

At: Aelodau'r Pwyllgor Llywodraethu  
Corfforaethol

Dyddiad: 16 Ionawr 2019

Rhif Union: 01824706204

ebost: [democrataidd@sirddinbych.gov.uk](mailto:democrataidd@sirddinbych.gov.uk)

Annwyl Gyngorydd

Fe'ch gwahoddir i fynychu cyfarfod y **PWYLLGOR LLYWODRAETHU CORFFORAETHOL, DYDD MERCHER, 23 IONAWR 2019** am **9.30** am yn **YSTAFELL BWLLGOR 1A, NEUADD Y SIR, RUTHUN**.

Yn gywir iawn

G Williams

Pennaeth Gwasanaethau Cyfreithiol, AD a Democrataidd

## **AGENDA**

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

#### **1 YMDDIHEURIADAU**

#### **2 DATGAN CYSYLLTIAD** (Tudalennau 5 - 6)

Dylai'r Aelodau ddatgan unrhyw gysylltiad personol neu gysylltiad sy'n rhagfarnu ag unrhyw fater a nodwyd fel un i'w ystyried yn y cyfarfod hwn.

#### **3 MATERION BRYD**

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

#### **4 COFNODION** (Tudalennau 7 - 14)

Derbyn cofnodion cyfarfod y Pwyllgor Llywodraethu Corfforaethol a gynhaliwyd ar 21 Tachwedd 2018 (copi'n amgaeedig).

**5 STRATEGAETH RHEOLI TRYSORLYS FLYNYDDOL** (Tudalennau 15 - 46)

Ystyried adroddiad gan y Prif Swyddog Cyllid (copi'n amgaeedig) ar Reoli Trysorlys er mwyn caniatáu i'r pwyllgor adolygu'r Strategaeth Rheoli Trysorlys a Dangosyddion Darbodus cyn iddynt gael eu hystyried i'w cymeradwyo gan y Cyngor ar 19 Chwefror 2019.

**6 CAU'R DATGANIAD CYFRIFON** (Tudalennau 47 - 50)

Ystyried adroddiad gan y Prif Gyfrifydd (copi'n amgaeedig) yn rhoi'r wybodaeth ddiweddaraf i aelodau ar y cynnydd o ran y broses statudol o gau'r cyfrifon yn gynnar.

**7 LLYTHYR ARCHWILIO BLYNYDDOL** (Tudalennau 51 - 56)

Derbyn er gwybodaeth Llythyr Archwilio Blynyddol Cyngor Sir Ddinbych 2018–2019, gan Swyddfa Archwilio Cymru (copi'n amgaeedig).

**8 DIWEDDARIAD ARCHWILIO MEWNOL** (Tudalennau 57 - 78)

Ystyried adroddiad gan y Prif Swyddog Mewnol (copi'n amgaeedig) yn rhoi gwybod i aelodau am gynnydd Archwilio Mewnol.

**9 ADRODDIAD DIWEDDARU - YR UNED GAFFAEL AR Y CYD** (Tudalennau 79 - 90)

Ystyried adroddiad gan y Prif Swyddog Mewnol (copi'n amgaeedig) sy'n darparu diweddariad i aelodau am gynnydd o ran gweithredu'r camau gweithredu a gytunwyd o ran adroddiad sicrwydd isel "Yr Uned Gaffael Gorfforaethol ar y Cyd" a gyflwynwyd i'r Pwyllgor hwn ym mis Mehefin 2018.

**10 ARCHWILIAD MEWNOL O'R GWASANAETH COFRESTRU** (Tudalennau 91 - 114)

Ystyried adroddiad gan y Prif Swyddog Mewnol (copi'n amgaeedig) sy'n rhoi manylion am adroddiad Archwilio Mewnol diweddar ar y Gwasanaeth Cofrestru a gafodd raddfa Sicrwydd 'Isel'.

**11 ADRODDIAD BLYNYDDOL AM Y CYFANSODDIAD GAN GYNNWYS Y CYLCH GORCHWYL** (Tudalennau 115 - 212)

Ystyried adroddiad gan y Swyddog Monitro (copi'n amgaeedig) sy'n rhoi diweddariad i aelodau am Gyfansoddiad y Cyngor ac adolygiad o'i ddarpariaethau, yn benodol, gweithredu cydbwysedd gwleidyddol ar gyfansoddiad y Cabinet.

**12 RHAGLEN WAITH PWYLLGOR LLYWODRAETHU CORFFORAETHOL** (Tudalennau 213 - 216)

Ystyried rhaglen gwaith i'r dyfodol y pwyllgor (copi'n amgaeedig).

## **RHAN 2 - MATERION CYFRINACHOL**

Dim.

### **AELODAETH**

#### **Y Cynghorwyr**

Mabon ap Gwynfor  
Tony Flynn  
Martyn Holland

Alan James  
Barry Mellor  
Joe Welch

#### **Aelod Lleyg**

Paul Whitham

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

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

Mae tudalen hwn yn fwriadol wag

DEDDF LLYWODRAETH LEOL 2000

Cod Ymddygiad Aelodau

## DATGELU A CHOFRESTRU BUDDIANNAU

Rwyf i,  
(enw)

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

**Cyngor Sir Ddinbych**

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

Dyddiad Datgelu:

Pwyllgor (nodwch):

Agenda eitem

Pwnc:

Natur y Buddiant:

(*Gweler y nodyn isod*)\*

Llofnod

Dyddiad

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

Mae tudalen hwn yn fwriadol wag

## PWYLLGOR LLYWODRAETHU CORFFORAETHOL

Cofnodion cyfarfod o'r Pwyllgor Llywodraethu Corfforaethol a gynhaliwyd yn Ystafell Bwllgor 1a, Neuadd y Sir, Rhuthun, Dydd Mercher, 21 Tachwedd 2018 am 9.30 am.

### YN BRESENNOL

Y Cynghorwyr Mabon ap Gwynfor, Tony Flynn, Martyn Holland (Is-gadeirydd), Alan James a Joe Welch

Aelod Lleyg Paul Whitham

Roedd y Cyngorydd Julian Thompson Hill, Aelod Arweiniol Cyllid, Perfformiad ac Asedau Strategol yn bresennol.

### HEFYD YN BRESENNOL

Pennaeth Gwasanaethau'r Gyfraith, AD a Democraidaidd (GW), Prif Archwilydd Mewnol (LL) a Gweinyddwr Pwyllgorau (SJ).

Cynrychiolwyr Swyddfa Archwilio Cymru – Gareth Evans.

#### 1 YMDDIHEURIADAU

Derbyniwyd ymddiheuriadau am absenoldeb oddi wrth y Cynghorwr(wyr) Barry Mellor

#### 2 DATGANIADAU O FUDDIANT

Datganodd y Cyngorydd Tony Flynn gysylltiad personol ag eitem rhif 5 ar y rhaglen – Diweddariad Archwilio Mewnol – gan ei fod yn landlord eiddo yn Sir Ddinbych.

#### 3 MATERION BRYD

Dim.

#### 4 COFNODION

Cyflwynwyd cofnodion cyfarfod y Pwyllgor Llywodraethu Corfforaethol a gynhaliwyd ar 26 Medi 2018.

Eitem 5 ar y rhaglen – Adroddiad Iechyd a Diogelwch Blynyddol – Cadarnhad bod llythyr wedi'i anfon at ysgolion yn tynnu sylw at y pwysigrwydd o roi gwybod am ddiwyddiadau. Hyd yn hyn, rhoddwyd gwybod nad oedd unrhyw ymateb wedi dod i law. Cadarnhaodd y Swyddog Monitro ei fod wedi'i argymhell fel eitem ar raglen y 'cyfarfod Ffederasiwn Penaethiaid' nesaf. Anogodd y Cadeirydd yr aelodau a oedd yn llywodraethwyr ysgol i fonitro a phwysleisio ei bwysigrwydd.

Eitem 8 ar y rhaglen – Diweddariad Proses y Gyllideb – Roedd Sesiwn Briffio'r Gyllideb wedi'i chynnal yn Nhachwedd 2018.

Eitem 9 ar y rhaglen – Adroddiad Gwella Blynyddol Swyddfa Archwilio Cymru – Ceisiodd Aelodau'r canlyniad yn dilyn yr adroddiad 'Adolygiad Safbwynt Defnyddwyr Gwasanaeth' a gyflwynwyd i'r grŵp Pwyllgor Cadeiryddion ac Is-gadeiryddion. Cadarnhaodd y Swyddog Monitro fod yr adroddiad wedi'i gyflwyno yn y grŵp Pwyllgor Cadeiryddion ac Is-gadeiryddion. Penderfynwyd bod adroddiad yn cael ei gyflwyno i Graffu Perfformiad ym Mawrth 2019, er mwyn cael trafodaeth.

Eitem 10 ar y rhaglen – Diweddariad Archwilio Mewnol – Cadarnhawyd yr ymwelwyd â phob ysgol gyda thystysgrifau cronfa ysgol wirfoddol a oedd yn weddill. Dywedodd y Prif Archwilydd Mewnol y byddai diweddariad ar gael yng nghyfarfod nesaf y Pwyllgor.

***PENDERFYNWYD yn amodol ar yr uchod, y dylid derbyn a chymeradwyo cofnodion cyfarfod y Pwyllgor Llywodraethu Corfforaethol a gynhaliwyd ar 26 Medi 2018 fel cofnod cywir.***

**Ar y pwynt hwn, cytunwyd i amrywio trefn y Rhaglen.**

## **5 ASESAD ALLANOL O'R ADAIN ARCHWILIO MEWNOL**

Cyflwynodd Aelod Arweiniol Cyllid, Perfformiad ac Asedau Strategol yr Adroddiad Aseiad Allanol o'r Adain Archwilio Mewnol (a ddsbarthwyd yn flaenorol). Tywyswyd yr aelodau drwy'r adroddiad gan yr Aelod Arweiniol. Eglurwyd bod Safonau Archwilio Mewnol y Sector Cyhoeddus (PSIAS) wedi cyflwyno gofyniad am aseiad allanol o wasanaethau archwilio mewnol o leiaf unwaith bob pum mlynedd gan adolygydd annibynnol cymwys. Roedd yr aseiad wedi'i gynnal gan Reolwr Archwilio Cyngor Gwynedd ac roedd yn amgaeedig i'r adroddiad (roedd Atodiad 1 wedi'i ddsbarthu eisoes).

Roedd yr Aelod Arweiniol yn fodlon bod gwasanaeth Archwilio Mewnol Sir Ddinbych wedi dangos gwaith i safon uchel, a byddai'r canfyddiadau yn yr adroddiad yn cael eu hunioni.

Dywedodd y Prif Archwilydd Mewnol ei bod yn hapus gyda chanlyniad yr adroddiad ac roedd gwaith ar y pwyntiau gweithredu wedi dechrau.

Yn ystod y ddadl, trafodwyd y pwyntiau canlynol mewn mwy o fanylder -

- Mae cynllun archwilio hyblyg yn sicrhau bod archwiliadau gyda'r flaenoriaeth uchaf yn cael eu hadolygu. Er nad yw hyn yn cydymffurfio â PSIAS, roedd y dull wedi'i fabwysiadu gan awdurdodau a sefydliadau eraill, ac yn ddull archwilio cydnabyddedig i sicrhau bod adnoddau archwilio'n cael eu targedu lle mae'r angen mwyaf.



- Byddai monitro'r cynllun gweithredu a gynigiwyd yn cael ei gyflwyno i'r pwyllgor fel rhan o'r Adroddiad Archwilio Mewnol Blynyddol yn 2019.

Llongyfarchwyd y tîm Archwilio gan Aelodau, am eu gwaith o safon uchel.

### **PENDERFYNWYD**

- *bod y Pwyllgor Llywodraethu Corfforaethol yn derbyn yr adroddiad, yn nodi ei gynnwys ac yn monitro'r gweithrediad o'r camau gweithredu i roi sylw i'r argymhellion yn ystod adroddiadau'r dyfodol, a*
- *bod 'Adroddiad Blynyddol Archwilio Mewnol' yn cael ei ychwanegu at y rhaglen Gwaith i'r Dyfodol ar gyfer Mehefin 2019.*

## **6 DIWEDDARIAD ARCHWILIO MEWNOL**

Cyflwynodd y Prif Archwilydd Mewnol adroddiad (a ddsbarthwyd yn flaenorol) yn rhoi diweddariad i'r aelodau ar gynnydd y Tîm Archwilio Mewnol o ran cyflwyno gwasanaeth, darparu sicrwydd, adolygiadau a gwblhawyd, perfformiad ac effeithiolrwydd wrth sbarduno gwelliant.

Roedd yr adroddiad yn darparu gwybodaeth am waith yr Adain Archwilio Mewnol ers y cyfarfod diwethaf o'r Pwyllgor. Roedd yn galluogi'r Pwyllgor i fonitro perfformiad a chynnydd yr Adain Archwilio Mewnol yn ogystal â darparu crynodebau o'i adroddiadau.

Tywysodd y Prif Archwilydd Mewnol yr aelodau drwy'r adroddiadau a oedd yn rhoi'r wybodaeth ddiweddaraf hyd at fis Hydref 2018 am -

- Adroddiadau archwilio mewnol a gyhoeddwyd yn ddiweddar h.y. Rhenti Tai a Grantiau Cludiant Cymru;
- Cynnydd gwaith Archwilio Mewnol hyd yma yn 2018-19;
- Cynnydd ar weithredu camau gweithredu y cytunwyd arnynt o brosiectau sicrwydd;
- Diweddariad ar berfformiad Archwilio Mewnol yn erbyn safonau wedi'u gosod; a
- Diweddariad ar gynnydd gydag Arfer Da CIPFA ar gyfer Pwyllgorau Archwilio.

Trafodwyd y materion canlynol yn fanylach –

- Rhenti Tai – Medi 2018 – Fe wnaeth y Prif Archwilydd Mewnol gadarnhau bod amseriad yr archwiliad wedi bod yn addas yn dilyn gweithredu Credyd Cynhwysol. Cadarnhad y gellid unioni'r pedair risg/mater cymedrol yn y gwasanaeth.
- Dywedodd y Cadeirydd y byddai'n ddiddorol monitro ffigurau'r ôl-ddyledion a ddiddymwyd yn dilyn gweithredu Credyd Cynhwysol.
- Rhoddwyd cadarnhad bod gwaith wedi parhau i adennill ôl-ddyledion. Roedd yr adran Dai'n parhau i fonitro data ôl-ddyledion rhent tai.
- Canmolwyd swyddogion am eu gwaith a gwblhawyd cyn gweithredu Credyd Cynhwysol, er mwyn ei gyflwyno'n llyfn i'r Sir.

- Tynnwyd sylw at y ffaith bod 3 risg / mater cymedrol o fewn archwiliad Grantiau Cludiant Cymru – Tachwedd 2018, wedi'u codi hefyd. Clywyd pryderon am ddiffyg cydymffurfio ag amodau'r grant. Dywedodd Gareth Evans (cynrychiolydd Swyddfa Archwilio Cymru) nad oedd Llywodraeth Cymru wedi gofyn am wybodaeth am y cynllun monitro ar ôl darparu, roedd y potensial i ofyn am wybodaeth yn gallu cael ei gyflwyno ar unrhyw adeg. Tynnodd y Cadeirydd sylw hefyd at y pwysigrwydd o amodau monitro'n cael eu bodloni mewn perthynas â chyllid grant. Cadarnhawyd bod Swyddfa Archwilio Cymru wedi bod yn gyfrifol am fonitro'r grantiau a gafwyd. Roedd Gareth Evans wedi datgan ei fod wedi gobeithio cyflwyno adroddiad i'r Pwyllgor ar gyllid grant yn y dyfodol.
- Roedd diweddariadau i'r Cylch Gorchwyl wedi'u trefnu i gael eu cyflwyno yng nghyfarfod Ionawr o gyfarfod y Pwyllgor Llywodraethu Corfforaethol.

Roedd yr aelodau'n falch o dderbyn y diweddariad a'r wybodaeth hyd yma. Byddai gwybodaeth a diweddariadau pellach yn cael eu cyflwyno i aelodau yn ôl y galw.

Diolchodd y Cadeirydd i'r Prif Archwilydd Mewnol am roi'r wybodaeth ddiweddaraf i aelodau o ran y cynnydd hyd yma. Diolchwyd i gynrychiolydd Swyddfa Archwilio Cymru am ei gyfraniad i'r drafodaeth.

**PENDERFYNWYD** bod y Pwyllgor Llywodraethu Corfforaethol yn derbyn yr adroddiad gyda diweddariad am yr adain archwilio mewnol, a nodi ei gynnwys.

## 7 DATGANIAD LLYWODRAETHU BLYNYDDOL

Cyflwynodd y Prif Archwilydd Mewnol adroddiad (a gylchredwyd yn flaenorol), yn diweddarau aelodau ar gynnydd wrth weithredu'r cynllun gwella llywodraethu sy'n dod gyda Datganiad Llywodraethu Blynyddol 2017/18.

Rhoddodd y Prif Archwilydd Mewnol wybod i aelodau bod pob cam yn mynd rhagddynt ac mewn modd amserol.

Holodd y Cadeirydd a oedd modd cylchredeg siart wedi'i diweddarau o'r Penaethiaid Gwasanaeth ac aelodau o'r Uwch Dîm Arweinyddiaeth i aelodau. Cadarnhaodd y Swyddog Monitro, unwaith y byddai'n cael ei diweddarau i gynnwys pob diwygiad, byddai copi ar gael i aelodau.

Roedd y gwaith o fonitro'r gofrestr contractau'n parhau. Roedd meini prawf wedi aros yn eu lle ar gyfer contractau newydd, ac roeddynt wedi cael cydymffurfiaeth. Pwysleisiodd yr Aelodau'r pwysigrwydd o reolaeth gref o gleientiaid i fonitro contractau.

Tynnodd yr Aelodau sylw at y pwysigrwydd o fonitro prosiectau ar ôl eu cwblhau.

**PENDERFYNWYD** bod y Pwyllgor Llywodraethu Corfforaethol yn derbyn ac yn nodi cynnwys yr adroddiad.

## 8 ADRODDIAD DIWEDDARU - RHEOLI PROSIECTAU YSGOLION YR 21AIN GANRIF

Cyflwynodd y Prif Archwilydd Mewnol yr adroddiad (a ddosbarthwyd yn flaenorol). Roedd yr adroddiad hwn yn rhoi gwybodaeth am gynnydd mewn gweithredu'r cam gweithredu risg fawr yn ymwneud â Rheoli Prosiect Ysgolion yr 21ain Ganrif a ddaeth gydag adroddiad Diweddarau'r Adain Archwilio Mewnol, a gyflwynwyd i'r Pwyllgor ym Mehefin 2018.

Fe wnaeth yr adroddiad archwilio gwreiddiol godi mater risg fawr mewn perthynas â llywodraethu Rhaglen Ysgolion yr 21ain Ganrif, cadarnhaodd y Prif Archwilydd Mewnol nad oedd yn cael ei ystyried yn risg fawr mwyach. Roedd adroddiad wedi'i gyflwyno i'r Bwrdd Pobl Ifanc a Thai, roedd yr adroddiad wedi rhoi manylion ynghylch ailsefydlu'r Bwrdd Rhaglen Moderneiddio. Cadarnhaodd y Prif Archwilydd Mewnol, yn dilyn y bwrdd newydd, teimlwyd bod yr elfennau llywodraethu a'r rheolaethau yn eu lle wedi'u cryfhau.

Clywodd yr Aelodau fod gwaith wedi mynd rhagddo ar adroddiad canllaw rheoli prosiect. Roedd y canllaw drafft am gael ei gyflwyno i'r Uwch Dîm Arweinyddiaeth i gael cymeradwyaeth cyn ei gylchredeg i swyddogion gyda dyletswydd rheoli prosiect.

Trafodwyd y pryderon canlynol ymhellach-

- Holodd Aelodau ble'r oedd y cyfrifoldeb am dalu dyled o ddwy ysgol a oedd wedi cyfuno i ffurfio'r ysgol Ffydd newydd yn y Rhyl. Dywedodd y Prif Archwilydd Mewnol y gellid ei gynnwys yn yr archwiliad o'r ysgol newydd gan adrodd yn ôl gerbron y Pwyllgor ar ddyddiad hwyrach.
- Byddai'r cyflwyniad ar y Bwrdd Rhaglen Moderneiddio'n caniatáu swyddogion o wahanol wasanaethau i gefnogi'r prosiectau mawr. Roedd y prosiect yn dal â rheolwr prosiect i oruchwylio'r gwaith a oedd yn mynd rhagddo. Roedd deialog cyson yn parhau i ddigwydd gyda swyddogion a chontractwyr.
- Eglurodd Gareth Evans (cynrychiolydd Swyddfa Archwilio Cymru), fod prosiectau ysgolion yr 21ain ganrif wedi'u hariannu'n sylweddol gan Lywodraeth Cymru, a byddent yn cael eu harchwilio gan Gyngor Sir Ddinbych a Swyddfa Archwilio Cymru.

Roedd yr aelodau'n falch o'r cynnydd a wnaed. Diolchodd y Cadeirydd i swyddogion am yr adroddiad â diweddariad.

**PENDERFYNWYD** derbyn yr adroddiad diweddarau gan y Pwyllgor Llywodraethu Corfforaethol a nodi'r cynnwys.

## 9 RHAGLEN WAITH PWYLLGOR LLYWODRAETHU CORFFORAETHOL

Cyflwynwyd Rhaglen Gwaith i'r Dyfodol y Pwyllgor Llywodraethu Corfforaethol (a ddosbarthwyd eisoes) i'w hystyried.

Cadarnhaodd y Pwyllgor Raglen Gwaith i'r Dyfodol y Pwyllgor Llywodraethu Corfforaethol, yn ddibynnol ar y diwygiadau canlynol:-

23 Ionawr 2019 -

- Adroddiad Blynyddol ar y Cyfansoddiad i gynnwys y Cylch Gorchwyl
- Adroddiad RIPA blynyddol. Yn cynnwys adroddiad yr arolygiad.

16 Mawrth 2019 -

- Adolygiad ychwanegol o'r Rhaglen Gwaith i'r Dyfodol.

05 Mehefin 2019 -

- Adroddiad Blynyddol Adain Archwilio Mewnol

**PENDERFYNWYD**, yn amodol ar yr uchod, bod y Pwyllgor Llywodraethu Corfforaethol yn cymeradwyo'r Rhaglen Gwaith i'r Dyfodol.

## 10 ADRODDIAD BLYNYDDOL AR RANNU PRYDERON

Adroddiad gan y Swyddog Monitro, a oedd yn rhoi gwybodaeth yn ymwneud â gweithredu polisi Rhannu Pryderon y Cyngor, ers cyflwyno'r adroddiad diwethaf gerbron y Pwyllgor Llywodraethu Corfforaethol yn Nhachwedd 2017.

