

TO: ALL MEMBERS OF THE COUNCIL

Your Ref / *Eich*
Cyf
Our Ref / *Ein Cyf* CO
Date / *Dyddiad* 07/02/2008
Ask for / *Gofynner am* Mike
Thomas
Direct Dial / *Rhif* 01352
Union 702324
Fax / *Ffacs*

Dear Sir / Madam,

A meeting of the **SPECIAL MEETING OF THE FLINTSHIRE COUNTY COUNCIL** will be held in the **COUNCIL CHAMBER, COUNTY HALL, MOLD** on **WEDNESDAY, 05 DECEMBER 2007** at **14:00** to consider the undermentioned items.

Yours faithfully



Assistant Director (Democratic Services)

AGENDA

1. **PRAYERS**
2. **APOLOGIES FOR ABSENCE**
3. **DECLARATIONS OF INTEREST**
4. **ANNUAL LETTER FLINTSHIRE COUNTY COUNCIL 2006/07**
To consider the letter of the appointed Auditor and Relationship Manager.
The joint report of the Chief Executive and the Director of Corporate Strategy is enclosed.
5. **HOUSING STOCK OPTIONS APPRAISAL PROGRESS REPORT**
Further to the Special meeting of the County Council held on 27 September 2007 and subsequent discussions with the Welsh Assembly Government to consider the enclosed report of the the Chief Executive, Acting Director of Community and Housing, County Finance Officer and Monitoring Officer.

County Hall, Mold. CH7 6NA
Tel. 01352 702400 DX 708591 Mold 4
www.flintshire.gov.uk
Neuadd y Sir, Yr Wyddgrug. CH7 6NR
Ffôn 01352 702400 DX 708591 Mold 4
www.siryfflint.gov.uk

6. **CONNAH'S QUAY, SOUTH ELECTORAL DIVISION, CASUAL VACANCY**
The Chief Executive will report.
7. **STATEMENT OF LICENSING POLICY 2008-2011 LICENSING ACT 2003**
Report of County Legal and Democratic Services Officer enclosed
8. **WELSH HORTICULTURAL COLLEGE - PROGRESS REPORT ON THE COLLEGE'S FUTURE**
To receive a verbal report from the Chief Executive.

LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985 - TO CONSIDER THE EXCLUSION OF THE PRESS AND PUBLIC
The following item is considered to be exempt by virtue of Paragraph(s) 12, 15 of Part 1 of Schedule 12A of the Local Government Act 1972 (as amended).
10. **SENIOR MANAGEMENT STRUCTURE**
Report of Chief Executive enclosed

FLINTSHIRE COUNTY COUNCIL

AGENDA ITEM NUMBER: 4

REPORT TO: SPECIAL MEETING OF THE FLINTSHIRE COUNTY COUNCIL

DATE : 05 DECEMBER 2007

REPORT BY: CHIEF EXECUTIVE AND DIRECTOR OF CORPORATE STRATEGY

SUBJECT : ANNUAL LETTER FLINTSHIRE COUNTY COUNCIL 2006/07

1.00 PURPOSE OF REPORT

1.01 To present to the County Council the annual letter of the Appointed Auditor and Relationship Manager, which summarises the work of the Wales Audit Office and PricewaterhouseCoopers during 2007.

2.00 BACKGROUND

2.01 Under the Code of Audit and Inspection Practice, the Relationship Manager is required to produce an annual letter summarising the work undertaken by the various regulators. That letter incorporates a summary of the work undertaken by the external auditor.

3.00 CONSIDERATIONS

3.01 The Relationship Manager draws attention to a number of issues, and notes that in relation to the Council's resources:

- The Council's 2006/2007 accounts present fairly the financial position as at 31 March 2007
- An examination of the Council's significant financial systems did not identify any material weaknesses in internal control
- The Council has in place systems of internal financial control, recognised standards of financial conduct, legality requirements and arrangements to prevent and detect fraud and corruption.
- The Council has made effective use of the National Fraud Initiative to detect fraud.
- The overall corporate financial position remains under some pressure

- The Council has made limited progress in achieving, measuring and demonstrating efficiency gains
- The Council had proper arrangements in 2006/07 to help it achieve economy, efficiency and effectiveness in its use of resources.
- The Council needs to complete and implement its fundamental review of its corporate management arrangements in order to address the limited strategic capacity identified in last year's Annual Letter.
- The Council's Improvement Plan has been delivered appropriately.

3.02 Findings from the performance audit and inspection work undertaken indicated that many services are generally well run, though the Annual Risk Assessment identified some services for further work.

- The Council should work with its regulators to improve its annual risk assessment process
- The housing service faces fundamental challenges and its structures and resources require urgent attention
- The Council has conducted a significant review of the development control function, and the position is more satisfactory
- The Council is now making good progress on its Waste Management Strategy, although its own landfill capacity is almost exhausted and risks remain over the regional solution.
- The condition of the highway infrastructure in the County compares favourably with that of other local authorities in Wales; however this could change in the future as the resources available for maintaining the infrastructure are increasingly inadequate.
- An ESTYN inspection of school improvement rated the Council's performance as having 'good features with no important shortcomings' and its prospects for improving performance as 'good but with barriers in important areas'

- A CSSIW inspection of children's services concluded that 'while some children received a good service, overall services were inconsistent and 'the Council's ability to sustain and improve services was mainly well placed'

3.03 As a result of the 2006/07 work undertaken by the appointed auditors and inspectors to form the basis of the Annual Letter no statutory inspections were recommended.

4.00 RECOMMENDATIONS

4.01 That the County Council is requested to note this report.

5.00 FINANCIAL IMPLICATIONS

5.01 There are no financial implications explicitly stated in this report.

6.00 ANTI POVERTY IMPACT

6.01 There are no anti poverty implications explicitly stated in this report.

7.00 ENVIRONMENTAL IMPACT

7.01 There are no environmental implications explicitly stated in this report.

8.00 EQUALITIES IMPACT

8.01 There are no financial implications explicitly stated in this report.

9.00 PERSONNEL IMPLICATIONS

9.01 There are no personnel implications explicitly stated in this report.

10.00 CONSULTATION REQUIRED

10.01 The County Council's response will be provided to the Wales Audit Office.

11.00 CONSULTATION UNDERTAKEN

11.01 The draft report has been considered by Directors and responses made prior to the final report being considered by the Audit Committee.

12.00 APPENDICES

12.01 Annual Letter Flintshire County Council 2006/07

LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985 BACKGROUND DOCUMENTS

Annual Letter Flintshire County Council 2006/07.

Contact Officer: Chief Executive
Telephone: 01352 702100
E-Mail: chief_executive@flintshire.gov.uk

Contact Officer: Julia Lorkin



WALES AUDIT OFFICE
SWYDDFA ARCHWILIO CYMRU

PRICEWATERHOUSECOOPERS 

2006/2007

November 2007

Authors: Alan Morris and PricewaterhouseCoopers LLP

Ref: 854A2007

Annual Letter

Flintshire County Council

Contents

Summary	4
Detailed Report	
The Appointed Auditor's report	7
The Council's resources were, in all material respects, properly used and accounted for in 2006/2007	7
The Relationship Manager's report on behalf of the Auditor General	16
The Council has engaged positively with the Wales Audit Office's initiatives to promote improvement through shared learning and the Good Practice Exchange	16
We are continuing to review the Council's progress on Making the Connections	17
Performance audit and inspection work delivered both by the Appointed Auditor and on behalf of the Auditor General for Wales found that many services are generally well run, though the Annual Risk Assessment identified a number of areas the Council needs to improve in order to achieve its corporate priorities	17
An ESTYN inspection of school improvement rated the Council's performance as having 'good features with no important shortcomings' and its prospects for improving performance as 'good but with barriers in important areas'	22
A CSSIW inspection of children's services concluded that 'while some children received a good service, overall services were inconsistent' and 'the Council's ability to sustain and improve services was mainly well placed	24
We recommend no statutory inspections this year	24
Appendices	
Auditor's report on the arrangements for securing economy, efficiency and effectiveness in its use of resources in 2006/2007	25
Criteria for assessing the Council's arrangements during 2006/2007 for securing economy, efficiency and effectiveness in its use of resources	26
Audit of the 2007/2008 Improvement Plan	27
Audit and inspection fees	29

Status of this document

This document has been prepared for the internal use of Flintshire County Council as part of work performed in accordance with statutory functions, the Code of Audit and Inspection Practice and the 'Statement of Responsibilities' issued by the Auditor General for Wales.

No responsibility is taken by the Wales Audit Office (the Auditor General and his staff) and, where applicable, the appointed auditor in relation to any member, director, officer or other employee in their individual capacity, or to any third party.

In the event of receiving a request for information to which this document may be relevant, attention is drawn to the Code of Practice issued under section 45 of the Freedom of Information Act 2000. The section 45 Code sets out the practice in the handling of requests that is expected of public authorities, including consultation with relevant third parties. In relation to this document, the Auditor General for Wales (and, where applicable, his appointed auditor) is a relevant third party. Any enquiries regarding disclosure or re-use of this document should be sent to the Wales Audit Office at infoofficer@wao.gov.uk.

Summary

1. This Annual Letter sets out the key messages arising from work undertaken over the last 12 months up to the point when it was written by:
 - the Appointed Auditor under the Code of Audit and Inspection Practice (the Code); and
 - the Relationship Manager (RM) on behalf of the Auditor General for Wales (the Auditor General) under the studies and inspection powers of the Auditor General.
2. The Annual Letter includes a summary of audit and inspection work and reports progress against improvement actions. It draws on published reports of other inspectorates to provide an annual summary to Flintshire County Council (the Council). The work planned for the year was set out in the Regulatory Plan 2006/2007 and more detail on the specific aspects of the work undertaken can be found in the separate reports that have been issued during the year.
3. The Annual Letter will be discussed with the Audit Committee in November 2007 and presented to all members in December 2007.
4. The Auditor General's Appointed Auditor has concluded that the Council's resources were, in all material respects, properly used and accounted for in 2006/2007:
 - the Council's 2006/2007 accounts present fairly the financial position as at 31 March 2007;
 - an examination of the Council's significant financial systems did not identify any material weaknesses in internal control;
 - the Council has in place systems of internal financial control, recognised standards of financial conduct, legality arrangements, and arrangements to prevent and detect fraud and corruption;
 - the Council has made effective use of the National Fraud Initiative (NFI) to detect fraud;
 - the overall corporate financial position remains under some pressure;
 - the Council has made limited progress in achieving, measuring and demonstrating efficiency gains;
 - the Council had proper arrangements in 2006/2007 to help it achieve economy, efficiency and effectiveness in its use of resources;
 - the Council needs to complete and implement its fundamental review of its corporate management arrangements in order to address the limited strategic capacity identified in last year's Annual Letter; and
 - the Council's Improvement Plan has been delivered appropriately.

-
5. The Council has engaged positively with the Wales Audit Office's initiatives to promote improvement through shared learning and the Good Practice Exchange.
 6. We are continuing to review the Council's progress on Making the Connections.
 7. Performance audit and inspection work delivered both by the Appointed Auditor and on behalf of the Auditor General found that many services are generally well run, though the Annual Risk Assessment identified a number of areas the Council needs to improve in order to achieve its corporate priorities:
 - The Council should work with its regulators to improve its Annual Risk Assessment Process.
 - The Housing Service faces fundamental challenges and its structure and resources require urgent attention.
 - The most significant strategic issue facing the authority at present is its Housing Plan. At the time of this letter, the results of further discussions with the Welsh Assembly Government (the Assembly Government) are not known. Whatever the final decision we stress its significance both in terms of the level of Senior Officer time it will consume and its financial impact on other parts of the authority. We particularly welcome the cross-party co-operation in the continuing negotiations with the Assembly Government.
 - The Appointed Auditor has also spent some time in following up the matters that were the subject of a public-interest report in the summer of 2006, particularly the performance of the Housing Repair Service. Our Detailed Report has yet to be finalised, but for the present we note with concern the small deficit on activity in the current financial year, and the indications that the current schedule of rates provides prices that are not competitive by around 17 per cent. It is apparent that much remains to be done, regardless of the authority's Housing Strategy.
 - The Council has conducted a significant review of the development control function, and the position is more satisfactory.
 - The Development Control Service has been the focus of a considerable amount of activity during the year. We found a number of areas of detail that could be improved, but our fundamental conclusion was that much depended on the level of co-operation between members and officers. We welcomed the very detailed consideration given to the report by the Overview and Scrutiny Committee.
 - The Council is now making good progress on its Waste Management Strategy, although its own landfill capacity is almost exhausted and risks remain over the regional solution.
 - The condition of the highway infrastructure in the County compares favourably with that of other local authorities in Wales. However, this could change in the future as the resources available for maintaining the infrastructure are increasingly inadequate.

-
8. An ESTYN inspection of school improvement rated the Council's performance as having 'good features with no important shortcomings' and its prospects for improving performance as 'good but with barriers in important areas'.
 9. A Care and Social Services Inspectorate Wales inspection of children's services concluded that 'while some children received a good service, overall services were inconsistent' and 'the Council's ability to sustain and improve services was mainly well placed'.
 10. We recommend no statutory inspections this year.

