



At: Aelodau'r Pwyllgor Llywodraethu
ac Archwilio

Dyddiad: 25 Ionawr 2024

Rhif Union: 01824706204

ebost: democrataidd@sirddinbych.gov.uk

Annwyl Gyngorydd

Fe'ch gwahoddir i fynychu cyfarfod y **PWYLLGOR LLYWODRAETHU AC ARCHWILIO, DYDD MERCHER, 31 IONAWR 2024 am 9.30 am yn YN SIAMBR Y CYNGOR, NEUADD Y SIR, RHUTHUN A THRWY GYNHADLEDD FIDEO.**

Yn gywir iawn

G Williams
Swyddog Monitro

AGENDA

1 YMDDIHEURIADAU

2 DATGAN CYSYLLTIAD (Tudalennau 3 - 4)

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

3 MATERION BRYD

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

4 COFNODION (Tudalennau 5 - 22)

Derbyn cofnodion cyfarfod Pwyllgor Llywodraethu Corfforaethol a gynhaliwyd ar 22 Tachwedd 2023 (copi ynghlwm).

5 ADRODDIAD AROLYGU AROLYGIAETH GOFAL CYMRU (AGC) – GWASANAETH CYMORTH CARTREF SIR DDINBYCH (Tudalennau 23 - 36)

Derbyn adroddiad sy'n darparu gwybodaeth ynglŷn ag Arolygiad diweddar Arolygiaeth Gofal Cymru a wnaed ar Wasanaeth Cymorth Cartref Sir Ddinbych (copi ynghlwm).

6 RHEOLI TRYSORLYS (Tudalennau 37 - 82)

Derbyn adroddiad yn dangos sut fydd y Cyngor yn rheoli ei fuddsoddiadau a'i fenthyciadau ar gyfer y flwyddyn i ddod ac yn gosod polisïau ar gyfer gweithredu swyddogaeth Rheoli Trysorlys (copi ynghlwm).

7 ADRODDIAD BLYNYDDOL DEDDF RHEOLEIDDIO PWERAU YMCHWILIO 2000 (Tudalennau 83 - 122)

Derbyn yr adroddiad blynyddol ar ddefnydd y Cyngor o'i bwerau gwyliadwriaeth dan Ddeddf Rheoleiddio Pwerau Ymchwilio 2000 (i ddilyn).

8 RHAGLEN WAITH Y PWYLLGOR LLYWODRAETHU AC ARCHWILIO (Tudalennau 123 - 130)

Ystyried Rhaglen Gwaith i'r Dyfodol y pwyllgor (copi ynghlwm).

ER GWYBODAETH

9 LLYTHYR BLYNYDDOL YR OMBWDSMON 22/23 (Tudalennau 131 - 140)

Derbyn, er gwybodaeth, Lythyr Blynyddol yr Ombwdsmon 22/23 sy'n darparu trosolwg o'r Llythyr Blynyddol a adroddwyd i Awdurdodau Lleol gan Ombwdsmon Gwasanaethau Cyhoeddus Cymru (copi ynghlwm).

AELODAETH

Y Cynghorwyr

Ellie Chard
Justine Evans
Bobby Feeley

Carol Holliday
Arwel Roberts
Mark Young

Aelod Lleyg

Nigel Rudd
David Stewart

Paul Whitham

COPIAU I'R:

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

DEDDF LLYWODRAETH LEOL 2000

Cod Ymddygiad Aelodau

DATGELU A CHOFRESTRU BUDDIANNAU

Rwyf i,
(enw)

*Aelod /Aelod cyfetholedig o
(*dileuer un)

Cyngor Sir Ddinbych

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

Dyddiad Datgelu:

Pwyllgor (nodwch):

Agenda eitem

Pwnc:

Natur y Buddiant:

(*Gweler y nodyn isod*)*

Llofnod

Dyddiad

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

Mae tudalen hwn yn fwriadol wag

PWYLLGOR LLYWODRAETHU AC ARCHWILIO

Cofnodion cyfarfod o'r Pwyllgor Llywodraethu ac Archwilio a gynhaliwyd yn yn Siambr y Cyngor, Neuadd y Sir, Rhuthun a thrwy gynhadledd fideo, Dydd Mercher, 22 Tachwedd 2023 am 9.30 am.

YN BRESENNOL

Y Cyngorwyr Ellie Chard, Justine Evans, Carol Holliday, Arwel Roberts, Andrea Tomlin a/ac Mark Young (Is-Gadeirydd)

Aelodau Lleyg - David Stewart (Cadeirydd), Nigel Rudd a Paul Whitham

Aelodau arweiniol - Cyngorydd Gwyneth Ellis Aelod Arweiniol dros Gyllid, Perfformiad ac Asedau Strategol a'r Cyngorydd Julie Matthews Arweinydd Aelod ar gyfer Strategaeth Gorfforaethol, Polisi a Chydraddoldeb.

HEFYD YN BRESENNOL

Prif Weithredwr (GB), Cyfarwyddwr Corfforaethol: Llywodraethu a Busnes – Swyddog Monitro (GW), Pennaeth Cyllid ac Archwilio (Swyddog Adran 151) (LT), Prif Gyfrifydd (RE), Prif Archwilydd Mewnol (BC), Pennaeth Gwasanaeth ar gyfer Cymorth Corfforaethol, Perfformiad, Digidol ac Asedau (HVE), Swyddog Cynllunio Strategol a Pherfformiad (HBP), Rheolwr Iechyd a Diogelwch Corfforaethol (GL), Rheolwr Diogelwch Tân dan Hyfforddiant (HT), Rheolwr Iechyd a Diogelwch Eiddo (SW), Tîm Cynllunio Strategol Rheolwr (NK), Prif Swyddog Digidol (BE), Gweinyddwr Pwyllgor (SW) (Zoom Host) a Gweinyddwr Pwyllgorau (SJ).

Roedd cynrychiolydd Archwilio Cymru, Mike Whiteley, hefyd yn bresennol.

1 YMDDIHEURIADAU

Dywedodd y Cyngorydd Carol Holliday wrth y Cadeirydd y gallai fod yn hwyr yn mynychu'r cyfarfod.

2 DATGANIADAU O FUDDIANT

Datganodd y Cyngorydd Mark Young fuddiant personol gan ei fod yn Gadeirydd Llywodraethwyr yn Ysgol Uwchradd Dinbych.

Datganodd y Cyngorydd Arwel Roberts fuddiant personol gan ei fod yn Llywodraethwr yn Ysgol Castell.

Datganodd yr Aelod Lleyg Nigel Rudd fuddiant personol gan ei fod yn aelod o Bwyllgor Llywodraethu ac Archwilio Cyngor Bwrdeistref Sirol Conwy.

Datganodd y Cadeirydd, yr Aelod Lleyg David Stewart fuddiant personol gan ei fod yn derbyn pensiwn cronfa bensiwn Clwyd a nodwyd yn eitem 12 ar yr agenda ac roedd yn aelod o'r pwyllgor Llywodraethu ac Archwilio ar Gyngor Bwrdeistref Sirol Wrecsam.

Datganodd yr Aelod Lleyg Paul Whitham fuddiant personol yn eitem 12 ar yr agenda gan ei fod yn derbyn pensiwn cronfa bensiwn Clwyd.

3 MATERION BRYD

Ni chodwyd unrhyw faterion brys.

4 COFNODION

Cyflwynwyd cofnodion cyfarfod y Pwyllgor Llywodraethu ac Archwilio a gynhaliwyd ar 20 Medi 2023 i'w hystyried.

Materion cywirdeb –

Tudalen 9 – Cofnodion – dylai ddarllen 'gofynnodd y Cadeirydd oedd ei chyflwyno' ac nid 'pe bai'n bod'.

Tudalen 9 – Eitem 5 Cymeradwyo Datganiad o Gyfrifon – Dylai ddatgan 'the Mae'n rhaid i gyfrifon archwiledig gael eu cymeradwyo'n ffurfiol gan aelodau Llywodraethu ac Archwilio ar ran y cyngor.' Nid yw aelodau etholedig yn cael eu nodi.

Tudalen 11 – Diweddariad ar Ddatganiad Cyfrifon drafft 2022/23 – Dylai ddarllen y 'Cadeirydd yn diolch i'r Pennaeth Cyllid' am y sesiwn hyfforddi.

Materion yn codi –

Tudalen 8 – Cofnodion – Diweddariad Archwilio Mewnol – Cadarnhaodd y Prif Archwilydd Mewnol fod cyfathrebu â Phrif Archwilydd Mewnol Cyngor Ceredigion wedi dechrau trefnu'r adolygiad gan gymheiriaid. Roedd hi wedi derbyn y gwaith a gyflwynwyd ac wedi ymddiheuro am yr oedi. Y bwriad oedd y byddai'n mynychu cyfarfod Pwyllgor Llywodraethu ac Archwilio ac yn cwrdd â'r Cadeirydd.

Tudalen 8 – Cofnodion - Datganiad Llywodraethu Blynyddol – Cadarnhaodd y Swyddog Monitro y byddai'n cyfarfod â'r Prif Archwilydd Mewnol cyn yr adroddiad Datganiad Llywodraethu Blynyddol nesaf i drafod ychwanegu ymrwymiad i lywodraethu da yn cael ei gynnwys.

Tudalen 13 – Adroddiad blynyddol drafft o'r Pwyllgor Llywodraethu ac Archwilio – Rhoddodd y Cadeirydd wybod i'r aelodau y byddai'n codi unrhyw sesiynau hyfforddi gan gynnwys hunanasesu yn eitem agenda y rhaglen waith i'r dyfodol.

Rhoddwyd gwybod i'r Aelodau fod y Cadeirydd wedi cyflwyno'r adroddiad Llywodraethu ac Archwilio blynyddol i'r Cyngor Sir a gafodd groeso cynnes gan aelodau etholedig. Diolchodd y Cadeirydd i'r gefnogaeth a gafodd gan y Swyddog Monitro

.

Tudalen 16 – Rhaglen Gwaith Llywodraethu ac Archwilio i'r Dyfodol – Cadarnhaodd y Swyddog Monitro y byddai grŵp Cadeiryddion Craffu ac Is-gadeiryddion yn trafod ffyniant a rennir ac yn lefelu cyllid yn y cyfarfod nesaf.

Tudalen 16 - Rhaglen Gwaith Llywodraethu ac Archwilio i'r Dyfodol – Diolchodd y Cadeirydd i'r swyddogion am drefnu'r hyfforddiant Craffu. Roedd wedi bod yn bresennol a'r ddwy sesiwn. Roedd yn teimlo ei fod o fudd mawr i Gynghorwyr etholedig ac aelodau lleyg.

Tudalen 19 – Cyd-arolygiad o drefniadau amddiffyn plant - cadarnhaodd y Swyddog Monitro ei fod wedi trefnu cyfarfod gyda'r swyddogion a oedd wedi bod yn bresennol yn y cyfarfod pwyllgor diwethaf i drafod yr adborth i Arolygiaeth Gofal Cymru. Cadarnhaodd y byddai'n rhannu'r manylion gyda'r Aelodau cyn cyflwyno.

PENDERFYNWYD, yn amodol ar yr uchod, fod cofnodion y pwyllgor Llywodraethu ac Archwilio a gynhaliwyd ar 20 Medi 2023 yn cael eu derbyn a'u cymeradwyo fel cofnod cywir.

5 COFRESTR RISG GORFFORAETHOL: ADOLYGIAD MEDI 2023

Diolchodd y Cadeirydd i'r swyddogion am y sesiwn hyfforddi a ddarparwyd ar reoli risg cyn y cyfarfod. Roedd yn ddefnyddiol ac yn addysgiadol iawn i bawb.

Cyflwynodd Pennaeth Cefnogaeth Gorfforaethol: Perfformiad, Digidol ac Asedau'r adroddiad (a ddosbarthwyd yn flaenorol). Roedd yr adroddiad yn rhoi'r wybodaeth ddiweddaraf am Adolygiad Medi 2023 o'r Gofrestr Risg Gorfforaethol a'r Datganiad Risg Archwaeth.

Dywedodd y Pennaeth Cefnogaeth Gorfforaethol: Perfformiad, Digidol ac Asedau wrth aelodau bod adroddiad diweddarau'r Gofrestr Risg Gorfforaethol wedi'i lunio yn dilyn adolygiad ym mis Medi lle'r oedd nifer o newidiadau wedi'u gwneud. Roedd atodiadau i'r adroddiad yn amlygu:

1. Atodiad 1 – crynodeb o newidiadau sylweddol
2. Atodiad 2 - dadansoddiad tabl a thueddiad o'r Risgiau Corfforaethol
3. Atodiad 3 – gwybodaeth fanwl am y 13 Risgiau Corfforaethol
4. Atodiad 4 – sy'n ein hatgoffa o'r Datganiad Risg Archwaeth - ym mis Tachwedd 2022 i'w adolygu ym mis Chwefror 2024.

Rhoddodd y Swyddog Cynllunio Strategol a Pherfformiad fanylion pellach o'r broses o sut roedd y gofrestr risg wedi adolygu a diweddarau. Roedd yr adroddiad yn gofyn am sicrwydd y pwyllgor bod proses reoli gadarn o fewn y Cyngor gyda'r bwriad o ddod o hyd i unrhyw risgiau sy'n gysylltiedig â llywodraethu sy'n haeddu ystyriaeth bellach.

Yn dilyn yr adolygiad, nodwyd bod nifer y risgiau wedi gostwng o 20 risg i 13. Roedd nifer o'r risgiau wedi'u cyfuno a nifer wedi'u dwysáu gyda dau ychwanegiad newydd. Darparwyd manylion am y risgiau yn y papurau.

Diolchodd y Cadeirydd i'r swyddogion am yr adroddiad a hefyd am y wybodaeth ganllaw a roddwyd i'r Aelodau yn dilyn y sesiwn hyfforddi ar reoli risgiau ar gyfer darparu gwasanaethau'n well.

Yn ei farn ef dangosodd yr adroddiad ddull priodol a chadarn o reoli risg. Offeryn oedd hwn, a gafodd ei ddeall a'i ddefnyddio gan Aelodau a swyddogion i flaenoriaethu'r risgiau a wynebai'r cyngor.

Yn dilyn y cyflwyniad, ymatebodd swyddogion i gwestiynau'r Aelodau fel a ganlyn:

- Risg 18: Roedd y risg na chafodd manteision rhaglenni a phrosiectau eu gwireddu'n llawn wedi'i dileu. Fe'i hymgorfforir yn y Risg Ariannol 51.
- Cytunodd y Tîm Gweithredol Corfforaethol ar y datganiad archwaeth risg ac roedd yn seiliedig ar lefel effaith amrywiol yn pennu'r awydd risg. O ystyried y dyfodol ariannol ansicr roedd hi'n bwysig i swyddogion fonitro'r risg o awydd yn erbyn risgiau. Dywedodd y Pennaeth Cyllid fod yr archwaeth risg ar gyfer y cyngor yn is. Roedd y cyd-destun yr oedd yr awdurdod yn gweithredu ohono y tu hwnt i reolaeth y cyngor. Mae'r cyd-destun ariannol ar hyn o bryd yn uwch i'r hyn y byddai'r awdurdod ei eisiau ar hyn o bryd
- Mae'n ofynnol i bob cynllun arbed cyllideb gwblhau asesiad effaith ar lesiant. Byddai'r rheini'n cael eu casglu i nodi unrhyw effeithiau ar nodau allweddol ar yr awdurdod, byddai'r canfyddiadau'n cael eu cyflwyno ochr yn ochr â chynigion y gyllideb yn y flwyddyn newydd. Adroddiadau celwydd oedd yr asesiadau llesiant a gellid eu diweddarau a'u diwygio dros amser.
- Cytunodd swyddogion i roi rhywfaint o wybodaeth ychwanegol i'r Aelodau am ysgolion annibynnol mewn perthynas â risg 01.
- Cytunodd yr Aelodau, yn dilyn diweddariad i'r Gofrestr Risg Gorfforaethol, y dylid darparu crynodeb byr fel adroddiad gwybodaeth i'r pwyllgor Llywodraethu ac Archwilio. Awgrymodd yr Aelodau hefyd y dylid cyflwyno un adroddiad cryno yn fwy rheolaidd i ddangos unrhyw newidiadau i risgiau a nodwyd. Dywedodd y Swyddog Monitro os oedd y pwyllgor eisiau gwybodaeth yn fwy rheolaidd y gellid gofyn amdani i swyddogion. Awgrymodd swyddogion fynd â'r sylwadau yn ôl at y tîm i gael sylwadau mewn ffyrdd o ddarparu gwybodaeth fwy rheolaidd i'r pwyllgor.
- Roedd perygl llifogydd yn cael ei gynnwys yn Risg 11 – Ymateb aneffeithiol i ddigwyddiad difrifol.
- Anogwyd yr Aelodau i gysylltu ag Aelodau Arweiniol gydag unrhyw bryderon yr oeddent yn teimlo y dylid eu cynnwys ar gyfer pryderon penodol fel yr Iaith Gymraeg a Diwylliant. Roedd gwahanol ffyrdd o reoli risgiau, roedd gan bob maes gwasanaeth gofrestr risg hefyd a oedd yn manylu ar rai risgiau penodol.
- Roedd yr Aelodau'n falch o weld bod twyll a llygredd yn dal i gael eu cynnwys fel risg i'r awdurdod.
- Gofynnodd yr Aelodau a oedd angen rhagor o fanylion am fanylion am seiber-ymosodiadau mewn Risg 11. Pwysleisiodd swyddogion fod mwy o

fanylion wedi'u rhoi ar y risg benodol hon yn y gofrestr risg gwasanaeth er ei bod yn dal yn werth cael ei chynnwys yn y Gofrestr Risg Gorfforaethol.

- Mae'r sgôr cywir ar gyfer y sgôr risg gweddilliol yn parhau heb newid fel C2 ar gyfer Risk45. Diolchodd swyddogion i'r aelodau am adnabod yr anghysondeb.
- Gofynnodd yr Aelodau a oedd y manylion a restrir ar y cyfeiriad teithio disgwylidig yn gywir. Mewn ymateb dywedodd y Swyddog Monitro gyda llai o swyddi gwag y byddai'r awdurdod yn llai tebygol o recriwtio i'r swyddi hynny neu gadw staff.

Diolchodd y Cadeirydd i'r holl swyddogion ac Aelodau am y drafodaeth fanwl ac yr oedd;

PENDERFYNWYD, bod

I. Y Pwyllgor Llywodraethu ac Archwilio nodi proses adolygu'r Gofrestr Risgiau Corfforaethol;

II. Mae'r nodiadau cyfarwyddyd sy'n ymwneud â rheoli risg yn cael eu haddasu i adlewyrchu rôl y Pwyllgorau Llywodraethu ac Archwilio

III. Swyddogion i adolygu a dyfeisio adroddiad cryno amlach mewn perthynas â'r Gofrestr Risg Gorfforaethol.

6 DIWEDDARIAD PROSES CYLLIDEB

Croesawodd y Cadeirydd Liz Thomas, Pennaeth Cyllid ac Archwilio i'r Pwyllgor. Dymunai ddymuniadau gorau i'r Pennaeth Cyllid ac Archwilio yn ei rôl newydd.

Cyflwynodd Aelod Arweiniol Cyllid, Perfformiad ac Asedau Strategol yr adroddiad (a ddosbarthwyd yn flaenorol) i'r Aelodau. Pwysleisiodd i'r Aelodau bod sefyllfa ariannol Sir Ddinbych ynghyd â phob awdurdod arall ledled Cymru yn ddigynsail o ran y gwagle ariannol. Felly roedd golygu bod y broses o bennu cyllideb gytbwys i fod yn llawer anoddach nag a welwyd yn flaenorol.

Roedd nifer o drafodaethau wedi eu cynnal a byddent yn cael eu cynnal i adolygu a monitro'r sefyllfa o gydbwysu cyllideb yr awdurdodau.

Adleisiodd y Pennaeth Cyllid ac Archwilio y sylwadau a wnaed gan yr Aelod Arweiniol. Ehangodd drwy ddweud bod yr adroddiad wedi'i gyflwyno i'r pwyllgor i ddiweddarau a rhoi sicrwydd ar y prosesau ar bennu'r gyllideb ar gyfer 2024/25.

Roedd adran gyntaf yr adroddiad yn rhoi manylion ynghylch lle roedd yr awdurdod ar hyn o bryd mewn perthynas â'r sefyllfa ariannol. Cafodd yr aelodau eu tywys i'r tabl a gynhwyswyd yn Atodiad 1 yr adroddiad, yn darparu'r rhagolwg diweddaraf. Dangosodd yr anhawster wrth ragweld y lefel bosibl o arian. Roedd colofn ychwanegol wedi'i chynnwys yn y tabl gyda'r ffigurau amcangyfrif diweddaraf yr oedd y tîm yn gweithio tuag atynt.

Nododd y tabl fod gan yr awdurdod bwysau cyllidebol ar gyfer 2024/25 gyda chyfanswm o £26 miliwn a ragwelir. Roedd y rhan fwyaf o'r pwysau hynny yn gysylltiedig â chyflog a chwyddiant, yn sgil gwasanaethau a arweiniwyd gan alw. Roedd y rhan fwyaf o'r risgiau oherwydd chwyddiant a chynnydd mewn cyflog.

Roedd swyddogion yn monitro'r rhagfynegiadau chwyddiant a'r ffigurau cyfredol yn gyson.

Nid oedd yn ofynnol i'r awdurdod ganfod gwagle cydbwysedd mor uchel yn ystod y blynyddoedd diwethaf, pwysleisiwyd bod gan y cyngor hanes da o wneud arbedion ac effeithlonrwydd.

Roedd swyddogion yn tybio y byddai Llywodraeth Cymru yn darparu 3% i gefnogi'r bwlch cyllido. Nid oedd hynny'n cyd-fynd â'r lefelau uchel o chwyddiant a'r galw. Pwysleisiwyd y dybiaeth weithiol; Roedd swyddogion yn gweithio i ffigwr cynnydd o 7% yn y dreth gyngor. Nid oes unrhyw benderfyniadau wedi'u gwneud hyd yn hyn. Gyda'r holl dybiaethau cychwynnol hyn a fyddai'n gadael bwlch cyllido o £15 miliwn i'w ddarganfod.

Cafodd y strategaeth i adolygu ffyrdd o gau'r bwlch ei manylu yn yr atodiad. Byddai cynnydd mewn ffioedd a thaliadau yn unol â'r polisi ffioedd a thaliadau yn cael eu gwneud yn briodol. Roedd Penaethiaid Gwasanaeth a Chyfarwyddwyr Corfforaethol wedi cyflwyno cynigion arbedion ar raddfa fawr i'w hystyried. Roedd y cynigion hynny'n cael eu hadolygu gan y Tîm Gweithredol Corfforaethol. Pe bai unrhyw gynigion yn cael eu hystyried yn arbedion posibl, byddai proses ffurfiol yn dechrau gyda nifer o gamau cyn gwneud unrhyw benderfyniadau ffurfiol.

Cyflwynwyd nifer o gynigion arbedion anstrategol, a oedd yn cael eu hadolygu. Roedd pob maes o orwariant o fewn awdurdod yn cael eu hadolygu i adolygu'r meysydd hynny er mwyn atal gorwariant yn y dyfodol.

Roedd trafodaethau gydag ysgolion mewn perthynas â'r sefyllfa wedi digwydd. Byddai'r awdurdod yn parhau i ariannu cynnydd mewn chwyddiant o fewn ysgolion ond byddai dal yn ofynnol i ysgolion ddod o hyd i arbedion o rhwng 2-4%.

Byddai'r holl arbedion a awgrymwyd a gyflwynwyd yn arbed £8 miliwn ychwanegol a fyddai'n gadael bwlch sy'n weddill o £7.5 miliwn i gydbwysu'r gyllideb. Roedd llawer o waith a chyfathrebu yn cael ei wneud i drafod opsiynau ac roedd arbedion posibl wedi digwydd. Roedd nifer o gyfarfodydd yn cael eu cynnal i adolygu ardal arbedion posib.

Clywodd yr aelodau bod cynllun awgrym staff wedi cychwyn. Roedd y cynllun hwnnw wedi arwain at 150 o awgrymiadau a gyflwynwyd gan weithwyr a oedd yn cael eu hadolygu gan swyddogion cyllid a Phenathiaid Gwasanaeth. Roedd disgwyl i'r Aelod Arweiniol ynghyd â Phennaeth Cyllid ac Archwilio gwrdd â holl arweinwyr grwpiau gwleidyddol i ystyried a datblygu ac awgrymiadau.

Cadwyd yr holl staff, ysgolion ac undebau llafur yn ymwybodol o'r sefyllfa a'r ffigurau newidiol.

Wrth symud ymlaen roedd swyddogion yn gweithio o adolygiad i'r rhagolygon a fyddai'n cael ei ddarparu i aelodau yn y flwyddyn newydd. Pwysleisiwyd bod 2024/25, 2025/26 a 2026/27 i gyd yn edrych yr un mor heriol.

Pwysleisiodd y Cadeirydd mai'r rôl Llywodraethu ac Archwilio oedd adolygu proses y broses gyllidebol a chydbwysu'r gyllideb. Roedd angen sicrwydd bod popeth yn cael ei wneud i gyflawni cyllideb gytbwys yn 2024/25 a'r blynyddoedd dilynol. Roedd angen sicrwydd hefyd bod modd cyflawni'r holl gynigion arbed a'u bod yn cael eu cyflawni. Byddai angen monitro ac olrhain yr arbedion hynny.

Byddai'r Pwyllgor am gael gwybod am unrhyw effeithiau ar lywodraethu'r awdurdod o ganlyniad i'r mesurau arbed.

Yn dilyn y cyflwyniad manwl, ymhelaethodd yr Aelod Arweiniol a'r Swyddogion ar y pwyntiau canlynol:

- Roedd yr Aelodau'n gwerthfawrogi'r anawsterau a wynebir gan yr awdurdod dros y blynyddoedd nesaf i fantoli cyllidebau. Fe wnaethant nodi'r bwch cyllido mawr yr oedd angen ei lenwi. Mynegwyd pryderon bod rhai meysydd gwasanaeth dros y gyllideb ar hyn o bryd ac y byddai'n ei chael hi'n anodd dod o hyd i arbedion y gallent ymrwymo iddynt. Pwysleisiodd swyddogion y byddai'n rhaid gosod proses dros y tymor canolig i adolygu a monitro cydbwysu'r gyllideb.
- Roedd swyddogion yn gweithio trwy'r cynigion cynilo, roedd rhai ymhellach ar y blaen nag eraill gyda rhai yn cael eu datblygu a'u datblygu. Byddai angen proses olrhain cynilion ar waith i sicrhau bod arbedion yn cael eu cyrraedd.
- Roedd yr arbedion a nodwyd hyd yma yn nodi arbediad o £8 miliwn, y gobaith oedd y byddai arbedion ychwanegol yn cael eu nodi yn ystod y broses.
- Roedd gwasanaethau a oedd ar hyn o bryd yn profi gorwariant yn feysydd lle mae galw mawr amdanynt, byddai hefyd yn ofynnol iddynt asesu unrhyw arbedion y gellid eu gwneud i leihau gorwariant a gwneud cynigion cynilo.
- Nid y bwch o £7.5 miliwn a adroddwyd heddiw oedd sut yr oedd swyddogion yn bwriadu cynnig mantoli'r gyllideb. Roedd angen gwaith a thrafodaethau pellach i leihau hynny drwy gau cyfrifon.
- Byddai Archwilio Mewnol yn cael ei adolygu a'r ffordd orau o weithio yn y dyfodol. Teimlwyd y byddai angen i archwiliad mewnol weithio'n agos gyda'r Pennaeth Cyllid ac Archwilio i fonitro'r arbedion arfaethedig a chwblhau'r arbedion a gynigiwyd yn ystod y misoedd a'r blynyddoedd nesaf. Byddai unrhyw faterion yn cael eu cyflwyno i'r aelodau yn yr adroddiadau archwilio a gyflwynwyd i'r pwyllgor.
- Roedd nifer o gynigion arbedion yn cael eu cyflwyno. Roedd un o'r rheini yn edrych ar y rôl y gallai Cynghorau Dinas, Tref a Chymuned chwarae ynddi yn rhai o'r cynigion arbed. Roedd angen i swyddogion adolygu ac asesu wrth symud ymlaen.
- Roedd y broses o awgrymu staff wedi bod yn hynod o werth chweil. Roedd lefel yr ymgysylltiad wedi bod yn dda gyda nifer o awgrymiadau yn cynnig meysydd y gellid eu datblygu i leihau'r bwch cyllido. Roedd yn bwysig sicrhau bod yr holl staff yn teimlo eu bod yn cymryd rhan ac yn gallu awgrymu ardaloedd ar gyfer arbedion.
- Cadarnhawyd bod y Swyddog Adran 151 o fewn yr awdurdod wedi cyflwyno'r hysbysiad Adran 114 i'r awdurdod a'r archwilydd allanol. Roedd y Pwyllgor Llywodraethu ac Archwilio yn gyswllt pennaf â'r berthynas rhwng yr archwilydd allanol a'r awdurdod.