Roedd yr adroddiad wedi'i gyflwyno'n unol â Pholisi Rhannu Pryderon y Cyngor, a oedd yn cynnwys gofyniad i'r Swyddog Monitro gyflwyno adroddiad i'r Pwyllgor Llywodraethu Corfforaethol o leiaf unwaith y flwyddyn ar weithrediad y Polisi, ac unrhyw newidiadau mewn ymarfer a gyflwynwyd o ganlyniad i bryderon a godwyd o dan y Polisi. Mae'r adroddiad yn ymdrin â'r cyfnod o 30 Tachwedd 2017 i 31 Hydref 2018, yn ystod y cyfnod, codwyd dau bryder o dan y Polisi.

Cadarnhaodd y Swyddog Monitro y disgwyliwyd i waith ddechrau yn y flwyddyn i ddod, i gynnwys datblygu microsafle ar gyfer arweinyddiaeth a phroses gynefino newydd y Cyngor, a fydd yn galluogi tynnu sylw at bolisïau a newidiadau allweddol sydd wedi'u gwneud. Bydd hwn yn offeryn arall a fydd yn helpu i gynnal ymwybyddiaeth o'r polisi.

Fe wnaeth y Cadeirydd dynnu sylw at y pwysigrwydd o ddealltwriaeth staff a'r diwylliant ar gyfer rhoi gwybod am bryderon yn y Cyngor.

Cadarnhaodd y Swyddog Monitro fod bolisïau a gweithdrefnau i Lywodraethwyr ysgol godi unrhyw bryderon.

### **GWAHARDD Y WASG A'R CYHOEDD**

Er mwyn rhoi sylw i'r pryderon a godwyd o dan y Polisi Codi Pryderon a thrafod yr atodiad cyfrinachol -

**PENDERFYNWYD**, dan ddarpariaethau Adran 100A Deddf Llywodraeth Leol 1972, gwahardd y Wasg a'r Cyhoedd o'r cyfarfod ar y sail y byddai gwybodaeth eithriedig yn debygol o gael ei datgelu fel y'i diffinnir ym Mharagraff 13 Rhan 4 Atodlen 12A y Ddeddf.

Rhoddodd y Swyddog Monitro gefndir cryno i aelodau am y ddau bryder a godwyd. Cadarnhawyd y byddai pob corff, yn cynnwys partïon allanol, yn ymchwilio i'r pryderon a godwyd yn y ddau achos.

Cadarnhaodd y Swyddog Monitro fod y dyddiadau yn yr atodiadau yn ddyddiadau y derbyniwyd y pryderon gan y Swyddog Monitro. Roedd y ddau bryder yn gymhleth ac roedd ymchwiliadau trylwyr yn digwydd.

***PENDERFYNWYD*** bod y Pwyllgor Llywodraethu Corfforaethol yn derbyn ac yn nodi cynnwys yr adroddiad blynyddol.

**Daeth y cyfarfod i ben am 11:25 a.m.**

Mae tudalen hwn yn fwriadol wag

<b>Adroddiad i'r:</b>	Pwyllgor Llywodraethu Corfforaethol
<b>Dyddiad y Cyfarfod:</b>	23 Ionawr 2019
<b>Aelod / Swyddog Arweiniol:</b>	Y Cynghorydd Julian Thompson-Hill
<b>Awdur yr Adroddiad:</b>	Prif Swyddog Cyllid
<b>Teitl:</b>	<b>1. Datganiad Strategaeth Rheoli'r Trysorlys (DSRhT) 2019/20 a Dangosyddion Darbodus 2019/20 i 2021/22 (Atodiad 1)</b> <b>2. Adroddiad Diweddarau ar Reoli'r Trysorlys (RhT) 2018/19 (Atodiad 2)</b>

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

- 1.1 Mae'r DSRhT (Atodiad 1) yn dangos sut y bydd y Cyngor yn rheoli ei fuddsoddiadau a'i fenthyciadau ar gyfer y flwyddyn i ddod ac yn pennu'r polisïau ar gyfer gweithredu'r swyddogaeth RhT. Mae Adroddiad Diweddarau RhT (Atodiad 2) yn rhoi manylion gweithgareddau RhT y Cyngor yn ystod 2018/19.

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

- 2.1 Mae Cod Ymarfer y Sefydliad Siartredig Cyllid Cyhoeddus a Chyfrifyddiaeth ar Reoli Trysorlys (y "Cod RhT SSCCCh") yn ei gwneud yn ofynnol i'r Cyngor gymeradwyo'r DSRhT a'r Dangosyddion Darbodus yn flynyddol. Mae'n ofynnol i'r Pwyllgor Llywodraethu Corfforaethol adolygu'r adroddiad hwn cyn iddo gael ei gymeradwyo gan y Cyngor ar 19 Chwefror 2019. Ar ben hynny, rhan o rôl y Pwyllgor yw derbyn yr wybodaeth ddiweddaraf am y gweithgareddau RhT ddwywaith y flwyddyn.

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

- 3.1 Bod y Pwyllgor yn adolygu DSRhT 2019/20 a Dangosyddion Darbodus ar gyfer 2019/20, 2020/21 a 2021/22 (Atodiad 1).
- 3.2 Bod aelodau'n nodi adroddiad diweddarau RhT (Atodiad 2).
- 3.3 Bod y Pwyllgor yn cadarnhau ei fod wedi darllen, deall ac ystyried yr Asesiad o Effaith ar Les (Atodiad 3) fel rhan o'i ystyriaethau.

## **4 Manylion yr Adroddiad**

### **Cefndir**

- 4.1 Mae RhT yn golygu edrych ar ôl arian parod y Cyngor, sy'n rhan hanfodol o waith y Cyngor gan fod tua £0.5bn yn mynd drwy gyfrif banc y Cyngor bob blwyddyn.

- 4.2 Ar unrhyw un adeg, mae gan y Cyngor hyd at £20m mewn arian parod, felly mae angen iddo wneud yn siŵr ei fod yn cyflawni'r gyfradd enillion orau bosibl heb roi'r arian parod mewn perygl, a dyma pam ein bod yn buddsoddi arian gyda nifer o sefydliadau ariannol.

Wrth fuddsoddi, blaenoriaethau'r Cyngor yw:

- cadw arian yn ddiogel (diogelwch);
- sicrhau bod yr arian yn dod yn ôl pan fydd ei angen (hylifedd);
- sicrhau ein bod yn cael cyfradd elw dda (arenillion).

### **DSRhT 2019/20**

- 4.3 Mae DSRhT 2019/20 wedi'i gynnwys yn Atodiad 1. Mae'r adroddiad hwn yn cynnwys Dangosyddion Darbodus sy'n gosod cyfyngiadau ar weithgarwch RhT y Cyngor fel y dangosir yn Atodiad 1 yn Atodiad A.

### **Dangosyddion Darbodus Cyfalaf**

- 4.4 Mae'r Cyfalaf sydd yn berthnasol i'r Dangosyddion Darbodus wedi cael eu heithrio o'r DSRhT a bydd yn awr yn cael ei ychwanegu yn yr Adroddiad Strategaeth Cyfalaf sydd yn adroddiad newydd a gyflwynwyd gan argraffiad 2017 o'r Cod Darbodus. Ei fwriad yw rhoi trosolwg lefel uchel, byr a chynhwysfawr i'r holl aelodau etholedig o sut mae gwariant cyfalaf, ariannu cyfalaf a gweithgaredd rheoli trysorlys yn cyfrannu at ddarpariaeth gwasanaethau'r Cyngor.
- 4.5 Bydd yr Adroddiad Strategaeth Cyfalaf yn cael ei adrodd i'r Cyngor ym mis Chwefror ochr yn ochr â'r Cynllun Cyfalaf a bydd yn cynnwys y Dangosyddion Darbodus canlynol sydd yn berthnasol i'r Cyfalaf:

Amcangyfrifon o Wariant Cyfalaf ac Ariannu  
Cymhareb o Gostau Ariannu i Ffrwd Refeniw Net  
Gofyniad Cyllido Cyfalaf  
Terfyn awdurdodedig a Ffin Gweithredol ar gyfer Dyled Allanol

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

- 5.1 Mae strategaeth RhT effeithlon yn galluogi'r Cyngor i leihau ei gostau benthyca a rhyddhau cyllid ar gyfer ei flaenoriaethau buddsoddi.

## **6 Faint fydd hyn yn ei gostio a sut y bydd yn effeithio ar wasanaethau eraill?**

- 6.1 Nid oes unrhyw oblygiadau cost yn codi o ganlyniad i bennu Dangosyddion Darbodus. Pwrpas y Strategaeth RhT yw cael yr enillion gorau o fewn fframwaith risg a reolir yn briodol.

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

- 7.1 Dylai cynllunio ariannol a gwneud penderfyniadau sicrhau y rhoddir ystyriaeth briodol i ofynion Deddf Llesiant Cenedlaethau'r Dyfodol ac yn benodol,



ystyriaeth briodol i effaith hirdymor penderfyniadau ariannol, gan gynnwys y cyfnod ad-dalu a chostau oes gyfan penderfyniadau buddsoddi cyfalaf, cynigion cyllideb â'u heffaith wedi'i asesu'n briodol a strategaethau dyled a buddsoddiad hirdymor (rheoli trysorlys). Mae egwyddorion pwyll, fforddiadwyedd a chynaliadwyedd eisoes wedi'u cynnwys o fewn gofynion y Cod Darbodus a dylent fod yn sail i gynllunio ariannol a gwneud penderfyniadau.

7.2 Yng nghyd-destun rheoli'r trysorlys, mae'r gofynion presennol i asesu ac adrodd ar effeithiau hirdymor penderfyniadau buddsoddi a benthyca, gan ddefnyddio dangosyddion darbodus a chynllunio dyled hirdymor, yn cefnogi nodau cynaliadwyedd y Ddeddf Llesiant.

7.3 Mae adroddiad yr Asesiad o Effaith ar Les wedi'i gynnwys yn Atodiad 3 ac yn dangos sut mae strategaeth Rheoli Trysorlys effeithlon yn hyrwyddo nodau lles y Ddeddf.

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

8.1 Mae'r Cyngor wedi ymgynghori gyda'i ymgynghorwyr RhT, sef Arlingclose Ltd

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

9.1 Mae Rheoli Trysorlys yn golygu gofalu am symiau sylweddol o arian parod, felly mae'n rhan hanfodol o waith y Cyngor. Mae'n gofyn am strategaeth gadarn a rheolaethau priodol i ddiogelu arian y Cyngor, er mwyn sicrhau enillion rhesymol ar fuddsoddiadau a bod dyled yn cael ei reoli'n effeithiol ac yn ddoeth.

9.2 Cyhoeddodd CIPFA argraffiad 2017 newydd o'r Cod Ymarfer ar Rheoli'r Trysorlys ar ddiwedd 2017. Mae'n ofynnol dan y Cod hwnnw i'r Cyngor gymeradwyo DSRhT pob blwyddyn ariannol.

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

10.1 Mae risgiau cynhenid ynghlwm ag unrhyw weithgaredd Rheoli Trysorlys fel yr amlinellir yn y Datganiad Strategaeth. Mae gan y Cyngor bolisi rheoli risg ond mae'n amhosibl dileu'r risgiau hyn yn gyfan gwbl.

## **11 Pŵer i wneud y Penderfyniad**

11.1 Mae Deddf Llywodraeth Leol 2003 yn pennu'r gofyniad i awdurdodau lleol osod Dangosyddion Darbodus ac yn ei gwneud yn ofynnol i'r Cyngor gydymffurfio â Chod Darbodus Cyllid Cyfalaf ar gyfer Awdurdodau Lleol a luniwyd gan y Sefydliad Siartredig Cyllid Cyhoeddus a Chyfrifyddiaeth (SSCCCh).

Mae tudalen hwn yn fwriadol wag

**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

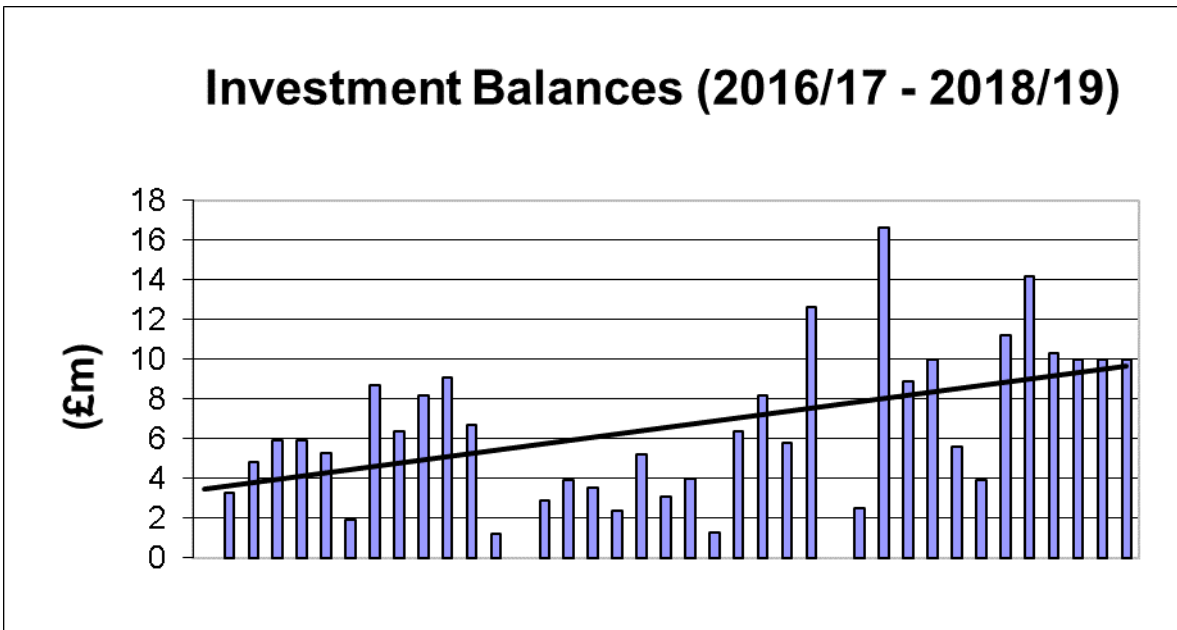
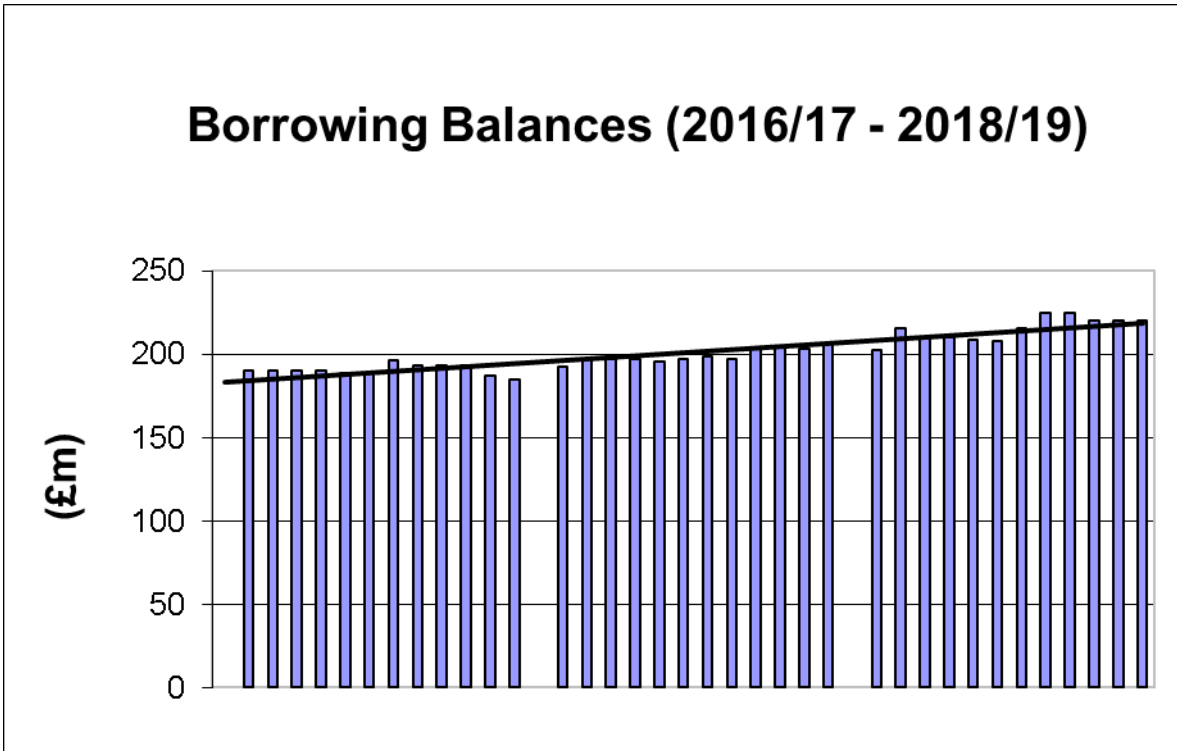
## 1 Background

- 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**

	<b>Cash limit</b>
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.

	<b>2018/19 Approved %</b>	<b>2019/20 Estimate %</b>	<b>2020/21 Estimate %</b>	<b>2021/22 Estimate %</b>
<b>Upper Limit for Fixed Interest Rate Exposure</b>	100	100	100	100
<b>Upper Limit for Variable Rate Exposure</b>	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**

<b>Maturity structure of fixed rate borrowing</b>	<b>Actual %</b>	<b>Lower Limit %</b>	<b>Upper Limit %</b>
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.

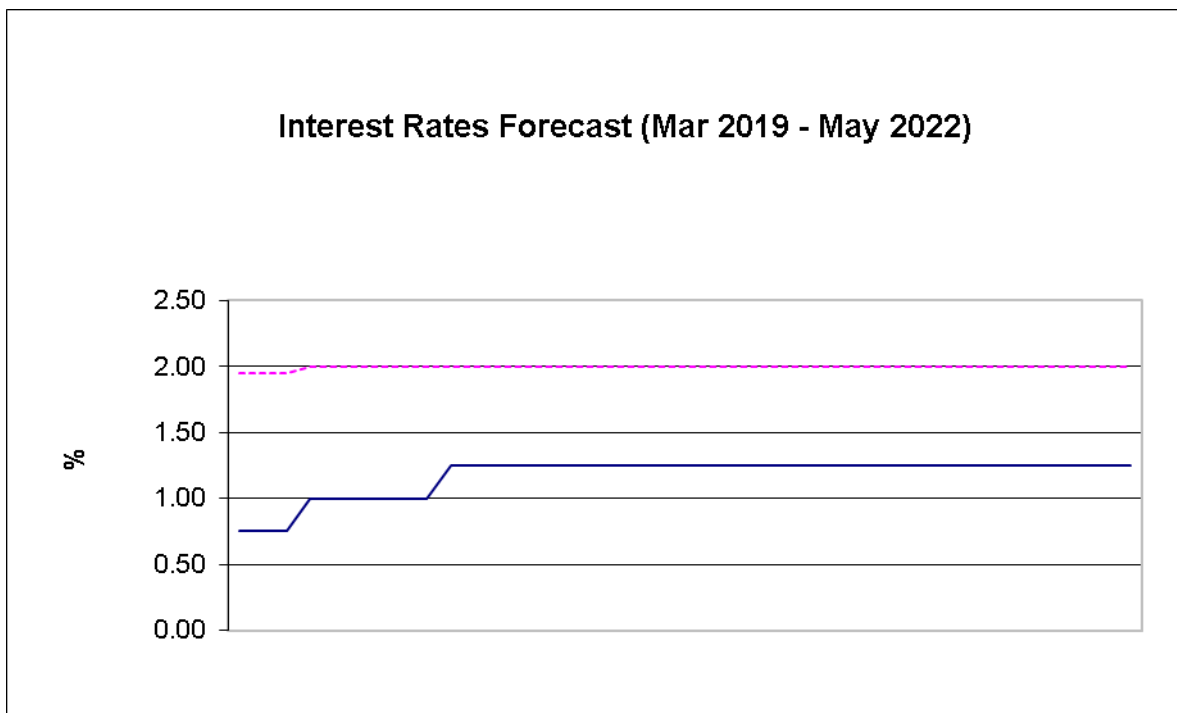
<b>Upper Limit for total principal sums invested over 1 year</b>	<b>2018/19 Approved £m</b>	<b>2019/20 Estimate £m</b>	<b>2020/21 Estimate £m</b>	<b>2021/22 Estimate £m</b>
	10.00	10.00	10.00	10.00



**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**

<b>BANK OF ENGLAND</b>	UK's Central Bank
<b>BANK RATE</b>	Bank of England Interest Rate (also known as Base Rate)
<b>CPI</b>	Consumer Price Index – a measure of the increase in prices
<b>RPI</b>	Retail Price Index – a measure of the increase in prices
<b>DMO</b>	Debt Management Office – issuer of gilts on behalf of HM Treasury
<b>FSA</b>	Financial Services Authority - the UK financial watchdog
<b>GDP</b>	Gross Domestic Product – a measure of financial output of the UK
<b>LIBID</b>	London Interbank Bid Rate - International rate that banks lend to other banks
<b>LIBOR</b>	London Interbank Offer Rate – International rate that banks borrow from other banks (the most widely used benchmark or reference for short term interest rates)
<b>PWLB</b>	Public Works Loan Board – a Government department that lends money to Public Sector Organisations
<b>MPC</b>	Monetary Policy Committee - the committee of the Bank of England that sets the Bank Rate
<b>LONG TERM RATES</b>	More than 12 months duration
<b>SHORT TERM RATES</b>	Less than 12 months duration
<b>BOND (GENERAL)</b>	An investment in which an investor loans money to a public or private company that borrows the funds for a defined period of time at a fixed interest rate
<b>GOVERNMENT BOND</b>	A type of bond issued by a national government generally with a promise to pay periodic interest payments and to repay the face value on the maturity date

## **Treasury Management Strategy Statement and Investment Strategy 2019/20 to 2021/22**

<b>CORPORATE BOND</b>	A type of bond issued by a corporation to raise money in order to expand its business
<b>COVERED BOND</b>	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
<b>GILT</b>	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
<b>REPO</b>	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
<b>FTSE 100</b>	Financial Times Stock Exchange 100 - An index composed of the 100 largest companies listed on the London Stock Exchange which provides a good indication of the performance of major UK companies

Mae tudalen hwn yn fwriadol wag

### Treasury Management (TM) Update Report

#### 1 Changes in the external environment

##### Economic Outlook

- 1.1 The political backdrop to the UK remains uncertain and fragile as the Brexit negotiations continue ahead of Britain's planned withdrawal from the EU in March 2019. In view of this uncertainty, the Council will continue to take a cautious approach in relation to its investments.

