to the protection of important hedgerows
15. Duties relating to the making of determinations of planning applications
16. Power to determine application for planning permission made by a local authority, alone or jointly with another person
17. Power to make determinations, give approvals and agree certain other matters relating to the exercise of permitted development rights
18. To determine the making of Tree Preservation Orders and to determine applications for consent to take action in relation to trees within Tree Preservation Orders.
19. To consider and adopt supplementary planning guidance relating to Development Control matters and to develop Local Planning Guidance
20. Conservation Area Boundary Reviews and Designation and Conservation Area Character Assessments.
21. The naming and numbering of streets and the numbering and re-numbering of properties.
22. To authorize the stopping up or diversion of footpaths and bridleways pursuant to Section 257 of the Town and Country Planning Act 1990
23. Power to issue a certificate of existing proposed lawful use or development
24. Duty to determine conditions to which old mining permissions, relevant planning permissions relating to dormant sites or active Phase I or II sites, or mineral permissions relating to mining sites, as the case may be, are to be subject
25. Power to require proper maintenance of land
26. Duties relating to applications for listed building consent and conservation area consent
27. Power to serve a building preservation notice, and related powers
28. Powers to acquire a listed building in need of repair and to serve a repairs notice
29. Power to apply for an injunction in relation to a listed building
30. Power to grant consent for the display of advertisements
31. Power to require the discontinuance of a use of land
32. Power to determine applications for listed building consent and related powers
33. Power to determine applications for conservation area consent

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34. Power to issue enforcement notice in relation to demolition of unlisted building in conservation area
35. Power to execute urgent works
36. Power related to mineral working
37. Power as to Certification if appropriate alternative development
38. Power related to blight notices

The functions include:

- (i) imposing any condition, limitation or restriction, or determining any other terms, on an approval, consent, licence, permission or registration granted in the exercise of its functions
- (ii) determining whether to take enforcement action in respect of any breach of any approval, consent, licence, permission or registration granted or breach of any condition, limitation or term to which any such approval, consent, licence, permission or registration is subject to the exercise of its functions
- (iii) revoking any approval, consent, licence, permission or registration granted in the exercise of its functions
- (iv) amending, modifying or varying any approval, consent, licence, permission or registration granted in the exercise of its functions or any condition, limitation restriction or term to which it is subject
- (v) determining whether a charge should be made, and the amount of any such charge, for any approval, consent, licence, permission or registration where there is a power to charge and the amount of the charge is not otherwise prescribed

Membership: ~~30 Councillors, politically balanced~~21 Councillors, politically balanced in accordance with the provisions of the Size and Composition of Local Planning Authority Committees (Wales) Regulations 2017.

Quorum: at least 50% of the total number of members rounded to the nearest whole number.

Members are reminded that expense claims are subject to both internal and external audit.

SCHEDULE 1

SCHEDULE OF REMUNERATION 2018-19

MEMBERS ENTITLED TO BASIC SALARY			ANNUAL AMOUNT OF BASIC SALARY
The following named elected members of the authority			£13,600
Councillor Brian Blakeley	Councillor Tina Jones	Councillor Glenn Swingler	
Councillor Ellie Chard	Councillor Gwyneth Kensler	Councillor Rhys Thomas	
Councillor Ann Davies	Councillor Geraint Lloyd - Williams	Councillor Andrew Thomas	
Councillor Gareth Davies	Councillor Christine Marston	Councillor Graham Timms	
Councillor Peter Evans	Councillor Melvyn Mile	Councillor Cheryl Williams	
Councillor Rachel Flynn	Councillor Bob Murray	Councillor David Williams	
Councillor Tony Flynn	Councillor Merfyn Parry	Councillor Eryl Williams	
Councillor Mabon ap Gwynfor	Councillor Paul Penlington	Councillor Emrys Wynne	
Councillor Martyn Holland	Councillor Pete Prendergast		
Councillor Alan James	Councillor Arwel Roberts		
Councillor Pat Jones	Councillor Anton Sampson		

SENIOR SALARIES ENTITLEMENTS (includes basic salary)		ANNUAL AMOUNT OF SENIOR SALARY	
	ROLE	MEMBER	
1.	Leader of the Council and Lead Member for the Economy and Corporate Governance	Councillor Hugh Evans	£43,300
2.	Deputy Leader and Lead Member for Finance, Performance and Strategic Assets	Councillor Julian Thompson-Hill	£30,300
3.	Lead Member for Well-being and Independence	Councillor Bobby Feeley	£26,300
4.	Lead Member for Education, Children and Young People	Councillor Huw Hilditch-Roberts	£26,300
5.	Lead Member for Highways, Planning and Sustainable Travel	Councillor Brian Jones	£26,300
6.	Lead Member for Developing Community Infrastructure	Councillor Richard Mainon	£26,300
7.	Lead Member for Housing, Regulation and the Environment	Councillor Tony Thomas	£26,300
8.	Lead Member for Corporate Standards	Councillor Mark Young	£26,300
9.	Chair of Partnerships Scrutiny Committee	Councillor Jeanette Chamberlain-Jones	£22,300
10.	Chair of Communities Scrutiny Committee	Councillor Huw Williams	£22,300
11.	Chair of Performance Scrutiny Committee	Councillor Huw Jones	£22,300
12.	Chair of Planning Committee	Councillor Joe Welch	£22,300
13.	Chair of Licensing Committee	Councillor Hugh Irving	£22,300
14.	Chair of Corporate Governance Committee	Councillor Barry Mellor	£22,300
15.	Leader Of The Largest Opposition Group	Councillor Joan Butterfield	£22,300
A maximum of 17 senior salaries for Denbighshire County Council may be paid and this has not been exceeded.			

ENTITLEMENT TO CIVIC SALARIES (includes basic salary)		ANNUAL AMOUNT OF CIVIC SALARY
ROLE	MEMBER	
Civic Head (Chair)	Councillor Peter Scott	£21,800
Deputy Civic Head (Deputy Mayor / Chair)	Councillor Meirick Lloyd Davies	£14,300

ENTITLEMENT AS STATUTORY CO-OPTEEES		AMOUNT OF CO-OPTEEES ALLOWANCES
ROLE	MEMBER	
Chairperson Of Standards Committee	Ian Trigger	£256 Daily Fee £128 ½ Day Fee
Statutory Co-optees - Standards Committee, Education OVSC Committee, Audit Committee, Crime and Disorder OVSC	Standards: Julia Hughes Anne Mellor Peter Lamb Gordon Hughes Scrutiny Gareth Williams Kathleen Jones Michael Hall David Lloyd Audit Paul Whitham	£198 Daily Fee £99 ½ Day Fee

MEMBERS ELIGIBLE TO RECEIVE CARE ALLOWANCE	
All Members	Up to a maximum of £403 per month

PROPOSED UPDATES TO CORPORATE GOVERNANCE COMMITTEE

Terms of Reference

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

1. Responsibilities in respect of the Council's Constitution

1.1 The Constitution requires the Corporate Governance Committee to monitor and review the operation of the Constitution. It shall make proposals for changes to ensure that the Constitution continues to:

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

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

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

1.3 When carrying out these functions the membership of the Corporate Governance Committee shall include as voting members the Chair of the Council together with one member from any political group not otherwise represented on the Committee.

1.4 The Corporate Governance Committee shall conduct a review of the Constitution on an annual basis with recommendations in accordance with 1.1.

2 Responsibilities in respect of corporate governance

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

- 2.2 Review and governance and assurance arrangements for significant partnerships or collaborations
- 2.3 Monitor the Council's compliance with its own and other published standards and controls.
- 2.4 Oversee the production of the Council's Annual Governance Statement and recommend its adoption.
- 2.5 Refer issues for action to other Council committees as deemed appropriate and request responses to ensure that issues are followed up.
- 2.6 Provide an annual report to Council on the Committee's performance and effectiveness.
- 2.7 Monitor the attendance of Members at meetings with guidance from the Monitoring Officer

3 Responsibilities in respect on internal & external audit

- 3.1 Approve the internal audit charter.
- 3.2 Consider the audit planning strategies of the internal and external auditors, including the internal audit's resource requirements and external audit's fee.
- 3.3 Make appropriate enquiries of both management and the Chief Internal Auditor to determine if there are any inappropriate scope or resource limitations
- 3.4 Consider any impairments to independence or objectivity arising from additional roles or responsibilities outside of internal auditing of the Chief Internal Auditor. To approve and periodically review safeguards to limit such impairments.
- 3.5 Consider the annual reports and opinions of the internal and external auditors.
- 3.6 Consider individual internal audit and external regulator reports including but not limited to those from the Wales Audit Office, the Office of Surveillance Commissioners and the Information Commissioner's Office.
- 3.7 Review progress in delivering the Internal Audit Strategy.
- 3.8 Consider management's response to issues raised by the internal auditor and external regulators and, where appropriate, request a response from management.
- 3.9 Review the performance of the internal and external auditors on an annual basis including the external quality assessment of internal audit that takes place at least once every five years

3.10 To commission work from internal and external audit.

3.11 Hold periodic private meetings with the internal and external auditors in order to oversee such arrangements.

3.12 Advise and recommend on the effectiveness of relationships between external and internal audit and other inspection agencies or relevant bodies

4 Responsibilities in respect of the financial accounts

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

4.2 To keep under review the Council's Financial Regulations and Contract Procedure Rules and all other corporate directions concerning financial control including the use of delegated decisions in respect of contract awards and exemptions from tendering.

4.3 Scrutinise the Council's Treasury Management Strategy Statement and the Annual Report on Treasury Activities before approval by Council in February and Cabinet in September respectively.

4.4 Receive on a six monthly basis, reports on Treasury Management to ensure that the Committee is updated on the latest developments in the Council's treasury activities.

4.5 Review the Council's risk exposure and its ability to manage risk in relation to its treasury management activities.

5 Responsibilities in respect of risk management

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

5.2 Review the Corporate Risk Register and, where appropriate, request a response from management on actions to manage risks.

6 Responsibilities in respect of fraud & corruption

6.1 Monitor Council policies on policy and its procedural arrangements for Officers and Members to raise concerns in confidence, about possible wrongdoing in financial reporting and other matters, including appropriate follow up action.

6.2 Review the Council's policy and procedures for detecting fraud and corruption.

6.3 Review the Council's systems and controls for the prevention of bribery and receive reports on non-compliance.

6.4 Receive, on a quarterly basis, summary reports of all suspected irregularities, including any instances of fraud and corruption, from the Head of Internal Audit & Risk Management

7 Responsibilities in respect of complaints

7.1 Review, on an annual basis, the results of investigations carried out under the County Council's Complaints Procedure, and review the operation of the Procedure, recommending to Council any modifications that it considers necessary.

7.2 Review on an annual basis the results of complaints made to the Information Commissioners Office regarding complaints under the Freedom of Information Act, the Data Protection Act and the Environmental Information Regulations.

7.3 Review on an annual basis the results of complaints of maladministration made to the Public Services Ombudsman for Wales and any follow up action or 'lessons learned' from such appeals.

8 Responsibilities in respect of indemnities

8.1 Consider the level of professional representation of a member under the terms of the form of indemnity to members and officers approved by Council on 23 September 2008".

9 Membership of the Corporate Governance Committee

9.1 The composition of the audit committee for Welsh local authorities is subject to the Local Government (Wales) Measure 2011, which requires local authority audit committees to have at least one lay member. Up to one-third of the committee membership may be lay members. Only one of the committee's members may be from the council's executive and this must not be the leader or the elected mayor.

9.2 Six Councillors politically balanced. Members may not be Chair of Council, Cabinet members or Scrutiny Committee members.

9.2.1 Six Councillors politically balanced. Members may not be Chair of Council or a Cabinet member.

9.2.2 One 'independent' lay member, who is not either a Councillor or an Officer or the spouse or civil partner of a Councillor or an Officer of this Council or any other relevant authority as defined in the Local Government At 2000; nor a former Councillor or Officer of this Council.

Report To: Full Council
Date of Meeting: 19th February 2019
Lead Member / Officer: Councillor Mark Young
Report Author: Catrin Roberts, HR Services Manager
Title: **NJC Pay Review 2018/20**

1. What is the report about?

The report is about the NJC Pay Agreement for 2018-20 and proposals on how it should be implemented in the Council.

2. What is the reason for making this report?

The NJC Pay Agreement requires the adoption of a new pay spine which needs to be agreed by Full Council.

3. What are the Recommendations?

- 3.1 That the Council awards the annual increment due to staff on the old pay structure and assimilate across to the new pay structure on the 1st April 2019
- 3.3 That bottom 2 points of Grade 5 (scp 8 & 9) and bottom 2 points of Grade 6 (scp 15 & 16) are removed.
- 3.3 That the Committee confirms that it has read, understood and taken account of the Well-being Impact Assessment (Appendix 1 as part of its consideration.

4. Report details

The NJC pay agreement for 2018-20 included the introduction of a new pay spine on 1 April 2019 that is based on the following:

- A bottom rate of £9.00 per hour (£17,364) on new Spinal Column Point (scp)1 (equivalent to old scp 6 & 7)
- 'Pairing off' old scp 6-17 incl. to create new scp 1-6 incl.
- Equal steps of 2.0% between each new scp 1 to 22 incl. (equivalent to old scp 6-28 incl.)
- By creating equal steps between these pay points, new scp 10, 13, 16, 18 and 21 are generated to which no old scp will assimilate. This means that in some organisations the current number of pay points in a grade might change
- On new scp 23 and above (equivalent to old scp 29 and above), 2.0% increase on 2018 rate

The new Pay Spine is attached in Appendix 2.

The current Pay Spine (Appendix 3) was developed as part of the Single Status exercise in 2008 and although follows the NJC Pay Spine increments it does not have the same grade boundaries.

The implications of the new pay spine is as follows:

	Current Min scp	Current Max scp	No. Increments	Proposed Min scp	Proposed Max scp	No. Increments
Grade 1	6	7	2	1	1	1
Grade 2	8	11	4	2	3	2
Grade 3	11	15	5	3	5	3
Grade 4	15	19	5	5	8	4
Grade 5	19	24	6	8	15	8
Grade 6	24	28	5	15	22	8
Grade 7	28	31	4	22	25	4
Grade 8	31	34	4	25	28	4
Grade 9	34	38	5	28	32	5
Grade 10	38	42	5	32	36	5
Grade 11	42	46	5	36	40	5
Grade 12	46	49	4	40	43	4
Grade 13	49	52	4	43	46	4
Grade 14	53	57	5	47	51	5

Areas for Consideration

Assimilation and increment

The NJC agreement is silent on the approach to be taken with regard to the chronology of assimilation and increments when moving to the new pay spine on 1 April 2019. The options are:

- To assimilate on to the new pay spine then apply the increment or
- To apply the increment under the current pay spine then assimilate on to the new pay spine.

The two potential approaches produce different outcomes at some pay points. Either of the approaches are acceptable but it is important to use the same approach for the entire workforce covered by the agreement.

Both approaches have been mapped for Denbighshire. The main issues for discussion are within grade 1 – 3 and these are shown below:

Grade	No. Of Employees	Current scp	2019 Point - If Assimilate First Option 1	2019 Point - If Increment First
1	125	6	2	1
1	505	7	1	1
2	71	8	3	2

2	52	9	3	3
2	31	10	4	3
2	238	11	3	3
3	98	11	4	4
3	63	12	5	4
3	55	13	5	5
3	35	14	6	5
3	366	15	5	5

By assimilating first then increment it raises issues within grade 1, 2, and 3 there will be some staff that will not receive an increment because that would take them outside of the grade boundary.

By incrementing first and then assimilating across to the new pay spine, the Council ensures that employees have had their contractual entitlement to an increment and the pay award. It is also the fairest and least disruptive approach to implementation.

Based on this it is Denbighshire's proposal that employees receive an increment on the 1st April under the current pay spine and are then assimilated on to the new pay spine.

Grades 5 and 6

With the additional spinal column point introduced within the new pay spine, Grades 5 and 6 will have a span of 8 scp which from an equalities perspective is unacceptable.

In order to address this, 4 options have been considered:

Option 1

Removal of top 2 points of Grade 5 (scp 14 & 15) and 2 points of Grade 6 (scp 21 & 22)

Impact:

Grade 5

- Removal of scp 14 – 34 employees would be affected (24 Females, 10 Men)
- Removal of scp 15 – 293 employees would be affected (213 Females, 80 Men)
- 327 reds in Pay Protection, would move to scp13

Grade 6

- Removal of scp 21 – No employees as of 1st April as unable to assimilate to scp 21 as part of implementation
- Removal of scp 22 – 293 employees would be affected (210 Females, 83 Men)
- 293 reds in Pay Protection, would move to scp 20

Option 2

Removal of bottom and top scp of Grade 5 (scp 8 & 15) and Grade 6 (scp 15 & 22)

Impact

Grade 5

- Removal of scp 8 – No employees as of 1st April apart from new starters
- 293 reds in Pay Protection, would move to scp 14

Grade 6

- Removal of scp 15 – No employees as of 1st April apart from new starters
- Removal of scp 22 – 293 employees would be affected (210 Females, 83 Men)
- 293 reds in Pay Protection, would move to scp 21

Option 3

Removal of the new scp from Grade 5 (scp 10 & 13) and the new scp from Grade 6 (scp 16, 18 & 21)

Cost £65,482 over 2 years

Impact

Grade 5

- No employees initially affected as not able to assimilate to new scp
- 34 employees on scp 9 would increase to scp 11 at 01/04/20 receiving 4% increase instead of the normal 2% between increments (20 Females and 14 Males)
- 42 employees on scp 12 would increase to scp 14 at 01/04/20 receiving 4% increase instead of the normal 2% between increments (25 Females and 17 Males)

Grade 6

- No employees initially affected as not able to assimilate to new scp
- Any new starters on 1st April, 2019 on scp 15 would increase to scp 17 with their first increment on 01/04/20 or relevant date, receiving 4% increase instead of the normal 2% between increments
- 23 employees on scp 17 would increase to scp 19 at 01/04/20 receiving 4% increase instead of the normal 2% between increments (16 Females and 7 Males)
- 42 employees on scp 20 would increase to scp 22 at 01/04/20 receiving 4% increase instead of the normal 2% between increments (32 Females and 10 Males)

Option 4

Removal of bottom 2 points of Grade 5 (scp 8 & 9) and bottom 2 points of Grade 6 (scp 15 & 16)

Cost of implementation: £27,948 over 2 years

Grade 5

- Removal of scp 8 – No employees as of 1st April apart from new starters
- Removal of scp 9 – 34 employees would be affected (20 Females, 14 Men)

- Two phase approach scp 9 on 01/04/19 and then move to scp 10 on the same date.

Grade 6

- Removal of scp 15 – No employees as of 1st April apart from new starters
- Removal of scp 16 – No employees as of 1st April as unable to assimilate to scp 16 as part of implementation

Following discussion at the project team meeting, options 1 and 2 have been discounted as there will be a large number of employees in a detriment situation.

Option 3 is a more costly option and also means that employees within these two grades will have 4% rises between some increments which goes against the fairness of the pay agreement.

Option 4, addresses the issue of the number of scp within the grade, is a lower cost, does not impact on anyone in grade 6 and only impacts on a small number of employees (34 in grade 5) and this would be their benefit. There is a 6% increment for these in year 1 but there will not be an ongoing impact with all subsequent increase being within the 2%.

Based on this it is Denbighshire's proposal that Option 4 is adopted and that bottom 2 points of Grade 5 (scp 8 & 9) and bottom 2 points of Grade 6 (scp 15 & 16) are removed.

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

Implementing the new pay spine and grade boundaries will ensure that all staff that work for the council and contribute to the Corporate Priorities are paid fairly and correctly.

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

The cost of the pay award for 2018-20 is in the region of £2.6 million and as it is a nationally agreed pay deal the Council has little choice regarding its implementation. The additional costs relate to the changes in grades 5 and 6 which will be an additional £27,948. This costs has been accounted for in the budget proposals for 2019/20.

7. What are the main conclusions of the Well-being Impact Assessment?

The main conclusion of the Well-being Impact Assessment is that the implementation of the National Pay Award does not provide any negative impact to employees and that it can only foresee positive impact on employees through its implementation.

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

The Pay Deal has been negotiated nationally between the Local Government Associated and the Nationally Recognised Trade Unions. At a local level a project group was set up which included representation from the Employers side and the Employee side. This has also been presented and discussed at CET and SLT.

The formal proposal was presented to LJCC on the 6th February 2019 who are agreed to recommend to Full Council for adoption.

9. Chief Finance Officer Statement

The council is obliged to implement the nationally pay agreement. The costs of implementation have been included in the budget proposals for 2019/20.

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

There is a legal risk around the failure to implemented the national pay deal and subsequently fail to meet the contractual obligations for employees. The work of the project team has ensured that it is feasible to implement the new pay spine with least disruption to staff by the 1st April with only a small increase in cost.

11. Power to make the Decision

S111 and 112 Local Government Act 1972

Pay Structure Review 2019

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:	474
Brief description:	There is a need to review Denbighshire's current Pay Structure following the new pay spine that has been agreed nationally by the Employer's Organisation. The new pay spine which will be effective from 1st April, 2019 will ensure compliance with then National Living Wage and help to maintain differentials in pay that were being eroded by bottom loading the current national pay spine. The new pay spine requires development into a new pay and grading structure which will operate from 01/04/19.
Date Completed:	09/01/2019 15:16:27 Version: 3
Completed by:	Sophie Vaughan
Responsible Service:	Legal, HR & Democratic Services
Localities affected by the proposal:	Whole County,
Who will be affected by the proposal?	Employees of Denbighshire County Council
Was this impact assessment	Yes

completed as a group?

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 : 15 / 30.

Implications of the score

The proposal does not have a detrimental effect on employees, all employees will receive their national pay award and Denbighshire's Pay Structure will be amended to ensure that it meets equality legislation requirements.

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

Positive

Neutral

Positive

Neutral

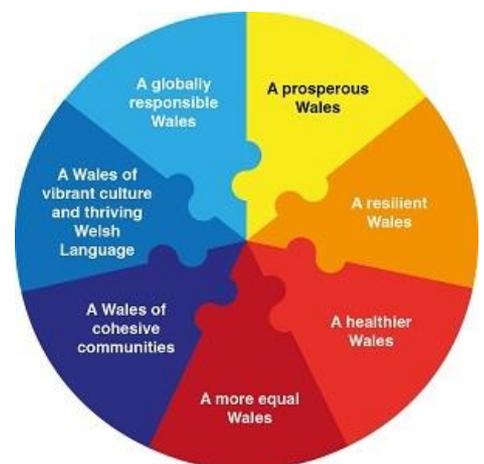
Neutral

Neutral language

A globally responsible Denbighshire

Neutral language

Positive



Main conclusions

The implementation of the National Pay Award does not provide any negative impact to employees, and only positive impacts foreseeable.