- Yn ystod y blynyddoedd diwethaf ni chafwyd unrhyw Awdurdodau Cymreig a oedd wedi cyhoeddi hysbysiad Adran 114. Wrth edrych ar wasanaethau yn yr awdurdod fyddai'n parhau, byddai swyddogion yn edrych ar y gwasanaethau hynny oedd yn statudol a'r rhai anstatudol.
- Clywodd yr Aelodau fod y Cynllun Ariannol Tymor Canolig yn cael sylw o dair blynedd ac roedd yn cael ei ddatblygu ar hyn o bryd. Byddai swyddogion yn edrych y tu hwnt i'r cynllun tair blynedd i daflunio cyllideb y dyfodol ond pwysleisiwyd ymhellach ymlaen edrychwch y lleiaf dibynnol y gallwch fod ar ddigwyddiadau.
- Byddai cronfa liniaru'r gyllideb yn cwmpasu'r gorwariant ar gyfer blwyddyn ariannol 2023/24.
- Rhaglen gyfalaf oedd un o'r prif gynigion arbedion a oedd yn cael eu hystyried. Yn yr adroddiad darparwyd ffigwr cynilo o £500,000 ar gyfer buddsoddiadau a benthyca hyn yn uniongyrchol gysylltiedig â benthyca newydd ar gyfer prosiectau cyfalaf.
- Roedd data ar y cynigion a'r prosiectau cyfalaf wrth symud ymlaen o ran uchelgais yr awdurdod ar gael. Efallai y bydd angen ei adolygu i alinio'r hyn y gellir ei gyflawni a'r hyn a oedd yn fforddiadwy i reoli disgwyliadau.
- Roedd pob maes, gan gynnwys darparu gwasanaethau, yn cael eu hadolygu ac yn ystyriaethau wrth adolygu arbedion posibl.
- Gweithredodd yr awdurdod gyfrif referniw tai a adroddwyd i'r Cabinet fel rhan o adroddiad monitro'r gyllideb. Adroddwyd am weithgarwch y cyfrif referniw tai i waith craffu'r Cabinet a Chymunedau ac o bosibl Craffu ar Berfformiad yn dibynnu ar natur yr adroddiad. Cadarnhaodd swyddogion y byddai'n edrych ar rôl y Pwyllgor Llywodraethu ac Archwilio mewn perthynas â'r Cyfrif Referniw Tai i weld lle byddai rôl y Pwyllgor.

Gofynnodd yr Aelodau a oedd unrhyw amrywiadau neu faterion yn codi yn ystod y misoedd nesaf bod y pwyllgor yn ymwybodol o'r materion hynny a chyflwynir adroddiad mewn cyfarfod i'w drafod cyn y diweddariad nesaf a drefnwyd ym mis Mehefin 2024.

PENDERFYNWYD bod y Pwyllgor Llywodraethu ac Archwilio yn nodi cynnwys y strategaeth gyllideb y cytunwyd arni gan y Cabinet ar gyfer pennu cyllideb 2024/25. Gofynnodd yr Aelodau am rannu unrhyw ddigwyddiadau neu wryiadau sylweddol o'r amcanestyniad presennol gyda'r Pwyllgor.

Ar y pwynt hwn (11.55 a.m.) cafwyd egwyl gysur o 15 munud.

Ailgynull y cyfarfod am 12.10pm.

7 DIWEDDARIAD RHEOLI'R TRYSORLYS

Arweiniodd y Pennaeth Cyllid yr Aelodau drwy adroddiad diweddar Rheoli'r Trysorlys (a ddosbarthwyd yn flaenorol).

Roedd yr adroddiad yn rhoi sicrwydd i'r Aelodau am weithgarwch rheoli'r trysorlys. Roedd y gweithgaredd ynghylch buddsoddi a benthyca yn unol â'r polisi a'r strategaeth a osodwyd.

Pwysleisiwyd bod unrhyw arian dros ben yn cael ei fuddsoddi'n ddiogel ac nad oedd yn agored i unrhyw risg ddiangen a bod arian parod ar gael os a phan fo angen.

Roedd mwyafrif y buddsoddiadau wedi'u gwneud i Swyddfa Rheoli Dyledion Llywodraeth y DU er mwyn lleihau'r risgiau hyn. Roedd llif arian yn cael ei fonitro'n barhaus gan swyddogion.

Clywodd yr aelodau mai dim ond at ddibenion cyfalaf y cafodd yr awdurdod ei fenthyg. Roedd prosiectau amddiffyn arfordirol mawr yn cael eu gweithredu ar hyn o bryd ac roedd hynny'n gyrru gofynion benthyca'r awdurdodau. Parhaodd gweithio agos gyda chynghorwyr y trysorlys Arlingclose Ltd i ganfod yr amser gorau i fenthyca.

Clywodd y pwyllgor fod yr holl ddangosyddion darbodus a osodwyd ar gyfer rheoli'r trysorlys yn cael eu bodloni ar hyn o bryd.

Diolchodd y Cadeirydd i'r Aelod Arweiniol a'r Pennaeth Cyllid am y diweddariad. Trafododd yr Aelodau y pwyntiau canlynol yn fanylach:

- Roedd gan awdurdodau blynyddoedd blaenorol ddigon o arian parod tymor byr. O ystyried y lefel bresennol o awdurdodau a oedd yn profi anawsterau ariannol, roedd mwy o graffu ynghylch benthyca tymor byr a mwy o gwestiynau'n cael eu gofyn gan fenthycwyr
- Roedd proses i gefnogi ysgolion mewn trafferthion ariannol. Mae'n rhaid i ysgolion hysbysu'r tîm cyllid a'r adran addysg pan fyddant mewn diffyg cyllidebol. Byddai angen cynlluniau adfer a darparu cymorth pan fo hynny'n bosibl. Bydd prosesau ar wahân ar gyfer yr anawsterau addysgol.
- Nid oedd swyddogion yn ymwybodol o unrhyw gyfyngiadau yn y polisiâu am beidio â gwneud trafodion ariannol gydag awdurdodau a oedd wedi cyhoeddi hysbysiadau Adran 114. Ni fyddai Cyngor Sir Ddinbych yn ymrwmo i unrhyw drefniadau o'r fath ond nid oes unrhyw beth i ddweud na ellid ei wneud. Dywedodd y Pennaeth Cyllid y byddai'n codi'r sylwadau gydag Arlingclose Ltd fel rhan o'r cyfarfod strategaeth.
- Nododd yr Aelodau raglen panorama ar awdurdod a oedd wedi cymryd nifer o fuddsoddiadau amheus mewn perthynas â gweithgarwch rheoli'r trysorlys. Y cynghorwyr a nodwyd yn y rhaglen honno oedd Arlingclose Ltd, gofynnodd yr aelodau am sicrwydd bod swyddogion Sir Ddinbych yn ymwybodol o unrhyw faterion yn ymwneud â'r sefyllfa benodol honno. Roedd hyfforddiant yn ddyledus ar gyfer Llywodraethu ac Archwilio. Dywedodd y Pennaeth Cyllid y byddai'n gofyn i rai o'r pwyntiau gael sylw yn y sesiwn honno.

- Cyfeiriodd y Cadeirydd yr aelodau at adroddiad diweddar gan CIPFA a gyhoeddwyd ar 4 awdurdod yn Lloegr a oedd wedi cyhoeddi hysbysiadau Adran 114.
- Roedd y Cyfrifon Refeniw Tai yn rhan o'r Datganiad Cyfrifon. Roedd yn rhan o brofion Archwilio Cymru i ffurfio'r farn archwilio.
- Dywedodd y Pennaeth Cyllid fel gyda'r holl wasanaethau y byddai'n rhaid iddi geisio arbedion yn ei meysydd gwasanaeth. Ni wnaeth ragweld unrhyw newidiadau i dîm rheoli'r trysorlys.

PENDERFYNWYD bod aelodau'n nodi adroddiad diweddar Rheoli'r Trysorlys ar gyfer perfformiad hyd yma yn 2023/24 a'i fod wedi darllen, deall ac ystyried yr Asesiad Effaith ar Les fel rhan o'i ystyriaeth.

8 DIWEDDARIAD ARCHWILIO MEWNOL

Cyflwynodd yr Aelod Arweiniol dros Gyllid, Perfformiad ac Asedau Strategol ynghyd â'r Prif Archwilydd Mewnol (CIA) yr adroddiad (a ddsbarthwyd yn flaenorol). Cafodd yr aelodau eu diweddarau am gynnydd y Tîm Archwilio Mewnol o ran darparu gwasanaethau, darpariaeth sicrwydd, adolygiadau a gwblhawyd, perfformiad ac effeithiolrwydd wrth ysgogi gwelliant.

Rhoddodd yr adroddiad wybodaeth am waith a wnaed gan Archwilio Mewnol ers cyfarfod diwethaf y pwyllgor. Roedd yn caniatáu i'r pwyllgor fonitro perfformiad a chynnydd Archwilio Mewnol yn ogystal â darparu crynodebau o adroddiadau Archwilio Mewnol.

Cadarnhad bod 4 Archwiliad wedi'u cwblhau ers cyfarfod diwethaf y pwyllgor ym mis Gorffennaf 2023, roedd y pedwar archwiliad wedi derbyn sgôr sicrwydd uchel. Roedd nifer yr archwiliadau a gwblhawyd yn is na'r arfer oherwydd bod nifer o ymchwiliadau arbennig yn cael eu cynnal ar yr un pryd. Ers cyhoeddi'r agenda 3 roedd archwiliadau pellach wedi'u cwblhau.

Roedd y Prif Archwilydd Mewnol yn falch o ddweud bod yr adran archwilio bellach mewn capasiti llawn. Roedd y tîm yn dal i fod yn ei fabandod gyda nifer o weithwyr ar lwybrau gyfa. Roedd y Prif Archwilydd Mewnol yn falch o'r gwaith yr oedd y tîm yn ei gynhyrchu.

Dros y misoedd nesaf pwysleisiwyd y byddai angen i Archwilio Mewnol weithio'n agos gyda Phenaethiaid Gwasanaeth a Phennaeth Cyllid i asesu sut mae archwiliad yn mynd rhagddo a chwblhau archwiliadau. Byddai angen rhoi sicrwydd i sicrhau bod aelodau'n ymwybodol bod unrhyw doriadau yn cael eu cyflawni yn unol â chynigion cyllidebol er mwyn galluogi'r cyfrifon i gydbwysu.

Diolchodd y Cadeirydd i'r Prif Swyddog Mewnol am y cyflwyniad manwl.

Yn ystod y drafodaeth –

- Roedd gwaith yn mynd rhagddo i gwblhau gwaith archwilio wedi'i raglennu ar gyfer 2023/24. Bu'n rhaid i'r Prif Archwilydd Mewnol adolygu'r rhestr o waith

arfaethedig i flaenoriaethu archwiliadau a oedd yn ofynnol yn ystod y flwyddyn ariannol hon a'r rhai y gellid eu gohirio neu nad oedd eu hangen. Byddai cyfarfodydd gyda Phenaethiaid Gwasanaeth yn cael eu trefnu ar ôl i'r cynllun newydd gael ei gwblhau.

- Ar hyn o bryd roedd capasiti tîm a llwyth gwaith y tîm ar lefel foddhaol. Yn y flwyddyn ariannol newydd, byddai'r cynllun yn newid o bosibl i sicrhau bod yr holl doriadau yn cael eu hadolygu i roi sicrwydd pwyllgor bod maes y gwasanaeth yn dal i ddarparu angen.
- Mae'r broses ymchwiliadau arbennig yn cynnwys nifer o swyddogion gan gynnwys y Swyddog Monitro a'r Prif Archwilydd Mewnol yn adolygu pob achos a phenderfynu ar y camau gorau. Nid yw pob ymchwiliad arbennig yn cael ei adolygu drwy archwiliad mewnol.
- Byddai darn blaenorol o waith ar drefniadau partneriaeth yn Sir Ddinbych yn cael ei adolygu a'i gynnwys yn y flwyddyn ariannol newydd. Gofynnodd yr Aelodau a oedd y papur yn fwy o ymarfer mapio i ddangos y cyfrifoldebau llywodraethu allweddol a ble maent yn gorwedd.
- Cadarnhaodd y Prif Archwilydd Mewnol y byddai'n cyflwyno canlyniadau'r ymchwiliadau arbennig fel adroddiad cyfrinachol ar ôl cwblhau'r ymchwiliad.
- Rhannwyd yr holl adroddiadau archwilio a gwblhawyd mewn ysgolion gyda'r Pennaeth Addysg. Mae Archwilio Mewnol yn edrych ar ysgolion fesul clwstwr ac os byddent yn cael gwybod am unrhyw dueddiadau byddai trafodaethau pellach gyda swyddogion perthnasol yn digwydd. Dywedodd wrth yr Aelodau ei fod i fod i gyfarfod â Chadeiryddion ac Is-gadeiryddion Cyrff Llywodraethol yn y flwyddyn newydd.
- Dros yr haf, cysylltodd y tîm archwilio mewnol, â phob ysgol a oedd wedi derbyn archwiliad ers mis Ionawr 2020, i adolygu unrhyw gamau gweithredu oedd yn weddill. Sicrhaodd swyddogion gyda gwasanaethau fod Verto wedi cael ei ddiweddarau'n gywir yn erbyn unrhyw gamau gweithredu sy'n weddill neu'n tynnu sylw at unrhyw gamau gweithredu sydd angen eu cwblhau o hyd. Byddai rhagor o ohebiaeth a thrafodaethau gydag ysgolion yn digwydd pe bai'r camau'n parhau i fod yn rhagorol.
- Gwnaethpwyd yr Aelodau'n ymwybodol bod materion archwilio mewnol yn cael eu cynnig, pob gwasanaeth a gynlluniodd y gweithredoedd.

PENDERFYNWYD bod aelodau'n nodi cynnydd a pherfformiad yr Archwiliad Mewnol.

9 ADRODDIAD SIRO BLYNYDDOL

Cyflwynodd Pennaeth y Gwasanaeth Cymorth Corfforaethol: Perfformiad, Digidol ac Asedau ynghyd â'r Prif Swyddog Digidol a'r Uwch Berchennog Risg Gwybodaeth Dros Dro Ebrill 2022-Medi 2023 yr adroddiad i'r Pwyllgor (a ddosbarthwyd yn flaenorol).

Roedd yr adroddiad yn cwmpasu'r cyfnod rhwng Ebrill 2022 a Mawrth 2023 ac roedd yn darparu gwybodaeth am lywodraethu gwybodaeth y Cyngor gan gynnwys torri data ar y Ddeddf Diogelu Data, Rhyddid Gwybodaeth, Gwybodaeth Amgylcheddol a cheisiadau Diogelu Data a gafwyd..

Roedd yr adroddiad yn caniatáu i'r pwyllgor oruchwylio trefniadau llywodraethu gwybodaeth a pherfformiad.

Clywodd yr aelodau fod 27 digwyddiad data yn ymwneud â data personol, gostyngiad o'i gymharu â'r llynedd (2021/22) pan oedd 35. Roedd y rhan fwyaf o'r digwyddiadau data yn fach. Teimlwyd bod y ffyrdd newydd o weithio wedi gwreiddio gyda gweithwyr ac roedd pobl yn fwy ystyriol o'r ffyrdd o weithio.

Ystyriwyd tri digwyddiad y gellir eu hadrodd i'r wybodaeth

Swyddfa'r Comisiynydd (ICO), ni arweiniodd yr holl adroddiadau at unrhyw gamau pellach yn erbyn y Cyngor. Achos sylfaenol y mwyafrif o faterion oedd camgymeriad dynol, roedd gweithdrefnau newydd ar gyfer 'gwirio' o bell yn cael eu harchwilio'n arbennig o ddefnyddiol yng nghyd-destun mwy o waith cartref y rhan fwyaf o staff swyddfa.

Roedd cyfanswm o 1,057 o geisiadau Rhyddid Gwybodaeth a Rheoliad Gwybodaeth Amgylcheddol yn ystod y 12 mis hyd at 31 Mawrth 2022.

Derbyniwyd lefelau uwch o geisiadau diogelu data yn ystod 2022/23 o'i gymharu â 2021/22 (cyfanswm 203) roedd y rhain yn debygol oherwydd bod achosion Diogelu Data ar gyfer Gwasanaethau Plant sydd bellach wedi'u cofnodi'n ganolog fel mater o drefn.

Cynhaliwyd 16 o adolygiadau mewnol i gyd, gyda chyfanswm o 8 ohonynt i gyd neu wedi'u cynnal yn rhannol.

Diolchodd y Cadeirydd i'r swyddogion am yr adroddiad manwl a diolchodd i'r swyddogion am y lefel gywir o sicrwydd i aelodau'r pwyllgor Llywodraethu ac Archwilio.

Awgrymodd yr Aelodau y dylid ystyried adroddiadau blynyddol fel hyn fel eitem wybodaeth oni bai bod unrhyw bryderon neu faterion yr oedd swyddogion yn teimlo bod cyfiawnhad dros drafodaeth gan aelodau. Rhoddodd yr adroddiad lefel sicrwydd i'r aelodau yr oeddent yn hapus â hi.

Pwysleisiodd y Swyddog Monitro bwysigrwydd cyflwyno adroddiadau blynyddol o'r fath i'r Aelodau am eu sylw. Gallai aelodau bob amser ofyn am ragor o fanylion neu adroddiadau yn dilyn eitem wybodaeth os dymument.

Dywedodd wrth yr Aelodau fod yr awdurdod yn derbyn miloedd o ohebiaeth fesul tipyn. Cymerodd yr awdurdod ei gyfrifoldeb o ddifrif gyda phrosesau yn eu lle i ddatrys unrhyw doriadau.

Mae diogelu data yn rhan o'r hyfforddiant gorfodol i'r holl staff. Bu'n rhaid ei adolygu bob tair blynedd. Roedd grŵp llywodraethu gwybodaeth hefyd, a oedd cyfathrebu ac ymwybyddiaeth yn cael ei fwydo drwodd. Cafodd swyddogion sicrwydd yn rhai o'r ardaloedd risg uchel bod mesurau lliniaru ar waith i leihau'r risg o dorri rheolau. Mae gwasanaethau sydd â risg uwch o dorri data yn derbyn hyfforddiant

ychwanegol. Pan fydd toriad yn cael ei gofnodi mae'n ofynnol i'r unigolyn dan sylw gwblhau'r holl hyfforddiant diogelu data yn llawn.

Roedd swyddogion yn monitro effaith gweithio gartref a nifer y toriadau o ran gweithio hyblyg. Roedd yr Aelodau'n awyddus i fonitro'r polisiau gwaith presennol ac os oedd hynny'n effeithio ar nifer y toriadau a gofnodwyd.

Gofynnodd yr aelodau a oedd yn ofynnol i staff ysgolion gwblhau'r hyfforddiant diogelu data a modiwlau 3 blynedd gloywi ychwanegol. Dywedodd Pennaeth y Gwasanaeth Cefnogaeth Gorfforaethol: Perfformiad, Asedau Digidol a Strategol wrth aelodau y byddai'n ceisio ateb ac yn eu dosbarthu i'r aelodau.

PENDERFYNWYD bod y Pwyllgor Llywodraethu ac Archwilio yn nodi cynnwys adroddiad blynyddol yr Uwch Berchennog Risg Gwybodaeth ac yn ogystal, byddai adroddiadau yn y dyfodol yn cael eu cyflwyno i'r Pwyllgor er gwybodaeth.

10 ADRODDIAD IECHYD A DIOGELWCH CORFFORAETHOL BLYNYDDOL

Arweiniodd yr Aelod Arweiniol Strategaeth Gorfforaethol, Polisi a Chydraddoldeb ynghyd â'r Rheolwr Iechyd a Diogelwch Corfforaethol aelodau drwy'r adroddiad iechyd a Diogelwch Corfforaethol blynyddol (a ddosbarthwyd yn flaenorol).

Rhoddodd yr adroddiad wybodaeth am reoli iechyd a Diogelwch yng Nghyngor Sir Ddinbych yn ystod 2021-2022. Yn rhan o'r papur roedd manylion gan gynnwys data nifer o feysydd yn yr awdurdod.

Roedd disgwyl lefelau da o iechyd a diogelwch ym mhob rhan o'r awdurdod lleol.

Roedd rhan gyntaf yr adroddiad yn cynnwys asesu gweithrediad systemau iechyd a diogelwch, rhoddwyd sgôr sicrwydd canolig ynghyd â sicrwydd canolig ar gyfer cynnwys gweithwyr mewn iechyd a diogelwch.

Rhoddwyd pwyntiau allweddol i'r aelodau yn yr adroddiad. Roedd y rhain yn cynnwys:

- Gweithio hyblyg – roedd dogfennau cyfarwyddyd wedi eu darparu i weithwyr
- Monitro dirgryniad braich llaw – roedd cynllun gweithredu wedi'i greu i fonitro ac ar hyn o bryd yn cael ei weithredu
- Gwyliadwriaeth iechyd – gan weithio gydag iechyd galwedigaethol cynhaliwyd holiadur i'r holl weithwyr ei gwblhau.

Roedd yr adroddiad yn manylu ar yr holl feysydd a gwasanaethau y mae iechyd a diogelwch wedi eu cynnwys dros y flwyddyn. Clywodd yr aelodau fod tîm iechyd a diogelwch penodol o fewn gwasanaethau eiddo oedd yn gyfrifol am ddiogelwch adeiladau.

Darparwyd manylion y gwaith ar gyfer y tîm iechyd a diogelwch ar gyfer 2024 yn y dyfodol. Gan gynnwys y cynllun gweithredu hyfforddi 2 flynedd nesaf.

Adroddwyd yr adroddiadau i'r Uwch Dîm Arwain pan oedd angen ond cawsant eu hadrodd ar fusnes chwarterol i'r Cydbwyllgor Ymgynghorol Iechyd a Diogelwch a Chysylltiadau Gweithwyr.

Diolchodd y Cadeirydd i'r swyddog am y wybodaeth a'r cyflwyniad manwl. Awgrymodd wrth symud ymlaen y byddai'r adroddiad yn rhoi unrhyw ddigwyddiadau neu eithriadau mawr i'r arfer i'r aelodau yn cael eu hamlygu i'r pwyllgor.

Roedd yr Aelodau'n ddiolchgar am y wybodaeth onest am fonitro dirgryniad llaw. Teimlwyd bod gwaith yn cael ei wneud i fonitro'r sefyllfa a lleihau'r potensial ar gyfer unrhyw achosion.

Amlygwyd i'r Aelodau bod hyfforddiant yn cynnwys rhannau o weithio ystwyth a gweithio gartref. Pe bai hyfforddiant yn cael ei ddarparu ar gyfer grŵp penodol o weithwyr i gyd yn gweithio allan yr un amgylchedd, darparwyd yr hyfforddiant gan edrych ar y ffordd honno o weithio. Mae hyfforddiant a gofynion cyfrifoldebau wedi'u gwneud yn glir. Roedd rheolwyr yn gyfrifol am weithwyr yn cwblhau gofynion hyfforddi. Rhoddwyd cymorth i reolwyr i sicrhau bod yr holl anghenion hyfforddi yn cael eu diwallu.

PENDERFYNWYD bod y Pwyllgor Llywodraethu ac Archwilio yn derbyn yr adroddiad, yn nodi ei gynnwys.

11 ADRODDIAD CYDYMFFURFIO EIDDO

Cyflwynodd Pennaeth y Gwasanaeth Cefnogaeth Gorfforaethol: Perfformiad, Digidol ac Asedau ynghyd â'r Rheolwr Iechyd a Diogelwch Eiddo yr adroddiad (Cydymffurfiaeth Eiddo) a ddsbarthwyd yn flaenorol).

Clywodd yr aelodau fod adroddiadau misol wedi'u cyfansoddi, gyda chyfuniad o'r adroddiadau hynny wedi'u llunio yn yr adroddiad a gyflwynwyd i'r pwyllgor. Roedd yr adroddiad yn rhoi gwybodaeth i'r Aelodau ynghylch sut roedd cydymffurfio ag eiddo yn cael ei reoli'n rhagweithiol o fewn stoc eiddo corfforaethol yr awdurdod..

Darparwyd manylion y dangosyddion perfformiad allweddol yn y papurau. Amlygwyd mai'r ddwy ardal uwch oedd diogelwch asbestos a nwy. Mae'r ddau yn cael eu hystyried yn ardaloedd risg uchel.

Mae pob adran yn yr adroddiad yn nodi gofynion deddfwriaethol, strwythur y tîm, perfformiad blynyddol a blaenoriaethau.

Roedd y swyddogion yn hapus gyda pherfformiad y gwasanaeth ac nid oedd ganddynt unrhyw bryderon. Roedd gwaith yn mynd rhagddo i fonitro a gwella gwasanaethau lle bo hynny'n bosibl.

Diolchodd y Cadeirydd i'r swyddogion am yr adroddiad ac fel y nodwyd yn gynharach yn y cyfarfod, byddai adroddiadau sicrwydd blynyddol fel hyn yn cael eu cyflwyno i'r pwyllgor fel eitemau gwybodaeth. Caniatáu i aelodau weld unrhyw bryderon neu swyddogion i godi unrhyw feysydd er sylw'r aelodau.

Clywodd yr aelodau mai cyfrifoldeb Denbighshire Leisure Limited oedd yr eiddo a brydleswyd gan Denbighshire Leisure Limited i'w cynnal ond mae cytundebau ar waith y maent yn eu galw oddi wrth yr awdurdod i gefnogi gwaith cynnal a chadw. Rhoddwyd enghraifft o'r CLG sydd ar waith i aelodau fel rhan o'r parc.

Cafwyd rhagor o fanylion ynghylch y gyllideb referniw ar gyfer rheoli Legionella. Clywodd yr aelodau bod dyraniad o £161,000 wedi ei neilltuo yn y gyllideb referniw ar gyfer y gwaith o amgylch Legionella. Roedd hynny'n cynnwys y gwaith sydd ei angen ar gyfer asesiadau risg, monitro misol, monitro chwarterol, monitro bob dwy flynedd, monitro ac ehangu llongau a gwasanaethu bob blwyddyn. Yn ogystal, roedd ychydig bach o arian ar gael i atgyweirio unrhyw eitemau ychwanegol a nodwyd. Roedd 11,000 o asedau ar draws y cyngor yn gofyn am eu monitro, roedd buddsoddiad y cyngor wedi'i sicrhau i atgyweirio'r asedau hynny. Gobeithir y byddai pob gwaith atgyweirio wedi'i gwblhau ymhen dwy flynedd, a byddai angen i swyddogion fonitro a chynnal lefel cydymffurfio yn unig.