#### 2 Investment Strategy

- 2.1 Conventional bank deposits have become riskier because of a lower likelihood that the UK and other governments will support failing banks. As the Banking Reform Act 2014 was implemented in the UK from January 2015, banks were no longer able to rely on government bail-outs if they got into difficulty. They would be required instead to bail themselves out by taking a proportion of investors' deposits to build up their capital. This new risk has been termed 'bail-in' risk and is potentially a greater risk to investors than the 'bail-out' risk of the past.
- 2.2 Given the increasing risk and continued low returns from short-term unsecured bank investments, the Council has only held a minimal amount of investments for short-term cash flow purposes and has placed a far greater emphasis on investing with the UK Government's Debt Management Office and other local authorities in order to minimise these risks.

#### 3 Borrowing Strategy

- 3.1 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.
- 3.2 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.
- 3.3 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 Controls**

### **4.1 Prudential Indicators**

The Council sets prudential indicators which set boundaries within which its treasury management activity operates. The indicators are calculated to demonstrate that the Council's borrowing is affordable and include measures that show the impact of capital and borrowing decisions over the medium term. The Council has remained within all of its borrowing and investment limits for 2018/19 agreed by Council in February 2018. The Council has not deviated from the Capital related indicators either.

### **4.2 Audit Reviews**

Following a positive internal audit review in November 2017, another audit review is expected to be undertaken shortly.

## **5 Future**

### **5.1 TM Strategy for next six months**

As the Corporate Plan is progressing, the Council will continue to review its cash position to ensure that borrowing is undertaken if required. The Council will also monitor market conditions and interest rate levels to ensure that external borrowing is undertaken at the optimal time in line with the TM strategy.

### **5.2 Reports**

The next reports will be the annual TM Review Report 2018/19 and the TM Update Report 2019/20 which will be reported to the Corporate Governance Committee in July.

# 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

<b>Overall Impact</b>	Positive
<b>Justification for impact</b>	An effective Treasury Management strategy ensures that the Council's investment and borrowing decisions will contribute towards the goal of maximising income and minimising costs which supports efficient service delivery.
<b>Further actions required</b>	Sound financial planning and efficient long term treasury management strategies ensure that the positive impact of this report on the County's prosperity is maximised.

### Positive impacts identified:

<b>A low carbon society</b>	
<b>Quality communications, infrastructure and transport</b>	Financial planning and decision making ensures that proper consideration of the long term impact of financial decisions is given, including the payback period and whole life costs of capital investment decisions, properly impact assessed budget proposals and long term debt and investment (treasury management) strategies.
<b>Economic development</b>	The Treasury Management strategy and Prudential Indicators ensure that the Council's cash is safeguarded as much as possible by making investments in banks recommended in the annual strategy statement.
<b>Quality skills for the long term</b>	The strategy ensures that the Council's borrowing is monitored and is within set limits and is affordable. It identifies current financing requirements for the Capital Plan and estimates the proposed capital requirements for the next three financial years.
<b>Quality jobs for the long term</b>	Sound investment and borrowing decisions relating to the Council's cash will maximise the Council's income within the guidelines set in the Treasury Management strategy.
<b>Childcare</b>	The Prudential Indicators are a statutory requirement which demonstrate the affordability of our plans and contribute towards the overall financial wellbeing of Denbighshire.

### Negative impacts identified:

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

## A resilient Denbighshire

<b>Overall Impact</b>	Positive
<b>Justification for impact</b>	A sound Treasury Management strategy ensures that the Council's cash is secure and new borrowing is affordable. It also enables the Council to react quickly to market volatility by continual monitoring of the financial institutions throughout the year.
<b>Further actions required</b>	Good investment decisions will help the Council to develop more efficient working practices which will use less resources which will help to maximise the positive impact of this report on the County's resilience.

**Positive impacts identified:**

<b>Biodiversity and the natural environment</b>	
<b>Biodiversity in the built environment</b>	
<b>Reducing waste, reusing and recycling</b>	Good investment decisions will help the Council to develop more efficient working practices which will use less resources.
<b>Reduced energy/fuel consumption</b>	The strategy is set at the start of the financial year but it is monitored carefully throughout the year to ensure that the Council reacts quickly to any market volatility and the impact on the banking institutions.
<b>People's awareness of the environment and biodiversity</b>	
<b>Flood risk management</b>	

**Negative impacts identified:**

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

## A healthier Denbighshire

<b>Overall Impact</b>	Neutral
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<b>Justification for impact</b>	Proposals have little or no direct impact on the vast majority of residents as the strategy involves managing the Council's investments and borrowing.
<b>Further actions required</b>	The impact of this report is neutral in this particular area so this is not applicable.

**Positive impacts identified:**

<b>A social and physical environment that encourage and support health and well-being</b>	
<b>Access to good quality, healthy food</b>	
<b>People's emotional and mental well-being</b>	
<b>Access to healthcare</b>	
<b>Participation in leisure opportunities</b>	The strategy contributes to the overall financial health of Denbighshire and therefore supports the delivery of the annual budget.

**Negative impacts identified:**

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

**A more equal Denbighshire**

<b>Overall Impact</b>	Neutral
<b>Justification for impact</b>	A good treasury management strategy contributes to the overall financial resilience of the Council and supports the on-going work of the Authority without impacting on residents.
<b>Further actions required</b>	The impact of this report is neutral in this particular area so this is not applicable.

**Positive impacts identified:**

<b>Improving the well-being of people with protected characteristics. The nine protected characteristics are: age; disability; gender reassignment; marriage or civil partnership; pregnancy and maternity; race; religion or belief; sex; and sexual orientation</b>	
<b>People who suffer discrimination or disadvantage</b>	
<b>Areas with poor economic, health or educational outcomes</b>	
<b>People in poverty</b>	An efficient treasury management strategy contributes to the financial resilience of the Council and supports service delivery.

**Negative impacts identified:**

<b>Improving the well-being of people with protected characteristics. The nine protected characteristics are: age; disability; gender reassignment; marriage or civil partnership; pregnancy and maternity; race; religion or belief; sex; and sexual orientation</b>	
<b>People who suffer discrimination or disadvantage</b>	
<b>Areas with poor economic, health or educational outcomes</b>	
<b>People in poverty</b>	

<b>Overall Impact</b>	Neutral
<b>Justification for impact</b>	A good treasury management strategy contributes to the overall financial resilience of the Council and supports the on-going work of the Authority without impacting on residents.
<b>Further actions required</b>	The impact of this report is neutral in this particular area so this is not applicable.

**Positive impacts identified:**

<b>Safe communities and individuals</b>	
<b>Community participation and resilience</b>	
<b>The attractiveness of the area</b>	
<b>Connected communities</b>	
<b>Rural resilience</b>	

**Negative impacts identified:**

<b>Safe communities and individuals</b>	
<b>Community participation and resilience</b>	
<b>The attractiveness of the area</b>	
<b>Connected communities</b>	
<b>Rural resilience</b>	

**A Denbighshire of vibrant culture and thriving Welsh language**

<b>Overall Impact</b>	Neutral
<b>Justification for impact</b>	A good treasury management strategy contributes to the overall financial resilience of the Council and supports the on-going work of the Authority. It has no direct impact on the language and the culture because any treasury management decisions are based on the treasury strategy and advice from financial consultants.
<b>Further actions required</b>	The impact of this report is neutral in this particular area so this is not applicable.

**Positive impacts identified:**

<b>People using Welsh</b>	
<b>Promoting the Welsh language</b>	Tudalen 45

<b>Culture and heritage</b>	
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**Negative impacts identified:**

<b>People using Welsh</b>	
<b>Promoting the Welsh language</b>	
<b>Culture and heritage</b>	

## A globally responsible Denbighshire

<b>Overall Impact</b>	Neutral
<b>Justification for impact</b>	A good treasury management strategy contributes to the overall financial resilience of the Council and supports the on-going work of the Authority. It has no direct impact on the local area.
<b>Further actions required</b>	The impact of this report is neutral in this particular area so this is not applicable.

**Positive impacts identified:**

<b>Local, national, international supply chains</b>	
<b>Human rights</b>	All investments are undertaken from national institutions in line with the strategy and financial advice. The strategy determines the institutions with the minimum credit rating which the Authority is permitted to invest with.
<b>Broader service provision in the local area or the region</b>	All borrowing is undertaken from central Government as detailed in the strategy and in line with other local authorities.

**Negative impacts identified:**

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

Adroddiad i'r:	Pwyllgor Llywodraethu Corfforaethol
Dyddiad y Cyfarfod:	23 Ionawr 2019
Aelod / Swyddog Arweiniol:	Y Cynghorydd Julian Thompson-Hill / Richard Weigh, Pennaeth Cyllid
Awdur yr Adroddiad:	Steve Gadd, Prif Gyfrifydd
Teitl:	Cau Cynnar - Datganiad Cyfrifon

## 1. Am beth mae'r adroddiad yn sôn?

Darparu crynodeb i'r Pwyllgor Llywodraethu Corfforaethol (CGC) o'r gwaith sy'n rhan o'r broses gau ar ddiwedd y flwyddyn ariannol a'r wybodaeth diweddaraf am y gwaith sy'n cael ei wneud tuag at gau cynnar statudol y cyfrifon. Gan dynnu sylw penodol at y newid i'r dull o nodi croniadau sydd wedi'i gytuno gyda Swyddfa Archwilio Cymru (WAO).

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

Rhoi diweddariad i'r CGC ynglŷn â'r broses gau bresennol a'r cynnydd sy'n cael ei wneud tuag at gau cynnar statudol y cyfrifon, a sut y bydd hyn yn effeithio ar yr adroddiadau a'r wybodaeth a dderbynnir gan y pwyllgor.

## 3. Beth yw'r Argymhellion?

Argymhellir bod y CGC yn nodi'r canlynol ynglŷn â chau'r cyfrifon ariannol:

- i) Y cynnydd tuag at gyflawni'r dyddiadau cau cynnar a bennir gan reoliadau Llywodraeth Cymru.
- ii) Y newid i'r dull o nodi croniadau sydd wedi'i gytuno gyda WAO sy'n cynnwys gweithredu de-minimis o £1,000 ar gyfer croniadau gorfodol.

## 4. Manylion yr Adroddiad

Ar hyn o bryd, mae gofyn i Swyddog Adran 151 y cyngor ardystio fod y datganiad cyfrifon yn rhoi golwg gywir a theg o'r sefyllfa ariannol ar ddiwedd y flwyddyn y mae'r datganiad yn gysylltiedig â hi erbyn 30 Mehefin yn syth ar ôl y flwyddyn honno fan bellaf, a rhaid i'r datganiad gael ei gyhoeddi erbyn 30 Medi fan bellaf. Disgwylir i archwiliad o gyfrifon y flwyddyn ariannol gynt ddod i ben cyn 30 Medi a bydd datganiadau cyfrifon a gyhoeddir yn cynnwys barn a thystysgrif yr archwilwyr.

Nododd Lywodraeth Cymru nifer o anfanteision â'r amserlen statudol bresennol yn eu dogfen ymgynghori yn 2016:

- Mae cyrff llywodraeth leol yn cyhoeddi eu datganiadau cyfrifon yn ddiweddarach yn y flwyddyn na'r rhan fwyaf o rannau eraill y sector cyhoeddus.
- Mae cyfrifon llywodraeth leol yn cynrychioli cyfran sylweddol o Gyfrifon Llywodraeth Gyfan ledled y DU ac ystyrir yr amserlen llywodraeth leol bresennol fel un o'r rhwystrau sy'n atal Trysorlys Ei Mawrhydi rhag dwyn dyddiad cyhoeddi'r cyfrifon hynny ymlaen.
- Bydd y rheoliadau cyfatebol sy'n cael eu gorfodi mewn cyrff llywodraeth leol yn Lloegr yn dwyn y dyddiadau paratoi a chyhoeddi datganiadau cyfrifon ymlaen

i'r flwyddyn ariannol sy'n dechrau ym mis Ebrill 2017. Bydd hyn yn creu gwahaniaeth pellach rhwng amserlenni cyrff llywodraeth leol Cymru a Lloegr.

Gan hynny cynigodd Llywodraeth Cymru ddwyn yr amserlen ymlaen ar gyfer cyhoeddi datganiadau cyfrifon awdurdodau lleol fel eu bod yn gydnaws â rhannau eraill o'r sector cyhoeddus. Byddai dwyn yr amserlen ymlaen yn gwella atebolrwydd awdurdodau ac yn gwneud y cyfrifon yn fwy defnyddiol i breswylwyr lleol gan y byddai datganiadau cyfrifon ar gael yn fwy prydlon. Dylai hefyd gynorthwyo ein rheolaeth ariannol trwy ddarparu sicrwydd cynharach o alldro ariannol y flwyddyn flaenorol a rhyddhau mwy o staff cyllid i helpu i hwyluso proses y gyllideb ar gyfer y flwyddyn ganlynol.

	Dyddiadau cyfredol	Dyddiadau dros dro ar gyfer Datganiad Cyfrifon 2018/19 a 2019/20	Sefyllfa derfynol o 2020/21
Dyddiad terfynol y mae'n rhaid i'r Prif Swyddog Cyllid lofnodi a dyddio'r datganiad cyfrifon	30 Mehefin	15 Mehefin	31 Mai
Dyddiad y mae'n rhaid i'r cyngor gymeradwyo a chyhoeddi datganiad cyfrifon wedi'i archwilio	30 Medi	15 Medi	31 Gorffennaf

Y newyddion da yw bod y Cyngor yn gwneud cynnydd da tuag at gyflawni'r cyfrifon dros dro a'r cyfrifon terfynol sydd heb eu harchwilio fel y dangosir yn y tabl isod.

Datganiad Cyfrifon	Llofnodi gan Swyddog A151 a'i gyflwyno i WAO
2015/16	21-Mehefin-16
2016/17	13-Mehefin-17
2017/18	15-Mehefin-18
2018/19	06-Mehefin-19 (targed)
2019/20	31-Mai-20 (targed)
2020/21	31-Mai-21 (gorfodol)



Mae cau cyfrifon yn gynnar yn golygu bod angen gwneud llawer iawn o waith cynllunio ac ad-drefnu i'r amserlen cau cyfrifon. Bydd hefyd yn golygu defnyddio mwy o amcangyfrifon a chadw'n fwy caeth at yr amserlen cau cyfrifon a gallai hynny effeithio ar alldro ariannol y gwasanaethau. Bydd y trafodion a nodir ar ôl y terfynau amser a gytunwyd yn cael eu prosesu pe baent yn cael effaith sylweddol ar y Datganiad Cyfrifon yn unig. Bydd y trothwy ar gyfer y flwyddyn ariannol hon yn seiliedig ar gysyniad cyfrifeg o ddibwysedd y mae WAO yn ei ddefnyddio a bydd yn cael ei gytuno cyn diwedd y flwyddyn.

Newid arall a gynigir ar gyfer Datganiad Cyfrifon 2018/19 yw y bydd de-minimis o £1,000 ar gyfer prosesu croniadau gorfodol. Bydd hyn yn gymorth i gyflymu cwblhau'r cyfrifon drafft ond bydd hefyd yn gymorth i ganolbwyntio'r broses archwilio ar eitemau nad ydynt yn ddibwys. Bydd symiau o dan £1,000 yn cael eu prosesu fel rhan o'r croniadau awtomatig sy'n cael eu cynhyrchu gan y systemau Cyflogaeth a Chyfrifon Taladwy a bydd gwasanaethau yn gallu prosesu croniadau o dan £1,000 os oes ganddynt amser i wneud hynny, yn enwedig mewn ardaloedd a allai gael effaith ar lefelau incwm allanol, megis gwasanaethau a ariennir gan grantiau. Ymgynghorwyd â WAO drwy gydol y broses o osod lefel newydd y de-minimis gorfodol.

Mae Cyllid yn gweithio i drosglwyddo dogfen graidd y Datganiad Cyfrifon o ddogfen Word i Excel. Gobeithir y bydd yr holl dablau'n cael eu hymgorffori yn y ddogfen a fydd yn cyflymu'r broses o gasglu yn y mis terfynol ac yn gymorth i ddiddymu gwallau teipio. Mae'r gwasanaeth yn gobeithio y bydd y ddogfen newydd yn barod ar gyfer Datganiad Cyfrifon 2018/19. Ni fydd y newid yn gwneud unrhyw wahaniaeth materol i'r cyfrifon, fodd bynnag efallai y bydd y darllenwyr yn sylwi ar 'naws' wahanol i'r ddogfen.

- 5. Sut mae'r penderfyniad yn cyfrannu at y Blaenoriaethau Corfforaethol?**  
Mae darparu gwybodaeth ariannol yn brydlon ac yn gywir yn cyfrannu at foderneiddio'r cyngor i ddarparu arbedion effeithlonrwydd ac mae'n galluogi'r preswylwyr i graffu ar weithgareddau'r Cyngor.
- 6. Beth fydd cost hyn a beth fydd ei effaith ar wasanaethau eraill?**  
Mae cynhyrchu Datganiad Cyfrifon wedi'i gyflawni ochr yn ochr â gwaith yr Adran Gyllid i gyflawni targedau arbedion. Ni ragwelir unrhyw adnoddau ychwanegol.
- 7. Beth yw prif gasgliadau'r Asesiad o Effaith ar Les?**  
Barn broffesiynol y Swyddog Adran 151 yw nad oes angen Asesiad o Effaith ar Les ar gyfer yr adroddiad hwn.
- 8. Pa ymgynghoriadau a gynhaliwyd gyda'r Pwyllgorau Craffu ac eraill?**  
Fel rhan o ddatblygu'r Amserlen Cau Cyfrifon, mae'r Adran Gyllid yn ymgynghori'n eang a gwasanaethau er mwyn sicrhau fod y terfynau amser yn gyraeddadwy. Ymgynghorir â Swyddfa Archwilio Cymru drwy gydol y cyfnod cynllunio.
- 9. Datganiad y Prif Swyddog Cyllid**  
Mae cynhyrchu Datganiad Cyfrifon yn ofyniad cyfreithiol a byddai methu â chyrraedd y terfynau amser yn cael effaith sylweddol ar enw da'r cyngor. Mae'r adroddiad yn tynnu sylw at rai o'r newidiadau sy'n ofynnol er mwyn cynnal cofnod rhagorol o gynhyrchu cyfres o gyfrifon ar amser tra'n parhau i gyflawni barn archwilio ddiamod.

Er bod cau cyfrifon yn gynnar yn gallu bod yn risg ac yn her, mae cyfleoedd ar gael i greu proses fwy effeithlon.

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

Y risg yn y pen draw yw na fydd y Datganiad Cyfrifon yn cael ei gynhyrchu ar amser, neu ei fod yn cael ei gynhyrchu gyda gwallau sylweddol a fyddai'n arwain at weld WAO yn amodi'r cyfrifon. Byddai canlyniad felly yn cael effaith andwyol ddifrifol ar enw da CSDd.

**11. Pŵer i wneud y Penderfyniad**

Mae'r Safon Ryngwladol ar Archwilio (Y DU ac Iwerddon) 240 (ISA 240) yn nodi mai'r rheolwyr a'r 'rheini sydd yng ngofal llywodraethu', sef y Pwyllgor Llywodraethu Corfforaethol yng Nghyngor Sir Ddinbych, sydd yn bennaf gyfrifol am atal a chanfod twyll. Mae ISA 240 yn nodi'r gofyniad am archwiliad allanol i gael dealltwriaeth o sut mae'r Cyngor yn cyflawni ei gyfrifoldebau.

Adroddiad i'r:	Pwyllgor Llywodraethu Corfforaethol
Dyddiad y Cyfarfod:	23 Ionawr 2019
Aelod / Swyddog Arweiniol:	Y Cynghorydd Julian Thompson-Hill / Richard Weigh, Pennaeth Cyllid
Awdur yr Adroddiad:	Steve Gadd, Prif Gyfrifydd
Teitl:	Llythyr Archwilio Blynyddol 2018-19 gan Swyddfa Archwilio Cymru

- 1. Am beth mae'r adroddiad yn sôn?**  
Y Llythyr Archwilio Blynyddol i Gyngor Sir Ddinbych 2018-2019 a luniwyd gan Swyddfa Archwilio Cymru ac anfonwyd at Arweinydd a Phrif Weithredwr y Cyngor.
- 2. Beth yw'r rheswm dros lunio'r adroddiad hwn?**  
Derbyn gwybodaeth ar gyfer Llythyr Archwilio Blynyddol Cyngor Sir Ddinbych 2018 – 19, gan Swyddfa Archwilio Cymru (Atodiad 1).
- 3. Beth yw'r Argymhellion?**  
Argymhellir bod y Pwyllgor Llywodraethu Corfforaethol yn nodi'r Llythyr Archwilio Blynyddol i Gyngor Sir Ddinbych 2018-19 gan Swyddfa Archwilio Cymru.
- 4. Manylion yr Adroddiad**  
Mae'r adroddiad yn cyflwyno'r Llythyr Archwilio Blynyddol i'r Pwyllgor. Bydd Swyddfa Archwilio Cymru yn bresennol yn y cyfarfod i gyflwyno canfyddiadau a negeseuon canolog. Mae Cyngor Sir Ddinbych yn croesawu'r llythyr ac yn edrych ymlaen at barhau'r berthynas waith ardderchog sydd gennym gyda'n Harchwilwyr Allanol.
- 5. Sut mae'r penderfyniad yn cyfrannu at y Blaenoriaethau Corfforaethol?**  
Mae darparu gwybodaeth ariannol yn brydlon ac yn gywir yn cyfrannu at foderneiddio'r Cyngor i ddarparu arbedion effeithlonrwydd ac mae'n galluogi'r preswylwyr i graffu ar weithgareddau'r Cyngor.
- 6. Beth fydd cost hyn a beth fydd ei effaith ar wasanaethau eraill?**  
Nid oes unrhyw gostau ychwanegol sy'n gysylltiedig â'r adroddiad hwn.
- 7. Beth yw prif gasgliadau'r Asesiad o Effaith ar Les?**  
Barn broffesiynol y Swyddog Adran 151 yw nad oes angen Asesiad o Effaith ar Les ar gyfer yr adroddiad hwn.
- 8. Pa ymgynghoriadau a gynhaliwyd gyda'r Pwyllgorau Craffu ac eraill?**  
Mae Swyddfa Archwilio Cymru yn gweithio'n agos gyda Chyngor Sir Ddinbych drwy gydol y broses archwilio ac mae Cyngor Sir Ddinbych yn derbyn y wybodaeth ddiweddaraf am unrhyw faterion sy'n codi o waith archwilio Swyddfa Archwilio Cymru.

**9. Datganiad y Prif Swyddog Cyllid**

Llunio Llythyr Archwilio Blynyddol yw rhan olaf darparu sicrwydd bod y Datganiad Cyfrifon ar gyfer y flwyddyn flaenorol yn rhoi barn wir a theg ar sefyllfa ariannol y Cyngor. Mae'n braf nodi eto bod yr archwiliad yn ddiamod.