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

Overall Impact	Positive
Justification for impact	In developing a pay structure that meets the national requirements and is of no detriment to existing employees, we can ensure we continue to be an employer of choice in the area, providing jobs for the local community. There is potential for the project to provide a benchmark for other businesses to follow.
Further actions required	None known at this stage

Positive impacts identified:

A low carbon society	
Quality communications, infrastructure and transport	
Economic development	In developing a pay structure that meets the national requirements we can ensure we continue to be an employer of choice in the area.
Quality skills for the long term	In developing a pay structure that meets the national requirements we can ensure we continue to be an employer of choice in the area.
Quality jobs for the long term	In developing a pay structure that meets the national requirements we can ensure we continue to be an employer of choice in the area.
Childcare	

Negative impacts identified:

A low carbon society	
Quality communications, infrastructure and transport	

Economic development	
Quality skills for the long term	
Quality jobs for the long term	
Childcare	

A resilient Denbighshire

Overall Impact	Neutral
Justification for impact	Not applicable
Further actions required	Not applicable

Positive impacts identified:

Biodiversity and the natural environment	
Biodiversity in the built environment	
Reducing waste, reusing and recycling	
Reduced energy/fuel consumption	
People's awareness of the environment and biodiversity	
Flood risk management	

Negative impacts identified:

Biodiversity and the natural environment	
Biodiversity in the built environment	
Reducing waste, reusing and recycling	

Reduced energy/fuel consumption	
People's awareness of the environment and biodiversity	
Flood risk management	

A healthier Denbighshire

Overall Impact	Positive
Justification for impact	As 70% of our employees live within Denbighshire, improving their terms and conditions will potentially improve their standards of living which will improve their health and well-being. There is the potential for them to have more surplus income that will allow them to buy healthier food, and participate in leisure activities which in turn could improve their emotional and mental well-being.
Further actions required	None known

Positive impacts identified:

A social and physical environment that encourage and support health and well-being	As 70% of our employees live within Denbighshire, improving their terms and conditions will potentially improve their standards of living which will improve their health and well-being
Access to good quality, healthy food	As 70% of our employees live within Denbighshire, improving their terms and conditions will potentially improve their standards of living which will improve their health and well-being
People's emotional and mental wellbeing	As 70% of our employees live within Denbighshire, improving their terms and conditions will potentially improve their standards of living which will improve their health and well-being
Access to healthcare	As 70% of our employees live within Denbighshire, improving their terms and conditions will potentially improve their standards of living which will improve their health and well-being
Participation in leisure opportunities	As 70% of our employees live within Denbighshire, improving their terms and conditions will potentially improve their standards of living which will improve their health and well-being

Negative impacts identified:

A social and physical environment that encourage and support health and well-being	
Access to good quality, healthy food	
People's emotional and mental wellbeing	
Access to healthcare	
Participation in leisure opportunities	

A more equal Denbighshire

Overall Impact	Neutral
Justification for impact	We are in the early stages of the project so a further assessment of the impact will be conducted at a later stage.
Further actions required	We are in the early stages of the project so a further assessment of the impact will be conducted at a later stage.

Positive impacts identified:

Improving the wellbeing 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	This will be applied to all employees regardless of protected characteristics so any positive impacts already identified will be equally applied.
People who suffer discrimination or disadvantage	This will be applied to all employees regardless of protected characteristics so any positive impacts already identified will be equally applied.

Areas with poor economic, health or educational outcomes	This will be applied to all employees regardless of protected characteristics so any positive impacts already identified will be equally applied.
People in poverty	This will be applied to all employees regardless of protected characteristics so any positive impacts already identified will be equally applied.

Negative impacts identified:

Improving the wellbeing 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	
People who suffer discrimination or disadvantage	
Areas with poor economic, health or educational outcomes	
People in poverty	

A Denbighshire of cohesive communities

Overall Impact	Neutral
Justification for impact	The proposal is of no detriment to employees in Denbighshire, and has a positive impact to a number of employees, specifically on Grade 5 and Grade 6, as such the impact will be positive in terms of providing safe communities and individuals
Further actions required	Whilst we are still at the proposal stage, none are know at this point

Safe communities and individuals	By providing better terms and conditions, those employees affected by these issues will have a improved chance in the community
Community participation and resilience	
The attractiveness of the area	
Connected communities	
Rural resilience	

Negative impacts identified:

Safe communities and individuals	
Community participation and resilience	
The attractiveness of the area	
Connected communities	
Rural resilience	

A Denbighshire of vibrant culture and thriving Welsh language

Overall Impact	Neutral
Justification for impact	This will not be applicable
Further actions required	This will not be applicable

Positive impacts identified:

People using Welsh	
Promoting the Welsh language	
Culture and heritage	

Negative impacts identified:

People using Welsh	
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Promoting the Welsh language	
Culture and heritage	
A globally responsible Denbighshire	
Overall Impact	Positive
Justification for impact	As above, improving our terms and conditions sets the standard that we can request our suppliers to adhere to.
Further actions required	No negative impact

Positive impacts identified:

Local, national, international supply chains	
Human rights	Improving our terms and conditions sets the standard that we can request our suppliers to adhere to.
Broader service provision in the local area or the region	

Negative impacts identified:

Local, national, international supply chains	
Human rights	
Broader service provision in the local area or the region	

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NJC Employees April 2018					
Job Eval Score	Grade		SCP	Salary 2018	Hourly rate
Up to 217	Grade 1		6	£16,394	£8.50
			7	£16,495	£8.55
218 - 249		Grade 2	8	£16,626	£8.62
			9	£16,755	£8.68
			10	£16,863	£8.74
250 - 289	Grade 3		11	£17,007	£8.82
			12	£17,173	£8.90
			13	£17,391	£9.01
290 - 321		Grade 4	14	£17,681	£9.16
			15	£17,972	£9.32
			16	£18,319	£9.50
322 - 360	Grade 5		17	£18,672	£9.68
			18	£18,870	£9.78
			19	£19,446	£10.08
			20	£19,819	£10.27
361 - 395		Grade 6	21	£20,541	£10.65
			22	£21,074	£10.92
			23	£21,693	£11.24
396 - 441	Grade 7		24	£22,401	£11.61
			25	£23,111	£11.98
			26	£23,866	£12.37
442 - 473		Grade 8	27	£24,657	£12.78
			28	£25,463	£13.20
			29	£26,470	£13.72
474 - 514	Grade 9		30	£27,358	£14.18
			31	£28,221	£14.63
			32	£29,055	£15.06
515 - 550		Grade 10	33	£29,909	£15.50
			34	£30,756	£15.94
			35	£31,401	£16.28
551 - 573	Grade 11		36	£32,233	£16.71
			37	£33,136	£17.18
			38	£34,106	£17.68
574 - 614		Grade 12	39	£35,229	£18.26
			40	£36,153	£18.74
			41	£37,107	£19.23
615 - 694	Grade 13		42	£38,052	£19.72
			43	£39,002	£20.22
			44	£39,961	£20.71
695 & over		Grade 14	45	£40,858	£21.18
			46	£41,846	£21.69
			47	£42,806	£22.19
			48	£43,757	£22.68
			49	£44,697	£23.17
			50	£45,973	£23.83
			51	£47,324	£24.53
			52	£48,671	£25.23
			53	£49,842	£25.83
			54	£51,081	£26.48
			55	£52,336	£27.13
			56	£53,571	£27.77
			57	£54,818	£28.41

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Atodiad 3/Appendix 3
NJC Pay Structure 2019

2019 Assimilation using 2018 values		SCP	Salary 2019
Grade 1		1	£17,364
	Grade 2	2	£17,711
		3	£18,065
Grade 3		4	£18,426
	Grade 4	5	£18,795
6		£19,171	
7		£19,554	
	Grade 4	8	£19,945
Grade 5			10*
		11	£21,166
		12	£21,589
		13*	£22,021
		14	£22,462
		15	£22,911
	Grade 6	17	£23,836
		18*	£24,313
		19	£24,799
		20	£25,295
		21*	£25,801
Grade 7		22	£26,317
	Grade 7	23	£26,999
24		£27,905	
25		£28,785	
	Grade 8	26	£29,636
		27	£30,507
Grade 9		28	£31,371
	Grade 9	29	£32,029
		30	£32,878
	Grade 10	31	£33,799
		32	£34,788
		33	£35,934
	Grade 10	34	£36,876
		35	£37,849
Grade 11		36	£38,813
		37	£39,782
	Grade 11	38	£40,760
		39	£41,675
		40	£42,683
	Grade 12	41	£43,662
		42	£44,632
Grade 13		43	£45,591
	Grade 13	44	£46,893
		45	£48,270
	Grade 14	46	£49,645
		47	£50,839
		48	£52,102
		49	£53,383
		50	£54,643
	Grade 14	51	£55,914

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Report To:	County Council
Date of Meeting:	19 February 2019
Lead Member / Officer:	Councillor Julian Thompson-Hill / Richard Weigh, Head of Finance
Report Author:	Richard Weigh, Head of Finance
Title:	Council Tax 2019/20 and Associated Matters

1. What is the report about?

In adopting the resolutions of the Council budget meeting of the 29 January 2019 it is necessary for the Council to pass further resolutions in a particular form to ensure that the Council Tax and its associated matters are legally valid.

2. What is the reason for making this report?

A decision is required to set the levels of Council Tax for 2019/20.

3. What are the Recommendations?

- 3.1 It is necessary for the County Council, as the Billing Authority, to consider the precepts received from the Police & Crime Commissioner for North Wales and the Town/Community Councils and declare the Council Tax levels for the 2019/20 financial year.
- 3.2 It is recommended that the amounts calculated by the Council for the 2019/20 financial year, in accordance with Sections 32 to 34 (1) of the Local Government Finance Act 1992 (the Act) and Alteration of Requisite Calculations (Wales) Regulations 2008 be as Appendix A section 3.
- 3.3 It is recommended that the amounts calculated by the Council for the 2019/20 financial year, in accordance with Sections 34 (2) to 36 (1) of the Local Government Finance Act 1992 (the Act) be as Appendix A section 4.
- 3.4 That the amounts of Council Tax for the 2019/20 financial year for each of the categories of dwellings be as shown in Appendix C.
- 3.5 That the level of discount for Class A, B, and C as prescribed under the Council Tax (Prescribed Class of Dwellings) (Wales) Regulations 2004 be set at zero for the financial year 2019/20 with the caveat that this is dependent on no changes to legislation or local conditions.

4. Report details

Due to the requirement to approve the resolution and recommendations in the prescribed manner Appendix A contains the report details.

- 5. How does the decision contribute to the Corporate Priorities?**
If the recommendations are not approved the Authority will be unable to raise Council Tax demands, therefore income required to fund Corporate Priorities will not be available.
- 6. What will it cost and how will it affect other services?**
The cost of raising and distributing Council Tax demands is met from within existing resources.
- 7. What are the main conclusions of the Well-being Impact Assessment?**
Wellbeing assessments for the savings proposals and the Council Tax rise have been undertaken as part of the budget process and formed part of the budget papers presented to Full Council on 29 January 2019.
- 8. What consultations have been carried out with Scrutiny and others?**
The level of Council Tax forms part of the budget set by the Council. Members were briefed on the financial position in June, October and January. SLT have been part of the budget process. Trade unions have been consulted on the process. The Schools Budget Forum have been consulted on the schools' proposals. The Corporate Governance Committee has an oversight role in respect of the budget process. The proposals in this report have been considered by the Cabinet and Full Council approved the budget on 29 January 2019.
- 9. Chief Finance Officer Statement**
The Council has a legal obligation to set a Council Tax. The regulations are prescriptive as to how this is to be done and this report meets those requirements.
- 10. What risks are there and is there anything we can do to reduce them?**
The financial risk of being unable to collect Council Tax income. Collection rates are high and are monitored closely throughout the year.
- 11. Power to make the Decision**
The Local Government Finance Act 1992 and Alteration of Requisite Calculations (Wales) Regulations 2008.

Appendix A

1.0 SETTING THE COUNCIL TAX FOR 2019/20

1.1 Background.

At the Council meeting on the 29 January 2019 members considered and approved Cabinet's budget proposals and resulting impact on Council Tax for next financial year.

The main features of the proposal included:

- A cash-flat funding position in the Council's Local Government revenue settlement from Welsh Government.
- An increase in Welsh Government general capital funding of 20%.
- The provision of additional resources for the impact of some inflationary pressures.
- An increase in funding to schools of £1.085m.
- The provision of £2m in recognition of the continuing financial pressures facing adult and child social care provision.
- Inflationary pressures met by service savings of £3.9m; corporate savings of £0.5m; and increased Council Tax funding.
- Investment of £0.5m in priority areas.
- Use of £2.0m reserves (Budget Mitigation Reserve)

1.2 Section 151 Officer's statement

In accordance with the requirements of the Local Government Act 2003 the observations of the Section 151 Officer on the budget for 2019/20 are required to be presented to members.

a) Robustness of Budget Estimates

The budget proposals for 2019/20 contain a level of financial estimates. This is due to the uncertainty around the future impact upon the Council of current economic events. A considered view has been taken on the level of funding that services require and on the amount and timing of efficiency savings.

I consider the budget proposals for 2019/20 to be sensible and robust.

b) Adequacy of Reserves

The level of general balances is stable and I consider they are broadly appropriate given the financial risks that the council faces. Adequate general balances are vital to protect the Council from unforeseen problems or in-year emergencies. The 2019/20 budget has been set using £2.0m of specific reserves, if required. This is sustainable as a medium term measure but is not a permanent solution to funding a gap in the budget.

In adopting the resolutions of the Council meeting of the 29 January 2019 it will be necessary for the Council to pass certain further resolutions in a particular form so as to ensure that the Council Tax and its associated matters are legally valid. I attach a copy of the required resolutions and request that these be approved.

1.3 The average increase for Council Tax bills (based on Band D) payable is:

	2018/19 £	2019/20 £	Increase %
Denbighshire County Council	1,247.84	1,327.08	6.35
Police & Crime Commissioner for North Wales	258.12	278.10	7.74
Town/Community Councils (Average)	49.43	51.78	4.75
Total	1,555.39	1,656.96	6.53

2.0 COUNCIL TAX RESOLUTION

It is necessary for the County Council, as the Billing Authority, to consider the precepts received from the Police & Crime Commissioner for North Wales *and* the Town/Community Councils and declare the Council Tax levels for the 2019/20 financial year.

2.1 TOWN/COMMUNITY COUNCILS – PRECEPTS

The following precepts have been received:-

	2018/19 £	2019/20 £
Aberwheeler	2,500	3,300
Betws Gwerfil Goch	2,902	2,901
Bodelwyddan	28,000	29,975
Bodfari	3,400	3,621
Bryneglwys	7,000	7,461
Cefn Meiriadog	3,456	3,600
Clocaenog	3,690	3,900
Corwen	36,000	42,500
Cyffylliog	6,345	7,050
Cynwyd	4,050	4,986
Denbigh	214,784	225,126
Derwen	6,000	6,000
Dyserth	41,000	42,250
Efenechtyd	5,940	7,625
Gwyddelwern	3,584	3,584
Henllan	11,370	12,256
Llanarmon yn Ial	22,000	22,440
Llanbedr D C	25,500	15,000

Llandegla	10,000	10,005
Llandrillo	5,883	3,321
Llandyrnog	10,582	10,374
Llanelidan	5,000	5,300
Llanfair D C	29,010	30,000
Llanferres	9,150	11,502
Llangollen Town	114,400	141,225
Llangynhafal	2,500	3,500
Llanrhaeadr Y C	11,952	12,504
Llantysilio	10,000	10,200
Llanynys	9,175	9,450
Nantglyn	5,500	5,500
Prestatyn	470,745	485,515
Rhuddlan	84,370	92,150
Rhyl	520,022	543,423
Ruthin	136,050	142,830
St. Asaph	79,813	88,264
Trefnant	2,061	6,304
Tremeirchion/Cwm/Waen	11,330	11,310
Total	1,955,064	2,066,252

3.0 DENBIGHSHIRE COUNTY COUNCIL/TOWN AND COMMUNITY COUNCILS - INCOME AND EXPENDITURE

It is recommended that the amounts calculated by the Council for the 2019/20 financial year, in accordance with Sections 32 to 34 (1) of the Local Government Finance Act 1992 (the Act) and Alteration of Requisite Calculations (Wales) Regulations 2008 be as follows:-

	£
(a) The aggregate of the amounts which the Council estimates for the items set out in Section 32 (2) (a) to (e) of the Act.	311,565,014
(b) The aggregate of the amounts which the Council estimates for the items set out in Section 32 (3) (a) to (c) of the Act.	110,960,762
(c) The amount by which the aggregate of Section 32 (2) above, exceeds the aggregate of Section 32 (3) above, calculated in accordance with Section 32 (4) of the Act, as its budget requirement for the year.	200,604,252
(d) The aggregate amount which the Council estimates will be payable for the year into its general fund in respect of redistributed non-domestic rates and revenue support grant less cost of discretionary non-domestic rate reliefs.	145,576,661

(e)	The amount at (c) above less the amount at (d) above, divided by council tax base for the year, 39,908.14, calculated by the Council in accordance with Section 33 (1) of the Act, (i.e. basic amount Council Tax).	1,378.86
(f)	The aggregate amount of all special items referred to in Section 34 (1) of the Act (Town/Community Council Precepts).	2,066,252
(g)	The amount at (e) above less the result given by dividing the amount at (f) above by the council tax base, calculated by the Council, in accordance with Section 34 (2) of the Act, as the basic amount of its Council Tax for the year for dwellings in those parts of its area to which no special items relate.	1,327.08

4.0 DENBIGHSHIRE COUNTY COUNCIL/TOWN AND COMMUNITY COUNCILS - COUNCIL TAX

It is recommended that the amounts calculated by the Council for the 2019/20 financial year, in accordance with Sections 34 (2) to 36 (1) of the Local Government Finance Act 1992 (the Act) be as follows:-

(a) the amounts calculated in accordance with Sections 34 (2) and (3) of the Act as the basic amounts of its Council Tax for the year for dwellings in part of the Council's area :-

COUNCIL TAX 2019/20 BAND 'D'

<u>Community</u>	<u>County Council</u>	<u>Community Precept</u>	<u>Total</u>
	£	£	£
Aberwheeler	1,327.08	18.23	1,345.31
Betws G G	1,327.08	18.13	1,345.21
Bodelwyddan	1,327.08	35.26	1,362.34
Bodfari	1,327.08	17.24	1,344.32
Bryneglwys	1,327.08	40.55	1,367.63
Cefn Meiriadog	1,327.08	17.06	1,344.14
Clocaenog	1,327.08	30.00	1,357.08
Corwen	1,327.08	42.46	1,369.54
Cyffylliog	1,327.08	30.00	1,357.08
Cynwyd	1,327.08	18.00	1,345.08
Denbigh	1,327.08	66.00	1,393.08
Derwen	1,327.08	25.32	1,352.40
Dyserth	1,327.08	39.27	1,366.35
Efenechtyd	1,327.08	25.00	1,352.08
Gwyddelwern	1,327.08	15.86	1,342.94
Henllan	1,327.08	32.00	1,359.08

Llanarmon yn Ial	1,327.08	38.03	1,365.11
Llanbedr D C	1,327.08	31.38	1,358.46
Llandegla	1,327.08	32.59	1,359.67
Llandrillo	1,327.08	10.58	1,337.66
Llandyrnog	1,327.08	20.62	1,347.70
Llanelidan	1,327.08	31.55	1,358.63
Llanfair D C	1,327.08	52.17	1,379.25
Llanferres	1,327.08	27.92	1,355.00
Llangollen Town	1,327.08	80.52	1,407.60
Llangynhafal	1,327.08	10.17	1,337.25
Llanrhaeadr Y C	1,327.08	24.00	1,351.08
Llantysilio	1,327.08	40.00	1,367.08
Llanynys	1,327.08	25.00	1,352.08
Nantglyn	1,327.08	32.93	1,360.01
Prestatyn	1,327.08	62.68	1,389.76
Rhuddlan	1,327.08	58.10	1,385.18
Rhyl	1,327.08	57.68	1,384.76
Ruthin	1,327.08	58.32	1,385.40
St. Asaph	1,327.08	58.41	1,385.49
Trefnant	1,327.08	9.33	1,336.41
Tremeirchion/ Cwm/Waen	1,327.08	16.73	1,343.81

- (b) The amounts calculated in accordance with Section 36 (1) of the Act as the amounts to be taken into account for the year in respect of dwellings listed in different valuation bands. (Appendix B)

5.0 Police & Crime Commissioner for North Wales - PRECEPT

The precept for the Police & Crime Commissioner for North Wales for 2019/20 is £11,098,454

In accordance with Section 40 of the Local Government Finance Act 1992, it is noted that the amounts applicable for the year in respect of dwellings listed in different valuation bands are as follows :-

Valuation Bands

A	B	C	D	E	F	G	H	I
£	£	£	£	£	£	£	£	£
185.40	216.30	247.20	278.10	339.90	401.70	463.50	556.20	648.90

6.0 AGGREGATE COUNCIL TAX – 2019/20 (including Police & Crime Commissioner for North Wales)

Having calculated the aggregates in each case of the amounts at 4.0 and 5.0 above in accordance with Section 30 (2) of the Local Government Finance Act 1992, it is

RECOMMENDED

That the amounts of Council Tax for the 2019/20 financial year for each of the categories of dwellings be as shown in Appendix C.

7.0 PRESCRIBED CLASS OF DWELLINGS - THE COUNCIL TAX (PRESCRIBED CLASS OF DWELLINGS) (WALES) REGULATIONS 1998 - SI 1998/105 AS AMENDED BY PRESCRIBED CLASS OF DWELLINGS - THE COUNCIL TAX (PRESCRIBED CLASS OF DWELLINGS) (WALES) (AMENDMENT) REGULATIONS 2004

7.1 In Wales, Section 12 of the Local Government Finance Act 1992 creates a special class of property (prescribed class of dwellings) which allows a local billing authority to use its discretion in determining the level of discount to be awarded. If a dwelling meets certain criteria, then a billing authority can set the level of discount at either 25% or zero (i.e. no discount) for classes A & B, 50% or zero for class C.

7.2 The Council Tax (Prescribed Class of Dwellings)(Wales) Regulations 1998 as amended 2004, has with effect from 1st April, 2004 designated three classes of prescribed dwellings.

The classes are:-

Class A.

- a. A dwelling which is not the sole or main residence of an individual.
- b. Dwelling which is furnished.
- c. Occupation of the dwelling is prohibited by law for a continuous period of at least 28 days in the relevant year.
- d. Dwelling is not a mooring occupied by a boat or pitch occupied by a caravan.
- e. Dwelling is unoccupied and is managed by a personal representative in relation to the administration of a deceased person.

Class B

- a. A dwelling which is not the sole or main residence of an individual.
- b. Dwelling which is furnished.
- c. Occupation of the dwelling is not prohibited by law for a continuous period of at least 28 days in the relevant year.
- d. Dwelling is not a mooring occupied by a boat or pitch occupied by a caravan.
- e. Dwelling is unoccupied and is managed by a personal representative in relation to the administration of a deceased person.

Class C

- a. A dwelling which is unoccupied.
- b. A dwelling which is substantially unfurnished.

7.3 The difference between the classes A and B is the fact Class B has unrestricted occupation throughout 365 days a year whereas Class A is

restricted to a maximum of 11 months occupation in a year. E.g. planning restriction as commonly applied to holiday chalets.

7.4 The main type of property covered by these regulations relate to furnished dwellings and not someone's sole or main residence e.g. second homes.

7.5 Class C was introduced to end the Council Tax discount for chargeable dwellings which are unoccupied and substantially unfurnished for periods greater than 6 months.

This allows the Authority to levy a full charge once the initial 6 month exemption period expires; this benefits Denbighshire residents in that

- a. The property owner would be contributing a full charge
- b. There is a financial incentive to the owner to occupy the property leading to.

- The potential of increasing accommodation availability
- The reduction in the number of empty properties in communities

7.6 In the year 2009/2010 the Council resolved not to award a discount to Class A, B or C for the remaining term of the Council with the caveat that this was dependant on, no changes to Legislation or local conditions. The purpose of this resolution enabled consistency in the calculation of the Tax Base, a shorter report and the reduction in the volumes of paper produced.

7.7 **IT IS RECOMMENDED**

That the level of discount for Class A, B, and C as prescribed under the Council Tax (Prescribed Class of Dwellings) (Wales) Regulations 2004 be set at zero for the financial year 2019/20 being the term of this Council with the caveat that this is dependent on, no changes to Legislation or local conditions.

