

To: Members of the Corporate
Governance Committee

Date: 16 January 2019

Direct Dial: 01824706204

e-mail: democratic@denbighshire.gov.uk

Dear Councillor

You are invited to attend a meeting of the **CORPORATE GOVERNANCE COMMITTEE** to be held at **9.30 am** on **WEDNESDAY, 23 JANUARY 2019** in **CONFERENCE ROOM 1A, COUNTY HALL, RUTHIN.**

Yours sincerely

G. Williams
Head of Legal, HR and Democratic Services

AGENDA

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

1 APOLOGIES

2 DECLARATION OF INTERESTS (Pages 5 - 6)

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

3 URGENT MATTERS

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

4 MINUTES (Pages 7 - 12)

To receive the minutes of the Corporate Governance Committee meeting held on 21 November 2018 (copy enclosed).

5 ANNUAL TREASURY MANAGEMENT STRATEGY (Pages 13 - 44)

To consider a report by the Chief Finance Officer (copy attached) on Treasury Management to allow the committee to review the Treasury Management Strategy and Prudential Indicators before they are considered for approval by Council on the 19 February 2019.

6 CLOSURE OF STATEMENT OF ACCOUNTS (Pages 45 - 48)

To consider a report by the Chief Accountant (copy enclosed) updating members on the progress towards the statutory early closure of the accounts.

7 ANNUAL AUDIT LETTER (Pages 49 - 54)

To receive for information the Annual Audit Letter for Denbighshire County Council 2018-2019, from Wales Audit Office (copy enclosed).

8 INTERNAL AUDIT UPDATE (Pages 55 - 76)

To consider a report by the Chief internal Officer (copy enclosed) updating members on Internal Audit progress.

9 UPDATE REPORT - JOINT PROCUREMENT UNIT (Pages 77 - 88)

To consider a report by the Chief internal Officer (copy enclosed) updating members on the progress in implementing the agreed action relating to low assurance report "Joint Corporate Procurement Unit" that was presented to this Committee in June 2018.

10 INTERNAL AUDIT OF THE REGISTRATION SERVICE (Pages 89 - 112)

To consider a report by the Chief internal Officer (copy enclosed) providing details of a recent Internal Audit report on the Registration Service that received a 'Low' Assurance rating.

11 ANNUAL REPORT ON THE CONSTITUTION TO INCLUDE THE TERMS OF REFERENCE (Pages 113 - 210)

To consider a report by the Monitoring officer (copy enclosed) updating members on the Council's Constitution and a review of its provisions, in particular, the application of political balance to the composition of the Cabinet.

12 CORPORATE GOVERNANCE COMMITTEE WORK PROGRAMME (Pages 211 - 214)

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

PART 2 - CONFIDENTIAL ITEMS

None.

MEMBERSHIP

Councillors

Mabon ap Gwynfor
Tony Flynn
Martyn Holland

Alan James
Barry Mellor
Joe Welch

Lay Member

Paul Whitham

COPIES TO:

All Councillors for information
Press and Libraries
Town and Community Councils

This page is intentionally left blank

LOCAL GOVERNMENT ACT 2000

Code of Conduct for Members

DISCLOSURE AND REGISTRATION OF INTERESTS

| | |
|--|------------------------------------|
| I, (<i>name</i>) | <input type="text"/> |
| a *member/co-opted member of <i>(*please delete as appropriate)</i> | Denbighshire County Council |
| CONFIRM that I have declared a *personal / personal and prejudicial interest not previously declared in accordance with the provisions of Part III of the Council's Code of Conduct for Members, in respect of the following:- <i>(*please delete as appropriate)</i> | |
| Date of Disclosure: | <input type="text"/> |
| Committee (<i>please specify</i>): | <input type="text"/> |
| Agenda Item No. | <input type="text"/> |
| Subject Matter: | <input type="text"/> |
| Nature of Interest: <i>(See the note below)*</i> | <input type="text"/> |
| Signed | <input type="text"/> |
| Date | <input type="text"/> |

*Note: Please provide sufficient detail e.g. 'I am the owner of land adjacent to the application for planning permission made by Mr Jones', or 'My husband / wife is an employee of the company which has made an application for financial assistance'.

This page is intentionally left blank

CORPORATE GOVERNANCE COMMITTEE PRESENT

Councillors Mabon ap Gwynfor, Tony Flynn, Martyn Holland (Vice-Chair), Alan James and Joe Welch

Lay Member Paul Whitham

Councillor Julian Thompson Hill, Lead Member for Finance, Performance and Strategic Assets was in attendance.

ALSO PRESENT

Head of Legal, HR & Democratic Services (GW), Chief Internal Auditor (LL) and Committee Administrator (SJ).

Wales Audit Office Representatives – Gareth Evans.

1 APOLOGIES

Apologies for absence were received from Councillor Barry Mellor

2 DECLARATION OF INTERESTS

Councillor Tony Flynn declared a person interest in agenda item 5 – Internal Audit Update – as he was a landlord of properties in Denbighshire.

3 URGENT MATTERS

None.

4 MINUTES

The minutes of the Corporate Governance Committee held on 26 September 2018 were submitted.

Agenda item 5 – Annual Health and Safety Report – Confirmation that a letter had been sent to schools to highlight the importance of incident reporting. To date it was reported that no response had been received. The Monitoring Officer confirmed that it had been proposed as an agenda item on the next 'Heads Federation meeting'. The Chair encouraged members that were school governors to monitor and stress its importance.

Agenda item 8 – Budget Process Update – A budget Briefing had been held in November 2018.

Agenda item 9 – WAO Annual Improvement Report – Members sought the outcome following the 'Service User Perspective Review' report presented to Chair and Vice-Chair Committee group. The Monitoring Officer confirmed the report was presented

at the Chairs and Vice-Chairs Committee group. It was determined that a report be presented to Performance Scrutiny in March 2019 to debate.

Agenda item 10 – Internal Audit Update – It was confirmed all schools with several outstanding voluntary school fund certificates had been visited. The Chief Internal Auditor stated that an update would be available at the next Committee meeting.

RESOLVED that subject to the above, the minutes of the Corporate Governance Committee meeting of 26 September 2018 be received and approved as a correct record.

At this juncture it was agreed to vary the order of the Agenda.

5 EXTERNAL ASSESSMENT OF INTERNAL AUDIT

The Lead member for Finance, Performance and Strategic Assets presented the External Assessment of Internal Audit Report (previously circulated). The Lead member guided members through the report. It was explained that The Public Sector Internal Audit Standards (PSIAS) introduced a requirement for an external assessment of internal audit services to be conducted at least once every five years by a qualified independent reviewer. The assessment had been conducted by the Audit Manager from Gwynedd County Council and was attached to the report (Appendix 1 previously circulated).

The Lead Member was satisfied that Denbighshire's Internal Audit service had demonstrated work to a high standard and the findings highlighted in the report would be rectified.

The Chief Internal Auditor (CIA) stated she was pleased with the outcome of the report and work on the action points raised had begun.

During debate the following points were discussed in more detail –

- Flexible audit plan ensures that audits with highest priority are reviewed. Although this does not comply with PSIAS, the approach had been adopted by other authorities and organisations and is a recognised audit approach to ensure that audit resource is targeted where there is greatest need.
- The monitoring of the action plan proposed would be presented to the committee as part of the Annual Internal Audit Report in 2019.

Members congratulated the Audit team for the high standard of work.

RESOLVED that,

- the Corporate Governance Committee receive the report, note its contents and monitor the implementation of actions to address the recommendations during future reports, and
- the 'Internal Audit Annual Report' be added to the Forward Work programme for June 2019.

6 INTERNAL AUDIT UPDATE

The Chief Internal Auditor (CIA) introduced the report (previously circulated) updating members on the Internal Audit Team's progress in terms of its service delivery, assurance provision, reviews completed, performance and effectiveness in driving improvement.

The report provided information on work carried out by Internal Audit since the last committee meeting. It allowed the committee to monitor Internal Audit's performance and progress as well as providing summaries of Internal Audit reports.

The CIA guided members through the reports which provided an update as of October 2018 on –

- Internal audit reports recently issued i.e. Housing Rents and Welsh Transport Grants;
- Progress on Internal Audit work to date in 2018-19;
- Progress on implementing agreed actions from assurance projects;
- Update on Internal Audit performance against set standards; and
- Update on progress with the CIPFA Good Practice for Audit Committees.

The following matters were discussed in more detail –

- Housing Rents – September 2018 – The CIA confirmed the timing of the audit had been appropriate following the implementation of Universal Credit. Confirmation that the four moderate risks/issues could be rectified in the service.
- The Chair stated it would be interesting to monitor the figures of arrears written off following the implementation of Universal Credit.
- Confirmation that work had continued to recover arrears was provided. The Housing department continued to monitor housing rent arrears data.
- Praise was given to officers for the work that had been completed prior to the implementation of Universal Credit for a smooth roll out across the County.
- It was highlighted that 3 moderate risks/ issues within the Welsh Transport Grants - November 2018 audit had been raised. Concerns of noncompliance of conditions of the grant were heard. Gareth Evans (WAO representative) stated that Welsh Government had not requested information on post- delivery monitoring plan, the potential to request information could be presented at any time. The Chair highlighted the importance of monitoring conditions being met in relation to grant funding. It was confirmed that Wales Audit Office had been responsible for monitoring of grants obtained. Gareth Evans stated he had hoped to present a report to the Committee on grant funding in the future.
- Updates to the Terms of Reference was scheduled to be presented at the January meeting of the Corporate Governance Committee meeting.

Members were pleased to receive the update and information to date. Further updates and information would be presented to members as needed.

The Chair thanked the CIA for updating members on progress to date. Thanks to the WAO representative were heard for his contribution to the discussion.

RESOLVED that the Corporate Governance Committee receive the Internal Audit update report and note its contents.

7 ANNUAL GOVERNANCE STATEMENT

The Chief Internal Auditor (CIA) submitted a report (previously circulated) updating members on progress in implementing the governance improvement plan that accompanied the Annual Governance Statement 2017/18.

The CIA informed members that all actions were progressing forward and in a timely manner.

The Chair asked if an updated chart of the Heads of Service and members of the Senior Leadership Team could be circulated to members. The Monitoring Officer confirmed once updated to include all amendments a copy would be made available for members.

Monitoring of the contracts register had continued. Criteria had remained in place for new contracts and adhered to. Member's emphasised the importance of strong client management to monitor contracts.

Members highlighted the importance of post completion monitoring of projects.

RESOLVED that the Corporate Governance Committee receive the report and note its contents.

8 UPDATE REPORT - PROJECT MANAGEMENT OF 21ST CENTURY SCHOOLS

The Chief Internal Auditor (CIA) introduced the report (previously circulated). The report provided members with information relating to progress in implementing the major risk action relating to Project Management of 21st Century Schools that accompanied the Internal Audit Update report presented to the Committee in June 2018.

The original audit report raised a major risk issue in relation to the governance of the 21st Century Schools Programme, the CIA confirmed that it was no longer considered to be a major risk. A report had been presented to the Young People and Housing Board, the report had detailed the re-establishment of the Modernisation Programme Board. The CIA confirmed that following the new board it had been felt the governance and controls in place had been strengthened.

Members heard that work had progressed on the draft project management guidance report. The draft guidance was to be presented to the Senior Management Team for approval prior to circulation to officers with a project management duty.

The following concerns were discussed further-

- Members questioned where the responsibility for the payment of debt from the two schools that had amalgamated to form the new Faith school in Rhyl lay.

The CIA stated it could be included in the audit of the new school and be reported back to the committee at a later date.

- The introduction on the Modernisation Programme Board would permit officers from different services to support the large projects. The project still had a project manager to oversee the work progression. Constant dialogue with officers and contractors continued.
- Gareth Evans (WAO representative), explained that 21st century schools projects had been significantly funded by Welsh Government and would be audited by both Denbighshire County Council and Wales Audit Office.