Mae'r llythyr yn amlygu'r amgylchedd ariannol anodd parhaus mae'n rhaid i'r Cyngor weithio ynddo, fel pob llywodraeth leol ar draws Cymru a'r DU. Mae Aelodau'r Cabinet a'r Cyngor yn derbyn y wybodaeth ddiweddaraf ar gynigion y Cyngor i ddelio gyda'r sefyllfa.

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

Y risg yn y pen draw yw na fydd y Datganiad Cyfrifon yn cael ei gynhyrchu ar amser, neu ei fod yn cael ei gynhyrchu gyda gwallau sylweddol a fyddai'n arwain at weld SAC yn amodi'r cyfrifon. Byddai canlyniad felly yn cael effaith andwyol ddifrifol ar enw da CSDd.

**11. Pŵer i wneud y Penderfyniad**

Mae'r llythyr yn crynhoi'r prif negeseuon sy'n codi o gyfrifoldebau statudol Swyddfa Archwilio Cymru o dan y Ddeddf Archwilio Cyhoeddus (Cymru) 2004 a'u cyfrifoldebau adrodd o dan y Cod Ymarfer Archwilio. Yn benodol mae Deddf 2004 yn ei gwneud yn ofynnol i Swyddfa Archwilio Cymru

- ddarparu barn archwilio ar y datganiadau cyfrifyddu;
- adolygu'r trefniadau a roddwyd ar waith gan y Cyngor i sicrhau darbodaeth, effeithlonrwydd ac effeithiolrwydd wrth ddefnyddio ei adnoddau; a
- chyflwyno tystysgrif yn cadarnhau eu bod wedi cwblhau gwaith archwilio'r cyfrifon.



24 Cathedral Road / 24 Heol y Gadeirlan  
Cardiff / Caerdydd  
CF11 9LJ  
Tel / Ffôn: 029 2032 0500  
Fax / Ffacs: 029 2032 0600  
Textphone / Ffôn testun: 029 2032 0660  
[info@audit.wales](mailto:info@audit.wales) / [post@archwilio.cymru](mailto:post@archwilio.cymru)  
[www.audit.wales](http://www.audit.wales) / [www.archwilio.cymru](http://www.archwilio.cymru)

Please contact us in Welsh or English.  
Cysylltwch â ni'n Gymraeg neu'n Saesneg.

Y Cyngorydd Hugh Evans – Arweinydd  
Judith Greenhalgh – Prif Weithredwr  
Cyngor Sir Ddinbych  
Neuadd y Sir  
Ffordd Wynnstay  
Rhuthun  
LL15 1YN

**Cyfeirnod:** 958A2018-19

**Dyddiad cyhoeddi:** 30 Tachwedd 2018

Annwyl Gyngorydd Evans a Judith

## Llythyr Archwilio Blynyddol – Cyngor Sir Ddinbych 2017-18

Mae'r llythyr hwn yn crynhoi'r negeseuon allweddol sy'n deillio o'm cyfrifoldebau statudol o dan Ddeddf Archwilio Cyhoeddus (Cymru) 2004 a'm cyfrifoldebau adrodd o dan y Cod Ymarfer Archwilio.

### Cydymffurfiodd y Cyngor â'i gyfrifoldebau yn ymwneud ag adroddiadau ariannol a defnyddio adnoddau

Cyfrifoldeb Cyngor Sir Ddinbych (y Cyngor) yw:

- rhoi systemau rheolaeth fewnol ar waith i sicrhau rheoleidd-dra a chyfreithlondeb trafodion a sicrhau bod ei asedau'n ddiogel;
- cadw cofnodion cyfrifyddu cywir;
- paratoi Datganiadau Ariannol yn unol â gofynion perthnasol; a
- sefydlu ac adolygu'n barhaus drefniadau priodol i sicrhau darbodusrwydd, effeithlonrwydd ac effeithiolrwydd yn ei ddefnydd o adnoddau.

Mae Deddf Archwilio Cyhoeddus (Cymru) 2004 yn ei gwneud yn ofynnol i mi:

- roi barn archwilio ar y datganiadau cyfrifyddu;

- adolygu trefniadau'r Cyngor i sicrhau darbodusrwydd, effeithlonrwydd ac effeithiolrwydd yn ei ddefnydd o adnoddau; a
- rhoi tystysgrif yn cadarnhau fy mod wedi cwblhau'r broses o archwilio'r cyfrifon.

Mae awdurdodau lleol yng Nghymru yn paratoi eu datganiadau cyfrifyddu yn unol â gofynion Cod Ymarfer CIPFA/LASAAC ar Gyfrifyddu Awdurdodau Lleol yn y Deyrnas Unedig. Mae'r Cod hwn yn seiliedig ar Safonau Adrodd Ariannol Rhyngwladol.

Gwnaethom dderbyn y datganiadau ariannol drafft ar 15 Mehefin 2018, bythefnos yn gynharach na'r terfyn amser statudol. Er gwaethaf y terfyn amser byrrach, paratowyd y datganiadau ariannol drafft i safon dda ac fe'u hategwyd gan bapurau gwaith cynhwysfawr ac amserol. Cyflwynwyd y materion allweddol a oedd yn deillio o'r archwiliad o'r datganiadau ariannol i aelodau o'r Pwyllgor Llywodraethu Corfforaethol yn fy adroddiad ar yr Archwiliad o Ddatganiadau Ariannol ar 26 Medi 2018.

Ar 28 Medi 2018, rhoddais farn archwilio ddiamed ar ddatganiadau ariannol y Cyngor, gan gadarnhau eu bod yn rhoi darlun gwir a theg o sefyllfa a thrafodion ariannol y Cyngor. Cyhoeddais y dystysgrif yn cadarnhau bod yr archwiliad o'r cyfrifon wedi'i gwblhau ar 28 Medi 2018.

### **Rwy'n fodlon bod gan y Cyngor drefniadau priodol ar waith i sicrhau darbodusrwydd, effeithlonrwydd ac effeithiolrwydd o ran ei ddefnydd o adnoddau**

Mae fy ystyriaeth o drefniadau'r Cyngor i sicrhau darbodusrwydd, effeithlonrwydd ac effeithiolrwydd wedi bod yn seiliedig ar y gwaith archwilio a wnaed ar y cyfrifon ac rwyf hefyd wedi dibynnu ar y gwaith a gwblhawyd o dan Fesur Llywodraeth Leol (Cymru) 2009. Cyhoeddodd yr Archwilydd Cyffredinol ei Adroddiad Gwella Blynyddol ym mis Medi 2018 a daeth i'r casgliad bod y Cyngor yn bodloni ei ofynion statudol mewn perthynas â gwelliant parhaus.

### **Nid yw'r gwaith a wnaed gennyf hyd yma yn ardystio hawliadau a ffurflenni grant wedi nodi materion sylweddol a fyddai'n effeithio ar gyfrifon 2018-19 na systemau ariannol allweddol**

Nid yw'r gwaith a wnaed yn ardystio hawliadau a ffurflenni grant wedi nodi unrhyw faterion sylweddol hyd yma mewn perthynas â'r cyfrifon na systemau ariannol allweddol y Cyngor. Byddaf yn rhoi gwybod i'r Pwyllgor Llywodraethu Corfforaethol am unrhyw faterion allweddol yn fy adroddiad Ardystio Grantiau blynyddol unwaith y bydd rhaglen gwaith ardystio eleni wedi'i chwblhau.

### **Mae gan y Cyngor hanes blaenorol o reoli ei gyllid ond bydd yr her ariannol sylweddol yn parhau yn y tymor canolig**

Cyni yw'r her fwyaf sylweddol sy'n wynebu cyrff llywodraeth leol yng Nghymru o hyd ac mae'r pwysau ariannol hyn yn debygol o barhau yn y tymor canolig. Fel rhan o'r setliad ariannu llywodraeth leol a gyhoeddwyd yn ddiweddar, bydd cyllid y Cyngor yn gostwng 0.5%.

Yn 2017-18, nododd y Cyngor danwariant o £1.1 miliwn, a gyflawnwyd yn rhannol drwy gyfraniad £2.1 miliwn a gyllidebwyd o gronfeydd wrth gefn a glustnodwyd a ddefnyddiwyd i ariannu pwysau ar wasanaethau. Ar 31 Mawrth 2018, cynhaliodd y Cyngor ei Gronfa Gyffredinol wrth gefn ar £7.5 miliwn a chadwodd £29.4 miliwn mewn cronfeydd wrth gefn a glustnodwyd (ac eithrio'r Cyfrif Refeniw Tai).

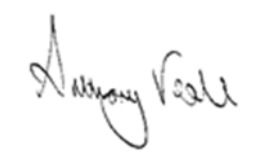
Er mwyn pennu cyllideb fantoledig ar gyfer 2018-19, bu'n rhaid i'r Cyngor nodi arbedion effeithlonrwydd ac arbedion o £4.6 miliwn. Yn ystod mis Hydref 2018, nododd y Cyngor bod y rhan fwyaf o'r arbedion effeithlonrwydd a'r arbedion gofynnol wedi'u cyflawni ac roeddent ar y trywydd iawn i gyflawni'r £4.6 miliwn. Er hynny, roedd y Cyngor yn rhagweld gorwariant o £1.2 miliwn ar ddiwedd y flwyddyn ar wasanaethau a chyllidebau corfforaethol yn bennaf oherwydd pwysau costau parhaus ym maes Priffyrdd a'r Amgylchedd a'r Gwasanaeth Plant ac Addysg. Gwnaeth y Prif Swyddog Cyllid gynnwys sylwadau yn Adroddiad Cyllid Hydref 2018 i'r Cabinet, gan bwysleisio pwysigrwydd gwasanaethau'n parhau i reoli cyllidebau yn ystod y flwyddyn ariannol gyfredol a thu hwnt, yn enwedig yn sgil y pwysau ariannol parhaus.

Mae rhagolwg ariannol y Cyngor yn parhau i fod yn heriol iawn ac roedd y blaengynllun ariannol diweddaraf yn rhagweld diffyg cyllid refeniw o £6.4 miliwn yn 2019-20. Mewn ymateb i'r pwysau ariannol, sefydlodd y Cyngor ei 'Fwrdd Ail-lunio'r Cyngor' ym mis Ionawr 2018, gyda chyfrifoldeb am ddatblygu'r fersiwn nesaf o Strategaeth Ariannol Tymor Canolig y Cyngor, gan helpu i gyflawni blaenoriaethau corfforaethol, ysgogi cyfeiriad strategol ehangach y Cyngor ond sicrhau hefyd fod yna broses effeithiol ar waith er mwyn cyflawni cyllideb fantoledig yn flynyddol.

Mae'r sefyllfa ariannol heriol yn peri risg sylweddol i'r Cyngor. Mae rheoli'r sefyllfa ariannol yn 2018-19 a phennu cyllideb fantoledig ar gyfer 2019-20 ymhlith blaenoriaethau allweddol ynghyd â diweddarau ei strategaeth ariannol tymor canolig. Byddwn yn parhau i fonitro cynnydd.

Ar hyn o bryd, disgwylir i'r ffi archwilio ariannol ar gyfer 2017-18 fod yn unol â'r ffi y cytunwyd arni ac a nodir yn y Cynllun Archwilio Blynnyddol.

Yn gywir



**Anthony Veale**

**Cyfarwyddwr Ymgysylltu**

**Dros ac ar ran Archwilydd Cyffredinol Cymru**

Mae tudalen hwn yn fwriadol wag



<b>Adroddiad i:</b>	Pwyllgor Llywodraethu Corfforaethol
<b>Dyddiad y Cyfarfod:</b>	23 Ionawr 2019
<b>Aelod / Swyddog Arweiniol:</b>	Lisa Lovegrove – Prif Archwilydd Mewnol
<b>Awdur yr Adroddiad:</b>	Lisa Lovegrove – Prif Archwilydd Mewnol
<b>Teitl:</b>	Diweddariad Archwilio Mewnol

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

Mae'r adroddiad hwn yn rhoi diweddariad i'r Pwyllgor Llywodraethu Corfforaethol ar gynnydd diweddaraf Archwilio Mewnol o ran sut y mae'n darparu gwasanaeth, darparu sicrwydd, adolygiadau a gwblhawyd, perfformiad ac effeithiolrwydd mewn ysgogi gwelliant.

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

Darparu gwybodaeth am y gwaith a wnaed gan yr Adain Archwilio Mewnol ers cyfarfod diwethaf y Pwyllgor. Mae'n galluogi'r Pwyllgor i fonitro perfformiad a chynnydd yr Adain Archwilio Mewnol yn ogystal â darparu crynodebau o adroddiadau'r Adain Archwilio Mewnol er mwyn i'r Pwyllgor dderbyn sicrwydd ar wasanaethau eraill y Cyngor a meysydd corfforaethol.

## 3. **Beth yw argymhellion yr adroddiad?**

Dylai'r Pwyllgor ystyried cynnwys yr adroddiad, asesu cynnydd a pherfformiad yr Adain Archwilio Mewnol a phenderfynu a oes angen unrhyw sicrwydd pellach ar adroddiadau archwilio.

## 4. **Manylion yr Adroddiad**

Mae adroddiad Atodiad 1 yn rhoi diweddariad fel ag yr oedd ar ddiwedd mis Rhagfyr 2018, yn ymwneud ag:

- Adroddiadau archwilio mewnol a gyhoeddwyd yn ddiweddar, h.y. Rheoli Risg, Caffael TG, y Gwasanaeth Cofrestru ac Anghenion Dysgu Ychwanegol, Digolledu a Lleoliadau y Tu Allan i'r Sir;
- Cynnydd gwaith Archwilio Mewnol hyd yma yn 2018-19;
- Cynnydd ar waith gwrth-dwyll gan gynnwys Tystysgrifau Cronfa'r Ysgol;
- Diweddariad ar berfformiad Archwilio Mewnol yn erbyn safonau wedi'u gosod; a
- Diweddariad ar gynnydd gydag Arfer Da CIPFA ar gyfer Pwyllgorau Archwilio.

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

Nid oes angen gwneud penderfyniad ynglŷn â'r adroddiad hwn. Nid oes cyfraniad uniongyrchol at y Blaenoriaethau Corfforaethol, ond bydd rhai prosiectau yn y cynllun archwilio yn adolygu meysydd Blaenoriaeth Corfforaethol ac yn darparu sicrwydd ar eu darpariaeth.

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

Amherthnasol – nid oes penderfyniad na chostau yn gysylltiedig â'r adroddiad hwn.

7. **Beth yw prif gasgliadau'r Asesiad o Effaith ar Les?**  
Amherthnasol - nid oes angen penderfyniad na chynnig ar gyfer newid mewn perthynas â'r adroddiad hwn.
8. **Pa ymgynghoriadau a gynhaliwyd gyda'r Pwyllgor Craffu ac eraill?**  
Dim angen.
9. **Datganiad y Prif Swyddog Cyllid**  
Nid oes unrhyw oblygiadau ariannol ynghlwm wrth yr adroddiad hwn.
10. **Pa risgiau sydd yna ac a oes yna unrhyw beth y gallwn ei wneud i'w lleihau?**  
Mae gwaith yr adain archwilio mewnol yn rhoi sicrwydd i'r cyngor mewn perthynas â digonolrwydd ac effeithiolrwydd y rheolaethau sydd ar waith i reoli a lliniaru risgiau.
11. **Pŵer i wneud y Penderfyniad**  
Amherthnasol - nid oes angen gwneud penderfyniad gyda'r adroddiad hwn.



# Internal Audit Update

January 2019

## Introduction

1. This report provides an update on Internal Audit's latest progress in terms of its service delivery, assurance provision, reviews completed, performance and effectiveness in driving improvement.
2. The report provides an update as at the end of December 2018 on:
  - Internal Audit reports recently issued:
    - Additional Learning Needs, Recoupment & Out of County Placements
    - Registration Service
    - Risk Management
    - IT Procurement;
  - Progress on Internal Audit work to date in 2018–19;
  - Progress with Counter Fraud work including School Fund Certificates;
  - Internal Audit performance standards.

## Internal Audit Reports Recently Issued

3. This section provides an overview of recent Internal Audit reports, including the overall Assurance Rating and the number of Risks/Issues raised in the report's action plan.

### Additional Learning Needs, Recoupment & Out of County Placements – November 2018

Medium Assurance	
2	Moderate risks/issues
1	Major risks/issues
0	Critical risks/issues

#### Additional Learning Needs

4. We assessed the ALN service at an early stage in transitioning to a new system as part of the new The Additional Learning Needs and Educational Tribunal (Wales) Act 2018. It was evident that the Service was proactively working towards implementation.
5. There is a rigorous performance challenge process where actions from current improvement plans and self-evaluations are reviewed twice a year. ALN reforms have already been prioritised within an improvement plan including the continuation of training within schools to prepare for the new system, and the improvement of pupil data to enable earlier identification of ALN children.

6. In terms of the budget, a new formula was adopted recently for ALN funding for schools so it can be applied more fairly based on the level of need, rather than the stage the pupil is at within the Code of Practice. An ALN Reform reserve is also in place to assist with the funding of implementing the new bill.
7. Our review found that the Service was progressing well with preparing for the implementation of the new system by 2020 and progress can be effectively monitored through their improvement plan.

### **Recoupment and Out of County Placements**

8. Some ALN pupils are placed in schools out of county to ensure that their complex needs are met where the required level of specialist education is not available within Denbighshire's schools. There are considerable pressures with the out of county budget as:
  - Costs have increased where pupils are being placed out of county. Specialist placements costs can be high depending on the complex needs of the pupil and volatile in terms of demand. Where the placement will result in a significant cost, the Head of Education & Children's Services will authorise the expenditure. However, finding appropriate specialist placements is challenging – there are very few providers and demand for placements is high. This means that where there are significant increases in charges, it is difficult to challenge costs, which has a further impact to the budget;
  - There has been an income reduction due to other local authorities wanting to ensure that all ALN pupils are placed within a special educational setting within county where it corresponds to their level of need. This is in keeping with the Social Services and Well-being (Wales) Act 2014; and
  - There has been an increase in the number of pupils being diagnosed with ALN, particularly those having more complex needs.
9. The budget is being effectively managed under difficult circumstances. The budgetary pressure has been detailed within the Medium Term Financial Plan so that sufficient funding can be made available in the short and medium term, as well as planning for the longer term impact if there is a total loss of income.
10. Pressures within out of county costs is a national issue that has been extensively reported to members, e.g. full details of placements (case by case) at their budget workshop in November 2017, and Cabinet is kept informed as part of the budget reporting process. As part of its Service Challenge, the Head of Education & Children's Services was tasked with providing an assessment to the

Corporate Executive Team (CET) on budgetary pressures for the next three years. This update took place at the Reshaping the Council Board meeting in September 2018, which was attended by CET members.

11. The Service is also clear of the risks in terms of the budget, but this has not been documented within its risk register to confirm that adequate measures are being put in place to manage the risk. However, we have been advised that the resource provision for ALN pupils is being reviewed as part of the 21st Century School Band B project.
12. While we are satisfied that there is engagement with providers, there needs to be a co-ordinated approach with local authorities regionally as resource provisions are reviewed to assist with predicting future demand (where possible), and planning capacity and budgets for the longer term. It could also provide an opportunity for working together to negotiate fees and to standardise paperwork and processes across local authorities in North Wales.
13. In terms of the governance arrangements, a multi-agency referral panel meets regularly to agree requests for out of county pupils to be placed within Denbighshire as well as to approve pupils being placed out of county. Placements are kept under review to ensure that the resource provision continues to meet the needs of the pupil.
14. Finance are involved operationally to monitor costings for out of county placements and to raise invoices for recovery of recoupment income, and there are regular discussions between the Service and Finance to raise awareness of any changes with placements that may impact the budget.
15. Despite the efforts of staff, there are delays in other providers sending information detailing the costs of out of county placements, so sometimes accurate costs are unknown until the invoice has been received and a purchase order has to be raised retrospectively. However, we consider that the process for charging fees for placements could be improved by having a documented protocol with out of county providers. This should provide more transparency over costs charged and provide a basis so that invoicing is carried out promptly. It will rely on engagement with providers in developing the protocol and effective monitoring arrangements will be required once the protocol has been implemented.
16. Having an agreed protocol may alleviate some of the existing issues when recovering recoupment income. For instance, local authorities could have

requested replacement invoices unnecessarily because of insufficient detail on the original invoice, and there are a number of delays in paying for costs for out of county placements in Denbighshire. We recommend that further analysis is carried out to fully understand the reasons for delays or non-payment, so that measures can be put in place (e.g. specified within the protocol) to address them. This could be co-ordinated regionally as similar issues may exist in other local authorities.

17. This has been an extremely complex area to review. Overall, there are some good controls in place, hence our medium assurance rating. Education & Children’s Services is preparing well for the implementation of the new ALN system and there are good governance arrangements and monitoring of out of county placements. However, improvements are needed with the out of county placement process, some of which relies on other organisations engaging in the development of a protocol and in ensuring that there is a co-ordinated approach when reviewing resource provision.

### Registration Service – December 2018

18. As this is a ‘low assurance’ report, the full report is shown on the committee’s agenda separately.

Low Assurance	
2	Moderate Risks/Issues
2	Major Risks/Issues
0	Critical Risks/Issues

### Risk Management – January 2019

19. Our review provides assurance to senior management and the Corporate Governance Committee that the risk management framework is robust with good processes in place.

Medium Assurance	
5	Moderate Risks/Issues
0	Major Risks/Issues
0	Critical Risks/Issues

20. Risk management is working well overall with several areas showing evidence that it is embedded within the organisation, particularly at the senior management level with clear top level commitment and support to ensure its effective delivery.
21. The Risk Management guidance entitled “Managing risk for better service delivery” sets out the Council’s risk management approach and specifies the

roles and responsibilities of relevant persons. The document; however, does not set out the Council’s risk appetite, nor does it explain in sufficient detail the Council’s approach to taking risks by explaining that effective risk management informs effective decision-making in order to encourage services to exploit available opportunities.

22. Delivery of Corporate Plan 2017–22 is managed via two programme boards, namely: ‘Communities & Environment Board’ and the ‘Young People and Housing Board’. While both boards have a risk register which is monitored at each meeting, the risks relate entirely to the performance of the board itself. As several of the risks recorded on the corporate risk register and service risk registers relate to the programme boards e.g. flood risk management, it would be beneficial to link these together to ensure that the programme boards effectively monitor and oversee the risks within its portfolio.
23. The Council is currently reviewing its register of strategic partnerships and collaborative arrangements. Partnership guidance stipulates that a common risk register is to be used; however, it is not clear how well this is practiced in reality.
24. Services’ responses to the self-assessment questionnaire indicate that the Council could do more to capture the outcomes of managing risk on service delivery and improvement. This could be applied through performance review reports by measuring the movement of risks over time e.g. number of risks closed (as within acceptable risk tolerances) or risks reduced.
25. In conclusion, risk management is working well. We highlight areas for improvement which should assist the Council to move to the next level of risk maturity so that risk management becomes more embedded and integrated throughout the organisation. During such periods of uncertainty and change, it is vitally important the risk management is used pragmatically to inform effective decision-making and to maximise the opportunities which are available. We therefore, provide Medium Assurance overall.

