

At: Aelodau'r Pwyllgor Craffu  
Cymunedau

Dyddiad: 16 Ionawr 2020

Rhif Union: 01824 712554

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Annwyl Gyngorydd

Fe'ch gwahoddir i fynychu cyfarfod y **PWYLLGOR CRAFFU CYMUNEDAU, DYDD IAU, 23 IONAWR 2020** am **10.00 am** yn **SIAMBR Y CYNGOR, NEUADD Y SIR, RHUTHUN LL15 1YN.**

**CYNHELIR SESIWN BRIFFIO AR GYFER YR HOLL AELODAU ETHOLEDIG AM  
09.15 A.M. YN UNION O FLAEN Y CYFARFOD.**

Yn gywir iawn

G Williams  
Pennaeth Gwasanaethau Cyfreithiol, AD a Democrataidd

## **AGENDA**

### **RHAN 1 - GWAHODDIR Y WASG A'R CYHOEDD I FOD YN BRESENNOL YN Y RHAN HON O'R CYFARFOD**

#### **1 YMDDIHEURIADAU**

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

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

#### **3 MATERION BRYD FEL Y'U CYTUNWYD GAN Y CADEIRYDD**

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

**4 COFNODION** (Tudalennau 5 - 24)

Derbyn cofnodion cyfarfod y Pwyllgor Craffu Cymunedau a gynhaliwyd ar 24 Hydref 2019 (copi wedi'i atodi).

**10.00 a.m. – 10.15 a.m.**

**5 DEDDF LLES CENEDLAETHAU'R DYFODOL (CYMRU) MEWN PERTHYNAS Â RHEOLI PERYGL LLIFOGYDD YN SIR DDINBYCH**  
(Tudalennau 25 - 48)

I dderbyn adroddiad gan y Rheolwr Perygl Llifogydd (copi ynghlwm), i ddarparu gwybodaeth ynglŷn ag adroddiad gan Swyddfa Archwilio Cymru ar ddull y Cyngor ar gyfer rheoli perygl llifogydd a chydymffurfio ag egwyddor datblygu cynaliadwy Deddf Lles Cenedlaethau'r Dyfodol a 5 nod lles.

**10.15 a.m. – 10.45 a.m.**

**6 Y BROSES AR GYFER SEFYDLU ARDAL GWELLA BUSNES**  
(Tudalennau 49 - 88)

I dderbyn adroddiad gan y Swyddog Arweiniol, Cymorth i Fusnesau a Thwf Lleol a'r Tim Datblygu Economaidd a Busnes a Rheolwr Rhaglen (copi ynghlwm) i roi gwybodaeth ynglŷn â'r broses o ffurfio Ardaloedd Gwella Busnes i alluogi'r Pwyllgor i archwilio'r broses yn fanwl.