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DENBIGHSHIRE COUNCIL COUNCIL

Appendix B

	<u>COUNTY</u>	<u>COMMUNITY</u>	<u>TOTAL</u>	<u>BAND A</u>	<u>BAND B</u>	<u>BAND C</u>	<u>BAND D</u>	<u>BAND E</u>	<u>BAND F</u>	<u>BAND G</u>	<u>BAND H</u>	<u>BAND I</u>
	<u>PRECEPT</u>	<u>PRECEPT</u>										
	£	£	£	£	£	£	£	£	£	£	£	£
ABERWHEELER	1,327.08	18.23	1,345.31	896.87	1,046.35	1,195.83	1,345.31	1,644.27	1,943.23	2,242.18	2,690.62	3,139.06
BETWS G G	1,327.08	18.13	1,345.21	896.81	1,046.27	1,195.74	1,345.21	1,644.15	1,943.08	2,242.02	2,690.42	3,138.82
BODELWYDDAN	1,327.08	35.26	1,362.34	908.23	1,059.60	1,210.97	1,362.34	1,665.08	1,967.82	2,270.57	2,724.68	3,178.79
BODFARI	1,327.08	17.24	1,344.32	896.21	1,045.58	1,194.95	1,344.32	1,643.06	1,941.80	2,240.53	2,688.64	3,136.75
BRYNEGLWYS	1,327.08	40.55	1,367.63	911.75	1,063.71	1,215.67	1,367.63	1,671.55	1,975.47	2,279.38	2,735.26	3,191.14
CEFN MEIRIADOG	1,327.08	17.06	1,344.14	896.09	1,045.44	1,194.79	1,344.14	1,642.84	1,941.54	2,240.23	2,688.28	3,136.33
CLOCAENOG	1,327.08	30.00	1,357.08	904.72	1,055.51	1,206.29	1,357.08	1,658.65	1,960.23	2,261.80	2,714.16	3,166.52
CORWEN	1,327.08	42.46	1,369.54	913.03	1,065.20	1,217.37	1,369.54	1,673.88	1,978.22	2,282.57	2,739.08	3,195.59
CYFYLLIOG	1,327.08	30.00	1,357.08	904.72	1,055.51	1,206.29	1,357.08	1,658.65	1,960.23	2,261.80	2,714.16	3,166.52
CYNWYD	1,327.08	18.00	1,345.08	896.72	1,046.17	1,195.63	1,345.08	1,643.99	1,942.89	2,241.80	2,690.16	3,138.52
DENBIGH	1,327.08	66.00	1,393.08	928.72	1,083.51	1,238.29	1,393.08	1,702.65	2,012.23	2,321.80	2,786.16	3,250.52
DERWEN	1,327.08	25.32	1,352.40	901.60	1,051.87	1,202.13	1,352.40	1,652.93	1,953.47	2,254.00	2,704.80	3,155.60
DYSERTH	1,327.08	39.27	1,366.35	910.90	1,062.72	1,214.53	1,366.35	1,669.98	1,973.62	2,277.25	2,732.70	3,188.15
EFENECHTYD	1,327.08	25.00	1,352.08	901.39	1,051.62	1,201.85	1,352.08	1,652.54	1,953.00	2,253.47	2,704.16	3,154.85
GWYDDELWERN	1,327.08	15.86	1,342.94	895.29	1,044.51	1,193.72	1,342.94	1,641.37	1,939.80	2,238.23	2,685.88	3,133.53
HENLLAN	1,327.08	32.00	1,359.08	906.05	1,057.06	1,208.07	1,359.08	1,661.10	1,963.12	2,265.13	2,718.16	3,171.19
LLANARMON YN IAL	1,327.08	38.03	1,365.11	910.07	1,061.75	1,213.43	1,365.11	1,668.47	1,971.83	2,275.18	2,730.22	3,185.26
LLANBEDR D C	1,327.08	31.38	1,358.46	905.64	1,056.58	1,207.52	1,358.46	1,660.34	1,962.22	2,264.10	2,716.92	3,169.74
LLANDEGLA	1,327.08	32.59	1,359.67	906.45	1,057.52	1,208.60	1,359.67	1,661.82	1,963.97	2,266.12	2,719.34	3,172.56
LLANDRILLO	1,327.08	10.58	1,337.66	891.77	1,040.40	1,189.03	1,337.66	1,634.92	1,932.18	2,229.43	2,675.32	3,121.21
LLANDYRNOG	1,327.08	20.62	1,347.70	898.47	1,048.21	1,197.96	1,347.70	1,647.19	1,946.68	2,246.17	2,695.40	3,144.63
LLANELIDAN	1,327.08	31.55	1,358.63	905.75	1,056.71	1,207.67	1,358.63	1,660.55	1,962.47	2,264.38	2,717.26	3,170.14
LLANFAIR DC	1,327.08	52.17	1,379.25	919.50	1,072.75	1,226.00	1,379.25	1,685.75	1,992.25	2,298.75	2,758.50	3,218.25
LLANFERRES	1,327.08	27.92	1,355.00	903.33	1,053.89	1,204.44	1,355.00	1,656.11	1,957.22	2,258.33	2,710.00	3,161.67
LLANGOLLEN TOWN	1,327.08	80.52	1,407.60	938.40	1,094.80	1,251.20	1,407.60	1,720.40	2,033.20	2,346.00	2,815.20	3,284.40
LLANGYNHAFAL	1,327.08	10.17	1,337.25	891.50	1,040.08	1,188.67	1,337.25	1,634.42	1,931.58	2,228.75	2,674.50	3,120.25
LLANRHAADR Y C	1,327.08	24.00	1,351.08	900.72	1,050.84	1,200.96	1,351.08	1,651.32	1,951.56	2,251.80	2,702.16	3,152.52
LLANTYSILIO	1,327.08	40.00	1,367.08	911.39	1,063.28	1,215.18	1,367.08	1,670.88	1,974.67	2,278.47	2,734.16	3,189.85
LLANYNYS	1,327.08	25.00	1,352.08	901.39	1,051.62	1,201.85	1,352.08	1,652.54	1,953.00	2,253.47	2,704.16	3,154.85
NANTGLYN	1,327.08	32.93	1,360.01	906.67	1,057.79	1,208.90	1,360.01	1,662.23	1,964.46	2,266.68	2,720.02	3,173.36
PRESTATYN	1,327.08	62.68	1,389.76	926.51	1,080.92	1,235.34	1,389.76	1,698.60	2,007.43	2,316.27	2,779.52	3,242.77
RHUDDLAN	1,327.08	58.10	1,385.18	923.45	1,077.36	1,231.27	1,385.18	1,693.00	2,000.82	2,308.63	2,770.36	3,232.09
RHYL	1,327.08	57.68	1,384.76	923.17	1,077.04	1,230.90	1,384.76	1,692.48	2,000.21	2,307.93	2,769.52	3,231.11
RUTHIN	1,327.08	58.32	1,385.40	923.60	1,077.53	1,231.47	1,385.40	1,693.27	2,001.13	2,309.00	2,770.80	3,232.60
ST ASAPH	1,327.08	58.41	1,385.49	923.66	1,077.60	1,231.55	1,385.49	1,693.38	2,001.26	2,309.15	2,770.98	3,232.81
TREFNANT	1,327.08	9.33	1,336.41	890.94	1,039.43	1,187.92	1,336.41	1,633.39	1,930.37	2,227.35	2,672.82	3,118.29
TREMEIRCHION	1,327.08	16.73	1,343.81	895.87	1,045.19	1,194.50	1,343.81	1,642.43	1,941.06	2,239.68	2,687.62	3,135.56

Appendix C

2019/20
DENBIGHSHIRE COUNCIL COUNCIL

	<u>COUNTY</u>	<u>COMMUNITY</u>	<u>POLICE</u>	<u>TOTAL</u>	<u>BAND A</u>	<u>BAND B</u>	<u>BAND C</u>	<u>BAND D</u>	<u>BAND E</u>	<u>BAND F</u>	<u>BAND G</u>	<u>BAND H</u>	<u>BAND I</u>
	<u>PRECEPT</u>	<u>PRECEPT</u>	<u>PRECEPT</u>										
	£	£	£	£	£	£	£	£	£	£	£	£	£
ABERWHEELER	1,327.08	18.23	278.10	1,623.41	1,082.27	1,262.65	1,443.03	1,623.41	1,984.17	2,344.93	2,705.68	3,246.82	3,787.96
BETWS G G	1,327.08	18.13	278.10	1,623.31	1,082.21	1,262.57	1,442.94	1,623.31	1,984.05	2,344.78	2,705.52	3,246.62	3,787.72
BODELWYDDAN	1,327.08	35.26	278.10	1,640.44	1,093.63	1,275.90	1,458.17	1,640.44	2,004.98	2,369.52	2,734.07	3,280.88	3,827.69
BODFARI	1,327.08	17.24	278.10	1,622.42	1,081.61	1,261.88	1,442.15	1,622.42	1,982.96	2,343.50	2,704.03	3,244.84	3,785.65
BRYNEGLWYS	1,327.08	40.55	278.10	1,645.73	1,097.15	1,280.01	1,462.87	1,645.73	2,011.45	2,377.17	2,742.88	3,291.46	3,840.04
CEFN MEIRIADOG	1,327.08	17.06	278.10	1,622.24	1,081.49	1,261.74	1,441.99	1,622.24	1,982.74	2,343.24	2,703.73	3,244.48	3,785.23
CLOCAENOG	1,327.08	30.00	278.10	1,635.18	1,090.12	1,271.81	1,453.49	1,635.18	1,998.55	2,361.93	2,725.30	3,270.36	3,815.42
CORWEN	1,327.08	42.46	278.10	1,647.64	1,098.43	1,281.50	1,464.57	1,647.64	2,013.78	2,379.92	2,746.07	3,295.28	3,844.49
CYFYLLIOG	1,327.08	30.00	278.10	1,635.18	1,090.12	1,271.81	1,453.49	1,635.18	1,998.55	2,361.93	2,725.30	3,270.36	3,815.42
CYNWYD	1,327.08	18.00	278.10	1,623.18	1,082.12	1,262.47	1,442.83	1,623.18	1,983.89	2,344.59	2,705.30	3,246.36	3,787.42
DENBIGH	1,327.08	66.00	278.10	1,671.18	1,114.12	1,299.81	1,485.49	1,671.18	2,042.55	2,413.93	2,785.30	3,342.36	3,899.42
DERWEN	1,327.08	25.32	278.10	1,630.50	1,087.00	1,268.17	1,449.33	1,630.50	1,992.83	2,355.17	2,717.50	3,261.00	3,804.50
DYSERTH	1,327.08	39.27	278.10	1,644.45	1,096.30	1,279.02	1,461.73	1,644.45	2,009.88	2,375.32	2,740.75	3,288.90	3,837.05
EFENECHTYD	1,327.08	25.00	278.10	1,630.18	1,086.79	1,267.92	1,449.05	1,630.18	1,992.44	2,354.70	2,716.97	3,260.36	3,803.75
GWYDDELWERN	1,327.08	15.86	278.10	1,621.04	1,080.69	1,260.81	1,440.92	1,621.04	1,981.27	2,341.50	2,701.73	3,242.08	3,782.43
HENLLAN	1,327.08	32.00	278.10	1,637.18	1,091.45	1,273.36	1,455.27	1,637.18	2,001.00	2,364.82	2,728.63	3,274.36	3,820.09
LLANARMON YN IAL	1,327.08	38.03	278.10	1,643.21	1,095.47	1,278.05	1,460.63	1,643.21	2,008.37	2,373.53	2,738.68	3,286.42	3,834.16
LLANBEDR D C	1,327.08	31.38	278.10	1,636.56	1,091.04	1,272.88	1,454.72	1,636.56	2,000.24	2,363.92	2,727.60	3,273.12	3,818.64
LLANDEGLA	1,327.08	32.59	278.10	1,637.77	1,091.85	1,273.82	1,455.80	1,637.77	2,001.72	2,365.67	2,729.62	3,275.54	3,821.46
LLANDRILLO	1,327.08	10.58	278.10	1,615.76	1,077.17	1,256.70	1,436.23	1,615.76	1,974.82	2,333.88	2,692.93	3,231.52	3,770.11
LLANDYRNOG	1,327.08	20.62	278.10	1,625.80	1,083.87	1,264.51	1,445.16	1,625.80	1,987.09	2,348.38	2,709.67	3,251.60	3,793.53
LLANELIDAN	1,327.08	31.55	278.10	1,636.73	1,091.15	1,273.01	1,454.87	1,636.73	2,000.45	2,364.17	2,727.88	3,273.46	3,819.04
LLANFAIR DC	1,327.08	52.17	278.10	1,657.35	1,104.90	1,289.05	1,473.20	1,657.35	2,025.65	2,393.95	2,762.25	3,314.70	3,867.15
LLANFERRES	1,327.08	27.92	278.10	1,633.10	1,088.73	1,270.19	1,451.64	1,633.10	1,996.01	2,358.92	2,721.83	3,266.20	3,810.57
LLANGOLLEN TOWN	1,327.08	80.52	278.10	1,685.70	1,123.80	1,311.10	1,498.40	1,685.70	2,060.30	2,434.90	2,809.50	3,371.40	3,933.30
LLANGYNHAFAL	1,327.08	10.17	278.10	1,615.35	1,076.90	1,256.38	1,435.87	1,615.35	1,974.32	2,333.28	2,692.25	3,230.70	3,769.15
LLANRHAADR Y C	1,327.08	24.00	278.10	1,629.18	1,086.12	1,267.14	1,448.16	1,629.18	1,991.22	2,353.26	2,715.30	3,258.36	3,801.42
LLANTYSILIO	1,327.08	40.00	278.10	1,645.18	1,096.79	1,279.58	1,462.38	1,645.18	2,010.78	2,376.37	2,741.97	3,290.36	3,838.75
LLANYNYS	1,327.08	25.00	278.10	1,630.18	1,086.79	1,267.92	1,449.05	1,630.18	1,992.44	2,354.70	2,716.97	3,260.36	3,803.75
NANTGLYN	1,327.08	32.93	278.10	1,638.11	1,092.07	1,274.09	1,456.10	1,638.11	2,002.13	2,366.16	2,730.18	3,276.22	3,822.26
PRESTATYN	1,327.08	62.68	278.10	1,667.86	1,111.91	1,297.22	1,482.54	1,667.86	2,038.50	2,409.13	2,779.77	3,335.72	3,891.67
RHUDDLAN	1,327.08	58.10	278.10	1,663.28	1,108.85	1,293.66	1,478.47	1,663.28	2,032.90	2,402.52	2,772.13	3,326.56	3,880.99
RHYL	1,327.08	57.68	278.10	1,662.86	1,108.57	1,293.34	1,478.10	1,662.86	2,032.38	2,401.91	2,771.43	3,325.72	3,880.01
RUTHIN	1,327.08	58.32	278.10	1,663.50	1,109.00	1,293.83	1,478.67	1,663.50	2,033.17	2,402.83	2,772.50	3,327.00	3,881.50
ST ASAPH	1,327.08	58.41	278.10	1,663.59	1,109.06	1,293.90	1,478.75	1,663.59	2,033.28	2,402.96	2,772.65	3,327.18	3,881.71
TREFNANT	1,327.08	9.33	278.10	1,614.51	1,076.34	1,255.73	1,435.12	1,614.51	1,973.29	2,332.07	2,690.85	3,229.02	3,767.19
TREMEIRCHION	1,327.08	16.73	278.10	1,621.91	1,081.27	1,261.49	1,441.70	1,621.91	1,982.33	2,342.76	2,703.18	3,243.82	3,784.46

Report To:	Council
Date of Meeting:	19 February 2019
Lead Member / Officer:	Councillor Julian Thompson-Hill/Richard Weigh
Report Author:	Richard Weigh
Title:	Capital Plan 2018/19 – 2021/22 and Recommendations of the Strategic Investment Group

1. What is the report about?

The report updates members on the 2018/19 element of the Capital Plan. Also attached are the recommendations of the Strategic Investment Group of Capital bids recommended for inclusion in the Capital Plan.

2. What is the reason for making this report?

2.1 To provide members with an updated Capital Plan including an update on major projects and the corporate plan. This report also includes the Capital Strategy Report for 2019-20. This is a new report and is intended to provide a high level, concise and comprehensive overview to members of how capital expenditure, capital financing and treasury management activity contribute to the provision of the Council's services. The following Appendices are included:

- Appendix 1: Summary capital plan funding
- Appendix 2: Summary capital plan by service
- Appendix 3: Details of scheme estimates
- Appendix 4: Major capital project updates
- Appendix 5: Details of recommendations by Strategic Investment Group
- Appendix 6: Capital Bids recommended for approval
- Appendix 7: Capital Strategy Report
- Appendix 8 - 16: Wellbeing Impact Assessment Report for each project considered by the Strategic Investment Group

3. What are the Recommendations?

3.1 That Members note the latest position on the 2018/19 element of the Capital Plan and the update on major projects.

3.2 Members support the recommendation of the Strategic Investment Group as detailed in Appendix 5 and summarised in Appendix 6.

3.3 To approve the 2019/20 Capital Plan.

3.4 Members approve the Capital Strategy Report for 2019-20 as detailed in Appendix 7.

4. Report details

4.1 Capital Expenditure 2018/19

The full Capital Plan was last reported to Council in February 2018. Monthly updates are presented to Cabinet. The Estimated Capital Plan is now £54.27m. The plan has been updated since being reported to Cabinet on 22nd January 2019.

4.2 Major Projects

Appendix 4 provides an update on the following major projects:

- Rhyl Harbour Development
- 21st Century Schools Programme – Rhyl New School
- 21st Century Schools Programme – Ysgol Glan Clwyd
- 21st Century Schools Programme – Rhos Street and Ysgol Penbarras
- 21st Century Schools Programme – Ysgol Carreg Emlyn
- 21st Century Schools Programme – Ysgol Llanfair
- 21st Century Schools Programme – Christ the Word, Rhyl
- Rhyl Waterfront and Waterpark Development
- Rhyl Queens Market Redevelopment

4.3 Corporate Plan

The Corporate Plan 2012-17 set out the Council's ambition to deliver significant investment in its priorities and the latest figures highlight that the Council's capital investment in the Plan will be in the region of £117.219m, primarily on schools and roads with provision for extra care.

Council approved the latest Corporate Plan 2017-2022 on 17 October 2017. This sets out the Council's vision for the current term. The total cost of the plan has been estimated at £135m, but this is likely to change as proposals are developed. The Plan includes the next band of school improvement proposals. Cabinet on 23rd January 2018 confirmed its financial commitment to delivering Band B, and proposals are currently being drawn up. These include feasibility works which are currently underway as part of the Denbigh and Rhyl Area Reviews.

The Plan makes critical assumptions on various factors, including funding from both the Welsh Government and the Council's own resources, estimated costs and the timing of the works.

4.4 Capital Receipts

The Capital Plan is dependent for part of its funding on capital receipts generated by the sale of Council assets. The table below shows those gross receipts achieved in 2018/19. In addition, a number of potential disposals are also currently in development.

	2018/19 £000
Maes y Groes, Henllan	215
Pant Ifan Newydd, Rhuallt	456
Land at Dyserth (Deposit)	103
Land at Tirionfa, Rhuddlan	1.620
Total	2.394

4.5 Prudential Indicators 2018-19

Each year the Council sets Prudential Indicators that determine prudent limits on its borrowing. The Council's outstanding debt is currently £224.9m. This is within the Operational Boundary (£245m) and Authorised Limit (£250m) and is less than the forecast Capital Financing Requirement (£275.2m). This means the Council is adhering to the Prudential Code of Capital Finance and is not borrowing in excess of its capital needs.

The ratio of financing costs to the net revenue stream for 2018/19 is 5.84%. This ratio is an indicator of affordability and highlights the revenue implications of existing and proposed capital expenditure by identifying the proportion of the revenue budget required to meet borrowing costs.

4.6 Recommendations of the Strategic Investment Group (SIG)

The Strategic Investment Group has reviewed capital bids and has made recommendations for inclusion in the Capital Plan from 2019/20 onwards. These are detailed in Appendix 5 and summarised in Appendix 6.

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

Projects have been reviewed to ensure that they satisfy the Council's Corporate Objectives.

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

6.1 Cost Implications

It is necessary to ensure that the Capital Plan is fully funded as any cost overruns above the total available funding have to be funded from revenue budgets.

6.2 Staffing/IT/Accommodation Implications

Each new project is required to complete a Business Case form and any specific implications are discussed at that stage.

6.3 Assessment of Impact on Climate Change – Mitigation and Adaptation:

New capital projects are subject to scrutiny by the Strategic Investment Group. Each business case will show, where relevant carbon tonne emission pre and post project, thus identifying whether the project is carbon emission positive, negative or neutral. In addition, it is necessary to ensure new capital projects are future proof and able to adapt to climate change.

7. What are the main conclusions of the Well-being Impact Assessment?

A full Impact Assessment has been completed for each capital bid reviewed by the Strategic Investment Group. These are included within Appendices 8 to 16.

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

Projects are prepared and subsequently monitored in consultation with Heads of Service. The figures used in the reports are based upon the latest estimates available.

All members have been informed of the bids, with hard copies of bids being located in the Members room and project bids available to view on Mod.Gov.

9. Chief Finance Officer Statement

No project should commence without being fully funded against a robust project plan and the project being discussed with the Strategic Investment Group.

Project Sponsors need to exercise tight control over their capital expenditure to ensure that the projects to remain within budgets.

The Council continues to invest in its priorities through the Corporate Plan. Underpinning the affordability of the Plan are key assumptions around revenue budgets and cash. The scale of the Corporate Plan means that it spans a 5-7 year horizon and will undoubtedly mean that as it continues, there will be timing differences between planned and actual assumptions around the use of cash. This may mean that earmarked reserves may increase until commitments are made. It is crucial however to appreciate that if resources are diverted through the life of the Plan, it will have an impact on project delivery. Equally, if revenue budget support is diverted, the financial scale of the Plan would have to be reviewed. It is important to understand the revenue implication of capital investment decisions and the inclusion of prudential indicators in this report provides key indicators of affordability and borrowing limits.

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

10.1 Possible risks would include schemes not progressing, loss of grant and disruptions to services. The condition of assets would continue to deteriorate if investment is not made, and this may lead to the loss of important services.

10.2 No capital project is without risk. However all schemes are reviewed by the Strategic Investment Group and also subject to on-going monthly monitoring and reporting.

11. Power to make the Decision

Local Authorities are required under section 151 of the Local Government Act (1972) to make arrangements for the proper administration of their financial affairs.