The Appointed Auditor's report

The Council's resources were, in all material respects, properly used and accounted for in 2006/2007

11. The Financial Statements are an essential means by which the Council accounts for its stewardship of the resources at its disposal and its financial performance in the use of those resources. The Code identifies that it is the responsibility of the Council to:
 - put systems of internal control in place to ensure the regularity and lawfulness of transactions;
 - maintain proper accounting records; and
 - prepare Financial Statements in accordance with relevant requirements.
12. As auditors we are required to audit the Financial Statements and to issue an auditor's report which includes an opinion on whether the Financial Statements present fairly the state of affairs of the Council. The auditor's report also gives an opinion on whether the Financial Statements have been prepared properly in accordance with relevant legislation and applicable accounting standards, and that its expenditure has been lawfully applied.
13. Our financial audit work covers the following areas:
 - Financial Statements or accounts;
 - financial health;
 - financial management; and
 - financial systems.

The Council's 2006/2007 accounts present fairly the financial position as at 31 March 2007

14. International Standard on Auditing (ISA) (UK and Ireland) 260 requires auditors to report to 'those charged with governance' the findings of our accounts audit. The Appointed Auditor's report *Audit of the Financial Statements – Reporting to Those Charged with Governance* was presented to Audit Committee on 25 September 2007. A summary of the findings is set out in Exhibit 1.

Exhibit 1: ISA 260 reporting to the Council

Reporting requirement	Auditor's response
Modifications to the auditor's report.	No modifications were required to the auditor's report.
Unadjusted misstatements.	There were a number of unadjusted misstatements. These remained unadjusted following the Audit Committee's agreement that they were not material to the accounts.
Material weaknesses in the accounting and internal control systems identified during the audit.	No matters arose.
Views about the qualitative aspects of the entity's accounting practices and financial reporting.	As in previous years, a number of significant reclassification adjustments were made and reported. They arose mainly due to internal recharges being included in the analysis of Gross Income and Expenditure in the draft accounts and the amounts in holding accounts being excluded. This resulted in the draft accounts analysis of Gross Income and Expenditure being materially incorrect although the net value shown in the Income and Expenditure Account was correct.
Matters specifically required by other auditing standards to be communicated to those charged with governance.	No significant matters arose.
Any other relevant matters relating to the audit.	No significant matters arose.

15. The Council included a Contingent Liability Note in its accounts regarding the costs of defending or settling equal pay claims.
16. We recommend that the Council continue to review the position ensuring that any costs arising in relation to equal pay claims are correctly reported and appropriately funded.
17. On 28 September 2007 we issued an unqualified auditor's report on the Financial Statements. This included a certification that we completed the audit of the Statement of Accounts in accordance with the requirements of the Public Audit (Wales) Act 2004 and the Code issued by the Auditor General.
18. Our audit of the various grant returns, including the Whole of Government Accounts return, has not identified any major issues.

An examination of the Council's significant financial systems did not identify any material weaknesses in internal financial control

19. Our review of the Council's financial systems has involved documenting the significant financial systems and where necessary testing the operation of the internal controls. We have concluded that the Council's significant financial systems can be relied upon to produce materially correct outputs. We have, however, identified that there is scope to improve controls in some areas which were reported to the Audit Committee in September 2007. A number of recommendations were included in relation to the ledger, service directorates cut-off accounting, contributions to/from balances, expenditure commitments, bad debts, payroll, fixed assets and insurance fund provision classifications.

The Council has in place systems of internal financial control, recognised standards of financial conduct, legality arrangements and arrangements to prevent and detect fraud and corruption

20. To demonstrate financial stewardship, the Council needs to ensure effective financial management including:
- effective internal financial controls, such as robust standing orders and financial regulations, strong budgetary control and effective Internal Audit (IA);
 - recognised standards of financial conduct;
 - appropriate arrangements to ensure that the Council only enters into transactions where there is specific legal provision for it to do so; and
 - effective arrangements to prevent and detect fraud and corruption.
21. Our review of these areas identified that:
- the arrangements to maintain the systems of internal control were effective;
 - as in previous years, IA has met the required professional standards. In addition, we were pleased to note that the majority of IA reports were available for review of key financial systems during our interim audit enabling us to place increased reliance on their work;
 - the arrangements for ensuring that the Council only enters into transactions where there is specific provision for it to do so were found to be in place and had continued to operate effectively; and
 - as in previous years, the ethical framework of the Council was found to be operating effectively together with the arrangements for preventing and detecting fraud and corruption.

The Council has made effective use of the National Fraud Initiative to detect fraud

22. The NFI is a biennial computerised data-matching exercise conducted across England and Wales. The Audit Commission is responsible for the exercise in England and the Auditor General is responsible for the exercise in Wales through his appointed auditors at local government bodies.

23. The exercise is designed to identify overpayments to suppliers and benefit claimants and to detect fraud perpetrated on public bodies. The referrals from the 2006/2007 exercise were released in January 2007 to participating bodies. Participants included the Assembly Government, Welsh Unitary, police, fire and probation authorities, local health boards and NHS trusts.
24. In addition, a further NFI module is currently being progressed in Wales to match electoral register information to claims for council tax single-person discounts. The purpose of this exercise is to identify fraudulent or erroneous claims for single-person discount and follows highly successful pilot exercises in England. The referrals from this exercise will be released to participants in early 2008.
25. The exercise identified 1,377 matches of which the Council has already cleared 1,356 matches. Nineteen frauds were identified totalling £68,000 which is in the process of being recovered. In addition to identifying fraudulent claims, the exercise prompted improvements in the Council's Blue Badge System and a rationalisation of its creditor accounts. The exercise also indicated where systems were working well due to a low number of matches, such as in pensions where only one deceased pensioner was identified.

The overall corporate financial position remains under some pressure

26. In March 2006, the Council established a net revenue budget of £211.12 million for 2006/2007. The Council achieved a net underspend against that budget of £2,089,000. This subsequently increased to £4,151,000 due to the receipt of income which the Council had prudently not budgeted for, notably Local Authority Business Growth Incentive (LABGI) Grant. We have examined budget reports and procedures and are satisfied that appropriate budget setting procedures are in place. The Council's reserves position is shown in Exhibit 2.

Exhibit 2: The Council's cash-backed reserves 2005/2006-2006/2007

	2005/2006 £'000	2006/2007 £'000
Earmarked reserves	1,471	1,329
Council Fund		
Unearmarked Balances	7,857	6,977
Earmarked Balances	4,679	10,970
Other service areas	(208)	433
	12,328	18,380
Housing Revenue Account (HRA)	557	1,347
Schools	2,811	2,334
Total	17,167	23,390

Source: Flintshire County Council Audited Accounts 2006/2007

27. We are satisfied that the Council has in place sound arrangements for financial monitoring and reporting that should ensure that any variances will be identified.
28. The Statement of Movement on the Council Fund Balance reported in the 2006/2007 annual accounts showed an increase in the year of £6.052 million. This was primarily attributable to an under spend in relation to the Council's net cost of services, general grant income, higher council tax collection rates and receipt of LABGI Grant.
29. This positive result has enabled the Council to partially replenish its reserves, as Exhibit 2 shows. Nevertheless, when compared against the Council's total spending, its future commitments and the level of risk it faces we consider the level of earmarked and general reserves remains at a minimum. We welcome Executive's intention to move towards a base of two per cent of the budget requirement. Going forward, it will be essential for the Council to maintain effective budgetary control and financial management in order to seek to improve its reserves position, and we welcome the longer-term plans to introduce a Medium-Term Financial Strategy.
30. We also suggest that Members and officers continue to review reserves annually to ensure that the reasons they were established remain valid and the amount reserved is based on realistic assumptions of need.
31. As detailed in Exhibit 3, the Actuary identified a net pensions' liability of £148.3 million on the Council's Pension Fund (using the methodology within Financial Reporting Standard (FRS) 17 compared with £167.6 million last year. The main reasons for the decrease in the net liability are due to changes in the assumptions used by the Actuary. As reported last year, the Council intend to increase the contributions over the remaining working life of employees as assessed by the scheme's Actuary. This will impact on future revenue expenditure and will require careful planning and continued monitoring and incorporation into the Council's Medium-Term Financial Plan.

Exhibit 3: The Council's pension liability valuation

	2005/2006 £ million	2006/2007 £ million
Market value of assets	293.235	317.325
Estimated liabilities	460.835	465.645
Net liability	167.600	148.320

Source: Flintshire County Council Audited Accounts 2006/2007

32. Turning to the Capital Programme, we understand that the Council intends to overhaul its planning of both expenditure and funding. Even without the uncertainties of the Housing Business Plan this is timely, given the significant level of investment required in the education stock, leisure buildings and elsewhere. It will no doubt be a high priority for 2008.
33. Finally we comment below on the Joint Risk Assessment, and on the need for greater prioritisation. Against an increasingly tight settlement, this all points to the need for a thorough overhaul of the Budget Setting Process. We hope that this can be implemented in time for the setting of the 2009/2010 budget.

The Council has made limited progress in achieving, measuring and demonstrating efficiency gains

34. The Auditor General has, as part of his work on Making the Connections, assessed progress across all areas of the Welsh Public Sector. Locally, we have assessed whether the Council's overall arrangements to achieve, measure and demonstrate efficiency gains are robust.
35. For 2005/2006, there is evidence to support the achievement of some efficiency gains, but the overall declared gains are overstated because some projects did not fall within the parameters of the Assembly Government's guidance.
36. The Council did not correctly interpret the Assembly Government's guidance set out in Section 7 of 'Making the Most of our Resources: Framework and Guidance' The following issues should be addressed:
- In accordance with the guidance issued, Debt Rescheduling and Capital Receipts (unless the receipts are used to reduce borrowing or attain interest payments) are excluded from the efficiency gains.
 - An improvement in the Council Tax collection rate is not necessarily an efficiency saving. The Council will need to demonstrate that the original budget was fairly stated.
 - Insufficient evidence was provided in respect of the savings recorded from the use the Welsh Framework Contracts.
 - The Council did not declare any non-cashable savings even though the use of the Welsh Framework Contracts could be classified as saving staff time and the self-assessment questionnaire alluded to areas of joint working with other authorities.
37. We recognise that the Council is on a steep learning curve in developing its systems to measure and demonstrate efficiency gains, and there are a number of areas where those arrangements are underdeveloped. We have made a number of recommendations in our report to the Council in order to support the production of a more robust approach to measuring, demonstrating and achieving efficiency gains.
38. The Council's arrangements could be strengthened further through:
- identifying 'quick wins' in terms of efficiency savings and allocating responsibility for their achievement;
 - developing a Council-wide system for the measurement and demonstration of efficiency gains to ensure a consistent and robust approach;
 - providing sufficient evidence to support the achievement of efficiency gains, and demonstrating that there has been no detrimental impact on the level and quality of service delivery;
 - developing and agreeing which performance measures will be used to assess the success of a project before that project commences;
 - developing internal mechanisms for independent review, challenge and scrutiny of the evidence to support efficiency gains projects;
 - establishing a baseline assessment for service areas which will be subject to efficiency gains projects where this has not already been done; and

- formal monitoring of the achievement of efficiency gains projects.
39. The approach to the 2006/2007 audit of the Council's efficiency gains is currently under consideration by the Wales Audit Office.

The Council had proper arrangements in 2006/2007 to help it achieve economy, efficiency and effectiveness in its use of resources

40. The Public Audit (Wales) Act 2004, requires auditors to satisfy themselves that the audited body has put in place proper arrangements to secure economy, efficiency and effectiveness in its use of resources. This requirement is reflected in the Code.
41. Our conclusion has been reached as part of our annual audit of the accounts. We examined evidence of the existence of the Council's corporate performance management and financial management arrangements. In this work we do not comment on or provide assurance on the effectiveness of those arrangements during the year.
42. Separate value-for-money work does consider where arrangements or their operation could be improved. The results of such work carried out during 2006/2007 are set out later in this Annual Letter. This work informs our conclusion on the existence of arrangements but is not essential to it.
43. The auditor's report on the Council's arrangements for securing economy, efficiency and effectiveness in its use of resources during 2006/2007 is set out in Appendix 1. The criteria used to assess this are set out in Appendix 2.
44. We have concluded that in 2006/2007 the Council had largely robust arrangements in place to support the achievement of its responsibility to secure economy, efficiency and effectiveness in its use of resources. The detailed results of our assessment are summarised in Exhibit 4.

Exhibit 4: Assessment of proper arrangements

Aspect	Arrangement	Yes or No
Strategic and operational objectives	Has the Council put in place arrangements for establishing, reviewing and implementing its strategic and operational objectives?	Partial
Meeting the needs of users and taxpayers	Has the Council put in place arrangements to ensure that services meet the needs of users and taxpayers, and for engaging with the wider community?	Yes
Internal controls	Has the Council put in place arrangements to ensure compliance with established policies, procedures, laws and regulations?	Yes
Risk management	Has the Council put in place arrangements for identifying, evaluating and managing operational and financial risks and opportunities, including those arising from involvement in partnerships and other forms of joint working or contracting?	Yes

Aspect	Arrangement	Yes or No
Resource management	Has the Council put in place arrangements for managing its financial and other resources, including arrangements to safeguard its financial standing?	Yes
Reviewing performance	Does the Council have arrangements in place to monitor and review performance, including arrangements to ensure data quality?	Yes
Standards of conduct	Has the Council ensured that its affairs are managed in accordance with proper standards of conduct, and to prevent and detect fraud and corruption?	Yes
Overall conclusion	Has the Council put in place proper arrangements to secure 'economy, efficiency and effectiveness' in its use of resources?	Yes

The Council needs to complete and implement its fundamental review of its corporate management arrangements in order to address the limited strategic capacity identified in last year's Annual Letter

45. In last year's Annual Letter we expressed concern that most of the Council's chief officers were employed on an interim or acting capacity, although we understood that this was a deliberate move to allow for the possibility of a major overhaul of the officer structure. We stated that urgent steps should be taken to review the corporate structure, address the limited strategic capacity and consider the leadership options at officer level.
46. Now that the new Chief Executive is in post, we understand there have been detailed discussions on a new approach, designed to enhance the Council's strategic capacity while still providing effective management of services.
47. We welcome these developments, and believe that bedding them down will be one of the key challenges of 2008.