**10.45 a.m. – 11.15 a.m.**

~~~~~ **EGWYL (11.15 a.m. – 11.25 a.m.)** ~~~~~

**7 BAND EANG A RHWYDWEITHIAU SYMUDOL MEWN ARDALOEDD GWLEDIG** (Tudalennau 89 - 92)

I dderbyn adroddiad gan y Prif Swyddog Digidol (copi ynghlwm) i roi gwybodaeth ynglŷn â gweithgareddau presennol mewn perthynas â band eang a rhwydweithiau symudol mewn ardaloedd gwledig.

**11.25 a.m. – 12.00 p.m.**

**8 SIARTER CYDYMFFURFIO CYNLLUNIO - MABWYSIADU'R DDOGFEN DERFYNOL** (Tudalennau 93 - 142)

I dderbyn adroddiad gan y Rheolwr Datblygu (Cynllunio, Gwarchod y Cyhoedd a Gwasanaethau Cefn Gwlad) (copi ynghlwm) i hysbysu aelodau am ganlyniadau'r ymgynghoriad ar siarter cydymffurfio cynllunio drafft Cynllunio, Gwarchod y Cyhoedd a Gwasanaethau Cefn Gwlad.

**12.00 p.m. – 12.30 p.m.**

**9 RHAGLEN WAITH ARCHWILIO** (Tudalennau 143 - 166)

Ystyried adroddiad gan y Cydlynnydd Craffu (copi ynghlwm) yn gofyn am adolygiad o raglen gwaith i'r dyfodol y pwyllgor a rhoi'r diweddaraf i'r aelodau ar faterion perthnasol.

**12.30 p.m. – 12.40 p.m.**

**10 ADBORTH GAN GYNRYCHIOLWYR PWYLLGORAU**

Derbyn unrhyw ddiweddariadau gan gynrychiolwyr y Pwyllgor ar Fyrddau a Grwpiau amrywiol y Cyngor.

**12.40 p.m. – 12.45 p.m.**

**AELODAETH**

**Y Cynghorwyr**

Y Cynghorydd Huw Williams  
(Cadeirydd)

Mabon ap Gwynfor  
Brian Blakeley  
Rachel Flynn  
Tina Jones  
Merfyn Parry

Y Cynghorydd Graham Timms (Is-  
Gadeirydd)

Anton Sampson  
Glenn Swingler  
Andrew Thomas  
Cheryl Williams

**COPIAU I'R:**

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

Mae tudalen hwn yn fwriadol wag

## PWYLLGOR CRAFFU CYMUNEDAU

Cofnodion cyfarfod o'r Pwyllgor Craffu Cymunedau a gynhaliwyd yn Ystafell Bwllgor 1A, Neuadd Y Sir, Ruthun, Dydd Iau, 24 Hydref 2019 am 10.00 am.

### YN BRESENNOL

Y Cyngorwyr Mabon ap Gwynfor, Brian Blakeley, Rachel Flynn, Tina Jones, Merfyn Parry, Glenn Swingler, Andrew Thomas, Graham Timms (Is-Gadeirydd), Cheryl Williams a/ac Huw Williams (Cadeirydd)

### HEFYD YN BRESENNOL

Y Cyfarwyddwr Corfforaethol: Economi a'r Parth Cyhoeddus (GB); Swyddog Arweiniol – Eiddo Corfforaethol a'r Stoc Dai (DL); Rheolwr Cynllunio a Gwarchod y Cyhoedd (AL), Pennaeth Priffyrdd, Cyfleusterau a Gwasanaethau Amgylcheddol (TW); Rheolwr Gwastraff ac Ailgylchu (TD); Pennaeth Gwella Busnes a Moderneiddio (AS); Rheolwr Tîm Gwybodaeth Busnes (CB); Cydlynnydd Craffu (RhE) a Gweinyddwr Pwyllgorau (HB)

#### 1 YMDDIHEURIADAU

Derbyniwyd ymddiheuriadau gan y Cyngorydd Anton Sampson.

#### 2 DATGAN CYSYLLTIAD

Datganodd y Cyngorwyr canlynol gysylltiadau personol:

Eitem 4 ar y rhaglen, cofnodion y cyfarfod blaenorol: Mae'r Cyngorwyr Brian Blakeley a Meirick Lloyd Davies yn cynrychioli'r Cyngor ar Awdurdod Tân ac Achub Gogledd Cymru.

Eitem 5 ar y rhaglen, Darpariaeth Safle Sipsiwn a Theithwyr yn y Cynllun Datblygu Lleol (CDLI) Newydd: Cyngorwyr Tina Jones a Merfyn Parry.

#### 3 MATERION BRYD FEL Y CYTUNWYD GAN Y CADEIRYDD

Nid oedd unrhyw fater bryd.

Dywedodd y Cadeirydd mewn ymateb i gais gan swyddogion, a gyda chytundeb pawb dan sylw, ei fod wedi caniatáu i eitemau 6 a 7 ar drefn busnes y Pwyllgor gael eu hail-drefnu. Gan hynny, ymdrinnir â Phrosiect Archifau Sir Ddinbych a Sir y Fflint ar y cyd fel eitem rhif 6 a Dyluniad y Gwasanaeth Gwastraff ac Ailgylchu Newydd Arfaethedig yn eitem rhif 7 ar y rhaglen.

#### 4 COFNODION

Cyflwynwyd cofnodion cyfarfod y Pwyllgor Archwilio Cymunedau a gynhaliwyd ar 5 Medi, 2019.

Diolchodd y Cyngorydd Merfyn Parry i'r swyddogion am adroddiad Tân Mynydd Llantysilio.

Dywedodd y Cydlynnydd Craffu (CC) bod yr Awdurdod Tân ac Achub wedi gofyn i gael mynychu cyfarfod craffu cyn 2020 i drafod ei ymgynghoriad cyhoeddus ar ddatblygu Strategaeth Amgylchedd a Chynaliadwyedd. Dywedodd y byddent yn mynychu cyfarfod nesaf y Pwyllgor Craffu Partneriaethau, ond roedd croeso i aelodau'r Pwyllgor Craffu Cymunedol fynychu.

***PENDERFYNWYD: derbyn a chymeradwyo cofnodion cyfarfod y Pwyllgor Craffu Cymunedau a gynhaliwyd ar 5 Medi 2019 fel cofnod cywir.***

## **5 DARPARIAETH SAFLE SIPSIWN A THEITHWYR YN Y CYNLLUN DATBLYGU LLEOL NEWYDD**

Cyflwynodd yr Aelod Arweiniol Cynllunio, Gwarchod y Cyhoedd a Chymunedau Mwy Diogel adroddiad ac atodiadau (eisoed wedi'u cylchredeg) a oedd yn rhoi'r wybodaeth ddiweddaraf i'r Pwyllgor am y broses a ddilynwyd er mwyn sicrhau bod y Cyngor yn cyflawni ei ddyletswyddau statudol o ran darparu Safleoedd Sipsiwn a Theithwyr yn y sir. Roedd yr adroddiad hwn yn canolbwyntio'n benodol ar safleoedd a drafodwyd yng nghyfarfodydd y Grŵp Rheoli Asedau a'r Grŵp Cynllunio Strategol i'w hargymell i'r Cabinet i'w cynnwys ym mhroses y Cynllun Datblygu Lleol (CDLI) newydd fel safleoedd posibl ar gyfer Sipsiwn a Theithwyr.

Yn ystod eu cyflwyniad, rhoddodd yr Aelod Arweiniol a'r swyddogion drosolwg i'r Pwyllgor o'r dyletswyddau statudol a osodir ar y Cyngor i ddarparu safleoedd i Sipsiwn a Theithwyr. Yng ngoleuni'r ffaith bod angen wedi'i nodi yn y sir trwy'r Aseiad Llety Sipsiwn a Theithwyr a gymeradwywyd yn ffurfiol gan y Cyngor a Llywodraeth Cymru yn 2017. Hefyd, cafwyd amlinelliad o'r broses ddilynol i ddewis safleoedd posibl at ddibenion preswyl a thramwy, nifer y lleiniau sy'n ofynnol i safleoedd preswyl a thramwy ac atgoffwyd aelodau bod y Cabinet wedi penderfynu ym mis Mawrth 2019 mai'r lleoliad a ffefrir ar gyfer y safle preswyl chwe llain fyddai Green Gates (dwyrain) ger Llanellwy. Wrth gytuno ar y safle hwn fel lleoliad a ffefrir ar gyfer safle preswyl, roedd y cabinet hefyd wedi cytuno y dylid dyrannu safleoedd posibl ar gyfer y safle tramwy pum llain fel rhan o broses y CDLI newydd, ac na ddylid ystyried Green Gates (dwyrain) ar gyfer safle tramwy, a dyna'r rheswm dros gyflwyno'r adroddiad hwn i'r Pwyllgor.

Ynglwm wrth yr adroddiad oedd copi o adroddiad a gyflwynwyd yng nghyfarfod briffio'r Cabinet ar 9 Medi 2019 yn amlinellu'r broses y bwriedir ei dilyn er mwyn symud ymlaen â safleoedd tramwy posibl i Sipsiwn a Theithwyr i'w cynnwys yn y CDLI newydd, ynghyd â chopi o adroddiad yn nodi safleoedd tramwy posibl i Sipsiwn a Theithwyr a gyflwynwyd i'r AMG ar 30 Medi 2019. Roedd yr ail adroddiad yn cynnwys manylion am y darnau perthnasol o ddeddfwriaeth a oedd yn gosod dyletswydd statudol ar y Cyngor i asesu'r angen am ddarpariaeth fel hyn, a darparu safleoedd yn ôl yr angen. Atodiadau a gynhwyswyd gyda'r adroddiad hwnnw oedd:

- manylion y meini prawf adolygu safleoedd dechreuol
- gwybodaeth yn gysylltiedig â'r dadansoddiad safle ac argymhellion o ganlyniad i hynny, ynghyd â manylion yr ystyriaeth bellach a roddir i'r safleoedd hynny ar y rhestr fer ac ymateb yr Adran Brisio ac Ystadau ynglŷn

â'r posibilrwydd o golli tir amaethyddol a phroblemau posibl yn ymwneud â chyflwyno hysbysiadau terfynu i denantiaid

Cadarnhaodd swyddogion bod yr holl safleoedd a ystyriwyd yn y gorffennol fel rhan o'r ymarfer darparu safleoedd Sipsiwn a Theithwyr gwreiddiol, yn cael eu hystyried eto. Gan nad oedd unrhyw dirfeddianwr wedi dod ymlaen i gynnig tir ar gyfer Safleoedd Sipsiwn a Theithwyr, fel rhan o broses y galwad dechreuol am dir ar gyfer safle Sipsiwn a Theithwyr nac fel rhan o ymarfer tebyg o dan broses y CDLI newydd, roedd y Cyngor wedi cyflwyno nifer o safleoedd yr oedd yn berchen arnynt i'r diben hwn, gan fod angen iddo ddangos i Lywodraeth Cymru ei fod yn ymdrechu i gyflawni ei rwymedigaethau statudol. Dyna pam y cynhwyswyd tir amaethyddol a manau agored cyhoeddus dynodedig fel safleoedd posibl i'w cynnwys yn y CDLI newydd i'r diben hwn, gan fod proses y CDLI yn gyfle i'r Cyngor newid dynodiadau tir presennol.

Dywedwyd wrth y Pwyllgor bod y Grŵp Rheoli Asedau yn ei gyfarfod ar 30 Medi wedi rhoi cefnogaeth i gynnwys y pedwar safle a gyflwynwyd i'w hystyried sef:

- Rhualt – tir ger Ffordd Treffynnon
- Rhualt – hen gae'r ysgol
- Dinbych, Ffordd Henllan – Safle 1
- Dinbych, Ffordd Henllan – Safle 2

Yn ogystal, gofynnwyd am gynnwys safle arall yn Rhualt, sef tir ger B5429 (rhan o Bant Ifan Newydd gynt), fel safle posibl hefyd.

Pwysleisiodd y Swyddogion, pe bai'r Cabinet yn cymeradwyo cyflwyno unrhyw un o'r safleoedd posibl neu bob un ohonynt i'w hystyried yn y CDLI newydd, byddai llawer iawn o waith manwl yn ofynnol cyn i unrhyw un ohonynt gael eu cynnwys yn y CDLI newydd terfynol mabwysiedig. O ganlyniad, mae'n bosibl y bydd rhai neu bob un ohonynt yn methu â chyflawni'r meini prawf cynhwysiant yn y pen draw. Pe bai'r Cabinet yn penderfynu eu cynnwys yn y CDLI newydd a archwilir gan y cyhoedd, esboniodd y ddau y byddai cymeradwyaeth y Cyngor Sir yn cael ei geisio i gynnal ymgynghoriad cyhoeddus llawn ar y CDLI a archwilir gan y cyhoedd. Yn dilyn ymgynghoriad cyhoeddus, byddai cymeradwyaeth y Cyngor yn cael ei geisio i gyflwyno'r ddogfen i'r LIC a'r Arolygiaeth Gynllunio i'w harchwilio'n gyhoeddus. Byddai'r Archwiliad Cyhoeddus yn gyfle i unrhyw unigolyn neu sefydliad sy'n gwrthwynebu unrhyw beth yn y CDLI i roi tystiolaeth i arolygydd annibynnol. Ar ôl i adroddiad terfynol yr Arolygydd gael ei gyhoeddi, byddai cymeradwyaeth y Cyngor yn cael ei geisio i fabwysiadu'r CDLI.

Mewn ymateb i gwestiynau gan Gadeirydd y Pwyllgor, cadarnhaodd yr Aelod Arweiniol a'r swyddogion:

- y byddai'r CDLI presennol yn dod i ben ar ddiwedd 2021. Pe na bai CDLI newydd yn cael ei fabwysiadu erbyn y dyddiad hwnnw byddai polisïau cynllunio cenedlaethol yn gorchfygu. Byddai hynny'n golygu bod polisïau a dyraniadau lleol h.y. mewn perthynas â thair fforddiadwy a ffiniau datblygiadau yn darfod ac ni fyddai modd eu defnyddio wrth ystyried ceisiadau cynllunio. Byddai penderfyniadau cynllunio lleol yn cael eu pennu yn seiliedig ar bolisïau cenedlaethol ac nid rhai lleol;

- hysbyswyd aelodau lleol sy'n cynrychioli wardiau'r Cyngor a oedd yn cynnwys safleoedd arfaethedig i'w datblygu fel safleoedd Sipsiwn a Theithwyr o'r cynigion cyn cyfarfod y Grŵp Rheoli Asedau

Pwysleisiodd swyddogion nad oedd cynnwys safleoedd posibl ar gyfer Sipsiwn a Theithwyr yn y CDLI Newydd yn cyfateb i'r safleoedd hynny a oedd yn cael eu datblygu i'r diben hwnnw, gan y byddai'n rhaid iddynt barhau i fod yn destun proses ceisiadau cynllunio'r awdurdod lleol, a gan hynny gellid eu gwrthod yn y cam hwnnw.

Cafodd aelodau lleol wardiau'r Cyngor a oedd yn cael eu hystyried ar gyfer gosod safleoedd posibl gyfle i godi pwyntiau a holi cwestiynau i'r Aelod Arweiniol a'r swyddogion. Mewn ymateb i'r pwyntiau a godwyd a'r pryderon a gyflwynwyd gan y cynghorwyr ar gyfer ward Dinbych Uchaf a Henllan, fe wnaeth yr Aelod Arweiniol a'r swyddogion:

- gadarnhau nad oedd ymgynghoriad wedi'i gynnal gyda'r gymuned Sipsiwn a Theithwyr ynghylch y safleoedd posibl arfaethedig eto.  
Ar y cyd â'u grwpiau eirioli, byddent yn cael cymryd rhan mewn ymgynghoriad ynghylch safleoedd posibl trwy broses y CDLI Newydd;
- dweud bod dau 'alwad am dir' ar wahân wedi cael eu gwneud i dirfeddianwyr er mwyn diwallu'r angen a nodwyd am Safleoedd Sipsiwn a Theithwyr.  
Fodd bynnag, nid oedd unrhyw dirfeddianwyr wedi cysylltu â'r Cyngor i awgrymu tir i'r diben hwn. Yn ogystal, cysylltwyd â phob cynghorydd a Chynghorau Dinas, Tref a Chymuned yn gofyn am awgrymiadau o dir addas ond ni chafwyd unrhyw beth o gwbl. Yn y gorffennol roedd y Cyngor wedi cysylltu â thirfeddianwyr gyda'r bwriad o brynu tir i'r diben hwn, ond nid oedd yr un ohonynt yn barod i werthu tir i'r Awdurdod, a dyna pam yr oedd y Cyngor ei hyn yn cyflwyno rhywfaint o'i dir ei hun i'w gynnwys o bosibl i ddangos i LIC bod ganddo gynnis realistig a chyraeddadwy yn ei CDLI newydd er mwyn diwallu'r angen a nodwyd;
- cadarnhau nad oedd tenantiaid presennol y tir a oedd yn perthyn i'r Cyngor a gyflwynwyd wedi cael eu hysbysu nac wedi bod yn rhan o ymgynghoriad ynghylch y cynnis cyn cyfarfod y Grŵp Rheoli Asedau hyd yma gan nad oedd unrhyw benderfyniad wedi'i wneud eto ynglŷn â p'un a ddylid cynnwys y tir fel safle posibl.  
Y rheswm am hynny oedd y posibilrwydd na fyddai'r Grŵp Rheoli Asedau yn cytuno â'u cynnwys felly gallai hysbysu tenantiaid o flaen llaw achosi straen a phryder di-angen iddyn nhw. Er bod y Grŵp Rheoli Asedau yn cytuno y dylid cynnwys y safleoedd ar y rhestr o safleoedd posibl, gofynnodd hefyd am gael ychwanegu safle arall yn Rhualt at y rhestr o safleoedd posibl, gan ddod â chyfanswm y safleoedd posibl i'w cynnwys i bump;
- dweud mai'r prif lwybr a ddefnyddiwyd gan Sipsiwn a Theithwyr i mewn ac allan o Sir Ddinbych oedd yr A55. O ganlyniad roedd y rhan fwyaf o wersylloedd diawdurdod wedi digwydd mewn ardaloedd arfordirol i'r gogledd o'r A55. Y rheswm posibl am hynny yw bod y gymuned Sipsiwn a Theithwyr yn gallu dod o hyd i ddigon o waith yn y rhan honno o'r sir;
- cadarnhau bod grant LIC tuag at gostau darparu Safleoedd Sipsiwn a Theithwyr awdurdodedig ar gael ar hyn o bryd tan ddiwedd 2021. Pe bai'r Cyngor yn cymeradwyo'r safleoedd ac yn derbyn caniatâd cynllunio, gallai'r



Awdurdod gyflwyno cynnig am unrhyw gyllid sydd ar gael tuag at ddatblygu'r safleoedd;

- dweud y disgwylir i ddigon o le fod ar gael mewn ysgolion yn yr ardaloedd arfaethedig i ddarparu ar gyfer nifer y plant o safle tramwy pe bai'r angen yn codi;
- cadarnhau bod oddeutu 15 o wersylloedd diawdurdod yn digwydd yn Sir Ddinbych bob blwyddyn;
- pwysleisio bod yr Asesiad o Lety Sipsiwn a Theithwyr (GTAA) a gynhaliwyd gan y Cyngor yn ofyn cyfreithiol o dan Adran 102 Deddf Tai (Cymru) 2014. O ganlyniad i'r asesiad hwn yn Sir Ddinbych mae'r angen am safle preswyl a safle tramwy wedi'u nodi.  
O ganlyniad, mae Adran 103 y Ddeddf uchod yn mynnu bod y Cyngor yn gwneud darpariaeth i ddiwallu'r angen a nodwyd.

Dywedodd yr aelod lleol dros Dremeirchion bod:

- Rhualt yn gymuned wledig fach gerllaw Ardal o Harddwch Naturiol Eithriadol (AHNE) Bryniau Clwyd a Dyffryn Dyfrdwy, lle nad oedd llawer o wasanaethau nac amwynderau lleol.  
Nid oedd siop nac ysgol yn y pentref bellach, nid oedd gwasanaeth bws yno chwaith, dim ond gwasanaeth bws-taksi ddwywaith yr wythnos;
- roedd yr ysgol gynradd agosaf yn Nhremeirchion, gydag ychydig iawn o leoedd dros ben ar hyn o bryd ac mae'n ysgol cyfrwng Cymraeg;
- roedd safle hen gae'r ysgol yn Rhualt, a oedd yn gynwysedig ar y rhestr o safleoedd posibl, yn amwynder i blant a theuluoedd lleol ar hyn o bryd ac roedd newydd gael ei ailwampio gydag offer chwarae newydd o'r radd flaenaf.  
Fel cae chwarae roedd yn cael ei warchod rhag datblygiad o dan y CDLI presennol fel man agored cyhoeddus;
- roedd y tir ger B5429 yn Rhualt ger hen ddaliad amaethyddol y Cyngor, Pant Ifan Newydd, ac roedd y Cyngor wedi gwerthu'r ffermdy a'r ysgubor am swm mawr o arian i unigolion a oedd wedi'u trosi yn gartrefi yn ddiweddar.  
Roedd perchnogion yr adeiladau hyn wedi cael eu harwain i gredu y byddai'r tir gerllaw eu heiddo yn cael ei ddatblygu at ddibenion preswyl yn y pen draw, nid fel safle tramwy i Sipsiwn a Theithwyr. Byddai datblygiad fel hyn yn cael effaith andwyol ar werth eu heiddo. Ar ochr arall y B5429 roedd nifer o fusnesau a oedd yn cyflogi dros 100 o bobl rhyngddynt. Pe bai'r darn penodol hwn o dir yn cael ei ddatblygu fel darpariaeth tramwy i Sipsiwn a Theithwyr yn y pen draw, gallai gael effaith ddifrifol ar y busnesau hyn a bywoliaeth nifer fawr o bobl;
- dim ond traean o hen safle'r lladd-dy ger Ffordd Treffynnon oedd Cyngor Sir Ddinbych yn berchen arno.  
Roedd y tir ar y safle hwn yn cynnwys lefelau uchel o halogiad, gan gynnwys gwastraff gwenwynig a gwastraff clwyf y traed a'r genau, a byddai hyn oll yn ychwanegu at gostau paratoi'r safle i'w ddatblygu. Roedd materion hawliau tramwy hefyd yn gysylltiedig â'r safle fel yr amlinellir mewn llythyr gan gymydog a ddarllenwyd yn y cyfarfod. Hefyd, credwyd bod LIC yn ffafrio'r safle penodol hwn i'w ddatblygu fel safle ailgyrchu Cynnyrch Hylendid Amsugol;

- gan mai dim ond am oddeutu 8 milltir y mae'r A55 yn mynd trwy Sir Ddinbych, a gan ei bod mor hawdd cael mynediad at y briffordd a'r lleoliadau, roedd Rhualt a Llanelwy dan anfantais anghymesur o ran nifer y mathau hyn o ddatblygiadau a oedd yn cael eu cyflwyno ar gyfer yr ardal.

Wrth ymateb i gwestiynau aelodau'r Pwyllgor, gwnaeth yr Aelod Arweiniol a swyddogion:

- gadarnhau oherwydd bod 'angen' wedi'i nodi am safle Sipsiwn a Theithwyr tramwy yn y sir, byddai CDLI y Cyngor yn wynebu'r perygl o gael ei wrthod gan LIC pe na bai'n cynnwys safleoedd arfaethedig i'w datblygu i'r diben hwn.  
Pe bai hynny'n digwydd, pwysleisiwyd y byddai'n rhaid i'r Cyngor wedyn gadw at bolisïau cynllunio cenedlaethol wrth bennu ceisiadau cynllunio, waeth beth fo'r angen neu'r dewisiadau yn lleol;
- dweud os yw awdurdod lleol wedi nodi angen am safle preswyl a/neu safle tramwy i Sipsiwn a Theithwyr fel rhan o'i GTAA, roedd ganddynt ddyletswydd rwymedig i ddatblygu'r safleoedd hynny o fewn ffiniau'r sir, waeth beth fo'r argaeledd o unrhyw ddarpariaeth debyg mewn ardaloedd awdurdod lleol cyfagos;
- cadarnhau bod gan Gyngor Bwrdeistref Sirol Conwy (CBSC) safle preswyl eisoes, ac roedd mewn sefyllfa debyg i Sir Ddinbych o ran nodi safleoedd i ddiwallu anghenion tramwy.  
Roedd gan Sir y Fflint eisoes nifer o safleoedd preswyl yn ardal y Fflint. Yn ddiweddar roedd wedi nodi lleoliad yn yr un ardal ar gyfer datblygiad posibl fel safle tramwy;
- dweud, er bod y Grŵp Rheoli Asedau wedi dangos ei fod yn ffafrio gweld hen safle'r lladd-dy ger Ffordd Treffynnon, Rhualt yn cael ei droi yn safle gwastraff cynnyrch hylendid amsugol (AHP), roedd hefyd wedi rhoi cyfarwyddyd y dylid parhau i archwilio'r posibilïadau o'i droi yn safle tramwy i Sipsiwn a Theithwyr, rhag ofn i'r safle AHP fethu â dwyn ffrwyth.
- cadarnhau bod risg mewn perthynas â'r tir ger Pant Ifan Newydd yn Rhualt oherwydd pe bai'r lleoliad yn cael ei gynnwys yn y CDLI Newydd i'w ddatblygu fel safle tramwy posibl i Sipsiwn a Theithwyr, byddai gwerth cyfalaf y tir gweddilliol yno a oedd â photensial at ddibenion datblygu preswyl yn gostwng yn sylweddol;
- dweud mewn perthynas â rhai o'r safleoedd arfaethedig bod angen cael cydbwysedd rhwng cost a budd a gwerth/dibrisiad asedau h.y. yn safle'r hen ladd-dy roedd cyllid sylweddol ar gael gan LIC er mwyn gwneud gwaith i adfer y safle.  
Pa bynnag gyfleuster a fyddai'n cael ei ddatblygu ar y safle hwnnw yn y pen draw, byddai'n rhaid gwneud gwaith adfer yno;
- dweud, pe na bai unrhyw un o'r pum safle posibl sy'n cael eu cynnig i'w cynnwys yn y CDLI Newydd at ddibenion safle Sipsiwn a Theithwyr, yn cael eu hystyried yn addas ar ôl gwneud gwaith ymchwil pellach, byddai'r broses o nodi safleoedd posibl yn ailddechrau;
- cadarnhau bod safle hen gae'r ysgol yn Rhualt yn cael ei warchod fel man agored o dan y CDLI presennol.

Fodd bynnag, gyda datblygiad y CDLI Newydd byddai cyfle i'r Cyngor adolygu'r holl ddyraniadau presennol pe bai'n teimlo bod hynny'n angenrheidiol. Gallai wneud hynny pe bai'n amnewid dyraniadau blaenorol am ddyraniadau tebyg eraill yn y CDLI newydd;

- dweud bod gan LIC bwerau diofyn (Rhan 6 Deddf Cynllunio a Phrynu Gorfodol 2004, adran 71) sy'n golygu, pe bai LIC yn credu bod y cyngor yn methu neu'n peidio â gwneud rhywbeth sy'n angenrheidiol mewn perthynas â CDLI, y gallai dynnu CDLI sydd wrthi'n cael ei baratoi o reolaeth yr awdurdod lleol a gwneud unrhyw newidiadau angenrheidiol.

Byddai archwiliad cyhoeddus yn cael ei gynnal a gallai LIC wedyn gymeradwyo eu CDLI fel cynllun datblygu i'r ardal. Pe bai hynny'n digwydd, byddai unrhyw benderfyniadau yn ymwneud â lleoliadau safleoedd ar gyfer llety Sipsiwn a Theithwyr a materion eraill yn cael eu cymryd allan o ddwylo cynghorwyr etholedig;

- dweud bod y CDLI presennol yn cynnwys polisi yn seiliedig ar feini prawf i asesu unrhyw gynigion ar gyfer safleoedd Sipsiwn a Theithwyr, gan nad oedd asesiad GTAA wedi cael ei gwblhau.

Roedd yr asesiad wedi cael ei gymeradwyo ym mis Ionawr 2017 ac o ganlyniad roedd yr angen am safle preswyl a thramwy wedi cael ei nodi. O ganlyniad, roedd angen i'r Cyngor amlinellu yn ei CDLI Newydd sut yr oedd yn bwriadu diwallu'r anghenion dynodedig hynny;

- cadarnhau bod Cyngor Bwrdeistref Sirol Conwy a Chyngor Sir Ddinbych wedi cynnal asesiad o anghenion llety ar y cyd.

Wrth gynnal yr asesiad roeddent wedi dilyn canllawiau a gyhoeddwyd gan LIC. Er bod yr ymarfer coladu data wedi'i gynnal ar y cyd, roedd y data a gyflwynwyd i LIC wedi bod yn seiliedig ar bob ardal sirol unigol. Roedd LIC wedi craffu'r data a ddarparwyd iddynt ac wedi dangos ei fod yn derbyn y broses a ddilynwyd ac wedi dilysu'r data. O dan reolau Diogelu Data nid oedd y Cyngor mewn sefyllfa i rannu ymatebion unigol a dderbyniwyd i'r asesiad GTAA;

- cadarnhau bod y ddau gyngor yn y broses o wahodd tendrau ar gyfer yr asesiad o anghenion llety nesaf.

Roedd yr asesiad cymeradwy presennol yn cwmpasu'r cyfnod hyd at 2021, byddai'r asesiad newydd yn cwmpasu'r cyfnod hyd at 2033 a oedd yn cyfateb â llinell amser y CDLI Newydd. Byddai'r asesiad newydd yn darparu gwybodaeth ynglŷn ag unrhyw angen ychwanegol i'r rheiny a nodwyd yn yr asesiad presennol. Ni fyddai'n cymryd lle canfyddiadau'r asesiad presennol a oedd wedi nodi bod angen safleoedd preswyl a thramwy, ac yr oedd y Cyngor yn rhwymedig trwy gyfraith i'w darparu;

- dweud bod yr asesiadau o nodau lles yn yr Asesiad o Effaith ar Les (Atodiad 3 yr adroddiad) yn asesiadau ar gyfer y sir gyfan ar hyn o bryd.

Byddai asesiadau tebyg yn cael eu cynnal fesul safle pe bai unrhyw safleoedd arfaethedig yn cael eu hargymell i'w cynnwys yn y CDLI Newydd pryd bynnag y byddai hynny'n digwydd;

- cadarnhau y daethpwyd i'r casgliad bod y ddarpariaeth ar gyfer pum llain yn ddigonol ar gyfer safle tramwy yn Sir Ddinbych.

Roedd y ffigwr hwn wedi deillio o nifer a maint y gwerylloedd diawdurdod a oedd wedi bod yn y sir dros gyfnod o 12 mis. Gan hynny, ymddengys bod pum llain yn ddigonol ar hyn o bryd. Pe bai'n dod i'r amlwg dros amser nad

oedd pump yn ddigonol, byddai gwaith pellach yn ofynnol i asesu'r ffordd orau o ddiwallu'r angen hwnnw. Gallai hynny gynnwys ymestyn safle presennol. Byddai unrhyw gynnig felly yn amodol ar y broses ceisiadau cynllunio arferol.

Caniataodd y Cadeirydd i ddau aelod o'r cyhoedd annerch y Pwyllgor ar eu pryderon ynglŷn â lleoliadau'r safleoedd arfaethedig yn eu hardaloedd, un o bob ward Cyngor Sir. Roeddent yn cydnabod yr awgrym bod y Cyngor yn rhwymedig yn unol â'r gyfraith i ddarparu cyfleusterau tebyg a bod mwyafrif y cymunedau wedi mabwysiadu agwedd 'nid yn fy iard gefn i' (NIMBY) tuag at y mathau hyn o ddatblygiadau. Wedi dweud hynny, er bod eu pryderon yn adlewyrchu pryderon aelodau etholedig yn gyffredinol, roeddent hefyd yn tynnu sylw at y posibilrwydd o golli manau gwyrdd mewn cymunedau gwledig a oedd eisoes heb lawer o amwynderau cyhoeddus ar gael iddynt, colli tir amaethyddol a'r effaith ar fywoliaeth ffermwyr unigol, a'r diffyg seilwaith lleol mewn rhai ardaloedd i gefnogi'r mathau hyn o gyfleusterau.

Cofrestrodd aelod o'r Pwyllgor ei bryderon am natur 'annemocrataidd' Grŵp Rheoli Asedau'r

Cyngor, sydd yn ei farn ef yn ddylanwadol dros ben er gwaetha'r ffaith mai dim ond un aelod etholedig, sef aelod Cabinet, sy'n gwasanaethu arno. Roedd o'r farn y dylai cylch gwaith a rôl y Grŵp gael ei adolygu. Cafodd ei atgoffa gan yr Aelod Arweiniol Cynllunio, Gwarchod Y Cyhoedd a Chymunedau Mwy Diogel bod cyfarfodydd y Grŵp ar agor i bob cynghorydd fynychu. Hefyd, gallai unrhyw gynghorydd annerch a herio'r Grŵp am unrhyw gynigion yn eu cyfarfodydd. Yn wir, roedd hyn wedi digwydd yn ystod trafodaeth ar leoliadau arfaethedig Safleoedd Sipsiwn a Theithwyr yng nghyfarfod y Grŵp ar 30 Medi, a oedd wedi arwain at ychwanegu pumed safle posibl at y rhestr.

Cafodd cwestiwn ei ofyn ynglŷn â pham bod rhestr o safleoedd arfaethedig i'w defnyddio ar gyfer y gymuned Sipsiwn a Theithwyr yn cael ei chyflwyno i'w chynnwys yn y CDLI newydd heb ymgynghori â'r gymuned Roma, Sipsiwn a Theithwyr ymlaen llaw ynglŷn â'r lleoliadau a ffefrir ganddynt, a/neu p'un a oedd unrhyw un o'r safleoedd a oedd yn cael eu hystyried gan y Cyngor yn addas i'r gymuned. Oni ddylent fod yn gysylltiedig â thrafodaethau yn ymwneud â lleoliadau safleoedd posibl mor fuan ag sy'n bosibl?

Tra'n cydnabod bod y broses bresennol hyd yma yn ymddangos yn fwy agored a thryloyw na rhai tebyg a gynhaliwyd yn y gorffennol, holodd yr Is-Gadeirydd a allai'r Cyngor wneud cais am ganiatâd cynllunio ar gyfer mwy nag un safle tramwy i Sipsiwn a Theithwyr ar yr un pryd? Dywedodd swyddogion y gellid llunio rhestr flaenoriaeth o safleoedd a ffefrir pe bai angen.

Mewn ymateb i gwestiynau pellach, dywedodd yr Aelod Arweiniol a swyddogion:

- bod y meini prawf a ddefnyddir i asesu addasrwydd safleoedd yr un peth â'r rhai a ddefnyddiwyd ar gyfer ymarferion blaenorol.  
Roedd yn cymryd i ystyriaeth gofynion y CDLI a pholisïau LIC ymhlith pethau eraill; a
- tra bo mwyafrif y gwersylloedd diawdurdod yn y sir wedi bod yn ardaloedd y Rhyl a Phrestatyn, sy'n awgrymu ei fod yn ardal a ffefrir gan y gymuned Sipsiwn a Theithwyr, roedd mwyafrif y tir sy'n perthyn i'r Cyngor yn yr ardal honno yn cael ei ystyried yn anaddas i'w ddatblygu i'r diben hwn gan eu bod o fewn ardaloedd llifogydd cydnabyddedig.  
Byddai LIC yn gwrthod cynnwys y safleoedd hynny ar y sail honno.

Dywedodd yr Aelod Arweiniol Tai a Chymunedau, a fyddai'n gyfrifol an y safle(oedd) ar ôl iddynt gael eu datblygu yn y sir, ei fod o'r farn y byddai angen creu llywbrau cenedlaethol i safleoedd tramwy ledled y DU, dan gyfarwyddyd llywodraeth ganolog. Datganodd bod y tymor 'tramwyo' yn gyffredinol yn para rhwng mis Mehefin a diwedd yr hydref bob blwyddyn a bod gan yr Heddlu bwerau i symud gwersylloedd diawdurdod os oedd safleoedd awdurdodedig ar gael ar eu cyfer yn yr ardal awdurdod lleol benodol honno. Roedd ef o'r farn nad oedd pum llain yn ddigon a bod y lleoliadau a oedd yn cael eu cynnig yn anaddas. Dyna pam y dylai llywodraeth ganolog arwain y gwaith o ddatblygu rhwydwaith o safleoedd tramwy wedi'u lleoli'n strategol i ddiwallu anghenion ac ateb gofynion y gymuned Sipsiwn a Theithwyr. Mynegodd ei farn hefyd y dylai Cyngor Sir Ddinbych weithio'n agos â Chyngor Bwrdeistref Sirol Conwy i ddatblygu safle tramwy. Ar sail y pryderon a godwyd yn y cyfarfod, pe bai safle neu safleoedd tramwy yn cael eu dyrannu yn y CDLI, awgrymodd yr Aelod Arweiniol y byddai'n oedi eu gweithrediad cyhyd ag sy'n bosibl.

Cytunodd aelodau lleol ar gyfer Dinbych Uchaf a Henllan gyda'r Aelod Arweiniol Cynllunio, Gwarchod y Cyhoedd a Chymunedau Mwy Diogel nad oedd lleoliadau Ffordd Henllan, Dinbych yn ddelfrydol ar gyfer safle tramwy gan eu bod yn rhy bell i ffwrdd o'r prif lwybr tramwy, nid ydynt yn ddigon agos at amwynderau lleol ac ni fyddent yn darparu sylfaen boblogaeth sy'n ddigon mawr i gefnogi eu cyfleoedd busnes. Oherwydd eu lleoliad, pe bai un o'r safleoedd hyn yn cael eu datblygu i'r diben hwn, byddai risg sylweddol na fyddai'r gymuned Sipsiwn a Theithwyr yn ei ddefnyddio.

Cadarnhaodd swyddogion ei bod yn rhwymedigaeth gyfreithiol i ddarparu lleiniau a oedd yn ddigonol i wasanaethu carafanau teithiol, nid ydynt yn rhwymedig i ddarparu lle i breswylwyr redeg eu busnesau. Cadarnhawyd hefyd nad oedd safleoedd Ffordd Henllan, Dinbych wedi cael eu hystyried yn ystod y broses ddechreuol ar gyfer darparu safle i Sipsiwn a Theithwyr gan mai'r bwriad gwreiddiol oedd gosod y safleoedd preswyl a thramwy yn Green Gates (dwyrain), Llanelwy.

Atgoffwyd y Pwyllgor gan y Cadeirydd mai pwrpas y drafodaeth yn y cyfarfod presennol oedd ceisio eu harsylwadau i'r broses o symud safleoedd posibl ar gyfer Sipsiwn a Theithwyr trwy'r CDLI ac nid asesu addasrwydd neu ddiffyg addasrwydd safleoedd unigol sy'n cael eu cyflwyno i'w cynnwys yn y CDLI fel safleoedd posibl i'r diben hwn ar hyn o bryd.

Ar ddiwedd trafodaeth fanwl a thrylwyr, pwysleisiodd y Pwyllgor eu pryderon am lymder Rheoliadau LIC sy'n mynnu bod pob awdurdod lleol sydd wedi nodi bod angen Safleoedd Sipsiwn a Theithwyr preswyl a/neu thramwy yn datblygu'r safleoedd hynny fesul sir ac ar wahân i ddarpariaeth sydd o bosibl eisoes ar gael ac sy'n cael ei danddefnyddio mewn ardal awdurdod lleol cyfagos. Teimlwyd bod y Rheoliadau hyn yn mynd yn groes i'r pwyslais cynyddol y mae LIC yn ei roi ar waith rhanbarthol ac is-ranbarthol er mwyn gwireddu gwerth am arian ac arbedion effeithlonrwydd. Gan hynny, gyda'r mwyafriif o blaid ac un yn ymatal, penderfynodd y Pwyllgor:

***Penderfynwyd: - argymell wrth y Cabinet, cyn penderfynu ar y safleoedd tramwy i'w cyflwyno fel safleoedd i'w symud ymlaen fel Safleoedd Sipsiwn a Theithwyr posibl yn y Cynllun Datblygu Lleol newydd, y dylid rhoi sylw i'r materion canlynol -***

***(i) y diffyg ymgynghori â'r gymuned Sipsiwn a Theithwyr a'u grwpiau eirioli ynghylch addasrwydd safleoedd arfaethedig i'w datblygu fel***

*safleoedd ar gyfer eu defnydd penodol cyn eu cynnwys ar restr o safleoedd posibl i'w cyflwyno fel rhan o'r Cynllun Datblygu Lleol newydd;*

- (ii) y dylai prosesau ar gyfer nodi a dewis Safleoedd Sipsiwn a Theithwyr posibl yn y dyfodol fod mor agored a thryloyw ag sy'n bosibl i aelodau a phreswylwyr, gyda chynigion yn cael eu cyflwyno i bob cynghorydd mewn sesiwn frifio i'r Cyngor ac i'r gwasanaeth Craffu i'w harchwilio cyn iddynt gael eu cyflwyno i'r Cabinet am gymeradwyaeth;*
- (iii) bod eglurhad yn cael ei roi ynglŷn â sut y daeth Asesiad o Lety Sipsiwn a Theithwyr Cyngor Sir Ddinbych i'r casgliad y byddai safle tramwy â phum llain yn ddigon i ddiwallu anghenion tramwy Sipsiwn a Theithwyr yn y sir;*
- (iv) bod y Cabinet yn ysgrifennu yn y termau cryfaf posibl at Lywodraeth Cymru gan fynegi eu pryderon difrifol am ofynion Rhan 3 Deddf Tai (Cymru) 2014 sy'n gosod rhwymedigaeth ar bob awdurdod lleol unigol i gynnal Asesiad o Lety Sipsiwn a Theithwyr, ac os nodir yr angen i ddatblygu safle tramwy, bod pob awdurdod unigol yn rhwymedig i ddarparu safle tramwy o fewn ei ffiniau hyd yn oed os oes datblygiadau tebyg yn bodoli neu ar fin cael eu datblygu mewn ardal awdurdod cyfagos. Ymddengys bod y Rheoliadau hyn yn amhriodol ac yn anghymesur i fynd i'r afael ag anghenion y gymuned deithiol a'u bod yn mynd yn groes i ddeddfwriaeth, polisiau a dyheadau eraill Llywodraeth Cymru sy'n hyrwyddo cydweithio effeithiol rhwng awdurdodau ar sail ranbarthol ac is-ranbarthol;*
- (v) nes bo'r materion uchod wedi'u gweithredu a bod adroddiad pellach wedi'i gyflwyno i'r gwasanaeth Craffu, bod penderfyniad ar gynnwys y pum safle a restrir yn yr adroddiad i'w cynnwys fel lleoliadau datblygu posibl ar gyfer safleoedd Sipsiwn a Theithwyr yn y Cynllun Datblygu Lleol newydd yn cael eu cadw ar encil;*
- (vi) y diffyg ymgynghori ag aelodau lleol ynghylch y safleoedd arfaethedig o fewn eu wardiau cyn eu cynnwys yn yr adroddiad i'r Grŵp Rheoli Asedau.  
Yn y dyfodol, dylai aelodau lleol fod yn rhan o ymgynghoriadau ynghylch unrhyw gynigion arwyddocaol sy'n effeithio ar eu wardiau ac nid dim ond cael eu hysbysu ohonynt; a*
- (vii) yr angen i'r Grŵp Rheoli Asedau fod yn fwy agored, hygyrch a thryloyw i bob cynghorydd, yn arbennig gan mai dim ond un aelod etholedig sy'n aelod o'r Grŵp.*

Pleidleisiodd y Pwyllgor drwy fwyafrif ar gynnig y dylid dod ag adroddiad sy'n ymwneud â'r broses a'r safleoedd penodol hyn yn ôl i'w ystyried ymhellach ar ôl gweithredu argymhellion (i) i (v) uchod.

## 6 PROSIECT ARCHIFAU AR Y CYD SIR DDINBYCH A SIR Y FFLINT

Cyflwynodd yr Aelod Arweiniol Tai a Chymunedau'r adroddiad ac atodiadau (eisoes wedi'u cylchredeg) a oedd yn darparu gwybodaeth ynglŷn â phrosiect ar y cyd ar gyfer archifau Sir Ddinbych a Sir y Fflint, gyda ffocws arbennig ar y model cyflenwi gwasanaeth newydd arfaethedig.

Yn ystod ei gyflwyniad pwysleisiodd yr Aelod Arweiniol y byddai darparu Gwasanaeth Archifau ar y cyd â Chyngor Sir y Fflint a datblygu gwasanaeth 'gweithredu trwy bwynt canolog', yn amodol ar gais llwyddiannus i Gronfa Dreftadaeth y Loteri Genedlaethol, yn fuddiol i drigolion Sir Ddinbych gan y byddai Gwasanaeth Archifau llawn amser ar gael yn hytrach na gwasanaeth tri diwrnod sydd ar gael yn y sir ar hyn o bryd. Byddai hynny'n wir er gwaethaf y ffaith bod y 'canolbwynt' yn yr Wyddgrug gan y byddai holl lyfrgelloedd Sir Ddinbych yn cael mynediad at gofnodion digidol y gwasanaeth felly byddai trigolion yn gallu gwneud unrhyw waith ymchwil o'u llyfrgell leol, yn hytrach na gorfod trefnu apwyntiad i ymweld ag Archifdy'r Sir yn Hen Garchar Rhuthun fel sy'n digwydd ar hyn o bryd. Pe baent eisiau cael gafael ar ddogfennau gwreiddiol, byddent yn gallu gwneud hyn o dan y model newydd trwy fynychu â'r canolbwynt yn yr Wyddgrug.

Oherwydd eu hoedran a'u bregusrwydd, roedd yn rhaid i ddogfennau'r archifdy gael eu cadw dan amodau amgylcheddol caeth er mwyn eu gwarchod a'u diogelu, fel arall byddai'r Gwasanaeth mewn perygl o golli ei statws achrediad archif. Roedd cynghorau Sir Ddinbych a Sir y Fflint yn awyddus i ddatblygu Gwasanaeth Archifau ar y cyd gan fod Sir y Fflint eisoes wedi mynd y tu hwnt i'w gapasiti storio tra bod disgwyl i Sir Ddinbych fod mewn sefyllfa debyg erbyn 2021. Hefyd, roedd y System Rheoli Amgylcheddol yn Hen Garchar Rhuthun yn nesáu at ddiwedd ei oes a disgwylir i'r gost o'i newid fod yn sylweddol, felly dyna pam y teimlwyd y dylid ymchwilio i'r cyfle i ddarparu gwasanaeth ar y cyd, o bosibl mewn adeilad pwrpasol o'r radd flaenaf. Er bod y Gwasanaeth Archifau presennol yn mynd â 70% o adeilad yr Hen Garchar, roedd yn denu tua 800 o ymwelwyr y flwyddyn, gyda nifer ohonynt yn ail ymweliadau gan yr un bobl. Mewn cymhariaeth roedd y Gwasanaethau Cefn Gwlad a Threftadaeth yn denu oddeutu 11,000 o bobl y flwyddyn i'w gyfran o 30% o'r adeilad.

Pwysleisiodd yr Aelod Arweiniol bod gan y Cyngor ymrwymiad eisoes i ddefnyddio'r Hen Garchar i ddarparu ei Wasanaeth Archifau tan 2025, pe bai'r model cyflenwi gwasanaeth o bwynt canolog yn dwyn ffrwyth, gan y byddai'n cymryd llawer iawn o amser i ddarparu'r prosiect hwn yn ei gyfanrwydd. Yn y cyfamser byddai'n ymchwilio'n frwd i ddulliau posibl o gynyddu ystod y gwasanaethau treftadaeth a allai gael eu darparu yno ar ôl i'r Gwasanaeth Archifau ymadael, ar y cyd â safleoedd treftadaeth eraill y Cyngor, h.y. Nantclwyd y Dre a sefydliadau allanol megis yr Ymddiriedolaeth Genedlaethol.

Dywedodd yr Aelod Arweiniol wrth yr Aelodau bod Cyngor Tref Rhuthun wedi cofrestru siom nad oedd wedi bod yn rhan o'r ymgynghoriad ynghylch y cynnig hyd yma, ond pe bai'r prosiect yn dwyn ffrwyth ni fyddai'r Gwasanaeth yn gadael yr Hen Garchar tan 2025, felly teimlwyd ei bod braidd yn rhy gynnar i ymgynghori â Chyngor y Dref ar hyn o bryd. Y flaenoriaeth fyddai sicrhau £11.5m o grant Heritage Horizons gan Gronfa Dreftadaeth y Loteri. Byddai angen i unrhyw gynnig

am swm mor sylweddol o arian fod ar gyfer prosiect arbennig a phwrpasol iawn. Dyna pam yr oedd Sir Ddinbych am weithio gyda Chyngor Sir y Fflint i adeiladu adeilad pwrpasol wrth ymyl Theatr Clwyd yn yr Wyddgrug. Roedd y broses o wneud cais am y grant wedi dechrau gan fod y ddau awdurdod wedi cyflwyno eu datganiad o ddiddordeb ar y cyd mewn gwneud cais am grant Heritage Horizons Cronfa Dreftadaeth y Loteri ar 18 Hydref. Erbyn mis Rhagfyr 2019 dylai'r Gronfa roi gwybod i'r cynghorau p'un a yw eu datganiad o ddiddordeb wedi cael ei dderbyn er mwyn mynd ymlaen i ail gam y broses sef datblygu cynnig prosiect manwl a chynllun i'w gyflwyno i'r Gronfa a fydd yn penderfynu wedyn a ddylai'r grant gael ei ddyfarnu i'r prosiect erbyn mis Rhagfyr 2020. Amcangyfrifwyd mai cost y prosiect fyddai £16,650,344 a byddai disgwyl i Sir Ddinbych gyfrannu ychydig dros £2m a Sir y Fflint £3m. Pe bai'r prosiect yn cael ei ddarparu, roedd yn hanfodol bod £11.5m o arian y Gronfa Dreftadaeth yn cael ei sicrhau, heb hwnnw ni fyddai modd i'r prosiect fynd yn ei flaen. Pe bai'r prosiect yn llwyddiannus ac yn cael ei ddarparu yn ei gyfanrwydd, er y byddai'r 'canolbwynt' yn Sir y Fflint, byddai'r holl gofnodion ar gael yn ddigidol i drigolion Sir Ddinbych yn eu llyfrgelloedd lleol. Byddai hefyd yn sicrhau'r Gwasanaeth am yr 20 mlynedd nesaf ac yn cynhyrchu incwm ychwanegol o ryw £12K y flwyddyn, yn lleihau'r angen i dalu am storffeydd masnachol i gadw cofnodion ac yn osgoi costau sylweddol sy'n gysylltiedig â newid y system rheoli amgylcheddol yn yr Hen Garchar.

Oherwydd bod Cyngor Bwrdeistref Sirol Wrecsam yn ardal awdurdod lleol 'newydd', cadarnhaodd yr Aelod Arweiniol a'r swyddogion bod llawer iawn o'i gofnodion cyn 1996 yn cael eu cadw yn yr Hen Garchar. Hefyd, roedd nifer o arteffactau o Sir Ddinbych yn cael eu cadw mewn storffeydd yn Llyfrgell Genedlaethol Cymru yn Aberystwyth ac Amgueddfa Genedlaethol Cymru yng Nghaerdydd. Byddai datblygu'r prosiect hwn yn cynnwys creu gofod arddangos pwrpasol sy'n golygu y gallem ofyn am ddychwelyd yr eitemau hyn i'w harddangos i'r cyhoedd. Roedd yr Aelod Arweiniol a'r swyddogion o'r farn bod y cyllid hwn sydd ar gael yn darparu cyfle prin iawn i'r ddau awdurdod lleol wneud cofnodion, dogfennau hanesyddol ac arteffactau yn hygyrch i'w holl drigolion a chreu darpariaeth allgymorth ragorol ar gyfer ysgolion a sefydliadau eraill i ymgymryd â gwaith ymchwil. Roedd hanes cymunedol yn rhan annatod o hunaniaeth yr ardal.

Gwahoddwyd aelodau lleol ardal Rhuthun i annerch y Pwyllgor ynglŷn â'u pryderon am y prosiect. Y prif bwyntiau a godwyd ganddynt oedd:

- nad oedd yr Asesiad o Les ar gyfer y prosiect arfaethedig, a oedd yn gyffredinol gadarnhaol, yn rhoi sylw digonol i'r effaith negyddol annisgwyl y gallai symud y Gwasanaeth i'r Wyddgrug ei gael ar economi Sir Ddinbych, yn enwedig Rhuthun.
- bod nifer fawr o'r rheiny sy'n mynychu'r Hen Garchar i ddefnyddio'r Gwasanaeth yn oedrannus ac felly byddent yn methu ag ymweld â'r cyfleuster yn yr Wyddgrug oherwydd diffyg cludiant cyhoeddus i'r lleoliad arfaethedig.
- yn eu barn nhw roedd y prosiect wedi cael ei ystyried mewn dull ynysig. Dylai'r cynnig gynnwys arfarniad opsiynau manwl i ehangu'r gwasanaethau presennol sydd ar gael yn yr Hen Garchar, trwy godi adeilad storio archifau pwrpasol yn y maes parcio y tu ôl i'r Hen Garchar. Trwy gael y Gwasanaeth Archifau a'r cyfleuster treftadaeth i gyd ar yr un safle yn yr Hen Garchar,



byddai cyfle i wneud y mwyaf o nifer yr ymwelwyr archifau a thwristiaeth yn y dref.

- bod poblogrwydd defnyddio archifau a chofnodion digidol mewn llyfrgelloedd yn faes anhysbys hyd yma, efallai na fyddai'n 'brofiad' y byddai archifwyr selog yn ei fwynhau.
- byddai symud y Gwasanaeth Archifau i'r Wyddgrug yn arwain at golli adnodd pwysig iawn arall yn ardal Rhuthun ac o ganlyniad byddai busnesau eraill yn y dref a'r ardal gyfagos yn dioddef gan fod haneswyr yn teithio o bell i wneud eu gwaith ymchwil yn yr Hen Garchar, gan aros mewn gwestai lleol a gwario arian yn yr ardal.
- bod nifer o grwpiau buddiant eisoes wedi cysylltu â chynghorwyr lleol i gofrestru eu pryderon am y cynnig i symud y Gwasanaeth.
- y dylai'r Cyngor edrych ar dyfu'r gwasanaethau sydd ar gael yn yr Hen Garchar trwy eu cysylltu ag asedau twristiaeth a threftadaeth amrywiol eraill yn yr ardal yn hytrach na'u symud i'r Gwasanaeth Archifau yn yr Wyddgrug.

Mewn ymateb i'r uchod, cadarnhaodd yr Aelod Arweiniol a'r swyddogion:

- bod y Cyngor yn gwbl ymroddedig i barhau i ddarparu Gwasanaeth Archifau yn yr Hen Garchar tan 2025. Tan hynny byddai'n gweithio gyda Gwasanaethau Cefn Gwlad a Threftadaeth y Cyngor er mwyn sicrhau dyfodol yr adeilad trwy ddarparu mwy o arlwy'r Gwasanaeth hwnnw o'r cyfleuster ar ôl i'r Gwasanaethau Archifau symud allan;
- bod trafodaethau cynnar ar fin dechrau gyda'r Ymddiriedolaeth Genedlaethol yn rhanbarthol ac yn genedlaethol gyda'r bwriad o archwilio opsiynau posibl ar gyfer y safle a'r ardal yn gyffredinol;
- bod y cynnig wedi cael ei drafod gyda'r AS a'r AC lleol ac roedd y ddau wedi cefnogi'r cynigion.
- pe bai'r cynnig i'r Gronfa Dreftadaeth yn llwyddiannus a phe bai'r adeilad canolbwynt pwrpasol yn yr Wyddgrug yn cael ei adeiladu, byddai costau rhedeg y Gwasanaeth Archifau yn gostwng yn sylweddol, byddai ei oriau agor yn cynyddu ac yn newid o'r gwasanaeth tri diwrnod presennol i wasanaeth chwe diwrnod ac yn gwella hygyrchedd i bawb trwy'r llyfrgelloedd.  
Nod y cynnig oedd darparu gwasanaeth gwell a mwy hygyrch nid ychwanegu at Theatr Clwyd. Byddai Canolbwynt yr Archifau yn adeilad ar wahân wrth ymyl y theatr ac nid rhan o adeilad y theatr, ond byddai cyfle i'r ddau sefydliad gydweithio er mwyn gwella gwasanaethau allgymorth, darparu cyfleusterau i staff ac ati.
- er bod Carchar Rhuthun yn gartref i lawer iawn o Archifau Sir Ddinbych, nid oedd pob un yn cael ei gadw yno, roedd rhai yn cael eu cadw mewn storfeydd ac eraill yn Archifdy Sir y Fflint ym Mhenarlâg ar hyn o bryd, oherwydd newidiadau mewn ffiniau sirol pan ad-drefnwyd y ddau lywodraeth leol.
- y Gwasanaethau Archifau mwyaf llwyddiannus yn y DU oedd y rheiny â darpariaeth gwasanaeth allgymorth, a dyna pam y ceisir datblygu gwasanaeth allgymorth gweithredol fel rhan o'r cynnig hwn er mwyn annog

unigolion, ysgolion, grwpiau cymunedol, cartrefi gofal ac ati i ddefnyddio'r gwasanaethau sydd ar gael.

Wrth ymateb i gwestiynau aelodau'r Pwyllgor, gwnaeth yr Aelod Arweiniol a swyddogion:

- cytuno bod angen amlygu manteision sefydlu'r gwasanaeth gweithredu o bwynt canol i'r cyhoedd h.y. mynediad digidol, gwell hygyrchedd gan fod y cyfleuster ar agor 6 diwrnod yr wythnos yn hytrach na 3 diwrnod fel y sefyllfa bresennol, mwy o staff i gynorthwyo'r cyhoedd gyda'u gwaith ymchwil, mwy o ofod arddangos ar gyfer arteffactau hanesyddol ac ati.
- dweud mai dim ond pedwar prosiect yn y DU fyddai'n elwa o grant Heritage Horizons Cronfa Dreftadaeth y Loteri Genedlaethol.  
Roedd disgwyl i gannoedd o brosiectau wneud cais am yr arian a oedd ar gael felly i fod yn llwyddiannus roedd angen i brosiectau fod yn arloesol, trawsnewidiol, cydweithredol ac anelu at fynd i'r afael â risg i dreftadaeth neu dirweddau a natur.
- cadarnhau na allai Sir Ddinbych gyda'i niferoedd staff a'i oriau agor cyfyngedig ddarparu gwasanaethau allgymorth ar hyn o bryd.  
Byddai'r cynnig hwn yn mynd i'r afael â'r diffyg hwnnw.
- dweud bod Llywodraeth Cymru (LIC) yn annog Gwasanaethau Archifau i weithio ar y cyd, ond hyd yma dim ond Sir Ddinbych a Sir y Fflint oedd yn dangos awydd i ddilyn y llwybr hwn
- cadarnhau bod cyfanswm o chwe safle wedi cael eu hystyried i ddechrau er mwyn datblygu 'canolbwynt' ond roedd y safle hwn wedi codi o'r broses ddethol fel y safle a ffeirir.
- dweud y byddai'r Gwasanaeth yn cael ei redeg ar y cyd gan Sir Ddinbych a Sir Y Fflint.
- cadarnhau mai'r nod yn y pen draw oedd dychwelyd yr holl arteffactau hanesyddol lleol a oedd yn cael eu storio mewn sefydliadau cenedlaethol ar hyn o bryd er mwyn galluogi trigolion ac ymwelwyr yr ardal i ddod i'w gweld a'u mwynhau.
- dweud bod yr holl ymdrechion yn mynd ar sicrhau cynnig llwyddiannus i gael grant gan Gronfa Dreftadaeth y Loteri Genedlaethol ar hyn o bryd. Nid oedd unrhyw 'Gynllun B' yn bodoli ar hyn o bryd, a dylai'r canlyniad gyrraedd erbyn diwedd 2020. Er hynny, roedd trafodaethau ar y gweill gyda'r Gwasanaethau Cefn Gwlad a Threftadaeth a sefydliadau allanol er mwyn gwella'r arlwy yn yr Hen Garchar yn y dyfodol a fyddai o fudd i Rhuthun a'r ardal gyfagos; a
- cadarnhau y byddai sefydlu Gwasanaeth Archifau ar y cyd â Sir y Fflint yn digwydd ym mis Ebrill 2020.

Ar ddiwedd trafodaeth drylwyr pwysleisiodd Aelodau bod angen gwella cyfathrebu ac ymgynghori ag aelodau lleol ar faterion a oedd yn cael effaith ar eu wardiau a gofynnodd i'r Grŵp Cadeiryddion ac Is-gadeiryddion Craffu drafod hyn mewn cyfarfod yn y dyfodol. Penderfynodd y Pwyllgor:

**Penderfynwyd: - yn amodol ar y sylwadau uchod -**

- (i) cydnabod y cynnig i greu un Gwasanaeth Archifau a rennir gyda Chyngor Sir y Fflint, gan weithredu dros ddau safle i ddechrau (Rhuthun a Phenarlâg);**
- (ii) trwy fwyafrif i gefnogi bod y Gwasanaeth, yn amodol ar sicrhau arian gan Gronfa Dreftadaeth y Loteri Genedlaethol, yn cael ei ddarparu trwy fodel gweithredu trwy bwynt canolog mewn adeilad newydd ger Theatr Clwyd yn yr Wyddgrug a darparu gwasanaeth trwy gymysgedd o ddarpariaeth allgymorth gymunedol barhaol a dros dro;**
- (iii) bod opsiynau yn cael eu llunio ar gyfer defnyddio'r gofod gwag posibl yng Ngharchar Rhuthun os bydd y gwasanaeth archif sengl arfaethedig a chreu 'canolbwynt' yn mynd yn ei flaen, a bod yr opsiynau hynny'n cael eu cyflwyno i'r Pwyllgor i'w hystyried yn ystod haf 2020; a**
- (iv) cadarnhau, fel rhan o'i ystyriaeth, ei fod wedi darllen, deall ac ystyried yr Asesiad o'r Effaith ar Les (Atodiad A).**

Pleidleisiodd dau aelod o'r Pwyllgor yn erbyn (ii) uchod, ond cafodd yr argymhelliad ei gynnal gan y mwyafrif.

## **7 DYLUNIAD GWASANAETH GWASTRAFF AC AILGYLCHU NEWYDD ARFAETHEDIG**

Cyflwynodd yr Aelod Arweiniol dros Wastraff, Cludiant a'r Amgylchedd adroddiad y Rheolwr Gwastraff ac Ailgylchu ac atodiadau (eisoes wedi'u cylchredeg). Pwrpas hynny oedd rhoi'r wybodaeth ddiweddaraf i aelodau am sefyllfa ariannol ddiweddaraf y prosiect ynghyd â rhoi gwybodaeth am amserlenni a phrosiectau cysylltiedig. Yn ystod ei gyflwyniad dywedodd yr Aelod Arweiniol er bod Atodiad II yr adroddiad yn sôn y byddai amserlen darparu prosiect yn ymestyn hyd at 2022, cyfeiriai hyn at y flwyddyn ariannol 2021/22. Yn seiliedig ar y cynnydd hyd yma roedd ganddo bob ffydd y byddai'r gwasanaeth newydd yn weithredol erbyn mis Medi 2021.

Ar gais y Cadeirydd a'r Is-gadeirydd darparodd y Rheolwr Gwastraff ac Ailgylchu fersiwn PowerPoint o Atodiad III i'r adroddiad a oedd yn darlunio gosodiad arfaethedig y Depo Canolog newydd a fyddai'n cael ei greu yn Ninbych. Rhoddodd drosolwg i'r Pwyllgor o'r gosodiad a swyddogaethau'r holl ardaloedd gwahanol a fyddai'n gynwysedig yn y safle chwe acer hwn a'r cyfyngiadau rheoliadol amgylcheddol, tân ac eraill y byddai'n rhaid cydymffurfio â nhw wrth eu dylunio a'u datblygu.

Mewn ymateb i gwestiynau aelodau fe wnaeth yr Aelod Arweiniol, Pennaeth Priffyrdd, Cyfleusterau a Gwasanaethau Amgylcheddol a'r Rheolwr Gwastraff ac Ailgylchu:

- ddweud nad oedd unrhyw benderfyniad wedi cael ei wneud ynglŷn â dyluniad y cynwysyddion 'Trollibocs' a fyddai'n cael eu prynu a'u cyflwyno, gan fod nifer o gynhyrchwyr newydd wedi dod i'r farchnad yn ddiweddar.
- cadarnhau nad oedd y Canolfannau Ailgylchu Gwastraff y Cartref presennol yn ffurfio rhan o'r prosiect penodol hwn. Byddai unrhyw drafodaethau ynglŷn

â'u dyfodol yn rhan o broses arall. Roedd angen adnewyddu'r contract ar gyfer gweithredu'r canolfannau hyn ym mis Mawrth 2021 felly byddai ymarfer ail-dendro yn dechrau yn y dyfodol agos. Fel rhan o'r broses ail-dendro, roedd modd ymchwilio i ddulliau o gynhyrchu incwm, gan gynnwys rhai ar gyfer cyrff elusennol o werthu 'gwastraff' y cartref sydd o safon dda.

- dweud er gwaethaf y ffaith bod safle'r depo canolog arfaethedig yn arwynebedd chwech acer, ni fyddai'n ddigon mawr ar gyfer symud y Ganolfan Ailgylchu Gwastraff y Cartref bresennol yn Ninbych i'r un safle gan fod cynigion i gynnwys ardal i drin gwastraff priffyrdd ar safle'r depo canolog faes o law, yn amodol ar gymeradwyo achos busnes ar wahân.
- dweud bod rheoliadau amgylcheddol yn golygu mai'r unig ddeunydd gwastraff y gellid ei ddadlwytho yn yr awyr agored oedd gwydr, byddai'n rhaid i bob gwastraff arall gael ei ddadlwytho dan orchudd mewn adeiladau pwrpasol.
- cadarnhau y byddai angen i ardal y depo cyfan gydymffurfio â rheoliadau caeth o ran sŵn, arogl, llygredd a thân a byddai angen hawlenni gan Gyfoeth Naturiol Cymru (CNC) cyn dechrau rhai ymarferion trin gwastraff, yn arbennig y rheiny sy'n gysylltiedig â Cham 2 y prosiect – trin gwastraff priffyrdd.