PENDERFYNWYD, bod aelodau'n nodi cynnwys yr Adroddiad Cydymffurfio Eiddo Blynyddol.

12 ARCHWILIAD CYMRU - AMSERLEN GWAITH

Cyflwynodd cynrychiolydd Archwilio Cymru, Mike Whiteley adroddiad amserlen gwaith Archwilio Cymru (a ddsbarthwyd yn flaenorol).

Rhoddodd yr adroddiad y cynllun archwilio manwl i'r aelodau, a oedd yn nodi gwaith arfaethedig Archwilio Cymru ar gyfer y flwyddyn i ddod. Cafodd yr aelodau eu tywys at rai o'r eitemau allweddol a nodwyd yn yr adroddiad gan gynnwys cyfrifoldebau allweddol Archwilio Cymru, manylion gwaith archwilio datganiadau ariannol a chrynodeb yn nodi gwybodaeth allweddol am bob archwiliad.

Cafodd yr aelodau eu tywys drwy'r wybodaeth a fanylwyd yn y papurau gan gynnwys y manylion ar fateroldeb a sut roedd yn berthnasol i archwiliadau cyfrifon, cyfrifon grŵp a chyfrifon endid sengl y cyngor. Nododd y papur hefyd y risgiau sy'n gysylltiedig â'r archwiliadau, pwysleisiwyd nad oedd unrhyw risgiau yn benodol i Sir Ddinbych. Os yw Archwilio Cymru yn nodi unrhyw risgiau sy'n benodol i Sir Ddinbych yn ystod y gwaith a gynllunnir, byddai'r rhain yn cael eu nodi a'u hadrodd i'r pwyllgor.

Roedd cynrychiolydd Archwilio Cymru yn falch o roi gwybod i'r pwyllgor bod y swydd wag yn nhîm rôl arweiniol yr archwiliad perfformiad wedi'i llenwi.

Rhoddodd wybod i'r Aelodau am y ddau fygythiad i annibyniaeth y tîm a oedd yn ymwneud â Matthew Edwards ac aelod o'r tîm, gan fod gan y ddau berthynas a gyflogir gan y Cyngor. O ganlyniad, ni fyddent yn ymwneud ag unrhyw waith mewn perthynas â'r gwasanaethau perthnasol a dim ond yn dilyn asesiad risg y caniateir hynny.

Diolchodd y Cadeirydd i'r cynrychiolydd am grynodedb manwl y papur ac agor y drafodaeth am drafodaeth bellach.

Gofynnodd yr Aelod Lleyg, Nigel Rudd, a oedd unrhyw arwydd o amserlen pan oedd gwaith ar yr adolygiad thematig - byddai cynaliadwyedd ariannol llywodraeth leol ar gael i'r pwyllgor. Dywedodd y cynrychiolydd mai ei ddealltwriaeth oedd bod y gwaith cynaliadwyedd ariannol yn y camau cwmpasu terfynol i'w gyflwyno cyn gynted â phosibl. Roedd yn bwysig bod amseru yn cael ei roi i agwedd gwmpasu'r gwaith hwnnw.

Dywedodd y Prif Archwilydd Mewnol yn ei adroddiad fod yr adolygiadau sefydlogrwydd ariannol i fod i ddigwydd rhwng mis Mawrth a mis Mehefin 2024.

Nododd yr Aelodau benodi'r arweinydd archwilio perfformiad newydd ac roeddent yn falch o glywed bod y swydd wag wedi'i llenwi. Amlygwyd hefyd bod y tîm yn cynnwys yr holl archwilwyr gwrywaidd. Diolchodd Archwilio Cymru i'r swyddogion am y sylwadau. Clywodd yr aelodau o fewn strwythur y tîm yng Ngogledd Cymru bod archwilwyr benywaidd yn cael eu cyflogi gan y cwmni.

Pwysleisiwyd mai'r nod o gyflwyno'r cyfrifon archwiliedig erbyn mis Mawrth 2024 oedd y cynllun o hyd a bod adnoddau ar waith i gefnogi'r targed hwnnw.

PENDERFYNWYD, bod yr Aelodau'n nodi cynnwys adroddiad Archwilio Cymru

13 RHAGLEN WAITH Y PWYLLGOR LLYWODRAETHU AC ARCHWILIO

Cyflwynwyd Blaenraglen Waith y Pwyllgor Llywodraethu ac Archwilio (FWP) i'w hystyried (a ddosbarthwyd yn flaenorol).

Diolchodd y Cadeirydd i'r swyddogion am olwg gynnar ar yr agenda i asesu pwysau'r cyfarfod cyn i'r agenda gael ei chyhoeddi.

Nodwyd y byddai angen cynnwys y Datganiad Drafft o Gyfrifon a Datganiad Cyfrifon yn y FWP. Pwysleisiodd bwysigrwydd bod yn ystyriol o agendâu trwm wrth ychwanegu adroddiadau ychwanegol at y FWP.

Cytunwyd ynghyd â'r adroddiad blynyddol ar y Gofrestr Risg Gorfforaethol, yn dilyn y diweddariad a gyflwynwyd i'r Cabinet a Chraffu, bod adroddiad gwybodaeth yn cael ei gylchredeg gydag Aelodau Llywodraethu ac Archwilio.

Awgrymodd y Swyddog Monitro fod yr eitem agenda a restrir ym mis Ionawr ar unrhyw ddiweddariadau Cyfansoddiad yn cael eu cyflwyno fel adroddiad ac yna'n cael ei adolygu fel y ffordd orau o gyflwyno i'r pwyllgor yn y dyfodol.

Awgrymodd y Cadeirydd y dylid cyfuno diweddariad Archwilio Mewnol ac Adroddiad Blynyddol Archwilio Mewnol yng nghyfarfod mis Mehefin.

Cadarnhawyd bod y Datganiad Llywodraethu Blynyddol wedi'i restru ar gyfer cyfarfod mis Mehefin.

Cafodd yr aelodau eu hatgoffa bod sesiwn hyfforddi i'w threfnu cyn cyfarfod mis Ionawr. Byddai swyddogion mewn cysylltiad â'r holl Aelodau. Gofynnodd y Cadeirydd i'r Aelodau ystyried unrhyw feysydd hyfforddiant ychwanegol yr oeddent yn teimlo a fyddai'n fuddiol i bawb.

Awgrymodd yr Aelod Lleyg, Mr Paul Whitham, y dylid cynnwys sesiwn ar ofyniad hunanasesu'r pwyllgor fel angen hyfforddiant posib. Awgrymodd y Prif Swyddog Mewnol y dylid trefnu sesiwn ar gyfer diwedd Mawrth/Ebrill, sy'n golygu y gellid cynnwys canlyniad yr hunanasesiad yn y Datganiad Llywodraethu Mewnol Blynyddol.

Awgrymodd yr aelodau y dylid rhoi awdurdod dirprwyedig i'r Swyddog Monitro, y Cadeirydd a'r Swyddogion perthnasol i adolygu cynnwys y rhaglen waith.

Pwysleisiodd yr Aelodau bwysigrwydd nifer o adroddiadau a dderbyniwyd gan y pwyllgor a'r potensial am gapasiti yn ystod agenda arbennig o drwm. Roedd y Cadeirydd yn gytûn â'r cynnig. Awgrymodd fel rhan o'r briffio a ddarparwyd i'r Cadeirydd a'r Is-gadeirydd y byddai adran o'r briffio ar y rhaglen waith ar gyfer cyfarfodydd yn y dyfodol.

Awgrymodd y Swyddog Monitro y dylid trefnu cyfarfod untro ar gyfer trafodaeth ar y FWP ac yna wrth symud ymlaen gallai fod yn rhan o friffi'r Cadeirydd a'r Is-gadeirydd cyn pob cyfarfod.

Byddai adroddiad ar y sefyllfa bresennol a'r sicrwydd ar y HRA yn cael ei gynnwys yn y rhaglen waith.

PENDERFYNWYD *nod, yn amodol ar yr uchod, raglen waith flaenwaith y Pwyllgor Llywodraethu ac Archwilio.*

14 ARCHWILIAD CYMRU O GRANTIAU

Cyflwynodd y Cadeirydd adroddiad gwybodaeth Archwilio Cymru ar Ardystio Grantiau a Ffurflenni 2021-22 – Cyngor Sir Ddinbych (a ddsbarthwyd yn flaenorol).

Dywedodd y Cadeirydd wrth yr Aelodau mewn cyfarfod cyn y cyfarfod ei fod wedi codi cwestiynau ar y cymhorthdal budd-dal tai yr oedd Archwilio Cymru wedi nodi gwallau. Sicraodd yr Aelodau, Archwiliad Cymru fod y gwallau a ganfuwyd yn cael eu canfod yn flynyddol ac ar draws nifer o awdurdodau ac nad oeddent yn annisgwyl.

Cytunodd Cynrychiolydd Archwilio Cymru gyda'r Cadeirydd a phwysleisiodd y llwyth gwaith yr oedd swyddogion ar ei gael ar hyn o bryd ynghyd â nifer o newidiadau sy'n digwydd gyda gwaith prosesu. Roedd yr adroddiad a ddarparwyd yn adlewyrchu gwelliant o'r blynyddoedd blaenorol ac ni wnaeth godi unrhyw bryderon gydag Archwilio Cymru. Diolchodd i swyddogion Sir Ddinbych am weithredu newidiadau i wneud y gwelliannau a nodwyd.

RESOVED, *bod yr Aelodau'n nodi'r adroddiad gwybodaeth.*

Diolchodd y Cadeirydd i'r holl Aelodau a swyddogion am y trafodaethau a'r cyfraniadau yn ystod y cyfarfod a thrwy'r flwyddyn. Dymunai Nadolig llawen i bawb a phob llwyddiant ar gyfer y Flwyddyn Newydd.

Daeth y cyfarfod i ben am 13.55pm.

Mae tudalen hwn yn fwriadol wag

Adroddiad i'r	Pwyllgor Llywodraethu ac Archwilio
Dyddiad y cyfarfod	31 Ionawr 2024
Aelod / Swyddog Arweiniol	Elen Heaton
Pennaeth Gwasanaeth	Ann Lloyd
Awdur yr adroddiad	Katie Newe
Teitl	Adroddiad Arolygu Arolygiaeth Gofal Cymru (AGC) - Gwasanaeth Cymorth Cartref Sir Ddinbych

1. Am beth mae'r adroddiad yn sôn?

1.1. Arolygiad AGC a gynhaliwyd ar Wasanaeth Cymorth Cartref Sir Ddinbych ac a gwblhawyd ar 17 Awst 2023 (Atodiad 1).

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

2.1. Rhoi gwybodaeth am Arolygiad diweddar AGC a gynhaliwyd ar Wasanaeth Cymorth Cartref Sir Ddinbych.

3. Beth yw'r Argymhellion?

3.1. Bod y Pwyllgor yn cadarnhau ei fod wedi darllen, wedi deall ac wedi ystyried cynnwys yr adroddiad.

4. Manylion yr adroddiad

4.1. Mae Gwasanaeth Cymorth Cartref Sir Ddinbych yn cynnwys Gweithwyr Iechyd a Gofal Cymdeithasol, Gweithwyr Ail-alluogi, Gweithwyr Achosion Cymhleth a Gweithwyr Gofal a Chefnogi sy'n gweithio yn y gymuned ac ar draws tri

Chyfleuster Tai Gofal Ychwanegol yn Sir Ddinbych. Cyflogir 57 o ofalwyr yn y gwasanaethau.

4.2. Dyma arolygiad cyntaf y gwasanaeth ers iddo ailgofrestru dan Ddeddf

Rheoleiddio ac Arolygu Gofal Cymdeithasol (Cymru) 2016 a'r tro cyntaf erioed i Dai Gofal Ychwanegol Sir Ddinbych gael ei arolygu.

4.3. Cynhaliwyd yr arolygiad dros ddau ddiwrnod ym mis Awst 2023. Roedd yr arolygiad yn cynnwys adolygiad bwrdd gwaith, cyfweiliadau â staff a dinasyddion ac ymweliad safle â Thai Gofal Ychwanegol Gorwel Newydd yn y Rhyl.

4.4. Ni nodwyd unrhyw feysydd oedd angen gwella. Rhoddodd AGC adborth ar lafar i nodi pe bai sgôr dawel yn cael ei ddefnyddio, byddai pob maes yn cael ei werthuso fel da.

4.5. Crynodeb o ddarganfyddiadau adroddiad AGC;

Mae pobl yn hapus gyda'r gwasanaeth maent yn ei gael ac yn canmol safon y gofal. Ymdrechir i gynnwys pobl mewn penderfyniadau am eu gofal a chefnogaeth. Mae eu safbwyntiau'n cael eu parchu ac mae eu gofal yn cael ei deilwra i gyd-fynd â'u dymuniadau a'r hyn sydd orau ganddynt. Mae'r gofal a ddarperir yn hyblyg i gyd-fynd â newidiadau mewn anghenion pobl. Mae cynlluniau personol yn adlewyrchu anghenion gofal presennol pobl a sut maent yn dymuno cael eu cefnogi ac mae'r dogfennau hyn yn cael eu diweddarau pan fo angen. Gofynnir am farn pobl fel rhan o adolygiadau ffurfiol o'r gwasanaeth a ddarperir. Mae'r gwasanaeth yn cael ei arwain yn dda a'i reoli'n dda yn gyson. Mae trefniadau cadarn ar waith i fonitro ansawdd y gwasanaeth yn rheolaidd ac i ystyried sut y gellir ei wella neu ei ddatblygu ymhellach. Mae staff yn cael eu recriwtio'n ddiogel, yn cael eu cefnogi'n dda gan reolwyr ac yn cael yr hyfforddiant perthnasol. Mae staff yn mwynhau gweithio yn y gwasanaeth ac yn teimlo eu bod yn cael eu gwerthfawrogi yn eu gwaith.

4.6. Roedd meysydd eraill a amlygwyd yn yr adroddiad yn cynnwys;

Dinasyddion; *Dywedodd pobl wrthym eu bod yn hapus â'r gofal a chefnogaeth maent yn ei gael a bod eu hanghenion gofal yn cael eu bodloni. Dywedodd gweithiwr proffesiynol gofal cymdeithasol wrthym fod staff yn gweithio mewn partneriaeth gyda nhw a gweithwyr proffesiynol ieched. Mae hyn yn galluogi pobl i oresgyn rhwystrau a chyflawni canlyniadau positif.*

Staff; *Mae staff yn mwynhau eu gwaith ac yn cael hyfforddiant priodol i'w rolau. Maen nhw hefyd yn teimlo eu bod yn cael eu cefnogi'n dda gan reolwyr ac yn gallu codi unrhyw bryderon sydd ganddynt.*

Arweinyddiaeth; *Mae goruchwyliaeth dda gan reolwyr o'r gwasanaeth a ddarperir, sy'n golygu bod pobl yn cael gwasanaeth o ansawdd da. Cwblheir gwiriadau monitro rheolaidd gan reolwyr a'r Unigolyn Cyfrifol i sicrhau bod y gwasanaeth a ddarperir fel y dylai fod. Gall pobl fod yn sicr bod trefniadau cadarn ar waith i fonitro ansawdd y gwasanaeth a ddarperir yn gyson ... Mae'r rheolwr a'r unigolyn cyfrifol yn rhagweithiol wrth ddod o hyd i ffyrdd gwahanol o weithio gyda phobl ac maent wedi ymrwymo i esblygu'r gwasanaeth fel y gall fodloni anghenion poblogaeth ehangach o bobl.*

5. Sut mae'r penderfyniad yn cyfrannu at Gynllun Corfforaethol 2022 i 2027: Y Sir Ddinbych a Garem?

- 5.1. **Sir Ddinbych iachach a hapusach, sy'n gofalu**, mae'r gwasanaeth yn darparu gofal a chefnogaeth i ddinasyddion sy'n byw yn eu cartrefi eu hunain yn y gymuned ac mewn Tai Gofal Ychwanegol. Dangosodd ciplun ar gyfer mis Gorffennaf 2023 bod y gwasanaeth wedi darparu 764 awr o ofal a chefnogaeth i 39 o ddinasyddion sy'n byw yn eu cartrefi eu hunain yn y gymuned.
- 5.2. **Sir Ddinbych sydd wedi cysylltu'n well**, mae'r gwasanaeth yn cyflwyno mynediad at e-gerbydau i bob gweithiwr symudol.
- 5.3. **Sir Ddinbych â diwylliant bywiog lle mae'r Gymraeg yn ffynnu**; darganfu'r arolygiad bod y gwasanaeth yn darparu'r 'Cynnig Rhagweithiol' o ran y Gymraeg. Mae'n rhagweld, yn dynodi ac yn bodloni anghenion diwylliannol a Chymraeg pobl sy'n defnyddio, neu a allai ddefnyddio'r gwasanaeth.
- 5.4. **Cyngor sy'n cael ei gynnal yn dda, ac sy'n uchel ei berfformiad**, mae adroddiad yr arolygiad yn cydnabod bod y gwasanaeth yn cael ei arwain yn dda ac yn cael ei reoli'n dda yn gyson.

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

- 6.1. Mae'r gwasanaeth yn cael ei ddarparu o fewn y cyllidebau a ddyrannwyd.

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

- 7.1. Amherthnasol

8. Pa ymgynghoriadau sydd wedi'u cynnal gyda Chraffu ac eraill?

- 8.1. Amherthnasol

9. Datganiad y Prif Swyddog Cyllid

- 9.1. Amherthnasol

10. Beth yw'r risgiau ac a oes unrhyw beth y gallwn ni ei wneud i'w lleihau?

- 10.1. Amherthnasol

Mae tudalen hwn yn fwriadol wag



Inspection Report on

Domiciliary Support Services

**Single Point Of Access
Denbighshire County Council
Wynnstay Road
Ruthin
LL15 1YN**

Date Inspection Completed

17/08/2023

Welsh Government © Crown copyright 2023.

You may use and re-use the information featured in this publication (not including logos) free of charge in any format or medium, under the terms of the Open Government License. You can view the Open Government License, on the National Archives website or you can write to the Information Policy Team, The National Archives, Kew, London TW9 4DU, or email: psi@nationalarchives.gsi.gov.uk

You must reproduce our material accurately and not use it in a misleading context.

About Domiciliary Support Services

Type of care provided	Domiciliary Support Service
Registered Provider	Denbighshire County Council Adults and Children's Services
Registered places	0
Language of the service	Both
Previous Care Inspectorate Wales inspection	This is the service's first inspection since its re-registration under the Regulation and Inspection of Social Care (Wales) Act 2016.
Does this service promote Welsh language and culture?	The service provides an 'Active Offer' of the Welsh language. It anticipates, identifies and meets the Welsh language and cultural needs of people who use, or may use, the service.

Summary

People are happy with the service they receive and praise the standard of care delivered. Efforts are made to involve people in decisions regarding the care and support they receive. Their views are respected, and their care is tailored to their own wishes and preferences. The care provided is flexible to changes in people's needs. Personal plans reflect people's current care needs, how they wish to be supported and these documents are updated when required. People's views are sought as part of the formal reviews of the service provided. The service is well lead and consistently well managed. There are firm arrangements in place to regularly monitor the quality of the service provided and to consider how the service can be improved or further developed. Staff are recruited safely, are well supported by managers, and are provided with relevant training. Staff enjoy working at the service and feel they are valued in their roles.

Well-being

People who use the service know and understand what care, support and opportunities are available. This is because they can access clear, written information regarding the service provided. This enables people to make an informed decision about whether the service is suitable for them. This includes information regarding how to make a complaint, if required.

People have control over their care and support. Arrangements are in place to gather information from people who use the service regarding what matters to them, and how they wish to be supported. These are recorded in people's personal plans, and staff have easy access to these documents. The care delivered reflects each person's individual needs and preferences. This shows people's voices are heard. Care documentations are updated as people's needs change, which ensures people always receive the right support to meet their individual outcomes. Quality-of-care reviews include feedback from persons who receive support, which means they are involved in shaping the future development of the service.

People are happy with the service they receive and have good relationships with the staff who support them. We saw staff are respectful toward the people they support, and they recognise each person as an individual with their own needs. Support is provided to enable people to do the things they want to do, and this contributes to their positive sense of well-being. Staff enjoy their work and receive appropriate training to their roles. They also feel well supported by management and feel able to raise any concerns they may have. There is good managerial oversight of the service provided, which means people receive a good quality service. Regular monitoring checks are completed by the management and Responsible Individual (RI) to ensure the service delivered is as it should be.

Physical and emotional health is promoted. Arrangements are in place to support people to regain their previous level of independence when people are recovering from poor health or an injury. Staff recognise the importance of enabling people to do as much as they can for themselves and protecting people's independence. This means people maintain their sense of autonomy and sense of control over their own lives.

People are safeguarded from harm. Appropriate action is taken when there are concerns regarding the safety of people using the service. Staff working at the service are subject to suitability checks being completed before they start to work with people. Staff complete safeguarding training to ensure they know how to recognise abuse and neglect as well as what their responsibilities are to protect people from harm. A safeguarding policy is in place which states the actions required by management in response to any safeguarding matters arising.

Care and Support

Arrangements are in place to involve people in discussions regarding their care and support. We saw personal plans record people's wishes regarding how they would like to be supported and their individual preferences are respected. What people can do for themselves is recorded and staff told us promoting people's independence is given importance. People told us they are supported to regain their previous levels of independence, which they feel is a positive outcome for them. The manager told us the support provided is flexible and is responsive to people's specific needs. Staff confirmed they have ongoing conversations with people regarding the level of assistance they require, and the support provided is adaptable according to changes in people's needs.

People told us they are happy with the care and support they receive, and their care needs are met. A social care professional told us staff work in partnership with them and health professionals. This facilitates people to overcome obstacles and achieve positive outcomes.

People can be confident their personal plan records their current care and support needs. We looked at a sample of personal plans and saw they are kept under review, and they document any changes in people's needs. This means staff can access up-to-date written information regarding the support people require, which ensures people consistently receive the correct assistance.

There are systems in place to protect people from harm and neglect. We saw staff have access to a safeguarding policy and training is provided. Staff demonstrate a good understanding of their responsibilities in relation to protecting people from abuse and are confident in how to report such matters. The manager refers safeguarding concerns appropriately to the local authority when required.

People can receive a service in their preferred language. The Welsh language and culture are respected, and efforts are made to provide Welsh speaking staff to people who want it. Written information regarding the service provided are available bilingually.

Leadership and Management

People can access written information about the service provided. The statement of purpose accurately describes the service provided. There is a service user guide available which details the service people can expect. The guide includes clear guidance for how to raise a complaint and how complaints are responded to, in line with the complaint procedures. Policies and procedures are in place to fulfil the aims of the statement of purpose.

People can be assured robust arrangements are in place to consistently monitor the quality of the service provided. Reports are available to show the RI undertakes formal visits to review the service provided. The report identifies areas of the service which can be further developed, and what action is required to facilitate improvements. Progress made is monitored at the following RI visit. The manager has arrangements in place to carry out monthly monitoring checks to ensure the service delivered is safe and effective. Reports are available to evidence the audit checks completed by the manager. The views of people who use the service are considered within formal quality of care reviews which take place twice a year. This means people are involved in developing and improving the service provided. The manager and RI are proactive in finding different ways of working with people and are committed to evolving the service so it can meet the needs of a wider population of people.

Staff are recruited safely and receive appropriate training relevant to their work. We looked at staff files and saw suitability checks are completed before new staff start to work at the service. Staff training records show staff can access mandatory training and some specific training related to the needs of the people who they support. Staff confirm they completed an induction and undertook shadow shifts when they started working at the service. Support is also provided for staff to undertake formal social care qualifications, which further enhances staff's knowledge base. Regular team meetings take place and staff receive one-to-one supervision support meetings with a senior staff member. Staff told us they enjoy their work. They also feel supported in their roles, feel able to raise any concerns with the manager and feel listened to. Some staff have worked at the service for several years, which means they are experienced and can provide a consistency of care to people.

Summary of Non-Compliance

Status	What each means
New	This non-compliance was identified at this inspection.
Reviewed	Compliance was reviewed at this inspection and was not achieved. The target date for compliance is in the future and will be tested at next inspection.
Not Achieved	Compliance was tested at this inspection and was not achieved.
Achieved	Compliance was tested at this inspection and was achieved.

We respond to non-compliance with regulations where poor outcomes for people, and / or risk to people's well-being are identified by issuing Priority Action Notice (s).

The provider must take immediate steps to address this and make improvements. Where providers fail to take priority action by the target date we may escalate the matter to an Improvement and Enforcement Panel.

Priority Action Notice(s)

Regulation	Summary	Status
N/A	No non-compliance of this type was identified at this inspection	N/A

Where we find non-compliance with regulations but no immediate or significant risk for people using the service is identified we highlight these as Areas for Improvement.

We expect the provider to take action to rectify this and we will follow this up at the next inspection. Where the provider has failed to make the necessary improvements we will escalate the matter by issuing a Priority Action Notice.

Area(s) for Improvement

Regulation	Summary	Status
------------	---------	--------

N/A	No non-compliance of this type was identified at this inspection	N/A
-----	--	-----

Was this report helpful?

We want to hear your views and experiences of reading our inspection reports. This will help us understand whether our reports provide clear and valuable information to you.

To share your views on our reports please visit the following link to complete a short survey:

- [Inspection report survey](#)

If you wish to provide general feedback about a service, please visit our [Feedback surveys page](#).

Date Published 29/09/2023

Mae tudalen hwn yn fwriadol wag

Adroddiad i'r	Pwyllgor Llywodraethu ac Archwilio
Dyddiad y cyfarfod	31 Ionawr 2024
Aelod / Swyddog Arweiniol	Gwyneth Ellis, Aelod Arweiniol Cyllid, Perfformiad ac Asedau Strategol
Awdur yr adroddiad	Liz Thomas, Pennaeth Cyllid ac Archwilio
Teitl	1. Datganiad Strategaeth Rheoli'r Trysorlys 2024/25 a Dangosyddion Darbodus 2024/25 i 2026/27 (Atodiad 1) 2. Adroddiad Diweddarau ar Reoli'r Trysorlys 2023/24 (Atodiad 2)

1 Am beth mae'r adroddiad yn sôn?

- 1.1 Mae Datganiad Strategaeth Rheoli'r Trysorlys (DSRHT) (Atodiad 1) yn dangos sut y bydd y Cyngor yn rheoli ei fuddsoddiadau a'i fenthyciadau ar gyfer y flwyddyn sydd i ddod ac yn gosod y polisiau ar gyfer gweithredu swyddogaeth rheoli'r trysorlys. Mae'r Adroddiad Diweddarau ar Reoli'r Trysorlys (Atodiad 2) yn rhoi manylion gweithgareddau Rheoli Trysorlys y Cyngor yn 2023/24.

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

- 2.1 Mae Cod Ymarfer Rheoli Trysorlysoedd y Sefydliad Siartredig Cyllid Cyhoeddus a Chyfrifyddiaeth yn gofyn i'r Cyngor gymeradwyo'r Datganiad Strategaeth Rheoli'r Trysorlys a'r Dangosyddion Darbodus yn flynyddol. Mae gofyn i'r Pwyllgor Llywodraethu ac Archwilio adolygu'r adroddiad hwn cyn y caiff ei gymeradwyo gan y Cyngor ar 27 Chwefror 2024. At hynny, rhan o rôl y Pwyllgor yw cael diweddariadau am weithgarwch Rheoli'r Trysorlys bedair gwaith y flwyddyn.