Members were pleased with the progress made. The Chair thanked officers for the update report.

RESOLVED that the update report be received by the Corporate Governance Committee and its contents noted.

9 CORPORATE GOVERNANCE COMMITTEE WORK PROGRAMME

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

The Committee confirmed the Corporate Governance FWP subject to the following amendments:-

23 January 2019 –

- Annual report on the Constitution to include the Terms of Reference
- Annual RIPA report. Including inspection report.

16 March 2019 –

- An additional review of the Forward Work Programme.

05 June 2019 –

- Internal Audit Annual Report

RESOLVED that, subject to the above, the Corporate Governance Committee approves the Forward Work Programme.

10 ANNUAL REPORT ON WHISTLE BLOWING

A report by the Monitoring Officer (MO), which provided information relating to the operation of the Council's Whistleblowing policy since the last report brought to Corporate Governance Committee in November 2017.

The report had been submitted in accordance with the Council's Whistleblowing Policy (WP), which contained a requirement that the MO bring a report to the Corporate Governance Committee at least once a year on the operation of the Policy and any changes in practice introduced as a result of concerns raised under the

Policy. The report covers the period from 30th November 2017 to 31st October 2018, in the period there had been two concerns raised under the Policy.

The MO confirmed work had been anticipated to commence in the coming year to include the development of a microsite for leadership and the Council's new induction process which will enable the highlighting of key policies and changes that have been made. This will be another tool which will help to maintain awareness of the policy.

The Chair highlighted the importance of staff knowledge and the culture for reporting concerns within the Council.

The MO confirmed there were policies and procedures for school Governors to raise any concerns.

EXCLUSION OF PRESS AND PUBLIC

In order to address the concerns raised under the Whistle Blowing policy and discuss of the confidential appendix it was –

RESOLVED that under Section 100A of the Local Government Act 1972, the Press and Public be excluded from the meeting on the grounds that it would involve the disclosure of exempt information as defined in Paragraph 13 of Part 4 of Schedule 12A of the Act.

The MO provided members with a brief background to the two concerns that had been raised. It was confirmed that all bodies including outside parties would investigate the concerns raised in the two cases.

The MO confirmed the dates in the appendix were the dates on which the concerns are received by the MO. Both concerns were complex and thorough investigations were taking place.

RESOLVED, that the Corporate Governance Committee receive the annual report and note its contents.

The meeting concluded at 11:25 a.m.

| | |
|-------------------------------|--|
| Report To: | Corporate Governance Committee |
| Date of Meeting: | 23 January 2019 |
| Lead Member / Officer: | Cllr Julian Thompson-Hill |
| Report Author: | Chief Finance Officer |
| Title: | 1. Treasury Management Strategy Statement (TMSS) 2019/20 and Prudential Indicators 2019/20 to 2021/22 (Appendix 1) 2. Treasury Management (TM) Update Report 2018/19 (Appendix 2) |

1 What is the report about?

- 1.1 The TMSS (Appendix 1) shows how the Council will manage its investments and its borrowing for the coming year and sets the policies within which the TM function operates. The TM Update Report (Appendix 2) provides details of the Council's TM activities during 2018/19.

2 What is the reason for making this report?

- 2.1 The Chartered Institute of Public Finance and Accountancy's Code of Practice on Treasury Management (the "CIPFA TM Code") requires the Council to approve the TMSS and Prudential Indicators annually. The Corporate Governance Committee is required to review this report before it is approved by Council on 19 February 2019. Furthermore, part of the Committee's role is to receive an update on the TM activities twice a year.

3 What are the Recommendations?

- 3.1 That the Committee reviews the TMSS for 2019/20 and the Prudential Indicators for 2019/20, 2020/21 and 2021/22 (Appendix 1).
- 3.2 That members note the TM update report (Appendix 2).
- 3.3 That the Committee confirms that it has read, understood and taken account of the Well-being Impact Assessment (Appendix 3) as part of its consideration.

4 Report details

Background

- 4.1 TM involves looking after the Council's cash which is a vital part of the Council's work because approximately £0.5bn passes through the Council's bank account every year.
- 4.2 At any one time, the Council has up to £20m in cash so it needs to make sure

that the best rate of return possible is achieved without putting the cash at risk which is why money is invested with a number of financial institutions.

When investing, the Council's priorities are to:

- keep money safe (security);
- make sure that the money comes back when it is needed (liquidity);
- make sure a decent rate of return is achieved (yield).

TMSS 2019/20

- 4.3 The TMSS for 2019/20 is set out in Appendix 1. This report includes TM Prudential Indicators which set limits on the Council's TM activity as shown in Appendix 1 Annex A.

Capital Prudential Indicators

- 4.4 The Capital related Prudential Indicators have been excluded from the TMSS and will now be included in the Capital Strategy Report which is a new report introduced by the 2017 edition of the Prudential Code. It is intended to give a high level, concise and comprehensible overview to all elected members of how capital expenditure, capital financing and treasury management activity contribute to the provision of the Council's services.

- 4.5 The Capital Strategy Report will be reported to Council in February alongside the Capital Plan and will include the following Capital related Prudential Indicators:

Estimates of Capital Expenditure and Financing
Ratio of Financing Costs to Net Revenue Stream
Capital Financing Requirement
Authorised Limit and Operational Boundary for External Debt

5 How does the decision contribute to the Corporate Priorities?

- 5.1 An efficient TM strategy allows the Council to minimise its borrowing costs and release funding for its investment priorities.

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

- 6.1 There are no additional cost implications arising as a result of the setting of Prudential Indicators. The point of the TM Strategy is to obtain the best return within a properly managed risk framework.

7 What are the main conclusions of the Wellbeing Impact Assessment?

- 7.1 Financial planning and decision making should ensure that proper regard is given to the requirements of the Wellbeing of Future Generations Act and in particular, proper consideration of the long term impact of financial decisions, including the payback period and whole life costs of capital investment decisions, properly impact assessed budget proposals and long term debt and investment (treasury management) strategies. The principles of prudence,

affordability and sustainability are already enshrined within the requirements of the Prudential Code and should underpin financial planning and decision making.

7.2 In the context of treasury management, the existing requirements to assess and report on the long term financial consequences of investment and borrowing decisions using prudential indicators and long-term debt planning support the sustainability goals of the Wellbeing Act.

7.3 The Wellbeing Impact Assessment report is included in Appendix 3 which shows how an efficient Treasury Management strategy promotes the wellbeing goals of the Act.

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

8.1 The Council has consulted with its TM consultants, Arlingclose Ltd.

9 Chief Finance Officer Statement

9.1 TM involves looking after significant sums of cash so it is a vital part of the Council's work. It requires a sound strategy and appropriate controls to safeguard the Council's money, to ensure that reasonable returns on investments are achieved and that debt is effectively and prudently managed.

9.2 CIPFA published its new 2017 edition of the Code of Practice on TM at the end of 2017. It is a requirement of that Code for Council to approve a TMSS each financial year.

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

10.1 There are inherent risks involved in any TM activity as outlined in the Strategy Statement. The Council has a risk management policy but it is impossible to eliminate these risks completely.

11 Power to make the Decision

11.1 The Local Government Act 2003 determines the requirement for local authorities to set Prudential Indicators and requires the Council to comply with the Prudential Code of Capital Finance for Local Authorities that has been produced by the Chartered Institute of Public Finance and Accountancy (CIPFA).

This page is intentionally left blank

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

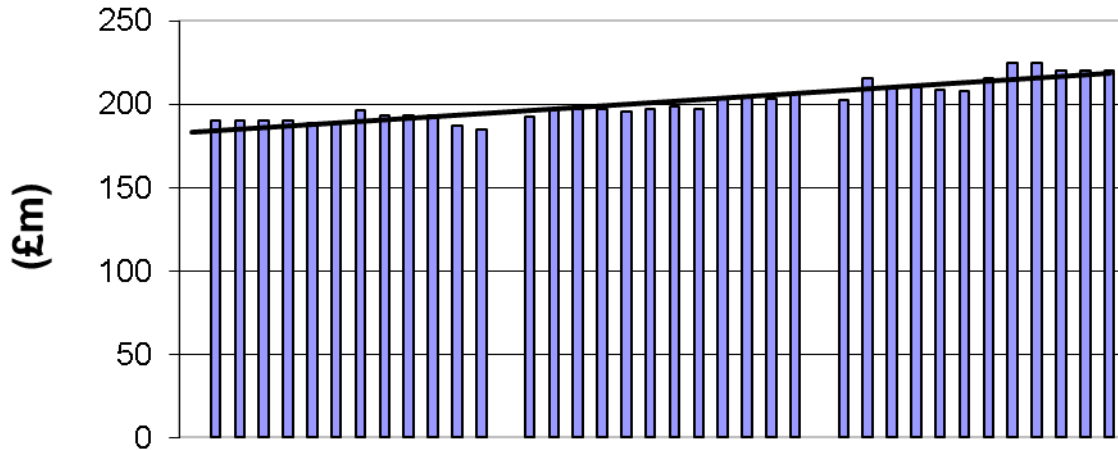
- 1.1 The Council is responsible for its Treasury Management decisions and activity which involves looking after the Council's cash. This is a vital part of the Council's work because approximately £0.5bn passes through the Council's bank account every year.
- 1.2 CIPFA published its new 2017 edition 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

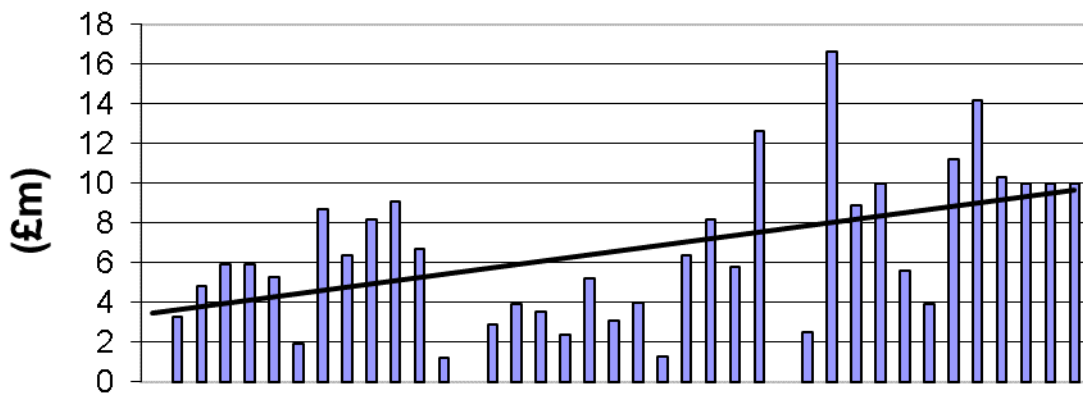
- 2.1 The levels of the Council's borrowing and investment balances over the last three years are shown in the graphs below. The first chart shows the Council's borrowing has increased over this period because the Council has been borrowing to fund its capital plan either from the Public Works Loan Board (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

Borrowing Balances (2016/17 - 2018/19)



Investment Balances (2016/17 - 2018/19)



3 Investment Strategy

3.1 Both the CIPFA Code and the WG Guidance require the Authority to invest its funds prudently, and to have regard to the security and liquidity of its investments before seeking the highest rate of return, or yield. The Authority's objective when investing money is to strike an appropriate balance between risk and return, minimising the risk of incurring losses from defaults and the risk of receiving unsuitably low investment income.

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

- 3.2 Given the increasing risk and very low returns from short-term unsecured bank investments, the Council will continue to hold a minimal amount of investments for short-term cash flow purposes and will continue to place a far greater emphasis on investing with the UK Government's Debt Management Office and other local authorities in order to minimise these risks.
- 3.3 The Authority may invest its surplus funds with any of the counterparty types in table 1 below, subject to the cash limits (per counterparty) and the time limits shown.