The Council's Improvement Plan has been delivered appropriately

48. Under the Local Government Act 1999 and subsequent guidance issued by the Assembly Government in Circular 28/2005, an Improvement Plan must be published by 31 October. We are required to audit the Improvement Plan in accordance with statutory requirements and guidance, and to report our findings, including on the completion of the joint risk assessment, our audit of the Council's Performance Indicators (PIs) and on its performance measurement arrangements. Detailed responsibilities, the scope of our work and the audit certificate are set out in Appendix 3. The results of our audit are set out in Exhibit 5. We will submit a more detailed report to officers in due course.

49. In Flintshire two documents are employed to meet the statutory requirements; the Council Plan sets out the authority's aspirations, while the annual performance report provides a review of service delivery in the past year. In principle we think this is a sound approach, but we have reservations on two matters:
- The Council Plan does not yet provide a clear focus for service plans. Partly as a consequence, those service plans are not universally seen by directorates as their major planning document.
 - The Council Plan is prepared before the start of the financial year, and the Annual Performance Report in the October after its end. Ideally both should be available to inform the Budget Setting Process, but at present this linkage is not evident. There is a need to strengthen further the alignment of financial and strategic planning.

Exhibit 5: Summary of the results of audit work

<p>Audit of the Improvement Plan</p>	<ul style="list-style-type: none"> • the Improvement Plan and the Public Summary were produced and published on time and complied with the guidance in Circular 28/2005; • both the Council Plan and the Performance Report are concise, well-written documents which together report a balance of good performance and areas for improvement; • the Improvement Plan was published before the statutory deadline of 31 October 2007; • we would like to see the Council Plan being produced before the start of the financial year as part of a closer relationship between financial and strategic planning, and reflect a stronger sense of corporate priorities; and • there is scope for further development of balanced indicators.
<p>Performance management arrangements</p>	<p>The Council's Performance Management Framework requires further attention before it can be regarded as an effective management tool</p> <ul style="list-style-type: none"> • As set out in the Improvement Plan, there is an overall corporate vision along with supporting objectives. • Many more service plans are in place, although doubt as to their effectiveness remains. Significant differences between directorates persist in terms of the use made of service plans, which also vary markedly in the scale of activity they relate to. • The Performance Management Framework provides some link to the Budget Setting Framework although the timing of the process requires more work, and prioritisation remains unclear in many respects. • Sustainability and equality issues are being built into the performance management arrangements.

Performance Indicators	<p>Performance Indicators are generally reported accurately, although there is some scope for improvement</p> <ul style="list-style-type: none"> • the balance provided by the corporate Improvement Unit and directorate champions is good; • the new PICS data capture and reporting facility is powerful and effective, although some modification may be needed to ensure it relates effectively to Ffynnon; and • the Council experienced particular difficulty in reporting data related to Supporting People.
-------------------------------	--

The Relationship Manager's report on behalf of the Auditor General

The Council has engaged positively with the Wales Audit Office's initiatives to promote improvement through shared learning and the Good Practice Exchange

50. Promoting improvement across public services through the capture, evaluation and dissemination of good practice, is a long-term approach the Wales Audit Office embarked upon during the year. Web-based facilities to support improvements in sickness absence management have been launched and the ability to access Wales Audit Office case studies and facilities to share learning across public services have been developed.
51. As part of the Improvement Study on Good Practice in Sickness Absence, the Council was provided with assistance to consider the opportunities around sickness absence management good practice linked to the Wales Audit Office Good Practice Exchange. Our work with the Council, which is still ongoing, is focused on assessing the true cost of sickness absence within Adult Social Services.
52. As sickness absence continues to be a significant issue across Welsh public services the Wales Audit Office will be maintaining its focus in this area and developing the approach of promoting improvement through the use of good practice. The sickness absence theme will be developed into the wider area of attendance management during 2007/2008. We will build upon the relationships developed with the Council to assist with the implementation of good practice in this area.

We are continuing to review the Council's progress on Making the Connections

53. We reported last year that the Council was making adequate progress in implementing the Making the Connections agenda.
54. We propose to build on this by undertaking a study into the use of assets across the Welsh public service. The potential efficiency gains from reviewing the configuration and use of assets are significant and the potential gains from joint working in this area are also significant. There is a unique opportunity to:
- promote better use of assets at the institutional and broader community level; and
 - identify and share good practice.
55. We intend to examine asset management across the Welsh public services over a three-year period. Initially we will examine if the Welsh public services are collectively ensuring that their approach to fleet and vehicle asset management makes the best use of resources to support improvements in service delivery. The work will commence in early 2008.

Performance audit and inspection work delivered both by the Appointed Auditor and on behalf of the Auditor General for Wales found that many services are generally well run, though the Annual Risk Assessment identified a number of areas the Council needs to improve in order to achieve its corporate priorities

56. The Council undertook the Wales Programme for Improvement (WPI) Annual Risk Assessment and agreed it with regulators in line with the guidance in Circular 28/2005. The results of the Risk Assessment were reported in the Council Plan and informed both the Council's priorities for improvement and the regulators' work programmes. This part of the Annual Letter reports on work done by the Council's regulators in response to agreed corporate and service risks.
57. Whilst we have found that many services are generally well run, our work and that of other regulators shows that there is potential for improvement in some areas including housing, planning and waste management where there are significant risks which require continued attention.
58. A comparison of the Council's performance with other authorities in Wales indicates that many services are performing well. Although there are a number of areas that are in need of further improvement, in many respects the Council starts from a sound base.
59. The Council's 2006/2007 Annual Performance Report states:
- 56 per cent of performance targets were exceeded or met;
 - 59 per cent of PIs showed improvement on the previous year; and
 - the Council has the best ratio of top-to-bottom quartile performance when compared with the other local authorities in Wales (34 per cent in the top quartile and 19 per cent in the bottom quartile).

The Council should work with its regulators to improve its Annual Risk Assessment Process

60. During 2007, we have worked closely with the Council to assist in establishing a more corporate approach to the WPI Annual Risk Assessment. This included a meeting with the Corporate Management Team (CMT) in August 2007 which agreed that the Annual Assessment Process would, in future, focus more precisely on identifying the risks to delivering the Council's statutory duties and the strategic objectives contained in the Council Plan.
61. The Joint Risk Assessment (JRA) meeting to discuss and agree strategic risks will be held between the Council and its regulators on 3 December 2007. The Risk Assessment Template, which records details of the agreed risks, is planned for completion and sign-off in early 2008.

The Housing Service faces fundamental challenges and its structure and resources require urgent attention

We have followed the development of the Council's Housing Business Plan closely

62. The most significant strategic issue facing the authority at present is its housing plan. At the time of this letter, the results of further discussions with the Assembly Government are not known. Whatever the final decision we stress its significance both in terms of the level of Senior Officer time it will consume and its financial impact on other parts of the authority. We particularly welcome the cross-party co-operation in the continuing negotiations with the Assembly Government.
63. The Auditor has followed closely the emerging Housing Business Plan. The Assembly Government expects all social landlords in Wales to devise realistic programmes for bringing all their properties up to the Welsh Housing Quality Standard (WHQS). The WHQS has been developed to provide a common target for the physical condition of all housing in Wales, including the private sector, although the guidance which has been issued is for local authorities only. All local authorities are expected to adopt the WHQS and devise realistic programmes for bringing their stock up to it by the end of 2012.
64. Determining policy of this sort is of course a matter for members. However, regardless of the decisions ultimately taken, in the auditor's view:
- Implementation is likely to consume a significant proportion of senior officers' time in the forthcoming year, particularly given the various changes in structure that are likely to emerge. Capacity for further developments will be limited.
 - There are significant implications for the level of financial support that will be available for other areas of need, particularly capital, which members will wish to take into account.

While a number of valuable initiatives are underway, much remains to be done before the Housing Maintenance Service can be regarded as fit for purpose

65. In the summer of 2006 the appointed auditor issued a report in the public interest which considered the Housing Repair Service, and at the same time raised some issues about the housing function as a whole. On the service, the report commented on the need for marked rises in productivity, a review of supervisors and management, and an increase in management information. It went on to suggest there was a need to consider the options available for the provision of repair, particularly if the in-house service could not prove it represented value for money. The auditor has recently revisited these issues.
66. Over the last 18 months there have been a number of developments. We welcome the:
- appointment of an experienced manager for the service;
 - overhaul of a number of working practices, including such steps as the provision of imprest stocks on vans; and
 - enhancement of management information.
67. Despite these positive moves there is more to be done. Our understanding is that a new schedule of rates is to be introduced which reflects the prices offered by private sector contractors – a positive move in itself – and that will require a further 17 per cent improvement in productivity. Financial results from the early months of 2007/2008 suggest that the service is operating at a slight deficit on the old schedule. Together these points underline the scale of the challenge.
68. The auditor will shortly issue a more complete report on this area, which will suggest a different approach to defining the client/contractor split and notes that there are still problems in producing accurate performance figures.

Effective budgetary control has been restored over private sector housing grants

69. The auditor has also completed a review of private sector housing grants, following concern over the level of budgetary control. In many ways this was satisfactory; we found that proper financial controls are back in place, the Council's amended policy is now fully compliant with statute and that procedures have been streamlined. Our one concern was whether the level of support that the Council now provides, as confirmed by the Executive last July, meets its emerging Housing Strategy. In essence the Council now makes discretionary grants only in extreme cases, and it would be worthwhile considering whether this is a policy that should continue in the longer term.

Homelessness services are improving and are helping to prevent people becoming homeless. The Council is, however, unlikely to comply with the Assembly Government's 2008 target on the use of bed and breakfast accommodation

70. We found a number of positives in the provision and development of services for homeless people which have helped reduce identified homelessness in the County. These include:
- appointment of a new 'interim' Housing Options Manager;
 - additional funding from the Assembly Government matched by the Council;
 - implementation of prevention initiatives such as the Bond Scheme and the Mediation Service; and
 - the Council is working more effectively with registered social landlords to provide affordable rented accommodation.
71. We also identified a number of areas for improvement including:
- Reviewing the Homeless Strategy to ensure it reflects national and local requirements and targets.
 - Increasing the accommodation available in the social and private rented sectors for young people and couples. The Council, in conjunction with local registered social landlords, is making some progress in improving capacity in the private rented sector housing but more is needed.

The Council is helping to provide more affordable housing in the County but a more strategic approach is required

72. Our work identified that the Council is helping to provide more affordable housing in the County by:
- working with private developers to increase the supply of affordable housing;
 - redrafting the Housing Allocation Policy to ensure a more balanced weighting of points; and
 - providing incentives for older people living in family accommodation to move into sheltered housing.
73. We also identified a number of areas for improvements including:
- formally adopting the UDP and the Affordable Housing Policy and ensuring they are consistently applied;
 - using the findings of the Housing Market Needs Assessment to inform the Affordable Housing Policy;
 - making more effective use of its properties and land to support affordable housing; and
 - resolving the lack of permanent senior management capacity within the Housing Service.

The Council has conducted a significant review of the development control function, and the position is more satisfactory

74. The Development Control Service has been the focus of a considerable amount of activity during the year. We found a number of areas of detail that could be improved, but our fundamental conclusion was that much depended on the level of co-operation between members and officers.
75. The Appointed Auditor reported back to officers and members on the results of a review of development control in the early part of 2007. This work was agreed following a number of concerns, ranging from issues about individual planning applications, through operational issues to the approach adopted by individuals.
76. It is worth emphasising that many aspects of the service represent best practice. The auditor was impressed in particular by the on-line functions, and we noted that the speed of dealing with householder applications is better than the Welsh average. We should also emphasise that we found no evidence of irregularity.
77. Despite this, we discussed with the Scrutiny Committee a range of recommendations, including:
- the need for clear reasons to be recorded in the minutes for every decision taken where Council policy is not followed;
 - a review of the approach to site visits; and
 - a number of areas in which further training would be of benefit.
78. We welcomed the very detailed consideration given to the report by the Overview and Scrutiny Committee, and the further review of some points by the Audit Committee. Overall, we hope that the Council will now move on from difficulties of this kind; it is well placed to do so.

The Council is now making good progress on its Waste Management Strategy, although its own landfill capacity is almost exhausted and risks remain over the regional solution

79. Waste management is a significant corporate risk for the Council. The Council's Waste Strategy seeks to meet the performance targets in the European Community Landfill Directive (the Directive), for the diversion of municipal waste away from disposal at landfill sites. The Council will incur considerable penalties if it fails to meet these targets which escalate towards 2020. The National Waste Strategy *Wise About Waste* contains milestone targets for recycling and composting that aim to guide councils to meet the requirements of the Directive.
80. The Council has for some time been developing a strategic approach with the other councils of North Wales. It is pleasing to see such active co-operation and, whilst a number of risks and challenges remain to be overcome, we hope that these plans reach fruition. We are also content that the current approach towards procurement is in line with best practice.