3 Beth yw'r Argymhellion?

- 3.1 Bod y Pwyllgor yn adolygu'r Datganiad Strategaeth Rheoli'r Trysorlys ar gyfer 2024/25 a'r Dangosyddion Darbodus ar gyfer 2024/25, 2025/26 a 2026/27 (Atodiad

1).

- 3.2 Bod aelodau'n nodi'r adroddiad diweddarau ar Reoli Trysorlys (Atodiad 2).
- 3.3 Bod y Pwyllgor yn cadarnhau ei fod wedi darllen, wedi deall ac wedi ystyried yr Asesiad o'r Effaith ar Les (Atodiad 3) fel rhan o'i ystyriaethau.

4 Manylion yr adroddiad

Cefndir

- 4.1 Mae rheoli trysorlys yn golygu edrych ar ôl arian parod y Cyngor, sy'n rhan hanfodol o waith y Cyngor gan fod tua £0.5 biliwn yn mynd drwy gyfrif banc y Cyngor bob blwyddyn.
- 4.2 Ar unrhyw un adeg, mae gan y Cyngor fel arfer hyd at £40 miliwn mewn arian parod, felly mae angen iddo wneud yn siŵr ei fod yn cyflawni'r gyfradd enillion orau bosibl heb roi'r arian parod mewn perygl, a dyma pam ein bod yn buddsoddi arian gyda nifer o sefydliadau ariannol.

Wrth fuddsoddi, blaenoriaethau'r Cyngor yw:

- cadw arian yn ddiogel (diogelwch);
- sicrhau bod yr arian yn dod yn ôl pan fydd ei angen (hylifedd);
- sicrhau y ceir cyfradd dda o enillion (arenillion).

DSRhT 2024/25

- 4.3 Mae'r Datganiad ar gyfer 2024/25 ar gael yn Atodiad 1. Ni fu unrhyw newidiadau mawr i'r Strategaeth ers y llynedd. Mae'r adroddiad yn cynnwys Dangosyddion Darbodus Rheoli Trysorlys sy'n gosod cyfyngiadau ar weithgarwch rheoli trysorlys y Cyngor fel y dangosir yn Atodiad 1, Ychwanegiad A.

Adroddiad diweddarau ar Reoli'r Trysorlys chwarter 3

- 4.4 Mae'r Adroddiad Diweddarau ar Reoli'r Trysorlys (Atodiad 2) yn rhoi manylion gweithgareddau Rheoli Trysorlys y Cyngor yn 2024/25 hyd at 31 Rhagfyr 2023.

Dangosyddion Darbodus Cyfalaf

- 4.5 Mae'r Dangosyddion Darbodus sy'n ymwneud â Chyfalaf wedi'u cynnwys yn yr Adroddiad Strategaeth Gyfalaf, sy'n rhoi trosolwg lefel uchel, byr a chynhwysfawr i'r

holl aelodau etholedig o sut mae gwariant cyfalaf, ariannu cyfalaf a gweithgaredd rheoli trysorlys yn cyfrannu at ddarpariaeth gwasanaethau'r Cyngor.

- 4.6 Bydd yr Adroddiad Strategaeth Gyfalaf yn cael ei adrodd i'r Cyngor ym mis Chwefror ochr yn ochr â'r Cynllun Cyfalaf, a bydd yn cynnwys y Dangosyddion Darbodus sy'n ymwneud â Chyfalaf a ganlyn:

Amcangyfrifon o Wariant Cyfalaf ac Ariannu

Cymhareb o Gostau Ariannu i Ffrwd Refeniw Net

Nawdd Cyfalaf Gofynnol

Terfyn Awdurdodedig a Ffin Weithredol ar gyfer Dyled Allanol

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

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

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

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

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

- 7.1 Dylai cynllunio ariannol a gwneud penderfyniadau sicrhau y rhoddir ystyriaeth briodol i ofynion Deddf Llesiant Cenedlaethau'r Dyfodol ac, yn benodol, ystyriaeth briodol i effaith hirdymor penderfyniadau ariannol, gan gynnwys y cyfnod ad-dalu a chostau oes gyfan penderfyniadau buddsoddi cyfalaf, cynigion cyllideb â'u heffaith wedi eu hasesu'n briodol a strategaethau dyled a buddsoddiad hirdymor (rheoli trysorlys). Mae egwyddorion pwyll, fforddiadwyedd a chynaliadwyedd eisoes wedi'u cynnwys o fewn gofynion y Cod Darbodus a dylent fod yn sail i gynllunio ariannol a gwneud penderfyniadau.

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

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

8 Pa ymgynghoriadau sydd wedi'u cynnal gyda Chraffu ac eraill?

8.1 Mae'r Cyngor wedi ymgynghori â'i ymgynghorwyr rheoli trysorlys, Arlingclose Ltd.

9 Datganiad y Prif Swyddog Cyllid

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

9.2 Yn unol â Chod Ymarfer Rheoli Trysorlys CIPFA mae'n ofynnol i'r Cyngor gymeradwyo Datganiad Strategaeth Rheoli Trysorlys bob blwyddyn ariannol.

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

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

11 Pŵer i wneud y Penderfyniad

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

Denbighshire County Council

**Treasury Management Strategy Statement
and Investment Strategy 2024/25 to 2026/27**

Contents

- 1. Background**
- 2. Treasury Position**
- 3. Treasury Investment Strategy**
- 4. Borrowing Strategy**
- 5. Debt Rescheduling**
- 6. MRP Statement 2024/25**
- 7. Reporting Treasury Management Activity**
- 8. Other Items**

Annexes

- A. Prudential Indicators
- B. Interest Rate Outlook
- C. Glossary
- D. Liability Benchmark Chart
- E. Debt Maturity Profile

Treasury Management Strategy Statement and Investment Strategy 2024/25 to 2026/27

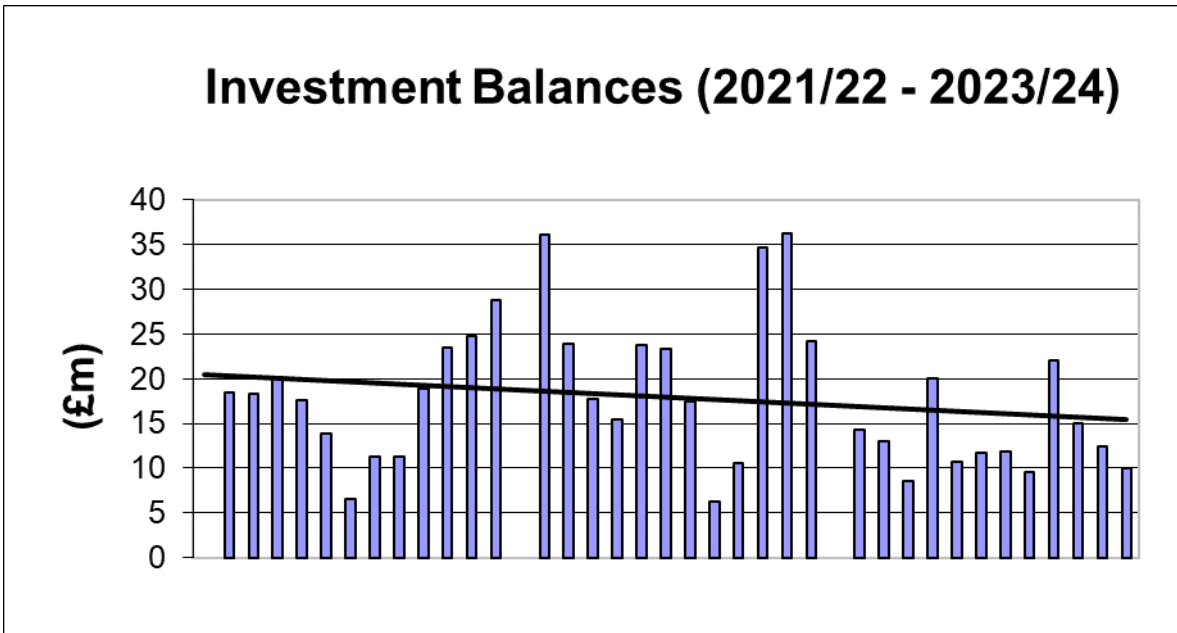
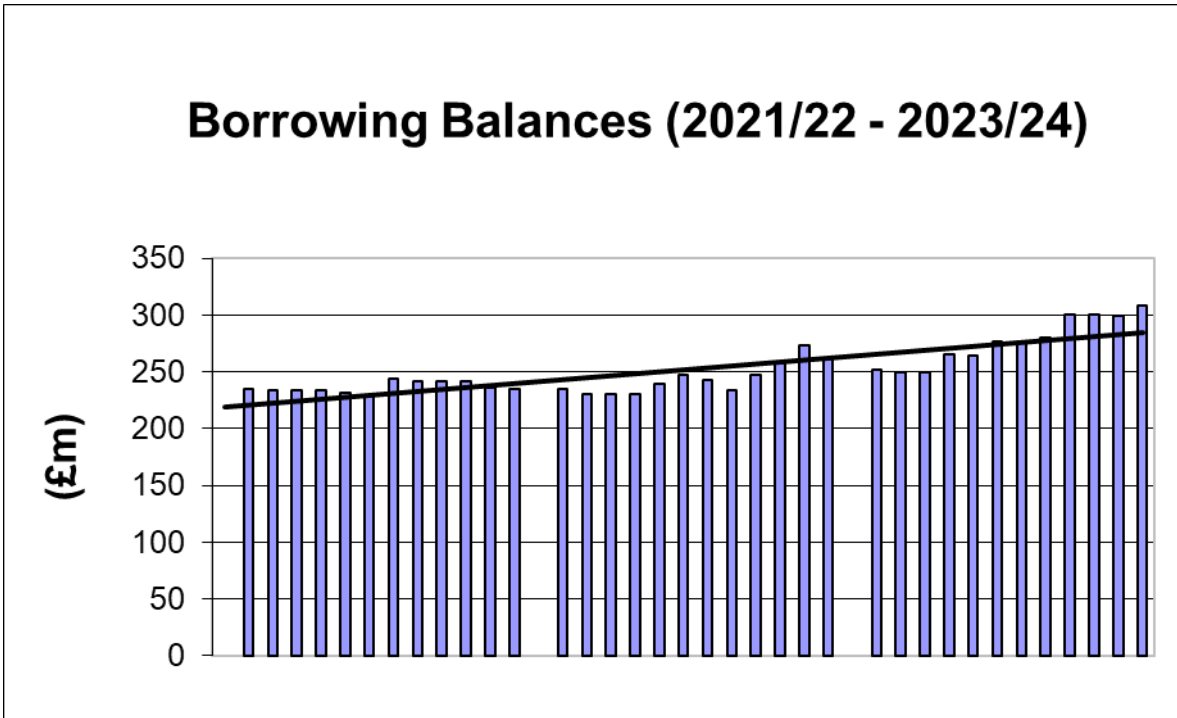
1 Background

- 1.1 The Council is responsible for its treasury management decisions and activity which involves looking after the Council's cash. This is a vital part of the Council's work because approximately £0.5bn passes through the Council's bank account every year.
- 1.2 In December 2021, CIPFA published its revised Prudential Code and Treasury Management Code of Practice. The Code requires the Authority to approve a Treasury Management Strategy Statement (TMSS) before the start of each financial year. There is also now a requirement to provide quarterly treasury management update reports to members and this has been implemented during the 2023/24 financial year.
- 1.3 In addition, the Welsh Government (WG) issued revised *Guidance on Local Authority Investments* in November 2019 that requires the Authority to approve an investment strategy before the start of each financial year. It also requires the Authority to include details of any investments and loans which are not held for treasury management purposes. Following a review, the Authority has concluded that it doesn't have any non-treasury related arrangements which fall within the scope of this guidance.
- 1.4 This report fulfils the Authority's legal obligation under the *Local Government Act 2003* to have regard to both the CIPFA Code and the WG Guidance.
- 1.5 The purpose of the TMSS is to set the:
 - Treasury Management Strategy for 2024/25
 - Annual Investment Strategy for 2024/25
 - Prudential Indicators for 2024/25, 2025/26 and 2026/27 (Annex A)
 - Minimum Revenue Provision (MRP) Statement

2 Treasury Position

- 2.1 The levels of the Council's borrowing and investment balances over the last three years are shown in the graphs below. The first chart shows the Council's borrowing has increased over this period. The second chart shows a decrease in the amount of money which is available for investment.

**Treasury Management Strategy Statement
and Investment Strategy 2024/25 to 2026/27**



3 Treasury Investment Strategy

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

icy

Treasury Management Strategy Statement and Investment Strategy 2024/25 to 2026/27

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

Table 1: Treasury Investment Counterparties and Limits

Sector	Time limit	Counterparty limit
The UK Government	50 years	Unlimited
Local authorities & other government entities	25 years	£10m
Secured investments *	25 years	£10m
Banks (unsecured) *	13 months	£5m
Building societies (unsecured) *	13 months	£5m
Registered providers (unsecured) *	5 years	£5m
Money market funds *	n/a	£10m
Strategic pooled funds	n/a	£10m
Real estate investment trusts	n/a	£10m
Other investments *	5 years	£5m

*** Minimum Credit Rating:** Treasury investments in the sectors marked with an asterisk will only be made with entities whose lowest published long-term credit rating is no lower than A-. Where available, the credit rating relevant to the specific investment or class of investment is used, otherwise the counterparty credit rating is used. However, investment decisions are never made solely based on credit ratings, and all other relevant factors, including external advice, will be taken into account.

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

Treasury Management Strategy Statement and Investment Strategy 2024/25 to 2026/27

Secured investments: Investments secured on the borrower's assets, which limits the potential losses in the event of insolvency. The amount and quality of the security will be a key factor in the investment decision. Covered bonds and reverse repurchase agreements with banks and building societies are exempt from bail-in. Where there is no investment specific credit rating, but the collateral upon which the investment is secured has a credit rating, the higher of the collateral credit rating and the counterparty credit rating will be used. The combined secured and unsecured investments with any one counterparty will not exceed the cash limit for secured investments.

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

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

Money Market Funds: Pooled funds that offer same-day or short notice liquidity and very low or no price volatility by investing in short-term money markets. They have the advantage over bank accounts of providing wide diversification of investment risks, coupled with the services of a professional fund manager in return for a small fee.

Strategic Pooled Funds: Bond, equity and property funds that offer enhanced returns over the longer term but are more volatile in the short term. These allow the Authority to diversify into asset classes other than cash without the need to own and manage the underlying investments. Because these funds have no defined maturity date, but are available for withdrawal after a notice period, their performance and continued suitability in meeting the Authority's investment objectives will be monitored regularly.

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

Treasury Management Strategy Statement and Investment Strategy 2024/25 to 2026/27

Other investments: This category covers treasury investments not listed above, for example unsecured corporate bonds and company loans. Non-bank companies cannot be bailed-in but can become insolvent placing the Authority's investment at risk.

- 3.4 Natwest is the Council's banker and will continue to be used for operational and liquidity purposes by transferring cash in and out of the instant access account as required even if its credit rating falls below A-.
- 3.5 For a group of banks under the same ownership, the banking group limit is equal to the individual bank limit.
- 3.6 Credit ratings are obtained and monitored by the Authority's treasury advisers, who will notify changes in ratings as they occur. Where an entity has its credit rating downgraded so that it fails to meet the approved investment criteria then:
- no new investments will be made,
 - any existing investments that can be recalled or sold at no cost will be, and
 - full consideration will be given to the recall or sale of all other existing investments with the affected counterparty.
- 3.7 The Authority understands that credit ratings are good, but not perfect, predictors of investment default. Full regard will therefore be given to other available information on the credit quality of the organisations in which it invests, including credit default swap prices (the cost of banks insuring themselves against default), financial statements, information on potential government support, reports in the quality financial press and analysis and advice from the Council's treasury management adviser. No investments will be made with an organisation if there are substantive doubts about its credit quality, even though it may otherwise meet the above criteria.
- 3.8 When deteriorating financial market conditions affect the creditworthiness of all organisations, as happened in 2008 and 2020, this is not generally reflected in credit ratings, but can be seen in other market measures. In these circumstances, the Authority will restrict its investments to those organisations of higher credit quality and reduce the maximum duration of its investments to maintain the required level of security. If these restrictions mean that insufficient commercial organisations of high credit quality are available to invest the Authority's cash balances, then the surplus will be deposited with the UK Government, via the Debt Management Office or invested in government treasury bills for example, or with other local authorities. This will protect the principal sum invested.
- 3.9 **Specified Investments:** The WG Guidance defines specified investments as those:
- denominated in pound sterling,

**Treasury Management Strategy Statement
and Investment Strategy 2024/25 to 2026/27**

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

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

3.10 **Non-specified Investments:** Any investment not meeting the definition of a specified investment is classed as non-specified. The Authority does not intend to make any investments denominated in foreign currencies. Non-specified investments will therefore be limited to long-term investments, i.e. those that are due to mature 12 months or longer from the date of arrangement and investments with bodies and schemes not meeting the definition of high credit quality. Under this category, the Council has given three loans to Town Councils for capital purposes which are being paid back in instalments over the agreed terms.

Limits on non-specified investments are shown in Table 3 below.

Table 3: Non-Specified Investment Limits

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

4 Borrowing Strategy

- 4.1 The Council continues to undertake temporary borrowing from other local authorities as required to cover short-term cash flow requirements as this is a good source of readily available cash.
- 4.2 At the same time, the Council will also continue to monitor its cash position and interest rate levels to ensure that further long-term borrowing is undertaken at the optimal time to fund on-going capital commitments.
- 4.3 The approved sources of borrowing are listed below:

Treasury Management Strategy Statement and Investment Strategy 2024/25 to 2026/27

- HM Treasury's PWLB lending facility (formerly the Public Works Loan Board)
- UK Infrastructure Bank Ltd
- any institution approved for investments
- any other bank or building society authorised to operate in the UK
- any other UK public sector body
- UK public and private sector pension funds (except Clwyd Pension Fund)
- capital market bond investors
- retail investors via a regulated peer-to-peer platform
- UK Municipal Bonds Agency plc and other special purpose companies created to enable local authority bond issues

5 Debt Rescheduling

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

6 Minimum Revenue Provision (MRP) Statement

- 6.1 The Council sets aside money each year to repay debt and this is known as the Minimum Revenue Provision (MRP).
- 6.2 There are four different methods of calculating MRP and the Council needs to say each year which methods it will use. This is known as the MRP Statement.
- 6.3 The MRP Statement is submitted to Council before the start of each financial year. If the terms of the original MRP Statement are revised during the year, a revised statement will be put to Council at that time.

6.4 MRP Statement

The Council will apply the Asset Life Method to calculate MRP on outstanding supported borrowing incurred up to 31 March 2017 using a straight-line calculation over 50 years.

Treasury Management Strategy Statement and Investment Strategy 2024/25 to 2026/27

The Council will apply the Asset Life Method to calculate MRP on supported borrowing incurred on or after 1 April 2017 using a straight-line calculation over an appropriate number of years, dependent on the period of time that the capital expenditure is likely to generate benefits.

The Council will apply the Asset Life Method to calculate MRP on all capital expenditure funded from unsupported borrowing.

These methods represent a continuation of last year's MRP policy.

- 6.5 MRP on housing assets funded through prudential borrowing is charged on a straight-line basis over 20 years for improvement works to comply with the Welsh Housing Quality Standards (WHQS) and for property appropriated by the HRA, and over 50 years for new build properties and for the loans used to buy the HRA out of the government subsidy scheme on 31st March 2015. For capital expenditure incurred before the introduction of the WHQS the authority charges MRP on a 2% reducing balance basis.

7 Reporting Treasury Management Activity

- 7.1 The Section 151 Officer (Chief Finance Officer) will report to the Governance and Audit Committee on treasury management activity / performance as follows:
- (a) The Treasury Management Strategy Statement and Prudential Indicators will be submitted to the Committee in January each year prior to approval by Council.
 - (b) Quarterly treasury management updates will be submitted to the Committee in January, April, July and October each year.
 - (c) An annual report on treasury activity will be submitted to the Committee in July each year for the preceding year prior to approval by Cabinet.

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

8 Other items

8.1 Investment Training

8.1.1 Member Training

Treasury Management Strategy Statement and Investment Strategy 2024/25 to 2026/27

The CIPFA Code of Practice on Treasury Management requires the Section 151 Officer to ensure that all members tasked with treasury management responsibilities, including scrutiny of the treasury management function, understand fully their roles and responsibilities. The last treasury management training session for all members was given on 18 January 2024.

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

8.1.2 Staff Training

Staff attend training courses, seminars and conferences provided by Arlingclose and CIPFA. There is a team of four members of staff who cover TM duties on a rota basis to ensure that their knowledge is kept up to date. An additional member of staff will be added to the TM rota soon and he will be given full training before he starts his duties. These members of staff are also members of professional accountancy bodies including the Chartered Institute of Public Finance and Accountancy (CIPFA) and the Association of Accounting Technicians (AAT). The operational processes which staff must follow are shown within the Treasury Management Practices (TMPs) which have been updated recently.

8.2 Treasury Management Advisers

The Council uses Arlingclose Ltd as treasury management advisers and receives the following services:

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

The Council maintains the quality of the service with its advisers by holding quarterly strategy meetings and tendering every 5 years. The Council's current contract has just been renewed from 1 January 2024.

8.3 Markets in Financial Instruments Directive (MIFID)

8.3.1 Under the Markets in Financial Instruments Directive (MIFID), local authorities can be classed as professional clients if they have at least a £10m investment balance and staff with relevant experience. Local

Treasury Management Strategy Statement and Investment Strategy 2024/25 to 2026/27

authorities not meeting the criteria have been reclassified as retail clients. Retail clients have greater protection when placing investments because there is a requirement for firms to ensure that investments are suitable for the client. Professional clients are assumed to have greater knowledge and therefore need less protection.

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

8.4 Investment of Money Borrowed in Advance of Need

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

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

8.5 Policy on Use of Financial Derivatives

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

8.6 Housing Revenue Account (HRA)

The Council operates one loans pool for the Council Fund and the HRA. A proportion of the Council's investment and debt interest is apportioned to the HRA at year end. The amount of HRA investment interest is calculated by applying the Council's average investment interest rate to the HRA's average notional cash balance.

**Treasury Management Strategy Statement
and Investment Strategy 2024/25 to 2026/27**

ANNEX A

PRUDENTIAL INDICATORS 2024/25 TO 2026/27

**Treasury Management Strategy Statement
and Investment Strategy 2024/25 to 2026/27**

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

1.1 These indicators allow the Council to manage the extent to which it is exposed to changes in interest rates. This Council calculates these limits on a net interest paid basis (i.e. interest paid on fixed rate debt net of interest received on fixed rate investments).

1.2 The upper limit for variable rate exposure has been set to ensure that the Council is not exposed to interest rate rises which could adversely impact on the revenue budget. The limit allows for the use of variable rate debt to offset exposure to changes in short-term rates on investments.

	2023/24 Approved %	2024/25 Estimate %	2025/26 Estimate %	2026/27 Estimate %
Upper Limit for Fixed Interest Rate Exposure	100	100	100	100
Upper Limit for Variable Rate Exposure	40	40	40	40

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

2 Maturity Structure of Fixed Rate borrowing

2.1 This indicator highlights the existence of any large concentrations of fixed rate debt needing to be replaced at times of uncertainty over interest rates and is designed to protect against excessive exposures to interest rate changes in any one period, in particular in the course of the next ten years.

2.2 It is calculated as the amount of projected borrowing that is fixed rate maturing in each period as a percentage of total projected borrowing that is fixed rate. The maturity of borrowing is determined by reference to the earliest date on which the lender can require payment.

Maturity structure of fixed rate borrowing	Actual %	Lower Limit %	Upper Limit %
under 12 months	4.55	0	40
12 months and within 24 months	4.33	0	40
24 months and within 5 years	12.45	0	40
5 years and within 10 years	17.90	0	40

**Treasury Management Strategy Statement
and Investment Strategy 2024/25 to 2026/27**

10 years and above	60.77	30	100
--------------------	-------	----	-----

3 Credit Risk

- 3.1 The Council considers security, liquidity and yield, in that order, when making investment decisions.
- 3.2 Credit ratings remain an important element of assessing credit risk, but they are not a sole feature in the Council’s assessment of counterparty credit risk.
- 3.3 The Council also considers alternative assessments of credit strength, and information on corporate developments of and market sentiment towards counterparties. The following key tools are used to assess credit risk:
- Published credit ratings of the financial institution (minimum A- or equivalent) and its sovereign (minimum AA+ or equivalent for non-UK sovereigns);
 - Sovereign support mechanisms;
 - Credit default swaps (where quoted);
 - Share prices (where available);
 - Economic fundamentals, such as a country’s net debt as a percentage of its GDP;
 - Corporate developments, news, articles, markets sentiment and momentum;
 - Subjective overlay.
- 3.4 The only indicators with prescriptive values are credit ratings. Other indicators of creditworthiness are considered in relative rather than absolute terms.

4 Upper Limit for total principal sums invested over 1 year

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

Upper Limit for total principal sums invested over 1 year	2023/24 Approved £m	2024/25 Estimate £m	2025/26 Estimate £m	2026/27 Estimate £m
	10.00	10.00	10.00	10.00

5 Liability Benchmark

- 5.1 To compare the Council’s actual borrowing against an alternative strategy, a liability benchmark has been calculated showing the lowest risk level of borrowing. This assumes that cash and investment balances are kept to a

Treasury Management Strategy Statement and Investment Strategy 2024/25 to 2026/27

minimum level of £10m at each year-end to maintain sufficient liquidity but minimise credit risk.

	2022/23 Actual £m	2023/24 Estimate £m	2024/25 Forecast £m	2025/26 Forecast £m	2026/27 Forecast £m
Loans CFR	305	364	415	438	461
Less: Balance Sheet Resources	-82	-62	-54	-53	-53
Net Loans Requirement	223	302	361	385	408
Plus: Liquidity Allowance	24	10	10	10	10
Liability Benchmark	247	312	371	395	418

- 5.2 The liability benchmark is an important tool to help establish whether the Council is likely to be a long-term borrower or long-term investor in the future, and so shape its strategic focus and decision making. The liability benchmark itself represents an estimate of the cumulative amount of external borrowing the Council must hold to fund its current capital and revenue plans while keeping treasury investments at the minimum level required to manage day-to-day cash flow.
- 5.3 This is shown in the liability benchmark chart in Annex D together with the Council's debt maturity profile in Annex E.