Table 1: Approved Investment Counterparties and Limits

| Credit rating | Banks unsecured | Banks secured | Government | Corporates | Registered Providers |
|--|------------------|-------------------|------------------------|------------------|----------------------|
| UK Govt | n/a | n/a | £Unlimited 50 years | n/a | n/a |
| AAA | £5m 5 years | £10m 20 years | £8m 50 years | £5m 20 years | £5m 20 years |
| AA+ | £5m 5 years | £10m 10 years | £8m 25 years | £5m 10 years | £5m 10 years |
| AA | £5m 4 years | £10m 5 years | £8m 15 years | £5m 5 years | £5m 10 years |
| AA- | £5m 3 years | £10m 4 years | £8m 10 years | £5m 4 years | £5m 10 years |
| A+ | £5m 2 years | £10m 3 years | £8m 5 years | £5m 3 years | £5m 5 years |
| A | £5m 13 months | £10m 2 years | £8m 5 years | £5m 2 years | £5m 5 years |
| A- | £5m 6 months | £10m 13 months | £8m 5 years | £5m 13 months | £5m 5 years |
| BBB+ | £5m 100 days | £10m 6 months | £8m 2 years | £5m 6 months | £5m 2 years |
| None | £1m 6 months | n/a | £8m 25 years | £5m 5 years | £5m 5 years |
| Pooled funds and real estate investment trusts | | £8m per fund | | | |

Credit Rating: Investment limits are set by reference to the lowest published long-term credit rating from a selection of external rating agencies. Where available, the credit rating relevant to the specific investment or class of investment is used, otherwise the counterparty credit rating is used. However, investment decisions are never made solely based on credit ratings, and all other relevant factors including external advice will be taken into account.

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

Banks Unsecured: Accounts, deposits, certificates of deposit and senior unsecured bonds with banks and building societies, other than multilateral development banks. These investments are subject to the risk of credit loss via a bail-in should the regulator determine that the bank is failing or likely to fail.

Banks Secured: Covered bonds, reverse repurchase agreements (REPOs) and other collateralised arrangements with banks and building societies. These investments are secured on the bank's assets, which limits the potential losses in the unlikely event of insolvency, and means that they are exempt from bail-in.

Government: Loans, bonds and bills issued or guaranteed by national governments, regional and local authorities and multilateral development banks. These investments are not subject to bail-in, and there is generally a lower risk of insolvency, although they are not zero risk. Investments with the UK Central Government may be made in unlimited amounts for up to 50 years.

Corporates: Loans, bonds and commercial paper issued by companies other than banks and registered providers. These investments are not subject to bail-in, but are exposed to the risk of the company going insolvent. Loans to unrated companies will only be made as part of a diversified pool in order to spread the risk widely.

Registered Providers: Loans and bonds issued by, guaranteed by or secured on the assets of registered providers of social housing and registered social landlords, formerly known as housing associations. These bodies are tightly regulated by the Regulator of Social Housing (in England), the Scottish Housing Regulator, the Welsh Government and the Department for Communities (in Northern Ireland). As providers of public services, they retain the likelihood of receiving government support if needed.

Pooled Funds: Shares or units in diversified investment vehicles consisting of any of the above investment types, plus equity shares and property. These funds have the advantage of providing wide diversification of investment risks, coupled with the services of a professional fund manager in return for a fee. Short-term Money Market Funds that offer same-day liquidity and very low or no volatility will be used as an alternative to instant access bank accounts.

Real estate investment trusts: Shares in companies that invest mainly in real estate and pay the majority of their rental income to investors in a similar manner to pooled property funds. As with property funds, REITs offer enhanced returns over the longer term, but are more volatile especially as the share price reflects changing demand for the shares as well as changes in the value of the underlying properties.

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

- 3.4 Natwest is the Council's banker and will continue to be used for operational and liquidity purposes by transferring cash in and out of the instant access account as required even if its credit rating falls below those shown in the table above.
- 3.5 For a group of banks under the same ownership, the banking group limit is equal to the individual bank limit.
- 3.6 Credit ratings are obtained and monitored by the Authority's treasury advisers, who will notify changes in ratings as they occur. Where an entity has its credit rating downgraded so that it fails to meet the approved investment criteria then:
- no new investments will be made,
 - any existing investments that can be recalled or sold at no cost will be, and
 - full consideration will be given to the recall or sale of all other existing investments with the affected counterparty.
- 3.7 The Authority understands that credit ratings are good, but not perfect, predictors of investment default. Full regard will therefore be given to other available information on the credit quality of the organisations in which it invests, including credit default swap prices (the cost of banks insuring themselves against default), financial statements, information on potential government support, reports in the quality financial press and analysis and advice from the Council's treasury management adviser. No investments will be made with an organisation if there are substantive doubts about its credit quality, even though it may otherwise meet the above criteria.
- 3.8 When deteriorating financial market conditions affect the creditworthiness of all organisations, as happened in 2008 and 2011, this is not generally reflected in credit ratings, but can be seen in other market measures. In these circumstances, the Authority will restrict its investments to those organisations of higher credit quality and reduce the maximum duration of its investments to maintain the required level of security. If these restrictions mean that insufficient commercial organisations of high credit quality are available to invest the Authority's cash balances, then the surplus will be deposited with the UK Government, via the Debt Management Office or invested in government treasury bills for example, or with other local authorities. This will cause a reduction in the level of investment income earned, but will protect the principal sum invested.

The reduction in investment income which the Council has suffered over the last ten years due to the historically low level of the official bank rate and the minimal amount of cash held is illustrated in Table 2 below:

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

Table 2: Investment Income (Interest)

| 2008/09 £000 | 2009/10 £000 | 2010/11 £000 | 2011/12 £000 | 2012/13 £000 | 2013/14 £000 | 2014/15 £000 | 2015/16 £000 | 2016/17 £000 | 2017/18 £000 |
|-----------------|-----------------|-----------------|-----------------|-----------------|-----------------|-----------------|-----------------|-----------------|-----------------|
| 2,219 | 635 | 398 | 408 | 239 | 265 | 230 | 108 | 32 | 17 |

3.9 **Specified Investments:** The WG Guidance defines specified investments as those:

- denominated in pound sterling,
- due to be repaid within 12 months of arrangement,
- not defined as capital expenditure by legislation, and
- invested with one of:
 - the UK Government,
 - a UK local authority, parish council or community council, or
 - a body or investment scheme of “high credit quality”.

The Authority defines “high credit quality” organisations as those having a credit rating of A- or higher that are domiciled in the UK or a foreign country with a sovereign rating of AA+ or higher.

3.10 **Non-specified Investments:** Any investment not meeting the definition of a specified investment is classed as non-specified. The Authority does not intend to make any investments denominated in foreign currencies nor any defined as capital expenditure. Non-specified investments will therefore be limited to long-term investments, i.e. those that are due to mature 12 months or longer from the date of arrangement and investments with bodies and schemes not meeting the definition of high credit quality. Limits on non-specified investments are shown in table 3 below.

Table 3: Non-Specified Investment Limits

| | Cash limit |
|--|-------------------|
| Total long-term investments | £10m |
| Total investments without credit ratings or rated below A- (except the UK government and UK local authorities) | £10m |
| Total investments (except pooled funds) with institutions domiciled in foreign countries rated below AA+ | £10m |
| Total non-specified investments | £30m |

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

4 Borrowing Strategy

- 4.1 In line with its TM strategy and following advice from its treasury consultants, the Council has locked in a proportion of its debt at very low rates with the Public Works Loan Board (PWLB) to fund the capital programme. In total, two new loans for £20m were undertaken in May 2018 and one for £10m in November over a 15 year period on an Equal Instalment of Principal (EIP) basis.
- 4.2 The Council has also continued to undertake temporary borrowing from other local authorities as required to cover short-term cash flow requirements as this is a good source of readily available cash at historically low rates.
- 4.3 At the same time, the Council will also continue to monitor its cash position and interest rate levels to ensure that further long term borrowing is undertaken from the PWLB at the optimal time to fund on-going Capital commitments.
- 4.4 While the Council can borrow from a number of banks, it normally only borrows long term from the PWLB which is a Government body that lends to public sector organisations.

The approved sources of borrowing are listed below:

- PWLB and any successor body
- any institution approved for investments
- any other bank or building society authorised to operate in the UK
- any other UK public sector body
- UK public and private sector pension funds (except Clwyd Pension Fund)
- capital market bond investors
- special purpose companies created to enable local authority bond issues

5 Debt Rescheduling

- 5.1 The Council is able to pay off loans earlier than it has to and to replace them with cheaper loans in order to save money or to reduce the risk to the Council. Sometimes, these loans will be replaced and sometimes not, depending on market conditions and interest rates.
- 5.2 The lower interest rate environment and changes in the rules regarding the premature repayment of PWLB loans has adversely affected the scope to undertake meaningful debt rescheduling although occasional opportunities arise. A weekly update on this is received from the Council's treasury management advisers so the position is kept under review.

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

6 Minimum Revenue Provision (MRP) Statement

- 6.1 The Council's MRP policy was reviewed during 2017/18 to explore potential savings options and the changes have been implemented from 2017/18. The revised MRP policy was agreed by Council on 17 October 2017.
- 6.2 The Council sets aside money each year to repay debt and this is known as the Minimum Revenue Provision (MRP).
- 6.3 There are four different methods of calculating MRP and the Council needs to say each year which methods it will use. This is known as the MRP Statement.
- 6.4 The MRP Statement is submitted to Council before the start of each financial year. If the terms of the original MRP Statement are revised again during the year, a revised statement will be put to Council at that time.

6.5 MRP Statement

The Council will apply the Asset Life Method to calculate MRP on outstanding supported borrowing incurred up to 31 March 2017 using a straight line calculation over 50 years. This represents a change from the Regulatory Method which had been applied previously.

The Council will apply the Asset Life Method to calculate MRP on supported borrowing incurred on or after 1 April 2017 using a straight line calculation over an appropriate number of years, dependent on the period of time that the capital expenditure is likely to generate benefits. This also represents a change from the Regulatory Method which had been applied previously.

The Council will apply the Asset Life Method to calculate MRP on all capital expenditure funded from unsupported borrowing. This represents a continuation of the previous policy.

- 6.6 Adopting International Financial Reporting Standards (IFRS) has resulted in leases coming on the balance sheet. This affects how much it appears the Council has borrowed but this is effectively covered by grant payments. MRP in respect of leases brought on the balance sheet under IFRS will match the annual principal repayment for the associated deferred liability. This is a technical accounting adjustment which is cost neutral for the Council.
- 6.7 MRP on housing assets funded through Prudential Borrowing is charged at 5% of the HRA's CFR. MRP on all other items such as new builds are charged at 2% of the HRA's CFR.

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

7 Reporting Treasury Management Activity

7.1 The Section 151 Officer (Chief Finance Officer) will report to the Corporate Governance Committee on treasury management activity / performance as follows:

- (a) The Treasury Management Strategy Statement and Prudential Indicators will be submitted to the committee in January each year prior to approval by Council.
- (b) Two treasury management updates will be submitted to the committee in January and July each year.
- (c) An annual report on treasury activity will be submitted to the committee in July each year for the preceding year prior to approval by Cabinet.

A treasury update showing the latest investment and borrowing position will be included in the monthly Revenue Monitoring report and borrowing will also be reported on in the Capital Plan to Council. The Capital Strategy Report will also be reported to Council in February with the Capital Plan.

8 Other items

8.1 Investment Training

8.1.1 Member Training

The CIPFA Code of Practice on Treasury Management requires the Section 151 Officer to ensure that all members tasked with treasury management responsibilities, including scrutiny of the treasury management function, understand fully their roles and responsibilities.

The Council has nominated the Corporate Governance Committee as the committee which has responsibility for scrutiny of the treasury management function.