### IT Procurement – January 2019

26. Our review concludes that the service provided by ICT for the procurement of goods and services is appropriately managed. Overall, there are reasonable systems in place to ensure services

Medium Assurance	
3	Moderate Risks/Issues
1	Major Risks/Issues
0	Critical Risks/Issues



are aware of the processes that must be followed to ensure compliance with the ICT strategy.

27. There is still work to be done to raise the importance of involving the ICT Team at the start of an ICT procurement project. The team has started to address this issue by the three ICT Business Partners attending each service's monthly management team meetings to understand what ICT procurement projects are being discussed and to assist the service in the procurement process. The service can then explore all possible options available and ensure the best package is purchased and fully tested prior to it being implemented.
28. Discussion with the ICT Business Partners has confirmed they are now involved in projects at an early stage, although, there is not always supporting documentation to confirm their involvement within the Proactis (Procurement System) contract register.
29. We noted other issues relating to contract information:
  - At the time of the review, the Quality, Performance and Contracts Manager (ICT) had the responsibility for maintaining and updating the Proactis contract register. This has been a major task as a number of the earlier ICT contracts had very little ICT contract information attached. ICT has been going through manual records to obtain the information and update the register.
  - The Proactis contract register is now at a stage where all information (that could be found) around the old ICT contracts has been updated. The ICT service now needs to consider who should be responsible for maintaining the register, updating the existing contracts and adding new contracts to the register.
  - Information relating to the tendering method used is not always being attached to the Proactis contract register. As mentioned previously, as more than one person can attach the tendering information onto Proactis, there is uncertainty as to who has responsibility for this task.
  - A number of contracts have not been attached or, where the contract is attached, it has not been signed by either one or both parties. Further enquiries revealed that these contracts had not been retained within either service area and, therefore, we were unable to locate the contacts.
30. The lack of a comprehensive corporate contract register is a corporate issue that was raised in our recent review of the 'Joint Corporate Procurement Unit'

(report dated May 2018). Efforts to update all contracts to ensure compliance with General Data Protection Regulations (GDPR) is underway as services are updating the Proactis contract register where contract documentation is not currently recorded. If a contract cannot be found, services are required to make arrangements with the supplier where possible. Once complete, it will also ensure that there is a central point where all documentation relating to a contract is stored for easy retrieval.

31. Our review has identified that the IT Procurement Policy and other policies and procedures are currently not on the intranet or elsewhere for staff to be able to access them. This transpired after the update of the intranet system to comply with the Welsh Language Standards and so policies and procedures are available in both Welsh and English. The new intranet system has been operational for over a year and we could find no reason for the delay.
32. Although some of the ICT policies and procedures have a next review date on the cover, there is no formal database in operation to quickly show when a policy or procedure needs updating. A database would allow an officer to quickly check which policy requires reviewing and ensure a rolling programme is implemented.
33. Based on the scope of the review, the results show that there are reasonable controls in place. An issue around a corporate contract register highlighted in our review of the 'Joint Procurement Unit' is making progress and revealing instances where contract documents are missing. Given the improvements made during the review, and action is underway to address most of the issues raised, we are providing 'medium' assurance overall.

## Progress in Delivering the Internal Audit Assurance 2018-19

34. The following table shows a summary of Internal Audit’s work to date for this year. This table will be added to during the year as more projects commence.

35. Where projects have been completed since 1 April 2018, the table provides assurance ratings and number of issues raised for the completed reviews.

36. The following projects have not yet commenced but are scheduled for the coming months:

- General Data Protection Regulations (GDPR);
- Cyber Security;
- Financial Services: Accounts Payable, Payroll, Purchasing Cards, Treasury Management, Cash Receipting.
- Contract Management.

Tudalen 67

Internal Audit Assurance Plan Areas of Work	2018–19 Days to Date	Likely Outturn Days	Current Status of Work	Audit Assurance	No. of Critical Issues	No. of Major Issues	No. of Moderate Issues	Comments
<b>2018–19 Projects</b>								
Catering	34	34	Complete	Medium	0	0	2	
Risk Management	7	8	Complete	Medium	0	0	5	
Business Continuity Management	16	18	Final Draft					Nearing completion
Homelessness	5	30	Scoping					Due to commence in Q4
Housing Rents	49	49	Complete	Medium	0	0	4	

Internal Audit Assurance Plan Areas of Work	2018-19 Days to Date	Likely Outturn Days	Current Status of Work	Audit Assurance	No. of Critical Issues	No. of Major Issues	No. of Moderate Issues	Comments
AONB Grant Certification	2	2	Complete	N/a				
Welsh Government Grant Certification: <ul style="list-style-type: none"> <li>Pupil Deprivation Grant</li> <li>Education Improvement Grant</li> </ul>	12	12	Complete	N/a				
Section 106	42	44	Final Draft					Nearing completion
Welsh Transport Grant	14	14	Complete	Medium	0	0	3	
Single Access Route to Housing (SARTH)	1	10	On hold					Awaiting matches from NFI exercise 2018-19. Rescheduled to Q4.
Revenues and Benefits: <ul style="list-style-type: none"> <li>Sundry Debtors</li> <li>Overpayments</li> </ul>	49	55	Draft					Nearing completion
School Governance	6	25	Fieldwork					Fieldwork nearing completion
Grants Management	24	30	Fieldwork					Fieldwork nearing completion
School Fund Management	20	25	Fieldwork					Nearing completion
Bridges and Structures	8	12	Fieldwork					
Waste Management	2	10	Fieldwork					New Waste and recycling collection model

Tudalen 68

Internal Audit Assurance Plan Areas of Work	2018-19 Days to Date	Likely Outturn Days	Current Status of Work	Audit Assurance	No. of Critical Issues	No. of Major Issues	No. of Moderate Issues	Comments
Legal Services Collaboration	7	10	Fieldwork					
Programme and Project Management	11	20	Fieldwork					Focus on benefit realisation
Financial Services: <ul style="list-style-type: none"> <li>Treasury Management</li> <li>Payroll</li> <li>Accounts Payable</li> <li>Cash Receipting</li> </ul>	1	40	Scoping					Due to commence in January 2019
Supported Budgets (Direct Payments)	3	20	Fieldwork					
General Data Protection Regulations	1	20	Scoping					Due to commence shortly
Cyber Security	1	15	Scoping					Due to commence shortly
Contract Management	1	25	Scoping					Joint review with Flintshire County Council. Due to commence shortly
<b>Projects Brought Forward from 2017-18</b>								
Procurement	7	7	Complete	Low	0	1	1	Joint audit with Flintshire County Council of the shared service.
Project Management	5	5	Complete	Medium	0	1	1	

Internal Audit Assurance Plan Areas of Work	2018-19 Days to Date	Likely Outturn Days	Current Status of Work	Audit Assurance	No. of Critical Issues	No. of Major Issues	No. of Moderate Issues	Comments
Learner Transport	24	24	Complete	Medium	0	0	5	
Health & Safety in Schools	10	10	Complete	Low	0	1	4	
Travel & Subsistence	1	1	Complete	Medium	0	1	3	
CCTV Partnership	1	1	Complete	Medium	0	0	3	
IT Procurement of Resources	17	18	Complete	Medium	0	1	3	
ALN & Inclusion / Recoupment & Out of County Placement / Special Education	54	55	Complete	Medium	0	1	2	
Pooled Budgets	2	5	Fieldwork					Awaiting result of Welsh Government consultation
Registrars	30	30	Complete	Low	0	2	2	
Court of protection	45	50	Draft					Additional work requested.
<b>Fraud &amp; Corruption Work</b>								
National Fraud Initiative	21	40	Ongoing					Data upload for 2018-19 exercise complete.
Housing Tenancy Fraud	5	20	On hold					Awaiting matches from NFI exercise 2018-19. Rescheduled to Q4.
General fraud enquiries and counter fraud work	56	60	Ongoing					

Internal Audit Assurance Plan Areas of Work	2018-19 Days to Date	Likely Outturn Days	Current Status of Work	Audit Assurance	No. of Critical Issues	No. of Major Issues	No. of Moderate Issues	Comments
<b>Follow-up Reviews</b>								
IA project follow-ups	24	30	Ongoing					Includes devising new follow up process
Management of follow-ups	20	30						
<b>Other Areas of Work</b>								
School Fund admin & audits	33	40	In progress					
Corporate Governance Framework	16	20	2017-18 complete					See separate report on progress to date with the improvement actions.
Corporate working groups	16	35	In progress					
Consultancy & corporate areas	35	45	In progress					
<b>IA Support &amp; Management</b>								
Team Meetings / 1:1s	54	60						
Management	30	40						
Training & development	25	40						
<b>Total Days</b>	<b>817</b>	<b>1194</b>						

## Progress with Counter Fraud Work

37. Counter fraud work carried out since the last internal audit update includes:
- a. Providing advice on counter fraud to officers on request;
  - b. Coordinating the upload of data in preparation for the National Fraud Initiative (NFI) exercise 2018–19, and closing down the NFI exercise 2016–17.
  - c. Coordinating a fraud investigation skills course for internal audit officers within Denbighshire and neighbouring Councils across North Wales to improve standards and contribute to continual professional development.
  - d. Visiting schools that have several years of outstanding voluntary school fund certificates to bring them up-to-date and to ensure that no errors or wrongdoings has taken place.

## Referrals 2018/19

Date Referred	Investigation Details	Outcome
<b>Ongoing from 2017/18</b>		
September 2017	Concern raised regarding emptying of property as well as other allegations.	Ongoing.
<b>Referrals from 2018/19</b>		
April 2018	Conflict of interest, employee using their position to gain work for their own company.	Employee dismissed.
April 2018	Potential abuse of the Council's Cycle to Work Scheme	Unproven allegation. Additional controls put in place over the Cycle to Work Scheme.
May 2018	Allegation that external company gaining work through deception and false claims.	Matter referred to Welsh Government for investigation.
May 2018	Allegation of theft involving a school caretaker.	Unproven allegation. Officer dismissed in relation to non-compliance issues.
May 2018	Member of staff stole money from a safe with intention of returning it before it was due to be banked.	Money recovered and member of resigned.
July 2018	Allegation of money stolen using prepaid cards	Matter referred to North Wales Police for investigation.



July 2018	Allegation that members of staff committing fraud.	Investigation ongoing.
August 2018	Allegation involving a member of staff with relation to illegal trade.	Investigation concluded. Nothing proved.
October 2018	Allegation that a member of staff is stealing money	Matter referred to North Wales Police for investigation.

## Outstanding School Fund Certificate Results

38. Schools raise money for school trips and special activities or to supplement the delegated budget allocated to the school. At a time of continued austerity, Voluntary School Funds are relied upon to relieve the impact of rising costs and reduced government funding and can assist schools to provide resources and equipment which directly support children's education or improve the teaching and learning environment.
39. Given the risk that Voluntary School Funds can be subject to misuse and sometimes fraud, our review initially targeted those schools that had most outstanding certificates. In some cases, arranging a meeting with the school was sufficient for the certificates to be sent in. In others, Internal Audit obtained the paperwork relating to the school fund from the school for it to be audited at the standard cost for auditing school fund certificates. This work is ongoing and schools with fewer years outstanding are now being visited with meetings being arranged for the near future.

School name	Comment
<b>Secondary Schools</b>	
Ysgol Dinas Brân, Llangollen	Certificates up to date
Ysgol Brynhyfryd, Ruthin	
Rhyl High School	
Prestatyn High School	Certificates up to date with one query outstanding with the 2017-18 certificate.
Ysgol Glan Clwyd, St Asaph	Awaiting 2017/18 certificate.
Denbigh High School	5 years outstanding. Following visit to the school agreed that Internal Audit (IA) will review and bring up to date. IA review complete and certificates returned to the school for signing.
Blessed Edward Jones High School, Rhyl	3 years outstanding. Following a visit to the school agreed that IA will review and bring up to date.
<b>Additional Learning Needs Schools</b>	
Ysgol Plas Brondyffryn, Denbigh	Certificates up to date.
Ysgol Tir Morfa, Rhyl	
<b>3-19 Provision Schools</b>	

School name	Comment
St Brigid's School, Denbigh	Certificates up to date.
<b>Primary Schools</b>	
Ysgol Bryn Collen, Llangollen	Up-to-date. 2017-18 certificate – request for it to be signed by the Chair of Governors.
Ysgol y Faenol, Bodelwyddan	Awaiting 2017/18 certificate
Ysgol Betws Gwerfil Goch	
Ysgol Carreg Emlyn, Clocaenog & Cyffylliog	
Ysgol Bro Dyfrdwy, Cynwyd	
Ysgol Twm o'r Nant, Denbigh	
Ysgol Hiraddug, Dyserth	
Ysgol Esgob Morgan, St Asaph	
Ysgol Henllan	
Ysgol Bryn Clwyd, Llandyrnog.	
Ysgol Bro Cinmeirch, Llanrhaeadr	
Ysgol Clawdd Offa, Prestatyn	
Ysgol Christchurch, Rhyl	
Ysgol Emmanuel, Rhyl	
Ysgol St Asaph Infants	3 years outstanding. Following a school visit, agreed that IA will review and bring up-to-date
Ysgol Rhewl	2 years outstanding. This school has now closed and the auditor is waiting for the cheques to clear at the bank and then these two certificates and the closing balance certificate will be sent in.
Ysgol Pant Pastynog, Prion	2 years outstanding.
Ysgol Bro Famau, Llanarmon yn Iâl	3 years outstanding – queries regarding the treatment of unpaid cheques
Ysgol Trefnant	6 years outstanding. Internal audit will be auditing these. <ul style="list-style-type: none"> <li>• 2012/13 and 2013/14 certificates received but with queries.</li> <li>• 2014/15 and 2015/16 have not been completed and paperwork, cheques etc are not available at the school.</li> <li>• 2016/17 certificate received and provisionally accepted</li> <li>• Awaiting 2017/18 certificate.</li> </ul>
Remaining 27 schools, all certificates are up-to-date.	

School name	Comment
Namely: Bodnant Community School, Prestatyn; Rhos Street School, Ruthin; Ysgol Bodfari; Ysgol Borthyn, Ruthin; Ysgol Bro Elwern, Gwyddelwern; Ysgol Bryn Hedydd, Rhyl; Ysgol Caer Drewyn, Clawdd Poncen; Ysgol Carrog; Ysgol Cefn Meiriadog; Ysgol Dewi Sant, Rhyl; Ysgol Dyffryn Iâl, Llandegla; Ysgol Frongoch, Denbigh; Ysgol Gellifor; Ysgol Gymraeg y Gwernant, Llangollen; Ysgol Llanbedr; Ysgol Llanfair; Ysgol Llywelyn, Rhyl; Ysgol Mair, Rhyl; Ysgol Melyd, Meliden; Ysgol Pen Barras, Ruthin; Ysgol Pendref, Denbigh; Ysgol Penmorfa, Prestatyn; Ysgol Pentrecelyn; Ysgol Tremeirchion; Ysgol y Castell, Rhuddlan; Ysgol y Llys, Prestatyn; and Ysgol y Parc, Denbigh	

40. We found that balancing and completing of the school fund accounts were seen as a low priority despite this being an area where frauds can occur. Where schools had several years of certificates outstanding, it was clear that the Headteacher and/or Governing Body were not monitoring their completion properly. School Fund certificates approval should be a standard item for Finance sub-committee or the Governing Body meeting at each school at the September or October meeting of each year.

41. Once our review is fully complete, the results will be reported to schools and the School Support team for their information and to take action where required. The School Support team has agreed to take responsibility for monitoring completion and chasing outstanding schools fund certificates in future. Internal Audit can then focus on targeting schools where they may be concerns.

## Internal Audit Performance Standards

42. Internal Audit measures its performance in two key areas:

- Follow-up audit work – Two measures to ensure that Internal Audit carries out its follow-up work promptly and that services implement agreed improvement actions.
- Customer Standards – A range of indicators to ensure that Internal Audit delivers a good service to its customers.

43. The table below shows Internal Audit's performance to date for 2018/19.

Customer Service Standard	Target	Current Performance
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Internal Audit will discuss, agree and send services the Internal Audit Project Scoping Document before it commences work.	100%	100%
At the conclusion of its work, Internal Audit will hold a closing meeting with all relevant people to discuss the outcome of its work, and then send services a draft report as soon as possible after that meeting.	Avg. Days (less than 10)	8.8
Internal Audit will issue a final audit report as soon as possible after agreeing the report and its action plan with services.	Avg. Days (less than 5)	3.1

Follow Up Action Plans & Service Improvement	Target	Current Performance
Using performance management system (Verto), Internal Audit will monitor and report on the % of agreed improvement actions that have been implemented by services to show that Internal Audit's service is effective in helping to deliver improvement.	75%	73%

## CIPFA Practical Guidance for Audit Committees – Update

44. The terms of reference have been revised to reflect the template recommended by the new CIPFA guidance<sup>1</sup>. These are submitted separately for approval and form part of the Annual Report on the Constitution agenda item.
45. An online evaluation survey based on the CIPFA Guidance template for evaluating the effectiveness of the committee has been developed. It will shortly be circulated to members of the Committee, Lead Members and Lead Officers who have attended the Committee. The results will be presented as part of the Internal Audit Update in March 2019 to allow time for responses to come through.
46. The North Wales Internal Audit Partnership has agreed to compare the results from each Council's committee self-evaluation and effectiveness survey to explore the potential for coordinating training for members with neighbouring councils.
47. A review of the Committee's forward work programme is underway and a proposal for the future schedule of standard reports will be presented at the committee's meeting in March 2019.

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<sup>1</sup> *'Audit Committees, Practical Guidance for Local Authorities and Police'*, 2018 Edition, Chartered Institute of Public Finance and Accountancy

<b>Adroddiad i:</b>	Pwyllgor Llywodraethu Corfforaethol
<b>Dyddiad y Cyfarfod:</b>	23 Ionawr 2019
<b>Aelod / Swyddog Arweiniol:</b>	Lisa Lovegrove – Prif Archwilydd Mewnol
<b>Awdur yr Adroddiad:</b>	Lisa Lovegrove – Prif Archwilydd Mewnol
<b>Teitl:</b>	<b>Adroddiad Diweddarau - Yr Uned Gaffael Gorfforaethol ar y Cyd</b>

## 1. Am beth mae'r adroddiad yn sôn?

Mae'r adroddiad hwn yn darparu diweddariad am gynnydd o ran gweithredu'r camau gweithredu a gytunwyd o ran adroddiad sicrwydd isel "Yr Uned Gaffael Gorfforaethol ar y Cyd" a gyflwynwyd i'r Pwyllgor hwn ym mis Mehefin 2018.

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

Bwriad yr adroddiad hwn yw darparu gwybodaeth am sut mae'r Cyngor yn gweithredu gwelliannau yn yr Uned Gaffael Gorfforaethol ar y Cyd ers cyhoeddi'r adroddiad Archwilio Mewnol. Gwnaeth yr adroddiad archwilio godi sawl mater o ran caffael a gweithrediad y gwasanaeth a ddarperir ar y cyd gyda Chyngor Sir y Fflint ac arweiniodd at raddfa sicrwydd isel, felly mae angen adroddiad diweddaru cynnydd ar y Pwyllgor Llywodraethu Corfforaethol i sicrhau bod y materion yn cael sylw. Dyma'r adroddiad cynnydd cyntaf.

## 3. Beth yw argymhellion yr adroddiad?

Mae'r Pwyllgor yn adolygu cynnydd o ran rhoi sylw i'r camau gweithredu archwilio ac yn penderfynu a oes angen adroddiadau diweddaru pellach ar gynnydd gyda'r cynllun gweithredu gwella.

## 4. Manylion yr Adroddiad

Mae'r Rheolwr Gweithrediadau Cyfreithiol a Chaffael wedi darparu diweddariad am y camau gweithredu a gytunwyd o'r adolygiad gwreiddiol. Mae hyn yn dangos bod cynnydd da wedi'i wneud gyda'r rhan fwyaf o gamau gweithredu a bod camau gweithredu ar y trywydd iawn ar y cyfan i gael eu cwblhau erbyn y terfynau amser a gytunwyd. Mae manylion wedi'u cynnwys yn adroddiad Atodiad 1.

Er nad yw'r adain archwilio mewnol wedi gwirio cywirdeb y diweddariadau hyn, mae adolygiad dilynol llawn wedi'i gynllunio ar gyfer mis Mawrth 2019 i gyd-fynd â'r adolygiad a gynlluniwyd o Reoli Contractau, a gaiff ei wneud ar y cyd â Gwasanaeth Archwilio Mewnol Cyngor Sir y Fflint.

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

Amherthnasol - nid oes angen gwneud penderfyniad gyda'r adroddiad hwn.

## 6. Faint fydd hyn yn ei gostio a sut y bydd yn effeithio ar wasanaethau eraill?

Amherthnasol - nid oes angen gwneud penderfyniad gyda'r adroddiad hwn.

7. **Beth yw prif gasgliadau'r Asesiad o Effaith ar Les?**  
Amherthnasol - nid oes angen gwneud penderfyniad gyda'r adroddiad hwn.
8. **Pa ymgynghoriadau a gynhaliwyd gyda'r Pwyllgor Craffu ac eraill?**  
Amherthnasol - nid oes angen gwneud penderfyniad gyda'r adroddiad hwn.
9. **Datganiad y Prif Swyddog Cyllid**  
Amherthnasol - nid oes angen gwneud penderfyniad gyda'r adroddiad hwn.
10. **Pa risgiau sydd yna ac a oes yna unrhyw beth y gallwn ei wneud i'w lleihau?**  
Amherthnasol - nid oes angen gwneud penderfyniad gyda'r adroddiad hwn.
11. **Pŵer i wneud y Penderfyniad**  
Amherthnasol - nid oes angen gwneud penderfyniad gyda'r adroddiad hwn.