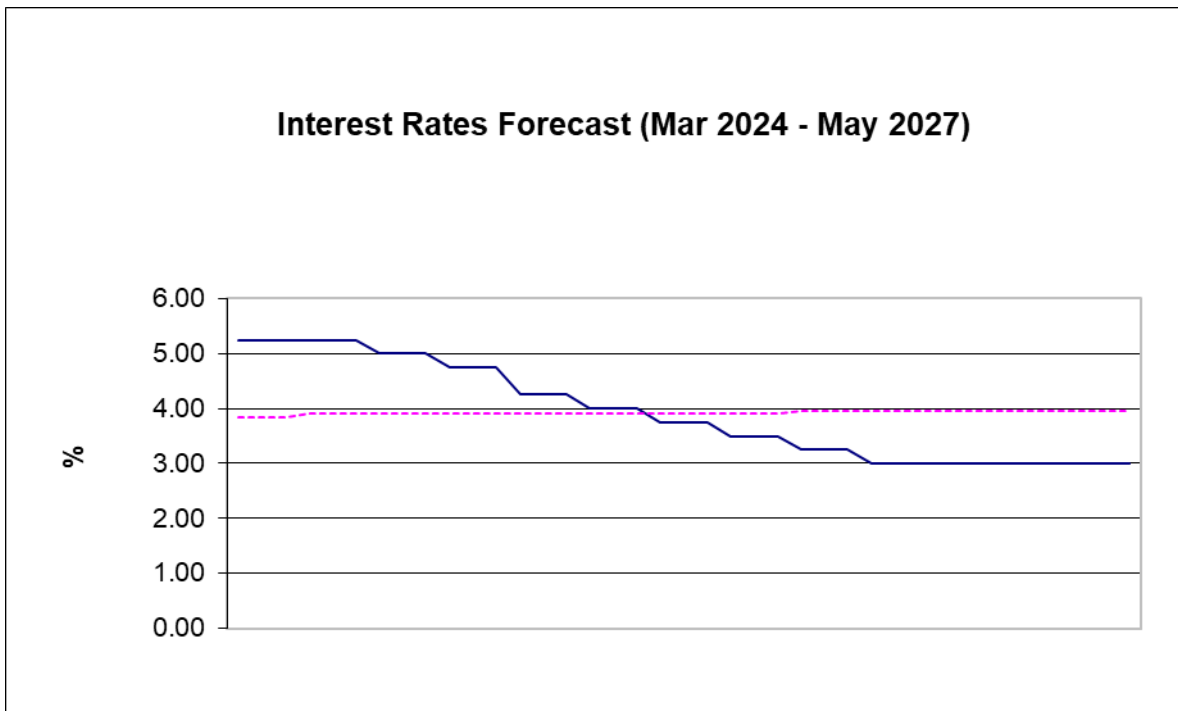
ANNEX B

INTEREST RATES FORECAST

Treasury Management Strategy Statement and Investment Strategy 2024/25 to 2026/27

The graph below shows the interest rate forecast for the Official UK Bank Rate and the 50 year GILT rate from March 2024 to May 2027. The Official Bank Rate influences the rate at which the Council can invest. The GILT rate is the rate at which the Government borrows money and therefore this affects the rate at which the Council can borrow from the PWLB, which is approximately 1% above GILT rates, and the UK Infrastructure Bank which is approximately 0.4% above GILT rates.

As the graph shows, it is slightly more expensive to borrow than to invest at the moment with the Official UK Bank Rate expected to decrease.



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

ANNEX C

GLOSSARY – Useful guide to treasury management terms and acronyms

Treasury Management Strategy Statement and Investment Strategy 2024/25 to 2026/27

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

Treasury Management Strategy Statement and Investment Strategy 2024/25 to 2026/27

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

Appendix 2

Treasury Management (TM) Update Report

1 Economic Outlook

- 1.1 The impact on the UK from higher interest rates and inflation, a weakening economic outlook, an uncertain political climate due to an upcoming general election, together with war in Ukraine and the Middle East, will be major influences on the Authority's treasury management strategy for 2024/25.

2 Investment Strategy

- 2.1 Given the ongoing risk from short-term unsecured bank investments, the Council has placed a greater emphasis on investing with the UK Government's Debt Management Office (DMO) in order to minimise these risks. The majority of our investment cash is therefore placed with the DMO on a short-term basis to meet monthly outgoings and the remainder with an instant access call account up to a maximum limit of £5m.
- 2.2 The Council's cash flow position is monitored constantly with a view to undertake further borrowing as required over the next few months as the level of our investment cash decreases.

3 Borrowing Strategy

- 3.1 Long-term interest rates have begun to reduce from their peak in the middle of 2023. With advice from Arlingclose, the Council has therefore secured £26m borrowing so far in 2023-24 from the Public Works Loan Board (PWLb) to fund on-going capital commitments. The Council was able to use a discounted rate for this borrowing as it was undertaken to fund past and current Housing Revenue Account spend. The Council will continue to monitor its cash position and interest rate levels to ensure that further long-term borrowing is undertaken at the optimal time to fund on-going capital commitments.
- 3.2 Analysis of the Balance Sheet projections shows that the Council is likely to have a significant borrowing requirement in the future so there is a need to continue to fund this borrowing requirement through a mix of temporary loans from other local authorities and long-term borrowing. This is reviewed and discussed monthly in the Capital and Treasury Management update meeting.
- 3.3 The Council currently has 9 temporary loans from other local authorities for £50m in total over a 12-month period. This total is made up of £10m which is repayable in January, £10m in March, £15m in July and £15m in September / October. When the loans are repaid, we will review interest rates and the Council's cash flow position to

determine if further borrowing is required, and whether this should be temporary or long-term.

4 Long-term borrowing

4.1 PWLB update

We are required to submit annually a detailed 3-year capital expenditure plan to the PWLB with confirmation of the purpose of our capital expenditure. In particular, we have to confirm that we are not planning to purchase 'investment assets primarily for yield' in the current or next two financial years. We have been able to give this assurance so we can continue to take advantage of PWLB borrowing at low rates.

4.2 UK Infrastructure Bank (UKIB)

The UK Infrastructure Bank was established in 2021 and is wholly owned and backed by HM Treasury. It offers finance to local authorities across the UK for high-value and complex economic infrastructure projects at rates currently lower than PWLB. We are currently applying to borrow from the UKIB to fund our coastal defence schemes.

5 Controls

5.1 Prudential Indicators

The Council sets prudential indicators which set boundaries within which its treasury management activity operates. The indicators are calculated to demonstrate that the Council's borrowing is affordable and include measures that show the impact of capital and borrowing decisions over the medium-term. The Council has remained within all of its borrowing and investment limits for 2023/24 as stated in the TM Strategy Statement and the Capital Strategy Report agreed by Council in February 2023. The Council has not deviated from the Capital related indicators either.

5.2 The Capital related Prudential Indicators are included in the Capital Strategy Report. This report is intended to give a high level, concise and comprehensible overview to all elected members of how capital expenditure, capital financing and treasury management activity contribute to the provision of the Council's services.

5.3 The Capital Strategy Report was included with the Capital Plan report to Council in February 2023 and included the following Capital related Prudential Indicators:

Estimates of Capital Expenditure and Financing

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

5.4 Audit Reviews

The last Internal Audit review undertaken in December 2023 found effective controls in place with good examples of working practices identified. A high assurance rating was awarded which shows that risks and controls are well-managed and objectives are being achieved. The next Internal Audit review is due in Autumn 2024.

6 Future

6.1 TM Strategy for next six months

As planned capital expenditure is incurred, the Council will continue to monitor its cash flow position to ensure that temporary borrowing is undertaken if required. The Council will also monitor market conditions and interest rate levels to ensure that long-term borrowing is undertaken at the optimal time in line with the TM strategy.

6.2 Staffing Changes

One employee has been added to the TM rota to provide additional cover and he is currently receiving training in his TM duties.

6.3 Medium-Term Capital Strategy

Work is continuing to develop a medium-term strategy for capital. This will help identify projects that we are planning to develop and invest in over a 5 to 10 year period but have not yet gone through the approval process. This will impact on the level of borrowing that the Council will require to undertake over the coming years. To complement and aid this work a new capital approval process has been developed which was reviewed by the Governance and Audit Committee and approved by Cabinet in December 2022. This included setting up a new Capital Scrutiny Group from April 2023, the papers of which are available to all Members.

6.4 Reports

The next report will be the TM Update Report 2023/24 which will be reported to the Governance and Audit Committee in April.

Mae tudalen hwn yn fwriadol wag



Treasury Management Strategy Statement 2024/25: Well-being Impact Assessment Report

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

Assessment Number: 148

Brief description: The Treasury Management strategy for 2024/25.

Date Completed: 09/01/2024 10:27:42 Version: 33

Completed by: Rhys Ifor Jones

Responsible Service: Finance and Audit Services

Localities affected by the proposal: Whole County,

Who will be affected by the proposal? Proposals have little or no direct impact on the vast majority of residents as the strategy involves managing the Council's investments and borrowing.

Was this impact assessment completed as a group? No

Summary and Conclusion

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

Score for the sustainability of the approach

2 out of 4 stars

Actual score : 23 / 36.

Summary for each Sustainable Development principle

Long term

The impact of this report is neutral in this particular area.

Prevention

The impact of this report is neutral in this particular area.

Integration

The impact of this report is neutral in this particular area.

Collaboration

The impact of this report is neutral in this particular area.

Involvement

The impact of this report is neutral in this particular area.

Summary of impact

Well-being Goals	Overall Impact
A prosperous Denbighshire	Positive
A resilient Denbighshire	Positive
A healthier Denbighshire	Neutral
A more equal Denbighshire	Neutral
A Denbighshire of cohesive communities	Neutral
A Denbighshire of vibrant culture and thriving Welsh language	Neutral
A globally responsible Denbighshire	Neutral

Main conclusions

An effective Treasury Management strategy ensures that the Council's investment and borrowing decisions will contribute towards the goal of maximising income and minimising costs which supports efficient service delivery.

The likely impact on Denbighshire, Wales and the world.

A prosperous Denbighshire

Overall Impact

Positive

Justification for impact

An effective Treasury Management strategy ensures that the Council's investment and borrowing decisions will contribute towards the goal of maximising income and minimising costs which supports efficient service delivery.

Further actions required

Sound financial planning and efficient long term treasury management strategies ensure that the positive impact of this report on the County's prosperity is maximised.

Positive impacts identified:

A low carbon society

Not applicable

Quality communications, infrastructure and transport

Financial planning and decision making ensures that proper consideration of the long term impact of financial decisions is given, including the payback period and whole life costs of capital investment decisions, properly impact assessed budget proposals and long term debt and investment (treasury management) strategies.

Economic development

The Treasury Management strategy and Prudential Indicators ensure that the Council's cash is safeguarded as much as possible by making investments in banks recommended in the annual strategy statement.

Quality skills for the long term

The strategy ensures that the Council's borrowing is monitored and is within set limits and is affordable. It identifies current financing requirements for the Capital Plan and estimates the proposed capital requirements for the next three financial years.

Quality jobs for the long term

Sound investment and borrowing decisions relating to the Council's cash will maximise the Council's income within the guidelines set in the Treasury Management strategy.

Childcare

The Prudential Indicators are a statutory requirement which demonstrate the affordability of our plans and contribute towards the overall financial wellbeing of Denbighshire.

Negative impacts identified:

A low carbon society

Not applicable

Quality communications, infrastructure and transport

Not applicable

Economic development

Not applicable

Quality skills for the long term

Not applicable

Quality jobs for the long term

Not applicable

Childcare

Not applicable

A resilient Denbighshire

Overall Impact

Positive

Justification for impact

A sound Treasury Management strategy ensures that the Council's cash is secure and new borrowing is affordable. It also enables the Council to react quickly to market volatility by continual monitoring of the financial institutions throughout the year.

Further actions required

Good investment decisions will help the Council to develop more efficient working practices which will use less resources which will help to maximise the positive impact of this report on the County's resilience.

Positive impacts identified:

Biodiversity and the natural environment

Not applicable

Biodiversity in the built environment

Not applicable

Reducing waste, reusing and recycling

Good investment decisions will help the Council to develop more efficient working practices which will use less resources.

Reduced energy/fuel consumption

The strategy is set at the start of the financial year but it is monitored carefully throughout the year to ensure that the Council reacts quickly to any market volatility and the impact on the banking institutions.

People's awareness of the environment and biodiversity

Not applicable

Flood risk management

Not applicable

Negative impacts identified:

Biodiversity and the natural environment

Not applicable

Biodiversity in the built environment

Not applicable

Reducing waste, reusing and recycling

Not applicable

Reduced energy/fuel consumption

Not applicable

People's awareness of the environment and biodiversity

Not applicable

Flood risk management

Not applicable

A healthier Denbighshire

Overall Impact

Neutral

Justification for impact

Proposals have little or no direct impact on the vast majority of residents as the strategy involves managing the Council's investments and borrowing.

Further actions required

The impact of this report is neutral in this particular area so this is not applicable.

Positive impacts identified:

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

Not applicable

Access to good quality, healthy food

Not applicable

People's emotional and mental well-being

Not applicable

Access to healthcare

Not applicable

Participation in leisure opportunities

The strategy contributes to the overall financial health of Denbighshire and therefore supports the delivery of the annual budget.

Negative impacts identified:

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

Not applicable

Access to good quality, healthy food

Not applicable

People's emotional and mental well-being

Not applicable

Access to healthcare

Not applicable

Participation in leisure opportunities

Not applicable

A more equal Denbighshire

Overall Impact

Neutral

Justification for impact

A good treasury management strategy contributes to the overall financial resilience of the Council and supports the on-going work of the Authority without impacting on residents.

Further actions required

The impact of this report is neutral in this particular area so this is not applicable.

Positive impacts identified:

Improving the well-being of people with protected characteristics. The nine protected characteristics are: age; disability; gender reassignment; marriage or civil partnership; pregnancy and maternity; race; religion or belief; sex; and sexual orientation

Not applicable

People who suffer discrimination or disadvantage

Not applicable

People affected by socio-economic disadvantage and unequal outcomes

An efficient treasury management strategy contributes to the financial resilience of the Council and supports service delivery.

Areas affected by socio-economic disadvantage

Not applicable

Negative impacts identified:

Improving the well-being of people with protected characteristics. The nine protected characteristics are: age; disability; gender reassignment; marriage or civil partnership; pregnancy and maternity; race; religion or belief; sex; and sexual orientation

Not applicable

People who suffer discrimination or disadvantage

Not applicable

People affected by socio-economic disadvantage and unequal outcomes

Not applicable

Areas affected by socio-economic disadvantage

Not applicable

A Denbighshire of cohesive communities

Overall Impact

Neutral

Justification for impact

A good treasury management strategy contributes to the overall financial resilience of the Council and supports the on-going work of the Authority without impacting on residents.

Further actions required

The impact of this report is neutral in this particular area so this is not applicable.

Positive impacts identified:

Safe communities and individuals

Not applicable

Community participation and resilience

Not applicable

The attractiveness of the area

Not applicable

Connected communities

Not applicable

Rural resilience

Not applicable

Negative impacts identified:

Safe communities and individuals

Not applicable

Community participation and resilience

Not applicable

The attractiveness of the area

Not applicable

Connected communities

Not applicable

Rural resilience

Not applicable

A Denbighshire of vibrant culture and thriving Welsh language

Overall Impact

Neutral

Justification for impact

A good treasury management strategy contributes to the overall financial resilience of the Council and supports the on-going work of the Authority. It has no direct impact on the language and the culture because any treasury management decisions are based on the treasury strategy and advice from financial consultants.

Further actions required

The impact of this report is neutral in this particular area so this is not applicable.

Positive impacts identified:

People using Welsh

Not applicable

Promoting the Welsh language

Not applicable

Culture and heritage

Not applicable

Negative impacts identified:

People using Welsh

Not applicable

Promoting the Welsh language

Not applicable

Culture and heritage

Not applicable

A globally responsible Denbighshire

Overall Impact

Neutral

Justification for impact

A good treasury management strategy contributes to the overall financial resilience of the Council and supports the on-going work of the Authority. It has no direct impact on the local area.

Further actions required

The impact of this report is neutral in this particular area so this is not applicable.

Positive impacts identified:

Local, national, international supply chains

Not applicable

Human rights

All investments are undertaken from national institutions in line with the strategy and financial advice. The strategy determines the institutions with the minimum credit rating which the Authority is permitted to invest with.

Broader service provision in the local area or the region

All borrowing is undertaken from central Government as detailed in the strategy and in line with other local authorities.

Reducing climate change

Not applicable

Negative impacts identified:

Local, national, international supply chains

Not applicable

Human rights

Not applicable

Broader service provision in the local area or the region

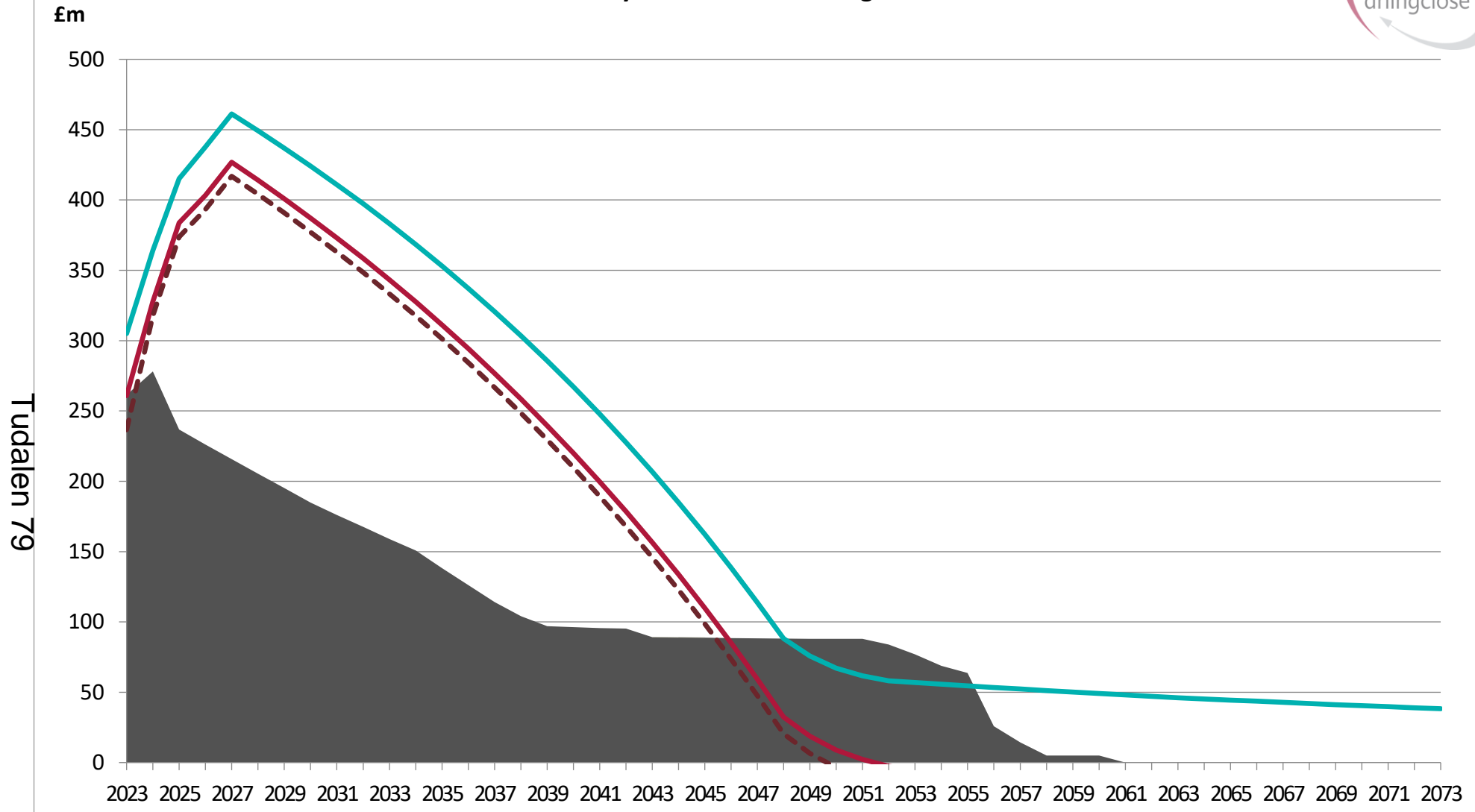
Not applicable

Reducing climate change

Not applicable

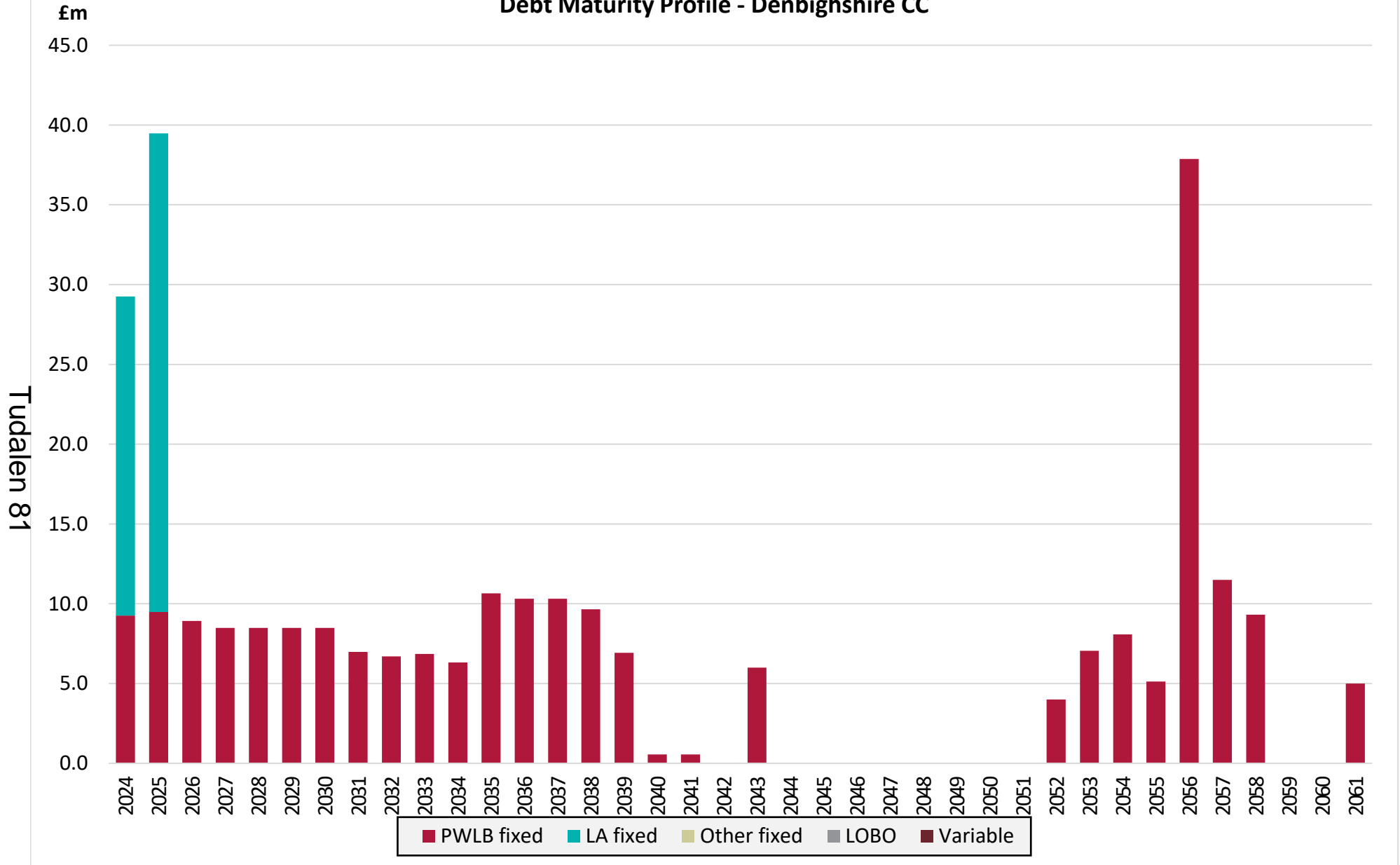
Mae tudalen hwn yn fwriadol wag

Liability Benchmark - Denbighshire CC



Mae tudalen hwn yn fwiadol wag

Debt Maturity Profile - Denbighshire CC



Mae tudalen hwn yn fwiadol wag

Adroddiad i'r	Pwyllgor Llywodraethu ac Archwilio
Dyddiad y cyfarfod	30 Ionawr 2024
Aelod / Swyddog Arweiniol	Gary Williams, Cyfarwyddwr Corfforaetol: Llywodraethu a Busnes, Uwch Swyddog Cyfrifol Deddf Rheoleiddio Pwerau Ymchwilio (RIPA)
Awdur yr Adroddiad	Lisa Jones, Rheolwr y Gwasanaethau Cyfreithiol
Teitl	Adroddiad Blynyddol Deddf Rheoleiddio Pwerau Ymchwilio (RIPA)

1. Am beth mae'r adroddiad yn sôn?

Dyma'r adroddiad blynyddol i'r Pwyllgor Llywodraethu ac Archwilio ar ddefnydd y Cyngor o'i bwerau gwylidwriaeth o dan y Ddeddf Rheoleiddio Pwerau Ymchwilio 2000 (RIPA).

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

Mae Codau Ymarfer y Swyddfa Gartref sy'n ymwneud â defnyddio'r pwerau hyn yn argymhell y dylai awdurdodau lleol adrodd ar eu pwerau gwylidwriaeth yn rheolaidd.

3. Beth yw'r Argymhellion?

Bod y Pwyllgor yn derbyn ac yn cydnabod yr adroddiad ac yn rhoi unrhyw sylwadau o ran ei gynnwys a'r ddogfen bolisi amgaeedig.

4. Manylion yr adroddiad

4.1. Mae'r Pwyllgor yn gyfarwydd â'r Adroddiad Blynyddol ar Ddeddf Rheoleiddio Pwerau Ymchwilio 2000 (RIPA) a gyflwynir i'r Aelodau gyda chrynodeb o'r gweithgareddau a'r trefniadau llywodraethu yn y maes hwn.

- 4.2. Mae lefel gweithgarwch RIPA, sy'n ymwneud â 'chuddwyllo' yn hytrach na gwylidwriaeth 'agored', wedi lleihau'n sylweddol yn ystod y deng mlynedd ddiwethaf nes bod ychydig o guddwyllo neu ddim o gwbl bellach yn digwydd. Bydd y Cyngor yn defnyddio ei bwerau RIPA pan fetho popeth arall h.y. pan fo pob dull arall i gasglu tystiolaeth wedi'i ystyried a'i archwilio. Os bydd cais RIPA yn cael ei gyflwyno, bydd angen goresgyn rhwystrau cyfreithiol cyn y gellir ymgymryd â'r wylidwriaeth sy'n cynnwys cael ffurflen gais manwl wedi'i chwblhau gan yr ymgeisydd, cynnal cyfarfod wyneb yn wyneb gydag un o Swyddogion Awdurdodi'r Cyngor (aelod o'r Tîm Gweithredol Corfforaethol) a phresenoldeb ar gyfer cael cymeradwyaeth ffurfiol gan Lys yr Ynadon. Beth bynnag yw'r broses, mae'r Cyngor wedi gweld lleihad yn y gweithgaredd hwn oherwydd bod ganddo ddulliau tryloyw eraill mewn byd lle mae cyrff cyhoeddus yn rhannu mwy o ddata nag erioed fel ffordd o fynd i'r afael ag achosion o dwyll a throseddau.
- 4.3. Ers cyflwyno'r Adroddiad Blynyddol i'r Pwyllgor ddiwethaf, ni chynhaliwyd yr un gweithgaredd cuddwyllo, ac mae hyn yn duedd sydd i'w gweld ar draws bob awdurdod lleol. Mae'r pandemig Covid-19 hefyd wedi cael effaith ar unrhyw allu neu angen i gynnal gweithgareddau o'r fath.
- 4.4. Y ddau brif faes y mae'r Cyngor yn fwy tebygol o fod angen derbyn awdurdodiad RIPA yw gwerthu tan oed a thipio anghyfreithlon. Fodd bynnag, mae'n ofynnol i'r Cyngor ystyried dulliau llai ymwithiol o atal neu fynd i'r afael â gweithgareddau o'r fath fel gosod arwyddion neu weithio'n dryloyw gyda thafarnwyr a siopau trwyddedig i sicrhau eu bod yn cydymffurfio â'u dyletswyddau ar werthu alcohol.
- 4.5. Swyddfa'r Comisiynwyr Pwerau Ymchwilio yw'r corff rheoleiddio sy'n gyfrifol am oruchwyllo pwerau ymchwilio gan awdurdodau cyhoeddus. Cynhaliwyd arolwg diwethaf y Cyngor gan un o Brif Arolygwyr y Comisiynydd, Graham Wright, ym mis Chwefror a Mawrth 2021 a chyflwynwyd copi o'r Adroddiad Arolygu hwnnw i aelodau o'r Pwyllgor hwn ym mis Mehefin 2021 ac mae ar gael i aelodau yn yr adran Pwyllgorau ar wefan y Cyngor.
- 4.6. Mae Cod Ymarfer Cuddwyllo ac Ymyrraeth ag Eiddo'r Swyddfa Gartref yn gofyn i'r Uwch Swyddog Cyfrifol ar gyfer RIPA ddarparu adroddiad blynyddol i Aelodau Etholedig ar p'un ai yw polisi RIPA y Cyngor yn addas i bwrpas ac adrodd ar lefel y

gweithgarwch cuddwyllo. Cadarnhaodd yr arolygiad yn 2021 fod yr Arolygydd wedi adolygu Polisi RIPO'r Cyngor a dywedodd ei fod yn darparu cyngor ac arweiniad cywir, cyflawn ac ymarferol iawn i ymarferwyr. Diwygiwyd y polisi ychydig ar y pryd i gyd-fynd ag argymhellion a wnaed gan yr Arolygydd.