8.1.2 Staff Training

Staff attend training courses, seminars and conferences provided by Arlingclose and CIPFA. There is a team of three members of staff who cover TM duties on a rota basis to ensure that their knowledge is kept up to date. These members of staff are also members of professional accountancy bodies including the Chartered Institute of Public Finance and Accountancy (CIPFA) and the Association of Accounting Technicians (AAT).

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

8.2 Treasury Management Advisers

The Council uses Arlingclose Ltd as Treasury Management Advisers and receives the following services:

- Credit advice
- Investment advice
- Borrowing advice
- Technical accounting advice
- Economic & interest rate forecasts
- Workshops and training events

The Council maintains the quality of the service with its advisers by holding quarterly strategy meetings and tendering every 5 years. Following a tendering exercise at the end of 2018, the contract was renewed with Arlingclose from 01 January 2019 for three years with an option to extend for a further two year period.

8.3 Markets in Financial Instruments Directive (MIFID)

8.3.1 The way that local authorities can access financial services changed in January 2018 as a result of the second Markets in Financial Instruments Directive (MIFID) from the EU. Under the new regulations, local authorities can only continue to be classed as professional clients if they have at least a £10m investment balance and staff with relevant experience. Local authorities not meeting the criteria are reclassified as retail clients. Retail clients have greater protection when placing investments because there is a requirement for firms to ensure that investments are suitable for the client. Professional clients are assumed to have greater knowledge and therefore need less protection.

8.3.2 The Council is not in a position to be classed as a professional client because it does not have an investment balance which is consistently above £10m so it is classified as a retail client. In practice, this does not have an impact on the Council's treasury management activities which consist of cash deposits or loans which are outside the scope of MIFID. The Council's investment advisers, Arlingclose, will continue to advise retail clients as they have a retail adviser who is able to advise on any investment products which come under the scope of MIFID such as shares and bonds.

8.4 Investment of Money Borrowed in Advance of Need

The Authority may, from time to time, borrow in advance of need, where this is expected to provide the best long term value for money. Since amounts borrowed will be invested until spent, the Authority is aware that it will be exposed to the risk of loss of the borrowed sums, and the risk that investment and borrowing interest rates may change in the intervening period. These risks will be managed as part of the Authority's overall management of its treasury risks.

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

The total amount borrowed will not exceed the authorised borrowing limit. The maximum period between borrowing and expenditure is expected to be three years, although the Authority is not required to link particular loans with particular items of expenditure.

8.5 Policy on Use of Financial Derivatives

In the absence of any explicit legal power to do so, the Authority will not use standalone financial derivatives (such as swaps, forwards, futures and options). Derivatives embedded into loans and investments, including pooled funds and forward starting transactions, may be used, and the risks that they present will be managed in line with the overall treasury risk management strategy.

8.6 Housing Revenue Account (HRA)

The Council operates one loans pool for the General Fund and the HRA. A proportion of the Council's investment and debt interest is apportioned to the HRA at year end. The amount of HRA investment interest is calculated by applying the Council's average investment interest rate to the HRA's average notional cash balance. The amount of HRA debt interest is calculated by applying the Council's average debt interest rate to the mid-year HRA Capital Financing Requirement (CFR).

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

ANNEX A

PRUDENTIAL INDICATORS 2019/20 TO 2021/22

1 Upper Limits for Fixed Interest Rate Exposure and Variable Interest Rate Exposure

- 1.1 These indicators allow the Council to manage the extent to which it is exposed to changes in interest rates. This Council calculates these limits on a net interest paid basis (i.e. interest paid on fixed rate debt net of interest received on fixed rate investments).
- 1.2 The upper limit for variable rate exposure has been set to ensure that the Council is not exposed to interest rate rises which could adversely impact on the revenue budget. The limit allows for the use of variable rate debt to offset exposure to changes in short-term rates on investments.

| | 2018/19 Approved % | 2019/20 Estimate % | 2020/21 Estimate % | 2021/22 Estimate % |
|---|-----------------------------------|-----------------------------------|-----------------------------------|-----------------------------------|
| Upper Limit for Fixed Interest Rate Exposure | 100 | 100 | 100 | 100 |
| Upper Limit for Variable Rate Exposure | 40 | 40 | 40 | 40 |

- 1.3 The limits above provide the necessary flexibility within which decisions will be made for drawing down new loans on a fixed or variable rate basis; the decisions will ultimately be determined by expectations of anticipated interest rate movements as set out in the Council's treasury management strategy.

2 Maturity Structure of Fixed Rate borrowing

- 2.1 This indicator highlights the existence of any large concentrations of fixed rate debt needing to be replaced at times of uncertainty over interest rates and is designed to protect against excessive exposures to interest rate changes in any one period, in particular in the course of the next ten years.
- 2.2 It is calculated as the amount of projected borrowing that is fixed rate maturing in each period as a percentage of total projected borrowing that is fixed rate. The maturity of borrowing is determined by reference to the earliest date on which the lender can require payment.

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

| Maturity structure of fixed rate borrowing | Actual % | Lower Limit % | Upper Limit % |
|---|-----------------|----------------------|----------------------|
| under 12 months | 3.11 | 0 | 30 |
| 12 months and within 24 months | 2.73 | 0 | 30 |
| 24 months and within 5 years | 8.71 | 0 | 30 |
| 5 years and within 10 years | 10.67 | 0 | 30 |
| 10 years and above | 74.78 | 50 | 100 |

3 Credit Risk

3.1 The Council considers security, liquidity and yield, in that order, when making investment decisions.

3.2 Credit ratings remain an important element of assessing credit risk, but they are not a sole feature in the Council’s assessment of counterparty credit risk.

3.3 The Council also considers alternative assessments of credit strength, and information on corporate developments of and market sentiment towards counterparties. The following key tools are used to assess credit risk:

- Published credit ratings of the financial institution (minimum A- or equivalent) and its sovereign (minimum AA+ or equivalent for non-UK sovereigns);
- Sovereign support mechanisms;
- Credit default swaps (where quoted);
- Share prices (where available);
- Economic fundamentals, such as a country’s net debt as a percentage of its GDP;
- Corporate developments, news, articles, markets sentiment and momentum;
- Subjective overlay.

3.4 The only indicators with prescriptive values are credit ratings. Other indicators of creditworthiness are considered in relative rather than absolute terms.

4 Upper Limit for total principal sums invested over 1 year

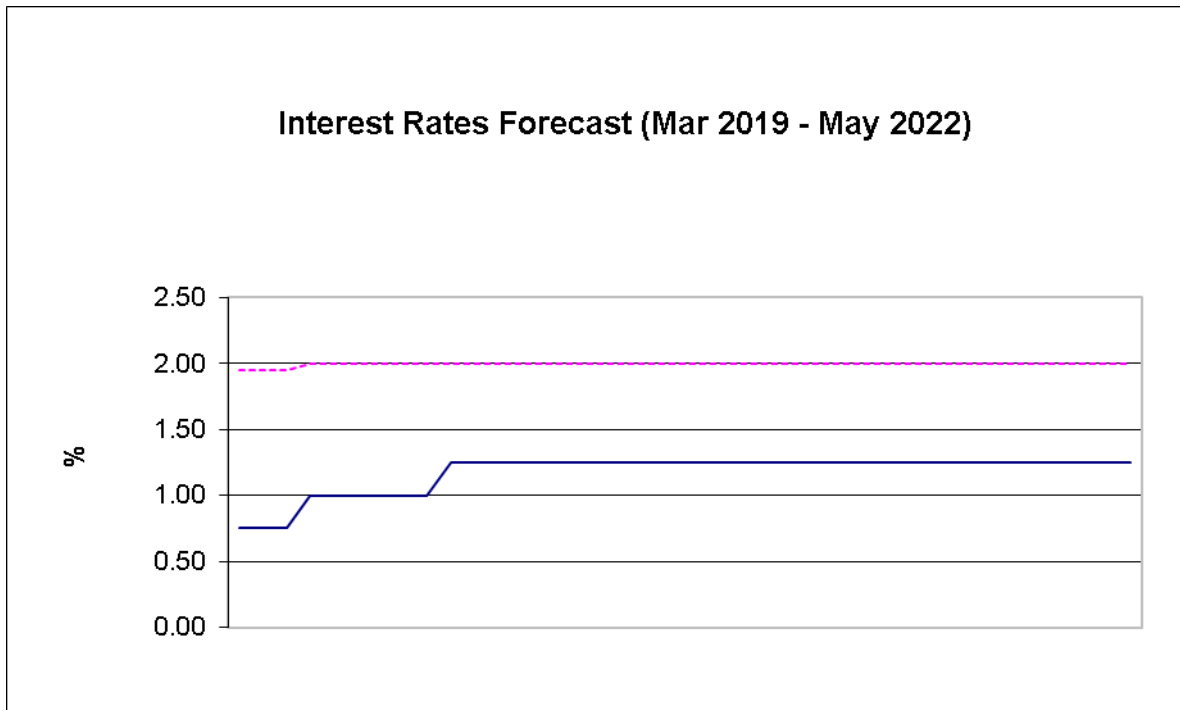
4.1 The purpose of this limit is to contain exposure to the possibility of loss that may arise as a result of the Council having to seek early repayment of the sums invested.

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

INTEREST RATES FORECAST

The graph below shows the interest rate forecast for the Official UK Bank Rate and the 50 year GILT rate from March 2019 to May 2022. The Official Bank Rate influences the rate at which the Council can invest. The GILT rate is the rate at which the Government borrows money and therefore this affects the rate at which the Council can borrow from the PWLB which is approximately 1% above GILT rates.

As the graph shows, it's much more expensive to borrow than to invest at the moment with the Official UK Bank Rate expected to remain fairly constant over the period. The graph illustrates that the difference between investment and borrowing rates is approximately 2%.



—— Official Bank Rate
- - - - 50-yr GILT Rate

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

ANNEX C

GLOSSARY - Useful guide to Treasury Management Terms and Acronyms

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

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

| | |
|-----------------------|--|
| CORPORATE BOND | A type of bond issued by a corporation to raise money in order to expand its business |
| COVERED BOND | A corporate bond issued by a financial institution but with an extra layer of protection for investors whereby the investor has recourse to a pool of assets that secures or “covers” the bond if the financial institution becomes insolvent |
| GILT | A bond that is issued by the British government which is classed as a low risk investment as the capital investment is guaranteed by the government |
| REPO | A repurchase agreement involving the selling of a security (usually bonds or gilts) with the agreement to buy it back at a higher price at a specific future date For the party selling the security (and agreeing to repurchase it in the future) it is a REPO For the party on the other end of the transaction e.g. the local authority (buying the security and agreeing to sell in the future) it is a reverse REPO |
| FTSE 100 | Financial Times Stock Exchange 100 - An index composed of the 100 largest companies listed on the London Stock Exchange which provides a good indication of the performance of major UK companies |

This page is intentionally left blank

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

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

Positive impacts identified:

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

Negative impacts identified:

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

A resilient Denbighshire

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

Positive impacts identified:

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

Negative impacts identified:

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

A healthier Denbighshire

| | |
|-----------------------|---------|
| Overall Impact | Neutral |
|-----------------------|---------|

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

Positive impacts identified:

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

Negative impacts identified:

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

A more equal Denbighshire

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

Positive impacts identified:

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

Negative impacts identified:

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

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

Positive impacts identified:

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

Negative impacts identified:

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

A Denbighshire of vibrant culture and thriving Welsh language

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

Positive impacts identified:

| | |
|-------------------------------------|---------|
| People using Welsh | |
| Promoting the Welsh language | Page 43 |

| | |
|-----------------------------|--|
| Culture and heritage | |
|-----------------------------|--|

Negative impacts identified:

| | |
|-------------------------------------|--|
| People using Welsh | |
| Promoting the Welsh language | |
| Culture and heritage | |

A globally responsible Denbighshire

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

Positive impacts identified:

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

Negative impacts identified:

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

| | |
|------------------------|--|
| Report To: | Corporate Governance Committee |
| Date of Meeting: | 23 rd January 2019 |
| Lead Member / Officer: | Councillor Julian Thompson-Hill / Richard Weigh, Head of Finance |
| Report Author: | Steve Gadd, Chief Accountant |
| Title: | Early Closedown – Statement of Accounts |

1. What is the report about?

Provide Corporate Governance Committee with a summary of the work involved in the financial year-end closedown process and an update on the progress towards the statutory early closedown of the accounts. In particular to highlight a change to the approach to identifying accruals which has been agreed with Wales Audit Office (WAO).