## Action Plan Update

**Review area:** Joint Corporate Procurement Unit  
**Date:** January 2019  
**Action Plan Contacts:** Legal & Procurement Operations Manager

Corporate Risk/Issue Severity Key	
0	<b>Critical</b> – Significant CET and Cabinet intervention
1	<b>Major</b> – intervention by SLT and/or CET with Cabinet involvement
1	<b>Moderate</b> – Containable at service level. Senior management and SLT may need to be kept informed

Tudalen 81

<b>Root Cause 1</b>	Weaknesses in governance arrangements, including insufficient scrutiny and challenge of service delivery and performance, to ensure the achievement of objectives and expected outcomes detailed in the 2014 business case supporting the development of the JCPU
<b>Underlying Weakness</b>	<p>Our review of Governance arrangements identified;</p> <ul style="list-style-type: none"> <li>There is inadequate scrutiny of JCPU objectives and outcomes by Joint Procurement Board (JPB) and by relevant Council committees to address lack of progress with achieving the primary objectives of the JCPU business case around Efficiency, Capacity and Markets (1.1).</li> <li>Delays in the alignment of procurement strategy and procurement activity across the two Councils. Recent changes, e.g. board membership and corporate priorities, means that the strategy contains out of date information (1.2).</li> <li>Limited processes in place for measuring and recording efficiency savings achieved through collaborative procurement. There is no evidence that efficiency savings and benefits have been reported to the JPB (1.3).</li> <li>Limited evidence of reporting of KPI's to the JPB / no robust targets in place for KPI's (1.4).</li> <li>Insufficient systems for recording and monitoring the split of procurement staff time across the two Councils (1.5).</li> <li>Meetings of the JPB not taking place on a regular basis, agendas for the JPB meetings not prepared and circulated in advance of meetings and JPB minutes not available for all meetings / minutes not circulated on a timely basis (1.6).</li> </ul>

	<ul style="list-style-type: none"> <li>Limited monitoring and evaluation of expenditure by category and aggregated spend (across services and/or Councils) by the JCPU to ensure opportunities for efficiency savings through collaborative procurement exercises are identified (1.7).</li> <li>Due to limited availability of data, monitoring of contract end dates by the JCPU cannot take place to ensure opportunities for efficiency savings through collaborative procurement or alternative procurement models are appropriately explored (1.8).</li> </ul>		
<b>Action (Ref)</b>	<b>Agreed Management Action</b>	<b>Responsibility &amp; Deadline</b>	<b>Status</b>
1.1	This will be addressed by the JPB having regular meetings and providing Corporate Governance/Audit and Scrutiny committee with regular updates together with an annual report being presented to Cabinet committees	Head of Legal, HR & Democratic Services DCC / Chief Officer (Governance) FCC, 31/03/2018	In progress
<b>Follow Up Results</b>	The Legal & Procurement Operations Manager has confirmed that this is now being done.		
1.2	The procurement strategy will be updated during 2018/19 in accordance with the recommendations provided by the WGLA.	Legal and Procurement Operations Manager/DCC / FCC, 31/03/2019	In progress
<b>Follow Up Results</b>	The Legal & Procurement Operations Manager has confirmed that the Strategy has been updated and a draft produced which is being discussed at Officer level. The Lead Member for Finance, Performance and Strategic Assets has been briefed on progress and has agreed to receive a draft of the Strategy once the Officer review is completed. The Strategy will be updated by 31/03/19.		

1.3i	<p>To ensure the JPB are kept informed of all potential efficiency savings from collaborative procurement activities, the board will :</p> <ol style="list-style-type: none"> <li>explore the possible systems available to measure efficiency savings;</li> <li>agree how they will capture and measure non-financial savings;</li> <li>ensure there is an appropriate system in place to measure collaborative efficiencies;</li> <li>the Legal and Procurement Operations Manager should provide a report detailing missed opportunity for collaboration to the JPB; and</li> <li>consider longer term contracts, which will reduce procurement cost.</li> </ol>	<p>Legal and Procurement Operations Manager DCC / FCC,  In place 30/09/2018</p>	In progress
Follow Up Results	<p>The Legal &amp; Procurement Operations Manager has confirmed the ‘savings document’ has now been agreed, and there is a spreadsheet in place to record savings. In addition the Board are updated on all collaborative opportunities, including those which have been missed, all of which are recorded on the spreadsheet. Longer term contracts are now being routinely flagged up. This was confirmed by the Procurement Business Partner (Strategic) who confirmed “A Procurement Efficiency Measurement Methodology has been developed which was presented to the JPB for sign off at the recent Board meeting. The methodology contained efficiency measurement calculations for new and recurring procurement projects as well as for cash and non-cash releasing savings. Also a spreadsheet has been developed that measures collaborative and project specific efficiencies”.</p>		
1.3ii	<p>A review of Contract Procedure Rules relating to extensions, variations and direct awards to ensure markets are regularly tested and the most competitive price obtained.</p> <p>Staff to be reminded why extensions, variations and direct awards should only be taken up as a last alternative and should be for a minimum period of time while a tender is completed.</p>	<p>Legal and Procurement Operations Manager – DCC / FCC, 31/10/18</p>	In Progress

<b>Follow Up Results</b>	The Legal & Procurement Operations Manager has confirmed that this has now started.		
<b>1.4</b>	A review of the KPI's to be undertaken by the Legal & Procurement Operations Manager to ensure they are relevant and measurable. Once completed, the new KPI's will be approved by the JPB.	Legal and Procurement Operations Manager – DCC / FCC, completed	Complete
<b>Follow Up Results</b>	The Legal & Procurement Operations Manager has confirmed that this review has been undertaken and new KPI's are in place.		
<b>1.5</b>	The Legal & Procurement Operations Manager to consider the options available for a time recording system for staff to record time spent. A review of time spent working on Regional Procurement by DCC staff to be undertaken by the Legal & Procurement Operations Manager with consideration being given to recharging the individual local authorities.	Legal and Procurement Operations Manager – DCC / FCC, 31 March 2019	In progress
<b>Follow up Results</b>	The Legal & Procurement Operations Manager has confirmed that a system is now being trialled, but has pointed out that unless the team are given budget for a new time recording system they will have no option but to revert back to the previous methods of time recording.		
<b>1.6</b>	At the start of every year, the dates for the JPB will be entered into board members diaries and agendas and minutes provided prior to each meeting.	Legal and Procurement Operations Manager – DCC / FCC,	Complete

		In place	
<b>Follow Up Results</b>	The Legal & Procurement Operations Manager has confirmed that this is now being done.		
<b>1.7</b>	The JCPU will consider reports that show expenditure by category and aggregate spend by service/authority to identify off contract spend and identify areas for collaboration.	CPU Business Partners – DCC / FCC Legal and Procurement Operations Manager – DCC / FCC, In place and ongoing	In progress
<b>Follow Up Results</b>	The Legal & Procurement Operations Manager confirms that the Board will focus on strategic matters and the CPU Business Partners will review the spend reports as agreed. If there is a particular issue with a Service, for example, continual off contract spend, then this would be reported to the Board. The Business Partners are analysing the spend reports and this requirement is captured as an objective in their performance appraisals.		
<b>1.8</b>	In order for the JCPU to advise whether collaborative procurement can take place, the following information will be captured and held: <ul style="list-style-type: none"> <li>a. the actual and potential collaborative procurements;</li> <li>b. details of any potential instances of collaboration which Services decline to take forward collaboratively;</li> <li>c. up to date information around contracts coming to an end across DCC/FCC in so far as the information is recorded on Proactis; and</li> <li>d. collaborative procurements with an approval made to the relevant Council/Service.</li> </ul>	Legal and Procurement Operations Manager – DCC / FCC JPB – DCC / FCC, In place & Ongoing	In progress
<b>Follow Up Results</b>	The Legal & Procurement Operations Manager has confirmed that this is now being done.		



<b>Root Cause 2</b>	<b>Limited high level corporate and political buy-in to the delivery of the joint service resulting in lack of prominence of service objectives across the two Councils.</b>		
<b>Underlying Weakness</b>	<p>Shortfalls with procurement activity within services were identified and listed in the Procurement Strategy 2016. Despite a procurement transformation programme to coincide with the launch of the strategy (consisting promotion of the strategy and revised CPRs and training to staff within services on procurement), these issues remain. We have broken down this root cause to the following underlying weaknesses:</p> <ul style="list-style-type: none"> <li>• Culture change (to ensure the achievement of service objectives detailed in the 2014 business case) is not driven by Senior Management and cascaded through the management structures within each Council. Lack of necessary leadership to gain buy-in and drive through the improvement required with procurement activity within services (2.1).</li> <li>• Uncertainty within services around the role of the Procurement team (2.2). Move from an advisory function to a more supporting role with greater focus on compliance with CPRs is a recent change and will require a culture change within both councils.</li> <li>• Limited consideration of the scope for collaborative procurement at the planning stage of procurement exercises (whether collaborative procurement between services within the same council or across the two councils) (2.3).</li> <li>• Inconsistent use of the Proactis corporate contract register by services. Lack of contract information is impeding the identification of areas in which collaborative procurement could deliver efficiencies (2.4).</li> <li>• Confidence around use of the Proactis system (including the contract management module) is limited within those services where procurement is not carried out on a regular basis (2.5).</li> </ul>		
<b>Action (Ref)</b>	<b>Agreed Management Action</b>	<b>Responsibility &amp; Deadline</b>	<b>Status</b>
2.1	The JPB need to raise the profile of the JCPU in both Councils. Legal and Procurement Operations Manager and Head of Legal and Democratic Services and HR (at DCC) and Legal and Procurement Operations Manager and Chief Officer (Governance) (at FCC) to attend Senior Leadership Team /Corporate Leadership Team to discuss procurement and the need to collaborate.	Officers of the JPB, 31/12/18  Legal and Procurement Operations Manager	In progress

	The JCPU to provide a procurement activity report for each Service Challenge (DCC) broken down to the individual services.	Head of Legal and Democratic Services and HR (DCC) Chief Officers (FCC) / SLT and Middle Managers (DCC)	
<b>Follow Up Results</b>	The Legal & Procurement Operations Manager has confirmed that this is underway, with service challenge reports now being submitted (DCC).		
<b>2.2</b>	<p>CPU Business Partners will attend Service Senior Management Team meetings quarterly.</p> <p>The Legal and Procurement Operations Manager will attend Senior Leadership Team/Chief Officer Team six monthly.</p> <ul style="list-style-type: none"> <li>The Legal and Procurement Operations Manager will consider marketing options that are available at each of the Councils to promote the CPU.</li> </ul>	Legal and Procurement Operations Manager - DCC / FCC, 31/03/2019	Complete
<b>Follow Up Results</b>	The Legal & Procurement Operations Manager has confirmed that members of CPU are attending SMTs quarterly and attendance is recorded on a spreadsheet. Posts about CPU have been made on LINC (intranet), Denbighshire Today and also Visiontime (staff time recording system).		
<b>2.3</b>	<p>The commissioning form will be amended to ask Services if they have considered collaborative procurement across DCC/FCC, and across internal services.</p> <p>If a collaborative procurement is not considered the reason should be recorded on the commissioning form.</p> <p>If in the opinion of the CPU a collaborative procurement is possible but is not being pursued, this is reported to JPB by the Legal and Procurement Operations Manager.</p>	Legal and Procurement Operations Manager - DCC / FCC, In place	Complete



<b>Follow Up Results</b>	The Legal & Procurement Operations Manager has confirmed that this is now being done.		
<b>2.4</b>	<p>CPU will be responsible for getting contracts sealed/signed, scanning into Proactis and notifying the contract manager. CPU will then pass the contract over to the contract manager which will prompt the contract management module to be used.</p> <p>Proactis functionality will be used to send an automated chaser to contract managers about contract expiry dates and the need to take action to ensure service continuity. This should also reduce the need for exception/extension reports because of the advance warning of a contract expiry date.</p>	CPU/Business Partners - DCC / FCC, In place and on going	Complete
<b>Follow Up Results</b>	The Legal & Procurement Operations Manager has confirmed that this is now being done.		
<b>2.5</b>	CPU to provide contract monitoring training for Services/contract managers during the next 12 months.	CPU Strategic Business Partner - DCC / FCC, 31/03/2019	In progress
<b>Follow Up Results</b>	The Legal & Procurement Operations Manager has confirmed that this is now in progress.		

## Report Recipients

- Legal & Procurement Operations Manager
- Legal Services Manager
- Head of Legal, HR & Democratic Services
- Lead Member for Finance, Performance & Strategic Assets
- Corporate Governance Committee
- Strategic Planning & Performance Officer

## Internal Audit Team

Lisa Lovegrove	Chief Internal Auditor	01824 706936 lisa.lovegrove@denbighshire.gov.uk
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## Key Dates

Follow up review commenced	December 2018
Review completed	January 2019
Reported to Corporate Governance Committee	23 January 2019

Adroddiad i:	Pwyllgor Llywodraethu Corfforaethol
Dyddiad y Cyfarfod:	23 Ionawr 2019
Aelod / Swyddog Arweiniol:	Lisa Lovegrove – Prif Archwilydd Mewnol
Awdur yr Adroddiad:	Lisa Lovegrove – Prif Archwilydd Mewnol
Teitl:	Archwiliad Mewnol o'r Gwasanaeth Cofrestru

1. Am beth mae'r adroddiad yn sôn?  
Mae'r adroddiad hwn yn darparu manylion am adroddiad diweddar yr Adain Archwilio Mewnol am y Gwasanaeth Cofrestru a dderbyniodd raddfa Sicrwydd 'Isel'.
2. Beth yw'r rheswm dros lunio'r adroddiad hwn?  
Mae'r Pwyllgor Llywodraethu Corfforaethol wedi cytuno y bydd yn derbyn ac yn trafod pob adroddiad yr Adain Archwilio Mewnol sy'n derbyn graddfa Sicrwydd 'Isel' fel eu bod yn gallu trafod y canlyniad a derbyn sicrwydd y gwneir gwelliannau.
3. Beth yw argymhellion yr adroddiad?  
Mae'r Pwyllgor yn rhoi sylwadau ar yr adroddiad ac yn penderfynu a oes angen adroddiadau diweddar pellach ar gynnydd gyda'r cynllun gweithredu gwella.
4. Manylion yr Adroddiad  
Mae'r adroddiad Archwilio Mewnol llawn wedi'i gynnwys fel Atodiad 1.

Roedd yr adolygiad o'r Gwasanaeth Cofrestru yn cynnwys: deddfwriaeth, cyfuno'r rhanbarthau, trefniadau rheoli, incwm a rheolaethau ariannol eraill, monitro'r gyllideb a pherfformiad a gwasanaeth i gwsmeriaid. Mae ein hadolygiad yn dod i'r casgliad bod gan y Gwasanaeth rai rheolaethau da ar waith, yn enwedig o ran eu perfformiad, fodd bynnag, dim ond graddfa 'sicrwydd isel' gallwn ei roi oherwydd y trefniadau incwm gwan a'r angen i'r Gwasanaeth foderneiddio a gweithio mewn ffordd fwy corfforaethol.

Rydym wedi derbyn ymateb positif i'n hadolygiad ac mae camau gweithredu eisoes ar waith i fynd i'r afael â rhai o'r pryderon a godwyd.

5. Sut mae'r penderfyniad yn cyfrannu at y Blaenoriaethau Corfforaethol?  
Amherthnasol - nid oes angen gwneud penderfyniad gyda'r adroddiad hwn.
6. Faint fydd hyn yn ei gostio a sut y bydd yn effeithio ar wasanaethau eraill?  
Amherthnasol - nid oes angen gwneud penderfyniad gyda'r adroddiad hwn.
7. Beth yw prif gasgliadau'r Asesiad o Effaith ar Les?  
Amherthnasol - nid oes angen gwneud penderfyniad o ran cynnig ar gyfer newid gyda'r adroddiad hwn.
8. Pa ymgynghoriadau a gynhaliwyd gyda'r Pwyllgor Craffu ac eraill?  
Amherthnasol - nid oes angen gwneud penderfyniad gyda'r adroddiad hwn.

9. Datganiad y Prif Swyddog Cyllid  
Amherthnasol - nid oes angen gwneud penderfyniad gyda'r adroddiad hwn.
10. Pa risgiau sydd yna ac a oes yna unrhyw beth y gallwn ei wneud i'w lleihau?  
Mae gwaith yr adain archwilio mewnol yn rhoi sicrwydd i'r cyngor mewn perthynas â digonolrwydd ac effeithiolrwydd y rheolaethau sydd ar waith i reoli a lliniaru risgiau. Bydd yr adain Archwilio Mewnol yn dilyn y camau gweithredu a gytunwyd i sicrhau bod gwelliannau angenrheidiol yn cael eu gwneud i leihau'r risgiau a nodwyd. Mae'n bosibl y bydd y Pwyllgor Llywodraethu Corfforaethol yn gofyn am adroddiadau diweddarau i fonitro cynnydd o ran gweithredu'r cynllun gweithredu gwella.
11. Pŵer i wneud y Penderfyniad  
Amherthnasol - nid oes angen gwneud penderfyniad gyda'r adroddiad hwn.



# Registration Service

December  
2018



**Low**  
**Assurance**



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Lisa Lovegrove CMIA, CISA, Chief Internal Auditor

Denbighshire Internal Audit Services, Tudalen 94, Smithfield Road, Denbigh, LL16 3RJ

## Purpose and Scope of Review

We carried out a review of the Registration Service following a request by the Head of Legal, HR and Democratic Services to assess the robustness of processes once the Service had amalgamated. This review also provides assurance for the Annual Internal Audit Report and Annual Governance Statement.

Our scope covered the following areas:

- Legislation;
- Amalgamation of the Districts;
- Management Arrangements;
- Income and other Financial Controls;
- Budget and Performance Monitoring; and
- Customer Service.

We did not review the robustness of the process for managing the stock of certificates as the General Register Office (GRO) had carried out an audit of this area in April 2018 providing a reasonable assurance in relation to the security arrangements around the receipt, storage and use of the certificate stock held.

## Background and Context

The Registrar General and councils have a shared responsibility for the delivery of the registration services in England and Wales. Registration officers have a statutory duty to follow regulations and guidance set and regulated by the Registrar General, while the Council has overall responsibility for managing the Registration Service.

At the time of our review, the Registration Service had been through a significant period of change as, during May 2018, Rhyl Register Office moved location from Morfa Clwyd to Rhyl Town Hall to provide a modernised and more accessible facility for customers.

Additionally, the two registration districts (Denbighshire North and South) were amalgamated in June 2018 to create one new Denbighshire district. This has resulted in there being one Register Office based in Rhyl with a Registration Office based in Ruthin. Registration services are no longer provided in Denbigh, Llangollen or at Glan Clwyd Hospital. The main benefit of this amalgamation is that registrations of births, deaths and marriages can take place in either Rhyl or Ruthin, and offers customers more flexibility. For example, previously if a person lived in the south of the county they would have to go to the Rhyl Register Office to register a birth or death that took place at Glan Clwyd Hospital.

As part of the amalgamation, a new staffing structure was designed to enable staff to be multi-skilled to carry out all key duties and provide effective business continuity arrangements. Additionally, there has been an extensive review of the allocation of staff hours and expenses to ensure that the service can be delivered effectively. This has taken a significant amount of time to implement due to heavy work demands relating to the above changes, which has impacted the full amalgamation of the districts.

The table below details the registrars' key areas of work for the period 1 April 2017 to 31 March 2018, when there were two registration districts:

Areas of Work	Ruthin	Rhyl
Number of births registered	17	2,070
Number of deaths registered	290	1,713



Number of historical certificates issued	158	2,200
Number of marriages conducted	254	155
Number of notices of marriage taken	214	366
Number of citizenship ceremonies conducted	12	0

## Audit Opinion

The process of amalgamating the two registration districts and office move has created considerable additional work for staff, both for management and registration staff. The Service fully recognises that there is further work to be carried out so that the amalgamation can be fully implemented, particularly in finalising staff hours and expenses, but also in ensuring the processes between the previous two districts are aligned.

While the General Register Office has some documented guidance, the Service does not have its own documented procedures to support staff so they are clear of the various processes to be followed, particularly where they are undertaking new roles as part of them being multi-skilled. The Service had started to address this at the time of our review, as part of the ongoing amalgamation process.

Delays with the amalgamation and the staffing review have impacted progress in other key areas:

- Communication mechanisms with staff are not currently robust, e.g. no regular team meetings or one-to-one discussions, and most staff have not had performance appraisals since 2016. The appraisals issue was highlighted at Legal, HR & Democratic Services' Service Performance Challenge in April 2018.
- The Service has yet to fully review its compliance with the General Data Protection Regulations (GDPR), although it has identified that data deletion from their appointments and performance management system is required.

Operationally, performance is high for meeting targets for registering births and deaths, and the availability of registration appointments offered to customers. Monthly returns are submitted to the GRO so that they can monitor performance and compare against other councils across the UK. Like other registration districts across the UK, a Performance Improvement Plan has been agreed with the GRO that will enable analysis of issues affecting timeliness and performance.

Within the income process, receipts are now issued for all payments received and cash is banked securely. However, there are a number of weaknesses with current arrangements (see action plan and Appendix 1):

- Recording of income requires improvement to ensure that the process is more transparent, and to minimise the risk of errors or incorrect fees being charged;

- No reconciliations are carried out of the income collected through card payments and approved premises' licences; and
- VAT is not always correctly accounted for when charging for discretionary fees.

The budget for the Registration Service is well managed and regular monthly meetings are held with Finance. The amount of income collected nearly off-sets the cost of running the service, so the Service is almost in a cost-neutral position.

Overtime costs are relatively high, and it is hoped that these will reduce when the new staff hours are implemented (the new contracted hours will be kept under review and amended if required to meet the demands of the service). While the standard rate payments for overtime working are appropriately authorised, staff do not always seek prior authorisation before undertaking additional work above their contracted hours.

The Registration Service provides a fully bilingual service to their customers with good customer feedback and very few complaints received. However, there are still improvements needed to its customer service, some following on from the amalgamation of the districts, in terms of: contacting the Service by telephone (see the analysis in root cause 2); amendments to signage; and updating the website content to reflect the changes.

The main concern relates to an opportunity for the Service to modernise its processes and work more corporately with the Council's other services (see action plan and Appendix 1). There is a heavy reliance on paperwork rather than electronic working, and while quality assurance checks are undertaken, more scrutiny is needed as staff work too independently with little management on-site. Measures have been put in place to address this, but because of the amalgamation, have not yet taken effect. This has led to some corporate procedures and financial regulations not being followed, and authorisation is not always being sought before working overtime and purchasing goods and services.

Overall, the Service has some good controls in place, particularly with their performance. However, we are only able to give a low assurance rating because of the weak income arrangements and the need for the Service to modernise and work more corporately. See Appendix 2 for definitions of the assurance ratings.