The condition of the highway infrastructure in the County compares favourably with that of other local authorities in Wales. However, this could change in the future as the resources available for maintaining the infrastructure are increasingly inadequate

81. The Highways Asset Management Plan is presently being prepared and significant elements of it are in draft form. It does, however, identify that the Council needs to spend £13.8 million per annum on maintenance works to prevent the highways and associated infrastructure deteriorating. Over the last four years, £6-7 million per annum has been spent on maintenance works.
82. A proportion of this expenditure is provided by the Assembly Government but future levels of funding may depend on the relative condition of the Council's infrastructure compared with other local authorities in Wales. In this case, the level of the Council's central funding may be reduced as roads in the County are generally in a better condition than most other local authorities in Wales. The Council should produce a Medium-Term Financial Strategy, based on the information in the Highways Asset Management Plan, which details how maintenance to the highways infrastructure is to be funded in future years.
83. Our work in this area also identified a lack of local policies and standards in response to the National Code of Practice for Highway Maintenance 2005. As a consequence, the Council's Highway Maintenance Policy is largely based on custom and practice and standards of service have not been properly defined or formally approved. The Council should agree a full set of highway maintenance policies and standards within the next year.

An ESTYN inspection of school improvement rated the Council's performance as having 'good features with no important shortcomings' and its prospects for improving performance as 'good but with barriers in important areas'

84. The inspection identified a number of positives in the Council's school improvement performance including:
 - pupils in all key stages attain standards in the core subjects that are consistently higher than the national average;
 - pupils' attainment in National Curriculum assessments at key stages 1 and 2 and in Key Stage 4 GCSE examinations has improved significantly over the past five years;
 - the percentage of pupils who attain five or more A* to G GCSEs is the highest in Wales with consistently high performance across all secondary schools; and
 - the rate of attendance of pupils in secondary schools has been the highest in Wales for the past two years and exclusions from these schools are reducing.

85. Areas for improvement include:
- increase pupils' attainment levels in National Curriculum assessments at Key Stage 3 and in gaining five or more A* to C GCSEs as they are below the levels expected for schools and local authorities in similar social and economic circumstances;
 - improve the criteria for support and intervention by giving more prominence to standards, targeting support in inverse proportion to success and making clearer schools' entitlement to resources;
 - more consistent application of curriculum support across schools; and
 - consistent and rigorous use of performance data across all schools to inform the Target Setting Process.
86. The inspection also identified a number of positives in the Council's prospects for further improving school performance including:
- senior officers and elected members demonstrate clear commitment to school improvement and provide effective leadership for education;
 - the service is delivered by enthusiastic, knowledgeable and highly experienced officers who have the trust and confidence of schools and other key partners;
 - the good and improving communications and consultation with schools on strategy and policy that has enabled the Council to manage strategic change effectively; and
 - there is a good track record of successful implementation of key national initiatives such as the Basic Skills Strategy.
87. Areas for improvement include:
- Senior officers have very high workloads and too many operational responsibilities. This should be addressed by the Council as it limits capacity to focus on key strategic priorities and increases the risk of failure to sustain the current rate of progress.
 - More consistent use of the Performance Management Framework by all teams within the service.
 - Provision of better performance information of individual schools to members to enable them to monitor pupils' performance and to evaluate the work of the service.
 - Address all the recommendations made at the last School Improvement Inspection including those to include more specific and measurable success criteria in service plans and to improve the transparency of school improvement service costs so that schools can better judge its value for money.

A CSSIW inspection of children’s services concluded that ‘while some children received a good service, overall services were inconsistent’ and ‘the Council’s ability to sustain and improve services was mainly well placed’

88. The inspection identified a number of positives in the delivery of children’s services including:
- progress over the last three years in seeking to improve and develop access to children’s services;
 - good range of services for children and their families;
 - Duty and Assessment Team is able to make timely decisions on all new referrals and decisions on all child protection referrals are made the same day;
 - clear threshold and eligibility criteria for referrals to the service; and
 - well-established referral network and good working relationships with other professionals.
89. Areas for improvement include:
- increase consistency in the quality of assessments and place more emphasis on analysis and care planning;
 - improve timescales for completion of both initial and core assessments;
 - increase consistency in the arrangements for the protection of children;
 - improve recruitment and retention of social workers to alleviate the current heavy reliance on agency workers in some teams; and
 - embed performance management into the culture of the service.

We recommend no statutory inspections this year

90. The Appointed Auditor is required each year to recommend whether, on the basis of audit work undertaken, the Wales Audit Office should carry out a Best Value Inspection of the Council or whether the Assembly Government should recommend a course of action, referred to as ‘a direction’ under Section 15 of the Local Government Act 1999 (the 1999 Act).
91. On the basis of the audit work undertaken, the Appointed Auditor does not recommend that the Auditor General should carry out a Best Value Inspection of the Council under Section 10 of the 1999 Act; and does not recommend that the Assembly Government should give a direction under Section 15 of the 1999 Act.

Appendix 1

Auditor's report on the arrangements for securing economy, efficiency and effectiveness in its use of resources in 2006/2007

Conclusion on the Council's arrangements for the year ended 31 March 2007 for securing economy, efficiency and effectiveness in its use of resources	
The Council's responsibilities	
The Council is responsible for putting in place proper arrangements to secure economy, efficiency and effectiveness in its use of resources, and to ensure proper stewardship and governance. The Council is also responsible for regularly reviewing the adequacy and effectiveness of these arrangements.	
Auditor's responsibilities	
I have a responsibility under Section 17(2) of the Public Audit (Wales) Act 2004, to conclude from my audit of the Council's annual accounts and other relevant information whether I am satisfied that it has made proper arrangements for securing economy, efficiency and effectiveness in its use of resources. For the purposes of my work in this area, I have assessed 'proper arrangements' as principally comprising an organisation's corporate performance management and financial management arrangements, significant elements of which are defined in Paragraph 48 of the Auditor General's Code.	
I report if significant matters have come to my attention which prevent me from concluding that the Council has made such proper arrangements. In carrying out my work, I have not considered whether the arrangements in place represent all those that could be in place. I am also not required to consider, nor have I considered as part of this aspect of my work, the effectiveness of the arrangements in place in securing value for money during the year under review.	
Conclusion	
The following conclusion has been based on, and limited to, work carried out as part of my audit of the 2006/2007 accounts, together with any other information that I have considered to be relevant to my examination, to establish, in all significant respects, what arrangements the Council had in place during the year to support the achievement of its responsibility to secure economy, efficiency and effectiveness in its use of resources.	
Based on the Council's Statement on Internal Control and as a result of the work carried out, as described above, as part of my audit of the 2006/2007 accounts, and all other information that I have considered to be relevant, I am satisfied overall as to the existence of the arrangements that the Council had in place during the year to support the achievement of its responsibility for securing economy, efficiency and effectiveness in its use of resources. I have also raised various issues with the Council, and made recommendations to improve its arrangements. These matters are further discussed and explained in the Annual Letter.	
PricewaterhouseCoopers LLP Appointed Auditor	Wales Audit Office 2-4 Park Grove Cardiff CF10 3PA

Appendix 2

Criteria for assessing the Council's arrangements during 2006/2007 for securing economy, efficiency and effectiveness in its use of resources

Corporate performance management and financial management arrangements	Questions on arrangements
Establishing objectives, determining policy and making decisions	1. Has the Council put in place arrangements for setting, reviewing and implementing its strategic and operational objectives?
Meeting needs of users and taxpayers	2. Has the Council put in place channels of communication with users and taxpayers, and other stakeholders including partners, and are there monitoring arrangements to ensure that key messages about services are taken into account?
Compliance with established policies	3. Has the Council put in place arrangements to maintain a sound system of internal control, including those for ensuring compliance with laws and regulations, and internal policies and procedures?
Managing operational and financial risks	4. Has the Council put in place arrangements to manage its significant business risks?
Managing financial and other resources	5. Has the Council put in place arrangements to evaluate and improve the value for money it achieves in its use of resources? 6. Has the Council put in place a Medium-Term Financial Strategy, budgets and a capital programme that are soundly based and designed to deliver its strategic priorities? 7. Has the Council put in place arrangements to ensure that its spending matches its available resources? 8. Has the Council put in place arrangements for managing and monitoring performance against budgets, taking corrective action where appropriate, and reporting the results to senior management and the Council? 9. Has the Council put in place arrangements for the management of its asset base?
Monitoring and reviewing performance	10. Has the Council put in place arrangements for monitoring and scrutiny of performance, to identify potential variances against strategic objectives, standards and targets, for taking action where necessary, and reporting to the Council? 11. Has the Council put in place arrangements to monitor the quality of its published performance information, and to report the results to Council members?
Proper standards of conduct etc	12. Has the Council put in place arrangements that are designed to promote and ensure probity and propriety in the conduct of its business?

Appendix 3

Audit of the 2007/2008 Improvement Plan

Certificate

We certify that we have audited the Council's Improvement Plan in accordance with Section 7 of the 1999 Act and the Auditor General's Code. We also had regard to supplementary guidance issued by the Assembly Government such as Circular 28/2005.

Respective responsibilities of the Council and the auditors

Under the 1999 Act the Council is required to prepare and publish a Best Value Performance Plan summarising:

- its assessments of performance; and
- its position in relation to its statutory duty to make arrangements to secure continuous improvement to the way in which its functions are exercised, having regard to a combination of economy, efficiency and effectiveness.

This was supplemented by further guidance on how the WPI will be implemented under sections 3, 5 and 6 of the 1999 Act as set out in the National Assembly for Wales' Circular 18/2002. Under this guidance, the statutory Best Value Performance Plan has been replaced by a Statutory Plan.

The Assembly Government Circular 28/2005 superseded Circular 18/2002 and requires the Plan to be published no later than 31 October of the financial year to which it relates.

The Council is responsible for the preparation of the Plan and for the information and assessments set out within it. The Council's Future Work Programme set out in the Plan should connect to the outcomes of the updated Risk Assessment.

The Council is also responsible for establishing appropriate performance management and internal control systems from which the information and assessments in its Plan are derived, and for ensuring that it provides sufficient capabilities and capacity needed to manage change and improvement. The form and content of the Plan are prescribed in Section 6 of the 1999 Act and the statutory guidance issued by the Assembly Government.

As the Council's appointed auditors, we are required under Section 7 of the 1999 Act to carry out an audit of the Plan, to certify that we have done so, and to report whether we believe that the Plan has been prepared and published in accordance with statutory requirements set out in Section 6 of the 1999 Act and statutory guidance and, where appropriate, recommending how the Plan should be amended so as to accord with statutory requirements; and to recommend:

- Where appropriate, procedures to be followed in relation to the Plan.
- Whether the Wales Audit Office should carry out an inspection of the Council under Section 10 of the 1999 Act.

- Whether the Assembly Government should give a direction under Section 15 of the 1999 Act – eg, directing the Council to amend its Plan, carry out a review of a specific function or hold a local inquiry. Details of all possible directions can be found in the 1999 Act.

Scope of the Improvement Plan audit

We planned and performed our work to obtain all the information and explanations that we considered necessary in order to report and make recommendations in accordance with Section 7 of the 1999 Act.

For the purposes of our report, we have interpreted compliance with the statutory guidance issued by the Assembly Government in the document, *Wales Programme for Improvement: Guidance for Local Authorities*, as being sufficient to meet the statutory requirements under Section 6 of the 1999 Act.

We are not required to form a view on the completeness or accuracy of the information, or realism and achievement, of the Plan published by the Council. Our work therefore comprised a review and assessment of the Plan and, where appropriate, an examination on a test basis of relevant evidence, sufficient to satisfy ourselves that the Plan includes those matters prescribed in legislation and statutory guidance and that the arrangements for publishing the Plan complied with the requirements of the legislation and statutory guidance.

For the purpose of determining whether or not to make recommendations on procedures to be followed in relation to the Plan, our work included:

- a review and assessment and, where appropriate, examination on a test basis of evidence relevant to the adequacy of the systems set in place by the Council for collecting and recording specified performance information; and
- the testing of specific NSPIs selected on the basis of criteria set out by the Wales Audit Office.

The work we have carried out in order to report and make recommendations in accordance with Section 7 of the 1999 Act cannot be relied upon to identify all weaknesses or opportunities for improvement.

We planned our work so as to collect sufficient evidence to satisfy ourselves that the Plan includes those matters prescribed in legislation and statutory guidance, and the arrangements for publishing the Plan, complied with the requirements of legislation and statutory guidance.

Other recommendations under the Local Government Act 1999

We make no statutory recommendations.

Appointed Auditor:	
	PricewaterhouseCoopers LLP, Cardiff
Date:	

Appendix 4

Audit and inspection fees

Your 2006/2007 audit and inspection fees were based on the risks identified and an assessment of the work needed to address those risks. They are currently expected to be in line with those set out in your Regulatory Plan as summarised below.

Audit and Inspection fees 2006/2007 (excluding VAT)

	2006/2007 planned (£)	2006/2007 expected actual (£)
Accounts and performance audit	325,285	325,285
Performance inspection	90,095	90,095
Total	415,380	415,380

In addition to the fee above, we are required to certify your government grant claims and returns for which we must charge the actual time taken to undertake the work at skill-related fee rates. This work is not complete: at this stage we anticipate this work will cost approximately £167,000 plus VAT.



Wales Audit Office
2-4 Park Grove
Cardiff CF10 3PA
Tel: 029 2026 0260
Fax: 029 2026 0026
Textphone: 029 2026 2646
E-mail: info@wao.gov.uk
Website: www.wao.gov.uk

FLINTSHIRE COUNTY COUNCIL

AGENDA ITEM NUMBER: 5

REPORT TO: SPECIAL MEETING OF THE FLINTSHIRE COUNTY COUNCIL

DATE : 05 DECEMBER 2007

REPORT BY: CHIEF EXECUTIVE AND ACTING DIRECTOR OF
COMMUNITY AND HOUSING AND COUNTY FINANCE
OFFICER AND MONITORING OFFICER

SUBJECT : HOUSING STOCK OPTIONS APPRAISAL PROGRESS
REPORT

1.00 PURPOSE OF REPORT

- 1.01 To update Members on the progress of discussions with the Welsh Assembly Government on the Council's preferred option to retain the local social housing stock within its ownership and control.
- 1.02 To seek guidance and direction from Members.