2. What is the reason for making this report?

To update CGC on the current closedown process and the progress towards the statutory early closure of accounts, and how this will impact on the reports and information received by the committee.

3. What are the Recommendations?

It is recommended that CGC note the following concerning the closure of the financial accounts:

- i) The progress towards achieving the early closedown dates stipulated by the Welsh Government regulations.
- ii) The change to the approach to identifying accruals which has been agreed with WAO which involves implementing a de-minimis of £1,000 for mandatory accruals.

4. Report details

Currently, the Section 151 Officer of the council is required to certify that the statement of accounts gives a true and fair view of the financial position at the end of the year to which the statement relates no later than 30 June immediately following that year, and the statement must be published no later than 30 September. The expectation is that the audit of the preceding financial year's accounts will conclude before 30 September and published statements of accounts will contain the auditors' opinion and certificate.

A number of disadvantages with the current statutory timetable were identified by Welsh Government in their consultation document in 2016:

- Local government bodies publish their statements of accounts later in the year than most other parts of the public sector.
- The accounts of local government bodies constitute a significant component of the UK-wide Whole of Government Accounts and the current local government timetable is considered to be one of the barriers to HM Treasury bringing forward the publication date of those accounts.

- The equivalent regulations which apply to English local government bodies will bring forward the dates for the preparation and publication of statements of accounts for the financial year beginning in April 2017. This will provide further disparity between the timetables for local government bodies in England and Wales.

The Welsh Government therefore brought forward the timetable for publishing the statements of accounts of local authorities, to bring them into line with other parts of the public sector. Bringing forward the timetable will enhance the accountability of authorities and the usefulness of accounts to local residents as statements of accounts will be available on a more timely basis. It should also assist our own financial management by providing earlier assurance of the previous year's financial outturn and freeing up more finance staff to help facilitate the budget process for the following year. Details of the statutory timetable are outlined in the table below.

| | Current Dates | Interim Dates for SofA 2018/19 and 2019/20 | Final Position from 2020/21 |
|---|----------------------|---|------------------------------------|
| Final date on which the Chief Finance Officer must sign and date the statement of accounts | 30th June | 15th June | 31st May |
| Date that council must approve and publish an audited statement of accounts | 30th September | 15th September | 31st July |

The good news is that the Council is making good progress towards achieving both the interim and final unaudited accounts as shown in the table below.

| Statement of Accounts | Signed off by S151 Officer and passed to WAO |
|------------------------------|---|
| 2015/16 | 21-Jun-16 |
| 2016/17 | 13-Jun-17 |
| 2017/18 | 15-Jun-18 |
| 2018/19 | 06-Jun-19 (target) |
| 2019/20 | 31-May-20 (target) |
| 2020/21 | 31-May-21 (mandatory) |

The early closure of accounts requires a huge amount of planning and reconfiguration of the closedown timetable. It will also entail the increased use of estimates and the stricter adherence to the closedown timetable which may impact on service's financial outturn. Transactions identified after the agreed deadlines will only be processed if they would materially impact on the Statement of Accounts. The threshold that will be used for this financial year will be the based on the accounting concept of triviality that WAO use and will be agreed prior to year-end.

A further change proposed for the 2018/19 Statement of Accounts is that there will be a de-minimis of £1,000 for processing mandatory accruals. This will help speed up the completion of the draft accounts but also help focus the audit process on non-trivial items. Amounts under £1,000 will still be processed as part of the automatic accruals produced by the Payroll and Accounts Payable systems and services will still be able to process accruals under £1,000 if they have the time to do so, particularly in areas that may impact on levels of external income, such as grant funded services. WAO have been consulted throughout the process of setting the new mandatory de-minimis level.

Finance are also currently working to transfer the core Statement of Accounts document from a Word based document into Excel. It is hoped that all tables will be embedded in the document which will speed up the process of compilation in the final month and also help eliminate typing errors. The service is hoping to have the new document ready for the 2018/19 Statement of Accounts. The change will not make any material difference to the accounts, however readers may notice a different 'feel' to the document.

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

The provision of timely and accurate financial information contributes to the modernising of the council to deliver efficiencies and allows residents to scrutinise the Council's activities.

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

The achievement of the production of the Statement of Accounts has been achieved alongside Finance delivering on continued efficiency targets. No additional resources are envisaged.

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

It is the professional judgement of the Section 151 Officer that a Well-being Impact Assessment is not required for this report.

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

As part of developing the Closedown Timetable, Finance consult widely with services in order to ensure that the deadlines are achievable. WAO are fully consulted during the planning phase.

9. Chief Finance Officer Statement

The production of the Statement of Accounts is a legal requirement and failure to achieve the deadlines would have a significant reputational impact on the council. This report highlights some of the changes that are required in order to maintain the excellent track record of producing a set of accounts on time while continuing to achieve an unqualified audit opinion. Although early closedown can be seen as a risk and a challenge, there are also opportunities to create a more efficient process.

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

The ultimate risk is that the Statement of Accounts are not produced on time, or that they are produced with material and/or significant errors in them which would result in WAO qualifying the accounts. Such an outcome would have severe adverse reputational impact on DCC.

11. Power to make the Decision

The International Standard for Auditing (UK and Ireland) 240 (ISA 240) sets out that the primary responsibility for preventing and detecting fraud rests with both management and 'those charged with governance', which for DCC is the Corporate Governance Committee. The ISA 240 also sets out the requirement for external audit to obtain an understanding of how the Council discharges its responsibilities.

Agenda Item 7

| | |
|------------------------|--|
| Report To: | Corporate Governance Committee |
| Date of Meeting: | 23 rd January 2019 |
| Lead Member / Officer: | Councillor Julian Thompson-Hill / Richard Weigh, Head of Finance |
| Report Author: | Steve Gadd, Chief Accountant |
| Title: | Annual Audit Letter 2018-19, from Wales Audit Office |

- 1. What is the report about?**

The Annual Audit Letter for Denbighshire County Council 2018-19 produced by Wales Audit Office and sent to the Leader and Chief Executive of the Council.
- 2. What is the reason for making this report?**

To introduce for information the Annual Audit Letter for Denbighshire County Council 2018-19, from Wales Audit Office (Appendix 1).
- 3. What are the Recommendations?**

It is recommended that CGC note the Annual Audit Letter for Denbighshire County Council 2018-19, from Wales Audit Office.
- 4. Report details**

The report is to introduce the Annual Audit Letter to the Committee. Wales Audit Office will be present at the meeting to present the findings and central messages. DCC welcomes the letter and looks forward to continue the excellent working relationship we have with our External Auditors.
- 5. How does the decision contribute to the Corporate Priorities?**

The provision of timely and accurate financial information contributes to the modernising of the council to deliver efficiencies and allows residents to scrutinise the Council's activities.
- 6. What will it cost and how will it affect other services?**

There are no additional resources associated with this report.
- 7. What are the main conclusions of the Well-being Impact Assessment?**

It is the professional judgement of the Section 151 Officer that a Well-being Impact Assessment is not required for this report.
- 8. What consultations have been carried out with Scrutiny and others?**

WAO work closely with DCC throughout the audit process and DCC are kept fully up to date with any issues that arise from WAO audit work.
- 9. Chief Finance Officer Statement**

The production of the Annual Audit Letter is the final part of providing assurance that the Statement of Accounts for the preceding year provides a true and fair view of

financial position of the Council. It's pleasing to note again that the audit was unqualified.

The letter highlights the ongoing difficult financial environment that the council has to work within, as with all local government across Wales and the UK. Cabinet and Council Members are kept fully up to date on the Council's proposals to deal with the situation.

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

The ultimate risk is that the Statement of Accounts are not produced on time, or that they are produced with material and/or significant errors in them which would result in WAO qualifying the accounts. Such an outcome would have severe adverse reputational impact on DCC.

11. Power to make the Decision

The letter summarises the key messages arising from WAO's statutory responsibilities under the Public Audit (Wales) Act 2004 and their reporting responsibilities under the Code of Audit Practice. In particular the 2004 Act requires WAO to

- provide an audit opinion on the accounting statements;
- review the Council's arrangements to secure economy, efficiency and effectiveness in its use of resources; and
- issue a certificate confirming that they have completed the audit of the accounts.



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 / post@archwilio.cymru
www.audit.wales / www.archwilio.cymru

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

Councillor Hugh Evans – Leader
Judith Greenhalgh – Chief Executive
Denbighshire County Council
County Hall
Wynnstay Road
Ruthin
LL15 1YN

Reference: 958A2018-19

Date issued: 30 November 2018

Dear Councillor Evans and Judith

Annual Audit Letter - Denbighshire County Council 2017-18

This letter summarises the key messages arising from my statutory responsibilities under the Public Audit (Wales) Act 2004 and my reporting responsibilities under the Code of Audit Practice.

The Council complied with its responsibilities relating to financial reporting and use of resources

It is Denbighshire County Council's (the Council's) responsibility to:

- put systems of internal control in place to ensure the regularity and lawfulness of transactions and to ensure that its assets are secure;
- maintain proper accounting records;
- prepare financial statements in accordance with relevant requirements; and
- establish and keep under review appropriate arrangements to secure economy, efficiency and effectiveness in its use of resources.

The Public Audit (Wales) Act 2004 requires me to:

- provide an audit opinion on the accounting statements;
- review the Council's arrangements to secure economy, efficiency and effectiveness in its use of resources; and

- issue a certificate confirming that I have completed the audit of the accounts.

Local authorities in Wales prepare their accounting statements in accordance with the requirements of the CIPFA/LASAAC Code of Practice on Local Authority Accounting in the United Kingdom. This code is based on International Financial Reporting Standards.

We received the draft financial statements on 15 June 2018, two weeks earlier than the statutory deadline. Despite the shorter timescale, the draft financial statements were prepared to a good standard and were supported by comprehensive and timely working papers. The key matters arising from the audit of the financial statements were reported to members of the Corporate Governance Committee in my Audit of Financial Statements report on the 26 September 2018.

On 28 September 2018, I issued an unqualified audit opinion on the Council's financial statements confirming that they present a true and fair view of the Council's financial position and transactions. I issued the certificate confirming that the audit of the accounts had been completed on the 28 September 2018.

I am satisfied that the Council has appropriate arrangements in place to secure economy, efficiency and effectiveness in its use of resources

My consideration of the Council's arrangements to secure economy, efficiency and effectiveness has been based on the audit work undertaken on the accounts as well as placing reliance on the work completed under the Local Government (Wales) Measure 2009. The Auditor General published his Annual Improvement Report in September 2018 and concluded that the Council was meeting its statutory requirements in relation to continuous improvement.

My work to date on certification of grant claims and returns has not identified significant issues that would impact on the 2018-19 accounts or key financial systems

My ongoing work on the certification of grants claims and returns has not identified any significant issues to date in relation to the accounts or the Council's key financial systems. I will report any key issues to the Corporate Governance Committee in my annual Grants Certification report once this year's programme of certification work is complete.

The Council has a track record of managing its finances, but the significant financial challenge will continue over the medium term

Austerity remains the most significant challenge facing local government bodies in Wales and these financial pressures are likely to continue for the medium term. The recent local government funding settlement will see the Council's funding decrease by 0.5%.