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Position to end January 2019Capital 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

TotalCapital 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
Total Estimated Payments - Other	9,355	19,501	17,011	8,453	0
Total Estimated Payments - Major Projects:					
Housing Improvement Grants	1,416	1,556			
Rhyl, New 3-16 Catholic School		12,354	9,636	332	
Ysgol Llanfair, New School		3,676	995	169	
Ysgol Carreg Emlyn, New School		2,818	1,460	83	
Highways Maintenance	3,070	3,152	4,695		
East Rhyl Coastal Defence Scheme	2,634	667	2,417		
Rhyl Waterfront and Waterpark	10,721	10,545	530		
Contingency	500	0	505	500	500
Total	27,696	54,269	37,249	9,537	500
External Funding	12,184	18,198	19,659	8,695	4,796
Receipts and Reserves	2,908	10,045	1,931	893	
Prudential Borrowing	12,604	26,026	15,659	4,245	0
Unallocated Funding	0	0	0	(4,296)	(4,296)
Total Capital Financing	27,696	54,269	37,249	9,537	500

Note: 2018-19 Original Estimate is the position as approved by Council on 20th February 2018

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Position to January 2019

HEAD OF SERVICE CAPITAL PROGRAMME SUMMARY	2018/19 Estimated Programme	2019/20 Estimated Programme	2020/21 Estimated Programme	2021/22 Estimated Programme
	£000	£000	£000	£000
Head of Legal, HR and Democratic Services	86			
Head of Facilities, Assets and Housing	16,979	3,877	229	
Head of Planning and Public Protection	3,904	1,386		
Head of Business Improvement and Modernisation	384	171	200	0
Head of Community Support Services	209	588		
Head of Customers, Communication and Marketing	260			
Head of Highways and Environmental Services	9,572	13,494	7,990	
Head of Education and Childrens Services	22,875	17,228	618	
Contingency	0	505	500	500
TOTAL HEAD OF SERVICE SUMMARY	54,269	37,249	9,537	500

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Public Conveniences - Refurbishment Programme	50			
Total Facilities, Assets and Housing	16,979	3,877	229	0
Planning and Public Protection				
Housing Improvement Grants	1,556	1,200		
Enable Funding	139			
Warm Homes Fund	571			
Town and County Planning - Section 106	6			
Traffic Block Allocation	201	186		
Car Parks	19			
Refurbishment of Sky Tower Car Park	150			
Local Transport Fund 2018-19	245			
Active Travel Fund 2018-19	330			
Local Road Safety 2018-19	500			
Safe Routes in Communities 2018-19	145			
Denbighshire CCTV Partnership - New server	42			
Total Planning and Public Protection	3,904	1,386	0	0
Business Improvement and Modernisation				
ICT Strategy Phase 2	372	171	200	
Business Development Grants	12			
Total Business Improvement and Modernisation	384	171	200	0
Community Support Services				
Minor Adaptations and Equipment	179	220		
Replace Care.Com (PARIS)	14	45		
Cefndy Healthcare Investment	12			
Cysgod - Gaer - Biomass	4	108		
Acquisition of Extra Care Unit at Middle Lane, Denbigh		215		
Total Community Support Services	209	588	0	0
Customers, Communication and Marketing				
St Asaph Library - Refurbishment	69			
Denbigh Library - Improvements	191			

Total Customers, Communication and Marketing	260	0	0	0
Highways and Environmental Services				
Playground Improvements	11			
Highways Maintenance	2,878	2,175		
Highways Maintenance - Capital Displacement	274	930		
Public Highways Refurbishment Grant		1,590		
Bridges	777	849		
Rights of Way	4	74		
Asset Management	24			
Street Lighting	81	130		
Street Lighting - Sustainable LED Lighting (Salix)	231	220		
Coastal Defence - Inspections and Essential Maintenance	197	231		
Prestatyn Coastal Defence - Repairs to Open Stone Asphalt Revetment	160			
Prestatyn Coastal Defence - Outline Business Case	155			
Rhyl Central Coastal Defence - Outline Business Case	315			
East Rhyl Coastal Defence Scheme	667	2,417		
Rhyl Golf Club Coastal Defence Works	26			
Flood Prevention Scheme - General	5	243		
Flood Prevention Scheme - Dyserth Design and Development	49			
Flood Prevention Scheme - Llanbedr, Design and Development	105			
Flood Prevention Scheme - Glascoed Road, Design and Development	12			
Flood Prevention Scheme - Glascoed Road, Service Diversions	235			
Flood Prevention Scheme - Heol Esgob, St Asaph	60			
Ffordd Dderwen, Rhyl Drainage Study	25			
Llandrillo Headwall Replacement and Culvert Improvements	10			
Cyffyllog Flood Alleviation	10			
Rhuddlan, Flood Works to Property	20			
Vehicles, Plant & Equipment	2,000	1,500		
Remodelling Waste Service	1,183	3,135	7,990	
Rhyl Harbour Empowerment Order	13			
Rhyl Harbour Development	45			
Total Highways and Environmental Services	9,572	13,494	7,990	0
Education and Children's Services				
Schools Capital Maintenance Block Allocation (Net of contributions to other schemes)	2,096	3,164		
School Toilets - Capital Displacement Grant	24			
School Workplace Transport	295			

Equalities	88			
School Mobile Acquisition	44			
Welsh Language Centre at Ysgol Glan Clwyd	70	1,446	34	
Ysgol Bro Cinmeirch - Extension	139			
Transitional 21st Century Schools Programme - Ysgol y Llys Retention	69			
Betws GG - Works to Car Park (Town & Area Plan Funding)	30			
Ysgol Bro Dyfrdwy - New Area School	33			
Rhyl High School - New School	63	71		
Bodnant Community School	12	35		
Ysgol Glan Clwyd - New Extension and Remodelling	200	138		
Rhos Street and Ysgol Penbarras - New Schools	813	171		
Ysgol Llanfair - New School	3,676	995	169	
Ysgol Carreg Emlyn - New School	2,818	1,460	83	
Rhyl, Christ the Word - New School	12,354	9,636	332	
21c Band B - Denbigh and Rhyl Area Reviews	51			
Adaptations to Foster Carer Homes		112		
Total Education and Children's Services	22,875	17,228	618	0
Contingency		505	500	500
Total Capital Plan Services	54,269	37,249	9,537	500

Appendix 4 - Major Capital Projects Update – January 2019

Rhyl Harbour Development	
Total Budget	£10.624m
Expenditure to date	£10.624m
Estimated remaining spend in 2018/19	£ 0.000m
Future Years estimated spend	£ 0.000m
Funding	WG £2.545m; WEFO £5.899m; Sustrans £0.700m: RWE £155k; WREN/NRW £83k and DCC £1.242m
<p>Narrative:</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 30th April 2018 and further information was supplied to CET for their meeting on 11th June 2018 where approval was given to proceed with the new bridge maintenance arrangements.</p> <p>Additional maintenance and improvements to reduce future costs are being considered along with changes in reporting procedures to reduce staff time required to administer the contract.</p> <p>The Bridge Final Account has been settled at £45k rather than £60k originally requested by the Contractor.</p>	
Forecast In Year Expenditure 18/19	£0.045m

21st Century Schools Programme - Rhyl New School	
Total Budget	£23.895m
Expenditure to date	£23.761m
Estimated remaining spend in 18/19	£ 0.063m
Future Years estimated spend	£ 0.071m
Funding	DCC £10.206m; WG £13.689m
Narrative:	
<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 couple of defects to be completed by the Contractor which are in hand, and an updated record of the community benefits derived from the project to be provided.</p>	
Forecast In Year Expenditure 18/19	£0.063m

21st Century Schools Programme – Glasdir	
Total Budget	£11.411m
Expenditure to date	£11.214m
Estimated remaining spend in 18/19	£0.026m
Future Years estimated spend	£0.171m
Funding	DCC £2.763m; WG £8.648m
Narrative:	
<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>The Council's Design, Construction and Maintenance team are supervising the de-snagging of defects as part of the overall project programme. Snagging work is ongoing and will remain ongoing until the end of the defects period in April 2019. Work to de-commission the old site is complete with the asset managed by the Council's Estate department.</p>	
Forecast In Year Expenditure 18/19	£0.813m

21st Century Schools Programme – Ysgol Carreg Emlyn	
Total Budget	£5.059m
Expenditure to date	£2.353m
Estimated remaining spend in 18/19	£1.163m
Future Years estimated spend	£1.543m
Funding	WG £0.221m; DCC £4.838m
Narrative:	
<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>Work continues to progress on the internals and mechanical and electrical works, including second fix within the building and first stage of the decoration.</p> <p>The easement for the Scottish Power H Pole to supply power to the new site is still ongoing between Scottish Power and the third party land owner.</p> <p>In the coming weeks, progress will continue on the internals of the building, painting, start of the flooring and installation of the schools kitchen as well as works to form the school car park and improvements to the Highway will commence.</p> <p>It is envisaged the new school will open in the Spring of 2019.</p>	
Forecast In Year Expenditure 18/19	£2.818m

21st Century Schools Programme – Ysgol Llanfair	
Total Budget	£5.369m
Expenditure to date	£2.889m
Estimated remaining spend in 18/19	£1.316m
Future Years estimated spend	£1.164m
Funding	WG £0.180m; DCC £5.189m
Narrative:	
<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 Llanfair DC.</p> <p>Work continues to progress on site, with works to the internals and mechanical and electrical works continuing. The cladding and roofing has been completed and the building is now watertight.</p> <p>Discussions are currently on going with the Council, Welsh Water and interested parties of the village hall to agree an easement for connection to the foul drainage chamber in the village hall car park. This will continue to be progressed over the coming weeks.</p> <p>In the next period, works will continue on the plaster boarding and plastering and works will commence on the forming of the external areas of the new site.</p> <p>It is envisaged the new bilingual church school will open in the summer term of 2019.</p>	
Forecast In Year Expenditure 18/19	£3.676m

21st Century Schools Programme – Ysgol Glan Clwyd

Total Budget	£16.748m
Expenditure to date	£16.449m
Estimated remaining spend in 18/19	£0.161m
Future Years estimated spend	£0.138m
Funding	WG £11.461m; DCC £5.287m

Narrative:

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.

Phase 1, a new three storey extension was completed and handed over for occupation by the school from January 2017.

The first two sections of the old buildings following remodelling and refurbishment, comprising Phases 2a and 2b were handed over on 9th May 2017 and 28th June 2017 respectively. Part of Phase 2b included the new Visitors Car Park and the new Main Reception.

The final main section of remodelling and refurbishment of the old buildings, Phase 2c, was completed on 4th September 2017 and handed back to the school ready for the start of the new academic year.

Remaining internal works to create the new Leisure Centre facility and the final three rooms for the school were completed and handed over on 13th October 2017; at the same time the new Car Park and Coach Area and remaining external landscaping were also completed and handed over.

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 10th November 2017.

The School and Leisure Centre have returned to business as usual.

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. A small number of remaining defects will be addressed in the coming months subject to agreement on access to the school.

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. It is hoped the Final Account will be settled in the next few weeks.

Forecast In Year Expenditure 18/19	£0.200m
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21st Century Schools Programme – Rhyl 3-16 Faith School	
Total Budget	£23.813m
Expenditure to date	£9.775m
Estimated remaining spend in 18/19	£4.070m
Future Years estimated spend	£9.968m
Funding	WG £5.541m; DCC £18.272m
<p>Narrative: This scheme is within the Band A proposals for 21st Century Schools Programme.</p> <p>Work on site continues to progress well and the programme remains on target. Prior to Christmas, the installations of the windows to the school continued with this element of the build scheduled for completion during January. The cladding has progressed for the sports hall and this will be scheduled for completion in the coming weeks.</p> <p>The first fix for partitions and Mechanical and Electrical work continues and are scheduled for completion by mid-February, with the second fix scheduled to start at the end of January.</p> <p>Recent figures received from the contractor show that throughout November 34% of the workforce travelled less than 10 miles from home to site, and a further 18% travelled less than 20 miles.</p> <p>Meetings with the school have been taking place over the last few months regarding furniture and internal decoration, and these will be confirmed shortly.</p>	
Forecast In Year Expenditure 18/19	£12.354m

Rhyl Waterfront and Waterpark	
Total Budget	£23.467m
Expenditure to date	£19.422m
Estimated remaining spend in 18/19	£ 3.515m
Future Years estimated spend	£ 0.530m
Funding	WG £5.354m; DCC£16.113m; Rhyl Town Council £2.000m
Narrative:	
<p>Construction work on SC2 is nearing completion. The Waterpark is still on schedule to be handed over to the Council in January 2019 and to open prior to Easter 2019.</p> <p>Travelodge is on schedule to complete in January 2019.</p> <p>Proposals for the footprint of the former Unit C on the Children's Village are still being considered along with plans for the relocation of the Tourist Information Centre and refurbishment of Unit A.</p> <p>Major refurbishment of the Children's Village (Underground) car park is on schedule to complete by late March 2019.</p>	
Forecast In Year Expenditure 18/19	£10.545m

Rhyl Queens Market Redevelopment	
Total Budget	£5.000m
Expenditure to date	£0.000m
Estimated remaining spend in 18/19	£3.000m
Future Years estimated spend	£2.000m (0.900m shown within capital plan)
Funding	WG £5.000m (subject to formal confirmation)
Narrative:	
<p>Approval from Cabinet has been given to accept a Welsh Government grant offer in respect of the Queen's Market Redevelopment. Once an update valuation is received, a grant offer letter will be received from the Welsh Government and the properties can be acquired. The aim is to complete the acquisitions by the end of January 2019.</p>	
Forecast In Year Expenditure 18/19	£3.000m

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Appendix 5

Summary of Strategic Investment Group Recommendations (Capital Plan 2019/20)

1. Report details

- 1.1 The Final Local Government Settlement issued in December includes a general capital grant allocation of £2.8m. This is an increase of £1.008m from the Provisional Settlement, which takes account of recent additional funding announced by the Welsh Government. Confirmation has recently been received on further additional Welsh Government general capital grant of £1.692m for 2018-19. This is slightly higher than the sum of £1.680m included within the available funding shown in paragraph 1.3 below. £7k of this additional funding has been applied in 2018-19 to the contingency set aside for the Queens Market Development, with £5k added to the 2019-20 contingency.
- 1.2 The Council is aiming to dispose of a number of sites over the next three years. The total available funding in 2019/20 includes £70k from assets that are currently proceeding to disposal. The allocation of these funds to schemes is provisional until the funds are received from disposals.
- 1.3 The available funding for 2019/20 is shown below:

Source	Amount £000
General Capital Grant	2,822
General Capital Grant – 2018-19 additional	1,680
Un-hypothecated Supported Borrowing	2,982
Prudential Borrowing – Highways	1,970
Capital Receipts	330
Future Capital Receipts – Disposal of assets on-going	70
Contribution from capital financing budget	766
Total Funds Available 2019/20	10,620

- 1.4 The Capital Plan spends money on two types of project. Firstly there are one-off projects such as a new school; the second type is a 'block allocation'. These are on-going programmes of work that stretch over several years (and may never be complete) e.g. schools maintenance. Elements of this work may be paid for from repair and maintenance budgets but a significant part is funded through the Capital Plan.

Recommendations of the Strategic Investment Group

- 1.5 The Strategic Investment Group decided to invite bids in line with previously agreed block allocations from services. The Strategic Investment Group has reviewed 10 bids over a number of meetings.
- 1.6 Each bid was submitted with approval of the relevant Head of Service. The proposed allocations are detailed in Appendix 6 and in summary are as follows:
- It is proposed to allocate £1.2m in support of Private Sector Housing Assistance. The funding will be used in the main on the provision of Disabled Facilities Grants.
 - An allocation of £220k is recommended for Minor Adaptations, Community Equipment and Telecare. This funding is targeted at enabling the elderly and disabled to remain in their own homes.
 - It is proposed to allocate £100k to the Agricultural Estate to support the rationalisation of the estate and address Health & Safety issues including Asbestos surveys and removal. Of this, £50k will be provisional, subject to future disposal of assets.
 - Both the school and non-school capital maintenance bids include provision for essential maintenance such as Asbestos Removal, Fire Risk Assessment Work, Equalities etc. It is recommended that £3.164m be allocated to Schools Capital Maintenance Works. It is also proposed to allocate £1.345m to non-schools capital maintenance work. Of this, £20k will be provisional subject to future disposal of assets. It is further recommended that the appropriate Heads of Service determine the precise allocations to works required, in order of priority. The allocations proposed meet the highest priority works identified across the schools and non-schools estate.
 - Council on 29th January 2019 approved £100k for Highways as part of the 2019/20 Corporate Plan allocation. This will allow £1.750m of capital expenditure.
 - In addition to this, it is proposed to allocate £710k block allocation for structural and other repairs including highway maintenance, street lighting and bridges. Also included within this recommendation is a further £325k for repairs to bridge structures. This is third year of a proposed ten year Highways Structure Backlog Project.

Members should note that Council received notification from the Welsh Government on 31 January 2019 of an award of capital funding in relation to Public Highways Refurbishment. The grant award totals £795k per annum for both 2018-19 and 2019-20. This has been added to the capital plan in 2019-20, subject to review of

the spending plans by the Strategic Investment Group. It is anticipated that a further award of £795k for 2020-21 will be made by the Welsh Government in due course.

- An allocation of £186k is recommended to carry out road safety improvements.
 - The Strategic Investment Group considered a proposal for the continuation of a six year programme of replacement of all the street lighting lanterns within Denbighshire with new LED lanterns. The programme commenced in 2015/16 and will cost £1.5m in total, providing significant savings on energy costs and on-going maintenance costs. The scheme is funded through the Government Salix funding initiative which provides interest free loans for energy efficient projects and will be repaid using the savings generated. Applications for Salix funding are required on an annual basis, and the strategic Investment Group recommends the submission of an application to take out a Salix loan for year five costs of up to £220k repayable over 6 years.
 - The Strategic Investment Group recommends maintaining the allocation set aside for any contingencies at £0.5m, in line with 2018/19.
 - Cabinet on 20th November 2018 approved the acceptance of a grant offer from the Welsh Government to acquire the former Savoy Hotel and Queens Market, Hotel and Theatre in Rhyl. The acquisitions and subsequent demolition works are 100% externally funded. However, due to the timing of the grant awards, it is recommended £900k is set aside until such time as the external funding is confirmed.
- 1.7 Appendix 6 shows the projects listed with the recommended funding source for each highlighted in the appropriate column. For additional clarity, the following points should be noted:
- PB Highways column - £1.750m. This is supported from the revenue budget as a corporate priority, as approved by Council on 29th January 2019. In addition, a proposed £220k application for Salix funding is included.
 - Council Funds column - these are funds such as general grants, and capital receipts.
- 1.8 The membership of the Strategic Investment Group is as follows:
- Cabinet Member – Deputy Leader and Lead Member for Finance, Performance and Strategic Assets (Chair)
 - Cabinet Member – Leader of the Council and Lead Member for the Economy and Corporate Governance
 - Cabinet Member – Lead Member for Developing Community Infrastructure
 - Representative from each Scrutiny Committee
 - Corporate Director – Economy and Public Realm

- Head of Finance/S.151 Officer
- Head of Facilities, Assets and Housing (County Landlord)
- Business Information Team Manager

2019/20 Capital Bids - Proposed Block Allocations

APPENDIX 6

Ref	Project Name	Head of Service	Total Project Cost £000	Capital Plan Requirement 2019/20 £000	P B Highways £000	Council Funds £000	Subject to Capital Receipts £000	TOTAL 2019/20 £000	Brief Description
D01	Private Sector Housing Assistance	Emlyn Jones	1,200	1,200		1,200		1,200	Housing Improvement works to private sector dwellings
D02	Minor Adaptations; Community Equipment, Telecare	Phil Gilroy	220	220		220		220	Minor Adaptations and Equipment
D03	Agricultural Estate Capital Works	Jamie Groves	100	100		50	50	100	Address Health & Safety issues including Asbestos surveys & removal
D04	Schools Capital Maintenance Works	Jamie Groves	7,769	7,769		3,164		3,164	Works to a range of work streams in schools.
D05	Non School Public Buildings Capital Maintenance Works	Jamie Groves	5,758	5,758		1,325	20	1,345	Works to a range of work streams for Public Buildings
D06	Traffic Works	Emlyn Jones	1,195	186		186		186	Road Safety Improvement Schemes.
D07/D08/D09	Highways works	Tony Ward	3,585	3,585	1,750	1,035		2,785	Improvements to roads and bridges. Coastal Protection
D10	Sustainable LED Lighting (Salix)	Tony Ward	220	220	220			220	Application for loan to Salix to replace street lighting lanterns - see Note 1
	Capital Contingency					500		500	
	Queens Market Development	Jamie Groves				900		900	Set aside to fund demolition and associated fees pending external grant awards.
	TOTALS		20,047	19,038	1,970	8,580	70	10,620	

For Information Only:

Note 1 Sustainable LED Lighting (Salix) - Application for loan from Government funded Salix initiative

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**Denbighshire County Council
Capital Strategy Report 2019/20 to 2021/22**

Contents

- 1. Introduction**
- 2. Capital Expenditure and Financing**
- 3. Treasury Management**
- 4. Revenue Budget Implications**
- 5. Knowledge and Skills**

Capital Strategy Report 2019/20 to 2021/22

1 Introduction

- 1.1 This capital strategy is a new report for 2019/20, giving a high-level overview of how capital expenditure, capital financing and treasury management activity contribute to the provision of local public services along with an overview of how associated risk is managed and the implications for future financial sustainability. It has been written in an accessible style to enhance members' understanding of these sometimes technical areas.

2 Capital Expenditure and Financing

- 2.1 Capital expenditure is where the Council spends money on assets, such as property or vehicles that will be used for more than one year. In local government this includes spending on assets owned by other bodies, and loans and grants to other bodies enabling them to buy assets.

In 2019/20, the Council is planning capital expenditure of £52.2m as summarised below:

Table 1: Prudential Indicator: Estimates of Capital Expenditure

Capital Expenditure	2018/19 Approved £000	2018/19 Revised £000	2019/20 Estimate £000	2020/21 Estimate £000	2021/22 Estimate £000
Council Fund	51,137	54,269	37,249	15,333	6,296
Corporate Plan	0	0	685	3,914	16,661
HRA	10,233	11,579	14,270	15,688	13,605
Total	61,370	65,848	52,204	34,935	36,562

- 2.2 For details of the capital projects please refer to Appendix 2-4 in the Capital Plan report. These give details of the capital plan by service, scheme estimates and major capital project updates.
- 2.3 The Housing Revenue Account (HRA) is a ring-fenced account which ensures that council housing does not subsidise, or is itself subsidised, by other local services. HRA capital expenditure is therefore recorded separately. Details of the Housing Capital Budgets can be found in the Housing Rent Setting and Housing Revenue and Capital Budgets Report to Cabinet on 22 January 2019.
- 2.4 **Governance:**

The Strategic Investment Group (SIG) provides an independent review of all business case proposals for capital investment regardless of value and has delegated authority to approve bids to the value of £1 million. It will also recommend schemes to either Cabinet or the full Council if the value of the Application is above £1m or if for other reasons, it is more appropriate for Cabinet or the full Council to approve.

Capital Strategy Report 2019/20 to 2021/22

Annually SIG invite bids from the Heads of Service and meet to review the bids and recommend the proposed allocation of the funding to Cabinet and Council. The recommendations for 2019/20 are included in Appendix 5 of the Capital Plan Report.

A Summary of the Council's Capital Plan is included in the monthly Finance Report to Cabinet. It shows the approved Capital Plan against spend to date. Also an update on the major projects is included in the overall Capital Plan.

- 2.5 All capital expenditure must be financed, either from external sources (government grants and other contributions), the Council's own resources (revenue, reserves and capital receipts) or debt (borrowing, leasing). The planned financing of the above expenditure is as follows:

Table 2: Capital Financing

Capital Financing	2018/19 Approved £000	2018/19 Revised £000	2019/20 Estimate £000	2020/21 Estimate £000	2021/22 Estimate £000
Council Fund					
Capital Receipts	648	4,911	330	0	0
Grants & Contributions	11,201	17,245	12,345	5,713	1,814
Revenue Contributions & Reserves	5,418	5,134	1,601	893	0
Supported Borrowing	6,388	953	7,314	2,982	2,982
Prudential Borrowing	27,482	26,026	15,659	5,745	1,500
	51,137	54,269	37,249	15,333	6,296
Corporate Plan 2					
Capital Receipts	0	0	0	0	0
Grants & Contributions	0	0	229	883	8,914
Revenue Contributions & Reserves	0	0	0	0	0
Supported Borrowing	0	0	0	0	0
Prudential Borrowing	0	0	456	3,031	7,747
	0	0	685	3,914	16,661
Total	51,137	54,269	37,744	19,813	22,957
HRA					
Capital Receipts	0	71	1,820	1,200	2,150
Grants & Contributions	2,409	2,412	2,412	2,412	2,412
Revenue Contributions & Reserves	2,050	2,395	1,944	809	405
Supported Borrowing	0	0	0	0	0
Prudential Borrowing	5,774	6,701	8,094	11,267	8,638
Total	10,233	11,579	14,270	15,688	13,605

Capital Strategy Report 2019/20 to 2021/22

- 2.6 Debt is only a temporary source of finance, since loans and leases must be repaid, and this is therefore replaced over time by other financing, usually from revenue which is known as Minimum Revenue Provision (MRP). Alternatively, proceeds from selling capital assets (known as capital receipts) may be used to replace debt finance. The Council's full MRP statement is included within the Treasury Management Strategy Statement (TMSS) 2019/20.
- 2.7 The Council's cumulative outstanding amount of debt finance is measured by the capital financing requirement (CFR). This increases with new debt-financed capital expenditure and reduces with MRP and capital receipts used to replace debt. The CFR is expected to increase by £20m during 2019/20. Based on the above figures for expenditure and financing, the Council's estimated CFR is as follows:

Table 3: Prudential Indicator: Estimates of Capital Financing Requirement

Capital Financing Requirement	31/03/19 Approved £000	31/03/19 Revised £000	31/03/20 Estimate £000	31/03/21 Estimate £000	31/03/22 Estimate £000
Council Fund	208,906	201,640	216,762	219,119	220,052
HRA	74,271	73,593	78,508	86,212	90,726
Total CFR	283,177	275,233	295,270	305,331	310,778

- 2.8 **Asset management:** To ensure that capital assets continue to be of long-term use, the Council has an asset management strategy in place. The Asset Management Group (AMG) meets quarterly and its purpose is to provide strategic direction for all matters relating to the effective use of Council owned land and building assets within the County, including (but not exclusively):

Land and Property disposal

Land and property acquisition

Strategic property planning (including consideration of Asset Management Plans)

Innovative land and property usage / utilisation.