4.7. Mae hyfforddiant diweddar i Swyddogion Ymchwilio a Swyddogion Awdurdodi yn faes y mae'r Rheoleiddiwr yn awyddus iawn o'i weithredu; y ffordd orau i'w ddarparu yw mewn lleoliad wyneb yn wyneb gan fod angen gweithio drwy senarios ymarferol sy'n cael ei ddarparu orau mewn sesiynau rhyngweithiol wyneb yn wyneb. Cynhaliwyd digwyddiad hyfforddi ddiwethaf ym mis Tachwedd 2022 ar gyfer swyddogion sydd angen bod yn ymwybodol o Bolisi a Gweithdrefnau'r Cyngor a'r ystyriaethau hawliau dynol mewn perthynas â phreifatrwydd y mae'r swyddogaeth eu hangen. Gwelodd yr Arolygydd yn 2021 y sleidiau arfaethedig a'r deunyddiau hyfforddi ac roedd yn fodlon eu bod o'r safon briodol.

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

Mae'r maes ymarfer hwn yn cefnogi llefydd mwy glân a diogel i fyw ac ymweld â nhw ac uchelgeisiau a blaenoriaethu amgylcheddol y Cyngor. Gall gweithgareddau twyllodrus, sy'n gallu effeithio ar refeniw a chyllidebau'r Cyngor, arwain at gymryd camau gwylidwriaeth.

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

Telir y costau o fewn yr adnoddau presennol, gan gynnwys y digwyddiadau hyfforddi, gan fod hwn yn cael ei baratoi a'i gyflwyno'n fewnol mewn modd pwrpasol.

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

Nid oes angen Asesiad o'r Effaith ar Les ar gyfer yr adroddiad a'r penderfyniad hwn.

8. Pa ymgynghoriadau sydd wedi'u cynnal gyda Chraffu ac eraill?

Ni fu unrhyw ymgynghori ffurfiol mewn perthynas â'r adroddiad hwn.

9. Datganiad y Prif Swyddog Cyllid

Amherthnasol.

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

Mae Cyngor sy'n meddu ar bolisi cadarn a fframwaith llywodraethu ategol yn llai tebygol o dorri Deddf Rheoleiddio Pwerau Ymchwilio 2000 a'r hawl i barchu bywyd preifat a theuluol rhywun. Gellir defnyddio tystiolaeth a geir drwy gydymffurfio â'r Ddeddf mewn achosion llys, ond efallai na fyddai modd dibynnu ar y dystiolaeth os yw wedi'i chael yn anghyfreithlon. Felly mae'n hanfodol bod staff y Cyngor yn dilyn y cyngor a'r polisi yn y maes hwn.

11. Pŵer i wneud y penderfyniad

Deddf Rheoleiddio Pwerau Ymchwilio 2000 a'r Codau Ymarfer cysylltiedig.



DENBIGHSHIRE COUNTY COUNCIL

Corporate Policy & Procedures **For Denbighshire County Council Employees on** **the Regulation of Investigatory Powers Act 2000**

THE REGULATION OF INVESTIGATORY POWERS ACT 2000

CONTENTS PAGE

	<u>Page Number</u>
Foreword	
Chapter 1 – Introduction	3
Chapter 2 – Definitions of the Main Surveillance Techniques	6
Chapter 3 – Procedures for Authorising Covert Surveillance	11
Chapter 4 – Duration, Review. Cancellation of Authorisations.	18
Chapter 5 – Access to Communication Data and the Investigation of Protected Electronic Information.	19
Chapter 6 – CCTV and RIPA authorisations.	22
Chapter 7 – Scrutiny and Complaints	23
Appendix 1 – RIPA Quality Assurance Checklist.	24
Appendix 2 – Risk Assessment Form CHIS	27
Appendix 3 – Application for Magistrates Approval.	

FOREWORD

This Corporate Policy and Procedures has been produced for the use of Denbighshire County Council Employees and any relevant contractors employed by the Council. All relevant Council contracts will includes a term that this policy is to be observed by any Contractor acting on behalf of the Council. Its provisions must be followed, where they apply, by all Officers. In addition, all employees must use only the Authorising Forms that are available on the Home Office website for authorisation purposes.

This policy has been developed in consultation with representatives from across the departments performing surveillance. This policy replaces any previous policy and procedures. A copy of this policy together with the Home Office Codes of Practice and the Investigatory Powers Tribunal leaflets will be made available for public inspection at Council offices. The policy is also available on the Council's website.

In addition a copy of this document will be readily available to all employees, and a copy may be found on the Denbighshire Information Centre. This Policy has been produced in English and Welsh, and any comments or observations on its contents may be made to the Head of Legal and Democratic Services /Monitoring Officer who also acts as the Council's Senior Responsible Officer in respect of RIPA.

If you are unclear as regards any aspect of this document, you should contact the Head of Legal, HR and Democratic Services.

Any minor amendments to this policy will require the approval of the RIPA Working Group. Any substantial amendments to policy will require additional approval of the Council's Corporate Governance Committee and Cabinet.

January 2021

CHAPTER 1: INTRODUCTION

1.1 The Human Rights Act 1998 became part of UK law on the 2nd October 2000, making it unlawful for a "public authority" (which includes a Local Authority) to breach any Article of the European Convention on Human Rights. The Act also made provision for any person who has suffered as a result of a breach of the European Convention on Human Rights to seek redress within the UK domestic courts, without having to pursue a claim via the lengthy and costly process of the European Court of Human Rights in Strasbourg.

Article 8 of the Convention on Human Rights has a significant impact upon Local Authorities and the ways in which they operate. The Article states that:

"everyone has the right to respect for his private and family life, his home and his correspondence"

Essentially, the "public authority" must not in any way interfere with the exercise of this right except as in accordance with the law and is necessary in a democratic society in the interests of any of the following:-

- National Security
- Public Safety
- The Economic well-being of the Country
- The Prevention of Crime and Disorder
- The Protection of Health or Morals
- Protection of the Rights and Freedoms of Others

In addition, any interference with the Article 8 rights should be a proportionate interference in the circumstances.

Since the 5th January 2004 the only ground on which a local authority can now authorise Directed Surveillance is for the purpose of preventing or detecting crime or of preventing disorder. Subsequent changes in legislation now also stipulate that the 'serious crime' test needs to be met; see section 2.7 of this policy.

1.2 Whenever a person undertakes covert surveillance on behalf of a Local Authority, they are placing themselves at risk of breaching Article 8 of the European Convention on Human Rights, unless that surveillance can be justified on the basis that it is conducted in accordance with the law, is necessary for the purpose listed above (ie the prevention or detection of crime or disorder), and is a proportionate action to take.

1.3 The Regulation of Investigatory Powers Act 2000 (RIPA) was passed by Parliament and came into force on the 25th September 2000. This Act regulates covert surveillance and investigations by a number of bodies - including Local Authorities. One of the main purposes of the Act is to ensure that the human rights of any person who is the subject of covert surveillance is protected. However the Act also ensures that law enforcement officers and agencies have the powers they need to do their job properly and to carry out surveillance effectively.

1.4 The purpose of this document is to explain the impact of RIPA upon Denbighshire County Council's procedures in respect of surveillance activity and to provide employees with an understanding of the circumstances where the Act's provisions might apply. This document provides officers with guidance in respect of the procedures that should be followed when covert surveillance is undertaken. This policy should be read in conjunction with the latest Codes of Practice issued by the Home Office and Officers should have regard to the Codes when considering the exercise of their surveillance powers under RIPA 2000. The Codes which are relevant to a Local Authority are:

- Covert Surveillance and Property Interference Revised Code of Practice 2018
- Covert Human Intelligence Sources Code of Practice 2018

Copies of these codes of practice can be obtained from any Authorising Officer listed in chapter 3, from the Councils Legal department or directly from the Home Office website at www.homeoffice.gov.uk

The Council should also have regard to the following revised Procedures:

- Information Commissioner's Code In the Picture – A Data Protection Code of Practice for Surveillance Cameras and Personal Information.
- Home Office Surveillance Camera Code of Practice.

1.5 It is important to note that if any covert surveillance work is conducted by the Council and it falls within the provisions of RIPA then the authorisation procedures described in Chapter 3 must be followed before the surveillance occurs. Failure to do so may result in disciplinary proceedings. Obtaining proper authorisation for surveillance will assist in protecting the Council and its officers against complaints of interference with an individual's human rights, and will also protect the admissibility of any evidence gained from such surveillance in a Court of Law.

1.6 Access to Communications Data

In addition, the Council has powers to gain access to communications data. This is information held by telecommunication or postal service providers about the use of their services by persons who are the subject of a criminal investigation. In exercising these powers Officers must have full regard to the Codes of Practice issued by the Home Office:

Code of Practice for the acquisition and disclosure of communications data (March 2015) and Code of Practice for retention of communications data (March 2015) available on www.homeoffice.gov.uk or from the Councils' nominated Single Point of Contract (SPOC).

As for Covert Surveillance, access to communications data must be authorised by a Designated Authorising Officer and obtained via the Councils' SPOC. Specific guidance on these procedures is contained in Chapter 5.

1.7 Encryption

Part 3 of RIPA 2000 came into force in October 2007 to provide a statutory framework allowing all public authorities to require electronic information which they have obtained lawfully or are likely to be obtained lawfully to be put into an 'intelligible form', to acquire the means to gain access to protected information and put that information into 'intelligible form'. For example, where the Council seize a laptop, which may contain protected information that could assist in a prosecution. This is achieved through the assistance of 'NTAC' (National Technical Assistance Centre), who must be approached at the earliest opportunity if the Council are considering the use of these powers. In practice a case is put forward to NTAC, who will provide feasibility and costings of the exercise. NTAC will support the Council in the process to ensure the exercise of these Part 3 powers are undertaken appropriately.

The Investigation of Protected Electronic Information Revised Code of Practice (August 2018) refers to NTAC as the 'guardian and gatekeeper' of the use of Part 3 and any Officer considering the use of these powers should refer to the Home Office Code of Practice available on the Home Office website – www.homeoffice.gov.uk

Specific guidance on these procedures is contained in Chapter 5.

CHAPTER 2: DEFINITIONS OF THE MAIN SURVEILLANCE TECHNIQUES REGULATED BY RIPA

2.1 Surveillance

The Act defines “surveillance” as monitoring, observing or listening to persons, watching or following their movements, listening to their conversations or their other activities or communications. It can also encompass recording anything that is monitored, observed or listened to during the course of surveillance. Surveillance may, or may not, be conducted with the assistance of a device.

For example, the installation of CCTV cameras in order to generally observe activity in a particular area will not be “surveillance” unless the CCTV camera is being used to target a specific person, persons or operation. In cases of uncertainty, officers should seek advice from their department’s Authorising Officers who will in turn consult with the Head of Legal and Democratic Services should they require further clarification or guidance.

2.2 Covert Surveillance

Surveillance will be “covert” if it is carried out in a manner calculated to ensure that the person(s) subject to the surveillance are unaware that it is or may be taking place. If surveillance is open and not hidden for the subjects of the surveillance, the surveillance will not generally be covert. Please note that RIPA applies only to covert surveillance so it is vital to consider initially whether or not you are conducting covert surveillance.

2.3 Intrusive Surveillance

This is a form of covert surveillance that is regulated by RIPA.

Intrusive surveillance is defined in the Act as covert surveillance (see 2.2 above) that is carried out in relation to anything taking place on any residential premises or in any private vehicle, and it involves the presence of an individual in the premises or in the vehicle or is carried out by means of a surveillance device.

It is imperative to note that Local Authorities are not empowered by RIPA to carry out intrusive surveillance. If a Local Authority does carry out this type of surveillance, it will be acting beyond the scope of its powers. If you think that your proposed surveillance activity could fall within the definition of “intrusive surveillance” you must not proceed with the surveillance. If you need help in determining whether or not you could be conducting intrusive surveillance seek advice from the Head of Legal and Democratic Services.

2.4 Directed Surveillance

This is a crucial method of surveillance which affects Local Authorities. This is surveillance that is covert, but is not intrusive and is undertaken for the purposes of a specific investigation or operation. The surveillance is undertaken in such a manner that it is likely to result in obtaining “private information” about a person or persons. Directed surveillance involves the observation of a person or persons with the intention of gathering private information about them to produce a detailed picture of their life, activities and/or,

associates. It will not include entry upon or interference with property, but may include the use of photographic and video equipment (including CCTV).

Before conducting directed surveillance, you need to consider the meaning of “private information”. Private information will include any information relating to a person’s private or family life, and is therefore a very wide definition. The 2000 Act states that private information includes any information relating to a person’s private or family life. *Private information should be taken generally to include any aspect of a person’s private or personal relationship with others, including family and professional or business relationships.*

Whilst a person may have a reduced expectation of privacy when in a public place, covert surveillance of that person’s activities in public may still result in the obtaining of private information. This is likely to be the case where that person has a reasonable expectation of privacy even though acting in public and where a record is being made by a public authority of that person’s activities for future consideration or analysis. Surveillance of publicly accessible areas of the internet should be treated in a similar way, recognising that there may be an expectation of privacy over information which is on the internet, particularly when accessing information on social media or forum type websites.

Private life considerations are particularly likely to arise if several records are to be analysed together in order to establish, for example, a pattern of behaviour, or one or more pieces of information (whether or not available in the public domain) are covertly (or in some cases overtly) obtained for the purposes of making a permanent record about a person or for subsequent data processing to generate further information. In such circumstances, the totality of information gleaned may constitute private information even if individual records do not. Where such conduct includes surveillance, a directed surveillance authorisation may be considered appropriate.

Private information may include personal data, such as names, telephone numbers and address details. Where such information is acquired by means of covert surveillance of a person having a reasonable expectation of privacy, a directed surveillance authorisation is appropriate.

The Covert Surveillance and Property Interference Revised Code of Practice (August 2018) gives practical examples of what is private information and officers may wish to consult pages 15 to 17 of that document which is available on the Home Office RIPA pages of their website.

Use of Social Networking Sites (SNS)

Use of the internet and SNS can provide useful information as part of an Investigation however it is important that these are used lawfully.

It is not possible to provide a definitive list of SNS; but it does include sites such as Facebook, Twitter, LinkedIn, Instagram, YouTube and blogs. It is possible to obtain private information when accessing websites used to advertise goods and services. You must therefore be mindful to the fact that the use of the internet and SNS may potentially mount to directed surveillance and require authorisation.

If you decide it is necessary to access an individual’s social networking profile / page in order to take an initial view as to whether there is any substance to an allegation or a matter being investigated; this initial viewing must be reasonable and proportionate. For

example, it would not be reasonable or proportionate to spend a substantial amount of time searching through the pages of an online profile or to extract and record any material, in the event it may prove useful for your investigation.

Individuals have a reasonable expectation of privacy. Repeated viewing of an individual's online presence or where material is systematically extracted and recorded is likely to require authorisation for directed surveillance irrespective of whether privacy settings are available and applied.

The examples below are taken from paragraph 3.15 of the Covert Surveillance and Property Interference Revised Code of Practice 2018;

Example 1: A police officer undertakes a simple internet search on a name, address or telephone number to find out whether a subject of interest has an online presence. This is unlikely to need an authorisation. However, if having found an individual's social media profile or identity, it is decided to monitor it or extract information from it for retention in a record because it is relevant to an investigation or operation, authorisation should then be considered.

Example 2: A customs officer makes an initial examination of an individual's online profile to establish whether they are of relevance to an investigation. This is unlikely to need an authorisation. However, if during that visit it is intended to extract and record information to establish a profile including information such as identity, pattern of life, habits, intentions or associations, it may be advisable to have in place an authorisation even for that single visit. (As set out in the following paragraph, the purpose of the visit may be relevant as to whether an authorisation should be sought.)

Example 3: A public authority undertakes general monitoring of the internet in circumstances where it is not part of a specific, ongoing investigation or operation to identify themes, trends, possible indicators of criminality or other factors that may influence operational strategies or deployments. This activity does not require RIPA authorisation. However, when this activity leads to the discovery of previously unknown subjects of interest, once it is decided to monitor those individuals as part of an ongoing operation or investigation, authorisation should be considered.

Officers should consult paragraphs 3.10 – 3.17 of the revised Code of Practice for Covert Surveillance and Property Interference 2018, for further advice should consult the RIPA Senior Responsible Officer.

Surveillance is directed surveillance if the following are all true:

- It is covert, but not intrusive surveillance
- It is conducted for the purposes of a specific investigation or operation
- It is likely to result in the obtaining of private information about a person (whether or not one specifically identified for the purposes of the investigation or operation)
- Its is conducted otherwise than by way of an immediate response to events or circumstances the nature of which is such that it would not be reasonably practicable for an authorisation under Part II of the 2000 Act to be sought.
- Thus the **planned** covert surveillance of a specific person, where not intrusive, would constitute directed surveillance if such surveillance is likely to result in the obtaining of private information about that, or any other person.

Please note that directed surveillance would not cover an immediate response to events (eg: detecting something suspicious by chance and continuing to watch). Though in these circumstances applicants must have regard to paragraph 4.17 and the urgency procedures if you *continue* to watch when you ought to have obtained an urgent oral authorisation.

All reasonable alternative methods to resolve a situation such as interview, changing methods of working or levels of security if appropriate for example, should be attempted first.

Where the subject of the covert surveillance is an employee of the Council, subject to the investigation of a criminal matter, the Head of Legal, HR and Democratic Services must be informed.

2.5 Covert Human Intelligence Sources

Covert Human Intelligent Sources (CHIS) is another crucial definition within RIPA which could affect a Local Authority's activities. A person will be a CHIS if he or she establishes or maintains a personal or other relationship with a person for the covert purpose of:

- Obtaining information relating to another person or
- Accessing information about another person, or
- Disclosing information obtained by the use of or as a consequence of such a relationship.

A purpose will be "covert" in this respect if the relationship is conducted in such a manner so that one of the parties to the relationship is unaware of the purpose behind that relationship.

An example of this type of surveillance might occur where a professional obtains information about a person without that person understanding the real reason why that information is being collected and without knowing that a professional is seeking to obtain the information in question. This will encompass the use of professional witnesses to obtain information and evidence.

a) Test Purchases

These do not usually require the use of a CHIS because carrying out a test purchase will not usually require the purchaser to establish a relationship with the supplier with the covert purpose of obtaining information. Be aware however, that developing a relationship with a person in a shop to collect information about the seller's suppliers of an illegal product, would involve the use of CHIS.

b) Anti-Social behaviour activities

Persons who complain about anti-social behaviour and are asked to keep a noise log will not normally be a CHIS because they aren't required to establish or maintain a relationship for a covert purpose. (Where the however the complaint is requested to record personal information in the form of a detailed diary, on those carrying out the anti social behaviour, there is the possibility that such persons could be regarded as carrying out directed surveillance, acting as our agents, for which an authorisation

may be required depending on the circumstances. If in doubt, seek advice from the Head of Legal and Democratic Services)

2.6 Persons used as a CHIS

The Council can use a CHIS if RIPA authorisation procedures as detailed in Chapter 3 are followed. However, Officers should always consider whether or not the person to be employed as a CHIS is a suitable person, taking the following into account:-

a) Juvenile Sources

Special safeguards apply to the use of persons under 18 years of age. Only the Chief Executive (or a Corporate Director in the Chief Executive's absence) can authorise the use of a juvenile source. A child under 16 years of age must never be used to give information about his/her parent.

b) Vulnerable Individuals

These are persons who are or may be in need of community care because of age, illness or other disability. Use of such sources should be avoided and in any event, may only be authorised by the Chief Executive (or Corporate Director in the Chief Executive's absence)

It is **not** the Council's normal procedure to recruit a CHIS though it is recognised that some rare circumstances may give rise to this necessity. In these circumstances, Authorising Officers should consider obtaining advice from the Head of Legal, HR and Democratic Services prior to authorisation.

2.7 What you need to do before you undertake any surveillance.....

Before any Council officer undertakes surveillance of any individual or individuals they must first assess whether the activity falls within RIPA.

The following questions may help you decide.....

(a) Is the surveillance "covert?"

If the investigation and activities are open and are not hidden from the subjects of the investigation then the surveillance will probably not be covert, and the RIPA provisions will not apply. You do not need to obtain authorisation as outlined in Chapter 3 of this Corporate Policy and Procedures if the proposed surveillance is not covert. (See section 2.2 to help you decide this).

(b) Is the surveillance conducted for the purposes of a specific investigation or operation?

Consider CCTV cameras that are regularly visible to anybody walking around a Council office as an example. The cameras will be used to monitor what is generally happening in that Council office and will not be used for the purposes of a specific investigation or operation unless those cameras are used to target a known particular individual and are used to monitor his particular activities.

(c) Will the surveillance reveal private information?

If the surveillance is likely to result in obtaining “private information” (see section 2.4), about a person, RIPA may apply and you will need formal authorisation to carry out that surveillance.

(d) Does the criminal offence that is being investigated punishable, whether on summary (magistrates) or indictment (Crown Court) by a maximum term or **at least 6 months imprisonment, or would constitute an offence under sections 146, 147 or 147A of the Licensing Act 2003 or s.7 of the Children and Young Persons Act 1933 (sale of tobacco and alcohol to underage children)?** If the criminal offence does not meet this criteria, known as the ‘Serious Crime Test”, then the Council does **not** have the powers to conduct the covert surveillance. Please speak to a legal officer if you have any doubts.

If you have answered “yes” to Questions (a) to (d), you will probably be carrying out RIPA regulated surveillance and should therefore seek authorisation as outlined in Chapter 3. If you are unsure as to whether their surveillance will be covert or covered by the Act, you must seek advice from the Head of Legal, HR and Democratic Services before any surveillance is carried out. If in doubt, follow the authorisation procedure outlined in Chapter 3 of this Corporate Policy and Procedures.

CHAPTER 3: PROCEDURES FOR AUTHORISING COVERT SURVEILLANCE

- 3.1** If, having considered the matters outlined in Chapter 2, you decide that will be conducting surveillance activities covered by RIPA, you must seek authorisation in accordance with the procedures outlined in this chapter. Deciding when authorisation is required involves making a judgement based upon the particular circumstances of each case. If you are in doubt, it is always safer to get authorisation. Alternatively, seek advice as soon as possible from the Head of Legal, HR and Democratic Services.

The Protection of Freedoms Act 2012 now provides that a local authority who wishes to use directed surveillance, acquire communications data or the use of a CHIS under RIPA will need (in addition to an Officer granting authorisation as set out below) to then obtain an order approving the grant or it's renewal, from the Magistrates Court. (a Justice of the Peace, namely a single Stipendiary Magistrate or a Lay Magistrate) before the authorisation can take effect. The standard template for making this application is set out in Appendix 3. The local authority shall following approval by the Authorising Officer, contact the administration team at the Magistrates Court by telephone to arrange a hearing, which shall be in private. A copy of the original RIPA application form duly signed by the AO must be attached. There is further detailed guidance in the Home Office guidance to local authorities in England and Wales on the judicial approval process for RIPA and the crime threshold for directed surveillance (October 2012) available on the Home Office RIPA pages.

Following the changes in 2012 which requires the Council to involve the Magistrates', the effective time is that at which the authorisation is approved by the Magistrate and not the time authorisation is given by the authorising officer.

The decision on who shall appear before the Magistrates is one for the Local Authority; the Home Office guidance expects that it is appropriate for the Investigating Officer to attend as opposed to a Solicitor given they will know most about the matter under investigation, and to keep legal costs down. In respect of applications for Communications Data, the SPOC may attend, subject to any arrangements that are in place with the National Anti Fraud Network (NAFN).

All covert operations should involve a consideration of the health and safety implications involved and an assessment of risk to be undertaken eg such as the need for Investigating Officers to attend in pairs in some circumstances or any necessary precautions which should be in place before embarking on a covert operation. Additionally, the issue of the Council's insurance position may need to be ascertained in advance of the operation.

- 3.2** The following officers may act as authoring officers for the purposes of RIPA.

Chief Executive only in respect of juveniles/confidential information (or in his/her absence the person acting as the Head of Paid Service)

Corporate Director: Economy and Public Realm

Corporate Director: Communities

s.151 Officer

Monitoring Officer/Senior Responsible Officer only where another Authorising Officer is unavailable to grant an authorisation.

The list may be amended at any time by the Chief Executive and in accordance with The RIPA (Directed Surveillance and CHIS) Order 2010 SI 2010/521. An Investigating Officer should in the first instance attempt to seek authorisation from the Authorising Officer for their department. However if this is impracticable, an authorisation may be sought from any Authorising Officer listed above.

- 3.3. Authorising Officers should not be responsible for authorising their own activities; however it is recognised that this may sometimes be unavoidable where it is necessary to act urgently. Such instances should however be kept to a minimum. In these circumstances this particular authorisation must be drawn to the attention of the IPCO Inspector and the Central Record will reflect this activity for ease of reference.
- 3.4 Only the forms found on the Home Office website (RIPA page) can be used for authorisation under this policy. Authorising Officers may authorise covert surveillance only where it is considered necessary in accordance with the relevant purpose of preventing or detecting crime or of preventing disorder and where the extent and nature of the surveillance is proportionate to the aim sought. Authorising Officers will need to be satisfied that any intrusion into an individual's private life can be justified and that the intrusion is essential to the success of an investigation. If the investigation can be furthered without having to resort to covert surveillance techniques, then the use of RIPA should be avoided. It is helpful for applicants to explain what overt measures have been tried or ruled out, before resorting to covert techniques. Authorising Officers should refuse a premature application in these circumstances. In order to ensure that Authorising Officers have enough information to make sensible and informed decisions, officers applying for authorisation should submit a detailed application form to the Authorising Officer..
- 3.5 Where surveillance is deemed to be necessary, it must be authorised in accordance with the provisions of this Chapter before it is carried out. Proper authorisation should render the Council in a stronger position if challenged on the grounds that it is breached human rights legislation. If authorised and conducted accordingly, the activity is lawful for all purposes (paragraph 27 RIPA)
- 3.6 Authorising Directed Surveillance

An Authorising Officer will not grant authorisation to an officer to conduct directed surveillance unless he or she *believes* that the authorisation is **necessary** on the relevant ground and also that the surveillance is **proportionate** to the aim sought. Authorising Officers need to have in mind that directed surveillance is an interference with a persons Article 8 rights and that this is only justifiable if it is necessary and proportionate for these activities to take place. If not satisfied, the Authorising Officer must refuse authorisation.