In 2017-18 the Council reported a £1.1 million underspend, achieved in part through a £2.1 million budgeted contribution from earmarked reserves used to fund service pressures. As at 31 March 2018, the Council maintained its Council Fund reserve at £7.5 million and held £29.4 million in earmarked reserves (excluding the Housing Revenue Account).

In order to set a balanced budget for 2018-19, the Council had to identify efficiencies and savings of £4.6 million. As at October 2018, the Council reported that the majority of the required efficiencies and savings had been achieved and was on track to deliver the £4.6 million. Nevertheless, the Council was projecting a year-end overspend of £1.2 million on services and

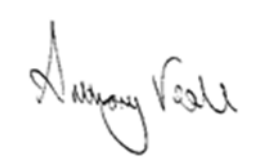
corporate budgets primarily due to continuing cost pressures within Highways and Environment and the Education and Children's Service. The Chief Finance Officer included commentary within the October 2018 Finance Report to Cabinet, emphasising the importance of services continuing to manage budgets both in the current financial year and beyond, particularly in light of the continuing financial pressures.

The Council's financial outlook remains very challenging and the latest published forward financial plan projected a revenue funding shortfall of £6.4 million in 2019-20. In response to the financial pressures, the Council established its 'Reshaping the Council Board' in January 2018 with responsibility for developing the next iteration of the Council's Medium Term Financial Strategy, supporting the delivery of Corporate priorities, driving the wider strategic direction of the Council but also ensuring there is an effective process in place to deliver a balanced budget annually.

The challenging financial position represents a significant risk to the Council. Managing the financial position in 2018-19 and setting a balanced budget for 2019-20 are key priorities coupled with updating its medium term financial strategy. We will continue to monitor progress.

The financial audit fee for 2017-18 is currently expected to be in line with the agreed fee set out in the Annual Audit Plan.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Anthony Veale', enclosed in a thin black rectangular border.

Anthony Veale
Engagement Director
For and on behalf of the Auditor General for Wales

This page is intentionally left blank

Report To: Corporate Governance Committee

Date of Meeting: 23 January 2019

Lead Member / Officer: Lisa Lovegrove – Chief Internal Auditor

Report Author: Lisa Lovegrove – Chief Internal Auditor

Title: Internal Audit Update

1. What is the report about?

This report provides an update for Corporate Governance Committee on Internal Audit's latest progress in terms of its service delivery, assurance provision, reviews completed, performance and effectiveness in driving improvement.

2. What is the reason for making this report?

To provide information on the work carried out by Internal Audit since the last Committee meeting. It allows the Committee to monitor Internal Audit's performance and progress as well as providing summaries of Internal Audit reports so that the Committee can receive assurance on other Council services and corporate areas.

3. What are the Recommendations?

The Committee considers the report content, assesses Internal Audit's progress and performance, and decides whether it needs any further assurance on audit reports.

4. Report details

Appendix 1 report provides an update as at the end of December 2019 on:

- Internal audit reports recently issued i.e. Risk Management, IT Procurement, Registration Service and Additional Learning Needs, Recoupment & Out of County Placements;
- Progress on Internal Audit work to date in 2018-19;
- Progress on counter fraud work including School Fund Certificates;
- Update on Internal Audit performance against set standards; and
- Update on progress with the CIPFA Good Practice for Audit Committees.

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

There is no decision required with this report. There is no direct contribution to the Corporate Priorities, but some projects in the audit plan will review Corporate Priority areas and will provide assurance on their delivery.

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

Not applicable - there is no decision or costs attached to this report.

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

Not applicable - this report does not require a decision or proposal for change.

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

Not required.

9. Chief Finance Officer Statement

There are no financial implications attached to this report.

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

The work of internal audit gives assurance to the council on the adequacy and effectiveness of controls in place to manage and mitigate risks.

11. Power to make the Decision

Not applicable - there is no decision required with this report.

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.

| 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 |
|---|----------------------|---------------------|------------------------|-----------------|------------------------|---------------------|------------------------|-----------------------|
| 2018–19 Projects | | | | | | | | |
| 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"> Pupil Deprivation Grant Education Improvement Grant | 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"> Sundry Debtors Overpayments | 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 |

| 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"> Treasury Management Payroll Accounts Payable Cash Receipting | 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 |
| Projects Brought Forward from 2017-18 | | | | | | | | |
| 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. |
| Fraud & Corruption Work | | | | | | | | |
| 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 |
|---|----------------------|---------------------|------------------------|-----------------|------------------------|---------------------|------------------------|---|
| Follow-up Reviews | | | | | | | | |
| IA project follow-ups | 24 | 30 | Ongoing | | | | | Includes devising new follow up process |
| Management of follow-ups | 20 | 30 | | | | | | |
| Other Areas of Work | | | | | | | | |
| 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 | | | | | |
| IA Support & Management | | | | | | | | |
| Team Meetings / 1:1s | 54 | 60 | | | | | | |
| Management | 30 | 40 | | | | | | |
| Training & development | 25 | 40 | | | | | | |
| Total Days | 817 | 1194 | | | | | | |

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 |
|-------------------------------|--|--|
| Ongoing from 2017/18 | | |
| September 2017 | Concern raised regarding emptying of property as well as other allegations. | Ongoing. |
| Referrals from 2018/19 | | |
| 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 |
|--|--|
| Secondary Schools | |
| 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. |
| Additional Learning Needs Schools | |
| Ysgol Plas Brondyffryn, Denbigh | Certificates up to date. |
| Ysgol Tir Morfa, Rhyl | |
| 3-19 Provision Schools | |

| School name | Comment |
|--|--|
| St Brigid's School, Denbigh | Certificates up to date. |
| Primary Schools | |
| 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"> • 2012/13 and 2013/14 certificates received but with queries. • 2014/15 and 2015/16 have not been completed and paperwork, cheques etc are not available at the school. • 2016/17 certificate received and provisionally accepted • Awaiting 2017/18 certificate. |
| 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 |
|---------------------------|--------|---------------------|
|---------------------------|--------|---------------------|

| | | |
|--|-----------------------------|------|
| 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 guidance¹. 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.

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

Report To: Corporate Governance Committee

Date of Meeting: 23 January 2019

Lead Member / Officer: Lisa Lovegrove - Chief Internal Auditor

Report Author: Lisa Lovegrove - Chief Internal Auditor

Title: **Update Report – Joint Corporate Procurement Unit**

1. What is the report about?

This report provides an update on progress in implementing the agreed action relating to low assurance report “Joint Corporate Procurement Unit” that was presented to this Committee in June 2018.

2. What is the reason for making this report?

This report is to provide information on how the Council is implementing improvements in the Joint Corporate Procurement Unit since the issue of the Internal Audit report. The audit report raised a several issues in relation to procurement and the operation of the service which is provided jointly with Flintshire County Council and resulted in a low assurance rating, so the Corporate Governance Committee requires a progress update report to ensure that the issues are being addressed. This is the first progress report.

3. What are the Recommendations?

The Committee to review progress with addressing the audit actions and decides whether it requires any further update reports on progress with the improvement action plan.

4. Report details

The Legal & Procurement Operations Manager has provided an update on the agreed actions from the original review. This indicates that good progress has been achieved with most actions and generally actions are on track to be completed by the agreed timescales. Details are included in the Appendix 1 report.

While internal audit has not verified the accuracy of these update, a full follow up review is planned for March 2018 to coincide with the planned review of Contract Management which will be done jointly with Flintshire County Council’s Internal Audit Service.

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

Not applicable - there is no decision required with this report.

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

Not applicable - there is no decision required with this report.

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

Not applicable - there is no decision required with this report.

8. **What consultations have been carried out with Scrutiny and others?**
Not applicable - there is no decision required with this report.
9. **Chief Finance Officer Statement**
Not applicable - there is no decision required with this report.
10. **What risks are there and is there anything we can do to reduce them?**
Not applicable - there is no decision required with this report.
11. **Power to make the Decision**
Not applicable - there is no decision required with this report.

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 | Critical – Significant CET and Cabinet intervention |
| 1 | Major – intervention by SLT and/or CET with Cabinet involvement |
| 1 | Moderate – Containable at service level. Senior management and SLT may need to be kept informed |

| | |
|----------------------------|---|
| Root Cause 1 | 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 |
| Underlying Weakness | <p>Our review of Governance arrangements identified;</p> <ul style="list-style-type: none"> • 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). • 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). • 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). • Limited evidence of reporting of KPI's to the JPB / no robust targets in place for KPI's (1.4). • Insufficient systems for recording and monitoring the split of procurement staff time across the two Councils (1.5). • 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). |

| | | | |
|--------------------------|--|--|---------------|
| | <ul style="list-style-type: none"> 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). 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). | | |
| Action (Ref) | Agreed Management Action | Responsibility & Deadline | Status |
| 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 |
| Follow Up Results | 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 |
| Follow Up Results | 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"> explore the possible systems available to measure efficiency savings; agree how they will capture and measure non-financial savings; ensure there is an appropriate system in place to measure collaborative efficiencies; the Legal and Procurement Operations Manager should provide a report detailing missed opportunity for collaboration to the JPB; and consider longer term contracts, which will reduce procurement cost. | <p>Legal and Procurement Operations Manager DCC / FCC, In place 30/09/2018</p> | In progress |
| Follow Up Results | <p>The Legal & 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 |

| | | | |
|--------------------------|--|--|-------------|
| Follow Up Results | The Legal & Procurement Operations Manager has confirmed that this has now started. | | |
| 1.4 | 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 |
| Follow Up Results | The Legal & Procurement Operations Manager has confirmed that this review has been undertaken and new KPI's are in place. | | |
| 1.5 | 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 |
| Follow up Results | 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. | | |
| 1.6 | 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 | |
| Follow Up Results | The Legal & Procurement Operations Manager has confirmed that this is now being done. | | |
| 1.7 | 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 |
| Follow Up Results | 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. | | |
| 1.8 | 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"> a. the actual and potential collaborative procurements; b. details of any potential instances of collaboration which Services decline to take forward collaboratively; 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 d. collaborative procurements with an approval made to the relevant Council/Service. | Legal and Procurement Operations Manager – DCC / FCC JPB – DCC / FCC, In place & Ongoing | In progress |
| Follow Up Results | The Legal & Procurement Operations Manager has confirmed that this is now being done. | | |

| | | | |
|----------------------------|--|--|---------------|
| Root Cause 2 | 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. | | |
| Underlying Weakness | <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"> • 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). • 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. • 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). • 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). • 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). | | |
| Action (Ref) | Agreed Management Action | Responsibility & Deadline | Status |
| 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) | |
| Follow Up Results | The Legal & Procurement Operations Manager has confirmed that this is underway, with service challenge reports now being submitted (DCC). | | |
| 2.2 | <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"> The Legal and Procurement Operations Manager will consider marketing options that are available at each of the Councils to promote the CPU. | Legal and Procurement Operations Manager - DCC / FCC, 31/03/2019 | Complete |
| Follow Up Results | 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). | | |
| 2.3 | <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 |

| | | | |
|--------------------------|---|---|-------------|
| Follow Up Results | The Legal & Procurement Operations Manager has confirmed that this is now being done. | | |
| 2.4 | <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 |
| Follow Up Results | The Legal & Procurement Operations Manager has confirmed that this is now being done. | | |
| 2.5 | 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 |
| Follow Up Results | 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 |
|----------------|------------------------|--|

Key Dates

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

Report To: Corporate Governance Committee
Date of Meeting: 23 January 2019
Lead Member / Officer: Lisa Lovegrove – Chief Internal Auditor
Report Author: Lisa Lovegrove – Chief Internal Auditor
Title: Internal Audit of the Registration Service

1. What is the report about?
This report provides details of a recent Internal Audit report on the Registration Service that received a 'Low' Assurance rating.
2. What is the reason for making this report?
Corporate Governance Committee has agreed that it will receive and discuss all Internal Audit reports receiving a 'Low' Assurance rating so that they can discuss the outcome and receive assurance that improvements will be made.
3. What are the Recommendations?
The Committee comments on the report and decides whether it requires any further update reports on progress with the improvement action plan.
4. Report details
The full Internal Audit report is included as Appendix 1.