<b>Low assurance</b>	Significant weaknesses in management of risks and/or controls that put achievement of objectives at risk.
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## Action Plan

**Audit Review of:**      **Registration Service**

**Date:**                      **December 2018**

Corporate Risk/Issue Severity Key	
0	<b>Critical</b> – Significant issues to be brought to the attention of SLT, CET, Cabinet Lead Members and Corporate Governance Committee
2	<b>Major</b> – Corporate, strategic and/or cross-service issues potentially requiring wider discussion at SLT and/or CET
2	<b>Moderate</b> – Operational issues that are containable at service level

<b>Risk Issue 1</b>	The Registration Service does not have documented procedures for key processes carried out. This could mean that staff are not clear of their duties and carry out processes inconsistently, which could lead to non-compliance with legislation and statutory guidance.		
Tudalen 100 Background Detail	<p>While the General Register Office does provide some documented guidance, the Council has not documented its own procedures for administering the service. This would assist the amalgamation of the registration districts in ensuring that staff are clear of their duties when the processes between the two districts have been streamlined, and support them in their continued training as multi-skilled officers. Having documented guidance also assists with ensuring that there are effective business continuity arrangements in place when key staff are absent.</p> <p>The Service recognises this as a weakness and has already met with registration staff to discuss processes and documented procedures in August 2018. Having robust accounting procedures is also documented as an objective in their Service Delivery Plan (May 2018) to prevent the risk of fraud.</p>		
<b>Action (Ref)</b>	<b>Agreed Management Action</b>	<b>Responsibility</b>	<b>Deadline</b>
1.1	We are in the process of developing documented procedures that will also incorporate some of the key areas highlighted in the audit, e.g. income recording and reconciliation, banking, VAT, overtime, etc. These will be saved on a shared network drive so will be easily accessible to staff. We are also reviewing letters, booking forms, and other key documentation to ensure that it is standardised across the District. Once implemented, we will carry out regular monitoring of the above processes to ensure they are effective and amend the procedures as required.	Business Support Manager/ Superintendent Registrar	01/06/2019



<b>Risk Issue 2</b>	While the Registration Service has taken some action in relation to the General Data Protection Regulation (GDPR), there has been no full review to ensure it is fulfilling its responsibilities.		
<b>Background Detail</b>	<p>The General Data Protection Regulation (GDPR) was implemented in May 2018 to replace the Data Protection Act, and the Registration Service is registered with the Information Commissioner’s Office as a data controller separate to the Council. While the Service has taken action since GDPR’s implementation, e.g. displaying privacy notices, there has been no full review to ensure the Service is fulfilling its responsibilities in line with the Act. During our review, we identified:</p> <ul style="list-style-type: none"> <li>• The Registration Service’s Annual Performance Report 2017/18 (an annual self–assessment completed in April 2018) details that there has been no data deletion from the Stopford system (a system used for booking registration appointments, recording payments, and reporting performance). Our review identified that this was still outstanding;</li> <li>• While privacy notices are now displayed in both the Rhyl Register Office and the Ruthin Registration Office, the size of some of the notices is too small and some are not displayed prominently enough;</li> <li>• When registration certificates are spoilt, they are kept securely but have never been destroyed; and</li> <li>• GRO’s Stock and Security Assurance report (June 2018) refers to the provision of online training for Managing Data and Fraud Awareness and advises that this training is undertaken prior to the amalgamation. Discussions with registration staff during our review established that this training had yet to be undertaken.</li> </ul>		
<b>Action (Ref)</b>	<b>Agreed Management Action</b>	<b>Responsibility</b>	<b>Deadline</b>
2.1	A full GDPR review of the Registration Service/procedures has been arranged and will begin in January 2019. This will also include the display of privacy notices and the retention of spoilt certificates.	Business Support Manager/ Superintendent Registrar/ Legal Services Manager	31/05/2019
2.2	Records deletion programme to commence and be maintained by the Superintendent Registrar on a monthly basis.	Superintendent Registrar	01/04/2019

Tudalen 102

2.3	Managing Data and Fraud Awareness online training, together with the Council's Data Protection e-learning module to be completed by all registration staff. Counter Fraud training to be attended by staff 13 <sup>th</sup> November 2018.	Business Support Manager/ Superintendent Registrar	31/01/2019
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<b>Risk Issue 3 – Root Cause 1</b>	There are weak income arrangements, which could result in errors or fraud being undetected (although no fraud activity was identified during our review).		
<b>Background Detail</b>	<p>There are weaknesses within the:</p> <ul style="list-style-type: none"> <li>• Recording of income;</li> <li>• Income reconciliation process; and</li> <li>• VAT is not being accounted for correctly when taking payment for discretionary fees (i.e. renewal of vows, naming and commitment ceremonies)</li> </ul> <p>See Root Cause 1 for further details (Appendix 1)</p>		
<b>Action (Ref)</b>	<b>Agreed Management Action</b>	<b>Responsibility</b>	<b>Deadline</b>
Tudalen 104 3.1	Review the record of issue list and the cashbook register and implement an improved income record document, e.g. to include payment method, amount paid, VAT, etc. The record of issue list template will need to be agreed with the GRO. We will monitor the effectiveness of this improved document.	Business Support Manager/ Superintendent Registrar	31/03/2019
3.2	Together with Finance colleagues, establish a robust system of reconciliation for card and cash payments, including payments for Approval of Premises.	Business Support Manager/ Superintendent Registrar	31/03/2019
3.3	We will follow the advice received in terms of accounting for VAT on Discretionary Services and ensure VAT is not charged for any non-vatable services.	Business Support Manager/ Superintendent Registrar	31/03/2019
3.4	We will remove the cash float from Ruthin as it is not used.	Business Support Manager	23/11/2018



<b>Risk Issue 4 – Root Cause 2</b>	<b>The Registration Service needs to adhere to corporate policies and requirements and be modernised to ensure that the service is delivered efficiently and effectively.</b>		
<b>Background Detail</b>	<p>There are weaknesses with the following:</p> <ul style="list-style-type: none"> <li>Existing communication mechanisms are not robust, e.g. a network drive is not always being utilised when sharing key GRO documents with staff; staff are not having annual appraisals or regular meetings;</li> <li>The Service is very paper driven and could work more efficiently if records were electronic. It would also provide a better oversight to enable robust quality assurance checks to be carried out; and</li> <li>Registration staff do not always seek prior authorisation from management where it is required, e.g. overtime and purchasing, and have not complied with Financial Regulations when some goods and services have been procured.</li> </ul> <p>See Root Cause 1 for further details (Appendix 1)</p>		
<b>Action (Ref)</b>	<b>Agreed Management Action</b>	<b>Responsibility</b>	<b>Deadline</b>
Tudalen 105 4.1	Diarise regular team meetings, appraisals and one-to-one meetings to resume to ensure streamlined processes are working.	Business Support Manager/ Superintendent Registrar	01/04/2019
4.2	To work with the ICT Business Partner and Stopford team to explore greater online access to services. We are working with the Web team in order to maintain up to date information on the website and to ensure conformity with DCC accessibility requirements.	Business Support Manager/ Superintendent Registrar	01/06/2019
4.3	Set up a shared drive and create various folders in order that documented DCC processes and procedures, and key GRO information can be easily accessed for all, to include standardised documentation across the District regularly updated and staff informed of changes.	Business Support Manager/ Superintendent Registrar	Complete
4.4	Staff Training Log to be set up and maintained by the Superintendent Registrar (agreed at North Wales Proper Officers Representative Group on 06/11/18 that all superintendent	Superintendent Registrar	31/03/2019

	registrars are tasked with completing a training log that will feed into a North Wales Training Group Plan).		
4.5	Process introduced for all emails sent to shared mailbox – staff member dealing with query to inform all that the matter is being dealt with (prior to contacting the customer, to avoid duplication).	Business Support Manager	Complete
4.6	Discuss with ICT Business Partner the options with regards to the telephone answer message in order to improve the customer experience and to consider GDPR implications.	Business Support Manager	31/12/2018
4.7	Staff have been informed that they cannot work overtime without prior authorisation. Similarly, they have been advised that all purchases for goods/services must comply with Financial Regulations and Contract Procedure Rules and should not be procured without prior authorisation.	Business Support Manager	Complete
4.8	We have explored the use of Visiontime with HR but found that it would not be efficient when carrying out our checks of hours claimed/worked each month, due to the variations in staff working patterns. This would result in a more time consuming process and therefore is not an effective option.	Business Support Manager	Complete

Tudalen 106

## Appendix 1 - Root Cause Analysis

**Root Cause 1 – There are weak income arrangements, which could result in errors or fraud going undetected.**

### **Underlying weakness – The recording of income collected is not robust**

- The registration staff in Ruthin have a small float for giving change to customers, but have never been required to account for its use.
- The GRO has provided a record of issue list but the template does not require the payment method, fee amount, and receipt number to be recorded. If the GRO permits the template to be amended, this would improve the robustness of checks and the reconciliation process.
- Each registrar is responsible for maintaining an electronic cashbook for income collected by them. Our testing identified issues with the completion of the cashbooks, e.g. some are not completed in full or some are not up-to-date. There were inconsistencies in the information contained in the cashbooks, and staff are unclear as to the purpose of some of the information being recorded. Formulas are not always being utilised and therefore manual calculations are carried out, which could lead to errors. Improvements with the cashbook completion will ensure the recording of income is more transparent and will aid the reconciliation process.
- An independent check is carried out of the cash held by each registrar against their cashbook, and this check is evidenced on the cashbook (note: the independent check of spoilt certificates is also recorded electronically on the cashbook). However, this control is ineffective as the check is recorded electronically so figures entered on the spreadsheet could be amended after the check has been carried out. A more robust control would be for staff to initial each other's record of issue sheets.
- Some staff do not provide an adequate audit trail when taking card payments so it can be linked to what the payment related to (e.g. the name on the registration certificate as opposed to the name of the cardholder).
- Payments can be recorded on the Stopford system but this has not been utilised by all staff. This would be beneficial so there is a clear link from recording payment to the transaction it relates to. It would also be useful to review what the Stopford system can do in case there are other elements of the system that are not being used.

### **Underlying weakness – There are some weaknesses within the reconciliation process to confirm that all income collected has been banked**

- The majority of transactions made through the Registration Service are by card payments. However, there is no reconciliation of the income collected through card payments to the general ledger, which is important to ensure that income is not misappropriated, e.g. the same card payment receipt could be used as evidence for other transactions, or cash collected could be recorded as a card payment.

- The documentation to support the issuing and payment of licences for approved premises is paper-based. The Finance Officer who supports the Registration Service is provided with a list of payments that have been received to check against the general ledger, but does not have all the source documentation in order to carry out a complete income reconciliation.

#### **Underlying weakness – VAT is not being accounted for correctly when taking payment for discretionary fees**

- The GRO is responsible for setting the fees for issuing registration certificates while the Council annually sets their charges for approved venues, attendance of registrars at marriage and civil partnership ceremonies, and other discretionary fees (e.g. naming ceremonies, renewal of vows, commitment ceremonies, etc). However, VAT implications are not considered when setting discretionary fees.
- Staff were unclear about when to apply VAT and the VAT Consultant has provided advice that discretionary fees should account for VAT at the standard rate. Our testing established that, while there have been very few discretionary fees charged, there were inconsistencies in how VAT had been accounted for, e.g. for private citizenship ceremonies, one payment had accounted for VAT while another had not. Discussions with some other local authorities highlighted that VAT for discretionary fees is not always applied either.

### **Root Cause 2 – The Registration Service needs to adhere to corporate policies and requirements and be modernised to ensure that the service is delivered efficiently and effectively.**

#### **Underlying weakness – Existing communication mechanisms are not robust**

- We were advised that the General Register Office (GRO) is notified of key changes to the Service via email, but there was no evidence to confirm this as emails are not kept. Similarly, the key documents issued by the GRO are sent via email to the registration staff. We have suggested that a shared network drive would be better utilised to prevent duplicate documents being held on other local drives and provide an oversight to enable robust quality assurance checks to be carried out.
- There are shared email inboxes for dealing with queries for the Rhyl Register Office, the Ruthin Registration Office, and more recently an inbox has been set up for emails in respect of marriage and civil partnership enquiries. As all registration staff will have access to the inbox, there currently is not a robust process for ensuring there is not a duplication of effort in investigating and responding to queries, and ensuring that all enquiries are dealt with.
- Due to the delay in the Service being amalgamated and the ongoing staffing hours review, not all of the staff have had annual appraisals, and there is no documented training

record to confirm what training staff have had to date to highlight where further development is required.

- Similarly, there have been no regular team meetings or one-to-one discussions to provide updates and so that any key concerns can be raised (although staff do send emails or phone as required).
- While complaints made about the Registration Service are very low (four since April 2018 and none prior to this until April 2015), some of the recent complaints referred to not being able to contact the registration service by phone. Analysis was carried out on the calls received during July 2018:
  - Rhyl Register Office – the majority of calls made by customers would have received an engaged tone (61%). There is a full-time receptionist who works at this office, and other registration staff could log into the phone to answer the calls when the receptionist is busy depending if they have registration appointments. However, the customer will only hear an engaged tone, and therefore will not be held in a queue for their call to be answered, or have an option for a call back by the service.
  - Ruthin Registration Office – 49% of calls made were unanswered – although this office is open daily, it is operated as a part-time office to support the main office in Rhyl. 57% of the unanswered calls were received during normal office hours, but there is no dedicated receptionist that works for the Ruthin Registration Office so registration staff answer calls between appointments. The answering machine message for the office does not provide the Rhyl Register Office contact details when the office is not open since the two districts have been amalgamated.

**Underlying weakness – The Service is very paper driven and could work more efficiently if their records were electronic. It would also provide a better oversight to enable robust quality assurance checks to be carried out**

- Some of the key documents in relation to the Service are not held electronically, e.g. the approval of wedding premises licences and there are also manual records for managing registration staff, e.g. signing in and out sheets. We have suggested to explore the feasibility of using the corporate time recording system (Visiontime) for this purpose and for authorising leave.
- Currently, registration and wedding ceremony appointments cannot be booked online. Similarly, online transactions cannot be carried out, e.g. ordering and paying for certificates online. This forms part of the vision of the Council's Digital Futures programmes as customers increasingly want to access services online. The Service have previously recognised this and the ability to work more digitally is detailed in both the Legal, HR & Democratic Service Plan and the Registration Service Delivery Plan. Options

have been explored through attending system demonstrations for online booking but ICT security concerns need to be addressed first.

The content of the website is currently being reviewed to ensure it is accurate, that customers can navigate the website more easily, and to market the Service more in terms of marriages and civil partnerships ceremonies. Additionally, a digital screen has now been installed in the Rhyl Register Office displaying notices of marriages.

- The corporate purchasing system (Proactis) is not utilised for submitting petty cash claims at the Rhyl Register Office. Instead, a manual claim form is submitted for approval and reimbursement.

**Underlying weakness – Registration staff do not always seek prior authorisation from management where required and have not complied with Financial Regulations when some good and services have been procured**

- Overtime costs for the registration service are high: £37,645 was paid in overtime during the financial year 2017/18 (paid at the standard rate). While we are satisfied that overtime claims are appropriately checked and authorised for payment, registration staff do not always seek prior authorisation before undertaking additional work beyond their contracted hours. The fact that we could not find a documented corporate overtime policy to support this requirement is another issue which we will pursue as part of our upcoming audit of Payroll within the Financial Services review.  
As part of the staffing hours review, it is hoped that overtime working will reduce considerably as staff are allocated new contracted hours.
- Rhyl Town Hall was renovated as part of the move of the register office, and some items purchased for the Ceremony Room did not comply with Financial Regulations in terms of how they were procured, and prior authorisation was not obtained from the budget holder prior to their purchase. Similarly, authorisation was not obtained prior to procuring furniture repair services. The above costs were of relatively low value, but staff still need to ensure that value for money is obtained, procurement procedures are followed, and authorisation is obtained from the designated budget holder prior to committing any spend on behalf of the Council.

## Appendix 2 – Risk Matrix and Assurance Ratings

Likelihood		>70%	Almost Certain	A						
	Event likely to occur in most circumstances	30–70%	Likely	B						
	Event will possibly occur at some time	10–30%	Possible	C						
	Event unlikely and may occur at some time	1–10%	Unlikely	D						
	Event rare and may occur only in exceptional circumstances	<1%	Rare	E						
					5	4	3	2	1	
					Very Low	Low	Medium	High	Very High	
					<b>Service Performance</b>	Minor errors or disruption	Some disruption to activities/ customers	Disruption to core activities/ customers	Significant disruption to core activities. Key targets missed	Unable to deliver core activities. Strategic aims compromised
					<b>Reputation</b>	Trust recoverable with little effort or cost	Trust recoverable at modest cost with resource allocation within budgets	Trust recovery demands cost authorisation beyond existing budgets	Trust recoverable at considerable cost and management attention	Trust severely damaged and full recovery questionable and costly
					<b>Financial Cost (£)</b>	<£50k	£50k – £250k	£250k – £1m	£1 m – £5 m	>£5m
					<b>Impact</b>					

Levels of Assurance	Definition	Management Intervention
High Assurance	Risks and controls well managed and objectives being achieved.	Minimal action required, easily addressed by line management.
Medium Assurance	Minor weaknesses in management of risks and/or controls but no risk to achievement of objectives.	Management action required and containable at service level. Senior management and SLT may need to be kept informed.

Low Assurance	Significant weaknesses in management of risks and/or controls that put achievement of objectives at risk.	Management action required with intervention by SLT and / or CET.
No Assurance	Fundamental weaknesses in management of risks and/or controls that will lead to failure to achieve objectives.	Significant action required in a number of areas. Require immediate attention from SLT or CET.



## Report Recipients

- Chief Executive
- Section 151 Officer
- Head of Legal, HR & Democratic Services
- Business Support Manager
- Lead Officer (Destination, Marketing & Communication)
- Strategic Planning & Performance Officer
- Scrutiny Co-ordinator
- Finance & Assurance Manager
- Chair – Performance Scrutiny Committee
- Lead Member for Finance, Performance & Strategic Assets
- Lead Member for Corporate Standards
- Corporate Governance Committee

## Internal Audit Team

Lisa Harte, CMIIA	Senior Auditor	01824 708084 <a href="mailto:lisa.harte@denbighshire.gov.uk">lisa.harte@denbighshire.gov.uk</a>
Geraldine Sanders	Auditor	01824 708082 <a href="mailto:geraldine.sanders@denbighshire.gov.uk">geraldine.sanders@denbighshire.gov.uk</a>

## Key Dates

Review commenced	July 2018
Review completed	September 2018
Reported to Corporate Governance Committee	23 <sup>rd</sup> January 2019
Proposed date for 1st follow up review	June 2019

Mae tudalen hwn yn fwriadol wag

<b>Adroddiad i'r:</b>	Pwyllgor Llywodraethu Corfforaethol
<b>Dyddiad y Cyfarfod:</b>	23 Ionawr 2019
<b>Aelod / Swyddog Arweiniol:</b>	Hugh Evans, Arweinydd/ Gary Williams, Pennaeth y Gwasanaethau Cyfreithiol, AD a Democrataidd
<b>Awdur yr Adroddiad:</b>	Gary Williams, Pennaeth Gwasanaethau Democrataidd, AD a Chyfreithiol
<b>Teitl:</b>	<b>Adolygiad Cyfansoddiad Blynyddol</b>

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## 1. Am beth mae'r adroddiad yn sôn?

Mae'r adroddiad hwn yn ymwneud â Chyfansoddiad y Cyngor ac adolygiad o'i ddarpariaethau, yn benodol, defnyddio cydbwysedd gwleidyddol o ran cyfansoddiad y Cabinet.

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

2.1 Mae angen i'r Pwyllgor, fel rhan o'i gylch gorchwyl, fonitro ac adolygu Cyfansoddiad y Cyngor. Mae'r adroddiad hwn yn cyfeirio at y diweddariadau y mae angen eu gwneud i Gyfansoddiad y Cyngor i gymryd i ystyriaeth benderfyniadau'r Cyngor a'r Cabinet ac unrhyw newidiadau deddfwriaethol neu weithredol sydd wedi digwydd ers yr adolygiad diwethaf. Yn ogystal, pasiodd y Cyngor Gynnig ar 23 Hydref 2018 i ofyn i'r Pwyllgor Llywodraethu Corfforaethol ystyried opsiynau a chyflwyno adroddiad i'r Cyngor Llawn ar 19 Chwefror, 2019 sy'n amlinellu sut y gellid newid y Cyfansoddiad i ddileu'r gofyniad am gydbwysedd gwleidyddol yn y Cabinet.

## 3. Beth yw'r Argymhellion?

3.1 Bod yr Aelodau'n ystyried cynnwys yr adroddiad hwn mewn perthynas â chydbwysedd gwleidyddol y Cabinet.

3.2 Bod yr Aelodau'n ystyried y newidiadau arfaethedig i'r Cyfansoddiad a nodir ym mharagraffau 4.13 a 4.14 yr adroddiad hwn a'u hargymell i'r Cyngor.

## 4. Manylion yr Adroddiad

4.1 Mae'n ofynnol yn ôl y gyfraith i'r Cyngor weithredu trefniadau gweithrediaeth yn unol â Rhan II Deddf Llywodraeth Leol 2000 (Deddf 2000). O dan y trefniadau hyn, rhaid i'r Cyngor fod â "Gweithrediaeth". Gall y Weithrediaeth gymryd un o ddwy ffurf:

4.2 Un opsiwn yw cael Maer a etholwyd yn uniongyrchol a all benodi rhwng dau a naw cynghorydd arall i lunio'r Weithrediaeth gyda'r Maer. Cyn y gall Cyngor gael Maer wedi'i ethol yn uniongyrchol, rhaid iddo gynnal refferendwm ynghylch p'un ai i weithredu'r model gweithrediaeth hwn ai peidio.