2.00 BACKGROUND

- 2.01 The Council received a report which evaluated the options for achieving the Welsh Housing Quality Standard (WHQS) at a special meeting held on 27 September 2007 (minute 191 refers). At that meeting the Council opted to retain the local social housing stock within its ownership and control, and instructed officers to open new discussions with the Welsh Assembly Government. The Council had been required to communicate a decision on its preferred option to the Assembly Government by the end of September to offset any risk of withdrawal of its Major Repairs Allowance (MRA).

The Council had understood that the Assembly would have to be satisfied that the Council could develop the outline business plan (as presented at that meeting) into a full, affordable and achievable business plan which would ensure compliance with the WHQS. Assembly Government policy is based on the presumption that should a council be unable to submit a full and compliant business plan to retain its stock, to the satisfaction of the Assembly Government, it must proceed to ballot local tenants on the options of stock retention and stock transfer to an alternative social landlord.

A cross party delegation of group leaders met with the Deputy Minister for Housing, Jocelyn Davies AM, and senior civil servants in the Welsh Assembly Government in Cardiff on 15 November and were accompanied and advised by the Chief Executive and the Acting Director of Community and Housing.

3.00 CONSIDERATIONS

- 3.01 The Council will receive a full verbal report on the outcomes of the meeting with the Deputy Minister and the work undertaken to further develop the outline business plan for the retention option since the meeting.

Officers have been completing further work on (i) aspects of the Council's outline business plan to be assured of its interpretation of the environmental standards of the WHQS (ii) the financial model based on further advice given by Assembly officials on predicted levels of national funding in future years, specifically the Management and Maintenance Allowance Subsidy.

The Council must be satisfied that the outline business plan for retention can be developed into a full and compliant business plan before it proceeds further with discussions with the Welsh Assembly Government.

4.00 RECOMMENDATIONS

- 4.01 That the Council provides guidance and direction based on the progress report it will receive at the meeting.

5.00 FINANCIAL IMPLICATIONS

- 5.01 Nothing further to add to the report previously submitted.

6.00 ANTI POVERTY IMPACT

- 6.01 Nothing further to add to the report previously submitted.

7.00 ENVIRONMENTAL IMPACT

- 7.01 Nothing further to add to the report previously submitted.

8.00 EQUALITIES IMPACT

- 8.01 Nothing further to add to the report previously submitted.

9.00 PERSONNEL IMPLICATIONS

- 9.01 Nothing further to add to the report previously submitted.

10.00 CONSULTATION REQUIRED

- 10.01 Nothing further to add to the report previously submitted.

11.00 CONSULTATION UNDERTAKEN

- 11.01 Nothing further to add to the report previously submitted.

12.00 APPENDICES

12.01 None

LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985
BACKGROUND DOCUMENTS

None

Contact Officer: Colin Everett
Telephone: 01352 702101
E-Mail: chief_executive@flintshire.gov.uk

FLINTSHIRE COUNTY COUNCIL

AGENDA ITEM NUMBER: 7

REPORT TO: SPECIAL MEETING OF THE FLINTSHIRE COUNTY COUNCIL

DATE : 05 DECEMBER 2007

REPORT BY: COUNTY LEGAL AND DEMOCRATIC SERVICES OFFICER

SUBJECT : STATEMENT OF LICENSING POLICY 2008-2011 LICENSING ACT 2003

1.00 PURPOSE OF REPORT

1.01 To adopt the Statement of Licensing Policy which will come into effect on 1st January, 2008 for a three year period.

2.00 BACKGROUND

2.01 At its meeting held on 12 November, 2007 the Licensing Committee considered the report of the Acting Director of Environment & Regeneration (Appendix A) in relation to the Statement of Licensing Policy which went out for extensive consultation between June and September 2007. The purpose of this consultation was to invite comments and observations on the first three years operation of the Licensing Policy for the period 2004-2007.

2.02 Section 5 of the Act requires a Licensing Authority every three years to determine its policy with respect of the exercise of its licensing functions and publish a statement of that policy before the beginning of the period. The next period begins on 1 January, 2008.

3.00 CONSIDERATIONS

3.01 The Licensing Committee considered the responses to that consultation and a table detailing the respondents and summarising their comments was attached as an appendix to that report. The Authority's appraisals and response to the comments were also detailed.

3.02 The Officers had also suggested that the Policy should include paragraphs on two particular issues and these related to Designated Premises Supervisors and the advent of the Smoke Free Premises etc (Wales) Regulations 2007. The Licensing Committee fully supported the recommendations relative to these issues. The Statement of Licensing Policy (Appendix B) reflects the recommendations agreed by the Committee.

4.00 RECOMMENDATIONS

- 4.01 It is recommended that the Council adopts the attached Statement of Licensing Policy for the period 2008-2011 with effect from 1st January, 2008.

5.00 FINANCIAL IMPLICATIONS

- 5.01 None in respect of this particular report.

6.00 ANTI POVERTY IMPACT

- 6.01 None.

7.00 ENVIRONMENTAL IMPACT

- 7.01 Parts of the Policy have significant impact on noise and disturbance issues relating to licensed premises.

8.00 EQUALITIES IMPACT

- 8.01 None.

9.00 PERSONNEL IMPLICATIONS

- 9.01 None in respect of this report.

10.00 CONSULTATION REQUIRED

- 10.01 Set down in Section 5(3) of the Act.

11.00 CONSULTATION UNDERTAKEN

- 11.01 As detailed in the appendix to the report of the Acting Director of Environment & Regeneration to the Licensing Committee, 12 November, 2007.

12.00 APPENDICES

- 12.01 Appendix A - Report of Acting Director of Environment & Regeneration to the Licensing Committee on 12 November, 2007 - Licensing Act 2003 Statement of Licensing Policy 2008-2011.

Appendix B - Statement of Licensing Policy.

LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985
BACKGROUND DOCUMENTS

Minutes of Licensing Committee, 12 November 2007

Contact Officer: Barry Davies
Telephone: 01352 702344
E-Mail: barry_davies@flintshire.gov.uk

FLINTSHIRE COUNTY COUNCIL

AGENDA ITEM NUMBER:

REPORT TO: **LICENSING COMMITTEE**

DATE : **12 NOVEMBER 2007**

REPORT BY: **ACTING DIRECTOR OF ENVIRONMENT & REGENERATION**

SUBJECT : **LICENSING ACT 2003 STATEMENT OF LICENSING POLICY**
2008 - 2011

1.00 PURPOSE OF REPORT

1.01 To request that Members consider and adopt the Licensing Act 2003 Statement of Licensing Policy that will have effect from January 2008 for a three year period.

2.00 BACKGROUND

2.01 Section 5 of the Act requires the Licensing Authority, every three years, to determine its policy with respect to the exercise of its licensing functions and publish a statement of that policy before the beginning of the period.

2.02 The next period will begin on 1st January 2008.

2.03 The Licensing Authority undertook a consultation process between June and September 2007 to invite observations or comments about the policy after its first three year period of operation from 2004 to 2007.

2.04 Those consulted included Responsible Authorities, Ward Councillors, Town and Community Councils, licensed premises, pub companies, licensing solicitors, Assembly Members and Members of Parliament. Details of the review were also placed on the Council's website.

3.00 CONSIDERATIONS

3.01 Seven responses were received following the consultation process. A table detailing the respondents and summarising their comments is shown in the Appendix. The Authority's appraisal and response to the comments are also shown.

3.02 In addition to the above, Officers suggest that the Policy should include paragraphs on two particular issues.

3.03 The first is that Flintshire's policy should be that a Designated Premises Supervisor (DPS) should be responsible for only one licensed premises at a

time. It is felt that effective supervision is compromised if a DPS holds this position in a number of premises at the same time. Trading circumstances sometimes make this situation inevitable but in those cases a maximum time period of 2 months as the DPS of more than one premises is suggested, unless specific agreement has been made with the Police and Licensing Authority. Furthermore, if a person is a DPS in more than one premises, the person in charge of the other premises should be the holder of a Personal Licence.

- 3.04 Secondly, the advent of the Smoke-free Premises etc. (Wales) Regulations 2007 has significantly changed the way in which licensed premises operate. It is now commonplace for patrons to congregate outside licensed premises as they are no longer permitted to smoke inside. This has led to an increase in noise and disturbance issues and concerns about additional litter. It is felt that the Policy should remind those in charge of premises that it is their responsibility to adequately supervise their customers both inside and outside their premises so as to promote the prevention of public nuisance licensing objective, and to ensure that smoking related litter does not accumulate.
- .3.05 Minor administrative changes to update the document may also be necessary.

4.00 RECOMMENDATIONS

- 4.01 That Members consider and adopt the Licensing Act 2003 Statement of Licensing Policy that will have effect from 1st January 2008 for a three year period.

5.00 FINANCIAL IMPLICATIONS

- 5.01 None in respect of this report

6.00 ANTI POVERTY IMPACT

- 6.01 Not applicable

7.00 ENVIRONMENTAL IMPACT

- 7.01 The prevention of public nuisance is one of the licensing objectives

8.00 EQUALITIES IMPACT

- 8.01 Not applicable

9.00 PERSONNEL IMPLICATIONS

- 9.01 None

10.00 CONSULTATION REQUIRED

10.01 Yes

11.00 CONSULTATION UNDERTAKEN

11.01 As detailed above in body of report and appendix

12.00 APPENDICES

Please see attached

LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985
BACKGROUND DOCUMENTS

Licensing Act 2003 and associated Regulations
Department of Culture Media and Sport Guidance issued under Section 182
Flintshire County Council existing Statement of Licensing Policy

Contact Officer: Michael Lovatt
Telephone: 01352 703393
E-Mail: michael_lovatt@flintshire.gov.uk

Ref. No.	Name of Respondent	Summary of Respondents' Comments	Authority's Appraisal	Authority's Response
01	David Hanson MP	Acknowledgement and contents noted	None	No further action
02	North Wales Police	Happy with the content of the policy as it is.	Noted	No further action
03	Queensferry Community Council	Community Council should be able to make observations to the Licensing Committee	Applications for licences must be made in accordance with the Regulations. These state that applications must be sent to the Responsible Authorities. Town and Community Councils are not Responsible Authorities. It would be unlawful to involve them because their representations could not be accepted. Town and Community Councils can act as a body representing persons living in the vicinity if nominated in writing by that person.	No further action
		Licensees should be members of Pub Watch / Off Watch Schemes	Already included in policy	No further action
04	Connah's Quay Town Council	Under the Licensing Act 1964 the Town Council was notified of any changes or variations. The 2003 Act has changed this. The Town Council feels that it should still be consulted directly.	Applications for licences must be made in accordance with the Regulations. These state that applications must be sent to the Responsible Authorities. Town and Community Councils are not Responsible Authorities. It would be unlawful to involve them because their representations could not be accepted. Town and Community Councils can act as a body representing persons living in the vicinity if nominated in writing by that person.	No further action

Ref. No.	Name of Respondent	Summary of Respondents' Comments	Authority's Appraisal	Authority's Response
05	British Beer and Pub Association	General letter addressed to all Licensing Authorities. Lists examples of policy items that go beyond the provisions of the Act.	None of the matters of concern listed are found in Flintshire's policy.	No further action.
06	Punch Taverns Ltd.	Have considered the policy and have no comments to make.	Noted	No further action
07	Children's Safeguarding Manager – Flintshire County Council	<p>Copy of a report to the Local Safeguarding Children Board (Executive).</p> <p>(1) The copy of the application, with plan, is not sufficient information to enable appropriate comments.</p> <p>(2) The current system is fractured. Not aware of concerns of other Responsible Authorities.</p> <p>(3) Licensing Dept. does not send applications to the area in which the applicant lives.</p> <p>(4) Where the applicant is a Company, cannot check for any relevant information on Children's Services system.</p>	<p>The Act requires that the Applicant sends a copy to all the Responsible Authorities including Children's Services.</p> <p>There is provision for free flow of information between all Responsible Authorities should they choose to engage in it.</p> <p>The Act does not require this and the Dept. does not have the resources to do it.</p> <p>Advise checking with Companies House for details of directors etc.</p>	<p>No further action</p> <p>No further action</p> <p>No further action</p> <p>No further action</p>

Ref. No.	Name of Respondent	Summary of Respondents' Comments	Authority's Appraisal	Authority's Response
		<p>(5) Not provided with information on whether concerns have been raised in relation to a premises.</p> <p>(6) Licensing Dept. does not require a response from Children's Services. No checks that copy of the application has been received, perused and endorsed.</p>	<p>If concerns were identified by the Licensing Authority or Police then liaison with Children's Services would take place.</p> <p>It is the applicant's responsibility to send a copy to each Responsible Authority. Whether that Responsible Authority responds is a matter for them</p>	<p>No further action</p> <p>The Licensing Authority receives a weekly e-mail from the Police listing the applications they have received in order to cross check. This e-mail can be forwarded to Children's Services for the same purpose.</p>



Licensing Act 2003

Statement of Licensing Policy

December 2007

Flintshire County Council
Licensing Act 2003
Statement of Licensing Policy – December 2004

Contents	Page
Foreword.....	2
1. Background.....	3
2. Planning.....	7
3. Prevention of Crime and Disorder.....	7
4. Public Safety.....	9
5. Prevention of Public Nuisance.....	10
6. Protection of Children from Harm.....	11
7. Cumulative Impact.....	13
8. Applications for Licences / Certificates.....	15
9. Operating Schedules.....	16
10. Hours of Operation.....	17
11. Enforcement and Reviews.....	18
12. The Licensing Process.....	18
13. Licensing Committee.....	21
14. Temporary Events.....	22
15. Licensing Register.....	23
16. Gaming.....	23
17. Designated Sports Grounds.....	23
18. Personal Licences.....	23
19. Designated Premises Supervisors.....	24
Contact Information.....	25

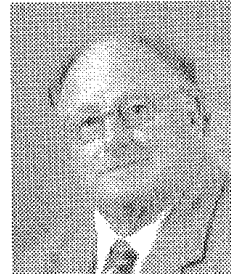
Foreword
by the
Chair of Flintshire County Council's Licensing Committee

This is the second of Flintshire's three-yearly Statements of Licensing Policy.