- dweud o dan y system newydd ar gyfer casglu gwastraff y cartref, byddai gwastraff bwyd yn dal i gael ei gasglu ar yr un pryd â gwastraff arall ac yna byddai'n cael ei drosglwyddo o ddepo Dinbych i'r Ganolfan Ailgylchu Gwastraff Bwyd yn Rhualt.
- dweud, er bod lle i 90 o gerbydau yn y maes parcio i staff y depo arfaethedig, nid oedd y rhif hwn yn cymryd i ystyriaeth pobl a oedd eisoes yn rhannu ceir. Roedd yn Cyngor yn ymwybodol o'i ddyletswydd i ostwng allyriadau carbon a dyna pam y byddai nifer o bwyntiau gwefru cerbydau yn cael eu gosod yn y maes parcio ar gyfer cerbydau trydan. Hefyd ni fyddai staff y depo i gyd yn dechrau gweithio ar yr un amser a byddent yn amrywio rhwng 6am a 6.45am, gyda cherbydau casglu sbwriel yn gadael y depo o 6.30am ymlaen. Roedd y posibilrwydd o ddarparu cludiant i staff i'r gwaith ac adref wedi cael ei ystyried a gellid ymchwilio ymhellach i hyn. Byddai'r holl faterion yn ymwneud â chludiant ar y safle yn amodol ar asesiad priffyrdd a thrafnidiaeth fel rhan o'r broses ceisiadau cynllunio.
- cadarnhau nad oedd y safleoedd gwag ar Ystad Ddiwydiannol Colomendy ar hyn o bryd yn ddigon mawr ar gyfer safle'r depo arfaethedig. Hefyd roedd y Cyngor yn y broses o brynu rhywfaint o dir i greu pwynt mynediad addas ar gyfer y datblygiad ar hyn o bryd. Roedd manteision prynu'r llain penodol hwn o dir yn ddeublyg, byddai'n hwyluso datblygiad y depo newydd a hefyd yn rhyddhau dros 20 acer o dir datblygu a fyddai'n sicrhau dyfodol i nifer o fusnesau llwyddiannus ar Ystad Ddiwydiannol Colomendy trwy ddarparu lle iddyn nhw ehangu.
- cadarnhau bod gwerth ariannol 'gwastraff' yn eithriadol o isel ar hyn o bryd, ond roedd targedau a rheoliadau'r llywodraeth yn mynnu bod awdurdodau lleol yn ailgylchu a thrin mwy o wastraff ac yn gwneud llai o ddefnydd o safleoedd tirlenwi. Oherwydd bod y cyhoedd yn fwy ymwybodol o'r difrod y mae plastig a ddefnyddir unwaith yn ei wneud i'r amgylchedd a'r posibilrwydd y bydd y llywodraeth yn cyflwyno cynllun prynu a dychwelyd, roedd arferion pobl yn debygol o newid a gallai hynny arwain at ostwng cyfanswm y gwastraff plastig a gynhyrchir, ond mae'n bosibl y caiff hyn ei wrthwneud gan

gynnydd yn y boblogaeth. Roedd trafodaethau ar y gweill rhwng llywodraeth ganolog ac awdurdodau lleol ar hyn o bryd ynglŷn â sut y gallai ALIau gyfalafu ar gyflwyniad cynllun prynu a dychwelyd.

- dweud bod llawer o safleoedd yn y sir wedi cael eu hystyried fel rhan o'r broses i leoli depo pwrpasol, roedd y lleoliad penodol hwn yn ganolog ac roedd yn hygyrch i bob rhan o'r sir. Ymhen amser, efallai y byddai awdurdodau lleol cyfagos yn dymuno defnyddio cyfleuster pwrpasol Sir Ddinbych.

Gyda chaniatâd y Cadeirydd rhoddwyd cyfle i aelod o'r cyhoedd a oedd yn bresennol annerch y Pwyllgor ynglŷn â'i phryderon am y model gwasanaeth gwastraff ac ailgylchu newydd. Credai bod trigolion yn hoffi, yn gwerthfawrogi ac yn deall y gwasanaeth ailgylchu bin glas cymysg presennol a pryderai ynglŷn â sefydlogrwydd a pha mor hawdd fyddai'r system 'Trollibocs' i'w ddefnyddio, yn enwedig i drigolion anabl neu oedrannus. Er ei bod wedi cael sicrhad yn ystod y drafodaeth na fyddai'r system newydd yn feichus o ran cost ychwanegol i drethdalwyr y Cyngor, gofynnodd i gynghorwyr y sir dynnu sylw pob preswlydd at y newidiadau a'r rhesymau y tu ôl iddyn nhw.

Mewn ymateb dywedodd swyddogion:

- bod amryw o ddulliau cyfathrebu wedi cael eu defnyddio er mwyn tynnu sylw preswylwyr at y newidiadau arfaethedig hyd yma, fel y gwelir yn y Cynllun Cyfathrebu yn Atodiad IV yr adroddiad, roedd y rhain yn cynnwys arolwg, sesiynau galw heibio, radio, datganiadau i'r wasg, gwefan y Cyngor a thudalennau cyfryngau cymdeithasol ac ati.
- un o fanteision y model gwastraff ac ailgylchu newydd arfaethedig oedd y byddai'n helpu i leihau'r pwysau presennol ar y gyllideb o dros £1m, a byddai hynny yn ei dro gobeithio yn helpu i reoli codiadau yn Nhreth y Cyngor yn y dyfodol a'u cadw'n îs na fyddent petai'r model gwasanaeth newydd ddim yn cael ei weithredu. Y rheswm am hyn oedd y byddai'r model gwastraff newydd yn rhatach i'w redeg na'r model presennol.
- byddai Panel Dinasyddion y Cyngor yn gysylltiedig ag ymgysylltu ar y math o system 'Trollibocs' i'w brynu a'i gyflwyno.
- cydnabuwyd fod y system 'bin glas' cymysg yn boblogaidd gyda phreswylwyr a'i fod wedi ateb y diben, ond roedd gofynion llywodraeth ganolog yn newid ac roedd arferion ailgylchu preswylwyr yn gwella felly nid oedd y casgliad ailgylchu bob pythefnos yn ddigonol i ateb y galw bellach. Byddai'r system Trollibocs yn cyflwyno casgliad ailgylchu wythnosol ac ni fyddai cost ychwanegol yn cael ei chodi ar aelwydydd a fyddai'n gofyn am gynwysyddion ailgylchu ychwanegol.

Cytunodd yr Aelod Arweiniol a'r swyddogion gydag aelodau bod ymarfer monitro diweddar y Cyngor i nodi aelwydydd nad oeddent yn rhoi eu cadis ailgylchu bwyd oren allan i'w casglu yn rheolaidd wedi cael sylw helaeth yn y cyfryngau. Roedd y gwaith monitro yn cael ei wneud ar hyn o bryd gan y criwiau casglu ac roedd yn waith llafurddwys ac nid oedd bob amser yn gywir, dyna pam y penderfynwyd treialu technoleg newydd i fonitro cyfraddau casglu gwastraff bwyd. Nod y dull hwn oedd helpu i addysgu preswylwyr am fanteision ailgylchu gwastraff bwyd a helpu i roi hwb i gyfraddau ailgylchu. Byddai'r cyfnod treialu yn rhedeg mewn pedair ardal, gan gwmpasu tua 600 eiddo, rhwng mis Tachwedd 2019 ac o leiaf mis Mawrth 2020. Amcangyfrifwyd bod oddeutu chwarter gwastraff gweddilliol y sir yn cynnwys

gwastraff bwyd, felly i ostwng y cyfanswm hwn roedd yn bwysig i'r Awdurdod ddeall pam fod rhai preswylwyr yn dal i beidio â defnyddio'r cynllun ailgylchu gwastraff bwyd a ddarperir. Y nod yn bennaf oedd addysgu pobl, roedd camau gorfodi yn ddewis olaf. Roedd darparu sachau ailddefnydd na allai anifeiliaid fynd i mewn iddyn nhw yn cael ei ystyried ar gyfer lleoedd fel safleoedd aml-aelwyd. Gellid gosod y sachau hyn mewn daliwr gwastraff bwyd cymunol mawr ar gyfer eu casglu.

Ar ddiwedd trafodaeth y Pwyllgor:

**Penderfynwyd:**

- (i) yn amodol ar yr arsylwadau uchod, cydnabod y cynnydd a wnaed hyd yma gan y Bwrdd Prosiect Gwastraff er mwyn sicrhau bod y Gwasanaeth Gwastraff ac Ailgylchu newydd yn cael ei ddarparu i drigolion o fis Medi 2021 ymlaen;*
- (ii) bod y Pennaeth Priffyrdd, Cyfleusterau a Gwasanaethau Amgylcheddol yn dychwelyd i gyfarfod y Pwyllgor yn y dyfodol i roi'r wybodaeth ddiweddaraf am ganlyniad y prosiectau peilot a oedd yn cael eu cynnal i gynyddu faint o wastraff ailgylchadwy sy'n cael ei gasglu ledled y sir, fel yr amlinellir yn Atodiad V; a*
- (iii) bod y Pennaeth Priffyrdd, Cyfleusterau a Gwasanaethau Amgylcheddol yn dod ag adroddiad i'r Pwyllgor yn y dyfodol i gynnig rhoi'r Cynllun Gwireddu Buddion ar waith i fonitro buddion y model gweithredu gwastraff newydd i'r amgylchedd, cyllideb, gweithwyr a chwsmeriaid.*

## **8 RHAGLEN WAITH CRAFFU**

Cyflwynodd y Cydlynnydd Craffu (CC) adroddiad rhaglen gwaith i'r dyfodol y pwyllgor ac atodiadau (eisoes wedi'u cylchredeg) er mwyn ceisio cael y Pwyllgor i adolygu ei raglen waith i'r dyfodol.

Atgoffodd y CC aelodau am y ffurflen cynnig craffu, dywedodd y dylid anfon unrhyw gynigion ati hi fel eu bod yn cael eu hystyried gan y Grŵp Cadeiryddion ac Is-gadeiryddion Craffu i'w cynnwys ar y rhaglen gwaith i'r dyfodol.

Yng nghyfarfod y Cadeiryddion a'r Is-gadeiryddion Craffu ym mis Medi, cytunwyd aildrefnu'r rhaglen gwaith i'r dyfodol er mwyn gallu cynnwys yr eitemau ar ddarpariaeth safleoedd Sipsiwn a Theithwyr a Phrosiect Archifau Sir Ddinbych a Sir y Fflint ar y cyd yn y cyfarfod presennol.

**PENDERFYNWYD:** *bod aelodau yn cytuno â rhaglen gwaith i'r dyfodol y pwyllgor.*

## **9 ADBORTH GAN GYNRYCHIOLWYR PWYLLGORAU**

Nid oedd unrhyw adborth.

**Daeth y cyfarfod i ben am 2.25pm**



Mae tudalen hwn yn fwriadol wag



|                                 |                                                                                                                                                                           |
|---------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Adroddiad i'r:</b>           | <b>Pwyllgor Craffu Cymunedau</b>                                                                                                                                          |
| <b>Dyddiad y Cyfarfod</b>       | <b>23 Ionawr 2020</b>                                                                                                                                                     |
| <b>Aelod/Swyddog Arweiniol:</b> | <b>Y Cynghorydd Brian Jones, Aelod Arweiniol<br/>Gwastraff, Cludiant a'r Amgylchedd / Tony Ward,<br/>Pennaeth Priffyrdd, Cyfleusterau a Gwasanaethau<br/>Amgylcheddol</b> |
| <b>Awdur yr Adroddiad</b>       | <b>Wayne Hope, Rheolwr Perygl Llifogydd</b>                                                                                                                               |
| <b>Teitl</b>                    | <b>Deddf Llesiant Cenedlaethau'r Dyfodol (Cymru)<br/>mewn perthynas â Rheoli Perygl Llifogydd yn Sir<br/>Ddinbych</b>                                                     |

## 1. Am beth mae'r adroddiad yn sôn?

- 1.1 Ym mis Hydref 2018 dechreuodd Swyddfa Archwilio Cymru archwiliad i weld i ba raddau y mae'r Cyngor yn gweithredu yn unol â'r egwyddor datblygu cynaliadwy, y saith nod lles a'r pum ffordd o weithio a nodir yn Neddf Llesiant Cenedlaethau'r Dyfodol (Cymru) 2015. Cyhoeddodd Swyddfa Archwilio Cymru adroddiad ar ei chanfyddiadau ym mis Mehefin 2019.

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

- 2.1 I ddarparu gwybodaeth ynglŷn ag adroddiad gan Swyddfa Archwilio Cymru ar ddull y Cyngor mewn perthynas â rheoli perygl llifogydd ac a yw'r Cyngor yn cydymffurfio ag egwyddor datblygu cynaliadwy a 5 nod lles Deddf Llesiant Cenedlaethau'r Dyfodol Cymru.

## 3. Beth yw'r Argymhellion?

- 3.1 Bod y Pwyllgor yn ystyried ac yn gwneud sylwadau ar ganfyddiadau archwiliad Swyddfa Archwilio Cymru, yn arbennig, ymateb y Cyngor i'r cyfleoedd awgrymedig ar gyfer gwella a nodwyd gan Swyddfa Archwilio Cymru.

## 4. Manylion yr Adroddiad

- 4.1 Mae adroddiad Swyddfa Archwilio Cymru, dan y teitl "Llesiant Cenedlaethau'r Dyfodol: Archwiliad o 'waith i leihau nifer y tai sydd mewn perygl o lifogydd yn Sir Ddinbych - Cyngor Sir Ddinbych" ar gael yn Atodiad 1.

- 4.2 Yn y cyflwyniad i'r adroddiad mae Swyddfa Archwilio Cymru yn nodi bod y Cyngor *“yn cymryd camau addawol i weithredu yn unol â'r egwyddor datblygu cynaliadwy wrth gymryd camau i leihau'r perygl o lifogydd ond mae angen iddo ystyried ei gamau nesaf er mwyn ymwreiddio egwyddorion Deddf Llesiant Cenedlaethau'r Dyfodol (Cymru) 2015 ymhellach.”*
- 4.3 Mae'r adroddiad yn cynnwys adroddiad cryno, adroddiad manwl ac atodiad. Mae'r adroddiad cryno a'r atodiad yn hunan-eglurhaol ac ni fyddant yn cael eu hystyried ymhellach yn yr adroddiad hwn. Trafodir cynnwys yr adroddiad manwl isod.
- 4.4 Mae Rhan 1 yr adroddiad yn cofnodi canfyddiadau'r archwiliad, gan gynnwys yr hyn yr oedd Swyddfa Archwilio Cymru yn chwilio amdano, canfyddiadau Swyddfa Archwilio Cymru a'r cyfleodd ar gyfer gwella a nodwyd. Roedd yr archwiliad yn ystyried holl weithgareddau'r Cyngor mewn perthynas â 'gwaith i leihau nifer y tai sydd mewn perygl o lifogydd yn Sir Ddinbych' yng nghyd-destun y pum ffordd o weithio a nodir yn y Ddeddf Llesiant. Mae'r ffaith bod Swyddfa Archwilio Cymru wedi canfod cryfderau ymhob gweithgaredd yn galonogol.
- 4.5 Mae Rhan 2 yr adroddiad manwl yn nodi ymateb y Cyngor i'r cyfleoedd awgrymedig ar gyfer gwella ar ffurf tabl. Mae'r holl gyfleoedd ar gyfer gwella a nodwyd gan Swyddfa Archwilio Cymru wedi derbyn sylw yn ymateb y Cyngor. Mae'r ymatebion i'r camau gweithredu wedi'u mynegi gan Swyddfa Archwilio Cymru yn defnyddio gwybodaeth a ddarparwyd gan y Cyngor yn hytrach nag ailgynhyrchu ymateb y Cyngor air-am-air. Er hynny, bydd yr holl gyfleoedd ar gyfer gwella a nodwyd yn adroddiad Swyddfa Archwilio Cymru yn cael eu hymgorffori yng ngweithgareddau'r Cyngor.

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

- 5.1 Un o flaenoriaethau corfforaethol y Cyngor ar gyfer 2017-2022 yw darparu amgylchedd deniadol sydd wedi'i amddiffyn, gan gefnogi lles a ffyniant economaidd. Un o'r mesurau a nodir yn y Cynllun Corfforaethol i alluogi hyn yw lleihau nifer y tai sydd mewn perygl o lifogydd yn Sir Ddinbych. Mae adroddiad Swyddfa Archwilio Cymru wedi nodi nifer o gyfleoedd ar gyfer gwella'r ffordd y mae'r Cyngor yn gweithredu'r mesur hwn.

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

- 6.1 Mae a wnelo adroddiad Swyddfa Archwilio Cymru â gweithgareddau presennol y Cyngor. Mae'n bosibl y bydd y cyfleoedd ar gyfer gwella, a nodwyd gan Swyddfa Archwilio Cymru, yn arwain at gostau ychwanegol ond, wedi dweud

hynny, fe allant hefyd arwain at arbedion. Er hynny, mae'r newidiadau o ran cost yn debygol o fod yn fach iawn.

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

7.1 Nid oes angen asesu'r effaith ar les oherwydd bod yr adroddiad hwn yn ymwneud â sylwadau Swyddfa Archwilio Cymru am weithgareddau presennol y Cyngor a chyfleoedd awgrymedig ar gyfer gwella, ac ymateb y Cyngor i'r sylwadau hynny. Nid yw'r adroddiad hwn, yn benodol, yn argymhell bod y Cyngor yn newid ei weithgareddau na'r ffordd y caent eu rhoi ar waith. Bydd unrhyw weithgaredd newydd a ddatblygir o ganlyniad i'r adroddiad hwn yn cael ei asesu o ran ei effaith.

## **8. Pa ymgynghoriadau sydd wedi eu cynnal gyda Chraffu ac eraill?**

8.1 Cyflwyniad yr adroddiad hwn yw'r cyfle cyntaf i ymgynghori â'r Pwyllgor Craffu Cymunedau. Wrth gynnal yr archwiliad ymgynghorodd Swyddfa Archwilio Cymru â swyddogion y Cyngor, gan gynnwys aelodau o'r Uwch Dîm Arweinyddiaeth. Ymgynghorwyd hefyd â swyddogion Isadran Ynni, Dŵr a Llifogydd Llywodraeth Cymru.

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

9.1 Amherthnasol.

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

10.1 Mae risg i enw da'r Cyngor (isel) os penderfynir diystyru'r cyfleoedd ar gyfer gwella a nodir yn adroddiad Swyddfa Archwilio Cymru.

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

Deddf Amddiffyn y Glannau 1949

Deddf Draenio Tir 1991

Deddf Rheoli Llifogydd a Dŵr 2010

Deddf Llesiant Cenedlaethau'r Dyfodol (Cymru) 2015

Mae Adran 7 Cyfansoddiad y Cyngor yn nodi pwerau Craffu o ran y mater hwn.

Mae tudalen hwn yn fwriadol wag



WALES AUDIT OFFICE  
SWYDDFA ARCHWILIO CYMRU

Archwilydd Cyffredinol Cymru  
Auditor General for Wales

# Llesiant Cenedlaethau'r Dyfodol: Archwiliad o 'waith i leihau nifer y tai sydd mewn perygl o lifogydd yn Sir Ddinbych' – **Cyngor Sir Ddinbych**

Blwyddyn archwilio: 2018-19

Dyddiad cyhoeddi: Mehefin 2019

Cyfeirnod y ddogfen: 1249A2019-20

Mae'r ddogfen hon wedi'i pharatoi ar gyfer defnydd mewnol Cyngor Sir Ddinbych fel rhan o waith a gyflawnwyd yn unol â Deddf Llesiant Cenedlaethau'r Dyfodol (Cymru) 2015.

Nid yw'r Archwilydd Cyffredinol na staff Swyddfa Archwilio Cymru yn cymryd unrhyw gyfrifoldeb o ran unrhyw aelod, cyfarwyddwr, swyddog neu gyflogai arall yn rhinwedd eu swyddi unigol, neu o ran unrhyw drydydd parti.

Os derbynir cais am wybodaeth y gall y ddogfen hon fod yn berthnasol iddi, tynnir sylw at y Cod Ymarfer a gyhoeddwyd o dan adran 45 o Ddeddf Rhyddid Gwybodaeth 2000. Mae cod adran 45 yn cyflwyno'r arfer o ran ymdrin â cheisiadau sy'n ddisgwyliedig gan awdurdodau cyhoeddus, gan gynnwys ymgynghori â thrydydd partiön perthnasol. O ran y ddogfen hon, mae Archwilydd Cyffredinol Cymru a Swyddfa Archwilio Cymru yn drydydd partiön perthnasol. Dylid anfon unrhyw ymholiadau yn ymwneud â datgelu neu aildefnyddio'r ddogfen hon i Swyddfa Archwilio Cymru at [swyddog.gwybodaeth@archwilio.cymru](mailto:swyddog.gwybodaeth@archwilio.cymru).

Rydym yn croesawu gohebiaeth a galwadau ffôn yn Gymraeg a Saesneg. Ni fydd gohebu yn Gymraeg yn arwain at oedi. We welcome correspondence and telephone calls in Welsh and English. Corresponding in Welsh will not lead to delay.

Mae'r ddogfen hon hefyd ar gael yn Saesneg.

Roedd y tîm a ddarparodd y gwaith yn cynnwys Jeremy Evans, Gwilym Bury a Charlotte Owen dan arweiniad Huw Rees.

# Cynnwys

Mae'r Cyngor yn cymryd camau addawol i weithredu yn unol â'r egwyddor datblygu cynaliadwy wrth gymryd camau i leihau'r perygl o lifogydd ond mae angen iddo ystyried ei gamau nesaf er mwyn ymwreiddio egwyddorion Deddf Llesiant Cenedlaethau'r Dyfodol (Cymru) 2015 ymhellach.

## Adroddiad cryno

Crynodeb 4

## Adroddiad manwl

Rhan un: Canfyddiadau'r archwiliad 7

Mae'r Cyngor yn cymryd camau i gydbwysu anghenion presennol a hirdymor drwy ganolbwyntio ar atal llifogydd dros y tymor hir ond mae angen iddo ystyried cynaliadwyedd gwaith y dyfodol 7

Mae'r Cyngor yn deall yr heriau presennol a heriau'r dyfodol mewn perthynas â rheoli'r risg o lifogydd ond, er ei fod yn cydnabod cyfleoedd i ddatblygu dulliau cyflenwol mwy cynaliadwy, nid yw eto yn dangos yn llawn ddull gweithredu sy'n ceisio atal problemau rhag codi yn y dyfodol 8

Mae'r Cyngor wedi mabwysiadu dull gweithredu integredig wrth gyflawni gwaith ar reoli llifogydd ac mae wedi ystyried sut bydd canlyniadau'r prosiect o fudd i amcanion llesiant ei bartneriaid yn ogystal â'i amcanion llesiant ei hun, ond mae cyfleoedd ar gael i'r Cyngor gryfhau ei ddull gweithredu 9

Mae cydweithio yn gydran allweddol o ddull y Cyngor ac mae wedi gweithio'n agos gyda phartneriaid wrth ddylunio a darparu amddiffynfeydd rhag llifogydd, ond gellid cryfhau'r cysylltiadau â'r gymuned ffermio a thirfeddianwyr eraill 10

Mae'r Cyngor yn cynnwys rhanddeiliaid mewn modd effeithiol wrth ddylunio a darparu cynlluniau rheoli llifogydd ac mae'n ymatebol i anghenion lleol, ond mae'n cydnabod bod angen gwaith pellach er mwyn cynnwys ei rhanddeiliaid a dysgu o'i ddull gweithredu hyd yn hyn 11

Rhan dau: Ymateb a chymau gweithredu'r Cyngor 13

## Atodiadau

Atodiad 1 – Dangosyddion cadarnhaol o'r pum ffordd o weithio 17

# Adroddiad cryno

## Crynodeb

### Pam y gwnaethpwyd yr archwiliad

- 1 Yn unol â Deddf Llesiant Cenedlaethau'r Dyfodol (Cymru) 2015 (y Ddeddf), mae gan Archwilydd Cyffredinol Cymru (yr Archwilydd Cyffredinol) ddyletswydd statudol i archwilio cyrff cyhoeddus i asesu i ba raddau y maent wedi gweithredu yn unol â'r egwyddor datblygu cynaliadwy wrth:
  - a. bennu eu hamcanion llesiant; a
  - b. cymryd camau i'w bodloni.

Diffiniad y Ddeddf o'r egwyddor datblygu cynaliadwy yw gweithredu mewn modd: '...sy'n ceisio sicrhau bod anghenion y presennol yn cael eu diwallu heb beryglu gallu cenedlaethau'r dyfodol i ddiwallu eu hanghenion hwythau'.

- 2 Rhaid i'r Archwilydd Cyffredinol ddarparu adroddiad ar ei archwiliadau i Gynulliad Cenedlaethol Cymru o leiaf flwyddyn cyn pob etholiad y Cynulliad. Rhaid cyflwyno'r adroddiad cyntaf o'r fath erbyn 2020, cyn etholiad y Cynulliad yn 2021.
- 3 Yn ystod 2018-19, mae'r Archwilydd Cyffredinol yn ymgymryd ag archwiliadau ar draws y 44 o gyrff a gwmpesir gan y Ddeddf, i lywio ei adroddiad i'r Cynulliad Cenedlaethol.
- 4 Ym mis Mai 2018, cyhoeddodd yr Archwilydd Cyffredinol ei adroddiad **Myfyrio ar Flwyddyn Un – Sut mae cyrff cyhoeddus wedi ymateb i Ddeddf Llesiant Cenedlaethau'r Dyfodol (2015)**. Daeth i'r casgliad fod cyrff cyhoeddus yn cefnogi egwyddorion y Ddeddf ac yn cymryd camau i newid eu ffordd o weithio.
- 5 Wrth ddatblygu ein dull o gynnal yr archwiliadau yn ystod 2018-19, gwnaethom ymgysylltu ag amrywiaeth o randdeiliaid, gan gynnwys trwy ein gwaith peilot yn ystod 2017-18. Gwnaethom weithio'n agos hefyd â Chomisiynydd Cenedlaethau'r Dyfodol.
- 6 Fel rhan o'r gwaith rhagarweiniol yn y flwyddyn gyntaf, ystyriwyd sut y bu i gyrff cyhoeddus osod eu hamcanion llesiant, felly prif ganolbwynt y gwaith hwn yw'r ffordd y mae cyrff cyhoeddus yn cymryd camau i gyflawni eu hamcanion llesiant.
- 7 Mae'r canfyddiadau yn yr adroddiad hwn yn seiliedig ar waith maes a wnaed gennym rhwng mis Hydref 2018 a mis Chwefror 2019.
- 8 Mae'r adroddiad hwn yn nodi ein canfyddiadau o'n harchwiliad o Gynllun Cyngor Sir Ddinbych ar gyfer 2017-22, sy'n cynnwys canlyniad dinesydd i leihau nifer y tai sydd mewn perygl o lifogydd yn Sir Ddinbych – cam y mae'r Cyngor yn ei gymryd i fodloni ei amcanion llesiant. Nod y canlyniad yw gweithio gyda phartneriaid er mwyn ymgymryd â nifer o gynlluniau amddiffyn rhag llifogydd erbyn 2022, y disgwylir iddynt ddiogelu 9,000 o dai rhag llifogydd yn yr hirdymor.



- 9 Ym mis Ionawr 2019, gwnaethom ofyn i'r Cyngor ymateb i'n canfyddiadau, fel y byddai modd eu cynnwys yn yr adroddiad hwn, a chawsom ei gynllun gweithredu mewn ymateb.

## Yr hyn a archwiliwyd

- 10 Archwiliwyd gennym i ba raddau mae'r Cyngor yn gweithredu yn unol â'r egwyddor datblygu cynaliadwy. Gwnaethom adolygu gwaith y Cyngor gyda'i bartneriaid i ddatblygu a gweithredu strategaeth leol y Cyngor ar gyfer rheoli perygl llifogydd. Cyfoeth Naturiol Cymru yw'r partner arweiniol fel arfer ar brosiectau mawr ar gyfer amddiffynfeydd rhag llifogydd afonydd ac amddiffynfeydd môr. Caniataodd hyn inni asesu i ba raddau y mae'r Cyngor a'i bartneriaid yn ystyried yr egwyddor datblygu cynaliadwy drwy ei waith i leihau nifer y tai sydd mewn perygl o lifogydd yn Sir Ddinbych ('y cam') er mwyn bodloni ei amcanion llesiant.
- 11 Mae'r camau y bydd y Cyngor yn eu cymryd i gyflawni'r canlyniad hwn wedi eu nodi yn strategaeth leol y Cyngor ar gyfer rheoli perygl llifogydd, sy'n amlinellu ei amcanion ar gyfer rheoli llifogydd ac erydu arfordirol ac sy'n disgrifio'r mesurau sydd eu hangen dros y blynyddoedd i ddod er mwyn creu dull gweithredu gwell sy'n fwy cynaliadwy. Mae'r strategaeth yn cydnabod y bydd pwysau ar adnoddau ond yn cynyddu ac y bydd y risg yn cynyddu yn y dyfodol o ganlyniad i ddatblygiadau pellach a'r newid yn yr hinsawdd. Mae amcanion a chanlyniadau wedi'u halinio ag amcanion y strategaeth genedlaethol ac fe'u dosberthir naill ai fel rhai tymor byr (>20 mlynedd) neu rai hirdymor (20-100 mlynedd).
- 12 Gwnaethom adolygu'r prosesau a ddilynodd y Cyngor wrth benderfynu ar y strategaeth leol ar gyfer rheoli perygl llifogydd a'i rhoi ar waith. Gwnaeth hyn ganiatáu i ni asesu i ba raddau y bu i'r Cyngor ystyried yr egwyddor datblygu cynaliadwy.
- 13 Er mwyn gweithredu yn unol â'r egwyddor datblygu cynaliadwy, mae'n rhaid i gyrrff cyhoeddus ystyried y 'ffyrdd canlynol o weithio':

### Arddangosyn 1: Y 'pum ffordd o weithio'

Mae'r tabl isod yn gosod y 'pum ffordd o weithio' fel y'u diffinnir yn nogfen **Deddf Llesiant Cenedlaethau'r Dyfodol (Cymru) 2015 – Yr hanfodion**<sup>1</sup> gan Lywodraeth Cymru.

#### Y pum ffordd o weithio

##### Hirdymor

Pwysigrwydd sicrhau cydbwysedd rhwng anghenion byrdymor a'r angen i ddiogelu'r gallu i ddiwallu anghenion hirdymor hefyd.

<sup>1</sup> Llywodraeth Cymru, **Deddf Llesiant Cenedlaethau'r Dyfodol (Cymru) 2015 – Yr hanfodion (2015)**

## Y pum ffordd o weithio

### Atal

Sut gall gweithredu i atal problemau rhag digwydd neu waethygu helpu cyrff cyhoeddus i gyflawni eu hamcanion.

### Integreiddio

Ystyried sut gall amcanion llesiant y corff cyhoeddus effeithio ar bob un o'r nodau llesiant, ar ei amcanion eraill, neu ar amcanion cyrff cyhoeddus eraill.

### Cydweithio

Cydweithredu ag unrhyw unigolyn arall (neu wahanol adrannau yn y corff ei hun) a allai helpu'r corff i fodloni ei amcanion llesiant.

### Cyfranogiad

Pwysigrwydd cynnwys pobl sydd â diddordeb mewn cyflawni'r nodau llesiant, a sicrhau bod y bobl hynny'n adlewyrchu amrywiaeth yr ardal maent yn ei gwasanaethu.

- 14 Canfu ein harchwiliad y canlynol: **Mae'r Cyngor yn cymryd camau addawol i weithredu yn unol â'r egwyddor datblygu cynaliadwy wrth gymryd camau i leihau'r perygl o lifogydd ond mae angen iddo ystyried ei gamau nesaf er mwyn ymwreiddio egwyddorion Deddf Llesiant Cenedlaethau'r Dyfodol (Cymru) 2015 ymhellach.**

# Adroddiad manwl

## Rhan un: Canfyddiadau'r archwiliad

Mae'r Cyngor yn cymryd camau i gydbwysu anghenion presennol a hirdymor drwy ganolbwyntio ar atal llifogydd dros y tymor hir ond mae angen iddo ystyried cynaliadwyedd gwaith y dyfodol

### Yr hyn yr edrychom amdano

- 15 Edrychom am dystiolaeth o'r canlynol:
- dealltwriaeth drylwyr o'r anghenion presennol a hirdymor a'r heriau a'r cyfleoedd cysylltiedig;
  - cynllunio amserlen briodol;
  - adnoddau a ddyrannwyd i sicrhau manteision hirdymor; a
  - monitro ac adolygu priodol.
- 16 Hefyd, cafodd ein harchwiliad ei lywio gan y dangosyddion cadarnhaol ar gyfer yr 'hirdymor' yr ydym wedi'u nodi a'u defnyddio fel rhan o'r archwiliad hwn.<sup>2</sup>

### Yr hyn a ganfuwyd

- 17 Nodwyd y cryfderau canlynol gennym:
- Mae'r Cyngor yn canolbwyntio ar hyn o bryd ar brosiectau peirianneg hirdymor y gallant fethu'n ddiogel ac sy'n cael yr effaith fwyaf, h.y. prosiectau cyfalaf mawr.
  - Mae'r Cyngor yn rhagweld y bydd 1,600 o dai yn nwyrain y Rhyl yn elwa o lai o berygl o lifogydd. Mae amrediad o gynlluniau eraill sy'n cael eu datblygu a'r uchelgais yn y pen draw yw y bydd tua 9,000 o dai yn elwa o lai o berygl o lifogydd yn Sir Ddinbych erbyn 2022.
  - Mae'r Cyngor a'i bartneriaid yn gwneud defnydd o gyllid grant a ffrydiau ariannu partneriaid i ariannu'r gwaith. Cefnogir prosiectau amddiffyn yr arfordir y Cyngor gan Lywodraeth Cymru drwy ei Rhaglen Rheoli Perygl Arfordirol, sy'n ariannu 75% o'r costau. Ariennir y gweddiill gan y Cyngor. Mae'r Cyngor wedi derbyn cymorth gan Lywodraeth Cymru i ddatblygu saith cynllun yn y dyfodol yn ogystal â chynlluniau mawr i wella amddiffynfeydd arfordirol yn y Rhyl a Phrestatyn. Mae'r cynlluniau ar waith ac mae ganddynt werth amcangyfrifedig o tua £105 miliwn.
- 18 Nodwyd y cyfle canlynol gennym:

<sup>2</sup> Gweler Atodiad 1.

- Er bod y Cyngor yn ystyried goblygiadau Brexit ar gyllid lliniaru llifogydd, gan fod rhywfaint o gyllid yn dod o'r Undeb Ewropeaidd ar hyn o bryd, i liniaru risgiau ariannol posibl ynghylch cynaliadwyedd hirdymor gwaith yn y dyfodol – yn enwedig o ystyried y ddibyniaeth ar grantiau cyllid gan Lywodraeth Cymru – dylai'r Cyngor ystyried sut y gall sicrhau cydnerthedd hirdymor gwaith atal llifogydd yn y dyfodol, yn enwedig wrth ystyried rhagfynegiadau diweddar ynghylch newid yn yr hinsawdd a chynnydd yn lefel y môr, a allai wneud cynlluniau'r dyfodol yn anfforddiadwy.

**Mae'r Cyngor yn deall yr heriau presennol a heriau'r dyfodol mewn perthynas â rheoli'r risg o lifogydd ond, er ei fod yn cydnabod cyfleoedd i ddatblygu dulliau cyflenwol mwy cynaliadwy, nid yw eto yn dangos yn llawn ddull gweithredu sy'n ceisio atal problemau rhag codi yn y dyfodol**

#### Yr hyn yr edrychom amdano

- 19 Edrychom am dystiolaeth o'r canlynol:
- dealltwriaeth drylwyr o'r math o broblem y gallai'r cam helpu i'w hatal rhag digwydd neu waethygu;
  - yr adnoddau a ddyrannwyd i sicrhau y cyflawnir buddion ataliol; a
  - monitro ac adolygu pa mor effeithiol mae'r cam yn atal problemau rhag digwydd neu waethygu.
- 20 Hefyd, cafodd ein harchwiliad ei lywio gan y dangosyddion cadarnhaol ar gyfer 'atal' yr ydym wedi'u nodi a'u defnyddio fel rhan o'r archwiliad hwn.<sup>3</sup>

#### Yr hyn a ganfuwyd

- 21 Nodwyd y cryfderau canlynol gennym:
- Mae gan y Cyngor offeryn asesu effaith llesiant y mae'n rhaid i staff ei ddefnyddio ar gyfer prosiectau ac sydd wedi'i ymgorffori'n drwyadl i mewn i broses adrodd y Cyngor. Mae'r pecyn cymorth yn cael ei fireinio mewn ymateb i adborth.
  - Yn aml, mae gofynion ariannu yn nodi bod prosiectau amddiffyn rhag llifogydd yn darparu amddiffyniad hirdymor (100 mlynedd+). Wrth ddatblygu cynlluniau, mae swyddogion yn ystyried effeithiau hirdymor posibl rhagolygon amgylcheddol.
  - Mae'r Cyngor yn comisiynu asesiad canlyniadau llifogydd sy'n dangos y perygl o lifogydd o ddŵr afonol, dŵr llanw a dŵr wyneb yn Sir Ddinbych gan

<sup>3</sup> Gweler Atodiad 1.

ddefnyddio data mapio perygl llifogydd ac asesiadau modelu toriadau sy'n seiliedig ar lwfansau newid yn yr hinsawdd Llywodraeth Cymru ar gyfer 2016. Defnyddir hwn i lywio'r Cynllun Datblygu Lleol a pherygl llifogydd datblygiadau newydd.

- Mae'r Cyngor yn monitro setiau data eiddo sydd mewn perygl o lifogydd sy'n ystyried gwaith atal llifogydd.

22 Nodwyd y cyfleoedd canlynol gennym:

- O ystyried y manteision trawsbynciol a geir yn sgil gwaith atal llifogydd, dylai'r Cyngor ystyried sut y gall ganolbwyntio cyllidebau a buddsoddiadau yn y dyfodol ar raglenni ataliol.
- Dylai'r Cyngor ystyried modelu effaith gwaith atal o ran costau a dylai ystyried sut y gall symud adnoddau tuag at atal ledled y Cyngor yn ei gyfanrwydd.
- Ar hyn o bryd, nid yw'r Cyngor yn dangos dull atal yn y prosiect hwn sy'n creu amodau lle nad yw problemau'n codi yn y dyfodol – er enghraifft, mae'r Cyngor yn ymddangos fel bod ganddo ddiffyg capasiti i roi sylw cynhwysfawr i fioamrywiaeth, sy'n cynnig manteision sydd weithiau'n cynnwys atal llifogydd. Mae'n canolbwyntio ar raglenni a ariennir gan grantiau ar hyn o bryd. Mae'r strategaeth genedlaethol ar gyfer rheoli perygl llifogydd ac erydu arfordirol yng Nghymru yn cael ei hadolygu ar hyn o bryd a disgwylir iddi fod yn fwy aliniedig â Deddf Llesiant Cenedlaethau'r Dyfodol ac iddi hyrwyddo mwy o ddefnydd o ddulliau rheoli perygl llifogydd naturiol.

**Mae'r Cyngor wedi mabwysiadu dull gweithredu integredig wrth gyflawni gwaith ar reoli llifogydd ac mae wedi ystyried sut bydd canlyniadau'r prosiect o fudd i amcanion llesiant ei bartneriaid yn ogystal â'i amcanion llesiant ei hun, ond mae cyfleoedd ar gael i'r Cyngor gryfhau ei ddull gweithredu**

Yr hyn yr edrychom amdano

23 Edrychom am dystiolaeth o ystyried y canlynol:

- sut y gallai'r cam hwn gyfrannu at y saith nod llesiant cenedlaethol;
- sut y bydd cyflawni'r cam hwn yn effeithio ar amcanion llesiant a blaenoriaethau ehangach y Cyngor; a
- sut y bydd cyflawni'r cam hwn yn effeithio ar amcanion llesiant cyrff cyhoeddus eraill.

24 Yn ogystal, cafodd ein harchwiliad ei lywio gan y dangosyddion cadarnhaol ar gyfer 'integreiddio' rydym wedi'u nodi a'u defnyddio fel rhan o'r archwiliad hwn.<sup>4</sup>

#### Yr hyn a ganfuwyd

25 Nodwyd y cryfderau canlynol gennym:

- Mae'r Cyngor wedi ystyried sut y gallai'r gwaith rheoli llifogydd gyfrannu at y saith nod llesiant cenedlaethol.
- Mae'r Cyngor wedi ystyried sut mae'r prosiect o waith rheoli llifogydd yn cyfrannu at ei amcanion llesiant a'i flaenoriaethau ehangach.
- Mae'r Cyngor wedi gweithio gyda nifer o bartneriaid, gan gynnwys Cyfoeth Naturiol Cymru a Dŵr Cymru, i ddatblygu gwaith rheoli llifogydd ac mae wedi ystyried sut y mae'n cyfrannu tuag at amcanion partneriaid.

26 Nodwyd y cyfle canlynol gennym:

- Dylai'r Cyngor ystyried sut i ddatblygu dysgu ynglŷn â manteision a heriau gweithio mewn ffordd fwy integredig a sut y gall gwreiddio'r dull hwn yn gorfforaethol ar draws pob rhan o'r Cyngor.

**Mae cydweithio yn gydran allweddol o ddull y Cyngor ac mae wedi gweithio'n agos gyda phartneriaid wrth ddylunio a darparu amddiffynfeydd rhag llifogydd, ond gellid cryfhau'r cysylltiadau â'r gymuned ffermio a thirfeddianwyr eraill**

#### Yr hyn yr edrychom amdano

27 Edrychom am dystiolaeth fod y Cyngor:

- wedi ystyried sut y gallai weithio gydag eraill i gyflawni'r cam (i gyflawni ei amcanion llesiant, neu i helpu corff arall i gyflawni ei amcanion llesiant);
- yn cydweithio'n effeithiol i gyflawni'r cam; ac
- yn monitro ac yn adolygu a yw'r cydweithio yn ei helpu ef neu ei randdeiliaid i gyflawni eu hamcanion llesiant.

28 Yn ogystal, cafodd ein harchwiliad ei lywio gan y dangosyddion cadarnhaol ar gyfer 'cydweithio' yr ydym wedi'u nodi a'u defnyddio fel rhan o'r archwiliad hwn.<sup>5</sup>

#### Yr hyn a ganfuwyd

29 Nodwyd y cryfderau canlynol gennym:

<sup>4</sup> Gweler Atodiad 1.

<sup>5</sup> Gweler Atodiad 1.

- Mae strategaeth leol y Cyngor ar gyfer rheoli perygl llifogydd yn nodi pwysigrwydd cydweithio â phartneriaid a rhanddeiliaid i leihau'r perygl o lifogydd, gan gynnwys y rheini sydd mewn perygl o lifogydd yn cymryd cyfrifoldeb dros amddiffyn a helpu eu hunain.
- Mae'r Cyngor yn gallu darparu tystiolaeth o nifer o gynlluniau diweddar lle y mae'n cydweithio'n effeithiol gydag awdurdodau llifogydd lleol eraill er mwyn lleihau'r perygl o lifogydd yn y sir.
- Mae'r Cyngor yn cynnal trafodaethau â chynghorau eraill yng ngogledd Cymru ynghylch dull cydweithredol o gyflenwi swyddogaethau'r Corff Cymeradwyo Systemau Draenio Cynaliadwy trwy ddefnyddio adnoddau presennol ar draws pob un o'r chwe awdurdod a/neu rannu'r gost o gyflogi aelodau newydd o staff.
- Siaradodd partneriaid yn gadarnhaol am y ffordd y mae'r Cyngor wedi'u cynnwys mewn modd ystyrlon wrth ddylunio a gweithredu gwaith atal llifogydd.

### 30 Nodwyd y cyfleoedd canlynol gennym:

- Dylai'r Cyngor barhau i werthuso ei ddull o gydweithio a dysgu gwersi ohono, a dylai ystyried p'un a yw'n rhannu perchnogaeth ar y prosiect a'i berfformiad â phartneriaid ai peidio.
- Mae'r Cyngor wedi ystyried sut y gallai weithio gyda thirfeddianwyr a ffermwyr i leihau'r perygl o lifogydd trwy dechnegau rheoli tir megis argaeau sy'n gollwng a phlannu coed, ond mae'n credu nad oes ganddo adnoddau digonol ar hyn o bryd i symud hyn ymlaen a chafwyd ychydig iawn o gynnydd yn y maes hwn.
- Mae'r Cyngor yn adolygu sut mae cynlluniau atal llifogydd a sefydlwyd mewn cydweithrediad â'i bartneriaid yn effeithio ar nifer y tai sydd mewn perygl o lifogydd, ond dylai ystyried sut mae cynnwys cylch dysgu i'w helpu i ymgorffori'r pum ffordd o weithio ymhellach wrth osod a chyflawni ei amcanion llesiant.

**Mae'r Cyngor yn cynnwys rhanddeiliaid mewn modd effeithiol wrth ddylunio a darparu cynlluniau rheoli llifogydd ac mae'n ymatebol i anghenion lleol, ond mae'n cydnabod bod angen gwaith pellach er mwyn cynnwys ei rhanddeiliaid a dysgu o'i ddull gweithredu hyd yn hyn**

### Yr hyn yr edrychom amdano

#### 31 Edrychom am dystiolaeth fod y Cyngor wedi:

- nodi pa rai y mae angen iddo eu cynnwys yn y broses o ddylunio a chyflawni'r cam;

- cynnwys y rhanddeiliaid allweddol yn effeithiol yn y broses o ddylunio a chyflawni'r cam;
  - defnyddio canlyniadau'r cyfranogiad i lywio'r ffordd y caiff y cam hwn ei ddatblygu a'i gyflawni; a
  - cheisio dysgu gwersi a gwella ei ddull o gyfranogi.
- 32 Yn ogystal, cafodd ein harchwiliad ei lywio gan y dangosyddion cadarnhaol ar gyfer 'cyfranogiad' yr ydym wedi'u nodi a'u defnyddio fel rhan o'r archwiliad hwn.<sup>6</sup>

### Yr hyn a ganfuwyd

- 33 Nodwyd y cryfderau canlynol gennym:
- Mae'r Cyngor a'i bartneriaid wedi ymgysylltu'n effeithiol â chymunedau ynghylch cynlluniau rheoli llifogydd fel yn ystod gwaith diweddar yn Llanellwyr.
  - Ceir enghreifftiau o ganlyniadau ymgysylltu yn cael eu defnyddio i lunio gwaith o ddylunio a datblygu cynlluniau atal llifogydd, fel y gwelir yn nwyrain y Rhyl.
  - Mae'r Cyngor yn ymgysylltu â phreswylwyr ynghylch cynlluniau rheoli llifogydd arfaethedig ac mae wardeiniaid llifogydd gwirfoddol yn darparu cyswllt effeithiol â chymunedau sydd mewn perygl, ond nid oes wardeiniaid yn weithredol ym mhob ardal.
  - Mae'r Cyngor yn adolygu ei ddull o gynnwys mewn modd rhagweithiol ac mae'n defnyddio'r broses hon i lywio ei ffyrdd o weithio yn y dyfodol.
- 34 Nodwyd y cyfleoedd canlynol gennym:
- Dylai'r Cyngor barhau i ddefnyddio'r hyn sy'n cael ei ddysgu o'i waith presennol i ddatblygu'r ffordd y mae'n cynnwys cymunedau ac yn cadw eu sylw a'u cyfranogiad ar ôl cwblhau cynlluniau – er enghraifft, wardeiniaid llifogydd.
  - Dylai'r Cyngor ystyried ym mha ffyrdd o bosib na fydd dulliau traddodiadol o gynnwys pobl yn gweithio yn y dyfodol ac ystyried ffyrdd newydd y gellid eu defnyddio gan bobl i gyfathrebu a chydgyntu yn y dyfodol ac effaith y cyfryngau cymdeithasol.
  - Dylai'r Cyngor ystyried cryfhau ei ddull o ymgysylltu â phobl ifanc ynglŷn â materion amgylcheddol.

<sup>6</sup> Gweler Atodiad 1.



## Rhan dau: Ymateb a chamau gweithredu'r Cyngor

- 35 Yn dilyn ein gwaith maes, cyflwynwyd ein canfyddiadau i uwch-swyddogion y Cyngor mewn gweithdy ym mis Chwefror 2019. Yn y gweithdy hwn, dechreuodd y Cyngor ystyried ei ymateb i'n canfyddiadau ac, o ganlyniad i'r trafodaethau yn y gweithdy a myfyrion pellach ar ein canfyddiadau, mae'r Cyngor wedi datblygu'r camau gweithredu canlynol dan themâu penodol. Byddwn yn parhau i fonitro cynnydd y Cyngor wrth gyflawni ei gynllun gweithredu, ac i ba raddau y mae'n mynd i'r afael â'r problemau a nodwyd yn ein canfyddiadau.

### Arddangosyn 2: Camau'r gweithredu'r Cyngor

| Egwyddorion datblygu cynaliadwy | Cyfleoedd i wella                                                                                                                                                                                                                                                                                                       | Cam ymateb                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
|---------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Hirdymor</b>                 | Er bod y Cyngor yn ystyried goblygiadau Brexit ar gyllid lliniaru llifogydd, gan fod rhywfaint o gyllid yn dod o'r Undeb Ewropeaidd ar hyn o bryd, i liniaru risgiau ariannol posibl ynghylch cynaliadwyedd hirdymor gwaith yn y dyfodol – yn enwedig o ystyried y ddibyniaeth ar grantiau cyllid gan Lywodraeth Cymru. | Bydd y Cyngor yn monitro effaith yn ei gofrestr risg gorfforaethol a chofrestr risg Brexit.<br>Mae cyllid wedi bod yn ansicr o hyd ac mae'n ddibynnol ar flaenoriaethau Llywodraeth Cymru (nid yw'n cael ei ariannu gan gyllid Ewropeaidd). Ceir materion sy'n gysylltiedig ag effeithiau ehangach Brexit: costau adeiladu yw un enghraifft bosibl. Yn ogystal, efallai y bydd trothwy uwch ar gyfer ariannu cynlluniau llifogydd os bydd cyfanswm y dyraniad cyllid ar gyfer pob cynllun yn lleihau.<br>Mae'n flaenoriaeth y Cynllun Corfforaethol nes 2022. Mae cyllid a blaenoriaethau yn cael eu hystyried yn barhaol gan y Cyngor. |

| Egwyddorion datblygu cynaliadwy | Cyfleoedd i wella                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | Cam ymateb                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
|---------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Hirdymor</b>                 | Gallai rhagfynegiadau diweddar ynglŷn â'r newid yn yr hinsawdd a chodiad yn lefel y môr wneud cynlluniau yn y dyfodol yn anfforddiadwy a dylai'r Cyngor ystyried goblygiadau hirdymor hyn ar gyfer lle bydd pobl yn gallu byw yn ddiogel yn Sir Ddinbych.                                                                                                                                                                                                                                          | Bydd y Cyngor yn parhau i adolygu rhagfynegiadau ynghylch y newid yn yr hinsawdd a chodiad yn lefel y môr a rhannu gwybodaeth. Er mwyn cefnogi gwaith i adolygu'r Cynllun Datblygu Lleol, ymgwymerodd y Cyngor ag asesiad er mwyn deall y perygl o lifogydd ar yr arfordir a'r polisi rheoli traethlin. Nid oes angen gweithredu pellach. Bwriad y Cyngor yw 'dal y llinell', a gallwn ddangos hyn trwy ein buddsoddiad mewn cynlluniau amddiffyn rhag llifogydd dros y degawd diwethaf. |
| <b>Atal</b>                     | O ystyried y manteision trawsbynciol a geir yn sgil gwaith atal llifogydd, dylai'r Cyngor ystyried sut y gall ganolbwyntio cyllidebau a buddsoddiadau yn y dyfodol ar raglenni ataliol.                                                                                                                                                                                                                                                                                                            | Mae achos busnes yn cael ei ystyried 'er mwyn cynnal, gwella, gwarchod a diogelu asedau byw Sir Ddinbych ar gyfer cenedlaethau'r dyfodol'.                                                                                                                                                                                                                                                                                                                                               |
|                                 | Dylai'r Cyngor ystyried modelu effaith gwaith atal o ran costau a dylai ystyried sut y gall symud adnoddau tuag at atal ledled y Cyngor yn ei gyfanrwydd.                                                                                                                                                                                                                                                                                                                                          | Ymgorfforir hyn o fewn Cynllun Corfforaethol y Cyngor ac mae achosion busnes y dyfodol yn cael eu hystyried yn 2019, e.e. prosiectau effeithlonrwydd ynni a lleihau allyriadau carbon.                                                                                                                                                                                                                                                                                                   |
| <b>Atal</b>                     | Ar hyn o bryd, nid yw'r Cyngor yn dangos dull atal yn y prosiect hwn sy'n creu amodau lle nad yw problemau'n codi yn y dyfodol. Mae'n canolbwyntio ar raglenni a ariennir gan grantiau ar hyn o bryd. Mae'r strategaeth genedlaethol ar gyfer rheoli perygl llifogydd ac erydu arfordirol yng Nghymru yn cael ei hadolygu ar hyn o bryd a disgwylir iddi fod yn fwy aliniedig â Deddf Llesiant Cenedlaethau'r Dyfodol ac iddi hyrwyddo mwy o ddefnydd o ddulliau rheoli perygl llifogydd naturiol. | Mae Llywodraeth Cymru yn ymgynghori ynghylch strategaeth genedlaethol newydd a bydd y Cyngor yn adolygu ei strategaeth leol ei hun wedi hynny yn 2021.                                                                                                                                                                                                                                                                                                                                   |

| Egwyddorion datblygu cynaliadwy | Cyfleoedd i wella                                                                                                                                                                                                                                                                                                    | Cam ymateb                                                                                                                                                                                           |
|---------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Integreiddio</b>             | Dylai'r Cyngor ystyried sut i ddatblygu dysgu ynglŷn â manteision a heriau gweithio mewn ffordd fwy integredig a sut y gall gwreiddio'r dull hwn yn gorfforaethol ar draws pob rhan o'r Cyngor.                                                                                                                      | Mae dull integredig y Cyngor wedi'i ymgorffori trwy Fyrddau Rhaglen a bydd yn adolygu eu gwaith yn 2019.                                                                                             |
| <b>Cydweithio</b>               | Dylai'r Cyngor barhau i werthuso ei ddull o gydweithio a dysgu gwersi ohono, a dylai ystyried p'un a yw'n rhannu perchnogaeth ar y prosiect a'i berfformiad â phartneriaid ai peidio.                                                                                                                                | Mae dull integredig y Cyngor wedi'i ymgorffori trwy Fyrddau Rhaglen a bydd yn adolygu eu gwaith yn 2019.                                                                                             |
| <b>Cydweithio</b>               | Mae'r Cyngor wedi ystyried sut y gallai weithio gyda thirfeddianwyr a ffermwyr i leihau'r perygl o lifogydd trwy dechnegau rheoli tir megis argaeau sy'n gollwng a phlannu coed, ond mae'n credu nad oes ganddo adnoddau digonol ar hyn o bryd i symud hyn ymlaen a chafwyd ychydig iawn o gynnydd yn y maes hwn.    | Mae'r Cyngor wedi blaenoriaethu meysydd gwaith eraill ond mae achos busnes yn cael ei ystyried 'er mwyn cynnal, gwella, gwarchod a diogelu asedau byw Sir Ddinbych ar gyfer cenedlaethau'r dyfodol'. |
| <b>Cydweithio</b>               | Mae'r Cyngor yn adolygu sut mae cynlluniau atal lifogydd a sefydlwyd mewn cydweithrediad â'i bartneriaid yn effeithio ar nifer y tai sydd mewn perygl o lifogydd, ond dylai ystyried sut mae cynnwys cylch dysgu i'w helpu i ymgorffori'r pum ffordd o weithio ymhellach wrth osod a chyflawni ei amcanion llesiant. | Mae gwaith myfyrio a gwella parhaus yn parhau ledled y Cyngor.                                                                                                                                       |

| Egwyddorion datblygu cynaliadwy | Cyfleoedd i wella                                                                                                                                                                                                                                        | Cam ymateb                                                                                                                                               |
|---------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Cyfranogiad</b>              | Dylai'r Cyngor barhau i ddefnyddio'r hyn sy'n cael ei ddysgu o'i waith presennol i ddatblygu'r ffordd y mae'n cynnwys cymunedau ac yn cadw eu sylw a'u cyfranogiad ar ôl cwblhau cynlluniau – er enghraifft, wardeiniaid llifogydd.                      | Mae'r Cyngor yn ymgysylltu â chymunedau mewn perygl ac mae'n sefydlu prosiect penodol sy'n ymwneud â chynnwys y gymuned yn y Rhyl.                       |
|                                 | Dylai'r Cyngor ystyried ym mha ffyrdd o bosib na fydd dulliau traddodiadol o gynnwys pobl yn gweithio yn y dyfodol ac ystyried ffyrdd newydd y gellid eu defnyddio gan bobl i gyfathrebu a chydgyntull yn y dyfodol ac effaith y cyfryngau cymdeithasol. | Mae strategaeth ymgysylltu newydd y Cyngor yn ystyried ffyrdd anhraddodiadol o weithio.                                                                  |
|                                 | Dylai'r Cyngor ystyried cryfhau ei ddull o ymgysylltu â phobl ifanc ynglŷn â materion amgylcheddol.                                                                                                                                                      | Mae'r Cyngor yn cydnabod y cyfleoedd i weithio gyda'r Gwasanaethau Ieuenctid a bydd yn ystyried hyn fel rhan o waith ar y strategaeth ymgysylltu newydd. |

# Atodiad 1

## Dangosyddion cadarnhaol o'r pum ffordd o weithio

Mae'r tabl isod yn gosod 'dangosyddion cadarnhaol' ar gyfer pob un o'r pum ffordd o weithio yr ydym wedi'u nodi a byddwn yn eu defnyddio i helpu i lywio ein hasesiadau o'r raddfa y gallai cyrff fod yn gweithredu'r egwyddor datblygu cynaliadwy. Nid ydym yn bwriadu defnyddio'r dangosyddion fel 'rhestr wirio'. Dylid eu hystyried yn 'ddangosyddion' a fydd yn ein helpu i greu casgliadau, yn hytrach na 'phenderfynyddion' o'r graddau y mae corff yn gweithredu yn unol â'r egwyddor datblygu cynaliadwy wrth gymryd camau i gyflawni ei amcanion llesiant.

### Arddangosyn 3: Dangosyddion cadarnhaol o'r pum ffordd o weithio

#### Beth fyddai'n dangos bod corff yn gweithredu'r ffordd hirdymor o weithio yn ei chyfanrwydd?

- Mae dealltwriaeth glir o ystyr 'hirdymor' yng nghyd-destun y Ddeddf