- 4.3 Yr ail opsiwn yw cael Gweithrediaeth sy'n cynnwys cynghorydd a etholir gan y Cyngor fel Arweinydd, ynghyd â rhwng dau a naw cynghorydd a all gael eu penodi naill ai gan yr Arweinydd, neu'r Cyngor. Yn Sir Ddinbych, gweithredir y model hwn o Weithrediaeth ac fe'i gelwir yn Gabinet. Yr Arweinydd sy'n penodi cynghorwyr i'r Cabinet.
- 4.4 Mae Deddf 2000 yn eithrio'r Cabinet yn benodol rhag bod yn ddarostyngedig i'r ddyletswydd a gynhwysir yn adran 15 Deddf Llywodraeth Leol a Thai 1989 (Deddf 1989) i ddefnyddio'r rheolau cydbwysedd gwleidyddol i'w aelodaeth. Mae hyn yn golygu nad oes rhaid i'r Cabinet yn ôl y gyfraith fod â chydbwysedd gwleidyddol yn ei gyfansoddiad. Fodd bynnag, gall y Cyngor ddewis defnyddio rhyw fath o gydbwysedd gwleidyddol os yw'n dymuno.
- 4.5 Mae'r trefniadau presennol ar gyfer cyfansoddiad y Cabinet wedi'u cynnwys yn Adran 5 Cyfansoddiad y Cyngor fel y nodir yn Atodiad 1 yr adroddiad hwn. Mae'r darpariaethau hyn yn ceisio defnyddio peth elfen o gydbwysedd gwleidyddol i'r Cabinet ond nid ydynt yn adlewyrchu'r ddyletswydd absoliwt a nodir yn Neddf 1989.
- 4.6 Y man cychwyn yn y Cyfansoddiad yw y dylai'r Cabinet fod â chydbwysedd gwleidyddol. Y bwriad y tu ôl i'r ddarpariaeth hon oedd y byddai yna Gabinet yn adlewyrchu gwneuthuriad gwleidyddol y Cyngor ac felly penderfyniad yr etholwyr. Bwriedir i hyn ddarparu ar gyfer sefydlogrwydd gwleidyddol.
- 4.7 Dim ond i grwpiau gwleidyddol sy'n cynnwys pump neu fwy o aelodau y mae egwyddorion cydbwysedd gwleidyddol yn cael eu cymhwyso. Yn ôl y gyfraith, gall grŵp gwleidyddol fodoli pan fo isafswm o ddau aelod yn rhoi hysbysiad ysgrifenedig eu bod yn grŵp gwleidyddol ac yn nodi un o'u niferoedd fel arweinydd grŵp. Y bwriad y tu ôl i'r ddarpariaeth hon oedd darparu ar gyfer sefydlogrwydd ac annog yn erbyn aelodau unigol yn rhannu grwpiau er mwyn cael seddi ar y Cabinet a chyrrff eraill.
- 4.8 Mae'r model a fabwysiadwyd gan y Cyngor yn darparu y gall yr Arweinydd benodi cynghorwyr i'r Cabinet yn amodol ar egwyddorion cydbwysedd gwleidyddol a amlinellir uchod yn dilyn ymgynghori ag Arweinwyr Grwpiau. Os bydd unrhyw grŵp gwleidyddol yn gwrthod cymryd eu seddi ar y Cabinet, gall yr Arweinydd lenwi'r swyddi gwag heb ystyried egwyddorion cydbwysedd gwleidyddol yn dilyn ymgynghoriadau pellach gyda'r Arweinydd Grwpiau eraill.
- 4.9 Os ar unrhyw adeg, mae grŵp gwleidyddol sydd wedi gwrthod seddau ar y Cabinet o'r blaen yn penderfynu cymryd y seddi hynny, rhaid i'r Arweinydd wneud newidiadau i aelodaeth y Cabinet er mwyn sicrhau y cydymffurfir â'r egwyddorion cydbwysedd gwleidyddol a nodir uchod.
- 4.10 Os yw'r Cyngor yn dymuno rhoi'r gorau i'r gofyniad i'r Cabinet fod â chydbwysedd gwleidyddol, yna mae yna ddau fodel posibl ar gael iddo. Y cyntaf yw bod yr Arweinydd, ar ôl ei ethol gan y Cyngor, yn rhydd i benodi cynghorwyr i'r Cabinet heb unrhyw gyfyngiad ffurfiol ynghylch cydbwysedd gwleidyddol. Gelwir hyn y model "arweinydd cryf". Gallai'r Arweinydd benodi cynghorwyr i'r Cabinet mewn modd gwleidyddol gytbwys petai ef / hi yn gweld hynny'n addas ond ni fyddai'n ofynnol iddyn nhw wneud hynny.

- 4.11 Yr ail opsiwn yw y gallai'r Cyngor ethol Arweinydd ac yna ethol aelodau'r Cabinet. Yna byddai'r Arweinydd yn neilltuo portffolios i'r aelodau hynny. Gall yr etholiad hwn fod ar gyfer tymor y Cyngor neu hyd at bob Cyfarfod Blynnyddol. Gelwir hyn y model "arweinydd gwan".
- 4.12 Mae gwiriad byr ar gyfansoddiadau cyhoeddedig yr awdurdodau unedol yng Nghymru yn datgelu o'r ddau gyngor ar hugain, mae un ar bymtheg (gan gynnwys Sir Ddinbych) wedi mabwysiadu'r model "arweinydd cryf". Mae chwe Chyngor wedi mabwysiadu'r model "arweinydd gwan". Mae tabl sy'n nodi pa Gynghorau sydd â pha fath o'r Cabinet ynghlwm fel Atodiad 2.
- 4.13 Sir Ddinbych yw'r unig Gyngor sydd ag unrhyw ofyniad ffurfiol i ddefnyddio egwyddorion cydbwysedd gwleidyddol.
- 4.14 Bydd yr Aelodau'n cofio, yn ystod cyfarfodydd blaenorol, eu bod wedi trafod agweddau ar ddogfen Canllaw Ymarferol CIPFA ar gyfer Pwyllgorau Archwilio fel rhan o'r adroddiadau Diweddariad Archwilio Mewnol. Yng nghyfarfod y Pwyllgor a gynhaliwyd ar 21 Tachwedd 2018 hysbyswyd yr aelodau fod y Prif Archwilydd Mewnol wedi cymharu cylch gorchwyl cyfredol y Pwyllgor gyda'r canllaw. Mae copi o gylch gorchwyl diwygiedig drafft ynghlwm yn Atodiad 3 gyda'r newidiadau mewn coch. Un agwedd ar y cylch gorchwyl drafft y mae angen i'r Pwyllgor ei ystyried yw'r cyfeiriad at gwynion nad ydynt ar hyn o bryd yn cael eu hadrodd i'r Pwyllgor ond y cânt eu hadrodd mewn gwirionedd i'r Pwyllgor Craffu Perfformiad.
- 4.15 Yn ychwanegol, yn unol â rhwymedigaethau'r Swyddogion Monitro i gadw'r Cyfansoddiad yn addas i'r pwrpas, ac yn unol â'r dirprwyaethau a wnaed i'r Swyddog Monitro i ddiweddarau'r Cyfansoddiad yn dilyn penderfyniadau aelodau neu ddyletswyddau neu bwerau deddfwriaethol newydd y dylai'r ddogfen adlewyrchu, mae'r newidiadau canlynol wedi'u gwneud a chant eu hysbysu i chi:

- Diweddarwyd y Cynllun Dirprwyo i Swyddogion â deddfwriaeth nad oedd wedi'i chynnwys yn flaenorol;
- Diweddarwyd Cynllun Dirprwyo'r Cabinet yn dilyn newidiadau i bortffolios
- Yn dilyn ymgynghoriad â'r Pwyllgor Safonau, diwygiwyd y weithdrefn ar gyfer ymdrin â gwrandawriadau ymddygiad.
- Diweddarwyd aelodaeth y Pwyllgor Cynllunio i adlewyrchu'r nifer newydd o aelodau.
- Diweddarwyd cynllun dirprwyo'r Pennaeth Priffyrdd a'r Amgylchedd er mwyn gweithredu a gweithio'r Corff Draenio Cynaliadwy (SuDS) a'r grym i bennu lefel hysbysiadau cosb benodedig yn unol â'r amrediad a osodwyd yn gyfreithiol gan Lywodraeth Cymru.

Mae dyfyniadau o'r rhannau hynny o'r Cyfansoddiad sydd wedi'u diwygio ynghlwm fel Atodiad 4.

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

Mae cyfansoddiad modern addas i'r pwrpas sy'n rhoi sicrwydd ar lywodraethu a gwneud penderfyniadau, ymddygiad moesegol, a chaniatáu i'r cyhoedd a thrydydd partïon weld pwy yw'r gwneuthurwr penderfyniadau cyfrifol ar faterion sy'n effeithio arnynt yn cefnogi'r Cyngor i gyflawni ei flaenoriaethau corfforaethol.

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

Nid oes unrhyw gostau uniongyrchol yn gysylltiedig â'r adroddiad hwn.

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

Nid oes gofyniad am asesiad mewn perthynas â'r adroddiad hwn.

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

Nid oes unrhyw ymgynghoriad wedi'i gynnal mewn perthynas â'r adroddiad hwn. Gofynnir am farn y Pwyllgor cyn adrodd yn ôl i'r Cyngor.

**9. Datganiad y Prif Swyddog Cyllid**

**Nid oes unrhyw oblygiadau ariannol uniongyrchol yn codi o'r adroddiad hwn. Fodd bynnag mae'n bwysig bod gan y Cyngor Gyfansoddiad diweddar ac addas i'r diben sydd yn ffurfio elfen allweddol o fframwaith llywodraethu'r Cyngor.**

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

Mae risg, heb adolygiad rheolaidd, bydd y Cyfansoddiad yn dod yn hen ffasiwn a ddim yn addas i'r pwrpas.

**11. Pŵer i wneud y Penderfyniad**

Adran 13 o Gyfansoddiad y Cyngor.

Rhan II Deddf Llywodraeth Leol 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.

Mae tudalen hwn yn fwriadol wag

<b>Name of Authority</b>	<b>Cabinet appointed by Leader</b>	<b>Cabinet appointed by Council</b>	<b>Political balance requirement</b>
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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## **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 Receive, on a six monthly basis, statistical reports and details of the complaints received and investigated through the County Council's Complaints Procedure and the outcome of those investigations.

7.2 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.

7.3 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.

7.4 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 Act 2000; nor a former Councillor or Officer of this Council.

Mae tudalen hwn yn fwriadol wag

## **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

- 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.

- 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 where 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 Councils 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.

<b>Name</b>	<b>Portfolio</b>	<b>Main Functional Areas</b>
<b>Councillor Hugh H Evans OBE</b>	<b>Leader and Lead Member for the Economy and Corporate Governance</b>	<p><b>Lead Member responsible for:</b> 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><b>Member of:</b> 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>
<b>Councillor Julian Thompson-Hill</b>	<b>Deputy Leader and Lead Member for Finance, Performance and Strategic Assets</b>	<p><b>Lead Member responsible for:</b> 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; <del>Clwydian Range and Dee Valley Area of Outstanding Natural Beauty Joint Committee.</del></p> <p><b>Member of:</b> 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>
<b>Councillor Bobby Feeley</b>	<b>Lead Member for Well-being and Independence</b>	<p><b>Lead Member responsible for:</b> 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, Culture &amp; Heritage, <del>Clwydian Range and Dee Valley Area of Outstanding Natural Beauty Joint Committee.</del></p> <p>Older People Champion</p> <p><b>Member of:</b> National Social Care Partnership Board; National &amp; Regional Social Services Policy Group; Part 9 Board, Ageing Well in Denbighshire; Creating an Active Denbighshire Group.</p>
<b>Councillor Huw Hilditch-Roberts</b>	<b>Lead Member for Education, Children and Young People</b>	<p><b>Lead Member responsible for:</b> Education; GwE, Children's Services, Youth Services, Welsh Language.</p> <p><b>Member of:</b> 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.
<b>Councillor Brian Jones</b>	<b>Lead Member for Highways, Planning and Sustainable Travel</b>	<p><b>Lead Member responsible for:</b> Highways; Fleet Management; Waste &amp; Recycling; Flood Risk Management; Traffic, Parking and Road Safety; Sustainable Transport Solutions; Land Use Planning (including LDP), Building Control, Built Conservation.</p> <p><b>Member of:</b> North Wales Transport Advisory Forum; North and Mid Wales Trunk Road Agency; North Wales Residual Waste Project Board; LDP Steering Group.</p>
<b>Councillor Richard Mainon</b>	<b>Lead Member for Developing Community Infrastructure</b>	<p><b>Lead Member responsible for:</b> 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><b>Member of:</b> 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>
<b>Councillor Tony Thomas</b>	<b>Lead Member for Housing, Regulation and the Environment</b>	<p><b>Lead Member responsible for:</b> Delivery of the Housing Strategy (inc Council Housing, Affordable Housing, Gypsy &amp; Traveller provision, Private Sector Housing, Empty Homes, Housing Grants/Loans, Housing Enf); Public Protection (inc. Environmental Health, Trading Standards, Licensing); Clean &amp;</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><b>Member of:</b> Strategic Housing Partnership; WLGA Regional Cabinet Members Housing Network; Refugee Forum; Gypsy &amp; Traveller Working Group; West Rhyl Housing Improvement Board; Clwydian Range and Dee Valley Area of Outstanding Natural Beauty Joint Committee.</p>
<b>Councillor Mark Young</b>	<b>Lead Member for Corporate Standards</b>	<p><b>Lead Member responsible for:</b> HR &amp; 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><b>Member of:</b> 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;

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:

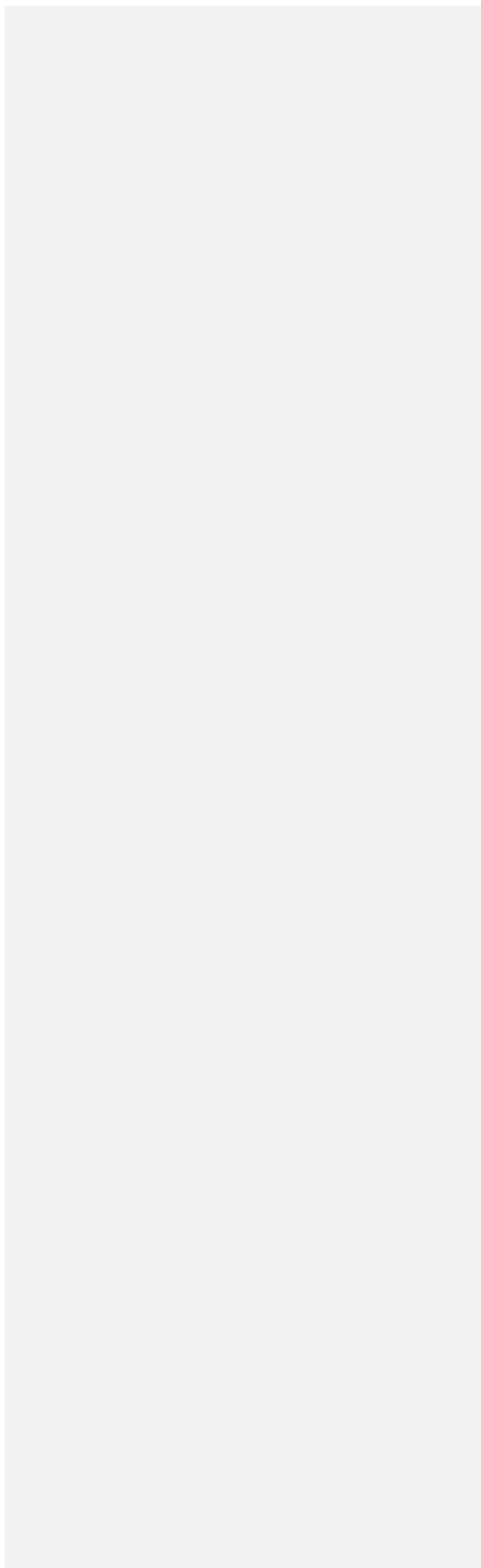
- (a) for a period of 21 days publish the report on the Council's website and make copies available for inspection by the public without charge at all reasonable hours at one or more of the Council's offices, where any person shall be entitled to take copies of, or extracts from, the report when made 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

81

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



82

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**

<b>MEMBERS ENTITLED TO BASIC SALARY</b>			<b>ANNUAL AMOUNT OF BASIC SALARY</b>
The following named elected members of the authority			<b>£13,600</b>
Councillor Brian Blakeley	Councillor Tina Jones	Councillor Glenn Swingler	
Councillor <b>Ellie Chard</b>	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		

<b>SENIOR SALARIES ENTITLEMENTS (includes basic salary)</b>		<b>ANNUAL AMOUNT OF SENIOR SALARY</b>	
	<b>ROLE</b>	<b>MEMBER</b>	
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 <b>Peter Scott</b>	£21,800
Deputy Civic Head (Deputy Mayor / Chair)	Councillor <b>Meirick Lloyd Davies</b>	£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 <b>Peter Lamb</b> <b>Gordon Hughes</b>  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

## Rhaglen Gwaith i'r Dyfodol y Pwyllgor Llywodraethu Corfforaethol

<b>06 MAWRTH 2019</b>		<b>Eitemau Sefydlog</b>	
	1	Materion a Gyfeiriwyd gan y Pwyllgorau Craffu (os oes rhai)	Cydlynedd Craffu - Rhian Evans
	2	Adroddiadau Rheoleiddio Allanol Diweddar a Dderbyniwyd (os oes rhai)	Pennaeth Gwella Busnes a Moderneiddio - Alan Smith, Nicola Kneale
	3	Diweddariad Archwilio Mewnol	Prif Archwilydd Mewnol – Lisa Lovegrove
	4	Rhaglen Gwaith i'r Dyfodol	Gwasanaethau Democraidd
		<b>Adroddiadau</b>	
	5	Her Gwasanaeth - Adroddiad Gwasanaeth	Prif Archwilydd Mewnol – Lisa Lovegrove
	6	Proses y Gyllideb	Prif Swyddog Cyllid, Richard Weigh
<b>Tudalen 21</b>	7	Ardystio grantiau a ffurflenni grant 2017/18	Prif Swyddog Cyllid - Richard Weigh
	8	Adolygu Rhaglen Gwaith i'r Dyfodol Llywodraethu Corfforaethol	Prif Archwilydd Mewnol – Lisa Lovegrove
	9	RIPA Blynyddol (Deddf Rheoleiddio Pwerau Ymchwilio 2000)	Pennaeth y Gwasanaethau Cyfreithiol, AD a Democraidd / Gary Williams
<b>03 EBRILL 2019</b>		<b>Eitemau Sefydlog</b>	
	1	Materion a Gyfeiriwyd gan y Pwyllgorau Craffu (os oes rhai)	Cydlynedd Craffu - Rhian Evans
	2	Adroddiadau Rheoleiddio Allanol Diweddar a Dderbyniwyd (os oes rhai)	Pennaeth Gwella Busnes a Moderneiddio - Alan Smith, Nicola Kneale
	3	Y diweddaraf am Archwilio Mewnol (diweddariad CIPFA)	Prif Archwilydd Mewnol – Lisa Lovegrove
	4	Rhaglen Gwaith i'r Dyfodol	Gwasanaethau Democraidd
		<b>Adroddiadau</b>	
	5	Cynllun Archwilio Blynyddol Swyddfa Archwilio Cymru	Swyddfa Archwilio Cymru

## Rhaglen Gwaith i'r Dyfodol y Pwyllgor Llywodraethu Corfforaethol

<b>05 MEHEFIN 2019</b>		<b>Eitemau Sefydlog</b>	
	1	Materion a Gyfeiriwyd gan y Pwyllgorau Craffu (os oes rhai)	Cydlynnydd Craffu - Rhian Evans
	2	Adroddiadau Rheoleiddio Allanol Diweddar a Dderbyniwyd (os oes rhai)	Pennaeth Gwella Busnes a Moderneiddio - Alan Smith, Nicola Kneale
	3	Y diweddaraf am Archwilio Mewnol (diweddariad CIPFA)	Prif Archwilydd Mewnol – Lisa Lovegrove
	4	Rhaglen Gwaith i'r Dyfodol	Gwasanaethau Democrataidd
		<b>Adroddiadau</b>	
Tudalen 9 o 29	5	Iechyd a Diogelwch mewn Ysgolion	Pennaeth Archwilio Mewnol – Lisa Lovegrove
	6	Adroddiad Blynyddol y Pwyllgor Llywodraethu Corfforaethol	Pennaeth Gwasanaethau'r Gyfraith, Adnoddau Dynol a Democrataidd – Gary Williams
<b>09 CORFFENNAF 2019</b>		<b>Eitemau Sefydlog</b>	
	1	Materion a Gyfeiriwyd gan y Pwyllgorau Craffu (os oes rhai)	Cydlynnydd Craffu - Rhian Evans
	2	Adroddiadau Rheoleiddio Allanol Diweddar a Dderbyniwyd (os oes rhai)	Pennaeth Gwella Busnes a Moderneiddio - Alan Smith, Nicola Kneale
	3	Y diweddaraf am Archwilio Mewnol (diweddariad CIPFA)	Prif Archwilydd Mewnol – Lisa Lovegrove
	4	Rhaglen Gwaith i'r Dyfodol	Gwasanaethau Democrataidd
		<b>Adroddiadau</b>	
	5	Datganiad Cyfrifon Drafft	Pennaeth Cyllid - Richard Weigh
	6	Rheoli Trysorlys	Pennaeth Cyllid - Richard Weigh
	7	Adroddiad blynyddol am y Cyfansoddiad	Gary Williams - Pennaeth y Gwasanaethau Cyfreithiol, Adnoddau Dynol a Democrataidd / Lisa Lovegrove – Prif Archwilydd Mewnol

## Rhaglen Gwaith i'r Dyfodol y Pwyllgor Llywodraethu Corfforaethol

	8	Adroddiad Blynyddol Uwch-berchennog Risg Gwybodaeth	Pennaeth Gwella Busnes a Moderneiddio – Alan Smith
	9	Adroddiad Gwella Blynyddol SAC	SAC / Pennaeth Gwella Busnes a Moderneiddio – Alan Smith
<b>11 MEDI 2019</b>		<b>Eitemau Sefydlog</b>	
	1	Materion a Gyfeiriwyd gan y Pwyllgorau Craffu (os oes rhai)	Cydlynnydd Craffu - Rhian Evans
	2	Adroddiadau Rheoleiddio Allanol Diweddar a Dderbyniwyd (os oes rhai)	Pennaeth Gwella Busnes a Moderneiddio - Alan Smith, Nicola Kneale
	3	Y diweddaraf am Archwilio Mewnol (diweddariad CIPFA)	Prif Archwilydd Mewnol – Lisa Lovegrove
	4	Rhaglen Gwaith i'r Dyfodol	Gwasanaethau Democrataidd
		<b>Adroddiadau</b>	
Tudalen 9 o'r 2019	5	Cymeradwyo'r Datganiad Cyfrifon	Pennaeth Cyllid - Richard Weigh
	6	Adroddiad Iechyd a Diogelwch Blynyddol	Pennaeth Iechyd a Diogelwch - Gerry Lapington
<b>21 TACHWEDD 2019</b>		<b>Eitemau Sefydlog</b>	
	1	Materion a Gyfeiriwyd gan y Pwyllgorau Craffu (os oes rhai)	Cydlynnydd Craffu - Rhian Evans
	2	Adroddiadau Rheoleiddio Allanol Diweddar a Dderbyniwyd (os oes rhai)	Pennaeth Gwella Busnes a Moderneiddio - Alan Smith, Nicola Kneale
	3	Y diweddaraf am Archwilio Mewnol (diweddariad CIPFA)	Pennaeth Archwilio Mewnol – Lisa Lovegrove
	4	Rhaglen Gwaith i'r Dyfodol	Gwasanaethau Democrataidd
		<b>Adroddiadau</b>	
	5	Adroddiad Blynyddol ar Rannu Pryderon	Pennaeth y Gwasanaethau Cyfreithiol, Adnoddau Dynol a Democrataidd / Gary Williams

## Rhaglen Gwaith i'r Dyfodol y Pwyllgor Llywodraethu Corfforaethol

	6	Adroddiad RIPA Blynyddol (Deddf Rheoleiddio Pwerau Ymchwilio 2000)	Pennaeth y Gwasanaethau Cyfreithiol, Adnoddau Dynol a Democrataidd / Gary Williams
	7	Datganiad Llywodraethu Blynyddol	Prif Archwilydd Mewnol – Lisa Lovegrove

DS Nid yw union ddyddiad cyhoeddi adroddiadau achlysurol gan er enghraifft Swyddfa Archwilio Cymru neu Adroddiadau Blynyddol gan yr Ombwdsmon yn hysbys ar hyn o bryd. Bydd dyddiad cyfarfod yn cael ei neilltuo ar eu cyfer cyn gynted ag y bo'n ymarferol.

Diwygiwyd 07.12.18 SJ