The advent of the Licensing Act 2003 provided an opportunity for a streamlined and efficient system of alcohol and entertainment licensing. In particular :

- it has given business greater freedom and flexibility to meet their customers' expectations via better and more proportionate regulation, giving the potential for increased employment opportunities;
- it has provided greater choice for customers, including visitors, about where, when and how they spend leisure time;
- more family friendly premises have been provided;
- opportunities have arisen for further development within our communities of live music, dance and theatre;
- the necessary protection of local residents from disturbance and anti social behaviour will continue to be a key aim.

Flintshire aims through its Statement of Licensing Policy to strike the right balances between greater freedom for the leisure / entertainment industry and protection for residents and communities.



Councillor Tony Sharps
December 2007

Flintshire County Council
Licensing Act 2003
Statement of Licensing Policy

1. Background

1.1 This Licensing Policy Statement is issued as required by the Licensing Act 2003 ('the Act') and is in line with Department of Culture, Media and Sport (DCMS) guidance to local authorities. This document sets out the policies that the Council as Licensing Authority will follow when making decisions upon applications for:

- The sale by retail of alcohol
- The supply of alcohol by or on behalf of a club to, or to the order of a member of the club
- The provision of late night refreshment (supply of hot food or drink from a premises between 23:00 and 05:00 hours)
- The provision of regulated entertainment to the public or club members or with a view to making profit including raising money for charity where the entertainment involves:
 - a) a performance of a play;
 - b) an exhibition of a film;
 - c) an indoor sporting event;
 - d) a boxing or wrestling entertainment;
 - e) a performance of live music;
 - f) any playing of recorded music;
 - g) a performance of dance;
 - h) entertainment of a similar description to that falling within paragraph e, f or g.

The entertainment falls within the requirements when it takes place in the presence of an audience and is provided for the purpose or includes the purpose of entertaining that audience.

- 1.2 Incidental live and incidental recorded music will not be regarded as regulated entertainment. The Licensing Authority will give the word "incidental" its ordinary and natural meaning when making judgements about whether activities are licensable.
- 1.3 Spontaneous music, singing and dancing is not included in the definition of regulated entertainment and any occurrences of it will be assessed in accordance with the Act.

- 1.4 Guidance on the procedures to be followed by applicants and objectors is included in Section 12 of this document.
- 1.5 It is the duty of the Licensing Authority to carry out its functions under the Act with a view to promoting the licensing objectives which are:

- **the prevention of crime and disorder**
- **public safety**
- **the prevention of public nuisance**
- **the protection of children from harm**

The Licensing Authority acknowledges that each objective is of equal importance and that there are no others.

It is recognised that the licensing function cannot operate in isolation in the delivery of the above objectives. The Licensing Authority will therefore continue to work in partnership with its local communities, the police, local businesses and all other relevant stakeholders and partners. The Licensing Authority acknowledges that the private sector and local residents and community groups have as equally a vital role as public bodies.

- 1.6 In undertaking its licensing function, any licensing authority is also bound by other legislation, examples of which are set out below:
- Section 17 of the Crime and Disorder Act 1998 requires a local authority to do all that it reasonably can to prevent crime and disorder in its locality
 - The European Convention on Human Rights, which is given effect by the Human Rights Act 1998 places a duty on public authorities to protect the rights of individuals in a variety of circumstances
 - Health and Safety at Work Act 1974
 - Environmental Protection Act 1990
 - Disability Discrimination Act 1995
 - The Anti-social Behaviour Act 2003
 - The Local Authorities (Alcohol Consumption in designated Public Places Regulations) 2001
 - The Health Act 2006 and the Smoke-free Premises etc. (Wales) Regulations 2007

Where existing law already places statutory obligations on applicants, the Council will not impose the same or similar duties by way of licence conditions.

- 1.7 The Licensing Authority will also seek to discharge its responsibilities identified by other Government Strategies, so far as they impact on the objectives of the Licensing Act. Examples of these strategies are set out below:
- Action Plan for Tackling Alcohol-related Crime, Disorder and Nuisance
 - Safer Clubbing
 - LACORS / TSI Code of Best Practice on Test Purchasing
 - Crime and Disorder Reduction Strategy
 - Together Tackling Anti-social Behaviour
 - Enforcement Policy
 - Unitary Development Plan
 - Transport Plan
- 1.8 The Licensing Authority would also draw attention to, and is supportive of, existing initiatives that are relevant to licensing, for example:
- Night-safe schemes
 - Proof of age schemes
 - CCTV coverage of town centres
 - Exclusion Orders from town centres
 - Safer Clubbing Guide (www.drugs.gov.uk)
 - Pubwatch schemes
 - Off-watch Schemes
- 1.9 The objective of the licensing process is to allow the carrying on of retail sales of alcohol and the provision of licensable activities in a way which ensures public safety and which is neither to the detriment of residents, nor gives rise to loss of amenity. It is the Licensing Authority's wish to facilitate well run and managed premises with licence holders displaying sensitivity to the impact of the premises on local residents.
- 1.10 The Licensing Authority recognises that the entertainment industry in Flintshire is a significant contributor to the local economy. It attracts tourists and visitors, makes for vibrant towns and communities and is a major employer. Commercial occupiers of premises also have a legitimate expectation of an environment that is attractive and sustainable for their businesses. But there must be a balance with the needs of the residential population, whose amenity the Licensing Authority has a duty to protect.
- 1.11 The Licensing Authority will also have regard to wider considerations affecting the amenity of any area. These include littering and fouling, noise, street crime and the capacity of the County's infrastructure, resources and police resources to cope with the influx of visitors, particularly at night.

- 1.12 The Licensing Authority has adopted this policy, which sets out the general approach it will take when it acts as Licensing Authority in considering applications for premises licences. In adopting this policy, the Licensing Authority recognises that each application will be considered on its merits.
- 1.13 The Licensing Authority recognises the need to encourage and promote live music, dancing and theatre for the wider cultural benefit of communities, and in particular, children. In determining conditions to be attached to licences and certificates the Licensing Authority will avoid measures which deter opportunities for cultural activities by imposing indirect costs.
- 1.14 The Council may seek premises licences in its own name for public spaces such as market squares, pedestrianised streets, etc. in order that community activities can take place easily.
In such defined places, performers and entertainers would not need to obtain a licence themselves or issue any temporary event notices. They would simply seek permission from the Council as the premises licence holder.
- nb. The Council would not be seeking authority to permit the sale or supply of alcohol for these areas.
- 1.15 The purpose of the Statement of Licensing Policy is to assist officers and members in reaching a decision on a particular application, setting out those matters that will normally be taken into account. In addition, the Policy document seeks to provide clarity for applicants, residents and other occupiers of property and investors, enabling them to make plans to move to, remain or invest in the County with some measure of certainty.
- 1.16 The Licensing Act 2003 makes provision for this policy to be consulted on and reviewed at least every three years. Accordingly, this Policy will be reviewed no later than December 2007. Interim revisions may be made to it, for example, following feedback from the local community on whether the licensing objectives are being met.
- 1.17 The Council will also monitor the impact of licensing on regulated entertainment to ensure that cultural events are not being deterred by unnecessary, disproportionate or unreasonable licensing conditions. The Council's Arts Development Officers will be included in consultation on this.
- 1.18 The policy will normally apply to any licence application determined after the date that the Council resolves to make the policy operational, irrespective of the date on which the application was made. The Licensing Authority will only depart from the policy, if individual circumstances of the case merit it, in the interest of the licensing objectives. Full reasons for such a departure will be given.

This policy applies to the following categories :

- Premises Licenses
- Club Premises Certificates
- Personal Licences
- Permitted Temporary Activities (Temporary Event Notices)

- 1.19 In the case of premises requiring a Premises Licence or Club Premises Certificate the Licensing Authority may select appropriate and necessary conditions from the DCMS pool of conditions. These conditions will be appropriate to the nature of the activities specified in the operating schedule, and reflect the four licensing objectives set out at paragraph 1.5.

2. Planning

- 2.1 Any premises for which a licence is required must have an authorised use under the planning legislation.
- 2.2 The Council's Planning Policies are set out in its Unitary Development Plan. Government guidance in the form of Planning Policy Guidance Notes (PPG) and Regional Planning Policy Guidance Notes (RPG) are also relevant.
- 2.3 In general, planning permissions authorise a broad type of use of a premises, whereas licences are granted for a particular type of activity. A planning permission for an entertainment use, for example may cover activities that can have a wide range of different impacts in the locality. The precise nature of the impacts of the specified activities proposed by an applicant for a premises licence need to be considered when the application is made.
- 2.4 The Licensing Authority will expect each applicant to have obtained appropriate planning consent in respect of the application so as to avoid unnecessary duplication.

3. Prevention of Crime and Disorder

- 3.1 The Licensing Authority will have regard to the Crime and Disorder Act 1998 under which it has a duty to prevent / reduce crime and disorder in the area. Conditions attached to premises licences and club premises certificates will, so far as possible, reflect local crime prevention strategies, eg. the provision of CCTV cameras in certain premises.
- 3.2 One of the key priorities of the Flintshire Crime and Disorder Reduction Partnership is to reduce the level of crime in specified areas. The policy will have regard, therefore, to the likely impact of licensing on related crime and disorder in the Council's area, particularly when considering the location and

impact and the operation and management of all proposed licence applications, renewals and variations of conditions.

- 3.3 The Licensing Authority will have due regard to the representations of North Wales Police which is one of the Responsible Authorities that will be consulted regarding premises licence and certificate applications.

Safer Clubbing

- 3.4 The Licensing Authority wishes to promote the principles of "Safer Clubbing". It will recommend the current Home Office guidance on the subject to relevant premises licence and club premises certificate holders. Necessary and appropriate licence conditions may be imposed to control the environment at relevant premises in support of the "Safer Clubbing" objectives.

Drugs

- 3.5 Special conditions may need to be imposed for certain types of venues to reduce the sale and consumption of drugs and to create a safer environment for those who may have taken them. These conditions take into account the above-mentioned "Safer Clubbing" advice issued by the Home Office. In all cases where these conditions are to be imposed, advice will be taken from the local Substance Misuse Action Team.

Door Supervisors

- 3.6 The Licensing Authority upon receipt of relevant representations, may consider that certain premises require supervision for the purpose of promoting the reduction of crime and disorder, and to generally contribute to safe operation of the premises. In such cases, the Licensing Authority may impose a condition that licensed door supervisors (Security Industry Authority) must be employed at the premises either at all times or at such times as certain licensable activities are taking place, and at a number and ratio to be determined by the Licensing Authority.
- 3.7 Stewards and other persons whose role is to provide advice about and ensure the safety of those visiting the premises are not deemed to be carrying out a security activity and need not be registered with the Security Industry Authority.

Late Night Refreshment

- 3.8 Premises selling hot food or drink between 11.00 pm and 5.00 am will need to be licensed. The key licensing objectives in connection with this activity are the prevention of crime and disorder and public nuisance. Where

provision of hot food and drink is a secondary activity in licensed premises open for other activities, then the primary licence conditions will adequately cover the activity. The requirements will not normally be applied to convenience stores / garage shops and similar premises unless crime and disorder or public nuisance become issues.

Pubwatch and Off-watch

- 3.9 The Licensing Authority would encourage active participation in such schemes as contributing to the prevention of crime and disorder licensing objective.

4. Public Safety

- 4.1 The Licensing Authority wishes to promote high standards of public safety in relation to premises and activities within the scope of the Licensing Act 2003.
- 4.2 The Department of the Council which enforces health and safety in relevant premises may be consulted as a Responsible Authority and may also act as Authorised Persons for enforcement purposes under the Licensing Act 2003.
- 4.3 The Licensing Authority recognises that general health and safety duties will not always adequately cover specific issues that arise in premises in connection with certain entertainments and therefore conditions may need to be attached to a licence / certificate.
- 4.4 Where activities are organised by volunteers or a committee of a club or society, the Licensing Authority considers it good practice that the same level of health and safety protection is provided as if an employer / employee relationship existed, irrespective of whether there are strict legal duties applicable under the health and safety legislation.
- 4.5 The Licensing Authority will encourage licence holders to provide facilities enabling the admission of people with disabilities. No conditions will be applied which could be used to justify exclusion on the grounds of public safety. Any licence condition imposed to prohibit pets for public safety reasons will not apply to guide or assistance dogs.

Fire Safety

- 4.6 The Licensing Authority will have due regard to the representations of North Wales Fire and Rescue Service which is one of the Responsible Authorities that will be consulted regarding premises licence/ club premises certificate applications, renewals and variations.
- 4.7 North Wales Fire & Rescue Service may select appropriate and necessary conditions from the DCMS pool of conditions in relation to fire safety matters.