An Authorising Officer must not add to the parts of an application which is completed by the investigating officer or applicant, the content of which must be exclusive to the applicant. The applicant must not in any circumstances complete the parts of the application which is exclusively the Authorising Officer. The applicant's role in the application stops at that part of the form. If further matters are however discussed with the applicant, the Authorising Officer, as a matter of good practice, should mention these discussions in his authorising statement.

The Home Office Code of Practice specifically refers to the following in respect of 'necessity' and 'proportionality':

"If the activities are deemed necessary on one or more of the statutory grounds, the person granting the authorisation or issuing the warrant must also believe that they are proportionate to what is sought to be achieved in carrying them out. This involved balancing the seriousness of the intrusion into the privacy of the subject of the operation (or any other person who may be affected) against the need for the activity in investigative and operational terms.

The authorisation or warrant will not be proportionate if it is excessive in the overall circumstances of the case. Each action authorised should bring an expected benefit to the investigation or operation and should not be disproportionate or arbitrary. The fact that a suspected offence may be serious will not alone render the proposed actions proportionate. Similarly, an offence may be so minor that any deployment of covert techniques would be disproportionate. No activity should be considered proportionate if the information which is sought could reasonably be obtained by other less intrusive means."

The Authorising Officer will therefore carry out a balancing exercise and this needs to be demonstrated on paper, even though the Authorising Officer may well have conducted this exercise in his or her mind. They also may state which matters they personally consider attract greater weight.

The Authorising Officer should take into account the risk that the operation presents to collateral intrusion (intruding upon the privacy of persons who aren't the subject of the investigation). This could affect whether or not an operation is proportionate. The applicant, if collateral intrusion has been identified, must show why the intrusion is in fact justified.

In no circumstances will any covert operation be given backdated authorisation after commencement. Embarking on covert surveillance without authorisation or conducting covert surveillance outside the scope of the authorisation will not provide the protective umbrella of RIPA and may result in disciplinary action being taken against the Officers involved.

The Authorising Officer must set a review date for reconsidering the authorisation, ensure that all forms are completed satisfactorily and that the requirements in 3.8 are complied with. All forms must be submitted to the Head of Legal and Democratic Services department within 3 working days of the authorisation. It is the responsibility of the Authorising Officer, to send the authorisation form, and to consider the most appropriate method of delivery. For high risk operations, where the safety of an individual is concerned, hand delivery may be the only safe and sensible method.

Finally, the **Authorising Officer must allocate a Unique Reference Number** to the application as follows:-

Year/Department/Number of Application - The URN is available from the Head of Legal, HR and Democratic Services' department.

3.7 Equipment

Surveillance equipment will only be installed with the necessary authorisation of the Authorising Officer. The type of equipment used must be documented on the application and also on the Authorising Officer's statement. Those investigating the matter need to be clear what equipment they have authorisation to utilise.

Any surveillance equipment located in occupied residential premises must only be as a result of the express written permission of the tenant or owner occupier.

An inventory of the Council's surveillance equipment is kept by the Authorising Officers of the respective departments. Any purchasing of further surveillance equipment, the respective Authorising Officers must be informed in order for the inventory to be kept up to date.

Any use of this equipment must be documented in the inventory which should make reference to the URN only for security and confidentiality purposes.

Additionally, any surveillance equipment must be kept securely in Council premises.

3.8 Evidence

Any information or recorded evidence will be stored securely and disclosure/access to this evidence will be to those Officers to whom disclosure is necessary such as those Authorising Officers, Investigating Officers and Legal Officers involved in the process or prosecution. Any requests for disclosure to third party agencies will be dealt with via the Authorising Officers, who may seek the advice of the Head of Legal, HR and Democratic Services' department if necessary. Generally disclosure will only be permitted to other law enforcement agencies such as the DWP or the police, to the Subject's legal advisors or to the Subject themselves. Consideration will always be given to the redaction of any third party information, whether written, visual or audio, and also on any possible prejudice to any criminal proceedings, of the Council or another law enforcement agency.

The Data Protection Act 2018 requires the Council to ensure the personal data is stored securely and is not kept for longer than is necessary. See also Chapter 9 of the Covert Surveillance and Property Interference Code of Practice August 2018. Ultimately, it is the Authorising Officer, who owns the product that is obtained, and therefore is responsible for the security of the information.

Tapes and storage

Planning and Public Protection :

Handling Recorded Evidence Obtained by Means of Surveillance

The original recording will be copied, then sealed in an evidence bag and numbered. This will be the 'Master Copy' and handed to the Assistant Head of Service or the Section Manager who will store the 'Master Copy' securely.

The copy disc/tape will become the 'Working Copy' and should this become lost or damaged then application will be made to the Magistrates' Clerk for permission to duplicate the 'Master Copy'. Resealing of the Master Copy will be carried out in front of the Magistrates Clerk.

An entry should be made in the Office Evidence Book for the Master Copy which should include details of the date when handed to the senior officer, together with the identity number on the evidence bag.

The Master Copy should only be removed from storage for production as evidence in court proceedings or as described above.

Where evidence is revealed of an offence and the Authority decide to institute proceedings the following time limits for retention of the recording will apply:

Upon conviction - the recording will be retained for the duration of the case and for two years thereafter.

If no conviction then the recording will be destroyed within 28 days.

Where the Authority decide to offer a formal caution in accordance with Home Office Guidelines, the recording will be retained for two years from the date of the acceptance of the formal caution.

Where it is decided that no formal action will be instituted the recording will be destroyed forthwith, likewise after the expiry of the RIPA where no offence is shown the recording will be destroyed.

Destruction of the recording will be by breaking the disc or cutting it into pieces and an entry made in the Office Evidence Book of the date of destruction and the name of the officer who carried out the destruction.

3.9 Authorising Covert Human Intelligent Sources (CHIS)

When an Authorising Officer is considering authorising the use of a CHIS, he or she must consider the grounds referred to in respect of directed surveillance (3.6 above) and also ensure that arrangements are in place to deal with the following matters:-

- That there is an employee of the Council with day to day responsibility for dealing with the source and for the source's security and welfare (the handler) There must also be a senior officer who has general oversight of the use made of the source, who will in particular have regard for the CHIS safety (the Controller). A full risk assessment must take place, which will be reviewed throughout the recruitment of the CHIS.
- That there is an officer responsible for maintaining a record of the use made of the source
- Consider any adverse impact on Community confidence that may result from the use, conduct or information sought.
- That records disclosing the identity of the source will not be made available to others except strictly on a need to know basis.

Additionally, The RIPA (Source Records) Regulations 2000 (SI 2000/2725) provides for mandatory record keeping in respect of a CHIS :

- The identity of the source
- The identity, where known, used by the source

- Any relevant investigating authority other than the authority maintaining the records
- The means by which the source is referred to within each relevant investigating authority
- Any other significant information connected with the security and welfare of the source
- Any confirmation made by a person granting or renewing an authorisation for the conduct or use of a source that relevant information has been considered and that any identified risks to the security and welfare of the source have where appropriate been properly explained to and understood by the source
- The date when, and the circumstances in which, the source was recruited,
- The identifies of the persons who will act as handler, controller and person responsible for maintaining records of the use of the source
- The periods during which those persons have discharged those responsibilities
- The tasks given to the source and the demands made of him in relation to his activities as a source
- All contacts or communications between the source and the Council's handler
- The information obtained by the Council by the conduct or use of the source
- Any dissemination by that authority of information obtained in that way
- Any payment benefit or reward made or provided to the source (other than where the source is a council employee acting as an undercover operative).

The Home Office 'Covert Human Intelligence Sources' Code of Practice August 2018 in respect of CHIS provides for the additional records to be kept for the use of CHIS, and Officers are strongly recommended that this Code is referred to when considering the use of a CHIS and throughout the process.

In respect of CHIS whom are juveniles or the mentally impaired, this can only be authorised by the Chief Executive or in their absence a Corporate Director.

3.10 Making sure your authorisations are correct.

As good practice, you should always ensure that each separate authorisation complies with the following points:-

- (a) record all applications and approvals for authorisations in writing in the format of the forms available on the Home Office website.
- (b) approach each authorisation on an individual basis - apply your mind to the circumstances of the individual case. In respect of Directed Surveillance make full use of the Checklist (at Appendix 1) as you go through the form, if necessary. As a rule of thumb completion of the application form by an Investigating Officer should take at least one hour, given the detail that is required in most cases.
- (c) complete one form for each type of authorisation. Distinguish clearly between directed surveillance and covert human intelligent sources and consider whether any collateral intrusion or interference with a privacy of persons other than the subject of a surveillance is likely to arise. You need to describe in the application forms how collateral intrusion is justified in each particular case.
- (d) include an assessment of the risk of any collateral intrusion or interference. The Authorising Officer must take this into account particularly when considering whether the surveillance is proportionate to the ends hoped for.

- (e) those carrying out surveillance must inform the Authorising Officer if the operation or investigation unexpectedly interferes with the privacy of other individuals who are not the original subjects of the investigation or are not covered by the authorisation. No retrospective application can be made and Investigating Officers should consider the need for a fresh application.
- (f) Review authorisations regularly, and diarise dates for expiry and renewals!!! (See chapter 4).

3.11 Confidential Information

Particular care should be taken when any act of surveillance is likely to result in obtaining confidential information. RIPA does not provide for any special protection for confidential material but such information will cover matters subject to legal professional privilege, confidential personal information or confidential journalistic information. Confidential personal information is information that is held in confidence relating to the physical, mental or spiritual counselling concerning an individual (whether living or dead) who can be identified from it.

Please bear in mind that such information is particularly sensitive and that it will be subject to additional safeguards.

Any application for authorisation likely to result in the acquisition of confidential material should include an assessment of how likely it is that confidential material will be acquired. Special care should be taken when the target of the investigation is likely to be involved in handling confidential information. Such applications should only be considered in very exceptional and compelling circumstances with full consideration given to the proportionality issues that it raises. Officers should always seek advice from the Head of Legal, HR and Democratic Services in these instances.

Please note that it is only the Chief Executive (or in his absence, the Acting Head of Paid Service) who is able to act as an Authorising Officer where an operation is likely to result in obtaining confidential information.

3.12 Central Register of Covert Surveillance.

The Head of Legal, HR and Democratic Services will maintain the central register of all requests and authorisations including any request that has been denied by an Authorising Officer. The records in this Central Register will be kept for three years from the date of the authorisation in accordance with the Home Office Code. This record will be made available to the relevant Commissioner or Inspector on request. The central record will also contain, in accordance with the Code of Practice, a copy of the complete application and authorisation. Any subsequent renewal, review or cancellation must also be submitted.

The Head of Legal, HR and Democratic Services must be informed by email in advance that a RIPA form is to be dispatched to the Central Record. All RIPA forms must be sent to the Head of Legal, HR and Democratic Services department within 3 working days of authorisation being granted. The receipt of the RIPA form must be acknowledged by the Head of Legal, HR and Democratic Services department by email. The Central record will be updated upon receipt from the information contained on the form.

The sender must consider the most secure method of delivery of the RIPA form in line

with the type of surveillance and risk. Eg a major joint covert surveillance operation with another enforcement agency, where hand delivery of the form would be appropriate. The documents must be secure and marked private and confidential.

In respect of joint operations with other agencies, one party will lead on obtaining the authorisation, but all the parties will need to see the detail of the authorisation. (R v Sutherland). Those carrying out the investigation, need to be aware of the limits of an authorisation.

3.13 Internal Oversight Arrangements.

The Head of Legal, HR and Democratic Services will be responsible for the monitoring of the authorisations, renewals, reviews and cancellations. Monitoring will take the form of a random selection of forms quarterly, using the Quality Assurance Checklist as a basis. In addition, the Head of Legal, HR and Democratic Services will consider the lawfulness of the authorisation, in particular the necessity and proportionality issues upon receipt of each form, whilst the information required for the central record is inputted.

The outcome of the monitoring will be reported mid year in a short report with the Head of Legal, HR and Democratic Services producing a more detailed Annual Review Report. The Annual Review Report will be reported to the Council's Corporate Governance Committee by the Monitoring Officer/RIPA Senior Responsible Officer.

CHAPTER 4: DURATION, REVIEW AND CANCELLATION OF AUTHORISATIONS

- 4.1 Authorising directed surveillance or the use of a CHIS is not a decision that should be taken lightly - it is after all, surveillance that interferes with people's privacy. On that basis, a regular review of authorisations must be carried out in order to assess the need for such surveillance to continue. The results of reviews should be kept and recorded safely.
- 4.2 Please note that there are time limits upon the length of any authorisations granted under RIPA. The length of authorisation will depend on the type of surveillance activity involved:
- (a) Directed Surveillance - in all cases 3 months from the date the authorisation should be given, or the date of the latest renewal . **Please not that since the changes introduced in 2012 and the involvement of the Magistrates', the effective time is that at which the authorisation is approved by the Magistrates and not the time authorisation is given by the authorising officer.** Directed Surveillance authorisations do not expire. Under s.45 there is a requirement on the person granting or renewing an authorisation to cancel if he is satisfied that the relevant requirements are no longer satisfied. Even where you believe the authorisation is needed for the full statutory 3 months, the authorisation still needs to be cancelled, it will not expire at the end of the 3 months. On this point the Surveillance Commissioners are very clear. Therefore grant each application for 3 months, then set a review date to cancel or renew during this 3 month time limit. If the evidence is obtained prior to the renew date and no further directed surveillance is necessary, the authorisation must be cancelled.
- (b) CHIS - 12 months from the date the authorisation was given, or the date of the renewal. Urgent oral authorisations last initially for 72 hours. In the case of a vulnerable individual eg a juvenile the duration will be for a maximum duration of four months from the time of grant or renewal and the authorisation should be subject to at least monthly reviews.
- 4.3 All authorisations must be cancelled either when they are no longer necessary or proportionate.

CHAPTER 5 ACCESS TO COMMUNICATIONS DATA and THE INVESTIGATION OF PROTECTED ELECTRONIC INFORMATION .

5.1 Access to Communications Data

Local Authorities can acquire limited information in respect of subscriber details and service data. It does NOT allow Local Authorities to intercept, record or otherwise monitor communications data. **The sole grounds to permit access to communications data, for a Local Authority, is for the purposes of either "preventing or detecting crime, or of preventing disorder".**

Communications data' embraces the 'who', 'when' and 'where' of a communication but not the content - not what was said or written. It includes the manner in which, and by what method, a person or machine communicates with another person or machine. It excludes what they say or what data they pass on within a communication, including text, audio and video

A strict necessity test must be applied before any consideration is given to requesting communications data. **Any application must be legal, necessary** (a last resort) **& proportionate**. 'Proportionate' includes 'collateral intrusion', as the data provided may invade a third parties' privacy and should, so far as is possible, be minimised.

The overall responsibility for obtaining communication data rests with the Senior Responsible Officer (SRO), who is the Head of Legal, HR and Democratic Services

A Designated Person (DP), who authorises a communication data application must be, at least, a Service Manager

A Single Point of Contact (SPoC) must be accredited by the Home Office, after undergoing accredited training & have proved their competency, by exam. The Council currently uses the National Anti-Fraud Network for this aspect of investigation.

CSPs (Communication Service Providers) have access to the Home Office's relevant database of accredited SPoCs to ensure the validity of any Notice to provide data.

Procedure for obtaining telecommunications data

Applications to obtain telecommunications data must be submitted to a Home Office accredited Single Point of Contact (SPOC). The Council uses the services of NAFN (the National Anti-fraud Network) for this purpose.

Officers may make the application by accessing the NAFN website. They must therefore be appropriately registered on the NAFN website.

There are full instructions on how to submit an application in the Guidance Manual on the NAFN website. In addition, NAFN have produced a "RIPA Toolkit" for registered users.

The application will first be vetted by NAFN for consistency, before being forwarded by NAFN to the Council's Designated Persons for the purposes of approving the online application.

The Council's Designated Persons are the Public Protection Manager and the Trading Standards Manager. In the future, these roles may be extended (or limited to) Corporate Directors, CEO, and the Council's Monitoring Officer. NAFN will inform the Designated Persons jointly once the application is ready to be reviewed by the Designated Persons.

The relevant Designated Person will then access the restricted area of the NAFN website using a special code, in order to review and approve the application. When approving the application, the Designated Person must be satisfied that the acquiring of the information is necessary and proportionate.

Approvals are documented by the Designated Person completing the online document and resubmitting it by following the steps outlined on the site by NAFN. This online documentation is retained by NAFN who are inspected and audited by the IOCCO.

When submitting an online application, the officer must also inform their Team Manager AND the Designated Person (if different), in order that the Director is aware that the NAFN application is pending.

Acquisition & Disclosure of Communications Data

More information for officers is available in the document "*Guidance for Applicants & Designated Persons Considering Necessity & Proportionality*", produced by the Data Communications Group, is available on the Home Office's website

Although the Council subscribes to NAFN, officers may wish to familiarise themselves with the Home Office 'Acquisition and Disclosure of Communications Data' Code of Practice and Retention of Communications Data Code of Practice March 2015.

<http://www.homeoffice.gov.uk/publications/counter-terrorism/ripa-forms/code-of-practice-acquisition?view=Binary>

5.2 Encryption – the investigation of protected electronic information.

The power under s.49(1) of RIPA describes the means by which protected information has come into the possession of any person within a public authority. This is likely to include as regards the Council, protected information obtained under an authorisation under Part 2 of RIPA 2000, under Chapter 1, Part 2 of RIPA 2000 (communications data), or obtained by the Council in the exercise of their statutory duties.

Specifically, the provisions of these Part 3 powers are:

- Power to require disclosure of protected information in an intelligible form. (s.49)
- Power to require disclosure of the means to access protected information. (s.50 (3) (c))
- Power to require disclosure of the means of putting protected information into an intelligible form (section 50 (3)(c))

No person can seek to obtain appropriate permission until the approval of the National Technical Assistance Centre has been obtained. NTAC should be consulted in the first instance by email on ripaii@ntac.gsi.gov.uk

Permission will not be granted by the permission, cannot give permission unless the protected information has been obtained lawfully.

CHAPTER 6: CCTV

6.1 The Covert Surveillance and Property Interference revised Code of Practice (August 2018) at paragraph 3.39 states: *Where overt CCTV, ANPR or other overt surveillance cameras are used in a covert and pre-planned manner as part of a specific investigation or operation, for the surveillance of a specific person or group of people, a directed surveillance authorisation should be considered. Such covert surveillance is likely to result in the obtaining of private information about a person (namely a record of their movements and activities) and therefore falls properly within the definition of directed surveillance. The use of the CCTV, ANPR or other overt surveillance cameras in these circumstances goes beyond their intended use for the general prevention or detection of crime and protection of the public.*

6.2 The CCTV control room may on occasions be asked to carry out covert surveillance on behalf of the Council's or other law enforcement agencies, usually the police. This will be in accordance with the protocol the Council has with the police. Such requests to carry out directed surveillance must be supported by a RIPA authorisation, signed by an Authorising Officer, from the enforcement agency concerned and provided to the Council's CCTV Superintendent. It is the Authorising Officers statement that the Councils CCTV control room will require, if the other law enforcement agency do not wish for reasons of confidentiality, to provide the full details of the investigating officers application to the control room staff. For example it is not usually essential that the CCTV be provided with the personal information of the subject under surveillance, it is the scope of the actual surveillance itself that is essential. A copy of the original (whether or not redacted) is acceptable either in person or via the agency email.

The CCTV control room manager shall be provided with copies of any review or cancellation of any authorisation, this includes any Council or other law enforcement agency authorisations, subject to any redactions that the enforcement agency wish to make such as personal information.

This requirement will not apply if the directed surveillance is an immediate response to events or circumstances the nature of which is such that it would not be reasonably practicable for an authorisation to be sought.

6.3 In respect of applications from internal Council services to conduct covert surveillance via CCTV, the same process shall be followed as if the enforcement agency were external. No covert surveillance shall take place unless the CCTV control room personnel have sight of a copy of the original signed authorisation (redacted if necessary) and a copy of the Magistrates Order signing off the authorisation (again this may be redacted).

6.4 Copies of any authorisations (redacted or otherwise) shall be retained securely in line with the Data Protection Act 2018 at the CCTV control room and retained in accordance with Home Office retention guidelines and this policy.

6.5 You should familiarise yourself with the Home Office Surveillance Camera Code of Practice and the Information Commissioner's code ("In the Picture – A Data Protection Code of Practice for Surveillance Cameras and Personal Information"). Copies available from the Council's Legal Department.

CHAPTER 7: SCRUTINY AND COMPLAINTS.

- 7.1** The Investigatory Powers Commissioner's Office (IPCO) has a duty to review the exercise and performance of Council departments in respect of their activities under RIPA. The IPCO will regularly inspect the Council in order to ensure that it is complying with statutory functions and duties. This will include scrutiny of authorisations of directed surveillance and CHIS and some activities relating to the investigation of protected electronic information. The latter activity is also overseen by the Interception of Communications Commissioner in part, who will also oversee activities carried out under the Access to Communications regime.
- 7.2** An Investigatory Powers Tribunal has been established in order to consider complaints made under the 2000 Act. The Tribunal is empowered to order bodies who breach the provisions relating to covert surveillance to pay compensation. Claims must be brought within one year of the alleged breach, although there are provisions which enable the tribunal to extend that period. A person may also complain to the Investigatory Powers Tribunal whose address is:-
- Investigatory Powers Tribunal,
PO Box 33220,
London
SW1H 9ZQ.
Tel: 0207 0353711
- 7.3** Any person who reasonably believes they have been adversely affected by any surveillance activity carried out by on behalf of the Council may either complain to the Monitoring Officer of the Council who will then investigate the complaint, or make a complaint of maladministration to the Ombudsman.
- 7.4** Clearly, any form of sanctions exercised against the Council, could result in damaging the County Council's reputation and generate adverse media publicity. This is quite apart from any financial implications that could arise. On that basis, it is imperative that all Officers are familiar with the possible (and quite serious) implications that could arise if the guidance offered by this Policy isn't adhered to.
- 7.5** The Legal, HR and Democratic Services department, additionally report the Council's use of these powers at least annually to the Council's Corporate Governance Committee in order to ensure that the powers are being used consistently and that the policy remains fit for purpose.

This policy will be reviewed no later than January 2024



REGULATION OF INVESTIGATORY POWERS ACT 2000

Direct Surveillance Form – Quality Assurance Checklist

√

- 1. Has the application been allocated a Unique Reference Number? Is this inserted on all pages?**

- 2. Are the full details of the Investigating Officer, Investigation Name (if applicable) and Authorising Officer inserted on page 1?**

- 3. Does Box 2 (page 2) contain a full, clear explanation of the nature of the investigation and the intelligence that has led to it? Would a person with no prior knowledge of the case understand what this investigation is? If possible include relevant legislation that gives you the power to prosecute or duty to carry out the investigation.**

- 4. Does Box 3 (page 2) contain a detailed description of the surveillance to be undertaken and the equipment to be used?**
ie what is going to be done? Who is going to do it? Where they are going to do it? When they are going to do it? How they will do it? Eg specific times/public or private vehicle/type of equipment/staff involved etc. Investigating Officer to consider (if appropriate) attaching a plan/map providing the Authorising officer with the full picture.

- 5. Does Box 4 (page 2) provide the names, addresses and dates of birth (if known) of the subjects of the surveillance? If you do not know the identity say so.**

- 6. Does Box 5 (page 2) explain in sufficient detail what the desired outcome of the surveillance is?**

The Investigating Officer should include all the separate pieces of information hoping to be obtained eg where the offender is dumping illegal waste, who it is that employs him and when this is taking place.

7. Box 6 – The only purpose Local Authorities can now use is the ‘prevention or detection of crime or of preventing disorder’ All other grounds must be deleted.

Is this the only purpose stated in this box?

8. Does Box 7 (page 3) explain why the surveillance is necessary? Provide detail of other means of obtaining the evidence that have been tried? Does it explain why overt surveillance is inadequate?

Factors to include will be: the specific offence, its seriousness, any other evidence you have that links the target with the offender which requires corroboration through surveillance.

9. Does Box 8 (page 3) identify who else may be affected by surveillance (collateral intrusion) & explain the steps taken to minimise this? Even if you cannot minimise you need to show you have considered it.

10. Does Box 9 (page 4) describe how the surveillance is proportionate, when balanced against the desired outcome? ie balance the intrusiveness on the target and others against the need for the activity in operational terms. Does it say why the desired outcome cannot be achieved in a less intrusive way?

Demonstrate proportionality by showing you have considered:

- *Can you use less intrusive/overt methods?*
- *Other means used already?*
- *What could be done to lessen the impact on the target eg the amount of information to be gathered, the way the surveillance is carried out, the impact of surveillance on the subject, timing etc.*

Balance this proportionality against:

- *What the surveillance will achieve?*
- *Nature and seriousness of the offence.*
- *Impact of the offence on the victims and community.*
- *The effect the offences have on the public purse.*

11. Does Box 10 (page 4) identify whether

**‘Confidential Information’ will be likely to be obtained? Eg where following someone you are likely to end up at a church or GP surgery.
*NB If so, this can only be authorised by the Chief Executive and Box 14 (page 6) completed**

12. Do Boxes 12 & 13 (page 5) contain the Authorising Officer’s full statements as to why they believe the surveillance is necessary & proportionate and give full details of the proposed surveillance. Has the AO considered the application objectively?

The 5 ‘W’s must be considered – the Investigating Officer needs to be clear what they can and cannot do. The AO may set out matters in the application that they have given particular weight to when considering necessity and proportionality. If the application is unclear and there is insufficient detail the AO should consider rejecting.

13. On page 6, has the Authorising Officer –
- **signed, dated and completed the authorisation**
- **inserted the date of the first review?**
- **completed the expiry date and time of the authorisation?**

14. On page 17, if this was an urgent authorisation, has the Authorising Officer completed Box 15?

Completed forms must be sent to Legal Services department within 3 working days of authorisation. If the hard copy is sent consider the most secure form of transit (eg hand delivery if possible) and put the Officer holding the Central Record on notice that the authorisation is being dispatched and confirmation of the URN.

APPENDIX 2

STRICTLY CONFIDENTIAL

Denbighshire County Council RIPA CHIS RISK ASSESSMENT FORM

RISK ASSESSMENT FOR THE USE OF COVERT HUMAN INTELLIGENCE SOURCE
THIS FORM IS TO BE SUBMITTED TO LEGAL SERVICES WITH THE CHIS FORM. ALL CHIS
FORMS MUST BE HAND DELIVERED AND NOT SENT IN THE INTERNAL POST

Name of source :

Unique reference number:

Is the identity used by the source different to the above?

CHIS pseudonym

Handler details and date duties commenced:

Controller details and date duties commenced:

Is the source working for any other investigation authority? If so by what identity?

Assess and detail the nature and magnitude of any risk connected with the use of the source:

This will include all considerations including risks to the source personally and operational or ethical risks in using the source :

Detail any arrangements made to minimise the risk:

If the source is under 18 detail the arrangements made to satisfy the RIPA (Juveniles) Order 2000:

Authorising Officers' comments on the above arrangements:

Does the Authorising Officer consider that any identified risks are justified? YES/NO and give details:

Have the identified risks been properly explained to, and understood by the source? YES/NO

Date and circumstances in which source was recruited. Give dates when handler and controller commenced duties and any changes to these.