- Mae'r corff wedi dylunio'r cam i gyflawni'r amcan(ion) llesiant a chyfrannu at ei weledigaeth hirdymor
- Mae wedi dylunio'r cam i ddwyn manteision byrdymor neu dymor canolig, sy'n cydbwyso â'r effaith dros yr hirdymor (o fewn cyd-destun y prosiect)
- Mae wedi dylunio'r cam ar sail dealltwriaeth soffistigedig o'r anghenion a phwysau presennol, a'r rheiny yn y dyfodol, gan gynnwys dadansoddi tueddiadau'r dyfodol
- O ganlyniad, mae dealltwriaeth gynhwysfawr o risgiau a chyfleoedd y presennol a'r dyfodol
- Mae adnoddau wedi'u dyrannu i sicrhau bod manteision hirdymor yn ogystal â manteision yn y tymor byr yn cael eu cyflawni
- Canolbwyntir ar gyflawni canlyniadau, a nodir cerrig milltir / camau cynnydd lle bydd canlyniadau'n cael eu cyflawni dros yr hirdymor
- Mae'n agored i ffyrdd newydd o gyflawni pethau a allai helpu i ddwyn manteision yn yr hirdymor
- Mae'n rhoi gwerth ar ddeallusrwydd ac yn mabwysiadu dulliau o weithio ar sail tystiolaeth

#### Beth fyddai'n dangos bod corff yn gweithredu'r ffordd ataliol o weithio yn ei chyfanrwydd?

- Mae'r corff yn ceisio deall gwreiddiau problemau fel bod modd trechu cylchoedd negyddol a heriau rhyng-genedlaethol
- Mae'r corff yn gweld heriau o safbwynt system gyfan, gan gydnabod a rhoi gwerth ar y manteision hirdymor y gallant eu cyflawni i bobl ac i lefydd
- Mae'r corff yn dyrannu adnoddau i weithredoedd ataliol sy'n debygol o gyfrannu at well canlyniadau a gwell defnydd o adnoddau dros yr hirdymor, hyd yn oed pan allai hyn gyfyngu ar y gallu i fodloni rhywfaint o anghenion byrdymor
- Mae trefniadau penderfynu ac atebolrwydd sy'n cydnabod gwerth gweithredoedd ataliol ac yn derbyn gostyngiadau byrdymor mewn perfformiad ac adnoddau wrth geisio am welliannau disgwylidig o ran canlyniadau a'r defnydd o adnoddau

### **Beth fyddai'n dangos bod corff yn gweithio mewn ffordd 'integredig'?**

- Mae unigolion ar bob lefel yn deall eu cyfraniad at gyflawni'r weledigaeth a'r amcanion llesiant
- Mae unigolion ar bob lefel yn deall yr hyn mae gwahanol rannau o'r sefydliad yn ei wneud ac yn ceisio cyfleoedd yn rhagweithiol i weithio ar draws ffiniau sefydliadol. Mae hyn yn digwydd yn eu gwaith â chyrrff cyhoeddus eraill hefyd
- Mae unigolion ar bob lefel yn cydnabod y ddibyniaeth ar draws y sefydliad ar gyflawni'r uchelgais a'r amcanion
- Mae diwylliant agored lle caiff gwybodaeth ei rhannu
- Mae dealltwriaeth dda o'r ffordd y mae amcanion llesiant a chamau i'w cyflawni'n effeithio ar gyrff eraill yn y sector cyhoeddus
- Mae unigolion yn mynd ati'n rhagweithiol i weithio ar draws ffiniau'r sefydliad i gynyddu eu cyfraniad i'r eithaf ar draws y nodau llesiant ac i leihau effeithiau negyddol
- Mae'r dull llywodraethu, y strwythurau a'r prosesau, yn ogystal ag ymddygiad, yn hybu hyn

### **Beth fyddai'n dangos bod corff yn cydweithio'n effeithiol?**

- Mae'r corff yn canolbwyntio ar lefydd, cymunedau a chanlyniadau yn hytrach na ffiniau sefydliadol
- Mae gan y corff ddealltwriaeth dda o amcanion ei bartneriaid yn ogystal â'u cyfrifoldebau, sy'n helpu i sbarduno gweithgareddau ar y cyd
- Mae gan y corff gydberthnasau cadarnhaol ac aeddfed â rhanddeiliaid, lle caiff gwybodaeth ei rhannu mewn ffordd agored a thryloyw
- Mae'r corff yn cydnabod ac yn rhoi gwerth ar y cyfraniadau y gall yr holl bartneriaid eu gwneud
- Mae'r corff yn ceisio sefydlu prosesau a ffyrdd o weithio ar y cyd, lle bo'n briodol

### **Beth fyddai'n dangos bod corff yn cynnwys pobl yn effeithiol?**

- Bod â dealltwriaeth o bwy y mae angen eu cynnwys a pham
- Myfyrio ar ba mor dda y caiff yr anghenion a'r heriau sy'n wynebu'r bobl hynny eu deall ar hyn o bryd
- Gweithio'n gydweithredol a gweithio gyda rhanddeiliaid i ddylunio a chyflawni
- Ystyried barn rhanddeiliaid yn ffynhonnell wybodaeth hollbwysig a fydd yn helpu i gyflawni gwell canlyniadau
- Sicrhau y caiff amrywiaeth lawn y rhanddeiliaid ei chynrychioli a bod modd iddynt gymryd rhan
- Bod â chydberthnasau aeddfed a ffyddlon â'i rhanddeiliaid, lle mae deialog barhaus a chaiff gwybodaeth ei rhannu mewn ffordd agored a thryloyw
- Sicrhau bod y rhanddeiliaid yn deall effaith eu cyfraniad
- Ceisio adborth gan rhanddeiliaid allweddol a ddefnyddir i helpu i ddysgu a gwella



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|                                  |                                                                                                                                                                        |
|----------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Adroddiad i'r</b>             | <b>Pwyllgor Craffu Cymunedau</b>                                                                                                                                       |
| <b>Dyddiad y Cyfarfod</b>        | <b>23 Ionawr 2020</b>                                                                                                                                                  |
| <b>Aelod / Swyddog Arweiniol</b> | <b>Y Cynghorydd Hugh Evans (Arweinydd y Cyngor ac Aelod Arweiniol yr Economi a Llywodraethu Corfforaethol) / Emlyn Jones (Pennaeth Cynllunio a Gwarchod y Cyhoedd)</b> |
| <b>Awdur yr Adroddiad</b>        | <b>Carolyn Brindle (Swyddog Arweiniol Cymorth I Fusnesau a Thwf Lleol) / Mike Horrocks (Rheolwr Tîm a Rhaglen Datblygu Economaidd a Busnes)</b>                        |
| <b>Teitl</b>                     | <b>Y Broses ar gyfer Sefydlu Ardal Gwella Busnes</b>                                                                                                                   |

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

1.1 Mae'r adroddiad yn edrych ar y broses ar gyfer sefydlu Ardaloedd Gwella Busnes (AGBoedd) yn Sir Ddinbych, gan gynnwys materion cyfathrebu ac ymgysylltu â busnesau, Cyngor Sir Ddinbych a phartïon eraill â diddordeb. Mae'r adroddiad yn helpu'r Pwyllgor i ddeall effaith bosibl AGB ar fusnesau'r ardal ddynodedig ac adnabod gwersi a ddysgwyd o geisiadau AGB sydd wedi'u prosesu hyd yma o fewn y sir.

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

2.1 Mae'r adroddiad yn darparu gwybodaeth am y broses o ffurfio AGB i alluogi'r Pwyllgor i archwilio'r broses mewn manylder.

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

3.1 Argymhellir bod y Pwyllgor yn ystyried yr wybodaeth a ddarperir, gwneud sylwadau priodol a pharhau i gefnogi'r gwaith o sefydlu rhagor o AGBoedd yn y sir petai unrhyw dref neu grŵp busnes yn dymuno gwneud cais.

## **4. Manylion yr Adroddiad**

### **4.1 Beth yw AGB?**

- 4.1.1 Ymddangosodd Ardaloedd Gwella Busnes (AGBoedd) yn y DU yn dilyn deddfwriaeth alluogi yn 2004 yng Nghymru a Lloegr, yn 2007 yn yr Alban ac yn 2014 yng Ngogledd Iwerddon. Erbyn hyn mae yna dros 300 o AGBoedd yn y DU.
- 4.1.2 Mae AGB yn drefniant lle mae busnesau yn dod at ei gilydd i benderfynu ar y gwelliannau ychwanegol yr hoffan nhw eu gwneud yn eu hardal, sut maen nhw'n mynd i reoli a darparu'r gwelliannau hynny a faint maen nhw'n fodlon talu i wneud y gwelliannau hynny. Defnyddir yr wybodaeth hon wedyn i greu cynllun busnes gyda'r rheiny a fydd yn cyfrannu'n ariannol at y gwelliannau yn pleidleisio drosto. Os yw'r mwyafrif o blaid fesul nifer a gwerth ardrethol, bydd y taliad yn orfodol i bob busnes yn yr AGB fel y nodir yn y cynllun busnes. Fel trethdalwr ardreth annomestig mae gan y Cyngor bleidlais ar gyfer pob eiddo sydd ganddo yn yr AGB yn yr un modd ag unrhyw fusnes arall.
- 4.1.3 Mae AGB fel rheol yn cymryd rhwng 12 a 18 mis i'w datblygu. Ar ôl ei ffurfio, bydd AGB yn cael ei rheoli gan gorff a gyfansoddwyd yn gyfreithiol. Mae'r rhan fwyaf o AGBoedd yn gwmnïau nid-er-elw gyda Bwrdd Cyfarwyddwyr. Mae cwmni'r AGB yn gyfrifol am ddatblygu a gweithredu'r cynllun busnes. Gall AGB bara hyd at 5 mlynedd cyn y cynhelir ail-bleidlais, ac mae'n rhaid iddi ddangos sut mae wedi bod o fudd i'r busnesau sydd wedi'i hariannu.

### **4.2 Cefndir**

- 4.2.1 Ym mis Mai 2016 amlygodd Cyngor Sir Ddinbych y cyfle i ddysgu am AGBoedd drwy estyn gwahoddiad agored i gysylltiadau ar draws y sir ymweld ag AGB Amwythig i ddysgu mwy. Derbyniwyd datganiadau o ddiddordeb yn yr ymweliad gan dîm Datblygu Economaidd a Busnes y Cyngor o Ruthun, y Rhyl, Prestatyn a Dinbych. Yn dilyn yr ymweliad, dim ond y Rhyl a Phrestatyn a ddangosodd diddordeb mewn ymchwilio i ddichonoldeb AGB, ac fe'u cefnogwyd i wneud hynny. Ym mis Mehefin 2018 derbyniodd y Cyngor ddatganiad o ddiddordeb gan grŵp o fusnesau yn Llangollen a oedd wedi casglu pot arian cychwynol a, gyda chefnogaeth y Cyngor, wedi sicrhau grant gan Lywodraeth Cymru i edrych ar ddichonoldeb a datblygu AGB yn y dref.

### 4.3 Rôl yr Awdurdod Lleol

4.3.1 Er gwaetha'r dull dan arweiniad busnesau, mae yna gyfres o rolau pwysig y mae'n rhaid i'r awdurdod eu gwneud. Mae'r rhain wedi'u diffinio gan gyfraith ac wedi'u nodi mewn canllaw technegol sydd ar gael ar-lein ac yn Atodiad 1. Yn fyr, rôl yr awdurdod yw:

- Ymgyswrtio â Rheoliadau AGB Mae'r ddeddfwriaeth allweddol ar gael yn [legislation.gov.uk](http://legislation.gov.uk)
- Deiliad y Rhestr Ardrethi. Mae'r awdurdod lleol yn darparu enw, cyfeiriad a gwerth ardrethol pob busnes sy'n talu trethi o fewn ffin yr AGB arfaethedig.
- Darparwr Gwasanaeth – darperir 'Datganiadau Gwaelodlin' gan y Cyngor ar ystod o wasanaethau allweddol e.e. glanhau a chynnal a chadw, cyfleusterau cyhoeddus a goleuadau stryd, i sicrhau y bydd gwaith yr AGB yn mynd y tu hwnt i ddarpariaeth bresennol y Cyngor. Gall y Cyngor wneud toriadau i ddarpariaeth ar draws y sir ond ni all neilltuo AGB ar gyfer toriadau penodol.
- Casglu ardoll yr AGB. Mae gofyn i'r awdurdod lleol reoli'r gwaith o gasglu a gorfodi ardoll yr AGB. Caiff yr holl gostau eu hadennill.
- Trefnydd Pleidleisio – i ddarparu gwasanaethau ar gyfer y bleidlais. Mae gofyn i'r awdurdod lleol sicrhau bod y bleidlais yn cael ei chynnal yn ôl â Rheoliadau AGB. Caiff yr holl gostau eu hadennill.
- Hysbysu canlyniad y bleidlais. Cyn gynted ag y bo modd bydd y trefnydd pleidleisio yn trefnu hysbysiad cyhoeddus ynghylch canlyniad y bleidlais.
- Datgan papur pleidleisio di-rym.
- Terfynu. Os yw AGB yn methu e.e. dim digon o arian neu'n methu â darparu gwasanaethau, byddai gan yr awdurdod lleol rôl wrth gau'r AGB. Byddai'n cynnal ymgynghoriad gyda chynrychiolwyr busnes 'priodol' ac yn rhoi 28 diwrnod o rybudd.

4.3.2 Mae Atodiad 2 yn cynnwys mwy o fanylion ynglŷn â'r broses ar gyfer archwilio/sefydlu AGB yn Sir Ddinbych.

4.3.3 O ran y gwersi a ddysgwyd, mae'r gofynion wedi'u nodi yn y ddeddfwriaeth a gyfeirir ati uchod ac mae'n ofynnol i'r awdurdod lleol fodloni'r rhain.

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

- 5.1 Mae'r gwaith ar AGBoedd yn cefnogi nod Cynllun Corfforaethol y Cyngor i "weithio gyda phobl a chymunedau i wella annibyniaeth a gwytnwch", gan ddod â budd-ddeiliaid at ei gilydd a datblygu partneriaethau i gefnogi gwelliannau yng nghanol trefi a fydd yn dod â budd i'r rheiny sy'n rhedeg busnes, byw, gweithio neu'n ymweld â'r ardal.

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

- 6.1 Unwaith y bydd AGB wedi'i ffurfio bydd yn rhaid i'r Cyngor dalu ardoll yr AGB ar yr holl eiddo cymwys sydd ganddo yn yr AGB. Gall amrywiaeth o wasanaethau ymgysylltu ag AGBoedd mewn perthynas â gwelliannau i drefi sy'n dod â budd i fusnesau lleol a phreswylwyr.

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

Nid yw Asesiad o'r Effaith ar Les yn berthnasol i'r adroddiad hwn ynnddo'i hun. Fodd bynnag, bydd pob AGB yn destun Asesiad o'r Effaith ar Les a bydd y ddogfen honno yn cael ei chyflwyno i'r Cabinet pan fydd yr AGB yn cael ei thrafod. Ceir enghraifft yn Atodiad 3.

## **8. Pa ymgynghoriadau sydd wedi eu cynnal gyda Chraffu ac eraill?**

- 8.1 Yn ystod camau dichonoldeb sefydlu AGB bydd nifer o ymgynghoriadau yn cael eu cynnal (fel y nodir yn Atodiad 2). Mae'r rhain yn cynnwys arolygon ar holl brif swyddfeydd busnesau cenedlaethol perthnasol; cyflwyniadau i Grwpiau Busnes / Siambrau Masnach, Uwch Dîm Arweinyddiaeth y Cyngor a Grwpiau Ardal yr Aelodau; sesiynau briffio gyda'r Aelod Arweiniol; cyfarfodydd gyda Rheolwr y Gwasanaethau Democraidd a chyswllt penodol gyda Phenaethiaid Gwasanaeth yn ystod y broses o gasglu Datganiadau Gwaelodlin.

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

Yn amlwg, fe geir rhai goblygiadau o ran adnoddau i'r Cyngor wrth hwyluso'r broses ond dylid cynnwys y rhain o fewn adnoddau presennol neu fe ddylid eu hystyried yn llawn fel rhan o'r broses. Yr effaith fwyaf ar y Cyngor yw bod yn rhaid iddo dalu ardoll yr AGB ar yr holl eiddo cymwys sydd ganddo mewn AGB sydd wedi'i sefydlu. Mae'n bwysig bod y pwysau hwn yn cael ei gynnwys ym mhroses y gyllideb gan fod Trethi Busnes yn cael eu hariannu'n gorfforaethol.

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

10.1 Ni cheir risgiau adnabyddadwy sylweddol wrth ddilyn yr argymhelliad os yw'n cydymffurfio â'r ddeddfwriaeth gyfredol ar AGBoedd.

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

11.1 Mae Adran 7.2.3 yng Nghyfansoddiad y Cyngor yn nodi bod modd i'r Pwyllgor Craffu ystyried unrhyw fater sy'n effeithio ar ardal y Cyngor neu ei phreswylwyr.

Mae tudalen hwn yn fwriadol wag



Department for  
Communities and  
Local Government

# **Business Improvement Districts**

**Technical Guide for Local Authorities**



**BritishBIDs™**



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## Introduction

This Technical Guide focuses on the core roles and responsibilities that a local authority is required to undertake in relation to a ratepayer-based Business Improvement District (BID) development, management and termination. BIDs are business-led partnerships focused on improving and enhancing commercial areas. These areas are typically within town and city centres, commercial locations and industrial estates, but can also cover tourist areas. Despite the business-led approach there are still a series of critical roles that a local authority is required to perform to facilitate the establishment, smooth running and termination as required.

It is the responsibility of both the local authority and the BID proposer to thoroughly read and understand the BID legislation to ensure the processes are executed appropriately.

The key legislation can be found at

<http://www.legislation.gov.uk/all?title=Business%20Improvement%20Districts%20>

At the commencement of the BID development process, the local authority should agree a full timeline to ballot with the BID proposer to ensure all processes are covered and appropriate lead-in times have been considered and agreed. The responsibilities for a local authority in enabling the establishment and successful operation of a BID are set out below and described in detail in this paper:

### **1. Being familiar with the BID Regulations**

2. Rating List Holder
3. Service Provider - for provision of statement of existing baseline services
4. Collection of the BID Levy
5. Ballot Holder - for provision of Ballot Services
6. Notification of Ballot Outcome
7. Declaring a Ballot Void
8. Termination Procedures

## **1. Being familiar with the BID Regulations**

The local authority will wish to satisfy itself that the responsibilities explained in this Guide have been completed in accordance with the BID legislation.

The local authority should ensure it has complied with the regulations, either through a formal committee process and/or through a delegated approval to a lead member or officer but this should be fully documented. In practice, local authorities with areas who are establishing a BID have decided to fulfil their responsibilities via a committee paper, which usually includes a formal approval for the respective

local authority to cast their vote on their own hereditaments and to make the financial provision for the levy costs assuming a successful ballot.

The local authority has specific responsibilities in the following areas:

### **1a. Veto of BID Proposals**

The local authority should satisfy itself that the BID proposal does not conflict with any existing local authority policy nor propose a disproportionate burden on particular businesses by way of an unfair levy charge on a certain 'class' of levy payers, for example by an inappropriate manipulation of the BID boundary. It is sensible to do this prior to allowing the ballot to take place so as to minimise the risk of having to veto the proposals following the ballot. An unfair charge may be a disproportionately higher rate for one sector/group of businesses that isn't reflected in the scope of the BID proposals or perhaps a disproportionately low rate for one sector/group of businesses that in effect means their services are being heavily subsidised by others. An inappropriate manipulation would involve examples such as capturing a high rateable value property, which in geographical terms appears outside the scope of the BID.

#### ***Veto of BID proposals (Reg 12)***

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

*(a) to conflict to a material extent with any policy formally adopted by and contained in a document published by the authority (whether or not the authority is under a statutory duty to prepare such document); or*

*(b) to be a significantly disproportionate financial burden on any person or class of persons (as compared to the other non-domestic ratepayers in the geographical area of the BID) and —*

*(i) that burden is caused by the manipulation of the geographical area of the BID or by the structure of the BID levy; and*

*(ii) that burden is inequitable*

### **1b. Submission of the BID Proposals**

The local authority should be satisfied that the submission from the BID proposer includes a copy of the BID proposal; details of the consultation undertaken; details of the finances and financial management of the BID (all of which are likely to be contained in the single Business Plan document that businesses will vote on); and a demonstration that finances are available to cover the cost of the ballot in the event that it fails and the number of persons voting in favour was less than 20% of the number of persons entitled to vote.

The local authority must be notified that the BID proposer wishes to put proposals for a BID to a ballot, and the BID proposer needs to ask the billing authority (the

local authority) to instruct the local authority's returning officer (the ballot holder) to hold a ballot.

#### ***BID Proposals (Reg 4)***

*(2) Where a BID proposer decides to seek approval of BID proposals in a BID ballot or the BID body decides to seek approval of alteration proposals in an alteration ballot or renewal proposals in a renewal ballot, it shall—*

*(a) send to the relevant billing authority—*

*(i) a copy of the BID proposals, alteration proposals or renewal proposals, as the case may be, together with a summary of—*

*(aa) the consultation it has undertaken with those persons who are to be liable for the proposed BID levy;*

*(bb) the proposed business plan (including the estimated cash flow, an estimate of the predicted revenue to be generated and the predicted expenditure to be spent under the BID arrangements, the predicted budget over the duration of the BID arrangements and the contingency margin included in the budget); and*

*(cc) the financial management arrangements for the BID body, and the arrangements for periodically providing the relevant billing authority with information on the finances of the BID body; and*

*(ii) a notice in writing requesting the relevant billing authority to instruct the ballot holder to hold a BID ballot in relation to the BID proposals, an alteration ballot in relation to the alteration proposals or a renewal ballot in relation to the renewal proposals, as the case may be; and*

*(b) provide the relevant billing authority with such information as it shall reasonably require to satisfy itself that the BID proposer or, as the case may be, the BID body, has sufficient funds to meet the costs of the BID ballot, the renewal ballot, or the re-ballot in relation to the BID ballot, or the renewal ballot, as the case may be, should it be required to do so under regulation 10.*

#### **1c. Content of the BID Proposals**

The local authority will need to check that the final BID proposals include all of the details stated within Schedule 1 to the BID Regulations (the Business Improvement Districts (England) Regulations 2004) prior to proceeding to ballot. It should satisfy itself that all of these elements have been included in the BID proposals prior to giving the go ahead to the commencement of the ballot process.

#### ***Schedule 1***

*1. (1) Subject to sub-paragraphs (2) and (3), the matters which shall be included in BID proposals are—*

*(a) a statement of the works or services to be provided, the name of who will provide them (the name of the BID body or local authority BID body) and the type of body the provider is (whether a local authority, a company under the control of the authority, a limited company or a partnership);*

*(b) a statement of the existing baseline services (if any) provided by the relevant billing authority or other public authority;*

- (c) a description of the geographical area (including a map showing that area) in which the proposed BID arrangements are to have effect;*
- (d) a statement of whether all non-domestic ratepayers in the geographical area or a specified class of them are to be liable to the BID levy, an explanation of how the amount of the BID levy to be levied is to be calculated and an explanation of whether any of the costs incurred in developing the BID proposals, holding of the ballot or implementing the BID are to be recovered through the BID levy;*
- (e) a statement of the specified class of non-domestic ratepayer (if any) for which and the level at which any relief from the BID levy is to apply;*
- (f) a statement of whether the BID arrangements may be altered without an alteration ballot and, if so, which aspects of the BID arrangements may be altered in this way;*
- (g) a statement of the duration of the BID arrangements; and*
- (h) a statement of the commencement date of the BID arrangements*

## **2. Rating List Holder for provision of Rating List data**

On receipt of a valid request from the BID Proposer, the Local Authority is required to prepare a document (from its business rates records) showing the name of each business ratepayer within the boundary of the proposed BID, together with the address and rateable value of each relevant business property occupied or (if unoccupied) owned by the ratepayer, and provide this to the BID proposer.

Due to the nature of the rating list, the entries on this list can be out of date by virtue of for example vacancies or changes of occupation. The data from this source only guarantees the legally eligible hereditaments that are registered on the rating list at that point. The BID proposer will need to ensure the final voter list contains the appropriate updated information – please see details set out in ‘Creating the Voter List’

When the Valuation Office Agency updates the ratings list, it is good practice to ensure that any changes that have occurred during the consultation period are forwarded to the BID proposer so that it can be reflected in the voter list where appropriate. The final update should be the last Valuation Office Agency update before the Notice of Ballot.

### ***Obtaining information from billing authority for the purpose of developing BID proposals (Reg 2)***

***2. (1) On receiving a request (made in accordance with paragraph 2) from any person who is developing BID proposals, the relevant billing authority shall–***

***(a) prepare a document showing (as far as the relevant billing authority is able to ascertain from its non-domestic rates billing records at that time) the name of each non-domestic ratepayer and the address and rateable value of each hereditament which is occupied, or (if unoccupied) owned, by him in the geographical area of the BID proposals to be developed; and***

*(b) supply a copy of the information in the document to the person concerned in data form.*

**Obtaining information from billing authority for the purpose of canvassing (Reg 11)**

*11. (1) As soon as practicable after instructing the ballot holder to hold a ballot (under regulation 5(1)), the relevant billing authority shall—*

*(a) prepare a document showing (as far as the relevant billing authority is able to ascertain from its non-domestic rates billing records at that time) the name of each non-domestic ratepayer and the address and rateable value of each hereditament which is occupied, or (if unoccupied) owned, by him in the geographical area to which any BID proposals, alteration proposals or renewal proposals, as the case may be, relate;*

*(b) provide a copy of the document referred to in paragraph (1)(a) to the ballot holder as soon after instructing as practicable; and*

*(c) make available for inspection by any person a copy of the information in the document referred to in sub-paragraph (a) at its principal office during normal working hours.*

### **3. Service Provider for provision of statement of existing baseline services**

It is a requirement under Schedule 1, paragraph 1(1) (b) to the BID Regulations that the BID proposals include a statement of the existing baseline services provided by the local authority or any other public authority in the proposed BID area. The statement will form part of the BID proposals which demonstrate to businesses voting for the BID that the proposed BID services are additional to the baseline services provided by the public authorities.

It is best practice for a baseline agreement to be approved at the start of a BID's term which sets out baseline services the local authority is going to provide (that reflects the statement of existing baseline services) and services to be provided by the BID. It is unrealistic for local authorities to commit to specific service levels for the full five year term of the BID. The BID proposer and local authority need to agree a process for reviewing the baseline agreement and best practice suggests the baseline agreement includes an annual commitment for review and if necessary update service levels, to reflect the services each will provide the following year.

Where a change in the baseline services provided by the local authority results in the BID having to alter the BID arrangements, it may need to hold an alteration ballot before it can do so. Changes can be made to the arrangements without a ballot, but only where the original arrangements contain provision to this effect and only where the change would not alter the geographical boundary of the BID, increase the levy or cause anyone to pay the levy who had not previously been liable.

### **Schedule 1**

*(b) a statement of the existing baseline services (if any) provided by the relevant billing authority or other public authority;*

#### **Alteration of BID arrangements without an alteration ballot (regulation 16)**

*(1) Subject to paragraphs (2) to (4), BID arrangements may be altered without an alteration ballot where the arrangements include a provision to that effect.*

*(2) No provision mentioned in paragraph (1) may alter—*

*(a) the geographical area of the BID; or*

*(b) the BID levy in such a way that would—(i) cause any person to be liable to pay the BID levy who was not previously liable to pay; or*

*(ii) increase the BID levy for any person.*

*(3) Where paragraph (1) applies, the BID arrangements must include a provision describing the procedure to make the alteration.*

*(4) The procedure referred to in paragraph (3) must include—*

*(a) where there is a BID body, a consultation between the BID body and the relevant billing authority; and*

*(b) where a local authority BID body is responsible for implementing the BID arrangements, a consultation between the relevant billing authority and such representatives of the business community for the geographical area of the BID as the authority considers appropriate.*

*(5) Where the BID arrangements are altered pursuant to this regulation—*

*(a) the billing authority shall ensure the BID arrangements (as altered) are made by the time those BID arrangements (as altered) are to come into force and shall send a notice in writing explaining the reason for and the effect of the alteration to each person liable for the BID levy; and*

*(b) sections 44 to 47 of the Act, regulations 14 to 18 and Schedules 3 and 4 shall have effect from the date the BID arrangements (as altered) come into force as if a reference in each of those provisions to “BID arrangements” were a reference to the BID arrangements (as altered).*

#### **Alterations of the BID arrangements following a ballot (regulation 17)**

*(1) Where there is a proposal to alter—*

*(a) BID arrangements and those arrangements do not include a provision allowing for the arrangements to be altered without a ballot;*

*(b) the geographical area of the BID; or*

*(c) the BID levy in such a way that would—*

*(i) cause any person to be liable to pay the BID levy who was not previously liable to pay; or*

*(ii) increase the BID levy for any person,*

*the BID body or, where a local authority BID body is responsible for implementing the BID arrangements, the relevant billing authority may alter the BID arrangements in accordance with this regulation.*

*(2) An alteration of the BID arrangements under this regulation is not to come into force unless the alteration proposals are approved by a ballot of the non-domestic ratepayers who are to be liable for the BID levy under the BID arrangements (as altered) (“an alteration ballot”) and they are not to be regarded as approved by an alteration ballot unless—*

*(a) a majority of the persons voting in the alteration ballot have voted in favour of the alteration proposals; and*

*(b) the aggregate of the rateable values of each hereditament in respect of which a person voting in the alteration ballot has voted in favour of the alteration proposals exceeds the aggregate of the rateable values of each hereditament in respect of which a person voting in the alteration ballot has voted against the alteration proposals.*

*(3) Where BID arrangements are altered pursuant to this regulation—*

*(a) the billing authority shall ensure the BID arrangements (as altered) are made by the time those BID arrangements (as altered) are to come into force; and*

*(b) sections 44 to 47 of the Act, regulations 14 to 18 and Schedules 3 and 4 shall have effect from the date the BID arrangements (as altered) come into force as if a reference in each of those provisions to “BID arrangements” were a reference to the BID arrangements (as altered).*

## **4. Collection of the BID Levy**

The local authority is required to manage the collection and enforcement of BID levy charges. In practice the BID body and the local authority establish a levy collection agreement often known as an Operating Agreement. The principle of this agreement is to define the principles and processes for collecting the levy; enforcing the payment of the levy; reporting on collection and bad debt; monitoring provisions between the BID and the local authority; and providing regular detailed and summary information on the service to the BID as the client. Best practice suggests that a draft arrangement between the authority and BID should be available for scrutiny by businesses during the ballot period.

The local authority may opt to send the levy bill out as part of the business rate bill or as a separate bill. Best practice suggests that a separate bill that includes a clear logo for the BID on the header of the bill and a smaller local authority logo with reference to the local authority being the collection agency on behalf of the BID is preferable. This helps to ensure businesses recognise that the BID is delivering specific services over and above that which is funded and delivered by the local authority. The local authority is also required to issue an annual billing leaflet with the levy bills and this should include the previous year’s financial summary and the forecast for the forthcoming year as per Schedule 4 to the BID Regulations, paragraph 3 (2). In practice, a billing leaflet is often produced by the BID with the in-house design style and approved by the local authority prior to printing.



The mechanism for charging should be defined within the levy rules of the BID business plan and should be agreed between the BID proposer and local authority rating department in advance of publication of the Business Plan. There is no requirement within the BID regulations to follow the charging principles of the business rates system; instead it is up to the BID proposer to consider the principles that are appropriate to their location.

There are two charging principles – ‘daily charging’ that mirrors the approach in the business rate system of the charge being broken down to each day of the 365 days of the year thereby managing refunds as each change to occupation occurs; or ‘chargeable day’ that imposes the full year levy charge on the incumbent on a fixed day of the year (usually 1<sup>st</sup> April) and then makes no refunds within the year as a result of any changes. The daily charge system is a more complex system and therefore requires a greater resource making the annual levy collection charge higher. Where refunds are provided a further component on the levy rules should be fixing the charging system so that it operates within a closed financial year meaning refunds are only applicable within the current chargeable year. Whilst the chargeable day system tends to be preferred by BIDs because it provides a more predictable cash flow and usually means a lower collection charge.

The local authority is permitted to charge a reasonable fee for this service. There have been wide variations on charging policies across the country with approximately one third of local authorities providing the service at no charge to the BID, whilst others at the other end of the spectrum charging over £100/hereditament (Source: British BIDs Nationwide BID Survey). As a consequence levy payers have increasingly challenged these charges on the basis that there appears to be no correlation between the levy collection rate and its relative collection charge. The Industry Criteria and Guidance Notes (published by British BIDs annually on behalf of the British Retail Consortium, the British Council of Shopping Centres, the Federation of Small Businesses and the Inter Bank Rating Forum) recommend an industry standard of ‘a maximum charge of £35/hereditament or 3% of annual levy income, whichever is the lower.

***Administration of the BID Levy etc (Reg 15)***

***15. The relevant billing authority shall, by the commencement date, provide for the imposition, administration, collection, recovery and application of the BID levy and Schedule 4 shall have effect with respect to those matters.***

***Schedule 4 paragraph 3***

***(2) A billing authority must when it serves a demand notice supply to the person to whom the notice is served the following information—***

***(a) the revenue from the BID levy the billing authority was due to receive in the previous year;***

***(b) the amount spent on the BID arrangements in the previous year;***

***(c) a description of the matters on which it was spent; and***

*(d) a description of the matters on which it is intended to spend the revenue from the BID levy in the financial year.*

## **5. Ballot Holder for provision of Ballot Services**

The local authority is required to ensure the ballot is operated, either in-house or outsourced, in line with the BID Regulations. Irrespective of whether the ballot is run in-house or outsourced, the local authority ballot holder still remains legally responsible for the ballot process as set out within the Regulations.

### **Ballot Timetable**

The timetable for the ballot is defined within Schedule 2 to the BID Regulations stating the key dates as follows:

- Notification to the local authority and the Secretary of State by the BID proposer (min 84 calendar days prior to submitting proposals to the local authority)
- Notice of Ballot (Ballot holder to notify voters) (min 42 calendar days before the ballot day)
- Ballot Period (min 28 calendar days)
- Ballot Day (must be a working day and finish at 5pm)
- Count and Announcement (as soon as 'practicable' after the ballot day)

### **Creating the Voter List**

The local authority is required to ensure a voter list has been created in readiness for a ballot, and this must originate from the rating list to define the eligible hereditaments. The Regulations set out that the voter must be an eligible ratepayer who will be liable to pay the BID levy and that the address to which the ballot paper must be sent can be the address of the hereditament within the BID area or their principal place of business. In practice the rating list does not always provide all the relevant information that enables the creation of the voter list, the key information it does provide is the actual hereditament entry and Unique Property Reference Number (UPRN).

Best practice demonstrates that the default position should be to prepare the list using the local hereditament address with 'The Manager' as the contact and then to update the list to a principal place of business/head office when voter details are confirmed. Therefore the local authority should identify how additional voter details can be collected to maximise the opportunity for businesses to cast their vote. This may be done directly by the local authority by way of pre-ballot canvass but, perhaps most likely, via the BID proposer ensuring evidence of voter identity is proved to the ballot holder who remains responsible for the list at all times. All ballot papers are required to be sent within England via a postal ballot and

therefore any person entitled to vote that is located outside England must be identified in advance and offered a proxy.

### **Managing Changes to the List**

To ensure that the final voter list is as accurate as possible, the ballot holder should ensure it corresponds with the rating list update from the Valuation Office Agency closest to the date of Notice of Ballot. Once the Notice of Ballot has been issued to the voters, this list is then fixed and no changes to the rating list can be taken into account during the ballot period. In the event that ballot papers have not reached the correct name and address of the voter during the period of the ballot the Regulations allow two provisions:

1. Proxy Application – where a named voter is unable or is not the appropriate person to vote, he/she can apply for a proxy vote to be given to a colleague within the same business. This can be done from the date of the Notice of Ballot through to ten days before the end of the ballot period. The proxy application must be sent from the original named voter to the ballot holder.
2. Replacement of Lost Papers – where a voter has not received a ballot paper by the fourth day before the end of the ballot period, the voter can apply for a replacement ballot paper.

### **Ballot Principles**

The ballot is run as a secret ballot meaning that the BID Proposer will not be notified of which way votes have been cast at any stage of the ballot, or after the ballot has ended. However the ballot holder may report to the BID Proposer during the ballot which ballot papers have been received.

The ballot must be won on two counts – both a majority by number of votes; and a majority by rateable value of those that turnout to vote with no turnout threshold required.

The count of the ballot papers is the responsibility of the ballot holder and is required to be carried out as soon as practicable after the ballot has ended. In practice, it is usually undertaken the morning after the ballot has ended with the announcement straight after the count on the same day.

### **Ballot Materials**

There are two sets of documents prepared for the ballot– firstly the documents created and issued in accordance with the Regulations; and secondly the campaign and canvassing documents produced by the BID proposer and not dictated by the Regulations nor requiring the involvement of the local authority.

## Ballot Documents

The BID proposer will send out the notification of their intention to put the BID proposals to a ballot to both the Secretary of State and the local authority, at least 84 days before formally asking the ballot holder to arrange a ballot.

The Ballot Holder will send out the following:

- a. Notification to the Secretary of State at least 42 days before the day of the ballot, confirming that the Notice of Ballot has been issued
- b. Notice of Ballot and covering letter to those entitled to vote, which includes an explanation of the ballot arrangements, an explanation that the person may request a copy of the BID proposals from the BID proposer and provides the name and address of the BID proposer.
- c. Ballot Paper (best practice suggests using a different colour for the ballot paper to ensure it stands out and ensuring the envelopes used include the logo for the BID and a strapline making reference to 'Ballot papers enclosed, please return by *date*').
- d. Ballot Statement (often produced by the BID proposer in line with the other campaign documents and approved by the local authority. This must be sent out with the ballot paper and should be an impartial and factual document which provides an explanation of the BID arrangements and the ballot arrangements )

Best practice also suggests the inclusion in the ballot documents of:

- e. The statement of existing baseline services (these must be available for inspection prior to the ballot). If a Baseline Agreement has been agreed (which includes the statement of existing baseline services) then this should be made available. Section 3 of this Guide refers
- f. Levy collection arrangement (or operating agreement, (available for inspection prior to the ballot and for adoption at the commencement of the BID)) Section 4 of this Guide refers

### **Ballot holder (Reg 6)**

**6.** (1) *The person who holds a BID ballot, renewal ballot, alteration ballot or re-ballot ("the ballot holder") shall be the person the relevant billing authority has appointed under section 35 of the Representation of the People Act 1983(1) as the returning officer for elections to that authority.*

(2) *The ballot holder may by writing under his hand appoint one or more persons to discharge all or any of his functions under these Regulations.*

### **Arrangements for holding a ballot and conduct of a ballot (Reg 7)**

**7.** *On receipt of an instruction under regulation 5, the ballot holder shall make arrangements for conducting a BID ballot, alteration ballot, renewal ballot or re-ballot, as the case may be, in accordance with Schedule 2.*

### **Persons entitled to vote (Reg 8)**

8.—(1) *Subject to paragraph (3), a person shall be entitled to vote in a BID ballot, an alteration ballot or a re-ballot in respect of a BID ballot or an alteration ballot if, on the date the ballot holder publishes the notice under paragraph 3(a) of Schedule 2, he falls within the class of non-domestic ratepayers to be liable for the BID levy described in the BID proposals or the alteration proposals, as the case may be.*

**Schedule 2**

8.—(1) *Nothing is to be printed on the ballot paper except in accordance with this paragraph.*

(2) *Each ballot paper may have a number or barcode printed on the back.*

(3) *The box in which a vote may be marked on the ballot paper shall not be less than 1.5 centimetres square.*

(4) *All of the words on the ballot paper shall appear in the same size type.*

10.—(1) *One ballot paper shall be issued in respect of each person entitled to vote in the BID ballot, renewal ballot, alteration ballot or re-ballot, as the case may be, in respect of each hereditament for which he is entitled to vote.*

(2) *The address to which the ballot paper is to be sent is—*

(a) *the address of the hereditament or the principal place of business within England of the person entitled to vote; or*

(b) *in the case of a proxy, the address shown for the proxy on the list prepared under paragraph 3(b).*

(3) *At the same time there shall be issued to each person entitled to vote or, if applicable, his proxy—*

(a) *a statement prepared by the ballot holder providing an explanation of the BID arrangements and the arrangements for the ballot; and*

(b) *an envelope for the return of the ballot paper (referred to in this Schedule as the “return envelope”).*

## 6. Notification of Ballot Outcome

The Regulations require that as soon as is reasonably practicable after the ballot the ballot holder should arrange for public notice to be given of the outcome of the ballot. Public notice must be given of the four specific matters set out paragraph 17(1)(a) of Schedule 2 to the Regulations, which are:

(a) the total number of votes cast in the ballot excluding any votes given on ballot papers rejected under paragraph 15 of Schedule 2;

(b) the aggregate rateable value of each hereditament in respect of which a person voted in the ballot;

(c) the total number of votes cast in favour of the question asked in the ballot; and

(d) the aggregate rateable value of each hereditament in respect of which a person voting in the ballot has voted in favour of the question asked.

The Regulations do not currently prescribe the manner of publication or the period for which such publication should remain in the public domain. Best practice has shown that, in addition to publication of the outcome by the ballot holder, the BID proposer should look to exploit all media and social media options. They should ensure that all businesses on the ballot voter list are made aware of the outcome as soon as possible.

Best practice also suggests that the Local Authority, as a minimum, should place the outcome of the ballot on their website as soon as the outcome is known. They should also consider other options via social media and publicising in the local newspaper.

## 7. Declaring a Ballot Void

There is a 28 day period immediately after the ballot result announcement during which a request to the Secretary of State to declare the ballot void can be made. The request can be made by either the BID proposer/body, at least 5% of the voters, or the local authority and this request needs to be made in writing to the Secretary of State. The request must set out the basis of the challenge which must be a perceived material irregularity in the ballot process. A material irregularity means either that there has been a contravention of the regulations which is likely to have had a significant effect on the voting and/or that persons other than those entitled to vote have purported to vote or persons entitled to vote have been prevented from voting or hindered from doing so freely in accordance with their own opinion and that this is likely to have caused a significant impact on the result of the ballot. On receipt of a request, the Secretary of State is required to notify the BID proposer and the local authority and then a further 28 days are available for written representations to be made and 14 days thereafter in response. If the Secretary of State declares the ballot void, a re-ballot must be held.