- 4.8 The Licensing Authority upon receipt of relevant representations, will include in a premises licence / club premises certificate an occupant capacity where necessary for public safety. This figure will be arrived at in consultation with North Wales Fire and Rescue Service.
- 4.9 Where applicants wish to avail themselves of the special provisions in Section 177 of the Act (dancing, amplified and un-amplified music in premises with a permitted capacity of not more than 200) North Wales Fire and Rescue Service will be asked to make a confirmation of the capacity of the premises.

5. Prevention of Public Nuisance

- 5.1 When considering public nuisance the Licensing Authority will take account of :
- Noise from premises - including that caused by patrons smoking outside
 - Waste
 - Litter - including smoking related litter
 - Car Parking
 - Light pollution
 - Noxious smells

The Licensing Authority will take the broad common law meaning of public nuisance when making its judgements on applications and reviews of premises licences / certificates.

- 5.2 In considering the potential impact of licensed premises on the surrounding locality the Licensing Authority will take into account the type of entertainment activity, proposed hours of operation, the capacity of the premises and the character of the area and proximity to local residents.
- 5.3 The Licensing Authority will use the DCMS pool of licence conditions to control noise from existing premises and to advise developers on the required noise attenuation for new premises. Stricter conditions with regard to noise control will be imposed in areas where the premises are near residential property.
- 5.4 The Pollution Control Section of the Council's Environment and Resources Division will act as a Responsible Authority and will be consulted with regard to the prevention of public nuisance and reference may be made to the Institute of Acoustics 'Good Practice Guide on the Control of Noise from Pubs and Clubs' (current edition). Reference may also be made to the Department of Environment, Food and Rural Affairs (DEFRA) report entitled "Implications for Noise Disturbance Arising from the Liberalisation of Licensing Laws".

- 5.5 The Licensing Authority will balance the potential for limited disturbance in neighbourhoods with the need to encourage and promote live music, dancing and theatre.
- 5.6 The Licensing Authority acknowledges the powers that the Police hold to issue a Closure Order on individual premises that are causing a nuisance as a result of noise emitted from a licensed premises, and would encourage the Police to use such powers wherever appropriate and inform the Licensing Authority in the event of such action.
- 5.7 The above powers are also available to Pollution Control Officers by the Anti-Social Behaviour Act 2003. Such powers will be used when deemed necessary and in accordance with the legislation.
- 5.8 The Licensing Authority will not impose conditions on licensed premises that the licensee cannot directly control, or on matters not related to the immediate vicinity of the premises.
- 5.9 When considering applications for licences or reviews of licences, the Licensing Authority will take a common sense view on whether the individual or business making representations is located "in the vicinity" of the premises concerned and therefore likely to be directly affected by disorder and disturbance.
- 5.10 Noise and disturbance arising from the behaviour of patrons that have left the premises are matters for personal responsibility and are subject to Police enforcement of the normal law concerning disorder and anti-social behaviour.
- 5.11 Notwithstanding the previous paragraph, it is the view of the Licensing Authority that the Designated Premises Supervisor holds the responsibility for ensuring that patrons who may be outside their premises for smoking related purposes do not create public nuisance.

6. Protection of Children from Harm

- 6.1 The Licensing Authority recognises the great variety of premises for which licences may be sought. These will include, for example, theatres, cinemas, restaurants, pubs, night-clubs, cafes, take-aways, community halls and schools. Access by children to all types of premises will not be restricted in any way apart from as specified in the Licensing Act 2003, unless it is considered necessary to do so in order to protect them from harm in some way (ie. physical, moral or psychological harm).

6.2 When considering applications for premises licences or club premises certificates, the Licensing Authority will take into account the history of a particular premises and the nature of the activities proposed to be provided when considering any options appropriate to prevent harm to children, for example :

- Where there have been convictions of members of the current staff for serving alcohol to minors or with a reputation for underage drinking
- With a known association with drug taking or dealing
- Where there is a strong element of gambling on the premises (but not the simple presence of a small number of cash prize gaming machines)
- Where entertainment or services of an adult or sexual nature are commonly provided, eg. topless bar staff, striptease, lap-dancing, table-dancing or pole-dancing, strong and offensive language or imagery.
- Where the supply of alcohol for consumption on the premises is the exclusive or primary purpose of the services provided.

nb. The Licensing Act 2003 makes it an offence to permit children under the age of 16 who are not accompanied by an adult to be present on premises being used exclusively or primarily for the supply of alcohol for consumption on those premises.

The Licensing Authority will give the term “exclusively or primarily” its ordinary and natural meaning in the context of the particular circumstances. The Licensing Authority will consider the individual merits of each application.

6.3 Where the circumstances described in 6.2 exist then conditions may be attached to the licence to protect children from harm. Such conditions may include :

- Requirements for the production of proof of age cards
- Limitation on the hours when children may be present
- Age limitations (below 18)
- Limitations or exclusions when certain activities take place
- Restrictions or exclusions in respect of parts of premises
- Full exclusion of people under 18 from the premises when any licensable activities are taking place
- Requirements for adult supervision

As a general principle the Licensing Authority will not attach conditions to premises licences or certificates requiring the admission of children. This will be left to the discretion of the venue operator.

- 6.4 Where the exhibition of films is permitted the authority will expect age restrictions to be complied with in accordance with the British Board of Film Classification recommendations. This is a mandatory condition in the Licensing Act 2003 for premises admitting children to the exhibition of any film.
- 6.5 The Licensing Authority recognises the requirement in the Act for children under the age of 16 to be accompanied by an adult. In circumstances where large numbers of unaccompanied children are likely to be present on certain licensed premises, for example at a children's show or pantomime, then to ensure public safety and the protection of children from harm, the ratio of adults required to supervise children will be in accordance with Annex H, Section 182 Guidance to the Licensing Act 2003 or such other ratio that a responsible authority may recommend.
- 6.6 No film shall be exhibited at licensed premises which is likely to :
- Lead to disorder
 - Stir up hatred or incite violence towards any section of the public on grounds of colour, race or ethnic or national origin, language, disability, religious beliefs, sexual orientation or gender.
- 6.7 With general reference to the protection of children from harm the Licensing Authority will regard the Council's Directorate of Education, Recreation and Children's Services as the Responsible Authority competent to respond on matters relating to children and harm.
- 6.8 It is expected by the Licensing Authority that operating schedules submitted as part of applications shall contain enough detailed information so that a proper view as to what measures may be necessary to protect children from harm can be determined.

7. Cumulative Impact

- 7.1 This relates to the potential impact on the promotion of the licensing objectives of a significant number of licensed premises concentrated in one area.
- 7.2 The Licensing Authority does not consider that, at the time of publication of this Statement of Licensing Policy, there are areas in Flintshire where cumulative impact poses a significant problem.
- 7.3 However, the Licensing Authority wishes to remain alive to the possibility of such impact occurring.

- 7.4 Through liaison with local residents and Responsible Authorities the Licensing Authority may therefore conclude in the future, that a particular part of its area is considered to be causing a cumulative impact on one or more of the licensing objectives.
- 7.5 A special policy of refusing new licences will therefore be adopted when there is an evidential basis for it from Responsible Authorities, interested parties or other bodies such as Crime and Disorder Reduction Partnerships.
- 7.6 The Licensing Authority will follow the steps detailed in paragraph 3.18 of the DCMS Guidance when adopting a special policy.
- 7.7 This will create a rebuttable presumption that applications for new premises licences, club premises certificates or material variations will normally be refused, unless it can be demonstrated that the operation of the premises involved will not add to the cumulative impact already being experienced.
- 7.8 The special policy will not, however, be absolute. Each application will be considered on its merits and licences or certificates that are unlikely to add to the cumulative impact on the licensing objectives may be granted. The different styles and characteristics of premises will be taken into account.
- 7.9 Special policies will not be used as a ground for revoking an existing licence or certificate, nor for rejecting applications to vary an existing licence except where those modifications are directly relevant to the policy and strictly necessary for the promotion of the licensing objectives.
- 7.10 A special policy will not be used to impose fixed closing times in a particular area, nor to impose quotas – based on either the number of premises or the capacity of those premises.
- 7.11 Other mechanisms will also be used for controlling cumulative effect, for example :
- nightsafe initiatives
 - provision of CCTV
 - prohibitions on consuming alcohol in designated public areas
 - police enforcement of the general law concerning disorder and anti social behaviour
 - enforcement of legislation on selling alcohol to people who are drunk
 - confiscation of alcohol from adults and children in designated areas
 - use of the police temporary closure powers
 - ability for the Police, Responsible Authorities, residents and businesses to seek review of premises licences or club premises certificates.

8. Application for First-time Grant of Licence / Certificate and Variation of existing Terms and Conditions

- 8.1 In considering all new or variation of condition applications, the Licensing Authority will assess them in light of the licensing objectives, the operating schedule and in particular will consider the following, to the extent that they are under the control of the applicant :
- 8.1.1 The steps the applicant has taken or proposes to take to prevent noise and vibration escaping from the premises, including music, noise from ventilation equipment, and human voices. Such measures may include the installation of soundproofing, air conditioning, acoustic lobbies and sound limitation devices.
 - 8.1.2 The steps the applicant has taken or proposes to taken to prevent disturbance by patrons arriving at or leaving the premises.
 - 8.1.3 The steps the applicant has taken or proposes to take to prevent queuing, or, if queuing is inevitable, to divert queues away from neighbouring premises, or otherwise to manage the queue to prevent disturbance or obstruction.
 - 8.1.4 The steps the applicant has taken or proposes to take to ensure patrons leave the premises quietly.
 - 8.1.5 The arrangements made or proposed for parking by patrons, and the effect of parking on local residents.
 - 8.1.6 Whether there is sufficient provision for public transport for patrons.
 - 8.1.7 Whether taxis and private hire vehicles serving the premises are likely to disturb local residents.
 - 8.1.8 Whether routes to and from the premises on foot or by car or service / delivery vehicles pass residential premises.
 - 8.1.9 Whether other measures to reduce nuisance have been considered, such as the use of CCTV or the employment of Licensed Door Supervisors.
 - 8.1.10 The measures proposed to prevent the consumption or supply of illegal drugs, including any search procedures.
 - 8.1.11 The likelihood of any violence, public disorder or policing problem arising if a licence was to be granted.

- 8.1.12 If the applicant has previously held a licence within the County, the details of any enforcement action arising from the premises.
- 8.1.13 Whether the premises would result in increased refuse storage or disposal problems, or additional litter in the vicinity of the premises.
- 8.1.14 Representations from Responsible Authorities.
- 8.1.15 Representations from interested parties.
- 8.1.16 In respect of applications for variation of a premises licence or club premises certificate the Licensing Authority will take into account the previous history of the premises and its management. The views of all Responsible Authorities may be taken into account.

9. Operating Schedules

- 9.1 The Licensing Authority believes that all parties – licensing authorities, licence / certificate holders, authorised persons, the police and responsible authorities – should be working together in partnership to ensure collectively that the licensing objectives are promoted.
- 9.2 In order to minimise disputes and the necessity for hearings, the Licensing Authority believes it would be sensible for applicants to consult with all responsible authorities when operating schedules are being prepared.
- 9.3 Operating Schedules are expected to contain sufficient information to allow any Responsible Authority or interested party to assess whether the steps to be taken to promote the licensing objectives are satisfactory.
- 9.4 Descriptions of activities proposed at the premises should include those that also fall outside the definition of regulated entertainment.
- 9.5 The type of dancing should be described, as should the type of music provided. This type of information is essential so that Responsible Authorities and interested parties can form a proper view as to what measures may be necessary to ensure that the licensing objectives are being met.
- 9.6 The measures put forward in Operating Schedules to promote the licensing objectives will become licence conditions attached to the premises licence or club premises certificate.

10. Hours of Operation

- 10.1 The Licensing Authority recognises that fixed and artificially early closing times in certain areas can lead to disorder and disturbance on the streets when large numbers of people tend to leave licensed premises at the same time.
- 10.2 The Licensing Authority will aim, through the provisions of the licensing objectives, to achieve a slower dispersal of people from licensed premises through longer opening times. The Council will not fix pre-determined closing times for particular areas, nor seek to engineer 'staggered closing times'.
- 10.3 Shops, stores and supermarkets will be permitted to sell alcohol for consumption off the premises at the times when they are normally open in the course of their business. Hours may be restricted when representations are received from the Police in relation to individual shops which are known to be a focus of disorder and disturbance.
- 10.4 When considering applications for premises licences / certificates, the Licensing Authority will take into account applicants' requests for terminal hours in the light of:
 - The potential impact on the amenity of the area
 - The character or function of a particular area
 - The nature of the proposed activities to be provided at the premises
- 10.5 The terminal hours will normally be approved where the applicant can show that the proposal would not adversely affect the above. The Licensing Authority may set an earlier terminal hour where it considers this is appropriate.
- 10.6 Where premises are situated adjacent to residential areas then stricter conditions with regard to noise control may apply, but this should not limit opening hours provided the required conditions are complied with.
- 10.7 The times when a premises are open to the public are not necessarily identical to the hours during which licensable activities may take place. It will be possible for premises to allow the consumption of previously purchased alcohol outside the hours authorised for the sale or supply of alcohol.
- 10.8 The Licensing Authority will not oblige the holder of a premises or club premises certificate to remain open for the entire period permitted by his / her licence or certificate.