The following officer will be responsible for recording use of the source:

Has the Authority passed the information by the source to anyone else? Give details.

Has the Source been offered or received payment, benefit or reward? Give details.

Detail the tasks given to the Source:

Detail dates of contact with source and notes of information obtained:

Appendix 3

Application for judicial approval for authorisation to obtain or disclose communications data, to use a covert human intelligence source or to conduct directed surveillance. Regulation of Investigatory Powers Act 2000 sections 23A, 23B, 32A, 32B.

Local authority:.....

Local authority department:.....

Offence under investigation:.....

Address of premises or identity of subject:.....

.....

.....

Covert technique requested: (tick one and specify details)

Communications Data

Covert Human Intelligence Source

Directed Surveillance

Summary of details

.....

.....

.....

.....

.....

.....

Note: this application should be read in conjunction with the attached RIPA authorisation/RIPA application or notice.

Investigating Officer:.....

Authorising Officer/Designated Person:.....

Officer(s) appearing before JP:.....

Address of applicant department:.....

.....

Contact telephone number:.....

Contact email address (optional):.....

Local authority reference:.....

Number of pages:.....

ATTACHED TO THIS APPLICATION IS: COPY OF THE ORIGINAL SIGNED RIPA APPLICATION.

Order made on an application for judicial approval for authorisation to obtain or disclose communications data, to use a covert human intelligence source or to conduct directed surveillance. Regulation of Investigatory Powers Act 2000 sections 23A, 23B, 32A, 32B.

Magistrates' court:.....

Having considered the application, I (tick one):

- am satisfied that there are reasonable grounds for believing that the requirements of the Act were satisfied and remain satisfied, and that the relevant conditions are satisfied and I therefore approve the grant or renewal of the authorisation/notice.
- refuse to approve the grant or renewal of the authorisation/notice.
- refuse to approve the grant or renewal and quash the authorisation/notice.

Notes

.....
.....
.....
.....
.....

Reasons

.....
.....
.....
.....
.....
.....

Signed:

Date:

Time:

Full name:

Address of magistrates' court:

Blank page

This page is intentionally left blank

Cyfarfod	Eitem (disgrifiad / teitl)		Pwrpas yr adroddiad	Angen penderfyniad (oes/nac oes)	Awdur – swyddog cyswilt
6 Mawrth 24	1.	Materion a Gyfeiriwyd gan y Pwyllgorau Craffu (os oes rhai)	Cael materion a godwyd gan y Pwyllgorau Craffu		Rhian Evans/ Karen Evans – Cydlynwyr Craffu
	2	Adroddiadau Rheoleiddio Allanol a Gafwyd yn ddiweddar (os oes rhai)	Ystyried unrhyw adroddiad a gafwyd		Helen Vaughan-Evans – Pennaeth Gwasanaethau Cymorth Corfforaethol - Perfformiad, Digidol ac Asedau
	3	Diweddariad Archwilio Mewnol	Darparu'r wybodaeth ddiweddaraf i'r pwyllgor ar gynnydd Archwilio Mewnol		Prif Archwilydd Mewnol
	4	Rhaglen Gwaith i'r Dyfodol			Gwasanaethau Democraataidd
		Adroddiadau			
	5	Adroddiad Blynyddol ar y Cyfansoddiad			Gary Williams - Swyddog Monitro
	6	Gweithio mewn Partneriaeth			Prif Archwilydd Mewnol
	7	Cau Datganiad Cyfrifon			Pennaeth Cyllid / Archwilio Cymru
24 Ebrill 24	1	Materion a Gyfeiriwyd gan y Pwyllgorau Craffu (os oes rhai)	Cael materion a godwyd gan y Pwyllgorau Craffu		Rhian Evans/ Karen Evans – Cydlynwyr Craffu
	2	Adroddiadau Rheoleiddio Allanol a Dderbyniwyd yn ddiweddar (os oes rhai)	Ystyried unrhyw adroddiad a gafwyd		Helen Vaughan-Evans – Pennaeth Gwasanaethau Cymorth Corfforaethol - Perfformiad, Digidol ac Asedau

Cyfarfod	Eitem (disgrifiad / teitl)		Pwrpas yr adroddiad	Angen penderfyniad (oes/nac oes)	Awdur – swyddog cyswilt
	3	Rhaglen Gwaith i'r Dyfodol			Gwasanaethau Democraidd
		Adroddiadau			
	4	Adroddiad Diweddarau Rheoli'r Trysorlys			Pennaeth Cyllid
	5	Canllaw Rheoli Perfformiad y Cyngor	Angen diweddariadau yn dilyn rhai datblygiadau mewn strwythur sefydliadol, amllder adrodd, a deddfwriaeth.		Helen Vaughan-Evans – Pennaeth Gwasanaethau Cymorth Corfforaethol - Perfformiad, Digidol ac Asedau / Iolo McGregor - Arweinydd y Tîm Cynllunio Strategol a Pherfformiad.
	6	Carbon-sero Net	Cael diweddariad ar gynnydd y Cyngor mewn perthynas â dod yn Ddi-garbon Net		Helen Vaughan-Evans – Pennaeth Gwasanaethau Cymorth Corfforaethol - Perfformiad, Digidol ac Asedau / Liz Wilcox-Jones
12 Mehefin 24	1	Materion a Gyfeiriwyd gan y Pwyllgorau Craffu (os oes rhai)	Cael materion a godwyd gan y Pwyllgorau Craffu		Rhian Evans/ Karen Evans – Cydlynwyr Craffu
	2	Adroddiadau Rheoleiddio Allanol a Gafwyd yn ddiweddar (os oes rhai)	Ystyried unrhyw adroddiad a gafwyd		Helen Vaughan-Evans – Pennaeth Gwasanaethau Cymorth Corfforaethol - Perfformiad, Digidol ac Asedau

Cyfarfod	Eitem (disgrifiad / teitl)		Pwrpas yr adroddiad	Angen penderfyniad (oes/nac oes)	Awdur – swyddog cyswilt
	3	Diweddariad Archwilio Mewnol	Darparu'r wybodaeth ddiweddaraf i'r pwyllgor ar gynnydd Archwilio Mewnol		Prif Archwilydd Mewnol
	4	Rhaglen Gwaith i'r Dyfodol			Gwasanaethau Democraataidd
		Adroddiadau			
	5	Siarter a Strategaeth Archwilio Mewnol Blynyddol			Prif Archwilydd Mewnol
	6	Datganiad Llywodraethu Blynyddol			Prif Archwilydd Mewnol
	7	Adroddiad Blynyddol Archwilio Mewnol			Prif Archwilydd Mewnol
	8	Hunanasesiad o Berfformiad			Helen Vaughan-Evans – Pennaeth Gwasanaethau Cymorth Corfforaethol - Perfformiad, Digidol ac Asedau / Iolo McGregor
24 Gorffennaf 24	1	Materion a Gyfeiriwyd gan y Pwyllgorau Craffu (os oes rhai)	Cael materion a godwyd gan y Pwyllgorau Craffu		Rhian Evans/ Karen Evans – Cydlynwyr Craffu
	2	Adroddiadau Rheoleiddio Allanol a Gafwyd yn ddiweddar (os oes rhai)	Ystyried unrhyw adroddiad a gafwyd		Helen Vaughan-Evans – Pennaeth Gwasanaethau Cymorth Corfforaethol -

Cyfarfod	Eitem (disgrifiad / teitl)		Pwrpas yr adroddiad	Angen penderfyniad (oes/nac oes)	Awdur – swyddog cyswilt
					Perfformiad, Digidol ac Asedau
	3	Rhaglen Gwaith i'r Dyfodol			Gwasanaethau Democraidd
		Adroddiadau			
	4	Adroddiad Blynyddol Llywodraethu ac Archwilio			Prif Archwilydd Mewnol
Gwybodaeth	5	Adroddiad blynyddol y Broses Gwynion			Kevin Roberts
	6	Diweddariad ac Adolygu Rheoli'r Trysorlys			Pennaeth Cyllid
25 Medi 24	1	Materion a Gyfeiriwyd gan y Pwyllgorau Craffu (os oes rhai)	Cael materion a godwyd gan y Pwyllgorau Craffu		Rhian Evans/ Karen Evans – Cydlynwyr Craffu
	2	Adroddiadau Rheoleiddio Allanol a Gafwyd yn ddiweddar (os oes rhai)	Ystyried unrhyw adroddiad a gafwyd		Helen Vaughan-Evans – Pennaeth Gwasanaethau Cymorth Corfforaethol - Perfformiad, Digidol ac Asedau
	3	Diweddariad Archwilio Mewnol	Darparu'r wybodaeth ddiweddaraf i'r pwyllgor ar gynnydd Archwilio Mewnol		Prif Archwilydd Mewnol
	4	Rhaglen Gwaith i'r Dyfodol			Gwasanaethau Democraidd
		Adroddiadau			
Gwybodaeth	5	Adroddiad blynyddol lechyd a Diogelwch			Rheolwr lechyd a Diogelwch Corfforaethol

Cyfarfod	Eitem (disgrifiad / teitl)		Pwrpas yr adroddiad	Angen penderfyniad (oes/nac oes)	Awdur – swyddog cyswilt
Gwybodaeth	6	Adroddiad Cydymffurfiaeth Eiddo Blynyddol			Sarah Wainwright
20 Tachwedd 24	1	Materion a Gyfeiriwyd gan y Pwyllgorau Craffu (os oes rhai)	Cael materion a godwyd gan y Pwyllgorau Craffu		Rhian Evans/ Karen Evans – Cydlynwyr Craffu
	2	Adroddiadau Rheoleiddio Allanol a Gafwyd yn ddiweddar (os oes rhai)	Ystyried unrhyw adroddiad a gafwyd		Helen Vaughan-Evans – Pennaeth Gwasanaethau Cymorth Corfforaethol - Perfformiad, Digidol ac Asedau
	3	Rhaglen Gwaith i'r Dyfodol			Gwasanaethau Democraidd
		Adroddiadau			
	4	Adroddiad blynyddol Rhannu Pryderon			Gary Williams - Swyddog Monitro
	5	RIPA blynyddol			Gary Williams - Swyddog Monitro
	6	Adroddiad Diweddarau Blynyddol Rheoli'r Trysorlys			Pennaeth Cyllid
	7	Adroddiad Blynyddol yr Uwchberchennog Risg Gwybodaeth			Helen Vaughan-Evans – Pennaeth Gwasanaethau Cymorth Corfforaethol - Perfformiad, Digidol ac Asedau

Cyfarfod	Eitem (disgrifiad / teitl)		Pwrpas yr adroddiad	Angen penderfyniad (oes/nac oes)	Awdur – swyddog cyswilt
	8	Adolygiad o'r Gofrestr Risg Gorfforaethol			Helen Vaughan-Evans – Pennaeth Gwasanaethau Cymorth Corfforaethol - Perfformiad, Digidol ac Asedau / Heidi Barton-Price

EITEMAU'R DYFODOL			
	1	Y diweddaraf am Gomisiynu lleoliadau cartref gofal pobl hŷn	Nicola Stubbins – i gyflwyno adroddiad i'r pwyllgor pan fydd y wybodaeth ar gael
	2	Adroddiad dilynol – Archwilio Mewnol – Eithriadau	Prif Archwilydd Mewnol i ddiweddarau aelodau ar ôl yr adroddiad Archwilio Mewnol
	3	Prosiectau Cyfalaf – Adroddiad Arian At Raid	Pennaeth Cyllid
	4	Newidiadau i Gylch Gorchwyl y Pwyllgor	Swyddog Monitro

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

Dyddiad Diweddarau: 12/01/2024 SJ

DIWRNODAU HYFFORDDI YN Y DYFODOL

<u>Dyddiad ac Amser</u>	<u>Pwnc</u>	<u>Swyddog</u>
I'w gadarnhau	Cyfradd Sicrwydd	Prif Archwilydd Mewnol

Mae tudalen hwn yn fwiadol wag



**Ombwdsmon
Ombudsman**

Cymru · Wales

Gofynnwch am: Cyfathrebu



01656 641150



Cyfathrebu

@ombwdsmon.cymru

Dyddiad: 17 Awst 2023

Cyngh. Jason McLellan
Cyngor Sir Ddinbych
Trwy E-bost yn unig: jason.mclellan@denbighshire.gov.uk

Llythyrau Blynyddol 2022/23

Annwyl Cynghorydd McLellan

Mae'n falch gennyf gyflwyno'r Llythyr Blynyddol (2022/23) i chi ar gyfer Cyngor Sir Ddinbych sy'n ymdrin â chwynion yn ymwneud â chamweinyddu a methiant gwasanaeth, cwynion yn ymwneud ag achosion honedig o dorri'r Cod Ymddygiad i Gynghorwyr, a'r camau sy'n cael eu cymryd i wella gwasanaethau cyhoeddus.

Mae'r llythyr hwn yn cyd-daro â'm Hadroddiad Blynyddol - "[Blwyddyn o newid - blwyddyn o her](#)" - teimlad a fydd, heb os, yn atseinio â chyrrff cyhoeddus ledled Cymru. Mae fy swyddfa wedi gweld cynnydd arall yn nifer y bobl sy'n gofyn am ein cymorth - cynydd o 3% o'i gymharu â'r flwyddyn flaenorol, ac mae fy swyddfa bellach yn derbyn dwywaith nifer yr achosion a gawsom ddegawd yn ôl.

Yn ystod y flwyddyn ddiwethaf, cyfarfûm â chyrrff cyhoeddus ledled Cymru - gan siarad am ein gwaith achosion, ein hargymhellion, a'n pwerau rhagweithiol. Bydd yr hinsawdd bresennol yn parhau i gyflwyno heriau i wasanaethau cyhoeddus, ond rwy'n ddiolchgar am y ffordd gadarnhaol a chynhyrchiol y mae'r awdurdodau lleol wedi cyfathrebu â'm swyddfa.

Y llynedd, cyfeiriwyd 1,020 o gwynion atom ynglŷn ag awdurdodau lleol - gostyngiad o 11% o gymharu â'r flwyddyn flaenorol. Yn ystod y cyfnod hwn, gwnaethom ymyrryd (cadarnhau, setlo neu ddatrys yn gynnar) mewn 13% o gwynion awdurdodau lleol.

ombwdsmon.cymru
holwch@ombwdsmon.cymru
0300 790 0203
1 Ffordd yr Hen Gae, CF 35 5LJ
Rydym yn hapus i dderbyn ac ymateb i ohebiaeth yn y Gymraeg.

ombudsman.wales
ask@ombudsman.wales
0300 790 0203
1 Ffordd yr Hen Gae, CF 35 5LJ

We are happy to accept and respond to correspondence in Welsh.

Cawsom lai o gwynion y Cod Ymddygiad yn 22/23 o gymharu â'r flwyddyn flaenorol, yn ymwneud â Phrif Gynghorau a Chynghorau Tref a Chynghorau Cymuned. Mae fy rôl yn golygu nad wyf yn gwneud canfyddiadau terfynol am dorri'r Cod Ymddygiad. Yn lle hynny, pan fydd ymchwiliadau yn canfod y pryderon mwyaf difrifol, caiff y rhain eu cyfeirio at Bwyllgor Safonau'r awdurdod lleol perthnasol, neu at Banel Dyfarnu Cymru. Yn 2022/23, gwnaeth yr Ombwdsmon 12 atgyfeiriad o'r fath - gostyngiad i'w groesawu o 20 y llynedd.

Cefnogi gwella gwasanaethau cyhoeddus

Er gwaethaf heriau'r llynedd, rydym wedi bwrw ymlaen â'n gwaith gwella rhagweithiol ac wedi lansio proses Ansawdd Gwasanaeth newydd i sicrhau ein bod yn cyflawni'r safonau a ddisgwyliwn.

Y llynedd, dechreuom weithio ar ein hail Ymchwiliad Ehangach ar ein Liwt ein Hun - y tro hwn, yn edrych ar asesiadau gofalwyr o fewn awdurdodau lleol. Bydd yr ymchwiliad hwn yn cael ei gynnal drwy gydol y flwyddyn i ddod, ac edrychwn ymlaen at rannu ein canfyddiadau â'r holl awdurdodau lleol – nid dim ond y rhai sy'n rhan o'r ymchwiliad.

Parhaodd yr Awdurdod Safonau Cwynion ei waith â chyrrff cyhoeddus yng Nghymru'r llynedd, gyda mwy na 50 o gyrff cyhoeddus bellach yn gweithredu ein polisi enghreifftiol. Rydym hefyd wedi darparu mwy na 400 o sesiynau hyfforddi ers i ni ddechrau, gydag awdurdodau lleol, ym Medi 2020.

Gwnaethom barhau â'n gwaith i gyhoeddi ystadegau cwynion am ail flwyddyn, gyda data bellach yn cael eu cyhoeddi ddwywaith y flwyddyn. Mae'r data hwn yn ein galluogi i weld gwybodaeth gyda mwy o gyd-destun - er enghraifft, y llynedd, cyfeiriwyd 10% o gwynion Cyngor Sir Ddinbych at OGCC.

Byddwn yn annog Cyngor Sir Ddinbych, ac yn benodol, eich Pwyllgor Archwilio a Llywodraethu, i ddefnyddio'r data hwn i ddeall eich perfformiad o ran cwynion yn well ac ystyried pa mor dda y mae dulliau ymdrin â chwynion yn dda wedi'i wreiddio ledled yr Awdurdod.

Ymhellach i'r llythyr hwn, a gaf ofyn i'ch Cyngor gymryd y camau canlynol:

- Cyflwyno fy Llythyr Blynyddol i'r Cabinet ac i'r Pwyllgor Llywodraethu ac Archwilio yn ystod y cyfle nesaf sydd ar gael a rhoi gwybod i mi pryd y cynhelir y cyfarfodydd hyn.
- Parhau i ymgysylltu â'n gwaith Safonau Cwynion, rhoi hyfforddiant i'ch staff, gweithredu'r polisi enghreifftiol yn llawn a darparu data cwynion cywir ac amserol.

- Rhoi gwybod i mi am ganlyniad ystyriaethau a chymau gweithredu arfaethedig y cyngor yng nghyswllt y materion uchod erbyn cyn gynted â phosibl.

Yn gywir,

MM. Morris.

Michelle Morris

Ombwdsmon Gwasanaethau Cyhoeddus

cc.Graham Boase, Prif Weithredwr, Cyngor Sir Ddinbych.

Trwy E-bost yn unig: graham.boase@denbighshire.gov.uk



Taflen Ffeithiau

Atodiad A - Cwynion a Gafwyd

Awdurdod Lleol	Cwynion a Gafwyd	Cwynion a dderbyniwyd fesul 1000 o drigolion
Cyngor Bwrdeistref Sirol Blaenau Gwent	14	0.20
Cyngor Bwrdeistref Sirol Pen-y-bont ar Ogwr	55	0.37
Cyngor Bwrdeistref Sirol Caerffili	60	0.33
Cyngor Caerdydd*	182	0.50
Cyngor Sir Caerfyrddin	54	0.29
Cyngor Sir Ceredigion	52	0.72
Cyngor Bwrdeistref Sirol Conwy	27	0.23
Cyngor Sir Ddinbych	34	0.36
Cyngor Sir y Fflint	99	0.63
Cyngor Gwynedd	39	0.31
Cyngor Sir Ynys Môn	29	0.41
Cyngor Bwrdeistref Sirol Merthyr Tudful	27	0.45
Cyngor Sir Fynwy	20	0.21
Cyngor Castell-nedd Port Talbot	45	0.31
Cyngor Dinas Casnewydd	40	0.26
Cyngor Sir Penfro	39	0.31
Cyngor Sir Powys	55	0.42
Cyngor Bwrdeistref Sirol Rhondda Cynon Taf	51	0.21
Cyngor Abertawe	71	0.29
Cyngor Bwrdeistref Sirol Torfaen	18	0.19
Cyngor Bro Morgannwg	61	0.46
Cyngor Bwrdeistref Sirol Wrecsam	71	0.52
Cyfanswm	1143	0.36

* gan gynnwys 17 Rhentu Doeth Cymru



Atodiad B - Cwynion a Gafwyd yn ôl Pwnc

Cyngor Sir Ddinbych	Cwynion a Gafwyd	% rhannu
Gwasanaethau Cymdeithasol Oedolion	2	6%
Gweinyddu Budd-daliadau	1	3%
Gwasanaethau Cymdeithasol Plant	2	6%
Cyfleusterau Cymunedol. Adloniant a Hamdden	0	0%
Ymdrin â Chwynion	4	13%
Covid19	0	0%
Addysg	8	25%
Yr Amgylchedd ac Iechyd yr Amgylchedd	2	6%
Cyllid a Threthiant	2	6%
Tai	5	16%
Trwyddedu	0	0%
Cynllunio a Rheoli Adeiladu	3	9%
Ffyrdd a Thrafnidiaeth	0	0%
Amrywiol Eraill	3	9%
Cyfanswm	32	



Atodiad C - Canlyniadau Cwynion
(* yn dynodi ymyrraeth)

Cyngor Sir Ddinbych		% rhannu
Tu hwnt i Awdurdodaeth	7	21%
Cynamserol	10	30%
Achosion eraill wedi'u cau ar ôl ystyriaeth gychwynnol	14	42%
Datrys yn Gynnar/Setliad Gwirfoddol*	2	6%
Wedi rhoi'r gorau iddi	0	0%
Adroddiadau Eraill – Ni Chadarnhawyd	0	0%
Adroddiadau eraill a gadarnhawyd*	0	0%
Adroddiadau er Budd y Cyhoedd*	0	0%
Adroddiadau Diddordeb Arbennig*	0	0%
Cyfanswm	33	



Ombwdsmon Ombudsman

Cymru · Wales

Atodiad D - Achosion lle ymyrrodd OGCC

	Nifer yr ymyriadau	Nifer y cwynion a gaewyd	% o ymyriadau
Cyngor Bwrdeistref Sirol Blaenau Gwent	0	13	0%
Cyngor Bwrdeistref Sirol Pen-y-bont ar Ogwr	7	54	13%
Cyngor Bwrdeistref Sirol Caerffili	7	58	12%
Cyngor Caerdydd	45	159	28%
Cyngor Caerdydd - Rhentu Doeth Cymru	1	16	6%
Cyngor Sir Caerfyrddin	7	49	14%
Cyngor Sir Ceredigion	13	46	28%
Cyngor Bwrdeistref Sirol Conwy	2	24	8%
Cyngor Sir Ddinbych	4	33	12%
Cyngor Sir y Fflint	15	94	16%
Cyngor Gwynedd	6	41	15%
Cyngor Sir Ynys Môn	3	28	11%
Cyngor Bwrdeistref Sirol Merthyr Tudful	2	26	8%
Cyngor Sir Fynwy	2	21	10%
Cyngor Castell-nedd Port Talbot	5	45	11%
Cyngor Dinas Casnewydd	4	36	11%
Cyngor Sir Penfro	2	40	5%
Cyngor Sir Powys	7	55	13%
Cyngor Bwrdeistref Sirol Rhondda Cynon Taf	3	45	7%
Cyngor Abertawe	10	76	13%
Cyngor Bwrdeistref Sirol Torfaen	2	20	10%
Cyngor Bro Morgannwg	9	62	15%
Cyngor Bwrdeistref Sirol Wrecsam	4	67	6%
Cyfanswm	160	1108	14%

ombwdsmon.cymru
holwch@ombwdsmon.cymru
0300 790 0203
1 Ffordd yr Hen Gae, CF 35 5LJ
Rydym yn hapus i dderbyn ac
ymateb i ohebiaeth yn y Gymraeg.

ombudsman.wales
ask@ombudsman.wales
0300 790 0203
1 Ffordd yr Hen Gae, CF 35 5LJ

We are happy to accept and respond
to correspondence in Welsh.



Atodiad E - Cwynion Y Cod Ymddygiad

Cyngor Sir Ddinbych

Tynnwyd yn ôl	0
Wedi rhoi'r gorau iddi	5
Dim tystiolaeth o dorri'r cod	0
Dim angen gweithredu	0
Cyfeiriwyd at y Panel Dyfarnu	0
Cyfeiriwyd at y Pwyllgor Safonau	0
Cyfanswm	5

138

138



Atodiad F - Cwynion Cod Ymddygiad Cyngorau Tref/Cyngor Cymuned

	Tynnwyd yn ôl	Ymchwiliadau					Cyfanswm
		Wedi rhoi'r gorau iddi	Dim tystiolaeth o dorri'r cod	Dim angen gweithredu	Cyfeiriwyd at y Panel Dyfarnu	Cyfeiriwyd at y Pwyllgor Safonau	
Cyngor Tref Bodelwyddan	0	0	0	0	0	0	0
Cyngor Tref Corwen	4	0	0	0	0	0	4
Cyngor Cymuned Llandrillo	0	0	0	0	0	0	0
Cyngor Cymuned Llanferres	1	0	0	0	0	0	1
Cyngor Tref Llangollen	1	0	0	0	0	0	1
Cyngor Tref Rhuddlan	3	0	0	0	0	0	3
Cyngor Tref Rhuthun	0	0	0	0	0	0	0
Cyngor Tref Tywyn & Bae Cinmel	2	0	0	0	0	0	2



Ombwdsmon Ombudsman

Cymru · Wales

Taflen Wybodaeth

Mae Atodiad A yn dangos nifer y cwynion a dderbyniwyd gan OGCC ar gyfer pob Awdurdod Lleol yn 2022/23. Caiff y cwynion hyn eu rhoi mewn cyd-destun gan boblogaeth pob awdurdod.

Mae Atodiad B yn dangos categori pob cwyn a dderbyniwyd, a pha gyfran o'r cwynion a dderbyniwyd sy'n cynrychioli ar gyfer yr Awdurdod Lleol.

Mae Atodiad C yn dangos canlyniadau'r cwynion a gaeodd OGCC mewn cysylltiad â'r Awdurdod Lleol yn 2022/23. Mae'r tabl hwn yn dangos y niferoedd, a'r gyfran y mae pob canlyniad yn ei chynrychioli ar gyfer yr Awdurdod Lleol.

Mae Atodiad D yn dangos Cyfraddau Ymyrru ar gyfer pob Awdurdod Lleol yn 2022/23. Mae ymyrraeth yn cael ei gategoreiddio naill ai gan gŵyn a gadarnhawyd (naill ai cadarnhawyd er budd y cyhoedd neu cadarnhawyd nid er budd y cyhoedd), penderfyniad cynnar, neu setliad gwirfoddol.

Mae Atodiad E yn dangos canlyniadau cwynion y Cod Ymddygiad a gaewyd gan OGCC mewn perthynas ag Awdurdod Lleol yn 2022/23. Mae'r tabl hwn yn dangos y niferoedd, a'r gyfran, y mae pob canlyniad yn ei chynrychioli ar gyfer yr Awdurdod Lleol.

Mae Atodiad F yn dangos canlyniadau cwynion y Cod Ymddygiad a gaewyd gan OGCC mewn perthynas â Chynghorau Tref a Chynghorau Cymuned yn ardal yr Awdurdod Lleol yn 2022/23. Mae'r tabl hwn yn dangos y niferoedd, a'r gyfran y mae pob canlyniad yn ei chynrychioli ar gyfer Cynghorau Tref a Chynghorau Cymuned.

ombwdsmon.cymru
holwch@ombwdsmon.cymru
0300 790 0203
1 Ffordd yr Hen Gae, CF 35 5LJ
Rydym yn hapus i dderbyn ac
ymateb i ohebiaeth yn y Gymraeg.

ombudsman.wales
ask@ombudsman.wales
0300 790 0203
1 Ffordd yr Hen Gae, CF 35 5LJ
We are happy to accept and respond
to correspondence in Welsh.