### **Regulation 9**

9.—(1) *Subject to paragraph (3), the Secretary of State may declare void a BID ballot, renewal ballot, alteration ballot or re-ballot if it appears to him that a material irregularity has occurred.*

(2) *In this regulation, “material irregularity” means—*

(a) *a contravention of any requirement of these Regulations which, in the Secretary of State’s opinion, means it is likely that voting in the BID ballot, renewal ballot, alteration ballot or re-ballot, as the case may be, has been affected to a significant extent by the contravention;*

(b) *persons other than persons entitled to vote have purported to vote in the BID ballot and, in the Secretary of State’s opinion, it is likely that the result of the BID*

*ballot, renewal ballot, alteration ballot or re-ballot, as the case may be, has been affected to a significant extent; or*

*(c) persons entitled to vote have been prevented from voting or hindered from doing so freely in accordance with their own opinion and, in the Secretary of State's opinion, it is likely that the result of the BID ballot, renewal ballot, alteration ballot or re-ballot, as the case may be, has been affected to a significant extent.*

*(3) Paragraph (1) shall not apply unless, by the date which is 28 days after the notice of the result is published pursuant to paragraph 17 of Schedule 2, a person ("the complainant"), being a person or group of persons referred to in paragraph (4), has made a request (by notice given in writing) to the Secretary of State to exercise his powers under this regulation, specifying the reason for such a request.*

*(4) The persons mentioned in paragraph (3) are—*

*(a) the BID proposer or the BID body;*

*(b) at least 5 per cent. of the number of persons entitled to vote in the BID ballot, renewal ballot, alteration or re-ballot, as the case may be; or*

*(c) the relevant billing authority.*

*(5) On receipt of a request under paragraph (3) the Secretary of State shall notify the complainant, the relevant billing authority and the BID proposer or the BID body, as the case may be, in writing that he has received the request and send a copy to each of them.*

*(6) Where two or more requests relate to the same ballot, the Secretary of State may decide those requests together.*

*(7) Within 28 days of the date of the notice given by the Secretary of State under paragraph (5) the complainant, the relevant billing authority and the BID proposer or the BID body, as the case may be, may serve on the Secretary of State written representations in respect of the request.*

*(8) A copy of the representations made by one party shall be sent by the Secretary of State to the other parties and shall be accompanied by a statement explaining the effect of paragraph (9).*

*(9) Any party to whom a copy of representations is sent under paragraph (8) may within 14 days of receiving them serve on the Secretary of State further written representations in reply and the Secretary of State shall send a copy of any such further representations to the other parties.*

*(10) The Secretary of State shall notify the complainant, the relevant billing authority and the BID proposer or the BID body, as the case may be, in writing of his decision and where he declares void a BID ballot, renewal ballot, alteration ballot or re-ballot, he shall notify the relevant billing authority in writing requiring it to arrange for a re-ballot or, as the case may be, a further re-ballot to be held.*

*(11) Where the Secretary of State declares void a BID ballot, a renewal ballot, an alteration ballot or a re-ballot in relation to such a ballot and he is of the opinion that the material irregularity was caused by the actions or omissions of the BID proposer or BID body, as the case may be, he shall issue a notice in writing to that effect with his decision notice and, he shall include in the notice an explanation of the effect of regulation 10.*

*(12) Where the Secretary of State declares void a BID ballot, a renewal ballot, an alteration ballot or a re-ballot in relation to such a ballot—*

*(a) the BID arrangements, the renewed BID arrangements or the alterations to the BID arrangements, to which the ballot declared void relates, shall not come into force on the commencement date; and*

*(b) subject to paragraph (13), the BID arrangements, the renewed BID arrangements or the alterations to the BID arrangements, if subsequently approved in the re-ballot, shall come into force on such day as the relevant billing authority determines.*

*(13) The day determined under paragraph (12) shall be no later than a year after the date of the notice of the result is published pursuant to paragraph 17 of Schedule 2.*

## **8. Termination Procedures**

The local authority has a role defined in the Regulations in pursuing termination procedures in the event that the BID has insufficient funds and/or is unable to deliver the services. The termination arrangements require the local authority to run a consultation with 'appropriate' business representatives and to give a notice of 28 days.

### ***Termination of BID arrangements (Reg 18)***

*18.—(1) The relevant billing authority may terminate BID arrangements where—*

*(a) in the opinion of the authority, the BID body will have insufficient finances to meet its liabilities for the current chargeable period and the authority has—*

*(i) offered the BID body a reasonable opportunity to arrange for financing the shortfall or for a reduction in the works or services under the BID arrangements which is sufficient to offset the shortfall; and*

*(ii) given those persons who are liable to the BID levy an opportunity, at a public meeting, to make representations in relation to the termination of the BID arrangements; or*

*(b) the authority is unable, due to any cause beyond the control of the authority, to provide works or services which are necessary for the BID to continue and the authority has—*

*(i) where there is a BID body, consulted the BID body and conducted a consultation with such representatives of the business community for the geographical area of the BID as the authority considers appropriate; and*

*(ii) where a local authority BID body is responsible for implementing the BID arrangements, conducted a consultation with such representatives of the business community for the geographical area of the BID as the authority considers appropriate.*



# Summary Checklist for best practice

Developing a BID is labour intensive, both for the BID proposer and the local authority and requires a focused effort to ensure a robust and thorough process is followed.

The key tasks for a local authority to complete are:

1. Regulations
  - a. Thoroughly read and understand the Regulations
  - b. Agree the 'approval process' whether this is via Committee or delegated approval
  - c. Satisfy yourself there is likely to be no need for a veto of the BID proposals
  - d. Review and sign-off the BID proposals prior to ballot
2. Ratings List Data
  - a. Provide rating list data for consultation
  - b. Provide updated rating list data for the voter list
3. Baselines
  - a. Coordinate details on local authority services and produce the statement of existing baseline services
4. Levy Collection
  - a. Produce the levy collection arrangement (operating agreement) defining the terms of levy collection and enforcement
  - b. Agree the arrangements for billing along with the annual billing leaflet
  - c. Agree method of charging, i.e. daily charging or chargeable day and ensure there is a closed financial year rule in place
  - d. Agree the pricing of the levy collection service in line with Industry Criteria
5. Running the Ballot
  - a. Agree whether the ballot is going to be in-house or outsourced and confirm the timetable
  - b. Agree the principles of creating the voter list and confirm if a pre-ballot canvass is going to take place
  - c. Set the voter list at the last rating list update prior to the Notice of Ballot
  - d. Agree the contents of all ballot pack materials
  - e. Agree the procedures for proxy applications and replacement ballot paper requests
  - f. Agree the ballot count arrangements and the announcement of the result
6. Void Ballot
  - a. Be aware of the rules in relation to declaring a ballot void by the Secretary of State
7. Termination
  - a. Be aware of the responsibilities of the local authority in relation to a possible call for termination

Mae tudalen hwn yn fwriadol wag

## **Appendix 2.**

### **BIDs in Denbighshire**

- 1.** As a BID is a legal entity and the process required to set one up requires particular expertise, a procurement exercise was undertaken by the County Council with the involvement of BID Task Groups to secure the services of an expert in this field to work with the businesses in the towns. This procurement process was undertaken for Rhyl & Prestatyn in 2017 and again for Llangollen in 2018. The MOSAIC Partnership were successful in both instances and embarked on the process of supporting businesses to explore BIDs in each of these 3 towns.

### **2. The process of forming a BID**

*2.1 Feasibility* - This initial stage considers Financial analysis; area/boundary modelling and engagement with businesses and both Town and County Councils through e.g. meetings and surveys. It identifies business interest and assesses the viability of a BID.

*2.2 Development & Campaign* - If the BID has been seen to be feasible both in terms of finance and local support then a team to explore it further is developed. This 'BID Task Group' is formed in the town and comprises mainly businesses but often includes a representative from Town and County Councils. It is supported by the independent experts and develops the Draft Business Plan, engaging more widely with local stakeholders through:

- face-to-face meetings with businesses
- workshops, presentations, stakeholder meetings and drop in sessions
- websites created for the potential BID
- newsletters/mail shots to all potential levy payers within the proposed BID boundary

Once this process of consultation and collaboration is complete, the Final Business Plan is produced.

2.3 *Final Business Plan* - The Local Authority by law must be satisfied the BID proposals contain all the information needed to make a clear assessment. The Final Business Plan contains this information - it is the document on which businesses vote. It usually contains the following:

|                                                                    |                              |
|--------------------------------------------------------------------|------------------------------|
| Statement of Works                                                 | Summary of Consultation      |
| Delivery Body and Type                                             | Budget Forecast              |
| Baseline Services Statement                                        | Duration of BID Arrangements |
| Description of Geographical Area including Map                     | Commencement Date for BID    |
| BID Levy Rules (amount, payers, exemptions)                        | Statement on Development     |
| Statement for any Alteration Arrangements (with or without ballot) |                              |

### 3. The Power of Veto

3.1 The Local Authority has a duty in law to be satisfied with the BID proposal/ Business Plan. It can veto the proposal only on a limited number of issues (set out below). The Business Plan is therefore examined by officers ahead of recommendations to Cabinet and prior to a BID Ballot in order to assess if the proposals are likely to:

- conflict to a significant extent with an existing local authority policy,
- place a disproportionate financial burden on particular businesses e.g. by manipulating the boundary or
- the burden from the levy is unjust e.g. one particular sector pay a far lower or higher charge than others.

### 4. The Ballot

4.1 Once the BID proposers request has been accepted through Cabinet as meeting the criteria set out in legislation, the Council provides the mailing list

of ratepayers within the BID boundary to the BID proposer. The BID proposer has a part to play in ensuring the list is as up to date as possible, working with the Authority.

- 4.2 At least 84 days before submitting proposals, the ballot proposer (in Denbighshire this has been to date the independent experts on behalf of the businesses), notifies the Local Authority and the Secretary of State of their intention to put the BID proposal to ballot. For Rhyl this was dated 19<sup>th</sup> June 2018. For Llangollen notification was dated 15 October 2019.
- 4.3 At least 42 days before the final ballot date, the ballot holder should publish a notice stating the date of the ballot, and send a copy of this to the Secretary of State. In Denbighshire an independent provider, the Electoral Reform Service, has been used to conduct the ballot and count the votes.
- 4.4 Businesses that are subject to the levy, as set out in the proposals, vote in the ballot. This determines whether the scheme goes ahead.
- 4.5 In Rhyl notice of ballot was sent on 11 Oct 2018 and ballot packs sent to each qualifying property on 25 October 2018 giving 28 days to cast their vote.
- 4.6 Each business entitled to vote in a Business Improvement District ballot is allowed one vote in respect of each property occupied or (if unoccupied), owned by them in the geographical area of the Business Improvement District as delineated in the BID Business Plan.
- 4.7 As a non-domestic rate payer the Council has a vote for each eligible property they have in the BID area in the same way that businesses do, and this information is presented to Cabinet Briefing and Cabinet. For Rhyl this was 10 September 2018 and 25 September 2018. For Llangollen this is scheduled for 13 & 21 January 2020. In Denbighshire the vote is delegated to a Chief Officer. This also means that as a voter the Council is liable to pay the BID levy. In Rhyl this year the Council is liable for £19,361 of BID levy. In Llangollen the current projection is for £6,250 p.a.
- 4.8 Whilst the Local Authority is legally responsible for overseeing the ballot process, the BID Task Group is responsible for, and plays a vital role in

communicating, providing information and campaigning for business support. Businesses that would not be subject to the levy or who are outside the BID boundary will not receive ballot papers or direct communication on the proposals. However, information about the proposed BID appears in local media and the Final Business Plan is published on line in the run up to the ballot so is readily available.

- 4.9 A successful vote is one that has a simple majority both in votes cast and in rateable value of votes cast. In the Rhyl BID these criteria were met. There were 463 eligible properties of which 99 voted with 66 in favour.
- 4.10 As soon as practicable after the vote the local authority makes the announcement. In Rhyl the ballot closed on 22/11/2018 and the announcement was made on 23/11/18 and posted on the local authority website and the BID website on 27/11/18. A Press release on behalf of the BID was issued by the local authority to the media on 27/11/18. The BID proposers then wrote to levy payers summarising the next steps going forward.

## **5. Declaring a ballot void**

- 5.1 There is a 28 day period straight after the ballot result announcement during which a request to the Secretary of State can be made to declare the ballot void. The request can be made by the BID, at least 5% of the voters or the local authority and must be in writing setting out the basis of the challenge, which must be a material irregularity in the ballot process. The Secretary of State cannot consider questions surrounding the result, nature or merit of the Business Improvement District or Business Improvement District policy.

## **6. Current Position**

- 4.1 In the case of a 'yes vote' the local authority will manage billing and the collection of the levy and will hold the levy in a ring-fenced revenue account on behalf of the BID. This usually takes the form of an operational agreement between the new BID and the Council.

- 6.1 The Rhyl BID has been through the feasibility and development process according to legislative requirement and resulted in a 'yes' vote at ballot. It is now established as Rhyl Bid Ltd, a not for profit company. The operational agreement is in place and the BID has a manager in post reporting to a BID Board comprising business representatives, a Town Council and a County Council representative (Head of Highways & Environmental Services).
- 6.2 Businesses in Prestatyn did not wish to progress further with the development of a full BID business plan, though there may be future interest from new business representatives.
- 6.3 Llangollen has been through feasibility and is currently coming to the close of development process. Its proposals are scheduled for Cabinet Briefing and Cabinet for January 2020 with a view to going to ballot in February 2020 closing 19 March 2020.

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# Business Improvement District, Llangollen

## 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:                               | 490                                                                                                                                                                                                                                                                                                              |
| Brief description:                               | Exploring the feasibility of creating a Business Improvement District (BID) in Llangollen. Subject to a positive outcome from the feasibility the project would then move into a development and ballot stage. If the outcome of the ballot was a 'yes' vote then the project would move to set up a formal BID. |
| Date Completed:                                  | 17/08/2018 13:43:07 Version: 1                                                                                                                                                                                                                                                                                   |
| Completed by:                                    | Carolyn Brindle                                                                                                                                                                                                                                                                                                  |
| Responsible Service:                             | Planning & Public Protection                                                                                                                                                                                                                                                                                     |
| Localities affected by the proposal:             | Llangollen,                                                                                                                                                                                                                                                                                                      |
| Who will be affected by the proposal?            | Llangollen                                                                                                                                                                                                                                                                                                       |
| Was this impact assessment completed as a group? | No                                                                                                                                                                                                                                                                                                               |

# IMPACT ASSESSMENT SUMMARY AND CONCLUSION

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

## Score for the sustainability of the approach

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

## Implications of the score

The project is only at project brief stage. The project is dependent on securing funding from Welsh Government. Positive outcomes and sustainability will be identified through the three stages of the project as they are worked through with stakeholders in Llangollen. An open call to engage was put out by the Chamber of Trade in Llangollen, this kick started the project idea. The Town Council is also a stakeholder. Through the life of the project a wide range of engagement will take place. The County Council is only a facilitator of the process.

## Summary of impact

### Well-being Goals

A prosperous Denbighshire

A resilient Denbighshire

A healthier Denbighshire

A more equal Denbighshire

A Denbighshire of cohesive communities

A Denbighshire of vibrant culture and thriving Welsh language

A globally responsible Denbighshire

Positive

Positive

Positive

Neutral

Positive

Positive

Positive



## Main conclusions

The proposal contributes positively to the well being of future generations. It allows the business community to forward plan. It allows partners to work together to maximise positive outcomes and minimise negative wherever possible.

## Evidence to support the Well-being Impact Assessment

- We have consulted published research or guides that inform us about the likely impact of the proposal
- We have involved an expert / consulted a group who represent those who may be affected by the proposal
- We have engaged with people who will be affected by the proposal

# THE LIKELY IMPACT ON DENBIGHSHIRE, WALES AND THE WORLD

## A prosperous Denbighshire

|                                 |                                                                                                                                                                                                                                                   |
|---------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Overall Impact</b>           | Positive                                                                                                                                                                                                                                          |
| <b>Justification for impact</b> | The main purpose of the proposal is to engage and empower the business community to improve the trading condition within their town. This will improve business representation and give them a voice in issues affecting the economy of the area. |
| <b>Further actions required</b> | Better communication and shared knowledge.                                                                                                                                                                                                        |

### Positive impacts identified:

|                                                             |                                                                                                                                                                                              |
|-------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>A low carbon society</b>                                 | The BID process will inform and educate stakeholders on a range of issues. Other BIDs have looked at such issues as energy saving and waste reduction as well as bulk buying to reduce cost. |
| <b>Quality communications, infrastructure and transport</b> | The BID process will use effective communication. Quality infrastructure will be important.                                                                                                  |
| <b>Economic development</b>                                 | The BID by definition has to result in business benefit. It is its raison d'etre. If the BID progresses then a robust and resilient Business Plan will be produced.                          |
| <b>Quality skills for the long term</b>                     | The purpose of the BID is to improve trading conditions. A more prosperous economy should lead to upskilling of the local population and better wages.                                       |
| <b>Quality jobs for the long term</b>                       | Better business profitability should generate better paid jobs long term.                                                                                                                    |
| <b>Childcare</b>                                            | More people in better paid jobs may reduce the need for childcare                                                                                                                            |

### Negative impacts identified:

|                                                             |                                                         |
|-------------------------------------------------------------|---------------------------------------------------------|
| <b>A low carbon society</b>                                 | Business growth could lead to more waste/pollution.     |
| <b>Quality communications, infrastructure and transport</b> |                                                         |
| <b>Economic development</b>                                 | Increased competition.                                  |
| <b>Quality skills for the long term</b>                     |                                                         |
| <b>Quality jobs for the long term</b>                       |                                                         |
| <b>Childcare</b>                                            | More people in work may increase the need for childcare |

## A resilient Denbighshire

|                                 |                                                                                                                                                                                                                                                            |
|---------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Overall Impact</b>           | Positive                                                                                                                                                                                                                                                   |
| <b>Justification for impact</b> | If the BID goes ahead it unlocks the potential for the business community to work together and consider how best to look after the assets on which the town is based. It can embed the principles of resilience and sustainability into the Business Plan. |
| <b>Further actions required</b> | Awareness of the special nature of the town in the AONB and with a World Heritage Site will be built into any work done in relation to stakeholder engagement and the development of a Business Plan should the BID go ahead.                              |

### Positive impacts identified:

|                                                               |                                                                                  |
|---------------------------------------------------------------|----------------------------------------------------------------------------------|
| <b>Biodiversity and the natural environment</b>               | Llangollen is within the AONB and will take cognizance of its special qualities. |
| <b>Biodiversity in the built environment</b>                  | Llangollen is within the AONB and will take cognizance of its special qualities. |
| <b>Reducing waste, reusing and recycling</b>                  | BIDs can work to minimise waste and inefficiency .                               |
| <b>Reduced energy/fuel consumption</b>                        | BIDs can work to minimise waste and inefficiency .                               |
| <b>People's awareness of the environment and biodiversity</b> |                                                                                  |
| <b>Flood risk management</b>                                  |                                                                                  |

### Negative impacts identified:

|                                                               |                                                                                          |
|---------------------------------------------------------------|------------------------------------------------------------------------------------------|
| <b>Biodiversity and the natural environment</b>               | Increased trade may result in increased footfall and pressure on the natural environment |
| <b>Biodiversity in the built environment</b>                  | Increased trade may result in increased footfall and pressure on the environment         |
| <b>Reducing waste, reusing and recycling</b>                  |                                                                                          |
| <b>Reduced energy/fuel consumption</b>                        |                                                                                          |
| <b>People's awareness of the environment and biodiversity</b> |                                                                                          |
| <b>Flood risk management</b>                                  |                                                                                          |

## A healthier Denbighshire

|                                 |                                                                                                     |
|---------------------------------|-----------------------------------------------------------------------------------------------------|
| <b>Overall Impact</b>           | Positive                                                                                            |
| <b>Justification for impact</b> | Residents will be positively impacted by enjoying a healthy, sustainable, local business community. |

|                                 |                                                                                                                                           |
|---------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Further actions required</b> | The BID involves a wide range of stakeholders and if it goes ahead can build the principles of sustainable growth into its Business Plan. |
|---------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------|

**Positive impacts identified:**

|                                                                                           |                                                                                                                                                                                                      |
|-------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>A social and physical environment that encourage and support health and well-being</b> | A healthy business community will have a ripple effect in the community through e.g. access to jobs; improved income and opportunities from initiatives delivered by the BID.                        |
| <b>Access to good quality, healthy food</b>                                               | More people in work and better household incomes will support access to better food & drink. Supply chain development in the hospitality industry of the town could improve food quality and access. |
| <b>People's emotional and mental well-being</b>                                           | A more resilient and prosperous economy will have a knock on effect on people's well being.                                                                                                          |
| <b>Access to healthcare</b>                                                               | Llangollen is well placed to access the Countryside and has a developing Activity Tourism offer. A good trading environment and increased investment should improve access to wellbeing.             |
| <b>Participation in leisure opportunities</b>                                             | As above.                                                                                                                                                                                            |

**Negative impacts identified:**

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

**A more equal Denbighshire**

|                                 |                                                                                                            |
|---------------------------------|------------------------------------------------------------------------------------------------------------|
| <b>Overall Impact</b>           | Neutral                                                                                                    |
| <b>Justification for impact</b> | The development of a BID will not have an impact. The actions delivered by a BID are unknown at this time. |
| <b>Further actions required</b> | We are not aware of any negative impacts at this stage.                                                    |

**Positive impacts identified:**

|                                                                                                                                                                                                                                                                       |                                                                      |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------|
| <b>Improving the well-being of people with protected characteristics. The nine protected characteristics are: age; disability; gender reassignment; marriage or civil partnership; pregnancy and maternity; race; religion or belief; sex; and sexual orientation</b> | A potential Business Plan will not discriminate.                     |
| <b>People who suffer discrimination or disadvantage</b>                                                                                                                                                                                                               |                                                                      |
| <b>Areas with poor economic, health or educational outcomes</b>                                                                                                                                                                                                       | A BID is designed to improve economic sustainability and prosperity. |
| <b>People in poverty</b>                                                                                                                                                                                                                                              | A BID is designed to improve economic sustainability and prosperity. |

**Negative impacts identified:**

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

**A Denbighshire of cohesive communities**

|                       |          |            |
|-----------------------|----------|------------|
| <b>Overall Impact</b> | Positive | Tudalen 86 |
|-----------------------|----------|------------|

|                                 |                                                                                                                                                                              |
|---------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Justification for impact</b> | The BID model is dependent upon the business community being involved and voting to make it happen. They are then in control of its development and engaged in its delivery. |
| <b>Further actions required</b> | The BID offers the opportunity to forward plan and take account of potential unintended negative effects.                                                                    |

**Positive impacts identified:**

|                                               |                                                                                                                                             |
|-----------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Safe communities and individuals</b>       | The development of a Business Plan allows the Town to consider such issues as community safety.                                             |
| <b>Community participation and resilience</b> | The development of a BID involves a wide range of participation and assists the business community to find ways of becoming more resilient. |
| <b>The attractiveness of the area</b>         | A healthy economy should lead to more investment and better care of the area.                                                               |
| <b>Connected communities</b>                  | Access to goods and services locally should be safeguarded and hopefully improved.                                                          |

**Negative impacts identified:**

|                                               |                           |
|-----------------------------------------------|---------------------------|
| <b>Safe communities and individuals</b>       |                           |
| <b>Community participation and resilience</b> |                           |
| <b>The attractiveness of the area</b>         | Potential overdevelopment |
| <b>Connected communities</b>                  |                           |

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

|                                 |                                                                                                                                                                                                                            |
|---------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Overall Impact</b>           | Positive                                                                                                                                                                                                                   |
| <b>Justification for impact</b> | Llangollen is highly dependent on its natural and cultural assets as a large part of its economy is visitor based. The BID therefore can build sustainability and care of these into its Business plan should it go ahead. |
| <b>Further actions required</b> | We are not aware of any negative impacts at this stage. There is the opportunity to consider this as part of the stakeholder engagement and business planning process.                                                     |

**Positive impacts identified:**

|                                     |                                                                                                                                         |
|-------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------|
| <b>People using Welsh</b>           | This will be a sector of the market that the BID Business Plan has the opportunity to address.                                          |
| <b>Promoting the Welsh language</b> | Material produced in the development stage will be bilingual                                                                            |
| <b>Culture and heritage</b>         | The BID Business Plan should it go ahead has the opportunity to address these issues as Llangollen is highly dependent on these assets. |

## Negative impacts identified:

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

## A globally responsible Denbighshire

|                                 |                                                                                                                                                                                             |
|---------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Overall Impact</b>           | Positive                                                                                                                                                                                    |
| <b>Justification for impact</b> | It is too early to see the consequences on supply chains but if the BID goes ahead then it offers the potential to build sustainability and local growth principles into the Business Plan. |
| <b>Further actions required</b> | By building the principles of sustainability and local growth into the Business Plan.                                                                                                       |

## Positive impacts identified:

|                                                                  |                                                                                                                                                                                               |
|------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Local, national, international supply chains</b>              | There will be opportunities for local suppliers to provide services e.g. translation, print, design. An improved economy should strengthen local supply chains and open up new opportunities. |
| <b>Human rights</b>                                              | Local access to goods and service should be safeguarded through a better planned economic environment.                                                                                        |
| <b>Broader service provision in the local area or the region</b> |                                                                                                                                                                                               |

## Negative impacts identified:

|                                                                  |                                                                                                                                                                    |
|------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Local, national, international supply chains</b>              | If the BID goes ahead and the result is economic growth it is possible that in the future larger orders may result in companies outside the area fulfilling these. |
| <b>Human rights</b>                                              |                                                                                                                                                                    |
| <b>Broader service provision in the local area or the region</b> |                                                                                                                                                                    |



|                                  |                                                                            |
|----------------------------------|----------------------------------------------------------------------------|
| <b>Adroddiad i'r</b>             | <b>Pwyllgor Craffu Cymunedau</b>                                           |
| <b>Dyddiad y Cyfarfod</b>        | <b>23 Ionawr 2020</b>                                                      |
| <b>Aelod / Swyddog Arweiniol</b> | <b>Arweinydd / Pennaeth Gwella Busnes a Moderneiddio</b>                   |
| <b>Awdur yr Adroddiad</b>        | <b>Barry Eaton, Prif Swyddog Digidol</b>                                   |
| <b>Teitl</b>                     | <b>Band Eang a Rhwydweithiau Ffonau Symudol mewn<br/>Ardaloedd Gwledig</b> |

## 1. Am beth mae'r adroddiad yn sôn?

1.1 Mae'r adroddiad yn manylu ar waith y Cyngor o ran sicrhau gwell cysylltedd mewn ardaloedd gwledig, yn unol ag argymhellion Swyddfa Archwilio Cymru fis Tachwedd 2018 yn adroddiad Gwasanaethau Llywodraeth Leol i Gymunedau Gwledig, yn enwedig o ran band eang a rhwydweithiau ffonau symudol mewn ardaloedd gwledig.

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

I ddarparu gwybodaeth ynglŷn â'r gweithgareddau presennol yn ymwneud â band eang a rhwydweithiau ffonau symudol mewn ardaloedd gwledig.

## 3. Beth yw'r Argymhellion?

Bod y Pwyllgor, ar ôl ystyried yr wybodaeth yn yr adroddiad hwn, yn darparu sylwadau ac yn cefnogi'r gweithgareddau a nodir.

## 4. Manylion yr Adroddiad

### Darparu Band Eang Cyflym Iawn

Er bod cynnydd aruthrol wedi'i wneud yn ystod yr ychydig flynyddoedd o ran darparu band eang yn Sir Ddinbych, gydag oddeutu 90% o eiddo â mynediad i fand eang, mae hyn yn

bennaf yn yr ardaloedd trefol sydd â dwysedd poblogaeth uwch. Mae'r 10% sydd heb fand eang cyflym iawn bron i gyd yn ein hardaloedd mwy gwledig.

Cynrychiolir y Cyngor Sir ar lefel ranbarthol ar Fwrdd Uchelgais Economaidd Gogledd Cymru gan Arweinydd y Cyngor ac mae swyddogion yn mynd i gyfarfodydd ynglŷn â Bargen Dwf Gogledd Cymru a darparu Band Eang Cyflym iawn, sydd o fewn cylch gwaith yr Is-grŵp Digidol.

Er nad yw hyn wedi'i ariannu gan y Fargen Dwf, mae'r gwaith wedi sicrhau gwell cysylltedd ar gyfer ysgolion, llyfrgelloedd ac adeiladau cyhoeddus, wedi'i ariannu gan yr Adran Diwylliant, y Cyfryngau a Chwaraeon drwy ei Chronfa Her Rhwydwaith Ffibr Llawn Lleol. Yn ogystal, gwnaeth Sir Ddinbych gais i gynnwys 37 o safleoedd ychwanegol gwledig, a fydd, yn ein barn ni, yn gwella argaeledd band eang cyflym iawn yn yr ardaloedd hynny. Mae Open Reach yn bwriadu cwblhau'r gwaith yma erbyn mis Ebrill 2021.

Ar ben hyn, mae Bwrdd Prosiect Band Eang Cyflym iawn y Cyngor Sir wedi cynnal gweithdy band eang cymunedol cyhoeddus i amlinellu'r gweithgareddau y mae modd i'r Cyngor eu cefnogi sy'n cyflawni'r amcanion a nodir yn y Cynllun Corfforaethol o ran darparu Band Eang Cyflym iawn a rhwydweithiau ffonau symudol. Roedd y gweithdy yn un poblogaidd ac rydym yn bwriadu cynnal mwy o weithdai yn y dyfodol. Mae gwaith hefyd yn mynd rhagddo yn ardal Nantglyn i gynnal prosiect peilot i ddarparu band eang cyflym iawn i'r gymuned.

Mae'r Cyngor yn gweithio'n rhagweithiol ar draws y rhanbarth a chyda Llywodraeth Cymru i gefnogi darparu band eang cyflym iawn gan Open Reach ac yn ceisio dylanwadu ar y cynlluniau ar gyfer Sir Ddinbych. Er bod y Cyngor yn croesawu darparu band eang cyflym iawn, bydd rhai eiddo yn dal heb gysylltiad a thrwy ein gwaith gyda grwpiau cymunedol a'r prosiect peilot byddwn yn gwneud ein gorau i'w cynorthwyo i ddatblygu eu datrysiadau eu hunain i fodloni eu gofynion o ran cysylltedd. Ar hyn o bryd amcangyfrifir y bydd 1000 o eiddo heb gysylltiad â band eang cyflym iawn.

Bydd adnoddau swyddogion i gynorthwyo gyda'r gweithgareddau hyn yn well eleni gan ein bod yn bwriadu penodi Swyddog Cefnogi Digidol llawn amser (cyfweiliadau fis Ionawr 2020), wedi'i ariannu'n rhannol gan y Prosiect Leader drwy gyllid Ewropeaidd.