- 2.9 **Asset disposals:** When a capital asset is no longer needed, it may be sold so that the proceeds, known as capital receipts, can be spent on new assets or to repay debt. The Council has received £2.394m of capital receipts in 2018/19 and has a programme of potential disposals which is reported to the Asset Management Group.

Capital Strategy Report 2019/20 to 2021/22

3 Treasury Management

- 3.1 Treasury management is concerned with keeping sufficient but not excessive cash available to meet the Council's spending needs, while managing the risks. Surplus cash is invested until required, while a shortage of cash will be met by borrowing, to avoid excessive credit balances or overdrafts in the bank current account. The Council is typically cash rich in the short-term as revenue income is received before it is spent, but cash poor in the long-term as capital expenditure is incurred before being financed. The revenue cash surpluses are offset against capital cash shortfalls to reduce overall borrowing.
- 3.2 Due to decisions taken in the past, the Council currently has £224.6m borrowing at an average interest rate of 4.25% and £19.6m treasury investments at an average rate of 0.5%.
- 3.3 **Borrowing strategy:** The Council's main objectives when borrowing are to achieve a low but certain cost of finance while retaining flexibility should plans change in future. These objectives are often conflicting, and the Council therefore seeks to strike a balance between cheap short-term loans (currently available at around 0.75%) and long-term fixed rate loans where the future cost is known but higher (currently 2.0 to 3.0%).

Projected levels of the Council's total outstanding debt are shown below, compared with the capital financing requirement (see above).

Table 4: Prudential Indicator: Gross Debt and the Capital Financing Requirement

Capital Financing Requirement	31/03/19 Approved £000	31/03/19 Revised £000	31/03/20 Estimate £000	31/03/21 Estimate £000	31/03/22 Estimate £000
CFR	283,177	275,233	295,270	305,331	310,778
Debt	220,802	223,135	248,763	258,172	265,371

- 3.4 Statutory guidance is that debt should remain below the capital financing requirement, except in the short-term. As can be seen from table 6, the Council expects to comply with this in the medium term.
- 3.5 **Affordable borrowing limit:** The Council is legally obliged to set an affordable borrowing limit (also termed the authorised limit for external debt) each year and to keep it under review. In line with statutory guidance, a lower "operational boundary" is also set as a warning level should debt approach the limit.

Capital Strategy Report 2019/20 to 2021/22

Table 5: Prudential Indicators: Authorised Limit and Operational Boundary for External Debt

	2018/19 Approved £000	2018/19 Revised £000	2019/20 Proposed £000	2020/21 Proposed £000	2021/22 Proposed £000
Authorised Limit	250,000	250,000	295,000	300,000	300,000
Operational Boundary	245,000	245,000	290,000	295,000	295,000

Further details on borrowing are included in the treasury management strategy.

- 3.6 **Investment strategy:** Treasury investments arise from receiving cash before it is paid out again. Investments made for service reasons or for pure financial gain are not generally considered to be part of treasury management.
- 3.7 The Council's policy on treasury investments is to prioritise security and liquidity over yield that is to focus on minimising risk rather than maximising returns. Cash that is likely to be spent in the near term is invested securely, for example with the government, other local authorities or selected high-quality banks, to minimise the risk of loss.

Table 6: Treasury Management Investments

	31/03/18 Actual £000	31/03/19 Estimate £000	31/03/20 Estimate £000	31/03/21 Estimate £000	31/03/22 Estimate £000
Investments	12,600	5,000	5,000	5,000	5,000

Further details on treasury investments are included in the treasury management strategy.

- 3.8 **Governance:** Decisions on treasury management investment and borrowing are made daily and are therefore delegated to the Director of Finance and staff, who must act in line with the treasury management strategy approved by Council. Semi-annual reports on treasury management activity are presented to the Corporate Governance Committee. The Corporate Governance Committee is responsible for scrutinising treasury management decisions.

4 Revenue Budget Implications

- 4.1 Although capital expenditure is not charged directly to the revenue budget, interest payable on loans and MRP are charged to revenue, offset by any investment income receivable. The net annual charge is known as financing costs; this is compared to the net revenue stream i.e. the amount funded from Council Tax, business rates and general government grants.

Capital Strategy Report 2019/20 to 2021/22

Table 7: Prudential Indicator: Proportion of Financing Costs to Net Revenue Stream

Ratio of Financing Costs to Net Revenue Stream	2018/19 Approved £000	2018/19 Revised £000	2019/20 Estimate £000	2020/21 Estimate £000	2021/22 Estimate £000
Financing Costs	11,005	11,361	11,361	11,361	11,361
Net Revenue Stream	194,418	194,418	198,538	196,685	196,962
Council Fund Ratio	5.66%	5.84%	5.72%	5.78%	5.77%
Financing Costs	6,757	6,473	6,992	7,690	8,558
Net Revenue Stream	15,535	15,739	16,456	16,817	17,491
HRA Ratio	43.50%	41.13%	42.49%	45.73%	48.93%

- 4.2 **Sustainability:** Due to the very long-term nature of capital expenditure and financing, the revenue budget implications of expenditure incurred in the next few years will extend for up to 50 years into the future. The Head of Finance is satisfied that the proposed capital programme is prudent, affordable and sustainable.

5 Knowledge and Skills

- 5.1 The Council's approach to ensuring that the requisite knowledge and skills are held and demonstrated when making capital, borrowing and investment decisions is three fold.
- Employment of professionally qualified and experienced staff with responsibility for making decisions.
 - Continuous and extensive training for Council members to aid informed decision making and effective scrutiny.
 - Employment of Treasury Management advisors, Arlingclose to provide specialist advice in requisite areas.

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Block capital bid for Housing Renewal

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:	179
Brief description:	Block capital bid for Housing Renewal
Date Completed:	Version: 0
Completed By:	
Responsible Service:	Planning & Public Protection
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?

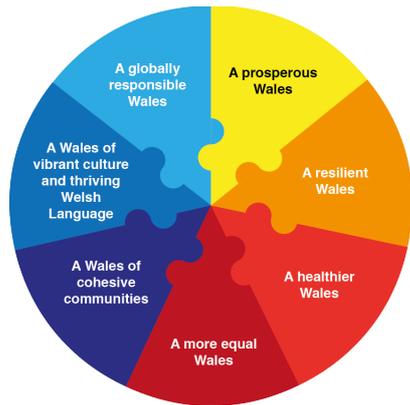
(2 out of 4 stars)



Actual score: 15/ 24.

Summary of impact

Wellbeing Goals



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

Main conclusions

THE LIKELY IMPACT ON DENBIGHSHIRE, WALES AND THE WORLD

A prosperous Denbighshire

Overall Impact:	Positive
Justification for Impact:	Projects are awarded to local contractors who in turn use locals sub-contractors and local builders merchants. Resources are spent within the local community and local employment. Opportunities for new local employment and training.

Positive consequences identified:

All work carried out in accordance with Building Regulations and where possible energy efficiency of existing dwellings will be improved.

Local contractors are used to carry out the work. Local employment

Unintended negative consequences identified:

Mitigating actions:

A resilient Denbighshire

Overall Impact:	Positive
Justification for Impact:	Some funding is provided to improve energy efficiency in dwellings and energy conservation advice is provided to residents. Officers are able to provide Energy Performance Reports to help residents better understand how to be more energy efficient in and around the home and help to reduce fuel consumption and reduce fuel costs.

Positive consequences identified:

Properties that receive energy conservation financial assistance will be more energy efficient and therefore lower energy consumption and reduced energy usage
Energy conservation advice offered to householders together with signposting to potential financial support for energy conservation measures

Unintended negative consequences identified:

Mitigating actions:

A healthier Denbighshire

Overall Impact:	Positive
Justification for Impact:	Residents indoor environments are improved through being adapted to meet the needs of the residents, The work promotes independent living and therefore contributes to a healthier mental and physical life style

Positive consequences identified:

Adaptation of dwellings for the benefit of the disabled occupants will provide an environment to promote independence. Provision of improved access to and from the dwelling and to and from the garden encourages a healthier more active lifestyle.

Steps, paths and walls – trips hazards within homes are removed

Adaptation of dwellings for the benefit of the disabled occupants promotes independence in and around the home which will have a positive impact on the emotional and mental well-being of the occupants

Unintended negative consequences identified:

Mitigating actions:

A more equal Denbighshire

Overall Impact:	Positive
Justification for Impact:	Housing Renewal assistance helps to provide better quality of housing and living conditions for people in greatest need. Projects enable vulnerable people to live as independently as possible.

Positive consequences identified:

Financial assistance is prioritised to applicants with disabilities to adapt dwellings to assist the disabled occupants to access facilities in and around the home

All applications for financial assistance are means tested and awards are based on applicants ability to pay.

Applicants are referred to 3rd sector for benefits checks where appropriate in order to maximise income.

Unintended negative consequences identified:

Mitigating actions:

A Denbighshire of cohesive communities

Overall Impact:	Positive
Justification for Impact:	Improvements to the visual amenity of an area

Positive consequences identified:

Assistance is offered to make dwellings safe and secure to benefit the occupants. Assistance is also available to elderly residents to help them maintain their dwellings and therefore to remain living independently in their own homes for longer.

Assistance is provided to bring empty homes back into use. This can improve the visual amenity of an area and can prevent further potential deterioration of the visual impact in the community

Unintended negative consequences identified:

Mitigating actions:

A Denbighshire of vibrant culture and thriving Welsh language

Overall Impact:	Neutral
Justification for Impact:	Impact on Welsh language is neutral however improvements in promoting the Welsh language could be made through encouraging contractors to use bi-lingual signage, company stationary and their websites etc

Positive consequences identified:

A number of officers within the team are Welsh speaking.

Unintended negative consequences identified:

Mitigating actions:

A globally responsible Denbighshire

Overall Impact:	Neutral
Justification for Impact:	Advice and physical environmental improvements to properties and behaviours of residents and a key element in delivering housing renewal projects

Positive consequences identified:

Local contractors and supply chains are used to deliver projects

Unintended negative consequences identified:

Mitigating actions:

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A bid for The continuation of a Capital Allocation to CSS to fund Minor Adaptations, Telecare & Specialist Equipment

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:	89
Brief description:	Continuation of funding for minor adaptations, telecare and specialist equipment.
Date Completed:	Version: 0
Completed By:	
Responsible Service:	Community Support 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

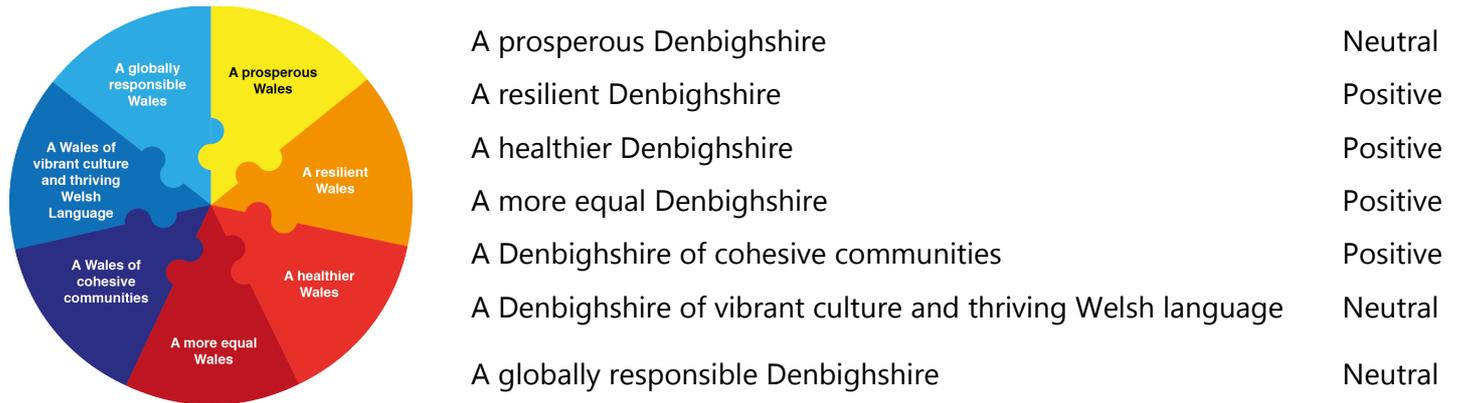
Could some small changes in your thinking produce a better result?
(3 out of 4 stars)



Actual score: 17/ 24.

Summary of impact

Wellbeing Goals



Main conclusions

THE LIKELY IMPACT ON DENBIGHSHIRE, WALES AND THE WORLD

A prosperous Denbighshire

Overall Impact:	Neutral
Justification for Impact:	The Capital Bid helps CSS to fulfil statutory responsibilities to vulnerable citizens within Denbighshire in the most cost efficient way. It has a positive effect on such individuals within the community because it helps them to remain safe and independent within their own homes for longer. However the above categories are not strictly relevant hence only a neutral impact

Positive consequences identified:

Unintended negative consequences identified:

Mitigating actions:

see above

A resilient Denbighshire

Overall Impact:	Positive
Justification for Impact:	As above - Our Community Equipment Service works to provide an efficient delivery of equipment to the people of Denbighshire in the most economical way, recycling where possible

Positive consequences identified:

We have a robust recycling programme within our Community Equipment Service which ensures that all stock is automatically considered for re-use wherever possible.

Fleet vehicles are used to deliver and collect equipment. The daily rounds are organised by area to ensure that deliveries / collections are maximised in the most economical way.

Unintended negative consequences identified:

Mitigating actions:

A healthier Denbighshire

Overall Impact:	Positive
Justification for Impact:	Specialist Equipment, Telecare and Minor Adaptations enable people to be more physically independent which in turn can impact on positive mental well being for themselves and their carers

Positive consequences identified:

Specialist Equipment, Telecare and Minor Adaptations enable people to be more physically independent which in turn can impact on positive mental well being for themselves and their carers

Unintended negative consequences identified:

Mitigating actions:

A more equal Denbighshire

Overall Impact:	Positive
Justification for Impact:	Equipment and adaptations will allow each citizen to do the things that matter to them personally. Enabling them to be more independent, safer and included . Reducing reliance upon carers and other family.

Positive consequences identified:

This Bid is designed to help people with disabilities to access specialist equipment, Minor adaptations and telecare which will in turn enable them to be independent, safer and included within their environment.

The provision of specialist equipment and minor adaptations will be of direct benefit to those who are on lower incomes and who would be unable to fund these items themselves or from their family / wider community.

Unintended negative consequences identified:

Mitigating actions:

A Denbighshire of cohesive communities

Overall Impact:	Positive
Justification for Impact:	Telecare enables vulnerable citizens to live more safely within their home enabling them to call for help in an emergency and giving family members peace of mind knowing that they have the means to contact help in an emergency.

Positive consequences identified:

Our bid includes the provision of Telecare devices which enable vulnerable citizens to live more safely within their home giving family members peace of mind knowing that they have the means to contact help in an emergency.

Unintended negative consequences identified:

Mitigating actions:

A Denbighshire of vibrant culture and thriving Welsh language

Overall Impact:	Neutral
Justification for Impact:	The Bid will not improve or reduce the current use of the welsh language.

Positive consequences identified:

All paperwork is bilingual and we have Staff within our Stores who are welsh speaking.

Unintended negative consequences identified:

Mitigating actions:

A globally responsible Denbighshire

Overall Impact:	Neutral
Justification for Impact:	Not Applicable

Positive consequences identified:

Unintended negative consequences identified:

Mitigating actions:

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The proposal is the requirement for capital investment in the Council's owned Agricultural Estate to meet health and safety and legal obligations and requirements.

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:	552
Brief description:	The proposal is the requirement for capital investment in the Council's owned Agricultural Estate to meet health and safety and legal obligations and requirements.
Date Completed:	22/11/2018 10:38:48 Version: 1
Completed by:	Mair Jones
Responsible Service:	Facilities, Assets & Housing
Localities affected by the proposal:	Whole County,
Who will be affected by the proposal?	Tenants, Contractors, Local Communities
Was this impact assessment completed as a group?	Yes

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 : 21 / 30.

Implications of the score

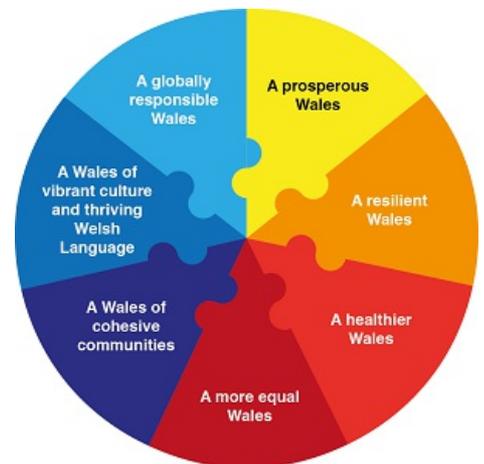
Proposal will benefit existing Council properties and will ensure the wellbeing of Tenants, and the local community whilst benefiting the local economy as well.

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



Main conclusions

The effect of the proposal will be positive since it will contribute to the local economy, improve energy efficiency of houses, provide better opportunities, skills and security for contracting companies, and contribute to safeguarding the Welsh language and culture.

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 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

Overall Impact	Positive
Justification for impact	The impact will be positive since the necessary investment in the house and the health and safety work will result in work in the local community and maintain the values of Denbighshire's assets. It will provide better and more energy efficient homes and workplaces for tenants.
Further actions required	The impact is positive.

Positive impacts identified:

A low carbon society	Improving the general fabric of farmhouses will create better energy efficient houses.
Quality communications, infrastructure and transport	
Economic development	Opportunities will exist for local contractors to benefit from additional contracts for building work. Investment in the houses will also maintain the market values of the houses for the long term benefit of the Authority's assets.
Quality skills for the long term	This can also lead to improved training opportunities and up skilling.
Quality jobs for the long term	This can also result in better job security for employees in contracting companies.
Childcare	

Negative impacts identified:

A low carbon society	
Quality communications, infrastructure and transport	
Economic development	
Quality skills for the long term	
Quality jobs for the long term	
Childcare	

A resilient Denbighshire

Overall Impact	Positive
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Justification for impact	The impact will be positive since it will safeguard buildings and improve the energy efficiency in more farmhouses.
Further actions required	The impact is positive

Positive impacts identified:

Biodiversity and the natural environment	
Biodiversity in the built environment	
Reducing waste, reusing and recycling	Wherever possible and without causing any detriment to the quality of the work, slates are reused where possible in any farmhouse roof repair/replacement work.
Reduced energy/fuel consumption	The energy efficiency of farmhouses will be improved.
People's awareness of the environment and biodiversity	
Flood risk management	

Negative impacts identified:

Biodiversity and the natural environment	
Biodiversity in the built environment	
Reducing waste, reusing and recycling	
Reduced energy/fuel consumption	
People's awareness of the environment and biodiversity	
Flood risk management	

A healthier Denbighshire

Overall Impact	Positive
Justification for impact	Complying with statutory and legal obligations is a positive effect for the Council and improves people's general well-being.
Further actions required	The impact is positive.

Positive impacts identified:

A social and physical environment that encourage and support health and well-being	Improving the fabric of farmhouses and carrying out health and safety work will ensure that the Council meets its statutory responsibilities as a Landlord.
Access to good quality, healthy food	
People's emotional and mental well-being	
Access to healthcare	
Participation in leisure opportunities	

Negative impacts identified:

A social and physical environment that encourage and support health and well-being	
Access to good quality, healthy food	
People's emotional and mental well-being	
Access to healthcare	
Participation in leisure opportunities	

A more equal Denbighshire

Overall Impact	Positive
Justification for impact	Investment in the agricultural estate will be a positive contribution to rural areas of the County.
Further actions required	The impact is positive.

Positive impacts identified:

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	
People who suffer discrimination or disadvantage	
Areas with poor economic, health or educational outcomes	Investment in properties located in more rural areas of the County.
People in poverty	A positive impact on housing quality and the effect of reduced requirement for fuel.

Negative impacts identified:

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	
People who suffer discrimination or disadvantage	
Areas with poor economic, health or educational outcomes	
People in poverty	

Overall Impact	Positive
Justification for impact	Farms and buildings in rural areas that are well looked after contribute positively to rural communities and can improve; general quality of life, community participation to reduce crime and also the tourism experience.
Further actions required	The impact is positive.

Positive impacts identified:

Safe communities and individuals	
Community participation and resilience	
The attractiveness of the area	Well maintained and looked after properties will have a positive effect on the physical appearance of rural areas.
Connected communities	Training and employment opportunities available for local contractors.

Negative impacts identified:

Safe communities and individuals	
Community participation and resilience	
The attractiveness of the area	
Connected communities	

A Denbighshire of vibrant culture and thriving Welsh language

Overall Impact	Positive
Justification for impact	The majority of the agricultural estate is located in rural areas where there are traditionally a higher number of Welsh speaking communities. Investment in these areas is essential to safeguard the culture and the language in these areas for future generations.
Further actions required	The impact is positive.

Positive impacts identified:

People using Welsh	Rural areas often have a higher percentage of Welsh speaking communities . Being able to maintain families in rural areas and provide opportunities for local contractors will have the effect of keeping people/children in local communities.
Promoting the Welsh language	Contractors are encouraged to use bilingual signage.

Culture and heritage	Maintaining numbers of Welsh speakers in rural communities has a positive effect on cultural events such as Eisteddfodau held in the locality.
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Negative impacts identified:

People using Welsh	
Promoting the Welsh language	
Culture and heritage	

A globally responsible Denbighshire

Overall Impact	Positive
Justification for impact	Local contractors will be able to benefit from employment opportunities. Contribution to agricultural holdings helps the activities and sustainability of rural communities.
Further actions required	The impact is positive.

Positive impacts identified:

Local, national, international supply chains	
Human rights	
Broader service provision in the local area or the region	Further contracting opportunities' may be provided by the current proposals.

Negative impacts identified:

Local, national, international supply chains	
Human rights	
Broader service provision in the local area or the region	

Essential Building Maintenance Works

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:	557
Brief description:	Capital bid to secure funding for maintenance works to the Council's building portfolio
Date Completed:	Version: 0
Completed by:	
Responsible Service:	Facilities, Assets & Housing
Localities affected by the proposal:	Whole County,
Who will be affected by the proposal?	All DCC building managers and users
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



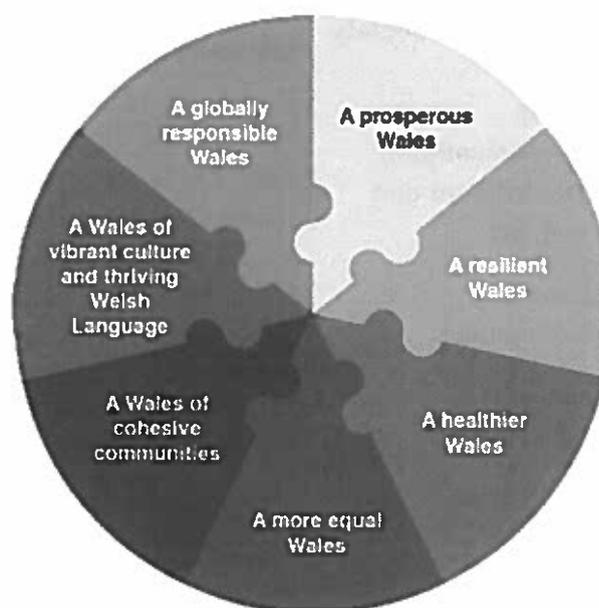
(3 out of 4 stars) Actual score : 21 / 30.