11. Enforcement and Reviews

- 11.1 A protocol on the implementation of a shared enforcement role between the Licensing Authority and North Wales Police will be drawn up.
- 11.2 In general terms, action will only be taken in accordance with agreed enforcement principles and in line with the Licensing Authority's own enforcement policy. To this end the key principles of consistency, transparency and proportionality will be maintained.
- 11.3 The ability to require reviews of premises licences or club premises certificates allows licensing authorities to apply a 'light touch' bureaucracy to the grant and variation of premises licences / club premises certificates.
- 11.4 A review may be initiated by the Responsible Authorities, e.g. North Wales Police, North Wales Fire and Rescue Service, Flintshire County Council's Environmental Health Department or by a resident or business in the vicinity of a premises.
- 11.5 In every case a proper evidential basis for the allegations made will need to be laid before the Licensing Authority.
- 11.6 Authorised Persons and Responsible Authorities will be expected to give licence / certificate holders early warning of their concerns about problems identified at the premises concerned and the need for improvement. A failure to respond to such warnings is likely to lead to a decision to request a review.
- 11.7 The Licensing Authority will refer to DCMS guidance when considering whether complaints from interested parties are irrelevant, vexatious, frivolous or repetitious.

12. The Licensing Process

Conditions of Licence

- 12.1 The Licensing Authority will avoid imposing disproportionate and over burdensome conditions on premises licences / club premises certificates.
- 12.2 The Licensing Authority will draw upon the model pool of conditions issued by the DCMS and attach conditions as appropriate given the circumstances of each individual case. The model conditions will deal with issues surrounding –
 - Crime and disorder
 - Public safety

- Public nuisance
- Protection of children from harm

The Licensing Authority will also consider reference documents listed in the Annexes to the DCMS Guidance, though they will not be used as standard conditions.

- 12.3 When attaching conditions the Licensing Authority will also be aware of the need to avoid measures which might deter live music, dancing or theatre by imposing indirect costs of a substantial nature.
- 12.4 When determining applications the Licensing Authority will have regard to guidance issued by the DCMS. In particular, account will be taken of the need to encourage and promote live music, dancing and theatre for the wider cultural benefit of the community as a whole. If representations are made concerning the potential for limited disturbance in a particular neighbourhood, the Licensing Authority's consideration will be balanced against the wider benefits to the community.

Administration – Application Process

- 12.5 The Licensing Authority accepts that it must not interfere in the decision of who is the most appropriate person to apply for or hold a premises licence / club premises certificate. It will, however, only accept applications made in the prescribed form.
- 12.6 The Licensing Authority will expect individual applicants to address the licensing objectives in their Operating Schedule having regard to the type of premises, the licensable activities to be provided, the operational procedures, the nature of the location and the needs of the local community.
- 12.7 Applicants will be encouraged to make themselves aware of any relevant planning and transportation policies, tourism and cultural strategies and local crime prevention initiatives and to have taken these into account where appropriate when formulating their operating schedule.
- 12.8 The Licensing Authority acknowledges the advice received from DCMS that the views of vocal minorities should not be allowed to predominate over the general interests of the community.
- 12.9 The powers of the Licensing Authority under the Act may be carried out by the Licensing Committee, by a Sub Committee, or by one or more officers acting under delegated authority. Delegation of functions will be in line with DCMS recommendations (paragraph 13).

- 12.10 In the context of applications, inspection, enforcement and reviews of premises licences / certificates the following groups are identified in Flintshire

Authorised Persons and Officers (Inspection and enforcement roles) :

North Wales Police	
North Wales Fire and Rescue Service	
Flintshire County Council	- Health and Safety
	- Pollution Control
	- Food Safety
	- Environmental Control
Health & Safety Executive	- in accordance with Health & Safety (Enforcing Authority) Regulations 1998

Interested Parties :

- A person living in the vicinity of the premises in question.
- A body representing such persons, eg. a resident association.
- A person involved in business in the vicinity.
- A body representing business, eg. a trade association.

Such parties may nominate a representative, eg. a solicitor, a friend, a Member of Parliament, a Member of the Welsh Assembly Government, a local Ward Councillor. Any Councillor who is also a member of the licensing committee and who is making representations on behalf of interested parties would disqualify him or herself from any involvement in decision making processes affecting the premises licence / club premises certificate in question.

Responsible Authorities (to be notified of applications and entitled to make representation) :

North Wales Police
North Wales Fire and Rescue Service
Flintshire County Council – Public Protection Division
Health and Safety Executive (where applicable)
Flintshire County Council - Planning Division
Flintshire County Council - Children's Services
Any Licensing Authority, other than the relevant Licensing Authority, in whose area part of the premises is situated.

12.11 Where premises are being constructed or extended or substantially changed structurally, an application for a Premises Licence or Club Premises Certificate will be accepted provided clear plans exist, an operating schedule is submitted together with the name of the designated premises supervisor. If information of sufficient detail is not available then application should be made for a "Provisional Statement" instead.

13. The Licensing Committee

Recommended Delegation of Functions

Matter to be dealt with	Full Committee	Sub Committee	Officers
Application for personal licence		If a Police objection	If no objection made
Application for personal licence with unspent convictions		All cases	
Application for premises licence/club premises certificate		If a relevant representation made	If no relevant representation made
Application for provisional statement		If a relevant representation made	If no relevant representation made
Application to vary premises licence/club premises certificate		If a relevant representation made	If no relevant representation made
Application to vary designated premises supervisor		If a Police objection	All other cases
Request to be removed as designated premises supervisor			All cases
Application for transfer of premises licence		If a Police objection	All other cases
Applications for interim authorities		If a Police objection	All other cases
Application to review premises licence / club premises certificate		All cases	
Decision on whether a complaint is irrelevant, frivolous, vexatious, etc.			All cases
Decision to object when local authority is a consultee and not the relevant authority considering the application		All cases	
Determination of a Police objection to a temporary event notice		All cases	

Appeals against decisions of the Licensing Authority must be made to the magistrates' court within 21 days beginning with the day on which the appellant was notified by the licensing authority of the decision appealed against.

14. Temporary Events

- 14.1 The Licensing Authority will produce clear and understandable local publicity about its approach to temporary permitted activities. In brief, these are events that last for less than 96 hours and have less than 500 people attending.
- 14.2 The Licensing Authority will provide advice about, among other things, public safety and will refer to documents such as :
- The Event Safety Guide – A guide to health, safety and welfare at music and similar events (HSE 1999) ("The Purple Book") ISBN 0 7176 2453 6.
 - Managing Crowds Safety (HSE 2000) ISBN 0 7176 1834 X.
 - 5 Steps to Risk Assessment : Case Studies (HSE 1998) ISBN 0 7176 15804.
 - The Guide to Safety at Sports Grounds (The Stationary Office, 1977) ("The green Guide") ISBN 0 11 300095 2.
 - Safety Guidance for Street Arts, Carnival, Processions and Large Scale Performances published by the Independent Street Arts Network.
- 14.3 Many local events will be organised by volunteers or a committee of a club or society. The Licensing Authority considers it good practice that the same level of health and safety protection is provided as if an employer / employee relationship existed, irrespective of whether there are strict legal duties applicable under the health and safety legislation.
- 14.4 The Licensing Authority will encourage organisers of temporary events to seek advice / information from their local Safety Advisory Groups.
- 14.5 A minimum of ten working days notice must be given to the Licensing Authority of temporary events, however the earliest possible notice would be preferred.
"Ten working days notice" means ten working days exclusive of the day the event starts.
"Working day" excludes Saturday, Sunday, Christmas Day, Good Friday or Bank Holidays.
- 14.6 Though the Licensing Authority is unable to attach any limitations or restrictions in respect of Temporary Events it expects organisers to have

proper respect for local residents and those attending events, for example, in the areas of:

- health and safety
- noise pollution
- use of temporary structures
- road closures
- use of pyrotechnics / fireworks
- controlling anti-social behaviour
- sale of alcohol

15. Licensing Register

- 15.1 The Licensing Authority will maintain a licensing register in accordance with the requirements of the Act.
- 15.2 The Licensing Authority will work towards including details of applications on its website.
- 15.3 Charges made for copies of applications will not exceed the cost of preparing such copies.

16. Gaming

- 16.1 The Licensing Authority now holds responsibility for all aspects of gaming in relevant premises as detailed in the Gambling Act 2005 and associated regulations and orders.

17. Designated Sports Grounds

- 17.1 The Licensing Authority will not duplicate any conditions imposed by safety of sports grounds legislation.
- 17.2 The Licensing Authority will give considerable weight to the views of North Wales Police when representations are made concerning licensable activities, such as the sale of alcohol, taking place at such premises.
- 17.3 Partnership arrangements already exist with regard to Chester City Football Club whose ground straddles the Wales / England border. Cheshire Constabulary, Cheshire Fire Service and Chester City Council may be consulted on any licensing issues.

18. Personal Licences

- 18.1 The Licensing Authority will closely follow the DCMS guidance in respect of applications for and granting of Personal Licences.

- 18.2 Applicants will be required to produce a Criminal Record Bureau disclosure document. Applicants from foreign jurisdictions must make a clear statement as to whether or not they have been convicted outside England and Wales of a relevant offence or an equivalent offence.
- 18.3 The Licensing Authority will liaise closely with the Police when an applicant is found to have an unspent conviction for a relevant offence defined in the Act.
- 18.4 The Licensing Authority will append details of the relevant offences to the application forms for the information of applicants.

19. Designated Premises Supervisors

- 19.1 The sale of alcohol carries great responsibility because of its potential impact on individuals, the wider community and on crime and anti-social behaviour.
- 19.2 This is why personal licence holders, with their experience, training and background, have a vital role in promoting the licensing objectives.
- 19.3 The Licensing Authority regards the role of Designated Premises Supervisor as extremely important.
- 19.4 It is essential that Police Officers, Fire Officers, or Officers of the Licensing Authority can identify immediately the Designated Premises Supervisor as a person in a position of authority at any premises selling alcohol.
- 19.5 The person will normally have been given day to day responsibility for running the premises by the premises licence holder.
- 19.6 The premises licence itself will bear the name of the Designated Premises Supervisor.
- 19.7 The Licensing Authority believes that a Designated Premises Supervisor (DPS) should be responsible for only one licensed premises at a time. It is felt that effective supervision is compromised if a DPS holds this position in a number of premises at the same time. Trading circumstances sometimes make this situation unavoidable but in such cases a maximum time period of 2 months as the DPS of more than one premises is the policy of the Licensing Authority. Beyond 2 months will require the formal approval of the Licensing Authority following discussion with North Wales Police. If a person is a DPS in more than one premises, the person holding supervisory responsibility in the other premises must be the holder of a Personal Licence.

Contact

Contact with Flintshire County Council regarding the Licensing Act 2003 can be made via:

Telephone: 01352 703030
Fax: 01352 703341
E-mail: licensing@flintshire.gov.uk
Website: www.flintshire.gov.uk

FLINTSHIRE COUNTY COUNCIL

EXEMPT INFORMATION SHEET

COMMITTEE: Special Meeting of the Flintshire County Council

DATE: 05 December 2007

AGENDA ITEM NO: 10

REPORT OF: (Director of originating Department)

Chief Executive

SUBJECT:

SENIOR MANAGEMENT STRUCTURE

The report on this item is NOT FOR PUBLICATION because it is considered to be exempt information in accordance with the following paragraph(s) of Schedule 12A to the Local Government Act 1972.

	<u>Para</u>	
Information relating to a particular individual *	12	<input checked="" type="checkbox"/>
Information likely to reveal the identity of an individual *	13	
Information relating to financial/business affairs of a particular person * See Note 1	14	
Information relating to consultations/negotiations on labour relations matter *	15	<input checked="" type="checkbox"/>
Legal professional privilege	16	
Information revealing the authority proposes to:	17	
(a) give a statutory notice or		
(b) make a statutory order/direction *		
Information on prevention/investigation/prosecution of crime *	18	
<u>For Standards Committee meetings only:</u>	Sec.	
Information subject to obligations of confidentiality	18a	
Information relating to national security	18b	
The deliberations of a Standards Committee in reaching a finding	18c	
<u>Confidential</u> matters which the County Council is not permitted to disclose	Sec. 100A(3)	

PLEASE TICK APPROPRIATE BOX

**SCHEDULE 12A LOCAL GOVERNMENT ACT 1972
EXEMPTION FROM DISCLOSURE OF DOCUMENTS**

REPORT: SENIOR MANAGEMENT STRUCTURE
AUTHOR: Colin Everett
MEETING AND DATE OF MEETING: Special Meeting of the Flintshire County Council
on 05 December 2007

I have considered grounds for exemption of information contained in the report referred to above and make the following recommendation to the Proper Officer:-

Exemptions applying to the report:

Paragraphs 12 and 15.

Factors in favour of disclosure:

To demonstrate the transparency of the Council's decision making process.

Prejudice which would result if the information were disclosed:

Members feeling inhibited about expressing their views with the media and public present could affect the quality of the decision arrived at. Officers could be prejudiced by having their positions and circumstances reported in the press.

My view on the public interest test is as follows:

The prejudice that would result would outweigh the advantages of perceived transparency.

Recommended decision on exemption from disclosure:

That the report be exempt and the press and public excluded during its consideration.

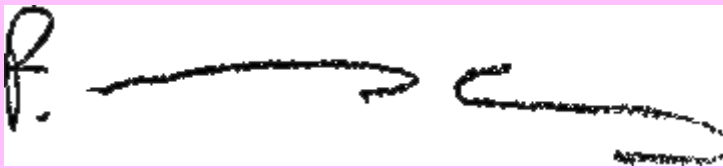
Date: 28/11/2007

Signed:



Post: County Legal and Democratic Services Officer

I accept the recommendation made above.



Proper Officer

Date: 28/11/2007