## Rhwydweithiau Ffonau Symudol

Mae'r Cyngor yn ymgysylltu â darparwyr rhwydweithiau ffonau symudol ac wedi darparu pwynt cyswllt penodol yn y Cyngor. Drwy gynrychiolaeth ar fforymau a grwpiau rhanbarthol a chenedlaethol mae'r Cyngor yn cefnogi, er bod cynnydd sylweddol wedi'i wneud o ran darparu 3G a 4G ar draws Sir Ddinbych, argaeledd rhwydweithiau a signalau ffonau symudol addas i'r diben yn yr ardaloedd mwy anghysbell, sy'n dal yn her.

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

Drwy gefnogi'r gweithgareddau yn yr adroddiad hwn mae'r Pwyllgor yn cyfrannu at gyflawni'r blaenoriaethau corfforaethol a nodir yn y Cynllun Corfforaethol mewn perthynas ag allgáu digidol ac argaeledd band eang cyflym iawn a chysylltedd symudol sy'n addas i'r diben.

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

Mae cyllid eisoes wedi'i neilltuo yn y Cynllun Corfforaethol.

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

Nid oes angen asesiad o'r effaith ar les.

### **8. Pa ymgynghoriadau sydd wedi eu cynnal gyda Chraffu ac eraill?**

Cynhaliwyd ymgynghoriad wrth ddatblygu blaenoriaethau'r Cynllun Corfforaethol.

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

Amherthnasol.

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

Ychydig iawn o reolaeth sydd gan y Cyngor o ran darparu band eang gan nad oes ganddo bwerau statudol i ymyrryd. Caiff y risg hon ei lleihau gan waith y Cyngor gyda Llywodraeth Cymru a chymunedau.

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

Mae erthygl 7.2.3 yn nodi y gall y Pwyllgor Craffu ystyried unrhyw fater sy'n effeithio ar ardal y Cyngor neu ei breswylwyr.

Mae erthygl 7.4.2(b) yn amlinellu pwerau Craffu mewn perthynas â pherfformiad y Cyngor o ran amcanion polisi, targedau perfformiad a/neu ardaloedd gwasanaeth penodol.

|                                  |                                                                                                      |
|----------------------------------|------------------------------------------------------------------------------------------------------|
| <b>Adroddiad i'r</b>             | <b>Pwyllgor Craffu Cymunedau</b>                                                                     |
| <b>Dyddiad y Cyfarfod</b>        | <b>23 Ionawr 2020</b>                                                                                |
| <b>Aelod / Swyddog Arweiniol</b> | <b>Y Cyng. Mark Young, Aelod Arweiniol Cynllunio,<br/>Gwarchod y Cyhoedd a Chymunedau Mwy Diogel</b> |
| <b>Awdur yr Adroddiad</b>        | <b>Rheolwr Datblygu (Gwasanaethau Cynllunio,<br/>Gwarchod y Cyhoedd a Chefn Gwlad)</b>               |
| <b>Teitl</b>                     | <b>Siarter Cydymffurfio â Chynllunio – mabwysiadu'r<br/>ddogfen derfynol</b>                         |

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

- 1.1 Mae'r adroddiad yn rhoi gwybod i'r Aelodau am ganlyniad yr ymgynghoriad ynghylch Siarter Cydymffurfio â Chynllunio ("y Siarter") ddrafft y Gwasanaethau Cynllunio, Gwarchod y Cyhoedd a Chefn Gwlad, a gynhaliwyd gyda Chynghorau Tref, Dinas a Chymuned. Mae'r adroddiad hefyd yn cyflwyno gwybodaeth am berfformiad y swyddogaeth cydymffurfio â chynllunio.

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

- 2.1 Mae angen penderfyniad ynghylch cymeradwyo'r fersiwn hon o'r Siarter, er mwyn gallu cyflwyno'r fersiwn ddrafft derfynol i'r Aelod Arweiniol ei chymeradwyo drwy'r broses ar gyfer penderfyniadau dirprwyedig.
- 2.2 Mae'r adroddiad hefyd yn darparu gwybodaeth am berfformiad y swyddogaeth cydymffurfio â chynllunio.

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

- 3.1 Bod yr Aelodau –

- (i) Yn cefnogi'r Siarter ddrafft, sef 'Cydymffurfio â Chynllunio yn Sir Ddinbych – Siarter Cydymffurfio â Chynllunio' (Atodiad 1), yn unol â'r diwygiadau arfaethedig a nodir yn Adroddiad yr Ymgynghoriad (Atodiad 2).
- (ii) Yn cefnogi bwriad y swyddogion i gyflyno'r fersiwn derfynol i'r Aelod Arweiniol ei chymeradwyo; ac
- (iii) Yn cadarnhau eu bod wedi darllen, deall ac ystyried yr Asesiad o'r Effaith ar Les (Atodiad 3) fel rhan o'u hystyriaethau.

## **4. Manylion yr Adroddiad**

4.1 Ym mis Rhagfyr 2018 cyflwynodd y gwasanaeth adroddiad i'r Pwyllgor Craffu ynglŷn â pherfformiad y swyddogaeth cydymffurfio â chynllunio. Roedd yr adroddiad yn amlygu'r heriau yn sgil y dangosyddion perfformiad newydd a gyflwynwyd gan Lywodraeth Cymru fis Hydref 2018. Roedd yn nodi pedwar mecanwaith a fyddai'n cyflymu'r gwaith o brosesu achosion.

- Mynnu bod pob achwynydd ac Aelod yn defnyddio'r 'ffurflen adrodd am achos o dorri rheolau cynllunio'
- Digido gwaith achos
- Mabwysiadu Siarter Cydymffurfio â Chynllunio i reoli disgwyliadau achwynwyr a thramgwyddwyr
- Cryfhau'r cydweithio gyda phartneriaid megis Cynghorau Tref, Dinas a Chymuned

Mewn ymateb, penderfynodd y Pwyllgor ofyn am Siarter a fyddai, yn ogystal â rheoli disgwyliadau achwynwyr a thramgwyddwyr, yn nodi sut y bydd y Cyngor yn mynd ati i gydweithio â sefydliadau partner.

4.2 Cyflwynwyd drafft cychwynnol o'r Siarter i'r Pwyllgor Craffu ym mis Gorffennaf 2019. Penderfynodd yr Aelodau:

- (i) Cefnogi'r Siarter ddrafft
- (ii) Gofyn bod y Siarter yn cael ei chylchredeg i Gynghorau Tref, Dinas a Chymuned at ddibenion ymgynghori a derbyn sylwadau; a
- (iii) Bod y Siarter ddiwygiedig, yn dilyn y broses ymgynghori, yn cael ei chyflwyno i'r Pwyllgor ei chymeradwyo a'i hargymell ar gyfer mabwysiadu, ynghyd â gwybodaeth ychwanegol benodol.

Mae'r wybodaeth ychwanegol fel a ganlyn:

- Gwybodaeth am yr ymatebion i'r ymgynghoriad
- Gwybodaeth am adnoddau staffio
- Graddfeydd amser cyfathrebu â'r cyhoedd
- Nifer y cwynion a dderbyniwyd gan y gwasanaeth ynglŷn ag achosion o dorri rheolau cynllunio

Mae'r ymatebion i'r ymgynghoriad wedi'u hadolygu yn yr Adroddiad ar yr Ymgynghoriad (Atodiad 2) ac mae'r wybodaeth arall wedi'i darparu yn Atodiad 4.

- 4.3 Yn dilyn yr ymarfer ymgynghori, mae'r gwasanaeth yn cynnig gwneud ychydig o newidiadau i'r testun (gweler Atodiad 1). Mae'r ychwanegiadau wedi'u hamlygu yn felyn a'r testun i'w ddileu â llinell drwodd. Bydd y ddogfen hon yn destun newidiadau dylunio terfynol yn dilyn ei mabwysiadu, i sicrhau bod y Siarter yn ddarllenadwy, yn cyd-fynd â hunaniaeth gorfforaethol y Cyngor ac yn bodloni gofynion hygyrchedd. Bydd hefyd yn cael ei chyfieithu i'r Gymraeg cyn ei chyhoeddi.
- 4.4 Mae rhan gyntaf y Siarter yn darparu gwybodaeth gyffredinol ynglŷn â beth yn union yw torri rheolaeth gynllunio, ac yn darparu cyngor i ddatblygwyr ynglŷn â sut i osgoi camau cydymffurfio â chynllunio. Mae'r ail a'r drydedd rhan yn darparu cyngor i achwynwyr a thramgwyddwyr. Mae'r Siarter yn amlygu sut mae modd i sefydliadau lleol a) rhoi gwybod am achosion posibl o dorri rheolau cynllunio, b) cynorthwyo gydag ymchwiliadau'r broses gydymffurfio ac c) cymryd rhan yn y broses o gyflwyno canllawiau cynllunio a rheolaethau lleol a all arwain at gydymffurfiaeth gynllunio fwy effeithiol. Rydym yn gobeithio y bydd y Siarter yn ysbrydoli Cyngorau Tref, Dinas a Chymuned i gymryd rhan yn y broses o gynllunio lle a defnyddio eu hadnoddau i weithio mewn partneriaeth â'r Cyngor i dargedu materion cynllunio penodol yn eu hardaloedd. Nid mater cydymffurfio â chynllunio yn unig yw hyn, mae hefyd yn cyfrannu at gyflawni'r flaenoriaeth gorfforaethol o greu cymunedau cryf drwy annog adfywio ac ymgysylltu â'r gymuned.
- 4.5 Drwy ddarparu canllawiau sydd wir eu hangen ar fudd-ddeiliaid bydd y Siarter, os caiff ei mabwysiadu, yn lleihau'r galw ar swyddogion a thrwy hynny yn gwella perfformiad y swyddogaeth cydymffurfio â chynllunio, fel yr amlinellir yn yr adroddiad a gyflwynwyd i'r Pwyllgor Craffu fis Rhagfyr 2018.

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

- 5.1 Bydd mabwysiadu'r Siarter yn gwella effeithlonrwydd y swyddogaeth cydymffurfio â chynllunio, sy'n cefnogi'r gwaith o ddarparu'r blaenoriaethau corfforaethol drwy reoli datblygiadau ar sail polisi.

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

- 6.1 Ni cheir goblygiadau ariannol uniongyrchol wrth fabwysiadu'r Siarter, ac ni ragwelir y bydd goblygiadau sylweddol i wasanaethau eraill.

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

- 7.1 Mae Deddf Llesiant Cenedlaethau'r Dyfodol (Cymru) 2015 yn gosod dyletswydd ar y Cyngor i gynnal datblygiadau cynaliadwy yn ogystal â chymryd camau rhesymol i ymarfer ei swyddogaethau i gyflawni ei amcanion datblygu cynaliadwy (neu les). Mae'r adroddiad hwn ar y Siarter yn ystyried gofynion Adran 3 Deddf Llesiant Cenedlaethau'r Dyfodol (Cymru) 2015, sef 'Dyletswyddau lles ar gyrff cyhoeddus', ac mae aseiad o'r effaith ar les ar gael yn Atodiad 3.

## **8. Pa ymgynghoriadau sydd wedi eu cynnal gyda Chraffu ac eraill?**

- 8.1 Mae Siarter yn ganlyniad i ymgynghoriad gyda'r Pwyllgor Craffu, fel yr amlinellir yn adran 4 yr adroddiad hwn.
- 8.2 Mae'r Siarter hefyd wedi bod yn destun ymgynghoriad gyda'r Cynghorau Tref, Dinas a Chymuned, fel yr amlinellir yn yr Adroddiad ar yr Ymgynghoriad (Atodiad 2). Mae'r gwasanaeth yn cynnig gwneud ychydig o newidiadau i'r Siarter mewn ymateb i'r ymarfer ymgynghori, fel y nodir yn Atodiad 1.

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

- 9.1 Ni cheir goblygiadau ariannol uniongyrchol yn sgil yr adroddiad hwn.



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

- 10.1 Nid oes risgiau wedi'u hamlygu yn sgil mabwysiadu'r Siarter.
- 10.2 Os na chaiff y Siarter ei mabwysiadu mae yna risg na fydd lefel y galw heb ei fodloni yn lleihau. Mae risg y bydd perfformiad y swyddogaeth cydymffurfio â chynllunio yn parhau i fod angen ei gwella yn ôl mesurau Llywodraeth Cymru, sy'n golygu y byddai angen mecanweithiau eraill i wella er mwyn cynnal perfformiad tebyg i gynghorau eraill ac osgoi difrod i enw da.

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

- 11.1 Mae Adran 7.4.1(e) Cyfansoddiad y Cyngor yn nodi hawl y Pwyllgor Craffu i ystyried effaith polisiau i asesu a ydynt wedi gwneud gwahaniaeth, tra bod Adran 7.4.2(b) yn amlinellu pwerau'r Pwyllgor Craffu o ran perfformiad y Cyngor wrth ddarparu amcanion polisi ac mae Adran 7.4.2(d) yn nodi bod modd i'r Pwyllgor Craffu wneud argymhellion i'r Cabinet a/neu'r pwyllgor priodol a/neu'r Cyngor yn sgil canlyniad y broses graffu.

Mae tudalen hwn yn fwriadol wag

# Planning compliance in Denbighshire

## Planning compliance charter

Adopted **January 2020** 2019



# Planning compliance in Denbighshire

## Planning compliance charter

Adopted **January 2020** ~~2019~~

This charter is available in Welsh. Copies can also be made available in any other language on request by emailing [planning@denbighshire.gov.uk](mailto:planning@denbighshire.gov.uk) or phoning (01824) 706727.

For a Braille, large-print, tape or CD version of this charter, call free on (01824) 706161.

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# > 1. Introduction

## 1.1 The purpose of the compliance charter

The planning regime exists to regulate the development and use of land in the public interest. Planning policies are adopted both nationally and locally to make sure that land is used and developed in an appropriate and responsible way. Applications for planning consent are submitted to Denbighshire County Council and judged against these adopted policies.

Not everyone applies for planning consent when they should. This is where the planning compliance function comes in. This charter sets out how the Council seeks to deal with the harmful effects of unauthorised works by ensuring that planning policies are applied proportionately but robustly. It complements the Enforcement Protocol adopted by the Council's Planning, Public Protection and Countryside Services, which is available at <https://www.denbighshire.gov.uk/en/business/business-support-and-advice/planning-public-protection-enforcement-policy.pdf>.

The charter's primary purpose is to help complainants, alleged contraveners and other interested parties understand how the planning compliance function operates. The Council wishes to work alongside local stakeholders to remedy unauthorised works, in the knowledge that working together is the most effective approach to dealing with breaches of planning control. Advice for complainants is provided in section 2, and advice for alleged contraveners is provided in section 3.

## 1.2 What is a breach of planning control?

A breach of planning control is defined in the Town and Country Planning Act 1990 as:

"the carrying out of a development without the required planning permission, or failing to comply with any condition or limitation subject to which planning permission has been granted".

The term ‘development’ is also defined in the Act, as follows:

“the carrying out of building, engineering, mining or other operations in, on, over or under land, or the making of any material change in the use of any buildings or other land”.

In other words, a breach of planning control is a ‘development’ which has occurred but which a) does not have planning permission, or b) is contrary to conditions imposed on a planning permission. These are the types of breach which the planning compliance function primarily deals with (see section 2.1 for more information).

It is not necessarily against the law to carry out a development without planning permission. In most cases, there is no legal obligation on developers to apply for planning consent prior to undertaking works—though it is usually simpler for all involved if they do. If they don’t, they run the risk of the Council pursuing enforcement action in order to remedy the breach. An offence may then be committed if a developer, upon receipt of an enforcement notice, fails to comply with it.

### **1.3 Development which does not need planning permission**

It is quite often the case that building works or changes of use do not need the Council’s consent in the first place. Some development, typically small in scale, is classed as ‘permitted development’, meaning that it is exempt from the requirement for planning permission. Many extensions to houses, for example, do not need planning permission. Permitted development rights can also apply to changes of use, both temporary and permanent.

Further information about permitted development rights, and whether a development requires planning permission, can be found on the Welsh Government’s website—visit [www.gov.wales/planning-permission](http://www.gov.wales/planning-permission).

### **1.4 Avoiding planning compliance involvement**

It is the responsibility of the property owner (or, in limited cases, the person carrying out works) to comply with planning regulations. To avoid the potential



involvement of the planning compliance officer, prospective developers should ensure that all of the appropriate consents are in place prior to commencing works. Developers are also advised to inform neighbours about their plans from the outset.

The Welsh Government's website provides extensive guidance in relation to common projects which may need planning consent—see [www.gov.wales/planning-permission](http://www.gov.wales/planning-permission). The Council has also published relevant advice, available via [www.denbighshire.gov.uk/planning](http://www.denbighshire.gov.uk/planning). Of this guidance, the Council's supplementary planning guidance ("SPG") documents, available via the link, are especially useful; covering a wide range of topics, they are tailored to different types of scheme. For example, business owners may find the SPG documents on advertising and shop fronts particularly useful. The documents on Listed Buildings and Conservation Areas may be of use to developers who are carrying out works on a heritage asset. More detailed guidance can be obtained from a planning consultant; a list of agents who operate within Denbighshire is also available on the Council's website.

### **1.4.1 Lawful development certificates**

The Council does not give informal advice on the need for planning permission. Developers who are unsure as to whether their project needs planning permission are recommended instead to make an application for a lawful development certificate. This process is not the same as making an application for planning permission; it is a less onerous process which will provide formal confirmation of whether a specified use, operation or activity is lawful for planning purposes. Further information about how to apply for a lawful development certificate is available on the Council's website.

### **1.4.2 Pre-application advice service**

The Council also offers a pre-application advice service which enables prospective developers to get an informal opinion on the acceptability of the proposed works. To arrange this service, applicants must complete a pre-application advice form which is available on the Council's website. So long as all the necessary information has been provided, we aim to provide a written response to pre-application enquiries within 21 days.

## > 2. Advice for complainants

### 2.1 What we do and don't investigate

The Council's planning department investigates matters which the law gives us powers to adjudicate over—typically matters which require planning permission. We do not have control over—and do not therefore get involved in—civil matters such as property disputes, property damage and trespass. Issues such as dangerous trees, blocked drains and inconsiderate parking are best resolved directly between the interested parties, as these are not matters which are overseen by the planning department.

The full list of matters which the planning department can investigate is as follows:

- Development (i.e. building works or a change of use of land) which requires planning permission but has proceeded without it;
- Development which has proceeded contrary to plans approved by the Council as part of a planning permission;

> **We cannot usually investigate:**

|                                               |                                                   |
|-----------------------------------------------|---------------------------------------------------|
| • Property disputes                           | <b>Civil matter</b>                               |
| • Property damage                             | <b>Civil matter</b>                               |
| • Trespass                                    | <b>Civil matter</b>                               |
| • Property damage                             | <b>Civil matter</b>                               |
| • <b>Litter accumulations</b>                 | <b>Report to the Environmental Health section</b> |
| • <b>Nuisances—noise, vermin, odour, etc.</b> | <b>Report to the Environmental Health section</b> |
| • <b>Unauthorised waste handling</b>          | <b>Report to Natural Resources Wales</b>          |
| • <b>Poor workplace health and safety</b>     | <b>Report to the Health and Safety Executive</b>  |
| • <b>Dangerous structures</b>                 | <b>Report to the Built Environment section</b>    |
| • Inconsiderate parking                       | <b>Report to the Highways authority</b>           |
| • Dangerous trees                             | <b>Report to the</b>                              |

- Development which has proceeded contrary to conditions imposed by the Council as part of a planning permission;
- Unconsented alterations to Listed Buildings;
- Unconsented demolition of structures in a Conservation Area;
- Wilful damage to protected trees, i.e. those which are subject to a Tree Preservation Order or located within a Conservation Area;
- Uprooting of non-domestic hedgerows;
- Advertisements whose display requires consent but does not have it; and
- Untidy properties which, owing to their lack of maintenance, are having a detrimental effect on the wider area.

If an issue is not listed above, it may be the case that it is one for another department of the Council to resolve. For example, dangerous buildings-structures are a building control issue, while the highways department may be best placed to resolve parking issues. The environmental health team can deal with nuisances such as noise, vermin and odour. Alternatively, the issue may be best referred to another agency such as Natural Resources Wales, Welsh Water, the police or the fire and rescue service.



If you are unsure about the status of a building or a parcel of land, you can find out by using our interactive map at

In some cases—normally those involving larger schemes—a condition attached to a planning permission may control certain aspects of a development's construction. For example, the planning department may have control over operating hours and mitigation measures, though this is not usually the case for smaller schemes. Complaints relating to the construction phase of developments should in the first instance be referred to the site developer, who may be able to resolve the situation with immediate effect. If this approach is unsuccessful, complainants may wish to consider whether the activity they are concerned about should be reported to the planning department.

### 2.1.1 Development which is immune from enforcement action

If a breach of planning control has existed for some time, it may have acquired immunity from remedial action. Planning law prevents the Council taking enforcement action against unauthorised development which has existed for:

- Four years in cases of building / engineering / mining operations;
- Four years in cases consisting of the change of use of any building to use as a single dwellinghouse; or
- Ten years in all other cases.

Breaches of planning control which do not involve 'development' (see section 1.3), such as breaches of Listed Building legislation or instances of untidy property, do not accrue immunity from enforcement.

### **2.1.2 Speculative reports**

The planning department does not investigate speculative reports of activities which have yet to occur. This is because the resources which are available to the planning compliance function are solely dedicated to investigating and resolving unauthorised works which are ongoing or have already taken place. It is also the case that the scale and nature of a breach needs to be understood before the best course of remedial action can be identified.

### **2.1.3 Anonymous reports**

The planning department does not investigate anonymous reports or reports made using a false identity. This is because we may wish to correspond with complainants in order to gain a better understanding of the alleged breach or to discuss the progress of remedial action.

All personal details are confidential and will not be made public during the investigation phase. On rare occasions—those involving serious breaches which result in an appeal or a prosecution—we may be required to give details of the complaint to the Planning Inspectorate or the Courts. These details may include the complainant's name and address, though we would only divulge these with the complainant's express consent. Similarly, we may need to liaise with external agencies such as Natural Resources Wales, the police and the fire and rescue service in order to investigate an alleged breach effectively.

## 2.2 The role of complainants

The planning compliance function is most successful when it works collaboratively with complainants. The planning department cannot proactively monitor every street and property in Denbighshire, and this is where members of the public come in. By providing local knowledge and ‘eyes and ears’ on the ground, local residents and organisations are a key component in the process of securing planning compliance.

As well as providing a monitoring presence, local residents and organisations are uniquely placed to remedy the harmful effects of breaches before they need to be escalated to the Council. It is a regrettable fact that the intervention of a planning compliance officer can sometimes be greeted with hostility by developers who are alleged to be carrying out unauthorised works. It is often the case that developers find it unnecessary and antagonistic for the Council to get involved; they will often ask why the aggrieved party couldn’t have raised their concerns directly, in order to reach an amicable (and probably swifter) solution.

In order to maintain good community relations—as well as to ensure that our resources are directed at the most severe problems—the Council’s involvement should be treated as a last resort. Before reporting an issue to the Council, complainants should consider whether a solution to the problem could be reached more amicably and without the use of limited Council resources.

### 2.2.1 The role of city, town and community councils

City, town and community councils have excellent links to the places they serve, and they can use their well-established connections to bring about quick and effective resolutions to local planning issues, to the benefit of all involved. It is also a priority of the Council to work with people and communities to build



#### Help us to help you...

- Try to reach an amicable solution before reporting the matter to us
- If it’s necessary to report the breach to us, use the designated form
- Provide evidence, if it’s safe to do so
- Monitor the situation—be our ‘eyes and ears’
- Wait for updates—‘don’t call us, ... ..’

independence and resilience, involving local people and organisations in shaping their communities and improving services—and we recognise the crucial role that city, town and community councils can play in delivering these objectives.

The planning compliance function provides a regulatory mechanism through which improvements can be made to Denbighshire's communities. Shaping communities on a wider scale takes more than reactive regulation, though. City, town and community councils which have a generalised concern about their area's built environment should therefore consider how they can work in partnership with the Council to proactively enhance the public realm. For example, they may wish to consider the strategic benefits of commissioning appraisals which the Council could then use to introduce new planning guidance and / or place-specific controls. Localised controls such as Conservation Areas, Areas of Special Control of Advertisements and Article 4 Direction Areas can make a real difference to the public realm, but limited resources mean that it is not always possible for the Council to implement them unaided. It is for this reason that it is now so important for partnership organisations such as city, town and community councils to work collaboratively with the Council to stimulate regeneration and enhance the built environment.



#### How city, town and community councils can help

- Assist with finding an amicable solution to a planning issue before reporting it to us
- When reporting a breach, use the designated form
- Provide evidence and local knowledge
- Monitor the situation
- Commission appraisals for new

## 2.3 How to report an alleged breach of planning control

If other methods of remedying an alleged breach prove to be unsuccessful, complainants may wish to report the matter to the Council. We only investigate

reports of alleged planning breaches which are submitted to us on the dedicated form, which can be found online by visiting

[www.denbighshire.gov.uk/planning](http://www.denbighshire.gov.uk/planning) and then following the link to the enforcement section.

Alternatively, a hard copy of the form can be sent out to prospective complainants by post.

> Reporting a planning breach using the correct form ensures that the matter will be dealt with as quickly, effectively and safely as possible.

By completing the form, complainants are ensuring that the planning department has all the information we need to carry out any investigation as quickly, effectively and safely as possible. Quite often, the local knowledge that complainants and local organisations can provide on the form is what makes the difference between a successful and an unsuccessful investigation. For this reason, we may refuse to investigate an alleged breach until all of the necessary information has been provided.

Similarly, the success and speed of an investigation can hinge on the availability of corroborating evidence. Accordingly, complainants may wish to submit photographs, sound recordings, videos and activity logs. It is important for complainants to note that their reports may lead to a criminal investigation, so they must ensure that the information and evidence they provide is accurate and a true representation of the facts.

The Council will endeavour to acknowledge reports of planning breaches within ten working days. Complainants should inform the Council if they do not receive an acknowledgement within this timeframe.

## 2.4 The investigation phase

The Council receives around 250 reports of alleged planning breaches each year. Investigations must therefore be prioritised according to the level of harm being caused. The highest priority is given to dealing with breaches which are imminently



life-threatening or irrevocably harmful, especially if they are ongoing. Thereafter, priority is usually given to breaches affecting the places and artefacts which are recognised for their special qualities—Listed Buildings, Conservation Areas, the Area of Outstanding Natural Beauty (“AONB”) and protected trees. Similarly, breaches which conflict with the Council’s Corporate Plan will usually be given priority over other cases.

Regard must also be paid to when the breach first occurred. If an unauthorised development is, owing to the passage of time, approaching immunity from enforcement (see section 2.1.1), the investigation into the matter may need to be prioritised accordingly.

The table below (continues overleaf) provides some examples of breaches which the Council typically encounters, and identifies where they would normally fall in the order of priority.

| Priority   | Type of breach                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
|------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1 (Urgent) | <ul style="list-style-type: none"> <li>• Ongoing works to a Listed Building or a Scheduled Ancient Monument which are causing irrevocable and significant damage to its character</li> <li>• Ongoing works which are causing irrevocable and significant damage to a designated natural asset, e.g. a Site of Special Scientific Interest or a tree subject to a Tree Preservation Order</li> <li>• Works which are putting people in imminent danger of death</li> </ul> <p>Examples: ongoing excavations at a Scheduled Ancient Monument; the ongoing felling of a group of protected trees; the creation of a vehicular access onto a blind corner on a fast A-road.</p> |
| 2 (High)   | <ul style="list-style-type: none"> <li>• Works which have caused irrevocable and significant damage to a Listed Building or a Scheduled Ancient Monument, but are not ongoing</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |

| Priority            | Type of breach                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
|---------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                     | <ul style="list-style-type: none"> <li>• Works which have caused irrevocable and significant damage to a designated natural asset, but are not ongoing</li> <li>• Harmful development which, owing to the passage of time, is approaching immunity from enforcement</li> <li>• The uprooting of a non-domestic hedgerow</li> </ul> <p>Examples: the removal of the original windows from a Listed Building; a building which was erected 3 years and 11 months ago; a Listed Building which has had stained-glass windows removed; excavation works which have occurred within a SSSI; a non-domestic hedgerow which has been uprooted.</p>                                                                                                                                                                                                                                                                                                                                                                                          |
| <p>3 (Moderate)</p> | <ul style="list-style-type: none"> <li>• Works which have had a significant adversely affected adverse effect on the character of a designated heritage or natural asset, but are not ongoing</li> <li>• Unauthorised dwellings in the open countryside</li> <li>• Unauthorised, non-temporary advertisements</li> <li>• Properties whose unkemptness is Buildings which, owing to their lack of maintenance, are causing significant visual harm to the surrounding public realm</li> <li>• Breaches of planning conditions attached to planning permissions</li> </ul> <p>Examples: an unauthorised extension on a Listed Building; the demolition of a wall in a Conservation Area; quarrying within the AONB Area of Outstanding Natural Beauty; an unauthorised shop sign in a Conservation area; an unauthorised conversion of a barn into a dwelling; a long-term empty home which is visually harming a busy public thoroughfare; a new dwelling not being used as an Affordable Home, in breach of planning conditions.</p> |

| Priority | Type of breach                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
|----------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 4 (Low)  | <ul style="list-style-type: none"> <li>• Development which is not causing significant harm to public amenity, the environment or to the health, safety or wellbeing of the public</li> <li>• Works to non-Listed buildings <del>outside of</del> which are not within a Conservation Area and <del>or</del> the AONB Area of Outstanding Natural Beauty</li> <li>• Unauthorised ‘householder development’ (works within the garden areas of houses)</li> <li>• Overgrown front gardens</li> <li>• Breaches which are temporary.</li> </ul> <p>Examples: outbuildings in gardens; extensions to houses; overheight fences; a changes of use of a house to a crèche such as a bookshop selling tea and coffee.</p> |

While all reports of alleged planning breaches will be recorded, those that do not meet priority status will be investigated if and when workloads allow. The Council aims to investigate 50% of reports within 10 weeks, and 80% within 12 weeks. Cases which are complex, lacking in evidence or relatively low-priority may take more than 12 weeks to investigate.

### 2.4.1 Site visits

The Council does not carry out site visits in response to every complaint, but some cases will demand an on-site inspection. It is for the Council to decide whether a visit is needed as part of an investigation.

In order to make the most efficient use of resources, visits are carried out in geographical groupings. For this reason, it may be some weeks after a report has been received before a site visit is undertaken. In order to expedite matters, complainants may wish to provide evidence which would negate the need for a site visit.

## 2.5 What happens once a breach has been investigated?

Once an alleged breach has been investigated, the Council will then pursue remedial action or close the case down. Cases will be closed down at this stage if: a) we do not have sufficient evidence of a breach; or b) a breach has been identified, but is not so harmful that the Council would find it expedient to devote further resources to remedying the matter.

> The Council will not take action to regularise development for which permission has not been sought but which is otherwise acceptable.

### 2.5.1 Expediency

The planning compliance function is a discretionary service offered by the Council. As such, it is for the Council to decide whether to pursue remedial action in response to alleged breaches of planning control. The aim of the planning compliance function is to remedy the adverse effects of breaches, not to punish the people carrying them out.

The pivotal issue for the Council is whether the unauthorised development is unacceptably affecting public amenity. It is not an appropriate use of Council resources to take action against a trivial or technical breach which causes negligible harm to public amenity.

### 2.5.2 Remedial action

Depending on the severity of the unauthorised development, any ensuing remedial action will in most cases take one of two forms. The Council may:

- 1) Pursue the cessation of the breach, through formal enforcement action if necessary. This option is appropriate when there is adequate evidence of a harmful breach which irreconcilably conflicts with planning policy; or
- 2) Request a planning application to be submitted in retrospect. This is an appropriate method of dealing with breaches which may be harmful, but whose harm could potentially be controlled by attaching a condition to a retrospective planning permission. For example, a planning condition may mitigate noise by requiring the installation of soundproofing. It is also appropriate to request an application if the nature of the breach is such that

the submission of evidence and / or the input of specialist consultees is needed in order that an informed decision about a development's acceptability can be made.

In cases where a requested application turns out not to be successful—or not submitted at all—the Council may resort to pursuing the cessation of the breach, through formal enforcement action if appropriate.

### **2.5.3 Formal enforcement action**

The Council has the power to serve enforcement notices which formally require recipients to undertake remedial action or otherwise face a penalty. There are different types of notice the Council can serve, depending on the nature of the breach. Certain notices may only come into effect 28 or more days after their date of issue, in order to allow the recipient the opportunity to appeal. Appeal proceedings are overseen by the Planning Inspectorate, who will either uphold, modify or quash the notice.

Notices must offer recipients a reasonable period within which to carry out the required remedial works. This period of compliance starts when the notice comes into effect or, in cases where appeal proceedings are brought, when the Planning Inspectorate issues their decision.

For relatively minor breaches, the service of the enforcement notice may be deemed sufficiently punitive in itself, given its effect on land valuation. In most cases, however, the response of the notice's recipient will be monitored once the period of compliance has elapsed. If the monitoring reveals that the recipient of a notice has failed to comply with its requirements, the Council may, if expedient, seek to secure further punitive action. Penalties for non-compliance vary depending on the type of breach and the notice served (see section 3.2). Prosecution may be pursued if it is in the wider public interest to do so, and if legal advice suggests that there is a reasonable prospect of success.


The timescales needed for the complete resolution of cases can unfortunately be extensive, and often dependent on factors outside of the Council's control. The Council will nonetheless strive to resolve all priority cases in a timely manner, and, if expedient, will pursue all appropriate and reasonable avenues to do so.

## 3. Advice for alleged contraveners

### 3.1 How to respond to an allegation by the Council

Those who are alleged by the Council to have carried out unauthorised works should read the correspondence they have received thoroughly. Any such correspondence will carefully set out the Council's position and provide advice about what to do next. It will state what courses of remedial action are available

and, if applicable, the penalties for non-compliance. Given the costs involved, the Council may refuse to provide further advice beyond this, especially if a fee would ordinarily be levied for providing such advice to the public (as is the case with pre-application advice, for example).

 People who are alleged to have carried out a planning breach should seek the assistance of a planning consultant if they are in any doubt about their obligations.

In light of the above, alleged contraveners are advised to seek the assistance of a planning consultant if they are in any doubt about their obligations. A list of such agents who operate in the locality is available at [www.denbighshire.gov.uk/planning](http://www.denbighshire.gov.uk/planning). Alternatively, Planning Aid Wales, which is a charitable organisation which helps eligible individuals to participate more effectively in the planning system, provides advisory services including a helpline. Further information about the charity can be found at [www.planningaidwales.org.uk](http://www.planningaidwales.org.uk).

### 3.2 Formal notices

There are a number of formal notices which the Council has the power to issue in response to an alleged breach of planning control. There is no obligation on the Council to make informal attempts at resolving an alleged breach prior to issuing a formal notice.

Each type of notice has a different function. They also have different penalties for non-compliance. These vary depending on the notice served, and will be expressed on, or in an annex attached to, the notice. They most often take the form of one or more of the following:

- Prosecution, which can result in a fine;
- The Council carrying out the works required by the notice followed by action in the County Court to recover all incurred costs; and / or
- The Council carrying out the works and then registering a charge on the property with the Land Registry, recoverable should the property be sold.

Certain notices are appealable. If the recipient of a notice has this right of appeal, the details of how to exercise it will be given in an annex to the notice. Further details about the grounds under which an appeal can be raised will also be provided.

### 3.2.1 Enforcement Notices

Section 172 of the Town and Country Planning Act 1990 gives the Council the power to issue an Enforcement Notice to require an alleged breach of planning control as defined in the Act (see section 1.2 of this document) to be remedied. The required remedial action will be identified on the notice. Once served, there is a period of no fewer than 28 days before the notice comes into effect, to allow its recipient to raise an appeal. Once the notice comes into effect, there is a further period of time to allow for compliance. This period for compliance will vary depending on the nature of the alleged breach.

Failure to comply with an enforcement notice within the required timeframe is a criminal offence and can lead to a substantial fine.

### 3.2.2 Listed Building Enforcement Notices

It is a criminal offence under Section 9 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to alter, extend or demolish a structure subject to a Listing without Listed Building consent. A Listed



**It is a criminal offence to carry out unauthorised works to a Listed Building. The penalty for offenders is a substantial fine, imprisonment, or both.**

Building Enforcement Notice (“LBEN”) seeks to have unauthorised works remedied by:

- (a) Requiring the building to be brought back to its former state; or
- (b) If that is not reasonably practicable or desirable, requiring other works to alleviate the effects of the unauthorised works; or
- (c) Requiring the building to be brought into the state it would have been in if the terms of any Listed Building consent had been observed.

The Notice must specify a time period for securing compliance with its requirements. There is a right of appeal against a LBEN; the procedures are similar to those used for an appeal against an Enforcement Notice.

If works subject to a LBEN are later authorised by a retrospective application for Listed Building consent, the notice will cease to have any effect. The liability to prosecution for an offence committed before the date of any retrospective consent will remain, however. The penalty for offenders is a substantial fine, imprisonment, or both.



### 3.2.3 Breach of Condition Notices

A Breach of Condition Notice (“BCN”) may be served when a condition attached to a planning permission has not been adhered to. Because the imposition of any given condition can be appealed at the time when the planning permission was granted, there is no right of appeal against a BCN. Failure to comply with a BCN can, upon prosecution, lead to a fine.

### 3.2.4 Stop Notices and Temporary Stop Notices

The Council may issue a Stop Notice or a Temporary Stop Notice in order to stop a particularly harmful activity with immediate effect. These notices are typically reserved to dealing with especially severe alleged breaches—‘Priority 1’ cases (see section 2.3) which are ongoing and whose harm is irrevocable.

A Temporary Stop Notice allows the Council to stop a harmful activity in order for us to investigate the matter further and, if appropriate, issue a formal notice to have the identified harm remedied. Stop Notices may only be issued at the same time as an Enforcement Notice or after an Enforcement Notice has been served, and thus are best used to ensure that a harmful activity does not continue during appeal proceedings. Failure to comply with a Stop Notice or a Temporary Stop Notice can lead to a substantial fine.

### 3.2.5 Enforcement Warning Notices

An Enforcement Warning Notice (“EWN”) formally requires its recipient to seek to remedy an alleged breach by undertaking one of the following courses of action:

- Apply for planning permission for the unauthorised development in retrospect; or
- Cease the alleged breach.

Serving an EWN prevents an unauthorised development from potentially gaining immunity from further enforcement through the passage of time (see section 2.1.1).

The Council will often issue an EWN in relation to alleged breaches which, after an initial assessment, appear to accord with planning policy in principle. They are reserved for circumstances in which, subject to the imposition of conditions, there

is a 'reasonable prospect' that retrospective planning permission would be granted if an application for such were to be made. They do not act as a guarantee that planning permission will be forthcoming. Failure to comply with an EWN may lead to further formal action, normally the service of a full Enforcement Notice.

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### 3.2.6 Other notices

The Council has the power to issue further types of formal notice, such as those which deal with unconsented advertisements, untidy properties and unauthorised works within Conservation Areas. As is the case with the abovementioned notices, the penalties for non-compliance and the available options for raising an appeal will be expressed either on or in an annex to the notice issued.

### 3.3 Injunctions

If the Council considers a breach of planning control to be sufficiently serious, it may apply to the Courts for a restraint injunction. Those in breach of an injunction can be imprisoned.