The review of the Registration Service covered: legislation, amalgamation of the districts, management arrangements, income and other financial controls, budget and performance monitoring and customer service. Our review concludes that 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.

We received a positive response to our review and action is already underway to address some of the issues we raised.
5. How does the decision contribute to the Corporate Priorities?
Not applicable - there is no decision required with this report.
6. What will it cost and how will it affect other services?
Not applicable - there is no decision required with this report.
7. What are the main conclusions of the Well-being Impact Assessment?
Not applicable – there is no decision of proposal for change associated with this report.
8. What consultations have been carried out with Scrutiny and others?
Not applicable - there is no decision required with this report.

9. Chief Finance Officer Statement
Not applicable - there is no decision required with this report.
10. What risks are there and is there anything we can do to reduce them?
The work of internal audit gives assurance to the council on the adequacy and effectiveness of controls in place to manage and mitigate risks. Internal Audit will follow up the agreed actions to ensure that necessary improvements are undertaken to reduce the risks identified. Corporate Governance Committee may request update reports to monitor progress with the implementation of the improvement action plan.
11. Power to make the Decision
Not applicable - there is no decision required with this report.



Registration Service

December
2018



Low
Assurance



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.

| | |
|----------------------|---|
| Low assurance | Significant weaknesses in management of risks and/or controls that put achievement of objectives at risk. |
|----------------------|---|

Action Plan

Audit Review of: **Registration Service**

Date: **December 2018**

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

| Risk Issue 1 | 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. | | |
|------------------------------|---|---|------------|
| Page 98 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> | | |
| Action (Ref) | Agreed Management Action | Responsibility | Deadline |
| 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 |

| | | | |
|--------------------------|---|--|-----------------|
| Risk Issue 2 | 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. | | |
| Background Detail | <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"> • 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; • 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; • When registration certificates are spoilt, they are kept securely but have never been destroyed; and • 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. | | |
| Action (Ref) | Agreed Management Action | Responsibility | Deadline |
| 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 |

| | | | |
|-----|--|---|------------|
| 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 th November 2018. | Business Support Manager/ Superintendent Registrar | 31/01/2019 |
|-----|--|---|------------|

| | | | |
|------------------------------------|---|---|-----------------|
| Risk Issue 3 – Root Cause 1 | There are weak income arrangements, which could result in errors or fraud being undetected (although no fraud activity was identified during our review). | | |
| Background Detail | <p>There are weaknesses within the:</p> <ul style="list-style-type: none"> Recording of income; Income reconciliation process; and VAT is not being accounted for correctly when taking payment for discretionary fees (i.e. renewal of vows, naming and commitment ceremonies) <p>See Root Cause 1 for further details (Appendix 1)</p> | | |
| Action (Ref) | Agreed Management Action | Responsibility | Deadline |
| 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 |

| | | | |
|------------------------------------|--|---|-----------------|
| Risk Issue 4 – 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. | | |
| Background Detail | <p>There are weaknesses with the following:</p> <ul style="list-style-type: none"> 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; 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 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. <p>See Root Cause 1 for further details (Appendix 1)</p> | | |
| Action (Ref) | Agreed Management Action | Responsibility | Deadline |
| 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 |

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 | |
| | | | | | Service Performance | 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 |
| | | | | | Reputation | 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 |
| | | | | | Financial Cost (£) | <£50k | £50k – £250k | £250k – £1m | £1 m – £5 m | >£5m |
| | | | | | Impact | | | | | |

| 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 lisa.harte@denbighshire.gov.uk |
| Geraldine Sanders | Auditor | 01824 708082 geraldine.sanders@denbighshire.gov.uk |

Key Dates

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

This page is intentionally left blank

Report To: Corporate Governance Committee

Date of Meeting: 23rd January 2019

Lead Member / Officer: Hugh Evans, Leader/Gary Williams, Head of Legal, HR and Democratic Services

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

Title: **Annual Constitution Review**

1. What is the report about?

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

2. What is the reason for making this report?

- 2.1 The Committee is as part of its terms of reference required to monitor and review the Council's Constitution. This report refers to the updates required to be made to the Council's Constitution to take into account decisions of Council and Cabinet and any legislative or operational changes that have taken place since the last review. In addition, Council passed a Motion on 23rd October 2018 to ask the Corporate Governance Committee to consider options and present a report to the Full Council on 19th February, 2019 which outlines how the Constitution could be changed to remove the requirement for political balance in the Cabinet.

3. What are the Recommendations?

- 3.1 That Members consider the contents of this report in respect of the political balance of Cabinet.
- 3.2 That Members consider the proposed changes to the Constitution set out in paragraphs 4.13 and 4.14 of this report and recommend them to Council.

4. Report details

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

Executive is operated and is called Cabinet. The appointment of councillors to the Cabinet is by the Leader.

- 4.3 The 2000 Act specifically exempts Cabinet from being subject to the duty contained in s15 Local Government and Housing Act 1989 (the 1989 Act) to apply the rules of political balance to its membership. This means that the Cabinet is not required by law to be politically balanced in its composition. The Council may, however, choose to apply some form of political balance if it wishes.
- 4.4 The current arrangements for the composition of the Cabinet are contained in Section 5 of the Council's Constitution as set out in Appendix 1 to this report. These provisions seek to apply some element of political balance to the Cabinet but do not reflect the absolute duty set out in the 1989 Act.
- 4.5 The starting point in the Constitution is that the Cabinet should be politically balanced. The intention behind this provision was that there be a Cabinet that reflected the political make-up of the Council and thereby the decision of the electorate. This was intended to provide for political stability.
- 4.6 The principles of political balance are only to be applied to political groups consisting of five or more members. By law, a political group may exist when a minimum of two members provide written notification that they are a political group and identify one of their number as group leader. The intention behind this provision was to provide for stability and discourage the splintering of groups by individual members in order to obtain seats on Cabinet and other bodies.
- 4.7 The model adopted by the Council provides that the Leader may appoint councillors to Cabinet subject to the principles of political balance set out above following consultation with Group Leaders. If any political group declines to take their seats on Cabinet the Leader may fill those vacancies without regard to the principles of political balance following further consultations with the other Group Leaders.
- 4.8 If at any time, a political group that has previously declined seats on Cabinet decides to take up those seats, the Leader must make such changes to the membership of the Cabinet as to ensure that the principles of political balance set out above are complied with.
- 4.9 If Council wishes to dispense with the requirement for the Cabinet to be politically balanced, then there are two possible models that are available to it. The first is that the Leader, once elected by Council, is free to appoint councillors to Cabinet without any formal restriction as to political balance. This is known as the "strong leader" model. The Leader could appoint councillors to Cabinet in a politically balanced way if he/she saw fit but would not be required to do so.
- 4.10 The second option is that the Council could elect a Leader and then elect members of the Cabinet. It would then be for the Leader to assign portfolios to those members. This election may be for the term of the Council or until each Annual Meeting. This is known as the "weak leader" model.
- 4.11 A brief check on the published constitutions of the unitary authorities in Wales reveals that of the twenty two councils, sixteen (including Denbighshire) have

adopted the “strong leader” model. Six Councils have adopted the “weak leader” model. A table setting out which Councils have which form of Cabinet is attached as Appendix 2

- 4.12 Denbighshire is the only Council that has any formal requirement for the principles of political balance to apply.
- 4.13 Members will recall that at previous meetings they have discussed aspects of the CIPFA Practical Guidance for Audit Committees guidance document as part of the Internal Audit Update reports. At the meeting of the Committee held on 21st November 2018 members were informed that the Chief Internal Auditor had compared the Committee’s current terms of reference with the guidance. There is attached at Appendix 3 a copy of a draft amended terms of reference with the changes shown in red. One aspect of the draft terms of reference that needs to be considered by the Committee is the reference to complaints which are not currently reported to the Committee but are in fact reported to Performance Scrutiny.
- 4.14 In addition, in accordance with the Monitoring Officers’ obligations to keep the Constitution fit for purpose, and in accordance with the delegations made to the Monitoring Officer to update the Constitution following member decisions or new legislative duties or powers which the document should reflect, the following changes have been made and are reported to you:
- Updated the Officer Scheme of Delegation with legislation not previously captured;
 - Updated the Cabinet Scheme of Delegation following changes to portfolios
 - Following consultation with Standards Committee amended the procedure for dealing with conduct hearings.
 - Updated the Planning Committee membership to reflect the new number of members.
 - Updated the Head of Highways and Environment scheme of delegation in order to implement and operate the Sustainable Drainage Body (SuDS) and the power to set the level of fixed penalty notices in accordance with the range legally set by the Welsh Government.

Extracts of those areas of the Constitution that have been amended are attached as Appendix 4.

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

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

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

There are no direct costs associated with this report.

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

There is no requirement for an assessment for this report.

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

There have been no other consultations in respect of this report. The views of the Committee are sought before reporting back to Council.

9. Chief Finance Officer Statement

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

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

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

11. Power to make the Decision

Section 13 Council Constitution

Part II Local Government Act 2000

SECTION 5

5. THE CABINET

5.1 Introduction

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

5.2 Form and Composition of the Cabinet

5.2.1 The Cabinet shall be politically balanced.

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

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

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

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

5.3 Leader

5.3.1 Election

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

5.3.2 Term of Office

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

5.3.3 Role of the Leader

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

5.4 **Deputy Leader**

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

5.5 **Other Cabinet Members**

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

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

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

5.6 **Delegation of Functions**

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

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

5.7 **Rules of Procedure and Debate**

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

5.8 **Cabinet Procedure Rules**

5.8.1 **Meetings**

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

- (a) determined by the Cabinet; or

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

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

5.8.2 Quorum

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

5.8.3 Access to information

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

5.8.4 Chairing of Cabinet meetings

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

5.8.5 Public access

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

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

5.8.6 Attendance by members who are not Cabinet members

5.8.6.1 Rights to attend

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

5.8.6.2 Rights to address meetings

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

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

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

5.8.6.3 Questions

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

5.8.7 Attendance by officers

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

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

5.8.8 Absence of Cabinet members

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

5.8.9 Business to be transacted

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

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

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

5.8.10 Consultation

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

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

5.8.11 Cabinet Committees

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

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

This page is intentionally left blank

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

| | | | |
|--------------------------------|--|----------------|----|
| Wrexham County Borough Council | | Yes - annually | No |
|--------------------------------|--|----------------|----|

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.

This page is intentionally left blank

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.

138

- 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.

Formatted: Indent: Left: 0.75", Hanging: 0.25", Tab stops: Not at 1.25"

← **Formatted:** Indent: Left: 0.75", Hanging: 0.25", Bulleted + Level: 1 + Aligned at: 1" + Tab after: 1.25" + Indent at: 1.25", Tab stops: 1", List tab + Not at 1.25"

- 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.

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

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

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

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

APPENDIX 2(b) MEMBER SCHEME OF DELEGATION

Delegations to Cabinet Members

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

A key decision is defined as:-

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

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

Introduction

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

Interpretation

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

Summary of the procedure

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

and take any such action accordingly.

Underlying Principles

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

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

Formatted: Indent: Left: 0.5"

Formatted: Font: 12 pt, Font color: Auto

Formatted: Space After: 12 pt

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.