Implications of the score

Summary of impact

Well-being Goals

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



Main conclusions

Promotes the delivery of a range of services via the Council's building stock and provides employment, energy efficiency and biodiversity improvements.

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 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

Overall Impact	Positive
Justification for impact	Ensuring the Council is able to deliver services through well maintained buildings and giving local construction companies opportunities to undertake the work.
Further actions required	

Positive impacts identified:

A low carbon society	Maintenance works will improve thermal efficiency and replace existing M&E services with more efficient systems
Quality communications, infrastructure and transport	N/A
Economic development	Maintaining the Councils commercial and leisure facilities will assist in attracting employment and associated wellbeing opportunities.
Quality skills for the long term	Utilisation of local construction companies will encourage employers to develop the local workforce.
Quality jobs for the long term	Utilisation of local construction companies will encourage employers to develop the local workforce.
Childcare	Maintaining school and nursery buildings provides a quality environment for childcare and development

Negative impacts identified:

A low carbon society	
Quality communications, infrastructure and transport	
Economic development	
Quality skills for the long term	
Quality jobs for the long term	

Childcare**A resilient Denbighshire**

Overall Impact	Positive
Justification for impact	Replacement of old fabric and systems with more modern materials and fittings etc. Consideration of renewable energy where appropriate.
Further actions required	

Positive impacts identified:

Biodiversity and the natural environment	No impact
Biodiversity in the built environment	Use of modern materials and construction methods (e.g. sedum roofs, SUDS etc.)
Reducing waste, reusing and recycling	All contractors used will be required to minimise waste and recycle where appropriate in line with the Council's procurement requirements.
Reduced energy/fuel consumption	Improvements to building fabric and systems will increase thermal efficiency and maximise efficient systems, fixtures & fittings
People's awareness of the environment and biodiversity	Raising awareness of waste management and use of energy efficient methods etc.
Flood risk management	N/A - maintenance of existing buildings only

Negative impacts identified:

Biodiversity and the natural environment
Biodiversity in the built environment
Reducing waste, reusing and recycling
Reduced energy/fuel consumption
People's awareness of the environment and biodiversity

Flood risk management

A healthier Denbighshire

Overall Impact Positive

Justification for impact Improved quality of educational, leisure and workplace premises to encourage use and enhance the experience of the building users

Further actions required

Positive impacts identified:

A social and physical environment that encourage and support health and well-being Improved quality of educational, leisure and workplace premises to encourage use and enhance the experience of the building users

Access to good quality, healthy food N/A

People's emotional and mental well-being Physical improvements to buildings will increase the quality of experience and encourage use of educational and leisure buildings

Access to healthcare N/A

Participation in leisure opportunities Improved buildings will retain current users and attract new customers to facilities providing leisure/wellbeing facilities

Negative impacts identified:

A social and physical environment that encourage and support health and well-being

Access to good quality, healthy food

People's emotional and mental well-being

Access to healthcare

Participation in leisure opportunities

A more equal Denbighshire

Overall Impact Positive

Justification for impact The bids include works which will improve physical access to Council owned buildings and provide a better quality environment to encourage use of community buildings - eg libraries.

Further actions required

Positive impacts identified:

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

The bids include works which will improve physical access to Council owned buildings and provide a better quality environment to encourage use of community buildings - eg libraries.

People who suffer discrimination or disadvantage

The bids include works which will improve physical access to Council owned buildings and provide a better quality environment to encourage use of community buildings - eg libraries.

Areas with poor economic, health or educational outcomes

People in poverty

Negative impacts identified:

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

People who suffer discrimination or disadvantage

Areas with poor economic, health or educational outcomes

People in poverty

A Denbighshire of cohesive communities

Overall Impact	Positive
Justification for impact	Maintaining corporate buildings to a good standard improves the experience of building users and ensures that buildings used for employees, service users and members of the public are safe for use.
Further actions required	

Positive impacts identified:

Safe communities and individuals	Improved access to well maintained and safe/secure buildings
Community participation and resilience	Maintaining corporate buildings improves the quality for building users - encouraging use and supporting a range of activities
The attractiveness of the area	Improvements to the fabric of buildings improves the public realm

Connected communities	Maintenance of corporate buildings supports corporate aims and objectives
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Negative impacts identified:

Safe communities and individuals

Community participation and resilience

The attractiveness of the area

Connected communities

A Denbighshire of vibrant culture and thriving Welsh language

Overall Impact	Positive
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Justification for impact	Improved buildings have the potential to attract new users.
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Further actions required

Positive impacts identified:

People using Welsh	N/A
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Promoting the Welsh language	Improved school & childcare facilities promote bilingual learning.
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Culture and heritage	Maintaining historic buildings and encouraging use of educational and community buildings promoting local and national culture e.g. libraries
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Negative impacts identified:

People using Welsh

Promoting the Welsh language

Culture and heritage

A globally responsible Denbighshire

Overall Impact	Positive
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Justification for impact The programme will promote increased opportunities for quality employers and suppliers in addition to maintaining buildings providing a range of service provision.

Further actions required

Positive impacts identified:

Local, national, international supply chains The maintenance programme will rely on labour and materials from local and regional suppliers.

Human rights Contractors are required to demonstrate employment policies via the procurement process

Broader service provision in the local area or the region Well maintained buildings will support a range of corporate services and provide flexibility for changing needs.

Negative impacts identified:

Local, national, international supply chains

Human rights

Broader service provision in the local area or the region

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Traffic Block Capital Bid 2019-20

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:	561
Brief description:	Programme of Traffic Block Capital schemes
Date Completed:	23/11/2018 14:29:38 Version: 1
Completed by:	Mike Jones
Responsible Service:	Planning & Public Protection
Localities affected by the proposal:	Denbigh, Elwy, Prestatyn, Rhyl, Llangollen,
Who will be affected by the proposal?	Members of the public, businesses
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 : 18 / 30.

Implications of the score

The projects are primarily aimed at solving short-term problems but will also have some longer term benefits

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

Neutral

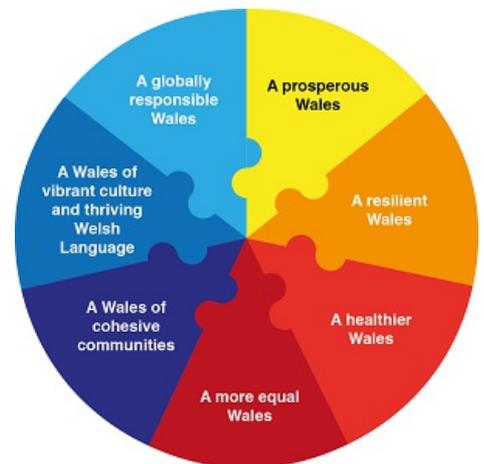
Positive

Positive

Positive

Neutral

Positive



Main conclusions

The main conclusions are that there are more positive impacts than negative. Effective public engagement and further assessment where necessary (i.e. environmental assessment) will further mitigate against some of the potential negative impacts.

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

Overall Impact	Positive
Justification for impact	The projects mostly involve improvements to transport infrastructure and some encourage more use of active travel
Further actions required	Any loss of parking to individual businesses (such as the removal of on-street parking bays outside their shops for example) would be mitigated against by the overall economic benefits of improving access to, and the physical attractiveness of those town centres.

Positive impacts identified:

A low carbon society	The programme includes active travel schemes aimed at reducing car use The Rhyl town centre project will help to reduce journey distance and number of stops at traffic signals therefore reducing carbon emissions
Quality communications, infrastructure and transport	The programme includes projects that improve road safety, improve the flow of traffic, and provide new active travel routes
Economic development	The two Rhyl town centre projects and the Llangollen project are aimed at improving access and the the attractiveness of these locations.
Quality skills for the long term	n/a
Quality jobs for the long term	n/a
Childcare	n/a

Negative impacts identified:

A low carbon society	
Quality communications, infrastructure and transport	
Economic development	The Rhyl Town Centre and Llangollen projects will reduce on-street parking in some locations which could have a negative impact for specific businesses.
Quality skills for the long term	n/a
Quality jobs for the long term	n/a
Childcare	n/a

A resilient Denbighshire

Overall Impact	Neutral
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Justification for impact	Positive impact in terms of fuel consumption. Negative impact potentially in terms of biodiversity.
Further actions required	Environment impact assessment will be carried out for the Townsend-Ystrad Road project

Positive impacts identified:

Biodiversity and the natural environment	
Biodiversity in the built environment	n/a
Reducing waste, reusing and recycling	n/a
Reduced energy/fuel consumption	The Rhyl Town centre traffic modelling project will overall reduce journey times and reduce the number of traffic signal junctions encountered for certain journeys. This will reduce fuel consumption when considered in terms of the millions of journeys it will benefit every year
People's awareness of the environment and biodiversity	n/a
Flood risk management	n/a

Negative impacts identified:

Biodiversity and the natural environment	The Townsend to Ystrad Road active travel scheme will include the construction of a tarmac path where in some locations there is currently grass field.
Biodiversity in the built environment	n/a
Reducing waste, reusing and recycling	n/a
Reduced energy/fuel consumption	
People's awareness of the environment and biodiversity	n/a
Flood risk management	n/a

A healthier Denbighshire

Overall Impact	Positive
Justification for impact	The road safety benefits and active travel benefits
Further actions required	Consult effectively on projects

Positive impacts identified:

A social and physical environment that encourage and support health and well-being	The active travel projects encourage more active travel choices. Road safety schemes are obviously designed to reduce casualties from road traffic collisions
Access to good quality, healthy food	n/a
People's emotional and mental well-being	Safer roads, less traffic congestion and more active lifestyles can contribute towards improved mental well-being.
Access to healthcare	n/a
Participation in leisure opportunities	Whilst the primary purpose of active travel routes is to increase utility walking and cycling, a secondary benefit is that they also encourage more walking and cycling for leisure purposes.

Negative impacts identified:

A social and physical environment that encourage and support health and well-being	
Access to good quality, healthy food	n/a
People's emotional and mental well-being	
Access to healthcare	n/a
Participation in leisure opportunities	

A more equal Denbighshire

Overall Impact	Positive
Justification for impact	Active travel routes increase travel choices (safe travel choices).
Further actions required	,

Positive impacts identified:

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	n/a
People who suffer discrimination or disadvantage	n/a
Areas with poor economic, health or educational outcomes	Active travel routes can increase travel choice especially for those who do not have access to a car
People in poverty	n/a

Negative impacts identified:

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	n/a
People who suffer discrimination or disadvantage	n/a
Areas with poor economic, health or educational outcomes	
People in poverty	n/a

A Denbighshire of cohesive communities

Overall Impact	Positive	Page 222
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Justification for impact	There is a considerable positive impact anticipated in terms of cohesive communities
Further actions required	Set aside sufficient time for public engagement

Positive impacts identified:

Safe communities and individuals	The road safety projects are designed to reduce casualties caused by road traffic collisions
Community participation and resilience	Public engagement has already been undertaken and more is planned for the Rhyl and Llangollen Town Centre projects. The Llangollen 2020 is a community-led project.
The attractiveness of the area	One of the aims of the Rhyl Town centre pedestrian links project and Llangollen 2020 project is to improve the attractiveness of the streetscape.
Connected communities	The active travel and road safety projects are design to improve travel options and the safety of existing travel

Negative impacts identified:

Safe communities and individuals	
Community participation and resilience	n/a
The attractiveness of the area	
Connected communities	

A Denbighshire of vibrant culture and thriving Welsh language

Overall Impact	Neutral
Justification for impact	The projects are expected to have a neutral impact. All new signage will be bilingual (Welsh above English).
Further actions required	n/a

Positive impacts identified:

People using Welsh	n/a
Promoting the Welsh language	n/a
Culture and heritage	n/a

Negative impacts identified:

People using Welsh	n/a
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Promoting the Welsh language	n/a
Culture and heritage	n/a

A globally responsible Denbighshire

Overall Impact	Positive
Justification for impact	Some benefit for local suppliers
Further actions required	Use local suppliers where possible

Positive impacts identified:

Local, national, international supply chains	The Rhyl and Llangollen projects are designed to improve access to local business and improve the attractiveness of the streetscape. The construction work generated by these projects will benefit local contractors
Human rights	n/a
Broader service provision in the local area or the region	n/a

Negative impacts identified:

Local, national, international supply chains	
Human rights	n/a
Broader service provision in the local area or the region	n/a

Highways Block Allocation Bid

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:	94
Brief description:	Funding to maintain / enhance bridges, flood defences, footways and other public rights of way
Date Completed:	02/11/2016 16:57:02 Version: 1
Completed by:	Tim Towers
Responsible Service:	Highways & Environmental Services
Localities affected by the proposal:	Whole County,
Who will be affected by the proposal?	All residents and road users in the County
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 : 22 / 30.

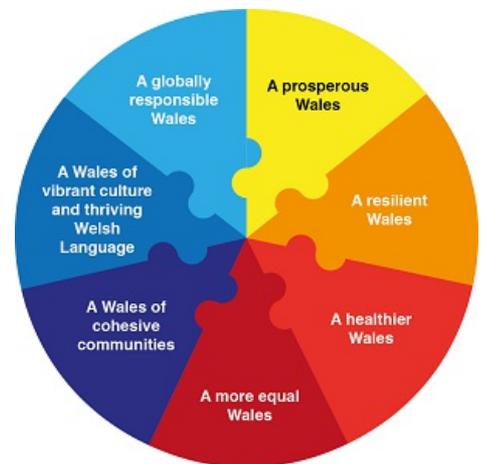
Implications of the score

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
- Positive
- Positive
- Neutral
- Neutral
- Neutral



Main conclusions

Overall this outcome shows that targeted funding that both helps with general maintenance whilst at the same time improving access for users will prove beneficial when measured against the desires of the Act

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 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

Overall Impact	Positive
Justification for impact	This funding will be used to boost access opportunities for many
Further actions required	

Positive impacts identified:

A low carbon society	This proposal includes the opportunity to improve disabled access in urban areas and enhance access to the countryside for others
Quality communications, infrastructure and transport	This proposal is specifically designed to improve the highway / PROW infrastructure
Economic development	Easier access to the countryside has been shown to boost tourism. Well maintained bridges will stop roads from having restrictions on them
Quality skills for the long term	
Quality jobs for the long term	
Childcare	

Negative impacts identified:

A low carbon society	This proposal also includes a bid to fund bridge maintenance which could make driving more desirable
Quality communications, infrastructure and transport	
Economic development	
Quality skills for the long term	
Quality jobs for the long term	
Childcare	

A resilient Denbighshire

Overall Impact	Positive
Justification for impact	On the whole this project is likely to have a slight positive impact

Further actions required	
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Positive impacts identified:

Biodiversity and the natural environment	
Biodiversity in the built environment	
Reducing waste, reusing and recycling	
Reduced energy/fuel consumption	
People's awareness of the environment and biodiversity	Greater access to the countryside will enhance visitor's experience of the environment
Flood risk management	

Negative impacts identified:

Biodiversity and the natural environment	
Biodiversity in the built environment	
Reducing waste, reusing and recycling	Work to bridges will result in some minimal production of potentially hazardous waste material
Reduced energy/fuel consumption	
People's awareness of the environment and biodiversity	
Flood risk management	

A healthier Denbighshire

Overall Impact	Positive
Justification for impact	As far as possible this bid will enhance health
Further actions required	

Positive impacts identified:

A social and physical environment that encourage and support health and well-being	The proposal will improve access for the disabled, walkers, cyclists and horse riders by giving improved access via dropped kerb crossing, better bridleways and along the coast
Access to good quality, healthy food	
People's emotional and mental well-being	The proposal will improve access for the disabled, walkers, cyclists and horse riders by giving improved access via dropped kerb crossing, better bridleways and along the coast
Access to healthcare	The decision to target dropped kerb accesses at chemist shops, surgeries etc., will aid access for all
Participation in leisure opportunities	The proposal will improve access for the disabled, walkers, cyclists and horse riders by giving improved access via dropped kerb crossing, better bridleways and along the coast

Negative impacts identified:

A social and physical environment that encourage and support health and well-being	
Access to good quality, healthy food	
People's emotional and mental well-being	
Access to healthcare	
Participation in leisure opportunities	

A more equal Denbighshire

Overall Impact	Positive
Justification for impact	as far as possible this proposal supports the desire to provide a more equal Denbighshire
Further actions required	

Positive impacts identified:

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	Dropped kerbs and improved access to coastal facilities as well as the countryside will prove beneficial to all
People who suffer discrimination or disadvantage	
Areas with poor economic, health or educational outcomes	Dropped kerbs and improved access to coastal facilities as well as the countryside will prove beneficial to all
People in poverty	

Negative impacts identified:

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	
People who suffer discrimination or disadvantage	
Areas with poor economic, health or educational outcomes	
People in poverty	

A Denbighshire of cohesive communities

Overall Impact	Neutral	Page 230
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Justification for impact	
Further actions required	

Positive impacts identified:

Safe communities and individuals	
Community participation and resilience	
The attractiveness of the area	
Connected communities	

Negative impacts identified:

Safe communities and individuals	
Community participation and resilience	
The attractiveness of the area	
Connected communities	

A Denbighshire of vibrant culture and thriving Welsh language

Overall Impact	Neutral
Justification for impact	
Further actions required	

Positive impacts identified:

People using Welsh	
Promoting the Welsh language	
Culture and heritage	

Negative impacts identified:

People using Welsh	
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Promoting the Welsh language	
Culture and heritage	

A globally responsible Denbighshire

Overall Impact	Neutral
Justification for impact	
Further actions required	

Positive impacts identified:

Local, national, international supply chains	
Human rights	
Broader service provision in the local area or the region	

Negative impacts identified:

Local, national, international supply chains	
Human rights	
Broader service provision in the local area or the region	

Highway Capital programme

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:	90
Brief description:	Provision of highway maintenance and surfacing works
Date Completed:	27/10/2016 14:40:04 Version: 1
Completed by:	Tim Towers
Responsible Service:	Highways & Environmental Services
Localities affected by the proposal:	Whole County,
Who will be affected by the proposal?	
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 : 22 / 30.

Implications of the score

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

Negative

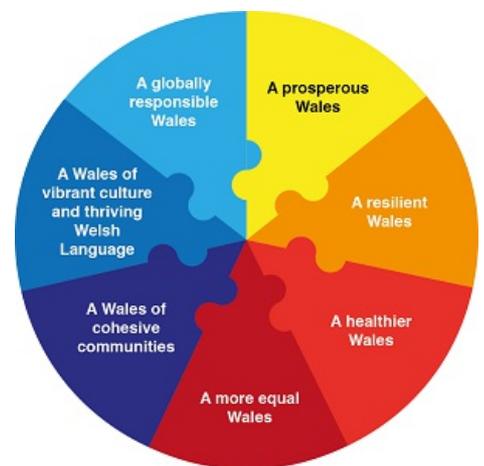
Positive

Positive

Neutral

Neutral

Positive



Main conclusions

This proposal is basically offering a like for like outcome and therefore wouldn't be expected to add significantly to the aims of the Wellbeing and Future Generations Act however it will also have very little negative effect too

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 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

Overall Impact	Positive
Justification for impact	A good road network is vital to so many areas of everyday life
Further actions required	Other initiatives can be used to assist with walking / cycling

Positive impacts identified:

A low carbon society	
Quality communications, infrastructure and transport	The whole purpose of the project is to boost this
Economic development	A good quality road network has been proven to boost economic benefit
Quality skills for the long term	A good local economy can create quality long term jobs
Quality jobs for the long term	A good local economy can create quality long term jobs
Childcare	

Negative impacts identified:

A low carbon society	Better roads could make driving more desirable
Quality communications, infrastructure and transport	
Economic development	
Quality skills for the long term	
Quality jobs for the long term	
Childcare	

A resilient Denbighshire

Overall Impact	Negative
Justification for impact	By it's very nature the processes and end result of this work tend to be detrimental to the environment
Further actions required	Where possible we will overlay existing roads or recycle material to reduce waste

Positive impacts identified:

Biodiversity and the natural environment	
Biodiversity in the built environment	
Reducing waste, reusing and recycling	
Reduced energy/fuel consumption	
People's awareness of the environment and biodiversity	
Flood risk management	As part of the normal maintenance we tend to clean and upgrade drainage systems thus reducing risk

Negative impacts identified:

Biodiversity and the natural environment	
Biodiversity in the built environment	
Reducing waste, reusing and recycling	Highway maintenance produces often hazardous waste
Reduced energy/fuel consumption	The proposal is likely to sustain energy levels and may even increase them
People's awareness of the environment and biodiversity	
Flood risk management	

A healthier Denbighshire

Overall Impact	Positive
Justification for impact	A good quality network encourages people to get out more and provides for a safer environment
Further actions required	

Positive impacts identified:

A social and physical environment that encourage and support health and well-being	This proposal would certainly provide a safer environment
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Access to good quality, healthy food	
People's emotional and mental well-being	
Access to healthcare	A good network aids movement
Participation in leisure opportunities	A good quality network encourages cycling and walking due to a reduction in hazards such as potholes

Negative impacts identified:

A social and physical environment that encourage and support health and well-being	
Access to good quality, healthy food	
People's emotional and mental well-being	
Access to healthcare	
Participation in leisure opportunities	

A more equal Denbighshire

Overall Impact	Positive
Justification for impact	A good quality road and footway network with adequate dropped kerbs creates a better environment for all
Further actions required	

Positive impacts identified:

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	A good quality road and footway network with adequate dropped kerbs creates a better environment for all
---	--

People who suffer discrimination or disadvantage	
Areas with poor economic, health or educational outcomes	A good quality road and footway network with adequate dropped kerbs creates a better environment for all
People in poverty	

Negative impacts identified:

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	
People who suffer discrimination or disadvantage	
Areas with poor economic, health or educational outcomes	
People in poverty	

A Denbighshire of cohesive communities

Overall Impact	Neutral
Justification for impact	Users and residents tend to take a good quality road for granted but don't like poor ones
Further actions required	

Positive impacts identified:

Safe communities and individuals	
Community participation and resilience	

The attractiveness of the area	Good quality roads and footways are easier to clean and are aesthetically pleasing
Connected communities	

Negative impacts identified:

Safe communities and individuals	
Community participation and resilience	
The attractiveness of the area	
Connected communities	

A Denbighshire of vibrant culture and thriving Welsh language

Overall Impact	Neutral
Justification for impact	
Further actions required	

Positive impacts identified:

People using Welsh	
Promoting the Welsh language	
Culture and heritage	

Negative impacts identified:

People using Welsh	
Promoting the Welsh language	
Culture and heritage	

A globally responsible Denbighshire

Overall Impact	Positive
Justification for impact	
Further actions required	

Positive impacts identified:

Local, national, international supply chains	
Human rights	
Broader service provision in the local area or the region	The road network contributes to many service provision aims

Negative impacts identified:

Local, national, international supply chains	
Human rights	
Broader service provision in the local area or the region	

Investment in Highway Bridges and Retaining Walls

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:	100
Brief description:	The desire to fund a backlog in bridge maintenance
Date Completed:	04/11/2016 13:40:31 Version: 1
Completed by:	Tim Towers
Responsible Service:	Highways & Environmental Services
Localities affected by the proposal:	Whole County,
Who will be affected by the proposal?	All road users in the County
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 : 24 / 30.