### 3.4 Submitting a planning application

Alleged contraveners may be instructed to attempt to regularise unauthorised development by submitting a planning application. In order to ensure that the submitted application passes validation checks—that is, contains all the documentation we need in order to consult on and determine the application—applicants are advised to employ the services of a planning consultant. This can often save applicants time and money in the long run. A list of agents who operate within Denbighshire, as well as general advice on submitting planning applications, can be found at [www.denbighshire.gov.uk/planning](http://www.denbighshire.gov.uk/planning). Our support team can also provide limited assistance by email, at [planning@denbighshire.gov.uk](mailto:planning@denbighshire.gov.uk), or by phone on (01824) 706727.

#### 3.4.1 Non-determination of retrospective planning applications

The Council has the power to decline to determine retrospective planning applications for development that is subject to an enforcement notice.

### 3.5 Officers' right of entry onto land

The planning compliance officer has a right of entry onto land to:

- Ascertain whether there has been a breach of planning control;

- Determine whether and how the Council's powers should be exercised; and
- Determine whether there has been compliance.

Any person who wilfully obstructs an authorised officer acting in the exercise of a right of entry shall be guilty of an offence and will be liable to prosecution.

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## > Contact us

Website: [www.denbighshire.gov.uk/planning](http://www.denbighshire.gov.uk/planning)

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Mae tudalen hwn yn fwriadol wag

## Appendix 2: Consultation Report

- A2.1 As per the resolution of the Scrutiny Committee at its July 2019 meeting, the Service has carried out a consultation on the draft planning compliance charter (“the Charter”) with City, Town and Community Councils. This report summarises the consultation process and the consultee responses received.
- A2.2 Each of the City, Town and Community Councils was provided with a copy of the draft Charter and invited to provide comments. The document was circulated among consultees by post or, in instances where the Service had an email address for the City/Town/Community Council, by email. Further copies were provided by post upon request.
- A2.3 The Service initially intended to run the consultation from the 10<sup>th</sup> October 2019 to the 31<sup>st</sup> October 2019, but extended the consultation deadline to the 5<sup>th</sup> December 2019 in response to consultee concerns. This means that the draft Charter was subject to a consultation period of eight weeks.
- A2.4 Table 1, below, summarises the responses we received from consultees. None of the submitted representations was received in Welsh.

**Table 1: Table of consultee responses (continues overleaf)**

| Consultee                 | Relevant consultee comments                                                                                                                                                                                                                                                                                                                                                                                 | Summary of consultee response                                                                                                   | Service response | Recommendation      |
|---------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------|------------------|---------------------|
| Denbigh TC                | Denbigh Town Councillors have passed a resolution to adopt the charter, no amendments required.                                                                                                                                                                                                                                                                                                             | No amendments to the charter required.                                                                                          | Comment noted.   | No action required. |
| Llanfair Dyffryn Clwyd CC | 2.1 Reference to national and to Denbighshire planning technical advisory and other documents is welcomed. The need to consider any proposed development in the light of best practice should be a key consideration. For example, Llanfair DC welcomes the DCC Supplementary Planning Guidance on Caravans, Chalets & Camping which has helped inform comment on proposals and to encourage best practice. | Reference to national and to Denbighshire planning technical advisory and other documents is welcomed.                          | Comment noted.   | No action required. |
|                           |                                                                                                                                                                                                                                                                                                                                                                                                             | Welcomes and agrees with the definitions set out in the draft charter relating to the role of planning and development control. | Comment noted.   | No action required. |

| Consultee | Relevant consultee comments                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | Summary of consultee response                                                                                                                                                                                                                                                                                                       | Service response                                                                                                                                                                                                                                                                                                                                                                                                                                                           | Recommendation                                                                                                                                                              |
|-----------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|           | 2.2 Llanfair DC Community Council welcomes and agrees with the definitions set out in the draft charter relating to the role of planning and development control.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | Clarification of what can and cannot be covered by Development Control is welcomed and broadly agreed with.                                                                                                                                                                                                                         | Comment noted.                                                                                                                                                                                                                                                                                                                                                                                                                                                             | Expand the relevant section so as to provide further clarification.                                                                                                         |
|           | 2.3 Clarification of what can and cannot be covered by Development Control is welcomed and broadly agreed with.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | Would welcome the opportunity to engage more closely with Council planners to develop place specific controls.                                                                                                                                                                                                                      | Comment noted.                                                                                                                                                                                                                                                                                                                                                                                                                                                             | No action required.                                                                                                                                                         |
|           | 2.4 Llanfair DC Community Council welcomes the comments in the charter setting out the role that it can play in encouraging responsible development. There have been a number of instances where Community Council involvement with proposed changes has resulted in good outcomes. For example, where tree felling was proposed at Silver Birches the Community Council was able to encourage a more environmentally friendly approach which resulted in a better approach. The Llanfair DC Community Council would welcome the opportunity to engage more closely with Council planners to develop place specific controls. The Conservation area in Llanfair DC is an obvious example and with the move of pupils from the old school in late 2019 there is both a need and an opportunity to shape this place for the future. | Agrees with the hierarchical approach proposed to deal with alleged reported breaches.                                                                                                                                                                                                                                              | Comment noted. This approach is determined by the Welsh Government's Development Management Manual in any case.                                                                                                                                                                                                                                                                                                                                                            | No action required.                                                                                                                                                         |
|           | 2.5 Llanfair DC Community broadly agrees with the hierarchical approach proposed to deal with alleged reported breaches.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | We would seek to agree at an early stage with the Council the extent of harm from any proposal such that expectations over how matters will be dealt with are understood. Given the timescales set out in section 2.1.1 of the draft charter, it is important that matters are dealt with expediently and that clarity is provided. | The idea of agreeing the degree of harm—and thus the priority with which the case will be handled—has theoretical merits but would be problematic in practice. It is often not possible to determine harm/priority without some degree of investigation. The Authority would also not wish to encourage false expectations of case-handling timescales, which are dependent on existing workloads as well as the intrinsic harm of the unauthorised development concerned. | Make the list of breaches within the charter more detailed and exhaustive, in order that stakeholders may understand the priority with which a given case is being treated. |
|           | 2.6 The draft charter states “The pivotal issue for the Council is whether the unauthorised development is unacceptably affecting public amenity. It is not an                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                                                                                                                                                                                                                                                                                                                                     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                                                                                                                                                                             |



| Consultee     | Relevant consultee comments                                                                                                                                                                                                                                                                                                                                                                                                                                                            | Summary of consultee response                                                                                                                                                                                                                                                                                                                                                                                                                                                     | Service response                                                                                                                                                                                                                                                                                                                                                                                                                                                          | Recommendation      |
|---------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------|
|               | appropriate use of Council resources to take action against a trivial or technical breach which causes negligible harm to public amenity." Llanfair DC would seek to agree at an early stage with the Council the extent of harm from any proposal such that expectations over how matters will be dealt with are understood. Given the timescales set out in section 2.1.1 of the draft charter it is important that matters are dealt with expediently and that clarity is provided. |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                     |
| Llangollen TC | City, Town and Community Councils only have a legal right to ask for copies of planning applications to comment on the merits of the same. Therefore, having considered the document in detail, Members consider the comment contained in the highlighted text box on page 10 "Help us to help you...Try to reach an amicable solution before reporting the matter to us" falls outside the remit of the City, Town and Community Councils and should be deleted.                      | Members do not consider that they should have responsibility to carry out the tasks listed under section 2.2 of the draft charter, "The role of complainants", namely: <ul style="list-style-type: none"> <li>• Try to reach an amicable solution before reporting the matter to us;</li> <li>• If it's necessary to report the breach to us, use the designated form;</li> <li>• Provide evidence;</li> <li>• Monitor the situation; and</li> <li>• Wait for updates.</li> </ul> | While the Authority recognises that City, Town and Community Councils are not obligated to assist the Authority on planning compliance matters, it is considered that working together results in better outcomes, for the benefit of all involved. Concerns about providing assistance have not been raised by any other City, Town or Community Council, and given that this view is in the minority, the Authority does not propose to change the charter in response. | No action required. |
| Ruthin TC     | Members were pleased to receive the report, and felt that it was clearly laid out and outlines everything clearly. They did not wish to suggest any amendments, and it was resolved to accept the draft Charter.                                                                                                                                                                                                                                                                       | No amendments to the charter required.                                                                                                                                                                                                                                                                                                                                                                                                                                            | Comment noted.                                                                                                                                                                                                                                                                                                                                                                                                                                                            | No action required. |

- A2.5 Of the consultee responses received, most were broadly positive and welcomed the introduction of the Charter. As Table 1 demonstrates, the Service has made changes to the draft Charter in two areas in response to the consultation:
- 1) The section regarding what the planning compliance function can and cannot do has been expanded so as to provide further clarification; and
  - 2) The section listing types of breaches and how they are prioritised has been made more detailed and exhaustive, in order that stakeholders may understand the priority with which a given case is being treated.

In addition to the above, some further minor textual changes have been made; these are highlighted in the draft Charter provided in Appendix 1.

- A2.6 Llangollen Town Council members expressed their view that they should not have responsibility to carry out the tasks listed under section 2.2 of the draft Charter. While the Service recognises that City, Town and Community Councils are not obligated to assist the Council on planning compliance matters, it considers that working together results in better outcomes, for the benefit of all involved. Given that the view of Llangollen Town Council members is in the minority—concerns about providing assistance have not been raised by any other City, Town or Community Council—the Service does not propose to change the Charter in response.

# Planning Compliance Charter

## 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:                               | 669                                                                 |
| Brief description:                               | Creating an agreed procedure for the planning compliance processes. |
| Date Completed:                                  | 08/01/2020                                                          |
| Completed by:                                    | Paul Mead                                                           |
| Responsible Service:                             | Planning & Public Protection                                        |
| Localities affected by the proposal:             | Whole County,                                                       |
| Who will be affected by the proposal?            | Complainants, contravenors, CT&CC's                                 |
| Was this impact assessment completed as a group? | No                                                                  |

# IMPACT ASSESSMENT SUMMARY AND CONCLUSION

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

## Score for the sustainability of the approach

★ ★ ★ ★ ( 3 out of 4 stars ) Actual score : 22 / 30.

## Implications of the score

This is the first draft of an evolving document which will be seeking to create greater partnership working within communities. This will involve the Council empowering CT&CC's along with other community groups to better shape and protect their built environment for the benefit of the local economy.

## 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

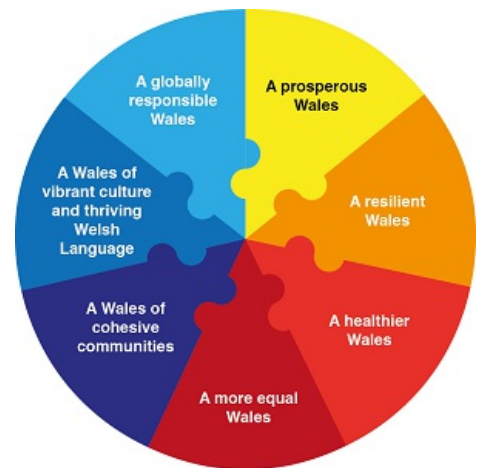
Neutral

Neutral

Positive

Neutral

Neutral



## Main conclusions

The draft charter for planning compliance will evolve as CT&CC's and other groups become better prepared to take on more planning compliance work themselves. This in turn will create resilience in communities, help promote better economic conditions through improved environments , it will create cohesion within the communities by groups joining together for common goals and it will become a more sustainable approach to taking effective planning compliance action in the future.

## Evidence to support the Well-being Impact Assessment

- We have consulted published research or guides that inform us about the likely impact of the proposal
- We have involved an expert / consulted a group who represent those who may affected by the proposal
- We have engaged with people who will be affected by the proposal

# THE LIKELY IMPACT ON DENBIGHSHIRE, WALES AND THE WORLD

## A prosperous Denbighshire

|                                 |                                                             |
|---------------------------------|-------------------------------------------------------------|
| <b>Overall Impact</b>           | Positive                                                    |
| <b>Justification for impact</b> | Better maintained communities will only benefit prosperity. |
| <b>Further actions required</b> | Not known                                                   |

### Positive impacts identified:

|                                                             |                                                                                                                                                                              |
|-------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>A low carbon society</b>                                 | Not known                                                                                                                                                                    |
| <b>Quality communications, infrastructure and transport</b> | Will encourage greater localised preservation and enhancement of infrastructure.                                                                                             |
| <b>Economic development</b>                                 | Will enable local communities to identify priorities for their towns in terms of planning compliance input. This will enhance economic outputs of town centres, for example. |
| <b>Quality skills for the long term</b>                     | Opportunities for CT&CC's to develop planning skills in the future.                                                                                                          |
| <b>Quality jobs for the long term</b>                       | Not known                                                                                                                                                                    |
| <b>Childcare</b>                                            | Not known                                                                                                                                                                    |

### Negative impacts identified:

|                                                             |           |
|-------------------------------------------------------------|-----------|
| <b>A low carbon society</b>                                 | Not known |
| <b>Quality communications, infrastructure and transport</b> |           |
| <b>Economic development</b>                                 |           |
| <b>Quality skills for the long term</b>                     |           |
| <b>Quality jobs for the long term</b>                       |           |
| <b>Childcare</b>                                            |           |

## A resilient Denbighshire

|                                 |                                                                                                                                                       |
|---------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Overall Impact</b>           | Positive                                                                                                                                              |
| <b>Justification for impact</b> | Empowering local communities to better police their areas through involvement in the planning compliance process will only increase their resilience. |

|                                 |                         |
|---------------------------------|-------------------------|
| <b>Further actions required</b> | Not known at this stage |
|---------------------------------|-------------------------|

### Positive impacts identified:

|                                                               |                                                                                                                                        |
|---------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------|
| <b>Biodiversity and the natural environment</b>               | Reporting local issues quicker may benefit the protection of the natural environment through more effective planning compliance action |
| <b>Biodiversity in the built environment</b>                  | Reporting local issues quicker may benefit the protection of the built environment through more effective planning compliance action   |
| <b>Reducing waste, reusing and recycling</b>                  | Not known                                                                                                                              |
| <b>Reduced energy/fuel consumption</b>                        | Not known                                                                                                                              |
| <b>People's awareness of the environment and biodiversity</b> | This will increase as local bodies are able to focus on their local issues.                                                            |
| <b>Flood risk management</b>                                  | Greater awareness as the planning legislation will deal with this in local communities                                                 |

### Negative impacts identified:

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

## A healthier Denbighshire

|                                 |                                                          |
|---------------------------------|----------------------------------------------------------|
| <b>Overall Impact</b>           | Neutral                                                  |
| <b>Justification for impact</b> | Difficult to fully link health with planning compliance. |
| <b>Further actions required</b> | Not known at this stage                                  |

### Positive impacts identified:

|                                                                                           |                                                                                                                    |
|-------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------|
| <b>A social and physical environment that encourage and support health and well-being</b> | Local groups taking positive action to improve their physical and natural environment will have a positive impact. |
| <b>Access to good quality, healthy food</b>                                               | Not known                                                                                                          |
| <b>People's emotional and mental well-being</b>                                           | A better and more protected environment will support this.                                                         |
| <b>Access to healthcare</b>                                                               | Not known                                                                                                          |
| <b>Participation in leisure opportunities</b>                                             | Not known                                                                                                          |

### Negative impacts identified:

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

### A more equal Denbighshire

|                                 |                         |
|---------------------------------|-------------------------|
| <b>Overall Impact</b>           | Neutral                 |
| <b>Justification for impact</b> | Not known               |
| <b>Further actions required</b> | Not known at this stage |

### Positive impacts identified:

|                                                                                                                                                                                                                                                                       |                                                                                                              |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------|
| <b>Improving the well-being of people with protected characteristics. The nine protected characteristics are: age; disability; gender reassignment; marriage or civil partnership; pregnancy and maternity; race; religion or belief; sex; and sexual orientation</b> | Not known                                                                                                    |
| <b>People who suffer discrimination or disadvantage</b>                                                                                                                                                                                                               | Not known                                                                                                    |
| <b>Areas with poor economic, health or educational outcomes</b>                                                                                                                                                                                                       | It will be easier to prioritise such areas if CT&CC's identify issues they want tackling in these locations. |
| <b>People in poverty</b>                                                                                                                                                                                                                                              | Not known                                                                                                    |

### Negative impacts identified:

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

## A Denbighshire of cohesive communities

|                       |          |             |
|-----------------------|----------|-------------|
| <b>Overall Impact</b> | Positive | Tudalen 136 |
|-----------------------|----------|-------------|



|                                 |                                                                                                                                                                                |
|---------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Justification for impact</b> | This is the main goal of this draft charter. There will be huge opportunities for positive community cohesion from empowering groups to target planning compliance priorities. |
| <b>Further actions required</b> | Not known at this stage                                                                                                                                                        |

**Positive impacts identified:**

|                                               |                                                                                                                                 |
|-----------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------|
| <b>Safe communities and individuals</b>       | Targeting localised planning compliance issues will increased the feeling of safety by improving the environment for citizens.  |
| <b>Community participation and resilience</b> | This is all about involving the communities in how they manage their localities.                                                |
| <b>The attractiveness of the area</b>         | This charter will serve to improve the attractiveness of local areas.                                                           |
| <b>Connected communities</b>                  | there will be an opportunity to connect various groups in communities with the common goal to better police their environments. |
| <b>Rural resilience</b>                       | Rural communities can also identify projects that will benefit them.                                                            |

**Negative impacts identified:**

|                                               |                                                                                                        |
|-----------------------------------------------|--------------------------------------------------------------------------------------------------------|
| <b>Safe communities and individuals</b>       |                                                                                                        |
| <b>Community participation and resilience</b> | Possibility for conflicting issues within communities when it comes to planning compliance priorities. |
| <b>The attractiveness of the area</b>         |                                                                                                        |
| <b>Connected communities</b>                  |                                                                                                        |
| <b>Rural resilience</b>                       |                                                                                                        |

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

|                                 |                          |
|---------------------------------|--------------------------|
| <b>Overall Impact</b>           | Neutral                  |
| <b>Justification for impact</b> | Not known at this stage. |
| <b>Further actions required</b> | Not known at this stage  |

**Positive impacts identified:**

|                                     |                                                                              |
|-------------------------------------|------------------------------------------------------------------------------|
| <b>People using Welsh</b>           | Not known                                                                    |
| <b>Promoting the Welsh language</b> | Through targeting unauthorised and non-bilingual signage.                    |
| <b>Culture and heritage</b>         | Through targeting the refurbishment of traditional buildings in communities. |

**Negative impacts identified:**

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

**A globally responsible Denbighshire**

|                                 |                         |
|---------------------------------|-------------------------|
| <b>Overall Impact</b>           | Neutral                 |
| <b>Justification for impact</b> | Not known.              |
| <b>Further actions required</b> | Not known at this stage |

**Positive impacts identified:**

|                                                                  |                                                                                                                      |
|------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------|
| <b>Local, national, international supply chains</b>              | Not known                                                                                                            |
| <b>Human rights</b>                                              | Not known                                                                                                            |
| <b>Broader service provision in the local area or the region</b> | Will assist in a wider interest and collective responsibility for the protection and enhancement of the environment. |

**Negative impacts identified:**

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

## Appendix 4: Performance Report

A4.1 At the July 2019 meeting of Scrutiny Committee, Members resolved to request information on the following:

- Staffing resources;
- Communication timescales with the public; and
- The number of complaints received by the Service on planning contraventions.

This information is presented in Table 1, overleaf.

A4.2 The Service does not keep a record of communication timescales per se, so Table 1 instead shows information about the time taken to ‘investigate’ and ‘take positive action’ in relation to cases. It is at these junctures that updates are typically provided to complainants and alleged contraveners, so they serve as useful indicators of communication timescales.

A4.3 The colour coding in Table 1 relates to Welsh Government performance targets: green denotes good performance; yellow denotes fair performance; and red means improvement is required. It is important to note that on the 17<sup>th</sup> October 2018 (roughly midway through Q3 of the 2018-19 period), the Welsh Government revised how its performance indicators are to be interpreted by local planning authorities—that is; what it means to have investigated a breach, and what it means to have taken further (‘positive’) action.<sup>1</sup>

A4.4 Before the 17<sup>th</sup> October 2018, a case would have been deemed investigated when an officer had—

- a) Decided whether it was expedient to take further action;
- b) Taken action accordingly (formal or informal); and
- c) Updated the complainant.

The action taken could have comprised an informal instruction, e.g. to cease the breach or submit a retrospective planning application. Now, such informal courses of action do not count towards a case being investigated for the purpose of the Welsh Government’s statistics; a case can only now be recorded as investigated when a formal enforcement notice has been issued or when a valid planning application has been received (as opposed to merely requested). Notices and certainly applications can often take weeks to prepare, and thus the Welsh Government’s revisions have had a noticeably detrimental impact on the

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<sup>1</sup> Further information about this topic was provided to Scrutiny Committee in the Service’s December 2018 report entitled “Performance of the Council’s planning compliance function”.

recorded performance of the compliance function. For the past four quarters—i.e. since the introduction of the new performance measures—the Service’s performance in the investigation phase has “required improvement”.

**Table 1: Staffing, caseload and performance statistics, January 2017 to December 2019**

| Period                                               | 2016-17<br>Q4 | 2017-18 |      |    |    | 2018-19 |     |                 |      | 2019-20 |      |      |
|------------------------------------------------------|---------------|---------|------|----|----|---------|-----|-----------------|------|---------|------|------|
|                                                      | Q4            | Q1      | Q2   | Q3 | Q4 | Q1      | Q2  | Q3 <sup>1</sup> | Q4   | Q1      | Q2   | Q3   |
| <b>Staffing</b>                                      |               |         |      |    |    |         |     |                 |      |         |      |      |
| Number of staff members (full-time equivalent)       | 1             | 1       | 1    | 1  | 1  | 1       | 1   | 1.6             | 1.6  | 1.6     | 1.6  | 1    |
| <b>Caseload</b>                                      |               |         |      |    |    |         |     |                 |      |         |      |      |
| Reports of alleged breaches received/created         | 55            | 49      | 52   | 33 | 35 | 40      | 49  | 77              | 43   | 75      | 45   | 42   |
| <b>Performance (timescales)</b>                      |               |         |      |    |    |         |     |                 |      |         |      |      |
| Percentage of cases ‘investigated’ within 12 weeks   | 91            | 96      | 92   | 87 | 82 | 81      | 77  | 78              | 61   | 62      | 67   | 33   |
| Average time taken to ‘investigate’ cases (weeks)    | 8.1           | 8.1     | 10.9 | 11 | 6  | 11.3    | 8.3 | 10.4            | 14.7 | 16      | 14.7 | 21.9 |
| Average time taken to take ‘positive action’ (weeks) |               |         |      |    |    |         |     | 17.1            | 27.9 | 28.4    | 19.8 | 25.4 |

<sup>1</sup> New system of measuring performance introduced (on 17<sup>th</sup> October 2018).

A4.5 It was after the 17<sup>th</sup> October 2018 that the average time taken to investigate cases was no longer monitored by the Welsh Government (though the Service continues to monitor this). Instead, the concept of taking a ‘positive action’ was introduced and monitored. A positive action has been taken when, following investigation, it is decided that a breach has occurred and one of the following courses of action has also taken place:

- a) Informal negotiation removes the breach;
- b) An Enforcement Notice is issued;
- c) Planning permission is granted in retrospect;
- d) Prosecution is brought;

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e) Direct action by the Authority removes the breach.

Throughout the period in which it has been monitored (five quarters to date), the Service's performance as regards taking a 'positive action' has been categorised as "fair".

Mae tudalen hwn yn fwiadol wag

|                           |                                       |
|---------------------------|---------------------------------------|
| <b>Adroddiad i'r</b>      | <b>Pwyllgor Craffu Cymunedau</b>      |
| <b>Dyddiad y Cyfarfod</b> | <b>23 Ionawr 2020</b>                 |
| <b>Swyddog Arweiniol</b>  | <b>Rhian Evans, Cydlynnydd Craffu</b> |
| <b>Awdur yr Adroddiad</b> | <b>Rhian Evans, Cydlynnydd Craffu</b> |
| <b>Teitl</b>              | <b>Rhaglen Waith Craffu</b>           |

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

Mae'r adroddiad yn cyflwyno drafft rhaglen waith i'r dyfodol y Pwyllgor Craffu Cymunedau i'r aelodau ei hystyried

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

Gofyn i'r Pwyllgor adolygu a chytuno ar ei raglen waith i'r dyfodol, a rhoi'r wybodaeth ddiweddaraf i aelodau ar faterion perthnasol.

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

Bod y Pwyllgor yn:

- 3.1 ystyried yr wybodaeth a ddarparwyd ac yn cymeradwyo, diwygio neu'n newid ei raglen gwaith i'r dyfodol fel y gwêl yn briodol; ac
- 3.2 yn cytuno ar y prif bwyntiau neu'r themau o'r cyfarfod hwn y dymuna dynnu sylw atynt trwy'r wasg a/neu'r cyfryngau cymdeithasol.

## 4. Manylion am yr adroddiad

- 4.1 Mae Adran 7 o Gyfansoddiad Cyngor Sir Ddinbych yn nodi cylch gorchwyl, swyddogaethau ac aelodaeth pob Pwyllgor Craffu. Mae'r Adran hon hefyd yn cynnwys rheolau gweithdrefnau a thrafodaeth ar gyfer cyfarfodydd pwyllgorau.
- 4.2 Mae'r Cyfansoddiad yn amodi bod yn rhaid i bwyllgorau craffu'r Cyngor baratoi ac adolygu rhaglen ar gyfer eu gwaith i'r dyfodol. Drwy adolygu a blaenoriaethu materion mae modd i aelodau sicrhau fod y rhaglen waith yn cyflwyno rhaglen dan arweiniad yr aelodau.
- 4.3 Arfer sydd wedi'i fabwysiadu yn Sir Ddinbych ers nifer o flynyddoedd yw bod pwyllgorau craffu'n cyfyngu ar nifer yr adroddiadau a ystyrir mewn unrhyw gyfarfod i uchafswm o bedwar, yn ogystal ag adroddiad rhaglen waith y Pwyllgor ei hun. Nod y dull hwn yw hwyluso cael trafodaeth fanwl ac effeithiol ar bob pwnc.
- 4.4 Yn y blynyddoedd diweddar mae Llywodraeth Cymru a Swyddfa Archwilio Cymru wedi tynnu sylw at yr angen i gryfhau rôl craffu ar draws llywodraeth leol a gwasanaethau cyhoeddus yng Nghymru, gan gynnwys defnyddio craffu fel modd o ymgysylltu â phreswylwyr a defnyddwyr gwasanaeth. O hyn ymlaen disgwylir i graffu ymgysylltu'n well ac yn amlach â'r cyhoedd gyda golwg ar sicrhau penderfyniadau gwell a fydd yn y pen draw yn arwain at well canlyniadau i ddinasyddion. Bydd Swyddfa Archwilio Cymru yn mesur effeithiolrwydd craffu wrth gyflawni'r disgwyliadau hyn.
- 4.5 Gan ystyried y weledigaeth genedlaethol ar gyfer craffu ac ar yr un pryd ganolbwyntio ar flaenoriaethau lleol, argymhellodd y Grŵp Cadeiryddion ac Is-gadeiryddion Craffu (GCIGC) y dylai pwyllgorau craffu'r Cyngor, wrth benderfynu ar eu rhaglenni gwaith, ganolbwyntio ar y meysydd allweddol canlynol:
- arbedion ar y gyllideb;
  - cyflawni amcanion y Cynllun Corfforaethol (gyda phwyslais arbennig ar y modd o'u cyflawni yn ystod cyfnod o galedi ariannol);
  - unrhyw eitemau eraill a gytunwyd gan y Pwyllgor Craffu (neu'r GCIGC) fel blaenoriaeth uchel (yn seiliedig ar y meini prawf profion 'PAPER' - gweler ochr gefn y 'ffurflen gynnig aelodau' yn Atodiad 2 ) a;
  - Materion brys, materion na ellir eu rhagweld neu faterion â blaenoriaeth uchel



### Ffurflenni Cynnig ar gyfer Craffu

- 4.6 Fel y crybwyllwyd ym mharagraff 4.2 uchod, mae Cyfansoddiad y Cyngor yn gofyn i bwyllgorau craffu baratoi ac adolygu rhaglen ar gyfer eu gwaith i'r dyfodol. Er mwyn cynorthwyo'r broses o flaenoriaethu adroddiadau, os yw'r swyddogion o'r farn fod pwnc yn haeddu'r amser i gael ei drafod ar agenda fusnes y Pwyllgor, mae'n rhaid iddynt wneud cais ffurfiol i'r Pwyllgor i ystyried derbyn adroddiad ar y pwnc hwnnw. Gwneir hyn trwy gyflwyno 'ffurflen gynnig' sy'n egluro pwrpas, pwysigrwydd a chanlyniadau posibl y pynciau a awgrymir. Does dim un ffurflen gynnig wedi dod i law oddi wrth swyddog i'w ystyried yn y cyfarfod cyfredol.
- 4.7 Er mwyn gwneud gwell defnydd o amser craffu drwy ganolbwyntio adnoddau pwyllgorau i graffu testunau'n fanwl, gan ychwanegu gwerth drwy'r broses o wneud penderfyniadau a sicrhau gwell canlyniadau ar gyfer preswylwyr, penderfynodd y GCIGC y dylai'r aelodau, yn ogystal â swyddogion, gwblhau 'ffurflenni cynnig ar gyfer craffu' yn amlinellu pam eu bod yn credu y byddai'r testun yn elwa o fewnbwn craffu. Gellir gweld copi o 'ffurflen gynnig' yn Atodiad 2. Mae ochr gefn y ffurflen hon yn cynnwys siart lif sy'n rhestru'r cwestiynau y dylai aelodau eu hystyried wrth baratoi i gynnig eitem ar gyfer craffu, ac y dylai pwyllgorau eu gofyn wrth benderfynu ar addasrwydd testun arfaethedig i'w gynnwys ar raglen gwaith i'r dyfodol craffu. Os, ar ôl cwblhau'r broses hon, y penderfynir nad yw'r testun yn addas i'w graffu'n ffurfiol gan bwyllgor craffu, yna gellir ystyried dulliau eraill o rannu'r wybodaeth neu graffu ar y mater e.e. darparu 'adroddiad gwybodaeth', neu os yw'r mater yn un o natur leol gellir ei ystyried gan y Grŵp Aelodau Ardal (GAA) perthnasol. Ni ddylai unrhyw eitemau gael eu cynnwys ar raglen gwaith i'r dyfodol heb i 'ffurflen gynnig ar gyfer craffu' gael ei chwblhau, ac i'r testun gael ei gymeradwyo i'w gynnwys ar y rhaglen gan un ai'r Pwyllgor neu'r GCIGC. Mae cymorth ar gael i lenwi'r ffurflenni gan y Cydlynnydd Craffu.