Formatted: Indent: Left: 0"

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

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

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

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

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

The first meeting of the Standards Committee – Initial Determination

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

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

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

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

After the first meeting of the Standards Committee

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

Preparing for the hearing to consider the Member's representations

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

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

Powers of the Standards Committee

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

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

Procedure at the hearing

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

Introduction

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

First stage: Preliminary procedural issues

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

Second stage: Making findings of fact

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

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

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

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

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

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

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

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

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

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

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

Fourth stage: Action to be taken

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

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

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

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

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

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

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

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

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

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

Failure to make representations / attend the hearing

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

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

Formatted: Indent: First line: 0.08"

Formatted: Font color: Auto

Formatted: Font: 12 pt, Font color: Auto

Formatted: Indent: Left: 0", Hanging: 0.44", Space After: 12 pt

Formatted: Indent: Left: 0.44", Space After: 12 pt

Formatted: Indent: Left: 0.44", Hanging: 0.38", Space After: 12 pt

Formatted: Font color: Auto

Formatted: Font: 12 pt, Font color: Auto

Formatted: Font color: Auto

Formatted: Font: 12 pt, Font color: Auto

Formatted: Font color: Auto

Formatted: Font: 12 pt, Font color: Auto

Formatted: Font color: Auto

Formatted: Font: 12 pt, Font color: Auto

Formatted: Font color: Auto

Formatted: Font: 12 pt, Font color: Auto

Formatted: Indent: Left: 0.44", Hanging: 0.38", No bullets or numbering

Formatted: Numbered + Level: 1 + Numbering Style: 1, 2, 3, ... + Start at: 47 + Alignment: Left + Aligned at: 0" + Tab after: 0.32" + Indent at: 0.32"

- (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

Formatted: Indent: Left: 0", Hanging: 0.39", Numbered + Level: 1 + Numbering Style: 1, 2, 3, ... + Start at: 47 + Alignment: Left + Aligned at: 0" + Tab after: 0.32" + Indent at: 0.32"

Formatted: Indent: Left: 0", Hanging: 0.39", Numbered + Level: 1 + Numbering Style: 1, 2, 3, ... + Start at: 47 + Alignment: Left + Aligned at: 0" + Tab after: 0.32" + Indent at: 0.32"

Formatted: Indent: Left: 0", Hanging: 0.39", Numbered + Level: 1 + Numbering Style: 1, 2, 3, ... + Start at: 47 + Alignment: Left + Aligned at: 0" + Tab after: 0.32" + Indent at: 0.32"

Formatted: Indent: Left: 0", Hanging: 0.39", Numbered + Level: 1 + Numbering Style: 1, 2, 3, ... + Start at: 47 + Alignment: Left + Aligned at: 0" + Tab after: 0.32" + Indent at: 0.32"

- (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.

Formatted: Indent: Left: 0", Hanging: 0.39", Numbered + Level: 1 + Numbering Style: 1, 2, 3, ... + Start at: 47 + Alignment: Left + Aligned at: 0" + Tab after: 0.32" + Indent at: 0.32"

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,

Formatted: Indent: Left: 0", Hanging: 0.39", Numbered + Level: 1 + Numbering Style: 1, 2, 3, ... + Start at: 47 + Alignment: Left + Aligned at: 0" + Tab after: 0.32" + Indent at: 0.32"

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:

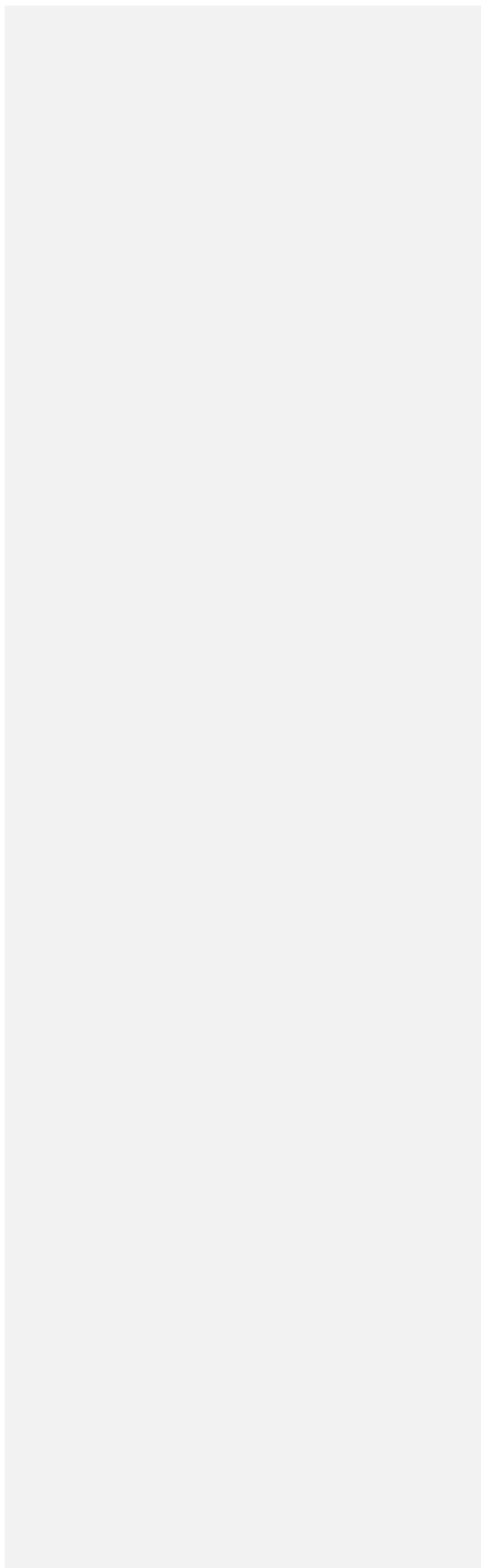
- (a) for a period of 21 days publish the report on the Council's website and make copies available for inspection by the public without charge at all reasonable hours at one or more of the Council's offices, where any person shall be entitled to take copies of, or extracts from, the report when made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

Formatted: Indent: Left: 0", Hanging: 0.39", Numbered + Level: 1 + Numbering Style: 1, 2, 3, ... + Start at: 47 + Alignment: Left + Aligned at: 0" + Tab after: 0.32" + Indent at: 0.32"

Costs

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

Formatted: Indent: Left: 0", Hanging: 0.39", Numbered + Level: 1 + Numbering Style: 1, 2, 3, ... + Start at: 47 + Alignment: Left + Aligned at: 0" + Tab after: 0.32" + Indent at: 0.32"



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

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

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

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

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

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

Corporate Governance Committee Forward Work Programme

| | | | |
|----------------------|---|---|---|
| 06 MAR 2019 | | Standing Items | |
| | 1 | Issues Referred by Scrutiny Committees (if any) | Scrutiny Coordinator – Rhian Evans |
| | 2 | Recent External Regulatory Reports Received (if any) | Head of Business Improvement & Modernisation– Alan Smith, Nicola Kneale |
| | 3 | Internal Audit Update | Chief Internal Auditor – Lisa Lovegrove |
| | 4 | Forward Work Programme | Democratic Services |
| | | | |
| | | Reports | |
| | 5 | Service Challenge – Service report | Chief Internal Auditor – Lisa Lovegrove |
| | 6 | Budget Process | Chief Finance Officer- Richard Weigh |
| | 7 | Certification Of Grants and Returns 2017/18 | Chief Finance Officer – Richard Weigh |
| | 8 | Review of the Corporate Governance FWP | Chief Internal Auditor – Lisa Lovegrove |
| | 9 | Annual RIPA (Regulation of Investigatory Powers Act 2000) | Head of Legal, HR and Democratic Services - Gary Williams |
| 20 APRIL 2019 | | Standing Items | |
| | 1 | Issues Referred by Scrutiny Committees (if any) | Scrutiny Coordinator – Rhian Evans |
| | 2 | Recent External Regulatory Reports Received (if any) | Head of Business Improvement & Modernisation– Alan Smith, Nicola Kneale |
| | 3 | Internal Audit Update (CIPFA update) | Chief Internal Auditor – Lisa Lovegrove |
| | 4 | Forward Work Programme | Democratic Services |
| | | | |
| | | Reports | |
| | 5 | WAO Annual Audit Plan | WAO |
| 05 JUNE 2019 | | Standing Items | |
| | 1 | Issues Referred by Scrutiny Committees (if any) | Scrutiny Coordinator – Rhian Evans |
| | 2 | Recent External Regulatory Reports Received (if any) | Head of Business Improvement & Modernisation– Alan Smith, Nicola Kneale |
| | 3 | Internal Audit Update (CIPFA update) | Chief Internal Auditor – Lisa Lovegrove |
| | 4 | Forward Work Programme | Democratic Services |
| | | | |

Page 211

Corporate Governance Committee Forward Work Programme

| | | | | |
|---------------------|---------------------|--|---|---|
| | | Reports | | |
| | 5 | Health and Safety in Schools | Head of Internal Audit – Lisa Lovegrove | |
| | 6 | Annual Corporate Governance Committee Report | Head of Legal, HR and Democratic Services - Gary Williams | |
| 10 JULY 2019 | | Standing Items | | |
| | 1 | Issues Referred by Scrutiny Committees (if any) | Scrutiny Coordinator – Rhian Evans | |
| | 2 | Recent External Regulatory Reports Received (if any) | Head of Business Improvement & Modernisation– Alan Smith, Nicola Kneale | |
| | 3 | Internal Audit Update (CIPFA update) | Chief Internal Auditor – Lisa Lovegrove | |
| | 4 | Forward Work Programme | Democratic Services | |
| | | | | |
| | | Reports | | |
| Page 212 | 5 | Draft Statement of Accounts | Head of Finance- Richard Weigh | |
| | 6 | Treasury Management | Head of Finance- Richard Weigh | |
| | 7 | Annual report on the Constitution | Head of Legal, HR and Democratic Services - Gary Williams / Chief Internal Auditor – Lisa Lovegrove | |
| | 8 | Annual SIRO Report | Head of Business Improvement & Modernisation– Alan Smith | |
| | 9 | WAO Annual improvement report | WAO/ Head of Business Improvement & Modernisation– Alan Smith | |
| | 11 SEPT 2019 | | Standing Items | |
| | | 1 | Issues Referred by Scrutiny Committees (if any) | Scrutiny Coordinator – Rhian Evans |
| | | 2 | Recent External Regulatory Reports Received (if any) | Head of Business Improvement & Modernisation– Alan Smith, Nicola Kneale |
| | | 3 | Internal Audit Update (CIPFA update) | Chief Internal Auditor – Lisa Lovegrove |
| | 4 | Forward Work Programme | Democratic Services | |
| | | | | |
| | | Reports | | |
| | 5 | Approval of Statement of Accounts | Head of Finance – Richard Weigh | |
| | 6 | Annual H&S Report | Head of H&S –Gerry Lapington | |

Corporate Governance Committee Forward Work Programme

| | | | |
|--------------------|---|---|---|
| 20 NOV 2019 | | Standing Items | |
| | 1 | Issues Referred by Scrutiny Committees (if any) | Scrutiny Coordinator – Rhian Evans |
| | 2 | Recent External Regulatory Reports Received (if any) | Head of Business Improvement & Modernisation– Alan Smith, Nicola Kneale |
| | 3 | Internal Audit Update (CIPFA update) | Head of Internal Audit – Lisa Lovegrove |
| | 4 | Forward Work Programme | Democratic Services |
| | | | |
| | | Reports | |
| | 5 | Annual report on Whistle Blowing | Head of Legal, HR and Democratic Services / Gary Williams |
| | 6 | Annual RIPA (Regulation of Investigatory Powers Act 2000) | Head of Legal, HR and Democratic Services / Gary Williams |
| | 7 | Annual Governance Statement | Chief Internal Auditor – Lisa Lovegrove |

Page 2/3

The exact date of publication of occasional reports by for example Wales Audit Office or Annual Reports by the Ombudsman are not presently known. They will be assigned a meeting date as soon as practicable.

Revised 07.12.18 SJ

This page is intentionally left blank