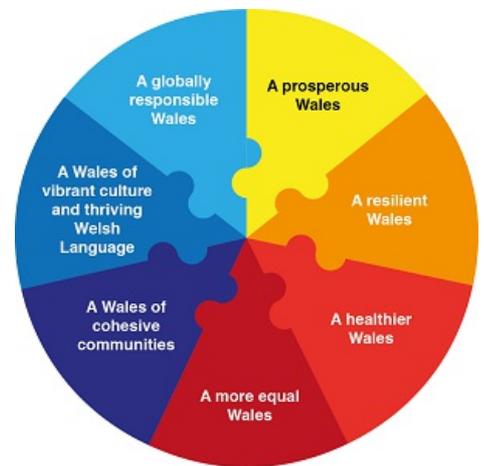
Implications of the score

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
- Neutral
- Positive
- Positive
- Positive
- Neutral
- Positive



Main conclusions

Although this work is intended to fulfil our Statutory Duty to provide a safe network it can also be used to underpin the aims of the Wellbeing Act

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 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

Overall Impact	Positive
Justification for impact	For the reasons outlined above there is an overall benefit
Further actions required	Other initiatives can be used to assist with walking and cycling to combat the potential negative effect on a low carbon society

Positive impacts identified:

A low carbon society	
Quality communications, infrastructure and transport	The whole project is designed to boost this
Economic development	A good quality road network has been proven to boost economic benefit
Quality skills for the long term	A good local economy can create quality long term skills
Quality jobs for the long term	A good local economy can create quality, long term jobs
Childcare	

Negative impacts identified:

A low carbon society	A better road network could make driving more desirable
Quality communications, infrastructure and transport	
Economic development	
Quality skills for the long term	
Quality jobs for the long term	
Childcare	

A resilient Denbighshire

Overall Impact	Neutral
Justification for impact	
Further actions required	

Positive impacts identified:

Biodiversity and the natural environment	
Biodiversity in the built environment	
Reducing waste, reusing and recycling	
Reduced energy/fuel consumption	
People's awareness of the environment and biodiversity	
Flood risk management	As part of the normal maintenance we tend to clean out watercourses and upgrade adjacent drainage systems thus reducing risk

Negative impacts identified:

Biodiversity and the natural environment	
Biodiversity in the built environment	
Reducing waste, reusing and recycling	
Reduced energy/fuel consumption	The proposal is likely to sustain energy levels and may even increase them
People's awareness of the environment and biodiversity	
Flood risk management	

A healthier Denbighshire

Overall Impact	Positive
Justification for impact	A good quality network encourages people to get out more and provides for a safer environment
Further actions required	

Positive impacts identified:

A social and physical environment that encourage and support health and well-being	Open bridges allow greater access for walkers, cyclists etc.
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Access to good quality, healthy food	
People's emotional and mental well-being	
Access to healthcare	Open bridges allow greater access to all our facilities
Participation in leisure opportunities	Open bridges allow greater access for walkers, cyclists etc.

Negative impacts identified:

A social and physical environment that encourage and support health and well-being	
Access to good quality, healthy food	
People's emotional and mental well-being	
Access to healthcare	
Participation in leisure opportunities	

A more equal Denbighshire

Overall Impact	Positive
Justification for impact	Where possible the maintenance work will incorporate improvements to enable greater access
Further actions required	

Positive impacts identified:

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	Where possible the maintenance work will incorporate improvements to enable greater access
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People who suffer discrimination or disadvantage	
Areas with poor economic, health or educational outcomes	Where possible the maintenance work will incorporate improvements to enable greater access
People in poverty	

Negative impacts identified:

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	
People who suffer discrimination or disadvantage	
Areas with poor economic, health or educational outcomes	
People in poverty	

A Denbighshire of cohesive communities

Overall Impact	Positive
Justification for impact	Overall, even minor improvements can make a good positive difference
Further actions required	

Positive impacts identified:

Safe communities and individuals	These works are designed to provide a safer environment for users
Community participation and resilience	

The attractiveness of the area	Many of these bridges are Listed Structures and so to enhance them will add to the attractiveness of the environment
Connected communities	

Negative impacts identified:

Safe communities and individuals	
Community participation and resilience	
The attractiveness of the area	
Connected communities	

A Denbighshire of vibrant culture and thriving Welsh language

Overall Impact	Neutral
Justification for impact	
Further actions required	

Positive impacts identified:

People using Welsh	
Promoting the Welsh language	
Culture and heritage	

Negative impacts identified:

People using Welsh	
Promoting the Welsh language	
Culture and heritage	

A globally responsible Denbighshire

Overall Impact	Positive
Justification for impact	The road network contributes to many service provision aims
Further actions required	

Positive impacts identified:

Local, national, international supply chains	The road network contributes to many service provision aims
Human rights	
Broader service provision in the local area or the region	

Negative impacts identified:

Local, national, international supply chains	
Human rights	
Broader service provision in the local area or the region	

Programme for Sustainable LED Street Lighting

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:	77
Brief description:	Conversion of existing assets to more energy efficient equipment
Date Completed:	18/10/2016 11:14:12 Version: 1
Completed by:	Craig Wilson
Responsible Service:	Highways & Environmental 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 some small changes in your thinking produce a better result?

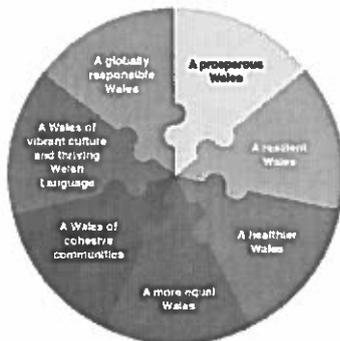


(3 out of 4 stars)

Actual score : 18 / 24.

Summary of impact

Wellbeing Goals



A prosperous Denbighshire	Positive
A resilient Denbighshire	Positive
A healthier Denbighshire	Neutral
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

This project will reduce energy consumption and associated carbon emissions, whilst improving lighting standards and the appearance of the existing road network throughout the county.

THE LIKELY IMPACT ON DENBIGHSHIRE, WALES AND THE WORLD

A prosperous Denbighshire

Overall Impact	Positive
Justification for impact	The project will improve the safety, illumination and appearance of the road network

Positive consequences identified:

Lower energy consumption and carbon emissions
The project will improve the general appearance of the area
Improved road and network infrastructure

Unintended negative consequences identified:

Mitigating actions:

Consultation with affected stakeholders

A resilient Denbighshire

Overall Impact	Positive
Justification for impact	Improvement to existing lighting standards whilst achieving energy and carbon reductions

Positive consequences identified:

Use of recyclable products and reduction of light pollution.
Reduction in energy consumption and carbon emissions
Less light pollution comparison to previous assets. Press release issued to raise awareness

Unintended negative consequences identified:

Increased waste collections

Mitigating actions:

Old equipment is reused or recycled where possible.

A healthier Denbighshire

Overall Impact	Neutral
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Justification for impact	This project has a negligible impact on promoting healthy lifestyles.
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Positive consequences identified:

Improved lighting promotes a sense of security and well being.

Unintended negative consequences identified:

Mitigating actions:

Not applicable.

A more equal Denbighshire

Overall Impact	Neutral
Justification for impact	This project has no impact

Positive consequences identified:

Unintended negative consequences identified:

Mitigating actions:

This project has no impact

A Denbighshire of cohesive communities

Overall Impact	Positive
Justification for impact	This project will have a positive impact on community safety and well being.

Positive consequences identified:

Better lighting promotes a sense of security and reduces the fear of crime.
The project will improve the aesthetic appearance of the area

Unintended negative consequences identified:

Mitigating actions:

No negative impacts

A Denbighshire of vibrant culture and thriving Welsh language

Overall Impact	Neutral
Justification for impact	No impact

Positive consequences identified:

Unintended negative consequences identified:

Mitigating actions:

No impact

A globally responsible Denbighshire

Overall Impact	Neutral
Justification for impact	Negligible impact as a consequence of the project

Positive consequences identified:

Products will be sourced responsibly.

Unintended negative consequences identified:

Materials cannot be procured from local suppliers due to the specialised nature of the equipment.

Mitigating actions:

Negligible impact as a consequence of the project

Report To:	Council
Date of Meeting:	19 February 2019
Lead Member / Officer:	Cllr Julian Thompson-Hill
Report Author:	Chief Finance Officer
Title:	Treasury Management Strategy Statement (TMSS) 2019/20 and Prudential Indicators 2019/20 to 2021/22 (Appendix 1)

1 What is the report about?

- 1.1 The TMSS (Appendix 1) shows how the Council will manage its investments and its borrowing for the coming year and sets the policies within which the TM function operates.

2 What is the reason for making this report?

- 2.1 The Chartered Institute of Public Finance and Accountancy's Code of Practice on Treasury Management (the "CIPFA TM Code") requires the Council to approve the TMSS and Prudential Indicators annually. A decision is required therefore to approve the recommendations below.

3 What are the Recommendations?

- 3.1 That Council approves the TMSS for 2019/20 (Appendix 1).
- 3.2 That Council approves the setting of Prudential Indicators for 2019/20, 2020/21 and 2021/22 (Appendix 1 Annex A).
- 3.3 That Council approves the Minimum Revenue Provision Statement (Appendix 1 Section 6).
- 3.4 That Council confirms that it has read, understood and taken account of the Well-being Impact Assessment (Appendix 2) as part of its consideration.

4 Report details

Background

- 4.1 TM involves looking after the Council's cash which is a vital part of the Council's work because approximately £0.5bn passes through the Council's bank account every year.

- 4.2 At any one time, the Council has up to £20m in cash so it needs to make sure that the best rate of return possible is achieved without putting the cash at risk which is why money is invested with a number of financial institutions.

When investing, the Council's priorities are to:

- keep money safe (security);
- make sure that the money comes back when it is needed (liquidity);
- make sure a decent rate of return is achieved (yield).

TMSS 2019/20

- 4.3 The TMSS for 2019/20 is set out in Appendix 1. This report includes TM Prudential Indicators which set limits on the Council's TM activity as shown in Appendix 1 Annex A.

Capital Prudential Indicators

- 4.4 The Capital related Prudential Indicators have been excluded from the TMSS and are now included in the Capital Strategy Report which is a new report introduced by the 2017 edition of the Prudential Code. It is intended to give a high level, concise and comprehensible overview to all elected members of how capital expenditure, capital financing and treasury management activity contribute to the provision of the Council's services.
- 4.5 The Capital Strategy Report has been included with the Capital Plan report to Council and includes the following Capital related Prudential Indicators:

Estimates of Capital Expenditure and Financing
Ratio of Financing Costs to Net Revenue Stream
Capital Financing Requirement
Authorised Limit and Operational Boundary for External Debt

5 How does the decision contribute to the Corporate Priorities?

- 5.1 An efficient TM strategy allows the Council to minimise its borrowing costs and release funding for its investment priorities.

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

- 6.1 There are no additional cost implications arising as a result of the setting of Prudential Indicators. The point of the TM Strategy is to obtain the best return within a properly managed risk framework.

7 What are the main conclusions of the Wellbeing Impact Assessment?

- 7.1 Financial planning and decision making should ensure that proper regard is given to the requirements of the Wellbeing of Future Generations Act and in particular, proper consideration of the long term impact of financial decisions, 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. The principles of prudence,

affordability and sustainability are already enshrined within the requirements of the Prudential Code and should underpin financial planning and decision making.

7.2 In the context of treasury management, the existing requirements to assess and report on the long term financial consequences of investment and borrowing decisions using prudential indicators and long-term debt planning support the sustainability goals of the Wellbeing Act.

7.3 The Wellbeing Impact Assessment report is included in Appendix 2 which shows how an efficient Treasury Management strategy promotes the wellbeing goals of the Act.

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

8.1 The Strategy Statement was reviewed by the Corporate Governance Committee on 23 January 2019.

8.2 The Council has consulted with its TM consultants, Arlingclose Ltd.

9 Chief Finance Officer Statement

9.1 TM involves looking after significant sums of cash so it is a vital part of the Council's work. It requires a sound strategy and appropriate controls to safeguard the Council's money, to ensure that reasonable returns on investments are achieved and that debt is effectively and prudently managed.

9.2 CIPFA published its new 2017 edition of the Code of Practice on TM at the end of 2017. It is a requirement of that Code for Council to approve a TMSS each financial year.

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

10.1 There are inherent risks involved in any TM activity as outlined in the Strategy Statement. The Council has a risk management policy but it is impossible to eliminate these risks completely.

11 Power to make the Decision

11.1 The Local Government Act 2003 determines the requirement for local authorities to set Prudential Indicators and requires the Council to comply with the Prudential Code of Capital Finance for Local Authorities that has been produced by the Chartered Institute of Public Finance and Accountancy (CIPFA).

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Denbighshire County Council

**Treasury Management Strategy Statement
and Investment Strategy 2019/20 to 2021/22**

Contents

- 1. Background**
- 2. Treasury Position**
- 3. Investment Strategy**
- 4. Borrowing Strategy**
- 5. Debt Rescheduling**
- 6. MRP Statement 2019/20**
- 7. Reporting Treasury Management Activity**
- 8. Other Items**

Annexes

- A. Prudential Indicators**
- B. Interest Rate Outlook**
- C. Glossary**

Treasury Management Strategy Statement and Investment Strategy 2019/20 to 2021/22

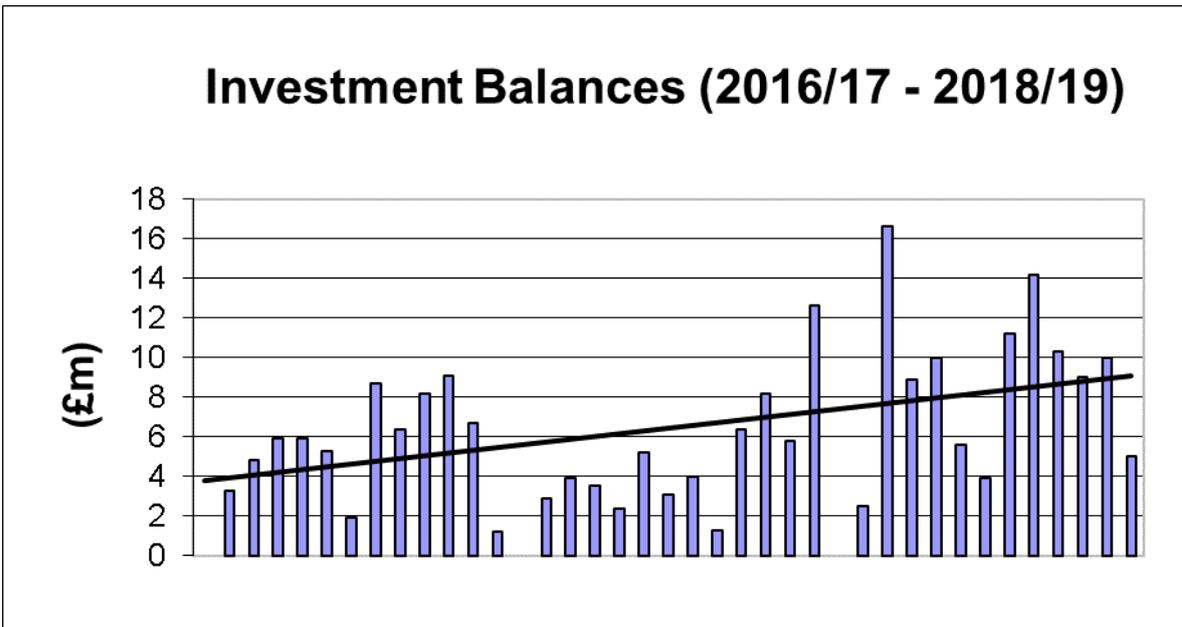
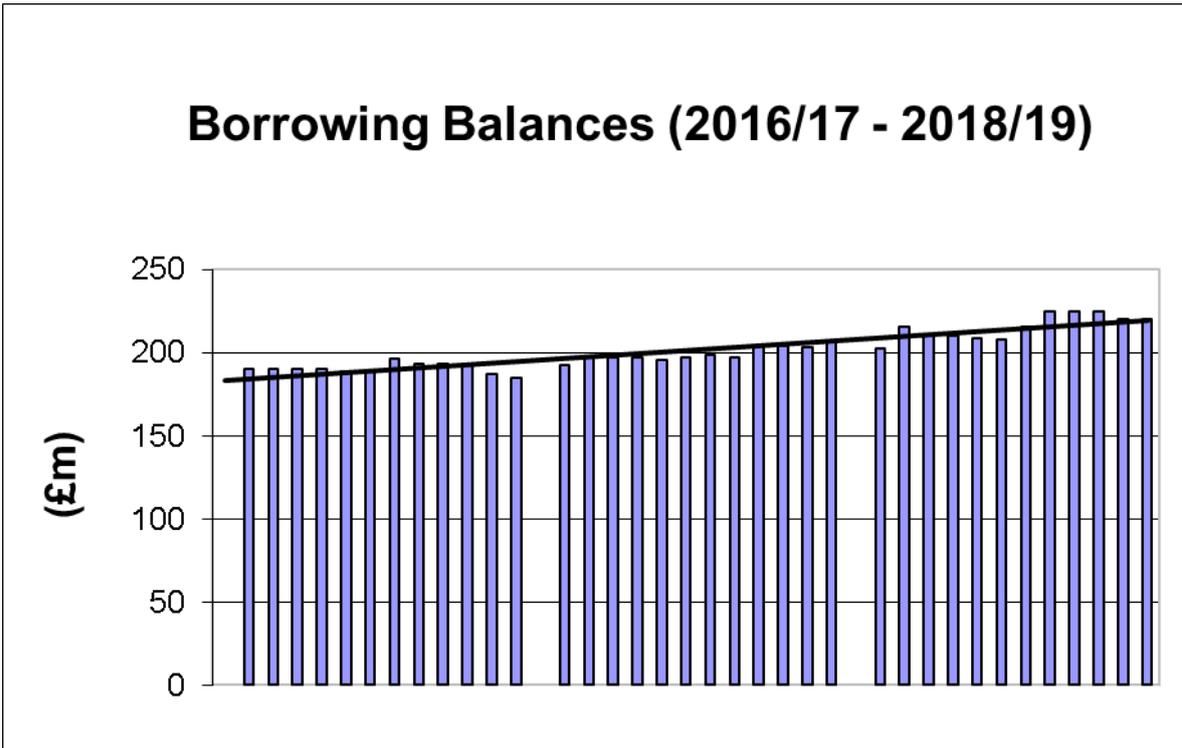
1 Background

- 1.1 The Council is responsible for its Treasury Management decisions and activity which involves looking after the Council's cash. This is a vital part of the Council's work because approximately £0.5bn passes through the Council's bank account every year.
- 1.2 CIPFA published its new 2017 edition of the Code of Practice on Treasury Management at the end of 2017 which requires the Authority to approve a treasury management strategy statement (TMSS) before the start of each financial year.
- 1.3 In addition, the Welsh Government (WG) issued revised *Guidance on Local Authority Investments* in March 2010 that requires the Authority to approve an investment strategy before the start of each financial year.
- 1.4 This report fulfils the Authority's legal obligation under the *Local Government Act 2003* to have regard to both the CIPFA Code and the WG Guidance.
- 1.5 The purpose of the TMSS is to set the:
 - Treasury Management Strategy for 2019/20
 - Annual Investment Strategy for 2019/20
 - Prudential Indicators for 2019/20, 2020/21 and 2021/22 (Annex A)
 - Minimum Revenue Provision (MRP) Statement

2 Treasury Position

- 2.1 The levels of the Council's borrowing and investment balances over the last three years are shown in the graphs below. The first chart shows the Council's borrowing has increased over this period because the Council has been borrowing to fund its capital plan either from the Public Works Loan Board (PWLB) or on a temporary basis from other local authorities. The second chart shows a corresponding increase in the amount of money which is available for investment.

**Treasury Management Strategy Statement
and Investment Strategy 2019/20 to 2021/22**



3 Investment Strategy

3.1 Both the CIPFA Code and the WG Guidance require the Authority to invest its funds prudently, and to have regard to the security and liquidity of its investments before seeking the highest rate of return, or yield. The Authority’s objective when investing money is to strike an appropriate balance between risk and return, minimising the risk of incurring losses from defaults and the risk of receiving unsuitably low investment income.

Treasury Management Strategy Statement and Investment Strategy 2019/20 to 2021/22

- 3.2 Given the increasing risk and very low returns from short-term unsecured bank investments, the Council will continue to hold a minimal amount of investments for short-term cash flow purposes and will continue to place a far greater emphasis on investing with the UK Government's Debt Management Office and other local authorities in order to minimise these risks.
- 3.3 The Authority may invest its surplus funds with any of the counterparty types in table 1 below, subject to the cash limits (per counterparty) and the time limits shown.

Table 1: Approved Investment Counterparties and Limits

Credit rating	Banks unsecured	Banks secured	Government	Corporates	Registered Providers
UK Govt	n/a	n/a	£Unlimited 50 years	n/a	n/a
AAA	£5m 5 years	£10m 20 years	£8m 50 years	£5m 20 years	£5m 20 years
AA+	£5m 5 years	£10m 10 years	£8m 25 years	£5m 10 years	£5m 10 years
AA	£5m 4 years	£10m 5 years	£8m 15 years	£5m 5 years	£5m 10 years
AA-	£5m 3 years	£10m 4 years	£8m 10 years	£5m 4 years	£5m 10 years
A+	£5m 2 years	£10m 3 years	£8m 5 years	£5m 3 years	£5m 5 years
A	£5m 13 months	£10m 2 years	£8m 5 years	£5m 2 years	£5m 5 years
A-	£5m 6 months	£10m 13 months	£8m 5 years	£5m 13 months	£5m 5 years
BBB+	£5m 100 days	£10m 6 months	£8m 2 years	£5m 6 months	£5m 2 years
None	£1m 6 months	n/a	£8m 25 years	£5m 5 years	£5m 5 years
Pooled funds and real estate investment trusts		£8m per fund			

Credit Rating: Investment limits are set by reference to the lowest published long-term credit rating from a selection of external rating agencies. Where available, the credit rating relevant to the specific investment or class of investment is used, otherwise the counterparty credit rating is used. However, investment decisions are never made solely based on credit ratings, and all other relevant factors including external advice will be taken into account.

Treasury Management Strategy Statement and Investment Strategy 2019/20 to 2021/22

Banks Unsecured: Accounts, deposits, certificates of deposit and senior unsecured bonds with banks and building societies, other than multilateral development banks. These investments are subject to the risk of credit loss via a bail-in should the regulator determine that the bank is failing or likely to fail.

Banks Secured: Covered bonds, reverse repurchase agreements (REPOs) and other collateralised arrangements with banks and building societies. These investments are secured on the bank's assets, which limits the potential losses in the unlikely event of insolvency, and means that they are exempt from bail-in.

Government: Loans, bonds and bills issued or guaranteed by national governments, regional and local authorities and multilateral development banks. These investments are not subject to bail-in, and there is generally a lower risk of insolvency, although they are not zero risk. Investments with the UK Central Government may be made in unlimited amounts for up to 50 years.

Corporates: Loans, bonds and commercial paper issued by companies other than banks and registered providers. These investments are not subject to bail-in, but are exposed to the risk of the company going insolvent. Loans to unrated companies will only be made as part of a diversified pool in order to spread the risk widely.

Registered Providers: Loans and bonds issued by, guaranteed by or secured on the assets of registered providers of social housing and registered social landlords, formerly known as housing associations. These bodies are tightly regulated by the Regulator of Social Housing (in England), the Scottish Housing Regulator, the Welsh Government and the Department for Communities (in Northern Ireland). As providers of public services, they retain the likelihood of receiving government support if needed.

Pooled Funds: Shares or units in diversified investment vehicles consisting of any of the above investment types, plus equity shares and property. These funds have the advantage of providing wide diversification of investment risks, coupled with the services of a professional fund manager in return for a fee. Short-term Money Market Funds that offer same-day liquidity and very low or no volatility will be used as an alternative to instant access bank accounts.