### Rhaglen Waith i'r Dyfodol y Cabinet

- 4.8 Wrth benderfynu ar eu rhaglen waith i'r dyfodol mae'n bwysig fod pwyllgorau craffu yn ystyried amserlen rhaglen waith y Cabinet. Ar gyfer y diben hwn, mae rhaglen waith y Cabinet wedi ei chynnwys yn Atodiad 3.

## Datblygiad Penderfyniadau'r Pwyllgor

- 4.9 Yn Atodiad 4 mae tabl yn crynhoi penderfyniadau diweddar y Pwyllgor ac yn cynghori aelodau am eu gweithrediad.

## **5. Grŵp Cadeiryddion ac Is-Gadeiryddion Craffu**

- 5.1 Dan drefniadau craffu'r Cyngor mae'r Grŵp Cadeiryddion ac Is-gadeiryddion Craffu (GCIGC) yn gweithredu fel pwyllgor cydlynu. Cyfarfu'r Grŵp ar 19 Rhagfyr 2019. Yn ystod y cyfarfod hwnnw gofynwyd i'r Pwyllgor ystyried yr eitem ganlynol yn ystod ei gyfarfod ym mis Mawrth:

- Deddf Lles Cenedlaethau'r Dyfodol: Archwiliad o gymryd camau i adolygu casglu gwastraff cartref, gan gefnogi'r amcan llesiant o ddarparu amgylchedd deniadol a gwarchoddedig. Adroddiad wedi ei baratoi gan Swyddfa Archwilio Cymru yw hwn.

Cynhelir cyfarfod nesaf y Grŵp ar 30 Ionawr 2020.

- 5.2 Gyda'r bwriad o godi ymwybyddiaeth o waith Craffu a cheisio annog y cyhoedd i ymgysylltu â Chraffu penderfynnodd y Grŵp yn ddiweddar y dylai'r tri phwyllgor craffu dreialu am gyfnod proses o ddynodi prif themau neu bwyntiau a gyfyd yn ystod eu cyfarfodydd at ddiben eu rhannu gyda'r wasg leol ac ar dudalennau gwefanau cymdeithasol yr Awdurdod. Gofynnir felly i'r Pwyllgor gytuno ar ba themau neu bwyntiau o'r cyfarfod hwn y dymuna dynnu sylw atynt.

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

Bydd craffu effeithiol yn gymorth i'r Cyngor gynnal y blaenoriaethau corfforaethol yn unol ag anghenion cymunedau a dymuniadau trigolion. Bydd datblygu ac adolygu'r rhaglen waith gydlynol yn barhaus yn cynorthwyo'r Cyngor i ddarparu ei flaenoriaethau corfforaethol, i wella canlyniadau i breswylwyr tra hefyd yn dygymod â thoriadau llym yn y gyllideb.

## **7. Faint fydd hyn yn costio a sut bydd yn effeithio ar wasanaethau eraill?**

Mae'n bosib y bydd yn rhaid i wasanaethau neilltuo amser swyddog i gynorthwyo'r Pwyllgor gyda'r eitemau a nodwyd yn y rhaglen waith a chydag unrhyw gam gweithredu yn dilyn ystyried yr eitemau hynny.

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

Nid oes Asesiad o Effaith ar Les wedi ei wneud mewn perthynas â phwrpas neu gynnwys yr adroddiad hwn. Ond bydd y Pwyllgor Craffu, drwy ei waith yn craffu darpariaeth gwasanaethau, polisïau, gweithdrefnau ac argymhellion, yn ystyried eu heffaith neu eu heffaith posib ar yr egwyddor o ddatblygu cynaliadwy a'r amcanion o ran lles a nodir yn Neddf Llesiant Cenedlaethau'r Dyfodol (Cymru) 2015.

## **9. Pa ymgynghori sydd wedi digwydd?**

Does dim angen cynnal ymgynghoriad ar yr adroddiad hwn. Fodd bynnag, mae'r adroddiad ei hun a'r ystyriaeth a roir gan y Pwyllgor i'w raglen waith ar gyfer y dyfodol yn gyfystyr ag ymgynghoriad gyda'r Pwyllgor o ran ei raglen waith.

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

Nid oes risg wedi ei ganfod o ran y Pwyllgor yn ystyried ei raglen waith. Fodd bynnag, wrth adolygu ei raglen waith yn rheolaidd gall y Pwyllgor sicrhau bod meysydd sy'n peri pryder yn cael eu hystyried a'u craffu arnynt fel y maent yn dod i'r amlwg a bod argymhellion yn cael eu gwneud er mwyn mynd i'r afael â nhw.

## **11. Grym i wneud Penderfyniad**

Mae Adran 7.11 o Gyfansoddiad y Cyngor yn amodi fod y pwyllgorau Craffu a/neu Grŵp Cadeiryddion ac Is-Gadeiryddion Craffu yn gyfrifol am osod eu rhaglenni gwaith ac y dylent, pan yn penderfynu ar eu rhaglenni roi ystyriaeth i ddymuniadau yr

Aelodau hynny o'r Pwyllgor nad ydynt yn aelodau o'r grŵp gwleidyddol mwyaf ar y Cyngor.

### **Swyddog Cyswllt:**

Rhian Evans, Cydlynnydd Craffu

Rhif ffôn: (01824) 712554

e-bost: [rhian.evans@sirddinbych.gov.uk](mailto:rhian.evans@sirddinbych.gov.uk)

## Communities Scrutiny Committee Forward Work Plan

**Note: Items entered in italics have not been approved for submission by the Committee. Such reports are listed here for information, pending formal approval.**

| Meeting  | Lead Member(s)           | Item (description / title)                                                               | Purpose of report                                                                                                                                                                                               | Expected Outcomes                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | Author                           | Date Entered                                                                           |
|----------|--------------------------|------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------|----------------------------------------------------------------------------------------|
| 12 March | <b>Leader</b>            | 1. Tourism Signage Strategy for Denbighshire                                             | To outline the progress made by the Working Group in developing a tourism signage strategy for the county, consideration of potential funding sources, and the anticipated timescale for the project's delivery | The development of a tourism signage strategy that complements trunk road signage and technological innovations in the field of tourism, takes into account the aims of 'The Wales Way' project, attracts visitors and increases the value of tourism spend in the county in line with the corporate priority relating to the Environment, and in-keeping with the outcomes of Denbighshire's Tourism Strategy                                                                                                                        | Mike Jones/Peter McDermott       | May 2018 (rescheduled by SCVCG December 2018 & rescheduled by the Committee June 2019) |
|          | <b>Cllr. Tony Thomas</b> | 2. Progress report on recommendations stemming from the Llantysilio Mountain fire review | To monitor progress made in relation to implementing the Review's recommendations in conjunction with the Council's partner agencies and organisations                                                          | (i) The development of a Regional Wildfire Plan to help partner agencies respond effectively to similar incidents in future and to reduce the risk of similar incidents occurring; and<br>(ii) Securing sufficient funding to establish and fund a dedicated Upland and Moorland Management Officer post to support all partner organisations, landowners and graziers to effectively manage the habitat, reducing the risk of wildfires in an economically viable way in line with WG agricultural policies which benefits the local | Emlyn Jones/Huw Rees/David Shiel | September 2019                                                                         |

## Communities Scrutiny Committee Forward Work Plan

| Meeting | Lead Member(s)                    | Item (description / title) |                                                                                           | Purpose of report                                                                                                                                                                | Expected Outcomes                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | Author                   | Date Entered           |
|---------|-----------------------------------|----------------------------|-------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------|------------------------|
|         |                                   |                            |                                                                                           |                                                                                                                                                                                  | area and supports the delivery of the Council's Environment corporate priority                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                          |                        |
|         | <b>Cllr. Huw Hilditch-Roberts</b> | 3.                         | Denbighshire's Learner Transport Policy: Non-Statutory Elements<br><br><b>[Education]</b> | To present the findings of the Task and Finish Group's study into the county's learner transport provision for pupils and students accessing non-statutory elements of education | (i) Clarity and understanding of Council's annual learner transport budget and the cost of transporting pupils/students to statutory and non-statutory, discretionary and non-discretionary education, including an enhanced knowledge of education and learner transport legislation and their impact on the budget;<br>(ii) an assessment of the potential impact of withdrawing the provision of free learner transport for pupils/students who access the various non-statutory or discretionary educational elements currently offered, including any risks to the wider education provision in the area and to the skills base required in local economy; and<br>(iii) ensuring that every pupil/student in the county has fair and equitable access to education provision and is not discriminated against in any way | Task and Finish Group    | May 2019               |
|         | <b>Cllr. Brian Jones</b>          | 4.                         | Well-being of Future Generations: An examination of                                       | For the Committee to consider the Wales Audit Office's (WAO)                                                                                                                     | To formulate recommendations and seek assurances that the Council has appropriate plans in place to respond to the issues raised by the WAO                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | Tony Ward/Tara Dumas/WAO | By SCVCG December 2019 |

## Communities Scrutiny Committee Forward Work Plan

| Meeting | Lead Member(s)                    | Item (description / title) |                                                                                                                                              | Purpose of report                                                                                                                                                           | Expected Outcomes                                                                                                                                                                                                                                                                                          | Author                                      | Date Entered   |
|---------|-----------------------------------|----------------------------|----------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------|----------------|
|         |                                   |                            | taking steps to revise household waste collection, supporting the well-being objective of delivering an attractive and protected environment | findings and the Council's proposed response to them                                                                                                                        |                                                                                                                                                                                                                                                                                                            |                                             |                |
| 7 May   | <b>Cllr. Huw Hilditch-Roberts</b> | 1.                         | Welsh Government's Free Childcare Offer in Denbighshire                                                                                      | To assess the take-up and impact of the WG's free childcare offer in the county since its introduction in April 2019                                                        | To evaluate whether the introduction of the free childcare offer has supported the delivery of the Council's corporate priorities relating to young people and resilient communities, supported the local economy and will enhance better outcomes for children and families                               | Karen Evans/James Wood                      | September 2018 |
| 2 July  | <b>Cllr. Tony Thomas</b>          | 1.                         | Ruthin Gaol                                                                                                                                  | To consider potential options for the utilisation of the vacated space at the facility if the proposed single-shared archive service with Flintshire County Council and the | To formulate recommendations in relation to securing the future of the Gaol through the development of a tourist and education asset that will benefit local residents and tourists whilst supporting the area and county's economic development in line with the Council's Environment corporate priority | Alan Smith/Craig Berry/ Helen Vaughan-Evans | October 2019   |

## Communities Scrutiny Committee Forward Work Plan

| Meeting     | Lead Member(s)                                                                                 | Item (description / title) |                                                                                           | Purpose of report                                                                                                                                                                                                                                         | Expected Outcomes                                                                                                                                                                                                                                                                                          | Author                                  | Date Entered                                                                                                    |
|-------------|------------------------------------------------------------------------------------------------|----------------------------|-------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------|-----------------------------------------------------------------------------------------------------------------|
|             |                                                                                                |                            |                                                                                           | creation of the 'hub' proceeds                                                                                                                                                                                                                            |                                                                                                                                                                                                                                                                                                            |                                         |                                                                                                                 |
| 3 September | <b>Cllr. Huw Hilditch Roberts</b>                                                              | 1.                         | Impact of the Ruthin Primary Education Area Review<br><br><b>[Education]</b><br><br>(tbc) | To consider the findings of the of the impact assessment (based on the WBFG Act principles and goals) undertaken following the conclusion, implementation of the decisions relating to the review                                                         | Identification of any negative or unintended/unexpected outcomes from the school reorganisation decisions that will assist planning for similar projects in future to ensure the well-being of all stakeholders                                                                                            | Karen Evans/Geraint Davies/James Curran | October 2017 (rescheduled June 2019 and by SCVCG September 2019)                                                |
| 22 October  | <b>Cllr. Brian Jones</b><br><br><b>Reps from Dŵr Cymru Welsh Water &amp; NRW to be invited</b> | 1.                         | <i>Flood Management Responsibilities in Denbighshire (tbc)</i>                            | <i>To present the conclusions of the joint study into whether improvements could be made to the management of the Rhyl Cut and Prestatyn Gutter, adjacent drains and sewers, and to outline each organisation's responsibilities in relation to flood</i> | <i>An assessment of whether the Council effectively fulfils its responsibilities in relation to flood management and mitigation and works effectively with partner organisations to reduce the risk of flooding and deliver the Environment and Resilient Communities priorities of the Corporate Plan</i> | <i>Tony Ward/Wayne Hope</i>             | <i>March 2018 (rescheduled February 2019 &amp; June 2019) rescheduled until conclusion of the Phase 3 study</i> |

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## Communities Scrutiny Committee Forward Work Plan

| Meeting                          | Lead Member(s)                    | Item (description / title) |                  | Purpose of report                                                                                                                                                                                                                                                                                                       | Expected Outcomes                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | Author                    | Date Entered |
|----------------------------------|-----------------------------------|----------------------------|------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------|--------------|
|                                  |                                   |                            |                  | <i>management and flood mitigation</i>                                                                                                                                                                                                                                                                                  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                           |              |
| 10 December                      |                                   |                            |                  |                                                                                                                                                                                                                                                                                                                         |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                           |              |
| early 2021<br>(prov. date – tbc) | <b>Cllr. Julian Thompson-Hill</b> | 1.                         | Universal Credit | To detail:<br>(i) the impact of migrating legacy benefits residents on to Universal Credit on Council services; and<br>(ii) the effectiveness of the measures taken by the Council and its partners with a view to mitigating the effects of migrating legacy benefits residents on to UC (including the lessons learnt | (i) An understanding of the impact of migrating legacy benefit recipients onto UC on Council services and on residents themselves; and<br><br>(ii) an assessment of the effectiveness of measures taken to support services and residents to deal with the changes and proposed plans for dealing with the remainder of the rollout.<br><br>Scrutiny's consideration of the above matters will assist it to identify proposed ways to mitigate against the effects of UC adversely affecting the Council's aim of building resilient communities | Paul Barnes/Rachel Thomas | May 2019     |

## Communities Scrutiny Committee Forward Work Plan

**Future Issues**

| Item (description / title)                     | Purpose of report                                                                                                                                                                               | Expected Outcomes                                                                                                                                                                                                                | Author               | Date Entered |
|------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------|--------------|
| Waste and Recycling                            | To provide an update on the outcome of the pilot projects undertaken to increase the capture of recyclable waste across the county                                                              | An evaluation of the pilot projects' success in increasing recycling rates and recommendations for future improvements in this area                                                                                              | Tony Ward/Tara Dumas | October 2019 |
| Waste and Recycling: Benefits Realisation Plan | To examine the proposed Benefits Realisation Plan to be implemented for the purpose of monitoring the environmental, financial, employee and customer benefits of the new waste operating model | The formulation of recommendations in relation to the Benefits Realisation Plan with a view to ensuring effective, meaningful and quantifiable monitoring of the model that will help support future improvements to the service | Tony Ward/Tara Dumas | October 2019 |

**For future years**

|  |  |  |  |  |
|--|--|--|--|--|
|  |  |  |  |  |
|  |  |  |  |  |

**Information/Consultation Reports**

| Information / Consultation                                  | Item (description / title)                | Purpose of report                                                                                             | Author(s)              | Date Entered |
|-------------------------------------------------------------|-------------------------------------------|---------------------------------------------------------------------------------------------------------------|------------------------|--------------|
| <b>INFORMATION</b><br><i>(for circulation January 2021)</i> | Car Park Asset/Investment Management Plan | To detail the progress made to date with the delivery of the asset management plan and associated initiatives | Emlyn Jones/Mike Jones | July 2019    |

**Note for officers – Committee Report Deadlines**

| Meeting  | Deadline           | Meeting | Deadline        | Meeting | Deadline       |
|----------|--------------------|---------|-----------------|---------|----------------|
| 12 March | <b>27 February</b> | 7 May   | <b>23 April</b> | 2 July  | <b>18 June</b> |

14/01/2020 RhE

| <b>Ffurflen Gynnig ar gyfer Rhaglen Gwaith i'r Dyfodol Craffu</b>                                                                                                    |                    |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------|
| <b>ENW'R PWYLLGOR CRAFFU</b>                                                                                                                                         |                    |
| <b>AMSERLEN I'W HYSTYRIED</b>                                                                                                                                        |                    |
| <b>TESTUN</b>                                                                                                                                                        |                    |
| <b>Beth sydd angen ei graffu arno (a pham)?</b>                                                                                                                      |                    |
| <b>Ydi'r mater yn un o bwys i drigolion/busnesau lleol?</b>                                                                                                          | <b>YDI/NAC YDI</b> |
| <b>Ydi craffu yn gallu dylanwadu ar bethau a'u newid?</b><br>(Os 'ydi' nodwch sut rydych chi'n meddwl y gall craffu ddylanwadu neu newid pethau)                     | <b>YDI/NAC YDI</b> |
| <b>Ydi'r mater yn ymwneud â gwasanaeth neu faes sy'n tanberfformio?</b>                                                                                              | <b>YDI/NAC YDI</b> |
| <b>Ydi'r mater yn effeithio ar nifer fawr o drigolion neu ardal fawr o'r Sir?</b><br>(Os 'ydi', rhowch syniad o faint y grŵp neu'r ardal yr effeithir arni)          | <b>YDI/NAC YDI</b> |
| <b>Ydi'r mater yn gysylltiedig â blaenoriaethau corfforaethol y Cyngor?</b><br>(Os 'ydi' nodwch pa flaenoriaethau)                                                   | <b>YDI/NAC YDI</b> |
| <b>Hyd y gwyddoch, oes yna rywun arall yn edrych ar y mater hwn?</b><br>(Os 'oes', nodwch pwy sy'n edrych arno)                                                      | <b>OES/NAC OES</b> |
| <b>Os derbynnir y testun ar gyfer craffu, pwy fyddai arnoch chi eisiau eu gwahodd e.e. Aelod Arweiniol, swyddogion, arbenigwyr allanol, defnyddwyr y gwasanaeth?</b> |                    |
| <b>Enw'r Cynghorydd/Aelod Cyfetholedig</b>                                                                                                                           |                    |
| <b>Dyddiad</b>                                                                                                                                                       |                    |

## Ystyried addasrwydd pwnc ar gyfer craffu

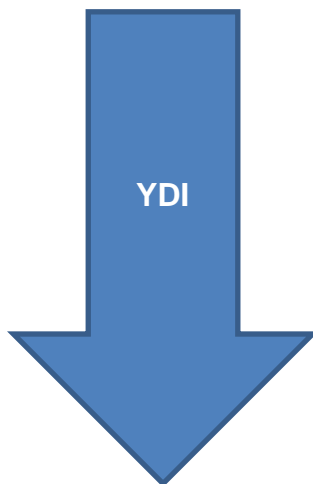
### Ffurflen Gynnig / Cais a dderbyniwyd

(dylid rhoi ystyriaeth ofalus i'r rhesymau dros wneud cais)



### Ydi o'n bodloni'r gofynion canlynol?

- **Diddordeb Cyhoeddus** – ydi'r mater o bwys i drigolion?
- **Effaith**– fedr craffu yn gael effaith ar bethau a'u newid?
- **Perfformiad** – ydi o'n wasanaeth neu faes sy'n tanberfformio?
- **Graddfa** – ydi o'n effeithio ar nifer o drigolion neu ardal ddaearyddol fawr?
- **Ailadrodd** – ydi'r mater yn destun craffu/ymchwiliad gan berson neu gorff arall?



Dim gweithredu pellach gan y Pwyllgor Craffu. Gellir ei gyfeirio at gorff arall neu ofyn am adroddiad er gwybodaeth.

- Penderfynu ar y canlyniadau a ddymunir
- Penderfynu ar gwmpas a swmp y gwaith craffu sydd ei angen a'r dull mwyaf priodol o graffu (h.y. adroddiad pwyllgor, ymchwiliad grŵp tasg a gorffen neu aelod cyswllt ac ati)
- Os penderfynir sefydlu grŵp tasg a gorffen, dylid penderfynu ar amserlen yr ymchwiliad, pwy fydd yn rhan o'r ymchwiliad, beth yw'r gofynion ymchwilio, a oes angen cyngor arbenigol a thystion, a beth yw'r trefniadau adrodd ac ati.

## Cabinet Forward Work Plan

| Meeting     | Item (description / title) |                                                                                            | Purpose of report                                                                                                                                                                                               | Cabinet Decision required (yes/no) | Author – Lead member and contact officer                         |
|-------------|----------------------------|--------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------|------------------------------------------------------------------|
| 18 Feb 2020 | 1                          | Procurement of Care and support for the Extra Care Housing Scheme, Llys Y Dyffryn, Denbigh | To seek Cabinet authorisation to procure the care and support for the Extra Care Housing Scheme, Llys Y Dyffryn, Denbigh                                                                                        | Yes                                | Councillor Bobby Feeley / Phil Gilroy / Emily Jones-Davies       |
|             | 2                          | Approval for the North Wales Regional Supported Living Agreement                           | To approve the acceptance / rejection of tenders in relation to a procurement exercise led by Denbighshire County Council on behalf of the six North Wales Councils and Betsi Cadwaladr University Health Board | Yes                                | Councillor Bobby Feeley / Phil Gilroy / Alison Heaton            |
|             | 3                          | Recommendations of the Strategic Investment Group                                          | To recommend approval to Council.                                                                                                                                                                               | Yes                                | Councillor Julian Thompson-Hill / Steve Gadd / Richard Humphreys |
|             | 4                          | Gypsy and Traveller Site Provision                                                         | To discuss and approve Council owned sites for submission through the LDP process for Gypsy and Traveller accommodation (transit).                                                                              | Yes                                | Councillor Mark Young / David Lorey / Angela Loftus              |
|             | 5                          | North Wales Growth Bid Governance Agreement 2                                              | To approve the governance arrangements in relation to                                                                                                                                                           | Yes                                | Councillor Hugh Evans / Graham Boase / Gary Williams             |

## Cabinet Forward Work Plan

| Meeting            | Item (description / title) |                                                                                                                                                                | Purpose of report                                                  | Cabinet Decision required (yes/no) | Author – Lead member and contact officer                                          |
|--------------------|----------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------|------------------------------------|-----------------------------------------------------------------------------------|
|                    |                            |                                                                                                                                                                | the implementation of the growth deal                              |                                    |                                                                                   |
|                    | 6                          | Finance System Procurement                                                                                                                                     | To approve a new procurement process for a finance system          | Yes                                | Councillor Julian Thompson-Hill / Rhys Lloyd Jones / Helen Makin                  |
|                    | 7                          | Finance Report                                                                                                                                                 | To update Cabinet on the current financial position of the Council | Tbc                                | Councillor Julian Thompson-Hill / Steve Gadd                                      |
|                    | 8                          | Items from Scrutiny Committees                                                                                                                                 | To consider any issues raised by Scrutiny for Cabinet's attention  | Tbc                                | Scrutiny Coordinator                                                              |
| <b>24 Mar 2020</b> | 1                          | Implementation of an Alternative Delivery Model (ADM) for various leisure related activities/functions: approval of contract award to Denbighshire Leisure Ltd | To seek approval of contract award to Denbighshire Leisure Ltd     | Yes                                | Councillors Bobby Feeley & Julian Thompson-Hill / Graham Boase / Siân Lloyd Price |
|                    | 2                          | Finance Report                                                                                                                                                 | To update Cabinet on the current financial position of the Council | Tbc                                | Councillor Julian Thompson-Hill / Steve Gadd                                      |
|                    | 3                          | Items from Scrutiny Committees                                                                                                                                 | To consider any issues raised by Scrutiny for Cabinet's attention  | Tbc                                | Scrutiny Coordinator                                                              |
|                    |                            |                                                                                                                                                                |                                                                    |                                    |                                                                                   |

## Cabinet Forward Work Plan

| Meeting            | Item (description / title) |                                | Purpose of report                                                                                                        | Cabinet Decision required (yes/no) | Author – Lead member and contact officer                   |
|--------------------|----------------------------|--------------------------------|--------------------------------------------------------------------------------------------------------------------------|------------------------------------|------------------------------------------------------------|
| <b>28 Apr 2020</b> | 1                          | Contract Procedure Rules       | To consider the reviewed contract procedures rules which will require adoption and form part of the council constitution | Tbc                                | Councillor Julian Thompson-Hill / Lisa Jones / Helen Makin |
|                    | 2                          | Finance Report                 | To update Cabinet on the current financial position of the Council                                                       | Tbc                                | Councillor Julian Thompson-Hill / Steve Gadd               |
|                    | 3                          | Items from Scrutiny Committees | To consider any issues raised by Scrutiny for Cabinet's attention                                                        | Tbc                                | Scrutiny Coordinator                                       |
|                    |                            |                                |                                                                                                                          |                                    |                                                            |
| <b>26 May 2020</b> | 1                          | Finance Report                 | To update Cabinet on the current financial position of the Council                                                       | Tbc                                | Councillor Julian Thompson-Hill / Steve Gadd               |
|                    | 2                          | Items from Scrutiny Committees | To consider any issues raised by Scrutiny for Cabinet's attention                                                        | Tbc                                | Scrutiny Coordinator                                       |
|                    |                            |                                |                                                                                                                          |                                    |                                                            |
|                    |                            |                                |                                                                                                                          |                                    |                                                            |
| <b>30 Jun 2020</b> | 1                          | Finance Report                 | To update Cabinet on the current financial position of the Council                                                       | Tbc                                | Councillor Julian Thompson-Hill / Steve Gadd               |

**Cabinet Forward Work Plan**

| <b>Meeting</b> | <b>Item (description / title)</b> |                                | <b>Purpose of report</b>                                          | <b>Cabinet Decision required (yes/no)</b> | <b>Author – Lead member and contact officer</b> |
|----------------|-----------------------------------|--------------------------------|-------------------------------------------------------------------|-------------------------------------------|-------------------------------------------------|
|                | 2                                 | Items from Scrutiny Committees | To consider any issues raised by Scrutiny for Cabinet's attention | Tbc                                       | Scrutiny Coordinator                            |
|                |                                   |                                |                                                                   |                                           |                                                 |
|                |                                   |                                |                                                                   |                                           |                                                 |

Note for officers – Cabinet Report Deadlines

| <i>Meeting</i> | <b>Deadline</b>  | <i>Meeting</i>  | <b>Deadline</b>   | <i>Meeting</i> | <b>Deadline</b> |
|----------------|------------------|-----------------|-------------------|----------------|-----------------|
|                |                  |                 |                   |                |                 |
| <i>January</i> | <b>7 January</b> | <i>February</i> | <b>4 February</b> | <i>March</i>   | <b>10 March</b> |

Updated 10/01/20 - KEJ

Cabinet Forward Work Programme.doc



## Progress with Committee Resolutions

| Date of Meeting | Item number and title                                                           | Resolution                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | Progress                                                                                                                                                                              |
|-----------------|---------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 24 October 2019 | 5. Gypsy and Traveller Site Provision in the Replacement Local Development Plan | <p><b><i>Resolved:</i></b> - <i>to recommend to Cabinet that, prior to determining the transit sites to be put forward as sites to progress as potential Gypsy and Traveller sites in the replacement Local Development Plan, it should have regard to the following matters –</i></p> <p><i>(i) the lack of consultation with the Gypsy and Traveller community and their advocacy groups on the suitability of proposed sites for the purposes of being developed as sites for their specific use prior to their inclusion on a list of potential sites for submission as part of the replacement Local Development Plan;</i></p> <p><i>(ii) that future processes relating to the identification and selection of potential Gypsy and Traveller sites should be as open and transparent as possible for members and residents, with proposals being presented to all councillors at a Council Briefing</i></p> | <p>Lead Member and officers advised of the Committee's recommendations.</p> <p>Cabinet scheduled to discuss Gypsy and Traveller Site Provision at its meeting on 18 February 2020</p> |

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|  |  | <p><i>session and to Scrutiny for examination prior to being presented to Cabinet for approval;</i></p> <p><i>(iii) that clarity be provided on how Denbighshire County Council's Gypsy and Traveller Accommodation Assessment concluded that a five pitch transit site would be sufficient to meet the Gypsy and Traveller transit need in the county;</i></p> <p><i>(iv) that Cabinet writes in the strongest terms possible to the Welsh Government expressing its serious concerns about the requirements in Part 3 of the Housing (Wales) Act 2014 which places an obligation on each individual local authority to undertake an Gypsy and Traveller Accommodation Assessment, and if a need is identified for a transit site to be developed that each individual authority is duty bound to provide a transit site within its boundaries regardless of other similar developments which may exist or about to be developed in a</i></p> |  |
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|  |  | <p><i>neighbouring authority's area. These Regulations seem inappropriate and disproportionate in addressing the needs of the travelling community and contradict other Welsh Government legislation, policies and ambitions which promote effective joint working between authorities on a regional or sub-regional basis;</i></p> <p><i>(v) that, until the above matters have been actioned and a further report presented to Scrutiny, a decision on the inclusion of the five sites listed in the report for incorporation as potential development locations for Gypsy and Traveller sites in the replacement Local Development Plan be held in abeyance;</i></p> <p><i>(vi) the lack of consultation with local members on the proposed sites within their wards prior to their inclusion in the report to the Asset Management Group. Local members should in future be consulted on any significant</i></p> |  |
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|  |                                                                 | <p><b>(vii) proposals affecting their wards not merely informed of them; and the need for the Asset Management Group to be more open, accessible and transparent to all councillors, particularly as only one elected member is a member of the Group.</b></p> <p>The Committee voted by a majority on a proposal that a report relating to the process and these particular sites be brought back for further consideration following the actioning of recommendations (i) to (v) above.</p>                     |                                                                                                                                                                                                                                                                      |
|  | <p><b>Denbighshire and Flintshire Joint Archive Project</b></p> | <p><b><u>Resolved:</u> - subject to the above observations –</b></p> <p><b>(i) to acknowledge the proposal to create a single shared Archive Service with Flintshire County Council, operating over two sites initially (Ruthin and Hawarden);</b></p> <p><b>(ii) by a majority to support that the Service, subject to securing National Lottery Heritage Funding, be delivered via a ‘hub and spoke model’ – a service ‘hub’ in a new building adjacent to Theatr Clwyd in Mold and the ‘spoke’ service</b></p> | <p>Lead Member and officers advised of the Committee’s recommendations.</p> <p>(ii) confirmation awaited on the outcome of the National Lottery Heritage Funding application – this has been delayed due to the holding of the General Election in December 2019</p> |

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|  |                                                                  | <p><i>delivery through a mix of permanent and temporary community outreach provision;</i></p> <p><b>(iii) that options be drawn up for the utilisation of the potential vacated space at Ruthin Gaol, if the proposed single shared archive service and the creation of a ‘hub’ proceeded, and that those options be presented to the Committee for consideration during the summer of 2020; and</b></p> <p><b>(iv) to confirm that as part of its consideration it had read, understood and taken account of the Well-being Impact Assessment (Appendix A).</b></p> | <p>(iii) A report on the potential options for the utilisation of the vacated space at Ruthin Gaol has been scheduled into the Committee’s forward work programme for its meeting on 2 July 2020 (see Appendix 1)</p>                 |
|  | <p><b>7. Proposed New Waste and Recycling Service Design</b></p> | <p><b><u>Resolved:</u></b></p> <p><b>(i) subject to the above observations, to acknowledge the progress made to date by the Waste Project Board with a view to securing the delivery of the new Waste and Recycling Service to residents from September 2021;</b></p> <p><b>(ii) that the Head of Highways, Facilities and Environmental Services returns to a future meeting of the Committee to provide an update on the outcome</b></p>                                                                                                                           | <p>Lead Member and officers informed of the Committee’s recommendations.</p> <p>A public consultation has recently been undertaken in relation to the development of the proposed waste and recycling transfer station at Denbigh</p> |

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|  |  | <p><b><i>of the pilot projects being undertaken to increase capture of recyclable waste across the county, as outlined in Appendix V; and</i></b></p> <p><b><i>(iii)that the Head of Highways, Facilities and Environmental Services brings a future report to the Committee to propose the Benefits Realisation Plan to be put in place to monitor the environmental, financial, employee and customer benefits of the new waste operating model.</i></b></p> | <p>(ii) &amp; (iii) future reports have been scheduled into the Committee's forward work programme as per the Committee's instructions. Confirmation is awaited on when the reports will be available for presentation therefore they have been listed under the 'Future Issues' section (see Appendix 1 attached ) until confirmation of their availability is received</p> |
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