Real estate investment trusts: Shares in companies that invest mainly in real estate and pay the majority of their rental income to investors in a similar manner to pooled property funds. As with property funds, REITs offer enhanced returns over the longer term, but are more volatile especially as the share price reflects changing demand for the shares as well as changes in the value of the underlying properties.

Treasury Management Strategy Statement and Investment Strategy 2019/20 to 2021/22

- 3.4 Natwest is the Council's banker and will continue to be used for operational and liquidity purposes by transferring cash in and out of the instant access account as required even if its credit rating falls below those shown in the table above.
- 3.5 For a group of banks under the same ownership, the banking group limit is equal to the individual bank limit.
- 3.6 Credit ratings are obtained and monitored by the Authority's treasury advisers, who will notify changes in ratings as they occur. Where an entity has its credit rating downgraded so that it fails to meet the approved investment criteria then:
- no new investments will be made,
 - any existing investments that can be recalled or sold at no cost will be, and
 - full consideration will be given to the recall or sale of all other existing investments with the affected counterparty.
- 3.7 The Authority understands that credit ratings are good, but not perfect, predictors of investment default. Full regard will therefore be given to other available information on the credit quality of the organisations in which it invests, including credit default swap prices (the cost of banks insuring themselves against default), financial statements, information on potential government support, reports in the quality financial press and analysis and advice from the Council's treasury management adviser. No investments will be made with an organisation if there are substantive doubts about its credit quality, even though it may otherwise meet the above criteria.
- 3.8 When deteriorating financial market conditions affect the creditworthiness of all organisations, as happened in 2008 and 2011, this is not generally reflected in credit ratings, but can be seen in other market measures. In these circumstances, the Authority will restrict its investments to those organisations of higher credit quality and reduce the maximum duration of its investments to maintain the required level of security. If these restrictions mean that insufficient commercial organisations of high credit quality are available to invest the Authority's cash balances, then the surplus will be deposited with the UK Government, via the Debt Management Office or invested in government treasury bills for example, or with other local authorities. This will cause a reduction in the level of investment income earned, but will protect the principal sum invested.

The reduction in investment income which the Council has suffered over the last ten years due to the historically low level of the official bank rate and the minimal amount of cash held is illustrated in Table 2 below:

**Treasury Management Strategy Statement
and Investment Strategy 2019/20 to 2021/22**

Table 2: Investment Income (Interest)

2008/09 £000	2009/10 £000	2010/11 £000	2011/12 £000	2012/13 £000	2013/14 £000	2014/15 £000	2015/16 £000	2016/17 £000	2017/18 £000
2,219	635	398	408	239	265	230	108	32	17

3.9 Specified Investments: The WG Guidance defines specified investments as those:

- denominated in pound sterling,
- due to be repaid within 12 months of arrangement,
- not defined as capital expenditure by legislation, and
- invested with one of:
 - the UK Government,
 - a UK local authority, parish council or community council, or
 - a body or investment scheme of “high credit quality”.

The Authority defines “high credit quality” organisations as those having a credit rating of A- or higher that are domiciled in the UK or a foreign country with a sovereign rating of AA+ or higher.

3.10 Non-specified Investments: Any investment not meeting the definition of a specified investment is classed as non-specified. The Authority does not intend to make any investments denominated in foreign currencies nor any defined as capital expenditure. Non-specified investments will therefore be limited to long-term investments, i.e. those that are due to mature 12 months or longer from the date of arrangement and investments with bodies and schemes not meeting the definition of high credit quality. Limits on non-specified investments are shown in table 3 below.

Table 3: Non-Specified Investment Limits

	Cash limit
Total long-term investments	£10m
Total investments without credit ratings or rated below A- (except the UK government and UK local authorities)	£10m
Total investments (except pooled funds) with institutions domiciled in foreign countries rated below AA+	£10m
Total non-specified investments	£30m

Treasury Management Strategy Statement and Investment Strategy 2019/20 to 2021/22

4 Borrowing Strategy

- 4.1 In line with its TM strategy and following advice from its treasury consultants, the Council has locked in a proportion of its debt at very low rates with the Public Works Loan Board (PWLB) to fund the capital programme. In total, two new loans for £20m were undertaken in May 2018 and one for £10m in November over a 15 year period on an Equal Instalment of Principal (EIP) basis.
- 4.2 The Council has also continued to undertake temporary borrowing from other local authorities as required to cover short-term cash flow requirements as this is a good source of readily available cash at historically low rates.
- 4.3 At the same time, the Council will also continue to monitor its cash position and interest rate levels to ensure that further long term borrowing is undertaken from the PWLB at the optimal time to fund on-going Capital commitments.
- 4.4 While the Council can borrow from a number of banks, it normally only borrows long term from the PWLB which is a Government body that lends to public sector organisations.

The approved sources of borrowing are listed below:

- PWLB and any successor body
- any institution approved for investments
- any other bank or building society authorised to operate in the UK
- any other UK public sector body
- UK public and private sector pension funds (except Clwyd Pension Fund)
- capital market bond investors
- special purpose companies created to enable local authority bond issues

5 Debt Rescheduling

- 5.1 The Council is able to pay off loans earlier than it has to and to replace them with cheaper loans in order to save money or to reduce the risk to the Council. Sometimes, these loans will be replaced and sometimes not, depending on market conditions and interest rates.
- 5.2 The lower interest rate environment and changes in the rules regarding the premature repayment of PWLB loans has adversely affected the scope to undertake meaningful debt rescheduling although occasional opportunities arise. A weekly update on this is received from the Council's treasury management advisers so the position is kept under review.

Treasury Management Strategy Statement and Investment Strategy 2019/20 to 2021/22

6 Minimum Revenue Provision (MRP) Statement

- 6.1 The Council's MRP policy was reviewed during 2017/18 to explore potential savings options and the changes have been implemented from 2017/18. The revised MRP policy was agreed by Council on 17 October 2017.
- 6.2 The Council sets aside money each year to repay debt and this is known as the Minimum Revenue Provision (MRP).
- 6.3 There are four different methods of calculating MRP and the Council needs to say each year which methods it will use. This is known as the MRP Statement.
- 6.4 The MRP Statement is submitted to Council before the start of each financial year. If the terms of the original MRP Statement are revised again during the year, a revised statement will be put to Council at that time.

6.5 MRP Statement

The Council will apply the Asset Life Method to calculate MRP on outstanding supported borrowing incurred up to 31 March 2017 using a straight line calculation over 50 years. This represents a change from the Regulatory Method which had been applied previously.

The Council will apply the Asset Life Method to calculate MRP on supported borrowing incurred on or after 1 April 2017 using a straight line calculation over an appropriate number of years, dependent on the period of time that the capital expenditure is likely to generate benefits. This also represents a change from the Regulatory Method which had been applied previously.

The Council will apply the Asset Life Method to calculate MRP on all capital expenditure funded from unsupported borrowing. This represents a continuation of the previous policy.

- 6.6 Adopting International Financial Reporting Standards (IFRS) has resulted in leases coming on the balance sheet. This affects how much it appears the Council has borrowed but this is effectively covered by grant payments. MRP in respect of leases brought on the balance sheet under IFRS will match the annual principal repayment for the associated deferred liability. This is a technical accounting adjustment which is cost neutral for the Council.
- 6.7 MRP on housing assets funded through Prudential Borrowing is charged at 5% of the HRA's CFR. MRP on all other items such as new builds are charged at 2% of the HRA's CFR.

Treasury Management Strategy Statement and Investment Strategy 2019/20 to 2021/22

7 Reporting Treasury Management Activity

7.1 The Section 151 Officer (Chief Finance Officer) will report to the Corporate Governance Committee on treasury management activity / performance as follows:

- (a) The Treasury Management Strategy Statement and Prudential Indicators will be submitted to the committee in January each year prior to approval by Council.
- (b) Two treasury management updates will be submitted to the committee in January and July each year.
- (c) An annual report on treasury activity will be submitted to the committee in July each year for the preceding year prior to approval by Cabinet.

A treasury update showing the latest investment and borrowing position will be included in the monthly Revenue Monitoring report and borrowing will also be reported on in the Capital Plan to Council. The Capital Strategy Report will also be reported to Council in February with the Capital Plan.

8 Other items

8.1 Investment Training

8.1.1 Member Training

The CIPFA Code of Practice on Treasury Management requires the Section 151 Officer to ensure that all members tasked with treasury management responsibilities, including scrutiny of the treasury management function, understand fully their roles and responsibilities.

The Council has nominated the Corporate Governance Committee as the committee which has responsibility for scrutiny of the treasury management function.

8.1.2 Staff Training

Staff attend training courses, seminars and conferences provided by Arlingclose and CIPFA. There is a team of three members of staff who cover TM duties on a rota basis to ensure that their knowledge is kept up to date. These members of staff are also members of professional accountancy bodies including the Chartered Institute of Public Finance and Accountancy (CIPFA) and the Association of Accounting Technicians (AAT).

Treasury Management Strategy Statement and Investment Strategy 2019/20 to 2021/22

8.2 Treasury Management Advisers

The Council uses Arlingclose Ltd as Treasury Management Advisers and receives the following services:

- Credit advice
- Investment advice
- Borrowing advice
- Technical accounting advice
- Economic & interest rate forecasts
- Workshops and training events

The Council maintains the quality of the service with its advisers by holding quarterly strategy meetings and tendering every 5 years. Following a tendering exercise at the end of 2018, the contract was renewed with Arlingclose from 01 January 2019 for three years with an option to extend for a further two year period.

8.3 Markets in Financial Instruments Directive (MIFID)

8.3.1 The way that local authorities can access financial services changed in January 2018 as a result of the second Markets in Financial Instruments Directive (MIFID) from the EU. Under the new regulations, local authorities can only continue to be classed as professional clients if they have at least a £10m investment balance and staff with relevant experience. Local authorities not meeting the criteria are reclassified as retail clients. Retail clients have greater protection when placing investments because there is a requirement for firms to ensure that investments are suitable for the client. Professional clients are assumed to have greater knowledge and therefore need less protection.

8.3.2 The Council is not in a position to be classed as a professional client because it does not have an investment balance which is consistently above £10m so it is classified as a retail client. In practice, this does not have an impact on the Council's treasury management activities which consist of cash deposits or loans which are outside the scope of MIFID. The Council's investment advisers, Arlingclose, will continue to advise retail clients as they have a retail adviser who is able to advise on any investment products which come under the scope of MIFID such as shares and bonds.

8.4 Investment of Money Borrowed in Advance of Need

The Authority may, from time to time, borrow in advance of need, where this is expected to provide the best long term value for money. Since amounts borrowed will be invested until spent, the Authority is aware that it will be exposed to the risk of loss of the borrowed sums, and the risk that investment and borrowing interest rates may change in the intervening period. These risks will be managed as part of the Authority's overall management of its treasury risks.

Treasury Management Strategy Statement and Investment Strategy 2019/20 to 2021/22

The total amount borrowed will not exceed the authorised borrowing limit. The maximum period between borrowing and expenditure is expected to be three years, although the Authority is not required to link particular loans with particular items of expenditure.

8.5 Policy on Use of Financial Derivatives

In the absence of any explicit legal power to do so, the Authority will not use standalone financial derivatives (such as swaps, forwards, futures and options). Derivatives embedded into loans and investments, including pooled funds and forward starting transactions, may be used, and the risks that they present will be managed in line with the overall treasury risk management strategy.

8.6 Housing Revenue Account (HRA)

The Council operates one loans pool for the General Fund and the HRA. A proportion of the Council's investment and debt interest is apportioned to the HRA at year end. The amount of HRA investment interest is calculated by applying the Council's average investment interest rate to the HRA's average notional cash balance. The amount of HRA debt interest is calculated by applying the Council's average debt interest rate to the mid-year HRA Capital Financing Requirement (CFR).

**Treasury Management Strategy Statement
and Investment Strategy 2019/20 to 2021/22**

ANNEX A

PRUDENTIAL INDICATORS 2019/20 TO 2021/22

1 Upper Limits for Fixed Interest Rate Exposure and Variable Interest Rate Exposure

- 1.1 These indicators allow the Council to manage the extent to which it is exposed to changes in interest rates. This Council calculates these limits on a net interest paid basis (i.e. interest paid on fixed rate debt net of interest received on fixed rate investments).
- 1.2 The upper limit for variable rate exposure has been set to ensure that the Council is not exposed to interest rate rises which could adversely impact on the revenue budget. The limit allows for the use of variable rate debt to offset exposure to changes in short-term rates on investments.

	2018/19 Approved %	2019/20 Estimate %	2020/21 Estimate %	2021/22 Estimate %
Upper Limit for Fixed Interest Rate Exposure	100	100	100	100
Upper Limit for Variable Rate Exposure	40	40	40	40

- 1.3 The limits above provide the necessary flexibility within which decisions will be made for drawing down new loans on a fixed or variable rate basis; the decisions will ultimately be determined by expectations of anticipated interest rate movements as set out in the Council's treasury management strategy.

2 Maturity Structure of Fixed Rate borrowing

- 2.1 This indicator highlights the existence of any 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.
- 2.2 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. The maturity of borrowing is determined by reference to the earliest date on which the lender can require payment.

Treasury Management Strategy Statement and Investment Strategy 2019/20 to 2021/22

Maturity structure of fixed rate borrowing	Actual %	Lower Limit %	Upper Limit %
under 12 months	3.11	0	30
12 months and within 24 months	2.73	0	30
24 months and within 5 years	8.71	0	30
5 years and within 10 years	10.67	0	30
10 years and above	74.78	50	100

3 Credit Risk

3.1 The Council considers security, liquidity and yield, in that order, when making investment decisions.

3.2 Credit ratings remain an important element of assessing credit risk, but they are not a sole feature in the Council's assessment of counterparty credit risk.

3.3 The Council also considers alternative assessments of credit strength, and information on corporate developments of and market sentiment towards counterparties. The following key tools are used to assess credit risk:

- Published credit ratings of the financial institution (minimum A- or equivalent) and its sovereign (minimum AA+ or equivalent for non-UK sovereigns);
- Sovereign support mechanisms;
- Credit default swaps (where quoted);
- Share prices (where available);
- Economic fundamentals, such as a country's net debt as a percentage of its GDP;
- Corporate developments, news, articles, markets sentiment and momentum;
- Subjective overlay.

3.4 The only indicators with prescriptive values are credit ratings. Other indicators of creditworthiness are considered in relative rather than absolute terms.

4 Upper Limit for total principal sums invested over 1 year

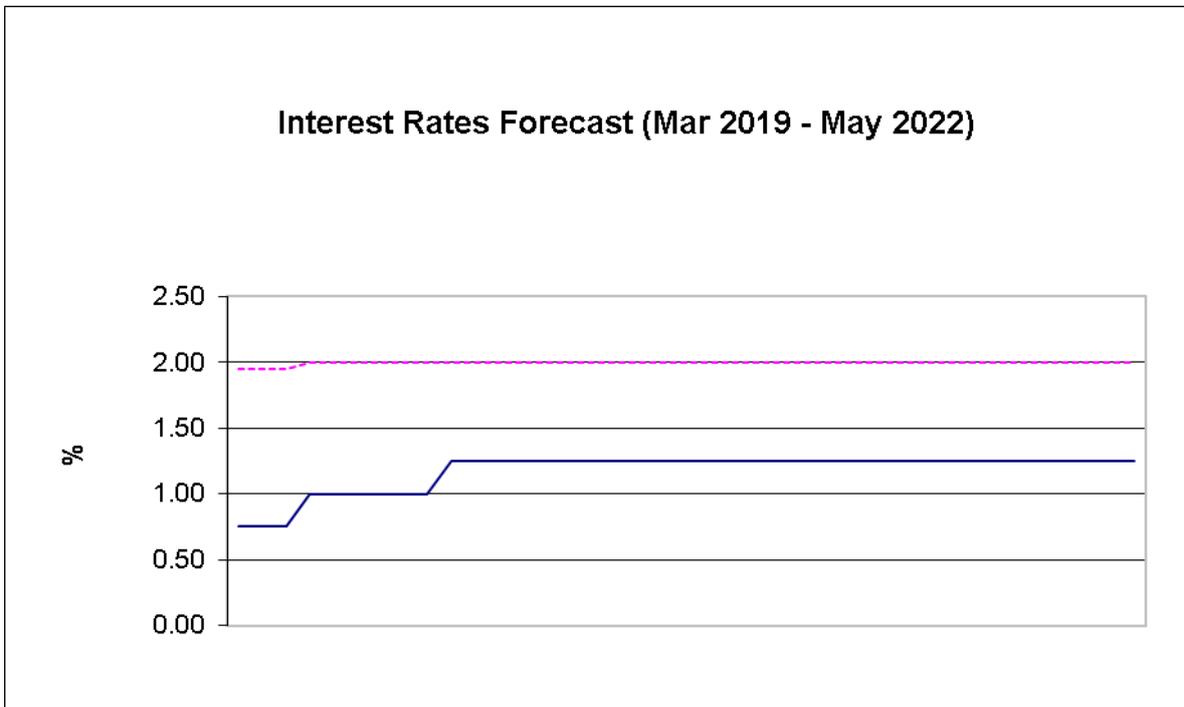
4.1 The purpose of this limit is to contain exposure to the possibility of loss that may arise as a result of the Council having to seek early repayment of the sums invested.

Upper Limit for total principal sums invested over 1 year	2018/19 Approved £m	2019/20 Estimate £m	2020/21 Estimate £m	2021/22 Estimate £m
	10.00	10.00	10.00	10.00

INTEREST RATES FORECAST

The graph below shows the interest rate forecast for the Official UK Bank Rate and the 50 year GILT rate from March 2019 to May 2022. The Official Bank Rate influences the rate at which the Council can invest. The GILT rate is the rate at which the Government borrows money and therefore this affects the rate at which the Council can borrow from the PWLB which is approximately 1% above GILT rates.

As the graph shows, it's much more expensive to borrow than to invest at the moment with the Official UK Bank Rate expected to remain fairly constant over the period. The graph illustrates that the difference between investment and borrowing rates is approximately 2%.



—— Official Bank Rate
- - - - 50-yr GILT Rate

**Treasury Management Strategy Statement
and Investment Strategy 2019/20 to 2021/22**

ANNEX C

GLOSSARY - Useful guide to Treasury Management Terms and Acronyms

BANK OF ENGLAND	UK's Central Bank
BANK RATE	Bank of England Interest Rate (also known as Base Rate)
CPI	Consumer Price Index – a measure of the increase in prices
RPI	Retail Price Index – a measure of the increase in prices
DMO	Debt Management Office – issuer of gilts on behalf of HM Treasury
FSA	Financial Services Authority - the UK financial watchdog
GDP	Gross Domestic Product – a measure of financial output of the UK
LIBID	London Interbank Bid Rate - International rate that banks lend to other banks
LIBOR	London Interbank Offer Rate – International rate that banks borrow from other banks (the most widely used benchmark or reference for short term interest rates)
PWLB	Public Works Loan Board – a Government department that lends money to Public Sector Organisations
MPC	Monetary Policy Committee - the committee of the Bank of England that sets the Bank Rate
LONG TERM RATES	More than 12 months duration
SHORT TERM RATES	Less than 12 months duration
BOND (GENERAL)	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
GOVERNMENT BOND	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

Treasury Management Strategy Statement and Investment Strategy 2019/20 to 2021/22

CORPORATE BOND	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

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Treasury Management Strategy Statement 2019/20

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:	The Treasury Management strategy for 2019/20
Date Completed:	07/01/2019 13:09:48 Version: 11
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

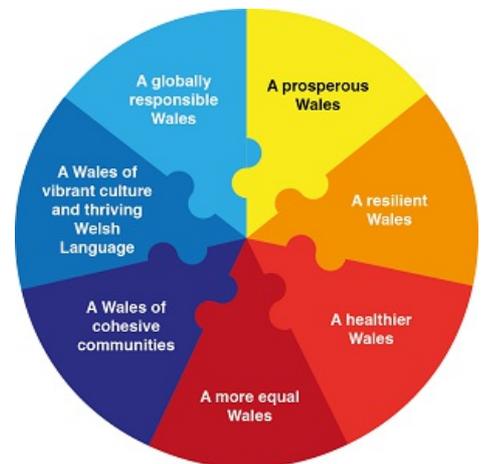
An efficient Treasury Management strategy ensures that the Council is maximising the use of its resources in order to guarantee the sustainability of the approach in the long term.

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

Overall Impact	Positive
Justification for impact	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.
Further actions required	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:

A low carbon society	
Quality communications, infrastructure and transport	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.
Economic development	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.
Quality skills for the long term	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.
Quality jobs for the long term	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.
Childcare	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:

A low carbon society	
Quality communications, infrastructure and transport	
Economic development	
Quality skills for the long term	
Quality jobs for the long term	
Childcare	

A resilient Denbighshire

Overall Impact	Positive
Justification for impact	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.
Further actions required	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:

Biodiversity and the natural environment	
Biodiversity in the built environment	
Reducing waste, reusing and recycling	Good investment decisions will help the Council to develop more efficient working practices which will use less resources.
Reduced energy/fuel consumption	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.
People's awareness of the environment and biodiversity	
Flood risk management	

Negative impacts identified:

Biodiversity and the natural environment	
Biodiversity in the built environment	
Reducing waste, reusing and recycling	
Reduced energy/fuel consumption	
People's awareness of the environment and biodiversity	
Flood risk management	

A healthier Denbighshire

Overall Impact	Neutral
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Justification for impact	Proposals have little or no direct impact on the vast majority of residents as the strategy involves managing the Council's investments and borrowing.
Further actions required	The impact of this report is neutral in this particular area so this is not applicable.

Positive impacts identified:

A social and physical environment that encourage and support health and well-being	
Access to good quality, healthy food	
People's emotional and mental well-being	
Access to healthcare	
Participation in leisure opportunities	The strategy contributes to the overall financial health of Denbighshire and therefore supports the delivery of the annual budget.

Negative impacts identified:

A social and physical environment that encourage and support health and well-being	
Access to good quality, healthy food	
People's emotional and mental well-being	
Access to healthcare	
Participation in leisure opportunities	

A more equal Denbighshire

Overall Impact	Neutral
Justification for impact	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.
Further actions required	The impact of this report is neutral in this particular area so this is not applicable.

Positive impacts identified:

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	
People who suffer discrimination or disadvantage	
Areas with poor economic, health or educational outcomes	
People in poverty	An efficient treasury management strategy contributes to the financial resilience of the Council and supports service delivery.

Negative impacts identified:

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	
People who suffer discrimination or disadvantage	
Areas with poor economic, health or educational outcomes	
People in poverty	

Overall Impact	Neutral
Justification for impact	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.
Further actions required	The impact of this report is neutral in this particular area so this is not applicable.

Positive impacts identified:

Safe communities and individuals	
Community participation and resilience	
The attractiveness of the area	
Connected communities	
Rural resilience	

Negative impacts identified:

Safe communities and individuals	
Community participation and resilience	
The attractiveness of the area	
Connected communities	
Rural resilience	

A Denbighshire of vibrant culture and thriving Welsh language

Overall Impact	Neutral
Justification for impact	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.
Further actions required	The impact of this report is neutral in this particular area so this is not applicable.

Positive impacts identified:

People using Welsh	
Promoting the Welsh language	Page 283

Culture and heritage	
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Negative impacts identified:

People using Welsh	
Promoting the Welsh language	
Culture and heritage	

A globally responsible Denbighshire

Overall Impact	Neutral
Justification for impact	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.
Further actions required	The impact of this report is neutral in this particular area so this is not applicable.

Positive impacts identified:

Local, national, international supply chains	
Human rights	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.
Broader service provision in the local area or the region	All borrowing is undertaken from central Government as detailed in the strategy and in line with other local authorities.

Negative impacts identified:

Local, national, international supply chains	
Human rights	
Broader service provision in the local area or the region	